UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS

FIRST SESSION

VOLUME 131—PART 4

MARCH 4, 1985 TO MARCH 19, 1985

(PAGES 4275 TO 5671)

MAR - 4 1987

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1985

51-059 O-86-1 (Pt. 4)

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

SENATE—*Monday, March 4, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 10 a.m. and was called to order by the President pro tempore.

The PRESIDENT pro tempore. The Senate will stand in recess in accordance with the previous order.

RECESS UNTIL 2 P.M. TOMORROW

Thereupon (at 10 o'clock and 5 seconds a.m.), the Senate recessed, under the order of February 28, 1985, until Tuesday, March 5, 1985, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

HOUSE OF REPRESENTATIVES—*Monday, March 4, 1985*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 28, 1985.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, March 4, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Charles G. Rice, Jr., national chaplain, the American Legion, Episcopal Diocese of Albany, NY, offered the following prayer:

Let us pray.

Almighty God, we offer our gratitude this day for our continuing remembrance of Your place in our deliberations. From the days of the Continental Congress and the first Constitutional Convention, we have called on You for help and You have been most generous to this wonderful land.

Once again we come to Thee for guidance as we settle down to face the difficulties of government in this multifaceted free society. As we work toward the resolution of our day-by-day problems that effect our own constituencies, let us also look to the future of all mankind.

We have the task of offering the oppressed peoples of this world the torch of freedom.

And in the process let us never forget those who paid that "Last full measure of devotion that government of the people, by the people, for the people, shall not perish from the earth."

Let us emulate their courage and faith. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 87, answered "present" 2, not voting 141, as follows:

[Roll No. 23]

YEAS—202

Addabbo	Edwards (OK)	Mica
Akaka	English	Michel
Alexander	Evans (IL)	Miller (WA)
Andrews	Fascell	Mineta
Anthony	Fawell	Mollohan
Armey	Fazio	Monson
Atkins	Feighan	Montgomery
AuCoin	Fiedler	Moody
Badham	Flippo	Morrison (CT)
Barnes	Foley	Murphy
Bennett	Ford (TN)	Myers
Bentley	Frenzel	Natcher
Berman	Fuqua	Nelson
Bilirakis	Gekas	Nichols
Boehlert	Gibbons	Oakar
Boner (TN)	Gonzalez	Obey
Bonior (MI)	Gordon	Parris
Bonker	Gray (IL)	Pease
Borski	Guarini	Pepper
Bosco	Hall (OH)	Perkins
Boucher	Hall, Ralph	Petri
Boulter	Hamilton	Pickle
Boxer	Hammerschmidt	Price
Breaux	Hefner	Rahall
Brooks	Henry	Ray
Broomfield	Hertel	Regula
Broyhill	Holt	Reid
Bruce	Horton	Richardson
Bryant	Hughes	Ridge
Burton (CA)	Johnson	Rinaldo
Bustamante	Jones (NC)	Rose
Byron	Jones (OK)	Roukema
Callahan	Jones (TN)	Rowland (GA)
Carr	Kanjorski	Rudd
Chappell	Kennelly	Sabo
Cheney	Kildee	Saxton
Cobey	Kostmayer	Schaefer
Coble	Lantos	Scheuer
Coleman (TX)	Leath (TX)	Schneider
Combest	Lehman (FL)	Seiberling
Cooper	Levin (MI)	Sharp
Courter	Levine (CA)	Shaw
Coyne	Lightfoot	Siljander
Daniel	Lloyd	Sisisky
Darden	Loeffler	Skeen
Daschle	Lott	Skelton
Daub	Lowry (WA)	Slattery
Davis	Lujan	Slaughter
Dicks	Lundine	Smith (IA)
Dingell	Lungren	Smith (NE)
DioGuardi	MacKay	Smith (NH)
Dixon	Martin (NY)	Smith (NJ)
Dornan (CA)	Mazzoli	Snowe
Downey	McCandless	Snyder
Dreier	McCurdy	Spratt
Durbin	McEwen	Staggers
Dwyer	McGrath	Stallings
Dyson	McMillan	Stenholm
Stokes	Volkmer	Wirth
Stratton	Walker	Wise
Synar	Watkins	Wright
Tauke	Weaver	Wyden
Tauzin	Weiss	Wylie
Thomas (GA)	Wheat	Yates
Traficant	Whitehurst	Young (FL)
Udall	Whitten	Young (MO)
Vento	Williams	
Visclosky	Wilson	

NAYS—87

Archer	Hiler	Oxley
Barton	Ireland	Packard
Bateman	Kasich	Pashayan
Bliley	Kolbe	Penny
Brown (CO)	Kramer	Porter
Carney	Lagomarsino	Roemer
Clinger	Latta	Rogers
Coats	Leach (IA)	Roth
Conte	Lent	Schroeder
Craig	Lewis (CA)	Schuette
Crane	Lewis (FL)	Sensenbrenner
Dannemeyer	Livingston	Shumway
DeLay	Lowery (CA)	Sikorski
DeWine	Mack	Smith, Robert
Dickinson	Madigan	Solomon
Emerson	Marlenee	Spence
Fields	Martin (IL)	Stangeland
Fish	McCain	Strang
Gallo	McCollum	Stump
Gilman	McDade	Sundquist
Gingrich	McKernan	Swindall
Goodling	McKinney	Taylor
Gradison	Meyers	Thomas (CA)
Green	Miller (OH)	Vander Jagt
Gregg	Molinari	Vucanovich
Grotberg	Moorhead	Whittaker
Gunderson	Morrison (WA)	Wolf
Hansen	Nielson	Wortley
Hendon	O'Brien	Zschau

ANSWERED "PRESENT"—2

Dymally	Oberstar

NOT VOTING—141

Ackerman	Edwards (CA)	Kolter
Anderson	Erdreich	LaFalce
Annunzio	Evans (IA)	Lehman (CA)
Applegate	Florio	Leland
Aspin	Foglietta	Lipinski
Barnard	Ford (MI)	Luken
Bartlett	Fowler	Manton
Bates	Frank	Markey
Bedell	Franklin	Martinez
Beilenson	Frost	Matsui
Bereuter	Garcia	Mavroules
Bevill	Gaydos	McHugh
Biaggi	Gejdenson	Mikulski
Boggs	Gephardt	Miller (CA)
Boland	Glickman	Mitchell
Brown (CA)	Gray (PA)	Moakley
Burton (IN)	Hall, Sam	Moore
Campbell	Hartnett	Mrazek
Carper	Hatcher	Murtha
Chandler	Hawkins	Neal
Chappie	Hayes	Nowak
Clay	Heftel	Olin
Coelho	Hillis	Ortiz
Coleman (MO)	Hopkins	Owens
Collins	Howard	Panetta
Conyers	Hoyer	Pursell
Coughlin	Hubbard	Quillen
Crockett	Huckaby	Rangel
de la Garza	Hunter	Ritter
Dellums	Hutto	Roberts
Derrick	Hyde	Robinson
Donnelly	Jacobs	Rodino
Dorgan (ND)	Jeffords	Roe
Dowdy	Jenkins	Rostenkowski
Duncan	Kaptur	Rowland (CT)
Early	Kastenmeier	Roybal
Eckart (OH)	Kemp	Russo
Eckert (NY)	Kindness	Savage
Edgar	Kleczka	Schulze

Schumer	Studds	Valentine
Shelby	Sweeney	Walgren
Shuster	Swift	Waxman
Smith (FL)	Tallon	Weber
Smith, Denny	Torres	Whitley
Solarz	Torricelli	Wolpe
St Germain	Towns	Yatron
Stark	Traxler	Young (AK)

□ 1220

Messrs. OXLEY, LENT, and CONTE changed their votes from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

UNCONDITIONAL SURRENDER IN THE WAR TO REDUCE THE TRADE DEFICIT

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, Uncle Sam said "uncle" to the Japanese auto producers last week. The announcement that we are not seeking renewal of Japanese import quotas is the "Munich" in our struggle to force Japan to drop trade barriers to American products.

The President who speaks of American military strength in the most forceful terms, agreed to unilateral disarmament in our battle to force Japan to open its doors to American goods and services. The impact on the American automobile industry will be felt for months to come as auto workers are laid off and plants are transferred overseas.

The losers in this decision go beyond the auto industry; my farmers and agribusinessmen in the Midwest will still find Japanese doors closed to our produce and value-added products. Caterpillar and Fiat-Allis will continue to struggle in a world marketplace in which Komatsu enjoys the benefits of an overvalued yen.

Whether you agree or disagree with the President's lifting of import quotas with Japan, removing these quotas without any effort to help American exporters is clearly an unconditional surrender in our war to reduce the trade deficit

□ 1230

CONTEMPORANEOUS ACCOUNTING MUST BE REPEALED

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, for 2 months I have taken the floor to talk about H.R. 600, a bill that I and 170 cosponsors have introduced to repeal section 179(b) of the Tax Code.

Section 179 requires the taxpayer to keep voluminous personal diaries to justify legitimate business expenses on vehicles and other assets, all this under the heading of "Contemporaneous Accounting." You know now why we are trying to repeal contemporaneous accounting.

First of all, the uproar from the taxpayer has been tremendous. Every small businessman, farmer, and salesman is wondering if he were born to keep records for the IRS.

Second, the cost to the taxpayer is not worth the revenue to the Treasury. The IRS estimates $105 million in revenues at a cost to the taxpayer of $2 billion. The cure is worse than the disease.

Finally, the complexity of the regulations—more than 70 pages in the latest round—shows IRS and Congress at their worst and flies in the face of the President's call for tax reform and simplification.

This section cannot be revised or reformed away. It needs to be repealed. Cosponsor H.R. 600. It is the lead bill and it needs you.

PRIVILEGES OF THE HOUSE—RESOLUTION TO SEAT RICHARD D. McINTYRE

Mr. MICHEL. Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and

Whereas on January 3, 1985, Representative Jim Wright stated that the House should reject the election certificate of Mr. Richard D. McIntyre because "the election procedures employed in the Eighth Congressional District have been neither timely nor regular, and serious questions have been raised with respect to their fairness"; and

Whereas pursuant to the provision of House Resolution 1, as adopted by the House, the Committee on House Administration appointed a task force to act on the question of representation in the Eighth District of Indiana; and

Whereas said task force of the Committee on House Administration adopted "Procedures for Making Claims of Irregularity" and those procedures specified that any claim "unrelated to the rules or decisions that governed the Indiana recount of votes" must be filed by noon of February 28, 1985; and

Whereas no claims pursuant to the task force procedures were filed; and

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

The SPEAKER pro tempore. The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas [Mr. ALEXANDER].

MOTION OFFERED BY MR. ALEXANDER

Mr. ALEXANDER. Mr. Speaker, I move that the resolution be referred to the Committee on House Administration.

The SPEAKER pro tempore. The gentleman is recognized.

PARLIAMENTARY INQUIRY

Mr. ALEXANDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ALEXANDER. Mr. Speaker, for what period of time am I recognized?

The SPEAKER pro tempore. The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time.

Mr. ALEXANDER. Mr. Speaker, does the minority wish time on the motion?

Mr. MICHEL. Yes.

Mr. ALEXANDER. Mr. Speaker, I would yield 30 minutes for purposes of debate only, to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

Mr. ALEXANDER. Mr. Speaker, I reserve for myself the balance of the time, and I yield myself such time as I may consume.

Mr. Speaker, the matter which has been brought before the House today on a motion by the gentleman from Illinois is a matter that was decided previously by this House, whereupon the House referred the issue to the Committee on House Administration.

According to the precedents of the House, the gentleman's resolution is clearly out of order. In 1860 there was a contest over a Kentucky House election in the case of Chrisman versus Anderson in the 36th Congress in 1860-61. The Committee on Elections asserted that the action by the State election board is not final and conclusive on the House, and that it is the duty of the House in a contested election case to go behind all of the certificates and to make proper investigation to correct any mistakes that were made in the issuing of those certificates, as the House found in the case in Indiana.

In the 40th Congress in 1867-68, the House in the New Mexico election contest of Chaves versus Clever refused to accept the certification of the dele-

gate-elect because of certain irregularities of the election in a case that is very similar to the McCloskey-McIntyre case pending before the Congress.

Since the certification of the delegate-elect had been impeached by a letter from the secretary of the territory of New Mexico alleging and fraudulent voting, the House refused to seat or to swear either of the claimants until the Committee on Elections conducted an appropriate investigation of the prima facie right to that seat.

In the 42d Congress, 1871-73, there were three instances whereby the House referred credentials of Members-elect to the Elections Committee and did not administer the oath to the Members-elect. The three Members-elect were: First, J.P.M. Epping from South Carolina; second, R.T. Daniels from Virginia; and third, Thomas H. Reeves from Tennessee. Also in the same Congress, in the Texas election contest case of Whitmore versus Herndon, the House refused to permit a Member-elect to be sworn in until the sufficiency of the credentials had been examined by the Committee on Elections.

In the 1877 California House contested election case of Wigginton versus Pacheo in the 45th Congress, 1877-79, the House challenged the credentials of a Member-elect who was asked to step aside without taking the oath of office at the time of the organization of the House although his name was on the Clerk's roll. It was alleged that the credentials of the Member-elect were based on forged returns. After an investigation, the House found that the credentials were regular in form, and the Member-elect was then sworn in.

The Mississippi House contested election case of Chalmers versus Manning in 1884 in the 48th Congress, 1883-85, involved another case in which the House refused to seat either party until an appropriate investigation by the House into the election was completed. The House in this case refused to administer the oath of office to any person claiming to be a Member-elect while the House was investigating who was entitled to the seat. After 2 days of considerable debate, the House passed a resolution that referred all the papers presented by both parties to the Committee on Elections and instructed it to report immediately on who was entitled to be seated.

In the 20th century, there have been two significant cases prior to the 99th Congress in which the House has refused to permit either claimant to a House seat to take the oath of office when certified by State officials as the winner but instead referred the dispute to its Election Committee for investigation. The first case was the 1934 Louisiana, Kemp, Sanders investigation in the 73d Congress in which two persons claimed a congressional seat after a special election. One claimant had a certificate of election signed by the Governor of the State and attested to by the secretary of state. The other had a certificate of election from a citizens' election committee. Since questions arose as to the validity of the election, the House referred the question of the prima facie right of the claimant to a House seat to the Committee on Elections to decide such questions. The committee report concluded that the nomination and election of candidate Kemp despite State certification as the winner were illegal and void since the voters of the congressional district were not allowed to choose a candidate in the method approved by law. The report further concluded that candidate-elect Kemp was not entitled to a seat in the House.

The second case involved the 1961 Indiana House contested election case in the 87th Congress, 1961-62, of Roush versus Chambers. In the Roush case, the Member-elect, Chambers, at the time of the organization of the House of Representatives was asked to stand aside, while other Members-elect were sworn in, despite a certification from the secretary of state. The following resolution—House Resolution 1, 87th Congress—was adopted by the House:

Resolved, That the question of the right of J. Edward Roush or George O. Chambers, from the Fifth Congressional District of Indiana, to a seat in the Eighty-seventh Congress be referred to the Committee on House Administration, when elected, and said committee shall have the power to send for persons and papers and examine witnesses on oath in relation to the subject matter of this resolution; and be it further

Resolved, That until such committee shall report upon and the House decide the question of the right of either J. Edward Roush or George O. Chambers to a seat in the Eighty-seventh Congress, neither shall be sworn. (Congressional Record, 87th Cong., 1st sess., vol. 107, pt. 1, pp. 22-23.)

According to the Roush versus Chambers case, a certificate of election from the appropriate State officer is considered only as prima facie evidence of election and may be rendered ineffective by the House under its power to judge elections in its adoption of a House resolution which would refer the election contest to the Committee on House Administration without seating either candidate. After an investigation of the election and a recount of the votes, the committee concluded that the noncertified candidate, Roush, was the actual winner and entitled to the Fifth Congressional District seat in Indiana.

Mr. Speaker, the matter before us today was, in addition, resolved in a memorandum opinion on March 1 by the U.S. district court for the District of Columbia in the case of McIntyre versus O'Neill, whereupon the court found as follows, and I will read the memorandum, Mr. Speaker.

[U.S. District Court for the District of Columbia, Civil Action No. 85-528]

RICHARD D. MCINTYRE, ET AL., PLAINTIFFS *v.* THOMAS P. O'NEILL, JR., ET AL., DEFENDANTS

MEMORANDUM OPINION

This matter is before the Court on defendants' motion to dismiss, plaintiffs' opposition thereto, defendants' reply to plaintiffs' opposition, oral argument on the motion, and the entire record herein. For the reasons set forth below, the Court grants defendants' motion and dismisses this action.

Plaintiffs Richard D. McIntyre and Everett Robertson, Jr., on February 11, 1985, brought suit against two hundred and forty-seven Democratic Party members of the United States House of Representatives,[1] and three officers of the House of Representatives. Plaintiffs seek to have the Court issue a permanent injunction restraining all defendants from taking any action which would deny plaintiff McIntyre the right to be seated as the Representative of the Eighth Congressional District to the 99th Congress. Complaint at ¶ 276(3)(A). Plaintiffs also seek to have the Court enjoin defendant Thomas P. O'Neill, Jr., Speaker of the House of Representatives, from refusing to administer the oath of office to plaintiff McIntyre as a Member of the 99th Congress; enjoin defendant Benjamin J. Guthrie, Clerk of the House of Representatives, from excluding plaintiff McIntyre from an office in a House office building and from denying him any of the rights and privileges to which he claims he is entitled as a Member of the 99th Congress; enjoin defendant Jack Russ, Sergeant-at-Arms of the House of Representatives, from refusing to perform for plaintiff McIntyre such duties from services he is allegedly required to perform for plaintiff; and enjoin defendant James T. Malloy, Doorkeeper of the House of Representatives, from refusing to admit plaintiff McIntyre to the floor of the House of Representatives for the purposes of voting and addressing the Members of the House. Complaint at ¶¶ 276(3) (B), (C), (D), (E).

Defendants, in response to plaintiffs' complaint, filed on February 13, 1985, a motion to dismiss for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, respectively.[2]

---

[1] On February 12, 1985, plaintiffs noticed a voluntary dismissal of twenty-six defendants pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

[2] On February 13, 1985, defendants also filed a motion for expedited schedule, requesting a prompt hearing on its motion to dismiss. Plaintiffs did not oppose this motion, and the parties entered a stipulation as to an expedited briefing and hearing schedule to resolve the questions raised in the motion to dismiss.

On March 1, 1985, the date of the hearing for defendants' motion to dismiss, plaintiffs moved to postpone oral argument on the motion. The Court orally denied plaintiffs' motion, believing that because this matter involves a challenge to the powers of the House of Representatives, defendants' motion to dismiss should "be given the most expeditious treatment by [the] [C]ourt[s]. . . ." *See* Eastland v. United States Servicemen's Fund, 421, U.S. 491, 511 n.17 (1975).

I.

The following allegations have been asserted in plaintiffs' complaint.[3]

On November 6, 1984, Indiana's Eighth Congressional District held its election for United States Representative.

On December 13, 1984, the Indiana Secretary of State certified plaintiff McIntyre as the winner of the election. Also on December 13, the Indiana Governor signed plaintiff McIntyre's certificate of election and forwarded it to defendant Guthrie.

On January 3, 1985, before plaintiff McIntyre could be sworn in as a Member of the House of Representatives, the House passed House of Representatives Resolution Number 1 ("House Resolution 1"), which states:

"*Resolved.* That the question of the right of Frank McCloskey or Richard McIntyre to a seat in the Ninety-ninth Congress from the Eighth Congressional District of Indiana shall be referred to the Committee on House Administration, when elected, and neither Frank McCloskey nor Richard McIntyre shall be sworn until the Committee on House Administration reports upon and the House decides such question. For each day during the period beginning on the date on which this resolution is agreed to and ending on the day before the date on which the House decides such question, Frank McCloskey and Richard McIntyre shall each be paid an amount equal to the daily equivalent of the annual rate of basic pay payable to a Member of the House. For the period beginning on the date on which this resolution is agreed to and ending on the date on which the House decides such question, the Clerk of the House shall provide for clerical assistants in the manner provided by law for the case of death or resignation of a Member and shall otherwise perform full administrative functions with respect to the Eighth Congressional District of Indiana. There shall be paid from the contingent fund of the House such sums as may be necessary to carry out this resolution." Complaint at ¶ 264; Cong. Rec. H4-5 (daily ed. Jan. 3, 1985).

The vote on House Resolution 1 was Yeas 238 to Nays 177. The vote was strictly along party lines.

Since the passage of House Resolution 1, plaintiff McIntyre has attempted to fulfill the duties of a Member of the House of Representatives but has been prohibited from doing so.

On February 7, 1985, Minority Leader Robert H. Michel introduced House of Representatives Resolution Number 52 ("House Resolution 52") which provides:

"Whereas, Richard D. McIntyre won the November 6, 1984, election in the Eighth Congressional District of Indiana by 34 votes according to the certificates of election filed by the county clerks from the District's 15 counties; and

"Whereas, the Indiana Secretary of State, Edwin J. Simcox, acting in accordance with his duties as set forth in the Indiana Code (Ann. Sec. 3-1-26-9), certified Richard D. McIntyre as the Representative from Indiana's Eighth Congressional District; and

"Whereas the Clerk of the House stated on January 3, 1985 in opening the 99th Congress that he had "prepared the official roll of the Representatives-elect" which included McIntyre's name. The Clerk stated: "Certificates of election covering the 435 seats in the 99th Congress have been received by the Clerk of the House of Representatives, and the names of these persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States and of the United States will be called." McIntyre's name was called and he cast his vote for Robert H. Michel as Speaker of the House of Representatives; and

"Whereas the majority of the House of Representatives on January 3, 1985 voted in House Resolution 1 not to seat Richard D. McIntyre as Representative from Indiana's Eighth Congressional District despite has [sic] certificate of election issued pursuant to the laws of Indiana; and

"Whereas House Resolution 1 Is contrary to the precedents of the House of Representatives in that the holder of a certificate of election not tainted by fraud or irregularities has previously been granted a prima facie right to a seat with the final right being referred to the Committee on House Administration; and

"Whereas Richard D. McIntyre received 418 votes more than Francis X. McCloskey in a recount of the ballots cast in Indiana's Eighth Congressional District pursuant to Indiana Code (Ann. Sec. 3-1-27 et seq.); Now, therefore be it

"*Resolved,* That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

"*Resolved,* That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration." Complaint at ¶ 267, Cong. Rec. H334 (daily ed. Feb. 7, 1985).

Defendant Wright moved to refer House Resolution 52 to the Committee on House Administration. His motion was adopted by a vote of 221 to 180. Again, this vote was done along party lines with all 221 Yeas cast by Democratic members of the House. As of the date of this opinion, plaintiff McIntyre has not been seated as a Member of the House.

On February 11, plaintiff McIntyre and plaintiff Robertson, a registered voter in the Eighth Congressional District of Indiana, filed suit in this Court. In Count I of the complaint plaintiffs allege that the House defendants failed to follow due-process requirements in violation of the Fifth Amendment and of Article I, Section 5, Clause 1 of the Constitution by departing from House precedent and failing to seat plaintiff McIntyre.

Plaintiffs further allege in Count II of the complaint that defendants' failure to seat plaintiff McIntyre denies plaintiff Robertson, and all other citizens of the Eighth Congressional District of Indiana, the rights of free speech and association and due process of law by denying them their right to be represented in the 99th Congress.

II.

In their motion to dismiss defendants argue that the Court does not have jurisdiction over the subject matter of this case and that plaintiffs assert a claim for which relief cannot be granted because the matter involved is a nonjusticiable political question.

A. Jurisdiction

Plaintiffs assert as basis for jurisdiction in this matter, *inter alia,* section 1331 of Title 28, United States Code. That section provides: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States." 28 U.S.C. § 1331. There can be no dispute that plaintiffs' cause of action "aris[es] under the Constitution." *Id.*

In the complaint plaintiffs set forth three constitutional claims, alleging that defendants violated plaintiffs' right to due process as protected by the fifth amendment, and rights to free speech and association as protected by the first amendment. They further allege that defendants violated Article I, Section 5, Clause 1 of the Constitution which resulted in plaintiff McIntyre's failure to be seated as a Member of the House. "Since the complaint plainly sets forth a case arising under the Constitution, the subject matter is within the federal judicial power defined in Art. III, § 2, and so within the power of Congress to assign to the jurisdiction of the District Courts. Congress has exercised that power in [28 U.S.C. § 1331]." *See Baker* v. *Carr,* 369 U.S. 186, 200 (1962). Accordingly, the Court has subject-matter jurisdiction over this action.

B. Justiciability

Merely because a court has determined that it has jurisdiction over an action, that does not end its inquiry as to whether it may address the merits of the case. A court must also determine whether the action is justiciable or, more specifically with reference to this case, whether the matter involves a political question which should not be resolved by a Federal court. *See Metzenbaum* v. *FERC,* 675 F.2d 1282, 1287 (D.C. Cir. 1982) ("the political question doctrine . . . is concerned with whether an issue is 'appropriate for judicial deliberation.' " (citation omitted)). " 'In determining whether a question falls within [the political question] category, the appropriateness under our system of government of attributing finality to the action of the political departments . . . [is a] dominant consideration[ ].' . . . The nonjusticiability of a political question is primarily a function of the separation of powers." *Baker* v. *Carr,* 369 U.S. at 210 (citation omitted); *see also* Wright, Miller & Cooper, *Federal Practice and Procedure: Jurisdiction 2d* § 3534.1 ("Political question doctrine takes its name from the conclusion that in the separation of federal powers, certain matters are confined to the political branches.") In analyzing the political question doctrine a court must always be mindful of the constitutional principle of separation of powers between coordinate branches of government.

On the surface of any case held to involve a political question there must be at least one of the following "formulations": "a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question." *Baker* v. *Carr,* 369 U.S. at 217.

[3] In evaluating a motion to dismiss for lack of subject-matter jurisdiction under Rule 12(b)(1) of the Federal Rules of Civil Procedure and for failure to state a claim upon which relief can be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Court must accept as true all material facts alleged in the complaint. *See* Scheuer v. Rhodes, 416 U.S. 232, 236 (1974); Smith v. Gross, 604 F. 2d 639, 641 n.1 (9th Cir. 1979); Asociancian De Reclamantes v. United Mexican States, 561 F. Supp. 1190, 1192 (D.D.C. 1983), *aff'd,* 735 F.2d 1517 (D.C. Cir. 1984).

The Court's principal focus is on the first criterion as set forth above: whether in the Constitution there is a "textually demonstrable committment", *id.*, to the House of Representatives which gives it the power to deny Mr. McIntyre a seat in the House with all the rights and privileges associated with that position.

In looking to the Constitution, Article I, Section 5, Clause 1 provides: "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members. . . ." U.S. Const. Art. I, § 5, cl. 1. On their face, plaintiffs' claims do involve express provisions of the Constitution. Further, numerous courts have found specifically that the judgment of election to office of congressmen resides within that House of Congress. *Rayner* v. *The Chicago Board of Election Commissioners*, No. 78 C 5116, slip op. (N.D. Ill. Mar. 14, 1979), *aff'd mem.*, 636 F.2d 1222 (7th Cir. 1980); *Manion* v. *Holzman*, 379 F.2d 843, 845 (7th Cir.), *cert. denied*, 389 U.S. 976 (1967); *Johnson* v. *Stevenson*, 170 F.2d 108, 109 (5th Cir. 1948), *cert. denied*, 336 U.S. 904 (1949); *Application of James*, 241 F. Supp. 858, 860 (S.D.N.Y. 1965); *Peterson* v. *Sears*, 238 F. Supp. 12, 13 (N.D. Iowa 1964); *Keogh* v. *Horner*, 8 F. Supp. 933, 934-35 (S.D. Ill. 1934); *see also McCloskey* v. *McIntyre*, Nos. TH 85-7-C, EV 85-12-C, slip op. at 19-20 (S.D. Ind. Feb. 7, 1985) (appeal pending). *Cf. Metzenbaum* v. *FERC*, 675 F.2d at 1287 (Article I, Section 5, Clause 2 textually commits to the Houses of Congress exclusive rulemaking authority as to "the Rules of . . . Proceedings" (citation omitted)); *Williams* v. *Bush*, No. 81-2839, slip op. (D.D.C. Feb. 3, 1982) ("Article I, Section 5, Clause 2 . . . textually commits to the Senate the power to . . . 'expel a member.'" (citation omitted)). Therefore, the issues which plaintiffs seek to have the Court resolve in this action fall squarely within a "textually demonstrable constitutional commitment of the issue" to the House and makes it a nonjustifiable political question. *See Baker* v. *Carr*, 369 U.S. at 217.

The only remaining "formulation" outlined in *Baker v. Carr* that is relevant here is whether a decision on the merits in this action would result in "the impossibility of a court's undertaking independent resolution without expressing lack of respect due coordinate branches of government. * * *" *Id.* To make an inquiry and address the merits of plaintiffs' claim would surely demonstrate a lack of respect to the House of Representatives, particularly in light of numerous decisions which have determined that in Article I, Section 5 of the Constitution rests the dominion of each House of Congress as "[j]udge[s] of the Elections, Returns and Qualifications of its own Members. * * *" U.S. Const. Art. I, § 5, cl. 2. Further, the House has determined specifically how it wishes to proceed in judging the election of one of its Members.[4] Accordingly, the Court finds that the issues it is asked to resolve in this case are nonjusticiable in that they involve political questions.

Although plaintiffs do not dispute seriously the argument that Members of the House have the express authority to "judge" the election of its Members, they claim that the House must make this determination within the bounds of the Constitution. Plaintiffs contend that if, when judging the election of one of its Members, the House violates the due process clause of the fifth amendment or the freedom of speech and association provisions of the first amendment, those violations must be able to be redressed in Federal court. The Court disagrees with plaintiffs' assertions.

The very nature of the political question doctrine demands that a court abstain from interfering with a coordinate branch of government whose responsibility it is to make independent political choices. The doctrine demands that a court not immerse itself in a political matter which is principally in the dominion of a political branch of government. Although plaintiffs have alleged constitutional violations, the Court, in assessing these claims, must balance the strong institutional interests of separation of powers against the alleged constitutional deprivations. If the Court were to address the merits of plaintiffs' claim, it would, in effect, be substituting its judgment for that of the House of Representatives. The Court cannot and should not make that determination.

Further, plaintiffs' due process claims cannot withstand minimal scrutiny. Surely, the only due process which plaintiff McIntyre is due, is that which is provided by the House as "[j]udge[s] of the [e]lections * * * of its own Members." U.S. Const. Art. I, § 5, cl. 1.[5]

In addressing the first amendment claim, the Court concludes that it would be impossible for the House to make a determination as to the election of one of its Members without some temporary deprivation of first amendment rights. As the Supreme Court in *Barry* v. *United States ex rel. Cunningham*, 279 U.S. 597 (1929) noted in addressing the "equal representation" clause found in Article 5 of the Constitution, "the temporary deprivation of equal representation which results from the refusal of the Senate to seat a member pending inquiry as to his election or qualifications is the necessary consequence of the exercise of constitutional power." *Id.* at 616.

The Court must also look at this case from a practical point of view. How can it stand side by side with the House of Representatives in making a decision in an area which has been specifically designated by the Constitution as a political question? Certainly, political arguments must be confined to the political arena. Here lies the essence of the political question doctrine.

For the reasons outlined above, the Court cannot interject itself into a matter which is within the primary dominion of the House of Representatives to judge the election of its Members.

Accordingly, the Court must dismiss this case for failure to state a claim upon relief can be granted.

An appropriate order is attached.

JUNE L. GREEN,
U.S. District Judge.

Dated: March 1, 1985.

[U.S. District Court for the District of Columbia, Civil Action No. 85-528]

RICHARD D. MCINTYRE, ET AL., PLAINTIFFS *v.* THOMAS P. O'NEILL, JR., ET AL., DEFENDANTS

ORDER

Upon consideration of defendants' motion to dismiss, plaintiffs' opposition thereto, defendants' reply to plaintiffs' opposition, oral argument on the motion, and the entire record herein, it is by the Court this 1st day of March 1985,

Ordered that defendants' motion to dismiss is granted.

JUNE L. GREEN,
U.S. District Judge.

□ 1240

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. WRIGHT). Will the gentleman yield for a parliamentary inquiry?

Mr. ALEXANDER. Indeed I will yield, Mr. Speaker.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, am I correct that the gentleman must address himself to the resolution that is before the House, and addressing district court matters that are outside the ability of this House to make decisions would not be addressing itself specifically to the resolution at hand?

The SPEAKER pro tempore. The Chair must rule that if a court proceeding relates to a matter under discussion in the Chamber, then it is not out of order to make reference to the court's findings and related matter during debate on the motion to refer.

Mr. WALKER. I thank the Chair.

Mr. ALEXANDER. I thank the Speaker.

□ 1250

Mr. Speaker, I reserve the balance of my time that I have not consumed.

The SPEAKER pro tempore. The gentleman from Arkansas has consumed 20 minutes.

The gentleman from Illinois [Mr. MICHEL] is entitled to 30 minutes.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, having just listened to the gentleman from Arkansas recite the lengthy court decision, I should advise Members this, of course, is nothing unique and unprecedented, because in other cases that have been brought before the court we have had the court say in similar language that they wanted to frankly wash their

[4] The respect due a coordinate branch of government is not without limitations. *Cf.* Barry v. United States ex rel. Cunningham, 279 U.S. 597 (1929). If, for example, the House completely abdicated its responsibilities as "[j]udge of the [e]lections" and this abdication failed to be corrected by the political process, a federal court, as the "department [designated] to say what the law is", Marbury v. Madison, 1 Cranch 137, 177 (1803), could interject. *See* Metzenbaum v. FERC, 675 F.2d at 1287. What plaintiffs have alleged on the face of their complaint, however, cannot be considered such an abdication of responsibility. *See infra* at 13-14.

[5] The Court notes in passing that the Supreme Court in Barry v. United States ex rel. Cunningham, 279 U.S. 597 stated that "[w]hether, pending this adjudication, the credentials should be accepted, the oath administered, and the full right accorded to participate in the business of the Senate, was a matter within the discretion of the Senate. This has been the practical construction of the power by both Houses of Congress. . . ." *Id.* at 614-15 (footnote omitted). The Supreme Court apparently believed that whatever a House of Congress decides as the appropriate process for determining the election of its Members, passes Constitutional muster.

hands of the whole thing, that under the Constitution we are the judge of our own Members and that it ought to be in the legislative realm.

We accept that and I always have. The point is that when it is our judgment call, it ought to be a good one, the right one.

Now, as most Members of this House know, I guess this is not normally my style of operating in any kind of legislative way with probably as little notice as you all have had; but every day that goes by makes it more and more difficult for me personally to accept the fact that the citizens of the Eighth District of Indiana are not represented in this Chamber or enjoying the benefits of that election that took place back on November 6.

This whole question of whether Mr. McIntyre ought to be seated provisionally has been handled, in my judgment, in a very shoddy, shoot-from-the-hip-partisan manner. It seems as though strategy has been dictated exclusively by the Democratic campaign committee without any regard for House rules and procedures or our role in that delicate constitutional balance between the sovereignty of the States and the responsibilities of this Congress.

Mr. O'NEILL. Will the gentleman yield?

Mr. MICHEL. I yield to the Speaker.

Mr. O'NEILL. I have known the gentleman close on to 30 years. I have admired and still admire and respect him.

It has been the customary procedure in this House for the minority leader to get up, ask for time and ask for the schedule. That he did in the usual manner.

He was informed by the majority leader that on Monday there would be a pro forma session, which means to all of the Members no formal business, and so the Members can spend the day in their offices or a day on business or a day out of town, anticipating that there will be no vote.

I am shocked at the leadership on the Republican side that they should undertake to do what they are attempting to do at this time.

Mr. MICHEL. Well, the Speaker is entitled to his own opinion and as I say, it is rather unique for this gentleman to feel so strongly about the manner in which this has been handled.

Frankly, I did not get any notice on opening day what was going to be taking place, as normally would have been the procedure for the majority to advise the minority leader that this would be the action of the day.

Mr. O'NEILL. We called nothing on opening day that was not customary on opening day.

Mr. MICHEL. Yes, but I will tell you, if you want to talk about implied——

Mr. O'NEILL. This is not custom that is going on at this particular time.

I just feel sorry for the gentleman. To me it seems as though his heart cannot be in a thing of this nature, because I know what he thinks of the Members of the body and the body itself.

□ 1300

Mr. MICHEL. Well, Mr. Speaker, on the very first day of the Congress, we found ourselves, in my judgment, legislating in the dark on this issue. As I said, without any advance notice and only the advance warning we got frankly from the press of what was going to be taking place. What we have done this far to Rick McIntyre and to the people of the Eighth District of Indiana has been wrong, and what we ought to do is make it right.

Mr. O'NEILL. If the gentleman would yield, whether it is wrong, do two wrongs make a right? Do you mean that, in your judgment this is the proper thing to do?

Mr. MICHEL. Mr. Speaker, we on the minority side simply cannot stand by and wait for the majority in this House to find a way to seat someone else other than one duly elected under Indiana law, out in the State of Indiana.

And frankly we had a conference last week; there were several resolutions passed; we had publicly declared after that conference that we would hold in our pocket at any time a resolution to again make a run on this issue.

The point is that on opening day the motion was not to seat Mr. McIntyre. Then we had a motion to refer that matter.

Mr. O'NEILL. On that particular matter, Mr. Leader, you came to my office, and I gave you exactly what was going to happen with regards to that seat. You knew within 24 hours before. You and I sat together and went over the whole schedule, and I gave you at the time what you could anticipate. We did not pull anything out of the dark on you.

Mr. MICHEL. Mr. Speaker, I beg to differ with you on the time of the advance warning that I got, with respect to opening day.

What we simply want is a straight up-and-down vote on the seating of the gentleman from Indiana. We have been going around—you know, it is not to seat or to defer, or to refer; and all we want is simply a straight up-or-down vote on whether or not the gentleman from Indiana was duly elected, now by 418 votes, ought to be seated.

Mr. O'NEILL. You mean you want a vote when you are taking advantage of the others who do not anticipate that there is a vote?

Mr. MICHEL. Mr. Speaker, I am inclined to think that not all Members on your side——

Mr. O'NEILL. Listen, I understand the pressure that the gentleman is going under.

Mr. CAMPBELL. Would the minority leader yield?

Mr. MICHEL. Yes, I yield to the gentleman.

Mr. CAMPBELL. I thank the gentleman for yielding. I would point out to the House that on Thursday, there was a colloquy between the Republican whip and the Democratic whip over the schedule, at which time the Republican whip, the minority whip, pointed out that they should expect votes on Monday and Wednesday.

If you will consult the record, you will find that that is true. Now, we cannot be responsible for people not listening to colloquy. So I would tell the minority leader that that did take place on this floor, and the gentleman certainly should not have his motives impugned under any circumstances when this in fact is in the record and did take place here.

Mr. MICHEL. I thank the gentleman for setting the record straight.

I simply want to say again in reading one of the sections of our resolution today, Whereas the said task force of the Committee on House Administration adopted "Procedures for making claims of irregularity" and those procedures specified that any claim unrelated to the rules or decisions that govern the Indiana recount of votes must be filed by noon of February 28, 1985, and goes one.

Now we have passed that date; this is March 4, and the other gentleman involved in the contested election, Mr. McCloskey, made no effort under the rules and under the law to file his appropriate case that there was fraud or something irregular about the election.

Here again, he has had, by rules of that House Administration Committee, until February 28 to make a file, file his orderly way and we have heard nothing from Mr. McCloskey.

So there is nothing in the record anyplace that impeaches the integrity of that certificate of election from the secretary of state of the State of Indiana.

Mr. O'NEILL. Would the gentleman yield?

I just want to read the RECORD. Perhaps I am reading it wrong.

From the dialog of Thursday last:

Mr. LOTT. So the Members should be on notice that there could be votes on Monday and on Wednesday, although none are anticipated, as far as legislative business at this time?

Mr. FOLEY. Members should assume votes on Tuesday and Wednesday and Thursday, but there would be no recorded votes on Monday or Friday.

Mr. LOTT. I thank the gentleman.

I just wanted to straighten our the record.

Mr. MICHEL. Well, notwithstanding what has been said, on the issue itself, it is not going to go away, Mr. Speaker, because we feel we have been harmed on this side, and the right thing has not taken place, we are attempting to right that, and it is our prerogative and our privilege, from time to time, to call up a privileged resolution to do just that; seat the gentleman from Indiana.

So having said that——

Mr. LOTT. Will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. LOTT. Mr. Leader, I appreciate your yielding.

I think that since there has been question about the way the schedule is handled, I think it should be noted that we try to clarify the schedule, and we tried this past Thursday.

I made it clear that we intended to have votes on Monday and Wednesday. Now, the majority whip on the other side still indicated there would not be votes on legislative issues; but my point was very clear: that they should anticipate votes on Monday and Wednesday.

Let me take it a step further. The minority is time and time again not notified of what is going to be happening legislatively. In fact, there was nothing on the schedule last week that we were going to be taking up this bill, or rule out the Rules Committee, to tie the agriculture credit bill and famine together; I had to ask specifically about that question. No notice at all was being given.

We were not given notice that this issue was going to be coming before the Rules Committee until the last minute. Every week we have to pull out of the majority leadership whether or not we will have a vote and even what the votes will be on.

So this allegation that the Members were being unfairly treated by having this vote here today is totally ludicrious. We knew we would be voting; we had a vote last week on the Journal; the Members should have known we could have votes today and Wednesday.

So I think as a matter of fairness, I think it is time that we fight back and that we have some say about what the Members can expect to have happening here on the floor of the House.

Mr. MICHEL. I reserve the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois has consumed 10 minutes. The gentleman from Illinois [Mr. MICHEL] has 20 minutes remaining, and the gentleman from Arkansas [Mr. ALEXANDER] has 10 minutes remaining.

Does the gentleman from Illinois desire to yield additional time?

Mr. MICHEL. I yield back the balance of my time, Mr. Speaker.

Mr. ALEXANDER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding to me.

Mr. Speaker, I have not spent a great deal of time with this issue, but I have become aware in the last several days of a very analogous situation which occurred out in the State of Indiana where the same election laws applied at the same election, and in which a very similar situation occurred where ballots were thrown out by a local county election law official, and where the Indiana House met its responsibilities and reversed the outcome of that election and I might add it was eventually the reelection of a Republican incumbent, and I certainly do not dispute the outcome of that, that resulted from a very sincere effort to really determine who actually won the election.

It seems to me that the people on the other side of the aisle who are protesting the very equitable and fair consideration by the House Administration Committee are really being rather hypocritical in the sense that that decision, to proceed in the Indiana House, parallels exactly what we are trying to do here and have committed to conclude by the 31st of this month.

Mr. PANETTA, our friend from California, a fair and I think objective legislator by all analysis and evaluation, is not here today to outline what he plans to do to bring together both parties and to give the voters of the Eighth Congressional District of Indiana a fair recount.

But I would like to——

Mr. MICHEL. Would the gentleman yield on that point?

Mr. FAZIO. I would be happy to yield to the majority leader.

Mr. MICHEL. The gentleman cites, I think the case out in Indiana with the State legislature, and there, as is the similar case in this House of Representatives, the gentleman was seated, however, during the consideration of the dispute. That is the point we are arguing.

My resolution that says provisionally, but we have never violated that principle of—unless there were dual certificates, and that is not the similar kind of case; we dealt with that before—but we seated the gentleman who had the valid certificate in hand and then I would concede the gentleman is absolutely correct; Mr. PANETTA and the rest who were on that committee are people of integrity, and I would not question their motives one bit and would expect them to do the right thing when the time comes; but in the meantime to honor that tradition of having the certificate-elected member seated pending that investigation.

Mr. FAZIO. If I could reclaim my time, Mr. Speaker, I would like to read into the record just several paragraphs in this Indiana newspaper, the Palladium-Item, which I think goes to the essence of what we are trying to accomplish here.

This is the second closest election held for Congress in the last 50 years.

□ 1310

The first most close election was the one in 1960 in Indiana, the 87th Congress, where we all know that we followed a procedure very similar to the one we are following now. And I might add the third closest was one in which we had to withdraw the seating of an incumbent and replace that individual, something that I think is very disruptive to the voters of the district and very unpalatable to Congress.

If we can confirm our decision we ought to do it.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. FAZIO] has expired.

(At the request of Mr. ALEXANDER and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. FAZIO. Let me read. This is the Indiana Legislature:

A House committee on Thursday affirmed the intent of voters and prevented 137 ballots from being discarded because they lacked a precinct stamp. The action took the House seat away from Democrat Marcia Toschlog French who had apparantly won the seat after a Wayne County recount threw out 186 votes and gave her a 20 vote lead over Hibner.

The House committee has affirmed the right of citizens to elect their representatives. It unanimously decided that the intent of voters without evidence of fraud should stand.

Discarding votes on a technical requirement, as the local recount did, needlessly disenfranchised voters who cast their ballots in good faith. Election day results should only be changed if there is evidence of fraud, a counting error, mutilated ballots or improperly cast ballots.

And it goes on to say:

"The situation in the Eighth Congressional District, with more than 4,000"—not 186—"4,000 votes in jeopardy, makes the Hibner-French recount pale in comparison."

And that is exactly what we have been talking about. We have thousands of ballots in Vanderburgh County that have been thrown out because they were not properly initialed. They were not mutilated. They were not improperly cast. They do not relate to counting errors. There is no evidence of fraud. They simply are analogous exactly to the situation that related to the two contestants in this House race.

I think we are asking for equity and fairness. We are asking for an anology from the State with its own election laws to the Congress abiding by the State's election laws. I have faith that we can do the job. I am sorry it has taken this long. But the laws of the

State of Indiana allowed their committee to begin meeting in November on this issue. Ours obviously did not.

They were talking about 18,000 votes. We are talking about a quarter of a million votes.

It seems to me we are acting consistently and fairly. I wish we would allow the process to go forward. We are getting close to the end of the month. The voters will have their answer and the country will have their Congressman from the Eighth District.

PARLIAMENTARY INQUIRY

Mr. ALEXANDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ALEXANDER. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 25 minutes remaining.

Mr. ALEXANDER. I thank the Chair.

Mr. MICHEL. Mr. Speaker, I reserve the right with one remaining speaker.

Mr. ALEXANDER. Mr. Speaker, the gentleman yielded back the balance of his time.

The SPEAKER pro tempore. Let the Chair state that the gentleman from Illinois—the Chair understood the gentleman from Illinois to yield back the balance of his time.

Mr. MICHEL. No, Mr. Speaker. I reserve the balance of my time with one remaining speaker and he ought to go ahead.

The SPEAKER pro tempore. The Chair will state that the gentleman——

Mr. MICHEL. Well, will the gentleman from Arkansas yield back the balance of his time that the Chair assumes is his rather than mine?

Mr. ALEXANDER. Mr. Speaker, I have several requests for time here. If we have time remaining I would be pleased to yield that time to the gentleman from Illinois.

Mr. MICHEL. Would the gentleman reserve 5 minutes finally on this side?

Mr. ALEXANDER. Would the gentleman like 5 minutes?

Mr. MICHEL. Yes—reserved for our side.

Mr. ALEXANDER. I yield the gentleman from Illinois 5 minutes.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. MICHEL. May I reserve that 5 minutes until we hear some of the other arguments?

The SPEAKER pro tempore. The gentleman may reserve that. Of course, the gentleman may reserve that time.

Mr. ALEXANDER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I would just like to say that I am very disappointed as a Member of this body today to see the conduct of many of my good friends of many years on the other side of the aisle.

The Republican Congressional Campaign Committee told me last week something like this procedure today was going to happen. They sent into my district a press release which some of my weekly newspapers did not recognize to be a partisan-originated and partisan-motivated release. They will the next time they get one, I assume.

I ask permission to insert the newspaper story written from the release at this point.

[From Associated Newspapers, Feb. 27, 1985]

FORD CRITICIZED IN SEAT DISPUTE

Leaders of the National Republican Congressional Committee have accused U.S. Rep. William Ford (D) of the 15th District of helping to leave 500,000 persons in Indiana without representation in Congress.

Ford recently voted to refuse to seat Indiana Republican Rick McIntyre as a member of the House despite the fact that a recipient had confirmed McIntyre as the winner of the election in Indiana's eighth district, according to a committee spokesman.

Committee members claim that McIntyre defeated Democratic incumbent Frank McCloskey by 34 votes last November and that the margin of victory increased to 418 votes following a recount. A Republican request that McIntyre he seated provisionally while recount procedures in Indiana are examined was defeated in the House, with Ford among the Democrats in opposition.

"Quite properly the House has refused to seat either the incumbent or his challenger at this time." Ford responded. "For a member of the House to seat either one until all the facts are known would fly in the face of electoral justice. No fair-minded person can say at this time that one or the other is the victor."

Joe Gaylor, executive director of the National Republican Congressional Committee, charged Ford and his colleagues with "refusing to honor the wishes of the voters in Indiana and continuing to delay the seating of McIntyre until they can construct a system that will enable them to steal the seat for their Democrat candidate."

That news release started out with the assertion that I deliberately voted in this House to deprive 500,000 people in Indiana of representation in the House of Representatives. And I take that personally as an insult that goes beyond even their limitations on partisan politics.

Here is how I responded to those scurrilous charges. I include my letter to Joe Gaylor at this point:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 1985.

Mr. JOE GAYLOR,
Executive Director, National Republican Congressional Committee, 320 First Street SE, Washington, DC.

DEAR MR. GAYLOR: The Associated Newspapers, a chain of weeklies in my district, carried an article last week quoting you in connection with the disputed McCloskey-McIntyre election in Indiana's Eighth District last November.

If the article is accurate, you charge that I, along with my colleagues, refuse to honor the wishes of the people of Indiana by refusing to seat Mr. McIntyre. Again, if the article is accurate, you accuse us of trying to "steal" the seat in question.

I must assume that you know that this is a blatant distortion of fact and that your statements were deliberately intended to mislead the people on this issue in a reckless attempt to put pressure on the U.S. House of Representatives.

This is a new low in partisan politics. Rarely, in a long political career, have I seen such deceitful tactics employed to influence the outcome of a contested election.

The fact is that the House has refused to seat either the incumbent at the time of the election, Frank McCloskey, or his challenger, Richard McIntyre. At this time, it is impossible for any fair-minded person to say one or the other should be the winner. And it seems to me anyone who suggests otherwise could properly be accused of attempting to (and I use your word) "steal" the election.

The real issue, one you find it convenient to ignore, is that genuine uncertainty remains about who won. This is something the House Administration Committee is diligently seeking, through careful investigation, to sort out.

I am sure you are aware that this is indeed a thorny thicket. For one thing, there are several recount commissions in Indiana trying to evaluate the balloting—with results that can only be described as irregular. Claims of political manipulation in the recount process are well documented. For one thing, about 5,000 ballots, including many from predominantly black precincts, were tossed out in what looks more like shredding than counting.

To all but those seeking partisan gain at the voters' expense, the situation at this time is simply too murky for anyone interested in fairness and justice to make a decision.

In all candor, I think you are aware of the merits. I think you just chose to ignore them.

Sincerely,

WILLIAM D. FORD,
Member of Congress.

Mr. Speaker, this issue is being handled now in a manner being allowed in this House that does not meet the dignity of this body which is very much needed at the moment. At the time that the people of this country are wondering whether or not the Congress is going to do the things that are necessary, some of them painful, to protect our country, we have Members playing petty politics over there in a way that is calculated to do nothing except destroy public confidence in this body.

I can see how people would lose confidence in the House, which is put into this kind of mess by this bushwacking method of causing a vote. The Members on the other side who have been here for a while know exactly what is happening here. They know how well they and we count on assertions from our leaders on both sides that on particular days you can take care of other important matters because there will not be rollcalls. They know that many of the Members are being deprived, who have been seated, of representing their districts because of the way in

which this vote is called up. And if they want to show good faith at this point, Mr. Speaker, then the gentleman should withdraw his motion and move to take it up at a time when due notice has been given so that my constituents and all of the districts in Michigan will have their Representative here to vote on them.

If it is bad not to seat their candidate, to deprive one district; it is even worse to deprive literally hundreds of districts of representation in a matter of this importance.

Mr. Speaker, this is an appropriate time to insert the exchange of correspondence between Congresswoman PAT SCHROEDER and Howard H. (Bo) Calloway. If you take the time to read the full exchange, you will have a good understanding of just how complicated a situation we have on our hands. The capricious manner in which the McCloskey-McIntyre seating was raised today does not serve the best interests of anyone.

[From the Colorado Statesman, Jan. 18, 1985]

SHAME, SHAME, SHAME ON PAT AND TIM—YOU'RE DEMOCRATS BUT I THOUGHT YOU'D BE FAIR JUST THE SAME

Dear Statesmen, as the Chairman of the Colorado Republican Party, I am expected to be partisan, and I am. I have also tried to be fair.

This is the first letter to any editor that I have ever written to protest the actions of our Democrat members of Congress but I feel such a sense of outrage and injustice, I cannot remain silent.

Shame on you, Pat Schroeder and Tim Wirth! You voted, for the first time in history of our country, to deny a seat to a duly certified member of Congress solely because he was not a member of your Party. You voted with a Democrat majority to continue the salary of the defeated incumbent of your Party and his entire staff, pending a trumped-up investigation over which Congress has no jurisdiction.

The Republican has been duly certified by the State of Indiana. The defeated Democrat has not even contested the certification. In the unlikely event that a recount should change the result of any of the 435 seats of the House of Representatives, you know that the incorrectly seated member would give up his seat to the properly elected and certified member. You also know that the U.S. Supreme Court has ruled that the Congress has no right to question the certification of election of a state elected official. Yet, you have used the raw power of the majority to steal an election from the certified winner.

You know how hard I fought to defeat the two of you this year, but I didn't succeed. You beat the best that we had to throw at you. Having done that, I would defend your right to represent your constituents just as hard as I would a Republican.

The Democrat Party has a long and noble history. You didn't serve it well in voting to deny fairness to a young Republican who defeated your friend, fair and square. You owe an apology to that young Republican, Richard McIntyre and you owe an apology to every one of your constituents who, in voting for you, expected something better.

Sincerely,

HOWARD "BO" CALLAWAY,
Chairman, Colorado Republicans.

[From the Colorado Statesman, Jan. 25, 1985]

OPEN LETTER TO BO CALLAWAY: REVIEW YOUR HISTORY

Dear Bo, your January 8 letter to the editor of the Statesman is encyclopedically misinformed.

The U.S. Constitution, Article I, Section 2, Clause 1, sets forth the age, citizenship and residence qualifications for membership in the House of Representatives: "No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the state in which he shall be chosen."

Article I, Section 5, Clause 1 provides that: "Each House shall be the judge of the elections, returns and qualifications of its own members."

In the history of the House of Representatives there have been almost 600 cases of contested elections and qualifications—on the average of six per Congress. The overwhelming majority of these cases were contested elections. Some, however, involved contested qualifications.

At the start of the 99th Congress, we considered three contested elections. Each was judged on the merits. In one case, the Republican was seated. In the second, the Democrat was seated. In the third, involving the election in the Eighth Congressional District of Indiana, the House voted not to seat either candidate, pending a review by the House Committee on Administration. Both candidates, contrary to your letter, will be paid the regular congressional salary until the case is resolved.

The House deferred a final decision in the third case because it was unable to determine which candidate was elected. The Indiana Republican Secretary of state certified the Republican candidate the winner before the official recount had been finished. Indeed, the recount is still going on. You might be interested to learn that Indiana newspapers that had endorsed the Republican candidate editorialized against certifying a winner until the official recount was completed.

If we Democrats in the House had exercised "the raw power of the majority to steal an election", as you charged, we would have seated all three Democrats. This we did not do. We considered the facts in each of the three cases and, in my opinion, arrived at a fair and appropriate conclusion in each case.

Your cryptic assertion that the House violated a Supreme Court ruling is also incorrect. The case in question, Powell v. McCormack, was not a contested election but a qualifications dispute. The issue was whether Congress could add to the qualifications enumerated in the Constitution by rejecting a person on the ground that he had allegedly misused public funds.

The case arose out of the 1967 exclusion from the 90th Congress of Democratic incumbent Adam Clayton Powell. The issue in that case was not whether Powell had been elected. He had been reelected overwhelmingly. Nor whether he met the age, citizenship, and residence qualifications., He met all three.

At issue was whether Congress could exclude a member for reasons other than those stated in the Constitution. The Supreme Court ruled that Congress could not.

In the Indiana case, both candidates are qualified. The question for the House to decide is which one was elected.

Sincerely,

PAT SCHROEDER,
Congresswoman, D-1.

COLORADO REPUBLICANS,
Denver, CO, February 18, 1985.

HON. PATRICIA SCHROEDER,
House of Representatives,
Washington, DC.

DEAR PAT: As a former member of Congress, I am writing this letter to you because I am concerned about the vacancy that now exists in Indiana's 8th District.

I do not pretend that I am not partisan. As you can see, I am now the Chairman of the Colorado Republican Party and it is my job to be partisan.

I also respect the fact that you, as an elected Democrat, are partisan. But I have found that, Democrat or Republican, members of Congress are concerned about the welfare of the country above and beyond partisanship.

I am concerned because the facts, as I see them, speak clearly for conditionally seating Mr. McIntyre. I am enclosing a sheet which gives my understanding of the facts, together with my own conclusions.

Perhaps I am missing something. If any of my facts are in error or if you have any arguments that I am not aware of, I would appreciate hearing from you.

I would also appreciate your giving serious consideration to my conclusions, which are:

1. Seat McIntyre conditionally now.

2. Continue a prompt and vigorous investigation under the House Administration Committee, with the investigative committee having bi-partisan representation, equally Republican and Democrat.

Sincerely,

Bo.

Pat: I am writing a similar letter to every member of Congress. I think a great injustice is being done. I know you disagree with me, but if you think any of my facts are in error, I wish you'd let me know—Bo.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 1985.

HOWARD H. CALLAWAY,
State Chairman, Colorado Republican Party, Denver, CO.

DEAR BO: One month ago you wrote me an open letter expressing your sense of "outrage and injustice" over the contested election in Indiana's Eighth Congressional District.

"I cannot remain silent," you wrote, and you didn't.

Unfortunately, your retelling of the events in Indiana and your lecture about the constitutional prerogatives of the House of Representatives in cases of contested elections were misinformed.

Today, I have a second letter from you on my desk.

Your "sense of outrage and injustice" has simmered down to plain "concern," but your level of misinformation remains high.

The difficulty with the Indiana case is that the central fact—who won?—is in dispute. That is what the House Administration Committee investigation is all about.

The initial vote canvass showed the Democrat, Frank McCloskey, to be the winner, and he should have been so certified by

Edward F. Simcox, the Republican Secretary of State in Indiana. Instead, a partial recount was commenced, using different rules in each county. About 5,000 ballots from mainly Democratic areas were tossed out and—before this "recount" was finished—Simcox certified the Republican, Richard McIntyre, the winner. The "recount" could have been more fairly described as ballot shredding, not counting.

I have not heard one peep of outrage from the Colorado Republican Party Chair over that travesty.

Allow me to read to you from a February 11, 1985, Indianapolis News editorial:

"On principle, Hoosiers should get indignant and say that the House is playing politics—which could prove to be the case—and that it should accept Indiana's Eighth Congressional District figures and get about with the business of seating the district's duly elected congressman.

"But, sadly, the House has some justification for being skeptical of Indiana's ability to declare a winner in a close congressional race.

"Initially McCloskey was adjudged the winner by 72 votes on the basis of a vote canvass. Then on the basis of a partial recount, Simcox declared McIntyre the winner by 34 votes. Now Simcox says McIntyre won by 418 votes. Which is it?

"During the recount, thousands of ballots were tossed out on the basis of technicalities, even though neither side has charged that there was voter fraud. Furthermore, differing standards were used for determining which ballots to accept or reject throughout the district.

"If Indiana wants to control the certification of its congressional representatives—as it should—the vote it certifies must be credible.

"In the presence of an elastic vote count, and absent timely and uniform standards, it is understandable that the House wants to know what on earth is going on out in the Hoosier state before declaring anyone a winner."

Allow me to read to you from a recent editorial in the Evansville Press, which had endorsed McIntyre, the Republican candidate:

"The House will be handed this [recount] opportunity primarily because local officials blew it. The different recount rules employed from one county to another and the delayed certification of the winner for reasons which seem suspiciously political beckon for a higher authority to make the call."

A January 15, 1985, Bloomington Indiana Daily Student article quoted former Republican congressman Joel Deckard, who held the Eighth District seat from 1979 to 1983, as saying, "The U.S. House did the correct thing in not seating either candidate." Deckard suggested a special election as the best method of resolving the dispute. Simcox and staff aides to both McIntyre and McCloskey were quoted as opposing a special election.

The House inquiry will continue to its conclusion, and the winner of the Eighth Congressional District election will then be properly seated.

One final observation. Three modern era federal elections have been contested elections resolved in the Congress and the federal courts. *Roush* v. *Chambers* (1961), *Roudebush* v. *Hartke* (1972), and now *McIntyre* v. *McCloskey* (1985). All three have been from Indiana.

Indiana election laws are antiquated, arbitrary and capricious. Indiana's Governor, Secretary of State, and legislature are all Republicans. The Republican Party dominates the politics of Indiana. Perhaps your future letters, outraged or concerned, could be directed to your Republican colleagues in Indiana.

Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1985.

HOWARD H. CALLAWAY,
State Chairman, Colorado Republican Party, Denver, CO.

DEAR BO: In order to head off your next letter, and save the Colorado Republican Party 22 cents, let me put to rest your assertion that "the precedents of the House require seating of duly certified members."

As I mentioned to you in my January 11 letter, Article I, section 5, clause 1 of the United States Constitution clearly states that each House of the Congress is the final judge of the "elections, returns, and qualifications" of its members.

The Congressional Research Service of the Library of Congress recently issued a report, "The Power of the House of Representatives to Refuse to Seat a Certified Member-Elect Pending the Outcome of a Contested Election," reiterating this simple fact: "each House is the sole judge of election disputes, and its determinations are conclusive and the power of each respective House regarding the elections of its Members is supreme."

The CRS report notes that the certification by the appropriate state official "does not by itself remove or lessen the jurisdiction of the House as the proper tribunal in a contested election case."

Second, "while the certification of a Member by the appropriate state election authorities is generally prima facie proof of the results of a House election, it is not always conclusive proof."

In several 19th Century cases the House refused to accept the certificate of a Member-elect and conducted its own investigation: *Chrisman* v. *Anderson* (1860), *Chaves* v. *Clever* (1867), *Whitmore* v. *Herndon* (1871), *J.P.M. Epping* (1871), *R.T. Daniels* (1871), *Thomas H. Reeves* (1871), *Wigginton* v. *Pacheco* (1877), and *Chalmers* v. *Manning* (1884).

In the 20th Century, prior to *McIntyre* v. *McCloskey* (1985) there were two House cases: *Kemp, Sanders* (1934) and *Roush* v. *Chambers* (1961).

One may question whether the House should have seated Frank McCloskey or Richard McIntyre pending a resolution of the contested election. But there is no doubt that the House has the constitutional authority, and has exercised that authority on a number of occasions, to set aside the certificate of a Member-elect, thus refusing to seat, and to conduct its own investigation.

You may be interested to know that a similar situation arose, coincidentally, in the Indiana House of Representatives last month. A special committee appointed by the Republican House Speaker overruled a recount commission (which had declared the Democratic challenger the winner) and declared the incumbent Republican legislator the victor over the challenger. The special committee also investigated a second contested election and upheld the recount commission's certification of an incumbent Democratic legislator as the winner.

The Republican chairman of that special committee argued that the committee had the obligation under the Indiana constitution to determine which votes should be counted. "'No court, no body can tell us what the count should be. Our duty is to determine what ballots are to be counted and what ballots are not to be counted,'" the chairman told the Indianapolis Star (January 4, 1985). "'We are, in effect, the Supreme Court,'" he said.

I am going to such lengths with this issue because you have gone to such lengths to accuse the Democrats in the House of exceeding their authority and of acting improperly.

Sincerely,

PAT SCHROEDER,
Congresswoman.

PARLIAMENTARY INQUIRY

Mr. CAMPBELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CAMPBELL. Mr. Speaker, am I correct in saying that we do not seek to impugn the motives of a Member when they bring a matter to the floor? Is that correct under the way this House operates? And that when a Member's motives have been impugned that that Member or others on their behalf would have a right to ask that words be stricken? Is that a correct assumption?

The SPEAKER pro tempore. The gentleman is correct that no Member's motive is to be impugned by another Member in the course of orderly debate on the House floor.

Mr. CAMPBELL. Well, Mr. Speaker, my concern lies with the fact that with the previous speaker that the motivation of those of us who are concerned with this matter may have been impugned when the accusation was made that this was being done under petty politics and that it was bushwhacking and instead of the motivation of trying to protect legitimately the rights of a Member of the minority party who had been denied, though being certified, his seat.

To make that charge I raise the point of order does impugn the motivation of those of us who seek to seat Mr. McIntyre. I ask that the gentleman's words be stricken.

The SPEAKER pro tempore. The gentleman's point of order in this particular instance comes too late. Intervening debate has proceeded.

Mr. CAMPBELL. The gentleman who previously spoke, Mr. Speaker, I was on my feet asking to be recognized on a point of order, who had made those accusations.

□ 1320

The SPEAKER pro tempore. The Chair will state the Chair expects all Members to maintain the dignity of the Chamber, and that includes the proper use of language in reference to their colleagues of either political party.

The Chair will state that the point of order made by the gentleman at this time is not timely made. But the Chair will instruct all Members with the expectation that parliamentary language will be observed.

Mr. FORD of Michigan. Will the Chair accept a parliamentary inquiry?

Would it be in order for me to respond by apologizing to those who were offended by my use of the term "petty political motives"?

The SPEAKER pro tempore. If the gentleman has yielded.

Mr. FORD of Michigan. And say that they were indeed not petty.

The SPEAKER pro tempore. The gentleman has not yielded time.

Mr. CAMPBELL. And the gentleman would not dignify the remark by yielding.

Mr. ALEXANDER. Mr. Speaker, in making reference to the statement of the gentleman from Michigan [Mr. FORD], I have here a letter from the National Republican Congressional Committee, from Congressman GUY VANDER JAGT, to the people of the Eighth Congressional District of Indiana, and I will at the proper time submit this letter as a part of the record in order to document the statements of the gentleman from Michigan. I suggest that in light of this document, arguments about partisanship from the minority must be taken with a grain of salt.

One paragraph of this letter, refers to "Three Democrats fighting to steal Rick McIntyre's seat."

HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 1985.

INDIANAPOLIS, IN, 462,

DEAR MR. ————: I urgently want to ask you to help stop a crime which is being committed against you and all the residents of Indiana.

Unless I can count on you to make a very important telephone call and write a special letter today, you and your state's support of President Reagan's programs will not be fully represented in the U.S. House of Representatives.

Here's what's happening. Right now, the liberal Democratic leadership of the House is conspiring to prevent Rick McIntyre, a duly elected and certified Indiana Republican Member of Congress from taking his rightful seat in the House.

What's even more shocking is that three Democratic Congressmen from Indiana are leading this unconsitutional drive to usurp laws of the sovereign State of Indiana and choose your Congressman because they didn't like the outcome of the election.

It all started on election night when the returns from two precincts in the Eighth District were counted twice and the Democrats claimed that their man, Frank McCloskey, had won.

It took a Court Order before the Democrat County election clerk corrected the mistake and only then was Rick McIntyre officially certified the winner by your Secretary of State.

Despite the fact that all the recounts reinforce Rick's claim to victory, the Democrat Congress from your state and the House leadership persist in their efforts to steal this seat.

There are two extremely important actions you can take to help reclaim Indiana's Eighth Congressional District seat.

First, I'm enclosing for you a special index card with the addresses and telephone numbers of the three Indiana Congressmen who are leading the fight against Rick. I urge you to call and write them and demand that they respect the Constitutional rights of the people of Indiana and give Rick McIntyre the seat he was elected to in Congress.

The second way you can help is by sending $25 or $35 to make it possible for the Committee to continue the battle to ensure you and your state are fully represented in the House.

As you will see from the enclosed copy of a letter that Rick McIntyre recently sent me, the Democrats probably would have already stolen the seat had it not been for your past generosity.

With your past contributions we were not only able to help Rick McIntyre through the legal challenges and recounts but we helped him set up a Constituent Service Office.

But now it's imperative that I can count on you to make an immediate contribution for the largest amount possible. We urgently need your contribution because it may become necessary to fight this dangerous legal precedent in the Supreme Court.

While the Democrats play politics with the people of Indiana, Rick McIntyre, with our financial help, has set up an Office to make sure that anyone with a problem with the federal government isn't forgotten no matter whether it's an elderly person who hasn't received their social security check or anyone else.

I've gone over the figures with our lawyers and our Committee staff and if we're going to continue helping Rick McIntyre and win this historic battle we simply must raise $25,400 in the next 28 days.

As you decide how much to send I hope you will take a moment to consider all that's at stake if we fail to raise these funds and the Democrats succeed in robbing you of one of your GOP Congressmen.

The legislative battles for the President's spending cuts and his program to protect your tax cut are due to start shortly. President Reagan will need Rick McIntyre's support in Congress.

And what's more, if you and I allow the Democrats to get away with denying Rick McIntyre his rightful seat in Congress, who will be next and how many more Republicans will they bar from the House?

This blatant attempt by the Democrats to thwart the voters of Indiana and throw the election to their man is a direct assault on our cherished principle of one-man-one-vote and it grossly violates our traditional American values of decency and fair play.

You can play a critical role in preventing this Indiana seat from being stolen if, along with sending your contribution, you'll call and write the three Democrats on your index card.

Sincerely,
Congressman GUY VANDER JAGT,
Chairman.

TO PROTECT INDIANA'S REPRESENTATION IN CONGRESS

DEAR CONGRESSMAN VANDER JAGT: I want to help stop the Democrats from robbing us of one of our Indiana Republican Congressmen.

President Reagan will need Rick McIntyre's support in Congress. And what's more it would set a very dangerous precedent if we allow them to discard the election laws of Indiana and choose who will represent us in Congress.

I've called and written the three Democratic Congressmen who are helping lead the fight against Rick McIntyre.

And I'm making a special contribution so that you can continue helping Rick and take this fight all the way to the Supreme Court if necessary. I'm making my contributions in the amount of: —— $25; —— $35; —— $ (other).

My telephone number is: ————.

P.S. I've made my check payable to: 1985 GOP Victory Fund.

RICHARD MCINTYRE

Congressman GUY VANDER JAGT,
Chairman, National Republican Congressional Committee, 320 First Street, Southeast, Washington, DC.

DEAR CONGRESSMAN VANDER JAGT: On behalf of the people of Indiana I want to thank you for everything you and the Congressional Committee are doing to save our Eighth District congressional seat from being stolen by the Democrats.

Had it not been for your expert help and financial assistance immediately after the election they might have already succeeded in their efforts to ignore the will of the voters and give the seat to my Democratic opponent.

I am deeply committed to stopping these liberal Democrats in the House from setting a very dangerous precedent of discarding the laws of the sovereign State of Indiana and putting their liberal friends in Congress.

I want you to know that with your help I shall carry this fight all the way to the Supreme Court if it is necessary.

Sincerely,
RICHARD MCINTYRE.

THREE DEMOCRATS FIGHTING TO STEAL RICK MCINTYRE'S SEAT

1. Lee H. Hamilton: 2187 Rayburn H.O.B., Washington, DC. 20515 (202) 225-5315. District Office: 1201 East 10th Street, Room 107, Jeffersonville, Indiana 47130 (812) 288-3999.

2. Philip R. Sharp: 2452 Rayburn H.O.B., Washington, DC. 20515 (202) 225-3021. District Office: 814 West White River Blvd., Muncie, Indiana 47303 (317) 747-5566, (800) 382-8655.

3. Andrew Jacobs Jr: 1533 Longworth H.O.B., Washington, DC. 20515 (202) 225-4011. District Office: 46 East Ohio Street, 441 A Federal Building, Indianapolis, Indiana 46204 (317) 269-7331.

I now yield 5 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, the gentleman from South Carolina may get another opportunity to take down remarks because it seems to me that we all as Members of the House of Representatives should be concerned with the reputation of the House, regardless of whether we talk about Democrats or Republicans.

Clearly, when the leadership on both sides of the aisle see fit to discuss for the record as to whether or not votes are going to be taken on a particular day, and then to find on that day an item of such wide importance not only to Indiana but certainly to the country is presented to the calen-

dar, I do not really think that you have to be a parliamentarian to understand that the motivation in putting this on the calendar is based on who you expected to be here and who you did not expect to be here.

And it seems to me that this is the wrong thing to do, because this issue goes far beyond just who was seated and who was not seated. It is an issue that is being debated in the courts, and it is an issue which involves whether a substantial number of black votes have been struck from the record in this particular congressional district which amounts to 20 percent of the entire black vote of the congressional district.

And really what disturbed me—and it would have equally, whether we were talking about Democrats or Republicans—is the cavalier way in which this issue was raised by the minority party, in this case being Republicans, and the way that it was just dismissed by saying that something happened in the white district.

It seems to me that when you are talking about a thousand votes that were knocked out in the predominantly three black districts of Indiana, and then to have something circulated under the letterhead of the minority leader indicating that it should also be noted that about 2,000 ballots in predominantly white middle class precincts were also thrown out, my point is that on February 1, under the title of the minority leader's important notice for a Member, it was pointed out that there was concern about 20 percent of the black vote in this district just being struct from the record, 1,000 black votes were knocked from the record, and in addition to this, they all came from the three black minority districts and that the minority leader, Mr. MICHEL, made mention of this in his paper, but pointed out, as in some kind of explanation, that it should be noted that 2,000 ballots in predominantly white middle class precincts were also thrown out.

I would like to believe that if we have this type of irregularity, that on its face just looks basically wrong, and that we both Republicans and Democrats have marched together to make certain that these types of injustices do not happen in any congressional district, that we should wait until such time as we know that Members on both sides of the aisle will be here to discuss these vital issues.

Now, it is my understanding that this matter was thrown to a House Administration Committee in order to investigate and to look into these facts, and it seems to me that we should wait until these things are done. But at the very minimum, if you believe you have not really gotten a fair play by the House of Representatives, that these issues should be resolved with the colleagues which I assume you respect their opinions, should rely on that CONGRESSIONAL RECORD to determine what is the order of business, not just for Republicans but for both sides of the aisle.

And it seems to me that somebody somewhere recognizing that the leadership of this House said that no votes would be taken and they got together and said, "Isn't this the time to bring this issue to the floor"—and you can take my words down if you want, but I know darn well that each one of you who is participating know that it is wrong to do something on such a vital and important issue to the country and to the House of Representatives.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Mississippi.

Mr. LOTT. I assume that the gentleman will acknowledge that time after time here in the House Chamber in the years that I have been here the minority, the Republicans, are not given notice when things are going to be brought up. As a matter of fact, if I had not specifically asked the question about the famine legislation being tied to the agricultural credit coming up this Tuesday, we would not know that. And I am still not sure it is going to come up.

Mr. RANGEL. If the gentleman is saying that you asked the question for the sole purpose of determining whether any votes will be taken on Monday, and once the leadership told you that no votes would be taken and then you said, "Bring up the issue," then I suspect that you got even.

Mr. LOTT. If the gentleman would yield, there is leadership on both sides of the aisle.

Mr. RANGEL. If you think it is right, then you got even.

Mr. LOTT. We have a right to make a statement also.

Mr. RANGEL. If my party had done it, I would not feel proud of it.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. RANGEL] has expired.

The Chair will state that the gentleman from Arkansas [Mr. ALEXANDER] had 9 minutes remaining and the gentleman from Illinois [Mr. MICHEL] has 5 minutes remaining.

Mr. ALEXANDER. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. I thank my colleague for yielding.

Mr. Speaker, let me tell my friends on the other side of the aisle that there are many in this House sensitive both to the question of the half a million people without representation and the question as to what is fair in an election when thousands of ballots have been thrown aside.

Let me tell my friends on the other side of the aisle that if you think everybody in the Democratic Party walks lock step and makes this a political venture, it is no more true on our side than it is on yours. And the evidence goes both ways, that we play politics too fast and too often with these important issues.

Let me say to my friends that there are many on my side of the aisle who are sensitive to the idea that if the leadership of the Democratic Party makes you and us a commitment that at a time certain—at the end of the month—that in a way certain—in a fair member—and that to a result certain—that is, regardless of who wins, be he Democrat or Republican—we will seat that gentleman. When the leadership makes that commitment, it is the commitment that you can measure, and you do not have to wait a lifetime. At the end of this month we either put up or shut up. And the issue is——

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. ROEMER. I will not yield unless I have time. I do not at the moment, JOHN. Let me finish.

□ 1330

Let me say that there are many of us, many of us on my side of the aisle, who want to do the right thing and it seems to me that the right thing here is to move to a time certain, to move in a manner fair, and to designate the winner, be he Democrat or Republican, I personally do not care.

Let me further say that today, as in the past, many Members from the hip pointed and said, "Oh, it is not our fault; it is your fault. Oh, it is not our fault, somebody else is playing politics with this." Well, let me tell you what the politics is in America: More than 100 Members of this Congress, Mr. Minority Leader, my friend, more than 100 Members of this Congress are doing legitimate business elsewhere in America today. Talking and listening and walking and debating the issues, and they are not going to be here. That is a mistake. It is a mistake that I think cuts at the very issue you so proudly point out; that is, how can we let the Eighth District of Indiana go further without representation.

Today, we will have more than 100 Members, 100 districts with no representation at all on this important issue.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman.

Mr. KASICH. I am glad the gentleman yielded.

Mr. Speaker, in discussing the issue, will the gentleman just answer one question. We are not all experts on this issue; all you have to do is go through it once to understand basic fairness.

The question is: How can a gentleman be declared a winner and be given a certificate of election under the election laws of the State of Indiana; comes here on two separate occasions; comes here on the day we are sworn in with that certificate, and is denied the right to be sworn in?

Mr. ROEMER. Let me reclaim my time to answer the gentleman. He said one question.

His question was: How can we not seat a certified winner? For two reasons: First, he was certified once when the recount was not even complete; that makes one suspicious, it is not final evidence, but it does make one suspicious; second, he is claimed to have been seated when more than 1,000, more than 2,000, in fact more than 3,000 ballots have been thrown out in an election decided by less than 500 votes.

What we want to do is the right thing; it seems we are within reason now.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would not presume to tell the leadership on the other side what the rules of this House are, but the gentleman made mention of the 100 Members who are not here. There is provision under the rules whereby the vote could very well be deferred from today to an appropriate time. That prerogative is theirs.

I do not feel badly in bringing up what I did today knowing what I would do in a similar situation if I were in the majority.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding to me.

Mr. Speaker, previously I was one of those accused of participating in the debate with too much passion, and as I said at the time, it is hard to maintain one's composure when one is being mugged, but I will do my best today.

This is the first time in history we have ever denied a certified Member on whose certificate there was no question, not to be seated pending the normal and natural filing of contest in the House of Representatives. We have been told today that there is something wrong with the way the National Republican Congressional Committee is doing business; that we are not giving proper weight to the Constitution. That people do not like the procedure of calling a vote today. No one has mentioned the essential fairness or to preserve the integrity of the election system, but there are 500,000 people out there without representation who are asking us to do what this House has invariably done: That is, to seat the certified winner and then to worry about the contest, if any.

I would remind the Members that there was no contest filed. Ex-Congressman McCloskey relied on his friends in the House to make a contest by passing the right motion on January 3. He did not file a contest. The District Court of the Southern District of Indiana had already told him that was his recourse. He did not take it.

With respect to who is disenfranchised by the invalidation of votes, every voter whose ballot was cast out. But in the case of the election laws of the State of Indiana, they have certain requirements which are meant to be met. Ninety-six percent of all the ballots thrown out in the recount in Indiana's Eighth District were thrown out by a recount commission composed of a majority of Democrats.

There is a court case filed on the basis of discrimination; on the basis of the Voting Rights Act, that is proper, and that should go forward. It has nothing to do with the seating of McIntyre. The Republicans are doing their best to see that a terrible injustice is righted. If the majority does not like our procedures, they should understand: You can always vote us down, and invariably you do. We have no way to right an injustice. We have no way to say follow the House precedents and seat this Congressman-elect until the House determines the contest. We agree the House is the judge of its membership. The House is involved in that now, and it will be the ultimate judge. We agree that LEON PANETTA is a splendid Representative who will carry out his duties under the Constitution in a fair and a very good way.

We have no comment with that; we are saying why did you deny this person his seat when he was duly elected and no one has given a response to that query.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Mr. KASICH. Very quickly. Just for a statement of the facts, I wonder if the gentleman would confirm this: Election night, Mr. McIntyre came out the victor. He has been certified as the winner of that election. In the recount, Mr. McIntyre comes out the winner. Admit Mr. McIntyre has not been seated.

Is that the simple facts for the American people to judge; both winning an election on election night, and a recount, and with the certification under the laws of Indiana, and still does not hold the seat?

Mr. FRENZEL. That is correct. Not only that, he has not filed a contest under the Federal Contested Elections Act, nor did he file a claim with the Elections Task Force of any fraud or irregularity. That task force, Mr. PANETTA's task force, asked for such claims to be in their hands by last Thursday; there was none. There seems to be a dispute only among the Democrats in this House as to why we cannot seat Congressman-elect McIntyre.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Mr. ARMEY. If the gentleman from Louisiana will remember, on the first day we were in this House we took two votes. In one case, we had a Democrat from Idaho with a certificate of election, and we voted to seat him. It was an almost unanimous vote, because he had the certificate.

In the other case, we had a Republican from Indiana with a certificate of election and he was not seated on a strictly partisan vote. I do not think that leaves doubt about where the partisan politics is. I know I can say I voted the principle; the man with the certificate should be seated in both cases. I assume that everybody who voted that way in both cases stood on that same principle.

Mr. FRENZEL. I thank the gentleman and I totally agree with him. In the Stallings case, there was a contested election filed; in the McCloskey case, there was no contest filed because he did not have a case.

We ought to seat McIntyre today.

Mr. ALEXANDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the other evening when we debated this issue for the fourth time, the gentleman from Indiana [Mr. JACOBS], made the following point: when lawyers have the facts on their side, they pound the facts. When they have the law they pound the law. But when they have neither the facts nor the law on their side, they pound the table. And that is exactly what the other side of this aisle is doing here today.

Now, the question was raised a minute ago: Why has Mr. McIntyre not been seated. He has not been seated as observed by the newspapers in Indiana, for the reason that 15 counties in the State of Indiana certified on election night that the gentleman from Indiana, Mr. McCloskey, won the election by 72 votes, and that the Republican Secretary of State, failing to follow the law, certified the Republican candidate after that initial count was changed. This is to say nothing of the 5,000 votes that were suspiciously disqualified.

□ 1340

The House took the matter into consideration, following the precedents of the House. For those of you who are unfamiliar with those precedents, I earlier recited 10 specific cases.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I do not yield.

Ten specific cases where there has been a certification by the Secretary of State that did not follow the law of the various cases involved, and where the House of Representatives, being the judge of its own election contests, as decided just last Friday by the proper court of jurisdiction, sent the matter to the House Administration Committee for consideration.

Mr. FRENZEL. Will the gentleman yield on the matter of who won the election?

Mr. ALEXANDER. I do not yield.

Mr. FRENZEL. Does the gentleman want to persist in ignorance or would he like to let the House know who won?

Mr. ALEXANDER. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. The gentleman will suspend until the Chair can obtain better order. Members on both sides of the aisle are requested to observe parliamentary dignity during the debate, and one Member who is recognized can speak at a time, that Member only.

The Chair recognizes the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I say to the American people who are interested in fairness that the matter is being considered by the proper forum, the House Administration Committee. The committee is deliberating on this specific issue. As recently as last Friday, members of that panel, specifically the gentleman from California [Mr. PANETTA], advised me that the matter should be resolved within the month of March, and that the House Administration Committee will report back to this body its findings.

Then, as the sole judge of this election dispute, every Member of this body will have the opportunity to review the facts as found by the House Administration Committee which, of course, contains Republicans as well as Democrats. The facts will be before this body. We will have the opportunity to judge for ourselves the rightful winner of the Indiana election contest based upon the facts that are discovered by the proper forum, the House Administration Committee.

Now with regard to the question of the election procedures used in Indiana, let me turn to Indiana for an explanation.

The Indianapolis News said on February 11, 1985:

Initially McCloskey was adjudged the winner by 72 votes on the basis of a vote canvass. Then on the basis of a partial recount Simcox (the Secretary of State) declared McIntyre the winner by 34 votes. Now Simcox says McIntyre won by 418 votes. Which is it? During the recount, thousands of ballots were tossed out on the basis of technicalities, even though neither side has charged that there was vote fraud.

Furthermore, differing standards were used for determining which ballots to accept or reject throughout the district.

Mr. Speaker, the matter of McCloskey and McIntyre is properly before the House of Representatives, I ask that the matter be referred to the House Administration Committee for further consideration.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to refer.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to refer offered by the gentleman from Arkansas [Mr. ALEXANDER].

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 168, nays 167, not voting 97, as follows:

[Roll No. 24]

YEAS—168

Addabbo	Flippo	Obey
Akaka	Foley	Pease
Alexander	Ford (MI)	Penny
Andrews	Ford (TN)	Pepper
Anthony	Frank	Perkins
Applegate	Fuqua	Pickle
Aspin	Gephardt	Price
Atkins	Gibbons	Rahall
AuCoin	Glickman	Rangel
Barnes	Gonzalez	Ray
Bedell	Gordon	Reid
Beilenson	Gray (IL)	Richardson
Bennett	Guarini	Roemer
Berman	Hall (OH)	Rose
Bevill	Hamilton	Rowland (GA)
Boggs	Hefner	Roybal
Boner (TN)	Heftel	Sabo
Bonior (MI)	Hertel	Scheuer
Bonker	Hoyer	Schroeder
Borski	Hughes	Seiberling
Bosco	Jones (NC)	Sharp
Boucher	Jones (TN)	Sikorski
Boxer	Kanjorski	Sisisky
Breaux	Kaptur	Skelton
Brooks	Kastenmeier	Slattery
Brown (CA)	Kennelly	Smith (FL)
Bruce	Kildee	Smith (IA)
Bryant	Kostmayer	Solarz
Burton (CA)	Lantos	Spratt
Bustamante	Leath (TX)	Staggers
Byron	Lehman (FL)	Stallings
Carr	Leland	Stokes
Chappell	Levin (MI)	Stratton
Clay	Levine (CA)	Swift
Coelho	Lloyd	Synar
Coleman (TX)	Lowry (WA)	Tauzin
Cooper	Lundine	Thomas (GA)
Coyne	MacKay	Traficant
Daniel	Manton	Udall
Darden	Matsui	Valentine
Dellums	McCurdy	Vento
Dicks	McHugh	Visclosky
Dingell	Mica	Volkmer
Dixon	Mineta	Walgren
Downey	Mitchell	Watkins
Durbin	Mollohan	Weaver
Dwyer	Montgomery	Weiss
Dymally	Moody	Wheat
Dyson	Morrison (CT)	Whitten
Early	Murphy	Williams
Eckart (OH)	Natcher	Wilson
English	Neal	Wirth
Evans (IL)	Nelson	Wise
Fascell	Nichols	Wright
Fazio	Oakar	Wyden
Feighan	Oberstar	Yates

NAYS—167

Archer	Bliley	Campbell
Armey	Boehlert	Carney
Badham	Boulter	Chappie
Bartlett	Broomfield	Cheney
Barton	Brown (CO)	Clinger
Bateman	Broyhill	Coats
Bentley	Burton (IN)	Cobey
Billirakis	Callahan	Coble
Coleman (MO)	Kolbe	Ridge
Combest	Kramer	Rinaldo
Conte	Lagomarsino	Ritter
Coughlin	Latta	Rogers
Courter	Leach (IA)	Roth
Craig	Lent	Roukema
Crane	Lewis (CA)	Rowland (CT)
Dannemeyer	Lewis (FL)	Rudd
Daub	Lightfoot	Saxton
Davis	Livingston	Schaefer
DeLay	Loeffler	Schneider
DeWine	Lott	Schuette
Dickinson	Lowery (CA)	Schulze
DioGuardi	Lujan	Sensenbrenner
Dornan (CA)	Lungren	Shaw
Dreier	Mack	Shumway
Edwards (OK)	Madigan	Siljander
Emerson	Marlenee	Skeen
Evans (IA)	Martin (IL)	Slaughter
Fawell	Martin (NY)	Smith (NE)
Fiedler	Mazzoli	Smith (NH)
Fields	McCain	Smith (NJ)
Fish	McCandless	Smith, Robert
Frenzel	McCollum	Snowe
Gallo	McDade	Snyder
Gekas	McEwen	Solomon
Gilman	McGrath	Spence
Gingrich	McKernan	Stangeland
Goodling	McKinney	Stenholm
Gradison	McMillan	Strang
Green	Meyers	Stump
Gregg	Michel	Sundquist
Grotberg	Miller (OH)	Sweeney
Gunderson	Miller (WA)	Swindall
Hall, Ralph	Molinari	Tauke
Hall, Sam	Monson	Taylor
Hammerschmidt	Moorhead	Thomas (CA)
Hansen	Morrison (WA)	Vander Jagt
Hendon	Myers	Vucanovich
Henry	Nielson	Walker
Hiler	O'Brien	Whitehurst
Holt	Oxley	Whittaker
Horton	Packard	Wolf
Hunter	Parris	Wortley
Hyde	Pashayan	Wylie
Ireland	Petri	Young (FL)
Johnson	Porter	Zschau
Kasich	Regula	

NOT VOTING—97

Ackerman	Hartnett	Ortiz
Anderson	Hatcher	Owens
Annunzio	Hawkins	Panetta
Barnard	Hayes	Pursell
Bates	Hillis	Quillen
Bereuter	Hopkins	Roberts
Biaggi	Howard	Robinson
Boland	Hubbard	Rodino
Carper	Huckaby	Roe
Chandler	Hutto	Rostenkowski
Collins	Jacobs	Russo
Conyers	Jeffords	Savage
Crockett	Jenkins	Schumer
Daschle	Jones (OK)	Shelby
de la Garza	Kemp	Shuster
Derrick	Kindness	Smith, Denny
Donnelly	Kleczka	St Germain
Dorgan (ND)	Kolter	Stark
Dowdy	LaFalce	Studds
Duncan	Lehman (CA)	Tallon
Eckert (NY)	Lipinski	Torres
Edgar	Luken	Torricelli
Edwards (CA)	Markey	Towns
Erdreich	Martinez	Traxler
Florio	Mavroules	Waxman
Foglietta	Mikulski	Weber
Fowler	Miller (CA)	Whitley
Franklin	Moakley	Wolpe
Frost	Moore	Yatron
Garcia	Mrazek	Young (AK)
Gaydos	Murtha	Young (MO)
Gejdenson	Nowak	
Gray (PA)	Olin	

□ 1400

Mr. DICKINSON changed his vote from "yea" to "nay."

So the motion to refer was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 4, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 3:30 p.m. on Friday, March 1, 1985 and said to contain a message from the President whereby he transmits the Nineteenth Annual Report of the Department of Housing and Urban Development, which covers calendar year 1983; and

(2) At 3:30 p.m. on Friday, March 1, 1985 and said to contain a message from the President whereby he transmits the seventh special message for fiscal year 1985 under the Impoundment Control Act of 1974.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

NINETEENTH ANNUAL REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of Tuesday, March 5, 1985.)

SUNDRY NEW AND REVISED DEFERRALS OF BUDGET AUTHORITY FOR 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-34)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report six new deferrals of budget authority for 1985 totaling $58,900,000 and four revised deferrals now totaling $110,566,481. The deferrals affect the Departments of Agriculture, Health and Human Services, Justice, and Labor.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *March 1, 1985.*

REPORT ON PEACEKEEPER MISSILE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-33)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

The attached report on the Peacekeeper missile contains my assessment of the requirement for Peacekeeper and my anticipated impact of the continued procurement of Peacekeeper missiles, pursuant to the provisions of Public Law 98-525, Section 110 of October 19, 1984.

My report concludes that the continued procurement and deployment of the Peacekeeper are essential to national security. The recommendations of the Scowcroft Commission are still valid. One hundred Peacekeeper missiles should be deployed in existing Minuteman silos as soon as possible.

My report also concludes that Peacekeeper is an essential element of our arms control strategy. Without the Peacekeeper our chances of reaching an equitable agreement with the Soviet Union to reduce significantly the size of our nuclear arsenals are substantially lowered. Indeed, should Congress delay or eliminate the Peacekeeper program, it would send an unmistakable signal to the Soviet Union that we do not possess the resolve required, nor the continuity of purpose, to maintain a viable strategic triad and the policy of deterrence the triad represents.

The time has come to place this issue behind us. While we have debated the merits of the Peacekeeper program, the Soviets have deployed over 600 Peacekeeper type missiles. If we are to move towards an equitable treaty in Geneva, procurement of 100 Peacekeeper missiles must continue.

I urge each member of Congress to approve the Peacekeeper and join me in a bipartisan and united effort in Geneva. With your support, and the support of the American people, our efforts at the negotiation table could lead to the more stable world we all seek, and lead to that day when mankind is free of the terrible threat of nuclear weapons.

RONALD REAGAN.

THE WHITE HOUSE, *March 4, 1985.*

RESIGNATION AND APPOINTMENT AS MEMBER OF JOINT ECONOMIC COMMITTEE

The SPEAKER laid before the House the following resignation as a member of the Joint Economic Committee:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation from the Joint Economic Committee for the 99th Congress effective this date.

With kind regards, I am,
Sincerely,

MARJORIE S. HOLT,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of 15 U.S.C. 1024(a) the Chair appoints as a member of the Joint Economic Committee the gentlewoman from California, Ms. FIEDLER, to fill the existing vacancy thereon.

ADMINISTRATION NEVER DEALS WITH TRADE DEFICIT

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr Speaker, last Friday, the Secretary of Commerce once again announced the previous month's trade deficit.

For January, the merchandise trade deficit was $10.3 billion, which is almost 30 percent over December's $8 billion total.

The dollar, which has a lot to do with our skyrocketing trade imbalance with other countries, rose 10 percent last year and another 9 percent since December, according to the Commerce Department.

Economists and our trading partners are worried about the misalignment of currencies that inhibit our exports and threaten domestic industries with cheap imports.

Each month, the administration posts the trade deficit, but never is there any concern expressed about the problem or how the Government intends to deal with it. Indeed, President Reagan recently endorsed the strong dollar and claimed that it was good for our economy.

Besides the trade deficit, we also read about the United States being totally excluded from business opportunities in the Soviet Union and the President's desire to forgo involuntary restraints on Japanese auto imports without getting anything in return.

Time is running out for the administration to come up with policies to deal with the "other" deficit and the resulting trade problems which threaten our economy.

INTRODUCTION OF LEGISLATION TO REAUTHORIZE GENERAL REVENUE SHARING PROGRAM FOR 5 YEARS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, in furtherance of a strong bipartisan effort in both Houses of the Congress, I am introducing legislation today to reauthorize the general revenue sharing program for 5 years. I want to urge my colleagues to join me in this effort to support local services.

In 1983, when the program was reauthorized for 3 years through September 30, 1986, President Reagan declared, "The Federal Government never spent money more wisely than by devoting it to general revenue sharing."

Yet, only a year later, this program, which benefits over 39,000 local governments and the people they serve, is targeted for elimination by the Reagan administration.

□ 1410

Mr. Speaker, I urge all of our colleagues: Listen to your local officials, gain a better understanding of just how important a program general revenue sharing is, and become a cosponsor of H.R. 1400 as a way of expressing support for continued funding for this crucial program.

THE INTERNATIONAL TRADE DEFICIT

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I rise along with my colleague, the gentleman from the State of Washington [Mr. BONKER], to call the attention of my colleagues to the problems with our international trade deficit. New figures were out last week; they showed that the deficit this year will be even bigger than the one last year.

The deficit last year was $123 billion; the trade deficit with Japan alone was $37 billion, $20 billion of that deficit with Japan came solely from automobile exports to this country.

We must do something to redress that balance, or else our whole economic future will be in decline. I heard of two major corporations over the weekend who told me they have no choice but to start producing their products overseas unless we do something about the strength of the dollar.

THE REVEREND CHARLES G. RICE, JR.

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

● Mr. SOLOMON. Mr. Speaker, it is my great pleasure and distinct privilege to welcome today the Reverend Charles G. Rice, Jr., who gave the invocation opening today's session of the U.S. House of Representatives.

Reverend Rice is rector of the Calvary Episcopal Church in Cairo, NY, and also serves as spiritual leader for two other Episcopal parishes in rural Greene County as well.

Reverend Rice is visiting Washington today to attend a conference as the national chaplain of the American Legion.

Reverend Rice was named national chaplain at the 1984 National Convention of the American Legion held in Salt Lake City, UT, and, in this capacity, he provides guidance and leadership to the religious emphasis program of the Legion's National Americanism Commission.

Reverend Rice is a veteran of World War II, a former post and department chaplain, and a member of the American Legion Post 291 of Greenville, NY.

As national chaplain, Reverend Rice has the responsibility to promote the sense of thanksgiving and the spirit of patriotism that is essential to the preservation of America's moral leadership in the world today.

We wish him Godspeed in this important task.●

EXEMPTING "NO ADDITIONAL COST" TRANSPORTATION FROM EMPLOYEE TAXATION

The SPEAKER. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, I am introducing legislation today to exempt from taxation fringe benefits which employees receive from their employers in the form of "no additional cost" transportation. This change is needed to correct an inconsistency which exists in this area as a result of the 1984 tax legislation. Under that bill, "no additional cost" fringe benefits can only be provided on a tax-exempt basis if the service is available for sale to customers. That provision was written into the bill to assure that the tax-exempt status of "empty seat" transportation provided to airline employees was protected. I agree with what we did there, but I think the same tax-exempt status should extend to "empty seat" transportation fringe benefits of other companies. Since many businesses in this country have their own internal transportation operations, the mere fact that those services are not made available on a for-hire basis to customers should not preclude them from allowing, as a tax-exempt fringe benefit, their employees to travel on their aircraft or other modes of transportation on a space-available basis. Certainly, this would be a perfect example of what common sense would tell you is a "no additional cost" fringe benefit. Under the present law, common sense doesn't matter on this point; technically, the IRS has determined that these transportation fringe benefits can't qualify for tax-exempt status because they do not meet the "for sale" requirement of the 1984 tax bill.

The bill I am introducing today would simply exclude transportation made available to employees on a space-available basis from the requirement that the service be offered for sale in the course of business. At this point, the IRS has promulgated regulations under the 1984 law with regard to taxation of employee travel on corporate aircraft. Just the proposal of those regulations is having a very negative impact on corporate aircraft sales. I have heard numerous accounts of orders which have actually been canceled because the taxation of space-available flights for employees coupled with the imputing of income for personal use of these aircraft is in the works. This is particularly troubling since general aviation sales in this country were at their lowest level since 1951 this past January. It is an industry in distress right now, and we do not need to artificially add to its problems.

I would also note that, while regulations thus far have only been drafted for use of aircraft for these "space available" flights, under the existing law the authority clearly exists for imputing income for employee travel by other modes of transportation. That means that catching a ride in a car, truck or van on a business trip could be next in line for taxation. Also, I think those in the military who have been accustomed to "space available" travel on military aircraft should be aware that, logically, the present law will ultimately subject that fringe benefit to taxation.

Again, I reemphasize that the transportation which employees could benefit from under my bill is as part of travel which is already taking place for business purposes. For all practical purposes, there is no additional cost involved in extending the fringe benefit. Since that is supposedly what we intended from the language of the bill adopted last year, this clarification should be able to win an early consensus of congressional support. I encourage all of my colleagues to join me in this effort as have our colleagues BOB CARR of Michigan, DENNY SMITH of Oregon, and FRANK HORTON of New York in signing on as cosponsors today.●

OIL IMPORT TAX

The SPEAKER. Under a previous order of the House, the gentleman from Oregon [Mr. WEAVER] is recognized for 5 minutes.

● Mr. WEAVER. Mr. Speaker, I am today introducing timely legislation to place a tax of $10 per barrel on oil and refined petroleum products entering the United States.

I say "timely" because, although such proposals have been made in the past, never before have conditions been so favorable. OPEC has lost its ability to set the world oil price and hold it. Prices continue to drop. Supplies are plentiful. We are getting our first chance since the 1974 oil embargo to gloat about what has become an oil glut.

Rather than simply enjoy this temporary supply/price situation, we have the chance now to make a long-term gain in our energy policies. By placing a heavy tax on imported oil, we stand to raise tremendous amounts of revenue, reduce our balance of payments, reduce our dependence on imported oil, and reinstill the essential energy conservation ethic.

The Congressional Budget Office estimates a $10-a-barrel import tax would raise up to $20 billion a year through the end of this decade. That is an impressive figure, just when we desperately need new sources of revenue. But the real attraction of this method of revenue raising is who would pay for it. Since the tax applies only to imported oil, foreign producers would have to cut their prices further to stay competitive with domestic oil producers. The marketplace would determine a new world price of oil, a price certainly higher than today, but not $10 a barrel higher. A large portion of the $100 billion we could raise this decade would, in effect, be paid by foreign producers. OPEC would be forced into helping us pay our debt, fitting justice since OPEC's rapid escalation of oil prices a decade ago sent the world economy into chaos in the first place.

Other factors make the timing so right for this tax now. The domestic production and refining business is depressed. The search for new oil has slowed. Oil rigs sit idle. Domestic refineries are closing as they lost market share to foreign refiners. An import tax would help crank back up our domestic oil industry, increasing our energy security and making us less vulnerable to future embargos.

One more terribly important goal can be achieved through an imported oil tax. Oil prices will rise, and that will not be popular. But a small upward price adjustment now will serve to remind all Americans that energy conservation must remain an essential goal. We have a glut now, but we are still depleting a finite resource. That was something most Americans had forgotten, until the OPEC oil embargo shocked us. It is a lesson we cannot afford to forget during this temporary glut.

An oil import tax will raise tremendous amounts of new revenue, partially paid by foreign exporters. It will encourage conservation and reinvigorate the vital American oil industry. The timing has never been better. I urge you to cosponsor the oil import tax I introduce today.●

TESTIMONY BEFORE THE DEPARTMENT OF ENERGY

The SPEAKER. Under a previous order of the House, the gentleman from Texas [Mr. BOULTER] is recognized for 10 minutes.

● Mr. BOULTER. Mr. Speaker, due to an important hearing conducted by the Department of Energy in my congressional district last week, I was unable to be present for votes on Monday, March 25, and Tuesday, March 26. I am submitting a copy of my testimony at the hearing, which dealt with the site of location for a nuclear waste disposal dump, for inclusion in the RECORD. I would urge my colleagues to consider that testimony carefully.

I would like to take this opportunity to register my opposition to H.R. 607, the Cost Saving Disclosure Awards Act. Had I been present, I wish the record to show that I would have voted "nay" along with my colleague from Texas [Mr. ARMEY]. This program represents a wasteful, inefficient system of rewarding Federal employees for doing the job they are hired to do. In my view, it should be eliminated.

I would ask that the record show that I would have also voted "nay" on H.R. 1096, the African Famine Relief and Recovery Act of 1985.

Mr. Turner and Mr. Bennett, let me make myself clear, I do not want you in Swisher County nor, for that matter, in Deaf Smith County. I oppose this site and the one in Deaf Smith County and any other contemplated location for the State of Texas.

Now, having said this, let me make myself clear to the citizens of Swisher County. I favor, and believe it is important for our country, to develop and encourage the use of nuclear energy. This energy source stands to benefit the entire nation's economy, including the 13th Congressional District.

If we impede the development of nuclear energy we will limit the future of this country. In the Texas region alone, there are 4,800 megawatts worth of nuclear power now under construction; that is more than any other type of electrical generating capacity presently being built in Texas.

Coal plants under construction amount to 4,530 megawatts worth of power, natural gas is a mere 101 megawatts, cogeneration will come to 885, and other "undesignated" sources amount to 2,289—these sources are the primary contributions to the over 20,000 additional megawatt capacity needed to come on line, again, in Texas alone between 1984 and 1993.

This nation has invested over $150 billion in nuclear power. We will invest over $50 billion more to complete the plants now under construction. Obviously, nuclear power is here to stay. If we fail to resolve the outstanding issues pertaining to nuclear development then we will bring to a halt the responsible usage of nuclear power. And in doing this, we would no doubt cause power shortages and higher rates.

As we all know, rates have increased tremendously already, and we can probably expect them to rise in the future. I think we realize that the days of cheap natural gas are a thing of the past, and we therefore will have to pay more for other means of electrical power in the future. But unless we successfully resolve the outstanding issues concerning nuclear power, we will needlessly increase our cost of electricity.

That is why I say, we have to come to grips with the nuclear waste issue. Failing to do so will only increase electricity costs and discourage the further development of nuclear power. But before we move on a waste disposal method, we have to ask ourselves why the nuclear waste issue has not been resolved to date. I think the reasons are quite familiar to all those in the nuclear power industry and to members of the Department of Energy as well.

The reason why we do not have a successful nuclear waste storage policy is not technological; I cannot prove that you can't store waste safely for 25,000 years. It is not economic; I cannot prove storing waste is not the most cost effective method. We have the problem of nuclear waste storage because the industry can not forge a national consensus to deal with the issue, and despite the passage of the Nuclear Waste Policy Act, I can assure you, DOE does not enjoy a consensus today. You don't have one in Texas, you don't have one in Nevada, and national environmental groups will probably spoil the temporary consensus you might presently enjoy in Washington State.

You must understand that if you recommend this site, or the one in Deaf Smith County, the Governor of Texas will veto that recommendation just as surely as we are standing here today. And you must also understand that if Congress overrides the Governor's veto there will be lawsuits, protests, and public turmoil which will create such an emotionally charged environment you will probably have to pay twice the wages to workers to come in this county to build the repository, sending your cost projections even higher, perhaps even beyond the threshold making your repository cost effective. The same may very well happen in Nevada, and, as I said earlier, outside groups may cause the turmoil in Washington State required to stop or run up the costs of the possible site there. My point is this. You have a political problem here. Now each of you may know geology or energy economics or nuclear power, but you don't know politics. I do. And I say your proposal will not stand up politically, in this county, in Deaf Smith County, or anywhere in the State. You are making a bad situation worse by refusing to heed the sentiment of local citizens.

Now I'm in Congress, you're in bureaucracy. In a way, on this issue, we are competitors. If you can maintain political support in Congress for not changing the 1982 Nuclear Waste Policy Act, from which you've received your authority, then I guess you will win, and we will have to live the

next four years with a 33% chance that you'll locate here in Texas.

However, if I win, you will not locate in Texas and, in fact, you won't locate anywhere in the U.S., although we will solve the problem. But before I get to what will be my legislative actions, I feel compelled to comment on what our respective roles are. As I said, I am an elected official, and you are bureaucrats. I want to point out the difference in our authorities because I believe it speaks to our times and the frustrations of the public.

In my discussions with DOE, the officials have been cooperative, helpful, and congenial. But there is an unspoken attitude even among the friendliest of DOE officials, and that is the idea that I am merely a freshman member of Congress, coming into office after the Nuclear Waste Act has already passed, and therefore I cannot be much of a threat to your program. Quite frankly, the DOE has assumed a domineering and almost smug position in this controversy.

May I remind you gentlemen that I was elected by the people of the 13th, and Swisher County. No one voted for you, your policy, or this site and until I am convinced that a majority of my bosses in the Panhandle want this site, I will oppose you and give my political all to stop this ill-conceived plan for nuclear waste storage.

I do not care if you provide me with a million computer readouts proving, under various assumptions, that this site will remain stable and will not leak radiation nor nuclear waste into the Ogallala Aquifer. I will fight against this as long as the people who elected me do not want it.

Now, here are the two legislative proposals I plan to introduce in Congress this year. I believe both, taken together, provide an equitable and fair consideration of permanent nuclear waste storage facilities, while also proposing an alternative to the entire concept of permanent storage repositories of nuclear waste, which, again, I consider to be a bankrupt idea to begin with since it lacks public support and a true national consensus on how to handle the nuclear waste problem.

The first involves something I do not understand about this nuclear waste dump site, something which even if I agreed with the method of nuclear waste disposal I would still question. That is, why is the federal government, with all of its land holdings, looking to privately held lands to purchase in order to store waste? Nationally, the federal government owns 300 million acres in this country. In Nevada, you own 82%. In Utah: 61%. In New Mexico: 33%. Why do you want to buy more land in order to do a job which, seems to me, you can quite easily do in some of the land you already control? Surely, you have salt formations on government held property. Surely, if you had to go with permanent storage facilities you could find suitable locations on federally held lands. D.O.E. should look at land which the federal government already possesses, and I am presently drafting legislation to take all privately held land out of consideration for the proposed nuclear waste storage facility. I think that out of 300 million acres which the government owns, you ought to be able to find a site that will work.

So, that is my first proposal. But I have to admit, even if you put the nuclear waste site on territory which the government now owns, I still think it's a bad idea. I believe that high level nuclear waste is such a dangerous substance, we can't afford any mistakes, on government property or not. I do not consider the plan of storing nuclear waste in any desert or underground shaft will be able to coalesce the kind of national consensus necessary for the nuclear energy industry to develop to its full and worthwhile potential.

I believe the answer to this entire issue is staring us in our face. I believe the solution to be technologically proven and beneficial to the American economy. I believe, for some reason, the obvious solution has been discarded by decisionmakers in Washington. This alternative, the best disposal method as I see it, the one which the people will no doubt support, is disposing the waste in space.

Now, I have studied what limited studies the D.O.E. performed on this alternative method, and I have concluded that for some reason the higher up's decided to discredit this alternative by merely claiming it will not work. However, I have also learned, no one denies the ability of our current space technology to be able to put a payload in permanent and stable orbit between Earth and Venus which will last, at least, for 63 million years. No one denies the ability of this nation to "throw", if you will, payloads of whatever substance into that orbit. Now, I admit, many ideas of disposing of nuclear waste in space, like the one of sending it to the sun, might be too costly, and we currently do not have the capability of launching and tracking such payloads to the sun.

The cost of sending launched payloads into a permanent orbit around Earth and Venus would be quite small and would get rid of the high level radiation nuclear waste here on Earth. Furthermore, such a program coincides perfectly with the development of the space shuttle program, which we all know is going quite well, and the manned permanent space station, which the President is fully committed to doing and foreign countries have agreed to participate in.

Now, I will not stand here and tell you I already know the specific plan for space disposal, nor will I claim any serious and credible scientist has fully planned out such a method of disposal. But I will say the only point of contention on whether or not this program will work is whether the nuclear waste can be packaged properly so as to prevent any leakage into the environment should a system failure occur in the launch phase. And I will tell you that question was looked at and studied extensively by scientists commissioned by D.O.E. to look at space disposal, and those scientists believe they came up with a workable solution to this problem.

In fact, it's because all of these problems were thought to be feasibly surmountable that the scientists, both inside and out of N.A.S.A., who looked at space disposal, believe that the ruling out of space disposal was a decision based more on political than scientific objective analysis.

I would like to read a conclusion presented by a group of scientists who studied this alternative in a paper to an international scientific conference. The subject of their paper was risk analysis of the disposing of nuclear waste in space. Their conclusions were:

(1) "Preliminary estimate of space disposal release risks are low, even with the estimated uncertainty bounds." (In outer space, the "uncertainty bounds" they refer to are the possibility of meteors hitting the payload which they cannot predict but which doesn't bother them due to distance of the payload from Earth.)"

(2) "If calculated mined geologic repository release risks remain low, as given in the Pacific Northwest Laboratories waste mines study, and the EPA requirements continue to be met, then no additional space disposal study effort is warranted."

(3) "(And there should be a 'however' here.) If risks perceived by the public are significant enough in the acceptance of mined geologic repositories, then consideration of space disposal as a mined geological repository complement is warranted."

In other words gentlemen, what these scientists correctly concluded is that the risks of nuclear waste disposal of whichever method is the prerogative of the people, not the D.O.E., not the utility industry, and not the executive branch alone.

So, that is the second proposal I plan to make, which I consider the most promising from the point of view of achieving a true national consensus on nuclear waste and, for that matter, nuclear energy.

What I propose is that during the course of the four years of site characterization, which will soon be under way, and too far along for me to stop, that the Nuclear Waste Fund be further divided up where one out of every four dollars going into the fund will be apportioned to N.A.S.A., who will study the feasibility in detail and design a system for space disposal of nuclear waste. N.A.S.A.'s plan, which must include both the packaging and delivery of the waste payloads into space, will then be presented to the president in 1991 just as the president will be given the final site recommendation by D.O.E., as currently outlined by the Nuclear Waste Policy Act. At that time, the president can choose between mined repositories or space disposal and have that viable option available to him, as I believe the people want him to have.

Now, one last point. As I said earlier, I cannot stop the site characterization process which will have begun this spring presumably in Deaf Smith County. But let me state here and now, that during the course of that site characterization if any damage is suspected of occurring to the Ogallala-Aquifer, I will get every Congressman from Texas and the other states served by the Ogallala to come down on D.O.E. like a ton of bricks.

Furthermore, let me state for the record, that I fully expect and will work to guarantee that all relevant state laws and rights are adhered to by the D.O.E. site characterization crews. In short, all water rights, all school district budgets, and all local mineral rights should be and shall be observed by D.O.E.

Thank you for your time gentlemen, and I look forward to working with you back in Washington on this project in a joint effort to arrive at the national consensus we both want and seek.●

HOUSE DEMOCRATS SHOULD NOT DERAIL UNITED STATES-SOVIET TALKS IN GENEVA BY VOTING DOWN MX

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, the press this morning reported that the

Members of the Democratic side of the aisle in the House of Representatives who assembled in Greenbriar over the weekend in an effort apparently to try to determine what went wrong last November and to try to improve the image of the Democratic Party actually engaged in a good deal of lobbying to try to beat the MX missile when the vote is scheduled to come up in the next few days, probably just a couple of days after the arms negotiations in Geneva are scheduled to proceed.

It seems to me that this is a rather strange approach for the Democratic Party to take. I think most people would agree that one of the reasons for the massive defeat of the Democratic Party was the perception that the Democrats were not really very strong on defense. And for the party in an effort to try to change its image should propose to undermine a vote that is likely to, in the event that it goes down, is likely to derail the arms negotiations that are going on in Geneva at the very time that they begin.

In fact, many Members of the Democratic side of the aisle have bemoaned the fact that we have not had negotiations with the Soviet Union; that President Reagan was the only President who never got any kind of an agreement with the Soviet Union, and certainly it would seem to me that those who take that position ought not to try to derail these negotiations, particularly after they had been derailed for a number of months for the walkout of the Soviet Union.

The Soviets have now come back to the table, but if the first action that the House of Representatives takes on arms control is to wipe out the MX missile when the Soviet Union has 800 of these same MX-type missiles, this is obviously not going to provide the atmosphere for a balanced and even exchange, a satisfactory kind of agreement with the Soviet Union when they know and the Soviets find out at the very start of the negotiations, that one of our most powerful weapons in our entire arsenal is washed out by the House of Representatives, and certainly if this is the case, as a result of the negotiations that apparently went on in the Greenbriar, I think this is going to be even less fortunate for the future of the Democratic Party.

It seems to me that the party of Roosevelt, of Truman, and of John Kennedy should not be placed in the position of not only wanting to derail a missile that has been supported by Democratic Secretaries of Defense in the past, was in fact developed under the administration of President Jimmy Carter.

So I would strongly urge my colleagues to reconsider this position. Certainly if we are anxious to achieve any realistic and meaningful arms negotiations, we are going to have to move in those negotiations from strength rather than from weakness.

I would be happy to yield to my colleague on the Armed Services Committee.

Mr. MONTGOMERY. I thank the gentleman for yielding to me.

I certainly want to join the gentleman in the well, and also from the same side of the aisle the gentleman is from, that I certainly support the MX missile, and I commend the gentleman from New York, I believe this is his second special order that he has taken on why we need the MX missile.

□ 1420

And I might say that a delegation from the Soviet Union is here today and they are wondering why we need the MX missile and they are over here arguing about it.

I do not think we have any choice. The gentleman is absolutely right. We have got to move ahead with the MX missile and if we find that we can verify that the Soviets want to cut back, they want to stop building all these SS missiles, this House and this Congress would move the next day and stop building the MX.

But at this time I think it would be a very serious, serious mistake to stop the MX missile.

I hope and I believe the gentleman will correct me, but I believe before the Easter recess we will have two votes in this House on taking down the fencing of the MX missile, move ahead and building of the 21 missiles; is that correct?

Mr. STRATTON. The gentleman is absolutely correct. Most votes, I think, are going to be probably some of the most important votes that this House has ever taken because on the outcome of those votes rests any chance, in my judgment, of meaningful arms negotiations.

If we are unwilling to provide an effective kind of missile that could match the things that have been developed by the Soviet Union over the last 10 or 15 years, the SS-18's, and the SS-19's, which President Carter recognized as very destabilizing missiles, if only the Soviet Union has them. But if we develop the MX missile, if we take away the fencing, the money, as the gentleman has indicated, certainly we will have the kind of balance that in an arms negotiation is likely to bring results.

Mr. MONTGOMERY. If the gentleman will yield further, I am not quite clear what the gentleman was talking about earlier what might have taken place over the weekend. If the gentleman could clear up that point for me.

Mr. STRATTON. I simply was reporting what was included in the Washington Post this morning. A story that said that the Democrats who were affluent enough to be able to spend the weekend at the Greenbrier discussing the future of the party were spending a lot of time trying to line up other Democrats to vote against removing the fencing for the MX missile.

It is my understanding that the beloved Speaker of the House, the leader of the Democratic Party in the Congress, has indicated his belief that it would be a disaster if the MX missile were to be defeated and appear to be defeated by the action of the Democratic Party, particularly at a time when we are trying to restore our image. We are trying to find out what went wrong when our candidate could carry only one State, his home State, and that by a very narrow margin. I think very clearly one of the things that certainly contributed to that overwhelming defeat was the perception that the Democrats were not really very strong on defense and were not really very concerned about Soviet penetration in Central America, two of the most significant issues I think that are before this House and they probably will be for the remainder of the year.

Mr. MONTGOMERY. If the gentleman would yield further, I appreciate the gentleman clearing up that point pertaining to discussions. I think we on the Democratic side of the aisle have got to see our colleagues and we have got to work hard and I believe we can win the unfencing of the MX missile.

Mr. STRATTON. We certainly hope that we can.

I might make another point. Of course, a lot of attention these days is being given to the strategic defense initiative, the [SDI], the so-called star wars technology. I know that many Members in this Chamber, particularly again on the Democratic side, have been critical of the star wars procedure because they believe that if you develop a defensive missile then this is going to make it much harder to achieve any kind of effective arms control because the Soviet Union would only increase the number of its offensive missiles.

Well, if we are worried about the Soviet Union increasing its offensive missiles as a response to the strategic defense initiative, here is the opportunity for the Congress of the United States to get in on the ground floor on a truly effective offensive missile. The most effective one that we have ever had. In fact, the recent tests of the MX missile have demonstrated a very significant improvement in accuracy.

So you cannot have it both ways and want to get rid of the MX and at the same time get rid of the strategic defense initiative. It, I think, puts our party in a very unfavorable role.

Mr. MONTGOMERY. If the gentleman will continue to yield, the gentle-

man, to use the expression, is on target as far as I am concerned in that we should certainly consider the strategic defense initiative. It makes a lot of sense. It is a nonnuclear weapon and it would not kill people and that is what we are looking for is to find peace.

I want to commend the gentleman.

Mr. STRATTON. Absolutely.

Mr. KANJORSKI. Will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I thank the gentleman for yielding.

Maybe the gentleman could enlighten a freshman Member. I understand that the conflict of the use of the MX missile is basically the system. Is there any reason to believe that the present basing system is significantly changed in such a way that it will now be a practical, usable weapon?

Mr. STRATTON. Well, I think there are several answers to respond to that particular point about the basing.

First of all, the very action of the Congress in approving the MX missile is bound to provide a very significant amount of deterrence. That is what the MX is for. It is designed to deter. The Minuteman III and the Minuteman II, those missiles no longer provide any deterrence but the MX missile is one that would certainly simply by the decision to go ahead with it, the Soviet Union would begin to recognize that we were beginning to understand that the only way to get significant concessions from the Soviet Union is to move from strength rather than from weakness.

So that even if the missiles were to be put in the Minuteman silos, which has been suggested at least at the outset, the fact is that the labor member of the Scowcroft Commission testified before the Armed Services Committee last year that it was possible for us to develop a very significantly greater degree of hardness in those silos than has been the case previously.

□ 1430

So while we have been debating this argument, the capability of putting the missile into a much safer silo has now moved very rapidly forward, and I think those two items should indicate the wisdom of going ahead.

Mr. KANJORSKI. If the gentleman will yield, I certainly appreciate his bringing to the floor and to the Members the positions of the various Members from the Democratic side, because we too will have a very hard vote on this question. But is it not correct that the Democratic Party has supported in all its regard all of the systems other than the MX missile and that any statement that the Democratic Party is soft on defense is really a misstatement of fact?

Mr. STRATTON. Well, obviously, it does not apply to everyone, but I think you will find, if you go through the records of the last few Congresses, that almost 50 percent of the Democratic Members, when the chips were down, would vote to cut out parts of the defense program proposed by the Armed Services Committee. They have voted to eliminate specific weapons, and the basic thrust has been, as it was in the 1984 campaign, that somehow defense was bad, we ought not to have it, and we ought to have as little as possible, rather than recognizing that we face in the Soviet Union a country that has been relentlessly developing more missiles, more submarines, more aircraft carriers, more tanks, more airplanes. I wish that Members of the House of Representatives would take the time, because they could certainly get the briefing, to see exactly what the Soviets have been doing in the last few years. Where we have built 2 submarines a year, they built about 10 a year. Where we have developed only three missiles since President Kennedy was President, the Soviet Union has developed some eight or nine missiles, so that the match is certainly way weighted in favor of the Soviet Union, and the MX missile is the first kind of weapon that is really in the ballpark to try to deter the weaponry that the Soviet Union itself has developed.

It would seem to me that if we really believe in arms control, which has been a very strong point of all of those individuals who have often backed off of supporting defense—they say, "Well, we don't want to vote for defense, but we love arms control,"—if you really love arms control, the only way to get it is if we have a weapon that can match the explosive power and the accuracy of the weapons that are already in the Russian arsenal.

So I think a reading of this report from the Washington Post leads me to feel that we are going to need a great deal of persuasion on the part of the Democratic leadership if this opportunity is not to be lost. In fact, I read in the press also that, although we have not had a very heavy schedule here in the House of Representatives since the first of January of this year, the individuals who have been designated as observers at the arms talks in Geneva, both in the House and the other body, are going to be traveling to Geneva on the 11th of March and the House and the Senate will then go into a further recess. And according to the press accounts, these observers will not be able to get into the negotiating room, they will not be able to sit around the table, there will not be time for them to be briefed by the diplomatic personnel of the United States in Geneva. Maybe they might spend their time more usefully, rather than flying to Geneva, to meet here in the House and make sure that we have a solid Democratic majority in favor of the MX vote when that comes along. That I think is likely to be more influential in providing a secure future for the Nation than any trip that might be mounted on the 11th of March for Geneva.

THE 75TH ANNIVERSARY OF MILITARY AVIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, [Mr. GONZALEZ] is recognized for 60 minutes.

● Mr. GONZALEZ. Mr. Speaker, just 75 years ago, American military aviation had its beginning when Lt. Benjamin Foulois made the first Army solo flight on the parade ground at Fort Sam Houston. On that day, March 2, 1910, Lieutenant Foulois kept his Wright Flyer in the air for a grand total of less than 8 minutes, making six circuits around the great parade ground at Fort Sam Houston.

It is hard to imagine the courage that Lieutenant Foulois had to muster in order to make his flight. His total flight instruction time had been 54 minutes of dual instruction with Orville Wright. He had never flown solo, never had control of an airplane either taking off or landing, and much of what he knew had been learned through correspondence with the plane's builder. His only orders were to transport his airplane from Fort Meyer, VA, to Fort Sam Houston, where he was informed by the Army's Signal Corps chief to "evaluate the aeroplane. Just take plenty of spare parts—and teach yourself to fly." And if there was any worry about just how the lieutenant was to teach himself the art of flying—especially how to get back to Earth in one piece—the Signal Corps chief had only this fatherly advice: "Don't worry; you'll learn those techniques as you go along."

The Army had paid $25,000 for its new aircraft, which was built in accordance with Signal Corps specifications that were a model of brevity; the specifications were one page in length. To qualify for the Army, the builder had to furnish an aircraft that could fly for 1 hour, at speeds averaging 40 miles per hour. Flying was more than a little tricky in those days, and so the contract required that the builder's plane be able to land without damage; it had to land in good enough shape to be immediately ready for another takeoff. What's more, the airplane had to be simple enough to be stripped down and transported in Army wagons; it also had to be simple enough "to permit an intelligent man to become proficient in its use within a reasonable length of time."

At the time, airplanes were launched from a track. The aircraft would be at-

tached to a pulley, and propelled down the track by the drop of a heavy weight from a tower. This was what the Army called the starting device. Not much was said about landing gear, but the Army wanted an airplane that would return safely to ground "in case of an accident to the propelling machinery." It took a surprisingly short while for the Nation's infant aircraft industry to come up with a machine that could do all the Army wanted it to do. The Wright brothers put in their proposal early in 1908, the Army signed its order on February 10, giving the Wrights 200 days to get an airplane to Fort Meyer for testing. The total contract did not exceed two pages in length.

What eventually became Army Aeroplane No. 1 was delivered to Fort Meyer, tested, and eventually found acceptable. The Army accepted the plane on August 2, 1909. Not long thereafter, Lieutenant Foulois found himself and his flimsy 25-horsepower machine on the way to San Antonio, where he was to determine how useful it might be to the Army.

On his first flight, Lieutenant Foulois succeeded in all his efforts, even making a safe landing. He made three more flights that day, but cracked up on his fourth and final landing, when a fuel line sheared and he lost power prematurely. Fortunately, the damage was minor, and Army aviation survived not just that day, but for the future that lay ahead. Everything that the pioneering lieutenant did on that and subsequent days was an aviation "first." He proved to be as skilled as he was courageous. For example, the ingenious young man figured that wheels would make more sense than landing skids, so he attached some wheels from a farm tractor to his flyer. Sobered by his landing accident, he also invented the seat belt, by persuading an Army saddlemaker to make one for him; it was a thoroughly sensible idea in that day when pilots more or less clung to their aircraft, out in the open air, and the seat belt remains a basic part of safety equipment to this day. Lieutenant Foulois realized the importance of being able to communicate with aircraft in flight, and he devised a radio that could send messages from the ground to the air. Each flight that the young soldier made revealed a little more about the mysteries of flight, the capabilities of the airplane, and the military potential of flight. Each flight brought military aviation a step further from curiosity to practical application.

Army aviation today is a far cry from what it was on that March 2, 75 years ago. Then there was only one aircraft and one would-be pilot. Today the Army owns 9,000 aircraft and has 65,000 people assigned to its aviation branch. Then the airplane was seen as possibly a glorified observation balloon, good for scouting out terrain and enemy positions, but not much else. Today, the Army is installing aviation brigades within each division—because aircraft have become an integral, indispensable element in ground combat operations. Army aircraft today do all kinds of jobs—they provide transport, supporting fire, observation, and fast evacuation; they give the Army the indispensable ability to move fast, strike hard, and strike deep. Aviation is so much a part of modern Army tactics that there is hardly any way to envision a ground operation without swarms of aircraft.

I was privileged last Saturday to participate in ceremonies reenacting the first Army solo flight. The craft known as Army Aeroplane No. 1 has long since disappeared, but those of us gathered at Fort Sam Houston did witness an identical flight by a plane of equal vintage, flown by a pilot who was 3 years old at the time of Foulois' daring flight. Brig. Gen. Rudolph Ostovich, assistant commandant of the U.S. Army Aviation School, reviewed the history of Army aviation, and outlined its future, a future which in his words, very much embodies the spirit of Lt. Benjamin Foulois—courageous, visionary, ready, willing and able to do what must be done to ensure that our Army is second to none, in the sure knowledge that as long as it has the world's best capability, the Army will keep the peace. That was what the first Army flight was about 75 years ago and it is what Army aviation is about today.

To mark the anniversary of U.S. military aviation, I include in the RECORD at this point a copy of the Army's specification sheet for what became Aeroplane No. 1, and a copy of a newspaper account of the events marking the anniversary of military aviation in this country.

SIGNAL CORPS SPECIFICATION, No. 486

ADVERTISEMENT AND SPECIFICATION FOR A HEAVIER-THAN-AIR FLYING MACHINE

TO THE PUBLIC:

Sealed proposals, in duplicate, will be received at this office until 12 o'clock noon on February 1, 1908, on behalf of the Board of Ordnance and Fortification for furnishing the Signal Corps with a heavier-than-air flying machine. All proposals received will be turned over to the Board of Ordnance and Fortification at its first meeting after February 1, for its official action.

Persons wishing to submit proposals under this specification can obtain the necessary forms and envelopes by application to the Chief Signal Officer, United States Army, War Department, Washington, DC. The United States reserves the right to reject any and all proposals.

Unless the bidders are also the manufacturers of the flying machine they must state the name and place of the maker.

Preliminary.—This specification covers the construction of a flying machine supported entirely by the dynamic reaction of the atmosphere and having no gas bag.

Acceptance.—The flying machine will be accepted only after a successful trial flight, during which it will comply with all requirements of this specification. No payments on account will be made until after the trial flight and acceptance.

Inspection.—The Government reserves the right to inspect any and all processes of manufacture.

GENERAL REQUIREMENTS

The general dimensions of the flying machine will be determined by the manufacturer, subject to the following conditions:

1. Bidders must submit with their proposals the following:

(a) Drawings to scale showing the general dimensions and shape of the flying machine which they propose to build under this specification.

(b) Statement of the speed for which it is designed.

(c) Statement of the total surface area of the supporting planes.

(d) Statement of the total weight.

(e) Description of the engine which will be used for motive power.

(f) The material of which the frame, planes, and propellers will be constructed. Plans received will not be shown to other bidders.

2. It is desirable that the flying machine should be designed so that it may be quickly and easily assembled and taken apart and packed for transportation in army wagons. It should be capable of being assembled and put in operating condition in about one hour.

3. The flying machine must be designed to carry two persons having a combined weight of about 350 pounds, also sufficient fuel for a flight of 125 miles.

4. The flying machine should be designed to have a speed of at least forty miles per hour in still air, but bidders must submit quotations in their proposals for cost depending upon the speed attained during the trial flight, according to the following scale:

40 miles per hour, 100 per cent.
39 miles per hour, 90 per cent.
38 miles per hour, 80 per cent.
37 miles per hour, 70 per cent.
36 miles per hour, 60 per cent.
Less than 36 miles per hour rejected.
41 miles per hour, 110 per cent.
42 miles per hour, 120 per cent.
43 miles per hour, 130 per cent.
44 miles per hour, 140 per cent.

5. The speed accomplished during the trial flight will be determined by taking an average of the time over a measured course of more than five miles, against and with the wind. The time will be taken by a flying start, passing the starting point at full speed at both ends of the course. This test subject to such additional details as the Chief Signal Officer of the Army may prescribe at the time.

6. Before acceptance a trial endurance flight will be required of at least one hour during which time the flying machine must remain continuously in the air without landing. It shall return to the starting point and land without any damage that would prevent it immediately starting upon another flight. During this trial flight of one hour it must be steered in all directions without difficulty and at all times under perfect control and equilibrium.

7. Three trials will be allowed for speed as provided for in paragraphs 4 and 5. Three trials for endurance as provided for in paragraph 6, and both tests must be completed within a period of thirty days from the date of delivery. The expense of the tests to be borne by the manufacturer. The place of de-

livery to the Government and trial flights will be at Fort Myer, Virginia.

8. It should be so designed as to ascend in any country which may be encountered in field service. The starting device must be simple and transportable. It should also land in a field without requiring a specially prepared spot and without damaging its structure.

9. It should be provided with some device to permit of a safe descent in case of an accident to the propelling machinery.

10. It should be sufficiently simple in its construction and operation to permit an intelligent man to become proficient in its use within a reasonable length of time.

11. Bidders must furnish evidence that the Government of the United States has the lawful right to have all patented devices or appurtenances which may be a part of the flying machine, and that the manufacturers of the flying machine are authorized to convey the same to the Government. This refers to the unrestricted right to use the flying machine sold to the Government, but does not contemplate the exclusive purchase of patent rights for duplicating the flying machine.

12. Bidders will be required to furnish with their proposal a certified check amounting to 10 percent of the price stated for the 40-mile speed. Upon making the award for this flying machine all the certified checks will be returned to the bidders, and the successful bidder will be requested to furnish a bond, according to Army Regulations, of the amount equal to the price stated for the 40-mile speed.

13. The price quoted in proposals must be understood to include the instruction of two men in the handling and operation of this flying machine. No extra charge for this service will be allowed.

14. Bidders must state the time which will be required for delivery after receipt of order.

JAMES ALLEN,
Brigadier General,
Chief Signal Officer of the Army.

SIGNAL OFFICE,
WASHINGTON, DC, *December 23, 1907.*

[From the San Antonio (TX) Express-News, Mar. 3, 1985]

HISTORIC S.A. FLIGHT RE-CREATED—FOULOIS ADVENTURE STAGED AGAIN AT FORT SAM HOUSTON

(By James Coburn)

More than 1,500 spectators gazed skyward Saturday at Fort Sam Houston to watch an antique biplane reenacting the founding of U.S. military aviation in San Antonio exactly 75 years ago.

First Lt. Benjamin Foulois, who had never before soloed in an aircraft, successfully made America's first flight by a military pilot in a plane solely owned and used by the Army on March 2, 1910, around the parade grounds at Fort Sam.

Retired Braniff Airlines Capt. Lea Abbott of Dallas re-enacted the historic flight as he flew his 1910 Curtiss biplane around what is now MacArthur Field.

Abbott, aged 3 years when Foulois made his flight here, was dressed for the occasion in the open-cockpit flying attire of the period, complete with leather helmet, goggles, beigel scarf, vest, flared knickers and strapped boots.

There were several differences in that first flight and Saturday's re-creation, noted the narrator, Col. Engle Scott, chapter president of the Army Aviation Association of America.

Foulois flew a Wright Flyer purchased by the Army from the famous Wright brothers, and Army Aeroplane Number 1 had skids instead of wheels until later, when Foulois modified it with wheels from a farm tractor.

The Flimsy plane, which a reporter at the time described as a "collection of bamboo poles more or less attached to a gasoline engine," was launched on a 50-foot rail by ropes on a pulley system connected to a weight on a tower.

"The weight would fall and send the plane hustling down the rail and hopefully into the air," Scott said.

While Foulois had been airborne before, and handled the controls under the direction of Wilbur Wright for 54 minutes, he had never before taken off or landed an airplane.

"His heart must have been pumping no less than Alan Shepard's (first American to rocket into space in 1961) when he made his historic flight," Scott said.

Abbott's flight wowed the crowd as he took off on the grass field, then swept low around the field at about 55 mph, seeming to graze trees, as he flew the requisite 7½ minutes and six times around.

"He must have experienced an exhilarating feeling," Scott said, but then came what the Wrights had told him was the most critical part of flying—the landing.

Abbott, who has been flying for 56 years, made it look easy as he brought the biplane smoothly before the plane began bouncing from the uneven turf.

The substitute keynote speaker, Brig. Gen. Rudolph Ostivich, assistant commandant of the U.S. Army Aviation School at Fort Ruckner, Ala., said Foulois made several individual "firsts" that day: The first takeoff, first solo flight, first landing and first crash, and also was the first person to learn how to fly by correspondence.

Foulois' first flight was successful, then he made three more flights that day, crashing on the fourth when the fuel line broke.

Ostivich called Foulois, who rose to become major general and commander of the Army Air Force, "a genuine American hero by daring to think differently and challenging the conventional wisdom."●

LEAVE OF ABSENCE

Mr. HUTTO (at the request of Mr. WRIGHT), for today, on account of official business.

Ms. MIKULSKI (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. ACKERMAN (at the request of Mr. WRIGHT), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. BOULTER, for 10 minutes, today.
Mr. SOLOMON, for 5 minutes, today.
Mr. DELAY, for 60 minutes, March 6.
Mr. TAUKE, for 60 minutes, March 7.
Mr. BROYHILL, for 60 minutes, March 7.
Mr. LENT, for 60 minutes, March 7.

(The following Members (at the request of Mr. KANJORSKI) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. WEAVER, for 5 minutes, today.
Mr. STRATTON, for 60 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. LEVIN of Michigan, for 60 minutes, March 5.
Mr. HAYES, for 60 minutes, on March 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. SMITH of New Hampshire.
Mr. CRANE.
Mr. RUDD.
Mr. WHITEHURST.
Mr. BROOMFIELD.
Mr. DREIER of California in two instances.

(The following Members (at the request of Mr. KANJORSKI) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. LUKEN.
Mr. KANJORSKI.
Mrs. BOXER.
Mr. KASTENMEIER.
Mr. FORD of Michigan.
Mr. DONNELLY in two instances.
Mr. WEISS in two instances.
Mr. DYMALLY in two instances.
Mr. MILLER of California.
Mr. ACKERMAN.
Mr. COELHO.

ADJOURNMENT

Mr. KANJORSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 5, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

639. A letter from the Administrator, Environmental Protection Agency, transmit-

ting the annual report on conditional registration of pesticides for fiscal year 1984, pursuant to the act of June 25, 1947, chapter 125, section 29 (92 Stat. 838); to the Committee on Agriculture.

640. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 8(b) of the Soil Conservation and Domestic Allotment Act to improve procedures for the selection of ASCS county and local committees; to the Committee on Agriculture.

641. A letter from the Secretary of State, transmitting a report on the developments in El Salvador during the period from December 1, 1984, to January 31, 1985, pursuant to Public Law 98-332 (98 Stat. 285) and Public Law 98-473; to the Committee on Appropriations.

642. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report on property, supplies and commodities received from foreign countries, pursuant to Public Law 98-212, Sec. 718; to the Committee on Appropriations.

643. A letter from the Administrator, Environmental Protection Agency, transmitting a report on training for operators of publicly owned wastewater treatment plants, as required by House Report 98-803; to the Committee on Appropriations.

644. A letter from the Acting Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on the Economic Adjustment Program for Chippewa County, MI; to the Committee on Armed Services.

645. A letter from the Auditor, District of Columbia, transmitting a report entitled "Auditor's Concern Regarding Backlog of Uninvestigated Neglect Reports in the Child and Family Services Division of the Department of Human Services," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

646. A letter from the Chairman, Board of Trustees, Harry S. Truman Scholarship Foundation, transmitting a draft of proposed legislation to amend the Harry S. Truman Memorial Scholarship Act to remove the dollar limitation on stipends paid under such act and to authorize the Harry S. Truman Scholarship Foundation to prescribe regulations governing the amounts of such stipends; to the Committee on Education and Labor.

647. A letter from the Secretary of Education, transmitting a draft of proposed legislation to make certain amendments to the act of September 30, 1950 (Public Law 874, 81st Congress), and for other purposes; to the Committee on Education and Labor.

648. A letter from the Secretary of Education, transmitting a draft of proposed legislation to terminate the perpetual trust fund for the American Printing House for the Blind, and for other purposes; to the Committee on Education and Labor.

649. A letter from the Secretary of Energy, transmitting the calendar year 1984 report of the actions taken under the Powerplant and Industrial Fuel Use Act of 1978 and section 2 of the Energy Supply and Environmental Coordination Act of 1974, pursuant to Public Law 95-620, sections 806 and 711(c) (95 Stat. 615); to the Committee on Energy and Commerce.

650. A letter from the Secretary of Energy, transmitting a quarterly report on activities undertaken with respect to the strategic petroleum reserve under the SPR Amendments Act of 1981, pursuant to EPCA, section 165(b) (95 Stat. 620); to the Committee on Energy and Commerce.

651. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Annual Report on Goals, Objectives and Priorities, Fiscal Years 1985, 1986, and 1987/Accomplishments Fiscal Year 1984, pursuant to the act of June 19, 1934, chapter 652, section 5(g) (95 Stat. 738); to the Committee on Energy and Commerce.

652. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1986 through 1988; to the Committee on Energy and Commerce.

653. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the National Telecommunications and Information Administration for fiscal years 1986 and 1987; to the Committee on Energy and Commerce.

654. A letter from the Secretary of State, transmitting notification that the President has exercized the use of emergency authority to provide assistance under part I of the Foreign Assistance Act for disaster aid to the Afghan people, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

655. A communication from the President of the United States, transmitting his determination that continued nuclear cooperation with the European Atomic Energy Community [Euratom] is needed in order to achieve U.S. nonproliferation objectives and to protect our common defense and security, pursuant to 42 U.S.C. 2155(a)(2). (H. Doc. No. 99-35); to the Committee on Foreign Affairs and ordered to be printed.

656. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of the original report of political contributions for Maynard W. Glitman, U.S. Representative to the Intermediate Range Nuclear Force Negotiations; Max M. Kampelman, Ambassador of the United States to the U.S. Office for Arms Reduction Negotiations in Geneva; and John Goodwin Tower, U.S. Negotiator on Strategic Nuclear Arms, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

657. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a copy of the International Sugar Agreement with annexes, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

658. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Affairs.

659. A letter from the Acting Chairman, National Endowment for the Humanities, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

660. A letter from the Assistant Secretary of Defense, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

661. A letter from the Chairman, National Credit Union Administration, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

662. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

663. A letter from the Director of Administration, Department of Energy, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

664. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severally Handicapped, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

665. A letter from the FOIA Director, Federal Home Loan Mortage Association, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

666. A letter from the Managing Director for Administration, Assistant General Council for Field Management and Legal Policy, and Acting Executive Director Federal Service Impasses Panel, Federal Labor Relations Board, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

667. A letter from the Special Council, U.S. Merit Systems Protection Board, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

668. A letter from the marshal, Supreme Court of the United States, transmitting the marshal's report on administrative costs of protecting Supreme Court Officials, pursuant to 40 U.S.C. 13n(c) (Aug. 18, 1949, ch. 479, Sec. 9(c) (96 Stat. 1958)); to the Committee on the Judiciary.

669. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on suspension of deportation of aliens of good character and with required residency when deportation causes hardship under section 244(a). Immigration and Nationality Act, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

670. A letter from the special counsel, U.S. Merit Systems Protection Board, transmitting the results of his review of the Secretary of the Army's investigation of allegations of a violation of law and regulation by an employee of the Kimbrough Army Community Hospital, Fort Meade, MD, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

671. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1986 and 1987, and for other purposes; to the Committee on Science and Technology.

672. A letter from the Administrator of Veteran's Affairs, transmitting notification that no activities of the Department of Medicine and Surgery were contracted-out during fiscal year 1984, pursuant to 38 U.S.C. 5010(c)(7) (96 Stat. 1449); to the Committee on Veteran's Affairs.

673. A letter from the Comptroller General of the United States, transmitting a

report entitled "Legislation to Authorize VA Recoveries from Private Health Insurance Would Result in Substantial Savings"; jointly, to the Committee on Government Operations and Veterans' Affairs.

674. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Ocean Pollution Planning Act of 1978, as amended, to authorize appropriations to carry out the provisions of such act for fiscal years 1986 and 1987; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

675. A letter from the Comptroller General of the United States, transmitting a report entitled "The 1980 Multiemployer Pension Plan Amendments Act: An Assessment of Funding Requirement Changes"; jointly, to the Committees cn Government Operations, Education and Labor and Ways and Means.

676. A letter from the Comptroller General of the United States, transmitting a report entitled "Block Grants Brought Funding Changes and Adjustments to Program Priorities"; jointly, to the Committees on Government Operations, Education and Labor, Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COELHO:

H.R. 1390. A bill to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, CA, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FAUNTROY (for himself, and Mr. SEIBERLING):

H.R. 1391. A bill to amend the Act of October 15, 1982, entitled "An Act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes"; to the Committee on Interior and Insular Affairs.

By Mr. GLICKMAN (for himself, Mr. CARR, Mr. DENNY SMITH, and Mr. HORTON):

H.R. 1392. A bill to amend the Internal Revenue Code of 1954 to provide that transportation may be excluded from gross income as a no-additional-cost fringe benefit without regard to whether such service is offered for sale to customers; to the Committee on Ways and Means.

By Mr. MADIGAN (for himself, and Mr. BRUCE):

H.R. 1393. A bill to amend section 152 of title 28, United States Code, to provide for the appointment of one additional bankruptcy judge for the Central District of Illinois; to the Committee on the Judiciary.

By Mr. STANGELAND:

H.R. 1394. A bill to incorporate the Pearl Harbor Survivors Association; to the Committee on the Judiciary.

By Mr. TAUKE (for himself, Mr. EVANS of Iowa, Mr. KILDEE, Mr. KINDNESS, Mr. MACK, Mrs. MARTIN of Illinois, Mr. NIELSON of Utah, Mr. STAGGERS, Mr. SYNAR, Mrs. VUCANOVICH, Mr. BILIRAKIS, Mr. BROWN of Colorado, Mr. DANNEMEYER, Mr. DAUB, and Mr. O'BRIEN):

H.R. 1395. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. WEAVER (for himself, Mr. STENHOLM, Mr. BATES, Mr. FROST, and Mr. WILSON):

H.R. 1396. A bill to amend the Internal Revenue Code of 1954 to impose a tax of $10 a barrel on imported crude oil and a comparable rate of tax on imported petroleum products; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.J. Res. 179. Joint resolution to designate the month of October 1985 as "National Spina Bifida Month"; to the Committee on Post Office and Civil Service.

By Mr. RUDD (for himself, Mr. LIVINGSTON, Mr. SMITH of New Jersey, Mr. SILJANDER, and Mr. CRANE):

H. Con. Res. 74. Concurrent resolution calling upon the President to express to the Soviet Union the strong moral opposition of the United States to the forced labor policies of the Soviet Union by every means possible, including refusing to permit the importation into the United States of any products made in whole or in part by such labor; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. MICHEL:

H. Res. 97. Resolution to seat Richard D. McIntyre; considered and referred to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

19. By the SPEAKER: Memorial of the Legislature of the State of Arkansas, relative to Arkansas farmers; to the Committee on Agriculture.

20. Also, memorial of the House of Representative of the State of Kansas, relative to Amtrak; to the Committee on Energy and Commerce.

21. Also, memorial of the Legislature of the State of South Dakota, relative to compensation to Members of Congress; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. WISE, Mr. GUARINI, Mrs. ROUKEMA, Ms. OAKAR, Mr. FROST, Mr. SKELTON, Mr. MOLLOHAN, Mr. STAGGERS, Mr. MURPHY, Mr. SWIFT, Mr. MARTINEZ, and Mr. CHAPPELL.

H.R. 13: Mr. BARTON of Texas, Mr. CAMPBELL, Mr. COBEY, Mr. DAVIS, Mr. FOLEY, Mr. GEKAS, Mr. GOODLING, Mr. LUKEN, Mr. MCCURDY, Mr. MACKAY, Mr. MATSUI, Mr. MICA, Mr. MOLLOHAN, Mr. MORRISON of Washington, Mr. MURPHY, Mr. PARRIS, Mr. ROBINSON, Mr. SMITH of New Jersey, Mr. TAUZIN, Mr. THOMAS of Georgia, and Mr. YOUNG of Florida.

H.R. 47: Mr. AKAKA, Mr. ANTHONY, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BOEHLERT, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BRUCE, Mrs. BYRON, Mr. CARPER, Mr. CLAY, Mr. CRANE, Mr. DANIEL, Mr. DASCHLE, Mr. DE LUGO, Mr. DIXON, Mr. DREIER of California, Mr. DURBIN, Mr. DYSON, Mr. FAZIO, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FROST, Mr. LOWRY of Washington, and Mr. MATSUI.

H.R. 75: Mr. YOUNG of Florida and Mr. EMERSON.

H.R. 230: Mr. RANGEL, Mr. MCKINNEY, Mr. BATES, Mr. ROYBAL, Mr. KOSTMAYER, Mr. KASTENMEIER, and Mr. EDWARDS of California.

H.R. 362: Mr. HAWKINS, Mr. DWYER of New Jersey, Mr. STOKES, Mr. STARK, Mr. FRANK, Mr. ACKERMAN, Mr. FEIGHAN, Mr. MORRISON of Connecticut, Ms. MIKULSKI, Mr. MADIGAN, Mr. BERMAN, Mr. BOUCHER, Mr. WEISS, Mr. MARKEY, Mr. MOODY, Mr. STUDDS, Mr. FISH, Mr. MITCHELL, Mr. GUARINI, Mr. HOWARD, Mr. ECKART of Ohio, and Mr. VENTO.

H.R. 436: Mr. SHUMWAY.

H.R. 479: Mrs. BENTLEY, Mr. DIOGUARDI, Mr. DIXON, Mr. DREIER of California, Mr. FAWELL, and Mr. FRANK.

H.R. 480: Mrs. SCHROEDER.

H.R. 585: Mr. DIXON and Mr. KASICH.

H.R. 600: Mr. APPLEGATE, Mr. HOWARD, Mr. CARR, and Mr. WILLIAMS.

H.R. 644: Mr. MITCHELL, Mr. BARNES, Mr. NEAL, and Mr. SMITH of Florida.

H.R. 646: Mr. MITCHELL and Mr. NOWAK.

H.R. 695: Mr. EVANS of Illinois.

H.R. 708: Mr. MORRISON of Washington.

H.R. 749: Mr. FOGLIETTA and Mr. LIPINSKI.

H.R. 782: Mr. SMITH of Florida, Mr. PEASE, Mr. FRANK, Mr. DELLUMS, Mr. VENTO, Mr. WILLIAMS, Mr. STUDDS, Mr. ADDABBO, Mr. CROCKETT, Mr. KOLTER, Mr. HERTEL of Michigan, and Mr. WEISS.

H.R. 930: Mr. LOWERY of California and Mr. SENSENBRENNER.

H.R. 1000: Mr. TALLON.

H.R. 1046: Mrs. BOGGS and Mr. ANTHONY.

H.R. 1071: Mr. STOKES, Mr. PEPPER, Mr. SMITH of Florida, Mr. FRANK, Mr. MATSUI, Mr. RANGEL, Mr. DARDEN, Mr. MRAZEK, Mr. COEHLO, Mr. BERMAN, Mr. FAUNTROY, Mr. FORD of Michigan, Mr. MORRISON of Connecticut, Mr. WEISS, Mr. STARK, Mr. SCHEUER, Mrs. BURTON of California, Mr. RODINO, Mr. ROE, and Mr. FORD of Tennessee.

H.R. 1089: Mr. ADDABBO, Mr. KOLTER, Mr. BIAGGI, Mr. RANGEL, Mr. FRANK, Mr. CROCKETT, Mr. CONYERS, and Mr. MARTINEZ.

H.R. 1109: Mr. LOWERY of California, Mr. LIPINSKI, Mr. LIGHTFOOT, and Mr. MCCOLLUM.

H.R. 1142: Mr. ECKART of Ohio.

H.R. 1171: Mr. LEVIN of Michigan, Mr. STUDDS, Mr. WIRTH, and Mr. CONYERS.

H.J. Res. 10: Ms. MIKULSKI, Mr. LAGOMARSINO, and Mr. CHAPPIE.

H.J. Res. 41: Mr. BERMAN, Mr. NEAL, Mr. BUSTAMANTE, Mr. SCHEUER, and Mr. STAGGERS.

H.J. Res. 132: Mrs. BURTON of California, Mr. GREEN, Mr. HALL of Ohio, Mrs. JOHNSON, Mr. LUKEN, Mr. MADIGAN, Mr. MATSUI, Mr. MRAZEK, Mr. SISISKY, and Mr. WORTLEY.

H.J. Res. 136: Mr. DELLUMS, Mr. CROCKETT, Mr. STARK, Mr. FLORIO, Mr. PEPPER, Mr. OBERSTAR, Mr. MARKEY, Mr. ANDREWS, Mr. LOWRY of Washington, Ms. KAPTUR, Mr. HOYER, Mr. TOWNS, Mr. SMITH of Florida, Mr. BERMAN, Mr. FOGLIETTA, Mr. BATES, Mr. DORGAN of North Dakota, Mr. ROE, Mr. MANTON, Mr. FORD of Michigan, Mr. WEBER, Mr. MORRISON of Connecticut, Mr. STRATTON, Mr. SPRATT, Mr. QUILLEN, Mr. LEHMAN of Florida, Mr. SYNAR, Ms. OAKAR, Mr. TALLON, Mrs. COLLINS, Mr. EVANS of Iowa, Mr. BARNES, Mr. HEFTEL of Hawaii, Mr.

HERTEL of Michigan, Mr. RODINO, Mr. TORRICELLI, Ms. MIKULSKI, Mr. GEJDENSON, Mr. FORD of Tennessee, Mr. ROE, Mr. CLINGER, Mr. DIXON, Mr. BORSKI, Mr. SOLARZ, Mr. ECKART of Ohio, Mr. FUQUA, and Mrs. KENNELLY.

H. Con. Res. 34: Mr. BARNARD, Mr. COLEMAN of Texas, Mr. DIOGUARDI, Mr. FRANKLIN, Mr. RICHARDSON, Mr. ROBINSON, and Mr. SMITH of New Hampshire

H. Con. Res. 35: Mr. DREIER of California, Mr. HANSEN, Mr. BADHAM, Mr. COBLE, Mr. LOTT, and Mr. DIOGUARDI.

H. Con. Res. 58: Mr. DELLUMS, Mr. DYMALLY, Mr. STOKES, Mr. COURTER, Mr. PEPPER, Mr. SOLARZ, Mr. CLAY, Mr. SCHUMER, Mr. MATSUI, Mr. DARDEN, Mr. COELHO, Mr. MOODY, Mr. ANDREWS, Mr. FAUNTROY, Mr. LUNDINE, Mr. WEISS, Mr. JEFFORDS, Mr. SCHEUER, Mrs. BURTON of California, Mr. LEHMAN of Florida, Mr. RODINO, Mr. ROE, and Mr. FORD of Tennessee.

H. Con. Res. 63: Mr. WISE, Mr. CARNEY, and Mr. HENRY.

H. Res. 60: Mr. ARMEY, Mr. HYDE, Mr. GINGRICH, Mr. FRENZEL, Mr. LOTT, Mr. CHANDLER, Mr. MACK, Mr. CRAIG, and Mr. CALLAHAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

42. By the SPEAKER: Petition of the Lane County Board of Commissioners, Eugene, OR, relative to the Environmental Protection Agency; to the Committee on Energy and Commerce.

43. Also, petition of the American Library Association, Chicago, IL, relative to apartheid; to the Committee on Foreign Affairs.

44. By Mr. MICA: Petition of Paul R. Johnson, Boca Raton, FL, relative to his constitutional rights; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PRESIDENT HARDESTY SPEAKS ON EDUCATIONAL OPPORTUNITY

HON. WILLIAM D. FORD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. FORD of Michigan. Mr. Speaker, Mr. Robert Hardesty, president of Southwest Texas University, is one of the most thoughtful and effective leaders in American higher education. President Hardesty recently delivered an address entitled "Promises Made" at honors convocation at Texas Southern University. In his remarks President Hardesty eloquently reminds us where we were only two decades ago as a nation in the availability of opportunities for higher education and why the Federal Government embarked on the student aid programs that are now under such serious attack. I commend President Hardesty's address to my colleagues and to all who need to understand the fundamental policy objective of equal educational opportunity that is embodied in the student aid programs.

PROMISES MADE

(By Robert L. Hardesty)

I am honored to be here today. I am always pleased—and challenged—to speak to the best and the brightest students on campus, any campus. It is also a pleasure to speak to you during Black History month.

The creation of Texas Southern University nearly 40 years ago has helped shape that history, for it opened the doors of higher education to young black people throughout Texas.

Less than three decades after Texas Southern opened, another event occurred that also helped shape history—not just in Texas, but throughout the United States.

Twenty years ago this November the Higher Education Act of 1965 became law. Its passage changed forever the face of higher education in this country. It probably opened the doors of Texas Southern to most of you here today.

I wonder how many of you receive some kind of student aid provided under the Higher Education Act—Pell Grants, work-study or guaranteed student loans?

I'd like to ask you to stand if you are participating in any of these programs. Thank you. I knew there would be a large number of you.

I have a feeling that most of you didn't realize how one piece of legislation could have such a personal effect on you and your friends and your families—and your future.

We have more than 18,000 students at Southwest Texas and some 6,000 of them—one-third of our student body—receive some form of financial aid. The fact that we have a large number of first generation college students on our campus is directly attributable to that student aid.

Obviously that is one reason I have an interest in the higher education act. But I have another interest as well—a personal one.

The Higher Education Act was a dream of my mentor, President Lyndon Johnson. In fact, he signed it into law November 8, 1965, at Southwest Texas State University—his alma mater.

As a member of his staff, I was with LBJ when he made the trip to San Marcos to sign the act. I helped write the signing statement. That act fulfilled the President's hope of unlocking the doors of our colleges and universities to generations of young people who had been denied a higher education because of financial hardship.

Education was the lynch-pin in LBJ's great society—programs which focused on giving Americans the opportunity to help themselves and thus earn a decent standard of living. He believed that every person should get as much education as he or she had the ability to take.

The Higher Education Act, he said, meant that "a high school senior anywhere in this great land of ours can apply to any college or any university in any of the 50 states and not be turned away because his family is poor."

"We want this," he said, "not only for (the student's) sake—but for the future of our nation's sake. Nothing matters more to the future of our country: not our military preparedness—for armed might is worthless if we lack the brainpower to build world peace; not our productive economy—for we cannot sustain growth without trained manpower; not our democratic system of government—for freedom is fragile if citizens are ignorant."

In the decade of the 1960's we began in this country what historians have called the greatest explosion of learning in human history.

Through federal legislation—especially the Higher Education Act—we set out to do for higher education what the states had done in the previous 150 years for elementary and secondary education: to make it possible for every individual to have access to advanced learning beyond the high school.

The fundamental strategy was to provide the students themselves with the financial resources they needed to attend colleges of their choice. Student aid provided the engine for change—change not only in the institutions who benefited from enrollment growth but change in the individuals themselves.

The Higher Education Act was revolutionary in its student aid provisions. It marked the first time in the history of the United States that our government made a commitment to provide student aid for all qualified young men and women.

There is no doubt that it has worked.

In the mid-60's qualified high school students whose family income was in the top quarter nationally had a 90 percent chance of going to college, while those whose income fell in the bottom quarter had only a 42 percent chance.

Today, 62 percent of the high ability, low income students attend college. In the last decade alone, while the total number of students attending college increased 35 percent, the number of blacks and other minority students increased 85 percent.

Student financial aid is the major component of federal support to higher education—well over 90 percent of the funds provided to higher education, outside of research.

In 1983 this amounted to approximately $12 billion and represented about 20 percent of all revenues received by institutions of higher education.

Today at an average institution, at least 50 percent of the students enrolled receive some form of financial aid—more than five million students across the nation.

Perhaps as many as 40 million students have attended college because of the Higher Education Act. But the real story is not in the staggering numbers of students who have received aid; it is in what happens to the students themselves and to the nation.

Perhaps the most ironic example of the impact of financial aid on an individual can be found in the story of an Italian immigrant who came to America two generations ago.

He worked hard to adjust to his new land, to make a decent living for his wife and sons. One of his sons became a milkman who also worked hard and raised his family to respect honesty and decency and hard work.

The milkman's family struggled to make ends meet, determined that their children would receive a good education. One son wanted to be a doctor, and although his father scrimped and saved, it was not enough to pay for the high cost of a medical education.

So the son—like many of his medical school classmates—borrowed money through the federal student loan programs. He became a prominent surgeon at a great hospital. One day that surgeon—son of a milkman, grandson of an Italian immigrant, recipient of financial aid as a student—gave emergency medical treatment to save the life of the President of the United States after he had been shot by a would-be assassin.

The president was Ronald Reagan.

Later Dr. Joseph M. Giordano, learning of the President's efforts to reduce federal support to needy students, wrote that he hoped that the president would "recognize that millions of Americans possess the same potential" as he did. "Some will make it on their own," he said, "but others will need help. I hope that the government will not abandon the commitment that has meant so much to me and my family."

Dr. Giordano is just one of millions of young Americans who probably would not have reached their full potential without help.

Federal help has made the difference between being locked into low-paying jobs and a low standard of living and the education that is needed to move ahead in society and live comfortable, productive lives. But there is a real danger that the government is beginning to abandon its commitment.

You have only to read the headlines of the past several days to understand this. The budget the President has submitted to the Congress calls for cutting student aid by

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

$2.3 billion, wiping out or significantly cutting, loans, grants and other financial assistance for more than one million college students.

An additional 300,000 students would lose state student incentive grants. Between 750,000 and 950,000 students would no longer be eligible for guaranteed student loans. In addition, students will have to work more and study less. They would be expected to earn $800 a year on their own to qualify for government aid.

Students whose family income exceeds $25,000 could not receive Pell Grants, national direct loans, or participate in the college work-study program.

Students from families with adjusted gross incomes above $32,500 would be barred from the guaranteed student loan program.

The maximum award per year per student would be $4,000. With rising tuition costs, this means that students will not be able to afford to attend private colleges and will be strapped to pay tuition, fees and books at public colleges.

Programs of the Higher Education Act which have offered hope and opportunity to millions of young people are facing the most serious threats of their existence.

LBJ used to talk about the folks in the Texas hill country who said that the great depression wouldn't have been so bad if it hadn't come in the midst of hard times. The President's proposals are hitting students in the midst of hard times.

They come at a time when trends in financial aid are already revealing disturbing implications. Although attempts at massive cutbacks in aid have been overridden by the Congress, the value of student aid has seriously eroded.

Federal funding for education has suffered a loss in buying power of almost four billion dollars during the past four years—a decrease of almost 26 percent.

As a result, the value of grants to students has declined dramatically. The Pell Grant—awarded to students based on their financial need—in 1979 was enough to cover 46 percent of the average cost of attendance at all institutions.

This year it can only pay for 26 percent of the average cost of attending college. In addition to the erosion of dollars, there is an increasing reliance—and, I believe, an overreliance—on loans to students to finance their education as opposed to grants.

Student loan programs are the only programs of the Higher Education Act to see real increase in funding in the past four years.

This year guaranteed student loans increased almost 11 percent over 1980 in constant dollars.

I recognize the importance of loans and the difference they've made to our youth. I believe that students ought to make a personal commitment to help finance their education.

The government can't do it alone—and shouldn't do it alone. But we must also recognize that each year students are taking on larger and larger debt burdens.

In 1975-76 federal aid in the form of grants to students was four times greater than loan aid. Last year student aid was equally divided between grants and loans. The average grant amount per student has been cut in half since 1975 while the average amount of a student loan has more than doubled.

This growing imbalance is a direct result of the decrease in real purchasing power of grants. Students who once were able to rely upon grants to pay for a considerable portion of the cost of college, now find that they must borrow even more money to supplement their grants.

What this means, of course, is that more and more college students will be getting more than a diploma when they graduate. They'll also be getting a whopping bill to repay their loans.

We run the risk of graduating what Congressman William Ford of Michigan, Chairman of the Subcommittee on Post Secondary Education, calls a new "debtor" class whose futures are distorted by the obligation to earn enough to pay for their undergraduate education.

This problem becomes exacerbated when students decide to enter graduate schools where ultimately the only form of aid is loans. Student loans have replaced automobile loans as the third largest class of indebtedness in the nation, topped only by home mortgages and credit cards.

This reliance on self-help rather than direct grants implies a public policy based upon the notion that it is primarily the student who benefits from an education—upon the notion that student aid is some sort of educational "welfare program."

That is nonsense. The Higher Education Act was conceived from the notion that the nation as a whole benefits from educating its citizens and that the nation as a whole should play a part in paying for it.

This principle was supported whole-heartedly by Democrats and Republicans alike in 1965, working under the assumption that educated minds are the greatest natural resource the nation can have.

Several years ago a national commission was formed by those who claimed the educational programs of the great society had failed. But this blue-ribbon task force disappointed its sponsors by reporting that the programs of the Higher Education Act were sound, that they were accomplishing the purposes for which they were formed and that they should be continued.

In spite of their findings, we draw closer to the brink of returning higher education once again to the preserve of the rich and the privileged.

Already we are seeing a decline in the percentage of blacks enrolled in medical and law schools. There is an old cliche about mortgaging our children's future through the national debt. But I say we would be crippling our children's future if we denied them the opportunity to reach their full potential.

Governor Mark White, in his "state of the state" address to the Legislature two weeks ago, said that educated minds are the oil and gas of Texas' future. And I'll tell you something else.

Educated minds are not a depletable resource, and they are not affected by OPEC's decision to raise or lower the price of crude.

If our future depends on educated minds, our present must be devoted to the preservation of educational opportunity. It has become fashionable today to criticize those social programs which were designed to eliminate discrimination and poverty and ignorance among our citizens.

Many people are getting a lot of mileage out of equating money spent on such programs with huge federal budget deficits. This is fiscal demagoguery, demonstrating a complete lack of understanding of the nature of our economy.

James Michener, the noted writer, commented once that he had figured out that American taxpayers had invested $11,000 in his education—and that he has paid back to the U.S. government $65 million in taxes. Obviously, not all college graduates are going to become best-selling authors.

But studies continue to show that among Americans with some college education, unemployment is significantly lower than among those with only high school credentials. And for those who complete four or more years of college, the unemployment rate is lower yet.

College graduates earn on the average of $7,500 more a year than high school graduates and will pay more in federal income taxes. The average college graduate who has received financial aid to obtain his education will repay in taxes more than six times the number of dollars he received in aid.

Every dollar we invest in the education of our youth is a dollar invested in the strength of the American economy. Today we were at a watershed.

This Congress and this adminstration will decide whether our national government keeps its commitment to the young men and women of America.

Later this year the Congress will begin holding hearings on the reauthorization of the Higher Education Act of 1965. There will be opposition to continuing its programs. There will be debate over its worth. There will be dispute over its costs. But I wonder how many of its critics were themselves beneficiaries of federal assistance during their search for higher learning?

How many of them attended college under the provisions of the GI Bill of Rights? And how many of them might not have been able to attend college at all without it?

I stand before you today looking proudly back to what far-sighted people did twenty years ago to assure the future for millions of young men and women. No thinking person can deny that the Higher Education Act was one of the most far-reaching pieces of legislation ever enacted in this country.

It was legislation which had a profound effect upon every aspect of the society—its people, its economy, its industry, its health care programs, its government.

When he signed it in 1965 President Johnson said: "So, when we leave here this morning, I want you to go back and say to your children and to your grandchildren, and those who come after you and follow you—tell them that we have made a promise to them. Tell them that the truth is here for them to seek. And tell them that we have opened the road and we have pulled the gates down and the way is open, and we expect them to travel it."

You the honor students of Texas Southern University have traveled that road and I congratulate you for it. You have much to be proud of. You are the fulfillment of Lyndon Johnson's dream and the proof of the wisdom of the commitment which was made twenty years ago.

Will people twenty years from now look back at us and say that we passed on that vision of a better life—or that we failed? The question is yet to be answered.●

LUZERNE COUNTY KEEPS SPIRIT OF FREEDOM ALIVE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. KANJORSKI. Mr. Speaker, I would like to bring to your attention an event of great importance to many of my constituents, and to any American who greatly values freedom for all the peoples of the world. February 16, 1985, marked the 67th anniversary of the restoration of Lithuania's independence.

We Americans can sometimes forget how truly free we are. But millions of people around the world live every day under the subjugation of tyranny. The people of Lithuania, once a free and autonomous nation, have suffered years of harassment, discrimination, and brutality at the hands of the Soviet Union.

Despite the attempts to destroy Lithuania, the spirit of freedom and self-determination lives on among Lithuanians all over the world. Mr. Speaker, I had the privilege to attend a ceremony at the Luzerne County Courthouse, sponsored by the American-Lithuanian organizations of Luzerne County. I was deeply moved by the dedication of these people to the future of their people and their Nation.

Mr. Speaker, I would like to submit for your attention a resolution which was passed by the District 7 Lithuanian Alliance of America on the occasion of this important anniversary. The work of this group, along with the Catholic Alliance of America, the Knights of Lithuania Council No. 143, and the Tauras Club of Luzerne County, has shown that the spirit of freedom lives on in the hearts of Lithuanians everywhere.

RESOLUTION

On the occasion of the 67th Anniversary of the Restoration of Lithuania's Independence, the following Resolution was adopted on January 18, 1981 in Wilkes-Barre, PA by American-Lithuanian's of Luzerne County. Representatives of American-Lithuanian organizations and citizens of Luzerne County, will assemble at the Luzerne County Courthouse, Wilkes-Barre, PA February 16, 1985 to Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius whereby a sovereign State was restored; to:

Honor the memory of the generation of Lithuanian freedem fighters and partisans who fought seeking freedom from tyranny, to defend Lithuanian national aspirations and national self-determination, which is one of the most precious collective human rights that profoundly influences each individual rights; and;

Whereas the thought of liberty still soars in the hearts and minds of all Lithuanian decendents, Americans, and indeed all freedom-loving peoples throughout the world; and therefore be it:

Resolved, That Soviet Union (a) Withdraw from Lithuania all its military forces, political, administrative and police personnel; (b) Release all political prisoners of Lithuanian nationality from prisons, labor camps, psychiatric institutions, internal exile, and other institutions of servitude, from enforced Soviet military service and permit them to return to Lithuania; (c) Halt official harassment of individuals who wish to practice their religion, observe their cultural traditions, or express opinions in defense of basic freedoms and human rights granted by international acts; therefore be it;

Resolved, That our Senators, Congressmen and our Government of the United States raise the issue of the Baltic States in the United Nations and all international conferences: therefore be it;

Resolved, That Ronald Reagan, President of these United States, Make it clear that the United States continues actively to maintain its non-recognition policy with respect to the forcible and illegal incorporation of the Baltic States into the Soviet Union.●

THE BOLAND AMENDMENT IS NO LONGER THE LAW (AND IT IS NOT WHAT YOU THINK IT IS)

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. STUMP. Mr. Speaker, misstatements made by public figures and by the press are leaving the American public with the misimpression that the Boland amendment, which prohibited the use of CIA and DOD funds to support paramilitary activities in Nicaragua "for the purpose of overthrowing the Government of Nicaragua . . .," remains in effect. The Boland amendment is not in effect; it lapsed on December 8, 1983.

The basic problem is that the press appears to be unaware that the Boland amendment was only the first in a sequence of four statutory restrictions relating to Nicaragua, no two of which are the same.

Because confusion seems to abound on what Nicaraguan-related congressional restrictions applied to intelligence funds and when they applied, I believe it may be of assistance to Members and the press, in ensuring accuracy in discussion of the Nicaraguan issue, to set forth a brief summary of the four restrictions.

1. The Boland amendment: December 21, 1982, to December 8, 1983: The Boland amendment was adopted as section 793 of the Department of Defense Appropriation Act, 1983, incorporated in the Continuing Appropriations Resolution for Fiscal Year 1983 (P.L. 97-377). The Boland amendment prohibited CIA, DOD, and other intelligence entities from using funds provided by the DOD Appropriation Act, 1983, "to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." The period of applicability of the Boland amendment was extended by operation of the preamble and section 101(c) of the Continuing Appropriations Resolution for Fiscal Year 1984 (P.L. 98-107) and by the preamble and section 101(a) of the Further Continuing Appropriations Resolution for Fiscal Year 1984 (P.L. 98-151), including retroactively to the funding hiatus between November 10 and November 14, 1983. The Boland amendment was in effect from December 21, 1982, to December 8, 1983.

2. The $24 Million Cap Provision: December 8, 1983, to September 30, 1984: The $24 million cap provision was adopted as section 775 of the Department of Defense Appropriations Act, 1984 (Public Law 98-212) and, in identical form, as section 108 of the Intelligence Authorization Act for Fiscal Year 1984 (P.L. 98-215). The $24 million cap provision stated that, during fiscal year 1984, not more than $24 million of the funds available to the CIA, DOD, and other intelligence entities could be obligated or expended "for the purpose of which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual." The $24 million cap provision applied from December 8, 1983, to September 30, 1984. It should be noted, however, that any funds used in fiscal year 1984 prior to enactment of the $24 million cap provision would count against the cap.

3. Temporary Full Prohibition: October 1, 1984, to October 11, 1984: The temporary full prohibition was adopted as section 106(c) of the First Continuing Appropriations Resolution for Fiscal Year 1984 (P.L. 98-441). The provision prohibited the CIA, DOD, and other intelligence entities from using any funds provided by the continuing resolution "for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual." The continuing resolution, and therefore the period of applicability of the temporary full prohibition, was extended three times (P.L. 98-453, P.L. 98-455, and P.L. 98-461). The temporary full prohibition applied from October 1, 1984, to October 11, 1984. It should be noted that, although the First Continuing Appropriations Resolution did not become law until October 3, 1984, its restrictions applied retroactively to funds used during the funding hiatus on October 1 and 2, 1984.

4. Full Prohibition Subject to Possible Release of $14 Million: October 12, 1984, to the Present: The provision for full prohibition subject to a possible release of $14 million was adopted as section 8066 of the Department of Defense Appropriations Act, 1984, as incorporated in the Further Continuing Appropriations Resolution for Fiscal Year 1985 (P.L. 98-473). Section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (P.L. 98-618) also incorporated this provision by reference. The provision prohibits the CIA, DOD, and other intelligence entities from using funds available to them in fiscal year 1985 "for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual." However, the provision allows otherwise prohibited use of $14 million if, after February 28, 1985, the President reports to Congress that Nicaragua continues support to external insurgencies and he explains and justifies the need for assistance of paramilitary operations in Nicaragua, and the Congress approves such assistance by joint resolution. This provision for full prohibition subject to possible release has been in effect since October 12, 1984.

I urge my colleagues and the press to be careful in making references in the Boland amendment and to its prohibition on use of funds "for the purpose of overthrowing the Government of Nicaragua," since that is no longer the governing law.●

RESOLUTION URGING ACTION AGAINST THE APARTHEID POLICY OF SOUTH AFRICA

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mrs. BOXER. Mr. Speaker, I am proud to call attention to a resolution authored by the board of supervisers of Solano County, CA, regarding the apartheid policy of South Africa. The resolution follows:

RESOLUTION URGING ACTION AGAINST THE APARTHEID POLICY OF SOUTH AFRICA

Whereas, the government of South Africa pursues as national policy, political, social and economic discrimination towards its black citizens, known as "apartheid" and

Whereas, the government of South Africa also suppresses its "colored" citizens in an only slightly less deplorable manner; and

Whereas, apartheid in one of its many forms endeavors to destroy the black family by isolating the male adult urban worker from his wife and children; and

Whereas, the South African government has jailed black labor leaders for organizing black workers and for protesting the social indignities heaped upon black and colored human beings; and

Whereas, apartheid is just another form of slavery; and

Whereas, over 1,000,000 Americans died in our Civil War over the issue of slavery; and

Whereas, in subsequent years Americans of every faith and color, humble and renowned have struggled non-violently to preserve the right of Americans to be free of bigotry, to live in dignity and to have the opportunity to achieve political, social and economic justice without restraints imposed by their government; and

Whereas, acquiescence to South Africa's apartheid policy, whatever the rationalization, would be a rejection of the ultimate sacrifices made by those who died to insure justice for all human beings and a repudiation of the Judeo Christian principle upon which we claim our nation is founded: Now, therefore, be it

Resolved, That the Board of Supervisors of Solano County, in the strongest terms possible, deplores these acts of gross inhumanity against the black and colored people of South Africa; and be it further

Resolved, That the Board of Supervisors of Solano County communicate with the Director of the Public Employees Retirement System, which the County is a member, in order to inform them of our deep concerns about South Africa's apartheid policy and request that they do the following:

1. Review their investment portfolio in order to ascertain which corporations have investments in South Africa;

2. Request those corporations to develop a program of disinvestment as soon as possible;

3. If any corporation refuses to embark upon such a program, the Retirement fund shall act to remove that corporation from its investment portfolio as soon as it is financially prudent to do so; and be it further

Resolved, That copies of this resolution be sent to President Ronald Reagan, Governor George Duekmajian, U.S. Senators Alan Cranston and Pete Wilson, and Congressmen Barbara Boxer and Vic Fazio.●

PUBLIC EDUCATION FOR 4-YEAR-OLDS: A SOUND INVESTMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. MILLER of California. Mr. Speaker, a recent New York Times editorial "School at 4: A Model for the Nation," supported Mayor Koch's proposal to provide public education for all the city's 4-year-olds. Educating preschool children is a proven effective method of preventing early school failure and promoting achievement throughout the school years. A citywide early learning program can only mean greater success for thousands of News York's children.

The achievements of Head Start, and similar preschool programs such as the Perry preschool project in Ypsilanti, MI, were described to the Select Committee on Children, Youth, and Families nearly 2 years ago. These results demonstrate the long-range benefits to children from early gains in cognitive and social skills, as well as the tremendous benefits to society in lower rates of adolescent pregnancy, lower welfare costs, and higher worker productivity.

In light of these facts, it is sad that the Reagan administration's fiscal year 1986 budget would undermine Head Start, supposedly the administration's favorite program for disadvantaged children. Because of inflation, the administration's proposed freeze would preclude 19,000 poor 3- and 4-year-olds from participation in the program.

The administration's budget proposal would also drastically weaken other programs which promote healthy development and prevent dependency. The WIC program would be underfunded, denying hundreds of thousands of at-risk, low-income pregnant women and children vital nutritional supplements. This decision is unacceptable at a time when the decline in the national infant mortality rate is the smallest in 20 years. The Child Care Food Program would be slashed by 25 percent, leaving millions of children in child care centers and family day care homes at greater risk of hunger. Compensatory education, child care, school lunches, immunization—these and other supports would be cut, leaving millions of children more vulnerable.

Educating New York City's 4-year-olds is a sound investment in that city's future. The mayor's proposal begins the discussion of how best to establish such a program that can match the achievements of other early childhood programs. Unfortuantely, the Reagan administration's vision extends no further than today's spread sheets and budget tallies, ignoring the need to invest in our children.

[From the New York Times, Feb. 20, 1985]

SCHOOL AT 4: A MODEL FOR THE NATION

The whole country once looked to New York's public schools as the vanguard of progress. Now Mayor Koch proposes a bold experiment that would recapture that spirit. He's appointed a commission to help create public education for 4-year-olds starting in September 1986. The Mayor's initiative deserves the widest support. If society wants to save the next generation, there is no more sensible place to intervene.

Day care was once reviled as the refuge of bad mothers. But Head Start, that jewel of the Great Society's crown, proved the effectiveness of early childhood education. Teaching 3- and 4-year-olds, particularly those from poorer homes, produces great gains, and not only in education. Later in life, children from well-run programs are likely to cost society much less in remediation, crime and unemployment.

Still, not many communities have gotten the message. Head Start can handle only 20 percent of the eligible children, so preschool education goes mainly to families who can afford it. Children left on their own or in custodial day care often lag behind when they enter kindergarten. Soon they fall further behind and often never catch up, dropping out of school and out of the job market.

Early intervention can block that spiral. "Changed Lives," a recent report tracking two groups of black children in Ypsilanti, Mich., over nearly 20 years, shows that early-childhood education has a lasting effect. One group was given high-quality preschool education, through the Perry Pre-School Project, beginning at age 3. The other group followed the traditional path of starting school at age 5.

The group with preschool education ended up with nearly twice as many workers, college attendees or post-high school vocational trainees. They needed less remedial help in elementary and high school, and had 20 percent fewer school dropouts or lawbreakers. Their increased self-confidence contributed to their success.

That successful model prompts Mayor Koch to want to emulate it citywide, beyond the 175 pre-kindergarten classes, serving 4,200 students, that the Board of Education now provides. But wide adaptation of the model poses important questions: Day-care workers or certified teachers? All-day or half-day? Which should be stressed, cognitive or social skills? What will be the impact on kindergarten and first grade, where the Board of Education is struggling to reduce class sizes? How much will it cost, and will the state help pay, as it does for some pre-kindergarten classes now?

Such questions will be ably addressed, through hearings, meetings and research, by the Mayor's commission headed by Dr. Saul Cohen, president of Queens College. Mayor Koch already understands the most important question: Can New York afford a "dual" school system, one for students who make it and one for those who don't? For the good of the city and its youngsters, the answer is no.●

FORD HITS END TO AUTO QUOTA DECISION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. FORD of Michigan. Mr. Speaker, President Reagan's decision not to ask Japan to renew its quotas on auto imports is an economically irresponsible move that will cause serious damage to the U.S. auto industry and those who count on it for their livelihoods.

The President has taken a very short-sighted, narrow economic view, and he apparently fails to understand the importance of the domestic auto industry, which is responsible for about 1 out of every 7 jobs in America.

I am pleased that the big three American auto makers last year earned record profits, but the quota decision will wipe out whatever benefit this has had for American workers.

I estimate that this decision will result in the Japanese bringing 750,000 more cars into the United States this year—on top of nearly 2 million under the quota system. This will mean the loss of about 150,000 American jobs and the damage will spread to steel, textiles, electronics, rubber, plastics, and other industries.

It is extremely difficult to understand the move in light of huge budget and trade deficits. This will add $5 billion to this year's staggering trade deficit and it is certain to swell the budget deficit as well.

If this administration is really concerned about these deficits, which pose a very serious threat to our economic recovery, it is showing it in a strange way.

The decision was especially hard to swallow since it was not based on any concessions from the Japanese in reducing trade barriers against U.S. products such as telecommunications, wood and paper products or pharmaceuticals.

This seems to be a decision to give away American jobs while getting nothing in return and I believe it's an exercise in generosity over reason. The Japanese Government already subsidizes its auto import industry by about $600 a car. This, coupled with the overvalued American dollar, give the Japanese an advantage of about $1,500 per car. The administration's decision simply increases this advantage at the expense of American workers.●

RICHARD K. EAMER, "GOOD SCOUT OF THE YEAR"

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. LUKEN. Mr. Speaker, any review of the history of the Boy Scouts of America speaks out loud of the benefits a community derives from a Scouting troop. A pamphlet directed to volunteer leaders and Scout parents underlines the relation of Scouting to the community in these words:

Scouting is not something by and for itself. It is a definite part of the life of the community. By playing its part and training boys to play theirs, it contributes to our national welfare.

Indeed, the future of our American way of life depends to a large extent upon how adequately our youth is prepared to shoulder the responsibilities of democratic citizenship—in politics, business, community, and social life. Today I would like to call to your attention an example of a former Boy Scout who in adult life fulfills the values, talents and skills he learned, as from other important influences, through Scouting. Richard K. Eamer, born, raised, and educated in the Los Angeles area, was himself a Boy Scout who achieved the rank of Life Scout. He still lives in the Los Angeles area, and has become an outstanding business leader in the community. This former Life Scout, however, is also known for his generous philanthropic work in the community. In fact, the Los Angeles County Boy Scouts, 200,000 strong, have selected Mr. Eamer to receive the "Good Scout of the Year" award, to commend his competence, dedication, foresight and humanitarianism—characteristics the Scouts uphold.

Mr. Eamer, and many other Americans, are proof that the Scouting program, by its creed and laws, grooms outstanding and well-rounded citizens. He has not only maintained the standards of Scouting, he has used them for the benefit of the communtiy at large. I congratulate Mr. Eamer, and the Los Angeles County Boy Scouts for continuing an excellent and lasting tradition—American Scouting.●

VIETNAM VETERANS POST-TRAUMATIC STRESS DISORDER COMPENSATION ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. KASTENMEIER. Mr Speaker, on January 3 I introduced H.R. 362, the Vietnam Veterans Post-traumatic Stress Disorder Compensation Act. This legislation would provide a presumption of service connection for the occurrence of post-traumatic stress disorders in veterans who served in Southeast Asia during the Vietnam era.

According to estimates as many as 4 million Americans were stationed in Indochina during the Vietnam war. For many of those who returned to "the world" the war is never very far away. It has had a profound impact on their lives and that of their families and friends. It continues to literally haunt them, often resulting in the most disturbing of consequences.

Dr. Arthur S. Blank, Jr., Director of Readjustment Counseling Service for the Veterans' Administration, tells us that most research indicates that at least 20 percent of Vietnam veterans have substantial war-related psychological difficulties that are impairing their lives. This means that some 700,000 to 800,000 veterans plus family members are still suffering the effects of that tragic period in our history.

In 1980 the American Psychiatric Association published the Diagnostic and Statistical Manual of Mental Disorders—third edition—with a new category: Post-traumatic stress disorder, acute, chronic and/or delayed. The symptoms of post-traumatic stress disorder listed in DSM-III include nightmares and flashbacks—ranging from minor to overwhelming—of traumatic events; insomnia; anxiety; depression; irrationality; numbing alienation from friends, family and society; inability to resume productive living; impulsive behavior; and survivor guilt. Additionally, some Vietnam veterans demon-

strate complex educational, social, economic, and life-style problems.

There are definite reasons why Vietnam veterans are suffering aftereffects of the war not experienced by those who served in other wars fought by our country. Those reasons are found in the radically different nature of the last two military efforts, the Korean war and World War II.

Dr. Blank has chronicled several categories of stresses that are found in Vietnam veterans—stresses that are unique to this war.

Veterans suffer, admittedly, from the psychic trauma inherent in all wars. These include prolonged threat of annihilation; exposure to multiple deaths, dismemberment, mutilation, agony, and bobily destruction of both friends and enemies; horrid living conditions; and the cultivation of a state of mind permitting one to attach and kill others over an extended period of time.

Additionally, there are the stresses caused by the particular military and political features of the Vietnam war.

Exposure to terrorism, affecting both combatants and noncombatants over an extended period of time, was a unique feature of the Vietnam war. There was the constant inability to distinguish between combatants and civilians because the Vietnam war was a guerrilla war. This situation often led to confusion and frustration and provoded a substantial number of atrocities, both accidental and willful.

There was also a sense of purposelessness about the was absent in our other military ventures. No matter how on viewed the war, most soldiers in Vietnam experienced it as meaningless, absurd and wasteful. Many men fought long, exhausting battles to gain a little piece of land, only to abandon it within hours. Some had the experience of fighting for, and then abandoning, the same territory over and over again.

It was not enough that the Vietnam war experience itself was an extreme emotional assualt on the combat soldier, the stress of homecoming proved to be almost as difficult. Unlike World War II when veterans came home with friends on troopships and were able to spend time making a gradual transition from combat to peacetime and were greeted by cheering crowds, parades and a thankful public, Vietnam veterans came back by plane, in less than 48 hours, with no debriefing, and frequently was greeted with hostility, embarrassment or indifference. Nobody wanted to hear about Vietnam.

Also unique to the Vietnam experience has been the postwar period since 1975. The war itself dragged on to a chaotic conclusion, ending in total defeat for the U.S.-supported Saigon government. And, since then, the United States has pursued a policy of avoiding the present-day nation of Vietnam.

This lack of contact with Vietnam, either in person or through reports, photos or films of the media, has impeded the postwar adjustment for many veterans. It is almost as if the country never existed, the war was never fought. This, in turn, has made it most difficult for veterans to work out the aftereffects of the war experience.

Adding to the war experience and the trauma of the return home, is the fact that most veterans have found it difficult to obtain treatment for their psychological disorders. Until the beginning of the Vietnam veterans outreach project by the Disabled American Veterans in the fall of 1978, and the startup of Operation Outreach by the VA in October 1979, most Vietnam veterans were unable to receive counseling or psychotherapy for war-related symptoms. Because of the difficulty Americans here at home had with coping with the war, Vietnam veterans often find that mental health professionals still face intellectual, emotional and moral conflicts over the war, inhibiting the ability to comfortably explore with the veteran his war experience.

And the final cap to the list of situations contributing to the unique stress faced by Vietnam veterans has been the seeming attempt by this country to try to forget that period of our history completely. There has been no thoughtful reflection on the war and its meaning and consequences, an attitude officially promoted by President Ford on April 29, 1975, when he said that the evacuation from Vietnam "closes a chapter in the American experience."

All of these factors, taken in whole or in part, contribute to the presence of posttraumatic stress disorder in as many as 800,000 Vietnam veterans. For many of these veterans, what was once a reaction to a traumatic situation or episode may become an almost unchangeable personality characteristic and can be extremely debilitating.

Depression is a common symptom of Vietnam veterans suffering from posttraumatic stress disorder. They manifest the classic symptoms of depression: sleep disturbance, psychomotor retardation, feelings of worthlessness, difficulty in concentrating. There is also the widespread concern among mental health professionals and social service workers that the number of Vietnam veterans who commit suicide is large, although there are no objective data to verify this concern.

Accompanying the depression is a sense of helplessness about one's condition.

Another tell-tale sign of the disorder is isolation. Combat veterans often have few friends and feel isolated and distant from their peers. They feel that most of their nonveteran peers would rather not hear what the combat experience was like; therefore, they feel rejection.

The lack of positive support received from the American public during the war is something that plagues many veterans. Too many of the warriors were identified with the war and were met by screaming crowds and media calling them depraved and psychopathic killers. Many confronted hositility from friends as well as from strangers. The result is a constant search for someplace where they will be accepted. It is not unusual to find a veteran who has isolated himself from others by repeatedly moving from one geographical location to another seeking that place where they belong. The stress on his family is enormous.

Uncontrollable and often frequent bouts of rage and hostility are also found in the veteran suffering from posttruamatic stress disorder. Such behavior often frightens the veteran, leading many to question their sanity. They are appalled at their behavior, yet are unable to control it. Too often they strike out at those nearest to them—their wives and children.

The reasons for the rage are many and not too surprising. Military training equated the rage with masculine identity in the performance of military duty. But, with the rage having been stirred up, many combat veterans were left with no one upon which to level the violent impulses. The nature of guerrilla warfare—booby trap land mines, surprise ambushes with a quick retreat by the enemy—left the combatants feeling like time bombs. Often they would unleash their rage at indiscriminate targets simply as a release.

Upon their return, the rage was transferred to those in authority—those the veterans felt were responsible for getting them into the war in the first place and those who would not support them while they were in Vietnam and when they returned home.

Along with the rage at authority figures from the Vietnam era, these veterans often feel a general mistrust of anyone in authority, resulting in many constantly changing their jobs.

These veterans often describe themselves as being emotionally dead. This process began when they first entered military boot camp. There they learned that the Vietnamese were not to be labeled as people but as "gooks, dinks, slopes and slants." It was then much easier to kill a "gook" or "dink" than another human being. Psychic numbing was used as a defense mechanism in coping with the horrid conditions of war and dulling the awareness of the death and destruction surrounding these men every day.

But, the problem is that this psychic numbing has persisted for many of

these veterans. Some veterans interviewed by counselors have actually reported that they believe if they once again allow themselves to feel, they may never stop crying or may completely lose control of themselves. Therefore, many of these veterans go through life with an impaired capacity to love and care for others. They have no feeling of direction or purpose in life. They are not sure why they even exist.

Survival guilt is prevalent among these veterans. They continually ask the question, "Why them and not me?"

Anxiety reactions to situations that resemble those in Vietnam are common. A loud discharge will cause many of them to start. Many become very uncomfortable when people walk closely behind them. Some are uncomfortable when standing out in the open. A large number of veterans possess weapons. Many still sleep with weapons in easy reach.

It is perhaps ironic that mental health professionals have found that significantly disabled veterans, suffering the loss of a limb or other wound that required months or even years of hospitalization, experience less emotional problems often than those suffering the emotional wounds of the war. They believe the reason is that severaly disabled veterans received much more comprehensive care after their combat experience. They had close emotional support from other veterans in the hospital wards and were able to find some final resolution of their feelings about Vietnam. There was also much more understanding of the physically wounded by the VA, and they were provided support and training to help them readjust to their losses. No such resources were available to the veterans who were not seriously physically wounded.

But, the emotional wounds suffered by these veterans and the resultant effects on their lives and that of their families is every bit as serious as those suffered by those who were wounded physically, and every bit as debilitating.

Mr. Speaker, while most of the attention regarding posttraumatic stress disorder has been devoted to the male combat soldier in Vietnam, it must be recognized that the women who served in that war often suffer the same problems. Many of these women served as nurses and faced as much blood and gore as any battlefield soldier. The Defense Department estimates that about 7,465 women served in Vietnam, mostly as nurses. These women have been all but forgotten by the Government and veterans' organizations. The storefront outreach centers established under Operation Outreach are set up for combat veterans and, therefore, provide virtually no outlet for these women. This is a population yet to be reached by existing programs.

Beginning in October 1980 the Veterans' Administration accepted the diagnosis of posttraumatic stress disorder, delayed type, as a potentially compensable disorder. This meant that for the first time since World War I the Veterans' Administration could consider disorders to be service-connected when the symptoms first appeared more than 1 or 2 years after military discharge. This bill merely extends that decision to create a presumption of service-connection when posttraumatic stress disorders are found in veterans who served in Southeast Asia during the Vietnam era, using the definition of posttraumatic stress disorder contained in DMS-III.

During the 98th Congress we enacted legislation calling for a study of the prevalence and incidence of posttraumatic stress disorder and other psychological problems in readjusting to civilian life among veterans who served in Vietnam and the effects of such problems on these veterans. This study by the Veterans' Administration is to be submitted to Congress by October 1, 1986. This is to be followed by two reports setting forth the VA's evaluation of the agency's effectiveness in meeting the readjustment needs of these veterans and whether the VA should shift the location of the program from the vet center approach to main VA health care facilities. These reports are due in 1987-88.

While laudable in recognizing the need to do something about PTSD, the study approach would postpone for yet another 3 years key decisions on how to deal with posttraumatic stress disorders. In the meantime, veterans will continue to suffer the effects of the disorder, effects which the VA's own Readjustment Counseling Service Director has indicated are serious and could affect as many as 700,000 to 800,000 veterans.

The fact is that the disorder has been identified and its presence in literally thousands of Vietnam veterans has been acknowledged by authorities in the fields of both psychological disorders and veterans' disabilities. The symptoms have been delineated by the American Psychiatric Association, providing a body of criteria to be met to establish the presence of the disorder.

It seems appropriate, in light of all of this, to enact legislation to provide the presumption of service-connection in the case of the presence of posttraumatic stress disorder in Vietnam veterans.●

GOVERNOR THOMSON'S PERSPECTIVE ON CHINA

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. SMITH of New Hampshire. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues an article by Meldrim Thomson, Jr., former Governor of New Hampshire, from the Manchester Union Leader of December 31, 1984, about our relations with Taiwan and the People's Republic of China. I believe Governor Thomson raises a number of interesting and pertinent points about this matter, a matter so vital to our national interest. The article is as follows:

[From the Manchester (NH) Union-Leader, Dec. 31, 1984]

A DECADE OF GREAT DECEIT

The years 1971-1981 constitute the decade of America's great deceit; the time when four American Presidents—Nixon, Ford, Carter and Reagan—practiced to deceive the Republic of China and the people of the United States.

Dec. 7, 1941, when Japan delivered a surprise bombing attack at Pearl Harbor, destroying 19 U.S. Naval vessels and killing 2,300 military personnel, President Frankin D. Roosevelt said that it was a day that would live in infamy.

Dec. 15, 1978, when President Jimmy Carter announced to the world that he had agreed to normalize relations with Red China (People's Republic of China) and would abrogate on Jan. 1, 1980 the USA-ROC mutual defense treaty, America experienced its greatest day of perfidy—a day of disloyalty and faithlessness to one of America's all-time friends and allies.

The decade of deceit, though he did not use the term, is best described by James C. H. Shen, former ambassador of the Republic of China to the United States, in his factual and moving book, "the U.S. and Free China—How the U.S. Sold Out Its Ally."

"Even a cursory review of the China policy of recent U.S. administrations," Dr. Shen wrote, "from Nixon reopening relations to China in 1971, Ford's readiness to oblige Peking in 1976, Carter's modernization of relations with Peking and de-recognition of the Republic of China in 1978, and the abrogation of the Sino-American mutual defense treaty in 1979, to Reagan's decision in August 1982 to reduce arms sales to Taiwan—over a period of time until 'its final settlement of the question'—would leave one to the inevitable conclusion that the United States over a period of 10 years has been selling out its loyal friends and long-time ally, the Republic of China, down the river, a bit at a time, but down the river just the same."

The Republic of China was as important an ally to the United States in the war to preserve our freedom (World War II) as was France in the birth of our nation at the battle of Yorktown in 1781.

The ROC, together with Great Britain, Russia and the United States, constituted the Big Four allies in World War II. The Republic of China, under Chiang Kai-Shek, fought and effectively pinned down on the

mainland of China about 3 million fighting men of Japan, who otherwise might have engaged the troops of the U.S.

This great ally was the only nation in the world to say, in effect, to America, "We appreciate your past foreign aid, but we don't need it anymore, thank you."

At the time of our police action in Korea, the Republic of China offered to fight with MacArthur's forces in Korea only to be turned down by liberal diplomats in Washington.

For such warm, loyal and faithful friendship we gave the Republic of China the back of our diplomatic hand, or as Dr. Shen correctly said, we sold the Republic down the river.

We allowed the Communist nations and their sympathizers in the United Nations to kick the Republic of China off the Security Council, where it had been a permanent member since the inception of the UN and replaced it with Red China, which was more acceptable to the commies of that fraudulent organization.

Instead of standing shoulder to shoulder with a true friend, the ROC, we have idiotically taken to our breasts the asp that is Red China. The reason we are doing this, we are told by our mindless diplomats, is that in some future confrontation with the Soviet Union we will have a friend and ally who might stick with us.

Unfortunately, in the history of Communism, there is not one example of a Communist nation ever becoming a true friend of a free nation.

Red China will be no exception.

There are countless liberals, especially money hungry businessmen, who take great comfort in the recent announcement that Red Chinese leaders have repudiated Marxism.

Such persons are too sanguine to realize that the rejection of Marx and Lenin by Deng Xiaoping and his official comrades in Peking, is not a disavowal of the absolutism of totalitarian communism. The facts refute such a conclusion.

There is no free press in Red China. (Do you think this article would be published there?)

There is no freedom of religion in Red China. On the contrary, Jimmy Carter, in his misnamed book, "Keeping Faith," said that Deng "was strongly opposed to any resumption of a foreign missionary program." Also, when Carter asked Deng if the 7 million Muslims living on mainland China would be allowed to travel to Mecca, Deng answered no.

Abortion is rigorously practiced in Red China, where the women can lawfully have no more than one child, and where approximately 1 million unborn babies are murdered annually.

Free elections are as unknown in Red China as they are in the Soviet Union.

Per capita income on the mainland is 10 times less than than in the Republic of China; namely U.S. $300, compared to U.S. $3,000 in Taiwan.

Red China, like the Soviet Union, is a land of political purges. Today our government puts its trust where purges of the past have taken the lives of from 30-50 million people, and where new purges are now brewing.

In a Peking UPI release published in this paper on Dec. 23, and in a special feature article in the Wall Street Journal on Dec. 24, it is reported that purges by Deng against 40 million opponents may be undertaken next year.

The only legal threat that stays the demise of the Republic of China today is the Taiwan Relations Act passed by Congress, and effective Jan. 1, 1979.

The importance of this act to the future of the Republic of China was noted by President Carter in his Diary of March 7, 1979 where he said, "Instructed (Secretary of State (Cyrus) Vance to hold firm on the Taiwan legislation. If it is modified to violate my commitment to the PRC or if the security language with Taiwan exceeds that in the treaty itself, I will have to veto the legislation. Therefore leaving it illegal to deal with Taiwan in any effective way."

Already President Reagan has issued a statement that contravenes the terms of the Taiwan Relations Act.

In paragraph six of the communique of Aug. 17, 1982 the U.S. conceded that "it does not seek to carry out a long-term policy of arms sales to Taiwan." This is contrary to the provision of TRA that states "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

Recently, a highly placed official of the Republic of China told me, "It would certainly be to the mutual advantage of our two countries if full diplomatic relations could be restored."

To our everlasting disgrace, American helped to destroy a free Cuba, a free Nicaragua and a free Rhodesia. Will we now do the same to the Republic of China?

Communism is the scourge of the world. Communism and freedom will no more mix than will oil and water.

Either we stand with the free nations of the world against Communism or the day will arrive when we shall die as slaves under Communism.●

HOUSE CONCURRENT RESOLUTION—

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. RUDD. Mr. Speaker, I am today introducing legislation calling upon the President to express to the Soviet Union the strong moral opposition of the United States to the slave labor policies of that country by every means possible, including refusing to permit the importation of any of its products made in whole or in part by such labor.

Congress made it clear that the United States should have no part whatsoever in encouraging or subsidizing forced labor when it incorporated into the Tariff Act of 1930, section 1307 which provides that—

All goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or/and forced-labor . . . shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited.

In response to a request by Congress in 1982, the State Department acknowledged the existence of an extensive forced labor system in the Soviet Union. Under Secretary of State for Political Affairs, Lawrence S. Eagleburger, summarized the report saying:

The Soviet forced labor system gravely infringes internationally recognized fundamental human rights. Forced labor, often under harsh and degrading conditions, is used to execute various Soviet developmental projects and to produce large amounts of primary and manufactured goods for both domestic and Western export markets. As stated in our preliminary report of 5 November 1982, forced labor in the Soviet Union is a longstanding and grave human rights issue. The Soviet forced labor system, the largest in the world, comprises a network of some 1,100 forced labor camps, which cover most areas of the U.S.S.R. The system includes an estimated four million forced laborers, of whom at least 10,000 are considered to be political and religious prisoners.

In May 1983, the Central Intelligence Agency compiled a list of over three dozen products made by Soviet forced labor for export, including chemicals, petroleum products, gold, uranium, aluminum, electronics, auto parts, clothing, tea, wood products, and glassware.

Based on the evidence available, the Customs Service recommended to the Secretary of the Treasury in late 1983 that the ban on Soviet slave labor products be enforced.

Despite the fact that subsequent reports have provided varying estimates of the number and value of products produced with slave labor which are entering our country from the Soviet Union, no one has denied that such products are entering. Furthermore, regardless of the number of products or the value of the slave labor content, the law provides that no slave made goods are importable.

Yet, despite the section 1307 ban and the evidence of the use of forced labor in the Soviet Union, the Treasury Department continues to allow slave labor products to enter the country from the Soviet Union. Through the purchase of hundreds of millions of dollars worth of these Soviet goods each year, the United States has become a de facto accomplice to a system of slave labor that is without equal in this world for brutality and indecency.

This body has gone on record numerous times calling for compliance with the slave labor provisions of the 1930 Tariff Act, most recently with language in the Treasury, Postal Service and General Government appropriations bill for fiscal year 1985, which was cleared as part of the continuing appropriations bill on October 11, 1984, prohibiting use of funds to block compliance.

We should not be apologists for the Soviet Union's use of forced labor or turn our eyes on this brutal practice. The law exists and must be enforced. I urge my colleagues to join me in cosponsoring this resolution to make sure we stop helping the Soviets profit from this human suffering.

I ask unanimous consent that the resolution be printed in the RECORD at this point:

H. CON. RES. 74

Concurrent resolution calling upon the President to express to the Soviet Union the strong moral opposition of the United States to the forced labor policies of the Soviet Union by every means possible, including refusing to permit the importation into the United States of any products made in whole or in part by such labor

Whereas in its February 1983 report to the Congress on forced labor in the Union of Soviet Socialist Republics, the Department of State confirmed that Soviet forced labor is used "to produce large amounts of primary and manufactured goods for both domestic and Western export markets", and that such labor is used as an integral part of Soviet national economy;

Whereas the Central Intelligence Agency has compiled a lost of over three dozen products made by Soviet forced labor and imported by the United States, and that items on the September 27, 1983 list include chemicals, gold, uranium, aluminum, wood products, and glassware;

Whereas the International Commission on Human Rights has concluded that the Soviet Union "continues the deplorable practice of forced labor in manufacturing and construction projects" and that prisoners "are forced to work under conditions of extreme hardship including malnutrition, inadequate shelter and clothing, and severe discipline";

Whereas the Congress is on record as opposing forced labor, having enacted a prohibition (which has been codified in section 1307 of title 19, United States Code) on the importation of goods made with such labor and having passed in the 98th Congress by unanimous vote a resolution calling such practices morally reprehensible and calling upon the President to express to the Soviet Union the opposition of the United States to such policies;

Whereas the prohibition enacted by the Congress declares that "goods, wares, articles, and merchandise, mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited";

Whereas there is amply knowledge of the Soviet forced labor system to require enforcement of the prohibition codified in section 1307 of title 19, United States Code;

Whereas the delay in enforcing the law brings into question the commitment of the United States to protest the inhumane treatment of prisoners in the Soviet Gulag, an estimated 10,000 of whom are political and religious prisoners according to the Department of State: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should express to the Soviet Union in the firmest possible terms the strong moral opposition of the United States to the slave labor policies of the Soviet Union by every means possible, including refusing to permit the importation into the United States of any products made in whole or in part by such labor.

SEC. 2. The President is hereby requested to instruct the Secretary of the Treasury to end the delay in enforcing 19 U.S.C. 1307.●

TRIBUTE TO DR. CHARLES H. KREMER

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. WEISS. Mr. Speaker, I would like to take this opportunity to recognize the outstanding efforts of my friend of many years Dr. Charles H. Kremer, who has for the past 30 years been pursuing a struggle to expose Nazi war criminals who have achieved sanctuary in the United States.

Dr. Kremer, a retired dentist, is a man whose own personal experiences during the Holocaust in Nazi Germany have driven him to fight a one-man battle in exposing one of the most notorious Nazi criminals, Valerian Trifa, a former member of the Romanian Iron Guard Command and former archbishop of the Orthodox Church of Northern and South America and Canada.

Dr. Kremer's unfaltering quest for justice has led him through years of independently financed research, gathering documents and written testimony as evidence against the criminal deeds of Trifa, who has been accused of unspeakable crimes against both Jews and Christians, in Romania. Because of Charles Kremer's efforts over three decades. Trifa was officially stripped of his American citizenship in October 1982, and was ordered deported from the United States.

I am pleased that the National Association of Jewish Legislators has commemorated the installation of Dr. Kremer's archives at the John Jay College of Criminal Justice and I am proud to have been asked to participate in the event. Please join me in recognizing Dr. Kremer's service and dedication to the cause of justice.●

HEROIN AND COWARDICE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. WHITEHURST. Mr. Speaker, those of us who have joined with Congressman WAXMAN in supporting the Compassionate Pain Relief Act have done so in an effort to ensure that all possible avenues can be explored to provide relief to those suffering intractable pain as a result of terminal cancer. Many of us, I am sure, have had friends or family members who have undergone such agony, and we want to spare others such an ordeal.

The February 25, 1985, issue of the New Republic contained an excellent editorial on the subject, and I am pleased to share excerpts from it with my colleagues at this point in the RECORD. I hope that it will encourage others to join us in support of this measure.

The editorial follows:

HEROIN AND COWARDICE

One by one, a dozen or so U.S. representatives approached their colleague from California, Henry Waxman, last fall and told him why they had voted down his bill to allow doctors to use heroin for terminal cancer pain. It wasn't because they questioned the drug's effectiveness as a painkiller. Nor did they fear that the small quantity involved would somehow wind up on the street, as some critics of the bill had charged. Their opposition was based on fear. "They explained to me," Waxman says, "that with the Novermber election coming up, a vote for the bill would allow their opponents to brand them 'heroin pushers.'" The bill lost by an overwhelming 355 to 55 votes, but Waxman and Senate sponsor Daniel Inouye are going to try again this session.

If a challenger runs an ad saying, "My opponent has voted to legalize heroin," the incumbent has to respond, putting her on the defensive and forcing her to squander money on a tangential issue she did not even want to discuss. Moreover, the reply may not reach the same segment of voters who saw the challenger's ad. If a member of Congress makes all these calculations before voting for a bill—and, inevitably, she will—support in principle becomes opposition in practice.

The Compassionate Pain Relief Act, as the reintroduced bill is rather ponderously known, addresses the suffering of about 8,000 terminal cancer patients every year who do not respond to available painkillers such as morphine. Heroin is employed as a painkiller in at least 40 countries. English specialists have found heroin to be more potent than morphine and less likely to induce side effects such as nausea and drowsiness. Many cancer patients cannot stomach oral medication and must receive injections instead. Heroin is much more soluable than morphine; it can be injected in smaller, and hence less painful, doses. Heroin would be used only on terminally ill patients, for whom addiction is not an issue. And in England, those who do recover seem to lose their desire for the drug when the pain abates.

Opponents of the bill are touting another drug called Dilaudid, just now becoming available in injectable form. The government has spent more than a million dollars over the past few years on Dilaudid, with the express purpose of finding an alternative to heroin. Studies comparing oral heroin and oral Dilaudid show heroin to be more potent, with fewer side effects. A study has now started comparing injectable forms of these drugs, but the results are several years away. Meanwhile, thousands will die in agony if the law isn't changed.

Under the Pain Relief Act, heroin would be authorized for a four-year trial period while the Dilaudid study continues. The threat of criminal diversion is minimal. Heroin would be available solely in hospital pharmacies, where only about two percent of drug thefts occur. Even if *all* the heroin to be used for pain management wound up on the streets, it would total just three percent of what is already there. Sixty percent of the drug overdoses in the United States are caused by prescription drugs diverted into the illicit market. Yet no one is talking about banning those products. Even Dilau-

did, heroin opponents' drug of choice, sells for about $40 per tablet on the street. Addicts say it produces a "high" comparable to heroin.

The representatives who voted against the Pain Relief Act last fall don't have an election to worry about this spring. What's more, the revised bill positively overflows with reassurances that legalizing heroin for cancer patients is sound medical practice and in no way will contribute to the addiction problem on the streets. But Waxman and Inouye had better get their legislation to the floor for a vote. The 1986 campaign is about to begin.●

H.R. 1268 WOULD PROVIDE A TAX CREDIT FOR INSTALLATION OF SECURITY DEVICES

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. DREIER of California. Mr. Speaker, two of the most prevalent types of criminal activity in our society are unlawful entry and burglary. Their statistics are staggering. The value of property stolen in 1983, for instance, was $2.7 billion, involving over 3.1 million residences.

Case studies show that one of the best deterrents to these types of crime is the installation of locks and alarm systems. Unfortunately, many Americans, particular the elderly, who are often on fixed incomes, cannot afford to purchase adequate security devices.

For this reason, I introduced H.R. 1268. It would provide a tax credit for the installation of locks and other security devices. My bill provides a higher maximum credit for the elderly, who are heavily victimized by the fear of crime and suffer most acutely from crime-related physical injury and financial loss. These people, who are often on fixed incomes, are least able to shoulder the burden of security expenditures.

I would like to highlight and summarize several points about H.R. 1268:

A. Credit Allowed. In general, a taxpayer is entitled to a credit in each tax year of an amount equal to 25 percent of the security expenditures he has made during that year, up to a maximum of $125. For persons who have attained age 65, the credit allowable is equal to 100 percent of such expenditures.

B. Limitations. No credit is permitted with respect to expenditures which are claimed as a business deduction.

C. Qualifying Security Devices. The credit is allowable with respect to expenditures made for the purchase and installation of locks, alarms, protective window and door bars or security lighting designed to provide a warning of, or a deterrent to, unlawful entry or unlawful injury to person or property. The device must be installed in or on a dwelling (including a boat, van automobile home) which is located in the United States and which is the principal residence of the taxpayer.

D. When Allowed. The credit is available for expenditures made after December 31, 1984.

Mr. Speaker, the financial loss associated with crime can be measured, but the physical and emotional damage that victims face cannot. I urge my colleagues to consider the serious impact of crime on their constituents, and help assist law enforcement efforts by cosponsoring H.R. 1268.●

PROFESSOR GEORGE S. BLAIR RECOGNIZED FOR CONTRIBUTIONS TO HIGHER EDUCATION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. DYMALLY. Mr. Speaker, it is my pleasure to join with the Western Political Science Association in honoring Dr. George S. Blair this month for his life achievements. Dr. Blair is one of California's and indeed the Nation's outstanding educators. He will be formally honored this month when the Western Political Science Association holds its annual meeting in Las Vegas, NV.

I believe Dr. Blair is going to be pleasantly surprised when he finds that his colleagues will be honoring him not simply with words, but with deeds as well. Those who know the devotion Professor Blair has had throughout his adult life to excellence in education have gotten together to create the George S. Blair Fellowship. That fellowship will support outstanding graduate students at Claremont College, the fine California institution to which Dr. Blair has given so much.

In my opinion, our top educators deserve to be recognized as national heroes. They guide and develop the minds that make our Nation strong, humane, and ingenious. Dr. Blair is one of these heroes. After earning his bachelor and M.S. degrees at Kansas State Teachers College, Dr. Blair went on to Northwestern for his Ph.D., which he received in 1951.

He developed his teaching and research skills at the University of Tennessee in Knoxville, and the University of Pennsylvania. But I think it's safe to say that California and Claremont College won his heart. He joined Claremont's faculty in 1960, and is now in his 25th year of service there. He became a full professor in Claremont's School of Government in 1964. He was held in such esteem by his colleagues that he became chairman of the Graduate Faculty in Government in 1967, and has served in that capacity to the present day. A person has to be held in the highest regard by those who serve under him to have the opportunity to hold the top position for 13 years.

But teaching has always been a priority with Dr. Blair, and I suspect that he values the academic honor of holding the Elisabeth Helm Rosecrans Chair of Social Science in highest regard. For his holding of that Chair is an acknowledgment by his colleagues of his achievements in teaching and research.

I count it a privilege to be able to inform my colleagues in the House of Representatives about one who has contributed so much to our understanding of ourselves and our political practices. It is with pride that I tell you California is the home of Dr. George S. Blair, an outstanding educator, an American hero.●

FOREST PARK SENIOR CITIZENS CENTER CELEBRATES ITS FIFTH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to ask my colleagues in the U.S. House of Representatives to join with me in honoring the Forest Park Senior Citizens Center, Inc., of Woodhaven, Queens County, NY, for its invaluable contributions to older Americans, as the center celebrates its fifth anniversary on March 7, 1985.

During the past 5 years, the center has been a major and positive force in the lives of the many elderly residents of the Forest Park community. Kay Neil, the center's general administrator, has worked tirelessly to implement nutrition and referral programs, and to do everything in her power to meet the needs of elderly citizens who turn to her for help. Kay and her late husband, John Lyons, had a vision for this center and what it could mean to seniors—those who are living full, rich lives, and those who are struggling with health problems, isolation, and loneliness.

Their vision has become a reality that has transformed the lives of many. The Forest Park Senior Citizens Center offers the only kosher nutrition in the area. It provides 200 meals a day, and delivers lunches to 35 home-bound seniors. In addition to meeting nutritional needs, the center has a 24-hour emergency telephone number, and offers social service, medical and other related referrals to nearby hospitals and other agencies.

Mr. Speaker, the center goes beyond meeting basic living needs. Its summery "Dancing Under the Stars" program, movie screenings, and other varied planned activities make it possible for the senior citizens of Queens County to share in the joys of companionship, friendship, and purpose.

Mr. Speaker, Kay Neil and center staff members Lucille Janckowski, Dora Jakobiak and Faye Platt deserve

our recognition and praise for their generosity and commitment to enriching the lives of the elderly in Forest Park. Their efforts have brought joy and comfort to countless numbers of people throughout the past 5 years, and I am proud to share in their celebration.

Mr. Speaker, let us take this moment now to pay tribute to the vital work done by the generous individuals who support and work at the Forest Park Senior Citizens Center, Inc.●

TO HONOR JAMES H. GORDON

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. FLORIO. Mr. Speaker, I would like to advise my colleagues of a heroic deed performed by one of my constituents. I am proud to recount the following series of events which are deserving of our recognition.

James H. Gordon, of Westville, NJ is employed as a meter reader by the Public Service Electric and Gas Co. [PSE&G]. On January 25, 1985, while on duty, Jim rescued a babysitter and six young children from a burning home in Audubon, NJ.

Responding to their screams, Mr. Gordon successfully evacuated these seven people before the arrival of the fire company. His task was not an easy one given the obvious life-threatening circumstances and the fright of the children.

When he had accomplished this admirable feat, he departed the scene without thought of expecting congratulations or gratitude. Suffice it to say, the seven individuals are very appreciative of this self-sacrificing act.

On February 13, 1985, James Gordon will be honored by the Audubon Lions Club, the Borough of Audubon, and his employer, PSE&G, for his outstanding valor.

I urge you to join with me in saluting this outstanding American for a job well done.●

A TRIBUTE TO IDA BERKOWITZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to one of the San Fernando Valley's most distinguished senior citizens, Ida Berkowitz.

She is being honored today by the San Fernando Valley Interfaith Council Aging Services Committee for her dedication to the needs of our community.

Ida has been a political and social activist in behalf of the needs of seniors ever since she worked on the Senior Adult Program at Valley College in the 1970's. She is on numerous government advocacy committees ranging from affordable housing and needed social services for the elderly to nuclear disarmament. Her work as a social activist led her to join the program to help the elderly live independently through a network of cooperative services.

Ida's social commitment is a model for all of us. I ask the Members to join Interfaith Council of the San Fernando Valley in expressing its gratitude and admiration.●

GOODBYE TO THE MARIEL EXCLUDABLES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. BROOMFIELD. Mr. Speaker, the Mariel excludables are on their way home. Hats off to the Department of State and other agencies for ridding our country of those undesirables.

As all of you know, Castro emptied out many of his jails and mental institutions and sent them to the United States disguised as Cuban immigrants. In our national innocence and desire to help, we failed to realize that Castro would employ such deception against this Nation. After arriving in Florida, many of the outcasts from Cuba committed serious crimes in the States where they lived. The 2,746 Cubans determined to be excludable because of their crimes began their return to Cuba on February 21. Cuba is obliged by the agreement to take all of these persons back.

Pursuant to the terms of the new United States-Cuban migration agreement of 1984, the U.S. Government will resume the processing of former political prisoners in Cuba for resettlement as refugees in the United States. This program had started in 1978, but was interrupted by the shameful Mariel episode that was cooked up by Castro himself in 1980.

Over 1,000 applications have already been received from Cubans who have been released from prison after serving sentences for acts which Cuban penal legislation defines as "offenses against the security of the state." In other words, these freedom-loving Cubans were exercising free speech and suggesting that Cuba try to become an open and democratic society, as had been promised by Castro himself before he came to power.

The necessary steps are now being taken for the admission as refugees during the fiscal year 1985 of up to 3,000 persons, including such former political prisoners and their immediate family members. The refugees will be resettled throughout the United States.

The resumption of normal immigrant visa processing in Havana involves no special treatment for Cuba. That country's agreement to accept the return of those the United States was seeking to exclude restored Cuba's eligibility to be treated like all other countries with regard to visas. The United States will continue to help those who want to flee from Castro's totalitarian state.

Castro's involvement in the shameful act of sending thousands of Cuban mental patients and criminals to this country will not be forgotten. Duplicity seems to be the trademark of Castro and his regime. While he often speaks of the importance of normalizing relations with the United States, the Mariel incident may reveal his true intentions regarding future understandings with the United States.

Let us hope that he has enough integrity to live up to the spirit and letter of the new agreement. This would be a step in the right direction toward improving the strained relations between our two countries. In the meantime, I say hats off to our Department of State for ridding America of the excludables.●

IS THERE A NEED TO COORDINATE OUR NATIONAL EFFORTS FOR TOURISM WITHIN THE UNITED STATES?

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. BONER of Tennessee. Mr. Speaker, the congressional travel and tourism caucus, since 1979, has taken a leading role in sharing information that would strengthen our country's economic viability through the virtues of tourism promotion.

I would like to share with my colleagues an excellent article written by Wayne Smith, executive director, United Bus Owners of America. This piece appeared in the National Tour Association's Courier magazine in January and it gives an historical perspective of our Federal role in promoting travel to America by international travelers.

Given the rising strength of the dollar, it further illustrates the need for a program that would better market America's beautiful attractions to our own citizens. This article advocates the need for congressional action to help coordinate many of the statewide programs already in place. I would like to make my colleagues aware of this proposal and to urge

their thoughtful consideration of the need to promote domestic travel.

HAS THE TIME COME FOR ESTABLISHING FEDERAL OFFICE OF DOMESTIC TOURISM?

(By Wayne J. Smith)

All of us know about the United States Travel and Tourism Administration (USTTA). However, not all of us are aware that the focus of USTTA is upon foreign visitors.

In more and more states, tourism is the most revenue-effective industry. UBOA is convinced that if all identifiers could be passed through for every tourism-related expenditure or revenue, tourism would already be the foremost national industry.

In that framework, it's surprising that there is no federally-sponsored body devoted to domestic tourism development. Ideally, a body of that kind would have Administration and Congressional sanction. The idea has been given public attention by no less a figure than Priscilla Baker, Special Assistant to the Director of the National Park Service. In the Baker view, the overseas strength of the dollar has attracted a great deal of foreign travel. At the same time, stateside expenditures have been heaviest in consumer/durable goods, where low inflation and relatively low interest rates have generated a strong attraction.

The Baker agenda calls for cooperative advertising campaigns or other joint marketing efforts to make Americans more aware of their stateside travel options, and of tourism as the prime candidate for investment of recreational dollars.

At a time when every budgetary item is under close cost-cutting inspection, we can hope to secure support from the Administration and Congess only if we are able to show that any investment in an administration for domestic tourism will be seed money, pure and simple; that if the White House and Congress give us the tools, we growers of travel dollars will guide the country to a bumper crop of tourism revenue.

Foreign travel has had Congressional blessings for decades. Most notably, the International Travel Act was passed in 1961. The purpose of the 1961 Act is instructive: "This program is intended to promote understanding and good will among peoples of other countries and of the United States, and to generate foreign exchange to increase export earnings. USTS . . . advises the private sector on ways to improve the reception services and hospitality extended to foreign visitors."

Obviously, if the same sort of responsibility were to be vested in a stateside body, barriers would be brought down, and members of bus tours and bus owners would feel far less alien on the soil of a state other than that of the vehicle's registration tags. The idea boils down to a matter of national policy, a policy for which NTA and UBOA have been arguing for years. Witness our joint sponsorship of the Tour Planning Manual. Witness the fact that UBOA has in place a tourism committee which has reviewed questions related to a possible national tourism administration.

Our respective boards will explore whether or not NTA and UBOA should put their energies into an effort to enact a law for domestic tourism. In that regard we already have a track record in that both NTA and UBOA and have been tremendously supportive of USSTTA. Before that, we were prime movers in what became the U.S. Congressional Tourism Caucus, the purposes of which are declared in its Articles of Incorporation to be "to promote and expand the economic viability and welfare of the American tourism industry and the jobs of its workers." Even more directly, the purpose is described as being "to explore and research possible avenues of legislative solutions to related problems and areas of concern."

It remains to be seen whether or not the new Congress the 99th, will enroll a majority of its members in the Caucus. It's far from being a shoo-in. When the 97th Congress held hearings on the the economic impact of tourism, Sen. Howard W. Cannon (D-Nev.) who was then chairman of the Senate Commerce Committee, cautioned that, "as in the past, the decisionmakers have failed to recognize the national importance and potential of tourism. In other words, it's 'business as usual.' Until this is changed, I believe we know from experience how difficult it will be to urge the Government to assist in maximizing the industry's growth."

Should we decide to set up a joint legislative venture, it is certin that other organizations would rally to what is, in fact, our mutual cause, and that the task force would expand to cover the entire privately held tourism industry.

Another predictable body of allies would be the various state tourism bodies, each of which is close to its state executive and the legislature.

There is also an alternative. Should it be decided that the budgetary hurdles in 1985 will simply be too high to make tourism legislation fly, we could go it alone. Our mutual endeavor could focus on what Priscilla Baker called the "warehousing" function. We might assemble an arsenal of tourism ammunition; we could develop our own alliances with the several state tourism bodies. Although there are a large number of tourism-oriented associations, there has been no unifying force, no catalyst.

Whatever the instant decision of our memberships, 1985 and beyond will see activity to make any previous pursuit of tourism look like a flash in the pan. We should remember the words, of Priscilla Baker: "Many of your customers have gone abroad. It doesn't have to be that way."●

SUPPORT SEATING OF RICHARD D. McINTYRE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. DREIER of California. Mr. Speaker, I rise in support of seating Richard D. McIntyre. Mr. McIntyre is the duly certified member from the Eighth District in Indiana, and has been denied his constitutional right to represent his district's 500,000 residents.

Mr. McIntyre has been certified twice as the winner of this election. But, this House has denied him due process of law and violated its own precedents for conditionally seating Members in disputed races.

Initially, the results of the general election showed that Representative Frank McCloskey was the winner by 72 votes. However, a tabulation error was discovered and corrected—giving the true victory to Mr. McIntyre by 34 votes. Yet another recount showed that Mr. McIntyre actually won by a margin of 418 votes. The most important fact of this procedure is that Indiana's secretary of state certified both the 34- and 418-vote margins of victory.

Despite this valid certification, the House Administration Committee continues to investigate the election. While this matter is being investigated, the residents of the Eighth District of Indiana are being deprived of their constitutional rights to representation.

If I may, please, I would like to offer some information which shows that Mr. McIntyre should be seated immediately as the Representative of Indiana's Eighth District.

Prior to the completion of the recount, Mr. McCloskey declared the recount "inconsistent" and called for the House of Representatives to step in. It was claimed that in Vanderburgh County, some ballots were rejected when the poll clerks failed to write precinct numbers on them, and that this procedure was not followed in other counties. Other instances were brought up as further evidence that vote counting was irregular in other counties in the Eighth District.

The fact is that in these other counties, paper ballots were used. Indiana law does not require precinct numbers to appear on paper ballots. Also, ballots without proper precinct initials were consistently rejected in Daviess, Martin, Vanderburgh, and Washington Counties. Only in Gibson County did the two Democratic recount commissioners insist upon counting the uninitialed ballots.

Mr. McCloskey had the opportunity to object to recount procedures but did not. He could have filed a contest under the Federal Contested Elections Act, but did not. All of the 15 counties in the district, most of which had Democratic majorities overseeing recount procedures, have now completed the recount process, and again, Mr. McIntyre is the winner by 418 votes. It is now being alleged that the recount is invalid because of what has been described as a "systematic invalidation of votes" in McIntyre's favor.

The precedent being cited for refusing to seat Mr. McIntyre is a 1961 contested election also in Indiana, Rauch versus Chambers. The Rauch case simply does not apply. In that instance, both candidates had been declared the winner by the State. Fraud had been alleged in the election. No districtwide recount was conducted under State law. The House had reason, supported by proven facts, to question the election certificate, since the State itself called the certification into question. Since that time, the U.S. Supreme Court has said that the Indiana recount statute is an integral

part of the State's constitutional power to determine the "times, places and manner" of its elections.

For these reasons, I urge you to seat the rightful winner of the election, Mr. Richard D. McIntyre, immediately.●

EGG SHELL FINE ART WEEK RECOGNIZED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. DYMALLY. Mr. Speaker, some months ago the Smithsonian Institution presented Washingtonians with an elegant display of the art work of Peter Carl Faberge. The eggs he decorated for the Czar of Russia are spectacularly beautiful. I learned recently that this art form has a history going back nearly to the Ming dynasty, that it is becoming a popular art form in the United States. These new enthusiasts follow a long tradition of giving and decorating eggs. Beginning with the peoples of ancient China, Egypt, and Greece, eggs have been elaborately decorated and incorporated into the spring and fall harvest festivals as part of the celebration of renewed life; to the early Christians, the egg was a symbol of love and good life. They took the eggs to church on Easter to be blessed and exchanged as gifts. The Jews too incorporate the egg into their traditions in the form of the roasted egg on the Seder plate. Ukrainian families once had their eggs blessed and displayed them in the home to ward off lightning and flood.

Egg decorating became a true art form with Peter Carl Faberge. The first of his eggs was presented by the Tsar Alexander III to his Tsarina. Even though his "eggs" were cut from precious stones, the artists of today still consider him the master of his craft and one to look up to in the perfecting of their art.

Several States throughout the United States are now proclaiming "Egg Shell Fine Art Week." This year it will be from March 5–10 with shows for the general public being held on the 9th and 10th.

Our egg artists in southern California will be involved in a weeklong festival beginning on Tuesday, March 5. Many artists and other interested persons from around the country, as well as several foreign countries, will meet at the Huntington-Sheraton Hotel in Pasadena. The proceeds this year will go to the Dyslexia Clinic, Ryan Center, Los Angeles County. Mr. Speaker, I am proud to have the opportunity to acknowledge before this body not only the artistic accomplishments of this country's egg artists, but their philanthropic contributions as well. I know my colleagues in the Congress join me in wishing these artists growing success and in commending them for the generosity they are showing to those in need. Their works are truly gifts of love and good life.●

EL PORTAL DEVELOPMENT NEEDED

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. COELHO. Mr. Speaker, today, I am introducing legislation which will authorize long-term leases in the El Portal administration area adjacent to Yosemite National Park, CA which is in my congressional district. This bill will assist in protecting the spectacular beauty of Yosemite National Park by reducing congestion in the valley through the removal of administrative offices and employee housing.

Yosemite National Park is the gem of the Sierra Nevada Mountain range of central California. It's splendid beauty is comprised of spectacular peaks, granite domes and the Nation's highest waterfalls. More than 2.5 million visitors from all over the world travel to Yosemite each year to view this unique wonder of nature. More than 2 million of these visitors remain in Yosemite overnight. Only Yellowstone National Park draws as many visitors and no other national park attracts as many overnight visitors as Yosemite.

Visitors to Yosemite spend the majority of their time in the Yosemite Valley, a 7-mile long, 1-mile wide valley flanked by vertical granite walls several thousand feet high. To accommodate the needs of so many visitors, more than 1,300 stores, restaurants, hotels, residences and service buildings are located in the valley. During the summer, approximately 1,500 park employees and their families live in the valley.

In 1958, Congress realized the Yosemite Valley was becoming overcrowded and moved to reduce environmental strain on the valley by passing legislation authorizing the purchase of the El Portal site outside the park. According to the legislation, El Portal would be developed to accommodate the administrative needs of both the National Park Service and the concessioner and to meet the housing needs of park employees. In 1980, the general management plan for Yosemite again endorsed developing the El Portal site.

The National Park Service has constructed a water system, roads, and sewage treatment facilities for the El Portal site, but, unfortunately, El Portal has not been developed as intended primarily because permit holders have been unable to obtain construction financing. This is because the current statute only allows leases to extend from 30 to 55 years and banks are reluctant to provide loans if lands cannot be leased for at least 75 years and as much as 100 years.

As you can see, this legislation will alleviate the financial problems and allow development of El Portal as originally intended. It will also allow park employees and nonprofit private investors to obtain leases and remove the burden of developing El Portal from the U.S. taxpayers. For the first time, Yosemite Park employees could rent or own their homes. This would reduce the housing problems faced by both the National Park Service and the concessioner and benefit Yosemite National Park by attracting quality employees and creating a highly active local community.

In addition, and most importantly, the adoption of this lease extension will lesson the overcrowded conditions in Yosemite Valley and will increase the protection of one of the most beautiful sites in the world.●

REAUTHORIZE GENERAL REVENUE SHARING FOR 5 YEARS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. WEISS. Mr. Speaker, in furtherance of a strong bipartisan effort in both Houses of the Congress I am introducing legislation today to reauthorize the General Revenue Sharing Program for 5 years, and want to urge my colleagues to join me in this effort to support local services. An identical bill has been introduced in the other body by the senior Senator from Pennsylvania Mr. HEINZ.

In 1983, when the program was reauthorized for 3 years through September 30, 1986, President Reagan declared:

> The Federal Government never spent money more wisely than by devoting it to general revenue sharing.

Yet, only a year later, this program which benefits over 39,000 local governments and the people they serve is targeted for elimination by the Reagan administration. Not only has the administration asked the program not be reauthorized beyond 1986, it has also included no funds for GRS in its fiscal year 1986 budget, contrary to promises made only weeks ago to State and local officials.

General revenue sharing was established in 1972 to compensate for variances in different localities' ability to raise revenues to respond to Federal mandates such as improved air quality, upgrading correctional facilities,

and providing handicapped access. It also enabled local governments, again with varying capacities for raising funds, to provide a basic level of vital services, including services for the poor and disadvantaged. One rationale for the program was the recognition that the Federal tax base is broader and more flexible than that of local governments. Revenue sharing was never a surplus sharing program—it was begun at a time of Federal deficits and Federal deficits have existed in each of the years in which it was reauthorized.

The loss of $4.6 billion in GRS funds will deal a severe blow to thousands of local governments which are already straining from the loss of billions of dollars of Federal aid during Reagan's first term. Local services paid for by revenue sharing are not frills. The bulk of revenue sharing funds is spent for essential services such as police, fire, health care, education, and corrections.

Far and away the largest category of expenditures in 1983, the latest year for which information is available, was police protection. When expenditures for police protection are combined with those for fire, these two categories of services alone accounted for close to 30 percent of total revenue sharing funds spent by all local governments.

For thousands of small cities and rural towns and counties, the elimination of the GRS program would be a disaster. For example, in Clay County, WV, where per capita income is only $3,895 compared to the national average of $7,298, revenue sharing represents 70 percent of adjusted taxes for all the localities in the county. Mora County, NM, has an even lower per capita income of $3,404 and revenue sharing represents 25.9 percent of adjusted taxes. In Eagle Pass, TX, where per capita income is only $3,162, revenue sharing constitutes 25.9 percent of adjusted taxes. In Arkansas, Mississippi, West Virginia, and South Carolina, revenue sharing constitutes from 23 to 32 percent of adjusted taxes for all localities, statewide.

Because GRS supports essential services, the elimination of the program will leave many local governments with limited options to respond to a revenue reduction: either cut services or raise taxes. A January 1983 survey by the National League of Cities found that to replace lost general revenue sharing dollars, property taxes would have to increase about 25 percent in most communities, and by as much as 50 percent in communities under 15,000 population. Furthermore, 80 percent of the communities surveyed would have had to cut services in response to a reduction in funds, let alone a total elimination, and at least half of them also said they would have to raise taxes.

The city of Portland, ME, for instance, has calculated that loss of revenue sharing would force either an immediate 4.5-percent increase in property taxes or that 108 municipal employees would lose their jobs. Portland's revenue sharing funds pay for fire, police, and social services such as the Women, Infant, and Children Feeding Program. An official from Newton County, TX, stated:

> In a small rural county like ours, there is no way to increase revenues. Our tax rate already exceeds that of all the surrounding counties. There is no way to reduce services which are required under the constitution of the state. The increased cost of law enforcement and the judicial system, plus the inflation which has affected everything we do, has kept us struggling to maintain the status quo. We can't afford to lose any revenue.

And an official from Rowan County, KY, commented:

> If general revenue sharing is cut out, the small rural counties might as well close up.

Recent reports of State and local budget surpluses have greatly overstated the fiscal health of local governments. In response to the recent recession and cutbacks in Federal aid, many local governments have already been forced to cut services and implement tax increases, many of them temporary. In part, these actions were taken to build up a small reserve to meet unforeseen needs. Since local governments are not allowed to run deficits, the existence of a small surplus for all local governments should not be a surprise. In fact, public finance experts advise that State and local governments should maintain a reserve of at least 5 percent for prudent fiscal management. The fact that these so-called surpluses are considerably below this 5-percent level is evidence that the fiscal condition of local governments is still very fragile.

The recent reports of State and local government surpluses also ignore the fact that crucial investments to cope with problems such as crumbling infrastructure, overcrowded prisons, water shortages, acid rain, homelessness, and hazardous waste have been deferred as local governments have struggled to cope with recession and budget cutbacks. The Congressional Budget Office estimates that our infrastructure will need $430 billion in investment over the next decade. In spite of these needs, capital spending for infrastructure has been declining since 1978. For example, in 1983 we, as a nation, spent only half the money needed to maintain our infrastructure at its present level. This neglect has caused our infrastructure to deteriorate at a drastic rate and we are quickly destroying the foundation of our future economic growth.

Local governments have not benefitted equally from the recovery, and many are still suffering from serious unemployment and underemployment. The farm crisis has spread to many small cities and towns which are heavily dependent on revenue sharing funds and where the revenue base has already eroded dramatically. Large cities are also struggling to meet their budget obligations. Detroit, MI, has the highest local taxes for a family of four with a $25,000 income of each of the largest cities in the 50 States. Detroit is also at the legal limit of the taxes it can raise, thus the loss of its $34 million in revenue sharing funds will force a drastic reduction in services. At present, GRS funds pay for police, fire, and sanitation employees. The city is under court order not to reduce its police force, thus fire or garbage services will have to be cut. The tremendous sacrifices made by Detroit to keep its finances solvent are evidenced by the fact that the city has reduced its work force from 25,000 to 18,000 employees just since 1979.

The notion that local governments can absorb more and more cuts is simply wishful thinking by an administration which refuses to take responsibility for a deficit problem it has created itself. One need only look at the growth in the defense budget to understand the growth in the Federal deficit. In fiscal year 1981, the defense budget was $180 billion and the Federal deficit was $79 billion. Now in 1985, OMB estimates that the defense budget will leap to $292 billion and the deficit is expected to be over $222 billion. Simply stated, the administration now seeks to make local governments and the people they serve, pay for an unprecedented escalation in military spending by eliminating the one program that in some small way supports local services.

Further reducing services simply isn't a viable option for many localities which have already made drastic cutbacks in response to the recession and earlier reductions in Federal aid. Without revenue sharing, local sales, property, and income taxes will have to rise in many areas just to maintain minimal current services. The question we must then resolve is, what is the more equitable source of revenues to pay for vital services? Federal revenues are raised under an income tax which is progressive since those with higher incomes pay proportionately higher tax rates. By way of contrast, in 1983, 76 percent of local revenues were raised by the property tax which is regressive since both high and low income property owners pay the same tax rate. Thus, shifting the tax burden from Federal to local taxes causes an unfair burden to fall on middle- and low-income taxpayers.

Another consideration is that 45 States have restrictions on either the revenues their local governments can raise or spend. The irony of this administration undertaking budget

measures which will force local governments to raise taxes to maintain essential services when it has promised that no taxes will be raised to reduce the deficit is all too apparent.

All of us are concerned by the enormity of the Federal deficit, but I believe that deficit reduction can be accomplished by responsible budgetary action, without scapegoating those who depend on some government support. Because revenue-sharing payments are not indexed to inflation, the buying power of revenue-sharing funds has already eroded by roughly 150 percent since the program's start in 1972. We must not allow the deficit to be used as an excuse to cut vital Federal programs, leading to what can only be described as irresponsible federalism.

Revenue sharing is a program which works because it allows local governments to decide their own priorities with a minimum of redtape. For this reason, the Reagan administration supported the program's reauthorization in 1983. The needs of local governments in meeting their obligation to provide essential services have increased, not diminished, as the increasing numbers of the homeless and those in poverty should make obvious.

Mr. Speaker, I urge you and all of our colleagues to listen to the local officials in your districts to gain a better understanding of just how important a program general revenue sharing is, and to become a cosponsor of H.R. 1400 as a way of expressing support of continued funding for this crucial program.

H.R. 1400

A bill to extend the authorization of appropriations for general revenue sharing for five years

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6701(a)(1) of title 31, United States Code, is amended by striking out "October 1 of 1982, 1983, 1984, and 1985" and inserting in lieu thereof "October 1 of 1984, 1985, 1986, 1987, 1988, 1989, and 1990.●

JAMES M. CAVENDER, JR., AUTO DEALER PIONEER

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. GONZALEZ. Mr. Speaker, on February 25, a beloved and highly respected constituent of the 20th Congressional District of Texas, which I have long had the privilege to represent, died in his native San Antonio.

He was James M. Cavender, Jr., a pioneer autombile dealer who had sold cars to thousands of San Antonians.

In 1938, he founded Cavender Oldsmobile at 801 Broadway in San Antonio, where it is still operated under the direction of one of his twin sons, James' Cavender III. The other twin son, William B. Cavender, operates Riata Cadillac at nearby 317 Lexington Avenue.

During his long career, James M. Cavender, Jr., won numerous Oldsmobile merit awards. In 1975, he was the recipient of Time magazine's "Quality Dealer" Award. He was a former president of the San Antonio Automobile Dealer's Association, an organization in which he was active for more than a half century. Mr. Cavender was also a member of the San Antonio German Club, and was honored several years ago as a 50-year member of the Texas Cavaliers. His other memberships included St. Hubertus Society, the Argyle Club, and the San Antonio Country Club.

Mr. Cavender and his family have, for many years, been active in the planning of and participation in San Antonio's historic and beautiful annual fiesta. As members of the Texas Cavaliers, they have long played a vital and significant role. James Cavender III served as King Antonio LII of Fiesta San Antonio in 1974, and his brother, William, was his aide. The Cavender name continues to be prominent in this and other important San Antonio events and endeavors.

On February 15, Mr. Cavender and his wife, the former Nancy Byrd, celebrated their 58th wedding anniversary. The couple were married in First Presbyterian Church, where he was an active member and deacon for more than 30 years until his illness.

Mrs. Cavender recalls with great fondness that she had already owned an Oldsmobile, but first met her future husband when she went into his place of business one day. The Cavenders have been neighbors of mine for 31 years, having made their home on West Summit in San Antonio.

I want to extend my heartfelt condolences to Mrs. Cavender, their two sons, six grandsons, one great-granddaugther, and all members of their family on the loss of this great husband, father, grandfather, business, and civic leader, James M. Cavender, Jr.

Also I want to include, for the RECORD, an editorial about Mr. Cavender, which appeared in the San Antonio Light for Wednesday, February 27, 1985.

[From the San Antonio (TX) Light, Feb. 27, 1985]

JAMES M. CAVENDER, JR.

Jim Cavender was one of those men whose name is synonymous with the quality automobile dealership in San Antonio.

He founded Cavender Oldsmobile in 1938 and developed it into one of the largest dealerships in South Texas. Even though he officially retired from his business five years ago, he in actuality remained active in its conduct until his death this week at the age of 81 years. Customers often saw him on the service floor.

Services were held today at First Presbyterian Church, where he was a deacon for more than 30 years.

James M. Cavender, Jr. built his reputation on special and individual attention to his customers. Even though he loved hunting and golf and tending his ranch in Leakey, his business, indeed, was his true hobby.

For more than five decades, he was active in the San Antonio Automobile Dealer's Association and served as the group's president. He also was active in the Texas Cavaliers, San Antonio German Club, St. Hubertus Society and Conopus Club.

Jim Cavender was a man well-liked by his friends, some of whom were his business competitors. He left a legacy of business quality.●

H.R. 84, OBSERVATION OF LEGAL HOLIDAYS ON THEIR TRADITIONAL DATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. CRANE. Mr. Speaker, I have recently introduced legislation, H.R. 84, which would return the observance of national holidays to their traditional dates.

I believe that the meaning of many historical holidays is being destroyed in our country. Holidays which were originally intended to commemorate heroic individuals and events are now being overshadowed by furniture store clearance sales and mass exoduses to the countryside. I feel that it is a great injustice to recognize such national holidays on alternative dates for the main purpose of allowing 3-day weekends, rather than recognizing such holidays on their proper dates. The present legislation appears to be a boom to the tourism industry, but a bust to the memory of great Americans and historical events.

I feel that many such holidays, including Washington's Birthday, Memorial Day, and Veterans Day have lost their original meanings. Since these holidays are no longer celebrated on their traditional dates, they do not have the impact upon the American people that they should. Recently, for example, we celebrated George Washington's Birthday by taking a day off work. However, most Americans did not spend the day honoring our country's first President. Where were the parades, the speeches, and the celebrations in memory of our great first President?

Notice that holidays which are celebrated on their traditional dates have continued to retain significance in the lives of the American people. Independence Day and Thanksgiving, for example, are historical dates in our country's history. Although they are

celebrated on their traditional dates, which usually fall in the middle of the week, these holidays have a great impact upon the entire Nation. Countless Americans gather at parades and other festivities on these dates each year in order to honor such important holidays in American history.

I urge my colleagues to support return of the celebration of national holidays to their traditional and intended dates by supporting my legislation, H.R. 84.●

THE 125TH ANNIVERSARY OF THE COOPER UNION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1985

● Mr. WEISS. Mr. Speaker, I take this occasion to commemorate the 125th Anniversary of the Cooper Union for the Advancement of Science and Art.

Since its inception in 1859, the Cooper Union has provided superb educational opportunities to students in the fields of architecture, the fine arts, graphic design, and engineering. The Cooper Union has offered all of this, for 125 years—250 semesters—on a tuition-free basis. It is that aspect of the institution which I believe deserves special recognition and commendation.

The Cooper Union was also one of the first educational institutions to provide night courses on a coed basis for young women and men whose circumstances required that they work by day. Indeed, in 1859, the Cooper Union established an educational program at night for working people of New York City. Today there are approximately 1,000 students enrolled at Cooper Union. Funding is provided by the Peter Cooper Endowment and private contributions and grants from foundations, corporations, and alumni of the college.

One of the Cooper Union's most historic facilities has been the Great Hall. In 1860, Abraham Lincoln stood in the Great Hall to deliver his strong antislavery speech known as the "Cooper Union Address." He was followed by America's most reknowned political leaders, educators, writers, women's suffrage advocates, and social thinkers. Peter Cooper, founder of the Cooper Union, was determined to make the Cooper Union a bastion of free speech, opportunity, and democracy, debates and lectures. Today the Great Hall is the home of the Nation's oldest free public lecture series as well as programs in poetry, photography, film, and music.

In this age of proposed funding cuts in education programs and financial assistance to students, let us recognize the value of an institution that seeks to enhance educational opportunity and has provided tuition-free education of highest quality for 125 years.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 5, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To continue open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the ICBM modernization program.
SR-222

Veterans' Affairs
Business meeting, to review those items in the President's budget for fiscal year 1986 which fall within its legislative jurisdiction in preparation for making its recommendations to the Committee on the Budget.
SR-418

Office of Technology Assessment
To hold a general business meeting.
H-227, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, inlcuding the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Commerce, Justice, State, the Judiciary and related agencies.
S-146, Capitol

Foreign Relations
To resume hearings to review U.S. policy in a global economy.
SD-419

10:00 a.m.
Armed Services
Preparedness Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on Army operation and maintenance, ammunition and other procurement programs.
SR-232A

Budget
Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.
SD-608

Commerce, Science, and Transportation
To hold hearings on the nomination of Edward J. Philbin, of California, to be a Federal Maritime Commissioner.
SR-253

Energy and Natural Resources
To hold an organizational business meeting, to consider committee rules of procedure and the committee budget for 1985.
SD-366

Judiciary
To resume hearings on S. 172, to provide a cause of action to cities to prevent professional football teams from abandoning them for more profitable locations, and to provide limited antitrust immunity to joint action of those teams engaged in professional football, and S. 298, to clarify congressional intent regarding the application of antitrust laws to certain types of major sports leagues practices and decisions.
SD-226

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

11:00 a.m.
Select on Indian Affairs
To hold hearings on S. 277, authorizing funds through fiscal year 1989 for Indian health care programs.
SD-106

2:00 p.m.
* Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Strategic Petroleum Reserve, and the Office of Emergency Preparedness.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings to review proposed regulations that require individuals to maintain certain records for business vehicles if they want to deduct the business expenses associated with the use of a vehicle from their taxes.
SD-138

Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense,

focusing on manpower and personnel issues.
SR-232A

Budget
Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.
SD-608

Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 7

9:00 a.m.
Armed Services
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on Naval tactical program issues; to be followed by a business meeting, to consider the nomination of John E. Krings, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense, and routine military nominations.
SR-222

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on foreign assistance programs.
SD-138

Labor and Human Resources
To resume oversight hearings to review labor violence activities.
SD-430

Small Business
To resume hearings on S. 408, authorizing funds for fiscal years 1986, 1987, and 1988 for the Small Business Administration.
SR-428A

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposals to revise American farm policy.
SD-G50

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
SD-124

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navy.
SD-628

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Department of Energy.
SD-192

Armed Services
Sea Power and Force Projection Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on force projection programs, including C-17 aircraft.
SR-232A

Budget
Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.
SD-608

Judiciary
Business meeting, to consider pending calendar business.
SD-226

10:15 a.m.
Environment and Public Works
To resume hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Nuclear Regulatory Commission.
SD-406

1:00 p.m.
*Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Labor Relations Authority, Administrative Conference of the United States, Advisory Committee on Federal Pay, U.S. Tax Court, and the Committee for Purchase from the Blind.
SD-116

1:30 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Transportation Safety Board, and the St. Lawrence Seaway Development Corporation, Department of Transportation.
SD-124

2:00 p.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposals to revise American farm policy.
SD-G50

Appropriations
Defense Subcommittee
To hold hearings on a proposed resolution relating to the MX missile.
SD-192

Armed Services
Manpower and Personnel Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the status of recruiting and retention programs, including educational benefits in the Armed Services.
SR-232A

Budget
Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.
SD-608

MARCH 8

9:30 a.m.
Commerce, Science, and Transportation
To hold an organizational business meeting, to consider committee rules of procedure and other pending committee business.
SR-253

Joint Economic
To hold hearings on the employment/unemployment situation for February.
2359 Rayburn Building

10:00 a.m.
Budget
Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.
SD-608

Environment and Public Works
To resume hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1986, focusing on requests for the Army Corps of Engineers.
SD-406

Judiciary
To hold hearings on S. 44, S. 356, and S. 442, bills allowing for the regional disposal of low-level radioactive waste.
SD-226

10:30 a.m.
*Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-562

11:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on Senate Concurrent Resolution 15, relating to United States-Japan trade relations.
SD-215

2:00 p.m.
Budget
Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.
SD-608

MARCH 11

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

MARCH 12

9:00 a.m.
Armed Services
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on Air Force tactical program issues.
SR-222

9:30 a.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on the farm credit crisis.
SD-226

Labor and Human Resources
Handicapped Subcommittee
To continue oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the structure of agriculture.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Ag-

ricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agricultural Library, Department of Agriculture.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the United Nations, focusing on voluntary contributions to international organizations and programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on solar and renewables and energy research.
SD-192

MARCH 13

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Bureau of Standards.
SR-253

Judiciary
Constitution Subcommittee
To hold hearings on certain issues promoting affirmative integration.
SD-226

Labor and Human Resources
Handicapped Subcommittee
To continue oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine loan rates and target prices in agriculture policy.
SR-328A

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on S. 374 and S. 193, bills authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SD-G50

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review a recent report on international narcotics.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international security assistance programs.
S-126, Capitol

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration, and to hold oversight hearings on the Department of Transportation's Office of Commercial Space Transportation.
SR-253

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the U.S. Trade Representative, Japan-United States Friendship Commission, Federal Trade Commission, and the Civil Rights Commission.
S-146, Capitol

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine production control and supply management in agriculture policy.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Crop Insurance Corporation, and the Rural Electrification Administration, Department of Agriculture.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-192

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and antiterrorism programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on nuclear fission, commercial waste management, and uranium enrichment.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury.
SD-116

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 19

9:00 a.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on the aviation computer reservation system.
SR-253

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (Pub. L. 98-241).
SD-G50

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on proposed asbestos claims facilities.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of technology and research on agriculture policy.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Food Safety and Inspection Service, Department of Agriculture.
SD-124

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Peace Corps, the Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

*Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Elections Commission, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of Special Counsel, and

the National Archives and Records Service.
SD-116

MARCH 20

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
334 Cannon Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Commerce, and the International Trade Commission.
S-146, Capitol

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine capital investment, debt, credit, and taxes in agriculture policy.
SR-328A

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs (Department of Commerce), and the Consumer Information Center.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).
SD-138

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on media efforts to deglamorize drug abuse.
SD-342

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Export-Import Bank of the United States.
S-126, Capitol

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SR-428A

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 100, to provide for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, Office of Revenue Sharing and the New York City loan program (Department of the Treasury), Federal Home Loan Bank Board, and the National Institute of Building Sciences.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Washington Metropolitan Area Transit Authority, and the Architectural and Transportation Barriers Compliance Board.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Personnel Management.
SD-116

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the maritime administration, and S. 102, authorizing funds for fiscal year 1986 for the maritime construction differential subsidy.
SD-628

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, focusing on multilateral development banks.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for energy conservation programs.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

MARCH 22

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for satellite and atmospheric programs of the National Oceanic and Atmospheric Administration.
SR-253

MARCH 25

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on a proposal to reform the current system of Federal funding for graduate medical education.
SD-430

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee.
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of the Inspector General, and Office for Civil Rights.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the Stevenson/Wydler Technology Innovation Act (Pub. L. 96-480).
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Farmers Home Administration, Department of Agriculture, and the Farm Credit Administration.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Geological Survey, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary, Financial Management Service, Bureau of the Public Debt, U.S. Mint, U.S. Savings Bonds Division, all of the Department of the Treasury, and the U.S. Postal Service.
SD-116

MARCH 27

9:00 a.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Board for International Broadcasting, Arms Control and Disarmament Agency, and the Federal Communications Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for foreign assistance programs.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Selective Service System, Consumer Product Safety Commisson, Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

MARCH 28

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans' Administration, and the National Science Foundation.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navajo and Hopi Indian Relocation Commission, and the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Interstate Commerce Commission.
SD-124

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Executive Office of the President, and the Internal Revenue Service, Department of the Treasury.
SD-116

APRIL 1

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office of Civil Rights, Office of Inspector General, National Institute of Education, and Bilingual Education, all of the Department of Education.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, Food for Peace Program (Public Law 480), Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including vocational and adult education, education for the handicapped, rehabilitation services and handicapped research, special institutions (including Howard University), and education statistics.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, and the U.S. Information Agency.
SD-146, Capitol

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Aviation Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Oceanic and Atmospheric Administration, Department of Commerce, the Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Conrail, U.S. Railway Association, and the Office of the Secretary of Transportation.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings in open session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

APRIL 16

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Mines, Department of the Interior.
SD-138

APRIL 17

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Customs Service, Department of the Treasury.
SD-124

APRIL 18

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Endowment for the Humanities, and the National Endowment for the Arts.
SD-138

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Forest Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, U.S. Postal Service, and General Government programs.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, educational research and training, and libraries.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Bureau of Investigation, Department of Justice, the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency, and the Environmental Protection Agency.
SD-124

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for ACTION (domestic programs), Corporation for Public Broadcasting, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Council on the Handicapped.
SD-116

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Management and Budget, including the Office of Federal Procurement Policy.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Indian Education, and the Institute of Museum Services.
SD-138

APRIL 30

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Mediation Board, OSHA Review Commission, and the Federal Mediation and Conciliation Service.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. District Courts.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the General Services Administration.
SD-138

MAY 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs, Department of the Interior.
SD-138

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Indian Health Service, Department of Health and Human Services.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

MAY 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management, Department of the Interior.
SD-138

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.
SD-138

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.
SD-138

MAY 23

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.
SD-138

CANCELLATIONS

MARCH 5

10:30 a.m.
Finance
Business meeting, to review those items in the President's budget for fiscal year 1986 which fall within its legislative jurisdiction in preparation for making its recommendations to the Committee on the Budget.
SD-215

HOUSE OF REPRESENTATIVES—*Tuesday, March 5, 1985*

The House met at 12 o'clock noon.

The Reverend Dr. Charles G. Adams, pastor, Hartford Memorial Baptist Church, Detroit, MI, offered the following prayer:

Generous Spirit, we thank You for this unique Nation and for this Congress of Members sent to make such laws and provisions as will secure our rights, fulfill our liberties, and protect our peace. We pray for a larger spirit of love to cover our many splendored variety of humanity. We pray for students that they not be abandoned by their Government, for the poor that they not be forgotten, for the hungry that they may be fed through the hands of our compassionate competence, for farmers that they may find rescue, for the advance of civil rights that our democracy may be strengthened, for our foreign policy that Nicaragua be not crushed, Israel not forsaken, and South African apartheid not aided by American power, for religion that it not force its way, for science that it not be unregulated by human values, and for this Congress that it be true to the Constitution, answerable to the people and guided by Your Law, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE REVEREND DR. CHARLES G. ADAMS

(Mr. CROCKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, it is a deep privilege for me today to present to the U.S. House of Representatives my pastor, the Reverend Charles G. Adams of Hartford Memorial Baptist Church in Detroit.

Reverend Adams has been associated with Hartford Baptist Church from boyhood, and has been pastor there since 1969.

He has written and lectured extensively and has been a leader in civic and social action causes since he graduated from Harvard Divinity School.

Most recently Reverend Adams has been elected president of the Detroit branch—the largest branch—of the NAACP, and was chosen by Ebony magazine in 1984 as one of the "15 Best Black Preachers in America."

Reverend Adams is a tireless worker for justice and understanding among people and he lives out his commitment to bring together the many different segments of our world community in peace and justice. He has traveled around the world, and has witnessed the suffering of millions who endure hardship and injustice.

He has used these experiences to the fullest possible advantage, to live a life where there are no bounds to humanity, no challenge too great to achieve our goal of peace and justice.

Mr. Speaker, it is an honor for me to introduce this man of honor to my colleagues.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

REV. DR. CHARLES G. ADAMS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I join with my colleague from Michigan [Mr. CROCKETT] in welcoming our guest chaplain for today, Rev. Dr. Charles Adams of Hartford Memorial Baptist Church, located within my congressional district in Detroit, MI.

He and I have grown up together. He is a brilliantly trained leader. He went to Harvard, but he never lost his commitment for activism.

And so I mentioned to him today that the farmers are here on the Hill hoping that he will remember their cause in his prayer. And he told me that last night at the NAACP Legislative Conference meeting, which he attended in his capacity as president of the Detroit branch of the NAACP, that the farmers had come there and participated. And I think that important because there is an urban-farm coalition developing in which we in the cities are coming to better understand the plight of the farmers, the tragedy that they are experiencing. They now better understand the plight of the urban workers who are plagued with 26 percent unemployment in Detroit. And all of us together understand the disaster which has occurred on the continent of Africa in which 21 nations are subject to the peril of famine and drought.

So I am pleased to have a minister of this dimension and honored that he would address us this morning. I include Dr. Adams remarks in the RECORD immediately following my own:

REMARKS BY REV. DR. CHARLES G. ADAMS

Gracious God, upon whom depends the life of justice, love, and peace, let all nations praise Your name by obedience to Your truth. Let the United States adore You by rekindling this Nation's passion for freedom with justice, love with power and peace with equity.

Merciful Redeemer, who knows our frailty, forgive our failure of vision, narrowness of purpose and inadequacy of action. Forgive our worst that it may not destroy us and redeem our best lest we become smugly satisfied with the imperfect, the inadequate and the incomplete.

Generous Spirit, we thank you for this unique Nation of many peoples, and for the Congress of Members sent to make such laws and provisions as will secure our rights, fulfill our liberties and protect our peace. May those who make laws be guided by Your law; who distribute public funds do so with compassion and inclusion; who protect the peace do it with necessary force and wise restraint.

O Holy Companion, we pray for a larger spirit of love to cover the vastness of this Nation's many splendored varieties of humanity. May all be included and none excluded. We pray:

For the young that they not be misguided by the specter of material wealth devoid of spiritual meaning and human purpose.

For students that they not be abandoned by their Government.

For the poor that they not be forgotten.

For the hungry that they may be fed through the hands of our compassionate competence.

For the farmers that they may find rescue.

For the advance of civil rights that our democracy may be strengthened.

For our foreign policy that Nicaragua be not crushed, Israel not forsaken and South African apartheid not aided by American power.

For the voiceless that they not be ignored.

For the seniors that they not be neglected.

For the rich that they not find special favor.

For the majority that it not act self-servingly.

For the minorities that they not be oppressed.

For religion that it not force its way.

For science that it be regulated by human values.

For the states that their rights not prevail over the national purpose.

For this Congress that it be true to the Constitution and answerable to the people.

And for this Nation that we may indeed become one Nation, under You, with liberty and justice for all, through Jesus Christ our Lord. Amen.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

FAIR REPRESENTATION: A LOFTY PRINCIPLE THAT MUST BE PRESERVED

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, recently, the majority members of the Energy and Commerce Committee were so driven by a desire to retain their power at the subcommittee level that they were willing to frustrate the will of the American people. On November 6, 1984, the American people voted for Members to the House of Representatives. The will of the people is reflected in the fact that 42 percent of the House's membership consists of members of the minority party. However, in a recent vote to determine subcommittee assignments, the majority members of the Energy and Commerce Committee seemed oblivious to the fact that an election had occurred and instead decided to impose its will, rather than the will of the people, by depriving the minority members their fair share of subcommittee assignments.

I am compelled to protest the actions of the majority members of the committee, not so much to publicize the plight of the minority members, but to protect the rights of the American people. In order to combat the tyranny of the majority and attempt to advance the principles of democracy, we have refrained from participation in subcommittee activities. We have chosen this course because our participation would legitimize the acts of subcommittees that do not reflect the will of the American people. Rather than recognize the correctness of our actions, the members of the majority have chosen to issue sarcastic statements and ridicule us for standing up for what they have derisively referred to as lofty principles. We have been characterized as not wanting to play since we can't impose our own rules upon the game. This is a gross mischaracterization of our actions.

The lofty principles which dictate our action concern the fair representation of the American people. Fair representation is the cornerstone of this republic. This is the lofty principle that sparked a rebellion leading to the birth of our Republic. This is the lofty principle which millions of Americans have fought to preserve and for which hundreds of thousands have died.

In founding our democracy, the authors of the Constitution and the Bill of Rights were keenly aware of the manner in which the tyranny of the majority could undermine the concept of fair representation. They acknowledged that the tyranny of the majority must be opposed. However, the arrogant exercise of power by a tyrannical majority today threatens the existence of a fair representation concept in the Halls of Congress. Where does this threat come from? Surprisingly enough, not from some foreign shore, but from within the ranks of our Democrat colleagues who have systematically denied the American people fair representation by their denial of appropriate subcommittee ratios. To stand in silence while this act is perpetrated against the American people is to stand in shame. Therefore, we urge the majority to realize the consequences of their actions. Their actions no longer constitute politics as usual when they betray the fundamental precepts of our democracy—fair representation.

□ 1210

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 76

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Joint Resolution 76.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from New York?

There was no objection.

BLUE PENCIL IS MORE LIKE BLUE SMOKE AND MIRRORS

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the President took the airwaves on Saturday and indicated that he wanted us to give him the ball so he could implement cuts in the burgeoning Federal deficits he presents to Congress.

It might be of some value to point out that in the 8 years the President was Governor of California he used the line item veto to reduce spending authority by a total of 2 percent.

And if you look at the Federal budget you will discover a very different kind of budget here. The 75 percent of our budget that is uncontrollable cannot be easily dealt with by the blue pencil. You cannot line item somebody's Social Security check or unemployment insurance payment.

The interest on the national debt, now approaching $142 billion, cannot be eliminated by a stroke of the pen. And the 25 percent of the budget that remains goes mostly to defense and foreign policy activities and the President wants to increase those. He would not eliminate those expenditures; he would reprogram the money.

The 7 percent that is left for water projects, highway projects, NASA, the FBI, the drug enforcement activities would be available for a blue pencil, but the record shows that the President, using his recision authority, which is the equivalent of a line item veto at the State level, has asked this year for only $1.7 billion.

That is two-tenths of 1 percent of the budget, less than 1 percent of the deficit. It is a drop in the bucket.

My friends, the blue pencil is more blue smoke and mirrors. We need to get on with the difficult job of reducing the $220 billion debt about to be incurred for 1986. We don't need gimmicks, we need courage.

FAMILY SUPPORT INITIATIVE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, in the course of the past 2 months I have announced a series of initiatives designed to enhance the readiness of our Guard and Reserve Forces. Today, I wish to speak on the family support initiative.

As I investigated this family support issue, it became clear that the body of law governing reserve family support and survivor benefit issues is an amalgamation of legislative enactments passed piecemeal over the years. In many cases, provisions are no longer relevant or they are inconsistent with today's reliance on the reserve components as part of the Nation's total force.

These conflicting laws affect compensation as well as medical and survivor benefits. Benefits and entitlements vary by the type of orders, duty status, and/or the period of time the reservist is ordered to duty. For example, the dependents of a reservist who is killed while performing weekend drills or serving on orders specifying a period of 30 days or less will not have the same benefits as the family of his active-duty counterpart even though they may be serving under the same duty conditions. A recent C-130 aircraft loss off the coast of Honduras serves as a tragic example.

I plan to begin encouraging family support of the Guard and Reserve by introducing two pieces of legislation designed to abolish current inequities. First, I will introduce legislation which will provide for survivor benefits based on line-of-duty criteria rather than by type of orders and/or the period of time a reservist may be serving in a particular duty status.

Second, I will introduce legislation which will provide members of the Selected Reserve and their families limited commissary and exchange privileges. This bill will, in part, formalize the commissary and exchange privilege criteria utilized by the Department of Defense in a test of the concept last year. It will also extend these privileges to reservists and their dependents who have retired but have not yet reached age 60.

A VOTE AGAINST DEMOCRACY

(Mr. BROYHILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL. Mr. Speaker, today I rise to bring to the attention of my colleagues and the American people a sad chapter in the history of this great institution. I refer to the decision that was made by the Democratic members of the Committee on Energy and Commerce which has the effect of denying fair representation on its subcommittees to both Democrats and Republicans alike.

The Committee on Energy and Commerce is one of the oldest, if not one of the most respected committees in the House. This action does not bring credit to the members of the majority of that committee or to the entire House for that matter.

It is interesting to note that this action is led by the so-called reformers of the mid-1970's who now, I think, must have become intoxicated with their power as subcommittee chairmen. What they are in effect doing is taking away a vote from the Republican side and giving it and allocating that vote to the Democratic side of the aisle.

Mr. Speaker, in my judgment tyranny of a few can only endure for so long as others subscribe to it. There are those of my colleagues on the majority who said that they are not responsible for this mischievous act. I just simply suggest you are wrong. Even if you simply voted as a member of the Democratic Caucus to go along, you are just as responsible. Your responsibility is no less than those who have masterminded this shameful act.

I urge my Democratic colleagues on the committee to right this wrong so together we can get about the business of fairly and honorably representing the wishes of the American people.

A MOVE TOWARD DEMOCRACY IN KOREA

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr Speaker, I was pleased to be informed this morning that within the next 24 hours, the Republic of Korea is expected to lift the ban on the house arrest of Kim Dae Jung and to remove the ban on 13 political opposition leaders now banned from activities in South Korea. This announcement, which includes freeing Kim Young Sam, one of the leaders of the New Korea Democratic Party, is clearly in response to the increased attention focused on South Korea in recent weeks.

The arrival back in South Korea of Kim Dae Jung, a major political leader of the New Korea Democratic Party, brought South Korea to the forefront of international attention. The concern voiced during the last month over the repressions imposed on key political opposition leaders has clearly made a difference, and I am encouraged by the response of President Chun to this international concern.

I am hopeful that, although Kim Dae Jung will not be freed from the political ban, the restoration of some of his civil liberties will eventually lead to a full restoration of his democratic rights. Because this dramatic move follows so closely on the heels of his return, I believe Mr. Kim can feel very proud of his contribution both to the dramatic showing of popular will in the recent elections, and the response to the Korean people's appeals for greater freedom reflected in the lifting of the political ban.

Mr. Speaker, it is precisely this kind of progress that the United States should actively encourage in its foreign policy. We are witnesses today to the strength of public opinion, and I urge this administration to consider the positive effects of a more vocal diplomacy.

LESSONS FROM GREENBRIER

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I hope that the majority members of the Energy and Commerce Committee were at the Greenbrier luxury resort and country club this weekend. They needed to attend the Democratic retreat as much as, or more than, any of their colleagues because they have lost touch with the American people.

I say this because the Democrats on the Energy and Commerce Committee have chosen to stack the legislative subcommittees of that committee in their favor. They seem to think that the American people approve of their taking for themselves more seats than the people chose to give them in the November election.

In case any of the Democrats on the Energy and Commerce Committee did not retreat to the Greenbrier country club, or if they did but did not get the message, I have news for them. This is a democracy. A failure to respect minority rights is no less wrong because you are the offenders. You do yourselves, the minority party, and most importantly, the people who elected us, an injustice when you persist in playing partisan games rather than trying to find answers to the problems before us in a sincere and bipartisan manner.

If you figured this out at the Greenbrier this weekend, your retreat was worth it.

WHY NOT FAIR REPRESENTATION

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, since the beginning of this Congress 2 months ago, many of us have had to devote a substantial amount of time and effort to the cause of fair, proportional Republican representation on the working committees and subcommittees of this House. With all the work that we should be doing, it is a sad commentary on the leadership of this body that such a battle has been necessary.

Except for a small band of diehards, the partisan bickering is behind us. These diehards, the Democratic members of the Energy and Commerce Committee, continue to deprive the Republican members of the committee of their fair share of subcommittee seats. All we are asking is that the ratios of party representation on the subcommittees be as close as possible to the ratio of party representation on the full committee. We are not asking for the 42 percent to 58 percent ratio of the full House nor even the 40 percent to 60 percent ratio of the committee but we want more than the 38 percent to 62 percent ratio we have been offered.

We want a closer approximation to the representation of the views of the people who sent us here.

Are the subcommittee chairmen's views so out of line with those of the American people that they cannot abide by the people's wishes? Are they so insecure in their own leadership that they fear to give the minority fair representation?

If the Democrats on the Energy and Commerce Committee truly are interested in doing the work they were sent here to do, they will stop treating this process like a child's game of "king of the mountain" and begin to act like responsible legislators.

KAPTUR LEGISLATION WILL CONTROL FOREIGN CAR IMPORTS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, there is a trade crisis in America. It is high time for fair play in trade with the United States. Thus, today, I am introducing legislation which will impose mandatory auto import restraints on Japan at current levels (1.8 million cars per year). The people of my district, and I'm one of them, are tired of saying "uncle" to Japan.

My decision to take this action is a direct result of President Reagan's

misguided decision last week to let the voluntary auto import restraints with Japan expire this coming April 1. We know that fully one-third ($37 billion) of America's massive trade deficit has been with Japan, $19 billion of that in autos. We also know that Japanese profits on cars sold in the United States were $11 billion last year alone. At the same time, American products are restricted from entering Japanese markets, not just in autos, but across the board, in telecommunications, manufactured goods, forest products, and apparel, to name just a few.

Further, I will also be looking at other strong actions I can take beyond mandatory automobile import restraints. For example, we know that the American banking and financial services markets have been completely opened up to the Japanese. Trade imbalance with Japan has cost millions of jobs across America. The Midwest has been especially hard hit. I want to put Japan on notice that I am one more Member of Congress that is monitoring the ongoing trade negotiations. I am ready to take action to protect American jobs. As one of my constituents said recently, "I am proud to be an American. But when I see all these foreign cars and other products, it gets me angry. What about Made in USA." I was elected to represent America first.

THOMAS JEFFERSON, ON THE DEBTS WE IMPOSE ON OUR CHILDREN

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, what would our Founding Fathers say about a Congress that lets our Nation live beyond its means, that spends without having the courage to tax, that imposes on young people a lifetime burden of repaying huge debts?

What would Thomas Jefferson say about a Congress and an administration unwilling to protect today's children from a national debt that could reach $3 trillion by 1990?

Let me quote what Mr. Jefferson did say, when the question of Federal deficits arose almost two centuries ago:

> The question whether one generation has the right to bind another by the deficit it imposes, is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

According to Thomas Jefferson, each generation should leave for the next the same liberties, the same opportunities it enjoyed in its own turn. Mr. Speaker, we—America's present leaders—are failing to do this for our children.

GAO REPORT ON SUPERFUND EMERGENCY REMOVAL PROGRAM

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, I regret that I must again announce today more bad news about the Superfund Program. The news is contained in a report just submitted by the General Accounting Office critiquing EPA's effectiveness in implementing the emergency removal portion of the Superfund Program.

The GAO report focuses on one of the two basic components of the Superfund Program: short-term emergency removal actions at sites posing an imminent risk to human health. Under the law, such short-term removal actions are limited to $1 million in expenditures and 6 months in duration.

The GAO report concludes that EPA has essentially wasted precious Superfund resources on repeated and inadequate emergency actions at sites, which rarely result in any effective removal of the basic source of the contamination. At one site in Illinois, for example, EPA has partially drained a lagoon containing toxic sludge five times at a cost of over half a million dollars. None of these actions removed any of the contaminants, which daily leach into the soil and a nearby river used for fishing and watering livestock. Virtually all emergency removal actions at the worst sites studied by GAO left most of the hazardous wastes exactly where they were dumped in the first place.

The GAO report shows, in sum, that band-aid solutions such as those applied by EPA to the serious pollution caused by Superfund sites not only squander money needed for long-term cleanup, but also give the public the false illusion that the agency is making a real effort to contain the sites' dangers. Accordingly, GAO recommends that future EPA emergency removal activities focus on actually eliminating surface sources of contamination at sites, even if such actions take somewhat longer to perform.

GAO's findings are especially significant because EPA's top management has long defended the current Superfund Program by citing the statistic that some 200 emergency actions have been taken which effectively eliminated the imminent hazards posed by the Nation's worst sites. The Agency uses this misleading statistic to defend itself against the charge that 4½ years into a 5-year program, only six sites have been cleaned up by the Superfund.

The GAO report contradicts EPA's claims of progress and make it even more imperative that the Congress reauthorize this vital program—with adequate funding and strict guidelines and deadlines for the Agency's activities—as soon as possible. For example, the Superfund bill passed last year by the House would have required EPA to closely coordinate short-term emergency removals with long-term permanent remedies and avoid the wasted resources documented by GAO. The GAO report once again makes it clear that the Agency's management of this vital environmental program must be refocused and redirected.

IRA EQUITY ACT

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, since the passage of legislation allowing Americans to establish individual retirement accounts [IRA's], and especially since Congress opened IRA's to all working Americans in 1981, the response from the American people has been phenomenal. In 1982 alone, 12 million Americans made contributions to IRA's. From 1975–82, a total of 27 million contributions were made. IRA's are the source of more than $50 billion in long-term investment capital, funds which have helped fuel economic growth and our recovery. More importantly, millions of Americans have chosen to make a long-term, income-producing investment in their financial security.

IRA's make good sense. They provide a valuable supplement to Social Security and other retirement income, and they leave the individual in a better position to plan for and meet their individual retirement needs. With justifiable concern over the future and solvency of the Social Security System, it is no wonder that all age groups and income classes see the benefits of IRA's.

But there are problems with current IRA laws. They are inequitable and overly restrictive. Spouses who work in the home are not allowed to make a full IRA contribution, and the maximum IRA contribution is limited to $2,000 per individual, and $2,250 per joint return with a nonworking spouse.

I have introduced legislation which would increase to $4,000 the individual, tax-deductible IRA contribution, and which would allow a spouse who chooses to work at home to make a similar contribution. This would end the discrimination against spouses who sacrifice to work at home. It would also allow an individual to better supplement other retirement income.

Unfortunately, attempts in the 98th Congress to liberalize IRA's failed at the end of the session, even though

there was strong bipartisan support in both Houses of Congress. I believe it is important for this Congress to act and to act early to increase the maximum contribution, and to end the inequity in present law which denies the maximum contribution for spouses who work at home.

I hope you'll join me in this effort.

DOMESTIC SPECIALTY STEEL INDUSTRY NEEDS MEANINGFUL RELIEF FROM IMPORTS

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, the results are now in for total imports, of stainless steel during 1984. I believe you will agree that the Import Relief Program instituted by the President in July 1983 is in need of serious adjustment.

The failure of increased tariffs on stainless flat rolled steel has made the United States a virtual dumping ground for these products. Imports of stainless sheet and strip increased 63.5 percent in 1984. That was an all-time record. More specifically, imports from the European Community were up about 104 percent. Within the EEC, imports from Italy increased an unbelievable 442 percent, and imports from Germany were up 241 percent.

Despite an economic recovery in most regions of the United States, the domestic specialty steel industry was the only one in the world that did not substantially increase production last year.

Mr. Speaker, I ask my colleagues to join us, in calling upon the President to replace the tariff relief mechanism with a quota system. Only then, will our domestic specialty steel industry have meaningful relief against subsidized specialty steel imports.

AN IRONY: POLITICAL REFORMERS OF 1970'S ARE THE PRIME POWER ABUSERS OF MID-1980'S

(Mr. LENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LENT. Mr. Speaker, I join my colleagues in decrying the outrageous abuse of power by the majority party in our Committee on Energy and Commerce in establishing subcommittee ratios that are more discriminatory than any in the House.

I want to make a few comments about the individuals who are largely responsible for this injustice. These Representatives tried initially to hide their roles by blaming these grossly unfair subcommittee ratios on others.

But, we now know who the ring leaders are. They are the chairmen of several of the subcommittees on Energy and Commerce.

It is ironic that these Members are the culprits because they were from the class who first came to Congress in the mid-1970's, intent on congressional reform, and on developing new procedures that would make the legislative process more democratic—that would allow all Members to participate fairly.

Now, however, intoxicated with power, they are fighting hard to stack the decks against minority party members on the subcommittee.

It is an abuse of power that is as gross as any of the abuses that these reformers campaigned against when they first arrived in town only a decade ago. They ought to be ashamed.

□ 1230

FARMERS SEEK RESCUE FROM ADMINISTRATION POLICIES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, in listening to several farmers testify before congressional committees this week, in their own way struggling to rebut the misunderstanding for the relief that they seek created by the slick spokesmen for the administration, I cannot help but think what a wonderful country we live in that guarantees to its citizens the right to come to their capital to redress their grievances with their President.

The farmers are attempting to explain to the American people that their economic crisis is the result of the administration's policies that have mortgaged the future for short-term economic gain.

The ballooning Federal deficits have attracted massive foreign investments to finance the $200 billion deficit bidding up the value of the dollar. The overvalued dollar has priced American farmers and manufacturers out of the world market.

While U.S. farm policy is based upon the presumption of export—we produce twice what we need domestically—the current economic policies discourage exports. And, in fact, subsidize foreign imports. Surpluses build up in the warehouses across the country and prices fall.

The farmers are not seeking charity in Washington. They seek to be rescued from the policies of the Reagan administration.

THE PLO AND NICARAGUA

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, the Palestine Liberation Organization [PLO] has been in Central America for 17 years. If there is any doubt about the true character of the Sandinista leadership in Nicaragua, one only has to trace the long relationship of that leadership to the PLO.

Fidel Castro met Yasser Arafat in 1966. By 1968, the PLO was training Cubans in guerrilla tactics.

Through the Cubans, the PLO met with Sandinista representatives in Mexico City in 1969. As a result, 52 Sandinistas went into the PLO camps in Lebanon for training. In 1970, the Sandinistas joined with the PLO in their war against King Hussein of Jordan, and in the hijacking of an El Al airliner. One Sandinista was killed in that operation—Patricio Arguello.

If anyone tells you the Sandinistas really want to be part of the democratic world, and that terrorism was only a temporary aberration, tell them you know better. In 1984, the Sandinista government erected a monument to Patricio Arguello, a man whose contribution to the revolution consisted of hijacking an Israeli airplane.

The PLO provided arms to the Sandinistas in Nicaragua as well as training to their operatives in the Middle East. According to one source, Tomas Borge, now Interior Minister of Nicaragua, arranged for a vital shipment at the very end of the revolution—from North Korea on a Lebanese-registered ship owned and operated by the PLO.

The friendship between Borge and Arafat continued after the success of the Sandinista revolution in 1979. On the first anniversary of the Sandinista rule, Borge said to his guest, "We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas." Arafat replied, "The links between us are not new. Your comrades did not come to our country just to train, but also to fight." Remember Patricio Arguello.

The PLO loaned the Sandinistas $12 million after the revolution. They signed a government-to-government agreement with the Sandinistas. They opened an embassy in Managua, with a staff of 70. Only in Havana and Managua in all of Central and South America is the chief PLO representative treated as an ambassador. Most recently, the PLO appears to have been the conduit for the visit of the Iranian Prime Minister to Nicaragua.

The Sandinistas have been good to the PLO as well. In 1984, they hosted the Latin American preparatory meeting for the International Conference on the Question of Palestine, a U.N. sponsored, anti-Israel meeting held in Geneva in September. The Sandinistas were cosponsors of three blatantly anti-Israel resolutions at the Madrid conference on the Helsinki Final Act. They sided with Iran in attempting to have Israel's credentials denied in the U.N. General Assembly.

The small Jewish community of Nicaragua now resides in exile. The demise of the Jewish community is a symbol of our concerns in Central America. The harassment of an entire religious community, no matter how small, is a deplorable violation of human rights. By their own admission the Sandinistas leadership is Marxist-Leninist. Despite their propaganda it is clear that they are determined to export Communist revolution to other Central American countries. Their allies are the Soviet Union, Libya, Cuba, and the PLO.

The brave freedom fighters opposing the Sandinistas are fighting just as much for freedom and human rights as the Afghan rebels. We must help them for the right of their cause and for our national security.

One survivor of the Holocaust summed up this black mark in history by stating that "Auschwitz is a monument to indifference." Don't let Nicaragua and El Salvador and the other Central American countries be the next monument to indifference.

INDIANA ELECTION LAW

(Mr. COELHO asked and was given permission to address the House for 1 mintue and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, yesterday was a rather interesting day for the Republicans in this particular body and Republicans in the house in Indiana.

The Republicans in this particular body are afraid to count votes in particular elections and the Republicans in Indiana are not. Yesterday the Indiana Republicans voted, in a body that has 61 Republicans and 39 Democrats, by a vote of 90 to 6 to pass H.R. 1617. The bill would say that in all recounts in Indiana, absence of fraud, that all votes should be counted if you can determine the voter intent. That you should not play around with little initials here or there to deny voters the right to have their votes counted.

Now, it seems to me, that some of my colleagues on the other side of the aisle should take some lessons from their colleagues in Indiana. Let's count all the votes.

INVITATION TO MEET THE SECRETARY OF STATE OF INDIANA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, there has been a remarkable amount of systematic disinformation on the part of some people. I would like to invite every Democrat in the House to meet tomorrow afternoon with the secretary of state from Indiana to ask him any question they want to about the special election, to ask directly any question they have about what happened out there and what is happening now.

The fact is if you count all the votes Mr. McIntyre won. If you have a very careful recount and you discard some votes, Mr. McIntyre won. There is no evidence under any circumstance, except by deliberately setting up fraud, that Mr. McCloskey can win.

So the reality is that for 2 months the people of the eighth district have not had a Representative because of some Members on the Democratic side who then are willing to involve in not exactly explaining the entire case.

I invite every Democrat to meet tomorrow afternoon, from 2 to 4, with the secretary of state of Indiana to ask him any questions they want to and to learn the facts of this case instead of their leadership's version of those facts.

EXTREME NATIONALISM CAN BE A DANGEROUS THING

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, extreme nationalism, especially when pointed at a particular race, is a very dangerous thing.

I grew up in a small farming town in eastern Washington State and just about everybody in that town was of first or second generation German stock. Loyal Americans.

In 1942 none of the local Americans of German ancestry were sent to detention camps at the beginning of World War II and of course they should not have been. They were very loyal to the United States. But in the same State of Washington 14,500 loyal Americans of Japanese ancestry were sent to internment camps.

Extreme nationalism when pointed at people of a different race is an extremely dangerous thing. We ought to think about that very much in this country today when frankly I see some elements of that again happening.

LEGISLATION TO ESTABLISH VETERANS' ADMINISTRATION SATELLITE OUTPATIENT CLINIC

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to establish a Veterans' Administration satellite outpatient clinic in southern New Jersey.

For many years now, the VA has been aware of the vital need to establish such a facility to serve the nearly 1 million veterans in the State of New Jersey. Several approaches to solving the desperate need for additional health care facilities have been suggested by me and others but none to date have been implemented. I have worked on this concept for over 3 years.

Veterans in the southern regions of New Jersey currently must travel either to the Philadelphia VA hospital or to the Wilmington, DE, hospital. Veterans living in southern New Jersey often have serious difficulties gaining access to VA medical facilities. Of the two VA medical centers in the State, both are located in northern New Jersey and only one—East Orange—now has an operating surgical unit.

Mr. Speaker, past studies have shown that only 0.7 beds exist per 1,000 veterans. When compared with a nationwide average of 3.2 beds per 1,000 veterans, the need to expand health care services for New Jersey veterans is painfully apparent.

The VA's own planners in Medical District IV, which includes some 61 counties in New Jersey, Pennsylvania, Delaware, and Maryland, have confirmed the dire need to establish an outpatient clinic in the southern or central region of the State. The minimum threshold required by the VA to establish a satellite outpatient clinic is 15,000 service-connected visits per year. In Ocean County alone, Mr. Speaker, the VA estimates that a satellite outpatient clinic would receive 52,000 visits by service-connected veterans per year. That is more than three times the minimum number of visits the VA has determined justifies the establishment of a satellite outpatient clinic.

The only other outpatient facility in New Jersey, located in Newark, is extremely busy and has been plagued with staffing shortages and equipment breakdowns. Even if the inaccessibility of this clinic to veterans in the southern region of the State were not a factor, the inability of this clinic to handle the demand for its services alone would merit the establishment of a new outpatient clinic.

As a member of the Committee on Veterans' Affairs, I have carefully studied the recent VA study, "Caring for the Older Veteran." This study predicted that by 1990, 7.2 million veterans will be over 65, doubling the total for 1980. These veterans will all be eligible for free medical care from the VA, a privilege they have rightfully earned by their service to this Nation. If we are unable to meet the current health needs of the nearly 1 million veterans in New Jersey, how will we deal with an even greater number of eligible veterans 10 or 15 years down the road?

In addition, Mr. Speaker, from a demographic perspective, the elderly population in New Jersey is growing at a tremendous rate. The introduction of casino gambling into Atlantic City and a number of other factors have led to a migration of older Americans to the State.

I have introduced this legislation in an effort to not only meet the current unmet demand, but also to prepare for the future. The dollars we spend to establish a clinic this year will provide valuable health care to a most distinguished group of Americans, Mr. Speaker, and I urge my colleagues to support this legislation.

□ 1240

LET JUSTICE BE DONE: SEAT RICK McINTYRE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, yesterday was not one of the prouder interludes in this great Chamber. There was much sanctimonious posturing on the majority side of the aisle, and the word "unfairness" was ricocheting around this Hall like a hockey puck. People who live in glass houses, et cetera.

If the majority of Americans had easy access to the congressional maps of my great State of California they would be appalled at the unfairness of the reapportionment. Even though the Republican Party won the majority of congressional votes in aggregate, that is when you put the 45 seats together, our delegation here is still 27 Democrats to 18 Republicans. Unfair in the extreme. I would not have been the only one to have turned those numbers around ever so slightly, from 17 Republicans to 18 Republicans, had I not been a former Member able to overcome part of the half-million-dollar advantage built into the incumbency of every Member.

I say, Mr. Speaker, let justice be done. Seat Rick McIntyre. Return some dignity to this Chamber. Let the House Administration Committee meet on any alleged irregularities in Indiana after the twice certified winner has been seated. The Indiana election that signed off on Mr. McIntyre's election was a bipartisan commission, with more Democrats on it than Republicans.

You in the majority have made this fine, young Congressman-elect Mr. McIntyre famous before he has even taken his seat here. Prepare yourselves to see something very special in service from this fine American after he is allowed to take his seat among us and justice is finally done.

A BIG SPENDER

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, at times, when people take the well, it is very interesting to see their interpretation of the facts or the world as they believe it to be.

Just a minute ago we were treated to the expressions of the deputy whip, Mr. ALEXANDER of Arkansas, blaming all of the farm problems on this President. Why? Because he allegedly allowed the deficit to get so big, therefore pushing interest rates up.

So I happened to take a look at the National Taxpayers Union rating of Members of Congress voting on every single spending measure in the House last year. And wouldn't you know it, the deputy whip on the Democratic side is listed as one of the biggest spenders in the House, with a bigger average, a worse average, than the rest of the Democratic leadership.

Now, it is one thing to be sitting here and blaming the President, but to come forward and blame the President when you have one of the worst records in the House. If we are going to help the farmers, let us get on with it. Let us do it on a nonpartisan basis, let us not throw brickbats at the President to try to show that we are more macho in saving money when in fact we have not done a very good job at all.

SUPPLEMENTARY AGREEMENT BETWEEN UNITED STATES AND ITALY ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-)

The SPEAKER pro tempore (Mr. MURTHA) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, March 5, 1985.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on both motions to suspend the rules.

STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE COIN ACT

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 47) to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty, as amended.

The Clerk read as follows:

H.R. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Statue of Liberty-Ellis Island Commemorative Coin Act".

COIN SPECIFICATIONS

SEC. 2. (a)(1) The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall issue not more than 500,000 five dollar coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) The design of such five dollar coins shall be emblematic of the centennial of the Statue of Liberty. On each such five dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b)(1) The Secretary shall issue not more than ten million one dollar coins which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) The design of such dollar coins shall be emblematic of the use of Ellis Island as a gateway for immigrants to America. On each such dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c)(1) The Secretary shall issue not more than twenty-five million half dollar coins which shall weigh 11.34 grams, have a diameter of 1.205 inches, and shall be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) The design of such half dollar coins shall be emblematic of the contributions of immigrants to America. On each such half dollar coin there shall be a designation of the value of the coin, an inscription of the year "1986", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

SOURCES OF BULLION

SEC. 3. (a) The Secretary shall obtain silver for the coins minted under this Act from stocks of silver held by the Secretary or from any other federally owned stocks of silver.

(b) The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

DESIGN OF THE COINS

SEC. 4. The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the Chairman of the Statute of Liberty-Ellis Island Foundation, Inc. and the Chairman of the Commission of Fine Arts.

SALE OF THE COINS

SEC. 5. (a) Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) The Secretary shall make bulk sales at a reasonable discount to reflect the lower cost of such sales.

(c) The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of repayment.

(d) All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $2 per coin for the half dollar coins.

ISSUANCE OF THE COINS

SEC. 6. (a) The gold coins authorized by this Act shall be issued in uncirculated and proof qualities and shall be struck at no more than one facility of the United States Mint.

(b) The one dollar and half dollar coins authorized under this Act may be issued in uncirculated and proof qualities. except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) Notwithstanding any other provision of law, the Secretary may issue the coins minted under this Act beginning October 1, 1985.

(d) No coins shall be minted under this Act after December 31, 1986.

GENERAL WAIVER OF PROCUREMENT REGULATIONS

SEC. 7. No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

DISTRIBUTION OF SURCHARGES

SEC. 8. All surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Statue of Liberty-Ellis Island Foundation, Inc. (hereinafter in this Act referred to as the "Foundation"). Such amounts shall be used to restore and renovate the Statue of Liberty and the facilities used for immigration at Ellis Island and to establish an endowment in an amount deemed sufficient by the Foundation, in consultation with the Secretary of the Interior, to ensure the continued upkeep and maintenance of these monuments.

AUDITS

SEC. 9. The Comptroller General shall have the right to examine such books, records, documents, and other data of the Foundation as may be related to the expenditure of amounts paid, and the management and expenditures of the endowment establish, under section 8.

COINAGE PROFIT FUND

SEC. 10. Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

FINANCIAL ASSURANCES

SEC. 11. (a) The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this Act shall result in no net cost to the United States Government.

(b) No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 47 authorizes the minting of coins in commemoration of the centennial of the Statue of Liberty in 1986. These coins will be sold to the public and the profits will be used to help pay for the restoration of the statue and Ellis Island.

America is a nation with a rich ethnic diversity. We are comprised of hundreds of small communities and cultures each unique with its own language, religion, and national origin. Our customs may vary but we share common values: a deep love of freedom, a keen sense of justice, and a passionate regard for liberty.

The Statue of Liberty stands as the most widely recognized symbol of America's promise. In its 99 years it has beckoned and welcomed countless millions of immigrants to our shores.

Less than six-tenths of a mile from the Lady Liberty lies Ellis Island, the gateway to America for 17 million immigrants. Over 100 million Americans, nearly 40 percent of our population, are descended from those who passed through the immigration station on Ellis Island.

Ellis Island is the symbol of the American immigration experience. Many older Americans still remember the long climb up the stairs to the great hall and the vast expanses of its vaulted spaces. If Liberty lifted her lamp beside the golden door, as Emma Lazarus wrote, then Ellis Island was the golden door.

Today these monuments to our treasured values and the rich diversity of our people are in dire need of repair. The statue's framework is being reinforced and much of the support for the skin is being repaired. The torch has been taken down and a new one, being built exactly like the original, will be installed. In the end, the statue will be as good as new.

Ellis Island is in equal need of repair. Its great hall is now silent and empty and its walls are cracked and crumbling. The elements and vandals have combined to take their toll. The Statue of Liberty-Ellis Island Foundation has begun a $230 million repair job. To date it has raised $143 million in pledges. The sale of commemorative coins will raise $137.5 million at no cost to the Government, but more than that the three coins will commemorate the values that the statue and Ellis Island represent.

All three coins will carry a representation of the Statue of Liberty. The $5 gold coin will commemorate the centennial of the Statue of Liberty in 1986. One side of the silver dollar will be emblematic of the use of Ellis Island as the gateway for immigrants to America. One side of the half dollar will honor the rich contributions of the immigrants to America.

The coins will be sold directly to the public by the U.S. Mint and will also be available through post offices, many coin dealers, and federally insured financial institutions. There will be discounts for bulk purchases and for those who place orders before the coins are issued.

H.R. 47 requires that there be no net cost to the Government from the sale of the coins. In fact, the sale will generate up to $64 million in profits to the Federal Government from the sale of the gold and silver contained in the coins and an additional $25 million in seigniorage.

In the end, the Statue of Liberty and Ellis Island will stand as testiments to the history and success of the American story. The sale of these coins will help preserve these precious monuments, but they also will serve to commemorate the welcome that shines from the statues' uplifted beacon and the hope and promise that it represents.

Mr. Speaker, I want to commend the gentleman from Indiana [Mr. HILER], on assuming the minority leadership

on the Coinage Committee, for his outstanding effort on behalf of this legislation and for the tremendous contribution that I have received from the minority side.

Mr. Speaker, I urge that his legislation be passed, and I reserve the balance of my time.

● Mr. GUARINI. Mr. Speaker, I rise to speak in strong support of H.R. 47, the Statue of Liberty-Ellis Island Commemorative Coin Act. I am privileged to be a cosponsor on this important measure.

I also want to praise my good friend and distinguished colleague, Congressman ANNUNZIO, for demonstrating his leadership on this issue just as he did with the proposal for minting the Olympic coins. Both are excellent ideas which benefit very worthwhile causes.

We are all aware that the Statue of Liberty is in dire need of repair. We also know that the historic facilities on Ellis Island require extensive restoration work. The repair work on these two monuments is estimated to cost nearly $260 million. This proposal to mint commemorative coins will raise nearly $137.5 million for these crucial efforts—at no cost to the Government.

Citizens from grammar school children to industrial giants are contributing their pennies and dollars for the cause. The sale of the three commemorative coins authorized by H.R. 47 will further enable the American public to personally support this historic restoration effort through their own contributions. At the same time, our citizens will be investing in a symbolic recommitment to the precious American values of freedom, justice, and opportunity.

Families through the ages are sure to treasure the gold coins commemorating the Statue of Liberty's centennial, the silver dollars memorializing Ellis Island, and the half dollars honoring the contributions of America's immigrants. I'm certain that many people will look forward to obtaining their own set of coins, not only as a momento of an historic event but as a sound financial investment.

As the Congressman from New Jersey's 14th Congressional District, I have a special attachment to Ms. Liberty. With the statue's presence on our New Jersey waterfront, Lady Liberty became a commanding part of my everyday life. Today, Liberty State Park in my district offers an unparalleled vista of the Fair Lady in the harbor. The view from this urban park presents a moving and magnificent panorama of the world's most shining beacon of hope and the island gateway through which millions of America's immigrants passed.

Today, descendants of over 100 different nationalities continue to live in Hudson County, in the shadow of the statue's uplifted torch. The Lady's silhouette is a daily reminder to my constituents of the values for which America stands: Love of family and country, hard work, and a tradition of equal opportunity for all.

Liberty Island and Ellis Island belong to all Americans and title to the land is technically held by the Federal Government. Nevertheless, we in New Jersey strongly believe that both islands, being well within New Jersey's territorial waters, do in fact belong to the sovereign State of New Jersey. As a result, residents of the Garden State take special pride in these mighty symbols of justice and opportunity.

As Emma Lazarus so eloquently wrote:

> Give me your tired, your poor, your huddled masses yearning to breathe free . . .

May these words never fade from our memories. And when the statue's restoration is complete, may it always stand as a beacon of the principles for which our proud Nation stands.

I strongly endorse this innovative fundraising proposal. We must do all we can to save these two lasting memorials to liberty and our proud immigrant heritage. I urge my colleagues to join me today in voting for H.R. 47's prompt passage.●

□ 1250

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join Chairman ANNUNZIO in support of H.R. 47, the Statue of Liberty-Ellis Island Commemorative Coin Act. The tremendous success of the recent Olympic Coin Program demonstrates just how valuable such programs can be as a tool for funding worthwhile projects. Perhaps the most outstanding feature of these Government-sponsored coin programs is that they do not require a nickel from the American taxpayer.

The restoration of the Statue of Liberty and the renovation of Ellis Island are particularly worthy projects. The Statue of Liberty has long been a symbol of the fundamental principle that has made this country great: The freedom of the individual. Just as we do not want this doctrine on which our strength as a nation rests to decay and disappear, so we do not want to see our symbol of liberty crumble and fade away. The Statue of Liberty-Ellis Island Commemorative Coin Act will help to insure that this does not happen.

The administration also appreciates the important goals to which H.R. 47 is directed, and supports the adoption of this legislation. The Treasury Department, however, has expressed some concern about the risk to the American taxpayer posed by the Federal Government's underwriting of coin programs. Treasury proposes that Congress examine ways in which the private sector might underwrite the cost of these programs, thereby insuring the taxpayer dollars are fully protected.

Do we attempt in legislation to insure that there be no cost to the taxpayer. Section 11 states:

> The Secretary shall take all actions necessary to insure that the issuance of the coins authorized by this Act shall result in no net cost to the United States government.

I recognize that past commemorative coin projects have not cost the taxpayer a cent, and I do not anticipate the Treasury will incur losses from any future programs. The Olympic Coin Program was, of course, a great success. I fully expect the Statue of Liberty-Ellis Island Coin Program to be just as successful. However, I do believe that Treasury's concern about the extent of involvement in this type of program should continue to be evaluated so as to protect the taxpayer to the maximum extent possible.

I also want to commend the chairman of the committee, Chairman ANNUNZIO, for the tremendous job that he has done at pushing this worthwhile project. We anticipate speedy resolution of this issue in the other body, and look forward to the flow of money into the Statue of Liberty-Ellis Island project so that we restore these tremendous symbols of American strength and vitality and freedom.

I urge my colleagues to support this Commemorative Coin Act.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. WYLIE] the ranking member of the Committee on Banking, Finance and Urban Affairs.

Mr. WYLIE. I thank the gentleman from Indiana for yielding me this time.

Mr. HILER, as the chairman of the Consumer Affairs and Coinage Subcommittee [Mr. ANNUNZIO] has noted, is handling his first bill on the House floor today in his new capacity as the ranking minority member of this subcommittee. You are working with a great chairman, Mr. HILER. I know you will enjoy your new role as I did mine when I was the ranking Republican on that subcommittee, and that you will do a very good job in that capacity.

Mr. Speaker, I commend Chairman ANNUNZIO for his efforts to bring this bill to the House floor today to establish a commemorative coin program to help fund the restoration of the Statue of Liberty and Ellis Island, an immigration facility which has a long, and of course, a very significant history.

No one here today would dispute the fact that this is a worthwhile project. For many years now, the Statue of Liberty has stood as a beacon of freedom of individual liberty welcoming those who seek refuge from tyranny and injustice, and reminding us all of

the ideals upon which this country rests.

We certainly want to do what we can to preserve this very important national and international symbol of freedom. At the same time, Mr. HILER has raised an interesting question about the establishment of this commemorative coin program, and it raises an important question as to how far we should go in the future in these fundraising efforts as far as the role of the U.S. Treasury is concerned.

We should not forget that these programs do put taxpayers' dollars at risk. There is no assurance that coin collectors and other Americans will like the coins and want to buy them. Nor is there any guarantee that the prices of inputs, particularly those of precious metals, will not fluctuate during the life of the program, with resultant additional costs to the Treasury. In other words, we cannot say with absolute certainty that the U.S. Treasury will realize no losses from the Statue of Liberty Coin Program although I would say the risk does not appear to be great and it is worth it in this case.

Treasury did express some reservations about this bill as a precedent of its involvement in commemorative coin fund-raising activities. I believe that these reservations should be noted. I hope that in the future we will make an effort to limit Federal Government participation in coin programs and try to place activities of this kind in the hands of the private sector to the greatest extent possible.

I do not think that the taxpayers' dollars will be at any risk in this particular program, but I do feel that we want to make it clear in the future that every possibility will be explored of adopting some mechanism so that taxpayers' dollars will not be at risk, and that there ought to be an effort to "privatize" coin fund-raising activities.

In this case, there are many other people involved in the whole program across the Untied States. The Secretary of the Interior, at the request of President Reagan, has established the Liberty-Ellis Island Centennial Commission to restore these monuments, and the goal of restoring these monuments has been taken up by schoolchildren all across the country, as well as by major American corporations and other members of the private sector. I hope that this initiative and the accompanying private sector actions will encourage the participation of the public as a whole and that the restoration of the Statue of Liberty and Ellis Island project will go forward with expediency.

It is a wonderful, worthwhile project, Mr. Speaker, that needs to be completed, and this program will be made possible by the passage of this bill, H.R. 47, today. I urge its enactment.

Mr. HILER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 47, the Statue of Liberty-Ellis Island Commemorative Coin Act, this bill has the necessary 218 cosponsors required for consideration of commemorative coin bills, and I am pleased that we have acted promptly to begin the process of issuing commemorative coins for the Statue of Liberty's centennial.

The distinguished chairman of the House Banking Subcommittee on Consumer Affairs and Coinage, Congressman FRANK ANNUNZIO, is to be congratulated for this initiative and his prompt action in bringing H.R. 47 to the floor. I know that under his guidance, the Statue of Liberty Commemorative Coin Program will be even more successful than the Olympic Coin Program. The Olympic Coin Program raised more than $70 million for the Olympics and in fact made several million dollars for the Federal Government. The Statue of Liberty coins should appeal to a much wider audience.

The Statue of Liberty was presented to the United States on July 4, 1884, and completed on Ellis Island in October 1886. Ellis Island itself became part of the Statue of Liberty National Monument in 1965. I am certain that most of us in this Chamber represent a part of a family which passed through Ellis Island over the past century.

Due to the wear and tear of time and tourism, the statue and the Ellis Island facilities were found to be in need of renovation in 1982. The reaction of the general public to the drive to raise $230 million for the repairs has been overwhelmingly successful.

We in Congress can make our own contribution to the renovation, along with commemorating the statue's centennial, by passing H.R. 47 today, the legislation authorizes the striking of 500,000 $5 gold coins, 10 million $1 silver coins, and 25 million half dollar coins. These coins will be sold at face value plus the cost of their design and issuance. Additional surcharges on the cost of the coins will be utilized by the Statue of Liberty-Ellis Island Foundation for restoration of the statue and facilities at Ellis Island. An endowment will be established to ensure continued maintenance. The Commemorative Coin Program will be completed at no net cost to the Federal Government.

Mr. Speaker, I urge my colleagues to join me in approving H.R. 47.

Mr. HILER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to join my colleagues in supporting this Gold and Silver Coinage Program to help commemorate the 100th anniversary of the Statue of Liberty. This famous symbol of the United States is one of the most universally recognized throughout the world, perhaps second only to the American flag. It is very important that we do everything necessary to keep the Statue of Liberty in good health, and this Commemorative Gold and Silver Coinage Program is an excellent and well conceived way to raise money without any cost to the taxpayers.

I want to congratulate the sponsor of this legislation, Mr. ANNUNZIO, for drafting a bill along the lines of the very successful Olympic Coin Program that was able to raise over $70 million for our Olympic athletes and the Olympic organizing committees. The gentleman has shown us that this Congress can actually enact beneficial programs that don't cost the taxpayers anything; certainly a laudable achievement. The program to benefit the Statue of Liberty will most assuredly be as successful as the earlier Commemorative Coin Program, and the extra funds to restore "The Lady" will make an important contribution.

I want to say, also, that I share the gentleman's opinion that the U.S. Mint is fully capable of managing this program in a businesslike manner, and I want to associate myself with his remarks. Under the management of Director Donna Pope, the U.S. Mint has proven itself to be one of the best-run agencies in our Government—a truly profitmaking agency. It is desirable and beneficial that this efficiency be put to use to help the Statue of Liberty restoration effort.

□ 1300

Mr. HILER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I would like to join my colleague, and distinguished subcommittee chairman the gentleman from Illinois [Mr. ANNUNZIO], and my colleague from New York, [Mr. FISH], in support of his proposed legislation to help restore one of our Nation's most cherished national monuments.

The Statue of Liberty-Ellis Island Commemorative Coin Act, H.R. 47, is designed to raise money for the much-needed restoration of this beloved Lady of Freedom and her home of Ellis Island. This legislation would also serve to commemorate in a proper way these important symbols.

The sale of three different commemorate coins, which would be established through passage of this legisla-

tion, can raise $137.5 million at no cost to the Government. This sum will cover more than one-half of the estimated restoration of these monuments at a cost of $230 million, and much of the other half of the money will come from private and corporate contributions around the country.

A $5 gold coin will commemorate the centennial of the Statue of Liberty in 1986. A silver-dollar coin will honor Ellis Island as a gateway for immigrants to our country. A half-dollar coin will be minted in behalf of the contributions to American society brought by the immigrants.

It is the hope and recommendation by my colleague, Mr. FISH and myself that the gold coin will be minted at the U.S. Bullion Depository at West Point, NY. The production of these 500,000 coins will provide much-needed work for this depository. Due to an overproduction of pennies at other mints, two out of three penny production shifts had to be shut down, resulting in the temporary loss of 25 employees.

With passage of this legislation, up to 50 employees could be added to this plant to aid in the production of the commemorative coins. Thus, in honoring a traditional American symbol, this act would also serve to rejuvenate the U.S. Mint at West Point, thus reinforcing the promise of opportunity which the Statue of Liberty represents.

This act is welcomed warmly by many of my constituents who are presently employed at the West Point Mint.

Throughout much of history, the Statue of Liberty and Ellis Island have welcomed immigrants from all nations into our country. These world renowned monuments have stood at the eastern edge of our country beckoning all peoples with a promise of freedom and opportunity. Today, more than 1 million Americans appreciate this welcoming message as descendants of the 17 million persons who were greeted by the Statue of Liberty as they entered our country.

Mr. Speaker, we cannot afford to let the Statue of Liberty and Ellis Island fall into further state of disrepair. To do so would almost serve as a signal to the rest of the world that our long-cherished values of liberty and opportunity are no longer important to us.

Accordingly, I urge my colleagues to join us in commemorating and preserving these monuments of our heritage by supporting passage of this message.

Mr. HILER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the ranking member for yielding this time to me. I want to congratulate him and the chairman of our subcommittee for their diligence and conscientious commitment to this legislation.

Many laudatory statements have been made in praise of our subcommittee chairman—and rightly so. Who else can get Lee Iacocca and other people of that stature to testify before a subcommittee on short notice?

I am pleased to support H.R. 47, the Statue of Liberty-Ellis Island commemorative coin legislation. The Statue of Liberty is truly the symbol of Freedom for all Americans and indeed for freedom-loving people everywhere. Ellis Island was a gateway through which many of our forebearers passed at the end of a long road toward political and religious freedom and also economic opportunity. The legacy of the Statue of Liberty and Ellis Island must be preserved for future generations. Enactment of this legislation is one way to attain that goal.

I have been impressed by the extensive private support for the Statue of Liberty Restoration Program. However, a boost is required to insure that the restoration program is completed on schedule.

This legislation entails no cost to the American taxpayer and is carefully and responsibly drafted.

I think one other point has to be made, especially when we in this House are often asked, "Why are we helping other nations throughout the world? Why do we give so much of ourselves to other nations?" The Statue of Liberty is a reminder to us that other nations have helped us. After all, we got the Statue of Liberty from France. This statue is a symbol of our past, and our future. A nation must have a sense of history. Our children must be inculcated, given a sense of history—if we are to pass on our heritage to our future generations.

Mr. Speaker, when the Congress enacts legislation like we are enacting today, I think we are acting in the best interests of our country, not only for today but also for tomorrow.

Mr. HILER. Mr. Speaker, I urge my colleagues to support this legislation.

● Mr. MANTON. Mr. Speaker, I rise in strong support of H.R. 47, the Statue of Liberty-Ellis Island Commemorative Coin Act, of which I am a cosponsor. This important legislation would authorize the U.S. mint to issue commemorative coins to help raise funds for the restoration of the Statue of Liberty and Ellis Island. In addition, these coins would commemorate the centennial of the Statue of Liberty and the many invaluable contributions immigrants have made to America.

Specifically, the bill specifies that a surcharge be added to the sale price of each coin which will be paid to the Statue of Liberty-Ellis Island Foundation.

Mr. Speaker, we are a nation of immigrants. Our rich cultural diversity is the envy of the world. I am the son of an Irish immigrant who came to America seeking a better way of life. For my mother and father, and the millions of other proud, courageous men and women who immigrated to the United States, the Statue of Liberty was the beacon of hope and the promise of freedom—Ellis Island was the door to opportunity. In addition, thousands of tourists come to New York each year from across the country and around the world to see America's symbol of liberty, justice, and freedom.

Today, these historic and inspiring symbols are in a sad state of disrepair. Restoration could cost as much as $230 million. The sale of the commemorative coins as envisioned under H.R. 47 will raise $137.5 million for the restoration efforts at no cost to the Government. What better way to provide funds for the restoration of the Statue of Liberty and Ellis Island than through the sale of coins commemorating the meaning of these national monuments and recognizing the contributions immigrants have made to our society.

I urge Members to join with me in voting for this vitally important legislation.●

● Ms. MIKULSKI. Mr. Speaker, I would like to express my support for the Statue of Liberty-Ellis Island Commemorative Coin Act. H.R. 47 will help raise the funds needed for the restoration of these two monuments as well as commemorating the centennial of the Statue of Liberty next year.

I think it is only fitting that Congress demonstrate its support for the efforts to restore these monuments of liberty and freedom. After all, it is Congress that represents the rich ethnic diversity that has made America grow. In fact, my own grandmother immigrated from Poland with only $16, a featherbed matress, and a prearranged marriage. Our country is based on the contributions of people like my grandmother. We cannot stand idly by and let these symbols of their contributions deteriorate. Rather, we must preserve liberty's "lamp" and Ellis Island's "golden door" so that our children and our children's children will be reminded of their ancestor's gift to our country.●

Mr. HILER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and pass the bill, H.R. 47, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PACIFIC SALMON TREATY ACT OF 1985

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1093) to give effect to the Treaty Between the Government of the United States of American and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985, as amended.

The Clerk read as follows:

H.R. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pacific Salmon Treaty Act of 1985".

SEC. 2. DEFINITIONS.

As used in this title, unless the context otherwise requires, the term—

(a) "Commission" means the Pacific Salmon Commission established by the Treaty;

(b) "enhancement" means manmade improvements to natural habitats, or the application of artificial fish culture technology, that will lead to the increase of salmon stocks;

(c) "Magnuson Act" means the Act entitled "the Magnuson Fishery Conservation and Management Act," as approved April 13, 1976, and as later amended (16 U.S.C. Section 1801 et seq.);

(d) "Panel" means any of the Panels established by the Treaty;

(e) "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State);

(f) "salmon" means any anadromous species of the family Salmonidae and genus Oncorhynchus, commonly known as Pacific salmon, including but not limited to:

Popular names	Scientific name
Chinook or King Salmon	Oncorhynchus tshawytscha
Coho or Silver Salmon	Oncorhynchus kisutch
Pink or Humpback Salmon.	Oncorhynchus gorbuscha
Chum or Dog Salmon	Oncorhynchus keta
Sockeye or Red Salmon	Oncorhynchus nerka

and shall also include Steelhead (Salmo gairdneri);

(g) "Secretary" means the Secretary of Commerce;

(h) "Treaty" means the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985;

(i) "treaty Indian tribe" means any of the federally recognized Indian tribes of the Columbia River basin, Washington coast or Puget Sound areas having reserved fishing rights to salmon stocks subject to the Treaty under treaties with the United States Government; and

(j) "United States Section" means the four United States Commissioners appointed by the President pursuant to this title.

SEC. 3. UNITED STATES SECTION.

(a) COMMISSIONERS.—The United States shall be represented on the Commission by four United States Commissioners who are knowledgeable or experienced concerning Pacific salmon, to be appointed by and serve at the pleasure of the President. Of these, one shall be an official of the United States Government who shall be a nonvoting member of the United States Section; one shall be a resident of the State of Alaska and shall be appointed from a list of at least six qualified individuals nominated by the Governor of that State; one shall be a resident of the States of Oregon, or Washington and shall be appointed from a list of at least six qualified individuals nominated by the Governors of those States; and one shall be appointed from a list of at least six qualified individuals nominated by the treaty Indian tribes of the States of Idaho, Oregon or Washington. Two of the initial appointments shall be for two-year terms; all other appointments shall be for four-year terms. Each Commissioner is eligible for reappointment. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term. Unless otherwise agreed, the chairmanship of the United States Section shall rotate annually among all four members with the order of rotation determined by lot at the first meeting.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary and the Secretary of the Interior, shall designate an Alternate Commissioner for each Commissioner from the respective lists referred to in Section 3(a), and may designate an Alternate Commissioner for the Federal Commissioner. In the absence of a Commissioner, the Alternate Commissioner may exercise all functions of such Commissioner at any meeting of the Commission or of the United States Section. Alternate Commissioners are eligible for reappointment and may attend all meetings of the United States Section.

(c) SOUTHERN PANEL.—The United States shall be represented on the southern Panel by six Panel members, of whom—

(1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;

(2) one shall be an official of the State of Oregon, with salmon fishery management responsibility and expertise;

(3) one shall be an official of the State of Washington, with salmon fishery management responsibility and expertise;

(4) two shall be appointed from a list submitted by the treaty Indian tribes of individuals with salmon fishery management responsibility and expertise; and

(5) one shall be appointed from the commercial or recreational sector who is knowledgeable and experienced in the salmon fisheries for which the southern Panel is responsible.

(d) NORTHERN PANEL.—The United States shall be represented on the northern Panel by six Panel members, of whom—

(1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;

(2) one shall be an official of the State of Alaska, with salmon fishery management responsibility and expertise;

(3) four shall be individuals knowledgeable and experienced in the salmon fisheries for which the northern Panel is responsible.

(e) FRASER RIVER PANEL.—The United States shall be represented on the Fraser River Panel by four Panel members, of whom—

(1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;

(2) one shall be an official of the State of Washington, with salmon fishery management responsibility and expertise;

(3) one shall be appointed from a list submitted by the treaty Indian tribes of individuals with salmon fishery management responsibility and expertise for the fisheries for which the Fraser River Panel is responsible; and

(4) one shall be appointed from the commercial sector of the salmon fishing industry concerned with fisheries for which the Fraser River Panel is responsible.

(f) PANEL APPOINTMENTS.—Panel members described in subsections (c)(2), (c)(3), (d)(3), and (e)(2) shall be appointed by the Governor of the applicable State. Panel members described in subsections (c)(4) and (e)(3) shall be appointed by the Secretary of the Interior from lists of nominations provided by the appropriate treaty Indian tribes. All other Panel members shall be appointed by the Secretary: *Provided,* That at least one member of the northern Panel shall be a voting member of the North Pacific Fishery Management Council, at least one member of the southern Panel shall be a voting member of the Pacific Fishery Management Council; and the Panel members described in subsections (c)(5), (d)(3), and (e)(4) shall be appointed from lists of nominations provided by the Governors of the applicable States. The appointing authorities listed above may also designate an alternate Panel member, meeting the same qualifications and having the same term of office, to service in the absence of a Panel member appointed under this subsection. Panel members and alternate Panel members, other than the southern Panel member described in subsection (c)(5), shall serve four-year terms; except that the Secretary of State shall designate one-half of the initial appointments to each Panel as serving two-year terms. The southern Panel member described in subsection (c)(5) and the corresponding alternate shall each be appointed for one-year terms; the first such member shall be appointed from the commercial sector and an alternate shall be appointed from the recreational sector, with the alternate succeeding to the member position in the subsequent year; thereafter the member and alternate positions shall rotate between the commercial and recreational sectors on an annual basis. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term. Panel members and alternates shall be eligible for reappointment and may attend all meetings of the relevant United States Panel Section.

(g) VOTING REQUIREMENTS.—(1) The United States Section shall operate with the objective of attaining consensus decisions in the development and exercise of its single vote within the Commission. A decision of the United States Section shall be taken when there is no dissenting vote.

(2) All decisions and recommendations of the United States Section of the northern and southern Panels shall require the concurring vote of a majority of the United States Panel members present and voting,

except that decisions and recommendations of the southern Panel shall require the concurring vote of the members designated in subsections (c)(2) and (c)(3) and one of those members designated in subsection (c)(4).

(3) All decisions and recommendations of the United States Section of the Fraser River Panel shall require the concurring vote of all United States Panel members present and voting, except that orders referred to in article VI(6) of the Treaty may be agreed to on the basis of a majority, provided that the Panel members representing the State and Tribal fishery management authorities concur.

(4) All decisions and recommendations of any joint Panel shall require the concurring votes of each Panel under the voting rules specified in paragraphs (2) and (3).

(5) To assist in the resolution of disputes affecting decisions of the United States Section or of the United States Panel sections, a three-person Conciliation Board may be established. The members of the Conciliation Board shall be selected by the United States Section as follows: each non-Federal Commissioner shall submit a list of no fewer than three qualified nominees; one person shall be selected from each list by consensus decision of the Federal Commissioner and the other two non-Federal Commissioners. The Conciliation Board shall operate under such bylaws as may be established by the United States Section.

(6) In any matter where the Fraser River Panel is unable to act because the United States Fraser River Panel members have been unable to reach a decision in accordance with paragraph (3) of this subsection, and upon a determination by the Chairman of the United States Section that an action of the Panel is required, the United States Section shall act for the United States Panel members in the Fraser River Panel.

(7) In any matter where the Secretary of State determines that the United States is in jeopardy of not fulfilling its international obligations under the Treaty, the Secretary of State shall so certify to the United States Section. Such certification shall include the reasons for such determination and shall specify the date by which a decision by the United States Section is desired. If the United States Section has not reached a decision by the date specified, the Secretary of State, after consultation with the Secretary and the Secretary of the Interior, shall report on the matter to the President.

(h) CONSULTATION.—In carrying out their functions under the Treaty, the Commissioners and Panel members may consult with such other interested parties as they consider appropriate. The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply.

SEC. 4. AUTHORITY AND RESPONSIBILITY.

(a) The Secretary of State is authorized to—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, and other communications of and to the Commission and Panels;

(2) in consultation with the Secretary and the Secretary of the Interior, approve, disapprove, object to, or withdraw objections to fishery regimes, including enhancement programs and Fraser River Panel regulations proposed in accordance with the Treaty, on the condition that the United States shall be obligated to carry out such regimes or regulations only to the extent that funds are made available for such purposes in appropriation acts.

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1) of this subsection other than a proposed fishery regime or Fraser River Panel regulation.

(b) Recommendations of the Commission on fishery regimes or Fraser River Panel regulations approved by the Secretary of State pursuant to subsection (a)(2) shall be forwarded immediately to the States of Alaska, Oregon, Washington, and Idaho and to the treaty Indian tribes, as appropriate. In the exercise of their general fishery management authority, the States and treaty Indian tribes may adopt corresponding laws, regulations or orders within their respective jurisdictions.

(c) In cooperation with the appropriate Regional Fishery Management Councils, States and treaty Indian tribes, the Secretary shall prepare, as appropriate, all statements, reports, and information required by the Treaty and submit such documents to the Secretary of State, who shall transmit them to the Commission.

SEC. 5. INTERAGENCY COOPERATION.

(a) In carrying out the provisions of the Treaty and this title, the Secretary, in consultation with the Secretary of the Interior, may arrange for cooperation with agencies of the United States, the States, treaty Indian tribes, private institutions and organizations, and may execute such memoranda as may be necessary to reflect such agreements.

(b) Agencies of the United States may cooperate in the conduct of scientific and other programs, and may furnish facilities and personnel, for the purposes of assisting the Commission and Panels in carrying out their responsibilities under the Treaty. Such agencies may accept reimbursement from the Commission for providing such services, facilities, and personnel.

SEC. 6. PREEMPTION.

If any State or treaty Indian tribe has taken any action, or omitted to take any action, the results of which place the United States in jeopardy of not fulfilling its international obligations under the Treaty, or any fishery regime or Fraser River Panel regulation adopted thereunder, the Secretary shall inform the State or tribe of the manner in which the action or inaction places the United States in jeopardy of not fulfilling its international obligations under the Treaty, of any remedial action which would relieve this concern, and of the intention to promulgate Federal regulations if such remedial actions are not undertaken within fifteen days unless an earlier action is required to avoid violation of United States Treaty obligations. Should United States action be required to meet Treaty obligations to Canada in respect to treaty Indian fisheries conducted in terminal areas subject to the continuing jurisdiction of a United States district court, such action shall be taken within the framework of such court jurisdiction. Otherwise, regulations may be promulgated by the Secretary pursuant to section 7(a) of this title which shall supersede any State or treaty Indian tribal law, regulation or order determined by the Secretary to place the United States in jeopardy of not fulfilling its international obligations under the Treaty. Timely notice of all such determinations shall be disseminated to electronic media and shall be published in local newspapers in the major fishing ports affected and in the Federal Register. In order to enable the United States to fulfill its obligations under article IV(7) of the Treaty, the States of Alaska, Idaho, Oregon and Washington and the treaty Indian tribes shall advise the Secretary of all pertinent laws or regulations pertaining to the harvest of Pacific salmon, together with such amendments thereto as may be adopted from time to time.

SEC. 7. RULEMAKING.

(a) The Secretary, in consultation with the Secretary of the Interior, the Secretry of the Department in which the Coast Guard is operating and the appropriate Regional Fishery Management Council, shall promulgate such regulations as may be necessary to carry out the United States international obligations under the Treaty and this title, pursuant to section 6, as well as conforming amendatory regulations applicable to the United States Exclusive Economic Zone. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located. Such regulations as are necessary and appropriate to carry out obligations of the United States under the Treaty involve a foreign affairs function, and as such shall not be subject to sections 4 through 8 of the Administrative Procedure Act (5 U.S.C. 553–557), or the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(b) The Secretary, in cooperation with the Regional Fishery Management Councils, States, and treaty Indian tribes, may promulgate regulations applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with, fishery regimes and Fraser River Panel regulations adopted under the Treaty. Such regulations shall not discriminate between residents of different States.

(c) Regulations promulgated by the Secretary under this title shall be subject to judicial review by the district courts of the United States to the extent authorized by, and in accordance with, chapter 7 of Title 5, United States Code; except that section 705 of such title is not applicable, and the appropriate court shall only set aside any such regulation on a ground specified in section 706(2) (A), (B), (C), or (D) of such title. A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.

SEC. 8. PROHIBITED ACTS AND PENALTIES.

(a) It is unlawful for any person or vessel subject to the jurisdiction of the United States—

(1) to violate any provision of this title, or of any regulation adopted hereunder, or of any Fraser River Panel regulation approved by the United States under the Treaty;

(2) to refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title;

(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in subparagraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this title; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section.

(b) Any person who commits any act that is unlawful under subsection (a) of this section shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) of this section shall be guilty of an offense punishable as provided by section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d)(1) Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act which is prohibited under subsection (a) of this section, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act which is prohibited by subsection (a) of this section, shall be subject to forfeiture as provided by section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulation of the Secretary.

(e) The Secretary and the Secretary of the Department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority provided by subsections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)).

(f) The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

SEC. 9. GENERAL STANDARD.

All actions taken under sections 3(g), 4, 6, and 7 shall—

(a) take into account the best scientific information available,

(b) result in measures necessary and appropriate for the conservation, management, utilization and development of the Pacific salmon resource, with due consideration of social and economic concerns, and

(c) be consistent with United States obligations under the Treaty, domestic Indian treaties and other applicable law.

SEC. 10. ADVISORY COMMITTEE.

(a) The United States Section shall appoint an advisory committee of not less than twelve but not more than twenty members who are knowledgeable and experienced with respect to fisheries subject to the Treaty. One-half the membership of the committee shall be residents of the State of Alaska and one member shall be a resident of the State of Idaho. Each member shall serve a term of two years and shall be eligible for reappointment.

(b) Members of the advisory committee may attend all public meetings of the Commission and Panels and all nonexecutive sessions of the United States Section and United States Panel sections. At nonexecutive meetings of the United States Section and United States Panel sections, members of the advisory committee shall be given the opportunity to examine and to be heard on any nonadministrative matter under consideration.

(c) The members of the advisory committee shall receive no compensation for their services as such members.

(d) The Chairman of the United States Section shall call a meeting of the advisory committee at least one time each year.

SEC. 11. ADMINISTRATIVE MATTERS.

(a) Commissioners and Alternate Commissioners who are not State or Federal employees shall receive compensation at the daily rate of GS-18 of the General Schedule when engaged in the actual performance of duties for the United States Section or for the Commission.

(b) Panel Members and Alternate Panel Members who are not State or Federal employees shall receive compensation at the daily rate of GS-16 of the General Schedule when engaged in the actual performance of duties for the United States Section or for the Commission.

(c) Travel and other necessary expenses shall be paid for all United States Commissioners, Alternate Commissioners, Panel Members, Alternate Panel Members, members of the Joint Technical Committee, and members of the Advisory Committee when engaged in the actual performance of duties for the United States Section or for the Commission.

(d) Except for officials of the United States Government, such individuals shall not be considered to be Federal employees while engaged in the actual performance of duties for the United States or for the Commission, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Treaty and this title including—

(a) necessary travel expenses of the Commissioners, Panel members, alternate Commissioners, alternate Panel member, United States members of joint technical committees established under article IV of the Treaty, and advisory committee members in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of the title 5, United States Code;

(b) the United States share of the joint expenses of the Commission: Provided, That the United States Commissioners and Panel members and alternates shall not, with respect to commitments concerning the United States share of the joint expenses of the Organization, be subject to section 262b of title 22, United States Code, insofar as it limits the authority of United States representatives to international organizations with respect to such commitments;

(c) amounts for research, enhancement, and other activities necessary to carry out the purposes of the Treaty and this title; and

(d) such amounts as may be due to settle accounts upon termination of the International Pacific Salmon Fisheries Commission.

SEC. 13. REPEALER.

The Sockeye Salmon or Pink Salmon Fishing Act of July 29, 1947 (16 U.S.C. 776-776f), as amended by the Act of July 11, 1957, section 1-3, is repealed, effective December 31, 1985. The Secretary of State shall dispose of any United States property held by the International Pacific Salmon Fisheries Commission on the date of its termination in a manner which would further the purposes of this title.

SEC. 14. SAVINGS.

This title shall not be interpreted or applied so as to affect or modify rights established in existing Indian treaties and other existing Federal laws, including the Order entered in Confederated Tribes and Bands of the Yakima Indian Nation v. Baldrige, Civil No. 80-342, (WD WASH.) This section shall not be interpreted or applied so as to affect or modify any rights or obligations of the United States pursuant to the Treaty.

SEC. 15. RESTRICTION ON SPENDING AUTHORITY.

New spending authority or authority to enter into contracts provided in this Act shall be effective only to such extent, or in such amounts, as are provided in advance in appropriation acts.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I support the passage of H.R. 1093, legislation to implement the Pacific Salmon Treaty between Canada and the United States. This treaty is strongly supported by the involved States of Alaska, Washington, and Oregon, as well as the various Indian treaty tribes recognized under the Pacific Salmon Treaty and the implementing legislation.

The Pacific Salmon Treaty establishes a mechanism for Canada and the United States to coordinate the management, conservation, enhancement, and research of Pacific salmon. The Pacific Salmon Commission, created by the treaty, is the principal decisionmaking body responsible for establishing salmon fishing regimes. The Commission would be composed of Canadian and United States sections. Each section would have one vote. The approval of both sections would be necessary before any action could be taken pursuant to the treaty. In the event that a fishing regime cannot be agreed upon, no fishing would take place.

Each section would consist of up to four commissioners and a like number of alternates. The United States is obligated, under the treaty, to pay for one-half of the joint expenses of the Commission as well as the expenses of its own section. The involved States and regional fishery management councils would be obligated to establish appropriate fishing regulations to

implement regimes approved by the Pacific Salmon Commission.

The treaty recognizes several goals; first, to prevent overfishing—or the so-called conservation principle; second, to provide for optimum production; and, third, to provide that each party receive benefits equivalent to the production of salmon originating in its waters—or the so-called equity principle. In establishing fishery management regimes to meet these objectives, the Commission is directed to recognize the desirability of reducing interceptions and of avoiding economic and social dislocation of existing fisheries; as well as to consider variations in annual abundance.

The treaty also establishes three panels—the southern, Fraser River, and northern—which are responsible for recommending conservation, management, research, and enhancement needs and plans to the Commission. The United States would be represented on these panels by not more than six members. Finally, the panels will receive information and recommendations from joint technical committees and each party.

The treaty establishes six fishery regimes relating to allocation of harvest as well as time and area restrictions. These regimes relate to: transboundary rivers, the northern boundary area, chinook salmon, Fraser River sockeye and pink salmon, southern coho salmon, and last, southern chum salmon.

Generally, H.R. 1093 gives the United States the authority to fulfill its obligations under the treaty. In particular, this bill:

First, provides key definitions under the act;

Second, sets forth criteria and methods for appointing U.S. representatives to the Commission;

Third, authorizes the Secretary of State to receive and transmit official communications to and from the Commission;

Fourth, establishes procedures for interagency cooperation;

Fifth, sets forth procedures for Federal preemption of various fishery management authorities if through action or inaction, they prevent the United States from fulfilling its obligations under the treaty;

Sixth, established rulemaking authority and procedures;

Seventh, specifies prohibited acts and penalties under the act;

Eighth, establishes general standards to guide U.S. actions pursuant to the treaty;

Ninth, establishes an advisory committee of between 12 and 20 members;

Tenth, provides for the authorization of such sums as may be necessary in order to fulfill U.S. obligations under the treaty;

Eleventh, sets forth various administrative matters; and

Twelfth, repeals the existing convention for the protection, preservation, and extension of the salmon fishery of the Fraser River.

The committee amendment to H.R. 1093 would make four changes to the legislation as reported by the Committee on Merchant Marine and Fisheries.

First, with respect to section 4 of the legislation, the authority of the Secretary of State to approve, disapprove, object to, or withdraw objections to fishery management regimes adopted by the Pacific Salmon Commission would be extended to include recommendations adopted by the Commission relating to enhancement, that is, manmade improvements to natural habitats or the application of artificial fish culture which will lead to the increase of salmon stocks. In addition, this secation would be amended to clarify that Federal obligations pursuant to fishery regulations or regimes approved by the Commission are subject to appropriation acts.

Second, the amendment would delete a waiver of the Paperwork Reduction Act, under section 7(a) of H.R. 1093. This waiver was included at the request of the administration and the committee received notice of OMB's objection to this waiver only minutes before the committee report was filed.

Third, a technical and conforming change would be made to section 11 of H.R. 1093.

Lastly, the amendment would add a new section to the bill, which would clarify that the authority of the Pacific Salmon Commission to enter into contracts as provided in the act is subject to appropriation acts. This change was made at the request of the Committee on Budget.

These amendments are fully supported by the leadership of the Committee on Merchant Marine and Fisheries and are of a noncontroversial nature.

Mr. Speaker, I believe that this treaty is balanced and much needed. Many important stocks of Pacific salmon are overfished and the involved States as well as Canada have been reluctant to take conservation measures because there was no guarantee that the benefits of such efforts would accrue to those making such investments and sacrifices. I want to point out that the United States and Canada have held Pacific salmon negotiations over the past 15 years. With the exception of the much more limited Fraser River Salmon Treaty, accord between Canada and the United States with regard to salmon management and conservation has been absent. The administration and, in particular, the United States negotiator, the Honorable Ted Kronmiller, and all involved parties should be congratulated for the conclusion of the Pacific Salmon Treaty.

In hearings on H.R. 1093 before the Subcommittee on Fisheries and Wildlife Conservation and the environment, all of the witnesses testified in favor of H.R. 1093.

The administration requested that this legislation be passed at the earliest possible time. This is an extraordinary request in that the Senate has not yet consented to the treaty itself, but it is expected to do so this week. I understand that the administration made this request in order that President Reagan, when he meets with Prime Minister Mulroney this month, can demonstrate that the United States can be counted upon to act in good faith in regard to bilateral issues. I have honored the administration as much momentum as possible toward a solution to the next bilateral problem—acid rain.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the ranking member of the full committee, the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, I rise in support of H.R. 1093, a bill that would serve to implement the Pacific Salmon Treaty between the United States and Canada which was signed on January 28, 1985, and would establish a basis for bilateral cooperation in salmon management, research, and enhancement in the Pacific Northwest.

I want to commend the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. JONES]; the chairman of the subcommittee, the gentleman from Louisiana [Mr. BREAUX], and the ranking member, the gentleman from Alaska [Mr. YOUNG], for their leadership in bringing this measure before the House so expeditiously.

It is my understanding that the exchange of instruments of ratification for this treaty is being planned at the upcoming meeting in Ottawa between President Reagan and Prime Minister Mulroney on March 17. The rapid passage of this implementing legislation will help to ensure action by the other body toward ratification of this important environmental agreement between our two countries.

Because of the importance of this treaty, and its implementing legislation, the Committee on Merchant Marine and Fisheries expedited its hearing and markup process on H.R. 1093. Hearings were held on February 25, 1985, before the Subcommittee on Fisheries and Wildlife Conservation and the Environment. At the hearings, testimony was received from the U.S. negotiator, the Governor of the State of Washington, the director of the Washington Department of Fisheries, and various user groups. All of those who testified supported both the

treaty and the quick enactment of the implementing legislation.

On February 27, the subcommittee was discharged from further consideration of the bill and H.R. 1093 was marked up and approved by the full Committee on Merchant Marine and Fisheries. During the markup session, one set of amendments was offered en bloc by Congressmen YOUNG on behalf of Congressman BREAUX. The amendments accomplished the following:

First, defined enhancement as that term used in the treaty;

Second, made certain technical corrections to the bill; and

Third, changed section 11 of the implementing legislation to provide for compensation and travel expenses for Commissioners and panel members who would be required to undertake the management tasks required by the treaty. This amendment was requested by the affected Indian tribes and States.

The committee then reported the bill unanimously by voice vote.

Mr. Speaker, this treaty has been under various stages of negotiation for almost 14 years. In the past 3 years there has been an intensive effort on the part of all of the parties to the agreement to finalize the treaty which will have a profound effect on the conservation and production of salmon in the Pacific Northwest for years to come.

The treaty would establish a bilateral commission with coastwide responsibilities for the management of interception fisheries, that is, fisheries of one party that harvest fish which spawn in the waters of another party. For example, under the recently enacted Northwest Power Act, which was authored by the Energy and Commerce Committee, the electric ratepayers of the Pacific Northwest have been called upon to invest approximately $700 million over the next 20 years in salmon enhancement in the Columbia River Basin. Many of the Columbia River-origin stocks that will be produced under this agreement will range northward off Canada and Alaska and are subject to interception by Canadian fishermen. If this treaty goes into force and effect with respect to the United States, the interceptions of these stocks will be substantially reduced and, therefore, investments by ratepayers in the Columbia River Basin will result in many additional salmon and Steelhead stocks returning to the Columbia River Basin. In fact, Mr. Speaker, if this agreement is ratified and implementing legislation enacted, additional salmon will be returning to U.S. streams as early as this spring. This is especially true in the case of the extremely valuable chinook stocks for which specific harvest ceiling have been established in the annexes of the treaty.

Mr. Speaker, the ratification of this agreement and the passage of this implementing legislation also provides a valuable precedent for future discussions between the United States and Canada regarding a potential east coast fisheries agreement. As you are aware, efforts in the past to establish such an agreement have not been successful. Any future efforts will require Government and industry consultations on both sides of the new seaward boundary that was recently drawn by the World Court. Although on a different coast, the good-faith effort that this salmon treaty represents should serve to make future agreements concerning the Gulf of Maine and Georges Bank areas more attainable for our two governments.

Finally, Mr. Speaker, I would like to commend all of the parties who have been involved in the negotiation of this treaty for their long and arduous efforts in achieving the necessary compromises. I strongly support this legislation and urge its prompt passage, and I am hopeful that the other body will proceed with ratification of this historic treaty as soon as possible.

Thank you, Mr. Speaker.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. BREAUX].

Mr. BREAUX. Mr. Speaker, as the chairman of our full Merchant Marine and Fisheries Committee, the Honorable WALTER B. JONES, has indicated, H.R. 1093 is intended to implement the recently signed treaty between the United States and Canada concerning Pacific salmon. Although I have some reservations over certain provisions of this legislation, which I will detail in a moment, I want to make it clear that I support the treaty that has been negotiated after almost 15 years of on and off, often intense, discussions. I especially believe that chief U.S. negotiator Ted Kronmiller and State Department Counselor Derwinski deserve accolades for bringing to a successful conclusion this most difficult issue.

Mr. Speaker, the salmon resources of the Pacific Northwest are among the most valuable of this Nation's fishery resources. It is a resource that is highly prized by commercial and recreational fishermen alike. It is also a resource highly valued by the treaty Indian tribes of the area, representing, in their words, the "foundation of tribal cultures, economics, religion, and diet."

For the benefit of the Members who are unfamiliar with the history of this issue, it might be useful to briefly restate what the purposes of this negotiation were and the method set forth in the treaty for their achievement. First, it is important to recognize that in both the United States and Canada, the harvest of these anadromous resources occurs in both ocean troll and gillnet fisheries, as well as inshore river fisheries by a number of different user groups, including treaty Indian tribes. Due to the migratory grant of salmon spawning in streams of both nations, it has long been recognized that effective management, especially the development of measures to control salmon interceptions, requires international cooperation. The principal purpose for "getting a handle" in interceptions, the term used to refer to the harvest of resources spawning in the streams of one nation by fishermen of the other nation, is to ensure that each nation receives the full economic benefit for "its own" resources. Under current management arrangements, and with the limited exception of the salmon resources of the Fraser River system, increasing interceptions of salmon resources spawning in both United States and Canadian rivers by fishermen of the other nation have exacerbated resource management problems caused by the destruction of valuable fishery habitat and resulted in continued declines of salmon stocks and salmon harvest seasons.

In an effort to create the regulatory mechanism that will achieve the principal objective of the two parties, an agreement consisting of the basic treaty text—comprising 15 articles—4 annexes and 1 memorandum of understanding were negotiated. In general, the treaty text and annexes call for the creation of a commission, composed of both a United States and Canadian section, as the overall decisionmaking body. The approval of both sections, each holding one vote, is required to effect a decision. Each section will consist of up to four Commissioners and a like number of alternates. Each party will pay for half of the joint expenses of the Commission and the expenses of its own section. Each party is also obligated to promulgate regulations to implement fishing regimes approved by the Commission.

The Commission will receive conservation and management recommendations from the panels that are established by the annexes to the treaty; namely, the joint United States and Canadian Northern, Southern, and Fraser River Panels. Each of these three panels are to be composed of not more than six members from each party and alternates as may be necessary. Finally, the panels will receive information and recommendations from Commission established joint technical committees and each party.

Two main principles govern the treaty. As set forth in article III(1), they are: First, to prevent overfishing and provide for optimum production—the so-called conservation principle—and second, to provide for each party to receive benefits equivalent to the reproduction of salmon originating in

its waters—the so-called equity principle. The equity principle is intended to provide each party with compensation benefits of unspecified form or quantity for the "intercepted" harvest of fish resources originating in the waters of the other. To implement this equity obligation, the Commission will be required to ascertain the value of each party's production of stocks harvested by nationals of the other party. This calculation will obviously be no simple task. From the negotiating history one can anticipate that the calculation will consider, among other factors, the number of fish that are intercepted, their size and growth potential, and their value. To the extent that the Commission is able to ascertain that the levels of interception by each party are not equivalent, it is expected that within the Commission the parties will develop a phased program to adjust and compensate for the inequity.

In implementing the two principles of conservation and equity, the treaty provides the Commission with three guidelines. First, the Commission is directed to recognize the desirability in most cases of reducing interceptions. Second, the Commission is directed to recognize the desirability of avoiding economic and social dislocation of existing fisheries, some with long settled expectations and historic claims. Third, the Commission is to consider annual variations in the abundance of the stocks.

Specific fishery regimes, promulgated as separate chapters in annex IV to the treaty, prescribe harvest allocations for each fishery. The parties have, thus far, established six management regimes covering:

First, transboundary rivers;

Second, the northern boundary area;

Third, chinook salmon;

Fourth, Fraser River sockeye and pink salmon;

Fifth, southern coho; and

Sixth, southern chum.

In the case of southern chum, a specific regime is not described, but rather a Joint Technical Committee has been established and instructed to recommend such a regime. In addition, annex IV contains a seventh chapter spelling out general obligations for those fisheries not specifically noted in the above list. These specific regimes mostly deal with short-term management issues and will require modification in the future by the parties.

Mr. Speaker, I believe that the statement of our chairman, Mr. JONES, and the committee report (H. Rept. No. 99-16) accurately and fairly set forth the way in which H.R. 1093 implements the treaty for the United States. It is worth noting, however, the concern of the committee, as evidenced by amendments adopted in committee and further amendments incorporated in the bill presently before us, that the implementing legislation might be interpreted by either United States fishing interests or their Canadian counterparts as a carte blanche invitation for Federal funding of certain enhancement activities. I most strongly do not believe this to be the case.

First, I want to point to the committee report language explaining section 12(c) of the bill before us which sets forth the committees intent in stressing the priority that should be given to some types of enhancement programs over other, less cost-effective programs. Second, I want to point out that the authorization for the appropriation of enhancement activities contained in the bill is conditioned upon a determination that such enhancement activities are "necessary to carry out the purposes of the treaty * * *." To that end, I would note the emphasis placed by the treaty itself on enhancement activities as only one of the means to achieve the equity principle contained in article III. In addition, it was clearly the intent of the treaty that enhancement activities be coordinated through the Commission established by the treaty. To support this point, I would quote from the memorandum of understanding that is an integral part of the negotiated document:

The principal goals of the Treaty are to enable both countries, through better conservation and enhancement, to increase production of salmon to ensure that the benefits resulting from each country's efforts accrue to that country. In this regard, research on the migratory movements of stocks subject to interception must be continued for several years. Such research is required not only to determine with more precision the extent of interceptions by both sides, but also to provide an improved basis for conservation and enhancement. The resultant long-term increases in production of salmon should fully justify the short-term expenditure on research.

With respect to the obligation to provide each Party with benefits equivalent to the production of salmon originating in its rivers (contained in Article III, paragraph 1(b) of the Treaty), it is recognized that data on the extent of interceptions in some areas are imprecise and that it is therefore not possible to determine with certainty the total production of salmon from each country's rivers. It is also recognized that methods of evaluating benefits accruing within each country may differ. For these reasons, *it is anticipated that it will be some time before the Commission can develop programs to implement the provisions of Article III, paragraph 1(b) in a complete and comprehensive manner. Nevertheless, in the short term, the Commission shall ensure that the annual fishery regimes and understandings regarding enhancement are developed in an equitable manner taking into account the principle outlined in Article III 1(b).* In particular, the Commission's decisions take into account changes in the benefits flowing to each of the parties through alteration in fishing patterns, conservation actions, or as the result of changes in the abundance of the runs.

In the longer term, if it is determined that one country or the other is deriving substantially greater benefits than those provided from its rivers, it would be expected that the Parties would develop a phased program to eliminate the inequity within a specified time period, taking into account the provisions of Article III, paragraph 3. Since correction of imbalances is a national responsibility and may involve differential fishery adjustments or enhancement projects on a regional basis within either country, the party with the advantage shall submit appropriate proposals to the Commission for consideration. Such proposals shall be discussed within the Commission and be reflected in the agreed fishery regimes and coordinated enhancement planning in ensuing years (emphasis added).

I would further note, Mr. Speaker, amendments contained in the bill before us that will ensure a separate review by the Secretary of State on enhancement programs recommended by the Commission, and make it clear that such programs may only obligate the U.S. Government to the extent that funds are provided for such programs by an act of Congress.

In conclusion, I would offer the following observation—the goal of the U.S. Government in negotiating this treaty was to achieve, through specific fishery regimes set forth in the annexes, equity between the United States and Canada regarding the harvest by each nation of salmon stocks originating in each nation's waters. In addition, we sought to create a regulatory framework that would continue to ensure equity into the future, while at the same time ensuring the rebuilding of valuable salmon fish stocks. This does not mean that we have obligated ourselves, outside of the treaty framework, to funding for enhancement activities to mitigate for economic losses incurred by certain U.S.-fishermen as a result of treaty established fishery regimes.

Mr. Speaker, with these understandings, I rise in support of this important legislation and urge its immediate passage.

□ 1320

Mr. YOUNG of Alaska. Mr. Speaker, I yield 4 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I am delighted to speak in favor of H.R. 1093, the legislation which will implement the provisions of the recently negotiated United States-Canada Salmon Interception Treaty. Implementing this treaty is perhaps the single most important step we can take to save and enhance the now threatened Pacific salmon resource. There are other benefits coming from the treaty, but first and foremost, it provides an equitable and effective method to stop the overfishing and consequent stock depletion now occuring on both sides of our northern border.

The treaty calls for the creation of a bilateral commission to manage intercepting salmon fisheries. This commission is the heart of the treaty. The commission's American section will include representatives from the U.S. Government, the States of Alaska, Oregon, and Washington and federally recognized Indian tribes. With its three regional panels, the commission will monitor allocation agreements for migrating Fraser River stocks, long a point of contention between the Canadian and American fishing industries. It will also monitor United States and Canadian conservation efforts which will greatly help the rebuilding of chinook, chum, and coho stocks.

Finally, the implementing legislation provides for the authorization of funds for necessary research and data collection and for future enhancement projects. These authorizations are, of course, subject to the appropriation process. At a time when we must carefully examine every appropriation in the light of huge Federal budget deficits, I am convinced that these funds are an extremely wise and environmentally sound investment which will yield enormous returns for all parties.

I mentioned earlier the other benefits resulting from the successful negotiation of the treaty. One of these benefits was the cooperation of so many groups that have not always cooperated. Twenty-five organizations ranging from the Washington Environmental Council to Trout Unlimited worked together with State government agencies and their Canadian counterparts to forge this agreement. The coalition also included the 20 member tribes of the Northwest Indian Fisheries Commission and the 4 member tribes of the Columbia River Intertribal Fisheries Commission. They all deserve our thanks and our congratulations for a job well done. In fact, these successful negotiations could well become a model for future projects involving Federal and State Governments, tribal governments, and private sector interests.

The other benefit I'd like to cite is the improved relations with our very good friend to the north, Canada, that will result from this treaty. Salmon interception and over fishing on both sides of the border is one of the very few difficulties between us. With the imminent ratification and implementation of this treaty we can lay this serious problem to rest.

At this time I would like to commend the efforts of the administration's negotiating team headed by Ed Derwinski. I would like to commend our committee chairman, the distinguished Representative from North Carolina, WALTER B. JONES, as well as Representative DON YOUNG of Alaska, whose constituents have an enormous stake in the successful and equitable implementation of the treaty, and Representative JOHN BREAUX of Louisiana our very able subcommittee chairman. All of these gentlemen contributed greatly to the expedited treatment which the House has accorded this important legislation.

In closing, let me tell you about the fisherman's terminal in Ballard, which is in my home district in Washington State. Now, on a fine sunny day, with all the fishing boats bobbing calmly in their slips, this terminal is one of the most charming sights in the First District. There was a time, however, when we feared that many of those boats would never again leave those slips, because the prized and proud Pacific salmon resource would be gone forever. The United States-Canada Salmon Interception Treaty gives us hope that that day will never come.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Washington, [Mr. LOWRY].

Mr. LOWRY of Washington. What I would like to specifically address in my comments today is the commitment by the Federal negotiators that the Federal Government will pay to mitigate harvest loss as a result of this treaty.

I specifically want to quote directly out of the hearing record from Mr. Kronmiller, the principal negotiator for the Federal Government on this extremely important treaty.

And I might say Mr. Kronmiller did one of the finest jobs I have ever seen in negotiating this most difficult subject.

I was asking a question of Mr. Kronmiller and these are the exact words in the hearing of February 25:

> Mr. Kronmiller, I have been told that there would be times we would be in trouble on this great job that was done in bringing this together, and then there would be a Federal commitment made for future enhancement dollars to mitigate harvest loss as a result of the treaty.

Mr. Kronmiller replied: "That is exactly so."

The principal negotiator for the Federal Government in this treaty negotiation in answer to the question: "Was there a Federal commitment during the negotiations for future enhancement dollars to mitigate harvest loss as a result of the treaty?" said, "That is exactly so."

Extremely important.

I want to point out the excellent job done by the administration, by Mr. Derwinski and by Mr. Kronmiller, and by the commercial, recreational, and tribal fishing representatives, and by the representatives of Washington, Oregon, and Alaska, for work well done.

Furthermore, Mr. Speaker, I would like to express my strong support for this legislation and the treaty which has required long and painstaking negotiations and many difficult compromises. As far as I am concerned, this Pacific Salmon Treaty with Canada is the most significant and far-reaching international fisheries agreement that the United States has been party to in almost a decade. This treaty will formalize in international law the so-called area-of-origin concept as it applies to anadromous fish stocks. That is, the treaty formally recognizes the principle that the benefits of salmon enhancement should accrue principally to that nation which makes the enhancement investment. The treaty, therefore creates an incentive for each nation to conserve and enhance these valuable salmon stocks by establishing fishery regimes which will substantially reduce the interception of each nations stocks by the other nation.

Mr. Speaker, this legislation establishes the Commission, associated panels, and advisory committee, as well as an action-forcing decisionmaking procedure which is designed to implement the purpose of the treaty and its annexes. The legislation also authorizes necessary appropriations to provide funding for the operation of the U.S. section of the Commission and its panels, additional research and data gathering efforts, and additional enhancement necessary to carry out the treaty.

Mr. Speaker, in summary, this treaty, its annexes and implementing legislation provides a forward thinking approach to salmon management in the Pacific Northwest, including: First, a specific allocation formula for Fraser River sockeye and pink stocks; second, specific coastwide harvest ceilings and a rebuilding schedule for chinook stocks; third, allocation and enhancement provisions for transboundary stocks; and fourth, provisions for the harvest management of both coho and chum salmon stocks.

Finally, Mr. Speaker, I would like to again thank the gentleman from North Carolina [Mr. JONES] and the gentleman from Louisiana [Mr. BREAUX], as well as the gentleman from Alaska [Mr. YOUNG] for their cooperation and valuable assistance in moving this legislation in a timely manner. I would also like to thank my colleagues from the Pacific Northwest, and congratulate them on the culmination of many long years of hard negotiations, and what I believe is the foundation for a new era of cooperation between fish and wildlife agencies, tribes, and user groups in the Pacific Northwest in resolving these important salmon issues.

Thank you, Mr. Speaker.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I stand reluctantly to oppose H.R. 1093 because I

recognize, as the speakers this morning have mentioned, the historic significance of this treaty and the great effort that has gone forth by both our Government and the Canadian Government and all of the parties involved, and interests, in bringing about this final agreement.

But it is always interesting to me that as we discuss specific fishery problems we tend to fail to recognize that there are inland States who have substantial spawning ground responsibilities in providing the very habitat necessary for the great Pacific salmon.

We tend to argue that it is an issue with our neighbors in Alaska, our neighbors in Washington, our neighbors in Oregon, and in arguing that we fail to recognize that the Columbia River and its great system of tributaries including the Snake River of Idaho and the Salmon rivers of Idaho are a major participant in providing spawning habitat for this marvelous economic and sports entity we call the Pacific salmon.

This treaty, once again, fails to recognize the participation, the important participation of a State like Idaho, a State who has sensed its responsibility over the years as dams were constructed on the Snake and Columbia River systems, in building private and State hatcheries for the purpose of propagating these fish. There has also been substantial investments on the part of the Federal Government in federally constructed and managed hatcheries within our State, once again, to provide in the assistance and the enhancement of these fisheries.

I will oppose this treaty today on those grounds, that Idaho and other States were not recognized as to the role they play and therefore should have been allowed to be a participating partner in the overall processes of this treaty.

□ 1330

I will not encourage my colleagues here on the floor to vote against it, but I have encouraged my Idaho colleagues in the Senate to take the appropriate actions necessary to adjust or amend this enabling legislation to allow Idaho to become a full partner with its neighboring States, Oregon and Washington and Alaska in the overall participation of this treaty.

Mr. JONES of North Carolina. Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Speaker, I want to begin by thanking Mr. JONES and Mr. BREAUX for their willingness to expedite consideration of H.R. 1093, legislation to implement the recently-concluded treaty between the United States and Canada regarding Pacific Salmon. The issues addressed by this legislation are extremely complex and the bill's demanding timetable has undoubtedly complicated each of their schedules, but I want Mr. JONES and Mr. BREAUX to know how much all of us in the Pacific Northwest appreciate their leadership in moving this important legislation to the floor.

I would also like to praise our negotiator, Ted Kronmiller, and our former colleague, Ed Derwinski, for their herculean efforts which culminated in the treaty and legislation before us today.

Finally, I want to congratulate all of the groups and individuals in the Pacific Northwest and Alaska who were able to join together and make this treaty a reality. None of these groups agree on every provision of the agreement, and many had to swallow hard before approving the pact. As much as the actual treaty itself, the cooperation and vision displayed by all of these groups is an important and hopeful sign for the future.

BROAD SUPPORT IN THE PACIFIC NORTHWEST

Mr. Speaker, the Pacific Salmon Treaty and today's implementing legislation are supported by the entire Washington State congressional delegation and nearly every major fishing interest in Washington State.

I recently spent several days in the coastal communities of my district in southwest Washington State. Nearly everywhere I traveled, representatives of the fishing community stressed the importance of this treaty, not only to their particular industry but to the very future of our precious anadromous resources in the Pacific Northwest.

I believe this treaty represents a turning point in the management of Pacific Salmon.

First, the agreement will reduce the number of Washington and Oregon salmon caught by Canadian fishermen. Reduced Canadian catch will mean more fish for the Pacific Northwest—more fish to rebuild our distressed salmon runs, and more fish available for harvest by our commercial, recreational, and tribal fishermen.

Second, the treaty provides a mechanism to prevent overharvesting, and sets management goals designed to rebuild our chinook and coho runs.

Third, the treaty provides a structure—both nationally and internationally—for the cooperative management of intercepted Pacific salmon stocks, as well as joint research programs by the United States and Canada.

Finally, controlling interceptions and establishing international management procedures will increase the effectiveness of our hatcheries, habitat improvements and other efforts to enhance the resources. Formerly, investments in enhancement were highly inefficient, as 30, 50, even 80 percent of the catch for a given Northwest run occurred in Alaskan or Canadian waters.

FEDERAL GOVERNMENT MUST LIVE UP TO ITS TREATY OBLIGATIONS

The treaty establishes a framework to addressing the vexing fisheries problems that have consumed the Pacific Northwest for years, but the real question now is whether the Federal Government will live up to its commitments and fulfill the promise of the agreement.

Obviously, the treaty establishes an obligation by our Government to Canada; but the agreement also carries a Federal commitment to our own fishermen. As with any negotiated agreement, no group got everything it wanted and every group had to give up a little in order to achieve a workable compromise.

The Federal Government must make good on its commitment to provide significant enhancement to assist groups that will be sacrificing under the treaty.

During hearings on H.R. 1093 in the Subcommittee on Fisheries and Wildlife Conservation and the Environment, I pressed the administration witnesses on this point. As I recall, Counselor Derwinski assured me at that time that adequate Federal funding for enhancement, data collection, research, and other programs under the treaty represented an international obligation.

I do not question the earnestness of these assurances. Unfortunately, however, the administration's track record on fisheries funding for the Northwest shows only a single-minded preoccupation with savage cuts.

The Presidents' budget proposal for fiscal year 1986 calls for a 45 percent reduction in Federal fisheries programs nationwide. Once again, the White House wants to eliminate funding for the Columbia River Hatchery Program, the Salmon Vessel and License Buy-Back Program, the Saltonstall-Kennedy Program and other research or enhancement programs vital to our region.

What assurance can we in the Northwest feel that the administration will support major new fisheries programs when the White House and OMB are preoccupied with dismantling the programs already on the books?

I dwell on this point only to stress that we in the Northwest feel that the Federal Government has made a commitment to the fisheries resource and the people of the Pacific Northwest. The record during the hearings on H.R. 1093 is clear. Along with Mr. LOWRY, Mr. MILLER, and all of the other members of the Northwest Congressional delegation, I will be pressing to insure that the Federal Government lives up to its obligations to fund the activities mandated under the treaty.

PROVISIONS OF H.R. 1093

As specific under the treaty, the legislation before the House today would authorize U.S. participation in the Pacific Salmon Commission and three regional panels.

The Commission will consist of four members representing each nation; each nation will have one vote and both votes will be required for a Commission decision. The U.S. delegation will be composed of four Presidentially-appointed commissioners, one from the Federal Government, one from the States of Oregon and Washington, one from the treaty Indian tribes, and one from Alaska. The U.S. vote will require the consensus of the Commissioners representing the Pacific Northwest, Alaska, and the tribes.

The Northern, Southern, and Fraser River Panels will make recommendations to the Commission—again, through concurrence of both nations—on the stocks originating in their areas.

The U.S. section of the Northern Panel will consist of not more than six States and Federal representatives from Alaska to address the management of salmon stocks originating north of Cape Caution, BC, and south of Cape Suckling, AK.

The Southern Panel will develop management recommendations for stocks originating south of Cape Caution BC, except for Fraser River sockeye and pink salmon stocks. Under H.R. 1093, the U.S. delegation would consist of one Federal representative, one Washington representative, one Oregon representative, two representatives of the treaty tribes, and one representative to alternate annually between the recreational and commercial fishing interests. Recommendations of the Southern Panel will be by majority vote, with the concurrence of the Washington, Oregon, and at least one tribal representative.

The Fraser River Panel will replace the current International Pacific Salmon Fisheries Commission in managing Fraser River sockeye and pink salmon runs. Under H.R. 1093, the U.S. delegation will consist of one Federal representative, one Washington State representative, one representative of the commercial fishing industry, and one representative of the treaty Indian tribes. Preseason recommendations of the U.S. delegation will require consensus among the four members; in-season management decision will require a majority vote of the members present and voting, provided both the Washington and treaty tribal representative concur.

The legislation also establishes a three-person Conciliation Board to assist the U.S. delegations in developing recommendations, and an Advisory Board to provide expertise and input from the various sectors of the fishing community.

PAPERWORK REDUCTION ACT OF 1980

Mr. Speaker, as the Washington Post noted today, a minor issue has arisen regarding the requirements of the Paperwork Reduction Act of 1980 and the impact these requirements might have upon fisheries management under the treaty and this legislation.

The version of H.R. 1093 reported by the full Merchant Marine and Fisheries Committee last Wednesday included a provision exempting regulations adopted under the treaty from the Paperwork Reduction Act. As I understand it, this exemption was intended to allow the Commission to undertake management and data-collection activities in a speedy fashion, given the extremely dynamic and fragile nature of many west coast fish runs.

Unfortunately, the Office of Management and Budget subsequently expressed strong opposition to this provision of the legislation. Notwithstanding the administration's strong support for the treaty and the President's strong desire to have the treaty ratified in time for his March 17 meeting with Canadian Prime Minister Mulroney, it appeared that OMB would recommend a veto of any implementing legislation which contained the exemption provision.

Leaving aside the irony of an administration which desperately wants speedy action on the treaty on one hand but threatens a veto on the other, it appears that this controversy has been resolved in a manner satisfactory to all sides, at least for the time being.

The bill before us today drops the provision exempting treaty regulations from the Paperwork Reduction Act, but it is my understanding that OMB will take the necessary steps to expedite any time-sensitive information requests by the Commission.

I would like to stress that the review requirements and timetable called for under the Paperwork Reduction Act apply only to information collection requests, not to time-sensitive fishery management decisions. Nothing in the Paperwork Reduction Act would interfere with the Commission's or the States' ability to move quickly to open or close a fishing season or to take other steps to prevent long-term damage to the stocks. In fact, it may be that the Paperwork Reduction Act requirements will not pose any adversity, since data collection by the States is not subject to OMB review and existing Department of Commerce information gathering within the 200-mile zone has already been approved.

STEELHEAD TROUT

H.R. 1093 includes steelhead within the definition of salmon for the purposes of this legislation only. Given the deep concern many in the Northwest have over policy affecting steelhead, I would like to explain the rationale for this provision.

Currently, the United States has no method to address interception of U.S. steelhead stocks by Canadian fisheries. The treaty contains no international harvest regimes for steelhead because the fish currently are not the subject of directed intercepting fisheries, but some incidental catch by Canadian fishermen has been noted, and this problem could become more severe in the future.

Article IX of the treaty directs the Panels and Commission to "take into account the conservation of steelhead," in fulfilling their functions. This provision is intended principally to provide protection for steelhead from incidental harvest and from directed intercepting harvest should that problem ever arise. Consequently, steelhead are included in the definition of salmon in section 7(a) of H.R. 1093 as a means to provide international protection against Canadian interception of U.S. steelhead under article IX of the treaty.

Mr. Speaker, we are near the end of a long and difficult process. The Pacific Salmon Treaty, 15 years in the making, will go a long way toward the conservation and enhancement of our precious fish runs, and offers new hope for the long-term stability of our devastated fishing industries.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this legislation today. It is long overdue. I compliment the chairman, the gentleman from North Carolina [Mr. JONES]; the chairman, the gentleman from Louisiana [Mr. BREAUX], and all the staff that worked on this side; Mr. Derwinski and Mr. Kronmiller.

Mr. Speaker, I rise in support of H.R. 1093, a bill to implement the Pacific Salmon Treaty between the United States and Canada and ask for its adoption by the House.

This bill is the product of long and careful deliberation by those most directly affected by the Pacific Salmon Treaty. It has undergone the scrutiny of affected States, fishermen, Indian tribes, and the Federal Government, and is strongly supported by all of those involved. In addition, it has been the subject of hearings before the House Subcommittee on Fisheries and Wildlife Conservation and the Environment and has been passed unanimously by the Committee on Merchant Marine and Fisheries.

For those of you who are not familiar with the Pacific salmon fishery, let me explain why this bill is so important. Salmon are migratory fish. They spawn in fresh water but spend most of their lives in salt water. During the time that they are in the ocean, they pass through the territorial waters of

three States, two countries, and the exclusive economic zone within which the United States exercises sovereign rights over fisheries resources. The result of this wandering path is that salmon can be harvested by fishermen in many different areas at many different times. Although many jurisdictions, and especially the State of Alaska, have implemented careful regulations to prevent over harvesting, there is still the potential for more salmon to be taken than should be biologically allowed. As a result, fishermen, States, the Federal Government, and Indian tribes have recognized that some sort of comprehensive management program is needed. The treaty that we are implementing with this legislation provides that comprehensive management system.

The path to achieving the treaty has not been an easy one to travel. Obviously, everyone had to give up something. For example, in Alaska, our trollers will have to reduce their catches so that more Washington State fish can return to their rivers of origin. Our seiners will also have to reduce their catches to avoid intercepting too many Canadian fish. At the same time, Canadian fishermen must decrease their catches. Similar reductions will be put on Washington and Oregon fishermen, and fishermen from Indian tribes on the Columbia River and its tributaries. All of these reductions in the name of conservation will cause economic problems for those involved. Nevertheless, the harvesters of salmon are fully aware that they must conserve if we hope to have a salmon fishery in the future.

During my 12 years in this body representing the State of Alaska, there have been numerous occasions when fishermen in my State and in the States of Washington and Oregon have disagreed sharply over management of fisheries resources. This is the first time that I have seen fishermen from all three States, not to mention Indian fishermen and fishermen from Canada, unified in their agreement that something must be done, and that this treaty is the thing to do. It took us 15 years to arrive at this point. I think the Congress should recognize those long and arduous negotiations by passing this agreed-upon implementing legislation as quickly as possible so that we can begin the comprehensive management that is necessary to conserve Pacific salmon stocks in the Northwest and Alaska.

As I mentioned, there will be costs for everybody. The Federal Government must bear its share of the cost burden as well. The Federal government will have to provide the necessary expenses to operate the Salmon Commission established under this legislation and will have to bear certain costs for conservation and enhancement of the salmon resource. This is a difficult step to take at a time when we are looking at reduced Federal spending in order to balance the national budget. Nevertheless, I think it is a worthy thing to do. In past years, the value of the salmon resource to the Pacific Northwest has equaled $500 million to fishermen alone. When you consider the multiplied effect of fish processing, marketing, and transportation, you can see that this resource has tremendous value to many States and communities in the area. Further, much of the salmon harvested in the United States is exported, thereby relieving our balance of trade deficit. Finally, the U.S. negotiators committed to the user groups affected by the treaty that the Federal Government would help pay the costs of conservation and management, including conservation accomplished through mitigation and enhancement of salmon runs.

Naturally, any money expended for salmon management or enhancement would be subject to the appropriations process. No group should expect to have a free run on the U.S. Treasury. In addition, the bill makes clear that any enhancement projects must be coordinated through existing and new salmon management plans. We are not talking about a hatchery on every stream and river. We are talking about constructing those hatcheries and engaging in those mitigation projects that are necessary to ensure continued salmon runs and the survival of the salmon fishery in the Pacific Northwest and Alaska.

Mr. Speaker, I think this is an important bill, not only for my area of the country but for the United States as a whole. Implementation of the Pacific Salmon Treaty will go a long way toward continuing the good relationship that exists between the United States and Canada. I want to thank the chairman of the committee for the time and effort that he has put in on the bill, and I want to congratulate the U.S. negotiating team, and especially Ted Kronmiller, the chief U.S. negotiator, for the excellent job that they have done in providing a comprehensive system for the management of salmon in the Pacific Northwest. I ask that the Members support this legislation.

Mr. JONES of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Speaker, there has been nearly 20 years of on-again, off-again negotiations, but the United States and Canada have finally reached agreement on a Salmon Interception Treaty. Though the treaty has not been formally ratified, such is the sense of optimism—and urgency—that the House is being asked to approve the implementing legislation today.

I urge the Members of the House to vote "yes."

The United States-Canada Salmon Interception Treaty represents the cooperative efforts of two governments, three States, and a coalition of 24 Indian tribes. I have rarely seen the fishing industry in Oregon, and throughout the Pacific Northwest, so unified. They realize, as do I, that without this treaty it will be virtually impossible to rebuild declining Chinook and Coho salmon stocks.

The treaty will help increase these stocks through key provisions designed to prevent overfishing and manage "interception"—where salmon originating in one area are caught by fishermen from another. Fisheries of joint importance will be managed though a Canadian/United States Pacific Salmon Commission and three U.S. regional panels, which are authorized by the legislation before us today.

Let me share an example that illustrates how important this issue. And the treaty, is to Oregon. A particular species of Chinook salmon, the upriver bright, originates far up the Columbia River. Upriver bright stocks have been so depleted by interception that some Oregon fishermen aren't allowed to fish in areas where the brights spawn for fear that, through incidental catch, the brights will be exterminated.

If the United States-Canada treaty is implemented it's expected that the Washington/Oregon share of "upriver brights" will increase from 27 percent of the total to 70 percent over the next 15 years. Overall, it's expected that the treaty could cut the catch of Chinook salmon in waters north of Washington State by 25 percent.

Just as important as interception and management provisions are the portions of the treaty that call for coordinated efforts for management and research on stocks of mutual concern as well as coordinated enhancement efforts.

Right now, the Federal Government, States, and Indian tribes spend about $87 million on salmon management and production in the Pacific Northwest each year. The Bonneville Power Administration alone is pledged to a $750 million investment to rebuild salmon stocks on the Columbia River.

Interception and overharvesting have kept us from getting a full return on our investment. With the treaty we have the chance for a return with interest. But to do so the administration has got to make a commitment to fund the coastwide management programs called for under the treaty.

Further, I'd suggest that, as a sign of good faith, the administration put an end to its yearly assault on the Sea Grant Program, Columbia River hatcheries and anadromous fish conservation grants.

Oregon fishermen, tribal representatives and State officials have put in long hours, and have overcome obstacle after obstacle to make this treaty a reality. All parties have made major compromises and have a strong commitment to make the treaty work. We at the Federal level must show similar determination.

I concur in the remarks of my Northwest colleagues about enhance obligations, and I thank the chairman of the committee, the gentleman from North Carolina [Mr. JONES], and congratulate him and his colleagues for bringing this legislation to the floor today.

Mr. JONES of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, there are few things more difficult to agree upon than how to manage and allocate a dwindling resource. When that resource also has cultural and religious significance, as the salmon does in the Pacific Northwest, then those difficulties are magnified tremendously.

Over the last half-century, we have witnessed the severe decline of the Pacific salmon, to the point where some major runs are on the verge of extinction. The loss of major salmon runs would be an ecological and economic disaster for the Northwest. The Pacific Salmon Treaty is designed to help restore to the rivers of the Northwest this once plentiful resource. That is why I am pleased to stand here today in support of H.R. 1093, legislation to implement the United States-Canada Pacific Salmon Treaty.

However, while this treaty does many good things, many necessary things, it also exacts a price; and some sectors of the fishing community pay more dearly than do others. In particular, those U.S. fishermen—Indian and non-Indian alike—who depend upon the Fraser River Sockeye and Coho runs for their economic survival now find themselves with an uncertain and troubling future. In order that this treaty, which is in the national interest of the United States, may become a reality, Puget Sound fishermen have accepted the risk that their historically productive Fraser River fishery will be severely cut back in the near future.

This is yet another example of one sector of the Pacific Northwest fishing community paying the price for an allocation policy that the Federal Government has decided is in the national interest. Eleven years ago, the Federal Government successfully argued in court for a policy that allocated one-half of the harvestable fish that pass through tribal fishing grounds. That decision, known as the Boldt decision, radically altered the Pacific Northwest's fishing industry.

There are those, myself included, who are troubled by aspects of the Boldt decision. It does, however, represent a national policy, successfully urged by the Federal Government. In 1980, when Congress passed the Salmon and Steelhead Conservation and Enhancement Act, it specifically found that, due principally to Federal court rulings including the Boldt decision, the fishing capacity of nontreaty fishermen in Washington State exceeded that required to harvest the available salmon resources. As a result, Congress included an authorization for $37.5 million over 5 years for a Vessel Buy-Back Program designed to reduce the nontreaty commercial fleet by one-third.

It is now 4 years after the passage of the Salmon and Steelhead Conservation and Enhancement Act. Yet to date only one-third of the $37.5 million authorized for the Vessel Buy-Back Program has been appropriated, resulting in a reduction in the non-Indian fishing fleet of only about 18 percent. This treaty, while necessary and desired, once again asks some fishermen in the Northwest to sacrifice so that the national interest may be served. This treaty makes it critical that the remainder of these funds be appropriated to carry out the congressionally mandated reductions, and to help alleviate the severe hardships faced by many fishermen in the Northwest who are paying the price of a Federal policy.

In the hearing before the Merchant Marine Subcommittee on Fisheries and Wildlife Conservation, Mr. Edward Derwinski, our former colleague and now the counselor to the Secretary of State, as well as Ted Kronmiller, the U.S. chief negotiator, both testified. In response to the questions posed by the gentleman from Washington [Mr. LOWRY] they both confirmed that the Federal negotiating team stated several times during the negotiations that they believed this treaty would create a clear responsibility on the part of the Federal Government to mitigate the harvest loss suffered disproportionately by certain sectors of the U.S. fishing industry. I would like to endorse the comments of my colleague, Mr. LOWRY, who spoke just a few minutes ago. He addresses this point very strongly and specifically. I strongly agree with this position, and it is with recognition of this responsibility that I support this treaty.

Mr. Speaker, I would like to conclude by congratulating all those people who have worked so hard for this treaty. Its successful negotiation is a hopeful sign that we may yet see the return of healthy salmon runs throughout the Pacific Northwest.

Mr. JONES of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I would like to add my strong support to H.R. 1093, implementing legislation for the Salmon Interception Treaty recently negotiated between the United States and Canada. Mr. Chairman, this treaty is extremely important to the United States. At the same time, it is critical to the Pacific Northwest and long overdue.

For many years, substantial amounts of Federal, State, and local funds have been expended for enhancement and rehabilitation of salmon stocks in the Pacific Northwest. Without this treaty, a disproportionate share of these fish, hatched and raised with our dollars, are being caught by the Canadians. When this happens, we see no return on our investment from the intercepted fish. In addition, and much more importantly to the people in my region, we endanger a way of life that has been passed down from generation to generation.

Fishing is not only an important element of the economic base in the Pacific Northwest, it is the only life that many of our residents have ever known. Entire towns exist solely to support the commercial fishing fleets that fish our oceans, or the sports-fishermen that cover our rivers. Indian tribes have been dependent upon the salmon for subsistence, as well as economic development, for generations as well.

In recent years, salmon stocks have decreased at frightening levels. The causes for the drop were many. Uncontrolled hydroelectric development closed off many traditional fish runs so that the salmon could not return to spawn. Logging practices, development along the rivers, and pollution have also taken their toll. Finally, the phenomenon of El Nino decimated many stocks by depriving fish of their normal food sources.

We are making considerable progress in reversing the effects of these problems. Most dams now have fish ladders, or other methods of helping fish return to spawn. Logging practices and other development activities have improved, and a concerted effort to clean up polluted water systems is underway in the region. Hatcheries have been built, and many natural spawning streams placed under wilderness protection so that salmon numbers can continue to increase.

None of these efforts will do us any good, however, if the fish we produce can simply be caught by other nations once they have migrated out of our national waters. Unless salmon can someday be taught not to migrate, this problem will not be resolved without a treaty regulating salmon interception.

H.R. 1093 represents agreement between a wide range of fisheries user groups with often competing interests. Many of the participants to this agreement had to make personal sacrifices in order to reach a compromise which

would benefit the region as a whole. For this reason, the most critical elements to making the goals of the treaty work are its provisions for fisheries enhancement.

There were a number of points during the negotiations process when the Canadians were prepared to leave the table, or when our fishermen felt that they had made all the sacrifices that were possible, and when it seemed that the negotiations were doomed to failure. At these times, only the assurances of enhancement projects kept the discussions going because the participants could feel confident that, no matter how difficult the treaty's provisions might be in the short run, in the long run there would be more fish to go around for everyone.

The road to this agreement has been a long and difficult one, while the resource continues to decline. Now that agreement has been reached, I strongly urge my colleagues to support H.R. 1093 so that the treaty's provisions can be implemented and then commit the resources needed to make it work without further delay.

Mr. BONER of Tennessee. Mr. Speaker, I would like to take this opportunity to commend the Merchant Marine Committee for its work in an area that is likely to enhance our relations with Canada. I would also like to take a few minutes to point out an area in which our relations with Canada are poor.

As chairman of the congressional travel and tourism caucus, I have worked with our caucus members for over 2 years to have the Canadian Government eliminate an excise tax that it imposes on travel literature. Many of my colleagues may not know that our State travel departments are sending brochures and pamphlets to promote visitation to their States, only to have that literature taxed by the Canadian Government or in some cases confiscated at the Canadian border.

The free flow of travel information has been a long standing tradition between our countries. In fact, the taxing of this literature goes against the grain of standard international practice.

Until Canada began collecting this tax in 1982 all countries allowed free circulation and duty free entry of travel literature.

Mr. Speaker, I would like to share a few statistics with the Members of the House. More than 32 million American visitors traveled to Canada in 1983 and the overall spending by tourists in that country provided jobs for more than 1,100,000 Canadians. I am not overlooking that when Canadians visit the United States they too add dollars and jobs to our economy, but because of this ill advised taxing policy, our State offices are paying thousands of dollars to the Canadian Government.

Those dollars could have been spent for many useful statewide programs, instead of being misdirected to the Canadian Treasury.

As chairman of the travel and tourism caucus, I want to assure my colleagues, as well as, the observers of this debate that our caucus will press forward to secure enactment of the resolution introduced by the gentleman from Nevada. That resolution will direct the President to negotiate the recession of this tax and I strongly urge my colleagues to join us in this effort.

I appreciate the opportunity to bring this matter to the full attention of the House and I yield back the balance of my time.

● Mr. WYDEN. Mr. Speaker, I rise in support of H.R. 1093, legislation implementing the Pacific Salmon Treaty Act of 1985.

The Pacific salmon was doomed to possible extinction without this historical treaty. But now, after nearly 20 years of conflict, negotiation, and compromise among divergent parties on both sides of the border, we stand poised to ensure the future of this jewel of the Pacific.

We in the Pacific Coast States have been put in an economic pickle. First, a major slice of our economy—including the tourist and fishing industries—is dependent upon a consistent and plentiful stock of Pacific salmon. And for years, we were blessed with such a resource.

However, while the Pacific salmon is a renewable resource, it is not an unlimited one. Plentiful catches, combined with other natural and manmade stumbling blocks, such as the damming of spawning streams, began to reduce the number of salmon returning to spawn.

Ultimately, the Pacific Coast States were faced with two unsavory choices. We could continue to catch the salmon and realize the immediate economic benefits—but also realize the potential that someday we might bankrupt the resource. Or we could force severe restraint in harvesting the resource, and in the process, bring about the economic downfall of thousands of Pacific coast citizens.

Fortunately, we have begun to solve our collective problems by addressing each choice separately. The fishing and tourist industries have—at substantial sacrifice—cut back on the number of salmon caught. By the same token, Federal, State, and private programs have been established to maintain and enhance fish habitats.

Despite these efforts, a nagging problem remained: Pacific salmon ignore the State and international boundaries to which we, perhaps, pay too much attention. The result was an ongoing dispute, not only between the United States and Canada, but also, among the Pacific Coast States themselves.

This treaty, however, signals an end to these disputes and the beginning of a new partnership that will help ensure the economic livelihood of fishermen from Brookings, OR, to Victoria, BC. Just as important, this treaty also ensures the Pacific salmon will remain an integral part of our Pacific coast ecosystem now and in the future.

I would like to take just a moment to express my thanks to representatives of the Alaskan delegation, who battled diligently on their own behalf and on that of the United States. Last August, members of the Oregon and Washington delegations joined me in offering to work with the senior Senator from Alaska to find a common ground from which we could move forward. I am happy that today we stand together upon that common ground, with a bright future ahead.

I also want to express my respect and admiration to the U.S. negotiators who skillfully represented the American interest and ultimately found that delicate, elusive balance that brings us here today. Moreover, I want to express my thanks to the gentleman from Louisiana, Mr. BREAUX, and to the distinguished chairman of the Merchant Marine and Fisheries Committee, Mr. JONES of North Carolina, for their expeditious handling of this important bill.

This legislation is a critical step in the ratification of this historic agreement that will remove a burr under the saddle of two great allies. I urge my colleagues on both sides of the aisle to join in support.●

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 1093, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1093, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PROVIDING FOR AGREEING TO THE SENATE AMENDMENT TO H.R. 1096, AFRICAN FAMINE RELIEF AND RECOVERY ACT OF 1985

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 92 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That immediately upon adoption of this resolution, the bill, H.R. 1096 to authorize appropriations for famine relief and recovery in Africa, together with the Senate amendment thereto be, and the same is hereby taken from the Speaker's table to the end that the Senate amendment be and the same is hereby agreed to.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 92 is a rule designed to expedite the passage of two critical pieces of legislation. As my colleagues are aware, both the House and the Senate adopted legislation last week that would speed relief to the famine victims of Africa and to the farmers of this Nation.

The House last week sent H.R. 1096, the African famine relief authorization and H.R. 1035, the Farm Emergency Credit Act, to the Senate as separate bills. In turn, the Senate adopted their version of the African famine relief authorization and added their version of the Farm Emergency Credit Act as an amendment to H.R. 1096. The action on the part of the other body and the necessity that these bills be sent to the President as quickly as possible has created the parliamentary situation in which we find ourselves today.

As Members know, the primary controversy surrounding this package and this resolution lies in the farm credit provisions. While the Senate amendment to H.R. 1096 and the House-passed H.R. 1035 are substantially similar in that both bills would provide immediate credit assistance to financially distressed farmers and would establish advance crop loans for producers of 1985 crops, there are differences between the two versions. While the House version provides $3 billion for the Farmers Home Administration's Debt Adjustment Loan Guarantee Program, the Senate amendment provides only $1.85 billion. The House version also provides lenders an interest rate write-down alternative to the 10 percent write-off requirement under the current program as well as providing a waiver of the 1 percent guarantee fee imposed on debt restructure loans guaranteed by the Farmers Home Administration. The Senate amendment provides instead $100 million for an interest buy-down program under which the Government will share equally with non-Government lenders the cost of reducing the interest rate on existing farm loans that are being restructured.

In addition, while the House version contains a credit elsewhere test for advance crop loans, the Senate version does not. The Senate amendment does, however, authorize the Secretary of Agriculture to prescribe terms and conditions for advance crop loans consistent with the bill and requires the producer to repay the advance loan immediately if the producer fails to comply with the terms and conditions prescribed by the Secretary.

While these differences do exist between the two versions of the bill, the Committee on Agriculture requested and the Committee on Rules has recommended that the House agree to the Senate amendment. The Committee on Rules is recommending the resolution before the Members today in order to expedite the passage of these critical measures, and to avoid what might be a lengthy conference. Therefore, the rule provides that upon adoption of the resolution, the House will have agreed to the Senate amendments to the House-passed bill and no further action will be required on the part of the House or the Senate.

Mr. Speaker, the urgent need for this legislation is well known to my colleagues. That is why these bills were originally passed by the House with strong bipartisan support. The minority will ask that the House defeat the previous question in order to amend the resolution and send these proposals to conference. There is not time for a conference. The need for both African famine victims and for the farmers of this Nation is immediate and it is the responsibility of the Congress to respond to those needs quickly. By adopting this resolution today, we will have met that responsibility. I urge a yes vote on the previous question and a yes vote on the resolution.

□ 1340

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. LOTT. Mr. Speaker, there are two goods reasons to defeat this rule: This is bad procedure, and it's bad legislation. And both votes are rolled into one in this rule. The vote on this rule is the vote on agreeing to the Senate famine relief/farm credit substitute, and to send it to the President.

We've got another Democratic leadership fast freight train on our tracks; only this train ain't bound for glory; it's bound for veto land. I would urge my colleagues to sidetrack this fast-track train now by defeating this rule, before we end up with a major derailment on our hands and consciences.

Mr. Speaker, this simple little 52-word rule is what we call in procedural lingo, a hereby rule, because what it says is that, with the vote on this rule we have hereby passed the bill involved too. We might also call this a two-fer rule because you get two votes with just one push of the button—procedure and substanance.

Only in this case it's really a three-fer rule because your one vote is for the procedure, the Senate famine relief bill, and the Senate farm credit bill, neither of which the House will have a chance to separately consider, amend, vote on, or go to conference on. But in the final analysis, I would prefer to call this a none-fer or a zip-fer rule, because with the likelihood of a veto, we are going to end-up with nothing for all our trouble.

Mr. Speaker, I would urge my colleagues to consider what this rule says about us as Representatives and about the House as an institution. Here it is, early in a new Congress, the first major legislation out of the box, and we are going to rollover with this rule and abdicate to the other body our roles as Members and as a House. This might as well be a unicameral Congress because we are giving the so-called upper House the upper hand—indeed, the only hand—in shaping this important farm credit legislation.

We are denying ourselves the normal right to go to conference with the other body on the House-passed version. We are denying ourselves the benefit of a conference report. We are denying ourselves the right to a separate vote on the two distinct bills at issue here. And we are denying ourselves the right to recommit to conference. I appreciate the fact that this is the Lenten season, but all this is carrying selfdenial a little too far.

This rule cuts so many corners in the normal legislation process that it runs circles around the House and leaves us looking a little dizzy and ridiculous. We are not left standing on our own two feet as a House by this rule; instead, we are propped-up, carried, and dominated by the other body.

Why then are we being asked to embrace such a humiliating procedure? The chairman of the Agriculture Committee testified that this abnormal procedure is justified by the abnormal situation. When I asked why we couldn't go to conference, he responded that he didn't want to risk losing the whole thing. But, when I suggested that was just what he was risking in not going to conference, he replied, "we have to take that risk."

He went on to say, and I quote, "We take it the shortest possible route," Now, I wouldn't argue that this procedure is the shortest possible route. But

sometimes, that's not the safest or surest route, especially if there's a major hazard in your way. If I've learned anything during my years in Congress it's that the road to legislative oblivion is often paved with these quickie-cute procedures that are designed to save us time, trouble, and trepidation.

Why are we really considering this abbreviated procedure? I began to wonder that myself in the Rules Committee when the lead-off witness before our hastily called emergency meeting was not the chairman of the Foreign Affairs Committee whose bill is the principal vehicle here—neither he nor a representative bothered to appear—but instead was the House Democratic Leader. He wanted this rule so we could expedite sending the measure to the President, he said. And the chairman of the Agriculture Committee said we couldn't go to conference on this because, and I quote, "the farmers are going to be here next Monday and Tuesday."

In other words, what seemed to be coming through to me from these witnesses last Thursday was, "to heck with normal process and sound legislation, let's get this monkey off our backs and put it on the President's. So much for the lawmaking role of the first branch of Government. I would suggest that if the leadership really had the best interests of the farmers at heart it would follow normal process and attempt to work out an acceptable compromise with the administration.

What about the substantive problems with the Senate amendment? The chairman of the Agriculture Committee testified that we should be pleased with the amendment of the other body because it's cheaper than the House version—$1.85 billion in FmHA guaranteed loan authority instead of $3 billion. But, he went on to concede that there were other major substantive differences. The Senate version dropped the Coleman interest reduction provision in favor of a $100 million interest buydown provision to benefit the banks. The Senate bill contains no restrictions on loans whereas the House version had tight controls.

What the chairman failed to point out, but what was brought out in the testimony of the gentleman from Missouri [Mr. COLEMAN], is that the Senate version could end up costing much more than the House bill because of the open-ended nature of the CCC advance recourse crop loans. A CBO estimate shows the Senate version increasing CCC budget authority and outlays by $7.325 billion in fiscal 1985—that's $4.3 billion over the House-passed version. So, look twice before you think you're getting a bargain by going with the Senate version which this rule would agree to. It could end up being the real budget buster.

Mr. Speaker, I think the case for defeating this rule is clear—this is bad procedure and bad legislation rolled into one vote. The House is abdicating its prerogatives with this vote, giving up its position without a fight or conference, and all on grounds that we want to expedite this relief to the farmers. That's false advertising. All we are expediting here is a veto confrontation which is not in the best interests of the farmer. Vote down this rule; let's go to conference, and work out a compromise that has a better chance of enactment.

□ 1350

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from South Dakota [Mr. DASCHLE].

Mr. DASCHLE. I rise in support of this rule, which, upon adoption by this body, will clear for the President's consideration emergency credit legislation for our Nation's farmers and ranchers.

This legislation before us today represents the efforts of many Members from both sides of the aisle, and both Houses of this Congress, Members who are extremely concerned with the state of American agriculture and the critical need for immediate emergency credit assistance.

Just 30 days ago, a number of my colleagues joined me in introducing H.R. 1035, the Farm Emergency Credit Act of 1985. Through the bipartisan and able leadership of our chairman, Mr. DE LA GARZA of Texas, Agriculture Conservation and Credit Subcommittee chairman, Mr. JONES of Tennessee, and the subcommittee's ranking member, Mr. E. THOMAS COLEMAN of Missouri, this legislation was cleared through the Agriculture Committee without delay, and was brought to the floor of this body for immediate consideration.

In fact, Mr. Speaker, in honoring your commitment to our South Dakota legislators who brought the message of the farm credit emergency to Washington, a commitment that this emergency proposal would receive your highest priority, you cleared the way for H.R. 1035 to be the first major legislative proposal of the year to receive the consideration of this body.

In its response to the crisis in American agriculture, this body showed that politics takes a back seat to doing what is right. This body gave its strong bipartisan stamp of approval to my emergency credit legislation with a 318-to-103 vote.

On the same day, farm State legislators in the other body were fighting the same battle, I must regretfully observe, without the bipartisan spirit that characterized our debate. After hours of filibuster, advocates in the other body extracted a promise from the Republican leadership that they would be allowed to offer emergency farm credit amendments to an emergency famine relief bill (H.R. 1096) the House had passed a day earlier.

The legislative proposal we have before us today is the product of that effort. In the form of amendment, the other body narrowly approved the principles contained in the Emergency Farm Credit Act. The amendments adopted by the Senate strengthened the administration's Debt Adjustment Program and provided for an advance on producer's Commodity Credit Corporation price support loans.

Mr. Speaker, I include a summary of these two proposals be in the RECORD at this time:

SUMMARY OF SENATE-PASSED LEGISLATION ON FARM CREDIT

By a 62 to 35 vote, the Senate passed HR1906, to authorize funds to provide assistance for famine relief, after striking all after the enacting clause, and inserting in lieu thereof, the text of S457, the Senate companion measure, after agreeing to a substitute Committee amendment, and taking action on the following emergency farm credit proposals:

FMHA EMERGENCY AGRICULTURAL CREDIT ASSISTANCE

(1) Additional FmHA loan processing personnel:

Senate: Directs the Secretary to use existing authorities to hire additional personnel.

House: Encourages Secretary to make additional personnel available.

(2) Ninety percent guarantee:

Senate: Sets a maximum 90-percent guarantee limit. Does not mandate 90-percent guarantee. Flexibility would rest with FmHA to determine level of guarantee.

House: Mandates a 90-percent guarantee on all FmHA guaranteed loans.

(3) Level of interest rate:

Senate: Establishes $100 million in funds to be made available by FmHA to match interest rate reductions by the lenders.

House: On guaranteed refinancing and operating loans made by commercial lenders and the Farm Credit System, the lender is directed to establish the interest rate at the lower of: (1) 1¼ points above the institution's cost of acquiring interest bearing funds or (2) 2 points below the lowest agricultural loan level of the institution.

(4) Increase in guarantee authority:

Senate: Authorizes $1.85 billion in loan guarantee authority, in addition to the $650 million already available for fiscal year 1985.

House: Authorizes $3 billion in loan guarantee authority, in addition to the $650 million already available for fiscal year 1985.

(5) Implementation of program:

Both House and Senate contain provisions directing the Secretary to implement changes within 15 days.

(6) Cash flow requirements:

Senate: Lowers to 100 percent the cash flow necessary to qualify for loan guarantee. Does allow producers to base their applications on a 110-percent cash flow projection.

House: Lowers to 100 percent the cash flow necessary to qualify for loan guarantee.

OTHER FMHA LOAN GUARANTEE PROVISIONS ONLY IN THE SENATE VERSION

(1) Requires the Farm Credit System to report on feasibility of obtaining insurance to protect borrowers' stock.

(2) Encourages Federal and State regulatory agency to refrain from adversely classifying restructured agricultural loans.

(3) Encourages the Small Business Administration to implement a debt adjustment program for their current farm loan borrowers.

OTHER FMHA LOAN GUARANTEE PROVISIONS CONTAINED IN HOUSE VERSION

(1) Fees normally charged to lenders are waived.

(2) Provision for advance payment of guarantee in cases of default.

(3) Three percent reduction of interest rate on FmHA direct operating loans to producers suffering from natural disasters 3 years during the previous 5-year period. Credit elsewhere test applied.

ADVANCE RESOURCE LOANS

A number of the provisions contained in the House version are included in the Senate-passed bill:

(1) Producers must sign up for the farm program.

(2) Fifty percent of the producer's crop will be eligible.

(3) Farm program sign up period extended by 30 days after bill's enactment.

(4) A $50,000 limit is placed on the amount any one producer may receive.

HOUSE PROVISIONS NOT CONTAINED IN SENATE BILL

(1) Credit elsewhere test applied.

(2) Requirement that lender commit to providing full funding.

(3) Crop insurance required for advance CCC loan.

(4) Requirement that proceeds be used to cover expenses incurred or that are outstanding in the production of the crop.

(5) Floor speech clarified the intent that the legislation would apply to winter wheat producers. No similar language in the Senate bill.

Last Wednesday, this body approved this basic legislation by an overwhelming margin. The vote before us today, whether to accept the Senate amendments to H.R. 1096, the African famine relief bill, should be a clearcut vote for the 313 Members who voted to support H.R. 1035, inasmuch as the basic principles of H.R. 1035 were left intact.

The President has said that he will veto this proposal, claiming it is excessive in Federal spending. He is making this claim even though the Congressional Budget Office estimate of the Senate emergency credit amendment is actually lower than H.R. 1035 ($254 million over 4 years).

At a time when Pentagon spending abuses run rampant, it is regretful to listen to the threat of a veto. Are not our Nation's farmers and ranchers deserving of the same consideration that the President gives a Pentagon that can buy $6,000 coffeemakers and $700 toilet seats? Are not our farmers worthy of the same consideration that our President gives to a Pentagon that receives a 13-percent budget increase at a time when others are being told, "There is no money"?

The crisis has been documented and the facts are there. Equally as clear is the fact that the administration's response to this credit crisis has been woefully inadequate. We need no further elaboration on the problem. What is needed is immediate action on this modest proposal, so that it can be cleared for the President's signature.

Mr. Speaker, I rise in support of the rule. I understand the difficult situation in which we find ourselves, procedurally. I do not like it either. But I do not believe that we have any alternative.

We were presented with a list of conferees that, frankly, present us with no choice. All but one of the conferees have announced their opposition to the bill, even as the Senate has presented it.

So a conference is really a doomed conference, one that will not take us anywhere.

So first and foremost, we have to recognize that fact. Whether or not we confront the President or whether we confront the Senate, the ultimate result will be the same if we only look at what may come out of a conference.

Our only hope, really, is to accept the Senate amendments, present them to the President in the hope that he will recognize the importance of this measure and sign it, in a matter that will bring about the kind of relief that both sides want.

We have no choice. Time is of the essence. To prolong this whole effort by resolving our differences in conference cannot be done. To resolve our differences with the White House still, I think, holds some likelihood.

So it is in our best interest, really, that we pass this resolution this afternoon, that we take the Senate-adopted amendments, which I might remind my colleagues are very similar, in most respects, to what we passed in the House.

As a matter of fact, their amendments were drafted originally from the proposal that was introduced in the House. So given that fact, given the structural resemblance between the House and the Senate, given the fact that conference would really mean doom to the ultimate legislation that we have drafted with such care on this side, given the fact that we need to do this immediately to provide the kind of critical assistance that many of these farmers have to have, in spite of the problems that the gentleman from Mississippi has outlined procedurally, we really have no choice.

Our hope is that, regardless of whether it is signed or whether it is vetoed, the bill will ultimately be written into law. I think that we have the votes to override a veto on this side, and I would hope the Senate would do so as well. But whether we do or whether we do not, it does not appear at this point that unless we take this procedure we can offer any help at all to those many farmers who are counting on us as the last vestige of some hope in providing them with credit relief this year.

So I ask my colleages to accept the fact that this is an unusual procedure, to accept the fact that we need to do it if we are indeed interested in providing some assistance to those farmers and to accept the fact that our only other recourse, going to conference, would simply bring us nothing.

I strongly urge a favorable vote on this resolution.

Mr. LOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. I thank the gentleman for yielding time.

Mr. Speaker, I would like to clarify what I believe to be the intent of a section of the African famine relief bill as passed by the other body on February 27, 1985. This section, if introduced as a freestanding bill, would normally be referred to the House Banking Committee since it does address the general subject of bank supervision and examination by the proper Federal regulatory agencies. Section 207 would "guard against improper and untimely liquidations of agricultural assets." It calls on the Federal bank regulators to "ensure that examiners * * * exercise caution and restraint in making adverse classifications with respect to agricultural loans."

I am sure that in including such language, what we are seeking is assurance that the Federal bank regulators treat agriculture no more harshly than other sectors of the economy. Clearly, we are not asking the regulators to abandon their mission of ensuring the safety and soundness of our financial institutions. We want to be certain that depositors' funds are protected and available for their use when needed. But we also want the prudent and consistent application of examination procedures across the country. It would then be up to bank management and borrowers to decide the fate of existing credits and to work out new loan arrangements where necessary. In this way, borrowers, lenders, and depositors will all know where they stand.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MADIGAN], the distinguished ranking minority member of the Committee on Agriculture.

Mr. MADIGAN. Mr. Speaker, at the outset I would like to, very briefly, take exception to some of the remarks just made by my good friend on the other side who said that if we went to conference that nothing would be accomplished.

I submit to the gentleman that he is perhaps judging our capacity by his ability. I would like to think that some of us would have some opportunity to persuade the President that there is a reasonable thing that can come out of all of this, but we certainly do not have that opportunity if we are faced with this procedure whereby Members on this side of the aisle in this body are not given an opportunity to participate in this process in any way whatsoever.

We represent farmers who have credit problems, we represent people who need help. We are anxious to help them. But you are asking us to accept something here that the Office of Management and Budget and the Congressional Budget Office have both said could cost an extra $4.5 billion in this fiscal year. It is nothing in the way of legislation compared to what this House passed with bipartisan support last week. There is no credit elsewhere test in this thing you are asking us to vote for. There is no requirement that these funds be used to plant a crop in this thing you are asking us to vote for. There is no crop insurance requirement in this thing that you are asking us to vote for. You are asking us to vote for a pig in a poke that was done very hastily in the other body, that was never considered by any committee in the other body, and we have already been told that it is going to be vetoed. We would like to have the opportunity to try to work with the President of the United States to solve this problem. But you have decided to follow a procedure that denies us the opportunity, as minority Members of this body, to participate in any way in what is happening here.

In my own district, I am sure that half the farmers in my district have a serious credit problem and need help, and I want to help them. And you are denying me the opportunity to be of help to them. You are telling me to vote up and down on a rule on a very, very bad proposal that is going to be vetoed. Where is my opportunity as a Member of this body to participate? Where is the opportunity of any Member on my side of the aisle to be a participant in this process?

It is very, very clear, to me, and I think to everybody else on this side of the aisle, that you have decided on your side of the aisle that you are more interested in the veto, you are more interested in the public relations aspect of this, you are more interested in embarrassing the President of the United States than you are in bringing any kind of assistance whatsoever to the farmers and ranchers of the United States.

So I think it is time to say that that is what is going on here, that you do not really care and you are demonstrating that you do not really care because you will not give the people who might be able to persuade the President any opportunity to participate in the process. I think that is unfortunate, and I think you are mistaken when you think you are going to override this veto, because you are not allowing people on this side of the aisle to be participants, and they are going to let you know how they feel about that.

Mr. LOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Illinois. To the extent that there are some of us who do not want to play political games, that we really do want a credit bill passed and sent to the President that he can sign, I do think that there is a middle ground. And the only middle ground that we can construct is to go to conference. I cannot believe that the House leadership came to us and are giving us a Senate-passed bill in lieu of the hard work of the gentleman from South Dakota and others, in a bipartisan fashion, that suddenly, within 24 hours after we passed it here in the House Chamber, that bill was suddenly forgotten about by the leadership. And why was it forgotten about? I think it is a better bill than the other body produced. It is better crafted. It is more refined, from the standpoint that people have to be able to: First, show that they could not get credit elsewhere; second, that they have to have some security there to show that the taxpayers are not going to be left hanging out on the limb, and third, that there is a cash-flow requirement that these farmers would have to pay back the loan and have the capability of paying it back.

Mr. Speaker, the farmers are being used as pawns in a game of political chess, and if we are truly interested in doing something we have got to get together. We have got to get it together with the President, with the Members of the other body and with this House in order to put together the type of compromise that is going to be acceptable for the President to sign. All these speeches, all of this demagoging, all of this posturing is not going to get $1 into north Missouri. And we have got plenty of those farmers around here today talking about their dire straits, losing the family farm, and all it seems that the people in Washington can do is posture and play political games. It is very unfair to these people that we are telling them that we are doing something on their behalf when we know good and well it is not going to come about.

Why can we not take our own bill and put it into conference? That is what we usually do, we ask for a conference with the other body. Why is the Daschle-Coleman bill so bad? It passed by a 318 to 103 margin here in the House last Wednesday. Why are we suddenly forgetting about it?

□ 1400

I would like a response to that question sometime today as we discuss this bill.

We ought to have at least a little pride of authorship in this House. We should be able to give the same status and standing to a House-passed bill that we are giving to a product of the other body. We did not make this a partisan issue over here in the House. The gentleman from South Dakota reached out, I reached out, we all did to try and come up with a bill that would be agreed to. We did that in committee; the vote on the floor indicated that we accomplished that here.

Now all of a sudden, we are overtaken by forces beyond our control, and this thing is rolling down here in a big embarrassment for the President. Well, the President is not going to be embarrassed; the embarrassment is going to come right back to us. When you go back to your districts, and I go back to mine, and have to announce that, no, the political gamesmanship prevailed in Washington; you did not get a credit bill passed. You did not get anything passed. The President has already announced that he is going to veto this bill; why go through it? Why not go into conference. A little give and take. Negotiations, hard negotiations. I would like to see the President move to our position more than what he has.

But you are not going to get it with this bill.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 9 minutes to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding me this time.

Mr. Speaker, I am going to focus my remarks on the part of the Senate amendment to H.R. 1096 involving agriculture—the farm credit assistance package contained in titles II and III.

In that regard, I strongly urge my colleagues to adopt the pending rule, which will complete congressional action on H.R. 1096 and send it to the President for signing.

Since the administration first announced its farm aid measures last fall, the problems facing farmers—low prices, mounting debt, and plummeting land values—have steadily worsened.

By the time the 99th Congress convened in January, it was clear that the administration's efforts weren't working. Now, as the time for spring planting draws near, the agricultural crisis has reached a boiling point.

Without the measures included in H.R. 1096, many of our Nation's farm-

ers will be unable, in the next few days and weeks, to begin work on the 1985 crops. They will have to liquidate or be foreclosed.

How many will go under? No one can predict. What we do know is that in the last few years we have seen a steady decline in the farm economy. One estimate states that financial problems on the farm have directly or indirectly cost Americans 260,000 jobs and $5.1 billion in lost income.

Worse, in the last few months the decline appears to have accelerated rapidly. Right now, at least one-third of all farm debt, around $75 billion, is held by farmers—primarily by full-time commercial family farmers—experiencing serious financial stress.

An alarming number of these farmers are on the verge of bankruptcy. One estimate is that perhaps 9 percent of all farmers will be forced out of business soon unless something is done. In some heavily agricultural areas of the Nation, the problem is even worse.

The Government must recognize and deal with this growing problem because agriculture is central to our Nation's economy. A tidal wave of farm failures will have ripple effects on every segment of the national economy.

The Senate amendment, while perhaps not perfect, is well worth our approval for three reasons.

First, it directly addresses the most immediate problem facing farmers—the crushing debt load that has precipitated this crisis—by providing for restructuring of existing debt and making more 1985 operating credit available to farmers. In this regard, I would note that the Senate amendment is very similar to H.R. 1035, which passed the House by an overwhelming margin last week.

Second, it is targeted where it will do the most good. The assistance under the bill is directed at family farmers, not the giant corporate farms. And, the bill is targeted to those who still have a chance to make it with some timely aid.

Third, the agricultural titles of the amendment are relatively modest in cost—agriculture outlays are estimated to be $254 million over 6 years, counting interest receipts to the CCC on advance recourse loans.

I believe much more could be done. However, as we have seen the Federal deficit skyrocket over the past 3 or 4 years, the Agriculture Committee has strongly emphasized a policy of fiscal restraint in developing farm legislation. Indeed, our producers suffer more than most other businessmen from the high interest rates and overvalued dollar that these ruinous deficits have spawned.

The Agriculture Committee, since 1980, has reported legislation signed into law that will reduce Department of Agriculture program costs by $29 billion in the period through 1987. In fact, the President, when he signed the Agricultural Programs Adjustment Act of 1984 into law, stated that the bill was the first down payment on the deficit.

Further, I would note that the farm commodity programs, in total, are in extremely small part of the overall Federal budget. Specifically, in 1984, those programs were less than 1 percent of the Federal budget, in 1985 will be about 1.6 percent of the Federal budget, and—it is estimated—in 1986 will account for just 1.2 percent of the total budget.

The Senate amendment is sound legislation; it is necessary legislation. I urge my colleagues to send it to the President for signing.

I believe that the President will adopt the responsible course, showing compassion for our farmers in their time of need, and sign H.R. 1096 into law.

THE MAJOR PROVISIONS OF TITLE II

At this point, I would like to review for the House the key provisions of title II and title III of the Senate amendment.

Title II, the Emergency Farm Credit Assistance Act of 1985, would declare it to be the policy of Congress to assist U.S. farmers in obtaining adequate credit at interest rates conducive to debt servicing and profit making, so as to ensure the Nation of an adequate and dependable supply of food and fiber at reasonable prices.

Title II would require the Secretary of Agriculture to make sufficient personnel and other resources available to the Farmers Home Administration to enable that agency to process applications from farmers for assistance in a timely manner with respect to the planting of the 1985 crops. To accomplish this, the Secretary would be required to use authorities under existing law such as the agricultural credit insurance fund and the employment procedures under the emergency disaster loan program; assign personnel to work overtime, including weekends and nights, as necessary to process loan applications; and hire additional temporary personnel to work in States where the backlog of applications is the greatest.

I would note that H.R. 1035, as passed by the House, expresses the sense of Congress that the additional personnel be made available, and contains related provisions to ensure the improved administration of the FmHA farm programs, especially the guaranteed loan programs.

Under title II, effective through the end of fiscal year 1986, the Secretary of Agriculture would be required to establish a cooperative interest buydown program to assist farmers whose debts are restructured by commerical or cooperative lenders. Under the program, a lender that agrees to reduce the interest rate it would otherwise charge the farmer-borrower on the restructured loan would be eligible to receive an interest reduction payment for one-half of the interest-rate reduction. The Secretary could make no more than $100 million in interest reduction payments to lenders, but could draw the funds from the Agricultural Credit Insurance Fund.

This program, as I understand it, is intended to be implemented in conjunction with the FmHA Debt Adjustment Loan Guarantee Program. The Debt Adjustment Program provides FmHA guarantees for loans from commercial and cooperative lenders to farmers to cover the restructuring of substandard existing debt.

Under the joint administration of the programs, the Farmers Home Administration could use the interest reduction payment program to assist lenders in accomplishing the interest write-down equivalent to the 10-percent principal writeoff requirement under the debt adjustment program. Or, the interest reduction payment could be used to accomplish an additional reduction in interest over that needed under the 10-percent equivalency requirement, or simply to provide an interest reduction on loans under the program for which 10 percent of principal is being written off.

An FmHA Interest Buy-down Program is not unprecedented. The Farmers Administration, in the past, has had authority to take such action. In fact, during the Nixon administration, in 1973 the Farmers Home Administration bought down interest rates on certain guaranteed loans to make the interest rates paid by farmers on the guaranteed loans comparable to the rates being charged farmers for direct FmHA loans.

Finally, I would note that, although H.R. 1035 does not contain a comparable provision, it would waive the 1-percent guarantee fee imposed on debt restructure loans guaranteed by the Farmers Home Administration under the FmHA Debt Adjustment Program. This, like the Senate provision, would help farmers and their lenders take advantage of the FmHA Debt Adjustment Program.

Title II would make an additional $1.85 billion available in fiscal year 1985 for loan guarantees under the FmHA Debt Adjustment Program. I would emphasize that this provision will make the guarantees available without the need for further action on an appropriation. The guarantees will be made out of the FmHA revolving fund—the Agricultural Credit Insurance Fund—and the language in title II is sufficient, in itself, to trigger the availablity of the guarantees.

I would note that, under H.R. 1035, $3 billion would be made available for the Debt Adjustment Program.

Title II also would revise the current FmHA Debt Adjustment Program to improve its operation. The cash flow requirement under the program would be changed from a 110-percent requirement to a 100-percent requirement. Under this revision, a farmer could establish that his operation has a positive cash flow by showing that anticipated cash inflows during a year are 100 percent of the year's anticipated cash outflows. H.R. 1035 likewise contains this provision, as well as other improvements in the program.

Also, the Farmers Home Administration would be required to guarantee up to 90 percent of the principal and interest on loans under the program.

Under title II, the current FmHA Debt Set-aside Program would be revised to change its 110-percent cash-flow requirement to a 100-percent requirement. Under the program, farmers with FmHA farm loans who are in financial distress are eligible for the postponement—for 5 years—of payments on a portion of their loans, not to exceed 25 percent of the debt or $200,000, whichever is less. However, no farmer is eligible for postponement unless he can show that the deferral assistance will give him a positive cash-flow. Title II would enable a farmer to show a positive cash-flow for a year by showing that he will have a cash-flow to cover operating and living expenses that provides 100 percent of the amount needed to pay his debts due that year.

H.R. 1035 contains a comparable provision.

Further, under title II, borrowers could elect to base their applications for set-aside assistance on a cash-flow projection of 110 percent. This would enable some farmers to obtain larger debt set-asides if they can cash-flow at 110 percent. Under the current program, the farmer must show that he will have a balance available for debt service equal to 110 percent of debt due to establish a positive cash-flow, but there is no authority for a reduction in the cash-flow requirement below 110 percent.

Under title II, to guard against improper and untimely liquidations of agricultural assets, Federal bank regulatory agencies would be required to ensure that examiners exercise caution and restraint in making adverse classifications of farm loans, giving due consideration to factors such as loan collateral and ultimate repayment ability. This policy would be in effect for as long as the condition of the agricultural economy and the effects of natural disasters temporarily impair the ability of farmers to meet scheduled loan repayments.

Within 90 days after enactment, the Federal regulatory agencies would have to report to Congress on actions they have taken to implement the policy.

Also, Federal and State financial regulatory agencies would be required to ensure that their examiners refrain from adversely classifying farm loans that are restructured under FmHA's Debt Adjustment Program.

I would point out that H.R. 1035 would provide assistance to farmers adversely affected by natural disasters through a reduction in the interest rate on FmHA direct operating loans. Also, H.R. 1035 would encourage Federal agencies, including the Federal Reserve System, that supply credit to consult with the Secretary of Agriculture on the current and future availability of credit.

Title II would require the Farm Credit Administration to conduct a study on the need for an insurance fund to protect Farm Credit System institutions against loan losses or otherwise to stabilize the financial condition of the System and provide protection for borrower capital. The study would have to be completed, and a report containing the results of the study submitted to the Agriculture Committees of Congress, not later than 180 days after enactment of the bill.

Title II would express the sense of Congress that—to the extent practicable and consistent with existing law—the Small Business Administration should establish a Debt Adjustment Program for farmers comparable to the FmHA Debt Adjustment Program.

While there are no provisions in H.R. 1035 relating to bank examiners' classification of farm loans, a report on Farm Credit System needs, or the Small Business Administration, I am sure my colleagues would agree that these are good additions that strengthen this emergency farm assistance legislative package.

I must also note that the Senate amendment does not include the H.R. 1035 provisions for a reduced interest charge on direct operating loans to farmers in hard-hit areas, haying and grazing on set-aside land, consultations regarding the availability of farm credit, and certain revisions in the FmHA Approved Lender Program. However, the Secretary of agriculture has it in his power to accomplish the goals of these provisions without legislation, using the authorities he has under existing law.

In light of the overwhelming vote by the House for passage of H.R. 1035 I strongly urge the Secretary of Agriculture to take steps to implement these provisions administratively or fashion other remedies to address the problems that have given rise to them.

THE MAJOR PROVISIONS OF TITLE III

Under title III, the Advance Recourse Loan Act of 1985, producers of the 1985 crops of farm program commodities for which price support loans are available would be eligible for advance recourse loans from the Commodity Credit Corporation on a portion of the 1985 crop. The Advance Loan Program under title III will serve to complement the FmHA Debt Adjustment Loan Guarantee Program. It will give farmers with restructured debt under the Debt Adjustment Program breathing room with respect to 1985 operating credit so that the debt restructure will have a chance to work.

Advance loans would be available to a farmer, at the nonrecourse loan rate and at the normal CCC commodity loan interest rate, on an amount of the commodity equal to 50 percent of the farm yield times the acreage the farmer plants for harvest, or the farm quota, in 1985. However, the maximum advance loan a person could receive would be $50,000. The $50,000 loan limitation will ensure that the Advance Loan Program is targeted to family farmers, not the corporate giants.

The advance recourse loans would be repaid at harvest, with a procedure to be established enabling producers to repay the recourse loans at the same time that they obtain the proceeds of regular nonrecourse loans.

The producer would have to give the Department of Agriculture security for the advance loan adequate to protect the interests of the Government. If a producer who received an advance loan fails to comply with terms and conditions imposed by the Secretary, the producer would have to repay the loan immediately.

I would note that H.R. 1035 contains comparable provisions, along with a credit test for eligibility, provisions that (i) a lender must agree to provide additional funds necessary to produce the crop and (ii) loans be made only to cover production costs incurred after enactment, and a crop insurance requirement. These provisions serve to prevent abuse of the program and protect the Government's interests. While the Senate amendment does not contain these provisions, it authorizes the Secretary of Agriculture to prescribe terms and conditions consistent with the bill, requires the producer to repay an advance loan immediately if the producer fails to comply with such terms and conditions, and requires adequate security.

These Senate provisions also serve to prevent abuse of the program and protect the Government's interests, and the Secretary would be expected to issue regulations that serve to prevent abuse in the program and protect the Government's interest. I would expect the Secretary to take care to ensure that the advance loan proceeds are used for the purpose for which they are to be advanced—to provide hard-pressed farmers who can't find credit

elsewhere on reasonable terms the financing they need to plant and cultivate their 1985 crops.

In conjunction with the Advance Recourse Loan Program, title III would extend the period of signup for participation in the programs for the 1985 crops of wheat, feed grains, upland cotton, and rice for a period of 30 days after the date of enactment. The signup period for those programs expired on March 1.

H.R. 1035 contains a comparable provision.

THE NEED FOR ACTION

Mr. Speaker, in the last few years our Government has implemented an anti-inflationary, tight-money fiscal policy. To an extent, that policy has worked well and benefited most of our citizens.

Unfortunately, this policy has had its dark side for our Nation's farmers—especially those farmers who incurred debts prior to the implementation of that policy. It has victimized farmers by depressing commodity prices, strengthening the dollar so that our agricultural exports are drying up, and led to plummeting land values. As a result, U.S. agriculture is facing a crisis—a crisis not of its own making.

So, regardless of David Stockman's callous comments, it should be a matter of clear public interest that the Government aid our Nation's family farmers in their time of need.

The Senate amendment, while not the total answer to the problems besetting the agricultural economy, meets that public interest test.

It is necessary legislation at a reasonable cost, so I urge my colleagues to approve the pending rule.

Mr. Speaker, before concluding, I must tell you that there is much sadness in my heart, and for many reasons. One is that I personally have been accused of something that is not in my mind and my heart or is my intention to do in this very critical time for American agriculture, for the farmers of America.

Just a while ago, at a meeting of our Agriculture Committee, where hunderds of farmers are telling us of their problems, we heard a young man named Lexie Glisson speak to our committee with tears in his eyes: "Do something, do something; I need your help. Of my graduating class of 1976, only one went into farming besides myself."

Lexie Glisson means more to me than any attempt to embarrass the President of the United States whom I respect and I admire as an individual. I think he is a man of compassion and of sensitivity. I have not heard Ronald Reagan say he will veto this bill. I heard the Speakes and the Doles and a lot of other people, but I have not heard the President of the United States say he would veto it.

I have hopes that he, too, as he brings every time he speaks, someone from America that signifies what it is all about. Next time he should have Lexie Glisson there. A young farmer who is telling us with tears in his eyes, "Help me."

Mr. Colleagues—what need do I have for demagoguery? What need do I have for posturing? As a legislator, I know that the shortest distance between two points is a straight line, and it pains me to hear someone say, "You are leaving out our side; our side did not have any input." There are only 47 Democrats in the Senate, and their version got 65 votes.

The SPEAKER pro tempore. The Chair would advise the Members not to refer to votes in the Senate.

Mr. MADIGAN. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. Very briefly.

Mr. MADIGAN. I apologize for interrupting the gentleman and I thank him for yielding.

Mr. Speaker, perhaps the gentleman recalls that the Meese nomination for Attorney General was being held hostage over there, and that only eight Members of the majority party in the Senate voted for this bill.

The SPEAKER pro tempore. All Members would be advised not to refer to the proceedings in the Senate in that way.

Mr. DE LA GARZA. The majority rules and the majority voted. The question now is, what do we do? What do I tell the farmer who says, I am going down if I do not have help in 1 week, in 2 weeks? We are still waiting to go to conference on the soil conservation legislation because whoever runs the committee over there says, "I do not want to have any meetings." You would have an unfriendly conference with conferees that would deadlock. That is the reality of the situation; an unfriendly conference that would deadlock and kill it there.

My main concern is, I come to you with clean hands; I come to you with a clean heart; I come to you, if I have to, begging for the farmers of America that are in trouble that have given us the best food in the history of the world for the lowest amount of disposable income than any other country in the world. Those are the ones that are in trouble, and need our help. That is beyond any posturing.

A poor shoeshine boy from south Texas is going to embarrass the President of the United States? Ridiculous; absurd; untrue. It is the right thing to do, and this the time to do it, and this is how we act in a free legislative House. Do what you need to do; do it right; do it promptly; do it efficiently—that is what we are trying to do.

Abnormal situation? Yes, I said it. Abnormal procedure? Yes, it is. The two go hand-in-hand. So all I say is that my only posture here is that my responsibility as chairman of this great committee is to see that the people of America get the best quality food for the lowest amount of disposable income. I think that 1 percent of the total budget of this great country of ours is a good investment to keep that farmer on the land.

Why did Poland fall by the wayside? Because they let the farmer go. I heard a friend of mine from Germany say, "You have never known hunger in your country; we have twice this century. We are not going to let it happen again."

I asked him, "Pray tell, how are you going to do that?" He said, "We are going to keep our farmers on the land." And that is my plea to you today: Keep that farmer on the land before, my friends, we are to know scarcity and, hopefully, God forbid, we are to know hunger.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, on behalf of the Committee on Foreign Affairs, I wish to support the rule which is before us.

While this procedure bypasses the Foreign Affairs Committee in the legislative process in this unusual situation, it is important that we move expeditiously in behalf of both the American farmers and of the people who are at risk of starvation in Africa. The process in this instance will be without prejudice to the jurisdiction or prerogatives of the Foreign Affairs Committee.

Members will recall that last week, by an overwhelming vote of 391 to 25, the House passed H.R. 1096 as an urgently-needed disaster assistance bill for the famine victims of sub-Saharan Africa.

The Africa disaster assistance provisions in the Senate-passed legislation are basically similar to those passed by the House.

In addition, of course, the bill before us now contains the Senate amendments designed to help American farmers who are in grave financial distress.

Mr. Speaker, it goes without saying that we must put needy Americans second to none in our priorities for providing U.S. Government assistance.

I therefore welcome this opportunity to vote both to help our farmers, and at the same time to authorize the urgently required assistance to save lives in Africa.

I urge passage of this bill and I hope the President will sign it.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, the gentleman said about everything that can be said, but I just want to add this one thing: There will probably first be a vote on the previous question, and the gentleman did not happen to mention this, but a vote against the previous question is really the same thing as voting against the bill.

Mr. DE LA GARZA. The gentleman is correct.

□ 1410

This is not budget-busting legislation. The Senate version costs less. It is $445 million over a 5-year period in the House bill and $254 million in the Senate bill. I submit for the record the correct figures.

UNOFFICIAL CBO ESTIMATE

[H.R. 1035 outlays]

	House passed			Senate passed		
	1985	1986	Total 5 yr	1985	1986	Total 5 yr
CCC	3,025	−2,775	250	7,325	−6,725	600
ACIF:						
Guarantees	5	35	175	−18	18	74
3 Percent interest subsidy	—	17	235			
Interest by down				75	25	100
Total agriculture budget	3,030	−2,723	660	7,382	−6,682	774
Interest to Treasury	−50	−165	−215	−120	−400	−520
Bill total	2,980	−2,888	445	7,262	7,082	254
5 yr total			445			254

It is not a question of cost. It is a question of whether or not we are going to allow every farmer, as God gives him the ability, to farm, and if he is in trouble, if we are going to take a tiny fraction of our Nation's budget to keep him afloat in order to feed this, the greatest Nation in the world? Are we going to do that, or are we not?

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, I rise in support of legislation on farm credit. I support legislation, any effective legislation. There is ground to work, fuel to buy, seed to buy, and crops to plant, and we equivocate—for the shame of it all—we equivocate while the sleeping, smouldering giant sleeps and waits and wonders what this Congress is going to do to try to address the problem of the farm credit crisis.

It is a bad bill from the other side. There are threats of a veto. Let me tell you, we asked the Farmers Home Administration to address this crisis a long time ago. They could have come down here, they could have worked with the Members who tried to address this most serious problem that has faced this Congress in many years.

As my colleagues are aware, we passed our version of an agricultural credit bill, H.R. 1035, last Wednesday on a vote of 318 to 103. I would incorporate by reference my earlier remarks of February 27 on that bill.

I personally would prefer the provisions of H.R. 1035 to the bill before us. Many of us would prefer a quick conference with the Senate which would be an opportunity to reduce the administration's opposition to this legislation. I agree with my colleagues who say that H.R. 1035 is better drafted and thought out, is targeted to those producers truly in need, and shows the hard labor which the House put forth. In short, H.R. 1035 is a better bill. However, with House Resolution 92, the choice we have today is a take it or leave it situation. And while we fight about it, some producers are going down the tubes. They simply don't have the luxury of time. Nor do we. As I said last week, there is an immediate crisis and need for this legislation.

Mr. Speaker, as I said last week, this crisis in agricultural credit is beyond the control and not the fault of individual producers. They are not greedy, but too many are in real need of help which this bill could provide. I urge my colleagues to vote no on the previous question but then to support this measure so that those producers who lack production money can plant their crop and so that we can focus on the all important farm policy decision we face this year. Thank you, Mr. Speaker.

Mr. JONES of Tennessee. Mr. Speaker, I rise in strong support of H.R. 1096, as amended by the Senate, and urge my colleagues to adopt this rule containing that measure as the only realistic hope for thousands of farm families who are facing ruin within the next 6 to 8 weeks.

Last week this Chamber passed, by a vote of more than 3 to 1, emergency farm credit legislation which originated in the House Agriculture Committee, and which is very similar to the bill being considered today. Under normal circumstances I would have preferred the opportunity of going to conference on the two bills, because in different ways each bill contained better provisions than the other. But these are not normal circumstances, and it's obvious to me that this is the only legislative procedure available to us if farmers in many parts of the Nation are to receive operating assistance before spring planting.

In truth, the farm credit provisions of this bill amount to little more than a band-aid, where radical surgery would be more appropriate. As often happens, however, we must settle for what we can get, what is in the realm of the possible. The additional Farmers Home loan guarantees, the interest rate buy-down, and the advance of CCC recourse loans are much needed, prudent efforts to alleviate the current credit crisis in agriculture.

If you represent farmers and ranchers, or if you represent a district which consumes what farmers grow, then you owe it to your constituents to vote for this bill. This Nation cannot afford the cost of losing an entire generation of family farmers. By enacting this emergency credit legislation we can send a signal to Rural America that the Congress does understand its plight, and is willing to do something constructive about it.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of this rule. I deplore the procedure under which it has been brought before the House. I think politics has no place in this situation where agriculture is at stake.

But let me say that the time is running out for those people who are hungry over in Africa, and time is running out for the farmers in the Midwest who must buy their seed corn and must buy their fertilizer and must plant their crops or they are out.

In my district in Nebraska, the second most agricultural district in the Nation, we have 20 foreclosures a day. We have slightly used farm machinery selling for less than 10 percent of its original price. We have farms up for sale that cannot get more than 40 percent of their real value on the auction. We have over 40 percent of our farmers who are leveraged at about 60 percent. We must have help.

Mr. Speaker, this is the only train that is going out of the station now. I think we passed a better bill last week, but I am going to vote for this bill. I support it, and I hope the other Members will also.

Mr. ROBERTS. Mr. Speaker, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to my good friend, the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, I thank my good friend and colleague for yielding, and I wish to associate myself with her remarks.

I rise in very reluctant support of this rule. I do not like the process. We had a better bill here in the House. It was bipartisan. Every Republican member of the Agriculture Committee supported this effort.

We are headed for a veto. It is a very fast freight train, as my leader has indicated, and it is not even our train. But it is the only train.

I would also like to associate myself with the remarks of my chairman. He is right, and my ranking member is right. But we are wrong unless we act. The cash-flow situation in the farm country is such that these advance loans will make a difference, a tremendous difference, to producers who can make it over the next year.

Mr. Speaker, I will support the rule, and again I thank the gentlewoman from Nebraska for yielding.

Mrs. SMITH of Nebraska. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Speaker, quite a great deal has been said about the cost of this bill. I think it is critically important that we get the costs of this bill out so that people understand, because many of us are concerned about the deficit we have and what the situation is.

According to the March 5 report from the Congressional Budget Office which I have before me, the total cost of the bill for a 5-year period is $279 million. That is for 5 years. Now, it is correct that for this year there is a $7 billion cost, but for next year there is a $7 billion savings.

So I hope that the people who look at this bill will realize exactly what we are talking about. Those of us on the Agriculture Committee agree that we need to hold our cost this year to a freeze, where we do not spend any more than we did last year in agriculture, just as we think we should in other areas. This bill clearly fits in to that requirement, and we certainly are going to support such a proposal.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. BEDELL. I am glad to yield to the gentleman from Mississippi. I would like to get it straight.

Mr. LOTT. Mr. Speaker, I appreciate the gentleman's yielding because I think it is important that we try to get a real handle on what this legislation may cost.

Will the gentleman acknowledge that there was one set of figures put out by CBO as to what the cost would be on March 1?

Mr. BEDELL. I am going by the March 5 figures, which is the latest. Take whichever one you want. I have got the March 1 figures.

Mr. LOTT. That makes my point. The figures I quoted on the same bill came from a CBO report of March 1. Now CBO, on March 5, on the same bill, has come forward with a completely different set of numbers and figures.

Mr. BEDELL. Mr. Speaker, if I may reclaim my time, the gentleman needs to clearly point out that on March 1 the outlays for 1985 increased by $7,382 million. The credit for 1986 or the lower outlays in 1986, because of what was done in 1985, is $6,682 million, so that the total cost of the bill is still as we have indicated.

The SPEAKER pro tempore. The time of the gentleman from Iowa [Mr. BEDELL] has expired.

□ 1420

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. FRANKLIN].

Mr. FRANKLIN. Mr. Speaker, I thank my colleague, the gentleman from Mississippi, for yielding me this time.

Mr. Speaker and my fellow Members of this House, every person who has appeared in this well today and spoken on this bill has said that the House bill is better. The chairman of the Agriculture Committee came before us and said that the farmers in this country are demanding that we do something—do something.

Let us talk for just a minute about what we are going to do if we allow the Senate version of this agriculture credit bill to go through and how it differs from the House passed version that we should adopt and we should advocate and we should demand as a body that the President sign if we get it through.

An advance CCC loan concept is a new thing that is here in all the proposals. On the Senate side, any farmer whether he made $3 million last year or whether he owes the Government $3 million and cannot pay it is going to be able to walk into the CCC office and demand an advance on the crop for 1985 before he has even put the first seed in the ground.

The House version which was worked out in committee through a very hard bipartisan effort came to the conclusion that we must tighten this to see that this advance credit would go to only those who absolutely needed the money and who had the wherewithal to pay it back and the restrictions were put in the House version to allow that to happen. That is not contained in the Senate version.

If we allow the Senate version to go through, we are going to allow those top-end farmers, the 10 percent of the farmers in this country who are making plenty of money under present day circumstances, to have a windfall of a $50,000 advance CCC loan.

If we allow this Senate version to go through, we are also going to allow the people on the very bottom who could not cash flow under anybody's sense of reasoning for business to walk into the CCC office and get $50,000.

Let us defeat this rule and insist that the House version is passed.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I know some have said that this is an attempt to embarrass the President. It is not. We are not attempting to embarrass the President. We are attempting to help farmers. Helping farmers who are in desperate trouble is not an attempt to embarrass this President.

The question we have to ask ourselves as legislators is did we do what needs to get done and did we do it on time? We do not have a lot of time.

This procedure is the only one that I know of that will get a bill to the President so he can consider farm credit. If you send this to conference with the Senate, I guarantee you will never see it again, or if you see it again, you will never recognize it.

This is an opportunity to get an emergency farm credit bill to this President so that he can evaluate its merits and make the decision that he must make.

But I am telling this House, the problems out there in rural America cannot wait. Farmers are going broke and we have to address those problems on behalf of those family farmers today. We have to do our job. Our President has to do his job. Let us hope he sees his job the same way we see ours and will responsibly sign what I think is necessary legislation for the health and well-being of America's farmers and necessary legislation for the well-being of the American economy.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BOULTER].

Mr. BOULTER. Mr. Speaker, last week we passed H.R. 1035. Although I think that H.R. 1035 could have been improved and made acceptable to the administration, I was proud to cosponsor and vote for that bill's passage; however, the Senate version is a figleaf that masks the underlying problems that farmers in our country face. The Senate version ignores many of the features that we built in to H.R. 1035, features that brought responsible and responsive help to the farmers that need help.

The Senate version does not have the crop insurance provision and it does not have the credit elsewhere test; but it does have an interest subsidy provision that would cost $100 million more. This provision is an inducement to encourage rural bankers to participate, but that is nonsense. They do not need that inducement. The majority of their customers are the very farmers we are trying to save.

We came here to help the credit-strapped farmer who cannot get the funds that he needs for spring planting, but this bill does not serve that purpose. It misleads the farmers that we came here to help and gives them only false hopes.

We should help the farmer who needs help, but the trouble is, Mr. Speaker, this bill does not do that. Under the provisions of this bill, a farmer with $1 million in CD's can get a loan and use it for any purpose that he wants to. That is just not right. That loophole alone in this bill guar-

antees a Presidential veto, and rightfully so.

If we are going to save the credit-strapped farmer, let us do it. I think the best way to accomplish that goal is to bring H.R. 1035 back on to the floor, send it to the conference committee, send it to the President, and get it passed, and get that relief to the farmers.

Unlike our own House version, which very efficiently targets money in a timely manner to the farmers who need it the most and can make the best use of it for spring planting, H.R. 1096 is wasteful and an inefficient budget buster with a net deficit impact in fiscal years 1985 and 1986 of over $88 million in excess of H.R. 1035.

I therefore urge the House to reject this contradictory act which will not help the farmers most truly in need.

● Mrs. SCHNEIDER. Mr. Speaker, I rise to express my dismay at the politically motivated vote that this body is considering. We face two very important issues that are related to one another in only the most tenuous manner—the plight of the American farmer and the starvation faced by millions of Africans. By combining these actions into a single vote, it is clear that the purpose is not to help either group, but rather to cause political embarrassment to the Republican administration.

I have serious reservations about the farm credit bill, not because I am hardened to the plight of the American farmer, but because I feel that a greater effort should be made to place responsibility for credit decisions in the hands of lending institutions. For the Federal Government to assume 90 percent of the risk on a loan program is an irresponsible gamble with the taxpayer's money.

I am a firm supporter of aid to African countries, and my vote last week reflected that support. However, I refuse to be used by the majority party in this attempt to pit a budget-busting farm bill against those in need in Africa. I am confident that no matter what action is taken on the farm credit bill, Congress will again be provided with the opportunity to provide additional funds for African aid. These bills should be considered separately and on their individual merits. To do otherwise is a disservice both to the struggling American farmer and to the starving African villager.●

● Mr. GREEN. Mr. Speaker, it is with great reluctance that I rise to oppose House Resolution 92, the rule providing for agreement to the Senate famine relief/farm credit substitute for the House-passed famine relief bill.

I have long been a proponent of developmental assistance to those areas less fortunate than ours and especially those suffering the terrible curse of famine as we now see in Africa. I cosponsored various bills providing relief to Africa in this Congress, and supported both the authorization and appropriation for African aid when the House considered them last week.

But I regret that these provisions have been used to try to force us to vote for a bill that stands to increase outlays and budget authority for agricultural credit by over $7 billion.

I am aware that this is not the first time Congress has been asked to bail out a section of our economy. But each time the Congress has done so, it has imposed stringent restrictions on the recipients of the bailout.

When we provided long-term loan guarantees to help New York City, we required the city to produce budgets balanced according to generally accepted accounting principles, and we put in place a mechanism to oversee that requirement.

When we provided loan guarantees for Chrysler, we again imposed stringent requirements such as strict oversight by the loan guarantee board.

In contrast, this bill does nothing to assure any oversight of the money given to agriculture, to assure that this money will be a downpayment toward putting our Nation's agriculture on a permanently sound footing or to assure that the loans will be repaid.

Mr. Speaker, I am ready to vote for a reasonable farm credit bill. Such a bill would limit itself to helping family farmers and would end price supports for corporate farms and other massive farm enterprises. But I am not prepared to vote for this bill, which makes no such distinctions. And I am particularly concerned that such a controversial farm bill has been attached to the basic humanitarian purpose of providing aid to Africa. I appeal to our colleagues from farm areas, if they want our support, to come up with legislation that will bring us out of this morass of unsupervised agricultural credit, and not dig us in deeper as this bill does.●

● Mr. FRENZEL. Mr. Speaker, I voted for H.R. 1035 when it passed the House on February 26. It was a nervous, reluctant, but hopeful vote.

Surely the farmers facing debt problems needed hope. And I, too, had hopes that our overly generous bill might be improved in the other body.

I also am a supporter of H.R. 1096. Very few people dispute the need for this humanitarian assistance. The House and Senate forms are substantially similar. Either would do the job. It is important that this aid be passed promptly.

For this reason, I think it is regrettable that the other body attached its farm credit amendments to H.R. 1096, the African Famine Relief and Recovery Act of 1985. Senate rules make nongermane amendments in order, so that House Members are obliged to cast a single vote for two very separate, and complicated bills.

My hopes for improvement in H.R. 1035 have not been realized. The administration strongly opposes the farm credit bill, and a veto seems imminent. We are not obliged to follow the administration's reasoning, nor to vote for its inclinations, but we are obliged at least to review its objections.

Those objections are that the Senate amendments could cost as much as $7.4 billion in fiscal year 1985; that they require the Government to guarantee 90 percent of all new loans made by private lenders; that the advance CCC loans carry huge risks at harvest and market time; and that it adds a $100 million interest buy down for lenders which was not in the House bill.

I don't think Congress should rely fully on the program the administration now has in place. But, I believe the 90-percent feature is unwise, and that the removal of House restrictions on advanced recourse loans is even more unwise.

I still believe that Congress should provide credit support beyond the administration's program. But, I believe the bill now pending is an overreaction. Congress usually responds to problems confronting elements of its consistency with an exaggerated Federal solution. I think that is what we have in this bill.

Therefore, despite the fact that I support the humanitarian assistance, and the fact that I believe farm credit legislation is needed, I must cast another reluctant vote, this time against the bill.

Exaggerated, overly generous acts of Congress are no longer acceptable. We owe the taxpayers the extra effort to find focused, lean, effective programs. If this bill is vetoed, I hope we will make that extra effort, and make it promptly.●

CALL OF THE HOUSE

Mr. FROST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 25]

Ackerman	Beilenson	Boxer
Addabbo	Bennett	Breaux
Akaka	Bentley	Brooks
Alexander	Bereuter	Broomfield
Anderson	Berman	Brown (CA)
Andrews	Bevill	Brown (CO)
Annunzio	Biaggi	Broyhill
Anthony	Bilirakis	Bruce
Armey	Bliley	Bryant
Atkins	Boehlert	Burton (CA)
AuCoin	Boggs	Burton (IN)
Barnard	Boland	Bustamante
Bartlett	Boner (TN)	Byron
Barton	Borski	Callahan
Bateman	Bosco	Campbell
Bates	Boucher	Carney
Bedell	Boulter	Carper

Carr	Guarini	Meyers
Chandler	Gunderson	Mica
Chappie	Hall (OH)	Michel
Cheney	Hall, Ralph	Mikulski
Clay	Hall, Sam	Miller (CA)
Clinger	Hamilton	Miller (OH)
Coats	Hammerschmidt	Miller (WA)
Cobey	Hansen	Mineta
Coble	Hartnett	Mitchell
Coelho	Hatcher	Molinari
Coleman (MO)	Hayes	Mollohan
Coleman (TX)	Hefner	Monson
Collins	Heftel	Montgomery
Combest	Hendon	Moody
Conte	Henry	Moore
Cooper	Hertel	Moorhead
Coughlin	Hiler	Morrison (CT)
Courter	Holt	Morrison (WA)
Coyne	Hopkins	Mrazek
Craig	Horton	Murphy
Crane	Howard	Murtha
Crockett	Hoyer	Myers
Daniel	Hubbard	Natcher
Dannemeyer	Huckaby	Neal
Darden	Hughes	Nelson
Daschle	Hunter	Nichols
Daub	Hutto	Nielson
Davis	Hyde	Nowak
de la Garza	Ireland	O'Brien
DeLay	Jacobs	Oakar
Dellums	Jeffords	Oberstar
Derrick	Jenkins	Obey
DeWine	Johnson	Olin
Dickinson	Jones (NC)	Ortiz
Dicks	Jones (OK)	Owens
Dingell	Jones (TN)	Oxley
DioGuardi	Kanjorski	Packard
Dixon	Kaptur	Panetta
Donnelly	Kasich	Parris
Dorgan (ND)	Kastenmeier	Pashayan
Dornan (CA)	Kemp	Pease
Dowdy	Kennelly	Penny
Downey	Kildee	Perkins
Dreier	Kindness	Petri
Duncan	Kleczka	Pickle
Durbin	Kolbe	Porter
Dwyer	Kolter	Price
Dymally	Kostmayer	Pursell
Dyson	Kramer	Quillen
Eckart (OH)	LaFalce	Rahall
Eckert (NY)	Lagomarsino	Rangel
Edgar	Lantos	Ray
Edwards (CA)	Latta	Regula
Edwards (OK)	Leach (IA)	Reid
Emerson	Leath (TX)	Richardson
English	Lehman (FL)	Ridge
Erdreich	Lent	Rinaldo
Evans (IA)	Levin (MI)	Ritter
Evans (IL)	Levine (CA)	Roberts
Fascell	Lewis (CA)	Robinson
Fawell	Lewis (FL)	Roe
Fazio	Lightfoot	Roemer
Feighan	Lipinski	Rogers
Fiedler	Livingston	Rose
Fields	Lloyd	Rostenkowski
Fish	Loeffler	Roth
Flippo	Lott	Roukema
Florio	Lowery (CA)	Rowland (CT)
Foglietta	Lowry (WA)	Rowland (GA)
Foley	Lujan	Roybal
Ford (MI)	Luken	Rudd
Ford (TN)	Lundine	Russo
Fowler	Lungren	Sabo
Frank	Mack	Savage
Franklin	MacKay	Saxton
Frenzel	Madigan	Schaefer
Frost	Manton	Schneider
Fuqua	Markey	Schroeder
Gallo	Marlenee	Schuette
Garcia	Martin (IL)	Schulze
Gaydos	Martin (NY)	Schumer
Gejdenson	Martinez	Seiberling
Gekas	Matsui	Sensenbrenner
Gephardt	Mavroules	Sharp
Gibbons	Mazzoli	Shaw
Gilman	McCain	Shelby
Gingrich	McCandless	Shumway
Glickman	McCollum	Sikorski
Gonzalez	McCurdy	Siljander
Goodling	McDade	Sisisky
Gordon	McEwen	Skeen
Gradison	McGrath	Skelton
Gray (IL)	McHugh	Slattery
Green	McKernan	Slaughter
Gregg	McKinney	Smith (FL)
Grotberg	McMillan	Smith (IA)
Smith (NE)	Swindall	Weiss
Smith (NH)	Synar	Wheat
Smith (NJ)	Tallon	Whitehurst
Smith, Denny	Tauke	Whitley
Smith, Robert	Tauzin	Whittaker
Snowe	Taylor	Whitten
Snyder	Thomas (CA)	Williams
Solarz	Thomas (GA)	Wilson
Solomon	Torres	Wirth
Spence	Towns	Wise
Spratt	Traficant	Wolf
St Germain	Traxler	Wolpe
Staggers	Valentine	Wortley
Stallings	Vento	Wright
Stangeland	Visclosky	Wyden
Stenholm	Volkmer	Wylie
Stokes	Vucanovich	Yates
Strang	Walgren	Yatron
Stratton	Walker	Young (AK)
Stump	Watkins	Young (FL)
Sundquist	Waxman	Young (MO)
Sweeney	Weaver	Zschau
Swift	Weber	

□ 1440

The SPEAKER pro tempore. On this rollcall, 407 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

PROVIDING FOR AGREEING TO H.R. 1096, AFRICAN FAMINE RELIEF AND RECOVERY ACT OF 1985

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I rise in support of House Resolution 92.

I support this rule because it is a fair compromise on two important pieces of legislation approved in both the House and Senate.

What the House is being asked to consider today is a modest proposal for the President. Both the African disaster assistance bill and the Emergency Agriculture Credit Act are urgently needed. But the House is being asked to accept a farm credit bill which has been scaled down by the Senate from what was originally voted upon by the House on February 27.

The Senate version of the farm credit bill authorized $1.85 billion in additional Federal loan guarantees, authorized $100 million to pay for half of the interest writedown by banks participating in the loan guarantee program, and provided for advance crop loans.

The House farm credit bill authorized $3 billion in additional farm credit assistance and authorized advance crop loans, but did not include any subsidy for bank interest buydowns.

This body is engaging in behavior which evades its common tradition. We are willing to take a proposal from the other body without going through painstaking bargaining at the conference committee table. We are doing this because it is absolutely necessary to send a measure to the President without delay, without equivocation, without bickering. Our action is to send him a reasonable bill to help the farmers of this Nation and the disaster victims in Africa.

President Reagan has advised this body, the other body and the American people that it is his intention to veto this bill should we put it on his desk. The President, and OMB's chief budget cutter, David Stockman, tell us that this emergency relief package authorizes excessive increases in Federal spending.

But the same President and OMB budget cutter has asked the Congress and the American people to shell out $313.7 billion for defense buildup, with an increase of defense expenditures of 13 percent.

This is the same President and budget cutter who doesn't think twice about requesting $418 million for 117 questionable Divad antiaircraft guns while putting some 400,000 farmers who need this farm credit assistance in jeopardy of bankruptcy.

This is the same President who is willing to pay $600 for toilet seats while thousands of farmers may have to stand in line at the poorhouse carrying $215 billion in farm-related debt.

This is the same President who is asking Congress and the American people to ante up a multibillion star wars game for the Pentagon involving directed energy antimissile weapons, kinetic energy weapons, strategic defense initiatives, and other foolhardy space weaponry while American farmers will not be able to find the dollars and cents to plant seeds for the spring or crops for the future.

I say to the President, and others in this House will join me, that vetoing this bill will impose an injustice on American farmers, a travesty on the American people and a clear threat to our financial institutions which are now at the brink of credit crisis and financial ruin.

I say to the President that I plan to join my other colleagues in this body to vote to override his veto, should he exercise it so the farmers of this country and, indeed, the entire country, are well aware of the misguided priorities of this administration.

What this issue really comes down to is a matter of basic philosophy. The farmers of this Nation, and as I well know, the farmers of my own 16th Congressional District in Michigan, have believed that swords should be turned into plowshares to feed the people of the world. Apparently, Mr. Reagan embraces a different kind of world view: By vetoing this important legislation he is turning plowshares into swords and missile silos at the expense of those who grow the food of our Nation.

The President should start listening to the farmers of this country—before it's too late.

Mr. LOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Speaker, I rise in strong support of House Resolution 92.

There has been a lot of attention given lately in the national media regarding the farm credit crisis. But I think we are beyond that point. It is no longer just a farm credit crisis, but a crisis of confidence throughout all of rural America.

In recent weeks I have met with Minnesota farmers who no longer discuss rumors about which farmer is going broke. They now share rumors about what rural bank is going under.

Without immediate congressional and administration action and cooperation in providing emergency farm credit relief, we will soon see even more farmers, agricultural lenders, small businesses, and rural laborers being engulfed in an ever-widening circle of misery.

There are numerous differences between the Senate-passed bill we now have before us and H.R. 1035, which was passed by the full House last week. In my opinion, there are probably some shortcomings in both bills.

But they both share the same goal of providing immediate short-term credit relief for hard-pressed farmers. And they both utilize advance Commodity Credit Corporation loans as a means of getting a desperately needed infusion of operating capital in time for spring planting.

I personally had hoped that the President's Debt Adjustment Program would be better received in the country. But without pointing fingers at anyone, the fact of the matter is that as of today there have been relatively few farmers that have benefited under this program.

There are those who emphasize that the budget will not permit a heavy Federal commitment at this time for agricultural credit relief. However, I firmly believe that the fiscal consequences of widespread rural economic distruption and dislocation could completely overwhelm the comparably minor budgetary commitment we are talking about today.

We should consider this relief as an investment—not an outlay—to prevent the ripple effect of countless family farms, small businesses, and rural banks, that will otherwise be lost, from destroying the social and economic fabric of rural America.

This legislation is not the answer. It only offers hard working farm families a little short-term relief and, more importantly, some hope for the future.

I strongly urge my colleagues to support this legislation.

PARLIAMENTARY INQUIRY

Mr. LOTT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LOTT. So that Members will understand what the procedure is at this point, it is my understanding that we do have 12 minutes remaining during which we will have three speakers; and then we will go to a vote on the rule, which also at the same time is a vote on the legislation involved. Is that correct?

The SPEAKER pro tempore. The first vote will be on the previous question, and then on the rule.

Mr. LOTT. I thank the Chair, and I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

□ 1450

Mr. GUNDERSON. Mr. Speaker, less than a week ago, I stood on the House floor urging my colleagues to support H.R. 1035 that would provide short-term credit relief to thousands of farmers across our country who, through no fault of their own, are experiencing collateral and cash-flow problems for the first time in their lives. Many of us on the House Conservation, Credit, and Rural Development Subcommittee worked long and hard to produce this responsible legislation, and it passed the House by the overwhelming margin of 318 to 103.

Regrettably, since then, a number of people have begun to play politics with this issue and the issue of African famine relief—the two most important items on our immediate legislative agenda.

Mr. Speaker, the other body was wrong to add farm credit amendments to their famine relief bill and, then, seek a conference on our famine relief bill which had no similar provisions. We all know that the likely outcome of such a conference would have been the elimination of any farm credit assistance from that bill.

At the same time, Mr. Speaker, two wrongs do not make a right. We ought not simply concur in the amendments of the other body on farm credit when there is a better solution to the farm credit crisis that has already passed the House and there is a more appropriate parliamentary action for us to take.

It would be wrong for us to overlook that more thoughtful solution we carefully crafted into H.R. 1035. But that's exactly what we will do if we vote for House Resolution 92 because the rule provides no separate vote on the substantive provisions of H.R. 1092 on farm credit.

Quite frankly, Mr. Speaker, the purpose of the farm credit shortfalls as quickly as possible. The farm credit amendments of the other body will not achieve that result.

First, the farm credit amendments of the other body provide no qualifying criteria for advance commodity loans. In fact, the other body would permit producers to get those loans even though they already have sufficient operating credit for the 1985 crop year. On the other end of the spectrum, producers for whom the advance crop loan would be insufficient operating credit for 1985 could receive those loans notwithstanding the fact that they do not have enough financing to get that crop out of the ground this fall.

Now, the gentleman from Mississippi [Mr. FRANKLIN] and I introduced language which was included in the committee amendments to H.R. 1035 that would prohibit either of those situations from occurring. Thus, the House-passed bill would provide advance commodity loans only to those producers who still need operating credit this year and who can, in fact, complete the crop-year with such assistance.

Second, the farm credit amendments of the other body, unlike the House-passed H.R. 1035, provide no time limits for publication of regulations governing the issuance of advance commodity loans. This oversight could permit the Department to delay publishing these regulations until after planting season is over at which time an advance commodity loan program would be meaningless.

Finally, the other body also authorizes $100 million for an interest buy down for farmers who meet certain financial criteria. Mr. Speaker, that is simply the wrong way to go on this issue. While it is appropriate for the Government to provide access to credit for producers who cannot get credit elsewhere without a Government guarantee, we ought not be establishing special economic criteria for some farmers that other farmers cannot qualify for.

The simple facts are that there are few banks who will want to get in the business of lending money to some farmers at one rate and other farmers at another rate.

Now, on top of these substantive considerations we find budgetary concerns. It is my understanding that a CBO analysis of the farm credit portion of H.R. 1092 shows that it is $88 million more expensive than the House-passed H.R. 1035 in the first 2 years.

These collective deficiencies have led the administration to state publicly that, in its present form, H.R. 1096 will be vetoed. Such action, even if ultimately overriden, will delay credit relief for many farmers well into the spring planting season. In short, Washington politics will be the last nail in the coffin of many good family farmers.

I guess what bothers me the most about the rule before us is that H.R. 1092 is not the only game in town at this point and we should not be treating it as such—particularly after the time we spent perfecting H.R. 1035 last week.

It seems to me that we would be better to take H.R. 1092 as amended by the other body and agree to their amendments with an amendment. Specifically, we should strike out their farm credit provisions and replace them with the text of H.R. 1035. At that point the other body can agree with our farm credit proposals or seek a conference on the same.

That alternative was presented to the Rules Committee last week by the gentleman from Missouri [Mr. COLEMAN] on behalf of the Republican members of the Agriculture Committee. Regrettably, the Coleman proposal was defeated by a nonrecorded, but party-line vote. Despite that vote, it still remains our best option today to get credit relief to those farmers who need it most in a responsible and timely manner.

Accordingly, I urge my colleagues to defeat the previous question on House Resolution 92 and, in its place, adopt a rule striking the amendments of the other body in favor of the House-passed provisions of H.R. 1035. Our failure to act responsibly at this point could very well mean the end of any meaningful farm credit relief this year.

Mr. LOTT. Mr. Speaker, I yield the balance of my time to our distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

The SPEAKER. The gentleman from Illinois [Mr. MICHEL] is recognized for 5½ minutes.

Mr. MICHEL. Mr. Speaker, I agree with the need for quick action on emergency farm credit legislation, but I really have a serious problem with the procedures that are being employed here today.

The need is there and the urgency is there. The question is not so much what to do, but how to do it.

And again today we seem to be more concerned about harvesting votes rather than harvesting crops.

The purpose of this rule, as I understand it, is to accept the Senate amendments on this farm bill so that we can avoid a conference and send this legislation directly to the President forcing him to do the politically unpopular thing and veto the bill. That, of course, will send the whole matter back here to this body, where those with farm constituencies can rant and rave about how insensitive the administration is to the plight of the farmers on the eve of the planting season.

The alternative, the normal orderly procedure around here, is to go to conference and work out an agreement where some of us can have some input in reshaping the legislation and possibly getting the administration to bend some on the issue.

I did not vote for the original Agriculture Committee approach. I supported the Whitten approach. But here again there can be a harmonizing of differing views on both sides of the aisle.

I suspect that we could work out an agreement and get something on the books more swiftly than if we go through the fruitless exercise of dealing with a Presidential veto.

That would mean getting help to the farmers sooner and that is the very important thing here, because I also suspect there are a lot of banks out there holding off on making credit decisions based on the administration's credit program until the Congress acts on a more lucrative program for them.

The Senate version, which the Rules Committee is so anxious for us to accept, is several billion dollars more costly than the House version. No question about it. And the Senate version does not contain some of the key protections for farmers which the House version contains. It is clearly the worse of two versions.

When the legislation first surfaced in this body, there was a definite spirit, I think, of bipartisan cooperation. I believe the RECORD will show substantial Republican support in this Congress for remedial legislation. But somewhere along the line, confrontation and perceived partisan advantage, took over the process.

Those farmers outside the Capitol waiting to see what we are going to do should not be fooled by the rhetoric they hear on the floor today. They know if they do a sloppy and wasteful job of putting their crops in the ground this spring, they will pay a heavy price in poor yields and more debt next fall. I think the same applies here today.

It we do a sloppy job of drafting this legislation, we will end up strangling those farmers with cumbersome regulations, delays in loan approvals, and a handful of empty promises, which may very well end their careers.

We have the time to do this right, if we are not so concerned about who gets credit for it.

The farmers in my district want help, not hype.

Just last Thursday, Secretary of Agriculture Jack Block testifying before the Committee on the Budget made it clear that the administration already has the full authority to give whatever credit assistance farmers may need now, including advance deficiency payments to assist farmers in spring planting. He further testified that any new legislation would come too late to give any assistance to farmers during this planting season. In addition, he made the point that USDA announced yesterday that there are now over 2,000 extra people working to help process loans for farmers in time for spring planting.

As of March 4, yesterday, only $66 million of USDA's basic operating loan fund of $650 million had been obligated. Given current schedules for planting throughout the country, it is doubtful that much beyond the remaining balance of $583 million from this fund will be obligated.

But the point is the resources of the Department are there, the willingness, the extra people, and I just think we ought to do the normal orderly thing here, go to conference as we have done on most every other piece of legislation, working out our differences, not only the conflicting views here, but in the other body as well and harmonizing those views and getting on with what we ought to do.

I would urge Members to defeat this rule and go to conference and get the job done the way it ought to be done in the normal procedure.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the majority leader, the distinguished gentleman from Texas [Mr. WRIGHT].

The SPEAKER. The gentleman from Texas [Mr. WRIGHT] is recognized for 10 minutes.

□ 1500

Mr. WRIGHT. Mr. Speaker, there is a long tradition in this country of ours. Whenever any part of our big American family faces a dire emergency, the rest of us rally around and lend a helping hand. That is what makes us a nation. That is America.

When a disaster strikes a community, we give emergency loans and loan guarantees to help businesses and families rehabilitate themselves.

About 10 years ago, when New York City was on the brink of financial collapse, the President at that time wanted to do nothing. But Congress extended the helping hand of the Nation. Emergency loans and loan guarantees permitted New York City to recover. It revived, repaid the loans in full. The Treasury and the taxpayers lost nothing at all.

A few years later, when Chrysler was in danger of drowning in a sea of debt and leaving hundreds of thousands of American workers beached and jobless, Congress threw out the lifeline. Chrysler recovered, repaid the debt, and together we saved a great American industry.

In both of those cases, there were those of little faith, little hope and charity, both inside Congress and out, who said, "Let them go down the drain." Thank God Congress did not respond to those defeatist, shortsighted counsels of despair. We responded

in the time-honored American tradition.

What we are asking today is exactly the same thing we did for those cases. We did not send a handout. We sent them a hand up. And that is what we are asking for the American family farmer today.

We propose exactly the same device, a loan guarantee. What is that? That is the symbol of our faith in them as human beings and of our desire to see them survive.

Buffeted by a series of blows, America's agricultural communities are reeling on the very brink of disaster. Last year there were more farm foreclosures than there have been in any year since the Great Depression. Today, with spring planting season already upon us, one-third of American farmers still have not been able to arrange financing for this year's crop. More than 400,000 family farms are on the verge of bankruptcy.

The small-town locally owned banks in their communities do not want to foreclose, but they, too, are stretched to the breaking point. Last year there were more bank failures in America than in any year since the 1930's.

What is at stake is the whole fabric of rural America, the system of family farming which has made us the best-fed Nation on Earth. All Americans are its beneficiaries. We spend less of our disposable income for food than the people of any other nation. All this is at stake in this vote today. Immediate action is imperative if the family farmers are to be saved. This bill is the only lifeboat in sight.

We ask no more for America's farmers than America has willingly done for other segments of our society, for our airlines, railroads, for Appalachia, for the Tennessee Valley, for New York City, for Penn Central, for Lockheed, for Chrysler and, yes, for the Continental Illinois Bank. Those advisors of little faith who quaver at the prospect of $3 billion in loan guarantees for America's family farms did not blink an eye when the President unilaterally exposed much more of the Nation's good faith and credit to bail out one big bank.

Now, I do not criticize him for that. But, Mr. Speaker, I am insisting that the 500 and more rural, locally owned banks in the agricultural communities of America, which also the farm credit crisis threatens with extinction, are every bit as important to their depositors as the Continental Bank was to those who do business with that bank. They are as vital to America's survival. I am insisting that if we turn our backs on America's family farms in this their hour of crisis, to some small degree at least America will have ceased to be what is always was and what in the providence of God I hope it may forever remain.

Mr. FROST. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 185, not voting 8, as follows:

[Roll No. 26]

YEAS—239

Ackerman	Foley	Moody
Addabbo	Ford (MI)	Morrison (CT)
Akaka	Ford (TN)	Murphy
Alexander	Fowler	Murtha
Anderson	Frank	Natcher
Andrews	Frost	Neal
Annunzio	Fuqua	Nelson
Anthony	Garcia	Nichols
Applegate	Gaydos	Nowak
Aspin	Gejdenson	Oakar
Atkins	Gephardt	Oberstar
AuCoin	Gibbons	Obey
Barnard	Glickman	Olin
Barnes	Gonzalez	Ortiz
Bedell	Gordon	Owens
Beilenson	Gray (IL)	Panetta
Bennett	Gray (PA)	Pease
Berman	Guarini	Penny
Bevill	Hall (OH)	Perkins
Biaggi	Hall, Ralph	Pickle
Boggs	Hall, Sam	Price
Boland	Hamilton	Rahall
Boner (TN)	Hatcher	Rangel
Bonior (MI)	Hawkins	Ray
Borski	Hayes	Reid
Bosco	Hefner	Richardson
Boucher	Heftel	Robinson
Boxer	Hertel	Roe
Breaux	Howard	Rose
Brooks	Hoyer	Rostenkowski
Brown (CA)	Hubbard	Rowland (GA)
Bruce	Huckaby	Roybal
Bryant	Hutto	Russo
Burton (CA)	Jacobs	Sabo
Bustamante	Jenkins	Savage
Byron	Jones (NC)	Scheuer
Carr	Jones (OK)	Schumer
Chappell	Jones (TN)	Seiberling
Clay	Kanjorski	Sharp
Coelho	Kaptur	Shelby
Coleman (TX)	Kastenmeier	Sikorski
Collins	Kennelly	Sisisky
Conyers	Kildee	Skelton
Cooper	Kleczka	Slattery
Coyne	Kolter	Smith (FL)
Crockett	Kostmayer	Smith (IA)
Daniel	LaFalce	Solarz
Darden	Lantos	Spratt
Daschle	Leach (IA)	St Germain
de la Garza	Leath (TX)	Staggers
Dellums	Lehman (FL)	Stallings
Dicks	Leland	Stangeland
Dingell	Levin (MI)	Stark
Dixon	Levine (CA)	Stenholm
Donnelly	Lipinski	Stokes
Dorgan (ND)	Lloyd	Stratton
Dowdy	Lowry (WA)	Studds
Downey	Luken	Swift
Durbin	Lundine	Synar
Dwyer	MacKay	Tallon
Dymally	Manton	Tauzin
Dyson	Markey	Thomas (GA)
Early	Martinez	Torres
Eckart (OH)	Matsui	Torricelli
Edgar	Mavroules	Towns
Edwards (CA)	McCurdy	Traficant
English	McHugh	Traxler
Evans (IL)	Mica	Udall
Fascell	Mikulski	Valentine
Fazio	Miller (CA)	Vento
Feighan	Mineta	Visclosky
Flippo	Mitchell	Volkmer
Florio	Mollohan	Walgren
Foglietta	Montgomery	Watkins
Waxman	Whitten	Wright
Weaver	Williams	Wyden
Weber	Wilson	Yates
Weiss	Wirth	Yatron
Wheat	Wise	Young (MO)
Whitley	Wolpe	

NAYS—185

Archer	Green	Nielson
Armey	Gregg	O'Brien
Badham	Grotberg	Oxley
Bartlett	Gunderson	Packard
Barton	Hammerschmidt	Parris
Bateman	Hansen	Pashayan
Bates	Hartnett	Petri
Bentley	Hendon	Porter
Bereuter	Henry	Pursell
Bilirakis	Hiler	Quillen
Bliley	Holt	Regula
Boehlert	Hopkins	Ridge
Boulter	Horton	Rinaldo
Broomfield	Hughes	Ritter
Brown (CO)	Hunter	Roberts
Broyhill	Hyde	Roemer
Burton (IN)	Ireland	Rogers
Callahan	Jeffords	Roth
Campbell	Johnson	Roukema
Carney	Kasich	Rowland (CT)
Carper	Kemp	Rudd
Chandler	Kindness	Saxton
Chappie	Kolbe	Schaefer
Cheney	Kramer	Schneider
Clinger	Lagomarsino	Schroeder
Coats	Latta	Schuette
Cobey	Lent	Schulze
Coble	Lewis (CA)	Sensenbrenner
Coleman (MO)	Lewis (FL)	Shaw
Combest	Lightfoot	Shumway
Conte	Livingston	Shuster
Coughlin	Loeffler	Siljander
Courter	Lott	Skeen
Craig	Lowery (CA)	Slaughter
Crane	Lujan	Smith (NE)
Dannemeyer	Lungren	Smith (NH)
Daub	Mack	Smith (NJ)
Davis	Madigan	Smith, Denny
DeLay	Marlenee	Smith, Robert
DeWine	Martin (IL)	Snowe
Dickinson	Martin (NY)	Snyder
DioGuardi	Mazzoli	Solomon
Dornan (CA)	McCain	Spence
Dreier	McCandless	Strang
Duncan	McCollum	Stump
Eckert (NY)	McDade	Sundquist
Edwards (OK)	McEwen	Sweeney
Emerson	McGrath	Swindall
Erdreich	McKernan	Tauke
Evans (IA)	McKinney	Taylor
Fawell	McMillan	Thomas (CA)
Fiedler	Meyers	Vucanovich
Fields	Michel	Walker
Fish	Miller (OH)	Whitehurst
Franklin	Miller (WA)	Whittaker
Frenzel	Molinari	Wolf
Gallo	Monson	Wortley
Gekas	Moore	Wylie
Gilman	Moorhead	Young (AK)
Gingrich	Morrison (WA)	Young (FL)
Goodling	Mrazek	Zschau
Gradison	Myers	

NOT VOTING—8

Bonker	Lehman (CA)	Rodino
Derrick	Moakley	Vander Jagt
Hillis	Pepper	

□ 1520

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 168, not voting 9, as follows:

[Roll No. 27]

YEAS—255

Ackerman	Frost	Panetta
Addabbo	Fuqua	Parris
Akaka	Garcia	Penny
Alexander	Gaydos	Perkins
Anderson	Gejdenson	Petri
Andrews	Gephardt	Pickle
Annunzio	Gibbons	Price
Anthony	Gilman	Rahall
Applegate	Glickman	Rangel
Aspin	Gonzalez	Ray
Atkins	Gordon	Reid
Barnard	Gray (IL)	Richardson
Barnes	Gray (PA)	Roberts
Bedell	Guarini	Robinson
Bennett	Hall, Ralph	Roe
Bentley	Hall, Sam	Rose
Bereuter	Hamilton	Rostenkowski
Berman	Hatcher	Roth
Bevill	Hawkins	Rowland (GA)
Biaggi	Hayes	Roybal
Boehlert	Hefner	Russo
Boggs	Heftel	Sabo
Boland	Hendon	Savage
Boner (TN)	Hertel	Scheuer
Bonior (MI)	Horton	Schroeder
Borski	Howard	Schuette
Boucher	Hoyer	Schumer
Boxer	Hubbard	Seiberling
Breaux	Huckaby	Sharp
Brooks	Hutto	Shelby
Brown (CA)	Jacobs	Sikorski
Bruce	Jeffords	Siljander
Bryant	Jenkins	Sisisky
Burton (CA)	Jones (NC)	Skelton
Bustamante	Jones (OK)	Slattery
Byron	Jones (TN)	Smith (FL)
Carr	Kanjorski	Smith (IA)
Chappell	Kaptur	Smith (NE)
Clay	Kastenmeier	Solarz
Coelho	Kennelly	Spratt
Coleman (MO)	Kildee	St Germain
Coleman (TX)	Kleczka	Staggers
Collins	Kolter	Stallings
Conyers	Kostmayer	Stangeland
Cooper	LaFalce	Stark
Coyne	Lantos	Stenholm
Crockett	Leach (IA)	Stokes
Darden	Leath (TX)	Stratton
Daschle	Lehman (FL)	Studds
Daub	Leland	Sweeney
Davis	Levin (MI)	Synar
de la Garza	Levine (CA)	Tallon
Dellums	Lightfoot	Tauke
Derrick	Lloyd	Tauzin
Dicks	Lowry (WA)	Thomas (CA)
Dingell	Lundine	Thomas (GA)
Dixon	MacKay	Torres
Donnelly	Manton	Torricelli
Dorgan (ND)	Marlenee	Towns
Dowdy	Martinez	Traficant
Downey	Matsui	Traxler
Durbin	Mavroules	Udall
Dwyer	McCurdy	Valentine
Dymally	McDade	Vento
Dyson	McHugh	Visclosky
Early	Mica	Volkmer
Eckart (OH)	Mikulski	Walgren
Edgar	Miller (CA)	Watkins
Edwards (CA)	Mineta	Waxman
Edwards (OK)	Mitchell	Weaver
Emerson	Mollohan	Weber
English	Montgomery	Weiss
Evans (IA)	Moody	Wheat
Evans (IL)	Moore	Whitley
Fascell	Murphy	Whitten
Fazio	Murtha	Williams
Feighan	Natcher	Wilson
Flippo	Neal	Wirth
Florio	Nichols	Wise
Foglietta	Nowak	Wolpe
Foley	Oakar	Wright
Ford (MI)	Oberstar	Wyden
Ford (TN)	Obey	Yates
Fowler	Ortiz	Yatron
Frank	Owens	Young (MO)

NAYS—168

Archer	Armey	AuCoin
Badham	Grotberg	Mrazek
Bartlett	Gunderson	Myers
Barton	Hall (OH)	Nelson
Bateman	Hammerschmidt	Nielson
Bates	Hansen	O'Brien
Beilenson	Hartnett	Olin
Bilirakis	Henry	Oxley
Bliley	Hiler	Packard
Bosco	Holt	Pashayan
Boulter	Hopkins	Pease
Broomfield	Hughes	Porter
Brown (CO)	Hunter	Pursell
Broyhill	Hyde	Quillen
Burton (IN)	Ireland	Regula
Callahan	Johnson	Ridge
Campbell	Kasich	Rinaldo
Carney	Kemp	Ritter
Carper	Kindness	Roemer
Chandler	Kolbe	Rogers
Chappie	Kramer	Roukema
Cheney	Lagomarsino	Rowland (CT)
Clinger	Latta	Rudd
Coats	Lent	Saxton
Cobey	Lewis (CA)	Schaefer
Coble	Lewis (FL)	Schneider
Combest	Lipinski	Schulze
Conte	Livingston	Sensenbrenner
Coughlin	Loeffler	Shaw
Courter	Lott	Shumway
Craig	Lowery (CA)	Shuster
Crane	Lujan	Skeen
Daniel	Luken	Slaughter
Dannemeyer	Lungren	Smith (NH)
DeLay	Mack	Smith (NJ)
DeWine	Madigan	Smith, Denny
Dickinson	Martin (IL)	Smith, Robert
DioGuardi	Martin (NY)	Snowe
Dornan (CA)	Mazzoli	Snyder
Dreier	McCain	Solomon
Duncan	McCandless	Spence
Eckert (NY)	McCollum	Strang
Erdreich	McEwen	Stump
Fawell	McGrath	Sundquist
Fiedler	McKernan	Swindall
Fields	McKinney	Taylor
Fish	McMillan	Vucanovich
Franklin	Meyers	Walker
Frenzel	Michel	Whitehurst
Gallo	Miller (OH)	Whittaker
Gekas	Miller (WA)	Wolf
Gingrich	Molinari	Wortley
Goodling	Monson	Wylie
Gradison	Moorhead	Young (AK)
Green	Morrison (CT)	Young (FL)
Gregg	Morrison (WA)	Zschau

NOT VOTING—9

Bonker	Markey	Rodino
Hillis	Moakley	Swift
Lehman (CA)	Pepper	Vander Jagt

□ 1530

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 92, the Senate amendment to H.R. 1096 is agreed to.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 236

Mr. WHITEHURST. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 236.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CONGRESSIONAL AND JUDICIAL EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1985

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MARTIN of Illinois. Mr. Speaker, on January 24 I introduced the Congressional and Judicial Equal Employment Opportunity Act of 1985, a bill which will amend Title VII of the 1964 Civil Rights Act to protect employees in the legislative and judicial branches of the Federal Government from employment discrimination.

As you know, this body has passed numerous antidiscrimination laws which the rest of American employers are expected to live by. But when it came to applying these same laws to itself, Congress zeal vanished. Many of us agree that it's high time that employers such as the Congress and the Supreme Court of the United States become "equal opportunity employers." As the makers and interpreters of laws for our Nation, we should be providing an example, and not—as a recent St. Louis Globe-Democrat editorial put it—"hiding behind legal cloaks to avoid [the] responsibility" of treating our employees fairly and equally.

I am pleased to report that this bill has already gained 44 sponsors from both sides of the aisle, as well as endorsements from a number of national organizations and newspapers from different regions. I believe this bill provides a carefully balanced solution to the political and constitutional problems with previous legislation on this subject. So I urge my colleagues who have not already endorsed this proposal to join us in guaranteeing fair employment practices to our own employees. As the Congress of the United States, it's the least we can do.

Mr. Speaker, I insert at this point in the RECORD six editorials endorsing this proposal.

[From the St. Louis Globe-Democrat, Jan. 30, 1985]

CONGRESS, THE "LAST PLANTATION"

The way Congress feels about anti-discrimination laws is like the parent who says to a child, "Do as I say, not as I do."

Over the years, Congress has carefully exempted itself (and the federal courts) from much of the federal legislation regarding employment practices. Congress is free to discriminate against blacks, women and the handicapped, and to pay women less than men for performing the same work. Most Congressional employees can't demand the minimum wage or bargain collectively. Nor can they go into court for relief against age discrimination, unfair labor practices or unsafe or unhealthy working conditions.

Congress, it has been said, is "the last plantation."

There is some constitutional underpinning for Capitol Hill's backwardness on employment rights. Article I, Section 6 of the Con-

stitution states that "for any speech or debate in either house," members of Congress "shall not be questioned in any other place." Federal courts have construed this clause to shield lawmakers from lawsuits or criminal charges pertaining to their legislative duties, which have been broadly defined.

More generally, it is argued that for Congress or the federal courts to try to regulate each other's employment practices would violate the fundamental separation of powers established by the Constitution.

But these arguments avoid the heart of the matter, which is that members of Congress have an obligation to set a good example for the rest of the country on treating employees fairly and equally, rather than hiding behind legal cloaks to avoid this responsibility.

Although both the House and Senate have internal rules prohibiting job discrimination, there is evidence that the "last plantation" charge may be more than a catchy phrase. Most service personnel in Congress are black, while most professional workers are white. And a 1984 survey of House committee jobs showed that 81 percent of committee staffers earning under $20,000 were women, while 75 percent of those earning more than $40,000 were men.

In a couple of recent lawsuits, lower federal courts have shown receptivity to the argument that some Capitol Hill jobs, such as management of the House restaurant, "are too remote from the business of legislating" to qualify for immunity from discrimination claims under the Speech and Debate Clause.

Rep. Lynn Martin, R-Ill., last week introduced a bill designed to protect nearly 30,000 congressional employees and almost 17,000 judicial workers from job discrimination (other than, in the case of congressional staffers, for political affiliation and residence). Among other things, it would revamp the existing grievance systems—under which discrimination complaints are adjudicated in-house—to permit employees to seek redress from a board composed of retired federal judges.

Don't hold your breath waiting for the winds of emancipation to blow through the marbled halls, however.

[From the Washington Post, Jan 27, 1985]

WHEN CONGRESS DISCRIMINATES

Twenty House members joined Rep. Lynn Martin (R-Ill.) last week in sponsoring legislation to fight employment discrimination on the Hill. The proposal grew from a study, "Women in American Society," published by the House Wednesday Group, an organization of moderate and liberal Republican legislators. Democrats are among the cosponsors. Rep. Patricia Schroeder (D-Colo.), who has offered similar legislation since 1978, is expected to reintroduce her bill soon.

There is need for legislation because of the grating fact that our major civil rights laws—and some labor and worker protection laws as well—do not apply to Congress or to the federal courts. Lawmakers and judges are not under the same obligation as private employers, state and local governments and executive branch to hire employees without regard to race, religion, national origin, sex, age and handicap. As a result, Reps. Martin and Schroeder allege, there is widespread discrimination on the Hill where most of the service workers are black and the professional workers white, and where women, on average, earn far less than men.

Those who would reform present practices, however, face two difficulties. A legislator must be free to hire aides who share his political beliefs and special concern for his home district. A new law must allow some exceptions for staff who work closely with a member of political and legislative matters, and Rep. Martin's bill does this. Then, the method of enforcement must preserve the separation of powers so that courts do not have extensive power over legislators and lawmakers are not coercing judges.

House and Senate rules already prohibit employment discrimination, but the only way an employee can enforce rights is by complaint to the ethics committees. Both the Martin and the Schroeder bills would put teeth into these rules by creating outside panels to hear complaints. Rep. Martin would use retired U.S. Court of Appeals judges—chosen by congressional leaders—who would hear employment cases and determine what relief to grant. Rep. Schroeder would create a review board with members drawn from the private sector who would report their recommendations back to the House.

It comes as no surprise that this is not the most popular issue before Congress. But those who have taken it on, on behalf of 30,000 legislative branch employees and 17,000 workers in the judiciary, deserve support.

[From the Dallas Times Herald, February 3, 1985]

EQUALITY ON CAPITOL HILL

U.S. Rep. Lynn Martin thinks it is hypocritical for Congress to pass laws banning job discrimination and then exclude its own employees from protection, and we think she makes an excellent point. The Illinois Republican has introduced a bill that would give the 30,000 employees of the legislative branch, as well as the 17,000 judicial-branch employees, the right to file complaints when they believe they have been discriminated against, and we urge Congress to give the bill its full support.

According to a 1984 survey conducted by Rep. Martin's office, 75 percent of top congressional committee staff members earning more than $40,000 a year were men, while 81 percent of committee staff members earning less than $20,000 were women. Moreover, an earlier study by the bipartisan Capitol Hill Women's Political Caucus determined that only about 15 percent of female congressional employees had policy-making jobs while nearly half of the male staff members filled such top positions.

Clearly, it is unacceptable for a legislative body that has passed laws prohibiting discrimination in the private sector and the federal executive branch to exempt itself from a similar standard. Rep. Martin's legislation would amend Title VII of the Civil Rights Act of 1964 to include legislative and judicial branch employees and job applicants, and it would prohibit discrimination on the basis of race, color, religion, national origin, sex, age or physical handicap. Under the measure, an employee or applicant who believed he or she was discrimated against could file a complaint.

That it has taken two decades since the Civil Rights Act was passed for Congress to admit that something is wrong with its own employment practices is regrettable. Rep. Martin makes a compelling point that when it comes to equality, members of Congress and the federal judiciary must not hold themselves above the law.

[From the Chicago Sun Times, Jan. 25, 1985]

REFORM AT THE TOP

Former Treasury Secretary John B. Connally used to win a big round of applause when he'd urge that congressmen be forced to live under the same laws they imposed on everyone else. His point was that the lawmakers lived in isolation in Washington, immune from the impact of the myriad regulations and guidelines affecting the rest of the population.

There was, and is more than a grain of truth to Connally's observation. Now Rep. Lynn Martin (R-Ill.) wants to help correct the situation. She has introduced a bill to require members of the Senate, House and the U.S. court system to obey equal-opportunity laws. That would mean that the personal staffs of federal legislators and judges would be protected by laws prohibiting discrimination against women, racial and ethnic groups, and older workers.

Martin has plenty of ammunition demonstrating the need for such coverage. She cites a study of the 15,600 men and women who work for Congress showing that men occupy most of the high-paying jobs. Last year, 81 percent of committee staff members earning under $20,000 a year were women, while 75 percent of those earning more than $40,000 were men.

Another study showed that most service workers on Capitol Hill are black, while most professional employees are white.

Under current procedure, with House and Senate rules giving lip service to the equal-opportunity laws, employees can carry their grievances to the ethics committee of each chamber.

But, Martin says, this procedure is not effective because of the traditional reluctance of members of Congress to interfere in the internal staff problems of their colleagues. Her legislation would set up a grievance procedure administered by senior federal judges not in active service.

Martin, as the third-ranking Republican in the House, can draw on her special prestige to push the bill. It certainly is an idea whose time has come.

[From the Dallas Morning News, Jan. 26, 1985]

THE DOUBLE STANDARD

Over the years, while Congress was noisily passing anti-discrimination laws for the private sector, it quietly made sure its own employees were not covered.

As a result, inside critics refer to Capitol Hill as "the last plantation"—a workplace where employees are not protected by civil rights, labor, health and safety statutes.

For example, a survey last year showed that 81 percent of the staff members earning less than $20,000 were women, while 75 percent of the top congressional staff members earning more than $40,000 were men.

Efforts are being renewed this year to amend Title VII of the Civil Rights Act of 1964 to include 30,000 workers in the legislative branch of government as well as 17,000 staffers in the judicial branch. Under the new proposal any employee or applicant could file a discrimination complaint with an employment review board.

In the past, many Congress members have dodged reform by saying it would jeopardize their right to hire staff members who share their political views and understand district concerns. The new proposal by Rep. Lynn Martin, R.-Ill., has been drafted to ensure

that members can take political affiliation and district problems into consideration in hiring.

The time is long overdue for our elected leaders to get their own house—and Senate and other Capitol Hill offices—in order. As Rep. Martin pointed out, "Congress should look at itself. Nothing is more offensive to most humans than the holier-than-thou attitude."

[From the Moline Daily Dispatch, Jan. 25, 1985]

MARTIN KEEPS TRYING

Lynn Martin sits in Congress as the representative to the district just north of the Quad-Cities, which doesn't put her nearly so far north as a lot of her colleagues would like to see her. Some of them probably would prefer to see her sitting on an ice floe in the Arctic Ocean, or some place even farther north.

Martin, you see, keeps reminding everyone about a couple of problems Congress would sooner forget. And her's is no still, small voice of conscience—she can be heard from one end of the country to the other as she talks about the hypocritical manner in which various anti-discrimination laws are applied.

Not applied, actually.

Congress exempted itself from the rules that apply to nearly everyone else in the country when it comes to hiring, firing and paying employees.

The result has been that the 30,000-strong Congressional workforce appears to be shot through and through with racial and sexual discrimination. Several surveys show blacks are under-represented overall, and women are under-represented in high-paying, policy-making jobs.

A survey Martin conducted, for example, showed that 75 percent of congressional staffers making more than $40,000 a year are men; 80 percent of staffers making less than $20,000 are women.

Martin this week re-introduced legislation that would bring congressional employees (and judicial branch workers) under the protection of the Civil Rights Act of 1964. She said she hopes to have bi-partisan support in her newest effort to "find a way that Congress won't continue being exempt from the law of the land." As things stand, she said, "We just look phony."

The outlook isn't rosy, given the short life and unhappy times of previous efforts to make Congress abide by the laws with which it blesses the remainder of the nation. Martin's latest push is nonetheless welcome, and deserves support.

CIVIL RIGHTS LAWS AND THE U.S. CONSTITUTION ARE NOT COLOR BLIND

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SENSENBRENNER. Mr. Speaker, recently the appointees of the Speaker of the House and the minority leader of the Senate to the U.S. Commission on Civil Rights made the suggestion that the U.S. Constitution and our civil rights laws do not apply to all Americans.

In a supplementary statement filed to a Civil Rights Commission report on the Stotts case, Commissioners Mary Frances Berry and Blandina Cardenas Ramirez states, and I quote:

Civil rights laws were not passed to give civil rights protection to all Americans, as the majority of this Commission seems to believe. Instead, they were passed out of a recognition that some Americans already had protection because they belonged to a favored group; and others, including Blacks, Hispanics, and women of all races, did not because they belonged to disfavored groups * * *.

Mr. Speaker, it is a sad day in this country's history when two Commissioners who have been closely associated with the civil rights movement make the argument that the civil rights laws, and the U.S. Constitution are not, and I emphasize not, color-blind.

The 13th, 14th, and 15th amendments, which are the linchpins of our civil rights laws, speak in terms of citizens. They make no distinction on the basis of color.

Even the Washington Post, which has for years supported the civil rights movement, blanched at this statement, and stated:

* * * The 14th Amendment mentions no special groups. The civil rights statutes repeatedly use phases such as "No citizen may be denied" and "Every individual has a right * * *."

Civil rights leaders for 120 years have sought to guarantee equal treatment for all citizens, not special rights for some only * * *.

Mr. Speaker, I would hope that these Commissioners would reconsider their opinion, and I submit herewith the Washington Post editoral for insertion in the CONGRESSIONAL RECORD, following my remarks:

CIVIL RIGHTS FOR SOME ONLY?

Are civil rights laws something special that protect only minorities, women and the handicapped? That's what two members of the U.S. Commission on Civil Rights appear to be saying in a dissent filed with a commission study on affirmative action. Here's their exact language: "Civil rights laws were not passed to give civil rights protection to all Americans, as the majority of this commission seems to believe. Instead, they were passed out of a recognition that some Americans already had protection because they belonged to a favored group; and others, including blacks, Hispanics, and women of all races, did not because they belonged to disfavored groups."

The authors of this statement, commissioners Mary Frances Berry and Blandina Cardenas Ramirez, assure us that they meant only to identify the impetus behind passage of the great civil rights laws of the '60s. Certainly, these were adopted because some Americans were not being accorded the rights to which all are entitled. The laws were designed to provide remedies for these conditions so that every individual would be treated equally before the law. And the 14th Amendment, commonly understood to be the foundation of civil rights legislation, was adopted just after the Civil War, at a time when the rights of newly emancipated slaves were unclear. We can all agree on the historical accuracy of these facts.

This is not to say, however, that these constitutional provisions and laws do no apply to all Americans. The 14th Amendment mentions no special groups. The statutes repeatedly use phrases such as "No citizen may be denied" and "Every individual has a right." Certainly white males can invoke civil rights laws. One recently and successfully fought his exclusion from a Mississippi nursing school by invoking Title VII. Others charged racial discrimination when they were laid off in order to preserve the jobs of minority coworkers.

Civil rights leaders for 120 years have sought to guarantee equal treatment for all citizens, not special rights for some only. For a time, public attention has properly been given to the needs of some groups because they have suffered discrimination for so long. But this does not diminish, and should not infringe upon, the rights guaranteed to others. It demeans the statutes at issue to regard them as mere compensatory laws or programs for preferential treatment. They are the affirmation of fundamental rights and values shared by all Americans and belonging to each.

□ 1220

COMMENDING THE LITTLE ROCK JOB CORPS CENTER

(Mr. ROBINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBINSON. Mr. Speaker, I would like to take this opportunity to commend the Little Rock Job Corps Center. Since opening on June 17, 1981, it has served over 1,300 youth. Because many of these youths are high school dropouts, they are enrolled in one of the center's six vocational classes and academic courses which are provided simultaneously until the student obtains his or her GED.

The six vocational offerings are office occupations, culinary arts, building maintenance, electronic assembly, small engine and appliance repair and health occupations.

The Little Rock Jobs Corps emphasizes training the whole person and has done an excellent job with a placement rate of over 93 percent.

Our youth are the future of America and the Little Rock Jobs Corps Center is helping prepare the young people in their programs to become productive citizens.

I add for my colleagues' consideration a 2-page fact sheet, and I hope you will consider this as we deliberate the Job Corps Program. The factsheet follows:

FACTSHEET CONCERNING JOB CORPS

Job Corps enrollees are both female and male, 16 to 21 years of age; are unemployed, unskilled and nonfunctional readers. 90 percent of all enrollees are high school dropouts with an average educational reading level of 6th grade or less.

Over one million youth drop out of school every year. Job Corps services the maximum

80,000 students per year (40,544) slots). The U.S. really needs an expanded Job Corps, not less slots.

Job Corps has long opened its doors to international enrollees who need extensive remedial education, cultural training and career training.

Hundreds of foster children have no other alternative than enroll in the Job Corps Program when States release them at age 17 or 18.

40 percent of all U.S. unemployed are 16 to 24 years old. Youth unemployment is expected to rise, because the percentage of disadvantaged and minority youth is rising as a percent of the total population.

Job Corps has proven to be the most successful program in raising reading levels. Gordon Berlin of Ford Foundation says, "The Job Corps' individually based competency education has raised reading levels by 1.5 grades for every 90 hours of instruction."

Evelyn Ganzlass, National Governor's Association says, "Studies show the most disadvantaged tend to make the greatest improvements when given basic reading instruction in programs like Job Corps."

The key to Job Corps' education success is the fact that it combines corrective feedback with learning, organized sequentially in bite-sized pieces that can be absorbed at the student's own pace.

Most Job Corps enrollees need a controlled residential setting with extensive counseling and a separation from high levels of delinquency, broken homes and undesirable peer influences in order to become a productive, employable citizen.

Job Corps provides three meals per day, homelike residential setting, medical care, competitive avocation and learning environments.

Job Corps trains the whole person, not only job skills. The Program teaches family training, social and job responsibilities. Most employers feel the latter is absolutely vital to job placement and retention.

Many graduates receive their high school or GED (high school equivalency) degree while in Job Corps. Some go on to college and graduate successfully.

A large percentage of Job Corps graduates go into the U.S. military year after year. Most would not have been acceptable without their Job Corps training.

Many Job Corps graduates now successfully operate their own businesses.

Job Corps graduates actually make money for the government since average repayment in taxes is at least 145 percent of investment. The amount of money that turns up in the national economy each year for each dollar invested in Job Corps in the previous year is $1.45.

During Fiscal Year 1983 (September 1, 1982 to August 31, 1983), Job Corps placed 50 percent of all enrollees in jobs and an additional 25 percent to further education.

The average length of stay for Job Corps students is presently 7.8 months.

The average cost to train a student is $8,620 for 7.8 months at a Job Corps center.

United States prisons/correctional institutions are overcrowded and cost the taxpayers an average yearly cost of over $21,000 per inmate. In most cases the inmates are illiterate. Job Corps helps stamp out illiteracy.

A Job Corps graduate or enrollee is much less likely to commit a crime than the average national citizen aged 16–21. Job Corps certainly reduces significantly the youth of our nation being incarcerated and using drugs. (Study by Mathematica Policy Research, Inc.)

J.T.P.A. average cost is $5,900 each, but provides only skills training and serves mostly high school graduates. J.T.P.A. normally does not provide remedial education and social skills training and never provides medical and dental care or the vital residential component found in Job Corps.

Job Corps needs to update present training equipment and to provide new equipment needed to teach the new advance careers where job opportunity abounds. Job Corps budgets have been inadequate for the last few years (operational and capital budgets).

Many Job Corps facilities are in vital need of rehabilitation, and this condition negatively affects quality of achievement of corps members.

Job Corps programs are closely audited financially and programatically.

HARDEN AND WEAVER'S 25TH ANNIVERSARY ON WMAL RADIO

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, in a town where administrations change, Congressmen come and go and policies vary with politics, one institution remains unchanged. The Frank Harden and Jackson Weaver program of radio station WMAL-AM has been the top-rated Washington radio show in that time slot since Arbitron began surveying the market in 1965.

On Thursday, March 7, 1985, WMAL will celebrate the 25th anniversary of the Harden and Weaver morning team that has launched our mornings since 1960. I bring this occasion to the attention of my colleagues because these two good will ambassadors have set an example of community spirit and cooperation for the entire Nation to follow.

They are especially active in fundraising for the Children's Hospital National Medical Center, bringing in more than $4 million in donations for that facility to date, with the proceeds from their annual golf tournament and other events. They have been recognized by countless civic and professional associations for their charity and community involvement, including the Washingtonian magazine which named them "Washingtonians of the Year" in 1975.

I can speak from personal experience of their help when the Claude Moore Colonial Farm at Turkey Run in McLean was faced with closing in 1981 due to budget cuts. Harden and Weaver helped me raise funds to keep the farm operating much to the delight and benefit of northern Virginia's citizens and schoolchildren. On behalf of northern Virginia, I want to say thank you, Harden and Weaver, for making our world a better place in which to live.

Frank Harden's engaging sense of humor and Jackson Weaver's legendary ad libs combine to produce a show that's as unpredictable as Washington's weather. But the Harden and Weaver show has a serious side as well, providing listeners with the news and information they need every day, from community bulletins to school closings.

The team of Harden and Weaver comes complete with a cast of imaginary characters like the senator, the lady with the high spirited voice, Dr. Thorndike Willoughby, Dr. Lucifer Headcold, Larry, the orchestra conductor, and Bosco Osgood, the roving reporter who is always in the wrong place at the right time. These people help us laugh at ourselves which is quite an accomplishment in a town that often takes itself a bit too seriously.

Although they weren't officially a team until 1960, Harden and Weaver have each worked at WMAL for more than 30 years. Jackson Weaver began his career at WMAL in 1943 after working for stations in Erie, Youngstown, Niagara Falls, and in his hometown of Buffalo. His fame extends beyond the Washington area, however, with his voice familiar to millions of Americans as that of the National Fire Prevention symbol, Smokey the Bear. Frank Harden has been a WMAL staff member since 1947. He is a native of Macon, GA, who worked at stations in Savannah, Atlanta, and Denver before making his home in Washington, DC.

Harden and Weaver were first approached by WMAL management to work as a team in 1950. Their "Frank and Jackson Show" began as a 45-minute afternoon program with a "Bob and Ray" flavor. Soon after their debut as a team, Harden and Weaver visited New York and convinced ABC to put their show on the broadcasting company's "Blue" network. Their show aired on the ABC Blue network for 15 minutes, three times a week until 1953.

Between 1953 and 1960, Harden and Weaver did not work together regularly as a team. Both men continued to work for the WMAL Radio/TV operation, and for ABC radio. Frank Harden was an announcer for network radio shows, including "The Lone Ranger" and "The Edward Pm Morgan Show." Jackson Weaver worked primarily as an on-camera television announcer during this period, and was best known for his appearances on "The Jimmy Dean Show" and "Ruth Crane/Modern Woman." Weaver also hosted his own nightly show, "Captain Jack's Weather and Fishing Report" on WMAL-TV.

In late 1959 when rumors of an impending vacancy in WMAL AM's morning schedule surfaced. Harden and Weaver made a pitch for the job. They convinced then station manager Fred Houwink to give them an audi-

tion. Harden and Weaver were selected over all other applicants and signed to a 13-week contract. Fortunately, for the Washington metropolitan area, those 13 weeks turned into 25 years of wit, information, and good will.

□ 1540

VACATING SPECIAL ORDER SPEECH

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the special order speech today by the gentleman from South Dakota [Mr. DASCHLE] be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

MIKLOS DURAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LANTOS] is recognized for 5 minutes.

● Mr. LANTOS. Mr. Speaker, I have called a special order today to discuss a human rights issue of serious concern to me and to a number of our distinguished colleagues in the House. Unfortunately, Mr. Speaker, it is a case that has been raised in this House on a number of previous occasions, and yet there has been no favorable resolution of it.

I am referring to the case of Miklos Duray. Mr. Duray is a 40-year-old geologist and writer from Bratislava who was arrested by the Government of Czechoslovakia and is still imprisoned on charges of sedition, incitement, and slander against his country. Duray's activities in two areas have apparently caused government authorities to strike out against him.

First, Mr. Duray is an ethnic Hungarian who has worked actively to ensure that his fellow Hungarians receive the rights guaranteed by the Czechoslovak Constitution. Mr. Duray organized a successful petition campaign, which gathered the signatures of 11,000 Hungarians, opposing two provisions of a draft law proposed by the Slovak Ministry of Education in early 1984. The provisions would have led to the abolition of Hungarian-language courses in many schools which were attended primarily by Hungarian-speaking students. The draft law was an obvious violation of the 1968 Czechoslovak Constitution which guarantees the right to education in the mother tongue.

Actively working to ensure rights guaranteed in the Constitution can hardly be considered activity against the state. His arrest is clearly intended to intimidate the Hungarian minority and discourage any effort to defend its legal rights.

The arrest of Duray, however, is not simply an issue of minority rights involving the Czechoslovak state and its Hungarian minority in Slovakia. The broader context of the case is reflected in the fact that Miklos Duray is also a signer of Charter 77, the document which became the basis for the unofficial organization established to monitor the human rights provisions of the Helsinki Final Act.

Mr. Speaker, the repression of dissidents—whether Czech, Slovak, Hungarian, or any other nationality—deeply concern those of us who monitor human rights in Czechoslovakia. There have been too many cases of writers, religious individuals, and scientists who dare to speak out for human rights and constitutional liberties, but they have been and they continue to be silenced by imprisonment.

On June 11, 1984, I condemned the arrest of Miklos Duray. On June 19, Congressman JOHN PORTER and I as cochairmen of the Congressional Human Rights Caucus circulated to our colleagues a letter to President Gustav Husak of Czechoslovakia, asking for the release of Miklos Duray on the grounds that his activities were protected by the Czechoslovak Constitution. Some 38 Members of Congress joined us in signing this letter. Thus far, we have received no reply from the Czechoslovak Government, and Mr. Duray remains imprisoned.

Mr. Speaker, I urge the Czechoslovak Government to cease its prosecution of Miklos Duray because of his heroic efforts to defend human rights, which the Government of Czechoslovakia has pledged to observe, and because of his effort to protect and defend the constitutional rights of the Hungarian minority in Czechoslovakia.●

MEDICARE REFORM ACTS OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR,] is recognized for 5 minutes.

Ms. OAKAR. Mr. Speaker, today, I am proud to introduce three bills to reform and improve benefits under the Medicare Program. This legislative package will fill in almost all of the gaps in Medicare coverage, vastly improving care for 30 million elderly beneficiaries. It will do this without raising taxes and without adding one penny to the deficit. As we begin our deliberations on the fiscal 1986 budget, I present this legislation as a challenge to my colleagues. Let us look beyond the drastic Medicare cuts in the administration's budget and seek more positive changes to help our senior citizens.

We all recognize that the Medicare Program faces financial difficulties. In recent years, Congress has tried to meet this serious problem head on with bold changes to contain Medicare costs. I, for one, hope we will continue in this effort. I especially appreciate the efforts of my colleagues, Congressman GEPHARDT and Senator KENNEDY, who recognize that the ultimate solution to controlling Medicare costs is to contain health costs throughout the economy.

But, Mr. Speaker, Members of this Congress should also recognize that Medicare faces another, equally fundamental problem—the steady erosion in health protection for the elderly. Congress must meet his problem head on, as well; and we must not delay.

Senior citizens today spend almost one-fifth of their income on health care—the level they spent before medicare existed. Why? Because over the years inflation and Medicare budget cuts have driven up their health care bills and eroded Medicare protection. Senior citizens, the most cost conscious health care consumers in the Nation, stretch their Medicare dollar as far as it will go. Nevertheless, today Medicare covers less than half of the elderly's health care bills, and pays almost nothing toward long-term care, catastrophic hospitalization, prevention, prescription drugs, eyeglasses, or hearing aids.

What is the administration's response to the problem of disappearing Medicare protection? The President's fiscal 1986 budget calls for:

A 40-percent hike in the part B premium;

Annual increases in the part B deductible which, by the way, has already risen 25 percent since 1980;

A 1-month delay of the start in Medicare coverage; and

Higher cost sharing for home health care.

In all, the administration proposes $4 billion in Medicare cuts that will hurt our senior citizens directly over the next 3 years.

The President's fiscal 1986 budget is nothing new. Every year the administration has called for massive cuts in Medicare. Every year, the administration has completely ignored the elderly's needs for better health coverage. To quote Budget Director David Stockman, "We have no choice." I say to Mr. Stockman, to the President, to my colleagues here today, and to our senior citizens that we do, indeed, have a choice.

The legislation I am introducing today reforms Medicare benefits, improving and coordinating coverage without adding to program costs. It achieves this by encouraging coordinated care, better use of community-based services, preventive care, and the use of all health providers who can deliver care cost-effectively.

The first bill will provide Medicare reimbursement for long-term care through hospital-operated programs offering a coordinated package of serv-

ices. Programs like this already exist across the Nation, including 23 now supported by grants from the prestigious Robert Wood Johnson Foundation. In addition to regular Medicare-covered services, teams of physicians, nurses, social workers, and other professionals coordinate to provide adult day care, homemaker services, supported housing, home-delivered meals, and other services to help the elderly.

Comprehensive long-term care programs, though fairly new, already have an impressive track record. They have successfully maintained up to 90 percent of their frail clients in the community. And they have shown the cost of their comprehensive care to be up to 15 percent lower than the cost of traditional Medicare care.

These programs hold the key to helping millions of elderly Americans. Today, 6.6 million elderly require long-term care—either nursing home care or support services to keep them out of nursing homes. By the end of this century, 9 million seniors will need some kind of long-term care. These frailer people constitute the fastest growing group in the elderly population. Yet, Medicare is not structured to meet their needs.

The legislation will extend prepaid, capitation Medicare reimbursement these comprehensive long-term care programs. In so doing, it will shift Medicare's focus away from fragmentation and toward more comprehensive care. It will encourage hospitals to redirect excess acute care resources to better serve elderly in the community. And most important, it will provide relief to millions of senior citizens who seek to remain healthy and independent for as long as possible.

The second bill provides Medicare coverage for an annual health assessment that includes screening and referral for heart disease, cancer, nutrition deficiencies, and other physical, psychological, and social problems. Qualified physicians, nurses, and physician assistants will receive Medicare reimbursement for providing this important prevention service. To finance the annual checkup, Medicare will market its own version of medifill insurance—which now covers catastrophic hospitalization and the copayments for hospital and physician care—but for almost no additional administrative expense. Therefore, for the same premium charged by private insurers, Medicare will offer medifill protection and preventive care.

My colleague, DON BONKER, brought to my attention the concept of a Federal medifill policy that could cover more health services for the same price. I want to commend DON for his inspired idea and for his efforts in this area.

Mr. Speaker, it is crucial that Medicare pay not only to cure illness, but also to prevent illness. Prevention can lead to long-term cost savings by reducing the need for treatment of conditions that can be avoided through early detection. Prevention can improve the length and quality of life. Breast cancer is completely curable when detected early. The cure rate for colorectal cancer could be increased over 70 percent with early detection. Hypertension—a leading cause of heart disease and a leading killer of American men—can be detected and corrected with early screening. We can provide this kind of prevention through Medicare now, for no extra cost to the Government or to the elderly. Why not do it?

In addition, why not recognize all the qualified health professionals who provide this care? The prevention of disease and the promotion of health has always been the business of nurses and physician assistants. It is time we recognize both their value, and the value of the care they provide by covering it under Medicare.

The third and final bill will provide Medicare coverage for routine vision care, including eyeglasses; routine dental care, including dentures; routine hearing care, including hearing aids; and prescription drugs and biologicals. These health needs today account for roughly 13 cents of the elderly's health care dollar. Yet Medicare contributes nothing toward their cost. Private insurance contributes little more toward these health needs. Consequently, some elderly—especially those on the tightest budgets—do without the glasses they need to see or the medicine they need to get well. Our parents and grandparents deserve better than this.

The legislation creates a new Medicare trust fund, financed in part with revenue from the cigarette excise tax due to expire this fall, and in part with an actuarially determined premium, that will pay for these basic health expenses. Again, net Medicare outlays will not increase; and the elderly will get help in paying for the care they need.

Mr. Speaker, over the past 4 years, this administration has tried relentlessly to cut billions of dollars from Medicare. Over the past 4 years, it has frightened American senior citizens with the prospect of an inadequate health care system growing worse. This year, this Congress should pursue a positive approach.

The legislation I have introduced proves that it is possible to improve Medicare coverage without busting the budget. Contrary to what the administration may think, we do have choices other than cutting Medicare coverage and delaying eligibility. This Congress can work simultaneously to improve Medicare coverage and to contain health costs. Let us do both. I urge my colleagues to join in this worthy effort.

□ 1550

The SPEAKER pro tempore. The time of the gentlewoman from Ohio has expired.

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore. I am sorry to inform the gentlewoman that that request is not in order.

A WASHINGTON POLITICAL PLOT OR AN INDIANA SOAP OPERA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, I have asked for this time today out of my concern for what I believe has been a premeditated, unfair, irresponsible disruption of the regular business of this Congress resulting in the inconvenience of its Members, the unnecessary added cost to taxpayers, and an irresponsible attack upon the integrity of Members of this body.

Since this Congress began, there have been three occasions when I and other Members of this body have been called upon to make a decision on who won the election in the Eighth Congressional District of Indiana. Three times in the past 2 months, the Republicans have brought to this floor a resolution demanding that their candidate in that election be awarded a seat.

While I firmly believe that whoever won the election should be seated, whether he be Democrat or Republican, the fact is that I, as a Member of this institution, do not know which of the candidates, Mr. McCloskey or McIntyre, has fairly received a majority of the votes of the Eighth Congressional District of Indiana.

Frankly, based on the information available to me as a Member of this body, I do not know how anyone else could make that determination. The questions about the election are so numerous, and the irregularities so broad that I could not in good conscience vote to seat either candidate.

I want to know who won the election. Clearly, representation in the House of Representatives is one of the most sacred rights of citizenship of our great Nation. I was elected by a majority of the voters in the First Congressional District of Arkansas and I am proud of that election.

According to the laws of our land, I am entitled to a seat in this body, and for that reason I am committed to putting politics aside and to looking at the facts of the case so that the people of Indiana can have the Congressman that they have elected.

I am not committed to vote for either the Republican or the Demo-

crat. It would be wrong to take sides in a matter before the facts have been determined. That would be partisanship at its worst.

To those in this body who insist that the Republican has won or that the incumbent McCloskey has won, I ask simply: How do they know? I voted with a majority of my colleagues to refer the McCloskey-McIntyre matter to the House committee with jurisdiction over elections, to judge election disputes. That is the House Administration Committee.

That committee will report its findings to the full House this month. I am told by the gentleman from California [Mr. PANETTA], who is chairman of the special task force on the McCloskey-McIntyre matter, that the committee is working day and night and is hopeful of reporting by the 29th of March.

Unfortunately, that committee and its members have recently been the targets of a partisan smear campaign, the likes of which I have never seen in this House. I have seen like campaigns during the Watergate era when Mr. Nixon was President. But I have not seen campaigns instituted by any Member of this House against other Members of the House or against the Institution of the House.

Day after day, Members have taken the floor in this Chamber to suggest that the committee, the Committee on House Administration, is part of an elaborate plot to, in their words, and I quote: "steal" yes, steal the election from the people of Indiana.

In my 17 years in this body, I cannot recall a single instance where the integrity of this committee has been called into question, and I know of no reference before my becoming a Member here to its integrity being challenged.

I cannot recall a single instance where the Committee on House Administration has not carried out its responsibilities to this body in a fair, reasonable, and evenhanded manner.

There is no basis, there is absolutely no basis for Members of this body to assail the House Administration Committee or Members of this body concerning the McCloskey-McIntyre case. The committee has appointed a special, three-member task force to look into the confusing questions surrounding the election and to make a recommendation to the committee and the full House on who won the election in Indiana.

The committee is headed up by my friend, the distinguished gentleman from California [Mr. PANETTA]. Mr. PANETTA was selected for this job precisely because of the high esteem he has earned as a Member of this body during his service here. Both Democrats and Republicans respect Mr. PANETTA and his ability to judge the facts fairly and impartially.

Similarly, he is joined by Mr. CLAY, the distinguished gentleman from Missouri, and Mr. THOMAS, the distinguished gentleman from California. Mr. PANETTA and Mr. CLAY are Democrats; Mr. THOMAS is a Republican. All are distinguished Members of this Institution.

This is not a laughing matter. This is a serious matter whereupon the integrity of the House has been challenged by some of the Republican Members of this body. It is a very serious matter which involves the person who is rightfully chosen to represent the people of the Eighth Congressional District of Indiana.

The panel that has been selected has a Democratic majority because that is the case of the full House; we are represented on committees in the same percentage as we are elected to this body.

In fact, it should be noted that neither Mr. PANETTA nor Mr. CLAY have publicly committed themselves to supporting either candidate.

Notwithstanding that, some Members of the minority have issued slanderous and outrageous charges against the integrity of these gentlemen. It is inexcusable and it is reprehensible that the Institution which we serve has been insulted by these outrages.

□ 1600

The two Democratic members of the committee, have committed themselves to a fair and impartial counting of the ballots. The ballots will be counted by the General Accounting Office auditors. The GAO is a nonpartisan arm of the U.S. Congress. It is not represented by Democrats or by Republicans. The General Accounting Office has a reputation of accuracy and integrity that is unmatched by any agency of the Federal Government. There is no one that I know of that has ever challenged the accuracy or the integrity of the people who work at the General Accounting Office. You might question their judgment, but the General Accounting Office, which will oversee the counting of these ballots, is an Institution that is unmatched in our land for integrity in its functions.

If Members of this body have evidence that this panel is somehow rigged to express a partisan opinion or if they have evidence that one of its members is prejudiced, then let us have it. Let us have it today. I would like to hear that evidence here before this forum.

Otherwise, the integrity of this body and common civility dictates that these slanderous attacks of these gentlemen on the Republican side of the aisle should cease and that the committee and the three-member panel be allowed to continue their work without partisan harassment, without interrupting the work of this Congress, and without causing additional cost to the taxpayers of our Nation.

Before I leave this aspect of the case, I want to make one further point about the allegation that the Speaker of this House and the majority are somehow embarked upon a conspiracy in the words of the gentlemen from the Republican side, to "steal" this seat from their party.

The allegation itself is ludicrous, but because I have heard it mentioned so often on this floor, I feel obligated to point out that the Democrats have an overwhelming majority of this House. We have a 71-vote majority in the House of Representatives. Why would we want to steal this seat? Do we need one more vote? Seventy-two votes to make a majority? We have the votes on our side already. At any time, on any day, the House is in session we could have brought up a resolution on the floor under a privileged motion and asked that Mr. McCloskey from Indiana be seated on a simple vote of a majority of the Members of this body who are Democrats. It would be that simple.

The fact is that we in the majority, unlike some of the Members of the minority side, are simply committed to seating the winner of that race; the minority is committed only—I should say some Members of the minority—are committed only to seating their candidate.

On three occasions the minority has tried to seat its candidate, and on all of those occasions the resolution has failed. The Republicans have tried to put their man in that seat even before the votes have been counted. Is it that they are afraid of having the votes counted by Government auditors? Do they wish to seat their candidate, Mr. McIntyre, before the General Accounting Office counts the votes in the Eighth Congressional District of Indiana? Are they trying to ride roughshod over the orderly and established process which has been set up to determine the rightful winner of this contest?

The action we saw yesterday and which we have seen two times before was nothing more than an old-fashioned political railroad in its rawest form.

Let us be clear about one thing: The position of the Democratic Party and the House of Representatives is that whomever received the most votes in the Eighth Congressional District of Indiana should be seated, period. I will cast my vote for the person who received the most votes in Indiana to be seated.

Now, the Republicans have justified their actions on three grounds and I would like to discuss them, because I think it is important to analyze the actions of the other side in this case.

The first is that their candidate has received a certificate of election from the secretary of state of Indiana and that certificate carries with it a presumption of election.

Mr. Speaker, that is probably the strongest and the most effective argument that one can make in favor of seating a candidate in a disputed election. However, those who are making this argument are overlooking the fundamental problem in this particular case. It is the very process used in awarding that certificate that has thrown this election into confusion and disorder.

In this case, the Certificate of Election is tainted. Based on what we have heard from the other side, one would think that the Lord himself awarded that certificate. Well, Mr. Speaker, he did not. A politician did. A very partisan Republican politician who is the secretary of state of Indiana. A politician has awarded a certificate which is disputed in this House. It is undisputed, that Mr. Simcox, the secretary of state, the Republican secretary of state in Indiana, did not follow the law. He did not follow the regular procedures of his State election laws in issuing that Certificate of Election in the Eighth Congressional District of Indiana. He has admitted that.

On election night, the initial count of the 15 counties in the Eighth District gave the Democrat, Mr. McCloskey, a 72-vote victory over the Republican, Mr. McIntyre. Under Indiana law the secretary of state was required to certify that result within 10 days. He did not do so. Instead a recount was ordered. In the course of events, a tabulating error in Gibson County produced changes in the districtwide total which gave the Republican, Mr. McIntyre, a slim lead of 39 votes. Further balloting errors in that county changed the district totals one more time and the Republican came out with a 34-vote lead.

The recount in Gibson County was completed on December 10. By that time recount procedures were just getting underway in the other counties. However, on December 13 the secretary of state decided not to wait for the other counties to finish their recounts and based on his initial election night returns, with only Gibson County recounted, Mr. Simcox awarded the certificate of election to Mr. McIntyre. Subsequent recount tallies pushed this lead higher.

However, the point to be stressed here is that if the secretary of state had followed Indiana law, as he should have done, Mr. McCloskey, not the Republican, Mr. McIntyre, would be here today with a certificate of election.

Furthermore, the certificate issued by the secretary of state to Mr. McIntyre is based on an odd mixture of some returns from election night and other returns from a partial recount done in another county.

□ 1610

Now, Mr. Speaker, this may be confusing, but there is even more. And that brings me to the second point raised by the Republicans in favor of seating their man: "The Republican should be seated because he got more votes than the Democrat," they say. In a democracy, that is fairly persuasive evidence. The only problem is that the Republican appears to have more votes because Indiana election officials tossed out 5,000 ballots. If those 5,000 ballots had been counted, no one knows who would have won. All ballots are yet to be counted under the House Administration Committee procedure.

Anyone who thinks that disqualifying 5,000 ballots is common in a 15-county area needs to go back and check with the election officials in his own district. This is extraordinary, to say the least. The problem is Indiana law. Indiana law requires that each ballot have the handwritten initials, not just printed, but the handwritten initials, of both poll clerks on the back. Also, the clerks are required to put the number of each precinct on the back of each ballot. Furthermore, absentee ballots must have the initials or the signature of the county clerk, which were placed there when the ballot was initially sent out.

The problem here is that each of the 15 counties used different procedures in qualifying and disqualifying ballots. In some cases entire precincts were tossed out, even though the intentions of the voters were perfectly evident. The chaotic conditions surrounding the counting of the ballots, the disqualifying of others, was summarized in the Indianapolis News in an editorial which supports the actions taken by the House of Representatives in this matter.

At this point I will include the entire text of that article as a part of this RECORD:

TRUTH AND CONSEQUENCES

Will the real winner of Indiana's 8th Congressional District please stand up?

And, while he's at it, will he reveal how many votes he won by?

Despite vote counts and recounts, certifications and recertifications. Indiana is still without an 8th District congressman some three months after the voters have gone to the polls to choose between incumbent Democrat Francis McCloskey and his Republican challenger, Richard McIntyre.

Last week, Indiana Secretary of State Edwin Simcox, a Republican, submitted official recount figures to the U.S. House of Representatives indicating that McIntyre won the election by 418 votes—114,278 to 113,860.

Simcox said that Democrats have "already played the game by their rules" and lost. Thus, McIntyre should be seated.

The House Administration Committee, controlled by Democrats, rejected Simcox's argument. Now the committee plans to look into the election and recount procedures. Ultimately the House may conduct its own recount.

On principle, Hoosiers should get indignant and say that the House is playing politics—which could prove to be the case—and that it should accept Indiana's Eighth District election figures and get about the business of seating the district's duly elected congressman.

But, sadly, the House has some justification for being skeptical of Indiana's ability to declare a winner in this close congressional race.

Initially, McCloskey was adjudged the winner by 72 votes on the basis of a vote canvass. Then, on the basis of a partial recount, Simcox declared McIntyre the winner by 34 votes. Now Simcox says McIntyre won by 418 votes. Which is it?

During the recount, thousands of ballots were tossed out on the basis of technicalities, even though neither side has charged that there was vote fraud. Furthermore, differing standards were used for determining which ballots to accept or reject throughout the district.

If Indiana wants to control the certification of its congressional representatives—as it should—the vote it certifies must be credible.

In the presence of an elastic vote count, and absent timely and uniform recount standards, it is understandable that the House wants to know what on earth is going on out in the Hoosier state before declaring anyone a winner.

Unfortunately, not much is happening in the Indiana General Assembly by way of election reform.

For the second time in eight days the Legislature recently rejected an effort by state Rep. Jerry Bales, R-Bloomington, to force a major rewrite of Indiana's election code before the 1986 elections.

Bales' proposal would have repealed the state election code effective July 1, 1986. It would have created a 12-member, bi-partisan legislative commission to rewrite the election laws and report to the General Assembly by Nov. 1.

"There's two people in the state of Indiana who know what's in the election code," Bales remarked. "And they can't fly in the same airplane. If they were killed, nobody would know what's going on in the state of Indiana."

His colleagues rejected the proposed amendment, 52–42.

And so, once again complaining about the evils of federal intervention, the state Legislature winks and hands another problem over to the federal government to deal with. And that is a tune, whether the lyrics are inadequate prison facilities or legislative gerrymandering, that is wearing a little thin these days.

Now 8th District voters can only hope—and it's a slim hope at best—that the U.S. House of Representatives can put politics aside and conduct its investigation in a fair, impartial and timely manner.

There is a second editorial from the Evansville Press, and I will include the entire content of that article, as well, in order to demonstrate for the record the judgment of an objective press in overseeing this particular election. Basically, the Evansville paper says, and I quote: "Local officials blew it."

The title of the editorial makes the case very well when it refers to the Eighth District race as, "a fouled recount."

The editorial from the Evansville Press is as follows:

A FOULED RECOUNT

The 8th District recount involves not just the sorry specter of disenfranchising hundreds of voters by throwing out their ballots because they were not initiated by poll workers, as if that were not bad enough. Even worse, the manner in which that recount is proceeding could very well negate the decision of all 232,000 voters who participated in the Nov. 6 contest.

There is every possibility that the U.S. House of Representatives alone will decide whether Republican Richard McIntyre or Democrat Frank McCloskey is seated to represent this district.

Of course, the Democratic-controlled House would probably like nothing more, especially since Republican McIntyre is the certified winner in a see-saw race too close to call under current disparate methods of recount.

The House will be handed this opportunity primarily because local officials blew it. The different recount rules employed from one county to the next and delayed certification of a winner for reasons which seem suspiciously political beckon for a higher authority to make the call.

The House could reason that its judgment is no more arbitrary or unrepresentative than the method of retabulating votes in the 8th District.

This newspaper noted early in the recount process that both candidates and their respective political enthusiasts had an obligation to place statesmanship above raw ambition and legal maneuvering. That, we suggested, meant an orderly recount of all ballots under agreed upon uniform rules for proceeding.

"Woe be to that winner," we noted, if Congress is the ultimate arbiter of the contest.

In product liability, a consumer goes to court for damages when he is wronged. Our guess is that voters who have been wronged—all 232,000 of them—will not give up, but rather will demonstrate their displeasure in large and conclusive numbers when the next congressional race rolls around.

Mr. Speaker, the lack of uniformity in the counting of the ballots and the subsequent recounts in the Indiana case make it conspicuously clear that there is no way that one can determine who got most of the votes in the Eighth Congressional District of Indiana. The Republicans' claim, which is so often heard on this floor, is that their candidate won the election and received more votes, and that is pure propaganda. Perhaps those on the other side feel that they have some particular clairvoyance which has been denied to the rest of us. But I think not.

The only way that they can claim with any certainty that their man got more votes is to avoid counting the 5,000 votes that were tossed out by various election officials for any number of reasons, and that may pass for fairness in the Republican ranks but it is far from acceptable to those of us on the Democratic side of the aisle.

Finally, the Republicans argue a third point, which has to be even weaker than the other two. They say that while the House is investigating the election result, the Republican should be seated according to House precedent.

I have checked the House records on this point and find nothing to support this claim. However, there are 10 cases in legislative history where the House has refused to seat a certified winner in a disputed election pending the outcome of that disputed election. I will insert the entire research memorandum as a part of my remarks here this evening.

Case No. 1: The first instance occurred in the 1890 Kentucky house election contest, the case of Chrisman versus Anderson.

In the 36th Congress of 1860–61, the Committee on Elections asserted that the action by the State election board is not final and conclusive on the House and that it is the duty of the House in a contested election case to go behind all certificates and to make proper investigation to correct any mistakes.

Case No. 2: In the 40th Congress, 1867–68, the House, in the New Mexico election contest of Chavez versus Clever, refused to accept the certification of a delegate-elect because of a certain irregularity in the election. Since the certification of the delegate-elect had been impeached by a letter from the secretary of the territory of New Mexico alleging false and fraudulent voting, the Housing refused to seat or swear either of the petitioners until the Committee on Elections conducted an appropriate investigation on the prima facie right to a seat in Congress.

Case Nos. 3, 4, and 5: In the 42d Congress, 1871–73, there were three instances where the House referred credentials of Members-elect to the Election Committee and did not administer the oath to the Members elect. The three Members-elect were J.P.M. Epping from South Carolina, R.T. Daniels from Virginia, and Thomas Reeves from Tennessee.

Case No. 6: Also in the same Congress, in the Texas election contest, the case of Whitmore versus Herndon, the House refused to permit a Member-elect to be sworn in until the sufficiency of the credentials had been examined by the Committee on Elections.

Case No. 7: In the 1877 California House-contested election case of Wigginton versus Pacho in the 45th Congress, 1877–79, the House challenged the credentials of a Member-elect who was asked to step aside without taking the oath of office at the time of the organization of the House, although his name had been printed on the Clerk's roll. It was alleged that the credentials of the Member-elect were based upon forged returns. After an investigation, the House found that the credentials were regular in form and the Member-elect was then sworn in.

Case No. 8: The Mississippi House contested election case of Chalmers versus Manning, 1884, in the 48th Congress between 1883 and 1885, involved another case in which the House refused to seat either party until an appropriate investigation by the House into the election was completed. The House in this case refused to administer the oath of office to any person claiming to be a Member-elect while the House was investigating one who was entitled to have a seat in this institution. After 2 days of considerable debate, the House passed a resolution that referred all papers presented by both parties to the Committee on Elections with instructions that it report immediately upon who was entitled to be seated.

Case No. 9: In the 20th century there have been two significant cases prior to the 99th Congress in which the House has refused to permit either claimant to the House seat to take the oath of office when certified by State officials as the winner but instead referred the dispute to its election committee for investigation. The first case was in 1934 arising out of the Louisiana contest of Kemp and Sanders in the 73d Congress in which the two persons claimed a congressional seat after a special election. One claimant had a certificate of election signed by the Governor of the State attested to by the secretary of state. The other had a certificate of election from a citizens' election committee in Louisiana. Since questions arose as to the validity of the election, the House referred the question of the prima facie right of the claimant to a House seat to the Committee on Elections to decide that question.

□ 1620

The committee report concluded that the nomination and election of the candidate Kemp dispute, stated an invalid certification and declared that the winner here would be the opposite party.

Case No. 10: The second case in this century involved the 1961 Indiana house contested elections case, in the 87th Congress—1961–62—of Roush versus Chambers. In the Roush case, the Member-elect Chambers, at the time of the organization of the House of Representatives, was asked to stand aside while other Members-elect were sworn in despite a certification from the Indiana secretary of state.

Mr. Speaker, I think it needs to be noted that there have been two law-

suits filed by the Republicans in this matter following the election dispute in the McCloskey-McIntyre case. Both were lodged in Federal courts; one in Indiana, another here in Washington. Both courts came down squarely on the side of the House and soundly rejected the case brought by the Republicans.

In the Indiana case, the judge ruled: First, that the U.S. House of Representatives has exclusive authority to decide who won the case, and second, that the secretary of state of Indiana, Mr. Simcox, was in error in failing to certify Mr. McCloskey the winner by 72 votes as required by Indiana law. According to the Federal court, McCloskey should have that certificate of election.

In the District of Columbia case which was just decided last Friday, on March 1, the judge, in a very strongly worded decision, ruled that the case brought by the Republicans against the Democrats, and I quote: "cannot withstand minimal scrutiny."

Their allegations that the House majority unfairly denied representation to the people of the Eighth District of Indiana by not seating McIntyre was resoundly dismissed by the District of Columbia court.

They were tossed out on their ears. Now, in summary, Mr. Speaker, let me ask my colleagues: How can anyone argue with any credibility that his candidate won the election in Indiana. Intelligence and fairness claims that one man or the other should be seated—even provisionally—are premature and not based on a complete analysis of the facts.

Even the Indiana Legislature—which is controlled by the Republican Party—has recognized the inadequacy of its election laws. Just last night it voted overwhelmingly [90 to 8] to change those laws—to change those laws that unfairly discarded the legitimate ballots of thousands of Indiana citizens and produced the cloud of doubt that has arisen over the eighth district election. In a similar contested election in that legislature, the election laws currently in question in the eighth district were overruled by the legislature to seat the Republican candidate just this year.

All of the factors I have just outlined, the manipulation of the certification process, the admitted errors of the secretary of state; the 15 counties using 15 procedures to count ballots; the 5,000 discarded ballots; the two court decisions, all of these factors suggest that there is far more to the Indiana question than the simplistic version of the facts handed out by the Republicans.

But there is more to this case. Much more. And, while I would never question the motives of anyone in this Chamber, I am astounded at some of the events which have occurred in the past 2 months.

First, there is the case of McIntyre against O'Neill, the lawsuit filed against the Speaker and other Members of this body by the Republicans. Strangely, a news release on the issue was sent to my State and the States of every Member who supported referring the Indiana case to House Administration. The news release was the work of the Republican Campaign Committee under the leadership of Mr. VANDER JAGT. The release contained half-truths and allegations suggesting that I along with the Speaker and other Members were trying to rob Indiana of its rightful representation. This, of course, is not true, but unfortunately many in the local news media around the country fell for the ploy and needlessly wasted the time of its readers and their Congressmen, who were required to defend themselves.

I have to wonder: What does the Republican Campaign Committee—a partisan political group—have to do with a lawsuit? What was the purpose of a press release defaming various Members of Congress for their vote on an issue affirming basic constitutional principles?

Second, there is the case of the political solicitation letter sent by the Republicans to voters in Indiana asking for legal fees to help McIntyre. To prevent the Democrats from stealing the eighth district seat, the letter said, the voters of Indiana needed to send Mr. VANDER JAGT $25,400 immediately to pay McIntyre's legal bills. The funds were to be made out to the GOP Victory Fund.

NATIONAL REPUBLICAN
CONGRESSIONAL COMMITTEE,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 1985.

DEAR M——: I urgently want to ask you to help stop a crime which is being committed against you and all the residents of Indiana.

Unless I can count on you to make a very important telephone call and write a special letter today, you and your state's support of President Reagan's programs will not be fully represented in the U.S. House of Representatives.

Here's what's happening. Right now, the liberal Democratic leadership of the House is conspiring to prevent Rick McIntyre, a duly elected and certified Indiana Republican Member of Congress from taking his rightful seat in the House.

What's even more shocking is that three Democratic Congressmen from Indiana are leading this unconstitutional drive to usurp laws of the sovereign State of Indiana and choose your Congressman because they didn't like the outcome of the election.

It all started on election night when the returns from two precincts in the Eighth District were counted twice and the Democrats claimed that their man, Frank McCloskey, had won.

It took a Court Order before the Democrat County election clerk corrected the mistake and only then was Rick McIntyre officially certified the winner by your Secretary of State.

Despite the fact that all the recounts reinforce Rick's claim to victory, the Democrat Congressmen from your state and the House leadership persist in their efforts to steal this seat.

There are two extremely important actions you can take to help reclaim Indiana's Eighth Congressional District seat.

First, I'm enclosing for you a special index card with the addresses and telephone numbers of the three Indiana Congressmen who are leading the fight against Rick. I urge you to call and write them and demand that they respect the Constitutional rights of the people of Indiana and give Rick McIntyre the seat he was elected to in Congress.

The second way you can help is by sending $25 or $35 to make it possible for the Committee to continue the battle to ensure you and your state are fully represented in the House.

As you will see from the enclosed copy of a letter that Rick McIntyre recently sent me, the Democrats probably would have already stolen the seat had it not been for your past generosity.

With your past contributions we were not only able to help Rick McIntyre through the legal challenges and recounts but we helped him set up a Constituent Service Office.

But now it's imperative that I can count on you to make an immediate contribution for the largest amount possible. We urgently need your contribution because it may become necessary to fight this dangerous legal precedent in the Supreme Court.

While the Democrats play politics with the people of Indiana, Rick McIntyre, with our financial help, has set up an Office to make sure that anyone with a problem with the federal government isn't forgotten no matter whether it's an elderly person who hasn't received their social security check or anyone else.

I've gone over the figures with our lawyers and our Committee staff and if we're going to continue helping Rick McIntyre and win this historic battle we simply must raise $25,400 in the next 28 days.

As you decide how much to send I hope you will take a moment to consider all that's at stake if we fail to raise these funds and the Democrats succeed in robbing you of one of your GOP Congressmen.

The legislative battles for the President's spending cuts and his program to protect your tax cut are due to start shortly. President Reagan will need Rick McIntyre's support in Congress.

And what's more, if you and I allow the Democrats to get away with denying Rick McIntyre his rightful seat in Congress, who will be next and how many more Republicans will they bar from the House?

This blatant attempt by the Democrats to thwart the voters of Indiana and throw the election to their man is a direct assault on our cherished principle of one-man-one-vote and it grossly violates our traditional American values of decency and fair play.

You can play a critical role in preventing this Indiana seat from being stolen if, along with sending your contribution, you'll call and write the three Democrats on your index card.

Sincerely,
Congressman GUY VANDER JAGT,
Chairman.

NATIONAL REPUBLICAN
CONGRESSIONAL COMMITTEE
Washington, DC.

SPECIAL PROJECT TO PROTECT INDIANA'S
REPRESENTATION IN CONGRESS

DEAR CONGRESSMAN VANDER JAGT: I want to help stop the Democrats from robbing us of one of our Indiana Republican Congressmen.

President Reagan will need Rick McIntyre's support in Congress. And what's more it would set a very dangerous precedent if we allow them to discard the election laws of Indiana and choose who will represent us in Congress.

I've called and written the three Democratic Congressmen who are helping lead the fight against Rick McIntyre.

And I'm making a special contribution so that you can continue helping Rick and take this fight all the way to the Supreme Court if necessary. I'm making my contribution in the amount of: ☐ $25 ☐ $35 ☐ $——— other.

My telephone number is: ———.

P.S. I've made my check payable to: 1985 GOP Victory Fund.

Congressman GUY VANDER JAGT,
Chairman, National Republican Congressional Committee, Washington, DC.

DEAR CONGRESSMAN VANDER JAGT: On behalf of the people of Indiana I want to thank you for everything you and the Congressional Committee are doing to save our Eighth District congressional seat from being stolen by the Democrats.

Had it not been for your expert help and financial assistance immediately after the election they might have already succeeded in their efforts to ignore the will of the voters and give the seat to my Democratic opponent.

I am deeply committed to stopping these liberal Democrats in the House from setting a very dangerous precedent of discarding the laws of the sovereign State of Indiana and putting their liberal friends in Congress.

I want you to know that with your help I shall carry this fight all the way to the Supreme Court if it is necessary.

Sincerely,

RICHARD MCINTYRE.

Three Democrats Fighting to Steal Rick McIntyre's Seat:

1. Lee H. Hamilton: 2187 Rayburn H.O.B., Washington, D.C. 20515 (202) 225-5315. District Office: 1201 East 10th Street, Room 107, Jeffersonville, Indiana 47130 (812) 288-3999.

2. Philip R. Sharp: 2452 Rayburn H.O.B., Washington, D.C. 20515 (202) 225-3021. District Office: 814 West White River Blvd., Muncie, Indiana 47303 (317) 747-5566, (800) 382-8655.

3. Andrew Jacobs Jr: 1533 Longworth H.O.B., Washington, D.C. 20515 (202) 225-4011. District Office: 46 East Ohio Street, 441 A Federal Building, Indianapolis, Indiana 46204 (317) 269-7331.

This letter must be one of the most peculiar ever received by the people of Indiana.

First, there are no legal fees now being charged to McIntyre. There are no pending lawsuits against him nor does he have any pending. In fact, Mr. VANDER JAGT's letter was dated 3 days after McIntyre filed his last lawsuit. The work was already done.

Second, as my distinguished colleague from California, Mr. COELHO, has repeatedly stated, the Republican Party has about $2 million on hand, and access to millions more. Why is it that they would go hat in hand begging $25,400 from the people of Indiana when their party has access to millions? And who are these lawyers anyway? Has not most of the work been done by Mr. VANDER JAGT's staff lawyers?

Third, and this is clearly the most deplorable aspect of this soap opera, Mr. VANDER JAGT accuses three of the most esteemed Members of this body of a "crime which is being committed against * * * the residents of Indiana." On a card entitled "Three Democrats Fighting To Steal Rick McIntyre's Seat" Mr. VANDER JAGT lists the Honorable LEE HAMILTON, the Honorable ANDY JACOBS, and the Honorable PHIL SHARP.

At this time, Mr. Speaker, I invite Mr. VANDER JAGT—if he is here—or any of his colleagues to come to the House floor to explain this disgraceful letter at the conclusion of my remarks.

I would like to ask him to explain why he needs this $25,400 from the people of Indiana to pay for legal activities that do not exist? Why is it that the people of Indiana must be called on to pay McIntyre's alleged bills when, in fact, his Republican Party has millions to lavish on this case?

I would also like for him to explain why he has taken it upon himself to smear the good names of three of the finest Members of this body? What evidence does he have to back up his charges? What justification does he have to make such serious charges against these gentlemen? While I would never question any one's motives here, I do feel these questions are serious enough to warrant some explanation from their author.

Now, Mr. Speaker, I have spoken of the nationwide news release sent by the Republican Campaign Committee, and I have spoken of the financial solicitations by Mr. VANDER JAGT. I now raise the issue of a series of radio and television commercials and direct-mail solicitations the Republican Party is planning to run against the Democrats on this issue beginning next month. According to the Washington Post, the Republican Campaign Committee has identified up to 50 so-called swing districts in which they plan to broadcast television and radio ads against the Democrats using the plight of poor McIntyre as bait. These swing districts have nothing to do with the Indiana issue. They are not swing districts because they might swing for or against McIntyre. They are swing districts because they have been identified by the Republican computers as likely seats for Republicans to take over in the 1986 elections. McIntyre is merely a convenient tool.

Mr. Speaker, again I question no one's motives and I do not allege anything beyond that which the facts might suggest. However, I suggest to my colleagues—and I just offer this as an unobserver of Republican politics—that perhaps there is something more going on here than the plight of those poor, poor, folks back in Indiana. And, Mr. McIntyre, I might suggest, should take a look at what is happening here, as well.

I do not know Mr. McIntyre. I am sure he is a fine young man with a promising future. Unfortunately, fine young men in politics can often find themselves caught up in political webs not of their own weaving. Such might be the case with McIntyre. One must ask—and I hope the people of Indiana will ask—what do all these press releases, fundraising letters, television commericals, direct-mail strategies, and lawsuits with no substance have to do with seating a Member from Indiana? While the facts indicate scam, it is probably not the most appropriate to use here the drama is without doubt a soap.

Mr. Speaker, I thank the Members for their indulgence and the opportunity for me to lay before the House the facts of the election in Indiana's Eighth Congressional District.

[Congressional Research Service, the Library of Congress]

THE POWER OF THE HOUSE OF REPRESENTATIVES TO REFUSE TO SEAT A CERTIFIED MEMBER-ELECT PENDING THE OUTCOME OF A CONTESTED ELECTION

I. INTRODUCTION

Under Article I, section 5, clause 1 of the United States Constitution, each House of Congress is the final judge of the "elections, returns and qualifications" of its Members. When each House judges its elections, it acts as a judicial tribunal and has the authority to do such things inter alia as compel the attendance of witnesses and is in no way inferior to other courts of justice and the powers which they exercise.[1] Thus, each House is the sole judge of election disputes, and its determinations are conclusive and the power of each respective House regarding the elections of its Members is supreme.[2] In the 1972 Supreme Court decision of *Roudebush* v. *Hartke* concerning an Indiana election contest case involving a U.S. Senate seat, it was held that Article I, section 5, clause 1 making each House the judge of elections, did not prohibit a recount by the State. Moreover, the Supreme Court held that such a recount by a State would not prevent or impair the ability of the United States Senate from making an independent evaluation and arriving at an independent final judgment.[4]

When two or more House candidates claim the same House seat and where a judicial investigation by way of a contested election proceeding is necessary to decide the winner, it is often necessary for the House to determine which of the claimants shall be permitted to be seated and exercise the functions of the office during the contested election proceeding.[5] Generally, the person

[1] Footnotes at end of article.

holding the necessary credentials from the state is allowed to be seated and exercise the functions of a Member of the House until the election contest is decided.[6]

The certification by the appropriate election officer in a state (usually by the Governor or the Secretary of State) does not by itself remove or lessen the jurisdiction of the House as the proper tribunal in a contested election case.[7] The certification is simply evidence of the right to hold office. If the election is set aside or if it is determined that the Member holding the certification was not the candidate elected, the certification then becomes ineffective.[8] When the appropriate state election officials have rendered a certification of one candidate and then later retracted that certification and issued another certification to the other candidate, the House on occasion has refused to seat either candidate until after an investigation by the House of the election.[9]

As the final judge of the elections and returns of its Members, the House must determine whether there is before it sufficient prima facie evidence of election of either one of the claimants to the House seat. In the absence of any certification or credentials on the part of state election officials as to which House candidate won a congressional seat, neither candidate should be seated before an investigation by the House into the case.[10] Thus, when there is no record or other documentary evidence to support the result of a House election, a full investigation upon the merits by the House should precede the swearing in of either applicant according to George W. McCrary and his treatise on House elections.[11]

While the certification of a Member by the appropriate state election authorities is generally prima facie proof of the results of a House election, it is not always conclusive proof. For example a certification which declares that a certain candidate won the election but states facts contradicting such declaration may not be prima facie evidence of the right to a House seat.[12]

In the early years of the Congress, Members-elect to the House presented their certificates of election or their credentials to the Committee on Elections which then prepared a report which declared that such Members-elect were entitled or were not entitled to their seats.[13] Gradually this practice was discontinued, and Members-elect were required to present to the Clerk of the House their credentials.[14] This practice has continued to the present whereby before the first meeting of each Congress the Clerk of the next preceding House of Representatives is required to make a roll of the House of Representatives and place the names only of those persons whose credentials show that they were regularly elected in accordance with state and federal laws.[15] But the House under its power to judge the elections, returns, and qualifications of its Members under Article I, section 5, clause 1 has reserved to itself the right to amend the Clerks's roll of Members-elect by striking or adding Members.[16]

II. HOUSE PRECEDENTS IN REFUSING TO SEAT MEMBERS-ELECT DESPITE STATE CERTIFICATIONS

Generally the certification that a Member-elect has won an election is prima facie evidence that he or she is entitled to a seat. The certification is also prima facie evidence of the regularity and corrections of state election returns, and it places the burden on any contestant to prove otherwise.[17] However, the House must determine under its constitutional power to judge elections whether or not there is before it sufficient prima facie evidence of the election of a Member-elect.[18] In the absence of any certification, no Member-elect should be seated before the House conducts an appropriate investigation.[19] Or if there is only an informal certificate of election, there would not be such prima facie evidence, and the House would have to investigate the election further. Or if there were substantial questions concerning the record and evidence of the result of an election, a full investigation by the House upon the merits should precede the swearing in of either claimant.[20]

If the certification or credentials of a Member-elect are in regular form and unimpeached, the House will honor them.[21] In the 1860 Kentucky House election contest case of *Chrisman* v. *Anderson* in the Thirty-sixth Congress (1860-1861), the Committee on Elections asserted that the action by the State election board is not final and conclusive on the House and that it is the duty of the House in a contested election case to go behind all certificates and make the proper investigation to correct any mistakes.[22]

In the Fortieth Congress (1867-1868), the House in the New Mexico election contest case of *Chaves* v. *Clever*, refused to accept the certification of a Delegate-elect because of certain irregularities in the election. Since the certification of the Delegate-elect had been impeached by a letter from the secretary of the Territory of New Mexico alleging false and fraudulent voting, the House refused to seat or swear in either claimant until the Committee on Elections conducted an appropriate investigation of the prima facie right to the seat.[23]

In the Forty-second Congress (1871-1873), there were three instances whereby the House referred credentials of Members-elect to the Elections Committee and did not administer the oath to the Members-elect. The three Members-elect were (1) J.P.M. Epping from South Carolina, (2) R.T. Daniels from Virginia, and (3) Thomas H. Reeves from Tennessee.[24] Also in the same Congress, in the Texas election contest case of *Whitmore* v. *Herndon*, the House refused to permit a Member-elect to be sworn in until the sufficiency of the credentials had been examined by the Committee on Elections.[25]

In the 1877 California House contested election case of *Wigginton* v. *Pacheo* in the Forty-fifth Congress (1877-1879), the House challenged the credentials of a Member-elect who was asked to step aside without taking the oath of office at the time of the organization of the House although his name was on the Clerk's roll. It was alleged that the credentials of the Member-elect were based on forged returns. After an investigation, the House found that the credentials were regular in form, and the Member-elect was then sworn in.[26]

The Mississippi House contested election case of *Chalmers* v. *Manning* in 1884 in the Forty-eighth Congress (1883-1885) involved another case in which the House refused to seat either party until an appropriate investigation by the House into the election was completed. The House in this case refused to administer the oath of office to any person claiming to be a Member-elect while the House was investigating who was entitled to the seat.[27] After two days of considerable debate, the House passed a resolution that referred all the papers presented by both parties to the Committee on Elections and instructed it to report immediately on who was entitled to be seated.[28]

In the twentieth century, there have been two significant cases prior to the 99th Congress in which the House has refused to permit either claimant to a House seat to take the oath of office when certified by state officials as the winner but instead referred the dispute to its Elections Committee for investigation. The first case was the 1934 Louisiana, *Kemp, Sanders* investigation in the 73d Congress in which two persons claimed a congressional seat after a special election. One claimant had a certificate of election signed by the Governor of the State and attested to by the Secretary of State. The other had a certificate of election from a citizens' election committee.[29] Since questions arose as to the validity of the election, the House referred the question of the prima facie right of the claimant to a House seat to the Committee on Elections to decide such question. The Committee report concluded that the nomination and election of candidate Kemp despite state certification as the winner were illegal and void since the voters of the Congressional district were not allowed to choose a candidate in the method approved by law. The report further concluded that candidate-elect Kemp was not entitled to a seat in the House.[30]

The second case involved the 1961 Indiana House contested election case in the Eighty-seventh Congress (1961-1962) of *Roush* v. *Chambers*. In the *Roush* case, the Member-elect (Chambers) at the time of the organization of the House of Representatives was asked to stand aside, while other Members-elect were sworn in, despite a certification from the Secretary of State.[31] The following resolution (H. Res. 1, 87th Cong.) was adopted by the House:

"Resolved, That the question of the right of J. Edward Roush or George O. Chambers, from the Fifth Congressional District of Indiana, to a seat in the Eighty-seventh Congress be referred to the Committee on House Administration, when elected, and said committee shall have the power to send for persons and papers and examine witnesses on oath in relation to the subject matter of this resolution; and be it further

"Resolved. That until such committee shall report upon and the House decide the question of the right of either J. Edward Roush or George O. Chambers to a seat in the Eighty-seventh Congress, neither shall be sworn." (Congressional Record, 87th Cong., 1st sess., vol. 107, pt. 1, pp. 22-23.)

According to the *Roush* v. *Chambers* case, a certificate of election from the appropriate state officer is considered only as prima facie evidence of election and may be rendered ineffective by the House under its power to judge elections in its adoption of a House resolution which would refer the election contest to the Committee on House Administration without seating either candidate.[32] After an investigation of the election and a recount of the votes, the Committee concluded that the noncertified candidiate (Roush) was the actual winner and entitled to the Fifth Congressional District seat in Indiana.[33]

III. CONCLUSION

Generally, the House will admit and seat a Member-elect whose qualifications are unquestioned on a prima facie certification by state officials in situations even when the final right to the seat or the disposition of any election contest case is unresolved.[34] However, a number of House Precedents, as noted above have asserted the right of the House of Representatives under its constitutional power to judge the elections and returns of its Members (U.S. Const., Art. I, § 5,

cl.1), to disregard the state certifications in certain circumstances and refuse to seat Members-elect pending the outcome of investigations by its Committee on Elections or the Committee on House Administration. State certification constitutes only prima facie evidence but not the total and absolute evidence. Thus, the House as the final judge of the elections and returns of its Members can refuse to seat and to administer the oath to a certified Member-elect, and it can proceed to investigate the case considering other evidence such as its own recount of the voters by its elections Committee.

The power of each House of Congress to judge the elections and returns of its Members is supreme.[35] The Supreme Court in *Roudebush* v. *Hartke* asserted that each House has the constitutional power to make an independent and final judgment of an election contest case despite the provisions of state election laws and the construction of such laws by state court decisions.[36] Such power would include the right of the House to look beyond a prima facie state certification of a Member-elect to determine the final outcome of a House contested election. And in certain circumstances as House precedents have indicated, this power would also include: (1) the right of the House of Representatives to ask that a Member-elect stand aside while the oath of office is administered to other Members-elect at the organization of the House at the beginning of a new Congress and (2) the right of the House to refuse to seat a certified Member-elect pending an outcome of a contested election investigation.

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FEBRUARY 13, 1985.

FOOTNOTES

[1] *Barry* v. *United States ex rel. Cunningham*, 279 U.S. 597, 616 (1929).

[2] *Bernard Schwartz, A Commentary On the Constitution of the United States*, Pt. I, (The MacMillan Company, New York, 1963) p. 102.

[3] 405 U.S. 15 (1972).

[4] *Id.*, 25-26.

[5] George W. McCrary, *A Treatise On the Law of Elections*, ch. 4, § 204, p. 148 (1875). (Hereinafter referred to as *McCrary on Elections).*

[6] *Id.*, at p. 149.

[7] *Id.*, § 210 at p. 151.

[8] *Ibid.*

[9] *Id.*, § 212 at pp. 152-153. See also the House election contest cast of *Wallace* v. *Simpson*, 41st Cong. (1869-1871) in which the House upon receiving two certifications of two different candidates refused to give the seat to either claimant based upon his *prima facie* title due to such certification, but by a unanimous vote of the whole House recommitted the case for investigation on the merits. See Chester H. Rowell, *A Historical and Legal Digest Of All The Contested Election Cases In the House of Representatives From The First To The Fifty-Sixth Congress*, 1789-1901. (Wash: U.S. Gov't Printing Ofc. 1901), p. 235.

[10] George W. McCrary, *McCrary on Elections*, *supra*, § 215 at pp. 155-156.

[11] *Ibid.*

[12] See Halbert E. Paine, *A Treatise On The Law of Elections To Public Offices*, (Wash. D.C. Wm. H. Morrison, Publisher, 1888), § 626, p. 529. *Cf. Giddings* v. *Clark*, 42d Cong. (1871-1873); Chester H. Rowell, *A Historical and Legal Digest*, *supra*, pp. 263-264. The 1872 *Giddings* v. *Clark* case discussed the issue of whether a certification by a governor gave a candidate a *prima facie* right to a seat despite contradictions in the certification; the majority report was adopted which accepted the certificate as a granting a *prima facie* right to a seat even though it contained contradictory statements.

[13] Henry C. Remick, *The Powers Of Congress In Respect To Membership And Elections*, (Princeton, N.J. 1929 v. 1, p. 97.

[14] *Ibid.*

[15] 2 U.S.C. § 26 (roll of Representatives—elect).

[16] Henry C. Remick, *The Powers Of Congress*, *supra* at p. 97.

[17] *Gormley* v. *Goss.*, H. Rep. No. 893, 73d Cong., 2d Sess. (1934).

[18] George W. McCrary, *McCrary On Elections*, *supra*, §§ 214-215 at pp. 155-156.

[19] *Id.*, § 215 at p. 156.

[20] *Ibid.*

[21] 1 Hinds' *Precedents Of The United States House of Representatives* § 535, 537, pp. 683, 684 (1907).

[22] *Id.*, § 538 at pp. 688-689.

[23] *Id.*, § 541, pp. 691-692.

[24] Henry C. Remick, *The Powers of Congress*, *supra* at p. 99.

[25] 1 Hinds' *Precedents*, *supra*, § 100 at p. 782.

[26] Henry C. Remick, *The Powers of Congress*, *supra* at p. 98. See also, 1 Hinds' *Precedents*, *supra*, § 539 at p. 690.

[27] Chester H. Rowell, *A Historical And Legal Digest*, *supra* at pp. 396-397.

[28] *Ibid.*

[29] Lewis Deschler, *Deschler's Precedents Of The United States House Of Representatives*, (Wash., D.C., U.S. Gov't Printing Ofc., 1977), ch. 9, §§ 9.1, 47.14, pp. 362, 495-501.

[30] H. Rep. No. 334, 73d Cong., 2d Sess. (1934). House Resolution 231 in the 73d Cong. was passed by the House which resolved: (1) that neither candidate was entitled to a seat in the House and (2) that the speaker convey to the Governor that there was a vacancy in the Sixth Congressional District of Louisiana.

[31] H. Rep. No. 513, 87th Cong., 1st Sess., p. 3 (1961).

[32] Lewis Deschler, *Deschler's Precedents*, *supra* at ch. 9, §§ 9.3, 59.1, pp. 363. 593.

[33] H. Rept. No. 513, 87th Cong., 1st Sess. p. 59 (1961). See also H. Res. 339, 87th Cong. 1st Sess. (1961).

[34] Henry C. Remick, *The Powers of Congress*, *supra* at p. 97.

[35] See *Keough* v. *Horner*, 8 F. Supp. 933, 938 (S.D. Ill. 1934). This District Court asserted that the power of each House of Congress to judge the qualifications and the legality of the elections of its Members is supreme and that the federal court has no authority to judge the manner in which Members of Congress were elected or to interfere with the Governor in furnishing an election certification.

[36] 405 U.S. at 23-26.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield when his summary is through?

Mr. ALEXANDER. I, of course, would be pleased to yield 2 minutes to my friend and my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank the distinguished gentleman for his courtesy.

Mr. Speaker, I think that when all the dust is settled here, because I think we share a mutual respect for the intellectual skills of my colleague from California, [Mr. PANETTA], I believe that this man who you said was probably a fine young man with a great career ahead of him, Rick McIntyre, will be seated on our side of the aisle.

I think that somewhere between your perceived soap opera or sinister plot, you have to go back to the skills of fund raising that your party used about 20 years ago that my party watched very carefully and learned well from and is now using to try and overcome the tremendous majority advantage built into those butchered reapportionment maps, and particularly I speak of my State.

But one of the majority Members on your side of the aisle, in a nonattribution quote, which I loathe in this body or anywhere in the press media because I have suffered it myself, I am sure you have, we all do, but a nonattribution quote from so-called Democratic leader on your side described Mr. COELHO, my friend from California, as a man with one foot on a banana peel. Although I think the nonattribution was rotten, the description is fascinating because I think the banana peel his foot is on is this Rick McIntyre case, and I think when you look at the Indiana district and realize Mr. COELHO's wife came from there, that he put a maximum $25,000 from your congressional committee into that race, that he even raised money with Jane Fonda, which I find offensive, for your congressional committee to put into some of these races, that we may see that you will have a new chairman of your Democratic Congressional Campaign Committee, where on our side of the aisle Mr. VANDER JAGT may have written new annals in the history of fund raising.

□ 1640

But I wish that it would go away. I am sure you do on your side. I appreciate the excellent homework you have done on it. We will get back to saving the Peacekeeper missile the way you and I saved the B-1 bomber.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from California. He is always articulate and most of the times relevant. Today he offered his opinion, and we are all entitled to that here in the House of Representatives. I appreciate the gentleman's opinion, and I might say that it does not surprise me.

But I will also add that I want to make my judgment, based upon the facts which are determined in the regular order and according to the precedents which go back more than 100 years in the House of Representatives to be followed and administered under the supervision of the House Administration Committee, which two courts have said within the week has the jurisdiction for determining the outcome of the McCloskey-McIntyre race. And when the votes are recounted, with the supervision of the General Accounting Office, which no one questions, an institution of Government of the highest integrity, and all of the evidence is brought before this chamber for consideration, I can be comfortable at that time to make my judgment based upon the facts that are presented. To do so before then, as I have tried to outline here this evening, would be to base one's judgment on one's own opinion or one's own party loyalty or one's own direction that is not based upon the facts. And while we differ sometimes, from time to time, I find the gentleman always to be a gentleman, and I appreciate very much his participation in the special order this evening.

Mr. DORNAN of California. Mr. Speaker, I thank my distinguished colleague.

Mr. ALEXANDER. Mr. Speaker, if there are no other participants on the Democratic side, I yield back the balance of my time.

THE JOB CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. WILLIAMS] is recognized for 60 minutes.

Mr. WILLIAMS. Mr. Speaker, I rise today in support of the Job Corps.

President Reagan's budget includes a proposal to eliminate the Job Corps Program. This program provides remedial and skills training to approximately 78,000 disadvantaged youth between the ages of 16 to 21, most of whom are high school drop-outs. Enrollees are served in one of the 107, primarily residential, centers located around the country. The administration claims that the annual unit cost for Job Corps is $15,000. However, in testimony last year before the Senate, the Department of Labor cited that the cost per participant is far less, about $5,250.

The budget documents are replete with references to Job Corps, its costs, and its value—that the costs for the program cannot be justified. For instance, the documents mention that the cost "nearly equals the annual cost of sending a student to Harvard or Stanford Universities which is far beyond the reach of most American families." Putting aside the thought that a Job Corps enrollee could attend Harvard or Stanford, much less any other university, the 9-month cost of attending Harvard or Stanford (tuition, room, board, books, fees, allowances, etc.) equals approximately $15,000 which compares to Job Corps' 12-month cost. However, Stanford figures it costs almost twice that much—that the school subsidizes half the true costs. Thus, the OMB comparison of Job Corps and schools such as Harvard or Stanford suffers.

Second, the mathematica study, which OMB went to great lengths to discredit—and couldn't—found that the benefits of the Job Corps Program exceeded the costs by 45 percent. This study found that:

One. Corpsmembers averaged over 4 weeks more employment per year than the control group.

Two. Corpsmembers averaged approximately $500 more per year in earnings than the control group.

Three. There was double the likelihood of entrance into the U.S. Armed Forces.

Four. Corpsmembers were three times as likely to earn a high school diploma or equivalent.

Five. Five percent of corpsmembers went on to college, while none of the control group did.

Six. Corpsmembers averaged 3 fewer weeks of public assistance than the control group.

Seven. Corpsmembers averaged 1 week less per year of unemployment insurance than the control group.

Eight. There were significant Job Corps related effects in terms of reducing out of wedlock children among females.

Third, Robert Taggert issued a study sponsored by the W.E. Upjohn Institute for Employment Research. His study cited such factors as reduced criminal activity, approximately $2,112 per corpsmember; reduced treatment costs for drug and alcohol abuse, about $30 per corpsmember; reduced dependence on transfer payments, approximately $1,515 per corpsmember; and, most importantly, increased post-program output, about $3,896 per corpsmember.

Fourth, OMB ignores the data from mathematica and apt associates which showed that post-enrollment arrests and convictions not only were down, but the seriousness of the crimes was substantially reduced. If OMB wants to compare Job Corps costs with something, use the costs for incarceration ($20-30,000) and not Harvard or Stanford, since recent data indicate that 38 percent of the enrollees had arrest records and 23 percent had been convicted.

Let me quote from Senator ORRIN HATCH's, chairman of the Senate Committee on Labor and Human Resources, description of the Job Corps which appeared in the February 1985 issue of the Job Corps Magazine:

> The Job Corps is a unique concept for providing skills training and job counseling primarily to disadvantaged youth: 85 percent are high school dropouts and 100 percent are below the poverty level. As many as 25 percent have been rejected by the U.S. Armed Forces due to their inability to meet minimum entrance requirements. The individual Job Corps centers, managed and operated by public and private organizations, concentrate on developing competency in the basic educational skills and providing the skills training required for employment in the private sector or acceptance into the military.
>
> The training programs have been designed by individual centers, in close collaboration with business and labor unions. The basic Job Corps Programs are recognized for their effectiveness in not only basic education and general training, but in changing the attitudes of formerly discouraged young people. The private sector's faith in the Job Corps is exhibited by its willingness to be involved in the operation of Job Corps centers or in launching innovative programs which complement Job Corps training, and provide advanced learning and career development opportunities.
>
> Further, Job Corps centers are residential and provide students with the kind of support that accrues from having nutritious meals, health services, student government, organized sports and recreation, and the chance to see life in a positive atmosphere. This unique concept is one through which teenagers can develop some self-discipline, respect for others, respect for authority, and can receive the friendship and support of their fellow students. Counselors are equipped to handle personal problems. Students can become well-rounded, productive individuals able to cope with the day-to-day problems we all face and who can derive some self-satisfaction from having done so.

Let me alert my House colleagues that it has come to my attention that the Department of Labor has established a working group to develop steps and procedures for dismantling the Job Corps Program, the 1985 Labor, Health and Human Services, and Education Appropriations Act—Public Law 98-619—did not provide funds for this purpose and thus, in our view, no funds from this act should be used to accomplish this objective. Surely, this type of contemptuous action by the Department should be halted until Congress works its will.

Let me also advise my colleagues in the House of Representatives that, while we focus on the very real threat of this administration's desire to eliminate the Job Corps, let us not forget, in the smoke generated by that action, that the Job Training Partnership Act (JTPA) suffers significant cuts in the Reagan budget for 1986 as well as rescissions proposed for money already allocated. For fiscal 1986, the Summer Youth Employment Program would be reduced from $824 million in fiscal 1985 to $664 million, a cut of over 19 percent or $160 million. The Displaced Worker Program would be reduced from $222.5 million in 1986 to $100 million, a cut of 55 percent. In addition, in 1985 a rescission of $100 million is requested for the Summer Youth Employment Program, a $119.5 million rescission for the Displaced Worker Program and a $10.7 million rescission for the Title IV Program support—$2.1 million—and Pilot Projects and Demonstrations—$8.6 million—accounts. There is also a deferral of an additional $7.3 million from these same 1985 appropriation accounts under authority of section 514 of the 1985 Treasury-Postal Service appropriation bill.

If the latter rescission is approved and the deferral is allowed, without challenge, national organizations currently providing badly needed technical assistance and program services to the Job Training Partnership Act system would lose funding as of July 1, 1985.

In closing, I would like to make colleagues aware of recent editorials that appeared in the Washington Post and the New York Times in support of the Job Corps.

[From the Washington Post, Feb. 9, 1985]

SAVE THE JOB CORPS

One of the last survivors of the War on Poverty is slated for extinction. The president's budget for fiscal 1986 and beyond would close down the Job Corps, one of the few programs that has ever succeeded in re-

alistic measure in dealing with the nation's hardest-to-employ youth.

Like most social experiments of the 1960s, the Job Corps was conceived with an excess of expectation and a deficit of common sense. Unlike most social experiments, the Job Corps was allowed to survive long enough to learn from its mistakes. When Richard Nixon proposed ending the Job Corps, management was poor, discipline was lax and some sites suffered from racial discord and vandalism. As William Mirengoff, who took over the program for the Nixon administration recalls, "The media blew up every fistfight into a storm of violence."

Job Corps' administrators recruited counselors who knew how to deal with street kids, tightened up standards for counselors and youths and got unions and businesses to update training courses. A few years later, careful studies showed the Job Corps scoring impressive successes in changing the lives of kids otherwise headed for disaster—those with arrest records, out-of-wedlock pregnancy and truancy, for example, in their backgrounds.

The Jobs Corps is a residential program. It takes youths out of ghettos and depressed rural areas and moves them to camps to do conservation work and training. The hope is that the change of atmosphere and routine will make it easier for them to shake off the bad habits. That makes the program expensive—$15,000 for a year-round slot. It also means that the initial dropout rate is high, since many can't make the adjustment. But it also accounts for the program's notable success in increasing employment, military enlistment and further education, and reducing criminality and welfare dependency among those who stick it out.

In making its case for disbanding the program, the Office of Management and Budget focuses only on the high cost per slot—ignoring the fact that more than one youth can fill a slot during a year—and the relatively low rate of direct placement in jobs—ignoring other positive outcomes such as military enlistment or return to school or the fact that, as in most training programs, large numbers of graduates find jobs for themselves. But controlled comparisons (which don't make all these obvious mistakes) show that the Job Corps is a good investment for the taxpayer. And even those calculations don't take account of the moral returns to a country that reaches out to its most disadvantaged young people.

[From The New York Times, Feb. 26, 1985]

KEEP THE JOB CORPS: IT WORKS

The Reagan Administration is a relentless critic of Great Society programs that don't work. Why, then, is it so eager to eliminate the Job Corps, which does?

The Administration says programs created under the Job Training Partnership Act, enacted in 1982, serve the same disadvantaged groups as the Job Corps, but far more efficiently and at substantially lower cost. There's only one problem with this claim: It can't be proven and actually appears to be false.

The Labor Department so far has issued data on the first nine months of Partnership Act programs, ending last June 30. They show "positive terminations"—jobs, additional schooling or military enlistments—for 63 percent of the 153,400 young people who passed through the programs during that time. The average cost was $3,287.

By comparison, the Job Corps's numbers seem unimpressive. Only 35 percent of those who enroll in the corps complete a training program, although three-fourths of these graduates have "positive terminations." And the average annual cost for each of the corps's 40,500 training slots is almost $15,000.

But the disparity in success rates seems to reflect less what takes place in the programs than what they start out with. Not every disadvantaged person is equally disadvantaged. And independent studies suggest that most of the young people in the Job Training Partnership programs could not be called hard-core.

The Job Corps, however, has a well-documented 20-year record of taking the toughest cases, youngsters already well down the road to perpetual joblessness, dependency or criminality. A recent study found only 15 percent had high school diplomas; 38 percent had arrest records. In such cases, the investment must necessarily be greater. But for each success, the payoff—both for the individual and society—also is greater.

Senator Orrin G. Hatch of Utah, a Republican and a conservative, understands this and is leading the fight in Congress to save the Job Corps. That fight should not even be necessary. And it wouldn't be, if the Administration would appreciate the value of things as well as their price.

I would also like to cite the summary of the January 1985 youth employment situation made available by the Roosevelt Centennial Youth Project:

THE YOUTH EMPLOYMENT SITUATION

Nearly 8.5 million Americans were unemployed in January, 1985; up nearly 300,000 from December, 1984. Over 38% of them are under 25. The unemployment rate for 16-19 year olds rose from 18.8% to 18.9%.

The number of unemployed teenagers has risen by 135,000 over the last two months.

The unemployment rate of black teenagers remained at 42.1%, while the white teen rate increased from 15.5% to 15.8%, continuing the substantial gap between the two groups.

While nearly 7.2 million jobs have been created since November, 1982, teenagers, who represent 18% of the unemployed, have received fewer than 2% of all new jobs.

The teenage population declined by 11.5% between 1979 and 1984. The number of employed teens, however, fell by 20.3%.

Only 24.1% of black and 35.3% of Hispanic teenagers are employed, compared to 49.0% of white teenagers.

Only 6 of every 100 black teenagers have full time jobs.

On average during 1984, 1.4 million teens classified as outside of the labor force expressed a desire to be employed on a part-time of full-time basis.

The unemployment rate of 1983 black high school graduates (37.5%) substantially exceeds that of white high school dropouts (23.5%).

A total of 220,000 20-24 year olds who are looking for work have never worked before.

In many urban schools dropout rates have reached alarming rates for Hispanics—New York, 80%; Chicago, 70%; Los Angeles, 50%—and 85% for Native Americans.

Forty-five percent of Mexican American and Puerto Rican students who enter high school never finish compared to 17% of white students.

Over 40% of all Hispanics who leave school do so before entering high school.

Only 36.4% of the black graduating seniors in 1982 entered colleges, a substantial decline from 43% in 1980 and 1981.

Source of Employment Data: Most recent statistics available from the Bureau of Labor Statistics.

● Mr. HAWKINS. Mr. Speaker, I rise today in support of the Job Corps Program. As chairman of the Committee on Education and Labor which has jurisdiction over this program and has monitored it for two decades, I feel that I am able to speak to the merits of this program with some authority.

Originally authorized by the Economic Opportunity Act of 1964, the Job Corps is a residential program of intensive skill training, remedial education, and supportive services for very disadvantaged youth aged 16 to 21. Since its inception, more than 1.2 million economically disadvantaged youth have participated in the program and have benefited from it.

Although the Reagan administration criticizes the Job Corps for high costs per slot and relatively low placement in jobs, this administration has chosen to ignore the high positive termination rate of 80 percent in the 1983-84 program year. The administration also chooses to ignore the fact that more than one youth can fill a slot during the year.

Moreover, independent evaluations have also found that not only is the program an effective one, but also, that the benefits exceed the costs. In a September 1982 report on the Job Corps, Mathematica Policy Research, Inc. found that the Job Corps: First, increased employment and earnings; second, improved future labor market opportunities through work experience, military service, higher education and training, better health, and geographic mobility; and third, reduced dependence on welfare assistance and other public transfers, and reduced criminality. It should be noted that in 1982 the annual cost of incarcerating a juvenile was more than $16,000, which is higher than the annual cost of a Job Corps slot in 1985. The relatively higher per-slot costs reflect the residential nature of the program—precisely the component that has rescued this group of severely disadvantaged youth from environments of crime, adolescent pregnancy, and grinding poverty.

Mr. Speaker, last October, the Department of Labor issued a press release which described the significant achievements of the Job Corps Program on its 20th anniversary. In that release, the Department proclaimed that, "For some, it's the last, best hope to join the societal mainstream." Now, just a few months later, in the midst of the discussions on the fiscal year 1986 budget, this administration has chosen to ignore its own Department of Labor's tribute to the success of the Job Corps Program.

In the coming weeks, the Congress will have an opportunity to act on the

President's fiscal year 1986 budget proposals. I hope that my colleagues in the House and Senate will not lose sight of the successes which the Job Corps Program has achieved, and will instead act responsibly to protect our Nation's youth of today by safeguarding this wise investment in our country's future.●

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GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

I also ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I thank the gentleman from Montana for yielding. I want to commend him for his defense of the Job Corps. I think many of the points the gentleman has been making have been also borne out by the experience that I had some 10 years ago when the first Job Corps Center in New York State was located in my congressional district in the Albany area of New York State. Actually, it was in the high income area of the New York State capital and in a town that was known as Bethlehem.

Many of the arguments that the gentleman has referred to were initially directed against my support for bringing in the Job Corps. The item that it cost more to put one youngster through the Job Corps than it did to put them through Harvard or Stanford was made and in addition to that the local citizens, although they claimed that they had no discrimination in mind were concerned that some of the students who would be serving in the Job Corps would be utilizing the Job Corps and would probably have come from the streets of New York City. They felt that their daughters might not be safe at night and probably there would have to be a large increase in the local police force in order to secure the protection of the local residents.

As a matter of fact, the Job Corps site I think probably is one of the most unique in the system. It was a large, beautiful 22-acre site on the banks of the Hudson River and the basic building was an abandoned Catholic seminary.

Finally when it turned out that the community leaders would not accept the location of the Job Corps in the town of Bethlehem, they finally went to court and the decision made in the middle of December in the U.S. District Court for the Northern District of New York, the decision handed down by Judge James Foley, pointed out that not only were they properly entitled to be there, but he commented that it was a little odd that on the eve of Christmas there should be found no room for young people who came from disadvantaged homes in a community named Bethlehem.

But the sequel to that was the judge, having approved the location of the Bethlehem Center, the neighbors over the next ensuing year found that the people in the Job Corps were very fine neighbors. There was no increase in crime. There were no incidents involving the daughters of the community. In fact, the controllers of the Job Corps invited in the neighbors and they soon became very friendly.

I think perhaps one of the major reasons for the success of the Job Crops in the town of Bethlehem was due to the leadership of the Singer Corp., the individual that they sent to Albany County, John Aquilano from Rochester, who was a very wise and friendly individual, but one who insisted on the strict discipline that he had promised to instill from the outset, and so this has become a major component of the Albany area.

I was surprised that when the announcement came that the Job Corps was going to be terminated in the President's budget, who should be the individuals who wrote in in support of continuing the Job Corps but the very same people who some 5 years or 10 years earlier had opposed it.

So I think this is an example of the kind of job that the Job Corps has done. It has sent people on to college as the gentleman has indicated, and a number of others have gone into the military service, having picked up a number of skills as a part of their training in the Job Corps.

I certainly join with the gentleman in my pledge to do everything possible that we can to keep the Job Corps going. It is a worthwhile and certainly very valuable project.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for that contribution.

I yield to the chairman of the Employment Opportunities Subcommittee of the Committee on Education and Labor, the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, as we address our colleagues today, I am mindful of a message in the President's State of the Union Address. He said, "We can help our teenagers who have the highest unemployment rate find jobs so they can know the pride of work and have confidence in the future."

I would humbly suggest, Mr. President, that Job Corps is one way and a proven way to do that. Further, I suggest that the cutting of Job Corps which has been justified in the name of deficit reduction is ludicrous when in actuality private studies indicate that the Job Corps returns $1.40 to our economy for every dollar invested. Even if it was only 16 cents returned as purported by the Department of Labor's study—16 percent profit is still profit. Ask any large or small business if they wouldn't mind having that kind of profit. But regardless of the cost effectiveness of Job Corps, OMB persists that it is not a successful program. It is my belief that it is a shame that these cuts are being offered when teenage unemployment is 20 percent and minority youth unemployment is 42 percent.

Job Corps is a unique concept for providing skills training and job counseling primarily to disadvantaged youth: Eighty-five percent are high school dropouts and 100 percent are below the poverty level. As many as 25 percent have been rejected by the U.S. Armed Forces due to their inability to meet minimum entrance requirements. The individual Job Corps centers, managed and operated by public and private organizations, concentrate on developing competency in the basic educational skills and training required for employment in the private sector or acceptance into the military.

The success of the concept is clear from the statistics: In 1979, 93 percent of Job Corps enrollees were placed either in private sector jobs, admitted to school or entered the Armed Forces. The placement rate of the Job Corps has increased steadily since it was created in 1964. A study performed for the Employment and Training Administration of the Department of Labor which compares Job Corps Program participants with nonprogram participants found that:

Corpsmembers averaged over 4 weeks more employment per year;

Corpsmembers averaged approximately $500 more per year in earnings;

Five percent of the corpsmembers went on to college, while none of the control group did;

There was double the likelihood of entrance into the Armed Forces;

Corpsmembers were three times as likely to earn a high school diploma or equivalent;

Corpsmembers averaged 3 fewer weeks of public assistance than the control group; and

Corpsmembers averaged 1 week less per year of unemployment insurance than the control group.

All of this and additional favorable news surrounding the success of the Job Corps Program was the basis for the junior Senator from Utah's article entitled: "Why I support Job Corps". The Senator, who has supported many of the President's budgetary policies, has stated:

It is no secret that I have never believed in handouts from Government, but, the basis Job Corps Programs are recognized for their effectiveness in not only basis education and general training, but in changing the attitudes of the formerly discouraged young people.

It is because of the widespread, bipartisan support coupled with strong statistics demonstrating proven results that we intend to do everything possible to make certain the President is not successful in his efforts to gut the Job Corps Program. I, along with many of my Education and Labor Committee colleagues, have introduced House Resolution 72, intended to reaffirm Congress' support in a bipartisan fashion for the Job Corp Program. I invite others to cosign this legislation and join in our expression of support for the Job Corps Program.

In closing, let me again quote the President. He said, "Let us resolve that we will stop spreading dependency and start spreading opportunity, that we will stop spreading bondage and start spreading freedom." Mr. President, colleagues, there can be no freedom when you are enslaved by poverty and lack of opportunity. I, believe, like many who support Job Corps, that we owe all of our youth the opportunity to create the best future we are able.

□ 1700

Mr. WILLIAMS. I thank the gentleman from California [Mr. MARTINEZ] and look forward to continued work with him on his Employment Opportunities Subcommittee.

At this time, I recognize the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, nothing speaks as eloquently on its own behalf as success, and I am proud to represent the city that has the No. 1 Job Corps program in the Nation, run by the El Paso Corps Center in El Paso, TX.

In the 14 years since it began operations, the El Paso Job Corps Center has placed more than 7,000 taxpaying and contributing young men and women in the El Paso community. The El Paso Job Corps program is not only a proven, productive, and effective program, it is an investment, an investment in our community that has produced dividends many times over the original costs.

Mr. Speaker, the President was clearly wrong to propose the elimination of the Job Corps, a move that would create a false economy. Each Job Corps graduate returns $18 in income taxes over his or her working life for every dollar invested in their training. That's a return of 1,800 percent, and surely even David Stockman can understand those kind of numbers. The Job Corps program in El Paso and in the United States is a deficit reducer, not the other way around, and represents a net gain for the Treasury. Unemployment in El Paso just went over 11 percent, and the people of the 16th district want to know why the administration is trying to cut jobs in times like these. If we can avoid being penny-wise and pound-foolish, the program will be preserved.

HISTORICAL BACKGROUND OF THE JOB CORPS PROGRAM

The origin of the Job Corps, as with many of the other Great Society programs, dates back to the mid-1960's when President Lyndon B. Johnson suggested to the country that, while urban renewal assuredly remained a national priority, human renewal had become an absolute must. Some 20 years later, it is a tribute to the effectiveness and worth of Job Corps that it not only remains operative but, indeed, has been strengthened at a time when many urban and human renewal programs have been drastically reduced or eliminated as both the Congress and administration struggle to bring the national budget into balance.

Today, nearly 50,000 young men and women—all from highly disadvantaged backgrounds as determined by U.S. Department of Labor poverty guidelines—are in training at any given time in 105 Job Corps Centers throughout the country. These were once disillusioned and discouraged young people. They now have been moved out of the nation's barrios and ghettos to benefit from comprehensive programs of basic education and vocational skill training, plus strong support services which include health care, proper food and nutrition, professional counseling, and social, ethical, and moral teachings—in short, an experience of positive renewal.

These were young men and women who offered a strong potential for becoming recurrent and costly wards of state and country in one way or another. Instead, carefully logged statistics over the years demonstrate that Job Corps graduates become well-adjusted and productive citizens. The program has proven to be an investment rather than a cost since Job Corps graduates will return between $20 and $30 to the U.S. Treasury in the form of income taxes for every dollar expended for their training.

The El Paso Job Corps Center came into being in 1970 after local officials and civic leaders vistied the Secretary of Labor in Washington, D.C. and secured a commitment of support for a local program. The concept for an El Paso Center, as presented to the Secretary, was that it would serve the needs of El Paso disadvantaged youngsters almost exclusively, as opposed to other Job Corps Centers across the country that recruited on a statewide, and even nationwide, basis.

The first home of the El Paso Job Corps Center was the historic Cortez Hotel in the downtown district which had been vacant for several years. The initial class of corpsmembers was enrolled September 28, 1970, and by December of that year the capacity complement of 250 students had been reached—all male. In 1975, the El Paso Job Corps Center went coeducational when facilities were expanded to accommodate 100 female enrollees.

Then, in 1979, the U.S. Department of Labor purchased a motel complex at Lomaland and Interstate 10 on the city's east side and the Center was relocated there. An 18,000-square-foot vocational training building was added to the other facilities on this five-acre site and today the El Paso Job Corps Center has a capacity of 415 students. It is operated by the Texas Educational Foundation, Inc., a non-profit organization which contracts with the U.S. Department of Labor to run three Job Corps Centers in Texas.

Corpsmembers may pursue vocational training in eight different fields and, since most of them are high school dropouts, an extensive academic curriculum leading to the acquisition of a high school diploma or high school equivalency certification from the State of Texas is offered. Each student is allowed to progress through both vocational training and basic education courses at his or her own pace, but with maximum tenure at the Center set at two years. Most finish the program in one year or less.

As students near the completion of their particular programs, they are placed in actual work experience situations through the cooperation of various El Paso businesses. Following this four- to six-week on-the-job training experience, the Center's placement service attempts to secure positions of permanent employment for them. Approximately 95 percent of El Paso Job Corps Center graduates have become employed, have entered one of the country's armed services, or have gone on to pursue higher education.

Enrollment in the El Paso Job Corps Center is limited to young men and women between the ages of 16 and 21 who are not in school, who are economically disadvantaged, and have no employment skills. While in training, resident students receive room and board; all students receive clothing and medical and dental care.

Students are encouraged to participate in the Center's leadership training course, the Corpsmember Government Association, and the Explorer Scouting program. Civic responsibilities are learned through participation in such activities as fund-raising telethons, food drives for needy families and various other community service and volunteer efforts.

Each year since 1975 the El Paso Job Corps Center has been rated the number one operation in the entire country by the U.S. Department of Labor, based on the measurable standards of student recruitment and retention, program completion, operational efficiency, and placement. Corpsmembers and staff are justly proud of this accomplishment and intend to keep the number one banner flying as a permanent part of the institution.

Mr. WILLIAMS. I thank the gentleman from Texas.

I now recognize the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. I thank the gentleman from Montana for yielding and thank him for his efforts to take out the time today for this special order to talk about this very important program.

Mr. Speaker, today I come to you in defense of one of the most unique and successful programs in existence, the Job Corps training program. Not only unique and successful, the Job Corps Program takes the Nation's most disadvantaged, unemployed youths and turns them into productive citizens. Without question, the Job Corps is the most cost-efficient Federal youth program in existence.

Despite its success, the administration proposes to eliminate the Job Corps completely. It is made without regard to the importance of the program and justified by half-truths and misrepresentation of the facts. So, let's review the facts:

The Job Corps Training Program, in its 20 years of existence, has successfully trained about 2 million hardcore "problem" youths who are now gainfully employed and paying taxes. Since many were functionally illiterate with prior arrest records, they would most likely be in welfare lines or in prison at the public's expenses today.

The administration contends that each Job Corps slot costs the taxpayers $15,000 a year. They forget to tell us that since each slot serves two or more participants, the cost is really $6,244 a year a sight cheaper than prison which runs an average of $21,000 a year.

What about Job Corps placement? During fiscal year 1983, Job Corps placed 50 percent of all its enrollees in jobs and another 25 percent into further education and the military.

The administration now contends that the Job Corps program is an alternative program for training and therefore not needed. Wrong! The Job Corps Program is not an alternative; to quote Secretary Donovan's own press release issued last October, it is "the Nation's only residential program for economically disadvantaged youths needing special attention to get that all-important start in life." This program takes participants who need a controlled setting away from their backgrounds of poverty and crime and separates them from it. It provides remedial education and counseling in social responsibility in addition to job skills training. The average enrollee is 18 years old, a high school dropout who has never been employed.

Eighty percent of them cannot read at the eighth grade level and a full 40 percent have prior arrest records. They need time away—time to learn and grow in a new environment. This is not provided by other training programs.

Today, the youth of our Nation face an overwhelmingly bleak employment picture. Nearly 40 percent of all the unemployed are young people between the ages of 16 and 24. This is a statistic few of us like to think about. Yet in this time of need, the Job Corps program offers hope to more than 80,000 of these unemployed young people each year. Does the administration propose to turn these youngsters out on the street? Do we?

And, finally, I want to point out that the Job Corps Program is a volunteer program. Those who enter this program want to be there. They know that this may be their last chance to take their lives and make something of them; they're eager and willing. They have pride and hope for the first time in their lives.

Are you willing to rip this last chance out from under them? Are you willing to throw these young people back out on the streets and deny them what well may be their only chance to make something positive out of their lives? Do you want to perpetuate the cycle of poverty and crime not only for the 50 years of their remaining lifespans but on into the future through the children they will bring into our society?

Let's build a stronger, better America by helping a truly deserving group of earnest and striving young Americans today. I submit to you that this program, their last hope, should not be destroyed; it should be expanded for the ultimate good of us all.

□ 1710

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from Kentucky for his contribution.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. BUSTAMANTE. I thank the gentleman for yielding.

Mr. Speaker, I am grateful to my friends and colleagues, for scheduling time under special orders to speak on behalf of Job Corps.

My reason for supporting Job Corps is simple and can be summed up in two words: It works!

Job Corps has a tough mission. It trains the hardest-to-employ, streetwise youth for jobs. Because of the nature of its mission, Job Corps can't be accused of enrollment "creaming." Seventy-eight percent of Job Corps participants are school dropouts, and 73 percent are minorities. Of those who complete the program and become available for placement, 85 percent found jobs, enlisted in the military, or went on to further their education. No matter how you measure success, one can only conclude that Job Corps is accomplishing its mandate. And for over 20 years, it has accomplished it very well.

Job Corps graduates find their lives can be turned around through discipline and hard work. Communities find that youths who once posed a threat to public safety can become productive, working citizens.

President Reagan has said the best social program America can offer its people is a job. I agree with the President. But we can't accomplish that goal by eliminating Job Corps—as this administration is proposing.

Job Corps success speaks for itself.

Let's keep it!

Thank you, Mr. Speaker.

Mr. WILLIAMS. I thank the gentleman from Texas.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES. I thank the gentleman for yielding.

Mr. Speaker, I too want to commend the gentleman from Montana for his leadership in trying to stop the bludgeon that the President of the United States has aimed against one of the programs that works with respect to help for people who need help.

Mr. Speaker, I rise to join with my colleagues in discussing the Job Corps and the Reagan administration's budget proposal to terminate this vital program for disadvantaged young people.

Mr. Speaker, the Reagan administration's Office of Management and Budget, distributed a report on February 4, 1985, which was a misleading justification for the elimination of certain Federal programs, including the Job Corps. The report claimed that other agencies could be more effective and more efficient at training young people for jobs. This is not true. The Job Corps has had a 20-year record of taking the toughest cases of disadvantaged young people, 16 to 21 years of age, unemployed, unskilled minorities and many are nonfunctional readers. Nintey percent of all Job Corps enrollees are high school dropouts with an average education reading level of fifth grade or less. A recent study found only 15 percent had high school diplomas; 38 percent had arrest records.

The Job Corps serves these severely disadvantaged young people in need of intensive services. The Job Corps, residential, 24-hour per day aspect of the program offers the opportunity to motivate, influence and guide these young people toward a new and positive direction, to become self-sufficient, productive, tax paying citizens.

The investment in the Job Corps may cost more but the greater reward and benefit is the development of healthy, productive young people, who make a positive contribution to our American society. Let's keep the commitment, let's keep the Job Corps.

Mr. WILLIAMS. I appreciate the remarks of the gentleman from Illinois.

Mr. Speaker, let me advise the remaining Members—and there is a considerable number here on the floor—that I would like to try to limit each of them to 3 minutes if we are to be able to allow everyone who is here to have an opportunity to address this critical issue.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. I thank the gentleman for yielding and for taking out this special order on such a very important subject that is close to everyone who has seen fit to come down here today.

Mr. Speaker, of the administration's many proposals to reduce domestic spending, one of the most difficult to comprehend is the proposal in the

fiscal 1986 budget to eliminate the Job Corps.

The administration, by concentrating on numbers which suggest that not enough Job Corps graduates are placed directly into private jobs, argues that the program is a waste of taxpayers dollars. I believe that this viewpoint reflects an unnecessarily bureaucratic approach to measuring program success. It is certainly true that not every Job Corps graduate, most of whom are aged 16–22, 90 percent of whom are high school dropouts, have a job waiting when they leave the program. Neither do most graduates of college, I might point out. But the skills learned in the Job Corps, the discipline established and the work habits acquired, serve the graduates well in a job market in which roughly 40 percent of their age group is unemployed.

I know well the work of the Pittsburgh Job Corps Center, which has served more than 7,000 young people since its founding in 1972. People learn useful skills in such areas as auto mechanics, food service, telecommunications and health services. In Pittsburgh, more than $4.5 million a year is added to the local economy as a result of Job Corps center funds spent on staff salaries, corpsmember stipends and goods and services. The center includes 340 corpsmembers, 250 of whom reside at the center.

The Job Corps should not only be retained, its services should be expanded. Tax dollars spent on equipping generally unemployable young people with job market skills are dollars well spent. The administration proposal to end this critical program should be defeated soundly by this House.

□ 1720

Mr. WILLIAMS. I thank the gentleman for his statement, and yield to the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I am pleased to speak in support of the Jobs Corps Program which is part of the Jobs Training Partnership Act. For the economically disadvantaged youth of this country the Jobs Corps offers a hope of escape from the cycle of poverty. It is a program that represents a successful Government-business partnership providing training and experience to the Nation's most needy job seekers.

The Jobs Corps has benefited 700,000 young Americans in the past 20 years. Last year approximately 80 percent of all corps members leaving the program had a positive outcome either through employment, continued education or enrollment in military service. Not only is it productive in human terms, it is productive in pure fiscal terms. A Jobs Corps graduate returns the cost of his or her training to the Government via taxes paid on wages earned and is thereafter a "net producer."

Job Corps also draws on the talents of business by having the most extensive and direct participation by private business of any training program in the Federal Government. Of the 107 job centers nationwide, 77 are operated by private companies.

Also, thousands of volunteers across the country help recruit, screen and provide support services to corpsmembers before, during and after they leave the Jobs Corps.

Continued funding of the Jobs Corps Program would be a good investment in the future of our Nation. The Jobs Corps is one of the few programs that aids the most at-risk among our youth. Most Jobs Corps centers enroll young adults between the age of 16 and 22 who are out of school, unemployed, and headed for a criminal record if they find no pickups in our society. For many, it is the only avenue to becoming a productive, employable citizen. Clearly the Jobs Corps has been successful in saving rather than wasting the taxpayers money.

In the Northeast-Midwest region, which has suffered disproportionately from recent recessions, long-term unemployment and the decline of manufacturing industries, training and employment programs are particularly important. The Pittsburgh Jobs Corps Center is a fine example of the benefits that can be provided to these areas through a federally assisted program. The Pittsburgh program opened in 1972 to 200 young men and women and has since granted job placement to over 7,000 young Americans. Currently 340 people are enrolled at the Pittsburgh center. Seventy percent of the Pittsburgh Corps members graduate.

The Jobs Corps Program enriches communities in areas such as Pittsburgh and across the country. The Reagan administration is justifiably trying to reduce the Federal deficit and eliminate waste in Government. But it makes no sense to me to wipe out a program that produces taxpaying, wage-earning citizens. To do so would be a mistake that none of us can afford.

Mr. WILLIAMS. I thank the gentleman from Pennsylvania [Mr. WALGREN].

I now yield to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I rise in support of the Job Corps Program because I know from my personal experience with corpsmembers enrolled at Gary Job Corps, located in my district in San Marcos, TX, that the program does work.

I was there, 20 years ago, when President Lyndon Johnson established the Gary Job Corps and have been there every year since then. I know personally of the success stories that have been a direct result of the special training made available to disadvantaged youth through the Job Corps. I have seen, with my own eyes, young people, with little potential for a productive career, graduate from the Job Corps and enter the working world and succeed. I have seen a young person, with very little means of income, except perhaps through some kind of criminal activities or dependence on government handouts, learn the skills which make it possible to be a responsible, productive, and taxpaying citizen.

I recently received a letter from a graduate of Gary Job Corps. Included with the letter was a topic paper entitled "What is the Future of Job Corps?". I want to submit the topic paper, written by Margie Freeman, for the RECORD so that all of my colleagues can read for themselves the gains made by just one young person in the Job Corps that would have not been possible if there had not been a Job Corps Program.

The letter is as follows:

WHAT IS THE FUTURE OF JOB CORPS?

(By Margie Freeman, Austin, TX)

This is the question that many concerned Americans ask. I, for one, can personally vouch for the validity of such a valuable program. Besides meeting a magnitude of interesting and caring people, I gained a lot of valuable assets and skills. I came through Gary Job Corps' gates with the common anxiety and fear that every new corpsmember feels. With the help of some remarkable people, I have been able to accomplish my goals.

Mrs. Annie L. Gordon, Clerk Typist Teacher, was more than just a teacher, but also a close friend. Her demand for proficiency in our work enabled me to complete her class with the tying speed of 100 words per minute with a minimum of 3 errors and an abundance of knowledge of Word Processing.

Mr. O. J. Wade, Auto Mechanic Teacher, is a very garrulous and yet humorous man. His personality enabled his students to feel at ease and open with him. I was very optimistic about learning anything about a car even though I knew it would be beneficial to a woman. But under his instruction, I left his shop with a thorough knowledge of diagnostic analysis equipment to major engine and transmission overhauls for cars, jeeps, trucks, tractors, and lawnmowers.

Mr. Jesse Southall, Printing Instructor, opened the doors to the Printing world for me. I had no idea of what printing actually consisted of or what it related to. But I was aware that Printing training was in great demand on the job market. Mr. Southall's lectures pertaining to printing and his previous job experiences really gave me an insight into the Printing Industry. This I know will be an invaluable asset in my future.

Mrs. Carol Otto, Printing Instructor, trained me on the Compset 500 Phototypesetting machine during a time that the class was overcrowded with students. She took the time to instruct me on the proper operational procedures of the Compset 500. And for this I will be forever thankful.

Mr. Lorinzo Rodriguez, Printing Instructor, is a very interesting and informative in-

structor. He wasn't ever too busy to stop and answer a question that I might have or, better yet, actually show me by demonstration. His inexhaustible energy and wisdom promoted motivation among his students.

Mr. Don Cunnion, Art and Drawing Teacher, a very talented and pleasant man. After viewing some of his magnificent drawings and paintings, I realized that I wanted to try my hand at it. Under his instruction, I completed over 40 drawings and 2 abstract paintings that will be entered in the National Job Corps Arts contest. I won the Christmas Card contest in December of 1984. The card was sent to all the Job Corps Centers in the United States. I'm proud to have been a student of his.

Mr. Jimmie Jones, Music and Band Teacher, is the most extraordinary person I have ever met. His stern method of teaching had a direct affect on my learning. I enrolled in his elective class with no previous knowledge of how to read, write or play any type of musical instrument. Through his guidance I learned to play the piano, 6-piece drum set, Bass guitar, Alto and Tenor Saxophones. I will enjoy this gift of music forever.

I considered myself lucky to be accepted into the best dormitory on Campus III, Mahalia Jackson Hall, 10-219. Mr. Ruth Sheffield, the Head Resident Advisor, supervises the dorm strictly by the book. She believes in honesty and fairness under any circumstances. This is one of the reasons why I have grown to respect her. My counselor in Dorm 10-219, Mrs. Lurline Glorioso, gave a little of herself to each and every person in the dorm. She couldn't express enough to everyone that she was there when needed because she cared. And she was true to her word because she was there when I needed her. These two people made my stay in Dormitory 10-219 an enjoyable one.

Last but not least, Mr. William Cartwright, Coordinator to Testing, was one of the first people I met when entering the Job Corps program. While acting as a capping student for him, I learned that he was an honest and loving man. He is the type of person that you can talk to about any problem that is troubling you. This man of God I consider a blessing to have known. I will always remember his words of inspiration that he gave me.

All of the teachers, Resident Advisors and Counselors that I have encountered during my stay at Job Corp was caring and loving people. I would like to thank all of them for their contribution to my success of accomplishing my goals.

I am presently enrolled in Job Corps but will be graduating shortly with 3 Books. I will be starting employment with the State Highway Department in Austin, Texas as a Word Processing/Compugraphic Operator. My starting salary will exceed $1,000.00 per month.

I will be ever grateful to all Instructors and Administrative Staff at Gary Job Corps Center for making all of these things possible for me.

So my answer to the topic question can be only one.

Job Corps must continue to be a part of the future!

Of course, not every youth given the chance to improve himself or herself will take advantage of the opportunity. But in the case of the Job Corps, the numbers speak for themselves. In Texas alone there are three primary Job Corps centers which, over the past 20 years, have graduated more than 65,000 students. Of this number 15,463 corpsmembers earned their GED or high school equivalency diploma.

During fiscal year 1983 the Nation's 106 Job Corps centers placed 50 percent of all enrollees in jobs and an additional 25 percent in further education and the military. According to the Texas Educational Foundation, the organization that manages the Texas Job Corps, the average length of enrollment for Job Corpsmembers is 7.8 months at an average cost of $8,620. The cost to taxpayers for incarceration in U.S. prisons or correctional institutions average $21,000 per year.

At the time they enroll in Job Corps, 90 percent of all students are high school dropouts with an average reading level of fifth grade or less. A Ford Foundation study of Job Corps individually based competency education showed reading levels are raised by 1.5 grades for every 90 hours of instruction.

In learning the social responsibilities necessary to become good citizens corpsmembers use skills learned in the program to benefit local communities. Gary Job Corpsmembers have donated over $2 million in labor toward worthy civic projects in San Marcos and the surrounding communities. Examples of such contributions are available at Job Corps centers around the country.

I have received an overwhelming number of requests from my constituents to support the continuation of the Job Corps Program. These request come from citizens who have seen, as I have, the contribution the Job Corps Program makes to our communities and society.

I urge this body to support continuation of the Job Corps Program.

Mr. WILLIAMS. I thank the gentleman from Texas for those worthwhile examples, and only wish they were here in the gallery to take a bow.

I now yield to the gentleman from Texas [Mr. GONZALEZ] and before the gentleman begins, I would like to limit each of the remaining Members to 2 minutes, no more, and if we do that we will have an opportunity for everyone here to be heard. If not, someone is not going to be able to take part in this.

The gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I appreciate the opportunity to participate in this special order as I have always been a strong supporter of the Job Corps. I was among the original sponsors of the Job Corps Program, and was directly responsible for the establishment of one of the first Job Corps centers, which was located at Camp Gary, TX.

The Job Corps takes on one of the toughest training assignments in the country; it seeks to take young men and women who have not succeeded anywhere else, who are not likely to succeed anywhere else, and give them a basic education, impart to them valuable skills, and enable them to lead productive, satisfying lives. These trainees essentially have one choice: the Job Corps or nothing. The Job Corps represents for many of the trainees the only realistic possibility of turning life around.

The administration wants to kill the Job Corps because it is expensive. But it is less expensive than jail, less expensive than a lifetime of welfare, and it is both less expensive and more likely to work than a stint in military service. And to those who say that military service is an alternative to the Job Corps, I say that these trainees are not likely to qualify for military service in the first place; they lack the background and skills even to get into service.

I have known a great number of young men and women who have gone through the Job Corps Program. I know what it can do. I know what it has done. There is absolutely no doubt that the investment that we make in human lives through the Job Corps is repaid many times over. The graduates of the Job Corps become productive, taxpaying citizens. They pay their own way. The cost of their training is insignificant when compared to the benefits the Nation receives from their productive lives.

The administration once proclaimed that there would be a social safety net. The President once talked about how the costs and benefits of programs would have to be weighed. But today, there is no longer any talk from him about a safety net, and there is no longer any talk about the benefits of programs like the Job Corps, let alone any cost-benefit analysis. Neither is there talk any longer about help for the truly needy. If there were any safety net, the Job Corps would be part of it. If there were any serious consideration of what a program's merits are, the Job Corps would be found worthy of continuation. And as one who has watched this program from its very inception, as one who knows what it has done, and as one who believes that we can do well for our country by doing some good for our fellow human beings, I say that the Job Corps has earned its keep and ought to be retained.

Mr. WILLIAMS. I thank the gentleman from Texas.

I now yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I would like to thank my distinguished colleague from Montana for giving me the opportunity today to present my views on the Job Corps Program. In response to the administration's shortsighted proposal to eliminate the corps, I would simply state "Jobs Corps works and so do it's graduates".

I confidently say this because I have personally witnessed the benefits and effectiveness of this program, as there are two Job Corps training centers located within the 11th Congressional District. I am very proud of the excellent track record and the successful training and placement rates of both the Keystone and Red Rock Job Corps Centers. Over the last 20 years, the Job Corps has assisted over 1 million American youths by providing remedial education, skills and vocational training, room and board, medical care and counseling. Perhaps most importantly, the Job Corps provides many of these youths with one thing to which a dollar amount cannot be assigned—a second chance.

The youth enrolled in Job Corps programs are special and they have special problems and needs. The Job Corps is an intensive education and skills training program designed to meet these special needs. The typical or average Job Corps enrollee is an economically disadvantaged youth, 18 years of age, minority, school dropout, reads at the 6th grade level, has never been employed full time, comes from either a family receiving public assistance or one earning $5,389 per year, and is in need of intensive services. Four out of ten new enrollees have prior arrest records. The special needs of these youth cannot be met by the Job Training Partnership Act, as the administration claims.

Twenty years ago Congress recognized the need for a residential program that would take the most severely disadvantaged youth from their disruptive and culturally deprived backgrounds and immerse them in a setting of comprehensive and intensive education, employment and support services. Congress reaffirmed the need for such a program in 1982, when the Job Corps was established as a separate title in the Job Training Partnership Act.

The administration's proposal to eliminate the corps is a perfect example of it's short-sighted budgetary policy that eliminates successful programs in the name of deficit reduction, without regard for a program's cost effectiveness, efficiency, clientele or the negative impact resulting from the program's elimination. The administration claims that each of the Job Corps 40,500 slots in fiscal year 1985 will cost taxpayers $15,000. This figure distorts the truth, because training slots serve more than one participant per year. In fiscal year 1984, 98,809 youth participated in Job Corps, representing a cost of $6,244 per participant. When one considers all of the services included in this cost; remedial education, vocational training, medical care, room and board, clothing, transportation, and counseling, the $6,244 per participant is quite modest, especially when future Government cost will be averted.

Studies have shown that for every dollar invested in the Job Corps, the Government gets back $1.45 from income taxes paid, reductions in welfare costs, unemployment compensation, and the high cost of incarceration. In addition, 75 percent of participants go on to unsubsidized employment, the military or higher education programs. At the Keystone Training Center, some 700 students are currently enrolled in a wide variety of training programs. In fiscal year 1984, 59 percent of these participants found employment and another 18 percent enrolled in college, for a positive placement of 77 percent. The placement rate at the Red Rock Center was even higher, 83 percent, 65 percent into employment and 18 percent into college. The successful benefits of the Job Corps cannot just be measured in dollars and placement rates, but also in the overall benefit and betterment of the local communities.

Job Corps participants have assisted with bloodmobiles, Easter Seals, United Way and numerous other charity and fundraising events in our district. Some 40 Keystone participants are training daily at the Wilkes-Barre Veterans Hospital, providing valuable services and support in addition to learning a profession. Another 40 students are training daily at the Tobyhanna Army Depot and another 30 local businesses also receive assistance while providing skills training.

The President constantly speaks of increased private sector initiatives and public/private partnerships. The Job Corps is not only an excellent example of such a partnership; for 20 years it has been a forerunner of the concept. Currently, 77 of the 107 Job Corps centers are operated by private companies. These companies, through competitive bidding, operate these centers to provide cost-effective, intensive skills training programs. The training is not for make-work jobs, but for actual employment opportunities in the private sector. Training is provided in numerous fields including health, technical, office, construction, and electronic industries.

There is much more that I could say in support of the Job Corps Program. I have already noted the cost-effectiveness, high placement rates, benefits to community and local businesses and the true public/private partnership aspect of the program. These reasons alone justify the continued existence of the Job Corps. The final reason I will give is the future.

The rapid advances in technologies and the increasing pressure from the international marketplaces demand that this country quickly adapt, or suffer competitive disadvantages and economic stagnation or decline. The demographic tables illustrate that the U.S. population is becoming a much older society as the baby boom generation ages in the coming decades. This creates the need for the younger members of society to become more innovative and productive in the work force. We cannot afford to allow the unlimited potential of millions of youth to be wasted, whether in the inner city or rural areas. It is not only morally right, but economically practicable and imperative that we continue to support employment and job training programs such as the Job Corps. Some 100,000 youth will get their second chance this year through the corps. We must ensure that other youth, in desperate need of the services and training provided by the Job Corps, will have the opportunity to achieve their full potential and also to contribute positively and productively to society as a whole.

□ 1730

Mr. WILLIAMS. I appreciate the gentleman's remarks.

Mr. Speaker, I yield to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I rise in opposition to the administration's proposal to eliminate funding for the Job Corps in the 1986 budget. The Washington Post recently described the Job Corps as one of the last survivors of the war on poverty. Although America has waged a gallant fight in this war, the war has not yet been won, and we cannot afford to surrender. The fight against poverty, hunger, and hopelessness must continue. One of the most important weapons in this fight has been the Job Corps.

The Job Corps is an intensive program of education and skills training, which also attempts to instill personal discipline and efficient work habits. Participants are young, primarily members of minority groups, and largely school dropouts. The Job Corps helps these disadvantaged young people to find jobs, further education, or placement in the military. In so doing, it often helps to save them from lives of crime, welfare dependency, and premature parentage.

Unemployment in America is still relatively high in historical terms. This is a particularly difficult problem in the U.S. Virgin Islands. Unfortunately, our choice may be between paying to train disadvantaged young people for jobs, or paying to keep them in jail when they turn to crime for lack of alternatives. It costs between $20,000 and $30,000 per year to keep a young person in prison, but only $6,000 per year to train that person for gainful employment in the Job Corps.

The Job Corps has provided stable, long-term, cost-effective gains for its

participants. In so doing, it has effectively carried out the administration's philosophy of partnerships between the public and private sectors. Of the 107 Job Corps centers, 77 are operated by private companies under competitive bids. The other 30 centers are Civilian Conservation Centers which are operated on public lands by the Departments of Interior and Agriculture. This is exactly the kind of public/private partnership which the administration has tried to encourage.

Mr. Speaker, the Job Corps has for many years enjoyed broad bipartisan support. I call upon the President and my fellow Members of Congress to join those of us who have supported this program in a renewed bipartisan effort to save this extremely valuable program. We are all currently involved in the battle of the budget. Although we must win that battle, we cannot afford to let it cause us to lose the still unfinished war on poverty.

Mr. WILLIAMS. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from New York [Mr. LUNDINE.]

Mr. LUNDINE. I thank the gentleman for yielding.

Mr. Speaker, I welcome this opportunity to discuss the commitment of America to the Job Corps. As you know, this debate has taken on greater significance in light of President Reagan's renewed efforts to eliminate this important youth training program.

At a time when millions of American youth are still unemployed, it is incomprehensible why the President wants to eliminate funding for one job-training program which really works. The Job Corps has been one of the most successful programs of the Great Society, training tens of thousands of disadvantaged youth across the country. For 20 years, the Job Corps has fulfilled its mandate to seek out these youth and provide them with the skills necessary to break out of the cycle of poverty and despair which has ruined so many young peoples' dreams of a better life.

The Job Corps enrolls young people who are well on the road to perpetual joblessness, dependency on other forms of Federal assistance, or criminality. While the program isn't cheap, the return on our investment to both the individual and society is substantial. It is estimated that for every dollar invested in the Job Corps, the return to the economy is $1.45. More importantly, for three-quarters of enrollees, the Job Corps is the ticket out of the urban ghetto or rural poverty and into a meaningful, productive life of gainful employment.

In my own congressional district, the Cassadaga Job Corps Center has had a record of success since its establishment in 1978. I have heard first hand from students at the Cassadaga Program how their lives have been turned around by this program. The Cassadaga Center serves over 250 young people in resident and nonresident programs. Of 144 students leaving Cassadaga last year, 78 obtained employment in jobs which pay anywhere from minimum wage to $8 per hour, 41 returned to school, 19 are enrolled in college and 6 have enlisted in the Armed Services. The success of the Job Corps Program is reflected in the achievements of these young people who have earned their present status through hard work and determination.

While I recognize that we must address our deficit crisis, we must do so in a sensible and fair way. The President's 1986 budget has a projected deficit of $180 billion, cuts spending for many needed domestic programs, and substantially increases defense expenditures. I believe this is inappropriate. A more equitable distribution of the necessary sacrifices is in order.

For all of these reasons, I believe that we must oppose the President's efforts to eliminate the Job Corps. Again this year, the President's proposal is excessive. Economic opportunity, which this program helps to provide, is essential if we are to preserve the American dream of a better life for tomorrow's generations. These goals can only be attained if we continue our commitment to programs such as the Job Corps.

Mr. Speaker, last September, in a message to Job Corps officials at their 20th anniversary celebration, President Reagan stated—

> Your vital program has provided hundreds of thousands of deprived youths with basic educational and vocational training to prepare them for their future in the workplace. This is in keeping with the American spirit of helping others reach their full potential, a spirit that has sustained our Nation from its very founding.

I agree with the sentiments expressed by the President not so very long ago and am hopeful that Congress will continue supporting this worthwhile investment in our Nation's human resources.

Mr. WILLIAMS. I thank the gentleman.

Mr. Speaker, I yield to the distinguished gentleman from Kentucky [Mr. HUBBARD], who I know is proud to have the largest Job Corps Center in America in his district.

Mr. HUBBARD. I thank the gentleman for yielding.

Mr. Speaker, it is with grave concern that I take this opportunity to speak before my colleagues in the House of Representatives today about the Jobs Corps Program. Indeed, it is distressing to my constituents and me that the President's fiscal year 1986 budget proposals do not include funding for the Jobs Corps Program.

Created in 1965, the Jobs Corps plays a critical role in our society through its programs to train our young people without a high school diploma the skills necessary to obtain jobs and become productive members of our society.

I am privileged to represent the First Congressional District of Kentucky, which is comprised of 24 counties. I am also proud to represent the country's largest Jobs Corps Center, the Earle C. Clements Jobs Corps Center located in Morganfield, KY, in Union County.

I am hearing from hundreds of my constituents on a daily basis by letters and telephone calls who are strongly opposed to eliminating Jobs Corps funds, especially those which are favorably used by the Earle C. Clements Jobs Corps Center at Morganfield, KY.

I agree with my constituents that the Center must be saved and that the Jobs Corps Program must not be eliminated.

Literally thousands of young Americans who were disadvantaged and were facing life with few future advantages have been taught job skills at the Earle C. Clements Jobs Corps Center. This Center is a proven success, and through its efforts and hard work, these disadvantaged youngsters have been taught the skills that have enabled them to join the country's work force as taxpaying citizens with a future, thereby removing themselves from the possibility of having to be supported by other taxpayers.

The closing of the Earle C. Clements Jobs Corps Center—the largest of its kind in the country—will have a devastating effect on the economy in this area of western Kentucky. Unfortunately, the area economy is not exactly on sound footing, and the closing of this Center would be harmful to the residents of Union, Henderson, Webster, and Crittenden Counties in western Kentucky.

My constituents and I realize that budget reductions are in order and that the Federal deficit must be reduced. We are, however, strongly opposed to the total elimination of a program that has proven that it is not a pork barrel project. Indeed, with the successes of those trained at the Earle C. Clements Jobs Corps Center, under the able guidance of its director Gerald Oettle, I add my strong support of efforts to defeat the elimination of Jobs Corps Program funds.

I urge my colleagues to reject the plan to stop the funds by which so many thousands of western Kentuckians and countless other young Americans who have dropped out of high school are trained the vocational and personal skills necessary to get and keep jobs, thereby making a contribution to our country. Please help save the Earle C. Clements Jobs Corps Center and other Job Corps Centers.

□ 1740

Mr. WILLIAMS. I thank the gentleman from Kentucky.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman in the well and the gentleman from California [Mr. MARTINEZ] for requesting this special order so that we could discuss this particular topic.

It indeed is a tragedy that today we are here debating the merits and the sense of this, trying to defend it for its very existence. This program is over 20 years old, with 100-some centers. It has had a tremendous success. More importantly, the establishment of this program is only on the basis of the blood, sweat, and tears of thousands of people across this country, and you cannot turn a program like the Job Corps off and on like you can a faucet. If we were to close all of the higher education institutions for individuals in this country, there would be an outcry that would never stop, and indeed there should be such an outcry. But in essence that is what we are doing by closing 107 Centers. We are closing out the opportunities for hundreds of thousands of young adults who otherwise would not have a chance in our society. These people are disadvantaged, they need special help to enter the world of work, to be able to equip them with the skills that are necessary in today's society. More than ever before, the opportunities and the avenues for entry into the world of work are more and more difficult.

Mr. Speaker, I am proud of the fact that in our area we did establish a Job Corps Center, the Hubert Humphrey Job Corps Center, of course named after the late great Senator and Vice President from our State. That Center trains up to 450 people a year. A lot of people have pointed out, and the administration's budget points out, the cost of training these individuals. Indeed, it is a significant cost, it should be pointed out. But if you think it is costly to do that, try ignorance; try what the expenses are of keeping these people dependent rather than making them independent; try the cost of incarceration; try the type of social tragedies that occur when we do not have an economic opportunity and a stake in our society today which the Job Corps extends to these thousands of young people.

So I think the costs have to be looked at, but they also have to be weighed in light of what the alternative would be in the absence of these. As I say, these 107 centers cannot be turned off and on like a water faucet. We have to make good decisions today, we have to invest in people, and that is what the Job Corps Program represents and presents to us as a challenge in this Congress and as a challenge in terms of our national priorities. So I urge my colleagues to join PAT WILLIAMS and to join Congressman MARTINEZ in support of this program.

I rise today to express my concern about the future of the Federal Job Corps Program. This program has put hundreds of thousands of disadvantaged youth to work in over 20 years of operation. The program is targeted toward our youth who have difficulty obtaining and retaining jobs.

Specifically the Job Corps targets remedial skills and training for low-income youth from disadvantaged families. This program is administered in over 100 centers across the country serving over 40,000 of our Nation's youth.

However, if the administration achieves its goal, the program will be scrapped. The President is requesting no funding for the Federal Job Corps operation in fiscal year 1986.

In St. Paul, MN, we have a job corps facility of whose contribution we are proud, the Hubert H. Humphrey Job Corps, named for the late and distinguished U.S. Senator and Vice President from Minnesota. This facility enrolls 250 students at any given time, and approximately 450 students throughout the year. These are students who are not likely to find jobs on their own. They are from low-income families, and often have had little or no previous job experience.

At the Job Corps Center, students receive not only vocational training, but gain valuable social experience as well. The 24-hour program concentrates a good deal of time on helping the students develop social and interpersonal skills which individuals likely have not had any other opportunity to develop. The Job Corps trains these young people not only for the job market, but also for adult life in society.

As an example of what occurs at the Job Corps, let me take a moment to tell you about a student involved in the St. Paul facility. When the young man enrolled, he was poorly dressed, basically antisocial, and often removed from the rest of the students. However, within a 3-month period, he had begun to make a great deal of progress. He was dressing well, he was active in school functions, and he was doing well learning welding skills. By the conclusion of the program, this man was placed in a job with a firm in St. Paul, and is considered an excellent employee. Without the federally funded Job Corps Program, this young man would not have found a job, would not be a contributing member of our community.

There are many other success stories coming out of Job Corps facilities across the Nation. This program not only provides training and access to jobs for our lower income youth, but it also instills a sense of confidence and worth in these individuals and introduces them finally and successfully to the world of work.

Mr. Speaker, my point is that in the long-run, we are simply making a wise investment of tax dollars. Although the Job Corps Program is a costly program, it is a good investment in our young people, and our youth is our country's future. Once these young adults are trained, they are absorbed into private industry, and become productive citizens. For many of these young people Job Corps is a fighting chance that they would not otherwise receive.

Finally, Mr. Speaker, I would just like to say that it is foolish to dismantle a successful job training program such as Job Corps and rely solely on private industry and local government to provide training. Neither have the necessary resources to take care of such specialized job training needs. Special credit is due Mr. MARTINEZ and Mr. WILLIAMS for their support and their dedication to this very worthy program and the form that they are providing today to point out the importance of the Job Corp Program in the past and its potential for future help and hope for young adults.

Mr. WILLIAMS. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. CONYERS], following which I will yield to the gentleman from Ohio [Mr. STOKES] and the gentleman from Oregon [Mr. WEAVER].

Mr. CONYERS. Mr. Speaker, this is so critical that we confront this issue of the proposed abolition of the Job Corps.

As chairman of the Subcommittee on Criminal Justice of the Committee on the Judiciary, I want to point out that this is the one program that can help save youngsters who may be unemployed and lured into street crime or other kinds of conduct that would destroy their careers and create far larger costs.

In Detroit, I followed the Jobs Corps Program, and I know that it works there. I have looked around the country at this creative unison of the private sector with the public sector, in which we have training programs run by Job Corps bidders like ITT, RCA, Singer, and Teledyne, and I know that this is the way that we have to go.

Every time we reduce employment by 1 percent, $20 billion are saved, and we have a serious problem in black America, where 16 percent of the adults and half the youngsters are still unemployed.

So I join proudly with all of my colleagues who have preceded me in the well, who understand that America cannot even begin to have any real sig-

nificance for those whose only chance of opportunity of redeeming themselves, of getting on the right path, is offered by this very important and wonderful program that has come along. I am sure the House is going to continue it.

The Job Corps is one title of the Job Training Partnership Act, a statistically proven effective program in redressing the now chronic levels of high unemployment in this country in its attendent social and economic ills. Congress recognized the need for a residential program that would take the most severely disadvantaged youth from their disruptive and culturally deprived backgrounds and emerse them in a setting of comprehensible and intensive educational, employment, and support services.

The program is rigorous, disciplinary, and well administered. We get education, job training, increased revenues, less crime, and better social cohesion, all where it is most needed: among our youth. Cutting this program would be foolish from both a human and economic perspective. Its elimination would reflect a blindness to history and human realities.

Mr. STOKES. Mr. Speaker, one of the most shocking and, indeed, alarming facets of President Reagan's fiscal year 1986 budget is the proposed termination of the Job Corps Program. In my opinion, this proposal is not only ill considered, but also it is not worthy of serious consideration.

Last year, the Job Corps celebrated its 20-year anniversary of service in the education and training of disadvantaged youth. The typical Job Corps youth is not only economically disadvantaged, minority, and a school dropout, but also reads at only the sixth grade level and has never been employed full time. The Job Corps takes these youth, gives them employment skills and hope, and turns them into productive members of society. For these reasons and more, the Job Corps Program has enjoyed 20 years of strong bipartisan support.

Regrettably, the Reagan administration has attempted to slander and belittle the remarkable record of the Job Corps Program. But, the facts show that the Job Corps stands nearly alone as an exemplary model for Federal employment and training programs. In fiscal year 1984, three-fourths of Job Corps terminees were employed or pursuing further education. Moreover, the cost-effectiveness of the program has been well documented over the years. Most recently, Brookings Institute economist Gary Burtless has concluded that the Job Corps' benefits, in terms of higher wages for youth and overall lowered crime, are worth the expense of the program. These findings mirror the conclusions of the 1982 evaluation of the Job Corps Program, conducted by Mathematica Policy Research, Inc., an independent, well-respected research organization. Mathematica concluded that the benefits of the Job Corps Program exceed its costs by 45 percent.

Mr. Speaker, with nearly one out of every two minority youth unemployed in our Nation today, we cannot afford to turn our backs on a program which provides the only bright ray of hope for thousands of young people. In my own city of Cleveland, OH, the Cleveland Job Corps Center receives about $5 million each year to provide valuable clerical, bricklaying, tilesetting, and masonry skills to more than 850 young people annually. The Cleveland Job Corps Center has operated successfully for 20 years and is an irreplaceable resource in the Cleveland community.

The thousands of disadvantaged young men and women in our Nation deserve an opportunity to reach their full potential. The Job Corps Program is a good investment in their future and a good investment for the Nation. I hope that Congress will sustain the Job Corps Program for another 20 years of service by rejecting any reduction in Federal support for the 107 Job Corps centers.

Mr. WEAVER. Mr. Speaker, I want to thank my colleague, whose distinguished work in this area is well known. We in Oregon thank him. We in Oregon are very proud of the Job Corps centers in our State. They have done a magnificent job. We want to keep them. We are outraged at an administration that would want to end such a program.

Mr. Speaker, the Oregon Job Corps works and works well.

This administration would like to eliminate the Job Corps entirely in fiscal year 1986. If this program is eliminated, my State of Oregon, already suffering under the weight of one of the highest unemployment rates in the Nation, will suffer even more. With unemployment at close to 20 percent in southern Oregon, the economically disadvantaged youth in my district would be hard pressed to find any kind of employment without the Oregon Job Corps. The Wolf Creek Job Corps Center in my district serves 231 economically disadvantaged youth. Seventy-five percent of those who enroll in the Wolf Creek Center complete programs in fields ranging from welding to forestry. Mr. Speaker, I've seen this program in action and I know it's working.

The Oregon Job Corps serves 2,600 youth each year with a budget of $9.8 million. Close to 80 percent of our Oregon students succeed at finding jobs once they complete the program and 92.6 percent either secure jobs, go on for further schooling, or enter the military once they've completed their training.

Mr. Speaker, I've received a flood of letters from young people in the Oregon Job Corps who want this Congress to know that our taxpayers will be getting a better than equal return on every dollar they invest in this program. One young woman who is working as a preapprentice glazier in Oregon had this to say:

> By the time I get my journeyman's card in 4 to 5 years, I will have paid back in taxes what it cost the taxpayers to put me through Job Corps training. And I will continue paying. Our government is trying to cut the Job Corps out of the 1986 budget. If it is allowed to do this, people like me will never have a chance to succeed.

Mr. Speaker, I urge this Congress to preserve America's Job Corps.

● Mr. SPRATT. Mr. Speaker, last year the administration lauded the Job Corps and professed its support. This year, it seeks to terminate the program.

When he signed the Jobs Training Partnership Act in 1982, President Reagan himself said: "Job Corps is an example of individuals becoming taxpayers, not tax burdens."

Just 6 months ago, in testimony before the Government Operations Committee's Subcommittee on Manpower and Housing, the Assistant Secretary of Labor for Employment and Training, Frank C. Casillas, said:

> I assure you that (Job Corps) programs are excellent * * * and I am very impressed with Job Corp * * * overall. These are youth that I am convinced will succeed only through * * * (a Job Corps) program. I would say (the program is) super excellent, as a matter of fact. I am going to do everything I can, drawing from my experience in private industry, to improve it.

That is what the administration has said about the program they now seek to wipe out. Here is what private contractors, like Singer and Teledyne, who administer Job Corps centers said: "Job Corps takes unemployable dropouts and prepares them for the world of work and prepares them to become employable taxpaying citizens. For 20 years, Job Corps has been a uniquely successful partnership of business, organized labor, and the Federal Government. I compare the Job Corps Program with the GI bill, which was passed shortly after World War II. The GI bill has proved to be one of the wisest bills passed and supported by Congress in this century. I believe Job Corps, although on a small scale, can be included in this category."

Obviously, the private contractors have an interest in the program; they profit from its continuance. To get an objective assessement—an outside cost-benefit analysis of Jobs Corps—the Department of Labor commissioned an independent study of the Job Corps Program by Mathematica Policy Research, Inc. of Princeton, NJ. Their study was methodologically exacting and meticulous, and it was ex-

pensive. Its cost was over $2 million. Mathematica found that the Job Corps improves employability and job skills, lowers the incidence of violent crime, and significantly lessens the dependency of its graduates on social welfare programs. Based on their findings, Mathematica concluded that each dollar the Government spends on Jobs Corps is paid back in these terms in a little over 3 years.

Young men and women enrolled in the program receive basic education, but they also receive lessons in responsible parenthood, positive social and job responsibilities, and proper work attitudes and ethics. Is the program a success? In 1983, Job Corps placed 50 percent of all enrollees in jobs and an additional 25 percent went on to further educational opportunities or the military. In its 20 year history, almost 2 million youths have been trained by this program and have become responsible, employable, and productive members of society.

Due to the deficit, we have no choice but to cut domestic spending. But to wipe out this program completely, in view of the success it has achieved, to give up all we have learned through Job Corps about training the hardcore unemployed, would be a tragedy, indeed.●

● Mr. FOWLER. Mr. Speaker, I would like to take a minute to express my strong support for the Job Corps Program. Although small, the Job Corps Program has succeeded in educating some of the most disadvantaged young people in our country and helping them to become productive members of our society.

The Job Corps Program accepts unemployed youth, often with little or no job skills, and houses and feeds them while training them to enter the job market. The idea is to remove these youth from often very negative environments and give them a chance to learn a skill, enter the work force and begin anew. The program supplies the remedial education necessary for these young people to successfully participate in the work force. In Atlanta, we are especially proud of an innovative program which provides day care for single mothers in the program.

The administration's proposed budget for fiscal year 1986 would eliminate the Job Corps Program, claiming that it is too expensive and that the Job Training Partnership Program [JTPA] can handle the needs of Job Corps members more cost efficiently. This is not only inaccurate, it misses the very point of the Job Corps Program and the reasons it has been so successful. Though the corps is somewhat more costly than JTPA, it provides counseling, remedical education, and room and board which JTPA does not. Moreover, the program is designed for and reaches an entirely different group of people than does JTPA. For example, 100 percent of Job Corps participants are young people compared with only 39 percent of JTPA participants; 78 percent are school dropouts versus 10 percent of JTPA participants; and 73 percent are minorities versus 46 percent of JTPA participants. In sum, 60 percent of all Job Corp participants are young unemployed minority dropouts compared with only 7 percent of JTPA participants which fit this composite category. Many also have criminal records. These are among the most disadvantaged members of our community in finding jobs, as is reflected in the chronically high unemployment figure for minority youth.

Most importantly, Job Corps graduates have taken charge of their lives. Compared with a control group with similar background statistics, Job Corps graduates are far more likely to continue their education, hold down a job, join the military, and contribute in other positive ways to their communities. The corps has registered many tremendous success stories because it gives these young people a chance to begin again.

Moreover, it's a good investment for the country. Studies have repeatedly shown that for every $1 invested in the Job Corps, $1.45 is returned to the national economy in increased revenue. This does not even begin to account for the gains in self-esteem and pride made by Job Corps graduates. For example, the Job Corps is the only Federal job program whose graduates have had the pride to form an alumni organization.

Private industry has been especially supportive of the program; and 77 of the 107 Job Corps centers throughout the country are run by private companies under a competitive bidding process. Participants include RCA, Singer, Teledyne, and ITT.

The program has always enjoyed strong bipartisan support. It is a program which works and one we cannot afford to abolish.

I would also like to submit to the RECORD the following data on the Atlanta Job Corps Center:

The Atlanta Job Corps Center was established 15 years ago, on September 2, 1969. It is operated very effectively and efficiently by the Management and Training Corporation of Ogden, UT. The center is in what was formerly the Waluahaje Apartment Building, an Atlanta landmark located near the heart of downtown Atlanta.

It serves 515 youth consisting of 325 resident females, 155 nonresident females, and 35 nonresident males. All of the 190 nonresident students are from the metropolitan area of Atlanta. Throughout the years, the Atlanta center has been very successful in serving thousands of hard-core unemployed young people through the provision of academic, vocational, and social skills training that assists them in becoming productive, employable citizens of our community. Vocational courses are offered in clerical, nursing assistance, culinary arts, child development, building maintenance, cosmetology, and a variety of advanced vocational training opportunities through local technical schools. The center's academic programs have assisted its students to achieve average gains in reading and math of 1.8 and 1.9 years in 1 year of training.

The Atlanta center is unique in that it also provides child care services for 65 children, ages 6 months to 6 years. These are the children of the nonresident female solo parents, who would not be able to participate in any training without this much needed service. Additional counseling support and parenting skills training is provided the young mothers to help them to better cope with the frustration and responsibilities of parenting. This program truly aids in breaking the vicious cycle of welfare dependency.

In addition to learning academic and vocational skills, Job Corps youth are taught social responsibilities through participation in volunteer community service projects. As a result, the center has become an integral part of the Atlanta community, fully supported and respected by its residents.

The success of this valuable program can be witnessed by the thousands of young people who are gainfully employed throughout the city of Atlanta, State of Georgia, and the Southeastern United States.●

● Mr. FORD of Michigan. Mr. Speaker, ever since he assumed office in 1981, President Reagan has been trying—and sometimes succeeding—to reshape, dismantle, or eliminate employment and training programs. It comes as no surprise, therefore, that the administration's fiscal year 1986 budget calls for the complete elimination of the Job Corps Program. In fact, we can now consider the administration's previous proposals for drastic funding cuts as the harbingers of today's attempt to destroy this very effective and essential program.

I said it came as no surprise that the administration wants to abolish the Job Corps Program. What is somewhat surprising, however, is the seemingly hypocritical regard for the program by some administration officials. In previous budget testimony before the Education and Labor Committee, Secretary of Labor Donovan, while supporting the administration's proposed 50 percent funding cut, called the Job Corps "a success," and "one of our better programs." About 4 weeks ago, Under Secretary of Labor Ford B. Ford praised the Job Corps as an excellent program. I don't understand this doublespeak, and I suspect that

some administration officials are just as perplexed and also uncomfortable about the positions they have been forced to take.

How do you justify the destruction of an exemplary program that has proven its value over the years? For budgetary reasons? I think not. If that were the case, the Job Corps would be far down a very extensive list of programs to be scrutinized for cost savings.

As some of my committee colleagues are aware, Department of Labor officials are now recanting previous assertions and saying that the Job Corps is not cost-effective. They are dead wrong. The cost-effectiveness of the Job Corps Program can be measured in the most compelling terms. The cost to train and assist a severely disadvantaged youth is between $14,000 and $15,000. On the other hand, it would cost between $40,000 and $50,000 to incarcerate that youth if all hope has gone and a life of crime is undertaken. As Secretary Donovan stated so well at our past budget hearings:

Even though it is the most expensive program we have * * * it is money well spent overall.

Let us not forget that the Job Corps residential program is designed to take "last-chance" youth out of their desparate and crushing environment and give them training, counseling, and a sense of self. Job Corps is about attempting to erect a permanent barrier to criminal activity. Job Corps is about helping the most disadvantaged youth to become productive and contributing member of society. To propose elimination of such a vital national program is to ignore all the accomplishments of past years; and to disregard the needs of certain disadvantaged youth as well as the broader impact on society as a whole. The administration is wrong. Its proposal is indefensible. I join my colleagues in urging a complete rejection of this insensitive and illogical proposal.●

● Mr. FAZIO. Mr. Speaker, I rise today with my colleagues in support of one of the few programs that has ever succeeded in realistic measure in dealing with the Nation's hardest-to-employ youths.

The Job Corps takes youths out of ghettos and depressed rural areas and moves them to camps for job training and conservation work. This makes the program expensive. But it also accounts for the program's notable success in increasing employment, military enlistment, and continued education, and reducing criminality and welfare dependency among those who stick it out. In fact, Job Corps, in the long run, produces benefits for society of greater value than the cost of the program.

The administration counters that other programs, such as the Block Training Program and the Job Training Partnership Act, can more effectively and efficiently train youths for jobs. However, Job Corps is the only program directed solely at job training for youths. As with many other administration proposals in this year's budget, those that would suffer most with the elimination of the Job Corps would be minorities and the underprivileged.

On behalf of the dozens of constituents who have written to me pleading that their opportunities not be denied by the cancellation of such an effective program, I offer my full support for the Job Corps, not because it is makework, but simply because it does work.●

● Mr. BROWN of California. Mr. Speaker, when President Reagan submitted his fiscal year 1986 Budget to Congress on February 4, he proposed that the Job Corps be eliminated. This proposal merely continues the administration's philosophy of opposition to job training programs. This time the administration asserts that the Job Corps is expensive, ineffective, and duplicative. But let's look at the facts.

In fiscal year 1984, 98,809 youth participated in the Job Corps at a cost of $6,244 per participant. Statistically, 4 out of 10 new enrollees in the Job Corps have prior arrest records. Costs to incarcerate an individual range from $22,000 to $30,000 per year. Clearly, the money spent on a corpsmember for remedial education, vocational training, room and board, transportation, clothing, medical care, counseling, and recreational programs has an excellent return on investment.

The Job Corps has been a recognized success and has traditionally earned broad bipartisan support, in part, because the Job Corps benefits are greater than its costs. Measured in 1977 dollars, the Job Corps produces benefits for society of approximately $7,300 per participant as against about $5,000 in costs, or about 45 percent more than the costs. And these gains continue throughout a corpsmember's lifetime.

This administration contends that the Job Training Partnership Act [JTPA] should have sole responsibility for job training. But while the Job Corps is one title of JTPA, JTPA is designed to serve a substantially different population. In the past, Congress has recognized the need for a residential program that would take the most severely disadvantaged youth from their disruptive and culturally deprived backgrounds and immerse them in a setting of comprehensive and intensive educational, employment, and support services. The Job Corps complements, not competes with the JTPA.

The Job Corps has the most direct and extensive participation by private business of any training program in the Federal Government. Job Corps, in fact, has epitomized the partnership between the Federal Government and the private sector for over two decades; 70 of 107 Job Corps centers are operated by private companies under competitive bids. However, vocational training at centers, leading to careers in the construction and transportation industries, has long been sponsored by the National Association of Home Builders and national labor unions.

The Inland Empire Job Corps center, located in my district, makes important contributions to our community. The majority of corpsmembers find employment, continue their education, or join the Armed Forces. The Job Corps is not an end unto itself, but a foundation on which to build in the years to come.

This administration fails to see its importance. To paraphrase Oscar Wilde, "This administration knows the price of everything, and the value of nothing." I am pleased to join my colleagues in helping to set the record straight on Job Corps. Let us not renege on our obligations to our disadvantaged youth when we make our fiscal decisions later this year.●

● Mr. GILMAN. Mr. Speaker, I am pleased to rise today to lend my voice to those of my colleagues who have indicated their strong support for the Job Corps Program. The Job Corps has provided assistance to disadvantaged youths through educational and vocational training for 20 years. Since its inception in 1965 the program has trained almost 1 million youths.

I am privileged to have 1 of 107 Job Corps training centers in my congressional district in Callicoon, NY, located in scenic Sullivan County. The Delaware Valley Job Corps Center has served the youth of New York, New Jersey, and the Virgin Islands since 1979. The Job Corps Center at Callicoon has become an integral part of the community, serving as one of the areas principal employers. I believe it is the unique cooperation between business, labor, and all levels of government that has made this program such a success. Accordingly, I would like to indicate my strong resolve to maintain the Job Corps continued viability.●

● Mr. RANGEL. Mr. Speaker, I rise to commend my colleague for calling this very important special order, and to once again ask that we turn our attention to the Reagan administration's attack on the Job Corps.

The Job Corps has provided an invaluable service for disadvantaged youth who would otherwise not have a chance to learn a skill. The youth who enter the Corps are the poorest of our citizens. Most never graduate from high school, and nearly one-third have arrest records. We can see from these figures, Mr. Speaker, that the payoff

for making productive citizens out of these young people is very high.

President Reagan's Job Training Partnership Act does not serve those at the bottom. In addition, the price tag for the JTPA is, as the administration has loudly proclaimed, less than the Job Corps. He touts this as incentive enough to enact the JTPA.

I must ask my colleagues, however, how we can place a dollar amount on training poor youngsters and preparing them to cope with society. The payoff for making these youngsters is indeed worth the dollar amount. If not for the Job Corps, we would be faced with many young people who have no hope, are poor, and who would never escape from the vicious cycle of poverty. Our Nation owes all of its citizens a chance.

For these reasons, I ask that we give our full support to the Job Corps. It is a program worthy of our praise.●

● Mr. MATSUI. Mr. Speaker, I am grateful for this opportunity to address the House about the proposed demise of the Job Corps. This is an issue that is important to me and important to a great number of my constituents.

In the weeks since the administration made known its intention to eliminate funding for the Job Corps, my offices in Washington and in Sacramento, have been contacted by hundreds of concerned individuals. I have heard from Sacramento businesses who support the Job Corps with employment and services. I have heard from taxpayers who feel that the Job Corps is one Government program that uses tax dollars wisely. I have heard from community leaders who believe that the Job Corps provides a much-needed service to our area. And I have heard from former and present corpsmembers who tell in vivid, glowing terms their personal success stories.

Mr. Speaker, I would like to share the story of one youngster. He wrote to me saying that before the Job Corps he was unable to find work and was receiving unemployment. A woman at the unemployment office told him about the Job Corps and he thought he would give it a chance. At the Job Corps he learned plastering. With the help of his instructor he developed his skills and was able to find a job as an apprentice. Now, 3 years later, this young man has married, bought a home, and is a journeyman plasterer.

This story is not unique for the Sacramento Job Corps. The Sacramento Job Corps is run by a dedicated, compassionate man by the name of Roy Adams. Roy plans, organizes, directs, and controls a residential center where more than 300 underprivileged youngsters between the ages of 17 and 21 are given the opportunity to succeed.

Mr. Speaker, our community of Sacramento cannot afford to lose such a precious asset. Our Nation cannot afford to turn its back on these young people.●

● Mr. TRAFICANT. Mr. Speaker, first of all, I would thank my fellow colleagues, Mr. WILLIAMS and Mr. MARTINEZ for sponsoring this special order on the Job Corps. I share their concern on the direction we are taking on this matter and how the administration views this program.

The Job Corps provides basic skills training to low-income youths between the ages of 16 and 21. The Job Corps Program was created in 1982 as part of the Job Training Partnership Act. The program is administered by 107 centers around the country, and serves approximately 40,000 youths. At the present time, 35 percent of the participants in the Job Corps Program are recorded as being placed in jobs.

The administration is proposing the complete elimination of the Job Corps in the fiscal year 1986 budget, requesting no funds for this program. The administration maintains that Job Corps training costs are extremely high without placing a substantial number of youth in jobs. In addition, the administration believes that too much money is earmarked for youth training under the Job Training Partnership Act.

However, opponents of the administration proposal state that data on the effectiveness of the Job Corps Program will not be completed for another year, therefore it may be quite premature to eliminate this program without first reviewing the final data.

Youth which are now receiving training from the Job Corps will have to rely on State and local training programs for future assistance. While many of the existing State and local programs do receive some Federal support, there is a great deal more competition for acceptance into these programs and would likely exclude many disadvantaged youth from receiving some valuable training assistance.

The original goal of the Job Training Partnership Act was to train or retrain eligible individuals for private sector employment. Eligible individuals are primarily economically disadvantaged individuals, particularly disadvantaged youth. It is my concern that if we eliminate the Job Corps as the administration has proposed, that we would be eliminating an important aspect of the Job Training Partnership Act provisions. As you may know, I represent the 17th Congressional District of Ohio, which has been plagued by very high unemployment in recent years. Although all classes of the work force have been affected, the young people of my district have been unusually hard hit. I believe the Job Corps Program can be, and is serving a useful purpose in many areas of our Nation. I strongly support continued funding for this program so that our youth, which need the skills and training to gain a job, have this opportunity to improve themselves and their country.●

● Mr. DWYER of New Jersey. Mr. Speaker, it is truly an honor for me to join my colleagues in the Congress to express our strong support for the Job Corps Program.

Over the last 20 years, this program has helped disadvantaged youth learn the skills they need to make a start in life and break the cycle of poverty. It has not been an easy task. There were growing pains at the beginning of the program, to be sure, but Job Corps has now reached a high point in its history with an established track record for which it can take great pride.

But the real success story of this program is found in the enrollees. Through Job Corps, they are able to learn basic job skills and often get the base they need for further education and training. Although it has been argued that the intensive, residential nature of Job Corps makes the program too costly, graduates of the program repay in taxes at least 145 percent of the initial Job Corps investment.

Mr. Speaker, the current dropout rate is far too high for a nation like ours, and we must address this situation on many fronts. Ninety percent of all Job Corps enrollees are high school dropouts. The 80,000 enrollees served by Job Corps each year represent just a small number of the more than 1 million youth who drop out of school, making this a particularly inappropriate time to eliminate this program, as the administration has proposed in its 1986 budget.

The Job Corps Center in New Jersey's Sixth Congressional District is one of the Nation's largest, with an impressive completion rate of over 97 percent and ranks sixth nationwide. Its contractor, instructors, and students deserve to take great pride in this achievement. I know that with our steadfast support, this center, and the Job Corps Program as a whole, can continue to reach those young people who need and deserve a second chance.●

● Mr. FAUNTROY. Mr. Speaker, I am delighted to join the special order in support of the Job Corps Program. I congratulate my distinguished colleague MATTHEW MARTINEZ, chairman of the Subcommittee on Employment Opportunity, for arranging this special order. Contrary to the assertions of the Reagan administration in its budget proposal which would eliminate the Job Corps Program, this program has been an efficient, economic, and socially valuable instrument for employment training and rehabilitation. Indeed, the program has involved a cost of only $6,244 per participant during the course of an entire year.

This per participant expenditure has provided participants with remedial education, vocational training, and associated services. The $6,244 expenditure per participant contrasts favorably with a $22,000 and up cost per year to incarcerate an individual in a correctional institution. It is quite clear, therefore, that the Job Corps Program has lightened the burden for taxpayers.

Additionally, the Job Corps Program has achieved a high rate of success. Thirty-five percent of the participants have achieved the highest skill level in their area of training, and a majority of the corpsmembers have attained an intermediate skill level, a level which enables them to gain productive employment. The Job Corps Program graduates people with marketable skills and equips them to assume productive roles in our communities. By any measure, social or economic, this program is worth saving.

The administration's proposal to eliminate the Job Corps is shortsighted, pennywise and dollar foolish. We in Congress need to protect, enhance, and expand our employment training programs, particularly those which have proven to be as effective as has the Job Corps Program.●

● Mr. HENRY. Mr. Speaker, I join many of my colleagues in supporting the Job Corps. While the recent economic recovery has provided renewed opportunity for those with solid educations and job skills, we are all aware of the statistics which reflect the fact that these opportunities are passing by many of our young people. The question is, what do we do about those of our young people, who, because of circumstances early in their lives, face lifelong obstacles to productive employment.

For 20 years, the Job Corps has been providing an effective answer. Nationwide, the statistics are impressive. Recent data shows that 75 to 80 percent of all enrollees in the Job Corps enter employment or further education upon completing the program. What makes these numbers so impressive is the type of young person served by Job Corps. Ninety percent of enrollees are high school dropouts with an average educational reading level of fifth grade or less. Many come from backgrounds of broken homes and delinquency. All are unemployed and lack the job skills necessary to compete in today's job market.

Those of us who have Job Corps centers in our districts are particularly aware of the importance of this program. The Grand Rapids Job Corps Center is a residential center for 200 men and 200 women. Enrollees are assigned to high school completion courses or G.E.D. program. They also take vocational education in areas ranging from auto mechanics and carpentry to nursing assistance and secretarial training. While living at the center, they receive medical and dental services and learn about personal health and hygiene. Before leaving the center, they receive assistance in preparing resumes and conducting a job search.

The need for the Job Corps is certainly no less today than in the past. If the opportunities of our society are to be available to all of our young people, then the Job Corps is an essential program and deserves continued support.●

● Mr. GOODLING. Mr. Speaker, earlier today I introduced a House concurrent resolution reaffirming congressional support for the Job Corps Program. At that time I urged my colleagues to join with me in support of the resolution.

The Job Corps Program has enjoyed over 20 years of bipartisan support. In return our Nation has benefited both socially and economically from the positive results obtained by young people who may have otherwise fallen through the cracks.

Since this program is a cost effective and successful effort with extensive private sector involvement, it deserves continued bipartisan support. I cannot imagine that anyone who has ever visited a Job Corps Center could leave without recognizing the overwhelming positive results on each of the young men and women enrolled in the program. This reality is especially true if one considers that the program deals, with the toughest case youth and provides a last chance alternative to a life of joblessness, welfare dependency, or criminality.●

● Mr. LAFALCE. Mr. Speaker, I want to thank my colleagues for arranging this opportunity to speak to the Nation about the success of the Job Corps Program, now threatened with elimination by the Reagan administration. Job Corps has been one of the most successful, if not the most successful and respected job training program for youth in the history of our Nation. Thanks to a strong bipartisan commitment of Congress, and the support of many administrations, Democratic and Republican alike, the Job Corps has served youth and communities for 20 years. By offering hand-on experience. the corps prepares disadvantaged youth, young people who might otherwise be out on the street, for productive employment, and enables communities to construct and renovate public facilities that otherwise would be too expensive.

The Job Corps is close to my heart. Having seen the progress being made daily at the Iroquois Job Corps Center in Median, NY, in my district, I have seen the success of the program. I have seen how it offers young men and women, from the poorest communities in our land, dignity, confidence, and skills, the three most important ingredients for finding and keeping gainful employment. I have seen how these youths work together to make life better in my community, many miles from their own homes.

Mr. Speaker, everyone recognizes the seriousness of the mounting Federal budget deficits. Expected to remain around $200 billion a year, for the rest of the decade, the deficits threaten continued economic growth and jobs in every sector, from agriculture to the steel industry. Our top priority must be to bring the deficits down, quickly. However, we must have a rational and fair approach.

I cannot accept continued, indiscriminate attacks on domestic programs that have proven themselves beneficial, over and over, while waste in defense programs and tax expenditures goes unchecked. Reducing the deficits at the expense of successful programs is thoughtless and careless. The people of our Nation, and especially the young people who depend on the Jobs Corps, deserve better.

The Job Corps has a strong record of achievement that should not be overlooked. It has made the difference between poverty and self-sufficiency for tens of thousands of young people. It has made the difference between hope and despair. It has made the difference between a job and prison for many. It has made the difference between building communities and destroying them.

At the Iroquois Job Corps Center, men and women receive an education, and are trained in 11 trades, including masonry, carpentry, plumbing, food preparation, landscaping, and office skills. Out of over 1,000 individuals who have been enrolled at the center, 80 percent have completed the training and education requirements. Of these, 100 percent have been placed in productive jobs. That's cost effectiveness. That's government at its best. Sure it costs money to prepare these youth for life, but consider the detrimental impact on our deficits if they were left to become dependent on welfare, rather than hard-working taxpayers.

Mr. Speaker, the Job Corps is a cost-effective program, which ultimately helps us to improve the lives of those it serves, and at the same time, hold down the deficit. It would be pennywise and pound-foolish to eliminate the Job Corps.●

● Mr. NICHOLS. Mr. Speaker, I am pleased to join other Members who have voiced their concern about the future of the Job Corps Program. This program has helped nearly 2 million disadvantaged young Americans to become productive and contributing members of society.

A Job Corps Center has operated in my district since 1981. The Tuskegee Institute Job Corps Center is operated

under contract with Tuskegee Institute, a historically black college, and has trained and motivated more than 1,300 youngsters to turn their lives around. Our Job Corps Center is a vital component in our efforts in Alabama to upgrade our labor force and to address crises in youth employment.

Mr. William Gess, director of the Tuskegee Institute Job Corps Center informs me that many of the corps members are reinforced and motivated to the extent that they pursue higher education after Job Corps—15 former corpsmembers have stayed in the area and matriculated at Tuskegee Institute, 2 of which are currently seniors at the institute.

Job Corps has given hope to so many of our disadvantaged youngsters who have lost it. Mr. Speaker, I am hopeful that the Budget Committee in its deliberations during the next few weeks will be cognizant of this program, especially in light of the budgetary constraints which our Nation currently faces, and we are hopeful the Job Corps may be able to continue its work.●

● Mr. EDWARDS of California. Mr. Speaker, I would like to thank my colleague from California, the new chairman of the Employment Opportunities Subcommittee, Mr. Martinez, for this opportunity to speak today in support of the Job Corps Program.

I also applaud the chairman's early and strong opposition to the Reagan administration's proposed abandonment of Federal support for Job Corps. I am proud to say that I am a cosponsor of his legislation, House Resolution 72, which reaffirms the House's commitment to the Job Corps Program.

In the city of San Jose in my district, the Job Corps Center has been operating for 13 years—since 1972. Since that time the center has graduated over 8,000 students. Each year's 650 graduates earn over $4 million in wages and salaries in their first year on the job, and pay over $800,000 in taxes in that first year alone.

If the administration is truly interested in getting a good investment for its dollar, multiply the figures from my district by the thousands of Job Corps students nationwide and you have an idea of the loss in direct revenue alone caused by the elimination of Job Corps.

On behalf of the San Jose Job Corps Center, its 440 students, and its more than 8,000 graduates, I urge my colleagues to join us in strong support of Federal funding for Job Corps.●

● Mr. DELLUMS. Mr. Speaker, it is the reality of the retreat from equality that compels me to speak today in support of retaining the Job Corps Program. It is tragic that the administration would destroy it, because this program is intended to aid the poor, the uneducated, and the undereducated, the minorities, and the unskilled. These are people that we have a responsibility to assist in their plight, to help them survive and compete in today's complex society.

I am sure that you are aware of the current drug problem which is now infecting urban centers throughout the country. In my district, citizens are crying out for help from the Federal Government to aid us in ridding our community from this awful sickness. The best assistance for drug prevention is education, jobs, and a sense of hope instilled in a person. The Job Corps Program means all of these things to thousands of minority youth throughout the country. To cut out the Job Corps Program is to compound the hopelessness which pushes so many of our youth to crime and drugs.

The Office of Management and Budget contends that only 35 percent of the enrollees in the program are actually placed in jobs. However, this figure does not take into consideration the amount of trainees who go on to further their education at colleges, vocational schools and other on-the-job training situations or go into the military. Also, the OMB figure disregards the fact that a thorough follow-up on dropouts of the program has not been made. Further, OMB alleges that the cost to the taxpayer per each Job Corp participant is $15,000. The fact is, that in fiscal year 1984, 98,809 youths participated in the program, which actually represents a cost of $6,244 per person. This disparity in fact is alarming and necessitates much closer examination.

Over the years, I have risen to challenge the validity of the administration's budget cuts of important and vital human-needs programs. On numerous occasions I have been approached by my constituents who have described to me, quite graphically, the effect of these cuts on their lives. In this instance, however, I can foresee the problems that could lie ahead for our Nation if we allow the Job Corps Program to be cut. The realities of urban life demand immediate and urgent attention not the blatant disregard of this administration. Those affected are human beings with hopes and aspirations. Such cuts will seal their doom. These proposed cuts are not merely numbers on a ledger.

This year one Trident submarine will cost the taxpayers a whopping $1.5 billion; last year, the budget for the Job Corps Program was a mere $616 million. I ask you, which is more important—the future of 98,809 people or the purchase of one nuclear submarine?

Jobs Corps is a proven and successful program which decreases the welfare rolls and increases the taxpayer roles. Lets continue the common sense of the Jobs Corps Program.●

● Mr. OWENS. Mr. Speaker, today we are considering the Job Corps and its contribution to our young people and society. Although the program as a whole has many accomplishments, I want to speak about the Gateway Job Corps Program which is just outside my district, but which services many young people from my district.

The initial recommendation to establish the Gateway Job Corps Program was made in 1978 and the program began on February 19, 1979. Gateway is a conservation center program as opposed to a contract center. The students learn skills which are utilized in the preservation and development of the Gateway recreational area which has a number of sites in New York and New Jersey.

Over half of the students who arrive at Gateway have not completed high school. In order to complete the program a young person must complete the GED, and earn a driver's license in addition to learning the skill area to which he or she is assigned. At Gateway, the skills include cement masonry, plastering, bricklaying, carpentry, clerical work, culinary arts and painting, caulking and cleaning of brick or stone walls. Those who visit the program will see these skills put to use in the center cafeteria, offices, and buildings.

The Gateway Program is residential, with 100 places for young men and 100 places for young women. The building trades journeymen who teach the trades are affiliated with unions. This relationship has led to the high placement rate for those who complete the program. As a matter of fact, the placement rate at Gateway is higher than the completer rate. Young people are lured away to jobs before they can complete the GED and driving license requirements. In those cases, they are encouraged to continue their high school study in evening or weekend classes.

Gateway, an appropriate name for this doorway to opportunity, has made it possible for young men and women to learn together and later work together in the trades that are taught. This has made is possible for them to become productive members of the community who can earn a decent wage. It has also served to stop the deterioration of the Gateway recreational area which is a valuable resource used by many in both New York and New Jersey. It seems foolhardy to close this door to our young people.●

● Mr. DOWDY of Mississippi. Mr. Speaker, this administration has recommended that the Job Corps Program be eliminated. As a representative of a State that has benefited a great deal from this important program, I cannot urge too strongly that the Congress oppose such an unwise move.

In Mississippi we have three Job Corps centers: at Crystal Springs, Batesville, and Gulfport. I visited the center in Crystal Springs recently and was greatly impressed by the services and help being extended to our young people.

Mississippi is a poor State. We are struggling to improve the standard of living and the level of education of all of our citizens. We are trying to attract industry to expand our economic base. The Job Corps is a major help in these pursuits. It has allowed many young people who have dropped out of school or who never have had the opportunity to attend school to learn skills necessary for today's competitive job market. To cut the program now would immeasurably harm the progress we have been able to make.

We are all concerned with the deficit, but cutting Job Corps does not further our long-term goals of a balanced budget. The economy as a whole is better served and the level of Government revenues is increased when we provide training and employment for all of our citizens. An unproductive citizen carries a much higher cost to Government than what we are expending on the Job Corps Program.

It is also pertinent that Job Corps has won such widespread support throughout the State of Mississippi. I have received hundreds of letters from students, workers, employers, and elected officials all urging that the Job Corps Program be continued. I think this is a measure of the effectiveness of the program.

The Job Corps Program is a vital investment in our Nation's future. We cannot afford to discontinue it now.●

● Ms. MIKULSKI. Mr. Speaker, I rise today to express my strong opposition to the administration's proposal to eliminate funding for the Job Corps.

Since its inception in 1965, the Job Corps has given thousands of undereducated, unskilled, and disadvantaged youths a real chance to break out of a cycle of welfare dependence and crime.

Today, Job Corps graduates all over this country are working hard and are contributing to our society. Today, thousands of former Job Corps participants are helping our economy grow through their work as painters, plasterers, cement masons, carpenters, bricklayers, operating engineers, clerks, cooks, and auto mechanics.

These individuals are proud members of society today because they were given a chance through the Job Corps to develop their skills and abilities.

I have been a supporter of the Job Corps since the days when I was a social worker on the streets of Baltimore. This program has continued to provide real life benefits to our country and to the individuals who have participated in it.

I am proud, Mr. Speaker, to rise today in support of the Job Corps and I urge my colleagues in the House of Representatives to join me in that support.●

SHORTCHANGE EDUCATION, YOU SHORTCHANGE AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Prior to beginning my special order, Mr. Speaker, I want to say that I join Mr. WILLIAMS, who had taken out the special order on the Job Corps, and I share his concern that such a worthy program is now under assault and may be lost.

Addressing the subject of my special order, Mr. Speaker, outside of its economic policies, which have wreaked havoc on heavy industry in western Pennsylvania, few decisions by the administration have created such a furor as its determination to take the financial ax to the Federal Student Loan Program.

The administration's proposal to deny these loans to all students from families with adjusted gross incomes above $32,500; to eliminate grants, work-study jobs, and other aid for those with incomes above $25,000; and to limit to $4,000 a year the maximum Federal help any student can draw, is nothing short of devastating to middle-income families.

It shatters the hopes and dreams of couples who have scrimped, exhausted their savings, remortgaged their homes, borrowed on their life insurance, and gone into debt up to their necks to give their children a chance at college, a better education, a better life.

In effect, the administration has said college education is too expensive for it. To save money, it would cut educational assistance to students from the middle-income family, leaving the door to college open only to the very rich, who could afford it at any price, or the very poor, who would qualify under the barebones budget proposed by the administration.

All of us would agree, I am sure, that education at any level is an expensive proposition. Just ask anyone attempting to put one, two, or three children through college. They will tell you in no uncertain terms just how expensive it really is. But, they will also tell you that one of the few things more expensive than an education in today's world—and likely to become even more so in tomorrow's—is the lack of one.

The administration's proposal to virtually eliminate the chance of a college education for many children of middle-income families has come under fire both from within the academic world and without it.

I would like to list just a few of the comments gleaned from newspaper editorials in my 20th Congressional District, letters from constituents, and reactions from members of my voluntary home phone poll.

From the Daily News of McKeesport:

Another result of these curtailments of student assistance would be to effectively destroy the notion that any student who is qualified can attend any college in the country, including the most prestigious and expensive, regardless of the family's income.

And, from the Pittsburgh Post Gazette:

Congress should reject the Reagan Administration budget proposals that would eviscerate federal support for student aid. • • •

The nation has an interest in guaranteeing the brightest students have access to the best available education without being restricted by family finances. • • •

The government should recognize the interests of American society are served by making higher education widely accessible.

From the Independent Observer of Scottdale:

Most families of college students are not rich. Many students have to work while attending classes • • •

Education in America, which already is under fire, will begin a steady deterioration since the majority of college students come from middle class families. • • •

And, from the News Citizen of Vandergrift:

Thomas Jefferson set the precedent for American higher education by the establishing of the University of Virginia and his writings dealing with having a system of public universities within the reach of every young American with ability • • •

Federal backing helping students obtain the cash to finance college educations was an appropriate outgrowth of his planning. Having students' families reduce themselves to poverty levels before they can obtain help for education is not.

The Valley News Dispatch of Tarentum:

The leaders of this country long have realized—at least until now—that an investment in college students is a down payment on a better America • • •

What the Reagan Administration is doing is virtually ensuring that private colleges and universities remain only for the wealthy. • • •

If those comments are not graphic enough, Mr. Speaker, let me quote from letters I have received from some of my constituents on this issue:

Priscilla Snyder of Clairton wrote:

It simply doesn't make any sense to cut loans to college students. They are investments in the future.

Listen to what Virginia Harrity of Oakmont Borough has to say:

As a parent with two sons enrolled to start college this fall, I do not feel they will graduate without the aid of a student loan and the idea of a $4,000 ceiling is preposterous in light of the fact tuition is raised every year.

Jeanette Sullivan of Bethel Park, a college student studying to be an occupational therapist:

My education is extremely important to me. I am learning things that will improve the lives of many people. Unfortunately, I will not be able to finish this education without student loans for next year. * * *

And, from Dorothy Fantashi of North Braddock:

I will have three children in college next September. I went back to work to help send them to private high school and college. Between my husband's and my earnings, we come over the magic figure ($32,500). So far, we have been able to send our children to school with loans they receive (which they will repay) and our savings. Please vote against this cut in the budget. This is one expense that is repaid and brings in higher taxes when the graduate gets into the work force. Our youth is the country's future.

The reaction was similar from people responding to my home phone poll, a survey I am presently conducting to determine public opinion of the administration's budget and tax reform proposals. Frequently, the participants offer opinions on other issues. Here are some comments on the student loan cut:

Mrs. Ralph Spada of Baldwin Borough asked:

"Where will our country go without the young people being educated?" Mrs. Spada said her sons could not have gone to college without student loans and she added that "They are paying back the borrowed money."

Joseph Cieply of Monessen adds:

They are making it more difficult for them (students) to attend college, making the good jobs available only for the wealthy. Our country will suffer.

Mrs. Gwen Chontos of North Versailles expresses the fears of many middle-income families when she said she is worried about putting her son through college next year:

The (families) can't afford it without the loans.

Mrs. Margaret Sabel of Munhall Borough wants to know:

What kind of young people are we going to have if we can't even help them get an education?

And, Mrs. Regina Graczyk, also of Munhall, echoed:

What are we doing to our young people? They won't be able to afford college and they're unemployed. This is a shame!

A shame, indeed, Mr. Speaker, to deprive young, intelligent men and women a chance to better themselves and, in the process, our country.

The administration is fond of saying it will take its case to the people if Congress balks at giving it all it wants. I suggest it consider sending an emissary among middle-class Americans to see how they feel about their children losing the opportunity for a college education.

I suggest the new Secretary of Education, who glibly observed recently that college students would have to consider a "divestiture of certain sorts—stereo divestiture, automobile divestiture, 3 weeks at the beach divestiture."

I would venture to say that for every college student of middle-income status who has a stereo, a car, or who flocks to Florida on a spring break, there are far more of his counterparts who cannot afford such luxuries.

I would venture to say that while some students frolic, more are working to help pay their way through school.

I would venture to say that if thousands hit the beaches in the spring, millions stay home because they don't have the money for a frivolous fling.

Furthermore, Mr. Speaker, I intend to save the administration the trouble of going to the people on this matter. I am going to ask the people to go to the administration. I am going to ask middle-income parents to write the White House. I am going to ask elected school directors of every school district in the 20th Congressional District of Pennsylvania to voice their opinion on the student loan cuts.

I am going to do this because I feel very strongly about a college education and this Government's past commitment to it. I was able to attend college because of the GI bill. I would imagine a number of colleagues took advantage of the same offer. Government's investment in that program has been repaid 10 times over.

I am adamant in my belief that if we shortchange the education of our country's youth, we shortchange their lives. And, if we shortchange their lives, we shortchange America and its future.

H.R. 1309, THE HIGH-RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT OF 1985: OUR WORKERS DESERVE NO LESS

Mr. GAYDOS. Mr. Speaker, continuing on with special orders today, I want to talk about H.R. 1309.

In the course of our daily lives—through the air we breathe, the food we eat, the water we drink—we can expect to be exposed to substances that put us at risk of disease.

This is especially true for many American men and women in the industrial world. Every day we learn more about the toxic and hazardous substances these workers handle on a daily basis in the course of their jobs.

Recently, it became known that the National Institute of Occupational Safety and Health has identified some 250,000 workers who, because of the substances to which they are exposed, may face a high risk or increased risk of cancer, heart disease, and lung disease.

Additionally, the health, safety, and environment section of the industrial union department of the AFL-CIO has identified other substances to which exposure could lead to high or increased risk of occupational illnesses for several million workers.

Obviously, there are many other substances used in workplaces around the country about which we have little idea of the long-term disease potential for those who manufacture or handle them.

Even beyond the identification of the substances and the identification of the work force population at risk because of exposure to a place, activity, process, agent, or occupation associated with disease, there is the issue of what to do with the information gathered.

As I mentioned a moment ago, NIOSH has identified some 250,000 workers who may face a high or increased risk of certain disease because of exposure to or contact with some toxic substances.

The question is: What should NIOSH do with that information?

Should the workers be notified individually so they can begin a process of medical observation to insure that if the disease arises it will be diagnosed early enough for successful treatment?

NIOSH says it cannot notify the individuals involved. It fears confusion and chaos if Government warnings were to be sent to those workers. Instead, it intends to notify the companies in which these men and women worked and their unions about the dangers from such exposure.

But, Mr. Speaker, I believe these workers should be notified individually. I believe NIOSH and other agencies should begin a serious program of isolating and identifying not only the substances to which exposure in the workplace may put workers at a high or increased risk of disease, but also identify the at risk population and notify those workers of the potential diseases.

To that end, Mr. Speaker, last week I introduced the High Risk Occupational Disease Notification and Prevention Act of 1985, H.R. 1309.

This measure would allow for further research efforts to identify and define worker populations at risk of occupational disease, establish a Federal program to notify individual workers within those populations at risk, authorize and direct the certification of occupational and environmental health facilities, and establish a set of worker protections against discrimination on the basis of identification and notification of the disease risk.

Just to be sure we all understand the worker populations with which we are concerned, let me just define some terms.

A population at risk is a whole number of individuals having in common exposure to a place or activity or process or physical, chemical, or biological agent or occupation associated with disease, among whom the risk of the associated disease exceeds

that of a comparable population without exposure.

A population at increased risk is a population at risk within which the associated disease occurs at a rate 30-percent greater than that of a comparable population without exposure.

And a population at high risk is that population at risk within which the associated disease occurs at a rate 100-percent greater than that of a comparable population without exposure.

Thus, under the terms of this measure, only those persons at increased or high risk would fall into the notification program.

About 2 weeks ago, reports surfaced linking a high rate of leukemia deaths to exposure of benzene at two Shell Oil Co. refineries. According to those reports, at least 20 employees at the two refineries died of leukemia between 1973 and 1982, certainly well in excess of statistical probability.

Mr. Speaker, I have been involved with worker health and safety since I first came to Congress in 1968. I was a member of the Subcommittee on Manpower, Compensation, Health and Safety in 1970 when this Congress passed the act creating the Occupational Safety and Health Administration in the Department of Labor.

I was chairman of the Health and Safety Subcommittee and introduced the legislation that culminated in the Federal Mine Safety and Health Act of 1977.

I am committed to the concept of insuring safe and healthy workplaces for all Americans.

This measure, which I have introduced, is a logical step in that process. We all know that constant exposure to certain elements used in manufacturing and production processes or the byproducts of such processes can permanently cripple or kill a worker.

Some, such as methyl isocyanate, kill within instants, as we learned just a few short months ago when a leak of that toxic substance took the lives of more than 2,000 in India.

Other substances are slower acting, sometimes taking years or even decades before resulting in a debilitating or deadly occupational disease.

Yet, there is no established national program to identify or monitor employees who routinely handle such substances nor to notify and counsel those employees who may be affected by prolonged contact.

America's working men and women have a right to know the substances with which they are working.

They have a right to know that these substances may cause irreparable damage to them, putting them at high or increased risk.

They have the right to continuous observation and diagnosis so that if the disease should show signs of emerging, treatment can begin at the early rather than the late stages.

The companies that use these substances, too, would benefit. They could seek to use comparable materials and substances that, perhaps, would be less likely to result in those deadly or debilitating diseases.

We have the medical technology to identify the so-called hot spots in the workplace, but there is a lack of trained personnel and a shortage of facilities that could educate, diagnose, and treat workers.

H.R. 1309 would authorize the Secretary of Health and Human Services to initiate a program to improve the surveillance and monitoring of those workers at high or increased risk, develop a national education program to acquaint workers and their families of measures which can be taken if they are identified, select and certify facilities equipped to provide diagnosis and treatment services.

To my way of thinking, this legislation is the most important measure in the area of worker safety and health since the adoption of the OSH Act and the Federal Mine Safety and Health Act.

This is a vital link in the chain and one our working men and women deserve.

I would hope that the Members of this body would join me in seeking to improve the health and safety of our workers by cosponsoring H.R. 1309, the High Risk Occupational Disease Notification and Prevention Act of 1985.

H.R. 1309

A bill to establish a system for identifying, notifying, and preventing illness and death among workers who are at increased or high risk of occupational disease, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Risk Occupational Disease Notification and Prevention Act of 1985".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) many harmful substances and physical agents are in wide industrial and commercial use in the United States;

(2) a significant number of workers suffer disability or death or both from occupational diseases caused by hazardous occupational exposures;

(3) diseases caused by hazardous occupational exposures constitute a substantial burden on interstate commerce and have an adverse effect on the public welfare;

(4) there is a period of time between exposure and the onset of disease when it is often possible to medically intervene in the biological process of disease to either prevent or, by early detection, successfully treat many disease conditions;

(5) a significant number of identifiable occupational populations are at risk of developing diseases because of hazardous occupational exposures;

(6) by means of established epidemiological, clinical and laboratory studies, it is possible to define and identify very specific worker populations at risk of contracting occupational diseases;

(7) there is not established national program for identifying, notifying, counseling, and medically monitoring worker populations at risk of occupational diseases;

(8) workers have a basic and fundamental right to know they have been exposed to an occupational hazard and are at risk of contracting an occupational disease;

(9) social and family services that reinforce health promoting behavior, reduce the risk of diseases;

(10) there is a lack of adequately trained medical and human service professionals, as well as appropriately staffed and equipped health facilities to recognize and diagnose occupational diseases;

(11) there is a need for increased research to identify and assist worker populations at risk of occupational diseases;

(12) through prevention and early detection of occupational disease the staggering costs of medical treatment and care in the United States can be substantially reduced.

(b) PURPOSES.—It is the purpose of this Act—

(1) to expand Federal research efforts to further identify and define worker population at risk of occupational diseases;

(2) to establish a Federal program to notify individual workers within populations at risk of occupationally induced disease that they are at risk because of a hazardous occupational exposure, and to counsel them appropriately;

(3) to authorize and direct the certification of occupational and environmental health facilities;

(4) to establish a set of worker protections against discrimination on the basis of identification and notification of occupational disease risk.

SEC. 3. SURVEILLANCE AND RESEARCH.

(a) RESEARCH ON IMPROVED SURVEILLANCE METHODS.—The Secretary shall, primarily through the occupational and environmental health centers established under section 6, conduct research into improving the means of surveillance of employees exposed to occupational health hazards, and research into improved means of medical monitoring and treatment of employees exposed to occupational hazards. Such research shall include but not be limited to the following areas—

(1) studying the etiology and development of occupationally related diseases, and the development of disabilities resulting from such diseases;

(2) developing means of medical surveillance of employees exposed to occupational health hazards;

(3) examining the medical treatment of workers exposed to occupational health hazards, and means of medical intervention to prevent the deterioration of the health and functional capacity of employees disabled by occupational diseases;

(4) studying and developing medical treatment and allied social services of employees exposed to occupational health hazards; and

(5) developing educational programs designed to assist employees and their families take measures which ameliorate the effects of those diseases.

(b) RESEARCH TO IDENTIFY POPULATIONS AT RISK.—(1) The Secretary shall undertake, or shall sponsor, additional epidemiological, clinical, and laboratory research to identify and define additional employee populations at risk of occupational disease.

(2) This expanded research shall be conducted or sponsored, or both, by the Institute.

(3) In conducting its research under this subsection, the National Institute for Occupational Safety and Health shall have access to prior and current employment, occupational, and health-related data and information maintained by agencies of the Federal Government.

(c) AUTHORITY TO EMPLOY EXPERTS AND CONSULTANTS.—In carrying out research under this section, the Secretary is authorized to engage the services of experts and consultants, as he deems necessary.

SEC. 4. RISK ASSESSMENT BOARD.

(a) ESTABLISHMENT.—There is hereby established the Risk Assessment Board which shall be located within the Institute. The Director of the Institute shall serve as the Chairman of the Board. The Board shall consist of four members in addition to the Chairman. Members shall be career Public Health Service employees designated by the Surgeon General of the United States to serve terms of five years, except that initially one member shall be appointed for three years, two members for four years, and two members for five years. The Board shall include an epidemiologist, toxicologist, industrial hygienist, and physician. There shall be a full-time Secretariat provided by the Institute to the Board.

(b) FUNCTIONS OF BOARD.—(1) The Board shall—

(A) review current medical and other scientific studies and reports concerning the incidence of disease associated with employment;

(B) report to the Secretary on the state of current research with respect to such diseases; and

(C) designate from this review employee populations at risk of disease associated with hazardous occupational exposures.

(2) In identifying populations at risk of occupational disease, the Board shall consider the following factors based upon the best available scientific evidence—

(A) studies of agents, processes, or jobs that may be toxic based upon epidemiologic and clinical observations of human populations, or animal and laboratory studies;

(B) studies relating to estimates of increased risk of death or disease in specific sites, systems or organs of the body in exposed populations.

(3) If the Board determines that a class or category of employees is a population at increased risk of occupational disease, it shall make such a finding and, within ten days of making such a finding, transmit a recommendation to the Secretary that the individuals within such population be notified under section 5 of this Act.

(4) If the Board determines that a class or category of employees is a population at high risk of occupational disease, it shall make such a finding and, within ten days of making such a finding, transmit a recommendation to the Secretary that the individuals within such population be notified under section 5 of this Act and be eligible for services and information under section 5 of this Act appropriate to the nature and extent of the risk.

(c) PRIORITY FOR REVIEW.—The Board shall undertake as its first priorities for review those employee populations exposed to hazardous occupational exposures for which there already exists a permanent standard under section 6(b)(5) of the Occupational Safety and Health Act. The Board shall transmit to the Secretary its findings and recommendations on these employee populations within one year from the effective date of this Act.

SEC. 5. EMPLOYEE NOTIFICATION AND COUNSELING.

(a) NOTIFICATION OF POPULATION AT RISK.—Upon a determination by the Secretary that a given class or category of employee is a population at risk of occupational disease, the Secretary shall notify each individual within the such population of the risk.

(b) CONTENTS OF NOTIFICATION.—The Secretary's notification shall include:

(1) The nature and degree of risk (high or increased) and the reasons therefor.

(2) An indentification of the hazardous occupational exposure including the name, composition, and properties of known chemical agents.

(3) The disease or diseases associated with the hazardous occupational exposure.

(4) any known latency periods from the time of exposure to time of the clinical manifestation of the disease.

(5) The size, nature, and composition of the population at risk.

(6) Counseling information appropriate to the level of risk including, but not limited to—

(A) the advisability of initiating a personal medical monitoring program;

(B) the most appropriate type of medical monitoring for the disease associated with the risk;

(C) the name and address of the nearest occupational and environmental health center certified under this Act; and

(D) the telephone number of the "hot line" established under subsection (c) of this section.

(c) TELEPHONE INFORMATION.—The Secretary shall establish a telephone "hot line" for the personal physicians of employees notified under this section, for the purpose of providing additional medical and scientific information concerning the nature of the risk and its associated disease.

(d) DISSEMINATION OF INFORMATION.—The Secretary shall prepare and distribute other medical and health promotion material and information on any risk subject to notification under this section and its associated disease as he deems appropriate.

(e) ACCESS TO INFORMATION.—In carrying out his notification responsibilities under this section, the Secretary shall have access to information and data contained in the records of any Federal agency solely for the purpose of obtaining names, addresses and work histories of employees subject to notification under this section.

SEC. 6. OCCUPATIONAL AND ENVIRONMENTAL HEALTH CENTERS.

(a) SELECTION OF EXISTING FACILITIES.—(1) The Secretary shall select from educational resource centers of the Institute and similar centers of the National Institute for Environmental Health Sciences for the purpose of establishing and certifying occupational and environmental health centers within each facility. At a later date, the Secretary shall select for such purpose from existing health care facilities an appropriate number to obtain even regional distribution throughout the Untied States of such centers.

(2) Such centers shall be selected on the basis of their ability and experience in the recognition, diagnosis, and treatment, and research, of occupational diseases in an ethical manner and shall be certified as such under criteria developed by the Secretary.

(b) CAPABILITY OF CENTERS.—The centers shall be capable of providing research resources, diagnosis, treatment, medical monitoring, and family services for employees notified under section 3 of the Act who are at high risk of occupational disease.

(c) CRITERIA FOR MONITORING.—The Secretary shall develop criteria governing the most appropriate type of medical monitoring.

(d) COST OF TRAINING AND EQUIPMENT.—The Secretary shall be responsible for developing a program for training of existing personnel and procuring specialized equipment required under the certification criteria developed pursuant to subsection (a).

SEC. 7. EMPLOYEE DISCRIMINATION.

(a) DISCRIMINATION PROHIBITED.—No employer, insurance carrier, or any other person shall discharge or in any manner discriminate against any employee on the basis that the employee has been notified by the Secretary that he is at risk of any occupational disease.

(b) BENEFIT REDUCTION PROHIBITED.—If, based upon sound medical advice or medical monitoring (or both) initiated under section 4 of this Act, it is determined that an employee should be transferred to a less hazardous or non-exposed job, the employee shall retain the same rates of pay, benefits, and seniority as in the former job.

(c) DISCRIMINATION IN MONITORING AND TREATMENT PROHIBITED.—No health care financing system shall in any way discriminate against an employee who has been notified by the Secretary under section 5 of this Act in the payment of the costs associated with a medical monitoring program, or any subsequent treatment, including treatment required by a medical monitoring examination or the onset of disease.

(d) REVIEW OF DISCRIMINATION COMPLAINTS.—(1) Any employee who believes he or she has been discriminated against by any employer, insurance carrier, or health care financing system in violation of subsection (a), (b), or (c) of this section, may, within three months after such violation occurs, apply to the Secretary for a review of such alleged violation. A copy of the application shall be sent to the person or institution alleged to have committed the violation, who shall be the respondent. Upon receipt of such application, the Secretary shall investigate the allegations, which shall include an opportunity for public hearings before an administrative law judge at the request of any party to present information relating to the alleged violation.

(2) The administrative law judge shall notify the parties in writing of the time and place of the hearing at least two weeks prior to the hearing. Any such hearing shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If the Secretary finds that there was no such violation, the Secretary shall issue an order denying the application.

(e) REINSTATEMENT.—Any employee who is discriminated against in violation of this section shall be restored to his or her employment and shall be compensated for—

(1) any lost wages (including fringe benefits and seniority);

(2) costs associated with his or her medical monitoring; and

(3) costs associated with bringing the allegation of violation.

(f) CIVIL PENALTIES.—Any person or institution that discriminates against an employee in violation of this section shall be liable for a civil penalty of not less than $1,000 or more than $10,000 for each violation as may

be determined by the Secretary. Any such penalty may be recovered in a civil action brought by the Secretary in the appropriate United States district court.

SEC. 8. ENFORCEMENT AUTHORITY.

(a) INJUNCTIVE RELIEF.—Whenever it shall appear to the Secretary that any person or institution is engaged or is about to be engaged in an act or practice constituting a violation of this Act or any rule or regulation promulgated under this Act, the Secretary may bring an action in the proper United States district court to enjoin such acts or practices, and upon a proper showing an injunction or permanent or temporary restraining order shall be granted without bond.

(b) QUALIFICATION OF HEALTH CARE FINANCING SYSTEM.—Each health care financing system shall provide appropriate testing, evaluation, and medical monitoring services to employees as required under this Act.

(c) ALLOCATION OF COSTS TO HEALTH CARE FINANCING SYSTEM.—The cost of testing, evaluation, and medical monitoring required by an employee as a result of a hazardous occupational exposure and subsequent notification by the Secretary that such an employee is in a population at risk, as determined under this Act, shall be included as a covered item in any health care financing system available to such employee through his employment or as an individual purchaser of health insurance.

(d) SUBROGATION.—Any treatment provided by a health care financing system to an employee for a subsequent disease that was subject to a notification under section 4 of this Act, may constitute an insurance subrogation claim against a workers' compensation program or insurance carrier.

(e) EFFECT ON WORKERS' COMPENSATION CLAIMS.—The notification of an employee that the employee is in a population at high risk or a population at increased risk and the subsequent medical evaluation and monitoring shall not constitute a workers' compensation claim, nor shall such notice toll any statute of limitations with respect to such a claim, except as may be specifically provided by law under a workers' compensation statute.

SEC. 9. AUTHORIZATIONS.

There are authorized to be appropriated for the fiscal years which begin on or after October 1, 1985, such sums as may be necessary.

SEC. 10. DEFINITIONS.

For the purposes of this Act—

(1) the term "employee" means any individual employed by an employer, or who is the primary beneficiary of employer-provided health insurance, or who is eligible for health insurance benefits under part A or B of title XVIII of the Social Security Act, for medical assistance under a State plan approved under title XIX of such Act, or for benefits based on disability under title II or XVI of such Act;

(2) the term "employer" means any person engaged in commerce or in an industry affecting commerce, or any agency of Federal, State, or local government;

(3) the term "insurance carrier" means any stock company, mutual company or association, or any other person or fund, or State compensation insurance fund, which is authorized under the laws of the United States to engage in the business of writing insurance;

(4) the term "Secretary" means the Secretary of Health and Human Services;

(5) the term "health care financing system" means a private or public system for financing health care in the United States, including public and private health insurance programs, and programs providing health insurance benefits under part A or B of title XVIII of the Social Security Act, medical assistance under a State plan approved under title XIX of such Act, and benefits based on disability under title II or XVI of such Act;

(6) the term "occupational and environmental health centers" means existing health care facilities certified by the Secretary under this Act to provide medical monitoring to employees at risk of occupational disease;

(7) the term "population at increased risk" means an employee population exposed to hazardous occupational exposures within which an associated disease occurs at a rate 30 percent greater than a comparable workers population not exposed to the hazardous occupational exposure;

(8) the term "population at high risk" means an employee population exposed to hazardous occupational exposures within which an associated disease occurs at a rate 100 percent greater than a comparable worker population not exposed to the hazardous occupational exposure;

(9) the term "hazardous occupational exposure" means any harmful chemical, physical, or biological agent; industrial or commercial process or activity; or occupation found in the workplace which is associated with the risk of disease;

(10) the term "medical monitoring" means periodic medical examinations of employees who are at high or increased risk of occupational disease;

(11) the term "occupational disease" means any disease associated with hazardous occupational exposures which appears in a given employee population at rates exceeding that of the general population;

(12) the term "Board" means the Risk Assessment Board established by section 4 of this Act; and

(13) the term "Institute" means the National Institute for Occupational Safety and Health.

SEC. 12. EFFECTIVE DATE.

Except as may be otherwise provided therein, the provisions of this Act shall become effective one year after the date of enactment.

□ 1800

PRIVATE RELIEF BILL FOR TEICHGRAEBER FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. MCKINNEY] is recognized for 10 minutes.

● Mr. MCKINNEY. Mr. Speaker, for the third Congress in a row, I am introducing a private relief bill on behalf of the Teichgraeber family of Greenwich, CT. This legislation seeks to remedy an inequity entirely unanticipated by Congress and resulting from an inflexible application of the subchapter K partnership rules of the Internal Revenue Code.

The Teichgraeber case involves partners in a stock brokerage firm. In 1967, certain partners, the Teichgraebers, left the firm and their share of the capital was computed, based upon what the partnership then believed to be its profits and losses for 1967. The Teichgraebers were not members of the partnership in 1968.

Close to 6 years after the Teichgraebers left the partnership, the partnership and the Internal Revenue Service [IRS] agreed to roll over from 1967 to 1968 a substantial amount of deductions originally claimed by the partnership in 1967. These deductions were taken into account in computing the Teichgraebers' capital in 1967. The partnership benefited from this agreement with the IRS because its income in 1968 was higher than in 1967. There also was a surtax imposed in 1968, while there was none in 1967.

The effect of the agreement between the partnership and the IRS was to retroactively create phantom income taxable to the Teichgraebers in 1967. In addition, because the Teichgraebers were not partners in 1968 they could not reap the benefits of the rolled over deductions in that year. Although the Teichgraebers were taxed on this phantom income for 1967, they never had the right to receive it from the partnership. Thus, they suffered an economic loss as well as taxation on nonexistent, in their case, income.

The Tax Court characterized this result as a harsh and mechanistic application of the subchapter K partnership rules, but felt constrained to find for the Commissioner. Counsel for the Commissioner also admitted that the result for which he was arguing was harsh but required by the mechanical application of the partnership tax rules. It is important to note that the Tax Court has no equity jurisdiction and could not hold for the Teichgraebers based on the unfairness of the situation.

On June 24, 1981, the Teichgraeber family paid $171,133 to the IRS. Subsequently, the second circuit court of appeals affirmed the determination of the Tax Court, and the U.S. Supreme Court denied certiorari in this matter. Since the Teichgraebers have exhausted all legal recourses, private legislation is their only available means of redress.

Mr. Speaker, I do not take lightly the many responsibilities and time constraints of this House. Yet, in this instance, I must add to the work of this body by requesting a remedy for a family that has been wronged. Given the draconian application of the subchapter K partnership rules, and the large amount already paid to the IRS by the Teichgraeber family, I urge prompt consideration of this private relief act.

Thank you, Mr. Speaker.●

□ 1810

FARM CREDIT VETO A HARBINGER OF HOOVERISM

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH of Iowa. Mr. Speaker, last night's showers and today's balmy sunshine are harbingers of another glorious Washington springtime, but in the upper Midwest, rural Americans are digging out from under the worst storm of the year. The stark contrast in the weather is symbolic of the contrast between this city, ringed by bloated defense contractors confident of living for 4 more years at the public trough, and America's agricultural heartland, where many farmers are unsure if they will survive the next 4 weeks.

The emergency agricultural credit measure considered today is critical to ensuring that at least some of them do. Far more is at stake, however, than the livelihoods of a significant proportion of this Nation's family farmers.

Historically, farm depressions have preceded a more general economic collapse. At issue thus is not only the economic viability of America's farmers, but the question of whether the rest of the economy can isolate itself from the effects of a collapse of the rural economy.

The importance of the emergency farm credit bill becomes clear when one recognizes that an unprecedented 30 percent of midwestern farmers are still uncertain whether they will be able to obtain adequate operating capital to put in a crop this year.

The measure the House considered today is not a panacea for the current debt and credit crisis plaguing the heartland, but it is a prerequisite to survival for a staggering number of the most productive men and women in America. To pull the rug out from under farmers would both exact a huge toll of human suffering and at the same time change the face of U.S. agriculture in ways that are clearly not in the national interest. The Farm Credit measure is not a bail-out for farmers or bankers; it is a limited effort to address the immediate short term credit needs of agriculture. Much more needs to be done in the long term to give farmers a better chance to earn a fair return on their labor and capital investments.

In the past, making a living on the farm depended on good land and the right mix of sun and rain. Today, farmers are the hostages of events as far beyond their control as the weather, but of a very different sort. The inflation of the seventies, followed by the deflation of the eighties, the current high interest rates at home and the resulting over-priced dollar abroad, embargoes by our Government, coupled with subsidized exports from our competitors, have combined to wring all but the last drop of profitability from agriculture in this country. No longer is weather the biggest variable in farming; it is governmental policies.

The depth of the debt crisis these factors have created is indicated by the following table, prepared by Iowa State University and the Iowa Crop and Livestock Reporting Service, which categorizes the financial condition of Iowa farmers in terms of their debt-to-asset ratio.

DEBT-TO-ASSET RATIO

	0 to 10	11 to 40	41 to 70	Over 70	All farms
Operators (percent)	36	35	18	10	
Asset (percent)	30	40	21	9	
Debt (percent)	3	32	40	25	
Average age	61	53	48	46	54
Assets/farm	$459,067	$623,864	$627,896	$477,241	$543,436
Debt-farm	$14,888	$146,169	$341,233	$393,841	$59,892
Acres owned	248	294	292	208	267
Acres rented	123	205	302	271	200

As this table indicates, although 36 percent of Iowa farmers owe little or nothing, many of the remainder—as many as 40 percent, including most of those just trying to get started—of the States farmers are carrying debt-to-asset ratios of 40 percent or more. They face financial difficulties that, if unaddressed, may well drive an entire generation off Iowa's farms.

Despite what some are saying, by and large these are not the land speculators of the seventies, nor are they simply poor managers. Farms of all sizes are in the highly leveraged group, with the bulk being full-time family operations. Moreover, this is not a problem that is exclusive to Iowa. Federal Reserve System debt survey data for agriculture across the country mirrors the results obtained for Iowa.

Particularly troubling is the roller coaster that land values have been riding in recent years. As land values inflated in the seventies, banks moved away from cash flow accounting to asset valuation in determining replayment ability. Now with deflation of secured assets and chattels, lenders are returning to cash flow accounting to make this determination.

The implications of this reversal become clear when one realizes that Iowa farmers saw the value of their land drop by more than $11.3 billion last year alone. This represents an average reduction of 20 percent, with rural appraisers reporting prime land values have plummeted as much as 40 percent in some areas of the Midwest last year. The staggering proportions of this decline in land values, which have often been held to be the key to stability in agriculture, vividly illustrates the gravity of the financial crisis in midwestern farming today. The notion that a state like Iowa is for sale and that its values have dropped almost in half over 4 years should spark alarm of the highest nature.

Should the current proimport, antiexport mix in fiscal and monetary policies continue, the implications for U.S. farmers, rural financial institutions and potentially the national economy will be profoundly wrenching. The deficit-driven overvaluation of the dollar acts as a tax on U.S. exported goods and as a subsidy for foreign goods imported into the United States. If fair currency ratios existed, at least 75 cents would be added to the price of a bushel of corn and $1.70 per bushel to soybeans. It is time we stop penalizing individuals for the mistakes of government.

Farmers are not the only ones hurting. The economy of the main streets of rural America is becoming increasingly vulnerable, with rural banks in particular jeopardy. Of the 43 banks that have failed in the United States since the middle of June, 25 were banks that had more than 50 percent of their loans in agricultural credits. These already alarming numbers could increase dramatically if the situation continues to deteriorate. Among the 14,000 banks in the United States, more than 1,700—307 of 632 banks in Iowa, for instance—have at least 50 percent of their loan portfolios in agricultural credit. In addition, 7 of the 850 local production credit and Federal land banks are currently in liquidation.

The debt restructuring program the administration initiated last year is a step in the right direction, but it does not go nearly far enough toward easing the debt burden in agriculture. Total American agricultural debt is $220 billion. Should the entire $660 million of the administration's guarantee authority be utilized, it would have a direct impact on only one-third of 1 percent of actual farm debt, and since the current program is designed as a guarantee, rather than direct outlay, the actual Federal cost should approximate only 6 percent of the dollars indicated. In other words, the administration wants to draw the line on a program that meets only 6 percent of one-third of 1 percent of the problem and that program itself has only been 10 percent implemented. It is a wave in the ocean, a Washington cut and run policy for the U.S. farmer.

Farmers are feeling more and more like pariahs, outcasts in a land whose plenty they have helped to produce, but do not share. Victims of events and policies beyond their control, family farmers should recall the words of Shylock in Shakespeares Merchant of Venice:

If you prick us, do we not bleed?
If you tickle us, do we not laugh?
If you poison us, do we not die?
And if you wrong us, shall we not revenge?

The words of Shylock, a Jew, expressed the feelings of a persecuted minority in the 16th century. American farmers have every right to feel themselves a persecuted minority in

the 20th century. The revenge which Shakespeare warned inevitably follows a group being wronged could well manifest itself in the form of a generation of family farmers holding this administration responsible for presiding over the bankruptcy of rural America.

Simple fairness demands that the present travail of this Nation's farmers be recognized and redressed. The emergency farm credit legislation should not be vetoed. If it is, the perception will be inevitable in the rural heartland that Hooverism is revisited. In a land of plenty, hardship of this nature is unconscionable. Out of the anvil of political callousness will spring a demand for political as well as social alternatives. The administration stands warned. The thousands of farmers who have come to Washington this week—and their brethren in the heartland—will remember. Ideological posturing is not an adequate answer.

LICENSING AUTHORITY FOR SMALL HYDROELECTRIC FACILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 15 minutes.

● Mr. JEFFORDS. Mr. Speaker, last week I introduced legislation that will shift the ultimate responsibility for licensing small hydroelectric projects from the Federal Energy Regulatory Commission [FERC] to the State Governors.

As you may remember, during the 96th Congress, my concern over the licensing of small hydroelectric facilities by the FERC led me to introduce a bill that would allow States to enter into an agreement with FERC to license small hydroelectric projects at existing dams.

This modest legislation was designed to provide States with more authority to scrutinize the environmental and economic impacts of these small dam projects, and to reduce some of the paperwork and bureaucracy for the applicants. It was offered at the request of the power planning, environmental regulatory and development communities from my home State. At that time, I was assured by the FERC that they would look into this issue and adjust their licensing and review procedures to make a move such as this unnecessary. Unfortunately it is with disappointment, Mr. Speaker, that I come before you today to communicate my frustration with the handling of this issue by the Commission. If anything the situation since 1979 has gotten worse instead of better.

In their earnestness to license hydro projects, the FERC seemingly continues to ignore the concerns of State and local officials on matters of local and State significance such as the impact of a project on the local economic base, recreational values, esthetic and natural features, and agricultural issues. This situation has prompted me to introduce new legislation that will grant the individual State Governors more control over any licensing decision made by the Commission on hydro projects of less than 15,000 kilowatts of installed capacity located wholly within the boundaries of their State. By granting the State Governors this power, State and local officials, if they so desire, will have the opportunity to review and assess a project's merits vis-a-vis local and State concerns. In this way, we will be assured that hydroelectric projects are being developed that are truly in the best interests of the general public. In an effort to ensure responsible hydroelectric development, this type of action is justified and necessary.

Mr. Speaker, we in Vermont recognize the value of hydropower as a plentiful and renewable indigenous energy alternative. In the quest for energy self-sufficiency, hydroelectricity offers an attractive prospect. However, we cannot push the development of these projects at the expense of other equally important riverine resources: fisheries resources, prime flood plain agricultural lands, recreational opportunities, natural areas, and riverfront investments.

Since the passage of the Public Utility Regulatory Policies Act [PURPA], there has been a rush to develop hydroelectric projects at new and existing dams. Many of these are very small projects with a design output of well below the 30 megawatts [MW] identified in the definition of "small hydroelectric power project" in PURPA. A case in point: Since 1980 in my small State, developers have sought licensing from the Federal Energy Regulatory Commission for 79 hydroelectric projects. All of these are under 15 MW in size with 87 percent being less than 5 MW. As of July 30, 1984, 43 of these projects had been granted licenses, 38 of which are projects of less than 5 MW. The remainder are still undergoing feasibility studies or are awaiting decisions on their license applications. To my knowledge there have been no denials to date.

All of these projects, by most standards, are small. But in particular, I am very concerned about the large amount of projects under 5 MW; projects that are potentially eligible for FERC's small project exemption. In fact, or the under 5 MW projects licensed since 1980, 21 percent have been granted exemptions. A 5 MW project may not appear to be of much consequence in terms of power generation. But even a dam of this size can reek havoc on a river's fisheries resources, recreational potential, and associated farmlands.

The licensing of a hydroelectric project under current FERC review procedures causes me grave concern for two reasons. First, the courts have, on a number of occasions, made it very clear that under existing law a Federal decision regarding a hydroelectric project takes precedence over any decision reached at the State level. Second, the word I am getting from Vermont officials is that in its review procedures, the FERC gives little or no attention to concerns voiced at the State level. These same State officials express frustration and exasperation in their dealings with the Commission on issues of critical concern to the State.

If, indeed, the decisions of the FERC on hydro projects are final, then we must be guaranteed that the Commission is adequately evaluating all the costs and benefits of a project and giving full consideration to specific local concerns. At this time, I think it can be honestly said that we do not have that guarantee.

To illustrate my point, allow me to refer to two recent projects in Vermont:

The first is a 13 MW project known as the Chace Mill project which is currently pending a decision by the FERC. To be built on the Winooski River in the city of Winooski, this project will drastically alter the characteristics of an area of the river that is the focal point of a major historical/urban renewal development project that has recently been completed. This development, financed in part by Federal dollars, is central to the economic regrowth of the city of Winooski. Over the voices of State and local officials, and local citizens over the impact this project will have on the city, the FERC in its conclusions in its environmental assessment on the project stated, "The river is not dominant in the landscape of Winooski and surrounding environments."

The second case I would like to point to is a 1.5 MW project that has received a FERC license on the Saxtons River in the town of Rockingham. Although this is a very small project, it involves a rather large impoundment; large enough to flood some 100 acres of valuable flood plain farmland. The protection of farmland, particularly flood plain land that is very productive and has little or no development potential, is a critical State concern. In commenting on this application, the Vermont Department of Agriculture appealed to the Commission to give its full consideration to the costs of losing this farmland when deciding this case. The FERC in its final decision made reference to this concern and, without any supporting documents, found that the benefits of the project far out-

weighed the loss of the agricultural land.

I bring up these two cases not to pass judgment on whether or not these two projects should or should not be built. But, to point out that in both instances very specific, localized issues were not addressed or, at the very least, were given only courteous consideration by the FERC. Washington may be too far away in distance and bureaucracy to ever give these types of concerns their just due.

It is for this reason that I feel that unless the Commission gives more attention to those close to an issue, then the licensing authority should be shared with those who are able to best assess a project. Without looking to State and local officials, it is easy to see how 100 acres of farmland or a local redevelopment project may not appear to be important. But they are important, along with many other resource and economic concerns that are slipping through the cracks in FERC reviews. I demand that the Federal Energy Regulatory Commission be made accountable and responsible for its actions regarding hydro licensing.

H.R. 1314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of the Federal Power Act is amended by adding the following new section at the end thereof:

"SEC. 31. STATE AUTHORITIES REGARDING CERTAIN HYDROELECTRIC PROJECTS.

"(a) NOTICE TO STATES OF APPLICATIONS.—The Commission shall promulgate such rules as may be necessary to require that all applications submitted to the Commission for a license under this part for the construction or modification of a hydroelectric project having a power production capacity not greater than 15,000 kilowatts (and all applications for preliminary permits, all preliminary permits, and all other submissions, comments, or documents recieved by the Commission by any person which directly relate to a license for such a project) shall be promptly transmitted to the State authority for the State in which such project is located.

"(b) NOTICE TO STATE OF LICENSE.—Whenever the Commission intends to issue, amend, or reissue a license for any hydroelectric project having a power production capacity not greater than 15,000 kilowatts, the Commission shall notify the State in which such project is located and transmit a copy of the proposed license or amendment to the State authority designated under subsection (e).

"(c) STATE REVIEW AND CONDITIONS.—(1) No license or amendment referred to in subsection (b) may take effect for a period of thirty days following the date on which notice thereof is transmitted to the State by the Commission under subsection (b) unless, before the expiration of such period, the State authority notifies the Commission of its approval of the license or amendment.

"(2) The State may transmit to the Commission, before the expiration of the thirty-day period referred to in this subsection, conditions or provisions to be included in the license—

"(A) regarding any lands or waters which are owned or administered by the State or by any political subdivision thereof, or

"(B) regarding any other interest or concern of the State.

The Commission shall include in the license each of the conditions and provisions submitted under this paragraph, except for any condition or provision which the Commission determines to be inconsistent with this Act or with other applicable provisions of Federal law. If the Commission makes such a determination with respect to any such condition or provision, it shall notify the State and propose to the State a modification of the condition or provision concerned.

"(3) No license referred to in subsection (b) may take effect unless the State authority designated under subsection (d) for the State in which the project is located has—

"(A) notified the Commission that the State has no objection to the issuance of the license as orginally proposed to be issued by the Commission;

"(B) submitted conditions or provisions to the Commission for inclusion in the license in accordance with paragraph (2) and each of such conditions and provisions has been so included; or

"(C) notified the Commission that the State has agreed with the Commission to the inclusion in the license of a modification of conditions or provisions transmitted to the Commission by the State under paragraph (2).

"(d) DESIGNATION OF STATE AUTHORITY.—The Governor of each State may designate an appropriate State authority to exercise the authorities described in this section. Such designation shall be effective upon notification to the Commission of such designation by the Governor.".

THE AGRICULTURAL CRISIS IS RELEVANT TO ALL PEOPLE IN THE COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. LEVIN] is recognized for 60 minutes.

Mr. LEVIN of Michigan. Mr. Speaker, I would like to congratulate the gentleman from Iowa on his statement. I intend to take a few minutes to indicate why I believe that the matter of the agricultural crisis is relevant to people in this country wherever they might live, whether it is in the Midwest or whether it is in Far West or the Northeast or whether it is in a farm district of the type that the gentleman from Iowa represents or the type of district that I represent, which is basically an urban suburban area.

In a word, the farm issue is not an issue just relating to farmers or just of concern to farmers. It is a national issue.

I want to review the reasons why as the bill that we passed today goes to the desk of the President, there are five reasons at least why the farm issue is a national interest, why all of us should be concerned about it.

First of all, agriculture is indeed a major part of the national economy. Let me if I might just cite a few figures. It is our biggest industry. It is our largest employer. While we have many fewer farms today than was true 30 or 40 years ago, there are about 23 million people who work in this country in some phase of agriculture. Farm assets total many billions of dollars. So that is the first reason that agriculture is an important part of the national economy and if it is hurt badly, all of us are harmed.

There is a second reason that I want to point out and that relates very much to the industrial States. I come from one. Every single major industrial State has a major agricultural sector. Let me use my State of Michigan as an example. Agriculture is our second largest industry. Manufacturing is the first, and using figures for 1982, they come out something like this. Earnings for all manufacturing establishments in Michigan in 1982 exceeded $27 billion.

□ 1820

In the agricultural field, total production in 1984 was about $16.5 billion. So you can see when we talk about a State like Michigan, which is an automobile State, we also have to recognize that it is a major agricultural State.

So that is the second reason. Every single major industrial State has a major agricultural sector, and so if there is injury to agriculture, then there is going to be harm to the entire State in terms of revenues to the Treasury, in terms of business of all kinds in small and middle-sized towns.

Let me then go to a third reason, and this is often under-understood or misunderstood, and that is that agriculture represents a major consumer of goods that are produced in industrial sectors. Let me, if I might, quote a few examples.

In 1983, farmers spent $9 billion—that is not million, but $9 billion on tractors, trucks, and machinery which were built primarily in suburban and urban areas. Over 100,000 employees were required to produce this equipment.

And farmers spent $15 billion for fuel and lubricants and maintenance for farm machinery. And much, much of this came from suburban and urban areas.

Six and a half million tons of steel were used to produce farm-related materials, employing an estimated 40,000 workers in the steel industry.

What has happened to the industry supported by the farmers of America? The answer is that the annual revenues in the farm machinery industry have dropped from $13 billion, approximately, in 1979 to $8 billion. That is a drop of $5 billion in about 5 years. And employment in the factories that make farm machinery has dropped about 50,000—50,000 jobs lost in less than 6 years.

Look at specific companies. For example, International Harvester has

closed plants in Memphis, in Louisville, in Rock Island, IL, and it has cut its farm equipment employment by almost 20,000 jobs. That is 20,000 jobs, Mr. Speaker, lost in the last several years, and these jobs are not primarily in farm areas. They are in suburban and urban areas of America.

John Deere, the largest manufacturer, cut employment by 17,000 and has shut down plants in East Moline, IL, for several months.

Massey-Ferguson of Canada—it has reduced very much its employment, including the closing down of a Detroit area tractor plant.

So that is a third reason why these sectors of government, these sectors of activity, are linked. There is not this wide gap between the farm sector on the one hand and industrial America on the other. They are interconnected.

Let me, if I might, mention of fourth linkage, and that relates to the causes of the crisis on the farms. There are many reasons. From my observations, and I had a chance to spend some time on farms in Michigan and in South Dakota and Nebraska several weeks ago, farmers made some mistakes. Government made some mistakes. Bankers made some mistakes.

But the fact of the matter is that there have been some larger causes that have impacted on farmers, including the overvalued dollar and high real interest rates, and the former factor has very much caused the reduction in farm exports, just as that factor, the overvalued dollar, has resulted in the loss of exports of all kinds of goods produced in America.

In the last several years, there has been a reduction in farm exports of about $11 billion—$11 billion—so that is a fourth reason why we are more or less in the same boat.

Some of the causes of, for example, reduced automobile production, the overvalued dollar, some have also had a major impact in the industrial sector.

Let me point out a fifth reason, and that really has much more to say for all of us in America because we are all consumers. And it is a reason why all of us should be concerned as the bill we passed today in the House goes to the President's desk. It is a reason why all consumers should be saying to the President, "Think twice, think thrice, before you veto that bill."

I hope very much he does not do so for the reasons given by the gentleman from Iowa and for the earlier discussion that I have engaged in.

But I want to underline for a minute this fifth factor. That relates to the concentration of ownership of farms in America. Consumers in this country pay less for food proportionate to our national income and our gross expenditures than the consumers in any other country in the world. There is a striking difference.

We pay, as a percentage of our domestic consumption, 12.7 percent for food. In the United Kingdom, it comes to 17.3 percent. In West Germany, one of our trade competitors, 19.5 percent. In Japan, it is 23.8 percent. In other words, in Japan, the consumer pays almost twice what we do here in the United States in terms of a percentage of our domestic consumption expenditures.

So we all have a stake in the pattern of agriculture. We all have a stake in making sure that the way food is produced in America continues to lead to inexpensive food.

Will greater concentration of ownership in a smaller number of farms affect this pattern? There is reason for all of us to be concerned. And as sure as I am standing here, if the administration's approach up to now is adopted, dog eat dog, let anybody who cannot swim sink, all of that is going to lead to many, many more bankruptcies and is going to lead to the middle-sized farm being gobbled up by larger farms.

We have seen this pattern in Michigan. For example, in the 6 years between 1978 and 1984, the number of corporate farms increased by about 30, almost 40 percent. And the number of farmers that went bankrupt during the last 3 years went up by 100 percent plus. In other words, more than double.

So in a word, all of us in America may well have a stake in the credit crisis, the credit crunch on individual middle-sized farms in this country. The data are quite clear. The more productive farms have been these middle-sized farms. They are the same ones who are facing, by and large, the credit crisis of today.

They expanded 5, or 6, or 7 years ago; they expanded to increase production, and increase efficiency. And now, in part because of causes within their control, but in part because of causes outside of their control, thousands of them face insolvency.

So we need, all of us, to stop and think. This is not simply a self-interest issue, and all self-interests are not selfish interests.

□ 1830

In a word we all have a stake—and that is s-t-a-k-e, not s-t-e-a-k.

All of us are involved.

So when I voted today for the bill to extend a helping hand to farmers, it was not only because of compassion, it was not only because of the tradition in this country of one sector being concerned about another—it was because there is a national interest involved here.

It is not a question of one sector hoping that the next time around, the other sector will reciprocate and help us out. It goes much beyond that. All of us are involved, fellow- and sister-citizens; and that is why this bill passed by an overwhelming amount of votes a few hours ago on the floor of the House and that is why, in my judgment, it is important that the President of the United States face up to this agricultural issue and, instead of through David Stockman and others throwing adjectives and epithets at the farmers of America, that they turn their attention to the issue that faces us in agriculture.

I am in favor of taking action on the budget deficit. It is critical that we do so, critical that we do so. But we must not use that as an excuse for letting tens of thousands of farmers sink who are important not only to their individual families but who are important to everybody, whether they live in cities, in suburbs, or the farmlands of America.

Mr. Speaker, I yield back the balance of my time.

OPPOSITION TO PRESIDENT'S PROPOSAL TO TERMINATE JOB CORPS

The SPEAKER pro tempore. Under a previous order of the House, without objection, the gentleman from California [Mr. DYMALLY] is recognized for 5 minutes.

Mr. DYMALLY. Mr. Speaker, I rise in opposition to the President's proposal to terminate the Job Corps. The President's men have used all the standard arguments to support their desire to eliminate the program: It's costly, it's unsuccessful, people drop out of the program, and they don't get placed after completion of training. I've looked at those arguments, and I've looked at the statistics. I think the arguments are manufactured. That is, the decision was made, and then the President's men began shopping around for justifications.

I think it should be clearly stated here that the Job Corps is a program aimed at making the most unemployable members of our society employable. It is a program with an extremely difficult challenge. But it is a program that has served society and its needs well.

Who are the participants in Job Corps? All are youths. They are from disadvantaged backgrounds. Nearly 80 percent are school dropouts. Nearly three-fourths are from minority groups. About 40 percent have police records. The typical Job Corps enrollee is an 18-year-old minority, school dropout with a 6th grade reading level, who has never held a full-time job and is part of a family with income of less than $6,000 per year. Job Corps takes people who start from a position of extreme disadvantage and tries to give them a chance. To eliminate the Job Corps is to take away what may well be the best chance these people are

ever going to have to make a go of life. OMB says it takes $15,000 for each Job Corps training slot and they argue that it would be cheaper to send the traineees to Harvard. I think we all know that most of the Job Corps trainees will not be going to Harvard anytime soon. They might be going to jail if they do not receive the training that will help them to earn an honest living. That costs $30,000 per year. OMB, by the way, was a little off in its estimate of cost. A single slot in the Job Corps does not equal a single person. It is several persons, since training in some skill areas does not require commitment of a slot for a whole year to a single person. The actual per person cost for Job Corps is $6,244 per person. According to statistics compiled by Mathematica Policy Research, Inc., an independent research organization, the return to society on the $6,244 is about $7,300. Job Corps is a net gain for society. I ask you, why should we get rid of a program that is returning more to society than society puts into the program? Why should we get rid of a program that for $6,000 gives a person the skills that can keep him or her off welfare, out of jail, and in a paying job?

The answer is that we should not eliminate it. It is doing a good job at accomplishing a difficult task. The constant attack of this administration on programs that help people and the constant transfer of money from these worthy efforts to programs to build more hardware to destroy people has worn old with me. The priorities of this administration are just wrong. In this country, machines should never have a higher priority than people do. In this country, the Government should never plot to remove from access to the poor those programs that offer them some hope of eventual relief from the burden of poverty.

The President, in his speeches, tells us that Americans are experiencing the best times since before World War II. Saying it doesn't make it so. And it is not so for millions in this land of plenty. Deeds, we are told, speak louder than words. Elimination of the Job Corps will scream "No" to the aspirations of 100,000 of our neediest citizens each year. I urge all of you to let your actions say "Yes" to those aspirations.

COMPUTER CRIMINALS BEWARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, no longer are the banking records and credit histories of America's consumers unprotected from malicious incursions. New penalties also face those who access Federal computers without authorization, particularly those containing information affecting the national defense or foreign relations.

Thanks to a new Federal law passed last year, deterrents have now been established to curb the increasing threat posed by high-technology criminals.

This new law, only 1 month after passage, has already been used to indict a Miami customs clerk who defrauded the Government of over $160,000. In the first application of the statute, the U.S. attorney's office in south Florida charged the Customs Service clerk for using his access to a computer terminal in the Miami Customs Financial Division to instruct a computer in Washington, DC, to send himself and three accomplices more than 40 fraudulent checks.

I have just learned from the U.S. attorney in Miami that the former customs employee pleaded guilty to the computer crime count and was sentenced last Thursday to 1 year in prison. His sentence was suspended for 5 years' probation, after serving 4½ years on another charge. Importantly, however, as provided for in the new computer crime law, a fine of $10,000 has been levied on him as a condition of his probation.

This month, another indictment under the statute has been made against a California computer hacker who broke into a U.S. Department of Agriculture computer system in Colorado. The unauthorized break-in was detected in January by GTE-Telenet, a computer network company.

Although NASA has decided not to prosecute teenage computer hackers who tapped into the NASA computers at Marshall Space Flight Center, future offenders should beware. In a recent newspaper article, the U.S. attorney forewarned any would-be computer criminals that they can expect to be prosecuted under the new law.

Computers are rapidly becoming as much a part of the fabric of American business life as they are of the Federal Reserve or the Pentagon. Financial institutions, in particular, are becoming computer-dependent. Billions of dollars are transferred everyday by computer. The age of electronic funds transfers links not only financial institutions, but businesses of all types—and the integrity of these systems will be of vital economic concern. As computers become ubiquitous to our society, opportunity to use them for criminal purposes will also abound. We must protect our Nation's computers, as well as those of financial institutions and those which operate in interstate commerce, against criminal incursions.

Therefore, this month, I introduced the "National Computer Systems Protection Act of 1985." This bill is similar to legislation I introduced last Congress which enjoyed the support of over 100 cosponsors. Further, it was endorsed by numerous data processing and computer associations, including the American Bankers Association, Association for Computing Machinery, American Society for Industrial Security, Data Processing Management Association, EDP Auditors' Association, and many others.

This year's legislation, H.R. 930, expands the coverage of the current law to include protection of computers operated by financial institutions and those operating in interstate commerce. The bill establishes penalties of up to 10 years imprisonment and fines up to $250,000 or both.

I invite my colleagues to join me in this effort to provide warranted protection of our Nation's computer systems.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LEACH of Iowa, for 60 minutes, today.

Mr. DYMALLY, for 5 minutes, today.

Mr. JEFFORDS (at request of Mr. LEACH of Iowa), for 15 minutes, today.

(The following Member (at the request of Mr. DORNAN of California) to revise and extend his remarks and include extraneous material:)

Mr. MCKINNEY, for 10 minutes, today.

(The following Members (at the request of Ms. OAKAR) to revise and extend their remarks and include extraneous material:)

Ms. OAKAR, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. SKELTON, for 60 minutes, March 19.

(The following Members (at the request of Mr. DYMALLY) to revise and extend their remarks and include extraneous material:)

Mr. NELSON of Florida, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. LEVIN of Michigan, for 60 minutes, March 12.

Mr. LEVIN of Michigan, for 60 minutes, March 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BONER of Tennessee, prior to the vote on the Pacific Salmon Treaty Act of 1985, today.

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous material:)

Mr. PURSELL in two instances.

Mr. COURTER.

Mr. PORTER.

Mr. HENRY.
Mr. FIELDS.
Mr. MCGRATH.
Mr. LENT.
Mr. KRAMER.
Mr. GOODLING in two instances.
Mr. HUNTER.
Mr. TAYLOR.
Mr. TAUKE.
Mr. WOLF.

(The following Members (at the request of Ms. OAKAR) and to include extraneous material:)

Mr. MARKEY.
Mr. GUARINI.
Mr. SCHEUER.
Mrs. BOXER.
Mr. VENTO.
Mr. LEVINE of California.
Mr. RODINO.
Mr. CONYERS.
Mr. TRAFICANT.
Mr. RANGEL in three instances.
Mr. SKELTON in two instances.
Mr. BENNETT.
Mr. LEHMAN of Florida in two instances.
Mr. FAZIO.
Mr. GAYDOS.

ADJOURNMENT

Mr. DYMALLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Wednesday, March 6, 1985, at 10 o'clock.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

677. A letter from the Assistant Secretary of the Army (Installatiosn and Logistics), transmitting notice of the decision to study conversion to contractor performance the telephone services at Vint Hill Farms Station, VA, and the custodial services at Fort Benning, GA, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, section 502(a) (96 Stat. 747)); to the Committee on Armed Services.

678. A letter from the Assistant Secretary of the Army (Installations and Logistics), transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for more efficient and expeditious disposal of lost, abandoned, or unclaimed property in the custody of the military departments; to the Committee on Armed Services.

679. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-11, "D.C. Statehood Constitutional Convention Initiative of 1979 Amendments Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

680. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-12, "Interest Rate Ceiling Amendment Act of 1983 Clarification Act of 1985 Temporary Act of 1985," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

681. A letter from the vice president, information systems and controller, Washington Gas Light Co., transmitting a certified copy of a balance sheet as of December 31, 1984, pursuant to 43 D.C.C. 313; to the Committee on the District of Columbia.

682. A letter from the Administrator, Small Business Administration, transmitting the 1984 annual report on SBA's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

683. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the annual report for calendar year 1984 of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

684. A letter from the Comptroller General of the Unites States, transmitting a report entitled, "Eligibility Verification and Privacy in Federal Benefit Programs: A Delicate Balance" (GAO/HRD-85-22, Mar. 1, 1985); to the Committee on Government Operations.

685. A letter from the Director, Equal Employment Opportunity Commission, transmitting the annual report of compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

686. A letter from the Director, Equal Employment Opportunity Commission, transmitting the activities under the Freedom of Information Act for 1984, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

687. A letter from the Postmaster General, transmitting the annual report of activities under the Freedom of Information Act for 1984, pursuant to 5 U.S.C. 552(d): to the Committee on Government Operations.

688. A letter from the Secretary of Health and Human Services, transmitting the 1984 annual report on the Department's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

689. A letter from the Administrator, Environmental Protection Agency, transmitting the long-range research agenda for 1986-91 which describes the 5-year plan for environmental research, development and demonstration, together with comments of the Science Advisory Board, pursuant to Public Law 94-475, section 5; Public Law 95-155, section 4, 8(c), 9(a), and 10; to the Committee on Science and Technology.

690. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for the title for fiscal years 1986 and 1987; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO (for himself, Mr. FISH, and Mr. SEIBERLING):

H.R. 1397. A bill to amend title 11 of the United States Code with respect to bankruptcy proceedings involving debtors who are farmers or family farmers; to the Committe on the Judiciary.

By Mr. HAYES (for himself, Mr. HAWKINS, Mr. CONYERS Mr. WEISS, Mrs. COLLINS, Mr. CLAY, Mr. OWENS, Mr. STOKES, Mr. SAVAGE, Mr. DELLIUMS, and Mr. EVANS of Illinois):

H.R. 1398. A bill to promote genuine and sustainable recovery and a full employment society by extending and fully implementing the Employment Act of 1946 and the Full Employment and Balanced Growth Act of 1978; jointly, to the Committees on Education and Labor; Armed Services; Government Operations; Banking, Finance and Urban Affairs; and Ways and Means.

By Mr. SYNAR (for himself, Mr. WRIGHT, Mr. FOLEY, Mr. GEPHARDT, Mr. ALEXANDER, Mr. COELHO, Mr. BROOKS, Mr. KASTENMEIER, Mr. CONYERS, Mr. SEIBERLING, Mr. MAZZOLI, Mrs. SCHROEDER, Mr. GLICKMAN, Mr. BERMAN, Mr. BOUCHER, Mr. DERRICK, Mr. WEAVER, Mr. JONES of Oklahoma, Mr. ENGLISH, Mr. WATKINS, Mr. MCCURDY, Mr. DASCHLE, Mr. SHELBY, Mr. BARNARD, Mr. SABO, Mr. MORRISON of Washington, Mrs. SMITH of Nebraska, Mr. NICHOLS, Ms. KAPTUR, Mr. ROBINSON, Mr. FAUNTROY, Mr. MACKAY, Mr. TOWNS, Mr. RICHARDSON, Mr. EVANS of Iowa, Mr. STRANG, Mr. DARDEN, Mr. MAVROULES, Mr. KOLTER, and Mr. MONTGOMERY):

H.R. 1399. A bill to amend title 11 of the United States Code to modify the application of chapter 13 to family farmers; to the Committee on the Judiciary.

By Mr. WEISS:

H.R. 1400. A bill to extend the authorization of appropriations for general revenue sharing for 5 years; to the Committee on Government Operations.

By Ms. OAKAR:

H.R. 1401. A bill to amend title XVIII of the Social Security Act to provide for medicare coverage for hospital-based comprehensive care programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 1402. A bill to amend part B of title XVIII of the Social Security Act to provide a voluntary insurance option for medicare beneficiaries permitting coverage of certain gaps in medicare coverage and covering one preventive care visit each year; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 1403. A bill to amend title XVIII of the Social Security Act to provide an optional part C insurance program to provide coverage of certain vision, hearing, and dental services and prescription drugs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BATEMAN:

H.R. 1404. A bill to establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles in Northampton County, VA; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI:

H.R. 1405. A bill to amend the Internal Revenue Code of 1954 to provide that no amount shall be included in gross income by reason of the use of a police, fire, or emergency medical vehicle for commuting if the only permitted personal use of such vehicle is commuting; to the Committee on Ways and Means.

By Mr. BREAUX:

H.R. 1406. A bill to authorize appropriations for nongame fish and wildlife conser-

vation during fiscal years 1986, 1987, and 1988; to the Committee on Merchant Marine and Fisheries.

By Mr. CONYERS:

H.R. 1407. A bill to amend chapter 215 of title 18 of the United States Code with regard to the grand jury; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. EVANS of Illinois, Ms. KAPTUR, Mr. BRYANT, Mr. FLORIO, Mr. GRAY of Illinois, Mr. MCEWEN, Mr. WYLIE, Mr. SOLOMON, and Mr. HENDON):

H.R. 1408. A bill to amend the Emergency Veterans' Job Training Act of 1983 and title 38, United States Code, with respect to certain veterans' employment programs; to the Committee on Veterans' Affairs.

By Mr. DELLUMS (for himself, and Mr. KRAMER) (by request):

H.R. 1409. A bill to authorize certain construction at military installations for fiscal year 1986, and for other purposes; to the Committee on Armed Services.

By Mr. DIOGUARDI (for himself, and Mr. GILMAN):

H.R. 1410. A bill to amend title III of the Immigration and Nationality Act to permit naturalization courts to retain one-half of all naturalization fees paid; to the Committee on the Judiciary.I16By Mr. DREIER of California:

H.R. 1411. A bill to amend the Solid Waste Disposal Act to prohibit the reissuance of permits to certain landfills in densely populated areas; to the Committee on Energy and Commerce.

By Mr. FUQUA (by request):

H.R. 1412. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Technology.

By Mr. GONZALEZ:

H.R. 1413. A bill to provide a bonus payment of $10,000 for each veteran of World War I; to the Committee on Veterans' Affairs.

By Mr. GREEN:

H.R. 1414. A bill to amend the Clean Air Act to control certain sources of sulfur dioxides and nitrogen oxides to reduce acid deposition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HALL of Ohio:

H.R. 1415. A bill to promote limitations on conventional arms transfers, to improve congressional oversight of conventional arms transfers, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HEFTEL of Hawaii (for himself, Mr. BARNES, and Mrs. BURTON of California):

H.R. 1416. A bill to protect the American public from consuming potentially unsafe pesticide residues on imported foodstuffs; to foster prudent and equitable regulatory requirements and standards for U.S. producers of agricultural commodities competing with producers in other countries in international and domestic markets; and to improve the international exchange of scientific information on the properties, safety, benefits, and risks of pesticide use; to the Committee on Agriculture.

By Ms. KAPTUR:

H.R. 1417. A bill to extend the temporary suspension of duty on umbrella frames until January 1, 1990; to the Committee on Ways and Means.

By Mr. KRAMER:

H.R. 1418. A bill to provide that the total budget outlays of the Federal Government for fiscal year 1986 may not exceed the total budget outlays of fiscal year 1985; to the Committee on Rules.

By Mr. LUNGREN (for himself, Mr. HYDE, Mr. LOTT, Mr. FISH, Mr. SENSENBRENNER, Mr. NIELSON of Utah, Mr. DAUB, Mr. LAGOMARSINO, Mr. RICHARDSON, and Mr. MCCOLLUM):

H.R. 1419. A bill to amend title 28 of the United States Code to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Mr. MADIGAN (by request):

H.R. 1420. A bill to provide a continuous, adequate, wholesome supply of food and fiber, assure a strong agricultural economy, and for other purposes; jointly, to the Committees on Agriculture, Foreign Affairs, and Ways and Means.

By Mr. NEAL:

H.R. 1421. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of any contribution to any No Net Cost Tobacco Fund or any No Net Cost Tobacco Account shall be treated as a deductible expense; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 1422. A bill to require the Secretary of Housing and Urban Development to administer a demonstration program to determine the feasibility of assisting nonprofit organizations in providing housing and supportive services for homeless persons; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SLAUGHTER:

H.R. 1423. A bill to amend the Internal Revenue Code of 1954 to relieve corporations of the separate mailing requirement for Form 1099 statements; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. FLORIO, Mr. SAXTON, Mr. HOWARD, Mr. RINALDO, Mr. HUGHES, Mr. COURTER, Mr. ROE, Mrs. ROUKEMA, Mr. DWYER of New Jersey, Mr. GALLO, Mr. TORRICELLI, Mr. GUARINI, and Mr. RODINO):

H.R. 1424. A bill to direct the Administrator of Veterans' Affairs to establish an outpatient clinic in southern New Jersey; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 1425. A bill to amend the Motor Vehicle Information and Cost Savings Act by eliminating the administrative discretion to reduce the 27.5 miles per gallon fuel economy standard applicable to passenger automobile manufacturers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL (for himself, Mr. YOUNG of Alaska, Mr. WILLIAMS, Mr. DORGAN of North Dakota, Mr. COELHO, Mr. BEREUTER, Mr. MCCAIN, Mr. RICHARDSON, Mr. DASCHLE, Mr. MOAKLEY, Mr. SMITH of Florida, Mr. KILDEE, Mr. CROCKETT, Mr. MOODY, Mr. WEAVER, Mr. FAUNTROY, Mr. LOWRY of Washington, Mr. BERMAN, Mr. MITCHELL, Mr. OBERSTAR, Mr. VENTO, Mr. WAXMAN, Mr. EDWARDS of California, Mr. SIKORSKI, Mr. MARTINEZ, Ms. OAKAR, Mrs. BURTON of California, Mr. OWENS, Mr. FAZIO, Mrs. BOXER, Mr. SEIBERLING, Mr. SABO, and Mr. DYMALLY):

H.R. 1426. A bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Energy and Commerce.

By Mr. WYDEN:

H.R. 1427. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit use of sulfiting agents in certain foods, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. HOLT (for herself and Mrs. BYRON):

H.J. Res. 180. Joint resolution to approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles, subject to the enactment of a second joint resolution; to the Committee on Armed Services.

By Mr. McDADE (for himself, and Mr. MURTHA):

H.J. Res. 181. Joint resolution to approve the obligation and availability of prior year unobligated balances made available for fiscal year 1985 for the procurement of additional operational MX missiles; to the Committee on Appropriations.

By Mrs. BYRON:

H.J. Res. 182. Joint resolution to authorize and request the President to designate May 1985 as "National Physical Fitness and Sports Month"; to the Committee on Post Office and Civil Service.

By Mr. WAXMAN:

H.J. Res. 183. Joint resolution designating the week of August 25, 1985, through August 31, 1985, as "National CPR Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. GOODLING:

H. Con. Res. 75. Concurrent resolution expressing the sense of Congress on the continuation of the Job Corps; to the Committee on Education and Labor.

By Mr. NEAL

H. Con. Res. 76. Concurrent resolution expressing the sense of the Congress that the Export-Import Bank of the United States of America should continue to provide preliminary and advanced commitment for loans which may require approval on or after October 1, 1985, in keeping with the Bank's mandate, unless and until the Congress of the United States changes that policy or directs the Bank to alter its programs; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

22. By the SPEAKER: Memorial of the Senate of the State of Michigan, relative to the financial dilemma in Michigan agriculture; to the Committee on Agriculture.

23. Also, memorial of the Legislature of the State of New Mexico, relative to Santa Fe Indian School; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bils and resolutions were introduced and severally referred as follows:

By Mr. McKINNEY:

H.R. 1428. A bill for the relief of Bernard E. Teichgraeber; estate of Barbara G. Teichgraeber, deceased, Bernard E. Teichgraeber and Richard F. Teichgraeber, executors; Bernard E. Teichgraeber and estate of Bar-

bara G. Teichgraeber, Bernard E. Teichgraeber and Richard F. Teichgraeber, executors; and Richard F. Teichgraeber and Winifred Teichgraeber; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 1429. A bill for the relief of Mishleen Earle; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. STARK, Mr. FAZIO, Mr. MCCURDY, Mr. BONER of Tennessee, Mr. ROSE, Mr. DORGAN of North Dakota, Mr. ALEXANDER, Mr. BENNETT, Mr. FORD of Michigan, Mr. LEATH of Texas, Mr. HAMILTON, Mr. RAY, Mr. SCHEUER, Mr. HERTEL of Michigan, Mr. TRAFICANT, and Mr. DINGELL.

H.R. 22: Mr. DORNAN of California, Mr. BILIRAKIS, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. HUTTO, Mr. MARTIN of New York, Mr. GILMAN, Mr. CHAPPELL, Mr. EDWARDS of Oklahoma, Mr. MORRISON of Washington, Mr. STALLINGS, and Mr. GINGRICH.

H.R. 43: Mr. BORSKI and Mr. KOLTER.

H.R. 44: Mr. MACKAY, Mr. STALLINGS, Mr. SNYDER, Mr. MCKERNAN, Mr. MILLER of Ohio, and Mr. DIOGUARDI.

H.R. 47: Mr. BONIOR of Michigan, Mr. SOLARZ, and Mr. EVANS of Iowa.

H.R. 48: Mr. ROTH.

H.R. 153: Mr. CROCKETT.

H.R. 156: Mr. KOLTER, Mr. CROCKETT, Mr. MITCHELL, Mr. RODINO, Mr. DICKS, Mr. FAUNTROY, Mr. CONYERS, Mr. TORRES, Mr. WEISS, and Mr. ACKERMAN.

H.R. 347: Mr. MARTINEZ, Mr. ANDREWS, Mr. BERMAN, Mr. WILLIAMS, Mr. DIOGUARDI, Mr. PORTER, Mr. BEDELL, Mr. PANETTA, Mr. NEAL, Mr. MCGRATH, Mrs. BURTON of California, Mr. KOLBE, Mr. EDGAR, Mr. KOLTER, Mr. CROCKETT, Mr. SENSENBRENNER, Mr. WEISS, Ms. MIKULSKI, Mr. MILLER of Washington, Mr. SMITH of Florida, Mr. MAVROULES, Mr. LOWERY of California, Mr. WHITTAKER, and Mr. KASICH.

H.R. 374: Mr. CHAPPELL.

H.R. 479: Mr. CHANDLER, Mr. NICHOLS, Mr. SLATTERY, and Mr. WEBER.

H.R. 593: Mr. BRYANT and Mr. DE LA GARZA.

H.R. 747: Mr. BROWN of California, Mrs. BOGGS, Mr. TRAFICANT, Mr. KILDEE, Mr. MOAKLEY, Mr. BUSTAMANTE, Mr. SAVAGE, Mr. GAYDOS, Mr. GUARINI, Mr. TORRICELLI, and Mr. GEJDENSON.

H.R. 748: Mr. CHANDLER, Mr. OLIN, Mr. EDWARDS of Oklahoma, Mr. RIDGE, Mr. CROCKETT, Mr. SENSENBRENNER, and Mr. BARTON of Texas.

H.R. 797: Mrs. BOXER, Mr. FRANK, Mr. KASICH, Mr. ROE, Mr. HOWARD, Mr. LEHMAN of Florida, Mr. CONYERS, Mr. MRAZEK, Mr. LOWERY of California, Mr. WILLIAMS, Mr. DWYER of New Jersey, Mr. LIPINSKI, Mr. BEDELL, Mr. STAGGERS, Mr. WHEAT, Mr. GREEN, Mrs. BURTON of California, Mr. MITCHELL, Mr. PANETTA, Mrs. BOGGS, Mr. ECKART, Mr. ACKERMAN, and Mr. MILLER of Ohio.

H.R. 816: Mr. WORTLEY and Mr. BEREUTER.

H.R. 901: Mr. BLAZ, Mr. CLAY, Mrs. COLLINS, Mr. DASCHLE, Mr. DYMALLY, Mr. ECKART of Ohio, Mr. FAZIO, Mr. FAUNTROY, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. HAYES, Mr. HOWARD, Mr. KILDEE, Mr. LELAND, Mr. MINETA, Mr. MITCHELL, Mr. OWENS, Mr. ROSE, Mr. SAVAGE, Mr. TOWNS, Mr. VENTO, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. ROE, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CROCKETT, Mr. MARKEY, Mr. MATSUI, Mr. RICHARDSON, Mr. RODINO, Mr. SMITH of New Jersey, Mr. STAGGERS, and Mr. TORRICELLI.

H.R. 915: Mr. TOWNS, Mr. MITCHELL, Mr. FRANKLIN, Mr. NEAL, Mr. CROCKETT, and Mr. CONYERS.

H.R. 917: Mr. ACKERMAN, Mr. RAHALL, Mr. MITCHELL, Mr. FAZIO, Mr. DYSON, and Mr. BUSTAMANTE.

H.R. 918: Mr. HOWARD.

H.R. 930: Mr. SMITH of Florida and Mr. LAGOMARSINO.

H.R. 933: Mr. STENHOLM, Mr. ROSE, Mrs. COLLINS, Mr. JACOBS, Mr. BERMAN, Mr. OBERSTAR, Mr. LANTOS, Mr. FAUNTROY, Mr. SABO, Mr. OWENS, Mr. WHITEHURST, Mr. BARNES, Mr. FASCELL, Mr. WAXMAN, Mr. SMITH of New Jersey, Mr. MOODY, Mr. GREEN, Mr. MRAZEK, Mr. STOKES, Mr. SMITH of Florida, Mr. LELAND, Mr. FRANK, Ms. KAPTUR, Mr. HUGHES, Mrs. BOXER, Mr. FLORIO, Mr. GARCIA, Mr. SWINDALL, Mr. MCGRATH, Mrs. ROUKEMA, Mr. DIOGUARDI, Mr. KILDEE, Mr. DEWINE, Mr. WORTLEY, Mr. MANTON, Mr. CHANDLER, Mr. ADDABBO, Mr. DWYER of New Jersey, Mr. RICHARDSON, and Mr. KOLTER.

H.R. 947: Mrs. COLLINS, Mr. LELAND, Mr. TOWNS, Mr. BERMAN, Mr. MARTINEZ, Mr. RANGEL, Mr. MITCHELL, Mr. FORD of Tennessee, Mr. WEISS, Mr. CONYERS, Mr. DIXON, Mr. WORTLEY, Mr. DELLUMS, Mr. BEILENSON, and Mr. FAZIO.

H.R. 951: Mr. EDWARDS of California, Mr. HANSEN, Mr. FAUNTROY, Mrs. COLLINS, Mr. DELLUMS, Mr. SEIBERLING, Mr. LIPINSKI, Mr. SCHEUER, and Mr. CONYERS.

H.R. 963: Mrs. COLLINS.

H.R. 965: Mr. MITCHELL, Mrs. BURTON of California, and Mrs. COLLINS.

H.R. 966: Mrs. COLLINS and Mrs. BURTON of California.

H.R. 967: Mrs. COLLINS.

H.R. 975: Mr. CARNEY, Mr. FAZIO, Mr. LAGOMARSINO, Mr. CHANDLER, Mr. LOTT, Mr. SWIFT, and Mr. MAVROULES.

H.R. 984: Mr. CRANE.

H.R. 997: Mr. DIXON and Mr. FORD of Tennessee.

H.R. 1029: Mrs. BYRON and Mr. LOWERY of California.

H.R. 1060: Mr. MRAZEK, Mr. LIPINSKI, Ms. KAPTUR, Mr. FROST, Mr. MITCHELL, Mr. SEIBERLING, and Mr. KANJORSKI.

H.R. 1090: Mrs. BOXER, Mr. BUSTAMANTE, Mr. MURPHY, Mrs. BURTON of California, Mr. FEIGHAN, Mr. FORD of Tennessee, and Mr. LEVIN of Michigan.

H.R. 1142: Mr. BLAZ.

H.R. 1205: Mr. MURPHY, Mr. LAGOMARSINO, Mr. WEBER, Mr. YOUNG of Missouri, Mr. GALLO, Mr. MITCHELL, and Ms. KAPTUR.

H.R. 1207: Mr. RANGEL, Mr. FASCELL, Mr. DELLUMS, Mr. MARTINEZ, Mr. ROYBAL, Mr. SCHEUER, Mr. PANETTA, Mr. FAZIO, Mr. MCGRATH, Mr. WEISS, Mr. ACKERMAN, and Ms. KAPTUR.

H.R. 1271: Mr. LOTT.

H.R. 1272: Mr. BOEHLERT, Mr. CONYERS, Mr. TOWNS, Mr. TAUKE, Mr. DYMALLY, Mr. MICA, Mr. STALLINGS, Mr. THOMAS of Georgia, Ms. KAPTUR, Mr. KANJORSKI, and Mr. GALLO.

H.R. 1298: Mr. DIXON and Mr. FORD of Tennessee.

H.R. 1339: Mr. SHUMWAY and Mr. HANSEN.

H.J. Res. 134: Mr. ANDERSON, Mr. ANDREWS, Mr. BATEMAN, Mr. BENNETT, Mrs. BENTLEY, Mr. BLAZ, Mr. BROYHILL, Mr. BURTON of Indiana, Mr. CARR, Mr. CHAPPELL, Mr. COUGHLIN, Mr. DEWINE, Mr. DIOGUARDI, Mr. EMERSON, Mr. FASCELL, Mr. FAWELL, Mr. FLIPPO, Mr. FORD of Tennessee, Mr. GARCIA, Mr. GONZALEZ, Mr. GREGG, Mr. GROTBERG, Mr. HANSEN, Mr. KASICH, Mr. LEACH of Iowa, Mr. LUKEN, Mr. LUNDINE, Mr. MARTINEZ, Mr. MCCOLLUM, Mr. MCGRATH, Mr. MCKERNAN, Mrs. MEYERS of Kansas, Ms. MIKULSKI, Mr. MOLLOHAN, Mr. MOORHEAD, Mr. MURPHY, Mr. REGULA, Mr. RICHARDSON, Mr. ROBERTS, Mr. SAVAGE, Mr. SHELBY, Mr. SLAUGHTER, Mr. SMITH of New Hampshire, Mr. ST GERMAIN, Mr. STALLINGS, Mr. STARK, Mr. STRANG, Mr. SUNIA, Mr. WYDEN, and Mr. WYLIE.

H.J. Res. 135: Mr. MCGRATH, Mr. MINETA, Mr. CHAPPIE, Mrs. BOXER, Mr. MADIGAN, Mr. DEWINE, Mr. DE LA GARZA, Mr. LANTOS, Mr. ANDREWS, Mr. DURBIN, Mr. MARTINEZ, Mr. FUQUA, Mr. HYDE, Mr. DWYER of New Jersey, Mr. RICHARDSON, Mr. ENGLISH, Mr. FISH, Mrs. BURTON of California, Mr. HERTEL of Michigan, Mr. GREEN, Mr. SUNIA, Mr. DORNAN of California, Mr. WHEAT, Mr. AKAKA, Mr. VENTO, Mr. O'BRIEN, Mr. TOWNS, Mr. HUGHES, Mr. ROBERTS, and Mr. COATS.

H.J. Res. 137: Mr. CARNEY, Mr. STENHOLM, Mrs. BYRON, Mr. BARNARD, Mr. CHAPPIE, Mr. WOLPE, Mr. WEISS, Mr. ADDABBO, Mr. ORTIZ, Mr. TAYLOR, Mr. WORTLEY, Mr. PENNY, Mr. KOSTMAYER, Mr. STAGGERS, Mr. MYERS of Indiana, Mr. NATCHER, Mr. JONES of Tennessee, Mr. DASCHLE, Mr. RAY, Mr. HUCKABY, Mr. MORRISON of Washington, Mrs. SMITH of Nebraska, Mr. COLEMAN of Missouri, Mr. PERKINS, Mr. DINGELL, Mr. STRANG, and Ms. OAKAR.

H.J. Res. 154: Mrs. LLOYD, Mr. BERMAN, Mr. YOUNG of Alaska, Mr. DARDEN, Mr. MCKERNAN, Mr. RAHALL, Mr. ROE, Mr. LANTOS, Mr. FUSTER, Mr. WEAVER, Mr. OWENS, Mr. WEISS, Mr. ADDABBO, Mr. TOWNS, Mr. MURPHY, Mr. DWYER of New Jersey, Mr. CROCKETT, Mr. SMITH of Florida, Mr. MCGRATH, Mr. MANTON, Mr. MATSUI, Mr. MARTIN of New York, Mr. HATCHER, Mrs. BOXER, Ms. OAKAR, and Mr. O'BRIEN.

H. Con. Res. 7: Mr. DOWNEY of New York.

H. Con. Res. 32: Mr. WHITTAKER and Mr. BLAZ.

H. Con. Res. 37: Mr. ARCHER, Mr. AUCOIN, Mr. CONYERS, Mr. DARDEN, Mr. DIOGUARDI, Mr. FRANK, Mr. GLICKMAN, Mr. GREGG, Mr. HUNTER, Mr. OLIN, Mr. SIKORSKI, Mr. WEBER, Mr. YATRON, and Mr. YOUNG of Alaska.

H. Con. Res. 45: Mr. MCGRATH, Mr. DIOGUARDI, Mr. TORRICELLI, Mr. SCHEUER, Mr. ACKERMAN, Mr. DORNAN of California, Mr. OWENS, Mr. KOLTER, Mr. EDGAR, Mr. GILMAN, Mr. ROE, Ms. MIKULSKI, Mr. HOWARD, Mr. STRATTON, and Ms. KAPTUR.

H. Con. Res. 54: Mr. MOAKLEY, Mr. LANTOS, Mrs. COLLINS, Mr. WEISS, Mr. HAYES, Mr. KOSTMAYER, Mrs. BURTON of California, Ms. OAKAR, Mr. BOLAND, Mrs. JOHNSON, Mr. SCHUMER, Mr. TOWNS, Mr. BEILENSON, Mr. FRANK, Mr. BERMAN, Mr. BEREUTER, Ms. KAPTUR, Mr. SMITH of Florida, Mr. EDWARDS of California, Mr. FLORIO, Mrs. KENNELLY, Mr. WHITEHURST, Mr. LEVINE of California, Mr. WYDEN, Mr. STARK, Mr. MITCHELL, Mrs. BOXER, Mr. MILLER of Washington, Mr. ROE, Mr. SIKORSKI, Mr. DARDEN, Mr. JEFFORDS, Mr. HEFTEL of Hawaii, Mr. WILSON, Mr. NOWAK, Mr. FORD of Michigan, Mr. DWYER of New Jersey, Mr. FISH, Mr. BEDELL, and Mr. PORTER.

H. Con. Res. 67: Mr. BONIOR of Michigan, Mr. RICHARDSON, Mr. ACKERMAN, Mr. MCGRATH, Mr. MITCHELL, and Mrs. LLOYD.

H. Con. Res. 69: Mrs. SMITH of Nebraska.

H. Res. 37: Mr. STUDDS and Mr. STOKES.

H. Res. 40: Mr. ARMEY, Mr. HENRY, Mr. SMITH of New Hampshire, Mr. THOMAS of California, Mr. NEAL, Mr. GALLO, Mrs. VUCANOVICH, Mr. DARDEN, Mr. BROWN of Colorado, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. MCCANDLESS, and Mr. MACK.

H. Res. 67: Mr. LELAND, Mr. DYMALLY, Mr. FRANK, Mr. WHEAT, Mr. LUNDINE, Mr. MITCHELL, Mr. FAUNTROY, and Mr. MATSUI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 236: Mr. WHITEHURST.

H.J. Res. 76: Mr. ACKERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII

45. The SPEAKER presented a petition of the Ohio Housing Finance Agency, Columbus, OH, relative to the President's proposed moratorium on federally assisted housing; which was referred, jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

SENATE—*Tuesday, March 5, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer today will be offered by the Reverend Charles G. Rice, Jr., national chaplain of the American Legion and the bishop's vicar to the northern Catskills, Episcopal Diocese of Albany, NY. He is sponsored by Senator ALFONSE D'AMATO, of New York.

PRAYER

The Reverend Charles G. Rice, Jr., offered the following prayer:

Almighty God, we look to Thee for the guidance You gave the Founding Fathers of our blessed country as we open another working session of the U.S. Senate. Their genius in forming this Republic has made it possible to govern well in spite of our varied backgrounds and political affiliations. Watch over us as we continue to grow in understanding. Purify our motives and purposes as we make our mark in this world so it may be a mark of excellence, not another ugly scar upon the face of this good Earth.

Let us reason together on the issues of peace and freedom in our world and arrive at decisions—as Americans all—by majority rule. And during our deliberations let us never forget those who gave that last full measure of devotion that, "Government of the people, by the people, and for the people, shall not perish from this Earth." Amen.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The PRESIDENT pro tempore. The assistant majority leader is recognized.

THE PRAYER OFFERED BY THE REVEREND CHARLES G. RICE, JR.

Mr. SIMPSON. Mr. President, I appreciate the presence and the moving prayer of the chaplain of the American Legion. As a member of that organization, and having chaired the Veterans' Affairs Committee, I know of the fine work of the American Legion, and deeply appreciate their efforts in America on behalf of the veterans, and on behalf of the patriotism which is still rather important to this country. I commend the American Legion, and also its chaplain, Reverend Rice.

SCHEDULE

Mr. SIMPSON. Mr. President, under the standing order the two leaders will have 10 minutes each. Following that there is a special order, not to exceed 15 minutes, for the Senator from Wisconsin [Mr. PROXMIRE], to be followed by routine morning business not to extend beyond the hour of 3 p.m., with statements therein limited to 5 minutes each.

Following morning business it will be the intention of the leadership to go into executive session to consider the nominations of Max M. Kampelman, John Goodwin Tower, and Maynard W. Glitman. Therefore, rollcall votes are a possibility during today's session.

Also, it will be the intention of the leadership to turn to any Legislative or Executive Calendar items that are cleared for action.

I might advise all Senators, for their information, that there will be a joint meeting tomorrow at 11 a.m. to receive an address by the Prime Minister of the Republic of Italy, the Honorable Bettino Craxi. Senators are asked to assemble in the Senate Chamber no later than 10:45 a.m. to proceed as a body to the Hall of the House of Representatives.

Those are some of the items of business before the Senate.

I reserve the balance of the leadership time.

(Mr. DENTON assumes the chair.)

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The distinguished minority leader is recognized.

Mr. BYRD. I thank the Chair.

THE PRESIDENT'S EDUCATION BUDGET REQUEST

Mr. BYRD. Mr. President, today I wish to announce my support for Senate Resolution 62, a resolution recently introduced by the senior Senator from New Jersey [Mr. BRADLEY].

This resolution states simply and unequivocally that the Congress will not accept the President's fiscal year 1986 education budget proposals which call for further reductions in education programs. The resolution also states that the Congress should provide sufficient resources for education programs to ensure that this Nation will continue in a leadership position in the world. This is a statement of what I have long believed to be a clear responsibility of the Federal Government in education.

The President's fiscal year 1986 budget again proposes deep cuts in education programs, despite the widespread acknowledgment that our educational system at all levels—elementary, secondary, and higher education—is facing severe problems. The President's own Commission on Excellence in Education termed it a crisis. Since our national awakening to this crisis, we in Congress, and especially officials in the States and at local levels, have been earnestly seeking reforms needed to make our educational system once again No. 1 in the world. We have made some progress toward this goal, but I doubt that any educator or a parent concerned about his own child's education would agree that we have done enough.

The alarming data which have surfaced in numerous education reports these past 3 years are still very fresh in our minds.

There is a critical shortage of math and science skills in our students. Although the decline in scholastic aptitude test scores has generally halted, and these scores now look to be on the rise again, nonetheless the aggregate slide in verbal and math scores over the last 20 years is dramatic.

Japanese high school students ranked first while ours ranked 15th in a recent study of science and mathematics excellence. The typical Japanese high school student takes 6 years of science and math, including a year of calculus; the average Russian takes twice as much. By contrast, fewer than half of American high school graduates take any math or science after the 10th grade.

International comparisons of student achievement, completed a decade ago, reveal that on 19 academic tests, American students were never first or second and, in comparison with other industrialized nations, were last seven times.

The Japanese—with half our population—are graduating more engineers than the United States. Almost half, or 49 percent, of the doctoral degrees awarded in engineering by American universities in 1981 went to citizens of other countries.

These data are fresh in our minds, but recognition of them is not reflected in the administration's fiscal year 1986 budget, which proposes education spending of $15.5 billion for fiscal year 1986, $2.9 billion less than the 1985 re-

vised budget authority request of $18.4 billion.

All told, the administration's fiscal year 1986 spending proposal for elementary and secondary education programs hardly can be termed a "freeze." On the contrary, the fiscal year 1986 proposal represents a reduction from the level needed to maintain services in these programs at their present levels. The Committee for Education Funding estimates that this proposal would amount to a reduction in services for nearly 100,000 students nationwide.

The President's budget makes significant reductions in funding for elementary and secondary programs. For example, the President proposes to fund the chapter I block grant for compensatory education services for disadvantaged students—the largest Federal elementary and secondary education program—at a level which would serve only about 42 percent of the students eligible for the services. It is a matter of record that this program has never been funded at a level which would serve all eligible disadvantaged youths throughout the elementary and secondary level, but funding provided in previous years has reached at least 50 percent of eligible students. Fifty percent is not a good record; we surely cannot afford to drop it to 42 percent.

The President proposes to freeze at their fiscal year 1985 levels most of the moneys for education for the handicapped programs, but he includes in his request reductions of 20 percent in support for deaf-blind centers and 14.8 percent in grants for special education personnel development.

The President proposes to rescind the entire fiscal year 1985 appropriation—$5 million—for the Excellence in Education Program; he proposes to eliminate funding for the Women's Educational Equity Act Program; and, he proposes to freeze funding for the critical Math/Science Program the Congress enacted last year.

But it is in the Federal programs for higher education that the administration proposes the truly Draconian cuts for fiscal year 1986. They would slash 25 percent of Federal funds for higher education. All but $100 million of the proposed $2.3 billion cut from the adjusted fiscal year 1985 level would come from student aid programs.

According to the American Council on Education and the National Association of Student Financial Aid Administrators, virtually all of the 5.3 million current student aid recipients would be affected. Students without any family resources would have their aid reduced. Students from many middle-income families would become ineligible for grants or subsidized loans. Special programs to prepare disadvantaged students for college and to provide supportive help for them to complete their education would be cut back 53 percent.

As many as 800,000 middle-income students would be dropped from eligibility for the Pell Grant Program in the academic year 1986-87. Seven other higher education aid programs, providing roughly 2 million awards for undergraduate and graduate students, would be abolished.

Almost 1 million current borrowers would be removed from the Guaranteed Student Loan [GSL] Program. These are students from both middle-income and low-income families. The administration also is proposing a change in the GSL Program which would jeopardize the willingness of local banks to participate in the program; this, of course, would emasculate the program.

Finally, about a dozen smaller higher education programs with total funding of roughly $100 million would be eliminated. These include graduate fellowships, foreign language studies, support for research libraries, and other programs.

IMPACT ON WEST VIRGINIA

Over the last few weeks, I have heard from many West Virginians about the administration's budget proposals for education programs.

Dr. Roy Truby, superintendent of schools, has expressed concern that West Virginia's elementary and secondary schools are experiencing difficulty in providing services to the disadvantaged. West Virginia has suffered from an economic recession—a depression according to some economists—since 1982, and has had the highest unemployment rate in the Nation for almost 3 years.

In 1981-82, about 40,000 students in West Virginia were served with chapter I funding. In 1985, we will reach only 31,305 students. If additional cuts are made, services will be reduced even further.

To quote Dr. Truby:

Cuts in chapter I have caused us to reduce services to county education systems. As calls for education services have gone up and the dollars have remained the same, we have had to serve fewer numbers of kids. Many county school districts have had to adjust their chapter I programs by dropping secondary and summer school services. Over the years, We have provided remedial programs in reading and math through chapter I funds for those students who are in great need of these programs.

The West Virginia Education Association writes:

The fiscal bind begins at the elementary level, as schools try to deliver quality compensatory education for the disadvantaged. These programs are expensive, but Federal funding remains so low that less than 45 percent of the eligible 11 million pupils actually receive appropriate services.

In West Virginia, the chapter I program falls $9.2 million short of the inflation adjustment. Education for the handicapped is $1.3 million short. Vocational education is $2.6 million short.

As for the administration's budget cuts in higher education, West Virginians are worried that they will not be able to send their children to college, and educators are worried that the admission policies at institutions of higher learning no longer will place the emphasis on academic abilities or potential, but rather on financial ability.

Dr. Leon Ginsberg, the chancellor of the West Virginia Board of Regents has also raised a number of concerns over the administration's budget recommendations, and I quote:

If all the student aid cutbacks recommended for FY 1986 are accepted by the Congress, financial assistance to West Virginia public and private college students can be expected to decline by at least $16.0 million. Adding the reduction to students at proprietary institutions and other postsecondary schools participating in Federal financial aid programs would increase this amount substantially.

West Virginia University advises that the fiscal year 1986 budget proposals for higher education would adversely affect 91 percent of all needy applicants for financial aid at the university. Concord College estimates changes in the student financial assistance programs will affect 52 percent of its students. Glenville State College estimates that 65 percent of its students will be affected and West Liberty State College advises that fully one-third of its students would be adversely impacted by reductions in financial assistance. The West Virginia College of Graduate Studies advises that if the changes in the Guaranteed Student Loan Program come about, between 60 and 75 percent of its students would not be able to continue their graduate studies.

I have also heard from a number of students from Marshall University who express concern over these budget proposals. Of the approximately 11,600 students attending Marshall, a little over half would be affected by these budget cuts.

The cap of $4,000 per year on student financial aid, combined with the changes recommended for the Pell Grant Program and the Guaranteed Student Loan Program, spell disaster for middle-income families and for those families that cannot even be considered middle income. The cost to most students attending colleges when they live on campus exceeds $4,000 per year. While in some cases it might be possible for students to live at home and commute, unfortunately, in rural States such as West Virginia, commuting to keep costs down is not always a possibility.

Again, I quote Dr. Ginsberg:

A review of student expense budgets at West Virginia's colleges and universities indicates that only the two-year institutions have annual budgets for resident students which involve an amount of less than

$4,000. Of the undergraduate students receiving financial aid in 1983-84, more than 29,000 attended schools that have resident student budgets in excess of $4,000.

These are but a few of the concerns expressed by West Virginians, and I know that there are many of my colleagues who share those concerns. Certainly, no one who has put a child through 4 years of college can honestly believe that $4,000 per year will cover those costs, nor can they believe that a family of four with an income of 32,500 can send one—let alone two—children through college at the same time.

The administration is recommending cuts that will impact severely on middle-income families. These are the same families that are paying the majority of the taxes in this country and are struggling to seek a better life for their children.

A few words from testimony about the fiscal year 1986 budget given by the West Virginia Superintendent of Schools, Dr. Roy Truby, sum up the situation clearly and succinctly: "The rhetoric is positive, but the budget shows a retreat from the basic commitment to education. * * *"

I ask unanimous consent that copies of the letters and testimony I have received from my constituents on this subject be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

CONCLUSION

Mr. BYRD. Mr. President, clearly, the administration's fiscal year 1986 proposals for education spending will substantially affect education nationwide as well as in my State of West Virginia. I cannot and will not support such a budget.

It is foolish and shortsighted for the Federal Government to shirk its responsibility for helping to fund the educational system of our country. Just as we at the Federal level recognize the need to invest resources to insure our Nation's military defense, so, too, must we invest in education.

There are few more important tasks before us than again making America's educational system No. 1 in the world. Today's students hold our future in their hands. They are the workers, inventors, business executives, soldiers, and statesmen of tomorrow. Only if our educational system is second to none can we assure that they will have the skills they need to keep America strong and free, and on the cutting edge of technological change. We must not fail to meet the challenge of setting a new standard of excellence in our schools. It is a challenge we can meet if all of us who have a stake in the future—not only parents, teachers, and students, but also the Federal, State, and local governments—come together in common purpose and dedication.

EXHIBIT I

REGIONAL HEARING ON ELEMENTARY AND SECONDARY EDUCATION

(Testimony by Roy Truby)

INTRODUCTION

Chairman Hawkins and members of the Elementary, Secondary, and Vocational Education Subcommittee:

First, I would like to thank you for conducting these hearings, which I believe will be very important as we begin to chart directions of Federal support for public education. I represent only myself as State Superintendent of Schools of West Virginia, but I believe that many of my concerns are shared by other State superintendents, State boards of education, and by people who work with us in State departments of education, as well as those who administer the schools and serve in the classrooms of this country.

I believe now more than ever before that there is a direct connection between quality education and the economic health of this Nation. One important goal of each chief State school officer is to help contribute to the economic well-being of each citizen by ensuring that every child who goes through our schools gains the skills needed to be effective in the marketplace, and, at the same time, live a full, rich, and satisfying life. Over the last decade, we have made giant strides with respect to equity and equal opportunity. I believe, Mr. Chairman, that the strides we have made in the last twenty years in bringing all students into the mainstream of education is one of our major accomplishments. Our goal now is not only to provide an equal opportunity for all students but to provide each student with an opportunity for a quality education.

FEDERAL ROLE FOR EDUCATION

Last year members of the CCSSO joined with our colleagues in the National Association of State Boards of Education to adopt a joint statement on the Federal role in education. According to our view, the Federal role should be one of national leadership and coordination based on identified national needs and concerns. All of us must make the best use of limited resources and, of course, we must set priorities. We believe the priority elements of the Federal role include:

Ensuring that equity and excellence are equal goals of educational improvement;

Focusing new funding and attention on teacher training and professional development;

Assisting states in their position of educational leadership in this country: education remains a State function, States must provide the leadership for educational reform across the country, and new Federal efforts must be complementary to that leadership;

Providing assistance to improving instruction, especially in such areas as math and science, the arts and humanities, and international understanding.

In providing Federal financial assistance to supplement the efforts of State and local school districts, Federal education legislation should contain provisions which conform to the following guidelines:

1. Flexibility should be allowed both SEA's and LEA's under Federal statutes and Federal regulations.

2. Programs with similar purposes and reaching the same pupils should be coordinated to avoid duplication.

3. Forward-funding should be maintained with no recisions or deferrals so that planning by States and local districts can be effective.

4. Fiscal accountability and audit responsibilities should be clearly defined.

5. Federal funds should flow through SEAs so State and local programs may be coordinated.

6. Any Federal mandate should provide adequate funding to SEAs and LEA's to implement and mandate.

The Federal role in elementary and secondary education should be coordinated with the State's efforts. The States should provide leadership in establishing educational standards and by evaluating their educational programs. The States should provide demonstration and dissemination projects, collect data, increase educational quality, provide funds to equalize educational opportunity within each State, distribute Federal funds within the State, and coordinate reporting or accounting for these funds to the Federal Government.

To meet our country's educational goals, each level of Government must contribute to the whole. The local school district, with its knowledge of district needs, has the responsibility to operate the schools. Based on an awareness of local needs, the State must set standards, provide leadership, technical assistance and financial support. The Federal Government should be supportive of State and local districts by addressing national needs, providing for research and assessment, ensuring access to the educational system, and providing a broad base of financial support.

FUNDING FOR FISCAL 1986

The President's FY-1986 request represents a cut of approximately $2 billion in education programs. The total budget appropriation level for 1985 was $17.7 billion and the President's FY '86 request is for $15.7 billion. In 1980, the first year of President Reagan's administration, the total Department of Education budget was $14.4 billion. If that figure had simply been adjusted for inflation over the next five years, the FY '85 budget would have been $21 billion. In terms of real dollars, we have already been cut approximately $3.5 billion in the first four years of the Reagan administration.

I believe that funding for Federal programs in elementary and secondary education should be brought at least to the levels of FY '80, adjusted for inflation. And, yet, a number of the programs are actually funded below the 1980 levels, even in current dollars. General education programs should receive the same funding from Congress as the highest priority programs being considered, including defense.

I would simply ask that congress adequately fund the obligations and expectations it has created by its own actions. Several programs are chronically underfunded, including Education of the Handicapped Act, ECIA chapter II, Vocational Education, and Educational Research and Development. In addition, I hope that Congress will fund newly authorized programs which have not yet received any funding or whose funding is woefully inadequate compared to the expectations created in these programs. This group includes: Title 2 of Public Law 98-377 (Education for Economic Security Act), newly authorized programs in administrator training, and scholarships for talented teachers.

EFFECTS ON WEST VIRGINIA

Mr. Chairman, West Virginia has suffered from an economic recession and near depression since early 1982. We have led the Nation in unemployment for nearly three years. We are a State with a relatively high effort. Our expenditures for education as a percentage of per capita income are about sixth or seventh in the Nation. Yet we rank about forty-third in per pupil expenditures and about the same in teachers salaries. We have tremendous educational needs. According to the 1980 census, approximately forty-five percent of all adult West Virginians forty-five years and older have less than a high school education and nearly twenty percent have less than an eighth grade education. We have rising expectations among our citizens for quality education, and yet our resources have been declining for some time. This is absolutely the worst time for a Federal retreat from our commitment to education in this State and in this country. I will cite just a few areas where this will particularly be felt.

ECIA, CHAPTER I, EDUCATION FOR THE DISADVANTAGED

Cuts in chapter I have caused us to reduce services to county education systems. As calls for educational services have gone up and the dollars have remained the same, we have had to serve fewer numbers of kids. Many county school districts have had to adjust their chapter I programs by dropping secondary and summer school services. Over the years, we have provided remedial programs in reading and math through chapter I funds for those students who are in great need of these programs.

ECIA, CHAPTER II

The block grant monies in chapter II provide services in West Virginia for computer literacy, drop-out prevention, staff training and development and library and media programs, among others. The State board of education and I have always approved the President's approach to block grants. The block grants allow for more flexibility and efficient administration at the State and local levels, but we can no longer support a block grant program in which three programs are consolidated with funding for one.

FOOD SERVICE PROGRAMS

We are greatly concerned about cuts in the food service areas. The school lunch programs authorized by Federal law for food services provide for nutritional meals for children in public and private schools, child care, headstart centers, and residential child care centers. In West Virginia, we are one of the few States which has a state law mandating breakfast programs. While some had reservations in the beginning, this program is working well, meeting the needs of children in a very direct and personal way.

VOCATIONAL EDUCATION

In West Virginia, we are trying to update our vocational programs for school children, and we are stretching our dollars to provide programs for unemployed or underemployed adults. For the last two years, we have provided vocational programs, tuition-free, to many West Virginians who have been unemployed as a result of a decline in basic industries. The Federal dollars have helped us to pay for the excess cost. Most of our local educational agencies have used these Federal funds to provide training for those who might otherwise be on welfare. We have a great need to extend these services, rather than reduce them as a result of lesser appropriations.

STUDENT LOANS

Mr. Chairman, I am very concerned about any cuts in student loans. We, in West Virginia, rank either forty-ninth or fiftieth in the percentage of students going on to college. Only about 10 percent of our people make $30,000 or more, yet tuition cost are going up at a greater rate than our per capita income.

More and more of our students are taking academic courses that will allow them to go to college, and now we are talking about reducing loans for students that will open doors to new horizons for many West Virginians. This is absolutely the worst possible time to think about any cuts in student aid for college programs.

Finally, Mr. Chairman, I thank you for the opportunity to speak before you, and I appreciate your and your committee's interest in continuing the Federal commitment to help us provide quality education. The commission on excellence report did more to raise the expectation levels of students, teachers and parents for quality education than anything that I can remember in the over twenty years that I have been in public education. The Rhetoric is positive, but the budget shows a retreat from the basic commitment to education and to the goals that are outlined in the commission on excellenct report.

MORGANTOWN, WV,
February 15, 1985.

Hon. ROBERT C. BYRD,
Minority Leader, U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR BYRD: I am writing to express to you my grave concern regarding the impact of proposed federal budget reductions on West Virginia University. In terms of their potential effect both on students and on academic programs, these proposed reductions would be very severe.

Looking first at the impact on students, we estimate that the Reagan proposals would adversely affect 91 percent of all needy applicants for financial aid at West Virginia University. An estimated total of over $10 million in federal financial aid would be lost to students currently enrolled at this institution. Were those students to decide not to return to the University due to these cuts in support, the resulting annual loss to the institution would be over $5 million in tuition and fees, and another $2 million in student on-campus expenditures.

I also have serious concerns regarding the impact on academic programs. Proposed cuts in the arts and humanities will have a negative impact on the core of this or any university—the undergraduate base on which a liberal education is built. Recent national studies have indicated the need to shore up the liberal arts and humanities base of our universities in order to provide the educated people our society requires. The decline in Department of Energy funding will not only hurt West Virginia University, but appears short sighted as far as long term national needs in this regard are concerned. In addition, the decline in the support of the life sciences, especially in the National Institutes of Health budget, will have adverse effects on research conducted at the West Virginia University Medical Center. In all of these areas, University efforts to achieve excellence will be negatively impacted by the federal budget.

West Virginia University plays a very important part in the life and future of the people and State of West Virginia. I believe it is important for the federal government to maintain its role as a partner in enabling the University to achieve its mission. Reductions in support for students, and for program areas critical to the future of West Virginia, will have serious consequences. I would hate to see the federal government close the door to opportunity to the people of this State.

Cordially,

E. GORDON GEE,
President.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: I am currently enrolled at Marshall University in the College of Education. President Reagan's budget proposals for 1986 have many Marshall students and myself concerned. The President talks of cutting student aid and stopping summer jobs or job training for teenagers and adults.

If President Reagan would cut the student aid by $2.3 billion it would have a crushing effect. The nation would suffer as well as our own state. Everyone should have the right to attend an institution of higher education. If loans are not made available for students whose parents make over $32,500 a year, and the President is allowed to go along with this plan, I feel there will be a major decline in college enrollment.

One of the largest problems in our state is unemployment. If President Reagan eliminated job training and summer jobs this will only increase our high unemployment rate.

West Virginia cannot afford these two budget proposals. I urge you to consider the state and what effect the budget will have on West Virginia. The students of Marshall University and myself ask that you oppose President Reagan's budget, vote against cuts in education and job training.

Respectfully yours,

Scott Lowe.

WEST VIRGINIA EDUCATION ASSOCIATION,
Charleston, WV, February 8, 1985.

Hon. ROBERT C. BYRD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BYRD: As Congress begins its annual review of the Federal Budget, the West Virginia Education Association asks your support for continued growth in the funding of education programs. There are two principal reasons for this request.

(1) There is clearly universal support for the drive for excellence. State and local school systems and the nation's postsecondary institutions are deeply committed to a process of upgrading the quality of instruction and developing curricular offerings appropriate to rapid changes in the world of work.

(2) At a time of heightened public expectations for educational performance, some would have us believe that the appropriate federal role in leadership and funding will be found in a process of shrinkage. That strange view has prevailed; federal funding for public elementary and secondary education has dropped during the past five years from nearly 9 percent to 6.2 percent. The number of federal dollars has increased gradually, but the purchasing power of that contribution has not kept pace with inflation.

As a result of these treands, the educational system is hard put to maintain adequate staffing of ongoing services and at the same time devise and implement new pro-

grams that respond to the changing needs of students.

The fiscal bind begins at the elementary level, as schools try to deliver quality compensatory education for the disadvantaged. These programs are expensive, but federal funding of them remains so low that less than 45 percent of the eligible 11 million pupils actually receive appropriate services.

Changing technology requires new skills and new training, particularly in math and science. The newly-enacted emergency math and science bill makes a useful, but extremely modest, beginning. A much broader and fully-funded program to spur innovation at the local level is urgently needed. Such a program is the American Defense Education Act, introduced in this session by Chairman Hawkins of the Education and Labor Committee.

Even if we are able to build more successful programs at the elementary and secondary levels, continued shrinkage of federal institutional and student aids will abort the effort to achieve true excellence. As a direct result of inadequate funding and misguided student assistance policies, hundreds of thousands of students have lost the opportunity to pursue higher education. We know from sad experience that such young people seldom seek, and rarely get, a second chance.

The dimensions of the problem are clear when we compare the cost of maintained services at school year 1980–81 levels with the actual funding for school year 1985–86.

Nationally, the Chapter 1 program for the disadvantaged is $1.2 billion short of the funding needed to provide the same services to the same number of children as in 1980–81. Education for the handicapped is $272 million below the inflation adjustment. And Pell Grants are $246 million below the 1980–81 level. The budget request for fiscal 1986 would reduce the number of Pell Grant recipients by 808,000 by the administration's own estimates.

In West Virginia, the Chapter 1 program falls $9.2 million short of the inflation adjustment. Education for the handicapped is $1.3 million short. Vocation education is $2.6 million short. Pell Grants are $3.4 million below the 1980–81 levels. College work-study is $2 million behind inflation. Funding deficiencies of this kind spell real trouble for our schools and postsecondary institutions, because the money cannot be made up at the state and local levels.

These federal programs have proven their worth over and over again. If excellence is the national goal, it makes no sense to fund them at starvation levels. It would make good sense to plan for program growth. In the business community, failure to grow is perceived as total failure; education has proved to be one of the nation's most productive investments. Congress has sorted out the programs of national value and declared its commitment to them through annual appropriations. It is now time, in our judgment, for the federal government to add new meaning to that commitment by affording education funding at least the same level of protection as that provided for national defense.

Sincerely,

LOWELL E. JOHNSON,
WVEA President.

WEST VIRGINIA COLLEGE OF GRADUATE STUDIES,
February 15, 1985.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: The proposed federal budget cuts to education will have both a direct and an indirect negative impact on the West Virginia College of Graduate Studies.

The most devastating effect would be felt directly by our students who participate in the Guaranteed Student Loan Program (GSL). If eligibility to GSL's is denied to graduate students and/or limited to "remaining need" as proposed, between sixty and seventy-five students would not be able to continue their graduate education at the College. West Virginia can ill afford to lose any of its college population since we rank at, or very near, the bottom in the percentage of students going on to college.

Any cut in funding to state departments of education, county boards of education, local agencies such as RESAs, etc., would have an indirect impact on higher education and, notably, on graduate education. This would be evidenced by a severe reduction in the number of full-cost teacher preparation contracts that these agencies would be able to negotiate with the College.

Many of our in-service teachers would be adversely affected, and as a consequence the quality of public school education in southern West Virginia would suffer.

Senator Byrd, you probably realize as well as any other Senator the urgency and importance of this matter. Your providing vigorous leadership in opposing federal budget cuts to education is greatly appreciated and valued by your fellow West Virginians.

Respectfully submitted,

JAMES W. ROWLEY,
President.

CONCORD COLLEGE,
Athens, WV, February 14, 1985.

Senator ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: As you consider President Reagan's budget for fiscal 1986, please consider the impact his proposal will have on students at Concord who rely on federal student aid to attend college. At Concord eighty percent of the students most likely to lose from these budget reductions are those from homes with a total income of less than $13,500, several of whom are non-traditional students, who cannot depend on their parents for support. The total impact on Concord would be a reduction or loss of aid for fifty-two percent of our student aid recipients for a total of $404,719.

President Reagan's proposed forty percent floor of funds provided by the student prior to receiving any aid will mean seven percent of our aid recipients will lose an average of $93 in federal aid, one semester's books and supplies. Another four percent will be affected by the $4,000 cap on federal aid, and will lose an average of $495, one semester's tuition, fees, books, and supplies. These students are the ones referred to previously with total family incomes below $13,500.

Further, President Reagan's proposed $2,000 maximum Pell Grant or fifty percent of cost will mean that only out-of-state students will be entitled to the maximum Pell Grant at Concord, and the changes in the income assessment rate will reduce the Pell Grant of forty-six percent of our Pell Grant recipients an average of $600, one and a half semesters' tuition and fees. The Pell Grant is our major aid program. Its reduction will have a major impact on students at the lower end of the socio-economic ladder.

Also, an artificial income cap for federal programs and the Guaranteed Student Loan Program does not take into consideration family size and the number of students from the family attending college. At Concord this change would affect eight percent of our federal program recipients with an average loss of $1,256, and over six percent of our Guaranteed Student Loan recipients with an average loss of $1,480. Perhaps the most significant impact on the Guaranteed Student Loan Program would be the reduction in incentives to private lenders who make loan funds available to students. If lenders drop out of the program, the entire program could be in jeopardy.

If I can assist you in any way during the consideration of these matters, please let me know.

Sincerely yours,

M.N. FREEMAN,
President.

WEST VIRGINIA WESLEYAN COLLEGE,
February 13, 1985.

Hon. ROBERT C. BYRD,
U.S. Senator,
Senate Office Building,
Washington, DC.

DEAR SENATOR: Thank you for taking the time to call me last Saturday. I enjoyed the chat on the telephone. We certainly understood why you had to leave our meeting. We're just grateful for the time you could give us.

Father Thomas Acker and I have collaborated on the drafting of a position paper on the areas of the President's Budget and the Treasury Department proposals that concern West Virginia private higher education the most. Obviously, we couldn't touch all of the bases. We would be happy to hear from you or Carol Mitchell if there are any questions or if we can be of further assistance in perfecting this document. Obviously, any help that you could give private higher education would be greatly appreciated. We are all aware of your support and are really thankful for it.

Sincerely,

HUGH A. LATIMER,
President.

Enclosure.

A POSITION PAPER RE: ADMINISTRATION'S PROPOSAL FOR REDUCTIONS IN STUDENT AID AND TREASURY PROPOSALS TO LIMIT TAX DEDUCTIBILITY OF GIFTS TO CHARITABLE ORGANIZATIONS

President Reagan, in his budget sent to the Congress, proposed several major changes in student financial aid. The two that are the most concerning are the capping of financial aid at $4,000 per student per year and the restriction on Guaranteed Student Loans which would prohibit their use by families with incomes above $32,500.

Currently the cost to students for attending almost all colleges, public and private when they live on campus, exceeds $4,000 per year. At West Virginia University that cost per year would be in the neighborhood of $5,000 whereas the cost of attending a number of the private schools in West Virginia, on a residential basis, would be over $8,000 for tuition, fees, room, board, transportation, books and some modest expenses.

If a student's family cannot pay more than the minimum in college expenses, and therefore has total need, this proposal by the administration would make it virtually impossible for that student to go to any residential college. In West Virginia, with the rural nature of the state, many students, who in urban areas that would attend on a commuter basis, must live in or around the college in order to attend. Thus, the budget proposal has a significant negative impact on all residential students attending public and private colleges in West Virginia.

The impact on students wishing to go to a private institution is especially severe. The original intent of the Pell Grant was to be used by students to give them an opportunity to go to the college of their choice. The Pell Grant is higher if they go to a higher cost institution than if they go to a lower cost, generally public, institution. The Pell Grant helped by removing some of the cost barriers to students attempting to go to private institutions. This country needs a dual system of higher education, both public and private schools. If this proposal were placed in effect, we would divide the students at the public and private institutions by economic status, with those whose families could afford it sending the students wherever they choose, and those whose families could not afford it being forced to send the students to the public institutions regardless of the student's need or the type of program they choose to pursue. This would have a disastrous impact on the private institutions in this country and, in all probability, would cause a number of closures. At most private colleges in West Virginia last year, over one-half of our West Virginia students came from families with incomes below $15,000. With a $4,000 capping limitation on financial aid, those students could not have gone to a private college and would have had to go to a public commuter institution or, most likely, would have been denied an opportunity to go to college at all.

The Guaranteed Student Loan restriction that would not allow a family with an income above $32,500 to have a Guaranteed Student Loan would also be as disastrous. Although many low income students have need for the Guaranteed Student Loan, those who would be eliminated by this proposal come from families which have moderate incomes but have more than one student in college or have other obligations such as aged parents or high medical bills that they are trying to handle. The arbitrary cutoff at $32,500, without a need analysis associated with it, would take one major source of funding away from the student. The key point is, however, that the Guaranteed Student Loan is an obligation of the student. The student, not the family, will pay the loan after leaving college. The family income is irrelevant if there is financial need. The important question is, are we going to make funds available so that our needy young people can borrow to complete their college education?

The Treasury Department's proposals for tax reform contain provisions concerning the limitation of charitable contributions. One proposal would only allow the deductibility of contributions that exceed 2 percent of the adjusted gross income. Some of the flat tax proposals, made by others, would eliminate all charitable contributions. Educational institutions, particularly private colleges and universities, need donor gifts. A number of our alumni give small gifts and through the giving of small gifts over the years are encouraged to make larger gifts. Studies made by several economists suggest that our giving would be reduced as much as 30 percent. In these days of falling student enrollments and other financial pressures on private institutions, a decline of 30 percent in giving would have disastrous consequences. We are asked to accept limitations on government subsidies for education and to seek our funds from private sources. The tax proposals cut off the private sources as well. Is this the intention of the administration or the will of the people?

GLENVILLE STATE COLLEGE,
Glenville, WV, February 15, 1985.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: As we have done many times in the past, we call upon your help to support Glenville State College and higher education in West Virginia.

The proposed federal budget cuts in the area of education will certainly have a negative impact on our colleges and universities in West Virginia. Any reduction in student financial aid will further aggrevate a conspicuous problem which we are diligently attempting to address—that is our low college going rate. We are presently near the bottom of the scale in terms of the percentage of high school students who go on to college. Cuts in financial aid will further discourage college attendance.

As you well know, per capita income in Central West Virginia is low. However, education is highly valued. We need assistance from federal and state levels to make educational services available to people whose chances for upward mobility are very limited.

Glenville State College currently has 65% of the student population receiving some form of financial aid. Any reduction in the current level of aid will render an opportuntiy for a college education impossible for some students.

We have appreciated your help in the past and we know that you will continue to work for support for higher education.

Sincerely,

WILLIAM K. SIMMONS,
President.

WEST LIBERTY STATE COLLEGE,
West Liberty, WV, February 14, 1985.

Hon. ROBERT C. BYRD,
U.S. Senator, Old Senate Building, Washington, DC.

DEAR SENATOR BYRD: As I am sure you aware, certain proposed federal budget cuts would impact very directly and very adversely upon higher education. In this regard, as you study the wisdom of these proposed cuts I would like to submit the following for your consideration. While I am speaking specifically from the vantage point of West Liberty State College, I feel certain that much of the following information would apply to all areas of higher education efforts in our country.

The two major areas of impact that these proposed cuts would most significantly influence would be in the areas of student financial aid and programs. Speaking first to the issue of programs, the proposed elimination of all TRIO programs could have a very significant negative effect on many, many underprivileged and disadvantaged college students throughout the State of West Virginia. During the last several years, due to federal budget reductions, West Liberty State College was forced to discontinue two TRIO-type programs: Upward Bound and Special Services. This meant that many students in the northern portion of West Virginia were denied access to and involvement in higher education, and many student currently enrolled were deprived on special assistance in the basic skills of reading, writing and mathematics.

While West Liberty State College has been forced to eliminate these programs of outreach and special assistance to the underprivileged and disadvantaged, it would be a mistake of greater magnitude to further eliminate these programs from other West Virginia colleges. At West Liberty State College, graduates from the institution who matriculated under the auspicies of the Upward Bound and Special Services Programs have distinguished themselves in many areas: Appointments to military academies, acquisition of graduate degrees, and success in business, industry and education. Many of these students would never have had the opportunity to experience any exposure to higher education were it not for the TRIO Programs. To further reduce their potential, particularly in West Virginia, would not be in the best interests of the State.

The other area of impact of the proposed federal budget cuts would be that of student financial aid. Proposed cuts in student financial aid would have an even more immediate and drastic affect on higher education in West Virginia than would the proposed programming cuts. The proposed $4,000.00 ceiling on student aid would have an impact at West Liberty State College, but would affect higher-cost public universities and private institutions to an even greater extent.

The proposed exclusion of PELL Grants for individuals whose families earn more than $25,000 would drastically reduce enrollment at West Liberty State College. Based on the historical data available for PELL Grant recipients at West Liberty State College, it is estimated that this proposed cut would eliminate approximately twenty-five percent of those students currently getting PELL Grants. Consequently, it could possibly reduce enrollment at West Liberty State College as much as 175 to 200 students per year. The proposed $25,000 income limit does not take into consideration the number of children in a family or the number of such children who might be simultaneously attending college. Consequently, large families and families with more than one child in college would be unfairly affected by this proposal. I feel quite certain that this particular aspect of proposed reductions in student financial aid would have a devastating affect on students attending each and every public and private college and university in the state of West Virginia.

The proposed restriction on Guaranteed Student Loans if a family's income exceeds $32,000 would also deprive a large number of West Virginia students of the opportunity of attending college. I would anticipate that a significant number of potential West Liberty State College students would be adversely affected by this proposal.

It has been estimated by the Financial Aid Officer at West Liberty State College that approximately one-third of all the students receiving financial aid at West Liberty State College would be affected in some manner by the proposed federal budget cuts. While West Virginia higher education is struggling to provide the opportunity for more and more of its citizens to have access to higher

education, it would be a drastic reversal in these efforts to now withdraw the only means whereby many West Virginians can participate in the long term benefits of higher education.

Thank you for your continued efforts on behalf of higher education and thank you for your consideration of the above matters.

Sincerely,

CLYDE D. CAMPBELL,
President.

BLUEFIELD STATE COLLEGE,
Bluefield, WV, February 15, 1985.

Hon. ROBERT C. BYRD,
U.S. Senator, State of West Virginia, Room 133, Russell Building, Washington, DC.

DEAR SENATOR BYRD: I am very much concerned about the impact of the proposed federal cuts on our students at Bluefield State College. Approximately one-half of our student body receives some type of federal aid.

Currently we have 144 students on the West Virginia Higher Education Grant at a total value of $83,043. These students are funded at 75% of their tuition and fees. Since SSIG funds go into the West Virginia Higher Education Grant, loss of federal funds will impact that program. If the State should have to cut the West Virginia Higher Education Grant in half, for example, each student will only receive roughly $150 toward the $400 in tuition and fees which the college charges.

It appears that the administrative burden of implementing the proposed criteria will cause an excessive burden on the institution, requiring additional staff, which will draw from other critical college programs.

I think that it would be very helpful for the Federal Administration to call in some directors of student aid from the colleges and universities to assist in developing the program criteria and administrative procedures.

Your support is solicited.

Sincerely,

JEROLD O. DUGGER,
President.

PARKERSBURG COMMUNITY COLLEGE,
Parkersburg, WV, February 15, 1985.

Hon. ROBERT C. BYRD,
Senate Office Building,
Washington, DC.

DEAR SENATOR BYRD: We acknowledge the efforts of the current administration to reduce the federal deficit. The proposed cuts in student aid will, however, affect our community college and our student population. We only ask that the reductions in aid not be disproportionate so as to eliminate the impact.

Guaranteed Student Loans are the cornerstones of middle income college financing especially if the family has more than one student in college. At Parkersburg Community College, middle income students may qualify only for GSL's. Because our costs are low, students from these families often do not qualify for Pell or campus-based aid and rely on GSL's to help defray transportation and other related costs.

While we applaud the requirement that everyone should show need to qualify for a GSL as a long overdue quality measure, we would regret the proposed restriction that would prevent families with adjusted gross incomes of $32,500 from qualifying for the program regardless of the amount of their financial need. Establishing need is an important first step, but we hope it would be applied equally across the age spectrum.

If criteria to determine independent status is amended, no one under 22 years of age will qualify to be independent. This will hurt our young married students badly particularly if parents do not give assistance. Our community college population includes a large number of young married students (19-22) who live independently of their parents. This population relies heavily on financial aid, often living without everyday amenities. For example, it is not uncommon for them not to have a telephone. They are willing to assume the burden of work-study and loans, but this must be balanced by some gift-aid such as Pell. Otherwise they often undertake an outside job to help and overextend themselves lessening their chances for academic success. If parental income is used to determine need, such students may not qualify for aid and are thus left unable to pay.

Pell Grants are the structural backbone of our gift-aid program, currently supporting 500 PCC students ($412,000). If the proposed funding reduction is implemented, there is no way to make up the shortfall. Independents would be especially hard-hit.

In theory, the idea that students should be willing to participate in the College Work Study Program to help finance their college education is attractive. But mothers who have young children cannot add the burden of a job to an extended time commitment. Community college populations have a large number of reentry females with family responsibilities.

Thank you for the opportunity to express these views and to outline the impact of proposed student aid cuts on our students.

Cordially,

ELDON MILLER,
President.

FAIRMONT STATE COLLEGE,
Fairmont, WV, February 14, 1985.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: The President's proposed cuts in Federal financial aid could have a dramatic negative impact on Fairmont State College. In the past five years increases in available financial aid have fallen far short of meeting the increases in costs of education. In particular, the proposed ceiling income of $32,500 for students to borrow through the guaranteed student loan program would eliminate as many as 50 to 100 students at Fairmont State College.

The proposed $4,000 maximum aid package per student would affect almost all out-of-state students who are eligible for aid, and they, therefore, would be hard pressed to meet their expenses. Approximately 150 students would be affected. Perhaps the greatest negative impact would come from the proposed ceiling income of $25,000 for those applying for the Pell Grant, which would have a definite negative impact on several hundred students.

The combined effects of the three proposals could virtually eliminate needed resources for approximately 10 percent of our student population who are necessarily relying on such financial aid to meet their college costs.

Sincerely,

WENDELL HARDWAY,
President.

SHEPHERD COLLEGE,
Shepherdstown, WV, February 19, 1985.

Hon. ROBERT C. BYRD,
Member, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: I share your concern for the impact of the administration's proposed reductions in student financial assistance and guaranteed student loans for fiscal year 1986 on student and on colleges. In reviewing the budget request for student aid programs with our Director of Financial Aid, Hayden Rudolf, we believe that students applying for assistance at Shepherd College would be adversely affected

Specifically, the President proposes a $25,000 adjusted gross income ceiling for students who wish to apply for Pell Grants, Supplemental Grants, National Direct Student Loans and College Work Study. On our campus this would eliminate approximately 20 to 30 percent of our current recipients or about 100 to 150 recipients out of 600. The President is also proposing that no student could receive more than $4000 in total federal aid, including Guaranteed Student Loans and Plus Loans. Our estimate is that this would affect 10 to 15 percent of the same students referenced above or 60 to 70 individuals.

Finally, the President proposes that students from families with an adjusted family income of $32,500 would not be eligible for a Guaranteed Student Loan (GSL). Currently, around 600 students receive GSL's. We anticipate 30 to 50 percent would be ineligible if this regulation were implemented.

Reduction in Federal assistance for students will be particularly discouraging to West Virginians who have been suffering under a severe economic crisis. The State will not be able to adequately compensate by increasing the West Virginia Grant Program. We appreciate your support in continuing governmental assistance in building a bright future and strong defense through education.

Sincerely yours,

JAMES A. BUTCHER,
President.

WEST VIRGINIA UNIVERSITY
OFFICE OF SPONSORED PROGRAMS

The proposed reductions in student financial aid, combined with fixed or reduced funding of research, has a devastating effect on graduate students will further exacerbate the difficulty in attracting United States citizens to graduate study particularly in the sciences and engineering. With the current attractiveness of starting salaries for bachelor's level engineering and science graduates, if we are to attract U.S. citizens to advanced degrees, thereby ensuring the future of the country's science and engineering research base, action must be taken to ensure that support, at an adequate level, is available to these individuals for pursuit of advanced degrees. By way of example, at West Virginia University's College of Engineering, applicants for admission to graduate study in the next academic year by foreign nationals exceeded U.S. citizens by over two-to-one—the financial resources necessary to adequately support U.S. graduate students is simply not available and under the proposed budget will deteriorate even further.

The proposed budget for the U.S. Bureau of Mines as contained within the request for the Department of the Interior furthers the degradation of critically needed support for research directed to the safe, efficient and economical mining of coal. As proposed, funding for health and safety, mine control, and the elimination and control of environmentally devastating acid mine drainage is being reduced below levels to complete even ongoing research. Research in these three areas at West Virginia University and other

universities around the country is just now achieving the stage of development to be translatable to industrial use—their termination would negate the federal and private investment accumulated over many years.

Closely related to the above is the proposed elimination of funding for the Mining and Minerals Resources Research Institutes program within the Bureau of Mines which has a component supporting comprehensive research addressing respirable dust in the mining environment which results in coal miners pneumonconiosis (black lung). This research is examining the problem from the generation of dust at the mine face and its transportation in the mine air supply, to the mechanics of disposition of the dust in the human lung and the effect of the dust on the lung function and miner health. West Virginia University, cooperatively with Pennsylvania State University and other institutions is making significant progress in the understanding and coutrol of this most wide-spread occupational health problem which has resulted in the death and disability of thousands of miners and the federal expenditure of over $1 billion per year in 'black lung' benefits to miners and families of deceased miners. When this critical and unique research is in its second year of funding and progress, cessation would be an unconscionable action in the face of the pain, suffering and cost incurred by the working miner and country.

WEST VIRGINIA BOARD OF REGENTS,
Charleston, W VA, February 15, 1985.

Hon. ROBERT C. BYRD,
U.S. Senate, 311 Hart Building, Washington, DC.

DEAR SENATOR BYRD: The Board of Regents and West Virginia's public colleges and universities appreciate the opportunity to provide information relative to the potential impact of the Administration's proposals for funding reductions in certain federal programs directly affecting institutions of higher education and the students they serve. I have invited our public college and university presidents to write to you directly concerning the impact of these cuts on their respective campuses.

From a statewide perspective, the Board is especially concerned about the suggested cutbacks and realignments in federally funded student financial assistance programs. As you know, access to higher education in West Virginia has traditionally been quite limited as indicated by the very low college going rate. According to the U.S. Bureau of the Census, West Virginia ranks last among the 50 states in the percent of its population completing four or more years of college. The State is experiencing very difficult economic conditions at present as evidenced by an unemployment rate which is currently the highest in the nation. Many thousands of West Virginia families simply do not have the financial resources to meet rising college costs without financial assistance. Tuition and fee charges have increased by more than 100 percent at many of our colleges over the past five years.

While we are appreciative of the need to control escalating expenditures at both the state and federal level, the elimination and/or reduction of student financial assistance programs appears to offer a rather shortsighted approach to long term economic health and growth. According to the U.S. Census Bureau, heads of families who have completed college have a median family income of $35,778 while those who have completed only high school earn $23,837. College graduates are typically able to make more consumer purchases and pay higher taxes to support necessary government services at the state and federal levels. In short, higher education represents an investment in the future from both an economic and social viewpoint.

The Board of Regents recently conducted a survey on student assistance awarded to undergraduate students enrolled in West Virginia public and private colleges during the 1983–84 academic year. The critical importance of federally supported or regulated student aid programs is demonstrated by the fact that 76.2 percent of all assistance awarded in that year came from federal programs. The percentages of undergraduate students receiving some form of financial assistance were 41.5 percent at public institutions and 59.0 percent at private colleges. While approximately $100.1 million in student assistance was awarded at all levels, institutional officials estimated a funding shortfall of $61 million in comparing demonstrated needs to available student aid dollars. The data indicate that large numbers of students are not receiving needed aid dollars at current funding levels. A reduction in funding and/or requiring students to accept large loan burdens may be expected to exacerbate the serious college access problem already in existence.

Based upon the best data available to us, my staff has attempted to estimate the probable impact of proposed funding reductions in the various federal student aid programs in FY 1986. It is very important to note that the following projections relate to students at West Virginia's public and private colleges, but not to proprietary schools, postsecondary vocational schools, etc. The impact could be expected to be considerably stronger if students attending all types of postsecondary institutions which administer federal student aid programs were considered.

1. State Student Incentive Grant (SSIG) Program. In 1984–85, West Virginia received $551,620 through the SSIG Program to assist approximately 1,275 students. Elimination of this program would affect this number of students.

2. Supplemental Educational Opportunity Grant (SEOG) Program. In 1983–84, there were 4,515 West Virginia college students receiving $2,491,758 in SEOG awards. Elimination of this program would have a very serious negative impact on needy college students in West Virginia. Administration proposals which would permit transferring a certain amount of College Work Study funds to the SEOG Program would simply involve a shifting of funds with an overall net loss in the total number of students assisted.

3. National Direct Student Loan (NDSL) Program. The proposed elimination of additional federal capital contributions would result in elminating NDSL awards to an estimated 1,500 students, with a loss of approximately $1.1 million in award dollars.

4. College Work Study (CWS) Program. Under the Administration plan, the College Work Study Program could experience substantial growth. However, if colleges elected to exercise the new option to allow up to 50 percent of the institution's Work Study allocation to be diverted to grants, some 1,750 West Virginia college students now being assisted could be deprived of work opportunities.

5. Pell Grant Program. Suggested changes in this program include an income cap, reductions in the percent of educational costs covered by awards, and alterations in the needs analysis provisions. While the scope of these changes make projections difficult, it is estimated that recommended cutbacks would translate to a loss of more than 3,000 awards in the amount of approximately $3.1 million for students attending West Virginia college and universities.

6. Guaranteed Student Loan (GSL) Program. The proposed family income cap may be expected to eliminate approximately 30 percent of current student borrowers. In West Virginia, this 30 percent reduction is projected to eliminate some 4,700 borrowers and reduce the overall amount of GSL dollars available in the State by approximately $9.1 million. Apart from the income ceiling, there are suggested provisions which would significantly diminish the attractiveness of the Guaranteed Student Loan Program for lenders. These changes could ultimately result in lender withdrawals from the Program or a reduction in the funds made available for student loans. This additional decrease could equal or even exceed the projected $9.1 million reduction resulting from the income ceiling. Since the GSL Program provides some 40 percent of the total financial assistance to West Virginia's undergraduate college students, the proposed reductions in this program would appear to be especially acute.

7. Cap on federal aid awarded. One of the most notable changes which has been suggested relates to the proposed $4,000 cap on total student aid from all federal sources. A review of student expense budgets at West Virginia's colleges and universities indicates that only the two-year institutions have annual budgets for resident students which involve an amount of less than $4,000. Budgets range as high as $10,229 at private colleges. Of the undergraduate students receiving financial aid in 1983–84, more than 29,000 attended schools having resident student budgets in excess of $4,000.

If all the student aid cutbacks recommended for FY 1986 are accepted by the Congress, financial assistance to West Virginia public and private college students can be expected to decline by at least $16.0 million. Adding the reduction to students at proprietary institutions and other postsecondary schools participating in federal financial aid programs would increase this amount substantially.

In addition to proposed cutbacks in federal student aid programs, dramatic funding reductions have been proposed for TRIO programs which provide special services to economically disadvantaged students to encourage their enrollment and retention in higher education. Under the suggested changes, the Talent Search Project administered by the Board of Regents would be eliminated. This program annually provides intensive postsecondary placement assistance to more than 750 disadvantaged West Virginians. Special Services for Disadvantaged Students Programs assisting 1,237 students enrolled in seven West Virginia colleges would be reduced significantly or eliminated. Four institutions sponsoring Upward Bound Programs which serve more than 300 disadvantaged students would be similarly affected.

In its Master Plan for higher education in West Virginia for the period between 1985 and 1990, the Board of Regents is establishing goals to significantly expand access to higher education opportunities. Federal student aid programs comprise more than 75 percent of all aid available to undergraduate college students in West Virginia. Since ade-

quate levels of student aid represent an absolutely critical dimension of college access, the Board of Regents and the State's colleges and universities are deeply concerned over proposed federal cutbacks in student financial assistance. Your efforts in helping to ensure that reasonable levels of federal student financial assistance continue to be available will be deeply appreciated.

Sincerely,

LEON H. GINSBERG,
Chancellor.

WEST VIRGINIA LIBRARY ASSOCIATION,
Parkersburg, WV, February 22, 1985.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: Our public schools, and especially our West Virginia public schools find themselves in the midst of a paradox: shrinking revenues combined with an intense challenge to education itself. Those of us who work with young people feel excited and challenged by the variety of information sources available to us through new technology. We have to prepare these students for the world of "high tech" and we need money to do it. It's as simple as that.

We are confident that you are as much aware of our situation as we are. However, we are counting on your leadership and years in the Senate as our representative to do everything in your power to help us obtain federal monies for school libraries.

Libraries, more and more, are becoming the hub of their schools. Since the advent of the information explosion, school libraries have become the central location for the collection and dissemination of knowledge for all students of all socio-economic levels. If they are not, they certainly should be. It is in the libraries that students should have access to microcomputers and all other sorts of media. Besides books and magazines now to be found . . . or should be . . . in our school libraries are filmstrips, cassettes, records, video cassettes, microfiche, microfilm, and, of course, microcomputers and their software components.

Last year I served as the president of the West Virginia Library Association, an organization with over 800 members. I had the opportunity to speak with librarians from all over the state and listened to them voice their concerns. Primary among their concerns is the lack of money to purchase materials and equipment to keep pace with the ever-changing technology. Included in new equipment needs were items such as videotape recorders and microcomputers hardware. While our library-media staffs are supposed to train students and teachers in the use of this equipment, it is nonexistent in many school library-media centers.

Another major concern of librarians in West Virginia is lack of personnel. Adequate services cannot be provided unless there is ample personnel, well-trained and well-placed to do the job. Again, it comes to funding. If we are to succeed in raising standards of education, as we want to do and as is being demanded of us, it is obvious that funding must be increased in order to implement this plan.

As of this time, the budget for ECIA Chapter II Block Grant funding for fiscal year 1986 is to be maintained at $531,909,000. Five hundred million dollars of this allotment is to be divided among many varied programs as the fifty states see fit. One of the possible programs for funding may be for equipment, materials, and personnel for school libraries. While the funding of what we refer to as Chapter II monies has been maintained for fiscal year 1986, the fact that none of this money is earmarked specifically for school libraries (as under Title IV-B) has given West Virginia the opportunity to fund programs other than libraries. Oftentimes, as expenditures are reviewed, it appears that considerable funds are spent on libraries when in actuality those monies are expended on textbooks, reading materials, and other direct classroom needs. Library-media programs are so vital to education because of today's radical changes in information and technology, yet we find ourselves falling behind in what we are able to provide in the way of services and information because of the shortages in materials and personnel.

Figures that are of interest to this issue which are given below are cited from The Bowker Annual of Library & Book Trade Information, edited by Julia Ehresmann, New York: R.R. Bowker Co., 1984, pp. 390-391. In fiscal year 1975 the average price of a hardcover book for elementary schools was $5.01 and for secondary schools was $14.09. In fiscal year 1983, those prices had risen to $8.87 for elementary schools and $30.59 for secondary schools. In fiscal year 1975, the average price of U.S. periodicals was $3.72 for elementary schools and $11.43 for secondary schools. In fiscal year 1983, those prices had risen to $9.90 for elementary and $23.93 for secondary.

When audio-visual materials initially became available to school libraries, they were rather expensive, a result of their newness and rarity. Due to advances in technology and demand, audio-visual costs decreased in the mid to late seventies. For example, filmstrips decreased to an average price of $58.41. Since that time, with the rate of inflation, costs of audio-visual materials have escalated rapidly. For example, the average cost of filmstrips increased to $81.62 for fiscal year 1983. The costs will no doubt continually rise in coming years.

Another issue of concern is President Reagan's proposed budget cut to the Excellence in Education program. With an estimated spending level at five million dollars for fiscal year 1985, this program is slated for "0" funding for fiscal year 1986. As a source of grants for school libraries newly discovered by West Virginia librarians at a recent conference, many of us had hoped to tap this resource for the coming year. With this program unavailable to us, one more avenue of hope has been eliminated. With the report, A Nation At Risk, it seems ironic that a program which offers grants to create excellence in education should not be funded.

In conclusion, Senator Byrd, we know that you want the best education possible for our students. It is essential that we have the funding available for equipment, materials, and personnel to provide a thorough and efficient education for all of the students of West Virginia. Your assistance will be greatly appreciated.

Sincerely,

JEANNE MOELLENDICK,
Immediate Past President,
West Virginia Library Association.

WEST VIRGINIA SCHOOL
OF OSTEOPATHIC MEDICINE,
Lewisburg, WV, February 22, 1985.

Hon. ROBERT C. BYRD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BYRD: I am writing to convey to you my concern regarding two areas of expenditure reduction presently being considered in Washington which could seriously jeopardize osteopathic medical education. These two areas pertain to student financial aid and internship/residency (postdoctoral) education.

A recent study conducted by the American Association for Colleges of Osteopathic Medicine indicates that 93% of America's osteopathic medical students expect to be in debt upon graduation. The average indebtedness of an osteopathic medical student upon graduation is approximately $40,600. Approximately 75% of the loans enlisted by osteopathic medical students are supported by state or federal government. Contemplated reductions in HPSL, NDSL, HEAL, and GSL programs will, in my opinion, seriously aggravate the problems precipitated by high medical student indebtedness. Among the most serious of these problems will be the increased tendency to enter practice in metropolitan areas where patient revenues can be guaranteed. Rural communities, like those of West Virginia and other Appalachian states, will continue to be denied access to stable health care. I urge your continued efforts to maintain federal financial assistance to the student financial aid programs.

The proliferation of osteopathic medical schools in the late 1960's and 70's has caused the osteopathic medical profession to become one of the fastest growing health care professions in America. Predoctoral training programs at the nation's fifteen osteopathic medical schools have exceeded the profession's ability to provide adequate numbers of postdoctoral internship and residency programs. Fiscal reductions to the health care financing administration will reduce the funds available to support postdoctoral medical education at teaching hospitals.

While allopathic and osteopathic medical graduates will both be seriously affected by such reductions, the impact upon the osteopathic medical profession, by virtue of this critical point in its growth, will be particularly devastating. Please be cognizant of the need for continued federal support of postdoctoral medical education programs at the internship and residency level.

I realize that the circumstances which our country face are difficult and call for firm measures. I simply wish you to realize that the two issues which I have addressed are of particular significance to osteopathic medicine and because of the profession's compatibility with rural West Virginia and Appalachia, I believe could be especially damaging to the future health care of our state and region. Thank you, Senator Byrd, for your attention to my concern.

Respectfully yours,

CLYDE B. JENSEN, Ph.D.,
President.

Mr. BYRD. Mr. President, I reserve any time I have remaining.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

BARGAINING CHIP IS NO REASON TO VOTE FOR THE MX

Mr. PROXMIRE. Mr. President, within the next few weeks the Senate

will have to decided whether to proceed with the deployment of the MX missile. If we decide to proceed, the cost will be at least $20 billion just for the down payment; that is, for the first 100 MX missiles. The eventual cost—if we are to try to match the Soviet fixed, land-based missile deployment with a similar deployment of our own—could easily exceed $100 billion. That is billion—not million. More important than the cost is the effect this deployment will have in speeding up the superpower nuclear arms race. Oh, yes. Indeed, the Soviets do now have far more land-based stationary missiles than we have. But that Soviet advantage is more than counterbalanced by our vast superiority in submarine and bomber-based nuclear warheads. Both countries have a roughly equal number of strategic nuclear warheads—an appalling total of about 9,000 each, which is enough to blow up every city on Earth several times. But our country has the clear advantage in survivable warheads. We know where the Russian land-based missiles are located. They have been in the same place for years. They will be there next year and several years from now. The Soviets cannot know where many of our submarines and bombers are at any one time because we have a large number of submarines constantly at sea and bombers constantly in the air.

So the MX has the disadvantage of costing a huge sum at a time when the massive Federal deficit constitutes this Nation's prime economic problem. It also has the disadvantage of easy vulnerability to a Soviet attack. Indeed, U.S. Air Force experts have argued that the Soviets will be able to knock out 99 percent of this country's land-based missiles in a single preemptive strike by 1988.

On top of this huge MX expenditure, the administration has proposed that the Congress increase funding for research for a missile defense by a whopping 140 percent to $3.7 billion this year and spend $30 billion for such research in the next 6 years for research alone. When the research has been completed, then the real spending on our antimissile defense or star wars would begin, zooming to half a trillion dollars or perhaps a trillion or more.

How ridiculous. If we go ahead with the MX, we would be spending a hundred billion dollars on a new offensive missile system. We would be spending these billions at the same time we are stepping up a far bigger program for a missile defense system. We will be going both ways at once.

And most astounding of all, our plan would be to hand over to the Russians the technology of the antimissile defense or star wars once we perfected it. Both President Reagan and Secretary Weinberger have made this clear. The Russians could then use the new technology if it works to make our MX deployment ineffective.

Consider this once again, Mr. President: First, we have the cost and vulnerability of the MX missile. Then we have the questions about the even more appalling cost and unworkability of the star wars antimissile defense. Third, we have the clear contradiction between the arguments that star wars will make offensive missiles, especially offensive missiles like the MX obsolete. And then we have the final crusher. When we perfect the Star Wars technology we will hand it over all Christmas-wrapped, as a gift to the Soviet Union, so they can be sure that our MX missiles that cost us tens of billions of dollars will not hit Soviet targets.

How does the administration justify this madness? The answer: We need the MX as a bargaining chip. Secretary of State Schultz, Secretary Weinberger and the President rely on the bargaining chip argument—the proximity of the March 12 arms talks as their ace in the hole argument. They count heavily on these assumptions that the Congress will not deny the President the bargaining chip he needs at this crucial junction in superpower arms control negotiations. Mr. President, any Member of the Congress who will fall for this kind of nonsense will fall for anything. Why should the Soviet Union be concerned with the MX? With its 10 nuclear warheads per missile, with its land based mode, with its stationary, permanent, fixed location, it would be the one sure and certain target the Soviets know they could take out with a preemptive strike. Mr. President, if Chernenko or Gorbachev were allowed one vote in the U.S. Senate in 1985, I am sure they would vote for the MX. They want us to squander billions of our defense money on this turkey. Bargaining chip, my eye.

Mr. President, if the arms control negotiations could be expected to run through this spring and summer and be concluded sometime this fall, I could understand how many Members of the Congress might, however mistakenly, go along with a decision to permit a few billion for the MX as a means of showing "unity" and determination. But let us not kid ourselves. These arms control negotiations—if they are to achieve any kind of significant agreement—will have to continue for years and not just for a few years. The United States and Russia have never been so far apart. Previous arms control negotiations have taken several years. That means the bargaining chip argument will be just as timely and persuasive in 1986, 1987, and 1988 and probably later as it is today. That also means there would be ample time to complete production and deployment of MX before the bargaining chip argument expires. So that means that Congress will very likely end up voting for the MX missile as a "bargaining chip" and discover after sticking with the MX through years of arms control negotiations that the country has an MX we do not need and do not want and a further $100 billion added on the national debt. There is only one basis for funding any military weapon system ever: that the United States needs the weapon system for the single purpose of protecting our national security. The MX does not meet that test.

POLITICS AND THE BUDGET

Mr. PROXMIRE. Mr. President, on a previous occasion I recommended to the Senate a new book on the subject of the Federal budget. Written by Howard E. Shuman who many will remember as the administrative assistant to the great Senator from Illinois, Paul Douglas, and as my administrative assistant from 1969 to 1982, this book recently received an enthusiastic review by the prestigious publication the American Political Science Review.

In reviewing "Politics and the Budget: The Struggle Between the President and the Congress," Professor Mark Weinberg of Ohio University states that the real strength of the book comes from Shuman's concentration on the politics of the budget process such as his evaluation of the impact of political considerations on budgetmaking.

He commends Mr. Shuman's analysis of the Budget Impoundment and Control Act of 1974 wherein it is argued that the President has used the act to enhance his powers at the expense of the legislative branch.

Professor Weinberg notes that the new Shuman volume follows in the tradition of budget analysis performed by such noted authorities as Aaron Wildavsky, Allen Schick, and the Congress' own expert in the Library of Congress, Louis Fisher. As such, Mr. Shuman is in good company.

During this early part of the year when we are faced with such stark budget realities and when there are charges of political motivation behind various votes, it would not only be interesting to review the Shuman thesis but to reflect on his conclusions as they might assist us toward the goal of a balanced budget.

Mr. President, I ask unanimous consent that the review of Professor Weinberg be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVIEW OF PROFESSOR WEINBERG

Several important texts have been written on the politics of the budgetary process. By far the best known work of this type is Aaron Wildavsky's classic, The Politics of the Budgetary Process (Little, Brown, 1964),

now in its fourth edition. Howard E. Shuman's new book follows in this tradition, focusing on the relationship between the president and Congress. The first six chapters of the book examine the budgetary process with chapters on presidential participation in the budget, congressional appropriations, and taxing authority, and fiscal and monetary policy. The second half of the book deals with the conflict between the president and Congress emerging from the constitutional crisis of the Nixon years. The text ends with a detailed examination of the Congressional Impoundment and Reform Act of 1974 and the Reagan budget revolution. Shuman's book is scholarly, comprehensive, well written, and insightful. It is the best overview available on the politics of the federal budget process.

Each chapter in this book is well documented and thorough. Shuman's use of references is balanced, including government documents, major journal articles and books such as the works by Allen Schick and Louis Fisher, and speeches. Each chapter begins with a historical overview of the chapter topic that provides a useful context with which to understand the modern budget process. I found his background chapters on fiscal and monetary policy and taxes the most comprehensive and clearly written explanations of these topics I have read. One of the most rewarding things about the book is that Shuman is willing to go into detail about a subject. Chapter 3 on the congressional appropriations process is the best example of Shuman's proclivity for detail.

The real strength of the book, however, comes from Shuman's concentration on the politics of the budget process. For example, in chapter 2, he discusses the various methods used by the executive branch to increase efficiency and economy in the budget preparation. These methods have included the use of program planning and budgeting systems and more recently zero-based budgeting. He discounts the value of these approaches through a presentation of a case study of the politics of the Bureau of Reclamation budget under Carter and Reagan which shows the impact of political considerations in budget decision making.

Also worth mentioning is Shuman's final analysis of the Budget Reform Act. He points out that it has not retrieved the power of the purse from the president, but has had the opposite effect. He states, "the president has used the institutions of the Budget Act, particularly reconciliation and the majority rule procedures, to enhance his power to initiate, control, and dominate budget procedures" (p. 305).

This is a first-rate book. I highly recommend it for undergraduate and graduate courses in budgeting and American politics and for general reading on the politics of the budgetary process.

GI INSURANCE PROGRAM SHOULD BE INCREASED

Mr. PROXMIRE. Mr. President, today I am introducing legislation that will increase the amount of insurance available to military personnel from the present limitation of $35,000 to $50,000. Similar legislation passed the Senate last year but died in a conference committee of the House.

There is a great need for increasing the amount of optional, self-paying, insurance for our service personnel. The current total of $35,000 simply is inadequate for a typical military family and it is far less than insurance programs available to other Federal employees. Federal employees now can sign up for five times their annual salary in optional life insurance protection.

The Department of Defense Fifth Quandrennial Review of Military Compensation urged that the optional insurance program be increased to $50,000 as part of a comprehensive package of benefits. The general counsel of the Department of Defense wrote to the Congress saying that "We believe it is important to recognize that the men and women serving (in DoD) have similar needs as Federal civilians." General Counsel Chapman B. Cox went on to endorse the $50,000 cap provided for in this bill.

On September 27, 1984, the Secretary of Defense wrote me that the Defense Department strongly supported an increase in Servicemen's Group Life Insurance based on the need of our military families—many of whom are underinsured.

Mr. President, this is a self-supporting program. It does not cost the taxpayers anything unless there is a general war involving the deaths of tens of thousands of military personnel and if that were to occur I suspect we would have a lot of severe problems on our hands.

Mr. President I ask unanimous consent that the Weinberger letter and the bill be printed in the RECORD at this point.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 767 of title 38, United States Code, is amended—

(1) by striking out "$35,000" in subsections (a) and (d) and inserting in lieu thereof "$50,000";

(2) by striking out "The amount of $30,000, $25,000, $20,000, $15,000, $10,000, or $5,000" in subsections (a) and (c) and inserting in lieu thereof "any amount less than $50,000 divisible by $5,000"; and

(3) by striking out "the amount of $35,000, $30,000, $25,000, $20,000, $15,000, or $10,000" in subsection (c) and inserting in lieu thereof "the amount of $50,000 (or any lesser amount divisible by $5,000)". (b) The amendments made by subsection (a) shall take effect on October 1, 1985.

THE SECRETARY OF DEFENSE,
Washington, Sept. 27, 1984.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Thank you for your letter of August 29, 1984, advising that you plan to offer an amendment to the Veterans' Compensation Amendments Bill for fiscal year 1985 which would increase maximum coverage under the Servicemen's Group Life Insurance (SGLI) program from $35,000 to $50,000. We have long supported this Veterans' Administration program offering valuable insurance protection to the men and women of the Services.

The recently completed Fifth Quadrennial Review of Military Compensation (QRMC) conducted an analysis of the "military estate program" and the report of that review was forwarded to the Congress in April 1984. One of the items studied was the SGLI. It was reconfirmed that the program fulfills a crucial need in forestalling economic hardship to survivors in the event of a member's untimely death. As a result of that review, we recommended that the amount of maximum coverage be increased from $35,000 to $50,000, similar to your initiative.

The SGLI is an extremely successful program—over 99 percent of members participate. In many instances, however, this is the only insurance protection carried. Unfortunately, the current coverage afforded by SGLI is insufficient for many mid-careerists, especially those with family responsibilities. We know that the average amount of life insurance per family in the United States is now about $56,000—much more than the coverage available under SGLI. An increase in coverage would allow members to structure their insurance protection better in relation to their family obligations, from a maximum of 450,000 to a lesser amount in 45,000 increments.

Although more than a simple "employee/employer" relationship exists between members and the Government, we still have an obligation to provide programs responsive to member needs. In the federal civilian employee community, the insurance program provides basic coverage equal to salary level plus $2,000, optional $10,000 coverage, and additional coverage in multiples of salary. Unlike the SGLI, a portion of the civilian program costs are assumed by the Government on a continuing basis. While we recognize the differences between the two programs, we believe that the Government has no less responsibility to provide a reasonable survivor insurance program for military members. The SGLI program is specifically designed, and has been enhanced from time to time, to meet that responsibility. As an "employer," we do advertise the SGLI program as an available benefit for a service commitment, especially for the Reserve Components. Faced with a declining youth market and increased competition from the private sector, we must be able to assure that a military profession does not become a liability to the surviving family in the event of death.

Unlike most federal programs, the SGLI is a program self-supported by the premiums of members. The only costs assumed by the Government are those attributed to the extra hazards of military service resulting from combat. As the report of the 5th QRMC points out, no such costs have occurred since 1974. In the absence of armed conflict or an abnormal military mortality experience, we would not expect that significant costs would be assumed by the Government.

I appreciate your efforts to enhance the SGLI program for the benefit of the men and women serving in our Nation's defense.

Sincerely,

CAP WEINBERGER.

WARNING SIGNS FROM PERU

Mr. PROXMIRE. Mr. President, Amnesty International recently issued a briefing on Peru which accuses the

Government forces of human rights violations unprecedented in that country's modern era. The report alleges that hundreds of men, women, and children have been murdered by security forces. Thousands of others have disappeared since late 1982.

This tragedy has taken place in the remote provinces of Peru's Andean Emergency Zone, an area placed under military rule in 1982 because of persistent disruptions by the Shining Path guerrillas. The emergency zone now consists of 13 provinces, with Government forces and guerrillas engaged in a bloody war. The civilian population pays the price of this war.

Political killings have become commonplace, with the Government's commitment to wiping out the guerrilla movement taking the form of extrajudicial killings, torture, and mutilation. And the hands of the guerrillas are just as bloody. Hundreds of civilians have disappeared after being taken from their homes by Government forces. Some of these people have later shown up at dumping grounds or mass graves with gunshot wounds to the head, their naked bodies marked by torture.

Most of the victims of these political killings are peasant farmers who speak Quechua, the indigenous language of the Andes. They stand vulnerable to the conflict around them, open to accusations from both sides and the dangers they imply. Professionals have also fallen victim to the conflict, robbing the culture of many of its leaders. All of this has created an atmosphere of fear, which is heightened when the atrocities of one side are met with the reprisals of the other. Public execution-style killings of Shining Path guerrillas have been used to intimidate villagers, while Government forces choose to carry out their executions in secret.

It is an unfortunate reality of our time that civilians and regional cultures are often pawns in the military conflicts of others. The Andean villagers of Peru, like so many other victims of political instability, are trapped in a web of murder, torture, and intimidation. We can emphasize our commitment to the elimination of such practices and the ever-present danger of genocide by ratifying the Genocide Treaty, which has been pending in this body for some 36 years.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I am happy to yield at this time to either Mr. MATHIAS, Mr. GOLDWATER, or both.

Mr. MATHIAS. Mr. President, I have a very brief statement.

Mr. BYRD. Mr. President, I yield to Senator MATHIAS such time as he requires from that which is under my control.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

DEATH OF DAVID ORMSBY-GORE, FORMER AMBASSADOR OF GREAT BRITAIN

Mr. MATHIAS. Mr. President, ambassadors who come to live among us are more than the spokesmen for their governments, they are usually people with experience, knowledge, individual opinions, and personality. If they are also committed to creating a broad climate of good will and are gregarious, they develop many friendships and acquaintances with the Americans around them.

Such was the case with David Ormsby-Gore who became the Ambassador of Great Britain at about the same time that I came to the Congress. Although he was widely known as an intimate friend of President John F. Kennedy, he was not content to be confined to the Presidential circle, but reached out for other contacts on the American scene.

I recall vividly discussing with him the lessons of British experiences with guerrilla warfare in Malaysia. The first gray shadow of Vietnam was then barely perceptible in Washington and I recall that he declined to speak on the subject as the British Ambassador. But then he mused that, in the light of the lessons of experience, "The first time an American soldier pulls a trigger it will be your war."

His observations on that occasion were accurate and his words were prophetic. His words, on another occasion, are equally compelling and recommend themselves to our attention at this moment in history. He said:

> It would indeed be a tragedy if the history of the human race proved to be nothing more than the story of an ape playing with a box of matches on a petrol dump.

I learned with great regret of the recent death of David Ormsby-Gore, who had succeeded his father as Lord Harlech in 1964. He died in a tragic automobile accident near his home in Wales.

I ask unanimous consent that an account of the death of Lord Harlech from the International Herald Tribune of January 28, 1985, be included at this point in the RECORD.

LORD HARLECH, ENVOY TO U.S. IN '60S, DIES

LONDON.—Lord Harlech, 66, a close friend of the Kennedy family who was Britain's ambassador to the United States during the administrations of Presidents John F. Kennedy and Lyndon B. Johnson, died Saturday from injuries sustained in a car crash.

Lord Harlech was returning to his family estate at Talsarnau, in north Wales, when his car collided with another vehicle, police said.

His ties with the Kennedys dated from the 1930s, when Joseph P. Kennedy was the American ambassador to Britain. He became friends with John Kennedy, the ambassador's son, when the 21-year-old American was a student at the London School of Economics. The ties became closer when John Kennedy's sister Kathleen married the Marquess of Hartington, Lord Harlech's cousin, in 1944.

Lord Harlech, then William David Ormsby Gore, entered Parliament in 1950 and held several Foreign Office posts before Prime Minister Harold Macmillan sent him to Washington in 1961. Once described by President Kennedy as "the brightest man I know," and regarded by many as the president's closest non-American friend, he became closely identified in Britain with the Kennedy administration and family.

In 1964, after the death of his father, he became the fifth Baron Harlech. After leaving his post as ambassador in 1965, he returned to London and became deputy leader of the Conservatives in the House of Lords in 1966.

From 1965 until his death, Lord Harlech was president of the British Board of Film Censors.

Mr. MATHIAS. Mr. President, I am grateful to the distinguished minority leader for yielding me this time and I am grateful for the forbearance and patience of the distinguished Senator from Arizona [Mr. GOLDWATER].

Mr. GOLDWATER. I thank my good friend from Maryland. I thank also my good friend from West Virginia for yielding.

(The remarks of Mr. GOLDWATER relating to the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

TRIBUTE TO STANLEY MARCUS

Mrs. HAWKINS. Mr. President, it is sad for me to see the current occupant of the office of U.S. attorney for the southern district of Florida prepare to leave, but it is a pleasure for me to say these words of thanks for his exemplary service.

Mr. Marcus has served for 3 years as the chief prosecutor for the southern district of Florida, and during that time, we have worked together on numerous occasions. Both as U.S. Senator from Florida, and as chairman of the U.S. Senate Subcommittee on Alcoholism and Drug Abuse, I was able to observe his performance from just about every vantage point. His performance is nothing less than superb.

Throughout his tenure as U.S. attorney, he has exhibited his determination to reestablish law and order in our paradise of Florida. He also has repeatedly indicated his resolve to achieve this by putting a stop to the drug traffickers' invasion of our shores and skies. With his impeccable integrity, his impressive administrative skills, and his extraordinary legal talents, Stanley Marcus proved to be one of the most effective U.S. attorneys my State has ever seen.

Mr. President, I am happy to announce that Mr. Marcus is leaving his U.S. attorney's office but he is remaining with us in south Florida. It was an honor for me to have recommended

Stanley Marcus to President Reagan to serve as one of the three new Federal judges for the southern district of Florida, where he can continue to utilize his considerable legal and law enforcement talents. It has been said of Stanley Marcus that while he was U.S. attorney, the case load of the southern district would have overwhelmed an ordinary individual. Stanley Marcus proved he can handle it. We can safely assume that the amount of work that awaits him in his new position is equally voluminous, but if anyone can complete his accomplishments, Stanley Marcus can. I am totally confident that Stanley Marcus will be as successful as Federal judge for the southern district of Florida as he was as U.S. attorney.

Mr. President, we as Floridians owe Stanley Marcus a great debt of gratitude for the excellent job he did as U.S. attorney for south Florida, and look forward to his life tenure as Federal judge. This outstanding public servant is one of the best, and we are fortunate indeed to have him continue to serve the people of the United States.

VISIT TO THE SENATE BY MEMBERS OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Mr. LUGAR. Mr. President, it is my pleasure to introduce to this distinguished body a remarkable delegation that has come to us from the Soviet Union.

We have with us today members of the Supreme Soviet, a great number of gentlemen who have extraordinary responsibility in the Soviet Union, who have come, as they have expressed it, with interest and good will to visit with Members of the U.S. Senate, Members of the House of Representatives, and members of the executive branch of our Government.

They have accepted our invitation to come onto the floor of the U.S. Senate at this time, following a luncheon with the leadership of our body, and it is my hope that Senators will greet them warmly and wish them well during their mission.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LUGAR. I am happy to yield to the distinguished Senator.

Mr. BYRD. Would the Senator please ask the Senate to recess for 5 minutes so that Members can greet our distinguished visitors?

Mr. LUGAR. Reluctantly. I am not certain that I have that authority to ask the Senate to recess.

Mr. BYRD. May I assure the distinguished Senator that no one will question his authority in this instance.

RECESS

Mr. LUGAR. Mr. President, under those circumstances, I ask unanimous consent that the Senate recess for 5 minutes.

There being no objection, the Senate, at 2:42 p.m., recessed until 2:51 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DENTON].

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for morning business.

CONTINUATION OF THE SMALL BUSINESS ADMINISTRATION

Mr. DECONCINI. Mr. President, I am pleased to voice my support for the continuation of the Small Business Administration. Small business is the heart of the American economy. This segment of the economy is comprised of more than 14 million businesses and employs over 100 million people in our country today. It is our responsibility, as a nation, to continue to create an environment that encourages and nurtures small businesses which play such a critical role in providing a healthier economy.

The Small Business Administration has been responsive to the needs of the small business entrepreneurs, including women and minorities, over the past 30 years. The SBA has proved effective in meeting the needs of the regional and local level agencies by increasing Government procurement opportunities for small firms as well as by implementing set-aside provisions for minority-owned businesses.

The SBA provided support to millions of American men and women to operate many of this country's smaller enterprises—the enterprises which stimulate and sustain our economy. This is the America that produces, innovates, and generates a large number of new jobs for its citizens. It is absolutely essential that we, in Congress, consider where the real strength of our economy lies, and show a greater understanding of the small business climate. The small business is not just another special-interest group, it is a very vital component of our economic system. America's small business firms produce billions of dollars worth of products for both our domestic and foreign markets.

Mr. President, in Arizona alone, the SBA was instrumental in providing assistance to local community development companies with projects totaling over $45 million last year. The Phoenix district office, last year, had its highest level of program activity in its history of lending, 8(a) contract volume, and procurement and technical assistance certificates. An unquestionable highlight of that program activity was the 79-percent increase in the 8(a) volume from $24.5 million in 1983 to $43.4 million in 1984. Another noteworthy accomplishment was the negotiation of the largest 8(a) construction project in Arizona's history—$7.6 million. This was a major contribution to the overall business climate in the State of Arizona.

Over the past few years, a number of Arizona businesses, such as Ramirez Floor Covering, Inc., Sun Eagle Corp., Monaco Contractors, Inc., SOL Telecommunications Service, Inc., and McKenzie Paint Co. have received assistance from the Small Business Administration with various loan packages. Collectively, these companies are currently showing a gross profit of over $2 million. In addition, the SBA provided support to the southwest border initiative, a program which serviced four counties in Arizona that border Mexico, the loan packages for over $13.6 million. That activity, alone, created and retained hundreds of jobs for that area of the State.

Mr. President, the Small Business Administration has been extremely effective in Arizona, by funding new businesses, providing management assistance to existing firms, stimulating competition, and adding jobs in depressed areas, the SBA has made a significant contribution to the economic vitality of the State. I'm certain other States can relate similar success stories. These successful businesses are now taxpayers and employees working for the companies are taxpayers. For these reasons, among others, I believe the SBA must be continued by this administration. I urge my colleagues to support the continuation of the SBA.

NEW PRODUCTIVITY INCENTIVE FOR DEFENSE CONTRACTORS

Mr. QUAYLE. Mr. President, in the current issue of the Harvard Business Review, there is an article by Lt. Gen. James W. Stansberry, who recently retired after a distinguished career in the U.S. Air Force. General Stansberry's final assignment was as commander of the Electronic Systems Division of the Air Force Systems Command.

General Stansberry sets forth several interesting and constructive recommendations with regard to creating productivity incentives for defense contractors. I thought that Members of the Senate would be interested in reading General Stansberry's remarks. I ask unanimous consent that General Stansberry's article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW PRODUCTIVITY INCENTIVE FOR DEFENSE CONTRACTORS

(By James W. Stansberry)

(Lieutenant General Stansberry retired last July after three and a half years as commander of the Electronic Systems Divi-

sion, Air Force Systems Command. The division, headquartered at Hanscom Air Force Base in Massachusetts, develops, acquires, and delivers command, control, communications, and intelligence systems for U.S. and allied aerospace forces. He spent most of his later Air Force career in procurement posts. He is now a consultant to electronics companies.)

Until my recent retirement, I commanded a large Air Force Systems Command product division. This fiscal year it is spending about $4 billion in tax dollars to acquire new electronic systems for the Air Force and other military customers. Nearly 10,000 professional, skilled, and well-motivated people are engaged in this task. The hardware it buys is built by some of the best companies in America. The way the division does its business is closely regulated and subject to intense scrutiny from Congress, the General Accounting Office, military superiors, and legions of auditors, inspectors, and staffs.

One might think that with all this "help" the system would approach perfection. But it doesn't and there are powerful disincentives against productivity. In this article I point out what some of the defense acquisition problems are and what can be done about them.[1] In particular, I outline a revolutionary step that can make profound, beneficial changes in the defense business.

One problem we don't have is the military worth of our equipment. It works superbly well. Then what is wrong? It costs too much. This hardware is built by an industry with little motivation to modernize, for it operates under only mild competitive pressures, at best.

This statement is obviously not true for all companies. Some have strong commercial markets, and the government benefits from the rivalries in those markets. Some companies replace outmoded machinery and rundown buildings simply to remain up-do-date. For the most part, however, pressures toward modernization and price reduction are absent.

Why is this? The answer lies in the lack of competition during production, the instability of the defense market, and the lack of opportunity to earn a fair rate of return on capital investment. Let me outline what I mean:

LACK OF COMPETITION

Practically all new military systems are put out to bid during their development. The competition starts early in the development cycle (generally during concept definition) but ends early, well before the Defense Department can get realistic production prices. Even when we've obtained option production prices during development, we often make subsequent equipment configuration changes or fail to exercise the option and lose the benefits of competition.

To carry contractors or teams further is an expensive but often sound investment. We recently decided, for example, to pay an "extra" $40 million in development of ground and airborne terminals for satellite communications just to keep another contractor team on board throughout this phase and into production. We did this because the program is likely to run into billions and the payoff on our investment will be very large. I must add that this course of action, while ultimately approved, met with resistance in the military from people who needed that scarce front-end money for other important purposes.

But often such action is not feasible. The front-end money may be unavailable or the product one of a kind that doesn't lend itself to dual production sourcing—or maybe we just miss a bet.

Dual development sources, of course, cost more initially, are more difficult to manage, and impose a continuing burden on overworked contracting people. The payoff in product quality, reliability, and price, however, is great. We need to use dual sourcing more often. We need to be more willing to invest those scarce front-end dollars and continue trying other new approaches to keep competitive pressures at work in the defense industry.

In an attempt to introduce competition, the Electronic Systems Division is employing a leader-follower approach, in which a contractor is obliged to indoctrinate a "following" company (at government expense) in the development phase of a project so that the latter can qualify later as a competitor in the second or third production award. ESD is also giving serious thought to inaugurating "design only" contracts, which policy would put the entire gamut of production under the bid procedure.

EXHIBIT—AIRCRAFT PRODUCTION

Model	Quantity planned	Quantity purchased	Planned annual production	Actual annual production
F–15	1,296	756	144	56
A–10	[1] 733	733	200	144
F–16	2,651	845	180	120
AWACS	34	34	12	3

[1] Last A–10 delivered in March 1984.

MARKET INSTABILITY

The defense business lacks stability; many would-be contractors consider it to be so risky that they decline to bid. The Exhibit shows the production planning for various Air Force aircraft now being turned out. It changes from year to year (just like the defense budget) and from administration to administration.

Consider the dilemma of a corporate official worrying whether his stockholders would be well served by an investment of $100 million in machinery for B–1 production. It's on! (Nixon). It's off! (Carter). It's on! (Reagan). It's on? off? (next administration). The machinery takes a few years to acquire and many years to amortize. Would it be better to rely on more costly "touch" (hands-on) labor? You bet—especially if you already have the production locked up.

The answer lies in a multiyear approach to much of what we buy—in budgeting or contracting, or both. DOD is pursuing a multiyear policy, but it's a long, uphill struggle; a lot of people on the government side have strong ties to annual budget manipulation and annual contracting. But progress is evident. The B–1, for example, is being procured on a multiyear basis at savings of hundreds of millions of dollars. If a competitive, multiyear approach were coupled with efficient production rates for most systems, the savings would be staggering—as much as 40% in my view.

UNFAIR RATE OF RETURN

Generally the military negotiates production contracts annually and bases them on estimated cost; annual profit potential is also based mainly on estimated cost. If new investment drives the cost down, the profit potential also drops. If you are a contractor and you develop better methods that trim your costs in doing the job, then Uncle Sam, in negotiating the next annual follow-on contract, will use those reduced costs as the basis for estimating the price of the next contract. In other words, the government does its dead-level best to take those savings away from you.

This attitude obviously discourages a contractor from investing because he has only a short time to make money from his investment before the government tries to take it away in the follow-on contract. All you get from defense contractors most of the time, therefore, is one of two kinds of investment: the kind that is made just to remain competitive and get new work and the short-payoff, near-term kind that costs a few hundred thousand dollars and earns its keep within the span of the contract that is currently running.

A DIFFERENT TACK

My former boss, General Robert T. ("Tom") Marsh, commander of the Air Force Systems Command, challenged me about three years ago to attack this problem. It made no sense to him (or me) to perpetuate a system that rewarded inefficiency. We came up with a better way, which we called "Get PRICE." PRICE stands for "Productivity Realized through Incentivizing Contractor Efficiency." (I apologize for the word incentivizing, but we had to make "I" stand for something.)

Our main task was to spark motivation to improve productivity and maintain low costs where that motivation is inherently lacking. Early on, the Air Force had figured out how to do it in a plant geared to a single program. On the F–16 fighter we had invested $25 million of government money to identify cost reduction opportunities, and General Dynamics had invested $100 million of corporate funds to exploit these opportunities. The savings were substantial. But parties were big winners: F–16 prices came down and earnings went up.

How could we carry out this approach with contractors who served many defense customers with many different products? Our answer was in theory very simple: "Mr. Contractor, if you invest to drive prices down, we'll let you keep part of the savings." It sounds very American.

In practice it turned out to be a tough thing to do. Several of the best and brightest people in my command worked several months to cut the first deal. The same was true of Westinghouse Electric, with whom they consummated it. Suppose the GAO doesn't like it, we thought. Suppose the Air Force pulls out after the investments are made, they thought. Suppose the savings never materialize, both sides thought. Faith, courage, and trust were needed on both sides. We got them.

After the dust had settled, the arrangement turned out to be based on some simple principles:

The deal is a continuing agreement to share savings for approved capital investments and is not necessarily limited to a particular period of time or program.

Both the government and the contractor must agree that a candidate investment has merit, will improve factory operations, and will produce lower prices for the government.

Incentive payments to the contractors (profit) will be authorized only as they represent a portion of a negotiated up-front price reduction.

[1] For an overview, see J. Ronald Fox, "Revamping the Business of National Defense," HBR September-October 1984, p. 63.

How does Get PRICE work? First, the contractor presents one or more proposals to improve productivity and cuts costs. If a government review approves them, the two sides negotiate the maximum incentive—a flat dollar amount—that the contractor may be eligible to earn during a specified period, usually several years. The incentive the government will pay cannot exceed a fair commercial rate of return on investment.

Get PRICE agreements cover only capital equipment, with incentive amounts figured on the business volume the contractor is expected to do with the government. If the government's projected volume falls by 10 percent or more its negotiators will ease the contractor's situation by extending the period the incentive can be used, substituting other programs, or doing both.

The final step is to negotiate the production contracts and the shares of the savings—up to the point of the maximum dollar incentive. The payments are made by installments at phase points during the term of the contract.

For the first application of Get PRICE we chose the Westinghouse Defense and Electronic System Center in Baltimore. It had 22 government programs in a single facility—20 of them Department of Defense and 16 of them Air Force. Three of these programs, including the airborne warning and control systems [AWACS] and the F-16 aircraft radar, represented more than half of Westinghouse Defense and Electronic System's business base.

Some of Westinghouse's proposals represented state-of-the-art developments in manufacturing technology, taking the form of modernization initiatives directed at its factory operations. They involved more than $100 million worth of planning and control information systems, advanced process technologies, and new human resource programs. We have a long-term arrangement calling for a string of investments rather than a one-shot deal; the arrangement is flexible enough to accommodate investments that have to be proven through some demonstration.

Westinghouse is engineering robots for modular systems as a key productivity measure in defense products. The modular nature of these technologies makes it possible for other defense contractors to take these improvements and integrate them in their plants as needed, without having to start an entire system all at once. This technology transfer is by law available to all DOD contractors on request. As DOD enters into more Get PRICE programs, the transfer of technology will grow. The more defense contractors discuss modernization, the more they will realize they have to gain by openly sharing their work.

In little more than two years, Get PRICE with Westinghouse has gone from the drawing board to a full-blown system for contracting. The company initiated a transfer of technology by holding in-plant demonstrations of its new robotic equipment for more than 150 industrial and government representatives. Most important, the company began earning its first "savings" installment against an initial potential of $22 million from operating its new electronics assembly plant in College Station, Texas. The Air Force expects to save $190 million, so Get PRICE is paying off.

BENEFICIAL JOINT VENTURES

Nothing is self-policing, but I believe that Get PRICE offers a considerable built-in incentive for corporations such as Westinghouse to succeed. If the company keeps its promises and makes the projections come true within the time window, it can earn an extra $22 million. The incentive is paid only from documented savings. Modernization for efficiency becomes more attractive since a contractor is given a method to cut costs without cutting earnings. Moreover, the contractor can realize a commercial rate of return on capital investment and maintain its competitive position. Meanwhile, the government realizes lower costs and nurtures the defense industrial base.

Since the Air Force Systems Command launched the Westinghouse deal, it has negotiated Get PRICE agreements with General Electric, the Kearfott Division of the Singer Company, the Collings Communications Systems Division of Rockwell International, Hazeltine Corporation, and E-Systems, Inc. Through these agreements, the government will save nearly $1 billion over the next decade. Get PRICE proposals from more than six other defense contractors are pending.

I expect that the Get PRICE concept will spawn changes in the way the Department of Defense does business with contractors, large and small. There has to be a change in our traditional roles as adversaries. We must work together to improve the productivity of the defense industrial base because neither of us can do it alone. If we succeed, the benefits for all will be enormous.

ADMINISTRATION POLICY ON CHILE

Mr. KENNEDY. Mr. President, I have read with interest recent press reports that the Reagan administration has stepped up efforts to move Chile's 11-year-old military dictatorship toward a return to democracy. The first manifestation of this policy was the administration's commendable decision to abstain on a $130 million industrial recovery loan to Chile by the Inter-American Development Bank in order to protest the renewal for another 90 days of the state of siege imposed by General Pinochet last November. The recent visit of Assistant Secretary of State Langhorne Motley to Chile and the upcoming visit of Deputy Assistant Secretary of Defense Nestor Sanchez were reportedly planned for the purpose of pressuring the Chilean Government and the non-Communist opposition to resume a dialog on a timetable for a transition to democracy.

The visit of Mr. Motley, however, suggests that the administration's new approach to Chile is more smoke than fire. According to press reports, he told American businessmen in Chile that the administration's abstention on the bank loan was a concession to congressional pressure and did not indicate a change in policy toward Chile. Mr. Motley is also reported to have said that "it would not be appropriate for a gringo to try to muscle General Pinochet." This statement stands in sharp contrast to the administration's willingness to use pressure to force the leftist regime in Nicaragua to democratize—even to the point of threatening to overthrow it if it does not include opposition elements in the Government.

Given his reluctance to exert pressure on Pinochet, it is not surprising that Mr. Motley's trip brought such meager results. A State Department official said that Pinochet "did not give * * * any specific dates nor calendars nor chronology" for democratic reforms but only gave Mr. Motley vague assurances about an eventual transition to democracy.

Mr. President, unless the United States is willing to use its substantial economic leverage by blocking multilateral development bank loans to Chile, the Pinochet regime will not budge from its stubborn refusal to carry out democratic reforms. High-level visits that signal the administration's unwillingness to use pressure will not persuade Pinochet that we are serious about encouraging democracy in Chile but will only give him greater respectability and demoralize the democratic opposition. In a recent editorial, the New York Times eloquently described the folly of the administration's approach to Chile. I request that the entire text be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOUR MORE YEARS IN CHILE?

The Reagan Administration is reconciled to four more years of military dictatorship in Chile and not even embarrassed to say so. That is the incredible message delivered there this week by Assistant Secretary of State Langhorne Motley. He rests easy with the Pinochet regime's plan to permit no elections until 1989. No one should be either alarmed or fooled by Washington's recent refusal to vote for new international loans to Chile. That was only an empty gesture intended to impress liberals in Congress.

Mr. Motley's diplomacy is truly breathtaking. He was the highest ranking American visitor to Chile since General Pinochet reimposed a state of siege last fall and ended all pretense of liberalization. The mass roundups of a decade ago were resumed, alienating Chilean politicians of every stripe and leading to the dismissal of Sergio Onofre Iarpa, the most impressive civilian in the Pinochet Cabinet.

How did all this impress Mr. Motley? "My impression is this destiny of Chile, in Chilean hands, is in goods hands."

This appalling stance is particularly hard to take from an Administration that has been claiming so much credit for the restoration of democracy in a number of South American countries. Its unwillingness to give any credit to the pressures applied by the Carter Administration once seemed only partisan. Now it seems right to wonder whether the Reagan team feels any responsibility for political trends in the hemisphere.

Much depends on the Chilean drama. Across the continent the future constitutional position of the military is a subject of delicate negotiation. Continuing violence and unrest in Chile, which the dictatorship invites with its policies, make life even more difficult for the fragile democracies in neighboring states. A democratic restora-

tion, however, could brighten economic prospects, facilitating regional cooperation and pressure foreign investors.

For decades prior to 1973, Chile was a democratic redoubt in a sea of Latin dictators. Today, the reverse is true. It may take four years or more to get rid of this dictatorship, but even one year should be too long for representatives of the United States.

CHARGES OF ALLEGED HATCH ACT VIOLATIONS ARE UNFAIR

Mr. PACKWOOD. Mr. President, I am deeply concerned about a recent attempt to single out union representatives for special unfair treatment under the Hatch Act. Last week formal charges were made against three Government-employee union leaders for allegedly violating the Hatch Act during the last Presidential campaign. After reviewing the circumstances surrounding this case, I am convinced my colleagues will agree that these charges are unwarranted and unfair.

Mr. President, on February 11, 1985, the special counsel of the Merit Systems Protection Board wrote letters to Moe Biller, president of the American Postal Workers Union; Vincent Sombrotto, president of the National Association of Letter Carriers; and Ken Blaylock, president of the American Federation of Government Employees. In the letters, the Office of Special Counsel informed the three union leaders that they had until February 26, 1985, to resign or retire from their Federal jobs, or face administrative charges before the Merit Systems Protection Board [MSPB]. All three declined to retire, and as threatened the Special Counsel's Office officially filed charges against them.

The Special Counsel's Office claims the three union leaders were engaged in campaign activity during the last election. All three union leaders ran articles in their respective union newsletters supporting Walter Mondale. The articles were critical of the Reagan administration's record on labor issues—they dealt, for example, with the proposals to cut retirement benefits for Federal workers and reduced pay. One of the union leaders wrote an article in his newsletter concerning the Senate campaign of Mike Lowry, a Democrat running in Washington State. Another allegedly solicited campaign funds for the Presidential campaign.

What does the Hatch Act say about these activities? the Hatch Act limits the political activities of Government employees. The act was designed to prevent employers from harassing or intimidating employees for political purposes. Its key provisions prohibit the use of official authority or influence to coerce the political action of a person or body, solicitation of campaign contributions from other Federal workers, and active participation by Federal workers in political management or political campaigns.

But the Hatch Act was intended to cover political coercion in the workplace. All three union leaders have been on leave without pay for at least 14 years in order to perform their duties as union leaders. Clearly, the three union leaders were acting in their capacity as spokesman for their respective unions, not as active Federal employees.

The MSPB says even Federal workers on leave without pay are covered under the Hatch Act. But this is the first time the act has been applied to union officials on indefinite leave from their Federal positions—all prior cases have involved temporary leave without pay. And that is precisely the issue here. There is a fundamental difference between political activity by an active Federal employee, or an employee on temporary leave, as opposed to a union member who leaves his Federal job for an extended indefinite period of time to work for the rights and interests of the members.

The MSPB says the union leaders technically are Federal employees because they are free to return to their Federal positions after their service in the union. But it is simply inconceivable that the Hatch Act was intended to cover union officials—acting in their official capacity as union leaders—who don't actually work for the Federal Government.

Mr. President, union leaders are expected to communicate with their members on issues of importance to the union. And indeed, it is my experience from my days as a young lawyer in Oregon, when I worked for a time in labor law and labor negotiations, that labor leaders will quickly be replaced if they do not accurately represent what their members want and need. Moe Biller, Ken Blaylock, and Vincent Sombrotto were simply carrying out their duties as union leaders.

Mr. President, we should not single out the unions for special unfair treatment under the Hatch Act. We should not prevent union leaders from performing their natural and required duties as representatives of their members. Yet it appears that is what has happened in this case. I sincerely hope that the charges against these unions leaders will be withdrawn. I urge my colleagues to join me in speaking out against this unfair threat to the rights of union members throughout this country.

SOVIET NEGOTIATING BEHAVIOR

Mr. McCLURE. Mr. President, on the eve of the opening of renewed strategic arms control negotiations with the Soviet Union in Geneva on March 12, I believe we should carefully consider the characteristics of Soviet negotiating behavior. I ask unanimous consent that the following speech by the chief American negotiator, Max M. Kampelman, entitled "Madrid Conference: How To Negotiate With the Soviets" (Jan. 4, 1985), published by the American Bar Association, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

MADRID CONFERENCE: HOW TO NEGOTIATE WITH THE SOVIETS

(By Max M. Kampelman)

Editor's Note: For a number of years the Standing Committee on Law and National Security has sponsored an annual breakfast, under the direction of George Haimbaugh, in conjunction with the meeting of the Association of American Law Schools. Mr. Haimbaugh is a professor of international law at the University of South Carolina School of Law and vice chairman of the Advisory Committee to the Standing Committee. The breakfasts are always addressed by people of national standing in the fields of diplomacy, national security and the law.

On January 4, at the almost unheard of hour of 7 a.m., a large number of stalwarts turned out to hear Max Kampelman, recent U.S. ambassador to the Madrid negotiations (Commission on Security and Cooperation in Europe) and a member of the Standing Committee on Law and National Security, deliver a talk on the lessons we can learn from the Madrid conference. Ambassador Kampelman's address so impressed our audience—and so impressed the editors of the Intelligence Report—that we are devoting our entire issue to reproduce the full text of his remarks, including the question and answer period. The firmness with which Max Kampelman held to his views in Madrid helps to explain his selection as head of the American delegation to the forthcoming three track talks between the U.S. and the U.S.S.R. on nuclear weapons. This address was given before the announcement of his appointment.

This talk was broadcast in its entirety by C-SPAN television and is reprinted here because of its great educational value for lawyers and all those who may be called upon to negotiate with the Soviet Union.

Some of you know that I spent three years representing our government at meetings in Madrid under the Helsinki Final Act. This has been the forum—the East-West forum for U.S.-U.S.S.R. negotiations. And given the current events which are so much in the headlines, and really so much in the consciousness of the world—in particular the meetings next week in Geneva between Secretary Shultz and Foreign Minister Gromyko—perhaps my observations about my experience in Madrid may bear some relevance to broader issues.

Let me say the Helsinki Final Act, which was signed in 1975 by 35 countries—President Ford signed it on behalf of the United States—was designed at the time to provide a formula for detente, a formula under which the East and West could live together with some mutual security, stability, and cooperation. I have to confess that I, myself, in 1975 was skeptical about this agreement. I was skeptical about it because to me at the time discussions about detente seemed to be a pursuit of an illusory goal. But I was not a

student of the issue, and those who had worked on it and were students of the issue, led by Secretary of State Kissinger, strongly recommended to President Ford that we sign the agreement. And we did. And it was signed by the heads of state.

Now, I said 35 countries signed it. This embraces 33 European countries—that's every country in Europe except one, Albania. Albania was invited to participate in the negotiations but chose not to, and then chose not to sign the agreement. Now if you don't think there are 33 European countries—and I myself did not think there were 33 European countries—and if you look at a map, and if you count Monaco and San Marino and Liechtenstein, you'll find there are 34 European countries including Albania. As I have said, 33 of them signed the Act, plus the United States and Canada.

Now, when I say plus the United States and Canada, and I say it in such a matter of fact way, let me say that historically this was not such an easy thing to achieve as far as the Soviets were concerned. The Soviets were the first, back in the 1950s, to propose a European security conference—by which they meant a European security conference without the United States and Canada. You understand that an important foreign policy objective of the Soviet Union since the end of the second world war was to separate the United States from Europe—and certainly separate the United States from Western Europe. The proposal which was first initiated by the Soviets was for a European security conference, based on the assumption that the Europeans have more in common with each other than they have with anybody else. The Soviet approach was, in effect, that, "We have common security problems. Let's meet together and alone in order to discuss them."

This was obviously unacceptable to the Western Europeans because the whole fabric of Western European security is based on NATO, and the whole NATO structure is based, of course, on the United States' active participation in the defense of Europe. The Western Europeans made it very clear to the Soviet Union that if there was to be any kind of a European security conference they would insist on having the American presence.

For a long time the United States objected to this as a government. We objected to the process. But with President Nixon's movement toward detente it became very difficult for the United States to be consistent and to continue to oppose a European security conference. So by 1973 the 33 European nations, plus the United States and Canada, began negotiations in Helsinki, and by 1975 we had an agreement.

I referred to the agreement as the Helsinki Final Act. Now you may say there is no such thing as a final act other than acts which pass the American Congress, for example—and this is true. There is no such thing as a final act under international law—at least until the time of the Helsinki agreement there wasn't any such thing as a final act under international law. But those who negotiated this document were unable to agree that it should be a treaty. We were among those who did not want to make it a treaty. It was not an executive agreement. On the other hand, the negotiating governments wanted the agreement to be considered an important document, which is why the heads of state were invited to sign it, and actually did sign it. And then some imaginative fellow in our State Department came up with the idea of calling it the Helsinki "Final Act." Nobody had any objection to calling it a final act, though nobody really knew what a final act was.

WHAT THE HELSINKI FINAL ACT PROVIDES

Now, what this agreement provided was an overall formula for East-West relations. It therefore dealt with military security issues, which was the initial motivation behind the Soviet proposal in the first place. Mostly this was in the area of surprise military attack, because that was really the only subject that all 35 countries could agree upon. And let me add a footnote here to say no agreement was possible unless it was unanimous; the Helsinki process implies unanimity, implies consensus, all 35 signatories agreeing to it. All 35 finally did agree there should be a beginning in the area of military security on surprise military attack.

The Helsinki process deals with issues of cultural exchange, scientific exchange, commercial freedom of information, newspapers and magazines, and at the insistence of the West, it also deals with humanitarian issues. We in the United States tend to look upon the Helsinki Final Act as primarily a human rights document. It is not primarily a human rights document but we have turned it very much into a document and into a process in which human rights is a vital ingredient. But that was not its original purpose. It became important as a Western objective during the negotiations because what the West said was, if we are coming up with a formula to achieve security and stability, let's understand that the humanitarian ingredient is indispensable to it. First of all, it is an irritant in East-West relations; and secondly the Western nations don't believe that a country—and I don't know that these precise words were used—we don't believe that a country that declares war against its own people can be trusted not to declare war against its neighbors. That was in effect the thinking which motivated our emphasis on humanitarian matters.

Now since detente was looked upon as a process, the Helsinki agreement also said there shall be Final Act follow-up meetings. The Madrid meeting which began in 1980 was such a follow-up meeting. The theory was that these follow-up meetings would be able to reflect an improved state of detente—that the 1975 agreement reflected the realities of that day. But as a follow-up meeting was scheduled to take place in Madrid in 1980 let that reflect the realities of that day. And the hope was that it would be a continuing process.

Well, by 1980 of course it was clear that there was no continuing process. In my first speech as head of the American delegation in Madrid, I said that there was no detente, and that the fundamental premise behind the Helsinki Final Act had been seriously undermined as a result of Soviet behavior.

When I was asked by President Carter to assume this responsibility—I am a Democrat who was originally appointed by President Carter and reappointed by President Reagan—I remember sitting down with the secretary of state and asking him how long this assignment was going to last, so that I could tell my law partners how long I was likely to be away. There were experts in the room—I obviously was not one—and they told me there would be a preparatory meeting to deal with the agenda and the modalities that was likely to last 10 days or two weeks. Footnote—it lasted nine and one-half weeks. The main meeting, they said, would begin in November of 1980 and was likely to last maybe until February or March, with a Christmas break. They said February or March of 1981, you understand. It did not last four or five months, it lasted for three years, and we didn't end this meeting until September 1983.

Let me also say in this connection that, in addition to the three years of formal meetings, I had during that period the opportunity to spend more than 400 hours in private discussions and negotiations with the Soviet delegates. So whatever conclusions and generalizations I want to share with you about this process are based on that kind of experience.

Now I was not a novice to Soviet matters. At one point I taught political science as well as law, and I taught a course on problems of democracy and another course on Marxism-Leninism. I wrote a book on the effort of the Communist party to capture the American labor movement. So I didn't come to the issue as a total novice.

THE NARROWNESS OF THE SOVIET NEGOTIATORS

I'd followed with care the Soviet Union's relationship with other nations and its role on the world scene. But I encountered two things I had not anticipated and that frankly surprised me in my experience in Madrid. Almost everything else that I experienced was consistent with my conclusions and observations, based on my prior study and examination and my limited experience. The two things that I had not expected to find were as follows: First, I had not expected to find the degree of commitment to Leninism that I actually did find in the heads of the Soviet delegation. I am not prepared to generalize and to say that that degree of commitment went through the whole delegation. I didn't meet every member, or at least didn't have intensive conversations with every member of the Soviet delegation. Nor am I prepared to say this necessarily means that Leninism has deep roots within the Soviet society. I do not know. What I can say, however, is that I was surprised by the degree of commitment to Leninism that existed in the leadership of that delegation. When you are spending 400 hours in conversations, and particularly if you feel you are a little bit familiar with the concepts of Marxism-Leninsim, it isn't difficult to find yourself involved in conversations about Marxism-Leninism. I expected to find a more pragmatic view, maybe a more cynical view.

The pragmatism was there but let me tell you about the meetings I had with two different heads of delegations of the Soviet Union. Both were deputy foreign ministers—I think there are a total of five deputy foreign ministers under Gromyko. One of them, when the meeting started, was a 75-year-old man, a very capable man who had been a "survivor." He had his ups and downs, but was at the time a member of the Central Committee of the Communist Party, a very powerful man. He had spent 11 years as head of the negotiating team with the Chinese. As the Chinese negotiations were moved to the front burner, he was moved back into those negotiations, and was succeeded at Madrid by another man who was also a deputy foreign minister. He was a man who our government told me was of considerable importance within the system. In both of them I did find this kind of commitment to the tenets of Marxism-Leninism.

The second thing that surprised me was the degree of lack of information about the United States and the American people. Now, I am aware of the fact that we don't

know enough about them. But we are after all an open society and I expected that they would know more about how we function, how decisions are made, and about our cultural milieu in general. I was frankly very disappointed to learn that they did not know as much as I thought they knew. Included in the delegation were obviously high officials of the KGB with whom I talked and whom I certainly thought knew more about us than it turned out that they did. Indeed, I expressed my disappointment to them, particularly to the head of the KGB group there, that they did not know more about us. This of course tends to complicate our relationships with them.

A DEADLY SERIOUS ADVERSARY

Now, let me see if I can bring both of these things together and share with you certain consequences that it seems to me flow from them. We are dealing with an extremely serious adversary. Its leadership cadre is serious and relatively single minded. They have to be. These are people who have come up the hard way in their system. They have all been schooled in this hard way—and you don't survive this schooling unless you are able to survive the toughness of the system. Whether people smile, and whether they like jazz or don't like jazz really is irrelevant. I don't think our press does us a great service by this emphasis on irrelevancies. These are serious people. They've well trained. The training is vigorous. At the outset, it is very much a theoretical training with an emphasis on basic principles. Those who undergo this training understand that it is not safe to deviate from these principles.

I am also convinced that this is probably the most deadly and the most serious adversary that we have faced in our long history—and this for many reasons.

First is the question of their intent. The record of their intentions does not inspire confidence in anyone who believes in world order. The extent to which they are permeated with Leninist ideology, the extent to which they do not know us, strengthens, I believe, an attitude within the system and those who populate that system in positions of influence. It strengthens an attitude which believes in (a) an inevitable victory on their part because they are riding the wave of history, and (b) a feeling on their part that there is a kind of corruption in the West which undermines will and intent and which has within it the seeds of its own destruction. They believe this; the leadership, I am convinced, believes this. The system depends on this belief—indeed I think it is this kind of conviction which permits the system to survive its difficulties.

Objectively we can look at the Soviet Union and see the many difficulties that confront the Soviet regime. But we cannot ignore the faith in their own ultimate victory. Even though many scholars here might argue that this conclusion is questionable, I would say that no prudent society, and no leadership that wants to be responsible can afford to rest its own security on an assumption that runs contrary to the conclusion I have asserted. To have your security depend on the good will, the good intentions of the Soviet regime is to put our own society at risk. This no prudent society and no responsible leader should permit.

We know that the Soviet Union is a massive military power and we know that it is a highly repressive police state. These factors, of course, add to the element of danger—which leads me to the conclusion I have stated about the seriousness with which we must regard this adversary.

Our Soviet adversary has another facility of which we must take note. They have the ability to use language in a way which is designed to confuse people like ourselves and undermine our will. This they do professionally and effectively. They take a noble word like democracy and adopt it as their own—as you know, they frequently call their systems "people's democracies." This is a total corruption of the term. It makes me think of the Tower of Babel and the confusion that reigned among the people involved in this Biblical story.

Words have different meanings. The Communists are able to use these differences to promote their own appeal, which they then use as an instrument of expansionism or aggression. Their ability to use people and to use democracy is an example of this talent. The Communist appeal is essentially a humanitarian appeal. They talk about justice being the end result. They attempt to take advantage of injustice where it exists, and in their propaganda they identify themselves and ally themsevles with efforts to achieve humanitarian goals such as freedom or justice. In this respect, they are unlike the Nazis who had a negative appeal to civilized people. This, of course, adds to the threat posed by the Soviet Union.

Fortunately, of course, the gas has largely gone out of their ideological balloon. Their own excesses have led to the point where, as of today, their ideology has very little appeal. They are identified as a result of their excesses as a repressive regime. What they do have going for them, deliberately, is of course massive military power. And that leads me, therefore, to another conclusion which I have arrived at as a result of my own experiences, highlighted by Madrid, which is that what they respect is power.

THE KEY IMPORTANCE OF POWER

The extent to which their adversary has power of its own adds an element of dignity to the argument of the adversary. We are respected because of our power, and I therefore am a strong believer in American military power, American military strength. I am convinced there is no substitute for it.

Within the last few days I've had occasion to think about the time when President Lyndon Johnson proposed to the Soviet leadership that we get rid of antiballistic missiles. He had been persuaded by the secretary of defense that this was a desirable objective. And he proposed this to the Soviet leadership and the Soviet leadership rejected the idea completely and decisively. They simply said there is a threat to us, etc., etc. Now, President Nixon made a proposal to the Congress for the deployment of an antiballistic missile defense. The Congress accepted this proposal, and it passed. And lo and behold the Soviets were suddenly prepared to talk about restraining antiballistic missile defense. We had to engage in this display of strength before they had the incentive to negotiate. I'm convinced that President Reagan's March 1983 proposal for a Strategic Defense Initiative was an impelling move which has led to what appears to be the new Soviet willingness to sit down again and talk about arms control—this in spite of the fact that they walked out of the Geneva arms control talks last year. Again it was a manifestation of our seriousness of purpose which provided the incentive to them to move. I believe these lessons are important for us to understand.

Unilateral concessions by us are not interpreted in my opinion as acts of good will. I believe that unilateral concessions by us are interpreted as a lack of will.

WESTERN UNITY IN THE MADRID NEGOTIATIONS

Let me state some conclusions about my experience in Madrid. We were there for three years, and the preparatory meeting lasted for nine and one-half weeks rather than 10 days. We had in Madrid the unique factor of total allied unity. Not only were we together, but on basic issues the correctness of our position and the strength of our position led the neutral countries to join us when matters came to a crunch. And, indeed, toward the end, the strength of our position, as well as its reasonableness, coupled with the unity of the West, led some of the Eastern European countries to join us quietly and support our objectives.

Allied unity is essential to successful negotiations with the Soviets. At Madrid we had NATO caucuses, for example, a minimum of three times a week, and there were times when we met four and five times a day. The United States delegation decided there would be no secrets from our allies—we would do everything together. That gave us the strength which proved important in the negotiations.

I recall very early on in the meeting saying to my Soviet colleague: "Look, I'm just telling you our position. It is not just the American position—it's the Western position." Incidentally, one must be consistent in the position one takes. This, I think, we were. The Russians called it stubborness—but be that as it may. We must do these things. To continue my story of my conversation with the Soviet delegate, I remember saying to him: "Look, you're skeptical about what I'm saying to you. Fine. Don't take my word. Call in the French, call in the Germans, the Dutch, the Norwegians—talk to them. Don't just talk to me." Obviously he was surprised by this. They would never say to me, "Call in the Hungarians." Or, "Call in the Czechs." When the Soviets did speak to the other Western delegates, they learn that the West was completely united. As a result of this I am able to say that the West got everything that it asked for in Madrid—it took three years to achieve it, but on paper the West got everything it asked for.

THE OUTCOME OF THE MADRID CONFERENCE

In an unpublicized way we also got the gestures we asked for in addition to the words. The Madrid concluding document, for those of you who are international scholars, has tightened up some loopholes in the Helsinki Final Act—which was in itself a document heavily based on humanitarian considerations—and took it a step further. We included the essential ingredient of free trade unionism, for example, based on the Polish experience—the Solidarity experience.

Now one could argue that words by themselves don't make much sense. As a matter of fact I used to argue with myself about this. What's the sense of the words if the acts are not consistent with the words? Let me tell you why I am prepared to defend the words.

I think it is somewhat like the Ten Commandments. One might argue that at one time or another most of us will violate one or more of those Ten Commandments. And yet they are important standards that serve two purposes. First, they are important standards towards which to strive—and such standards are also needed for a responsible international community. The Soviets in this case have accepted the agreed upon standards which we must all strive to attain.

Second, the standards we have agreed upon can be used to judge those states that do not live up to them. I think one of the great values of the Madrid meetings was that we took the Helsinki standards seriously. We did not let the Soviets get off the hook.

TOUGHNESS AND PERSISTENCE DO PAY OFF

There hasn't been an international forum at which the nature of the Soviet Union has been as thoroughly and as fully described as it was in Madrid. I had one Western foreign minister say to me and to the secretary of state, after the meeting, that he was convinced that in his own country the support for the emplacement of the intermediate range missiles—the cruise missiles and the Pershings—was very much the result of a public opinion which had been bombarded by descriptions of the nature of the Soviet Union and the violations of the Helsinki agreement which served as a constant reference. I was on European television practically daily in one country or another. I was on BBC Once a week, regularly on World News Service. The nature of the Soviet Union was constantly under discussion. We asked the Soviet Union: "How do you expect us to believe any agreement you sign if you don't live up to the agreement you signed in 1975 at Helsinki?" So the Helsinki standards became very important in the on-going battle for the hearts and minds of the people.

This is one reason why I say that the Madrid meeting was so important, and why I must say to you now in concluding my remarks that, as far as the West is concerned successful negotiations with the Soviets must be based on candor and honesty about the nature of the opposition. For us to pussyfoot around because we don't want to offend them is to me perceived as a sign of weakness—and in reality it is a sign of weakness. People have said to me, "How can you negotiate while you're engaged in a policy of confrontation?" The Soviets use that word all the time—"confrontation." Let me answer this question by telling you that I was confronting them. It was confrontation. I do not deny that. Some lawyers will tell me that if you negotiate you have to try to get along with the other fellow, you don't confront. I say to you that in the business of our relationship with the Soviet Union, since the issues are serious, since the divisions are profound, our differences are profound. For us not to engage in confrontation, for us not to be candid about our concerns, I think does not make for an honest negotiation and cannot lead to any kind of constructive results. It is nothing but a charade. So I believe in the most fundamental way that one must be candid.

The press this week indicated that as far as the president is concerned it is essential in our negotiations in Geneva that we highlight the issue of Soviet violations of existing arms control agreements. It is indispensable that we do so. Even though they may yell like stuck pigs—that's unimportant, they should yell. The choose when they are offended. They choose when they feel good. They choose when they are insulted. They choose when they are angry. These are all part of as serious negotiating effort. The Soviet act must not dissuade us from being honest and candid and consistent about our position.

If we raise an issue 11 times and there is no response or rejection of the issue and if it is important to us and if we don't raise it the twelfth time—that becomes significant to the Soviets. Because we have dropped the issue, the Soviets conclude that it's not important for us anymore. We must understand that, so we do not drop the issue the twelfth time. If it's an issue that is of real concern to us, we must continue to raise it—patiently, persistently, consistently. I am convinced of that.

If we can maintain the same kind of Western unity, and if we can make the Soviets pay a price for transgressing agreements—whether its' a price in public opinion, or whether it's a price in benefits, or whether it's a price in relationships—and if we can maintain our military strength, I think we have a shot at entering into some kind of constructive relationship with them. And since the stakes are so high, I think it's essential for us to do everything we can to exploit that shot and to make that shot available to us.

QUESTION PERIOD

Arnaud de Borchgrave: Max, the one thing I don't quite understand is why it took so long to reach these conclusions. If you go back and read the Soviet theoretical journals in the early 1970s, they define peaceful coexistence as a shift in the global correlation of forces favorable to them, made irreversible by their growing military power. Then when you were signing the Final Act in Helsinki, they were already laying the logistics for the introduction of Cuban proxy troops into Africa and they were also going into production of the SS-20, which was deployed two years later. Why did it take until the invasion of Afghanistan for people to reach the conclusions that you have just set forth?

Kampelman: I can add another piece of evidence. It has to be that at the time they signed the ABM treaty they were planning the radar installation in Siberia which is in violation of the ABM treaty we have been talking about. Our experts tell us it would take about a dozen years to plan and engineer and construct to the present point of construction. This is, of course, part of the nature of the problem. Why is the problem not understood? It gets discouraging.

First of all, newer generations like to learn things for themselves. They also think they can do things better than their parents did. Parents know this. This is similar to the problem of how do you keep children's fingers away from the fire, the candle, so that the child doesn't get burned. Sometimes you can't succeed in persuading them; they've got to burn themselves sometimes in order to learn. This is one of our problems. But there is something else that I think is of great importance. Perhaps it is also a tribute to Soviet effectiveness in trying to influence public opinion. That is, the Soviets have been able to capture for themselves the rhetoric of peace. I've never understood why we have permitted that to happen—but we have permitted it to happen. Maybe some of it has to do with the nature of our system.

Our Defense Department has to make an appeal to the Congress because it can't do anything without making its appeal to the Congress—that has to be public—asking for so much for armaments. This then gets played up around the world. This helps the Soviets to capture the rhetoric of peace. Knowing then that we can't afford to let them capture that rhetoric, we sometimes feel that we have to be doing things in order to identify ourselves with peace. And some of the things we mistakenly do are contrary to our interests, as I see it, and that's an important consideration. But there is also something else that I think is present. Our presidents—it doesn't matter which party it is—are generally people who strive for peace and understanding and, of course, a brave new world. This is part of the American dream. They would like to go down in history as peacelovers, whether or not they win the Nobel Peace Prize. The temptation to them therefore to use their energies in that direction is there. The desirability of the end result is not in question. What is at issue is the means of achieving that end result. Our own culture tells us that to get along with our neighbors we must be prepared to turn the other cheek. So we extend ourselves. We take initiatives. We are nice. Culturally this is our way of doing things. And that's frequently a mistake.

I want us always to be nice, let me say—in fact, even when I was candid I always maintained good personal relationships with the other side. But I really think our presidents must always keep in mind—and that our secretaries of state and our advisers on foreign policy must always keep in mind—this is a system which forces Sakharovs to go on hunger strikes, this is a system which puts the Shcharanskys in jail, this is a system which kills Catholic priests who attempt to show any kind of independence of thought and religious views, this is a repressive society which has millions of people in labor camps and in prison camps. We must never forget that. This is why the human rights ingredient is so important. This is a system which takes political opponents and puts them in psychiatric hospitals as a form of political reprisal. If we can keep that always in mind, and not the Western dress and the smile, which may be there on a personal level, then I think we will be able to keep our eye on the ball.

John Wohlstetter: Jean-Francois Revel has just written a book "How Democracies Perish," which suggests that democracies have certain self-destructive tendencies. As one example of this he cites the imposition of martial law in Poland and the lack of what he called any effective Western response, which in part was predicated on the fact that, instead of sending tanks, they simply hired General Jaruzelski to do their work for them. Do you think that we did have an effective response to the Polish crisis in 1981, and if not, do you think Revel is right that we are not capable of having one?

Kampelman: First, let me say that I think democracy has certain weaknesses. But, so what? I mean, we know that. I also think we have many strengths and I think our strengths are a great deal more effective than our weaknesses, if we pay attention to these weaknesses and attempt to deal with them. Let me say this about the Polish experience. The Solidarity movement came into its own, really, explosively in August of 1980. And it's interesting that they published 21 demands. Among those demands was the demand that the entire text of the Helsinki Final Act be published in the Polish press. Incidentally, this was done. Clearly, the ideals of the Helsinki Final Act were important motivations which gave encouragement to the Solidarity movement in Poland. And I said this at the conference at Madrid. We recognized the importance of that.

As to what we did and whether we did enough in Poland, that's a difficult question. I don't know really that we have appropriate time to go into that here. It is not as easy as the author would have us believe. The Soviets did not use military force. We obviously were not going to use military force. It was impossible for us even to con-

ceive of that. We expressed our displeasure very decisively. Today, the situation is somewhat better than it was when Walesa and the group of Solidarity leaders were all arrested under martial law. Much of the martial law provisions remain, but it is interesting to me that there is a greater degree of freedom in Poland today, unhappy as that regime is, realistically there is a greater degree of freedom in Poland today than there is in any other Eastern European country, except possibly Hungary.

There is harassment from the government, but the people are free. The priests are being harassed, but they are preaching their sermons. And we are attempting to have some effect on that regime. I was not myself privy to all of the option papers that were prepared on the Polish situation and I have learned never to draw conclusions without seeing all of the proper option papers. I'm not sure we made all the correct choices with respect to the option papers. But in the main I am convinced that this was a very difficult question.

Question: I would like to follow up on your comments concerning the cooption of the world peace and peace movements. To what extent do you believe that the various peace movements in Western Europe and in North America have been inspired by and perhaps infiltrated by Soviet surrogates, and in connection with that do you believe that the reluctance of our allies in Western Europe, Japan, and even Canada, to bear what would seem to be their fair share of the defense burden is influenced to any significant degree by the peace propaganda that comes from the East?

Kampelman: I believe the inspiration for the peace movement is an understandable inspiration that really comes from the genuine desire for peace that is part of Western culture. I have no doubt in my mind that the infiltration has been very serious. I have no doubt in my mind that much of the source of the funds is the Soviet Union, even if indirectly. You may be aware of the fact that more Soviet spies were discovered and expelled from Europe in 1983 than in any previous year in history. I have not seen the year-end figure for 1984, but it is probably along the same lines. What we do know is that a number of those spies who were uncovered were uncovered by virtue of their support of and infiltration of peace movements. I am not prepared to minimize the importance of the peace movements because the fact is that the majority of the participants are genuinely motivated, even though they are frequently misinformed.

I should note that I saw a letter which the Charter 77 group in Czechoslovakia sent to the British peace movement which said, in effect, how wonderful it is that you are engaged in this British peace movement, but then went on to say we have a profound difference of opinion with you because we are convinced, based on our experience, that the West must be heavily armed if we are to achieve peace. The Charter 77 group was organized in 1977 basing themselves on the Helsinki Final Act. Though they have been frequently harassed, we have come to their support whenever efforts have been made to put them on trial.

Incidentally, Sakharov's letter to the Western world conveyed exactly the same message as did the Charter 77 letter.

As a government, we took the position during the latter days of the Kennedy and the Johnson administrations that the Soviets were insecure and they were merely thinking of catching up with us. Secretary of Defense McNamara made a recommendation that the best way for us to proceed, since we had enough nuclear weapons, was to let them catch up. They would then come to see that we have let them catch up, and there is a measure of stability in the fact that we now both have enough. The argument was that this would end the arms race and provide stability. As a matter of fact, Secretary of Defense McNamara told President Johnson that he saw absolutely no evidence of aggressive intent on their part—which is an interesting point.

And so we let them catch up. They didn't stop—they surpassed us in many areas. They are continuing to build. They've had a massive military buildup—actually the largest in the history of the world—and in many areas they are ahead of us. In other areas we are ahead of them.

It was Secretary of Defense Harold Brown testifying before Congress who said—how did he put it—when we build, they build; when we stop, they build. And that's in effect what the experience has been. I am myself firmly convinced that the only condition on which they will respond, as I indicated during my prior comments, is if they conclude it is in their interest to respond. This means that if we're doing something which they interpret as a threat to them, and if we are serious about doing it, and they want to stop us from doing it, then they are prepared to enter into serious negotiations. But not until then.

Let's take the very simple business of the Pershings and cruise missiles which they worked so hard to try to stop. This ties in with the peace movement question. I was asked to speak before a group of representatives of all the major religious peace organizations in America just about three or four months ago here in Washington, and I spoke to them. I was asked during the question period if the peace movements of the United States were helpful to me in my work in Madrid. I thought for a moment, because it was a strange question—a good question—while I focused on the problem, and then I said I simply had to tell them I could think of not a single instance where the peace movement, either in the United States or in Europe, was helpful to me, but I could think of a very important way in which it was damaging to me. Now, what do I mean by that? I mean that the Soviet thinking was that why should they go into negotiations and give up the SS-20 if the force of public opinion, through the peace movements, was going to compel the cancellation of deployment of the American Pershing and cruise missiles.

Similarly, now in the United States, we may be on the verge of giving up the MX without having gotten a thing in return from the Soviets. This would be a terrible precedent—a terrible precedent.

And who knows how they interpret the present debate on the Strategic Defense Initiative. They may be thinking to themselves that they don't have to give up very much to get Washington to stop this undertaking because Congress or the peace movement may force the administration to do so.

This is an important consideration that we must keep in mind, and it is also an important reason why I strongly believe that no American foreign policy can prevail if it is not deeply rooted in a bipartisan consensus. And this is what I would be urging the president of the United States, whoever the president might be. He must take the initiative to see to it that foreign policy—not that there are no legitimate differences of opinion—does not divide us on a partisan basis, that it is guided by non-partisan considerations.

Craig Baab: Mr. Ambassador, I am Craig Baab from the American Bar Association. Last fall for the first time in 10 years the Senate considered the United Nations Genocide Convention and they did not approve it—it may come up this year. One of the issues that was contested on the floor of the Senate was the degree to which the nonratification by the United States has been used against our interests in negotiations, whether those in which you were involved or others. Could you shed some light on that issue and whether it would be helpful to ratify that document?

Kampelman: Yes, it fits in quite a bit with the theme of what I have been saying here, which is that the Soviets have seized the rhetoric of peace, and they grabbed on to the Genocide Convention. They ratified it. We have not. We don't look good when we don't ratify it. We either shouldn't have signed the thing in the first place or, having signed it, we should ratify it. It looks very bad for us—and I see no reason why we should not ratify the Genocide Convention.

Now it is true I have said to the Soviets when they have criticized me on this score, you have ratified the Genocide Convention and you are engaging in genocide. We have not ratified the convention and we are not engaging in genocide. Then, of course, we give them facts and figures. The fact of the matter is that as a country we would be better off if we ratified the convention.

Thank you very much for your attention.

Mr. McCLURE. Mr. President, Max Kampelman has made several important points in this speech. First, he reiterates the need for a strong military posture in pursuing successful negotiations. Second, he rightly points out the necessity of Soviet compliance with existing security treaties. Third, he emphasizes the ideological commitment to Marxism-Leninism which makes Soviet negotiators so tenacious.

I strongly support Max Kampelman's confirmation today by the Senate. He will be a firm and highly intelligent negotiator who will do his best to defend American national security interests and at the same time try to find common ground with the Soviets on preserving world peace. I am sure that Max Kampleman's confirmation will be strongly supported by the Senate.

TRIBUTE TO DENNIS OLSEN

Mr. McCLURE. Mr. President, the political process, and specifically the Republican Party in Idaho, suffered a great loss this past weekend with the untimely death of Dennis Olsen.

Dennis was a man who was deeply committed to his beliefs, and he gained the respect of Democrats and Republicans alike. For the past 7½ years, Dennis served with distinction as chairman of the Republican Party in Idaho. He was a delegate at each of the past three Republican National Conventions, and served in a number of local leadership positions.

Much of the progress the Idaho Republican Party has made in recent years can be attributed directly to the hard work of Dennis Olsen. Dennis played a major role in the strengthening of the party's fundraising efforts, improving its organization, and involving more Idahoans in the political process. Because of his dedication and concern, this year the party was successful in gaining a two-thirds majority in both Houses of the Idaho Legislature for the first time in recent memory.

Without question, Dennis was one of the best Republican chairmen in the history of Idaho, and was clearly one of the outstanding State chairmen in the Nation. But even more important was the deep commitment he had to his family, his church, and his community. First and foremost, he was a family man, deeply devoted to his wife, Sheila, and his 10 children. As an active participant in his local stake of the Church of Jesus Christ of Latter-Day Saints, Dennis was always willing to lend a hand on projects that would benefit the community.

Dennis will be laid to rest tomorrow in his hometown of Idaho Falls, and he leaves behind a host of friends and admirers that transcends any political affiliation. I know the Senate joins me and my colleague, Senator SYMMS, in expressing our deepest condolences to the Olsen family.

Dennis will be missed greatly by the many people who had an opportunity to know him. In all of his efforts, whether they were for his church, his community, or the Republican Party, Dennis gave of himself the fullest measure. While we mourn his loss, we are comforted with the knowledge that the work he did, and the fine example he set, will last for many, many years.

BUDGET DEFICIT

Mr. McCLURE. Mr. President, I had the opportunity to sit down with a group of county commissioners from my State of Idaho and have an open and frank discussion about the budget deficit. They were in Washington to attend their national association meetings and scheduled an appointment with me to discuss the administration's proposed budget cuts.

The Idaho commissioners said the national association opposed cuts in programs that transferred moneys to the States. Revenue sharing, a program I have supported since it first began, was discussed. They explained the situation as they saw it and indicated revenue sharing is a most important program to help finance local government.

I was most impressed when they presented me a copy of a resolution the Idaho State association passed. In their resolution they express a willingness to take their share of cuts if it will help bring the deficit down. They also said they would support the elimination of revenue sharing if it were phased out over time so they could adjust to the shortfall in funding.

This gesture is much more than it appears on the surface. The Idaho State Legislature has imposed a 5-percent cap on local option taxes. Many States, counties, communities, and cities will be able to levy additional taxes to make up the shortfall from a loss of Federal revenues. This is not the case in Idaho. Over 30 of Idaho's 44 counties have already reached the 5-percent cap. When these commissioners say they are willing to take a cut, they are taking a cut in real terms. They do not have the option of going to another revenue source.

Mr. President, we all realize that tough, responsible decisions will have to be made in order to get the Federal budget under control. I am sure there is not a Member of this body that is looking forward to these decisions and votes. However, I hope that we have the courage these county commissioners have exhibited and are willing to make the tough decisions necessary to reduce the Federal deficit and prevent aborting the economic recovery.

I ask unanimous consent that the full text of their resolution be printed in the RECORD for the benefit of my colleagues. I am also including a letter I received from the Idaho Cassia County commissioners and ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION ON GENERAL REVENUE SHARING

Whereas: The IAC feels that a reduction of the Federal budget deficit is an issue deserving high priority at the State and local level as well as at the national level; and

Whereas: The Federal budget proposal includes a recommendation to not renew the GRS law after the present law expires at the end of their fiscal year; and

Whereas: Such a drastic reduction of revenue coming to county (and city) governments would be "catastrophic" for most local governments who have become dependent on this revenue to fund the relatively large portion of their annual budgets; and

Now, therefore, be it resolved that the IAC actively oppose the Federal Budget Office proposal to eliminate the GRS: but

Be it further resolved that the IAC could support new GRS legislation which includes a phase-down provision not to exceed the average reduction imposed on other Federal spending programs; and

Be it further resolved that in cutting the Federal budget in order to reduce or, hopefully, eliminate the Federal budget deficit, we request that the Federal Government not mandate pass-down programs to the State and local governments unless they also send adequate funding.

CASSIA COUNTY COMMISSIONERS,
Burley, Idaho, March 1, 1985.

Senator JAMES A. MCCLURE,
Room 3121 Dirksen Bldg.,
Washington, D.C.

DEAR SENATOR MCCLURE: I agree with the President's desire to make cuts in expenses and balance the budget. I also agree the cuts will be painful to many people and maybe the most painful to the counties, in loss of Revenue Sharing, but I will support the President if that is what it takes to get back to a reasonable, balanced budget. PILT should be continued as a natural expense. As long as the Federal Government claims ownership of 60% of our lands, it should pay at least a token tax on it, or give it to the States and Counties. This would cut Federal expense.

I also agree we need a strong military and the latest equipment, but those who produce the equipment should be put on notice that we will not stand for anything but the best for the best price.

Congress and all Government officials should look at their salaries and privileges in a patriotic manner and give the best service for the most reasonable expense possible.

These things are the least we can do for the greatest nation in the world.

Sincerely,

J. WELDON BECK.
NORMAN E. DAYLEY.
JOHN R. ADAMS.

DEFENSE SPENDING

Mr. HATCH. Mr. President, the importance of defense spending to our continued national economic recovery cannot be underestimated. The President's 5.9-percent real growth defense budget will pump $270 billion into the economies of the 50 States. In addition, $6.9 billion will be spent outside the United States.

There are several reasons why defense spending is so important to our economy. For instance, according to the distinguished defense analyst, Jacques Gansler, defense spending sustains more than 7 million jobs. Defense jobs bring in 20 percent more in salaries, and workers in defense jobs exceed the national average in individual productivity. Furthermore, defense industries employ between 20 to 30 percent of all American scientists and engineers.

Given these facts, it is not surprising that the aerospace component of our otherwise deficit-ridden trade balance showed a healthy surplus of $6.7 billion in 1984. U.S. aerospace exports exceed imports by 3.5 times.

It would be counterproductive to try to solve our deficit problem by using defense spending as the scapegoat. It won't work. Budget deficits are not reduced by crippling our most productive industries, creating unemployment of skilled persons, or by narrowing the tax revenue base.

With these benefits in mind, I have done an intensive analysis of the President's defense budget. My findings demonstrate that significant defense

cutbacks will greatly harm virtually every State in terms of lost revenues, and, most importantly, in lost jobs.

For example, if we adopt a freeze on defense spending, which according to the Congressional Budget Office, will reduce outlays by 2.7 percent below the President's outlay baseline, my State, Utah, will lose nearly 1,500 civilian jobs. Not only Utah will be affected. States across this whole country will be adversely affected. A sample of 22 States provides a representative slice of the national job impact of a freeze on the defense budget.

As a matter of fact, Utah is a relatively small loser. But in terms of the types of civilian positions, the loss to my State's technology base is very troublesome. Utah's defense base is heavily oriented to very sophisticated technologies: We provide the program management, such as depot services, for the ICBM force and the F-4, F-15, and F-16 tactical fighter fleet. Our defense industries are heavily involved with producing our strategic forces and are particularly prominent in the areas of guidance and propulsion systems.

Utah, however, is not among the Nation's heavily procurement-oriented States—where most defense spending goes directly into the economy rather than to existing installation. Eight of the twenty-two States analyzed in my study are heavily procurement oriented, which means that more than 70 percent of direct defense expenditures in those States affect industries. According to the Department of Defense, $1 million of direct procurement spending generates 32 jobs. Furthermore, the procurement-oriented States have been the biggest recipients of the DOD spending over the past few years. Industrial development requires States to spend more for their economic infrastructure. Thus, a cutback in procurement funds going to the States will jeopardize these States' investment.

States which have heavy DOD spending for existing military facilities will also be harmed. Such States tend to run higher budget surpluses, for example. In my sample, I found that 9 of 22 States in fiscal year 1986 would receive funding from the Department of Defense amounting to 150 percent or more of their total fiscal 1985 government expenditures. Thus, less in defense spending would represent less for State budgeting and planning.

In conclusion, Mr. President, I caution against mindless slashing of the defense budget because of the harm that it will bring across the country to our technology base, our employment levels, and our military posture. The history of the congressional allocation of defense spending after approval of reductions in the President's requested levels shows a proclivity to cut procurement, research and development, and military readiness accounts. If this trend continues, we will weaken the economic foundations of our military strength while simultaneously undermining the responsiveness of our existing forces.

THE UNITED STATES-ISRAEL FREE-TRADE AGREEMENT

Mr. PACKWOOD. Mr. President, our U.S. Trade Representative, Bill Brock, recently concluded negotiations on the proposed free-trade arrangement between the United States and Israel that the Congress authorized in the 1984 Trade and Tariff Act. Ambassador Brock plans to initial the agreement later this week. As chairman of the Finance Committee, it is my pleasure and responsibility to coordinate the Senate's review of this important trade agreement. I wish now to inform all Members of how we will proceed on this matter.

Before doing so, let me note that I have attached to my statement a summary of the agreement prepared by the Office of the U.S. Trade Representative. The agreement will be made public today. The USTR has established an information hotline for anyone who has specific questions. The number is 395-4647.

THE U.S.-ISRAEL FREE-TRADE AGREEMENT

The agreement to be considered by the Congress marks an important strengthening of ties between the United States and Israel. It will establish a permanent, open trading relationship that will bolster the exporters of both nations, while offering little threat to any of our domestic industries. It will encourage development in Israel that hopefully will lessen its dependence on U.S. aid. It represents a profound statement of commitment by this Nation to Israel's continued growth and stability.

The agreement's core is the reciprocal elimination of all tariffs imposed on products traded between the two countries. This will be accomplished by January 1, 1995. Duties will be eliminated in phases, depending on the relative import sensitivity of products in both countries. Most products will fall into the first category, for which duties will be eliminated when the agreement becomes effective. This will not be a significant step for the United States, however, because 90 percent of all Israeli products already enter this country duty free. The other three categories are: Second, duty elimination in three stages, for full effect on January 1, 1989; third, duty elimination in eight stages, for full effect on January 1, 1995; and fourth, duty elimination to be phased in between approximately January 1, 1990, and January 1, 1995; the schedule will be based on advice from the International Trade Commission.

In the fourth category are products that the Commission previously determined are particularly sensitive to Israeli competition. The agreement commits the United States to removing tariffs on these products in 10 years, but the President will seek additional legislative authority after 5 years in order to fulfill that commitment. In that manner, the Congress will have a further opportunity to review the merits of duty-free trade in those products.

Besides tariff elimination, the agreement contains significant commitments on nontariff barriers to trade as well. Most importantly, Israel agrees to join the subsidies code of the General Agreement on Tariffs and Trade [GATT] and to eliminate its export subsidies within a relatively short period of time. In addition, the countries agree not to impose export performance or similar restrictions on the ability to import, and to limit licensing and other measures that might be used for balance of payments reasons to restrict imports or to foster infant industries. In addition, the two countries agree to open their government procurements to bidders of the other country to a greater extent than either is currently obligated to do under existing agreements. I congratulate Ambassador Brock for achieving a remarkable degree of assurance that trade with Israel will be conducted on a fair basis and that the opportunities offered by the agreement will not be thwarted by measures other than tariffs.

In short, Mr. President, the free-trade agreement exceeds all expectations in its scope and depth—and therefore in its potential for economic benefit to each country. I believe all Members will be satisfied that the few concerns that were expressed last year have been addressed in a satisfactory manner by the agreement.

PROCEDURES FOR CONSIDERATION

As a trade agreement concluded under the authority of section 102 of the 1974 Trade Act, the United States-Israel free-trade agreement will be reviewed for approval by the Congress under special rules for expedited consideration set forth in sections 151-154 of that law. Those procedures, and the general schedule I intend to follow with regard to them, are as follows.

The President will submit an implementing bill as the instrument for congressional approval of the agreement. An implementing bill contains three components: First, provisions approving the agreement; second, provisions approving a statement of actions the administration will take to implement the agreement; and third, amendments to current law or new authority necessary or appropriate to implement the agreement.

The implementing bill will be introduced in both Houses of Congress on the day it is submitted by the President. The bill will be referred to the Finance Committee and the Ways and Means Committee in the House. The committees have 45 days in which to report the bill; a committee will be discharged automatically from further consideration if it is not reported after that period. Each House will vote on the bill within 15 days after the measure has been received from the committees. A motion in the Senate to proceed to consideration of the implementing bill is privileged and is not debatable. Amendments are not in order, and debate is limited to not more than 20 hours.

Mr. President, perhaps the most important aspect of this process is the fact that the implementing bill is not amendable once it has been introduced. Thus, it is critical that the Senate and House committees achieve a consensus with the administration on the form and substance of the bill beforehand.

We have begun that process. Ambassador Brock briefed the committee on Monday, March 4. During the week of March 18, the committee will conduct a public hearing. I have agreed with Senator LONG, the committee's ranking member, Chairman ROSTENKOWSKI, and Congressman DUNCAN, that following the hearing, each committee will have informal markups of the draft implementing bill, and then proceed to an informal conference. Once we have settled any differences on the draft bill, the President will formally sign the agreement and it will be introduced in both Houses. I expect this to occur prior to the April recess, which is sheduled to commence on April 5.

Once introduced, I would like a further period for public review of the implementing bill, not to exceed 30 days. At that time, the Finance Committee will mark up the bill and report it to the Senate. The Senate will then vote on final approval within 15 days. I expect to work closely with the majority leader, Senator DOLE (who sponsored the original legislation authorizing the agreement and procedure), to schedule the debate and final vote.

After yesterday's briefing, I am confident that there will be little dispute about the agreement. The process I have outlined should provide sufficient opportunity to review the proposed agreement and implementing legislation. I intend to achieve the agreement's early approval so that the citizens of both our nations can enjoy its benefits as soon as possible.

Mr. President, I ask that the summary be printed in the RECORD.

The summary follows:

SUMMARY OF UNITED STATES-ISRAEL FREE TRADE AREA AGREEMENT

I. BACKGROUND

In November 1983, President Reagan and former Israeli Prime Minister Shamir agreed to begin discussions towards the establishment of a bilateral Free Trade Area ("FTA"). These discussions began in January 1983. The Trade and Tariff Act of 1984 provided the President with the authority to conclude a trade agreement with Israel providing for the reduction or elimination of tariffs and nontariff barriers, and to submit such an agreement and its implementing legislation for "fast-track" Congressional review following the procedures of sections 102 and 151 of the Trade Act of 1974. Negotiations with Israel were concluded on February 26, 1985. At this time, in accordance with the requirements of the Trade Act of 1974 and the Trade and Tariff Act of 1984, the Administration is entering into consultations with the Congress prior to the formal signing of the Agreement and the submission of implementing legislation.

A Free Trade Area is a bilateral arrangement between two countries in which each country removes trade barriers with respect to the other. Under Article XXIV of the General Agreement on Tariffs and Trade ("GATT") two signatories to that agreement may create a FTA if certain requirements are met. These are that there is an elimination of duties and other restrictive regulations of commerce on substantially all the trade between the two countries undertaking an arrangement and that this is accomplished in a reasonable length of time. The U.S.-Israel FTA meets GATT requirements.

At the time this arrangement between the United States and Israel is concluded, it will be memorialized in a bilateral executive agreement entitled "Agreement on the Establishment of a Free Trade Area between the United States of America and the Government of Israel" ("the Agreement"). This document, which is the product of lengthly negotiations between the U.S. and Israel, will be initialled in early March by a trade official from each country as a formal indication that negotiations have closed. Only after the completion of the Congressional consultation process will the Agreement be formally signed.

In the following there is provided a general description of the provisions of the Agreement, and a detailed description of the treatment of the reduction in tariffs to be accorded by both nations to products of the other.

II. AN OVERVIEW OF THE AGREEMENT

The Agreement comprises a Preamble and twenty-three separate Articles, as well as four Annexes, which are integral parts of the Agreement (outline attached). Annexes 1 and 2 provide the schedule of tariff reductions for both nations. Many of the articles and one of the Annexes (Annex 3 on Rules of Origin) address nontariff barriers to trade. Annex 4 is Israel's commitment on the reductions for both nations. Many of the Articles and one of the Annexes (Annex 3 on Rules of Origin) address nontariff barriers to trade. Annex 4 is Israel's commitment on the reduction and elimination of export subsidies.

In the drafting of this Agreement it was recognized that the U.S.-Israel FTA should be viewed as an adjunct to the existing multilateral obligations of both the U.S. and Israel under the GATT. The creation of an FTA between two GATT signatories is authorized by the GATT in its Article XXIV. The increased trade liberalization which will occur on a bilateral basis as a result of the FTA will be undertaken in the context of the world multilateral trading system.

In the establishment of the FTA, both nations wished to maintain their commitment to the GATT. From a legal drafting standpoint it was concluded that the Agreement should rely on the framework and rights and obligations of the GATT. Therefore, the Agreement and the GATT are intended to be read together: Unless specifically modified by the terms of this Agreement, the provisions of the GATT will continue to apply to the relations of the United States and Israel.

In other words, a procedure authorized by the GATT may be modified by a provision of the Agreement. However, if the Agreeemnt does not address an issue, the relevant GATT provision would apply. Thus, as this Agreement, in accordance with section 406 of the Trade and Tariff Act of 1984, does not alter the existing administration of antidumping and countervailing duty procedures, there is no provision for it in the Agreement. The GATT procedures, set out in GATT Article VI and the relevant Codes, continue in force.

In certain areas, however, the Agreement modifies existing provisions in the GATT which would otherwise apply. These are:

Safeguards: Article 5 addresses the application of the safeguard provision of GATT Article XIX to bring the bilateral arrangement between the U.S. and Israel in conformity with the Congressional directive contained in Section 406 of the Trade and Tariff Act of 1984.

Infant Industries: Article 10 puts restrictions on Israel's right to apply protective measures to benefit infant industries during the Agreement's phase-out period, which it would otherwise have under GATT Article XVIII, Section C.

Balance of Payments: Article II restricts the application of the more liberal GATT balance of payments provisions contained in Articles XII and XVIII, Section B, by putting strict limitations on the use of quantitative restrictions and other temporary trade measures.

Specific Duties: Article 21 modifies the right of both parties to increase their specific duties to keep pace with changes in the value of their currency in order to provide a more precise and modern standard than provided in GATT Article II, 6.

Tariff Concessions: In annexes 1 and 2, which provide for the reduction and elimination of tariffs between the U.S. and Israel, a tariff regime is established which is different from that contained in the U.S. concessions under GATT Article 2.

In three areas the Agreement addresses trade issues that are the subject of GATT Codes. These are:

Subsidies: Annex 4 contains, in the form of a letter to Ambassador Brock from Minister Sharon, the Government of Israel's commitment on export subsidies. The letter, like the other Annexes, is an integral part of the Agreement. In the letter, the Government of Israel undertakes that by the end of six years Israel will eliminate its export subsidies programs on industrial goods and processed agricultural products. The Government of Israel also commits itself to sign the Subsidies Code.

Licensing: Article 12 provides for licensing procedures which are more restrictive than those contained in the GATT Code on Import Licensing Procedures.

Government Procurement: Both Israel and the United States are parties to the international Government Procurement Code which provides for the waiver of "buy national" restrictions on a reciprocal basis for a broad range of purchases. Under Article 15 of the FTA, the United States and Israel agree to a further elimination of government procurement related trade restrictions by lowering, on a bilateral basis, the threshold for application of the Code from 150,000 SDRs (about $156,000) to $50,000. Also, Israel agrees to eliminate buy national restrictions in regard to purchases of nonmilitary products by its Ministry of Defense and to relax offset requirements in regard to civilian agency procurement.

In addition to these provisions which modify in some manner existing GATT rights, the Agreement also provides for certain new bilateral rights and obligations. Notable among these:

No New Trade Restrictions: Article 4 provides that no new trade restrictions may be applied bilaterally except as permitted by the terms of the Agreement or by the GATT.

Restrictions for Agricultural Policy: Article 6 provides that both nations may maintain import restrictions based on agricultural policy considerations.

Kosher Laws: Article 8 provides Israel with a right to impose, on the principles of national treatment, import restrictions for the purpose of its Kosher laws.

Export Requirements: Article 13 provides new discipline on the use of export requirements as a condition of establishment and local purchase requirements as a condition for receiving governmental incentives.

Also, the Agreement includes general provisions which create consultation mechanisms, sets out rules of origin, encourages cooperation and reaffirms bilateral and multilateral trade commitments. Among these:

Consultation and Dispute Settlement: A Joint Committee is established for the discussion of bilateral trade issues in Article 17, Articles 18 and 19 provide for notice and consultation procedures and established a mechanism for the resolution of bilateral disputes.

Rules of Origin: Annex 3 of the Agreement provides for the applicable rules of origin. These have been drafted to be consistent with the directions provided by Congress which are set out in Title IV of the Trade and Tariff Act of 1984. These rules are based upon those in force for the Caribbean Basin Initiative with minor modifications.

Exceptions: The General Exceptions provision of GATT Article XX and the Security Exception provision of Article XXI are incorporated into the Agreement.

Trade in Services: Article 16 states that both nations recognize the importance of trade in services and agree to develop means of cooperation pursuant to a separate Declaration on Services, which has been agreed to.

AN OUTLINE OF THE AGREEMENT FOLLOWS

United States-Israel free trade area agreement

Outline of Provisions

Preamble: Sets out aims of both nations in entering Free Trade Area (FTA).

Article 1: Establishes FTA, consistent with GATT Article XXIV.

Article 2: Sets out organization of Annexes to the Agreement:

Annex 1: Duty treatment of products of Israel

Annex 2: Duty treatment of products of the U.S.

Annex 3: Rules of origin

Annex 4: Israel's commitment on subsidies

Note.—All four annexes are integral parts of Agreement.

Article 3: Describes relationship of this Agreement with other existing agreements, specifically the GATT and U.S.—Israel FCN treaty.

Article 4: Restricts the right of either nation to impose new restrictions on the trade of the other, unless permitted by this Agreement or by the GATT.

Article 5: Refers to the taking of actions by either nation to provide relief to a domestic industry seriously injured or threatened with series injury by the increased importation of a production.

Article 6: Provides that import restrictions may be maintained by both nations when based on agricultural policy considerations.

Article 7: Incorporates GATT Article XX (General Exceptions) and Article XXI (Security Exceptions) into the Agreement.

Article 8: Provides a special exception for trade measures maintained by either nation relating to religious or ritual prohibitions, i.e. Kosher restrictions.

Article 9: Provides a framework for the resolution of problems relating specifically to veterinary and plant health matters.

Article 10: Allows Israel to impose measures to protect new industries until 1995, with certain restrictions.

Article 11: Provides restrictions on both nations in the application of measures for balance of payments reasons.

Article 12: Provides that import licensing maintained by both nations must be automatic or justified by this Agreement or GATT.

Article 13: Restricts the use of export requirements as a condition of establishment and local purchase requirements as a condition for receiving governmental incentives.

Article 14: Reaffirms both nations' obligations under bilateral and multilateral agreements relating to intellectual property rights.

Article 15: Provides for the steps both nations will taken as they endeavor to eliminate all restrictions relating to government procurement.

Article 16: Acknowledges the importance both nations place on trade in services and refers to a separate Declaration to be made by them.

Article 17: Establishes a Joint Committee to supervise the proper implementation of the Agreement and review the trade relationship between the nations.

Article 18: Provides procedures for notice and consultation.

Article 19: Establishes a dispute settlement mechanism for the resolution of disagreements under this Agreement.

Article 20: Provides that each nation may increase the value of its specific duties when the value of their currency decreases more than twenty percent, in order to maintain the same duty levels as set out in Annexes 1 and 2.

Article 21: Provides that changes in each nation's tariffs schedules may be made if the tariff rates in Annexes and 1 and 2 are not adversely affected or, if a change is major, the balance of tariff concessions is maintained.

Article 22: Provides for entry into force of Agreement.

Article 23: Provides for termination of Agreement.

Signature.

Annex 1: Schedule of duty reductions for products of Israel entering United States.

Annex 2: Schedule of duty reductions for products of the United States entering Israel.

Annex 3: Rules of origin applicable to this Agreement.

Annex 4: Letter to Ambassador Brock from Minister Sharon containing the commitment on subsidies made by Israel to the United States.

III. TARIFF PACKAGE

A. Trade Covered by the Agreement: All commercial trade between the United States and Israel will be covered by the Agreement. In 1982, the year used as a base for our negotiations, the United States exported $1.5 billion in products to Israel and imported $1.2 billion in goods from Israel. Many products traded between the United States and Israel already receive duty free treatment as a result of concessions they have given to all GATT members (MFN duty free trade). In 1982, 55 percent (or $647 million) of the products we imported from Israel were duty free on an MFN basis, while only 28 percent ($269 million) of the products we exported to Israel benefit from legally bound duty free treatment.

The negotiations thus centered on the remaining portion of the trade which is legally dutiable. For the United States, this includes those items which are eligible for the U.S. Generalized System of Preferences (GSP) and which receive duty free treatment under this program on a temporary basis. For Israel, all products now entering Israel on a temporary, unbound duty free basis were included. Thus, for the United States, the value of trade to be liberalized under the agreement (based upon 1982 trade) is $515 million. For Israel, the trade to be liberalized is valued at $1,278 million.

B. General Description of Staging: The United States and Israel agreed from the outset of negotiations that the free trade area to be established between them would meet fully the requirements of GATT Article XXIV. To meet this test, both parties have agreed to include all products in the agreement and to phase out all duties within ten years (by January 1, 1995). This will be accomplished in four stages:

(1) Elimination of some duties immediately upon entry into force of the agreement;

(2) Elimination of duties on some products in three different tariff cuts by January 1, 1989.

(3) Elimination of duties in eight different cuts over ten years (by January 1, 1995)

(4) No duty reduction for five years, with reexamination of the timetable for duty elimination following receipt of additional advice from the United States International Trade Commission (USITC).

SUMMARY OF TRADE IN EACH STAGE OF DUTY REDUCTIONS

Stage	U.S. imports from Israel		Israeli imports from the United States	
	Amount	Percent	Amount	Percent
1. Immediate	$414.7	80.4	$670.8	52.5
2. 1989	27.8	5.4	402.8	31.5
3. 1995	4.7	.9	39.5	3.0
4. Freeze	67.9	13.6	164.4	12.8
Total	515.1		1,277.5	

A more detailed description of the reductions to take place within each stage follows:

First Stage—Immediate: Duties on products in this category will be eliminated im-

mediately upon entry into force of the agreement.

Second Stage—By 1/1/89: Duties on products in this category will be eliminated in three different duty cuts by January 1, 1989. In each case, there will be an initial duty reduction upon entry into force of the agreement, which will establish a new base rate for further duty reductions of 60 percent on January 1, 1987 and 40 percent (to zero duty) on January 1, 1989.

Format for initial duty reductions:

A. U.S. imports from Israel—If a product in this category was part of the Tokyo Round of Trade Negotiations, the final MTN rate will be provided to Israeli products immediately. If the product was not included in the MTN negotiations, an initial tariff cut of 20 percent of the 1985 duty rate will establish a new base rate from which the remaining duty reductions will take place.

B. Israeli imports from the United States—The United States will immediately receive the preferential rate provided to the European Community under the Israel—EC Preferential Agreement.

Further elimination of duties on products in this category will take place in the same manner as for the United States: a 60 percent cut in duty from the new rate in January, 1987, with a final elimination of the duty on January 1, 1989. The EC will receive duty free treatment in Israel on all industrial products on the same date under the Israel-EC Agreement. (FYI: The Israel-EC agreement legally prohibits Israel from providing treatment to any other parties which is better than that provided to the EC during the phase in of the agreement.)

Third Stage—Gradual Elimination by January 1, 1995: Duties on products in this category will be eliminated in eight tariff cuts over 10 years. The schedule for these reductions is as follows:

(a) Upon entry into force: 20% cut from 1985 Column 1 tariff rate.

(b) January 1, 1986: 10% cut from 1986 Column 1 rate.

(c) January 1, 1987: 10% cut from 1987 rate.

(d) January 1, 1988: 10% cut from 1988 rate.

(e) January 1, 1989: 10% cut from 1989 rate.

(f) January 1, 1990: 10% cut from 1990 rate.

(g) January 1, 1992: 20% cut from 1992 rate.

(h) January 1, 1995: free of duty.

Fourth Stage—Five Year Freeze on Duty Reductions: Products in this category were identified by the USITC as potentially sensitive in the context of this agreement. There will be no duty reduction on products in this category for five years, at which time the President will seek additional advice from the USITC. The Government of Israel also has products in this category. Both the United States and Israel have agreed to bring these products under the agreement by January 1, 1995.

C. U.S. Treatment of Categories of Products of Particular Interest to Congress: The following summarizes the way U.S. duty reductions are planned for certain products or product categories which were highlighted during Congressional debate of the U.S.-Israel Free Trade Area. All references to trade value are for U.S. imports from Israel in 1982.

Products Identified by the U.S. International Trade Commission as Sensitive in the Context of this Agreement:

The USITC identified seven categories of products as potentially sensitive in the context of this agreement. These products were: processed tomato products; certain categories of olives, dehydrated onions and garlic, citrus fruit juices, cut roses, certain bromine products; and certain gold jewelry (chains). These products, which compose the fourth stage under the Agreement, will face no duty reduction for the first five years of the agreement (January 1, 1990), at which time the President will request further advice from the USITC on how duties on these products should be eliminated.

Bromine Chemicals—As indicated above, those bromine chemicals identified as sensitive by the USITC are included in the fourth stage or "freeze" category. Other bromine chemicals fall into each of the remaining three stages. Several items where the duty is being eliminated in 1987 or which are on the GSP, are included in the first, "immediate" category.

Citrus Products—Citrus products also fall into each of the four staging categories. Orange and grapefruit juices, with trade of $9,500 are in the fourth stage; all fresh grapefruit, representing $5,600 in trade, is in the third stage; fresh lemons, limes and oranges, with trade of $1.2 million, are in the second stage and a variety of miscellaneous, low duty and GSP-eligible items such as prepared grapefruit and citrons fall in the immediate stage. The import value of these latter products from Israel is $1.5 million.

Textiles/Apparel—Textile and apparel items, which were not identified as sensitive by the USITC, fall into the first three categories of products. Forty-one (41) tariff items, representing $8.3 million in trade are in the immediate staging category. These items are generally high cost items, or are items which the United States does not produce in significant quantities. Eighty-five (85) tariff items, representing $4.6 million in trade, are included in the second stage, while the remaining, more sensitive items (100 tariff headings), covering $4.1 million in trade, will receive more gradual duty elimination over 10 years.

Gold Jewelry—All gold jewelry items identified by the USITC, valued at $44 million in 1982, are in the fourth stage, while the remaining gold jewelry items which are generally GSP-eligible (and were not identified as sensitive by the USITC) fall into the immediate stage.

Certain Horticultural Products (Other than ITC-identified): avocados—3rd stage (gradual 10 year phase out), artichokes—3rd stage, pimentos—2nd stage (by 1/1/89), peppers—1st stage (immediate).

Footwear—All but two footwear items (both rubber and non-rubber) fall in the second stage (4 year staging). Three 1982 tariff items fall in the immediate category. However, nomenclature changes from 1982 to 1985 leave only one tariff item (zoris) in this category.

Leather Products—All leather products fall in either the first or second stage.

D. Israeli Treatment of Particular Products: One of our key negotiating objectives was to assure that U.S. products no longer faced any tariff disadvantage vis a vis our major competitor in the Israeli market, the European Community. Since the European Community and Israel have a bilateral preferential agreement which provides for duty free treatment in the industrial sector by January 1, 1989, our goal was to have as many industrial products in the second stage as possible, and to assure that immediately upon entry into force of our agreement, we received a duty rate equal to that of the European Community on key products.

The following represents an abbreviated summary of the Israeli offer as it affects products of important export interest to the United States.

State 1: Immediate—This stage essentially binds at zero items on which Israel has been providing duty free treatment on a unilateral, unbound basis, which is comparable to our treatment under the Generalized System of Preferences. Products in this category include maize, millet sorghum, soya beans, unworked diamonds, worked and industrial diamonds, parts for planes and engines, radio navigational aid apparatus, certain electrical equipment and appliances and values and tubes.

State 2: Elimination by January 1, 1989—Products in this category include cigarettes, kraft paper and paperboard, yarns and fibers, heavy equipment such as cranes, conveyors and earth excavating machines, auto data processing equipment and computer parts, telegraphic and printing equipment, sound recorders, footwear and leather products, passenger cars and other motor vehicles and their parts, textiles and apparel and electric measuring apparatus and their parts.

State 3: Gradual Elimination by January 1, 1995—This category essentially includes the remaining Israeli textile and apparel items and a few chemical products and high technology products such as telephonic apparatus parts.

Stage 4: Freeze in Duty Elimination for Five Years, with Subsequent Negotiation of Duty Elimination following Receipt of Additional Advice.

This category corresponds to the U.S. list of the most sensitive items (as identified in the U.S. case by the U.S. International Trade Commission) and covers a larger number of products (but a smaller volume of trade) than does the U.S. freeze list. Among items in this category are certain horticultural products, such as garlic, olives, dates, grapes, apples and apricots, unmanufactured tobacco, certain dairy products, refrigerators and refrigeration equipment, aluminum bars and radio-navigational equipment.

V. U.S. OFFER FOR PRODUCT STAGING BY ISAC'S

	Percent	Imports from Israel
ISAC 1—Aerospace equipment:		
Stage 1	100.0	$18,101,00
Stage 2	0	0
Stage 3	0	0
Stage 4	0	0
Total	100.0	18,101,000
ISAC 2—Capital goods:		
Stage 1	82.5	51,772,000
Stage 2	16.9	10,650
Stage 3	.5	316
Stage 4	0	0
Total	100.00	62,688,000
ISAC 3—Chemicals and allied products:		
Stage 1	93.2	57,461,000
Stage 2	4.8	2,945,000
Stage 3	0	0
Stage 4	1.9	1,229.000
Total	100.0	61,635,000
ISAC 4—Consumer goods:		
Stage 1	76.9	88,937,000
Stage 2	4.9	5,668,000
Stage 3	(1)	9,000
Stage 4	18.2	21,006,000
Total	100.0	115,620,000

	Percent	Imports from Israel
ISAC 5—Electronics and instrumentation:		
Stage 1	98.5	117,071,000
Stage 2	1.5	1,751,000
Stage 3	0	0
Stage 4	0	0
Total	100.0	118,822,000
ISAC 6—Energy:		
Stage 1	100.0	75,430,000
Stage 2	0	0
Stage 3	0	0
Stage 4	0	0
Total	100	75,430,000
ISAC 7—Ferrous ores and materials:		
Stage 1	100.0	5,270,000
Stage 2	0	0
Stage 3	0	0
Stage 4	0	0
Total	100.0	5,270,000
ISAC 8—Footwear, leather, and leather products:		
Stage 1	77.7	882,000
Stage 2	22.3	253,000
Stage 3	0	0
Stage 4	0	0
Total	100.0	1,135,000
ISAC 9—Industrial and construction material and supplies:		
Stage 1	98.5	16,515,000
Stage 2	1.5	266,000
Stage 3	0	0
Stage 4	0	0
Total	100.0	16,781,000
ISAC 10—Lumber and wood products:		
Stage 1	97.1	841,000
Stage 2	2.8	25,000
Stage 3	0	0
Stage 4	0	0
Total	100.0	866,000
ISAC 12—Paper and paper products:		
Stage 1	100.0	693,000
Stage 2	0	0
Stage 3	0	0
Stage 4	0	0
Total	100.0	693,000
ISAC 15—Textiles and apparel:		
Stage 1	48.6	8,272,000
Stage 2	27.3	4,642,000
Stage 3	24.2	4,118,000
Stage 4	NA	NA
Total	100.0	17,031,000
ISAC 16—Transportation, construction, and agricultural equipment:		
Stage 1	100.0	22,566,000
Stage 2	3.4	806,000
Stage 3	(1)	5,000
Stage 4	0	0
Total	100.0	23,377,000

[1] Less than 0.01 percent.

Note.—Totals do not include stage 0 which are products already duty free and were not part of negotiations.

VI. ISRAEL OFFER FOR PRODUCT STAGING

ISRAELI STAGING FOR SELECTED PRODUCTS 1982 U.S. EXPORTS TO ISRAEL

Tariff No. and description	Trade value
Stage 1—Immediate duty-free treatment:	
1005.0000—Maize	$60,532,000
1201.5500—Soya beans	132,683,000
8406.9950—Parts for planes, engines	15,399,000
8445.9990—Machine tools	6,269,000
8521.9900—Valves, tubes, and photocells	38,708,000
Stage 2—Duty-free treatment as of Jan. 1, 1989:	
2402.1000—Cigarettes	7,730,000
4801.3090—Kraft paper, paperboard	24,004,000
6005.1090—Knit outergarments	153,000
8453.9900—Auto data-processing machines	79,475,000
8706.9900—Parts, accessories for motor vehicles	9,650,000
Stage 3—Duty-free treatment as of Jan. 1, 1995:	
5104.9190—Manmade fiber fabrics	3,132,000
5804.3000—Corduroy	1,382,000
6101.9900—Men's, boys' outerwear	1,163,000
8513.1090—Telegraphic equipment	4,182,000
8513.2090—Telephone equipment, parts	12,907,000

ISRAELI STAGING FOR SELECTED PRODUCTS 1982 U.S. EXPORTS TO ISRAEL—Continued

Tariff No. and description	Trade value
Stage 4—5-yr freeze with duty-free treatment to be determined following receipt of additional advice:	
701.4000—Olives	0,000
704.2000—Dehydrated garlic	124,000
812.0000—Dried fruit, other	84,000
8415.9910—Refrigerators, refrigeration equipment	4,864,000
8515.1000—Radiotelegraph apparatus	11,808,000

THE UNITED STATES-ISRAEL FREE-TRADE AGREEMENT

Mr. DOLE. Mr. President, today, the Chairman of the Finance Committee, Senator PACKWOOD, is making public for all Members the contents of the proposed free-trade agreement between Israel and the United States. Senator PACKWOOD is further announcing his intentions for its consideration by the Committee on Finance and the Senate. I congratulate the Chairman for his proposed procedure. While moving expeditiously to complete the Congress' work on this important matter, Senator PACKWOOD will provide ample opportunity for all Members to review the accord and to satisfy any concerns they might have.

As the original sponsor of the legislation authorizing the President to submit the agreement for expedited legislative consideration, I am especially pleased with the results of the negotiations and the schedule proposed by the Chairman of the Finance Committee for congressional review. Ambassador Brock negotiated a sound agreement. The few industries sensitive to Israeli imports will have sufficient time to adjust to the new competition; significant nontariff barriers to U.S. exports will be removed or limited; and Israel will eliminate its export subsidies. I believe the agreement exceeds all the expectations envisioned for it when President Reagan and Prime Minister Shamir committed to achieving this arrangement 1½ years ago.

Mr. President, this is a sound compact on its own terms, one that will benefit both countries economically. But its importance transcends the relatively narrow range of trade that will be bolstered when the agreement becomes fully effective. The arrangement marks a new, enduring commitment by the United States to Israel's economic—and therefore political—security. This statement by our country is especially timely now that there is renewed hope for a comprehensive solution for peace in the Middle East. I look forward to working with Senator PACKWOOD to schedule the final Senate debate and vote on this agreement. I believe the outcome will make clear Congress' continued support for an economically dynamic Israel.

RULES OF THE SENATE APPROPRIATIONS COMMITTEE

Mr. HATFIELD. Mr. President, as chairman of the Appropriations Committee, I hereby submit for printing in the CONGRESSIONAL RECORD the procedural rules of the Committee on Appropriations in accordance with the requirement of Senate rule XXVI. These are the rules the committee has operated under for several Congresses now; they have been reaffirmed by the committee.

I. *Proxies.*—

The Committee will meet at the call of the Chairman.

II. *Quorums.*—

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. *Proxies.*— Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. *Attendance of staff members at closed session.*—Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. *Broadcasting and photographing of Committee hearing.* The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. *Availability of subcommittee reports.*— When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

VII. *Points of order.*—Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.

JOAN BENOIT

Mr. COHEN. Mr. President, once every 5 years, my alma mater-Bowdoin College in Brunswick, ME—bestows a special award to that graduate or faculty member who has made a "distinctive contribution" to mankind. This past weekend that honor went to Olympic Gold Medal winner Joan

Benoit Samuelson, a 1979 graduate of Bowdoin.

It is an honor for me to join in paying tribute to the best woman marathoner ever—Joanie Benoit. When she steps onto the athletic field, she gives testimony to who and what she is. She has that special, once-in-a-lifetime talent and spirit that only true champions possess. She has that extraordinary ability to reach back for that indefinable something that, again, only true champions have. For Joanie, whatever is necessary becomes routine and whatever is impossible becomes obtainable.

As a Mainer myself, I have taken a personal pride in the achievements of Joan Benoit. She exudes those traits for which Mainers are known—a strength of character, honesty, and perseverance. She has run the endless course her own way, and she has won the ultimate race.

In spite of all the fanfare and mass publicity which inevitably follows an Olympic gold medalist, Joan Benoit has not forgotten her roots. As a matter of fact, she has made a point of acknowledging her debt to her alma mater and her home State. As she said herself on Saturday, "If Bowdoin honors me for my accomplishments, I say she is at the same time honoring herself. She showed me the gateway and I simply ran through."

At this time, I ask unanimous consent to include in the RECORD two articles on Maine's Olympic champion—a local story that ran in Maine's Portland Press Herald on Saturday and a national piece that ran in Sports Illustrated last week. Both pay tribute to one of America's real heroes—Joan Benoit.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SCHOOL HONORS BENOIT FOR "RUNNING IN CIRCLES"

(By Sara Hammond)

BRUNSWICK.—Bowdoin College bestowed its "gold medal" on Joan Benoit during a special convocation ceremony Friday.

The Bowdoin Prize is awarded once every five years to a graduate, former member of the college or faculty member "who shall have made during the period the most distinctive contribution in any field of human endeavor."

Ms. Benoit, a member of Bowdoin's class of 1979, was chosen by the award committee—including the presidents of Harvard and Yale universities and Maine Supreme Court Chief Justice Vincent McKusick—for her victory in the first-ever women's marathon at the Los Angeles Olympic Games in 1984.

In accepting the prize, which includes $10,000, Ms. Benoit said, "I have tried to analyze my accomplishments in the face of all the attention I have received in the past few years, and the conclusion which keeps popping up in my mind is that I have been doing nothing more than running in circles for everyone to see."

Ms. Benoit said she has received calls and mail from people who have said she has been an inspiration to them in times of challenge.

"We all face challenges. We are all called upon to have courage. Those of us who survive and prosper from both success and defeat are the lucky ones," she said. "But it makes me extremely uncomfortable to be given credit for the fact that somebody else has found strength. No matter how you find it, it belongs to you."

Ms. Benoit, a native of Cape Elizabeth and now a resident of Freeport, said she "dreamed of growing up to be a world-class skier," but those dreams were dashed when she broke her leg as a sophomore in high school.

"That injury started me running for strength. Soon I found I liked running more than most things I could be doing, so I ran," she said. "Running was just something I did because I liked it and I had a talent for it."

Ms. Benoit won her first Boston Marathon while a senior at Bowdoin in 1979. She won the laurel wreath again in Boston in 1983.

About her alma mater, Ms. Benoit said, "Bowdoin insists on standards. Bowdoin teaches those of us who are willing to learn to rise above ourselves and to strive for the excellence of those who have gone before us here. Bowdoin expects us to meet her standards, both personally and academically, and eventually teaches us that in the struggle the expectation is met.

"Bowdoin gave me the courage to stop trying to be like everyone else, to chart my own course, to develop my talents. Bowdoin is proud of the fact that it turns out individuals who, given the chance to find their niches, not only prosper but excel. Having declared their individuality, these people almost invariably turn around and accord their deepest loyalty to the college," she said.

A daughter, sister and wife of Bowdoin graduates, Ms. Benoit said Bowdoin provides a legacy for its graduates.

"The legacy is more than stories. It is a legacy of courage and individualism, from its beginning to now. It is a legacy of appreciation for effort, as well as success. It is a foundation from which the promise of our lives may spring," Ms. Benoit said.

"It is a great honor, it is a singular honor, to share this legacy," she said.

"My goals have been realistic, suited to my talents," she said.

"If Bowdoin honors me for my accomplishments, I say she is at the same time honoring herself. She showed me the gateway," Ms. Benoit said, and donning a Bowdoin cap similar to the one she wore during the marathon, added, "I simply ran through."

HER LIFE IS IN APPLE PIE ORDER

(By Kenny Moore)

Sit for a little while at the instrument panel in Joan Benoit's mind. It's Aug. 5, 1984, and you're nearing the end, the blessed end, of the first Olympic marathon for women. One more hard left turn brings you to the mouth of the downsloping, ivy-walled tunnel into the Los Angeles Memorial Coliseum. There, in the passageway, it's wonderfully cool and dim after two hours and 20 minutes on the hot Los Angeles roads. You'll get perhaps 80 yards of this respite from the rolling applause of the city—the crowds in the final miles have been held back by chain link fences—before you pop out into view of the roughly 77,000 people waiting in the stadium, waiting to engulf you with their adoration.

"Before going in that tunnel," recalls Benoit, "I somehow heard or sensed the crowd inside come to its feet. I thought, 'This is the dream. This is the first women's Olympic marathon. This could really change my life.' "

She knew she might be running through a passageway to more than she had bargained for. "It's still not too late," Benoit thought. "I can hide in here and not come out on the other side."

Of course she could do no such thing. A vehicle carrying a TV camera preceded her. The entire assembly was watching her progress on the Coliseum scoreboard screens. Imagine the horrified fascination of the world, and the dissection of her psyche that would have taken place, if she'd tried to duck out of this now. It was an illusion that she had any choice but to finish. But Benoit didn't want to face up to that for a bit.

First, she cast back: "I remembered marching in the opening ceremony, being stacked up behind the rest of the teams at the end of this same tunnel and wondering what my legs would feel like in the marathon if I made it this far still in the lead." Now she knew. They felt fine. She had left the field behind after three miles and now led Grete Waitz of Norway by a minute and a half. Even though she'd been running comfortably, saving something to repel a challenge—"I knew it would be a tight pack all the way. I worried about being outkicked," Benoit said later—she had it won.

The tunnel is curved. Benoit reached a point in the dirty gloom where she could see neither entrance nor exit. "In that 15 seconds, I thought of the aftermath of winning the Boston Marathon in 1979," she says. She had been an undergraduate at Bowdoin College then, a waif in a Red Sox cap finishing in the cold rain. "That was the first time, there was all the attention afterward, the commercial approaches, the foundations pursuing me, all of them worthy, but so many of them . . . I really fell apart after that."

But she'd learned from it; she'd come to understand that the life she'd enjoyed during her childhood in Maine would always be the best for her. "I handled the 1983 world record better because of that," she says. That was her 2:22:43, again at Boston, a prodigious run, nearly three minute better than the world record that had been shared by Allison Roe and Waitz.

Her impending victory in Los Angeles would underline the Boston record and certify Benoit as the best woman marathoner ever. That is, it would if she chose to come out of the tunnel. "I thought, OK; this isn't going to be a world record, but on the other hand, it will be the Olympic gold medal,' " Benoit says. "It seemed like a trade-off; one couldn't be any worse than the other. I really didn't want to change my life, but I thought I could handle this one."

So, straight with herself, she strode out into the light and the welcoming song of the nation. "I was absolutely amazed that it was over and I had had it so easy," she says. "Even the parts that I'd dreaded, were fine. In fact, the freeway was where I felt the most at ease. I was all by myself, without even any spectators. That's the thing I'll tell the grandchildren, that I ran down an L.A. freeway all alone."

And happily so, because that's the way she trains. "Ninety-five percent, anyway," she says. "No, 98 percent."

The house of Scott Samuelson and Joan Benoit Samuelson is on a point jutting out

into Casco Bay, a few miles from Freeport, Maine. The Samuelsons are dividing their time these days between a room in a friend's house, in Wellesley, Mass., where Scoot is pursuing a graduate degree in business at Babson College, and this rambling Maine farmhouse they have been restoring for two years.

"At first, people said, 'It's going to be nice someday, but where are you living now?' " says Benoit. The home is about seven-eighth nice at present, with a bracing view of frozen bay stretching to a horizon of darkly timbered islands. The Samuelsons' black Labrador, Creosote, is no puppy but a distinguished family member, trying to remain nonchalant about soon being bred. The coffee table, burdened with *The New Yorker* magazines, binoculars and bird books, is a cobbler's bench. The only trophy visible is an original bronze of a woman runner in flight, given Joan for winning the Olympic trail marathon in late May, a scant 17 days after arthroscopic knee surgery. "The sculpture was done by Roberta Gibb, who was the first woman to run Boston," Benoit says. "But it's out because it's a real work of art."

In the kitchen, a parchment invitation—an elaborate scroll—to the Reagan inauguration is held to the refrigerator door by a magnetized Mondale-Ferraro button. Benoit herself sits with a tuna sandwich, an orange and a cup of Prince of Wales tea. Her haircut is short and practical, her smile perky and wry. One easily visualizes her putting up her famous blueberry jam. She might be a model for a catalog house catering to those who favor the country life. Not L.L. Bean, however, even if that august company's store is but five miles away in downtown Freeport. For one thing, the family business, A.H. Benoit Company, a neat, four-story apparel store in Portland, once felt itself to be in competition with Bean. Now, says Joan, the latter has been overrun by yuppies, up from New York, taking on a little rustic camouflage.

Benoit is not a young urban professional. She's a Mainer, having grown up in Cape Elizabeth, just south of Portland. At 27, she's young but has never found joy in urban settings, and though her running is both her living an her exaltation, one somehow balks at calling her a professional. Running is seldom discussed in the Samuelson household. Rather, the vital concerns are reconstruction of the barn, canning, skiing, sewing, film criticism, the quality of firewood, wallpapering, local politics and how it's wasteful to eat only the claws and tail of the lobster. (Benoit relishes tomalley, the green stuff in the body, as well.) She keeps a half-bushel box of stamps she has torn from her mail. "I haven't had the time to even steam them off the envelopes. That's what I'll do when my legs really go."

She's small (5'3" and 108 pounds), bright, wishes to deflect praise and tends to employ a kind of Socratic method of explication. "See anything unusual about these jeans?" she'll say, making you move into better light to go over them in detail until you at least see that Levi's has labeled them the exclusive property of Olympic gold medalists and that they have 22-karat gold buttons and rivets.

Or, while driving, she'll say, "That baseball diamond give you an idea of what that set of buildings is?"

"A school? A prison?"

"No, L.L. Bean's warehouses. There's no sign, because they don't want anyone to know how big they are."

Benoit was in from a late-morning run of 13 miles, which was, as usual, unaccompained. "I feel when I'm running with someone else I have to keep up my end of the conversation," she says. "But that takes away from my concentration on my running. If people are right in saying you're running too hard if you can't carry on a conversation, then I'm running too hard 90 percent of the time."

Few can do much jabbering at Benoit's training pace. "She's testing you," Bob Sevene, her Athletics West coach, says. "If you keep up, the pace quickens again, notch after notch. Sometimes she doesn't even know she's doing it."

Before her best races, Benoit has done three months or so of 110-mile weeks, running twice a day, the hardest workouts being loops of 16 and 20 miles, and having a weekly track session. It's now seven months since her Olympic victory, but only recently has she logged a training week to match those that led up to it. The reason, in part, is that she was wrong about being able to prevent Olympic renown from altering her life. In part, it's because she rearranged it a little herself.

"Right after the race, things weren't so bad," she says. "I ran a half-marathon in Philadelphia [in which she lowered her world best to 1:08:34], there was a parade in Portland, I was honored by the Maine Sports Hall of Fame and Freeport had a day. But people were understanding. They waited to have most of that kind of thing until after the wedding."

This was a real wedding, elaborate and exciting and right. It took place on Sept. 29 and ended with Scott and Joan sailing away from the cheering party in a boat Scott had built for her as a 26th birthday present.

Joan met Scott when she was a sophomore at Bowdoin in 1977. "I was talking to someone else at a rush party," she says, "and saw this tall, blue-eyed guy across the room and stopped my talking just to look. That was *that*."

The 6'3" Samuelson, who from certain angles bears a resemblance to Christopher Reeve, was funny, informal, a pole vaulter—"Good enough to maybe throw my pole up to the Olympic qualifying standard," he says—and a Nordic combined skier, which of course required that he ski jump. He's alleged by Benoit to be a daredevil. "He tried to use the windsurfing sail to get him up to 40 miles an hour on cross-country skis," she says. "It didn't work."

"Not crazy," Scott says in rejoinder. "Just curious."

It took a while for this match to jell. "I went off to North Carolina State for a year and a half to train with Mary and Julie Shea," says Benoit, "and I took it upon myself to begin writing to him from there, and he answered, and when I came back, well, that was *that*."

After Samuelson graduated, he began working on a stake for a trip to his ancestral Sweden. "He cooked chili dogs on Keystone Mountain," says Benoit in mock impatience, "he was a bouncer at a Jack-in-the-Box in San Diego, he fished in Alaska. I thought, 'Hey, he's never going to get to Sweden.' So we got back together, and that was *that*."

"Wait a minute," the Samuelsons' guest says. "There are three that-was-thats in that story."

"I know. I guess the main one was the second one, when I came back to Bowdoin from N.C. State. That was when we really knew. He hasn't made it to Sweden yet, either."

There can be no greater domestic tranquillity than that which prevails during a quiet evening at the Samuelsons. Dinner had been steamed clams and Joan's stuffed sole with a bottle of Beaujolais Nouveau. She ran the first bottle of the wine across Manhattan during a promotion last November. (The recompense: a trip to France on the Concorde for her parents.) Scott contributed a great, high apple pie. Now he massages her feet with baby oil while they watch a videotape of The Big Chill. In the film, when the deceased Alex is described by the minister as "a brilliant student, having passed through a seemingly random series of occupations," Benoit turns her face to Scott, says, "Remind you of anyone you know?" and drifts off to sleep.

Such an evening is precious for its rarity. There weren't many in the hectic time after the Samuelsons returned from a three-day Bermuda honeymoon. "I can't tell you what I did in those days," Benoit has said. For one thing, she accepted a series of invitations to appear for charities. "I do MS whenever possible, and the Special Olympics, and the Big Sisters of Boston and. . . ."

"I could shoot her for that," says Boston-based lawyer Ed Whittemore, whose job it is to handle Benoit's business affairs. But there is something in those cool blue Benoit eyes that would keep him from pulling the trigger. She knows what is important. Perspective shall be kept, and charity work is part of that. So is serving on a committee to choose a new athletic facility for Bowdoin. And even as she has been run ragged by public demands, she has worked to keep in touch with old friends. "Friendships take precedence over the obligations of being well known," she says. "When I explain that to promoters, race directors and fundraisers, most seem to understand. Of course it seems that the things I really don't want to do are the ones that have the really persistent people."

Case in point, or, well, a case that illustrates a lot of points, about Benoit and about the state running has got itself into: America's Marathon in Chicago last October. "All year I had been telling both Chicago and New York [which fall a week apart and so are at each other's throats for top runners] that I probably wouldn't race a fall marathon," says Benoit. "The trials and Olympics were an ordeal, and the one time I'd tried to run three marathons in a year [1981], the last one was a disaster, something like a 2:39. So I said I'd see how the training went and wait until the last minute to decide."

Chicago race director Bob Bright, with a lucrative CBS-TV contract in the balance, kept assuring people that Benoit would run—indeed, the week before the race CBS advertised that she would—all the while seeking to secure her presence by sweetening the pot. Bright says Chicago's best offer was $50,000, but at least one authoritative source says it eventually reached $250,000. Benoit, who says she doesn't know how high the offer got, turned it down. "I just wasn't ready to run," she says.

But a six-digit check is some compensation, even for a bad race.

"I wasn't ready to do that to myself," Benoit says. "I couldn't have lived with myself later. Then or later."

In similar fashion she has been highly selective in the endorsement contracts she has signed. "With Joan, the roads come first, then business," says Whittemore, who, in accepting this, reaches a new and refreshing

level of agentry. "She has turned down five or six offers that would net her large amounts from companies because they would take too much time, or she doesn't use the product, or she can't even endorse the use of the product. One, I'm sure, was never refused before."

So she has agreements to represent Nike shoes, Maine Savings Bank and Dole fruits and juices, and is negotiating one that would make her an ambassador for the state of Maine.

She's been representative of Maine independence all her life. When she and Bill Rodgers lunched with the Jimmy Carters at the White House after the 1979 Boston Marathon, Rosalynn Carter happened to ask Benoit how she felt about nuclear power. "I told her," says Benoit. "She soon found out that wasn't lunch table conversation."

And try as she might, there have been some invitations you can't refuse. *Ms.* magazine voted her one of its women of the year, which called for a banquet. Joan and Scott decided to skip it. "Then they called and told me who some of the other women were—Geraldine Ferraro and Cyndi Lauper—and they were going to be there." Still, Benoit felt in need of a restful evening at home. "Then they called again to say that Peter Ueberroth would be happy to accept for me. I said, 'Scott, we better go to New York. If he can make the effort to get there, I can.' The point is, I haven't been a recluse. I haven't done everything there is to do, but I've done a lot."

Too much, by at least one banquet. Taking a bite of her salad as it was being whisked away from her at the dinner following HBO's telecast honoring the Sports Illustrated Sportsman and Sportswoman of the Year, Benoit felt a horribly familiar flush spreading across her throat.

"Are there muscles in that salad?" she cried.

"There assuredly are," was the reply.

"Oh, God." She has a strong allergy to only one seafood, mussels. She and Scott spent the remainder of the evening in the emergency room of St. Luke's-Roosevelt Hospital in Manhattan.

The silver Samuelson Volvo is sort of speckled on the inside from when Benoit rolled down the window to thank a guy who let her into his car wash for free and the soap sprayed in. She's heading into Freeport for the mail and on to Portland for fresh fish. She drives carefully at first. "I can't afford another speeding ticket," she says, "but it might be best if I did get one and had my license taken away." This doesn't mean that she considers herself a menace, just that she'd be happy to follow a simpler routine.

In these Maine towns many people call to her. She calls back with questions about schools, babies, dogs, boats and recipes. It dawns on the observer that she's no more famous here than she ever was. She collects 20 or so letters from her post office box and puts them on the dashboard defroster vent of the Volvo. At once the windshield steams up. She drives on, reading letters at stoplights.

She was doing this on Christmas Day when she opened a letter from a woman who said that Joan had been rude to her and her daughter in the Cook's Corner Stationery Store in Brunswick on Sept. 26, 1984. "You looked downward, mumbled an undecipherable syllable and left the store," wrote the woman. "We are trying to ignore the myth of unfriendly Mainers, in this case and point it is no longer myth."

"I was so upset at getting that," says Benoit. "It was two days before the wedding and I had a long list of errands. I was getting wrapping paper for the bridesmaids' gifts, it was 4:30 and there was a crowd of women around the register, all whispering. Finally someone said, 'Are you Joan Benoit?' I said that I was, and hurried on to the next stop."

Benoit is not perfect, but she calls to mind what connoisseurs say of beer or sex. At her worst, she's wonderful. Scott once tried to discover the very worst thing Joan had ever done. "There didn't seem to be much," he says, "besides losing her hamster in the woodpile."

It is a sunny Saturday and Joan's parents, Nancy and André, visit. André was with the Tenth Mountain Division in World War II and has arrived wearing a pair of 50-year-old herringbone tweed knickers. "I've come to ski," he says. This you can do from the Samuelsons' door. Benoit, though she has just run and eaten, hops onto her own skis, and father and daughter glide across the yard and into the woods, attended by the bounding black silhouette of Creosote.

Nancy is spare, direct and has her daughter's blue-gray gaze. She has come to pick up an outboard motor, inspect the lastest work on the house, which André believes is progressing far too slowly, and to sit in the window seat and read and perhaps be drawn into some conversation about her daughter.

André, as Joan would, studied at Bowdoin, but Nancy, a native of Newton, Mass, went south to the College of William and Mary in Virginia. "But I grew up in the summers in Maine all my life," she says quickly. She seems representative of the community and continuity of the Maine that Joan loves, the Maine that honors the willful individual.

Of Joan's ability to almost hide her competitive nature in daily society, Nancy says, "Well, that's the way it should be, don't you think? Who wants to talk business all the time, if you know what I mean." She wasn't a pushy parent. Not at all. It has been hard for her to come to terms with the extremity of fatigue that Joan endures. "We believed that it was best the children [Joan has three brothers] not be forced, only exposed to things," she says. "After that, it was up to them to decide how to spend their energies." Nancy can't really fault herself if Joan, once exposed to running, went to the limit with it.

After an hour, Joan and André arrive back. "Wore me out," they say in unison, pointing at each other. The parents have to rush off. "Invite us back when the house is all done," says André. "All done and picked up, sweetie."

Later, Benoit will go out for another light run, of six miles. That will make 18 for the day, plus a hard cross-country ski.

But cross-country isn't enough for her. Swift downhill skiing was her first sport. It was in rehabilitating a leg broken while skiing in high school that she discovered her talent for running. So the next morning, after a run and a fast breakfast, she and Scott chase their visitor into the Volvo and head out for the hour-and-a-half drive west to Sunday River, a downhill area on the New Hampshire border.

Scott crouches in the backseat, writing a paper on labor relations. Joan drives and narrates the passing scene, which consists of quaint towns, birch and maple hillsides and ice fishermen on white lakes. These lakes are different, more benign, than the ocean out the front window of her home. Benoit has a clear sense of the sea. "It's always there," she says. "Even if it's frozen, you respect it. Yesterday my dad went right out on the ice near Wolf Neck. I said, 'Uh, not me.' "

Talk turns to goals. What can she have left to attain after a world record and Olympic gold?

"Two-twenty," she says. A noble barrier. The first man to break it was Great Britain's Jim Peters in 1953. It is a 5:20-per-mile pace.

"But if I get it," she continues, "it will probably be in 1986, not this year. I want to do only one marathon in 1985." Precisely which one is a question. She'll train, reach racing fitness and then look around, in the same way that you try not to promise jars of jam to friends until you've picked the berries.

This is because of her still-hectic schedule and her still-vulnerable legs. In addition to last spring's thoroughly chronicled surgery, in 1981 she had operations on both Achilles tendons. That famous right knee isn't entirely well, either. "In the fall I ran off the road to chase a rabbit and while I was jumping a stream, it locked," says Benoit, who was terrified. "I was lucky a neighbor knew that if I wasn't running I was in trouble and picked me up." She recovered without surgery, but the experience shows the edge she is always near. Dr. Stan James, the surgeon who repaired Benoit's knee in May, took a good look around in there with his arthroscope and told Sevene that in addition to the intruding band of collagen fibers he snipped away, the wear he observed on the underside of the patella made Benoit's a "limited mileage knee."

Benoit has been driving behind a rather slow car for a few miles. Finally she says, "This guy is just puttering!"

Scott looks up at the note of irritation in her voice. "Joan, slow down or pass him," he says, "but don't tailgate."

"Scott, it's so sad to see this person just creep."

"Well," he says, "if you're going to follow so close, I sure can't study." He closes his books and reaches to rub Benoit's shoulders.

They reach the Sunday River Lodge and race for the lift. For four hours they describe voluptuous curves down the velvety hill. Late in the afternoon, the powder rises behind their skis in rosy, back-lit incandescence. When Joan comes into the lodge, her eyes, her mother's eyes, are as vacant as after a hard race. She's so cold and tired that Scott has to break her ski boots from her ankles.

Yet she revives quickly and insists on driving at least part way home, so that Scott can continue to study. The car is soon filled with the warm ache and wet wool atmosphere of all rides back from skiing. The clouds are pink breath on a blue-gray sky. Benoit has another Joan, Baez, on the tape deck, singing, "You suffered sweeter for me than anyone I've ever known."

"When we skied as kids, we each got a quarter," says Benoit. "And for that 25 cents you could get a pack of gum, a Coke, a sugar-glazed doughnut and a candy bar. That was when I was about six." She's in happy reverie. "See, we never got an allowance growing up, because our bus stop was at a candy store."

There was discipline in the Benoit household then. "Yes, for some reason we were allowed to have sweets and sodas while skiing, but when we came home from the hill there would always be two sodas left from the six-pack, and woe to anyone in the house re-

sponsible if those sodas weren't still there the next weekend."

Yet she wishes not to give an image of harshness. "My parents never would have grounded us, though. What a perfect word, grounded!" She growls it out. "My friends were always saying, 'Ah, I got grounded.' "

Darkness has fallen. Scott takes over the wheel. Joan keeps musing about what her parents found most vital. "One thing that they simply didn't permit was skiing out of control," she says. "But they wouldn't have grounded us for it." She's silly about that word, intoxicated by it. And then she realized they are lost.

Scott has penetrated a maze of little country roads. There are no signs. He gets directions for Freeport at a gas station while Joan shields her face in the backseat. The directions don't seem to fit the roads they find. Scott goes along on dead reckoning for a while. Joan frets at being lost in Maine, of all places. Then Scott predicts that there will be a country store at the next intersection, and there it is, the Pownal Variety Store. "Joanie," he says, "you've run out here."

Soon they are home, and later, after lobsters, they watch—at the visitor's urging—a tape of Olympic highlights. The scenes come back to bright, pastel life. Vivid, yet suddenly seeming long ago. And there's Benoit, emerging from her tunnel of second thoughts, finishing fresh. On the victory stand, hand over her heart, she smiles a fetching, brave smile and gives a good wink. "After watching some of the guys who had won," she says, "I was determined not to cry. But I sure blinked a lot."

As does the visitor. The moment seems to embody her capable, sweet toughness. She's a lesson to all people of success. It's not victory that she celebrates but being unharmed by victory. Sure she has been grounded. Superbly grounded.

CONGRATULATIONS TO SENATOR BYRD

Mr. DOLE. Mr. President, I apologize to the distinguished minority leader for delaying very important action.

Let me say before yielding to the distinguished minority leader that today, March 5, 1985, is a significant day in the life of the Democratic leader in that he has now served the State of West Virginia and the Senate longer than any other Senator in the history of that illustrious State. Senator BYRD came to the Senate on January 3, 1959, and has served continuously since that date. He is, of course, the senior Senator from West Virginia—senior indeed to most Senators serving in the Senate—and it is a great pleasure to bring to the Senate's attention this landmark.

Mr. President, I yield to my distinguished colleague.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his kind words. I also thank him and the distinguished President pro tempore [Mr. THURMOND] for their thoughtfulness and kindness in bringing to the Democratic conference earlier today a beautiful cake with some very charitable words written thereon. I was touched and surprised and very appreciative.

I thank the distinguished majority leader again for his kind words that he has just stated here. I hope he can be around the Senate—although I do not wish on him the burden of being majority leader—when I celebrate my next 26 years and 61 days of Senate service.

Mr. DOLE. I hope we are both somewhere, Mr. President.

Mr. LUGAR. Mr. President, I ask to be included with our distinguished majority leader in congratulating the distinguished minority leader for a remarkable period of service to West Virginia in the Senate.

Mr. BYRD. I thank the distinguished Senator.

MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. BYRD. Mr. President, I send to the desk a resolution and ask for its consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 87) making minority party appointments to Senate committees in paragraph 3 (a), (b), and (c) of Rule XXV.

The Senate proceeded to the consideration of the resolution.

Mr. BYRD. Mr. President, Mr. DOLE, the distinguished majority leader, is aware of the assignments that were made by the minority steering committee and there is no need for any further statement on my part.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 87) was agreed to as follows:

S. RES. 87

Resolved, That the following shall constitute the minority party's membership on the committees named in paragraph 3(a), (b), and (c) of Rule XXV for the 99th Congress, or until their successors are appointed:

Committee on the Budget: Mr. Chiles, Mr. Hollings, Mr. Johnston, Mr. Sasser, Mr. Hart, Mr. Metzenbaum, Mr. Riegle, Mr. Moynihan, Mr. Exon, and Mr. Lautenberg.

Committee on Rules and Administration: Mr. Ford, Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. DeConcini, Mr. Simon, and Mr. Gore.

Committee on Small Business: Mr. Bumpers, Mr. Nunn, Mr. Sasser, Mr. Baucus, Mr. Levin, Mr. Dixon, Mr. Boren, Mr. Harkin, and Mr. Kerry.

Committee on Veterans' Affairs: Mr. Cranston, Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, and Mr. Rockefeller.

Select Committee on Ethics: Mr. Heflin, Mr. Pryor, and Mr. Eagleton.

Select Committee on Indian Affairs: Mr. Melcher, Mr. Inouye, Mr. DeConcini, and Mr. Burdick.

Special Committee on Aging: Mr. Glenn, Mr. Chiles, Mr. Melcher, Mr. Pryor, Mr. Bradley, Mr. Burdick, Mr. Dodd, Mr. Johnston, and Mr. Bingaman.

Joint Economic Committee: Mr. Bentsen, Mr. Proxmire, Mr. Kennedy, and Mr. Sarbanes.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF PARAGRAPH 3(a) AND (c) RULE XXV

Mr. DOLE. Mr. President, I send to the desk a resolution which merely sets the ratios on these committee assignments.

The PRESIDING OFFICER (Mr. SYMMS). If there is no objection, the resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 88) amending paragraph 3(a) and (c) of Rule XXV.

There being no objection, the resolution was considered and agreed to as follows:

S. RES. 88

Resolved, That paragraph 3(a) of Rule XXV of the Standing Rules of the Senate is amended for the 99th Congress as follows:

Strike "12" after "Rules and Administration" and insert in lieu thereof "15".

SEC. 2. Paragraph 3(c) of Rule XXV of the Standing Rules of the Senate is amended for the 99th Congress as follows:

Strike "7" after "Indian Affairs" and insert in lieu thereof "9".

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, at a later time this afternoon, I shall have additional committee assignments and I shall clear those with the distinguished minority leader. They will be naming Republicans to various B and C committees.

EXECUTIVE SESSION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations of the Department of State.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, if the distinguished Senator would allow me just a moment.

Mr. LUGAR. I withdraw my motion.

Mr. BYRD. Mr. President, I apologize to the distinguished acting Republican leader, the chairman of the Committee on Foreign Relations [Mr. LUGAR]. Those nominations had been cleared, and I knew about it, but I just did not hear the full question. That is about the only explanation I have. I am sorry.

Mr. LUGAR. I thank the distinguished minority leader.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nominations of Max M. Kampelman, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the U.S. Office for Arms Reduction Negotiations in Geneva; John Goodwin Tower, of Texas, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Strategic Nuclear Arms; and Maynard W. Glitman, of Vermont, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Intermediate Range Nuclear Arms.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the Senate Committee on Foreign Relations heard from these nominees in open session on Tuesday, February 26 of this year. At a committee business meeting on Thursday, February 28 of this year, the committee voted in favor of the nominees unanimously, 17 to zero. That consideration reflects the confidence that all members of the committee have in these distinguished public servants. They bring to their tasks in Geneva extraordinary skills. They have the confidence of both sides of the aisle; and, in my judgment, all thoughtful Americans will look forward to the success of the talks in Geneva which will commence on March 12.

It is a distinct honor to bring their nominations before this body, and I hope they will receive a strong vote in the Senate today.

Mr. SIMPSON. Mr. President, I rise in support of the three nominations the Senate has before it for those who are to participate in the arms control negotiations which are to begin in Geneva on March 12. Max Kampelman has been nominated to be the chief negotiator and to oversee crucial talks on space and other defense weapons. Max Kampelman began his career here in Washington as legislative counsel to the late Senator Hubert Humphrey and has been a partner with the law firm of Fried, Frank, Harris, Shriver & Kampelman since 1956. Most recently, Mr. Kampelman has earned the respect of my colleagues on both sides of the aisle in his dealings with the Soviets when he headed the U.S. delegation to the Madrid Conference on Security and Cooperation from 1980 to 1983.

Maynard Glitman, an Ambassador and experienced arms negotiator, has been nominated to lead the sessions with the Soviets on intermediate range and nuclear weapons. Maynard Glitman has a remarkable record as a distinguished Foreign Service officer who has served the United States on the National Security Council, at the United Nations, in Canada, in France, as the permanent representative to NATO, at the international nuclear forces negotiations and at the Arms Control and Disarmament Agency to name but a few.

And, of course, what more can one say about John Tower? We are honored to have one of our most highly respected former colleagues in the Senate as the nominee for negotiations on strategic nuclear arms. John Tower has had a stunning and stellar career in the U.S. Senate. As former chairman of the Armed Services Committee, John will have the benefit of intimate knowledge of the weapons systems and strategies he will be discussing with the Soviets in Geneva. John has proven himself time and time again to be hard working, energetic and so extremely capable in dealing with the complex issues he will be facing in Geneva. He will do it all beautifully.

I believe that the United States has undertaken an important effort to establish a more stable and constructive long-term relationship with the Soviet Union. An integral part of that relationship is a renewed bilateral dialog on nuclear arms control issues.

I am encouraged by the willingness of both nations to undertake what will be a complex of questions concerning space and nuclear arms—both strategic and intermediate range. The three areas are of course interrelated but certainly if we can begin to make progress in even one or two of these areas then surely other negotiations will be soon to follow.

I believe we have a very strong, capable and well balanced group of nominees before us, and I urge my colleagues to join me in fully supporting these nominations.

Mr. PELL. Mr. President, I rise to support the three nominees to be arms control negotiators in Geneva. Ambassadors Kampelman and Glitman have distinguished records of service and achievement. Our esteemed former colleague, Senator Tower, was a master of his responsibilities in the Senate.

Under the able leadership of the chairman, we had a chance to talk with and exchange ideas with these three nominees. They seem qualified and reasonably well informed. In addition, we had the chance to go over their papers and personal files in the committee.

If confirmed, these nominees will play key roles in determining whether there is to be any arms control success by the administration in the next 4 years. We must not underestimate the importance of the task our negotiators will face. If they can succeed in forging strong, solid, arms control agreements, they will deserve the heartfelt appreciation of the Congress and of all Americans. We owe them nothing less than our strong endorsement now.

I expect that these negotiators will insist that any new agreements meet tough standards. I would agree that we must be very careful. After all, our national security—perhaps, our national survival—is at stake. However we must understand that our defense programs and arms control can go together to form a strong national security fabric. With only arms control and weak defenses, we could be helpless before our adversaries, and they are, indeed, strong and unrelenting. Without arms control and with only defense programs, we will spend our national treasure with no certainty that we will increase our national security one jot.

We now face a new opportunity—and possibly the last—for nuclear arms control. The stage has been set for success in the Geneva talks if the two sides want that success. We and our allies have proved that we will go ahead with missile deployments in Europe absent an agreement. We have proved in two administrations that there is a consensus for strong defense. The Soviets profess themselves now willing to seek agreement. It is a chance waiting to be seized by the two sides.

I am sure that Senators have different perspectives on what can and should be achieved. I believe, however, that agreements can be forged which are seen as clearly in our national interest. For that to happen, the administration and the Soviets must be prepared to compromise. The two sides may find it necessary to give ground on matters which one side or the other now considers nonnegotiable. For that to happen, the leaders of the two sides will have to take a direct and personal interest in the negotiations and insist that their senior officials and the negotiatiors explore every opportunity. If that approach is taken, I have no doubt that success will be within grasp.

What we are trying to do here is to send our negotiators to Geneva in as good a position as we can, as quickly as we can. It is as if both sides are playing chess. Each side is looking for what one side considers a queen and the other a pawn, and then perhaps we can make some good exchanges. Until that time comes, there may be a great deal of talk and palaver. We wish them well.

I look forward to being at the launching in Geneva next week, and I hope to be able to help at the landing.

Mr. President, I hope that we and the Soviets are sufficiently wise and foresighted now to put our antagonisms and suspicions into perspective. We do not need to be friends with the Soviets in order to recognize the clear imperative to restore stability to our relationship and to reduce the terrible threat of nuclear war. We owe nothing less to our children and grandchildren them to create for them a world in which they can grow and prosper without fear of nuclear catastrophe.

NOMINATION OF JOHN GOODWIN TOWER TO THE RANK OF AMBASSADOR

Mr. BENTSEN. Mr. President, I am pleased this afternoon to speak on behalf of the nomination of John Goodwin Tower to serve at the rank of Ambassador during his tenure as U.S. negotiator on strategic nuclear arms. There is no issue facing us today that is of greater importance than is nuclear arms control, and John Tower demonstrated during almost two and a half decades of service in the U.S. Senate that he is one of this Nation's leading authorities on our strategic nuclear weapons systems and the role that they play in our overall national defense policy.

John Tower takes to the negotiations in Geneva a strong combination of technical expertise, political awareness, and a determination that the United States must enter into no agreement that would leave us in a position of weakness or strategic vulnerability. The President made a wise choice in naming John Tower as one of the U.S. arms negotiators in Geneva. He is the right person to have in this sensitive position as we begin these negotiations with the Soviets.

John Tower entered the U.S. Senate in 1961, occupying a seat that had been filled in the past by such legends as Sam Houston and Lyndon Johnson. I believe it is safe to say that few people would have placed much of a bet on the chances that he would be reelected to the U.S. Senate for three additional terms. He proved the skeptics wrong, though, and Texans will long remember the many years of distinguished service rendered their State and Nation by the man from Wichita Falls.

When John Tower announced that he would retire at the end of his fourth term in the Senate, many of us knew that he could not possibly be ending his public career. We were not sure just what his next move would be, but we knew that he was too much of an activist and too young a man to quietly fade into the background. I am pleased at his latest assignment on behalf of this country of ours, and I congratulate the President on this wise and appropriate appointment.

Throughout his four terms in the Senate, John Tower showed by word and deed his deep and abiding commitment to the proposition that this country must have a national defense that is second to none. His support of military preparedness was a consistent principle in his distinguished career, and he showed quite early that he understands the nuances of the power relationships between the two strongest nations on earth. During his tenure as chairman of the Armed Services Committee, John Tower became known as one of this body's most respected experts on military affairs, and I am pleased that he will be able to use his knowledge in the negotiations with the Soviet Union.

It is entirely fitting and historically appropriate that John Tower be given the rank of Ambassador as he represents us in Geneva. Indeed, ambassadorial rank has traditionally be given to those who negotiated important treaties for us, beginning in the days of our Revolutionary War, over 200 years ago. When Benjamin Franklin went to Paris in 1781 to serve as one of the negotiators on the treaty that brought an end to the war and secured our independence from Great Britain, he was given the rank of ambassador.

I suggest to you today that the arms reduction talks that will begin in Geneva this next week could be of similar importance in beginning the process of securing for this country its independence from the specter of nuclear war. I am certainly not naive about our chances for success in Geneva, but I believe that having John Tower there as one of the negotiators will give the talks a credibility that has been sadly lacking in some of our other negotiating rounds.

It is a fitting tribute that our former colleague, John Goodwin Tower, be honored with the rank of ambassador. I support wholeheartedly this nomination, and I urge the Senate's fullest support of it.

Mr. DOLE. Mr. President, I want to add my voice to those commending the nominations of Max Kampleman, John Tower, and Mike Glitman as U.S. negotiators in the upcoming arms control talks with the Soviet Union.

Each of these men will bring to the talks a deep commitment to the importance of the arms control process, a broad knowledge of the substantive issues involved, and a long experience dealing with the Soviet Union and with Soviet negotiators.

Max Kampelman will be overall head of the U.S. delegation. He brings to the job a record of public service and a portfolio of professional qualifications which need no embellishment. I would take special note, though, of his recent and intense experience dealing with the Soviets in the CSCE process. As Cochairman of the Helsinki Commission, I have had a special chance to observe his skills and accomplishments in that forum. He is a forceful and effective negotiator, but he is also a man who knows how to work tirelessly and dispassionately for concrete, achievable goals. If there is common ground to be found with the Russians on arms control, Max Kampelman is just the man to find it.

All of us in this Chamber, of course, have a special respect and affection for the second member of our negotiating team, former Senator John Tower. Senator Tower was one of the most effective chairmen of the Senate's Armed Services Committee, and in that capacity he made a major contribution to our Nation's security. Deeply involved in the START process since its inception, John Tower is also already a part of the arms control history of our country. John Tower was a great Senator. There is no question he is going to be a great negotiator.

Mike Glitman is the third member of the team. A career foreign service officer, Ambassador Glitman possesses a deep, working understanding of American foreign policy goals and programs. He is an expert on the Soviet Union and an experienced hand dealing with the Russians. As deputy to Paul Nitze in recent years, he has also been involved in all the major aspects of our strategic arms control effort. He is uniquely qualified to serve the President and the country in his new capacity.

In discussing arms control issues, we hear a great deal of talk about our strategic triad. In the team of Max Kampelman, John Tower, and Mike Glitman, we have a new triad—a leadership triad whose experience and skills make them equal to the challenging tasks which they confront.

These men deserve our unanimous vote to confirm their nominations. Even more important, they deserve our unqualified support as they accept the heavy burdens of responsibility that the President and the Nation entrust to them.

Mr. WARNER. Mr. President, I rise to speak on behalf of my distinguished former colleague, Senator John Tower of Texas. It was my privilege to serve with Senator Tower as a member of the Armed Services Committee while he was chairman and in years prior when he was the ranking minority member. Before joining him in the Senate, I worked with him when I was Secretary of the Navy.

Based upon this extensive professional relationship, I wish to commend the President for selecting such an eminently qualified person to serve as one of the negotiators. He will represent America, our allies, and all freedom-seeking peoples in an exemplary manner.

The hallmark of Mr. Tower in the field of national security was prepara-

tion. He drew upon a vast knowledge of history—political, cultural, and military. He drew upon the best teacher—experience. He was respected and trusted by his Senate colleagues, an attribute that will be indispensible should, hopefully, the negotiations and Presidential decision call upon the Senate to perform its constitutional role.

We are fortunate that, so soon following his return to private life, Senator Tower and his wife have made another commitment to public service. Recognizing the importance of his mission, a goal for a more peaceful world, it is my hope that history will one day record this service as Senator Tower's most significant contribution, among many, to this welfare of mankind.

Mr. SPECTER. Mr. President, I am expressing today my support of the nomination of Max Kampelman to head our arms control delegation and act as chief negotiator on the space talks.

When the talks begin, they will be in good hands with Max Kampelman at the helm. Along with the expertise he developed in nearly 400 hours of discussions with the Soviets following up on the Helsinki agreements of 1975, Mr. Kampelman brings the kind of balanced approach to these talks that is essential to any successful outcome. Max Kampelman describes himself as "in many ways a pacifist." Yet, he goes into the Geneva discussions with no illusions about the Soviets and fully aware that the process of arms control is often a long and arduous one. He has said:

If you want to negotiate with the Soviets you have to be prepared to stay one day longer than they.

In 1982 and 1983 I visited the arms talks in Geneva. While only the official participants from each side may be present at the formal negotiations, I was able to attend briefing sessions before and after the talks and to meet informally with Soviet negotiators as well as Ambassador Rowney, Ambassador Nitze, and Ambassador Ellis who were stationed in Geneva.

I came away from those visits with a better understanding of the tremendous difficulty of negotiating with the Soviets, but no less certain that negotiations were absolutely vital. It was after these visits that I reintroduced a sense of the Senate resolution calling for an immediate summit between President Reagan and the Soviet leader. I have reintroduced this resolution three times. It has passed overwhelmingly each time.

In an article published in a recent bulletin of the Anti-Defamation League of B'nai B'rith, Mr. Kampelman said the Soviet Union "is a threat to our values and our security. But we share the same globe. We must learn to live together. We cannot blow the Soviet Union away without blowing ourselves away with it."

There is no such thing as nuclear superiority in the Soviet-United States reality. Both nations are inferior because each can be destroyed by the other—and ultimately all are threatened.

The only strength that can have meaning in the upcoming arms control negotiations is the strength that comes from sound leadership and a clear sense of national purpose.

I am optimistic that Max Kampelman will bring that strength with him to Geneva. As a lifelong Democrat chosen to represent a Republican administration, Mr. Kampelman is a reminder that partisan politics can play no role in the nuclear drama. I believe this intelligent, thoughtful, and dedicated man will leave Washington with strong support from a public that is more educated and more aware of the complex issues at stake than ever before and with a clear mandate from a President sincerely committed to easing the threat of nuclear devastation.

I am happy to join my colleagues in supporting the nomination of Max Kampelman.

FORMER SENATOR TOWER'S NEGOTIATING ROLE IN THE GENEVA TALKS ON ARMS CONTROL

Mr. WILSON. Mr. President, I rise for the purpose of adding a small note of confidence in the proceedings facing the Senate. We have the opportunity, and it is a serious privilege, for us to confirm the appointment of those who have been asked to serve as negotiators in the upcoming meetings in Geneva. One of those, of course, is our own dear former colleague, Senator Tower, who has been charged with the responsibility for conducting the American side of the talks when we resume the strategic arms negotiations.

Mr. President, for those of us who have been privileged to serve with John Tower and to observe his leadership as the chairman of the Senate Armed Services Committee, his appointment was one that filled us with confidence, and filled us with hope as to the progress that could be achieved in these all-important discussions.

His skill as a negotiator, his knowledge of the subject, and his very serious belief in achieving the kinds of arms control that can lead to realistic hopes for a lasting peace qualify him superbly to perform the role that he has been appointed to in Geneva. I say that with him go the hopes as well as the good wishes, not just of those who have had the privilege of knowing and working with him, but of those who are serious about arms control.

Mr. President, I would say that I think we have been well served by this gallant Texan, and I look forward to his being able to add still another chapter to his long and illustrious career of dedicated public service. It is ironic in respect of the preoccupation of his being the security of the United States that in the new role he is given a new opportunity, a rare opportunity, and one that may very well achieve, assuming its success, the realization of the hopes that have motivated him through the many long years and arduous efforts he has made to keep America secure.

Mr. LUGAR. Mr. President, I know of no other Senators who wish to speak.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr. LUGAR. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER (Mr. WALLOP). Without objection, it is so ordered.

NEW GRAZING AND HAYING PROVISIONS

Mr. DOLE. Mr. President, just a few moments ago, the distinguished Secretary of Agriculture, together with the distinguished Senator from Oklahoma [Mr. NICKLES], the Senator from Texas [Mr. GRAMM], the Senators from South Dakota [Mr. ABDNOR and Mr. PRESSLER], this Senator, and Mr. Alan Ott, a member of the staff of my colleague from Kansas, who could not be present, had a press conference in which the Secretary announced a new Reagan administration policy on haying and grazing provisions.

I think it is a welcome improvement to the 1985 commodity programs.

Under the 1985 programs for wheat, feed grains, cotton, and rice, producers who participate by idling land under the Acreage Reduction Program [ARP] are not allowed to graze this acreage during the 6 principal growing months. They are also prohibited from harvesting any crop for hay or forage.

The Secretary's announcement will allow participating producers to graze and hay their ARP acreage this year. The grazing provision allows a producer to have livestock other than his own graze his land. Under the haying provision, a producer may sell his harvested hay, but only at the cost of harvesting, so as not to interfere with commercial hay producers who are in that business.

The announcement provides for State designation of eligible counties based on their shortage of forage. This provision has been included in previous haying and grazing programs.

The Acreage Reduction Program requirements, by crop, are as follows: Wheat, 20 percent—program includes 10-percent paid diversion; cotton, 20 percent—program includes 10-percent paid diversion; rice, 20 percent—program includes 10-percent paid diversion; corn, 10 percent.

Mr. President, I ask unanimous consent to have a press release on this announcement issued by the Secretary of Agriculture, dated March 5, 1985, printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

USDA PERMITS HAYING, GRAZING, OF 1985 ACREAGE CONSERVATION RESERVE ACRES

WASHINGTON, Mar. 5.—Secretary of Agriculture John R. Block today announced that farmers in areas where severe weather conditions have led to a critical lack of hay supplies will be permitted to hay and graze 1985 acreage conservation reserve (ACR) acres.

Some areas have experienced substantially reduced normal hay production and pasture development because of adverse weather, Secretary Block said.

State officials of the U.S. Department of Agriculture's Agricultural Stabilization and Conservation Service will determine which counties are eligible to participate under the special ACR provision. Farmers in the eligible counties need to apply to their local ASCS county office for permission to hay and graze their ACR acres.

In addition to haying and grazing their ACR acres for their own livestock, today's ruling permits farmers to allow haying and grazing of their ACR acres by another producer. However, participants using the provision may not charge for the value of the hay or other vegetative growth.

Secretary Block said the decision on the 1985 ACR should alleviate current shortages of hay and allow producers to replenish depleted hay stocks.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as soon as we have cleared it with the distinguished minority leader, I will be sending a resolution to the desk with reference to committee assignments on so-called B and C committees.

THE BUDGET RESOLUTION

Mr. DOLE. Mr. President, I will take this opportunity to compliment the members of the Budget Committee and its chairman, Senator DOMENICI, and the ranking member, Senator CHILES, because they are presently engaged in what I consider to be very, very important efforts to put together a budget resolution. I hope that all of us will support the efforts of the members of the Budget Committee as they deal with this very difficult problem. There is no doubt about it, that everyone in this Chamber understands the importance and the significance of the deficit and the need to reduce it.

The Senate Budget Committee's work is not going to be easy. It is going to be very difficult. But I am hopeful, as is Chairman DOMENICI that work on a resolution can be completed before the week is out. It is however, a matter that will take considerable skill and patience.

I would just indicate that there is nothing more vital to this Senate or to this Nation than reaching some agreement on a comprehensive deficit reduction package. If we can debate farm legislation and we can debate all other legislation that adds spending, it is about time we started debating legislation that reduces spending. Our hopes lies in the efforts of those now in the midst of the deliberations of the Budget Committee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING ADDITIONAL MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES AND ELECTING CHAIRMAN OF SUCH COMMITTEES

Mr. DOLE. Mr. President, I send a resolution to the desk concerning majority party appointments to Senate committees for the 99th Congress and electing chairman of such committees and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 89) making additional majority party appointments to Senate committees for the 99th Congress and electing chairman of such committees.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, let me indicate for the record that these assignments are in accordance with the ratios previously agreed upon between the Senate majority leader and minority leader. There is one exception on the Small Business Committee. The majority is entitled to one additional member of that committee and we are waiting to make contact with two Members to make the determination on who should receive that appointment.

This would then conclude all the committee assignments, with the exception of the Committee on Security and Cooperation in Europe. It is my hope that we can dispose of those assignments tomorrow. We are awaiting clearance from the House side, since this is a joint committee. We believe that will be forthcoming very soon. We may even be able to make those committee assignments later today.

Other than that, I think the distinguished majority leader is aware of the contents of the resolution.

Mr. BYRD. Mr. President, for the record, do I understand from the distinguished majority leader, with reference to the majority party appointments to the Committee on Small Business, that there will be one name added after the conjunction "and" when the majority has made that decision; that there would be just one name added?

Mr. DOLE. That is correct. That will bring the ratio to 10 majority and 9 minority.

Mr. BYRD. I thank the distinguished majority leader.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 89) was agreed to, as follows:

S. RES. 89

A Resolution Making Additional Majority Party Appointments to Senate Committees for the 99th Congress and Electing Chairmen of Such Committees

Resolved, That the following shall constitute the majority party's membership on those Senate committees listed below for the 99th Congress, or until their successors are appointed:

Rules and Administration: Mr. Mathias (chairman), Mr. Hatfield, Mr. McClure, Mr. Helms, Mr. Warner, Mr. Dole, Mr. Stevens, and Mr. Garn.

Small Business: Mr. Weicker (chairman), Mr. Boschwitz, Mr. Gorton, Mr. Nickles, Mr. Rudman, Mr. D'Amato, Mr. Kasten, Mr. Pressler, Mr. Goldwater, and ——.

Veterans Affairs: Mr. Murkowski (chairman), Mr. Simpson, Mr. Thurmond, Mr. Stafford, Mr. Specter, Mr. Denton, and Mr. Boschwitz.

Select Committee on Ethics: Mr. Rudman (chairman), Mr. Helms, and Mrs. Kassebaum.

Special Committee on Aging: Mr. Heinz (chairman), Mr. Cohen, Mr. Pressler, Mr. Grassley, Mr. Wilson, Mr. Warner, Mr. Evans, Mr. Denton, Mr. Nickles, and Mrs. Hawkins.

Select Committee on Indian Affairs: Mr. Andrews (chairman), Mr. Goldwater, Mr. Gorton, Mr. Murkowski, and Mr. Abdnor.

Joint Economic Committee: Mr. Abdnor (vice chairman), Mr. Roth, Mr. Symms, Mr. Mattingly, Mr. D'Amato, and Mr. Wilson.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

HIGHWAY CONSTRUCTION FUNDS AND SUBSTITUTE HIGHWAY AND TRANSIT PROJECTS

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 1251, the House highway bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1251) to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985;

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STAFFORD. Mr. President, it has been a long journey for Congress in its consideration of the interstate cost estimate [ICE] and the interstate substitute cost estimate [ISCE]. Last year, the Senate and the House were able to agree only on stop-gap, interim legislation, and consequently only a fraction of the ICE and ISCE funding could be released. The legislation before us today would make the remainder—more than $7 billion—finally available for vitally needed transportation projects nationwide. These funds should have gone out in fiscal year 1984, and if the cost estimates are now approved, 18 months of backlogged interstate construction, interstate substitute, and 85 percent minimum allocation funds can at last flow to the States.

Congress has routinely approved similar legislation in the past, but recently this process has become greatly complicated by extraneous and controversial issues. Members of the Committee on Environment and Public Works are concerned that along with eliminating unnecessary provisions, the process has also meant the deletion of items contained in the Senate-passed bill, S. 391, that would have made for good policy and cost-efficient operation of the Federal-aid highway program.

I refer specifically to approval of the 1985 ICE which would have permitted funding to go out on schedule this October 1, 1985, instead of being held up indefinitely as I fear may happen again. I cannot emphasize the necessity of reliable, stable highway funding if States are to do cost-effective, multiyear planning for major transportation projects. If large-scale road rehabilitation and completion of the interstate system are still worthy goals—as I think everyone would agree they are—then we must end this stop-and-go, on-again, off-again approach to funding that work.

I also regret that the legislation before us today does not include, as S. 391 did, an additional 1-year period of availability for fiscal year 1985 interstate construction funds and the fiscal year 1984 interstate substitute funds. It is very unfair that the States should be penalized because these cost estimates were not approved in a timely manner.

Also missing from this legislation is the administrative release provision which would have allowed the Secretary of Transportation to release these funds in the future if Congress is once again unable to agree on an ICE/ISCE approval before the October 1 deadline. S. 391 would have established the administrative release mechanism so as to avoid the delays and uncertainties that have plagued the highway program over the past 2 years.

One of the major concerns before this Congress is the massive Federal budget deficit. In S. 391, that concern was addressed with the lowering of the fiscal year 1986 obligation ceiling for the highway program from $14.45 billion as authorized in the Surface Transportation Assistance Act of 1982 to $12.75 billion. This represented a freeze at the fiscal year 1985 level of $13.25 billion plus an additional $500 million cut. Unfortunately, budget concerns are not a part of this legislation, but that does not mean that the problems will disappear. The financial pressures are so enormous on the Federal-aid highway program itself, that soon either highway user taxes will have to be raised or else the regular program will have to be reduced.

Along with these fiscal concerns, I must note that special interest demonstration projects are not included in the legislation, as they were not included in S. 391. I am very pleased that the House followed the Senate's lead and also did not include any demonstration projects in H.R. 1251. One of the greatest hurdles to passage of ICE/ISCE legislation has been the growing list of such projects which the Highway Trust Fund simply cannot support if the regular program is to continue. Even with the tax increases in the 1982 Act, most transportation experts do not believe that adequate funding exists to meet current needs, much less additional ones.

Mr. President, the legislation does not contain a provision in which Senator BENTSEN, my good friend and ranking minority member on the committee, has been interested and on which the committee has strongly supported him. I refer to the clarification of the 85 percent minimum allocation program. Over the years there have been several States that have paid far more into the Highway Trust Fund than they have received back in program funding. In the 1982 act, the minimum allocation provision became law with respect to the apportioned program categories. S. 391 would have extended the 85 percent program to discretionary categories as well. I assure Senator BENTSEN that at the earliest opportunity the committee will return to this important concern which donor States have with equity.

Last October, Senate and House conferees met but failed to resolve the differences between S. 3024 and H.R. 5504. I am grateful to my colleagues for recognizing the increasingly critical need for approval of the ICE-ISCE. By a vote of 94-0, the Senate passed S. 391 on February 23.

While the Senate was moving expeditiously on this legislation, the other body watched and waited. Within 48 hours of Senate pasage, H.R. 1251 appeared, but with only a 12-month ICE-ISCE approval. In another 48 hours that was amended to an 18-month approval, certainly the bare minimum that States are entitled to after such prolonged delays and disruptions.

I am pleased that the House was able to agree that the appropriate approach is a clean, 18-month ICE-ISCE approval and that they have followed the Senate's lead in passage of such legislation.

I urge my colleagues to accept H.R. 1251, recognizing that the urgent need for these already-authorized funds must by necessity take precedence over the additional important items in S. 391, some of which I have referred to.

Our work is not finished yet. In order to release the interstate construction, interstate substitute, and minimum allocation funds on October 1, 1985, the 1985 interstate cost estimate and interstate substitute cost estimate must be approved. I hope this can be done in an expeditious manner. I hope it will not be held hostage to other items. The entire Federal-aid highway program must be reauthorized in fiscal 1986. The committee will begin work very shortly on this process and I believe this is the appropriate place for additional items.

Mr. President, there has been much discussion and debate during the last 1½ years over the eligibility of the depression of a segment of I-93 through downtown Boston for interstate construction funds. I-93 is clearly on the interstate system—that is not the question. This section was originally an urban freeway built with State funds and then incorporated into the

interstate system. When it was incorporated into the interstate system it was eligible for interstate construction funds for safety work and certain upgrading of the existing facility. Massachusetts did not choose to spend interstate construction funds on this segment during the early years of the interstate construction program. Over the years the elevated deck of the downtown protion of I-93 has deteriorated and the Federal Highway Administration agreed that redecking that portion would be eligible for interstate construction funds.

During the last 10-15 years as Boston examined its transportation needs various proposals to meet those needs were made. Proposals were made both for I-93 and for a third harbor crossing which would be part of I-90. The suggestions have included depressing a segment of I-93 and a 4-lane harbor tunnel. The Federal Highway Administration has not approved the depression concept for the I-93 segment in Boston or the 4-lane harbor tunnel as eligible items for interstate construction funds.

In order to bring the interstate system to completion, Congress passed the Federal-aid Highway Act of 1981. Section 4 of this act (Public Law 97-134) limits the use of interstate construction funds only to design concepts which were contained in the 1981 interstate cost estimate unless a Federal law requires another concept. The Federal Highway Administration has determined that the depression concept was not included as an approved concept in the 1981 interstate cost estimate, and therefore, is not eligible for Federal interstate construction funds. The Federal Highway Administration has also determined that only the two-lane special purpose tunnel facility concept was included in the 1981 interstate cost estimate. Therefore, according to the Federal Highway Administration only the costs associated with a two-lane special purpose tunnel facility are eligible for interstate construction funds.

Mr. President, it is my position that the numbers contained in House Committee Print 99-2 are merely estimates of the cost to complete the interstate system in that State. These numbers have no bearing on or any relation to the eligibility of any elements of any project or any entire project. It is also my position that any head note or footnote in House committee print 99-2 or any past committee print regarding the interstate cost estimate is only explanatory and have no effect on the eligibility of any project or element of a project for interstate construction funds.

According to the Federal Highway Administration the numbers in House Committee Print 99-2 were derived from the 1983 ICE submitted by the Department of Transportation for all States except Massachusetts. For Massachusetts the number contained in the 1981 ICE was used and adjusted for price inflation to 1983 ICE dollars. While this does not make any additional projects in that State eligible for interstate construction funds, it does mean Massachusetts receives a larger apportionment share and other States' apportionments are proportionally reduced. This is regrettable since Massachusetts most likely will lapse these funds because they will be unable to spend them. These funds, if lapsed, will eventually be redistributed to other States who can use the funds.

Mr. President, I would also note that the Federal Highway Administration has approved an environmental impact statement [EIS] for the I-90 and I-93 corridors. It is important to point out that in the Federal-aid highway program the approval of an EIS does not constitute approval of a specific alternative or project approval. Once an EIS has been approved, the selection of an alternative is a decision which must be made pursuant to title 23 of the United States Code and section 4 of Public Law 97-134. Once an alternative is selected, design work can begin and plans, specifications and estimates [P&SE] can be done. The Federal Highway Administration must approve the P&SE before obligation of Federal funds can occur. While the Federal Highway Administration has approved an EIS for the I-90 and I-93 corridor, they have not approved the depression alternative for I-93 or the four-lane multipurpose tunnel alternative for I-90. They have also not approved P&SE for their project. It is the committee's intent that nothing in H.R. 1251 or House Committee Print 99-2 will in any way change the current status with regard to the approvals necessary for a Federal-aid highway project to go forward.

Mr. President, I ask unanimous consent that a letter from the Secretary of Transportation regarding House Committee Print 99-2 be printed at this point in the RECORD. I also ask unanimous consent that Senate Committee Prints 98-202 and 99-4 and House Committee Prints 99-2 and 99-3 be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STAFFORD. Finally, let me recognize the successful and indeed Herculean efforts of Senator SYMMS, the Transportation Subcommittee Chairman, Senator BENTSEN, the ranking minority the full committee, and Senator BURDICK, the ranking minority member on the subcommittee. I also appreciate the support of so many other interested members in at long last bringing this matter to the Senate floor and, I hope, very shortly to the President's desk for his signature.

EXHIBIT 1

THE SECRETARY OF TRANSPORTATION,
Washington, DC, March 4, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning passage by the House of H.R. 1251. H.R. 1251 would authorize the approval of the Interstate Cost Estimates for 18 months based on House tables.

Before I respond to your specific questions, I would like to make clear that the Department does not believe that anything in H.R. 1251, its accompanying reports, or its consideration on the House floor affects the legal status of any project which is included or excluded from Interstate construction funding. Our legal opinion, which is described in greater detail below, is entirely consistent with the statement on the House floor by the Chairman of the House Committee on Public Works and Transportation. Mr. Howard, who was floor manager, said:

"I would like to state that the passage of this legislation, the approval of this interstate cost estimate, will in no way enhance or detract from any specific project anywhere in the Nation."

Your first specific question was what effect H.R. 1251 and House Committee Print 99-2 will have on the Department's position on the eligibility of certain Massachusetts projects, as described in 1984 correspondence. In the Federal-Aid Highway Act of 1981, Congress redefined eligibility for Interstate construction funding and limited it to "those design concepts, locations, geometrics, and other construction features included in the 1981 interstate cost estimate . . .". The 1984 correspondence that you refer to applied this statutory requirement to the Massachusetts projects and determined that the depression of the Central Artery and the four-lane Third Harbor Tunnel Crossing were not eligible for Interstate construction funds. H.R. 1251 does not amend the 1981 Act and so does not change our eligibility findings.

You also ask what effect, if any, the references in House Committee Print No. 99-2 to Committee Print No. 98-35 has. It is our opinion that the headnotes in both 99-2 and 98-35 are simply technical explanations of the adjustments which were made to previous apportionment tables. These notes and the related costs included for Massachusetts in no way affect the eligibility findings previously made by the Department.

Committee Print No. 98-35 does not amend Interstate eligibility requirements and does not make the disputed elements eligible for Interstate construction funds.

Your final question asked how the numbers were derived for the various House Committee Prints and how adjustments for Massachusetts would affect the apportionments for other states. The numbers in 99-2 and 98-35 are based on the 1983 Interstate Cost Estimate (ICE) as originally submitted to the Congress by the Department (Committee Print No. 98-1) and adjusted by the House in accordance with the headnotes. The amounts for the two routes in Massachusetts were derived by modifying Committee Print No. 98-1 to reflect the amounts shown in the 1981 ICE for these routes, adjusted for price inflation to 1983 ICE dollars. While not making the disputed elements eligible, this adjustment would increase the State's apportionment factor and

make more funds available to Massachusetts. This adjustment would, therefore, proportionally reduce the factors and the estimated apportionments for other states. However, these impacts should be temporary since the ICE and the apportionment process are self-correcting. Moreover, if these funds cannot be used on eligible projects in Massachusetts, they would lapse and be redistributed to other states. Enclosed is a table which estimates how the adjustment in 99-2 for Massachusetts would affect the amounts other states would receive in the next 18 months.

Notwithstanding our legal conclusion and the clarifications made during the House consideration of H.R. 1251, it is possible that the proponents of the Massachusetts projects might try to draw some favorable inference from the House action. For this reason, you may wish to clarify during Senate consideration of the ICE approval that it is not the Senate's intent to change the legal status of any route.

I hope that this information is helpful. I would appreciate your expeditious enactment of legislation to release the Interstate funds which are being delayed. Please contact me if I can be of further assistance in this urgent matter.

An identical reply is being provided to the Senators who cosigned your letter.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE.

COMPARISON OF ESTIMATED INTERSTATE CONSTRUCTION APPORTIONMENTS FOR REMAINING FISCAL YEAR 1985 AND FISCAL YEAR 1986 USING THE APPORTIONMENT FACTORS IN H.R. 1251 CALCULATED WITH AND WITHOUT THE ADJUSTMENTS FOR TWO ROUTES IN MASSACHUSETTS

[$1,000 Federal funds]

	With	Without	Difference
Alabama	161,408	165,016	(3,608)
Alaska	26,402	26,402	0
Arizona	88,144	90,114	(1,970)
Arkansas	26,402	26,402	0
California	475,375	486,001	(10,626)
Colorado	98,283	96,391	(2,107)
Connecticut	99,542	101,767	(2,225)
Delaware	26,402	26,402	0
District of Columbia	26,402	26,402	0
Florida	357,126	365,109	(7,983)
Georgia	209,563	214,247	(4,684)
Hawaii	139,763	142,887	(3,124)
Idaho	39,586	40,471	(885)
Illinois	26,021	26,603	(582)
Indiana	26,402	26,402	0
Iowa	26,402	26,402	0
Kansas	26,402	26,402	0
Kentucky	106,383	108,761	(2,378)
Louisiana	247,410	252,941	(5,530)
Maine	26,402	26,402	0
Maryland	137,251	140,319	(3,068)
Massachusetts	239,929	142,116	97,813
Michigan	94,370	96,480	(2,109)

COMPARISON OF ESTIMATED INTERSTATE CONSTRUCTION APPORTIONMENTS FOR REMAINING FISCAL YEAR 1985 AND FISCAL YEAR 1986 USING THE APPORTIONMENT FACTORS IN H.R. 1251 CALCULATED WITH AND WITHOUT THE ADJUSTMENTS FOR TWO ROUTES IN MASSACHUSETTS—Continued

[$1,000 Federal funds]

	With	Without	Difference
Minnesota	109,238	111,680	(2,442)
Mississippi	26,402	26,402	0
Missouri	26,402	26,402	0
Montana	26,402	26,402	0
Nebraska	26,402	26,402	0
Nevada	26,402	26,402	0
New Hampshire	26,402	26,402	0
New Jersey	158,974	162,528	(3,554)
New Mexico	26,402	26,402	0
New York	382,195	390,738	(8,543)
North Carolina	56,272	57,530	(1,258)
North Dakota	26,402	26,402	0
Ohio	97,634	99,816	(2,182)
Oklahoma	38,843	39,711	(868)
Oregon	39,146	40,021	(875)
Pennsylvania	344,402	352,101	(7,698)
Rhode Island	26,402	26,402	0
South Carolina	72,294	73,910	(1,616)
South Dakota	26,402	26,402	0
Tennessee	26,402	26,402	0
Texas	273,901	280,024	(6,122)
Utah	104,961	107,307	(2,346)
Vermont	26,402	26,402	0
Virginia	197,746	202,166	(4,420)
Washington	226,678	231,744	(5,067)
West Virginia	81,118	82,931	(1,813)
Wisconsin	26,402	26,402	0
Wyoming	26,402	26,402	0

REVISED TABLE 5.—ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS REQUIRED TO COMPLETE THE SYSTEM, AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF THE 1985 AND 1986 FISCAL YEAR AUTHORIZATIONS

[Revised from Table 5 Committee Print 98-1 to reflect: (1) Withdrawals under 23 U.S.C. 103(e)(4) of Interstate route segments in New Jersey, Connecticut, District of Columbia, Georgia, Maryland, and Rhode Island; (2) Adjustments to unobligated apportionments resulting from withdrawals, transfers, discretionary allocations, and lapses; (3) Transfers under 23 U.S.C. 119(d); and (4) Revisions to the cost to complete in Pennsylvania, South Carolina.]

State	Estimated Federal-aid and State matching funds required to complete system (thousands)	Estimated Federal share of funds required to complete system (thousands)	Apportionment factors (percent)
Alabama	$824,883	$742,395	3.331
Alaska	0	0	0.000
Arizona	422,802	398,702	1.789
Arkansas	0	0	0.000
California	2,430,480	2,224,132	9.980
Colorado	489,452	445,548	1.999
Connecticut	506,729	456,057	2.046
Delaware	0	0	0.000
District of Columbia	94,965	84,469	0.383
Florida	1,809,536	1,628,582	7.308
Georgia	1,068,084	961,276	4.313
Hawaii	599,753	539,778	2.422
Idaho	190,848	176,153	0.790
Illinois	187,581	168,823	0.758
Indiana	76,439	68,795	0.309
Iowa	36,492	32,843	0.147
Kansas	142,343	128,109	0.575
Kentucky	557,466	501,719	2.251
Louisiana	1,263,155	1,136,840	5.101
Maine	33,882	30,494	0.137
Maryland	732,852	659,567	2.960
Massachusetts	600,118	540,106	2.424
Michigan	515,100	463,590	2.080
Minnesota	566,178	509,560	2.287
Mississippi	58,876	52,988	0.238
Missouri	124,785	112,306	0.504
Montana	95,458	87,067	0.391
Nebraska	0	0	0.000
Nevada	116,251	110,438	0.496
New Hampshire	87,275	78,547	0.352
New Jersey	820,476	738,429	3.314
New Mexico	51,836	47,943	0.215
New York	1,897,652	1,707,887	7.664
North Carolina	315,756	284,180	1.275
North Dakota	0	0	0.000
Ohio	531,346	478,211	2.146
Oklahoma	205,237	184,713	0.829
Oregon	202,530	186,773	0.838
Pennsylvania	1,765,886	1,589,298	7.132
Rhode Island	0	0	0.000
South Carolina	378,380	340,542	1.528
South Dakota	0	0	0.000
Tennessee	150,791	135,712	0.609
Texas	1,437,781	1,294,002	5.807
Utah	522,917	492,431	2.210
Vermont	0	0	0.000
Virginia	1,063,537	957,183	4.295
Washington	1,180,038	1,069,586	4.800
West Virginia	457,086	411,377	1.846
Wisconsin	30,014	27,012	0.121

REVISED TABLE 5.—ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS REQUIRED TO COMPLETE THE SYSTEM, AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF THE 1985 AND 1986 FISCAL YEAR AUTHORIZATIONS—Continued

[Revised from Table 5 Committee Print 98–1 to reflect: (1) Withdrawals under 23 U.S.C. 103(e)(4) of Interstate route segments in New Jersey, Connecticut, District of Columbia, Georgia, Maryland, and Rhode Island; (2) Adjustments to unobligated apportionments resulting from withdrawals, transfers, discretionary allocations, and lapses; (3) Transfers under 23 U.S.C. 119(d); and (4) Revisions to the cost to complete in Pennsylvania, South Carolina.]

State	Estimated Federal-aid and State matching funds required to complete system (thousands)	Estimated Federal share of funds required to complete system (thousands)	Apportionment factors (percent)
Wyoming	0	0	0.000
Total	24,643,046	22,285,163	100,000

REVISED TABLE 3.—ESTIMATED FEDERAL FUNDS REQUIRED TO COMPLETE SUBSTITUTE HIGHWAY PROJECTS AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 75 PERCENT OF THE FISCAL YEAR 1984, 1985, AND 1986 AUTHORIZATIONS [1]

[Revised from the 1984 Interstate Substitution Cost Estimate to reflect the latest allocations of discretionary funds, no apportionment of fiscal year 1984 funds, and a reduction to Maryland's cost to complete under Section 7 of Public Law 98–229]

State	Withdrawal area	Highway cost to complete	Highway amounts already available	Estimated additional funds required to complete substitute highway projects	Apportionment factors (percent)
Arizona	Tucson	$21,101,957	$16,969,945	$4,132,013	0.082
California	Sacramento	0	0	0	0.000
	San Francisco	22,155,767	0	22,155,767	0.441
Colorado	Denver	131,886,812	31,941,643	99,945,170	1.990
Connecticut	Bolton to Killingly	402,226,379	5,387,657	396,838,722	7.900
	Hartford-New Britain	502,319,938	10,736,246	491,583,692	9.787
District of Columbia	Washington	157,947,729	18,279,458	139,668,271	2.781
Georgia	Atlanta	112,582,644	9,122,500	103,460,144	2.060
Illinois	Chicago	912,378,477	100,293,225	812,085,252	16.168
Indiana	Indianapolis	63,602,212	12,890,783	50,711,429	1.010
Iowa	Waterloo	291,974,615	9,410,126	282,564,489	5.625
Maryland	Baltimore	679,269,172	13,764,819	665,504,353	13.249
	Bowie to Millersville	93,471,523	0	93,471,523	1.861
	Washington	8,264,910	0	8,264,910	0.164
Massachusetts	Boston	98,816,877	6,294,716	92,522,161	1.842
	Fall River to Providence	13,209,372	1,818,277	11,391,095	0.227
Minnesota	Duluth	52,960,507	28,982,872	23,977,635	0.477
	Minneapolis-St. Paul	77,693,969	52,282,001	25,411,968	0.506
Nebraska	Omaha	33,233,797	11,454,520	21,779,278	0.434
New Jersey	New York City	70,251,865	11,803,045	58,448,821	1.164
	New York City to Trenton	223,014,370	4,642,404	218,371,967	4.347
	Philadelphia	74,610,983	3,201,441	71,409,541	1.422
New York	Albany	15,982,494	9,455,323	6,527,171	0.130
	New York City	112,320,477	6,263,001	106,057,477	2.111
Ohio	Cleveland	156,069,254	10,913,993	145,155,261	2.890
Oregon	Portland	191,862,711	75,418,348	116,444,364	2.318
	Salem	29,593,530	16,704,056	12,889,475	0.257
Pennsylvania	Philadelphia	73,382,223	18,739,328	54,642,895	1.088
	Pittsburgh	65,405,395	2,600,000	62,805,395	1.250
Rhode Island	Rhode Island	638,467,468	49,364,650	589,112,819	11.728
Tennessee	Memphis	214,481,823	4,037,480	210,444,343	4.190
Virginia	Washington	25,149,582	0	25,149,582	0.501
Total		5,565,688,832	542,761,852	5,022,926,980	100.000

[1] Amounts are in Federal funds.

REVISED TABLE 4.—ESTIMATED FEDERAL FUNDS REQUIRED TO COMPLETE SUBSTITUTE TRANSIT PROJECTS AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 50 PERCENT OF THE FISCAL YEAR 1984, 1985, AND 1986 AUTHORIZATIONS [1]

[Revised from the 1984 Interstate Substitution Cost Estimate to reflect latest allocation of discretionary funds and no apportionment of fiscal year 1984 funds]

State	Withdrawal area	Transit cost to complete	Transit amounts already available	Estimated additional funds required to complete substitute transit projects	Apportionment factors (percent)
Arizona	Tucson	0	0	0	0.000
California	Sacramento	63,744,663	41,000,000	22,744,663	1.911
	San Francisco	66,114,221	5,000,000	61,114,221	5.135
Colorado	Denver	0	0	0	0.000
Connecticut	Bolton to Killingly	402,629	0	402,629	0.034
	Hartford-New Britain	40,142,198	19,128,750	21,013,448	1.766
District of Columbia	Washington	6,201,874	0	6,201,874	0.521
Georgia	Atlanta	0	0	0	0.000
Illinois	Chicago	675,215,931	99,157,900	576,058,031	48.399
Indiana	Indianapolis	3,872,220	1,000,000	2,872,220	0.241
Iowa	Waterloo	11,754,309	0	11,754,309	0.988
Maryland	Baltimore	325,991,052	44,851,250	281,139,802	23.621
	Bowie to Millersville	0	0	0	0.000
	Washington	0	0	0	0.000
Massachusetts	Boston	98,816,877	36,733,201	62,083,677	5.216
	Fall River to Providence	1,024,865	0	1,024,865	0.086
Minnesota	Duluth	5,884,501	2,814,450	3,070,051	0.258
	Minneapolis-St. Paul	0	0	0	0.000
Nebraska	Omaha	0	0	0	0.000
New Jersey	New York City	81,235	0	81,235	0.007
	New York City to Trenton	4,990,511	0	4,990,511	0.419
	Philadephia	9,886,166	6,000,000	3,886,167	0.327

REVISED TABLE 4.—ESTIMATED FEDERAL FUNDS REQUIRED TO COMPLETE SUBSTITUTE TRANSIT PROJECTS AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 50 PERCENT OF THE FISCAL YEAR 1984, 1985, AND 1986 AUTHORIZATIONS [1]—Continued

[Revised from the 1984 Interstate Substitution Cost Estimate to reflect latest allocation of discretionary funds and no apportionment of fiscal year 1984 funds]

State	Withdrawal area	Transit cost to complete	Transit amounts already available	Estimated additional funds required to complete substitute transit projects	Apportionment factors (percent)
New York	Albany	1,775,833	0	1,775,833	0.149
	New York City	12,480,053	5,000,001	7,480,052	0.628
Ohio	Cleveland	47,323,748	1,814,450	45,509,298	3.824
Oregon	Portland	17,263,584	10,200,000	7,063,585	0.593
	Salem	0	0	0	0.000
Pennsylvania	Philadelphia	0	0	0	0.000
	Pittsburgh	0	0	0	0.000
Rhode Island	Rhode Island	40,753,243	0	40,753,243	3.424
Tennessee	Memphis	29,197,526	0	29,197,526	2.453
Virginia	Washington	0	0	0	0.000
Total		1,462,917,239	272,700,000	1,190,217,239	100.000

[1] Amounts are in Federal funds.

TABLE 5.—ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS TO COMPLETE THE SYSTEM AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF THE REMAINING 1985 FISCAL YEAR AUTHORIZATION

[Revised from Table 5 Committee Print 98–35 to reflect adjustments to unobligated apportionments resulting from transfers, apportionments, discretionary allocations, and lapses]

State	Estimated Federal-aid and State matching funds required to complete system (thousands)	Estimated Federal share of funds required to complete system (thousands)	Apportionment factors (percent)
Alabama	$753,416	$678,075	3.307
Alaska	0	0	0.000
Arizona	392,632	370,291	1.806
Arkansas	0	0	0.000
California	2,182,088	1,997,047	9.739
Colorado	435,113	396,083	1.932
Connecticut	464,638	418,175	2.039
Delaware	0	0	0.000
District of Columbia	84,021	75,619	0.369
Florida	1,666,986	1,500,287	7.316
Georgia	978,192	880,373	4.293
Hawaii	652,381	587,143	2.863
Idaho	180,176	166,303	0.811
Illinois	121,461	109,315	0.533
Indiana	68,423	61,581	0.300
Iowa	26,066	23,459	0.114
Kansas	111,994	100,795	0.492
Kentucky	496,572	446,914	2.179
Louisiana	1,154,856	1,039,371	5.069
Maine	22,938	20,644	0.101
Maryland	640,659	576,593	2.812
Massachusetts	1,119,935	1,007,942	4.915
Michigan	440,500	396,450	1.933
Minnesota	509,899	458,909	2.238
Mississippi	43,487	39,138	0.191
Missouri	98,119	88,307	0.431
Montana	77,299	70,504	0.344
Nebraska	0	0	0.000
Nevada	82,782	78,643	0.384
New Hampshire	66,330	59,697	0.291
New Jersey	742,055	667,850	3.257
New Mexico	41,186	38,093	0.186
New York	1,783,999	1,605,599	7.830
North Carolina	262,666	236,400	1.153
North Dakota	0	0	0.000
Ohio	455,733	410,160	2.000
Oklahoma	181,310	163,179	0.796
Oregon	178,325	164,451	0.802
Pennsylvania	1,607,592	1,446,833	7.056
Rhode Island	0	0	0.000
South Carolina	337,451	303,706	1.481
South Dakota	0	0	0.000
Tennessee	101,662	91,496	0.446
Texas	1,278,509	1,150,658	5.611
Utah	468,240	440,941	2.150
Vermont	0	0	0.000
Virginia	923,033	830,729	4.051
Washington	1,050,608	952,271	4.644
West Virginia	378,641	340,777	1.662
Wisconsin	16,648	14,983	0.073
Wyoming	0	0	0.000
Total	22,678,622	20,506,784	100.000

REVISED TABLE 3.—ESTIMATED FEDERAL FUNDS REQUIRED TO COMPLETE SUBSTITUTE HIGHWAY PROJECTS AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF THE REMAINDER OF 75 PERCENT OF THE FISCAL YEAR 1984 AUTHORIZATION [1]

[Revised from the 1984 Interstate Substitution Cost Estimate to reflect the latest allocations of discretionary funds, apportionment of one half the fiscal year 1984 funds, and a reduction to Maryland's cost to complete under Section 7 of Public Law 98-229]

State	Withdrawal area	Highway cost to complete	Highway amounts already available	Estimated additional funds required to complete substitute highway projects	Apportionment factors (percent)
Arizona	Tucson	$21,101,957	$17,983,457	$3,118,500	0.065
California	Sacramento	0	0	0	0.000
	San Francisco	22,155,767	1,068,086	21,087,681	0.443
Colorado	Denver	131,886,812	38,256,605	93,630,207	1.966
Connecticut	Bolton to Killingly	402,226,379	11,224,607	391,001,772	8.209
	Hartford-New Britain	502,319,938	48,438,753	453,881,185	9.529
District of Columiba	Washington	157,947,729	25,919,783	132,027,946	2.772
Georgia	Atlanta	112,582,644	14,369,376	98,213,268	2.062
Illinois	Chicago	912,378,477	144,095,156	768,283,321	16.130
Indiana	Indianapolis	63,602,212	15,375,188	48,227,024	1.013
Iowa	Waterloo	291,974,615	23,427,783	268,546,832	5.638
Maryland	Baltimore	679,269,172	46,579,235	632,689,937	13.283
	Bowie to Millersville	93,471,523	4,488,041	88,983,482	1.868
	Washington	8,264,910	397,609	7,867,301	0.165
Massachusetts	Boston	98,816,877	11,042,632	87,774,245	1.843
	Fall River to Providence	13,209,372	2,452,372	10,757,000	0.226
Minnesota	Duluth	52,960,507	31,176,217	21,784,290	0.457
	Minneapolis-St. Paul	77,693,969	55,099,046	22,594,923	0.474
Nebraska	Omaha	33,233,797	13,050,152	20,183,645	0.424
New Jersey	New York City	70,251,865	17,432,698	52,819,167	1.109
	New York City to Trenton	223,014,370	8,502,314	214,512,057	4.504
	Philadelphia	74,610,983	10,770,072	63,840,911	1.340
New York	Albany	15,982,494	10,141,393	5,841,101	0.123
	New York City	112,320,477	11,538,463	100,782,014	2.116
Ohio	Cleveland	156,069,254	18,021,574	138,047,680	2.898
Oregon	Portland	191,862,711	82,128,320	109,734,391	2.304
	Salem	29,593,530	17,322,558	12,270,972	0.258
Pennsylvania	Philadelphia	73,382,223	21,361,467	52,020,756	1.092
	Pittsburgh	65,405,395	5,614,550	59,790,845	1.255
Rhode Island	Rhode Island	638,467,468	79,986,116	558,481,352	11.725
Tennessee	Memphis	214,481,823	14,164,809	200,317,014	4.206
Virginia	Washington	25,149,582	1,208,419	23,941,163	0.503
Total		5,569,688,832	802,636,851	4,763,051,981	100.000

[1] Amounts are in Federal funds.

REVISED TABLE 4.—ESTIMATED FEDERAL FUNDS REQUIRED TO COMPLETE SUBSTITUTE TRANSIT PROJECTS AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF THE REMAINDER OF 50 PERCENT OF THE FISCAL YEAR 1984 AUTHORIZATION [1]

[Revised from the 1984 Interstate Substitution Cost Estimate to reflect apportionment of one-half the fiscal year 1984 funds and the latest allocation of discretionary funds]

State	Withdrawal area	Transit cost to complete	Transit amounts already available	Estimated additional funds required to complete substitute transit projects	Apportionment factors (percent)
Arizona	Tucson				
California	Sacramento	$63,744,663	$44,221,337	$19,523,326	1.749
	San Francisco	66,114,221	8,338,020	57,776,201	5.175
Colorado	Denver				
Connecticut	Bolton to Killingly	402,629	82,063	374,566	0.034
	Hartford-New Britain	40,142,198	21,031,126	19,111,072	1.712
District of Columbia	Washington	6,201,874	252,567	5,949,307	0.533
Georgia	Atlanta				
Illinois	Chicago	675,215,931	133,281,031	541,934,900	48.545
Indiana	Indianapolis	3,872,220	1,143,269	2,728,951	0.244
Iowa	Waterloo	11,754,309	593,754	11,160,555	1.000
Maryland	Baltimore	325,991,052	61,232,657	264,758,395	23.716
	Bowie to Millersville				
	Washington				
Massachusetts	Boston	98,816,877	41,721,768	57,095,109	5.114
	Fall River to Providence	1,024,865	51,695	973,170	0.087
Minnesota	Duluth	5,884,501	3,137,913	2,746,588	0.246
	Minneapolis-St. Paul				
Nebraska	Omaha				
New Jersey	New York City	81,235	81,235		
	New York City to Trenton	4,990,511	152,131	4,838,380	0.433
	Philadelphia	9,886,166	6,492,579	3,393,587	0.304
New York	Albany	1,775,833	196,441	1,579,392	0.142
	New York City	12,480,053	5,731,854	6,748,199	0.605
Ohio	Cleveland	47,323,748	4,060,967	43,262,781	3.875
Oregon	Portland	47,263,584	11,075,122	6,188,462	0.554
	Salem				
Pennsylvania	Philadelphia				
	Pittsburgh				
Rhode Island	Rhode Island	40,753,243	2,082,570	38,670,673	3.464
Tennessee	Memphis	29,197,526	1,643,901	27,553,625	2.468
Virginia	Washington				
Total		1,462,917,239	346,550,000	1,116,367,239	100.000

[1] Amounts are in Federal funds.

Mr. STAFFORD. Mr. President, I yield the floor.

Mr. BURDICK. Mr. President, in an effort to release the interstate construction funds held up for the past 18 months, the Senate Environment and Public Works Committee agreed to accept House bill, H.R. 1251. Urgent action is necessary or else State highway administrators will be forced to shelve more than 200 highway

projects for the second construction season in a row.

Even if the Senate passes the House bill and it is signed by the President, it would be several months before this Nation's highway taxes would be put to work on roads. States must advertise jobs, collect bids, and select contractors. Contractors must then hire workers and gather material before construction can begin. This process takes a long time. States are anxiously waiting for Congress to provide assurances that this money is on its way.

To be frank with you, committee members believe that the Senate bill S. 391 passed on Saturday, February 23, would have provided more relief to States. However, if the Senate decides not to pass the House bill and requests a conference, the delay would increase pressure on States.

The release of the 18-month interstate funds will provide States all the funds due them. However, States are expecting to receive another $5 billion on October 1. The Senate bill would have allowed for an orderly release of such funds for the next 2 fiscal years. Beyond that, the bill provided for an administrative release to avoid further costly delays in approving interstate cost estimates.

In short, by going with the House bill, committee members decided that a bird in the hand was worth more than two in a bush. The Senate Environment and Public Works Committee will continue its efforts to resolve highway differences between the Senate and the House. Hopefully, the next release scheduled for October 1 can be resolved on a more timely basis.

Mr. MOYNIHAN. Mr. President, I rise in support of H.R. 1251, which would approve the interstate cost estimate and release $7.2 billion in overdue highway funds. By passing this bill, we will allow construction of interstate highway projects to move forward. We will also belatedly demonstrate that government can work.

New York has a relatively large reserve of unobligated funds—$79 million as of January 1—but approval of an ICE is as crucial to New York as any other State. The State of New York recently received a dredge and fill permit for the long-delayed Westway, accomplishing the final legal requirement for this vital project. I am hopeful that 8 years after the U.S. Department of Transportation approved Westway as part of the Nation's Interstate Highway System, construction will soon begin. When it does, New York will have an especially strong need for its full share of authorized interstate construction funds.

We in the Senate passed a highway bill—S. 391—less than 2 weeks ago. This bill contained a variety of provisions in addition to the approval of the interstate cost estimate. Although some of these provisions are important, I believe we would be wise to enact immediately a clean bill. There will be ample opportunity later this year to debate the contents of S. 391 as well as other pressing issues such as aid for mass transit.

I therefore urge the Senate to pass H.R. 1251 and allow work on the Nation's Interstate Highway System to continue.

Mr. BENTSEN. Mr. President, I want to discuss the Interstate Highway Funding Act passed by the Senate on February 23 and to respond to criticism that I can only describe as bizarre.

I would point out that the legislation reported out of the Senate Environment and Public Works Committee on January 23 constituted the first official act of the 99th Congress to reduce the deficit.

What we did was to roll back the fiscal year 1986 $14.45 billion obligation ceiling for highway programs by $1.7 billion, and then we deleted 153.6 million dollars, worth of special highway projects commonly known as demonstration projects.

We did this—up front and without any tradeouts—because we wanted to set an example of cost consciousness and determination for the Congress, and the full Senate readily agreed a few weeks later to show we are ready to cut back.

When they say it does not make any difference over on the other side, that is just not the case. That figure contributes to the total budget of this country and it was to set an example that we reduce the spending level. The question is: Where are the cuts going to be made if they are not made in programs like this? Where do we see services cut to the people of this country if we do not start setting examples in trying to get this budget back down and trying to work toward solvency in this country of ours.

Working as we are in an atmosphere of competition for every dollar, it also appeared that by cutting the budget we might gain even more support for this important legislation.

We need final passage to release the $7 billion backlog of interstate construction funds, and we needed it yesterday and the day before. Our States and their Governors, and all of us, want to see the machinery back at work across the Nation.

We all know why this funding has been delayed for so long. It has been burdened with controversy, loaded with demonstration projects, and weighed down by disputes over a particular urban segment, originating in the other body.

The Senate has tried to limit the demonstration projects, and this year on this side we eliminated them altogether, pending any action of a conference committee.

The response from the House committee concerned with this legislation was to approve what was advertised as a clean interstate cost estimate, but which, in fact, contained a cost table aimed at that same controversial urban segment.

The House approved its so-called clean ICE bill with the clear understanding that the House position is not negotiable with the Senate in any way. The Senate was informed that, if we do not accept the House legislation, the House will hurriedly return to the same expensive, overburdened legislation that it approved last year, complete with some 41 demonstration projects.

The apparent objection in the other body is to my provision, which is variously described as "Senate pork barrel" and "dirty ICE."

Let us take a look at what they are talking about.

If I ever heard a misrepresentation of fact, that happens to be one of them. My so-called "pork barrel" provisions clarifies the minimum allocation formula: The amount of money a State gets back from the money it sends in. This is supposed to be a user tax and the people who pay that tax are supposed to have the benefit of it. So what we are talking about is getting back 85 percent of what is sent into the Federal Treasury. That provision does not just help my State, it helps all of these donor States. Others are Arkansas, California, Florida, Indiana, Michigan, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Wisconsin. I must say it benefits the entire Interstate System. That sure does not sound like dirty ICE to me.

Back when the Interstate Program and Trust Fund were born, it was realized that because of the urgent need to expeditiously connect the cities and towns of this Nation for the purposes of commerce, personal mobility, and national defense, there would have to be dislocations of funds there had to be a situation where some people got more than they sent in and some people got back less than they sent in.

Some States would be able to develop and construct highway projects faster than others. Some were in a position to generate revenue in a more timely manner. The trust fund provided a means of shifting these funds to meet the requirements, and this, of course, meant there would be States that received less Federal funding than they contributed while others received more.

The States accepted this because the flexibility was needed to form a vast highway network through every State in the Union, one that would not be limited by any individual State's inability to pay. I agree with that and I supported that.

In fact, some years ago when several smaller States feared they would not receive adequate funding because they had fewer highways to construct and maintain compared to the larger States under the existing formula, Congress enacted legislation which guaranteed all States at least one-half of 1 percent of the interstate construction money and one-quarter of 1 percent of the bridge replacement program. Over the years this has been expanded to include a one-half of 1 percent share for primary, secondary, urban, safety, and Interstate 4-R; and nowhere do I hear that this is narrow, special interest legislation.

In 1985, more than 20 States will benefit from these provisions, which I have previously supported.

However, time and conditions change. The Interstate System has essentially been built, and the pressures today are to finish a relatively few miles of high-cost highway, fund the high maintenance requirements, and meet the needs of expanding population areas.

We are to the point that donor States—those who have for years contributed far more than they receive—must get a fair share if they are to remain willing to participate. And I mean a fair share—not all they contribute. I am talking about 85 percent.

Congress demonstrated an understanding for the need of this fairness and equity when, in 1982, it approved legislation whiich included a provision assuring donor States 85 percent of the funds they pay into the trust fund.

This guarantees the donor States a fairly reasonable return on their contribution, and it assures the continuation of a steady source of extra funds to be shared with other States. It is ridiculous to claim that this is narrow, special-interest legislation.

Yet this is exactly the same theory under attack by some Members of the other body.

The problem stems from the fact that the 1982 legislation did not accomplish what Congress intended. Because it is impossible to determine how much each State contributes on a current annual basis, a formula was developed to estimate what the contributions—and the returns—should be.

This formula was simply flawed. When I discovered that it omitted some categories, thus skewing the 85-percent minimum that Congress intended, the Senate agreed to correct the mistake in the name of fairness. A simple clarifying provision—somehow compared to costly demonstration projects, or worse, by recent critics—was approved as it should have been.

I had the cooperation of all the members of that committee and all the Members of the U.S. Senate in establishing that kind of equity. I want to say for the benefit of those critics that Texas is going to continue to pay in far more than it receives and so will the other donor States.

From 1957 to October 1983, donor States paid into the trust fund $53.9 billion and got back $46.8 billion. This contribution of $7 billion by the donor States is enough to pay for the entire amount of funds we are releasing in this bill today. With the 5-cent gas tax increase enacted in January 1983, donor States' contributions will escalate even more dramatically in the forthcoming years.

Congress said these States should receive a minimum of 85 percent at this point in the system, and under this so-called pork barrel provision they would get it.

This is simple, elemental fairness; and it is all donor States ask. They have not, for example, demanded that it is time to reassess whether or not States should be guaranteed a one-half of 1 percent interstate payment if their interstate segment has been completed. They have not demanded that we cap the amount a donee State receives over and above what it contributes to the trust fund.

These would be far-reaching measures, and I do not expect they will be pursued in any manner if the donor States are treated equitably.

It was not pork barrel legislation when the principle of guaranteeing minimum allocations was established by Congress to assist donee States, nor is it now in the case of donor States.

It is indeed unfortunate that this provision has been used as an excuse to persuade the Senate to kneel to so-called nonnegotiable demands, for whatever reason.

Because this is a provision which clarifies what Congress intended to do, because it is a measure of fairness, I do not expect this issue to disappear. Speaking for myself, I know I will not let that happen. I am delighted that my colleagues, including the distinguished chairman of this committee, have agreed to support that provision.

Today, however, we are faced with an overwhelming need to enact legislation to approve interstate construction funds. Because of the compelling demands on this program, we are addressing the House-passed bill. As I have described, for whatever bizarre reasons, this bill does not include my amendment to assist donor States. However, my colleagues on the committee and I have discussed the equity of this measure and expect to include it in the next highway bill to be considered by the Senate. I appreciate the willingness of the committee leadership to support me in considering this most equitable proposal. For my part, I believe that we must act now to release interstate construction funds; and for this reason I am prepared to support the pending legislation.

Mr. SYMMS. Mr. President, I rise today to urge Senate approval of H.R. 1251, the interstate cost estimate [ICE] and interstate substitute cost estimate [ISCE] legislation which the House passed a few days ago. This bill provides for the immediate release of over $7 billion in interstate construction and interstate substitute funds. The urgent need for these funds cannot be overstated, and it is the emergency nature of the situation which moves the Environment and Public Works Committee to accept the House bill and ask for its approval by the full Senate today.

There are a number of important differences between the House bill and S. 391, the ICE/ISCE legislation passed by the Senate on February 23, 1985. From my own perspective and that of a number of my colleagues, the most important question to be addressed before we act on H.R. 1251 is whether or not approval of this bill would affect the status of two highway projects in Boston—namely, construction of the Third Harbor Tunnel Crossing and depression of the Central Artery.

Mr. President, this question arises because the apportionment factors used in H.R. 1251 increase apportionments for the Commonwealth of Massachusetts and two projects are referenced in headnotes to a House committee print from which the apportionment factors are drawn. Upon passage of this bill in the House, the leadership of our committee sent a letter to Transportation Secretary Dole requesting a legal opinion regarding the status of the Boston projects under the provisions of H.R. 1251. Secretary Dole promptly returned a letter stating clearly that the headnotes and related costs for Massachusetts in no way affect the Department of Transportation's [DOT] 1984 determination that the two Boston projects are not eligible for interstate construction funds. I want to say that the committee appreciates the Secretary's prompt response to our inquiry, and I will ask that the full text of the Secretary's letter be printed in the RECORD following my remarks.

The Committee on Environment and Public Works fully concurs with DOT's legal opinion regarding the status of the Boston projects under the provisions of this bill. Passage of H.R. 1251 will not imply or indicate that the Senate intends to change the legal status of any route. It is the Senate's position that neither the four-lane Third Harbor Tunnel crossing nor the depression of the Central Artery are made eligible for interstate construction funds under any provision of H.R. 1251. I hope my remarks have adequately addressed the concerns of my colleagues regarding the legal status of the Boston projects.

As I mentioned earlier, there are a number of other differences between this bill and the ICE legislation we passed 2 weeks ago in this body. First, H.R. 1251 would release only those funds which should have been released for the last half of fiscal year 1984, and at the beginning of fiscal year 1985. The Senate bill provided for the release of that 18-month backlog of funds, as well as the automatic release of funds to be apportioned at the beginning of fiscal year 1986 and fiscal year 1987. There is little doubt that Congress would act more responsibly by approving the 1985 ICE and ISCE and, thereby, allowing the automatic release of funds in the next 2 fiscal years. The fact that the House bill does not provide such approval means that we will soon be facing another October deadline for ICE legislation.

Mr. President, it is important to note at this point that H.R. 1251 is similar to the legislation passed earlier in the Senate insofar as it includes no demonstration projects. We on the Environment and Public Works Committee were pleased to see that the House recognized the urgency associated with this legislation and has not attached demonstration projects to the bill.

There are several other provisions in the Senate bill which are not included in H.R. 1251 even though they are important to the future stability and equity of the Federal-aid Highway Program. The first of these provisions is the administrative release language which would allow the Secretary of Transportation to administratively apportion funds on October 1 if Congress fails to approve an ICE by the beginning of the fiscal year. In this way, States would not be penalized and the Federal-aid Highway Program would not be disrupted, as is happening now. I believe this provision is necessary in order to remove the highway program from the political arena and to provide the basis for sound financial management of the trust fund. I can assure my colleagues we will make every effort to see that this provision is included in the next highway bill we bring before this body.

S. 391 also expanded the number of highway trust fund categories on which the minimum allocation formula is based. This provision was intended to provide donor States a return closer to 85 percent of the amount they contributed to the highway trust fund. I believe this program is fair and equitable, and I can assure Senator BENTSEN and others most concerned with the minimum allocation language that the Environment and Public Works Subcommittee on Transportation will work to ensure that this language is included in the next highway bill considered in our subcommittee. Moreover, I want to commend Senator BENTSEN, the ranking minority member of the committee, for the statesmanship he exhibited by withdrawing his reservations on H.R. 1251 in order to allow the immediate release of these urgently needed highway funds.

As I've indicated, Mr. President, H.R. 1251 is by no means a perfect bill from the perspective of this Senator. There is no doubt, however, that any further delay in releasing these funds will not serve the interests of American taxpayers and highway users. I want to thank the distinguished chairman of the committee, Senator STAFFORD, as well as the ranking minority member of the committee, Senator BENTSEN, and the ranking minority member of the subcommittee, Senator BURDICK, for their untiring efforts to being this legislation to the floor; and I strongly urge the Senate to pass the bill without delay.

I ask unanimous consent that the letter to which I have referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

THE SECRETARY OF TRANSPORTATION,
Washington, DC, March 4, 1985.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning passage by the House of H.R. 1251. H.R. 1251 would authorize the approval of the Interstate Cost Estimates for 18 months based on House tables.

Before I respond to your specific questions, I would like to make clear that the Department does not believe that anything in H.R. 1251, its accompanying reports, or its consideration on the House floor affects the legal status of any project which is included or excluded fom Interstate construction funding. Our legal opinion, which is described in greater detail below, is entirely consistent with the statement on the House floor by the Chairman of the House Committee on Public Works and Transportation. Mr. Howard, who was floor manager, said:

"I would like to state that the passage of this legislation, the approval of this interstate cost estimate, will in no way enhance or detract from any specific project anywhere in the Nation."

Your first specific question was what effect H.R. 1251 and House Committee Print 99-2 will have on the Department's position on the eligibility of certain Massachusetts projects, as described in 1984 correspondence. In the Federal-Aid Highway Act of 1981, Congress redefined eligibility for Interstate construction funding and limited it to "those design concepts, locations, geometrics, and other construction features included in the 1981 interstate cost estimate . . .". The 1984 correspondence that you refer to applied this statutory requirement to the Massachusetts projects and determined that the depression of the Central Artery and the four-lane Third Harbor Tunnel Crossing were not eligible for Interstate construction funds. H.R. 1251 does not amend the 1981 Act and so does not change our eligibility findings.

You also ask what effect, if any, the references in House Committee Print No. 99-2 to Committee Print No. 98-35 has. It is our opinion that the headnotes in both 99-2 and 98-35 are simply technical explanations of the adjustments which were made to previous apportionment tables. These notes and the related costs included for Massachusetts in no way affect the eligibility findings previously made by the Department.

Committee Print No. 98-35 does not amend Interstate eligibility requirements and does not make the disputed elements eligible for Interstate construction funds.

Your final question asked how the numbers were derived for the various House Committee Prints and how adjustments for Massachusetts would affect the apportionments for other states. The numbers in 99-2 and 98-35 are based on the 1983 Interstate Cost Estimate (ICE) as originally submitted to the Congress by the Department (Committee Print No. 98-1) and adjusted by the House in accordance with the headnotes. The amounts for the two routes in Massachusetts were derived by modifying Committee Print No. 98-1 to reflect the amounts shown in the 1981 ICE for these routes, adjusted for price inflation to 1983 ICE dollars. While not making the disputed elements eligible, this adjustment would increase the State's apportionment factor and make more funds available to Massachusetts. This adjustment would, therefore, proportionally reduce the factors and the estimated apportionments for other states. However, these impacts should be temporary since the ICE and the apportionment process are self-correcting. Moreover, if these funds cannot be used on eligible projects in Massachusetts, they would lapse and be redistributed to other states. Enclosed is a table which estimates how the adjustment in 99-2 for Massachusetts would affect the amounts other states would receive in the next 18 months.

Notwithstanding our legal conclusion and the clarifications made during the House consideration of H.R. 1251, it is possible that the proponents of the Massachusetts projects might try to draw some favorable inference from the House action. For this reason, you may wish to clarify during Senate consideration of the ICE approval that it is not the Senate's intent to change the legal status of any route.

I hope that this information is helpful. I would appreciate your expeditious enactment of legislation to release the Interstate funds which are being delayed. Please contact me if I can be of further assistance in this urgent matter.

An identical reply is being provided to the Senators who cosigned your letter.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE.

COMPARISON OF ESTIMATED INTERSTATE CONSTRUCTION APPORTIONMENTS FOR REMAINING FISCAL YEAR 1985 AND FISCAL YEAR 1986 USING THE APPORTIONMENT FACTORS IN H.R. 1251 CALCULATED WITH AND WITHOUT THE ADJUSTMENTS FOR TWO ROUTES IN MASSACHUSETTS

[$1,000 Federal funds]

	With	Without	Difference
Alabama	161,408	165,016	(3,608)
Alaska	26,402	26,402	0
Arizona	88,144	90,114	(1,970)
Arkansas	26,402	26,402	0
California	475,375	486,001	(10,626)

COMPARISON OF ESTIMATED INTERSTATE CONSTRUCTION APPORTIONMENTS FOR REMAINING FISCAL YEAR 1985 AND FISCAL YEAR 1986 USING THE APPORTIONMENT FACTORS IN H.R. 1251 CALCULATED WITH AND WITHOUT THE ADJUSTMENTS FOR TWO ROUTES IN MASSACHUSETTS—Continued

[$1,000 Federal funds]

	With	Without	Difference
Colorado	94,283	96,391	(2,107)
Connecticut	99,542	101,767	(2,225)
Delaware	26,402	26,402	0
District of Columbia	26,402	26,402	0
Florida	357,126	365,109	(7,983)
Georgia	209,563	214,247	(4,684)
Hawaii	139,763	142,867	(3,124)
Idaho	39,586	40,471	(885)
Illinois	26,021	26,603	(582)
Indiana	26,402	26,402	0
Iowa	26,402	26,402	0
Kansas	26,402	26,402	0
Kentucky	106,383	108,761	(2,378)
Louisiana	247,410	252,941	(5,530)
Maine	26,402	26,402	0
Maryland	137,251	140,319	(3,068)
Massachusetts	239,929	142,116	97,813
Michigan	94,370	96,480	(2,109)
Minnesota	109,238	111,680	(2,442)
Mississippi	26,402	26,402	0
Missouri	26,402	26,402	0
Montana	26,402	26,402	0
Nebraska	26,402	26,402	0
Nevada	26,402	26,402	0
New Hampshire	26,402	26,402	0
New Jersey	158,974	162,528	(3,554)
New Mexico	26,402	26,402	0
New York	382,195	390,738	(8,543)
North Carolina	56,272	57,530	(1,258)
North Dakota	26,402	26,402	0
Ohio	97,634	99,816	(2,182)
Oklahoma	38,843	39,711	(868)
Oregon	39,146	40,021	(875)
Pennsylvania	344,402	352,101	(7,698)
Rhode Island	26,402	26,402	0
South Carolina	72,294	73,910	(1,616)
South Dakota	26,402	26,402	0
Tennessee	26,402	26,402	0
Texas	273,901	280,024	(6,122)
Utah	104,961	107,307	(2,346)
Vermont	26,402	26,402	0
Virginia	197,746	202,166	(4,420)
Washington	226,678	231,744	(5,067)
West Virginia	81,118	82,931	(1,813)
Wisconsin	26,402	26,402	0
Wyoming	26,402	26,402	0

● Mr. CHAFEE. Mr. President, I support this legislation to end the delay in approval of highway construction and repair funds which are urgently needed by the States.

Our Nation's user supported highway program is nearly at a standstill because for the past year, Congress has been unable to approve the interstate cost estimate and interstate substitution cost estimate which trigger funding apportionments to the States. This delay had damaged the Federal-State partnership which has put highway dollars to work on important road systems across the United States.

The chief impediment to passage of this legislation has been a dispute over the inclusion of special demonstration projects which dramatically inflate the cost of the bill, raising the prospect of a veto and jeopardizing the long-term stability of the highway trust fund at the expense of all States.

Recently the Senate approved S. 391 which provided for approval of an 18-month ICE and ISCE, as well as several other modifications intended to make the highway program more responsive to State and local problems and priorities. Chief among these is section 131, a provision I sponsored to permit flexibility for the States in undertaking projects with funds in the interstate transfer category.

Section 129 of S. 391 provides for a reduction in the obligation limitation of the highway program in order to reduce Federal outlays and contribute to reduction of the deficit. Reduction of our Nation's massive budget deficit is clearly the No. 1 domestic priority of Congress this year, and every segment of the Federal budget must be carefully examined in an effort to achieve savings wherever feasible.

In approving S. 391, the Senate made a modest but important start in reducing the deficit, by lowering the obligation ceiling for fiscal year 1986 from the current level of $13.25 billion to $12.75 billion. This action would give us savings of $285 million in fiscal year 1986, growing to $891 million in fiscal year 1987 and $258 million in fiscal year 1988, or $1.4 billion in savings in a 3-year period.

When I sponsored this provision in the Committee on Environment and Public Works it was approved unanimously. I believe there is substantial support in the Senate not only for this provision but for a number of other policy improvements in S. 391.

Although passage of H.R. 1251 will delay the adoption of these important improvements, it is clear that our insistence upon them at this time could lead to further delays in the approval of the ICE.

The Senate's primary goal has been to restore the flow of highway funds to the States without harming the overall integrity of the highway program. If H.R. 1251 and its accompanying legislative language had affected the legal status of any specific highway project, this goal could not be met. However, the Secretary of Transportation has indicated that nothing in the bill enhances or detracts from any specific project. Its approval thus permits us to release the highway funds to all States without furthering the special interests of any single state.

If we fail to approve H.R. 1251 at this time, we will likely find ourselves in the same legislative quagmire which has held up the approval of highway funds for the past year. I believe many of the policy provisions of S. 391 should be pursued through other legislative vehicles. I am pleased that the obligation limitation provision of S. 391 has been included in the draft budget document currently under consideration by the Senate Budget Committee. It will be my intention to press for the approval of this provision to lower the highway obligation ceiling at the earliest opportunity this year, as part of the budget process, as an amendment to the Department of Transportation appropriations measure for fiscal year 1986, or on some other legislative vehicle.

I hope my colleagues will join in supporting this legislation.●

Mr. ABDNOR. Mr. President, it is with some reservations—because it is evident our colleagues in the House are still playing politics with this issue—but with a great deal of pleasure that I join Chairmen STAFFORD and SYMMS in recommending that the Senate accept the House-passed version of the highway interstate cost estimate [ICE] bill and send it to the White House to be signed into law.

I am pleased and gratified to note that—through my amendment in the Committee on Environment and Public Works—we were able to embarrass our colleagues in the House into removing from their bill all of the costly and unjustified demonstration projects.

As my colleagues will recall, the Senate was very nearly tempted into playing the same fiscally irresponsible game with the taxpayers' money, and it was my amendment in committee which deleted about $153 million in porkbarrel projects from our bill. Now, I didn't make any friends among my Senate colleagues with my amendment deleting their projects, but I thought the only way we could release needed highway funds would be to cut all wasteful projects from the Senate bill and hope that the House would do the same. I'll admit that my hope was somewhat dim since the House had, in the past, insisted on its budget-breaking boondoggles which would have cost taxpayers billions of dollars.

As it has turned out, however, our colleagues in the House have recognized the folly of attempting to fly in the face of overwhelming public support for more fiscally responsible government. To put it simply, they have been embarrassed into making the right decision in the public interest, and I am proud to have been instrumental in bringing them to their senses.

Mr. DOLE. Mr. President, the Senator from Kansas is pleased that the Senate is able to take up the House version of the Interstate Cost Estimate bill today and hopes that we will be able to pass this legislation without further delay.

The House bill approves the Interstate Cost Estimate and Interstate Substitute Cost Estimate to release the funds necessary for construction this year. This resolves the 18 month backlog problem which has made this legislation so urgent.

The House bill, unlike the Senate bill, does not approve the 1985 Interstate Cost Estimate for fiscal years 1987 and 1988. However, the 1985 Estimate can be approved separately later this year without disrupting construction.

Unfortunately, the House bill does not address the obligation limit, unlike

the Senate bill which reduced the obligation limit to save $1.4 billion over 3 years. However, we will also have an opportunity to address the obligation limit again this year.

The Senate bill include a change in the minimum allocation formula. This provision was not included in the House bill. However, I understand the primary proponent of this provision, the distinguished Senator from Texas [Mr. BENTSEN], has reluctantly acceded to the House position because of the urgency of this legislation.

Mr. President, it is a very special occasion when a bill of this nature can be enacted without a host of special projects being included. Many of my colleagues have shown great restraint in the face of pleas from constituents because they understand that amendments would jeopardize passage of the legislation. I thank my colleagues for their willingness to look to the best interest of all our States and urge that we accept the House bill.

Mr. STAFFORD. Mr. President, I know of no other Senators on this side of the aisle who wish to speak.

Does my colleague know of any other speakers?

Mr. BENTSEN. Mr. President, it is my understanding that a colleague on our side would like to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, as I understand Senator STAFFORD's explanation of the cost estimates which we are approving today, there is nothing about the estimates which in any way modifies the intent of Congress as it was legislated in the 1981 Interstate Cost Estimate.

In particular, the ICE, which is before us today, as House Public Works Committee Print No. 99-2, includes $693.2 million for Interstate 93 in Boston. Of this amount, $265.5 million is for the north area project, and the remaining amount, $427.7 million is for the central portion (depression) of the Central Artery project.

The legislative history of this particular cost estimate shows that this figure was derived by taking $389 million for the depressed Central Artery project that was included in the 1981 cost estimate, passed by Congress, and adjusting this amount for unit price changes to the 1983 cost estimate.

When the Senate passed the most recent cost estimate on March 2, 1984, Senator STAFFORD stated "We are adopting the figures in the 1981 cost estimate, which assumes a cost of $389 million for the depression of the central portion of the Central Artery. The 1981 cost estimates, as submitted to the Department of Transportation by the Commonwealth of Massachusetts and as approved by Congress, indicated that funds were in the cost estimate for this concept. We are approving $389 million for the central portion of the Central Artery in the cost estimate."

I am grateful for the assistance of Senator STAFFORD in reviewing the matter of the Central Artery project for us today. This project, although included in the 1981 cost estimates, as I have described here today, was excluded by the Secretary of Transportation in her submission of the proposed 1983 Interstate Cost Estimate, House Public Works Committee Print 98-1. The cost estimate before us today, which is based on House Public Works Committee Print 98-35, specifically amends the Secretary's submission to add back in the amount referred by Senator STAFFORD ($389 million).

I remain hopeful that this reenactment of the 1981 cost estimate figures for the depression of the Central Artery will encourage the Federal Highway Administration to reassess its position and move forward on this vitally needed project.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. (Mr. GRAMM). Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I know of no other Senators who wish to speak with reference to the pending business.

Mr. President, I ask, what is the pending business?

The PRESIDING OFFICER. Third reading.

Mr. STAFFORD. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1251) was ordered to a third reading, was read the third time, and passed.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BURDICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I want to thank all who cooperated in this matter, and I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would simply like to thank the distinguished chairman of the committee, the Senator from Vermont, and I would like to thank Mr. BURDICK also for his forebearance during the process of deliberations concerning this matter. I thank the Senator very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ANZUS ALLIANCE

Mr. PRESSLER. Mr. President, as cosponsor of Senate Resolution 66, I should like to express my support for this legislation and urge the administration to consider taking further actions in response to New Zealand's policy of not allowing U.S. military ships to dock in their ports. This policy has threatened the future of the ANZUS Alliance.

The actions in the resolution are not meant to harm the ANZUS Alliance, but rather to strengthen it. Any alliance must be a cooperative effort, and if one partner does not meet their requirements or commitments, then the alliance will not work. It must be a two-way street. New Zealand, with their actions, is not meeting their commitments to the ANZUS Alliance. I fully support the actions called for in Senator COHEN's resolution and want to commend him for his leadership on this important issue.

The suggested action against subsidized exports from New Zealand is of particular interest to me. Woolgrowers, livestock producers, and dairy farmers in my home State of South Dakota have complained for years about the importation of various agricultural products from New Zealand. In fiscal year 1984, New Zealand exported nearly one-half billion dollars' worth of agricultural products to the United States. The woolgrowers have even filed petitions against subsidized lamb imports from New Zealand. In 1983-84, New Zealand was our largest supplier of wool and lamb meat—providing approximately 75 percent of all wool and lamb imported. New Zealand is also a major exporter of beef and dairy products to the United States. In many cases, these agricultural products are exported to the United States with the benefit of various Government programs or subsidies.

Under the GATT subsidies code, New Zealand is to eliminate these

export subsidy programs by March 31, 1985. It is clear that these programs will not be eliminated by that date, and as a result, the United States no longer must demonstrate that the imports are injuring the domestic industry before restrictive actions can be taken. As a cosponsor of Senate Resolution 66, I fully support this proposal to withdraw from New Zealand the injury test requirement, and would advocate actions be taken to restrict the importation of subsidized products from New Zealand. All of these products are produced in abundance in the United States, and a reduction of these imports would help to increase some domestic farm prices and also demonstrate to New Zealand that the United States is serious about these trade and security issues.

Mr. President, I urge my colleagues to join me in cosponsoring Senate Resolution 66, and I also urge the administration to consider not only taking the actions advocated in the resolution, but also possibly taking additional actions against subsidized imports from New Zealand.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on March 4, 1985, during the recess of the Senate, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committee.

(The nominations received on March 4, 1985, are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 24

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on March 1, 1985, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Finance, the Committee on the Judiciary, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report six new deferrals of budget authority for 1985 totaling $58,900,000 and four revised deferrals now totaling $110,566,481. The deferrals affect the Departments of Agriculture, Health and Human Services, Justice, and Labor:

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *March 1, 1985.*

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 25

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on March 1, 1985, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby transmit for the information of the Congress the Nineteenth Annual Report of the Department of Housing and Urban Development, which covers calendar year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *March 1, 1985.*

REPORT ON THE PEACEKEEPER MISSILE—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 26

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on March 4, 1985, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

The attached report on the Peacekeeper missile contains my assessment of the requirement for Peacekeeper and my anticipated impact of the continued procurement of Peacekeeper missiles, pursuant to the provisions of Public Law 98-525, Section 110 of October 19, 1984.

My report concludes that the continued procurement and deployment of the Peacekeeper are essential to national security. The recommendations of the Scowcroft Commission are still valid. One hundred Peacekeeper missiles should be deployed in existing Minuteman silos as soon as possible.

My report also concludes that Peacekeeper is an essential element of our arms control strategy. Without the Peacekeeper our chances of reaching an equitable agreement with the Soviet Union to reduce significantly the size of our nuclear arsenals are substantially lowered. Indeed, should Congress delay or eliminate the Peacekeeper program, it would send an unmistakable signal to the Soviet Union that we do not possess the resolve required, nor the continuity of purpose, to maintain a viable strategic triad and the policy of deterrence the triad represents.

The time has come to place this issue behind us. While we have debated the merits of the Peacekeeper program, the Soviets have deployed over 600 Peacekeeper type missiles. If we are to move towards an equitable treaty in Geneva, procurement of 100 Peacekeeper missiles must continue.

I urge each member of Congress to approve the Peacekeeper and join me in a bipartisan and united effort in Geneva. With your support, and the support of the American people, our efforts at the negotiation table could lead to the more stable world we all seek, and lead to that day when mankind is free of the terrible threat of nuclear weapons.

RONALD REAGAN.

THE WHITE HOUSE, *March 4, 1985.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

SUPPLEMENTARY AGREEMENT BETWEEN THE UNITED STATES AND ITALY ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (P.L. 95-216; 42 U.S.C. 433(e)(1)), I transmit herewith the Supplementary Agreement between the United States of America and the Italian Republic on the matter of social security, signed at Rome April 17, 1984.

The U.S.-Italy social security agreement is similar in objective to the social security agreements in force with Belgium, Canada, the Federal

Republic of Germany, Norway, Switzerland, and the United Kingdom. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other. The present Supplementary Agreement with Italy would amend the original agreement to update and simplify several of its provisions which have caused both countries unforeseen and unnecessary administrative difficulties.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Supplementary Agreement, as well as the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the U.S.-Italy Supplementary Social Security Agreement and related documents.

RONALD REAGAN.

THE WHITE HOUSE, *March 5, 1985.*

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 14. An act to designate the Federal Building and United States Courthouse in Ashland, Kentucky, as the "Carl D. Perkins Federal Building and United States Courthouse";

H.R. 1189. An act to provide additional emergency credit to farm producers; to provide funds to forego foreclosure and defer payment of indebtedness; and to determine damages caused by embargoes on the sale and delivery of agricultural commodities, either through direct embargo or failure to sell competitively; and for other purposes;

H.R. 1239. An act making urgent supplemental appropriations for the fiscal year ending September 30, 1985, for emergency famine relief and recovery in Africa, and for other purposes;

H.R. 1251. An act to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985; and

H.J. Res. 50. Joint resolution designating the week beginning March 3, 1985, as "Women's History Week".

The message also announced that pursuant to the provisions of title 15, United States Code, section 1024(a), the Speaker appoints Ms. FIEDLER as a member on the part of the House of the Joint Economic Committee, vice Mrs. HOLT, resigned.

At 4:39 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1096) to authorize appropriations for famine relief and recovery in Africa.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 14. An act to designate the Federal Building and United States Courthouse in Ashland, Kentucky, as the "Carl D. Perkins Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1189. An act to provide additional emergency credit to farm producers; to provide funds to forego foreclosure and defer payment of indebtedness; and to determine damages caused by embargoes on the sale and delivery of agricultural commodities, either through direct embargo or failure to sell competitively; and for other purposes; to the Committee on Appropriations.

H.R. 1239. An act making urgent supplemental appropriations for the fiscal year ending September 30, 1985, for emergency famine relief and recovery in Africa, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1251. An act to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985.

MEASURE HELD AT THE DESK

The following joint resolution was ordered held at the desk by unanimous consent, pending further disposition:

H.J. Res. 50. Joint resolution designating the week beginning March 3, 1985, as "Women's History Week".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-519. A communication from the Secretary of Agriculture transmitting, pursuant to law, the Forest Service annual accomplishment information and annual report under the Forest and Rangeland Renewable Resources Planning Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-520. A communication from the Director of the Accounting and Financial Management Division of the GAO transmitting, pursuant to law, a certification of Panama Canal Commission Estimated Revenue for fy 1986; to the Committee on Armed Services.

EC-521. A communication from the Acting Assistant Secretary of Defense transmitting, pursuant to law, a 5 part report on the Economic Adjustment Program for Chippewa County, Michigan; to the Committee on Armed Services.

EC-522. A communication from the Acting Assistant Secretary of Defense transmitting, pursuant to law, the report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the fourth quarter of 1984; to the Committee on Armed Services

EC-523. A communication from the President and Chairman of the Export-Import Bank of the U.S. transmitting a draft of proposed legislation to amend the Export-Import Bank Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-524. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on reactor safeguards on the Safety Research Program for fy 1986 and 1987; to the Committee on Environment and Public Works.

EC-525. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the U.S. within the sixty days previous to February 21, 1985; to the Committee on Foreign Relations.

EC-526. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on scientific and professional positions established in NASA during 1984; to the Committee on Governmental Affairs.

EC-527. A communication from the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of a violation of law and regulation by an employee at Kimbrough Army Hospital, Ft. Meade, Md.; to the Committee on Governmental Affairs.

EC-528. A communication from the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, a report on an allegation of a violation of law and regulation at the Mountain Home Air Force Base, Idaho; to the Committee on Government Affairs.

EC-529. A communication from the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of possible fraud, gross waste of funds, and mismanagement in the administration of an Air Force contract; to the Committee on Governmental Affairs.

EC-530. A communication from the Executive Director of the Committee for Purchase from the Blind and other Severely Handicapped transmitting, pursuant to law, the Committee's 1984 Freedom of Information report; to the Committee on the Judiciary.

EC-531. A communication from the Director of ACTION transmitting, pursuant to law, ACTION's 1984 Freedom of Information report; to the Committee on the Judiciary.

EC-532. A communication from the Deputy to the Chairman of the Federal Deposit Insurance Corp. transmitting, pursuant to law, the Corporation's 1984 Freedom of Information report; to the Committee on the Judiciary.

EC-533. A communication from the Under Secretary of Labor transmitting, pursuant to law, the ERISA Annual Report for 1983;

to the Committee on Labor and Human Resources.

EC-534. A communication from the Director of ACTION transmitting, pursuant to law, the final report on the Vietnam Veterans Leadership Program; to the Committee on Veterans Affairs.

EC-535. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report entitled "Legislation to Authorize VA Recoveries From Private Health Insurance Would Result in Substantial Savings"; to the Committee on Veterans Affairs.

EC-536. A communication from the Acting Assistant Secretary of State transmitting, pursuant to law, a report on the intention of the President to exercise his special authority to authorize military assistance to Haiti; to the Committee on Foreign Relations.

EC-537. A communication from the Secretary of Agriculture transmitting, a draft of proposed legislation to improve procedures for selection of ASCS county and local committees; to the Committee on Agriculture, Nutrition, and Forestry.

EC-538. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the 1984 report on the total number of applications for conditional registration under the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-539. A communication from the Secretary of Agriculture transmitting, pursuant to law, a report on PL 480 activities for fy 1983; to the Committee on Agriculture, Nutrition, and Forestry.

EC-540. A communication from the Clerk of the U.S. Claims Court transmitting, pursuant to law, a copy of the Court's judgment order for the plaintiffs in the case of the Sioux Tribe of Indians v. the U.S.; to the Committee on Appropriations.

EC-541. A communication from the Assistant Secretary of the Army transmitting a draft of proposed legislation to provide for more efficient and expeditious disposal of lost, abandoned, or unclaimed property in the custody of military departments; to the Committee on Armed Services.

EC-542. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to France; to the Committee on Armed Services.

EC-543. A communication from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs, and Installations), transmitting a draft of proposed legislation to amend titles 5 and 10, United States Code, to authorize the United States Air Force Institute of Technology to adopt personnel classification and pay practices for civilian faculty members similar to those used at comparable Federal educational institutions; to the Committee on Armed Services.

EC-544. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a waiver of the requirements of section 11(b) of the Stevenson-Wydler Technology Innovation Act of 1980; to the Committee on Commerce, Science, and Transportation.

EC-545. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 44, United States Code, to authorize the Secretary of Commerce to establish prices charged for charts, tide and tidal current tables, tidal current charts, coast pilots, water level products, and associated data bases published or produced by the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-546. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the operation and maintenance of certain fish propagation facilities constructed in the Columbia River Basin, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-547. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Magnuson Fishery Conservation and Management Act, as amended, to authorize certain actions with regard to foreign fishing vessel permits for unsafe conditions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-548. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the National Telecommunications and Information Administration for fiscal years 1986 and 1987; to the Committee on Commerce, Science, and Transportation.

EC-549. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1986 and 1987, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-550. Not assigned.

EC-551. A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, the FCC's report on accomplishments for fy 1984 and its goals, objectives, and priorities for fy 1985, 1986, and 1987; to the Committee on Commerce, Science, and Transportation.

EC-552. A communication from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a report on hydrologic determination of water availability from Navajo Reservoir and the Upper Colorado River Basin for use in New Mexico; to the Committee on Energy and Natural Resources.

EC-553. A communication from the Secretary of Energy transmitting, pursuant to law, the 1984 annual report on powerplant and industrial fuel use; to the Committee on Energy and Natural Resources.

EC-554. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, certification that certain agencies had expended no funds for purposes prohibited by the Coastal Barrier Resources Act in fiscal year 1984; to the Committee on Environment and Public Works.

EC-555. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Ocean Pollution Planning Act of 1978, as amended, to authorize appropriations to carry out the provisions of the Act for fiscal years 1986 and 1987; to the Committee on Environment and Public Works.

EC-556. A communication from the Secretary of State, transmitting, pursuant to law, a report on the situation in El Salvador; to the Committee on Foreign Relations.

EC-557. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Relations), transmitting a draft of proposed legislation to authorize United States participation in the international Jute Organization; to the Committee on Foreign Relations.

EC-558. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, for the information of the Senate, a copy of the International Sugar Agreement, 1984, with annexes; to the Committee on Foreign Relations.

EC-559. A communication from the Executive Director of the Board for International Broadcasting, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1984; to the Committee on Governmental Affairs.

EC-560. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the Commission's annual Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-561. A communication from the Marshal of the Supreme Court, transmitting, pursuant to law, the annual report on the cost of the protective function provided by Supreme Court police to Justices, Official guests, and employees of the Supreme Court; to the Committee on the Judiciary.

EC-562. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Administration's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

EC-563. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Administration's annual Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-564. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, the Special Counsel's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

EC-565. A communication from the Acting Chairman of the National Endowment For The Humanities, transmitting, pursuant to law, the Endowment's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

EC-566. A communication from the Postmaster General, transmitting, pursuant to law, the Postal Service's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

EC-567. A communication from the Director of Administration, Department of Energy, transmitting, pursuant to law, the Department's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

EC-568. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

EC-569. A communication from the Freedom of Information Act Director of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the Corporation's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

EC-570. A communication from the Managing Director for Administration, the Assistant General Counsel for Field Management and Legal Policy and the Acting Exec-

utive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

EC-571. A communication from the Assistant Secretary of Defense (Public Affairs), transmitting, pursuant to law, the Department's annual Freedom of Information Act report for calendar year 1984; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-66. Concurrent resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"HOUSE CONCURRENT RESOLUTION No. 3005

"Whereas, the federal government has acquired in this state land in fee for migratory bird sanctuaries, the national park system, the national forest system, water resource development projects, and other uses; and

"Whereas, under the federal Migratory Bird Conservation Act the federal government through the Fish and Wildlife Service has acquired approximately 418,570 acres of fee lands in North Dakota for national wildlife refuges and waterfowl production areas and has acquired under other federal programs and agenices approximately 1.7 million additional acrea of fee lands in this state; and

"Whereas, the acquisition of these fee lands has resulted in the loss of tax revenues to counties in North Dakota because of the removal of these fee lands from the tax base; and

"Whereas, under the federal Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976, the federal government is to make payments in lieu of taxes to these affected counties to ameliorate the effects of the diminished tax base; and

"Whereas, revenue received by the United States from these fee lands along with congressional appropriations have not been sufficient to pay 100 percent of the entitlements to these counties under the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976; and

"Whereas, the counties affected by these fee acquisitions are entitled to receive the full benefit of the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976 to ameliorate the effects of the loss of the tax base resulting from federal fee land acquisitions: Now, therefore, be it

"*Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein,* That the Forty-ninth Legislative Assembly urges the Congress of the United States to appropriate moneys in the future sufficient to pay 100 percent of the payments in lieu of taxes under the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976; and be it further

"*Resolved,* That the Secretary of State send copies of this resolution to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the chairman of the Senate Appropriations Committee, the chairman of the House of Representatives Appropriations Committee, the Secretary of the Interior, the President of the United States, and each member of the North Dakota Congressional Delegation."

POM-67. Resolution adopted by the Congress of the Federated States of Micronesia; to the Committee on Energy and Natural Resources.

"RESOLUTION

"Whereas, many Micronesians suffered from the hostilities of the Second World War as well as other incidents involving the actions of military and civilian employees of the United States and Japan; and

"Whereas, in recognition of these unfortunate facts, the United States and Japan signed an agreement in 1969 which provided that, as an ex gratia contribution, Japan would contribute $5 million in goods and services to the Micronesian people and the United States would establish a $5 million fund for the welfare of the Micronesian people; and

"Whereas, this agreement between the United States and Japan was implemented in the United States by the Micronesian Claims Act of 1971, which established a Micronesian Claims Commission to receive, examine, adjudicate, and render final decisions with respect to the combat- and noncombat-related claims of the Micronesian people; and

"Whereas, under title I of said act, $5 million was contributed by the United States, which amount was matched by a goods and services contribution from Japan; and

"Whereas, under title II of said act, $20 million was contributed by the United States; and

"Whereas, said amounts proved inadequate to ensure full payment of claims adjudicated by the Micronesian Claims Commission, inasmuch as millions of dollars of adjudicated claims were never paid; and

"Whereas, the United States, has maintained the position that additional funds for the payment of adjudicated claims will not be appropriated until and unless the Government of Japan also contributes funds for such purposes; and

"Whereas, the United States, unlike Japan, is responsible for the welfare of the people of the Federated States of Micronesia as the administering authority of the Trust Territory of the Pacific Islands; and

"Whereas, many Micronesians, including numerous citizens of the Federated States of Micronesia, have been left with adjudicated claims which have not been paid in full; Now, therefore, be it

"*Resolved* by the Third Congress of the Federated States of Micronesia, Fourth Special Session, 1985, that the Congress hereby requests the United States Congress to appropriate sufficient funds to ensure full payment of all Federated States of Micronesia citizen claims adjudicated under the Micronesian Claims Act of 1971, and not wait for the Government of Japan to first appropriate funds for such purposes; and be it further

"*Resolved* that certified copies of this resolution be transmitted to the Speaker of the House and the President of the Senate of the United States Congress, the President of the United States, the Director of Territorial Affairs of the Department of Interior, the President of the Federated States of Micronesia, and the Secretary of External Affairs of the Federated States of Micronesia."

POM-68. Joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY JOINT RESOLUTION No. 142

"Whereas, The construction of the Trinity River division of the Central Valley project in California, which was authorized by the Congressional Act of August 12, 1955 (69 State. 719), has substantially reduced the streamflow in the Trinity River Basin and badly damaged pools, spawning gravels, and rearing areas and has caused a drastic reduction in the anadramous fish populations and a decline in the scenic and recreational qualities of the river system; and

"Whereas, The loss of land areas inundated by two reservoirs constructed in connection with the project has caused substantial reductions in the populations of deer and other wildlife historically found in the Trinity River Basin; and

"Whereas, A fish and wildlife management program has been developed by an existing interagency advisory group, called the Trinity River Basin Fish and Wildlife Task Force; and

"Whereas, The Secretary of the Interior of the United States requires additional authority to implement a basinwide fish and wildlife management program in order to achieve the long-term goal of restoring fish and wildlife populations in the Trinity River Basin at the level existing immediately before the start of the construction of the Trinity River division: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States of America to pass House Resolution 1438 of the 1st Session of the 98th Congress, which was introduced February 15, 1983 by Representatives Chappie, Bosco, and Shumway, which calls on the Secretary of the Interior to formulate and implement a fish and wildlife management program for the Trinity River Basin designed to restore the fish and wildlife populations in the basin to the levels existing immediately prior to the start of the construction, and to maintain those levels, and calling on the establishment of the Trinity River Basin Fish and Wildlife Task Force, with fourteen members as set forth, including representation selected by the Humboldt County Board of Supervisors, the Trinity County Board of Supervisors and the Hoopa Tribe of the Hoopa Valley Indian Reservation, California, for the purpose of monitoring the implementation of this resolution, and calling for a federal appropriation of $33,000,000 to remain available thereafter until expended, and for the sum of $2,200,000 annually for a ten-year period for the cost of operations, maintenance, and monitoring authorized by this resolution; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to sign H.R. 1438 after Congressional passage; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States."

POM-69. Joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION No. 47

"Whereas, One of the greatest flooding threats in the United States lies within the overflow path of the Santa Ana River within Orange County; and

"Whereas, In this century, there have been 14 medium to severe winter floods in the Santa Ana River basin, including one in 1938 which devastated central Orange County and killed 45 persons; and

"Whereas, Congress acted quickly after the 1938 flood and authorized construction of Prado Dam near Corona, which was completed in 1941; and

"Whereas, Subsequent study by the United States Army Corps of Engineers has estimated that a flood like the one which occurred in 1862, a flood not included in the design of Prado Dam, would fill the reservoir beyond its capacity, with the uncontrolled flow over the spillway harming more than one million people and causing damage and economic loss of more than nine billion dollars, and would cover 100,000 acres of central Orange County to an average depth of three feet; and

"Whereas, the Boards of Supervisors of Orange, Riverside, and San Bernardino Counties have requested the Corps of Engineers to remedy this great flood hazard, but construction has not yet been authorized by Congress; and

"Whereas, If authorized in 1984, the earliest anticipated completion would be not sooner than about 1999; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to authorize funding for flood control improvements in the Santa Ana River basin; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Chief of the United States Army Corps of Engineers."

POM-70. Joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION No. 60

"Whereas, The federal Outer Continental Shelf Lands Act requires the Department of the Interior to adopt regulations to ensure that offshore energy exploration and development operations do not adversely affect onshore air quality; and

"Whereas, The State Air Resources Board has issued a report finding that offshore energy exploration and development operations are causing serious onshore air pollution and that emission reductions are needed using pollution control technology and emission offsets; and

"Whereas, The State of California has filed a lawsuit against the Department of the Interior charging that federal offshore air quality regulations do not adequately protect California's air quality; and

"Whereas, The Department of the Interior's failure to adopt regulations to adequately control offshore air emissions caused by oil companies threatens public health, increases the likelihood of Environmental Protection Agency sanctions against the state for failure to achieve federal Clean Air Act standards, and will force the state to impose additional, costly air pollution controls on onshore industries; and

"Whereas, The California Secretary of Environmental Affairs, on behalf of the Governor, has entered into a Memorandum of Agreement with the Department of the Interior regarding Outer Continental Shelf Lease Sale 73, off the shore of central California, which includes a stipulation for the protection of the state's air quality; and

"Whereas, The California Legislature is seriously concerned that any state agreement with the Department of the Interior regarding the control of offshore air emissions stipulates that state air quality standards will be fully met, and that monitoring and enforcement measures ensure that result; now, therefore, be it

"Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor, the Secretary of Environmental Affairs, the State Air Resources Board, and the Attorney General of California are requesting to take all actions necessary to (1) implement the Outer Continental Shelf Lease Sale 73 stipulation for the protection of air quality in a manner that makes certain that state air quality standards will be fully met, (2) require the use of the best available emission control technologies that are technically feasible and cost-effective, as well as offset techniques, to ensure that state air quality standards are fully met, (3) require the oil industry and the Department of the Interior to carry the burden of proving compliance with state standards. (4) actively monitor and enforce offshore air pollution control requirements in cooperation with locally affected air pollution control districts, (5) seek to impose state air quality requirements on offshore operations authorized by previous OCS lease sales and future sales through continued litigation or other means, and (6) report back to the Legislature periodically on the status of efforts to ensure that offshore energy exploration and development operations do not adversely affect onshore air quality; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor, the Secretary of Environmental Affairs, the State Air Resources Board, the Attorney General of California, the Secretary of the Interior, the Director of the Minerals Management Service, the Administrator of the Environmental Protection Agency, and to each Senator and Representative from California in the Congress of the United States."

POM-71. A resolution adopted by the Better Roads & Transportation Council urging Congress to act at the earliest possible date to approve an unencumbered long-term Interstate Cost Estimate; to the Committee on Environment and Public Works.

POM-72. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Finance.

"RESOLUTION No. 1 (LS)

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Headnote 3(a) of the Tariff Schedule of the United States (19 U.S.C. §1202) presently provides a tax incentive for manufacturers who are located in United States territories by allowing them to export goods manufactured in the territories which consist of a percentage of foreign-made or supplied components into the United States at a reduced rate of taxation; and

"Whereas, in regard to the importation of textiles into the United States, bilateral restraint agreements have been negotiated between the United States and numerous foreign countries pursuant to Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. §1854), and the Multi-Fiber Arrangement Regarding International Trade in Textiles; and

"Whereas, certain countries have been granted relief from import tariffs on various products coming from those countries into the United States pursuant to the Generalized System of Preferences enacted as part of the Trade Act of 1974, the Caribbean Basin Economic Recovery Act and the Canadian and Israeli Act; and

"Whereas, a practice of circumventing the import quotas imposed on certain countries has grown up whereby a country that has filled its quotas continues to export goods to the United States by exporting the goods to a country that has unfilled quotas first, and this second country exports the goods into the United States by representing the goods as products of the second country; and

"Whereas, the country of origin and the second country, the country of export, must collaborate in order to circumvent the import quotas established through bilateral agreements with the United States, and thereby both have purposefully obtained excessive duty free benefits which ultimately are paid for by the taxpayers of the United States; and

"Whereas, recently promulgated rules of the Department of the Treasury (Federal Register, Vol. 49, No. 151, Friday, August 3, 1984) have defined country-of-origin for textiles as the place where a textile product is wholly grown, produced, or manufactured or where a textile product has been substantially transformed by means of a substantial manufacturing or processing operation into a new and different article of commerce with a name, character, or use distinct from the article or material from which it was so transformed; and

"Whereas, recently enacted legislation (S. 2194 introduced in the United States Senate on November 18, 1983, and H.R. 4560 introduced in the House of Representatives on November 18, 1983 and subsequently enacted into law) brings the language of Headnote 3(a) into line with the language of the new regulations issued by the Department of the Treasury regarding country-of-origin restrictions; and

"Whereas, Headnote 3(a) was designed to help the U.S. territories develop economically by attracting manufacturers to those areas by offering a tax incentive; and

"Whereas, the new country-of-origin rules, if combined with Headnote 3(a), effectively eliminate whatever advantage headnote 3(a) gives a Territory; however, strict enforcement of country-of-origin rules for foreign countries, combined with an exemption from the country-of-origin rules for the U.S. Territory of Guam, would restore the original intent of Headnote 3(a) by encouraging manufacturers of textile products presently operating in locations in foreign countries to relocate to Guam; now, therefore, be it

"Resolved, that the Eighteenth Guam Legislature, on behalf of the people of Guam, request the United States Customs Service of the Department of the Treasury to strictly enforce the country-of-origin rules promulgated in volume 49, No. 151, of the Federal Register of Friday, August 3, 1984 as they pertain to foreign countries; and be it further

"Resolved, that the Eighteenth Guam Legislature request the United States gov-

ernment through the Congress and the Department of the Treasury to examine methods whereby the country of origin and the country of export may be discouraged from collaborating to avoid the export quotas, such methods to include withdrawal of Generalized System of Preference status as a beneficiary developing country by imposition of TSUS column 1 or column 2 duties on textile products exported from such countries into the United States; and be it further

"Resolved, that once the best method for enforcing the present laws is determined in order to discourage the collaboration of foreign countries in avoiding the import quotas, that such method be implemented as soon as possible; and be it further

"Resolved, that the Eighteenth Guam Legislature, on behalf of the people of Guam, request the Department of the Treasury to grant Guam an exemption from the country-of-origin rules cited above; and be it further

"Resolved, that the Eighteenth Guam Legislature, on behalf of the people of Guam, request that country-of-origin regulations not be linked in application to Headnote 3(a) in federal legislation; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the United States Customs Service; to the Department of Treasury; to the Speaker, U.S. House of Representatives; to the President, U.S. Senate; to Richard Montoya, Assistant Secretary of the Interior; to the Department of Commerce; to the State Department; to Mr. Jerry N. Lorelli, local U.S. Customs Service; to Mr. Victor Renaghan, District Director of Customs, Honolulu, Hawaii; to Mr. Stephen Craven, Director of Commerce, Honolulu, Hawaii; to Congressman Vicente G. Blaz; to Sigallo-Pac Limited, Guam; and to the Governor of Guam."

POM-73. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION No. 138

"Whereas, Strategic Air Command (hereafter referred to as SAC) aircraft and intercontinental ballistic missile crews, Tactical Air Command (hereafter referred to as TAC) aircrews, Coast Guard and Navy crews are required to be on "Alert Duty" for periods of 24 hours or more to assure the security of the United States; and

"Whereas, These Air Force aircraft and missile crews, Coast Guard and Navy crews, on "Alert Duty" are away from their "tax home" for extended periods of time on a restricted basis and cannot leave the "alert" facilities for any reason; and

"Whereas, These SAC aircraft and missile crews, TAC aircrews, Coast Guard and Navy crews, do not receive any tax benefits for such "Alert Duty" expenses with respect to the definition of "tax home" as set forth in Section 162(a) of the Internal Revenue Code; and

"Whereas, These SAC aircraft and missile crews, TAC aircrews, Coast Guard and Navy crews on "Alert Duty" do not receive the same tax advantages under regulations promulgated by the Internal Revenue Service which are provided for firemen and railroad personnel with respect to that "tax home" definition; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact legislation recognizing the dedication to duty of Strategic Air Command aircraft and missile crews, Tactical Air Command aircrews, Coast Guard and Navy crews involved in "Alert Duty" assignments and to amend appropriately the definition of "tax home" under Section 162 of the Internal Revenue Code to provide that:

"For members of the Strategic Air Command, Tactical Air Command, United States Air Force, the air base alert facilities, and intercontinental ballistic missile sites; and for members of the United States Navy, any alert vessel or shore-based facilities, or any such Air Force, Coast Guard or Navy base, site, vessel, station, or portions thereof, on which such alert facility is located and which is accessible to such members while assigned to 'Alert Duty' for a period of time of 24 hours or more, shall not be considered as the 'tax home' of such member for any period of such duty; " and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each California Senator and Representative, to the Senate Armed Services Committee, to the Senate Rules and Administration Committee, to the House Armed Services Committee and to the House Rules Committee."

POM-74. A resolution adopted by the Commission on Aging of the State of Iowa urging Doctors and Hospitals to accept medicare assignments; to the Committee on Finance.

POM-75. A resolution adopted by the Los Angeles County Board of Supervisors requesting the Governor, State Attorney General, and the Director of the California Department of Food and Agriculture to assist in the enforcement of the provisions of Section 2881 of the California Penal Code; to the Committee on Finance.

POM-76. A resolution adopted by the Lithuanians' Independence Commemoration of Southfield, Michigan urging Congress to exert full diplomatic and other pressures on the Soviet Union to withdraw its occupational forces from Lithuania, Latvia, and Estonia so that these Baltic States would regain their liberty and independence; to the Committee on Foreign Relations.

POM-77. A resolution adopted by the State Board of Administration of Florida relating to the United States relationship with the Republic of South Africa; to the Committee on Foreign Relations.

POM-78. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Foreign Relations.

"RESOLUTION

"Whereas, on January 27, 1973, the Paris Peace Accords were signed to end American involvement in the war in Southeast Asia; and

"Whereas, 2,483 Americans, including 50 Minnesotans, remain unaccounted for; and

"Whereas, the sorrow, anxiety, and frustration of the families of these Americans are not relieved by the delay; and

"Whereas, the government of the United States should ensure, through an authentic, comprehensive investigation, the return of any Americans still in Southeast Asia and to account for Americans who have perished there; and

"Whereas, the government of the Socialist Republic of Vietnam has shown increased willingness to cooperate in efforts to account for the missing Americans, now, therefore,

"Be it resolved by the Legislature of the State of Minnesota, That it joins with the families of the missing Americans in maintaining a constant vigil of anticipation and hope for a true accounting of their loved ones and the return of the remains of those who died as a result of the war.

"Be it further resolved, That the government of the United States should do all it can to answer the questions surrounding the status of the missing Americans, and to secure the return of the remains of the dead. It should not reject the now apparent willingness of the Socialists Republic of Vietnam to cooperate in accounting for the missing and the return of remains.

"Be it further resolved, That the Socialist Republic of Vietnam is requested to yield all information it has on the status of the missing Americans.

"Be it further resolved, That the Secretary of State of the State of Minnesota is directed to send certified copies of this resolution to the President of the United States, the Speaker and Chief Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the chairman of the Committee on Foreign Affairs of the United States House of Representatives, the chairman of the Committee on Foreign Relations of the United States Senate, to the Minnesota Representatives and Senators in Congress and to the Permanent Representatives of the Socialist Republic of Vietnam to the United Nations."

POM-79. A resolution adopted by the Legislature of the State of Minnesota memorializing the Governments of the United States and the Socialist Republic of Vietnam to take all possible action to determine the fate of persons missing in action in Southeast Asia; to the Committee on Foreign Relations.

"Whereas, On January 27, 1973, the Paris Peace Accords were signed to end American involvement in the war in Southeast Asia; and

"Whereas, 2,483 Americans, including 50 Minnesotans, remain unaccounted for; and

"Whereas, the sorrow, anxiety, and frustration of the families of these Americans are not relieved by the delay; and

"Whereas, the government of the United States should ensure, through an authentic, comprehensive investigation, the return of any Americans still in Southeast Asia and to account for Americans who have perished there; and

"Whereas, the government of the Socialist Republic of Vietnam has shown increased willingness to cooperate in efforts to account for the missing Americans; now therefore,

"Be it resolved by the Legislature of the State of Minnesota, That it joins with the families of the missing Americans in maintaining a constant vigil of anticipation and hope for a true accounting of their loved ones and the return of the remains of those who died as a result of the war.

"Be it further resolved, That the government of the United States should do all it can to answer the questions surrounding the status of the missing Americans, and to secure the return of the remains of the dead. It should not reject the now apparent willingness of the Socialist Republic of Vietnam to cooperate in accounting for the missing and the return of remains.

"Be it further resolved, That the Socialist Republic of Vietnam is requested to yield all information it has on the status of the missing Americans.

"Be it further resolved, That the Secretary of State of the State of Minnesota is directed to send certified copies of this resolution to the President of the United States, the Speaker and Chief Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the chairman of the Committee on Foreign Affairs of the United States House of Representatives, the chairman of the Committee on Foreign Relations of the United States Senate, to the Minnesota Representatives and Senators in Congress and to the Permanent Representatives of the Socialist Republic of Vietnam to the United Nations."

POM-80. A petition from the Statewide Committees Opposing Regional Plan Areas requesting relief from the oppression being exerted upon individual citizens and their constitutional government because of ACIR's goal to destroy constitutional government and local independent units of government; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

Special Report on History, Jurisdiction, and Summary of Legislative Activities of the Committee on Energy and Natural Resources During the 98th Congress (Rept. No. 99-6).

By Mr. HATFIELD, from the Committee on Appropriations, with an amendment:

S. 469. A bill to rescind certain budget authority proposed to be rescinded in a special message transmitted to the Congress by the President on February 6, 1985, in accordance with section 1012 of the Impoundment Control Act of 1974 and section 2901 of the Deficit Reduction Act of 1984 (Rept. No. 99-7).

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 1239. A bill making urgent supplemental appropriations for the fiscal year ending September 30, 1985, for emergency relief and recovery in Africa, and for other purposes (Rept. No. 99-8).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR (by request):

S. 559. A bill to amend the Foreign Assistance Act of 1969 to authorize fiscal year 1986 appropriations for the Inter-American Foundation and for other purposes; to the Committee on Foreign Relations.

By Mr. LUGAR (by request):

S. 560. A bill to extend the authority of the African Development Foundation and for other purposes; to the Committee on Foreign Relations.

By Mr. THURMOND:

S. 561. A bill for the relief of Gunter Herbert Kromp and Velma Jean Kromp, his wife; to the Committee on the Judiciary.

S. 562. A bill for the relief of Peter Arthur Westmore, Patricia Ann Westmore, Gillian Claire Westmore, and Peter Robert Westmore; to the Committee on the Judiciary.

S. 563. A bill for the relief of Frans Nicolaas Mustert; to the Committee on the Judiciary.

S. 564. A bill for the relief of Emi Ohta; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 565. A bill to direct the Secretary of Agriculture to convey, without consideration, to the town of Payson, AZ, approximately 31.14 acres of Forest Service lands; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI (for himself and Mr. EAGLETON):

S. 566. A bill to amend title 5, United States Code, to prohibit certain political participation by certain diplomatic officers and employees of the U.S. Government; to the Committee on Governmental Affairs.

By Mr. DECONCINI:

S. 567. A bill to convey Forest Service land to Flagstaff, AZ; to the Committee on Energy and Natural Resources.

By Mr. GOLDWATER:

S. 568. A bill to authorize the Secretary of Defense to close or realign any military installation if he determines that such action is in the public interest; to the Committee on Armed Services.

By Mr. BENTSEN:

S. 569. A bill to provide additional benefits under the Medicare Part A Program, and additional optional benefits under the Medicare Part B Program; to the Committee on Finance.

By Mr. WALLOP:

S. 570. A bill to amend the Mineral Lands Leasing Act of 1920 to improve the administration of the Federal coal leasing program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. RUDMAN, Mr. PROXMIRE, Mr. ABDNOR, Mr. TRIBLE, Mr. RIEGLE, and Mr. WILSON):

S. 571. A bill to amend subchapter II of chapter 53 of title 31, United States Code, relating to currency reports; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. PROXMIRE, Mr. ABDNOR, Mr. RIEGLE, and Mr. WILSON):

S. 572. A bill to amend title 18, United States Code, to create an offense prohibiting the laundering of money in the furtherance of criminal activities; to the Committee on the Judiciary.

By Mr. GORE:

S. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the use of sulfiting agents in certain foods, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON (for himself and Mr. ZORINSKY):

S. 574. A bill to require a study to examine the costs and benefits of using irrigation storage facilities for flood control purposes in the North Platte River Basin; to the Committee on Environment and Public Works.

By Mr. DOLE (for himself, Mr. GRASSLEY, Mr. DURENBERGER, and Mr. LUGAR):

S. 575. A bill to ensure payment of the additional duty imposed on ethyl alcohol used as a fuel or in making gasohol; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. GRASSLEY, Mr. DURENBERGER, and Mr. LUGAR):

S. 576. A bill to exclude from the Caribbean Basin Economic Recovery Act ethyl alcohol used for fuel which is merely distilled or denatured in a beneficiary country; to the Committee on Finance.

By Mr. PROXMIRE:

S. 577. A bill to amend title 38, United States Code, to increase the maximum amount of Servicemen's Group Life Insurance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STENNIS:

S. 578. A bill for the relief of John Calvin Smith; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 579. A bill relating to the tariff classifications of certain silicone resins and materials; to the Committee on Finance.

By Mr. PRYOR:

S. 580. A bill to ensure the independence of certain administrative law judges; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. GARN, Mr. SASSER, and Mr. DECONCINI):

S. 581. A bill to authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institutions, and for other purposes; to the Committee on Rules and Administration.

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S. 582. A bill to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on Rules and Administration.

By Mr. GOLDWATER (for himself, Mr. GARN, Mr. SASSER, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 583. A bill to authorize the Smithsonian Institution to plan and construct facilities for the Cooper-Hewitt Museum, and for other purposes; to the Committee on Rules and Administration.

By Mr. TRIBLE (for himself and Mr. GORTON):

S. 584. A bill to amend the Communications Act of 1934 respecting retransmission of programs originated by local television broadcast stations; to the Committee on Commerce, Science, and Transportation.

By Mr. TRIBLE:

S. 585. A bill to establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles in Northampton County, VA; to the Committee on Environment and Public Works.

By Mr. INOUYE (for himself, Mrs. KASSEBAUM, Mr. EXON, and Mr. DANFORTH):

S. 586. A bill to provide for the review of certain authority in certificates issued under the Federal Aviation Act of 1958, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 587. A bill to permit individuals who received National Health Service Corps scholarships to perform obligated service in such units of the Department of Defense as the Secretaries of Defense and Health and Human Services may determine by agreement; to the Committee on Labor and Human Resources.

S. 588. A bill to amend title 37, United States Code, to authorize special pay for certain officers of the Armed Forces who obtain certain professional board certifica-

tions as psychologists; to the Committee on Armed Services.

By Mr. GRASSLEY:

S. 589. A bill to amend the Federal Reserve Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELMS (for himself and Mr. EAST):

S. 590. A bill to designate certain lands in the Great Smokey Mountains National Park as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. ABDNOR, Mr. ZORINSKY, Mr. PACKWOOD, Mr. THURMOND, Mr. LUGAR, Mrs. HAWKINS, Mrs. KASSEBAUM, Mr. DENTON, and Mr. EXON):

S. 591. A bill to amend section 119(d) of the Housing and Community Development Act of 1974; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GOLDWATER (for himself, Mr. WARNER, and Mr. THURMOND):

S.J. Res. 71. Joint resolution to approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles, subject to the enactment of a second joint resolution; to the Committee on Armed Services.

By Mr. DANFORTH (for himself, Mr. DOLE, Mr. LEAHY, Mr. HEINZ, Mr. KENNEDY, Mr. SIMON, Mr. HATFIELD, Mr. HOLLINGS, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. RIEGLE, Mr. CHAFEE, Mrs. KASSEBAUM, Mr. BOREN, Mr. LUGAR, Mr. KERRY, Mr. EAGLETON, Mr. INOUYE, Mr. GORTON, Mr. QUAYLE, and Mr. BYRD):

S.J. Res. 72. Joint resolution to designate October 16, 1985, as "World Food Day"; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S.J. Res. 73. Joint resolution to designate the week of September 15, 1985, through September 21, 1985, as "National Independent Free Papers Week to the Committee on the Judiciary."

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 87. Resolution making minority party appointments to Senate committees in paragraph 3 (a), (b), and (c) of rule XXV; considered and agreed to.

By Mr. DOLE:

S. Res. 88. Resolution amending paragraph 3 (a) and (c) of rule XXV; considered and agreed to.

S. Res. 89. Resolution making additional majority party appointments to Senate committees for the 99th Congress and electing chairmen of such committees; considered and agreed to.

By Mr. SYMMS (for himself and Mr. MCCLURE):

S. Res. 90. Resolution relating to the Soviet Arms Control Violations Report of 1985; to the Committee on Foreign Relations.

By Mr. SIMPSON (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 91. Resolution to direct the Senate Legal Counsel to intervene in "Lear Siegler, Inc., etc. v. John Lehman, etc., et al."; considered and agreed to.

By Mr. MATTINGLY (for himself, Mr. NUNN, Mr. CHAFEE, and Mr. METZENBAUM):

S. Con. Res. 24. Concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (by request):

S. 559. A bill to amend the Foreign Assistance Act of 1969 to authorize fiscal year 1986 appropriations for the Inter-American Foundation, and for other purposes; to the Committee on Foreign Relations.

AUTHORIZATION OF APPROPRIATIONS FOR THE INTER-AMERICAN FOUNDATION

● Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the Inter-American Foundation.

This proposed legislation has been requested by the Inter-American Foundation and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the President of the Inter-American Foundation to the President of the Senate dated February 13, 1985.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 559

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s) is amended to replace the phrase "$16,000,000 for the fiscal year 1984 and $16,000,000 for the fiscal year 1985" with the phrase "$8,669,000 for the fiscal year 1986, and such sums as may be necessary for the fiscal year 1987". Amounts appropriated under this paragraph are authorized to remain available until expended.

INTER-AMERICAN FOUNDATION,
February 13, 1985.

Hon. GEORGE BUSH,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: In accordance with Office of Management and Budget Circular No. A-19, as revised, the Inter-American Foundation respectfully submits proposed legislation amending the Foreign Assistance Act of 1969 to authorize the sum of eight million six hundred and sixty nine thousand dollars ($8,669,000) for Fiscal Year 1986, and such sums as may be necessary for Fiscal Year 1987.

The Office of Management and Budget advises that there is no objection to the presentation of this draft proposal to the Congress, and that its enactment would be in accord with the program of the President.

If there are any questions, please contact us.

Sincerely,

DEBORAH SZEKELY,
President.●

By Mr. LUGAR (by request):

S. 560. A bill to extend the authority of the African Development Foundation, and for other purposes; to the Committee on Foreign Relations.

EXTENSION OF AFRICAN DEVELOPMENT FOUNDATION

● Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to extend the authority of the African Development Foundation and to authorize appropriations for the Foundation.

This proposed legislation has been requested by the African Development Foundation and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the President of the African Development Foundation to the President of the Senate dated February 6, 1985.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Section 511 of Title V of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 2151) is amended by deleting September 30, 1985, in the first sentence, and inserting September 30, 1990, in lieu thereof.

SEC. 2. A new Section 512 is added at the end of Title V to read as follows:

AUTHORIZATION OF APPROPRIATIONS

SEC. 512. There are authorized to be appropriated to the President to carry out this title, in addition to funds otherwise available for such purpose, $1,000,000 for the Fiscal Year 1986, and such sums as may be necessary for Fiscal Year 1987. Funds appropriated under this section are authorized to remain available until expended.

AFRICAN DEVELOPMENT FOUNDATION,
Washington, DC, February 6, 1985.

Hon. GEORGE H.W. BUSH,
Vice President of the United States and President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: I herewith transmit a bill to amend the International Security and Development Cooperation Act of 1980 to delete the requirement in Title V of the Act that the authority of the African Development Foundation expire on September

30, 1985, and to authorize appropriations for the Foundation for Fiscal Year 1986.

Section 1 of the bill extends the authority of the Foundation to make grants, loans, and loan guarantees and otherwise carry out the purposes of Title V of the International Security Development Cooperation Act of 1980 for five additional years from September 30, 1985 to September 30, 1990.

Section 2 of the bill authorizes the appropriation of $1,000,000 for the African Development Foundation for Fiscal Year 1986, and such sums as may be necessary for Fiscal Year 1987.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

LEONARD H. ROBINSON, Jr.,
President.●

By Mr. DECONCINI

S. 565. A bill to direct the Secretary of Agriculture to convey, without consideration, to the Town of Payson, AZ, approximately 31.14 acres of Forest Service lands; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN FOREST SERVICE LANDS TO PAYSON, AZ

Mr. DECONCINI. Mr. President, today I am introducing a measure to convey certain Forest Service lands to the town of Payson, AZ, for use as a park.

The town of Payson finds itself in a very unusual situation. Arizona has been growing at an unprecedented rate for over the last 20 years. What most people do not realize, Mr. President, is that this growth is not confined to the large metropolitan areas of Phoenix and Tucson. Small towns such as Payson, which is northeast of Phoenix, have also been experiencing a rapid increase in population as well.

However, the town of Payson faces a major obstacle in its attempt to capitablize on the benefits of growth. In Gila County, where Payson is located, only 4 percent of the land is privately owned. Furthermore, of the town itself, 3,840 acres are owned by the U.S. Forest Service. This corresponds to a 46.9 percent Federal land ownership within the town limits of Payson.

The legislation which I am introducing today will convey approximately 31.14 acres of Forest Service land to the town of Payson. The growth which has occurred in Payson has created many problems for the community due to the tremendous shortage of available private land. The town is in desperate need of land which can be used for public purposes. The parcel which is to be conveyed in this legislation will continue to be used for public park purposes. This land is already being utilized by the town of Payson under a 25 year special use permit issued by the Forest Service.

Mr. President, the 31.14 acres selected for conveyance represents less than 1 percent of the Forest Service land within the town of Payson. At the present time, no private parcels of land exist within the town which are large enough to provide the important public services which Payson requires. Furthermore, the town cannot annex outlying areas since Payson is surrounded by Forest Service land. More importantly, the town does not have the tax base necessary to support the purchase of the federally owned land at fair market value. The town has taken advantage of a land exchange that is presently being negotiated on the Tonto National Forest to acquire Forest Service land for other public purposes. However, it does not have the financial resources to purchase all of the land it requires.

The special use permit which has been granted by the Forest Service to the town of Payson for the park is merely a short-term solution to a long-term problem. The permit places restrictions on the uses of the land which are not in the best interest of the town. Also, the permit must be reissued every 25 years, and as a result, the town cannot take advantage of long-term planning. Furthermore, there is no significant Forest Service plan to use the designated land, which is only suitable for recreation purposes. Thus, the transferrence of title of this land will not only eliminate the regulatory burden of the Forest Service and the town, but will also enable Payson to manage this parcel of land in a much more appropriate and effective manner.

I believe that the best solution for Payson's dilemma is offered in this legislation. This bill is vital to the future of Payson, AZ. Mr. President, I urge its expeditious consideration by the Energy and Natural Resources Committee.

I ask unanimous consent that the text of this bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture is authorized to transfer, without consideration, to the Town of Payson, Arizona, a parcel of land comprising approximately 31.14 acres, known as North Rumsey Park, in the Town of Payson, County of Gila, Arizona.

By Mr. DECONCINI (for himself and Mr. EAGLETON):

S. 566. A bill to amend title 5, United States Code, to prohibit certain political participation by certain diplomatic officers and employees of the United States Government; to the Committee on Governmental Affairs.

POLITICAL ACTIVITY OF AMBASSADORS

Mr. DECONCINI. Mr. President, the bill that Senator EAGLETON and I are introducing today is designed to close what I feel is a loophole in the Hatch Act—the law which prevents Government employees from participating in national political campaigns. Our bill is very similar to an amendment that the Senate passed by voice vote 2 years ago. It amends the Hatch Act to prohibit ambassadors and certain other diplomatic officials from taking part in political campaigns.

Currently, ambassadors are exempt from the limitations on political activity which the Hatch Act applies to the vast majority of Federal Government employees. I am not a supporter of the Hatch Act in terms of its broad implications—in my view, Federal workers—except in the case of sensitive Justice Department, intelligence agency, and Internal Revenue Service positions—should have the same political rights as other citizens. However, if the intent of the Hatch Act is to prevent partisan politics from interfering in the way Federal workers do their jobs, it seems particularly important that this proviso be applied to the position of ambassador. Our ambassadors' main function is to convey a certain image of the United States—an image that is as consistent and clear as possible. Professionalism is a highly prized attribute of an ambassador. Unfortunately, when an ambassador engages in partisan politics, campaign rhetoric combined with the expediency of the moment tends to lead to the distortion of American foreign policy.

The State Department's official policy frowns upon such partisan activity by ambassadors, but this has not deterred some ambassadors who are willing to sacrifice professionalism for the sake of grinding a particular political ax or to please political superiors. It certainly did not deter over 20 ambassadors during last year's political campaign.

An ambassador to a foreign country serves as a vital link between our country and the government of a country to which he or she is accredited. Statements the ambassador makes are carefully scrutinized by the government of the host country as reflections of the policies of the government the ambassador represents. An ambassador becomes an almost totally public persona who cannot afford to make offhand comments or to engage in partisan politics.

In my own reelection campaign in 1982, one particular individual accredited as an American ambassador to a Latin American country came to Arizona and interjected himself in the campaign. He made commercials endorsing my opponent on the basis of a series of statements about Central America that ran counter to official American policy. Frankly, I found the behavior startling and potentially very damaging to our Central American policy.

I was equally amazed to discover that while a lowly clerk in the bureaucracy, whose participation in politics carries with it absolutely no implications about Government policy, is forbidden to do so by the Hatch Act, an ambassador whose every work and action conveys to foreigners the views and attitudes of the American Government is under no such stricture. Although I had hoped that ambassadors would have better sense than to embroil themselves in a political campaign, events of the recent election indicate that many do not.

The bill we introduce today will eliminate the loophole which presently allows ambassadors to take part in political campaigns. I believe that the amendment not only is in keeping with the original intent of the Hatch Act, but it makes good foreign policy sense as well.

Mr. EAGLETON. Mr. President, last fall the country, and indeed the world, was treated to the spectacle of 21 active-duty U.S. ambassadors endorsing a candidate for Federal public office. The State Department immediately issued a statement reiterating that both policy and longstanding tradition discourage ambassadors from particpating in partisan political campaigns. Regrettably, in this particular instance policy was enforced after the fact and tradition was observed in the breach.

Former Assistant Secretary of State Lawrence Eagleburger, until last summer the ranking member of the Foreign Service, warns that the ambassadors' embarrassing display of poor judgment opens the door to ambassadors participating in elections every 2 years. Mr. President, I believe that door should be closed for good. I am pleased to join with my colleague from Arizona, Mr. DECONCINI, in introducing a bill to amend the Hatch Act so as to bring ambassadors and certain other diplomatic officials under the act's restrictions on partisan political activities for the duration of their appointments.

We have made great strides in recent years toward a more professional diplomatic corps. The legislation we propose today is the next logical step in that process. Ambassadors are the chief diplomatic officials in foreign countries and are personal representatives of the President and the U.S. Government. They ought to be consummate professionals on the job even if they are not professional diplomats. The United States is not well-served by ambassadors who spend their time, energy, and quite possibly official funds and staff time in the pursuit of partisan gain for themselves or their political friends.

Ambassadors are exempt from the Hatch Act's restrictions by virtue of a provision added by a floor amendment in the House when the bill was considered in 1939. Although Senator Carl Hatch believed his bill would not restrict the activities of policymakers, there was no specific language to that effect in the Senate bill. In the House, language was added to exempt anyone—

> . . . appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws.

Supporters of the House amendment argued that policymakers should be able to defend administration policy in the political realm and did not need the protection from political coercion that other Federal employees need. The legislation we propose simply excepts chiefs of mission, ambassadors at large, and ministers from that general exemption. It has no effect on the Secretary of State or his immediate subordinates in the departmental hierarchy.

There is considerable debate as to whether the Hatch Act is an unreasonable limitation on the rights of individuals. That may indeed be true. Until we are prepared to repeal the Hatch Act entirely, however, there is no logic to having some Government employees "Hatched" and others not so. It should either be one way or the other, not somewhere in the middle.

I recognize the political reality that Presidents will continue to appoint political associates to some ambassadorial posts. In my judgment, though, the fact that some ambassadors may be political animals or simply large political contributors can in no way justify inappropriate conduct. Once they have been named and confirmed, the appointees should be full-time diplomats for the duration of their postings.

By Mr. DECONCINI:

S. 567. A bill conveying Forest Service lands to Flagstaff, AZ; to the Committee on Energy and Natural Resources.

CONVEYING FOREST SERVICE LANDS TO FLAGSTAFF, AZ

Mr. DECONCINI. Mr. President, today I am introducing legislation which will convey 132.5 acres of Forest Service land to the city of Flagstaff, AZ, for the purposes of a public park. This land would be transferred to the city without consideration.

Under present law, the city of Flagstaff has the right of first refusal for the purchase of 132.5 acres of Forest Service land which are under special use permit to the city as a public park. The city has until 1994 to purchase these lands in order to acquire them at the 1980 fair market value rate. The problem, Mr. President, as you might guess would be the case for many small communities which are surrounded by large amounts of Federal land, is that the community needs the land to provide public services but does not have the financial resources to pay for the cost of acquisition.

The Forest Service lands which would be conveyed under this legislation are presently being utilized by the city of Flagstaff, and the Forest Service has no plans to put these lands to other forest uses. The city has made many improvements to the lands within Thorpe Park and has extensive plans to expand recreational facilities at this site at some future date. The city fathers are attempting to accommodate the growing demand for increased recreational opportunities. The Thorpe Park lands encompass the largest recreational area in the city. Improvements are necessary to provide additional services; however, the costs for such improvements are substantial. As a result, if the city has to pay the costs to acquire the Forest Service property, it will have to forego its recreational expansion efforts until some time well into the future.

Mr. President, because the lands in question are presently being utilized for public purposes and will continue to be managed by the city for such purposes, it seems reasonable to me that this land should be conveyed to the city of Flagstaff without consideration. The legislation I am proposing today will accomplish that objective. Flagstaff has utilized the Forest Service property for the past 50 plus years. Conveying fee title to the city will alleviate unnecessary and burdensome paperwork while allowing the city to accomplish its recreational objectives.

Mr. President, I ask unanimous consent that the legislation appear in the RECORD at this point in its full text. I further urge its expeditious consideration by the Energy and Natural Resources Committee.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b)(1) of the first section of Public Law 96-581, relating to land conveyances in the State of Arizona, is amended by striking out "Any conveyances" and inserting in lieu thereof "Except as provided in subsection (c), any conveyances".

(b) Paragraph (1) of subsection (c) of such section is amended to read as follows:

"(1) Of the tract of land described in subsection (a) of this section, the Secretary shall convey, without consideration, to the city of Flagstaff, Arizona, 132.5 acres, under special use permit in effect on the date of enactment of this Act to the city of Flagstaff.".

(c) The first sentence of subsection (c)(2) of such section is amended by striking out: "Flagstaff Medical Regional Center and the".

By Mr. GOLDWATER:

S. 568. A bill to authorize the Secretary of Defense to close or realign any military installation if he determines that such action is in the public interest; to the Committee on Armed Services.

AUTHORIZING THE SECRETARY OF DEFENSE TO CLOSE OR REALIGN MILITARY INSTALLATIONS IN THE PUBLIC INTEREST

Mr. GOLDWATER. Mr. President, just after the election last year, I made the statement that, as the incoming chairman of the Armed Services Committee, I felt one of the best ways to approach the seemingly higher cost of defense would be to close some of the bases that are no longer needed. Since that time, I have had several discussions with Secretary Weinberger on this matter and am submitting a statement given to me by Secretary Weinberger which reflect the results of our discussions.

Mr. President, you will note that on the one hand Secretary Weinberger in his statement indicates that the Department of Defense has decided not to recommend specific base closures in the 1986 budget because of the upfront cost associated with such closings. On the other hand, Secretary Weinberger has indicated that were the Department to close the military facilities listed on the attachment to his statement, such closings would result in savings of approximately $500 million per year after a one-time upfront cost associated with closing such facilities was expended. You will notice that immediately above the list of potential base closures which Secretary Weinberger has provided me, there is a Department of Defense disclaimer which indicates:

It (this list) should not be considered an official DOD representation.

What this really means, Mr. President, is that the Department of Defense believes that these 20 military installations could be closed with little or no adverse effect on our national security and indeed over time such base closures would result in savings which could be applied toward other military requirements. In my view, the reason Secretary Weinberger is unable to provide me an official DOD base closure list, is that the White House, for a variety of political and other reasons, is unwilling to endorse such a proposal. In my view, the reluctance of the White House stems from their concern that my colleagues in the Congress, who would be affected by such base closures, would hold pro-administration votes on other matters as hostage to later concession by the administration on base closures. Unfortunately, the White House is probably right, because while my colleagues clamor for additional reductions in the defense budget, they do not want such reductions when they affect programs or facilities located within their States and districts.

For this reason, Secretary Weinberger, instead of officially endorsing a base closure list, is proposing that Congress adopt legislation which eliminates some of the statutory impediments currently used to block base closures. I believe this legislative proposal is a good first step, and I hereby send it to the desk for introduction and referral to the Senate Armed Services Committee. However, I am not certain that it goes far enough. And I reserve the right of my committee to make specific recommendations on terminating funding for various military installations in the fiscal year 1986 defense budget if it is the will of the Congress that substantial reductions in defense spending are required.

Mr. President, I ask unanimous consent that the list I have referred to be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

BASE REALIGNMENT CANDIDATES

This list does not constitute a request for relief. It should not be considered an official DOD representation.

SERVICE AND INSTALLATION

Army

New Cumberland Army Depot, PA—General Materiel and Petroleum Activity (Materiel Management).

Philadelphia Support Activity, PA—(Materiel Management).

Fort Wingate Depot Activity, NM—(Ammo Supply).

Army Material Mechanic Research Center, Watertown, MA—(R&D).

Letterkenny Army Depot, PA.

Fitzsimons Army Medical Center, CO—(Health Care).

Fort Ruger, HI—Admin Support).

Fort Devens, MA.

Cameron Station, VA—(Admin Facility).

Jefferson Proving Grounds, IN—(Ammo Testing).

Navy

Naval Air Rework Facility, Alameda, CA—(Aeronautical Maintenance).

Naval Regional Medical Center, Oakland, CA—(Health Care).

Camp Smith, HI—(Three Major Headquarters).

NAS Seattle, WA—(Fleet and Shore Establishment Spt).

Naval Shipyard, Philadelphia, PA.

Naval Complex, Great Lakes, IL—(Training).

NAS South Weymouth, MA—(Reserve Training).

NADC Warminster, PA—(Laboratory).

Air Force

Chicago O'Hare, IL—(Reserve Component).

W.K. Kellogg Regional Airport, MI—(Air National Guard).

Blytheville AFB, AR—(Bomb Wing).

McConnell AFB, KS—(Refueling Wing).

By Mr. BENTSEN:

S. 569. A bill to provide additional benefits under the Medicare Part A Program, and additional optional benefits under the Medicare Part B Program; to the Committee on Finance.

HEALTH CARE CATASTROPHIC LOSS PREVENTION ACT

● Mr. BENTSEN. Mr. President, elderly persons across the United States live in constant fear of long-term expensive illness; each knows that with the increasingly sophisticated array of services available today, he or she might survive the illness only to be ruined financially because of the extraordinary cost of prolonged medical care. And these concerns are not confined to individuals with limited incomes. Families of means, who have managed to save throughout their working years, are vulnerable to catastrophic financial losses when faced with a lengthy illness.

Since 1965, the Medicare and Medicaid Programs have made great strides toward providing a measure of protection to older Americans. But as many can attest, there are serious gaps in existing programs that can quickly lead to significant expenditures. In the words of the Advisory Council on Social Security—the Bowen Commission:

* * * while the hospital insurance program of Medicare, Part T provides adequate coverage for most beneficiaries, it does not provide adequate protection in the event of catastrophic illness * * *

Over the last 2 years, many of us here in the Congress worked hard to improve and secure long-term solvency for the Nation's Social Security pension and disability systems. Unfortunately, needed reform in the Medicare system has been more difficult to achieve; and the elderly across America remain in jeopardy from increasingly expensive health services. The legislation I am introducing today is designed to address the acute care needs of those whose illnesses require long-term hospitalization and physician services.

This proposal is similar to S. 2895 which I originally introduced on July 31, 1984, and was developed in consultation with private insurance carriers the American Association of Retired Persons and Medicare Program experts at the Georgetown University Center for Health Policy Studies. In addition, the legislation draws heavily from testimony presented to the Joint Economic Committee by Jeffrey Merrill who is now with the Robert Wood Johnson Foundation, Dr. Karen Davis of Johns Hopkins University, the National Council of Senior Citizens, the Blue Cross and Blue Shield Association, and the Health Insurance Association of America. While all of the provisions included in the bill are not endorsed by each group or individual, the expertise and guidance they provided was invaluable.

Before turning to a detailed explanation of my legislation, let me review the economics of illness among the elderly, and the inability of the Medi-

care and Medicaid systems to provide needed protection.

The elderly, persons age 65 and older, make up 12 percent of our population. They account for 33 percent of all health care expenditures; they consume 31 percent of all hospital services; 28 percent of all physician services; 24 percent of all prescription drug sales; and 80 percent of nursing home costs.

Annual health care expenditures for individuals under 65 average $825 compared to more than $3,000 for those over 65. In 1983, the latest year for which we have complete data, household incomes for those over 65 averaged $11,718. Clearly spiraling health care costs represent a major and potentially catastrophic expenditure for the elderly of this country.

Today health care for the elderly is purchased from a variety of sources. Medicare covers approximately 45 percent of costs, and the balance is made up from private insurance, public programs such as Medicaid, and direct out of pocket expenditures by the individual and his or her family.

Contrary to widely held notions about the program, Medicare offers limited health coverage. It requires substantial cost sharing for covered benefits, and does not reimburse for numerous medical services such as prescription drugs, dental care, eyeglasses, and long-term nursing home care. Currently, the elderly pay a $400 deductible for the first day of hospitalization during each spell of illness, one-fourth of the deductible—or $100—for days 61 through 90 of hospital care, and one-half the deductible—or $200—for each day of care in a lifetime reserve period of up to 60 days. When these days of care are exhausted, which has happened to more than 112,000 individuals, Medicare ceases to provide coverage and all additional hospital expenses become the responsibility of the patient or his family. Between 1965 and 1983, nearly 730,000 persons were forced to dip into their reserve days. According to information provided me by the Secretary of Health and Human Services, in 1983 alone, the amount of lifetime reserve day coinsurance liability for the 67,000 persons who used some reserve days amounted to $271 million, or approximately $2,853 per admission. While it is important to note that about one-half of these individuals had private coverage for the necessary coinsurance, the source of support for the remaining one-half is not clear. What HHS officials do know is that based on billings processed by fiscal intermediaries, about $30 million in charges were incurred in 1983 for care beyond the point of exhausting lifetime benefits.

Medicare and Medicaid were the source of nearly $50 billion of health services for the elderly in 1981, the latest year for which full data is available. Yet despite these programs the Congressional Budget Office estimates that out-of-pocket expenditures reached nearly $1,100 per beneficiary in 1984, which includes cost sharing, part B premiums, and an average of $550 in noninstitutional, noncovered services such as prescription drugs and dental care. When nursing home costs are added, the total climbs to $1,700 per capita.

Nor is the financial burden of health care costs for the elderly equitably distributed across the beneficiary population. Some elderly enjoy good health and have little need for health care services while others suffer from chronic illnesses or disabling conditions. Although Medicare and Medicaid provide support for many with the most serious health problems, there continue to be gaps in coverage which are particularly serious for those of modest income and for individuals who are victims of long-term illness.

Because of the broad demographic variation among the elderly, health expenditures are also skewed. For example, in 1981 nearly 80 percent of the elderly were responsible for annual Medicare expenditures of $1,000 or less—and nearly one-half of that number generated no Medicare payment at all. At the other extreme are those older Americans who require extensive care; less than 8 percent account for two-thirds of all Medicare payments, with an average payment of $11,000.

Out-of-pocket costs are especially burdensome for persons who do not carry supplementary insurance or who must contend with long-term chronic health problems. Dr. Karen Davis, of the Johns Hopkins University Department of Health Policy and Management, has estimated that elderly households covered only by Medicare spend 11 percent of their incomes on health services, compared with 5 percent for those covered both by Medicare and Medicaid, and 8 percent for those who supplement Medicare with private insurance.

Davis and her colleagues suggest the heavy financial burden on the elderly of modest means is partly attributable to their inability to afford private health insurance. Surveys reported by the Blue Cross and Blue Shield Association confirm that finding. According to Davis' data, only 47 percent of those with modest means have private insurance, as opposed to 78 percent of the high income elderly.

Even persons with supplementary private coverage can experience significant medical expenses if they become seriously ill. Among the elderly whose health costs exceeded $2,500 in 1977, those with Medicare alone spent 37 percent of their disposable income on health services, those with Medicare and Medicaid coverage spent 9 percent of their income, and those with Medicare and private insurance spent 18 percent of their income on health bills.

In other words, persons who relied on Medicare alone in 1977 and who spent more than $2,500 on health care, committed 53 percent of their income to these services; for the same year and the same expenditure level, persons covered by both Medicare and Medicaid spent about 10 percent of their income; and for the Medicare beneficiary with private supplementary insurance, out of pocket expenses accounted for 30 percent of income. It should be stressed that these figures reflect only the cost of health services for those who live at home; the strain of underwriting the cost of nursing home care for the elderly who are not eligible for Medicaid can be an even more serious financial hardship.

The private insurance industry has reduced the likelihood of catastrophic medical expenses for the elderly in some measure with policies to supplement Medicare coverage. Under provisions enacted in the Social Security Amendments of 1980 (Public Law 96-265), 46 States now require so-called medigap insurance policies to cover reimbursement for Medicare coinsurance costs and deductibles under parts A and B. Some Medicare beneficiaries purchase additional coverage, including policies to reimburse outlays for unlimited hospitalization or prescription drugs. According to Health and Human Services data, 65 percent of the 30 million Medicare beneficiaries now carry some sort of medigap insurance and pay over $8 billion in annual premiums.

Supplementing Medicare with private insurance is no guarantee of financial security, however, for the very ill. As noted above, those with medical expenses above $2,500 who had private policies paid 30 percent of their income toward the cost of health care in 1977. With average policies currently costing between $400 and $500 per year, it is no surprise to find that the purchase of medigap insurance varies greatly by income level. A recent six State study, for example, found that between 45 and 60 percent of those without medigap policies lacked them because of cost.

Moreover, Health and Human Services estimates that about 2 percent of the aged—6.3 million persons—have no supplemental third party coverage from either the public or private sector.

Mr. President, these statistics demonstrate beyond any doubt that, despite the availability of Medicare, Medicaid, and supplementary private insurance policies, elderly men and women face the risks of major out of pocket expenditures if they fall victim to a serious and prolonged illness.

That risk increases with age. It is higher among the elderly of modest means and most acute among sicker beneficiaries.

The legislation I am introducing today is designed to improve the scope of Medicare insurance. The Health Care Catastrophic Loss Prevention Act of 1985 will eliminate the risk of major financial loss resulting from extended hospitalization and will permit the beneficiary to purchase supplementary insurance coverage for the 20 percent physician service copayment through Medicare after the deductible has been paid and out-of-pocket expenses allowable by the program reach $1,000.

Under part A hospitalization insurance, out-of-pocket costs begin rising on the 61st day of hospitalization. That is wrong. Medicare should be revised, I believe, to provide coverage of hospital costs for an unlimited period beyond the first day's deductible in order to eliminate one major source of potential financial disaster for the long-term ill. Prior to implementation of the Diagnostic Related Group [DRG] based payment system, hospitals had no real incentives to limit length of stay. Today, however, the fixed payment by diagnosis encourages early discharge, therefore protecting the relatively few patients who require lengthy hospitalization will not result in a major cost to the Medicare program.

For those who subscribe to part B of Medicare, only 80 percent of reasonable physician fees are presently reimbursable. The balance is an open ended out-of-pocket obligation that can swell dramatically for the seriously ill.

That too is wrong. I believe that to protect the elderly and disabled from major financial loss, Medicare should cover reasonable physician fees allowable under the program after the patient has expended $1,000 in physician fee copayments and satisfied the $75 annual deductible.

Because the DRG reimbursement system promotes early discharge of hospitalized Medicare patients, I think it important to restructure cost-sharing requests for skilled nursing facilities [SNF]. Under my proposal, the number of SNF days for which Medicare reimbursement is available would be increased from 100 to 150, and the maximum out-of-pocket cost to the patient would be limited to 15 percent of the average regional SNF charge for the first 10 days of care. Current copayments would be reduced by an estimated 75 percent, and total beneficiary liability would be limited to approximately $225 in 1985.

In addition to these programmatic changes, my legislation calls upon the Secretary of Health and Human Services to conduct an extensive evaluation of the economic burden on the elderly arising from the trend toward increased nursing home utilization. The use of intermediate and custodial care facilities is rising rapidly. Today, one in four Medicare beneficiaries utilizes such care, with an average stay of approximately 450 days. This care is a substantial financial burden to the elderly and their families and is beyond the reach of many. Moreover, few private health insurance policies cover such care. My legislation requires consideration of alternative self-financing mechanisms within the Medicare program . . .

In light of our burgeoning deficit and the threatened insolvency of trust funds, extending the Medicare program to cover the cost of long-term-catastrophic illness should only be attempted if budget neutrality can be maintained.

My proposal would permit benefit revisions to be self-financed by the entire beneficiary population—thereby limiting the cost per beneficiary to a nominal amount. Specifically, I propose to finance the part A benefit revision covering hospital bills as well as the revised skilled nursing coinsurance provision with a mandatory monthly premium. Preliminary calculations by the Health Policy Center at Georgetown University suggest that these benefit expansions can be entirely financed with a monthly premium of less than $4 per enrollee. To simplify administration, the premium would be deducted automatically from the monthly Social Security, Railroad Retirement or Civil Service Retirement check.

The proposed expansion of part B benefits to include reimbursement for reasonable physician fee charges may be more costly. Even so, it is important that these benefits be provided as inexpensively as possible. As noted earlier, about 10 million elderly persons have no medigap insurance and face catastrophic risks because for many, the average monthly premium of between $40 and $50 is insurmountably high. Making available lower cost protection for the 20-percent coinsurance component of part B should reduce the number of elderly without sufficient protection. As with the current part B benefit, this additional coverage would be optional for Medicare subscribers.

To avoid what the experts term "adverse selection," where those most likely to need insurance opt for coverage in disproportionate numbers, it is appropriate to have a 1 year waiting period of new subscribers. Of course, additional premiums would not be levied during that period. For persons already enrolled in Medicare, subscription to this expanded part B coverage without a waiting period would be permitted when the new coverage becomes effective. For future subscribers that will occur when they first become eligible for the Medicare program.

During hearings preparatory to the development of this legislation, it became apparent that there may be a limited number of individuals whose private retirement benefits include a measure of catastrophic insurance coverage as a supplement to Medicare. In some cases, the employer bears the full cost of any premiums as part of the former employee's retirement benefits package. The Department of Health and Human Services has little information about the extent of this practice or the scope of coverage provided by these policies. Therefore, my legislation instructs the Secretary to determine whether the Medicare beneficiary's retirement benefits already include adequate protection against catastrophic loss, and if so, to exempt that individual from participation in this program.

In sum, Mr. President, my proposal is designed to protect older Americans against open-ended expenses associated with long-term illness while at the same time maintaining the basic structure of the current Medicare program. My proposal is self-financing and will not exacerbate the solvency problems facing the Medicare trust funds, but will provide the elderly assurance that as the Congress debates major reform of the health care system, they will be protected from the financial ruin that can accompany a serious illness. In the area of nursing home care, my proposal alleviates the fiscal burden of beneficiaries who are discharged from hospitals to skilled nursing facilities—a trend most experts believe will accelerate with full implementation of the new fixed payment reimbursement system for hospitals.

Further, this legislation calls for a comprehensive review of nursing home costs and options for Federal initiatives. Perhaps most importantly, the proposal streamlines the Medicare program by eliminating confusion over coverage and administration. Once copayments for covered services reach $1,000, physicians willing to take assignment would receive their full reimbursement from the Medicare intermediary, and would be able to dispense with the multiple billing systems now used to reach the intermediary, the beneficiary and third party payers. Finally, the proposal is sufficiently limited in scope that private insurance companies will continue to be able to write supplementary policies to cover a wide array of services—examples include drugs, long-term nursing home care, deductibles, and physician charges above the reasonable fee prescription level established by Medicare.

Mr. President, I ask unanimous consent that the text of my legislation, the Health Care Catastrophic Loss

Prevention Act of 1985, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 569

SHORT TITLE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Health Care Catastrophic Loss Prevention Act of 1985".

ADDITIONAL BENEFITS UNDER PART A

SEC. 2. (a) Section 1812(a)(1) of the Social Security Act is amended to read as follows:

"(1) inpatient hospital services;".

(b) Sections 1812(a)(2)(A) and 1812(b)(2) of the Social Security Act are each amended by striking out "100 days" and inserting in lieu thereof "150 days".

(C) Section 1813(a)(1) of such Act is amended to read as follows:

"(1) The amount payable for inpatient hospital services furnished an individual during any spell of illness shall be reduced by a deduction equal to the inpatient hospital deductible, or, if less, the charges imposed with respect to such individual for such services, except that, if the customary charges for such services are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed. A deduction shall not be made under this paragraph more than twice in any calendar year.".

(d) Section 1813(a)(3) of such Act is amended to read as follows:

"(3)(A) The amount payable for post-hospital extended care services furnished an individual during any spell of illness shall be reduced by a coinsurance amount, determined under subparagraph (B), for each of the first ten days on which he is furnished such services during such spell of illness.

"(B) The amount of the coinsurance per day shall be an amount equal to 15 percent of the average per diem cost for post-hospital extended care services in the region in which the services are furnished to such individual, as determined by the Secretary on an annual basis. For purposes of this subparagraph, the term 'region' means one of the nine census divisions, comprising the fifty States and the District of Columbia, established by the Bureau of the Census for statistical and reporting purposes.".

(e) Part A of title XVIII of such Act is amended by adding at the end thereof the following new sections:

"AMOUNTS OF PREMIUMS

"SEC. 1819. (a)(1) The amount of the monthly premium under this part for any calendar year shall be an amount equal to the monthly actuarial rate which the Secretary estimates to be necessary so that the aggregate of such premiums for such calendar year will be equal to the total of the additional benefits and administrative costs which will be payable from the Federal Hospital Insurance Trust Fund for services performed and administrative costs incurred in such calendar year for providing the additional benefits described in subsection (b). In calculating the monthly actuarial rate, the Secretary shall include an appropriate amount for a contingency margin. In September of each year the Secretary shall promulgate the premium amount which shall be applicable for the following calendar year.

"(2) If any monthly premium determined under paragraph (1) is not a multiple of 10 cents, such premium shall be rounded to the nearest multiple of 10 cents.

"(b) For purposes of this section and section 1820, the 'additional benefits' are the additional days of inpatient hospital services and post-hospital extended care services, and the reduced deductibles and coinsurance amounts, provided by the amendments made by section 2 of the Health Care Catastrophic Loss Prevention Act of 1985.

"(c) Payment of the premium under this section shall be made on a monthly basis in the same manner as payment of the part B premium is made under section 1840, except that the amounts collected or transferred shall be deposited in the Treasury to the credit of the Federal Hospital Insurance Trust Fund.

"MODIFIED BENEFIT PACKAGE FOR INDIVIDUALS HAVING PRIVATE INSURANCE

"SEC. 1820. (a) Upon request made by an individual, in such manner and including such information as the Secretary may require, the Secretary shall determine whether such individual is entitled to hospital insurance benefits under any benefit plan other than this part, provided without cost to such individual, which are equal to or greater than the additional benefits described in section 1819(b). If the Secretary makes an affirmative determination with respect to such individual, such individual shall not be entitled under this part to the addition benefits described in section 1819(b), and shall not be required to pay the premium under section 1819(a), for so long as such individual continues to be entitled to such benefits under such other plan.

"(b) An individual may request the Secretary to determine whether such individual has ceased to be entitled to such benefits under such other plan, or the Secretary may make such a determination on the Secretary's own motion. If such a determination is made, such individual shall thereafter be entitled to the benefits described in section 1819(b), and shall be required to pay the premium determined under section 1819(a).".

(f) The amendments made by this section shall apply with respect to items and services furnished in, and premiums payable for, months beginning on or after January 1, 1986.

OPTIONAL BENEFITS UNDER PART B

SEC. 3. (a) Part B of title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"OPTIONAL CATASTROPHIC BENEFITS

"Eligibility

"SEC. 1845. (a)(1) Any individual who is enrolled in the insurance program under this part may elect to receive the catastrophic benefits described in subsection (b). Eligibility for such catastrophic benefits shall be contingent upon payment of the premium described in subsection (c), and upon the individual having incurred out-of-pocket expenses (as defined in paragraph (2)) for the calendar year of an amount determined under paragraph (3).

"(2) For purposes of this subsection, the term 'out-of-pocket expenses' means the deductible amount (established under section 1833(b)) plus any copayment amounts incurred by the individual for the calendar year. The copayment amounts are those amounts not payable under section 1833 solely by reason of the payment allowed under such section being set at a rate of less than 100 percent of the applicable factor (reasonable cost, reasonable charge, etc.), and which would otherwise be required to be paid by the individual, taking into account the provisions of section 1866(a)(2)(A). Copayment amounts do not include amounts not payable by reason of section 1833(c).

"(3) For purposes of paragraph (2), the amount of out-of-pocket expenses which must be incurred during a calendar year before catastrophic benefits are payable for such year is—

"(A) $1,000 for calendar year 1986; and

"(B) for each calendar year thereafter, an amount equal to the amount for the preceding calendar year, increased by the percentage increase in the economic index (used for purposes of section 1842(b)(3)) for the 12-month period ending on September 30 of such preceding calendar year (rounded, if not a whole dollar amount, to the next higher whole dollar amount).

"Catastrophic Benefits

"(b) The catastrophic benefits are the payment to or on behalf of the individual of all copayment amounts (as defined for purposes of subsection (a)(2)) for items and services furnished after out-of-pocket expenses have been incurred in the amount established under subsection (a)(3).

"Amount of Premium

"(c)(1) Except as otherwise provided in paragraph (2), the amount of the monthly premium for any calendar year for individuals who choose to enroll under this section shall be an amount equal to the monthly actuarial rate which the Secretary estimates to be necessary so that the aggregate of such premiums for such calendar year will be equal to the total of the additional benefits and administrative costs which will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and administrative costs incurred in such calendar year for providing the catastrophic benefits under this section. In calculating the monthly actuarial rate, the Secretary shall include an appropriate amount for a contingency margin. In September of each year the Secretary shall promulgate the premium amount which shall be applicable for the following calendar year.

"(2)(A) In the case of an individual whose coverage period began pursuant to an enrollment or reenrollment occurring after his initial opportunity to enroll (determined pursuant to subsection (d)(1)), the monthly premium determined under paragraph (1) shall be increased by 10 percent of the monthly premium so determined for each full 12 months (in the same continuous period of eligibility) in which he could have been but was not enrolled. For purposes of the preceding sentence, there shall be taken into account (i) the months which elapsed between the end of the month of his initial opportunity to enroll and the end of the open enrollment period in which he enrolled, plus (in the case of an individual who reenrolls), (ii) the months which elapsed between the date of termination of a previous coverage period and the end of the open enrollment period in which he reenrolled, but there shall not be taken into account months in which the individual has met the conditions specified in clauses (i) and (iii) of section 1862(b)(3)(A) and can demonstrate that the individual was enrolled in a group health plan described in clause (iv) of such section by reason of the individual's (or the individual's spouse's) current employment. Any increase in an individual's monthly premium under the first sentence of this paragraph with respect to a particular continu-

ous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which such individual may have.

"(B) For purposes of subparagraph (A), an individual's 'continuous period of eligibility' is the period beginning with the first day on which he is eligible to enroll under this section and ending with his death; except that any period during all of which an individual was entitled to hospital insurance benefits and which terminated in or before the month preceding the month in which he attained age 65 shall be a separate 'continuous period of eligibility' with respect to such individual (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this paragraph).

"(3) If any monthly premium determined under the preceding provisions of this subsection is not a multiple of 10 cents, such premium shall be rounded to the nearest multiple of 10 cents.

"(4) Payment of the premium under this section shall be made in the same manner as payment of the part B premium is made under section 1840.

"Enrollment

"(d)(1) At the time when an individual becomes enrolled under this part in accordance with section 1837 (or, in the case of an individual who is so enrolled for the month of December 1985, on January 1, 1986) he shall automatically be enrolled by the Secretary in the additional benefits program under this section unless he notifies the Secretary that he does not wish to be enrolled.

"(2) Any individual who declines to be enrolled under paragraph (1), or who terminates his enrollment, may not enroll or reenroll in such program until an open enrollment period which begins more than 12 months after such declination or termination. Open enrollment periods shall consist of the months of January, February, and March of each year.

"(3) Enrollment or nonenrollment shall be made only in accordance with regulations of the Secretary.

"(4) In any case where the Secretary finds that an individual's enrollment or nonenrollment in the program established by this section is unintentional, inadvertent, or erroneous, and is the result of the error, misrepresentation, or inaction of an officer, employee, or agent of the Federal Government, or its instrumentalities, the Secretary may take such action (including the designation for such individual of a special initial or subsequent enrollment period, with a coverage period determined on the basis thereof and with appropriate adjustments of premiums) as may be necessary to correct or eliminate the effects of such error, misrepresentation, or inaction.

"Coverage Period

"(e)(1) The period during which an individual is entitled to benefits under this section (referred to in this section as his 'coverage period') shall begin on the first day of the month in which he is enrolled pursuant to subsection (d)(1), or, in the case of any other enrollment or reenrollment, on the April 1 following the open enrollment period in which such enrollment or reenrollment was made. The coverage period, shall continue until his enrollment has been terminated—

"(A) by the filing of notice that the individual no longer wishes to participate in the program established by this section, or

"(B) for nonpayment of premiums.

"(2) The termination of a coverage period under paragraph (1)(A) shall take effect at the close of the calendar quarter following the calendar quarter in which the notice is filed. The termination of a coverage period under paragraph (1)(B) shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 90 days; except that it may be extended to not to exceed 180 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 90-day period.

"(3) Where an individual who is automatically enrolled pursuant to subsection (d)(1) files a notice before the first day of the month in which his coverage period begins advising that he does not wish to be so enrolled, the termination of the coverage period resulting from such automatic enrollment shall take effect with the first day of the month the coverage would have been effective. Where an individual who is automatically enrolled pursuant to subsection (d)(1) files a notice requesting termination of his coverage in or after the month in which such coverage becomes effective, the termination of such coverage shall take effect at the close of the calendar quarter following the calendar quarter in which the notice is filed.

"(4) In the case of an individual satisfying paragraph (1) of section 1836 whose entitlement to hospital insurance benefits under part A is based on a disability rather than on his having attained the age of 65, his coverage period (and his enrollment under this section) shall be terminated as of the close of the last month for which he is entitled to hospital insurance benefits.

"(5) No payments may be made under this section with respect to the expenses of an individual unless such expenses were incurred by such individual during a period which, with respect to him, is a coverage period.".

(b)(1) Paragraphs (1) and (4) of section 1839(a) of such Act are each amended by inserting "(other than benefits and related administrative costs payable pursuant to section 1845)" after "such enrollees".

(2) Subparagraphs (A) and (B) of section 1844(a)(1) of such Act are each amended by striking out "under this part" and inserting in lieu thereof "under section 1839".

(c) The program of additional benefits under section 1845 of the Social Security Act shall become effective on January 1, 1986.

STUDY OF LONG-TERM CARE SERVICES

SEC. 4. (a) The Secretary of Health and Human Services shall appoint a Commission on Long-Term Care Services (hereafter in this section referred to as the "Commission") to conduct a study of long-term care services.

(b) The study shall include—

(1) how the medicare program might better provide protection against catastrophic costs of long-term care;

(2) compilations and analyses of data with respect to the recipients of long-term care services, including age, duration of care, costs of care in addition to the amounts paid by medicare, and sources of assistance, other than medicare, for paying such costs; and

(3) actions taken by States in the area of standard setting for, and auditing of, facilities providing long-term care.

(c) The Commission shall consist of experts in the field of long-term care services, and representatives from groups which represent the elderly.

(d) The Commission shall be appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of the enactment of this Act. The Secretary shall from time to time appoint one of the members to serve as Chairman. The Commission shall meet as often as the Secretary deems necessary, but not less often than twice each year.

(e) Members of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members who are not employees of the United States shall be paid at a rate equal to the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Commission. While engaged in the performance of such duties away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission may engage such technical assistance from individuals skilled in long-term care services as may be necessary to carry out its functions. The Secretary shall make available to the Commission such secretarial, clerical, and other assistance, and any pertinent data prepared by the Department of Health and Human Services, as the Commission may require to carry out its functions.

(g) The Secretary shall submit the results of the study, together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than October 1, 1986. The Commission shall terminate at the time such results are submitted.●

By Mr. WALLOP:

S. 570. A bill to amend the Mineral Lands Leasing Act of 1920 to improve the administration of the Federal coal leasing program, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL LANDS LEASING ACT AMENDMENTS

Mr. WALLOP. Mr. President, today I am introducing a bill to amend the Mineral Lands Leasing Act of 1920. The purpose of this legislation is to correct several flaws in the act which were created by provisions included in the Federal Coal Leasing Amendments Act [FCLAA] of 1976.

This bill has six provisions. The first, and most important, repeals the punitive section 3 of FCLAA, which affects many Federal leases issued prior to passage of that act. Leases issued prior to 1976 include virtually all of the existing Federal coal leases.

I believe that if this section is not repealed, it will not only limit competition for Federal energy resource leases—including onshore oil and gas, oil shale, tar sands, and coal—but will ultimately work to the detriment of America's future energy supply and security. Another important provision of the bill would provide much needed economic and planning flexibility to the lease development requirements issued after August 4, 1976, the date of passage of this law.

The bill also repeals three minor FCLAA provisions which are: That lands within a logical mining unit be contiguous, that a mine plan be submitted within 3 years after a lease is issued, and that reserves must be mined within 40 years of approval of the mining plan. These provisions can, and, in some instances do, interfere with the complete and efficient recovery of coal reserves. Finally, this measure gives the Secretary of the Interior the authority to negotiate the sale of bypass and maintenance tracts for which the normal competitive bidding process may not always be appropriate.

This is not the first time that I, and others, have sought a workable solution to this problem, Mr. President. During the first session of the 98th Congress I introduced, along with Senators BINGAMAN, DOMENICI, HECHT, MURKOWSKI, NICKLES, and SIMPSON, a similar bill S. 1634, the Mineral Lands Leasing Act amendments. Hearings were held in the Energy and Natural Resources Subcommittee on Energy and Mineral Resources on October 18, 1983.

In light of our present timeframe, Mr. President, it is critical to stress that Congress must not wait until we are "eyeball to eyeball" with the 1986 deadline before we address this issue. Uncertainty about the implementation of section 3 is already affecting planning by coal lessees and their potential customers. Active sales, exchanges, and mergers of coal properties have always been, and will continue to be, essential to the development of a sound domestic energy industry and to the strength of our national energy policy.

Those diversified companies holding pre-1976 leases must get a clear signal from the Congress by swift action on this issue. I would like to have the Senate Energy and Natural Resources Committee hold hearings on my bill, and others such as Senator JOHNSTON'S proposal, as soon as the committee schedule permits. We must resolve this uncertainty, and we must resolve it quickly.

Here, Mr. President, is the problem concerning section 3. This particular section of the FCLAA generally has been interpreted as prohibiting the Secretary of the Interior from issuing future Federal leases authorized under the Mineral Leasing Act of 1920 to a company which "holds and has held" a Federal coal lease for a period of 10 years and is not "producing coal in commercial quantities." This type of punitive provision is not found anywhere else in the Federal mineral leasing program or in any State mineral leasing program. It goes far beyond the standard lease termination penalty for nonproduction of a mineral lease.

Since the Mineral Leasing Act governs the leasing of onshore oil and gas, oil shale, tar sands, phosphate, sodium, potassium, native asphalt, solid and semi-solid bitumen and bituminous rock as well as coal, imposition of the section 3 prohibition would seriously impair a multimineral developer's ability to secure new resources. The impact on our country's domestic energy industries, our energy security and supply and our economy would be disastrous.

The legislative lineage of section 3 makes it clear that this provision was a reaction to perceived speculation in Federal coal lease holdings. In 1976, it was an attempt to bring existing Federal coal leases into production, and was intended to prevent these leases from being held indefinitely for speculative puposes.

As written, however, section 3 does not force forfeiture of a nonproducing lease. Instead, it exacts a penalty only on those lease holders who want to acquire new Federal leases. Since bona fide developers who hold pre-1976 coal leases are likely to be interested in obtaining other mineral leases, section 3 would severely impact those companies. On the other hand, speculators holding pre-1976 leases with no intention of acquiring new Federal leases would remain unaffected by section 3.

Here, a logical question such as this might be asked: "Why can't all, or almost all, pre-1976 leases be brought into compliance with the commercial production requirements—set by regulation at 1 percent of reserves—by the 1985 deadline?" According to a study prepared for the National Coal Association by the late Harry Perry, a distinguished mineral economist with a long career in government and the Resources for the Future Institute:

> If all pre-1976 leases were producing at 1 percent of this recoverable reserves in 1986, there would be an excess capacity of 120 million tons of coal in that year.

Because of this probable supply-demand situation, many pre-1976 leases will not be in commercial production by the 1986 deadline. Mr. President, it makes no sense for the Federal Government to attempt to dictate results such as these when market forces so clearly argue against it.

Further, a 1981 study by the Office of Technology Assessment reveals that two-thirds of the lessees in the Western States hold at least one lease that is unlikely or uncertain to meet the section 3 commercial production deadline by 1986. Of the 72 publicly owned companies holding Federal coal leases, 49 are also involved in oil and gas development, and 4 are involved in Federal oil shale leases. Since the Federal tar sands leasing and the permanent oil shale leasing programs are just beginning, the extent of any conflict with these programs is unclear, but would most likely be significant. Many companies, therefore, are faced with the section 3 sanctions. And, many companies would be forced to disrupt their other mineral operations in oil, gas, coal, and synthetic fuels if this provision is not repealed.

Besides significantly, and perhaps permanently altering logical mining operations and future attempts at domestic energy exploration, section 3 could possibly end up in reduced competition either for Federal coal leases, or for other MLA leases, or both. Companies now holding leases subject to section 3 may be forced to choose between continuing to hold coal leases or to obtain future Federal leases for other MLA leases.

In summary, section 3 should be repealed for several reasons:

First, its rigid commercial production requirements ignore the realities of supply and demand, and assume coal can be produced even in the absence of market demand.

Second, the penalty provision makes it impossible to maintain a logical, ongoing domestic energy exploration program by precluding many of the multimineral companies, and coal-only producers, from participating in other MLA mineral leasing categories.

Third, it has created considerable uncertainty in the energy industry by making companies reluctant to buy, exchange, or merge into Federal coal leases. Potential developers have become increasingly reluctant to consider investing in producing facilities on Federal coal leases as 1986 approaches because of the section 3 cloud of uncertainty.

Another important provision of this bill addresses the problem of development requirements imposed on leases issued after August 4, 1976. Present law provides that these leases must be producing in commercial quantities—defined by Interior Department regulations as 1 percent of recoverable reserves—within 10 years after lease issuance, or the lease is terminated.

It is simply unrealistic to expect an operator within 10 years from the time a lease is acquired to do the necessary work to define the extent, quality, and mining costs of the reserve, find a customer, obtain the myriad of Federal, State, and local mining and reclamation permits, construct a multimillion dollar mine and rail spurs and begin producing. This is not even

touching upon the fact that this process is often hampered by great market and nonmarket uncertainties at every step.

Mr. President, no other business is faced with such unrealistic requirements. I believe the end result will be that Federal coal leases will be forced to be heavily discounted by private operators to compensate for this totally unnecessary economic uncertainty caused by the law and the concept of fair market value will be totally lost. In the end, only leases that can be literally "banked on" to produce in 10 years will be acquired, and the larger new production tracts so vital for a healthy and competitive industry will be neglected.

Senator JOHNSTON also recognized this problem in his bill, S. 372, and I join him in supporting the concept of an advance escalating royalty that allows the operator to extend his lease for up to 10 additional years if necessary. This provision distinguishes the serious lessee from the idle speculator, who has no serious intention of developing a lease. A speculator would be far less likely to pay an escalating finance charge on a lease simply to hold on to it.

The bill also amends section 6 of the FCLAA to delete the requirement that an operation and reclamation plan be submitted within 3 years from the date of the issuance of the lease. Not enough is known about the reserve and future operations in the first 3 years, and in view of the other planning requirements applicable to such leases—such as the mining and reclamation permit applications under the Surface Mining Act—this requirement is now unnecessary.

Another provision of this bill relates to logical mining units, or LMU's. Section 5 of the FCLAA requires that all lands placed within an LMU be contiguous. As a general rule, contiguity in the creation or maintenance of an LMU makes sense. There are conditions, however, where the actual physical separation of leases caused by artificial surface impediments such as roads or easements, or geological conditions, may not necessarily interfere with the "logic" of including a physically separated lease from a nearby LMU. This amendment simply promotes the overall intent of the logical mining provision by removing this artificial constraint.

The last FCLAA provisions that the bill deals with is the deletion of the present requirement that the reserve be mined out within 40 years of lease issuance. The FCLAA requires that a lease be produced not only in commercial quantities, but that the lease remain in "continuous operation" over its economic life—defined by regulation as an amount equal to a 3-year rolling average of previous production—or the lease will be canceled except under highly special circumstances spelled out by law. The 40-year mine-out provision is therefore not only unnecessary, but could also impose economically unsound and wasteful mining practices on the Federal reserve.

Finally, the bill provides authority for the Secretary to negotiate the sale of bypass and maintenance tracts, which allows the Secretary the same flexibility to conduct business in the same proprietary manner as a private lessor. The recent Commission on Fair Market Value Policy recommended such authority.

Since 1920, the Federal coal leasing program has provided the basis for the orderly development of a large part of this Nation's coal reserves. From 1971 until 1981 the program suffered under a moratorium in which all leasing was virtually halted. During this time the western coal industry grew from its infancy into one of the major sources of domestic energy production—from a production base of less than 35 million tons per year to over a quarter billion tons per year, or nearly two-fifths of domestic production.

And, I cannot think of a State that would be impacted more than my State of Wyoming, now ranked the third in the Nation in total coal production—behind Kentucky and West Virginia—and which now leads our Nation in production from surface coal mines. In 1983, Wyoming produced 112.2 million short tons of coal, about 14 percent of the Nation's total, and nearly one-fourth of our surface-mined coal.

In conclusion, the 1976 FCLAA dramatically changed the rules under which the Federal Government's coal resources would be leased, and the basic thrust of those changes has been beneficial to the public. However, nearly a decade after its passage, it is clear that those provisions which are overly punitive and threaten both of this Nation's economic and energy security, not to mention the future of our domestic energy industry, should be either repealed in their entirety or modified.

The congressionally established Commission on Fair Market Value Policy submitted its report on how the Federal coal leasing program can be improved, and the Department of the Interior is working on implementing the majority of those recommendations. It is now time for Congress to move ahead with the legislative changes and modifications contained in this bill which are necessary to complete the job. I look forward to working with Senator JOHNSTON and all others who are interested in seeing this issue resolved during this session of Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Mineral Lands Leasing Act Amendments of 1985."

(b) Any amendment or repeal in this Act expressed in terms of an amendment to or repeal of, a section or other provision of the Mineral Lands Leasing Act, shall be considered to be a reference to a section or other provision of the Act of February 25, 1920, entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain" (41 Stat. 437).

SEC. 2. Section 2(a)(2) of the Mineral Lands Leasing Act (30 U.S.C. 201(a)(2)) is amended by striking out subparagraph (A) and redesignating subparagraph (B) as paragraph (2).

SEC. 3. The last sentence of section 2(d)(1) of the Mineral Lands Leasing Act (30 U.S.C. 202(a)(1)) is amended by striking out the comma after "single operator" and inserting in lieu thereof "and" and by striking out "and be contiguous".

SEC. 4. Section 2(a) of the Mineral Lands Leasing Act (30 U.S.C. 201(a)) is amended by inserting at the end thereof the following:

"(4) The Secretary shall promulgate rules and regulations to provide for experimentation with the negotiated sale of leases for bypass and maintenance tracts as defined by the Secretary. Such rules and regulations as are necessary shall be published in the Federal Register within six months after the date or enactment of the "Mineral Lands Leasing Act Amendments of 1985."

SEC. 5. Section 2(d)(2) of the Mineral Lands Leasing Act (30 U.S.C. 202a(2)) is amended by striking out "which shall not be more than forty years".

SEC. 6. Section 7 of the Mineral Lands Leasing Act (30 U.S.C. 207) is amended to read as follows:

"SEC. 7. (a) A coal lease shall be a term of twenty years and for so long thereafter as the condition of continued operation and diligent development are met. The Secretary shall by regulation prescribe annual rentals on leases. A lease shall require payment of a royalty in such amount as the Secretary shall determine of not less than 12½ per centum of the value of coal as defined by regulation, except the Secretary may determine a lesser amount in the case of coal recovered by underground mining operations. The lease shall include such other terms and conditions as the Secretary shall determine. Such rentals and royalties and other terms and conditions of the lease shall be subject to readjustment at the end of its primary term of twenty years and at the end of each ten-year period thereafter if the lease is extended.

"(b)(1) A lease that is not producing coal in commercial quantities at the end of ten years shall be terminated unless the lessee chooses to extend the lease beyond the 10th lease year through the payment of advance royalties.

"(2) Such advance royalties shall be assessed on an escalating basis as follows:

"(A) in the 11th lease year, an advance royalty would be assessed on assumed production of .1% of total recoverable reserves;

"(B) in the 12th lease year, an advance royalty would be assessed on assumed production of .2% of total recoverable reserves;

"(C) in the 13th lease year, an advance royalty would be assessed on assumed production of .3% of total recoverable reserves;

"(D) in the 14th lease year, an advance royalty would be assessed on assumed production of .4% of total recoverable reserves;

"(E) in the 15th lease year, an advance royalty would be assessed on assumed production of .5% of total recoverable reserves;

"(F) in the 16th lease year, an advance royalty would be assessed on assumed production of .6% of total recoverable reserves;

"(G) in the 17th lease year, an advance royalty would be assessed on assumed production of .7% of total recoverable reserves;

"(H) in the 18th lease year, an advance royalty would be assessed on assumed production of .8% of total recoverable reserves;

"(I) in the 19th lease year, an advance royalty would be assessed on assumed production of .9% of total recoverable reserves; and

"(J) in the 20th lease year, an advance royalty would be assessed on assumed production of 1.0% of total recoverable reserves.

"(3) Payment by lessee of advance royalties under subsection (b) shall constitute compliance with section 2(a)(2)(A) of the Mineral Lands Leasing Act (30 U.S.C. 201(2)(A)).

"(4) The payment of any advance royalty by the lessee for any year in which production of lease reserves exceeds commercial quantities may be credited against production, to the extent that such production exceeds commercial quantities.

"(c) Each lease shall be subject to the conditions of diligent development and continued operation of the mine or mines, except where operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee. The Secretary of the Interior, upon determining that the public interest will be served thereby, may suspend the condition of continued operation upon the payment of advance royalties. Such advance royalties shall be no less than the production royalty which would otherwise be paid and shall be computed on a fixed reserve to production ratio (determined by the Secretary). The aggregate number of years during the period of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed ten. The amount of any production royalty paid to suspend the condition of continued operation for any year shall be reduced (but not below 0) by the amount of any advance royalties paid under such lease to the extent that such advance royalties have not been used to reduce production royalties for a prior year. No advance royalty paid during the initial twenty-year term of a lease shall be used to reduce a production royalty after the twentieth year of a lease. The Secretary may, upon six months' notification to the lessee cease to accept advance royalties in lieu of the requirement of continued operation. Nothing in this subsection, with the exception of payment of advance royalties in lieu of production, shall be construed to affect the requirement contained in subsection (b)(1) relating to commencement of production at the end of ten years.

"(d) Prior to taking any action on a leasehold which might cause a significant disturbance of the environment, the lessee shall submit for the Secretary's approval an operation and reclamation plan. The Secretary shall approve or disapprove the plan or require that it be modified. Where the land involved is under the surface jurisdiction of another Federal agency, that other agency must consent to the terms of such approval.".●

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. RUDMAN, Mr. PROXMIRE, Mr. ABDNOR, Mr. TRIBLE, Mr. RIEGLE, and Mr. WILSON):

S. 571. A bill to amend subchapter II of chapter 53 of title 31, United States Code, relating to currency reports; to the Committee on Banking, Housing, and Urban Affairs.

DRUG MONEY SEIZURE ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce two bills to strengthen our hand against criminal money laundering. First, I am reintroducing the Drug Money Seizure Act, which I originally introduced on April 12, 1984. This legislation has been endorsed by important administration officials and was included in the recommendations issued last October by the President's Commission on Organized Crime.

Money laundering is well-defined early in the Commission's excellent report as the process by which one conceals the existence, illegal source, or illegal application of income, and then disguises that income to make it appear legitimate.

Money laundering has been much discussed in recent weeks in the context of the Bank of Boston's failure to report the deposit and transfer, much of it in small bills, of $1 billion. While the Bank of Boston has not been charged with money laundering, one of the main purposes of the law the bank has pleaded guilty to violating, the Currency and Foreign Transaction Reporting Act, is to combat money laundering by drug dealers and other organized criminals.

My bill has three very simple provisions to strengthen this law, also known as the Bank Secrecy Act.

First, it provides for administrative subpoena power in the Treasury Department to enforce the reporting requirements of the act. It will enable the Treasury Department to review systematically all cash, check, and other deposits and transfers to foreign banks that are so frequently made to launder drug money and other illegally acquired money. Under current law, for a subpoena to be obtained where money laundering is suspected, the Treasury Department must persuade the Justice Department to convene a grand jury.

The results of the present restriction on the Treasury Department's investigative authority is that only a small fraction of the money being laundered is ever recovered. As witnesses testified at the January 28 hearing of the Banking Committee and in other Senate investigations, the present law enforcement system is viewed with contempt by professional money launderers.

In 1983, the Senate Permanent Subcommittee on Investigations issued a report on the involvement of offshore banks that identified over 150 recent cases of criminal use of offshore facilities. That report documented how successful and extensive money laundering operations have become.

It is time that our law enforcement efforts begin to match those of professional money launderers in number, thoroughness, and sophistication.

The purpose of this section is to assist our law enforcement agencies in developing an effective deterrent against drug money laundering in many more cases, and to raise the professional criminal's chances of being detected to a much higher level of risk than he now faces.

The second provision of this bill strengthens the Bank Secrecy Act section that now provides for an inadequate civil penalty of $10,000 against financial institutions and their employees for willfully violating the law's reporting requirements. In order to promote compliance with these requirements, the penalty is raised to the full amount of the transaction involved, where there is proof that the failure to report was a willful failure.

Third, the Drug Money Seizure Act creates a penalty, where none now exists, for individuals who willfully violate the law requiring reports on their transfers of money to foreign banks. This bill provides for a penalty up to the full amount of the foreign transaction involved in the violation, so that anyone willfully failing to report as required by law risks losing the full amount of the money being laundered.

At the January 28 hearing, I heard extensive testimony concerning numerous money laundering cases and currency law violations involving tens of billions of dollars in drug profits moving through American banks and other institutions. Assistant Secretary of the Treasury John Walker and Commissioner of Customs William Von Raab testified that the approach taken in the bill I am reintroducing today would result in a much improved law enforcement effort against money laundering.

I have been assured by the chairman of the Banking Committee that there will be a hearing on this bill in the near future, and I look forward to working with all Senators on improving our law enforcement efforts to combat money laundering.

Mr. President, I urge my colleagues to support this legislation as an important initiative against money laundering without which major criminal groups simply could not operate. I also ask unanimous consent that a copy of the bill I am introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Money Seizure Act".

SEC. 2. Section 5318 of title 31, United States Code, is amended—

(1) by inserting "(a)" before "The";

(2) by inserting ", except as provided in subsection (c)" before the semicolon at the end of paragraph (1);

(3) by striking out "and" at the end of paragraph (2);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

"(3)(A) examine any books, papers, records, or other data of domestic financial institutions pursuant to the recordkeeping and reporting requirements under this subchapter;

"(B) summon an officer or employee of a financial institution, or any person having possession, custody, or care of the reports or records required under the subchapter, to appear before the Secretary of the Treasury or his delegate at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant material to such inquiry; and

"(C) take such testimony of the officer, employee, or person having possession of the relevant reports or records, under oath, as may be relevant or material to such inquiry; and"; and

(6) by adding at the end thereof the following:

"(b) The purposes for which the Secretary of the Treasury may take any action described in paragraph (3) of subsection (a) include the purpose of investigating any offense connected with the administration or enforcement of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of Public Law 91-508.

"(c)(1) The Secretary of the Treasury may delegate the powers conferred by subsection (a)(3) to an appropriate supervising agency.

"(2) A summons may be issued under subsection (a)(3)(B) only by, or with the approval of, the Secretary of the Treasury or a supervisory level delegate of an appropriate Treasury bureau.".

SEC. 3. Section 5321(a) of title 31, United States Code, is amended—

(1) by striking out the first sentence of paragraph (1) and inserting in lieu the following: "A domestic financial institution, and a partner, director, officer, or employee of a domestic financial institution, willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 of this title or a regulation prescribed under section 5315) or causing such a violation is liable to the United States Government for a civil penalty of not more than—

"(A) the amount of the transaction where the violation involves a transaction reporting requirement, or

"(B) $10,000 for any other violation."; and

(2) by adding at the end thereof the following:

"(4) A person willfully violating the provisions of section 5314 of this title or of a regulation prescribed under section 5314 is liable to the United States Government for a civil penalty of not more than the amount of the foreign transaction or foreign account involved in the violation.".

SEC. 4. Section 5312(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) 'United States' means the States of the United States, the District of Columbia, and, when the Secretary prescribes by regulation, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Marianas, American Samoa, the Trust Territory, any other territory or possession of the United States, or a military diplomatic establishment.".●

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. PROXMIRE, Mr. ABDNOR, Mr. RIEGLE, and Mr. WILSON):

S. 572. A bill to amend title 18, United States Code, to create an offense prohibiting the laundering of money in the furtherance of criminal activities; to the Committee on the Judiciary.

MONEY LAUNDERING CRIMES ACT

● Mr. D'AMATO. Mr. President, I am also introducing the Money Laundering Crimes Act today. As its name suggests, this bill, for the first time, makes it a crime to assist in the laundering of money in the furtherance of a crime.

One of the chief flaws in present currency reporting laws is that they attempt to combat money laundering indirectly, through a reporting scheme that is little understood.

If we are serious about money laundering, we should say so in terms that all bank and financial institution employees, from tellers to presidents, can understand. We should make money laundering a crime.

The need for this legislation was discussed at length during the money laundering hearing I conducted on January 28. This need has been dramatized in recent weeks by the statements made by Bank of Boston employees.

One retired Bank of Boston employee has been quoted as saying that he "didn't pay much attention to the regulations" about reporting cash transactions. This employee's statements give vivid proof of the small significance attached to current rules governing money laundering: "If you had to stop and bang out a report for every single transaction, you'd never get anything done."

The President's Commission on Organized Crime has stated the rationale for this legislation in a few short words:

• • • If financial institutions are to be adequately protected from abuse of their services by money launderers, and if law enforcement agencies are to deal more effectively with the problem of money laundering, the Federal Government must strike directly at the heart of the problem by making the use of financial institutions by money launderers a criminal offense.

The Money Laundering Crimes Act subjects to criminal prosecution:

Whoever conducts or causes to be conducted a transaction or series of transactions involving one or more monetary instruments in, through, or by a financial institution which is engaged in, or the activities of which affect, interstate commerce, or attempts so to do—

(1) With intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; or

(2) With knowledge or reason to know that such monetary instruments represent income derived, directly or indirectly, from any unlawful activity, or the proceeds of such income.

The penalties are:

For the first such offense, a fine of up to $250,000 or twice the value of the monetary instruments, whichever is greater, or imprisonment for up to 10 years; and

For each such subsequent offense, a fine of up to $1 million or five times the value of the monetary instruments, whichever is greater, or imprisonment for up to 20 years, or both.

Mr. President, I urge my colleagues to give this legislation their full support to break the financial empires of drug traffickers now causing 60 percent of the crime plaguing this country, and I ask unanimous consent that this legislation be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asssembled, That this Act may be cited as the "Money Laundering Crimes Act".

Sec. 2. (a) Chapter 95 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1956. Laundering of monetary instruments

"(a) Whoever conducts or causes to be conducted a transaction or series of transactions involving one or more monetary instruments in, through, or by a financial institution which is engaged in, or the activities of which affect, interstate commerce, or attempts so to do—

"(1) with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; or

"(2) with knowledge or reason to know that such monetary instruments represent income derived, directly or indirectly, from any unlawful activity, or the proceeds of such income,

shall be fined not more than $250,000 or twice the value of the monetary instruments, whichever is greater, or imprisoned not more than ten years, or both, for the first such offense, and shall be fined not more than $1,000,000 or five times the value of the monetary instruments, whichever is greater, or imprisoned not more than twenty years, or both, for each such offense thereafter.

"(b) As used in this section—

"(1) the term 'conducts' includes initiating, concluding, or participating in conducting, initiating, or concluding a transaction;

"(2) the term 'transaction' includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

"(3) the term 'monetary instruments' means monetary instruments as defined in section 203(1) of the Currency and Foreign Transactions Reporting Act, as revised (31 U.S.C. 5312(a)(3));

"(4) the term 'financial institution' means financial institution as defined in section 203(e) of the Currency and Foreign Transactions Reporting Act, as revised (31 U.S.C. 5312(a)(2)); and

"(5) the term 'unlawful activity' means any act or acts constituting—

"(A) a pattern of racketeering activity or collection of unlawful debt, as those terms are defined in section 901(a) of the Organized Crime Control Act of 1970 (18 U.S.C. 1961-1968);

"(B) a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848);

"(C) an offense under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to bribery in sporting contests), sections 471-473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the offense is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to obstruction of State or local law enforcement), section 1951 (relating to interference with commerce by threats or violence), section 1952 (relating to racketeering enterprises), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unfair welfare fund payments), section 1955 (relating to prohibition of illegal gambling businesses), sections 2314 and 2315 (relating to interstate transportation of stolen property), sections 2341-2346 (relating to trafficking in contraband cigarettes), or sections 2421-2424 (relating to white slave traffic);

"(D) an offense under title 29, United States Code, section 186 (relating to restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds); or

"(E) an offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States.

"(c) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

"(d) Violations of this section shall be investigated by the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Internal Revenue Service, as appropriate.

"(e) There is extraterritorial jurisdiction over the conduct prohibited by this section.".

"(b) The table of sections at the beginning of chapter 95 of title 18 is amended by adding at the end the following new item:

"1956. Laundering of monetary instruments".●

By Mr. GORE:

S. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the use of sulfiting agents in certain foods, and for other purposes; to the Committee on Labor and Human Resources.

SULFITE SAFETY ACT

Mr. GORE. Mr. President, I am introducing today a bill which I believe is critically important and requires our immediate attention. The bill, which is being introduced simultaneously with legislation in the other body sponsored by Congressman WYDEN, imposes a partial ban on the use of food preservatives called sulfites. This preservative has already led to at least five deaths, including one in Oregon 2 weeks ago when Medaya McPike, a 10-year-old girl, consumed a salad containing astounding levels of a sulfiting agent. This little girl experienced a critical allergic reaction to the sulfites in her food and suffered irreversible brain damage which led to her death.

Sulfites are chemical preservatives added to many foods, including fruits, vegetables, seafood, baked products, and wines, and also to some drugs. Most uses of the additive in foods are purely cosmetic—for instance, sulfites prevent lettuce from looking brown and wilted, cut potatoes from oxidizing and turning brown, and shrimp from appearing spotted. Not only are most uses optional, but for the majority of foods adequate substitutes for sulfites exist, ones consisting of benign ingredients such as citric acid and ascorbic acid.

Most of the people who are sensitive to sulfites are also asthmatic, although nonasthmatics have reported allergic reactions as well. The specific number of sulfite-sensitive individuals in the United States is unknown, though estimates suggest that about 500,000 people may be sensitive to the preservative. This figure represents 5 percent of the Nation's asthmatics and does not take into account other nonasthmatic individuals who are affected.

Animal studies demonstrate that chronic ingestion of high levels of sulfites may be toxic to anyone, regardless of hypersensitivity. To ensure a margin of safety for the general population, the World Health Organization has suggested that the acceptable daily intake of sulfites be 0.7 milligrams per kilogram of body weight, and yet, according to the FDA in 1983, more than half of all Americans may exceed this level daily.

Typically when the FDA has been confronted with a food additive affecting a hypersensitive subgroup of the population, the agency's solution has been to require the labeling of foods containing that additive. However, if we look at these other additives, such as yellow dye No. 5, we see that the threat they pose to the hypersensitive public is significantly less serious than that posed by sulfites. This observation is based on the fact that, with two exceptions, no additive has presented an immediate life-threatening situation. The first exception is sulfites. The second is a food additive used in the 1960's called cobalt sulfate, which was positively linked to fatalities in a population subgroup. After associating the substance with deaths, in 1966 the FDA showed the good judgment to ban the use of cobalt sulfate. Labeling was simply not an appropriate solution to the hazards of cobalt sulfate, and neither is it appropriate as a solution to the sulfite problem.

To carry the discussion of labeling further, there are several reasons why labeling is ineffective in addition to being inappropriately lax. First, some people who are sulfite-sensitive may not know that sulfites are the cause of their reaction to certain foods. Indeed, there may be thousands of people in this category. The most visible and obvious labels we can imagine would be meaningless under these circumstances. Second, the majority of life-threatening reactions to sulfites have occurred in restaurants, where labeling poses a tremendous logistical problem. Restaurateurs and other retailers often do not know how the food supplied to them by wholesale companies and distributors has been treated, and thus, they might not be able to identify the foods which are potentially hazardous and warrant a warning. This actually occurred in California in February 1984, with tragic results. A sulfite-sensitive asthmatic asked the management of a restaurant whether a particular food was preserved with sulfites. The restaurant responded negatively, not knowing that the food had been treated with sulfites by a processor. This processor had properly labeled the product, but the sulfite disclosure was not carried over by the distributor who sold the product to the restaurant. As far as the restaurant knew, it was not serving sulfite-treated food. The customer suffered a severe reaction upon eating the food. She was in a coma for 3 weeks and has suffered irreversible brain damage.

Last year the FDA created a review panel to study the safety of sulfites. It was called the Review Panel of the Reexamination of the GRAS Status of Sulfiting Agents. GRAS stands for generally recognized as safe. The panel, comprised of eminent scientists, concluded that labeling is ineffective as a measure to protect sufite-sensitive individuals, and I strongly concur. Basing its conclusions on research con-

ducted by leading medical experts and on epidemiological evidence submitted by the FDA, the panel further concluded that a sulfite-sensitive individual is exposed to a unique risk when "* * * sulfite-treated fresh fruits and vegetables and precut potato products are dispensed in food service establishments or sold in grocery stores * * *." Particularly in retail food establishments, a sulfite-sensitive individual faces a heightened risk because of the high levels of sulfiting agents used in restaurant salad bars and cut potatoes, coupled with the consumer's inability to discern the presence of sulfites in his meal, because it is colorless, odorless, and flavorless.

Mr. President, the first death recognized as sulfite-related occurred 3 years ago, and the FDA has yet to take action to eliminate the risks created by the substance. We cannot afford to allow more time to pass while the FDA creates more committees and more panels to study the sulfite situation. We know that sulfites are dangerous to asthmatics—the Commissioner of the FDA has stated so—and something must be done now.

In accord with the review panel's recommendation for the discontinuance of certain uses of sulfites, I am introducing the Sulfite Safety Act of 1985, which amends the Federal Food, Drug, and Cosmetic Act to impose a limited ban on the use of sulfiting agents in food. Sulfites would be banned from use as a preservative on fresh and frozen cut potatoes prepared for cooking and on fruits and vegetables sold for consumption in their raw state.

The risk posed by sulfites clearly is not limited to its use on fruits and vegetables; rather, these are the uses which have been linked to fatalities and demand our immediate attention. For other foods, the review panel specified in its report that, and I quote, "It would seem advisable to specify safe conditions of the use of sulfites in situations where levels shown to elicit adverse reactions in sulfite-sensitive individuals are likely to occur at the point of consumption." In accordance with this recommendation, the bill requires, within 60 days, that the FDA specify uses and levels of sulfites in food which are unsafe to the hypersensitive population and then take action to limit those uses. The agency's specifications would include, but not be limited to, the particular food or classes of food in which sulfites may be used and the maximum quantity which may be used.

I would like to commend several groups for their admirable response to the sulfite problem. Because the life-threatening reactions to sulfites have occured in restaurants, the National Restaurant Association, the major restaurant trade association, adopted the position that sulfites should be banned from use on salad ingredients and precut potatoes at both the retail and wholesale distributor levels. The NRA has urged its members to curtail the use of sulfites, and fortunately, most restaurants have complied. Public interest groups, especially the Center for Science in the Public Interest here in Washington, have devoted a tremendous amount of time and effort to eliminating the risk posed by sulfites and both of these organizations have endorsed the legislation I am introducing. I want to note in particular that the National Restaurant Association would probably be greatly affected by this legislation, but the association has endorsed it because of their desire to protect their customers.

The problem of sulfite use is one which demands our immediate attention. If the FDA had acted aggressively, as is required by law, lives could have been saved. In order to adequately protect the many hundreds of thousands of sulfite-sensitive people, I hope that my colleagues will join me in supporting the quick enactment of this bill, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sulfite Safety Act of 1985".

SEC. 2. AMENDMENT TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) SULFITE BAN IN CERTAIN FRUITS AND VEGETABLES.—Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) is amended by adding at the end the following:

SULFITE BAN

"(j) For purposes of this section, potassium bisulfite, potassium metabisulfite, sodium sulfite, sodium bisulfite, sodium metabisulfite, or sulfur dioxide shall be deemed unsafe for use a food additive in—

"(1) any fruit or vegetable sold for consumption in its raw state, or new para "(2) any potato which is cut and which is sold to be cooked before its consumption unless the cooking is part of a dehydration process.".

(b) EFFECTIVE DATE.—The amendment by subsection (a) shall take effect upon the expiration of 90 days after the date of the enactment of this Act.

SEC. 3. ACTION ON OTHER USES OF SULFITES.

Within the 60-day period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services shall reevaluate the uses, approved before such date, of potassium bisulfite, potassium metabisulfite, soldium sulfite, sodium bisulfite, sodium metabisulfite, and sulfur dioxide as a substance added to food other than a food to which section 409(j) of the Federal Food, Drug, and Cosmetic Act may apply, including uses with wine, dried fruit, and seafood. In conducting such reevaluation the Secretary shall determine with respect to each such use—

(1) if the approval of such use should be discontinued,

(2) if the approval of such use should be continued but only in accordance with such additional conditions for safe use as the Secretary may determine to be appropriate, or

(3) if the approval of such use should be continued.

The Secretary shall report the results of the reevaluation to the Congress before the expiration of such 60-day period.

By Mr. EXON (for himself and Mr. ZORINSKY):

S. 574. A bill to require a study to examine the costs and benefits of using irrigation storage facilities for flood control purposes in the North Platte River Basin; to the Committee on Environment and Public Works.

NORTH PLATTE BASIN FLOOD CONTROL STUDY ACT

Mr. EXON. Mr. President, today I am introducing the North Platte Basin Flood Control Study Act of 1985. This measure requires a joint study by the Corps of Engineers and the Bureau of Reclamation to review the costs and benefits of adding flood control as a project purpose to several existing irrigation reservoirs on the Platte River.

My State of Nebraska has, in recent years, almost annually experienced substantial low land flooding and erosion along the North Platte, South Platte, and Platte Rivers. The vast majority of lands affected are farmlands, ranchlands, and hay meadows. Flood waters flowing into Nebraska are affected by reservoir regulation implemented by the U.S. Army Corps of Engineers and the U.S. Bureau of Reclamation in the States of Colorado and Wyoming.

Most of the reservoirs in the North Platte River Basin, are Bureau of Reclamation reservoirs. Of the seven Bureau projects on the North Platte, only one, Glendo Reservoir, has authorized flood control capability. In addition, Lake McConaughy in Nebraska is privately owned and operated by the Central Nebraska Public Power and Irrigation District as primarily an irrigation and recreation project.

A more coordinated approach to reservoir regulation upstream from Nebraska on the North Platte River may offer greater flood control protection for both Nebraska and Wyoming. Since the Corps of Engineers cannot require evacuation of irrigation storage by the Bureau without an authorized flood control purpose a study of the costs and benefits of adding such a purpose to existing irrigation reservoirs appears reasonable and appropriate.

Mr. President, this study would direct the corps and the Bureau, in cooperation with State and other non-Federal interests, to examine the costs and benefits of adding flood control as a purpose to existing irrigation storage facilities along the North Platte River. The study would examine such actions

as converting storage for flood control, offstream storage, and raising dams to increase flood storage capability. Additionally, the study will review the impact on present and future irrigators, downstream flood flows, and fish and wildlife habitat.

This study may lead to a commonsense resolution of the severe flood problems along the North Platte and Platte Rivers. A cooperative effort between Nebraska and Wyoming, and the Bureau and the corps offers hope as a long-term solution to mitigate future damages to the area. I believe that it merits the consideration of the Senate and I urge approval of this measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "North Platte Basin Flood Control Study Act of 1985".

SEC. 2. (a) The Secretary of the Army, acting through the Chief of Engineers, and the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, shall, in cooperation with the States of Wyoming and Nebraska and other appropriate non-Federal interests, conduct jointly a study to examine the costs and benefits of using irrigation storage facilities in the North Platte River Basin for the purposes of flood control in the region. Such study shall review—

(1) the economic and environmental feasibility of—

(A) converting existing irrigation storage facilities for flood control uses;

(B) raising dams to increase overall water storage;

(C) providing offstream water storage as a replacement for reduced conservation storage; and

(D) taking other appropriate actions to increase the flood control capability of existing reservoirs;

(2) the impact of each such change in the use of existing irrigation storage facilities upon—

(A) fish and wildlife;

(B) irrigators using such facilities; and

(C) downstream flood flows; and

(3) the current coordination efforts between the Corps of Engineers of the Department of the Army, the Bureau of Reclamation of the Department of the Interior, and other appropriate non-Federal entities in regulating reservoirs for both flood control and irrigation in the North Platte River Basin, and shall make recommendations on such efforts.

(b) There are authorized to be appropriated $200,000 to carry out the provisions of this Act.

(c) The study required by subsection (a) shall be submitted to the Congress on or before October 1, 1986.

Mr. ZORINSKY. Mr. President, today my distinguished colleague, Senator EXON, and I are introducing a bill to further address the recurring problems of flooding along the reaches of the Platte River and its tributaries.

Senator EXON and I have addressed this body several times to alert the Senate of the need in our State to control the surging flood waters that cascade down the eastern slope of the Rockies every spring as the winter snows thaw. Last Thursday we introduced a different bill, the Nebraska Streambank and Erosion Prevention and Control Demonstration Act of 1985, to attack part of the same problem from a different angle—initiating projects to demonstrate low-cost methods for reducing or preventing streambed erosion. Essentially, that measure would deal with the problems that develop when the flood waters arrive in great quantity in a relatively condensed period of time. The bill we are introducing today takes, if I may borrow a term, a "supply side" approach to the problem.

Our bill, the North Platte Basin Flood Control Study Act of 1985, would direct the Army Corps of Engineers and the Bureau of Reclamation to conduct a joint study to examine the costs and benefits of using the irrigation storage facilities in the North Platte River basin for flood control. The study would be conducted in cooperation with the States of Wyoming and Nebraska as well as other appropriate local interests.

We feel that a number of possibilities should be explored, such as converting existing storage facilities for flood control, raising dams to increase water storage, and providing offstream water storage as replacement for reduced conservation storage. The bill would leave substantial discretion in the corps and the Bureau to look at other means to increase the flood control capacity of existing reservoirs. All such mechanisms must be evaluated as to their economic and environmental feasibility.

The corps and Bureau would be directed to review any techniques with regard to their impact on fish and wildlife, irrigators using such facilities, and downstream floodflows. They would also be directed to assess the current coordination efforts between the corps, the Bureau, and non-Federal entities in regulating reservoirs for both flood control and irrigation in the North Platte River basin, and make recommendations on those efforts.

After consultation with representatives of the corps, we have determined that the study can be completed at a cost of $200,000 and by October 1, 1986.

Mr. President, I think that this study may generate some effective, low-cost methods for holding back the annual floodwaters that have been so devastating, and without treading upon the interests of those concerned with maintaining peak irrigation conditions. If this is the case, then it is clear that the money for the study will have been very well spent. In any event, we may not proceed beyond the study without more information we hope to obtain, and further authorization. Therefore, I urge my colleagues to give this measure immediate and favorable consideration.

By Mr. DOLE (for himself, Mr. GRASSLEY, Mr. DURENBERGER, and Mr. LUGAR):

S. 575. A bill to ensure payment of the additional duty imposed on ethyl alcohol used as a fuel or in making gasahol; to the Committee on Finance.

S. 576. A bill to exclude from the Caribbean Basin Economic Recovery Act ethyl alcohol used for fuel which is merely distilled or denatured in a beneficiary country; to the Committee on Finance.

LEGISLATION RELATING TO ETHANOL IMPORTS

Mr. DOLE. Mr. President, with Senators GRASSLEY, DURENBERGER, and LUGAR, I am introducing today two bills to close loopholes in the Tariff Schedules of the United States [TSUS] which are allowing ethanol imports to evade the tariff normally applicable to these products.

Ethyl alcohol imported for fuel use or to be used in the production of fuel is subject to a 60-cents-per-gallon tariff under TSUS item 901.50 until December 31, 1992. This tariff is an integral part of the Federal Government's efforts to reduce U.S. dependency on imported petroleum and petroleum products by encouraging the use of alternative fuels. The tariff protects a partial exemption from Federal excise taxes for motor fuel containing domestically produced ethanol.

As a supporter of the ethanol program, I am gratified that these efforts to promote U.S. production of ethanol have been successful. Since 1978, production has increased from approximately 10 million gallons to nearly 500 million gallons. Thousands of jobs have been generated by the development of over 100 ethanol plants. Further, the industry is an important consumer of corn; the approximately 200 million bushels of corn directed to ethanol production represent an important market for our country's depressed farm regions.

Unfortunately, foreign producers are exploiting loopholes in current law and now threaten the strides made by the domestic industry. Total ethanol imports, for both fuel and nonfuel uses, more than doubled in 1984 from a year earlier, to over 206 million gallons; nonbeverage grade ethanol allegedly imported for other than fuel uses alone nearly tripled. There is reason to believe this increase reflects efforts to avoid the legally applicable tariff, and imports will continue to increase dramatically without a correction in the Custom Service's interpretation of current law. The two bills I introduce

today seek to close these import loopholes and to require enforcement of the law in accord with congressional intent.

The first bill addresses a Customs Service intepretation of TSUS item 901.50. The Service has ruled in effect, that only pure industrial and fuel-grade ethyl alcohol are subject to the 60 cents-per-gallon duty. Thus, a mixture of gasoline and ethyl alcohol, for example, is considered a mixture subject to a duty of only 1.25 cents per gallon—the duty on gasoline. Further, the provision is drafted as an actual use provision, so that the assessment of duties is withheld—for up to 3 years—until the importer reports show the imported ethyl alcohol was ultimately consumed. If ethyl alcohol is not used for fuel purposes, then the 60 cents tariff is not applicable.

S. 575 would simply amend the description in TSUS item 901.50 to make clear that mixtures containing ethanol that are suitable for fuel uses are also subject to the 60 cents tariff, as Congress intended. Further, the bill would somewhat change the procedure under which the duty was assessed. It would require that the duty be assessed immediately upon entry of the imported ethanol, rather than at a later time when the importer reports its use as a fuel. This procedure will prevent ethanol from becoming lost after entry into the United States, and deprive the importers of a gratuitous 3-year loan of the duties owed on the imports.

S. 576 addresses the second loophole in the tariff schedules. The Caribbean Basin Economic Recovery Act, which I sponsored for President Reagan in 1983 to implement his Caribbean Basin Initiative [CBI], authorizes duty-free treatment of articles imported from beneficiary Caribbean countries. To be considered a product of a beneficiary country, the law established certain rules of origin. These rules provide, among other things, that an article first, must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country, and second, must incorporate, for at least 35 percent of its value, materials and direct processing costs originating in the country. Manufacturing in customs parlance means a process which substantially transforms an article into a new or different article of commerce by a substantial manufacturing operation.

Anyone familiar with the process of producing ethanol would be astounded to learn that the Customs Service considers that these criteria are met by the simple upgrading of industrial-grade ethanol into fuel-grade ethanol. Yet, that is the case. The Service has ruled that Brazilian ethanol transshipped through a CBI country—stopping only for a bit of drying to decrease its water content—qualifies as a product originating in that CBI country!

The essential difference between industrial and fuel-grade ethanol is the removal of the ethanol's water content, which ranges from 5 to about 25 percent. This higher level of purity is obtained simply by drying the ethanol in an inexpensive, insubstantial, technologically-simple distillation process. This is the only manufacturing that occurs during the transshipment of the product through a CBI country. To my mind, it is exactly the type of pass-through operation the authors of the bill intended to preclude when we drafted the rules of origin in the CBI legislation.

Because the clear language and intent of the law seemingly are insufficient, I am introducing S. 576 to make clear that mere distillation or denaturing of ethanol does not alone qualify Brazilian or other ethanol as a product of a CBI country. This will prevent the abuse of that program by Brazilian, Spanish, and other exporters who seek to evade the U.S. tariff. I wish to emphasize that the bill is not intended to disallow duty-free treatment of ethanol that legitimately is a product of a CBI beneficiary country, under the liberal rules of origin the law established. The bill also provides for a refund of duties in the event ethanol that fails to satisfy this rule of origin is not used for fuel purposes.

Last fall, the Committee on Finance requested the International Trade Commission to conduct an investigation on the tariff nomenclature and trade situation regarding certain motor fuels and other petroleum products, including ethanol. I expect this study to be completed in April. At that time we should have a better grasp of the problem caused by the circumvention of the ethanol tariff. I hope we can then move to restore the integrity of the Government's domestic ethanol program and thus continue full efforts to attain energy independence.

By Mr. PROXMIRE:

S. 577. A bill to amend title 38, United States Code, to increase the maximum amount of Servicemen's Group Life Insurance benefits, and for other purposes; to the Committee on Veterans' Affairs.

(The remarks of Mr. PROXMIRE and the text of the legislation appear earlier in today's RECORD.)

By Mr. MOYNIHAN:

S. 579. A bill relating to the tariff classifications of certain silicone resins and materials; to the Committee on Finance.

SILICONE TARIFF CLASSIFICATION

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation of considerable importance to American producers of silicone products.

Silicones are used in a wide variety of products, including caulks and lubricants. Today, the U.S. duty on silicones ranges from 0 to 8.6 percent ad valorem, and silicones are classified under one of nine TSUS categories. The tariff schedules, however, were established before silicones were commercialized. The result has been that particular silicones have been classified on an ad hoc basis, leading to wide disparities in duty rates for silicones of substantially the same chemical composition. Moreover, recently foreign silicone producers have taken advantage of this administrative confusion to export silicones to the United States under the lower tariffs.

The bill I introduce today would simplify the U.S. tariff schedule, by creating one tariff rate for all imported silicones. Such harmony is a matter of simple commonsense and administrative efficiency. The rest of the industrial world treats silicones as a single product grouping in its tariff schedules; this legislation, then, would bring U.S. Customs practice in line with the customs practices of our trading partners.

I would like to emphasize, Mr. President, that the silicone tariff rates of our major trading partners are much higher than ours, with rates of more than 10 percent. This bill, however, would not raise U.S. tariffs. Rather, the legislation is trade neutral. An average duty rate of 4.2 percent in 1985, 3.9 percent in 1986 and 3.7 percent was calculated by taking the duty rates scheduled to be in effect in 1985, 1986, and 1987 for each of the existing tariff classifications, and weighing each by the amount of silicone product imported under each classification (during a base period of 1981 to 1983). These figures were reviewed with the International Trade Commission.

The bill I introduce today is responsible legislation and I urge my colleagues to support it. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part 4 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by amending subpart A—

(A) by amending headnote 2 to read as follows:

"2. (a) The term 'synthetic plastics materials' in this subpart—

"(i) embraces products formed by the condensation, polymerization, or copolymerization of organic chemicals and to which an antioxidant, color, dispersing agent, emulsifier, extender, filler, pesticide, plasticizer, or stabilizer may have been added; and

"(ii) includes silicones in all forms (including fluids, resins, elastomers, sealants, adhe-

sives, and copolymers) whether or not such materials are solid in the finished articles.

"(b) The products referred to in (a) (i) and (ii) contain as an essential ingredient an organic substance of high molecular weight; and, except as provided in (a) (ii) of this headnote, are capable, at some stage during processing into finished articles, of being molded or shaped by flow and are solid in the finished article. The term includes, but is not limited to, such products derived from esters of acrylic or methacrylic acid, vinly acetate, vinyl chloride resins, polyvinyl alcohol, acetals, butyral, formal resins, polyvinyl ether and ester resins, and polyvinylidene chloride resins, urea and amino resins; polyethylene polypropylene, and other polyalkene resins; silixanes, silicones, and other organo-silicon resins; alkyd, acrylonitrile, alyl, and formaldehyde resins, and cellulosic plastics materials. These synthetic plastics materials may be in solid, semi-solid, or liquid condition such as flakes, powders, pellets, granules, solutions, emulsions, and other basic crude forms not further processed."; and

(B) by inserting after item 445.54 the following new item:

"445.55	Silicone resins and materials.	1.1¢ per lb. + 4.2% ad val..	1¢ per lb. + 3.7% ad val.	25% ad val"

and

(2) by amending subpart B—

(A) by amending headnote 2 by inserting the following:

"(c) For the purpose of the tariff schedules, the term 'rubber' does not include silicones.".

(b) The rate of duty in column 1 for item 445.55 shall be subject to staged rate reductions as follows: 3.9% ad valorem in 1986 and 3.7% ad valorem n 1987.

(c) Whenever the rate of duty specified in column 1 for such item 445.55 is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in such "LDDC" coulumn shall be deleted.

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.●

By Mr. PRYOR:

S. 580. A bill to ensure the independence of certain administrative law judges; to the Committee on the Judiciary.

INDEPENDENCE OF CERTAIN ADMINISTRATIVE LAW JUDGES

● Mr. PRYOR. Mr. President, today I am introducing legislation which would establish a Health and Human Services Review Commission with jurisdiction over the administrative law judge corps of the Health and Human Services Department. This HHS Review Commission would replace the present Office of Hearings and Appeals. This legislation is identical to S. 1911, which I introduced in September 1983.

Specifically, this legislation would accomplish the following:

First. Create the Health and Human Services Review Commission to hear and decide cases for the Department, but independent of the various components of DHHS responsible for administering their respective programs.

Second. Provide for five Commissioners—one serving as Chairman—appointed by the President for 6-year terms with the advice and consent of the Senate, to constitute the Review Commission.

Third. Provide for the appointment and supervision of ALJ's, in accordance with the Administrative Procedures Act, and other employees as required.

Fourth. Provide for the transfer, on the effective date of this act, of all ALJ's and necessary employees from other components of DHHS to the Review Commission.

Fifth. Authorize the Review Commission to make such internal rules and procedural regulations as are necessary or desirable for the orderly transaction of its proceedings, subject to the APA, but providing for the application of existing procedural rules and regulations in the interim.

Sixth. Provide for remand authority by the Commission to other components of DHHS, as appropriate.

Seventh. Provide for review of ALJ decisions at the discretion of the Commission, but limited by substantial evidence rule.

Eighth. Provide for appeal, to the U.S. district court, by a party adversely affected by a decision of the Commission, within 60 days after such decision is issued, with the court applying the substantial evidence rule in its review of the Commission's decision.

Mr. President, there has been a problem within the SSA's Office of Hearings and Appeals that goes back many years, and centers around the independence of the ALJ's, and administrative setting of productivity goals and allowance rates. This problem was exacerbated by the disability program expansion which took place during the 1970's, because many more individuals were applying for disability benefits, being denied, and appealing SSA's decision to the ALJ level.

In 1980, which required triannual reviews of the nonpermanently disabled beginning in January 1982. With the implementation of this section, in March 1981, mass terminations of beneficiaries took placed, bringing the problem of termination appeals to crisis proportions, and placing further pressures on SSA's ALJ's with increasing workloads.

In addition, the Bellmon amendment, which was also a part of the 1980 disability amendments, directed the Secretary of HHS to review "decisions rendered by administrative law judges as a result of hearings * * * under the Social Security Act, and shall * * * report to the Congress." The final legislation gave no authority to the Social Security Administration to evaluate ALJ's on their individual rates of claim approvals or denials of benefits, and certainly did not direct the Secretary to take corrective action against those judges with high reversal rates of the State DDS's initial decisions. Health and Human Services Department officials have, however, used this provision to justify and continue SSA's targeting of individual administrative judges whose benefit allowance rates are above the acceptable level. It is obvious that SSA's goal has been not to achieve better quality decisions, but rather to remove as many individuals as possible from the disability rolls in its efforts to meet budget reduction levels. Otherwise, a sincere effort would have been made to not only review allowance decisions, but also denial decisions of the administrative law judges, and even DDS decisions by the States. These attempts are not being made.

In addition to placing an ALJ on Bellmon review, the Social Security Administration has other, more subtle methods for applying pressure for low allowance rates. ALJ's are called to Washington for retraining, harassed by letters and phone calls from the Office of Hearings and Appeals regarding allowance rates, and subjected to other indignities. ALJ's who meet or surpass set productivity goals, or are successful in reducing their allowance rates, are given praise for their accomplishments. All of these actions threaten the independence of the ALJ's decisions, and thwart the intent of the Administrative Procedures Act.

Last year, after years of debate on the abuses in the Social Security Disability Program, the Congress was successful in developing a series of amendments which should, when fully implemented, inject greater fairness into the disability determination and review process. One area which was not addressed during debate on the legislation was that of assuring fairness and equity throughout the entire appeals process. I believe that now is the time for the Congress to finish its work in the disability area by addressing the historic problems within the Office of Hearings and Appeals. We can begin to achieve this goal through ensuring the judicial independence of administrative law judges who review disability appeals.

In 1983, at a hearing of the Senate Judiciary Committee on legislation to establish a separate administrative law judge corps for all administration agencies, several witnesses asserted that the major portion of problems with administrative appeals occurred within the Department of Health and Human Services, and dealt primarily with disability cases. They expressed support for legislation of the type I am introducing today. I urge my colleagues to join with me in seeking speedy enactment of this legislation,

and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SECTION 1. (a) There is established a Health and Human Services Review Commission (hereafter in this Act referred to as the "Commission").

(b)(1) The Commission shall consist of five members appointed by the President, by and with the advice and consent of the Senate, from among individuals who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act.

(2) No more than three members of the Commission may be identified with the same political party.

(3)(A) The President shall designate a member of the Commission to serve as Chairperson of the Commission.

(B) The Chairperson of the Commission shall be responsible for the administrative operations of the Commission.

(c)(1) Except as provided in paragraphs (2) and (3), each member of the Commission shall be appointed for a term of six years and may be reappointed for a term of six years at the expiration of any term (or portion thereof) to which such member was appointed.

(2) Each of the first five members of the Commission to take office after the date of enactment of this Act shall be designated by the President at the time of appointment to serve for such shorter term as will ensure that (on a continuing basis) the term of a different member of the Commission will expire every two years.

(3) Any individual who is appointed to the Commission to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such individual was appointed shall be appointed for the remainder of such term.

AUTHORITY AND DUTIES OF THE COMMISSION

SEC. 2. (a) Notwithstanding any other provision of law, any hearing required by law to be conducted by the Secretary of Health and Human Services (hereafter in this Act referred to as the "Secretary") in accordance with the provisions of sections 556 and 557 of title 5, United States Code, shall be conducted by an administrative law judge within the jurisdiction of the Commission, and, except as provided in section 4, a decision rendered by such judge with respect to the case requiring such hearing shall be the final decision of the Secretary for purposes of the provision of law requiring the Secretary to conduct such hearing.

(b) The Commission shall—

(1) appoint—

(A) as many administrative law judges as are necessary to conduct hearings described in subsection (a); and

(B) such other employees as the Commission deems necessary to carry out the purposes of this Act;

(2) assign any case requiring a hearing described in subsection (a) to an administrative law judge appointed pursuant to paragraph (1) or an administrative law judge transferred to the jurisdiction of the Commission under section 6 of this Act;

(3) fix the compensation of all administrative law judges within its jurisdiction and all other employees of the Commission, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code;

(4) review the decisions rendered by administrative law judges within its jurisdiction, in accordance with section 4 of this Act;

(5) designate the site of the principal office of the Commission;

(6) establish such offices as it deems necessary to carry out the purposes of this Act; and

(7) promulgate such rules and regulations as are necessary to—

(A) provide for the orderly transaction of hearings and appeals;

(B) regulate and provide for the nature and extent of proofs and evidence and the method of taking and furnishing the same;

(C) assure that a decision is rendered within a reasonable time one hundred and twenty days, if practicable) after a hearing is requested; and

(D) assure that a hearing is held at a location that is reasonable accessible to the individual requesting such hearing, taking into account the physical, mental, and economic conditions of such individual.

(c) The authority contained in paragraph (1) of subsection (b) shall be effective only to such extent or in such amount as is provided in advance in appropriation Acts.

ADMINISTRATIVE LAW JUDGES

SEC. 3. (a) An administrative law judge within the jurisdiction of the Commission shall hear and decide any case properly brought before the Commission and assigned to such administrative law judge by the Commission.

(b) Except as otherwise provided in this Act, such hearings shall be conducted, and such decisions shall be rendered, in accordance with sections 556 and 557 of title 5, United States Code, and in accordance with rules and regulations promulgated by the Commission with respect to the conduct of such hearings, or, in the absence of such rules and regulations, in accordance with the rules and regulations of the Department of Health and Human Services (hereinafter in this Act referred to as the "Department") that are in effect on the day before the date of enactment of this Act with respect to the conduct of such hearings.

(c) In hearing and deciding such cases, an administrative law judge shall be bound only by the laws of the United States, rules and regulations duly promulgated under such laws in accordance with section 553 of title 5, United States Code (other than rules described in subsection (b)(1)(A) of such section), and applicable case law.

(d) If an administrative law judge finds that an initial or reconsidered determination by the Secretary provides an insufficient basis upon which to conduct a hearing, such administrative law judge may remand such determination for such action, and within such period of time, as is specified by such administrative law judge.

(e) The Commisison shall assign, compensate, and remove administrative law judges within its jurisdiction in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

COMMISSION REVIEW

SEC. 4. (a) The decision of an administrative law judge with respect to a case shall be the final decision of the Secretary with respect to such case unless—

(1) a party adversely affected by such decision—

(A) applies for review of such decision by the Commission within sixty days after the date on which such party receives notice of such decision, and

(B) review of such decision is granted by the Commission in accordance with subsection (b); or

(2) within sixty days after such decision is rendered, the Commission, on its own motion, determines that it will review such decision.

(b) If a party adversely affected by a decision applies for review of such decision pursuant to paragraph (1) of subsection (a), the Commission shall review such decision if it determines that—

(1) a finding or conclusion of material fact may not be supported by substantial evidence;

(2) a necessary legal conclusion may be erroneous;

(3) the decision may be contrary to law;

(4) a substantial question of law, policy, or descretion is presented; or

(5) a prejudicial error of procedure may have been committed.

(c)(1) Review may be ordered by the Commission under paragraph (2) of subsection (a) only upon the ground that a decision may be contrary to law or that the case with respect to which such decision was rendered presents a novel question of law.

(2) Review may be ordered by the Commission under paragraph (2) of subsection (a) only upon the affirmative vote of three members of the Commission.

(d) Review by the Commission shall be conducted in accordance with rules and regulations promulgated by the Commission, or, in the absence of such rules and regulations, in accordance with the rules and regulations of the Department that are in effect on the day before the date of enactment of this Act with respect to the review of decisions by administrative law judges.

(e) The Commission may limit the issues it will consider in reviewing a decision and shall notify all parties to a case of the issues it will consider in reviewing such case.

(f)(1) Unless new and material evidence is presented with an application for review of a case (and good cause is shown why such evidence was not presented at the hearing conducted with respect to such case), review by the Commission of such case shall be limited to the record compiled at such hearing.

(2) For purposes of paragraph (1) pro se representation of an individual before an administrative law judge shall be treated as good cause for a failure to introduce evidence at a hearing.

(g) The Commission shall render a decision with respect to any case for which review is ordered or granted within ninety days of the date on which such review is ordered or granted.

(h) When the Commission affirms, reverses, or revises the decision of an administrative law judge pursuant to this section, the decision of the Commission shall be the final decision of the Secretary with respect to such case.

JUDICIAL REVIEW

SEC. 5. Judicial review of a decision of the Commission that constitutes a final decision of the Secretary under this Act may be had as provided in section 205(g) of the Social Security Act.

TRANSFER OF ADMINISTRATIVE LAW JUDGES

SEC. 6. (a) Except as provided in subsection (b), all incumbent administrative law judges serving in the Department of Health and Human Services on the effective date of this Act shall be automatically transferred in like grade to the Commission.

(b) The transfer of an administrative law judge to the Commission under subsection (a) does not carry with it any position of supervisory authority or responsibility over other administrative law judges that is held by such administrative law judge, or any increase in grade or pay predicated thereon.

EFFECTIVE DATE

SEC. 7. This Act shall take effect ninety days after the date of enactment of such Act, and shall apply to all cases brought on or after such date and all cases pending on such date with respect to which no decision has been rendered by an administrative law judge.●

By Mr. GOLDWATER (for himself, Mr. GARN, Mr. SASSER, and Mr. DECONCINI):

S. 581. A bill to authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes; to the Committee on Rules and Administration.

SCIENCE FACILITIES CONSTRUCTION AUTHORITY

● Mr. GOLDWATER. Mr. President, as a regent of the Smithsonian Institution, I am happy to introduce this measure, and two other bills, on behalf of myself and various other Senators. This first bill is relative to science construction authority.

The Smithsonian's science facilities construction proposal represents an effort by the Institution to consolidate in one legislative package planning and construction authority for facility development at two of its most significant research installations, the Fred Lawrence Whipple Observatory in Arizona and the Smithsonian Tropical Research Institute in Panama. The proposal is in keeping with the Institution's long-range scientific expectations and should meet the needs of those units for a number of years to come.

FRED LAWRENCE WHIPPLE OBSERVATORY

The Fred Lawrence Whipple Observatory [FLWO], located on Mount Hopkins in southern Arizona, is the largest field installation of the Smithsonian Astrophysical Observatory. Since its official opening in 1968 the Observatory has been used as the site for experiments requiring extremely dark skies, dry climate, and good optical seeing. Mount Hopkins is the second highest peak of the Santa Rita Range in the Coronado National Forest. The Smithsonian's Observatory covers 4,774 acres, including the 8,550-foot summit.

The administrative and support facilities of the Observatory are located at Amado, AZ, in an office and maintenance complex just east of Interstate 19 and 18 miles from the scientific operations on Mount Hopkins. This base camp is the operational and logistical headquarters for anyone working at or visiting the mountain. Its site consists of two adjacent leased parcels of land totaling approximately 4.25 acres; its facilities include a one-level school building and a one-level residence which have been converted for office use. There are also vehicle service, repair, and storage buildings on the site.

The summit of Mount Hopkins is the site of the multiple mirror telescope [MMT], a joint facility of the Smithsonian Institution and the University of Arizona. The MMT is the third largest telescope in the world in collecting area and is used for research in the optical and infrared regions of the spectrum. The first of its kind, the MMT combines six 1.8-meter telescopes in a common support structure to produce the light-gathering capability of a conventional 4.5-meter telescope.

Instruments of the Fred Lawrence Whipple Observatory are located on a ½-mile-long ridge at the 7,600-foot elevation. These include a Baker-Nunn satellite-tracking camera; a laser ranging system; a 10-meter optical reflector; 1.5-meter and 61-centimeter reflecting telescopes; and meteorological instruments. Current research activities include spectroscopic observations of extragalactic, stellar, and planetary bodies; gamma-ray and cosmic-ray astronomy; solar energy research; and environmental studies.

The lease on the base camp property expires in June 1987. A new facility is required for administrative and support services for the scientific operations on Mount Hopkins and to serve as a transfer point for the public and for the scientific and technical personnel who visit the Observatory.

The Smithsonian recently completed the first phase of a master planning process to locate an appropriate site for a base camp and to make efficient use of the space available. After a thorough review, a site on land under the control of the Forest Service was selected. Adjacent to the access road between the current base camp and the mountain, but closer to the Observatory, it meets a number of criteria, including clear lines of sight for communications purposes.

The second and final phase of the master planning process will include spatial analyses of the site, plans for its development, related environmental documentation, and refined estimates of the cost components.

Assuming enactment of the required authorization, the Institution expects to include $4,500,000 for construction of a new base camp in its budget request for fiscal year 1987.

SMITHSONIAN TROPICAL RESEARCH INSTITUTE

The Smithsonian Tropical Research Institute [STRI], located in the Republic of Panama, is the principal U.S. center for tropical biology. Each year hundreds of United States and international researchers join the permanent STRI staff in undertaking fundamental studies on the tropics. Increasingly scientists and policymakers have recognized the need to understand how tropical ecosystems function in order to predict more accurately environmental changes in the temperate zones.

To capitalize on STRI's unparalleled data base of more than 60 years, it is necessary to undertake over the next 5 years the facilities improvements outlined below. A master plan is now being developed by a major architectural-engineering firm to assist in guiding this program.

Existing STRI facilities fall into several categories: First, construction undertaken in the 1920's and 1930's; second, renovated structures obtained from the U.S. military; and third, renovated structures obtained from the Government of Panama.

With the exception of a new library building opened in 1984, these facilities are inadequate because of age, size, safety, and health standards. Construction materials used in the first half of the century are inappropriate to the region's high humidity and insect infestation, and renovation of surplus buildings has served only as a stopgap measure to ensure continuity of research. The structures are inadequate for modern scientific purposes and require extensive maintenance.

Among the most pressing needs for STRI is a new terrestrial laboratory to replace a small and obsolete leased structure at Ancon. The present facility has severe deficiencies in its electrical systems, plumbing, load-bearing capacity, and parking, and in the widespread presence of arsenic and other health-related problems. Additionally, its hillside location makes extensive renovation and the addition of outdoor cages and plant-growing facilities impossible.

The construction of a new terrestrial laboratory at the nearby administrative headquarters, known as the Tivoli site, will allow the economy of logistics consolidation with the existing library and offices. The new site also will allow proper space utilization for permanent staff, long-term visitors, and students. Better integration of computers, other communications devices, and modern scientific equipment will be afforded in the new facility, as will space for lectures, small meetings, and major conferences. Construction and equipment for the new laboratory is currently estimated at $7.9 million. A gift of $4 million for construction has recently been received; an additional $3.9 million is required for completion of the project.

Barro Colorado Island, located in the middle of Gatun Lake, a key com-

ponent of the Panama Canal, has served as an important research center for tropical biology since 1923. Under the canal treaties, STRI was assigned custodianship of this 12,000-acre reserve on behalf of the United States. The island serves hundreds of investigators annually, providing research space, as well as living and dining accommodations. Its physical plant includes many outdated wooden buildings which do not meet modern day building or health codes. Using restoration and renovation moneys, the Smithsonian has made some improvements to the basic electrical, water, and sewage systems. The major requirement now is a new scientific laboratory with attendant cages and growing facilities. Approximately $2.8 million is required for this construction.

The geographical advantages of Panama to researchers interested in marine studies are incomparable: Nowhere else in the world are too oceans so easily accessible for comparative research. Currently, renovated facilities are available on the Pacific, but no similar situation exists on the Atlantic where STRI research is conducted at Galeta Point in a small aluminum building acquired as surplus property from the U.S. Navy in 1965. Housing for researchers consists of a dilapidated trailer which does not meet safety and health codes; an inadequate sewage disposal system threatens the unique coral reef-mangrove swamp study site. A new laboratory, dormitory, and sewage system will require approximately $3.5 million.

STRI is responsible for more than 60 vehicles, a major research vessel, and dozens of smaller boats, in addition to normal building maintenance requirements. At present the maintenance needs of its geographically dispersed facilities are performed in the bottom of an old torpedo factory; the top floor houses research offices. In order to provide for adequate maintenance and to relieve the noise and congestion of the present site, a new central facility with modern equipment is required; the estimated cost of its construction is $900,000.

The Smithsonian plans to seek $3.9 million in fiscal year 1987 for work associated with the Tivoli laboratory and conference center. The Barro Colorado Island laboratory is scheduled for fiscal year 1988, while the Galeta laboratory and dormitory, as well as the maintenance facility would be undertaken in fiscal year 1989.●

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S. 582. A bill to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on Rules and Administration.

NATIONAL MUSEUM ACT

● Mr. GOLDWATER. Mr. President, the second measure relates to the National Museum Act. Under this law, the Smithsonian Institution assists the museum community in studying meseum problems and opportunities, training museum employees, preparing and distributing museum publications, researching and contributing to museum techniques, and cooperating with other agencies of the U.S. Government which are concerned with museums.

Funds were first authorized for the act in fiscal year 1968. No funds were appropriated, however, in fiscal years 1968, 1969, or 1970. In 1970, 1974, and 1977, program funding was reauthorized, each time for 3 years. In 1980, it was reauthorized for 2 years. Bills providing for a further reauthorization of funding were introduced and approved by the Senate in succeeding Congresses, but the House took action on them. However, program funds have been provided in appropriations measures.

Funding authorization for the program has been as high as $1 million, although appropriations have never reached that level. Appropriations for each fiscal year have been as follows: $600,000 for 1972, $798,000 for 1973, $901,000 for 1974, $802,000 for 1975, $769,000 for 1976, $280,000 for the transition quarter, $792,000 for 1977, $790,000 for 1978, $797,000 for 1979, $802,000 for 1980, $805,000 for 1981, $779,000 for 1982, $784,000 for 1983, and $787,000 for 1984. For 1985 an amount of $773,000 is available; $793,000 is being requested for fiscal year 1986.

The act is the only federally supported program that has systematically concentrated on the vital needs of museum conservation with respect to both the training and research in new techniques. From the beginning, administrators of the National Museum Act have been sensitive to duplicating the efforts of other Federal programs—the National Endowments for the Arts and the Humanities, the National Science Foundation, and more recently, the Institute of Museum Services. By maintaining close liaison with members of the staffs of these organizations, duplication has been avoided.

The act is administered by one person, under the supervision of the Assistant Secretary for Museum Programs. Funds are made available by grants and contracts to museums, professional associations, and individuals after review by the National Museum Act Advisory Council, appointed for this purpose by the Secretary of the Smithsonian. The membership of the council encompasses the principal museum disciplines—art, science, and history—and is broadly representative of the various regions of the United States.

The council advises and assists in determining priorities and assessing the quality of programs seeking support under the act. In making awards the advisory council has insisted that all proposals clearly demonstrate how the project will contribute to upgrading the quality and standards of the museum profession. In fiscal year 1981, 56 grants were approved, totaling $704,053. In fiscal year 1982, 53 grants were approved, totaling $676,360; in fiscal year 1983, 60 grants were approved, totaling $687,750; and in fiscal year 1984, 64 grants were approved, totaling $686,000.

Since it was initially funded in 1971, the National Museum has contributed significantly to improving the quality and standards of the museum profession. Though the dollar amounts involved have been small, it has played a key role in assisting the profession to provide greater care for and to make better use of museum collections and to deal more effectively with urgent new problems that have arisen as a result of increased public visitation and the need to reach new audiences. The National Museum Act has been particularly effective in fostering training through seminars, workshops, stipend support, and fellowships for museum professionals and trainees in a wide variety of fields, particularly conservation.●

By Mr. GOLDWATER (for himself, Mr. GARN, Mr. SASSER, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 583. A bill to authorize the Smithsonian Institution to plan and construct facilities for the Cooper-Hewitt Museum, and for other purposes; to the Committee on Rules and Administration.

FACILITIES FOR THE COOPER-HEWITT MUSEUM

● Mr. GOLDWATER. Mr. President, in 1967, at a time when the so-called decorative arts were not in fashion among museum officials and private collectors, the regents of the Smithsonian Institution took responsibility for one of the world's most extraordinary collections of applied arts and related objects, an assemblage that had been created with remarkable intelligence, industry, luck, and dedication over a period of seven decades.

The vision of the regents is now seen to have been fully justified: An entirely new museum—in fact, a new kind of museum—has been created and has taken its place among the national museums of the Smithsonian, among the cultural ornaments of New York City, and among the leading innovators of the international museum community.

In 1976, its first year of operation as a Smithsonian museum the Cooper-

Hewitt Museum, the Smithsonian Institution's National Museum of Design, welcomed more visitors than had seen the collections in their entire history as a department of the Cooper Union for the Advancement of Science and Art. Since that time the Cooper-Hewitt has presented nearly 150 exhibitions which have been widely acclaimed by the public and critics alike. It has also published 61 books and catalogs, including the Smithsonian Illustrated Library of Antiques series; created a master of arts program in the history of decorative arts; and sponsored classes for the general public which have been subscribed to by more than 6,000 students annually. With funds provided by the New York State Council on the Arts, the museum offers consultation services in conservation planning and practices to museums across the State. The Cooper-Hewitt has won more than 40 awards and commendations.

It now confronts problems and needs due, in part, to delays in completing the renovation, initiated in 1976, of its physical plant. Much remains to be done to make the museum wholly functional, to provide for the conservation of its collections, and to offer programs appropriate to a Smithsonian facility. Steps must be taken to solve the problem of inadequate storage for collections groups which are deteriorating and/or largely inaccessible, as well as the problem which physically and fiscally inefficient operating modes impose upon the staff by constraints to their working conditions.

The museum confronts these problems daily; with the assistance of its voluntary advisory council, its staff has thought long and hard about the range of solutions from the merely necessary to the ideal.

Working with the distinguished firm of Hardy Holzman Pfeiffer Associates over a period of years the staff has evolved a master plan for a $23 million project. The plan which calls for extensive renovation and significant expansion of the adjacent McAlpin-Miller townhouse, construction of major new structure linking it to the Carnegie Mansion, and a final stage of retrofitting the mansion to take advantage of and complement the facilities incorporated into the newer spaces. The plan will improve museum operations in four major areas: exhibition and the collections, education, support systems, and public service.

A major feature of the renovation and construction program is the provision of nearly 11,000 square feet of gallery space for temporary exhibitions in which the esthetic environment and traffic circulating patterns can be controlled simply and effectively. Two major, interconnecting galleries—one 5,034 square feet and the other, 3,810 square feet—on the second floor of the new wing will lend themselves readily to the display of an immense variety of items ranging from the very small and fragile to the large and durable in well-lighted and flexibly partitioned spaces. A third gallery on the floor immediately above will provide an additional 2,031 square feet of similarly detailed exhibition space.

With temporary exhibitions located in new facilities, the first and second floors of the Carnegie Mansion will become available for long-term, rotating displays of the permanent decorative arts collections. In this manner, large, representative selections from the museum's diverse holdings in silver, gold, base metals, ceramics, glass, architectural ornament, and furniture will be better housed and much more accessible to the public than at present. Gallery space in the mansion will also be reserved for rotating exhibitions from the extensive permanent collections of prints and drawings including unparalleled 19th-century American materials, and of textiles.

Taken as a unit, the new and old exhibition and collections facilities will dramatically strengthen the museum by enabling it, like most museums, to present its most important collections for long-term educational purposes while continuing to offer an exciting and stimulating series of changing exhibitions of shorter duration. Collection care will be greatly improved as a result of eliminating substandard storage areas in favor of easily accessible study/display gallery spaces throughout the mansion.

The museum's proposed expansion will also include an auditorium to seat 298 persons—3,462 square feet, including a lobby—designed for professional quality projections, important lectures, and appropriate performance events. Access to the auditorium will be arranged to permit maximum use even if the museum's galleries are secured. In addition, three separate classrooms are planned, each of which will be suitable for smaller groups in lecture or seminar meetings and one of which will also be fitted out for craft workshop and demonstration uses. Nearby 325 square feet of office space for academic and program staff will also be created. With such facilities, subscription programs can remain competitively priced while accommodating large enough audiences to break even or, perhaps, to make money with which to subsidize less marketable offerings of scholarly significance.

The linking wing proposed for the museum includes a carefully designed, state-of-the-art shipping dock, discreetly woven into the existing fabric of townhouses, along 90th Street. In such a facility, moving vans could be loaded and off-loaded in a completely protected environment, away from the street, both visually and physically, and without disruption to the neighborhood. Adjacent to the shipping dock and the registration laboratories, incoming and outgoing objects will be treated as necessary in the museum's existing and projected conservation/registration facilities. A special photographic studio is needed as an additional element within this complex to document the condition of objects, to record their treatment, and to continue the important work of building a useful library of photographs to augment the written catalog records for the museum's massive collections.

While the proposed wing represents very little increased space for administrative offices and related technical service areas over present arrangements, it does allow for the consolidation of such activities—which are now dispersed between two buildings and several floors—in a more efficient manner.

The linking wing also will include a new public entrance with convenient street-level access for handicapped visitors; a large main lobby which will serve as a meetingplace and an information center; new restrooms and book and gift shop. Overlooking the renovated garden, as well as Central Park, a small restaurant will offer food and refreshments throughout the day and in the evening to gallerygoers, staff, students, members, and those attending programs at the museum.

With the probable exceptions of security and facilities maintenance personnel, the facility envisioned can and will be operated by a staff not significantly larger than the staff which is now operating both buildings. In 1984 dollars and salary levels, it is estimated that an additional $500,000 per annum will be necessary to secure the expanded museum structure; an additional $185,000 and 10 work-years per annum will be needed in the facilities maintenance department; and the building projected will require a 100-percent increase in utilities funds which are $225,000 per annum at fiscal year 1984 levels.

The Cooper-Hewitt construction program has been conceived as one in which resources from both the Federal and the private sector will be applied. The legislation requires that funds from both sources be in hand before any obligation is made.●

By Mr. TRIBLE (for himself and Mr. GORTON):

S. 584. A bill to amend the Communications Act of 1934 respecting retransmission of programs originated by local television broadcast stations; to the Committee on Commerce, Science, and Transportation.

RETRANSMISSION OF PROGRAMS ORIGINATED BY BROADCAST STATIONS

● Mr. TRIBLE. Mr. President, I am pleased to introduce legislation to ensure that our citizens who subscribe to cable television systems will continue to receive quality local programming.

It is my belief that the localism principle, is of such surpassing importance that it should be codified, and the legislation I have introduced today accomplishes that goal.

Simply put, the "local carriage" (or "must carry") rules require cable systems to carry the signals of local television stations. They require a station to be carried, upon its request, by all cable systems within a 35-mile radius or within the station's predicted grade B contour. They also require carriage of distant stations which have such a large audience that they are defined as "significantly viewed" in the cable system's service area.

Since 1965, when the Federal Communications Commission adopted the "local carriage" rule (47 CFR 76.51 et seq.), this principle of localism has been under attack. The most recent example was a petition filed by the Turner Broadcasting System which was denied by the FCC last year.

If the continued attacks on the "local carriage" provisions ever prove successful, the results would be detrimental to many of our citizens. Many local television stations outside of the major metropolitan markets would be eliminated by cable systems. As a consequence, the ability of cable subscribers to receive local news, sports, and weather, and other programming of unique local interest would be curtailed. Once connected to a cable system, a viewer's ability to receive channels is either eliminated or the signal is subject to interference which reduces the quality of reception.

I wish to note that this legislation does not seek a change in FCC policy. Rather, it is simply ratifies the practice which has existed for the past 20 years, and it is drafted to give the FCC the flexibility to alter its current regulations in response to changing circumstances.

This is a sound and necessary initiative, and I urge its prompt passage.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RETRANSMISSION OF PROGRAMS ORIGINATED BY BROADCAST STATIONS

SECTION 1. Section 303(g) of Title 47 of the United States Code is amended by inserting at the end thereof, the following new language:

"to that end, the Commission shall maintain and enforce rules requiring cable television systems to carry the signals of local television broadcast stations as provided in 47 C.F.R. sections 76.51 through and including 76.61 as those provisions existed on October 1, 1983, except that the Commission shall retain authority to modify said rules from time to time for the purpose of ease of administration but not alteration of the substance of or principles embodied in those rules."●

By Mr. TRIBLE:

S. 585. A bill to establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles in Northampton County, VA; to the Committee on Environment and Public Works.

EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE REFUGE AND NATIONAL FISH AND WILDLIFE SERVICE TRAINING CENTER

● Mr. TRIBLE. Mr. President, I am pleased to reintroduce today an important measure which will grant a congressional charter to the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center in Northampton County, VA.

This refuge is a unique facility. First, it protects irreplaceable migratory wildfowl habitat. Second, it will utilize the abandoned Cape Charles Air Force Base to provide a training facility for Fish and Wildlife Service personnel after renovation.

The nucleus of the refuge is the former air base, which was a radar-tracking station until its deactivation about 5 years ago. The Fish and Wildlife Service recognized its value as a refuge for various species of migratory birds and acquired the property under the surplus Federal property procedures in the summer of 1984.

Cape Charles is among the most important habitat on the east coast for migratory waterfowl, raptors and songbirds, and is home to endangered and threatened species such as the peregrine falcon, bald eagle, brown pelican, and five species of marine turtle. In addition, the Delmarva Peninsula is a primary flight corridor during the annual southern migration. The peninsula narrows in the south, creating a funnelling effect on the birds which culminates at Cape Charles. Because of the variety of marsh and upland habitat, the area provides excellent cover and forage for the large variety and high concentration of migratory species.

In addition to the natural attributes of the area, the former air base has a variety of buildings in relatively good condition. These are being converted to refuge use.

The Fish and Wildlife Service is examining the possibility of establishing a national training center for Service personnel and a refuge law enforcement refresher course training center utilizing some of the existing buildings at the former base. Various colleges and universities have indicated interest in using these facilities for environmental studies under contract or cooperative use agreements with the Service. The bill I introduce today will establish this center in law and facilitate its development.

The Eastern Shore of Virginia National Wildlife Refuge represents an important link in the ongoing establishment of protected wildlife habitat along the east coast's barrier island chain. It will provide shelter and forage for migratory birds, unique opportunities for training and environmental studies, and economic benefits for the citizens of the Commonwealth of Virginia. I am pleased to be able to assist in the establishment of this refuge, and I welcome my colleagues' support on the measure.●

By Mr. INOUYE (for himself, Mrs. KASSEBAUM, Mr. EXON, and Mr. DANFORTH):

S. 586. A bill to provide for the review of certain authority in certificates issued under the Federal Aviation Act of 1958, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REVIEW OF CERTAIN AUTHORITY IN CERTIFICATES ISSUED UNDER THE FEDERAL AVIATION ACT

● Mr. INOUYE. Mr. President, I am introducing legislation today to address an outdated and counterproductive aspect of national aviation policy which is creating inequities and inefficiencies for the airline industry.

Since the advent of airline deregulation and the subsequent sunset of the Civil Aeronautics Board [CAB], many burdensome regulations and bureaucracies have been eliminated. One that has not been eliminated, however, is the system of awarding international airline route certificates. Under section 401 of the Federal Aviation Act, the authority exists for the CAB, and therefore its successor agency the Department of Transportation, to award some international route certificates on a periodic basis. On certain closed routes, the CAB has used this authority to award temporary certificates to some airlines while others held permanent certificates for the same route. This procedure has been applied inconsistently from administration to administration and has caused inequities while distorting market competition.

The examples of inequity created by the current system are quite obvious. For instance, on routes to Italy, Transworld Airlines [TWA] holds permanent certificates while Pan American World Airways has only temporary authority. On routes to Great Britain, however, TWA holds temporary certificates while Pan American enjoys permanent status. The reason for this

and other discrepancies is merely that different CAB administrations have applied section 401 in different ways. The result is distorted competition on these important routes.

Under the current arrangements of section 401, an airline holding a temporary certificate must face costly route challenges every 3 to 7 years regardless of its service record. These challenges require costly defenses by the incumbent carrier and very rarely result in the transfer of routes. Indeed, to my knowledge there is only one significant example, that being the CAB's removal of Pan American from its Scandinavian route in 1978. In that case, however, the airline was preparing to drop the route anyway, so the CAB action was merely a formality. On the other hand, renewal cases are almost always expensive. One recent certificate renewal cost an incumbent airline $500,000; an expense that was undoubtedly passed on to the consumer. In addition, the length of these temporary certificates is too short for an airline to recoup its investment in a route and thus makes it difficult for that airline to make the policy decisions necessary to get established on that route.

The bottom line on current international certificates policy is that it is an unnecessary burden. The deregulated airline industry is already moved by market pressures which induce airlines to attract customers with superior fares and services. The threat of periodic renewals does little, therefore, but marginally enhance existing market pressures. It is important to note, also, that many of the international routes involved are heavily regulated with fixed fares and limited numbers of flights. In such an environment, a carrier has minimal flexibility and the consumers' choices are by nature limited. Thus to take out an incumbent carrier and put in another who will be subject to the same stringent regulations does little to enhance the consumers' position. Indeed, it would tend to hurt the consumer by replacing an established carrier with one whose continued service of the route is less certain.

To address the situation I have described here, I am introducing legislation today which would transform all current temporary route certificates to an indefinite status. To assure that this will not in any way be anticompetitive, the legislation also strengthens and defines the procedure by which the Secretary of Transportation can replace a carrier which is providing relatively inferior service on a route. Thus if the incumbent airline is abusing its route privileges and/or another airline proves it could provide better service on the route, the authority would exist for the Secretary to replace the incumbent carrier. This could be done by application of another carrier or by motion of the Secretary. This is in addition to existing authority established in the Federal Aviation Act allowing the Secretary of Transportation to review carrier performance and replace negligent carriers.

This legislation will in no way affect the State Department's ongoing negotiations to increase international route authority for U.S. carriers. These negotiations have historically been the means by which domestic carriers have been able to enter new routes. Petitioning to replace an incumbent carrier on a route is only resorted to when these negotiations are delayed or proven fruitless. In the majority of cases, however, where it is proven that an additional carrier can service the route effectively, the State Department has been successful in securing that route authority. A recent example of this is People Express Airlines' entry into the Newark to London market as a result of U.S. Government intervention.

In closing I would like to stress this legislation's importance in streamlining the postderegulation aviation environment. By correcting inefficiencies and inequities in the current system, this bill will allow U.S. airlines to better compete with foreign carriers, none of which are subject to temporary route renewals. This bill will also clearly and strongly define the Secretary of Transportation's authority to replace carriers on routes they are serving inadequately. I believe that this is better aviation policy than forcing airlines who have served a route responsibly and effectively for years to jump through hoops which almost never result in improved service but which always involve costly paperwork and redtape cutting.

I ask unanimous consent that this bill in its entirety be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(d) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371(d)) is amended by adding at the end thereof the following:

"(10)(A) On and after the date of enactment of this paragraph, a termination date in any certificate to engage in foreign air transportation which was issued under this section and is in effect on such date of enactment shall have no effect.

"(B) The Secretary of Transportation may, upon application or on the Secretary's own motion, review the authority to provide foreign air transportation between a particular point or points in any certificate to which subparagraph (A) of this paragraph applies. The Secretary may suspend such authority, and grant authority to provide such foreign air transportation to a qualified applicant for such authority, if the Secretary finds, after notice and an opportunity for a hearing on the record, that the applicant has demonstrated that it can and will provide a substantially improved combination of service and fares or rates in the market or markets, and if the Secretary finds that—

"(i) restrictions arising from the provisions of a bilateral air transport agreement or other agreement or understanding with a foreign country, or otherwise imposed by a foreign country, preclude or make it impracticable for the Secretary to authorize an additional carrier in a particular foreign air transportation market or markets; and

"(ii) suspension and grant to the applicant of such authority would otherwise be consistent with the public convenience and necessity.

"(C) The Secretary may dismiss any application for suspension and grant of authority under subparagraph (B) of this paragraph if the Secretary is not satisfied from the materials submitted with the application that—

"(i) the applicant is qualified;

"(ii) it is probable that the applicant could and would provide substantially improved air service in a restricted market; or

"(iii) proceeding with consideration of the application would otherwise be in the public interest.

"(D) The authority of the Secretary under subparagraphs (B) and (C) of this paragraph shall be in addition to, and shall in no way limit, the Secretary's existing authority under paragraph (8) of this subsection or under subsection (p) of this section.".●

By Mr. INOUYE:

S. 587. A bill to permit individuals who received National Health Service Corps scholarships to perform obligated service in such units of the Department of Defense as the Secretaries of Defense and Health and Human Services may determine by agreement; to the Committee on Labor and Human Resources.

PERFORMANCE OF SERVICE UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIPS PROGRAM

● Mr. INOUYE. Mr. President, today I am introducing legislation which would permit individuals who receive National Health Service Corps scholarships under the auspices of the Department of Health and Human Services, to perform their obligated service within the Department of Defense if the two Secretaries would agree to such an assignment.

This legislative proposal grew out of my earlier efforts on behalf of one of my constituents, a physician, who is more than willing to complete his obligated service; however, for family reasons and long-term career aspirations, he wanted to serve his time within one of the military services. Unfortunately, however, such an assignment did not appear to be authorized by the parties involved and, accordingly, I am introducing legislation to provide this flexibility for the Departments of Health and Human Services and Defense.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 338B(d) of the Public Health Service Act is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary may enter into agreements with the Secretary of Defense for the assignment of individuals required to perform obligated service to such units of the Department of Defense as may be agreed upon by the Secretary of Defense and the Secretary. Such agreements may provide for such an assignment for all or part of an individual's period of obligated service, and shall contain such terms and conditions as the Secretary of Defense and the Secretary consider appropriate.". ●

By Mr. INOUYE:

S. 588. A bill to amend title 37, United States Code, to authorize special pay for certain officers of the Armed Forces who obtain certain professional board certifications as psychologists; to the Committee on Armed Services.

SPECIAL PAY INCENTIVE FOR MILITARY PSYCHOLOGISTS

● Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the Department of Defense Authorization statute to provide a special pay incentive for those military psychologists who have obtained their board certification (diploma from American Board of Professional Psychology).

Mr. President, during the last session of Congress, we were successful in amending the Veterans' Administration [VA] statute to provide this same type of pay bonus for psychologists within the VA.

In reviewing the Department of Defense Office of the Inspector General report entitled "Utilization of Health Professionals in Executive/Management Positions and Special Pay Compensation," I learned that presently physicians within the Department of Defense who obtain their board certification receive this bonus as an entitlement. My proposal, which I am introducing today, would essentially treat military psychologists in the same manner as their physician counterparts.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD, as well as various background materials provided to me by the Department of Defense, detailing the number and amount paid during the past 3 years by the various services for the different physician specialty groups.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NAVY.—BOARD CERTIFIED PAY BY SPECIALTY

	1981		1982		1983	
	Number paid	Amount paid	Number paid	Amount paid	Number paid	Amount paid
Allergy	3	$9,100	4	$12,00	3	$7,700
Anesthesiology	31	76,000	35	80,700	27	66,400
Dermatology	31	90,400	31	85,300	25	73,400
General medicine	193	506,300	208	541,700	281	710,000
Internal medicine	248	568,200	238	544,600	245	553,300
Neurology	16	33,400	21	46,500	18	40,200
OB/GYN	52	160,600	51	162,700	58	174,700
Ophthamology	35	84,700	40	97,200	39	92,700
Otorhinolaryngology	36	87,900	38	96,600	32	85,100
Pathology	82	204,300	80	200,500	73	177,200
Pediatrics	139	313,200	140	328,200	142	327,900
Psychiatry	58	160,900	61	171,000	66	166,800
Radiology	74	148,200	73	152,800	70	153,200
Surgery	100	292,700	103	281,800	104	276,500
Orthopedics	37	104,000	37	102,600	34	98,100
Urology	18	44,700	21	51,000	17	42,200
Others	68	219,600	66	212,500	68	209,300
Emergency medicine			1	2,100	5	6,800
Total	1,221	3,104,200	1,248	3,169,800	1,307	3,262,100
Total of all physicians	3,693		3,553		3,458	
Percent received certified Pay	.33		.35		.34	

AIR FORCE.—BOARD CERTIFIED PAY BY SPECIALTY

	1981		1982		1983	
	Number paid	Amount paid	Number paid	Amount paid	Number paid	Amount paid
Allergy					18	$47,000
Aerospace medicine	192	$620,000	198	$638,200	190	619,500
Anesthesiology	26	58,900	23	50,800	24	53,500
Dermatology	26	83,500	30	96,300	32	96,500
General medicine	275	588,400	286	617,000	300	662,000
Internal medicine	258	594,800	283	648,400	262	596,500
Neurology	12	28,700	12	26,800	13	29,500
OB/GYN	76	208,000	80	220,400	80	219,500
Ophthamology	37	99,900	33	87,000	32	80,500
Otorhinolaryngology	29	74,400	28	6,800	27	69,500
Pathology	66	167,000	63	170,400	64	174,500
Pediatrics	155	392,400	165	396,800	152	380,000
Psychiatry	63	173,900	56	158,800	66	193,500
Radiology	102	244,700	122	295,700	116	277,500
Surgery	150	401,300	143	376,000	142	382,500
Orthopedics	38	106,900	31	88,400	29	90,500
Urology	21	57,300	27	70,200	24	66,000
Emergency medicine			8	18,000	9	20,000
Total	1,526	3,890,100	1,588	4,027,200	1,580	4,058,500
Total of all physicians	3,671		3,589		3,781	
Percent received certified pay	.42		.44		.42	

ARMY.—BOARD CERTIFIED PAY BY SPECIALTY

	1981		1982		1983	
	Number paid	Amount paid	Number paid	Amount paid	Number paid	Amount paid
Aerospace medicine	32	$97,000	51	$83,400	21	$47,400
Allergy	38	100,000	40	97,800	42	110,100
Anesthesiology	38	94,000	47	87,800	45	84,900
Dermatology	56	160,500	65	179,400	71	183,400
General medicine	250	540,500	387	992,400	396	971,100
Internal medicine	425	1,039,000	476	1,159,600	506	1,151,400
Neurology	33	86,000	34	78,400	33	76,000
OB/GYN	97	293,000	108	271,700	92	242,800
Ophthamology	57	164,000	62	172,300	62	150,700
Otorhinolaryngology	31	88,500	37	91,400	33	78,100
Pathology	148	368,000	154	361,000	138	305,800
Pediatrics	168	435,500	177	418,000	164	391,600
Psychiatry	99	290,500	109	285,300	118	302,600
Radiology	122	277,000	138	302,800	140	279,900
Surgery	222	694,500	215	597,800	201	544,000
Orthopedics	67	215,000	97	244,000	85	215,000
Urology	42	138,000	39	127,000	42	128,200
Emergency medicine	10	21,000	20	38,700	20	34,800
Others	97	304,000	98	302,000	102	289,600
Total	2,032	5,406,000	2,354	5,890,800	2,284	5,587,400
Total of all physicians	4,975		4,909		5,031	
Percent received certified pay	.41		.48		.45	

S. 588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 5 of title 37, United States Code, is amended by inserting after section 302b the following new section 302c:

"§ 302c. Special pay: psychologists

An officer who is—

"(1) an officer in a corps of the Army Medical Department, an officer in the Bureau of Medicine and Surgery of the Navy, or an officer of the Air Force designated as a psychologist, and

"(2) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b) of this section.

"(b) The rate of special pay to which an officer is entitled pursuant to subsection (a) of this section shall be—

"(1) $2,000 per year, if the officer has less than ten years of creditable service;

"(2) $2,500 per year, if the officer has at least ten but less than twelve years of creditable service;

"(3) $3,000 per year, if the officer has at least twelve but less than fourteen years of creditable service;

"(4) $4,000 per year, if the officer has at least fourteen but less than eighteen years of creditable service; or

"(5) $5,000 per year, if the officer has eighteen or more years of creditable service.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302b the following new item:

"302c. Special pay: psychologists.".

SEC. 2. Section 303a of title 37, United States Code, is amended by inserting "302c," after "302b," each place it appears.

SEC. 3. The amendments made by the first section and section 2 shall take effect with resepct to pay periods beginning after September 30, 1985.●

By Mr. GRASSLEY:

S. 589. A bill to amend the Federal Reserve Act; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL RESERVE SYSTEM AGRICULTURE AND SMALL BUSINESS ASSISTANCE

● Mr. GRASSLEY. Mr. President, I rise to introduce a bill today which would assist the agriculture and small business sectors of our economy in coping with the monetary policies and actions of the Federal Reserve System.

The measure which I am about to introduce would require the Chairman of the Federal Reserve System to issue an impact statement relative to the effect of the Fed's monetary policies on the agriculture and small business economy at the time the biannual report to the Congress on monetary policy is issued. By requiring the Fed to submit such an impact statement, the Federal Reserve would be held more accountable to the Congress and the people of the United States for its policy decisions, and greater stability would be brought to the entire economic structure of the Nation.

We must carefully look at the effects our monetary and fiscal policies have on the rural sectors of our economy in light of the current crisis in the farm credit markets. The rapid deterioration of the agriculture economy, due in part to a number of our current monetary policies such as high interest rates and a strong dollar overseas, has led to a concurrent decline in the local communities. We must end this decline and bring prosperity back to the heartland of America.

This is only a first step in restoring economic stability in our country. It is my great hope that my colleagues will support this legislation which I am introducing today. I ask unanimous consent that this bill be printed in full at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2A of the Federal Reserve Act is amended by inserting after the fifth sentence thereof the following: "The Board shall include in its report on its objectives and plans an assessment of the effect those objectives and plans will have on agriculture and on small business.".●

By Mr. HELMS (for himself and Mr. EAST):

S. 590. A bill to designate certain lands in the Great Smoky Mountains National Park as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

GREAT SMOKY MOUNTAINS WILDERNESS ACT

● Mr. HELMS. Mr. President, my distinguished colleague and friend from North Carolina [Mr. EAST] are jointly introducing today the Great Smoky Mountains Wilderness Act to preserve 400,000 acres of forests in North Carolina and Tennessee for decades to come. It would also resolve a 40-year conflict between the citizens of Swain County, NC, and the Federal Government.

Mr. President, our proposal commemorates two very significant anniversaries. Almost 50 years ago, Congress had the wisdom and foresight to establish what has become one of the most popular attractions in the Nation—the Great Smoky Mountains Natonal Park. In 1984, almost 9 million visitors enjoyed the park's unique combination of natural and cultural resources.

In 1943, the U.S. Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and Swain County entered into an agreement concerning land north of what is now Fontana Lake. In return for the right to flood thousands of acres and key roadways in the creation of the lake, the Interior Department pledged to assist Swain County and the State in constructing a road along the north shore of the lake so that families with gravesites and former homesteads in the area would have unimpeded access to these areas.

Mr. President, a generation has passed and there is still no road—or at least not a complete one. Although the

State of North Carolina made good on its part of the bargain by building part of the road, the Federal Government never completed its portion. Families needing access continue to depend on the National Park Service to shuttle them across the lake by ferry and then by offroad vehicle to the cemeteries.

To say the least, settlement of the so-called North Shore Road dispute is long overdue. It is high time the Government made good on its commitment to western North Carolina.

Mr. President, the Great Smoky Mountains National Park is ideally suited for wilderness designation. In large areas of the park, there are no roads and motorized vehicles are not allowed. There are no chainsaws and no vacation homes or cabins. Indeed, preservation of the scenic and natural values is the very essence of wilderness management.

Our proposal establishes a core wilderness area within the park by excluding about 60,000 acres that are not used for other purposes.

This bill parallels recommendations made by the National Park Service in 1981. A general management plan prepared by the Park Service established long-range strategies for resource management, visitors use, and development of an integrated park in the Smokies. After painstaking study of the area, the Park Service recommended that some 400,000 acres be classified as wilderness. Like our bill, it excluded about 60,000 acres and suggested they be studied for possible addition to the wilderness later.

Mr. President, we genuinely believe the Park Service has sound reasons for deleting that acreage. A 44,000-acre tract north of Fontana Lake encompasses the cemeteries and homesteads I have already mentioned. For all practical purposes, wilderness designation of that area would preclude even a primitive route for those needing access to the area.

The Tennessee Valley Authority, which supplies electric power to large portions of North Carolina and Tennessee, also has an interest in those 44,000 acres. The TVA holds recorded easements north of the lake for purposes of maintaining its power lines and monitoring other equipment.

The Cherokee Indians also have an interest in maintaining the current management status of that acreage. We are told they use a small tract north of the Cherokee Indian Nation relative to their traditions and heritage. In our judgment, Congress should not preclude these current uses of the park through wilderness designation.

Mr. President, our proposal authorizes the Secretary of the Interior to fight forest fires and insect infestation which could threaten destruction of the park and surrounding areas. It also authorizes the Secretary to facilitate improved access to wilderness areas for handicapped Americans so that they, too, can enjoy the grandeur of the Great Smoky Mountains.

With regard to settlement of the North Shore Road dispute, our proposal includes the terms of a tentative agreement reached by county officials and the Federal Government. However, our proposal expands the terms of the settlement to take into account those persons needing access to their heritage. It authorizes the expenditure of a small amount of money for construction of a primitive, logging-style route to the cemeteries. We genuinely believe equity demands at least some meager access to the area.

Mr. President, it is with a great sense of pride that Senator EAST and I offer this bill today. We urge Senators to join with us in seeking swift approval of it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Smoky Mountain Wilderness Act.".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in the Great Smoky Mountains National Park, North Carolina and Tennessee, which comprise approximately four hundred thousand acres and which are depicted on the map entitled "Great Smoky Mountains Wilderness, Proposed", and dated October, 1983, are hereby designated as wilderness, and are made a part of the National Wilderness Preservation System. The wilderness designated by this Act, shall be known as the "Great Smoky Mountains Wilderness". It shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by such Act as wilderness areas, except that any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and reference to the Secretary of Agriculture shall be deemed, where appropriate, as a reference to the Secretary of the Interior.

(b) As soon as practicable after the date of the enactment of this Act, a map of the wilderness area and a description of its boundaries shall be filed with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Represenatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in the map and legal description may be made.

SEC. 3. (a) The Secretary of the Interior is directed to review all policies, practices, and regulations of the Department of the Interior regarding disease or insect outbreaks, forest fires, and the use of modern suppression methods and equipment in such wilderness area to insure that—

(1) such policies, practices, and regulations fully conform with and implement the intent of Congress regarding forest fire, disease and insect control, as such intent is expressed in the Wilderness Act and this Act; and

(2) policies, practices, and regulations are developed that will allow timely, and efficient fire, insect, and disease control, to provide, to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private nonwilderness lands from forest fires and disease or insect infestations.

(b) Congress does not intend that designation of the wilderness area lead to the creation of protective perimeters of buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(c) The Secretary is authorized to provide the handicapped with special access to such wilderness area in a manner consistent with the Wilderness Act.

SEC. 4. The Secretary of the Interior is authorized to allocate funds and personnel necessary to place a suitable historical marker at or near the approach to the Cherokee Qualls Reservation, at Soco Gap, in recognition of the historical importance of Soco Gap and the contribution of the Cherokee Nation.

SEC. 5. (a)(1) Swain County, North Carolina claims certain rights acquired pursuant to an Agreement dated July 30, 1943, between the Secretary of the Interior, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina, which provided, on certain conditions, that the Department of the Interior would construct a road along the north shore of Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir, which road has not been completed. In order to settle and quiet all claims arising out of said Agreement, the following provisions are made:

(A) The Secretary of the Treasury shall be authorized to pay to Swain County, North Carolina, the sum of $9,500,000.

(B) The sum of $9,500,000 shall be deposited in an account in accordance with the rules and regulations established by the North Carolina Local Government Commission.

The principal of such sum may only be expended by Swain County under a resolution approved by an affirmative vote of two-thirds of the registered voters of such county. Interest earned on the unexpended principal of such sum may only be expended by a majority vote of the duly elected governing commission of such county.

(2) Swain County, North Carolina, is relieved of any liability to make payments of principal and interest which become due after the date of enactment of this Act with respect to the loan (case numbered 3887000271600, Code numbered 9704) obtained on October 12, 1976, from the Farmers Home Administration.

(3) No money appropriated pursuant to this subsection shall be paid to or received by an agent or attorney on account of services rendered in connection with the claim settled by this subsection.

(b)(1) Notwithstanding any other provision of law and not later than eighteen months after the date of the appropriation

under the authority of paragraph (4) of this subsection, the National Park Service shall provide limited motor vehicle access to the family cemeteries in existence on the date of the enactment of this Act in the Hazel Creek area of the Great Smoky Mountains National Park behind Fontana Dam. This access shall be provided from the western terminus of the North Shore Road to the site of the former village of Proctor by means of connecting, upgrading, and rehabilitating portions of back country roads as necessary to provide a ten-foot wide, nonpaved, primitive route.

(2) The Secretary may establish, by regulation, such reasonable conditions as may be necessary to assure that access provided under this subsection is consistent with the operation of the park. In prescribing such regulations, the Secretary shall consult with the Hazel Creek Cemetery Association.

(3)(A) Special access as provided for the north shore of Fontana Lake in Appendix D of the General Management Plan shall continue until construction of the limited access required by this subsection is complete.

(B) After limited access has been provided, the Department of the Interior shall be responsible for maintenance of such access.

(4) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection, but not more than an aggregate amount of $950,000. All sums appropriated pursuant to this paragraph shall be used for the sole purpose of building a limited motor vehicle access.

SEC. 6. (a) The designation of the Great Smoky Mountains Wilderness Area made by this Act shall be effective when the construction of the access required by section 5 is completed.

(b) Except as provided in section 5, there is authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.●

By Mr. GRASSLEY (for himself, Mr. ABDNOR, Mr. ZORINSKY, Mr. PACKWOOD, Mr. THURMOND, Mr. LUGAR, Mrs. HAWKINS, Mrs. KASSEBAUM, Mr. DENTON, and Mr. EXON):

S. 591. A bill to amend section 119(d) of the Housing and Community Development Act of 1974; to the Committee on Banking, Housing, and Urban Affairs.

CHANGE IN FUNDING FORMULA FOR URBAN DEVELOPMENT ACTION GRANTS

● Mr. GRASSLEY. Mr President, today I, along with Senators ABDNOR, ZORINSKY, PACKWOOD, THURMOND, LUGAR, HAWKINS, KASSEBAUM, DENTON, and EXON, wish to introduce a bill to change the funding formula presently in use by the Department of Housing and Urban Development for the urban development action grants.

This bill places 70 of the 100 points used to judge a fundable project, by HUD on the project characteristics and would place a cap on the dollar amount a project could receive based on the size of the community.

The following is a summary of the formula and the caps:

	Present	Proposed
Impaction	40	15
Pre-40 housing		
Poverty		
Population		
Distress	30	15
Income growth		
Job lag		
Unemployment		
Project factors	30	70
Leverage ratio		
Dollars/jobs		
New permanent jobs		
Percent low-moderate jobs		
Percent minority jobs		
Percent CETA jobs		
State and local commitment		
Tax benefit		
Retained jobs		
Construction jobs		
Impaction on development		
Impaction on economic condition		
Timeliness of project		
Demonstrated performance		
Relocation factors		
Minority business participation		
Energy concerns		

On December 31, 1983, the formula used by Secretary Pierce for the first time changed the direction of the use of the UDAG funds. The program became a regional program because of this formula, which before that time had served the whole country.

Under the Secretary's interpretation, this formula was mandated by the law that was written when the program began in 1977. The Secretary never had to use a formula to fund projects that were considered fundable before this time, because there were always enough funds available to fund all the projects being considered. If a city first met the criteria of being a distressed city—criteria a city must meet before it can even be allowed to apply for funds—then it was almost assured to have its project move forward and be funded.

Then in December 1983 the economy turned a corner and developers again decided to get into the market. UDAG applications began to pour into HUD offices across the country. The funds could not meet the demand, so a formula was put into place, the one that is still used by HUD in making its decisions regarding the selection of UDAG projects.

I believe the Secretary is right when he says that no significant change in the distribution of the UDAG funds will occur without a legislative change.

In the past year we have gained considerable support for a change. That occurred after it became evident that projects from so many States were being rejected.

This rejection of projects has occurred time and time again. Good projects creating thousands of jobs have been turned down, because they lacked housing that was built before 1940 or on old data. Over 70 points that a project receives are based in part on this type of data. This is wrong and needs to be changed. The bill we are introducing today would make the changes needed to again make this program national in scope.

I think if you look at the effects of the present formula on some States you will find that several have cities that do very well under the present formula to the detriment of the rest of the cities in their State. In the last few rounds, cities such as Chicago could get funded but Rockford or Rock Island were shut out. Detroit got three or four projects funded but Lansing and East Lansing were shut out.

When areas like Watts in California or the burned out area of Miami can't be funded because of the present formula, something is wrong.

During the final hours of the last session of Congress we attempted to deal with the funding formula problem. It was apparent that due to the lateness in the session that no action would take place.

This is a new session, a new year, and a new Congress. We have the time now to make the changes; we know what the problem is and we can get the changes made.

I hope that the Banking Committee will hold hearings quickly and report out a bill that we could pass and send to the House, that corrects these obvious problems within the law. I know that several of the members of the Banking Committee have shown an interest in correcting the problem and I look forward to working with them on a change.

We have over $200 million left to be given out this year. Each funding round that goes by without a change means less support for the program. The program will die without the significant changes.

I can only say to those cities receiving the money, you had better hear what we are saying and support a change, if not you too will not have a program to help in your distressed areas.

Our bill will help those cities too. It will create more private investment using fewer UDAG dollars and will create more jobs at the same time.

We would also place a cap on the amount of money one grant could receive. We see a trend developing toward larger requests for UDAG grants. This cap is based on the size of the community. In the past we have seen UDAG grants of $40 million to one project. With the limited resources available today we can no longer afford to fund these large projects.

It is our hope that these changes can be in place before the next large city round in May. It can if the Senate acts quickly. I urge my fellow Senators to support these changes.●

● Mr. EXON. Mr. President, I am pleased to be a cosponsor of the legislation offered by my colleague from Iowa, Senator GRASSLEY, to change the formula used for the selection of urban development action grants.

The Urban Development Action Grant Program is a successful one.

The purposes of the program are to aid distressed cities, stimulate economic development and increase the local tax base. Several cities in Nebraska have been able to take advantage of the UDAG Program, but many others have been effectively shut out from participation.

In recent months, due to a significant increase in the number of fundable projects which exceeded the dollars available, the Department of Housing and Urban Development has adopted a funding formula that places great emphasis on the relative distress of the competing cities and much less weight on the merits of the project. This new formula has the effect of precluding many eligible communities from UDAG awards, no matter how good the projects they develop. In my discussions with HUD officials on behalf of cities in my State, the response is always the same: "This is an excellent project, but it scores low on the impact and distress formula, so the chances are not good for its approval."

Compounding the inequity of the formula that HUD has adopted is the fact that the data which is used for making the rankings of the various applicants is often outdated and unreliable. Further, the HUD formula fails to take into consideration the impact on cities of the depressed state of the agricultural economy.

The Senate has discussed these problems with the UDAG funding formula on several occasions in the past. The Secretary of HUD has clearly indicated that no changes will be made in the formula without specific congressional direction. I am pleased to support the measure offered by Senator GRASSLEY, which will bring more fairness and equity to the UDAG award process.

This legislation will make two major changes in the UDAG selection process. First, it will place the major emphasis on the merits of the project, in terms of the number of jobs created and the number of private dollars leveraged. The relative distress of the competing cities will still be a factor, but not the predominate one. Second, this legislation will place a cap on the amount of UDAG grants that any single community can receive in 1 fiscal year. The effect of these changes will be to make the UDAG program more competitive and to make it truly a national program.

Mr. President, I support the UDAG program as an opportunity to stimulate private investment, create jobs, and promote economic development. I hope the Committee on Banking, Housing, and Urban Affairs will consider this measure promptly as a way for preserving the UDAG program and making it more national in scope.●

By Mr. GOLDWATER (for himself, Mr. WARNER, and Mr. THURMOND):

S.J. Res. 71. Joint resolution to approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles, subject to the enactment of a second joint resolution; to the Committee on Armed Services.

PROCUREMENT OF MX MISSILES

Mr. GOLDWATER. Mr. President, yesterday, the President submitted to the Congress his report on "Continuing the Acquisition of the Peacekeeper (MX) Missile" pursuant to the provisions of Public Law 98-525, section 110 of October 19, 1984. This report is the first step in the process by which this 99th Congress will take up the unfinished business of the 98th Congress and consider resolutions of approval to release production funds for 21 of the 40 Peacekeeper missiles requested in the fiscal year 1985 budget.

Today, Senator WARNER and I introduce a joint resolution that approves the obligation of funds available for fiscal year 1985 for the procurement of additional operational MX missiles. A second joint resolution will be introduced shortly that releases funds for this purpose. Both of these resolutions must pass both Houses of Congress in order for Peacekeeper procurement to continue.

Public Law 98-525 includes detailed procedures by which the Senate and House of Representatives will consider these resolutions. To summarize some of the salient points regarding the resolution being submitted this afternoon:

The joint resolution will be referred to the Senate Armed Services Committee;

The committee may not report out in less than 8 calendar days after introduction, or not earlier than March 13;

The committee is discharged if it does not report out after 15 calendar days following introduction, which is the 20th of March, at which time the resolution will be placed on the calendar of the Senate;

Any Member may move to proceed to the consideration of the resolution following the discharge of the committee;

Debate on this resolution will be limited to 10 hours, equally divided;

This "authorizing" resolution must pass before the joint resolution to release prior year funds for MX procurement can be considered; and,

The Appropriations Committee will be discharged from consideration of the second joint resolution at the end of the second day after the resolution now being introduced has passed the Senate.

Based on these procedures, and assuming the absence of some of our Members due to their status as arms control observers in Geneva, Senators, as a practical matter, can expect to begin consideration of this very important resolution during the week of March 18.

Mr. President, let me make it clear to Senators that the upcoming votes on the MX resolutions are an "up-or-down" vote on the MX program. This is not a case where Senators can take comfort in a vote that doesn't really kill the MX. A negative vote does not protect any production options, not even the option to keep the production line in a standby or "warm" status. Without the funds at stake in this joint resolution, critical elements of the production line will begin to close down. There are those who would have you believe that the program can be kept alive using sources of funding already appropriated for the MX. Although there is much ambiguity in what they mean by "keeping the program alive," I believe my colleagues will conclude, as I have, that such options merely disguise a vote to kill the program.

Let me also assure my colleagues that there will be no ambiguity in the message a negative vote will convey to our arms negotiators in Geneva, and to their Soviet counterparts across the table. We in the Congress cannot ignore the connection between the votes that will take place in this Chamber this month, and the negotiations that will begin in Geneva during the same period. Ambassador Rowny, our former START negotiator, has spoken often of the importance that his Soviet counterparts attach to the MX missile, and of the importance of congressional support for this program to the success of the START negotiations. The same relationship of MX with arms control was a central finding of the distinguished Scowcroft Panel in their report. And it is a central finding in the report of the President, which we have just received.

Mr. President, as I said, I introduced this in conjunction with Senator WARNER, of Virginia, who would be on the floor with me this morning but he is busy conducting a hearing for the Committee on Armed Services.

Mr. President, I ask unanimous consent that the joint resolution I referred to be printed in the RECORD at this time and referred to the Armed Services Committee.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 71

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the enactment (after the enactment of this joint resolution) of a joint resolution further approving the obligation of such funds, the Congress approves the obligation of funds available for fiscal year 1985 for the procurement of additional operational MX

missiles (in addition to the funds previously authorized to be obligated).

Mr. WARNER. Mr. President, I rise today to join with my distinguished colleague and chairman, Senator GOLDWATER, in introducing the resolution of approval releasing the funds for the procurement of the 21 Peacekeeper missiles authorized by the Congress last year.

The United States has now debated the issue of modernizing our aging land-based missile force for some 15 years, through successive Republican and Democratic administrations. In April 1983, the bipartisan President's Commission on Strategic Forces headed by Lt. Gen. Brent Scowcroft, USAF (retired), performed an important public service by laying out the rationale for the modernization of our ICBM forces.

The Scowcroft Commission's recommendation that we deploy 100 MX missiles in existing Minuteman silos, and pursue arms reduction agreements designed to enhance strategic stability while pursuing the research and development of a small, single-warhead missile remains valid today. Although a higher degree of survivability would be desirable, the deployment of the MX in existing silos does satisfy other military requirements and will enhance the effectiveness of our strategic triad. It will, for example, narrow the current Soviet advantage in prompt hard target kill capability. Our research on superhard silos and strategic defense will provide options to enhance MX survivability in the future.

Since the Congress endorsed the recommendations of the bipartisan Scowcroft Commission in 1983, continued developments further strengthen the rationale that the Commission set forth. The Soviet Union has continued the modernization and expansion of its own strategic forces. They have continued to deploy large multiple warhead land-based missiles, and have flight-tested the first two missiles of an entirely new generation. This brings the number of large multiple warhead land-based missiles deployed during the period in which the United States has been debating the deployment of the MX to over 600.

The Soviets have continued production of the Backfire bomber, they have begun production of a new Bear H cruise missile carrying bomber, and they have developed a new Blackjack bomber similar to but larger than our own B-1B. The Soviets are also continuing to modernize their sea-based systems with the Typhoon, the world's largest ballistic missile submarine, and the new Delta IV submarine. They are also developing and deploying new submarine-launched ballistic missiles and cruise missiles for these systems.

In addition, the Soviets have continued to invest almost as much in their strategic defensive systems as in their offensive forces. They have continued to modernize what is already the world's most sophisticated air defense system to counter our bombers, and they are upgrading their Moscow antiballistic missile [ABM] system. Soviet activities suggest that they may be preparing an ABM defense of their national territory. In all areas, the continued expansion of the Soviet threat—the driving force in all of our decisions about national security requirements—only serves to strengthen the recommendations of the bipartisan Scowcroft Commission, and the urgency with which they were made.

The most important reason for the Congress to approve the release of funds for the MX is the current arms control environment in which we are operating. The unity and firm resolve demonstrated by the United States and our allies was an important factor in inducing the Soviets to return to the negotiating table in Geneva. Congressional failure to provide for the continuation of the MX Program at this time would constitute a severe setback at this important juncture. If the Congress terminated the only U.S. ICBM Program ready for deployment this decade, what incentive would the Soviets have to agree to reductions in their own ICBM force? Perhaps more importantly, what incentive would they have to join us in moving toward an arms control regime designed to enhance strategic stability that encouraged each side to move toward single-warhead missiles.

As the bipartisan Scowcroft Commission so clearly stated, "Abandoning the MX at this time in search of a substitute would jeopardize, not enhance, the likelihood of reaching a stabilizing and equitable agreement. It would also undermine the incentives to the Soviets to change the nature of their own ICBM force and thus the environment most conducive to the deployment of a small missile."

No one can say, at this point, exactly how the MX system will be treated in the upcoming arms reduction negotiations. That is a matter properly left to the discretion of the executive branch. The Congress has the obligation to provide the President with the tools he requires and to be supportive of his efforts. In statements before the Congress and to the public, Secretary of State Shultz and Secretary of Defense Weinberger have asserted that congressional approval of the MX is indispensable to our negotiating efforts. And as recently as yesterday, President Reagan himself called upon the Congress to support his efforts.

Mr. President, I believe that press treatment of this subject has been objective. Last Friday, the Washington Post reflected what I believe is a growing national consensus about the importance of proceeding with the MX program at this time. To quote from that piece directly:

Congress should remove the fence it had placed around the $1.5 billion needed to go into production of the second batch of 21 MX missiles . . . The MX is connected in the first instance to the heavy Soviet missiles—the 600-odd SS-18s and 19s—whose first strike capability it is meant to match. . . . The MX is further connected to the arms control talks that are to open in Geneva on March 12. A prime American purpose there is to induce the Kremlin to make deep reductions in the heavy missiles that have long given it, and it alone, a chance to knock out all of its adversary's land-based missiles in a surprise attack. . . . No one in his right mind can believe the Soviets would reduce these extra-threatening heavy missiles—the numerical and political heart of their strategic force—if they did not have to worry about a similar American threat.

Mr. President, in closing, I would like to make one final reference to the Scowcroft Commission report. In its conclusion, it made a plea that I believe is equally relevant today.

If we can begin to see ourselves, in dealing with these issues, not as political partisans or as crusaders for one specific solution to a part of this complex set of problems, but rather as citizens of a great nation with the humbling obligation to persevere in the longrun task of preserving both peace and liberty for the world, a common perspective may finally be found.

I believe that the recommendations of the bipartisan Scowcroft Commission offer this common perspective, and it is in this light that I join with Senator GOLDWATER in introducing this resolution with the hope that the Senate will act on it favorably.

Mr. President, I ask unanimous consent that the report and article referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S REPORT ON CONTINUING THE ACQUISITION OF THE PEACEKEEPER (MX) MISSILE

To the Congress of the United States:

The attached report on the Peacekeeper missile contains my assessment of the requirement for Peacekeeper and my anticipated impact of the continued procurement of Peacekeeper missiles, pursuant to the provisions of Public Law 98-525, Section 110 of October 19, 1984.

My report concludes that the continued procurement and deployment of the Peacekeeper are essential to national security. The recommendations of the Scowcroft Commission are still valid. One hundred Peacekeeper missiles should be deployed in existing Minuteman silos as soon as possible.

My report also concludes that Peacekeeper is an essential element of our arms control strategy. Without the Peacekeeper our chances of reaching an equitable agreement with the Soviet Union to reduce significantly the size of our nuclear arsenals are substantially lowered. Indeed, should Congress delay or eliminate the Peacekeeper program, it would send an unmistakable signal to the Soviet Union that we do not possess the resolve required, nor the continuity of

purpose, to maintain a viable strategic triad and the policy of deterrence the triad represents.

The time has come to place this issue behind us. While we have debated the merits of the Peacekeeper program, the Soviets have deployed over 600 Peacekeeper type missiles. If we are to move towards an equitable treaty in Geneva, procurement of 100 Peacekeeper missiles must continue.

I urge each member of Congress to approve the Peacekeeper and join me in a bipartisan and united effort in Geneva. With your support, and the support of the American people, our efforts at the negotiation table could lead to the more stable world we all seek, and lead to that day when mankind is free of the terrible threat of nuclear weapons.

RONALD REAGAN.

THE WHITE HOUSE, *March 4, 1985.*

THE PRESIDENT'S REPORT ON CONTINUING THE ACQUISITION OF THE PEACEKEEPER (MX) MISSILE

Foreword

This report was prepared in accordance with the fiscal 1985 Department of Defense Authorization and Appropriation Acts, Committee of Conference, Section 110e and delivered in compliance with Section 110g(2). The Act states that the report shall include:

(1) a statement that the President has determined that further acquisition of operational missiles under the MX missile program is in the national security interest of the United States and is consistent with United States arms control policy;

(2) findings of the President concerning the effect of the acquisition and deployment of such missiles on the vulnerability of the United States land-based intercontinental ballistic missile force;

(3) a discussion of the basing mode for the MX missile (and related improvements in silo-hardening technology) and of proposals for the basing mode for the small, single-warhead intercontinental ballistic missile.

Summary

The President has concluded that the continued production and deployment of the Peacekeeper (MX) missiles in existing Minuteman silos is required in order to meet U.S. national security interests, is consistent with U.S. arms control policy, and enhances the prospects for global stability. As a result, the President seeks to remove Congressional restrictions on the Fiscal Year 1985 funds that were authorized and appropriated by the Congress for the Peacekeeper missile program. This report provides the President's rationale and furnishes additional information as required by the Congress.

Strategic balance and international stability

In February 1984, in response to the FY84 Defense Authorization Act, the President reported to Congress on the anticipated political-military effect of procurement of Peacekeeper missiles. This year's report reviews major developments in the strategic balance over the past twelve months. This report concludes, as did last year's document, that continued procurement of Peacekeeper and deployment of 100 missiles in Minuteman silos ". . . is a necessary part of our concerted effort both to improve deterrence and strategic stability and to enhance our ability to achieve deep and meaningful arms reductions." The passage of one year has given the Soviet leadership an opportunity to make adjustments in its strategy and policy. Thus, from the perspective of this report it is useful to determine what changes have occurred in these areas.

No change is apparent in the Soviets' continued efforts to build-up their strategic nuclear forces both quantitatively and qualitatively (the magnitude and pace of which over the past 23 years are portrayed—in sharp contrast to U.S. efforts over the same period—in Figure 1). They did not slow any aspect of their program, as indicated by these developments that occurred during 1984:

Modernization of the Soviets' fourth generation Intercontinental Ballistic Missile (ICBM) continued with the modification and deployment of an additional 30 SS-19s (carrying a total of 180 highly accurate warheads). At the same time, development and flight test of both the new SS-X-24 ICBM with 10 warheads and the single-warhead SS-X-25 ICBM continued (despite the fact that SS-X-25 testing violates at least two provisions of the unratified SALT II Treaty as documented in the February 1985 Report to Congress on Soviet Noncompliance). We anticipate that both SS-X-24s and SS-X-25s will be deployed in silos as well as on mobile launchers over the next few years.

Three types of strategic bombers are in production or development. Production continues on the Backfire and Bear H bombers. The Bear H achieved its Initial Operational Capability (IOC) with the new AS-15 air-launched cruise missile during 1984. This deployment is advancing more rapidly than we projected one year ago. Advanced development of the new Blackjack bomber, similar to but larger than the B-1B, also continued, and we expect it to be ready for deployment before the end of the decade.

An additional Typhoon-class missile submarine (SSBN) (the third) joined the Soviet Navy, as did the first and second ship of a second new class of SSBNs, the Delta IV. Testing of the Delta IV's sea-launched ballistic missile, the SS-NX-23, also continued throughout 1984, and an IOC in the near term is expected. In a related development, flight testing of a long-range sea-launched cruise missile (SS-NX-21) appears to have been completed and the missile may already be operationally deployed on submarines near U.S. coasts.

[Figure 1 not reproducible for RECORD.]

Figure 1: Introduction of Nuclear Systems by Year

In addition to this accumulation of offensive intercontinental nuclear forces, the Soviet Union in 1984 continued to:

Improve its massive air defenses; upgrade the Moscow anti-ballistic missile (ABM) system and construct large phased array radars (one of which constitutes a violation of the legal obligations under the ABM Treaty); perform extensive research and development (R&D) on a rapidly deployable ABM as well as extensive R&D on a space-based strategic defense system, and on new air defense missiles with capabilities against some types of ballistic missiles; and, deploy significant numbers of new intermediate- and short-range nuclear missiles and artillery systems.

As last year's report made clear, this accumulation of vast military power, coupled with current Soviet advantages in strategic forces, could—if unchecked—result in the Soviet leadership becoming far more confident about using its political and military leverage to exert influence against other nations around the globe. A perception that the United States is unable or unwilling to take the steps necessary to offset this growing Soviet power could further increase the Soviets' inclination to become involved in regional conflicts, even if such involvement would risk engaging U.S. interests. Furthermore, a growing risk of direct confrontation with the Soviet Union would cause regional powers to become more inclined to accept a greater level of Soviet interference in their affairs. Finally, and most dangerously, this perception could over time begin to suggest to the Soviet leadership that the threat, or actual use, of military force—including nuclear weapons—against United States forces or against those of our allies could result in significant military advantages for them. Thus, from this evidence we can conclude that the Soviets have not changed either strategy or policy. They continue to build and modernize at a very high rate.

To reverse these dangerous and destabilizing trends, this Administration initiated the Strategic Modernization program in October 1981. The program resulted in some improvements in our deterrent capabilities in 1982 and 1983. In 1984 this long-range program began to secure truly significant enhancements to our forces.

The remaining two squadrons of B-52Gs identified for conversion to air-launched cruise missile (ALCM) carriage became operational, bringing the total to five squadrons (90 B-52s with 1,080 ALCMs). Additionally, preparations to begin ALCM conversion of the B-52H force proceeded on schedule, with modification of the first aircraft scheduled to start in July 1985. Moreover, our first new long-range stragetic bomber aircraft in over 30 years, the B-1B, was delivered for test and evaluation in October 1984. The B-1B is scheduled to enter the Strategic Air Command's inventory next year.

The Trident submarine USS GEORGIA began operational patrol, the fourth Trident, USS FLORIDA, was commissioned, and the fifth Trident, USS HENRY M. JACKSON, began sea-trials. FLORIDA began operations recently, and the JACKSON will begin regularly scheduled operations later this year. Additionally, in June 1984, the nuclear version of the Tomahawk land-attack cruise missile (TLAM-N) achieved its scheduled IOC aboard selected submarines and surface combatants.

The Ground Wave Emergency Network (GWEN) achieved its initial connectivity capability, thereby increasing the difficulty of attempting to preempt U.S. retaliation by attacking our command, control and communications (C^3) system. The third electromagnetic pulse (EMP) hardened National Emergency Airborne Command Post (E-4B) was delivered last year. Additionally, we began improvements to the Ballistic Missile Early Warning System (BMEWS).

1984 also witnessed three more highly successful Peacekeeper test flights (the fourth, fifth and sixth tests in that series) concluding Phase I of the test flight program. The seventh test flight, which occurred on February 1, 1985, was also successful. The Peacekeeper continues to perform exceptionally well, achieving accuracies which are better than design requirements. Additionally, production of the first 21 Peacekeeper missiles is underway, as well as support facility construction. All aspects of this program are progressing smoothly and are well within cost estimates. In fact, with the release of the FY 85 funds, the program will be over 50 percent complete in terms of total program funds.

An ICBM test program does not, however, constitute a deployed asset. Despite the success of the Peacekeeper test flights, and the progress we have made in starting to rebuild

the bomber and submarine legs of the Triad, the inevitable length of time required to modernize all of our strategic assets demonstrates that we have not yet acquired an operational capability that redresses the Soviets' destabilizing advantage in prompt hard-target capability. The planned deployment of 100 Peacekeepers beginning in late 1986 represents the best—and only—near-term solution to begin to correct this strategic imbalance. The rationale for this—deterrence of Soviet aggression through the maintenance of a stable strategic balance—has not changed for the past 12 months, nor has it changed in the last 40 years. The Report of the President's Commission on Strategic Forces (the Scowcroft Commission), which provided the blueprint on which our ICBM modernization program is based, was quite clear about the need to balance Soviet power:

This is central to our understanding of how to deter war, how to frustrate Soviet efforts at blackmail and how to deal with the Soviets' day-to-day conduct of international affairs.

Neither has the importance of the contribution of the ICBM force to the Triad's deterrent capabilities changed. The intrinsic qualities of the ICBM, and in particular the Peacekeeper with its hard-target potential, are most appropriate for placing at risk precisely those Soviet targets (military forces, leadership and C^3 capabilities) that the Soviet leadership values most for a war-fighting rather than deterrent posture. Air-breathing systems (bombers and cruise missiles) and submarine-launched ballistic missiles both play valuable and complementary roles in deterrence; however, neither of these forces alone possesses the requisite combination of promptness, rapid retargeting, and nearly 100 percent alert rate which is available in our ICBM force, and which we need to ensure that the United States can respond credibly and effectively against the entire range of Soviet war-making capabilities in the event deterrence fails.

In particular, the inherent high alert rates, low day-to-day operations cost, and responsiveness of the ICBM force, which includes Peacekeeper missiles, provide a powerful disincentive to a Soviet first-strike. With 100 Peacekeeper missiles in our inventory, the Soviet leadership finally will have to weigh more seriously the vulnerability of key elements of their own forces to retaliation. Peacekeeper thereby will help to induce caution and restraint into Soviet geopolitical activities by removing any perceptions the Soviet leadership might harbor about its ability to dominate a crisis or to conduct and emerge successfully from a nuclear conflict with its most valued assets intact and its war aims achieved. As a result, deployment of Peacekeeper starting in 1986 will clearly decrease the risk of war. These facts have not changed in over a decade of debate about this missile.

At the same time, however, the size of the Peacekeeper force was not chosen arbitrarily. A limited deployment of 100 missiles will not give the USSR legitimate grounds for fearing a first-strike from U.S. forces. With 100 missiles, U.S. strategic forces will fall far short of possessing a first-strike capability—given the numbers of hardened military assets and the dispersal of Soviet nuclear forces. A force smaller than the planned 100 Peacekeepers, however, would have significantly reduced military significance in the eyes of the Soviets. As we begin our new negotiations such reductions to the Peacekeeper program could cause the program to appear as tokenism and thus reflect unfavorably on U.S. resolve to carry through its programs.

Without question, the asymmetry in ICBMs between U.S. and Soviet strategic forces remains very much in their favor. In the absence of continued Peacekeeper production, this asymmetry would become even more skewed in the USSR's favor. Moreover, decisions demonstrating that the United States does not have the determination to proceed with the Peacekeeper program would affect significantly the Soviet leadership's assessment of our national will to meet their political and military challenges.

We believe that our ICBM modernization program, based on the bipartisan Scowcroft Commission Report (and Executive and Legislative branch approval thereof in 1983) continues to offer a sound basis for needed improvements to the ICBM leg of the triad. Further delay on the Peacekeeper will be counter productive to national security. Our program also reduces significantly the risks inherent with the failure to modernize. Prompt Congressional approval of joint resolutions lifting the fiscal year 1985 funding restriction on Peacekeeper production and, later this year, approval of the request for the Peacekeeper in the fiscal year 1986 budget—in keeping with the Scowcroft Commission's recommendations—will promote global stability, help prevent a deteriorating strategic balance, and reflect a cohesiveness and a sense of common purpose that will strengthen our ability to deter aggression, furnish a foundation for arms reductions, and promote the prospects for continuing peace.

With regard to arms control, we are encouraged that the prospects for negotiations have been improved since our last report. Important developments have occurred after the one-year hiatus that followed the Soviet walk-out from the Intermediate-Range Nuclear Forces (INF) talks and concomitant refusal to set a date to begin new START negotiations. Contrasted with the prospects last year, we now have reason for cautious optimism. We and the Soviet Union are about to begin new negotiations in Geneva, in which a central objective will be to seek agreements on significant reductions of strategic arsenals. As we enter these talks we recognize that our ability to negotiate effectively—and to achieve our goals of deep and effectively verifiable reductions—is heavily dependent on the Soviet leadership's view of our purpose, will and strength.

Recent experience has confirmed, despite Soviet propaganda attempts to the contrary, that they have responded to the steady, responsible actions of the NATO Alliance in fulfilling missile deployment commitments taken under the December 1979 decision. They agreed to negotiate initially, only when it became clear NATO would make a coordinated decision to deploy. They agreed to resume negotiations only when it became clear they could not destroy NATO's resolve through threats and bluster. Likewise, if we are to succeed similarly in our new strategic negotiations, we must demonstrate the same constancy of purpose and determination as shown by the Alliance in INF. Conversely, if we fail on the eve of these new negotiations in Geneva to proceed with Peacekeeper production and deployment, the impact could be far-reaching, extending not only to failure of the strategic negotiations, but may affect the broader East-West relationship as well.

We hope these new negotiations will lead eventually toward agreement on deep reductions, but they are at a critical stage—the first step. That step must be on firm ground because it will set the direction for a lengthy but ultimately rewarding journey. Most of all, it is essential at this time that we not appear hesitant or otherwise lacking in resolve. Cancellation of, or slowing, the Peacekeeper deployment would unavoidably give such an appearance to the Soviet leadership. In fact, should the Congress decide to terminate the Peacekeeper production and deployment program during these early stages of negotiations, the Soviets would have every incentive not to negotiate seriously, but to anticipate that the United States would take additional unilateral actions which would further reduce U.S. strength without them having to make equitable concessions of their own. There would be comparatively little reasons for the Soviets to continue negotiating seriously in the START area, because they would have achieved much of what they want and could be expected to stall to see how much additional they could obtain without concessions.

This result would not be mitigated by canceling the Peacekeeper and opting only for deployments of the new small missile. The Soviets would observe that the IOC for this alternative is planned (i.e., not a certainty) for 1992, some seven years from now. This additional delay, coupled with 12 years of debate on just the development and deployment of the Peacekeeper, certainly will not convey national resolve to correct the long-standing strategic imbalance. Certainly it will not encourage the Soviets to move toward deep reductions—especially if they conclude that the higher costs associated with a mobile ICBM (they have relevant experience) will give additional support to the arguments that the U.S. will not be willing to spend the money necessary to procure sufficient small ICBMs to correct the imbalance.

It is useful in this regard to recall the comments made by former Secretary of Defense Harold Brown, a Senior Counselor to the Scowcroft Commission, at the time the Commission published its report:

To [abandon the MX and] say that the United States will modernize in the early 1990s with a small single-warhead missile will just not be believable. The Soviets would be justified in calculating that any new U.S. ICBM system will be aborted by some combination of environmental, doctrinal, fiscal, and political problems.

Thus, this report reaffirms the wisdom of the bipartisan Scowcroft Commission to proceed with the full program featuring phased deployment of 100 Peacekeeper missiles beginning in 1986 and development of a new small ICBM for a 1992 operational capability. In addition, Peacekeeper will be instrumental in producing an arms control reduction of Soviet forces which will guarantee the viability of the small missiles deployment in fiscally reasonable numbers.

The effect of Peacekeeper deployment on ICBM vulnerability

In requesting this report, the Congress directed that it include the ". . . findings of the President concerning the effect of the acquisition and deployment of such missiles on the vulnerability of the United States land-based intercontinental ballistic missile force."

From a technical or engineering viewpoint, the vulnerability of Peacekeeper mis-

siles based in existing Minuteman silos will be roughly equivalent to the Minuteman ICBMs currently deployed in those silos. But because the Peacekeeper was built to withstand greater lateral motion than the Minuteman, there would be some increase in survivability when nuclear-induced ground shock/motion occurs.

The question of force survivability, however, is not the same as that of silo vulnerability. Because the three legs of our Triad each have different characteristics, a Soviet planner seeking to construct an attack against U.S. strategic forces faces significant timing problems. As the Scowcroft Commission noted:

"* * * the different components of our strategic forces would force the Soviets, if they were to contemplate an all-out attack, to make choices which would lead them to reduce significantly their effectiveness against one component in order to attack another. For example, if Soviet war planners should decide to attack our bomber and submarine bases and our ICBM silos with simultaneous detonations—by delaying missile launches from close-in submarines so that such missiles would *arrive* at our bomber bases at the same time the Soviet ICBM warheads (with their longer time of flight) would arrive at our ICBM silos—then a very high proportion of our alert bombers would have escaped before their bases were struck. This is because we would have been able to, and would have, ordered our bombers to take off from their bases within moments after the launch of the first Soviet ICBMs. If the Soviets, on the other hand, chose rather to *launch* their ICBM and SLBM attacks at the same moment (hoping to destroy a higher proportion of our bombers with SLBMs having a short time of flight), there would be a period of over a quarter of an hour after nuclear detonations had occurred on U.S. bomber bases but before our ICBMs had been struck. In such a case, the Soviets should have no confidence that we would refrain from launching our ICBMs during that interval after we had been hit. It is important to appreciate that this would not be a 'launch-on-warning,' or even a 'launch under attack,' but rather a launch *after* attack—after massive nuclear detonations had already occurred on U.S. soil."

As a result, the Commission concluded that:

"* * * the vulnerability of such silos in the near term, viewed in isolation, is not a sufficiently dominant part of the overall problem of ICBM modernization to warrant other immediate steps being taken.* * *"

These judgments remain valid today.

It is also important to recognize that compared to Minuteman, the increased capability of Peacekeeper to place at risk even the hardest Soviet targets will strengthen substantially our ability to deter nuclear attacks. The extent to which a Soviet planner is deterred from undertaking an attack depends significantly on his calculation of our retaliation exacting heavy damage on Soviet assets. The deterrent value of Peacekeeper must be viewed from the Soviet perspective and their estimate of risk to their key assets. Peacekeeper's capabilities ensure that such an estimate of risk will be very high. The same cannot be said for the capability of the Minuteman force against these same key assets, because Minuteman is not sufficiently effective against these installations. We believe, therefore, that Peacekeeper's ultimate survivability resides in its ability to deter attack in the first instance—and, thereby, increase the survivability of not only the entire ICBM force but of the entire Triad as well.

ICBM basing

It was the intent of Congress that this report should provide:

"* * * information regarding options to enhance the basing mode survivability of deployed Minuteman II and III missiles, the soon to be deployed Peacekeeper (MX) missile, as well as information about the basing options under consideration for the small ICBM. This should include an assessment of the merits of hardening existing silos, constructing new super-hardened silos, multiple aim point configurations and closely spaced array basing options. Such an assessment should address the availability, possible siting, and potential cost issues for each basing options, as well as any environmental and arms control considerations."

In March 1983, the Department of Defense completed and forwarded to the Congress the "Strategic Forces Technical Assessment Review." This document, which served as a technical input to the Scowcroft Commission's deliberations, reviewed 11 basing proposals and four alternative missile deployments on the basis of:

Strategic capability: deterrence, military capability, survivability, endurance, resiliency, and defendability;

System Feasibility: cost, schedule, technical risk, operability/supportability, siting, environmental, and public interface;

Policy considerations: arms control and foreign policy. Each basing and missile alternative combination was evaluated at the subfactor level by measuring the alternative against the standard of evaluation for the subfactor.

Application of the standard resulted in a rating of either outstanding, good, fair, marginal, or poor for the specified subfactor. In turn, they were combined to yield a resultant rating for the criterion. No attempts were made by the Commission to weight any subfactor; all were treated equally.

For this Report, we re-examined the sections of the Technical Assessment Review (TAR) pertaining to the multiple aim point and closely spaced basing alternatives. After that review, we concluded that the TAR's judgments of the evaluation criteria for these two basing alternatives remain largely valid. The following paragraphs provide a brief summary of those assessments.

Multiple protective shelters (MPS)

The MPS concept proposed a force of Peacekeeper missiles shuttling throughout a larger number of horizontal shelters placed approximately one mile apart. Its rationale was to force Soviet war planners to target each shelter because they could not know with sufficient confidence which ones actually contained missiles. The review showed that, absent real and verifiable arms control restraints, the Soviets could have placed this basing concept at risk either through increased fractionation of their existing missiles (putting a larger number of smaller warheads on the missiles) or by adding new missiles, thus reducing its potential for survivability to a marginal level. Such a basing concept would incur high acquisition costs and evoke significant environmental issues in comparison to the basing option selected for the Peacekeeper. For these reasons and subsequent Soviet force developments this approach was rejected.

Closely spaced basing (CSB)

The Closely Spaced Basing (CSB) proposal involved placing missiles in super-hardened silos positioned optimally about 1,500 feet apart in an overall geometric arrangement occupying about seven square miles. This concept was designed to enhance survivability in two ways: (1) by protecting the missile in super-hardened silos, and (2) by forcing the attacker to sequence the attack (to avoid fratricide) of the silos such that his successive waves of attacking missiles would take hours to complete it, thus furnishing time in between waves to launch a retaliatory strike before the missiles can be destroyed.

Currently, it appears that the only practical means of attacking optimally spaced targets is with specialized, very high technology weapon systems. These include maneuvering reentry vehicles (MaRVs) with earth penetrating weapons, very high accuracy MaRVs with homing sensors, and synchronized fuzing systems that allow virtually simultaneous detonations of all attacking weapons. Even with these advances, the degree of operational precision required is so high that overall confidence in an attack would probably be very low.

However, one of the potential problems associated with closely spaced basing is the possibility of a "pin-down attack." Such an attack might be able to prevent a retaliatory strike, for long periods by detonating weapons over the deployment area every 30 to 60 seconds. Obviously, this would be an inefficient use of their assets that could be mitigated by deploying U.S. missiles in a greater number of arrays separated by at least five to eight miles. Thus, each must be "pinned" separately, raising the number of weapons expended in a pin-down attack to an exorbitant level; also, some believe that this type of attack could be mitigated by an active terminal defense.

The overall performance of this basing mode is outstanding for its deterrent, military capability, survivability (both current and projected threats), defendability, siting, and public interface. Its costs and environmental impacts are moderate in comparison to the basing mode selected for the Peacekeeper and the other alternative basing modes. Because of these attributes, notwithstanding some technical uncertainties, it was recommended as a basing mode for the Peacekeeper in 1982. Subsequently, it was rejected by the Congress.

Modification of existing Minuteman silos

Existing minuteman silos could be modified to an upper-bound hardness level of three to four time that of current silos (new super-hardened silos can be made vastly harder—see the following section). This would add some degree of survivability to any ICBM deployed in them—Minuteman II, Minuteman III, Peacekeeper, and the small ICBM. However, the modification would be extensive. The silos would receive a new circular top closure about two or three feet thicker than the current covering device. At launch, it would be lifted by the new missile canister, then tipped off to one side as part of the egress process during the intitial launch sequence. The structure of the silos' launcher equipment room and the launch tube would be substantially strengthened by adding more steel and concrete. The launch tube to hold the missile's launch canister would be lengthened, from 5 to 55 feet (deeper), depending on whether the small ICBM, Minuteman (II or III), or Peacekeeper were to be deployed in it. The operational support equipment would be repackaged and mounted in a saddlebag configuration near the top of the missile canis-

ter. Other changes involve EMP protection and changes about ground at or near the silo for interfacing with completely new maintenance and transport vehicles. Cost, both acquisition and life-cycle, for such modifications would be high. Environmental impacts would be low.

Peacekeeping basing

As noted previously, however, the Scowcroft Commission took a very different approach to ICBM modernization. Its recommendations for, and the Administration's approach to, the modernization of the ICBM force separated the problem into its near- and longer-term elements. This approach to the problem resulted in the following conclusions:

None of the short-term needs for ICBM force modernization would be met by deploying any missile other than Peacekeeper.

Deployment of Peacekeeping in Minuteman silos would permit fielding the missile at the earliest possible date and at the lowest cost.

No other basing mode would be available in time to meet the missile's initial, or for that matter, realistically meet its full operational capability dates, nor is it clear that we could capitalize on the effectiveness of alternative basing options in the near term to warrant the additional cost associated with them.

For the longer term, Peacekeeper survivability can be improved by additional measures including the super-hardness described below, active defense, or a complementary combination of these and other measures. We believe these conclusions remain sound and correct.

We believe that the overriding national security necessity is to get the new Peacekeepers with their vastly improved accuracy and yields, deployed and operational as soon as possible.

Construction of new super-hardened silos

We have made remarkable progress over the past two years in our research program on silo hardening. It is now possible to construct new silos perhaps 25 to 40 times as hard as current silos. The resistance of these silos to nuclear effects would be significantly above the level of both our current silos and the estimated hardness of Soviet silos. Initial results from scale-model tests have been highly encouraging.

Structures have been designed and tested which will survive near the edge of a nuclear crater. Techniques developed for earlier hardened systems are generally applicable, but exceptional technical development can enable us to deal successfully with air-blast in the very high overpressure region and with near-crater ground shock and electromagnetic pulse. The super-hard silo design approach uses steel to confine concrete sufficiently to resist loads rather than carry these airblast-induced loads. For example, the percentage of steel has increased over the current Minuteman design by a factor of four to eight, depending on the deisgn alternative. One other factor also has come to play on the potential effectiveness of these new silos—U.S. construction material technology. Commercially available construction materials have improved significantly in strength since the first Minuteman silos were constructed over 25 years ago.

The missile lateral and vertical shock isolation capability has also been increased through some new technological advances. Current lateral shock isolation technology is based on canisterization of the missile and new Peacekeeper-type shock isolation materials and designs. The canister acts as a strongback, uniformly distributing the shock isolation loading along the missile through many pads. New, high efficiency foam/crushable materials have been developed which distribute a nearly constant force against the missile canister even when the outer silo structure moves violently, thus mitigating the otherwise destructive effects of a nuclear blast.

However, airblast in the very high overpressure region, crater size, and near-crater ground shock and fratricide effects among attacking weapons are the most significant and uncertain areas of nuclear weapons effects associated with super-hard silos. As recommended by the Scowcroft Commission, we have concentrated our recent effort on reducing the uncertainties in these specific effects or, in the case of fratricide, the many nuclear effects that could destroy, damage, or change the trajectory of an incoming weapon following the detonation of another weapon.

Recent analyses by the Defense Nuclear Agency (DNA) have encountered physical relationships that complement the developments in silo hardening technology. These analyses indicate that craters resulting from nuclear detonations are much smaller under certain circumstances than previously predicted. This fact, coupled with improved shock isolation system design technology, has increased our ability to protect a silo's contents within a constrained silo volume. Furthermore, missile egress now appears feasible through debris depths twice as thick as previously believed possible. Taken together, these developments suggest that Peacekeeper deployments in super-hardened silos could, in the future, greatly enhance Peacekeeper's survivability.

This technology is not now ready for full production. Larger-scale tests are required to confirm the scale-model results, and to reduce the uncertainties associated with all these new technologies. Nevertheless, it seems clear that silos can be built many times harder than predicted in 1983. This program, which is about 30 percent complete, is discussed in detail in the Secretary of Defense's "ICBM Modernization Program Annual Progress Report to the Committees on Armed Services of the Senate and House of Representatives," 15 January 1985. This report concluded on the following note:

"While encouraging progress has been made, much work remains to be accomplished to resolve uncertainties and validate hardening technology through large-size tests. If successfully validated, hardening technology holds great promise as a survivable ICBM basing mode."

Should a decision ultimately be made to proceed with hard silo deployment for Peacekeeper to enhance mid-term survivability, additional funds would be needed. Because the Soviets will always try to improve their missile accuracies, to the point where even super-hardened silos begin to become vulnerable, the importance of the Strategic Defense Initiative becomes more evident, not to protect silos but to prevent Soviet missiles from reaching any of their targets.

Small missile basing

The FY 1985 Defense Authorization Act also required a discussion ". . . of proposals for the basing mode for the small, single-warhead intercontinental ballistic missile."

In accordance with the Scowcroft Commission's conclusion that deploying the small ICBM in more than one mode would serve stability, we are currently examining three potential basin options for the small ICBM: hard mobile basing; continuous road mobile basing; and super-hardened silo (the same technology applicable to future Peacekeeper) basing. Several developments of note have occurred in the past year.

Competitive contracts were awarded for weapons system concept definition, propulsion, C^3, and guidance system alternatives. Thus far, results stemming from these initiatives indicate that difficult, but not insurmountable, technological challenges still exist in (1) building an affordable guidance system; (2) developing a safe, high-energy propellant that meets the missiles' weight restriction; (3) designing an effective C^3 system; and (4) reducing the overall cost of ownership. Our work on these and other development efforts indicate that the design goals for the missile are within reach. The Secretary of Defense's "Report on ICBM Modernization," cited previously, contains additional details.

Hard mobile launcher

The hard mobile basing mode is currently the primary focus of attention as a basing mode for the small ICBM. The concept employs launcher vehicle hardness and mobility to provide survivability by imposing a heavy price on the attacker to negate the system. The hard mobile launcher would likely be deployed on existing Department of Defense (DOD) or Department of Energy (DOE) controlled land, where it would be dispersed randomly and moved periodically. The associated launch control centers, which are ground-mobile, will probably operate both on and off government land to ensure survivability.

In order to assist the basing mode and area selection decisions associated with entering full-scale development next year, efforts are underway to prepare a Legislative Environmental Impact Statement by late 1986. The Legislative Environmental Impact Statement will address any potentially significant environmental impacts that may be created as a result of stationing the small ICBM at candidate deployment areas. Preliminary systems and operational requirements are being applied as criteria for screening available DO- and DOE-controlled lands to eliminate unsuitable areas.

Advanced threats that might be able to obtain prompt tactical targeting information for seeking mobile launchers must still be investigated. Threats may take the form of cruise or ballistic missiles with inflight targeting updates or terminal homing capabilities. Even if one or more of these might become feasible after the year 2000, mitigating countermeasures may be available, but more research will be required in this area.

The principal cost issues for this basing mode are related to manpower required for physical security and maintenance of the system. The physical security concept calls for passive delay and denial measures in the Hard Mobile Launcher to prevent unauthorized access to the nuclear warhead, with rapid response forces being available to supplement the crew. Because of the large area occupied by the system, providing security for the nuclear assets and maintenance of the system to assure readiness tend to be manpower-intensive. Various deployment/operation options are being studied to reduce manpower and attendant significant costs.

The hard mobile launcher concept definition studies were begun and simulated blast tests were completed on scale models of candidate launchers submitted by four compet-

ing firms. Based on these results, we have selected two of these firms to proceed with the pre-full-scale development phase. This program is currently on schedule and within cost.

Continuous road mobile basing

The continuous road mobile concept would achieve survivability by dispersing minimum-hardness system elements over a large area. These "soft" vehicles would utilize a continuous move-park-move cycle on all-weather roads rather than on DOD- or DOE-controlled lands to achieve survivability.

In concept, the Continuous Road Mobile system reduces the technical risk of development by reducing its hardness and mobility requirements. However, it increases potential public opposition, security, and command and control problems because of its large area of operations. This system is less susceptible to advanced threats than the Hard Mobile system because it can expand its deployments into larger areas.

The system costs tend to be driven by manpower requirements. As with Hard Mobile basing, the security concept calls for passive delay and denial measures to be incorporated for protection of the nuclear assets, with rapid response forces available to supplement the drivers and security escorts. Costs and manning tend to be higher than those of Super-Hard Silo or Hard Mobile basing because of the special physical security forces required, the dispersal of maintenance operations over a large area of the continental U.S., and the manning needed to operate the system over this area. On the other hand, the conventional design requirements for the launcher would reduce acquisition costs. Also, the system tends to be insensitive to changes in the size of the threat, since it can easily be expanded to greater areas once it is established.

Finally, super-hardened silos for the small ICBM could conceivably complement a hard mobile basing concept. The current generic hard silo research and testing being undertaken will have application to the small ICBM as it does the Peacekeeper.

We are proceeding on a prudent schedule to meet the planned operational capability date of 1992 for the missile. Missile flight tests will begin in late 1988 or early 1989 based on a full-scale development decision in 1986. The 1986 decision will also commit the program to a primary basing mode for initial deployments. While we believe this represents excellent progress for a program started only a year and a half ago, it is clear that the small ICBM can be deployed no earlier, without incurring unacceptable levels of technical risk, than its planned IOC of 1992. This planned IOC, coupled with the other attributes of the small ICBM, continues to reinforce our belief and strong recommendation that the Peacekeeper must be deployed as soon as possible and that the small missile is complementary to, but not a substitute for, the Peacekeeper.

Conclusion

This report documents the President's review of the Peacekeeper program requested in the 1985 Department of Defense Authorization Act. The President has concluded that further acquisition of operational Peacekeeper missiles is in the national security interests of the United States and is consistent with United States arms control policy. The President has reviewed the effect of the acquisition and deployment of Peacekeeper missiles on the vulnerability of the U.S. land-based intercontinental ballistic missile force and found that the recommendations of the Scowcroft Commission remain valid.

The President's review also concludes that the continued efforts of the Soviets to expand their strategic forces has heightened the military need for the Peacekeeper missile. The Report also notes that Peacekeeper production and deployment is closely related to our chances of achieving significant reductions in nuclear arsenals in Geneva. It notes that should the Congress decide to terminate the Peacekeeper production and deployment program during the negotiations, the Soviets' long-term efforts to reduce U.S. strength without meaningful negotiating and without having to make equitable concessions of their own would be realized in considerable measure. Finally, the Report concludes that Peacekeeper deployment in existing silos is essential to enhance deterrence and to maintain crucial options for restoring the survivability of land-based ICBMs in a cost-effective manner in the years ahead.

In re-endorsing the Scowcroft recommendations the President strongly recommends that production and deployment of the Peacekeeper missile continue as planned in parallel with development of a new small ICBM.

[From the Washington Post, Friday, Mar. 1, 1985]

THE MISSILE VOTE

Congress should remove the fence it had placed around the $1.5 billion needed to go into production of the second batch of 21 MX missiles. It is one of those close questions that turn out finally not to be a close question. By now, everyone knows the limitations of this 10-warhead machine. It is provocative and destabilizing: provocative because its high accuracy gives it a first-strike potential, destabilizing because its relative vulnerability might tempt a president to use it early in a crisis rather than risk losing it to a Soviet first strike. In a world where strategic decisions were based on qualities of weapons alone, this would be enough to doom the MX. But the real world is a different place.

The real world is a place where things have not only qualities but connections. The MX is connected in the first instance to the heavy Soviet missiles—the 600-odd SS18s and 19s—whose first-strike capability it is meant to match. Granted, the new weapons ordered up in the Ford and Carter years are now nearing deployment and so the moment is passing, but the fact is that at the moment the United States has no similar weapons.

The MX is further connected to the arms control talks that are to open in Geneva on March 12. A prime American purpose there is to introduce the Kremlin to make deep reductions in the heavy missiles that have long given it, and it alone, a chance to knock out all of its adversary's land-based missiles in a surprise attack. This is the very definition of the Soviet threat. No one in his right mind can believe the Soviets would reduce these extra-threatening heavy missiles—the numerical and political heart of their strategic force—if they did not have to worry about a similar American threat. Ronald Reagan thinks this. Andrei Sakahrov thinks it too. Absent a successful anti-missile defense, this is what deterrence is all about.

Mr. Reagan has been criticized for failing to keep arms-building and arms control in reasonable balance. Whether in his overall policy he is now heading toward such a balance is a fair question. On the MX, however, he has a record. Many times he has said the missile is essential for defense purposes. On July 16, 1983, he said: "If an agreement is reached which calls for deep reductions—which, of course, is our goal—the number of [MX] missiles could certainly be adjusted downward. . . . As opportunities permit, the U.S. position will continue to evolve." That statement reflects the obvious and sensible consideration that American forces are necessarily related to Soviet forces. A freshening of the 1983 statement would surely quash almost all residual congressional misgivings about the MX.

Mr. THURMOND. Mr. President, I would like to associate myself with the remarks of my two distinguished colleagues, Senator GOLDWATER and Senator WARNER. The MX missile is vital to our national security. It adds a measure of retaliatory capability that is critical to the maintenance of deterrence. The MX is the only time-urgent weapon system that we have available to us that can hold the hardest Soviet targets at risk. It is this capability that prevents a Soviet planner from seeing any advantage in a first strike, and this adds to deterrence.

It is also this capability that provides the United States needed leverage in arms control negotiations. The Soviets are widening their lead in offensive weapon systems each year, and without MX, we cannot hope to gain an agreement with the Soviet Union to reduce the levels of nuclear weapons.

As a cosponsor of this important resolution, I would like to briefly state my views concerning some of the misconceptions generally held about the MX Program. Each year we debate the procurement of this missile and we argue about its increased cost, its survivability, and whether or not it would be considered a threat to the Soviet Union.

Mr. President, the reason the MX keeps increasing in cost is because the Congress keeps changing the production schedule from year to year. Each year the number of missiles and spares is changed by the Congress, which means the manufacturer must change his procurement of various portions of the subassembly. When the Congress forces the manufacturer to buy items at inefficient production rates, his costs go up, which means the ultimate cost the United States pays will also rise. The Congress must accept the responsibility for program cost increases, not the Department of Defense or the manufacturer.

As for its survivability, the MX was designed to take more shock than the Minuteman missiles. While placing the MX in Minuteman silos is not the optimum solution for the long term, it is more survivable than the missiles presently in those same silos. This fact, along with the fact that the MX is the only missile that can put Soviet hard targets at risk, increases our deterrent capability and increases stability.

The final argument that the missile may make the Soviets feel more threatened is specious. The Soviet Union is well aware that the only threat our nuclear forces present to them is punishment for acts of aggression that they may choose to make.

Mr. President, one of the most important aspects of the MX is its value in arms control. The critics of the MX are also the most vocal advocates of arms control. As I see it, our choice is clear. We can approve the funds for this missile and maintain a strong position in Geneva, or we, the Congress, can hand the Soviets something that their most skilled negotiators could not achieve, and that would be the unilateral termination of a major U.S. strategic program with no corresponding concession by the Soviet Union. Mr. President, I urge my colleagues to support the passage of this resolution.

By Mr.DDANFORTH (for himself, Mr. DOLE, Mr. LEAHY, Mr. HEINZ, Mr. KENNEDY, Mr. SIMON, Mr. HATFIELD, Mr. HOLLINGS, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. RIEGLE, Mr. CHAFEE, Mrs. KASSEBAUM, Mr. BOREN, Mr. LUGAR, Mr. KERRY, Mr. EAGLETON, Mr. INOUYE, Mr. GORTON, Mr. QUAYLE, and Mr. BYRD):

S.J. Res.72. Joint resolution to designate October 16, 1985, as "World Food Day"; to the Committee on the Judiciary.

WORLD FOOD DAY

● Mr. DANFORTH. Mr. President, I am pleased to introduce a joint resolution designating October 16, 1985, as World Food Day. The commemoration of this day will encourage thousands of Americans to consider how this Nation can further expand its role in the fight against world hunger.

In recent months the media have brought us the harrowing images of the African famine. The people of this country have been profoundly moved by Africa's plight. Many of the Members of this body have witnessed firsthand the misery of the famine victims of Ethiopia, Sudan, and Mozambique. Once seen, the suffering of the starving is never forgotten.

Our Government and our people have responded more than generously to the African crisis. So far this fiscal year the United States has committed more than $425 million in emergency food assistance, and private citizens have contributed millions more. Yet Africa's enormous needs still exceed the amount of relief available. Clearly, much more must be done.

In the coming days the Members of this body will consider whether and by how much the United States should increase its contribution to the African relief effort. I must state that I do not believe it is possible to know exactly how much additional food aid is required. There is just not enough information to allow food requirements to be measured precisely. Yet the consequences of miscalculation are extremely serious. If we err on the high side, we will undermine indigenous agricultural production and waste our own resources. If we err on the low side, we will jeopardize millions of lives.

I would like to take this opportunity to commend the approach which the Senator from Wisconsin (Mr. KASTEN) and the Senator from Massachusetts (Mr. KENNEDY) have taken in their African relief legislation. Instead of specifying the dollar amount of food aid which the United States is to provide, their bill commits our Government to supplying 50 percent of Africa's unmet emergency food aid needs through fiscal year 1986. I believe that this approach offers a good solution to the perplexing problem of needs assessment.

At the same time, we must not allow our preoccupation with the African crisis to lessen our concern about the persistence of hunger in other parts of the globe. More than 500 million of the Earth's inhabitants suffer from hunger and chronic malnutrition. More than half of those afflicted by hunger are small children. In a single day, more than 40,000 children die of nutrition-related causes. Many of those who survive go through life with serious mental or physical disabilities.

As the world's greatest food power, we have a moral obligation to do all we can to rescue the world's hungry from starvation. The distribution of food from our abundant resources can make the difference between life and death for millions of the victims of drought and poverty.

Food aid alone is not the answer to the world hunger problem. Overreliance on food relief merely prolongs dependency by discouraging local farmers from producing. We will not eradicate hunger until we come to grips with the underlying causes of food deficits. Hunger is not simply a product of climatic disaster. It is the product of overpopulation, of failed economic policies, of burgeoning debt, and of environmental degradation. The effort to alleviate world hunger will not be successful unless it addresses these basic developmental problems.

Finally, we must not forget that, even in the United States, there are people who go without enough to eat. The search for solutions to the world hunger problem must also respond to the needs of the hungry here at home.

The world hunger problem can be overcome. The necessary resources and technology already exist. We only lack the will. The United States and the other developed nations must renew their commitment to free the world from hunger, and the people of the developing world must commit themselves in turn to working constructively with us toward this goal. I believe that the celebration of World Food Day is an important first step in this mutual undertaking.

Mr. President, I ask unanimous consent that the proposed joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 72

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world and famine is again afflicting so many of the countries of Africa;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment, including blindness, because of vitamin and protein deficiencies;

Whereas Congress is particularly concerned by the rise of hunger, recurring natural catastrophes, and inadequate food production and distribution now affecting a large number of African countries and the need for an appropriate United States response to emergency and long-term food needs of that continent;

Whereas there is growing recognition that improved agricultural policies, including farmer incentives, are necessary in many developing countries to increase food production and national economic growth;

Whereas there is a need to increase the involvement of the private voluntary and business sectors, working with governments and the international community, in the search for solutions to food and hunger problems;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas the United States has always supported the principle that the health of a nation depends on a strong agriculture based on private enterprise and the primacy of the independent family farm;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in efforts to assist countries and people to improve their ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and therefore to the security of the United States;

Whereas Congress is acutely aware of the paradox of immense farm surpluses and rising farm foreclosures in the United States despite the desperate need for food by hundreds of millions of people around the world;

Whereas a key recommendation contained in the 1980 report of the Presidential Commission on World Hunger is that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the member nations of the Food and Agriculture Organization of the United Nations designated October 16 of each year as World Food Day because of the need to alert the public to the increasingly dangerous world food situation;

Whereas the Food and Agriculture Organization was conceived at a conference in Hot Springs, Virginia, with a goal of freedom from hunger and 1985 marks the fortieth anniversary of the organization's existence;

Whereas past observances of World Food Day have been supported by proclamations of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, by resolutions of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than three hundred and thirty private and voluntary organizations and many thousands of community leaders are participating in the planning of World Food Day observances for 1985: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1985, is hereby designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.●

Mr. DOLE. Mr. President, today, the Senator from Kansas is pleased to be a sponsor of this joint resolution designating October 16, 1985, as "World Food Day." This commemorative day has been very successful in past years in increasing public awareness of the food and agricultural production needs of underdeveloped countries around the world.

Americans are by their nature a very generous people, who wish to share their bounty with less fortunate nations in times of need. The intent of this legislation is to encourage citizens across the country to explore ways in which the United States can help eradicate world hunger. Based on previous activities, more than 330 organizations are expected to participate in this year's observance of World Food Day.

AFRICAN FAMINE SITUATION

In the last 2 years, the attention of the entire world has been focused on the continuing tragedy of the famine in drought-stricken countries on the African Continent. TV documentaries have brought this living tragedy into American living rooms with an immediacy and vividness that is more than haunting.

The response of this country to the starvation of people in Ethiopia and other African countries has been exemplary from both a public and private sector standpoint. The United States has pledged a commitment to fulfill 50 percent of the food needs of this part of the world. We have already donated more than $450 million worth of food aid, and we will continue to do more as the famine continues and spreads into other countries, like the Sudan. At least 20 sub-Saharan African nations are currently experiencing serious food shortages, and millions of lives are at risk as a result.

LONG-RANGE SOLUTIONS

Mr. President, ultimately what needs to be done in order to avoid the tragedy of famine in underdeveloped countries in the future involves a long-range planning policy for agricultural and economic development. Unfortunately, there is a long way to go before progress is achieved in this direction in many parts of the world due to many complex interacting factors.

In the meantime, the European community, along with the United States and Canada, are committed to sharing their food resources with less fortunate Third World countries in times of crisis. These nations have coordinated their efforts in the current African situation to fulfill the requisite food aid need, along with other assistance in the form of medical and shelter supplies and transportation.

While there is a widespread recognition that long-range solutions are desirable, the world must always stand ready to gear up in times of crisis to go to the aid of peoples suffering from famine and accompanying malnutrition and disease.

CONCLUDING REMARKS

Mr. President, the Senator from Missouri, Mr. DANFORTH, who is introducing this resolution today, and the Senator from Massachusetts, Mr. KENNEDY, who is also a sponsor of this resolution, have both visited famine areas of Africa at their own expense to determine what is needed and what can be done. Their firsthand accounts of tragedy after tragedy and the toll in human lives make us all a little more aware of the desperate situation facing this part of the world. I commend them for their personal initiatives in traveling to sub-Saharan Africa, so that they might experience for themselves the depth of despair and tragedy which continue to occur on a daily basis in the underdeveloped part of the world. Their leadership is to be admired, and their commitment to this cause is of great value to all those involved.

As my colleagues know, the Senator from Kansas has not only been concerned with hunger abroad, but has been very active in domestic hunger issues for nearly two decades. While world hunger continues to plague this globe, we must not lose sight of the fact that there are many of our own people who may not have enough to eat from day to day. However, we must realize that the type of hunger problems which face many people in America are not of the magnitude that face those in Third World countries, thanks to the benefits provided by over 10 Federal food assistance programs, as well as efforts by State and local governments, and community-based charitable organizations.

While world hunger concerns should be a priority in this country's humanitarian response abroad, as chairman of the Nutrition Subcommittee, this Senator will continue to be active in addressing food assistance problems as they relate to our own domestic needs.

WORLD FOOD DAY

● Mr. HEINZ. Mr. President, I am pleased to join my colleagues Senators DANFORTH, DOLE, SIMON, LEAHY, KENNEDY, and others in cosponsoring this joint resolution to designate October 16, 1985, as World Food Day. In the past 4 years, Congress has passed similar joint resolutions, and each year this event grows in importance. With as many as 15 million people dying of starvation each year, we must come to grips with the very serious problem of world hunger.

Over the past 4 years, World Food Day has had widespread support in our Nation and around the world. The National Committee for World Food Day has over 300 private voluntary organizations as sponsors, and there are thousands of organizers in communities across the country. Proclamations supporting this event have been issued for the past 4 years by the Governors of all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and several territories.

Mr. President, hunger is clearly one of the most serious problems to face the world today. In developing nations, one-quarter of the children under the age of 5 die from starvation. Each day more than 1 billion people around the globe will go hungry. Hunger threatens the security, health, and welfare of Third World nations and their citizens.

Last fall, Americans were shocked and horrified by the ghastly news and pictures coming out of Ethiopia as a result of the castastrophic famine there. Media attention helped to focus the world's eye on this vast and tragic situation. The U.S. response to the tragedy in Ethiopia has been phenomenal. Over 200,000 tons of food, worth almost $115 million, have been provided since October 1, distributed by private voluntary organizations and the United Nations World Food Program. Once this story has left the front

pages and evening newscasts, however, we must be certain that we in America continue to provide assistance to those in need in sub-Sahara Africa and in other hunger-stricken areas.

We can solve the problem of hunger. World producers now grow enough food to provide every man, woman, and child with a diet of about 3,000 calories per day—well over the average minimum requirements. The United States, as a leading exporter of food in the world, has a responsibility to take an active role in ensuring that the world population receives the food it needs; we cannot ignore the suffering of others.

And in the United States, we cannot forget that we also have people who go without enough to eat. The problem goes beyond the poorest nations of the world. We must make it our duty to educate our people about hunger, and about methods to combat this nationwide, worldwide tragedy.

This joint resolution for a World Food Day shows our neighbors that the United States is serious about ameliorating the hunger that exists today, and I urge it swift adoption.●

By Mr. GRASSLEY:

S.J. Res. 73. Joint resolution to designate the week of September 15, 1985, through December 21, 1985, as "National Independent Free Papers Week"; to the Committee on the Judiciary.

NATIONAL INDEPENDENT FREE PAPERS WEEK

● Mr. GRASSLEY. Mr. President, all too often, we tend to take for granted many of the services provided to us as consumers. One of these services is provided by the independent free-circulation newspapers which serve many of our smaller cities and towns. In order to recognize the great service provided by independent free-circulation papers, I wish to introduce a joint resolution designating the week of September 15 through September 21, 1985, as "National Independent Free Papers Week."●

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc.

S. 11

At the request of Mr. HEINZ, the names of the Senator from Virginia [Mr. TRIBLE] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 11, a bill to amend the Steel Import Stabilization Act.

S. 27

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 27, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes.

S. 36

At the request of Mr. ABDNOR, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 36, a bill to amend the Internal Revenue Code of 1954 to provide an exemption for agricultural vehicles from the requirements of section 280F of such code (relating to limitation on certain property used for personal purposes).

S. 37

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 37, a bill to provide for civil rights in public schools.

S. 141

At the request of Mrs. HAWKINS, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 141, a bill to amend the Board for International Broadcasting Act of 1973 to provide for a special Radio Liberty program of Russian language broadcasting for the Jewish population of the Soviet Union.

S. 194

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 194, a bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmstead, and for other purposes.

S. 260

At the request of Mr. HEINZ, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Rhode Island [Mr. PELL], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 260, a bill to amend the Internal Revenue Code of 1954 to provide that the substantiation requirements of section 274(d) of such code may be met, in the case of passenger automobiles and other transportation property, if the taxpayer provides substantial evidence other than contemporaneous records.

S. 281

At the request of Mr. PRYOR, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 281, a bill to amend the Internal Revenue Code of 1954 to add a section dealing with public safety vehicles.

S. 300

At the request of Mr. GRASSLEY, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 300, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 318

At the request of Mr. HEINZ, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 318, a bill to extend the revenue-sharing program for local governments through fiscal year 1991.

S. 322

At the request of Mr. KASTEN, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 322, a bill to amend title XVIII of the Social Security Act to revise the requirements relating to nursing care provided by certain hospice programs through arrangements with other Medicare certified providers.

S. 366

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 366, a bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 382

At the request of Mr. BUMPERS, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponor of S. 382, a bill to amend the Consolidated Farm and Rural Development Act relating to the standard of eligibility for water and waste facility grants.

S. 408

At the request of Mr. WEICKER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 412

At the request of Mr. GOLDWATER, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 412, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 434

At the request of Mr. D'AMATO, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 434, a bill to extend the authorization of the Robert A. Taft Institute Assistance Act.

S. 440

At the request of Mr. TRIBLE, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 440, a bill to amend title 18, United States Code, to create an offense for the use, for fraudulent or other illegal purposes, of any computer owned or operated by certain financial institutions and entities affecting interstate commerce.

S. 479

At the request of Mr. DENTON, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 479, a bill to prohibit any act of violence or threat of violence in a labor dispute and any conspiracy to accomplish such act or threat and to impose criminal and civil penalties therefor.

S. 487

At the request of Mr. MATHIAS, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 487, a bill to recognize the organization known as the Statue of Liberty-Ellis Island Foundation, Inc.

S. 507

At the request of Mr. NUNN, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 507, a bill to amend the Highway Improvement Act of 1982 to provide additional funds for the completion of certain priority primary projects.

S. 523

At the request of Mr. ARMSTRONG, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Montana [Mr. BAUCUS], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 523, a bill to prohibit the payment of certain agricultural incentive payments to persons who produce certain agricultural commodities on highly erodible land.

S. 558

At the request of Mr. MOYNIHAN, the names of the Senator from Arkansas [Mr. PRYOR] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 558, a bill to amend the Internal Revenue Code of 1954 to permanently exclude educational assistance programs from gross income, and for other purposes.

SENATE JOINT RESOLUTION 1

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 1, a joint resolution calling for a mutual and verifiable freeze and reduction in nuclear weapons.

SENATE JOINT RESOLUTION 4

At the request of Mr. HATCH, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from New Jersey [Mr. BRADLEY], were added as cosponsors of Senate Joint Resolution 4, a joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week."

SENATE JOINT RESOLUTION 15

At the request of Mr. DECONCINI, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 15, a joint resolution to designate May 7, 1985, as "Helsinki Human Rights Day."

SENATE JOINT RESOLUTION 17

At the request of Mr. D'AMATO, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 17, a joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 22

At the request of Mr. HOLLINGS, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from South Dakota [Mr. PRESSLER], were added as cosponsors of Senate Joint Resolution 22, a joint resolution designating March 1985, as the "National Mental Retardation Awareness Month."

SENATE JOINT RESOLUTION 23

At the request of Mr. MOYNIHAN, the names of the Senator from Utah [Mr. HATCH], was added as a cosponsor of Senate Joint Resolution 23, a joint resolution designating 1985, as the "Year of Social Security."

SENATE JOINT RESOLUTION 33

At the request of Mr. MATTINGLY, the name of the Senator from Utah [Mr. HATCH], was added as a cosponsor of Senate Joint Resolution 33, a joint resolution to authorize and request the President to designate May 12, 1985, to June 16, 1985, as "Family Reunion Month."

SENATE JOINT RESOLUTION 35

At the request of Mr. GORTON, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER], the Senator from Washington Mr. [EVANS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from California [Mr. CRANSTON], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 35, a joint resolution to authorize and request the President to issue a proclamation designating April 21, through April 27, 1985, as "National Organ Donation Awareness Week."

SENATE JOINT RESOLUTION 38

At the request of Mr. HEINZ, the name of the Senator from Utah [Mr. HATCH], was added as a cosponsor of Senate Joint Resolution 38, a joint resolution authorizing and requesting the President to designate the week of March 10 through March 16, 1985, as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 50

At the request of Mr. RIEGLE, the names of the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. SIMON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the week of April 1, 1985, through April 7, 1985, as "World Health Week," and to designate April 7, 1985, as "World Health Day."

SENATE JOINT RESOLUTION 52

At the request of Mr. MOYNIHAN, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Maine [Mr. MITCHELL], were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the month of April 1985 as "National School Library Month."

SENATE JOINT RESOLUTION 53

At the request of Mr. DENTON, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to authorize and request the President to designate the month of June 1985 as "Youth Suicide Prevention Month."

SENATE JOINT RESOLUTION 57

At the request of Mr. CHILES, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the week of October 20, 1985, through October 26, 1985, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. CHILES, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National Drug Abuse Education and Prevention Week."

SENATE JOINT RESOLUTION 60

At the request of Mr. NUNN, the names of the Senator from Maine [Mr. COHEN], the Senator from South Carolina [Mr. THURMOND], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Joint Resolution 60, a bill to designate the week of May 12, 1985, through May 18, 1985, as "Senior Center Week."

SENATE JOINT RESOLUTION 63

At the request of Mr. RIEGLE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 63, a joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National DES Awareness Week."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. HEINZ, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution expressing the sense of the Congress that Medicare be commended on its 20th anniversary for the program's success in protecting

older Americans against the high cost of health care.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. MOYNIHAN, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. CRANSTON, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. PRYOR], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of Senate Concurrent Resolution 20, a concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

SENATE CONCURRENT RESOLUTION 24—RELATING TO THE SOCIAL SECURITY BENEFIT DISPARITY KNOWN AS THE NOTCH PROBLEM

Mr. MATTINGLY (for himself, Mr. NUNN, Mr. CHAFEE, and Mr. METZENBAUM) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 24

Whereas unforseeable economic conditions adversely affected the changes made by Congress in 1977 in the social security retirement benefit formula;

Whereas those born in 1917 (and thereafter) whose work records are otherwise identical to work records of those born in 1916 will receive lower social security benefits under the present formula;

Whereas a simple repeal of the 1977 benefit formula would cost the Federal Old-Age and Survivors' Insurance Trust Fund approximately $7,000,000,000 and would adversely affect those who chose to retire in the 1979 through 1981 period at age sixty-two through sixty-four;

Whereas some compensatory alteration in benefit formulas is desirable to mitigate the benefit differentials which are being and will be experienced by those retiring at age sixty-five in 1982 through 1986; and

Whereas the National Commission on Social Security, after extensive investigation, found that this disparity in benefit amounts was unjust and that steps should be taken to resolve it: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Commissioner of Social Security and the Secretary of Health and Human Services should immediately conduct a study and report to Congress on those steps which Congress might consider for the purposes of changing the social security benefit disparity created under the current benefit formula transition (known as the "notch problem").

SENATE RESOLUTION 87—MAKING MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 87

Resolved, That the following shall constitute the minority party's membership on the committees named in paragraph 3 (a), (b), and (c) of Rule XXV for the 99th Congress, or until their successors are appointed:

Committee on the Budget: Mr. Chiles, Mr. Hollings, Mr. Johnston, Mr. Sasser, Mr. Hart, Mr. Metzenbaum, Mr. Riegle, Mr. Moynihan, Mr. Exon, and Mr. Lautenberg.

Committee on Rules and Administration: Mr. Ford, Mr. Pell, Mr. Byrd, Mr. Inouye, Mr. DeConcini, Mr. Simon, and Mr. Gore.

Committee on Small Business: Mr. Bumpers, Mr. Nunn, Mr. Sasser, Mr. Baucus, Mr. Levin, Mr. Dixon, Mr. Boren, Mr. Harkin, and Mr. Kerry.

Committee on Veterans' Affairs: Mr. Cranston, Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, and Mr. Rockefeller.

Select Committee on Ethics: Mr. Heflin, Mr. Pryor, and Mr. Eagleton.

Select Committee on Indian Affairs: Mr. Melcher, Mr. Inouye, Mr. DeConcini, and Mr. Burdick.

Special Committee on Aging: Mr. Glenn, Mr. Chiles, Mr. Melcher, Mr. Pryor, Mr. Bradley, Mr. Burdick, Mr. Dodd, Mr. Johnston, and Mr. Bingaman.

Joint Economic Committee: Mr. Bentsen, Mr. Proxmire, Mr. Kennedy, and Mr. Sarbanes.

SENATE RESOLUTION 88—AMENDING THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 88

Resolved, That paragraph 3(a) of Rule XXV of the Standing Rules of the Senate is amended for the 99th Congress as follows:

Strike "12" after "Rules and Administration" and insert in lieu thereof "15".

SEC. 2. Paragraph 3(c) of Rule XXV of the Standing Rules of the Senate is amended for the 99th Congress as follows:

Strike "7" after "Indian Affairs" and insert in lieu thereof "9".

SENATE RESOLUTION 89—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES AND ELECTING CHAIRMEN AND SUCH COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. Res. 89

Resolved, That the following shall constitute the majority party's membership on those Senate committees listed below for the 99th Congress, or until their successors are appointed:

Rules and Administration: Mr. Mathias (chairman), Mr. Hatfield, Mr. McClure, Mr. Helms, Mr. Warner, Mr. Dole, Mr. Stevens, and Mr. Garn.

Small Business: Mr. Weicker (chairman), Mr. Boschwitz, Mr. Gorton, Mr. Nickles, Mr. Rudman, Mr. D'Amato, Mr. Kasten, Mr. Pressler, Mr. Goldwater, and ——.

Veterans' Affairs: Mr. Murkowski (chairman), Mr. Simpson, Mr. Thurmond, Mr. Stafford, Mr. Specter, Mr. Denton, and Mr. Boschwitz.

Select Committee on Ethics: Mr. Rudman (chairman), Mr. Helms, and Mrs. Kassebaum.

Special Committee on Aging: Mr. Heinz (chairman), Mr. Cohen, Mr. Pressler, Mr. Grassley, Mr. Wilson, Mr. Warner, Mr. Evans, Mr. Denton, Mr. Nickles, and Mrs. Hawkins.

Select Committee on Indian Affairs: Mr. Andrews (chairman), Mr. Goldwater, Mr. Gorton, Mr. Murkowski, and Mr. Abdnor.

Joint Economic Committee: Mr. Abdnor (vice chairman), Mr. Roth, Mr. Symms, Mr. Mattingly, Mr. D'Amato, and Mr. Wilson.

SENATE RESOLUTION 90—RELATING TO THE SOVIET ARMS CONTROL VIOLATIONS REPORT OF 1985

Mr. SYMMS (for himself and Mr. MCCLURE) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 90

Resolved, it is the sense of the Senate that the people of the United States should be informed urgently and, consistent with the protection of intelligence sources and methods, to the fullest extent possible regarding Soviet noncompliance with the unratified SALT II Treaty or any arms control agreement to which the Soviet Union is a Party, and, pursuant to this finding, requests the President to review his classified message to the Congress dated February 1, 1985, and as soon as possible after the adoption of this resolution promptly to make public all material and information therein which can be released to the people of the United States consistent with the standard specified herein.

Mr. SYMMS. Mr. President, I am offering this resolution for myself and Senator MCCLURE for a very important reason. Soviet arms control violations must be ended. But before they can be ended, they must be revealed to the Soviets and to the American people. I want the distinguished American delegation to the Geneva arms control talks—the so-called umbrella talks—confirmed today to confront the Soviets on March 12, 1985, with the full spectrum of all their arms control treaty violations.

I believe that the most important findings of President Reagan's February 1, 1985, report to Congress on Soviet Non-Compliance with Arms Control Treaties are in the classified annex. I believe further that these findings must be made public so that they can be understood by the Congress and by the American people. Each of the findings has been discussed in the press repeatedly before, and I believe that their confirmation by the executive branch would in no way jeopardize intelligence sources

and methods. No intelligence data supporting these findings need be divulged at this time, just the findings themselves.

My resolution merely requests that the President release these findings, which are so necessary to our understanding of the Soviet threat to our national security.

Mr. President, I ask unanimous consent that the President's unclassified February 1, 1985, report be printed in the RECORD, together with my analysis of this report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF FEBRUARY 1, 1985, VIOLATIONS REPORT

The January 1984 Presidential Report to Congress on Soviet Arms Control Violations found 5 Soviet violations conclusively, with unanimous interagency agreement. This Report was the result of a McClure-Helms-Symms unanimous amendment. The October 1984 GAC Report to the President on Soviet Arms Control Violations stated 13 more conclusive Soviet arms control violations, and it was reviewed and received general agreement within the Administration as a Presidential Report to Congress. This was the result of a McClure-Mattingly-Courter unanimous Amendment. The February, 1985 Presidential Report to Congress on Soviet Arms Control Violations (classified Secret) states 6 new Soviet arms control violations conclusively with unanimous interagency agreement. This is the result of a McClure amendment.

There are thus a total of 24 Soviet arms control treaty violations for which the evidence is conclusive, and more significantly, the entire Reagan Administration unanimously agrees that these 24 are conclusive violations. There are nine more probable, likely, and possible violations reported by the President, with 31 more to go to report on the full 64 Soviet violations.

It is now fair to say that the Arms Control Process has suffered a "broken back" administered by the Soviets. It is also most reasonable to conclude that the Soviets have torn up both SALT I and SALT II. Indeed, the Reagan Administration unanimously agrees that the Soviets are conclusively violating the core provisions of both treaties.

Soviet SNDV growth is certain to continue in 1985, with impending SS-24 ICBM deployment, impending SS-25 mobile ICBM deployment and continued Bear H bomber production, together with SS-16 deployment.

The Soviets are directly challenging the essence of the U.S. democratic political system by their 24 conclusive and agreed arms control violations. They are boldly gambling that American democratic leaders can not muster the leadership or collect the bipartisan political consensus necessary to demonstrate the political will to compensate for their violations. They believe, with some justification derived from their past observation of American behavior, that American political leaders are paralyzed and demoralized and unable to galvanize public support to challenge them and counteract their threats to our collective security.

Of course, the Soviets are very self confident. They have reason to be. The Soviets know full well that they now have an overwhelming 4 to 1 numerical advantage in ICBM warheads (counting DIA's reported best estimate of 14 warheads on each of 308 superheavy SS-18 ICBMs, reportedly giving the Soviets 8,500 ICBM warheads to only 2,100 for the U.S.), and their accuracy and megatonnage advantages give them over a 6 to 1 advantage in first strike, counterforce offensive capabilities. The Soviets have over a 14 to 1 advantage in Intermediate Range Nuclear Force Warheads against NATO. The Soviets are also developing and deploying a nation-wide ABM defense, capable of soon defending not only Moscow, but also ICBM fields, and the whole nation. Thus the Soviets are over a decade ahead of the U.S. in both offensive and defensive capabilities.

The most sensible and cost effective U.S. response to Soviet break-out from SALT I and SALT II is to accelerate our Strategic Defense Initiative. But the only way that we are ever going to be able to deploy SDI in the near term, or even in the long term, however, is to selectively abrogate the SALT I ABM Treaty. And the only way, politically, that we can do that is to scrap the unratified SALT II Treaty. Thus it is extremely important to SDI and to American national security to scrap SALT II.

The Reagan Administration has either reaffirmed or strengthened its conclusions on 11 Soviet arms control treaty violations. Indeed, the two most significant Soviet violations have now been upgraded from "probable" and "almost certain" to unqualified, certain, clearcut, conclusive violations. These violations are the SS-25 as the second new type ICBM and the Krasnoyarsk ABM Radar. Moreover, as was the case in the January 1984 Presidential Report, the February Report is the unanimous judgment of the entire Administration, with no dissenting footnotes or reservations.

Further, the new report states that "there are other compliance issues that will not be publicly disclosed at this time but which remain under review." And the report adds ominously: "With regard to the issues analyzed in the January 1984 report, the Soviet Union has thus far not provided satisfactory explanations nor undertaken corrective actions sufficient to alleviate our concerns."

Thus the Soviets are refusing U.S. diplomatic inquiries and U.S. requests that they cease their violations. Their stonewalling has gone on for over one year and a half. Their stonewalling is not likely to end in Geneva next week.

The February 1, 1985 Report to Congress was widely reported in the press before its release to contain evidence on 19 Soviet arms control violations. It did, and the report confirms several more violations. On January 4, 1985, Senators East and Helms and I wrote to the President stating that there were 43 outstanding Soviet arms control violations remaining to be reported to Congress. Now there are still 31. Moreover, Senators East and Helms and I stated: "We feel that omission of even one of these [31] issues would not be in accord with the McClure-Helms-Symms amendment which passed the Senate unanimously on September 23, 1983, on a 93-0 roll call vote." Thus the State Department is still not complying with the law, and has not even promised a subsequent report on additional violations.

Finally, the February 1 Presidential Report states again that "the United States is continuing to carry out its own obligations and commitments under relevant agreements." This means that no matter how badly the Soviets cheat, the U.S. is not even seeking negotiations to modify or selectively abrogate arms control treaties to which we are a party.

This is pure and simple unilateral disarmament, and therefore outright appeasement of the Soviet Union.

In conclusion, it should be pointed out that the February 1, 1985 Report states that the U.S. is "taking into account in our defense modernization plans the security implications of arms control violations." This will be examined carefully in future Senate hearings, because the Senate has still not received a report on the Military Implications of Soviet SALT violations requested almost a year ago. Myself and Senators McClure, Helms, East and others have been pressing the Administration for a report on the military implications of the Soviet SALT violations since March 1, 1984 and recently they reaffirmed their request on January 4 and 25, 1985.

They are still waiting for this report.

[From the White House, Feb. 1, 1985]

THE PRESIDENT'S UNCLASSIFIED REPORT TO THE CONGRESS ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

(The following is the text of a message to the Congress transmitting the President's unclassified Report on Soviet Noncompliance with Arms Control Agreements as required by the FY-1985 Defense Authorization Act.)

To the Congress of the United States:

During 1984, at the request of the Congress, I forwarded two reports to the Congress on arms control compliance. The first, forwarded last January, was an in-depth analysis of seven specific issues of violations or probable violations by the Soviet Union of arms control obligations and commitments. The second report, forwarded in October, was an advisory study prepared independently by the General Advisory Committee on Arms Control and Disarmament. These reports indicate that there is cause for serious concern regarding the Soviet Union's conduct with respect to observance of arms control agreements.

In the FY-1985 Defense Authorization Act and the Conference Report on that Act, the Congress called for additional classified and unclassified reports regarding a wide range of questions concerning the Soviet Union's compliance with arms control commitments. The Administration is responding to these requests by providing both classified and unclassified reports which update the seven issues initially analyzed in the January 1984 report, and analyze a number of additional issues.

In this unclassified report the United States Government reaffirms the conclusions of its January 1984 report that the USSR has violated the Helsinki Final Act, the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, and two provisions of SALT II: telemetry encryption and ICBM modernization. The United States Government also reaffirms its previous conclusions that the USSR has probably violated the SS-16 deployment prohibition of SALT II and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty. In addition, the United States Government has determined that the USSR has violated the ABM Treaty (through the siting, orientation and capability of the Krasnoyarsk Radar), violated the Limited Test Ban Treaty, and violated the SALT II provision prohibiting more than one new type of ICBM, and probably violated the

ABM Treaty restriction on concurrent testing of SAM and ABM components. Evidence regarding the USSR's compliance with the ABM Treaty provision on component mobility was determined to be ambiguous. In addition, the United States Government is concerned about Soviet preparations for a prohibited territorial ABM defense. Further, the USSR was determined to be currently in compliance with those provisions of the SALT I Interim Agreement and its implementing procedures that deal with reuse of dismantled ICBM sites and with the reconfiguration of dismantled ballistic missile launching submarines.

Beyond the issues that are treated in the unclassified report released today, there are other compliance issues that will not be publicly disclosed at this time but which remain under review. As we continue to work on these issues, we will brief and consult with the Congress in detail and will, to the maximum extent possible, keep the public informed on our findings.

In order for arms control to have meaning and credibly contribute to national security and to global or regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less. To do so would undermine the arms control process and damage the chances for establishing a more constructive US-Soviet relationship.

As I stated last January, Soviet non-compliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. With regard to the issues analyzed in the January 1984 report, the Soviet Union has thus far not provided satisfactory explanations nor undertaken corrective actions sufficient to alleviate our concerns. The United States Government has vigorously pressed, and will continue to press these compliance issues with the Soviet Union through diplomatic channels.

Our approach in pursuing these issues with the Soviet Union is to ensure that both the letter and intent of treaty obligations and commitments will be fulfilled. To this end the Administration is: analyzing further issues of possible non-compliance; as noted above, seeking from the Soviet Union through diplomatic channels explanations, clarifications, and, where necessary, corrective actions; reporting on such issues to the Congress; and taking into account in our defense modernization plans the security implications of arms control violations. At the same time, the United States is continuing to carry out its own obligations and commitments under relevant agreements. Our objectives in the new negotiations which begin in March are to reverse the erosion of the ABM Treaty and to seek equitable, effectively verifiable arms control agreements which will result in real reductions and enhanced stability. While all of these steps can help, however, it is fundamentally important that the Soviet Union take a constructive attitude toward full compliance with all arms control obligations and commitments.

The Administration and the Congress have a shared interest in supporting the arms control process. For this reason, increased understanding of Soviet violations or probable violations, and a strong Congressional consensus on the importance of compliance to achieving effective arms control, will strengthen our efforts both in the new negotiations and in seeking corrective actions from the Soviet Union.

I look forward to continued close consultation with the Congress as we seek to make progress in resolving compliance issues and in negotiating sound arms control agreements.

Sincerely,

RONALD REAGAN.

SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

INTRODUCTION

In January 1984, the President, in response to Congressional requests, reported to the Congress on several issues involving violations or probable violations by the Soviet Union of existing arms control agreements, including: the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, the Helsinki Final Act, the ABM Treaty, SALT II, and the Threshold Test Ban Treaty.

In that report the President stated: "If the concept of arms control is to have meaning and credibility as a contribution to global or regional stability, it is essential that all parties to agreements comply with them. Because I seek genuine arms control, I am committed to ensuring that existing agreements are observed."

The President further noted that: "Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the USSR as a negotiating partner, and thus damages the chances for establishing a more constructive US-Soviet relationship."

The current unclassified report provides updated information on the seven issues previously reported and additionally reviews six other compliance issues that have been intensively studied since the January 1984 report was completed, for a total of thirteen issues. The six new cases involve questions of Soviet compliance with provisions of the SALT I Interim Agreement, the Limited Test Ban Treaty (LTBT) and the Anti-Ballistic Missile (ABM) Treaty.

With regard to the SALT I Interim Agreement, this report examines the evidence on two issues: (1) whether the USSR has made prohibited use of remaining facilities at dismantled former ICBM sites; (2) whether the USSR has reconfigured dismantled ballistic missile submarines in a manner prohibited by Treaty or Protocol provisions.

With regard to the Limited Test Ban Treaty (LTBT), this report examines whether the USSR vented nuclear debris from underground nuclear tests beyond its territorial limits in contravention of the LTBT.

With regard to the ABM Treaty, this report examines whether the USSR has: concurrently tested SAM and ABM components; developed, tested or deployed mobile ABM components; and/or has provided a base for territorial defense.

In this report the United States Government reaffirms the conclusions of its January 1984 report that the USSR has violated the Helsinki Final Act, the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, and two provisions of SALT II: telemetry encryption and ICBM modernization. The United States government also reaffirms its previous conclusions that the USSR has probably violated the SS-16 deloyment prohibition of SALT II and is likely to have violated the nuclear testing yield limit of the Treshold Test Ban Treaty. In addition, the United States Government has determined that the USSR has violated the ABM Treaty through the siting, orientation and capability of the Krasnoyarsk Radar and the Limited Test Ban Treaty; by testing the SS-X-25 ICBM in addition to the SS-X-24 ICBM, violated the SALT II "new types" provision limiting each party to one new type ICBM; and probably violated the prohibition against concurrent testing of ABM and components. Moreover, the Soviet Union's ABM and SAM-related actions suggest that the USSR may be preparing an ABM defense of its national territory. Evidence regarding the USSR's compliance with the ABM Treaty provision on component mobility was determined to be ambiguous, and the USSR was determined to be currently in compliance with provisions of the SALT I Interim Agreement and its implementing procedures that deal with re-use of dismantled ICBM sites and the reconfiguration of dismantled ballistic missile launching submarines.

In addition to the issues regarding Soviet compliance with arms control agreements which are addressed in this unclassified report, there are other compliance matters currently under review which cannot be publicly disclosed at this time and which we intend to brief to the Congress on a classified basis in the near future.

In examining the issues in this unclassified report, as well as in the classified report to follow, we have focused on questions of Soviet noncompliance. Questions of Soviet noncompliance have not arisen with regard to several other provisions of these agreements, nor with certain other treaties, such as the Antarctic Treaty, the Outer Space Treaty, the non-proliferation Treaty, the Seabed Arms control treaty, the Environmental Modification Convention, and others.

The issues we have analyzed raise very serious concerns. The United States Government firmly believes that in order for arms control to have meaning and credibly contribute to national security and to global and regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and the United States Government will not accept anything less: to do so would undermine the arms control process and damage the changes for establishing a more constructive US–Soviet relationship.

THE FINDINGS

Biological and Toxin Weapons Convention and 1925 Geneva Protocol

1. Chemical, Biological, and Toxin Weapons

Treaty Status: The 1972 Biological and Toxin Weapons Convention (the BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the United States and the Soviet Union are parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

Obligations: The BWC bans the development, production, stockpiling of possession, and transfer of: microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and relat-

ed rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices; and prohibits use of bacteriological methods of warfare.

Issues: The January 1984 compliance report addressed whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons. Soviet compliance was reexamined for this report.

Finding: The U.S. Government judges that evidence during 1984 confirm and strengthen the conclusion of the January 1984, report that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligations under the Biological and Toxin Weapons Convention of 1972.

Although there have been no confirmed chemical and toxin attacks in Kampuchea, Laos, or Afghanistan in 1984, there is no basis for amending the January 1984 conclusion that the Soviet Union has been involved in the production, transfer and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuchea and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972.

Limited Test Ban Treaty

2. Underground Nuclear Test Venting

Treaty Status: The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Limited Test Ban Treaty (LTBT)) is a multilateral treaty that entered into force for the United States and the Soviet Union in 1963. Soviet actions not in accord with this treaty are violations of a legal obligation.

Obligations: The LTBT specifically prohibits nuclear explosions in the atmosphere, in outer space, and under water. It also prohibits nuclear explosions in any other environment "if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted."

Issue: The U.S. examined whether the USSR's underground nuclear tests have caused radioactive debris to be present outside of its territorial limits.

Finding: The U.S. Government judges that the Soviet Union's underground nuclear test practices have resulted in the venting of radioactive matter and caused radioactive matter to be present outside the Soviet Union's territorial limits in violation of its legal obligation to the Limited Test Ban Treaty. The Soviet Union has failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite U.S. request for corrective action.

Threshold Test Ban Treaty

3. Nuclear Testing and the 150 Kiloton Limit

Treaty Status: The Threshold Test Ban Treaty (TTBT) was signed in 1974. The Treaty has not been ratified but neither party has indicated an intention not to ratify. Therefore, both parties are subject to the obligation under customary international law to refrain from acts which would defeat the object and purpose of the TTBT. Soviet actions that would defeat the object and purpose of the TTBT are therefore violations of their legal obligation. The United States is seeking to negotiate improved verification measures for the Treaty. Both Parties have separately stated they would observe the 150 kiloton threshold of the TTBT.

Obligation: The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties, beginning March 31, 1976. In view of the technical uncertainties associated with estimating the precise yield of nuclear weapons tests, the sides agreed that one or two slight unintended breaches per year would not be considered a violation.

Issue: The January 1984 report examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons. This issue was reexamined for this report.

Finding: The U.S. Government judges that, while ambiguities in the pattern of Soviet testing and verification uncertainties continued in 1984, evidence available through the year confirms the January 1984 finding that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty of 1974, which banned underground nuclear tests with yields exceeding 150 kilotons. These Soviet actions continue despite U.S. requests for corrective measures.

Helsinki Final Act

4. Helsinki Final Act Notification of Military Exercises

Legal Status: The Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with many other States. Soviet actions not in accord with that document are violations of their political commitment.

Obligation: All signatory States of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major military maneuvers, defined as those involving more than 25,000 ground troops.

Issues: The January 1984 compliance report examined whether notification of the Soviet military exercise Zapad-81 was inadequate and therefore a violation of the Soviet Union's political commitment under the Helsinki Final Act. The USSR's compliance with its notification commitment was reexamined for this report.

Finding: The U.S. Government previously judged that the Soviet Union violated its political commitment to observe the prior-notification provisions of Basket I of the Helsinki Final Act, which requires notification and other information concerning exercises exceeding 25,000 ground troops. A major Warsaw Pact maneuver (Zapad-81), exceeding the 25,000 troop limit, was conducted in 1981 at a time great pressure was being put on Poland, and the Soviet Union did not provide the pre-notification or other information required. The judgment that the Soviet Union did not observe the prior notification provisions of the Helsinki Final Act is confirmed.

While the USSR and Warsaw Pact states have generally taken an approach to the confidence-building measures of the Final Act which minimizes the information they provide, Soviet compliance with the exercise-notification provisions was much improved in 1983. However, during 1984, the USSR returned to a minimalist stance, providing only the bare minimum required under the Final Act.

Salt I Interim Agreement

Treaty Status: The SALT I Interim Agreement entered into force for the United States and the Soviet Union in 1972. Dismantling procedures implementing the Interim Agreement were concluded in 1974. The Interim Agreement, by its own terms, was of limited duration and expired as a legally binding document in 1977. The applicability of the Interim Agreement to the actions of both parties has, however, been extended by the parties by a series of mutual political commitments, including the President's May 31, 1982 statement that the United States would refrain from actions which would undercut existing strategic arms agreements so long as the Soviet Union shows equal restraint. The Soviets have told us they would abide by the SALT I Interim Agreement and SALT II. Any actions by the USSR inconsistent with this commitment are violations of its political commitment with respect to the Interim Agreement and its implementing procedures.

Two issues were analyzed for this report: Soviet activities at dismantled ICBM sites, and reconfiguration of a Yankee-Class ballistic missile submarine.

5. Mobile Missile Base Construction at Dismantled SS-7 ICBM Sites

Obligation: The SALT I Interim Agreement and its procedures prohibit the parties from using facilities remaining at dismantled or destroyed ICBM sites for storage, support, or launch of ICBMs. Any Soviet actions inconsistent with this commitment are violations of a political commitment with respect to the Interim Agreement and its implementing procedures.

Issue: The U.S. examined whether the USSR has used former ICBM sites in a manner inconsistent with its political commitment under the Interim Agreement and its implementing procedures.

Finding: The U.S. government judges that Soviet activity apparently related to SS-X-25 ICBM deployments at two former SS-7 bases does not at present violate the agreed implementing procedures of the SALT I Interim Agreement. However, ongoing activities raise concerns about compliance for the future, since use of "remaining facilities" to support ICBMs at deactivated SS-7 sites would be in violation of Soviet commitments. The U.S. will continue to monitor developments closely.

6. Reconfiguration of Yankee-Class Ballistic Missile Submarines

Obligations: The SALT I Interim Agreement and its procedures require that submarines limited by the Agreement be dismantled or be reconfigured into submarines without ballistic missile capabilities. Any Soviet actions inconsistent with this obligation are violations of a political commitment.

Issue: The U.S. examined whether the USSR's reconfiguration of a submarine to increase its length, and for use as a platform for modern long-range cruise missiles is consistent with its political commitments under the Interim Agreement and its implementing procedures.

Finding: The U.S. Government judges that the Soviet Union's conversion of a dismantled SSBN into a submarine longer than the original, and carrying modern, long-range cruise missiles is not a violation of its political commitment under the SALT I Interim Agreement, but constitutes a threat to U.S. and Allied security similar to the original Yankee-Class submarine.

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SALT II Treaty

Treaty Status: SALT II was signed in June 1979 and has not been ratified. In 1981 the United States made clear to the Soviet Union its intention not to ratify the SALT II Treaty. Prior to this clarification of our position in 1981, both nations were obligated under customary international law not to take actions which would defeat the object and purpose of the signed, but unratified, Treaty. Such Soviet actions prior to 1981 are violations of legal obligations. Since 1981, the United States has observed a political commitment to refrain from actions that undercut the SALT II Treaty so long as the Soviet Union does likewise. The Soviets have told us they also would abide by these provisions. Soviet actions inconsistent with this commitment are violations of their political commitment with respect to the SALT II Treaty.

Three SALT II issues are included in this unclassified report: encryption of telemetry, SS-X-25 ICBM, and SS-16 ICBM deployment.

7. Encryption of Ballistic Missile Telemetry

Obligation: The provisions of SALT II ban deliberate concealment measures that impede verification by national technical means. The Treaty permits each party to use various methods of transmitting telemetric information during testing, including encryption, but bans deliberate denial of telemetry, such as through encryption, whenever such denial impedes verification.

Issue: The January 1984 compliance report examined whether the Soviet Union has engaged in encryption of missile test telemetry (radio signals) so as to impede verification. This issue was reexamined for this report.

Finding: The U.S. Government reaffirms the conclusion in the January 1984 report that Soviet encryption practices constitute a violation of a legal obligation under SALT II prior to 1981 and a violation of their political commitment since 1982. The nature and extent of such encryption of telemetry on new ballistic missiles, despite U.S. request for corrective action, continues to be an example of deliberately impeding verification of compliance in violation of this Soviet political commitment.

8. The SS-X-25 ICBM

Obligation: In an attempt to constrain the modernization and the proliferation of new, more capable types of ICBMs, the provisions of SALT II permit each side to "flight test and deploy" just one new type of "light" ICBM. A new type is defined as one that differs from an existing type by more than 5 percent in length, largest diameter, launch-weight and throwweight or differs in number of stages or propellant type. In addition, it was agreed that no single re-entry vehicle ICBM of an existing type with a post-boost vehicle would be flight-tested or deployed whose reentry vehicle weight is less than 50 percent of the throwweight of that ICBM. This latter provision was intended to prohibit the possibility that single warhead ICBMs could quickly be converted to MIRVed systems.

Issues: The Soviets declared the SS-X-24 to be their allowed one new type ICBM. The January 1984 report examined the issues: whether the Soviets have tested a second new type of ICBM (the SS-X-25) which is prohibited; whether the reentry vehicle (RV) on that missile, if it is not a new type, is in compliance with the provision that for existing types of single RV missiles, the weight of the RV be equal to at least 50 percent of total throwweight; and whether encryption of SS-X-25 flight test telemetry impedes verification. The U.S. reexamined these issues for this report.

Finding:

a. Second New Type: The U.S. Government judges that the SS-X-25 is a prohibited second "new" type of ICBM and that its testing, in addition to the SS-X-24 ICBM, thereby is a violation of the Soviet Union's political commitment to observe the "new" type provision of the SALT II Treaty. Despite U.S. requests, no corrective action has been taken.

b. RV-to-Throwweight Ratio: The U.S. Government reaffirms the conclusion of the January 1984 report regarding the SS-X-25 RV-to-throwweight ratio. That is, if we were to accept the Soviet argument that the SS-X-25 is not a prohibited new type of ICBM, it would be a violation of their political commitment to observe the SALT II provision which prohibits the testing of such an existing ICBM with a single reentry vehicle whose weight is less than 50 percent of the throwweight of the ICBM.

c. Encryption: The U.S. Government reaffirms its judgment made in the January 1984 report regarding telemetry encryption during tests of the SS-X-25. Encryption during tests of this missile is illustrative of the deliberate impeding of verification of compliance in violation of a legal obligation prior to 1981, and of the USSR's political commitment subsequent to 1981.

9. SS-16 Deployment

Obligation: The Soviet Union agreed in SALT II not to produce, test or deploy ICBMs of the SS-16 type and, in particular, not to produce the SS-16 third stage or the reentry vehicle of that missile.

Issue: The January 1984 report examined the evidence regarding whether the Soviets have deployed the SS-16 ICBM in spite of the ban on its deployment. The U.S. reexamined this issue for this report.

Finding: The U.S. Government reaffirms the judgment made in the January 1984 report. While the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, the available evidence indicates that the activities at Plesetsk are a probable violation of the USSR's legal obligation not to defeat the object and purpose of SALT II prior to 1981 when the Treaty was pending ratification, and a probable violation of a political commitment subsequent to 1981.

ABM Treaty

Treaty Status: The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

Four ABM issues are included in this unclassified report: the Krasnoyarsk radar, mobile land-based ABM systems or components, concurrent testing of ABM and SAM components, and ABM territorial defense.

10. The Krasnoyarsk Radar

Obligation: In an effort to preclude creation of a base for territorial ABM defense, the ABM Treaty limits the deployment of ballistic missile early warning radars, including large phased-array radars used for that purpose, to locations along the periphery of the national territory of each party and requires that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control agreements.

Issue: The January 1984 report examined the evidence regarding the construction of a large phased-array radar near Krasnoyarsk in central Siberia. It was concluded that this radar was almost certainly a violation of the ABM Treaty. The U.S. reexamined this issue for this report.

Finding: The U.S. Government judges, on the basis of evidence which continued to be available through 1984, that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction, and the absence of credible alternative explanations, have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken.

11. Mobility of New ABM System

Obligation: The ABM Treaty prohibits the development, testing or deployment of mobile land-based ABM systems or components.

Issue: The U.S. examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty.

Finding: The U.S. Government judges that Soviet actions with respect to ABM component mobility are ambiguous, but the USSR's development of components of a new ABM system, which apparently are designed to be deployable at sites requiring relatively little or no preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet actions suggest that the USSR may be preparing an ABM defense of its national territory.

12. Concurrent Testing of ABM and SAM Components

Obligation: The ABM Treaty and its Protocol limit the parties to one ABM deployment area. In addition to the ABM systems and components at that one deployment area, the parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the parties from testing them in "an ABM mode." The parties agreed that the concurrent testing of SAM and ABM system components is prohibited.

Issue: The U.S. examined whether the Soviet Union has concurrently tested SAM and ABM system components in contravention of this legal obligation.

Finding: The U.S. Government judges that evidence of Soviet actions with respect to concurrent operations is insufficient to assess fully compliance with Soviet obligations under the ABM Treaty, although the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The number of incidents of concurrent operation of SAM AND ABM components indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable. This and other such Soviet activities suggest that the

USSR may be preparing an ABM defense of its national territory.

13. ABM Territorial Defense

Obligation: The Treaty allows each party a single operational site, explicitly permits modernization and replacement of ABM systems or their components, and explicitly recognizes the existence of ABM test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

Issue: The U.S. examined whether Soviet ABM and related activities provide a base for a territorial defense.

Finding: The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions suggest that the USSR may be preparing an ABM defense of its national territory.

SENATE RESOLUTION 91—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. SIMPSON (for Mr. DOLE, for himself, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 91

Whereas in the case of Lear Siegler, Inc., etc. v. John Lehman, etc., et al., filed in the United States District Court for the Central District of California, the constitutionality of the procurement protest system established by the Competition in Contracting Act of 1984, Public Law 98-369, 98 Stat. 1175, 1199-1203, has been placed in issue;

Whereas the Department of Justice has notified the Senate that the Department will assert in this case and in other cases under the Competition in Contracting Act that the powers granted by that Act of Congress to the Comptroller General violate the constitutionally prescribed separation of powers;

Whereas pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1982), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in the case of Lear Siegler, Inc., etc. v. John Lehman, etc., et al.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will meet on the first concurrent budget resolution for fiscal year 1986, Tuesday, March 5, 1985, through Friday, March 8, 1985. The markup will be held each day at 10 a.m. and 2 p.m.

For further information, contact Susan Yurko at the Senate Budget Committee at 224-0536.

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will hold a joint hearing with the Committee on Environment and Public Works on the subject of "Government Global Forecasting Capability." The hearing will be held on Tuesday, March 26, 1985, at 9:30 a.m. in room SD-342 of the Dirksen Senate Office Building.

For further information, contact Marion Morris of the subcommittee staff at 224-4161.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 5, 1985, to conduct a closed hearing on the fiscal year 1986 budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet on Tuesday, March 5, 1985, to conduct a hearing on the Genocide Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER AND FORCE PROJECTION

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower and Force Projection, of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 5, 1985, to conduct a open hearing to be followed by a closed hearing on the Navy Shipbuilding Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 5, to hold an open hearing followed by a closed session on air breathing deterrents, in relation to the fiscal year 1986 DOD authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 5, in closed executive session to hold a hearing on Army Tactical Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMERS

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the Consumer Subcommittee, of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 5, to conduct a meeting on the nomination of Carol Dawson of the Consumer Product Safety Commission, and the nomination of Mary Azcuenaga for the Federal Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAXATION OF VETERANS DISABILITY BENEFITS

● Mr. PRYOR. Mr. President, on February 26, 1985, several members of the Senate Committee on Veterans' Affairs introduced Senate Concurrent Resolution 20. Today, I am pleased to announce my strong support for, and cosponsorship of, this resolution. This resolution, Mr. President, expresses the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

Mr. President, for many, many years disability payments to our Nation's veterans have been excluded from their income for tax purposes. This longstanding policy was adopted in recognition of the fact that these people paid a very dear price in serving our country, and the Congress decided that it would be wrong to have them include compensation for service-connected disabilities in their income. Historically, Mr. President, there have been certain types of income which we have decided to make tax exempt, and I sincerely believe that the reason behind the exemption for VA disability benefits is a sound one, and it should remain a part of our tax system.

These service-connected disability benefits have been tax exempt to all veterans, regardless of their other income. If we were to make them taxable, as is being proposed by the Treasury Department in its tax reform plan, the effect could be devastating for many of these people. Requiring the money to be included in income, and then making it eligible for some type of expanded tax credit—as the Treasury has proposed—will not correct the problems that will exist. The most prudent course, Mr. President, and one that will continue to recognize the sound reasons we initially excluded these benefits from taxation, would be to make no change in this area. That is what Senate Concurrent

Resolution 20 would accomplish. It would simply put the Congress on record as supporting our Nation's veterans, and declaring that it is our firm commitment that service-connected disability benefits remain tax-exempt.

I would note, Mr. President, that this recommendation is under consideration by President Reagan and new Secretary of the Treasury James Baker. I hope they would reject the Treasury's recommendation to tax these disability benefits. In the meantime, however, I believe we should adopt this sense of the Congress resolution and let the veterans around the country know exactly where they stand on this important issue.

Again, I am pleased to cosponsor this measure; I commend the efforts of the chairman and ranking member of the Veterans' Affairs Committee, and I urge other Members of the Senate to support this measure.●

CURTIS WILKIE—"A TWIN RECALLS AUSCHWITZ HORRORS"

● Mr. KENNEDY. Mr. President, last week many of us joined Senator MOYNIHAN in submitting a concurrent resolution urging that Josef Mengele should be brought to justice. I wish to call the attention of my colleagues to a recent Boston Globe article on the unofficial trial in absentia of Mr. Mengele recently held in Jerusalem.

"A Twin Recalls Auschwitz Horrors," by Curtis Wilkie, recounts the gruesome testimony of twins who were the victims of cruel experiments by Mengele at the Auschwitz concentration camp. The trial was held during a 3-day conference of the Children of Auschwitz Nazis Deadly Lab Experiments Survivors [CANDLES] on the 40th anniversary of the liberation of Auschwitz. It was designated to give worldwide impetus to efforts to find Mengele and bring him to trial for his war crimes and inhumane experiments. He is believed to be living freely in South America.

On the first day of the trial, Vera Kriegel testified how she was forced to live in a crowded cage while Dr. Mengele injected her with mysterious solutions which she believes eventually crippled her. She recalled being locked in a tiny cage with her mother and twin sister:

> Mengele came everyday and injected something into us. I kept feeling nauseous. . . . They put injections in our spine. We don't know to this very day what they did.

Kriegel also testified that she once was inside Mengele's laboratory and was amazed to see a wall full of human eyes. It wasn't imagination. They were attached to the wall like butterflies.

Mr. President, the world must not permit the crimes of Josef Mengele to go unpunished. I believe that Curtis Wilkie's article will be of interest to all those who are working to bring Mr. Mengele to justice. I ask that it may be printed in the RECORD.

The article follows:

[From the Boston Globe, Feb. 5, 1985]

A TWIN RECALLS AUSCHWITZ HORRORS

(By Curtis Wilkie)

JERUSALEM.—Vera Kriegel needed no prompting to tell her story yesterday, to take her listeners back 40 years to the terrifying days when she lived as a veritable "guinea pig" at the mercy of Josef Mengele, the infamous "angel of death" of Auschwitz.

Before a panel of war crimes specialists and a hushed audience, her words came in a rush as she described how she was forced to live in a crowded cage and injected with mysterious solutions by Mengele, which she believes eventually crippled her.

Kriegel was one of several survivors of the Nazi camps who testified against Mengele in an unofficial trial in absentia, organized by a group of twins who were subjected to his genetic experiments. She recalled the time she was locked in a tiny cage with her mother and twin sister along with another set of twins.

Mengele came everyday and injected something into us," she recounted. "I kept feeling nauseous. My sister was numb. I remember her fainting away. . . . They put injections in our spine. We don't know to this very day what they did."

The testimony came on the first day of public hearings at a three-day conference sponsored by an organization of the "Mengele twins" called CANDLES—Children of Auschwitz Nazis Deadly Lab Experiments Survivors. The meeting, which is being held on the 40th anniversary of the liberation of Auschwitz, is designed to give impetus to efforts to keep alive the pursuit of Mengele and to bring him to trial. Mengele was a doctor at the camp and was blamed for sending thousands of prisoners to their death.

Nazi-hunters who have tracked him for years believe he is now living under an assumed name in Paraguay. Mengele, who would be 73 if he is still alive, escaped prosecution after the war. It is thought that he fled to South America in the 1950s.

Witnesses yesterday appeared before a six-man panel that included Telford Taylor, the chief U.S. prosecutor at the Nuremburg war crimes trials. Nazi-hunter Simon Wiesenthal, and Gideon Hausner, the former Israeli attorney general who prosecuted Adolf Eichmann.

The organization of "Mengele twins" was formed early two years ago at a meeting of Holocaust survivors, and about 40 twins attended a gathering in Israel last year to discuss their experiences.

After arriving at the concentration camps, the twins said they were pulled from the ranks to undergo special experiments. Mengele was accused of injecting many injuries, by injecting dyes to change eye color, removing parts of bodies and sterilizing some of his victims. As many as 100 "Mengele twins," many who have been reluctant to discuss their experiences in the past, are believed to be attending the meeting.

Although accounts of the twins' torture dominated the session, held at Yad Vashem, the Holocaust memorial in Jerusalem, testimony also was heard from other Auschwitz survivors such as Simone Veil, the former health minister of France.

Ella Liengens, a gentile physican from Vienna who was imprisoned in 1942 for helping Jews escape Europe, said she was forced to serve in the medical ward supervised by Mengele.

"He looked for the weak prisoners and noted their numbers," she said. "One or two days later, their numbers were called and they were sent to the gas chambers. Mengele had a special way of doing things."

Now stooped and gray-haired and walking with the aid of a cane, Dr. Liengens said Mengele once told her he was determined to prove that Germans would dominate the earth.

But it was Kriegel, 46, who gave the most dramatic descriptions of the abuses she said she suffered at Mengele's hands.

At the age of 5, she said, she was taken with her twin sister, Olga, and her mother to a camp. "I saw an enormous pit where a fire was burning, and small children were being taken away from their parents and thrown into the fire alive . . . I looked at the fire and said, 'I am no longer alive, I am in hell, a lunatic asylum, an animal kingdom.' "

Besides the injections, Mengele also conducted experiments on their eyes, she said, and seemed interested that her mother's eyes were blue while the children's eyes were brown. He put drops in her eyes that burned daily, and also drew blood samples several times a day.

Kriegel said she was once ushered into Mengele's laboratory. "I was amazed to see a wall full of human eyes. It wasn't imagination. They were attached to the wall like butterflies. I was stupified."

Although her testimony was animated, she asked to sit rather than stand at a podium. She said she has suffered ever since her days in the Nazi camps from an "s-shaped back," lingering infections in her urinary tract and nervous disorders.

"I hated him, that angel of death," she said. "But I wasn't afraid of him."●

SPEECH BY SENATOR WALLOP ON THE CARIBBEAN BASIN INITIATIVE

● Mr. SYMMS. Mr. President, I ask that a speech by my distinguished colleague, Senator WALLOP, be printed in the RECORD at this point. He is an outstanding member of the Finance Commission and as such Senator WALLOP helped shape the Caribbean Basin Initiative. As a longtime member of the Intelligence Committee, Senator WALLOP understands better than most the strategic significance of this region. This speech is an excellent analysis of both the trade and strategic aspects of the CBI legislation.

The speech follows:

CARIBBEAN BASIN INITIATIVE—SPEECH OF SENATOR MALCOLM WALLOP BEFORE THE PUERTO RICO-USA FOUNDATION

INTRODUCTION—STRATEGIC IMPORTANCE OF THE CARIBBEAN BASIN

Americans who have tried to articulate the Caribbean's importance of this country have stumbled over words such as back yard and frontyard, words loaded with connotations. The indisputable fact, however, is that, since Columbus, the Caribbean has been the most convenient entryway into the new world. Every colonial power, including Holland, had possessions there. The Soviet Union is a little late, but it now has Cuba. The unfortunate Nicaraguan people are

host to a Soviet-led coalition including Vietnamese, Bulgarians, East Germans and the P.L.O. Given both its geographic and its human diversity, the Caribbean Basin seems destined for openness—for good or ill.

It is the United States' vital interest that the Caribbean Basin's inherent openness lead to peace and prosperity, rather than to more Cubas and Nicaraguas. You all know what a high percentage of the United States' shipping must pass through the Carribbean Basin, and how, in World War II just a few German submarines nearly shut it down. I won't belabor that point, because there is a more important one: Should the area to the south of us become largely hostile, necessarily the rest of the world and the protection of freedom would drop way down in our list of priorities. Beyond any doubt, before we can define and implement a major world role in the world, the U.S. must have peaceful, prosperous, friendly neighbors. The struggle over the Caribbean, then, is for very high stakes indeed.

Puerto Rico is in a unique position in the region. By an accident of history, and because of the United States' unique openness to a variety of cultures, Puerto Rico is very much a part of this country, while retaining not just the right to change the relationship, but, in fact, retaining the best features of being both in and out of the U.S.A. The Carribean Basin Initiative aims to confer on the rest of the Caribbean Basin some of the economic benefits now enjoyed by Puerto Rico. The U.S. Treasury does not like this very much, believing that the economic gains of the region are somehow a loss to the U.S.

Well, anyone of vision and a sense of history must totally disagree. In economic terms, to say nothing of geopolitical ones, the combination of favorable tax and duty treatment of the Caribbean Basin is good for the U.S.

THE CARIBBEAN BASIN INITIATIVE

When President Reagan announced the CBI in January, 1982, it sounded very much like the alliance for progress of the 1960's. To this day at least in form, the CBI is hardly distinguishable from its forebears: In order to help the region to the south of us to become more prosperous, more socially harmonious, and therefore a safer neighbor, the U.S. would enter into a deeper partnership with the private and public sectors of Caribbean Nations.

Trade and aid would increase, training and investment would flow south, and wise men from all sides would sit on consultative committees. Reading the Kissinger Commission's report of Central America, drafted soon after the Congress passed the CBI in 1983, one would be hard put to find many differences between the CBI and the alliance.

But in fact the Kissinger Commission's report shows evidence that even the U.S. Government has learned something from twenty year's failure in international economics. That report speaks of persuading governments in the Caribbean to adopt tax and economic policies to encourage economic growth, and to encourage the flow of American and other foreign private investment into the Caribbean.

All of this was to be made fruitful by the opening of the U.S. market to Caribbean products on a duty-free basis. There was to be more aid from the U.S. Government, and a greater involvement by the IMF. But anyone who looked closely at the economic part of the report could not fail to grasp its main message: The countries of the Caribbean can do for themselves what the countries of the Pacific rim have done, but they will have to do it essentially by free enterprise.

Of course the CBI was not passed as proposed. Several important categories of goods, ranging from textiles, to shoes, to canned fish were excluded from the one-way duty-free provisions. Congress, thanks to a reluctant Treasury, also failed to pass the tax credit for business investment in the area. But the duty-free list is very long, the labor supply is ample, many governments in the area are now pro-business and pro-growth; and business activity is definitely up. Ironically much of it has been stimulated not by American entrepreneurs but by those from Hong Kong, Taiwan, and Korea, eager to establish businesses within the U.S. market's tariff walls.

Nor is it clear how much business activity has been stimulated by the specific provisions of the CBI, and how much simply by the recognition that the Caribbean has become a pretty good place to do business. Then again, one of the CBI's objectives was precisely to convince people to look at the Caribbean.

In other words because the CBI was meant as a stimulus to the free market, the economic activity that has followed it has not been predictable or easily measured. We know that business in the Caribbean has improved, and that if quotas on textiles and apparel from the area are lifted—which I support doing—business is likely to improve even further. Of course all of this depends on strength in the U.S. economy and on the continued existence of governments in the region that are willing to let their peoples prosper.

We can proudly say that, unlike its predecessor programs, the CBI does not appear to have done any harm. But clearly that is not good enough for any of us.

Having discussed the strategic importance of Puerto Rico and the Caribbean, let us now turn the discussion. How can America best reinforce the Puerto Rican economy and thereby assist the entire region? Since 1921 the U.S. has offered tax benefits designed to promote U.S. business operations in the possessions. In 1948, Puerto Rico developed a complementary program called Operation Bootstrap. The commonwealth and the mainland have cooperated in such efforts ever since. Over time the U.S. tax benefits were refined to the credits offered by internal revenue section 936.

The combination of these incentives have encouraged hundreds of U.S. corporations to invest capital and equipment in Puerto Rico. As a result these corporations currently employ 150,000 residents of the commonwealth. the multiplier effect of the jobs, creating jobs in the construction and service industries only magnifies the impact of these incentives. Though still far from total prosperity, through the hard work of the Puerto Rican people and the American investors, Puerto Rico has transformed itself from the poorhouse of the Caribbean into a veritable showcase of capitalism and free enterprise.

The transformation has gone so far that the old labor intensive industries are giving way to high tech and pharmaceutical industries as the population of Puerto Rico reaches for higher levels of education and skill. The successes of Puerto Rico set a fine example for other countries of the Caribbean who are now choosing their way.

Unfortunately for its members, this Congress is going to face the unpleasant task of bringing America back to fiscal reality. The deficit is at a record high and the majority at long last is convinced that the deficit cannot continue to grow. A crisis approaches now as the debt service is the fastest growing item on the budget. Because of the ways of geometric progression it is only a matter of time before it surpasses all spending. It is clear that we can no longer afford the luxuries provided by government profligacy.

Clearly, all forms of government spending are suspect. It seems clear that all Americans will be touched. It is also clear that Americans are willing to suffer to bring our financial house back in order . . . . perhaps you are wondering how all this is of interest to you?

I'm afraid Congress delighting in its newly enabling effort to face fiscal reality, is more likely to threaten than to assist many aspects of the American economy. As Congress seeks to establish just priorities in government expenditures and benefits, there is no question but that these tax incentives to invest on the Puerto Rican Island and in truth its people will again come under rigid scrutiny.

You, my friends, have a substantial task before you. The Treasury has proposed a new definition of "fairness, simplicity and economic growth". One must accept that it is a new definition, because to my way of thinking, the Treasury proposal has little to do with "fairness, simplicity and economic growth" to a conventional mind like mine. (Indeed it may very likely have a severe and negative impact on economic growth.)

Although the fate of the Treasury proposal is far from clear, it seems likely that we will at least have to discuss it this year. As you know, in it, the Treasury calls for the repeal of section 936. In its stead, the Treasury proposes a declining credit for the hourly minimum wage of qualified employees.

While I feel it is unlikely this Treasury proposal will pass in its present form, it is an increasing possibility that some may well use it as a menu for a revenue enhancement measure (that is the Government's revenue is enhanced, not yours).

Despite the clear mandate of the people, that there be no tax increases, I seriously question whether the Congress has the guts to provide the spending cuts necessary to address their noble new deficit problem.

I cannot distinguish between taking investment resources out of the economy through government borrowing or by taxation. In either event, the Government deprives our economy of the real resources necessary to drive it. However, many of my colleagues appear to disagree. Solving the deficit problem is much like untying the Gordian knot. Congress may, mistakenly, and in complete frustration, use its sword of taxes to cut the knot and reach deficit reduction goals established by our leadership.

In such case, section 936, as we know it today may become a cherished memory of an experiment that worked. It seems likely that the worst case scenario will be the phased out credit offered in the Treasury proposal. I am in no position to know the likely effect of such a proposal. However, I can tell you, that there are members that think the possessions tax credits are too rich for the benefits derived.

As you know, in 1980, the same Treasury that now seeks to redefine "fairness, simplicity, and growth", found that the average section 936 tax benefit per Puerto Rican employee was $17,186! There is reason for concern when the tandem statistic compar-

ing the tax benefit per employee to the amount of employee compensation by industry has such a broad range. For example, in the pharmaceutical industry the $58,743 tax benefit per employee is close to four times the average compensation of the average pharmaceutical employee. The apparel industry is at the other end of the spectrum with $2,887 of tax savings per employees, amounting to only 34 percent of compensation for the average employee.

Please realize that their numbers are based on estimates made prior to the impact of the 1982 TEFRA changes. According to recent conversations with Treasury, they do not have information which will avail newer, more meaningful statistics. It is clear to me that the wide differential in the tax benefits for different Puerto Rican industries is a result of the changing industrial focus, from the traditional labor intensive industries, to the more profitable, growth oriented industries. As in many instances within its proposal, Treasury's calculations of foregone tax revenue costs are based on the assinine assumption that their proposal will not cause a change in the level or the focus of capital investment or economic activity either in Puerto Rico or on the mainland.

This assumption lies even though they admit that there will be great and unpredictable reallocations of resources, both human and capital, if the proposal were enacted. They assume that their assumptions used to sell this package are in error . . . . hey, really, we're only talking about the American economy!

Before we send Puerto Rico back to the days of home needlework and hand cigar wrapping, let us study the real impacts of tax reform. Your middle class deserves to grow and offer the same aspirations to those below it as does that of the mainland.

These flaws in Treasury's analysis all result in inflated statistics, and lost tax revenue costs. However, since a sheep like Congress continues to review this area one can only conclude that there are members who believe this benefit is too rich, and in part unnecessary. In fact, my office has had recent conversations with the Joint Tax Committee and Treasury. Both indicate that there is concern that the corrections of 1982 are not working and that there still is a substantial amount of intangible income which is somehow escaping taxation. Let's face it, maybe the provisions do require further focusing.

I would be surprised if, in light of the great strides made, if Puerto Rico, would ask for indefinite support. But I also understand that now is not the time to assume that their economy has reached full maturity. If this whole experiment is actually working there, it seems to me, there will come a time when the 936 benefits, will no longer be justified and a phasing out will be warranted. But it isn't to much at ask that we know more before we act.

With the 1982 TEFRA changes there was an accord between the Treasury and Puerto Rico, that there would not be additional examinations of section 936 until information is available to determine whether those changes were working.

I have been informed that Treasury has only received half of the estimated 700 returns for 1983, and any study of them cannot be reasonably expected until sometime in 1986. I now rage at the planning disruptions and frustrations which occur each time the Congress decides to reopen the 936 issue. There exist clear examples of investments which are either delayed or mislocated as a result of uncertainty created by Congress' coy indecision.

To be sure this is not the sole problem of Puerto Rico. All Americans suffer each time the brakes are applied to capital investment decisions. Timing is critical to business and the analysis of return. And each time Congress says its going to reexamine an area of tax law, business and investment decisions are delayed, and frequently opportunities are lost forever. You known, many on Capitol Hill think that the deficit is never going to cause a crisis, but rather it will continue to tap the strength of the American economy, preventing us from ever reaching our highest potential. Our constant tinkering with the tax law has a similar effect.

Each time we slow the investment process, by reconsidering the tax law, we exaggerate the lethargy caused by the deficit. I do not care to be responsible for tapping America's strength, nor do I see the benefit of placing Puerto Rico's economic growth plan on hold every couple of years. This approach can only be described as ridiculous, and irresponsible.

It is the government's responsibility to create a stable economic atmosphere. How else can our people reach the highest level of life, liberty and happiness. We in Congress appear to be using our best effort to frustrate that pursuit.

Many portions of the Treasury proposal have the real potential to create economic upheaval. While the Treasury appears to be unconcerned by the impact of its jumble of ideas, many of which are inconsistent and poorly thought out, I can assure you that my role in any tax reform effort will be to question, test and probe. I intend to bring conscience to the reform effort. I was among the first to call on Treasury to study methods to simplify the tax system.

There is no question in my mind that the complexity of the current system also slows economic progress. However, I will not be a part of knee-jerk reaction to the cry for reform, if there is indeed such a cry. Any attempt at serious wholesale reform must be undertaken thoughtfully, with serious and knowledgeable debate. Let us not allow frustration to stampede us into the arms of Treasury's new definition of "fairness," "simplicity" and "growth". Surely we can do better. Surely we must.

If you think the sun rises and sets on 936 alone, your eyes are as steadfastly fixed on your navels, as were the eyes of those who proceeded us in government and business. It is an important tax tool but no single provisions of the tax code is the sole key to the economic future and political security of the Caribbean Basin, nor can it be.

It is time you took the message to the Caribbean Basin that threats outside abound to that prosperity and political security. To protect against these threats will require courageous measures. It is time too we hear back from the entire basin that it knows of the threats and is willing to participate in solutions with courage and steadfastness. Great promise abounds—but not from Soviet imperialism, adventurism, revolution or mercenaries.

Puerto Rico is a leader in bringing economic development to the rest of the Caribbean. It has to be a leader in counseling security, too.

We cannot exist in peace and prosperity with the presence of Soviet imperialism.

Puerto Rico cannot exist in prosperity surrounded by enslavement and poverty. Freedom is the key to ecomomic and political prosperity. 936 is a tax provision of use, but greater concepts must come first. We are on the threshold of momentous events. Will they belong to all of us and contain our future? If so, the Americas will be the symbol to the world. If they do not belong to all of us, they will be a symbol as well.●

AT&T BEGINS ITS SECOND CENTURY

● Mr. D'AMATO. Mr. President, I rise today as a New Yorker to acknowledge the 100th anniversary of AT&T, incorporated in New York State on March 3, 1885. I would like to pay tribute to this great company that has served my home State and the entire Nation so well over the past century.

A century ago, when AT&T was established, a telephone service was still somewhat of a novelty—a plaything for the wealthy, some thought—of little interest to ordinary people. Many, even in the telephone business, saw the telephone as useful only to business, and only locally. Several companies attempted to provide service between neighboring cities and failed, so that long distance was viewed as a dubious possibility at best.

The founders of AT&T had another view. They had a vision of a nationwide network of lines and switches that would connect homes and businesses, farms and factories everywhere in the Nation, and they had the conviction and courage to put their ideas into action. In filing for incorporation in Albany, NY, on March 3, 1885, Edward J. Hall, Jr., Thomas Doolittle, Joseph P. Davis and Anzi S. Dodd proposed lines from New York City to "Albany, Boston and . . . across the Hudson and East Rivers and the Bay and Harbor of New York, to Jersey City, Long Island City and Brooklyn . . . to the cities of Philidelphia, Baltimore, Washington, Richmond, Charleston, Mobile and New Orleans . . . to Indianapolis, Chicago, Saint Louis, Kansas City, Keokuk, Des Moines, Detroit, Milwaukee, Saint Paul, Minneapolis, Omaha, Cheyenne, Denver, Salt Lake City, San Francisco and Portland, and to all intermediate cities, towns and places . . . "—an undertaking that is breathtaking in its dimensions and one that appears realistic only in retrospect.

In the years since, our Nation's telecommunications system has won universal admiration and recognition as the best in the world, an accomplishment attributable in no small way to the ingenuity and dedication of the men and women who have worked for AT&T and its affiliated companies during the last 100 years.

AT&T's contributions have not been limited to telecommunications. Its Bell Laboratories helped perfect radio and televison transmissions, gave us the transistor and the laser, as well as microwave and fiber optic technology,

and devised technologies that have aided education, medicine, space exploration, and other fields. Several Bell laboratories' scientists have received the Nobel Prize for their achievements, and more than 20,000 patents have been awarded for Bell Laboratories' inventions. AT&T has been a sound and reliable investment for millions of Americans and a model employer in New York and throughout the Nation. The company has long recognized that its success depends upon the skill and dedication of its employees and, accordingly, treats its employees as partners in its enterprises.

On January 1, 1984, as the result of a consent decree entered into with the Department of Justice, AT&T divested all of its local-exchange telephone operations—more than two-thirds of its entire assets—and became a new competitor in the broad and demanding market for high technology information systems and products, national and international. The spirit and achievements of this company over the past century leave no doubt that it will succeed in its new endeavors as it has in the past.

I congratulate AT&T on its 100th birthday, and I wish it well in its new enterprises.●

STATE AND LOCAL RIVER CONSERVATION ACT OF 1985—S. 317

● Mr. CHAFEE. Mr. President, I am pleased to join my disinguished colleague, Senator DURENBERGER, in sponsoring S. 317, the State and Local River Conservation Act of 1985.

This legislation serves to stimulate conservation of rivers by State and local governments. Traditionally, the protection of natural resources has been a Federal role. The National Wild and Scenic Rivers System protects 65 rivers or river segments. However, our Nation has many more rivers that merit protection. The National Park Service has identified more than 1,500 river segments as possessing exceptional natural values. This act provides an innovative alternative to the National Wild and Scenic Rivers System for protecting these exceptional national resources.

State and local governments can and have taken the initiative to protect streams of exceptional value. In Rhode Island, the Wood-Pawcatuck Rivers study is an excellent example of how State and local governments can complement Federal efforts in river conservation. The Wood-Pawcatuck Rivers corridor is Rhode Island's least developed and most rural river system. Since these rivers are of such high quality, it is essential that they be conserved.

The National Park Service, in 1983, entered into a cooperative agreement with the Rhode Island Department of Environmental Management and the Office of State Planning, the Wood-Pawcatuck Watershed Association, and nine municipalities to set this effort in motion. As a result of the cooperative study, an innovative plan was developed for the protection and enhancement of the natural, cultural, and recreational resources of the Wood and Pawcatuck Rivers. The State and local governments are playing a vital role in the conservation of these rivers.

The State and Local River Conservation Act provides incentives to State and local governments to establish or upgrade river conservation programs. This bill authorizes $8 million in Federal matching grants to support program planning and administration. An additional $2 million is authorized for statewide river assessments. The measure also protects rivers from adverse development and provides a mechanism for States to concur in Federal development projects. Further, the bill clarifies the application of existing laws to river conservation, with regard to volunteer participation and tax incentives for the donation of land, easements, and rights-of-way.

The National Wild and Scenic Rivers Act will continue to protect many of America's rivers. In concert with this effort, the State and Local River Conservation Act can provide the impetus for more State and local involvement. The Federal, State, and local governments can work together toward the common goal of protecting America's high quality rivers.

I hope the Senate can consider this important measure in the near future, and I urge my colleagues to join in supporting this effort.●

IN HONOR OF ANDY AND MARGARET MALITO

● Mr. D'AMATO. Mr. President, it is with great pleasure and much personal affection that I rise to recognize and honor the 50th wedding anniversary of my dear friends, Phyllis and Anthony Malito, of Valley Stream, NY.

I have had the pleasure of calling the Malitos friends for the past 15 years and in that time have seen the wonderful love and warm feelings that have always set the Malito's family apart as a very special one indeed.

Phyllis and Anthony Malito were both born in New York City of immigrant parents and were married on April 28, 1935, in St. Anthony's Church in Lower Manhattan. They are lifelong New Yorkers and have been blessed with two children: Anthony, Jr., a professional engineer who passed away in 1966; and Robert, a New York attorney; and with six grandchildren named Christina, Danielle, Elizabeth, Emily, Kenneth, and Stephen.

All of the grandchildren will join Robert and his lovely wife, Margaret, and family members and friends for a 50th anniversary dinner party in Manhattan on April 28.

The Malito family has long been active in community and charitable activities in Queens and Nassau counties. Phyllis and Anthony exemplify the finest tradition of a strong and healthy family giving back some of its blessings to others in their community.

They have been leaders in local Republican clubs, the Sons of Italy, the Gift of Life Campaign, the Knights of Columbus, and various cultural activities, senior citizen organizations, and numerous other groups.

Phyllis and Anthony Malito have, over the past 50 years, brought love and affection, strength and understanding, and a strong ethic for eduction and hard work to all who have been fortunate enough to know them and enjoy their friendship and their company.

I am proud and honored to call them my friends and to wish them every good wish for much health and happiness as they begin their second 50 years together.●

RELEASE OF THE NEW AMERICAN UNEMPLOYMENT BY THE NORTHEAST-MIDWEST INSTITUTE

● Mr. QUAYLE. Mr. President, I would like to take a few minutes of my colleagues time to call attention to a new report by the Northeast-Midwest Institute, entitled the New American Unemployment.

What is this new unemployment? Who are we talking about? We are talking about dislocated workers.

In my home State of Indiana the new unemployed are former employees of Whirlpool Corp. in Evansville; General Electric Corp. in Fort Wayne; United States Steel in Gary; Western Electric Co. in Indianapolis; Westinghouse Corp. in Muncie; Inland Steel Co. in East Chicago; Allis-Chalmers Corp. in LaPorte; and International Harvester Co. in Fort Wayne.

Fortunately, in Indiana, dislocated workers are being helped through a new Federal program I sponsored, in 1982, under title III of the Job Training Partnership Act, called the Dislocated Worker Program.

The purpose of my remarks today is to discuss the plight of dislocated workers. I also want to announce the release of the New American unemployment. This report points to the need for a more comprehensive look at the way Federal policy affects dislocated workers and how related programs are coordinated with the Dislocated Worker Program.

I commend the Northeast-Midwest House and Senate Coalitions for conducting field hearings last year which led to the publication of the New American Unemployment. This report will make the public more aware of the problems of dislocated workers. It should contribute greatly to the current discussion of solutions to the problem.

In recognition of the fact that national economic conditions and policies may cause high and prolonged unemployment in some sectors of the labor market, the report finds that Congress should encourage State leadership in developing flexible arrangements to meet the remedial education and skill training needs of adult workers. The report states:

> Congress can encourage this process, as it did in many respects in the Job Training Partnership Act, by casting the Federal Government in the role of "enabler" of community-fashioned responses to community-identified needs.

I support this approach.

Let me give you a brief sketch of the dislocated worker's situation. First of all, who are dislocated workers? They are unemployed workers who have demonstrated that they can hold jobs. Often, a dislocated worker has been in the same job for many years, possibly even his entire adult life. Due to structural changes in the economy and technological developments in production methods, we now have an unusual situation in which, large numbers of job-ready workers with proven track records are having trouble finding jobs during an economic upswing.

Barriers such as lack of skills for available jobs, lack of information about the labor market or about how it works, or lack of job openings within commuting distance thwart individual initiative. The dislocated worker's problems are complicated by the fact that many of his fellow employees are in the same situation, thus increasing the number of jobseekers for fewer openings.

In a sense, to call this the new unemployment is not quite accurate because we have experienced worker dislocation in the past. Obviously, workers have been replaced and jobs eliminated by technological developments and changes in the economy since the beginning of man's history.

An example of this from American history is the change from an agricultural to an industrial society which started at the end of the 1800's. By 1900 about 38 percent of the work force were farm workers, but this dropped to 3 percent in 1982.

Today we are seeing a similar kind of shift in the labor market. We are going from having predominantly manufacturing jobs to service jobs. But the conditions surrounding worker dislocation are very different from what they were in the late 1800's.

We call this the new unemployment because today we have far greater numbers of dislocated workers for much longer periods of time.

Recently, the Bureau of Labor Statistics estimated that, between 1979 and 1984, about 11.4 million workers lost their jobs. Almost half, about 5.1 million, were identified as being dislocated workers because they had held their jobs for 3 years or more and lost their jobs due to plants closing or moving, slack work, or job termination.

The dilemma of these 5.1 million unemployed is made more difficult by one characteristic: Although they live in every State, there is a geographic concentration in the older manufacturing States of the Midwest and Middle Atlantic regions. This fact makes particularly appropriate the publication by the Northeast-Midwest Institute of the New American Unemployment.

However, the underlying causes of worker dislocation are not confined to the automobile, steel, and related industries. I would like to quote what the report says about the causes for this new unemployment:

> The U.S. economy is being internationalized. This means that unemployment in the U.S. increasingly is bound up with changes in the world economy. In no case is this more evident than in the situation of the dislocated worker. However, this is not to suggest that the problem is "out of our hands"; rather it underscores the need for imaginative solutions to problems in a changing environment.

In closing, I would like to point out that worker dislocation is a highly visible indicator of the need for training as a lifetime process. Our training needs are increasing in response to the rapid rate of technological development, and training will increasingly be an adjunct to improved productivity. Meeting that need for training is one of our most important challenges for the future.

I am committed to making Federal policy responsive to the unique circumstances of dislocated workers. Most importantly, Federal policies should encourage individual initiative. Therefore, a variety of approaches are necessary. Also, I agree with the report's conclusion that Federal policies should accommodate innovative efforts at the State and local level and accommodate labor-management cooperation.

Most of our current education and training programs, and assistance programs for the unemployed, simply were not designed at a time when worker dislocation was a national problem. As a result, they do not meet the needs of dislocated workers. We must scrutinize these programs to remove unintended barriers to training and to employment opportunities. We also need to examine whether new solutions can be developed to replace less effective approaches.

The availability of quality education and training, along with effective job search assistance and other programs of reemployment assistance, can make the difference between self sufficiency and economic dependence for America's new unemployed.

I highly recommend the New American Unemployment to my colleagues. This new report is a comprehensive survey of the issues and concerns surrounding dislocated workers and solutions that are currently being discussed.

Persons who have questions about the content of this report may contact the authors, Paula Duggan and Virginia Mayer, at the Northeast-Midwest Institute. For copies of the report, contact Bob Reitemeier in the institute's Publications Office (202) 544-5200. The address is 218 D St., SE., Washington, DC 20003.●

THE FUTURE OF LABOR

● Mr. KERRY. Mr. President, I should like to call the attention of the Members of the Senate to an editorial which appeared in the New York Times entitled "Reorganized Labor." The editorial summarized the conclusions of a report on the future of the American labor movement which was recently adopted by the AFL-CIO Executive Council. In my opinion, the report is indeed, as the Times put it, remarkable and provocative, and addresses a range of issues important not only to the health of organized labor, but to the future growth and vitality of the entire American economy.

Mr. President, I ask that the New York Times editorial and a summary of the report from the AFL-CIO News be printed in the RECORD.

[From the New York Times, Mar. 5, 1985]

REORGANIZED LABOR

Organized labor has set out to reinvent the labor movement for the post-industrial age. At least that seems to be the upshot of a remarkable report recently adopted by the executive council of the A.F.L.-C.I.O. It's a set of ideas that even critics of organized labor can welcome. Like unions or not, this report ought to provoke fresh thought about jobs, job protection and "what it is workers can do through their unions."

The need for rethinking is plain from the steady decline in labor's fortunes. The unionized portion of the labor force has gradually dropped, falling below 19 percent last year from 23 percent in 1980 and 35 percent in 1984. Unions are seen as undemocratic, stifling of individual initiative, controlled by bosses. Perhaps most damaging, they are thought to "increase the risk that companies will go out of business."

An obvious response—better public relations—gets generous treatment in the A.F.L.-C.I.O. report, more than two years in preparation. But the report is better than that, emphasizing substantive changes in the way unions operate.

It calls on unions to explore alternatives to the traditional "adversarial collective bargaining relationship." Among other things, this could mean giving up comprehensive contracts in favor of "minimum guarantees that will serve as a floor for individual bargaining." For the worker this would satisfy the desire to assert independence and personal initiative; for the company it would allow considerably more flexibility in rewarding the best employees.

The report also urges unions to seek out and address new issues of concern to workers, like pay inequity or comparable worth and health and safety standards. Yet another recommendation calls for "quality of worklife" programs that give workers a say in their job environment.

The new report calls for new categories of union membership for workers not in organized bargaining units. This would let people who leave unionized jobs retain a union affiliation. It also could open up such affiliation to workers who voted for the union in an unsuccessful organizing election.

Such affiliations would be especially attractive in the light of another recommendation: study the feasibility of having unions become the direct source of benefits like job training and supplementary medical insurance.

There is skepticism about some of these things even among the labor chiefs who approved them. Issues like comparable worth could create as much division as enthusiasm. New categories of membership raise the question of what a union is. And direct benefit programs could prove costly to administer.

But the A.F.L.-C.I.O. report can provoke fresh thought and healthy experimentation as individual unions and locals take the next steps to test labor's new vision against reality.

[From AFL-CIO News, Mar. 2, 1985]

COUNCIL STUDY SEEKS NEW PATHS FOR GROWTH OF LABOR MOVEMENT

CITES CONTINUING ROLE AS FORCE FOR PROGRESS

(By John M. Barry)

BAL HARBOUR, Fla.—A searching self-examination by the AFL-CIO has pinpointed problems created by a period of rapid change, outlined a program to overcome them, and found "the seeds for a resurgence of the labor movement."

A report by the Executive Council's Committee on the Evolution of Work said that although organized labor "has demonstrated a notable resiliency" and remains "a vital force for progress" in American, unions find themselves "behind the pace of change."

The committee report, "The Changing Situation of Workers and Their Unions," was issued during the council's winter meeting here. It sets forth a series of specific recommendations for renewed growth through innovative organizing strategies and techniques, new categories of membership, effective use of the media, stronger union structures, expanded services and other steps to improve traditional union programs.

But in the light of the situation confronting labor, the committee stressed that "it is not enough merely to search for more effective ways of doing what we have always done; we must expand our notion of what it is workers can do through their unions."

CONFIDENT OF RESURGENCE

AFL-CIO President Lane Kirkland, describing the report at a news conference, said it "gives us confidence that our unions have the capacity to continue the never-ending process of renewal and regeneration. . . . All the data we have studied, as well as our own common sense, provide grounds for hope that a period of resurgence—of sustained growth—is within our grasp."

The report is the culmination of two and a half years of work by the committee, which is chaired by Sec.-Treas. Thomas R. Donahue. The panel includes 18 federation vice presidents and the operating heads of the eight constitutional departments. In the course of its meetings since 1982 it received reports from a number of experts. It also reviewed surveys taken over the last 25 years on the public attitude toward unions and supplemented this material with additional surveys.

Kirkland stressed that the committee will remain in being to study points raised in its discussions but not incorporated in its report. He said it will conduct a continuing review of responses to the report from Executive Council members and other trade unionists.

The committee found no cause for "doom and despair" regarding the future of the labor movement. It cited earlier predictions of the demise of unions when labor suffered setbacks in the 1920s and '30s, which were followed by periods of remarkable growth for the trade union movement.

The data the committee studied, it said, provide grounds for hope as well as concern "and, indeed, suggest the seeds for a resurgence of the labor movement."

It pointed to such survey findings as:

Union enrollment in growing numbers of "the types of workers who are forming an increasingly larger share of the workforce."

Workers who choose to form a union continue to be well-served by and are generally satisfied with their union.

Non-union workers recognize the effectiveness of concerted action in securing workplace democracy and gaining redress for grievances.

Experience both in Canada and in the public sector in the United States demonstrates that "the current generation of workers, when given a fair chance to form a union at their workplace, elect to do so in large numbers."

The committee's report details the problems posed by the enormously rapid growth of the labor force in recent years, particularly in economic sectors and areas of the country which in the past have not been highly organized. It points out that this rapid growth is creating new patterns of part-time and temporary employment that make it more difficult for workers to form unions without fear of employer reprisal.

The failure of federal labor laws to protect workers who exercise their right to organize is also noted.

"The norm is that unions now face employers who are bent on avoiding unionization at all costs and who are left largely free to do so by a law that has proven to be impotent and a Labor Board that is inert," the report observes.

WORKPLACE REVOLUTION

It also points out that the United States and other nations are undergoing a scientific, technological and economic revolution "every bit as significant as the industrial revolution" of the 19th Century. Jobs are being eliminated, changed and created by technological advances, the statement notes, and workers paid subsistence wages in underdeveloped countries are producing "the most sophisticated goods, and even services" for the more developed nations.

Recommendations for dealing with these trends, the committee said, are based on the fundamental premises "that the labor movement exists to advance the interests of workers as workers see their interests, and that to continue to perform their role, unions must come to grips with the current and changed realities workers face."

The report stresses that labor's aims—decent wages and conditions, workplace democracy, a full voice for workers in the society, and the more equitable sharing of the nation's wealth—remain unchanged. It added:

"The means of securing those aims while grounded in experience, must meet today's needs and anticipate tomorrow's aspirations."

The committee offered these recommendations, among others, that it believes "worthy of examination":

Unions should experiment with new approaches to representing workers, tailored to the needs and concerns of different groups and providing "far greater flexibility in the workplace and greater reliance on mediation and arbitration."

Unions should address new issues of concern to workers, such as pay equity and greater participation by all workers in decisions on the "how, why and wherefore" of their work.

Consideration of new categories of membership for such groups as union supporters in non-union shops and workers who gave up their union membership when they changed jobs.

A study by the AFL-CIO of proposals to provide direct services and benefits to workers outside of a collective bargaining structure.

Expanded use of the electronic media to overcome misconceptions about unions and make the public aware of their contributions in the workplace and in society at large.

The use of "corporate" campaigns to neutralize employer interference in the efforts of workers to form unions, such as the tactics, that proved effective against the J.P. Stevens textile chain.

A pilot project by the AFL-CIO using experimental organizing committees along the lines of those that proved efective in earlier periods of union growth.

Steps to heighten and expand the participation of members in the affairs of their unions as well as more opportunities for members and national union leaders to interact with each other.

Expanded programs of leadership training for union officers; stewards and rank-and-file members and orientation programs for new members.

Improved labor communication efforts, including training of spokespersons in media techniques and a pilot project to test the usefulness of advertising to improve the public's understanding of labor.

A renewed emphasis on organizing and an increase in resources devoted to organizing; careful selection and training of organizers; greater use of modern communications technology in organizing; careful selection of organizing targets; experimentation with new organizing techniques, and greater involvement of union leaders and rank-and-file members in organizing.

Encouragement of mergers among smaller unions to better serve their members and the development by the AFL-CIO of guidelines to facilitate mergers.●

EDUCATIONAL ASSISTANCE BENEFITS

● Mr. PRYOR. Mr. President, I wanted to take a few minutes today to express my support for legislation making section 127 of the Internal Revenue Code a permanent provision. This section, Mr. President, provides an exclusion from gross income for amounts received by an employee through an educational assistance program maintained by his or her employer. The present code section expires at the end of this year, Mr. President, and I hope we can pass S. 558, which I am pleased to cosponsor. S. 558 will make the exclusion permanent.

In 1978 we recognized the importance of educational assistance plans maintained by employers, and enacted section 127 at that time. Since then, Mr. President, the program has worked very well. This exclusion helps not only the employees, but also employers. I have heard from many workers, business executives, and educators in Arkansas about the many benefits of this program. The employee can further his or her education, and the employer gets a better educated work force. Since 1984, more than 7 million people have taken advantage of this program through employer-sponsored educational plans. In the ever-changing international economy, with more and more emphasis being placed on hi-tech innovations, it is very important that we have measures to improve education and productivity. This section does just that.

Late last year, Mr. President, we extended section 127 through the end of this year. Most Members of Congress recognized the importance of these employer-provided educational assistance programs. Further, most labor and management groups have realized that this section has helped many workers increase their job skills and productivity.

For all of these reasons, Mr. President, we should make the educational assistance exclusion a permanent provision of the Tax Code. I am pleased to be a cosponsor of S. 558, the bill which will make it permanent, and I hope it will be adopted by the Congress this year.●

EXEMPTION FOR VETERANS DISABILITY COMPENSATION

● Mrs. HAWKINS. Mr. President, I rise today to cosponsor Senate Concurrent Resolution 20, a concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

Compensation for service-connected disabilities is not income—nor is it charity or welfare. Compensation payments are remunerations provided to veterans to repay them for sacrificed health and loss of capability. Compensation is based not on financial need but on the degree of disability. It is not handed out willy-nilly but is provided after careful evaluation and reevaluation. All who are awarded disability ratings receive compensation checks.

Compensation checks are important to all who receive them. Many veterans are able to provide well for themselves and their families and lead near normal lives in spite of their physical or mental disabilities—some are less successful. The economic importance of the checks, varies with financial need, but need is not the only measure of importance. A veteran's compensation check is a tangible expression that America has not forgotten the service and the sacrifice.

Beyond the moral obligation we have to compensate our disabled veterans, and to protect that compensation, our commitment to the principle has an intangible but very real impact on our national defense.

If military men and women are to have the dedication and motivation their jobs demand, they must be assured of the Nation's commitment to them. To strap oneself into a high performance aircraft, to perform well in a nuclear submarine below the polar ice cap, to handle chemicals and high explosives, to face hostile enemy fire demands a faith that ones nation will keep its commitment to provide care and compensation when duty results in injury. We ask our fighting men and women to have faith in their Government. We can never betray that trust—during their active duty or long after they have retired their uniforms.

The taxing of disability compensation is seen by our military personnel as an erosion of America's commitment. A tax on compensation influences the dedication and the willingness of uniformed personnel to make a career of the service. American armed strength and resolve are crucial to arms negotiation and ultimately to peace. Now is not the time to be experimenting with a tax on disability compensation for economic expediency.

The whole idea of taxing disability compensation as income is bad. Does it make sense to provide a deserved and just compensation with one hand and take it away with the other?

I call on all my colleagues to join in this effort to send a clear message to the administration. Let us not attempt to solve our budget problems at the expense of those who have sacrificed most to maintain the freedom and integrity of this great Nation.●

OFFENSIVE ACCURACY

● Mr. LUGAR. Mr. President, I would like to call to the attention of my colleagues a recent article in the journal Military Space entitled "Superaccuracy + SDI = Arms Control?"

The article features an interview with our colleague from Indiana, Senator DAN QUAYLE. The article displays a keen insight into the role of emerging technology for the possibilities of arms control.

I commend Senator QUAYLE's comments and ask that this article be printed in the RECORD.

[The article follows:]

[From Military Space, Feb. 18, 1985]

SUPERACCURACY + SDI = ARMS CONTROL?

A new arms control agenda should incorporate not only a defensive transition that brings in Strategic Defense Initiative systems, but also a radical reduction in yields for strategic offensive forces, to the point that they could perhaps employ non-nuclear warheads and effects, believes Sen. Dan Quayle, R-Ind., a member of the Senate Armed Services Committee.

Quayle told Military Space that not enough attention has gone to extremely accurate offensive forces as an asset for arms control strategic policy. "The only way we can start reducing megatonnage, especially to get under 'nuclear winter' thresholds (MS 12/10/84), is to get more accurate," he said. "Up to now, arms controllers have had a knee-jerk antipathy to accuracy, thinking it would make war more likely. But they should really be pushing it, since it backs off from such thresholds."

Asked how the Soviets would view such a U.S. approach, Quayle responded, "If we can get very good hard target kill probabilities against Soviet targets, we force them out of their silos into mobile missile forces with much less megatonnage. We create more stability by making them scale down like we're doing." He noted his championship of DARPA programs like the ATH (Autonomous Terminal Homing) guidance program for advanced nonnuclear strategic cruise missiles. "ATH was one big battle," he said. "Our services really don't understand this kind of stuff yet."

Quayle acknowledged that he has had a low profile in arms control debate up to now. "However, I think arms controllers will start rethinking their basic assumptions," he said. "I intend to be much more active this year on SDI and new arms control regimes."

He described himself as a strong SDI proponent, but belives its official advocates may be making dangerous political errors. "There's a stronger consensus this year on SDI than before," he said, "whereas last year there was a big push against it, masked as opposition to anti-satellite (ASAI) deployment. The first proposition must be to sell SDI. But the White House must get off the kick of a perfect defense," since vocal claims like that may force the Soviets to do more. If the forthcoming Geneva talks break down, he said, "SDI has enough political momentum to stand on its own two legs. But MX's fate would be more directly and negatively linked to such an outcome."

Another issue that he said was being ignored was "rules of the road" for satellites. "It's critical that we develop concepts like satellite keepout zones to make spacecraft

less vulnerable," he said. But he saw the ASAT issue as necessarily linked to SDI, since an ASAT ban would also entail no SDI deployments.●

PETER D. BELL—"PUZZLING OUT LATIN MISCONCEPTIONS"

● Mr. KENNEDY. Mr. President, over the past 4 years, the Reagan administration has ignored the real causes of Central America's difficulties and has instead portrayed the region as nothing more than a battleground for East-West confrontation. This myopic and shortsighted view of the region precludes the development of policies designed to address the region's historic inequities and serves only to foment revolution and turmoil in the region.

In his perceptive essay, "Puzzling Out Latin Misconceptions," Peter D. Bell succinctly states this administration's fundamental and dangerous misconception of the region, "Our overriding concern with communism today diverts attention from the deeper realities of the region—the struggles for economic development, social justice, and national self-determination." This failure to understand the Central American problem is the result of preconceptions and prejudices which block any realistic assessment of the region.

All too often it is U.S. domestic policies with shape our Central America policies and not the realities and needs of the region. Little consideration is given to the Central American skepticism of the United States due to its some 25 military interventions in the region during this century alone. Not enough effort is spent analyzing the economic inequities of the societies or the evolving power structure of the church, army, and the oligarchy. Because of these barriers to our understanding of the region, the United States is continuously surprised by critical developments in the region and is increasingly resorting to a misguided military resolution of the conflict.

If a realistic settlement is to be reached in Central America, U.S. policymakers must rid themselves of these misconceptions and analyze the true causes of the Central American problems. Continued focus on an East-West armed struggle can do nothing but plunge the region into further violence.

In an attempt to broaden the understanding of the causes of the region's difficulties, I urge my colleages to read Mr. Bell's insightful article.

Mr. President, I ask that Mr. Bell's article be printed in the RECORD.

[The article follows:]

PUZZLING OUT LATIN MISCONCEPTIONS

(By Peter D. Bell)

As United States involvement—or entanglement—has increased in Central America, so has public awareness of the area. But what we lack is a concomitant advance in our understanding, both of the countries and their people.

This lack of understanding, when it afflicts the general public, is distressing, but when it afflicts those who formulate U.S. policy, it is downright dangerous. Already it may needlessly be widening and prolonging the conflicts in the region, increasing the property destroyed, and hopes dashed, and lives lost.

Despite the deep U.S. involvement in Central America, we and our policymakers are continually surprised by critical events and changes. We did not, for example, anticipate President Duarte's initiative to bring the Salvadoran guerrillas into peace talks. We were caught off guard when the Sandinista government agreed to accept the regional peace plan as drafted by the Contadora countries. We were taken aback when the Costa Rican government rejected U.S. entreaties to build up its armaments, and when Honduran army officers cashiered their pro-U.S. commander even while seeking increased U.S. military assistance.

We find it similarly difficult to explain why the U.S.-backed contras have had so little success in their war against the Sandinista government; and why the views of Central America's nearest neighbors, including Mexico, are so different from those of the United States regarding the region's conflicts and how to resolve them.

The problem is not lack of information. The barriers to an informed understanding of Central America in the United States are more formidable than that. They have to do with the way we as North Americans look at the rest of the world. They derive from preconceptions and prejudices that shape the way we interpret the information we receive daily. In the case of Central America, the most important of these barriers are:

1. We do not appreciate the importance for Central Americans of the history of their region and of the long U.S. involvement there.

Central America exists for us in terms of its current crises, which we too often assume began with the Sandinista revolution in Nicaragua in 1979. While we discount the past, Central Americans are ever mindful of the 60 military interventions of this country in the Caribbean basin over the past 150 years, some 25 of them in Central America in this century.

For Nicaraguans, the U.S. occupation during two decades beginning in 1912 is part of present reality, even if easily forgotten by most of us. How many of us know what every Nicaraguan schoolchild learns: that an American filibuster named William Walker seized control of that country's government in the 1850s, obtained diplomatic recognition from the United States, and, among other things, legalized slavery? Our impatience with Central Americans who insist on putting a heavy burden of history onto their relationship with the United States only adds to their uneasiness about us.

2. We assume that political and social relations have gone largely unchanged in the countries of the region.

From the vantage point of our predominantly Protestant, Anglo-Saxon culture, we still tend to look at Central America as a collection of traditional Catholic societies, and to see them as rigidly absolutist, hierarchical, and fatalistic.

Such stereotypes may once have contained some truth, but they are certainly not accurate today. The small nations of the region are increasingly complex, with tradition and change combining in ways that are sometimes creative and sometimes jarring. Whatever may have become of the Sandinista revolution, the overthrow of the Somoza dictatorship resulted from one of the few broadly-based insurrectionary movements in the history of this hemisphere.

Among the most far-reaching institutional changes within the region over recent years have been those in the church. Since the Latin American bishops' conference at Medellin, Colombia in 1968, the church has become the defender of the poor and defenseless, and a champion of human rights and social justice. One result is that the triad of the church, army, and oligarchy, which once kept a lock on power in Central American societies, has been broken.

Moreover, to varying degrees in El Salvador, Guatemala, and Honduras, the army has distanced itself from the oligarchy, and now exists as an increasingly independent center of power. Costa Rica disbanded its army in establishing its democracy, and Nicaragua destroyed its oligarchy while making its revolution. Everwhere power has become more fluid.

3. We tend to attach too much significance to economic growth as a measure of progress in Central America.

In the 1960s and 1970s, there was—thanks in part to U.S. assistance—a great deal of economic growth in the region; but income also became more skewed in most countries, thereby worsening the inequality between rich and poor. Within Nicaragua, El Salvador, Honduras, and Guatemala, added wealth did not lead to social progress or political change, but to increasing division and frustration. When peaceful efforts to promote social and political reforms were repressed, the most committed reformers were left with rebellion as their only alternative for political action. We should not be so fixated on economic growth that we underestimate the importance of other social change.

4. We fail to comprehend the extent to which the power imbalance between the United States and Latin America shapes perceptions both north and south of the Rio Grande.

Latin Americans are very much aware of the preponderant weight of the United States in this hemisphere—our economic strength, our military might, and the sheer size of our country. They know that a 1 percent increase in interest rates here can cost them more than $1 billion in debt service payments. Changes of a few pennies in U.S. prices for coffee, sugar, or bananas mean millions of dollars for the economies of Central America. U.S. policymakers talk about the increased interdependence between the United States and Latin America, but the relationship remains lopsided.

By contrast, except in moments of crises, U.S. policymakers take Central America for granted. Given the relative weakness of the region economically and militarily, the United States enjoys a wide margin for error in its policies. Inattention and miscalculation are essentially costless to us except for the deepening resentment toward this country in the region—a resentment on which our adversaries capitalize.

5. Issues involving Central America capture the consciousness of most North Americans only in so far as they are infused with an East-West dimension.

The Reagan administration's preoccupation with Soviet expansionism has converted the current conflicts in Central America into crises demanding our attention, thereby further distorting our view of the reali-

ties of the region. Even our friends in Central America look dubiously at the recent rediscovery of their region by this country.

The United States has made a great fuss over the establishment of democracies in the region, putting our prestige and resources on the line. Our overriding concern with communism today diverts attention from the deeper realities of the region—the struggles for economic development, social justice, and national self-determination.

6. We too readily allow domestic U.S. politics to shape our understanding of Central America.

Issues of life-and-death significance within the region are exploited for electoral or bureaucratic advantage here. Eden Pastora, the Nicaraguan rebel leader, recently said, "The Americans make North American politics out of Nicaraguan politics." He was specifically referring to the battle between the administration and Congress over the wisdom and legality of CIA support for anti-Sandinista guerrillas, but he might have been describing the treatment of any number of issues.

Thus, for example, the question of conditioning U.S. assistance to El Salvador on human rights grounds is at bottom as much an expression of Congressional distrust of the Reagan Administration as of concern about Salvadoran lives. Then there are those Americans, on the left and on the right, for whom Central America is a re-enactment of Vietnam. They interpret each issue in El Salvador or Nicaragua as an opportunity to validate the lessons they learned from the war in Indochina.

The full burden of misunderstanding and miscalculation in U.S.-Central American relations does not rest with the United States. Central Americans and other Latin Americans have often failed to understand either our responsibilities as a world power or the competing interests and contradictory values at work within U.S. politics. So, too, Central Americans have sometimes complained about our insensitivity or unilateral activities while failing to assume greater responsibility for their own affairs.

Nevertheless, it is the United States that has decided to play a major role in their countries. Thus we bear a special responsibility to understand what we are doing, why, and with what consequence.●

STILL ANOTHER PRESIDENTIAL COMMISSION ENDORSES A STRONG EXIMBANK

● Mr. HEINZ. Mr. President, for the second time in as many months a Presidential commission has published a report emphasizing the importance of the Export-Import Bank. The President's Commission on Industrial Competitiveness, in its report entitled "Global Competition: The New Reality," highlighted strong support for the Eximbank as a key tool in a successful—and necessary—trade program.

Mr. John Young, Chairman of the President's Commission, and president and chief executive officer of Hewlett-Packard Co., noted in the letter submitting the report to the President, that:

After more than a year of close scrutiny, the Commission has concluded that America's ability to compete in world markets must be improved, that we should view the challenge as immediate, and that the positive effects of the recommendations we make will be felt far into the future.

The recommendations regarding the Eximbank give particular attention to the need for Exim to take an active role in combating mixed credits by devising "a competitive approach to the mixed credit financing offered by other nations until negotiations result in a satisfactory reduction of this practice."

Mr. President, mixed credits refer to the practice of many of our trade competitors of winning export sales by offering governmental loans to the purchaser that include substantial amounts of foreign aid moneys, resulting in repayment terms far below market levels. American exporters have lost billions of dollars in export sales to this kind of competition, because of their inability to obtain comparable financing for their exports from the United States.

The Eximbank has made a few small efforts at some mixed credits, which have resulted in equally small gains in negotiations to eliminate this practice. In the area of official export financing, history has given us a very clear record that fire must be fought with fire. We have been successful in our negotiations only to the extent that we have been able to convince our trading competitors that we can provide financing that is just as attractive as theirs and that therefore there is nothing to be gained by the practice.

It mystifies me, therefore, how the Office of Management and Budget could ignore this history and disregard the recommendations of two Presidential commissions by recommending that the Eximbank's direct lending authority be eliminated. Even more mystifying is the subsidy program proposed to replace it, which President of the Eximbank admits will take the Bank entirely out of the Eximbank admits will take the Bank entirely out of the mixed credit competition.

Mr President, when everyone is standing at a football game, sitting down by yourself may show leadership, but you are also likely to miss the action.

Mr. President's we cannot afford to miss the action in the international trading arena. Our economic vitality—now and especially in the future—is being determined in the competition for international business. We cannot afford to take ourselves out of that competition.

Mr. President, I ask that the portions of the report of the President's Commission on Industrial Competitiveness dealing with the Export-Import Bank be printed in the RECORD.

The report follows.

PRESIDENT'S COMMISSION ON INDUSTRIAL COMPETITIVENESS,
Washington, DC, January 25, 1985.

DEAR MR. PRESIDENT: In forming the President's Commission on Industrial Competitiveness, you called attention to the new reality of global competition faced by American industry, both at home and abroad. Your request for recommendations on ways of improving our Nation's ability to compete was a welcome challenge, one to which our diverse members brought a wealth of experience and perspectives.

After more than a year of close scrutiny, the Commission has concluded that America's ability to compete in world markets must be improved, that we should view the challenge as immediate, and that the positive effects of the recommendations we make will be felt far into the future.

This report summarizes our findings and recommendations in the four areas we believe determine our present and future competitiveness—technology, capital resources, human resources, and international trade. In addition, we have also developed an overall policy framework for both private sector and Government actions required to improve America's ability to compete.

Mr. President, it has been a great honor to serve you and the Nation. The competitive challenge calls for the leadership only you can provide. We thank you for your vision, interest, and initiatives in making competitiveness a priority on our national agenda.

Respectfully submitted,

JOHN A. YOUNG.

PORTION OF REPORT (EXPORT-IMPORT BANK)

Americans were the first and only people ever to walk on the moon. That is because the very visible challenge of Sputnik spurred us to action.

Today, a less obvious threat calls for our concerted response. Our ability to compete internationally faces unprecedented challenge from abroad. Our world leadership is at stake, and so is our ability to provide for our people the standard of living and opportunities to which they aspire.

During the past year, 30 leaders from American business, labor, Government, and academia have come to remarkable consensus on the answers to the questions below.

ARE WE MEETING THE COMPETITIVE CHALLENGE?

Not well enough. Our ability to compete in world markets is eroding. Growth in U.S. productivity lags far behind that of our foreign competitors. Real hourly compensation of our work force is no longer improving. U.S. leadership in world trade is declining. Finally, pretax rates of return on assets invested in manufacturing discourage investment in this vital core of our economy.

WHAT IS AT STAKE?

Many important national goals can be attained only if we are competitive in world markets. The U.S. position as a world leader, the ability to provide a rising standard of living for our people, our national security, and the ability of Government to fund domestic programs—all these goals depend on the ability of American industry to compete both at home and abroad.

WHERE DO WE GO FROM HERE?

Americans must take on the challenge of competitiveness as the economic agenda for the next decade. This report analyzes our current competitive performance and suggests how it can be improved. The recommendations represent a wide variety of ways that Americans in industry, Government, and academia can respond to the challenge of competitiveness. If we heed these calls to action with a shared sense of national purpose, we can shape a tomorrow for which future generations will be thankful.

U.S. exporters receive little encouragement. Our international competitors receive much greater support in their efforts to export. Great Britain, Japan, and France all spend three times as much on export promotion. Export financing is also more available in other countries. The U.S. Export-Import Bank, which supports export sales, directly finances only 6 percent of U.S. exports. Fully 35 percent of Japanese and British exports receive similar financing. Given the lower U.S. level of support, it is essential that we use our resources more effectively.

Intensify trade promotion efforts. American firms should be encouraged to export in a number of ways. The role of the Export-Import Bank in financing exports should be strengthened by removing its nonfinance-related limitations, authorizing defensive use of export financing assistance (until we succeed in getting our trading partners to eliminate use of mixed credits), and forging working relationships with local commerical banks and state export banks.

EXPORT FINANCING

The office of Management and Budget should reduce nonfinance-related limitations of the operating authority of the Export/Import Bank (Eximbank). Eximbank itself should devise a competitive approach to the mixed credit financing offered by other nations until negotiations result in a satisfactory reduction of this practice. Creation of a new congressional authorization for Eximbank for mixed credit funding on a contingency basis should be considered. Eximbank should stimulate grater private sector lending for exports by expanding its working relationship nationwide with commercial banks and State export banks.●

FLINT TO HOST NATIONAL BADMINTON TOURNAMENT

● Mr. RIEGLE. Mr. President, it is my privilege to announce that my hometown city of Flint, MI, has been selected to host the 39th annual National Junior Badminton Championship. Approximately 100 of the finest junior badminton players in the United States will gather at Central High School's LaVoie Field House during the week of April 10–13 where champions will be selected in four age divisions.

This is the second time that Flint has been selected as the site of the national championships, having hosted it in 1958. I am pleased that Flint has once again been chosen to accommodate this nationally acclaimed tournament. I ask to have printed in the RECORD an article from the Flint Journal commending the efforts of Lynn Stockton to bring the tournament to Flint.

The article follows.

[From the Flint (MI) Journal, Jan. 25, 1985]

STOCKTON BRINGS NATIONAL BADMINTON EVENT TO FLINT

(By Len Hoyes)

Lynn Stockton isn't about to abandon a 45-year-old love affair.

She's more determined than ever to keep badminton alive despite the inroads of indoor tennis arenas.

"The astronauts use badminton as part of their training program so you know it belongs," she said. "It's a great physical developer and that's the point we're trying to get across."

To further interest in the Flint area, she's bringing the 39th annual National Junior Badminton Championships here on April 10–13.

Approximately 100 of the best youngsters in the United States will be competing in four age divisions at Central High's LaVoie Field House.

Mrs. Stockton said, "LaVoie has a nice ceiling. You need height to play championship badminton."

She also directed the 23rd national tournament here in 1969 at IMA Auditorium, drawing raves from the contestants because of the high ceilings and absence of glare from windows.

She will be assisted by her husband, Sheldon, who has been a faithful companion through the years in bringing Flint to national badminton prominence.

Flint residents or players representing the Mott Badminton Club have won 40 national junior championships since her first youngsters went to the tournament at Houston, Texas, in 1965.

She has come home with at least one champion 16 times in 20 years. Brett Mercer and Teressa Gianetti, her pupils, won the 11-and-under mixed doubles title last year at Atlanta, Ga.

Her prize champ is daughter Pam Stockton Brady who won six singles crowns and shared eight doubles and mixed doubles championships between 1965 and 1972.

Mrs. Brady, a member of the Flint Area Hall of Fame, outgrew the junior-age bracket after 1972 but has frequently won adult national titles and remains the only international-caliber player in the United States.

Mrs. Stockton's pupils have won junior titles at such sites as Eugene, Ore., Manhanttan Beach, Calif., Newark, Del., San Diego and San Jose.

Many figure her zest would sag after daughter Pam graduated from juniors but it isn't the case.

"I love teaching," she said. "I'm very comfortable around children because I love kids. I've worked with kids since I've been ten years old."

The grandmother of 11 and soon-to-be great grandmother has taught and coached in the Flint community school program for 30 years.

She was active in school athletics at Central and an amateur basketball and softball player in the pre-World War II years.

She said, "We played a lot of tennis, too, but there was no winter tennis. Someone suggested a badminton program at Longfellow.

"Edythe Lipski and I showed up in basketball uniforms. I'd never seen badminton. Bob Calhoun was the instructor and he told us to watch for a while.

"Then he put us on a court and said to hit the bird as hard as we could. Some of the older women and men were amazed as us youngsters.

"Soon after that we were invited to join the Flint Badminton Club. I accepted the challenge of playing against men. It was the outlet I needed. Sheldon came with me a little later.

"Then I started working in tournaments at Haskell. You might say badminton has been a big part of my life.

"I'm not going to stop. I like to stick to something. I'm not a quitter."●

DISINVESTMENT OF SOUTH AFRICA

● Mr. SYMMS. Mr. President, even the most hardline advocates of disinvestment in South Africa accept the inarguable fact that the lowest income groups inside that country, mostly blacks, would be most injured by disinvestment. Do the prodisinvestment forces really believe the blacks of South Africa are prepared to suffer that greatly to end apartheid more quickly?

Perhaps they should heed the words of prominent blacks inside South Africa, like the distinguished Chief Buthelezi of Kwazulu, the largest black tribe in South Africa. Chief Buthelezi calls disinvestment "madness," and declares that the level of suffering would be prohibitively harsh, that chaos and violence would result. But there is a second argument against disinvestment, because the nations of the southern African continent are closely linked economically, and if disinvestment damages South Africa's economy, its trading partners will be even harder hit in conjunction. The nations led by black African leaders around South Africa acknowledge their strong economic relationship, as well as their inability to break their economic dependence upon South Africa.

White-ruled Rhodesia was the subject of vicious attacks by Members of the U.S. Congress only a few short years ago. Today, that country is well on its way to becoming a one-party state. Bishop Muzorewa, the former Zimbabwe Prime Minister, commented recently that black Zimbabweans are worse off now under Robert Mugabe's rule. Muzorewa claims "Zimbabwe has been totally deprived of the freedom she won by self-denial and supreme sacrifice," and to make his point at a press conference, displayed a picture of a black slave with a steel collar around his neck taken from "Roots."

Has the Congress learned anything from the lesson in Zimbabwe, where white minority rule was ended, and slavery initiated? I hope that American interference can continue to be a positive force for progress in ending apartheid in South Africa, not a negative one, promoting societal upheaval and playing into the hands of militants and Marxist terrorist groups who seek the overthrow of the existing government.

I ask, Mr. President, that Chief Buthelezi's statements from the Wall Street Journal on the folly of disinvestment be printed in the RECORD.

The statements follow:

DISINVESTMENT IS ANTI-BLACK

(By Mangosuthu G. Buthelezi)

In the struggle for liberation any black leader worthy of the title recognizes that the responsibility for bringing about radical change in South Africa rests on black shoul-

ders. It is a South African struggle, and blacks have to lead in that struggle until we pass the point where the drive for improvements becomes nonracial. We have to shape events in our own chosen direction, and we have to fashion our society after the models that we ourselves emulate.

It must not, however, be forgotten that in life and death situations decency is so often under siege. Bloody revolutions fought against terrible oppression do not automatically bring about great improvements. Decency in South Africa is under siege at the moment in the sense that decency and democratic nonviolent opposition to apartheid are under threat by white recalcitrance, which is polarizing society and driving blacks to despair and anger. Decency is also under siege in the sense that time-honored civilized values and Western democratic principles are being viewed as impotent by an ever-increasing number of blacks. The struggle for liberation in South Africa still could take ugly turns; the prospects of widespread devastation of property and a sharp escalation of violence leading to a race war remain an ever-present possibility.

NEED ALL-PARTY ATTEMPT

It is against these background thoughts that I ask Americans to consider attitudes toward investment in South Africa, and attitudes toward President Reagan's constructive engagement policy. As a black leader I cannot be jubilant yet about the Reagan administration's South African policy. We don't know yet what deeds will be added to words, but we are aware that sufficient political time has not passed for anybody to make judgments on Mr. Reagan's approach to South Africa. As a black leader I must welcome his attempt to formulate a South African policy for the first time in the U.S.'s history, even if it has not yet been demonstrated that the U.S. government and the American people have the will and the ability to take South African issues out of U.S. party politics. Black South Africans still don't know whether petty politicking between Democrats and Republicans will turn apartheid into an American political football for party gain.

I make the point that for the U.S. the South African situation is distant and unimportant. The remoteness of South African issues from the daily vested interests of U.S. citizens does not demand that any U.S. government make more than vague moral pronouncements on what should and should not be happening in my country. The South African issue, however, does challenge Americans' moral fiber and the U.S.—as the world's leading democracy—should make an all-party attempt to side with the oppressed in South Africa.

This thought, however, does not belie the fact that medium- and long-term economic developments in South and Southern Africa have implications for U.S. interests. South Africa after liberation will be a great gateway to the African hinterland where the process of industrialization must inevitably be talked of in terms of many millions of dollars. At this juncture, however, the immediate challenge to the U.S. is a moral challenge.

If we are to avoid a destructive conflagration of forces in South Africa, the process of change in the country must be speeded up. I fail to see how those who agree with this statement can possibly talk of our effective economic isolation. Isolation will bring stagnation to the economy and perhaps even destroy its growth base. Yet it is in the circumstances of a rapidly expanding economy, where the interdependence of black and white is vastly increased, that the propensity of the country to change is enhanced. Black vertical mobility is a concomitant of economic growth. Anybody who knows anything about a society such as ours will know that the ceilings that apartheid imposes on this vertical mobility, produce the rubbing points that mobilize opposition to apartheid where it is most vulnerable.

Apartheid has lined white pockets and succored white privilege. When white privilege and standards of living are threatened through the prosperity of blacks and there is a rising claim to recognition, then the prospects of negotiated advances are the greatest. While protected by a wide range of apartheid measures, big business in South Africa has for decades sided with the oppressor and exploited black South Africans unmercifully.

That era has passed. No big business today can secure future plans without challenging apartheid. It was the large corporations that broke the apartheid barriers that led to real advancements for black workers. Ford Motor Co.'s bold indenturing of black apprentices against the law hastened the day when job reservation had to be abandoned. Progressive managements talking, dealing and negotiating with workers hastened the day of black trade-union recognition.

It is big business that keeps institutions such as the Institute of Race Relations alive, and it is very often big business that provides the financial muscle to challenge the government in the courts on civil-rights issues, on labor issues and on contradictions and ambiguities in law; and it is international capital that can back educational and development programs. For large American companies to opt out of the South African situation is to opt out of the prospects of being catalysts in the process of change.

Increased economic investment in South Africa by U.S. companies associated with a U.S. constructive engagement policy with real meaning is a moral option that the U.S. now has. In the circumstances that now appertain, withdrawal of investments in South Africa by Americans is a strategy against black interests and not a punitive stick with which to beat apartheid.

LIFE AND DEATH DIFFERENCE

There is a great deal of genuine interest in South Africa among many Americans, but I really am fearful that the upsurge of the current debate on the disinvestment issue and on Mr. Reagan's constructive engagement policy is in part fired by Americans for Americans on American issues. Apartheid should be more than some kind of looking glass in which Americans see themselves. Apartheid is real; it is out there and millions of black South Africans suffer indescribably under it. Americans should profess a humanitarian approach to the question of what the U.S. should do about apartheid. To stand on American indignant principles by withdrawing diplomatically and economically from South Africa is a luxury that the vastness of American wealth could afford. But indulgence in that luxury for the sake of purity of conscience, whatever genuine motives produce that conscience, would do no more than demonstrate the moral ineptitude of a great nation in the face of challenges from a remote area of the globe.

Black South Africans have to confine their options to realities, and we have to seek to bring about radical change in such a way that we do not destroy the foundations of the future. More than 50% of all black South Africans are 15 years old or younger. A huge population bulge is approaching the marketplace. To greatly exacerbate unemployment and underemployment, and to greatly increase the already horrendous backlog in housing, education, health and welfare services, would be unforgivable. Millions of black South Africans already live in dire squalor in squatter areas and in shantytowns. Jobs make the difference between hunger and starvation and between life and death. For Americans to hurt the growth rate of the South African economy through boycotts, sanctions and disinvestment would demonstrate a callous disregard for ordinary people, suffering terribly under circumstances that they did not create, and would be a gross violation of any respect Americans may have for the principle that people should be free to exercise their rights to oppose oppression in the way they choose. Black South Africans do not ask Americans to disinvest. The strident voices calling for confrontation and violence are the voices most dominant in calls for disinvestment.●

STAR WARS AND NUCLEAR STABILITY

● Mr. KENNEDY. Mr. President, in a recent Los Angeles Times article, Dr. Robert Hunter, of Georgetown's Center for Strategic and International Studies, offered a thoughtful analysis of the impact of the President's Star War's initiative on nuclear stability. Dr. Hunter argues persuasively that defensive systems of the sort envisaged by the President could degrade rather than enhance stability by creating new uncertainties about each sides' likely response in a crisis. Dr. Hunter concludes:

In sum, building a full-blown Star Wars system would not, at best, make the nuclear balance any more stable. It would not eliminate Soviet and U.S. reliance on the ultimate threat to destroy the enemy's society. For such results, it is hard to justify spending hundreds of billions of dollars and running the risk that uncertainty in the heat of a crisis could make nuclear war more rather less likely.

As we prepare to consider the administration's proposal for a $2.3 billion increase in the Star Wars research budgets, I believe that all of my colleagues should study this important piece with care. I ask that the full text of the article be printed in the RECORD.

The article follows.

[From the Los Angeles Times, Feb. 27, 1985]

'STAR WARS' ERODES CONFIDENCE IN NUCLEAR WAITING GAME

(By Robert E. Hunter)

In proposing his Strategic Defense Initiative President Reagan stimulated a rich cottage industry of analysts, theorists, arguers and debaters. Indeed, the SDI (or "Star Wars") is producing more intellectual effort and concern than anything else to do with strategic nuclear forces in the last decade and a half. In the growing lists of claim and counterclaim there seems to be agreement on only two points: Any prudent President must conduct research into what is possible, and only when that research is done can we make any final judgments about the worth

of developing, producing and deploying Star Wars weapons.

The latter point, however, is incorrect. It reflects the need for an occasional "time out" in the verbal struggle over the SDI, rather than serious thought. In fact, much can be said—for good and all—about the worth of Star Wars long before anything is ready to be deployed. When all the arguments are pared to the core, two issues merit serious attention: the role of the initiative in protecting American missile silos, and its effect on the behavior of U.S. and Soviet leaders during a superpower crisis.

In the late 1970s it appeared that the Soviets would soon be able (at least in theory) to destroy most if not all of our land-based Minuteman and Titan missiles. Suggested remedies have included Jimmy Carter's "race-track" deployment scheme for the MX missile, Reagan's "dense pack" for MX, a mobile missile called Midgetman, the abandonment of land-based weapons in favor of less vulnerable missile submarines, and a breakthrough in arms-control talks with the Soviet Union. Yet the puzzle could also be solved by building defenses around U.S. missile silos. Even if they could intercept only a relatively small fraction of Soviet warheads, that would enable some American land-based missiles to survive and strike back. The Soviet attack would fail; supposedly Moscow would be deterred from attacking at all.

Serious debate can be sustained over whether such an anti-ballistic missile system is the best way to make our land-based missiles less vulnerable. Even so, a silo-protecting ABM system would not require either the proposed $30-billion Star Wars research program or trillion-dollar deployments. The technology exists today, and could be built in a few years for a few billion dollars—although, beyond the first set of weapons, this would require abrogating the ABM treaty.

Whether to try defending American cities entails more complex issues. Posed in absolute terms—that Star Wars could make offensive nuclear weapons obsolete—the argument is fantasy. The SDI says nothing about stopping bombers, cruise missiles or nuclear weapons that are "delivered" covertly to an enemy's cities. But what about a defense that could stop something between a few Soviet missiles and, say, 99 and 44/100% of them all? We can analyze the results even before knowing whether SDI research will permit a low or high degree of protection.

At any level of strategic defense short of the impossibly absolute, both Washington and Moscow would still be able to get some nuclear weapons through. Thus, *in extremis*, the threat of causing unprecedented destruction would continue, the SDI notwithstanding; the certainty of that destruction, however, would not be as evident to all concerned. This is the benefit of Star Wars to its proponents, the bane to its detractors.

The crux of the issue is the effect that this new uncertainty would have on the minds of American and Soviet leaders during a searing political crisis. The SDI's supporters argue that uncertainty about the fraction of offensive missiles that could get through would give leaders on both sides pause. Neither could risk being the first to use nuclear weapons; both would be deterred.

Uncertainty, however, can have the opposite effect. Today, both American and Soviet leaders know that, come what may, they can respond effectively and unambiguously to a nuclear attack. Indeed, anxiety to have that confidence has led both sides to deploy thousands of warheads beyond their minimal needs. Yet, with Star Wars, margins of confidence would be cut to the bone. Leaders would have to act on the basis of intricate and imprecise judgements about the reliability of their own systems (offensive and defensive) versus those of the enemy. Whether or not there is nuclear war could turn on their capacity to do abstruse "mirror-thinking" about the other side's calculations—and that is something that even in today's simpler world is notoriously unreliable.

Leaders facing these difficulties in determining which side would come out ahead would face mounting pressures to get in the first blow. And unlike today, when decisions can be delayed in complete confidence of the ability to retaliate, all this would take place under pressures for instant action. Indeed, with Star Wars, many key decisions would be delegated to computers able to respond in seconds.

Would this world of "will he/won't he" increase or decrease the pressures on leaders to use nuclear weapons in a crisis? The answer lies in the fact that the United States and the Soviet Union are not friends but enemies, with deeply conflicting interests and objectives. They are divided by ideology, mutual distrust and profound misunderstandings. In a life-threatening crisis their leaders would be less likely to follow rules laid down in a computer handbook than the dictates of political pressures, fears, instincts and mythology.

The "uncertainty" argument for Star Wars requires that both American and Soviet leaders would be sure to make well-informed, clear-sighted and rational calculations in their mutual self-interest. Yet the history of U.S.-Soviet postwar relations does not provide much basis for making that judgment. Indeed, if the superpowers were certain to pursue their relations in such an orderly way, they could rule out nuclear crises altogether, and should be able now to agree on something better than Star Wars. This would include far-reaching arms-control agreements, radical reduction in offensive nuclear forces and resolution of some East-West differences. It is ironic that the case for Star Wars rests on assumptions about the prospects for U.S.-Soviet political relations that are almost Utopian and that its proponents reject.

In sum, building a full-blown Star Wars system would not, at best, make the nuclear balance any more stable. It would not eliminate Soviet and U.S. reliance on the ultimate threat to destroy the enemy's society. For such results, it is hard to justify spending hundreds of billions of dollars and running the risk that uncertainty in the heat of a crisis could make nuclear war more rather than less likely.●

DOD BUDGET FREEZE

● Mr. HATFIELD. Mr. President, last Thursday, February 21, 1985, my distinguished colleague (Mr. GOLDWATER) made some remarks regarding a Febraury 14, 1985, letter I wrote to him outlining my personal views on the need for a freeze in military spending for fiscal year 1986. The letter was written in response to the chairman's request for suggestions on how and where to cut defense spending.

I would like to make several general observations that pertain to my correspondence with the distinguished Armed Services Committee chairman. The growing congressional consensus for a freeze in military spending is critically important to our discussions about reducing our Federal deficit. It is no coincidence that this year, military spending will exceed $700 million a day—fiscal year 1986 budget outlay equals $285.7 billion—while the deficit will climb by nearly $500 million a day—fiscal year 1986 deficit equals $180 billion.

There also exists growing skepticism about the actual national security implications of such military spending reductions. Despite widely published appeals by Secretary Weinberger and others that reductions beyond the President's request will be injurious to our security, such statements are highly subjective. I reference the recently published CIA data which indicate Soviet defense spending may have actually declined in the 1970's, as an example. More concrete examples illustrate internal cost savings in the Pentagon budget.

In discussions of last year's defense appropriations process bill, over $2.7 billion in savings from cost adjustments were found in just the personnel and operation and maintenance accounts; and in the fiscal year 1984 supplemental appropriations bill approved last August, where the Navy reactivated an entire $336.2 million battleship, the U.S.S. *Missouri*, with internal cost savings it found in the Department—Report No. 98-570, pp. 29. One may also recall the well-publicized, over budgeted procurement items; all or which followed the presumably painful concessions made by the President in his $292 billion Rose Garden agreement. Such budget reallocations and incidents of over pricing raise serious questions about the correlation between decreased spending and decreased security.

Finally, Mr. President, I would like to observe that even the traditional business community and military supporters in Congress are conducting a substantive reappraisal of increased military spending. Recent statements by the National Chamber of Commerce, the AFL-CIO, and the National Federation of Independent Businesses all question the wisdom of ever-increasing defense spending. Most of these organizations, in fact, have embraced some version of a limitation on military spending. Such public sentiment cannot be ignored by the administration nor the Congress. More importantly, many of our own military experts in the Congress are reevaluating the basic assumptions upon which our military spending and planning strategies are based, and are proposing creative alternative strategems.

Regarding my colleague's specific comments last week on my defense reduction package, I would like the RECORD to show that:

First, budget savings in my proposal on the SOTAS radar system because funds have been eliminated. Since its cancellation, however, a similar radar system called JSTAR has been initiated which maintains significant deployment drawbacks. The net effect is that no savings have been accrued by the earlier cancellation and we continue to develop deficient systems;

Second, my recommendation of a freeze on civilian pay rather than a 5-percent cut recognizes my personal preference to find savings in procurement and R&D rather than in personnel. I believe that current pay scales and personnel levels are adequate at this time and should not be increased;

Third, a freeze of production on F-15 and F-16 fighters has had strong support among many defense analysts and would not require extended inventory life if foreign military sales of such equipment were diverted for domestic use;

Fourth, the AH-64 attack helicopter might be safely useful in some secondary combat missions but is extremely vulnerable in main attack scenarios. I recommend that we drop the use of any helicopter for main attacks and rely instead on the Cobra for secondary missions. The unit cost for the Marine Cobra exceeds that of the Apache because of the limited number of purchases planned by the Marines, not because the AH-64 is an inexpensive machine;

Fifth, my recommendation to cancel SDI in its entirety is based on my long-standing belief that technology is driving the arms race, and that further expansion into space-based weapons will launch a new generation of military technology over which we will have little control. No sooner will we spend the $26 billion in research and billions more for development, than the Soviets will discover a way to avoid or destroy the system itself;

Sixth, my recommendation to cancel the MX missile because of its vulnerability and destablilizing impact on the current arms race has been well established, but is not necessarily inconsistent with a postponement of the D-5 missile package and deferral of deployment of the third Trident submarine in fiscal year 1986. I would hope the upcoming arms negotiations would set specific limits, a freeze if you will, on strategic weapons rather than allowing for planned growth in nuclear systems as these, seven. The AMRRAM missile, the M-1 tank, the Aegis cruiser, the Lantirn navigation system, the DIVAD air defense gun, and chemical weapons production were highlighted on my list along with many other systems that have received criticism from the Congress and the CBO.

Mr. President, with your permission, I will submit for the RECORD two articles on other defense cut proposals which should be considered by the Armed Services Committee. While all these proposals vary, I believe the views of our colleague, Senator WEICKER, outlined in this Sunday's February 24, 1985, Washington Post, and the recommendations of the Congressional Budget Office, highlighted in Monday's February 25, 1985, issue of Defense Week, include many of the same questionable systems.

Mr. President, I conclude by saying I agree with my distinguished colleague from Arizona that the world is a more dangerous place than it was 20 years ago. I am afraid I differ in my belief that military arms, particularly nuclear weapons, have contributed to the perilous insecurity we now are facing.

I ask that the above-mentioned articles be printed in the RECORD.

The articles follow.

CAP, YOU'RE WRONG: DEFENSE CAN BE CUT: A GOP SENATOR ARGUES FOR A STRATEGY TO SAVE BILLIONS

(By Lowell Weicker Jr.)

The good news from the President in the State of the Union was that after a $1.2-trillion military buildup, America is strong again. The bad news is that the Department of Defense, by its own estimates may be $750 billion short of achieving its stated defense objectives.

We see a secretary of defense testifying before Congress that a budget of some $314 billion contains no fat and cannot be changed one iota without imperiling national security. We read reports of defense contracting rife with inefficiency, if not outright fraud, as represented by the $640 toilet seat and a $7,600 coffee maker and weapons systems that don't work. Meanwhile, Congress attacks the problem piecemeal by merely trimming programs; it deals with symptoms rather than causes and actually makes matters worse.

The national security debate has become more a matter of defending budget levels than defending the nation.

As a matter of reality, the defense budget will be reduced this year. We in the Congress can cut the budget in a manner which continues the mismatch between our forces and the job we've assigned them to do; or we can decide first what kind of defense we want and then buy it. And if the Department of Defense insists in its zero-option approach, it should not complain about the outcome of our deliberations.

The defense budget, like the overall federal budget, is a numbers game only on its surface. Underneath lie the fundamental assumptions and goals which drive those numbers. What do we want armed forces for? That should be the first question in this debate, but now it is virtually unaddressed.

The second key question is, what are we getting for the vast amounts of money we have been spending on defense? Are we fulfilling the goals we've set? If not, why not? If we desire to manage the defense budget, rather than be managed by it, we had best take stock of where we've been, where we are and where we're headed.

Our principal national security objective is to maintain adequate nuclear and conventional forces to deter Soviet aggression globally. The United States currently possesses an effective nuclear deterrent, and with the modernization programs in progress, including the Trident ballistic missile submarine, B-1 bomber and cruise missiles, the effectiveness of our deterrent is assured for many years to come. MX and Star Wars defenses are not deterrent weapons; they are designed to fight a nuclear war. As such, they undermine strategic security and at a premium price.

While there are grounds for confidence about our nuclear deterrent, there is considerable doubt as to the capacity of our conventional forces to do their job. Our conventional forces are supposed to be able to protect our vital interests in four areas of the world: Europe, the Middle East, Southwest Asia and East Asia and the Pacific. In calculating the forces needed for these purposes, Secretary Weinberger says military planners must assume that Soviet aggression would occur in at least two of these regions simultaneously, that we must be prepared to meet it and that a long conflict would ensue between the superpowers. It is a plain truth that we lack the forces and logistical support structure to execute such plans.

What would the administration need to do to eliminate deficiencies in our conventional capabilities and build a force able to satisfy those missions? The following conditions would have to be satisfied: (1) increase the number of combat units—divisions, air wings, carrier battle groups and aircraft and ship transport units; (2) man the force with competent, well-trained personnel; (3) equip the force with modern and reliable weapons and equipment, and (4) stockpile supplies necessary to sustain the force in wartime until industry could begin to satisfy those needs.

To what extent have President Reagan's first five defense budgets, fiscal year 1981-85, succeeded in producing the needed improvements in conventional military strength?

There has been a very modest increase in the size of the force, but in only one area, naval forces, with significant increases in the number of major combatant and cargo and tanker vessels. Because of the time needed to acquire ships, some of these increases are the result of decisions taken before 1980. The most dramatic increases in the force structure, which could be attributed to the efforts of this administation, are yet to come—in 1990 and beyond. These include: building to a 600-ship Navy, including 15 carrier battle groups; four additional tactical fighter wings for the Air Force; two new light divisions for the Army; expanded airlift capabilities through the introduction of a fleet of C-5B, KC-10 and C-17 cargo/tanker and transport aircraft. Not all of these have been funded and it remains to be seen how many of them will actually be approved.

There has been improvement in the quality of personnel joining the armed forces and the rates at which more experienced people are reenlisting. Training activities, as measured by pilot flying-hours, ship-steaming time and simulated combat deployments and exercises, are near acceptable levels. However, the overall personnel strength of the armed forces is low by historical standards and the Army is near its lowest level in over 30 years.

Modernization is proceeding at an impressive pace with the introduction of new aircraft, tanks, ships and the like. Though more capable than the weapons being re-

placed, the reliability of these new weapon systems is poor in some cases. Unreliability and complexity are generating a tremendous increase in operating and support costs.

Very little progress is being made in the area of sustainability—the capacity of our logistical system to support high intensity wartime operations for the period of time specified in defense plans. Our logistical system must contain sufficient reserves—and the capacity to move them to places where they might be needed—to support our forces in an armed conflict until new industrial production can be made available. But this capability is essentially nonexistent, because it has not been funded. It is not funded because modernization is taking priority.

I think it fair to say that, to date, there have been some very limited increases in the size and capability of the force, but when compared to requirements and objectives and the level of investment, those improvements are insignificant.

How much would it cost to eliminate the deficiencies in our conventional forces and close the gap between our strategy and our capabilities?

Several years ago, the Department of Defense attempted to estimate the cost of acquiring such a force and arrived at a figure of $750 billion more than the $1 trillion already in the five year defense plan. Although the true extent of the gap between strategy and capabilities is not known, it is fair to conclude that it exists, that it is large, and that Reagan defense budgets have made little or no progress in closing it. This gap is like an exposed nerve, because its very existence belies the administration's assertions that its defense program is sound. On the contrary, by this administration's own definitions, it shows that the $1.2 trillion appropriated for that program so far has failed to solve the problem, and raises the possibility that funding levels may not be the issue.

If funding levels are not the real issue, what is the problem? It is the way major programs are handled by the Pentagon bureaucracy. In simple terms, it is a matter of having too many programs as compared to available funding, a failure to make honest estimates on the cost of those programs, and a failure to make cost and schedule allowances for unforeseen technical difficulties that almost always arise, followed by a failure of those in senior positions to accept recommendations that marginal and unsuccessful programs be terminated. And despite mounting pressure for funding, there is a disposition to create still more new programs. As unbelievable as it may seem, this means that most programs are grossly underfunded.

The problem is well understood by those in the Defense Department and Congress who have a responsibility for analyzing and evaluating programs. It has been systematically documented in numerous official studies, including a 1984 General Accounting Office (GAO) report entitled "Underestimating of Funding Requirements in Five Year Procurement Plans." That report concluded that the cost of the fiscal year 1984-88 five year plan was underestimated by up to $325 billion, or about 20 percent. The GAO believes that this problem is caused primarily by underestimating the cost of the procurement portion of the five year plan—that is, by making overly optimistic cost assumptions for weapon systems.

When estimating future funding requirements for a program, it is assumed that unit costs will decrease over time. The fact is they almost never do, and herein lies the crux of the problem. It makes the fraud surrounding the famous hammer and toilet seat look like a dime store operation. Spare parts are only one small element of a weapons system. If we are serious about controlling those costs, we must begin by controlling our appetite for more and more expensive new programs. From a dollar perspective, here is the problem crying out for some kind of resolution.

Congress examines the defense budget in great detail every year. This effort results in a large number of relatively small program reductions—actions which in our best judgment deny unneeded monies. But this is like performing cosmetic surgery when a radical operation is needed. We fail to deal with the root cause of the problem—too many programs and not enough planning—so in the end we contribute to it. That we do so out of frustration is no excuse.

Secretary of Defense Weinberger has developed a reputation for defending his budget with dogged determination and a certain measure of success. But for me he has shown a lack of precision in failing to support a searching review of the programs that make up his budget.

Recently, for example, Weinberger has become personally involved with some programs like the DIVAD gun and AMRAAM air-to-air missile, but only after both had passed over the precipice of disaster. Some feel that his actions in both instances condoned nonperformance by the contractors. Secretary Weinberger claims that he has taken decisive action on both programs.

Well, consider this. Even though the future of both programs will remain very much in doubt for at least another 12 months, he has requested $995 million in the fiscal year 1986 budget for DAVID and AMRAAM. In my view no additional funds should be provided in fiscal year 1986 for either program until all performance, production and cost issues are resolved. Appropriations provided last year are quite adequate for that task.

Another example: Why would the secretary allow the Army to resurrect and oversee the expenditure of $70 million on the Heavy Lift Helicopter program—a program specifically terminated by Congress 10 years ago? This is outdated technology, and it makes no sense to revive it now.

These examples point up a failure of the system to purge the budget of unneeded money requests. The leadership in the Pentagon is so obsessed with higher funding levels that all reason has been abandoned in pursuit of them. The situation is so bad that analysts in the Pentagon jokingly say that "data-free analysis" now forms the basis for many "analysis-free decisions" at the secretarial level.

Secretary Weinberger has had ample time, the support of the president and vast resources at his disposal. So why has he failed to create a more credible budget? Perhaps he is not disposed to the type of controversy that would surely follow. Any serious and successful effort at reform would inevitably lead to the outright termination of some weapon systems. Program terminations would involve fierce, protracted confrontations with all elements of the power structure—the admirals and generals, members of Congress and industry—mainly because they would threaten to disrupt the flow of money. By pursuing such a course, Secretary Weinberger would make himself a disliked man, but he might also go down in history as a great secretary of defense.

While fundamental reform based on honest, clear-eyed assessments of the utility of expensive weapon systems would be politically painful, it is the right course. What has been lacking is the will on the part of all of us to make the hard choices. Believe me, when my cut list (see accompanying box) hits Connecticut, a few corporate and individual constituents will want to go after this senator's family jewels.

Fundamental reform would involve two basis steps. First, the Defense Department would have to develop a strategy that is affordable. This would not mean abandoning our commitments abroad, but it would mean abandoning certain planning assumptions and out-of-date strategic ambitions, like fighting several conventional conflicts simultaneously, and giving greater weight to the contributions of our allies. Second, once the issues surrounding strategy were resolved, the force structure and programs would be tailored to match the revised objectives. And this would be the difficult part. Programs that failed to meet the new criteria would be terminated. Savings derived from program termination could then be applied to those programs deemed essential.

I have prepared a list of programs that could either be reduced or terminated. It is by no means exhaustive and should be treated as preliminary and tentative. As our hearings progress over the next few months and new information surfaces, many more specific cuts will be uncovered. These cuts will not affect force structure or readiness but will instead deny unneeded funds and slow the pace of modernization. For example, this could mean the military would have a new weapon system or item of equipment in 1991 instead of 1990—hardly a radical change in our overall military strength or our ability to carry out national security objectives.

I have not proposed any base closings on this list, but that is clearly an area that in time could yield meaningful savings. But the biggest savings will come from terminating major weapons programs. As a rule, one dollar of investment in military hardware usually leads to two or three dollars in operation and support costs over the life of a system. So, for example, my proposal to terminate the LHX/JVX advanced rotor aircraft programs could save several hundred billion dollars over the next 20 years.

I think we could hold defense appropriations for fiscal year 1986 to the level provided for fiscal year 1985, after allowing for some inflation, or a total of $293.9 billion—a reduction of $19.8 billion from the administration's budget. That is enough to meet our national defense needs and would hopefully provide Secretary Weinberger with the incentive he needs to consider fundamental reform.

National security is not just a defense budget. It is the sum total of many factors, including economics, science, education, energy and the courage of political leadership. Undisciplined but enormous increases in defense appropriations will yield only marginal improvements in military strength while sapping the economic health of our country.

WHERE TO CUT THE DEFENSE BUDGET

[In billions of dollars]

Program	Proposed changes	Reduction
Military personnel	$73.4 billion requested. Deny second pay raise scheduled for July 1985 and other possible economies, such as to deny portion of requested increase in personnel, including reserve components, limit the number of permanent changes of station moves and requested changes in PCS allowances (3.8 percent cut).	2.8
Operation and maintenance	$82.5 billion requested. Freeze civilian work force and price adjustments for fuel, foreign currency and industrial and stock fund (3.6 percent cut).	3.0
Research and development	$39.3 billion requested. Projected to increase by 25 percent overall and by more than 70 percent in one category (advanced development), including 165 percent increase for strategic defense, which is projected to grow from $1.4 billion to $3.7 billion. Increases in funding far exceed growth capacity of technology and ability of industry to absorb it efficiently. (10.1 percent cut).	4.0
Other procurement	$21.8 billion requested. General reduction based on historical averages. Possible candidates include the $1 million bulldozer (M9CEV) or the low level laser guided bomb not wanted by the Air Force. (6.9 percent cut).	1.5
Military construction	$10.4 billion requested. A 24 percent increase over last year's appropriation. General reduction based on historical averages. Unneeded programs will be found and denied (10 percent cut).	1.0
MX missile	Deny all funding	4.0
AMRAAM missile	Missile is 1–2 years behind schedule and is not ready for funding proposed in the budget. Funding provided in previous years will sustain program until cost and production problems are resolved.	.5
DIVAD gun	Deny all funding. Gun not ready for more production funds. Consider termination and recover prior year appropriations.	.5
M1 tank and Bradley fighting vehicle.	Reduce production rate to 720 vehicles per year versus higher rates requested or planned.	.3
LHX/JVX aircraft	Terminate programs. Two programs will cost in excess of $80 billion. Industry, including Bell, Boeing, Hughes and Sikorsky, have advanced rotor craft technology available that meets all military requirements.	.8
CG–47 cruiser	Fund 2 versus 3 ships per year	.9
Lantirn System	Terminate Program. A pod-mounted navigation and targeting system for F–15/16 aircraft night all-weather operations. Total cost would be $5 billion, or $5 million per pod. Direct Air Force to seek low-cost technology for night operations only.	.5
Total		19.8

[From the Defense Week, Feb. 25, 1985]

CBO ADVISES WHERE TO CUT

Congress' budget analysts last week unveiled the first defense hit list of this year, dangling before would-be defense budget cutters savings from the proposed 1986 budget of as much as $6.3 billion at a whack. The report called *Reducing the Deficit* was delivered last Wednesday to the House and Senate Budget Committees.

The biggest one-stroke reduction could be reaped if lawmakers voted to freeze next year's spending for defense research and development at this year's levels. But the Congressional Budget Office also outlined for its Capitol Hill patrons a menu of 23 possible defense cuts that gets specific, targeting technically troubled and expensive systems for cancellations and delays.

The budgeters tally, for instance, the savings to be gained by halting production of the MX missile—the currently planned deployment of which "would contribute little to total U.S. strategic capability, according to most measures." They see savings in the cancellation of the Army's troubled DIVAD air defense gun and the Air Force's LANTIRN night-time navigation and targeting system for airplanes.

They even outline the cancellation or reduction of future production of the Air Force's front-line fighter, the F–15 Eagle, and suggest the Navy go ahead and build three more carriers, only to man them with reserve forces and tie them up at the dock. And they plot the money the Pentagon would save if it slowed the rush to develop a system of defenses against nuclear missiles.

Budget authority, or congressionally-approved funding for present and future national defense programs, "stands at the highest level of any peacetime period in the history of the United States, even adjusting for inflation," the budget-watchers told lawmakers—reflecting six consecutive years of steady real growth in military spending, a pace "unprecedented in the recent past."

A cutback in that growth "would probably involve some increase in risk to national security," the budget tabulators warn. But if Congress substantially trims the levels of defense spending proposed, the action "might also force the Department of Defense to take further steps to minimize duplication of effort and wasteful management practices."

Included in the CBO's options were the following:

MX MISSILE

Cancel production of the MX missile for 1986 and beyond. Terminating the program would save $4.1 billion in 1986 budget authority ($1.17 billion in outlays in 1986) and $11.6 billion in budget authority ($10.2 billion in outlays) over the next five years. What to do with the 21 missiles we've bought? They might be used as space boosters, say the budget experts.

STRATEGIC DEFENSE INITIATIVE

Cutting back the 156 percent proposed growth in research and development on an anti-missile defense system for 1986 and spreading the next five years' growth over six years could save $900 million in 1986 ($430 million in outlays) and $7.6 billion ($6.2 billion in outlays) in the next five years. Still further savings could be realized by simply returning to the strategic defense plan in place in March 1983 when President Reagan launched the strategic defense initiative, or SDI. By reinstating the former spending level, the U.S. could save $2 billion in 1986 ($960 million in outlays) and $19.1 billion in 1986–1990 ($15.4 billion in outlays).

PATRIOT MISSILES

Reduce the rate at which the Army is buying its new medium-to-high air defense missiles, says CBO, reducing a 1986 request for 585 missiles (at $1.1 billion) to 480 missiles, and hold production at that level through 1990. The move would save $70 billion in 1986 ($10 billion in outlays) and $910 million over the next five years ($580 in outlays). It also would stretch the Army's procurement plans for the missiles by about four years, and might pump up the price that West Germany and the Netherlands will have to pay for them.

LANTIRN

Cancel it, suggests CBO, for a savings of $500 million in 1986 ($80 million in outlays) and $3.5 billion between 1986–1990 ($2.4 billion in outlays). If LANTIRN were cancelled, the Air Force might have a look at the forward-looking infrared pod the Navy uses on its F/A–18.

HELICOPTER IMPROVEMENT PROGRAM

Taxpayers could pocket $300 million savings in 1986 ($30 million in outlays) and $1.8 billion ($1.2 billion in outlays) over the next five years if the Army stopped modifying OH–58 choppers to make them better scouts and target designators and waited for the production of the LHX instead, CBO maintains.

M2 BRADLEY FIGHTING VEHICLE

Holding production to 540 vehicles a year from 1986 on would save $300 million next year (just $5 million in outlays) and $1.6 billion ($1.4 billion in outlays) over the next five, the analysts contend.

NEW SUBS AND AMPHIBIOUS LANDING SHIPS

The Navy can extend the service lives of some submarines and low-tech landing craft, called LSDs, the CBO said. Production of new attack subs could therefore be held to three, not four, per year and LSD ships to one annually instead of two. That would save $1 billion in 1986 ($60 million in outlays) and $5.7 billion ($2.1 billion in outlays) over the 1986–1990 period.

AQUILA

The Army's reconnaissance and target-designating remotely piloted vehicle is bulky to transport, requires a lot of operations and its job can be performed by other Army programs, CBO says. By delaying production of the Lockheed-designed drone until after 1990 and keeping up R&D, the Congress could save $150 million in 1986 ($10 million in outlays) and $1.1 billion between 1986–1990 ($720 million outlays). Meanwhile, the Army could use the more than 1,000 ground locator laser designators, or GLLDs, and 1,000 scout and target-lasing choppers it plans to field by 1990. In the meantime, the service might evaluate the Israeli Mastiff, the Lear Siegler Skyeye or the Canadian Sentinel for its needs, CBO adds.

DIVAD

Cut it, says CBO, and save $600 million next year ($50 million in outlays) and $2 billion ($1.8 billion in outlays) over the next five.

F–15S

Does the Air Force really need to buy 48 of its top-of-the-line fighters in 1986 and 60 per year by 1988? The CBO suggests the answer is no and proposes two cost-cutting options: freeze yearly procurement at 36, saving $300 million ($40 million in outlays) next year and $2.9 billion ($1.72 billion) in 1986–1990; or cancel the program outright, lopping $2.5 billion ($430 million in outlays) from the 1986 budget and $13.9 billion ($9.2 billion in outlays) for the next five years.●

CLARIFICATION OF THE RECORD

● Mr. SIMON. Mr. President, in the RECORD of Wednesday, February 6, 1985, page S1206, I submitted an article by Bill Rentschler entitled "Talk About Gall: Now Meese Wants Us To Pay His Huge Legal Bills." The article contained an erroneous reference to the distinguished Senator from Virginia, PAUL TRIBLE, in a sentence which said that Senator TRIBLE had urged the President to withdraw the nomination of Mr. Meese. Senator TRIBLE assured me that this is an inaccurate

statement. While I agree with the main thrust of the article, I regret the inaccuracy about Senator TRIBLE and regret having perpetuated the inaccuracy by placing the offending column in the CONGRESSIONAL RECORD.●

ANGEL CUADRA LANDROVE

● Mr. CHILES. Mr. President, I wonder if the people of Cuba know the plight of Angel Cuadra Landrove?

Angel Cuadra Landrove is poet and lawyer. Arrested in 1967, he was accused of having "worked against the security of the State." Amnesty International adopted Cuadra as a prisoner of conscience, and he was again arrested for continuing to write poetry considered subversive by Cuban authorities. He was finally released from prison in April 1982.

Cuadra's release is dubious at best. He is now a virtual hostage in Havana, for the Cuban Government refuses to grant him the required exit permit to emigrate from the country. I wonder if the Cuban people know of Cuadra's detainment and of their government's reasons or, better stated, lack of reasons for not granting him an exit permit?

It has been over 16 months since the Congress approved Radio Marti and recognized the Cuban people's right to the truth. If Radio Marti were operational, the Cuban people would be aware of the plight of political prisoner Cuadra. They would be able to hear the words he so eloquently wrote and dedicated to the "many Cubans who have died while escaping from the island."

Mr. President, I believe that Radio Marti's message needs to be heard loud and clear and soon. The Cuban people have the right to know the truth. They have a right to hear the eloquent words of this poet held hostage. I ask that a poem by Angel Cuadra Landrove entitled "This Man" be printed into the RECORD.

The poem follows:

[Reprinted from Index on Censorship (London) Mar. 23, 1973]

THIS MAN

(We shall never know how many Cubans have died while escaping from Cuba by sea.)

At night, a man,
his tragedy so small no one perhaps will ever know.
For days on end this fear was in his dreams—
long sleepless hours reviewing hopes and terrors.
He had distributed cordial smiles,
digested the slogans, made political concessions
and mutedly kneaded his helplessness.
He had to dodge the daily reefs, and still he carried on,
a simple man who went to the cinema
and walked along the street with his commonplace name.
But there was a light that hurt,
small, behind his breast and his temples.
He did not think of the wider implications
that dragged him down: a sea
in which he sank day after day.
And one night, any night,
this man shouldered his terrors and his hopes.
The moon, always mentioned in such cases,
picked him out on the beach,
his small light shining out.
Every single eye, every accusing finger,
was lifted in the shadow to denounce his flight.
He became a major fugitive amidst the loneliness,
this simple man who left his name behind him.
Where the sea put out the light
will not be known.
He is no longer on the beach
where the winds sing through flutes of salt.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(B) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 15 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Committee on Foreign Relations, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 28, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-11 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to France for defense articles and services estimated to cost $58 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST, *Director.*

[Transmittal No. 85-11]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(B) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: France.

(ii) Total estimated value: Major Defense Equipment,[1] $46 million; other, $12 million; total, $58 million.

(iii) Description of articles or services offered: Materials and services to update two TARTAR missile fire control systems, MK 74 MOD 13, to the latest U.S. Navy configuration.

(iv) Military department: Navy (LCV).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the Defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending September 30, 1984.

(viii) Date report delivered to Congress: February 28, 1985.

POLICY JUSTIFICATION

FRANCE—TARTAR MISSILE SYSTEMS REFURBISHMENT

The Government of France has requested the purchase of materials and services to update two Tartar missile fire control systems, MK 74 MOD 13, to the latest U.S. Navy configuration at an estimated cost of $58 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of France; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

This is a follow-on case to assure funding for refurbishment of the final two of four Tartar missile fire control systems which were notified in 1980. These updated Tartar systems will be installed on new construction French ships. The basic systems to be updated will come from the present class of French Navy guided missile destroyers being decommissioned. This will give the French Navy the same system configuration as the latest U.S. Navy system installed on U.S. Navy guided missile destroyers. The systems will be used to provide a modern, medium-range defensive anti-air warfare capability for French Navy ships and task forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractors will include General Electric Company of Pittsfield, Massachusetts; Sperry Univac Corporation of Great Neck, New York; Northern Ordnance Corporation of Minneapolis, Minnesota; and Raytheon Corporation of Waltham, Massachusetts.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to France.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 26, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-13 and under separate cover the classified annex thereto. This Transmittal concerns the Department

[1] As defined in section 47(6) of the Arms Export Control Act.

of the Navy's proposed Letter of Offer to Japan for defense articles and services estimated to cost $41 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST, *Director.*

[Transmittal No. 85-13]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Japan.

(ii) Total estimated value: Major Defense Equipment,[1] $29 million; other, $12 million; total, $41 million.

(iii) Description of articles or services offered: A quantity of three MK-15 MOD 2 PHALANX Close-In Weapon Systems, with related logistics and engineering support.

(iv) Military department: Navy (LJK).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the Defense articles or Defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending March 31, 1984.

(viii) Date report delivered to Congress: February 26, 1985.

POLICY JUSTIFICATION

JAPAN—PHALANX CLOSE-IN WEAPON SYSTEMS

The Government of Japan has requested the purchase of a quantity of three MK-15 MOD 2 Phalanx Close-In Weapon Systems, with related logistics and engineering support at an estimated cost of $41 million.

Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring the peace and stability of that region. It is vital to the U.S. national interests to assist Japan in developing and maintaining a strong and ready self-defense capability which will contribute to an acceptable military balance in the area. This sale is consistent with these U.S. objectives and with the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security.

The sale of these systems, which will be installed on three new destroyers to be built in Japan, is in keeping with United States desires that Japan expand its defense role. Use of the Phalanx systems will enhance the operational capability and survivability of these destroyers and support them in their mission of sea lane defense.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Pomona, California.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel; however, two contractor representatives will be required for six months in Japan.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

[1] As defined in section 47(6) of the Arms Export Control Act.

NATIONAL EYE DONOR MONTH

● Mr. MOYNIHAN. Mr. President, few medical advances in the 20th century have been as remarkable as the development of the cornea transplant. Patients who once would have been doomed to a life of blindness can have their sight and livelihoods restored through eye donation. The Eye Bank Association of America will celebrate its annual National Eye Donor Month in March, and I am taking this opportunity to commend them for their continued diligence and good works.

Since the first cornea transplant operation was performed in Austria in 1905, tens of thousands of people have regained the gift of sight. With steady medical advancement, the operation has achieved a 90-percent success rate; last year alone, more than 22,000 Americans received eye transplants. The success of cornea transplants ultimately rest on the availability of eye donors. Although research is continuing, no synthetic cornea has yet proved effective, and unfortunately, shortages of available eye tissue prevent doctors from helping more people who need transplants.

Many Americans may not be aware that they can help alleviate this shortage by pledging to donate their eyes. All human eye tissue is acceptable, regardless of the donor's age or quality of vision. Tissue unsuitable for transplant can still be used for research on other eye-related ailments, including diabetes, glaucoma, and retinal disease.

The 88 eye banks of the Eye Bank Association of America are committed to reducing the shortage of available eye tissue, and are working together to increase the public's awareness of the need for eye donations. Five of these eye banks are in New York State, and they and their directors deserve special recognition. They are: Mary Jane O'Neill of the Eye Bank for Sight Restoration in New York City; Ed VanDenburgh of the Sight Conservation Society of Northeastern New York, Inc., in Albany; Jim Jerva of the Central New York Eye Bank and Research Corporation in Syracuse; Keith Winship of the Buffalo Eye Bank and Research Society, Inc.; and Linda Spear of the Rochester Eye and Human Parts Bank. I would note that the Eye Bank for Sight Restoration in New York City, established by Dr. R. Townley Paton in 1944, was the first eye bank in the United States.

Eye donations allows those who can see to share their sight with others. For the past 2 years, I have introduced legislation to acknowledge the great contributions of America's eye banks. I am pleased today to recognize these outstanding organizations as they celebrate their National Eye Donor Month.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 15 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification I have received. A portion of the notification, which is classified information, has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, Room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 28, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 85-18, concerning the American Institute in Taiwan's proposed Letter of Offer to the Coordination Council for North American Affairs for defense articles and services in excess of $50 million. Since most of the essential elements of this proposed sale are to remain classified, we will not notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-18]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(B) OF THE ARMS EXPORT CONTROL ACT

(i) (U) Prospective Purchaser: Coordination Council for North American Affairs (CCNAA) pursuant to P.L. 96-8.

(ii) Total Estimated Value: Major Defense [1], other, total [deleted].

(iii) Description of Articles or Services Offered: [deleted].

(iv) (U) Military Department: American Institute in Taiwan for the U.S. Army (YHK and YHL).

(v) (U) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) (U) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) (U) Section 28 Report: Case not included in Section 28 report.

(viii) (U) Date Report Delivered to Congress: February 28, 1985.

POLICY JUSTIFICATION

(U) The proposed sale of these defense articles and services is consistent with United States law and policy, as expressed in Public Law 96-8.

(U) The sale of this equipment and support will not affect the basic military balance in the region.

[1] As defined in Section 47(6) of the Arms Export Control Act.

(U) Implementation of this sale will not require the assignment of any U.S. Government personnel to Taiwan. This sale will require assignment of contractor representatives to Taiwan; the number of representatives and length of time in-country is unknown at this time.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

CETC TESTIMONY ON EXPORT TRADING COMPANIES

● Mr. HEINZ. Mr. President, Ron Wakeford, executive director of the Council for Export Trading Companies, is the author of some excellent testimony recently on the role of States in development of export trading companies.

Prepared for the Oversight and Investigations Subcommittee of the House Energy and Commerce Committees, Mr. Wakeford's testimony provides a thorough analysis of roles State and local governments might play in stimulating formation of ETCs.

The authors of the Export Trading Company Act of 1982, including myself, envisioned State and local governments stimulating ETC formation and in some cases participating in their formation. Some of this activity has already begun.

Later this year the International Finance Subcommittee of the Banking Committee, which I chair, will hold oversight hearings on the Export Trading Company Act and the way in which it has been utilized since its enactment in 1982. At that time I anticipate that Mr. Wakeford and other expert witnesses will appear.

Mr. President, I ask that Mr. Wakeford's statement be printed at this point in the RECORD.

The statement follows:

INTRODUCTION

THE ROLE OF STATES IN ETC DEVELOPMENT

(By Ronald C. Wakeford)

The purpose of this report is to address the question of: "What is an appropriate role for states and local governments to assume in the development of export trading companies (ETCs)?" Emphasis in this discussion is placed on improving the participation of small business in the exporting process through the development of public-private ETCs. In order to develop the key points of an argument suggesting that states can, and should play a major role in this area, I will comment on a number of related topics that identify the need for local government action. The topics are: Congressional and Administration recognition of the key role of states; obstacles, problems, and other impediments to small business exporting on their own; the marginal results obtained from past efforts to stimulate small business export; the present dearth of private sector intermediaries to support small business; the perceived role and actual programs of states; and a review of full-service ETCs and the role of states.

First, and for the record, let us look at the language used by Congress in considering the benefits to be derived by public sector participation in the development of ETCs. (See Fig. 1.) The underscoring has been added in the figure. The final statement in this illustration uses the terms organize, own, participate in or support ETCs. There seemed to be little doubt about the views of Congress on this subject.

To cap these words and lend support to Congressional statements, an administration spokesman noted with enthusiasm, shortly after passage of the Act, that some state legislatures were already working on: The development of state government affiliated ETCs; the creation of ETCs using partial state funding (public-private ETCs); and the establishment of export-import banks, guarantee loans for pre-export activities, and the sale of bonds for trade promotion activities.

It must be remembered that these statements, regarding the states and their role in the development and support of ETC development, were approved unanimously by both House and Senate. The Administration provided considerable support to Congress by emphasizing the need for ETC development in all sectors of the national economy. Political partisanship was not an issue, and neither was the question of local government interference in the private sector.

This latter point requires expansion to better understand the evolution of the ETC Act, especially as it concerned the status of small- and medium-sized businesses and the perceived need for trading companies of all kinds—private, public, and hybrid—to evolve.

IMPEDIMENTS TO SMALL BUSINESS EXPORTING

The Council for Export Trading Companies recently participated in a study for SBA to explore ways and means to develop an improved small business export expansion program. This effort paralleled, in part, the analyses undertaken by Congress in the development of the ETC Act and other small business export promotion programs. One aspect of this work involved a survey of small businesses, small business associations, and other public and private institutions to gather data on their attitudes towards exporting. The overwhelming response to the survey was that small business needed umbrella organizations or trade intermediaries to provide hands-on support to move their goods from loading dock to overseas buyers. In effect, small businesses were saying that they need to sell goods for export in the same manner as that of selling to a domestic wholesaler. Product modification and discounting to suit overseas market requirements presented no problem, but the perceived high risks and resource needs dissuaded them from exporting as a sole participant.

The impediments to solo entry included: (1) limited financial resources; (2) shortage of both knowledgeable and available manpower; (3) uncertainties regarding the marketing of products internationally; (4) recognition of the emerging importance and complexity of countertrade; and (5) concern over the maintenance of domestic markets. Let's pause for a moment to define business size which can be grouped, as shown in FIG. 2., into three categories. These categories include the Fortune 1000 industrials, a middle group with an employee base of over 500, and small business which is usually categorized as institutions with less than 500 employees. As noted in the figure, large- and medium-sized businesses are well served by their own international divisions or through trade intermediaries. However, small business is not generally served through the private sector for very good reasons.

PRIVATE SECTOR SUPPORT

As noted in the figure, there are two main institutions that could fulfill the comprehensive trade needs of small business, these are: export management companies (EMCs—often referred to as Title 1 ETCs); and the evolving ETCs. Let's look first at the EMCs. These have been with us for a long time and serve as manufacturers' representatives, often through the medium of becoming the international division of the companies they represent. It is estimated that the overwhelming majority of EMCs, which are estimated to number something less than 1500, are small businesses themselves, and that about 90 percent of EMCs do less than $5 million in gross sales per year. To develop and maintain profitability, EMCs must look upward through the spectrum of businesses to find those medium-sized institutions that can provide the products, continuity of operation, and capital resources to sustain a sometimes long-term effort to develop overseas markets. Cost-sharing on selected aspects of the trading process is common and may require a considerable investment by the small producer who wishes to be supported.

Similarly, the larger EMCs dealing with manufactured products, of which there are possibly 20-30 with sales of $40 million and greater, are very selective in the extension of services to small businesses. From their perspective, it is expensive to bring them into the international marketplace, and requires a great deal of effort to identify, contact, and sell them on the merits of exporting. The emerging Bank Holding Company ETCs are similarly restricted and are also reluctant to take on an unaffiliated small business that is new to exporting. This family of trading intermediaries, including EMCs of all sizes and BHC-ETCs, in the tough trading environment currently facing U.S. trade intermediaries, will not as a general rule: contract with or otherwise market the products of new-to-export small companies; and will consider engaging with small businesses having patented products, on otherwise proprietary item, or is considered a prominent manufacturer in the production of a line of goods.

In the latter instance, relatively few small business manufacturers can expect to obtain private sector EMC-ETC coverage without some form of support from the public sector.

A final category of a private sector trading intermediary is the Title 3 ETC, or those that are certified by the Department of Commerce. These institutions are comprised largely of small businesses that have joined together with other companies, often marketing similar products, to penetrate overseas markets. These institutions are growing in number and offer an exciting opportunity for export growth. But the thousands, if not tens of thousands, of small businesses with export potential still lack, at this time, practical umbrella organizations. Thus, the private sector ETCs offer only limited oportunities to the small business manufacturer.

THE FEDERAL PROGRAMS TO STIMULATE SOLO EFFORTS

The federal funds allocated to the task of stimulating small business exports have generally been allocated to states and other local government, universities, trade associations, and a small number of private for-profit institutions. These efforts to assist individual small businesses to export on their own has only met with marginal success. GAO and other Congressional information,

and more recently a Department of Commerce report on this subject, all attest to the failure or marginal utility of these programs to make significant progress.

In one instance, the DOC funded sixteen organizations in October 1982, including thirteen states and local government entities, and three other institutions. The maximum grant available was $150,000 and a total of $4 million was expended (including the cost share of 50 percent). The objectives of the program was "encouraging the development and implementation of a small business international marketing program". In commenting on the performance of the grant recipients, the report noted that the total amount of "new to market/new to export sales generated" was only $4.3 million. The DOC report stated flatly that the $4.3 million figure was probably inflated and that "grants are not an effective method for encouraging development of continuing self-sustaining small business international marketing programs".

With the growing emphasis on "federalism", it is unlikely that we will see an expansion of funded federal programs to further stimulate small business export expansion. Further reliance on the states to service this need will tend to be the theme struck with considerable emphasis during the coming years.

STATE PROGRAMS

With the private sector and federal efforts tending to strike out in the small business export expansion program, let's look at the role of the states.

Of serious concern to all states is the maintenance or further development of their industrial or manufacturing base. To this end, most states spend sizeable amounts on encouraging industry to relocate to their territory. Of parallel importance, in many instances, is the delivery of a strong export program to provide further incentives to the transfer facilities. Similarly, the encouragement of foreign enterprises to relocate occupies a significant proportion of time spent by state employees located overseas. Their success in the future may well depend upon a parallel and an increasingly aggressive program to move the goods produced into the world trade stream.

Each state has developed its own particular form of small business support to exporting and, in a few instances, to the establishment of ETCs. This has been based on its own economic development objectives and exporting capability. The types of assistance provided can be discussed under three major headings, these are: (1) information dissemination; (2) organizational and service support; and (3) direct participation (See Fig. 3.)

The figure shows a spectrum of activity ranging from the passive informational approach to that of developing a fully-owned and operated state ETC. As the trade deficit worsens, most states are becoming more aggressive in their roles and are moving rapidly towards the "hands-on" support effort characterized by the term Direct Participation.

FULL-SERVICE ETC'S

The remaining question is how far have the states already progressed toward the provision of ETC services and what further steps would be necessary to bridge remaining gaps. If the activities of a full-service ETC are divided into three components, they would consist of: (1) market analysis, development and sales; (2) trade flow management; and (3) trade financing. Fig. 4 provides information on the activities associated with each of these headings.

In reviewing the tasks identified in the figure, it becomes apparent that many states, especially those with port authorities accomplish many of the functions listed and require only the establishment of cohesiveness within existing state activities to establish public or public-private sector ETCs. Of the three major roles, trade flow management is well within the grasp of port authorities with a minor expansion of capability needed in some instances. Landlocked states have, in a number of instances, established working relationships with port authorities in other states to round out their trading capability. Regional efforts to further develop this practice and build multistate ETC capability, either by product area or international market focus, can enhance the probability of export success for all involved in the venture.

As noted previously, trade financing is underway in some 20 states and does not require further discussion. The most difficult aspect of the problem can be found under the heading: Market Analysis, Development and Sales.

Many of the activities illustrated in the figure are already being accomplished by states, however, countertrade assessment and related action programs are still to be grappled with in most public sector organizations. Similarly, market entry strategy and business planning by product or commodity area tends to be lacking. Finally, direct sales to foreign customers has not been a traditional role for the states, although states and port authorities with overseas offices have been "selling services" for a lengthy period. These gaps, in the overall spectrum of activities that a full-service ETC would fill, are not difficult barriers to surmount. To the contrary, trained manpower already exists, and on-the-job training can be undertaken to fill gaps in capability.

STRATEGY FOR THE FUTURE

In evaluating the future role of states in promoting small business exports and the development of ETCs, there appears to be three principal options, these are: To provide the major stimulus for the evolution of trading companies within the state; a hybrid approach aimed at the development of a public-private sector ETC using existing capabilities that are available in both areas of the economy; the establishment of state-owned, managed, and operated ETCs based upon the expansion or unification of public capability in the export field.

Although both the first and third options have considerable merit, it is the second option that appears to be most advantageous for small business export development in the near term. Accordingly, the following comments have been restricted to a discussion of the hybrid approach.

A PUBLIC-PRIVATE ETC

To summarize the potential role of states in organizing ETCs in support of small business, an illustration has been prepared to show how one such entity can be constructed from both private and public sector resouces. (See fig. 5)

The figure shows a mixture of public-private relationships that are practical and can be developed without injury to either sector of the economy. Little needs to be said about the relationships that already exist in the Trade Flow Mangement area where port authorities routinely interact with freight forwarders, warehousers, and transportation firms. Similarly, in the Financing area, public and private sector combinations are already at work to simplify the funding of both purchaser and buyer in the export field. Some activities associated with Market Analysis, Development, and Sales, however, will need support from the private sector to round out the achievement of ETC capabilities.

As shown in the figure, the state ETC can draw upon existing federal information and other services and some key personnel from the private sector. This public-private entity can also be the catalyst for the evolution of private sector ETCs, but state programs are needed in the near term to bridge the burgeoning trade gap.

CONCLUSIONS

In conclusion, it can be shown that: The states have a clear mandate and singular responsibility to promote small business exports by organizing, owning, or participating in the development of an ETC or ETCs; federal program support and private intermediaries have not or cannot bring small businesses to market in sufficient number to substantially improve the U.S. trading posture; many states are already involved in aggressive and comprehensive programs that simulate ETC activities; only a modest additional effort may be required, in many instances, to adapt present programs and develop a full-service ETC; and an opportunity is provided to combine public and private capabilities without impinging on the role of either segment of the economy.

FIGURE 1.—PUBLIC PARTICIPATION IN THE ETC DEVELOPMENT PROCESS

The ETC Act of 1982—title 1, sec. 102(A)(9): Those activities of State and local governmental authorities which initiate, facilitate, or expand exports can be an important source of expansion of U.S. exports (and) for experimentation in the development of innovative export programs.

Conference report on S. 734: State and local government entities, including port authorities, to continue their efforts including their ability to organize, own, participate in, or support ETC.

FIGURE 2.—BUSINESS PROFILES

Mode of export operations: Large: Multinationals, international division; Fortune 1000 companies, some fully-owned ETCs; special market ETCs.

Needs: Small: Well serviced. Minimal reliance on external ETCs.

Mode of export operations: Medium: More than 500 employees, international division; less than $125 million, exports through ETCs.

Needs: Modest: Able to operate independently or through existing trade intermediaries.

Mode of export operations: Small: Less than 500 employees, some "do it yourself" activity; high-tech, patentable products, ETC attention; majority do not export.

Needs: Extensive: Hands-on and comprehensive support needed, gap in private intermediary coverage.

FIGURE 3.—STATE EXPORT ACTIVITY GROUPING

Information dissemination:

Advisory services on Federal programs; newsletters on trade; sponsorship or cosponsorship of export seminars; directories of export services; export guides.

Organizational and services support:

Catalogs and promotional material; outreach and counciling; statewide survey of export potential; State-developed trade leads; matchmaking and distributor identification.

Direct participation:

Trade missions and shows; overseas promotional offices; market analysis by industry and company; trade financing programs; public sector ETC development.

FIGURE 4.—FULL-SERVICE ETC'S AND STATE OPPORTUNITIES

Market analysis, development and sales:

Sourcing—analysis of small business export base; market research by international region or country, and by product area; countertrade assessment; market entry strategy and business plan; identification and selection of distributors; advertising, promotion, and public relations; negotiations and sales.

Trade flow management:

Inland transportation; packaging—labeling; goods-in-transit insurance and freight; customs clearance; documentation; shipping; warehousing; overseas inland transportation; follow-up services.

Trade financing:

Pre-export financing for small business; goods-in-transit financing (short, medium-term); risk lay-off insurance and guarantees; buyer financing (short, medium and long-term).

FIGURE 5.—A PUBLIC-PRIVATE HYBRID ETC

AN ORGANIZATIONAL OPTION FOR A FULL SERVICE PUBLIC-PRIVATE SECTOR ETC FOR SMALL BUSINESS

Financing:

Public sector: Appropriations; bonds; loan guarantees.

Private sector: State bank loans; insurance companies; other private.

Trade flow management:

Public sector: Port authorities; industrial development corporations.

Private sector: Local transport; warehousing.

Market analysis development, and sales:

Public sector: Sourcing, strategy and business planning; overseas offices.

Private sector: International business and consulting firms.

With support from: Federal information services; State export programs and overseas offices; small business and private sector supporting institutions.●

MARY McLEOD BETHUNE HONORED WITH COMMEMORATIVE POSTAGE STAMP

● Mr. HOLLINGS. Mr. President, today the U.S. Postal Service is honored with the issuance of a commemorative stamp the life of a great American, South Carolinian and black educator, Mary McLeod Bethune.

Mary McLeod Bethune was one of the most extraordinary individuals our Nation has ever known. Born in Mayesville, SC, the daughter of former slaves, she rose to become not merely a great black educator, not merely a great woman educator—but great among all American educators.

Mary McLeod Bethune taught not only women and people of her own race, but all Americans. She almost singlehandedly built Bethune-Cookman College in Florida. She was an adviser to Presidents, the first black woman to head a Federal agency, and the founder of the National Council of Negro Women. She was the most influential black woman in the United States for more than three decades. Her impressive skills as a leader and her ability as an orator brought national attention to the problems of black Americans.

Most remarkably, this dynamic woman achieved national stature during a period in our Nation's history when, regretably, it was next to impossible for anyone of her race and gender to do so. It is quite proper to say that she overcame incredible odds.

In 1895, when Mary McLeod Bethune was graduated from Moody Bible Institute in Chicago, she aspired to become a missionary in Africa. She never realized this ambition—but oh, how fortunate we are today that she ultimately pursued her life's goals within the borders of her own country. Mary McLeod Bethune, along with other men and women of her time who worked to increase educational opportunities for blacks, laid the groundwork for the great social stuggle which occurred in the decade following her death in 1955. The succeeding generation of educated black Americans moved an entire country to confront its conscience and work to protect the most fundamental rights of a free society—the right to vote and the freedom to be. Mary McLeod Bethune was an inspiration to the movement which furthered the cause of America and brought about a more equitable society.

We in South Carolina are proud of this distinguished native of our State. We are proud of her works, her achievements, and the courage and perseverance she exhibited throughout her lifelong crusade for minority rights and opportunities. Mary McLeod Bethune was a pioneer in the struggle for education and civil rights, and it is fitting and proper that we honor her today with the commemoration of this postage stamp.

Mr. President, I ask that this article which appeared in the Washington Post on Sunday, March 3, 1985, be printed in the RECORD.

The article follows:

EDUCATOR BETHUNE HONORED

(By Samuel A. Tower)

The resolute jaw and firm eyes of the woman on the latest U.S. commemorative bespeak the determination that enabled a child of former slaves to overcome apparently insurmountable obstacles to become a leader in education and a force for social change.

The woman on the new 22-cent stamp, appearing this Tuesday, is Mary McLeod Bethune, who appears on the eighth issue of the Black Heritage USA Series. The series began in 1978 with a stamp for Harriet Tubman, who helped more than 300 slaves escape via the Underground Railroad.

Bethune was born in 1875 in Mayesville, S.C., one of 17 children and the first to be born in freedom. Her parents bore the surname of their owner. The family worked for the former owner to earn enough to buy a five-acre farm. Children and parents all worked in the rice and cotton fields; at the age of 9, Mary could pick 250 pounds of cotton a day. But she could not read or write, for no black child could get an education.

She was lucky. When she was 11, a free Presbyterian mission school opened in the area, and for the next six years she trudged five miles each way, taking in all the school offered. Ready and eager to go on elsewhere, she could not because the family mule died, and the farm had to be mortgaged to get another.

Enter luck again. Through the beneficence of a stranger, a schoolteacher in Colorado interested in the Mayesville school, she was given a scholarship to the Scotia Seminary for women in Concord, N.C., where she learned English, Latin, mathematics and science and became qualified to teach. An abiding faith that things would work out was with her all her life, and they usually did.

In 1904, with a total of $1.50, she started a school of her own in growing Daytona Beach, Fla., in a rickety four-room cottage with five girl pupils. The students used crates for desks, charcoal for pencils and mashed elderberries for ink. From the first, she concentrated on teaching black girls, feeling they had fewer educational opportunities than black boys.

The school soon outgrew its four rooms. She acquired a dumping site for $5 down and built a school with borrowed material and contributed labor. She rang doorbells, buttonholed tourists and appealed with success to James Gamble, son of the founder of Procter & Gamble, and other magnates.

The Methodist Episcopal Church, North, became a sponsor of her school in 1923 and in 1929 merged it with the men's Cookman Institute to create the Bethune-Cookman College, with Bethune as president, a post she held until the mid-1940s.

In 1936 she became a national figure when President Franklin D. Roosevelt appointed her to direct a division of the National Youth Administration. For eight years, she worked at providing for hundreds of thousands of black youths training for jobs they could fill, often the only education they could hope to get. At that time, it was the highest federal post held by a black woman.

Bethune died in 1955 in Daytona Beach.

The design of the multicolored vertical, in the standard commemorative size, is based on a well-known photograph provided by the Bethune Museum and Archives Inc. Two years before her death, she incorporated the Mary McLeod Bethune Foundation, to which she endowed her home with all its archives and personal belongings. The designer was Jerry Pinkney of Croton-on-Hudson, N.Y., who has done all the stamps in the series.

The stamp has been produced by gravure in six colors: yellow, red, blue, black, purple and green. Each post office pane of 50 stamps has on the selvage a six-digit plate number along with the other three usual marginal inscriptions.

The plate number is preceded by the letter "A," as with all issues printed "outside," under contract to private companies.

Collectors of first-day-of-issue cancellations have the usual 30-day grace period for ordering—others must be postmarked no

later than April 4—and the customary alternatives in placing orders.

Collectors acquiring stamps: Those affixing stamps on envelopes, which must bear addresses, should send their covers to Customer-Affixed Envelopes, Mary McLeod Bethune Stamp, Postmaster, Washington, D.C. 20066-9991. No remittance is required.

Postal Service affixing stamps: Collectors preferring complete processing by the USPS should send their covers, which must be addressed, to Mary McLeod Bethune Stamp, Postmaster, Washington, D.C. 20066-9992. The cost is 22 cents per stamp affixed on a cover. Personal checks are accepted, cash is unwelcome, postage stamps in payment are not accepted.●

SENATE JOINT RESOLUTION 70—NATIONAL AGRICULTURE DAY

● Mr. D'AMATO. Mr. President, today I am pleased to cosponsor a joint resolution introduced by my distinguished colleagues, the chairman and the ranking minority member of the Senate Agriculture Committee to proclaim March 20, 1985, as "National Agriculture Day."

For the past several years, the Agriculture Council of America has coordinated this day's activities in an attempt to create an awareness among people throughout the United States of the great importance of maintaining the agriculture industry. I am proud to say that my great State of New York is ranked first nationally in the production of creamed cottage cheese and cabbage for kraut; second in the production of apples, corn for silage, fresh market sweet corn, Italian cheeses, low-fat cottage cheese, maple syrup, beets for processing, tart cherries and, most recently, New York has regained the number two spot in the production of total cheese, snapbeans, milk, and cabbage for fresh market; and fourth in the production of pears, celery, onions, cauliflower, and ice cream.

As these production figures indicate, New York is a strong agricultural State. The joint resolution that I am proud to cosponsor today will promote and recognize the importance of the agriculture industry, not only in New York, but throughout the United States.

Mr. President, I urge the adoption of this joint resolution.●

RAIL CROSSING SAFETY

● Mrs. HAWKINS. Mr. President, a tragic collision between a train and a schoolbus late last fall in Port St. Lucie, FL, led to a series of reports in the Mirror Newspapers on the subject of rail crossing safety. Their reporter, Cathie Macaulay, discovered a situation that is disturbing, to say the least.

All of us have experienced the frustration of calling the bureaucracy to seek information on a program, only to be referred to a seemingly endless series of other offices, none of whom are willing to acknowledge responsibility for the matter in question. Yet the reaction of State and Federal officials to the question of who is actually responsible for safety at railroad crossings, even by the standards of those experienced in dealing with the bureaucracy, resembled nothing as much as the classic Abbott and Costello routine, "Who's on First?".

Virtually everyone comes into contact with railroad crossings on a regular basis. The Federal Highway Administration allocates millions of dollars annually for rail crossing safety improvements, such as flashing lights and gates. Yet there are no Federal standards on how the money is to be spent, and no apparent research underway on making crossings safer. The situation is frightening.

I believe it would be an educational experience for each of us to read the series, and I ask to insert the articles in the RECORD at the conclusion of my remarks. I also plan to take the matter up with the Committee on Environment and Public Works as we consider new highway legislation this year.

The article, follows:

RAILROAD CROSSINGS; DEATH AND BUREAUCRACY

CROXXXXXXING

(By Cathie Macaulay)

Every time I hear the rumble of a train, I think of her. That young child who was known as Ramie Finn.

She was one of the children who died in a recent train, bus collision that happened at a railroad crossing on Walton Road in Port St. Lucie.

I went to Ramie's wake and watched as her father, Steve, kept twirling her hair, the same way he used to before his daughter died.

I wanted to do something, but I have been taught never to randomly place blame. It only compounds the issue and never solves the problem. But, after talking with many people in the railroad business, the problem of train crossing safety admittedly exists on a large scale. Yet nowhere, could I find the problem sufficiently addressed. Instead, what I found was a classic example of bureaucracy with everyone sluffing off responsibility onto another.

Most times I accept that as part of our large government, but when people die in the red tape, I have to question the system.

I talked with the Association of American Railroads. They are working on many important issues. They told me that railroad tracks have almost been completely rebuilt in this country to make them safer. They have improved railroad employee safety conditions, and a host of other important factors.

But the problem that accounts for the largest single cause of fatalities in the railroad industry is implied to be the people's problem. The trains were here first. It's a hands-off approach at best.

I was told to talk with researchers in the Transportation Test Center in Pueblo, Colorado, because they were busy testing everything there.

I spoke with a nice gentleman who told me of a few great strides that had been developed in the industry. But train gate safety? Ah shucks, what can be done about cars running into the sides of trains. He did tell me that in the early 70's, the center, now with 200 employees, tested the impact of train, car collisions. He said the film was frightening.

He said I should call the Association of American Railroads to find out what research was on the dockets, since they were the ones who were operating the center, even though it is still a federal facility doing the majority of its testing for the Federal Railroad Association. He said the AAR would know what gate crossing tests were planned, because he didn't know a thing. What he didn't know was that they had told me to talk to him because he was supposed to know.

The Association of American Railroads spokesman told me to talk with the Federal Railroad Association (FRA), about train regulations. I did, and found out that the FRA regulates trains, but that train crossings are regulated by the Federal Highway Administration, (FHA), since railroad crossings intersect with roads, and therefore, fall under their jurisdiction. Besides, they are the ones that hand out the money for railroad crossing devices.

An FRA spokesman told me that, even though the FRA is the organization that employs 325 railroad inspectors to travel around the country making certain everything is in safe order. They are also one of the organizations that investigates train accidents.

I called the FHWA. Ah, shucks no, they said. They hand out "recommendations" to train gate safety, but the regulations come from each state's public utility commissioner.

In Florida, that position is described as a public service commissioner. I found that out because I called one of them and asked about train crossing regulations.

Ah, shucks no, they said. As far as trains go, we only deal with gates and abandonment of stations.

I asked an FHA official if he would leaf through one of his recommended books and find out what recommendations existed for gate crossing arms. He tried, but he said he would waste both our time trying to find it. He told me he would call me back. He very nicely did.

The FHWA may not regulate train gate safety, but they still dole out the money for them.

In 1983, $5.8 million was alloted to train crossings in Florida alone, thanks to the U.S. Congress. But to find out where the money is spent in Florida, I had to talk to the safety office of the Florida Department of Transportation, since that group proceeds with the specific projects.

I spoke with the manufacturers of train gates. I talked to a salesman who said the government must promote a need for gate safety before anything can be done on a design-change basis, or at least, in my opinion, an updating one.

He told me to call someone in the gate manufacturer's research and development department. He told me they would know what was being done:

I did, and they didn't.

But someone told me that he had a two volume set of advisory qualifications for train safety equipment. But this set was put out by the AAR, not the FHA, who I thought was the one handing out the recommendations. He tried to leaf through to the section on train gates, but he got lost somewhere in the shuffle too.

We are not speaking of fine points of the law. We are talking of a simple question of who does what, and for whom?

There is a lot of money being shifted around. Almost as much as there is responsibility. The people I spoke with from the varied agencies are not the "bad guys." They are trying to do their jobs, a task that needs to be accomplished has been lost in the "largeness of bureaucracy."

What is the issue here? What are we trying to do? We are trying to help overcome a potentially dangerous hazard that at least every organization has agreed exists; that railroad crossings are a major contributing factor to railway fatalities.

Everyone has admitted that. Especially, a train engineer who said he gets nervous when going by crossings because of all the people trying to go around the gates, trying to beat the train.

I admit my bias. When I was a child, my father took all four children over an Illinois train crossing to the matinee. The Northwestern train was making a non-stop run through our town at the same time we crossed.

They used a blow torch to get our car off the train that eventually stopped a distance down the track.

The accident was a fluke. It was snowing hard and we couldn't see down the tracks. The gate tender was away from his post and failed to lower the crossing arm.

It was just one of those freak accidents, that sent four children flying out the car windows. Almost as strange, was the fact that no one was seriously hurt.

It was a similar freak accident that happened recently when a school bus driver's vehicle stalled on the tracks during the morning of a tropical storm.

Reports stating that the driver was operating a vehicle without her certificate in hand is, in my opinion, trying to cast blame off of a known hazardous situation without trying to correct the problem. Yes, there may have been contributing factors to the accident's total cause, ranging from bad brakes to bad weather. But train-car accidents occur, with too many different people and possible causes time and time again. What they all have in common is that they happened at rail-highway crossings.

The problem is that we have train gates that allow for too much accident leeway. The problem is that no one is willing to spend any of the millions of dollars to rectify that problem, because no one is admitting that the long-standing hazard could be solved with any degree of success. It is always driver error. The trains were here first.

Perhaps it is just a case of government confusion. Perhaps no one knows fully what is going on.

No one except the train engineers. They face the problem in every run they make.

WHO IS IN CHARGE?

(By Cathie MaCaulay)

Within the past five years, $60 billion has been spent improving railroad facilities and equipment, according to a spokesman for the Association of American Railroads in Washington, D.C.

The money has been spent on a variety of improvements, but the task of updating railroad crossings has been left behind at the gate. Everyone talks about the problem, but any attempt toward solutions is elusively passed on from one group to another.

The most important prevention toward rail-highway crossing accidents, according to many officials, lies in public education of the hazards, rather than in implementing greater safety standards and more sophisticated crossing equipment.

What more can we do, seems to be the word of the day.

"There is no safer transportation mode than railroads," said Frank Wilner, assistant vice-president of information and public affairs of the Association of American Railroads (AAR), in Washington, D.C.

The association, of which the Florida East Coast Railroad (FEC) is not a member, acts as principal spokesman for the railroad industry and is also the trade association for the nation's freight railroads.

Wilner said the greatest incentive for safety is with the railroad companies due to their constant exposure to the public and the negative publicity they receive.

In 1983, there were 42,264 railroad-related accidents, according to Wilner. This is 15 percent less than the number of accidents in 1982.

Of those 1983 accidents, 6,819 of them involved trains and cars. Again, this represented a decrease from 1982's number of train-car collisions, which totaled 7,748.

Railroad-related fatalities in 1983 totaled 1,045. Of those, 553 were due to rail-highway crossing accidents. This is a 9 percent decrease from the number of 1982 deaths.

"We pay the claims, we lose the business, we suffer from negative publicity, we face the heat in Congress. We have the incentive," said Wilner of safety improvements within the industry.

The four safety areas of concern to the AAR are: grade crossings, (anywhere where road and track intersect), train derailments, drug-related employee problems and the threat of the general public trespassing onto train tracks, which are on private property.

"I don't think there is an engineer who won't talk about near misses on almost every run they're making," said Wilner. He said that sometimes people don't hear the trains and added that a train, because of its size, appears to be much further away than it is.

Today, there is approximately 200,000 miles of track in the country. Wilner said money has been spent trying to eliminate the hazards of crossings, but there is always a question of who would supply the safety devices, which average $50,000 per crossing.

"That's been a problem since the day when railroads were first built," said Wilner. He added that because the railroads were built before most developments, the problem fell on the shoulders of the town putting in the road.

He added the federal government has been trying to eliminate grade crossings and has worked with state highway departments to ensure safety.

According to Wilner, the train companies pay 5 percent of gate crossing installation costs. The remainder is governmentally subsidize through the Federal Highway Department, (FHWA).

When asked to verify that statement, Steve Jones, highway engineer for the FHWA, said "That is roughly correct. We participate in 90 percent federal aid and 10 percent with either state, local or railroad funds," concerning train safety items as gates, lights and surfaces.

Wilner said there are still many intersections where signals and crossing arms do not exist, but the government can only bear so much financial outlay.

Crossing maintenance is the responsibility of the railroads.

Wilner added that 60 billion dollars has been spent in the last five years improving facilities and equipment. He added that "we have re-built the railroad tracks."

Since governmental deregulation on the railroad industry began in the 70's, Wilner said the financial picture is better than it has been in generations, thereby prompting more railroad investment into safety programs.

He suggested contacting the Transportation Test Center in Pueblo, Colorado, to find out what related studies were being undertaken.

The experimentation site is wholly funded by the railroad industry and AAR member railroads. According to the center's spokesman, Wallace Abbey, no train crossing experiments are being studied, nor are any planned, to his knowledge.

"Rail safety is regulated by the Federal Railroad Administration. It is up to them to do the testing," he added.

According to Wilner of the AAR, great strides have been made in the field of railroad safety.

"We have a long way to go, but we're working on it," he said.

However, it does not appear that any government safety rulings on rail-highway crossings will be forthcoming.

"There hasn't been major safety legislation coming out of this congress," said Wilner.

He said that the Federal Railroad Association, (FRA), should be contacted for regulations governing railroad safety.

Upon talking with an FRA spokesman, it was learned that regulation concerning trains and the people who run them, comes from their organization, but rail-highway crossing rules were believed to be the responsibility of the Federal Highway Administration, (FHWA).

They are not.

According to an FHWA official, their organization directs funding to the states for railroad crossings as well as provides a manual of criteria for grade crossings, but such regulation is the responsibility of each state's public utility official. It is not.

WHO DOES CROSSING RESEARCH?

(By Cathie MacCaulay)

The recent death of two area children in a bus, train collision has prompted a deeper look into the system of railroad crossings; the research, funding and regulations that go into them.

In this third part, focus is given to related agencies and businesses and the apparent failure of any agency to make crossings substantially more safe, or even to take responsibility for research on crossing safety.

The Association of American Railroads (AAR), not only acts as spokesman for the railroad industry, but also conducts reseach for it through The Transportation Test Center in Pueblo, Colorado.

The complex is a railroad research and development center that is wholly funded by the railroad industry and AAR member railroads.

The research site, although owned by the U.S. Department of Transportation, has been managed by the Research and Test Department of the AAR. It complements the AAR's research operations, (the Technical Center), located in Chicago, and in Washington (a staff of engineers, economists, and other specialists in the sciences of railroading).

The 56 square mile facility in Colorado has approximately 200 employees and 2 federal government workers. Until its takeover by the AAR in the early 80's, the complex was under the jurisdiction of the U.S. Dept. of Transportation through the Federal Railroad Administration (FRA). Government cut-backs in 1982 almost forced the complex to close, until the AAR "came in to save it" said Wallace Abbey, the center's director of public affairs.

"This is a federal facility that the AAR is operating," he said. Abbey added that on-site testing is of a broad scope, ranging from the durability of railroad tracks to prototypes of mass transit cars. However, it still acts as a "workbench" to government and industry for testing.

Current research does not include studies on grade crossing arms, nor is any planned for the future, to Abbey's knowledge.

"I don't think anything needs to be done with it as long as people can see it and observe it," said Abbey. He added that a high percentage of rail-highway accidents occur from "people running into the side of the train."

"What can we do about that?"

During the mid-70's, the government tested the reactions of monitored manniquins within vehicles during simulated train accidents. Whether grade crossing protection was involved in those tests is uncertain, but Abbey believed it was not.

"Rail safety is regulated by the FRA. It is up to them to do the testing."

Research and development is conducted within the private sector of train gate manufacturers.

According to James Denham, assistant manager of customer service for Modern Industries, Inc., Louisville, Ky., a signal manufacturer, train gates have come a long way in recent years.

Crossing systems that are equipped with a gate assembly and flash signal can range from $30,000 to $70,000 each.

"Florida is as well-equipped as any state in the United States," said Denham.

He added that strides have been made among manufacturers to ensure safety. Gate modifications include switching to red and white stripe arms for improved visibility. There is also a trend toward fiberglass arms for added durability. Additionally, signal companies have been working with electronics firms in an effort improve safety conditions.

The life span of a train gate varies.

"I have known some arms that have been in for 15 years if motorists don't run over it, which happens quite often," said Denham.

Accidents, ranging from trucks sliding on ice into the gate to unseeing or drunk drivers, take their toll on the equipment.

He also said he hoped the federal government would let money trickle down to help pay for the signals.

"The crossing protectors are for the people. The trains can operate without them."

Mike Rogers, electrical engineer in research and development for Safe Train Systems Corporation in Minneapolis, Minn., said nothing new has been defined within the railroad crossing sector of the industry, to his knowledge.

"There won't be a lot of changes I can see in the future," he added.

There is a list of criteria that Rogers said is closely followed.

"They have a set of rules and it's granite. They have come up with a method that they think is safe, and you have to follow it to a "T".

The two volume manual of recommended practice is the one Rogers said crossing equipment companies recognize. It is The Association of American Railroad's signal manual.

Yet another book of recommendations, designed to provide uniformity of train gate crossing criteria, is the "Manual of Uniform Traffic Control Devices, (MUTCD), put out by the Federal Highway Administration and the US. Department of Transportation.

The Federal Railroad Association (FRA), based in Washington, D.C., is the agency that both writes and enforces railroad safety rules, known as federal regulations, under which railroads operate. The rules range from requiring nonflammable seat cushions to not allowing employees to drive while intoxicated.

The FRA is also responsible for investigating railroad accidents. There are 325 field safety personnel who handle nationwide inspections, from track to equipment. Two such offices are in Florida, operating out of Jacksonville and Tampa.

"Highway-grade crossing accidents continue to constitute the largest single cause of injuries and fatalities in the railroad industry," said Wendy DeMocker, FRA's director of public affairs.

She added that such accidents are usually the fault of the driver, not the railroad. DeMocker said a prime cause of rail-highway accidents results from an impatient person who does not wish to wait for the train gate to lift.

"Many times they will drive around the gate arms," she said.

Federal regulations governing railway systems are divided. The FRA regulates trains and the people operating them.

"The FRA requires all trains to have headlights with a certain brightness. Some, have flashing lights but that is optional.

"Whistles are not mandatory. If trains have them though, they must meet a loudness standard," she added.

The FRA, while it does not regulate train crossing criteria, has nevertheless, become involved with the problem through the "Operation Lifesaver" program. In conjunction with the National Safety Council and the State Highway Department, the FRA is working on a nationwide basis to inform people of potential railroad crossing dangers in an effort to help prevent such accidents.

The Federal Highway Department (FHWA), sets the guidelines for railroad crossing, based in the premise that crossings connect with roads, and therefore, fall under their jurisdiction.

"We don't regulate," said Steve Jones, highway engineer of the railroad utilities branch of the FHWA, of train crossings. Instead, he said the organization provides criteria for the facilities used.

Part of that criteria is in the form of the MUTCD manual, different from the AAR's manual that Rogers spoke about.

The FHWA also funds states with Congress approved money, to be used for railroad crossing protection.

"For the fiscal year 1984, Florida was given 5.8 million dollars, under section 203, which says the funds are available for the elimination of hazards of highway-rail crossings on any public road," said Jones. The amount was slightly increased for 1985's fiscal year.

Total amount of FHWA funding to all states from 1973, totals one billion, 255 million dollars. $48 million of that has been used by Florida.

Despite the millions of dollars being spent, train crossings are left at the gate, with no apparent agency researching crossings to seek a substantially safer way to save lives.

MANY DOLLARS, BUT NO RESEARCH

(By Cathie MacCaulay)

"Don't get emotional." Those words keep ringing in my ears. Once you send your blood rising, you send any kind of perspective right out the window.

But trying to see my way through the mountains of bureaucracy that has surrounded train gates, has left me frustrated, and with too many questions left unanswered.

Why is it that we can have the technology to send people to the moon, yet can't find the proper mechanics to stop people from running into the side of trains, or being hit by trains?

"Trains were here before the people," is what I keep hearing from the government.

So was peat moss. It doesn't mean that we have had to build our civilization on its soggy foundation. Someone came up with the idea of cement so we could live on more solid ground.

I have a question about money spent for train gates.

I know balancing accounts and coming up with budgets aren't simple tasks. But when the safety office of DOT can't tell me "offhand" how much money was spent last year in District four (the area that encompasses the Walton Road crossing) because there have been so many "special projects", and because installations are done on an individual contractual basis within the district, I get nervous.

At least I found out from the Federal Highway Administration that Florida has used $1.4 million of the $5.8 million designated; which is why I get confused when DOT tells me that "We have zero balance in our checkbook."

Last I heard, they were waiting for Congress to release money.

But don't worry, I'm told by DOT. We haven't stopped the bureaucratic process of train crossings. There are still enough '82 and '83 installations that haven't been put in the ground yet to keep us going until the money arrives.

How comforting. 5.8 million federal dollars each year may not seem like much money to bureaucracy, but if used wisely, it could be spent solving the problem of crossing safety.

The government passed a bill that authorizes the Federal Highway Administration to apportion funds to states, based on their number of crossings, under a multi-year contract that extends through 1986.

Florida is receiving 90 percent of federal aid monies. But, we still have the remaining 10 percent coming from state, local or railroad funds.

According to the safety office, approximately 6.7 million dollars is spent each year for grade crossings.

The safety office told me that most crossings are different and require separate, technical designs.

This isn't a simple case of slapping up a couple of gate arms. What I heard from DOT was the complexity of each crossing, requiring varying track types, road-bed circuitry and grading.

The railroads are responsible for submitting to DOT the engineering design of all this complicated track circuitry. I was told they only have so many people to work on the many crossings.

"Each situation is different," said the safety office official. He also said at one time, they tried to go to a standard design, but it didn't work.

But the problem of timing gates for train speeds requires different track circuitry and considerably more money.

"I think that's a $10,000 item," said the safety office.

It is good to know that lack of money isn't the only thing holding up the process of crossing installations.

"There is a massive amount of paperwork," said DOT's safety office official.

He said they had made 200 installations last year. According to Florida's DOT, half of the state's 5,000 public crossings still have only "cross buck" signs.

I have a problem with the time element in the train gates. According to DOT's district four rail coordinator, the Walton Road crossing is as safe as they come.

A gate arm that descends only 23 seconds before a train crosses, is safe? That may seem like ample time when the average person is sitting around the dining room table contemplating the world. But, to react to a crisis situation, such as being stuck on a track and watching a mammoth locomotive charging toward you, 23 seconds gives you enough time to realize you are going to die.

And that is three seconds more than the recommended time established by the Federal Highway Administration and the U.S. DOT's handbook, which is so complicated, it required the government to produce an elementary workbook to explain what the original doesn't.

This is our tax dollars at work.

I have another problem with the word "recommended." Maybe the regulation for crossings is out there somewhere and I just couldn't find it. Maybe, somewhere, some nook and cranny government organization is funded to sit back and regulate what goes into train gate safety. All I could hear from everyone is "recommended."

I can personally "recommend" that we help make train gate crossings safer, but without appropriate legislation. I might as well talk to myself.

The word needs "regulation" to back it up, yet, not more confusing regulations to add to the volumes of recommendations coming from everywhere.

What we need is a common sense solution to a problem that has gotten away with murder.

Think of it, reflectorized, red and white stripe crossing arms. Now, there is a revolutionary concept in train gate safety.

It is comforting to know that the next time a crossing gate arm comes down on a vehicle, that for some reason got stuck on the tracks, the people will have 23 seconds to know that the old black and white ones are "new and improved" like some detergents that are basically still soapsuds.

Broward County installed traffic lights at some of their railroad crossings, with their own funds, according to DOT's safety office.

Stop lights at some Fort Lauderdale and Miami crossings were approved by the safety office and installed in 1982 and 1983.

This is an experimental project the safety office is starting. But experimenting with bureaucracy isn't easy.

"We will have to go through a lot of paperwork to justify it to the federal government." said Patrick Brady of the Florida DOT safety office.

The burden of proof and paperwork, is on the safety office.

I can't believe that so many are doing so little for so much. Everyone I talked to in every organization was busy. Judging from all the paperwork required in the beauracratic process. I can understand why.

But what I can't understand is why we still have obsolete train gates and we are spending four cents from every gallon of gas to pay for them?

A few stop lights at major intersections is the best solution we can come up with?

"It's our only hope," said Brady.

I want my four cents back,

What I also can't understand is why everyone is talking about the decline in crossing accidents as though something major has been accomplished.

According to Brady, there are 200 train-vehicle accidents in Florida each year. That is an approximate figure, so you need to give or take a few mashed cars or bodies.

But, we should be thankful. A few years ago, that figure (otherwise known as people), was up to 320.

And 10 years ago, there were as many as 600 such accidents.

I also don't understand why so many agencies do not know what the other is doing. Is it that train crossings are such a minor issue that they escaped attention.

But I'm not getting emotional. I am just getting frustrated because I am getting nowhere.

Even if I wanted to, I couldn't begin to promote the "Operation Lifesaver" program that everybody, everywhere, in every agency, heralded.

It is a program designed to make the public aware of the hazards at railroad crossings.

I asked an FRA official twice for the necessary information, and I have yet to receive anything. The second time I called, she admitted that the only materials she had on hand were instructions for children. She said she would have to go to the National Transportation Safety Board to get the rest.

I told her my publisher had this thing about not spending the equivalent of the entire staff's paychecks on long-distance phone bills, and I asked her if she would make a quick call and gather everything for me.

Maybe it all got lost in the mail. But, the request was made a few weeks ago, and now I am more inclined to believe it got lost in the shuffle, like train gate crossings.

Someone from the Florida DOT told me to call Lendsay Leckie of the Seaboard Railroad, as he was supposed to be doing a great job promoting this program.

I did, but he was out of town for a few day when I called.

I think it is admirable that the DOT can turn to the railroad for help in a program that is sponsored by the Federal Railroad Administration, the National Safety Council and the state highway departments.

There is a lot of taxpayers' money going to a lot of government related agencies, who, while thoroughly busy, aren't properly addressing the issue of train gates.

We are supposed to be impressed that we have progressed from the cross buck signs of yesterday, even though there are still many left in our state. We are supposed to be thankful that the government helps us as much as it does, because the railroads were here first. They can operate without crossing protectors.

Talking to a train engineer leaves me with a different attitude.

"It's pretty rough on these boys," said an engineer who works in a Georgia railroad switching station that sees approximately 600 train units each week.

He said he sees two or three people every run who try to go around the gates and beat the train.

To stop a freight train doing 50 mph takes ¾ of a mile and "the people who are trying to beat you are within half a block," he added.

He said he gets nervous at crossings. All the time he's driving he thinks "What's going to happen if I hit some children?"

I feel sorry for the engineers who in 1983 saw 6,819 accidents that involved trains and vehicles that happened to be at the wrong place at the wrong time.

But it beats the 7,748 such accidents that occurred in 1982.

Perhaps, if there were someone in charge, someone responsible, then railroad crossing accident figures would be zero.

It would be something we could all live with.

A GATE FOR ALL SEASONS

(By Cathie MaCulay)

I spoke to John Snowden, a Jensen Beach drawbridge tender. He looked at me like I was crazy when I asked him if bridges generally had double barrier gates to stop two lanes of traffic.

"You can't have one gate because they can go around them," he said.

That statement is different than the attitude of railroad-related agency officials. It can best be summed up by Wallace Abbey, of the Transportation Test Center in Colorado, who said, "A very high percentage of rail-highway accidents involve people running into the side of the train. What can we do about that?"

I spoke with Ken Sutherland, operations officer of the Coast Guard office in Fort Pierce.

He said two gates are needed on bridges because of those people who would want to play "Smokey and the Bandit" and jump the bridge.

"It's common sense. We make sure everybody stops for every bridge," he added.

All I get from federal officials regarding rail-highway safety is how important it is to warn the people of the hazards of crossings because nothing else can be done.

Are crossings any less hazardous than bridges?

All this time, I have heard nothing but how complicated a process train gate installations are.

I don't understand the intricate designs that go into the rails at crossings. I don't understand the electronics, the embankments, and the high-tech circuitry.

Almost every crossing requires a different set of blueprints, submitted by the railroad design engineers, to the Florida Department of Transportation.

Because each crossing is different, DOT's safety office has the responsibility of establishing the criteria for the potential hazards of each state rail-highway crossing.

DOT's mathmatical formula takes in as many as 30 factors including the speed of the trains crossing, the traffic count and the number of school buses crossing an intersection where rail and highway meet.

The result is the safety index printout. It numbers each state crossing in order of its potential hazard.

According to Patrick Brady of the Florida DOT's safety office, the scale runs from zero to 90, with zero being the most hazardous. Last year, Florida's most dangerous ratings fell into the low 30's.

"We used to have some that were down to five or six," said Brady.

Why is it that Edward Radson, DOT's 4th District rail coordinator, said the priority ranking of crossings went from zero to 100, with zero being the least hazardous, the exact opposite of what I was told by Brady.

"The less accident potential, the lower the number," Radson said.

I thought he was talking about the safety index listing. He told me they had a problem with their printouts and they were going to be redone.

"The only printout I got I was told not to use because of computer error."

I hope it is corrected quickly because part of Radson's job is to compare that printout to the actual crossings, and help determine what ones will receive money.

But, he has help.

A diagnostic team, comprised of representatives from DOT's district office, a federal district office in Tallahassee, a railroad representative, and related cities or counties, all determine what is needed for each of Florida's rail-highway grade crossings.

Their findings are submitted to the safety office.

"There is latitude for discretion," said E.M. Salley, DOT's rail bureau assistant, when speaking of the diagnostic team's determination for safety requirements at crossings.

We thought the "Keystone Cops" could only be seen in old movies. They can be found today, trying to decide what dinosaur train gate is going to go where.

The safety office has mathematically thought the Walton Road crossing in Port St. Lucie safe enough to assign a .04 accident potential rating. That means there is a four percent chance there will be an accident at that crossing in a year. One of the factors that went into that determination was the fact that only one school bus crosses that intersection twice each day.

Radson added that the gate equipment had been checked one month prior to the bus-train accident.

According to Philip Yacucci, assistant state attorney, the bus driver in the recent train collision stalled the bus on the tracks, tried to re-start the motor and then attempted to get the children off the bus.

Yacucci reviewed the Florida Highway Patrol report and found there was no criminal negligence on the part of the bus driver.

"She didn't go around the gates," he added.

It was his opinion that the driver happened to find herself in "an unfortunate spot," and said there is no basis for filing any criminal charges.

Would it have made any difference if the driver had been found guilty? What about other drivers who, in the past, have been in similar situations?

It probably doesn't make any difference to the 553 people who were killed in train-vehicle accidents in 1983.

It probably doesn't matter to the three teenagers who were killed recently while crossing railroad tracks in Sanford, while coming home from the beach.

They were driving their truck over a crossing marked only with railroad signs.

Perhaps the crossing, one of 7,000 in Florida, wasn't on the list of state highway crossings. Those are the only ones Florida DOT is responsible for, even though 2,500 of the 5,000 public crossings still have only cross buck signs.

Perhaps their car radio was blaring and they didn't hear the train.

"Whistles are not mandatory," said Wendy DeMocker of the Federal Railroad Administration. She added that if trains had them, they had to meet a loudness standard.

Radson got upset when talking about rail-highway safety. He is trying to do his job, but he has a work load he said is just too much.

It is not their fault, they say. How do you find an answer in a system that is clogged from years of neglect and bureaucracy?

All we are getting is a runaround, and is it expensive.

Radson said people blame the railroad too much.

"People will wait in line for Burger King, MacDonalds and the bank, but they won't wait for the train."

Salley said the state statute clearly regulates how people drive over rail crossings.

No. 316.575 of the statute requires that motorists not drive around train gates.

That is like ordering people to slow down to 20 mph before they drive off the cliff at the end of the expressway.

Winnie Kuhling of Stuart once ended up in her car at a 30 degree angle when the drawbridge gate arms failed to come down due to a freak failure of the electrical system.

"It was traumatic," she said.

It probably was no less traumatic for her than for those people whose vehicle happened to be at the wrong spot at the wrong time when a train passed, all 6,819 of them in 1983.

Darrell Chwiej, Florida DOT's district maintenance systems engineer for the 4th district, said that DOT is the owner, operator of bridges on the state maintained system.

He said you can't close just one lane of traffic off because "people are always trying to beat the bridges."

Instead, the bridge tender first turns on the light and rings the bell to stop traffic, before lowering the gate arms.

Ken Sutherland, operations officer of the Coast Guard station in Ft. Pierce, said the bells ring for thirty seconds before the gates are lowered. While that is not the law, the discretion of the gate tender is to lower the gate when cars have stopped.

Chwiej added that the state-of-the-art is such that 36 foot gate arms can be installed to cover three lanes of traffic.

Do bridge gates cost $50,000? That is the price tag that comes with the average railroad gate crossing assembly. The flash signal alone can run from $20,000 to $30,000, according to a manufacturer.

The bridge crossing assemblies are constructed in-house by a DOT division at a cost of around $1,800.

The "shop" is in Orlando and is known as DOT's aluminum structural shop branch. According to Buddy Holder, aluminum welder supervisor, the cabinet and the motor that operate the bridge gate arms are constructed by his division. The actual gate arm is installed by the individual DOT yards that are responsible for their district's bridge.

At one time, 110 volts of electricity used to run through the gate system.

"We had some complaints in the past. We decided we better start changing and looking for safer ways," he said.

They did, and came up with a 12 volt current that produces the same effect.

Holder said that bridge gates have been made by the shop for the past four or five years.

DOT saves a great deal of money doing it that way.

It costs $1,400 to provide one in shop.

How much does it cost for a complete bridge gate?

Holder said the gate arms are made out of tubing, the reflectors are handled by the DOT's sign shop in Lake City, and the lights can be the same ones used on the back of trucks, the kind that cost $2.

"I would say all together, it would cost $1,800."

But do they construct train gates, or any portion thereof?

"No, because that is done by the railroad people. They furnish all those. That is the railroad people's responsibility," he replied.

There is that word again, "responsibility." It keeps coming up like a bad penny, one that is being tossed about from agency to agency.

It may be the railroad's responsibility to install the safety equipment and maintain it, but crossings are 90 percent federally funded, which is a roundabout way of saying it is still our money. $5.8 million each year comes into Florida for the purpose of crossing safety, and that does not include state funding.

Didn't anyone tell this man in the Orlando shop how complicated it should be to build safety devices, or at least how expensive?

Granted, DOT pays for the state-owned bridge tender's salaries, and true, train crossing devices need to be electrically timed. But, $1,800 to $50,000 is difference enough to cause concern, and, and least, investigation and research.

Perhaps, if everything weren't so expensive, or at least so complicated, we could have similar, double train gates at crossings We could install gates that would allow more similar lead time than the "recommended" 20 seconds and prevent motorists from racing around the gates. It just might prevent the deaths of future teen-agers in bathing suits and children in school buses.

Perhaps DOT's rail bureau should collaborate with DOT's bridge section, have them build one gate arm per crossing, and then tell them of "Operation Lifesaver," a program designed to inform drivers of the hazards of highway grade crossings.

"Teach the driver, that's the whole thing we need to do," said Radson.

"The main reason for the delay (for fully stopping traffic), is for the safety of the people," said Sutherland of the Coast Guard.

Someone is on the wrong side of the tracks.

LEGISLATION IS DEMANDED

(By Cathie Macaulay)

The death of two children in a school bus-train accident at Walton Road, and the many train-auto accidents throughout the nation, demands that an answer to the questions of both safety and responsibility be found.

"There is no safer transportation mode than railroads," said Frank Wilner, assistant vice-president of information and public affairs of the Association of American Railroads in Washington, D.C.

This statement, and the collections of loopholes and escape answers revealed in the series of Mirror articles are enough to make people start asking "Why?"

Lt. William Driggers of the Florida Highway Patrol cited four reasons as to the cause of the recent train-bus collision. They

are: human error, bad weather, the lock, and the short length of time before the crossing bell rang and the train struck the bus, approximately 30 seconds.

"In a way, it is a lot of time and in another, it is not a lot of time. If you're there and you have this big thing looking down your throat, it's not a lot of time," said Traffic Homicide Investigator George Gordon.

"Despite the publicity given to accidents such as the Sept. 27 train-bus crash that killed two students in St. Lucie County, there is little doubt statistically that school buses are safe."

That statement appeared in an Oct. 14 edition of the Miami Herald, following a report on the issue of bus safety.

They are safe, except for the fact that there is no regulation requiring uniform training of private school bus drivers and nothing in the state statutes that says locks are not allowed on emergency exits, either on private or state school buses.

"School buses are the safest means of transportation," said Karen Finkel, executive director of the National School Transportation Association in Washington, D.C., according to the Herald.

According to the National Safety Council, school buses rank fifth in deaths per 100 million passenger miles. That listing falls below cars, planes, railroads and transit buses.

In 1983, there were 6,819 train-vehicle related accidents, substantially higher than bus accidents.

1984's train-vehicle statistics will now include school buses.

Research on the reasons for such accidents is not being done, with both the media and officials looking at the short sighted, immediate accident, placing immediate blame on the "freak" accident.

The officials look at the word "driver error," that is now being buffeted around as the blame.

Everyone lives with aircraft accidents. Pilots undergo extensive simulated crisis situations, yet still, accidents happen. Why? Sometimes, the reason is mechanical. Other times, pilots find themselves in a stress situation that they are not used to, thus, "pilot (or human) error."

Perhaps the bus driver would not have stalled on the tracks had she been trained the same way St. Lucie County school bus drivers are.

Perhaps, but the fact remains that she found herself in a situation of stress that she was not used to, such as the train coming at her.

Look at locks on emergency exits. How ridiculous to have such an exit blocked off to passengers. The school children might have escaped the bus if the door had not been locked.

Officials said that Indian River Academy had several cases of bus vandalism in the past, and they put locks on the doors in an attempt to stop further wreckage. Was there no requirement that the bus emergency doors be unlocked before the driver leaves to pick up passengers?

"Can you believe it?" everyone says. How ridiculous; a bus with locks on the emergency doors and an inexperienced driver. When are officials going to look beyond the ridiculous and into the total picture?

What do all these ridiculous factors have in common? They were brought to light at train crossings, a place where a driver of any vehicle has 20 seconds, recommended by the Federal Highway Administration, to get out of a train's way.

How many other ridiculous inconsistencies have been brought to light?

It seems that no one is in charge in a world of bureaucracy.

Every government agency official I spoke with told me that "driver error" was generally the cause of train crossing accidents.

Are we in a society that prefers the sensationalism of placing blame, rather than correcting a known hazard and making something better? Where is the responsibility to safety, our children?

Perhaps, it is the word bureaucracy. Perhaps the largeness of government, and the continuing runaround from government officials, makes us apathetic and pessimistic toward any improvements.

5.8 million federal dollars of our money is coming into Florida each year to decrease the hazards of train crossings. State money is being used as well.

What do we have to show for it?

There is no research being undertaken to improve train crossing gates. There is no legislation requiring the amount of time before gates must come down. There are so many agencies involved that no one is accepting responsibility for regulation safety.

Never was the buck passed so expensively.

The Florida Department of Transportation has an in-house manufacturer of drawbridge gate systems that can be constructed for approximately $1,800, yet the average traingate crossing costs $50,000.

Where is the money going? Why can't we have one organization to handle what bureaucracy's many can't.

A Federal Railroad Association spokesman said the cause of many train-vehicle accidents is due to drivers who go around the gate arms.

Why aren't there double gate arms to prevent that acknowledged major cause of train-vehicle accidents.

How can Florida's Department of Transportation bridge section afford to install double gate arms at draw-bridges while DOT's rail bureau still has 2,500 of the 5,000 public crossings marked only with crossbuck signs, and the rest with only single gate arms that drivers can go around?

How is it that the Association of American Railroads turns to the Transportation Test Center in Pueblo, Colorado to pass the buck for train gate testing? Why is it that the center isn't conducting any tests and in turn, says research is the responsibility of the Federal Railroad Administration (FRA), since it is making the rules for crossing regulation?

Why does the FRA say it only regulates trains and the people that run them, and the responsibility of train crossings falls on the shoulders of the Federal Highway Administration?

Why does the Federal Highway Administration give $5.8 million to Florida alone for rail-highway crossing safety, but believes regulation for crossings is the responsibility of each state's public utility commissioner?

Why do Florida's public utilities commissioners say that train crossing regulation is the responsibility of Florida's DOT?

There seems to be no regulations governing train crossing safety or, at least, no one responsible for such safety.

There are also no double train gates to prevent drivers from crossing around them and trying to beat the train.

It is time for our legislators on the state and federal level to make certain there are effective laws to mandate complete safety of motorists and railroads concerning gates at all crossings in the future.

By following DOT's bridge section format, that requires only $1,800 for a bridge-gate system, train gates that block the entire crossing could be affordable and installed at every crossing.

Our legislators should give one agency the authority to make safety laws for train crossings and cut down on the bureaucracy of a system that has shown itself to be inefficient and ineffective.

It is time for action.

It is time that children stop dying.●

THE DEATH OF WILLIAM HADDON, JR.

● Mr. MOYNIHAN. Mr. President, with great personal sorrow and a sense of public loss, I must report to the Senate the death of William Haddon, Jr., who was the first Administrator of the National Traffic Safety Agency.

Dr. Haddon and I first met during the Harriman administration in New York in 1958. He had just arrived at the New York State Department of Health after a brilliant academic career that combined engineering studies at MIT with Harvard Medical School training.

These two themes merged at the Harvard School of Public Health where he began to address his enormous talents to the most striking public health problem of our age—the deaths and injuries that follow automobile crashes.

It was the fashion of the time, and still is, to refer to these as accidents. To Bill Haddon, they were nothing of the kind. No more, he would say, than it was an accident for an individual to ingest poliomyelitis virus from the air.

The term "accident" to him was prescientific, a way of stating that something had happened which we could not explain. This was not a situation for which Haddon would settle.

He regarded the morbidity and mortality associated with road transport as the consequence of predictable events—crashes—with almost certainly discoverable regularities.

I was privileged to work with him in those early years, perhaps offering some of the insights of public administration to the designing of legislative and administrative approaches to a problem which the automotive industry simply would not address on its own.

Because of Bill Haddon, New York was the first State to propose that design be made a central element in vehicle safety.

In a series of lectures given at the Maxwell School in Syracuse University in 1959, we estimated that, while crashes were relatively rare in the experience of drivers, they were quite common to the experience, if you like, of automobiles.

We estimated that 1 of every 35 cars manufactured in Detroit "ended up with blood on it." (A Canadian group later stated that the proportion was

more like 1 in 25.) This in considerable measure was the beginning of the strategy of changing automobile design as the first order of change in the automotive transport system.

Traffic safety was mostly mumbo jumbo when he arrived on the scene. It was approaching science when he died, of kidney failure, at much too early an age.

Tens of thousands will not die; millions will not be disabled, because William Haddon, Jr., lived. I mourn my friend and know the Senate would wish to extend condolences to his widow and children.

Without objection, Mr. President, I ask that the obituaries in today's New York Times and Washington Post be printed in the RECORD.

The material follows:

[From the New York Times, Mar. 5, 1985]

WILLIAM HADDON, JR., 58, DIES; AUTHORITY ON HIGHWAY SAFETY

(By Walter H. Waggoner)

William Haddon, Jr., a leader in highway accident research and prevention and president since 1969 of the Insurance Institute for Highway Safety, died yesterday of complications from kidney failure at the George Washington University Medical Center in Washington. He was 58 years old.

Dr. Haddon, a physician, was appointed in September 1966 by President Johnson as administrator of the newly created National Traffic Safety Agency and the National Highway Safety Agency to help reduce the mounting number of deaths and injuries from traffic accidents. The two agencies were consolidated in 1967 into the National Highway Safety Bureau; in 1970, it became the National Highway Traffic Safety Administration.

As director of the agency, Dr. Haddon was responsible for setting the first overall Federal safety standards for motor vehicles. After a stormy period of stewardship in which he was criticized by the automobile industry for regulations it considered excessive and by consumer advocates who accused him of lacking in zeal, Dr. Haddon resigned in March 1969 to head the Insurance Institute for Highway Safety.

The institute is a nonprofit organization concerned with the human and economic cost of highway accidents. Since 1972, he also was president of the related Highway Loss Data Institute.

Dr. Haddon was one of the first promoters of the air bag as a device for reducing injuries, and he remained its champion throughout the long debate over its effectiveness.

PRAISES FROM RALPH NADER

Although he was often a critic of the Federal highway safety program, Ralph Nader, the consumer advocate, yesterday hailed Dr. Haddon for his leadership in the field.

"Dr. Haddon was a broad-gauged pioneer in auto safety," Mr. Nader said in a telephone interview. "He spent his full professional life in an effort to save other people's lives through safer engineered motor vehicles."

Dr. Haddon was born in Orange, N.J., on May 24, 1926, and earned degrees from the Massachusetts Institute of Technology, Harvard Medical School and the Harvard School of Public Health. He worked for 10 years with the New York State Department of Public Health, gaining a reputation for his research and analysis in the field of highway losses, especially in the connection of alcohol-related accidents.

He was the principal author of "Accident Research: Methods and Approaches," published in 1964, and was the recipient of many public service awards, including the American Public Health Association's Bronfman Prize for Public Health Achievement.

Dr. Haddon, who lived in Bethesda, Md., is survived by his wife, the former Gene Billo; three sons, Jonathan, Robert, and Charles; a sister, Ann Bowden of Austin, Tex.

A memorial service will be held at 2 p.m. Thursday at the River Road Unitarian Church in Bethesda.

[From the Washington Post, Mar. 5, 1985]

WILLIAM HADDON DIES; EXPERT ON HIGHWAY SAFETY

Dr. William Haddon, Jr., 58, a noted authority on automobile and highway safety and the first director of the old National Highway Safety Bureau, now the National Highway Traffic Safety Administration, died of kidney failure March 4 at George Washington University Hospital.

Dr. Haddon, a physician by training who devoted his professional life to safer highway travel, was named head of the safety bureau by President Johnson in 1966. He held the post for three years and is credited with laying the foundation for an effective NHTSA.

He set the first federal safety standard for motor vehicles, and also set standards for state and local laws on drunken driving and requirements that motorcyclists wear helmets.

Consumer advocate Ralph Nader, who first made his reputation on the question of automobile safety, called Dr. Haddon "a major figure in the search for safer-engineered motor vehicles. He brought the subject from one of hunch and surmise to one of rigorous safety analysis."

Since 1969, Dr. Haddon had been president of the Insurance Institute for Highway Safety, an independent, nonprofit organization supported by the insurance industry and devoted to reducing losses from highway accidents. It has pressed for decades for the mandatory installation of airbags in new automobiles—a fight still under way—and for other safety devices for highway travel.

In an interview in 1977, Dr. Haddon said the automobile industry's resistance to airbags was a scandal comparable to Watergate.

"If a mother turns to look at her baby and she goes off the road and hits a pole that shouldn't have been there, that turns a mishap into a fatal event," he said. "I think that's too high a penalty for being human."

Since 1972, Dr. Haddon also has been president of the Highway Loss Data Institute, which collects and distributes data on losses through traffic accidents.

He was born in Orange, N.J., and served in the old Army Air Force in World War II. He graduated from the Massachusetts Institute of Technology with a bachelor's degree in food technology and received his medical degree at Harvard University, as well as master's degree in epidemiology at the Harvard School of Public Health.

Dr. Haddon was a public health and highway safety official in New York State for 10 years before joining the federal government. While with the New York State Department of Health, he helped establish quantitative evidence of the role played by alcohol in highway accidents.

Among the honors he received was the Bronfman Prize from the American Public Health Association. In accepting it, Dr. Haddon said he had long had a bias in favor of "the now less-than-popular notion that the understanding and prevention of disease and injury should be the first strategy of medicine and that treatment, no matter how necessary, is not the logical first line of attack."

Dr. Haddon's survivors include his wife, the former Gene Billo, of Bethesda, and three sons, Jonathan William of New York City, and Charles and Robert, both of Bethesda.●

BILL FRENZEL, POLICYMAKER AND POLITICIAN

● Mr. DURENBERGER. Mr. President, the congressional delegation representing the State of Minnesota is fortunate to have as its most senior Member a singularly talented policymaker and politician. I refer to BILL FRENZEL, since 1971 the U.S. Representative for Minnesota's Third District.

I knew BILL long before I became a Member of this body, so his success has come as no surprise to me. Among other things, he has gained a rare distinction in having won the respect of his political friends and foes alike. We in the Congress may disagree with a colleague, but we recognize an unusually thoughtful, intelligent, dedicated Member when we see one—and we see one in BILL FRENZEL.

This week, Mr. President, the Minneapolis Star and Tribune ran an excellent article about BILL FRENZEL. It is written by the head of the newspaper's Washington bureau, veteran political reporter Finlay Lewis. I ask that the article be printed in the RECORD.

The article follows:

BILL FRENZEL HAS EARNED WORKHORSE REPUTATION BY DEVOTION TO HIS JOB

(By Finlay Lewis)

WASHINGTON, DC.—Were the late Sam Rayburn to return to the House of Representatives, he probably would tell Bill Frenzel to bed down with the nags.

It was Rayburn, the legendary speaker of an earlier era, who divided members of Congress into two categories: show horses and workhorses. In an institution increasingly dominated by staff and devoted to politics by press release, Frenzel appears to have earned his reputation—the old-fashioned way.

For Frenzel, legislating is an often tortuous game of inches. It is also an enterprise he takes so seriously that, when asked about his continued service on one of the House's most minor committees, the Third District Republican said, "What's happened is that House Administration has become sort of my hobby. It's fun."

Probably no other congressman has ever spoken quite so warmly about the House Administration Committee, which is widely viewed by members as one of the rock piles of public life.

But then quite possibly no other member has been as successful as Frenzel at using that committee as a springboard for drafting and passing major legislation—in par-

ticular, a set of bills enacted a decade ago that fundamentally altered the way presidents, senators and congressmen seek their offices.

That attitude may also help to explain Frenzel's willingness last year to spend nearly three months in almost daily negotiations with a partisan opponent to work out a compromise on a politically drab but enormously complicated trade issue affecting sensitive U.S. relations with the Third World.

Frenzel's counterpart was Rep. Donald Pease, an Ohio Democrat with a blue-collar constituency and a strong pro-labor voting record that is the opposite of Frenzel's. After the two congressmen resolved their deep differences sufficiently so that both could claim half a loaf, Pease paid a rare tribute on the House floor to his ideological adversary.

Not only was Frenzel instrumental in passing the huge trade bill, Pease said, but he also "is a genuine resource, a national treasure, if you will, in the area of trade policy."

Frenzel, 56, has been in the House since 1971 as the representative of a constituency that once was a Republican gold coast but that has now been intermixed through redistricting with more traditional Democratic neighborhoods.

In addition to the growing Democratic influence in his district, the Dartmouth College graduate also is coming under increasing fire from religious conservatives and new right Republicans who chafe at Frenzel's pro-choice, pro-equal rights amendment and anti-school prayer views. Yet, he was endorsed for reelection by acclamation at last spring's Third District convention and won the general election.

Frenzel's political successes last year were no accident.

Sharon Mueller of St. Louis Park, a leader in the district's anti-abortion movement, recalled being disarmed by Frenzel during a meeting in his district office last spring.

Mueller, who calls herself a pro-family Republican, recalled that Frenzel was unyielding in his support of the proposition that the question of abortion should be decided by the people involved and not by the state.

On that point, the meeting ended in an impasse.

But, to her surprise, she says he was open-minded on the matter of future discussions.

"He has an open door. He hasn't tuned us out. Communications have not broken down, and he's not belligerent. He's strong on his points but he's not unpleasant or hostile," said Mueller.

While not all of her allies agree with her, Mueller said she can overlook their differences on abortion because of Frenzel's conservative stands on economic issues and what she regards as his demonstrated competency in office.

Frenzel's views on abortion are all the more puzzling to Mueller and others, since he was raised as a Roman Catholic. Indeed, Frenzel said he was pro-life until his service in the Minnesota Legislature two decades ago introduced him to the social and economic complexities that confront people forced to deal with unwanted pregnancies.

Frenzel is no longer a member of an organized denomination "because I am seldom in the same town on Sunday," but he describes himself as a Christian and says he is a regular member of the House prayer group.

Frenzel's work habits are legendary—12-hour days beginning at 7 a.m. on Capitol Hill are the norm. One casualty is his personal life.

"Is there a life other than this?" Frenzel mused during an interview last week. "No, I have none—other than my family and a game of tennis, which is a family game. . . . My life is mostly the Congress. . . What I say is that I'm not as quick as most people so I have to put in more time to do a good job. . . I was born perhaps over-conscientious."

Aside from tennis, one amusement is gardening ("I love to mess in the roses") and another is reading science fiction on airplanes. Otherwise, his spare reading time is spent on what he describes as "economic treatises."

Pressed to describe what he would read had he more time, Frenzel replied, "I'd like to get deeper into economics and particularly international economics." He also considers himself an American colonial history buff.

As a result of his now seemingly unassailable political base, Frenzel has been elected and reelected enough times to qualify as dean of the Minnesota congressional delegation, thus assuming titular leadership of a group that once included such Democratic luminaries as Hubert Humphrey, Walter Mondale, Eugene McCarthy, Don Fraser and John Blatnik.

The passage of time has also helped to boost Frenzel's standing in the House at large. A turning point in his career occurred in 1975 when he assumed a seat on the House Ways and Means Committee, whose jurisdiction over tax and trade legislation makes it perhaps the most prestigious committee in Congress. Frenzel quickly came under the tutelage of Rep. Barber Conable, a New York Republican with a reputation as an expert in tax legislation and a conciliator able to make deals with Democrats. Conable's retirement last year created the bipartisan expectation that Frenzel will now assume his mentor's role.

Rep. James Jones, an Oklahoma Democrat on the Ways and Means Committee, credited Frenzel, along with Conable and the late William Steiger, a Wisconsin Republican, with helping Jones pass major legislation six years ago that cut the capital gains tax rate and reduced personal income taxes to compensate for the tax-boosting pressures of inflation.

Jones, a moderate viewed by many as a future candidate for a major leadership role in the House, said in an interview: "I'm terribly impressed with Frenzel's ability. I think he is potentially the best partisan Republican that the Republicans have in the House. He's very good at partisan debate, yet he's essentially a builder of bipartisan coalitions."

Not everyone shares Jones'—or Pease's enthusiasm, however.

Frenzel entered Congress after four terms in the Minnesota House as a member of Common Cause, a nationwide self-styled citizens' lobby to promote greater openness in government. In his early years, Frenzel worked closely with Common Cause. He was instrumental in passing laws requiring disclosure of contributions over more than $100 to candidates for the House, Senate and the presidency and, later, creating the Federal Elections Commission (FEC) to oversee and police the way campaigns for those offices are conducted.

However, around 1976, Franzel and Common Cause split over the issue of public financing of campaigns. Common Cause favored, and Frenzel opposed, the appropriation of taxpayer money for congressional and presidential races as a means of stemming the influence of private contributors.

The disagreement soon spread to political action committees (PACs)—entities legalized in the mid-1970s to funnel money from corporations, labor unions, trade associations and other interest groups to federal candidates. Common Cause favored greater, and Frenzel lesser, controls and restrictions on the abounts PACs could raise and spend.

David Cohen, former president of Common Cause and a Frenzel adversary in those and subsequent election law struggles, recalled in an interview last week that "As time went on, it became harder to separate Frenzel's viewpoint from the viewpoint of organizational PACs, particularly those that were business-dominated. I think he's counsel for the defense . . . the point man for the status quo."

Jay Angoff, staff attorney for Congress Watch, a group founded by Ralph Nader, goes further.

"I regard him as absolutely terrible—one of the most overrated members of Congress . . . Rabidly anti-consumer. I just can't say anything good about him," Angoff said.

That Frenzel is pro-business in his outlook should surprise no one.

After receiving bachelor's and master of business administration degrees from Dartmouth and serving in the Korean War as a naval officer, Frenzel went to work for his father, who was vice president of the St. Paul Terminal Warehouse Co. A St. Paul native and a graduate of St. Paul academy, Frenzel wound up in 1961 as president of the Minneapolis Terminal Warehouse Co., a wholly owned subsidiary of the St. Paul firm.

Married and with three daughters, Frenzel settled in Golden Valley, and became active in his Republican caucus and as a GOP fund raiser. In 1962, Douglas Head, who later became Minnesota attorney general and an unsuccessful GOP gubernatorial candidate, recruited Frenzel to run for a newly created seat in the Minnesota House.

Successful in that race, Frenzel served a state legislative apprenticeship, making his mark on contentious metropolitan government issues. When Clark MacGregor announced an ill-fated Senate candidacy in 1970, Frenzel moved quickly to line up support for the Third District GOP's endorsement for MacGregor's congressional seat, and he went on to narrowly defeat the DFL candidate, George Rice.

In 1974, as part of a "reform" move, the ruling Democrats in the House expanded the size of the Ways and Means Committee, and Frenzel, by dint of unceasing lobbying over a three-year period, captured the last available Republican seat.

Frenzel had also become chairman of the House Republican Research Committee, but, in 1978, when he ran for the chairmanship of the Republican Policy Committee—a post that would have made him a member of the party's leadership—he was beaten by a Pennsylvanian, U.S. Rep. Bud Shuster.

"I think Bud worked very hard," Frenzel said. "He probably outcampaigned me. I took the incorrect position that the caucus knew me and would just cast palm leaves at my feet."

That was an important year in another respect. Frenzel passed up not one but two chances to run for the U.S. Senate, paving the way for Republicans Rudy Boschwitz and Dave Durenberger to capture Minnesota's two seats from the DFL.

Frenzel has little good to say of the Senate. One-fourth the size of the House, the Senate forces its members to spread themselves too thin, he says. Specialization, Frenzel's forte, is not possible. Also, he adds that the clubby logrolling and legislative back-scratching in the Senate remind him of a city council.

Another problem, he says now, is the statewide scale of the job and a fear that he wouldn't get to know his constituents in the same way that he can know the editors, main street bankers and labor leaders of the Third District.

"Maybe it all means I was a coward, but I don't think so. I believe that I liked the work I was doing and was uncertain of the other job," Frenzel said. "In the final analysis, it probably was that my family and I . . . didn't have the fire burning in our guts to do the other."●

U.S. AGRICULTURAL COMPETITION EXPANDING FOOD PRODUCTION

● Mr. BOSCHWITZ. Mr. President, today I would like to emphasize to my colleagues that the decisions we make this year on agricultural policy are crucial to the future of U.S. agriculture. One reason that our actions are so important is that other countries have a tremendous potential for increasing their agricultural production.

Once the food is produced, it will either decrease the amount a country needs to import, or increase the amount a country has to export. Either way, the effect is the same. There will be fewer prospects for U.S. farmers to export their surpluses. We must follow a policy which will discourage other countries from producing food uneconomically and encourage them to buy from us.

I ask that a recent article from Reuter Commodities News be printed in the RECORD following my remarks. This article explains how East Germany is expanding its food production. If the whole world follows their example, the future of agriculture in the United States will not be bright.

The article follows:

EAST GERMANY HAS RECORD GRAIN HARVEST IN 1984

EAST BERLIN, January 18.—East Germany produced a record grain harvest of 11.5 million tons in 1984, the country's central statistics board said.

The harvest, helped by a wet early summer and sunshine late in the season, exceeded the previous record of 10.067 million set in 1983.

East Germany is stepping up grain production by new irrigation projects and expanded output of agricultural machinery.

Senior Communist officials, aiming to increase their country's self-sufficiency in food, visited England last summer to study British methods of intensive agriculture.●

HOFFMAN ON SDI: DEFEATING OUR MISCONCEPTIONS

● Mr. QUAYLE. Mr. President, last Friday the Senate Armed Services' Subcommittee on Strategic and Theater Nuclear Forces received testimony from Fred S. Hoffman, Director of the President's "Ballistic Missile Defenses and U.S. National Security Report". This testimony was most refreshing in its analysis of the strategic defense initiative [SDI].

Indeed, Mr. Hoffman's presentation addressed the most basic misconceptions concerning the SDI—that it must be leakproof to be worthwhile, that our only choice is between either impenetrable umbrella defenses over cities or a hard point defense of silos, that the offense will always add more missiles to overwhelm the defense resulting in larger offensive forces.

Before the Senate debates the merits of continued funding of work on SDI, it is essential that we focus on what SDI is truly about.

Mr. President, I ask that the full text of Mr. Hoffman's testimony be printed into the RECORD.

The material follows:

STATEMENT OF FRED S. HOFFMAN BEFORE THE SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES OF THE SENATE ARMED SERVICES COMMITTEE

THE ROLE OF SDI IN U.S. NUCLEAR STRATEGY

Mr. Chairman, members of the Subcommittee, thank you for the opportunity to present my views on the Strategic Defense Initiative (SDI). This statement and my remarks represent my personal views. I appear here neither in any official capacity nor as a representative of my employer.

As we approach the second anniversary of President Reagan's speech announcing the SDI, it is useful to review the development of the issue. Critics and supporters alike now recognize that the central question concerns the kind of R&D program we should be conducting. Virtually no one on either side of the issue, here or among our allies, contests the need for research on the technologies that might contribute to a defense against ballistic missiles, and it is clear that the Administration does not propose an immediate decision on full-scale engineering development, let alone deployment of ballistic missile defenses.

Nevertheless, the issue continues to occupy a dominant place in discussions of national security issues and arms negotiations, far out of proportion to its immediate financial impact (significant as this is), to its immediate implications for existing agreements, (current guidance limits the R&D to conformity with them) and to its near-term impact on the military balance. Reactions by the public and media in this country and among our allies, as well as the public response by Soviet leaders, suggest that the President's speech touched a nerve. Such extreme reactions to a program that has such modest immediate effect suggests that the President's initiative raises basic questions about some deep and essential troubles with the drift of NATO declaratory and operational strategy for the last 20 years, and about the direction in which we need to move during the next 20 years. The debate has only ostensibly been about the pros and cons of spending next year's funds on research and development. That the basic issues have been largely implicit is unfortunate. Entrenched Western opinion resists rethinking a declaratory strategy that has stressed a supposed virtue in US vulnerability. And the Soviets have been campaigning furiously to aid a natural Western resistance to change. The Soviet campaign is also natural since in the 20 year period in which the West has relied on threats of Mutual Assured Destruction, the Soviets have altered what they call the "correlation of forces" in their favor.

The orthodoxy reflected in the SALT process and in much of the public discussion of the SDI is that of Mutual Assured Destruction (MAD)—a doctrine that holds that the only proper role of nuclear weapons on both sides is to deter their use by the other side, and that they must perform this role through the threat of massive and indiscriminate attacks on cities, designed to inflict the maximum destruction on the adversary's civilian population. On this view, any use of nuclear weapons is and should be clearly suicidal. Anything that interferes in any measure with the other side's ability to inflict "assured destruction" is "destabilizing"—in crises it is supposed to induce preemptive attack and, in the long term military competition, a "spiralling nuclear arms race" with unlimited increases in the potential for indiscriminate destruction on both sides. MAD was the Western, though not the Soviet, strategic foundation for the ABM Treaty and the SALT offense agreements. It is largely unconscious dogma dominating the media discussions of nuclear strategy, SDI, and arms agreements.

Some who advocate this policy like to think of it as not a policy, but a "fact." A supposedly unalterable fact of nature. There is a grain of truth and a mountain of confusion in this assertion. The grain is the unquestioned ability of nuclear weapons to inflict massive, indiscriminate and possibly global destruction. The mountain is the conclusion that this is the way we should design and plan the use of nuclear forces, and even more important, the assumption that this is the way the Soviet Union does design and plan the use of its nuclear forces. The prescription for our own strategy and the assumption about Soviet strategy are not unalterable facts of nature but matters of policy choices in each country. The contrasting US and Soviet choices brought about the relative worsening of the US position.

This is not the place for a detailed critique of MAD, but a summary of its principal deficiencies is essential to assess the potential role for defenses in our strategy. A central point on which most critics and supporters of SDI agree is that the assessment of defenses depends critically on what you want them to do. And what we want them to do depends on our underlying strategy.

MAD as a strategy might have something to recommend it (not nearly enough in my view) if the tensions between the Soviet Union and the US were restricted to the threat posed by nuclear weapons. Relations between the United States and the Soviet Union have not been dominated by the possibility of border conflicts between the two countries or the fear of invasion by the other. Rather the post-World War II military competition arose from the desire of the Soviet Union to dominate the countries on the periphery of its Empire and the desire of the United States to preserve the independence of those countries. No nuclear strategy can long ignore the role of nuclear weapons in managing this underlying conflict of interests, nor can it ignore the asymmetry in the geostrategic situations of the two countries. The US guarantees a coalition of independent countries against nuclear attack by the Soviet Union. We have also

affirmed in NATO strategy that we would respond to overwhelming nonnuclear attack with whatever means proved to be necessary to defeat such an attack. Do we now mean to exclude a US nuclear response in both these cases? What if the Soviets launch a nuclear attack, but one directed solely at our allies and which avoids any damage to the US? How long can an explicitly suicidal nuclear response remain a credible threat in the eyes of our allies or the Soviet Union?

On the Soviet side, there is abundant evidence that they have never accepted MAD as a strategic basis for their military programs (in contrast to their rhetoric designed to influence Western opinion). They continue to maintain and improve, at massive cost, air defense forces, ballistic missile defenses and protective measures for their leadership and elements of their bureaucracy intended to ensure the continuity of the Soviet state. Their military strategy has increasingly focused on qualitative improvements to their massive forces intended to give them the ability to win a quick and decisive military victory in Europe using their nonnuclear forces to attack our theater nuclear force as well as our conventional force while deterring the use of our nuclear forces based outside the theater. Deterring a suicidal use of nuclear force is not very difficult. They have steadily improved the flexibility of their own nuclear forces in what Lt. Gen. William Odom, a leading professional student of Soviet military thought, has called their "strategic architecture." They design that architecture for the pursuit of Soviet political goals as well as military operations.

They clearly wish to dominate on their periphery and to extend their influence over time. By creating conditions that weaken ties between the United States and other independent countries they serve both ends. They clearly prefer to use latent threats based on their military power, but have shown themselves willing to use force either directly or indirectly and in a degree suited to their political goals. They regard wars, especially long and large wars as posing great uncertainties for them. Because they cannot rule out the occurrence of such wars they attempt to hedge against the uncertainties in their preparations. There is no reason to suppose that their plans for the use of nuclear weapons are inconsistent with their general approach to military planning.

From the Soviet point of view, Western public espousal of MAD is ideal. Western movement away from such a strategy based on indiscriminate and suicidal threats would increase the difficulty of Soviet political and strategic tasks. The consequences of Western reliance on threats to end civilization can clearly be seen in the increasing level of Western public anxiety about a nuclear cataclyism. While the incumbent governments among our allies have successfully resisted coercion, trends in public opinion and in the positions of opposition parties give us little reason for comfort. In the US as well, public attitudes reflected in the freeze movement will make it increasingly difficult to compete with the Soviets in maintaining parity in nuclear offensive forces. The Soviet leaders have reason to believe that the West will flag in its efforts to make up for the ground it lost in the quantative offense competition. Proponents of MAD have also impeded and delayed qualitative improvements in the name of "stability." Finally, a broad and increasing segment of the public is questioning the morality and prudence of threats of unlimited destruction as a basis for our strategy.

The specific relevance of MAD to the assessment of SDI is best illustrated in the assertion by critics of the hopelessness of the SDI's task. They observe that if even one percent of an attack by 10,000 warheads gets through the defenses, this means 100 nuclear weapons on cities and that for more likely levels of defense effectiveness, the ballistic missile defenses would be almost totally ineffective in protecting cities. They generally leave implicit the remarkable assumption that the Soviets would devote their entire (and in this example, presumably undamaged) missile force to attacks on cities, ignoring military targets in general and not even making any attempt to reduce our retaliatory blow by attacking our nuclear offensive forces. If the Soviet attack, for example, devoted two-thirds of their forces to attacking military targets then only one-third of the warheads surviving a defense like a boost phase intercept system would be aimed at cities. In one particularly remarkable exercise of this sort, the authors concluded that defenses would cause the Soviets to concentrate their forces on our cities, even if their attack were to result in nuclear winter.

Such a bizarre assumption suggests the absence of serious thought about the objectives that might motivate Soviet leaders and military planners if they ever seriously contemplated the use of nuclear weapons. Whatever we may think of the heirs of Karl Marx, the followers of Lenin and the survivors of Stalin, nothing in their background suggests suicidal tendencies. Certainly, their strictest ideological precepts call for the preservation of Soviet power and control. Neglect of the actual motivation of our adversaries is particularly strange in a strategic doctrine that professes to be concerned with deterrence. Despite the fact that deterrence is in the mind of the deterred, those who espouse MAD rarely go beyond the assumption that the attacker's purpose is to strike preemptively before he is attacked.

MAD doctrine takes it as axiomatic that to deter such a Soviet attack we must threaten "assured destruction" of Soviet society. A consequence of this view is that only offensive forces can directly contribute to deterrence. Defensive forces can contribute only if they are useful in protecting our missile silos and the "assured destruction" capability of the missiles in them. Beyond this ancillary role in deterrence, MAD relegates defenses along with offensive counterforce capability and civil defenses to the role of "damage limiting" if deterrence fails. But since our damage limiting capability diminishes Soviet assured destruction capability, eliciting unlimited Soviet efforts to restore their deterrent, MAD dismisses damage limiting (and with it defenses) as pointless and destabilizing.

To recapitulate, acceptance of MAD doctrine implies for SDI:

Defenses must be essentially leakproof to be useful;

Defenses can at best serve an ancillary role in deterring attack;

Defenses that reduce civilian damage are inherently destabilizing.

Even a leakproof defense would not satisfy the last condition. Together these three conditions implied by MAD are an impenetrable barrier—a leakproof defense against SDI. Since I have indicated above reasons for rejecting MAD as a doctrine, I believe we should reexamine each of these in turn.

Most important, if defenses must be leakproof to be useful, then the odds of success for the SDI R&D program are much lower than if lesser levels of effectiveness can contribute to our security objectives. The record is replete with instances of faulty predictions about the impossibility of technological accomplishments by those with the highest scientific credentials, and we should view current predictions about the impossibility of effective ballistic missile defenses in the perspective of that record. Nevertheless, if everything in a complex and diverse R&D program must work well to derive any benefit, the odds of success will be low and the time required very long.

The critics compound the problem further by demanding that the SDI research program prove and guarantee at its outset that the defenses that might ultimately be developed and deployed will be able to deal with a wide variety of ingenious, but poorly specified and, in some cases, extremely farfetched countermeasures. Critics can produce countermeasures on paper far more easily than the Soviets could produce them in the field. In fact, the critics seldom specify such "Soviet" countermeasures in ways that seriously consider their costs to the Soviet Union in resources, in the sacrifice of other military potential, or the time that it would take for the Soviets to develop them and incorporate them into their forces. The countermeasures suggested frequently are mutually incompatible.

If, instead, we replace MAD with a view of deterrence based on a more realistic assessment of Soviet strategic objective, we arrive at a radically different assessment of the effectiveness required for useful defense and of the appropriate objectives of the SDI R&D program. The point of departure ought to be a reflection on the motives that might induce Soviet leaders and military planners to contemplate actually using nuclear weapons. The text of deterrence would come if we and the Soviet Union found ourselves in a major confrontation or nonnuclear conflict.

In such circumstances, Soviet leaders might find themselves facing a set of alternatives all of which looked unpleasant or risky. If, for example, they lacked confidence in their ability to bring a nonnuclear conflict to a swift and favorable conclusion, they might consider ensuring the futility of opposing them by a militarily decisive use of nuclear weapons. A decisive nuclear attack in this sense might or might not have to be "massive," in the sense of "very large." Its primary motivation would be the destruction of a set of general purpose force targets sufficient to terminate nonnuclear resistance. If Soviet leaders decided that the gains warranted the risks they would further have to decide whether to attack our nuclear forces or to rely on deterring their use in retaliation. The extent and weight of such an attack would be a matter the Soviet leaders would decide within the context of a particular contingency, based on their assessment of our probable responses.

The alternative risks they would face would be the prospect of nuclear retaliation to an early nuclear attack on one hand; on the other hand, those of gradual escalation of a nonnuclear conflict in scope and violence with the ultimate possibility of nuclear conflict in any case.

In either case their primary concern would be to achieve military victory while minimizing the extent of damage to the Soviet Union and the risk of loss of Soviet political control. Their targets would be selected to contribute to these goals. Wholesale and widespread attacks on civilians would not contribute but would only serve

to insure a similar response by the large nuclear forces remaining to us even after a relatively successful Soviet counterforce attack. And this does not even take account of the possibility that, should they launch a massive attack on cities, that might trigger nuclear winter, making our retaliation irrelevant.

The magnitude of collateral damage to Western civilians from a Soviet attack with military objectives would depend on the extent of Soviet attack objectives and the weight of attack required to achieve those objectives. Like us, they have been improving the accuracy of their weapons and reducing their explosive yield. As this trend continues, motivated by the desire for military effectiveness and flexibility in achieving strategic objectives, they will become increasingly capable of conducting effective attacks on military targets while limiting the damage to collocated civilians and while remaining below the threshold of uncertainty of global effects that would do serious harm to themselves. At present, a Soviet attack on a widespread set of general purpose force and nuclear targets would undoubtedly cause very great collateral damage but could be conducted so as to leave the bulk of Western civil society undamaged and to remain safely under the threshhold for a major climatic change affecting the Soviet Union.

We should judge the utility of ballistic missile defenses in the light of their contribution to deterring such attacks and their ability to reduce the collateral damage from such attacks if they occur. The relevant question for the foreseeable future is not whether defenses should replace offensive weapons but whether we should rely exclusively on offensive weapons or whether a combination of militarily effective and discriminating offense and defenses will better meet our strategic requirements for deterrence and limiting damage.

This change in the criterion by which we judge defenses from the one imposed by MAD has profound consequences for the level of effectiveness required of defenses, for the treatment of uncertainty about defense effectiveness and for the terms of the competition between offense and defense. Instead of confining the assessment to the ability of defense to attain nearly leakproof effectiveness, a realistic consideration of the role of defense in deterrence recognizes that an *attacker* will want high confidence of achieving decisive results before deciding on so dangerous a course as the use of nuclear weapons against a nuclear-armed opponent. Analysis will show that defenses with far less than leakproof effectiveness can so raise the offensive force requirements for attacks on military target systems that attacks on limited sets of critical targets will appear unattractive and full-scale attacks on military targets will require enormous increases in force levels and relative expense to achieve pre-defense levels of attack effectiveness and confidence in the results. Because of an attacker's desire for high confidence in a successful outcome, he must bear the burden of uncertainty about defense effectiveness and is likely bias his assumptions toward overestimating it. This is particularly important for his willingness to rely on sophisticated countermeasures such as those liberally assumed by critics of the SDI.

In addition, the technical characteristics of the defenses that are contemplated in the SDI would pose particularly difficult problems for a Soviet attack planner. A particularly prevalent and misguided stereotype in current discussion contrasts "an impenetrable umbrella defense over cities" with a hard point defense of silos as though these were the only choices. Reality offers more types of targets and defenses than are dreamt of in this "city silo" world. The preceding discussion has attempted to show the importance of general purpose force targets in motivating a possible nuclear attack. With respect to the characteristics of future defenses, the technologies pursued under the SDI have the potential for a multi-layered defense which begins with boost phase intercept, continues in the exo-atmospheric mid-course phase and terminates with systems for intercept after reentry into the atmosphere. Each successive layer is more specific in terms of the target coverage it provides, but none is effectively so circumscribed that it is properly described as a point defense.

This means that defenses can simultaneously protect several military targets and can simultaneously protect military targets and collocated population. The problem this poses for the attacker is that he cannot, as he could against point defenses, economize in his use of force by predicting which defenses protect which targets and planning his attack precisely to exhaust the defense inventory (even assuming that he can afford to forego attacks on some military targets). Moreover, to the extent that there is redundancy in military target systems (or in their possible unknown locations), and the defense can identify the targets of particular enemy warheads in midcourse, or terminal, phase (as it can), the defense can defend targets "preferentially." The offense would have to treat all targets as equally defended by such a concentrated defense. This greatly enhances the competitive advantage of the defense.

Another implication of the foregoing discussion is that defenses do not come in neat packages labelled "protection of military targets" and "protection of civilians." Warheads aimed at military targets will, in general, kill many collocated civilians and defenses that protect against such attacks will reduce civilian casualties. Again, in contrast to the kind of nightmare attack assumed by MAD theorists, when we consider more realistic Soviet attacks, effective but far from leakproof defenses can protect many civilians against collateral damage. If, moreover, a Soviet attack planner knows that we will protect collocated military targets more heavily and he must choose between attacking similar targets some of which are collocated and others of which are isolated, he will opt for the isolated targets if he wishes to maximize his military effectiveness (the reverse of what is generally assumed by critics of defenses). When we understand that the problem of protecting civilians is primarily the problem of dealing with collateral damage, it becomes clear that we do not need leakproof defenses to achieve useful results. The more effective the defenses, the greater the protection, but there is no reason to expect a threshold of required effectiveness.

Another charge levied against defenses is that they are "destabilizing." The prospect of leakproof defenses is allegedly destabilizing because they present an adversary with a "use it or lose it" choice with respect to his nuclear offensive capability. Defenses with intermediate levels of effectiveness are also held to be destabilizing because they work much better if an adversary's force has previously been damaged in a counterforce strike, intensifying incentives for preemption in a crisis. The first charge hardly needs response. Leakproof defenses, if they ever become a reality, are unlikely to appear on short notice or all at once. The Soviets know that they can live under conditions of US nuclear superiority without any serious fear of US aggression because they have done so in the past. In fact, they survived for years under conditions of US monopoly. They can also and are pursuing defense themselves, and undoubtedly will continue. The notion that they would have no choice for responding to US defense other than to launch a preventive war is not a serious one.

The crisis stability argument is also a weak one. The analysis generally advanced to support it is incomplete and inadequate to determine the strength of the alleged effect because it is unable to compare meaningfully the importance of the difference between striking "first" and striking "second" with the difference between either and "not striking at all." Such analyses ignore, therefore, one of the most important elements of the theory of crisis stability contained in the original second-strike theory of deterrence. Moreover, since defenses would contribute to deterrence by denying achievement of Soviet attack objectives, it would at least be necessary to determine the *net* effect of strengthening deterrence with the effect of intensifying incentives to preempt and this the analysis cannot do. Finally, the argument focuses on the wrong culprit. The grain of relevance in the argument is its identification of the problems presented by vulnerable offensive forces. It then superimposes partially effective defenses on the vulnerable offensive forces and concludes that the defenses are destabilizing. But it would be a virtuoso feat to design SDI type, multi-layered defenses that would not, willy-nilly, reduce the vulnerability of the offensive nuclear forces, and it would certainly be possible by proper design to reduce that vulnerability far enough to eliminate the so-called destabilizing effect while realizing the other benefits of defenses.

Turning next to the effect of introducing defenses on the long-term military competition, we once again encounter the charge that defenses are destabilizing. A common assertion is that the offense will always add force to overwhelm the defense with the net result of larger offensive forces and no effective protection. This stereotyped "law of action and reaction" which flourished in the 1960s and early 1970s was also supposed to imply that if we reduce defenses, the Soviets will inevitably reduce their offenses. It has no basis in theory, and it has been refuted by reality. The United States drastically cut its expenditures on strategic defense in the 1960s and 1970s while the Soviets tripled their expenditures on strategic offense. After we abandoned any active defense against ballistic missile attacks even on our silos, the Soviets deployed MIRVs for the first time and increased them at an accelerating rate. The action-reaction theory of the arms race led to some of our worst intelligence failures in the 1960s and early 1970s.

The effects of US defenses on the incentives governing Soviet offensive forces are likely to depend on the terms of the competition as they are perceived by each side. The incremental increase in effort or force size by the offense required to offset an increment of effort or force in the defense (the "offense-defense leverage") is particularly important in determining the charac-

ter of the long-term response by the offense to the introduction of defenses. The leverage in turn as suggested by the foregoing discussion, is extremely sensitive to the strategic criterion we adopt, the specific targets being protected, and the characteristics of the defenses. When we assess the role of defenses within a strategic framework like the one outlined above and take account of the defense characteristics that could result from the technologies pursued under the SDI, the leverage is radically shifted in favor of the defense compared with the results suggested by evaluations within the MAD doctrine and under the misleading stereotype of defense characteristics prevalent in public discussion.

More fundamentally, ballistic missiles now offer an attack planner a degree of simplicity and predictability associated with no other weapon system. Planning a ballistic missile attack is much more like building a bridge than it is like fighting a war. The distinguishing characteristic of warfare, an active and unpredictable opponent, is missing. Introduction of defenses will change that radically and the change will reduce the strategic utility of ballistic missiles, now the keystone of U.S. and Soviet military forces. President Reagan called for defenses to make ballistic missiles "impotent and obsolete." Defenses of relatively moderate capability can make them obsolete to a military planner long before they are impotent in terms of their indiscriminate destructive potential.

If this point is reached or foreseen, the incentives governing negotiations over arms agreements will be fundamentallly changed in a direction offering much more hope of agreement on substantial reductions in forces on both sides. Moreover, the growing problems of verification of limitations on nuclear offensive systems makes it increasingly difficult to foresee the possibility of agreeing to sizable reductions in the absence of defenses. One of the contributions of defenses can be to increase the ability to tolerate imprecision in the verifiability of arms limitations.

The point of view advanced here has major implications for the conduct of the SDI R&D program as well as for the criteria we should apply to evaluating its results when we approach the decision for full-scale engineering development and deployment. If we adopt the MAD view of the role and utility of defenses, and require essentially leakproof defenses or nothing then we will conduct the SDI on what has been called the "long pole" approach. We will seek first to erect the "long pole in the tent," that is, we will devote our resources to working on those technical problems that are hardest, riskiest and that will take longest and we will delay working on those things that are closest to availability. The objective of this approach will be to produce a "fully effective" multilayered system or nothing. Unfortunately such an approach increases the likelihood that we will in fact produce nothing and it is certain that it delays the date of useful results into the distant future.

If instead, as argued here, we believe that defenses of moderate levels of capability can be useful then we will conduct SDI in a fashion that seeks to identify what Secretary Weinberger has called "transitional" deployment options. These may be relatively near term technological opportunities, perhaps based on single layers of defenses or on relatively early versions of technologies that can be the basis for later growth in system capability. Or if they are effective and cheap enough they might serve for a limited lifetime against early versions of the Soviet threat while the SDI technology program continues to work on staying abreast of qualitative changes in the threat. Such an approach would incorporate a process for evaluating the transitional deployment options in terms of their effectiveness, their robustness against realistic countermeasures, their ability to survive direct attack on themselves, their cost and their compatibility with our long-term strategic goals. Such an approach represents the best prospect for moving toward the vital goals enunciated by President Reagan two years ago.●

UNANIMOUS CONSENT REQUESTS

Mr. SIMPSON. Mr. President, is the minority leader ready to proceed with these various items?

Mr. BYRD. Mr. President, the distinguished majority whip has shown me the various requests that he is about to propound, and I find no objection to any of them.

Mr. SIMPSON. I thank the minority leader.

ORDER TO HOLD AT THE DESK HOUSE JOINT RESOLUTION 50, WOMEN'S HISTORY WEEK

Mr. SIMPSON. Mr. President, I ask unanimous consent that once the Senate receives from the House of Representatives House Joint Resolution 50, Women's History Week, it be held at the desk pending further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LEGAL COUNSEL INTERVENTION

Mr. SIMPSON. Mr. President, I send a resolution to the desk on behalf of Senator DOLE and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 91) to direct the Senate Legal Counsel to intervene in Lear Siegler, Inc. etc. v. John Lehman, etc., et al.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, I rise in support of this resolution relating to the authority of the Senate Legal Counsel.

The Competition in Contracting Act of 1984, which the Congress enacted as title VII of the Deficit Reduction Act of 1984, Public Law No. 98-369, 98 Stat. 494, 1175, represents a major effort by the Congress to promote the use of competitive procedures in Government contracting. To foster compliance with these procedures, subtitle D of the act, 98 Stat. 1199, establishes a procurement protest system and assigns important responsibilities to the Comptroller General in implementing that system. The statute provides that an interested party to an executive solicitation may make a timely protest to the Comptroller General that the agency is violating a procurement statute or regulation. The Comptroller General must issue a decision within 90 working days unless he states in writing why more time is required. Pending this decision the procuring agency is prohibited from awarding the contract or must suspend performance of the contract if the protest was made within 10 days of the award. The decision of the Comptroller General is in the form of a recommendation to the agency, but the Comptroller General may declare that the protester is entitled to reasonable attorneys' fees and bid preparation costs.

The Attorney General notified the President of the Senate last November that he was advising executive agencies not to comply with these provisions of the act on the theory that the Congress had violated the constitutional separation of powers by delegating these powers to the Comptroller General. The Attorney General further advised the Senate that if these provisions were challenged in court, the Department of Justice would not defend their constitutionality.

The constitutionality of these provisions has now been placed in issue in an action filed in the U.S. District Court for the Central District of California. The plaintiff, a domestic defense contractor, has protested to the Comptroller General about an allegedly unlawful award by the Navy to a competing Israeli firm of a contract to supply a part for the F-18 aircraft. The plaintiff maintains that, taking into account "Buy America" requirements, its bid is lower than the bid of the Israeli firm to which the Navy has awarded the contract. If the Navy has a critical need for the aircraft part the Competition in Contracting Act authorizes the head of the procuring activity to proceed immediately with the procurement by making a written finding that urgent and compelling circumstances affecting the interests of the United States will not permit waiting for the decision of the Comptroller General, 98 Stat. 1200-01. The Navy has not made that finding. Nevertheless, in accordance with the Attorney General's advice, the Navy has declined to comply with the statutory requirement that the award or performance of the contract be suspended pending the Comptroller General's ruling on the protest.

The plaintiff is requesting that the court direct the Navy to suspend performance of the contract until the merits of the plaintiff's bid protest can be considered by the Comptroller Gen-

eral. The Department of Justice has notified the Senate that, consistent with the position outlined in the Attorney General's letter to the President of the Senate, the Department will argue that the stay provisions of the act violate the separation of powers and should be invalidated. The Department of Justice maintains that the General Accounting Office, because it is often described as a legislative agency, cannot constitutionally be assigned functions relating to the execution of the laws. However, notwithstanding the General Accounting Office's duties in aid of Congress, the Comptroller General is appointed by the President with the advice and consent of the Senate in accordance with article II, section 2, clause 2 of the Constitution, the appointments clause. Accordingly, the Congress may statutorily assign to the Comptroller General duties that an officer of the United States may appropriately perform.

The following resolution directs the Senate Legal Counsel to intervene in this action is support of the Comptroller General's powers under the Competition in Contracting Act. The Senate Legal Counsel will not be addressing the merits of the bid dispute between the two competing firms nor be taking any position of the Navy's procurement responsibilities under authorities other than the Competition in Contracting Act.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 91

Whereas, in the case of Lear Siegler, Inc., etc. against John Lehman, etc., et al., filed in the United States District Court for the Central District of California, the constitutionality of the procurement protest system established by the Competition in Contracting Act of 1984, Pub. L. No. 98-369, 98 Stat. 1175, 1199-1203, has been placed in issue;

Whereas, the Department of Justice has notified the Senate that the Department will assert in this case and in other cases under the Competition in Contracting Act that the powers granted by that Act of Congress to the Comptroller General violate the constitutionally prescribed separation of powers;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a)(1982), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in the case of Lear Siegler, Inc., etc. against John Lehman, etc., et al.

EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Lando W. Zech, Jr., under the Nuclear Regulatory Commission.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

NUCLEAR REGULATORY COMMISSION

The assistant legislative clerk read the nomination of Lando W. Zech, Jr., of Virginia, to be a member of the Nuclear Regulatory Commission.

Mr. SIMPSON. Mr. President, I should like to make just a few brief remarks on the nomination of Lando W. Zech, Jr., to serve as a member of the Nuclear Regulatory Commission. I first met Lando Zech in early 1984, when he and I had an opportunity to discuss the position to which he was subsequently nominated by the President—a 5-year term as a member of the Nuclear Regulatory Commission. At that time, Admiral Zech had just begun a comfortable and long-deserved retirement from 39 years of service in the U.S. Navy. In fact, he confessed some degree of reluctance on that occasion regarding the opening at the NRC; and, quite frankly, it was somewhat puzzling to me why a man of his long and distinguished service would even consider taking on what amounted to a wholly new career as a Commissioner of the Nuclear Regulatory Commission.

After that meeting, and in our subsequent conversations, it became quite clear to me that Admiral Zech has agreed to take on this challenging responsibility because the President has asked him to serve his country and because he relishes the opportunity to serve, once again, in a position of important responsibility and public trust.

I shall not go into detail about the tributes that have been paid to Admiral Zech in the confirmation hearing recently conducted by the Committee on Environment and Public Works. Those are all a part of the public record and available for your review. But I do want to include in the RECORD the comments of one of our former colleagues, the Honorable Mike Mansfield, on his service with Admiral Zech.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, January 31, 1985.

Hon. ALAN K. SIMPSON,
Vice Chairman, Committee on Environment and Public Works, Hart Building, U.S. Senate, Washington, DC.

DEAR SENATOR SIMPSON: We have received the following message for you from Ambassador Mansfield in Tokyo which we have passed on by telephone to Evora Williams in your Washington office.

"DEAR ALAN: Your request for my views on the nomination of Lando W. Zech, Jr. to serve as a member of the Nuclear Regulatory Commission just received 9:30 a.m. Tokyo time. January 31 rpt 31, 8:30 p.m., January 30 Washington time. I have known Admiral Zech as the Commanding Officer, U.S. Naval Forces Japan headquartered at Yokosuka Naval Base. He was at all times most cooperative, most understanding and most knowledgeable. He was a credit to the United States Navy and to our country. I have nothing but words of praise for Admiral Zech and I commend him most highly for the outstanding, dedicated and patriotic job he did as Commander U.S. Naval Forces Japan. I recommend him to the Committee for its most serious consideration and with my wholehearted support.

"Sincerely,

"MIKE MANSFIELD."

Sincerely yours,
RICHARD G. DEVILLAFRANCA,
Country Officer,
Office of Japanese Affairs.

Mr. SIMPSON. Mr. President, I am pleased to commend the nomination of Admiral Zech to the full Senate. As chairman of the Subcommittee on Nuclear Regulation, I look forward to working together with Admiral Zech, as he embarks on the new and fully challenging responsibilities of the Nuclear Regulatory Commission.

Thank you, Mr. President.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CHANGE IN ENGROSSMENT OF S. RES. 76

Mr. SIMPSON. Mr. President, I ask unanimous consent that in the engrossment of Senate Resolution 76 the

following change be made: On page 3, beginning on line 1, strike the words "Committtee on Energy and Natural Resources" and insert in lieu thereof "Committee on Environment and Public Works."

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I inquire of the minority leader if it is acceptable to proceed with a unanimous-consent request for Wednesday, March 6, 1985.

Mr. BYRD. Yes.

ORDERS FOR WEDNESDAY, MARCH 6, 1985

ORDER FOR RECESS UNTIL 12 NOON

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon on Wednesday, March 6, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS

Mr. SIMPSON. Mr. President, I ask unanimous consent that following the two leaders under the standing order there be special orders of not to exceed 15 minutes each for the following Senators: Senator HUMPHREY, Senator DOLE, and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business, not to exceed beyond the hour of 1 p.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President, following the conclusion of routine morning business, the Senate will return to any legislative or executive items which may be cleared for action. Therefore, rollcall votes can be expected.

I remind my colleagues that at 11 a.m. tomorrow there will be a joint meeting to receive an address by the Prime Minister of the Republic of Italy, the Honorable Bettino Craxi. Senators are asked to assemble in the Senate Chamber no later than 10:45 a.m. to proceed as a body to the Hall of the House of Representatives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I inquire of the minority leader if he has further business today.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader for his courtesy. I have no further business from this side.

RECESS

Mr. SIMPSON. Mr. President, I move in accordance with the previous order, that the Senate stand in recess until the hour of 12 noon tomorrow.

The motion was agreed to; and, at 6:48 p.m., the Senate recessed until Wednesday, March 6, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Secretary of the Senate March 4, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF LABOR

Donald E. Shasteen, of Maryland, to be Assistant Secretary of Labor for Veterans Employment, vice William Coskrey Plowden, Jr.

NATIONAL SCIENCE FOUNDATION

John H. Moore, of California, to be Deputy Director of the National Science Foundation, vice Donald Newton Langenberg, resigned.

Executive nominations received by the Senate March 5, 1985:

DEPARTMENT OF AGRICULTURE

John R. Norton III, of Arizona, to be Deputy Secretary of Agriculture, vice Richard E. Lyng, resigned.

DEPARTMENT OF STATE

William Lockhart Ball III, of Georgia, to be an Assistant Secretary of State, vice W. Tapley Bennett, Jr., resigned.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Charles P. Graham, [redacted] age 57, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Johnny J. Johnston, [redacted], U.S. Army.

The following-named officer under the provision of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Carl E. Vuono, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert W. RisCassi, [redacted], U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Kenneth M. Carr, [redacted] U.S. Navy.

The following-named commodores of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

SUPPLY CORPS

Stuart Franklin Platt
Carl Ray Webb, Jr.

CIVIL ENGINEER CORPS

John Cameron Fraser, Jr.

DENTAL CORPS

Richard Glenn Shaffer

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5, 1985:

DEPARTMENT OF STATE

Max M. Kampelman, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the U.S. Office for Arms Reduction Negotiations in Geneva.

John Goodwin Tower, of Texas, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Strategic Nuclear Arms.

Maynard W. Glitman, of Vermont, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Intermediate Range Nuclear Arms.

NUCLEAR REGULATORY COMMISSION

Lando W. Zech, Jr., of Virginia, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1989.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

CONGRESSMAN TONY P. HALL INTRODUCES CONVENTIONAL ARMS TRANSFER CONTROL ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. HALL. of Ohio. Mr. Speaker, today I am introducing the Conventional Arms Transfer Control Act. The objectives of the bill are to promote limitations on conventional arms transfers and to improve congressional oversight of conventional arms transfers.

The global conventional arms race has been a matter of deep concern to me since the 97th Congress. My interest in conventional arms transfer policies was stimulated in part by the Falkland Islands conflict. I was concerned that a country like Argentina could acquire the sophisticated military equipment capable of challenging—and almost defeating—the British Navy. Ironically, over 200 million dollars worth of this equipment was sold by Great Britain itself to Argentina.

My study and research of conventional arms transfers led me to introduce House Concurrent Resolution 415 on September 29, 1982. I followed up on this initiative in the 98th Congress with the introduction of House Joint Resolution 128 on February 7, 1983. In both 1983 and 1984, I appeared before the House Foreign Affairs Committee's Subcommittee on International Security and Scientific Affairs to discuss my legislation and issues relating to conventional arms transfer limitations. Section 123 of H.R. 5119, the International Security and Development Cooperation Act of 1984, would have required the President to submit to Congress a report on conventional arms transfers. The information that would have been provided by the report reflected the concerns and issues raised by House Joint Resolution 128.

In 1982, developing nations allocated $190,800,000,000 for military spending. In the developing world, ten times more is spent on arms than on health, education, and welfare combined. Currently, the world spends $22 on military purposes for every $1 it spends on development aid to poor countries.

For developing nations, the importing of sophisticated arms is economically taxing. A very high proportion of the available import capacity of some developing countries has been absorbed largely by military expenditures.

In past years, arms imports have accounted for about 59 percent of total Third World imports. In some countries, this has been an important contribution to the debt that has been dragging down their economies—which, in turn, has affected the industrialized nations.

From the perspective of the United States as an arms supplying nation, a General Accounting Office report in 1983 noted that a dozen countries were receiving guaranteed loans, even though they already were in default on prior loans for military assistance.

Between 1980 and 1983, according to the Congressional Research Service, conventional arms transfer agreements between developing nations and arms supplying nations totaled $149,185,000,000, with agreements by non-Communist nations totaling $92,125,000,000 and agreements by Communist nations totaling $57,060,000,000. Between 1980 and 1983, conventional arms transfer agreements with developing nations by non-Communist nations other than the United States totaled $53,710,000,000, agreements by the Soviet Union totaled $40,715,000,000, and agreements by the United States totaled $38,415,000,000.

The weapons transfers are more than matters of symbolism and prestige. The facts demonstrate that the world is in the midst of wars and these wars are being fought with the conventional weapons sold to the Third World. According to the Center for Defense Information, there are approximately 40 major and minor conflicts in the world today, involving 45 of the world's 164 nations. Over 4 million soldiers already are directly engaged in combat. Estimates of the total loss of lives to date in these conflicts run from more than 1 million up to 5 million. It is worthwhile to recall that while there have been no deaths since World War II as the direct result of the use of nuclear weapons, between 12 and 15 million people have been killed in wars and conflicts involving conventional weapons.

I believe the time is long overdue for the United States to develop a coherent and a visible conventional arms transfer limitation strategy. We must take the initiative to make global conventional arms limitation a priority on the world's agenda.

Weapons and warfare have been an ongoing element of the human experience. It is unrealistic to expect that all arms transfers can be stopped or that swords will be beaten into plowshares around the globe. Nevertheless, I do believe that there are specific, practical steps that the United States can take to rein in the runaway conventional arms race. The situation becomes hopeless only if we refuse to act.

The Conventional Arms Transfer Control Act would set forth a 4-point program to set in motion the process to achieve conventional arms limitations. It urges the administration to begin preliminary discussions with non-Communist arms supplying nations and with the Soviet Union to establish limits and guidelines for conventional arms transfers to developing nations. It further calls for talks between the nations selling conventional weapons and those purchasing such weapons. Finally, it reaffirms a commitment to self-restraint on the part of the United States with respect to selective conventional arms transfers to developing nations, particularly those involving sophisticated technology.

Now is an especially good time to move forward with initiatives relating to conventional arms transfer limitations. Although conventional arms transfer agreements have involved billions of dollars in recent years, the boom years of the past may not be sustained. Some markets may be approaching the point of saturation, and depressed Third World economies loaded with billions of dollars of foreign debt may not be in a position to continue high levels of conventional arms acquisitions.

According to the most current data of the Congressional Research Service, it appears that 1983 was not a particularly good year for global arms transfers. Both the Soviet Union and France suffered substantial declines in their shares of Third World arms transfer agreements values in 1983 from the previous year. The Soviet Union's share of agreements declined from 26.9 percent in 1982 to 16.9 percent in 1983. France's share of agreements declined from 18 percent in 1982 to 4.8 percent in 1983. It is interesting to note that the only major Western European supplier not to register a decline in agreements was Italy, which made an increase of about $270 million over its 1982 total.

The United States in 1983 continued to rank first in Third World arms transfer agreements at $9.53 billion, despite a notable drop from its record year total of $14.9 billion in agreements in 1982. U.S. arms transfer agreement values with the Third

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

World for fiscal year 1984 are projected to total nearly $6.79 billion, which indicates that the downward trend is continuing.

The data would indicate that now is the time to begin discussions on conventional arms control measures—before increased competition picks up again. Special attention should be given to efforts to head off new arms races in regions of the world that have not seen the most intensive competition for arms transfer agreements.

The Near East and South Asia region has historically been the greatest Third World arms market. In 1980-83, it accounted for more than three-quarters of the total Third World arms agreement values. However, Latin America and sub-Saharan Africa are two regions that seem ripe for an increased round of conventional arms transfer agreements. With conventional arms sales down in 1983, now would be the best time to raise the subject of regional guidelines and standards before the situation gets out of hand.

Conventional arms transfers contribute to regional instability and facilitate the use of force to resolve conflicts. In particular, the acquisition of sophisticated weapons by developing nations encourages regional arms races and upsets balances of power. In addition, the use of sophisticated weapons to settle disputes by force increases the possibility that nuclear weapons might be used.

I believe that expenditures for conventional arms by the developing world should be redirected, to the maximum extent possible, toward economic development and the fulfillment of human needs. The Conventional Arms Transfer Control Act would help create the policies through which this goal could be accomplished.

EXPLANATION OF THE CONVENTIONAL ARMS TRANSFER CONTROL ACT

1. POLICIES ON LIMITING CONVENTIONAL ARMS TRANSFERS

The Conventional Arms Transfer Control Act amends the Arms Export Control Act to establish a 4-point policy for pursuing conventional arms transfer limitations:

The United States reaffirms a commitment to self-restraint through selective conventional arms transfers to developing nations and through a commitment to qualitative guidelines for conventional arms transfers.

The United States and the Soviet Union should promptly begin negotiations to resume the conventional arms transfer talks.

The United States should promptly begin discussions with the non-Communist arms supplying nations to limit conventional arms transfers to developing nations and to establish qualitative guidelines for conventional arms transfers to developing nations.

The United States should promply, through the Committee on Disarmament in Geneva or through some other appropriate international forum, begin conventional arms transfer discussions between nations selling conventional weapons and nations purchasing such weapons to limit such arms transfers.

The bill would require the administration to report to Congress not later than 6 months after enactment of these provisions and each 6 months thereafter on the actions taken by the United States in accordance with these provisions and the progress being made toward achievement of the objectives expressed in them.

2. REPORT ON CONVENTIONAL ARMS TRANSFER POLICIES

Section 4 of the bill requires the President to submit to Congress a report examining and analyzing U.S. policies regarding the export of conventional arms and possible approaches that might be undertaken to develop multilateral limitations and controls on conventional arms transfers. This report requirement reinforces the policy goals set forth in section 1 of the Arms Export Control Act by directing that a serious and comprehensive evaluation of where the United States currently stands in implementation of these policy goals be undertaken.

This part of the bill reflects provisions included in the International Security and Development Cooperation Act of 1984 by the Subcommittee on International Security and Scientific Affairs. This was section 123 of H.R. 5119.

3. ANNUAL REPORTS ON ARMS TRANSFERS

Section 25 of the Arms Export Control Act is amended to require that the President submit to Congress particularly useful data regarding arms transfers to enable it to more effectively carry out its oversight functions. One of the reports required by this section was inadvertently repealed in 1981, and would be reinstituted in an updated format. This report would give Congress on an annual basis the aggregate dollar value and quantity of defense articles and defense services furnished by the United States to each foreign country and international organization, by category, for the previous fiscal year, and it would indicate by what means these items were transferred. The report would indicate if these arms transfers were by government-to-government sales, by commercial sales licensed under the Arms Export Control Act, or by other authority. This report would not only give Congress details regarding deliveries that have occurred, but details regarding agreements for future deliveries. It would also give an indication of the extent to which commercially licensed arms sales have become a factor in the international arms marketplace.

The amendments to section 25 of the Arms Export Control Act would also require data to be provided on specific elements of the commercially licensed arms trade. The President would be required to give the aggregate dollar value of all commercial manufacturing license agreements by country and international organization approved in the prior fiscal year under the authority of the Arms Export Control Act. These data would provide an indication of the extent to which the United States is providing foreign countries with the ability to manufacture defense articles abroad, a potentially important element in the proliferation of the arms trade in the developing world.

Similarly, the President would be required to give the aggregate dollar value of all commercial technical assistance agreements by country and international organization approved in the prior fiscal year under the authority of the Arms Export Control Act. These data would provide an indication of the extent to which the United States is providing foreign countries with technical data and knowledge or related defense services to enhance their ability to manufacture or utilize defense articles. The transfer of technical capability can be an important element in enabling developing nations to manufacture their own weapons—not merely for internal use, but for export as well. The emergence of arms suppliers in the developing world is a potentially significant factor in the international arms trade. Congress should be in a position to monitor effectively the evolution of this trend, and the U.S. role in it, through reports such as this.

It should particularly be noted that section 25 of the Arms Export Control Act is further amended to require the President to submit to Congress annually a report giving the aggregate dollar amount of all offset agreements associated with either government-to-government or commercial licensed arms sales made under the authority of the act. This report would be due on March 1 of each year and would provide data relating to the previous calendar year. Congress already has recognized that foreign purchasers of U.S. military equipment have increasingly required American arms suppliers to accept corollary agreements designed to offset the purchase price of the equipment sold.

Instead of simply purchasing U.S. military equipment, foreign countries are attempting to both obtain the equipment and recover some or much of their purchase price through a variety of arrangements. These arrangements or offset agreements can include coproduction of the U.S. military equipment in the purchasing country to enhance the ability of the

buyer nation to develop an independent production capability. Just one of the arms control implications of such a trend is the prospect of further proliferation of arms industries in the developing world, and subsequent exports of military hardware by these nations.

There are other alarming implications for the United States, including the potential that U.S. corporations will be compelled to make unreasonable offset agreements in order to compete in the international arms marketplace, and that as a result the impact on U.S. employment and the U.S. defense industrial base will be adverse. This proposed annual reporting requirement on offsets as they relate to foreign arms sales is a small step forward toward enabling Congress to monitor these developments and to exercise its oversight responsibilities in a timely and effective manner. This report would complement the effort already under way as the result of the initiative of Congress in enacting the Defense Production Act Amendments of 1984. It should be noted that section 309 of that legislation already requires a comprehensive report on major aspects of the offsets issue. Therefore, this provision of the Conventional Arms Transfer Control Act would not impose any new paperwork or reporting burdens on the affected corporations.

Section 25 of the Arms Export Control Act is also amended to change an existing reporting date from February 1, to April 1, in order to permit the President to submit the report on the volume of international arms traffic worldwide for the entire preceding calendar year.

4. SECURITY ASSISTANCE SURVEY

Section 26 of the Arms Export Control Act is amended to provide that upon the request of either the chairman of the House Foreign Affairs Committee or the chairman of the Senate Foreign Relations Committee, the President shall submit to that committee copies of security assistance surveys conducted by U.S. Government personnel. This amendment also clarifies the definition of security assistance surveys for purposes of this requirement. The rationale for this amendment is that security assistance surveys have proved to be the basis for many of the arms sales proposed for various nations by the executive branch. Through periodic review of these surveys, Congress will be able to better perform its oversight functions related to arms sales and transfers.

5. CONGRESSIONAL REVIEW OF ARMS SALES INVOLVING SENSITIVE TECHNOLOGY

Section 36(b) of the Arms Export Control Act is amended to require a notification to Congress of any change in arms sale, already considered by Congress, which provides a greater capability or which contains more sensitive technology than the defense articles or defense services described in the original certification submitted to Congress for review.

This amendment is intended to deal with situations such as the 1982 sale of F-16's to Pakistan. After that proposed sale cleared the required congressional review, the executive branch decided to upgrade the avionics of the Pakistani F-16 without notification to the Congress for review of that proposed upgrade of the aircraft. The avionics upgrade proposed for this F-16 sale involved more sensitive technology than was originally justified to Congress when the sales case was formally submitted. Because sensitivity of technology is often a key factor in a proposed arms sale, this section of the Arms Export Control Act merits revision to ensure that Congress will in the future be able to review any prospective major revisions in arms sales that have previously cleared Congress in a notably different context.

This amendment to section 36(b) also provides that the Committee on Foreign Affairs of the House or the Committee on Foreign Relations of the Senate may require the President to submit a detailed description of any changes that have been agreed to, or which are being considered, regarding any arms sale that has been previously notified to Congress under the Arms Export Control Act. The intent in making this change is to improve the ability of the Congress to fulfill its legitimate oversight functions in this important policy area.

CONCLUSION

The Conventional Arms Transfer Control Act is intended to provide Congress with better information concerning global conventional arms tranfers. With better information and improved oversight, Congress can acquire an increased understanding of the issues relating to global conventional arms transfers and can develop appropriate policies to address these issues.

My bill also seeks to set in motion the processes that can eventually lead to bilateral and multilateral talks to establish restraints and guidelines for conventional arms transfers. Two years ago when I proposed a resumption of the conventional arms transfer [CAT] talks with the Soviet Union, there were those who said that the time was not right for such talks. Of course, there is never a good time to raise the conventional arms limitation issue with the Russians. There are always tensions between our countries and confrontations in the rest of the world between our systems of government and our ideologies. However, the fact that nuclear arms control talks appear to be on track in Geneva could provide an opening for preliminary discussions about resumptions of the talks.

In addition, we need to talk to the non-Communist nations which currently are ahead of both the United States and the Soviet Union in terms of conventional arms transfer agreements with developing nations. With global conventional arms sales down for 1983, now is the time to develop agreements with the other major arms suppliers to limit the quantity and quality of conventional arms transferred to developing nations—especially those developing nations in regions where a vigorous arms race has yet to begin.

Conventional arms transfer limitations will require a multilateral, multiyear effort. Nevertheless, it is my hope that the Conventional Arms Transfer Control Act will help to set in motion the processes through which conventional arms transfers to the developing world can be restrained.

For the benefit of my colleagues, the full text of the Conventional Arms Transfer Control Act follows:

H.R. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conventional Arms Transfer Control Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) developing nations allocated $190,800,000,000 in 1982 for military spending;

(2) between 1980 and 1983, conventional arms transfer agreements between developing nations and arms supplying nations totaled $149,185,000,000, with agreements by non-Communist nations totaling $92,125,000,000 and agreements by Communist nations totaling $57,060,000,000;

(3) between 1980 and 1983, conventional arms transfer agreements with developing nations by non-Communist nations other than the United States totaled $53,710,000,000, agreements by the Soviet Union totaled $40,715,000,000, and agreements by the United States totaled $38,415,000,000;

(4) some developing nations have established their own armaments industries and are becoming arms exporters;

(5) conventional arms transfers contribute to regional instability and facilitate the use of force to resolve conflicts;

(6) sophisticated new weapons are among the arms being transferred to developing nations;

(7) the acquisition of sophisticated weapons by developing nations encourages regional arms races and upsets balances of power;

(8) the use of sophisticated weapons to settle disputes by force threatens to expand such conflicts;

(9) the use of sophisticated weapons to settle disputes by force increases the possibility that nuclear weapons might be used;

(10) conventional arms sales have become an arena for competition in the developing world between non-Communist and Communist nations; and

(11) expenditures for conventional arms by the developing world should be redirected, to the maximum extent possible, toward economic development and the fulfillment of human needs.

SEC. 3. POLICIES ON LIMITING CONVENTIONAL ARMS TRANSFERS.

Section 1 of the Arms Export Control Act (22 U.S.C. 2751) is amended—

(1) by inserting "(a)" after "Controls,—"; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) In recognition of the goals and policies set forth in subsection (a)—

"(A) the United States reaffirms a commitment to self-restraint through selective conventional arms transfers to developing nations and through a commitment to qualitative guidelines for conventional arms transfers;

"(B) the United States and the Soviet Union should promptly begin negotiations to resume the conventional arms transfer talks;

"(C) the United States should promptly begin discussions with the non-Communist arms supplying nations to limit conventional arms transfers to developing nations and to establish qualitative guidelines for conventional arms transfers to developing nations; and

"(D) the United States should promptly, through the Committee on Disarmament in Geneva or through some other appropriate international forum, begin conventional arms transfer discussions between nations selling conventional weapons and nations purchasing such weapons to limit such arms transfers.

"(2) Not later than 6 months after the enactment of this subsection and each 6 months thereafter, the President shall report to the Congress on the actions taken by the United States in accordance with this subsection and the progress being made toward achievement of the objectives expressed in this subsection."

SEC. 4. REPORT ON CONVENTIONAL ARMS TRANSFER POLICIES.

(a) REQUIREMENT FOR REPORT.—Not later than 6 months after the date of enactment of this section, the President shall submit to the Congress a report which examines and analyzes United States policies concerning the export of conventional arms, especially sophisticated weapons, and possible approaches to developing multilateral limitations on conventional arms transfers.

(b) INFORMATION TO BE INCLUDED.—The report pursuant to this section shall examine and analyze—

(1) the lessons of earlier efforts to negotiate restraints on the export of conventional arms;

(2) the evolution of recipient country attitudes regarding conventional arms transfers;

(3) the prospects for engaging the Soviet Union in serious discussions concerning arms tranfers, both globally and as they relate to regional security problems;

(4) possible measures by the United States and Western European suppliers to control levels of sophisticated weapons transfers, both regionally and globally;

(5) the relationship between arms exports by Western European countries and the needs of those countries to support their domestic military procurement programs; and

(6) the timing and phasing of international conventional arms control negotiations.

(c) REPORT TO BE UNCLASSIFIED.—The report pursuant to this section should be unclassified to the maximum extent possible, with classified addenda if necessary.

SEC. 5. ANNUAL REPORTS ON ARMS TRANSFERS.

(a) REPORTS ON UNITED STATES ARMS TRANSFERS.—Paragraph (5) of section 25(a) of the Arms Export Control Act (22 U.S.C. 2765(a)(5)) is amended—

(1) by inserting "(A)" immediately after "(5)"; and

(2) by adding at the end of the paragraph the following new subparagraphs:

"(B) the aggregate dollar value and quantity of defense articles, defense services, and design and construction services furnished by the United States to each foreign country and international organization, by category, for the preceding fiscal year, specifying whether such articles and services were furnished—

"(i) by sale under chapter 2 of this Act,

"(ii) by sale under chapter 2A of this Act,

"(iii) by commercial sale licensed for permanent export under section 38 of this Act (including separate listings for the value and quantity of the defense articles and defense services which were licensed for permanent export during that fiscal year and for the value and quantity of the defense articles and defense services which were actually exported on a permanent basis during that fiscal year), or

"(iv) by other authority;

"(C) the aggregate dollar value of all commercial manufacturing license agreements approved under section 38 of this Act during the preceding fiscal year, listed by foreign country and international organization;

"(D) the aggregate dollar value of all commercial technical assistance agreements approved under section 38 of this Act during the preceding fiscal year, listed by foreign country and international organization; and

"(E) the aggregate dollar amount of all offset agreements (as defined for purposes of section 309 of the Defense Production Act of 1950 (50 U.S.C. app. 2099)) associated with commercial licensed sales or government-to-government sales under this Act, which were entered into during the preceding calendar year by the United States suppliers of the defense articles, defense services, or design and construction services sold, listed by foreign country and international organization;".

(b) SUBMISSION DATES OF REPORTS ON INTERNATIONAL VOLUME OF ARMS TRAFFIC AND ON OFFSETS.—Section 25 of such Act (22 U.S.C. 2765) is amended—

(1) in subsection (a) by striking out "No later than February 1" and inserting in lieu thereof "Except as provided in subsection (d) of this section, no later than February 1"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) The information required by subsection (a)(4) of this section, relating to international volume of arms traffic, shall be transmitted to the Congress no later than April 1 of each year.

"(2) The information required by subsection (a)(5)(E) of this section, relating to offsets, shall be transmitted to the Congress no later than March 1 of each year.".

SEC. 6. SECURITY ASSISTANCE SURVEYS.

(a) SURVEYS SUBJECT TO REQUIREMENTS.—Section 26 of the Arms Export Control Act (22 U.S.C. 2766) is amended—

(1) in the section caption, by striking out "DEFENSE REQUIREMENT" and inserting in lieu thereof "SECURITY ASSISTANCE";

(2) by striking out "defense requirement" each place it appears in the section and inserting in lieu thereof "security assistance"; and

(3) by adding at the end of the section the following new subsection:

"(d) As used in this section, the term 'security assistance surveys' means defense requirement surveys, site surveys, general surveys or studies, engineering assessment surveys, and any other comparable surveys or studies.".

(b) SUBMISSION TO COMMITTEE.—Section 26(c) of such Act (22 U.S.C. 2766(c)) is amended by striking out "grant that committee access to" and inserting in lieu thereof "submit to that committee copies of".

(c) TECHNICAL AMENDMENT.—Section 26(c) of such Act (22 U.S.C. 2766(c)) is amended by striking out "International Relations" and inserting in lieu thereof "Foreign Affairs".

SEC. 7. CONGRESSIONAL REVIEW OF ARMS SALES INVOLVING SENSITIVE TECHNOLOGY.

Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(1) by amending the second sentence of paragraph (1) to read as follows: "Such numbered certifications shall also contain the information (relating to sensitive technology) required by paragraph (5) of this subsection."; and

(2) by adding at the end thereof the following new paragraphs:

"(5) Each numbered certification pursuant to this subsection shall contain—

"(A) an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles, defense services, or design and construction services proposed to be sold; and

"(B) a detailed and specific description of the models and types of any defense articles or defense services proposed to be sold which contain sensitive technology.

"(6) If, after the submission to the Congress pursuant to paragraph (1) of a certification with respect to a proposed sale, the proposed sale is modified so that the sale would involve defense articles or defense services which have a greater capability or which contain more sensitive technology than the defense articles or defense services described in the original certification, then the President shall submit a revised certification with respect to that sale in accordance with paragraph (1). Such a revised certification shall be considered for purposes of this subsection as if it were a new certification; and the references in paragraph (1) to the issuance of a letter of offer shall be deemed, in the case of such revised certifications, to be references to the execution of the sales agreement.

"(7) Upon the request of the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, the President shall submit to that committee a description of any changes which have been agreed to, or which are being considered, with respect to a sale for which a certification was submitted pursuant to paragraph (1), including any changes in the number, model, type, or capability of the defense articles, defense services, or design and construction services and any changes in the sensitivity of the technology contained in the articles or services."●

CASTRO'S OLD FOE HAS VICTORY VIBES

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. COURTER. Mr. Speaker, there is a new optimism that if we continue our support for the freedom fighters in Nicaragua, they will be victorious in their efforts to bring democracy to Nicaragua.

Mr. Huber Matos visited Nicaragua last fall and marched with the Contras. A great military leader during the anti-Batista revolution who later broke with Castro over the tyrannical drift of the Cuban revolution and was jailed by him for over 20 years. Mr. Matos feels that the seeds of victory are present.

If Mr. Matos' asssessment is correct, we must continue to support the Nicaraguan freedom fighters so that democracy can flourish in that nation.

Georgie Anne Geyer interviewed Mr. Matos for a column in the Washington Times. I believe his comments and her analysis are unusually perceptive and I commend this column to my colleagues.

The column follows:

[From the Washington Times]

A WEATHERVANE FOR THE CONTRAS?

(By Georgie Anne Geyer)

When Huber Matos, the great military hero of the Cuban revolution, went clandestinely into Nicaragua recently to travel with the anti-Sandinista guerrillas, he was convinced they could not win their anti-Marxist war. After a few days, he changed his mind.

"Before I went into the rebel zone, I believed that the possibility of a victory was very remote, particularly when one took into account how well the Sandinista army was armed," he told me, sitting in his pleasant but highly guarded house on Miami's southwest side.

"But after six weeks there last fall, marching with them over two provinces, seeing the attitudes of the people and seeing the thousands of people carrying arms, it made me feel that if the Nicaraguan people counted up the necessary resources, the possiblity of victory was great.

"We have in Nicaragua," he continued, "a people who are resisting the process of the consolidation of totalitarianism."

Mr. Matos is in many ways a curious weathervane. A brilliant military leader and an ethical man, he won battle after battle for Fidel Castro against the Batista dictatorship. In 1959 he was imprisoned by that same Castro for 20 years—for resigning his post as military commander in protest against communism. He is also a realist. So his findings are compelling.

The first difference he noticed between the Nicaraguan Contra revolution and the now-prototypal Cuban revolution was that the former is made up almost entirely of peasants, not the middle class or the students. "The other difference is organization," he went on. "They have a real structure of command. In the Cuban revolution's Sierra Maestra, Fidel improvised everything." Of course, the Nicaraguans also have no Fidel.

Why does he regard the Nicaraguan counterrevolution with hope? Because the religious factor—the Roman Catholicism of the Nicaraguans—remains strong, whereas it was quickly snuffed out in Cuba. Because most young Nicaraguans hate the universal military conscription law of the Sandinistas. And quite simply because, in the absence of the special *caudillo* leadership of a Castro, most Nicaraguans simply want democracy.

Nor does Mr. Matos think the fact that the Contras are divided into three groups is a serious drawback. "A real unity of the three groups is not probable," he said, "but that really is not a problem. The three all have different zones; but if they are fighting for pluralist democracy, that only reflects the pluralism they want."

Mr. Matos's fascinating odyssey sharpens the focus of changes that are occurring all over the lot. He himself believes that there well could be dramatic changes, not only in Nicaragua but even in Cuba, this very year. "We have said very clearly that 1985 has to be the moment of truth in Central America," he said, speaking of his Miami-based Cuban Independence and Democratic Movement. "We believe that this year will either produce a regional answer or, on the contrary, that the democratic forces will lose the opportunity to defend themselves." A real change no longer seems as impossible as it once might have; there are many new—if still publicly murky—indicators of changes once thought impossible. Fidel Castro has given his own indicators, which most people miss because Castro signals in his own way.

His ostentatious and surprising trip to Nicaragua in December for the inauguration of President Daniel Ortega, rather than being a sign of support, is probably rather a sign that the Sandinistas are on their own, if his past behavior is a guide. All of his speeches since early December—and his cynical but meaningful meetings with overwrought American congressmen—show that his economic problems are so great that he might, out of self-interest, seek some kind of change in his relations with the United States.

He does not appear to be physcially well. In Spain last year, his hands were shaking badly, and in Nicaragua he had a noticeable nervous tic in his lips. As well, Castro always believed he was on history's winning side—the socialist side. Now, the conservative world trend is giving him many second thoughts.

In addition, the trip to Central America of White House adviser Robert MacFarlane and the U.S. withdrawal from the World Court case pitting Nicaragua against the United States (over U.S. mining of Nicaraguan ports) point to a still stronger anti-Sandinista and anti-Cuba policy in Reagan's second term.

My own analysis is that the Reagan administration will not invade Nicaragua but will do everything but that—and will not let the Contras, whom the United States, after all, started on their way, go down the drain. So, if at first it seems odd that a man with the special credentials of Huber Matos suddently is walking all over Nicaragua with these new guerrillas, it should not. For it is a time when all the old images are being shattered and the future suddently seems open.

Castro, a man of extraordinary intuitive as well as intellectual faculties, certainly sees what his old (and new?) nemesis, Mr. Matos, sees.

What virtually everyone thought was impossible may now be possible: that a revolution against even an entrenched Marxist revolution, given sufficient support, may be able to succeed.●

TRIBUTE TO MAX ACKERMAN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. SCHEUER. Mr. Speaker, we recently noted with sorrow the death of Max Ackerman, father of our colleague GARY. Max was a constituent of mine, living in and being one with his neighbors in the Electchester houses in the Flushing section of Queens County.

I would like to bring to the attention of my colleagues a moving tribute to Max Ackerman which appeared in the February 28 edition of the Queens Tribune.

The tribute follows:

MAX ACKERMAN, 1915–1985

(By Michael Schenkler)

Everybody who knew Max Ackerman loved Max Ackerman. He was a warm-hearted, fun-loving man who always had a cheerful thought on his lips. Max was a concerned, compassionate human being—though he didn't want people to know. He tried at times to hide his love beneath his semi-gruff exterior. But Max wasn't an actor, his warm smile and his glow of goodness shone through; and people knew. And people loved Max. And Max loved people.

Maxie was a character. Whether it was kidding wife Eva or kibbitzing with friends, Maxie was full of the devil. His seven decades didn't take the little kid out of this kidder. When Maxie was around, you smiled.

Max Ackerman was part of this newspaper. His oldest son started the *Tribune* 15 years ago. And to listen to Max, it was he who personally nurtured *The Trib* from infancy to success. Throughout different periods of our paper's growth, Max could be found checking delivery, or delivering himself, giving leads to salesmen, calling in news stories, criticizing our coverage of his son, demanding space for a friend's story, or investigating the theft of *Tribunes.* It is as recent as this week that a story ran in our pages that was a personal project of Max. Max grew with *The Tribune;* The *Tribune* grew with Max.

Max had friends. We met many of them. He was always dragging them over to our office from the Electchester Shopping Center. There were so many that their names and nicknames elude us. But Maxie remembered them when it was important. Max was the mayor of Electchester. And come election time Max mounted his own troops and conducted his own personal campaign for son Gary.

We remember Max through a half a dozen campaigns. He couldn't understand how anyone voted for a candidate other than Gary. He didn't know why they allowed anyone else to have posters; or for that matter, why anyone was allowed to run against Gary. Max worried about Gary's career. After each election he worried that we didn't do well enough and always wanted to know if we could pay the bills. But I re-

member March 1, 1983, in Washington, D.C., when Gary Ackerman was sworn in as a Congressman of the United States. There stood Max Ackerman, the proudest man in this country, and next to him, Eva, the proudest woman. Max was politician. He pretended not to be and then quietly guided his son to the United States Congress.

But, above all, Max was a family man. He loved his wife Eva. He loved his sons Gary and Joel. They gave him *nochas*. He loved daughters-in-law Rita and Michelle. He adored grandchildren Lauren, Corey, Ari, Kim and Brian. Brother Morris, nine brothers- and sisters-in-law and all their kids meant the world to Max. I was privilege to share many a family occasion with this group. They were full of love for each other. And deep down, tough ol' Maxie was as sentimental as they came. Max was a family man.

Max became an important part of everyone he touched. Max loved his family. Max loved his friends.

We are very proud to have been a small part of his life. We'll miss him.●

THE JOB CORPS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. MINETA. Mr. Speaker, as a strong supporter of the Job Corps, I am disappointed at the administration's proposal to close the program. The success of the Job Corps rests on its economic viability as well as its social merits. For every dollar invested, there is approximately a net return of $1.43 in reduced dependence on welfare and tax revenues. Therefore, it is particularly disappointing that OMB would target the Job Corps in an effort to reduce the budget.

Now there is a task force to phase out the Job Corps. Such a move is irresponsible since Congress has not had a chance to act on the proposed closure of the Job Corps Program. Mr. Speaker, I know other Members share with me a deep commitment to the Job Corps and I look forward to working with them to keep this program alive.

I would like to include, for the RECORD, the testimony by Mr. Kenneth C. Dugan before the House Budget Subcommittee meeting. Mr. Dugan is the Director of the San Jose Job Corps Center. His testimony comes, not from rhetoric but from firsthand experience.

JOB CORPS—A SUMMARY OF FACTS

(By Kenneth C. Dugan)

Mr. Chairman, I stand before you today, as the director of the San Jose Job Corps Center, to present information about the excellence and cost effectiveness of the training that the Job Corps program provides for unemployed and unskilled youth throughout America.

In fiscal year 1984, according to the Job Corps National Office, the program served 98,809 young men and women throughout the country who were 16 to 21 years old—the age group with both the highest rate of unemployment, over 40 percent, and with the highest likelihood of involvement in the criminal justice system. The total cost of the program was $617 million, resulting in a $6,244 cost per corpsmember served during fiscal year 1984.

During that same year, again according to the Department of Labor's Job Corps National Office statistics, Job Corps had a completion rate of 72 percent, and of those who completed training 75.6 percent were successfully placed—80 percent into jobs or the military and 20 percent into college or other advanced schooling.

These were young adults who typically had reading and math levels at the fifth or sixth grade or lower when they entered Job Corps, 90 percent were high school dropouts, virtually all were on welfare or other government assistance, all were unemployable except for the most menial positions, nearly all had poor self images, poor study habits, poor basic knowledge of basic personal health care or hygiene, little self discipline, no vocational skill, and no knowledge of the attitudes and habits needed to succeed on-the-job.

Since Job Corps links private industry, government, and labor unions in a combined effort, the program's training is oriented to the realities of the world of work. That reality is that the primary reason a young adult loses a first job is not due to lack of technical proficiency, but due to poor work habits and attitudes.

As a result, Job Corps is a program that is mainly residential in nature and provides a strict, no-nonsense environment in which corpsmembers learn any one of numerous vocational skills as well as practical social skills, work habits and attitudes—in a phrase, the work ethic.

Does it work? Yes!

Job Corps remedial academic education program, which prepares corpsmembers for success in their vocational training, is respected worldwide. The Ford Foundation says, "The Job Corps individually based competency education has raised reading levels by 1.5 grades for every 90 hours of instruction." At my own San Jose Job Corps, most corpsmembers are able to earn their high school equivalancy diplomas within six months. No other program can match this level of competency increase.

Job Corps vocational training is successful. The 75.6 percent placement rate demonstrates that success. The San Jose Job Corps, in the hotbed Silicon Valley labor market, places over 98 percent of its graduates. Private industry, firms such as the Singer Company, RCA, Teledyne, and others, operate Job Corps Centers under contracts with the Department of Labor and use their first hand knowledge of the needs of the private sector to insure that corps members are effectively trained to meet the needs of each Job Corps center's particular labor market.

Job Corps intensive, no-nonsense approach to training the "total" individual also is successful, and that success is long-lasting. Mathematica Policy Research, Inc. has conducted a study covering over four years that has demonstrated that the benefits of Job Corps training to program participants last year after year. Those benefits include greatly improved opportunities to find and keep employment, obtain high school diplomas, remain healthy, go to college, and steer clear of crime, unemployment, and welfare—in contrast to comparable non-participants. These benefits were also contrasted to some other less intensive training programs where participants, often within a year or less, returned to old poor attitudes and habits even though they know a trade. According to Marc Bendick Jr. of the Urban Institute, most job training approaches in the United States have not worked. but one that has is the Job Corps approach.

Is Job Corps cost effective? Yes!

It costs American taxpayers about $23,000 each year to keep a single youth in a public detention center, according to the Center for the Study of Youth at the University of Minnesota. In 1982 alone more than $899 million was spent in America on detention centers and reformatories.

It costs JTPA about $5,700 to provide 3-4 months of training for that program's participants, who are usually high school graduates, and JTPA usually does not provide remedial education or vital social skills or work habit training, residential living with its attendant self discipline and self image development, and never provides medical/dental care.

In fiscal year 1984 it cost Job Corps, according to the Job Corps National Office, $6,200 to provide 7.8 months of training to corpsmembers. That includes the cost of dormitory accommodations where students are removed from their previous often disruptive home environments, and where they are provided meals every day, personal, academic and vocational counseling, career assessment, recreational and avocational opportunities, remedial academic training, vocational training in courses ranging from computer programming to welding, complete medical and dental care (many enrollees have never seen a dentist), family planning and parenting classes, and leadership programs.

Corpsmembers also receive cultural awareness training, driver's education, voter registration and emphasis on civic participation and volunteerism, work experience, and health education.

The cost of Job Corps also includes the small spending allotment corpsmembers earn (used for personal care items and sundries), a clothing allotment (many students enter with literally nothing but the clothing on their backs), and a savings allotment (used in the transition from training to the world of work for rent deposits, transportation expenses, tools, special work clothing, dues, etc.), and complete placement services that include assistance with resumes, preparation for interviews, transportation to interviews, assistance in arranging transportation scheduling, assistance in finding suitable housing, and encouraging support in the sometimes traumatic transition from welfare to the work environment.

Prisoners don't generate taxes; Job Corps graduates pay millions of dollars in taxes every year. Mathematica Policy Research, Inc., says that for every dollar spent on training a Job Corps student, $1.45 is returned to our economy each year by Job Corps graduates through their direct tax revenue payments and through their lessened dependence on welfare and unemployment, and through their lessened involvement—both during and after Job Corps training—in the criminal justice system. And even non-completors of Job Corps were found to be earning an average of 15 percent more than comparable youth, a clear indication of the effectiveness of any exposure to Job Corps nononsense training.

In 1984, Job Corps completed it 20th year. It is a program respected by private industry, which year after year hires the pro-

gram's graduates. It is respected by our nation's educators for the service it provides to those who for one or another reason fail in the regular school system.

And Job Corps is respected by the program's participants and graduates; it is not for nothing that the best recruiters for the program are former corpsmembers. Job Corps is one of the most closely audited programs in the history of employment training, and the findings have demonstrated both fiscal and programmatic integrity, not just once but again and again.

Job Corps turns welfare recipients into taxpaying, productive members of America.

Job Corps works, and so do its graduates! At the San Jose Job Corps Center each year's 650 graduates earn over $4 million in wages and salaries in their first year on the job, and pay over $800,000 in taxes in that first year alone. Multiply that by the thousands of Job Corps graduates throughout the country and you have an idea of just the direct reveune loses caused by the elimination of Job Corps. Without Job Corps, in order to reach the difficult clientel served, similar programs would have to be reinvented. It is no accident that major private corporations are heavily involved in Job Corps. They are involved because Job Corps is a proven winner.

On behalf of the San Jose Job Corps Center, its 440 students, and its more than 8,000 graduates, most now working in Silicon Valley, I ask you to support the effort to keep Job Corps working.●

A REPORTER'S UNWITTING PLUG FOR ED MEESE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. FIELDS. Mr. Speaker, in recent months the public has been exposed to what can only be called "Meesebaiting" by certain Senators and their attack dogs in the liberal press. And for what cause or reason? Ed Meese is an honest, patriotic, and decent man.

In a recent piece in the Bulletin of the RSC, Frank Gregorsky has given us some reasons and causes for this attack for us to consider and think about. I insert it in the RECORD for consideration by our colleagues:

[From the Republican Study Committee Bulletin, Feb. 11, 1985]

A REPORTER'S UNWITTING PLUG FOR ED MEESE

(By Frank Gregorsky)

The Feb. 3 Washington Post commentary section contained a wild piece by Robert G. Kaiser. His target was attorney-general-designate Ed Meese. His method was character assassination. His unintended result is self-revelation.

Kaiser quotes from clashes between anti-Meese Senators and Meese. This part would be weightier if he didn't give four paragraphs to Howard Metzenbaum, who is in hock to every special interest group left of the American Security Council.

What's more interesting, tho, is not what Metzenbaum hints about Meese but what Kaiser hints about himself. If Cultural McCarthyism doesn't exist, Kaiser is struggling to invent it:

"The curse of zealotry lies at the heart of Meese's problem. He is a zealous law-and-order man, a zealous defender of the strong . . . and doubter of the weak . . .

He's fierce defender of free enterprise and businessmen, but he's never made any money himself—no small part of his current troubles."

Corrupt people tend to absorb money and abuse power. Meese hasn't demonstrated these tendencies. His "zealotry" is on behalf of values Kaiser despises. That is made clear soon enough.

"Like so many other presidential sidekicks, in our history, Meese is a man you couldn't imagine riding into Washington by acclamation—the way, say, Edward Levi became Gerald Ford's attorney-general."

Attorney-General Levi was an ivy leaguer who gutted the internal security program of the United States. This was presumably met with "acclaim" by the friends of Robert Kaiser. Ed Meese is doing well to avoid such acclaim.

Kaiser was only warming up; here is the first plunge of the knife: "An assistant D.A., an aide to Governor Reagan, a spokesman for law and order, an unpretentious law professor—there are no signs of greatness in Ed Meese's resume."

Cherish the thought: resumes convey hints of greatness. (Kaiser is a true Washingtonian.) And greatness would be, he implies, to have been an aide to a liberal Governor and spokesman for the ACLU (preferably a pretentious one).

"There are many clues in Meese's past about his personality. He grew up in modest, middle-class surroundings, the son of an Oakland tax collector. He escaped to a bigger world, winning a scholarship to Yale, then graduating from law school in Berkeley, but he made no attempt to move into higher society. . ."

Now we get it: the goal of a good political type is to "escape" from the middle class into "higher society." At this point one begins to think a MAD ghost sent this piece to POST editors, who put Kaiser's name on it as a joke. But the parody is self-inflicted.

An assistant D.A., Kaiser writes, Meese was "one of those prosecutors who loves to ride around in police cars—a 'police junkie,' as they say in the courthouses. He seems to have a policeman's view of the world."

Bob Kaiser has just compared Ed Meese's affinity for cops-on-the-job to an addiction, choosing a term that got its start in the heroin trade. Those who doubt the cultural-bias theory of why the POST reads like it does should take note.

"He often speaks to police groups in their kind of language," continues Kaiser. "The ACLU could be described as a 'criminals' lobby,' he once said."

No wonder that bothers Kaiser. Meese had questioned the anti-social contract "higher society" makes with society's dregs—he was blowing a police whistle on the ACLU and its chief constituency. Kaiser long ago picked a very different set of bad guys.

"Well into his forties Meese gave up one weekend a month and two weeks every summer to the Army reserve, which he also loved." Kaiser's piece stresses that Meese, once in the White House, pulled some strings to revive his active status.

Kaiser makes that sound like grand larceny. He wasn't listening when Senator Biden said on Jan. 30: "It's not unethical, in my view, it's not illegal, for you to have gone on active-reserve status and been promoted to colonel in light of the facts that you knew at the time."

Kaiser's summary is loftily artless: "We might prefer an America in which the senior law-enforcement official was beyond reproach, but we don't have that kind of standard. Two of the last eight attorneys-general were found guilty of crimes; two others were given the job primarily because they were the personal lawyers of the Presidents-elect who chose them. Meese has been nominated to succeed one of them—William French Smith, no ethical gem himself."

Demanding standards in a paragraph notable for its viciousness seems inappropriate. But how would Meese get beyond the reproach of Bob Kaiser? By not knowing conservatives, by not knowing policemen, by not knowing military life, by not being "zealous" about middle-class realities, and by not worrying about subversives. In short, by not being Meese.

The most effective attorney-general of the last quarter-century would also have flunked the Kaiser test. This A.G. meddled in his President's finances, was thoroughly political, once worked for Joe McCarthy, and was frowned at by the ACLU.

This same attorney-general got the FBI to take the Mafia seriously. He started the investigation that put Jimmy Hoffa in jail. He spent long hours on the phone to guarantee the safety of Southern blacks and white civil-rights workers.

His name was Bob Kennedy. He took liberties with wiretaps and coasted on a personal fortune. But he had character, and he was a patriot with a strong sense of values. So is Ed Meese. Bob Kaiser's cultural bigotry blinds him to the worth and values of public servants less trendy and less liberal than he.

In that same Feb. 3 POST section, there was an account of "A Crime Victim's Trauma," written by POST reporter Sandra Evans. Her purse was stolen, in plain sight of people who did nothing to help:

"I don't expect heroics," she wrote. "But is running to the nearest phone and calling 911 too much to ask? Most of us have had one of those horribly frustrating dreams where we are being attacked and can't find our voice to scream out. This was worse. I did scream out, and people heard—but took no action."

In replacing her POST I.D., getting locks changed and so on, Evans ran into half-a-dozen people who's been robbed or assaulted. They were cynical about law-enforcement, and they opened up to her because she was now like them: a victim of random terror made worse by a judicial system typical Americans give up on.

A lot of those who heard Sandra Evans scream out were probably cowards. But some, in a crass sense, "knew better": why risk your life to chase down a purse-snatcher who could knife you and go free in a few months?

Ed Meese will soon be America's top law-enforcement agent. Because of that, because he's on to the ACLU, and because he puts the cares of working cops over the cultural gloss of "higher society," he might just lower the odds of another attack on POST reporter Sandra Evans.

Then the irony of Kaiser's critique will be complete. To appreciate it, he ought to take colleague Evans to lunch and talk about street crime; then he should go for a ride in a police car. These actions may help Bob Kaiser see what's needed in an attorney-general.●

MONEY LAUNDERING ACT OF 1985

HON. BILL McCOLLUM
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. McCOLLUM. Mr. Speaker, today the Committee on the Judiciary officially approved it's subcommittee and I am honored to serve as the ranking Republican of the Subcommittee on Crime. I am looking forward to working with the distinguished chairman of the subcommittee, Mr. BILL HUGHES. Mr. HUGHES has the reputation of a hard working Representative dedicated to the protection of all Americans through the constant improvement of the criminal justice system. It will be a privilege to serve on the Subcommittee on Crime with jurisdiction over drug enforcement legislation and many other issues of importance to my State of Florida, and, indeed, to every community in this country.

One very important issue of concern to the Subcommittee on Crime as well as the Committee on Banking, Finance and Urban Affairs, on which I also serve, is money laundering. Recently it has received great attention in the media due to the unfortunate experiences of the Bank of Boston. Money laundering is the lynchpin of organized drug trafficking schemes and hundreds of American financial institutions are wittingly and unwittingly feeding the lifeblood of drug trafficking by assisting in the laundering of billions of U.S. dollars. Congress must take a good look at this practice and develop a thorough and timely response, and I hope that the money laundering issue will be a priority for the Subcommittee on Crime.

Today I am introducing the Money Laundering Act of 1985. Under this bill for the first time the use of financial institutions by money launderers would become a criminal offense.

The bill would add a new section to title 18 of the United States Code to explicitly prohibit conduct of transactions involving monetary instruments when the person conducting the transaction, or causing it to be conducted, intends to promote, manage, or otherwise further unlawful activities that typically are conducted by organized criminal groups, or knows that the monetary instruments represent income or proceeds from such activities.

The bill would also amend the Bank Secrecy Act to give new subpoena powers to the Secretary of the Treasury to take testimony and examine records pertaining to record keeping and reporting requirements of the act; would amend wiretap laws to cover the new money laundering crime, and would amend the Right to Financial Privacy Act to permit financial institutions to cooperate more actively and regularly with Federal law enforcement agencies in providing information concerning ongoing money laundering schemes and insure that financial institutions won't inadvertently render themselves subject to private damage actions for disclosing such information to law enforcement agencies.

The penalties for conviction of a money laundering offense are severe. For the first offense the maximum punishment is a fine of not more than $250,000 or twice the value of the monetary instruments involved, whichever is greater, or imprisonment for up to 5 years, or both. The second offense brings a maximum fine of the greater of $1 million or five times the value of the money and a 10-year prison term.

The image of a dirty, sleazy drug pusher on an inner city street or the sounds of a muffled engine on a heavily laden boat just off the Florida coast are images that come to mind at the mention of drug trafficking. One does not automatically conjure up the image of a distinguished well-dressed professional investor or community business leader. Yet drugs and money go hand in hand. Sophisticated banking and investment expertise are essential elements in both financing and profiting from the drug trade. For example, in the Pizza Connection case, La Cosa Nostra members distributed heroin imported from Southeast Asia's Golden Triangle through pizza parlors in the United States, and then transferred the cash generated through accounts in two large New York brokerage firms to Switzerland and finally to Sicily, where it was used to buy more heroin. Authorities estimate that at least $25 million was laundered between October 1980 and September 1982. This is a typical case where cash from "street-level" sales of drugs are converted into an ostensibly legitimate form, such as business profits or loans, before using those funds for personal benefit or reinvesting in more drugs.

Federal law enforcement officials estimate that $50 to $75 billion in illegal drug money is earned in the United States each year and some $5 to $15 billion of it probably moves into international financial channels.

At the present time the Bank Secrecy Act is the principal tool in the fight to stop money laundering, but it has been limited in its effectiveness for a number of reasons. The Bank Secrecy Act requires the filing of a currency transaction report (CTR) by banks whenever a currency transaction involves more than $10,000. Whenever currency or monetary instruments valued at over $10,000 are removed from the United States, a currency or monetary instrument report [CMIR] must be filed. Finally, persons with foreign bank accounts exceeding $5,000 must file a foreign bank account report [FBAR].

The money launderer who complies with the record keeping and reporting requirements of the act and the regulations by completing the forms, as money launderers have done in the past, can operate with impunity, unless and until it can be proved that the launderer has violated another Federal statute. The Bank Secrecy Act must be bolstered by better enforcement and new alternative law enforcement tools.

The President's Commission on Organized Crime has prepared an excellent report on money laundering. In its interim report, "The Cash Connection: Organized Crime, Financial Institutions, and Money Laundering," issued in October 1984, the Commission makes important finding which highlight the problem, and recommends several changes in law and practice. Many of these changes must come from the banking community itself. Willful blindness will not be tolerated by our communities, and banks must train employees and initiate new detection methods to avoid becoming conduits of illegal activity. The Commission also recommended ways that the Department of Treasury can streamline its procedures to help banks comply and to improve enforcement capabilities.

The Commission found in its interim report:

> Money laundering invariably has a deleterious effect upon the financial community. By corrupting officials and employees of financial institutions in furtherance of laundering schemes, money launderers undermine the integrity of those institutions and, if discovered by law enforcement agencies, can vitiate the reputations of those institutions for soundness and prudent judgment. Even if a financial institution is unwittingly made a conduit for laundering, the mere fact that money launderers saw fit to use that institution may seriously affect the public's perception of the institution.

One must wonder whether the Commission saw the Bank of Boston in its crystal ball when it wrote this prophetic statement.

The Commission also created a legislative proposal based on its findings. This is the basis for the "Money Laundering Act" that I am introducing today. Subsequent to the Commission's drafting of its proposal, the President signed into law the Comprehensive Crime Control Act of 1984—Title II, Public Law 98-473—which enacted some of the Commission's proposals. My bill sets forth the remainder of these proposals with the key one being the making of money laundering itself a crime.

I would be remiss not to note the contributions of the distinguished chairman of the Senate Subcommittee on Securities of that body's Banking

Committee, the gentleman from New York, Mr. D'AMATO. He is to be commended for his efforts in the 98th Congress to broaden the authority of the Secretary of the Treasury to obtain information for the purpose of ensuring compliance with the Currency and Foreign Transactions Reporting Act—Title II, Public Law 91-508. Such broadened powers are included in my bill and I look forward to working with him on the money laundering issue in this Congress.

The bill I am introducing today has four parts which are broken into titles. The President's Commission on Organized Crime prepared an explanation of their proposal and the relevant portions are repeated here:

EXPLANATION

TITLE I

Section 101 would amend title 18 by adding a new substantive offense to the provisions of chapter 95 of title 18. Subsection (a) of the proposed section 1956 would make punishable the conduct of a transaction involving one or more monetary instruments in, through, or by a financial institution, if the person conducting the transaction intends, broadly speaking, to advance the interests of any person engaging in certain specified types of unlawful activity, or knows or has reason to know that the monetary instruments represent income or proceeds of various criminal offenses characteristic of organized criminal groups. The principal elements that would have to be established to prove a violation of the proposed section 1956 are set forth below:

1. *Conducts.* Money laundering frequently involves more than one deposit, withdrawal, exchange of funds, or other transaction in the effort to disguise or conceal the sources of those funds from the scrutiny of law enforcement agencies. For this reason, the term "conducts" is intended to encompass all acts—even those highly ministerial in nature—that introduce such funds into the financial system, direct them through the system, and ultimately withdraw them from the system either for investment in legitimate enterprises or reinvestment in illegal activities. In addition, the term "causes to be conducted" is intended to include not only those acts involving the supervision and direction of the operations of money laundering schemes, but also the acts of criminals to enlist the aid of such persons to launder the income and proceeds of their illegal activities.

2. *Transaction.* This term is intended to include all means by which monetary instruments or electronically transferred funds may be moved throughout the financial system, whether the transaction is effected within or outside the physical confines of a financial institution. Such means would encompass face-to-face transactions; credit card or automatic teller machines owned or operated for the benefit of a financial institution; mail, common carriers, messengers, or bailees; telephone, telegraph, wire, radio, or television communications or any other form of electronic funds transfer; and any method by which a customer may have debits or credits charged or assigned to an account on his behalf by a financial institution.

3. *Monetary instruments.* This term is intended to include all items that come within the definitions of the term "monetary instruments" that are set forth in the Currency and Foreign Transactions Reporting Act ("CFTRA") (31 U.S.C. § 5312(a)(3)) and the Treasury Department regulations promulgated thereunder (31 C.F.R. § 103.11).

4. *Financial institution.* This term is intended to encompass all agencies, branches, or offices within the United States doing business in one or more of the capacities listed in the definition of the term "financial institution" set forth in the CFTRA (31 U.S.C. § 5312(a)(2)) and the Treasury Department regulations promulgated thereunder ((31 C.F.R. § 103.11). Because of the frequency with which they have been used to launder funds from drug trafficking and other illegal activities, casinos are intended to be included in this definition, as the Treasury Department has recently proposed for purposes of the reporting and recordkeeping requirements of the CFTRA. *See* 49 Fed. Reg. 32,861 (Aug. 17, 1984).

5. *Engaging in or affecting commerce.* This term is intended to extend the reach of section 1956 to the maximum extent consistent with Congress's power to regulate under the Commerce Clause.

6. *Scienter.* Section 1956 is not intended to proscribe mere inadvertent conduct by any person, whether an officer or employee of a financial institution or other person. It requires proof of either of two formulations of *scienter;* (1) that the person had the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of an unlawful activity; or (2) that the person had knowledge or reason to know that the monetary instruments represent income derived, directly or indirectly, from any unlawful activity, or the proceeds thereof.

The first formulation's use of the words "promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on" is intended to permit the courts to draw on the body of judicial interpretations of identical language in subsection (a)(3) of the Travel Act (18 U.S.C. § 1952(a)(3)). Its use of the term "unlawful activity," however, is intended solely to refer to the definition of that term in subsection (b) of this title, and not to the definition of an identical term in the Travel Act. As a general matter, this formulation is more likely to apply to the mental state of a person who oversees or supervise the activities of a group of persons who were collectively engaged in money laundering.

The second formulation is expressly intended to include the concepts of "conscious avoidance of knowledge," "deliberate ignorance," and "willful blindness" in the terms "knowledge or reason to know." *See generally, e.g., United States* v. *Jewell,* 532 F.2d 697 (9th Cir.), *cert. denied,* 426 U.S. 951 (1976). This formulation is intended to make clear that either a subjective or an objective standard of intent may be chosen for proof: that the person either knew in his own mind, or ought to have known (*i.e.,* that a reasonable man in that person's position would have known), that the monetary instruments were income or proceeds of unlawful activity. *See generally* W. LaFave & A. Scott, *Criminal Law* § 127, at 193 (1972). This alternative set of standards is used with some frequency in title 18 offenses. *See, e.g.,* 18 U.S.C. §§ 2511 (concerning interception and disclosure of wire or oral communications), 2512 (concerning manufacture, distribution, possession, and advertising of wire or oral communication intercepting devices). As a general matter, this formulation is more likely to apply to lower-level participants who are more immediately and directly involved with effecting the transactions, even if they have had no personal contact with the criminals who procured the services of the money laundering group.

Under either of these formulations, the language should in no way be construed to require proof beyond a reasonable doubt of each element of an offense before that offense may be considered an "unlawful activity" within the meaning of this section.

Subsection (c) of the proposed section 1956 is intended to encourage courts to construe the provisions of this section as liberally as possible consistent with the rule of lenity.

Subsection (d) of the proposed section 1956 is intended to permit the independent application of any other provisions of Federal, state, or other law concerning criminal penalties or civil remedies. This provision would, for example, permit the forfeiture of monetary instruments to the extent that forfeiture has been, or may hereafter be, authorized under Federal law.

Subsection (e) is intended to make possible both joint and separate investigations by any and all of the Federal law enforcement agencies that are most likely to take an active interest in detecting and investigating money laundering schemes.

Subsection (f) is intended to make full use of Congress's power under the Constitution to proscribe certain conduct that occurs beyond the borders of the United States.

Section 201 would amend section 5318 of the CFTRA to broaden the authority of the Secretary of the Treasury to obtain information for the purpose of ensuring compliance with the CFTRA and regulations thereunder. A new paragraph (3) of subsection (a) would authorize the Secretary to examine books, papers, records, or other data of domestic financial institutions, issue summonses to officers and employees of financial institutions and persons possessing records or reports required under the CFTRA, and to take testimony from those summoned. Subsection (b) would permit the Secretary to take any of the above actions for purposes that include investigating offenses connected with enforcement of the CFTRA, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of the Bank Secrecy Act. Subsection (c) would limit the authority of the Secretary to delegate the powers conferred by subsection (a)(3). These provisions are based on the provisions of section 1 of S. 2579, introduced by Senator Alphonse D'Amato on April 12, 1984.

Section 202 would amend section 5319 of the CFTRA to permit the Secretary of the Treasury to make information in reports filed under section 5313, 5314, or 5316 of the CFTRA (currently, CTRs, CMIRs, and FBARs) to another Federal agency when the Secretary has reason to believe that making such information available to the agency would further or facilitate the exercise of the Secretary's supervisory or regulatory powers under the CFTRA. At present, under section 5319 and the regulations thereunder the Secretary may make such information available to another agency only if the head of the agency makes a written request that states "the particular information desired, the criminal, tax or regulatory investigation or proceeding in connection with which the information is sought and the official need therefor." 31 C.F.R. § 103.43. Unlike the financial records of a financial institution or its customers, the re-

ports required under sections 5313, 5314, and 5316 of the CFTRA are submitted to, and are the property of, the Treasury Department. Accordingly, the Treasury Department should have the discretion to provide information in its CFTRA reports to other Federal agencies when it has reason to believe that those agencies can assist it in fulfilling the Department's statutory responsibilities under the CFTRA (*e.g.*, by investigating criminal violations of the CFTRA).

TITLE III

Section 301 would amend section 2516 of title 18 to permit the proposed section 1956 of title 18 and section 5322 of title 31 to serve as predicate offenses for the issuance of judicial orders authorizing or approving interceptions of wire or oral communications in conformity with the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

TITLE IV

Subsection (a) of section 401 would amend subsection (c) of section 1103 of the Right to Financial Privacy Act ("RFPA") to permit financial institutions, as well as their officers, employees, or agents, to disclose to a Government authority only such information as they believe may be relevant to a possible violation of any statute or regulation. At present, section 1103 permits financial institutions to notify a Government authority only that they have information which may be relevant to a possible violation of a statute or regulation. Because a law enforcement agency can rarely, if ever, justify opening a formal investigation, and thereafter complying with the elaborate procedures required by the RFPA, on the basis of an unsupported assertion by a financial institution, section 1103 discourages both the agency from pursuing potential leads in money laundering cases and the financial institutions from contacting the agency. This state of affairs serves neither the interests of the legitimate financial community in discouraging the use of financial institutions by money launderers, nor the interests of law enforcement in ensuring compliance with the Bank Secrecy Act and other Federal statutes and regulations.

Subsection (a) also would add a provision that would preempt all state constitutions, statutes, regulations, or judicial decisions that appear to establish a more restrictive standard than the amended section 1103 of the RFPA for disclosures of information by financial institutions to a Government authority. Any state provision that established an equally or less restrictive standard would be unaffected by subsection (a).

Section (b) of section 401 would amend subsection (c) of section 1117 of the RFPA to permit a financial institution, or officer, employee, or agent thereof, against which a customer had brought a civil action under the RFPA because of its disclosure of records or information to a Government authority, or because of its failure to notify the customer of such disclosure, to assert as an absolute defense that it had made the disclosure in good-faith belief that the records or information may be relevant to a possible violation of a statute or regulation. This amendment is necessary to give full effect to the provisions of the proposed section 401(a), by ensuring that financial institutions which seek to assist law enforcement agencies in detecting and investigating criminal activities will not thereby inadvertently expose themselves to potentially substantial liability under the RFPA.

The Money Laundering Act of 1985 contains several important initiatives which deserve further study, refinement and timely enactment. I urge my colleagues, particularly those on the Committee on the Judiciary and the Committee on Banking, Finance and Urban Affairs, to share with me their thoughts on this initiative. Members of the banking industry have special expertise which is essential to the development of good legislation and I urge them to express their opinions. The legislation will also be immediately forwarded to the Departments of Justice and Treasury for comment.

If we are ever going to take the profit out of crime we must attack those profits directly. Money laundering schemes are harming legitimate institutions while they finance the destruction of thousands of American lives through drug trafficking. To end this twisted practice of money laundering is the purpose of the Money Laundering Act of 1985.

The text reads as follows:

H.R. 1367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Money Laundering Act of 1985."

TITLE I—MONEY LAUNDERING OFFENSE

SEC. 101. (a) Chapter 95 of title 18, United States Code, is amended by adding the following new section:

"§ 1956. Laundering of monetary instruments

"(a) Whoever conducts or causes to be conducted a transaction or series of transactions involving one or more monetary instruments in, through, or by a financial institution which is engaged in, or the activities of which affect, interstate commerce, or attempts so to do—

"(1) with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; or

"(2) with knowledge or reason to know that such monetary instruments represent income derived, directly or indirectly, from any unlawful activity, or the proceeds of such income,

"shall be fined not more than $250,000 or twice the value of the monetary instruments, whichever is greater, or imprisoned not more than five years, or both, for the first such offense, and shall be fined not more than $1,000,000 or five times the value of the monetary instruments, whichever is greater, or imprisoned not more than ten years, or both, for each such offense thereafter.

"(b) As used in this section—

"(1) the term 'conducts' includes, but is not limited to, initiating, concluding, or participating in conducting, initiating, or concluding a transaction;

"(2) the term 'transaction' includes, but is not limited to, a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

"(3) the term 'monetary instruments' means monetary instruments as defined in section 203(1) of the Currency and Foreign Transactions Reporting Act, as revised (31 U.S.C. § 5312(a)(3));

"(4) the term 'financial institution' means financial institution as defined in section 203(e) of the Currency and Foreign Transactions Reporting Act, as revised (31 U.S.C. § 5312(a)(2)); and

"(5) The term 'unlawful activity' means any act or acts constituting—

"(A) a pattern of racketeering activity or collection of unlawful debt, as those terms are defined in section 901(a) of the Organized Crime Control Act of 1970 (918 U.S.C. §§ 1961–1968);

"(B) a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. § 848);

"(C) an offense under any of the following provisions of title 18, United States Code: section 201 (relating to bribery), section 224 (relating to bribery in sporting contests), sections 471–473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the offense is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), sections 1461–1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to obstruction of State or local law enforcement), section 1951 (relating to interference with commerce by threats or violence), section 1952 (relating to racketeering enterprises), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unfair welfare fund payments), section 1955 (relating to prohibition of illegal gambling businesses), sections 2314 and 2315 (relating to interstate transportation of stolen property), sections 2341–2346 (relating to trafficking in contraband cigarettes), or sections 2421–2424 (relating to white slave traffic);

"(D) an offense under title 29, United States Code, section 186 (relating to restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds); or

"(E) an offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States.

"(c) The provisions of this section shall be liberally construed to effectuate its remedial purpose.

"(d) Nothing in this section shall supersede any provision of Federal, State or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

"(e) Violations of this section shall be investigated by the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Internal Revenue Service, as appropriate.

"(f) There is extraterritorial jurisdiction over the conduct prohibited by this section.".

(b) The table of sections at the beginning of chapter 95 of title 18 is amended by adding at the end the following new item: "1956. Laundering of monetary instruments".

TITLE II—CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS

SEC. 201. Section 5318 of title 31, United States Code, is amended—

(1) by inserting "(a)" after "Sec. 5318.";

(2) by inserting ", except as provided in subsection (c)" before the semicolon at the end of paragraph (1);

(3) by striking out "and" at the end of paragraph (2);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

"(3)(A) examine any books, papers, records, or other data of domestic financial institutions pursuant to the recordkeeping and reporting requirements under this subchapter;

"(B) summon an officer or employee of a financial institution, or any person having possession, custody, or care of the reports or records required under the subchapter, to appear before the Secretary of the Treasury or his delegate at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to such inquiry; and

"(C) take such testimony of the officer, employee, or person having possession of the relevant reports or records, under oath, as may be relevant or material to such inquiry; and"; and

(6) by adding at the end thereof the following:

"(b) The purposes for which the Secretary of the Treasury may take any action described in paragraph (3) of subsection (a) include the purpose of investigating any offense connected with the administration or enforcement of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of Public Law 91-508.

"(c)(1) The Secretary of the Treasury may not delegate the powers conferred by subsection (a)(3) to an appropriate supervising agency.

"(2) A summons may be issued under subsection (a)(3)(B) only by, or with the approval of, the Secretary of the Treasury or a supervisory level delegate of the Secretary of the Treasury.".

SEC. 202. Section 5319 of title 31, United States Code, is amended by inserting before the period at the end of the first sentence the following: ", or when the Secretary has reason to believe that making such information available to the agency would further or facilitate the exercise of the Secretary's supervisory or regulatory functions under this subchapter".

SEC. 204. Section 5312(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) 'United States' means the States of the United States, the District of Columbia, and, when the Secretary prescribes by regulation, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Marianas, American Samoa, the Trust Territory, any other territory or possession of the United States, or a military or diplomatic establishment.".

TITLE III—WIRETAP AMENDMENTS

SEC. 301. Section 2516 of title 18, United States Code, is amended—

(1) by inserting "section 1956 (laundering of monetary instruments)," after "section 1955 (prohibition of business enterprises of gambling)," in subsection (c);

(2) by striking out "or" at the end of subsection (g);

(3) by redesignating subsection (h) as subsection (i); and

(4) by inserting the following new subsection after subsection (g):

"(h) a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions); or".

TITLE IV—RIGHT TO FINANCIAL PRIVACY ACT AMENDMENTS

SEC. 401. (a) Subsection (c) of section 1103 of the Right to Financial Privacy Act of 1978 (12 U.S.C. § 3403(c)) is amended to read as follows:

"NOTIFICATION OF EXISTENCE, AND DISCLOSURE, OF RELEVANT INFORMATION IN RECORDS; FEDERAL PREEMPTION

"(c) Nothing in this chapter shall preclude any financial institution, or any officer, employee, or agent of a financial institution, from notifying a Government authority that such institution, or officer, employee, or agent has information which it believes may be relevant to a possible violation of any statute or regulation, and thereafter disclosing such information to that Government authority, regardless of whether a subpoena, summons, search warrant, or formal written request has been issued under the provisions of this chapter. The provisions of this subsection and any regulations promulgated thereunder shall preempt any provision of any constitution, law, or regulation of any State or political subdivision thereof, as well as any administrative or judicial interpretation of such provision, that is not identical to the provisions of this subsection and regulations thereunder, and that is more restrictive of disclosure to a Government authority concerning a possible violation of any statute or regulation than the provisions of this subsection and regulations promulgated thereunder.".

(b) Subsection (c) of section 1117 of the Right to Financial Privacy Act of 1978 (12 U.S.C. § 3417(c)) is amended to read as follows:

"GOOD-FAITH DEFENSE

"(c) Any financial institution, or officer, employee, or agent thereof, making a disclosure of the financial records of a customer, or information contained in such records, pursuant to this chapter in good-faith upon a certificate by any Government authority, or in good-faith belief that such records or information may be relevant to a possible violation of any statute or regulation, shall not be liable to the customer for such disclosure or for any failure to notify the customer of such disclosure.".●

PESTICIDE IMPORT AND EXPORT ACT OF 1985

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. HEFTEL of Hawaii. Mr. Speaker, today I am pleased to join with my colleagues, Mr. BARNES and Mrs. BURTON, in introducing the Pesticide Import and Export Act of 1985.

The safe use of pesticides both in the United States and abroad is an issue of increasing concern to us all. Pesticides are being used more widely each year, and overseas markets are growing the most rapidly. Unfortunately, even here in the United States our understanding of the potential long-term, environmental, and human health effects of these products is not keeping pace with our ability to create such new products. We have gone to great lengths to regulate the use of pesticides on the food we grow, yet we have little accurate information available about pesticide use patterns abroad.

The Pesticide Import and Export Act of 1985 was drafted in response to these inadequacies in our current international pesticide laws. The thrust of the bill is to increase the content and transfer of information about pesticides which are exported from our country—their ultimate destination and the food crops to which they will be applied. In this way, we will be better able to monitor pesticide residues on imported food and help assure that we are not undercutting our domestic laws by allowing identical food products of different origin to sit side by side in the grocery store; one contaminated with illegal pesticide residues, the other free of potentially toxic substances.

Mr. Speaker, this bill offers a moderate approach to the problem of protecting Americans from consuming unsafe pesticide residues on imported food. I look forward to working with my colleagues to address this pressing issue. The text of the bill and a section-by-section analysis of it follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Pesticide Import and Export Act of 1985".

SEC. 2. (a) Section 7(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136e(c)(1)) is amended by striking out "and" at the end of subparagraph (B), by striking out the period and inserting "; and" at the end of subparagraph (C), and by adding after subparagraph (C) the following:

"(D) which he has exported during the past year, and the destination of the exports, including shipments of pesticide active ingredients, intermediates, or formulated products to subsidiaries or other companies engaged in a business relationship with the producer.".

(b) Section 7(c)(1) of such Act is further amended by striking out the last sentence and inserting in lieu thereof the following: "The information required by this paragraph shall be kept current and shall be submitted to the Administrator annually as required under such regulations as the Administrator may prescribe. The Administrator shall require pursuant to subparagraph (D) of this paragraph, to the extent practicable in light of the transshipment of pesticides and the availability of this information to the producer, information on the nature and quantities of pesticides exported, the destination of the exported pesticides, and the uses of the exported pesticides. The Administrator shall cooperate and collaborate with the Secretary of Agriculture, Secretary of State, and the Commissioner of the Food and Drug Administration in identi-

fying overseas pesticide use patterns on food crops exported to the United States. An annual report shall be prepared by the Administrator for submission to the Congress and to the United Nations, and for release to the public and other interested parties summarizing the information received under this paragraph. The report shall include the scope, frequency, and results of any pesticide residue monitoring tests conducted by the Food and Drug Administration and the United States Department of Agriculture on food imported by the United States. The report may include any recommendations the Administrator may wish to offer for improving the reliability and usefulness of the information received under this section and section 17 of this Act.".

(c) Subsection (d) of section 7 of such Act is amended to read as follows:

"(d) CONFIDENTIAL RECORDS AND INFORMATION.—

"(1) Except as provided in paragraph (2), any information submitted to the Administrator pursuant to subsection (c) shall be kept confidential and shall be subject to section 10.

"(2) The Administrator may disclose to the public—

"(A) the names of the pesticides or active ingredients submitted under subsection (c) which are produced or used in producing pesticides produced, sold, distributed, or exported by an establishment; and

"(B) any information the Administrator determines is necessary to submit under subsection (c)(1)(A)(iv).

"(3) The Administrator shall take such steps as are necessary to limit the disclosure of commercial information submitted by producers when such disclosure is not necessary to carry out this section or section 17.".

PESTICIDES AND DEVICES INTENDED FOR EXPORT

SEC. 3. (a) Subsection (a) of section 17 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 1360(a)(2)) is amended to read as follows:

"(a) PESTICIDES AND DEVICES INTENDED FOR EXPORT.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, no pesticide or device or active ingredient used in producing a pesticide intended for export to any foreign country shall be considered in violation of this Act—

"(A) if such pesticide, device, or ingredient is prepared or packed according to the specifications or directions of the foreign purchaser, except that producers of such pesticide, device, or ingredient shall be subject to sections 2(p), 2(q), 7, and 8 of this Act; and

"(B) in the case of any pesticide for which any use or formulation has been cancelled, suspended, or denied under this Act by the Administrator or voluntarily cancelled or suspended, any pesticide identified by the Administrator as an acutely toxic pesticide, and any pesticide classified for restricted use under section 3(d), if the Administrator, after consultation with the Secretary of State and the Secretary of Agriculture and before export, determines that appropriate officials of the foreign country have—

"(i) submitted a request to the Administration that such pesticide be exported to such country;

"(ii) disclosed to the Administrator the specific intended use of such pesticide in such country, including the nature and quantity of the pesticide and the crops on which it will be used;

"(iii) provided the Administrator with a full description of the procedures instituted by such country to educate users of such pesticide in the safe handling, application, and disposal of such pesticide; and

"(iv) in the case of a pesticide used on food crops exported in commercial quantities to the United States, inform the Administrator of any regulatory requirements established in such country which impose conditions on the use of such pesticide in the country that might affect the nature and level of pesticide residues on such crops, including the nature and level of pesticide residues allowed in such country and the nature and findings of any routine residue testing done on such crops prior to export.

"(2) INFORMATION.—Upon the receipt from a foreign country of any information required to be provided under paragraph (1)(B), the Administrator shall provide such country with information regarding—

"(A) any restriction or prohibition on any use of such pesticide in the United States;

"(B) the nature and estimated severity of any unreasonable adverse effects on man and the environment identified by the Administrator during the course of considering the regulatory status of the pesticide in the United States;

"(C) the availability, upon request made to the Administrator and subject to section 10 of this Act, of regulatory and scientific documents concerning such pesticide; and

"(D) in the case of any acutely toxic pesticide, the acute hazards associated with exposure to such pesticide.

"(3) DEFINITIONS.—As used in this subsection:

"(A) the term 'acutely toxic pesticide' means a pesticide which—

"(i) has an acute dermal lethal dose as formulated of no more than 40 milligrams per kilogram;

"(ii) has an acute dermal lethal dose as diluted for use in the form of a mist or spray of no more than 6 grams per kilogram; or

"(iii) has an inhalation lethal concentration as formulated of no more than 0.04 milligrams per liter.

"(B) The term 'canceled, suspended, or denied' means the cancellation, suspension, or denial of any use with respect to that pesticide and includes the voluntary withdrawal of the registration of such pesticide under this Act, or of an application to register such pesticide under this Act—

"(i) if such withdrawal occurs after the issuance by the Administrator of a notice of intent to—

"(I) deny the registration of such pesticide pursuant to section 3(c)(6); or

"(II) cancel the registration of such pesticide pursuant to section 6(b)(1); or

"(ii) if such pesticide is voluntarily withdrawn after it exceeds any of the R-PAR (Rebuttable Presumption Against Registration) or Special Review risk criteria, set forth in 40 CFR 162.11.".

(b) The table of contents in subsection (b) of section 1 of such Act (7 U.S.C. 121) is amended by striking out the item relating to subsection (a) of section 17 and inserting in lieu thereof the following new item:

"(a) Pesticides and devices intended for export.
"(1) In general.
"(2) Information.
"(3) Definitions.".

SEC. 4. Section 5(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136c(b)) is amended by inserting before the period at the end thereof the following: ", except that a temporary tolerance shall not apply to pesticide residues on imported foodstuffs or feed".

SEC. 5. Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) REVOCATION OF TOLERANCES.—

"(1) The Administrator shall revoke tolerances established under the provisions of the Federal Food, Drug, and Cosmetic Act when—

"(A) the uses of a pesticide associated with the tolerances have been cancelled or suspended or denied under this section; or

"(B) in the case of a pesticide registration or registration application voluntarily withdrawn, if the Administrator determines that the tolerance is no longer needed or supported by the available scientific data.

If the Administrator fails to revoke any tolerance within 180 days after the cancellation or suspension of use of a pesticide referred to in subparagraph (A) or in the case of a voluntary withdrawal of a pesticide registration or registration application referred to in subparagraph (B) then such tolerance shall automatically be revoked at the close of such day.

"(2) The Administrator shall establish a residue action level at the time a tolerance is revoked for the purpose of enforcing the provisions of the Federal Food, Drug, and Cosmetic Act if the Administrator—

"(A) determines that residues of the pesticide will unavoidably persist in the environment; and

"(B) makes a determination that such action levels will not pose an unreasonable adverse effect on man or the environment.

In establishing or revoking a tolerance, the Administrator shall take into account any probable impacts of such actions on the competitiveness of agriculture production in the United States in world and domestic markets, with the goal of eliminating, to the extent practicable inequitable burdens on United States producers caused by pesticide regulatory actions and standards established by different nations.".

COOPERATION IN INTERNATIONAL EFFORTS

SEC. 6. Subsection (d) of section 17 of the Federal Insecticide, fungicide, and Rodenticide Act (7 U.S.C. 136o(d)) is amended to read as follows:

"(d) COOPERATION IN INTERNATIONAL EFFORTS.—The Administrator shall—

"(1) in cooperation with the Department of State, other appropriate Federal agencies, and nongovernmental and international organizations, actively participate in, encourage, and cooperate with international efforts to develop improved and uniform pesticide research and regulatory programs, particularly efforts to promote uniformity in the labelling and application of, and setting of tolerance standards for, pesticides; and

"(2) provide countries which import pesticides from the United States with technical assistance, including—

"(A) the establishment of education and safety training programs for the use, handling, and disposal of pesticides; and

"(B) the development of comprehensive regulatory programs, including the monitoring of pesticide residue levels on food crops.".

A BRIEF EXPLANATION OF THE PESTICIDE IMPORT AND EXPORT ACT OF 1985

Section 1 contains the title of the Act.

Section 2 amends section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by adding a new subsection speci-

fying the types of information a pesticide producer must submit to the Administrator of EPA on pesticides manufactured in and exported from the United States. The amendment requires that information be submitted on the destination and nature of pesticide exports, as well as information on the foreign uses of the pesticides, to the extent such information is available to the exporting company.

The amendment directs the Administrator of EPA to collaborate with the Secretary of State, Secretary of Agriculture, and the Commissioner of the Food and Drug Administration in identifying overseas pesticide use patterns on food crops exported to the United States. An annual report is required summarizing the information gathered under this paragraph, including a provision directing the Administrator to include any recommendations he may wish to offer Congress on improving the reliability and usefulness of the information received under this section and section 17 of FIFRA.

Section 7, paragraph (d), "Confidential Records and Information," is amended to include the information on pesticide exports obtained pursuant to the previous paragraph under the protections provided confidential information in section 10 of FIFRA. The amendment exempts from the protections of section 10 any information the Administrator determines must be disclosed in order to comply with the reporting requirement in the previous paragraph, although the Administrator is instructed to take steps to limit the disclosure of commercial information when such disclosure is not necessary to carry out the provisions of the Act.

Under current law, pesticide manufacturers are required to report annually to the EPA the pesticides currently in production, sold, and distributed during the past year. This information provides only imprecise information on pesticide exports. The specific information required in this amendment would greatly improve the Food and Drug Administration's ability to effectively monitor imported foodstuffs for the presence of pesticide residues. It would also assist EPA, the Department of State, other nations, and international organizations in fostering the safe use of pesticides in developing countries.

The provisions pertaining to the protections provided to data collected by the Administrator on pesticide exports are intended to strike a balance between the public's interest in having better information on global pesticide use patterns and the private sector's interest in retaining control over potentially valuable commercial information.

Section 3 of this Act amends section 17 of FIFRA. Section 17(a) of the FIFRA statute addresses the conditions which must be met by a pesticide producer in the case of pesticides produced in the U.S. solely for export. In the case of a pesticide not registered in the U.S., current law requires the foreign purchaser to sign a statement acknowledging that the purchaser understands that the pesticide exported from the U.S. is not registered in the U.S. First, this section of the Act amends section 17 of FIFRA to require that labels on exported pesticides contain the same health and safety information required on domestic labels. Currently, label language which would provide foreign users with the health, safety, and environmental precautions deemed necessary by EPA to render the use of the product safe, is specifically omitted from the label requirements for exported pesticides.

This Act further amends section 17 by specifying in more detail the conditions governing application of the notification requirements. The amendment expands the information which must be sent to foreign purchasers. In addition to the fact that some or all uses of the pesticide are unregistered or classified for restricted use in the U.S., the amendment would require an official of the importing nation to be informed of the nature and severity of any unreasonable adverse effects on health or the environment identified by the Administrator in the course of considering the regulatory status of the pesticide in the U.S. The notice would also alert the official of the importing nation to the availability, upon request, or regulatory and scientific documents on the pesticide, subject to the provisions of section 10.

Subparagraph (B) clarifies the conditions which must be ment for a pesticide to be subject to the notification requirements. The amendment states that a pesticide shall be subject to the notification requirements of this subsection if any of the uses of the pesticide, or formulations of the pesticide have been:

(i) cancelled, suspended, denied, or classified for restricted use on risk grounds;

(ii) voluntarily withdrawn after the issuance by the Administrator of and notice of intent to cancel, suspend or deny the registration of a pesticide, or if such pesticide is voluntarily withdrawn after it exceeds risk criteria which trigger a special review of that pesticide.

The purpose of these amendments is to codify and make consistent the EPA export notification procedure. EPA does not consistently apply existing procedures, particularly when a pesticide is "voluntarily withdrawn" or when only some of the uses are cancelled or suspended, as is very often the case.

The amendment specifies that the pesticides may be exported if appropriate officials of the government of the importing country have submitted to the Administrator of the EPA:

(i) a request that such pesticides be exported to such country;

(ii) has disclosed to the Administrator the intended use of such pesticide in such country;

(iii) has provided the Administrator with a full description of the procedures instituted by such country to educate users of such pesticides in the safe handling, application and disposal of such pesticide; and

(iv) in the case of a pesticide used on a food crop exported to the U.S. in commercial quantities, informed the Administrator of any regulatory requirements governing the conditions of use of such pesticide in such country which might affect the nature and level of pesticide residues on commodities exported to the U.S.

Section 4 of the Act amends section 5(b) of FIFRA. The amendment would prohibit the use of a temporary tolerance established as part of an experimental use permit from covering pesticide residues on imported foodstuffs or feed.

Section 5 of the Act would amend section 6 of FIFRA by requiring the Administrator to revoke tolerances for residues associated with suspended or canceled use of a pesticide. In the case of a use of a pesticide that is voluntarily withdrawn, the Administrator may revoke a tolerance and establish a residue action level if the Administrator determines that the residue of the pesticide will unavoidably persist in the environment. The Administrator is directed to take into consideration and minimize the probable adverse impacts of tolerance actions on the competitiveness in world markets of U.S. agricultural production.

The purpose of this section is to eliminate any competitive advantage that foreign producers may obtain due to the retention of tolerances for pesticides whose uses are not allowed in the U.S. This section is made necessary because EPA has failed to lower or revoke tolerances for DDT, dieldrin, endrin, and many other pesticides that have had most of their uses canceled in the U.S. for several years.

Section 6 of the Act amends subsection 17(d). It directs the Administrator to foster the safe use of pesticides in other countries through the international exchange of information, and through other steps the Administrator may consider necessary, and to provide countries which import pesticides with technical assistance in education and safety training for the safe use, handling and disposal of pesticides.●

WHY THE UNESCO WITHDRAWAL IS UNFORTUNATE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. DYMALLY. Mr. Speaker, the attached article which appeared in Transafrica Forum, December, 1984, by Mr. Doudou Diene, Director of UNESCO's United Nations liaison office in New York, should be of interest to Members of Congress.

WHY THE UNESCO WITHDRAWAL IS UNFORTUNATE

After a year of uncertainty, the United States finally withdrew from UNESCO this month. This is therefore an appropriate time to review not only what UNESCO was set up to accomplish, but also the alleged rationale behind the withdrawal decision.

UNESCO was set up "to contribute to peace and security by promoting collaboration among nations through education, science and culture, in order to further universal respect for justice, for the rule of law and for human rights and fundamental freedoms which are affirmed for the peoples of the world. . . ."

Today those who argue that UNESCO has strayed from its original principles seem either to be ignorant of its Constitution or determined to twist and distort the Organization's mandate. Not a single project of UNESCO has been identified as being beyond the organization's mandate or as not having been approved by consensus. Because of the baseless, unfounded and unspecified nature of charges against UNESCO, the charge of "politicization" can, more appropriately, be laid at some other door. It is interesting to note that only one country ever withdrew from UNESCO prior to this year: South Africa left the Organization in the mid-fifties. They, too, claimed that UNESCO was "politicized" and biased in pursuing scholarly and scientific research on racism and apartheid. That work of course continues and it is troubling to relate that some Reagan administration spokesmen have used UNESCO's anti-apartheid efforts as evidence of "politicization."

The withdrawal decision runs counter to all the evidence accumulated this year by knowledgeable American institutions and groups. Among those who urged the U.S. to remain within UNESCO as a matter of national interest were the National Science Foundation, the National Education Association, the League of Women Voters, the U.S. National Commission for UNESCO, the Stanley Foundation and the business community.

It runs counter to the majority opinion expressed by individuals and groups called to testify at Congressional subcommittee hearings during 1984.

It runs counter to judgments given by the State Department itself, in Reports to Congress delivered February 24, 1983 and February 29, 1984, in compliance with Sections 109 and 108 of Public Law 97-241. The 1983 report says: "UNESCO programs for the most part contribute to broad U.S. foreign policy goals and particular U.S. educational, scientific and cultural interests." On communication, the report further stated: "UNESCO to date, has debated but has not implemented policies or procedures of an anti-free press nature. There are at this time no grounds to withhold funding from UNESCO." The 1984 report says: "UNESCO is not, at this time, actively implementing any policy or procedure proscribed by Section 109 of Public Law 97-241. None of the programs included in the Second Medium Term Plan or approved in the Program and Budget for 1984-85 pose any active, direct threat to a free press."

The decision runs counter to the advice given by the Common Market 10 to the U.S. urging postponement of the U.S. decision by one year.

The decision, finally, runs counter to the reform package passed unanimously by UNESCO's Executive Board at its meeting in Paris.

I have noted with interest the U.S. statement of withdrawal, read by Assistant Secretary of State Gregory Newell. In it, the American government expressed the view that UNESCO's reform efforts "appear genuine" and that the U.S. remains committed "to the belief that genuine reform of UNESCO is a desired goal." A question may legitimately be asked however, How can these "reforms" be achieved from outside? The fact remains that the process of reforming an international organization is a continuing one. It requires a serious commitment on the part of its Member States to participate in the process by participating in that organization.

In conclusion, I wish to pose a question: The latest demands for reform in UNESCO have been demanded on the grounds that current policies and practices are opposed to Western values. The message being sent implies that the strength of those Western values is thus linked to the financial weight of the countries concerned. Would these values be less credible if they did not have this financial might behind them? I don't think so. These values of freedom, justice and equality are shared by many countries in the East, West, North and South.●

GRUMMAN CORP. AND THE COMMERCIAL DEVELOPMENT OF SPACE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. LENT. Mr. Speaker, in his 1985 State of the Union Address, President Reagan said:

Our Second American Revolution will push on to new possibilities not only on Earth, but in the next frontier of space . . . We have seen the success of the Space Shuttle. Now we are going to develop a permanently manned Space Station, and new opportunities for free enterprise because in the next decade Americans and our friends around the world will be living and working together in space.

With these words, President Reagan reemphasized his administration's commitment to promote private sector investment in space. I strongly support these efforts to seek and encourage the fullest commercial use of the space environment.

The Federal Government's role in the commercial development of space should not include the funding of endeavors which private industry is able to underwrite. It should, however, seek to encourage the private development of space and its resources. To reduce financial risks and stimulate private commercial research, NASA will offer reduced-rate shuttle flights in the research and development phase. The agency will also reduce the time necessary to integrate commercial payloads into the flight schedule and facilitate commercial access to NASA Centers and experimental facilities by establishing special offices to assist private concerns. Moreover, NASA is prepared to combine some Federal funding with private resources if the potential benefits of a commercial space venture for the Nation outweigh the risks of significant capital outlays.

NASA is currently exploring other ways to stimulate private interest in space, including the use of research grants. To enhance its connections with industry and the academic community, NASA will solicit expert counsel in the fields of finance and insurance in decisions involving commercial space activities. Further, NASA will support the establishment of industry advisory groups to assist applications-oriented research. New procedures to disseminate science and technology data will also be established by the agency to better support private sector commercial initiatives.

NASA's experience has caused substantial and genuine interest on the part of American industry in pursuing commercial space endeavors. One prime example of this is the development of a materials processing in space research program to be jointly pursued by NASA and Grumman Corp. of Bethpage, NY, which is located in my congressional district. Grumman plans to send experiments aloft in the space shuttle by 1987, and it hopes this will lead to the company's manufacturing of crystals, metals, and alloys in space. A joint memorandum of understanding commits NASA to assist with technical information such as requirements for, and limitations on shuttle payloads. Before manufacturing can begin, Grumman and the space agency must sign a joint endeavor agreement. Approximately 20 such agreements have been signed since 1982 for private experiments in space manufacturing and two have reached the production stage.

Grumman will initially pursue experiments on the formation of crystals with molecular arrangements that virtually eliminate any imperfections in the compound. This technology could result in the development of flawless semiconductor crystals which would yield a greater quantity and quality of microcircuit chips, leading to higher speed electronic devices that consume less power and even greater miniaturization. Experiments involving metal and alloy formulation will come later.

Mr. Speaker, I am confident that long-term commercial space ventures of the type entered into by Grumman, will open new vistas and lead to rewards on Earth for all society.●

CONTRIBUTIONS OF THE AMERICAN LABOR MOVEMENT

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. ADDABBO. Mr. Speaker, I would like to bring to the attention of my colleagues a speech delivered by Mr. Jack Sheinkman. Mr. Sheinkman is secretary-treasurer of the Amalgamated Clothing & Textile Workers Union. He has had a distinguished career in the American labor movement and speaks eloquently of its contributions to American democracy. I am sure that, because of his long record of service to his union and the country, his remarks on this subject will be of interest to the Members of this body. I ask unanimous consent to insert the following speech by Mr. Jack Sheinkman into the RECORD:

JACK SHEINKMAN SPEECH UPON RECEIVING THE FOUR FREEDOMS—ITALIAN-AMERICAN LABOR COUNCIL, SHERATON CENTRE, NEW YORK CITY—NOV. 24, 1984

Brothers and Sisters:

I am honored to be here today as the recipient of the Four Freedoms Award. I am equally honored to be associated with the contribution of Italian-Americans in building the American labor movement and its democratic traditions.

I am reminded of this contribution when I look out on New York harbor and see the

Statue of Liberty, surrounded by scaffolding, as workers repair the erosion of time. I like to think they are also repairing the message that we give to all people who are "yearning to breathe free." It is a message not only about the struggles of immigrants in another era, but about the struggle for democracy that continues with every generation.

For what we have achieved and will achieve is truly born out of struggle, the organized struggle of working people and citizens, their unions and communities. Sometimes that lesson is masked, as if the liberty we have today is the way it always was, as if the statue was built in stone and not by the hands of people who shared a dream.

The lesson is especially masked when the story of immigrant success is told as a saga of individual drive and ambition, in a land of unlimited opportunity.

The history we recall as union members is a harder reality. For, immigrants did arrive to find their labor freely taken—but under conditions of the sweatshop, the yellow-dog contract, the labor contractor, the Pinkerton guard.

And immigrants did advance, but only as they fought for a fair share of their labor, their right to a decent life. Opportunity did develop, but only as people stood together to demand free public education, child labor laws, a 40-hour week, unemployment insurance and social security. Individuals did pull themselves up, but they did it shoulder to shoulder with their compatriots and fellow workers through unity and activism.

And that struggle for economic security went hand in hand with a struggle against social bigotry. Italian-Americans have known the bitter prejudice which greets newcomers to this land, prejudice which is used to keep low-wage workers at the bottom of the ladder, which is used to secure the privilege of one group by excluding and degrading another. They have felt discrimination based on culture, religion, and an accent. And in response, Italian-Americans, with other immigrant workers, raised the demand for social equality, for dignity and solidarity in place of division and intolerance.

These are the wellsprings of the American labor movement: immigrants who organized not only because of their hardships, but because of their passion for justice. When Joseph Ettor and Arturo Giovannitti lead the textile workers in the 1912 Lawrence strike, with picket signs in 17 different languages, they hadn't yet heard of the "four freedoms" but they already knew their meaning: freedom from want, freedom from fear, freedom of speech, freedom of worship.

Through our belief in these fundamental conditions of freedom, through decades of collective action, the labor movement has made many advances. We became America's trust melting pot, where diversity and solidarity exist side by side. And the gains we achieved were not only for union members. We have raised labor standards and the standard of living for the entire work force, combated discriminatory laws, broadened political participation, opened doors to higher education.

While ethnic stereotypes and slanders do persist—imagine a gangster movie where no one speaks with an Italian accent—these are muted next to the achievements of immigrant children of Italian parents in all walks of life. Today, Italian-Americans are equally represented in every occupational, educational, and income category. New York State has its first Italian-American Governor in Mario Cuomo; the Nation has its first Italian-American on a Presidential ticket, Geraldine Ferraro. The Italian-American community not only makes its material contribution, but has broadened democratic values for all of us in the process.

We have learned, however, that our advances and freedoms can be fragile. The roots of this organization, the Italian-American Labor Council, go back to the fight against fascism, which threatened Europe and the entire world with tyranny, militarism and the dogmas of racial supremacy. The Italian-American Labor Council responded by mobilizing its community against Fascist doctrines, by aiding the liberation of Italy, by promoting the ideals of a democratic world order based on the four freedoms.

In those perilous times of the Second World War, we realized how profoundly our work for social justice in America was linked to the international cause of social justice. The principle is not different today, although the world and its problems have grown more complex. For, we too live in perilous times. We too must take stock of the four freedoms, here and abroad, to measure our progress as a democratic people.

Freedom from want.—In the past 4 years, poverty in America has risen 47 percent. Among the poorest sectors of the population are minority groups who confront the same problems that accosted our immigrant forebearers. Indeed, many of today's disadvantaged are new immigrants, refugees from economic and political oppression, as were those who came in earlier decades. Their story is still unfolding—a struggle to create opportunity in the face of exploitation, discrimination, and now, Government indifference.

The growing pool of unemployment and low-wage jobs threaten their chances for a decent life, threaten the hard-won gains of more established workers, threaten the social fabric of fairness we have striven to build. So we must keep to our agenda for peace and democracy at home by renewing the fight for job security and job creation, for union rights, for decent wages and working conditions. In the next year, we will be up against many hostile measures, including the sub-minimum wage for youth, the repeal of supplemental unemployment benefits for the long-term unemployed, and the scheduled cuts in food stamps and child nutrition programs. We have a role to play—labor's voice must—and will—be heard in Congress.

Abroad, the rising tide of human want is a global time bomb. We have seen the faces of starving Ethiopians, the shantytowns of Latin America, the child laborers of the Asian ports. These are not only suffering people in need of humanitarian aid, they are also the reserves of cheap labor which draw multinational corporations to export investment and jobs overseas. I don't need to tell you the devastation this has brought to industrial communities throughout America.

So, our task in the labor movement is to stop the flow of exploitative runaway shops, to end the tax rewards and public subsidies for foreign investment. Our task is also to nurture the growth of free, independent trade unions around the world—to help raise the standards of material and social well-being on a global scale.

Freedom from fear.—There is less fear in America than perhaps any other country, but the promise of a better future faces many eroding influences. Communities fear for their health, because cancerous, toxic waste sites go unchecked by Government, flagrantly abused by industry. Old people fear cutbacks in medicare and social security. Citizens fear crime in the streets, while the conditions of despair which breed crime are ignored. And youth fear their opportunities are shrinking, as aid to education is slashed and middle class dreams evaporate, through unfair taxes, high interest rates, and soaring national debt. These issues are part of the social agenda of the eighties, as they were in generations before.

Of course, throughout the world, working people face far more frightening conditions based on outright repression—state apparatuses built on fear, determined to crush the aspirations of the people, and particularly to suppress political and labor organizations. We do not forget our brothers and sisters in Poland, in Chile, in South Africa. I myself have seen what the death squads of El Salvador have produced in Central America. Union rights are fundamental to human rights, and this too must remain our cause wherever people seek self-determination and democratic change.

Freedom of speech.—The third freedom is a key to all the others. Through freedom of speech, people gain the power to organize collectively, to combat conditions of want and fear. We Americans prize this liberty most dearly—and however disappointing the results, we have just witnessed one of the greatest exercises of free expression in our national elections. Yet, as we exercise this right in the political process, we should be mindful that free speech is not always so well guarded in our worklife.

Four years ago, an American worker could speak out against health hazards and be defended by OSHA. This is not the case today. For 50 years, union organizers could count on the Wagner Act. Now the National Labor Relations Board is headed by right-to-work zealots, pledged to dismantle its scope and enforcement powers. Among its many reversals of basic union protections, the NLRB has practically ceased to prosecute section 8 violations, workers' right to freely advocate union activity. Defending the integrity of labor law is a priority for our movement in the next 4 years.

Another side of free speech is the climate of tolerance we promote in our national life, and in international dialogue as well. Free speech is only meaningful if it is conducted in an open society, respecting cultural diversity, championing pluralism in ideas and beliefs. So we as citizens must not only prize our right to free speech, we must exercise it, by again speaking out against intolerance and bigotry, by reminding ourselves and fellow workers that an injury to one is an injury to all. And for those who cannot express their views freely in other countries, we can offer a forum, and add our voices to their call for free expression.

Freedom of worship: Our assumption that the freedom of religion has long been secure in the United States has been challenged in recent months. For the first time in memory, the separation of church and state has become a political issue. While there is certainly a place for religious conviction in public debate, what is emerging in the likes of Jerry Falwell is a crusade against religious views which do not conform to his own fundamentalism. It is this climate of defamation that paints swastikas on synagog walls, burns crosses on the lawns of black churches—even today, even in New York.

Governor Cuomo has made the case very clear: The separation of church/and state guarantees the freedom of worship—to cross the line based on one creed or another destroys that right for all.

In every union constitution, we have affirmed this principle, to eradicate discrimination on the basis of creed. We affirm freedom of religion not only because it is a legal right, but because it is the foundation of solidarity between all workers, Catholic, Jew, Protestant, people of every faith.

When we contemplate these freedoms, the four freedoms on which this Council and this society are constructed, we realize that our work continues. We need to celebrate our progress—this is the honor you bestow in giving this award. And we need to renew our commitment to unfinished tasks—an obligation you also give with this award.

To carry our work forward, we must insist on a fundamental tenet of progress, which is as valid today as it was 50 years ago: Government by the people means social responsibility to the people. This is not a fashionable idea in Washington today, but it remains the soul of our democratic traditions. Government must address the conditions of want and fear, of poverty and insecurity, if freedom is to be upheld. Government must safeguard the spirit of free speech and worship, if our diverse Nation is to find social peace. And finally, Government cannot espouse the four freedoms if it betrays the right to free union activity, in our own country as well as foreign lands.

Taking up the tasks of our own time, we can draw strength from our past achievements and from the vision of a just society we have represented in a century of struggle. It is a vision which understands that self-interest is inseparable from the common interest we share in making a decent world for our children.

This vision has no better spokesman than the union organizer, Arturo Giovannitti, one of the first delegates to the Italian-American Labor Council. In 1915, he wrote these words:

"Stand up, then, and take the earth unto your bosom,
Gather the oceans in your mighty cupped hands,
Cleanse the heavens of the scourges of grim demons
Of hate, fear and death and destruction,
Remold and reshape the soul of mankind
Into brave exploits of compassion and the dazzling
Splendor of reason and brotherhood."

I am proud to accept the Council's Four Freedoms Award in the name of these ideals. Thank you.●

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. TORRES. Mr. Speaker, I was not present for recorded votes on Monday, March 4. Had I been present on the House floor, I would have cast my votes in the following manner:

Rollcall No. 23, approving the Journal of February 28; "yea."

Rollcall No. 24, motion to refer House Resolution 97, to seat Richard D. McIntyre, to the House Administration Committee; "yea."●

EDUCATION CUTS DENY OPPORTUNITIES AND HURT U.S. INDUSTRY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVE

Tuesday, March 5, 1985

● Mr. RANGEL. Mr. Speaker, the Reagan administration has recently sought to balance defense spending increases with cuts in funding for education. The cuts would not make a dent in the deficit or in the defense budget; they would, however, devastate many students and colleges.

These cuts, totaling over $700 million, are part of the administrations effort to trim domestic spending by $34 billion and increase defense spending by $32.5 billion in 1986. Other savings in the national budget are: $6.3 billion cut from States and cities, and $10.8 billion cut from infrastructure and building programs. Outside defense, the largest single increase would be $12.1 billion, in interest owed on the national debt of $180 billion.

Among the programs which would be terminated are the Talent Search Program, Educational Opportunity Centers, staff training programs, and State Student Incentive Grants.

Some of the program reductions would be in Pell Grants, National Direct Student Loans, Guaranteed Student Loans, the remaining TRIO programs, the Women's Educational Equity Act, and others.

These cuts would hurt the poor and middle class most, by denying lower and middle income Americans a decent opportunity to educate themselves; 808,000 students could not participate in Pell grants, and one-third of students recieving guaranteed student loans would be terminated from the program.

In America, we continue to believe that anyone can and should have the chance to achieve if they work hard enough, regardless of their family's wealth or their inheritance. We have a vision of America as a land of opportunity, but these cuts work against that goal. If higher education is not an inalienable right, it also should not be a privilege open mainly to the wealthy.

Beyond this, education is an investment with proven returns. Many studies have shown that a dollar spent in education saves several dollars in future social spending, criminal incarceration, and employee training by businesses. Those who complete 4 year colleges have an unemployment rate six times lower than those who do not.

More college graduates means a stronger economy, greater opportunity for all Americans, more people paying taxes, more competitive U.S. trade overseas, and most important, the informed citizenry necessary to maintain a democracy.

I will continue to oppose these cuts as strongly as possible. Unless we make higher education available to the poor and the middle class, we could create a society where only the wealthy can attend college. In the long run, our Nation cannot afford to undereducate a generation of minds because they cannot afford college, or to undertrain the work force in a high-tech age.●

CUT FEDERAL FIELD OFFICES

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. GOODLING. Mr. Speaker, in speaking about our commitment to reducing the Federal deficit all of us are guilty of protecting our favorite programs and even in protecting our districts from direct impacts of cuts leading to the closing of administrative offices. In other words, we are behaving here in the Congress just like all the other special interests which are descending upon these Halls and not keeping our word to the taxpayer. I think the following article which appeared in the Wall Street Journal today points out some of the wrong reasons for continually increasing the Federal budget.

PRUNE FEDERAL FIELD OFFICES, THE CORNER BUREAUCRACY

(By Donald Lambro)

"You know," President Reagan once recounted to me, "one of the hardest things in a government this size is to know that down there, underneath, is that permanent structure that's resisting everything you're doing."

Nearly one-third of what Mr. Reagan complains about exists outside of Washington in a shadowy substructure of the federal bureaucracy where thousands of field offices blanket the country in more than 22,000 locations. Their growth over the last several decades has been prolific, and many field offices operate much as they have since the turn of the century—oblivious to modern advances in transportation and communications.

Virtually every major federal department and agency operates them, from the Agriculture Department's 3,147. Extension Service offices to the 50 outposts run by the almost-moribund Interstate Commerce Commission.

USDA alone has 17,000 separate field offices—one for every 137 farms in America—including offices for the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, and the Farmers Home Administration. In the Eastern states the average farmer is within five miles of a USDA office. In the Western states he is within 35 miles.

But because the number of farms has been shrinking for years—they number less than 2.3 million—many USDA outposts are hungrily soliciting new clients to give themselves something to do.

About 70 percent of all Farmers Home Administration loans, for example, now go to

non farmers. County Extension Offices increasingly pitch their services to suburban homeowners, dispensing advice on how to plant shrubbery, combat crabgrass and grow back-yard gardens.

An official in Virginia's Fairfax County Extension Office describes his office as "an educational center where people can learn how to deal with their environment." A week-long lawn-maintenance seminar and a nurserymen's short course held in January were restricted to professionals.

"It's absolutely crazy to be running farm offices in every county, where there are few if any farmers," says a USDA official. "But Congress insists on funding all of them," at $330 million a year.

Obviously, with so many offices operating independently of one another, there is rampant duplication. The Interior Department's Bureau of Mines runs 11 laboratories while its Fish and Wildlife Service manages 104 research and field offices. Many "perform overlapping functions or are unnecessary," an Office of Management and Budget report complains.

"There are about 250 people out there in our field offices," says ICC Commissioner Fred Andre, "but their work is largely anachronistic and counterproductive.

"Since deregulation there is a lot less to do," Mr. Andre says. "Some of them (ICC field offices) are doing little more than sending us newspaper clips."

The explosion of federal assistance programs in the 60s and 70s created a multitude of field offices where inefficient bureaucracies operate cheek-to-cheek with one another. Long ignored by Washington's program managers, and jealousy guarded by lawmakers concerned only with preserving federal jobs in their areas, most of these outposts have been immune to mergers and management reforms.

The Veterans Administration, for example, maintains 58 claims-processing offices around the country, even though VA managers insist that claims can be efficiently processed with far fewer offices. The Department of Health and Human Services operates more than 2,000 separate field offices, 1,300 of which are Social Security offices, many of which could also be consolidated. USDA runs 138 research facilities that could easily be combined into no more than 10 regional centers.

Last year a White House study team concluded that $4 billion could be saved by cutting back on needless regional offices and field personnel along with other management improvements. Among their recommendations: Increase the current one-to-four ratio of supervisors to employees to at least one to seven; and consolidate agencies within the same field office wherever possible.

The interagency task forced further urged that agencies be pressed to make reductions, and it assigned OMB to police the effort. This year, under the "Reform '88" management improvement program, OMB has begun to do just that.

The Department of Housing and Urban Development, for example, proposes to downgrade four overstaffed HUD regional offices to smaller area offices. The Department of Education plans to consolidate field functions—in Washington. The Labor Department wants to cut from 10 to seven the number of regions in which it maintains most of its operations. HHS will modify its regional structure, as will USDA, which will begin replacing its multi-office structure with one-stop "farm service offices."

Further consolidations and substantial savings can be made by implementing modern telecommunications and information-processing technologies, replacing costly, labor-intensive, Bob Cratchit record-keeping systems that poorly serve both taxpayers and the agencies' clientele.

None of these changes will come about easily because the bureaucrats whose jobs will be eliminated will complain to their congressmen, who will use the power of congressional oversight to prevent these reforms from taking place. Such "micromanagement" has often sideswiped needed initiatives in the past.

"Each of these [field] offices is politically well connected," says an OMB official, "and these guys immediately get on the phone to their senators and congressmen and that's where the hell gets raised against those who want to cut the budget around here."

But the arguments from these cost-cutting reforms are all on Mr. Reagan's side. Advances in telecommunications make it possible to deliver and coordinate program services over a wider area than was ever imagined when these field offices were established two generations ago. Moreover, the slow but gradual shift of federal programs and responsibilities to the states and localities—not to mention the phasing out of some federal activities—have made many field offices unnecessary.

There is another compelling reason to prune this overgrown but little-known layer of the federal bureaucracy: $200 billion deficits as far as the eye can see.●

A REMINDER FROM PRESIDENT EISENHOWER ON THE IMPORTANCE OF A STRONG NATIONAL DEFENSE STOCKPILE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. BENNETT. Mr. Speaker, as I look back on my 36 years in Congress, and as we look forward to celebrating the 40th anniversary of the defeat of totalitarian forces in Europe, we should also remember the important role played by strategic and critical materials in that war.

As we reflect on our responsibilities as Members of Congress, I am reminded that we should make every effort to prevent such a terrible war again. As President Kennedy stated in his inaugural address: "For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed." Therefore, our military preparedness efforts must also include the provision for an adequate stockpile of strategic and critical materials necessary to support our forces in the event of a protracted conventional conflict.

I am inserting after my remarks a copy of a September 24, 1963, letter to Senator Clifford P. Chase from President Dwight D. Eisenhower detailing his reasons for establishing in 1954 long-term policies for stockpile acquistions to insure that we would never again enter a war faced with serious shortages of strategic materials.

It might be that President Reagan does not fully appreciate that his 1986 budget would repeal section 905 of the 1985 Defense Authorization Act and thereby reduce funds for stockpile purchases. This repeal request raises questions about the administration's commitment to a strong national defense stockpile.

Accordingly, I plan to hold hearings in the near future on the adequacy of strategic and critical materials currently in the national defense stockpile to support defense production requirements should the Nation again become involved in a military crisis. I invite my fellow Congressmen to join me in suggesting ways of improving our strategic material posture.

The Eisenhower letter reads as follows:

GETTYSBURG, PA,
September 24, 1963.

Hon. CLIFFORD P. CASE,
U.S. Senate, Washington, DC.

DEAR SENATOR CASE: I appreciate your inquiry into the policy considerations which led to my decision in 1954 to establish new long-term policies applying to stockpiling.

You will recall that, when we became involved in World War II, our lack of an adequate stockpile of strategic and critical materials gravely impeded our military operations. We were therefore forced into costly and disruptive expansion programs. The Nation was compelled to divert, at a most critical time, scarce equipment and machinery and manpower to obtain the necessary materials. However, the need for such a program was recognized and theoretical objective established on a predicted 5-year war.

But even after this experience, we had not fully learned our lesson. After World War II stockpiling was confined too much to mere talk—it neglected implementation. After we became involved in hostilities in Korea, we went through experiences almost identical with those of World War II—only then did realistic stockpiling begin.

When I became President I was determined that we benefit from these mistakes of prior years. It was from this conviction that my long-term stockpile policy evolved. Happily, Congress supported this effort and, after considering the programs we presented, it appropriated the yearly funds needed to make the purchases. In 1958 constant restudy changed our stockpile objectives to those necessary for a war of 3 years' rather than 5 years' duration. As a result today of this entire enterprise we have, for the first time in our history, stockpiles of strategic and critical materials.

The Nation's investment in these stockpiles is comparable to the investment made in any insurance policy. If an emergency does not arise, there are always those who can consider the investment a waste. If, however, the investment had not been made and the emergency did arise, these same persons would bemoan, and properly so, the lack of foresight on the part of those charged with the security of the United States. I firmly rejected the policy of too-little, too-late stockpiling. As a result when my administration left office in 1961, the Nation was strongly situated in this regard to deal with the forces of international communism.

Like all other defense activities, the policies underlining the acquisition of strategic and critical materials should be reviewed from time to time in order to keep them attuned to changed conditions. I hope, however, that Members of Congress will keep in mind that these materials are assets—not liabilities—also, that these Members will not permit anyone to dispose of any quantities of any of them until they have assured themselves, after listening to competent testimony that this disposal can proceed without injury to the national security. The Congress should never relinquish its right to pass on executive branch proposals to sell materials in the stockpiles. Too much is at stake.

A final observation based on experience in public life is that while in such matters hindsight is often desirable and even enjoyable, foresight is always a necessity.

Sincerely,

DWIGHT D. EISENHOWER.●

MARY McLEOD BETHUNE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. BROWN of California. Mr. Speaker, today the U.S. Post Office will issue a new 22-cent stamp bearing the portrait of Mary McLeod Bethune. On Wednesday, March 6, the San Bernardino Chapter of the National Council of Negro Women, located in my district, will commemorate this occasion by hosting a reception in Mary Bethune's honor.

Besides being memorialized by the U.S. stamp, Mary Bethune is the only Afro-American to have a memorial on Federal parkland in the Nation's Capital. She became a national figure when President Franklin D. Roosevelt appointed her in 1936 to direct a division of the National Youth Administration. At that time, it was the highest Federal post held by a black woman.

Mary McLeod was born in 1875 in Mayesville, SC, 1 of 17 children and the first to be born in freedom. Her parents bore the surname of their owner. The family worked for the former owner to earn enough to buy a 5-acre farm. Children and parents all worked in the rice and cotton fields; at the age of 9, Mary could pick 250 pounds of cotton a day. But she could not read or write, for no black child could get an education.

When she was 11, a free Presbyterian mission school opened in the area, and for the next 6 years she trudged 5 miles each way, taking in all the school offered. Ready and eager to go on elsewhere, she could not because the family mule died, and the farm had to be mortgaged to get another. But through the beneficence of a stranger, a school teacher in Colorado interested in the Mayesville school, she was given a scholarship to the Scotia Seminary for Women in Concord, NC, where she learned English, Latin, mathematics, and science and became qualified to teach.

With an abiding faith that things would work out and $1.50 in her pocketbook, she started a school of her own in Daytona Beach, FL. The students used crates for desks, charcoal for pencils, and mashed elderberries for ink.

In December 1935, in New York City, Mary Bethune created the National Council of Negro Women [NCNW]. Serving as president of the NCNW from its founding until December 1949, she focused the council's activities on segregation and discrimination especially as they affected black women, on the cultivation of better international relationships through visitation programs and attendance at international conferences and on national liberal causes. She also represented the NCNW at the 1945 Founding Conference of the United Nations. To strengthen the organization, Bethune expanded the membership by creating chapters in major cities.

The National Council of Negro Women's three local chapters in the 36th Congressional District—Inland Empire, President Wilmer D. Carter; Riverside, Jenit Wilson; and High Desert, Ada McClain—will host a reception to celebrate the issuance of this stamp in honor of the organization's founder, Dr. Mary McLeod Bethune. This event is highlighted by the observance of National Women's History Week—March 3 to 9. The reception will be held at San Bernardino's beautiful Historical and Pioneer Society's Heritage House on Wednesday, March 6.

The primary feature of this reception will be the unveiling of the Bethune postage stamp by San Bernardino Postmaster, Mr. Emilo Garica. I am proud to cosponsor this historic event. Through dedication and perserverance she has enriched the lives of all of us. Although Dr. Bethune died in 1955, she continues to speak to us; I will close with the following words extracted from her last will and testament which are etched on the base of a memorial in honor of her:

I leave You Love. . . . I Leave You the Challenge of Developing Confidence in One Another. . . . I Leave you a Respect for the Use of Power. . . . I Leave You Faith . . . I Leave You Racial Dignity . . . I Leave You a Desire to Live Harmoniously with your Fellow Man. . . . I Leave you, Finally, a Responsibility to our young people.●

MEDICARE HOME HEALTH CARE BILL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. WYDEN. Mr. Speaker, it gives me great pleasure to be an original cosponsor of Congresswoman OAKAR's bill to provide long-term care benefits under Medicare.

Seniors today are paying more in out-of-pocket health care costs than they were before the days when Medicare began. And they aren't getting many more health benefits today than they were then.

The fiscal crunch that we're facing, coupled with our aging population, puts pressure on finding noninstitutional approaches to our Nation's health care needs. And one of the greatest of these needs is the need for appropriate long-term care services.

Traditionally, the problem inherent in long-term care solutions was the cost involved. The number of seniors who need these services is so great and the cost of institutional long-term care services is so high that most attempts to provide a Federal solution have not been seriously considered.

This bill, however, presents us with a new approach to an old and increasingly distressing problem. It provides seniors with long-term care benefits in the home and community without bankrupting families, institutions, or the Federal Government.

Based on Robert Wood Johnson Foundation demonstration projects, this bill will provide comprehensive long-term care—not just institutional care—operated out of hospitals, with the hospitals at risk. As with HMO's, hospitals will be reimbursed on a monthly basis with one check that will cover all services provided. The hospitals, then, are given the advantage to keep costs down.

This bill has the potential of providing needed comprehensive long-term care services at no extra cost to the Federal Government—and that benefits everyone.

I applaud my colleague's foresight in introducing this important bill and I look forward to working with her toward passage of the legislation.●

HONORING WILLIAM P. HOLSCLAW, BOY SCOUT HERO FROM NORWALK TROOP 981

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my

colleagues a young man who is a shining example of heroic bravery.

On Sunday, February 10, 1985, at the Norwalk City Fire Station, William P. Holsclaw received the Boy Scout Valor Award and the prestigious Carnegie Medal for Heroism. The Valor Award is the highest award given by the Boy Scouts of America, and William was one of only seven Boy Scouts to receive the award last year. The people of Norwalk and my district are extremely proud of him.

Mr. Speaker, William saved the lives of his two younger brothers over 1 year ago after a fire broke out at the family's home in Jean, NV. The fire had spread furiously through the home by the time William awoke. He attempted to reach his father, but was unable to make his way through the flames. His father, Jim Holsclaw, had reached the outside and gone to the rear of the house breaking a window leading to the bedroom for William to escape. He could have jumped to safety, but refused to leave his brothers, Brian, 4, and Jimmy, 3, until he had passed them through the window to their father.

William is still recovering from the second- and third-degree burns on 40 percent of his body which he sustained in the rescue. He has endured agonizing medical treatments for his injuries and must wear a special pressurized body suit that protects his skin during the slow, painful healing process.

William was adopted by Norwalk's Troop 981 through the Lone Scout Program after they had read about his act of heroism and his desire to become a Boy Scout. Until he joined Troop 981, William had often talked about becoming a Scout, but his family's home in Nevada was far from any established troop. During the past year he has served his new troop in Norwalk with pride and distinction.

Mr. Speaker, I ask my colleagues to join me in commending this young man for his selfless act of bravery. William's courage in saving his brothers' lives will be an example for other young people to follow.●

THE LEGAL PROFESSION AND APARTHEID: A NEW INITIATIVE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. RANGEL. Mr. Speaker, until very recently, Members of Congress and the legal community have not been successful in achieving broad-based support condemning the discriminatory policies of the Republic of South Africa. Calls for economic sanctions, denunciations of human rights abuses, and stronger interest among the American people have brought about important legislation in this Congress.

It is with this in mind that I commend Lawyers Against Apartheid. They have recognized the need to limit American interests in South Africa and are willing to wholeheartedly support Federal legislation initiatives which will penalize—not subsidize—this racist regime.

I would like to submit the following statement from the Lawyers Against Apartheid.

LAWYERS AGAINST APARTHEID

STATEMENT ON APARTHEID

We, the undersigned American lawyers,

Conscious of the obligation that all lawyers undertake to act as guardians of justice and the Rule of Law,

Recalling the injunction in the Universal Declaration of Human Rights that "whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the Rule of Law,"

Dedicated to the principles enunciated in our Declaration of Independence, the United States Constitution, and the Charter of the United Nations, of liberty, equality, justice for all, and self-determination,

Compelled by the dangers inherent in the worsening situation in South Africa, in the escalation of abuses of fundamental rights, and in the intensification of official violence,

Concerned that the policies of our own government described as "constructive engagement" are inadequate to express American antipathy to apartheid and may be perceived as giving succor to the white minority regime,

Cognizant that the more than $14 billion of U.S. economic involvement in South Africa results in financial resources to maintain apartheid and creates a vehicle for technological transfers that benefit the minority regime,

Mindful that South Africa's cheap labor, created by conditions akin to forced labor, undercuts the wage stability and employment of American workers,

Concerned that the South African Government and its instrumentalities are being represented by American lawyers,

In recognition that:

(a) Apartheid, the system of governmentally established and enforced inequalities, restrictions, exclusions, and limitations on the grounds of race applying across all sectors of life (politics, employment, education, movement and residence) is intrinsically antithetical to the notion of justice; for it breaches the most sacred element of justice, that of equality before the law;

(b) Apartheid is maintained in defiance of international law and the repeated condemnation of the international community of any system of racial discrimination, and in particular, that of apartheid;

(c) South Africa's newly revised 1984 constitution is, on its face, a violation of the international law norm of self-determination under which all people are to participate equally in the body politic; for this constitution totally excludes the 73 percent African majority from any political participation in the central government and relegates the Asian and "Coloured" population groups to only limited participation exercised through racially separated chambers of parliament;

(d) Influx controls, implemented through the pass laws which severely restrict the freedom of movement of Black South Africans, the forced removals and relocations of Black communities which have affected 3.5 million Africans to date, the homelands policy by which South Africa purports to have stripped over 8 million Africans of their South African citizenship and nationality are flagrant violations of internationally accepted human rights norms;

(e) South Africa's draconian security legislation is anathema to the Rule of Law and to the concept of due process by reason of its conferment on the security police of sweeping and unfettered powers to detain incommunicado any person who appears to question the apartheid system, without charge or trial, denying access to legal counsel or family for indefinite periods, thereby leading to disappearances, torture, and deaths in detention;

(f) The role of the judiciary in enforcing the structure of apartheid must be deplored;

(g) The official intimidation and harassment of lawyers who use their professional skills either to oppose apartheid or to defend its critics who are charged with political crimes must be condemned by the entire legal profession;

(h) South Africa's continued illegal occupation of Namibia and its application of apartheid policies to that territory are in definance of international law as confirmed by the Advisory Opinion of the International Court of Justice;

(i) South Africa's campaign of military and economic aggression and political subversion against its neighboring states in an effort to secure its minority control in South Africa and its illegal occupation of Namibia breaches the basic international law rules of sovereignty and non-intervention, as well as the international law rules under the Geneva Conventions regarding the treatment of combatants and civilians,

We, as American lawyers, call upon our Government:

1. To end its policy known as "constructive engagement" and to take all appropriate measures to disassociate the United States politically and economically from the support of the apartheid system.

2. To take prompt and effective measures to end South Africa's illegal occupation of Namibia without external preconditions and in accordance with relevant United Nations resolutions.

3. To comply fully with the Advisory Opinion of the International Court of Justice on Namibia.

4. To reinstate the longstanding United States policy as implemented by all U.S. administrations from 1963 to 1981 of strict adherence to the mandatory United Nations arms embargo against South Africa by interpreting it to prohibit any exports to or for the use of the South African military or police and to prohibit the export of items which could be used in the enforcement of apartheid.

5. To prohibit the export of nuclear-related equipment, technology, and substances to South Africa, and to prohibit the import of nuclear substances, particularly uranium, from South Africa or Namibia.

6. To terminate all forms of direct and indirect military collaboration with South Africa, including any cooperation in mutual defense arrangements.

7. To ban all trade in South African gold, including Krugerrands.

8. To prohibit export-import loans and guarantees to South Africa, new investment in and new public and private bank loans to South Africa and, if necessary, to explore the development of plans for the orderly withdrawal of current investment and for a trade embargo.

We call upon all lawyers to use their professional and personal skills to oppose apartheid and to work to achieve the above proposed changes in U.S. foreign policy toward South Africa.●

TRIBUTE TO "UNCLE" CHARLIE HADLEY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, south Florida has lost a big, big man. Charles Hadley, affectionately known to everyone as "Uncle Charlie," had a tremendous impact on the political and social structure of Dade County. He was called "Mayor" even though he had no official title because he was so influential in creating a new urban south Florida.

Uncle Charlie was a powerful man who was unique because he never used his power to his personal benefit, but only and consistently on behalf of others. Charlie was also one of the most intelligent people I have known. He could quickly see through pretense and insincerity.

Our community owes a great debt to this man, who did so much to make life better for so many people. He set a high standard of caring and accomplishment throughout his lifetime, a standard that will continue to challenge Dade's leaders and community activists for many years to come.

An article appeared in the Miami Herald about this remarkable man, and I would like to share it with my colleagues:

The article follows.

CHARLES HADLEY, REVERED FIGURE IN MIAMI POLITICS, IS DEAD AT 72

(By Tom Fiedler)

Charles Rudolph Hadley, the famed "Uncle Charlie" who became a revered political institution in Miami, died late Thursday of complications arising from a stroke. He was 72.

Until he was incapacitated a month ago, Hadley was courted as he had been for three decades by politicians seeking his blessing—and the black votes it could bring.

And he was honored and emulated by a new generation of activists who learned street-level politics at his knee.

"Charles probably gave the first sensitivity to blacks registering to vote," said Athalie Range, a protege and friend. "That's something we can all be proud of."

Added Howard Gary, the former Miami city manager and Hadley's nephew: "He spent his whole life serving people. The city of Miami and the country are losing a great leader."

As a "skinny young man" in the Depression, Hadley was introduced to the possibilities of politics by then-U.S. Sen. Claude Pepper. That introduction developed into a lasting personal and political bond between the two—"we became like brothers," said Pepper—and to the creation of Hadley's Operation Big Vote.

It was the first and most formidable black vote-gathering machine in Dade County, using its power to help candidates from Pepper and former Gov. Reubin Askew to six-term Miami Mayor Maurice Ferre.

To be included on Hadley's slate of candidates always distributed to voters on paper cards that fit into the plan of the hand—was to be virtually assured of a landslide vote in precincts where Big Vote operated. The cards were passed out at every polling place by hundreds of youths employed for a few dollars a day.

Many of those who were listed on those palm cards and who sometimes paid for the privilege insist that Hadley's endorsement was always earned, never bought.

"He was more than a supporter," said Askew, who now lives in Miami. "He was a good friend and a thoroughly honest man who never took anything for himself."

Political lobbyist Steve Ross, who worked alongside Hadley in numerous campaigns, called him "an institution who was always a credit to his city and his community."

"If somebody gave him $100 for a campaign," recalled Milton Vickers, who now directs Dade's minority business office, "he saw that the full $100 was spent on his behalf. Uncle Charlie didn't take a slice for himself."

Hadley, a rotund man, was beset with failing health in recent years, including two previous strokes. But his emotional commitment to blacks and to ensuring blacks a role in city, state and national politics never waned.

As recently as a year ago, Hadley was in the forefront of a drive to add blacks to the county's voting rolls.

And in October, when the Miami City Commission fired his nephew, City Manager Gary, it was Hadley—frail and leaning on his cane for support—who angrily stood up during the meeting and rallied others in the black community to protest.

Notably, that protest grew into a petition drive to recall Mayor Ferre, the man who owed his political success to Hadley more than any other figure. Further, such leaders of that drive as Urban League Director T. Willard Fair, State Sen. Carrie Meek and others, were baptized into local politics through Operation Big Vote.

"What little I know about running referendums and getting out the vote, I learned from Uncle Charlie," said Fair. "You can't get involved in this community without knowing him."

Hadley never tired of crediting Pepper, 84, with his success. But it was mutual.

Pepper recalls learning of Hadley about 50 years ago when Pepper was a newly elected U.S. Senator staunchly supporting Franklin D. Roosevelt's New Deal and his relatively liberal social policies.

Hadley's parents sought the young lawmaker out and told him that, without his help, their son Charles would be forced to drop out of college in Tallahassee. But, they said, a word from Pepper to the school's president would assure Charles of a scholarship and enable him to finish.

Pepper invited the young Hadley to visit at his Tallahassee home shortly thereafter. He liked what he saw.

"He was a fine looking young man, he was skinny then," Pepper said in an interview Thursday night.

"I asked him what he intended to do with himself if I helped him get the scholarship. He said he would try to make a decent man of himself," Pepper continued.

"And he told me, 'If you help me, you'll never regret it.'"

Pepper, of course, interceded on Hadley's behalf, enabling him to finish college and move to Miami. Their relationship evolved from that of mentor-student to one of deep personal friendship.

"Every time Mrs. Pepper and I came to Miami," the congressman recalled, "Charlie would show up at our hotel with wildflowers in his hand for Mrs. Pepper.

"He never forgot to do that. He didn't have enough money to buy flowers from a florist, but he would make sure that he went into a field and picked flowers for her," Pepper said.

With Pepper's encouragement and occasional intervention, Hadley went to work for the state as a health inspector. But in his off-hours, he began preaching what became his gospel—power comes through the ballot box.

Pepper lost his Senate seat in 1952 during a bitterly contested race and moved to Miami, where he opened a law practice. But in 1962, after reapportionment created a new congressional district that spanned Miami Beach and Liberty City, Pepper reentered politics. And, true to the promise he made as a skinny lad, Hadley repaid Pepper by delivering massive vote margins in the black precincts every biennial thereafter.

Hadley was more fortunate than most in living long enough to become an institution. His name adorns a public park in Liberty City. And taking shape nearby is the Hadley Gardens apartment complex, a federally subsidized retirement home steered through Congress by Pepper specifically to honor his friend.

"I'll cherish his memory all the years of my life," Pepper said. "There are so many who owe so much to Charles Hadley."

The Range Funeral Home is handling arrangements, which were incomplete late Thursday.●

THE OZARKS FOOD HARVEST

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. TAYLOR. Mr. Speaker, I would like to call the attention of my colleagues to the good work of many people and organizations in my congressional district who are doing an outstanding job of providing food for the need of our area.

The Ozarks Food Harvest, in just a few short months, has reached a point where it is providing food to more than 4,500 people daily in 27 southwest Missouri counties.

I commend the following report as worthwhile reading:

The Ozarks Food Harvest, in Springfield, MO, experienced its official beginning in February 1983. By May of that year it had begun to collect and distribute food to the needy and poor in the Ozarks. The ensuing eight months resulted in food receipts of 195,157 pounds with a distribution of 90,710 pounds to 21 agencies. 1984 growth in-

creased to: 754,619 pounds of food received, 523,687 pounds distributed and the receiving agencies had increased to 110. The organization was not only gratified but astounded at the phenomenal growth and interest in the program.

Ozarks Food Harvest grew from an idea born with the Springfield Area Council of Churches and is co-sponsored by the Council and the Southwest Missouri Office on Aging. Funds to begin the project came from these two organizations and grants from the Gannett Foundation, Presbyterian Hunger Fund and other miscellaneous contributions. An advisory committee was formed with twelve members representing industry, food industry, governmental units and grocery distribution people to develop guidelines for the day-to-day operation. This group also studies the applications received from the various churches and agencies to determine if they are eligible, have a 501(c)(3) IRS status and meet all the requirements to become an approved unit entitled to receive food as required by law.

Since its inception, Ozarks Food Harvest has grown to cover twenty-seven Missouri counties (with 31 post offices) from Lincoln on the north, Winona on the east, beyond the Arkansas line to the South including seven counties in the north central and northwest part of Arkansas, and the Oklahoma/Kansas line to the west. In preparation for the pre-Christmas "Open Cupboard Holiday Harvest" it was determined that over 4,500 persons were being served daily as a result of Ozarks Food Harvest efforts.

Frank Farmer, a writer for the Springfield Newspaper, in a recent article states: "Food is not a weapon. It is a gift from God to be used for all mankind." The items distributed by Ozarks Food Harvest go to agencies and churches who are offering on-site feeding programs, food closets, and emergency box programs. These agencies are able to increase their purchasing power many times as they are required to pay 10 cents per pound as a shared maintenance cost. (It is not unusual that this 10 cents will purchase a food item which would normally sell for $3.00 to $4.00.)

The community spirit has been very commendable for support of the food bank. The previously mentioned Ozarks Open Cupboard Holiday Harvest netted 8,155 pounds of food and was sponsored by KGBX radio, KOLR-TV, Springfield Newspapers and the Springfield Area Council of Churches. A "Can Tree" sponsored by the Springfield Realtors Board at Battlefield Mall collected 6,820 pounds of food and combined efforts of both groups brought in over $2,000 in cash donations this past December.

In 1984, the warehouse space was expanded to include over 8,400 sq. ft.; Gannett Foundation provided a grant which allowed partial financing of a walk-in refrigerator and walk-in freezer and two local unions donated their labor to install this equipment.

Ozarks Food Harvest is located in a public warehouse. The staff includes: 1 fill time director, 1 full time warehouse manager, 1 food solicitor, 1 warehouse employee, 4 persons working 4 hours per day, 5 days per week with hours staggered to cover the 8 hours it is open provided by the Community Service Employment Program, and 8 regular volunteers. This staff allows for a very capable, feasible, low-cost operation in personnel. The shared maintenance (10 cents per pound) was responsible for 81 percent of the operating budget in 1984; additional operating funds came from the Junior League of Springfield in the form of a $15,000 grant.

Springfield is fortunate to have companies who have food manufacturing plants and other companies who have distribution points located in the city or nearby who are recognized as national donors to Second Harvest. Some have made direct donations and others have donated through Harvesters, Inc., in Kansas City. One of the donors has provided over a half-million pounds of canned vegetables since the project was started.

Of the 110 agencies and churches approved as recipients mentioned earlier, there are 57 churches who maintain food closets and of the other 53 agencies, 10 are located in Springfield with on-site feeding programs and another eight on-site programs out in the area. The remaining agencies maintain either food closet or emergency box programs. One of the busiest box programs is serviced by Crosslines (in Springfield) which provides 25 to 35 boxes to needy families each day. The Southwest Missouri Office on Aging covers the older adult nutrition program (noon meals) in 22 counties in Southwest Missouri. The agencies served represent many types of programs, namely: rehabilitation of prisoners who have been released; alcohol/drug treatment; food kitchens; boys and girls who are homeless or have been in trouble; refugee resettlement; cerebral palsey; the mentally retarded; veterans; and many box programs out in the rural areas. In addition, government commodities are stored for Crosslines and Grand Oaks Mission to facilitate their distribution in Greene County.

The Ozarks Food Harvest is glad to be just one part of the progam which is sponsored by the Springfield Area Council of Churches. It is a caring organization composed of some 55 area churches with a common goal of helping people who are needy or hungry. At the 1984 annual meeting, the report showed that there were 28 full-time employees, 27 part-time employees, and 1,982 volunteers who gave their time weekly. An estimated 100,000 lives are touched annually by these combined efforts in the Southwest Missouri and Northwest Arkansas area.

Mr. Speaker, it is an honor for me to represent a congressional district that is populated by such an outstanding and caring group of individuals and business establishments.

The Ozarks Food Harvest is a program that should be copied by other communities of our Nation.●

FINNISH-AMERICAN CELEBRATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. OBERSTAR. Mr. Speaker, I wish to bring to the attention of this body a nationwide celebration of Finnish-Americans, marking the 150th anniversary of the publication of "The Kalevala," the national epic tale of Finland. So much can be learned about a people by studying the literature which precedes them. The Kalevala reveals a heritage rich in tradition; a people rich in pride of their origins; and a people determined to leave their mark on history. The strong Finnish-American society which prevails today is evidence of the success of their ancestors.

Dr. Elias Lonnrot dedicated a great portion of his life to collecting the many individual writings of his ancestors, combining them into a work comparable to the works of Homer, in order to show that "* * * our ancestors were not, even in their intellectual pursuits, ignorant * * *." Dr. Lonnrot could not have anticipated the impact which the work he first published in 1935 would have on the many generations of Finns to come. "The Kalevala" has been translated into several different languages, including English, thus enabling people throughout the world to share in the Finnish heritage.

"The Kalevala" was the first major literary work written in the Finnish language, and as such it raised the language to a respected position, thus stimulating a national consciousness. Through "The Kalevala," the Finns have shared with the world a literary example that is not easily matched.

The year 1985 will witness a series of continuing celebrations throughout the Nation to mark this historic event. Banquets, craft fairs, dances and lectures are among the events scheduled for the July 25–28 national celebration to be held at Suomi College in Hancock, MI. In my own district in Minnesota, the event was marked on February 28 by the Hibbing Finnish-American Historical Society to honor the contribution of the many individuals of Finnish descent who helped to shape the history of the State.

It is indeed a pleasure to pay tribute to as distinguished a group as the Finnish-Americans. I thank them for sharing with us so treasured a masterpiece as "The Kalevala," and I wish them continued prosperity in the future.●

BLACK HISTORY MONTH

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mr. RAHALL. Mr. Speaker, with the close of February, we end a month-long celebration of black history. I would like to take this opportunity to pay tribute to the many outstanding black Americans whose contributions to our society have enriched the lives of us all.

The sciences, education, politics, technology, and the arts are only a few of the areas profoundly affected by the hard work, dedication, and talents of black Americans throughout our country's history. Many of these individuals remain nameless, although their sacrifices for a more just society

have been enormous. Fortunately, these sacrifices have not been in vain.

Today I believe that we have a society that is better for its increased consciousness of the suffering of early black Americans. This consciousness was enhanced to a great extent by the civil rights movement of the 1960's but we must all continue to strive toward the common goal of equality and a better life for all.

Black History Month has given us an opportunity to honor black Americans and their invaluable contributions to American society.●

DISINVESTING FROM SOUTH AFRICA: CONSTRUCTIVE DISENGAGEMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. CONYERS. Mr. Speaker, our national interests and values dictate that we now disinvest from South Africa. I would like to share with Members a recent op-ed that I wrote for the Detroit News on this subject.

[From the Detroit News, Mar. 3, 1985]

A CALL FOR U.S. DISINVESTMENT TIME IS RUNNING OUT IN SOUTH AFRICA

(By JOHN CONYERS)

There is now only one responsible course that the United States can take in South African disinvestment.

U.S. economic investment in South Africa offers the majority of South Africans little relative benefit, but directly and materially strengthens the system that so violently oppresses them. This is inconsistent with our principles. In the eyes of the oppressed majority, foreign firms are mere bricks in the wall of apartheid. This is inconsistent also with our long-term interests. We must now get out—all the way out—while doing so can still be perceived in a positive light.

The United States today is the largest trader, second largest foreign investor, and the source of one-third of all international credit in South Africa. Those who argue that disinvestment would hurt more than help the oppressed black South Africans misperceive the fundamental nature of our investment in that country.

U.S. firms employ approximately 66,000 black South Africans—less than 1 percent of the entire black South African population. At the same time they control 70 percent of the computer market, 45 percent of the oil market, and 33 percent of the automotive and truck market, all of which together constitute the jugular vein of this highly sophisticated garrison state. While U.S. investment may provide employment for a relative few, millions upon millions of South Africans have become measureably worse off during a period in which foreign investment has increased.

Studies conducted on the relationship between foreign investment and the easing of apartheid, including one by the Carnegie Foundation, consistently tell of the fortification of the apartheid structure, increases in black impoverishment, and the general intensification of violent repression that has accompanied foreign investment in South Africa. One study by Charles Simkins of Capetown University, for example, found that the number of people below a minimum living standard on the government created "homelands" increased from 4.9 million to 8.9 million from 1960 and 1980, a period in which our investment increased approximately 900 percent.

It is against this backdrop that there has been widespread support for disinvestment not only in the United Nations but also in South Africa. Black labor, religious, and political leaders have taken the lead in this drive despite the threat of severe retribution by the state. The two largest-black trade union federations, the Federation of South African Trade Unions (FOSATU) and the Council of Unions of South Africa (CUSA), both recently issued strong statements calling for foreign disinvestment. Labor leaders in particular have spoken out against foreign investment because of the fortifying impact it has on a system that separates black workers from their families and pays them less than one-sixth the wages of their white-counterparts, offering foreign firms a low-wage haven.

While the South African government continually insists that disinvestment will have no impact on the repression and violence in South Africa, it has vigorously fought against it, hiring a vast array of lobbyists to battle disinvestment legislation in the United States, and, under its Terrorism Act, making the advocacy of disinvestment in South Africa an "act of treason," a crime that can be punishable by death. Indeed, it was only after the threat of disinvestment had been developed in Congress, that Pretoria, for the first time, took any concessionary steps—announcing, for instance, the suspension of the homeland policy in which the government violently evicts families from their communities. Through these and other actions, Pretoria has unwittingly made it abundantly clear the extent to which disinvestment threatens to undermine the apartheid system.

Time is running out in South Africa for the fanatic white minority and its ingenious and malevolent mechanisms by which it creates phantom "homelands" and administers the legalized enslavement of 22 million blacks. If Sen. Edward Kennedy, one of the most vocal antiapartheid American leaders, was forced to cancel his speech in Johannesburg because of increasing distrust and resentment of Americans in South Africa, how will U.S. firms be treated as the tendencies toward violent civil war increase on a daily basis—firms which in the South African's eyes are in tacit collusion with the apartheid machine? The managing director of Goodyear Tire and Rubber Co.'s South African subsidiary predicts that, "foreign companies are going to be the target. That is where the dissident blacks will focus. We are right in the tinderbox".

The choice is clear. To remain in South Africa is to reinforce the tendencies toward a violent and bloody civil war, to risk alienating the hearts and minds of the South African people, and to make it more likely that the inevitable post-apartheid government will for generations be a foe of the United States, in which case U.S. firms would then be forced out on a one-way ticket. To disinvest, on the other hand, is to assert ourselves clearly on the side of the South African people, a policy which will be consistent both with our principles and long-term interests.

We must now constructively disengage from South Africa. The longer we wait, the less able we will be to extricate ourselves nobly and intelligently from this dangerous situation. We must not repeat the myopic mistakes of the past. Our national values and interests are on trial. Common sense requires withdrawal.●

AN APPEAL OF CONSCIENCE AND UNDERSTANDING FOR BLACK HISTORY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mr. RANGEL. Mr. Speaker, I rise to honor black history, and to ask that my colleagues pause to reflect on the uniqueness of the black presence in America.

Conservative estimates of the number of Africans lost during the slave trade are placed at 60 million. Most historians agree on the loss of 80 million people, and a few estimate the number to be 100 million.

Approximately 10 million people survived the wars and middle passage to arrive in bondage in the New World; 4.7 million were brought to the Caribbean, 4.4 million to Brazil, and 667,000 to North America. Because of the terrible conditions in the sugarcane fields and coffee groves, Caribbean and Brazilian slaves suffered an extremely high death rate.

These were the beginnings of the black experience in the New World. We were not willing passengers on ships plying the Atlantic. We did not come to experience a promise of freedom. Our children were not permitted to enjoy the upward mobility of other first-generation newcomers. In short, our ancestors saw centuries of brutal enslavement before they were nominally afforded the rights and privileges of our Constitution. And it was not until a mere 30 years ago that those rights and privileges were actively defended by the Federal Government.

Mr. Speaker, we should celebrate the triumphs of our people, and at the same time we must remember our beginnings. Black Americans were living in this country 100 years before George Washington was born. Let us remember their heritage, and honor it.●

BLACK HISTORY MONTH

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mr. SAM B. HALL, JR. Mr. Speaker, I commend my friend, the gentleman from Ohio [Mr. STOKES], for taking this special order to call attention to Black History Month.

It is good to know that more and more contemporary historians are involved in pointing out the great contribution that black Americans have made to the growth and development of our great Nation. This is not an effort at historical revision. It is a long overdue academic exercise in proving that the wonderful and fascinating history of America is vitally linked to the participation of black Americans in that history.

Despite the unfortunate and tragic institution of slavery which permeated so much of our early society, black Americans overcame prejudice, social and political injustice, and tremendous economic hardship, to help build America.

Blacks fought in the Revolution, helped to win the West, and during the crucible of the Civil War, bled and died beside their white comrades. In some battles during the Civil War such as Fort Pillon and the Crater, the loss of life among blacks was terrible and all-consuming. In fact, when that conflict ended, approximately 10 percent of the Union Army was composed of blacks.

Inventors, scientists, educators, politicians, military leaders, and more, black Americans have achieved and will continue to achieve greatness. All we have to do is walk around the Capitol Building to understand this, because black Americans played a vital role in building this magnificant structure.

America is great because of its people and because despite our problems there are men and women of all races who are willing to work together to make us strong and preserve our freedom. Black Americans have played an invaluable role in preserving that freedom, when we take time to read the names on the Vietnam Memorial this fact can be understood and appreciated.●

TOWARD HEALTHIER COMMUNITIES FOR CHILDREN

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mrs. BOXER. Mr. Speaker, I am proud to call to the attention of my colleagues a summary of a program created by the Mental Health Association of Marin.

At a time when the children of our country are falling victim to relentless budget cuts, it is hopeful to see such devoted, concerned, community efforts to address the health of our children, in truth, of our country.

TOWARD HEALTHIER COMMUNITIES FOR CHILDREN

INTRODUCTION

"America's families, and their children, are in trouble, trouble so deep and pervasive as to threaten the future of our nation. The source of the trouble is nothing less than a national neglect of children and those primarily engaged in their care—America's parents."

This message is from the "Report to the President, White House Conference on Children," December, 1970. Fifteen years have passed since this first major national effort to bring the plight of America's children to public consciousness. Most of the changes in the fifteen years since the conference have been on the negative side. Problems of children and youth include, in larger and larger measure, homicide, suicide, child and drug abuse, vandalism, and teenage pregnancy. More than one million children 11 to 17 years of age ran away each year. Fifteen thousand children end up in unmarked graves and another 50,000 simply disappear.

All the while we have been addressing ourselves to the symptoms of malfunction, rather than to the basic causes out of which these tragic conditions arise.

Urbanization and suburbanization, the mobility of our society with its concommitant loss of neighborhood and the extended family increase children's isolation and segregation. Restrictive working hours for parents, the absence of adequate child care, and the abuse of media and other stimulants as a substitute for meaningful activity further reduce the participation of adults in the socialization of children.

Children in America are growing up in a violent, anti-social world which threatens and in some cases deprives them of their humanity. They are afraid to be alone; they fear people on the streets; they live in very real dread of nuclear holocaust. They believe they will not "get to grow up."

Children are no longer raised collectively. Although the family remains the most appropriate environment for children's upbringing, the family today occupies a radically different role in society than it has historically. In the past, work, education, and family roles virtually coincided. Today these functions are separated, largely invisible to one another. Rare is the extended family or even the neighborhood where people know or help each other. Older people live outside the mainstream of the community. Thus, parents are raising children without the assistance of other adults. Children no longer have the benefit of many positive adult role models; many are attached, in order to achieve a sense of belonging to a community, to essentially negative and exclusionary peer group subcultures.

THE APPROACH

Families can only function well within a community. Historically, peaceloving and cooperative people are raised in extended families, and are the collective responsibility of the community. Our premises are:

Virtually all children are born with the potential to develop into fully-functioning adulthood. Some children have more advantages than others, but all children get their basic needs satisfied by other human beings. They learn from modeling, from interacting with persons from different age groups, and from doing meaningful work.

Children who have contact only with their own peer groups do not learn culturally established patterns of cooperation and mutual concern.

Children need a community where the values that maintain the health and life of all of us—ecology, social responsibility, grass-roots democracy, non-violence—are expressed through rites and rituals, practice, and daily activities; where all learning is integrated with these values.

Children need significant duties on behalf of others in the neighborhood and community, the class room and the school if they are to achieve their humanity and live in the world in an accountable, cooperative and caring manner.

THE PROGRAM

Based on these premises and the tragic circumstances that are shaping children's lives, we have worked to found a program that is more basically preventive than the traditional mental health, social service and criminal justice interventions.

The Campaign for a Healthier Community for Children works to assist people in extending their family of friends and neighbors in an intergenerational pattern, to give more support to parents, to return older people to their significant place in the community, to encourage other adults to take more responsibility for the community's children, and to re-establish significant roles for children and youth in the community's daily life. In its wider sense, the Campaign aims to assist people in transforming their world into a world where more caring relationships among people and between people and the planet are the guiding principles.

To implement the Campaign, we are forming "Councils for a Healthier Community for Children" in Marin County towns. "Councils for a Healthier Community for Children" offer a fresh and exciting opportunity for volunteers of all ages (with particular emphasis on children and teenagers) come together outside their various political and social institutions to plan and carry out projects which fill gaps they perceive in their lives and work toward their vision of an ideal community.

In San Anselmo, for example, we have a "Council" composed of 14 adults and 16 children, 9-18 years of age. As a "Council," we focus on our visions of a cohesive community, on how good our lives might be. We look at the activities and opportunities already available, and work to make them more intergenerational and to bring them closer to the neighborhood. We identify some of the things we can do together easily, in order to involve more people quickly and feel the excitement of early success.

The first year we began to bring the community closer to our vision by creating new intergenerational social and cultural activities. During our week-long "Festival of the Children" the Town Council renamed our main street The Avenue of the Children; there were puppet shows, a children's play, poetry reading, junior and senior high school band concerts, singing and dancing in the courtyard of our Town Hall. Our low-cost Family Film Festival continues on a monthly basis. The children won first prize for the float they entered in the town's Country Fair days. Christmas caroling and Sunday afternoon theater were also included in our first activities.

In our second year, while continuing our intergenerational celebrations, we are beginning to focus on the needs of latchkey children and others who have little to keep them pleasantly and meaningfully occupied. With the help of many new friends, we have established a "Stop By After School" place in an historic home loaned to us by the town. There, children can meet with older people and younger friends for a snack, reading, art and sewing projects, or tutoring

by high school students—all informal activities. A merchant has offered a storeroom for students to develop into a cafe/social center. Also being planned are a small business with teenagers helping younger children to do yard maintenance, errands and other tasks for older people; a barter network; building kiosks in neighborhoods to let people know what is happening. High school students have proposed to produce a documentary film on San Anselmo to precede a Town Meeting planned by students and town leaders. Several adult "Council" members are now teaching a class on community building, "Friends, Ethics & Community," in the local Junior High School. Children will receive school credit for community participation, and we anticipate the appointment of students to local government committees and commissions.

Because we are aware that the physical nature of a community has much influence on the form life takes in that community, we are working with a countywide Advisory Board around low-cost housing, community economics, public transportation, parks and other public social areas—all issues essential to the creation of a social and physical environment where older people, children and youth may play significant roles in the community. The Advisory Board will help take community mandates to the people and to local leaders, agencies, and officials.

RECOMMENDATIONS

We believe that under the current circumstances, the future of our children, indeed our country, will be determined by society's willingness to respond to the emerging needs of the family. This must be accompanied by a change in the belief that primary responsibility for children rests solely on parents. The fact is that many families cannot bear this burden unaided. We are heartened by efforts being made in other communities—Toronto and Seattle are notable examples—to make a place for children in community life.

While legislators and others are considering actions which might be taken to mitigate the large social and economic problems we face, we believe that programs such as the Campaign for a Healthier Community for Children can begin to immediately affect families on the home front. Leadership and funding for interage "Councils" within communities is a start. Councils will work with town or city officials when possible, and may in fact become formal bodies with legal ties to the town. Cities might begin to decentralize, creating neighborhood City Halls in order to better serve the social needs of residents. With leadership, Boards of Supervisors, Town Councils, school districts and other governing bodies could begin by adopting policy statements setting the standard that all departments, agencies and services design their activities to promote more adult responsibility for children, more support for parents, and more opportunities for older people to become involved in the activities of the community.

Legislators must consider four important realms of influence on our children: (1) The social, political and cultural attitudes of society as a whole: racism, sexism, class distinction, cultural/religious/political prejudice; (2) The social and political forces acting on the family and the child: lack of affordable housing, lack of affordable health care, inflexible work hours, unemployment, the physical pollution and destruction of neighborhoods and communities; (3) The network of relationships so important to the growth of the child; and (4) The quality of the child's close relationships: with parents who are desperate for affordable child care, with teachers in crowded classrooms.

The well-being of the family is inextricably tied to the development of socially and economicaly integrated, healthy communities. Therefore, we believe that a comprehensive approach to our common problems—the need for interage and affordable housing, economic opportunities for all, support for small business, affordable and subsidized child care, public transportation, an educational system that respects children, adequate health care provisions for all—is essential.

While this comprehensive approach is being undertaken, the ground may be prepared in a number of ways: a national commitment to the support of families and children through alleviation of the problems they face in housing, employment, child care, health care, and education; a national commitment to have at the forefront of each new piece of legislation the direct effect it will have on the community issues outlined here; and, the further empowerment of the people, through readily available and uncomplicated federal block-grant funding, to plan and carry out community-created institutions dealing with intergenerational social and cultural activities, service and support chains outside the social service system, community/school integration, and grass-roots economic development.●

TRIBUTE TO WILLIAM HARRIS PYEATT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. SKELTON. Mr. Speaker, it was with sadness that I learned of the passing of a respected citizen and friend from Bulter, MO, William Harris Pyeatt.

Mr. Pyeatt was a farmer and agribusinessman and was considered a leader in Bates County. He worked hard to raise his family and to be sure his community reflected the values he wanted his family to share.

He was well-known as an aviator and he provided services to other flyers through his leadership and active participation in the "Flying Farmers."

In noting his passing, a Bulter newspaper said, "He was the sort of person who leaves a big hole when he's pulled out of the stack. We'll miss him a lot." As one who knew him, I share those sentiments.●

A SPEECH BY SEYMOUR LESLIE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. McGRATH. Mr. Speaker, I would like to insert in the RECORD today remarks recently made by a constituent of mine, Mr. Seymour Leslie, the first president of the Greater Five Towns YM and YWHA, which serves thousands of residents of the Fifth District of New York.

I think that all of our colleagues should take note of his comments and the tremendous range of services offered by the organization he leads. I am proud of the accomplishments of the Greater Five Towns "Y," and this brief speech outlines a great example of private initiative and service to others:

It has been said the greatest exercise for the human heart is to bend down and help somebody else up.

A concept such as a "Y" or a community center stems from both positive past experiences and what is clearly the community need to help somebody.

I would like to share with you a little of my personal perspective. My own desire to see a center really began with my experience as a youngster in the Bronx. It is clear to me, in retrospect, that if I had "Y," my life would have been measurably poorer, in social development, life long relationships, and that sense of community and responsibility to others.

I've given you some of my own personal observations, but to each affected person the "Y" has its own significance. To the preschool child it is the first socialization and learning experience outside the home; to the elementary school child it is development of a relationship with adults; a teenager can make new friends in a safe environment, and a parent can safely say, "it is 9 o'clock and I know where my child is." To the parents, whether single or not, it is deriving personal benefit from the diversified programming specifically geared to their own needs. To the cardiac patient it may be a swimming pool for rehabilitation; to the young adult it is in meeting peers in an environment other than street corners and bars and to the older adult it represents a break in the loneliness imposed by suburbia.

We believe that through our programs people find those outlets and satisfactions that provide an anchor in their lives and serve as a balance to those problems that could lead to emotional distress. We believe firmly that prevention is preferable to cure. There is also a pragmatic reason. The cost of prevention is far less than the cost of a cure, and in human terms, saves agony and heartbreak in the process.

The world we live in now is dramatically different than what we saw 10-20 years ago and beyond. Close to 70% of the families we serve now have two working parents. Through our day care and preschool programs, we serve children from six months to kindergarten age and help working families by providing good, constructive care and programming during the day.

We have extensive activities for the elementary school child and after-school programs for children to improve their social skills and engage in athletics, crafts, and cultural arts.

We offer similar programs geared toward teens, and young singles. Special attention is given to the needs of single parents and their children, and a wide variety of family events and activities are regularly scheduled.

The older adult is often one whose spouse had died and comes to suburbia to live with his or her children. Her or she must make new friends and cope generally with the in-

firmities of old age. The "Y" provides programs of social interest, lectures, trips, discussion groups, and sometimes even provides transportation.

There are special groups, too, for the physically and emotionally disabled for whom services are often in short supply or in communities far away. In the summertime, we serve over 3,500 children in day camps and distribute $87,000 in camp tuition assistance, enabling low-income families the ability to send their children to day camp. In short, we are committed to serve the needs of all the community.

These are only the basic elements which serve as our motivation to see "Ys" start, develop and grow as the hundreds of others around the United States. Gratification comes with the knowledge that those in existence now have a combined enrollment of 6,487 families, representing a combined number of 30,000 individuals enrolled. The "Ys" are open to everyone. Many programs are open to the public—20,000 non-members are participating in activities as well as the members. We serve over 50,000 Long Islanders.

If the time permitted, there would be so much more I could say about the two school buildings we have purchased, about the reconstruction physically and, about the spirit and impact we have on community life. I can only conclude by giving my own personal view that the "Y" is not a luxury but an essential service that can never be measured in dollars alone.

I'd like to leave you with a bit of philosophy applicable to every aspect of life—but especially in our quest for tomorrow:

Yesterday is but a dream
And tomorrow a vision
But each today—well-lived, well-planned and well-executed
Makes every yesterday a dream of happiness
And every tomorrow a vision of hope for all.

I join all of our associates this morning in sharing that dream, that hope and that expectation.●

HOUSE CONCURRENT RESOLUTION ON THE JOB CORPS PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. GOODLING. Mr. Speaker, I am introducing today a House concurrent resolution that reaffirms congressional support for the Job Corps Program. This program has been in existence for over 20 years, and for the toughest case youth it has provided a "last chance" alternative to a life of joblessness, welfare dependency, or criminality.

This action on my part may surprise some of my colleagues since I have cosponsored a similar resolution introduced by my colleague, Mr. MARTINEZ of California. While both of our resolutions express support for the Job Corps Program, I believe that this resolution provides greater flexibility to maintain this program at a viable level in the context of the severe budget restraints facing us today. In addition, this resolution expresses the sense of the entire Congress rather than solely that of the House of Representatives.

The Job Corps is entering its third decade of operation, having served over 1.2 million economically disadvantaged young men and women ages 16 through 21. The outcome of this participation has been more productive, employable, and responsible citizens. The Job Corps program has two principal components—vocational skills training and basic remediation including self-discipline and civic responsibility.

There are major differences between the Job Corps and other youth training programs which have been authorized by the Congress. From its inception, the Job Corps has been residential in nature, designed to remove the participants from their immediate social environment and place them in centers often hundreds of miles from their homes. It is significant that this program has also been distinguished by enthusiastic and extensive private sector involvement.

Postprogram experience of the program has demonstrated that it is effective and that its benefits far exceed its costs. For example, an independent evaluation of the program found that for each dollar invested, the return was $1.42. Relative to other youth training programs, its cost per hour is no greater, and in some instances less.

For those of you who may be swayed by OMB's arguments to eliminate the Job Corps Program, may I suggest that you visit one of these centers and make your own independent evaluation. I have visited some centers firsthand and have seen the excitement and enthusiasm for learning on the faces of the Corps members.

They have experienced a challenge which they have been able to meet and have gained a new sense of direction and self-esteem. It is gratifying to recognize that these young people will be able to make an economic and social contribution to their communities that in all likelihood would not have been possible without the Job Corps Program.

I urge my colleagues to join with me in support of this resolution which expresses the sense of Congress that the Job Corps should be funded at a level sufficient to maintain it as a viable Federal effort.●

FOR CONSUMER AND ENERGY SAKE, LET'S KEEP AUTO MILEAGE EFFICIENCY STANDARDS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. STARK. Mr. Speaker, I am today introducing legislation, first, to correct problems in the Motor Vehicle Information and Conservation Standards Act caused by the Supreme Court's Chadha decision ruling one-chamber legislative vetoes unconstitutional and, second, to eliminate the administration's ability to set a standard below the current level of 27.5 miles per gallon.

The fuel economy standards helped prevent the 1979 oil shock from being even more harmful than it was to the auto industry and have saved the national economy billions of dollars and individual consumers thousands of dollars over the life of their cars.

In 1975, the Energy Policy and Conservation Act [EPCA] set standards for passenger cars for model years 1978 through 1980 and for 1985. The Secretary of Transportation was authorized to establish interim standards for model years 1981 through 1984, which were announced in June 1977:

Fuel economy standards for passenger cars, model years 1978 through 1985

[Miles per gallon]

1978	18.0
1979	19.0
1980	20.0
1981	22.0
1982	24.0
1983	26.0
1984	27.0
1985	27.5

Under the law, failure to meet the standards in any model year resulted in a civil penalty to the manufacturer of $5 for each car in the corporate fleet for each one-tenth of a mile per gallon it fell short.

But as the Congressional Research Service noted in a recent study of the fuel standards situation:

* * * failing to meet the standard for a given model-year does not necessarily mean a manufacturer will be found in non-compliance or be liable for penalties. Under EPCA, as enacted, the penalties could be offset if the fleet exceeded the standards in the model year immediately preceding or following the year of the violation. The manufacturers would still have been deemed in violation of the law, but the credits would be subtracted from the civil penalty.

Then, in the 96th Congress, the Automobile Fuel Efficiency Act of 1980 * * * extended the "carry forward" and "carry back" privilege to 3 years. It also redefined "unlawful conduct" by providing that noncompliance with the standard would not be a violation of the law if there were sufficient credits to offset it. If a manufacturer expected to be in noncompliance in a given model year and had not accrued offsetting credits in previous model years, it might be granted relief by demonstrating that its fleet would earn sufficient credits during the next three model years. Thus, if a manufacturer's new car fleet economy were, for example, to fall short in MY85, the manufacturer could apply credits earned in the three previous model years, or—based upon projections of sales and models for the next three model years—argue that it would accrue sufficient credits to offset the penalty in MY85.* * *

EPCA provided that the Secretary of Transportation may amend the CAFE standard to "a level which he determines is the maximum feasible average fuel economy level for such model year." Amendments either raising the standard above 27.5 miles per gallon, or setting it below 26.0 mpg are subject to a one-House veto by Congress, a provision subsequently declared unconstitutional by the Supreme Court in its review of *INS* v. *Chadha*.

Because several major auto producers may not be able to meet the 27.5 mile-per-gallon standard and could be faced with substantial penalties, it is quite possible that they will ask for a lowering of the standard, perhaps to 26 miles per gallon.

I oppose a lowering of the standard. It would be entirely the wrong signal. Sure, gasoline prices are down and OPEC is in disarray. But one coup could change that. Those who forget the past are condemned to relive it. If we don't keep the pressure on for conservation, one day we will again face long gasoline lines and soaring prices.

To reward companies who did not have a better idea or the excellence to meet the long-established standards would be to weaken the pressure for energy conservation and make unbelievable the Nation's resolve for an energy independent and secure future. One major company, with great sacrifice, has met the standards. To forgive others who have not met the standards is the same as a grant of money from the public and Treasury. For example, the Congressional Research Service reports that lowering the 27.5-mile-per-gallon standard to 26 miles per gallon will cost consumers $300 over the life of the less efficient car, and will cost the Nation 5 to 8 million extra barrels of oil per year.

To prevent this giveaway of the consumer interest and the national energy needs, I am introducing corrective legislation. My bill corrects the Chadha problem by getting rid of the Congressional veto and it gets rid of part of the reason for congressional review: The administration's power to lower the standard below 27.5 miles per gallon. The bill allows the executive branch to set standards higher than 27.5 miles per gallon, and with the technolgies of the future, I would hope that they would have the wisdom and vision to set a gradually rising level of goals.

I urge adoption of this measure to prevent backsliding on the road to moderating energy prices and energy freedom.●

SEVEN HIGH SCHOOL STUDENTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. PORTER. Mr. Speaker, recently, a group of seven high school students came to see me. They were in town as part of the Presidential Classroom Program, and all seven are student leaders in their Illinois and Michigan communities.

They told me of their deep concern about budget deficits—and how they and other young people will have to pay a huge price for our inability to bring Federal spending under control. I encouraged them to speak out, and they did.

Earlier this month, they held their own press conference, and handed me a petition signed by 250 of their Presidential Classroom colleagues—signatures they collected in just a few hours.

The statement they wrote was understanding. I am proud to say that Kristin Koeppen, an 18-year-old constituent of mine from Buffalo Grove, delivered it with poise and conviction. I particularly liked this comment Kristin made:

Our parents won't let us run up a bill on their credit cards. So why should we sit quietly while our government runs up a huge bill on ours?

I think you will find their statement, contained below, a powerful message of what is on the minds of young people.

Statement by: Chris Blanchard, Kristin Koeppen, Cecilia Michaelis, Kirsten Peterson, Nancy Lataif, Lisa Lehnert, Michelle Mitzenmacher.

We seven high school students came to Washington a week ago, along with 350 other students, to learn about government and politics in the Presidential Classroom program. Back where we come from, in Illinois and Michigan, the issues don't seem real and don't seem to affect us.

Since we got to Washington, all we've heard is the federal deficit. At first, we found it boring—lots of vague and meaningless statistics. We figured it was a short-term political problem that somebody in government would solve, sooner or later.

After a while, the facts began to hit home. We found out we were the ones who were going to have to pay for these deficits. It was just common sense. When you borrow money, you have to pay it back. Our government is using all this money, and someday somebody is sure to have to pay it back. That somebody, we now realize, is us.

Our parents won't let us run up a bill on their credit cards. So why should we sit quietly while our government runs up a huge bill on ours? We understand that we will each have to pay $10,000 in extra taxes just to pay the interest on this year's budget deficit. We hear that the entire national debt could cost each of us as much as $100,000 in extra taxes, just to pay the interest.

This isn't fair. Even without this deficit, it seems like we'll have to struggle harder than our parents did just to match their standard of living. Buying a house right now is difficult enough. Ten or twenty years from now, when we'll want to buy one, it could be nearly impossible for most people in our generation.

What about Social Security? The time will come when we'll want to retire, and we know for sure we won't get as much out of Social Security as our grandparents are today. We wonder if it will even be there at all, when we need it.

This is enough to contend with. Add the deficit to this, and our future seems very shaky.

We are concerned for ourselves, but we are even more concerned about people our age who haven't had the same advantages we seven have had. How will the national debt affect them?

One thing we learned during our stay in Washington is that special interests hold the cards. They dominate the power struggles. But one large group has no voice at all. Us—people our age.

We're speaking out today because somebody our age has to. These deficits are too scary to ignore. We'd like to tell other students around the country that we need to wake up and be heard. We have a choice, and it's pretty clear-cut: We either join ranks and fight these huge deficits now, or else lower our dreams for the future.

What we want to tell others our age is this: No matter how young you are, you are an important constituent of a Congressman and two Senators who are supposed to represent you. They can't represent you if they don't know how you feel. Write them. Make your vote count, when you vote for the first time, as we will, in 1986. Vote for candidates who are as concerned about the future as you. Join us in calling on the Congress and the Reagan Administration to bring these deficits under control.

America is supposed to be a land of opportunity, and we've always believed in the American dream. We want to be optimistic about the future. All we want is a fair shot.●

TRIBUTE TO MRS. EVA SAUNDERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. SKELTON. Mr. Speaker, I would like to recognize to this body a person who is dear to all who grew up in my home town of Lexington, MO, Mrs. Eva Saunders. Miss Eva taught school for over 50 years in Lexington, and won many awards for outstanding teaching, including a meritorious teaching award from the school board and an award from the Missouri State Teachers Association for "advancing the cause of education in Missouri." Yet, her accomplishments go beyond her teaching. She provided a home away from home for the youngsters of Lexington. Her deep religious beliefs guided her life and her teaching, and she passed this on to all she came in contact with. The Lexington Advance News recently published an article on Miss Eva, who is 92 this year, and I would like to quote a paragraph which describes Miss Eva's focus in life, her faith in God.

Her assurance regarding her salvation and her confidence that she is going to heaven is based not on her own good works but upon the work of Christ on His cross, when He died for our sins. She speaks of how He paid the price. She told me to have us pray this

way: "Lord I thank you—He is able and he will do it."●

A MAN'S WORK IS NEVER DONE

HON. WILLIAM LEHMAN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, over the past few years, as a member of the Select Committee on Children, Youth, and Families, I have seen many examples of successful families all over the country. Few, however, have come close to the level of love and commitment which is part of everyday life in the family of Joseph and Minnie Lee Stallworth.

Mr. Stallworth's life is proof that the husband and father need not be home on a schedule that the rest of us consider normal to properly raise his children and provide for his family. The sacrifice, love, and care of this family are a model for families everywhere.

An article recently appeared in the Miami Herald which details the way of life of this remarkable family, and I would like to share it with my colleagues.

[From the Miami Herald, Mar. 3, 1985]

A MAN'S WORK IS NEVER DONE

(By John Sherwood)

It is 5:30 on a Monday morning and Joseph E. Stallworth, 50, of Carol City, is up and preparing a big breakfast of bacon, eggs, toast and grits before driving 12 miles to work.

Ho hum. So what, you say. There are thousands of us drones out there doing the same thing.

But this fellow is a marathon man. Six days and nights of the week, Joe Stallworth is on the job for up to 20-hours at a time. He rests on Sundays—family day—if you can call "rest" putting on a kitchen apron and taking over the cooking for the entire day for the whole family. But because it draws them together, it also keeps them together. That's why, for him, it's the most important day.

"I do all the cooking, but I don't do dishes or floors," he says.

During the week, though, Stallworth dons other hats. Wearing a white shirt, black trousers, black tie and a black chauffeur's cap, he arrives at the main office of Pan American Bank N.A. in downtown Miami around 6:45 a.m. to start firing up the coffee pots. He has been doing this for 29 years.

His beeper keeps him running errands, delivering messages, ordering supplies, moving people and cars about and tending coffee pots throughout the week, except for five hours on Saturdays when his bank duties are less demanding. During the week, he spends about 30 hours running a snack lounge for 250 bank employees in the building, 20 hours keeping track of the maintenance of the bank's 20-car fleet and about 10 hours on errands.

He usually finishes at the bank around 6:30 p.m., although sometimes earlier—or later. He drives home to 2855 NW 206th St. where his wife has dinner ready. Then comes a shower.

So far, so good, except Stallworth is usually in bed by 8 p.m. because he has to be up again by 9:45 to get ready for his second full-time job. It starts at 10:30 at the Pan American Airways Commissary at Miami International Airport.

Finishing at the airport around 6:30 a.m., he showers and changes uniforms once more for a daylong grind at the bank with the coffee pots, the fleet of company cars, and the errands.

He has maintained this murderous stretch of averaging five consecutive 20-hour workdays and nights for the past 17 years, when he started at Pan Am, in addition to working an average 60-hour week at the bank. However, longer workweeks are not unusual for him.

Why does he do it? What makes Joe Stallworth run like this?

"It started out as a family necessity," he says. "Many members of my family needed my help. But it became routine, and I just got used to it. Except for Monday nights. They are the toughest, especially around 3 o'clock in the morning."

"The family has adapted," says his wife, Minnie Lee. "They grew up with his schedule. They just kept extra quiet early in the evening because they knew that Daddy was sleeping and he was working those long hours for the good of us all."

Stallworth got into the work force the hard way. He was forced to drop out of high school in Century, Fla., when his mother died. As the oldest of nine childen, the teenager went to work in a saw mill as the family's sole support. Their father had long since deserted them.

Because of his father's absence and the example of his mother, Ruby, he felt dutybound to help his family. As it turned out, it grew into a commitment to help others, as well.

"There was never any thinking about it," he says, "no saying, 'Oh my, oh my, what are we going to do?' It had to be done. Your family needs you, and you work extra hard to make life better for them than it was for you. And when your own family doesn't need help, there always is someone else who does. My wife always seems to hear about them."

His double salary, which brings in a good income, has also set up a pretty nice life style they have become accustomed to. Still, it takes two full-time jobs to do it. With his regular salary and overtime at the bank, and his job with the airline, Stallworth earns more than $40,000 a year. And there are others to help.

Minnie Lee Stallworth, who met her husband in church, says he is "one in a million. He doesn't smoke or drink. He's so good that people wouldn't believe it. They say, 'How can you live like that with your husband gone all the time?' I would like him home more, too, but we fell into this routine where he had to help his family, then it was our own family, and then we began assisting others in need."

She says, "We are compatible that way. We were both brought up to have compassion for any human being with a need. That's what it boils down to. It doesn't have to be a relative. A short time ago we heard about some lady with no food where her husband had run off and left her with 10 children. Joe can understand this because he has personal experience with it."

William H. Allen Jr., the bank's chairman of the board, also believes in need—the need the bank has for Joe Stallworth. "This bank would simply stop without him," he says bluntly.

Allen, whose own workday starts at 8 a.m. when an eternally cheerful Stallworth arrives with his coffee wagon, says: "I have never heard of him complaining, or of criticizing another person or our community or our country. His attendance record is spotless and despite the long hours, I have never heard him say he was tired or ask for time off."

Allen calls Stallworth "one of those key individuals" who "make the difference and are responsible for and influence the company's image, both internally and externally. He has done countless things for many people. He has depth that I wish I had and, if it weren't for [him], the organization would have a missing link."

Joe Stallworth, Allen concludes, "Is a constant and reliable payoff for those who knew him."

Stallworth came to the bank when he was 21, shortly after bringing most of his nine brothers and sisters along with him to Miami. He worked for Food Fair at the time, and took a Saturday porter's job at the bank to earn extra money.

He began working full-time in 1955 and today is also paid for an additional 20 hours of overtime a week.

Married in 1956, he began raising his new family as well as caring for his brothers and sisters from time to time. With his own four small children to support, he took his second full-time job in 1968. Today he supervises Pan Am Airways crews in cleaning and stocking the interiors of jets for upcoming flights. They have the same good things to say of him at that job, too, where he is paid a union scale but is now out on strike.

The two jobs have bought some of the good things in life: two late-model cars, lots of furniture and a comfortable 3-bedroom house in Carol City valued at about $45,000, where he has lived for 25 years. It is just about paid for.

His son, Joseph Jr., 26, graduated from college and now works as an assistant controller at a bank. "Honestly, Joe Jr. is as good a man as his father," says Minnie Lee.

"He still comes around and does the house and yard maintenance, although he just moved into his own apartment." Minnie Lee, although she worked at one time, now looks after their only granddaughter after school while the girl's mother works.

Joe Jr. speaks for the rest of the family when he says his father "is a wonderful man who has set a great example for us."

Setting the example, Stallworth says modestly, was his purpose all along. "If I have succeeded in that, and if it took two full-time jobs to do it, then it was worth it. If I have been good to them, and rewarded them, then they have rewarded me, too."

Says the Stallworths' minister, the Rev. Doris Akins of Bethel Apostolic Temple: "They have always been generous in helping others, and Minnie Lee works with our old people. They are there whenever you need them."

The immediate family, however, is still at the top of the Stallworths' list. The only child still at home is daughter, Caroline, 17, a senior at American High School. Another daughter, Kale Elaine Benton, 23, is married and she also works at a bank. The oldest child, Sharran Laverne Stallworth, 27, is employed in the dietary department of Parkway General Hospital.

But the undisputed "apple of Joe's eye," says his wife, is their only grandchild: Shaketha LaTonya Mike, 8, Sharran's daughter.

Relaxation for Stallworth still revolves around his family's coming home for fre-

quent visits, or all of them going out to dinner together to celebrate birthdays and family-related events. It also means attending sporting events—especially Dolphins games. And when he isn't cooking, he's watching sports and religious programs on TV, and "just hanging around the house. I would love to fish, though."

He gets four weeks vacation from the bank and four from the airline, and takes advantage of the free air travel for the family. He uses his vacations a week at a time, and he dreams of visiting the Holy Land.

A bit overweight, he is treated for mild hypertension by a family physician, who constantly refers to him as an example for his ailing patients, He has no special diet, and takes Vitamin C for "natural defenses against colds," he says.

Stallworth, who will be 51 in April, says he is thinking about retiring from the airline at 55, but would continue working for the bank—"my first love," as he calls it.

And when he retires from the bank, as well, he says: "I don't plan to be setting still, I can tell you that. I want to be associated with something like Big Brothers. I want to contribute to the community that has contributed so much to me."●

INTRODUCTION OF THE SULFITE SAFETY ACT OF 1985

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. WYDEN. Mr. Speaker, it gives me great pleasure to introduce today, simultaneously with legislation in the Senate sponsored by Senator GORE, a bill to protect our citizens from the dangers of sulfites.

Sulfites can be a hidden killer. For at least half a million people, sulfite is basically a poison masquerading as a cosmetic additive.

Sulfite is a food additive which is used primarily for cosmetic, not health or safety reasons. Very simply, it helps prevent browning in fresh fruits and vegetables—something that could be as easily done with natural, inexpensive substitutes such as lemon juice.

It's a simple purpose with a potentially disastrous result. Five deaths in the last 2½ years, including the recent death of an Oregon girl, have been directly linked to the use of sulfites as a food additive.

Last month, a 10-year-old girl in Salem, OR, ate guacamole treated with 30 to 50 times the level of sulfite normally contained in food. She got sick an hour later and was brain-dead by the time she reached the hospital.

This little girl's family had no idea that the food contained a potentially lethal cosmetic additive and what's worse, there was no practical way to warn her. Because sulfite is tasteless and odorless, it's difficult, if not impossible, to detect. And because it's added to food at every level of production, it's virtually impossible for people to know if they are serving it.

We might have been able to prevent the recent death in Oregon. If the Food and Drug Administration had been doing its job, the limited and targeted ban of sulfites contained in our bill would already be the law of the land. What we have here is yet another case of a sleeping Government watchdog—and even the Agency's own scientists have concluded that FDA's policies with respect to sulfites are inadequate to protect the public health.

Here's the history. Before 1969, sulfites were considered a generally regarded as safe [GRAS] food additive, based on historical use. In 1969, the Nixon administration asked the FDA to review the safety of all GRAS additives, in light of more current knowledge.

In 1982, the FDA proposed to declare that sulfites were safe, based on a review of the 1976 medical literature, even though at least six medical reports published between 1976 and 1982 showed that sulfites were dangerous.

In spite of the overwhelming evidence demonstrating the hazards of sulfites, the FDA took no formal action to limit their use. Instead, the Agency merely recommended that foods containing sulfites be labeled. In doing so, the FDA tried to pass the onus of responsibility on to the States, restaurants, and the public.

In the summer of 1984, the FDA rehired the advisory committee—the same one which found sulfites safe—to review their earlier decision. On October 15, 1984, the advisory committee approved the FDA's approach to solving the problem through labeling.

In October 1984, the report was open for public comment and the National Restaurant Association, the Center for Science in the Public Interest, and other key groups all testified to the impossibility of solving the problem through labeling and asked the advisory committee to recommend a ban on use of sulfites in fresh fruits and vegetables and cut or frozen potatoes—foods where death by sulfite poisoning had been clearly associated.

On January 31, 1985, the FDA advisory committee reversed itself and recommended in its final report that: First, labeling won't protect the public; second, the use of sulfites should be discontinued in fresh fruits and vegetables and cut or frozen potatoes, and third, that the FDA should consider expanding the ban. This bill follows these recommendations.

Five sulfite-related deaths between 1982 and 1985 still haven't convinced the FDA that a ban on sulfite additives in these foods is needed.

The proposal to label foods containing sulfites is both unrealistic and inadequate. Many people simply don't know if they are sulfite sensitive and they don't know which foods have sulfites and which don't.

This reluctance to act paints a picture of administrative irresponsibility and inflexibility at its worst. The medical knowledge is clear. There is no doubt that sulfites are dangerous and potentially can result in death when added to these foods. If the FDA had acted responsibly, many of these deaths might not have occurred. If the FDA won't take action, the Congress must.

Our legislation is narrowly drawn. It bans only those uses of sulfite implicated in deaths in this country. Ninety days after implementation of this bill, a ban would be imposed on use of sulfites in any fresh fruit or vegetable sold for consumption in its raw state and in any cut potato, other than potatoes to be dehydrated.

Within 60 days after enactment, the FDA would have to reevaluate the safety of using sulfites in other foods, report to the Congress the results of their findings, and take any action necessary to remove sulfite from use in other foods where sulfites are found to be dangerous.

We think this is an appropriate remedy because sulfite has been proven to kill. It's time to stop tainting food just to keep it pretty. This bill puts public health first and we think that's what Americans want.

This bill has the support of consumer groups, the National Restaurant Association, and members of the medical profession. The administrator of the Oregon Health Division has also indicated that this approach would be totally consistent with the State's efforts to get this problem under control.

And sulfite substitutes are readily and cheaply available in the form of citric and ascorbic acids. In fact, Orelda, the largest potato processor in the country, already uses no sulfites and many restaurants do the same.

I applaud Senator GORE's untiring and thorough work in following this issue. Clearly, sulfites present a danger to our society that will not go away simply by ignoring it. This legislation gives us the remedy we need to eliminate the problem once and for all.

I am hopeful my colleagues in the House will recognize the urgency of acting on this legislation before other consumers are caught unaware and other lives are tragically ended. As recent events have told us, we can't afford to wait.●

REAUTHORIZATION OF THE FISH AND WILDLIFE CONSERVATION ACT OF 1980

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. BREAUX. Mr. Speaker, today I am introducing a bill to reauthorize the Fish and Wildlife Conservation Act of 1980. This legislation, commonly known as the Nongame Act, is designed to promote conservation of fish and wildlife species which are not normally subject to harvest by sportsmen or subject to commercial uses. Our former colleague and friend, the late Ed Forsythe of New Jersey, was a prime sponsor of the original legislation and worked tirelessly for its passage.

Among other things, the legislation provides for matching grants to the States to implement conservation efforts for nongame species. Many States currently have nongame tax checkoffs or other mechanisms capable of providing the State funding share. However, no Federal funds have yet been appropriated for matching grants.

Section 12 of the legislation directed the U.S. Fish and Wildlife Service to conduct a comprehensive study examining a variety of potential funding sources for implementation of the act, and to provide the Congress with recommendations regarding these potential funding alternatives.

The Service has recently completed this study and provided its recommendations to the Congress. The Subcommittee on Fisheries and Wildlife Conservation and the Environment, which I chair, will soon be holding a hearing on reauthorization of the act. The topic of funding for the act will figure prominently in our discussions and in our subsequent report to the Congress regarding reauthorization of this legislation.●

GORDON HONORS TEACHERS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. GORDON. Mr. Speaker, today, March 5, 1985, is Teacher Day USA in the State of Tennessee. I would like to take a moment to honor all those people—not only in Tennessee, but across the Nation—who have devoted their professional life to educating children.

Teachers are vital to our communities, yet they do not often receive the recognition and respect that is due them. On this day in Tennessee, we thank our teachers for their hard work, their many accomplishments, and their patience. This event is marked by words of praise from city and school officials, community leaders, parents, and students. It is a day when everyone joins together to give thanks for the opportunities that they have each shared in.

Public education has a long tradition in my family. Both of my parents were teachers. They devoted not only their time, but their hearts, to teaching. My mother was a classroom teacher and title I director until her retirement. My father taught in a public school and coached a girls' basketball team until he was forced by economic reasons to seek a livelihood elsewhere. I hope that we can strengthen our public education system so that other teachers do not leave the profession because of economic need.

I know the great service that teachers provide to society. I am a product of public education. Public education opened the door of opportunity for me. I believe it is important for all members of the community to keep in close contact with our schools. My first public appearance after my election to Congress was in a second grade classroom, and each time I have returned to the district, I have visited a school to talk with teachers, students, and administrators. I stay in touch because I know that legislators often seek to make decisions about education without consulting professional educators or listening to the concerns of students and parents.

Education is an investment in our Nation that will be repaid with increased productivity. Thus, it is essential that Federal, State, and local education policy be molded by professional educators so that all students will reach their full potential. Through partnership between all levels of government we can strengthen academic curriculum, create partnerships between private industry and schools, tighten the link between vocational education and emerging jobs, and prepare students for the high tech jobs of the future.

Teacher Day USA is not only a day to salute our teachers, but a day to remember that more work lies ahead. We must continue to improve our schools and support our teachers in their efforts to provide students with the best education possible. Children across the Nation depend on our support.●

FAMILY FARMER BANKRUPTCY REFORM ACT OF 1985

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. SYNAR. Mr. Speaker, I am pleased to introduce today the Family Farmer Bankruptcy Reform Act of 1985. The Majority Leader JIM WRIGHT, Majority Whip TOM FOLEY, Democratic Caucus Chairman DICK GEPHARDT, Deputy Whip BILL ALEXANDER, and DCCC Chairman TONY COELHO join me as cosponsors.

In addition, I am joined by several of my Judiciary Committee Democratic colleagues: JACK BROOKS, BOB KASTENMEIER, JOHN CONYERS, JOHN SEIBERLING, RON MAZZOLI, PAT SCHROEDER, DAN GLICKMAN, HOWARD BERMAN, and RICK BOUCHER. Finally, I am joined by several farm State leaders, including: TOM DASCHLE, author of the Emergency Farm Credit Act of 1985; GLENN ENGLISH, my Oklahoma colleague who sits on the Agriculture Committee; BUTLER DERRICK, a leading member of the House Rules Committee; and WES WATKINS, my Oklahoma colleague who chaired the Congressional Rural Caucus during the 97th and 98th Congresses.

I am also pleased to report that House Judiciary Committee Chairman PETER W. RODINO, Jr., has promised to hold hearings in the House Judiciary Committee later this month.

The Family Farm Bankruptcy Reform Act is designed to give family farmers facing bankruptcy a fighting chance to reorganize their debts and keep their land. The bill offers family farmers the important protection from creditors that bankruptcy provides while, at the same time, ensuring that farm lenders—rural banks, the Farmers Home Administration, farm implement dealers, seed companies and others—receive a fair repayment.

Bad farmers left farming during the 1970's and those who remain are good managers who have been caught by unexpected economic circumstances. Often they need time more than additional Government financial assistance. This legislation gives them precious time with no cost to the Government.

The farm crisis demands immediate action by Congress. By any estimate, 10 to 15 percent of the Nation's farmers now owe so much, with so little hope of repayment, that they cannot borrow more to plant and pay family living expenses until harvest. Experts estimate that two-thirds of the farm debt—or $140 billion—is owed by farmers whose debt-to-assets ratio is dangerously high.

In the Federal Reserve Banks' 10th District, which includes Oklahoma, farm bankruptcies more than doubled from April 1983 to October 1984. Foreclosures and partial liquidations increased more than 30 percent in the same period. Some bankers now predict that within 3 years one out of every four farmers will no longer be in business.

The sources of these problems are numerous. Following several years of

rapid expansion, farmers now face high interest rates, reduced sales, and plummeting land values that prevent them from obtaining more loans. Land values are expected to continue to drop as farmland is measured by its income-producing potential rather than its speculative worth.

Even farmers who have not made speculative land purchases are in serious financial trouble. Lenders are reluctant to extend routine spring planting loans to these farmers because of reduced land values and the probability of low crop prices again in 1985. Because the farm credit crisis is so complex and has so many causes, the only solution is a case-by-case reorganization. Today's legislation does just that.

The Bankruptcy Code presently prohibits involuntary liquidation proceedings against farmers. However, because farmers reorganize under chapter 11, they may be forced to liquidate because they are unable to devise an acceptable reorganization plan. Family farmers find it difficult to formulate a reorganization plan acceptable to creditors, who must vote as a class to approve it.

Chapter 11 requires the debtor to file a reorganization plan within 120 days after the initial filing. If the debtor fails to file such a plan, any party of interest may do so. Creditors of farmers in this situation have been filing liquidation plans which amount to involuntary chapter 7 liquidations otherwise prohibited by the Bankruptcy Code.

Many family farmers who seek relief under the Bankruptcy Code intend only to reorganize, but instead find themselves forced out of the farming business altogether.

If a family farmer intended to liquidate, he or she would file under chapter 7. It is the traditional straight bankruptcy which gives debtors a fesh start. The debtor liquidates virtually all property and virtually all debts are discharged under chapter 7.

Chapter 13 is a preferable alternative for reorganization because it is simpler and more flexible. But current law excludes the family farmer. Presently, chapter 13 is limited to individuals with regular income whose secured debts total less than $350,000 and unsecured debts less than $100,000. Farm debt usually exceeds the chapter 13 limits and farms are often incorporated or owned jointly by families in limited partnerships.

Today's legislation defines "family farmer" for the purposes of the Bankruptcy Code and allows those with aggregate debts below $1 million to file under chapter 13. This will enable family farmers to avoid liquidation.

The definition of family farmer would include farms receiving more than 50 percent of gross income from agriculture and, if incorporated, no stock is publicly traded and a majority of stock is held by family members. Again, to be eligible for chapter 13 the family farmer's aggregate debt must be below $1 million.

The existing Bankruptcy Code provides limited protection to farmers. But the current definition of farmer is inadequate, including only persons that receive 80 percent or more income from farming.

According to U.S. Department of Commerce figures, there is a direct correlation between gross sales and percent of income from farm sources. Consequently, the current definition of farmer includes, on average, only the top 1 percent of farmers—those with gross sales over $500,000 per year. Less than 5 percent of farms, on average, earn more than 70 percent or more income from farming.

In addition, the Family Farm Bankruptcy Reform Act makes three changes in chapter 13 for family farmers. These changes are necessary to accommodate family farmers whose income is less regular than those for whom chapter 13 is currently written and because most farm bankruptcies involve large debts secured by agricultural property on which the farmer lives.

First, the Bankruptcy Code requires that a debtor filing under chapter 13 begin making payments under a repayment plan within 30 days after filing the plan. Our bill would allow family farmers 270 days to begin making payments.

Most farmers do not have monthly income but rather have income only after annual or semiannual harvests. Last year Congress enacted the 30 day repayment requirement to make sure chapter 13 plans begin promptly. This is good law and makes sense for all debtors presently eligible for chapter 13, but it does not make sense for family farmers who would become eligible for chapter 13 under this legislation.

By extending the repayment requirement for family farmers to 270 days, we preserve the effect of last year's legislation but give family farmers sufficient leeway. 270 days is long enough for farmers who have double plantings and should be sufficient for the remainder of farmers who are unlikely to be filing chapter 13 plans in the 3 months following their harvest. It would be unfair to creditors not to have a date certain for payments to begin in light of our experience before last year's bankruptcy amendments.

Second, the Bankruptcy Code gives debtors and creditors an opportunity to work out a plan that creditors approve before confirmation of the plan by the court. If the parties are unable to reach an agreement, the court is able to approve a plan over the objections of creditors.

Today's legislation would allow plans offered by family farmers under chapter 13 to be confirmed on a basis similar to that upon which plans are confirmed under chapter 11 or according to the current provisions of chapter 13. This gives family farmers an additional flexibility while protecting the creditors' rights.

Third, current law prohibits the modification of a mortgage or other claim secured by the chapter 13 debtor's principal residence. This prohibition is needed to preserve stability in the long-term home financing industry and to ensure that homeownership is available to all Americans on reasonable credit terms.

Frequently a farm home and farm land will secure the same mortgage and therefore cannot be modified under current chapter 13 provisions. However, the largest debt facing a family farmer is usually the cost of land. If bankruptcy relief is to be meaningful, that debt must be modified.

Mortgages on family farm lands are more like business loans than home loans. Creditors do not expect farmers to service these debts with wages. When the loan is made it is clear that the debt will be paid with proceeds from the farming operation.

Therefore, today's legislation creates an exception allowing family farmers to modify such a claim if necessary. The exception allows the family farmer to extend payments beyond the 10-year repayment period in the case of a long-term mortgage which would be impossible to repay otherwise.

In conclusion, it is important to stress that the bill does not change the spirit of the Bankruptcy Code—it only updates it to reflect changed economic conditions in the farm sector. No creditor would receive less than he would receive under a liquidation plan unless the court approves such a modification.

Farm foreclosures have reached epidemic proportions, yet reorganization is unavailable because of previously mentioned problems in the Code. This approach to the farm credit crisis will enable farmers to reorganize their finances and keep their farms without impairing the rights of creditors or costing the Government 1 cent.●

PLAYING UPON THE FEARS—AND EMPTYING THE POCKETBOOKS—OF THE ELDERLY

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. TAUKE. Mr. Speaker, over the past months, a number of my constituents have called my offices, spoken with me at town meetings, and written to me about a mailing they have re-

ceived from the "Thomas P. O'Neill, Jr., Campaign To Save Medicare." If the object of the mailing is to arouse fear among the elderly, it has been successful in many instances. If the purpose is, as stated, to save Medicare, the mailing suggests that the O'Neill campaign is pursuing a most unusual and questionable strategy. The two things the mailing does—frighten people or disgust them—will hardly contribute to the solution of the Medicare problem.

Those who take the mailing at face value are frightened and made yet more anxious about their ability to receive health care services when they are needed. For others, the mailing is "politics as usual," undermining any confidence they might yet have in the ability of Congress to deal with the impending shortfall in the Medicare trust fund in a reasonable, bipartisan way which addresses the underlying causes of the program's instability with meaningful reforms.

This "campaign to protect older Americans" solicits contributions of $15 to $100 to protect the Medicare Program from "Republicans intent on balancing (the) record-high budget deficit on the backs of millions of older American citizens * * * (The) Reagan administration * * * is determined to get rid of the red ink they created by cutting essential services. And Medicare is near the top of their list * * * Republicans now believe our Nation is too poor to guarantee the old, the sick, and the weak a decent health assistance program."

Turning the Medicare Program into a political football and soliciting money from frightened elderly people is a strange way to "protect older Americans." The O'Neill letters are an unconscionable affront to the peace of mind and faith of the elderly and to those of us, on both sides of the aisle, who have been working and will continue working together to ensure the long-term viability of Medicare.●

FARM BANKRUPTCY BILL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. RODINO. Mr. Speaker, I am introducing legislation today to help farmers who are forced to file bankruptcy. Unfortunately, the current status of the farm economy is not good, and more farmers than ever before are being left with no alternative other than to seek protection under the bankruptcy laws. Many of these farmers are unable to utilize the quick, simple provisions of chapter 13 bankruptcy, and must instead file under the more complex and costly chapter 11. Once in chapter 11, farmers, like other debtors, have 120 days in which only they can file a plan for reorganization; after this period expires, if they have not filed a plan, their creditors are then free to develop and file a plan. In chapter 11, the creditors must vote on a plan before it can be confirmed or accepted. If a plan filed by the debtor has not been accepted within 180 days after the filing of the bankruptcy, the creditors again can file their own plan.

Unfortunately, farmers are often not able to file a chapter 11 plan that is accepted by their creditors and that meets the requirements of the bankruptcy code. When the creditors file their own plan, many times it is a plan that calls for and effects the liquidation of the farmers, selling off the land that is the farmers' lifeblood. Farmers are too important to the economy of this country to permit this trend to continue.

The bill I am introducing today would allow more farmers to file bankruptcy under chapter 13, where creditors cannot file their own plans and do not vote on acceptance of a debtor's plan. A new class of farmer is created for chapter 13 purposes, termed "family farmer." This is defined as any person receiving more than 75 percent of their gross income from farming operations and would include a partnership and a nonpublicly traded corporation in which 90 percent or more of the stock is held by one family. Unlike present law, this would enable farmers in those States where incorporation by small farmers is permitted to qualify as a debtor under chapter 13. Incorporation by farmers is prevalent in many States.

Under current law, one cannot be a chapter 13 debtor unless their unsecured debts are less than $100,000 and their secured debts are less than $350,000. The bill raises this debt ceiling for family farmers, so that a family farmer can be a chapter 13 debtor if the total of the farmer's secured and unsecured debts is less than $1 million.

Because their income is tied to seasonal harvests, farmers have difficulty meeting the requirement of chapter 13 that they start making plan payments within 30 days after filing the plan. The bill eliminates this program by excepting farmers from this 30-day requirement and instead placing an affirmative obligation on the bankruptcy court to consider each particular family farmer's situation and set a time by which the family farmer's first plan payment must be made. In this manner, farmers who have only one harvest a year, farmers who have two harvests a year, farmers with numerous harvests, and farmers with revenue-generating livestock will all be treated equitably.

To correspond with the increase in the chapter 13 debt ceiling for family farmers, the bankruptcy court is given the power to allow a chapter 13 family farmer up to 7 years, instead of the current 5 years, to make his payments under a plan. This will permit creditors to receive greater repayment over time.

The bill eliminates any concern that family farmers cannot qualify as a debtor under chapter 13 if they do not have regular monthly income. Family farmers would only be required to have regular annual income to be eligible to file under chapter 13.

The proposal also makes a change for farmers, as opposed to the chapter 13 family farmer, who file under chapter 11 reorganization. The time period in which only the debtor can file a plan is extended, just for farmers, from 120 days to 240 days. After 240 days, if no plan has been filed by the farm debtor, creditors can file their own plan. Under the bill, if the chapter 11 farmer has filed a plan, but it has not been accepted by creditors within 300 days after the bankruptcy filing, instead of the current 180-day period, creditors also can file their own plan. These provisions afford farmers more time to gauge their economic situation, and time to generate income, so that they can file a chapter 11 plan that is capable of being confirmed.

Additionally, the measure I am introducing redefines a farmer for purposes of all chapters of the bankruptcy code as one who received 75 percent, instead of the current 80 percent, of gross income from farming operations. This would permit more persons to qualify for the special protections given to farmers by the bankruptcy laws.

Farmers occupy a unique position in the U.S. economy. Their ability to earn a living from their land must be protected if the economy of this country is to be strong. The unique treatment this bill affords farmers is justified for this reason. Family farmers who have worked long and hard on their land, only to find themselves unable to repay all of their debt as it comes due because of the falling prices for their products, the rising costs of farming, and the falling value of their farmland, will be offered proper protection by the bankruptcy laws. Family farmers will be better able to qualify for and make use of the provisions of chapter 13 of the bankruptcy code, so as to enable them to retain their land while making payments to their creditors over time.●

MODEL GRAND JURY ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. CONYERS. Mr. Speaker, I am today introducing a bill to reform the Federal grand jury. My bill is patterned upon the American Bar Association's Model Grand Jury Act. The ABA's Model Act implements some 30 principles and was developed during a 7-year study by a committee that included Federal and State prosecutors, public and private defense counsel, academicians, and judges. The ABA is to be commended for its work in this area.

The grand jury is a venerable part of our Anglo-American system of jurisprudence and was developed in part to protect individuals from the power of the prosecutor. Over time, however, the Federal grand jury has ceased to serve that function. It has become a tool that the prosecutor can, and sometimes does, use unfairly to intimidate, harass, and malign putative defendants. My bill reforms the Federal grand jury by:

Authorizing a witness to be accompanied by counsel in the grand jury room;

Providing transactional immunity to a witness who is compelled to give self-incriminating testimony;

Requiring that the target of an investigation be permitted to testify before the grand jury if the target so wishes;

Precluding the use of evidence seized in violation of the constitutional rights of the target; and

Requiring that exculpatory evidence be presented to the grand jury.

The time is long overdue for Congress to bring the Federal grand jury out of the dark ages and into the 20th century with realistic reform. If enacted, my legislation will return the Federal grand jury to its historical role as a people's watchdog against overzealous prosecutors and governmental corruption.●

HUNGER IN AMERICA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. VENTO. Mr. Speaker, a private task force of physicians and public health experts has released a report stating that hunger in America is "a public health epidemic that afflicts some 20 million Americans." This task force visited the homes of hundreds of poor people and their families in every region of the United States. The findings of the Physicians task force on hunger in America are in stark contrast to the findings published last year by a special Presidential task force which found that hunger was not rampant in the United States. The findings of the Presidential task force were clearly a political "whitewash" designed to put the best possible face on the national disgrace of hunger in America. It is truly a national disgrace and a tragedy of terrible proportion for us to confront the reality that here in the richest nation in the world some 20 million Americans go hungry at least 2 days a month.

It is not coincidental that the incidence of hunger in this country has increased in proportion to the cutbacks in Federal nutrition programs such as the School Lunch Program, the Women, Infants, and Children [WIC] Supplemental Nutrition Program, and the Older Americans Act Congregate Dining Program, and others. It is not enough for the President to tell our States and cities that they alone can meet these human needs. The fact of the matter is that when the Federal Government reduces its commitment to deal with hunger as a national problem, people go hungry. The physicians task force report and the report by the Senate Select Committee on Hunger and Nutrition clearly illustrated this result.

Mr. Speaker, I hope that the President and other officials in his administration will take the time to review this report and to consider the consequences of their budget proposals as they relate to the nutrition and health needs of America's poor. I hope that my colleagues will share the same sense of indignation that I have when I read about 20 million Americans who are hungry, who suffer from malnutrition, and who as a result are more vulnerable to a variety of illnesses and diseases.●

A TRIBUTE TO JEAN PEARSON

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. LEVINE of California. Mr. Speaker, I rise today on behalf of Jean Pearson, a Pacific Palisades resident who will receive the Community Recognition Award of Pacific Palisades Lions Club on March 14. It is the most prestigious award of the community Lions Clubs that can be given to a non-Lion.

Pearson arrived in Pacific Palisades in 1970 with her husband Ben, a theatrical agent, and small sons Michael and Tony. Her community volunteerism began with the enrollment of Michael in Pacific Palisades Elementary School.

Fifteen years later, she has served a total of 23 terms as press chairman for local, council, and district PTA's. She has been president of Palisades Elementary School PTA, Palisades High School PTSA, Ocean View Council PTA, and of University Council PTA.

She has also held a variety of executive posts in 10th District PTA. She has worked with Cub Scouts, was a Gateway mental hospital volunteer, and is a dedicated American Cancer Society [ACS] volunteer.

Pearson is the organizer and past president of the Santa Monica Pacific Palisades Chapter of ACS, has organized stop smoking clinics, volunteered in colon screening at Santa Monica Hospital, arranged a program to drive cancer patients to appointments, and has spoken on behalf of ACS on radio and television.

Pearson opened her home to help fund the March of Dimes, the philanthropies of Las Doradas, and of Pacific Palisades Woman's Club; and offered her garden to a Pacific Palisades garden tour to fund the beautification of the community.

Her honors include numerous awards from ACS, the Spark Plug Award of Pacific Palisades, and every award an appreciative PTA can offer.

It is a pleasure to bring Jean Pearson's outstanding record of public service to the attention of my colleagues. I ask that they join me in congratulating her on this fine achievement.●

WORLD WAR I VETERANS' BONUS BILL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. GONZALEZ. Mr. Speaker, once again I am introducing a bill to give World War I veterans, or their surviving spouses, who served from April 6, 1917, to November 11, 1918, a bonus of $10,000. The payment would be in a lump sum and it amounts to about $150 per year for each year since 1918. I do not believe that the price tag is too large to pay a belated thanks to those now in their eighties and older who came to the aid of our Nation in a time of need. In a small way, this will compensate those veterans who have never received the wide range of benefits that have been available to veterans of other wars.

It has been 68 years time now since the United States was engaged in World War I and many of those veterans who fought in this war are no longer with us. Most of those who are still alive are living on fixed incomes, and even though a bonus will not make them rich it will enable them to live out their years with the pride and respect they deserve.

I have received many letters from all over the country in support of this bill, especially from the veterans and their families. They were very grateful that such legislation was introduced on their behalf as many of them are in VA hospitals or confined to their beds at home and are worried about their expenses. I am strongly committed to helping these individuals.

Mr. Speaker, we have provided very little for these World War I veterans. Surely, the Government should be willing to help out those who put their lives on the line so many years ago. Legislation similar to my bill has been introduced for many years—its cost to the Federal Government 24 years ago would have been $11 billion. Today, with so many of the veterans and their spouses having since passed away, the cost would be much less—in fact, not that much more than the President's beloved MX missile program. If we wait long enough, this legislation will not cost a penny because eventually there will be no more survivors. But where is the justice in waiting until the price to the Government is finally right? What about the price these World War I veterans paid to their country? There can be no price tag on justice, and I believe Congress is past due in standing up for these veterans and paying them proper tribute. It is important today to recognize the role these veterans have played in making our country what it is today, and I cannot think of a more meaningful way to express our gratitude than to honor the World War I veterans through this belated pension.●

ON LOVE AND LAW—THE LAWYER AS PEACEMAKER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. WOLF. Mr. Speaker, a few months ago, one of the leading judges of the Nation addressed an assembly of the leading law fraternity to which I belong with a powerful message on love and law—the lawyer as peacemaker.

The Honorable Howard T. Markey, chief judge, U.S. Court of Appeals for the Federal Circuit, delivered the keynote address before the 45th Biennial Convention of Phi Alpha Delta Law Fraternity, International, last August. PAD is the largest international organization of its kind in the world, with over 100,000 members. Its professional commitment to the betterment of law and society is well known among the Nation's leaders. The Judge Markey remarks are fitting as guideposts for the lawyer's role of tomorrow and I would like to share them with my colleagues, many of whom share the legal profession.

It is an honor to appear before my own beloved PAD. In my almost 40 years of membership, PAD had earned the allegiance of more law students and lawyers than any other fraternity and has become the largest international legal organization honored for public service and looked to for leadership. PAD is not best, however, because it is biggest; it is biggest because it is best.

The chance to serve society, to work at the heartbeat of freedom—the law—is a privileged joy. Contrary to popular canard, Shakespeare put the words, "The first thing we do, let's kill all the lawyers," into the mouth of Dick, the butcher, who knew that if even one lawyer remained alive the people's rights would have a defender and Cade's plan for dictatorship would fail.

That responsibility of the lawyer has never been more needed. The truimph of good over evil must come from those privileged to have been educated. The extent of the lawyer's responsibility comes clear when it is realized that we have been privileged to join the one-fourth of 1 percent of the world's people who have ever set foot in a college—and the one one-hundredths of 1 percent of the world's people granted a Juris Doctor degree.

Certainly we face problems—massive problems—in meeting our responsibilities. But solving problems is the sparkle in the wine of life and law—the fun of living. Life with absolutely no problems would be a total bore. I propose to visit with you for these few moments about just one problem, but it is a big one. On our solving it much else will depend. That problem can be stated as "how can we put more lovin' in our lawyerin'?"

The problem of bringing love to the practice of law is rarely if ever discussed. As far as I know, there are no law school courses entitled "Love and the Law—The Lawyer as Peacemaker." Yet I put it to you that nothing is more important to the continued life of the legal profession. For the legal profession is not an abstraction. It is people.

Those lawyers who cannot bring a spirit of love into their practice can fall easy victims to the false assumption that law is mainly litigation, and can find their attention diverted from the far more frequent functions of counseling, constructive planning, and preventive lawyering.

It is not easy to be always and invariably considerate. We will need to exercise the virtues of compassion and courage sought in the purposes of PAD. Each of us must struggle against our self-occupied, inward-looking nature. It takes a warm and generous spirit, a constant effort, to insure that love not be lost in the crucible of ethical tensions and painful choices. Putting love in our practice is not a matter of emotion or spontaneous demonstration. But we can, with diligence, care, and effort, bring that love which can alone enable us to make a difference, and alone enable us to preserve our families and our society against the forces tending to destroy both, and can enable us to nudge the world toward the place of grace and peace all goodwilled people want to be.

An outrageous flood of expensive, extended litigation is threatening to drown the administration of justice. Not all lawsuits are unnecessary, but far too many are. Not every unnecessary lawsuit was caused by unloving lawyers, but far too many were. What a practical and magnificent contribution we can make to our society's most vital and precious need—justice—if we forgo the blind and immediate rush to court while we serve first the gloried role of the peacemaker.

Giving love a chance does not mean abandoning the vigorous advocacy for which we are trained. Peacemaking is not surrender. On the contrary, it takes a special skill, a thorough knowledge of the facts and the law, first to see that the best true interest of the client lies outside the courtroom, and then to serve that interest as peacemaker. Indeed, peace itself requires advocacy. To grasp the sword is easy. To bring peace between disputants is hard, requiring the highest form of advocacy. In advocating peace with opposing counsel and with our own clients, we should remember that the transcendence, the integrity, and the majesty of the law can be as well exemplified in a lawyer's office as it can a courtroom.

Of all professions, ours should be above denying the humaneness of any person. Of all persons, lawyers are especially charged with the promotion of human freedom, for as history teaches, only law can save freedom without revolution. But just being lawyers is not enough. After all, Hitler had lots of lawyers.

If we would make our maximum contribution to the preservation of justice, peace, and freedom, we must define for ourselves a personal philosphy of life. For a lawyer with no philosophy of life and law is but an empty shell—a tinkerer with scraps of law that may come along.

If we can infuse our professional lives with our love, then when our time has run and our work is done, it will be said of us that freedom and justice were glad we lived.●

MISHLEEN EARLE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. TRAFICANT. Mr. Speaker, today I am introducing a private relief bill which would grant Mishleen Earle permanent residency in the United States. There are no administrative or judicial remedies available for Mishleen Earle and no pending court proceedings to change or adjust her status. I believe the story surrounding Mishleen Earle will be strong evidence in support of granting her permanent residence.

Mishleen Earle is the widow of Bryan L. Earle who was killed in the Beirut bombing on October 23, 1983, 6 days after they were married. At the time of his death, Bryan Earle was in the process of completing the necessary paperwork to grant Mishleen Earle U.S. citizenship. The young couple anticipated that Mishleen would travel to the United States and reside safely there until they could be reunited after Mr. Earle's tour of duty in Lebanon was completed. Mr. Earle was a corpsman in the U.S. Navy serving his country. He was awarded the Purple Heart posthumously.

Mrs. Earle accompanied Bryan Earle's body back to his hometown of Painesville, OH, for the funeral and has remained here on a visitor's visa. Later, Mrs. Earle was granted an extension of her visitor's visa until November 5, 1984. Deportation proceedings have not been instituted against her.

Tragically, the Earles are victims of circumstances beyond their control. Although they had visited the U.S. Embassy to complete the necessary forms, Bryan Earle was killed before all the paperwork could be completed.

I have introduced this private relief bill so that Mishleen Earle can remain in her husband's native country, a country which Bryan Earle served with great bravery. Without the passage of this legislation, Mishleen Earle must return to the wartorn region of Lebanon.●

A TRIBUTE TO HENRY CABOT LODGE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. MARKEY. Mr. Speaker, I would like to take this opportunity to honor a former Senator from Massachusetts and distinguished Government official, Henry Cabot Lodge, who died Wednesday, February 27.

Henry Cabot Lodge had a long and distinguished career serving the people of Massachusetts and our Nation. He began his diverse career in 1936, when at the age of 34, Mr. Lodge was elected to the U.S. Senate from Massachusetts. He served in the Senate until 1941, when he joined the Army to fight in the European theater. His military tour earned him six battle stars as well as the Bronze Star, the French Legion of Honor, and the Croix de Guerre with palm. He returned to the Senate in 1946 and remained there until 1952.

President Eisenhower appointed him Ambassador to the United Nations in 1953. Mr. Lodge then went on to serve as envoy to South Vietnam, Germany, and the Vatican. His stoic bipartisanship as Ambassador to Saigon and negotiator in the Paris peace talks exhibited his dedication to our Nation. His service under two Democratic Presidents is an exceptional feat in a day when many politicians often put the intentions of a party ahead of those of our Nation. Although many of us did not agree with his viewpoints, nonetheless we admit that he was a committed negotiator. I find revealing his comment that—

> The fact that the talk may be boring or turgid or uninspiring should not cause us to forget the fact that it is preferable to war.

Mr. Lodge was a deft politician who worked relentlessly to ensure all people the opportunity for liberty. This was quite evident when he repeatedly spoke out against Soviet intervention in Hungary and irresponsible intervention on behalf of the United States in Vietnam. He was a dedicated public servant, who articulated his ideals with energy and perseverance in the face of great opposition.

Though from another party, Henry Cabot Lodge was an excellent representative of honest, sincere democratic ideals that our great Nation was founded on. With his passing, our Nation loses a patriot dedicated to democracy.●

MEMORIAL SALUTE TO JAMES A. BLAND

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. SCHEUER. Mr. Speaker, on February 23, 1985, I attended an event in Flushing, NY, which was held to recognize the unique contributions of one of America's more interesting cultural figures. The event was a memorial salute to James A. Bland on the occasion of the 130th anniversary of his birth. This tribute was held at the Ebenezer Baptist Church near the James A. Bland Houses, a public housing development of the New York City Housing Authority. I would like to take this opportunity to share with my colleagues some of the details of Mr. Bland's life, his contributions to Americana, and the houses that proudly bear his name today.

James A. Bland was born in Flushing, NY, in 1854 in a house which was located on the site presently occupied by the Bland Houses. His father, Allen Bland, was a free black man who graduated from Wilberforce University in the early 1850's.

The Bland family moved to Washington, DC, when Allen was appointed an examiner with the U.S. Patent Office, the first black man to hold that position. While attending public school in our Nation's Capital, James honorably served the House of Representatives—in this very Chamber—as a congressional page. While working as a page, James became a member of the Manhattan Club, a prestigious social organization of black civil servants. He also founded a glee club, which soon became a popular part of the Washington social scene. James later entered Howard University, where he was graduated with honors.

Following his studies at Howard, James Bland pursued his love of music as a young professional in the world of entertainment. He joined several touring theatrical troupes—they were essentially minstrel shows—and rose to great prominence as a performer-composer with such groups as Callender's Original Georgia Minstrel, Haverly's Mastrodonic Minstrels and Callendar's All Coloured Minstrels. The performances were huge extravaganzas, featuring the favorites of post-Civil War American and British audiences: the spirituals and ballads depicting life in the deep South.

James Bland composed more than 400 songs and many became famous during his lifetime. Some of the more popular pieces he composed included "Carry Me Back to Old Virginny" (1878), "Oh Dem Golden Slippers" (1879) and "In the Evening by the Moonlight" (1879). Over 100,000 copies of the sheet music to "Oh Dem Golden Slippers" were sold in 1 year. Like many composers of the late 19th and early 20th centuries, James Bland received little monetary compensation or the prestige of present-day composers in the absence of today's comprehensive copyright laws—the owners of performing troupes were usually credited with the compositions. Other well-known composers who faced similar problems were Scot Joplin and Stephen Foster.

Mr. Bland eventually moved to England and spent the rest of his performing life in England. Traveling throughout Europe, the Bland Troupe found many enthusiastic audiences including Queen Victoria and the British royal family.

Returning to the United States in 1901, Mr. Bland found it difficult to find work because minstrel shows were no longer in vogue. He lived out the rest of his life impoverished and in debt, never returning to the stage he loved so dearly. He died in Philadelphia at the age of 57.

Only gradually, and long after his death, did America begin to recognize the contributions made by James Bland. In 1939, the American Society of Composers erected a headstone over his grave in Merton, PA. In 1940, the Commonwealth of Virginia adopted "Carry Me Back to Old Virginny" as its official State song. In 1951, the New York City Housing Authority built a housing project on the site of his birthplace, naming it the James A. Bland Houses.

James Bland was more than a popular minstrel, more than an educated son of a black freeman from Flushing. Honoring him during February—Black History Month—is an appropriate honor for an unsung black American who has contributed so much to our Nation's cultural heritage. He was a talented man who left all Americans with a marvelous melodic legacy.

The James A. Bland Houses consist of five apartment buildings containing 400 units and housing 1,260 residents. The development also includes a children's center and a community center. Among those in attendance when the cornerstone was laid on July 27, 1951, were James A. Bland's sister, Mrs. Irene Bland Jurax, and the "Father of the Blues," W.C. Handy.

The February 23 ceremony at the Ebenezer Baptist Church was attended by many local dignitaries including Senator Leonard Stavisky, Assemblywoman Julia Harrison, City Councilmembers Edward L. Sadowsky and Morton Povman, Justice William D. Friedman of the New York Supreme Court, New York City Housing Authority Chairman Joseph J. Christian, Rev. Timothy P. Mitchell of Ebenezer Baptist Church, Pastor Richard A. Norris of the Macedonia A.M.E. Church in Flushing, Prof. Arnold Jones—the musical director at Ebenezer, Jo-Ann Parks, director of the Bland Community Center, and Sarah Winston, president of the Bland Tenants Association.

During the ceremony, I was pleased to present a proclamation from the Governor of the Commonwealth of Virginia, the Honorable Charles S. Robb, citing James Bland's many contributions to the heritage of Virginia. Councilman Sadowsky presented New York City Resolution 1305, which was cosponsored by Councilmember Povman and signed by Mayor Edward I. Koch, saluting Mr. Bland and the Bland Houses. Professor Jones conducted an entertaining medley of famous compositions by James Bland.

Mr. Speaker, the New York City Housing Authority recently marked its 50th year of operation—the oldest and largest housing authority in the Nation. I was very proud to participate in such a fitting tribute to James A. Bland, his music, and the residents of the buildings that bear his name today.●

A TRIBUTE TO HAROLD KIRSHNER, QUARTERMASTER OF THE JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. BIAGGI. Mr. Speaker, it is with great pride that I bring to the attention of the House of Representatives the achievements of Mr. Harold Kirshner, who is to be honored on March 10, 1985, for his most recent election to the high post of Bronx County Council commander.

A former soldier of this beloved Nation, Harold Kirshner continues to proudly serve the public as he did in the past. He has been a charter member of the Jewish War Veterans of the United States of America [JWVA] Pelham Parkway Post No. 769 since 1964 and has faithfully served as post quartermaster for the past 18 years as well as numerous other positions. The post supports the cause of Jewish war veterans and Harold Kirshner is dedicated to this effort. Mr. Kirshner was awarded life membership in the organization in 1978 for outstanding efforts such as his successful supervision of numerous fundraising activities and his help in boosting membership by sponsoring new members.

A community leader, Mr. Kirshner has served the Bronx County community with the same ambition and goodhearted effort as he has displayed for the JWVA. He has served the community as committeeman, various chairmanships, and most recently as Bronx County Council commander. Through these community activities, Mr. Kirshner has gained the respect and admiration of many. His efforts have made life easier and more pleasurable for the people of the Bronx.

His personal convictions and the belief in helping others has led him to fight vigorously for hospitalized veterans in the Kingsbridge VA Medical Center, support the West Point Jewish Chapel, the JWVA building fund [national shrine] in Washington, DC., and voice his strong support for an independent and free Israel. These efforts are appreciated by all.

Mr. Kirshner deserves commendation for his commitment to both his community and to the Jewish cause of the JWVA. It is individuals such as himself that improve the quality of life for all of us.

Mr. Speaker, I salute and congratulate Harold Kirshner for his kind service to the community and for his rise to the high post of Bronx County Council commander.●

A SPENDING FREEZE

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. KRAMER. Mr. Speaker, today I am introducing legislation to freeze total Federal spending for fiscal year 1986 at the fiscal year 1985 level.

The Congressional Budget Office predicts that, without action, Federal deficits will reach $300 billion a year by the end of the decade. One need only think back 4 years, when home ownership was pushed out of reach for millions of Americans, and high inflation devastated people's retirement nest eggs, to see that this red ink threatens the very foundations of the American dream.

We're creating a poisonous legacy for future generations of Americans. The national debt soon will reach $2 trillion, an astronomical sum that must be paid back not by those spending the money today, but by our children.

A spending freeze is not a panacea for our deficit crisis. But it can reduce next year's deficit by as much as $71 billion. Until Congress submits a balanced budget amendment for ratification, a freeze will force Members of this body to consider how much money is available before spending, just like the American family must do.●

RAY ARNETT COMMENDED FOR DILIGENT SERVICE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. HUNTER. Mr. Speaker, recently, Mr. Ray Arnett left his position at the Department of the Interior as Assistant Secretary for Fish, Wildlife, and Parks. He has served this country faithfully since assuming this role in 1981. Ray represented the conservationists of this Nation well while performing his duties at Interior. He developed sound environmental policies which were professionally administered. He is to be commended for his diligent service.

During his tenure as Assistant Secretary, Ray was entrusted with our Na-

tion's fish, wildlife, and parks. He used a balanced approach when dealing with the needs of America's conservationists as well as the outdoor enthusiasts. This was at times a difficult task but one which Ray undertook with dedication and a consideration of all viewpoints. Ray believed in the importance of hunting as an integral part of fish and game management as well as a recreational pastime for millions of Americans. Ray will be missed after several outstanding years at the Department of the Interior.

Recently, it was announced that Ray was elected to the post of executive vice president of the National Rifle Association. This will ensure that America's hunters and gun owners will continue to have the National Rifle Association as a staunch and vigorous defender of the constitutional right to bear arms. Ray will give the National Rifle Association one of the most respected voices on Capitol Hill in defense of this country's gun owners and hunters.

Mr. Speaker, I ask my colleagues to join me in wishing Ray Arnett continued success as he takes on his new responsibilities at the National Rifle Association.●

REGION X OREGON HEADSTART PARENT ASSOCIATION

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mr. AuCOIN. Mr. Speaker, throughout the State of Oregon today, celebrations are being held to commemorate the 20th anniversary of the Head Start Program. I would like to take this opportunity to extend birthday wishes to this program which has, as the name so appropriately implies, provided a head start in life to thousands of low income children across this country.

The capacity to learn and grow is most crucially determined during the first years of life. Despite the enormous gains that this Nation has made in providing educational opportunities to all Americans, millions of children remain intellectually at risk because they are raised in an impoverished environment. It is well documented that children who come from poor homes are less likely to succeed in school and in the job market. Children born into proverty stand to suffer from the consequences the rest of their lives—unless thay are given an opportunity to overcome such barriers.

Head Start provides such an opportunity. Countless studies have shown that high quality early childhood education makes a difference in the lives of children, their families and in the quality of life in the community. A study completed last year by the High/Scope Education Research Foundation in Ypsilanti, MI, entitled "Changed Lives," concluded that children that participated in preschool programs had considerably lower chances of dropping out of school, being arrested, needing special education, being on welfare or having teenage pregnancies. The study further pointed out that preschool education is cost effective—for every $1 invested, the return to society is $4.75 in reduced spending on social services. It is obvious that Head Start more than pays for itself through the contributions of a more educated and able citizenry.

I was recently privileged to read the testimony submitted at the annual Head Start Conference by Pam Kirk, the chairwoman of the Oregon Head Start Parent Association. One of the unique, and somewhat overlooked aspects of the program is the high degree of participation by the parents. Although the program is designed to directly help the children, the benefits pour over to the rest of the family. Mr. Speaker, I would like to share Ms. Kirk's story with my colleagues. Her statement is a living testament of the success of the Head Start Program. I believe that each of us can learn from her observations and experiences.

REGION X OREGON HEAD START PARENT ASSOCIATION

The Head Start Parents of Oregon wish to express how strongly we feel about the Head Start program and what it is doing for us and our families.

Through our local programs we are able to attend workshops and trainings that are furthering our education in many areas, some of which are: sexual awareness and abuse prevention, handling stress, problem-solving, time management and goal setting.

We are also encouraged to participate in our program's committees such as the Budget and Goals Committee which decides where and how to spend our money; the Nutrition Committee that plans the meals (which I might add that we have parent volunteers who help prepare the food); the Health and Safety Committee which is a group of parents that checks the standards of the building; a Program Evaluation Committee that makes sure the Center is operating according to Federal Regulations; a Grievance Committee that helps handle any problems that someone might have with any one else or any procedures; and probably, the most important committee—the Personnel Committee those people doing the hiring of the staff and, if ever needed, the firing.

I, personally, have been a part of each of these committees in the past two and one-half years that I've been a part of the Head Start program, and I have found each of them to be an important part in running our local programs effectively and efficiently. One of our main concerns is that we are only serving 17% of the children who are eligible in Oregon. Therefore, we are not allowing the other 83% the opportunity to have a good Head Start life.

We also have in our local programs a Parent Policy Council which includes a representative and an alternate from each classroom that meets once a month to discuss how the program is running, how to make changes for the better, and to plan trainings and workshops.

Once our children reach grade school, we are frequently discouraged from participating in our childrens' classrooms—but the Heard Start program very much encourages our participation in our children's growth and development. We are able to watch them explore and experience areas that they otherwise would not be able to at this age. We, as parents, are able to learn the development and personalities of our children that don't really show when they are at home, such as how they communicate with their peers, discover what life is all about, and how to live each day to the fullest.

Along with the benefits of watching our children grow more fulfilled, we also receive the opportunity to learn and grow right along with them in a structured environment. We are able to learn about our abilities, not only as parents, but also as people. Many times, people go through life without the knowledge of what their potentials are, but the Head Start program allows us to refine our personal skills and capitalize on them. We are able to grow in areas that we never knew existed, all with the Head Start staff and Directors.

We are able to use skills, not only in the school, but in the outside world as well. It is not only a learning experience for our children, but for us, too. As a result from the skills that we learn, we are able to find jobs that we would otherwise not be qualified for. One of the wonderful things that the Head Start programs does is that they not only offer us the chance to learn, but also the chance to get experience in the job world afterwards. They do this by giving parents the first chance at any job openings.

As a result, the Oregon (Region X) Head Start program currently has 582 staff members and 190 of them are past or present Head Start parents. To me, that shows the faith they have not only in their ability to teach, but our ability to learn. One thing that it really proves is that we might be disadvantaged financially, but we certainly are not disadvantaged mentally.

We are strong and capable people who need a chance—the chance that the Head Start program provides.

When this meeting was first scheduled, the parents of Oregon thought that it would be nice to give testimonials as to what Head Start has done for them, but I really felt that I couldn't tell someone elses story with the same feeling. However, at this time, I would like to tell of what the Head Start program has done for me. Although this is my story, it is truly the story of many Head Start parents.

When I was eleven years old, I went to my mom with the information that my dad had been sexually abusing me for the last three years. She then confronted my dad with this and, or course, he denied it. After a few weeks when I felt that nothing was being done since my dad was still there, I ran away and spent the next three months in Juvenile Detention Home (JDH). There I was told that I was a girl who always seemed to find trouble.

I never seemed to have much in common with the kids my own age, so I hung around with a crowd that was much older than I was which started me into getting into trouble.

After the three months in Juvenile Detention Home, I was told that my mom had

enough to deal with since she had to find a job to support the rest of the family, that she didn't need me and my problems since she couldn't control me anyway, so they sent me to a school for emotionally disturbed girls. There I spent the next three years.

During those three years, I had two different counselors who I had weekly sessions with and never mentioned anything about incest or my father. I always felt that I was being punished, and that they didn't believe me or they felt that, if we didn't talk about it, that I would just forget it.

From then until I was nineteen years old when I got married, my mom and I never talked about it even though I was very confused. Being married made me happy and having my two children even happier, even though there seemed to be something missing.

When I was twenty-four years old, a friend of mine introduced me to the Head Start program. Within a few months after starting school with my children we started an incest rape victim support group. I attended all the meetings where I discovered that all the things that I did as a child that I was always getting into trouble for was typical given the circumstances that was given to me by my father.

It was with the love and support from the Head Start program that I was able to surface all my bottled up feelings, face them, deal with them and put them aside. Now I have found that I have grown by the experience. I feel that I have been robbed of a lot of my youth, but due to the love and support of the staff in my program, I have been able to put my life together.

When I came to the Head Start program, I was a frightened, insecure and troubled person, but they dug deep inside me, turned me inside out and helped me become an assertive, secure, self-sufficent, independent, reliable, outgoing and strong leader. All the qualities that were hidden behind my doubt, confusion, shame and fear.

I want to thank the Head Start program for not only what it has done for my children, but for what it has done for me as well. I thank God for giving me a family as wonderful as the Head Start family and I want to thank you for your support.

I want to emphasize that my situation is not unique, and that this is happening in epidemic proportions. The Head Start program not only helps us deal with what has happened, but also how to recognize the symptoms when it is occurring and how to remedy the situation.●

SENATE—*Wednesday, March 6, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

You shall know the truth and the truth shall make you free.—John 8:32.

God of all truth, we pray that truth will prevail in the Senate throughout the 99th Congress. Encourage the Senators in their commitment to truth and strengthen them as they pursue and practice it. Give them courage to resist every force that would compromise conscience or tempt them to sacrifice honor and integrity for expediency. As complex issues complicate the search for truth, give them clarity of thought, wisdom to discern, and resolution to follow the way of truth. In His name who is the way, the truth and the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, following the two leaders under the standing order of 10 minutes each, there are special orders not to exceed 15 minutes for each of the following distinguished Senators: The Senator from New Hampshire [Mr. HUMPHREY], the majority leader, and the Senator from Wisconsin [Mr. PROXMIRE], to be followed by routine morning business not to extend beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

Following morning business, the Senate can turn to any legislative or executive items cleared for action. Therefore, there is a possibility of rollcall votes later this afternoon.

I also ask unanimous consent that the special order allotted to the majority leader be under the control of the Senator from New Hampshire [Mr. HUMPHREY].

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. DOLE. I reserve the balance of my leader's time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

INTERNATIONAL CHALLENGES TO THE AMERICAN COAL INDUSTRY: U.S. COAL IMPORTS AND EXPORTS

Mr. BYRD. Mr. President, America's coal industry has been going through some difficult times. One manifestation of this is the high unemployment rate in the coal industry, which, at the end of 1984, was 16.5 percent. In my State of West Virginia, where the coal industry is an important part of the economy, coal mining unemployment was estimated to be 33 percent in December of last year. These statistics indicate that the economic recovery has yet to reach the coal fields of America.

The competitive position of the American coal industry in international markets is undermined by a number of factors. The most important of these is the strength of the dollar against other currencies, which makes U.S. coal more expensive on foreign markets relative to coals from other coal-producing nations. In fact, the chairman of the Senate Foreign Relations Committee [Mr. LUGAR] recently noted that the strength of the dollar may be reducing the competitiveness of American exports by as much as 40 percent. American coal cannot afford that kind of built-in disadvantage in a highly competitive world market.

High U.S. inland transportation costs for coal exacerbate the effects of the strong dollar. Inland transportation costs for moving coal from the coal fields to ports add to the final cost of U.S. coal in foreign markets, and encourage imports of coal into U.S. markets from foreign coal producers.

Finally, foreign coal producers, exploiting these and other advantages, are more aggressively competing against U.S. coal producers in both overseas markets and in domestic markets. Indeed, there is the distinct possibility that, in the future, there will be significant displacement of U.S. coal in domestic markets. This will have serious economic repercussions for coal-producing States such as West Virginia.

Mr. President, let me highlight the bases of my concern.

In 1981, U.S. coal exports reached a record high of 113 million tons. The coal export market appeared to be the one bright spot in the domestic coal industry's future. At the time, it appeared that Western Europe and other nations finally had recognized the attractiveness of America's high quality coal reserves for the production of electricity, steel, and concrete. Unfortunately, the 1981 export level may have been a one-time occurrence. Since then, coal exports have dropped steadily. Coal exports declined to 106 million tons in 1982, and again to 77 million tons in 1983. Coal exports in 1984 improved somewhat to 80.8 million tons. However, the National Coal Association estimates that U.S. coal exports in 1985 will be 73 million tons, about 35 percent below the 1981 level.

There is little evidence that the decline in U.S. coal exports will turn around in the near future. In fact, if recent events are any indicator, the future situation looks worse. For example, in 1984, Japan reduced imports of U.S. steam coal by 53 percent from 1983 levels.

The aggressive marketing of other coal-producing nations, such as South Africa and Australia, has confronted U.S. coal producers with a formidable challenge in European and Pacific rim coal markets. However, it is equally important to point out that U.S. producers are also facing a competitive challenge from foreign producers such as Colombia and Canada in domestic markets.

From a national perspective, in terms of total U.S. coal consumption, current levels of coal imports—about 1.3 million tons—are no cause for alarm. However, the United States is a potentially large, attractive market for foreign coal producers. By 1990, U.S. markets along the east coast, gulf coast, and the Mississippi River could be the targets of 45 to 60 million tons of coal from such coal-producing nations as Colombia, South Africa, and Canada. Thus, the potential for disruption of domestic coal markets within specific regions is significant.

Foreign producers are aggressively, and successfully, marketing their coal on the east and gulf coasts, which together account for nearly 30 percent of total U.S. utility coal consumption. Increasing levels of coal imports in these markets may represent a significant challenge to the economic health of the Appalachian coal industry. East coast and gulf coast utility coal consumption is about 176 million tons, 70 million tons of which are produced in central Appalachia. In other words,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

nearly 40 percent of the coal consumed by east coast and gulf coast electric utilities is produced in central Appalachia.

The east coast utility market is particularly important for West Virginia. In 1983, 30 percent of the coal consumed by east coast utilities was produced in West Virginia. The 17 million tons of West Virginia coal consumed in that market, with a market value of $915 million, was about 27 percent of total West Virginia coal production in 1983. To the extent that foreign coal imports displace West Virginia coal in the east coast utility market, the economy of West Virginia will suffer.

There are a number of factors which affect the competitive position of American coal producers. Some are clearly within the realm of industry control. However, there are other factors which cannot directly be addressed by efficiency and other improvements in the domestic coal industry.

For example, the cost of shipping coal by rail to domestic markets, or to ports for shipment overseas, is more expensive relative to shipping coal using water transportation. This cost differential is one major factor making east coast and gulf coast markets attractive targets for coal imports. One case is particularly illustrative. In 1984 New England Electric purchased 40,000 tons of coal from British Columbia, and had it delivered by ocean vessel, for a distance of 8,780 miles, including a short haul by rail, to a utility in Massachusetts. This was done at lower cost than moving coal by rail from an Appalachian coal mine to the same powerplant, a distance of about 800 miles.

Another important factor which affects the competitive position of the U.S. coal industry is the difference between domestic production costs in the United States and foreign production costs. There are indications that the production costs of foreign coal producers are significantly lower than those of domestic producers. One important reason for this is that the regulatory environment governing coal production in foreign coal-producing nations is less stringent than the regulatory environment in which domestic producers must operate. Consequently, in terms of price, foreign coal-producing nations enjoy a competitive advantage over U.S. producers in domestic markets. Another reason for this advantage is the fact that a number of foreign governments are indirectly, and directly, subsidizing their coal producers, giving them a competitive advantage over the United States in the international market. I understand that the Department of Commerce currently is studying this issue, and will be making a report to the Congress this summer. I will be most interested in the results of that analysis.

The effect of these factors, at the bottom line, is that U.S. coal in the international market is more expensive than the coals of foreign coal producers. For example, in Western Europe, the price of U.S. steam coal is as much as $17 more per metric ton than the coals of some of the major foreign coal producers. The price of U.S. metallurgical coal is as much as $5 per metric ton more than the coal produced by the major foreign producers.

Moreover, foreign coal imports are often cheaper in domestic markets than U.S coal. For example, I understand that in 1983 a Florida utility, was quoted a price for Colombian coal of $2 per million Btu's, including transportation costs. In contrast, coal from a domestic producer was $2.50 per million Btu's. At such prices, Colombian coal may be able to displace a significant amount of domestic coal in certain domestic markets.

These are some of the challenges facing the coal industry in the international market. I am confident that the coal industry will rise to meet many of those challenges effectively. However, we should be aware that there are limits to what the coal industry can do by itself to improve its competitive position in international and domestic markets.

Mr. President, I cannot foretell the future. I do not know what the effects of this increased international competition will be on the economies of coal-producing States such as West Virginia. I do know that the domestic coal industry is far from healthy, and I do not think that the circumstances I have mentioned augur well for the future; unfortunately, the signs are not propitious. The dollar remains strong. U.S. negotiations with the Japanese on U.S. coal purchases have been unproductive.

U.S. producers continue to suffer from unfair competition by foreign coal producers in Western Europe. Colombian coal already is penetrating American markets. It seems to me that there are fewer and fewer alternatives for adequately addressing these challenges, especially with respect to the increasing levels of coal imports. Indeed, to some, tariffs for surcharges are becoming more and more attractive as measures of last resort.

These are important issues for West Virginia and the Nation, and I will be addressing other aspects of these issues in future floor statements.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. DOLE. Mr. President, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 592) to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between Members appointed from the House of Representatives and Members appointed from the Senate, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered to have been read the second time, and the Senate proceeded to its immediate consideration.

Mr. DOLE. Mr. President, I have sent to the desk a bill concerning the Commission on Security and Cooperation in Europe, the so-called Helsinki Commission.

This bill will amend the 1976 act establishing the Helsinki Commission. It has three essential elements:

First, and in my view the most important, this will authorize the rotation of the chairmanship of the Commission between the Senate and the House, according to a set schedule. The Senate shall have the chair for each odd-numbered Congress, beginning with this the 99th. The House shall have the chair for each even-numbered Congress.

This provision is essential to clearly establish under the law the coequal status of the Senate within the Commission. It is essential if the Senate is to be able to utilize the Commission as an effective vehicle to make its important contribution to the consideration of issues which arise from U.S. adherence to the Helsinki Final Act.

Second, the bill will expand the membership of the Commission by four, two each from the Senate and the House. This expansion reflects the growing attention which we in Congress are paying to the important issues addressed in the Helsinki Final Act and the desire of more Members of each body to directly involve themselves in the Commission's work. The new Members will vitalize further the Commission's constructive activities.

Finally, the bill will establish in law what is already a fact—that one of the most important aspects of the Commission's work is its examination of human rights developments in Eastern Europe and the Soviet Union. For reasons that are not now clear, the 1976 act which created the Commission and listed its most important functions failed to include specifically in its

portfolio the issue of human rights. The bill I introduce corrects this important oversight.

I am pleased to inform the Senate that the current Chairman of the Commission, the distinguished Representative from Florida, DANTE B. FASCELL, has worked with me and my staff in developing this legislation. It is my understanding that he will support similar legislation in the House in the near future.

I also announce that this legislation has already been cleared with the chairman and the ranking minority member of the Foreign Relations Committee, who both support its passage. Indeed, this legislation is very similar to legislation which last session was favorably reported out of the Foreign Relations Committee, to which the ranking minority member made a substantial contribution.

It is time that we act on this bill. Its substantive provisions were thoroughly examined by the Foreign Relations Committee last year. The longer we wait to act, the longer we must wait until the chairmanship is rotated to the Senate side.

With the consent of the chairman and ranking member of the Foreign Relations Committee, therefore, I ask that this bill be immediately considered, and passed, by the Senate.

As I said, Mr. President, there are three essential elements, but I think the important thing is that there will be nine Senate Members of this commission, nine House Members, and three additional members from the outside. There will be five Members of the majority party, four Members of the minority party.

I have discussed this bill with the distinguished minority leader. It has also been discussed with the distinguished chairman of the House Foreign Affairs Committee, DANTE FASCELL, and there seems to be agreement. We have discussed for some time rotating the chairmanship and ever since 1976, because of the way that legislation was drafted, a Member of the House has been chairman. It seems to us if it is a joint commission or committee, we ought to have the same standing on the Senate side as they have on the House side. So in this Congress, if this legislation passes, a Member of the Senate will be the chairman of the committee, after that the chairmanship will rotate between the House and Senate in each Congress.

I thank all of those, staff and others, who have worked on this so-called compromise. I also thank the distinguished chairman of the Foreign Affairs Committee on the House side, Congressman DANTE FASCELL.

Mr. BYRD. Mr. President, I associate myself with the remarks of the distinguished majority leader. I strongly support this measure and I urge the Senate adopt it unanimously.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 592) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

MEMBERSHIP OF COMMISSION AND APPOINTMENT OF CHAIRMAN AND COCHAIRMAN

SECTION 1. (a) Section 3 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3003), is amended to read as follows:

"SEC. 3. (a) The Commission shall be composed of twenty-one members as follows:

"(1) Nine Members of the House of Representatives appointed by the Speaker of the House of Representatives. Five Members shall be selected from the majority party and four Members shall be selected, after consultation with the minority leader of the House, from the minority party.

"(2) Nine Members of the Senate appointed by the President of the Senate. Five Members shall be selected from the majority party of the Senate, after consultation with the majority leader, and four Members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

"(3) One member of the Department of State appointed by the President of the United States.

"(4) One member of the Department of Defense appointed by the President of the United States.

"(5) One member of the Department of Commerce appointed by the President of the United States.

"(b) There shall be a Chairman and a Cochairman of the Commission.".

(b) Section 3 of such Act, as amended by subsection (a) of this section, is further amended by adding at the end thereof the following:

"(c) At the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

"(d) At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.".

"(c) On the effective date of this subsection, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members to serve as Chairman of the Commission for the duration of the Ninety-ninth Congress, and the Speaker of the House of Representatives shall designate one of the House Members to serve as Cochairman of the Commission for the duration of the Ninety-ninth Congress.

FUNCTIONS OF THE COMMISSION

SEC. 2. Section 2 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3002), is amended by inserting "human rights and" after "relating to" in the first sentence.

APPROPRIATIONS FOR THE COMMISSION

SEC. 3. Section 7(a) of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3007(a)), is amended to read as follows:

"SEC. 7. (a)(1) There are authorized to be appropriated to the Commission for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Appropriations to the Commission are authorized to remain available until expended.

"(2) Appropriations to the Commission shall be disbursed on vouchers approved—

"(A) jointly by the Chairman and the Cochairman, or

"(B) by a majority of the members of the personnel and administration committee established pursuant to section 8(a).".

FOREIGN TRAVEL FOR OFFICIAL PURPOSES

SEC. 4. Section 7 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3007), is amended by adding at the end thereof the following new subsection:

"(d) Foreign travel for official purposes by Commission members and staff may be authorized by either the Chairman or the Cochairman.".

STAFF OF THE COMMISSION

SEC. 5. Section 8 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3008), is amended to read as follows:

"SEC. 8. (a) The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior Commission member from the minority party in the House of Representatives, and the senior Commission member from the minority party in the Senate.

"(b) All decisions pertaining to the hiring, firing, and fixing of pay of Commission staff personnel shall be by a majority vote of the personnel and administration committee, except that—

"(1) the Chairman shall be entitled to appoint and fix the pay of the staff director, and the Cochairman shall be entitled to appoint and fix the pay of his senior staff person; and

"(2) the Chairman and Cochairman each shall have the authority to appoint, with the approval of the personnel and administration committee, at least four professional staff members who shall be responsible to the Chairman or the Cochairman (as the case may be) who appointed them.

The personnel and administration committee may appoint and fix the pay of such other staff personnel as it deems desirable.

"(C) All staff appointments shall be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.".

"(d)(1) For purposes of pay and other employment benefits, rights, and privileges and

for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

"(2) For purposes of section 3304(c)(1) of title 5, United States Code, staff personnel of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Clerk of the House of Representatives.

"(3) The provisions of paragraphs (1) and (2) of this subsection shall be effective as of June 3, 1976.".

EFFECTIVE DATE

SEC. 6. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act or April 15, 1985, whichever is later.

(b)(1) The amendment made by subsection (b) of the first section shall take effect on the first day of the One hundredth Congress.

(2) Subsection (d) of section 8 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (as added by section 5 of this Act, shall be effective as of June 3, 1976.

Mr. DOLE. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

Mr. HUMPHREY. Will the Senator withhold?

Mr. DOLE. Yes, Mr. President, I yield to the Senator from New Hampshire.

Mr. HUMPHREY. I have a special order, Mr. President. If the leadership is finished, I would like to be recognized on that basis.

RECOGNITION OF SENATOR HUMPHREY

The PRESIDING OFFICER. In accordance with the previous order and in response to the unanimous-consent request, the Senator from New Hampshire is recognized for 30 minutes.

Mr. HUMPHREY. I thank the Chair.

HUMAN RIGHTS VIOLATIONS IN AFGHANISTAN

Mr. HUMPHREY. Mr. President, as Members of the Senate know, there presently is in Washington a delegation from the Soviet Union, specifically comprising a number of members from the Supreme Soviet, the so-called legislature of the Soviet Union. In fact, it operates as a rubber stamp for the Communist Party, which is the de facto ruling organization of the Soviet Union.

Even more significantly still, the delegation is headed by Vladimir Sheherbitsky, who is a voting member of the Politburo, the real seat of power in the Soviet Union.

Mr. President, amid the tinkling of cocktail glasses and camaraderie I thought it might be worth introducing a note of reality by reminding my colleagues of the violations of human rights perpetrated by the Government of the Soviet Union against its own people, against the people of Eastern Europe, whom it continues to enslave and, on this occasion, this afternoon, particularly, the crimes against humanity which characterized the Soviet invasion of Afghanistan and the continued occupation of the country.

In December, the well-known and highly regarded group, Helsinki Watch, which has as its purpose the promotion of domestic and international compliance with the human rights provisions of the 1975 Helsinki accords, to which the Soviets are a party, released a report which every Member of Congress should read. It is a report about the Soviet invasion and occupation and brutalization of Afghanistan.

Incidentally, Mr. President, for those who are listening, including staff, copies of this report are available through my office. I have not the time, obviously, to read the entire report—it is 200 pages in length—but it is an excellent report on the human rights violations of the Soviet Government.

On this occasion of the visit of this high-level Soviet delegation, I want to read just one chapter of this report, chapter 3, entitled "Mass Destruction in the Countryside; Crimes Against the Rural Population."

Before I read this chapter, Mr. President, let me say the report is largely comprised of excerpts from interviews conducted by Helsinki Watch with eyewitnesses to the Soviet brutalization of the people of Afghanistan—that is, by eyewitnesses, I mean reporters, Western reporters, and Afghan refugees who were interviewed in the refugee camps in Pakistan.

I point out also, in the same breath, Mr. President, that because of the Soviet invasion and continued occupation of that country, because of deliberate policies designed to induce famine, disease, and every form of suffering, fully one-third of the people of Afghanistan have now been driven out of that country; fully one-third are now in refugee camps in Pakistan and Iraq. Indeed, the Afghan refugees constitute the largest single group of refugees in the entire world, numbering in the vicinity of 4 million.

Reading from chapter III, "Mass Destruction in the Countryside:"

> We went along the asphalt road from Iran to Herat. The desert on the Iranian side was absolutely covered in track marks, the hooves of horses, of donkeys, of camels, footmarks, bicycle marks, you name it. By the time it was about nine o'clock in the morning, there were people in droves; a man with a camel: he'd lost all his family, and his possessions were on top of the camel. There were some young boys who'd been orphaned. Then there were numerous donkeys with women riding on them with their husbands next to them. All of these people were on their way to Iran. I stayed in a village where they claimed there had been 5,000 inhabitants. There remained one building intact in the whole village. I didn't see more than 10 inhabitants there. To destroy this place the bombers came from Russia. And there were craters everywhere, even where there were no buildings, so there was no pretense about, "we're trying to hit the mujahedin." It was a complete blitz. All the way from there on into Herat there was no one living there, absolutely no one. The town that I stayed in, Hauz Karbas, looks like Hiroshima. And there had been tremendous amounts of vineyards there, and they were just reduced to gray dust. It really sums up everything that exists in Afghanistan today.—Nicholas Danziger, interview with Jeri Laber and Barnett Rubin in Peshawar, September 26, 1984.

Nicholas Danzinger, a British lecturer in art history who created the above image of Hiroshima in Herat, was only one of many who described such scenes of total devastation in the Afghan countryside. People coming from just about every area of Afghanistan—Western scholars, journalists, doctors and nurses, as well as the Afghan refugees and resistance fighters themselves—tell of vast destruction: carefully constructed homes reduced to rubble, deserted towns, the charred remains of wheat fields, trees cut down by immense firepower or dropping their ripe fruit in silence, with no one to gather the harvest. From throughout the country come tales of death on every scale, from thousands of civilians buried in the rubble left by fleets of bombers to a young boy's throat being dispassionately slit by a Soviet soldier.[1]

This mass destruction is dictated by the political and military strategy of the Soviet Union and its Afghan allies. Unable to win the support or neutrality of most of the rural population that shelters and feeds the elusive guerrillas, Soviet and Afghan soldiers have turned their immense firepower on civilians. When the resistance attacks a military convoy, Soviet and Afghan forces attack the nearest village. If a region is a base area for the resistance they bomb the villages repeatedly. If a region becomes too much of a threat, they bomb it intensively and then sweep through with ground troops, terrorizing the people and systematically destroying all the delicate, interrelated elements of the agricultural system. The aim is to force the people to abandon the resistance, or, failing that, to drive them into exile. Four to five million Afghan refugees have sought shelter in Pakistan and Iran (about ¼ to ⅓ of Afghanistan's prewar population). The major portion, about three million, are in Pakistan's border provinces where the resistance parties have established headquarters to which guerrillas come seeking weapons and support.

[1] While we received some reports of killings of civilians by Afghan soldiers, most of the killings we documented involved Soviet soldiers, sometimes assisted by a few Afghans acting as guides or interpreters. In each interview clear distinctions were made among: Soviet troops (*shurawi*) or Russian troops (*rus*); government forces, sometimes called *askar-e daulat*, sometimes *askar-e Babrak;* and P.D.P.A. members, who were identified as *Khalqi* or *Parchami*. There is reason to believe that Soviet officers are distrustful of the Afghan soldiers, most of whom are reluctant draftees with a high rate of desertion or of defection to the resistance.

In recent months the Soviets seem to be changing their strategy and attempting to close the border between Afghanistan and Pakistan. Refugees on their way to Pakistan are arrested and tortured, their defenseless caravans bombed or strafed. But whatever the strategy, the violations of basic human rights and the laws of war continue.

A. CRIMES AGAINST THE RURAL POPULATION

Indiscriminate bombing

"Each village in Afghanistan has been bombed at least one time since four years. I went four times. I was in Nuristan, Panjsher, Badakhshan and Hazarajat. Everywhere that I have been, in all the villages, there was a story that it had been bombed, six months ago, two years ago, four years ago, even five or six years ago, at a time when we were not aware of the war, before the official invasion."—Dr. Juliette Fournot, Medecins sans Frontieres, interview with Jeri Laber and Barnett Rubin in Peshawar, September 27, 1984.

Regardless of fluctuations in the conduct of the war, the bombardment of the rural villages has been almost constant. The MIG-25 jet fighter-bomber, the MI-24 Hind armored helicopter, and the Grad BM-13 mortar have become as familiar to the Afghan villager as the bullocks that pull his plow. The TU-16 "Badger" high altitude bomber, flying directly from bases in the Soviet Union, is well known in the Panjsher Valley.

Every time we asked an Afghan villager why he or she came to Pakistan, the answer began with the same two words: *"shurawi bombard"* ("Soviet bomb"). Most of these bombings, reported by Western observers as well as Afghan refugees, show a blatant disregard for the laws of war that require military action to be directed against military targets. In Afghanistan, the most common target is the peasant village: the homes, fields, orchards, and, frequently, the mosque. In provincial towns the marketplace and residential areas often become targets. These attacks are responsible for the vast majority of the estimated hundreds of thousands of civilian deaths.

In some regions—those controlled by the resistance but not of major strategic importance—the bombing is random and desultory. Eric Valls, a French nurse working for Medecins sans Frontieres, saw this pattern during his stay in Badakhshan Province in northeast Afghanistan between April and November 1983. "All the villages were bombed," he told us in Paris on June 8, 1984: "Three or four helicopters would come, bomb very quickly—for 15 or 20 minutes—then go." In July 1983 in Dawa village, he saw craters left by three helicopters that killed two families (11 people) in their homes.

Dr. Ghazi Alam, an orthopedic surgeon trained in Afghanistan, India, and the United States, described a similar pattern in Logar Province during the winter of 1983–1984:

"First of all the Russians terrorize civilians by bombarding the villages indiscriminately. They are killing civilians, especially the children and the women who cannot run away from their houses. There was not any firing, but they have bombarded regularly, each day or three times a week or twice a week, this region of Baraki Barak District in Logar [south of Kabul]. They have sent helicopters and MIGs. I have seen one case in Baraki Barak District that nine members of one family were killed by bombing. Only one was left alive. And this operation was just for psychological effect on people, that they should not feel security in their homes. [Interview with Barnett Rubin, New York City, March 30, 1984.

Refugees we interviewed in Peshawar and Quetta in September and October 1984 had similar stories to tell.

One and a half months ago [mid-August 1984] there were 9 people in my village having breakfast, and a jet fighter bombed and killed them in their house. They were Nur Mohammad, 5 people from Musa Jan's family—his wife and children, aged from 6 months or a year to 8—a woman and two children. They are flying and doing this all the time without reason! [Testimony of Abdullah Jan, 22, a farmer from Delawar Khan village, Arghandab District, Kandahar Province.]

Another refugee from Kandahar Province described how his two cousins, Shah Mohammad and Sardar Mohammad, sons of Mohammad Ismail of Kader Khel village, Arghistan District, were killed last August by rockets from a helicopter while airing out beds in the courtyard of their home.

I left because of the condition of my region. Not only days, but even at nights they attack from 3 or 4 directions with rockets and artillery. They are bombing since last autumn so often, continuously, 10 to 15 planes at a time. One type of airplane, the MIG-25, is coming every day with 5 to 10 bombs. They drop them on the residences, on the mosques, just to get rid of the people. Some of my relatives were killed, including some women. [Testimony of Hafezullah, 24, a farmer from Harioki Ulya in Kapisa Province, north of Kabul.][2]

The reason that I am here now is that in the region where I was there is great pressure from the Soviets. As an example, I had no place to put my family, because most of the region was destroyed. There were no more houses in Qarabagh-e Shomali. Ninety-nine percent of the houses are destroyed. [Testimony of Mohammad Amin Salim, 43, former professor of Islamic Law at Kabul University.]

A woman from Charadara district, Kunduz Province, on the Soviet border, told us, "Six months ago the Russians surrounded our village. The airplanes bombed us, and four of my children died." The three boys were Najmuddin, Farwar, and Rahim, and the girl was Anisa.

Sayed Azim, a former government official and graduate of the Faculty of Agriculture of Kabul University, told us that his home region in Wardak Province, southwest of Kabul, has been bombed for years, even in the time of Taraki. Most recently, on September 9, 12 helicopters bombed the town of Maidan Shahr. They destroyed 8 houses, killed 9, and injured 23.

Nicholas Danziger, whose description of the results of a massive offensive around Herat in June 1984 is quoted at the beginning of this chapter, went on to point out that the bombing continued in July and August.

"Every day they came to bomb. I was there at least two weeks, and I would say there were only 5 days that the planes didn't come. Sometimes they came once, sometimes they came twice; the helicopters often came three times. And not only that, there's also the shelling, which can last anything up to half an hour. It seems much longer at the time. And the people don't know how to build shelters. Every day mujahedin die, but if a mujahed has died you know that the people have died. And every day you heard the list, and it was one, two, four, three, six, this was mujahedin, but then the count of the people dying was always equivalent or greater. There were few occasions when there were fewer civilians dying than mujahedin. The people come down to work on their fields at night, women wash their clothes at night, bake the bread at night, and, as there are no shelters, they hide under the trees, just waiting, waiting."

Other Western travellers have reported that much of the region around Kabul, including Paghman has been completely levelled. The town of Jagdalak, between Kabul and Jalalabad, is completely demolished. Except during a truce in 1983, the Panjsher Valley has been regularly bombarded since 1980, culminating this spring in carpet bombing from high altitudes.

Another pattern described by many refugees is a sudden offensive combining intense airpower with a sweep by ground troops.

A shepherd from a district in Kunduz, who asked us not to give his name or district, said that he had arrived in Pakistan five days before with 24 families from his village: "The Russians bombed us. Then the soldiers came, took all the women and old men, and killed them."

Villagers who had just arrived in Peshawar from Batikot District of Nangarhar Province, east of Kabul, crowded around us as they told their story in overlapping voices: "Twenty days ago the Russians bombed our villages—Bela,[3] Mushwani, and Lachapur—and 120 people died." They showed us a 6-year-old boy with shrapnel in his leg from the bombing: "On August 27 the Russians came at 4 a.m. When they reached the village they started killing people. After they finished in Lachapur and Mushwani, they went to Bela. There were 130 killed. They killed them with Kalashnikovs and with bombs from airplanes."

I interject, Mr. President, to say that Kalishnakovs are rifles. Soviet soldiers were executing civilians with rifles.

Patrick David and Francios Frey, French doctors working with Aide Medicale Internationale, witnessed a Soviet-Afghan offensive in Baraki Barak District of Logar Province, just south of Kabul, in September 1984. "They were bombing the houses and the people doing the harvest in the fields. They shot rockets at them and killed them." They reported that two boys, the 5- and 7-year-old sons of Gul Jan who were playing in a melon field in Chalozai, were wounded by rockets from a helicopter. Russian soldiers had come into the area and killed and looted. On September 15 the doctors saw a helicopter fly low over the village of Cheltan:

Our translator said, "Watch, this helicopter is dangerous." It dropped something that left some smoke. A few minutes later four jets came and bombed where the helicopter showed. The targets were the people's houses. We saw the people running into the fields. The next day there were 10 boys from Barai Barak in the river, and a big shell exploded, a shell that had fallen in the river before. One boy died, and four were wounded." [Interview with Jeri Laber

[2] This is a strategic region which abuts the Salang highway connecting the Soviet Union to Kabul.

[3] During the interview the villagers seemed to say "Bela," which we cannot find. Perhaps they were referring to the nearby village of Bara.

and Barnette Rubin in Peshawar, September 22, 1984.]

Abdul Wahid, a Hazara student whom we met in Quetta, told us in an interview on October 3, 1984, of recent bombings and killings in Hazarajat:

I came from Jalrez about 10 days ago. When I was there, many air attacks were taking place. Every day the airplanes were flying in the area. When they failed to hit the military points, they bombed the bazaars and homes and the places where there was agricultural production. There were two bombardments in our village. They wanted to bomb the mujahedin, but couldn't, so they bombed the populated areas like houses and the bazaar, which caused some casualties. This was in Rasana and Jaghori, and also the Valley of Tangi, about 20 days ago. Also in the center of Jaghori—every day there are helicopters flying in the area. In Behsud there was a recent offensive which caused about 500 casualties, mostly women and children, about one and a half months ago. Ground forces came too, but most were killed by cannons.

Arielle Calemjane, a nurse working for Aide Medicale Internationale, returned in July 1984 from four months in the area around the Panjsher Valley. In a written account of her journey, she explained that it had been impossible to carry out a medical mission because of constant bombardments:

At four o'clock, the day breaks, and at five come the helicopters and airplanes in the sky. There seems to be some traffic today. . . . On the road, entire families are climbing the sides of the valley. The children in the women's arms have such big, black eyes; they do not cry. The women covered in the chadri hide their faces; impossible to know what they think. The men go on foot, staring into the distance, searching for cover. . . . There were two dead this morning. Near the village where we found our bags . . . the grass is tempting in the cool shadows of the trees. To sit is to fall asleep. But there is a rumbling nearby, too near, that wrenches me out of sleep, suddenly: the helicopters! . . . There are bombs exploding around us—what are they aiming at? There are a few houses nearby; the people are fleeing. I am seized by an uncontrollable trembling, prey to a feeling of total powerlessness against these black birds, these horrible black spots in the sky, these huge insects whose sound is the sound of hell and who sow destruction and death. . . . We are invited into the house where our bags are. . . . The tell us of a wounded man, . . . who is there, on the floor, his hand wrapped in a bandage from which blood is dripping. . . . The helicopter fired while he was on horseback, holding a child in front of him. The bullet went through his left hand, and the child died. . . . We have to amputate three fingers down to the knuckle.

Reprisal killings and massacres

If the mujahedin set fire to trucks on the road, they [the Soviets] carry out strikes against civilian houses. They don't bomb the mujahedin, they bomb the houses.—Red Army Pvt. Garik Muradovich Dzhamalbekov, interview with Tim Cooper in the Financial Times, May 23, 1984.

On July 23, or 24 [1983], near the village of Khojakalan, between Sheshgau and Rauza [on the Kabul-Ghazni highway] some mujahedin attacked [a Soviet convoy]. Immediately the Soviets bombed and partially destroyed the village of Khojakalan. Only one woman was killed this time, because the people saw that there was a battle, and they all fled the village. But at other times they do not have time to escape, and many are killed. And the mujahedin have a big problem, because they just cannot attack any more near the villages. If they do, the village is immediately destroyed.—Patrice Franceschi, journalist and field officer for Medecine due Monde, interview with Barnett Rubin in Washington, D.C., March 23, 1984.

Pvt. Dzhamalbekov, a Soviet Tadzhik from Dushanbe who voluntarily deserted his unit, told us on September 21, 1984, about a massacre that he witnessed on the road between Tashqorghan (formerly Kholm) and Mazar-e Sharif in April 1982 while stationed in Balkh Province with the 122nd Brigade:

Beside our brigade's garrison, there was a special commando unit. The brother of the commander of the unit was a captain in the same unit. It was the birthday of the commander. They drank too much vodka. The captain took three soldiers and went to the town of Tashqorghan to get grapes and apples. When they went to the town, they were captured by the mujahedin. They were killed and then cut up and dropped in the water. When the drunk commander found out that his brother and three soldiers were killed by mujahedin, he took the whole commando unit at night. He went to the village and butchered, slaughtered all the village. They cut off the heads and killed perhaps 2,000 people. The sun came out, and the mujahedin and others buried the people. I drove my APC [armored personnel carrier] there and saw the demolished houses. In the part destroyed by the commandos there was nobody living there. That's why I say it's a bad war, a dirty war.[4]

On June 30, 1983, in an incident widely reported in the French press and later raised with the Afghan government by Amnesty International, Soviet soldiers killed 24 people, including 23 unarmed civilians, in Rauza, a village on the outskirts of Ghazni. Patrice Franceschi, a freelance journalist who works with Medecins du Monde, was nearby at the time, and he was able to interview villagers in detail a week after the event:

The Soviet sweeping operations that had begun several days before reached Rauza on June 30. About 2 a.m., APC's encircled the village. There was no unit of the Afghan army with them. At dawn, the Russian soldiers left their vehicles, protected by helicopters, and began to search the village, street by street.

An 18-year-old resistance fighter, Gholam Hazrat, was then at home with his weapon. The suddenness of the Russians' arrival had trapped him. Frightened, he hid himself at the bottom of the well in his family's courtyard. Around 10 a.m., a six-man patrol, including one officer, broke down the door and began to search.

The officer and one of his men soon leaned over the well. When he saw that he was discovered, the resistance fighter opened fire, killing the officer and wounding the soldier. He immediately died under the fire of the other Russian soldiers.

This became the occasion for blind reprisals. The four remaining soldiers shot all the men in the house, the father, a cousin, and two uncles of Gholam Hazrat. Then they went out and assembled all the men they could find in the neighborhood, passersby, shopkeepers, etc. They were first beaten and robbed of any valuables (watches, money) before being summarily executed in the street. Twenty-three people were killed in this way.[5]

Franceschi collected the name, age, and profession of each victim, and photographed the graves.

A number of sources[6] have described a massive massacre of civilians by Soviet troops in October 1983 in three villages southwest of Kandahar on the branch road linking the city to the Soviet military base at Mandisar airport. On October 10 and 11 a local unit of the Jamiat-e Islami resistance organization had ambushed and destroyed several Soviet military columns. In retribution, on the morning of October 12, a largely Soviet force with a few Afghans acting as guides or interpreters arrived in the villages of Kolchabad, Moshkizai and Balakarez. Sardar Mohammd, 55, a farmer from Kolchabad, hid in a grain bin when he saw Russian soldiers shoot his neighbor, Issa Jan. That afternoon, when he emerged from hiding, he went to the house of a friend, Ahadar Mohammad:

Everyone was dead. Ahadar, his wife, and his baby were lying on the floor covered with blood. His 9-year-old daughter was hanging over the window, half in the house, half out. It looked like she was shot as she tried to run away. The young son of 13 years lay crumpled in another corner with his head shot away. I threw up. Then I carried the males outside into the courtyard and covered the women with pieces of cloth where they lay. I did not want anyone to see the women exposed the way they were.

Tora, daughter of Haji Qader Jan of Kolchabad, an 11-year-old girl who survived the massacre by hiding under bedcovers, described how Soviet soldiers accompanied by an Afghan officer herded women and children into a room and killed them by lobbing grenades through the window and bayonetting the survivors. Other witnesses described similar scenes in Moshkizai and Balakarez. The villagers who dug the mass graves for the victims estimated that there were 100 dead each in Moshkizai and Balakarez and 160 to 170 dead in Kolchabad.

Further suffering was in store for the survivors. In January 1984, after two tanks were destroyed in the same area, Soviet and Afghan military units reportedly returned to Kolchabad, executed some village elders, and shot many more civilians.[7] Many of the villagers who had fled to refugee settlements around Kandahar had to flee again, to Pakistan, when the Soviet air force bombed their camps in June.

Tora's story of women and children being killed by grenades is consistent with testimony from two Soviet deserters, Pvt. Oleg Khlan and Sgt. Igor Rykov, who had served as mechanic/drivers with the First Infantry Carrying Armored Corps based in Kandahar. Khlan stated: "During punitive expeditions, we didn't kill women and children with bullets. We locked them in a room and threw grenades."[8] In another interview, Rykov described the same procedure.[9]

[4] This incident was also reported at the time by the BBC. The actual number of deaths was probably closer to 200.

[5] *Les Nouvelles d'Afghanistan* 15, Edite par AFRANE (Amitie Franco-Afghane), Paris, December 1983, p. 5.

[6] *The New York Times*, October 20, 1983; *Les Nouvelles d'Afghanistan, op. cit.*, March-April 1984; *Chicago Tribune*, July 15, 1984.

[7] Afghan Information Centre *Monthly Bulletin*, January 1984, p. 5.

[8] *Le Monde*, June 3-4, 1984.

[9] *The Times*, London, June 28, 1984.

Pvt. Vladislav Naumov, who served in a battalion specializing in punitive expeditions near Jalalabad, Ningrahar Province, described his training in the use of the bayonet to attack villagers:

"At Termez [Soviet Uzbekistan, just north of Mazar-e Sharif across the Amu Darya (Oxus River)] we built models of Afghan villages. Before every combat exercise, Major Makarov would constantly repeat: 'Look in the direction of the village: there are the dushmans. [Dushman, the Persian word for enemy, is used by the Soviet press to refer to the Afghan insurgents.] Forward! Kill them! They kill completely innocent people.' And then the truly punitive operations would start . . . Under the cover of the infantry's combat vehicles we would raze the village to the ground. Then, working under the scorching sun, we would rebuild the model, all over again . . . We had bayonets and silencers attached to our rifles, and we learned to use them pretty skillfully. The major often repeated Suvorov's words: 'The bullet is a fool, the bayonet—a stalwart. Hit with the bayonet and try to turn it around in the body.' "[10]

While in Quetta in October 1984 we learned of another recent reprisal killing near Qandahar. Habibullah Karzai,[11] a former diplomat who was Afghanistan's U.N. representative in 1972, told us he had received several independent reports of the killing of members of his Karzai tribe in Ghundaikan village, 7 kilometers west of Kandahar, on September 27. Karazi told us:

The village is near the Kandahar-Herat road. On either side of the highway there are grapes. After 2 or 3 vineyards, you reach the village. The mujahedin had mined the grape gardens with anti-personnel mines. When the Soviets started to cross the gardens, they hit the mines, and 6 or 7 of them were killed. They rushed to the village and killed about 50 people, mostly children, old ladies, old people, and so on, because the young people ran away. They tried to escape. The Russians seized the area for 3 days. One lady was locked in a room with two children. The two children were killed—we don't know why—but the lady is still alive. I have the name of only one of the victims, Said Sikander. He was a poor man."

The French doctors Frey and David told us of a reprisal killing during the offensive in Logar in early September. On September 10, the Soviet units who had occupied Baraki Barak district since September 6 were supposed to be reinforced by a convoy of the Afghan army coming from Kabul. One of the Afghan army officers, however, defected to the resistance with much of the convoy. The next day, Soviet forces arrested 40 civilians, according to Dr. David:

They tied them up and piled them like a wood. Then they poured gasoline over them and burned them alive. They were old and young, men, women, and children. Many, many people were telling this story. They all said 40 people had been killed. [Interview with Jeri Laber and Barnett Rubin in Peshawar, September 22, 1984.]

This story was confirmed on September 23 by an Afghan doctor in Peshawar, who had recently learned by letter that two of his relatives were among those burned to death in Logar. A gentle man who had patiently helped us interview patients in a hospital for war victims, he suddenly burst out: "What's the point of all this? People should know by now! There are no human rights in Afghanistan. They burn people easier than wood!"

Summary executions and random killings

So many things have happened in the past five years that we are confused. All of our innocent people have been killed in different ways. They took many people from their houses and killed them. They were bombed by jet fighters or thrown alive in wells and buried under the mud. They were thrown down from airplanes, and some were put under tanks alive, and the tanks crushed them. They were all unarmed people. Some of them were given electricity and killed that way. Some were cut into pieces alive. These are things we could not remember even from the reign of Genghis Khan.—Haji Mohammad Naim Ayubi, 60, former merchant, interview with Barnett Rubin in Quetta, October 3, 1984.

We were ordered by our officers that when we attack a village, not one person must be left alive to tell the tale. If we refuse to carry out these orders, we get it in the neck ourselves.—Pvt. Oleg Khlan, Soviet Army deserter, interviewed in The Christian Science Monitor, August 10, 1984.

According to the reports we received, when Soviet forces enter a village, they routinely conduct house-to-house searches. People are interrogated, after which they may be arrested or simply executed on the spot, especially if they resist interrogation. If evidence is found or if people are denounced by informers, they may be pulled from their houses and killed in front of their families. We received reports about the execution of groups of people at a time. We also heard frequently about ground troops that entered an area en masse after air and artillery attacks and shot wildly anything that moved. Cases have been described of Afghan civilians who were killed by soldiers almost at random, not in the context of a military operation, but in the course of a robbery or simply as an expression of anger and frustration.

Groups of civilians have been killed from the air, by Soviet helicopters and jets that have, on a number of occasions, attacked weddings and funerals. In recent months there have been systematic attacks on refugees' caravans moving toward the border.

Sgt. Igor Rykov, a defector from the Soviet army, described the searches conducted by his unit in Kandahar Province:

The officer would decide to have the village searched, and if it was found it contained a single bullet, the officer would say: "This is a bandit village; it must be destroyed." The men and young boys would be shot, and the women and small children would be put in a separate room and killed with grenades.[12]

The Permanent People's Tribunal on Afghanistan's inquiry commission composed of Michael Barry, an American Afghanistan expert; Ricardo Fraile, a specialist in international law; Dr. Antoine Crouan; and Michel Baret, photographer, thoroughly documented a massacre of 105 persons in the village of Padkhwab-e Shana in Logar Province through on-site inspection and interviews with witnesses:

Soviet armored vehicles, hunting down modjahedin surrounded the village at 8 a.m. on September 13, 1982. Some of the fighters and villagers, including children, found refuge in a "karez" (covered irrigation canal). The Soviet soldiers asked two old persons to enter the canal and summon the people to come out. Faced with the latter's refusal, the old people came back up claiming there was nobody inside.

According to an old person's eyewitness testimony, a tank truck was brought to pour a liquid, apparently oil, into the three openings of the karez. From another tank truck they poured a white-looking liquid to which they added the contents of a 100-pound bag of white powder. It was set on fire three times thanks to "Kalashnikovs," and each time there was a violent explosion.

"They protected their eyes and heads with helmets and shot their Kalashnikovs into the products, which exploded. Then they did the same thing at the other opening of the canal. When the fire and smoke had cleared, they started again with another hole. They stayed until 3 p.m. When they realized the operation had succeeded, they applauded and laughed as they left.

"The first day the population pulled out four bodies; the second day 30; the third, 68. Seven days later, the last three. When we touched the bodies, pieces would stay in our hands. The first day, when we wanted to pull out the victims, the unbearable stench made us feel sick. . . . It is only with great difficulty that we were able to extract the maimed bodies: people could not even recognize their children or relatives. Whenever they were identified, it was thanks to watches, rings, and other objects they might be wearing.[13]

Summary executions were described by Mohammad Amin Salim, a former professor of Islamic law who had returned to his village in Shomali:

"When the Russians come into villages or places where there are unarmed people, they kill them with bayonets, even women and children. There are so many examples, and they are so atrocious, that it is difficult to speak of them. For example, last year I was in a village when the Soviets came to search the houses. In this village there were 7 elders, including me. When the Russians came into the village, they locked up all these elders. I was separated from the others. I was in another house, and I saw what happened. They asked the old men, 'Where are your sons?' The old men said they had no sons. Immediately, when they heard this, they fired on two of the men, killing them with automatic rifle blasts. The third person—it was a very sad event—they put him against a tree and with a big nail [apparently a detached bayonet] a soldier stabbed him in the chest and nailed him to the tree. What I am telling you is what I saw myself. The other Russian had a big nail in his hand, and he stabbed another old man in the mouth, unhinging his lower jaw. The next they put in a well, and then they threw an explosive in the well. Then, when they went into another house, I managed to escape. After my escape, I returned to the village about 12 or 13 hours later. I also saw two little boys who had been killed. This was last year in the month of Seratan [June-July 1983] in Karez village. That is one of thousands of examples. It would take hours and hours to tell you what I have

[10] *Radio Liberty Research Bulletin*, March 19, 1984.

[11] Karzai was the first to report the massacres in Kolchabad, Moshkizai and Balakarez, the victims of which were also members of his tribe.

[12] The Times, London, June 28, 1984. The Times added that Rykov said he had seen five villages of 100 to 200 people destroyed in this way.

[13] "Afghanistan People's Tribunal, Stockholm: 1981—Paris: 1982; Selected minutes from the Tribunal's meetings," Special issue of The Letter from the B.I.A. (Bureau International Afghanistan), Paris, 1983, p. 15.

seen with my own eyes." [Testimony of Mohammad Amin Salim. Interview with Jeri Laber and Barnett Rubin in Peshawar, September 29, 1984.]

Sufi Akhtar Mohammad, a 52-year-old farmer from Zamankhel village, Pol-e Khomri district, Baghlan Province, told us of an incident he witnessed in Wardak (Maidan) Maidan on his way to Peshawar, about 25 days before we interviewed him in Peshawar on September 30, 1984. The Soviets had come to Awalkhel village to search for guns:

"I was with a group of fighters on the way to Peshawar. When we reached Awalkhel in Maidan, there was a hustle and bustle. Russian soldiers were searching the houses. We hid ourselves. As soon as the Russians left, we went to ask the people what happened, and we noticed 8 dead bodies. They told us that after the Russians searched the houses, they killed people of all ages, men, women and children. Of the 8 bodies, 2 were slaughtered [had their throats cut], and all of them were burned.[14] The Russians had asked the relatives to watch while they killed the 8 people. The first 2 were slaughtered, and then the remaining ones were brought and shot with Kalashnikovs. They poured kerosene on them and set them on fire. The people said that the Russians were not alone. A few Khalqis and Parchamis were guiding them to the houses. When they were searching the houses, they found two Russian-made guns, captured from the Afghan Army in fighting in Ab-e Chakan. This was how they took their revenge.

Other farmers and villagers interviewed in Peshawar in September 1984 had similar stories to tell.

Bibi Makhro, wife of Abdul Jalil, of Chardara District, Kunduz Province, showed Jeri Laber pieces of shrapnel in her left leg: "Nine months ago the Russian soldiers came to our village. The mujahedin escaped, but I was in the street with two other women. When the Russians saw us, they threw bombs [grenades]. The other two women were killed, but I survived."

Lala Dad of Dasht-e Guhar, Baghlan Province, told us that when ground troops arrived in his area, they would kill anyone suspected of being a resistance fighter.

A group of women nomads from Baghlan told Jeri Laber: "The government forces came and killed the people and took those they didn't kill to Kabul in tanks."

The Russians came to my village three times looking for mujahedin. They killed people and animals. They killed women, children, and men for no reason. My neighbors were killed. They were asleep when the soldiers came, and the men tried to escape. [Testimony of a woman from Kohistan, Kapisa Province.]

After they bombed and shot from tanks, they came on foot. They killed people and took their money. I lost Afs. 2500 to the Russians. In one family headed by Mohammad Omar 15 people were killed outside their home at 4 a.m. [Testimony of Rahmatullah, a farmer from Bela village, Ningrahar Province.]

I lost my mother, father, and 5 children. The Russians came to the village, and the mujahedin were there. The fighting was hard. After the fighting the Russians came into the village and killed the people. They came into my house and wanted money. They accused us of being from America. My husband and I ran to the mountains, but I could not take 5 of my children with me, only these 3. We spent 5 days in the mountains without food and water. We went back to the village and saw the tents were burned. I found my five children dead in the house. There were 140 people killed, including my parents and sisters. I don't know how the days become nights and the nights become days. I've lost my five children. Russian soldiers do these things to me. [Testimony of Kabir wife of Mohammad Kabir of Bela village, Ningrahar Province. Her five dead children were Mohammad Shams, 7; Shams-ul-Haq, 8; Najibullah, 10; Naqibullah, 14; and Al-Hamula, 15.]

We heard numerous reports of summary executions by the Soviet troops that entered Baraki Barak District, Logar Province, on September 6, 1984. Dr. Ghazi Alam told us in an interview on September 22, 1984, about an old man, Mohammad Rafiq, who was killed there in the village of Akhundkhel. The French doctors Patrick David and Francois Frey, who were in Logar Province in early September, gave us this report:

Baraki Barak district is on the way to Pakistan for all of northern Afghanistan. There were 30 men on their way to Iran [via Pakistan] to find work. They were all killed by the Russians. There were 45 innocent people killed. Some were 'slaughtered' [had their throats slit], 2 in Baraki Barak [village] and 1 in the mountains of Saijawand. Some were burned with petrol. Some had dynamite put on their backs and were blown up. The Russians cut people's lips and ears and gouged out their eyes. We saw a man the Russians had shot in the foot after stealing his watch and money. Two boys escaped and hid themselves in a well. The Russians put some kind of gas in the well that exploded when it hit the water. One died, and the other, whom we treated, had a severe lung problem. A boy about 12 years old in Chalozai was shot in the elbow when he ran away from the Russians. [Interview in Peshawar, September 22, 1984.]

Patients in an amputee hospital in Peshawar that we visited on September 27, 1984, told us of summary executions by Russian soldiers in their villages.

When the Russians came [in June 1982], they burned homes and destroyed the food. Two elders came back to the village, because they heard the food was burned. They asked the soldiers about it. The soldiers first shot them, then burned their bodies. [Testimony of Mohammad Sherdil, 23, from Khanez-e Bazarak village in the Panjaher Valley, Parwan Province.]

"After the Russians retreated from Bazarak [in autumn 1982], I found the bodies of 9 old men in the village. I found their bones on the ground. The bodies were completely burned. The only way we could recognize them was from their worry beads. I remember the names of 7 of them: Yar Mohammad, Haji Karim, Mirza Shah, Mohammad Yusuf, Zaheruddin, Mohammad Gul, Ghiasuddin. [Testimony of Mohammad Hashem, 26, of Bazarak, Panjsher Valley, Parwan Province.]

Dr. Sultan Satarzai, whom we interviewed at Al-Jehad Hospital in Quetta on October 3, 1984, told us of a report he had received from one of the graduates of his first aid course, who had recently returned from Kandahar Province:

"About one month ago [early September] during a battle in Panjwai District of Kandahar, some gardeners were working. The Russians went and strangled them. Those who buried the dead saw that they had no wounds, but they had blue necks."

A number of reported killings of Afghan civilians reflect the anger, frustration and lack of discipline of Soviet soliders who had been told during training that they were being sent to Afghanistan to help the Afghans fight American, Pakistani, and Chinese mercenaries, but found, instead, that they were surrounded by a hostile population and were often mistreated by their own officers as well. The following incident was described to us by a former broadcaster for Radio Afghanistan:

In 1981 I was hospitalized in Aliabad Hospital [in Kabul]. There I met a small boy, about 8 years old. He was injured by bullets of Russians. I talked to him sympathetically, but he was afraid of being put in jail and so on. He was not ready to talk to me. But after one or two days he found that I was a reliable person, sympathetic. Then he talked to me, and he said that he was living in Ghazni Province, and one day while Russians were passing by the village, he and some other children were playing and gazing at Russians, and suddenly a soldier turned to them and fired on them, and he was hit on his feet and injured and brought to the hospital in Kabul, and two other children were killed on the spot, and the others escaped.[15]

Another incident, reported by the Afghan Information Centre in its August 1984 *Monthly Bulletin*, is almost unbelievable. When we questioned the Centre's director, Prof. S. B. Majrooh, about it in Peshawar, he assured us that several witnesses had confirmed the truth of the report:

Outside the village [of Laima in Ningrahar, on August 2, 1984] a 10–12 year old boy was watching his cows graze. He was playing with a toy—a roughly made small, wooden gun, which with the help of a rubber device was making little "tok-tok" noises like a machine gun. When the Russians arrived, the boy pointed his "tok-toking" toy in the direction of the advancing tanks. The boy was encircled and brought to the village. He was interrogated in front of the terrified villagers. The eyewitness heard the following conversation:

A Russian asked: "What is that in your hand?"

The boy answered: "It's my gun."

"What do you want to do with the gun?"

"To kill the enemies."

"Who are the enemies?"

"The ones who are not leaving us in our homes."

It was evident that by "home" the boy did not mean Homeland, Country or such things, and by "us" he was only referring to himself and his parents. "Nothing serious," said the man from Laima and added: "But still a Russian seized the boy and another one took a sickle from a villager and with a powerful and quick movement of the hand, he cut open the boy's throat and threw the sickle away. It all happened very fast. The parents were not present. Then one of the Russians did a strange thing: he dragged the dead boy to higher ground, covered him with a rug, and put a bed upside down on the body.[16]

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[14] Numerous reports tell of Soviet soldiers burning the bodies of the slain. This is an affront to Muslim religious practice, which places great emphasis on decent burial and respect for the dead.

[15] Interview with Barnett Rubin, Alexandria, Virginia, March 25, 1984. Name withheld on request.

[16] A note in the *Bulletin* added:

At first the editor was suspicious about the sickle and thought the reporter, by using the famous symbol, was perhaps looking for effect. But the eyewitness is a simple villager and does not seem to have any idea about the symbolism. The report was

Robbery is sometimes the motive for killings: When the Russian forces come to a village, the mujahedin leave. The Russians search the houses. In each house they look everywhere. If they find carpets, radios, cassettes, watches, they take them for themselves. If the family resists, they kill them. For example, Inayatullah was killed last year in the fall of 1983. He was an old man. He had Afs. 5000 in his pocket. Some Russian soldiers wanted to take it, but he said no.

They shot him. Another case: they were searching houses and came to the house of a teacher, Azizullah. They took a radio and other things. But his small daughter did not permit them to take the radio. So they beat the daughter and threw bombs [grenades] at the whole family. Seven people were killed in the family. [Sayed Azim, former government official. Interview with Jeri Laber and Barnett Rubin in Peshawar, September 25, 1984.]

Even the mosques are not safe. Mullah Feda Mohammad of Pashmul village, Panjwai District of Kandahar Province described in a written interview [17] how he and about 15 other worshippers were captured by Soviet troops in the Pashmul mosque as they began the dawn prayer on August 25, 1984:

Before taking us out of the mosque they searched us and the mosque for fear of any possible weapons. Then they took us to Zidanian mosque, where a dozen other villagers arrested by the Soviet troops were also waiting with their Soviet guards. In that mosque, the Soviets lined us up against the long wall, and we thought that they would shoot us (you know this is very common with the Russian pigs), so we started saying our Kalima (prayer). Then they ordered us to keep our hands up, and of course we did so. After that two Soviets started searching in our pockets and took away whatever cash we had together with our wristwatches. Stupid Obaidullah refused to hand over his cash, and immediately he was shot and died instantly; the rest of us knew what to do.

Question: Who was Obaidullah?

Answer: He was the young son of Haji Nematullah, a poor farmer in our village.

Soviet forces have also killed large numbers of people at weddings and funerals. Dr. Jean Didier Bardy of Medecins sans Frontieres has described how he and his colleagues in the dispensary at Behsud, Wardak Province, were called to the village of Jalrez in August 1981 in order to treat the victims of a 2-hour attack by 4 helicopters on a wedding party. The attack left 30 dead and 75 wounded.[18] Soviet aircraft also reportedly attacked a wedding near Sorkhakan in Laghman Province on April 14, 1983 (70 dead), and in Anbarkhana, Ningrahar Province on August 14, 1984 (dozens dead by one report, 563 by another).[19]

We also heard of attacks on funerals:

Two days later, after the burial, when the people were coming to console the families, the Russians came again and killed 1 woman and 5 men. The people were escaping, and the Russians opened fire from tanks. This was in Jo-e Nau village. The men killed were Haji Zafar Khan, Amir, Zondai, Kapa, and Said Rahman, who was 14 years old. The woman was from another village, so I do not know her name. [Sufi Akhtar Mohammad, 52, a farmer from Baghlan. Interview with Jeri Laber and Barnett Rubin in Peshawar, September 25, 1984.]

We have a custom, when someone is buried, to go to the grave for prayer. But while they were praying, the Russians came by helicopter. Two helicopters were flying overhead, and two landed Russian soldiers, who fired with Kalashnikovs. Those who were running away were shot by the flying helicopters, the rest by the Russians who landed. There were 41 killed, including Abdul Rahman and Abdul Sattar, sons of Abdul Khair; Abdul Mohammad, son of Faizullah; and Lala Akhundzada, son of Bahram Akhundzada. My other brother was there, and he brought back the dead. Thirty-five of the men had arms, but 6 of them didn't. They were just by the grave, burying him, but they were killed too. [Bakht Mohammad, 47, a landlord from Kalacha village, Kandahar. Interview with Barnett Rubin in Quetta, October 3, 1984.]

There are many reports of Soviet aircraft attacks on refugees fleeing to Pakistan:

Having reached the [Pashal] valley floor by early evening the day before, the nomads had pitched a sprawling camp by the side of the river [on August 18, 1984]. Shortly after first light, the Antonov [reconnaissance plane] appeared and made several passes over their distinctive black tents, smoking fires, and grazing animals before returning to base. . . . The MIGs took the refugees completely by surprise. Appearing at 10 in the morning, the swing-wing fighters first unloaded two bombs each, believed to be 500-pounders, and then made repeated runs firing rockets and strafing with their 23mm Gatling guns. Nine women and five children were killed instantly and more than 60 injured, many of them severely.

Overall, by the time the Soviets completed their attacks in the area, at least 40 refugees had died.[20]

A nomad woman from Baghlan who had arrived in Pakistan five days before Jeri Laber interviewed her on September 25, 1984, said that on the way to Pakistan Soviet bombers had killed 6 people in her group. They killed almost all the animals—sheep and camels—and burned their tents and clothes. She pointed to burns from bombings on the limbs of her children.

Azizullah, 17, had just arrived in Pakistan from Madrasa district of Qunduz with 23 other families. In the mountains around Jalalabad, Ningrahar, their caravan was bombed. Eight people were killed, including his mother, Jamal. In an interview on September 24, 1984, he showed us the burns from this bombing, which had occurred about three weeks before.

Anti-personnel mines

"The Russians know quite well that in this type of war, an injured person is much more trouble than a dead person . . . . In many cases, he will die several days or weeks later from gangrene or from staphylococcus or gram-negative septicemia, with atrocious suffering, which further depresses those who must watch him die. The MSF has also seen the damage caused by the explosion of booby-trapped toys, in most cases plastic pens or small red trucks, which are choice terror weapons. Their main targets are children whose hands and arms are blown off. It is impossible to imagine any objective that is more removed from conventional military strategy, which forswears civilian targets.—Dr. Claude Malhuret, Medecins sans Frontieres, "Report from Afghanistan," *Foreign* Affairs 62, Winter 1983/1984, p. 430.

It was horrible to see small children with their fingers and arms and legs blown off by anti-personnel mines.—Dr. Mohammad Bahadur Alikhel, Afghan Doctor formerly at a children's hospital in Kabul, quoted in *The Muslim*, Rawalpindi, November 26, 1984.

We received reports about a variety of anti-personnel mines used in Afghanistan by Soviet forces. Often they are used, not for conventional military purposes, but against the civilian population. Some of these mines are powerful enough to kill, but most have charges that only maim.

Soviet soldiers leave minefields around their bases when they leave an area. Their helicopters drop camouflaged "butterfly" mines around populated areas, on roads and in grazing areas. During a sweep through villages, soldiers leave anti-personnel mines in foodbins and other parts of the houses of people who have fled. We even heard of mines left in mosques, of booby-trapped bodies that exploded when relatives attempted to move them, and of trip-wires placed in fruit trees that injure the harvester. There are also persistent reports of mines disguised as toys, pens and watches.

Unmarked minefields around Soviet bases have caused many civilian deaths:

Sgt. Nikolai Movchan, a Soviet solder who was stationed at a post near Ghazni before his defection in 1983, described an incident that occurred while he was on guard duty: "The area around the post was all mined. I saw an Afghan man step on a mine. He was wounded, so I asked if we should send someone to help. They told me to forget it." [Interview with Catherine Fitzpatrick, Jeri Laber and Barnett Rubin, New York City, May 3, 1984.]

After the Soviet Army has left an area, the local population tries to remove the unmarked minefields that were established around their temporary military posts. This is difficult and dangerous work; the Afghans do not have the proper equipment, and many of the mines are plastic, rather than metal, and thus much more difficult to detect. Sometimes mines are laid in pairs, so that a person removing the first mine is injured or killed by the second. Dad-e Khuda, a 38-year-old farmer from Abdara in the Panjsher Valley, told us in a September 27, 1984, interview in Peshawar that he had lost his leg this way in the winter of 1982.

In addition to mines around their bases, Soviet forces systematically leave anti-personnel mines in areas where they are likely to kill civilians. One type of mine is oval or disk-shaped, and is placed by hand. Another type, the so-called "butterfly" mine, has two plastic wings, enabling it to flutter to the ground when dropped by a helicopter. There is a detonator in one of the wings. The butterfly mines are dropped in canisters that explode, in mid-air, scattering the

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re-checked, and it appears that the deadly sickle does actually exist.

[17] The written testimony was taken inside Afghanistan by Engineer Mohammad Yousof Ayubi, public relations officer of Jamiat-al-Ulama of Afghanistan, and given to us in Quetta on October 2, 1984.

[18] His account, entitled "Les 'vacances': Jalrez," is available from Medecins sans Frontieres in Paris.

[19] Afghan Information Centre *Monthly Bulletin*, April 1983, p. 13; Agence France Presse, Peshawar, April 18, 1983; Afghan Information Centre *Monthly Bulletin*, August 1984, p. 9; Associated Press, Islamabad, August 21, 1984.

[20] Report by Edward Girardet, *The Christian Science Monitor*, October 10, 1984.

mines over wide areas.[21] The butterfly mines apparently come in two camouflage colors, green for grazing areas and sand for roads and mountain paths.

The French doctors working in Afghanistan have frequently testified to the use of anti-personnel mines against civilians. In some areas the most common medical procedure performed by the doctors is the amputation of limbs unjured by mines. Children, who watch over the animals in the fields, are often the victims. Many have lost legs or feet by stepping on mines left in the mountains.

In her summary of the effects of the Soviet-Afghan offensive against Saijawand, Logar, which she witnessed in January 1983, Dr. Odile de Baillenx of Aide Medicale Internationale noted: "Anti-personnel mines were spread everywhere, inside houses, in the flour storage bins. . . . The people are now living 40 to a room out of fear of these mines." [22]

Mines are left in mosques:

Sayed Azim of Maidan told us in a September 25, 1984, interview in Peshawar, about a mine left under the carpet of the mosque in his home village of Omarkhel in the autumn of 1983: "We took a long piece of wood and lifted up the carpet very carefully, so that the bomb underneath would not go off."

Dead bodies are mined:

"Next to a place called Mustokhan nobody could touch or retrieve the body of the dead freedom fighter, because they were afraid of the body being booby-trapped. A 16-17-year-old sister went up to the body, and she was blown up with the body of her brother. We simply had to pick up the pieces and put them in a sack." [23]

Houses are mined:

"When the Russians entered the houses, they put small bombs inside suitcases and briefcases. When children and women picked them up, they exploded. I had retreated from the village with the mujahedin. Then the Russian forces came. They entered the village and put the bombs. When we came back, we found the dead bodies and the bombs, on door frames, under couches. I saw it myself." [Mohammad Zaher, 35, farmer from Qala-e Shadad, Jaghatu District, Ghazni Province. Interview with Barnett Rubin in Quetta, October 3, 1984.]

Almost from the start of the Afghan conflict there have been persistent reports of mines disguised as everyday objects, often objects likely to appeal to children. These reports are difficult to verify. No one has produced one of these mines for analysis, and those we questioned claimed that examples were impossible to produce because the mines exploded as soon as they were touched. Among some of the people we interviewed, including some active in the resistance, we encountered skepticism about these stories. Others who had spent time in battle areas said that they had heard stories of such mines, but had never encountered them. Still others expressed the view that the Soviets at the beginning of the war may have used Afghanistan as a testing site for such experimental weapons but had stopped when this practice appeared to be receiving some international attention. The reports we received were numerous enough to recount here, even though the evidence is not definitive.

Dr. Jacques David of Medecins sans Frontieres told Barnett Rubin on June 8, 1984, that, while he was working at the dipensary in Jaghori in 1981, he had to amputate two fingers of a five-year-old boy who had picked up what looked like a toy. The boy's parents showed Dr. David the twisted and charred remnants of a small, red, metal truck.

Edward Girardet of *The Christian Science Monitor* reported that an Aide Medicale Internationale doctor saw the metallic fragments of a booby-trapped watch that severed the foot of one of her companions on the march into Panjsher in August 1981.[24]

Dr. Gilles Albanel of Aide Medicale Internationale testified at the March 1983 Afghanistan Hearings in Oslo: "Prior to the offensive [of January 1983 in Logar] we were asked to see a person 60 years old who had picked up a fountain pen on the road and the next day wanted to see whether this fountain pen actually worked. It exploded in his hands. It was an anti-personnel mine. He had lost three fingers of his left hand."[25]

Medecins sans Frontieres nurse Eric Valls was told by a nurse working in the Afghan government hospital in Faizabad, Badakhshan, that he regularly saw patients who lost limbs due to mines disguised as pens, watches, cigarette lighters, and coins.

Former Afghan Supreme Court Justice Omar Babrakzai says that he had brought a booby-trapped clock found in Paktia Province to Paris for the Permanent People's Tribunal's Hearing on Afghanistan, but that it was stolen from his car in Paris.

We also heard firsthand reports from refugees in Pakistan, who pointed to our pens and watches to show us what the mines looked like.

Kefayatullah, a farmer from Harioki Ulya, Kapisa Province, was describing the actions of the Soviet troops that invaded his village. "They put toy bombs in the food storage bins," he volunteered. "Some of them exploded. They were like toys, watches, pens."

Hafezullah, of the same village, said: "There is a type of bomb like a radio. They leave it on a stand with a wire. If you touch it, or if your feet touch the wire, it goes off. If I had been there, I would have been killed. But I know people injured by mines left in the houses in my village. Some were killed, and others were handicapped."

Another refugee from Bela in Ningrahar described similar mines, amid a chorus of affirmation from fellow villagers who had gathered around him during the following account: "They left small bombs like pens, knives, watches. When people picked them up, they lost their hand or leg. I saw it myself. The helicopters dropped pens, or something else that was a mine. The pens were red and green. Some were the colors of wheat fields, green and yellow. There were also combs. The pen looked just like the pen you are writing with. The watch was just like my watch."

In Quetta on October 3, a group of Hazara refugees volunteered without being asked that they had seen such mines. Abdul Wahid, an English-speaking former student from Jalrez, told us:

"They put some pens and watches on the road, children take them, and they explode." Mohammad Zaher added, "I once saw them. There were pens, small radios, and watches on the road, and Gen. Mohammad Hasan [of the Hazara resistance forces] told the mujahedin not to touch them, but to throw stones and explode them." What kind of pens were they? "They were just like American Parker pens," he answered.

"They were metal pens. I saw one explode, and it had a spring inside, and a button on the head of the pen." Another added: "I work at the ICRC [International Committee of the Red Cross] hospital, and there are some patients there who lost their fingers that way. One 25-year-old man from Dara-e Suf [in northern Hazarajat] told me: 'I picked up a pen, and I lost my fingers.' The same person also lost part of his leg. The surgeon is sending him to Peshawar for treatment." [26]

Our interpreter in Quetta, Shah Mahmud Baasir, a U.S. trained economist who had left has post in the Afghan Ministry of Education only a week before, commented after an interview:

"I know it is true. It happened to one of my relations in Kabul. About 18 months ago this 8- or 9-year-old child was playing in the street near his home, near Microraion. He picked up something that looked like a toy, and it exploded."

Arrest, forced conscription and torture

"Said Haider was arrested in 1981 when the Russians came to Hazarajat from Naras. He was arrested in Panjab. He was a civilian. We don't know what happened to him. Ahmad Hussain Khandan, a teacher, was arrested in Panjab at the same time. We don't know where he was taken—maybe to Kabul. Others were arrested too, but no one who was arrested came back."—Abdul Wahid, former student, interview with Barnett Rubin in Quetta, October 3, 1984.

During offensives or sweeping operations, Soviet and Afghan troops often arrest men of fighting age. They may be imprisoned in temporary detention camps in the field or turned over to the KHAD for interrogation about the resistance. Most of them are ultimately inducted into the Afghan army. Such forced conscription is necessary because of the high desertion rate in the army. It is often done without regard to age or previous military service. Men are forcibly enrolled in the army and even killed in action without their families knowing anything, other than that soldiers took them away one day.

Some prisoners are subjected to more thorough interrogation in KHAD jails in Kabul or in regional centers where they undergo intensive torture, followed by imprisonment or execution. (See Chapter IV). Those who are released from prison may then be forcibly conscripted without notification of their families.

Torture is also used by Soviet forces during offensives, sometimes with the help of Afghan interpreters, in order to elicit information from villagers about the resistance.

Recently the Afghan militia and KHAD appear to be arresting refugees en route to Pakistan. They are imprisoned in KHAD detention centers and sometimes tortured.

[21] Medecins sans Frontieres has a photograph of an unexploded canister, which holds about 60 mines.

[22] *Les Nouvelles d'Afghanistan, op. cit.*, October-November 1983, p. 16.

[23] Nasser Ahmad Faruqi, "International Afghanistan Hearing: Final Report, Oslo, March 13-16, 1983," published February 1984. The original tape recordings have been deposited with the Norwegian Ministry of Foreign Affairs.

[24] Unpublished book manuscript.

[25] "International Afghanistan Hearing," *op. cit.*, p. 19.

[26] An ICRC policy precluding interviews of patients prevented us from investigating this story further.

Those that are released (sometimes after paying large bribes) are sent back to their villages or forcibly resettled. We received reports that some internal refugees, including refugees from the Panjsher Valley, have been imprisoned for resisting forced resettlement.

We received information that there were "duchmans" or "Islamic Committees" in a village. Usually we used a whole batallion. We drove in APCs [armored personnel carriers] to the village and the infantry would sweep the village in a house-to-house search, looking for weapons. If we found people with weapons, we took them. The second time we arrested four men in their 40s. The soldiers were pushing them and beating them, just because they were angry. We brought them to a post of the Afghan militia [run by KHAD]. We were told that the militia "would know what to do with them." [Pvt. Sergei Zhigalin, Soviet Army defector. Interview with Catherine Fitzpatrick, Jeri Laber and Barnett Rubin, New York City, May 3, 1984.]

On 2 Saur 1362 [April 22, 1983] I was captured in a blockade by some Russian and Parchami soldiers. I was with the mujahedin, close to the road, but I didn't have a weapon. Some spies told where we were. After I was captured, I was beaten with Kalashnikovs, and they kept asking if I was a mujahed. The Russians pointed a gun at me and took Afs. 1000. Then they took me to KHAD in Pol-e Khomri. This KHAD was the center for the Russians in Pol-e Khomri. They were living there. They asked me more questions. They dug a hole in the ground and made me stand in cold water. There were 2 Russians and a "Khalqi" translator. They asked me, "Where did you put your weapons? How many people did you kill? What party do you belong to?" After a few days they brought me to Kabul, to the office where they put you to the army. They sent me to the army base in Moqor, Ghazni. One evening they called me in to dinner, and I said I had to relieve myself and found a way to escape. [Aziz Khan, 35, farmer from Dasht-e Guhar, Baghlan. Interview with Jeri Laber and Barnett Rubin in Peshawar, September 25, 1984.]

Qadratullah, 39, a farmer and mujahed from Qala-e Muradbek, a village just north of Kabul, was arrested by a mixed Soviet-Afghan army unit in his village in the summer of 1983 and taken in a Soviet armored vehicle to the Sedarat Palace in Kabul, the main KHAD interrogation center for the entire country. In an interview in Peshawar on September 29, 1984, Qadratullah told us how he was extensively tortured by a team of 2 Russians and a Parchami. He was sentenced to a year in prison. Upon his release from prison he was inducted into the army and sent to Qandahar, where, after 3 months, he escaped with a group of 26 soldiers.

I knew a young man from my village, I know his mother, I know his wife and child. I treated his child several times. This boy was taken with other people during the searching of the houses by the Russians [in Logar province in September 1982]. He was taken to the area of Shikar Qala. They made a camp there for a few days. When they took the people—hundreds, maybe—they started to torture them there. This boy I knew was crying because of the beating. And there was someone else in another tent, and he heard his voice, he was crying, shouting in a very loud voice, "Anyone who hears this should get a message to my family. I have an old mother and a wife and small child. I'm sure they are killing me. My small amount of money is with such-and-such a shopkeeper. Anyone who hears my voice should inform my family so my wife can get the money." And so he was killed there. After they left the area, the people went and got his body. The man I knew was taken to Kabul and sent to the military, and he slipped back from the military. Then he brought this message. [Dr. Ghazi Alam. Interview with Barnett Rubin in New York City, March 30, 1984.]

The torture methods used in the countryside are sometimes quite sophisticated, not unlike those used in the cities (see Chapter IV). Mullah Feda Mohammad described his experience when he was taken to a temporary command center near Kandahar:

After some beating the [Soviet] soldiers took me to a small container. There they put several straps around my ankles and wrists, they put a small box on my head and tied it there. After that they put one string [wire] in one black box, and immediately I felt a strong shock. The shock was so huge that I shouted loudly, without any shame from my fellow villagers who were still outside in the Qila [small fort]. They repeated the shocks several times, then the translator came to the small room in the car and told me, if you do not cooperate with us, we will kill you in such a terrible way.

Next the Soviet soldiers tied a noose around his neck, threw the rope over a mulberry tree and pretended they were about to hang him. This went on for 20 minutes.[27]

Women, children, and old people are tortured by troops in the field in order to get information.

Dr. Robert Simon, an American specialist in emergency medicine who ran a clinic in Kunar Province in May 1984, described an old man who had lost his toes: "He actually came for another complaint, but I asked him how he had lost his toes. He told me that Russian soldiers made him stand barefoot in the snow while they asked him where the mujahedin were." [Telephone interview with Barnett Rubin on July 23, 1984.]

The parents of another patient, a 12-year-old boy whose right arm was so badly burned he could hardly move it, explained to Dr. Simon how the burn had occurred: "They told me that Russian soldiers came to their village and held their son's arm over a fire while they asked about the mujahedin."

Mike Hoover, a CBS television producer whom we met in Peshawar, told us he had filmed an interview with an Afghan who had formerly worked as a translator for the Soviet Army: "He was extremely disturbed. He told how he translated questions the Russians were asking about the mujahedin while they held a child over a fire."

The French doctor, Gilles Albanel, treated a victim of interrogation during the Logar offensive of January 1983: "The next night, January 23rd, in the village below our refuge in the mountains which I mentioned, we saw a man, fifty years old, who had three gunshot wounds which were over a week old, one in the wrist, the leg, and in the arm. We had to amputate in this case. The conditions of his accident of wounding: this man and three others had been interrogated by a Soviet officer—he had been interrogated through an interpreter—and he was asked where the French doctors were. After the questioning, these four old men did not reveal the information which was required, they were put up against the wall and executed." [28]

A woman from Dasht-e Kunduz whom Jeri Laber interviewed in Peshawar on September 25, 1984, said that she had been in jail for a month in Kabul: "They put us there because we had come to Kabul. The government soldiers and KHAD took money from us in jail and hurt us."

Bibi Makhro from Chardara, also interviewed in Peshawar on September 25, 1984, said that the six families in her group had been arrested by the government militia (part of KHAD) while they were on a bus near Jalalabad:

The militia asked us why we had come there. The men said that they were poor and wanted to work. The KHAD said, "No, you are going to Peshawar." They arrested the men and kept them in jail in Jalalabad for one month. They hurt the men in jail, but they would not tell us [the women] what happened to them.

The militia ultimately put the refugees in a truck and sent them back to their villages, but the Afghan driver helped them escape. The refugee woman brought forth a young girl about 12 years old who was lying within a makeshift "tent," a blanket thrown over a rope. She had been "sick," they said, since Jalalabad, terrified that she would be put in jail.

[27] Engineer Ayubi, who interviewed Feda Mohammad, reported: "He showed the signs of blue scars and some bloodstained areas, and his ankles and wrists, which had scars like stripes due to electrification effects. He showed wounds on the head."

[28] International Afghanistan Hearing, *Op. cit*, p. 17.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

WHY WEINBERGER REPORT ON NUCLEAR WINTER IS WRONG

Mr. PROXMIRE. Mr. President, on Friday night, March 1, the Secretary of Defense issued the Defense Department's response to the conclusion of prominent scientists in this country and throughout the world that a nuclear war could result in a period of global darkness and months of temperatures so low that plants and animals would die and many humans would starve. It has been said by environmentalists this would be the worst environmental disaster that has hit the Earth in 45 million years. Conceivably, mankind could perish. Last December, the National Research Council of the Academy of Science, which is the most prestigious and authoritative scientific body in the country, issued a report that supported the nuclear winter theory, saying that a nuclear winter is "a clear possibility," but contending that the climatic effect was subject to great uncertainties. Who commissioned and paid for that report? The Defense Department.

In light of these previous reports, Secretary Weinberger's report on Friday night is a predictable disappointment. I say "predictable," because we have to consider the Reagan-Weinberger military and arms control policies. In that light, this report is precisely what any realist would expect. The Secretary concedes that nuclear war could bring the terrible consequences to the world's climate that the scientific community predicts, but than Secretary Weinberger argues, in effect, "so what?" The policies followed by the Reagan administration, according to Weinberger, are not only the best policies to prevent a nuclear war, but they are the kind of policies that would reduce the environmental consequences of a nuclear war if it should come.

Is the Secretary of Defense right? No. Secretary Weinberger is wrong on both counts and provably wrong. In the report, he zeros in against a freeze on nuclear weapons testing, production, or deployment. Weinberger argues that this attempt to end the arms race would stop U.S. ability to develop weapons that "are more discriminating and thus more restrictive in their effects."

Is this discriminating restraint the purpose or the effect of the new nuclear weapons we develop? Of course, it is not. The Secretary overlooks the fact that the prime purpose of developing these weapons is to assure our capacity to reach and destroy Russian targets. And, of course, the Secretary also fails to state the fact that as the arms race continues, the Soviets similarly work as feverishly as we do to develop their own weapons that can more surely find and destroy American targets. Certainly, this onrushing instability of intense competition in developing more and more devastating nuclear arms does not lessen the prospect of nuclear war. And certainly, the cessation of testing, production, and deployment of nuclear weapons as the prime prerequisite to the reduction of nuclear weapons offers a far more certain basis for preventing nuclear war.

Consider the irony of the Weinberger argument that we are reducing the number and megatonnage of our nuclear warheads and that this will lessen the potential size of the nuclear explosions that could trigger a nuclear winter. Come on now, Cap Weinberger. Aren't you the very fellow who is pleading on bended knee that the Congress start right now funding a program that will eventually give us at least 100 MX missiles, as a beginning arsenal of new land-based missiles and there would be more to come? And wouldn't those MX missiles each carry not 1 or 2 or 3 nuclear warheads, but 10? The MX would seem to be the single most significant bargaining chip the President wants for the strategic talks beginning in Geneva next week. Those talks will last for years. If we move ahead with the MX bargaining chip, we can expect to have at least 100 of those missiles and at least 1,000 new strategic warheads all set to go before the arms control talks end. Some reduction of nuclear missiles and warheads!

Secretary Weinberger argues that the Reagan administration policies are just what a nuclear winter prospect requires to avoid nuking cities. The nuclear winter thesis is based on the prospect that in a nuclear war, hundreds of cities would be incinerated and the smoke, soot, and dust from the enormous amount of combustible materials in the cities would throw millions of tons of particulates into the atmosphere. These particulates would cut off the rays of the Sun and perhaps destroy much of the ozone.

"Don't worry," says Cap Weinberger. "Our policy in the event of nuclear war is to avoid the cities. No problem." Now how about that? No. 1, where are most of the military targets we would hit in the event of war located? That's right—they are located in or near the cities. After all, defense plants and virtually all other military installations require personnel as an essential ingredient of production. So where do the workers who do the jobs live? Yes, indeed, they live in the cities. So we hit the military installations and what happens to the city? We take out the city, too.

What is more, in our most recent experience with a superpower war in World War II, this Nation was determined to spare the cities and save the innocent civilian population. Did we? No. The enemy attacked French and British cities, and when President Roosevelt and General Eisenhower had to make the terrible decision on ending the war against Germany, they found that the decisive blow could only come with an attack on German cities such as Hamburg and Dresden—two of the most terrible conventional air attacks in human history, with tens of thousands of casualties in both cities and final nuclear attacks on Hiroshima and Nagasaki.

Who can forget that it was precisely those massive and terrible attacks that ended both the war in Europe and the war with Japan? So why should we kid ourselves? If world war III comes, it will be swift and sure. Both sides will lose but neither side will spare the cities of the other. Regardless of any propaganda policy, the cities will be the decisive military targets.

The Weinberger report is more than the administration's rebuttal on nuclear winter. It throws down the gauntlet to those of us who believe that the one sure answer to all the horrors of nuclear war is to end the arms race. That means arms control that provides a comprehensive end to testing, production and deployment of nuclear arms. Of course, that cessation must be mutual and it must require the most meticulous kind of verification. Unless we do this, button up your overcoat, nuclear winter is on its way.

Mr. President, I ask unanimous consent that a copy of the "Report on the Potential Effects of Nuclear War on the Climate" by Defense Secretary Weinberger be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE POTENTIAL EFFECTS OF NUCLEAR WAR ON THE CLIMATE

PREFACE

This report to the Congress on the potential climatic effects of nuclear war has been prepared to satisfy provisions contained in Section 1107 of the Department of Defense Authorization Act, 1985, Committee of Conference, as follows:

"SEC. 1107 (a) The Secretary of Defense shall participate in any comprehensive study of the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b) Not later than March 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Represenatatives an unclassified report suitable for release to the public, together with classified addenda (if required), concerning the subject described in subsection (a). The Secretary shall include in such report the following:

(1) A detailed review and asseement of the current scientific studies and findings on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(2) A thorough evaluation of the implications that such studies and findings have on (A) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment, (B) the nuclear arms control policy of the United States, and (C) the civil defense policy of the United States.

(3) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(4) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union."

This focus of this report deals with the atmospheric and climatic effects of nuclear war, and does not deal with other effects which could have environmental or biological consequences. Other effects, both the horrible immediate devastation, and long-term effects such as widespread fallout or ionospheric chemistry perturbations, have been dealt with previously. Moreover, the newly postulated climatic effects, at the possible upper extremes indicated by some analyses, would probably surpass these better understood effects.

On past occasions when other more immediate kinds of global effects have been under active assessment—and there have been several such episodes over the years—it

took some time for their magnitude and implications to be assessed. This will also be true for the current issue of climatic effects. And in each previous case, the conclusion was drawn that, even were the effect to have been very widespread and very severe, the most basic elements of our policy remain sound: nuclear war must and can be prevented, and to accomplish this imperative, the United States must maintain a strong deterrent capability. This requirement remains true today. Moreover, there are two further considerations which bear on the issue of global effects of nuclear war and our deterrent policy. First, we believe the prospects are promising for significant reductions in offensive weapons. Second, strategic defense offers a path to reduce, and perhaps someday eliminate, the threat of nuclear devastation.

The report commences with a review of the current understanding of the technical issues, and then describes the implications of that understanding, concluding with a description of Soviet activities concerning the analysis of the phenomena.

A REPORT TO THE U.S. CONGRESS

1. Technical issues

The Climatic Response Phenomena: The basic phenomena that could lead to climatic response may be described very simply. In a nuclear attack, fires would be started in and around many of the target areas either as a direct result of the termal radiation from the fireball or indirectly from blast and shock damage. Examples of the latter would be fires started by sparks from electrical short circuits, broken gas lines and ruptured fuel storage tanks. Such fires could be numerous and could spread throughout the area of destruction and in some cases beyond, depending on the amount and type of fuel available and local meteorological conditions. These fires might generate large quantities of smoke which would be carried into the atmosphere to varying heights, depending on the meterological conditions and the intensity of the fire.

In addition to smoke, nuclear explosions on or very near the earth's surface can produce dust that would be carried up with the rising fireball. As in the case of volcanic eruptions such as Mt. Saint Helens, a part of the dust would probably be in the form of very small particles that do not readily settle out under gravity and thus can remain suspended in the atmosphere for long periods of time. If the yield of the nuclear explosion were large enough to carry some of the dust into the stratosphere where moisture and precipitation are not present to wash it out, it could remain for months.

Thus, smoke and dust could reach the upper atmosphere as a result of a nuclear attack. Initially, they could be injected into the atmosphere from many separate points and to varying heights. At this point, several processes would begin to occur simultaneously. Over time, circulation within the atmosphere would begin to spread the smoke and dust over wider and wider areas. The circulation of the atmosphere would itself be perturbed by absorption of solar energy by the dust and smoke clouds, so it could be rather different from normal atmospheric circulation. There may also be processes that could transport the smoke and dust from the troposphere into the stratosphere. At the same time, the normal processes that cleanse pollution from the lower- and middle-levels of the atmosphere would be at work. The most obvious of these is precipitation or washout, but there are several other mechanisms also at work. While this would be going on, the physical and chemical characteristics of the smoke and dust could change so that, even though they are still suspended in the atmosphere, their ability to absorb or scatter sunlight would be altered.

Depending upon how the atmospheric smoke and dust generated by nuclear war are ultimately characterized, the suspended particulate matter could act much like a cloud, absorbing and scattering sunlight at high altitude and reducing the amount of solar energy reaching the surface of the earth. How much and how fast the surface of the earth might cool as a result would depend on many of the yet undetermined details of the process, but if there is sufficient absorption of sunlight over a large enough area, the temperature change could be significant. If the smoke and dust clouds remained concentrated over a relatively small part of the earth's surface, they might produce sharp drops in the local temperature under them; but the effect on the hemispheric (or global) temperature would be slight since most areas would be substantially unaffected.

However, the natural tendency of the atmosphere, disturbed or not, would be to disperse the smoke and dust over wider and wider areas with time. One to several weeks would probably be required for widespread dispersal over a region thousands of kilometers wide. Naturally, a thinning process would occur as the particulate matter spread. At the end of this disperal period, some amount of smoke and dust would remain, whose ability to attenuate and/or absorb sunlight would depend on its physical and chemical state at the time. By this time, hemispheric wide effects might occur. Temperatures generally would drop and the normal atmospheric circulation patterns (and normal weather patterns) could change. How long temperatures would continue to drop, how low they would fall, and how rapidly they would recover, all depend on many variables and the competition between a host of exacerbating and mitigating processes.

Uncertainties also pervade the question of the possible spread of such effects to the southern hemisphere. Normally the atmospheres of the northern and southern hemispheres do not exchange very much air across the equator. Thus, the two hemispheres are normally thought of as being relatively isolated from one another. However, for high enough loading of the atmosphere of the northern hemisphere with smoke and dust, the normal atmospheric circulation patterns might be altered and mechanisms have been suggested that would cause smoke and dust from the northern hemisphere to be transported into the southern hemisphere.

There is fairly general agreement, at the present time, that for major nuclear attacks the phenomena could proceed about as we have described, although there is also realization that important processes might occur that we have not yet recognized, and these cold work to make climatic alteration either more or less serious. However, the most important thing that must be realized is that even though we may have a roughly correct qualitative picture, what we do not have, as will be discussed later, is the ability to predict the corresponding climatic effect quantitatively; significant uncertainties exist about the magnitude, and persistence of these effects. At this time, for a postulated nuclear attack and for a specific point on the earth, we cannot predict quantitatively the materials which may be injected into the atmosphere, or how they will react there. Consequently, for any major nuclear war, some decrease in temperature may occur over at least the northern mid-latitudes. But what this change will be, how long it will last, what its spatial distribution will be, and, of much more importance, whether it will lead to effects of equal or more significance than the horrific destruction associated with the short-term effects of a nuclear war, and the other long-term effects such as radioactivity, currently is beyond our ability to predict, even in gross terms.

Historical Perspective: New interest in the long-term effects on the atmosphere of nuclear explosions was raised in 1980 when scientists proposed that a massive cloud of dust caused by a meteor impact could have led to the extinction of more than half of all the species on earth. The concept of meteor-impact dust affecting the global climate led to discussions at the National Academy of Sciences (NAS) in 1981. In April 1982, an ad hoc panel met at the Academy to assess the technical aspects of nuclear dust effects. At the meeting, the newly-discovered problem of smoke was brought up. The potential importance of both smoke and dust in the post-nuclear environment was recognized by the panel, who wrote a summary letter recommending that the academy proceed with an in-depth investigation. In 1983, the Defense Nuclear Agency agreed to sponsor this investigation, on behalf of the Department of Defense. The results were published in the National Research Council report "The Effects on the Atmosphere of a Major Nuclear Exchange," released in December 1984.

Appreciation of smoke as a major factor resulted from the work of Crutzen and Birks. In 1981, Ambio, the Journal of Swedish Academy of Sciences, arranged a special issue on the physical and biological consequences of nuclear war. Crutzen was commissioned to write an article on possible stratospheric ozone depletions. He and Birks extended their analysis to include nitrogen oxides (NO_x) and hydrocarbon air pollutants generated by fires. Arguing from historical forest fire data, they speculated that one million square kilometers of forests might burn in a nuclear war. They estimated very large quantities of smoke would be produced as a result. Subsequent evaluations based upon hypothetical exchanges have yielded much smaller burned areas and smoke production. Nevertheless, their work provided insight and impetus for subsequent studies.

The first rough quantitative estimates of the potential magnitude of the effects of nuclear war on the atmosphere were contained in a paper published in Science in December 1983 [1] generally referred to as TTAPS, an acronym derived from the first letter of the names of the five authors. This study estimated conditions of near-darkness and sub-freezing land temperatures, especially in continental interiors, for up to several months after a nuclear attack—almost independent of the level or type of nuclear exchange scenario used. TTAPS suggested that the combination of all of the long-term physical, chemical, and radiobiological effects of nuclear explosions could, on a

[1] Turco, R. P. et al.; *Nuclear Winter: Global Consequences of Multiple Nuclear Explosions;* Science, 23 December 1983, VOL 222, Number 4630.

global scale, prove to be as serious or more serious than the immediate consequences of the nuclear blasts, although no specific damage or casualty assessments were carried out for either the immediate effects or the effects of the postulated climatic changes.

While the Crutzen and Birks studies stirred some interest in scientific circles, the TTAPS study, and its widespread dissemination in various popular media, brought the problem to wide attention. Because of its widespread dissemination, it is important to review this work in detail, and, because the salient feature of our current understanding is the large uncertainties, we will begin by discussing the nature of the uncertainties, using the TTAPS study as a vehicle for the discussion.

Uncertainties: The model used in the TTAPS study was actually a series of calculations that started with assumed nuclear exchange scenarios and ended with quantitative estimate of an average hemispheric temperature decrease. Since these phenomena are exceedingly complex and outside the bounds of our normal experience, one is forced to employ many estimates, approximations, and educated guesses to arrive at quantitative results. To appreciate the significance of the predictions derived from the TTAPS model, it is necessary to understand some of its features and limitations.

Looked at most broadly, there are three phases to the modeling problem: the initial production of smoke and dust; its injection, transport, and removal within the atmosphere; and the consequent climatic effects.

In the TTAPS model, the amount of smoke initially produced for any given scenario was probably the most uncertain parameter. This is because a large number of poorly-known variables were combined to determine the amount of smoke that could be produced from any single nuclear explosion. In actuality, the same yield weapon could produce vastly different amounts of smoke over different target areas and under different meteorological conditions. Some of the factors that must be considered—although not taken into account in the TTAPS study—include: the thermal energy required for ignition of the various fuels associated with a particular target area, the sustainability of such a fire, the atmospheric transmission and the terrain features which will determine the area receiving sufficient thermal energy from the fireball to cause ignition, the type and quantity of combustible material potentially available for burning, the fraction that actually burns, and finally, the amount of smoke produced per unit mass of fuel burned. Every target is unique with respect to this set of characteristics, and a given target may change greatly depending on local weather, season, or even time of day.

The TTAPS study did not attempt to analyze the individual targets or areas used for their various scenarios; rather, it made estimates of average or plausible values for all the parameters needed to satisfy the model. This procedure is not unreasonable and is consistent with the level of detail in the analysis, but the potential for error in estimating these averages is clearly quite large. In one case, a more detailed assessment of smoke production has recently been completed as a result of the ongoing DoD research in this area. Small and Bush [2] have made an analysis of smoke produced as a result of hypothetical non-urban wildfires which one can directly compare with the corresponding modeling assumption used in this TTAPS scenario. Bush and Small studied 3,500 uniquely located, but hypothetical targets, characterizing each according to monthly average weather, ignition area, fuel loading, fire spread, and smoke production. The results showed a significantly smaller smoke production—by a factor of over 30 in July to almost 300 in January—than comparable TTAPS results. An effort is underway to resolve this great difference. It is cited here to illustrate the very large current uncertainties in only one of several critically important parameters.

In the TTAPS analysis, smoke was more important than dust in many cases, and as a result popular interest has tended to focus on fires rather than dust. This may or may not be the correct view. If smoke is systematically overestimated, especially in scenarios that should emphasize dust production over smoke (such as attacks on silos using surface bursts), analytic results will be skewed. Additionally, uncertainties associated with the lofting of dust are large because of limited data from atmospheric nuclear tests carried out prior to 1963. This is because most tests were not relevant to the question of surface or near-surface bursts over continental geology, or the relevant measurements were not made. The range of uncertainty for total injected mass of submicron size dust, that which is of greatest importance, is roughly a factor of ten, based on our current knowledge.

After generation of smoke and dust is estimated, a model must then portray its injection into the atmosphere, the removal processes, and the transport both horizontally and vertically. The TTAPS model did not directly address these processes since it is a one-dimensional model of the atmosphere. By one-dimensional, one means that the variation of atmospheric properties and processes are treated in only the vertical direction. There is no latitudinal or longitudinal variation as in the real world. A one-dimensional model can only deal with horizontally averaged properties of the entire hemisphere. Of great significance, the land, the oceans, and the coastal interface regions cannot be treated. This is a critical deficiency because the ocean, which covers almost three-fourths of the earth's surface, has an enormous heat capacity compared to the land and will act to moderate temperature changes, especially near coastlines and large lakes. The TTAPS authors did acknowledge this limitation and pointed out that these effects would lessen their predicted temperature drops.

Because there is no horizontal (latitude and longitude) dependence in a one-dimensional model, the extent to which smoke and dust would be injected into the atmosphere over time were not estimated in a realistic way. Instead, the total smoke and dust estimated for a given scenario was placed uniformly over the hemisphere at the start of their calculation. The most certain effect of all this is that the hemisphere average temperature drops very rapidly—much faster than it would in a more realistic three-dimensional model using the same input variables.

The one-dimensional model has other shortfalls. Recovery from the minimm temperatures would largely be accomplished through the gradual removal of smoke and dust, and it was assumed that this removal rate would be the same in the perturbed atmosphere as it is in the normal atmosphere. Even in the normal atmosphere, removal of pollutants is a poorly understood process. Most pollution removal depends on atmospheric circulation and precipitation, but in an atmosphere with a very heavy burden of smoke and dust, the circulation and weather processes may be greatly altered. Some potential alterations could lead to much slower removal than normal, others to more rapid removal. Currently we have little insight into this uncertainty.

This discussion of the deficiencies of the one-dimensional TTAPS model is not meant as a criticism. A one-dimensional model is a valuable research tool and can provide some preliminary insights into the physical processes at work. The three-dimensional models needed to treat the problem more realistically are exceedingly complex and will require very large computational resources. The DoD and Department of Energy, in conjunction with the National Center for Atmospheric Research (NCAR) and other agencies, are pursuing the development of three-dimensional models to treat the atmospheric effects problem. Our work is progressing, and the first results of this effort are now beginning to appear. Though very preliminary and not a complete modeling of any specific scenario, they suggest that:

Substantial scavenging of smoke injected into the lower atmosphere from the continents of the Northern Hemisphere may occur as the smoke is being more widely dispersed over the hemisphere.

Lofting of smoke through solar heating could act to increase the lifetime of the remaining smoke and may reduce the sensitivity to height of injection.

For very large smoke injections, global-scale spreading and cooling are more likely in summer than in winter.

Despite good initial progress, many basic problems remain to be solved in the areas of smoke and dust injection, transport, and removal. In order to make the results produced by these models more accurate, we must improve our understanding of the basic phenomena occurring at the micro, meso, and global scale.

One final problem should be mentioned. Dust and smoke have differing potentials to effect the climate only because of their ability to absorb and scatter sunlight. The absorption and scattering coefficients of the various forms of smoke, dust, and other potential nuclear-produced pollutants must be known before any realistic predictions can be expected. Here again there is a large uncertainty, and what we do know about pollutants in the normal atmosphere may not be correct for the conditions in a significantly altered atmosphere.

National Academy of Sciences Report, 1984: Following their preliminary review of the possible effects of nuclear-induced smoke and dust in April 1982, the NAS came to an agreement with DNA, acting on behalf of the DoD, to support a full-fledged study. The first committee meeting occurred at the NAS in March 1983. The NAS committee adopted the one-dimensional TTAPS analysis as a starting point for their investigation. During the course of the study, virtually all of the work going on pertinent to this phenomenon was reviewed.

The result of this effort was the NAS report, "The Effects on the Atmosphere of a Major Nuclear Exchange," released on December 11, 1984.

The conclusion of the report states that:

". . . a major nuclear exchange would insert significant amounts of smoke, fine

[2] Small, R.D., Bush, B. W.; *Smoke Production from Multiple Nuclear Explosions in Wildlands;* Pacific Sierra Research Corporation, in publication.

dust, and undesirable species into the atmosphere. These depositions could result in dramatic perturbations of the atmosphere lasting over a period of at least a few weeks. Estimation of the amounts, the vertical distributions, and the subsequent fates of these materials involves large uncertainties. Furthermore, accurate detailed accounts of the response of the atmosphere, the redistribution and removal of the depositions, and the duration of a greatly degraded environment lie beyond the present state of knowledge.

"Nevertheless, the committee finds that, unless one or more of the effects lie near the less severe end of their uncertainty ranges, or unless some mitigating effect has been overlooked, there is a clear possibility that great portions of the land areas of the northern temperate zone (and, perhaps, a large segment of the planet) could be severely affected. Possible impacts include major temperature reductions (particularly for an exchange that occurs in the summer) lasting for weeks, with subnormal temperatures persisting for months. The impact of these temperature reductions and associated meteorological changes on the surviving population, and on the biosphere that supports the survivors, could be severe, and deserves careful independent study.

". . . all calculations of the atmospheric effects of a major nuclear war require quantitative assumptions about uncertain physical parameters. In many areas, wide ranges of values are scientifically credible, and the overall results depend materially on the values chosen. Some of these uncertainties may be reduced by further empirical or theoretical research, but others will be difficult to reduce. The large uncertainties include the following: (a) the quantity and absorption properties of the smoke produced in very large fires; (b) the initial distribution in altitude of smoke produced in large fires; (c) the mechanism and rate of early scavenging of smoke from fire plumes, and aging of the smoke in the first few days; (d) the induced rate of vertical and horizontal transport of smoke and dust in the upper troposphere and atmosphere; (e) the resulting perturbations in atmospheric processes such as cloud formation, precipitation, storminess, and wind patterns, and (f) the adequacy of current and projected atmospheric response models to reliably predict changes that are caused by a massive, high altitude, and irregularly distributed injection of particulate matter. The atmospheric effects of a nuclear exchange depend on all of the foregoing physical processes, (a) through (e), and their ultimate calculation is further subject to the uncertainties inherent in (f)."

The Interagency Research Program (IRP): The genesis of this program stems from ongoing DoD and DoE research efforts. In 1983, both the DoD and the DoE started research on the atmospheric response phenomena. In addition to sponsoring the NAS study just discussed, the DoD portion of the program addressed a broad range of issues associated with the long-term global climatic effects of nuclear exchange. This program ($400K in FY83, $1100K in FY84, $1500K in FY85, $2500K in FY86 and continuing at appropriate levels into the future) supports research on several fronts—at numerous government laboratories, universities, and contractors.

The DoD portion of the IRP emphasizes research in (1) the smoke and dust source terms, including the definition of total ignition area, fuel loading and fire spreading, and particulate production, (2) large-scale fire characteristics, particulate lofting, scavenging, coagulation, rain-out, and atmospheric injection, (3) chemistry, including the chemical kinetics of fires and fireballs, the chemical consequences of mesoscale and global processes, and radiative properties (optical and infrared absorption, emission, and scattering), and (4) climatic effects, including the improvement of measoscale and global climate models to incorporate better particulate source functions; horizontal advection processes; vertical mixing; solar radiation; particulate scavenging; inhomogeneities; particulate, radiative, and circulation feedbacks; seasonal differences; and particulate spreading.

The effort supported by the DoE is fully coordinated with that of the DoD and is currently funded at roughly $2M per year. The LLNL program is broadbased and includes modeling of urban fire ignition, plume dynamics, climate effects, radioactive fallout, and biological impacts. The LANL program focuses on developing comprehensive models for global-scale climate simulations. It is coordinated with complementary efforts at NCAR and NASA Ames. The IRP came into being with approval of the draft Research Plan for Assessing the Climatic Effects of Nuclear War prepared by a committee of university and government scientists. The plan was initiated by Presidential Science Advisor, Dr. George Keyworth, with the National Climate Program Office of NOAA heading the preparation effort. This program augments and coordinates the research activities currently underway in the DoD and the DoE with other government agencies. The program focuses particularly on the problems of fire dynamics, smoke production and properties, and mesoscale processes. The proposed additional research includes increases in theoretical studies, laboratory experiments, field experiments, modeling studies, and research on historical and contemporary analogues of relevant atmospheric phenomena.

The IRP recognizes the need for expertise from a number of experts inside and outside of the Federal Government—many are already at work on the problem. Participating government agencies would include the Department of Defense (DNA), Department of Energy, National Oceanic and Atmospheric Administration (NOAA), National Science Foundation (NSF), National Bureau of Standards, National Aeronautics and Space Administration (NASA), Federal Emergency Management Agency (FEMA), and the U.S. Forest Service. The IRP Steering Group is chaired by the President's Science Advisor and is composed of representatives from the Department of Defense, Department of Energy, Department of Commerce, and the National Science Foundation.

The major goals of the IRP are to accelerate the research to reduce the numerous uncertainties in smoke sources and to improve modeling of atmospheric effects. Although it is recognized that not all of the uncertainties could be reduced to uniform or perhaps even to acceptable levels, it is clearly possible to improve our knowledge of the climatic consequences of nuclear exchanges.

2. Summary observations on the current appreciation of the technical issues

The Department of Defense recognizes the importance of improving our understanding of the technical underpinnings of the hypothesis which asserts, in its most rudimentary form, that if sufficient material, smoke, and dust are created by nuclear explosions, lofted to sufficient altitude, and were to remain at altitude for protracted periods, deleterious effects would occur with regard to the earth's climate.

We have very little confidence in the near-term ability to predict this phenomenon quantitatively, either in terms of the amount of sunlight obscured and the related temperature changes, the period of time such consequences may persist, or of the levels of nuclear attacks which might initiate such consequences. We do not know whether the long-term consequences of a nuclear war—of whatever magnitude—would be the often postulated months of subfreezing temperatures, or a considerably less severely perturbed atmosphere. Even with widely ranging and unpredictable weather, the destructiveness for human survival of the less severe climatic effects might be of a scale similar to the other horrors associated with nuclear war. As the Defense Science Board Task Force on Atmospheric Obscuration found in their interim report:

"The uncertainties here range, in our view, all the way between the two extremes, with the possibility that there are no long-term climatic effects no more excluded by what we know now than are the scenarios that predict months of sub-freezing temperatures."

These observations are consistent with the findings in the NAS report, summarized earlier in this report. We believe the NAS report has been especially useful in highlighting the assumptions and the considerable uncertainty that dominate the calculations of atmospheric response to nuclear war. While other authors have mentioned these uncertainties, the NAS report has gone to considerable length to place them in a context which improves understanding of their impact.

We agree that considerable additional research needs to be done to understand better the effects of nuclear war on the atmosphere, and we support the IRP as a means of advancing that objective. However, we do not expect that reliable results will be rapidly forthcoming. As a consequence, we are faced with a high degree of uncertainty, which will persist for some time.

Finally, in view of the present and prospective uncertainties in these climatic predictions, we do not believe that it is possible at this time to draw competent conclusions on their biological consequences, beyond a general observation similar to that in the NAS report: if the climatic effect is severe, the impact on the surviving population and on the biosphere could be correspondingly severe.

3. Policy implications

The issues raised by the possibility of effects of nuclear war on the atmosphere and climate only strengthen the basic imperative of U.S. national security policy—that nuclear war must be prevented. For over three decades, we have achieved this objective through deterrence and in the past 20 years we have sought to support it through arms control. Now, through the Strategic Defense Initiative, we are seeking a third path to reduce the threat of nuclear devastation.

In the remainder of this report, we will first discuss these three principal elements of our posture—deterrence, arms control, and the Strategic Defense Initiative—briefly describing each one and discussing how it relates to the issue of possible severe climatic effects. We conclude, in this regard, that these three elements, and the initiatives we are taking for each of them, remain funda-

mentally sound. We then explore the possibility of additional initiatives explicitly designed to mitigate climatic effects, concluding that, while some may be possible, the state of our technical understanding of these phenomena is not yet mature enough to have allowed development of specific initiatives. Finally, we review Soviet perceptions of climatic effects and their implications. We observe that Soviet perceptions are very important—indeed, that differences between their perceptions and ours would be particularly important. We conclude, however, that they have done little original work on the subject and show no evidence of regarding the whole matter as anything more than an opportunity for propaganda.

Deterrence: The evolution of U.S. strategic doctrine from the late-1940s to date is well documented. Throughout the past four decades, our policy has had to convince the Soviet leadership of the futility of aggression by ensuring that we possessed a deterrent which was sufficiently credible and capable to respond to any potential attack. Two years ago next month, the President's Commission on Strategic Forces (Scowcroft report) confirmed anew that effective deterrence requires:

Holding at risk those military, political and economic assets which the Soviet leadership have given every indications by their actions they value most and which constitute their tools of power and control;

Creating a stable strategic balance by eliminating unilateral Soviet advantages and evolving to increasingly survivable deterrent forces; and

Maintaining a modern, effective strategic Triad by strengthening each of its legs and emphasizing secure and survivable command, control and communications.

These three principles are reflected in our strategic modernization program discussed below. Consistent with meeting our essential targeting requirements which derive from these three overarching deterrence principles, we also observe other policy considerations, three of which warrant special mention because they may serve to reduce concerns about climatic effects. They are a reduction of the number of weapons and total yield, rejection of targeting urban population as a way of achieving deterrence, and escalation control. Reducing unwanted damage must be an important feature of our policy, not only because of a categorical desire to limit damage that is not necessary, but also because it adds to the credibility of our response if attacked and thus strengthens deterrence. Over the past 20 years or so, this policy and other considerations have resulted in development of systems which are more discriminating. This, in turn, has led to reductions of some 30% of the total number of weapons and nearly a factor of four reduction in the total yield of our stockpile. This direction continues today, and the prospects for extremely accurate and highly effective non-nuclear systems are encouraging.

Some analyses of climatic effects of nuclear war have assumed targeting of cities. If this were regarded as an inevitable result of nuclear attack, or as U.S. policy, it would completely distort analysis of climatic effects, but more importantly, it would perpetuate a basic misperception of the nature of deterrence. Attacks designed to strike population would, by virtue of deliberately targeting heavily built up urban centers, necessarily have a high probability of starting major fires, and consequently, of creating large amounts of smoke. We believe that threatening civilian populations is neither a prudent nor a moral means of achieving deterrence, nor in light of Soviet views, is it effective. But our strategy consciously does not target population and, in fact, has provisions for reducing civilian casualties. As part of our modernization program, we are retiring older deterrent systems (e.g., the Titan missile) which might create a greater risk of climatic effect than their replacement.

A third element of our implementation of deterrence policy which bears on a mitigation of possible climatic effects is escalation control. It is our position that, however an adversary chooses to initiate nuclear conflict, we must have forces and a targeting capability so that our response would deny either motive or advantage to the aggressor in further escalating the conflict. (Of course, the prospect of our having such a capability would help deter the attack in the first place.) This objective has already in past years resulted in development of a wide range of combinations of targeting and systems selection options. While designed to strengthen deterrence and control escalation if deterrence were to fail, these options may allow us to adjust our planning so as to reduce the danger of climatic effects as our understanding of them develops.

There are those who argue, in effect, that we no longer need to maintain deterrence as assiduously as we have, because the posited prospect of catastrophic climatic effects would themselves deter Soviet leadership from attack. We strongly disagree, and believe that we cannot lower our standards for deterrence because of any such hope. As summarized above, there is large uncertainty as to the extent of those effects; certainly today we cannot be confident that the Soviets would expect such effects to occur as a result of all possible Soviet attacks that we may need to deter. This entire area of consideration—the impact of possible climatic effects on the deterrence—is made more complex by the fact that it relates to what the Soviets understand about such climatic effects and how that understanding would influence their behavior in a crisis situation. We will probably never have certainty of either; indeed, we cannot know the latter before the event, and knowing the former is made difficult by their behavior so far, which has been to mirror back to us our own technical analysis and to exploit the matter for propaganda. (Soviet handling of the "nuclear winter" issue is discussed more fully later in this report.)

The United States has, or is now taking, specific actions which relate directly to maintaining and strengthening deterrence and reducing the dangers of nuclear war: the President's Strategic Modernization Program, arms reductions initiatives, and the Strategic Defense Initiative all bear directly on effective deterrence, and are all therefore relevant to the potential destructiveness of nuclear war including possible climatic effects. We will now discuss these in turn.

Strategic Modernization Program: The President's Strategic Modernization Program is designed to maintain effective deterrence, and by doing so, is also an important measure in minimizing the risks of atmospheric or climatic effects. It is providing significantly enhanced command, control, communications and intelligence (C^3I) capabilities which, through their increased survivability and effectiveness contribute immeasurably to our ability to control escalation. Survivable C^3I contributes to escalation control and thus, as explained above, to mitigation of damage levels (of whatever kind, including possible climatic effects) by reducing pressures for immediate or expanded use of nuclear weapons out of fear that capability for future release would be lost. The improvements to our sea-based, bomber and (with the Scowcroft modifications) land-based legs of our Triad—all intended also to improve survivability and effectiveness—are also essential to maintaining deterrence.

For nonstrategic weapons, our modernization programs have also resulted in increased discrimination through improved accuracy and reduced yield. Beyond that, we have a good beginning on a program to replace some types of nuclear weapons by highly effective, advanced conventional munitions. All of this would contribute to reduction in possible climatic and other global effects of nuclear war. The possibility of such effects, of course, adds urgency to the implementation of these programs.

Arms Reductions: It is the position of this Administration that the level of nuclear weapons which exists today is unacceptably high. As a result, to the extent it is possible to reduce nuclear weapons unilaterally—particularly where both conventional and nuclear modernization programs allow replacement of existing systems on a less than one-for-one basis—we have undertaken to do so. But it would be misleading to suggest that dramatic reductions in nuclear weapons can be achieved by unilateral U.S. initiatives without increasing the risk of nuclear attack, in the absence of any indication that the Soviet Union is undertaking similar steps, or short of a changed strategic situation resulting from highly effective strategic defenses.

Major reductions in nuclear weapons can only be achieved by negotiating mutual and verifiable reduction agreements. Agreements which only legitimate the growth, or slow the rate of increase, of existing stockpiles are not in our national interest. It is for this reason that the Administration has determined that SALT II is fatally flawed. Since 1981, the Reagan Administration has demonstrated its strong desire to break with the past pattern of calling build-ups "arms control". The arms reduction proposals we have put forward have been the most extensive ones advanced by either side for over 20 years. In the area of Intermediate Range Nuclear Forces (INF), we initially proposed the elimination of all longer-range INF (LRINF) missiles—SS-20s, SS-4s, Pershing IIs, and ground-launched cruise missiles. While this remains our goal, we are prepared, as an intermediate step, to reach agreement on the reduction of U.S. and Soviet LRINF missiles. With regard to strategic weapons, we proposed reducing the number of each side's land-based and sea-based ballistic missile warheads to 5,000—a cut of approximately 33%. We have also called for equal limitations on bomber forces and restrictions on missile throw weight. As we prepare to resume negotiations with the Soviet Union in Geneva, we reaffirm our intention to seek agreements in both areas providing for significant, mutual and verifiable reductions.

As to how nuclear arms reductions bear on nuclear-induced climatic changes, the relationship is two-fold: they can strengthen deterrence—the most direct way available to us today of dealing with the possibility of severe climatic effects—and they can mitigate the effects to some extent if deterrence were to fail. However, nuclear arms reductions which may be achievable in the near

term are not likely to be able to reduce significantly the consequences of a nuclear war in which a large proportion of the then existing nuclear forces would be used and in which active defenses would be non-existent or ineffective.

It is worth noting in this context, that proposals which would "freeze" development of modernized systems would also stop what has been a continuing trend in our capability—development of systems which are more discriminating and thus more restrictive in both local and global effects. We must avoid constraints that would force us to use weapons of high yield or unconfined effects.

The Strategic Defense Initiative and Arms Control: It is essential to keep potential benefits of arms reductions clearly in view when assessing what one seeks to accomplish through that process. Our objectives in arms reductions are to preserve deterrence in the near-term and begin a transition to a more stable world, with greatly reduced levels of nuclear arms and an enhanced ability to deter war based upon the increasing contribution of non-nuclear defenses against offensive nuclear arms. This period of transition could lead to the eventual elimination of all nuclear arms, both offensive and defensive. A world free of nuclear arms is an ultimate objective to which we, the Soviet Union, and all other nations can agree. The Strategic Defense Initiative research program enhances our efforts to seek verifiable reductions in offensive weapons through arms control negotiations. Such defenses would destroy nuclear weapons before they could reach their targets, thereby multiplying the gains made through negotiated reductions. Indeed, even a single-layer defense may provide a greater mitigating effect on atmospheric consequences than could result from any level of reductions likely to be accepted by the USSR in the near term.

In addition to its design objective to destroy nuclear weapons in flight, the Strategic Defense Initiative would further serve to remove any potential for environmental disaster by moving away from the concept of deterring nuclear war by threat of retaliation and, instead, moving towards deterrence by denial of an attackers political and military objective. Defenses can provide such a deterrent in two ways. First, by destroying a large percentage of Soviet ballistic missile warheads, an effective defense for the U.S. and our Allies can undermine the confidence of Soviet military planners in their ability to predict the outcome of an attack on our military forces. No rational aggressor is likely to contemplate initiating a nuclear war, even in crisis circumstances, while lacking confidence in his ability to predict success.

Second, by reducing or eliminating the utility of Soviet shorter-range ballistic missiles which threaten all of NATO Europe, defenses can have a significant impact on deterring Soviet aggression against our Allies. Soviet SS-20s and shorter-range ballistic missiles provide overlapping capabilities to target all of Europe. This capability is combined with a Soviet doctrine which stresses the use of conventionally-armed ballistic missiles to initiate rapid and wide-ranging attacks on crucial NATO military assets. By reducing or eliminating the military effectiveness of such ballistic missiles, defense systems have the potential for enhancing deterrence not only against intercontinental nuclear attack, but against nuclear and conventional attacks in Europe as well.

Some critics claim that the SDI program would cause the Soviet Union to increase numbers of weapons in an attempt to overcome the defense. This is related to the argument advanced over a decade ago that, by rendering ourselves totally vulnerable to Soviet weapons we would be able to negotiate limits on those weapons. This logic has, of course, been disproven by events; despite the fact that the U.S. made itself fully vulnerable, the U.S.S.R. increased the number of its weapons fourfold since the signing of the ABM Treaty in 1972. The guarantee that all Soviet weapons would reach their U.S. targets apparently did not give the Soviets an incentive to negotiate an equitable SALT II agreement, it encouraged them to build more weapons. Defenses would have the opposite effect; they would reduce the military and political value of ballistic missiles thereby increasing the likelihood of negotiated reductions. The prospect that powerful emerging technologies will reverse the cost leverage which offensive forces have heretofore had over defenses will further improve the likelihood of negotiated reductions.

Thus, by preventing the detonation of thousands of nuclear warheads, and, by paving the way for the elimination of those warheads by making them obsolete, the Strategic Defense Initiative may provide an answer to both the short-term and potential longer-term consequences of nuclear war.

Civil Defense: The basic goal of civil defense in the United States is to develop and maintain a humanitarian program to save lives in the event of major emergency, including a nuclear war. As to changes in our Civil Defense posture, the Federal Emergency Management Agency believe that until scientific knowledge regarding climatic impacts of nuclear conflicts is more fully developed it would be impractical to develop cost-effective policies regarding civil defense, or to change existing policies.

The particular staff elements within the Federal Emergency Management Agency responsible for civil defense planning are being kept abreast of the issues relative to possible climate effects as they develop and will be prepared to take appropriate action as soon as the relevant research now underway is complete.

As we have shown, much of our long standing policy and our current initiatives move in a direction such as to reduce the probability of severe climatic effects even though they were instituted before such effects were under investigation. Specifically, we are maintaining a strong deterrence augmented by necessary force modernization and verifiable, mutual arms reductions. We are continuing the development of accurate, discriminating systems designed to achieve their military objectives with the least nuclear yield possible. We have implemented and are constantly refining options for escalation control. We have, long ago, rejected the targeting of population as a means of securing deterrence. Finally, we have begun the Strategic Defense Initiative which has as its ultimate goal the obsolescence of nuclear weapons. All these things work first to deter nuclear war—the best way of avoiding the effects at issue—and second, to reduce these effects were deterrence to fail.

Possible Further Initiatives: As we have already pointed out, reducing unwanted damage must be an important feature of our policy. It would be entirely consistent with our policy and recent practices to continue to make weapons more discriminating, to reduce their yields by improved accuracy where possible, and in other ways to minimize effects not directly related to target damage, so as to both enhance the credibility of our deterrent and to reduce unwanted destruction, including the potential for ameliorating possible climatic and other environmental effects. In fact, we are pursuing such objectives in general, though programs are in various stages of development.

Beyond these continuing trends, with regard to targeting and the detailed characteristics of the nuclear forces, which pertain both to deterrence and to limiting damage, as our understanding of climate effects improves it is prudent to develop other measures intended to reduce those effects if deterrence were to fail. Besides possibly adding targeting options to those which already exist to limit damage, some technical developments might also contribute. For example, highly accurate, maneuverable reentry vehicles and earth penetrating weapons, both of which might be useful in strengthening deterrence, could reduce yields and in other ways limit the starting of fires. In the farther future, for selected missions, nonnuclear systems, if feasible, might replace some strategic nuclear systems, as we have begun to do for non-strategic systems.

Today, however, we have inadequate knowledge to evaluate possible measures. As the analytical methods for assessing climatic effects become more accurate and we gain confidence, they can be used to predict what kind of changes will in fact reduce the dangers of nuclear war. For example, some have suggested that reducing the height of burst of the nuclear explosions could reduce the area of thermal effect and, therefore, the amount of material burnt. However, at lower heights of burst, increased fallout might be worse than any mitigation of long-term change in the climate. Where such trade-offs are involved, we need better information before deciding.

4. Soviet activities on climatic effects

Soviet science spokesmen and media have claimed that Soviet scientists had independently confirmed the probability of severe long-term atmospheric effects as a consequence of nuclear exchange. Initially, their claim was accepted in the West; however, an examination of open Soviet publications specifically discussing this production shows their claim to be unfounded.

In their writings on the "nuclear winter" hypothesis, Soviet scientists have neither used independent scenarios nor provided independent values of the essential parameters characterizing the key ingredients (soot, ash, and dust) on which the hypothesis principally depends. Instead, Soviet researchers—and on this subject, it is hard to tell the difference between scientific workers and propagandists—have uncritically used only the worst-case scenarios and estimates from other work. They have taken these estimates and merely adapted them to borrowed mathematical simulations of state-of-the-art multi-dimensional models of global atmospheric circulation modified to instantaneously simulate long-term global effects after an exchange. For example, the primary atmospheric circulation model used by the Soviets in the case of the widely publicized study by Soviet researchers V. Aleksandrov and G. Stenchikov, is based on a borrowed, obsolete, U.S. model. Thus, given the sources of inputs and methods for their "studies," their findings do not represent independent verifications of the hypothesis.

Further, Soviet reports tend to stretch the conclusions well beyond what even their uncritical, worst-case assessments support, embellishing statements of technical analyses with conclusions that any use of nuclear weapons at all will lead to the disappearance of the human race or similar propagandistic statements the Soviet Union has made on and off for years, even before these atmospheric phenomena surfaced.

The Soviet scientists have contributed very little to the international study or understanding of this phenomenon. This shortfall has not gone unnoticed by other non-Soviet scientists, some of whom have characterized their analyses as "crude" and "flawed." Time after time their presentations contain exaggerated claims, which are criticized by their foreign colleagues following the formal briefing, but subsequent presentations do not reflect any change, even though in private the Soviets acknowledge the exaggeration.

This is not to say that, over the years, the Soviets have not published studies that have examined various effects and phenomena (dust, fires, soot, etc.) of nuclear detonations; they have. However, the Soviets have made little use of such findings in their public discussions and models of the phenomenology associated with the current climate effects hypothesis. They have not been forthcoming in providing information that might have been of use with regard to reducing the uncertainties associated with the assumptions made in their work. Repeatedly, they ignored an American request for information derived from Soviet pre-1963 nuclear test and large-scale fires. The flow of useful technical work has been almost all one-way. It is worth noting that Soviet interest in this topic provides them with some degree of additional access to U.S. scientists (and their technology) who are involved with super-computers, software model development, and global and meso-scale climate phenomenology.

If the Soviets see this issue as a matter that might substantially affect their policies, strategy, or force structure, those views have so far been hidden from us. It is important that, whatever the outcome of the scientific work regarding climatic effects of nuclear war, the understanding should be commonly held by all of the nuclear powers and help to reduce the risk of nuclear destruction. Unfortunately, recent Soviet performance and statements on the subject do not appear supportive of establishing a truly common understanding, either on the phenomena themselves or on their implications for the strategic relationship between the two powers. If the Soviet leadership does believe that the possibility of severe climatic effects is important, then this issue will add its weight, along with the many other imperatives which the United States and the people of the world feel so strongly, to produce a truly constructive approach toward a world in which the fears aroused by such horrors as nuclear war or the so-called "nuclear winter" will be a thing of the past.

(Mr. HUMPHREY assumed the chair.)

HUMAN RIGHTS VIOLATIONS IN CHILE

Mr. PROXMIRE. Mr. President, on February 25 Adolfo Perez Esquivel, an Argentine human rights activist, denounced human rights violations occurring in Chile. Esquivel called the Chilean regime of Gen. Augusto Pinochet "one of the bloodiest dictatorships in Latin America."

Mr. Esquivel won the Nobel Peace Prize in 1980 for his advocacy of human rights. Now he is demanding that the Chilean Government release political prisoners, labor leaders, and student activists from prison. He has denounced the state of siege which Pinochet imposed last November. Esquivel also called for information on the thousands of people who have disappeared or have been detained. He further asked for the legalization of political parties as a precondition for the return to democracy.

Human rights sources, including Amnesty International, have reported that incidents of deliberate police brutality are on the rise in Chile. Despite a prohibition in the Chilean Constitution on the "use of all illegal pressure" during interrogations, the Government security agency allegedly has been subjecting prisoners to beatings, burnings, and electric shocks.

There is hope for the future, though. The newly elected President of Brazil, Tancredo Neves, has repeatedly criticized the Pinochet regime. Some experts believe that if the other countries of South America as well as the United States would add their protests to Neves', real change might come about.

Although the Chilean Government does not hesitate to commit hideous human rights violations, it has signed the Genocide Convention. If a repressive regime like Pinochet's can be one of the 96 signatories to this treaty, why does the United States continue to drag its feet? We cannot with impunity criticize the Chileans for their human rights violations until we too have taken this basic step to further the cause of human rights.

We should ratify the treaty and join Chile in outlawing the most dreadful form of murder know to man. As the greatest democracy in the world, we are foolish to allow this human rights oppressor to assume a higher normal ground where the most basic human right—the right to live—is concerned. The Senate can rectify this situation by ratifying the Genocide Convention this session.

ACID RAIN PROBLEM IN THE NORTHEAST

Mr. LEAHY. Mr. President, it is once again my very proud and pleasurable duty to report on a very significant vote taken yesterday by my fellow Vermonters in town meetings throughout the State. They voted on an issue that came before the town meetings following an initiative by State Representative Peter Allendorf and Bolton Selectman Ray Atwood.

Mr. President—Vermont—just as it did 2 years ago, is sending the Nation a message, and I want this body to know that I am more than a messenger in this instance—I agree wholeheartedly with the votes cast yesterday by more than 100 Vermont communities asking the Federal Government to do something now to control the acid rain problem in the Northeast.

We have heard in Vermont that the administration wants to study this some more. Well, we do not need to study it. I am not against study—I think it is a good thing. But sooner or later, Mr. President, comes graduation time, and I think we have reached graduation time on acid rain. We know the damage caused by it.

Vermonters have a special love of the soil. We are all born again agronomists and foresters and general biologists. We think of Vermont as a special place, which it is. And we care about our environment.

We were one of the first States to ban nonreturnable bottles—because we did not like to look at them along the side of the road.

Two years ago, more than 186 Vermont communities voted for a nuclear freeze on town meeting day—not because we thought Vermont could negotiate with the Russians as an independent entity—but because we live on a precious part of a planet that is endangered.

And a lot of people, throughout the Nation, realized that they thought like a lot of Vermonters did—and suddenly there was a strong grassroots support for arms talks and a more secure and peaceful world.

These same Vermonters yesterday sent us another message. Our forests are dying—our streams are being polluted—our wildlife is jeopardized—and again, we have no control over what is happening to us.

It is a national problem—but neither the administration nor the Congress seems to have much stomach for this fight.

They would rather continue to study the problem—which, my friends, is merely a convenient excuse for avoiding some hard and tough decisions and doing nothing.

I spent many days in Vermont during the last month talking about acid rain and what Vermonters could do about the problem.

Well, Vermonters have spoken overwhelmingly in most communities—and the message they want me to deliver is this:

We have studied the acid rain problem long enough. It is time to do something about it.

Let me echo the words of Wade Morse, who was the moderator at the town meeting in Duxbury yesterday.

I happen to own a home in the adjoining town of Middlesex. I know Duxbury well.

The moderator said:

We can't all drive to Montpelier. We can't all drive to Washington. Somewhere, a Senator in Washington is going to know and acknowledge the vote in Duxbury.

Mr. Morse, now the entire Senate knows your feelings, the feelings of the people of Duxbury, and the overwhelming sentiment of the people of Vermont.

And like Wade Morse, and the other good folks in Duxbury who live right up against the most precious mountain—a landmark in our State—Camel's Hump—where studies have been made on the damage created by acid rain—I am worried that something precious is being lost for every minute that we delay coming to grips with this problem.

In my years in the Senate, I have always listened to what Vermonters say. There is no better guide to good government—and good sense.

They do not make snap judgments—their decisions come after a lot of careful thought.

I am hopeful a lot of folks here in Washington listen, too.

Mr. BRADLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STENNIS. Mr. President, as I understand, I had reserved 6 minutes to make short remarks. Is that correct?

The PRESIDING OFFICER. There does not appear to be any such order, but the Senator from Mississippi is recognized, nevertheless.

Mr. STENNIS. I thank the Chair very much.

SENATOR BYRD PASSES ANOTHER MILESTONE

Mr. STENNIS. Mr. President, since West Virginia was admitted to the Union in 1863, 30 different men have represented that State in the U.S. Senate. Some of those West Virginia Senators have served enviably long terms, I might add.

March 4, however, was a special day for West Virginia, for the U.S. Senate, and for one of our most distinguished Senators. As of March 4, our esteemed colleague, the Senate Minority Leader, Senator ROBERT C. BYRD, earned the distinction of having represented his home State of West Virginia in the U.S. Senate longer than anyone else in history. For more than 26 years, Senator BYRD has been a Senator from West Virginia, and every added day extends the longevity of his record.

Senator BYRD is not a novice at setting records, however. Indeed, during his 38-year political career, ROBERT C. BYRD has never suffered defeat in an election. First elected to the West Virginia State House of Delegates in 1946, ROBERT C. BYRD has held more elective offices than anyone else in West Virginia history. After serving two terms in the State house of delegates, he was elected to the West Virginia State Senate, then to the U.S. House of Representatives, and in 1958 to the U.S. Senate. His 1958 Senate victory also distinguished him as being the only West Virginian ever to serve in both chambers of the West Virginia State Legislature and both Houses of the U.S. Congress as well.

Some political observers have attributed ROBERT BYRD's outstanding West Virginia success to his being the quintessential West Virginian—a man embodying for the people of his home State those values that West Virginians value most—honesty, hard work, dedication to duty, patriotism, faith, and practicality. Again and again, West Virginians have reelected ROBERT C. BYRD because they see him as truly representative of their own beliefs and hopes. And the people of West Virginia have taken pride in their Senator BYRD as he has served as an ambassador to the world from West Virginia, during his long Senate career meeting officially and privately with such world leaders as the late President Sadat of Egypt, former Prime Minister Begin of Israel, King Hussein of Jordan, Vice Premier Deng of Mainland China, the late President Brezhnev of the Soviet Union, President Assad of Syria, then Prince and now King Fahd of Saudi Arabia, the Shah of Iran, and Chancellor Helmut Schmidt of West Germany.

But Senator ROBERT BYRD is not only a prominent West Virginian, but also a prominent and leading American, as well, and his life has been a fulfillment of many of an American dream. A winner of the esteemed Horatio Alger award in 1983 and a genuine Horatio Alger saga of succeeding against the obstacles of poverty and struggle, ROBERT C. BYRD has become one of the most admired and influential men of our time. Senator BYRD's story exemplifies the hopes, dreams, and values of mainstream America, and throughout his extraordinary Senate career, he has worked to weave those mainstream American qualities into our country's public policies.

Certainly, Senator ROBERT C. BYRD's political career is one of the outstanding ones, not only in his home State, but also in our entire country, and today I want to congratulate him on passing another milestone in that career. I also want to congratulate the people of West Virginia for again and again placing their confidence in ROBERT C. BYRD as their U.S. Senator, and in sharing his talents and skills with their fellow-countrymen in the U.S. Senate.

Mr. President, I want to take just a minute or two, if I may, to refer back to the day when ROBERT C. BYRD first came here and was sworn in as a Member of the U.S. Senate. I had not had the pleasure or the chance to know him before then, but I spotted him on the day of his arrival as a man with a constructive future, I thought, of worthwhile achievements here, in this body. I judged him by his energy, by his attitude toward his fellow workers, and by his determination to have positive things and problems come his way and exert every effort to solve them, and also to serve humanity and his great State at the very highest levels and with its best wishes.

I was not prophesying, I was observing, when I first met him and formed these impressions of him. I, therefore, was not surprised at all to see him emerge in 2 years or 4 years—a short time, anyway, very short for the U.S. Senate—as one of the leaders.

He was soon elected to one of the posts—I believe he started out as clerk to the governing body, the main governing body of Democratic Senators. I told him then, "We made you a servant over small duties, and I believe if you work hard, you will be a king among the leaders of this body." Without claiming any credit myself, that is exactly what he has done. I do not claim credit for any of it, except I have supported him.

I am hardly in a position to judge something about the worth he is to this body, his reliance, the reliance on his work, his character, his honor, his integrity. There are others who have those attainments but none rank higher. He has a great talent. He knows more about the rules of the Senate than anyone else. He makes the hard rulings. He is a resourceful man, and to fill this role now of minority leader as he had done for the last few years, especially after having filled the role of majority leader, is quite a complement to him, indeed an extreme compliment. I have great faith in this body. I am not always pleased with what happens, but I have great faith in this body, and so long as we have men of his character and capacity come and go, we will maintain our system of government; we will be able to protect the rights, benefits, and privileges of our people and stand forth among nations in the world as leaders, preservers and protectors of right. It is my privilege, Mr. President, to make these remarks about this distinguished colleague and friend. I am

flattered to observe that without my knowledge he came into the Chamber after I started speaking. I salute him, and I thank him, too, for what he has done.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I could not be more proud of the statement of any Senator than I am of the remarks that have just been made by the senior Member of this body. Senator STENNIS, as we all know, is the senior Member of this body. From the time when I came here 26 years and 63 days ago, I have thought of Senator STENNIS as a Senator's Senator. When I came here, this body was composed of 96 Senators. I was here when Hawaii and Alaska came into the Union and sent their first Senators to this body. I came here in the class of 1958. I had been in the House 6 years prior thereto and had had an opportunity there to have some perception of the Members of this body before I came to the Senate. I came in a class of 17 new Senators, 14 of whom were Democrats, and I am the sole remaining Member of that class of 1958.

I have always said that JOHN STENNIS acts like a Senator, talks like a Senator, and looks like a Senator. I do not know of anyone in my service in this body who more aptly fits that down-home West Virginia description than Senator STENNIS. He has been an inspiration to many Senators, to say nothing of millions of people across this country and in his home State of Mississippi. His life has touched the lives of many Senators, as I say, entirely aside from the myriad other lives that he has influenced. Tennyson said, "We are a part of all that we have met." I am glad to have served in this body with JOHN STENNIS, and I feel that he is and always will be a part of me.

There were four other Senators who were here when I came: Senator THURMOND, Senator LONG, Senator GOLDWATER, and Senator PROXMIRE. I never knew when I came here in 1959, January 3, that I would be the last of that class. The late Senator Richard Russell was a Member of this body when I came here. I was so favorably impressed with Senator Russell. His knowledge of the Senate's rules and procedures inspired me to learn as much as I could about them. Shortly after Senator Russell died on January 21, 1971, I introduced a resolution to name what we then called the Old Senate Office Building the Russell Senate Office Building. That resolution went to the Rules Committee of this body, and I being a member of the Rules Committee at that time, and as of now still, pressed for action on that resolution. The committee readily reported it out, thus honoring the memory of Senator Russell, and also with an amendment naming what we then called the New Senate Office Building after the late Senator Everett Dirksen. Those two edifices, therefore, are named after Mr. Russell and Mr. Dirksen, respectively.

In closing, I really cannot find words, may I say to my distinguished friend, Senator STENNIS, that appropriately express my deep, deep gratitude to him for his remarks. He is a Senator sui generis. He is one of a kind. His love for this institution has been demonstrated so clearly to all that I think we would all stand as one and proclaim our pride and our respect for the Senator from Mississippi, whose integrity, character, and dedication to this body, dedication to the people of his State, and dedication to the people of this country are of the very highest. I want to thank the Senator again and I want to say to him that as long as I live, be it 1 hour or 100 years, I shall never forget JOHN C. STENNIS, a great American Senator, and a great patriot.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. EVANS). There will now be a period for morning business.

COMMITTEE ASSIGNMENTS

Mr. DOLE. Mr. President, we are announcing committee assignments. Yesterday there was one vacancy on the Committee on Small Business. We have now made that appointment.

I send a resolution to the desk and ask for its immediate consideration. I indicate that it has been cleared with the distinguished minority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 93

A resolution making an appointment to the Committee on Small Business.

Resolved, That the Senator from Virginia (Mr. TRIBLE) is hereby appointed to serve as a majority member on the Committee on Small Business for the 99th Congress.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 93) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SELECT COMMITTEE ON ETHICS

Mr. BYRD. Mr. President, I ask unanimous consent that in the engrossment of Senate Resolution 87, the Senators named following the designation "Select Committee on Ethics" appear as follows: "Mr. HEFLIN, Mr. PRYOR, and Mr. LONG."

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMEN'S HISTORY WEEK

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 50, Women's History Week, now being held at the desk by unanimous consent.

THE PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 50) designating the week beginning March 3, 1985, as "Women's History Week."

THE PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HATCH. Mr. President, some 69 years ago, even before the 19th amendment gave women the right to vote, Jeannette Rankin became the first woman elected to the U.S. Congress. Even before that, in 1912, the town of Kanab, UT, elected Mary W. Howard as one of the United States' first woman mayors. Sixteen years earlier Martha Hughes Cannon was elected a Utah State senator—the first woman State senator in America. And, 115 years ago, on February 21, 1870, Miss Seraph Young, a niece of Brigham Young, was the the first woman to cast a vote in the United States. Utah women received the right to vote in 1870, but sadly, this right was revoked by the Federal Government when the State joined the Union in 1896 and women's suffrage was still not the law of the land.

Whether or not history books have mentioned their involvement, women have been key players in American history, and not only in the political arena. They have been involved in the history of this country as doctors, lawyers, religious leaders, scientists, educators, social workers, artists, business leaders, authors, farmers and inventors, not to mention as wives, mothers, and homemakers.

As Abigail Adams said: "I desire you would remember the ladies." It is important that we in the Senate remember these contributions by designating the week containing March 8, 1985, as "National Women's History Week."

I am delighted to be joined by 35 of my colleagues in sponsoring Senate Joint Resolution 27 and by the 228 Members of the House of Representatives who supported the passage of the resolution introduced by Congresswomen OLYMPIA SNOWE and BARBARA BOXER in the House. I urge all Sena-

tors to join us in this "National Women's History Week."

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 50) was ordered to a third reading, was read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL HELD AT DESK—H.R. 1093

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate receives from the House H.R. 1093, the Pacific Salmon Treaty Act of 1985, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I want to thank the distinguished Senator from Alabama for permitting us to take care of these matters.

PROTEIN CRYSTAL GROWTH EXPERIMENTS

Mr. HEFLIN. Mr. President, Aviation Week & Space Technology magazine recently carried an article on the protein crystal growth experiments to take place on the space shuttle. This program is being managed by Marshall Space Flight Center in Huntsville, AL, in conjunction with the University of Alabama in Birmingham and other universities as well as a number of drug companies. Many of our country's leading biochemists believe the crystalography experiments could eventually result in powerful new cancer drugs as well as drugs for other serious health problems such as high blood pressure. This exciting collaboration between universities, government, and industry is an important example of the potential for commercial activities in space.

The University of Alabama in Birmingham has for many years been one of the world's leading centers for crystalography research. Their work in bioengineering has opened the door for the development of new drugs to treat critical illness. However, because of the restrictions of Earth's gravity, it has been very difficult up until now to grow protein crystals large enough to allow characterization of their atomic structure. In the zero gravity environment of space, these crystals can be grown up to 1,000 times larger than on the ground giving biochemists samples large enough to characterize the atomic structure of the molecules. Once the atomic structure of the protein is characterized in detail, biochemists believe they will be able to create new medicines.

The crystalography experiments aboard the shuttle represent the unlimited potential for commercial activities in space particularly in the area of materials processing. As we continue to learn about the benefits of working in a zero gravity environment, we will see more joint endeavors between universities, government, and industry in materials processing investigations and experiments. Materials processing in space holds great promise for technological advancement in such areas as metallurgical materials and process, chemical processes, glasses, composites, and fluid studies. The Federal Government must continue to develop policies and guidelines to stimulate commercially oriented investigations and demonstrations such as the protein crystal growth experiments.

Mr. President, I ask unanimous consent that the article from Aviation Week be printed in the RECORD in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHUTTLE CRYSTAL GROWTH TESTS COULD ADVANCE CANCER RESEARCH

(by Craig Covault)

WASHINGTON—Several large U.S. drug companies and universities have signed with the National Aeronautics and Space Administration to fly hundreds of protein crystal growth experiments on the space shuttle, which could result in powerful new cancer drugs. It also could eventually generate billions of dollars in new pharmaceutical business.

Treatments for other serious conditions such as high blood pressure and the rejection of transplanted organs also could result from the new crystal growth work, which will combine bioengineering and space commercialization to develop new medicines.

The project is being rushed into the flight stage because of its potential for key medical and commercial benefits and a recent discovery that shows space processing could be the single most critical element in achieving the potential.

LARGE REVENUES

"For the pharmaceutical companies, if you hit the right drug you can make tremendous money—there are single drugs that have produced revenues in the billions of dollars," a bioengineer in the project said. "Anything that provides a quicker, more effective way to design a highly specific pharmaceutical agent has tremendous profit potential, and this new shuttle project is clearly in that league."

The early flight of protein crystal growth tests was made possible when NASA and an industry/university team signed an agreement Feb. 14 for a focused three-year space shuttle effort in this new medical area. NASA will provide some funds, but the bulk of the effort will be borne by commercial firms and university grants such as those from the National Institutes of Health.

The first 36 crystal growth experiments will be conducted on shuttle Mission 51-D in March and will be followed by 100-200 tests excepted to be flown on shuttle Mission 51-I in August.

"We have not made any effort to advertise what we are doing." one researcher said. He said it involved both corporate and scientific proprietary work. "It is only by word of mouth this collaboration is taking place, but we welcome it because it will provide a lot of additional expertise."

The drug companies and university shuttle flight team members are:

Smith Kline Beckman, Corp., Philadelphia, interested in cancer research and treatments.

Schering Corp., Bloomfield, N.J., interested in improving the capabilities of interferon used in cancer treatment.

Upjohn Co., Kalamazoo, Mich., interested in medicines to fight hypertension.

University of Alabama-Birmingham's Comprehensive Cancer Center and the school's Huntsville, Ala., campus, interested in cancer research and treatments.

University of Pennsylvania, interested in using space to study more precisely DNA, a key building block of life important in disease studies and bioengineering.

University of Iowa, interested in gene crystallization to study the structure of genes better.

In addition to these participants, McDonnell Douglas Astronautics and its production/test astronaut Charles W. Walker will provide in-orbit support on the space shuttle.

McDonnell Douglas participation has been critical to getting the tests on the shuttle without NASA bureaucratic delays. The protein tests will be flown as a piggyback task to Walker's primary electrophoresis work that also will produce drug material by a different method.

The Ortho Pharmaceuticals Div. of Johnson & Johnson, which sponsors the electrophoresis work, last summer attempted a largely unsuccessful crystallization test in the orbiter and is interested in the new effort in connection with the Scripps Institute.

NASA's Marshall Space Flight Center will have primary responsibility and will be a focal point for theoretical research in the endeavor. The U.S. Naval Research Laboratory also will perform some research. Part of the NRL work will be keyed toward apparatus used to handle the crystalline structures, and its other work will involve study of the chemical conversion process that occurs in organisms such as lightning bugs to create light from biological material. In addition to these participants, other U.S., European and japanese pharmaceutical companies are monitoring the program closely.

The intense pharmaceutical company interest and the need for an early flight program were stimulated largely by the success of a West German experiment on shuttle Mission 9/Spacelab I and illustrate how quickly new scientific developments can sometimes affect commercial applications.

ATOMIC STRUCTURES

A new thrust in the development of drugs, especially those for critical illness such as cancer, involves the bioengineering of drugs with specific atomic structures. Using bioengineering, the molecular structure of new drugs can be tailored specifically to work either in connection with or against the atomic structures of protein molecules in the body. There are about 250,000 proteins that could be studied, and many are critical to life and the disease mechanisms that threaten life.

To use bioengineering to create such new drugs, the pharmaceutical companies must first understand in detail the atomic struc-

ture of the protein molecules to be attacked or assisted in the body by the new bioengineered drugs.

The ability to achieve that detailed an understanding of protein molecule structure has become a serious problem for drug companies around the world, however, because in Earth's gravity field it has been difficult and often impossible to grow protein crystals large enough to allow characterization of their atomic structure.

During a zero-g experiment on the Spacelab 1 flight, West German scientist Walter Littke of the University of Freiberg grew one type of protein crystal 1,000 times larger than his ground control process and another protein crystal 30 times larger than his ground setup. The absense of gravity and convection in space enable far larger crystals to be produced.

With these data from the shuttle, bioengineers at drug companies realized that if they could conduct protein crystal growth work in space, they could obtain samples large enough to characterize the atomic structure of the molecules and from there make significant drug breakthroughs.

Once the atomic structure of a particular protein is characterized in detail, the companies can engineer the molecular structure of their medicines to work either in connection with or against similar molecules in the body, thus creating powerful new medicines.

As the Spacelab data were being reviewed, scientists and bioengineers at the University of Alabama-Birmingham Comprehensive Cancer Center, who had been working on this problem, were put in touch with the Marshall Space Flight Center in Huntsville.

The head of the Birmingham research team, Charles Bugg, a doctor of bioengineering, said he "had no idea" what the NASA Marshall facility, located only 100 mi. north, was doing until U.S. Sen. Howell T. Heflin (D.-Ala.) brought the two groups together.

"When we heard what Marshall was doing in zero-g processing, it was an immediate spark—we realized they could help with one of our biggest experimental problems," Bugg said. This occurred early in 1984.

NASA then put the drug companies in touch with Marshall, which put them in touch with the University of Alabama group. From there the industry/university team began to focus on experiments that Bugg and his group want to fly on the space shuttle immediately.

The early flight opportunity was made possible by McDonnell Douglas, which will have its astronaut Walker carry the 36 protein crystal growth tests in connection with his electrophoresis processing duties during the March mission to be commanded by Navy Capt. Daniel C. Brandenstein.

The March tests will be followed in August by the flight of a small McDonnell Douglas refrigerator that will carry 100-200 additional protein crystal growth experiments.

Over the next three years, the small manual unit and the refrigerator will be flown as often as possible, making several hundred protein crystal growth samples. A minimum of two to three flights per year is planned to carry the apparatus under the program approved Feb. 14.

Following three years of work with the manual and refrigerator systems, the team expects to be flying an apparatus that can conduct thousands of protein crystal growth tests per year on the space shuttle.

NASA's Fiscal 1986 Commercial Programs budget request includes $400,000 to initiate development of an automated protein crystal growth device that will cost about $2.4 million.

There are thousands of proteins that need to be studied, and because of the inexact science involved in growing the extremely delicate structures, it may take a hundred or more tests to come up with the precise crystal for analysis, according to Robert Naumann, chief of Marshall's Low Gravity Science Div. Fortunately, individual tests can be done in small vials enabling a large number to be carried at one time.

The characterization of these crystals for pharmaceutical application will then be done by a process called protein crystallography. The process uses X-rays to provide a structural signature from billions of protein atoms that all line up uniformly when in crystalline form.

The field is so important that it has resulted in eight Nobel prizes, Bugg said.

COMPUTER BREAKTHROUGHS

Earlier it took decades for researchers to decipher the atomic structure of specific protein crystals, but because of breakthroughs in the last five years in computing speed and computer graphics, the characterization of individual proteins can now be done in months or a few years, rather than decades, Naumann said.

Getting crystals large enough to characterize is now the problem, and recent data show this can be done in space, Bugg said.

Naumann said the space tests could bring substantial benefits to other fields of organic chemistry. He said one large U.S. chemical company told Marshall it required 20,000 protein crystal type tests to come up with a herbicide agent using "hit or miss" molecular analysis techniques.

Bugg said that with large crystals what has been a trial-and-error research process can become far more specific.

His group at the University of Alabama-Birmingham is working specifically on a protein enzyme keyed toward cancer treatments and drugs that can prevent the rejection of human organ transplants. The protein enzyme Bugg's group plans to fly on the shuttle is called purine nucleosid phosphorylase, or PNP.

ENZYME USE

"PNP provides a good example of what you can do," he said. "It is an enzyme that is found in red blood cells and is used by the red cells to chop up building blocks of DNA so they can be recycled to make new DNA.

"A number of chemotherapy cancer treatments have been designed to mimic the building blocks of DNA so they can be used to mess up the machinery of a cancer cell.

"The problem is that the PNP enzyme, in addition to chewing up the normal building blocks of DNA, recognizes the cancer drugs as material it should also chew up, so when these drugs are injected into patients the PNP in the red blood cells chews up the cancer drug before it can reach the site of action at the cancer cell itself.

"What we want to do is make a drug that knocks out the PNP enzyme so we can give that drug along with the anticancer agent so the anticancer agent can reach its target without being attacked by PNP," Bugg said. To do this the group needs better molecular detail on the PNP enzyme and hopes to obtain it by growing crystals on the space shuttle.

"In addition, the PNP enzyme is required by one of two branches of the human immune system," Bugg said.

"One branch, the T-Cell branch, is responsible for attacking foreign issues; the other branch, the B-Cell branch, is assigned to protect against virus and bacteria and more common immune system functions," he said.

"The problem is the branch that attacks foreign issues is the same branch that causes the rejection of transplants, such as liver or kidney replacements.

"To enable widespread tissue transplants, what you would like to have are drugs that would knock out only that one branch of the immune system, whereas most agents now knock out the entire system and the patient is open to attack from other infections," Bugg said. "PNP is an enzyme that the T-Cell branch needs in order to function, but the B-Cell side does not need it.

"If we can do space-based work that will enable us to specifically knock out PNP, these drugs can then be used to enhance the activity of anticancer agents and to selectively knock out the T-Cell side of the immune system," according to Bugg.

To do that, however, they need larger PNP crystals to study, and they have not been able to grow them as large as needed on the ground, he said.

EARLY RESULTS

Both Naumann and Bugg said the progress of this work need not take a long time to result in new medicines. Naumann said he hopes some of the resulting treatments will be available well before 10 years, and Bugg has hopes of entering the space-based PNP work in animal or human testing within three to five years.

"In many cases, projects are held up for years for lack of being able to grow the big crystals, so anything that allows that bottleneck to be alleviated would be very important," Bugg said.

The device that Walker will use in the orbiter middeck in March consists of two plastic slabs 9 × 5 in. in size with 17 syringe systems between the plastic. Two of these units will be flown and mounted on the orbiter middeck wall. Walker will open plungers on each side of the units to allow the protein solutions and a crystallizing agent to mix. The crystals will form in a small drop on the end of each syringe.

Before reentry, Walker will pull the syringes so they pull the drops with crystals back up into fluid suspension.

This will protect the crystals from reentry loads.

There also will be a unit with two dialysis-type protein crystal systems that will use a somewhat different crystal-growing mechanism on the first mission carrying project hardware, set for launch about Mar. 20.

HENRY CABOT LODGE

Mr. MATSUNAGA. Mr. President, I rise to salute and honor the memory of one who served with distinction in this body and carried out many and varied assignments in the service of our great Nation—Henry Cabot Lodge.

A distinguished son of a distinguished American lineage, he made a career of public service as lawmaker and diplomat as well as a soldier in the North Africa and European campaigns during World War II. He was the first Senator to resign his seat to fight in a war since the Civil War period and his decorations included the Bronze Star, the Legion of Merit and the French Croix de Guerre. His wartime experi-

ence converted him from the isolationist positions that he and his father previously had espoused in this Chamber and he went on to become a U.N. Ambassador and an articulate foe of Soviet aggression in that international tribunal.

He served in many other posts, Mr. President: Ambassador to South Vietnam, Ambassador to West Germany, Ambassador at Large and special envoy to the Vatican. He aspired to others: The Vice Presidency and Presidency, which fate denied him. But he always served with honor, ability, and dedication in the many high offices that did come his way. And in his twilight years, after all these high positions, he was not too proud to continue servicing others in a far less exalted but important post, that of a teacher of politics and diplomacy at North Shore Community College in Massachusetts.

Mr. President, the people of Hawaii have an especially warm aloha for Henry Cabot Lodge because he played a major role in the attainment of Hawaiian statehood. I was a student at Harvard Law School back in 1950 when our delegate to Congress, Joe Farrington, learned that, as minority leader, Henry Cabot Lodge was about to circulate a "Dear Colleague" letter in opposition to Hawaiian statehood. So he telephoned me at Harvard Law School. He said, "Sparky, you have got to come down here and talk to Senator Lodge; he is prepared to distribute a "Dear Colleague" letter in opposition to Hawaiian statehood. If he does that, our chances are dead." My response was, "Good Heavens, Joe, I have exams coming up in 2 days." He said, "Well, this is more important, and I know you can do it because he has plenty of aloha for the veterans in the 100th battalion and the 442d," and I was one of those veterans. I was also asked to talk to Senator RUSSELL LONG. When I went over to Senator Lodge's office, he welcomed me immediately because it so happened that while he was at the Italian war front as a Senator viewing the activities of the 100th battalion, I was assigned as his escort officer to show him around. He remembered me when I presented myself. He immediately granted me an audience, and I spoke to him about what the veterans of the 100th battalion and 442d had fought for in World War II and that the granting of Hawaiian statehood would be the ultimate recognition of the loyalty that they had displayed on the battlefield.

He listened very attentively and then he reached forward and picked up from his desk a draft of a "Dear Colleague" letter he had prepared. He said to me, "For you and the veterans of the 100th Battalion and 442d I can do at least this much." And after showing me what it was, he tore the "Dear Colleague" letter into bits and threw it in the wastebasket. Here was a man of compassion, who had feelings for others even in opposition to his own clear thinking, which had led him to drafting a "Dear Colleague" letter in opposition to Hawaiian statehood. He reversed himself because he thought then and there as I was speaking to him that Americans, regardless of race or ancestry, deserved recognition especially after they had proven their loyalty by sacrifice of limbs and even lives.

Years later, in 1965 when I was visiting South Vietnam as a U.S. Congressman and was introduced to our then Ambassador to that war-torn country, he focused his sharp gaze on me and to my amazement asked me, "Spark Matsunaga, aren't you the young man from Harvard Law School who went to Washington to lobby me for Hawaiian statehood?" I remarked, "How could you remember such a little incident which happened so many years ago?" Ambassador Lodge responded, "It isn't too often that a U.S. Senator tears up his own 'Dear Colleague' letter."

Mr. President, Henry Cabot Lodge was indeed a distinguished American who played a major role in the history of his country for nearly a half century and played it well. My condolences go out to his widow Emily and all the members of his family.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

FARM CREDIT

Mr. BOREN. Mr. President, I was alarmed to read a report in the Washington Post this morning, March 6, carried on the front page and carried over to page A4, indicating that there seems to be again some confusion at the White House about the position that it has previously taken in regard to farm credit.

I am very concerned about this confusion for several reasons.

First of all, if the President is really acting on the basis of the misinformation contained in some of the statements coming from the administration, then he is apt to make a serious error as he acts on the package of legislation sent to him by the Senate and the House of Representatives to deal with the current emergency on the farm.

I refer to an article in this morning's paper entitled "House Sends Farm-Aid Bill to President" written by Margaret Shapiro, and I ask unanimous consent to have printed in the RECORD the full text of that article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOUSE SENDS FARM-AID BILL TO PRESIDENT REAGAN HAS VOWED TO VETO MEASURE

(By Margaret Shapiro)

The Democratic-controlled House, over strenuous Republican objections, approved and sent to President Reagan yesterday an emergency farm-credit relief bill that Reagan has said he will veto as unnecessary and too costly.

The 255-to-168 vote generally followed party lines, with 225 Democrats and 30 mostly farm-state Republicans voting in favor of the legislation, and 18 Democrats and 150 Republicans, including most of the House GOP leadership, voting against it.

House Democratic leaders predicted that the House would override a presidential veto, but yesterday's tally fell well short of the two-thirds majority needed to do so.

Nevertheless, Democrats yesterday were relishing the political bind such a veto would cause for Reagan and the GOP.

"Reagan can veto the farm bill, but he cannot veto the problem," said House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.).

House Minority Leader Robert C. Michel (R-Ill.) accused the Democrats of trying to score political points by rushing the bill through without trying to find a compromise acceptable to the White House.

"The need is there; the urgency is there; it's just a question of how to do it," he said. "We seem to be more interested in harvesting votes than in harvesting crops."

The legislation was approved last week by the Republican-led Senate, despite heavy lobbying by the administration and Senate Majority Leader Robert J. Dole (R-Kan.).

Farm-state Senators had tacked the credit provision onto a bill authorizing $175 million in disaster and refugee assistance to drought-ravaged African nations.

Administration officials had indicated that, even without the farm provisions, Reagan would be inclined to veto the bill because the amount approved for African drought assistance was seven times more than the administration requested.

The farm bill would make it easier for debt-ridden farmers to obtain credit in time for spring planting. It would provide an additional $1.85 billion in federal farm-loan guarantees this year to help farmers obtain loans to run their operations and restructure their debts.

The administration maintains that its current $650 million loan-guarantee program is adequate.

The bill also would provide $100 million to subsidize lower interest rates for commercial loans. The federal government would match the interest-rate reductions granted by lenders who refinanced farm loans. This measure has been denounced by the administration officials, and some lawmakers suggested it would be little more than a bank bailout.

The legislation would also allow farmers this spring to get half of the farm-price support loans they normally would receive after the fall harvest. A farmer could get an advance of up to $50,000 this way, to be used to finance spring planting.

Administration officials have said the cost of the combined farm-famine measure could run as high as $7.4 billion this year, then

drop to a net total of $1.3 billion for this year and next as farmers repay loans.

However, Democratic officials said the Congressional Budget Office estimates that the two-year cost would be about $500 million.

House Majority Leader James C. Wright Jr. (D-Tex.) said that one-third of American farmers have not been able to obtain financing for the spring planting season, that 100,000 family farms are on the verge of bankruptcy and that rural bank failures are at the highest point since the Depression.

According to aides of Rep. Thomas A. Daschle (D-S.D.) about 400,000 could face similar problems without the financial assistance in the legislation sent to Reagan yesterday.

Mr. BOREN. Mr. President, I quote just a portion of it now. It says:

The farm bill would make it easier for debt-ridden farmers to obtain credit in time for spring planting. It would provide an additional $1.85 billion in federal farm-loan guarantees this year to help farmers obtain loans to run their operations and restructure their debts.

I continue to quote:

The administration maintains that its current $650 million loan-guarantee program is adequate.

Mr. President, during our negotiations with representatives of the administration in the period of time in which the filibuster was continuing on the Senate floor during the consideration of the Meese nomination a very clear agreement was reached between this Senator, and others, and the administration on the point that the $650 million cap on the amount of money made available for loan guarantees had been removed. We were told that no eligible farmer under the terms of the program would be denied the right to restructure his debt or to receive a loan guarantee on the basis that the funds had been exhausted.

A commitment was made not only that the $650 million cap would be removed on the guarantee program and that all caps would also be removed on the direct loan programs, but that however much was required would be made available by the administration.

If $3 billion, and that figure was discussed, or $4 billion in loan guarantees became necessary, the administration committed itself to making that amount of money available.

We unanimously passed a sense of the Senate resolution by 91 votes in favor of it, 9 not voting, and in that resolution it spelled out that the caps on both of these programs, including the $650 million cap, had been removed. I now quote from that resolution as it appeared in the RECORD of February 23.

Whereas the Administration has assured Congress that adequate funding will be immediately available for eligible and qualified borrowers under the Farmers Home Administration insured farm operating loan program to meet operating credit demands for the 1985 crops;

Whereas the Administration has assured Congress that adequate guaranteed authority will be immediately available for eligible and qualified borrowers to implement the President's Debt Adjustment Program announced in September 1984 and revised in February 1985;

Those are the requisite portions of the resolution passed unanimously by the Senate at the conclusion of the filibuster on the Meese nomination.

Passage of that resolution and the wording of that resolution was an inherent part of the good faith agreement entered into between this Senator and others and the administration in return for which we agreed to end the debate and allow a vote on the Meese nomination.

Not only was the resolution agreed to but it was also agreed that the administration by letter, in writing, would certify its agreement to removing the $650 million cap. At this point, I would quote from a letter, and ask unanimous consent to have it printed in the RECORD at this point, from Secretary John R. Block, Secretary of Agriculture.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE, OF THE SECRETARY,
Washington, DC, February 22, 1985.

Hon. ROBERT BYRD,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MINORITY LEADER: I have discussed the actions recommended in the Sense of the Senate resolution with the President.

I am authorized by the President to state that it is the intention of the Administration (1) to fully and speedily implement the policies set forth in the resolution (the text of which is attached), and (2) to make certain that adequate funds are immediately available for all qualified farmers seeking assistance under the programs and provisions identified in the resolution.

Sincerely yours,

JOHN R. BLOCK,
Secretary.

Mr. BOREN. The letter reads as follows. "Dear Mr. Minority Leader," in this case, Senator BYRD, and it was also addressed to the majority leader, Senator DOLE.

DEAR MR. MINORITY LEADER: I have discussed the actions recommended in the Sense of the Senate resolution with the President.

I am authorized by the President to state that it is the intention of the Administration (1) to fully and speedily implement the policies set forth in the resolution (the text of which is attached), and (2) to make certain that adequate funds are immediately available for all qualified farmers seeking assistance under the programs and provisions identified in the resolution.

Mr. President, nothing could be clearer than the agreement which has been entered into by the administration in the sense-of-the-Senate resolutions as further implemented by a letter signed by the Secretary of Agriculture in which he says he is authorized to enter into this agreement by the President of the United States, spelled out in this letter over his signature.

And yet we continue to hear from the administration talk about the fact that the emergency farm credit package somehow has a huge cost attached to it because it authorizes more than $650 million in loan guarantees under the old cap.

It is because of this confusion that I wrote to the President a letter on February 25, 1985. I ask unanimous consent that a copy of my letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 25, 1985.

The PRESIDENT,
The White House,
Washington, DC.

MR. PRESIDENT: According to an article which appeared in yesterday's "Washington Post", you stated that you did not intend to provide more than $650 million for the FmHA Debt Adjustment Program, (DAP). It was my understanding that you had earlier in the week authorized Secretary Block to use as much money as necessary for this program, that, in essence, there would be no cap on the funding.

Secretary Block assured us that you supported the Senate Resolution clarifying that there would be no cap on this program. His repeated assurances were one of the primary reasons I decided to end the filibuster against Mr. Meese's nomination.

I would appreciate an immediate clarification of your position on this matter as the Ethiopian Food Aid Bill is to come before the Senate this afternoon and your position may necessitate a modification of an amendment several farm state senators intend to propose.

Your prompt reply will be appreciated.

Sincerely,

DAVID L. BOREN,
U.S. Senator.

Mr. BOREN. In part, I noted that there continued to be articles in the news media referring to a $650 million cap and that Secretary Block had assured us that the President supported the Senate resolution removing the cap. I wrote that letter on February 25 and yet I still have not, as of today—and the bill is on the President's desk—received a reply to my letter asking for a clarification.

The next day, February 26—and I just received this letter very recently—I received a letter from Mr. M.B. Oglesby, Jr., Assistant to the President, saying:

DEAR SENATOR BOREN: Thank you for your February 25 letter to the President requesting clarification on the Administration's position with respect to funding for the Farmers Home Administration Debt Adjustment Program.

Your concern is appreciated, and I have asked the appropriate Administration advisers to promptly review your comments and provide you with the information you requested as soon as possible.

With best wishes,
Sincerely,

M.B. OGLESBY, Jr.,
Assistant to the President.

As of this time they have failed to provide me with that information.

Mr. President, there are two possibilities at work here. One is that there is a total failure to understand the situation at the White House and that we may be somehow in danger of having the administration not implement the agreement, clearly entered into on the floor of the Senate, in terms of the sense-of-the-Senate resolution as supported by a letter signed by the Secretary of Agriculture on the authority of the President of the United States.

Mr. President, if it were to be the policy of the administration to reimpose the $650 million cap, as these press reports indicate, and deny farmers eligible under the terms of the program the right to participate in the debt adjustment program, it would be a complete and total breach unparalleled, certainly in my public career, of written commitments entered into between the vast majority of the Members of this body and the administration.

And I think it would be an understatement to say that its consequences not only in this area but in other areas of legislative policy and the future ability to enter into agreements based upon trust would be far-reaching indeed.

Mr. President, I am not suggesting that that is what is in the minds of the administration. I certainly hope not. There is, I suppose, another alternative and that is that the White House understands the situation. They understand that they agreed to remove the $650 million cap themselves. They understand that they were obligating themselves to perhaps $3 or $4 billion in loan guarantees, at least that is a potential figure. But they do not want to clearly explain that to the American public. They would rather leave the impression that somehow the two bills passed by the Senate and the House recently and now on the President's desk have some huge price tag associated with them; that they somehow cost several billions of dollars because they exceed the $650 million that the President himself already agreed to exceed.

If that is the case, Mr. President, it is certainly not a credit to the administration. It is certainly not a positive reflection on the truthfulness of the presentation of the administration to the American people.

What is the truth? Assuming that the administration keeps its word and removes the $650 million cap, what is the truth about the cost of these bills that have been passed by the Senate and by the House? The truth is that they have very negligible cost.

One bill does have a provision for $100 million of matching money to be made available under regulations to be written by the administration itself, with protections in the regulations as deemed necessary by the administration, so that banks, at their option, after already acting to remove and reduce to interest rates, to reduce the interest rates for farmers on guaranteed loans, could have the option of reducing the interest rates further on the basis that the bank would absorb one-half of the cost of further interest rate reductions and the Government would absorb the other half up to a maximum of $100 million. There is a cap in that program and under no circumstances can the total amount of money expended exceed $100 million.

So it would be fair to say that the potential cost of these two bills to aid the farmers in a desperate emergency at the outside is $100 million.

What about the other bill, the Dixon bill or the Daschle bill, as it is sometimes called? What is the cost of that bill?

Mr. President, the cost is virtually zero. It is simply a cash advance of funds that are already going to be paid to the farmers anyway in the same fiscal year. It is just a matter that instead of paying those dollars later in the year, perhaps August or September, half of the money that is going to be paid anyway will be paid to the farmer sooner. Not another dollar is going to be paid; it is simply going to be that the dollars are going to be made available sooner. So that, in terms of the cost for the Government for the entire year, there really is no increase at all under that bill. Now it is possible a few more farmers may sign up under the program than would otherwise so that they can get the cash advance.

If that is the case, Mr. President, it is my belief that the cost to the Government will not be increased but will be reduced in the long run. As we get more farmers to participate, we help bring supply and demand back into balance. That reduces the cost of commodity programs down the line by improving market prices for farmers.

So, Mr. President, if the administration keeps its pledge—as I say, I certainly hope and trust they will—to remove the $650 million cap, if they have taken that action already, they cannot assign that cost to these two bills. That is their own action by their own administration. They are the ones who removed the cap. They are the ones who said, "If it takes another $1 or $2 billion, we are ready to agree to that." They cannot then turn around and assign that cost to these two bills.

If they try to imply to the American people that they were holding the line at $650 million and that these two bills increase the cost beyond that, they are not leveling with the American people.

One way or the other, either the agreement is not being kept in trust with this body or the American people are being misled, one way or the other. One alternative or the other appears to be correct.

The cost of these two bills is only $100 million.

The reason I make these points now, Mr. President, is that we are told the White House has the bill under consideration and will act on it in the very near future, if they have not already done so. The advisers to the President will be doing him a great disservice if they do not make it clear to the President that the actual cost of these two bills is not several billion dollars as has been bandied about in the press, but $100 million.

I would hope that the President would receive straight and accurate advice on that point. As President he is entitled to be told the truth by his own advisers.

Let us assume, Mr. President, that the cost is $100 million, as I have said, or certainly approximately that figure, as opposed to $2 billion, $3 billion, $4 billion, or $5 billion. Is it too much for us to spend $100 million to give thousands of farmers across this country a fighting chance to survive?

We are told that we should not add to the deficit of this country. Mr. President, I strongly agree with that proposition. I believe that in order to make $100 million available to the farmers of this country we should cut waste out of the budget in other areas. I will be specific.

I do not see how in the world we can justify the request of this administration for $20 billion for foreign aid this year and then turn around and say that we cannot afford $100 million to deal with the pressing problems of the farmers here at home.

I cannot believe that the American people, if they were given an opportunity to vote directly on this question, would hesitate even 1 second to cut $100 million out of the $20 billion the administration has requested for foreign aid and give our farmers here at home a chance to survive. The American people know that our farmers are now on the verge of going broke. Farmers have allowed them the greatest food bargain in the world, with only 16 percent of the average American's income going for food, while it is 45 percent in the Soviet Union, and over 50 percent in many parts of the world. You cannot tell me that the American people, if they had an opportunity to set budget priorities, would have any hesitation in rejecting the proposal to give $20 billion of foreign aid and give nothing to the farmers.

I think 99.99 percent of the people of this country would vote to make the foreign aid $19.9 billion so we could

give $100 million to the farmers here at home.

It is not only that the farmers deserve our sympathetic understanding because, after all, they are not the ones who imposed embargoes preventing them from selling their food to other countries. Our Government did that. They are not the ones who caused the overvaluation of the American dollar or mistakes in our budgetary problems, but it was our own Government who placed them in that situation so they could not sell their food overseas.

Even beyond that, I think the American people understand what a collapse in agriculture can do to the rest of this economy. We have not forgotten what happened in 1929. We have not forgotten what happened in 1930.

We know it all too well. When land values collapsed, the banks began to collapse because it was the land which backed up their portfolios. When the land collapsed, the small business across this country collapsed and a ripple was set forth across the country which became a tidal wave which did not stop until it reached Wall Street and the financial institutions of this country and ultimately resulted in the entire population, off the farm and on the farm, being thrown out of work. Last year we lost 1.5 percent of our farmers in this country and land values went down 10 percent. Mr. President, projections are that in the Great Plains States we can lose as many as 13 percent of our farmers this year alone. If land values went down 10 percent losing 1.5 percent of our farmers, what would happen if we lost 13 percent?

We were told by the administration, and I agree, we could not risk the failure of a large bank in Chicago recently. A $4.5 billion bailout package, $900 million of which went into the pockets of the stockholders as their equity value was protected, was put together to keep that bank from collapsing, a $4.5 billion package.

Mr. President, if the possible collapse of that bank constituted a threat to our economy, what would happen if 13 percent of our farmers went out of business? What would happen to banks in this country that have more than 41 percent of their loan portfolios in agricultural loans? If we think that $50 billion of Latin American loans which are nonperforming might constitute a threat to this country, what do we think the impact would be if the $220 billion agricultural debt in this country could not be serviced? $4.5 billion to prevent the failure of one bank in Chicago, and not $100 million to prevent a potentially devastating collapse of the agricultural sector of this country? How can that be in the interest of any American citizen, whether they live on the farm or whether they live in a large city?

Do not forget, farmers are the largest single customers for trucks and autos in this country. There are a lot of jobs at stake there. They are the fourth largest consumer of insurance and real estate services in this country. They create 40,000 jobs directly in the steel industry through their purchases from that industry. Directly or indirectly they create 20 percent of all the jobs in this country even though they are 3 percent of the population.

How can we stand by and be responsible and risk the kind of problems that we risk by not dealing with this agricultural crisis now? How can we ever look the farmers of this Nation in the eye and say to them, "We had $20 billion to send overseas in foreign aid but we did not have $100 million to deal with your crisis here at home. We had $4.5 billion to prop up a Chicago bank to protect $900 million worth of equity of the stockholders in that bank, but we did not have $100 million anywhere in the budget for you. We have the money to spend hundreds of dollars each for toilet seats for the Pentagon, but we do not have $100 million anywhere in place in the budget that we could trim out to take care of your problems and to protect the rest of American citizens against the ripple effect the collapse of agriculture could have."

Mr. President, it is indefensible. It is absolutely indefensible to have such a misguided set of priorities in terms of writing the budget of this country that we fail to deal with a critical economic crisis here at home while finding the money, much of which will go down a rat hole in some other country in the international arms market, we send somewhere else in foreign aid.

One of our national commentators suggested with tongue in cheek recently that the farm crisis could be solved by having all the farmers bring their pitchforks to Washington, have them take them to the Pentagon, trade them in under the normal prices that appear to be paid for certain objects recently, have the Pentagon pay every farmer $25,000 each for their pitchforks, and that would solve the problem that we have on the farm. It is a sad commentary, Mr. President.

I hope the President of the United States will look at the information which I have inserted into the RECORD. I hope that he will be reminded by his advisers that he already pledged in writing in this resolution—by his own Secretary of Agriculture over the Secretary's signature saying he acted with the authority of the President of the United States—and has already acted to remove $650 million cap. I hope, Mr. President, that the administration will keep its pledge, and I trust that they will, in that matter. But I hope they will also do something else, and tell the American people the truth; that is, that the cost of this bill is not several billion dollars. It is perhaps $100 million. That is an outside figure because that is a cap that is imposed on the money available for the interest buydown.

I hope the administration will think long and hard about the priorities in the budget, will decide that we can trim that $100 million out of foreign aid or out of some other function, and make it available to deal with the serious American problem that is going to cost us not $100 million, not even hundreds of millions, but billions of dollars before it is through; $4.5 billion was poured into one bank when it almost failed. Yet, for want of $100 million, we add the jeopardy placed upon 4,100 banks in this country. It does not make sense. There is no good reason in substance to do it. There is no good political reason to do it. There is no reason in terms of fairness to do it.

I can only hope that the President will decide not to veto that bill. If he does, many of us in conscience will have only one course, and that is to do everything we can to overturn that decision and to follow opportunities in the future to make other proposals—we hope that the President will have better information at that time—and, if not, to try to overturn the veto and the results of it.

But I earnestly hope that the President will not try to raise the issue of the deficit in acting on this bill because it is an argument totally without substance. It is a small amount of money involved in a budget where there are many places for us to cut to come up with that money without adding to the deficit. It is not a matter of deficits. It is a matter of priorities—foreign aid, for example, versus pressing problems here at home. It is a time for us to keep faith with the American people, with the needs of the American economy, and with the American farmer. We have certainly kept faith with a lot of other people around the world. We are keeping faith to the tune of $20 billion this year. We kept faith with the Latin American farmers by bailing out their governments through the International Monetary Fund to the tune of several billion dollars when they could not pay their debts back to us. Our farmers paid the taxes that helped bail out those governments that have been in essence competing with us by paying their share of the money that went to the International Monetary Fund. It is a matter of priorities.

In my own mind, our clear priority should be to keep faith with our own and to deal with serious economic problems here at home before they so cripple our economy that we are not going to be able to help anyone else in the world or ourselves as well.

I thank the Chair, and I yield the floor.

CALLING FOR THE PRESIDENT TO APPROVE LEGISLATION THAT WILL PROVIDE CREDIT ASSISTANCE FOR FARMERS

Mr. ZORINSKY. Mr. President, yesterday the House of Representatives approved legislation—H.R. 1096—that will provide emergency credit assistance for our Nation's farmers and assistance for Africans faced with famine.

Last week, the Senate acted on H.R. 1096. At that time, several important provisions of farm credit legislation—Senate Joint Resolution 49—that I introduced on February 19, were incorporated into that measure. It was the Senate-passed version of H.R. 1096 that was approved yesterday by the House.

I believe that it is essential that the President sign this legislation.

A number of my colleagues have joined me in sending a letter to the President expressing our strong recommendation that he approve the legislation.

I ask unanimous consent that the text of the letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC, March 5, 1985.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We strongly urge you to approve H.R. 1096, legislation that would provide African famine-relief assistance and emergency credit assistance for our Nation's farmers.

Without the farm credit assistance provided in the legislation, thousands of farmers will be faced with financial ruin. We implore you to seize this opportunity to assist our Nation's farmers before what is now an agricultural credit crisis develops into an economic disaster for all of rural America.

Sincerely,

Edward Zorinsky, James Abdnor, Howell Heflin, Charles E. Grassley, Bob Kasten, Alan J. Dixon, Tom Harkin, Mark Andrews, David Boren, Lowell P. Weicker, Jr., John Melcher, David Pryor, Larry Pressler.

FARM CREDIT

● Mr. LEVIN. Mr. President, before the day is over, President Reagan will have on his desk legislation which provides substantial assistance to tens of thousands of farmers who are in desperate need of immediate credit and cash to plant this spring.

I deeply regret that the President has threatened to veto this crucial legislation. I deeply regret that farmers will go under due to economic factors beyond their control and this administration is just going to sit and watch. After all, they say, it is a dynamic economy at work and the farmers who are going broke must be inefficient.

Are the declining land values brought on by the inefficient farmer? Is it the inefficiency of the farmer that is responsible for high interest rates? Did the inefficient farmer bring on the high cost of the dollar? Is it the bad farm manager who brought about the decline of the export markets? The answer is no.

And yet the administration is turning a deaf ear to the needs of those in rural America. I am pleased that the majority of the Congress chose to address the problems the farm community is facing. We are not going to quit. I want to commend the leadership of Senators BOREN, DIXON, EXON, and ZORINSKY for their ability to move emergency farm legislation through the Senate despite some seemingly insurmountable obstacles.

They have spoken out with great conviction on the farm crisis and their knowledge of agriculture issues is unsurpassed. I want to thank them for their efforts on behalf of the farmers of this country.

It is a cause which will ultimately benefit all Americans.●

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRESSLER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TROUBLE IN COLOMBIA'S WAR ON DRUGS

Mrs. HAWKINS. Mr. President, an article in the Washington Post yesterday revealed some very disturbing information about Colombia's "War Without Quarter."

This brave nation has fought a courageous battle against drug traffickers since the assassination of their Justice Minister, Rodrigo Lara Bonilla. This battle has been waged against tremendous odds, as cocaine trafficking had almost ruined Colombia's economy, and had nearly caused the destabilization of that nation's society. President Belisario Betancur finally declared all-out war on the drug kingpins controlling his nation, and tremendous strides were made.

It has been 9 months since this declaration of war, and the Washington Post article brings up some disturbing information about this struggle. It is reported that despite almost a year of unstinting effort, President Betancur remains in a stalemate with adversaries whose power sometimes seems to rival his own.

An example of these adversaries is provided in the article: the notorious Carlos Lehder. In a move so outrageous it reportedly shocked even his peers, this self-acknowledged drug kingpin appeared, from his jungle headquarters, on Colombian national television. In this interview, Lehder said: "Cocaine and marijuana have become an arm of struggle against American imperialism."

He goes on: "We have the same responsibility in this—he who takes up a rifle, he who plants coca, he who goes to the public plaza and denounces imperialism."

That this astounding interview was filmed, and then shown on national television, is a sure indication of the difficulties facing President Betancur in his drug control efforts. Despite the fact that arrests of narcotics suspects have nearly tripled, and despite the fact that seizures of cocaine jumped from 5,400 pounds to 47,000 pounds in 1 year, Colombia's task of ridding itself of drug traffickers becomes increasingly difficult. This nation remains a country "saturated by drugs and their accompanying corruption."

An example of the continuing production and export capability of Colombian cocaine cowboys can be seen in the recent seizure of a cocaine shipment aboard an Avianca plane. Last month, more than 2,500 pounds of cocaine, with a street value of about $600 million, was discovered in Miami aboard a Boeing 747 jet of the Colombian national airline, Avianca. While the capture of this illicit cargo is encouraging, the fact that this amount of cocaine is still being grown and exported from Colombia is a disturbing indication of the continuing power of the cocaine traffickers in this nation. The outgoing U.S. Ambassador to Colombia, Lewis Tambs, was quoted: "It reminds me of Nazi Germany in the 1930's, when criminal elements took over," in a description of the state of affairs in that nation, despite the ongoing battle against these criminal elements.

In an equally tragic aspect to this situation, the drug traffickers have become increasingly violent in their fight to maintain their multimillion dollar drug empires. President Betancur and Ambassador Tambs have been singled out as targets, as have the newly appointed Justice and Vice Justice Ministers. The offices of American businesses and cultural foundations, in Bogota and other cities in Colombia, have also been bombed, and their personnel attacked, in the traffickers' attempts to regain control.

Mr. President, it is to the great credit of President Betancur and his government that their efforts continue, unabated, despite the return of fire of the cocaine traffickers. While individuals like Lehder, and the equally

notorious Pablo Escobar, continue to be tolerated by many Colombians, President Betancur has been largely successful in convincing the citizens of his nation that the crackdown he has launched on drug traffickers is necessary for the survival of Colombia.

The battle that this brave nation is fighting, and as the Washington Post article points out very well, fighting against tremendous odds, is not just political. It is social and economic as well. It is, indeed, a struggle for the very survival of a great nation, and I, as a U.S. Senator, and as chairman of both the Senate Subcommittee on Alcoholism and Drug Abuse and the Senate Drug Enforcement Caucus, will continue to do everything I can to be of assistance to Colombia in its continuing "War Without Quarter."

TRIBUTE TO SAUL SORRIN

Mr. KASTEN. Mr. President, I rise today in tribute to a man who has dedicated his life to the plight of minorities. Saul Sorrin is a man who has given selflessly of his time and energies for the betterment of his community and State.

When Saul Sorrin stepped down from his post of 22 years as executive director of the Milwaukee Jewish Council, the Milwaukee community began to realize just how many lives had been touched by Saul's commitment to uphold human rights for all people.

During his two decades as director, Sorrin played a major role in the enactment of laws protecting equal opportunity in employment, housing, and public accommodations; assisted school systems in the creation of a human relations program; and consistently spoke out against discrimination and bigotry. When faced with opposition or disfavor, he only pursued his causes with more fervor and determination. When other lights had gone out, Saul's continued to burn brightly.

I recently attended a dinner roast in honor of Saul at the Milwaukee Jewish Community Center. Hundreds of people came to pay tribute and to toast Sorrin's contributions to the community. Although Saul will no longer be serving the council in the same capacity, his involvement in their activities will continue through consulting work and writing on various issues.

I would like to bring my colleagues' attention to the following articles which appeared in two Milwaukee papers after Mr. Sorrin's announcement to retire.

In closing, my best wishes to Saul and his wife Harriet for a prosperous and happy retirement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, June 30, 1984]

RIGHT FOR RIGHTS

For nearly three decades, Saul Sorrin has been a dominant figure in this state's struggle to reach higher levels of human understanding. Milwaukee and Wisconsin are greatly in his debt.

Sorrin is retiring as executive director of the Milwaukee Jewish Council. He had simultaneously served as Wisconsin regional director of the Anti-Defamation League of B'nai B'rith for many of those years, and has been active in almost all phases of the civil rights movement.

Although he is retiring from the day-to-day action, Sorrin will continue to consult with the council and to write on rights issues. His community is fortunate in having Sorrin's continued, if diminished, participation in the effort to realize the rights of all people.

Thanks, Saul. And every good wish for happiness and long life in your "retirement."

[From the Milwaukee Sentinel, Jan. 15, 1985]

SORRIN HAILED AS CHAMPION OF MINORITIES

Saul Sorrin, who stepped down as executive director of the Milwaukee Jewish Council last year, was praised for his untiring efforts to champion the causes of minorities at a retirement dinner Monday night.

A crowd of 400, which included numerous political and church leaders, attended the "toast and roast" at the Jewish Community Center.

Speakers praised Sorrin for his efforts to build bridges between the Jewish and Christian communities in Milwaukee.

Milwaukee Archbishop Rembert G. Weakland said Sorrin stood for "the just man. He has respect for his God and also sees the reflection of God in everyone else."

Jack Weiner, executive director of the Jewish Community Center, characterized Sorrin as a man of powerful conviction. Weiner recalled that Sorrin was censured, even by many in the Jewish community, in 1967 when Sorrin supported former Catholic priest James E. Groppi.

Groppi aroused the anger of many in Milwaukee by leading nightly demonstrations in the city's streets to try to force the Common Council to pass an open housing ordinance.

Among those attending were US Sen. Robert W. Kasten Jr. (R-Wis.), former US Rep. Henry S. Reuss (D-Wis.), Gov. Earl, and former Gov. Lee S. Dreyfus.

It was announced at the dinner that the Evangelical Christian-Jewish Dialog of Milwaukee, as an honor to Sorrin, had arranged to have 25 trees planted in his name in Israel.

[From the Milwaukee Journal, June 27, 1984]

SORRIN SOUGHT GOOD AND FOUND IT

(By Linda Steiner)

The world, according to Saul Sorrin, is sort of like the story of the father who gave his twin boys a cigar box for their birthday.

The first boy opened it, only to find it was full of horse manure. The lad shrieked in disbelief and anger, but as he carried on, the second boy cried out with joy.

"Why are you crying out in joy?" the first boy asked his brother. "Look at what's in this box!"

"Ah," said the second boy. "Remember, wherever there's manure, a pony can't be far away."

Although Sorrin, 64, has seen more than his share of manure in the world, he won't stop looking for that pony.

Sorrin, the outgoing executive director of the Milwaukee Jewish Council, headed the community relations arm of the Jewish community here for 22 years. Simultaneously, he served as the Wisconsin regional director of the Anti-Defamation League of B'nai B'rith until 1981, when he quit to devote full time to the council. He has been active in almost all phases of the civil rights movement for more than 30 years.

Sorrin will be succeeded July 16 by Judy Mann, 35, of Milwaukee, formerly the director of community relations for Planned Parenthood of Wisconsin.

Although Sorrin grew up in a world in which "everybody was Jewish," in New York City, he didn't become involved in Jewish organizations or human rights activism until after World War II.

But the five years after the war, when he worked as director of United Nations Centers for Jewish Holocaust Survivors in southern Germany, resettling Jews who had survived, changed his life immeasurably.

With his shirt sleeves rolled up and wearing a tie that, he told a reporter, was "probably as old as you are," Sorrin rummaged through a plaid hatbox in his council office, pulling out scores of faded black and white memories of people from "my camps."

There were pictures of him with the refugees and the survivors, pictures of some of their post-war activities in the camps where they had lived while waiting for new homes in Palestine or the United States, and pictures of very young children. Unlike the refugees, they were fat-faced and healthy-looking.

Sorrin talked about a surge in births in the camps between 1945 and '46, then put the pictures down and gazed into the distance momentarily, measuring his words.

"After crawling out of the camps of Europe . . . what drove them to recreate, to start all over again with new families? I asked myself several times if I would have done so under such circumstances. . . . I said to them, 'You must be crazy to start all over again in such a world,' but they did. I've always taken that as the life affirmation of the Jewish community. . . .

"To me, those memories of those days are the sharpest. . . . And if they were willing to risk it, all of us should be willing to risk it.

"It's my optimism, my faith in the ultimate redemption of humankind."

TAKES SOME CRITICISM

That optimism has kept Sorrin going in his work and sometimes has drawn criticism from the Jewish community and the community at large. There have been charges that, at times, he tries to soft-pedal controversy and focus on the bright side of things.

Sorrin laughed and said he sometimes stormed and ranted. But he maintains that one has to choose battles carefully, look beneath the surface and be honest about what is seen. He contends that prejudice and discrimination are on the wane in this country and that undue media attention often is given to small groups of "weirdos."

He cited the recent painting of swastikas on a synagogue in Mequon.

"You have to be careful not to confuse a swastika or a synagogue with an organized Nazi movement," he said. "In 90% of these cases, it's the work of isolated adolescents."

What was feared to be a neo-Nazi movement here in the early 1970s was really the work of only a very small group of people, Sorrin said. And the Posse Comitatus, which he said newspaper editorials were now declaring dead, "was just a newsprint organization," he said.

"This is not to say you're not careful with them," he said of such groups. But they must be kept in perspective, he said.

When Sorrin looks back over his years in Milwaukee, he remembers a slow-moving city before the freeways and big buildings were built. He fondly recalls hours spent playing three-cushion billiards at the old Antlers Hotel at 616 N. 2nd St. But he also remembers overt discrimination, in things such as housing and employment and anti-Jewish quotas in universities.

"But that's gone, out the window now . . .," Sorrin said. "This is not to say everything is wonderful, but things are getting better, not worse.

"I am a great alarmist," Sorrin said, shifting his focus to what he calls the truly major threats to freedom in this country. "There are trends toward the reversal of constitutional guarantees . . ., toward diminishing the rights of defendants, toward crippling the enforcement of hard-won civil rights laws.

"But they're not coming from any extremist groups. They're coming from the heart of our political system. The threat is not from a group of weirdos—Americans reject that—but it will come from a failure of will and a failure to support equal rights and equal opportunity concepts."

SUSPECTS SURGE OVER

Sorrin said he suspected that the country was on a plateau in civil rights issues after having experienced a surge in social change since 1954.

"The verdict isn't in yet on whether we're climbing toward another opening of rights and opportunities," he said. "The legal framework has been laid, now we have to work toward the reality."

Sorrin reflected for a minute on his boyhood, when his school tried to erase the Yiddish from his speech. He remembers that, when his mother went to talk with his teacher, he was embarrassed over her Yiddish accent. Now, young people in Milwaukee are learning Yiddish and finding out their ethnic heritage.

"That's good, it creates a sense of richness . . . ," Sorrin said. "The problem, though, is that we sometimes forget we have to cooperate, to come out of our respective enclaves and come together to work on problems.

"It's important to create bridges at the same time groups are turning inward to examine their values."

WORK TO CONTINUE

Along those lines, he will continue for several months to work closely with the council on interfaith work and consulting. He also will write articles for general publications on rights issues.

In his spare time, he'll play a little handball and canoe and fish at the home that he and his wife, Harriet, own on the Menominee River in northern Wisconsin.

And occasionally, he'll go back to New York "to get charged up and eat a little corned beef and blintzes."

He'll also keep that hatbox full of photographs to remind him that love and the human spirit—and the quest for that pony—never die.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

THE SPIRIT OF ENTERPRISE

Mr. KASTEN. Mr. President, I would like to bring to my colleagues' attention a review of George Gilder's new book, "The Spirit of Enterprise," by former Presidential speech writer Aram Bakshian, Jr. in the February 8, 1985, issue of National Review.

In his book, Mr. Gilder brings to center stage the role that the American entrepreneur has played in shaping our capitalistic society. He identifies what, until recently, could be called the "missing link" in capitalism—the entrepreneur. That is to say our society, and the business world in particular, has overlooked the individual entrepreneur as a resource to draw upon. Instead of assisting and cultivating these creative people, we have looked primarily toward large corporations for maintaining healthy employment levels and providing all innovation.

In reality, it is the private entrepreneur that is our greatest resource for boosting productivity, providing new jobs, and creating wealth. The entrepreneur may appear to be the minority in the corporate world, but in fact he comprises the growing majority of businessmen and women.

Similar to grassroots political organizations, entrepreneurs form networks that perpetuate success on the local level. This stems from the fact that they are more likely to share resources and creative knowledge unlike major corporations.

The rest of the world recognizes the United States as a haven for the hard-working, creative individual. What has received little credit up till now is the sacrifice and courage of American entrepreneurs engaged in private enterprise. In his own words, Gilder captures the spirit of the entrepreneur: "Bullheaded, defiant, tenacious, creative, entrepreneurs continue to solve the world's problems faster than the world can create them. The achievements of enterprise remain the highest testimony to the mysterious strength of the human spirit."

The American entrepreneur represents opportunity for success and innovation, as well as the hope and faith which makes the American dream possible for all.

I submit the following book review by Aram Bakshian as a tribute to all American small businessmen and women, and ask unanimous consent that it be printed in the RECORD.

GILDERING THE LILY

(Aram Bakshian Jr.)

Too many people seem to have forgotten that the word "wealth" means well-being as well as affluence. Four years ago, In *Wealth and Poverty*, George Gilder pulled together the long-existing but recently neglected strands of morality, folk wisdom, and basic elements of human nature that can lend to wealth and its accumulation a moral dimension—a virtue—that even the staunchest defenders of capitalism often ignore. Most but not all. A hundred and fifty years ago, Alexis de Tocqueville smelled a benevolent rat and wrote that "The love of wealth is . . . to be traced, as either a principal or accessory motive, at the bottom of all that the Americans do; this gives to all their passions a sort of family likeness . . . It may be said that it is the vehemence of their desires that makes the Americans so methodical; it perturbs their minds, but it disciplines their lives."

For that matter, one can go back as far as the fifth century B.C., when Thucydides asserted of free Athenians that wealth was not "mere material for vain glory but an opportunity of achievement."

In our time, it has fallen to Mr. Gilder's eloquent, impassioned, and occasionally empurpled pen to reassert the positive, moral good of the free market in general and the American spirit of entrepreneurship in particular. In *The Spirit of Enterprise*, he does so on both philosophical and anecdotal levels. The result is a magnificent encapsulation of the soul of capitalism as embodied in individual entrepreneurs and their collective legacy to progress and prosperity—things often misunderstood by professional economists.

The problem with most conventional theories of capitalism, says Mr. Gilder, is the failure to appreciate fully this positive, perhaps inadvertently altruistic role of the entrepreneur:

"The capitalist is not merely dependent on capital, labor, and land; he defines and creates capital, lends value to land, and offers his own labor while giving effect to the otherwise amorphous labor of others. He is not chiefly a tool of markets but a maker of markets; not a scout of opportunities but a developer of opportunity; not an optimizer of resources but an inventor of them; not a respondent to existing demands but an innovator who evokes demand; not chiefly a user of technology but a producer of it. He does not operate within a limited sphere of market disequilibria, marginal options, and incremental advances. For small changes, entrepreneurs are unnecessary; even a lawyer or bureaucrat would do.

"In their most inventive and beneficial role, capitalists seek monopoly; the unique product, the startling new fashion, the marketing breakthrough, the novel design. These ventures disrupt existing equilibria rather than restore a natural balance that outside forces have thrown awry. Because they can change the technical frontiers and reshape public desires, entrepreneurs may be even less limited by tastes and technologies than artists and writers, who are writers, who are widely seen as supremely free. And because entrepreneurs must necessarily work and share credit with others and produce for them, they tend to be less selfish than other creative people, who often exalt happiness and self-expression as their highest goals."

This is serious stuff. If we accept Mr. Gilder's basic premise—as this reviewer does—then the entrepreneur becomes the pivotal figure in a productive, free society with existing basic values. Unlike most artists, academics, or politicians, he does more than simply chart or depict extant social landscapes. He creates, expands, and alters them most often using the market-place as his medium. The prime threat to a better future, then, becomes those forces, regulatory and confiscatory, that, often with the best of intentions, stifle the entrepreneurial ideal or deprive it of its necessary tools.

Again, Mr. Gilder lucidly describes the phenomenon:

"The key to growth is quite simple: creative men with money. The cause of stagnation is similarly clear; depriving creative individuals of financial power. To revive the slumping nations of social democracy, the prime need is to reverse the policies of entrepreneurial euthanasia. Individuals must be allowed to accumulate disposable savings, to wield them in the economies of the West. The crux is individual, not corporate or collective, wealth. No discipline of the money supply or reduction in government spending, however heroic, no support scheme for innovation and enterprise, no program for creating jobs, no subsidy for productive investment, however generous and ingenious, can have any significant effect without an increase in the numbers and savings of entrepreneurs."

Now all of this makes such obvious sense that one is tempted to dismiss it as a self-evident truth not in need of repetition—a governing assumption graven in the national character. And, to a certain extent, it is, in the daily conduct of millions of small businessmen and other ordinary citizens. But never has it been so well articulated, and never has it so needed articulation for the growing legion of scholars, regulators, and social activists who, out of blindness or malice, have done so much to undermine the spirit of enterprise in our lifetimes.

Mr. Gilder reinforces his case by mustering strong past and present anecdotal evidence. Some of the portraits he paints are remarkably vivid and inspiring in their very simplicity, from the Idaho farmer who started with a small patch of wasteland and ended up supplying potatoes to McDonald's, through the waves of Cuban, Indochinese, and other recent immigrants who have shown how much good can be generated by hard work and sound thinking in a land of opportunity, to young innovators in the field of high technology. These are the real altruists of our time, altruists in a way that even Ayn Rand might have appreciated if she had been able to see beyond her gospel of selfishness to a deeper human truth.

Naturally, in a free market, all is not sweetness and light. Mr. Gilder is the first to concede this, since, "in the harsh struggles and remorseless battles of their lives, entrepreneurs are no saints, and far from sinless. They bear scars and have inflicted many. Since their every decision has met the empirical test beyond appeal, they are necessarily the world's true realists, most proven pragmatists." But, by building hope and opportunity, they are also a class of men who, more than most, "embody and fulfill the sweet and mysterious consolations of the sermon on the Mount and the most farfetched affirmations of the democratic dream."

With grace, wisdom, and fervor, George Gilder tells their story and inspires us all with a fresh appreciation for the heroic aspect of capitalism—the Spirit of Enterprise, without which freedom is doomed to decay and even the highest of civilizations is bound to wither. One hopes the message has arrived in time.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1096. An act to authorize appropriations for famine relief and recovery in Africa.

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND]

At 1:54 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 47. An act to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; and

H.R. 1093. An act to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 47. An act to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent pending further disposition:

H.R. 1093. An act to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-572. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of the deportation of certain aliens under sections 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-573. A communication from the Secretary of Education, transmitting a draft of proposed legislation to terminate the perpetual trust fund for the American Printing House for the Blind, and for other purposes; to the Committee on Labor and Human Resources.

EC-574. A communication from the Secretary of Education, transmitting a draft of proposed legislation to make certain amendments to the act of September 30, 1950 (Public Law 874, 81st Congress), and for other purposes; to the Committee on Labor and Human Resources.

EC-575. A communication from the chairman of the board of trustees of the Harry S Truman Scholarship Foundation, transmitting a draft of proposed legislation to amend the Harry S Truman Memorial Scholarship Act to remove the dollar limitation on stipends paid under such act and to authorize the Harry S Truman Scholarship Foundation to prescribe regulations governing the amounts of such stipends; to the Committee on Labor and Human Resources.

EC-576. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The 1980 Multiemployer Pension Plan Amendments Act: An Assessment of Funding Requirement Changes"; to the Committee on Labor and Human Resources.

EC-577. A communication from the Deputy Administrator of Veterans Affairs, transmitting, pursuant to law, a report stating that the Department of Medicine and Surgery did not contract out any services during fiscal year 1984; to the Committee on Veterans Affairs.

EC-578. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation:

Special Report on the Activities of the Committee on Commerce, Science, and Transportation (Rept. No. 9).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 94. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Foreign Relations:

Treaty Doc. 99-2. Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon, including Annexes and a Memorandum of Understanding to the Treaty, signed at Ottawa on January 28, 1985.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mr. BYRD and Mr. PELL):

S. 592. A bill to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between Members appointed from the House of Representatives and Members appointed from the Senate, and for other purposes; considered and passed.

By Mr. DENTON (for himself and Mr. HEFLIN):

S. 593. A bill for the relief of the Merchants National Bank of Mobile, AL; to the Committee on the Judiciary.

By Mr. McCLURE:

S. 594. A bill for the relief of the County of Cassia, State of Idaho; to the Committee on the Judiciary.

S. 595. A bill to provide relief for certain desert land entrymen in Idaho; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY:

S. 596. A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Finance.

By Mr. STEVENS:

S. 597. A bill to amend subtitle II of title 46, United States Code, "Shipping," making technical and conforming changes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KASTEN:

S. 598. A bill to make persons who produce agricultural commodities on highly erodible land ineligible for certain agricultural benefits, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EXON:

S. 599. A bill to amend title 31, United States Code, to authorize 1 ounce, one-half ounce, one-fourth ounce, and one-tenth ounce gold coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE:

S. 600. A bill to extend the authority to establish and administer flexible and compressed work schedules for Federal Government Employees; to the Committee on Governmental Affairs.

By Mr. HEFLIN (for himself and Mr. THURMOND):

S. 601. A bill to establish a Federal Courts Study Commission; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 602. A bill to authorize and direct the Secretary of the Army to correct certain slope failures and erosion problems along the banks of the Coosa River; to the Committee on Environment and Public Works.

S. 603. A bill to authorize and direct the Secretary of the Army to correct certain erosion problems along the banks of the Warrior River near Moundville, AL; to the Committee on Environment and Public Works.

By Mr. LUGAR (by request):

S. 604. A bill to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself and Mr. DOLE):

S. 605. A bill to amend sections 2314 and 2315 of title 18, United States Code, relating to stolen archeological material; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 606. A bill to provide for notification to a city or county of the presence of hazardous substances in or near such city or county; to the Committee on Environment and Public Works.

By Mr. BRADLEY:

S. 607. A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Finance.

By Mr. SYMMS:

S. 608. A bill to amend the Internal Revenue Code of 1954 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Finance.

By Mr. THURMOND:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month"; to the Committee on the Judiciary.

By Mr. STEVENS:

S.J. Res. 75. Joint resolution to further approve the obligation of funds made available by Public Law 98-473 for procurement of MX missiles; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KASTEN:

S. Res. 92. Resolution calling for imposition of countervailing duties on pork; to the Committee on Finance.

By Mr. DOLE:

S. Res. 93. Resolution making an appointment to the Committee on Small Business; considered and agreed to.

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

S. Res. 94. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. HEINZ, Mr. HART, and Mr. LEVIN):

S. Con. Res. 25. Concurrent resolution expressing support for the President's no-undercut policy concerning existing strategic offensive arms agreements; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. BYRD, and Mr. PELL):

S. 592. A bill to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between Members appointed from the House of Representatives and Members appointed from the Senate, and for other purposes; considered and passed.

(The remarks of Mr. DOLE and the text of this legislation appear earlier in today's RECORD.)

By Mr. DENTON (for himself and Mr. HEFLIN):

S. 593. A bill for the relief of the Merchants National Bank of Mobile, AL; to the Committee on the Judiciary.

RELIEF OF MERCHANTS NATIONAL BANK OF MOBILE, AL

Mr. DENTON. Mr. President, I rise today to introduce a bill for the relief of the Merchants National Bank of Mobile. Passage of the bill would conclude a congressional reference proceeding that began in the U.S. Senate more than 5 years ago.

The bill complements the legislation that was introduced in the 96th Congress (S. 2052), and referred in November 1979 by Senate Resolution 291 to the Chief Commissioner of the U.S. Claims Court.

The reference sought the court's consideration of whether the bank was legally or equitably entitled to compensation for losses sustained in connection with a defective Federal loan guarantee issued by the Department of Defense. After a lengthy trial before a hearing officer, and argument before a review panel, the U.S. Claims Court, through its chief judge, has advised the Senate that the bank has an equitable claim for $809,609, and that payment of the amount would not constitute a gratuity.

The losses sustained by the bank relate to loans made to a Government contractor in Mobile, AL, which was attempting to perform two contracts, awarded by the Defense Logistics Agency in 1976, to assemble combat rations for the military. In the early stages of the contracts, lengthy delays and mishandling of materiel by the Government generated substantial unforeseen costs to the contractor. To assist the contractor in securing financing for the costs, the Agency approved a loan guarantee to the bank pursuant to the Defense Production Act "V-Loan Guarantee" Program.

When the bank had advanced virtually the entire guaranteed sum—almost $2 million—the Agency abruptly canceled the guarantee because it discovered that no funds had been appropriated to support the guarantee agreement. Nevertheless, stressing the importance of the combat rations contracts to the defense effort, the Agency pledged its full assistance to Merchants Bank and the contractor to encourage them to proceed with the contracts. The Agency even drafted legislation to allow the issuance of a suitable replacement guarantee. Based upon these assurances, the bank agreed to continue supporting the Government's contractor.

Soon thereafter, appropriate language was included in the 1978 DOD Appropriations Act to make available $5 million for the express purpose of authorizing new loan guarantee agreements. At this point, the bank applied for a new V-loan guarantee consistent with the assurances it had received from the Defense Logistics Agency. Notwithstanding the availability of suitable loan guarantee authority and the assurances that the Agency would do everything possible to restore the guarantees upon which the bank had relied, the Agency refused the application. Instead, it offered a guarantee substantially less favorable than the first, and only after requiring the bank to extend an additional half-million dollars in unguaranteed credit to the Government's contractor.

Meanwhile, the Agency acknowledged that its handling of the contracts had substantially increased the

cost of performance. Consequently, it enlarged the credit requirements of the contractor. Because the second loan guarantee was wholly insufficient to support these credit requirements, and since the bank could not prudently extend further credit in light of its already substantial unguaranteed exposure, the contractor was forced to close its doors and file for bankruptcy in 1978. Both before and after the bankruptcy petition was filed, the bank expressed its willingness several times to join with the Agency in cooperative financing arrangements that would save the company. The Agency refused to entertain these suggestions, and in April 1978, the contractor was adjudged bankrupt.

In extending credit for the performance of the Government contracts, the bank understandably relied upon representations and assurances of the Defense Logistics Agency. When the first guarantee was suddenly canceled, the bank again relied upon the assurances of senior Agency officials that, pending enactment of new guarantee authority, a replacement loan guarantee would be established in an amount sufficient to protect the bank. When the Agency ultimately refused to stand by those assurances, the resultant credit limitations left the contractor facing bankruptcy and caused the bank to suffer losses of nearly $1.7 million.

Because the bank's losses were primarily the result of its reliance upon a guarantee that exceeded the authority of the responsible Government officers, it was apparent that a successful legal cause of action for the recovery of these losses was extremely unlikely. Where Government officials act beyond the scope of their authority, the obstacles to maintaining a legal cause of action to recover from the United States are virtually insurmountable. For that reason, S. 2052 was introduced in the 96th Congress and was referred by Senate resolution to the Court of Claims for consideration.

After a lengthy trial, which filled 2,000 transcript pages, Judge Spector, a senior judge of the Claims Court, on April 30, 1984, issued an exhaustive 65-page report in which he recommended that Congress authorize payment to Merchants Bank of $809,609, in full statement of all its legal or equitable claims against the United States. The report concluded that the Government was responsible for a series of wrongful acts, including several unfulfilled assurances upon which the bank had relied in extending credit to the contractor. Judge Spector also found that the bank's cooperation with the Government and its contractor was in part motivated by the Agency's insistence that continued production under the contract was urgently required to support national defense needs.

Government counsel took exception to many of the findings, and a three-judge review panel of the Claims Court considered yet another round of briefs and oral argument from the parties. The resulting 22-page report of December 6, 1984, confirmed Judge Spector's conclusions and recommended that the chief judge transmit to the Senate its conclusion that Merchants Bank has an equitable claim against the Government for $809,609. Copies of the decisions of both Judge Spector and the review panel were referred to the Secretary of the Senate by the chief judge of the Claims Court on December 19, 1984.

The bill that I introduce today would give effect to the conclusions rendered after careful adjudication by the Claims Court. It does not compensate the bank for all of the losses it has suffered in supporting this government contractor. Indeed, the bank has never sought total compensation from the United States for its losses, nor does it seek to recover the painful costs generated by some 5 years of watching this congressional reference proceeding take its long and careful course.

The bill would confirm the efficacy of some of the longstanding traditions of a congressional reference, traditions founded in part upon a simple recognition that there should be an avenue by which the Government can be held accountable for its mistakes and excesses. Accountability is particularly important when, as in this case, losses are suffered expressly because of the trust and reliance that was placed quite naturally in a Government agency responsible for the national defense.

The bill involves a unique, unprecedented set of facts, and will provide compensation only to the Merchants National Bank of Mobile for its own proven losses.

I urge my colleagues to support equitable compensation for the Merchants National Bank of Mobile in implementation of the findings of the U.S. Claims Court.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $809,609 to the Merchants National Bank of Mobile, Alabama for compensation for losses sustained during the period January 1, 1976 through December 31, 1978, concerning the issuance and cancellation of a Government loan guarantee and the subsequent issuance of a second loan guarantee on reduced terms, resulting from actions and misrepresentations of the Defense Logistics Agency of the Department of Defense and its fiscal agent, the Federal Reserve Bank of Atlanta.

SEC. 2. (a) The payment made pursuant to the first section of this Act shall constitute full settlement of the legal and equitable claims by the Merchants National Bank of Mobile, Alabama against the United States, covered by this Act.

(b) No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

By Mr. McCLURE:

S. 594. A bill for relief of the County of Cassia, State of Idaho; to the Committee on the Judiciary.

RELIEF OF COUNTY OF CASSIA, IDAHO

● Mr. McCLURE. Mr. President, today I am introducing the Cassia County relief bill. This legislation will provide needed relief to Cassia County in southern Idaho for their successful fight against a potential flood last year.

In the spring of 1984, a combination of heavy winter snows and an early spring thaw threatened Cassia County with disaster of substantial proportions. The snowpack in the surrounding mountains was nearly two and one-half times its regular level. Following an unexpected warm spell in May, water quickly filled Oakley Dam, built in 1913, and threatened to spill over the top.

Federal, State, and local officials agreed that if water had spilled over the dam's edge, thousands of acres of prime farmland in Cassia County would have been flooded. In addition, the city of Burley, located north of the dam, was in the direct path of a potential flood, threatening homes, schools, and businesses.

In the face of this potential disaster, local citizens teamed up with the U.S. Army Corps of Engineers and State and local officials to prevent an impending catastrophe. In the span of just 11 days, a total of 46 miles of canals were built to divert water.

The first canal extended 23 miles. This canal, however, proved to be inadequate to contain the floodwaters, and another 23-mile canal was then proposed. The corps built 7.75 miles of this second canal under their flood-fighting authority, and improved 5.5 miles of existing drainage. Cassia County, local workers, and volunteers constructed the remaining 10 miles.

Time was clearly of the essence. At the time water was released into the second canal, the floodwaters were less than 2 feet from the top of the dam, and the last 3 miles of this canal had not yet been completed.

Because of the heroic efforts of Cassia County and its residents, the region was spared from flooding that would have caused extensive damage. Some farmers, however, suffered losses because of this emergency work. The local agriculture stabilization and conservation service estimates that 1,000 acres of crops were destroyed, either by flooding or by building the diversion canals across their lands.

To help cover farmers' losses, the Burley and Oakley stakes of the Mormon Church raised over $300,000 among its members. I commend the members of these stakes for their humanitarian efforts to help their neighbors in a time of need.

To help build both canals, the Federal Government spent approximately $757,000. Cassia County, on the other hand, spent $1.3 million. If the corps and the county had not taken immediate action to prevent flooding, it is estimated that there would have been at least $3.5 million in damages. Because of these efforts, the diversion canals were completed in time, and the Burley area was spared from a catastrophe.

Had there been a sufficient amount of time before the flood threat arose, the corps could have constructed the entire 46 miles of canals on its own. But time was not on the side of Cassia County in this case. The county had to take quick action or face millions of dollars in damages.

Since the county has borne the brunt of the costs, I believe it is only fair that they be compensated for the expenses they incurred to prevent a disaster. I hope the Senate will act swiftly on the Cassia County Relief Act.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay the County of Cassia, State of Idaho, out of any money in the Treasury not otherwise appropriated, the sum of $1,300,000 for work performed between May 1, 1984 and September 30, 1984 relating to the construction of canals to avert a flooding disaster in the county of Cassia.

SEC. 2. (a) Any payment of a claim with funds made available pursuant to the first section of this Act, shall be in full settlement of all claims by a claimant against the United States.

(b) Nothing in this Act shall be construed as an inference of liability on the part of the United States.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.●

By Mr. McCLURE:

S. 595. A bill to provide relief for certain land entrymen in Idaho; to the Committee on Energy and Natural Resources.

RELIEF FOR CERTAIN IDAHO ENTRYMEN

● Mr. McCLURE. Mr. President, today I am introducing a bill to reinstate desert land entries in a project in Idaho and to permit the entrymen or their heirs to complete the requirements of the Desert Land Act in accordance with interpretations of that act adopted by the Department of Interior and retroactively applied to those entries after those entries had been developed and final payment had been made to the United States.

SUMMARY OF THE PROBLEM

The situation addressed by this bill presents an issue of unfair treatment by the Government of the United States in dealings with its citizens. We have here a case in which several citizens discussed the development of public lands with the Government officials assigned to administer that development work and performed their development work using methods suggested by the Government officials with whom they dealt, and which had been openly acceptable to Government officials in Idaho for a number of years prior to the development work, only to have their transactions later repudiated by other Government officials in Washington, DC, many years after the development work had taken place, based on a new interpretation of law developed long after the work had been completed. As a result, forfeiture of the land they had developed, and the money they had paid to the United States, was ordered by the Government. The purpose of this bill is to rectify this injustice and to provide fair treatment to the citizens involved.

DETAILS OF THE PROBLEM

This bill is necessary to eliminate the harsh and unfair results arising from the retroactive application of an interpretation of the Desert Land Act, 43 U.S.C. 329—the act—by the Department of the Interior to transactions that were completed before the interpretation of the act was developed. The power of the Department of the Interior to apply its new interpretation to past transactions has been upheld by the U.S. courts in this matter. The result of this retroactive application by the Department of its interpretation of the act is forfeiture to the Government of the land and the money paid by the entrymen, despite that from as early as the 1880's and continuing to as late as 1964 or beyond, the Department consistently held that desert entries were controlled by interpretations in effect at the time the entries were filed.

The subject project affected by the bill is located near the Snake River in Elmore County, ID. The Sailor Creek project consists of 12 entries comprising approximately 3,700 acres. The project was initiated in 1963 and the applications for all the entries had been approved by March 1964. Development of Sailor Creek started in 1963 and the lands were placed under irrigation, and in crop production that year. Final proof of reclamation and final payment to the United States were made for the entries in 1964.

The entries were farmed under 2-year leases, with two 5-year renewal options—one entry was leased originally only for 1964. At that time, the Department had no regulations concerning leases or farming contracts for desert land entries. However, it did have a regulation expressly authorizing mortgages on desert entries.

Decisions of the Department made between 1891 and 1910, and still in effect in 1964, stated that desert entrymen did not have to live on the land, that all the required work could be done by an agent and did not have to be done by the entryman, and that other parties could assist in financing the work so long as there was no agreement to transfer title to the person providing the financing. Accordingly, the farm operator received mortgages to secure payment of the development costs. As is amply shown in the administrative records of the BLM, the Sailor Creek entrymen were encouraged by BLM employees to lease their entries in order to ensure sound farming operations and a successful project.

The basis of the cancellation of the entries was the 320-acre holding limitation set forth in the act. The first indication from the Department that the holding limitation applied to anything other than title transfers came in an opinion issued by the Department Solicitor in April 1965, several months after final payment had been accepted by the United States on the entries. That Solicitor's opinion was followed by a decision by Secretary Udall, 73 I.D. 386, which interpreted the act as prohibiting leases and development arrangements. This interpretation made the holding limitation under the act applicable to leases by construing leases to constitute an effective transfer of title under the act. The courts have upheld the Secretary's authority to make this interpretation and to apply it retroactively to the entries.

However, the entrymen were not advised that the new policy would be applied to their entries. Moreover, in another 1964 decision, 71 I.D. 477, the Department had confirmed its policy that new interpretations of public land

laws would not be applied retroactively. There has been confusion in applying the new policy set forth in Secretary Udall's decision. For instance, in 1972, the Department issued two patents on two entries comprising 640 acres, even though a partnership had held both entries under 5-year leases.

In May 1966, almost 2 years after final payment was made, the BLM filed contest complaints against the entrymen on grounds that they had violated the 320-acre holding limitation. The administrative law judge who heard the testimony ruled in favor of the entrymen. However, that decision was overruled by the Interior Board of Land Appeals [IBLA] on the basis of its own interpretation of section 329. In a suit for judicial review, the U.S. district court held that, while the Department's interpretation of the act was a proper one, it was unfair for the IBLA to apply that interpretation retroactively to the entries and that the entrymen should have been given an opportunity to comply with the new interpretation. The court of appeals for the ninth circuit reversed the district court and interpreted section 329 as permitting no latitude for modifying contractual arrangements to comply with the new interpretations. A second appeal was decided against the entrymen and the U.S. Supreme Court denied certiorari.

The purpose of this bill is to provide relief to the entrymen from forfeiture of their entries resulting from the retroactive application of the new interpretation of the act. The bill is designed to provide the entrymen with an opportunity to come into compliance with the new interpretations, which they knew nothing about when they made their contracts. Through the process of administrative evolution, the Department now has taken the position that an individual entryman "must participate actively in the reclamation and cultivation of his entry." The function of this bill is to reinstate the entries and afford the entrymen or their heirs—two entrymen are now deceased—an opportunity to complete the reclamation and cultivation of their entries in accordance with the Department's newly adopted policy.

The relief provided in this bill is similar to that provided for a large number of desert entrymen in Imperial County, CA, by the act of June 25, 1910 (36 Stat. 857). Many entries that had been made by dummy entrymen had been obtained by innocent purchasers, through assignments. Other entries had been assigned to persons who already held entries but not for the full 320 acres allowed by law. Technically, the entries were subject to cancellation for illegal inception or because the assignees were disqualified, just as the courts have held that the Sailor Creek entries technically were subject to cancellation for failure to comply with the requirements of the holding limitation. Many of the innocent assignees had invested thousands of dollars to develop the entries. In the Sailor Creek entries, the transactions were entered into innocently because the entrymen did not know that their development and farming arrangements would be interpreted as consituting holdings under 43 U.S.C. 329. That lack of knowledge is emphasized by the BLM's 1964 decision in the Indian Hill case, which held that long-term leases and mortgages were a permissible method of development and farming and did not constitute violations of section 329.

The 1910 act provided relief by permitting the assignee to complete the entry, notwithstanding any existing or potential contest against the entry, based upon a charge of fraud of which the assignee had no knowledge, or a charge that the assignee was disqualified. This bill relieves the entrymen of the harsh effect of an interpretation of which they had no knowledge at the time they entered into the critical transactions, because the interpretations had not been developed at that time and, in fact, a contrary interpretation was in effect at the time.

In providing relief to these entrymen from the harsh effects of retroactive application of the new interpretation this bill will not affect the Department's present policy or affect any other desert entries. This bill is limited in its application to the entries in the Sailor Creek project, the BLM serial numbers for which are set forth in appendix A attached hereto which I ask unanimous consent to have printed at the end of my remarks. This bill does not amend the Desert Land Act or any regulations; rather, it merely provides relief to these entrymen from retroactive application of new interpretations of the act and the consequent forfeiture of their entries. The bill will give these entrymen a fair opportunity to comply with the law as now interpreted by the Department and it will prevent the wasting of several hundred thousands of dollars of material and energy resources that were used in the development of the project and the construction of the irrigation system that serves the project.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—(1) certain developed and productive desert land entries in Idaho, identified in section 2 of this Act, made pursuant to the Act entitled "An Act to provide for the sale of desert lands in certain States and Territories", approved March 3, 1877 (43 U.S.C. 321, et seq.), commonly known and hereinafter referred to as the "Desert Land Act", have been cancelled by the Secretary of the Interior pursuant to holding limitation regulations promulgated pursuant to section 7 of the Act (43 U.S.C. 329);

(2) such regulations were retroactively applied to such desert land entries several years after the entries were allowed and more than two years after final development, proof and final payment for such entries were made, without giving the entrymen any opportunity to comply with the new interpretation of such regulations;

(3) cancellation of such desert land entries was harsh and unfair, and resulted in forfeiture to the Government of the developed entries and the monies paid for the land;

(4) such entrymen have fulfilled the requirements of the Desert Land Act in all respects other than such holding limitation regulations; and

(5) such entrymen, or their heirs or devisees, should have the entries reinstated and qualify for issuance of patents to carry out the objectives of the Desert Land Act.

SEC. 2. The names of the entrymen, and the serial numbers of the desert land entries generally known as the "Sailor Creek Project", to which this Act applies, are as follows:

Entryman	Bureau of Land Management serial number
G. Patrick Morris	Idaho 013820.
John E. Roth	Idaho 013905.
Elise L. Neeley	Idaho 013906.
Lyle D. Roth	Idaho 013907.
Vera M. Noble (Now Baltzor).	Idaho 014126.
Charlene S. Baltzor	Idaho 014128.
George R. Baltzor	Idaho 014129.
John E. Morris (deceased).	Idaho 014130.
Juanita M. Morris	Idaho 014249.
Nellie Mae Morris (deceased).	Idaho 014250.
Milo Axelsen	Idaho 014251.
Peggy Axelsen	Idaho 014252.

SEC. 3. (a) The desert land entries identified in section 2 of this Act are hereby reinstated. The entrymen, or the heirs or devisees of any decreased entryman, may—

(1) rescind any agreement which is prohibited by the Secretary of the Interior pursuant to regulations under section 7 of the Act (43 U.S.C. 329) within six months after the date of enactment of this Act; and

(2) resubmit final proof of reclamation and cultivation of the land in accordance with the provisions of section 7 of the Act (43 U.S.C. 329) before December 31, 1988.

(b) The Secretary of Interior shall issue patents to the entrymen named in section 2, or their heirs or devisees upon compliance with the provisions of subsection (a) and the submission of satisfactory final proof.

SEC. 4. Notwithstanding any other provision of law, the property right prior to issuance of a patent to the land of any entryman identified in section 2 of this Act, or the heirs or devisees of any such entryman whose entry is reinstated in accordance with section 3 of this Act, shall be a personal right, inheritable but not assignable. Any such entry may be mortgaged in the manner permitted by regulations promulgated by the Secretary of the Interior for the purpose of securing repayment of monies borrowed for development of the entry or for farm operating or crop production expenses.

EXHIBIT "A".—*BLM designated serial numbers for desert entries in the Sailor Creek project*

Entryman	BLM designated serial number
G. Patrick Morris	Idaho 013820.
John E. Roth	Idaho 013905.
Elise L. Neeley	Idaho 013906.
Lyle D. Roth	Idaho 013907.
Vera M. Noble (now Blatzor).	Idaho 014126.
Charlene S. Blatzor	Idaho 014128.
George R. Blatzor	Idaho 014129.
John E. Morris (deceased).	Idaho 014130.
Juanita M. Morris	Idaho 014249.
Nellie Mae Morris (deceased).	Idaho 014250.
Milo Axelsen	Idaho 014251.
Peggy Axelsen	Idaho 014252.●

By Mr. BRADLEY:

S. 596. A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Finance.

SUPERFUND EXTENSION AND IMPROVEMENT ACT

Mr. BRADLEY. Mr. President, today I am introducing the Superfund Reauthorization Act of 1985. As you know, the Environment and Public Works Committee reported S. 51 last week. The Environment and Public Works Committee bill, of course, did not contain a revenue title. The bill I introduce today incorporates S. 51 as reported—with two minor modifications that I will describe in a moment—and adds a revenue title that will raise the $7.5 billion called for by the Environment and Public Works Committee.

The first modification of the E&PW reported bill is the addition of a target cleanup schedule. The second modification of the reported bill, and the first revenue component of my proposal is the reduction in level of general revenues authorized by the bill. The reported bill would authorize $206 million per year; my proposal is to maintain the annual authorization at the existing level of $44 million.

The second revenue component in my bill is the extension of the tax on oil and chemical feedstocks. These taxes would be extended for an additional 5 years, again, at the existing rates.

The third revenue component is the tax on disposal or long-term storage of hazardous waste that has been developed by Senators MOYNIHAN and BENTSEN, both members of both the Finance and E&PW Committees. I have incorporated their bill, S. 14, into the revenue package I introduce today.

The final revenue component is a tax on the net receipts of corporations with gross revenues in excess of $50 million. This tax is necessary to raise the funds called for by the program described in the E&PW reported bill. The combination of general revenues at acceptable levels in light of current Federal deficits, feedstock taxes at reasonable levels given the current competitive world chemical market, and the waste-end tax in its first years of existence is insufficient to raise the $7.5 billion called for in the E&PW bill.

The tax I am proposing today is an attempt to ensure that the responsibility for financing the Superfund is spread broadly among corporate America and its customers—that is, all of us. We have all profited from less costly production of manufactured goods, including the less costly waste management practices of the past. Banks have lent money to firms that have generated waste, insurance companies have insured them. We all must bear a small part of the burden. If we are to increase the size of the Superfund, and I believe we must, then we must seek a broader, more equitable tax base.

The net receipts tax on corporations with gross revenues in excess of $50 million will affect only a small number of firms, somewhere in the neighborhood of 10,000. The vast majority of businesses in this country have annual gross revenues of less than $1 million. The tax I am suggesting today would not apply to any but the largest firms.

The top 1 or 2 percent of businesses in terms of revenues, however, generate the greatest bulk of the business revenues in the Nation. The revenue base of the firms with gross revenues in excess of $50 million is in the neighborhood of $1 trillion. This allows the tax rate to be very low, less than one-tenth of 1 percent. For example, according to the annual reports of several companies that would be subject to this tax, a chemical company with gross receipts of $9 billion, net receipts of $2.4 billion, would pay about $2 million into the Superfund because of this tax. A large, integrated oil company with gross revenues of $93 billion, net receipts of $36 billion, would be liable for payments of $30 million to the Superfund under this tax. Of course, these chemical and oil companies would also be paying into the Superfund under the feedstock and waste-end components of this package. One of the Nation's largest automobile companies, with gross revenues of $75 billion and net receipts of $14 billion, would pay about $12 million under the net receipts tax I have suggested. Can it be argued that these rates are injurious to the health of these companies? Can it be argued that these companies and their customers—that is all of us—do not benefit from the production of chemicals? Can it be argued that these companies and their customers—all of us—do not benefit from the cleanup of abandoned toxic waste dumps?

We must act on Superfund soon. We all know that the Superfund authority expires next September 30. We all know that the Finance Committee has an extremely full agenda over the next several months. But, Mr. President, in my view, there is no more pressing issue before the Finance Committee, indeed, there is no more pressing issue before the Congress, than the reauthorization of an expanded, well funded Superfund.

We made a promise 5 years ago to clean up the thousands of hazardous waste sites that blight our land. The creation of the Superfund in 1980 told the American people that the Government recognized a mammoth problem, a continuing threat to public health, and that it could take the necessary steps to address that problem. Today the American people are wondering what happened to that promise. They see only slow progress cleaning up the sites in their communities. They saw the first several years of the Superfund's existence wasted by an EPA willing to use the Superfund for political favors instead of for cleaning up hazardous waste. Can we blame them for their skepticism?

We must reaffirm that promise we made back in 1980. We have the chance to make good on it now. We in the Finance Committee have the chance to continue the momentum generated by the quick action by the Environment and Public Works Committee. But we cannot wait until all the Federal budget issues are decided. We cannot wait for final disposition of tax simplification—even though I have a great deal of interest in that issue as well. Mr. President, we cannot wait.

I ask unanimous consent that the cleanup schedule and title II of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLEANUP SCHEDULE

SEC. Section 104 is amended by adding the following at the end thereof:

"( )(1) It shall be a goal of this section for the Administrator to commence remedial investigations and feasibility studies for all facilities which are listed, as of the date of the enactment of this sub-section, on the National Priorities List at a rate of not fewer than 130 facilities per year.

"(2) It shall be a goal of this section for the Administrator to list not fewer than 1,600 facilities on the National Priorities List by January 1, 1988. Beginning 24 months after the date of the enactment of Superfund Improvements and Expansion Act of 1985, the goal for the Administrator shall be to assure commencement of remedial investigations and feasibility studies for each facility which is added to the National Priorities List after the date of the enactment of such Act. Such remedial investigations and feasibility studies shall be commenced in accordance with a schedule which provides for such commencement at 200 new facilities during the first 12 months after such 24-month period, at 225 facilities during the next 12 months, and at 275 facilities during the third 12 months.

"(3) It shall be a goal of this section for the Administrator to take such steps as may be necessary to assure that substantial and

continuous physical on-site remedial action commences at facilities on the National Priorities List at a rate of not fewer than 130 facilities per year beginning on October 1, 1986.

"(4) Not later than January 1, 1987, the Administrator shall complete preliminary assessments of all facilities which are listed, as of the date of the enactment of this subsection, on the Emergency and Remedial Response Information System (ERRIS) list.

"(5) It shall be a goal of this section for the Administrator to take such steps as may be necessary to assure that remedial action is completed, to the maximum extent practicable, for all facilities listed, as of the date of enactment of this subsection, on the National Priorities List within five years after the date of the enactment of this subsection. If remedial action is not completed at such facilities within such 5-year period, the Administrator shall publish an explanation of why such remedial action could not be completed within such period.

TITLE II

SEC. 201. TERMINATION OF TAX.

Subsection (d) of section 4611 of the Internal Revenue Code of 1954 (relating to termination) is amended to read as follows:

"(d) TERMINATION.—The tax imposed by this section shall not apply after the earlier of—

"(1) September 30, 1990, or

"(2) the date on which the Secretary, in the manner prescribed by regulations, reasonably estimates that the sum of the amounts received in the Treasury of the United States by reason of the taxes imposed by this section and sections 4461, 4691, and 4696 will equal 7,280,000,000.".

SEC. 202. WASTE-END TAX.

Chapter 38 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Tax On Disposal or Long-Term Storage of Hazardous Waste

"'Sec. 4691. Imposition of tax.
"'Sec. 4692. Definitions.
"'Sec. 4693. Records, statements and returns.

"'SEC. 4691. IMPOSITION OF TAX.

"'(a) GENERAL RULE.—There is hereby imposed a tax on (1) the receipt of a hazardous waste for disposal at a qualified hazardous waste disposal facility or (2) long-term storage of a hazardous waste in a qualified hazardous waste storage facility.

"'(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be—

"'(1) $45 for each ton of hazardous waste which is disposed of by landfill, in waste piles, or by surface impoundment;

"'(2) $25 for each ton of hazardous waste which is disposed of by ocean dumping or land treatment;

"'(3) $5 for each ton of hazardous waste which is disposed of by underground injection;

"'(4) $45 for each ton of hazardous waste which is placed in long-term storage.

"'(c) ALTERNATIVE COMPUTATION OF TAX.—Under regulations provided by the Secretary, if the owner or operator of a qualified hazardous waste disposal or qualified hazardous waste long-term storage facility can establish the amount of water of the hazardous waste deposited for disposal or for long-term storage, then such owner or operator may elect to pay a tax of $50 per ton on the amount of waste deposited for disposal or storage, reduced by the weight of water, in lieu of the taxes that would otherwise be paid under this section.

"'(d) EXCLUSION FOR CERTAIN WASTES.—The tax imposed by subsection (a) shall not apply to the following:

"'(1) The disposal or long-term storage of wastes which are, as of the date of enactment of this Act, exempt from regulation as a hazardous waste under section 3001 of the Solid Waste Disposal Act, as amended. In the event that any such waste is determined by the Administrator of the Environmental Protection Agency, following studies as required under section 8002 of such Act, to pose a potential danger to human health and environment, and the Administrator of the Environmental Protection Agency promulgates regulations for the disposal of such waste, then the Administrator shall transmit to both Houses of Congress, along with such regulations, his recommendation for imposing a tax, if any, on the disposal or long-term storage of such waste. A tax shall be imposed under subsection (a) on such waste only when authorized by an Act of Congress.

"'(2) The disposal or long-term storage of wastes which are not, as of the date of enactment of the Act, identified or listed under section 3001 of the Solid Waste Disposal Act. A tax shall be imposed under subsection (a) on such waste only when authorized by an Act of Congress.

"'(3) The disposal or long-term storage of wastes in a surface impoundment which (a) contains treated waste water during the secondary or tertiary phase of a biological treatment facility subject to a permit issued under section 402 of the Clean Water Act (or which holds such treated waste water after treatment and prior to discharge), and (b) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under section 3005(c) of the Solid Waste Disposal Act.

"'(4) The disposal or long-term storage of (a) any waste by any person in the course of carrying out any removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 if such disposal is carried out in accordance with a plan approved by the Administrator of the Environmental Protection Agency or the State, (b) any waste removed from any facility listed on the National Priorities List (NPL), or (c) any waste removed from a facility for which notification has been provided to the Administrator of the Environmental Protection Agency pursuant to the provisions of Section 105 or 103(c) respectively, title I, of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

"'(e) LIABILITY FOR THE TAX.—The tax imposed by this section shall be imposed on the following:

"'(1) The owner or operator of the qualified hazardous waste disposal facility or qualified hazardous waste storage facility at which the hazardous waste is disposed of or stored.

"'(2) In the case of hazardous waste that is required by regulation to be disposed of or stored at a qualified hazardous waste disposal facility or a qualified hazardous waste storage facility but is disposed of or stored for a long term at other than a qualified hazardous waste disposal facility or a qualified hazardous waste storage facility, the person disposing of the hazardous waste.

"'(f) CREDIT FOR PRIOR TAX.—(a) A credit shall be allowed in the computation of any tax due under this section on the disposal of a hazardous waste for any tax previously paid under this section by the disposer on the long-term storage of such hazardous waste.

"'(2) In the event that a person who has paid a tax under this section on the long-term storage of a hazardous waste causes such hazardous waste to be delivered to and received by another person who is the owner or operator of a qualified hazardous waste disposal facility, then such person who paid the tax on the long-term storage shall be allowed a credit for such tax in the computation of any tax subsequently due on the long-term storage or disposal of a hazardous waste.

"'(3) For purposes of determining any credit allowances for fungible waste under the provisions of paragraphs (1) and (2), it shall be presumed that the last of such waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"'(g) FRACTIONAL PART OF TON.—In the case of a fraction of a ton, the tax imposed by this section shall be the same fraction of the amount of such tax imposed on a whole ton.

"'(h) PROSPECTIVE APPLICATION OF TAX.—The taxes imposed in this section shall not apply to the hazardous waste which is received for disposal or placed into long-term storage prior to the effective date of this Act.

"'(i) TERMINATION.—The taxes imposed in this section shall not apply after September 30, 1990.

"'SEC. 4692. DEFINITIONS.

"'(a) DEFINITIONS.—For purposes of this subchapter:

"'(1) DISPOSAL.—The term "disposal" means the discharge, deposit, injection, dumping, or placing of any hazardous waste into or on any land or water so that such hazardous waste may enter the environment. "Disposal" shall not include the treatment or reclamation of hazardous wastes or the storage of hazardous wastes in a facility described in the definition of "Qualified Hazardous Waste Storage Facility" below.

"'(2) LONG-TERM STORAGE.—The term "long-term storage" means remaining within the confines of a qualified hazardous waste storage facility for one year or more. For the purpose of determining the length of time in storage, it shall be presumed in the case of fungible waste that the last waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"'(3) QUALIFIED HAZARDOUS WASTE STORAGE FACILITY.—The term "qualified hazardous waste storage facility" means any storage facility, waste pile or surface impoundment, permitting of accorded interim status under section 3005 of the Solid Waste Disposal Act. "Qualified hazardous waste storage facilities" shall not include any hazardous waste treatment facilities.

"'(4) WASTE PILE.—The term "waste pile" is a quantity of hazardous waste heaped together as a means of storage as defined under regulations promulgated by the Administrator or the Environmental Protection Agency pursuant to section 3005 of the Solid Waste Disposal Act.

"'(5) SURFACE IMPOUNDMENT.—The term "surface impoundment" is an impoundment in which quantities of hazardous wastes are collected as a means of storage as defined under regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to section 3005 of the Solid Waste Disposal Act.

"'(6) QUALIFIED HAZARDOUS WASTE DISPOSAL FACILITY.—The term "qualified hazardous waste disposal facility" means any disposal

facility permitted or accorded interim status under section 3005 of the Solid Waste Disposal Act or under section 102 of the Marine Protection, Research and Sanctuaries Act, or part C of the Safe Drinking Water Act. "Qualified hazardous waste disposal facility" shall not include any hazardous waste treatment facilities.

"'(7) HAZARDOUS WASTE TREATMENT FACILITIES.—The term "hazardous waste treatment facilities" means any facility employing any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to convert such waste to a nonhazardous waste.

"'(8) TREATMENT.—The term "treatment", when used in connection with hazardous waste, means a method, technique or process designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to convert such a waste to a nonhazardous waste; except that there may be a byproduct or residue from such method, technique or process that would be considered a hazardous waste under section 3001 of the Solid Waste Disposal Act.

"'(9) HAZARDOUS WASTE.—The term "hazardous waste" means any waste—

"'(A) identified or listed under section 3001 of the Solid Waste Disposal Act, other than waste the regulation of which has been suspended by Act of Congress, and

"'(B) subject to the recording or record-keeping requirements of sections 3002 and 3004 of such Act.

"'(10) TON.—The term "ton" means 2,000 pounds.

"'(11) RECEIPT.—The term "receipt" means the act of the owner or operator of a qualified hazardous waste disposal facility by which such owner or operator, at an off-site facility, signs, or is required by regulation to sign, the manifest or shipping paper accompanying the hazardous waste, or at an onsite facility, enters, or is required to do so by regulation, the description and quantity of the hazardous waste in the qualified hazardous waste disposal facility operating record.

"'(12) NONHAZARDOUS WASTE.—The term "nonhazardous waste" means any waste that is not identified or listed as hazardous waste and section 3001 of the Solid Waste Disposal Act. Nonhazardous waste shall include the air and water effluents permitted by the Federal Government or by delegated State agencies under the Clean Air Act or Clean Water Act.

"'(13) RECLAMATION OF HAZARDOUS WASTES.—The term "reclamation of hazardous waste" means any hazardous waste that is processed to recover a usable product or any such waste that is regenerated. The term also includes hazardous wastes that are employed as an ingredient (including use as an intermediate) in an industrial process to make a product. The term also includes hazardous wastes that are employed in a particular function or application as an effective substitute for a commercial product. The term does not include hazardous wastes that are reused in a manner analogous to land disposal or incineration, including but not limited to, hazardous wastes that are used to produce products that are applied to the land or hazardous wastes burned for energy recovery used to produce a fuel or contained in fuels.

"'SEC. 4693. RECORDS, STATEMENTS, AND RETURNS.

"'(Every person who disposes of, or stores hazardous wastes for one year or more subject to taxation under this subchapter shall keep records, render such statements, make such returns, and comply with rules and regulations as the Secretary may prescribe to ensure proper assessment, payment, and collection of the taxes imposed by section 4691. The Secretary shall consult with the Administrator of the Environmental Protection Agency to ensure that records, statements, and returns required to be kept, rendered, and made under this section shall be consistent, to the extent possible, with the reports required to be submitted to the Administrator under the Solid Waste Disposal Act. The Secretary may require any person who generates, transports, disposes of, or stores hazardous wastes for one year or more and who is required to maintain records under the Solid Waste Disposal Act, the Marine Protection, Research and Sanctuaries Act or the Safe Drinking Water Act, to submit copies of such reports or make such reports available to the Secretary as required:

"SEC. 242. The table of subchapters for chapter 38 of the Internal Revenue Code of 1954 is amended by adding the following at the end thereof:

"Subchapter D—Tax on Disposal or Long-Term Storage of Hazardous Waste'

"SEC. 243. (a) EFFECTIVE DATE.—The amendments made by this Act, unless otherwise provided, shall take effect January 1, 1986.

"(b) STUDY.—Not later than January 1, 1987, and annually thereafter, through 1989, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on the amount of revenues being collected in accordance with this subchapter and his recommendations, if any, for changes in the tax imposed under this subchapter in order to—

"(1) raise an amount of revenue equivalent to the anticipated amount of revenue from the tax originally imposed under this subchapter,

"(2) ensure that the tax is discouraging the disposal of waste in an environmentally unsound manner, and

"(3) ensure that the tax is being collected with maximum administrative feasibility.".

SEC. 103. Section 221(b)(1) of the Comprehensive, Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subparagraph as follows:

"(F) the amounts received in the Treasury under section 4691 of the Internal Revenue Code of 1954.".

SEC. 203. CORPORATE NET RECEIPTS TAX.

(a) IN GENERAL.—Chapter 38 of the Internal revenue code of 1954 (relating to environmental taxes) is amended by adding at the end thereof the following new Subchapter:

"Subchapter E—Tax on Corporate Net Receipts

"SEC. 4696. ENVIRONMENTAL NET RECEIPTS TAX.

"(a) GENERAL RULE.—There is hereby imposed on each corporation with gross receipts for any taxable year in excess of $50,000,000 a tax equal to 0.083 percent of the taxable net receipts of such corporation for the taxable year.

"(b) TAXABLE NET RECEIPTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'taxable net receipts' means the excess (if any) of the gross receipts of the taxpayer for any taxable year, over the cost of goods sold by the taxpayer, as defined by the Secretary for purposes of this subsection only, for any taxable year.

"(2) AGGREGATION OF CONTROLLED GROUPS.—

"(A) IN GENERAL.—For purposes of this section, all members of the same controlled group of corporations shall be treated as one taxpayer.

"(B) OTHER GROUPS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, a rule similar to the rule of subparagraph (A) shall apply to trades or businesses (whether or not incorporated) which are under common control.

"(C) CONTROLLED GROUP DEFINED.—For purposes of this paragraph, the term 'controlled group of corporations' has the meaning give such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(c) SPECIAL RULE FOR TAX-EXEMPT ORGANIZATIONS.—In the case of any taxpayer which is exempt from tax under section 501(a), taxable net receipts shall be computed only by reference to the unrelated business taxable income (within the meaning of section 512) of the taxpayer.

"(d) TERMINATION.—No tax shall be imposed under this section for taxable years beginning after December 31, 1990.".

(b) ALLOCATION OF REVENUES TO TRUST FUND.—Section 221(b)(1) of the Comprehensive, Environmental Response, Compensation and Liability Act of 1980, as amended by part III, is amended by striking out "and" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", and", and by adding at the end thereof the following new subparagraph:

"(G) the amounts received in the Treasury under section 4696 of the Internal Revenue Code of 1956.".

(c) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"Subchapter E—Tax on corporate Net Profits".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1985.

SUMMARY OF BRADLEY SUPERFUND REVENUE PROPOSAL

Title I of the Bradley bill consists of the Superfund reauthorization as reported by the Environment and Public Works Committee on 3/1/85 with two exceptions: add a target cleanup schedule and reduce the annual general revenue authorization to $44 million.

TITLE II

SEC. 201. Extend the current feedstock tax on crude oil and chemicals at current tax rates. Provides $275 million annually.

SEC. 202. Impose the waste-end tax proposed by Senators Bensten and Moynihan. Provides $300 million annually.

SEC. 203. Impose a net receipts tax on corporations with annual gross revenues in excess of $50 million; tax rate would be .08% (0.0008 times net receipts.) Provides $882 million annually.

Total annual revenues would be $1.5 billion; $7.5 billion five year total.

Mr. LONG. Mr. President, Senator BRADLEY has been heavily involved in Superfund legislation and has put a great deal of thought into his proposal. I think most of us would recognize, as his proposal does, that we need to increase our toxic waste cleanup efforts above what we have been doing up until now.

I am pleased that Senator BRADLEY's proposal recognizes that the industries paying the present feedstock and crude oil taxes are already paying their fair share of the burden of toxic waste cleanup. He would not seek to increase those taxes.

Senator BRADLEY's proposal also includes a new waste end tax. I think it appropriate that we explore developing a practical waste end tax, and I will take a good look at his proposal.

Finally, the Bradley proposal includes a new net receipts tax on large corporations. If we are to enact a new broad-based tax to pay for the cost of toxic waste cleanup, this proposal deserves careful study.

By Mr. STEVENS:

S. 597. A bill to amend subtitle II of title 46, United States Code, "Shipping," making technical and conforming changes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TECHNICAL AND CONFORMING CHANGES IN THE SHIPPING LAWS

● Mr. STEVENS. Mr. President, I would now like to introduce legislation to make certain technical and nonsubstantive changes to the shipping laws in title 46 of the United States Code.

Section 1 makes certain technical amendments to the shipping laws in subtitle II of title 46, United States Code. The amendments correct errors in the 1983 codification of these laws and provide for consistency in the application and use of terms as well as proper punctuation and grammatical construction.

In particular, subsection (a)(5) clarifies the wage penalty provisions in the U.S. shipping laws that apply to vessels engaged in the coastwise commerce. Coastwise commerce encompasses all voyages of vessels from one place in the United States to another, including voyages on the Great Lakes. As the law currently appears, section 10504 of title 46, United States Code, requires a vessel owner or master to pay a seaman 2 days' wages for each day payment of wages is delayed without sufficient cause after the termination of a voyage. Under prior law, former 46 U.S.C. 544, vessels engaged in coastwise commerce were exempt from this requirement. However, in the codification of the shipping laws in title 46 of the United States Code (Public Law 98-89), this exemption was inadvertently omitted.

The reason the wage penalty was enacted originally was to cure abuses occurring in the merchant marine where seamen were abandoned in foreign ports without their pay. Under this provision, if a seaman was not paid, the seaman would be able to receive relief under U.S. law. However, in the original law, the policy was set that this protection was not necessary for vessels enaged in commerce close by along the coast of the United States. In addition, certain fishing vessels, whaling vessels, yachts, and vessels engaged in voyages between the United States and Canada, or between adjacent States, were also exempted from this penalty provision.

This section would simply restore this exemption so that vessels that should properly be exempt from this penalty would not have to disrupt the pay and accounting systems already in place just because of an oversight in the codification of title 46, United States Code. Currently, vessels that enjoy this exemption are paying their seamen in a timely fashion and are legitimate businesses which are not seeking to fraudulently deprive U.S. merchant seamen of their righful benefits. In fact, many of the seamen employed on vessels engaged in coastwise commerce are subject to union agreements which contemplate a slight delay because they provide for the periodic payment of their wages. Thus, although a seaman may not be paid upon the termination of a voyage, as this penalty provision envisions, the seaman would be paid on a biweekly or monthly basis in accordance with a contract with the shipping company and would not have sufficient cause for the penalty to apply. In fact, even without this exemption, because of the established practice of paying seamen in the coastwise commerce, the negotiated union agreements, and the modern accounting systems that shipping companies employ in the United States, it is certain that a seaman paid under these circumstances would not have sufficient cause to make a claim for additional compensation because of a gap in time between when a voyage terminated and when the seaman's paycheck arrived in a timely fashion.

Thus, from a historical and legal perspective, this provision in no way diminishes the protection afforded our American seamen in the past and serves to eliminate this oversight in our shipping laws.

Section 2 simply eliminates a duplicate provision in the shipping laws requiring the use of exposure suits on vessels operating in cold waters. Both section 22 of the Coast Guard Authorization Act of 1984 (Public Law 98-557, 98 Stat. 2871), enacted October 30, 1984, and section 701 of the act of November 8, 1984 (Public Law 98-623, 98 Stat. 3413), enacted substantively identical sections 3102 of title 46, United States Code, related to exposure suits. The purpose of this section of the bill is technical and nonsubstantive in nature. It repeals the earlier section, section 22, and its amendments as of the date of enactment of the later section, section 701, and includes a savings provision so that regulations prescribed and actions taken under, and references to, section 22 and its amendments will be deemed to be regulations prescribed and actions taken under, and references to, section 701 and its amendments. Thus, no disruption occurs in the requirement for exposure suits by law or regulation, nor is the requirement changed in any way.

Section 3 clarifies a provision in the shipping laws in section 403(a) of the Commercial Fishing Industry Vessel Act (Public Law 98-364, 98 Stat. 450) permitting the transportation of cargo to remote communities in Alaska by fishing industry vessels. It makes clear that fish processing vessels that carry flammable or combustible liquid bulk cargo are subject to the safety requirements in chapter 37 of title 46, United States Code. Section 3702(d) of that chapter subjects all fish-processing vessels carrying this type of cargo to regulation by the Coast Guard. Thus, proper storage and transfer procedures would be required for safe operation of the vessel. Section 403(a) permits the carriage of these cargoes but was not intended to circumvent the requirements of chapter 37 of title 46, United States Code. In effect, this clarification merely ensures uniform application of the law to all fish-processing vessels. This change does not alter the application of the law to the transfer of fuel or bunkers which is not regulated under chapter 37.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subtitle II of title 46, United States Code, is amended as follows:

(1) In section 3305(b), strike "life-saving" and "life preserver or firehose" and insert in lieu thereof "lifesaving" and "life preserver, lifesaving device, or firehose", respectively.

(2) In section 3501—

(A) in subsection (a), strike the comma; and

(B) in subsection (c), strike "violates subsection (b) of this section" and insert in lieu thereof "carries more passengers than the number of passengers permitted by the certificate of inspection".

(3) In section 7702(a), strike "mariners' " and insert in lieu thereof "mariner's".

(4) In section 8302(b), strike "clerks" and insert in lieu thereof "clerks,".

(5) In section 10504, amend subsection (d) to read as follows:

"(d) Subsections (b) and (c) of this section do not apply to:

"(1) a vessel engaged in coastwise commerce.

"(2) a yacht.

"(3) a fishing vessel (except a vessel taking oysters).

"(4) a whaling vessel.".

(6) In section 11101(d), strike "light" and insert in lieu thereof "lighted".

(7)(A) In the analysis of chapter 121, amend the item relating to section 12109 to read as follows:

"12109. Recreational vessel licenses.".

(B) In sections 12101(5) and 12104(2), strike "pleasure" and insert in lieu thereof "recreational".

(C) In section 12109 and the catchline for such section, strike "Pleasure" and "pleasure vessel" wherever they appear and insert in lieu thereof "Recreational" and "recreational vessel", respectively.

(D) In section 12110 (a) and (c), strike "documented pleasure" wherever it appears and insert in lieu thereof "documented recreational".

(8) In section 12114(a), strike "of documentation".

(9)(A) In the caption for part E in the analysis of such subtitle II which appears before the text of Part A of such subtitle, strike "Licenses, Certificates, and Merchant Mariners' " and insert in lieu thereof "Merchant Seamen Licenses, Certificates, and".

(B) In the caption for part E immediately before the analysis of chapter 71 of such subtitle II, strike "Licenses, Certificates, and Merchant Mariners' " and insert in lieu thereof "Merchant Seamen Licenses, Certificates, and".

(C) In section 7501(a), strike "certificate, or document" and insert in lieu thereof "certificate of registry, or merchant mariner's document".

(D) In section 7503(b), strike "certificate, or document" the first time it appears and insert in lieu thereof "certificate of registry, or merchant mariner's document".

(E) In section 7703, strike "certificate," the first time it appears and insert in lieu thereof "certificate of registry".

(F) In section 7704(b), strike "document" the first time it appears and insert in lieu thereof "merchant mariner's document".

(G) In section 7704(c), strike "certificate, or document" and insert in lieu thereof "certificate of registry, or merchant mariner's document".

(H) In section 7705(a) strike "certificates, and documents" and insert in lieu thereof "certificates of registry, and merchant mariners' documents".

(b) The effective date of subsection (a)(5) of this section is August 26, 1983.

SEC. 2. Section 22 of the Coast Guard Authorization Act of 1984 (Public Law 98-557; 98 Stat. 2871), and the amendments made by such section, are repealed as of November 8, 1984. Regulations prescribed and actions taken under, and references to, such section and the amendments made by such section are deemed to be regulations prescribed and actions taken under, and references to section 701 of the Act of November 8, 1984 (Public Law 98-623; 98 Stat. 3413), and the amendments made by such section 701.

SEC. 3. Section 403(a) of the Commercial Fishing Industry Vessel Act (Public Law 98-364; 98 Stat. 450) is amended by striking "Before" and inserting in lieu thereof "except as provided in chapter 37 of title 46, United States Code, and before".●

By Mr. KASTEN:

S. 598. A bill to make persons who produce agricultural commodities on highly erodible land ineligible for certain agricultural benefits, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FRAGILE LANDS CONSERVATION ACT OF 1985

Mr. KASTEN. Mr. Speaker, today I am introducing legislation to discourage the cultivation of fragile lands. I urge my colleagues to support this important legislation.

Soil erosion is a national problem; controlling it ought to be a national priority. Soil erosion robs us of the reserve productive capacity that we may one day need in an emergency; it robs us of drinking water free from sediment, waterways free from silt, and wetlands free from agricultural chemicals. Most important, soil erosion robs our children of the fruitfulness of the land that is our heritage and that ought to be our memorial.

Most of the really damaging erosion in the United States takes place on a comparatively small amount of our cropland. According to the 1982 national resources inventory, we now have about 23.8 million acres of row and close grown cropland suffering from sheet and rill erosion at rates in excess of 14 tons per acre per year, and 16.8 million acres are estimated to suffer that much wind erosion each year; 14 tons is almost three times the tolerable limit for most soils.

The conservation foundation estimates off-site damages resulting from soil erosion at about $3 billion per year, with most of that cost stemming from damage to crops, structures and forests, sedimentation in reservoirs, and waterway dredging.

The problem, Mr. President, is getting worse. The American farmland trust estimates that about 7 percent of existing cropland is a high erosion risk; but of the 3 to 4 million acres of new cropland that come into production each year, about 20 percent is highly erodible. Moreover, there is still much highly erodible land, especially in the arid Great Plains region, which may be brought into cultivation in the next few years.

The cropping of fragile lands is something that Congress cannot forbid, but surely we ought not to encourage it. We ought to discourage it as strongly as we practically can. That is why the bill I am introducing today would deny any person who breaks out any highly erodible land that has not been cultivated in the last 5 crop years any farm program benefits for the next 5 crop years.

Mr. President, the idea of sodbuster legislation is hardly new. It originated with my good friend, the distinguished Senator from Colorado [Mr. ARMSTRONG] who has worked long and hard over the last 2 years to bring this idea to the point where it is accepted in principle by almost everyone in both the agricultural and environmental communities—no easy task, as many in this Chamber know.

Senator ARMSTRONG's efforts have spurred much-needed research and long overdue debate on this important national issue. He deserves the thanks of every American who is concerned about the preservation of our national resources.

The bill that I am introducing frankly builds on the work that Senator ARMSTRONG and others have done. It is a bill that is both stronger and more practical than those that passed each House of Congress last year. It corrects what I regard as flaws in those bills and in the proposal recently advanced by the Reagan administration.

First, my bill would deny farm program benefits for a period of 5 years to any person who breaks out highly erodible land. The benefits such a person would be eligible for include Federal price support, income assistance, and production adjustment payments; Commodity Credit Corporation storage facility loans; Federal crop insurance; disaster payments; and new Farmers Home Administration loans.

The prospect of receiving additional farm program benefits clearly provides an incentive to farmers to crop additional land. However, it is equally clear that other motivations, such as the desire to benefit from low capital gains taxes on the sale of improved land, can be and frequently are more important. For the denial of program benefits to be an effective deterrent to sodbusting, therefore, it must extend to all the crops a sodbuster produces, not just to the crop planted on the fragile land itself, as the bill passed by the Senate last year (S. 663) provided. Denial of program benefits must also last for a longer period than 1 crop year. For example, denying a farmer eligibility for Federal all-risk crop insurance for only 1 year is hardly a deterrent to sodbusting, for the obvious reason that fragile soil is most likely to fail in the years after the one in which it is first cropped.

Conversely, the admittedly much weaker sanctions in S. 663 appear to apply in perpetuity. The objective of my bill is merely to deter sodbusting, and for that purpose denying program benefits for 5 years is sufficient; anything more would be unnecessarily harsh and punitive.

The second improvement in the legislation I am introducing today is the reduction of the so-called "grace period" from 10 to 5 years. In the sodbuster bills that have been introduced thus far, any cropland that has been cultivated in any year since 1975 is excluded from the definition of highly erodible land, and may therefore be cropped without risk of sanctions.

This exemption takes in a lot of land. For example, USDA estimates

that there were about 9 million more acres planted to wheat in 1976 than there were in 1979—and wheat, perhaps more than any other major crop, has been a favorite of sodbusters who farm for a couple of years on land better suited to grass or other protective cover, and then leave it barren or sell to unwary or imprudent buyers.

There were also about 3 million more acres planted to corn in 1976 than there were in 1979, although the acreage actually harvested was somewhat less. This discrepancy can no doubt be attributed to a number of factors, most obviously weather, but it is hard to escape the conclusion that much of the land planted but not harvested should never have been cropped in the first place.

Further, the Agricultural Stabilization and Conservation Service [ASCS] of USDA keeps records of which lands were cultivated during each crop year. USDA would have to rely on these records to determine whether a given field had been cultivated in the recent past, but the records kept by many State and local ASCS offices are not reliably complete for any year before 1980. Shortening the grace period would therefore not only protect more fragile land, but make the whole program easier to administer.

The final improvement in my bill is a technical change that also appears in the administration proposal. The definition of the term "highly erodible land" is based on rates of erosion and left to the discretion of the Secretary of Agriculture.

This provision is of an interim nature. It acknowledges the fact that the land capability classification system used by the Soil Conservation Service is not suited to measure the loss of productive capacity caused by soil erosion, and so should not be used as a guide to the kind of land whose cultivation we ought to discourage. USDA has been working for some time, in cooperation with some of the leading experts from outside the Government, to develop an appropriate alternative.

This alternative will be a variant of the well-known universal soil loss equation [USLE]. Under the formula now being developed, a given area of soil's potential for loss of productive capacity due to soil erosion would be measured by its so-called *T* value: that is, its soil loss tolerance, or the maximum rate of erosion that will permit maintenance of soil productivity.

T values are established according to SCS guidelines and take into account soil depth, the geologic material in which soil is formed, the relative productivity of topsoil and subsoil, and the amount of previous erosion. Most agricultural land in the United States was assigned *T* values by SCS and local conservation officials in the 1960's and 1970's.

Since the formula uses the same data base as the land capability classification system, it will be applicable to all areas that have been surveyed by SCS for purposes of that system. I am informed that USDA should complete its work on the formula in about a month or so; as soon as that work is complete, I intend to amend this legislation's definition of highly erodible land accordingly.

I would point out that my bill retains the exemptions for cultivation of fragile lands where SCS approved conservation techniques are used, and will not effect any crops planted in the crop year that this legislation is enacted.

Mr. President, the urgent task of conserving our soil resources is also a large task, and sodbuster legislation is only the beginning. Sodbuster legislation addresses only the objective of keeping land out of production. We need to move beyond that, and begin thinking in terms of taking fragile lands out of production on a long-term basis.

By taking millions of acres of our most fragile lands out of production and putting them into a conservation reserve, we would be doing more than addressing a pressing environmental problem, although that must be our main objective. We would also be relieving the chronic overcapacity that plagues American agriculture and reducing the huge sums the Government now spends to purchase and store surplus crops every year. Retirement of land whose productive capacity we do not need would be better for both the American farmer and the American taxpayer than the ineffective and somewhat ridiculous array of set-asides, paid diversions, grain reserves, and other supply-management doodads and gimmicks we have now. It would also be more effective in conserving our soil resources than our current soil conservation programs.

I expect to introduce legislation which would establish a conservation reserve later this year. I also expect to introduce legislation on a related environmental problem—the conversion of fragile wetlands to agricultural uses. Such conversion does irreparable damage to some of our most valuable wildlife habitat, and is especially harmful to many species of migratory waterfowl, some of which are threatened with extinction now. In addition, of course, conversion of wetlands into croplands adds still more productive capacity that we do not need at the present time.

Mr. President, the sodbuster bill I am introducing today will not involve additional cost of the Govertnment, since it can be administered with the current level of SCS personnel. Since this legislation will keep some land out of production, it is likely to save the Government money. The necessary research and discussion of the sodbuster concept has been done; it is now time for Congress to act.

Mr. President, I ask unanimous consent that the full text of my legislation be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fragile Lands Conservation Act of 1985".

DEFINITIONS

SEC. 2. As used in this Act:

(1) The term "agricultural commodity" means any agricultural commodity planted and produced by annual tilling of the soil, including one-trip planters.

(2) The term "conservation district" means any district or unit of State or local government formed under State or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such district or unit of State or local government may be referred to as a "conservation district", "soil conservation district", "soil and water conservation district", "resource conservation district", "natural resource district", "land conservation committee", or a similar name.

(3) The term "field" means that term as defined in section 718.2 of title 7, Code of Federal Regulations, except that any highly erodible land on which an agricultural commodity is produced after the date of the enactment of this Act and which is not exempt under section 4 shall be considered as part of the field in which such land was included on such date of enactment.

(4) The term "highly erodible land" means land that has an excessive rate of erosion, as determined by the Secretary.

(6) The term "Secretary" means the Secretary of Agriculture.

PROGRAM INELIGIBILITY

SEC. 3. Except as provided in section 4 and notwithstanding any other provision of law, following the date of the enactment of this Act, any person who during any crop year produces an agricultural commodity on highly erodible land shall be ineligible for—

(1) any type of price support or payments made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(2) a farm storage facility loan under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(3) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(4) a disaster payment under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(5) a loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration;

with respect to any commodity produced by such person during that crop year and during the four succeeding crop years.

EXEMPTIONS

SEC. 4. (a) Section 3 shall not apply to any person who, during any crop year, produces an agricultural commodity on highly erodible land on a field on which such highly

erodible land is predominant if all the commodities are produced by such person during that crop year were—

(1) produced on land that was cultivated to produce any of the 1980 through 1985 crops of agricultural commodities;

(2) planted before the date of the enactment of this Act;

(3) planted during any crop year beginning before the date of the enactment of this Act; or

(4) produced—

(A) in an area within a conservation district under a conservation system that has been approved by a conservation district after it has been determined that the conservation system is in conformity with technical standards set forth in the Soil Conservation Service technical guide for that conservation district, or

(B) in an area, not within a conservation district, under a conservation system determined by the Secretary to be adequate for the production of such agricultural commodity on highly erodible land.

(b) Section 3 shall not apply to any highly erodible land during any crop year if such land was planted in reliance on a determination by the Soil Conservation Service that such land was not highly erodible land. The exemption allowed by the subsection shall not apply to any crop which was planted on any land after the Soil Conservation Service determines such land to be highly erodible land.

(c) Section 3 shall not apply to any loan made before the date of the enactment of this Act.

COMPLETION OF SOIL SURVEY

SEC. 5 (a) The Secretary shall, as soon as practicable after the date of the enactment of this Act, complete soil surveys on those private lands that have not been evaluated as to erosion characteristics.

(b) In carrying out subsection (a), the Secretary shall, insofar as possible, concentrate on those localities where significant amounts of highly erodible land are being converted to the production of agricultural commodities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. EXON:

S. 599. A bill to amend title 31, United States Code, to authorize 1 ounce, one-half ounce, one-fourth ounce, and one-tenth ounce gold coins; to the Committee on Banking, Housing, and Urban Affairs.

GOLD BULLION COIN ACT

Mr. EXON. Mr. President, last year, a young Nebraskan wrote to me regarding gold coins. He suggested that since many Americans were interested in owning gold, that the Federal Government should once again mint gold coins.

I informed this young man of the U.S. Olympic gold and silver coins, the Gold Medallion Program. Since that time, both programs have expired and the U.S. Treasury does not now mint a gold coin.

The United States issued gold coins from 1849 to 1933. When the United States went off the gold standard in 1933, the private ownership of gold bullion was also prohibited. That restriction was not removed until 1974.

The American people have since enthusiastically exercised their option to own gold. In 1980, Congress authorized the Treasury Department to issue 1 ounce and one-half ounce gold medallions to commemorate famous Americans in the fine arts. In 1982, the Congress passed the Olympic Commemorative Coin Act, to help raise money for our Olympic athletes.

Both the Olympic Coin Program and the Gold Medallion Program have been a success. However, my correspondence with this young man made me realize that both gold investments available through the Treasury Department were not accessible to most Americans. The attractive Olympic coins sold for over $350 and the 1 ounce and one-half ounce gold medallions sold for the market bullion rate for gold plus a nominal service charge.

The bill that I am introducing today authorizes the U.S. Department of the Treasury to once again issue gold coins. These coins would be available in 1 ounce, one-half ounce, one-quarter ounce, and one-tenth ounce sizes. These coins would be legal tender for the settlement of private debts and available in quantities necessary to meet demand. The coins would be sold through the Treasury and designated points of distribution at the market value of the coin's bullion plus a service charge.

As such, gold investment would be accessible to all Americans. At the current rates, a one-tenth ounce gold coin could be purchased for well under $50.

It is indeed no coincidence that specifications for the new American bullion coins exactly mirror the sizes, purities, shapes, and weights of the South African krugerrand.

This legislation is intended to create an American gold coin to directly compete with the South African krugerrand. Last year, the South African Government earned over $400 million from United States investors alone.

It is my belief that the vast majority of Americans who have chosen to invest in South African coins are not advocates of the South African form of government or their racist system of apartheid. They simply have chosen the market leader in this type of investment.

I am convinced that most American gold investors would choose an American gold coin over a South African gold coin, if that option existed. The problem, Mr. President, is that the American people have not been given that option. Even the American Olympic coin and the gold medallions offer a less attractive investment opportunity than the South African coins. This legislation creates a new competitive option for American and world investors.

In addition, about 3 million foreign gold coins a year are imported into the United States adding almost $1 billion a year to the Nation's trade deficit. Money that is currently flowing abroad into world gold coin investments could be kept in the United States used to reduce the budget and trade deficits.

This program will be a success. The recently completed Olympic gold and silver coin program exceeded its planned targets and the gold medallion program, while slow starting, has overall done very well.

The Olympic coin program proves that aggressive promotion and attractive design can generate much public interest. I have drafted this legislation to give the Treasury Department the utmost flexibility in designing a gold coin program that will be a big success.

I am hopeful that my colleagues will give this proposal the most serious consideration. It gives all Americans an opportunity to invest in American gold coins, it restores an American tradition and, perhaps most importantly, it offers a positive, free market means of opposing the South African policies of apartheid.

Thank you, Mr. President.

By Mr. CHAFEE:

S. 600. A bill to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees; to the Committee on Governmental Affairs.

FLEXITIME EXTENSIONS ACT

Mr. CHAFEE. Mr. President, today I am introducing legislation to extend the Flexitime Program for Federal employees. During the 6 years it has been in effect, this program has been highly successful in boosting both morale and productivity, thus providing increased service to the public at little or no additional cost to the taxpayer.

Under this program, Federal agencies are permitted to establish alternative work schedules, either by staggering employee arrival and departure times within an 8-hour day, or by lengthening the work day and thus condensing the work week.

This bill extends the current program—which is scheduled to expire on July 23 of this year—through the end of fiscal year 1988. In all other respects, the bill is identical to the 1982 flexitime extension, which passed the Senate in a nearly unanimous vote of 93–2, with the support of unions representing Federal employees and of the Office of Personnel Management.

The benefits of flexitime programs are numerous. Under flexitime, working parents can arrange their schedules to meet their children's needs. Appointments outside the office can be more easily scheduled and travel time to and from work is reduced.

Those interested in furthering their education can take classes at night without having to leave work early to do so, and workers who prefer longer workdays and longer weekends can trade one for the other.

For its part, management enjoys increased productivity, improved morale, and reduced costs. Workers are able to better allocate their time in fulfilling both personal and family obligations. This not only reduces absenteeism and tardiness; it also enables employees to perform better while on the job. In many Federal agencies, the adoption of flexitime schedules has meant extended hours of service to the public. And all of these benefits can be achieved at little or no added expense.

The Flexitime Program has proven successful in responding to the myriad social and economic changes that have transformed the world of work. These trends include the influx of women—especially mothers with school-age children—into paid employment, an increase in multiple-worker and dual career families, and a rise in the proportion of single-parent families. Flexible work hours allow these employees to cope with the often-competing demands of home and office, and to meet their responsibilities to their employers, to their families, and to themselves.

Flexitime is a benefit which Federal workers value highly and which more and more of their private sector counterparts now receive. Extending the program is one step we can take in this time of fiscal austerity to ensure that the civil service continues to attract highly qualified and strongly motivated workers. In doing so, we also set an example for those private sector employers who have not yet experimented with flexible work schedules.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is amended by striking out "three years after the date of the enactment of this Act" and inserting in lieu thereof "September 30, 1988".

By Mr. HEFLIN (for himself and Mr. THURMOND):

S. 601. A bill to establish a Federal Courts Study Commission; to the Committee on the Judiciary.

FEDERAL COURTS STUDY ACT

Mr. HEFLIN. Mr. President, there is no doubt that an orderly and effective administration of justice is the key to ensuring the life, liberty, and happiness of all Americans. Our constitutional freedom is premised on certain assumptions; one is the belief that our judicial system will serve the needs of every individual.

We cannot be a completely free society if our courts are not equipped to render justice equally and swiftly. We cannot be free when intercircuit conflicts and backlogs of cases prevent the orderly enforcement of our most cherished constitutional rights. And we cannot be free if we continue to ignore the mounting pressures being exerted on our court system.

Today, I am introducing legislation which will establish a Federal Courts Study Commission for a 10-year period. The purpose of the commission will be to evaluate and provide an eventual solution to the problems currently facing the courts; to make a complete study of the jurisdiction of the courts of the United States and the courts on the State level; to recommend revisions to the Constitution and laws of the United States; to assimilate studies on the effectiveness of the courts; and to develop a long-range plan for the judicial system.

This legislation will help develop a workable, overall gameplan for the future and it will avoid haphazard and piecemeal reforms. Chief Justice Burger was instrumental in drawing attention to the need for study and change and in July 1980 he requested Judge Clifford Wallace of the Ninth Circuit Court of Appeals, to look toward the future and predict the state of the court system by the year 2000. The concept for the Study Commission evolved from the outstanding work of Judge Wallace.

Judge Wallace submitted his working paper—"Future of the Judiciary" on February 20, 1981. That was 4 years ago. In those 4 years, the problem hasn't gone away, and a solution hasn't been achieved. The rise in court cases shows no signs of declining and additional personnel is not a means of action but simply reaction. As legislators, we have a responsibility to learn from the past, take heed of the present, and to prepare for the future.

While we all too frequently avoid problems by appointing commissions to study them, a panel to comprehensively and dispassionately study the delicate question of the proper role and scope of our judicial system is a concept which is not only worthwhile but long overdue.

The greatness of our Nation's judiciary will depend on our ability to determine our future needs and revise our judicial system in line with our constitutional principles. This legislation provides us an opportunity to shape the future of our judiciary, not merely accept what evolves over time because of our inaction.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Courts Study Act".

ESTABLISHMENT AND PURPOSES OF THE COMMISSION

SEC. 2. (a) There is hereby established a Federal Courts Study Commission on the future of the Federal Judiciary (hereafter referred to as the "Commission").

(b) The purposes of the Commission are to—

(1) study the jurisdiction of the courts of the United States;

(2) evaluate the procedures, personnel, business and administration of the courts;

(3) stimulate the examination of problems currently facing the courts;

(4) order, receive, and review reports from all dispute resolving bodies, including courts, administrative agencies, and alternative dispute resolution entities; and further, collect, and review all private and public studies concerning the effectiveness of courts of the United States, the jurisdiction of the courts and their procedures, personnel, business, and administration;

(5) report to the President, the Congress, the Judicial Conference of the United States, and the State Justice Institute, on the revisions if any, in the Constitution and laws of the United States where the Commission, based on its study and evaluation, deems advisable; and

(6) develop a long-range plan for the future of the Federal Judiciary, including assessments involving—

(A) alternative methods of dispute resolution;

(B) the actual structure and administration of the Federal court system;

(C) the manner in which courts handle cases;

(D) methods of resolving intracircuit and intercircuit conflicts in the court of appeals; and

(E) the types of disputes resolved by the Federal courts and Federal agencies.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of fourteen members appointed, within ninety days after the effective date of this Act, as follows:

(1) four members appointed by the President of the United States with not more than two members from any major political party;

(2) two members of the Senate appointed by the President pro tempore of the Senate, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader;

(3) two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader;

(4) four members appointed by the Chief Justice of the United States with no more than two of such members from any major political party; and

(5) two members appointed by the Conference of Chief Justices, with no more than

one such member being from any major political party.

(b) The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by the jurisdiction of the Federal courts.

(c) The term of office of each Commission member shall be five years. Any member who was appointed pursuant to paragraph (2) or (3) of subsection (a) who vacates such office during his term of office with the Commission shall vacate his position on the Commission also. A member appointed to fill any such vacancy shall be appointed only for the remainder of his predecessor's term. Vacancies in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) The Commission shall select a Chairman and a Vice Chairman from among its members.

(e) Eight members of the Commission shall constitute a quorum.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and request the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission, or any such subcommittee may deem advisable.

(b) The Administrative Office of the United States Courts, and the Federal Judicial Center, and each department, agency, and instrumentality of the executive branch of the Government, including the National Institute of Justice and independent agencies, shall furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information and assistance as the Commission may reasonably deem necessary to carry out its functions under this Act, consistent with other applicable provisions of law governing the release of such information.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such Act relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such Act, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.

(d) To the extent or in such amounts as are provided in appropriations Acts, the Commission is authorized to enter into interagency agreements or contracts with the Federal Judicial Center, the National Center for State Courts, Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) The Commission is authorized to receive financial assistance from sources other than the Federal Government, including assistance from private foundations.

(f) The Commission is authorized, for the purpose of carrying out its functions and duties pursuant to this Act, to establish advisory panels consisting of members either of the Commission or of the public. Such panels shall be established to provide expertise and assistance in specific areas, as the Commission deems necessary.

FUNCTIONS AND DUTIES

SEC. 5. (a) The Commission shall—

(1) make a complete study of the jurisdiction of the courts of the United States and of the several States and report to the President and the Congress on such study within two years after the effective date of this Act;

(2) recommend revisions to be made to the Constitution and laws of the United States as the Commission, on the basis of such study, deems advisable;

(3) collect and review studies on the effectiveness of the courts;

(4) develop a long-range plan for the judicial system;

(5) submit annual written reports to the President and the Congress on the condition of the judiciary, which shall contain a summary of their findings, recommendations, and conclusions, submitting the first such report within one year after the study concluded pursuant to paragraph (1);

(6) make any recommendations and conclusions it deems advisable every year thereafter.

(b) The study of the jurisdiction of the courts conducted by the Commission pursuant to paragraph (1) of subsection (a) shall be completed within two years after the effective date of the Act and shall be given priority over the other functions and duties being carried out by the Commission during such time.

COMPENSATION OF MEMBERS

SEC. 6. (a) A member of the Commission who is an officer or full-time employee of the United States shall receive no additional compensation for his or her services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but such amount shall not exceed the maximum amounts authorized under section 456 of title 28, United States Code.

(b) A member of the Commission who is from the private sector shall receive $200 per diem for each day (including traveltime) during which he or she is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but such amounts shall not be in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

REPORTS

SEC. 7. (a)(1) The Commission shall transmit to the President and to the Congress, not later than two years after the effective date of this Act, a study of the jurisdiction of the courts of the United States and of the several States pursuant to section 5(a)(1) of this Act. The Commission shall thereafter, in keeping with its functions, annually transmit to the President and the Congress a report on the condition of the judiciary and summarize any findings, and make any recommendations and conclusions it deems advisable on the basis of its previous activities.

(2) Not later than ten years after the effective date of this Act the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the study conducted pursuant to this Act, together with any recommendations it deems advisable.

EXPIRATION OF THE COMMISSION

SEC. 8. The Commission shall cease to exist on the date ninety days after it transmits the final report pursuant to section 7 of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. To carry out the purposes of this Act there are authorized to be appropriated $700,000 for each of the fiscal years 1986 and 1987, and $800,000 for each of the eight succeeding fiscal years 1988 through 1995.

EFFECTIVE DATE

SEC. 10. This Act shall become effective upon the date of enactment.

By Mr. HEFLIN:

S. 602. A bill to authorize and direct the Secretary of the Army to correct certain slope failures and erosion problems along the banks of the Coosa River; to the Committee on Environment and Public Works.

PRESERVATION OF FORT TOULOUSE NATIONAL HISTORICAL LANDMARK

Mr. HEFLIN. Mr. President, I am today introducing a bill to ensure the preservation of an invaluable historical site, the Fort Toulouse National Historical Landmark located in Elmore County, AL. This proposed legislation passed the Senate last year. This landmark harbors a wealth of history which has provided us with tremendous insight into the heritage of the first inhabitants of our country. Artifacts have been found at this site which span a 1,000-year period. Many historically significant items have been discovered at this site, but many unknown artifacts have yet to be unearthed. To lose this valued resource due to severe erosion along the banks of the Coosa River would be a tragedy.

Fort Toulouse and nearby Taskigi Indian Mound are national historical landmarks located near the confluence of the Coosa and Tallapoosa Rivers. This property which is owned by the State of Alabama was designated a national historical landmark over 100 years ago. In 1971, a large tract of surrounding property was acquired by the United States in an effort to establish a Federal park.

This fort was constructed in 1717 by the French and was named after General Toulouse. The initial purpose of the fort was to protect the French-occupied Louisiana Territory against invasions from British or Spanish colonies. In 1814, the fort was occupied by Andrew Jackson and his army of Tennesseans while en route to fight the British in New Orleans. Since its development in 1717, this fort has captured the history of the French, the

British, the Creek Indians, and Andrew Jackson's trip to New Orleans.

In an effort to preserve this historical site, the fort is presently being reconstructed according to the original plans which were obtained from France. A tremendous amount of archeological excavation has taken place and the State of Alabama has spent in excess of $500,000 to preserve this site.

One major problem confronting the effort to preserve Fort Toulouse is the rapidly accelerating erosion of the banks surrounding the fort. During recent years, the river running adjacent to this property has been dredged and apparently the currents of the river have shifted resulting in the accelerated erosion of the banks surrounding Fort Toulouse. In fact, it has been determined that the banks are eroding at an alarming rate of 10 feet per year. It would be a tragedy to sit idle and watch the ruination of this tremendous historical resource. This is exactly what will take place if we do not act immediately to authorize the Corps of Engineers to take the necessary steps to prevent the loss of this historical site.

This legislation would not authorize any construction other than that which is necessary to correct the erosion of the banks surrounding Fort Toulouse.

I urge my colleagues to join me and support this bill in order to insure that preservation of the wealth of history harbored by Fort Toulouse. This can only serve to increase our appreciation and understanding of the heritage of our Nation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Secretary of the Army is authorized to preserve and protect the Fort Toulouse National Historic Landmark and Tuskigi Indian Mound in the county of Elmore, Alabama, by instituting bank stabilization measures, in accordance with alternative B contained in the district engineers' design supplement report entitled, "Jones Bluff Reservoir, Alabama River, Alabama, Fort Toulouse, Design Report, National Historic Landmark," dated July 1975, at a cost of $15,400,000 (October 1982).

(SEC. 2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HEFLIN:

S. 603. A bill to authorize and direct the Secretary of the Army to correct certain erosion problems along the bank of the Warrior River near Moundville, AL; to the Committee on Environment and Public Works.

MOUND STATE PARK EROSION CORRECTION ACT

Mr. HEFLIN. Mr. President, I am today introducing a bill to authorize the Secretary of the Army to correct erosion problems, which have developed and continue along the banks of the Warrior River, which are posing a threat to the preservation of the Mound State Park. This proposed legislation was passed by the Senate last year. This authorization is vital to the preservation of an integral segment of our Nation's history. The Mound State Park harbors a wealth of history that is invaluable to Alabama and to our Nation. This park contains numerous Indian burial mounds and relics which have provided tremendous insight into the customs and folklore of the American Indian.

Presently, this park is being threatened by the erosion of the banks of the Warrior River which runs adjacent to the Indian mounds. The deterioration of this property must be stopped to insure the safekeeping of this historical landmark.

A Corps of Engineers onsite inspection in 1980 revealed that 2,400 feet of riverbank needed to be protected in order to prevent a loss of cultural resources. The erosion of this shoreline has caused the loss of cultural resources and this loss is anticipated to continue to increase in magnitude as it approaches the Indian mounds. For these reasons, I am introducing this legislation which would insure the preservation of this invaluable historical resource.

Having visited this park, I can personally attest to its historical value and significance. It would be a tragedy to sit idle while this landmark is threatened by erosion from the Warrior River. This bill would initiate the necessary steps to insure that this historical site is preserved for generations to come.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to take such actions as may be necessary at a cost of $4,118,000 and, substantially in accordance with the study directed by the district engineer and dated July 20, 1981, to correct erosion problems along the banks of the Warrior River in order to protect Mound State Park, near Moundville, Alabama.

(SEC. 2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. LUGAR (by request):

S. 604. A bill to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Relations.

UNITED STATES PARTICIPATION IN THE INTERNATIONAL JUTE ORGANIZATION

● Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to authorize U.S. participation in the International Jute Organization.

This proposed legislation has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with an analysis of the bill and the letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate, dated February 15, 1985.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The President is authorized to maintain membership of the United States in the International Jute Organization.

ANALYSIS OF THE BILL

This Bill authorizes the President to maintain United States membership in the International Jute Organization which entered into force provisionally on January 9, 1984. The Secretariat of the organization is in Dhaka, Bangladesh. The United States signed the Agreement on June 24, 1983 and declared its provisional application on September 20, 1983.

The International Jute Agreement, from which the Organization originates, is a new type of commodity agreement. It is devoted to improving the product competitiveness of the various types of textiles, bagging and carpet backing which are made from jute, rather than to influencing the market through any form of price intervention. The International Jute Organization will sponsor voluntarily funded projects in research and development, market promotion and cost reduction. The projects will primarily be of benefit to the principal jute exporters—Bangladesh, India, Thailand and Nepal.

The U.S., one of several consumer nation participants, is the world's largest importer of jute and jute products, taking 10–15 percent of total exports. The U.S. participated in the negotiation of this agreement based on a formal commitment made at the 1976 UNCTAD Conference. There we agreed to enter into discussions aimed at identifying, on a case by case basis, appropriate international measures to assist developing countries in improving their positions in certain commodity markets. This is the first such agreement which will not involve market intervention, but rather product and marketing improvements.

Permanent legislative authorization of this nature is consistent with 22 U.S.C. 262

and 2672 relating to United States participation in international congresses, conferences and organizations. Annual cost to maintain our membership is expected to be less than $200,000.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 15, 1985.

Hon. GEORGE BUSH,
President, U.S. Senate.

DEAR MR. PRESIDENT: As you know, this Administration prefers to find trade and market-oriented solutions to the problems of development whenever possible. For that reason we were pleased to sign the International Jute Agreement in 1983. Our adherence to this agreement is in line with our pledge at the 1976 UNCTAD Conference to examine the problems of developing country commodities for possible solution through international cooperation. In this agreement we believe we have the potential to enhance the competitiveness of an important developing country export, while avoiding shortsighted attempts to interfere with pricing in its normal markets. The International Jute Organization was brought into force provisionally on January 9, 1984 to implement the International Jute Agreement, with a small Secretariat located in Dhaka, Bangladesh.

Bangladesh and India, in particular, sought international cooperative measures which would shore up, and hopefully improve, the market position of jute and jute products. Jute is an important export for both countries, and to a lesser extent, for Thailand and Nepal. This natural fiber is the basis of an industry which is highly labor intensive, but which faces strong pressures from synthetic fibers in many of its traditional applications. We believe our interests in this poor and politically complex area of the world argue for our support of this fledgling effort to maintain and ideally increase present economic activity and employment based on jute.

For these reasons, I hereby transmit a bill to authorize the President to maintain membership of the United States in the International Jute Organization. Annual cost to maintain our membership is expected to be less than $200,000.

The Office of Management and Budget has advised that from the standpoint of the Administration's program there is no objection to the submission of this legislation to the Congress in that its enactment would be in accord with the program of the President.

Sincerely,

ROBERT F. TURNER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.●

By Mr. MOYNIHAN:

S. 605. A bill to amend sections 2314 and 2315 of title 18, United States Code, relating to stolen archeological material; to the Committee on the Judiciary.

IMPORTATION OF ARCHEOLOGICAL MATERIAL

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to amend the National Stolen Property Act as it applies to imported archeological and ethnological materials. I am pleased to be joined by my colleague, the distinguished majority leader.

This legislation is a necessary clarification of the Cultural Properties Implementation Act (Public Law 97-466). The CPIA was reported by the Senate Finance Committee and passed in the waning days of the 97th Congress. The CPIA implements the 1972 Unesco Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Cultural Property. It sets forth a clear and comprehensive statement of our national policy concerning the importation of cultural property. Basic to the act is the principle that the United States will act to bar the importation of particular cultural properties, but only as part of a concerted international response to a specific, severe problem of pillage.

The CPIA was enacted only after a long and arduous process of compromise which fairly balanced all competing interests. One part of the compromise which led to the unanimous passage of the act—after a decade of effort—was the clear understanding among all interests, public and private, that the CPIA would establish the definitive national policy regarding the importation of archeological and ethnological material and that any inconsistent provisions of law would be brought into accord.

During the course of the Finance Committee's consideration of the CPIA, it became apparent that the committee did not have jurisdiction to correct one such inconsistent provision: the definition of stolen property under the National Stolen Property Act, and that act's application to the importation of archeological and ethnological materials. This matter is properly within the jurisdiction of the Judiciary Committee. Consequently, Senators DOLE, MATSUNAGA, and I introduced legislation late in the 97th Congress, S. 2963, and again in the 98th Congress as S. 1559. Today we are reintroducing that legislation with modest technical modifications to comport with the style of the National Stolen Property Act. We understand that the Judiciary Committee will promptly schedule hearings and hope the bill will be enacted into law this year.

The need for this bill arises from a controversial decision by the Court of Appeals for the Fifth Circuit in the case of United States versus McClain, interpreting the National Stolen Property Act. Under that decision, Mr. President, a U.S. citizen could be convicted of stealing cultural property if he or she imported such property knowing that the foreign government had declared ownership of all such property found within its borders and had not issued an export license. This would be true even if the U.S. citizen had paid for the artifact—and they had certainly not "stolen" it in any traditional understanding of the word—and despite the fact that the foreign country permitted its own citizens to own and trade such objects.

Is it proper, is it right, to permit American citizens and institutions to be subject to criminal prosecution by allowing declarations of foreign ownership to support the time-tested requirement that an owner have a real possessory interest in property before it can be considered stolen? Under the broad sweep of the McClain decision, the interpretation of the National Stolen Property Act now effectively turns on the meaning of foreign laws, largely unavailable in translation, and on legal concepts alien to American common law. The United States Federal law should embrace American—not foreign—legal principles.

Moreover, the McClain decision is wholly inconsistent with the basic principle of the CIPA, that U.S. participation in efforts to control the international movement of cultural properties will be part of a concerted international effort. The McClain decision represents a unilateral, rather than multilateral, response to the genuine problem of the illegal pillage of cultural property.

I am particularly concerned that under the McClain decision, the executive branch is disregarding the policies and procedures of the CPIA. Hearings will afford an opportunity to explore a directive by the Customs Service largely adopting the McClain decision as well as recent bilateral agreements between the State Department and foreign countries, agreements which appear to be wholly inconsistent with congressional policies regarding CPIA.

I understand that the Customs' directive, particularly in conjunction with the State Department agreements, is producing a virtual embargo on pre-Columbian objects coming into the United States. This confounds all the procedures, requirements, and findings Congress established in the CPIA. It bypasses the Cultural Properties Advisory Committee now in place, authorized by Congress to provide the executive branch expert advice in this area. Custom's actions have supplanted the multinational effort authorized by the CPIA with a unilateral ban. In place of the CPIA mandate that our officials make independent determinations of what is in our own national best interests, they merely enforce a foreign nation's bald declaration of ownership. Finally, the effective across-the-board embargo of all pre-Columbian objects, under current Customs policy, is entirely inconsistent with Congress' declaration that any U.S. import ban respond to problems of pillage of specific sites or objects. These glaring contradictions—and their absence of any proper foundation in the McClain decision—should be fully explored in hearings on this bill.

Mr. President, as part of the negotiations that led to passage of the CPIA,

all parties interested in the legislation agreed that the McClain decision should be overturned by statute. I considered that commitment an essential element of the understanding that led to uncontested passage of the act. Enactment of that law and repeal of McClain were a package.

The bill we are introducing today would reject the puzzling new judicial interpretation of the term "stolen." This bill, clarifying American law, goes hand in hand with, and is essential to, successful implementation of the CPIA. I urge its speedy passage, and I thank my good friend, Senator LAXALT, for agreeing to schedule early hearings.

I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2314 and 2315 of title 18, United States Code, are amended by adding at the end of each the following:

"This section shall not apply to any goods, wares, or merchandise which consists of archeological or ethnological materials taken from a foreign country where—

"(1) the claim of ownership is based only upon—

"(A) a declaration by the foreign country of national ownership of the material; or

"(B) other acts by the foreign country which are intended to establish ownership of the material and which amount only to a functional equivalent of a declaration of national ownership;

"(2) the alleged act of stealing, converting, or taking is based only upon an illegal export of the material from the foreign country; and

"(3) the defendant's knowledge that the material was allegedly stolen, converted, or taken is based only upon the defendant's knowledge of the illegal export and the defendant's knowledge of the claim of ownership described in clauses (1) (A) and (B)."

SEC. 2. Section 2311 of title 18, United States Code, is amended by adding at the end thereof the following paragraph:

"Archeological or ethnological material" means only object of archeological or ethnological interest, including any fragment or part of any such object, which was first discovered within a foreign country and which is subject to export control by that foreign country. For purposes of this definition no object shall be considered to be an object of archeological interest unless such object is of cultural significance, is at least two hundred and fifty years old, and was normally discovered as a result of scientific excavation, clandestine or accidental digging, or exploration on land or under water, and no object shall be considered to be an object of ethnological interest unless such object is the product of a tribal or nonindustrial society and is important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development, or history of that people."●

By Mr. D'AMATO:

S. 606. A bill to provide for notification to a city or county of the presence of hazardous substances in or near such city or county; to the Committee on Environment and Public Works.

COMMUNITY RIGHT TO KNOW ACT OF 1985

● Mr. D'AMATO. Mr. President, I rise today to introduce the Community Right to Know Act of 1985, which will address an issue of vital importance to the safety of the people of this country.

The tragedy in Bhopal, India, has brought public attention to our need to be prepared for emergencies which may result from accidents during the manufacturing, processing, or storage of hazardous chemicals. Local officials in Bhopal claim they had no idea of the toxicity of the chemicals being used and the serious hazard which could result from an accident at the Union Carbide facility in their area. As a result, they were unprepared to deal with this emergency.

If they had been prepared, many lives could have been saved and many injuries prevented. Instead, the tragedy resulted in the loss of 2,500 lives, and 200,000 people were injured.

Mr. President, I believe we should all stop to think about what would happen if such an event occured in this country. Would local officials be familiar with the chemicals involved? Would they know what to tell the residents of their communities and the hospitals to do in response to such a disaster? Would we, like Bhopal, be unprepared for such an incident?

The Union Carbide plant in West Virginia is 10 times the size of the one in Bhopal. Although it is the only plant in the United States that manufactures the same chemical, MIC, there are other plants which use MIC in the manufacturing process, including an FMC Corp. plant in Middleport, NY. This plant is located 500 yards away from an elementary school. On November 15, 1984, 30 gallons of MIC spilled from this plant, resulting in eye irritation for 30 students and one teacher, and forcing evacuation of the 438 students in the school. The local fire department complained that they were not called for 20 minutes following the spill.

New Jersey recently passed a right-to-know law which will provide information on hazardous chemicals to State and local officials. However, if the winds are blowing to the east, as they usually are, that information will be needed in New York, not New Jersey. We need a national law to protect the citizens of New York and all States.

The Community Right to Know Act of 1985, which I am introducing today, will address these issues by providing the following:

The owner or operator of any facility involved in the generation, treatment, or storage of any hazardous substance will be required to notify the responsible local officials within a 10-mile radius. This notification will provide a description of the hazardous substance, the amount of the substance present, and the emergency procedures which should be taken in the event of a release, explosion, fire, or other accident. The notification will be made on an annual basis, as well as whenever a change in the use of chemicals occurs.

In the event of an emergency, the owner or operator will be required to contact the appropriate local official as soon as possible to report the incident.

This bill exempts small operators—those with less than 100 kilograms of a substance—except when the EPA determines that smaller levels could be dangerous. It also gives the EPA Administrator discretion in exempting certain retail establishments, such as dry cleaners, small paint stores, and printers.

Any person who fails to make notification, or provides false notification, will be subject to a fine of up to $25,000 or imprisonment for up to 1 year, or both.

In conclusion, Mr. President, I believe Congress must act swiftly to address this issue of vital importance to the well-being of citizens throughout the United States. I urge my colleagues to join in cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of this legislation be printed in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Right to Know Act of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) hazardous substances are generated, treated, and stored in virtually all parts of the country, presenting the possibility of release, explosion, fire, or accidents which may threaten human life, health, and safety or the environment; and

(2) because such threat to human life, health, and safety or the environment involves interstate commerce and is not limited to the particular State or locality where the hazardous substance is located, the Federal government ought to provide some minimum uniform standards for notifying communities of the presence of such hazardous substances.

HAZARDOUS SUBSTANCE

SEC. 3. (a) DEFINITION.—For purposes of this Act, the term "hazardous substance" means—

(1) any element, compound, mixture, solution, or substance designated pursuant to

section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980;

(2) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress);

(3) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act;

(4) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act;

(5) any hazardous air pollutant listed under section 112 of the Clean Air Act;

(6) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act; and

(7) any two or more substances which have the potential when combined with one another to threaten human life, health, and safety or the environment, if such substances are generated, treated, or stored in such proximity to one another that a reasonable possibility exists of their being combined (accidently or otherwise), as determined by the Administrator.

(b) EXCLUSIONS.—Such term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under paragraphs (1) through (7) of subsection (a), and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

OTHER DEFINITIONS

SEC. 4. For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "appropriate local official" means the chief exective officer of a county or city;

(3) the term "city" means a city of 25,000 population or greater, or any independent city which is not part of a county;

(4) the term "county" means any county or other unit of general purpose local government which is the next lower unit below the State, other than a city;

(5) the term "facility" means—

(A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, or storage container, or

(B) any other site or area where a hazardous substance is generated, treated, or stored,

but does not include any consumer product in consumer use, or any motor vehicle, rolling stock, aircraft, or vessel in which a hazardous substance is being transported from one site to another; and

(6) the term "owner or operator" means—

(A) in the case of a facility, any person owning or operating such facility, and

(B) in the case of an abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment,

but such term does not include a person who, without participating in the management of the facility, holds indicia of ownership primarily to protect his security interest in the facility.

NOTIFICATION REQUIREMENT

SEC. 5. (a) GENERAL RULES.—

(1) ANNUAL NOTIFICATION.—The owner or operator of any facility involved in the generation, treatment, or storage of any hazardous substance shall provide notification in accordance with this Act to the appropriate local official of each city or county located within a 10-mile radius of the facility where such hazardous substance is located. Such notification shall provide a description of the hazardous substance, the amount of the substance present, and emergency procedures which should be taken in the event of a release, explosion, fire, or other accident involving such substance, based upon best available planning. Such notification shall be made on an annual basis, and at such other times as significant change occurs in the amount of a hazardous substance located at a facility (as defined by the Administrator), or a new hazardous substance is located at a facility.

(2) NOTIFICATION OF RELEASE, EXPLOSION, FIRE, OR ACCIDENT.—Any such owner or operator shall also provide notification to such official of any release, explosion, fire, or other accident involving such substance, which may threaten human life, health, and safety or the environment. Such notification shall be made as soon as possible after the owner or operator knows, or reasonably should know, of the existence of such release, explosion, fire, or other accident.

(b) EXCEPTION FOR SMALL QUANTITIES.—

(1) The requirements of subsection (a) shall not apply with respect to a hazardous substance present at a facility in quantities of less than 100 kilograms, unless the Administrator makes a determination with respect to such hazardous substance that the reporting of a smaller quantity is necessary in order to adequately protect human life, health, and safety and the environment.

(2) The Administrator may increase the 100 kilogram threshold amount under paragraph (1) with respect to categories of retail establishments which deal directly with the public.

CRIMINAL PENALTIES

SEC. 5. Any person subject to the requirements of this Act who knowingly fails to notify any appropriate local official in accordance with section 5, or knowingly makes a false statement or representation in any notification required under section 5, shall, upon conviction, be subject to a fine of not more than $25,000 or by imprisonment for not more than one year, or both, for each violation.

RETENTION OF STATE AUTHORITY

SEC. 7. Upon the effective date of regulations under this Act no State or political subdivision may impose any requirements less stringent than those authorized under this Act respecting the same matter as governed by such regulations, except that if application of a regulation with respect to any matter under this Act is postponed or enjoined by the action of any court, no State or political subdivision shall be prohibited from acting with respect to the same aspect of such matter until such time as such regulation takes effect. Nothing in this Act shall be construed to prohibit any State or political subdivision thereof from imposing any requirements which are more stringent than those imposed by such regulations.

RELATIONSHIP TO OTHER FEDERAL LAW

SEC. 8. The requirements of this Act are in addition to any requirements imposed under any other Federal law. The Administrator, in carrying out the provisions of this Act, shall coordinate, to the extent feasible, such requirements with similar requirements under other Federal laws in order to avoid any unnecessary duplication of reporting requirements.

EFFECTIVE DATE

SEC. 9. The Administrator shall promulgate final regulations necessary for carrying out this Act within six months after the date of the enactment of this Act. The requirements of this Act (other than this section) shall become effective six months after such regulations are promulgated.●

By Mr. SYMMS:

S. 608. A bill to amend the Internal Revenue Code of 1954 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Finance.

CLARIFICATIONS IN BROKER REPORTING REQUIREMENTS

● Mr. SYMMS. Mr. President, I am introducing a bill today which excludes certain small transactions from the broker reporting rules under the tax law. This bill also clarifies the definition of broker and indicates what property is excluded from the reporting requirements.

In Senate Report 98-562, the Committee on Appropriations reiterated in the strongest manner that the Internal Revenue Service [IRS] was incorrectly interpreting the scope of section 6045 of the tax law as amended by the Tax Equity and Fiscal Responsibility Act of 1982. The committee is concerned because the IRS is expending appropriated funds for the administration of an incorrect interpretation of law. My bill sets out further guidance to the IRS in this respect.

First, following the lead already well established in the cash-reporting area—last year we passed legislation mandating that retailers receiving more than $10,000 in cash must report that receipt to the IRS—and in the bank reporting area—where the rules require that reports of certain transactions exceeding $10,000 be made to the Treasury Department—my bill provides that the broker reporting rules only apply to transactions in which gross proceeds exceed $10,000. The information made available to the IRS without this exemption could be so voluminous as to render the entire reporting process meaningless while at the same time imposing unacceptable burdens on many businesses, which are often small and have few employees. By limiting reporting requirements to those transactions which exceed $10,000, Congress will allow the IRS to gather information on the large transactions which produce more tax revenue while at the same time reducing the burden on businesses seeking to comply with these rules.

The bill also clarifies that certain tangible personal property such as works of art, metal, coins, and guns

are not subject to the reporting requirements. Moreover, this bill clarifies the definition of broker in the following manner: the broker must be a dealer, barter exchange, or other person and such dealer, barter exchange, or other person must regularly act for a consideration as a middleman. In other words, if a dealer is merely a retailer buying for inventory, where there is a risk that the purchase may go up or down in value, the retailer is not in that case acting as a middleman and therefore would not be considered a broker under these reporting rules.

The provisions in my bill apply to transactions occurring after December 31, 1982, the general effective date of the amendments to the broker reporting rules adopted in TEFRA.●

By Mr. THURMOND:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February 1986 as "National Black (Afro-American) History Month"; to the Committee on the Judiciary.

NATIONAL BLACK (AFRO-AMERICAN) HISTORY MONTH

Mr. THURMOND. Mr. President, today, I am introducing a joint resolution to proclaim the month of February 1986 as "National Black (Afro-American) History Month."

In 1926, Dr. Carter Godwin Woodson, founder of the Association for the Study of Afro-American Life and History, Inc., launched the celebration of Negro History Week. This 1-week celebration evolved into a monthlong observance, Black History Month, in 1976. The month of February has traditionally been celebrated as Black History Month, and President Reagan has already issued a proclamation designating February of this year as "Afro-American (Black) History Month;" 1986 will mark the 60th annual salute to black Afro-American history, a celebration of the role of black Americans in all segments of life in this country and in black culture around the globe.

The theme for the 1985 celebration has been "The Afro-American Family: Historical Strengths for the New Century." A luncheon, sponsored by the National Black Heritage Observance Council, Inc., on February 1, 1985, here in Washington highlighted the theme by honoring the families of Dr. T.J. Jemison of the National Baptist Convention, USA, Inc.; Lena Santos Ferguson and Maurice A. Barboza; Gen. Daniel C. James, Jr., and Gen. Roscoe Robinson, Jr., both four-star generals; Henry Ossawa Tanner, one of the great 19th century American artists; Dr Lillie M. Jackson and Juanita Jackson Mitchell; John H. Johnson; "Sugar Ray" Leonard; and the Bill Cosby television program.

Mr. President, it is fitting that we continue to honor the contribution of black Americans and Afro-Americans to our heritage through this joint resolution, and I invite all of my colleagues in the Senate to join with me as cosponsors of National Black (Afro-American) History Month. Mr. President, I also ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 74

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas in 1926 Dr. Carter Godwin Woodson launched the celebration of Negro History Week:

Whereas this observance evolved into a month-long celebration in 1976;

Whereas February 1, 1986, will mark the beginning of the sixtieth annual public and private salute of Black History;

Whereas the observance of Black (Afro-American) History Month provides opportunities for our Nation's public schools, institutions of higher learning, and the public to gain a deeper understanding and knowledge of the many contributions of Black Americans to our country and the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the month of February 1986 is designated as "National Black (Afro-American) History Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities to salute all that Black Americans have done to help build our country.

By Mr. STEVENS:

S.J. Res. 75. Joint resolution to further approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles; to the Committee on Appropriations.

FUNDING FOR THE PROCUREMENT OF MX MISSILES

Mr. STEVENS. Mr. President, I suppose you can call this resolution the second stage of a complicated congressional system for approval of second-year production on the MX, or Peacekeeper, ICBM program. Both stages have to work or the program won't fly.

To put it bluntly, Congress couldn't make a final decision last year on this issue, so we put it off until now. And we must vote twice on the issue in each House—four separate votes and, presumably, four separate debates. I question whether this legislative agonizing is necessary or prudent but it is the law. Now it is important that we get on with the task and deal with it as quickly and efficiently as possible.

The distinguished Senator from Arizona [Mr. GOLDWATER], as chairman of the Armed Services Committee, introduced the authorization version of the resolution yesterday. The resolution I am introducing now as chairman of the Defense Appropriation Subcommittee is the version that will be reviewed by the Committee on Appropriations. I deliberately waited until today to sponsor this measure so that there would be adequate time under the statutory timetable for full hearings and deliberation. We anticipate now that the Committee on Appropriations will take action to report a measure by Wednesday, March 20, within the 15-day deadline.

Mr. President, I feel certain there will be more than adequate opportunities to debate the MX issue in this Chamber—we are guaranteed at least 5 hours of debate on this resolution alone under the law—and I am not going to take much of the Senate's time now to revisit all of the controversial issues involved in this strategic system. However, I will say that I introduce this resolution today not only because of my position as chairman of the Defense Appropriations Subcommittee but because I am convinced that it is essential to the national security of the United States that we proceed with production of this modern and effective strategic missile system.

The resolution contains the general wording prescribed in the fiscal year 1985 Defense appropriations measure. Its specific effect is to release $1.5 billion in budget authority to finance production of 21 operational Peacekeeper missiles to complement the 21 already in production.

The interim basing of Peacekeeper in Minuteman silos leaves this deterrent weapon vulnerable to a Soviet first strike, and I am aware of the concern expressed by opponents that this vulnerability creates a launch-on-warning posture. But I am also aware that while we have been debating MX, the Soviet Union has been busy deploying its own modern version of heavy ICBM's, creating a dangerous strategic imbalance that threatens this country's deterrent capability—a capability that has effectively prevented a nuclear exchange for so many years.

Further, although it was not planned that way, we enter into this second round of MX debate less than 1 week before the United States and the Soviet Union undertake an historic round of comprehensive nuclear arms control negotiations. It seems painfully obvious to me that this is not the time for the Congress to falter in its support of a continuing, strong strategic triad.

Mr. President, in view of the tight schedule prescribed in the MX approval procedure, I have scheduled hearings on this resolution starting tomorrow at 2 p.m. The hearing process will resume on Friday morning at 10 a.m., and we will be taking testimony from the Secretary of Defense and other leading administration officials involved in national security and arms

control. Full committee action, as I stated earlier, is now targeted for March 20 or earlier, and it is my hope that final Senate action on this issue can be completed during that week.

ADDITIONAL COSPONSORS

S. 104

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 104, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets.

S. 210

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 210, a bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of social security benefits.

S. 231

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 231, a bill to establish a National Commission on Neurofibromatosis.

S. 440

At the request of Mr. TRIBLE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 440, a bill to amend title 18, United States Code, to create an offense for the use, for fraudulent or other illegal purposes, of any computer owned or operated by certain financial institutions and entities affecting interstate commerce.

S. 472

At the request of Mr. DOLE, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 472, a bill to amend title V of the Social Security Act, and section 2192 of the Omnibus Budget Reconciliation Act of 1981, to modify the terminology relating to certain disabled children.

S. 490

At the request of Mr. PRYOR, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 490, a bill to limit the employment by Government contractors of certain former Government personnel.

SENATE JOINT RESOLUTION 22

At the request of Mr. HOLLINGS, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 22, a joint resolution designating March 1985 as "National Mental Retardation Awareness Month."

SENATE JOINT RESOLUTION 27

At the request of Mr. HATCH, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 27, a joint resolution to designate the week containing March 8, 1985 as "Women's History Week."

SENATE JOINT RESOLUTION 32

At the request of Mr. PRESSLER, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mr. DOLE], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 32, a joint resolution to authorize and request the President to designate September 15, 1985, as "Ethnic American Day."

SENATE JOINT RESOLUTION 35

At the request of Mr. GORTON, the names of the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from North Dakota [Mr. ANDREWS], were added as cosponsors of Senate Joint Resolution 35, a joint resolution to authorize and request the President to issue a proclamation designating April 21-27, 1985, as "National Organ Donation Awarneness Week."

SENATE JOINT RESOLUTION 46

At the request of Mr. MATSUNAGA, the name of the Senator from Maryland [Mr. MATHIAS] was added as a cosponsor of Senate Joint Resolution 46, a joint resolution relating to NASA and cooperative Mars exploration.

SENATE JOINT RESOLUTION 51

At the request of Mr. DENTON, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from California [Mr. CRANSTON], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. ZORINSKY, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to proclaim March 20, 1985, as "National Agriculture Day."

SENATE RESOLUTION 34

At the request of Mr. D'AMATO, the name of the Senator from South Carolina [Mr. HOLLINGS], was added as a cosponsor of Senate Resolution 34, a resolution condemning the Government of the Union of Soviet Socialist Republics for 5 years of forced and oppressive military occupation of Afghanistan in the face of popular resistance to Soviet imperialism.

SENATE RESOLUTION 66

At the request of Mr. COHEN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Georgia [Mr. NUNN], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. EVANS], the Senator from Virginia [Mr. TRIBLE], the Senator from Florida [Mr. CHILES], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Illinois [Mr. DIXON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Alabama [Mr. DENTON], the Senator from Nevada [Mr. HECHT], the Senator from North Carolina [Mr. HELMS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Idaho [Mr. MCCLURE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. EAST], and the Senator from Oklahoma [Mr. NICKLES], were added as cosponsors of Senate Resolution 66, a resolution expressing the sense of the Senate with respect to certain matters involving the Government of New Zealand and the United States.

SENATE RESOLUTION 82

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. LEVIN], was added as a cosponsor of Senate Resolution 82, a resolution to preserve the deduction for State and local taxes.

SENATE CONCURRENT RESOLUTION 25—RELATING TO NUCLEAR ARMS RESTRAINT

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. HEINZ, Mr. HART, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 25

Whereas it is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies; and

Whereas the President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint"; and

Whereas the President earlier this year called this policy "helpful" and pointed out that "we have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground"; and

Whereas the United States has legitimate concerns about certain Soviet actions and behavior relevant to limitations and other provisions of existing strategic arms agreements; and

Whereas the President has declared that "the United States will continue to press these compliance issues with the Soviet Union through diplomatic channels"; and

Whereas the President has also declared that "the United States is continuing to carry out its own obligations under relevant agreements"; and

Whereas it would be detrimental to the security interests of the United States and its allies, to prospects for the success of the nuclear arms negotiations between the United States and the Soviet Union, and to international peace and stability more generally, for the existing limitations on strategic offensive nuclear weapons to lapse before replacement by a new strategic arms control agreement between the United States and Soviet Union; and

Whereas both sides have to date remained within a number of the numerical and other limits on force levels contained in existing strategic arms agreements by dismantling operational launchers on missile-firing submarines and staying below the limits on multiple-warhead missile launchers and other related limits; and

Whereas it is in the interest of the United States and its allies to require the Soviet Union to remain at or below a level of 820 launchers of MIRVed ICBMs, and at or below other related limits contained in existing strategic arms agreements; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that: (a) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, where appropriate, the Standing Consultative Commission and the renewed nuclear arms negotiations; and

(b) the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement; and

(c) the United States should, through December 31, 1986, continue to refrain from undercutting the provisions of existing strategic offensive arms agreements so long as the Soviet Union refrains from under-cutting those same provisions, or until a new strategic offensive arms agreement is concluded; and

(d) the President shall by March 1, 1986 provide a report to Congress in both classified and unclassified forms reflecting additional findings regarding Soviet adherence to such a no-undercut policy, including identification of both limitations which are being observed and limitations where adherence is either in serious doubt or not taking place; and

(e) that the President shall provide to Congress on or before May 1, 1986, a report that—

(1) describes the implications of the deployment of additional strategic offensive weapons by the U.S., both with and without the concurrent dismantling of older weapons, for the current United States no-undercut policy on strategic arms and U.S. security interests more generally;

(2) assesses possible Soviet political, military, and negotiating responses to the termination of the United States' no-undercut policy;

(3) makes recommendations regarding the future of United States interim restraint policy, including possible modifications thereto that would permit stabilizing reductions to take place on both sides while negotiations for a more comprehensive reductions agreement are under way; and

(f) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long term security interests of the United States and its allies and should consult with the Congress before making any changes in current policy.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. BUMPERS. Mr. President, I rise to speak on behalf of the resolution which is being introduced today on behalf of Senators LEAHY, CHAFEE, HEINZ, and myself, which urges this administration not to violate the terms of existing strategic arms agreements, including the SALT II Treaty, what we commonly refer to as the no-undercut policy.

For the benefit of my colleagues, particularly those who have not been here before when this resolution has been debated, this point needs to be made initially: the SALT II Treaty was signed by the Soviets and it was signed by our then-President Jimmy Carter in 1979, but, as Senators know, it was never ratified by the U.S. Senate. So it is not binding on the United States, but it is not binding on the Soviet Union, either.

Most of you know that when President Reagan ran for President in 1980, he made much to do about the SALT II Treaty, which he called "fatally flawed." So when he was elected President, since he had run on the proposition that the SALT II Treaty was fatally flawed, obviously that treaty, so far as the possibility of it being ratified by the Senate, was dead.

Mr. President, I would not vote for anybody who did not have a sense of history, I would not vote for anybody who did not have a sense of humor, and I would not vote for anybody who did not change his mind on occasion. Since that time, specifically, in May 1982, the President did change his mind. He said, specifically:

As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint.

He has spoken on two or three occasions since then, even as recently as February 1 of this year, when he said that the United States is continuing to carry out its own obligations and commitments under relevant agreements.

I applaud the President for his statesmanship in saying that. I continue to think that the President's instincts on this issue are favorable. When he was asked during his January press conference about what he would do about his no-undercut policy when the seventh Trident goes out to sea trials, he responded, "We have been holding to that and thought that it would be helpful in now what we're planning and going forward with. We have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground * * * so, yes, we feel that we can live with it."

Unhappily, the President has surrounded himself with some people who do not share his thoughts on this, and there are some who say that they have "had to walk the President back on that one," referring to his statement on January 9, 1985, where he again endorsed the no-undercut policy.

However, we are getting to the point now where the President will have to speak out forcefully and clearly on whether or not we are going to continue our no-undercut policy, specifically, on not exceeding the limits on multiple-warhead (MIRV'd) ballistic missiles, above the 1,200 limit of the SALT II Treaty. Under the terms of that treaty, we can have 1,200 MIRV'd missiles and so can the Soviets. If we or the Soviets choose, we can make all 1,200 of those missiles submarine-based missiles, but we may only have 820 of those 1,200 on land.

Come September, maybe even as early as August, we are going to send our seventh Trident submarine to sea. It is the U.S.S. *Alaska.* The Trident submarine *Alaska* will have 24 missiles on it. Right now, we have 1,190 MIRV'd missiles, both on submarines and land-based; so when we send the Trident submarine *Alaska* to sea this fall with 24 missiles on it, unless we dismantle some other missiles—preferably Poseidon missiles—we will exceed the SALT II limits of 1,200 by 14. Once we do that, all bets are off.

I have no desire to stop or in any way delay the Trident Program. In fact, I am one of this Chamber's biggest boosters of the program. But it is essential for us to dismantle one Poseidon sub and stay within the 1,200. To ignore that limit would be to invite the Soviets to ignore similar limits. And then the arms race would really take off.

I know all the arguments, about how you cannot trust the Soviet Union, and they are already in violation, and so on. This resolution simply urges the President, if the Soviets are not in compliance, to resolve their noncompliance as quickly and as diplomatically as possible. The resolution also calls upon the Soviets to take positive steps to resolve these concerns. But I think we ought to know, and I think Congress ought to be told, not only where the Soviets are violating the treaty, if in fact they are, but also where they are staying in compliance.

I think people should know, for example, that the Soviets have dismantled several types of old missiles. They have dismantled 10 Yankee submarines since 1978, with 160 missiles, in order to stay in compliance with SALT I. They have dismantled 209 older ICBM's, and they will have to dismantle an 11th submarine this year in order to stay under the limits of SALT I.

Accordingly, this resolution also calls upon the administration to report to the Congress on Soviet adherence to such a policy, but this time to provide a real compliance report. Past administration reports have not been compliance reports; they have been violations reports. It is difficult for the Congress to make informed judgments about arms control policy without having the full picture of

Soviet compliance. There are areas where we have real concerns. At the same time, there are many other areas where the Soviets have been complying with existing agreements, but these get no mention in the administration's reports. Accordingly, this resolution calls for a balanced presentation of areas of compliance concern and areas where the Soviets are remaining within the limits.

The resolution also calls for a report on U.S. interim restraint policy options, as did last year's measure. In this report, the President is asked to assess modifications to the no-undercut policy that would allow stabilizing reductions to take place on both sides while the negotiations for a more comprehensive agreement take place. For example, a 10-percent cut in the SALT II ceilings, including the ceiling on Soviet heavy ICBM's would result in Soviet warhead reductions of 500–1,000, while our reductions could be as little as 360. Another possibility would be a warhead cap, and still other approaches are possible. Finally, the resolution calls upon the President to consult with the Congress before making any changes in his no-undercut policy.

The Soviets state, at least outwardly and publicly, that they want us to stay in compliance with SALT II, and the President has said that we will. But now a lot of people in this administration are saying, "We haven't made up our minds yet. We will do it later." Some others are saying that even if the SALT II Treaty had been ratified, it would come to an end this December anyway, and therefore there is no point in complying with it beyond December 31 of this year. What palpable nonsense that is! That is really hanging your hat in a technicality.

I used to be a lawyer, and I know how that is done. But that, even as a technicality, makes no sense, and I do not think it is going to make sense to people who are concerned about this issue.

The no-undercut policy is a sensible one that serves important U.S. security interests. Why else would it have been administration policy for over 4 years, despite their active and vocal opposition to past SALT agreements? It would be a major mistake to drop this policy.

It is interesting to me that just this week, the Pentagon has been saying exactly what I am saying. Here is an article from the Washington Post of yesterday morning, written by Walter Pincus, whom I know and whom I consider to be very knowledgeable on this subject—and I am going to insert this article in the RECORD later. He says:

Some Pentagon officials and military officers are urging the administration to seek an extension of some provisions of the unratified SALT II agreement at the Geneva arms control talks next week to provide interim limits on arms until substantial cuts can be negotiated, according to informed sources.

They say that it would be "an interim framework"; it "would be logical as a transition from where we've been to where we are going."

Nobody need be accused of being a dove for cosponsoring this resolution, when the Pentagon is saying precisely the same thing.

I will tell you another reason why the Pentagon is saying that. It is not altogether altruistic. It is because they know and I know—and everybody in this body who studies this issue at all knows—that the Soviets are in a much better position to break out of these SALT limits than we are. They have 308 of their big SS–18 missiles, and they can add 20 warheads to each of those missiles within the next 5 to 7 years.

The SS–18 carries 10 warheads, under the SALT II Treaty, and if we violate it, there is no reason for the Soviet Union not to put 30 warheads on that missile, and they can do it. In short, they can put 6,000 more warheads on that one missile system within 5 to 7 years. That is over 60 percent of their total strategic warhead inventory right now.

One of the hundreds of reasons why I am opposed to the so-called Star Wars Program of the President is that the Soviet Union can overwhelm the system.

I used to say the principal reason I was opposed to the so-called strategic defense initiative is that if we built it, the Soviet Union would build it and we would have each spent $1 trillion and the world would be infinitely less safe.

Now I am not so sure the Soviets will build another one because even the most ardent proponents, from the President on down, of the so-called star wars ballistic missile defense system will tell you that the maximum efficiency of that system is 90 percent.

The Soviets have close to 10,000 warheads right now. So if they launch all 10,000 of them and we already had this trillion-dollar system in place, 1,000 missiles or 1,000 warheads would still get through.

I can tell you 1,000 warheads dropped on the United States is enough to ruin your whole day.

And if they add 6,000 more warheads just to this one missile system, that is another 600 warheads that will come through.

Mr. President, I went to see a movie the other night that was about the most emotionally draining movie I ever think I saw in my life. It is called "The Killing Fields," a true story based on the life of a New York Times correspondent in Cambodia.

All I could think about as I looked at all the blood and gore in that movie, no medicine, no doctors, no water, no bandages, and literally millions of people being massacred by genocide, easily the biggest case of genocide in the history of the world, with the exception of the Jewish Holocaust, and they showed these hospitals in Cambodia with hundreds and hundreds of people who had been injured, bleeding, dying, limbs off and everything, and I thought, you know, that looks like a Sunday school picnic compared to what a nuclear exchange would create in this country and in the Soviet Union.

But back to the point: I have always argued that if we spent $1 trillion to build this one defense system—and incidentally $1 trillion is what the entire national debt was for the first 200 years of this country's history, now we talk about that as though we were going to a ball game some afternoon—I thought the Soviet Union would spend $1 trillion, but I am not convinced that the Soviets will do that. In my opinion, the Soviets will start building more and more missiles and more and more warheads because they know that they can overwhelm the star wars defensive system and they could probably do it for half the cost that we will spend on the system.

Now, why would the Pentagon be endorsing the very proposition that we are introducing here today? I will tell you why. It is because they know that not only can the Soviets add 20 warheads to the 308 SS–18's they have right now, but they are also going to deploy or can deploy their SS–24's this fall and the SS–25 is coming on. In short, they cannot only break out of the limits of SALT I and SALT II, but they can do it twice as fast with twice as many warheads as we can.

If we allow all restraints to lapse, the Soviets are fully capable of adding many thousands of nuclear warheads to their arsenal, as a recent Congressional Research Service study graphically illustrates. Certainly we could keep up, though for several years the Soviets would spurt ahead of us. The simple truth is that adding thousands of warheads on both sides would only diminish our security. We would spend many extra billions to keep up with the Soviets, only further building up the precarious nuclear mountain that we must surely 1 day dismantle if mankind is to make it through the 20th and 21st centuries. This buildup would also have a corrosive, if not fatal, impact on the Geneva talks.

I could go on and on, but I think the point is clear—we have much to gain by keeping limits on Soviet forces, and much to lose by dropping the no-undercut policy. That policy prevents the Soviets from deploying thousands more warheads than they otherwise would. And what will it cost us to continue this policy? Through the end of 1986, it would mean we would have to dismantle only 50 missiles, with fewer

than 400 warheads. Through the rest of the 1980's, it would mean we would retire only about 110 more missiles, with fewer than 700 warheads. At the same time we would be deploying in their place almost 1,600 new, survivable warheads.

Some of these dismantled missiles would be in Poseidon submarines, which we would be retiring for age reasons in the early 1990's anyway. Retiring two Poseidons would also free up almost $500 million over 8 years for other defense uses. Others could be older Minuteman III missiles with the lower-yield warheads.

Nothing in this resolution would conflict with the President's Strategic Modernization Program. All our current programs could proceed. The small ICBM will not be ready for flight testing until 1988, so continuing with the limit on new types of ICBM's will constrain the Soviets more than us. I would fully support changing or eliminating the new types limit when it becomes necessary to permit the small ICBM Program, which I support, to proceed.

So it is to our own interest to continue the so-called no-undercut policy which the President has endorsed and which I hope he will stand steadfastly for and not let some of that crowd change his mind about it.

The lapsing of all restraints on offensive nuclear weapons would have a dangerous effect on the NATO alliance. It would be difficult to imagine a step that would be more damaging to NATO than for us to tell our allies that we would no longer feel constrained by any offensive arms agreements, and that we didn't care if the Soviets were unconstrained, too.

Mr. President, our NATO allies are all in favor of abiding by the SALT agreements. There is not a single country in the NATO Alliance that does not strongly subscribe to the no-undercut policy.

In short, dropping the no-undercut policy would be one of the most damaging steps we could take for U.S. security interests in the months ahead. So the issue is not just academic. The issue is real.

We are going to Geneva next week—I am not—some of the Senators in this body are—to observe the beginning of the SALT talks and people in this country are optimistic and hopeful—they are not overwhelmingly optimistic, but certainly they hope that something will come of it.

No one wishes more fervently than I for the success of these talks. But let us not believe that the mere opening of these talks means that our worries are over for limiting the nuclear threat, as important as this step is. It doesn't.

As the administration rightly cautions us, these negotiations will be long and tough. President Reagan has said that he is not euphoric about getting an agreement during his second term, and that he wouldn't try to confine it to 4 years, because I know how long negotiations have taken with the Soviets. His national security adviser, Robert McFarlane, has said "we fully recognize that this is the beginning of a long and complicated process." Clearly, it may be years before we reach a new agreement.

As a result, the key arms control question facing us today, and for months to come, is: what do we do for the next several years about arms control, and, more specifically, what can we do to keep restraints on Soviet nuclear forces?

I believe that the President's no-undercut policy provides a sound basis to continue to preserve some limits on the Soviets while we pursue a new agreement. Accordingly, our resolution endorses its continuation through December 31, 1986. Next year we can evaluate where we should go from there. Under this policy, the United States can continue with every facet of the President's Strategic Modernization Program while placing important limits on Soviet strategic forces.

I had a group of soybean farmers in my office this morning, and I promise you they hope something will come of it because traditionally the better relations we have with the Soviet Union the more of our grain they buy.

When you talk about the Soviet Union it just depends on whose ox is being gored. You can call them an evil empire. You can call them anything you want to call them. But I promise you the farmers of this country want to sell them all the grain that they can afford to buy.

But my pont is simple: The earliest negotiations of the new talks ought to be that neither side will undercut the SALT I and SALT II treaties and that ought to be agreed to early on, to avoid another round in the arms race. It is to our benefit and it is to the Soviet Union's benefit, and I promise you it will make our allies happy.

Mr. President, this resolution is very similar, not identical, but similar to one that passed the Senate last year 82-to-17, and I hope it will pass that handily or even by a bigger margin this coming year.

It recognizes the problem of Soviet compliance. We recognize that there are serious questions, incidentally, not so much about their compliance with the SALT II Treaty, but with the antiballistic missile treaty.

But those violations, if in fact they are taking place, should be resolved early on in the new talks, and I hope they will be.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet which I prepared with various quotes from both President Reagan, Secretary Alexander Haig, and Secretary Shultz; a portion of the Department of Defense Authorization Act of 1985, which contains a text of the no-undercut language passed by Congress in 1984; an article from the January 28, 1985, edition of the Arkansas Gazette called "Holding to the SALT I Limits"; an article from the Washington Post, dated March 5, 1985, entitled "Administration Urged To Seek Extension of Some SALT II Curbs"; excerpts from the President's press conference of January 9, 1985, regarding a question and his answer regarding the no-undercut policy; an article from the National Journal by Michael Gordon called "Signals Mixed on SALT Compliance"; a question and answer from the State Department which is the State Department press guidance on the no-undercut policy, dated January 10, 1985; an article from the Washington Post, dated February 6, 1985, called "U.S. Could Breach SALT II Limits in '86, Force Projections Exceed Unratified Pact"; and an article from the Journal of the Federation of American Scientists, Public Interest Report, dated October 1985, called "Taunting Pandora: Abandoning SALT II and Pressing Star Wars."

The issue of what both sides should do during the interim period of several years when they are negotiating a new agreement is of major importance. I call upon the President to instruct his negotiators to raise this issue early on with the Soviets in Geneva, so that this matter can be settled quickly.

It is very important that the Congress take a clear stand on this issue, perhaps the most important arms control issue the 99th Congress will have to address. If we allow the Soviets to have no restraints on their nuclear weapons, we—and our grandchildren—will live to regret it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: CONTINUING THE NO-UNDERCUT POLICY

I. REAGAN ADMINISTRATION POLICY HAS BEEN, IN EFFECT, TO OBSERVE EXISTING STRATEGIC ARMS AGREEMENTS

"As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint."—President Reagan, May 31, 1982.

"We have been holding to that [no-undercut policy] and thought that it would be helpful in now what we're planning and going forward with. We have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground . . . we feel that we can live with it."—President Reagan, January 9, 1985.

"The United States is continuing to carry out its own obligations and commitments under relevant agreements."—President Reagan, February 1, 1985.

"We intend to comply by those provisions [of SALT], providing the Soviet Union does

likewise."—Alexander Haig, Secretary of State, May 11, 1982.

"We undertake to live by the provisions of SALT II in a general way and expect the Soviets to do likewise."—George Shultz, Secretary of State, March 28, 1984.

II. U.S. POLICY TOWARD EXISTING STRATEGIC ARMS AGREEMENTS HAS MAINTAINED IMPORTANT RESTRAINTS ON NUCLEAR FORCES

SALT I Treaty

Under the terms of the SALT I Interim Accord on Strategic Offensive Weapons, the Soviet Union has dismantled several hundred operational nuclear weapons which otherwise would have remained in the Soviet arsenal, including: 190 SS-7 ICBMs, 19 SS-8 ICBMs, and 160 SS-N-6 SLBMs on 10 Yankee I class submarines. The submarines have all been dismantled since 1978.

The Soviet dismantling began in the mid-1970s and continued during the Reagan Administration. According to the Congressional Research Service, the Soviets will launch a new Typhoon missile-firing submarine in 1985, which would require them to dismantle an eleventh Yankee I submarine with 16 SS-N-6 SLBMs. As the Soviet Union continues to introduce Typhoon class submarines, they will be forced by SALT I to dismantle older submarines and the missile launchers they carry. It is important to keep in mind that the submarines which SALT I forces the Soviets to dismantle are newer than all the missile-firing submarines the U.S. has except for our Trident subs.

As long as the policy of mutual observance of existing agreements continues, Soviet submarine dismantling to remain within SALT I limits must continue. In the absence of the restraint policy, no such dismantling would occur. The Soviet nuclear threat to the United States and our allies would be much greater if the current policy is abandoned.

The SALT I Interim Accord has had almost no impact on U.S. forces. The six Trident submarines (each with 24 Trident I C-4 missiles) launched so far have required us to dismantle nine older Polaris submarines, each capable of carrying 16 missiles. However, all 10 of our older Polaris submarines had already been withdrawn from our strategic forces several years ago for operational reasons.

SALT II Treaty

Although SALT II was not ratified, both the U.S. and the Soviet Union have not exceeded any of the treaty ceilings on multiple warhead missiles. The Soviets were above the overall ceiling of 2400 on missile launchers and bombers when the treaty was signed. They are not obliged under law to reduce to this level.

The MIRV subceilings of SALT II have appreciably constrained Soviet force deployment since 1979, when SALT II was signed. Specifically, the Soviets have built up to, but not exceeded, the SALT II limit of 820 MIRVed ICBM launchers, as shown in Table 1. The Soviets also remain below the MIRVed missile and MIRVed missile/ALCM bomber limits.

TABLE 1.—SALT II MIRV LIMITS AND UNITED STATES/SOVIET DEPLOYMENTS: EARLY 1985

	SALT II limit	Soviet deployments	U.S. deployments
Category:			
Launchers of MIRV'ed missiles	820	818	550
Launchers of MIRV'ed ICBM's and SLBM's	1,200	1,098	1,190
Launchers of MIRV'ed ICBM's and SLBM's and ALCM-equipped bombers	1,320	1,121	1,290

TABLE 2.—UNITED STATES/SOVIET MIRV BALANCE: EARLY 1985

U.S.S.R.		U.S.	
	ICBM's		
SS-18 (10 RV's)	308	Minuteman III (3 RV's)	550
SS-19 (6 RV's)	360		
SS-17 (4 RV's)	150		
MIRV'd ICBM's	818	MIRV'd ICBM's	550
	SLBM's		
SS-N-18 (3-7 RV's) on 15 Delta III subs.	240	Poseidon (10 RV's on 19 Poseidon subs.	304
SS-N-20 (MIRV'd) on 2 Typhoon subs.	40	Trident I (8 RV's) on 12 Poseidon subs.	192
		Trident I (8 RV's) on 6 Trident subs.	144
MIRV'd SLBM's	280	MIRV'd SLBM's	640
	ALCM-Equipment Bombers		
Bear H	23	B-52G	99
		B-52H	1
ALCM bombers	23	ALCM bombers	100

TOTALS

	U.S.S.R.	U.S.
MIRV'd ICBM's	818	550
MIRV'd ICBM's and SLBM's	1,098	1,190
MIRV'd ICBM's and SLBM's and ALCM-equipped bombers	1,121	1,290

III. THE U.S. WILL SOON EXCEED THE 1,200 CEILING ON LAUNCHERS OF MIRVED MISSILES UNLESS OFFSETTING ACTIONS ARE TAKEN

As Table 2 shows, the U.S. currently has 1,190 deployed MIRVed missiles, 144 of which are on our first six Trident submarines. When the seventh Trident goes out to sea trials in August or September, it will put us over the 1200 limit, as shown below in Table 3.

TABLE 3.—U.S. MIRV'ed MISSILE LEVEL, 1984–89

Approximate sea trials date	MIRV'ed missile level	Comment
April 1984	1,142	Counts 4 Trident subs.
May 1984	1,116	U.S.S. "Jackson" (5th Trident sub) goes out on sea trials.
February 1985	1,190	U.S.S. "Alabama" (6th Trident sub) goes out on sea trials.
September 1985	1,214	U.S.S. "Alaska" (7th Trident sub) goes out on sea trials.
June 1986	1,238	U.S.S. "Nevada" (8th Trident sub) goes out on sea trials.
September 1988	1,262	SSBN 734 (9th Trident sub) goes out on sea trials.
May 1989	1,286	SSBN 735 (10th Trident sub) goes out on sea trials.

Note: MX is scheduled for deployment in Minuteman III silos. Thus, MX deployment will not increase our MIRV'ed ICBM launcher level.

The 820 limit on launchers of MIRVed ICBMs constrains the Soviets in several ways. For one, it keeps the Soviets from converting more of their single warhead SS-11 silos to 6 warhead SS-19 or 4 warhead SS-17 silos (all existing SS-19 and SS-17 silos are modified SS-11 silos). In addition, when the Soviets deploy their 10-RV SS-X-24 ICBM, currently being flight-tested, the 820 limit will again constrain them. This limit will force the Soviets to take out existing MIRVed missiles, such as the SS-17 or SS-19, instead of single warhead missiles such as the SS-11.

IV. U.S. SECURITY INTERESTS WOULD BE ENDANGERED BY CHANGING OUR POLICY OF OBSERVING EXISTING STRATEGIC ARMS AGREEMENTS

If the U.S. chooses to ignore the 1200 limit, we would add relatively little to our strategic force capabilities. The seventh Trident submarine would put us only 14 missiles over the 1200 limit. Additional Trident submarines are being built at a rate of less than one per year, so that from Trident production alone we would be less than 100 over the limit for the remainder of the 1980's.

Presently, the U.S. has deployed 100 ALCM-equipped B-52s. The program of equipping B-52s with ALCM will not begin to reach the 1320 ceiling (1200 MIRVed missile launchers plus 120 ALCM-carrying heavy bombers) until mid-1986. The United States will not complete the planned 195 ALCM-equipped heavy bomber program until about 1990.

Under current plans, the U.S. deployment of MX will not affect our levels of deployed MIRVed ICBMs. MX will be deployed in existing Minuteman III silos, which is permitted. We could deploy additional Minuteman III missiles, each with three warheads, in silos currently containing single-warhead Minuteman II missiles, but we would only gain a net of two warheads per additional missile. Deployment of the remaining spare Minuteman IIIs would deprive U.S. of missiles for essential operational testing purposes. With only about 120 Minuteman IIIs currently in storage and 100 freed up by the deployment of MX, and keeping at least 70 for testing, we would be able to add at most only 150 Minuteman III, or 300 warheads (450 less than 150 dismantled Minuteman II) by the full operational capability of MX in 1990.

V. THE SOVIETS, ON THE OTHER HAND, COULD FAR EXCEED THE MIRVED MISSILE CEILINGS BY 1990 IF THEY CHOOSE TO

If the Soviets saw the U.S. ignoring the 1200 limit on numbers of MIRVed missiles, it is unlikely that they would feel constrained by the other numerical limits of SALT II. Given the fact that they are right next to the 820 limit on MIRVed ICBMs (with 818), they could far exceed this limit in a no-holds-barred arms race environment in several ways.

SS-24 Deployment. If the Soviets chose to, they could deploy their new 10 warheads ICMB in modified single-RV SS-11 or SS-13 silos instead of MIRVed SS-17 or SS-19 silos, as the 820 limit would require. *The Soviets could add over 5,000 more accurate warheads in this manner than currently permitted:* (520 + 60) × (10 − 1) = 5,200 extra warheads.

Add warheads to the SS-18. The giant SS-18 ICBM currently is credited with carrying 10 large warheads, the maximum number permitted under SALT II. Without constraints, the Soviets could change the SS-18 payload to 20, 30, or more warheads. This could add over 6,000 more highly accurate warheads to their arsenal: 308 SS-18s × (30 − 10) = 6,160 extra warheads.

Build more silos. Both the SALT I Interim Accord and SALT II ban on the construction of new fixed launchers, i.e., silos. But in an unconstrained environment, the Soviets could construct new hardened silos and deploy additional MIRVed ICBMs. The possibilities here are endless, but even assuming the Soviets build silos no faster than they did in the late 1960s (about 300 per year) they could have the launch capability

for thousands of additional warheads by 1990.

TEXT OF NO-UNDERCUT LANGUAGE PASSED BY CONGRESS IN 1984; FROM DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

SENSE OF CONGRESS EXPRESSING SUPPORT FOR UNITED STATES TO PURSUE OUTSTANDING ARMS CONTROL COMPLIANCE

SEC. 1110. (a) The Congress makes the following findings:

(1) It is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies.

(2) The President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint".

(3) The United States has legitimate concerns about certain Soviet actions and behavior relevant to limitations and other provisions of existing strategic arms agreements.

(4) The President has declared that "the United States will continue to press compliance issues with the Soviet Union through diplomatic channels, and to insist upon explanations, clarifications, and corrective actions".

(5) The President has also declared that "the United States is continuing to carry out its obligations under relevant agreements".

(6) It would be detrimental to the security interests of the United States and its allies and to international peace and stability for the last remaining limitations on strategic offensive nuclear weapons to break down or lapse before replacement by a new strategic arms control agreement between the United States and the Soviet Union.

(7) The continuation of existing restraints on strategic offensive nuclear arms would provide an atmosphere more conducive to achieving an agreement significantly reducing the levels of nuclear arms.

(8) The Soviet Union has not agreed to a date for resumption of the nuclear arms talks in Geneva, and it is incumbent on the Soviet Union to return to the negotiating table.

(9) A termination of existing restraints on strategic offensive nuclear weapons could make the resumption of negotiations more difficult.

(10) Both sides have, to date, abided by important numerical and other limits contained in existing strategic offensive arms agreements, including dismantling operational missile-firing submarines and remaining within the ceilings on multiple-warhead missile launchers and other related limits.

(11) It is in the interest of the United States and its allies for the Soviet Union to continue to dismantle older missile-firing submarines as new one are deployed and to continue to remain at or below a level of 820 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles, 1,200 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles, and 1,320 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles and heavy bombers equipped with air launched cruise missiles, and other related limits in existing strategic offensive arms agreements.

(b) In view of these findings, it is the sense of Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic and other arms control agreements and should seek corrective actions, where appropriate, through the Standing Consultative Commission and other available diplomatic channels;

(2) the United States should, through December 31, 1985, continue to pursue its stated policy to refrain from undercutting the provisions of existing strategic offensive arms agreements so long as the Soviet Union refrains from undercutting the provisions of those agreements, or until a new strategic offensive arms agreement is concluded;

(3) the President should provide a report to the Congress in both classified and unclassified forms reflecting additional findings regarding Soviet adherence to such a no-undercut policy, by February 15, 1985;

(4) the President shall provide to Congress on or before June 1, 1985, a report that—

(A) describes the implications of the United States Ship Alaska's sea trials, both with and without the concurrent dismantling of older launchers of missiles with multiple independently targeted reentry vehicles, for the current United States no-undercut policy on strategic arms and United States security interests more generally;

(B) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy;

(C) reviews and assesses Soviet activities with respect to existing strategic offensive arms agreements; and

(D) makes recommendations regarding the future of United States interim restraint policy; and

(5) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long-term security interests of the United States and its allies and should consult with the Congress before making any change in current policy.

HOLDING TO THE SALT II LIMITS

One of the most important unanswered questions in Washington these days is whether the United States will continue to honor provisions of the second Strategic Arms Limitation Treaty, and one of the persons asking it most frequently is Senator Dale Bumpers of Arkansas.

In his most recent expression of concern, Senator Bumpers has joined with three Senate colleagues, John Heinz of Pennsylvania, John H. Chafee of Rhode Island and Patrick J. Leahy of Vermont, in a letter to President Reagan. They asked Mr. Reagan to urge the Soviet Union to join the United States in a fomal declaration that both nations will honor SALT II as long as the new round of negotiations in Geneva is in progress.

What has raised the concerns of these senators as well as others, including Representative Les Aspin of Wisconsin, new chairman of the House Armed Services Committee, is the danger that the United States will exceed SALT II limits later this year when the Alaska, which is the seventh of the submarines carrying 24 Trident launchers each, begins sea trials. In order to stay within the limits the United States will have to dismantle some other nuclear missiles or decommission some older nuclear-armed submarines.

Mr. Bumpers has noted that while Mr. Reagan, in his January 9 news conference, said the United States "can live with" the SALT II ceilings, statements issued separately after the news conference by the State Department and the Defense Department seemed to contradict the president's declaration, indicating that "some of his underlings in the bureaucracy do not appear to have gotten the message."

It should be recalled that the Senate has never ratified SALT II and that President Reagan based part of his 1980 presidential campaign on his opposition to the treaty. Mr. Reagan, however, has pledged to continue the policy of President Jimmy Carter of honoring SALT II provisions as long as the Soviet Union reciprocates. It is known that the Soviets have dismantled at least 10 missile-firing submarines to stay within the SALT II limits, indicating they are serious about honoring the joint understanding.

Senator Bumpers is saying much the same thing this winter that he and Senator Leahy were saying last fall, when they released a study by the Federation of American Scientists. The central conclusion of this study is that if the United States exceeds SALT II, all nuclear arms restraints would be removed, and the race to build more nuclear weapons would accelerate, with no end in sight.

Should this happen, the federation says, the Soviet Union is "in a much better position to exploit any lapse in the SALT II limits" because it is geared up to produce massive quantities of nuclear weapons, while the American emphasis is on more sophisticated weapons. The federation calculates that without SALT II restraints "by 1995 the Soviets could deploy as many as 30,000 ballistic missile warheads and 8,000 bomber-launched cruise missiles." For the United States to match the Soviet buildup, says the study, would require 1,000 MX missiles, 60 additional nuclear submarines, and 400 to 600 B-1 bombers. Without restraints such as those imposed by SALT II it is easy to see how the superpowers could be caught in a whirlwind of weaponry with diminishing opportunities to escape.

The importance of both sides continuing to honor SALT II is obvious. The treaty formally expires at the end of this year, but even if new arms agreements are not reached by that time, Washington and Moscow would be foolish not to continue their informal arrangement on SALT II limits until new agreements are reached. Judging from his January 9 news conference statement Mr. Reagan seems to understand this imperative, although everyone would sleep a little better if he would come right out and renew the pledge to honor SALT II, as long as the Soviets reciprocated, and dispel the mist rising on this issue from the Pentagon and Foggy Bottom.

[From the Washington Post, Mar. 5, 1985]

ADMINISTRATION URGED TO SEEK EXTENSION OF SOME SALT II CURBS

(By Walter Pincus)

Some Pentagon officials and military officers are urging the administration to seek an extension of some provisions of the unratified SALT II agreement at the Geneva arms control talks next week to provide interim limits on arms until substantial cuts can be negotiated, according to informed sources.

Both nuclear superpowers have pledged not to undercut the 1979 treaty, which is due to expire at the end of this year, but there have been charges on both sides that

some provisions of the treaty are being violated.

The United States will have more to lose than the Soviet Union if the treaty limits are allowed to expire with no replacement, these officials argue. This is because the Soviets are ready for mass production of many more new missiles than the United States.

An unrestrained and immediate offensive arms spurt, moreover, would diminish the administration's hopes that deep cuts in offensive weapons and a meeting of minds on defensive weapons could emerge from the new arms negotiations starting next Tuesday.

President Reagan met with the National Security Council yesterday morning to review options for the upcoming negotiations. One official said later a final presidential decision on instructions for the delegation is not expected until Thursday, when Reagan meets with the U.S. negotiators.

At the Capitol, Soviet Politburo member Vladimir V. Shcherbitsky, leader of a parliamentary delegation that arrived here Sunday, told the House Foreign Affairs Committee that the Soviet Union hopes the Geneva talks will make "a major contribution" to removing the threat of nuclear war.

Up to now U.S. preparations for the strategic weapons part of the Geneva negotiations have dealt primarily with updating the most recent U.S. proposals for deep reductions before the last round of U.S.-Soviet talks ended in December 1983.

One Pentagon official said last week that given planned new missile deployments by both sides, "an interim framework" for strategic system limits based on the existing SALT II limits "would be logical as a transition from where we've been to where we are going." But as of yesterday, sources said, no decision on this point has been made.

The Soviets are expected to propose extension of the SALT II limits at Geneva, an informed diplomatic source said last week. He added that Soviet negotiators may argue that the United States should offer to restrain its space-weapons development in return for Moscow's agreement on continuing the SALT II limits.

SALT II permits each nation an overall limit of 2,250 strategic nuclear missiles or bombers and set a sublimit of 1,200 on intercontinental land-based missiles carrying more than one warhead.

According to U.S. data, the Soviet Union already exceeds the overall limits of SALT II because of failure to make reductions in 1981 as called for in the treaty. Soviet deployments of the new single-warhead mobile SS25, expected to begin late this year, will add to the Soviet totals. This missile is to be followed by the 10-warhead SS24, the test phase for which is being completed, with deployment expected to begin in late 1986.

The practice on both sides has been to retire older missiles when deploying new missiles. "It is important for us that they swap these new missiles for old ones," a senior U.S. military officer said, adding that such an exchange would be made only if some kind of limits were in effect. Without it, he said, "they will only add on and expand their lead in warheads."

For its part, the United States will go above the sublimit on multiwarhead missiles if the new Trident submarine, the Alaska, with its 24 missiles is sent on sea trials this September as now scheduled. There is no decision on whether to retire old U.S. missiles to make up for this deployment.

These officials would also like to retain in modified form the SALT II limitation on "new types" of strategic missiles. Each side is now limited to one new type but both are working on two. A possible U.S. proposal is to increase the limit to two new types, with a requirement that one of them be a single-warhead missile.

The United States has charged that the Soviet SS25 is a violation of the new-type rule, but the Soviets maintain it is a permissible modernization of a missile, the SS13.

Meanwhile, the United States is planning a second new type of its own, the Midgetman. Testing is to begin in the late 1980s with deployment scheduled for 1992.

One provision these officials would like to make stricter is the prohibition on encoding of missile test data, or telemetry, when it bears on the verification of the SALT II treaty. In recent months the Soviets have been encoding nearly everything, according to U.S. statements.

[From Press Conference, Jan. 9, 1985]

QUESTION TO PRESIDENT REAGAN ON NO-UNDERCUT POLICY AND HIS RESPONSE, JANUARY 9, 1985

STRATEGIC MISSILES

Q. Thank you, Mr. President. By the end of the year, if the United States continues to deploy its strategic submarines, as planned, it will exceed the limits for strategic missiles under SALT II, Mr. President. What is your intention with respect to that agreement? Are you going to decrease the number of ICBM's and outmoded submarine missiles in order to keep that SALT II agreement alive, even though it's not ratified?

A. Well, we have been holding to that and thought that it would be helpful in now what we're planning and going forward with. We have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground. The development of the Trident is not so much in the sense of adding to the nuclear force as it is in modernizing it—replacing older, less accurate missiles and submarines with not quite the capacity of the Trident. So, yes, we feel that we can live within it.

Remember that SALT II is nothing but a limitation on how fast you increase weapons, which is one of the reasons why I was in support of a Senate—even though I wasn't here at the time—that refused to ratify it. And that's why my belief is that the type of negotiations we're suggesting are the only ones that make sense. Don't just limit the rate of increase—reduce the number of weapons.

Q. Mr. President, your aides have said that they have some innovative, interesting ideas if the negotiations are resumed. What are your ideas—defensive weapons aside—what are your ideas for reducing offensive systems—ideas that were not put forward in the negotiations that were aborted and that could offer some hope for progress in this new round of negotiations now?

A. Well, I don't want to give away anything in advance the things that belong at the negotiating table. But, yes, one of the things that we've made clear to the Soviets is that we recognize there may be differences with regard to the mix of weapons on both sides and we're prepared to deal with that problem, and where perhaps we have something that is an advantage to us, they have something that's an advantage to them, to discuss tradeoffs in that area. It is true that when we first went into the strategic missile negotiations we believed that the top priority should be land-based missiles. But the Soviets made it plain that they weren't following our pattern, the mix of missiles, that they placed more reliance than we did on the land-based and they didn't wait for us when we told them that we were willing that, O.K., to deal with them on that problem. They went home anyway and didn't come back.

But these are new negotiations. Both sides rule that they're new negotiations.

Q. Mr. President, you started the week with a number of surprises and changes in your staff. I'm wondering now that you have the opportunity if you wouldn't like to get any other personnel changes off your chest, such as the change in a replacement for Mr. Clark. Is it true, for example, that Mr. Hodel is going to replace him?

A. I ain't talking. I'll tell you when we've made a decision.

[From National Journal, Jan. 19, 1985]

SIGNALS MIXED ON SALT COMPLIANCE

(By Michael R. Gordon)

Arms control supporters were heartened by President Reagan's Jan. 9 press conference in which he seemed to signal that the Administration had finally decided to stick by the Strategic Arms Limitation Treaty (SALT II). Asked whether the Administration would keep to its current policy of not undercutting the unratified agreement, Reagan said that abiding by the treaty would be helpful in "what we're planning and going forward with. . . . So, yes, we feel that we can live within it."

But reports of Administration commitment to the treaty appear to have been premature. Administration officials now say that Reagan misspoke at the press conference and that the matter has not been formally decided. "The President had to be walked back on that one," said an Administration official.

Unless the United States retires a Poseidon submarine or 14 land-based missiles with multiple warheads, it will exceed the SALT II limits on multiple-warhead missiles when the *Alaska*, a Trident submarine, begins sea trials next fall.

A Jan. 10 State Department statement said the decision to take "compensating" actions to stay within the boundaries of the agreement will be made "at the appropriate time" and may turn on whether the Soviet Union takes "corrective" actions that alleviate U.S. concerns about alleged Soviet arms control violations. Nor is it clear what the United States will do after next December, when the treaty would have expired had it been ratified.

STATE PRESS GUIDANCE ON NO-UNDERCUT POLICY, JANUARY 10, 1985

Question: What is the Administration's policy on interim restraints? Have decisions been made on dismantling Poseidon submarines in order to remain consistent with SALT II of SALT I as implied by the President in his press conference?

Answer: The President was reiterating U.S. policy and that is that U.S. policy has been and will continue to be one of not undercutting existing agreements as long as the Soviet Union exercises equal restraint. The intent of this policy has been and remains to provide a positive atmosphere for negotiations.

As for specific actions to compensate for new Trident submarine construction, these will be addressed at the appropriate time. When the time comes for specific actions, account will be taken of the international

situation and U.S. national security requirements. We will continue to raise our compliance concerns with the Soviet Union in diplomatic channels and insist on clarifications and corrective actions in areas where questions of Soviet arms control compliance have arisen. Clearly any decisions about our no-undercut policy would take fully into account the actions of the Soviet Union in this regard.

U.S. COULD BREACH SALT II LIMITS IN 1986—FORCE PROJECTIONS EXCEED UNRATIFIED PACT

(By Walter Pincus)

The United States, in fiscal 1986, will exceed the limits of the unratified SALT II treaty, according to projected force levels contained in Defense Secretary Caspar W. Weinberger's annual defense posture statement.

The treaty, which was signed but never ratified by the Senate, would have limited both the United States and the Soviet Union to 1,200 strategic missiles carrying more than one warhead. A chart included in the Weinberger statement, which was released Monday, said that the United States would have 1,238 such missiles in fiscal 1986, 550 of them based on land and 688 installed on submarines.

"The chart was not designed to reflect arms control decisions not yet made," a Defense Department spokesman said yesterday. "The president has a variety of options" that would keep the United States within the treaty's provisions, the spokesman said. "This was not meant to be an arms control chart."

Since 1981, the Reagan administration has said that it would not undercut the SALT II treaty provisions as long as the Soviets followed suit.

The United States would breach the treaty's missile limit in October, when the submarine USS Alaska begins its sea trials with the capability of carrying 24 Trident ballistic missiles.

If the administration wanted to remain under the treaty limit, it could retire a Poseidon submarine, which carries 16 missiles, or eliminate eight land-based Minuteman II ICBMs.

On Jan. 10, President Reagan told a news conference that the administration was planning on replacing older, less accurate missiles and submarines" as the new Trident submarines are launched.

Over the past 10 days, however, the president and some of his top advisers have said the United States may exceed the SALT II limit when the Alaska goes to sea because the Soviet Union has not been complying with its SALT II commitments.

On Jan. 26, for example, Reagan said he would "discuss whether we actually go above [the SALT II limits when the next Trident goes to sea] and in that regard, we have to take into consideration that the Soviet Union has, we believe, not stayed within the limits."

Last week, a senior Pentagon official said that "the administration had not faced the question" of whether to trade in missiles to remain in compliance with SALT II. He added that "it may not be faced" because the treaty runs out on Dec. 31.

In a meeting with reporters last Thursday, Kenneth L. Adelman, director of the Arms Control and Disarmament Agency, said the president's advisers would make recommendations in October on whether the United States should continue to adhere to the treaty. He said the Soviets were complying with some, but not all, of the treaty's provisions.

[From the Journal of the Federation of American Scientists (FAS), October 1984]

TAUNTING PANDORA: ABANDONING SALT II AND PRESSING STAR WARS

With only fourteen months to go before SALT II expires, the Administration has shown no particular interest in maintaining the SALT II limits thereafter—as was done with SALT I when it expired in 1977.

On the contrary, with its Star Wars program of defensive systems, the Administration is giving the Soviet Union every incentive to build new offensive nuclear weapons in an era of offensive overkill that would otherwise provide no such incentive.

This is obviously the wrong thing to do for those who want to end the arms race. Less obviously, but shown clearly by this study, it would prove a military miscalculation for those who wish to continue the arms competition with the Soviet Union.

The reason is simple. The Soviet Union is in a much better position to exploit any lapse in the SALT II limits. It is the Soviet Union which is stressing quantitative factors which, on the whole, are the essence of what SALT II limits. By contrast, it is the United States which stresses those qualitative and technological innovations which are the loopholes of SALT II. Moreover, it is the Soviet Union that is most closely bumping up against the SALT II limits already.

The enclosed study shows that, in the absense of these limits, the Soviet Union is relatively better positioned: to build more new types of ICBM—and greater numbers of them; to more substantially expand its bomber force; and to more substantially upgrade its submarine missile force.

By comparison, little of lasting value is provided the United States program by edging slightly over the SALT II limits in those sea-based missiles and air-launched cruise missiles which are at issue.

Ronald Reagan has gone from calling SALT II "fatally flawed" to recognizing the utility of SALT II and deciding, once in office, to do nothing that would "undercut it". We predict that in the Administration's next moment of strategic lucidity—when and if it has one—it will recognize that the United States has an urgent interest in hanging onto these limits.

America always has a tendency to overplay its strategic hand. Because we are Americans, we tend to assume that America can win any competition. But in a quantitative arms race, which is what SALT II controls, there is every reason to think that America will lose.

After all, the United States has trouble siting a few hundred MX missiles while the Soviet Union enjoys civic passivity. We reject overkill while they traditionally favor it—out of an historical experience that relies upon numbers to offset technological inferiority. They need military power to be influential abroad and see a certain value in numbers; we have, happily, other drawing cards to win influence. In the end, with strategic weapons which are not in the overall defense budget that expensive, the more determined is likely to win out over the merely richer. And while the U.S. cannot afford Star Wars, the Soviet Union can afford the enhanced offensive strategic weapons program which Star Wars will seem to have provoked.

All things considered, it is therefore strategic lunacy to let the SALT II limits lapse if it can possibly be avoided. And it is especially foolish to do it while threatening to build a defense against Soviet strategic weapons.

Accordingly, even more important than which candidate would, and which would not, raise taxes is the question: which of these candidates is going to do what about the SALT II limits? This is the question posed by the study within.

Mr. LEAHY. Mr. President, in a few days U.S. and Soviet delegations will sit down together in Geneva to begin negotiations on nuclear and space weapons. This renews hope for agreements that reduce the risk of nuclear war. President Reagan, Secretary Shultz, and our negotiators have my strong support and encouragement.

The President says we should not be too optimistic about immediate progress, and he is right. The subjects are enormously complex and important. It may take years before the Senate is presented with a treaty to consider.

Therefore, one of the most pressing questions the Congress and the administration must deal with this year is whether continuing some form of our interim restraint policy is possible pending a follow-on treaty. The alternative to continued restraint is an uncontrolled arms race.

Fortunately, we have a framework for mutual restraint as these talks proceed. Even though the SALT I Interim Agreement has expired, and the SALT II Treaty was never ratified, certain limitations in those agreements—above all the numerical ceilings—have been informally observed by both sides.

In his first administration, President Reagan decided that he would follow a policy of not undercutting existing strategic arms agreements so long as the Soviets follow suit.

This policy has maintained limitations important to U.S. security, in particular the subceilings of SALT II: The 1,320 limit on multiple warhead strategic nuclear delivery vehicles, the 1,200 limit on launchers of MIRV'd ballistic missiles, and especially the limit of 820 on launchers of land-based MIRV'd ballistic missiles. This last ceiling has prevented the Soviet Union from exploiting its capacity for rapidly expanding its force of MIRV'd ICBM's—the very force the administration has singled out as a key threat to our national security.

Last year, Senators BUMPERS, HEINZ, CHAFEE, and I cosponsored a successful amendment to the Defense authorization bill urging the President to maintain his no-undercut policy at least through December 31, 1985, the date the SALT II Treaty would have expired had it been ratified. It provided an additional year for negotiations toward a new treaty. Our amendment was adopted by a vote of 82–17 in the Senate.

This year, my colleagues and I are introducing a similar resolution, though with some important differences. Let me briefly explain them.

First, the resolution we are offering today would call on the President to continue the no-undercut policy until December 31, 1986, so long as the Soviet Union does likewise. This is to preserve the SALT numerical limits for yet another year. This is critical in light of the resumption of negotiations in Geneva.

Second, this resolution recognizes the interrelationship between U.S. concerns about Soviet compliance with arms agreements and the ability of the United States to continue adhering to those agreements. This will send a forceful message to the Soviet Union that its conduct is endangering both present restraint and the atmosphere for the new negotiations.

Third, the resolution requests that the President pursue a resolution of U.S. questions about Soviet compliance not only through the customary diplomatic and other channels, but also in the negotiations about to begin in Geneva. The United States must take account of the Soviet compliance record in all aspects of the Geneva talks.

This is not an academic exercise. Both sides are nearing actions which will destroy the numerical limitations on strategic missile launchers unless corrective actions are taken.

This summer the United States will surpass the 1,200 MIRV'd missile subceiling with the entry on sea trials of the seventh Trident submarine, the U.S.S. *Alaska*. Unless we either dismantle the launch tubes on an old Poseidon submarine or destroy 14 Minuteman III silos, we can expect the Soviets to disregard the other numerical ceilings, including the limit of 820 on launchers of MIRV'd ICBM's.

Mr. President, here is the key issue we, as a nation, must confront: Should the United States continue the no-undercut policy at the same time President Reagan is charging the Soviets with violating arms agreements, including the SALT II Treaty?

Let us first clarify what we know: The Soviet Union is remaining at or below the SALT numerical limits of 1,320, 1,200, and 820. It is observing the warhead fractionating limit. It is observing the SALT I Interim Agreement constraints on ICBM and SLBM launchers.

The elements of SALT that the President charges the Soviets are violating are: Telemetry encryption, the new ICBM types provision, and deployment of the mobile SS-16.

These are most serious charges. As a member of the Select Committee on Intelligence, I am especially concerned about telemetry encryption. Our resolution declares forcefully that the Congress supports firm action by the President to resolve these issues.

It is clear, however, that none of the violations the President is charging presents a near term threat to the United States beyond that which would exist if we were not following the no-undercut policy.

In fact, I think it is quite obvious that the President would not be sending our negotiators to Geneva if he thought otherwise, about this matter.

The United States should feel free to encrypt telemetry on our own missile tests if we wish to do so. We should feel under no constraints in the development of our own mobile ICBM, the so-called Midgetman.

At the same time, it is equally clear that the United States derives important military advantages from the current numerical limits being observed by the Soviets. If the 820 ceiling is breached, the Soviets can rapidly expand their MIRV'd ICBM force—and their ICBM warhead totals. We would be able to do next to nothing for at least 2 or 3 years.

The Poseidon scheduled for dismantlement this fall is, I understand, old and no longer cost effective for the Navy to operate. Retaining it in service merely to add 14 MIRV'd missile launchers to our inventory is not worth losing that cap of 820 on Soviet MIRV'd ICBM's.

But what of the signal we send to the Soviets if, in the face of the President's charges of violations, we continue the no-undercut policy?

General Brent Scowcroft, head of the President's Commission on Strategic Forces, states it best:

> There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all. It seems to me that we receive slightly more than we give in continuing to observe those restraints.

The signal we give is that the United States is capable of understanding its own interests and acting upon them. These limits bind the Soviets more than we, and scrapping them while they do makes no sense.

Mr. President, I recognize debate on this resolution, which we again intend to offer as an amendment to the defense authorization, could be protracted and intense. The administration no doubt wants a free hand in this matter. We will be told that Congress should stay out of this issue, and let the President make the right decision months from now, when the *Alaska* is ready to glide out to sea.

I cannot agree to that course. The Senate has a responsibility—a special responsibility—to share in this Nation's arms control policy. We must play a role in the momentous decision which will be made later this year: Shall the world confront a nuclear arms competition completely without limits for the first time in more than a decade, or shall we maintain the limits that exist, however modest, until something more meaningful can be negotiated?

Mr. President, I said that the Senate has a special responsibility to share in the Nation's arms control policy. I think it is fair to say that virtually all Americans agree that we must have nuclear arms control. Certainly the President has stated that, members of his Cabinet have stated that, as well as most Members of Congress.

But no matter how we feel about arms control in this country, if a treaty comes back from Geneva initialed by the President, there are only 100 Americans who ever get a chance to vote on that arms control treaty. Of a country of nearly 230 million Americans, only 100 men and women in this country get to vote on it—the 100 Members of this body. That is a responsibility that each of us should find overwhelming in our daily consideration of these matters. Certainly it is a responsibility, more critical than any of our other responsibilities, that we owe to our constituents within our own States and in the Nation as a whole.

I think that because of that responsibility, it is the responsibility of the Senate to move forward with this resolution.

Mr. President, I am proud to join my distinguished colleagues and friends from Arkansas, Rhode Island, and Pennsylvania in introducing this important bipartisan resolution. I invite and urge all Senators to join us as cosponsors so that it will be clear to the President that Congress does not wish to see a collapse of the last restraints on strategic offensive armaments.

Mr. President, I ask unanimous consent that various articles and letters be printed in the RECORD.

There being no objection, the letters and newspaper articles were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 10, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We strongly endorse your decision to send Secretary Shultz to Geneva to search for ways to renew the U.S.-Soviet dialogue on limiting and reducing nuclear weapons. We are hopeful that full-scale negotiations will begin soon after the meeting.

Of continuing importance to the success of your effort will be the policy of "interim Restraint," your decision not to undercut existing offensive arms agreements provided the Soviets act in a similar fashion. As cosponsors of the amendment endorsing this policy, adopted by the Senate by a vote of 82-17 on June 19, 1984, we feel that the policy can continue to serve U.S. interests by placing restraints on Soviet force developments during the renewed talks. An early commitment by both sides to continue to refrain from undercutting existing agree-

ments could provide a positive atmosphere for subsequent talks.

We recognize, of course, that Interim Restraint is not an open-ended unilateral commitment by the United States, and that serious questions concerning Soviet compliance need to be resolved in the context of the negotiating process. If the two sides remain committed to observing existing limits, negotiations on these compliance questions may proceed more smoothly.

Support for the negotiating effort is strongly shared on a bipartisan basis in the Senate. We stand ready to work with you to contribute to the success of future talks.

Sincerely,

JOHN HEINZ,
DALE BUMPERS,
JOHN H. CHAFEE,
PATRICK J. LEAHY,
U.S. Senators.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 4, 1985.

Hon. PATRICK J. LEAHY,
U.S. Senate.

DEAR SENATOR LEAHY: I am replying to the letter you and your colleagues sent to the President on December 10, 1984, regarding the upcoming Geneva meetings between Secretary Shultz and Soviet Foreign Minister Gromyko and our interim restraint policy.

We sincerely appreciate your support for these meetings. The President is determined to work toward resolving problems with the Soviets and to put our relations on a more stable and constructive basis. We are hopeful that Secretary Shultz's meeting will launch a process of negotiations leading to agreements that will substantially reduce nuclear arsenals and enhance stability.

On the matter of our interim restraint policy, it remains our policy not to undercut existing agreements so long as the Soviet Union exercises equal restraint. As you have observed, the intent of this policy has been to promote an atmosphere of mutual restraint which is conducive to strategic nuclear arms negotiations.

We also appreciate your understanding of the compliance issues that currently concern us, as well as the imprudence of an open-ended unilateral commitment to observe existing arms control agreements. We will continue to raise our compliance concerns with the USSR in diplomatic channels and insist on clarification and corrective actions in areas where questions have arisen. Clearly, any decisions about our own no-undercut policy would take fully into account the actions of the USSR in this regard. In the meantime, we are preserving the flexibility required by our policy.

Thank you for your support for our efforts to reestablish a constructive dialogue with the Soviet Union.

Sincerely,

W. TAPLEY BENNETT, Jr.,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

U.S. SENATE,
Washington, DC, January 17, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The positive results of the meeting in Geneva between Secretary of State Shultz and Soviet Foreign Minister Gromyko were gratifying. You, Secretary Shultz, and the entire negotiating team are to be commended for your efforts.

We were equally pleased by your response during your news conference on January 9 concerning the question of continuing your policy of Interim Restraint, not undercutting existing arms control agreements so long as the Soviets show equal restraint. With respect to the SALT II ceilings, your statement that "we feel that we can live with it" was an important reaffirmation of your policy.

When, prior to the Geneva meeting, we wrote expressing support for that policy and urging its continuation, we suggested that the two sides commit themselves to a continuing adherence to existing arms control agreements during the renewed talking. This could provide a positive atmosphere conducive to success in resolving other difficult issues. We are writing today to renew our suggestion. An early commitment by both sides to this policy could set the stage for the subsequent comprehensive agreements which we all desire.

Mr. President, the signs are more favorable than they have been for some time that serious progress in arms control may be attainable. We continue to be ready to assist you in this endeavor in the coming months.

Respectfully,

PATRICK J. LEAHY,
DALE BUMPERS,
JOHN H. CHAFEE,
John Heinz,
U.S. Senators.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 15, 1985.

Hon. PATRICK J. LEAHY,
U.S. Senate.

DEAR SENATOR LEAHY: I am replying to the letter you and your colleagues sent to the President on January 17, 1985 regarding our interim restraint policy.

The policy of not undercutting existing arms control agreements was established to serve on an interim basis in the hopes of promoting a positive atmosphere for arms control negotiations and was, of course, made contingent upon Soviet adherence to a comparable policy. We have serious concerns about Soviet compliance with existing arms control agreements, which were the subject of the Administration's February 1 unclassified report and the February 7 classified report. We will continue to pursue our compliance concerns with the Soviet Union to seek clarification and corrective actions in areas where questions have arisen. Clearly, any decisions about our own no-undercut policy would take fully into account the actions of the Soviet Union in this regard.

As you know from the letter of January 4 that you received from W. Tapley Bennett, we have made no decisions regarding our interim restraint policy. We are currently studying our strategic arms negotiating position and formulating our negotiating strategy in preparations for the beginning of talks in Geneva on March 12. Consequently, we are not now in a position to respond to your suggestion that the U.S. and the USSR commit themselves to indefinitely abide by existing arms control agreements. We do, however, continue to believe that our current policy is conducive to a positive negotiating atmosphere, as well as to seeking clarification and corrective actions in areas where Soviet compliance is of concern to us.

I again thank you for your support and continued interest in our efforts to achieve progress in arms control.

Sincerely,

ROBERT E. TURNER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

FOUR SENATORS REQUEST THAT REAGAN ABIDE BY ARMS PACT TERMS

(By Steven V. Roberts)

WASHINGTON, Dec. 11.—Four influential Senators representing both parties urged President Reagan today to ignore conservative complaints and continue to abide by arms control agreements with the Soviet Union.

In a letter to the President, the four lawmakers said that by adhering to the strategic arms pact of 1979, Mr. Reagan would help "provide a better atmosphere" for talks between Secretary of State George P. Shultz and Foreign Minister Andrei A. Gromyko that are to begin in Geneva next month.

The Senators were John H. Chafee of Rhode Island and John Heinz of Pennsylvania, both Republicans, and Patrick J. Leahy of Vermont and Dale Bumpers of Arkansas, both Democrats. Both Republicans were recently elected to party leadership posts, and Senator Leahy is due to become ranking Democrat on the Select Committee on Intelligence in the next Congress.

Their letter came a week after two conservative Republicans, Steven D. Symms of Idaho and John P. East of North Carolina, threatened to vote against deployment of the MX missile next year unless the Administration ended its policy of complying with the strategic arms agreeement, which was never approved by the Senate and never ratified.

One Senate aide said the letter today was written partly to counterbalance the threat by the conservatives. "We don't want that to be the only input down there," he said.

In another development on the arms control front, Senator Robert C. Byrd of West Virginia, the Democratic leader, said he had proposed to President Reagan that a bipartisan group of senators go to Geneva.

EXTENSION SEEN AS POSSIBLE FOR UNRATIFIED SALT II PACT

Although President Reagan says he might decide to violate the SALT II arms-control treaty later this year, administration officials said yesterday there is a chance that the unratified accord will be extended beyond its scheduled expiration in December.

The officials said the decision depends largely on Soviet willingness to negotiate reasonably when a new round of arms talks begins in Geneva March 12.

"It has to do with the Soviet attitude in Geneva," said one arms control expert at the State Department. "Surely, if the Soviets are not forthcoming in the Geneva negotiations, if they show no indication of flexibility and compromise, we would be damn fools to hold to something they are not showing any respect for."

But this official and others said if the Soviets do show a willingness to negotiate seriously, and if Moscow does not take any new actions that would violate the accord, the administration might "continue its no-undercut policy" toward SALT II.

"The officials, who spoke on condition that they not be identified, also said Reagan misspoke in declaring at his news conference Thursday night that the Soviets had violated the SALT II treaty by converting ballistic-missile firing submarines into cruise-missile firing submarines to circumvent treaty limits on ballistic missiles.

The officials said the conversion was a violation of the "spirit" of the agreement, but

not technically a violation. Cruise missiles are not covered by the SALT accords.

Reagan said at his news conference that he might have to join Moscow "in violating" the SALT II agreement when a new Trident-missile firing submarine, the USS Alaska, begins sea trials in October. It could cause the United States to go over the 1,200 limit on multiwarhead strategic missiles, which is fixed by SALT II.

[From the Wall Street Journal, Jan. 23, 1985]

NEWEST TRIDENT TOUCHES OFF FEUD OVER ARMS CONTROL

(By Tim Carrington)

WASHINGTON.—The Navy's launching of the U.S.S. Alaska earlier this month in Connecticut touched off a new arms control feud within the Reagan administration.

The Alaska, the Navy's seventh Trident submarine, is scheduled to begin sea trials in the fall with 24 nuclear missile launchers, which would push the U.S. beyond the limits imposed by the 1979 SALT II agreement with the Soviet Union. Just what action the navy will take has been the subject of contradictory statements from within the administration. And yesterday, a Pentagon spokesman said that one option under consideration is to abandon the voluntary compliance with SALT II and leave all the missile launchers in place.

That statement is confusing because on Jan. 9, President Reagan said of the SALT II treaty at a news conference, "We feel we can live within it." Moreover, he indicated that, as the U.S. had done in the past, it would retire a number of older Poseidon nuclear missiles in order to remain in compliance with the agreement.

After the president's statement, officials from both the Defense and State departments treated the question of continued SALT compliance ambiguously. A State Department spokesman declared that decisions on the matter "would be taken at the appropriate time," namely, when the Alaska begins sea trials in the fall. Around the same time, Navy Secretary John Lehman said, the Pentagon would "begin dismantling perfectly good Poseidon submarines" only "when the president makes that decision."

Yesterday, Sen. Dale Bumpers (D., Ark.) expressed concern that "despite the president's clear statement of policy on this matter, some of his underlings in the bureaucracy don't appear to have gotten the message." In an effort to make it harder for the administration to back off the president's earlier statement, Sen. Bumpers and three other senators wrote President Reagan praising his statement as "an important reaffirmation of your policy."

Four years ago, the Reagan administration took the position that until the SALT II treaty is ratified, the U.S. wouldn't undercut the substance of the agreement by exceeding the limits on nuclear weapons. Several conservative legislators, led by Sen. Steven Symms (R., Idaho), have urged President Reagan to ignore the treaty. Although arms control advocates vigorously oppose such a step, Sen. Symms and hardliners in Washington cite dozens of alleged treaty violations by the Soviets. In March, the administration plans to make a report to Congress on Soviet compliance with arms treaties.

Both sides are watching closely the administration's handing of the SALT II treaty because it may influence the tenor of arms negotiations between the superpowers. As in the past, the president appears to be torn between his desire to appear as a peacemaker, and his sympathy with hardliners who are wary of arms control agreements in general.

[From the USA Today, January 1985]

ARMS CONTROL AT THE CROSSROADS

(By Dale Bumpers)

The meetings between Secretary of State George Shultz and Foreign Minister Andrei Gromyko to set an agenda for future arms talks revive hope for a breakthrough in U.S.-U.S.S.R. bilateral negotiations on nuclear weapons. Nevertheless, it is improbable that very much will be accomplished until the middle of 1985 at the earliest. The only legally binding strategic arms agreement now in force between the U.S. and U.S.S.R. is the Anti-Ballistic Missile Treaty. Even there, senior U.S. defense officials have indicated in Congressional testimony that continued U.S. adherence is being reassessed, and there is genuine cause for concern as to whether the Reagan Administration will support this treaty in the future.

Fortunately, this delay in concluding a new nuclear arms agreement has not led to a total collapse of all restraints on nuclear arms. Pres. Reagan's policy to date has been that the U.S. will not undercut existing strategic arms agreements (i.e., SALT) so long as the Soviet Union shows equal restraint. This policy has been reiterated by the Secretary of State Shultz and other Administration officials in recent months and was formally endorsed by the Senate in June, 1984, by a vote of 82 to 17 on an amendment to the Defense Authorization bill which Sen. Patrick Leahy (D.-Vt.) and I offered, along with 24 other senators. This policy has served U.S. interests well over the last three and one-half years by providing real restraints during the interim period until a new and comprehensive nuclear arms accord can be negotiated.

While the Administration has continued its no-undercut policy, it has also made a number of worrisome statements about whether it will continue this policy. Secretary Shultz has refused to affirm the Administration's intention to maintain this no-undercut policy in 1985. As a result, the Administration has intentionally left open the option of abandoning the only remaining constraints on offensive nuclear weapons in the near future.

Concern over this issue is not just academic, because 1985 is shaping up as an extremely crucial year for arms control. For example, the U.S. will, for the first time, break through one of the key numerical ceilings of SALT II when the seventh Trident submarine goes out to sea trials later in the year. Unless offsetting reductions are made, we will exceed the SALT II ceiling of 1,200 launchers of multiple-warhead missiles; the 24 missiles on the Trident (each missile with eight nuclear warheads) will push us from 1,190 to 1,214 multiple-warhead MIRVed missiles—14 over the limit. So, if the President decides to continue the no-undercut policy, we must dismantle 14 Minuteman III ICBM's (we currently have 550) or one 16-missile Poseidon submarine (we currently have 31 Poseidons and five Tridents).

Despite repeated inquiries, the Reagan Administration has refused to say whether they would dismantle older missiles in order to stay within the 1,200 ceiling. Not only does the Administration's attitude contribute to the existing impasse over arms control, but, more importantly, it threatens U.S. security interests. If we exceed the 1,200 limit, it will be an open invitation for the Soviets to follow suit and exceed the SALT II limit of 820 for multiple-warhead ICBM launchers. (The Soviets have been at 818 for several years.) If we, and then the U.S.S.R., exceed these limits, the arms race will really take off.

Interestingly, the current policy of mutual restraint probably serves our security interests more than the Soviets'. According to Administration officials, the Soviet Union is observing the SALT II ceilings: 820 on launchers of MIRVed ICBM's; 1,200 on launchers of MIRVed missiles (ICBM's plus SLBM's); and 1,320 on launchers of MIRVed missiles plus heavy bombers equipped to carry air-launched cruise missiles. These ceilings prevent the Soviet Union from surging forward in deployment of MIRVed missiles, especially MIRVed ICBM's. With Soviet missile production lines in operation, an Administration policy of ignoring SALT would put the Soviets in a far better position than the U.S. to break through the MIRV limits and rapidly expand its arsenal of deployed MIRVed missiles. In addition, continuation of the SALT I limits is forcing the Soviets to dismantle operational missile-firing submarines as new ones are produced. These submarines the Soviets have been dismantling are newer than most of our strategic submarine force now in operation.

Notwithstanding the big lie approach pursued by the foes of arms control, current U.S. policy of not undercutting existing strategic arms agreements has constrained Soviet nuclear forces.

SALT I AND II

Under the terms of the SALT I Interim Accord on Strategic Offensive Weapons, the Soviet Union has dismantled several hundred operational nuclear weapons which otherwise would have remained in the Soviet arsenal, including 190 SS-7 ICBM's, 19 SS-8 ICBM's, and 160 SS-N-6 sea-launched ballistic missiles (SLBM's) on 10 Yankee I missile-firing submarines. Amid all the allegations about Soviet cheating, this has somehow been overlooked. It is extremely significant that the Soviets have dismantled 10 missile-firing submarines, with 160 missiles, to comply with the SALT I Interim Accord, just since 1978.

The Soviet submarine dismantling began in the 1970's and has continued during the Reagan Administration. As the Soviet Union continues to introduce Typhoon class submarines, they will be forced to dismantle older submarines and the missile launchers they carry.

The SALT I Interim Accord has had almost no impact on U.S. forces. The four Trident submarines (each with 24 missiles) launched to date have required us to dismantle six older Polaris submarines, each capable of carrying 16 missiles. However, all 10 of our Polaris submarines have already been withdrawn from our strategic forces and none have been armed with missiles for several years. Deployment of the fifth and sixth Tridents will require the U.S. to reduce additional launchers. The Administration will meet this reduction through deactivation of old Titan II ICBM launchers. However, this deactivation has already been decided on safety and other grounds.

Although SALT II was not ratified, both the U.S. and the Soviet Union have not exceeded any of the treaty ceilings on multiple-warhead missiles. The Soviets were above the over-all ceiling of 2,400 on missile launchers and bombers when the treaty was

signed. They are not obligated to reduce to this level unless the treaty is formally ratified.

The MIRV subceilings of SALT II have appreciably constrained Soviet force deployment since 1979. Specifically, the Soviets have built up to, but have not exceeded, the SALT II limit of 820 MIRVed (818 deployed) ICBM launchers. The Soviets also remain below the MIRVed missile (1,200 allowed; 1,082 deployed) and MIRVed missile/ALCM (air-launched cruise missiles) bomber (1,320 allowed; 1,082 deployed) limits.

The 820 limit on launchers of MIRVed ICBM's constrains the Soviets in several ways. For one, it keeps the Soviets from converting more of their single-warhead SS-11 silos to six-warhead SS-19 or four-warhead SS-17 silos (all existing SS-19 and SS-17 silos are modified SS-11 silos). In addition, when the Soviets deploy their 10-warhead SS-X-24 ICBM, currently being flight-tested, the 820 limit will again constrain them. This limit will force the Soviets to take out existing MIRVed missiles, such as the SS-17 or SS-19, instead of single-warhead missiles such as the SS-11.

NOTHING TO GAIN, MUCH TO LOSE

If the U.S. chooses to ignore the 1,200 limit, we would add relatively little to our strategic force capabilities. The seventh Trident submarine would put us only 14 missiles over the 1,200 limit. Additional Trident submarines are being built at a rate of less than one per year, so that, from Trident production alone, we would be less than 100 over the limit for the remainder of the 1980's.

Presently, the U.S. has deployed 74 ALCM-equipped B-52's. The program of equipping B-52's with ALCM will not begin to reach the 1,320 ceiling (1,200 MIRVed missile launchers plus 120 ALCM-carrying heavy bombers) until mid-to-late 1986. The U.S. will not complete the planned 195 ALCM-equipped heavy bomber program until about 1990.

Under current plans, the U.S. deployment of MX will not affect our present level of deployed MIRVed ICBM's. MX will be deployed in existing Minuteman III silos, which is permitted.

If the Soviets saw the U.S. ignoring the 1,200 limit on numbers of MIRVed missiles, it is unlikely that they would feel constrained by the other numerical limits of SALT II. Given the fact that they are right next to the 820 limit on MIRVed ICBM's (with 818), they could far exceed this limit in a no-holds-barred arms race environment in several ways:

SS-24 deployment. If the Soviets chose to, they could deploy their new 10-war-head ICBM's in modified single-warhead SS-11 or SS-13 silos instead of MIRVed SS-17 or SS-19 silos, as the 820 limit would require. In short, the Soviets could add over 5,000 more accurate warheads in this manner than currently permitted.

Add warheads to the SS-18. The giant SS-8 ICBM, of which the Soviets have 308, currently is credited with carrying 10 large warheads, the maximum number permitted under SALT II. Without constraints, the Soviets could change the SS-18 payload to 20, 30, or more warheads. This would add between 3,000 and 6,000 more accurate warheads to their arsenal.

Build more silos. Both the SALT I Interim Accord and Salt II ban the construction of new fixed launchers—i.e., silos. In an unconstrained environment, however, the Soviets could construct new hardened silos and deploy additional MIRVed ICBM's. The possibilities here are endless, but, even assuming the Soviets build silos no faster than they did in the late 1960's (about 300 per year), they could have the launch capability for thousands of additional warheads by 1990.

In short, the continuation of our no-undercut policy will prevent a major increase in the number of accurate, high-yield Soviet nuclear warheads aimed at us and clearly serves U.S. and allied security interests. Conversely, a renunciation of our no-undercut policy toward SALT agreements, or conduct obviously in violation of them, would trigger a major escalation of the nuclear arms race, as the U.S. would have no choice but to match the increased Soviet threat. Such a dangerous step would weaken, not strengthen, our security.

In January, 1984, the President submitted a classified report and a public statement to the Congress on the question of Soviet compliance with SALT and a number of other existing arms agreements. It is clear there are serious issues which must be resolved, and the Soviets have an obligation to respond satisfactorily to legitimate American concerns. Despite the calls of some to abandon all arms control agreements, the President declared that he intends to continue to observe U.S. arms control obligations and commitments while pursuing these compliance matters in confidential channels. Soviet cooperation in addressing American concerns is more likely, in my judgment, if they have a stake in an ongoing arms control process. Continuation of the policy of not undercutting existing strategic arms agreements, as well as serious progress toward a new treaty, will give the Soviet Union such an important stake.

It is one of the great ironies in the history of arms control that, despite all the criticism of the SALT II Treaty up through the 1980 election campaign (as a candidate, Ronald Reagan declared the treaty "fatally flawed"), the U.S. has abided by it for over five years. However, our failure to ratify this treaty, which we have been abiding by, has cost us plenty. For starters, there are over 250 Soviet nuclear bombers and missiles—10% of their strategic arsenal—pointed at the U.S. today that would have been dismantled had SALT II been ratified.

Second, our failure to ratify a treaty negotiated by one Democratic and two Republican presidents was a major jolt to our NATO allies, who had overwhelmingly endorsed SALT II. This heightened European doubts over U.S. reliability and was a major ingredient in the development of the European anti-nuclear movement that has shaken the very foundations of the NATO Alliance.

Third, we lost extremely valuable time in negotiating a successor SALT III agreement. It took three years after the signing of SALT II in June, 1979, to get new strategic arms talks under way. This left only 18 months for the new START negotiations, begun in June, 1982, to try to achieve an agreement before the NATO deployment of the Pershing II and cruise missile. I condemn the Soviet walk-out from both the START and Intermediate-Range Nuclear Forces (INF) talks. However, I also condemn the mentality that led the U.S. to squander that precious 18-month period by making a proposal that even then-Secretary of State Alexander Haig called unrealistic at the same time that the Soviets tabled a position that, though far from perfect, even Pres. Reagan characterized as serious.

Our failure to ratify SALT II has actually aggravated our concerns about Soviet compliance with its terms. It is hard to overlook the irony of the Reagan Administration accusing the Soviets of violating a treaty that never went into effect because we refused to ratify it. Were it ratified, and were we more dedicated to the SALT process, we would have a stronger leg to pursue our legitimate compliance concerns and the Soviets would be under far greater obligation to comply.

The Joint Chiefs of Staff under both the Carter and Reagan Administrations have endorsed SALT II as a "modest but useful step" for U.S. security interests. This endorsement springs not from a sentimental attachment to arms control for its own sake, but, rather, from a hardheaded appreciation for how SALT II, and arms control more generally, can enhance U.S. security.

The proper way to deal with the question of arms control compliance is to pursue matters of concern through appropriate diplomatic channels, especially the Standing Consultative Commission established under SALT I to deal with such concerns. This approach has worked quite well in the past in resolving the concerns of both sides over questionable or ambiguous activities.

In making judgments about Soviet arms control compliance, it is important to remember that the Soviets have abided by SALT's numerical limits, even to the point of dismantling 10 missile-firing submarines. The Soviet threat today is thousands of warheads less than it would have been without SALT. We must pursue our compliance concerns, but we should be careful not to throw the baby out with the bath water.

STEPS FOR NUCLEAR ARMS CONTROL

In the crucial arms control year of 1985, there are a number of essential steps that must be taken by the U.S. and the Soviet Union to avert a total breakdown in 1986 of limits on strategic offensive nuclear weapons and a quantum leap in the arms race.

First, the Administration, the Congress, and the nation must squarely deal with the issue of interim restraint on nuclear arms. If we do not adequately address this issue, the SALT II expiration date of Dec. 31, 1985, and the momentum of current programs will ensure the collapse of existing restraints.

Out of this debate there should emerge a consensus for continuation of at least the numerical ceilings contained in SALT II. A percentage reduction in those ceilings might also be considered. Special provision would need to be made to allow us the option of testing and deploying the new small ICBM, which otherwise would be banned if SALT II were extended with no changes at all.

There also should emerge agreement that the U.S. should dismantle enough missiles when the seventh Trident submarine goes out on sea trials in 1985 that we do not exceed the SALT II limits of 1,200. As already shown, exceeding this limit would be an open invitation for the Soviets to follow suit, which would have the most dangerous military and international implications.

Second, the Soviets must return to the negotiating tables in Geneva. There is no substitute for negotiations to resolve the arms control dilemma. Unlike 1984, the world of 1985 faces very real arms control deadlines that will not make exceptions for sulking holdouts. This return to negotiations by both sides should be accompanied by greater efforts through other channels as well, which history has shown is an indispensable ingredient to the success of negotiations on arms control.

Third, interim restraint policy should be the priority topic of these renewed START negotiations. Some may object to temporarily laying aside the Administration's larger START agenda, but the realities are that the question of an interim restraint framework cannot wait. Unless we nail down an interim agreement to bridge the gap until we reach a more comprehensive START agreement, it will be far more difficult to reach any comprehensive agreement at all. We must not let the best become the enemy of the good.

Fourth, a new interim restraint agreement should be given more formal status than our current policy. It is frightening to realize that the only limits on offensive nuclear weapons are completely informal, consisting of unilateral statements made at different times by both sides, with neither statement having the force, or obligation, of international law. Accordingly, an interim restraint agreement should be in the form of either a treaty or an executive agreement, thereby providing a more solid foundation in which both sides, and the world can have greater confidence.

To some, this four-point agenda may seem much too tame. At a time when arms control proposals of grand scope have seized center stage in public discussion, talk of simply firming up the accomplishments of the past, perhaps with modest improvements, seems distinctly unglamorous. Yet, if arms control is ever to transcend trendiness and become a permanent part of our security—as it surely must if civilization is to survive—it will be precisely through a process that secures limited, but significant, advances one step at a time. Each of our last two presidents discarded the arms control accomplishments of his predecessor, believing he could do far better. Both ran aground on the shoals of the political reality that real gains in the highly controversial area of arms control can only be made in a step-by-step fashion, building on past accomplishments.

The choice is not between modest accomplishment or major advance. In the crucial year of 1985, the choice will be between modest accomplishment or no accomplishment at all. If we can moderate our expectations just enough, we can put together a series of agreements which, taken together, will constitute an arms control breakthrough that will serve our interests for decades to come.

[From the Washington Post, Mar. 5, 1985]

ADMINISTRATION URGED TO SEEK EXTENSION OF SOME SALT II CURBS

PENTAGON OFFICIALS ASK ACTION AT GENEVA TALKS

(By Walter Pincus)

Some Pentagon officials and military officers are urging the administration to seek an extension of some provisions of the unratified SALT II agreement at the Geneva arms control talks next week to provide interim limits on arms until substantial cuts can be negotiated, according to informed sources.

Both nuclear superpowers have pledged not to undercut the 1979 treaty, which is due to expire at the end of this year, but there have been charges on both sides that some provisions of the treaty are being violated.

The United States will have more to lose than the Soviet Union if the treaty limits are allowed to expire with no replacement, these officials argue. This is because the Soviets are ready for mass production of many more new missiles than the United States.

An unrestrained and immediate offensive arms spurt, moreover, would diminish the administration's hopes that deep cuts in offensive weapons and a meeting of minds on defensive weapons would emerge for the new arms negotiations starting next Tuesday.

President Reagan met with the National Security Council yesterday morning to review options for the upcoming negotiations. One official said later a final presidential decision on instructions for the delegation is not expected until Thursday, when Reagan meets with the U.S. negotiators.

At the Capitol, Soviet Politburo member Vladimir V. Shcherbitsky, leader of a parliamentary delegation that arrived here Sunday, told the House Foreign Affairs Committee that the Soviet Union hopes the Geneva talks will make "a major contribution" to removing the threat of nuclear war.

Up to now U.S. preparations for the strategic weapons part of the Geneva negotiations have dealt primarily with updating the most recent U.S. proposals for deep reductions before the last round of U.S.-Soviet talks ended in December 1983.

One Pentagon official said last week that given planned new missile deployments by both sides, "an interim framework" for strategic system limits based on the existing SALT II limits "would be logical as a transition from where we've been to where we are going." But as of yesterday, sources said, no decision on this point has been made.

The Soviets are expected to propose extension of the SALT II limits at Geneva, an informed diplomatic source said last week. He added that Soviet negotiators may argue that the United States should offer to restrain its space-weapons development in return for Moscow's agreement on continuing the SALT II limits.

SALT II permits each nation an overall limit of 2,250 strategic nuclear missiles or bombers and set a sublimit of 1,200 on intercontinental land-based missiles carrying more than one warhead.

According to U.S. data, the Soviet Union already exceeds the overall limits of SALT II because of failure to make reductions in 1981 as called for in the treaty. Soviet deployments of the new single-warhead mobile SS25, expected to begin late this year, will add to the Soviet totals. This missile is to be followed by the 10-warhead SS24, the test phase for which is being completed, with deployment expected to begin in late 1986.

The practice on both sides has been to retire older missiles when deploying new missiles. "It is important for us that they swap these new missiles for old one," a senior U.S. military officer said, adding that such an exchange could be made only if some kind of limits were in effect. Without it, he said, "they will only add on and expand their lead in warheads."

For its part, the United States will go above the sublimit on multiwarhead missiles if the new Trident submarine, the Alaska, with its 24 missiles is sent on sea trials this September as now scheduled. There is no decision on whether to retire old U.S. missiles to make up for this deployment.

These officials would also like to retain in modified form the SALT II limitation on "new types" of strategic missiles. Each side is now limited to one new type but both are working on two. A possible U.S. proposal is to increase the limit to two new types, with a requirement that one of them be a single-warhead missile.

The United States has charged that the Soviet SS25 is a violation of the new-type rule, but the Soviets maintain it is a permissible modernization of a missile, the SS13.

Meanwhile, the United Sttes is planning a second new type of its own, the Midgetman. Testing is to begin in the late 1980s with deployment scheduled for 1992.

One provision these officials would like to make stricter is the prohibition on encoding of missile test data, or telemetry, when it bears on the verification of the SALT II treaty. In recent months the Soviets have been encoding nearly everything, according to U.S. statements.

Mr. HEINZ. Mr. President, in the coming days Soviet and American negotiators will reconvene the long-stalled arms control negotiations in Geneva. While we all must remain optimistic with regard to the outcome, it is clear that negotiations will be long and difficult. If agreements are to be concluded and ultimately ratified, both the Soviet Union and the United States must exhibit reason and patience, not only at the negotiating table in Geneva, but in the conduct of their competitive relationship in many parts of the world.

That is why the concurrent resolution I am submitting today, along with my distinguished colleagues, Senators CHAFEE, BUMPERS, and LEAHY, is so important. Its message is simple. We must be willing to avert a new arms race through the negotiation of a new arms control agreement by continuing to abide by provisions of existing offensive strategic arms agreements, as long as the Soviets do the same.

This resolution represents a reaffirmation of what we know to be the policy of the United States with regard to existing offensive strategic arms agreements and what we believe should remain our policy through this year and next.

Mr. President, this concurrent resolution is a further reaffirmation of action taken by the Senate last June, when by a vote of 82 to 17 we passed an amendment to the fiscal year 1985 defense authorization bill endorsing the very same principle of interim restraint.

It remains my belief that an early commitment by both sides to this policy could set the stage for subsequent comprehensive agreements which we all desire.

At the same time, Mr. President, let me make it clear that because both superpowers derive significant benefits from the policy of interim restraint, the Soviets must be expected to be far more forthcoming than they thus far have been in explaining and correcting their noncompliance with specific provisions of existing treaties.

Our resolution explicitly states that it is the sense of the Congress that the Soviets—

should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms

agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement.

The Soviet Union cannot expect that the Congress will ignore actions it has taken in violation of the spirit of existing agreements. The Soviets must understand that our commitment to the policy of interim restraint will not be open-ended if they continue to erode the environment of trust, so essential to the conclusion of a new agreement.

The construction of the Krasnoyarsk radar, the encryption of telemetry so essential to the verification of existing strategic arms agreements, and the testing of a second new type of ICBM as defined by the SALT II Treaty all represent serious breaches of faith with an arms control regime which it would be better to preserve than cast away.

By failing to honestly come to terms with these violations at the Standing Consultative Commission, the Soviet are poisoning the arms control environment and playing into the hands of those in this country who believe that no arms control is worth pursuing at any price.

Mr. President, we believe, and so state in this resolution, that our negotiators should use the renewed arms negotiations as a forum to seek corrective actions with regard to our concerns over Soviet compliance with existing strategic arms agreements. At the same time we believe that an early affirmative commitment by both superpowers to the policy of interim restraint could provide a positive atmosphere conducive to success in resolving some of these difficult compliance questions.

Let me take a moment to express my views on how we should assess the importance of compliance issues. There can be no doubt that many of the compliance issues raised by the President's report are very important. At the same time we must assess the value of taking unilateral corrective action with regard to these violations, such as abandoning the policy of interim restraint against a number of considerations.

First, the military significance of the violations must be assessed; that is whether they have an operational character which in the near term could undermine the security of the United States. We must assess the ability of ongoing U.S. strategic modernization program and research and development programs to counter these Soviet violations. Third, we must assess whether the consequences of any unilateral corrective action are worth the price. On the whole, in assessing the answers to these questions, I must conclude that in the near term continuing to adhere to the policy of interim restraint remains in our national security interest. This Nation is currently well poised to counter the current range of Soviet violations. In large part this is true because of President Reagan's leadership in rebuilding the strategic and conventional capabilities of our Nation. At the same time, prudent policy in the near term must focus on continuing the policy of interim restraint while our negotiators seek to resolve our outstanding differences with the Soviets.

In practical terms, this concurrent resolution is important because both the Soviet Union and the United States have continued to adhere to the strategic launcher ceilings established by SALT II, specifically 820 ICBM's, 1,200 ICBM's and SLBM's, and 1,320 ICBM-, SLBM-, and ALCM-carrying bombers. Despite engaging in significant strategic modernization programs, both superpowers have continued to dismantle older weapons systems as newer ones have been deployed in order to stay within the SALT II ceilings. As strained as relations have been between the superpowers, this basic discipline has not been abandoned.

However, when the seventh Trident submarine the U.S.S. *Alaska* goes to sea trials in the late summer or fall of 1985, the United States will exceed the SALT II ceilings of 1,200 for ICBM's and SLBM's unless the United States takes compensating action by either dismantling an older Poseidon submarine or 14 Minuteman III ICBM's.

Should the United States fail to take compensating action, we must ask ourselves the following questions: What will the consequences be to our national security from allowing the SALT II ceilings to unravel? How will such action facilitate the negotiation of a new arms control agreement with the Soviet Union or the resolution of existing compliance issues? How will the Soviet Union respond? More important, how will the stability of the strategic nuclear environment be enhanced?

Mr. President, some of the answers to these difficult questions are evident today. While the SALT II ceilings have done very little to stop the proliferation of strategic warheads, they have at the very least restrained the ability of the Soviet Union to enhance its already sizable force of large land-based ICBM's. The fractionation limits in place have further denied the Soviet Union the ability to take advantage of the superior throw-weight embodied in their large SS 18's and SS 19's by limiting the number of warheads which can be deployed on these large ICBM's.

More important, adherence to the SALT II ceilings has reinforced the important principle of sacrifice required of strategic modernization programs—the retirement of older weapons systems as newer ones come on line—which is the very principle at the heart of President Reagan's START/build-down proposal.

Mr. President, despite the many flaws of the unratified SALT II agreement, we must ask ourselves whether we would be better or worse off without the discipline it imposes on both superpowers.

First, in very general terms, a recent study, concluded by the Congressional Research Service, concluded that the unraveling of the SALT II ceilings, with all of the potential fallout and superpower paranoia such action would entail could lead to a tremendous proliferation of strategic warheads. In a worst-case scenario, according to the CRS study, both superpowers would increase the number of strategic warheads in their respective arsenals from 10,000 today, to approximately 27,000 by 1994.

Second, and perhaps most important, failure to compensate for the deployment of the U.S.S. *Alaska* would in the near term work to the advantage of the Soviet Union.

Mr. President, a quick look at the strategic balance reveals that the Soviets with 818 ICBM launchers are right up against the 820 SALT II ceilings, the Soviets can quickly take advantage of their superior throw-weight by proliferating additional warheads on their large ICBM's and accelerating their efforts to deploy a greater number of large ICBM's in a totally unconstrained environment.

In effect, we would force the Soviets to continue to emphasize the development and deployment of the first-strike weapons they have the most confidence in, large ICBM's, the very weapons system which President Reagan has targeted for significant reduction in our arms control negotiations. Rather than deemphasizing MIRV technology as called for by the Scowcroft Commission and proponents of the mutual guaranteed build down, abandoning the policy of interim restraint prematurely will lead to a spiraling arms race in MIRV'd warheads—an arms race this Nation simply may not win.

Finally, Mr. President, let me say a word about how continuing the policy of interim restraint relates to the President's vision of a world in which the technologies being developed by the strategic defense initiative will render offensive strategic warheads obsolete. Rather than debate the wisdom of the so-called star wars approach, lets assume for a moment that strategic defense is both possible and desirable. The simple fact is that in order for a strategic defense to ever have a change to succeed the number of strategic warheads currently possessed by both superpowers will have to be sharply reduced. Otherwise not only will defensive systems be vulnera-

ble to attack but they will also be easily overwhelmed by large numbers of strategic warheads.

As Ambassador Paul Nitze, the President's senior arms control adviser recently stated, one of the criteria which star wars weapons will have to meet is that they must be cost effective at the margin meaning that it would have to be easier and cheaper to add defensive capability at the margin. Otherwise the existence of defensive weapons would create an incentive for all offensive arms race to swamp them.

If, by abandoning the policy of interim restraint, the superpowers enter into a new strategic arms race, the President's vision of what a strategic defense might achieve will never be realized. In an unconstrained offensive strategic environment, countering defensive systems with additional offensive systems will be extremely cost effective. The defense will never be able to catch up without a massive expenditure of funds, thereby failing to meet one of the very important criteria for strategic defense established by Ambassador Nitze.

Finally, Mr. President, let me close by saying that this Nation is a strong and confident superpower. The patience and prudence called for by this resolution is a reflection of that strength. It remains in our national security interest to continue to adhere to the policy of enter restraint.

Mr. President, I ask unanimous consent that three articles on this subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 30, 1984]

CONTINUE TO HONOR SALT ACCORDS

(By Dale L. Bumpers and Patrick J. Leahy)

WASHINGTON.—If the Administration plans to undercut its policy of "not undercutting" the strategic arms agreements with the Soviet Union, it can expect to undercut our national security as well.

To try to discourage an Administration change of mind, a bipartisan resolution now before the Senate makes it clear that Congress expects to be consulted before any Presidential decision to alter current policy. Adopted, it would signal Moscow that Washington wants arms control to continue.

With nuclear arms talks in limbo, a new Soviet leadership installed and our Presidential campaign in full swing, there is little prospect of a new strategic arms agreement before 1985. Fortunately, the negotiating stalemate has not meant the collapse of all restraints on nuclear weapons. Although the SALT I interim accord expired in 1977 and the SALT II treaty was never ratified, each superpower has said it will observe these agreements if the other does. Importantly, neither side has broken through the numerical ceilings of either agreement since they were signed. While this situation is not ideal, it has maintained important limitations on Soviet forces. For example, to comply with SALT I Moscow retired 209 intercontinental ballistic missiles in the 1970's, and, since 1978, has dismantled 160 missiles on 10 modern missile-firing submarines. Those submarines were newer than all but four of our operational missile-firing submarines. Under SALT I, Moscow must dismantle at least one missile-firing sub when it builds a new one.

Soviet forces have also been constrained by the unratified SALT II treaty, especially its ceiling of 820 intercontinental ballistic-missile launchers with multiple warheads. The Russians have respected this limit even though, with 818 ICBM's with multiple warheads and ongoing missile-production lines, they could easily have exceeded it. When they soon begin deploying new 10 warhead ICBM's, SALT II will force them to remove an equivalent number of existing multiple-warhead ICBM's—as long as SALT is not scrapped. SALT II also limits the giant Soviet SS-18 ICBM to 10 warheads, even though it could carry many more.

The informal arrangement of abiding by—or, to use the Administration's phrase, "Not undercutting"—SALT agreements strengthens our security by maintaining valuable limits on Soviet forces while we seek a new strategic arms agreement. Recently, however, senior Administration officials have refused to say whether we will continue observing the SALT limits in 1985. The Administration seems to want the option of terminating the "no undercut" policy even if a new strategic arms treaty has not been reached by then. In our judgment, unwillingness to clarify America's intentions heightens political and negotiating uncertainties and jeopardizes continuation of important constraints on Soviet forces.

The Administration faces a crucial decision on this "no undercut" policy. When the seventh missile-firing Trident submarine is completed and begins sea trials in 1985, America will exceed the SALT II ceiling of 1,200 launchers of multiple-warhead missiles—unless we make offsetting reductions in older forces. If the President decides to continue the "no undercut" policy, we must dismantle 14 Minuteman III ICBM's or one 16-missile Poseidon submarine.

If he chose to ignore SALT by exceeding the limits on multiple-war-head launchers, the Kremlin would certainly follow our lead. All the SALT ceilings would probably go by the boards and there would be no limits left on strategic missiles and bombers.

It is difficult to see how in such an atmosphere both sides could negotiate a new agreement for deep reductions. In addition, the North Atlantic Treaty Organization, uneasy about lack of progress toward a new treaty, would see abandonment of SALT as confirmation that President Reagan seeks confrontation. A break-down in arms restraint would endanger the NATO consensus on responding to Soviet deployments of SS-20 missiles and severely strain the political unity of the alliance.

With an end to SALT numerical limitations, the Russians could quickly add more warheads to each of their 308 giant SS-18 ICBM's, break through the SALT II limit of 820 multiple-warhead launchers and thus add thousands of warheads to their arsenal before we could gear up to match them. Eventually, we could catch up—after spending untold billions—but the far greater levels of warheads on both sides would make us less secure than we are today.

Until both sides reach new agreements that enhance stability and achieve real cuts in nuclear arms, it is crucial to keep existing limits firm.

[From the Philadelphia Inquirer, Dec. 14, 1984]

REAGAN SHOULD RESIST MOVE TO ABANDON ARMS TREATIES

Four influential senators from both parties, including Pennsylvania Republican John Heinz, have urged President Reagan not to give in to conservative demands that America abandon past arms control agreements, just as the stalled U.S.-Soviet arms negotiations are about to be renewed.

The senators' warning could not be more timely. Some Senate conservatives, in a move akin to cutting off their noses to spite their faces, have threatened to vote against deployment of the MX missile, which President Reagan dearly wants, if the President doesn't reverse U.S. policy of continuing to adhere to the second Strategic Arms Limitation Treaty (1979) even though the United States has not ratified it. The agreement, which limits different categories of strategic missiles, has a 1985 expiration date.

The conservatives contend that SALT II benefits the Soviets more than the United States. They argue that the Soviets violate it and President Reagan doesn't like it. They profess particular anger that in 1985, when the United States deploys its seventh missile-carrying Trident submarine, the USS Alaska, it will have to dismantle other missiles, perhaps those carried by one older Poseidon sub, in order to stay within SALT II's numerical limits.

What the anti-SALT senators don't say is that SALT II, however imperfect, is widely credited with restraining Soviet weapons deployment. That's why President Reagan, despite his criticisms, has chosen to abide by the pact so long as the Soviets do the same. A recent congressional report predicted that abandonment of SALT II would provoke a major new arms race in which the Soviets would exceed the United States in building nuclear warheads.

The demise of SALT II prior to a successor treaty also would spur the Soviets to enhance their strongest weapons—heavy land-based intercontinental ballistic missiles. This is exactly the category of weapons that the Reagan administration considers the most dangerous and destabilizing and wants to negotiate down.

Moreover, the principle of sacrificing old weapons when new ones are deployed is one that the Reagan administration has said it supports. Such tradeoffs are aimed at encouraging both sides to mothball older, more destabilizing weapons systems in favor of newer weapons less likely to tempt the other side to strike first.

U.S. security isn't threatened by, say, the loss of one Poseidon: the Navy has 36 nuclear subs and one Poseidon carries enough weapons to destroy every major Soviet city. Nor has SALT II, despite its demonization by opponents, stopped the United States from developing a host of sophisticated new weapons like the Trident submarine. The real flaw in SALT II is that its limits on offensive weapons are insufficient.

The hidden agenda of those who now call for scrapping SALT II may be to head off any arms control agreements, as the superpowers are on the brink of dialogue that at best will be slow and arduous. This agenda threatens U.S. security more than SALT compliance. The administration should build on past treaties, however imperfect, and work to improve them, not dismantle them. President Reagan should continue to respect the terms of SALT II until something better is negotiated.

[From the Washington Post, February 23, 1985]

EXTENSION SEEN AS POSSIBLE FOR UNRATIFIED SALT II PACT

Although President Reagan says he might decide to violate the SALT II arms-control treaty later this year, administration officials said yesterday there is a chance that the unratified accord will be extended beyond its scheduled expiration in December.

The officials said the decision depends largely on Soviet willingness to negotiate reasonably when a new round of arms talks begins in Geneva March 12.

"It has to do with the Soviet attitude in Geneva," said one arms control expert at the State Department. "Surely, if the Soviets are not forthcoming in the Geneva negotiations, if they show no indication of flexibility and compromise, we would be damn fools to hold to something they are not showing any respect for."

But this official and others said if the Soviets do show a willingness to negotiate seriously, and if Moscow does not take any new actions that would violate the accord, the administration might "continue its no-undercut policy" toward SALT II.

The officials, who spoke on condition that they not be identified, also said Reagan misspoke in declaring at his news conference Thursday night that the Soviets had violated the SALT II treaty by converting ballistic-missile firing submarines into cruise-missile firing submarines to circumvent treaty limits on ballistic missiles.

The officials said the conversion was a violation of the "spirit" of the agreement, but not technically a violation. Cruise missiles are not covered by the SALT accords.

Reagan said at his news conference that he might have to join Moscow "in violating" the SALT II agreement when a new Trident-missile firing submarine, the USS Alaska, begins sea trials in October. It could cause the United States to go over the 1,200 limit on multiwarhead strategic missiles, which is fixed by SALT II.

Mr. LEVIN. Mr. President, relative to this particular resolution, an interesting thing happened this morning in a meeting of the Strategic Subcommittee of the Armed Services Committee. I am a member of that subcommittee. We had before us Gen. Bennie Davis who is the commander of the Strategic Air Command. I happened to ask him about a no-undercut policy relative to the SALT II limits. The way we got into the subject was that I asked him whether or not he concurred with the feelings of General Scowcroft.

I am quoting from an interview with General Scowcroft.

The Soviets have been abiding by the SALT II limits and it seems to me that it is in our interest to do so as well.

I asked General Davis whether or not he agreed with General Scowcroft, and his answer was that in his own professional opinion General Scowcroft was correct and that we should abide by the SALT II limits. He had not yet made a formal recommendation to the President. He had not yet been asked for that recommendation but I pressed him as to his personal view on that issue. And in testimony which I think is very significant in terms of the future of this concurrent resolution of Senator BUMPERS, General Davis did acknowledge that his own personal view was that it is in our national security interest to abide by the SALT II limits.

I want to, having said that, just simply commend my friend from Arkansas for again leading the way toward adoption of a resolution which is extraordinarily important if we are ever going to bring this spiraling nuclear arms to some kind of halt and then ultimately reverse it so that we can eliminate these weapons from the face of the Earth.

Mr. CHAFEE. Mr. President, I am pleased to join with my colleagues, Senators BUMPERS, HEINZ, and LEAHY, in submitting a concurrent resolution to recommend continued adherence to strategic arms agreements.

This resolution calls for the reaffirmation of the administration's current policy of adhering to existing arms control agreements so long as the Soviets behave in a similar fashion. This policy of interim restraint has served us well during the past several years, and I believe it should be continued for as long as it serves our national security interests.

Our Nation is about to enter a new round of negotiations with the Soviet Union which could lead to major changes in the system of arms control which has governed both countries for the past two decades. These talks will address complex and diverse issues, ranging from the intermediate-range nuclear forces we deploy abroad, to possible future weapons deployed in space. It is unlikely that progress will be easy or rapid. Nevertheless, it is my judgment that the prospects for success in these talks is significantly enhanced if we do not abandon the existing limitations.

Last year we submitted a similar concurrent resolution, and a form of that effort was adopted by the Senate as an amendment to the defense authorization bill. Since that time, my colleagues and I have written to the President on two occasions recommending that the policy of interim restraint be continued. We have suggested that an early commitment to such a policy by both sides would enhance the prospects for success in the upcoming negotiations in Geneva.

The concurrent resolution we are submitting today is timely for two reasons. First, there appears to be some debate within the administration as to whether the United States should continue to observe the limits of the unratified SALT II Treaty later this year when the Trident submarine *Alaska* begins sea trials. I believe the United States should make corresponding dismantlements of existing systems in order to stay within the limits of the treaty. This resolution affords the Senate the opportunity to go on record on that issue. I believe there should be no confusion surrounding U.S. policy in this matter.

The second reason for the timeliness of this concurrent resolution lies in the resumption of the arms control talks in Geneva and the desire which we all share to see early success in those talks. I believe that the existing arms control restraints should be kept in place until they are replaced by new restraints. Not only does this serve our national security interest, but I believe it makes the successful negotiation of new agreements more likely.

This concurrent resolution also addresses the importance of continued compliance with the ABM Treaty. Serious questions have been raised about Soviet activities with respect to some aspects of the ABM Treaty. This concurrent resolution acknowledges that the United States has legitimate concerns about treaty compliance both with respect to the ABM Treaty and to other arms limitation agreements. These questions should be pursued in negotiations with the Soviets until they are satisfactorily resolved. However, the existence of such concerns should not lead us to abandon all existing restraints.

Mr. President, all of us hope that the new round of talks which begin soon in Geneva will be successful and that they will produce agreements which lead to reductions in nuclear weapons and a reduced threat of war. Such an outcome would enhance our own security and that of the world as a whole. I believe it is in our interest to preserve the existing arms control agreements while we search for more effective measures for restraining the arms race.

SENATE RESOLUTION 92—RELATING TO THE IMPOSITION OF COUNTERVAILING DUTIES ON IMPORTS OF CANADIAN PORK

Mr. KASTEN submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 92

Whereas rapidly increasingly imports of Canadian hogs and fresh, chilled, and frozen pork have been found to injure the domestic pork industry by the International Trade Commission; and

Whereas the damage to the domestic industry caused by said imports is variously estimated at between $381 and $940 million; and

Whereas said imports increased over 14 percent for frozen pork, 33 percent for fresh and chilled pork, and 195 percent for live hogs from 1983 to 1984; and

Whereas Canadian pork producers are paid the equivalent of $6.54 (Canadian) per head by the Canadian federal government, and even greater sums by some provincial governments, thereby encouraging the additional production which has damaged the American pork industry; Now, therefore, be it

Resolved, that it is the sense of the Senate that countervailing duties ought to be imposed on imports of pork from Canada until such time as the Canadian federal and provincial governments cease the subsidization of pork production.

Mr. KASTEN. Mr. President, today I am submitting a resolution calling for the imposition of countervailing duties on imports of Canadian pork.

The dramatic increase in imports of live hogs and fresh, chilled, and frozen pork from Canada has caused increasing concern among American pork producers, who have always competed without the benefit of Government subsidies. In 1984 alone, imports of frozen Canadian pork rose by 14 percent, fresh and chilled pork by 33 percent, and imports of live hogs by a staggering 195 percent.

Clearly, something is wrong here, something that cannot be adequately explained by unfavorable exchange rates or strikes in Canadian packing plants. The root of the problem is that both the Canadian Federal Government and several of the major provincial governments decided some time ago that the market does not provide pork producers with a high enough income. Their answer: Taxpayer subsidies under the guise of "price stabilization" programs. These subsidies have indeed increased the income of Canadian hog farmers, but since hog farming is a business like any other, the subsidized Canadian industry has used the extra money to expand output well beyond what the Canadian domestic market can absorb. The surplus, inevitably, has spilled over into this country.

The National Pork Producer's Council has estimated that Canadian Federal Government subsidies amount to the equivalent of $6.54 per hog. In Quebec, where the provincial government guarantees producers returns equal to their cost of production plus 70 percent of the average wages of a skilled laborer, subsidies reach the level of $16 (Canadian) per hog—an enormous artificial trade advantage that the American pork industry cannot match.

Canadian imports now amount to about 5 percent of domestic production, and their impact is variously estimated at from $381 to $940 million. It is no wonder that the International Trade Commission has issued a preliminary finding that Canadian imports are doing substantial injury to the American pork industry. The injury already done will become more serious unless action is taken now.

Mr. President, I do not count myself among those who maintain that American business in general and American agriculture in particular would be better off if we closed our borders and ports to world trade. A free and open trading environment is the lifeblood of much of American agriculture; even with unfavorable exchange rates, our trade surplus in agriculture was about $19 billion in 1983. We maintain a favorable trade balance with most countries, including Canada.

I do not intend with this resolution to act against free trade. My objective is instead to signal the Canadians that their insistence on artificially raising the income of their pork producers is itself jeopardizing the free trade environment which has benefited both our countries for so long. I am hopeful that the Canadian Government will realize this, and cease the subsidization of their pork industry. If they do not, we must be prepared to do what is necessary to protect our pork industry.

Again, Mr. President, I urge support for this resolution.

SENATE RESOLUTION 93—MAKING AN APPOINTMENT TO THE COMMITTEE ON SMALL BUSINESS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 93

Resolved, That the Senator from Virginia (Mr. TRIBLE) is hereby appointed to serve as a majority member on the Committee on Small Business for the 99th Congress.

SENATE RESOLUTION 94—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 94

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rules XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1985, through February 28, 1986, in its descretion (1) to make expenditures from the contingent fund of the Senate (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,678,305, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1986.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has scheduled 4 days of thematic hearings beginning on Tuesday, March 12, 1985.

The hearings will examine the issues surrounding the structure of agriculture and the economic impact of the various policy instruments in farm programs, such as loan rates, target prices, and production controls.

Also, these hearings will focus on the impact that past, present, and future developments in research and technology have and are likely to have on agriculture production and profitability.

A hearing on the way in which agricultural production in the United States is financed will focus on agricultural investment, debt, credit, and taxation for the purpose of examining the impact of these issues as they relate to 1985 farm policy considerations.

This series of thematic hearings is designed for Senators to gain a better understanding of just how the various tools or instruments of farm programs impact farmers in the real world of supply and demand, profit and loss, and in the structure of the agricultural industry.

Following the thematic hearings will be a conventional series of hearings at which time we will hear from myriad farm and commodity organizations and other interested parties. Those hearings and their respective subjects, dates, times, and places will be announced at a later date.

The thematic hearings will be held in 328-A Russell Senate Office Building. The schedule follows:

Tuesday, March 12, 1985—10 a.m. Structure of agriculture.

Thursday, March 14, 1985—10 a.m. Loan rates, target prices, supply management, and production controls in agriculture policy.

Tuesday, March 19, 1985—10 a.m. Impact of technology and research on agriculture policy.

Wednesday, March 20, 1985—10 a.m. Capital investment, debt, credit, and taxes in agriculture policy.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Wednesday, March 6, to conduct a hearing on the nomination of Edward Philbin to the Federal Maritime Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 6, 1985, to conduct a hearing on the Indian Health Care Improvement Act reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces, of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 6, to hold an open hearing followed by a closed session on ICBM Modernization Program, in relation to the fiscal year 1986 DOD authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 6, 1985, in order to receive testimony on the nominations of Melvin T. Brunetti, of Nevada, to be U.S. circuit judge for the ninth circuit, and Alice M. Batchelder, of Ohio, to be U.S. district judge for the northern district of Ohio.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, when the distinguished majority leader referred to a nomination to be considered, the request was for the committee to meet and consider that nomination?

Mr. DOLE. That is correct.

Mr. BYRD. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 6, 1985, to receive testimony concerning S. 172, and S. 298, professional sports antitrust immunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VIETNAM RULES OF ENGAGEMENT DECLASSIFIED

● Mr. GOLDWATER. Mr. President, U.S. military forces have been much maligned by some people in this country who blame the military for what they call the loss of the war in Vietnam. However, the Armed Forces did not suffer a military defeat in any sense of that term. Rather, it was civilian managers of the U.S. Government who denied our military forces a victory by imposing a complex and lengthy set of restrictions on what the military could and could not do in South Vietnam, Cambodia, Laos, and North Vietnam.

These layers of restrictions, which were constantly changing and were almost impossible to memorize or understand, although it was required of our pilots, granted huge sanctuary areas to the enemy. When certain limits would at last be removed after repeated appeals by the Joint Chiefs, the reductions were made only in gradual steps and seldom were strong enough to serve our strategic ends. Numerous partial and total bombing halts interrupted the effectiveness of earlier bombing campaigns. Often, when limited extensions of target areas were granted, they were unexpectedly canceled and withdrawn shortly afterward.

Mr. President, in the interest of informing the American people and any journalists who are interested in the truth of what really prevented a military victory in Southeast Asia, I have asked several Secretaries of Defense to declassify the pertinent records, the actual text of the rules which restrained military conduct in the Vietnam war. I am delighted to inform my colleagues that Secretary Weinberger has now agreed with me that it would be useful to declassify the remaining Vietnam rules of engagement. He and Assistant Secretary Defense Armitage recently provided me with several volumes of papers which were formerly classified top secret but have now been declassified.

These newly public documents clearly reveal the excessive retraints our military units had to operate under in Vietnam. For example, one rule told American pilots they were not permitted to attack a North Vietnam Mig sitting on the runway. The only time it could be attacked was after it was in flight, was identified and showed hostile intentions. Even then, its base could not be bombed. The same hostile intention rule applied to truck convoys driving on highways in Laos and North Vietnam. In some regions, enemy trucks could evade attack by simply driving off the road. Military truck parks located just over 200 yards away from a road could not be destroyed. Another rule provided that SAM missile sites could not be struck while they were under construction, but only after they became operational.

Mr. President, the declassified material I have received is too lengthy to make available all at one time in the CONGRESSIONAL RECORD. Therefore, I plan to insert these documents as a series of publications over the next few weeks. I will begin today with the first of three studies prepared by the Air Force examining the rules of engagement governing USAF combat operations in Southeast Asia from their beginnings in 1960–65. I think it is very important for the Members of this body, the public, the press, and media to understand fully the restrictions that were placed upon all of our forces in Southeast Asia. It is unbelievable that any Secretary of Defense would ever place such restraints on our forces, as Secretary McNamara did, or that any President would have allowed this to happen, and I hope that if civilian officials ever decide again that it is necessary to have to engage in war, and I pray that we will never have to do so, that such damaging restrictions will never be applied to our forces.

Mr. President, I ask that the document entitled "Project Checko Report," covering the years 1960–65, shall appear at this point in the RECORD.

The document follows:

PROJECT CONTEMPORARY HISTORICAL EVALUATION FOR COMBAT OPERATIONS REPORT

EVOLUTION OF THE RULES OF ENGAGEMENT FOR SOUTHEAST ASIA

In a futile attempt to reverse the course of events engulfing the French in Indochina, the U.S. Air Force contributed 1,800 airlift sorties, comprising 13,000 flying hours, during the first six months of 1954. On 7 May 1954, Dien Bien Phu fell to the Communist Viet Minh, followed on 20 July by the Geneva Convention on the partition of Vietnam. The U.S. decision to pledge increased aid to the government in South Vietnam was made by Presidential announcement of 24 October 1954. Thus began the role which the U.S. Air Force was to play in counter-insurgency within the overall framework of U.S. foreign policy as supplemented by the policies of the Department of Defense.

By spring of 1960, the counter-insurgency situation in RVN had obviously deteriorated. With the arrival of the first of the U.S. Special Forces Teams on May 30, RVN resistance stiffened. This month also marked the delivery of the first full squadron of 25 A-1H aircraft to the RVN. Later, on 1 October 1961, PACAF deployed a Control and Reporting Post (CRP) to Tan Son Nhut Air Base:

"Its purpose was to provide radar coverage for the southern area of SVN and to train the Vietnamese Air Force in controlling air traffic, both civil and military. Within four months, 63 Vietnamese personnel had been trained, the CRP was expanded into a CRC, and it became part of the Tactical Air Con-

trol System which was established in mid-January."

The JCS, on 14 November 1961, directed Jungle Jim forces to be deployed to the RVN. This deployment consisted of the 1st Air Commando Group (formerly the 4400th CCTS), four SC-47's four RB-26's, and eight T-28's—all carrying RVN Air Force (VNAF) markings. Within 48 hours, President Kennedy announced the decision to bolster RVN strength but not to commit U.S. combat forces. On 11 December, two U.S. Army helicopter companies arrived in RVN.

The commitment, by the United States, to a policy of unlimited support of the RVN, short of actual combat forces, was subject to many restraining influences. In addition to the provisions of the Geneva Accords of 1954, which the U.S., although not a signatory, had undertaken to support, there were other considerations—the possible alienation of the Vietnamese people; relations with Cambodia, Laos, and Thailand; and vulnerability to charges, by the NVN and Communist China, of aggression in Southeast Asia. Further, and of particular significance to the U.S. Army and Air Force, was the opinion of Mr. McNamara (December 1961) that the war in South Vietnam should be considered a ground war and that although "naval and air support operations are desirable, they won't be too effective." The U.S. military structure in the RVN and the ensuing intra-command relationships reflected an awareness of McNamara's views.

Two short quotations from the Geneva Accords of 1954 serve to illustrate the nature and scope of the constraints imposed. Chapter III, Article 16 (quoted in part): "With effect from the date of entry into force of the present Agreement, the introduction into Vietnam of any Chapter III, Article 17(a): 'With effect from the date of entry into force of the present Agreement, the introduction into Vietnam of any reinforcements in the form of all types of arms, munitions and other war material, such as combat aircraft, naval craft, pieces or ordnance, jet engines and jet weapons and armored vehicles, is prohibited.'"

Thus, the U.S. decision to increase substantially its aid to the RVN ran head on into the Geneva Accords and the International Control Committee (ICC) established to oversee its provisions.

On October 28, 1961, Secretary of State Rusk sent a message to the American Embassy in Saigon requesting concurrence on ground rules for the introduction of the USAF Jungle Jim unit into the RVN. Mr. Rusk proposed that the aircraft have Vietnamese markings painted on them before being flown in or being brought in by surface transportation. Military personnel, other than aircrews, were to arrive in the RVN in civilian clothes but could then wear their uniforms. Such were some of the efforts to circumvent the provisions of the Geneva Accords and the ICC.

This issue was finally settled on November 16, 1961 when President Kennedy formally announced the U.S. decision to aid the Government of Vietnam—short of introducing U.S. combat forces. The position that U.S. combat forces were not involved in the war was to be maintained for the ensuing two years (until December 31, 1963).

By the close of 1961, the Communist insurgency in South Vietnam had grown to proportions where immediate response was required to contain and then defeat the threat. This situation resulted in a modification of our policy position to provide for U.S. armed and manned helicopters to "defend themselves" and to return fire from the ground. (Subsequently, authority was granted to initiate fire on known Viet Cong targets posing a threat.)

The immediate U.S. objectives, at this time, was to provide the VNAF with such training as would eventually enable the Vietnamese to perform all required missions. Determined to meet this goal and to realize the "immediate response" requirement, PACAF conceived the covert Farm Gate operation. Following CINCPAC approval, the first of these missions was flown in December 1961.

The concept of employment of Farm Gate (previously Jungle Jim) was to utilize the function of training the VNAF as a cover. The aircraft and personnel of Detachment 2, 4400th CCTS to actually be used in support of RVNAF actions against the Viet Cong within the borders of the RVN. The concept envisioned, "all feasible operational activity," overt and covert, and would be in addition to the advisory and training functions.

In agreeing with the Farm Gate concept, CINCPAC said:

"* * * In addition (to operational tests and combat support fighters previously authorized by JCS and CINCPAC to train the VNAF), as decided at the SecDef meeting 16 December, all kinds of conventional combat and combat support flights can be flown in SVN by Detachment 2, 4400th CCTS provided a Vietnamese is on board for purpose of receiving combat support training."

This was amplified on 26 December when the JCS said that Farm Gate aircraft could be employed on combat missions only when the VNAF did not have the capability. This latest instruction also said that combat training missions with joint crews would be conducted so the Vietnamese crews could take over the missions at the earliest possible time. The rules dictated that the aircraft be based in-country and be of the same type as the host country, if the effort was to be plausibly deniable. These latter dictates had been a continuing limiting factor on Farm Gate operations in the RVN.

The issue of U.S. pilots flying Farm Gate missions in the RVN came to the fore early in 1962. Admiral Felt's opinion of the State Department release of 9 March 1962 was that it evaded the issue. He recommended instead, a "factual" statement:

"USAF pilots are flying in two-seator T-28's and RB-26's with VNAF pilots. The purpose of these missions is to train VNAF pilots in tactical air strikes. On some of these training sorties, the aircraft deliver ordinance on actual Viet Cong targets. No USAF pilot has ever flown on a tactical mission except in the role of tactical instructor, and VNAF pilots flying single-seater AD-6's (A-1H's) continue to perform most of the combat air sorties."

In a message to the Embassy in Saigon in February 1963, State expressed the obvious and unequivocal position that the Farm Gate activity in the RVN was a "clear violation of the Geneva Accords."

The VNAF had no rules of engagement in late 1961 except to avoid overflying the boundaries of neighboring countries. Once an air strike was approved by the AOC or higher authority, the pilot was free to strike the target. Neither were there rules of engagement for air defense. Upon being advised of this, CINCPAC suggested to CHMAAG-V that the VNAF be assisted, if they so desired, in developing rules of engagement—initially for air defense. Admiral Felt then proposed guidelines for the interception, identification, and destruction of hostile aircraft intruding into the airspace of the RVN. VNAF accepted the suggestion and drafted rules of engagement. By late April 1962, the Joint General Staff (JGS) had approved them and was in the process of coordinating them with other governmental agencies.

MACV Directive Number 62, 24 November 1962, established operational restrictions on U.S. aircraft to be employed on combat support missions which read, in extract, as follows:

"4. General policy:

"a. In South Vietnam all operational missions flown by U.S. personnel and/or aircraft are classfied as combat support. As a general policy, no missions will be undertaken utilizing U.S. personnel and/or aircraft unless it is beyond the capability of the Vietnamese Air Force (because of lack of training, equipment, etc.) to perform the mission. Efforts will be intensified to provide the necessary training for GVN personnel so that the VNAF can perform all required missions at the earliest possible time.

"b. U.S. aircrew personnel operating under the terms of this and other applicable directives are reminded that nothing shall infringe upon the inherent right of the individual to protect himself against hostile attack. In event of such an attack, the individual concerned will take immediate aggressive action against the attacking force with any means available.

"5. Specific restrictions: The following specific restrictions are applicable and strict compliance therewith is directed:

"a. Farmgate: Utilization of Farmgate aircraft for operational (combat support) missions will be only with a combined U.S. and Vietnamese crew. Farmgate U-10 aircraft will not be employed on armed reconnaissance missions. Farmgate aircraft will carry VNAF markings.

"b. Waterglass: 2d Air Division will prepare regulations applicable to U.S. aircraft conducting air defense orientation training under the Waterglass concept. Waterglass restrictions are not included in this directive due to classification.

"c. Mule Train/Ranch Hand: C-123's will be U.S. marked. They will be manned with a combined U.S. and Vietnamese crew on applicable combat missions as defined * * * above.

"d. U.S. Army CH-21C's (Shawnee) and USMC UH-34D's (HUS): Armament may be installed in and utilized from transport helicopters for defensive purposes only. Armament in such aircraft will not be utilized to initiate fires upon any target; however, if the aircraft is fired upon, it may return the fire. Aircraft will be U.S. marked and manned.

"e. U.S. Army UH-1's (Iroquois): The U.S. Army armed UH-1 may be used defensively only. It may not be utilized to initiate fires upon any target; however, if the aircraft or any aircraft which it is escorting is fire[d] upon, it may return the fire. Such aircraft, when employed on combat support missions, will be U.S. marked and manned with a combined U.S. and Vietnamese crew.

"f. U.S. Army OV-1's (Mohawk): The OV-1's may be utilized in an armed configuration (only as specifically directed by COMUSMACV) for combat support missions; however, such armament will be utilized only defensively. These aircraft will not be utilized as strike aircraft. When utilized in a combat support role, they will be U.S. marked and manned with a combined U.S. and Vietnamese crew.

"g. Cambodian/SVN/DMZ Border: MACV Letter, subject: Air Operations, dated 23 October 1962, applies to operations of all U.S. aircraft. However, the general content of this letter is repeated in this directive and is applicable to all U.S. aircraft operating in SVN. Day: Normally no U.S. aircraft will operate closer than three miles to the Cambodian border and then only when the ceiling is at least 1500 feet and visibility is three miles or better. When the border is clearly defined by physical landmarks, operational missions may be conducted to a point no closer than one mile to the border; nonoperational flights are restricted to five miles from the border and at least 2000 feet altitude. Night: U.S. aircraft will operate closer than three miles to the Cambodian border during periods of reduced visibility and only then when under positive radar control. Unless specifically authorized by this headquarters, no U.S. aircraft will conduct combat missions more than two miles off the coast of Vietnam. Waivers to these border restrictions (paragraph 3c, above cited letter) will be granted with the utmost discretion and then only when the border can be unmistakably defined by visual reference."

Thus, there were aircraft operating within the Republic of Vietnam which had VNAF markings and Vietnamese crews: VNAF markings and U.S.-Vietnamese crews; U.S. markings and U.S.-Vietnamese crews; and U.S. markings with U.S. crews.

Admiral Felt pointed out to General Harkins that JCS message Number 5972 of 6 September 1962 had authorized the initiation of fires by armed aircraft engaged in escort:

"By definition (JCS 5972) suppressive fires resulting from escort missions are considered defensive fire. You should amend paragraphs 5D and E of (MACV Directive 62) in such manner as to indicate armament on UH-1's and CH-21's/UH-34's may be used to initiate fire provided enemy target is clearly identified and is threat to the safety of the helicopter and passengers."

Moreover, JCS message 8678 of February 1963 [had] authorized an amendment to the rules of engagement, pertaining specifically to U.S. helicopters in the RVN, to allow them to engage clearly identified Viet Cong forces considered a threat to the safety of the aircraft and their passengers. JCS stated that, during a visit of their team to the RVN, it was found that the JCS message of September 1962 concerning rules of engagement for armed Army helicopters had been erroneously interpreted to mean that the helicopter must wait to be fired upon before initiating return fire. "Such interpretation is more restrictive than was the intent . . . " COMUSMACV amended his rules of engagement accordingly.

The jet question, along with the determination of the purpose and scope of Farm Gate appeared to remain essentially moot. The problem of jet engines and aircraft did not seem relevant in regard to the introduction of U.S. Army helicopters. UH-1A's and UH-1B's were both introduced into the RVN. The first five of the turbo-jet UH-1A Iroquois arriving in the RVN aboard the USNC Croatan on 20 April 1962.

Certain violations (of the Geneva Accords) had evidently been deemed acceptable in view of U.S. objectives—others were not. The bases of the value judgments involved were not always deductible.

From the inception of Jungle Jim (Farm Gate) activities in the RVN in late 1961, the State Department evidenced growing concern that air operations might become counter-productive by alienating the noncombatant population. Early in 1962, the Vietnam Task Force had proposed suspending air operations until the subject could be thoroughly discussed at the next SecDef meeting scheduled for 19 February at Headquarters CINCPAC.

Although the DOD had not been in favor of suspending air operations, the issue was placed on the February SecDef conference agenda. Headquarters USAF requested Headquarters PACAF to prepare a thorough briefing on the "concept of employment of air units and methods used for target selection and identification to include measures taken to insure minimum impact on civilian population."

* * * * *

During his visit, these procedures and the control structure which had been established were closely examined. The conclusion reached was that, considering the political and operational problems involved, a "solid control structure" existed. Targets were selected by the VN and closely checked by the Joint Operations Center (JOC) and the Air Support Operations Center (ASOC). Targets were marked by the VN forward air controllers (FAC) flying in liaison aircraft. The report illustrated the degree of care exercised by citing a mission in which the VN airborne controller did not arrive to mark the target. The USAF instructor pilots in the aircraft observed that a fire fight was taking place, and saw an officer in a jeep pointing to the location of the enemy; "nevertheless, the bombs were salvoed in the ocean."

In December 1962, Secretary of State Rusk indicated, in a message to the Embassy in Saigon, his views regarding border restrictions on U.S. aircraft. Leading to a discussion concerning the proper military tactics to defeat the Viet Cong, the Secretary stated:

"It remains that political significance at present of another RKG (Cambodian) border incident certainly outweighs probable military advantages of air operations in border area. . . Politically, count against us now two and three-quarter strikes. Militarily, there is general agreement that success lies not in drawing tight Cordon Sanitaire in Maginot manner. . . ."

The implicit concern reflected in these messages was prompted by many charges of border violations lodged by Cambodia. The Cambodian (and Laotian) border was unmarked, ill-defined, and hotly in dispute. In response to this concern, on 25 January 1963, the commander of the 2nd ADVON restricted Farm Gate aircraft from conducting operations within five miles of international borders during daylight and ten miles during darkness. The VNAF did not have this restriction.

On 15 November 1962, the VN JGS published a memorandum entitled 'Limitation of Air and Artillery Supports Along Vietnam Republic Border Corridor." Whereas the 2nd ADVON restriction of 25 January provided for a five mile buffer during daylight hours, which was increased to ten miles at night, the JGS memorandum placed a constant 10 KM restriction on air support and 15 KM along the south bank of the Ben-Hai River. Under emergency conditions, according to the JGS, requests for waiver of the restriction would be considered. With regard to the waiver authority which JGS had reserved to itself, CINCPAC advised COMUSMACV, in January 1963, that he also be prepared to waive, with discretion, restrictions on U.S. aircraft. "I expect you to exercise the same (JGS) waiver authority for U.S. operations on case by case basis when deemed necessary and when expected 'take' is worth risk (of border violation) involved."

At this time, and to the normal Farm Gate restrictions imposed by the JCS, another was added by the 2d Air Division. The crews could only conduct strikes under a VNAF forward air controller. An exception was established for night strikes permitting Farm Gate crews to strike under a C-47 flareship which established radio relay between VN personnel under attack on the ground and the strike aircrew.

* * * * *

These restrictive measures created many problems, one example of which is illustrated by the Viet Cong attack on the Soc Trang Airfield on 10 September 1963. Within five minutes after the first 81mm mortar hits, four USAF pilots were airborne. In the air, they notified the AOC of the attack and asked for a flareship and additional fighters. They then expended ordnance on what they believed to be the Viet Cong mortar positions identified by what appeared to be muzzle flashes. This was done during ARVN retaliation with mortar and other fire. Immediately following the air attack the Viet Cong withdrew.

The commander of the 34th Tactical Group, whose T-28's were involved, commended the aggressive action of the USAF pilots in defending a base under attack. He pointed out, however, that such an action was in violation of the rules of engagement since there were no VNAF crew members on board, no FAC, no flareship, and no way of positively identifying the target which was in an allegedly friendly area. In making this point, the 34th's commander noted that it was difficult to understand why certain rules had to be observed. In a COIN environment, he said, the rules of engagement are necessarily sensitive since there are usually no clearly defined battle lines. He added that the winner of a COIN war would probably be the side which wins over the people and it was possible that victory over a thousand of the enemy could be offset by the unintentional death of one of the friendly forces. The commander also stated:

". . . We must exercise our most mature judgment and restraint at all times and abide by the rules of the game. This is vital, even though in certain situations, such as this case, it might appear that the proper course of action lies elsewhere. . . . Take pride in accomplishing a difficult job under adverse conditions in a sane and professional manner."

Another case occurred on 5 December 1963, when Army helicopters supporting a II Corps outpost at night were reported to have fired on friendly forces in an attack made without positive identification of the Viet Cong target. The commander, MACV, directed that corrective action be taken. He added:

". . . It is also of concern that a possibility exists in which U.S. pilots conducted indiscreet firing against ground targets without adequate knowledge of the ground force disposition, without communications with ground forces or the air control system, and without prior arrangement or briefing. . . ."

These general conditions prevailed to the end of 1963, at which time a test plan involving the arming of OV-1's (Mohawks) was proposed. To permit such testing, General Harkins advised Admiral Felt that the

rules of engagement would have to be changed. (MACV directive permitted the Mohawk to be used offensively only after being fired upon.) The OV-1 test (in the role of an armed escort for transport aircraft) was approved and the rules subsequently modified.

Defoliation (Ranch Hand) and crop destruction operations came in for their share of discussion. In mid-1963, control of crop destruction was tightly held at the Washington level. On 19 June, the Embassy Saigon proposed an operation which involved about 3000 acres. "We (General Harkins and Minister Truehart) urgently requesting this discretionary authority in order to minimize delays so that greatest possible crop area could be hit before conclusion overall military operation toward mid-July." Both Truehart and Harkins were "satisfied that this area is Viet Cong controlled, and that Viet Cong do not repeat do not have nearby alternative sources of food."

The use of napalm was also the center of controversy; however, it was somewhat more loosely controlled than was crop destruction. State felt that "political considerations would suggest limiting use napalm to high priority targets which (are) clearly Viet Cong installations."

In response to a query from the Embassy Saigon, State responded:

"Concur discretion in use napalm. To extent control can be exercised, (it) should be left with Task Force Saigon. However, as you are well aware there are special political aspects in its use.

"Request State and Defense be advised in time to approve in advance any operations which in your judgment are of size or type likely (to) have significant political repercussions."

The VNAF had observed the results which could be obtained from napalm and had arrived at the conclusion that it was an effective weapon. While some elements in the U.S. remained unconvinced as to the desirability and essentiality of its use vis-a-vis U.S. political interests, the VNAF officially ". . . requested that this type of weapon be fully used whenever it seems to be necessary for the purpose of operational missions."

The continuing and ever-changing restraints continued to plague the USAF/VNAF efforts to achieve operational effectiveness. Particularly, the various events within the RVN, and the attitudes of its government and its people influenced the prosecution of the war against the Communist insurgents. Such incidents as the bombing of the Presidential Palace in February 1962; the maturing of the Buddhist unrest in the late summer of 1963; and the coup of 1 November 1963, which deposed the Diem government, brought the joint air operations to a temporary but disruptive halt.

Immediately following the bombing of the Presidential Palace, (27 February 1962) in what was eventually interpreted as an attempt to assassinate President Diem, the VNAF was grounded. Only FARM GATE aircraft were available to respond to calls for help against Viet Cong attack. Two days later the VNAF A-1H squadrons were released for operations but were allowed to carry ordnance no heavier than 20mm. Subsequently, Colonel Vinh informed General Anthis that all restriction on VNAF strike aircraft would probably be removed by 5 March.

The alleged repression and persecution of the Buddhists during August of 1963 further confused the issues and detracted the RVN military efforts. The U.S. Embassy reported a conversation with General Khiem, Chief of Staff of the General Staff of 21 August. "In answer to a specific question, Khiem said that all general officers, in unison, had lately become convinced that if situation (Buddhist problem) were to continue few weeks longer, morale of Army would seriously deteriorate. . . ."

Adding religious objectives to the military objective—progress toward which was, at best, not going well—increased the scope and complexities of the joint RVN/US problem and, in effect, opened a "second front" for the GVN. The GVN was then faced with an internal political conflict as well as an external military conflict.

The coup of 1 November directly resulted from the preceding events. The VNAF, under Colonel Ky who had assumed command, fully supported the coup. The U.S. Air Attache noted, "Most VNAF pilots now bedded down in Alert Room. T-28's at Tan Son Nhut bombed and ready to go. FARM GATE standing by for Viet Cong outpost attacks. . . ."

Plans written in 1962 to saturate the countryside with air-ground actions to seek, destroy and fragment the Viet Cong effort, were approved by the Diem government in February 1963. These plans were initiated 1 July and built up to approximately 15,000 actions during August. With the deterioration of the RVN political situation, emphasis was turned from offensive military action to the maintenance of the government's own existence. The coup wrote "finis" to these plans. This complete and dangerous diversion of VNAF/USAF objectives was accentuated by the potential exploitation of the situation by the DRV.

At the start of the coup, the VNAF had assumed control of all aircraft including USAF aircraft. However, as of 0900L, on 2 November, the Air Attache learned that the VNAF "had relinquished control of all USAF aircraft and had, in fact, asked USAF to maintain and support the battle against the Viet Cong to maximum of their capability as they were all on alert status in support of coup operation." At 1655L, on 1 November, AOC (joint VN/USAF manned) advised the COC, 2d Air Division, of instruction from Colonel Ky that U.S. aircraft would not be permitted to takeoff unless on approved rescue or operational necessity missions. Forty minutes later, at 1735L, grounding of USAF aircraft was lifted.

With the fall of the Diem regime, General Harkins, in a message to JCS, stated:

". . . The big job now, and the entire interest of my people and me, is to get the new team focused on the Viet Cong immediately. We buckle down to this at once."

The crucial question remained unanswered at the end of 1963. Would this radical procedure for effecting governmental change correct the debilitating disease which had afflicted RVN's prosecution of the war—or would it merely exchange one syndrome for another, leaving the disease unchecked?

The beginning of 1964 saw the stage set for further restrictions, relaxations, additions, and changes to the rules of engagement in efforts to meet the exigencies of changing political and military policies. Compliance with these policies and rules was not enhanced by activities of the Fourth Estate.

While violation of the Geneva Accords did not become a serious Press issue, the issue of the USAF flying combat missions was raised—many times. The official U.S. position stipulated that a Vietnamese crew member had to be aboard; that all flights were conducted for the purpose of training the VNAF; and, that comprehensive training sometimes involved combat missions—with the USAF airman in an instructional role.

Certain reporters had received information, allegedly from a U.S. military source (and subsequently confirmed by VN armed forces sources) that FARM GATE aircraft, in many cases, spearheaded ground operations with bombing missions against the Viet Cong. Also, it had been reported to them that there were now two air forces operating in the RVN against the Viet Cong., "the GVN Air Force and, secondly, American units (FARM GATE) controlled and operated by USAF." [48] Ambassador Nolting replied that it was incorrect to say the U.S. was "spearheading" the grand assault. "In training the VN Air Force in operation of T-28's, a new plane to them, we are giving on-the-spot training which often involves training under combat conditions, but that in no case do U.S. pilots operate alone; purpose and objectives being the training of GVN pilots in combat operations." Nolting labeled as "fake" the charge that there were two Air Forces in the RVN. The reporters indicated that they were satisfied with these responses and the discussion made the reports considerably less "sensational."

Countering the Communist insurgency in the RVN had proven to be extremely difficult, complex and vexing. A composite of diverse influences existed—political, psychological, sociological and military. The interaction of these variables had determined the relative effectiveness—or ineffectiveness—of joint RVN/U.S. efforts. However, change—an immutable characteristic of progress—continued.

On 5 March 1964, the Chief of Staff, USAF, directed TAC to deploy four T-28's and necessary personnel to Udorn for a period of six months, on TDY basis. Prior to their arrival, Ambassador Unger had recommended that the restraints imposed by the United States on the use of aircraft and bombs by the RLAF be relaxed and greater discretionary authority given. He proposed their use for reprisal against aggressive actions and for interdiction of build-ups for attack. The JCS supported Ambassador Unger's proposals and recommended even stronger action. They recommended that:

1. Missions assigned should be offensive as well as defensive.

2. Restrictions on the use of napalm should be removed.

3. First priority on interdiction missions should be inbound convoys.

4. Considerations should be given to use of United States and third country forces to provide air support in Laos.

5. U.S. aerial reconnaissance could contribute much in view of the limited capability of the RLAF.

6. The SAW detachment being deployed to SEA could provide substantial assistance in training and advice to the RLAF.

These views were forwarded to the State Department. On 20 March, the State Department advised Ambassador Unger that a limited number of bomb fuses could be released to the RLAF, since the proposed use of bombs could be considered in support of "responsive counter-attacks to regain ground lost to the Pathet Lao and as reprisal in response to Pathet Lao attack." This was the first time the RLAF had been permitted to maintain custody of any bomb fuses.

In March 1964, several modifications were made to the MACV Directive 62. Vietnamese crews were no longer required on missions flown by U.S. marked, unarmed reconnaissance aircraft, although they could be used on any mission which might be facilitated by the use of VN observers.

With reference to border flights, aircraft were not authorized to cross RVN borders "without diplomatic clearance obtained through the Air Attache, American Embassy, or the Embassy of the country concerned," and even then aircraft were not authorized to fire on or across the borders. Air support activities for border outposts (fire support, reconnaissance, transportation evaluation, supply, etc.) was authorized under the same conditions.

The distances from the borders at which aircraft could normally operate were also changed. Where the border was determined by a river or vehicle route, or if a river or vehicle route was inside and along the border and located within 1000 meters of the border, the maximum operating limit of the aircraft was the river or vehicle route. In other areas, aircraft were limited to 2000 meters from the border when aircraft were directed by a forward air controller (FAC) and 5000 meters when not so directed. All aircraft were required to remain south of an imaginary line parallel with and 5000 meters south of the Ben Hai River separating North and South Vietnam. Restrictions on visual and photographic mission aircraft could be waived under certain MACV provisions. However, the JCS authorized the Air Force to fly armed F-100 missions up to and along the Mekong River where it constituted the Thai-Laotian border. Authority was not granted to make incursions into Laos.

F-100 pilots were instructed that aircraft would be armed during all operations except air refueling training, but that a safety pin would be retained in the trigger and the trigger safety switch kept off to prevent inadvertent firing. Although specific rules of engagement had not yet been approved for these operations, pilots were instructed that they retained their inherent right of self-defense and were authorized to take such measures as were necessary to protect themselves should they be subjected to hostile action.

On 17 May 1964, Communist forces turned against the Neutralists who were co-located on the Plaine des Jarres (PDJ). An overt intervention decision was made by the United States to bolster the Neutralist forces and to serve notice to the Communists that the United States was determined to back the legal government. It was decided that a reconnaissance effort might provide a means of proving that Viet Minh and Chinese Communists were assisting the indigenous Pathet Lao. Such evidence could be presented to the International Control Commission.

The first action in the buildup of this U.S. reconnaissance effort was a CINCPAC alert to Carrier Task Group (CTG) 77.4 on 18 May, to be prepared to conduct a show of force and reconnaissance over Laos. Air Force elements were already present in Southeast Asia. A reconnaissance task force (RTF), nicknamed Able Mable, was in place at Tan Son Nhut AB, Vietnam. F-100 Supersabres were located at Clark AB, Philippines, * * *

On 18 May, the JCS authorized the first missions, which were flown by USN aircraft. The USAF flew its first mission "during the daylight hours" of the next day. The proposal that low-level reconnaissance flights be initiated with two daylight and one night mission to be flown each week was made by MACV. A further recommendation was that strikes against any targets discovered as a result of these reconnaissance missions would be made by unmarked VNAF or RLAF T-28's. The next option was strikes by marked USAF and Farm Gate aircraft, followed by a final option of USAF/USN strikes. The reconnaissance effort was formally christened on 22 May 1964 when JCS assigned the nickname Yankee Team to it.

Until the May attack against the Neutralists, the RLAF possessed only four T-28's, plus a few non-tactical aircraft, and its aircraft were restricted to the use of rockets and guns. On 17 May, with the PDJ attack in its second day, American Ambassador Leonard Unger (then Ambassador to Laos) authorized the use of 100 and 500-pound bombs against the attacking forces.

The initial efforts of T-28 or other aircraft operating over Laos were confined to preplanned missions, based on the best intelligence and a system which would allow the Air Froce to react to field requests. Rules of engagement and authority to strike had to be resolved at the earliest point if the Air Force effort was to be effective.

A continuous program of reconnaissance in Laos was authorized by the JCS in a message to CINCPAC on 25 May. The Joint Chiefs also made it clear that overflight of the Democratic Republic of Vietnam was absolutely not authorized. CINCPAC added that the Yankee Team program had to be responsive to the requirements of the U.S. team in Laos, COMUSMACV, CINCPAC, the JCS and higher authority. Thai bases were not to be used under any circumstances and coordination between the operating forces was to be effected locally. COMUSMACV designated the Commander, 2d Air Division (Major General Joseph Moore), as coordinator between the Air Force and Navy. General Moore was given the authority to suggest but not to compel Navy actions. He assigned the Navy all targets on the MACV target list located north of 18 degrees 30 minutes for planning purposes.

The question of joint US/VN crews on Farm Gate aircraft was raised in May 1964, when 2d Air Division was asked by the Chief of Staff, USAF, to explain its use of VNAF pilots on Farm Gate missions. The 2d Air Division replied that, since November 1962, VNAF pilots had not flown on Farm Gate aircraft but that basic VNAF airmen were used for the task. A VNAF non-commissioned officer had the job of scheduling and controlling basic airmen who stood alert in the ready room adjacent to the 1st Air Commando Squadron operations room. There were "infrequent" occasions when the nonavailability of VNAF airmen required the cancellation or delay of a mission. The 2d Air Division pointed out that the presence of the 1st Air Commando Squadron had contributed significantly to VNAF effectiveness by setting an example for the VNAF in the number of sorties flown, flying hours, and in the professionalism of the squadron itself.

On 20 May 1964, the JCS, in a message to CINCPAC, reaffirmed that the U.S. policy in Vietnam was that the U.S. military would not take part in combat. An exception was made in the case of Farm Gate aircraft, although these could only be used to fly bonafide operational training missions against hostile targets in order to prepare VNAF personnel for an eventual "take over" from the USAF.

The JCS also stated that helicopters in the theater were for use as transport only and their weapons were for the protection of vehicles or passengers. U.S. Army helicopters would not be used as a substitute for close support air strikes. U.S. military personnel assigned as advisors would be exposed to combat conditions only as required in the execution of their advisory duties. This statement of the JCS on the employment of Farm Gate aircraft and U.S. Army helicopters was one of several actions during 1964 which helped resolve the question of a proper mix of U.S. Army and USAF aircraft in the theater. During 1962-63, the absence of clear-cut directives in this area served as a limitation upon USAF activities in Vietnam.

On the 29th of May, General Moore sent a message to PACAF requesting that he be given authority to employ U.S. aircraft and crews for search and rescue (SAR) as he "deemed necessary in the event U.S. aircraft were downed over Laos (Yankee Team missions)." He did not receive a reply until 6 June when a Navy aircraft was shot down. The pilot ejected successfully. According to Colonel Robert F. Tyrell, the Air Attache in Vientiane, three requests were forwarded to the Ambassador asking the U.S. pilots be sent in to provide close support for the rescue helicopters. By the time authorization came through, the rescue helicopters had both been shot up and Navy Lieutenant Charles Klussman was a prisoner of the Pathet Lao.

On 4 June, the Secretary of State requested that the frequency of Yankee Team flights be cut back to one or two days per week, supplemented by demand flights related to specific objectives. CINCPAC agreed with this request but added that, in his estimation, the main purpose of Yankee Team was to provide the intelligence vital to decision making. In the South, reconnaissance flights were needed to keep tabs on Communist supply routes from the DRV into South Vietnam through Laos.

Scoring higher in the world's attention that this undercurrent of debate was the harsh reality of Lt. Klussman's mishap and, on the following day, the loss of another Navy aircraft. On 6 June, the day before the mishap, the JCS directed CINCPAC to:

". . . Be prepared to fly two low-level reconnaissance sorties as a single flight over Laos on the Plaine des Jarres area on 7 June. Schedule eight fighter bomber aircraft as escort with optimum mix of weapons for AAA suppression. Escort aircraft are authorized to employ appropriate retaliatory fire against any source of anti-aircraft fire against recce or escort aircraft. Reference AMEMB Vientiane 061121Z, coordinate timing of operation and area to be covered by recce operation underway 7 June. Suggest Kitty Hawk resources be employed if operationally feasible. Mission should not overfly Khang Khay or Xieng Khouang . . ." It was one of these escort aircraft which was shot down. This pilot was recovered.

Later that day, the JCS told CINCPAC that it was necessary that the Communists be taught that the United States was going to conduct this reconnaissance program, and use force if necessary. Therefore, a strike force of eight F-100's staging from Tan Son Nhut was to strike the antiaircraft installations at Xieng Khouang on 9 June. After the strike, pilots reported direct hits on the target.

CINCPACFLT reinforced this determination with a message to units under his command directing that there be a minimum of two escorts per recce aircraft. CINCPAC

was still not able under the prevailing rule to go all the way in deterring the enemy. He directed, on 18 June, that there be no use of either napalm or cluster bomb units (CBU).

Yankee Team flights were an "on again, off again" proposition during these early days. On 12 June, Ambassador Unger reported to the State Department that Prime Minister Souvanna Phouma had agreed to the continuation of the flights. Souvanna requested that nothing be said to the press about this or the fact that escorts were being used. Ambassador Unger presented two "compelling" arguments for publicly acknowledging use of escorts: (1) to assure congressional and public opinion that recon planes be adequately protected and (2) by public mention of escorts to forcefully signal Hanoi and Peking which would not be nearly as effective if we appeared to be trying to suppress this information. Souvanna then volunteered that he wanted maximum use made of the RLAF T-28's to interdict supply routes and destroy, on the ground, those supplies already in place. The Ambassador reported, "there is no question in the Prime Minister's mind that violations by Pathet Lao/Viet Minh justify actions already underway and perhaps more, but he insists, for political reasons, that we must avoid going on record acknowledging action and thus giving Communists both propaganda fuel and pretense." He concluded the message by stating: "We have to assume always that RLG forces incapable of standing up to PL/VM if latter really meant to push through, conceivably with air support (there is, of course, always risk that Communists will also introduce aircraft).

Five messages concerning escorts, during this period, were significant. First was a 16 June JCS message which authorized weather reconnaissance flights prior to the actual Yankee Team photo mission. It also authorized flak suppression by the fighters, low level only, in advance of the reconnaissance aircraft. Commander of TFG 77.6 asked CINCPAC on 18 June if he was right in the assumption that "escort" included any available attack on fighter aircraft. CINCPAC replied that he was correct. General Moore sent a directive to the 33d Tactical Fighter Wing element at Da Nang on 18 June ordering that two F-100's be maintained on alert at all times and to be prepared to put two more on 15 minute and four on one hour alert. The final of the five messages was a CINCPACFLT decision to allow Navy forces to use the "Snake Eye" bomb.

PACAF announced on 20 June that Thailand based USAF assets could be used for SAR. Two days later the Pacific Air Rescue Center at Tan Son Nhut informed PACAF that the procedures for coordinating rescue resources had been established. The H-34's could be scrambled through the Air Attache's office in Vientiane or by the HU-16 aircraft that was always in the area whenever U.S. aircraft were operating in Loas.

The Navy had EA-3B aircraft available for electronic intelligence gathering (ELINT) missions. CINCPACFLT put a hold on their use on 26 June until intelligence sources could verify whether fire control radar was present in Laos. JCS finally gave the execute order on their use on 30 June.

A few days later, CINCPAC spelled out the JCS policy on rules of engagement:

a. When weather permits, reconnaissance aircraft will utilize medium altitude levels above effective hostile ground fire.

b. Route reconnaissance will normally be conducted at medium altitude.

c. Low level reconnaissance will be authorized when medium level reconnaissance will not give satisfactory results. Areas of known strong antiaircraft will be avoided.

d. Low level reconnaissance against areas of strong antiaircraft will be authorized only for specific cogent reasons, on a case by case basis when the requirements are of sufficient priority to warrant the risks involved.

e. In cases of missions flown at medium altitudes, retaliatory fire is authorized if the reconnaissance or escort aircraft are endangered by ground fire.

f. In cases of missions flown at low level and the reconnaissance or escort are fired upon, retaliatory fire is authorized either on the first pass with the reconnaissance aircraft or by circling back and conducting subsequent passes.

g. In cases of missions flown at low level against areas of strong antiaircraft, flights will be escorted and escorts are authorized to employ best operational techniques to minimize risk, which, when authorized by JCS, may include attack of known antiaircraft positions in advance of the reconnaissance aircraft where suppression of ground fire is considered essential for the safety of the reconnaissance aircraft.

Using the policy set forth by JCS, CINCPAC went on to provide further guidance:

a. Operational missions should be planned and conducted to emphasize minimum risk to planes and crews consistent with the achievements of desired objectives.

b. As a general rule, reconnaissance missions should be conducted at medium level. Medium level is defined as an altitude above the level of expected hostile ground fire.

c. A differentiation must be made between routine and priority requirements. The determination of priority should be made by Ambassador Vientiane or by COMUSMACV based on intelligence requirements. COMUSMACV must evaluate the urgency of the requirement against the known risks of weather, terrain and hostile fire that must be accepted in accomplishment of the missions. This urgency or lack of urgency should be indicated for each requirement submitted to CINCPAC and will also dictate the operational commanders for the conduct of the mission.

d. In Laos there are areas that are free of hostile ground fire and other areas where hostile ground fire will be expected. Most of these areas are known to you. In scheduling missions over areas where hostile ground fire is not expected, low-level coverage can be conducted if weather precludes coverage at medium levels and if risks involved with the hazards of weather and terrain at low altitude are acceptable. However, when missions are to fly over areas where effective hostile ground fire can be expected, schedule the mission at medium level. In those cases due consideration should be given to requesting use of presuppressive fire if considered essential to the safety of the mission.

The Air Force wanted greater freedom to schedule low-level flights, as required. CINCPACAF recommended the removal of restrictions to permit such flights. Although CINCPAC agreed with CINCPACAF as to the need for low-level missions, he did not feel the time was right to ask for full authority to fly them. He believed overall authority could be won in time, but not until authorities at higher levels were convinced of the advantage of low-level reconnaissance. Until then, permission to fly at low-level would have to be obtained separately for each mission.

The continued success of the Viet Cong in South Vietnam, the successful Pathet Lao/Viet Minh offensive on the Plaine des Jarres, and the critical political conditions which existed in both the RVN and Laos painted a grim picture of the U.S. effort in Southeast Asia in mid-1964. The U.S. COIN effort in South Vietnam was not achieving its objectives. The insurgents increased in numbers and capability and extended their control of the South Vietnam countryside, largely due to successful infiltration from NVN into the RVN. In Laos, the enemy had taken over practically all of the PDJ by the end of May and threatened Muong Soui, where the bulk of the Neutralist forces were located with no avenue for orderly withdrawal. The Royal Laotian Government had little popular support and owed its existence, primarily, to U.S. backing. The government of Vietnam was faced with popular discontent, stemming mainly from Buddhist dissidents and a people tired of years of war.

Despite U.S. military efforts, the continuing influx of Communist personnel and materiel into Laos and South Vietnam brought conditions in these two countries to a dangerous imbalance. Since 1959, an estimated 20,000 officers, men and technicians were known to have infiltrated into South Vietnam and another 17,000 probably came in according to the U.S. State Department.

The Communist forces in Laos were stopped from expanding their area of control beyond what it was in May 1964. Yankee team reconnaissance flights over Laos and air strikes by RLAF T-28's (and, later, by USAF jet aircraft) were the major contributing factors in curbing enemy activities.

In South Vietnam, the mid-1964 situation was also grim. Fighting under practically the same rules as were in effect when the United States stepped up its assistance in 1961, the government was making little progress against the Viet Cong. The Diem coup in November 1963, and the Khanh coup in January 1964, left an aftermath of political instability that practically stopped pursuit of pacification programs elaborately drawn early in the year. The USAF, which, in the spring had grounded its B-26's and T-28's, was in the progress of receiving A-1E aircraft and only a handful were available for combat in June and July. the month of July was the worst and bloodiest of the war—for both U.S. and Vietnamese forces—as the Viet Cong pushed their campaign to peak intensity, apparently to coincide with the 10th anniversary of the signing of the Geneva accords.

The Honolulu high level strategy meeting, in early June, to line up a new approach to the war, the change in command of both military and political leadership of the U.S. effort, and tough diplomatic warnings to North Vietnam all signified the opening of a new phase of U.S. participation in the war.

Plans for the stepping up of U.S. efforts dominated MACV activity during July to the point where the MACV staff was significantly detracted from its vital pacification mission in the RVN. General Westmoreland, on 12 July, urgently requested a TDY augmentation which would permit manning of an operations war room 24 hours a day.

Yankee Team missions in the Muong Soui and PDJ areas, in support of Operation Triangle were authorized by the JCS on 20 July. The aircraft could fly at medium level, with the exception of one which could go at low altitude if weather permitted. The escort aircraft could retaliate if either the recce or escort aircraft were endangered by hostile fire. On the low-level flight, the air-

craft could retaliate on the first pass, if fired upon, and then circle and strike again.

Toward the end of the month, PACAF and CINCPACFLT both expressed concern to CINCPAC about suppressive fire. PACAF considered use of suppressive fire by Yankee Team aircraft most desirable. The message suggested that a combination of counterbattery and preplanned interdiction strikes be used against the "improving" Communist antiaircraft fire. CINCPACFLT said that suppressive fire was needed for low altitude missions, and while not 100 percent effective, it would keep gun crews from firing with impunity. It was also felt that the authority to order suppressive fire should be left with the "on-the-scene" commander.

Although Yankee Team operations over Laos and USAF support of the RLAF T-28 operations signified an escalation of the conflict in Southeast Asia, the events of early August, in the Gulf of Tonkin, triggered a sudden upsurge in air activity. The attack on the U.S. destroyers Maddux and Turner Joy (August 2 and 4) and the subsequent U.S. Navy strikes on four NVN installations (August 5) helped a lot of pieces fall into place in the complex plans for defending Southeast Asia. First, the movement of USAF jets into the RVN was carried out with justification.

A system for U.S. control of air defense and the employment of air in out-of-country operations got approval from the RVN government.

For the U.S. Air Force, the Tonkin Gulf incidents were the start of a new emphasis on air power in the counterinsurgency struggle.

More significant, perhaps, than the retaliatory strikes, was the deployment of USAF strength to Southeast Asia following the Tonkin attacks. PACAF was alerted to dispatch two squadrons of B-57's from Clark to Bien Hoa on August 5. At the same time, it was to alert one F-105 squadron to move from Yokota.

It was also told to alert one RTF of six F-101's to deploy from WestPac to Tan Son Nhut. Deployment alert orders went out also to other CINCPAC units, involving the Marines and the 173d Airborne Brigade.

On the morning of the 5th, General Khanh, in a meeting with General Westmoreland, agreed to allow the B-57's and F-102's into the RVN. He also said that the VNAF, along with all Vietnamese armed forces, was on alert status. He said that 25 percent could be off the ground in 30 minutes and the rest in 45 minutes. The RVNAF was ready to attack North Vietnam if they attacked the south, and they would also attack Cambodia under similar conditions.

Actions were taken in several other areas to prepare for the new situation. With the increased possibility that a retaliatory attack by NVN in South Vietnam might follow. CINCPAC asked its commands to study the air defense needs. It noted that the rules of engagement had two voids: (1) No rules for intercept, pursuit, or destruction of hostile aircraft over Thailand and, (2) no rule for allowing aircraft intercepted over Vietnam to be followed outside the RVN.

To prepare for a possible movement of Communist troops across the 17th Parallel, or into Laos, COMUSMACV recommended, on 6 August, that medium-level and low-level photo recce flights begin over NVN.

CINCPAC amplified his rules of engagement in mid-August 1964. He said:

1. In view of fighters in North Vietnam, you are authorized to arm Yankee Team escort aircraft for air-to-air combat, especially in areas where DRV aircraft could be expected to cross the Laotian border.

2. Number, type, ordinance load and tactics of escort aircraft will continue to be determined on individual mission basis. This information will continue to be included in OP-00 reports for long-range plans and OP-1 reports for individual mission approval. The following rules of engagement apply for Yankee Team operations in Laos.

a. If the reconnaissance or escort aircraft are fired upon by ground fire, retaliatory fire is authorized either on the first pass with the reconnaissance aircraft or by circling subsequent passes by escorts.

b. If the reconnaissance or escort aircraft are attacked by hostile aircraft, immediate and aggressive measures are authorized including hot pursuant, but only to the DRV/Laos border.

c. When authorized by JCS on individual mission basis, attacks to known antiaircraft positions in advance of the reconnaissance aircraft is authorized where suppression of ground fire is considered essential for the safety of the reconnaissance aircraft.

CINCPAC went further into rules of engagement on 21 August when he informed tactical commanders that authority to launch Yankee Team weather reconnaissance missions had been delegated and did not require approval from higher headquarters. Weather recce missions were authorized as required, provided they were flown at altitudes and in areas where they would not be subject to hostile ground fire. No photography was permitted on these flights.

Regarding the OP procedural messages, CINCPAC told his subordinates that, under current ground rules, missions required approval by State, Defense and JCS. Missions had to be flown exactly as listed in the OP-00 and approved by JCS/CINCPAC. If deviations were desired, they had to be submitted as an OP-00 MOD and the mission was not to be flown until the request for deviation was acted upon.

Shallow, unescorted photo penetration into Laotian border areas were approved by the JCS on 25 August. These missions were to be flown at medium altitudes to obtain coverage of specific targets of interest to MACV and were not to exceed one mission every 48 hours. On 15 October, permission was given by the JCS to fly a maximum of two missions per day during the period 15-31 October, in order to complete the terrain study. Missions were flown unescorted and at medium or high-level altitudes, with the 2d Air Division providing SAR support.

Relaxation of the rules of engagement to allow normal Farm Gate operations with either a VNAF student pilot or VNAF observer aboard was agreed to by Sec Def on 25 September. This was in response to a request from the JCS to change several Farm Gate rules. The JCS, in addition to asking for "observers," sought a change of the Farm Gate mission to include combat support as well as training, authorization for scrambling Farm Gate aircraft for immediate requests with only the U.S. crew aboard, and changing the markings on Farm Gate aircraft from VNAF to USAF. The SecDef authorized only the use of "observers" considering the other changes as "not being in the best interest at the time."

Near the end of Sept. 1964, * * * gave the RLAF approval for use for its T-28's in the proposed interdiction strikes along Route 7. These aircraft were authorized for use in high-cover support, flak suppression roles and SAR operations. Armed Yankee Team recon missions were also authorized to strike targets beyond the capabilities of the RLAF T-28's.

In an embassy telecon from the Ambassador in Bangkok to the State Department (October 5th), the Ambassador summarized guide lines for using Thai-based USAF assets. Briefly, they included photo reconnaissance over Laos; armed escort for photo reconnaissance over Laos; SAR operations in Laos; armed escort and suppressive fire for Laotian SAR; air defense of Thai airspace with hot pursuit over neighboring borders authorized; and, in the event of direct Chinese Communist intervention, any use of Thai-based air power as needed.

A final planning meeting for air strikes against targets in the Panhandle was held at MACV Headquarters on 9 October. Representatives from 2d Air Division, MACV, U.S. Embassy Vientiane, and 7th Fleet attended. At this meeting, the Air Attache, Vientiane, said the RLAF would go against 13 targets, including Mu Gia Pass on 14 October 1964. This would be done whether or not the U.S. provided any requested CAP or Yankee Team strikes. The term Yankee Team in relation to strikes against targets was a CINCPAC action of the Yankee Team mission which considered the armed in armed recce attacks as part of the overall package. Its authority was not granted for CAP aircraft to fly over Laos, such cover would be provided by aircraft orbiting over the BVN and Thailand. There was no question about the automatic launch of U.S. jets from Thailand or South Vietnam in support of SAR operations or air in an ordinance with the new rules of engagement.

CINPAC reported that U.S. close air support for RLAF operations in Laos was authorized, using forces named in Vietnam or aboard aircraft carriers. The Ambassador to Laos approved Yankee Team operations north of 20 degrees and east of the Nam Hou and Nam Houp Rivers on 28 October.

In late October, renewed recommendations for approval of Yankee Team strikes against Route 7 were made and the first USAF interdiction mission was finally approved and flown. These interdiction missions, later termed Barrel Roll, were not authorized alternate targets when flown at night.

Shortly after the Viet Cong morning attack on Bien Hoa, on 1 November Ambassador Taylor, concurring with the ICS plans for counteractions, and with an endorsement from COMUSMACV, strongly recommended that retaliatory air strikes be undertaken jointly with the RVN. COMUSMACV wired that he knew of no specific Viet Cong target in the RVN which would constitute an appropriate reprisal. While there was a constant search for such a target, and with some limited success, none were found justifying a mass air attack.

While there were enough VNAF/Farm Gate aircraft in the RVN to launch reprisal attacks in the immediate future, COMUSMACV considered it "highly desirable" that he have in-hand authority to use USAF augmentation forces when and if required. To reduce congestion of bases in the RVN and improve the U.S. posture in Southeast Asia, OSD in early November 1964 was considering an increase in the number of U.S. aircraft based in Thailand. Ambassador Martin, in Bangkok, was asked by OSD on 2 November to get Thai government authority for the movement of aircraft in and out of Thai bases as CINCPAC may desire and for increased use of Thai aircraft on Yankee Team escort missions. However, on 7 No-

vember, Secretary of State Dean Rusk advised that the Royal Thai Government was not to be approached on the use of Thai-based aircraft until further instructions were issued.

Following the downing of two USAF aircraft in a three-day period (18-21 November) the rules of Yankee Team operations were changed again. As a result of the crashes, the JCS immediately set 10,000 feet as the new minimum for Yankee Team missions. Authority for low-level missions had to be approved on an individual basis. The U.S. Ambassador in Laos was gratified by this decision and recommended that any flight authorized for low-level be individually approved by the Embassy in Vientiane.

CINCPACAF considered that JCS restriction of flight to 10,000 feet would only result in significantly less effective reconnaissance operations in Laos and would deny U.S. agencies the intelligence necessary for both military and political planning. Any additional restrictions, if applied to tactical operations, he said, would further decrease the capability for timely response to priority visual and photo reconnaissance requirements.

As the Yankee Team effort cut down enemy daylight activity and increased night movements, there was a need for a night photo-capable aircraft which could keep the enemy off balance and crimp his nocturnal activity. There were two RB-57's in Vietnam and two more enroute in December which were IR configured and capable of night work. The RF-101's had a limited night capability using a pod for carrying flash cartridges, but possessed no self-contained navigation system. All the Yankee Team night photography and the day-and-night ELINT recce operations had employed carrier based RA-3B's, RF-8's, and EA-3B aircraft. These aircraft were restricted to minimum altitudes of 15,000 feet using flash bombs instead of flash cartridges. This restricted the night photo recce to aircraft with bomb bays and eliminated the RF-type aircraft for night operations since flash bombs could not be carried externally due to their sensitivity. In view of these deficiencies in the night recce capability, CINCPAC asked the JCS for an Air Force strike RTF package of four RB-66B's and two RB-66C's to be deployed to Clark to augment the Yankee Team forces in SEA. These aircraft could operate under the rules then in effect.

On 20 November, CINCPACFLT granted authority to COMSEVENTHFLEET to schedule RA-5C aircraft for day as well as night Yankee Team missions. Guidance for employment was a list of specific "do nots." "Do not schedule missions against heavily defended targets unless specifically directed to do so. Do not schedule the RA-5C for weather recce missions. Select altitudes giving a reasonable margin of safety above ground fire envelopes."

Ambassador Unger (Vientiane) was obviously unimpressed by the Air Force's arguments concerning altitudes and approval for Yankee Team missions. In a 27 November message he said that various sensor systems allow aircraft to operate just as effectively at medium altitude levels as they operate at low, providing periods of weather promise good ceiling and visibility. The message concluded, "Embassy reserves right to comment on all Yankee Team missions."

On 14 Dec 1964, the first of the Barrel Roll missions was flown, resulting in strikes against a bridge and a group of buildings on the east approach. Ambassador Sullivan (Laos) wired the Secretary of State on 18 December that he was disturbed by two aspects of ths mission. First, it was his understanding that the bridge was not a target of opportunity unless enemy forces were moving on it. This was a RLAF target and could have been hit by RLAF T-28's that day. The Ambassador felt this pointed up the need for more coordination. Secondly, according to the Ambassador, photos showed houses destroyed on the east approach to the bridge which could well have been civilian dwellings. He added:

. . . . Either I have a serious misunderstanding of rules of the game for these Barrel Roll missions or else there has been a serious failure in coordination of a type which could cause us some significant headache. . . .

CINCPAC wired the JCS the next day that he concurred with Ambassador Sullivan's views that the bridge, per se, was not a target of opportunity unless enemy forces were moving on it. The possible civilian houses, he added, appeared to be RLAF Target No. 25, which was a military installation. However, he did not consider this a target of opportunity in the absence of any observed PL/VM activity. To avoid future misunderstandings, be reported, he was instructing his operational commanders that targets of opportunity were confined to unmistakable military activity of a transient or mobile nature and that fixed installations were to be struck only in connection with attacks on clearly identified military convoys and military personnel or when prebriefed as a secondary target. Yankee team procedures were to be used for all future operations.

Prior to the second series of Barrel Roll flights, 2d Air Division requested and received approval to fly recce aircraft with the strike group with the recce aircraft authorized to fly below 10,000 feet at optimum altitude to get photos of the type and quality necessary to assess immediate strike results. If the recce aircraft had to descend, escort of CAP aircraft would support them. Like the first mission, napalm was not authorized on these flights, nor were strike aircraft to be launched from Thailand bases.

On 15 December, AC-47 aircraft were introduced to combat, which was to result in additional rules of engagement to provide for their utilization.

Another request by MACV for the use of two Thai-based F-105's to escort strike recce aircraft on the second series of Barrel Roll missions was disapproved by CINCPAC on 22 December. CINCPAC said that the intent of Barrel Roll was to limit strike forces of our aircrraft for other than Thailand bases. The addition of the two F-105's would raise the number of aircraft to six and would not comply with the ground rules laid down by "higher authority."

At the close of 1964, 2d Air Division published a compilation of the Rules of Engagement summarizing prohibitive and permissive air actions in force at that time:

ANNEX 1—INTERNATIONAL WATERS AND AIRSPACE OVER INTERNATIONAL WATERS

1. U.S. Forces are authorized to attack and destroy any vessel or aircraft which attacks.

2. Hot pursuit into territorial waters and airspace as may be necessary and feasible is authorized.

3. Hostile forces and installations, other than those actively engaged in accordance with these rules, which are encountered outside the confines of RVN and Thailand will not be attacked except as necessary for self defense and only to that extent.

4. Hot pursuit is authorized into CHICOM territorial waters and airspace.

ANNEX 2—REPUBLIC OF VIETNAM (RVN)

1. U.S. Forces are authorized to engage and destroy hostile aircraft encountered within the boundaries of RVN.

2. Hot pursuit may be conducted as necessary and feasible into North Vietnam (DRV), Laos, Cambodia, and other international waters *not* to include CHICOM territory or territorial waters.

3. Hostile forces or installations, other than those actively engaged in accordance with these rules, which are encountered outside the confines of RVN, will not be attacked except as necessary for self defense and only to that extent.

ANNEX 4A—AIR DEFENSE OF LAOS

1. U.S. Forces positioned in RVN may be used for air defense in Laos when authorized by the Commander 2AD or his authorized representative.

a. Information on any action taken under this authority will be provided to JCS by flash precedence message.

2. U.S. air defense forces are authorized to engage and destroy hostile aircraft in Laos. Hot pursuit may be necessary and feasible over RVN

a. Hot pursuit into North Vietnam and Cambodia is *not* authorized *except when actually engaged in combat.*

3. Unless specifically authorized, U.S. air defense forces are not authorized to attack hostile forces or installations, other than those committed against, unless attack first, and then only to the extent necessary for self defense.

4. Definitions of a hostile aircraft and hostile acts are the same as those defined in paragraph 4 (basic attachment) with the following additions:

a. A hostile aircraft is one which is visually identified, or designated by the U.S. Director of an AOC or his authorized representative, as a Communist bloc or *Cambodian aircraft overflying Laos* territory *and* committing a hostile act.

ANNEX 4B—YANKEE TEAM OPERATIONS—LAOS

1. *Medium level escort*: Retaliatory fire is authorized if reconnaissance or escort aircraft are endangered by ground fire.

2. *Low level escort*: If reconnaissance or escort aircraft are fired upon, retaliatory fire is authorized either on the first pass with the reconnaissance aircraft, or by circling back and conducting subsequent passes.

3. *Low level escort against areas having strong AAA*: Escorts are authorized to employ the best operational technique available to minimize risk which, when authorized by JCS, may include attack on known AAA positions in advance of reconnaissance aircraft where suppression of ground fire is considered essential for safety of the reconnaissance aircraft.

ANNEX 4C—RESCAP OPERATIONS—LAOS

1. RESCAP aircraft will not enter the area of the distressed crew member(s) unless requested by the Rescue "On-Scene-Commander" or Rescue Control.

2. If rescue helicopters are fired upon, RESCAP aircraft will take action to suppress ground fire after the helicopter(s) departs the area of ground fire.

a. If ground fire is coming from the vicinity of the distressed crew member(s), RESCAP aircraft will insure that return fire will not endanger friendlies on the ground.

b. If the crew on the ground can be seen and ground fire is preventing helicopters

from approaching close enough for pick-up, RESCAP aircraft between the enemy positions and the distressed crew member (s) as a screening action for the helicopters.

ANNEX 4D—AIR DEFENSE CAP LAOS IN CONJUNCTION WITH RLAF STRIKE/BDA

1. When requested by the U.S. Ambassador to Laos, CAP is authorized to provide top cover for RLAF T-28 strikes in Laos by CINCPAC TS message 140843Z Oct 64, "Corridor Ops Laos", and IAW JCS 9117, "Definitive Rules of Engagement Applying to Laos." This applies only to authorized pre-briefed targets in Laos and to the provision of navigational assistance to RLAF T-28's and Yankee Team aircraft assigned to obtain BDA of attacked targets. JCS 9117, "Definitive Rules of Engagement Applying to Laos" applies with the following exception: Suppressive or retaliatory fire against AAA is not authorized.

2. Should CAP aircraft be diverted for RESCAP, current SAR rules will apply.

The problem of finding targets visually after dark presented another factor leading to special restrictions and limitations compounded in the rules of engagement. This situation was amply illustrated in the unfortunate bombing of the village of Ban Tang Vai, several miles west of Route 23 and just south of Route 9 in the central panhandle of Laos. Although actual damage to the village was slight, and there was evidence that high speed aircraft not associated with the Barrel Roll mission had attacked the village prior to the Navy strike, the incident caused considerable concern in Vientiane and Washington.

Although General Ma, RLAF Commander, representing the Lao Government, accepted apologies from American officials, he was insistent that new limitations be placed on future Barrel Roll missions, both day and night, and that targets of opportunity be restricted to vehicle and troop movements spotted on or near authorized recon routes. Future Barrel Roll operations were to be the exclusive preserve of the RLAF.

Several restrictions were placed on early Barrel Roll missions, commencing 12 February 1965, which no doubt served to offset the effectiveness of the program somewhat. Early missions were limited to small number of strike aircraft and were sparsely spaced. A period of 72 hours was initially required between armed reconnaissance missions (later reduced to 48 hours), and the use of napalm as a weapon was prohibited, although there were advocates for its use. Overflight of NVN was not permitted and a two-mile buffer zone was established along the Laos/North Vietnam border. In February, MACV recommended that all such restraints be closely monitored since they created unnecessary restrictions for the tactical commander responsible for mission accomplishment.

The sterile interval required between missions in the early months, although reduced from 72 to 48 hours, resulted in mission delays and created scheduling problems. The requirement that the JCS give final approval of all Barrel Roll missions also limited the scope of the early Barrel Roll program. Fleeting or mobile targets, pinpointed by such intelligence sources as FAR and Meo forces, road watch teams and had to be left to the RLAF T-28's until the establishment of Bango/Whiplash missions in mid-1965.

A lack of low-level photo reconnaissance photography over Laos was another example of early restrictions affecting air operations. CINCPAC considered low-level oblique and vertical photography essential in locating and confirming dispersed and concealed targets. He recommended low-level reconnaissance, by Yankee Team aircraft, to obtain the required intelligence. Reflights by Steel Tiger/Barrel Roll aircraft, merely to obtain BDA, also had to be approved by higher authority. MACV felt that the three-day waiting period for approval of reflights gave the enemy ample time to remove the evidence, especially where mobile targets were concerned. MACV wanted provisions made in the original operations order to allow reflights to obtain BDA when necessary, without the necessity for obtaining further approval.

The long-waited approval for the use of napalm in North Vietnam was finally granted and used in the 15 March strike against the Phu Qui Ammunition Depot. The following day (16 March 1965), to provide operational flexibility on future strikes, the JCS authorized strike missions against the NVN on a weekly basis, with strikes to be executed at any time during a seven-day period. Those targets not struck during the period could be carried over into subsequent weeks.

CINCPAC further relaxed the ground rules for the four-week Rolling Thunder program, 17 March–13 April 1965. Thai-based planes could now be used. U.S. forces could fill out VNAF requirements. Enough aircraft could be used to achieve a high damage level. Random armed recce missions, employing 4–8 aircraft, plus suitable CAP and flak support were authorized. U.S. strikes were not required in association with VNAF missions. Armed recce of highways and railways to strike rolling stock was authorized after strikes. Flak and CAP aircraft could expend on rolling stock and military vehicles. Low-level and medium altitude BDA recce was also authorized.

In late March, according to CINCPAC, the U.S. was transiting between a situation where the U.S. was not involved in a large war with the NVN and/or CHICOMS and a situation where large U.S. forces were actually engaged in combat. In this latter case, U.S. military * * * * * daily missions; larger numbers of aircraft were assigned to individual targets; the use of napalm permitted when approved by the American Ambassador to Laos; removal of the two-mile buffer zone; low-level photography and more flexible target assignments were provided for. However, many old limitations were replaced with new ones and political restraints were a never-ending problem in the Laos interdiction operations.

Other photo reconnaissance problems were raised by the August 1964 prohibition of accomplishing photographic reconnaissance on weather flights. Second Air Division said that such a restriction did not permit the best use of its aircraft assets. The division added that the JCS were unaware of the restrictions and thought it might not be in line with the latter's thinking. In late January, 2d Air Division informed 13AF of failure in past efforts to obtain approval from MACV and other agencies up the line of authority. The division then asked 13AF to seek permission to photograph targets of opportunity during YANKEE TEAM weather missions. It was not until September that CINCPAC notified COMUSMACV that the rules barring photography had been waived and photos could be taken.

Following several weeks of command and control discussions among CINCPAC, CINCPACFLT and COMUSMACV, the arguments were closed by CINCPAC when, in a message to COMUSMACV, it was stated that the controlling agency for Yankee Team operations would be CINCPAC. Contained in this decision was CINCPAC's statement of YANKEE TEAM rules of engagement: "Reconnaissance flights may be conducted at medium or low-level . . . Retaliatory fire by escorts authorized except against the towns of Sam Neua, Khang Khay or Xieng Knouang. Use of suppressive fire not authorized unless AMEMB Vientiane coordinates and JCS approval is obtained . . . The Air Force continued to press for freedom in applying suppressive fire ahead of reconnaisance flights into heavily defended areas.

By September, the policy had changed only to the extent that approval came from the U.S. Ambassador in Vientiane and CINCPAC.

Another restriction which was detrimental to Yankee Team was the prohibition against use of napalm on escorts. Second Air Division operations personnel considered this to be an outstanding weapon for use against AAA positions, but its use was specifically disapproved. (Use of CBU–2A munitions was authorized by JCS 8899/August 64.)

Rules of engagement appeared to be quixotic—trucks sighted by escorts on Yankee Team missions were immuned to attack, while those same trucks, sighted by Barrel Roll aircraft, could be destroyed.

* * * * *

Steel Tiger missions, begun 3 April 1965, were to be conducted under the same general ground rules as Barrel Roll with a notable exception—napalm could now be used when authorized by the Ambassador to Laos.

Approximately two months after the Steel Tiger operations began, COMUSMACV clarified and consolidated previous message traffic on Barrel Roll/Steel Tiger ground rules for operating units. One of the restrictions, the observance of the two-mile buffer zone, was lifted by the Ambassador to Laos a few days later. The message spelled out the following operating procedures:

Barrel Roll:

1. Choke point missions were authorized to conduct armed route reconnaissance and attack targets of opportunity along all approved routes in both BR and SL areas, in addition to their primary missions.

2. Day reconnaissance missions could crater roads along all approved RLAF route segments in both areas—this included all choke points—to dispose of ordnance in the event weather or other operational factor prevented strikes against pre-briefed targets.

Steel Tiger:

1. Not allowed to penetrate BR areas in search of targets of opportunity.

2. Choke point missions could conduct armed reconnaissance or strikes against targets of opportunity along approved routes in the SL area in lieu of primary targets.

3. Could crater approved roads and choke points, within the area, to dispose of ordnance.

Barrell Roll/Steel Tiger:

1. When operating in the SL area both were directed to comply with strict radar flight-following and navigational procedures.

3. All bridges located within route segments authorized for road cratering could be hit, but bridges outside of these segments could not unless they were assigned as primary targets.

4. Secondary targets could be struck before attacking the primary.

5. Approved areas could be used to dump ordnance. (However, there were no authorized jettison areas in Laos except approved target areas such as roads authorized to be cratered and established choke points.) If emergency required jettison in other than a target location, a "safe" site would be selected and the jettison reported as soon as possible.

As the air strikes worked northward in NVN, a request was made for strikes above 20 degrees. This request was approved commencing with the 11-17 June 1965 Rolling Thunder operations.

On 1 October 1965, all Steel Tiger missions were ordered to be discontinued until further notice by the Air Attache in Vientiane. The ban on Steel Tiger missions also applied to Rolling Thunder flights with alternate targets in the SL area. Barrel Roll missions in Northern Laos were not affected. This stringent action followed on the heels of an unintentional strike in an RLG-controlled area. A flight of SL aircraft, due to a navigational error, strafed a fish trap and a bridge, damaging both and wounding two civilians and four soldiers.

Interdiction operations were curtailed sharply during October. Second Air Division pointed out that difficulty encountered in positively identifying targets and armed reconnaissance routes, and suggested the possible use of RLAF forward air controllers in future Steel Tiger operations, similar to procedures established in the successful Bango/Whiplash close air support program. Early in November, the Air Attache in Vientiane informed CINCPAC that he was making every effort to get General Ma to remove the restrictions placed on Steel Tiger by convincing him that the weight of effort needed along Route 92, east of Saravane, was beyond RLAF capability. However, he said that he hesitated to predict when SL missions could be resumed.

The restrictions placed on Steel Tiger operations were lifted later in November. On the 22nd of that month, 2d Air Division, after recounting several minor infractions of the SL ground rules, directed the tactical fighter wings involved to make an immediate review of targeting for the heavy schedule for 22 November. Brigadier General George P. Simler, Director of Operations, 2d Air Division, told responsible commanders, ". . . Air operations in Laos are extremely sensitive. It is absolutely imperative that your aircrews do not expend munitions outside of approved areas. There have been six instances since 20 November that violated the rules of engagement. Laos is being utilized as a staging base for NVN (North Vietnam) military personnel and supplies into SVN (South Vietnam). Continued violations will jeopardize U.S. authority to attack enemy forces before they can engage our ground forces. You are responsible for the conduct of your strike crews and their compliance with (the) rules of engagement. There is no excuse that is acceptable for any attack outside an approved area . . ."

SAR operations, at this time, were also affected by restrictions on suppressive fire. If a pilot of an SAR aircraft flying low cover believed that a downed airman was endangered by ground activity he had authority to attack. He could also attack AAA positions, in a flak suppression role, while helicopters were attempting recovery. No other authority for suppressive fire was indicated.

At this time, the southern half of the Steel Tiger area was reconstituted as Tiger Hound in an effort to speed up the validation of targets sighted in that region.

A special set of rules applying to Barrel Roll/Steel Tiger, since the beginning of those operations, were extended to Tiger Hound. Aircraft employed on these missions were permitted unlimited armed reconnaissance along all motorable roads within a specified area of the Laos panhandle but only targets of opportunity within 200 yards of the road could be struck. Targets beyond this 200 yards limit or anywhere outside the specific geographical area could only be struck if they had previously been approved RLAF targets, or were targets marked by RLAF FAC's. Infiltration trails or way-stations could not be attacked and napalm could not be employed.

Ambassador Sullivan (Laos) made it clear that there would be no relaxation of the rules of engagement and proposed to confine efforts to the special zone east of a line from the intersection of Cambodia, Laos, and South Vietnam to UTM coordinate XD 8716.

The rules of engagement and the restrictions on targets in the Tiger Hound, Steel Tiger, and Barrel Roll programs were slowly being moderated, as indicated by a JCS message of 3 December in which the Joint Chiefs stated that Washington's approval was no longer required for preplanned missions.

As things stood, however, all planned targets had to be coordinated and validated by AMEMB/USAIRA Vientiane and placed in one of three categories: Priority Alpha—All targets having some residual value that may be attacked without further Vientiane coordination except inclusion in the daily OPREP 1; Priority Bravo—Inactive status, those targets already destroyed, abandoned or having very low residual value; Priority Charlie—Hold status, those targets that may not be struck for political or military reasons.

Although Tiger Hound aircraft were allowed to perform unlimited armed reconnaissance along the roads and motorable trails within the TAOR, they could not hit villages or built up areas, regardless of military value, without having that target validated by Vientiane or the RLAF. Even with the elaborate communications equipment aboard the ABCCC, including the single side-band radio, target validation took an agonizingly long time. In early December, it was proposed that the system be streamlined. Authority was obtained to have two RLAF officers attached to the Tiger Hound task force, to ride in the C-130 ABCCC and act as observers, with on-the-spot approval authority for any targets detected. Colonel Groom said:

". . . This has worked out very successfully to date—much better than we thought at first. If the Lao observer is in doubt whether to strike the target or not, he has a single side-band radio capability and can call the Laotian Air Force headquarters and have them make the decision. When we first started the program, this happened many times, but since we have been working some months in the area and the people have become more acquainted with the area, we have received approvals almost immediately. . . ."

In the closing months of 1965, the rules of engagement governing strike operations in North Vietnam (Rolling Thunder) included the following:

a. JCS targets previously struck could be re-struck without prior authorization (excluding locks, dams, and that portion of Target 52 which was formerly Target 38).

b. Strike sorties were limited to 1200 for each 14-day cycle, with additional sorties authorized if necessary to destroy SAM installations, trucks, rail stock or NVN naval craft.

c. Military targets of opportunity, in the vicinity of target areas (and crafts or units firing upon aircraft enroute to or from missions) to be destroyed.

d. Targets of opportunity situated outside the armed reconnaissance area were not to be struck if within 25nm of China border, 30nm from the center of Hanoi, or 10nm from the center of Haiphong.

e. Those JCS targets authorized in paragraph "a", above (and with the same exclusions), could be attacked by aircraft returning from missions (including Barrel Roll and Steel Tiger aircraft overflying NVNO if those targets lay in the armed reconnaissance area and were suitable as jettison areas.

f. Aircraft overflying Laos were authorized attack on RLAF targeted road segments in Laos.

g. Pre-strike, concurrent and post-strike reconnaissance authorized.

h. MIGCAP, screen aircraft, and other appropriate elements were directed to engage in combat (including SAM suppression) when required to protect strike forces.

i. When engaged in immediate pursuit, U.S. were not authorized to attack NVN air bases from which enemy aircraft were operating.

j. Attacks on populated areas to be avoided during strikes against any target (including those developed by armed route reconnaissance).

k. Flight paths of strike and armed reconnaissance missions to be planned so as to preclude approaching closer than 20nm to the China border.

l. CINPAC was authorized to assign alternate missions to Barrel Roll and Steel Tiger aircraft in the Rolling Thunder area.

EPILOGUE

U.S. military operations in Southeast Asia have been marked by a variety of political and operational constraints. Self-imposed restrictions on the application of military power is almost certain to remain an essential feature of our national policy. The nature of the conflict in Southeast Asia and the policy objective of conveying to the enemy the limited nature of our response, even while we conduct air strikes on his territory, require careful consideration of the restrictions to be adopted. A constraints policy must be fashioned which will minimize the risk of major escalation but which also will permit use of enough measured force to assure attainment of our objectives—to check NVN support of insurgency in South Vietnam and Laos.

The rules established for conduct of air operations to date have taken a number of forms. These have included geographic and political restraints; limitations on the size, frequency and altitude of flights; and restrictions on weapon types employed. In combination, they have posed a challenging, sometimes frustrating succession of problems for the commanders and staff officers charged with the planning and conduct of an effective campaign. Gradual modification of the constraints policy has occurred during the reporting period and some of the more restrictive rules which applied to earlier armed recce and strike missions have been relaxed. Several of the constraints that still exist, however, limit the capability of our forces to conduct a campaign that

will achieve the desired objective. The repeated discussions and exchanges which have been generated at all levels by these constraints have centered mainly on the specific proscriptions rather than on the fundamental policy considerations which underlie them.

GLOSSARY

AAA—Antiaircraft artillery.
ABCC—Airborne command and control center.
ACG—Air Commando Group.
ACS—Air Commando Squadron.
ACW—Air Commando Wing.
AD—Air Division.
ADVON—Advanced Echelon.
AIRA—Air Attache.
AMEMB—American embassy.
AOC—Air Operations Center.
ARVN—Army of the Republic of South Vietnam.
ASOC—Air Support Operations Center.
BDA—Bomb damage assessment.
BR—Barrel Roll mission.
CAP—Combat air patrol.
CBU—Cluster bomb unit.
CHICOM—Chinese Communist.
CHMAAG—Chief, Military Advisory and Assistance Group.
CINPAC—Commander in Chief, Pacific Area.
CINCPACAF—Commander in Chief, Pacific Air Forces.
CINCPACFLT—Commander in Chief, Pacific Fleet.
COIN—Counterinsurgency.
COMUSMACTHAI—Military Advisory chief, Thailand (MACTHAI).
COMUSMACV—Military Advisory Chief, South Vietnam (MACV).
CRP—Control and reporting post (CRC—Control and Reporting Center).
DOD—Department of Defense.
DRV—Democratic Republic of Vietnam (North Vietnam, NVN).
ELINT—Electronic intelligence.
FAC—Forward air controller.
FAR—Laotian ground forces.
GVN—Government of South Vietnam (SVN).
ICC—International Control Commission.
JCS—Joint Chiefs of Staff.
JGS—Joint General Staff (South Vietnam).
JOC—Joint Operations Center.
MACTHAI—See COMUSMACTHAI.
MACV—See COMUSMACV
MIGCAP—MIG defense combat patrol.
Navaid—Navigational aid.
NVN—North Vietnam.
OPREP—Operations report.
PACAF—Headquarters, Pacific Air Forces.
PDJ—Plaine des Jarres (Plain of Jars, Laos).
PL—Pathet Lao.
RA—Reconnaissance/Attack.
RB—Reconnaissance/Bomber.
RESCAP—Rescue combat patrol.
RF—Reconnaissance/Fighter.
RKG—Royal Cambodian Government.
RLAF—Royal Laotian Air Force.
RTF—Reconnaissance task force.
RVN—Republic of South Vietnam.
SAM—Surface to air missile.
SAR—Search and rescue.
SEA—Southeast Asia.
SL—Steel Tiger mission.
TAOR—Tactical area of responsibility.
TFG—Task Force Group (Naval Carrier).
TSN—Tan Son Nhut Air Base, South Vietnam.
VC—Viet Cong.
VM—Viet Minh.
VNAF—South Vietnamese Air Force.●

SELF-EMPLOYED HEALTH INSURANCE PREMIUMS

● Mr. PRYOR. Mr. President, on February 6, 1985, the Senator from Iowa [Mr. GRASSLEY] along with eight other Members of the Senate, introduced S. 419. This bill would amend section 162 of the Internal Revenue Code to allow self-employed taxpayers—like farmers and small businessmen—to deduct one-half of the cost of their health insurance premiums for Federal income tax purposes. I was pleased to join Senator GRASSLEY as an original cosponsor of S. 419, and I wanted to take a few minutes today to express the reasons why this bill should be adopted.

Mr. President, an inequity now exists with regard to health insurance coverage that would be corrected, at least partially, by the enactment of S. 419. A person employed by a company is frequently covered by a health insurance policy, the premiums of which are paid by the employer. This health insurance coverage is one of the most basic employer-provided benefits, and I believe it has served our country and millions of workers very well over the years. Under existing law, Mr. President, the employee has no income due to the health insurance premiums paid by the employer. Even though the administration has proposed that these premiums be taxed to the workers, Congress has wisely rejected this idea. So, Mr. President, a worker and his family covered by a group health policy paid for by the employer receives this coverage on a tax-free basis. This has been a longstanding policy of this Government.

The problem, however, involves a self-employed person, like a farmer or businessman. These people, Mr. President, pay for the cost of health care coverage for themselves and their families, but they do so on an after-tax basis. In other words, they do not get a deduction for any portion of their health insurance premiums.

Prior to 1983, an individual could deduct one-half of his health insurance premiums, up to an annual limit of $150, on schedule A. The remaining premiums went into the calculation of whether or not the taxpayer's medical expenses exceeded 3 percent of his adjusted gross income.

In the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA, Public Law 97-248), an act which I opposed, changes were made in this area. The $150 annual deduction for health premiums was repealed. Also, the threshold for deductibility of any medical expenses was raised from 3 percent of adjusted gross income to 5 percent of adjusted gross income. Now, Mr. President, all health premiums are included in the calculation to determine if the 5 percent of AGI threshold is met, but as a practical matter we have essentially abolished the ability to deduct any health insurance premiums. This has been especially harmful to self-employed persons.

The bill which was introduced (S. 419), and which I strongly support will simply allow these self-employed people to deduct one-half of their health insurance premiums in arriving at their taxable income. It will restore partial equity in this important tax and health care area, and I believe the bill is a reasonable one. I am pleased to be a cosponsor, and I look forward to working with the Senator from Iowa, and others, on this issue of importance to many farmers and small businessmen.●

RADIO MARTI

● Mr. CHILES. Mr. President, I believe that the Cuban people have a right to hear the truth and that there is no better way of conveying the truth to them than through the broadcasts of Radio Marti.

My constituents are frustrated and skeptical over the delay encountered in setting up Radio Marti. They are frustrated that it has taken over 16 months to set up this long awaited radio station. Cuban Americans are skeptical of the administration's talks with the Cuban Government and of press accounts reporting the conciliatory tone of recent remarks by Fidel Castro.

Let me state that Radio Marti is not to be placed on the negotiations table. It should not become a bargaining chip in the talks with Fidel Castro. The Congress entrusted Radio Marti with an important responsibility—the same responsibility that is being carried out successfully by our Government-sponsored radio stations—Radio Free Europe and Radio Liberty. Both serve the people of Eastern Europe and the Soviet Union by providing them with reliable news and informative programs. There is no reason why Radio Marti should not do the same for the people of Cuba.

Recent gestures by Fidel Castro have been heralded as signs that the Cuban leader is mellowing, that he is ready to improve relations. Let us not be taken in by the words of Fidel Castro. We have heard them before. These recent gestures should be viewed with skepticism. Pretty words have always come cheaply to Fidel Castro. He will tell you exactly what you want to hear, but only when it is most convenient for him to say them. With a Cuban economy that is worsening and Soviet aid that has been stretched to its limit, of course Fidel Castro is talking.

While pretty words come easily, action speaks much louder. Cuba's agreement to take back the criminals sent to us during the Mariel boatlift is a welcome step, but it has a hollow ring to it. Whom are we kidding? Of

course Cuba should take them back—it was the Cuban Government who shipped them to the United States in the first place. The Cuban Government emptied out its jails, opened up its mental institutions and shipped its undesirables onto our shores. I am relieved that they are taking back their excludables, but I have long believed that they should have never sent them to us in the first place.

I wonder if the Cuban people know of their Government's unique immigration policy? A policy of issuing "instant visas" to hardened criminals and mental patients. I wonder if they are aware of the havoc wreaked by their government's defiance of our immigration laws and of our new resolve to enforce stricter control of our own borders? And of our resolve to ensure that another Mariel does not happen again? If Radio Marti were operational, Cubans would have access to this information. They would know the truth. More important, they would know their Government's lies.

Mr. President, it has been over 16 months since the Congress approved Radio Marti and recognized the Cuban people's right to the truth. I believe the Radio Marti's message needs to be heard loud and clear and soon. We must not deny this information to the people of Cuba.●

ORTHODOX UNION OPPOSES APARTHEID

● Mr. MOYNIHAN. Mr. President, Sidney Kwestel, president of the Union of Orthodox Hebrew Congregations of America, recently issued a formal statement on behalf of the Orthodox Union which ought properly to take its place among the most fervent and heartfelt of denunciations of the abominable racial doctrine of apartheid that is the law of the land in South Africa.

Noting that "as Jews we are particularly sensitive to the tragic consequences of racial and religious persecution," the union with this statement joins the millions of other Americans who are protesting the Republic of South Africa's policy of apartheid.

I commend the statement by Mr. Kwestel to the attention of my colleagues, and ask that it be printed in full in the RECORD at this point.

The statement follows:

ORTHODOX UNION PRESIDENT PROTESTS SOUTH AFRICAN POLICY OF APARTHEID

Sidney Kwestel, president of the Union of Orthodox Jewish Congregations of America, issued the following statement in response to the heightened protests against apartheid:

Racial discrimination is anathema to the Jewish tradition. To differentiate between people on the basis of race or color is contrary to the letter and spirit of both prophetic and rabbinic teachings which stress that all human beings are created in the "Image of the Creator." As Jews we are particularly sensitive to the tragic consequences of racial and religious prejudice and are committed to speak out against such practices wherever they appear, whether it be against the Bahai in Iran or our fellow Jews in the Soviet Union or in Syria.

It is in this light that we add our voices to those of millions of other Americans who are protesting the Republic of South Africa's policy of apartheid.

We call upon all Americans to assist in those responsible efforts that seek to persuade the South African authorities to work toward ending these discriminatory practices.

We pray for the day when all people will be permitted to live in true freedom and when legal and extralegal differentiation based on color or race will cease to pollute human society.●

COMDR. CHAD COLLEY, DISABLED AMERICAN VETERANS

● Mr. PRYOR. Mr. President, I number Chad Colley in my good friends among American veterans. Chad is currently national commander of the Disabled American Veterans and comes from Barling, AK. He knows our veterans and he knows veterans' issues.

I was pleased, Mr. President, to see that in February Chad Colley wrote an article for the Disabled American Veterans magazine endorsing the position that we need Cabinet-level status for the Veterans' Administration. This is a position I have taken for a number of years. In fact, I have been a cosponsor of this measure in the past, and I am privileged to join my colleague Senator THURMOND when he reintroduces the bill.

Chad Colley's arguments are cogent and clearly stated and directly to the point. Here is one selected passage I endorse entirely:

The VA is faced with major changes in its role. The future holds the promise of difficult decisions that can only be made with the full support of government—from the White House to Congress. And that full support won't be forth-coming so long as the VA is burdened with second-class status in the White House.

Mr. President, the VA must have the attention and status it deserves. I continue to take this position, and I ask that Mr. Colley's article by printed in the RECORD at this point. He says it better than anyone.

The article follows:

CABINET-LEVEL STATUS FOR THE VA

(By Chad Colley)

Later this month, President Reagan is expected to submit the Administration's proposed budget for fiscal year 1986 to the Congress. Some of the provisions of that proposal will have been dropped by the time it reaches Congress, while other ideas will have been added.

It'll be a different document than that first discussed in early December as a result of the President's Cabinet members' comment and criticism. Each department head, from the Secretary of Defense to the Secretary of Energy, has had the opportunity to fine tune those recommendations.

In face-to-face meetings with the President, they've made their recommendations, identified flaws in the proposals and, to a large extent, been able to win the White House over to their perceptions of how each department's budget should be formulated.

Cabinet members meeting with the President they serve. That's how it should be. And that's why these experts in their respective fields were brought into the government in the first place.

But that's not how it is for the head of the largest agency in the federal government. VA Administrator Harry N. Walters is not a member of the President's Cabinet. Therefore, he has no formally established direct access to the President. He's a man who's been tapped to represent the best interests of this nation's more than 28 million veterans and their 66 million dependents and survivors. Yet Harry Walters can only hope his ideas will be heard by the President.

Yes, Walters did meet with the President. But was he on an equal footing with the President's other advisors? Was his access the same, for example, as the Secretary of Commerce, who manages a budget only one-twelfth the size of the VA's?

We don't think that the Administrator of Veterans' Affairs should go hat-in-hand to see the President only when some White House official decides that it's OK.

The Administrator and this nation's veterans deserve no less attention than America's natural resources, parks, education or transportation.

In spite of the Administrator's best efforts, it seems everyone but him is being given the opportunity to advise the President on how the VA should be funded.

As a result, this year is no different than years past. The President is once again proposing a VA budget that contains foolish, impractical or inappropriate recommendations for the agency and the programs it administers.

The plans represent the short-sighted solutions of people who have no real knowledge of the VA, save that they find it a handy target for cuts. As such, there are plans, in many instances, that were formulated without the VA administrator's knowledge, let alone endorsement.

Cabinet level status for the VA is needed now more than ever. Such a move by the President wouldn't cost the government anything, but it would have a great impact on how the system is run. And running the system right is going to get tougher and tougher as the years go by.

The VA is faced with major changes in its role. The future holds the promise of difficult decisions that can only be made with the full support of government—from the White House to Congress. And that full support won't be forthcoming so long as the VA is burdened with second-class status in the White House.

Congress already agrees with the need to elevate the administrator to Cabinet level status. Public Law 98-160, "The Veterans Health Care Amendments of 1983," expressed the sense of Congress that, due to the importance of the VA's mission and the size of the agency, the Administrator of Veterans' Affairs should be designated by the President as a member of the Cabinet.

Shortly after the measure's passage, Congressman G.V. "Sonny" Montgomery wrote the White House and told the President, "I hope you will move swiftly to carry out the recent sentiment expressed by the Congress. In addition, and more importantly, I would

urge you to go further and send to Congress a legislative proposal to upgrade the VA from an independent agency to an executive department."

The House Veterans' Affairs Committee chairman also countered White House claims that such a move would represent an expansion of the government. "To elevate the status of the administrator to Cabinet level status and establish the VA as a department cannot be interpreted as an expansion of government. The structure is already in place; the agency exists; the cost would be minimal . . . practically nonexistent."

To date, Congress's request has fallen on deaf ears. More than one-third of this nation's population—veterans, their dependents and survivors—are without senior representation on the President's Cabinet. They are without a full voice in the operation of the federal government.

As you read this, mistakes are being made concerning the VA that will be tough to correct in the future.

They're being made because VA chief Harry Walters is locked out of the White House.

And the agency he runs will once again be jerked from its smooth course by people who don't understand the VA and the people it serves.

Congress has willed Cabinet-level status for the VA. The American people have the duty to demand full representation for this nation's largest federal agency.

And veterans have fought for the right to be heard at the highest levels of government.●

ORDER FOR STAR PRINT—S. 46

Mr. DOLE. Mr. President, I ask unanimous consent that there be a star print of S. 46, in order to make technical modifications in the bill unrelated to its substantive provisions, and I send to the desk a revised copy of S. 46 in the form in which it is to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 47

Mr. DOLE. Mr. President, I ask unanimous consent that there be a star print of S. 47, in order to make technical modifications in the bill unrelated to its substantive provisions, and I send to the desk a revised copy of S. 47 in the form in which it is to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 492

Mr. BYRD. Mr. President, I ask unanimous consent that S. 492 be star printed to reflect certain changes, which I send to the desk. I do this on behalf of Senator BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I send to the desk for inclusion in the RECORD, a statement by Mr. BIDEN relating to this legislation.

LAW ENFORCEMENT AND INVESTIGATIVE OFFICERS CIVIL LIABILITY PROTECTION ACT

● Mr. BIDEN. Mr. President, today I am again introducing legislation which will provide greater protection from civil liability for Federal law enforcement and investigative officers as they do their jobs. This bill will also expand the responsibility and liability of the Government to the victims of wrongful conduct. My bill has the support of the Society of Former Special Agents of the Federal Bureau of Investigation, Inc. and I look forward to it receiving careful consideration by my colleagues.

Ever since 1971 when the Supreme Court handed down its decision in the case of Bivens versus Six Unknown Named Narcotics Agents, the Department of Justice and several of us on the Judiciary Committee have been grappling with the difficult question of the scope of the Federal Government's liability for the acts of its law enforcement officials. In that case the Court decided that Congress never created a specific remedy in statute that the victim of an unconstitutional action by a Federal law enforcement official had a cause of action against the official or agent in their personal capacity.

The Supreme Court decision does not affect the liability of the Government per se which is immune from suit through the Doctrine of Sovereign Immunity. Of course Congress can waive the doctrine as it has for certain torts, for example, a postman running into a pedestrian, in the Federal Torts Claims Act. Congress has never amended the act to cover all the so-called constitutional torts covered by the Bivens case.

So the present state of the law creates the following rather anomalous situation. The victim of an illegal or unconstitutional search can sue the agent for a violation of his fourth amendment rights but cannot sue the Government itself pursuant to whose authority the search was conducted. The victim usually does not want to sue the agent because, first the agent does not have the resources to pay the damages and furthermore there is a certain injustice in suing the agent who was probably acting pursuant to orders from a higher authority in the Government.

The solution satisfied no one. The victims do not have a defendant with resources to sue. The agents and their families are traumatized by the prospect of civil liability for any action they take and since the Government will not take responsibility for the agents, the agents have to carry huge liability insurance policies even after they leave Government service. The Government, in particular the law enforcement agencies, face severe morale problems among their employees so they have difficulty performing their functions.

A number of us on the Judiciary Committee and representatives of the Department of Justice worked last Congress to develop a scheme which would more equitably share the burden for this problem among the affected parties. One thing everybody working on this problem seemed to agree on was that it is unfair, especially in the law enforcement situation, for the agents themselves to have any liability, except perhaps in the most extreme situation. Therefore, all of the major proposals would create immunity for the agents themselves from any liability, except in the most extreme situation and shifted all the liability onto the Federal Government through amendments to the Federal Torts Claims Act. The disagreement occurred over the question of the scope of the Federal Government's liability for the acts of its agents when they violate the Constitution. I proposed a scheme for such liability for law enforcement violations of the Constitution which the Judiciary Committee endorsed in the 98th Congress.

In essence my proposal totally immunizes Federal law enforcement officials from suit. But it also provides that the Government is liable for the costs of bodily injury and property damages, or liquidated damages of $1,000 to $2,000 whichever is greater unless the employee was not acting in good faith and the tort is a continuing tort such as wiretapping. Then the damages could be as much as $200 per day up to $75,000.

The Chief Justice in his concurring opinion in the Bivens case points out the necessary relationship between the torts claim problem and constitutional torts and the exclusionary rule. The purpose of the exclusionary rule is to provide some remedy by the citizen against the Government for violations of the Constitution by excluding illegally seized evidence. Of course the problem is that the exclusionary rule satisfies no one but the criminal and doesn't help the innocent victims of a law enforcement abuse. As the Chief Justice points out, if Congress would create a tort claims scheme as an alternative to the exclusionary rule then it might be possible to modify the rule itself.

Therefore, once again, we seem to be at an impasse on an issue of tremendous importance to the law enforcement and investigative and civil liberties community. The tragedy is there really is no need for the continued intransigence of both sides. Indeed if the law enforcement and investigative officers and their families on the one hand and the victims of Government abuses on the other were to fashion a remedy, I firmly believe they would agree on something like my bill.

Mr. President, we cannot delay any further the passage of legislation needed to provide greater protection from civil liability for DEA, FBI, and investigative officers and victims of law enforcement mistakes, especially after we in the Judiciary Committee agree on this aspect of the problem. The fact that the Justice Department last year dragged their feet and said they could only support legislation that went across-the-board and included all Government agencies in addition to law enforcement and investigative agencies, should not be reason for us again to delay action on this legislation. As we learned in the 98th Congress when we passed the most encompassing crime reform legislation in 30 years, we should agree on what we agree to now, and save the areas of disagreement for later negotiations.

To be specific, I want to take care of DEA, FBI, and investigative officers and victims of law enforcement and investigative mistakes and frivilous law suits now since we've worked out a scheme for resolving those problems. Quite frankly, I don't understand why this administration would want to place greater limitations upon the ability of a small businessman to recover from the Federal Government for the actions of an abusive OSHA or EEOC inspector. I propose that we take care of the FBI, DEA, and CIA problems today and leave the OSHA- and EEOC-type problems for later. That's exactly what my bill would do.

I might add in conclusion that this bill is not perfect even on the law enforcement issue. I would like to see some more equitable arrangement for damages and attorney's fees established. But I intend to continue to pursue this issue as we consider the bill. I respectfully suggest to Senator GRASSLEY and the Department of Justice that this draft would be a good place to begin in the Judiciary Committee on this long overdue reform.●

ORDER THAT COMMITTEES HAVE UNTIL 6 P.M. TODAY TO FILE REPORTS

Mr. DOLE. Mr. President, I ask unanimous consent that committees have until 6 p.m. today to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Thursday, March 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order there be a special order for not to exceed 15 minutes each for the following Senators: Senator PROXMIRE and Senator BENTSEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. DOLE. Mr. President, following the conclusion of morning business, the Senate could turn to either of the following items; H.R. 1093, Pacific Salmon Treaty Act, Executive Treaty, Pacific Salmon, or perhaps the veto message to accompany H.R. 1096.

Mr. President, I will suggest that there possibly could be one or more rollcall votes tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, the President is expected to veto H.R. 1096, the African relief bill, at 4:15 p.m. this afternoon. Therefore, the veto message will be received in the House of Representatives tomorrow morning. It is my understanding that the House will convene tomorrow at 11 a.m. If the veto message is sustained in the House tomorrow, it will be the majority leader's intention to recess the Senate tomorrow, or Friday, if a Friday session is necessary, over until Monday, March 11, at 10 a.m., for a pro forma session only. No business will be transacted during Monday's session. If the veto message is overridden in the House, all Senators should expect a vote on Thursday, following brief debate on the veto message, by late morning or early afternoon.

Following the conclusion of Monday's pro forma session, it will be the intention of the majority leader to recess the Senate over until Thursday, March 14, at 12 noon. At this point, the legislative schedule for Thursday is uncertain, but it will be a working session of the Senate.

Finally, following the conclusion of the Senate's business on Thursday, it will be the intention of the majority leader to ask the Senate to recess over until Monday, March 18, at 12 noon.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for laying out the program for the next 10 days or more.

I have this question. What is the plan with respect to calling up the urgent supplemental appropriations for African famine relief, H.R. 1239?

Mr. DOLE. I will advise the minority leader at this time that I am not in a position to indicate a precise plan. The matter has been discussed with the distinguished chairman of the Appropriations Committee, Senator HATFIELD. It has also been discussed with the White House representatives. I may be in a position to give you that information tomorrow.

Mr. BYRD. I thank the majority leader.

Is it the majority leader's opinion that the Senate will act on that measure either this week or next and it would not be put over until the week after next?

Mr. DOLE. Again, there is some difference of opinion over whether it is necessary that we act now. We are advised that there may be adequate funds to maintain the present funding for a period of about 3 months. We are seeking clarification of that information.

Obviously, if there is a need, it will be done as quickly as we can do it.

The same is true of S. 457, the so-called African relief authorization. If, in fact, the veto is sustained in either the House or the Senate, it would be the hope of the distinguished chairman of the Foreign Relations Committee, Senator LUGAR, that we might act on that bill yet this week.

Mr. BYRD. I thank the distinguished majority leader.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate now stand in recess until 10 a.m. tomorrow.

Thereupon, at 4:17 p.m., the Senate recessed until Thursday, March 7, 1985, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 6, 1985*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, may not the burdens of the day cause our spirits to lose hope, or the uncertainties of our world make us despair. You have promised, O God, that we are not alone and that Your guidance and strength is with us even in the shadow of death. Fill us with Your loving spirit that we will neither despair nor lose hope, but go forward in the confidence of a sure and certain faith. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GRAY of Illinois. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GRAY of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 144, answered "present" 5, not voting 51, as follows:

[Roll No. 28]

YEAS—232

Ackerman	Boulter	Derrick
Addabbo	Boxer	Dicks
Akaka	Breaux	Dingell
Alexander	Brooks	DioGuardi
Anderson	Brown (CA)	Dixon
Andrews	Broyhill	Donnelly
Annunzio	Bruce	Dorgan (ND)
Anthony	Bryant	Dowdy
Atkins	Burton (CA)	Downey
AuCoin	Bustamante	Duncan
Barnard	Byron	Durbin
Bates	Carper	Dwyer
Bedell	Carr	Dyson
Bellenson	Chappell	Early
Bennett	Coleman (TX)	Eckart (OH)
Berman	Collins	Edgar
Bevill	Conyers	Edwards (CA)
Biaggi	Cooper	English
Boggs	Coyne	Erdreich
Boland	Daniel	Evans (IL)
Boner (TN)	Darden	Fazio
Borski	Daschle	Feighan
Bosco	Dellums	Flippo
Florio	Lundine	Schumer
Foglietta	MacKay	Seiberling
Ford (TN)	Manton	Sharp
Fowler	Martin (NY)	Shelby
Frank	Martinez	Sisisky
Frenzel	Matsui	Skelton
Frost	Mazzoli	Slattery
Fuqua	McCurdy	Smith (FL)
Garcia	McHugh	Smith (IA)
Gaydos	Mica	Smith (NJ)
Gibbons	Mikulski	Snowe
Glickman	Miller (CA)	Snyder
Gonzalez	Mineta	Solarz
Gordon	Mollohan	Spratt
Gradison	Montgomery	St Germain
Gray (IL)	Moore	Staggers
Gray (PA)	Mrazek	Stallings
Guarini	Murphy	Stark
Hall (OH)	Murtha	Stenholm
Hall, Ralph	Myers	Stokes
Hall, Sam	Natcher	Stratton
Hamilton	Neal	Studds
Hartnett	Nelson	Swift
Hatcher	Nielson	Tallon
Hawkins	O'Brien	Tauzin
Hayes	Oakar	Thomas (GA)
Hefner	Obey	Torres
Hertel	Olin	Torricelli
Horton	Ortiz	Towns
Howard	Owens	Traficant
Hoyer	Panetta	Traxler
Huckaby	Pease	Udall
Hughes	Pepper	Valentine
Hutto	Perkins	Vento
Jenkins	Petri	Visclosky
Johnson	Pickle	Volkmer
Jones (NC)	Price	Walgren
Jones (TN)	Rahall	Watkins
Kanjorski	Rangel	Waxman
Kaptur	Ray	Weaver
Kastenmeier	Regula	Wheat
Kennelly	Reid	Whitley
Kildee	Richardson	Whitten
Kleczka	Rinaldo	Williams
Kolter	Robinson	Wirth
Kostmayer	Roe	Wise
Lantos	Rose	Wolpe
Leath (TX)	Rostenkowski	Wyden
Lehman (FL)	Rowland (GA)	Wylie
Levin (MI)	Roybal	Yates
Levine (CA)	Rudd	Yatron
Lipinski	Russo	Young (FL)
Lloyd	Sabo	Young (MO)
Lowry (WA)	Scheuer	
Luken	Schneider	

NAYS—144

Archer	Davis	Ireland
Armey	DeLay	Jacobs
Badham	DeWine	Jeffords
Barton	Dickinson	Jones (OK)
Bateman	Dreier	Kasich
Bentley	Eckert (NY)	Kolbe
Bereuter	Edwards (OK)	Kramer
Bilirakis	Emerson	Lagomarsino
Billey	Fawell	Latta
Boehlert	Fiedler	Leach (IA)
Brown (CO)	Fields	Lent
Burton (IN)	Fish	Lewis (CA)
Callahan	Gallo	Lewis (FL)
Campbell	Gekas	Lightfoot
Carney	Gilman	Livingston
Chandler	Gingrich	Loeffler
Cheney	Goodling	Lowery (CA)
Clinger	Green	Lujan
Coats	Gregg	Lungren
Cobey	Gunderson	Mack
Coble	Hammerschmidt	Marlenee
Combest	Hansen	Martin (IL)
Coughlin	Hendon	McCain
Courter	Henry	McCandless
Craig	Hiler	McCollum
Crane	Holt	McDade
Dannemeyer	Hopkins	McEwen
Daub	Hunter	McGrath
McKernan	Roukema	Spence
McKinney	Rowland (CT)	Stangeland
McMillan	Saxton	Strang
Meyers	Schaefer	Stump
Miller (OH)	Schroeder	Sundquist
Miller (WA)	Schuette	Sweeney
Molinari	Schulze	Swindall
Monson	Sensenbrenner	Tauke
Moorhead	Shaw	Taylor
Morrison (WA)	Shumway	Thomas (CA)
Packard	Shuster	Vander Jagt
Pashayan	Sikorski	Vucanovich
Penny	Siljander	Walker
Pursell	Skeen	Weber
Quillen	Slaughter	Whitehurst
Ridge	Smith (NE)	Whittaker
Ritter	Smith (NH)	Wolf
Roberts	Smith, Denny	Wortley
Roemer	Smith, Robert	Young (AK)
Rogers	Solomon	Zschau

ANSWERED "PRESENT"—5

Clay	Nowak	Synar
LaFalce	Oberstar	

NOT VOTING—51

Applegate	Fascell	Markey
Aspin	Foley	Mavroules
Barnes	Ford (MI)	Michel
Bartlett	Franklin	Mitchell
Bonior (MI)	Gejdenson	Moakley
Bonker	Gephardt	Moody
Boucher	Grotberg	Morrison (CT)
Broomfield	Heftel	Nichols
Chappie	Hillis	Oxley
Coelho	Hubbard	Parris
Coleman (MO)	Hyde	Porter
Conte	Kemp	Rodino
Crockett	Kindness	Roth
de la Garza	Lehman (CA)	Savage
Dornan (CA)	Leland	Weiss
Dymally	Lott	Wilson
Evans (IA)	Madigan	Wright

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that today when the Houses meet in joint meeting to hear an address by the Prime Minister of the Republic of Italy, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of February 21, 1985, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 27 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE HONORABLE BETTINO CRAXI, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ITALY

The SPEAKER of the House presided.

The Doorkeeper (Hon. James T. Molloy) announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the Prime Minister of the Republic of Italy into the Chamber:

The gentleman from Texas [Mr. WRIGHT];

The gentleman from Washington [Mr. FOLEY];

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Florida [Mr. FASCELL];

The gentleman from New York [Mr. ADDABBO];

The gentleman from Illinois [Mr. ANNUNZIO];

The gentleman from New York [Mr. BIAGGI];

The gentleman from Illinois [Mr. RUSSO];

The gentleman from California [Mr. PANETTA];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from New York [Mr. KEMP];

The gentleman from Michigan [Mr. BROOMFIELD];

The gentleman from Massachusetts [Mr. CONTE]; and

The gentleman from California [Mr. LEWIS].

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the Prime Minister of the Republic of Italy into the House Chamber:

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Alaska [Mr. STEVENS];

The Senator from Indiana [Mr. LUGAR];

The Senator from New Mexico [Mr. DOMENICI];

The Senator from New York [Mr. D'AMATO];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from West Virginia [Mr. BYRD];

The Senator from Vermont [Mr. LEAHY];

The Senator from Maryland [Mr. SARBANES];

The Senator from Rhode Island [Mr. PELL]; and

The Senator from New York [Mr. MOYNIHAN].

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d' Affaires of foreign governments.

The Ambassadors, ministers, and chargés d' Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 5 minutes a.m., the Doorkeeper announced the President of the Council of Ministers of the Republic of Italy.

The President of the Council of Ministers of the Republic of Italy, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the great honor of presenting to you the President of the Council of Ministers of the Republic of Italy.

[Applause, the Members rising.]

ADDRESS BY THE HONORABLE BETTINO CRAXI, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF ITALY

(President CRAXI addressed the joint meeting in Italian. The English translation of his address follows:)

Mr. Speaker and Mr. President, distinguished Members of Congress,

It is a very moving experience for me to speak before this joint session of the Congress of the great, free and noble American nation.

I know that the invitation you extended to me reflects the importance of the bond of friendship between the United States and Italy, and that it is also a reaffirmation of the high esteem you harbor for the Italian Nation.

The alliance with the United States remains one of the essential foundations of our international relations system. An alliance freely chosen, freely confirmed, founded first of all upon the consideration of the profound values of our common civilization, of your love for liberty, of the strength of your democracy.

There is a sharing of culture and values between the United States and Italy which has ancient roots. It dates back to our Risorgimento, which, like the American Revolution, in its purest expressions, drew always inspiration from the purpose to place the unity and the independence of the nation at the service of the fundamental freedoms of the individual.

This sharing of ideals was at the basis of the deep friendship between Thomas Jefferson and Filippo Mazzei, and it found concrete manifestation in the contribution of that Tuscan scholar to the drafting of the Declaration of Independence of the United States.

There is in American history a great tradition in the defense of the principles of liberty. It has its strong roots in the conscience of your country. Many European politicans erred in their estimates of what the United States would have done in the face of the First and then the Second World War. Theirs were shortsighted calculations. They did not understand just how attached the American democracy was to the democracy of the old world, which had been an inspiration for America from its very birth as a nation.

Again and again in the history of the American democracy we see emerging an impetuous current of idealism, which we got to know, esteem and love—a great sense of life, an extraordinary spirituality, and an ever alert consciousness that any strike against liberty is a strike against America. To this spirit of yours, I offer the words voiced by a great Italian, who died as an exile because of his love for freedom, Filippo Turati: "All freedoms are united; an offense to one is an offense to all of them."

A special bond unites Italy to America. It is constituted by the millions of emigrants who came from our land to this country and took part in the great human phenomenon which witnessed the merger and unification of so many cultural roots in the creative process of a great nation.

We are pleased that also the Italians have made their contribution to this process through our typical characteristics of a young and ancient people; hard work, tenacity, talent, and human as well as family solidarity. We are pleased that the descendants of our emigrants have been able to emerge as one of the most vital and active components of the great and pluralistic American society. Coming from the land of their fathers and of their mothers we are proud to be able to offer them an always better, more modern, more progressive, more civil image of today's Italy.

My presence here is already an implicit acknowledgement on the part of the American people of what Italy represents: a nation among the freest, side by side with you and with the other free nations, committed to the defense and the development of the values of a common civilization.

Forty years ago, Italy was a wounded, devastated country. Today she stands among the major industrialized democracies in the world.

This was a great success achieved by the Italian people, through hard work and sacrifices, thanks to their genius and creativity, their firm determination to defend their rewon freedom.

Your help in the most trying circumstances was not in vain.

This economic and social process took place with a growing degree of integration of the Italian economy in the international economy. Today the Italian economy is one of the most open economies in the world. It is therefore very much interested in an ever increasing intensification of international financial and trade relations in conditions of stability. Every factor of instability and disorder has negative effects on our economic life, increasing the difficulty and the complexity of our problems. It is in the common interest of all industrial democracies that persistent imbalance factors be reduced under conditions of continuing economic growth.

It is in the interest of all Western democracies to avoid the possibility of a worsening of imbalances between countries and within countries. Everyone must be placed in a position to be able to take full advantage of the new technologies in which your country is in the vanguard.

We, on our side, intend to respect all the goals which we have set ourselves and to meet the expectations of our friends, both those who are stronger and richer than we are, as well as those who are not as strong and as rich as we are but who do count on us for their progress.

We are sure to be able to perform the tasks before us.

We have won a hard-fought battle against terrorism. It has left behind a wake of blood and grief, in the tragedy of those "years of lead," which we cannot cancel from our memory. But they cannot come back anymore.

With equal firmness, we face the assaults and the threats of a new international terrorism and the other phenomena which threaten civil society, such as organized crime and drug traffic. In this struggle, cooperation between Italy and the United States is of invaluable help; a complete, effective, courageous cooperation which has already produced positive and concrete results, thereby rewarding the decision President Reagan and I made in 1983 to undertake a joint effort aimed at carrying further on the fight against criminal enterprise.

In international life, we consider peace the absolute and supreme value; we work for peace founded on security for all, in the fundamental respect of the independence of States and people.

In the Atlantic Alliance, Italy wishes to continue to be a loyal and convinced partner. Our intent is based on the conviction that the security of Western Europe and North America is indivisible and it can only be guaranteed by strengthening the bonds which unite us.

Mutual respect, equal dignity, common values have built among the free countries of the West a political, civil, and military solidarity without precedent in history. It allows every nation to pursue in a climate of security the free planning of its own development and the free protection of its own interests.

We have accepted the deployment of the Cruise missiles on our territory within the framework of a common assessment concerning the necessity to reestablish the balance of forces in Europe. At the same time we have encouraged all possible initiatives leading to negotiations in the field of the control of armaments and to the reopening of a dialogue between the United States and the Soviet Union.

But the bonds of alliance and friendship with the United States have also taken us beyond the European borders of the alliance and brought us side by side with you in crisis areas like the Middle East.

In Beirut, for long months the Italian soldiers have stood side by side next to your soldiers, working together in a spirit of brotherhood in order to safeguard peace.

In the Sinai, our soldiers and yours perform together an important mission and this collaboration parallels that between our navies in the Red Sea at the very mouth of the Mediterranean Sea. Italy lies at the center of the Mediterranean Sea and her history for 2,500 years has been linked to the history of that sea.

Today, the Mediterranean Sea has once again become one of the troubled crossroads of international politics and the theater of multiple tensions as well as dangerous crises.

We would therefore like to see soon the beginning of a genuine movement toward lasting peace between the Arab and Israeli peoples. We would like to see a solution of the Palestinian problem taking shape within a context of security for all the states of the area and of justice for all the peoples involved.

The Mediterranean Sea should become a great area of peace, one of the major meeting points between the industrialized countries and the developing countries. This is the true direction of our efforts, a direction which we sustain, constantly increasing the share of our budget which is devoted to the aid for developing countries; in particular, we are focusing our efforts on the African countries which are today besieged by hunger.

We start from the conviction that the great inequalities today existing in the world are the real, true "social question" of the last part of this century and of the years beyond.

The free western countries which are in the vanguard of progress and development share the fundamental and unavoidable duty of helping the poorer countries, progressively increasing the effort to assist them and to reduce the existing inequalities in the world.

Likewise the free western countries also share a common duty of solidarity whenever faced with legitimate demands for freedom.

I am coming from Montevideo where we have participated in the joyful festivities which have marked the return to freedom and democracy of that very civilized country, after 11 years of military dictatorship.

I think that all democratic countries, because of their love for Latin America, should coordinate their efforts and join their energies to try to stop every authoritarian tendency and every unjustified recourse to violence. They should not tolerate those dictators who at times speak in the name of the western world although they have nothing in common, and cannot have anything in common with western free democracies.

Above all others, there is the request for freedom of the Chilean people, a people with civilized and democratic traditions which has a right to free elections. And this request needs the unconditional support of all of us.

My visit to Washington and the talks I have had with President Reagan took place at a particularly important moment for security and peace in the world, on the eve of renewed negotiations on arms control with the U.S.S.R.

Reopening the negotiations was a wise and right decision, greeted everywhere with a feeling of relief and hope. The Italian Government expressed a very positive judgement, which I wish to reconfirm to you today.

The dialogue with the East represents an essential channel to avoid the risks of a conflict and to build, in a climate of security, a good and solid peace. All of us want to believe in the possibility that one day we will succeed in eliminating the risks of war and of a nuclear conflict.

No one is happy that peace is defended by ever more dangerous weapons. We all wish that our security and the world stability would no longer

depend upon the reciprocal massive destruction capabilities of the two blocs. But today it is still necessary that our deterrent capacity be strong and that it be updated as the progress of science and technology continues relentlessly. We view with interest the research program for the strategic defense initiative announced by President Reagan. Such a program appears to us as completely compatible with the existence of the ABM treaty, which must nevertheless continue to constitute an important reference point in the future negotiations in Geneva. I think that any future result and application should fall within the field of the negotiations, in view of the necessary solutions to be agreed upon.

Italy considers the friendship and the alliance with America as an inseparable aspect of its policy aimed at the construction of European unity.

There is no conflict, for us, between Europeanism and Atlanticism. We consider the relationships of friendship and cooperation between Europe and the United States as indissoluble and permanent. A united and continuously progressing Western Europe will exert a peaceful and positive attraction, showing to the peoples of Eastern Europe the superiority of the values of liberty.

The process of European construction proceeds even among difficulties and uncertainties. The most urgent task is that of the inclusion of Spain and Portugal in the Community, bringing into being an essential political design for an ever closer union among the free peoples of the old continent. We also wish to bring about a better coordination of our economic policy actions, and a better European coordination of the monetary policy in the necessary correlation with that of the United States.

Europe intends to broaden the cooperation in the advanced sectors of industry and technology, but in this field also the relationship with the United States is of essential and decisive importance. In Europe we all face the unemployment problem. It is the great problem and the great troubling unknown of these years. We must reverse negative tendencies, remove rigidity and obstacles, tie together the capacity of modernization and development with the creation of job opportunities.

A united, strong, and prosperous Europe means greater security. Cannons and the certainty of one's own strength are not the only vehicles of peace. Peace also travels through trade and cultural exchange, through aid, cooperation, justice, and social stability.

A great American President, Franklin Delano Roosevelt, in a memorable address, taught us that there can be no individual liberty where economic indepencence is lacking: "Needy men are not free men." "Benevolence and truth shall meet, justice and peace shall embrace" reads the Book of Psalms.

Prosperity nourishes desires which serve as a positive thrust leading to new conquests and even greater prosperity. Among the desires, let us bring about an increase in the one for a greater and more certain peace based on justice and equality for all the world: then swept away before us shall we see so many mistaken myths and the legion of erroneous convictions which still arm peoples and set them one against the other in such an inhuman way.

Mr. Speaker, distinguished Members of Congress, Italians and Americans have the same faith, honor the same values, defend together the most valuable assets, peace and liberty. We understand each other. Ours is a valuable relationship. Let us preserve it, and in the interest of our peoples, let us make this ancient friendship always stronger.

In an heroic era, characterized by great passions and great ideals, America extended its hospitality to a great Italian political exile, who fought for liberty and democracy in Italy and in America and who conceived always liberty as an indivisible heritage of all people—Giuseppe Garibaldi. President Lincoln offered him a military command at the time of the Civil War. In the noble letter the Italian general sent in answer, he spoke of his love for his country and for the "great friendly nation."

In the same spirit, today I convey the greetings of Italy to the representatives of the "great friendly nation."

[Applause, the Members rising.]

At 11 o'clock and 32 minutes a.m., the President of the Council of Ministers of the Republic of Italy, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 34 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 12 o'clock noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MURTHA] at 12 o'clock noon.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A TRIBUTE TO A GREAT BLACK MAN, CHARLES R. HADLEY

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, yesterday I had the sad duty of attending the funeral of one of my most beloved friends, the Honorable Charles R. Hadley in my district. Therefore, I was not able to be here.

Mr. Speaker, the Honorable Charles R. Hadley was a black man who was to me like a brother. For almost 50 years he and I had worked together since I first got him a scholarship at Florida A&M College, enabling him to finish his education.

He was a great citizen of Dade County, a great citizen of Florida, a great American. I honor and shall always cherish the friendship of my beloved friend, Charles R. Hadley.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, had I been here yesterday, I would have, of course, answered the quorum call, and on rollcall 26 I would have voted "aye," and on rollcall 27 I would have voted "aye."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed, without amendment, a bill of the House of the following title:

H.R. 1251. An act to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985.

The message also announced that pursuant to the provisions of section 1024 of title 15, United States Code, the following Senators are appointed as members of the Joint Economic Committee: Mr. ABDNOR (vice chairman), Mr. ROTH, Mr. SYMMS, Mr. MAT-

TINGLY, Mr. D'AMATO, Mr. WILSON, Mr. BENTSEN, Mr. PROXMIRE, Mr. KENNEDY, and Mr. SARBANES.

COMMITTEE ON ENERGY AND COMMERCE SUBCOMMITTEE RATIOS

(Mr. RINALDO asked and was given permission to address the House for 1 minute.)

Mr. RINALDO. Mr. Speaker, several of my Republican colleagues have spoken on the issue of subcommittee ratios on the Committee on Energy and Commerce. They have made the very good point that discriminatory ratios such as those adopted by the committee Democrats deny American voters the kind of representation for which they voted last November.

I would like to raise another point: That discriminatory ratios will cause needless bickering and stagnation within the committee which will result in little movement on the important issues before the committee. This is just as unfair to the American people as the denial of fair representation.

Observers of the Committee on Energy and Commerce know that although our proceedings are often contentious, this generally results in legislation which has benefited from maximum input from all parties concerned. When certain proponents of legislation within the committee refuse to compromise, that bill often dies in the committee, or is defeated or radically altered on the floor.

The Republican members of the Energy and Commerce Committee are not asking for much. We merely want the ratios of our subcommittees, where much of the work on our issues is performed, to fairly reflect the ratios of the full House. Specifically, we have asked for 40 percent of the subcommittee slots, less than the 42 percent Republican share of House seats.

THE ADMINISTRATION'S ATTACK ON THE INDEPENDENT STUDENT

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, there is a very special group of young people whose ability to go to college is currently under attack by the administration. This group of young people is classified as the independent student.

Currently, if a person lives independently of his or her family in a separate residence and files income taxes on his or her own, this person is independent, regardless of age. This administration proposes to destroy the chances of these hardworking and determined individuals if they happen to be under the age of 22. There are today over 500,000 of these young people working their way through school. They are mainly from low-income families and broken homes.

By insisting upon a substantial family contribution, this administration is ignoring the reality of American family life today. Are they unaware of the number of single parent households? Are they unaware of the inability of low-income families to feed and clothe, much less provide college educations? I urge you, as legislators, not to ignore the special needs of the independent students simply because they do not fit into the idea of how our world should be. These students deserve our help and should not be denied a higher education.

OUTRAGEOUS DISCRIMINATION AGAINST MINORITY COMMITTEE MEMBERS

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTAKER. Mr. Speaker, I have a couple questions for our Energy and Commerce majority party colleagues and their actions. Those questions are, what is wrong with proportional representation in America?

Second, why has our committee been singled out for the kind of abuse they have perpetuated?

The outrageous discrimination against the 17 minority party members on our committee is really discrimination against our 8 million constituents. Quite simply, these 8 million Americans are being denied effective representation in the House because the votes of their Congressmen count far less than the votes of other Congressmen in this body.

The discrimination that has been perpetrated by the majority party leaders on our committee is far more serious than in any other committee in this House. Let me repeat that: There is some deck stacking by the majority party leaders on some other committees in this House, but it is far worse on our committee than on any other committee in this body. The Democratic leaders of our committee have proposed to deny the minority party an average of 1.33 seats on each subcommittee. The discrimination on the other committees does not even come close.

The American people have a right to know why the majority party leaders on our committee have found it necessary to be so discriminatory.

FARMERS ARE NATIONAL DEFENSE, TOO

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, at a breakfast meeting this morning by the President with Democratic Members of Congress, I requested the President to review again possible action on the emergency farm credit legislation which the House passed yesterday.

The President of the United States told me that only 30,000 to 60,000 farmers will be forced to leave their farms this year; only 30,000 to 60,000 middle-sized farmers, the President said. He then asked me to approve additional funding for the MX missile.

Mr. Speaker when we talk about national defense we are talking about more than just the MX and other defense apparatus. We are talking about farmers of this country: We are talking the livelihood of those people. Mr. Speaker, we are talking about more than 30,000 to 60,000 farmers who the President says are expendable.

The President left us with the impression that he would veto the legislation. I urge my fellow Members to consider this President's actions and words when you are asked to override this veto. This President says we can well afford to increase funding for defense but we can't help these middle-sized farmers who are the family farmers and the economic backbone of this country. Mr. Speaker, without this backbone there is no need for an increase in defense spending.

THE CHARADE OF NOT SEATING CONGRESSMAN-ELECT RICK McINTYRE

(Mr. McMILLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLAN. Mr. Speaker, I also wish to add my statement of protest to the charade being carried out by the majority party of the House in adopting a resolution not to seat Congressman-elect Rick McIntyre.

There is particular sensitivity about this issue in my case. You see, I was elected to the Congress with 321 votes—97 votes less than this contested race, but 320 more than is needed in a true democracy.

I was elected, certified and seated as a Member of Congress, even though:

Many Republican precincts were short changed voting stations by a Democrat-controlled elections board.

My opponent sought a recount in three of four counties, despite the fact that North Carolina law requires evidence of voting irregularities that could have changed that outcome—none was claimed and the petition was denied.

All tallies were reconfirmed and double counts corrected.

The Associated Press reported to the national press that my opponent had several thousand more votes than was

actually the case and therefore the winner.

Several publications listing the Members of the 99th Congress listed my opponent as the victor.

I won because I received the most votes and was duly certified, under North Carolina law, by each election board—three of four were Democrats—and by the Democrat secretary of state and the Democrat Governor.

Just as each of you did, I won because we rely upon the timely and established execution of election laws and certify the peoples' will, district by district, all across America—except in Indiana's Eighth.

Gentlemen, let's get on with it. Let's stop this partisan charade and let the will of the people in Indiana's Eighth District and the people of America be served.

We have a second American revolution to undertake.

□ 1210

SEATING OF RICHARD McINTYRE

(Mr. COBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBEY. Mr. Speaker, I would like to read a paragraph from an article printed today in the Washington Times. This article brings light to the Rick McIntyre situation.

The paragraph reads:

For those who have missed recent episodes of the C-SPAN video spectacular, "The Congressman Who Never Was," Mr. McIntyre was duly elected to represent his State's Eighth District, but was put on indefinite hold by House Democrats, desperate to find some way of stopping Republicans from winning their seats. The easiest way, they found, was abolishing democracy.

Mr. Speaker, I don't come to the House floor to bring attention to this issue to enhance Republican Party politics. I do so because I have a strong commitment to democracy. The paragraph I just read, spoke of the real threat we are facing; the abolishment of democracy.

True democracy is government by the people, exercised either directly or through elected representatives. The citizens of the Eighth District of Indiana are being denied democratic representation in the House which is guaranteed under article I of our Constitution, and this is my concern.

CHILDREN AND THEIR GRANDPARENTS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I recently read a newspaper story which described how, in south Florida, the young and senior citizens are bitterly split over Social Security. The article portrayed young people as selfish and uncaring toward the elderly—and older people as selfish and uncaring toward the young.

I don't think those observations are typical of America as a whole. Some time ago, I publicly called for a 1-year freeze on all Federal spending, including a freeze on Social Security COLA's. Since then, I have received calls and letters from a number of retired people who support that position, because they don't want to leave their grandchildren with a mountain of public debt.

We must resist the temptation to set group against group, and age against age, or we risk losing the goodwill and generosity of the American spirit. Everyone is a valued member of the extended American family. Young people have grandparents. Older people have grandchildren. They know firsthand about each other's needs and problems. They care about each other.

Mr. Speaker, that's as it should be, and in this time of needed budgetary concern, fairness to all must be our guide.

DENNIS OLSEN OF IDAHO FALLS, ID, "MR. CITIZEN"

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, I speak of Dennis Olsen of Idaho Falls, ID, who died last Saturday. He was chairman of the Idaho Republican Party.

There are some public figures who serve their party's goals. We call them Democrats and Republicans.

Then there are some public figures who are partisans for the people. I call them citizens.

Dennis Olsen was Mr. Citizen.

He was also a public friend who advised me and a private friend who counseled me. Thus I am sad for losing a dear man, a good friend.

As a public figure I learned from his unselfish and upright example. I know that he could have worked fewer hours each day and still been a success. But he worked 18-hour days because much of each day he volunteered his time to further others' futures.

At the root of his stamina was his religious faith. He didn't campaign on it. He lived it and this is his testimony and legacy to those who follow.

Certainly his wife Sheila and nine children are in everyone's prayers. We hope they can ease their pain with their knowledge of the love that filled theirs and others' lives.

His leaving is also a loss to his town, State, and country. For just as Dennis Olsen knew that 200 years ago it was the Jeffersons, Henrys, Madisons, and Washingtons who inspired this country's greatness—we know it is the Dennis Olsens who keep this country great.

Goodbye, Mr. Citizen. We will miss you.

MR. McINTYRE SHOULD BE SEATED BASED ON PRINCIPLE

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I am here today to ask a question regarding the vote we took last Monday on the seating of Congressman-elect McIntyre. On the first day that I was sworn into this House, we had two votes: One with respect to the Second District of Idaho; one with the Eighth District of Indiana.

In both cases, we were asked to vote on whether or not the properly certified person would be seated, and in both cases, one for the Republican from Indiana, one for the Democrat from Idaho, I was compelled by the principle to vote to seat the man with the certificate.

Last Monday we had a vote on the same issue regarding Congressman McIntyre and I found that the Congressman from Idaho voted not to seat Congressman McIntyre.

I have to ask, Mr. Speaker, on what principle could that vote have been cast? Why could not the Congressman from Idaho see that the same principle that allowed him to take his duly elected seat should have been applied to his colleague from Indiana.

A CALL FOR FAIRNESS IN THE SEATING OF RICHARD McINTYRE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, far be it from me to question the motives of any Member of this House, but yesterday during special orders, the soliloquy was presented to this body, trying to confuse the issue of seating Congressman-elect Richard McIntyre of Indiana.

Mr. Speaker, no amount of rhetoric and twisting of the facts can hide the true fact: McIntyre won the election on election night by 34 votes; he was certified by the secretary of state in Indiana; he won a recount of all 15 counties of his district and again the certificate reaffirmed by the secretary of state of Indiana.

We can make light of this issue, but this is not a soap opera; this is real life. This is a blatant disregard for the integrity of the elective process.

All that we ask, all that we ask is that the people of Indiana be represented while deliberations are going on in this House. That is all we ask, is for fairness.

MAJORITY SHORTCHANGING MINORITY IN SUBCOMMITTEES OF THE COMMITTEE ON ENERGY AND COMMERCE

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, I think all of us are aware by now that the majority party had decided to shortchange the minority members of the Energy and Commerce Committee in the formation of subcommittees.

Indeed, in each of the six subcommittees of the Committee on Energy and Commerce, the minority party has been shortchanged one member. People wonder why is it that the majority party would attempt to abuse power in this way, and what justification is offered.

The justification that is offered, ladies and gentleman, is that our colleagues in the majority party claim that they have morally superior positions on a variety of issues, and consequently an abuse of power is justified in order to ensure that those positions are enacted into law.

This is a slippery slope down which we can slide. Because it harms the process, by abusing power. But it also undermines the very goals of our colleagues who claim to have these morally superior positions.

I believe that in the long run they will find that their positions will not survive in committee or on the floor, and in fact they will lose any sense of moral superiority that they now have, as they abuse power.

We in the minority are fighting for principle; we are fighting for our constituents; we are fighting against abuse of power, and we will fight on.

□ 1220

UNFAIR SUBCOMMITTEE RATIOS SUBVERT MAJORITY RULE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, Democrat Joseph A. Califano, Jr., who served Presidents Johnson and Carter, wrote in the Washington Post last Sunday that, "The party's margin in the House is a tribute to gerrymandering by Democratically controlled State legislatures, not to electoral popularity." He traced several practices to "an elitist conviction" that some Democrats cannot trust the people to vote on a "one-man, one-vote" basis. The result, he said, is that the "fringes" are imposing their views on a majority of his party.

Well, it seems that gerrymandering is not confined to State legislatures. We have our own version on the Energy and Commerce Committee, where subcommittee ratios do not yet reflect the two parties in the full committee or the full House. Republicans are 42 percent of the House and 40 percent of the committee, yet on four subcommittees only 37.5 percent with the other two at 38.9 percent. We are decidedly underrepresented.

This, too, stems from a distrust of one man, one vote by some who would impose their will, not just on Republicans, but on a majority of Democrats. It is time for the "silent majority" within the majority party to join us in achieving fair ratios.

As Mr. Califano said: "It's not the Democrats alone who suffer from their preoccupation with caucus and fringe politics. It's the country."

JOSEF MENGELE SHOULD BE BROUGHT TO JUSTICE

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, modern history has witnessed countless examples of brutality and terror committed against all of humankind. Yet, perhaps no single person exemplifies this infinite capacity for evil as the notorious Nazi war criminal Josef Mengele.

The chief doctor at Auschwitz-Birkenau during World War II, Josef Mengele was personally responsible for sending over 400,000 Jews, including close to 200,000 children, to their deaths in gas chambers and conducting inexplicable atrocities through "scientific" experimentation on prisoners in the camp. Dr. Mengele's work has been amply documented in the 40 years since the liberation of Auschwitz, with the victims of his experiments living proof of his handiwork.

Josef Mengele has lived in freedom since the end of World War II, first in his hometown of Gunzburg and then, in South America. Last seen in Paraguay, a country which granted him citizenship in 1959, he is believed still living there by most authoritative source on his case.

It is indeed imperative that we now dedicate our full resources to gaining his arrest and extradition. Today I'm introducing a concurrent resolution establishing an approach that could help bring Josef Mengele to justice.

I call upon my colleagues on both sides of the aisle to join me in cosponsoring this initiative.

AN INVITATION TO QUESTION ED SIMCOX ON INDIANA ELECTION

(Mr. BOULTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOULTER. Mr. Speaker, as a Republican Congressman from Texas, I am faced with many issues in my State which requires me to deal with my Democratic Governor, Mark White. In the effort to get the U.S.S. *Wisconsin* based on the Texas coast, Governor White's office has worked with mine in order to make the best possible unified case for that effort. In order to find a viable alternative method for the nuclear waste disposal site which is proposed for Texas, Governor White's staff has been supportive of my proposal to study such an alternative.

Governor White and I share the public trust in each of our positions. We presume each other's authority, and neither of us question the other's performance on matters prescribed to the duties of each of our offices.

Mr. Speaker, today, Ed Simox, the secretary of state from Indiana, will be in room 2318 of the Rayburn House Office Building from 2 to 4 o'clock to answer any of our questions on the election of Rick McIntyre. Just as I do not question the judgment of the Democratic Governor of Texas when it comes to State matters, I challenge the Democratic Members of this body to not second guess the ability of the Republican secretary of state from Indiana. If any Member wishes to speak from an informed position on the controversy surrounding the Eighth Congressional District of Indiana, I urge each and every one of you to attend this meeting at 2 o'clock to hear Ed Simcox.

COMMITTEE ON ENERGY AND COMMERCE SUBCOMMITTEE RATIOS

(Mr. SCHAEFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, it is crucial that the Members of this body, and the American public, are aware of the actions which have been taken by certain Democrats on the Committee on Energy and Commerce to deny fair representation to the Republicans who serve on the committee.

Last Tuesday, February 26, the committee met in an organizational meeting. The ranking Republican, our friend JIM BROYHILL from North Carolina, offered an amendment to the committee rules, the merits of which were beyond question to the unbiased observer.

Congressman BROYHILL'S amendment would merely have required subcommittee party ratios to "approximate" the party ratios of the full House. Inexplicably, this amendment was rejected on a straight party line vote. What is most distressing about this result, is that only 3 out of 25 Democrats on the committee even debated the amendment; none of the Members addressed the questions of fairness raised by the supporters of the amendment; and a motion to limit the time for consideration of the measure was adopted, also on a straight party line vote. This body should be aware of these inexcusable partisan activities which serve to deny the American people their fair representation in the U.S. House of Representatives.

Last November Republican candidates were awarded 42 percent of the seats in the House. Those of us who serve on the Committee on Energy and Commerce are not even asking for this percentage on our subcommittees, where much of the basic work on our committee's issues is performed; we are willing to accept 40 percent of the subcommittee slots.

We have been denied even this ratio. I leave my colleagues with this one question—why have certain Energy and Commerce Democrats decided that this 60-40 Democrat to Republican split is unfair? Anything less is clearly unfair to the American people.

LET US SEAT RICK McINTYRE

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, in recent afternoons we have been treated to a spectacle of a crushing example of legislative apartheid, exercised by a majority which has prided itself for its deep concern for the rights of all oppressed people.

This regrettable embrace of legislative apartheid and a raw abuse of power openly espoused by the leaders of this body dispatched to the floor for this purpose is a sad and dangerous precedent.

Let us gather and seat the man from Indiana who has the certificate and is entitled to his seat in Congress.

THE INCOME MAINTENANCE INTEGRITY ACT

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, today I am introducing the Income Maintenance Integrity Act; a bill which is designed to encourage States to ferret out fraud from the welfare system while at the same time boosting assistance to the truly needy.

Very simply, my bill will provide an incentive for States to implement a comprehensive cross checking of recipient bank accounts to find those who are hiding assets in excess of what is allowed.

Such a program of bank cross matching has worked in my State of Connecticut, where at only 6 banks, over 3,300 recipients were found to have possessed over $11 million in illegal bank assets.

The Department of Health and Human Services estimates that if all States did this cross matching, over $465 million would be saved the initial year, with $245 million in additional savings each year thereafter.

What my bill would do with these savings—which come from welfare cheaters—is simple: States would be encouraged to give half the total savings back to the truly needy in the form of higher benefits, or for example, job training programs. The Federal Government would also share in the savings, and this will help reduce the deficit this country is facing.

RICK McINTYRE IS THE WINNER

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, today is the 63d day that the constituents of the Eighth Congressional District of Indiana have been without representation in this body.

Mr. Speaker, there is no natural calamity, there has not been a death of the incumbent Member, there has not been a resignation of the incumbent Member to seek higher office. Mr. Speaker, there is a winner. His name is Rick McIntyre. He won on election night by 34 votes. He won after the recount by 418 votes.

In the debate in this House on Monday, there were allegations that certain minority groups in Indiana had been disenfranchised by the Republicans. That allegation is false.

I have for the RECORD before me the vote tallys on both election day and after the recount.

□ 1230

I would point out in the two counties where the majority of the votes were disallowed, those counties, in Greene County and Vanderburgh County, were controlled by a recount committee, that there were two Democrats and one Republican.

Mr. Speaker, we have got many serious issues before this body. I think the constituents of the Eighth Congressional District need representation. We need to seat Rick McIntyre immediately. He won.

The vote tally is as follows:

INDIANA 8TH VOTE TALLY

	McIntyre results			McCloskey results			Recount committee	
	Election night	Recount	Difference	Election night	Recount	Difference	Democrat	Republican
County:								
Crawford	899	883	−16	1,387	1,353	−34	2	1
Daviess	6,417	6,407	−10	4,706	4,707	+1	1	2
Gibson	6,378	6,378		8,572	8,572		2	1
Greene	7,243	6,978	−265	6,317	6,152	−165	2	1
Knox	8,451	8,443	−8	8,586	8,589	+3	1	2
Lawrence	10,560	10,560		6,452	6,443	−9	1	2
Martin	2,479	2,475	−4	2,743	2,730	−13	2	1
Monroe	12,469	12,443	−26	10,269	10,238	−31	1	2
Orange	5,181	5,130	−51	3,244	3,206	−38	1	2
Pike	2,823	2,823		4,132	4,134	+2	2	1
Posey	5,004	5,003	−1	5,921	5,922	+1	2	1
Spencer	5,293	5,305	+12	4,528	4,531	+3	1	2
Vanderburgh	31,978	30,484	−1,494	38,630	36,581	−2,049	2	1
Warrick	7,911	7,564	−347	9,123	8,856	−267	2	1
Washington	3,404	3,402	−2	1,846	1,846		2	1
Total	116,490	114,278	−2,212	116,456	113,860	−2,596		
Margin of victory	34	418						

Note.—Total votes disallowed, 4,808.

CONGRESSMAN ANTHONY INTRODUCES LEGISLATION TO REQUIRE THAT CHEMICAL WEAPONS BE DESTROYED ON-SITE

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANTHONY. Mr. Speaker, the National Academy of Sciences, in a recent report, urged the Army to proceed with demilitarization of obsolete and unserviceable chemical munitions. The Army is, in fact, proceeding with plans to demilitarize that portion of the chemical stockpile that has no military use.

Chemical munitions are stored in seven States, including my own State of Arkansas. What concerns me is the possibility that these deteriorating munitions may be transported across the country to a single demilitarization site or to regional demilitarization sites.

This should concern us all. Specifically, it should concern my colleagues in at least 23 States. Some of the planning documents that I have seen show that these chemical munitions could be hauled by truck or train through 23 States in order to get them to demilitarization plants.

The Army has an outstanding safety record when it comes to handling these munitions. But these munitions are old and, in some cases, leaking. Every time one is moved, it increases the chance of an accident. The greater the movement, the greater the risk.

The M-55 rockets, which are stored at five different sites in the United States, have been given priority for demilitarization. The National Academy of Sciences' report described the M-55 rockets as the most dangerous items in the stockpile. They are loaded with deadly nerve agent. According to the report, "M-55 rockets are the source of the greatest number of leaking munitions and are the leading concern in each depot's maximum credible event because of the possible harm they can inflict on workers and civilian populations."

Do you want M-55 rockets transported over the highways or railways in your State? I certainly don't want them transported through the State of Arkansas.

I am at a loss to understand why the Army is even considering moving these chemical munitions instead of destroying them on-site, particularly after reading the National Academy of Science report. Noting that "safety must be the primary consideration," the report concluded that "transporting munitions such as M-55 rockets to centralized disposal sites would not be safer than on-site disposal." It added, "M-55 rockets should be destroyed where they are located because they exhibit the highest proportion of leakers and are the weakest agent-containment vessel."

The National Academy of Science also pointed out it was time to get on with demilitarization because "parts of the stockpile are deteriorating" and "this poses some finite risk both to off-site civilian populations and to those who must work at the depot." The transportation studies the Army is currently conducting can only delay the process of getting plants built and destroying these munitions. Therefore, I am introducing today legislation to require that chemical weapons be destroyed on-site, where they are located. Let's end this nonsense about moving these lethal, deteriorating, dangerous chemical munitions around the country. I invite my colleagues who share my concern about moving chemical weapons across this country to join with me in sponsoring this legislation.

AN OPPORTUNITY TO OBTAIN FACTS CONCERNING INDIANA CONGRESSIONAL ELECTION

(Mr. WALKER asked was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, as the issue of the seating of the gentleman from Indiana has been discussed on this floor over the last several weeks, we have heard a lot of charges about the fact that it is just simply partisan and nobody is in possession of all of the facts.

There is one person who is in possession of all of the facts: The secretary of State of Indiana, who is in fact the gentleman who is responsible for determining who should be certificated in this election.

That secretary of state is going to be here on Capitol Hill this afternoon from 2 to 4 to meet with Members, Democrat and Republican. Here is a real chance to go and talk to the man who has the facts. And we would certainly invite all Members who want to be fair about this issue to go and listen to the secretary of state and ask him some questions. If, for instance, you believe the garbage that is being spilled on this House floor about the gentleman, Mr. McCloskey, winning by 72 votes on election night, go and ask the secretary of state about that. He can put it in terms that I think most Members will understand.

So here is an opportunity to get all of the facts so that we can begin to deal from facts on this House floor. I would suggest that if Members are not willing to show up and hear the secretary of state, then that is their loss and the country's loss.

SEAT MR. McINTYRE, LET JUSTICE BE DONE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, you may have observed that I have had leadership desk duty on our side of the aisle this week because I am one of about 10 Members of this House who had an undesired break in service and has had the honor of coming back again as a Member of a new freshman class. And I think, Mr. Speaker, you have observed that on both sides of the aisle, particularly on ours because we out number the majority side in the freshman class by a factor of about 3, that this is a spirited class of fine legislators from every corner of this country, that they have an elan and a spirit that will make its mark on this House.

I ask you to please let justice be done and to seat Rick McIntyre.

In a few moments I am going to the Science and Technology room, 2318 of the Rayburn Building, to question very hard the secretary of state of Indiana so that we can continue to bring this before the American people. Through the magic of television, out across this country, 300,000 or 400,000 people, Mr. Speaker, every day are becoming aware of the name Rick McIntyre and the Eighth District of Indiana and that justice has not been done. Do not let a 6-year Member, who is described by one of the leaders on your side of the aisle as having one foot on a banana peel, influence your good judgment of over three decades. You know that Mr. McIntyre should be among us. We all know the importance of one vote. Look what it is doing in the Energy and Commerce Committee, look at the vote Monday to seat Mr. McIntyre lost by a vote, look at how close the votes coming up will be on the Peacekeeper missile, and continued aid to the freedom fighters in Nicaragua.

Seat Mr. McIntyre. Let justice be done.

MEMBERS URGED TO COSPONSOR H.R. 600, TO REPEAL SECTION 179(b) OF THE TAX CODE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I wanted to speak for just a minute today about H.R. 600, a bill that I and 50 other Members of Congress have introduced about 2 months ago, to repeal section 179(b) of the Tax Code, a section that would require small businessmen and women, farmers, salespersons in this country, to keep enormous amounts of records on vehicle mileage and other assets used, both

personally and in their business. This section ought to be repealed.

Now, the Ways and Means Committee has been very cooperative with us. The chairman held hearings yesterday. And almost to a person, the committee supports, I believe, what we are trying to do. However, a few Members of that committee tried to say that it would be somehow wrong to repeal the section because the section did not hurt corporate America. It hurts farmers, it hurts salespeople, it hurts small businessmen and women. And I would like to remind that person on the Ways and Means Committee that it is small business that hires the people in America. Nine out of ten new jobs in the last decade were created by small business. Seven out of every ten Americans work today for companies that have 100 employees or fewer.

I hope that my colleagues will join us on H.R. 600. We have almost 200 cosponsors now. We just need 20, 30, 40 more Members to go over a majority. Sign up. Cosponsor H.R. 600, and we can repeal this section of the Tax Code.

GENERAL LEAVE

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from North Carolina [Mr. BROYHILL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

VACATING SPECIAL ORDER SPEECH

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that the special order speech today by the gentleman from Texas [Mr. LELAND] be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 592. An act to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between members appointed from the House of Representatives and members appointed from the Senate, and for other purposes.

H.R. 1420, THE ADMINISTRATION'S 1985 FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MADIGAN] is recognized for 5 minutes.

● Mr. MADIGAN. Mr. Speaker, on behalf of my friend and neighbor, Jack Block, yesterday, March 5, 1985, I introduced the Department of Agriculture proposal (H.R. 1420) incorporating those changes in the basic farm law that the Department has chosen to recommend that Congress include in the 1985 rewrite of the farm bill.

There are many features of this proposal which are not acceptable to me, and which I would not expect to see accepted by many of my colleagues. However, I think it would be a mistake to pronounce the entire package as being "dead on arrival," even though that seems to have become a fashionable thing to do with many administration proposals.

I think that would be the wrong thing to do in this instance for two reasons. The first of those reasons is that there are elements in this proposal which may prove to be meritorius following a through discussion of the issues facing American agriculture now and in the future. The second reason that the "dead on arrival" pronouncement seems inappropriate to me is because such pronouncements seem to suggest that Members of Congress have made up their minds and know what they are going to do. My personal feeling is that few Members of Congress today know what their final position will be on the elements necessary to rewrite the basic farm law.

Obviously some changes must be made if American agriculture is to become more competitive in the world market. Some of the things that need to be done are beyond the reach of the respective Agriculture Committees in this and the other body. Perhaps some of the changes that need to occur are beyond the reach of the Congress as a whole. Recognizing this would be no excuse for not considering what we could do that would be beneficial to our farmers and ranchers.

In this regard, some parts of this administration proposal may be worthy of serious deliberation. One of the things we must decide will be whether or not we are most interested in policy changes or in immediate budgetary considerations. If we choose to focus on the policy changes, I believe we will have chosen wisely, and I also believe that some of the policy changes recommended by the administration can provide the parameters within which that discussion can begin.

To that end, I submit to my colleagues these proposed changes realizing that, like myself, they will reject some of these out of hand but hoping that, like myself, they will be willing to consider for discussion those items which may be identified as being worthy of consideration.

See also summary of the proposal printed in the CONGRESSIONAL RECORD, Feb. 22, 1985, pp. 3174-3201.)●

OSC OIL AND GAS LEASING PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am honored to join today with Representatives STUDDS, LEVINE, MILLER, and BOXER in introducing legislation which would restore a semblance of balance and rationality to the Federal Government's Outer Continental Shelf [OCS] oil and gas leasing program. We introduce this legislation primarily in response to the administration's areawide approach to OCS leasing, a policy which fails to consider the economic and environmental consequences of hydrocarbon development in sensitive marine areas. This approach often results in costly litigation between coastal States and the Federal Government, and has cost this Nation billions of dollars in lost revenue over the past few years. In short, we introduce this proposal in response to a Federal OCS leasing program that is out of control.

While our legislation would help provide an insurance policy against the flagrant excesses of areawide leasing, it can do little on its own to correct the fundamental inequities in the administration's overall development strategy. The administration continues to oppose legislative requirements that offshore lease sales be consistent with federally approved State coastal management programs, and it opposes legislation passed by both the House and Senate last year which would provide a share of OCS revenues to coastal States. Together with the areawide leasing approach, the administration's position on these issues has eroded coastal State and congressional support for the leasing program, support which is vital to the continued exploration and development of the OCS. In this connection, I hope this legislation will focus congressional attention not only on the need to protect the sensitive marine environments included in our bill, but on the broader policy questions raised by a misguided leasing and development program which finds us cutting off our nose to spite our face.

Put simply, our legislation would exempt certain economically, environmentally, and strategically sensitive areas offshore California and New England from oil and gas leasing and development until January 1, 2000. Our proposal affects virtually the

same areas protected by congressional leasing moratoria for the last 4 years, and would eliminate the need to seek protection for these areas on an annual basis.

We do not introduce this legislation frivolously or without regard for the future energy needs of our Nation. Our proposal would affect only those areas in which the benefits of oil and gas development are clearly outweighed by the risk such development poses to coastal environments and economies. Included in this legislation is the central and northern California coast from Pismo Beach north to the Oregon border, an area with low oil and gas potential and extreme biological sensitivity. This area includes the rugged and pristine Big Sur and Mendocino coastlines, vital commercial and sport fishing grounds, and habitats for the endangered sea otter and other unique marine species. Our legislation would also prohibit leasing in certain areas off the coast of southern California including the Channel Islands National Marine Sanctuary, the Santa Barbara Ecological Preserve and Buffer Zone, Santa Monica Bay, and a 12-mile-wide strip offshore San Diego and Orange Counties. These southern California areas include habitats for endangered marine mammals and sea birds, several sensitive fish spawning grounds, tracts near communities highly susceptible to air pollution from offshore development, and key military training areas off the coast of San Diego. The entire California provision lies contiguous to State tidelands placed permanently off limits to oil and gas development under State law.

The affected areas also lie offshore communities which are critically dependent on California's $16 billion fishing and tourism industries, industries which would be severely damaged by routine oil discharges, the visual pollution of offshore platforms, or worse—a major oil spill off our coastline. The environmental impact of such development activities would be equally destructive; for instance, according to the U.S. Fish and Wildlife Service, 100 percent mortality can be expected for individual sea otters which have been covered with oil over as little as 10 percent of their bodies. Clearly, it does not make sense to expose these economically productive and environmentally sensitive areas to offshore development, especially for the small amount of oil and gas contained in them.

In this connection, the massive oil spill which recently took place near the Farallon Islands National Marine Sanctuary illustrates both the tremendous ecological damage such spills can cause and the total inability of government and industry to respond to such crises. Government oil spill trajectory models were completely off base and spill response equipment brought in to contain the damage was completely inadequate.

For those concerned about the future of America's energy independence, the legislation which we are proposing today is perfectly consistent with America's need to expand domestic sources of oil and gas. In fact, even with the existing leasing moratoriums in place, the OCS acreage leased each year has increased dramatically. The California provisions of our bill would affect just 3.7 percent of the total OCS acreage currently eligible for lease, and just 5.3 percent of the estimated hydrocarbon resources on the Federal OCS. In addition, our legislation would leave millions of acres off the California coast open for lease and would permit the continued exploration of promising areas off Point Arguello, in the Santa Barbara Channel, and on the Tanner and Cortes Banks off San Diego. The bill would not reduce California's 1.2 million-barrel daily oil production, production which I might add reached an all-time annual high of 412 million barrels in 1984 even with the annual congressional leasing moratoriums in place.

My colleague from Massachusetts [Mr. STUDDS] will describe those North Atlantic offshore areas which are included in this legislation.

Mr. Speaker, I think it is clear that under a fair and balanced OCS leasing program, the legislation which we are introducing today would not be necessary. The sensitive, low-resource marine areas included in our bill would already have been exempted from hydrocarbon development under a rational leasing strategy. Unfortunately, because the administration continues to support the broad areawide approach to OCS lease sales—an approach which fails to address State concerns about the impact of OCS development on their coastlines—enactment of this legislation is a matter of top priority.

Prior to 1983, Federal oil and gas lease sales were conducted under a "tract nomination" system, whereby Government and industry experts identified promising offshore tracts which were then offered to industry on the basis of competitive bidding. Former Interior Secretary James Watt converted the system to an areawide process in 1983, as part of his effort to offer almost the entire OCS for lease in a matter of 5 years. Using this areawide approach, the Department has since placed huge areas of the OCS on the auction block in single lease sales, often with little effort to determine which if any of the individual tracts offered have high hydrocarbon resource potential.

Coastal States like California, Massachusetts, Texas, Louisiana, Alaska, Florida, Oregon, and Washington have all called for the abandonment of areawide leasing in favor of the tract nomination system. Recent areawide lease sales have overwhelmed their efforts to mitigate the impact of OCS leasing on their coastal zones because there is no opportunity for a proper assessment of the environmental and economic costs of leasing specific OCS tracts. The result has been a series of costly lawsuits brought by States like California and Massachusetts against the Department of the Interior, which only serve to delay the offshore leasing program at the taxpayers' and industry's expense.

This is perhaps the most important point; the areawide approach to OCS leasing does not provide adequate protection to certain offshore areas which are especially sensitive to the environmental, economic, and military impacts of offshore development. Congress has been forced to protect these areas itself through enactment of a series of limited leasing moratoria for unique coastal areas off California and Massachusetts, where the benefits of OCS development are clearly outweighed by the risks to coastal economies and environments.

Not only does the areawide approach fail to provide adequate protection for certain sensitive offshore areas, it also does not take into account changing petroleum market trends which affect the value of OCS tracts offered by the Federal Government. In the face of tumbling world-wide oil prices, the administration continues to offer huge offshore areas in single lease sales to an industry with little interest in what is on the table. Of the 265 million acres offered since the areawide process first went into effect, industry has only leased 13 million acres. In one case—the North Atlantic lease sale held last year—not a single industry bid was filed for any of the 1,138 tracts offered. Industry interest in these massive offshore offerings has been so minimal that the Department of the Interior itself was recently forced to cancel or postpone indefinitely five areawide sales.

Perhaps the most disturbing result of areawide leasing has been the tremendous loss in Federal "bonus bid" revenue since this policy first went into effect. As Texas Gov. Mark White wrote to Interior Secretary William Clark last year, "Areawide leasing has already cost America billions of dollars * * *. It represents an unconscionable windfall to the oil and gas industry at the expense of the average taxpayers."

Areawide lease sales have invariably yielded smaller average bids per tract because oil and gas companies do not have to compete for a select number of tracts with predictable resource potentials. Instead, individual tracts are often leased to lone bidders at rock-bottom prices simply because there

are too many tracts being offered for competitive bidding to take place on each one. According to a recent national study, while OCS lease bids averaged $2,600 per acre before the advent of areawide leasing, they dropped more than 70 percent in the first eight areawide sales, averaging less than $720 per acre. In 1984, the average bid dropped to an all-time low, $524 per acre. This revenue loss has serious implications for efforts to reduce the Federal deficit because these bonus bid payments form the greatest single source of Federal revenue aside from income taxes.

At the risk of asking obvious questions, why does the administration insist on an offshore leasing policy which denies the public the fair and equitable return on OCS resources mandated by the Outer Continental Shelf Lands Act of 1953? How can we expect coastal States and their citizens to support such a broad-sweep program of selling our coastlines when even industry interest seems lukewarm at best? Would it not be better, fairer, more sound policy to husband our great national treasure chest of OCS resources until more favorable market trends and competitive bidding policies are established? My answer is an emphatic "Yes," especially for those areas where the risks of development clearly outweigh their potential resource value. Our legislation would protect some of the most sensitive marine environments off our coastlines from the excesses of this shortsighted areawide leasing policy. And unlike the areawide approach, our proposal would ensure that these unique areas are among the last to be developed and not among the first.

This brings me to a discussion of one of the most fundamental inconsistencies in the administration's national energy independence strategy. We are told by the administration that areawide leasing is necessary in order to decrease our Nation's dependence on foreign sources of oil and gas as soon as possible. We are told that State concerns about the economic and environmental sensitivity of certain offshore areas must take a back seat in the name of national energy independence. And yet, in spite of this rhetoric, the administration pursues policies which are fundamentally inconsistent with the drive for national energy security.

One needs only to consider the administration's fiscal year 1986 budget proposal to impose an indefinite moratorium on oil purchases for the strategic petroleum reserve, our Nation's first line of defense against disruptions in foreign supplies. The administration's proposal would leave the SPR more than 250 million barrels short of the 750 million barrel goal set by Congress. In the area of Federal energy research, the administration's fiscal year 1986 budget would drastically reduce funding for several programs which are critical to our national energy independence strategy. Fossil fuel research would be cut by 32 percent, solar and renewable energy research by 17 percent, energy conservation programs by 20 percent, and nuclear fusion research by about 11 percent. Perhaps most significant, the administration's highly touted tax simplification plan would repeal the expensing of intangible drilling costs and the percentage depletion allowance, tax changes which industry claims would have a devastating impact on OCS exploration and production activity.

Which administration do we listen to? Do we listen to the one which claims the entire OCS must be developed immediately in spite of State and local economic and environmental concerns? Or do we listen to the administration which is comfortable enough with our State of energy independence to recommend the proposals which I just outlined? My colleagues and I believe the best approach lies in between. We believe in pursuing the rational and balanced development of the OCS while promoting conservation and the development of alternative energy sources and new energy technologies. The legislation which we are introducing today is perfectly compatible with this sensible strategy.

Mr. Speaker, while this legislation can serve to protect unique and sensitive marine environments from the shortsighted areawide leasing policy, it can do little to reverse the administration's opposition to OCS revenue sharing and coastal zone management consistency legislation, two proposals which would greatly mollify State concerns about the adverse effects of OCS development.

The administration claims that revenue sharing will rob the Federal Treasury of needed revenues, but seems perfectly content to lease millions of acres of the OCS at "fire sale" prices. Revenue sharing would provide a much-needed incentive for coastal States to support the OCS leasing program because it would enable them to mitigate the onshore socioeconomic impacts of offshore oil and gas development. Absent a change in the administration's position on revenue sharing, State concerns about OCS leasing will remain and longtime supporters of development in Congress may withdraw their support for the OCS leasing program.

Last year, the administration also strongly opposed bipartisan coastal zone management consistency legislation which would have reasserted congressional intent that offshore lease sales be consistent with federally approved State coastal management programs. I am pleased to announce that Representative STUDDS and I will soon introduce legislation which would have a similar effect, helping to ease State fears about losing control of offshore activities which affect their coastal zones. Congressional enactment of this measure would encourage States to cooperate more fully in the planning for OCS development, but would not provide the State "veto" over lease sales which opponents of this legislative approach fear. It is my sincere hope that the administration will reevaluate its position on the consistency issue, a position which has discouraged States from cooperating with the OCS leasing program.

Mr. Speaker, the administration's support for the areawide approach to OCS leasing, and its opposition to OCS revenue sharing and CZMA consistency legislation, only serve to reinforce the coastal States' impression that they are taking all the risks for OCS activity and getting nothing in return. The legislation which my colleagues and I are introducing today would provide sensitive marine areas with the protection they deserve but does not fully address the fundamental inequities in the administration's approach to offshore development. And yet, it is my firm belief that congressional approval of this measure will serve notice that Congress and the American people will no longer tolerate a chaotic leasing program which is insensitive to legitimate economic and environmental concerns.

The ultimate responsibility of both the administration and Congress is to be good stewards of our natural resources. Good stewardship means developing what should be developed but also protecting what should be protected. If the administration fails to meet this responsibility, Congress has the duty and the obligation to act. That is the purpose of the legislation which we are introducing today.

H.R. 1440

A bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California, and in the Atlantic Ocean off the State of Massachusetts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337), the Secretary of the Interior may not issue any oil and gas lease on any submerged lands located within the geographical areas described in section 4(a) and the additional area referred to in section 4(b).

(b) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not grant any license or permit for any activity which—

(1) affects the geographical areas described in section 4(a), and

(2) involves drilling, whether for oil or gas or the acquisition of geological data.

(c) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not approve any exploration plan, or any development and production plan, which—

(1) provides for any activity affecting the geographical area described in section 4(a), and

(2) involves drilling, whether for oil or gas or the acquisition of geological data.

(d) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not grant any license or permit for any activity which—

(1) affects the additional geographical areas described in section 4(b), and

(2) involves drilling for oil or gas.

(e) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not approve any exploration plan, or any development and production plan, which—

(1) provides for any activity affecting the additional geographical area described in section 4(b), and

(2) involves drilling for oil or gas.

SEC. 2. This Act shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit, which allows scientific research or other scientific activities.

SEC. 3. This Act shall take effect on the date of its enactment and shall remain effective until January 1, 2000.

SEC. 4. (a) The geographical areas referred to in subsection (a) of the first section of this Act are—

(1) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of the State of California with the boundaries of—

(A) on the north, the line between the row of blocks numbered N968 and the row of blocks numbered N969 of the Universal Transverse Mercator Grid System based on the Clarke Spheroid of 1866; and

(B) on the south, the line between the row of blocks numbered N808 and the row of blocks numbered N809 of the Universal Transverse Mercator Grid System based on the Clarke Spheroid of 1866;

(2) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay, State of California, which begins at the point of intersection of a seaward extension of the boundary line between Los Angeles County and Ventura County with the seaward limit of the California State tidelands; thence due south to the midpoint of block 38 north, 52 west; thence diagonally southeast to the southeast corner of block 35 north, 46 west; thence due east to the first point of intersection with a line extended south from Point Fermin along the eastern boundary of the State of California oil and gas sanctuary in effect on June 1, 1982; thence north along that line to the first point of intersection with the seaward boundary of the California State tidelands; thence northwesterly to the point of beginning along the seaward boundary of the California State tidelands;

(3) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Orange and San Diego Counties, State of California, which begins at the intersection of the southern border of row 34 north with the seaward boundary of the California State tidelands; thence due west to the northwest corner of block 33 north, 35 west; thence due south to the southwest corner of block 31 north, 35 west; thence diagonally southeast to the southwest corner of block 21 north, 25 west; thence due south to the point of intersection with the international boundary line between the United States and Mexico; thence easterly along said international boundary line to its first point of intersection with the seaward boundary of the California State tidelands; thence northwesterly along the seaward boundary of the California State tidelands to the point of beginning; and

(4) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of the State of California and consisting of the following tracts identified on the official Outer Continental Shelf leasing map for the Channel Islands area (map numbered 6B):

(A) All of block 50 north, 67 west,

(B) The northwestern quarter of the northwestern quarter of block 51 north, 65 west,

(C) All of block 51 north, 66 west,

(D) All of block 51 north, 67 west,

(E) All of block 51 north, 68 west,

(F) All of block 51 north, 69 west,

(G) The eastern half and the eastern half of the western half of block 51 north, 70 west,

(H) All of block 52 north, 64 west,

(I) All of block 52 north, 65 west,

(J) All of block 52 north, 66 west,

(K) All of block 52 north, 67 west,

(L) All of block 52 north, 68 west,

(M) All of block 52 north, 69 west, and

(N) The eastern half and the eastern half of the western half of block 52 north, 70 west,

and any submerged lands within that part of the Channel Islands national marine sanctuary which lies three to six miles out from the base line from which the State waters are measured around San Miguel and Prince Islands, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands.

(b) The additional geographical area referred to in subsection (a) of the first section of this Act includes—

(1) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the 400 meter isobath; then along the 400 meter isobath roughly in an easterly direction, then turning northeast until such isobath intersects the maritime boundary between Canada and the United States; then northwesterly along a line which connects 42 N31'08", 67 W28'05" and 40 N27'0", 65 W41'59" until it intersects 42 N15'00", then west along such latitude line until it intersects a line every point of which is fifty nautical miles seaward of the seaward limit of the Commonwealth of Massachusetts territorial sea; then along such line roughly in a northerly direction until it intersects the 42 N51'30" latitude line; then along that latitude line until it intersects the seaward limit of the Commonwealth of Massachusetts territorial sea; then roughly in a southerly direction along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree west longitude line; and

(2) blocks lying at the head of or within the submarine canyons known as Alvin Canyon, Atlantic Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Powell Canyon, Munson Canyon, and Nygren Canyon, and consisting of the following blocks (some of which are also included in the area described above in paragraph (1)):

(A) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 40-43, 80-82, 84-87, 124-126, 128-131, 168, 169, 173, 174, 212, 213, 217, 218.

(B) On Outer Continental Shelf protraction diagram NJ 19-2; blocks 8, 9, 19, 20, 52-54, 63-65, 96-98, 108, 141, 142, 185-187.

(C) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 959-961, 965, 966, 1003-1005, 1008-1010.

(D) On Outer Continental Shelf protraction diagram NK 19-11; 476-478, 520-522, 565, 566, 609-611, 653-655, 697-700, 734, 735, 741-744, 768, 769, 778-781, 785-788, 812-814, 822-825, 830-832, 857, 858, 867-869, 875, 876, 901-902, 911-913, 935, 936, 945-947, 955-957, 979, 980, 989-991, 1000, 1001.

(E) On Outer Continental Shelf protraction diagram NK 19-12; blocks 154-156, 198-201, 243-247, 280-282, 289, 324-327, 368-372, 401, 402, 413-417, 445, 446, 450, 451, 458-462, 489-491, 494, 495, 503, 504, 529-531, 533-535, 538-539, 573-575, 577-579, 582-584, 616-620, 621-623, 626-628, 662-664, 665-667, 671, 706-708, 710, 711, 715, 750-752, 754-756, 759, 794-796, 799, 800, 839, 840, 842-844.

(c) The northern and southern boundaries of the geographical area described in subsection (a)(1) are marked on the map entitled "United States Department of the Interior Bureau of Land Management Index of Outer Continental Shelf Official Protraction Diagrams, Pacific Coast", dated March 1982. The areas described in subsection (a)(2) and (3) are those areas contained on a map entitled "United States Department of the Interior Bureau of Land Management, Pacific Outer Continental Shelf Office, Southern California Offshore Area".●

INTRODUCTION OF LEGISLATION TO REAUTHORIZE THE COASTAL ZONE MANAGEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

● Mr. STUDDS. Mr. Speaker, I am today introducing legislation to reauthorize Federal support for State coastal zone management programs through the end of 1991. I believe coastal zone management has worked well; it has served the interests of our Nation in the balanced and prudent use of our limited coastal resources; and it has established a useful and durable partnership between the Federal Government and State governments on issues affecting the coasts.

Five years ago, I authored the Coastal Zone Management Act Amendments

of 1980. As chairman of the House Subcommittee on Oceanography at the time, I conducted a comprehensive series of hearings throughout the country on coastal zone management. Those hearings established a record that demonstrated clearly the value that this program has had for the country, as well as the difficulty of planning for the balanced use of coastal resources in the face of ever-increasing economic, environmental, and recreational pressures. The event of the past 5 years have not altered the fundamental importance of this program to the well-being of our coastal areas, nor have they diminished the value of the Federal-State cooperative mechanisms that are part of the law.

But the legislation I am introducing today does reflect the changing times. The bill calls for a smaller, more focused coastal zone management law, with State governments responsible for an increasingly large share of the financial cost of the program. The bill would direct funding toward those elements of coastal zone management that have proven of greatest value: the Estuarine Sanctuary Program and basic program management grants.

No new funds would have to be authorized to maintain the most important elements of Coastal Zone Management through the remainder of this decade. Through 1989, the program can be financed entirely from the $225 already authorized for coastal energy impact grants. Under my bill, these funds would be redirected to pay for higher priority elements within the program. In addition, State governments would be required to pay a progessively greater share of program costs, increasing from 20 percent in 1986 to 50 percent in 1989 and beyond.

The legislation also proposes changes in the controversial "Federal consistency" language of section 307. The changes proposed are intended to clarify what has, in recent years, become an increasing confusing and bitter debate with respect to congressional intent and this provision of law. The proposed language in this bill would state clearly and specifically in statutory language that OCS oil and gas leasing activities are subject to the "consistency" language of section 307(c)(1) of the law. This provision would overturn the effect of a January 1984 Supreme Court decision that excluded OCS leasing from coverage under the consistency clause. Beyond this specific change, the bill will reenact, in slightly modified form, the present language of the consistency provision. This reenactment will permit the executive branch to implement the consistency provision as it has throughout the past decade, except for the offshore leasing issue dealt with specifically in the amended language of the bill.

The purpose of this approach to the consistency issue is clarity. Congress has an obligation to resolve the confusion surrounding consistency through legislation, rather than by permitting the issue to be resolved through a tortuous series of expensive legal actions.

The fact is that the consistency provision in current law has worked well, although there has been controversy surrounding offshore leasing. If Congress deals specifically with this particularly difficult issue, while clarifying intent with respect to the meaning of terms used in present law, new litigation can be avoided and the integrity of a provision of law that has worked well will be preserved. For this reason, I have included in the text of the bill the regulatory language now used by the Department of Commerce to define the scope of the consistency clause, changed only as needed to reverse the Supreme Court's judgment about OCS leasing activities. By including this language, Congress will be able to express clearly its intent that the consistency regulations that have proven successful in the past should not be changed.

The legislation I have introduced will also expand the present program providing for grants to States for the establishment of estuarine sanctuaries. Fifteen such sanctuaries have been designated thus far, and two others are expected to be designated in the near future. Under the bill, the Secretary will be required to establish a National Estuarine Sanctuary Research System to provide for the coordination of research objectives and methodologies, and for identifying research priorities within these sanctuaries. The goal is to use the sanctuaries for the purpose of substantially increasing our knowledge about ecologically vital estuarine areas.

The overall purpose of this legislation, as introduced, is to reauthorize coastal zone management as a leaner, more focused program, with its most important provisions intact. It is intended to permit the continuation of coastal zone management at essentially frozen levels of funding, emphasizing those parts of the program that have proven to be of greatest value in recent years. Modifications in the consistency provision will be made for the purpose of instilling clarity, preserving the integrity of current law, and putting an end to costly litigation over the question of congressional intent.

I offer this bill not as a finished product, but as a vehicle for discussion by the public, by my colleagues in the Congress, and by those responsible for administering the program in the executive branch. I hope its provisions will be considered by those participating in future hearings before the Oceanography Subcommittee of our Committee on Merchant Marine and Fisheries. After those hearings, I expect a coastal zone management bill that will command broad support to emerge under the leadership of that subcommittee's chairwoman, Ms. MIKULSKI of Maryland. I hope that all those participating in the debate over coastal zone issues this year will approach the questions raised by this proposed bill with an open mind, and that a solid foundation for congressional action in this area can be developed during the weeks ahead.

RETHINKING AMERICA'S FOREIGN AID POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, I would like to talk today about foreign aid and its relationship to our foreign policy.

Throughout this century, U.S. foreign policy has been largely determined by the recognition of freedom having an important role to play in defining America's relationship with the rest of the world. At no other time has this been more true than in today's world, a world characterized by a fundamental conflict between the forces of freedom and the forces of slavery.

□ 1240

America, unique among all nations of the world, was established with freedom as a fundamental right given to all men by their Creator. The very essence of the American Revolution was the founding of freedom and the establishment of lasting institutions to guarantee the rights of freedom and citizenship.

But freedom was not seen as a right pertaining to Americans alone; rather, the Founding Fathers rightly judged freedom as a fundamental right given to all men by their Creator. And, as such, rooted by that Creator in the very nature of man.

America's role in the course of history has been determined by this vision of freedom. John Adams said in 1765 that:

> The settlement of America constitutes the opening of a grand design in providence for the illumination of the ignorant, the emancipation of the slavish part of mankind all over the earth.

This vision of John Adams lives on, and since 1980 has become the guiding principle of American foreign policy. President Reagan rekindled this sense of American purpose. In his recent State of the Union Address, he reminded us, and I quote:

> Proverbs tells us that without a vision the people will perish.

When asked what great principle holds our union together, Abraham Lincoln said:

Something in the Declaration giving liberty not alone to the people of this country, but hope to the world for all future time.

History is indeed calling us not only to protect and perfect our open society, but to lead the crusade for freedom worldwide. What was lacking before 1980, and this has been characteristic of U.S. foreign policy in the post World War II era, is the notion of purpose. President Reagan has taken important steps to remind us of our national purpose and to implement it through a foreign policy. This has been accomplished not through military intervention, but through a manifestation of national will.

This national will has been increasingly demonstrated through our use of foreign policy. Since 1980, the United States has strongly supported the forces of freedom and democracy throughout the world. For example, we have been calling for national reconciliation in Nicaragua, an end to the Vietnamese occupation of Kampuchea, and the withdrawal of Soviet troops in Afghanistan.

The upcoming debate over resuming aid to the Nicaraguan Contras will be a true test of our national resolve and commitment to our fundamental principles.

Mr. Speaker, foreign aid is one area of foreign policy which has been for the most part exempt from foreign policy concerns. To a certain degree, this is understandable due to the nature of much of our foreign assistance. Millions of dollars were recently appropriated for famine relief in Africa as a response to their desperate situation. We must also consider that in Ethiopia, Chairman Mengistu, has demonstrated a shocking disregard for the welfare of his people.

Mengistu has shown that he would rather let millions of his subjects perish than allow a foreign presence help administer aid. The result has been a blackmailing of the Western conscience. We have agreed to a great extent to Mengistu's terms of aid distribution, and have been making only minimal efforts to assure that the northern regions of Eritrea and Tigre receive their allocation of famine assistance.

As I said earlier, the point is not to interfere with essential emergency aid. However, throughout the debate over this emergency appropriation, there was little attention given to long-term foreign assistance goals as they relate to foreign policy objectives. Even though the emergency famine relief bill was an emergency measure, there should have been conscious consideration given to the future of Ethiopia's agricultural system and its overall economy.

Perpetuating the present Marxist regime in Ethiopia is for all practical purposes condemning the Ethiopian people to chronic economic and agricultural shortfalls. In the long run, the famine relief bill runs counter to the purpose of American foreign policy. To encourage free and democratic governments across the globe is what we should be about.

There are two other regions around the world where American foreign assistance, or more precisely, the lack of American foreign assistance is defeating our foreign policy goals. Over the last 5 years of Soviet occupation of Afghanistan, 5 million refugees have fled to Pakistan and Iran. This represents nearly one-third of the entire Afghan population. These 5 million Afghans also represents the largest refugee population in the world.

However, two-thirds of the Afghans have chosen to stay and fight the Soviet occupation. Fully 85 percent of the country is still controlled by the ragtag, Mujahideen Army. The Soviet-backed official army has been cut in half due to casualties and defections. The morale of the official Afghan and Soviet troops is lower by the day. Yet, the West has long ago given up hope of victory. The complete lack of Western aid to the Afghan freedom fighters is shameful. The West has backed down when faced with confronting its ideological rival. The shortage of food and medical supplies in Afghanistan is severe. The Soviets ordered all relief organizations out of the country in 1979. There are presently only about 30 doctors in the entire country; only 1 or 2 being surgeons.

Soviet troops have systematically killed or imprisoned all native doctors and medical personnel. As a result of the total lack of any medical personnel, facilities, or supplies, nearly every wound is fatal. Disease epidemics are sweeping the country. Tuberculosis, malaria, measles, and the whooping cough are all running unchecked through Afghanistan.

The Soviet Union has carefully orchestrated this genocide by limiting food supplies through saturation bombing of croplands, by eliminating medical supplies and personnel, and by utilizing the infamous antipersonnel bombs. The American people have shown their generosity by extending substantial amounts of aid to drought-stricken Africa; there is no reason why American generosity should not extend to the equally severe tragedy in Afghanistan, where such aid would be consistent with our foreign policy objectives.

There is a similar repression of basic human rights in Nicaragua. Thousands of Nicaraguans have sought refuge in Costa Rica and Honduras, and many thousands more have become internal refugees. While all groups have suffered, the Miskito Indians have become the symbol of the Sandinistas' intolerance of social and political diversity. The Miskitoes have been relocated in concentration camps far from their homes. Mr. Speaker, I would like to point out that I have had the opportunity to visit with some of these Miskito Indians and they fight for freedom. Their courage should be recognized and applauded by the U.S. citizens who believe in freedom, because here are people who have seen the worst crimes committed against their loved ones. Here are people who continue to fight for freedom, even though they live with an abiding concern that their families that they leave to fight for freedom may go unclothed, unfed, and uncared for.

Like in the situation in Afghanistan, they understand, as we must learn, that it is very difficult for a man to go into the field and fight for that precious commodity, freedom, when he lives with the concern that his family that he is fighting for may be lost in the struggle because nobody has the compassion of heart to come forward and at least protect those innocent civilians who are left behind in this struggle.

It is at this point that I would again implore you that if we want freedom, we must feed, clothe, and care for the families of those people who show this courage that we in America have taken so much pride in through our own experience.

This courage and these circumstances are documented. I would like to remind you, Mr. Speaker, that the State Department recently released a report documenting an endless string of political-motivated torture sessions, arbitrary arrests and assassinations by the Sandinista government. They openly proclaim that they will export this political system to other countries in Central America.

□ 1250

Basically, there are two solutions for countries like Nicaragua. The choice is ultimately between Soviet communism and American democracy. So far the United States has demonstrated a certain hesitancy in deciding which system they would like to see take root in Central America. As a matter of fact, by cutting aid to the Contras, the United States has sent a signal to the world that we really do not care much about which type of regime is established in Nicaragua. If we really do care about establishing democracy in Central America, we must maintain the only card we have to play, which is continued assistance to the Contras.

Support to the Contras can take many forms. Of course, military assistance is crucial, but we can also further the cause of freedom by providing food, medical supplies, and housing to Nicaraguan refugees in Costa Rica and Honduras. Supplying such aid is crucial in sustaining the Contras' efforts.

In conclusion, the United States must begin to realize the importance

of our foreign assistance programs and achieving our foreign policy goals. Strengthening the forces of freedom across the world is not only the goal of our foreign policy but consistent with our national purpose of effecting greater freedom and dignity throughout the globe.

Foreign assistance is a prudent investment in our future and in the world's future. The present administration has recognized the need for a coordinated program of foreign assistance operating within a grand design of foreign policy. It is our job to introduce this concept in the House of Representatives before we lose countries like Nicaragua and Afghanistan to communism forever.

Mr. Speaker, I must remind the Members that the goal of the Communist regime is not confined to Nicaragua and Afghanistan and Kampuchea where their presence is felt today, but the goal is to export that and do that by the exploitation of innocent civilians and children and the program of genocide against the peoples who love freedom.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I want to thank the gentleman for bringing this issue before the House. The gentleman has touched a very delicate nerve in the Congress of the United States and in our foreign policy as implemented by the executive branch, which has the overwhelming responsiblity of executing the foreign policy that we affect so much here by what moneys we put up.

I recall once when the People's Republic of China—we then regularly referred to it by its name and what it still is, Red China—had a severe earthquake, and we were the first nation in the world, as is usually the case, or at least in a dead heat with some of the better democracies in Western Europe, we were one of the first nations—in this case the first—to offer assistance, medical aid, food, and rescue aid, and the Chinese, then still under the Mao spell of isolationsim, severe xenophobia, and isolationsim, said in effect, "We don't want your aid."

That translated into:

Our people will die by the thousands, they will be denied medical assistance, they will be denied the skills that have been developed in the free world that you can bring us to pick people out of trapped buildings, to set up Red Cross stations, and to bring immediate relief to a very real serious situation of death and suffering.

No, we were not allowed in. Now, I did not see any ministers, priests, and nuns—some of the ones who were calling me and criticizing me generically as a Member of Congress for not responding to Ethiopia earlier—recalling that we were denied access there.

We were not allowed to help anybody in Ethiopia until the situation reached such disastrous proportions that they were becoming the scandal of the world. And there is, of course, this aspect that you have very carefully pointed out of deliberately using starvation as a tool of oppression to depopulate areas, to punish people, as you pointed out in your excellent "Dear Colleague" letter, the Aromol people that have been virtually genocided in some areas by the Marxist government.

Most of the clerics that were coming after me in a blind way saying, "If we had responded to Ethiopia earlier, this famine wouldn't have happened," they just do not understand the facts. They like to dismiss as irrelevant that the government just within the last few months was ordering $100,000 worth of Scotch whisky from the Great Britain area of Scotland to celebrate the 20th anniversary of their Marxist revolution. There is some evidence that they allowed one of the paramount leaders of Africa, Emperor Haile Selassie, who made impassioned speeches before the League of Nations before World War II predicting that league's demise if they did not do something about Mussolini's totalitarian oppression of his people and the use of poison gas—speeches that could be delivered today, using the identical words of Haile Selassie, just changing the names maybe to Afghanistan or Cambodia/Kampuchea.

Well, the fact that this government is celebrating in Ethiopia its Marxist revolution is not important to some people, but it is important to me because I know that when we are getting aid in there, if we do not in a unilateral way control the delivery of this aid and monitor its distribution, as some of our Congressmen from both parties have gone over to make sure is happening so that this aid is reaching the people—and the best way to do that is through religious organizations and volunteer organizations, not some of the state-funded organizations where they ride around in air-conditioned Mercedes and ridicule the volunteer organizations. And I have seen this with my own eyes in Thailand, where my daughter was working with volunteer organizations to help the refugees fleeing from Communist totalitarianism in Vietnam, Laos, and Cambodia.

So I think what you have pointed out on the House floor has done a real service, not only in the area of Ethiopia. This requires the severest of discipline and, in the words you used from the President, a grand strategy of how we apply our foreign aid. But what you pointed out in Afghanistan and Nicaragua is particularly serious in the way this House approaches it. Those refugees, both the internal ones you pointed out that are being genocided inside Cambodia—and many raging speeches on this House floor a decade ago about our gunships and napalm could be used right now, but they are not being used, with the factor of poison gas being added—and the refugees that have been poured into Pakistan, straining their economy to the breaking point.

Every time we give relief and economic aid to those Afghan refugees, the women and children of the Mujahideen freedom fighters, yes, we are strengthening their struggle against the totalitarian Soviet might that is being exercised against this small nation.

Well, the same thing applies in Nicaragua. I concede that when we take care of the refugees of these so-called Contras, which we prefer to call the "freedom fighters" in that situation, yes, we are aiding their struggle for freedom there. But so what? If we are going to be told that in Ethiopia a refugee is a refugee, no matter what the source of their finding themselves in refugee status, the mismanaged Marxist economies, which is universal to every attempt to combine socialism with a police state—it does not even work when it is socialism without a police state—if we are going to help the refugees flee from this idiotically imposed totalitarian state in Ethiopia, then we should help to the exact same proportion. And this is where we need a strategy. Even though it involves something as sensitive as food distribution, we must help the refugees from Afghanistan and the refugees from Nicaragua.

I could add all sorts of other areas around the world, as I know the gentleman could, but the distinguished gentleman from Texas has chosen to pick two areas of the world where the refugees are suffering, as he puts it, equally in intensity and in pain, as are those poor, pathetic little children and starving mothers that we see portrayed so graphically every night on television—well, every week. Famines have a way of disappearing from the front color coverage once they have been around 2 or 3 weeks or months. And that may be the problem with Afghanistan, now in its fifth year, going into its sixth year of suffering this Christmas. And that may be the problem with Nicaragua.

The Nicaraguans suffered grievously under Somoza, and they were not fed as well as they should have been. They only had meat three or four times a week. Now they have meat Zero—nada, never, nothing. This is the horrible economic deprivation that always becomes entrenched after Marxism has had a few years to screw things up in a country. And the tragedy is that the first wave of refugees usually is fleeing the fighting, and a lot of families are hunkering down in a cave or a little cellar and waiting for the mortar

fire to disappear. It is the second wave of refugees that follows the consolidation of a totalitarian power, because they are fleeing from something that is just as painful as the concussion of a mortar shell or the pain of the flesh being hit with shrapnel, and that is that gnawing starvation and seeing their children die slowly in front of them.

The wave of refugees from Afghanistan has been just as much from the economic deprivation of what the Soviets are doing there as the fighting itself. And certainly that is so in Central America. Most Americans should be aware of the fact that we have 500,000 new members of our country, proud and good citizens, every one of them, almost without exception, from Cambodia, Laos, and Vietnam, 35 different ethnic groups—500,000, and they are all legal citizens. But the figure from just El Salvador—forget Nicaragua and Guatemala and the people that have a lot of vision and see what is going to happen in Costa Rica and Mexico if we do not have a strong foreign policy—but just from El Salvador, a nation with the density of our great State of Massachusetts, identical density, identical size within a few hundred kilometers—4.5 million people. A half million are already here in the United States—more than that. And 580,000 Salvadorans, almost every one of them illegal immigrants, are here in this country, and most of them flee the economic conditions, not the war.

□ 1300

They flee also the impending problems that they see coming in that area because we do not have a firm consistent foreign policy down there; at least we did not until our great President Reagan took over the Chief Executive's job.

We will see a second wave of immigration from Central America. If our foreign policy fails there, they will double and quadruple. Millions of people will come north from that area fleeing to El Norte because this is the land of opportunity and they will not have to see their children slowly die.

We may look at these horrible famines around the world and try to, as some misguided clerics have done to me, look at them in the abstract totally devoid of politics. We cannot do that. Communism causes starvation and refugees and we must have a consistent fair and intelligent policy of applying our foreign aid; particularly when a farmer comes up to me, because I voted on the side of budget restraint, and they say, "It's OK to help strangers in Ethiopia, but not to help our own U.S. farmers." If we are going to help people based on the level of their suffering, let us apply it universally and understand that although this country is loathe to ever use food as a weapon the way other countries would use commodities or minerals or oil as a weapon, we must have what the gentleman from Texas has called for, a careful analysis of where we are going here and what we are going to do when we help these people who are victims of totalitarian power. If we are going to help them while they are still inside and under the oppressive control of the totalitarian state, as they are in Ethiopia, we had better have an evenhanded policy with those who have fled into adjoining countries, such as Guatemala, Costa Rica, Honduras, El Salvador, from Nicaragua, or the people who are still suffering so much in Pakistan.

I really thank the gentleman for bringing this to the attention of me and my colleagues.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California and I also thank the gentleman for capturing the essence and the point of my discussion.

The American people, of course, are people of great compassion and we show that on so many occasions. We showed our compassion this week when we voted that food aid.

The point that I am trying to make here is that we have a limited capability and even though it may be repugnant to us, as it is, to extend aid on political grounds, the point that I am making is that we have so many people across the Nation who have already committed themselves to the fight for freedom that we have the option to give that aid as assistance to that fight, which is so consistent with our American heritage.

Now why then would we desert that option and exercise instead the option to extend aid into the hands of a man like Mengistu who will use that to coerce the people who are trained to achieve their freedom, to starve them, to blackmail?

Certainly if we cannot find a way to make our aid work to advance the cause of freedom, we must avoid allowing that aid to be used to advance the cause of slavery.

This is the point I am saying. We must have a big heart and we do have a big heart, but that must be bolstered by an equally big brain, and I appreciate the grasp of the gentleman from California and his willingness to support it.

Mr. DORNAN of California. Mr. Speaker, if the gentleman will yield further, if anyone in the press is not clearly aware of the essence of what the gentleman is trying to do here, to use the gentleman's expression, I would be only too willing sometime to make a specifically targeted trip to the starvation refugee areas of Africa to see how this is distributed, so that it is burned into our brain, because I have appreciated the trips of all Members of any ideological strain or bent to go to Ethiopia and see the suffering there. I have not done it myself. I intend to and I am sure the gentleman does, too.

I have seen the suffering of the refugees in Pakistan several times and both sides of the Nicaraguan area of Central America. I will go with the Member any time he wants to take a look at this firsthand.

Mr. ARMEY. Well, I thank the gentleman for that.

Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, before the gentleman from California leaves, I just want to say that I concur with his remarks wholeheartedly. He is one of the most respected and knowledgeable Members of this House. It is a pleasure to have him back with us after a 2-year absence.

Second, let me also commend the gentleman from Texas who is in the well for his initiative in calling this special order today on the subject of foreign aid. I certainly concur with the gentleman's remarks. The gentleman has only been a Member of this House for a couple months and already he has established himself as one of our most respected Members.

Mr. Speaker, in 2 weeks, the Committee on Foreign Affairs, on which I serve, will begin marking up the fiscal year 1986 foreign assistance budget. And so this is a particularly appropriate time to consider where the money is going. The controversy over foreign aid is graphically illustrated by the fact that both Houses of Congress have passed only one foreign assistance authorization bill in the last 6 years. These bills are simply not supportable.

Mr. Speaker, foreign assistance, both economic and military, was conceived originally as an integral component of the national security strategy of the United States. To help maintain economic and political stability in countries where the United States has vital strategic interests was the essential motivation behind the historic Point Four Program launched by President Truman in 1946.

As America's global interests and commitments have gradually increased, our Foreign Aid Program has likewise increased, gathering a momentum of its own that has turned the program away from the priorities and focus for which it was originally intended. Moreover, the bipartisan consensus that shaped our Foreign Aid Program in those early years has gradually dissipated.

Rather than being an orderly program, integrated into our overall security strategy, foreign aid has become a grab bag of self-contradicting policy initiatives. If foreign aid is ever to return to its original purpose—a way in which we can help our own country

even as we help other countries, we must first return to those founding principles.

First, the same threat of Communist aggression that prompted our initial Foreign Aid Program in the 1940's has not diminished. In fact, new tactics of terrorism and subversion have made the threat all more imminent. Given the fact that economic instability provides fertile soil for Communists to sow, a balanced program of economic and security assistance is appropriate. And, our foreign aid has historically maintained a ratio of 3 to 2, economic over security.

But if the history of the last 25 years teaches us anything, it is that socialism is not a deterrent to communism. The doctrinaire socialist approach that has been the mainstay of so many development programs in the Third World simply has not worked. Mr. Speaker, the time has come to stop underwriting the overblown bureaucracies and state-run enterprises in the Third World that are sapping every ounce of economic vitality from those countries. Member countries in the so-called nonaligned movement have, for the most part, demonstrated that they can do only one thing well—and that is to expand the power of the state over every aspect of society. I need not add that the principal enthusiasts supporting this approach do not face the inconvenience of having to participate in a free election. We must be very emphatic: The chief source of economic instability and corruption in the Third World is to be found in the public sector.

It is time to concede that our Foreign Aid Program, and that of other developed, industrialized countries, has not succeeded in turning the Third World into a mirror image of our own societies. Real development can occur only when the creative potential of a country is unleashed by a vigorous private sector. But such an independent force in society will not be tolerated by the various oligarchies and dictators in the Third World.

Third World countries, crippled by public sectors that consume virtually all sources of capital and other resources, are weak links indeed in the struggle against international communism. And make no mistake: The single greatest threat to peace and security in the world comes from an expansionist ideology that knows no satisfaction of its appetite. Yes; economic needs are real and must be addressed. But if our economic assistance is to be worthwhile, we must encourage the implementation of realistic policies in the recipient countries. Otherwise, we are simply throwing good money after bad and achieving nothing in the struggle for the hearts and minds of people around the world. You simply cannot oppose communism with socialism. We must oppose communism with the only thing that can defeat it: The ideals of political and economic freedom that have been our own greatest source of strength.

Let's quit selling our country and its ideals short. A Third World country that is not moving in the direction of guaranteeing its people individual freedom under law, consistent with the principles of economic freedom and enterprise, is sliding down a slippery slope toward decay, dictatorship, and, eventually, communism.

Second, I would suggest that the success of the United States in the conduct of its foreign policy entails credibility and fidelity on our part. When we here in the Congress continue to abuse our country's allies, is it any wonder that the Soviet Union and other Communist bloc countries are able to make inroads around the Third World?

Let me cite a specific example. Yesterday, I participated in a hearing concerning human rights practices in South Korea. Here is a country, a long-time friend of the United States, making a painful transition toward greater democracy and fuller political participation for its citizens, and yet all I heard in the hearing yesterday were attacks, criticisms, and ridicule being heaped on our ally. And then I turn around and read in the latest foreign aid proposals for fiscal year 1986 that a military aid program is being set up for Mozambique, a country whose leaders are committed to Marxist/Leninism, policies that have brought about the total ruination of the country over the past 10 years. I ask you: What sense does this make? How can we have a credible foreign policy when ideas like this are proposed?

It reminds me of Jeane Kirkpatrick's comment that the most difficult thing she encountered in her service at the United Nations was that the countries there just could not take the United States seriously. There was nothing to be lost or gained depending on how these countries dealt with us. Our enemies are rewarded and our friends are abused. We speak softly to our enemies and throw our weight around with friends. It just is not the way to conduct a foreign policy, nor is it the way to conduct an aid program.

Two years ago, I was privileged to have successfully sponsored the legislation that requires the U.S. Ambassador to the United Nations to file an annual report about the voting practices and pattern of every U.N. member. I believe these reports have been invaluable in helping to identify who our friends really are. And I believe any credible foreign aid program must reflect the fact that our country is under no obligation to support any government that makes a consistent practice of insulting our policies and values in the United Nations, or in any other forum for that matter.

Third, and finally, the observation must be made that our foreign aid was originally predicated on a belief in the efficacy of our efforts to shape a better world, a belief that was nurtured by our faith in the value of our ideals and institutions and in the goodness of the American people. Now, we are asked to believe that the flow of history is moving toward predetermined outcomes that we are virtually helpless to affect.

The idea that this generation of Americans bears any kind of special responsibility for the survival and the success of our country and its policies is strangely absent from the proceedings and debates that produce our foreign aid bills. The American people sent a message loudly and clearly last November: They want our country to act in a way that is consistent with the values, and have ideals that have made the United States the great nation, indeed the great power, that it is today.

But providing economic and military assistance to countries whose governments sneer at our policies and belittle our values is a practice that must be stopped. The generosity of the American people need not be extended to ingrates.

There is no greater myth prevalent in the world today than the myth of nonalignment. Because, in the final analysis, there are actually only two countries who are truly nonaligned—and those two countries are the United States and the Soviet Union. Everyone else is somewhere in between, moving in one direction or the other. And there is a tremendous responsibility placed on us, as Members of Congress, to help fashion policies and programs that have as their objective the purpose of moving countries toward political and economic freedom and away from the swamps of collectivism.

This is a great challenge and a battle that must be won. It can be won and it will be won, if we remain true to our heritage and if we reject the pessimism and nay-saying that go hand in hand with the spiritual and intellectual exhaustion of contemporary liberalism.

□ 1310

Mr. Speaker, I commend the gentleman in the well for bringing this special order today.

I was in Ethiopia not too long ago as the ranking Republican on the Foreign Affairs Subcommittee on Africa, and I had the privilege of meeting, I thought at that time, with former corporal Lieutenant Colonel Mengistu.

I sat through a private meeting there in which he stated that America, the United States, the American

people are nothing but imperialist aggressors—"pigs" he called us. This man, who has committed the murder of 10,000 Ethiopian people; men, women, and children, this man, who is carrying on a policy of starving the people in the northern provinces of Ethiopia, a most depicable situation.

I say to you, Mr. Speaker, that yes, our foreign aid is meant to be helpful to other people, but we should use that foreign aid to let the people know that we are not going to stand here and allow the spread of international communism, that atheistic philosophy that has no sense of human life whatsoever.

I hope the gentleman carries on his good work.

Mr. ARMEY. I appreciate the gentleman's comments. As you know, I am a new Member of the House, and I have so much to learn here in Washington, it is very instructive for me to have a person like yourself—with your experience, your knowledge—giving me instruction.

I would like to reemphasize a point the gentleman was making; it is a point we have to understand. If we are able to understand our foreign policy objectives and the need for a unified foreign policy that is coordinated with foreign aid efforts, we must understand the will of the United States.

So many people who see us talking about coordinating our foreign policy objectives to our foreign aid think in terms of territorial objectives. The United States has no design on the territory of other nations; we have no objective to take over other nations; we are not imperialistic; and I have to tell you it shames me to know that so many people in this country refuse to see that this is a nation founded on the highest principles, the greatest ideas, a nation that believes that all men are created equal and endowed by their Creator; all men, not all Americans, but all men throughout the globe, endowed by their Creator with the right to life, liberty, and the pursuit of happiness.

This is a nation that has committed its resources, has committed its people, individuals who have committed their lives willfully to the idea that this is a nation that has the heritage, that has the will, that has enjoyed the privileges of freedom and therefore has the responsibility of a free people to help others fight for their freedom.

How people I know, learned people, people with educational certificates, can fail to see that these are our objectives. We do not want to rule the peoples of other nations. It breaks our heart to see the refugees come to the United States looking for that freedom that is denied them in their homeland.

I have visited with so many of these people that we have discussed, that have found their way to the United States, celebrated the United States. I am reaching a point in my life where I no longer want to have somebody from Central America, or from Asia, or from Europe, who has found their way to the United States and celebrated their freedom, look at me and tell me: "You Americans don't understand communism. You are too quick to trust the Communists. You are too reluctant to fight for freedom."

I am not talking about committing our lives, our children, I am talking about committing our resources with compassion and understanding that if we commit them where they are needed in the fight for freedom, we can do something to create a world that does honor to the heritage that we, ourselves, have enjoyed. It is time that we move to an understanding that America is a good nation, a kind nation, and a nation that shows its compassion and its commitment to freedom throughout the globe.

America does not have territorial objectives throughout the globe. We do not want to enslave or deny the rights of people across the globe. We are willing and we must be able to commit ourselves to help those who sacrifice so much in order to help themselves.

If we cannot find that kind of enlightened generosity in our hearts, the cause of freedom in the world is indeed in jeopardy. For we among all nations have the opportunity, the resources, and the ability to provide for a Free World.

□ 1320

ORDER OF BUSINESS

Mr. HAYES. Mr. Speaker, I ask unanimous consent that my special order precede the special order of the gentleman from Pennsylvania [Mr. GAYDOS].

The SPEAKER pro tempore [Mr. SWIFT]. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INTRODUCTION OF THE SALE OF CONRAIL ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BROYHILL] is recognized for 60 minutes.

● Mr. BROYHILL. Mr. Speaker, today I am introducing the Sale of Conrail Act of 1985. This bill, quite simply, is designed to return Conrail, the federally owned northeastern rail carrier, to the private sector.

Congress has struggled for many years with the troubling financial health of the rail industry in the northeast region. After pouring billions of dollars into this carrier and enacting legislation to enable Conrail to reduce its labor and tax expenses, Conrail has finally turned a profit.

Under the provisions of the Northeast Rail Service Act of 1981, the finding that Conrail was indeed profitable initiated the process of returning the carrier as an entity to the private sector. The Secretary of Transportation then set about the task of finding a suitable purchaser. After a lengthy, competitive, and completely thorough process, the Secretary has recommended that the Government sell its interest in Conrail to Norfolk Southern Corp.

Mr. Speaker, a sale to Norfolk Southern Corp., as structured by the Secretary, best assures continued and competitive rail service to the Northeast for the long term. The numerous covenants incorporated into the memorandum of intent make certain that Conrail's cash reserves, track, and equipment, and service levels will be maintained. Assurances to Conrail's work force, who have played a pivotal role in the turnaround of this corporation, are another important element of the Secretary's recommendation.

Mr. Speaker, it is my hope that Congress will act in a swift, yet deliberative fashion, on the Sale of Conrail Act of 1985. I encourage my colleagues to carefully review this important piece of legislation and hope they will join me in supporting it. A section-by-section analysis of the bill follows:

THE SALE OF CONRAIL ACT OF 1985—SECTION-BY-SECTION ANALYSIS

Section 2. Findings. This section enumerates that:

(1) NERSA provided for an orderly return of Conrail to the private sector;

(2) NERSA was successful in preparing Conrail for return to the private sector;

(3) USRA found Conrail met the standards of profitability necessary for its return to the private sector;

(4) the Secretary of Transportation followed the requirements by:

(i) engaging an investment banker; and

(ii) conducting open competitive bidding and negotiation to sell Conrail;

(5) the Secretary's Plan provides for the sale of Conrail to the Norfolk Southern Corporation;

(6) the sale to Norfolk Southern Corporation maximizes the return to Government while it leaves Conrail in the strongest financial position after the sale and best preserves patterns of service to the shippers and communities Conrail serves;

(7) existing laws governing Conrail as a public entity need to be amended to reflect it becoming a private entity; and

(8) the Secretary's Plan best meets the intent, goals and objectives of NERSA, and the requirements of section 401(e) of that Act.

Section 3. Purpose. This section merely states the purpose of this Act is to return Conrail to the private sector by directing and facilitating implementation of the Secretary's Plan.

Section 4. Definitions. This section contains several definitions. "Secretary's Plan" is defined as:

(A) the Memorandum of Intent between the United States and Norfolk Southern Corporation, and

(B) the divestitures by Norfolk Southern Corporation as required by the Department of Justice to ensure competition.

It also defines "definitive agreements" which are the agreements entered into between the United States and Norfolk Southern Corporation to implement the Memorandum of intent.

TITLE I—AMENDMENTS TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973 (3R ACT) AND NERSA

Section 101. Termination of USRA Loan Authority. The authority of USRA to purchase Conrail preferred stock or debentures is terminated upon consummation of the sale.

Section 102. Responsibility of Conrail Directors. The immunity given existing Conrail Directors against civil liability is continued for any actions taken to implement the Secretary's Plan.

Section 103. End of Public Conrail. After consummation of the sale, the provisions of the 3R Act do not apply to Conrail, except for the following:

(1) definitions are retained;

(2) Conrail seat on USRA Board is retained to facilitate future cooperation between USRA and Conrail to get information needed for unresolved matters after sale which had arisen before sale;

(3) USRA Access to Conrail information respecting matters pending before the Special Court is retained but other access is removed;

(4) Civil Immunity for Conrail ESOP fiduciaries, including Conrail directors, is retained for actions taken prior to or in connection with consummation of the sale.

(5) ESOP qualification for tax purposes is continued and transfer is facilitated; i.e., Norfolk Southern Corporation is permitted to buy out the ESOP with cash or its stock;

(6) Right to Collect Commuter Debt arising from operations by Conrail prior to January 1, 1983 is retained;

(7) Immunity of Conrail Directors, prior to sale, for actions arising prior to or in connection with the sale is retained;

(8) New England Supplemental Transactions; rights and obligations already adjudicated and specified in the order of the Special Court are preserved within the jurisdiction of the Special Court;

(9) Expedited Abandonment authority for abandonments not filed before the sale is cut off upon consummation of the sale; i.e., Norfolk Southern Corporation will be bound by regular ICC abandonment procedures;

(10) Stock sale authorization is maintained with added direction to implement the Secretary's Plan and coordinated operation of the combined Norfolk Southern Corporation and Conrail systems;

(11) Recapitalization of Conrail continues to be permitted; the Secretary would cancel Series A Preferred Stock and Debentures issued by USRA;

(12) Special Court Review continues to be the only review of the sale, including enforcement of terms and conditions which are part of the Secretary's Plan, the definitive agreements or the enabling legislation except for the actions authorized by Section 106;

(13) Existing Labor Protection is continued for those eligible before the sale but after the sale Norfolk Southern Corporation and railroads acquiring divested properties assume responsibility for new labor protection for employees adversely affected after the sale because of implementation of the Secretary's Plan. (See, Section 108);

(14) Positions "blanked" (abolished) by Conrail under NERSA authority remain "blanked";

(15) Railroad Job Register maintained by the Railroad Retirement Board for terminated employees continues to be available to future terminated conrail employees;

(16) FELA claims arising from injuries incurred by employees of predecessor railroads prior to the beginning of Conrail operations on April 1, 1976 continue to be Conrail's responsibility;

(17) NERSA Labor Protection provided for employees deprived of employment prior to consummation of the sale continues to be the responsibility of the Federal Government;

(18) Exemption from State full crew laws in the region will continue for Conrail after consummation of the sale just as for other carriers in the region;

(19) Pre-Sale Labor Protection burdens of proof continue on Conrail for disputes involving pre-sale eligibility; and

(20) After the Sale Labor Protection becomes New York Dock protection (See, Section 108).

Section 104. Implementation of the Secretary's Plan. This seciton does four things:

(1) repeals the legislative veto provision;

(2) specifically directs the Secretary to implement the Secretary's Plan;

(3) treats the sale and subsequent coordinated operation of Norfolk Southern Corporation and Conrail properties as a railroad merger deemed to have been approved by the ICC;

(4) directs the Secretary to enter into the definitive agreements; and

(5) defines the date of sale as the date title to the common stock passes to Norfolk Southern Corporation and the United States receives the cash purchase price.

Section 105. Railroad Purchasers and Offer For Sale of Shares to Employees. This section repeals those provisions of NERSA, which were incorporated into the 3 R Act, designed to give employees a right of first refusal and to set limitations on railroad buyers had Conrail been sold as a terminal company owned by several railroads. Since the Secretary considered an offer from employees to purchase Conrail and since the purchaser chosen by the Secretary is a single corporation, there is no need for these provisions.

Section 106. Cancellation of Debt and Preferred Stock. This section permits recapitalization of Conrail, prior to sale, by cancellation of the preferred stock and debentures issued by USRA to fund Conrail. The recapitalization becomes effective on date of sale. Under existing law the preferred shares and debentures would be cancelled except in the case Conrail went bankrupt whereupon they would become liabilities against the bankrupt estate. This section eliminates that exception because no buyer would buy with such contingent liability and the financial strength of Norfolk Southern Corporation makes Conrail bankruptcy highly unlikely.

This provision allows Norfolk Southern Corporation to bring a civil action in the event the Internal Revenue Service takes any action that constitutes a breach of the tax representations made by the Federal Government to Norfolk Southern Corporation.

Section 107. Applicability of Other Laws. This section maintains the existing exclusions from judicial or administrative review for implementation of the Secretary's Plan and the definitive agreements. The faithful execution of the agreements is assured by Section 121 which gives jurisdiction to the Special Court.

Section 108. Labor Protection. This section requires Norfolk Southern Corporation and the buyers of any divested properties to provide New York Dock labor protection conditions after the sale for employees adversely affected by implementation of the sale and consolidation of Norfolk Southern Corporation and Conrail. Eligible employees adversely affected after the sale may receive up to six years pay.

Section 121. Special Court Jurisdiction. This section extends the jurisdiction of the Special Court to review actions arising under this Act, the Secretary's Plan and the definitive agreements.

Section 122. NERSA Conforming Amendment. This section makes clear that "sale of the interest of the United States in the common stock of Conrail or transfer of the rail properties and freight service responsibilities of Conrail" are included in the term "service transfers", which Section 1168 of NERSA addressed in specifying the applicability of other Federal laws to the review of the transaction.

Section 131. Responsibility of Employee Stock Ownership Plan Fiduciaries. This section extends civil immunity to ESOP fiduciaries for actions taken to implement the Secretary's plan.

Section 132. Qualification and Review of Employee Stock Ownership Plans. This section clarifies the existing Conrail ESOP provisions in two ways:

(1) it assures no tax liability to ESOP members in connection with a sale to Norfolk Southern Corporation until ESOP assets are distributed to members, and

(2) it exempts the issuance and sale or contribution of securities by Norfolk Southern Corporation to the ESOP resulting from negotiations between labor organizations, Norfolk Southern Corporation and the Secretary from other Federal approvals or securities registration requirements. The exemption covers only a conversion of the existing Conrail plans, not the operation of any new ESOP should the parties agree to one.

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS

Section 201. 3R Act Changes Effective on Date of Sale. Effective on successful consummation of the sale, the following changes appropriate to a privately owned Conrail, would be made:

(1) Extinguish certain Conrail related authorizations in title II of the 3R Act, with respect to the following agencies or programs: the Department of Transportation, the Interstate Commerce Commission, the purchase of Conrail securities, assistance in transfer of Conrail service to local commuter authorities, Rock Island employee protection under separate legislation, and other commuter authority payments.

(2) Repeal sections 404, 405, 406, 407, 408 (a) and (d), 409, 410, 411, 412 and 713 of the 3R Act, which address the sale process itself or are otherwise unnecessary.

Section 202. Other Changes Effective on Date of Sale. This section would repeal or revise the following provisions of rail laws other than the 3R Act, again effective only upon consummation of the sale:

(1) Repeal section 1154 of NERSA, which subordinates all United States claims against Conrail to any other valid claim.

(2) Repeal section 1161 of NERSA, which establishes a government role and procedure for disposition of Conrail's light density lines. (See, Section 103(9));

(3) Repeal section 1166 of NERSA, which concerns trackage rights in the City of Philadelphia;

(4) Repeal section 1167(c) of NERSA, which provides for transfer of Conrail's stock to DOT;

(5) Repeal section 1168(b) of NERSA, which exempts Conrail from State full crew and related laws. (See, Section 103(18));

(6), (7), and (8) Delete from the "Rail Rehabilitation and Improvement" financing provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) the provisions for separate standards for certain funding of Conrail.

(9), (10) Delete Conrail references from the section 511 loan guarantee provision of the 4R Act and from the Rail Safety and Service Improvement Act of 1982.

(11) Delete a specific reference to Conrail from provisions of the Rail Passenger Service Act dealing with the promotion of private sector passenger rail corridors.

(12) Delete a specific reference to Conrail from the duties of the ICC Rail Services Planning Office.

(13) Delete reference to Conrail from the entities directed to provide information to the Department's Minority Resources Center, since this information will be provided as required by the terms of the Secretary's Plan.

TITLE III—MISCELLANEOUS PROVISIONS

Section 301. Common Carrier Status of Conrail after Sale. This section preserves Conrail's rail common carrier status after the sale and does not convert Norfolk Southern Corporation, a holding company, into a railroad carrier.

Section 302. Separability. This is a standard provision preserving other parts of the statute should any part be held invalid.

Section 303. Effective Dates. This section makes everything in the bill effective on date of enactment, except those provisions which become effective upon the consummation of sale.●

TOWARD A NEW EXPERIMENT IN ECONOMIC JUSTICE: THE INCOME AND JOBS ACTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 60 minutes.

Mr. HAYES. Mr. Speaker, in recent weeks an influential radical made a public address calling for—and I quote—"the ultimate in human freedom," "an American opportunity society," a "new American emancipation" and even a "new American revolution."

He also asked the Congress to "think anew and move with a new boldness so every American who seeks work can find work."

He then set an example of boldness. He boldly hitched his wagon to a star wars fantasy that would quicken the arms race. He bravely urged that the quickened arms race be financed by transfers of funds from the middle and lower classes and by more Federal debt. He daringly called for a constitutional amendment to forbid any future administration from engaging in his administration's kind of deficit financing.

But in taking the oath of office, he made a mistake. He failed to look up the meaning of execute. Now any dictionary tells us that execute means either carry out or put to death. So instead of carrying out the laws of the land, he is now trying to put some of them to death.

In his budget he has asked Congress to kill many laws by denying funds for their implementation. Earlier, he had wanted to set an example of what the CIA calls executive action by personally acting to execute the Council of Economic Advisers. But on the advice of Members of Congress, he held back. Instead he terminated those sections of law (in the Employment Act of 1946 and the Full Employment and Balanced Growth Act of 1978) which govern the Council's work. He did this by simply disobeying their mandates for an economic report with a Presidential program to create conditions under which "every American who seeks work can find work."

Mr. Speaker, the sponsors of the Income and Jobs Action Act believe that laws should be enforced, not disobeyed. Our bill, therefore, is designed to revive—and fully implement—the stricken body and spirit of those 1946 and 1978 statutes. Full employment is America's first requirement for attaining genuine freedom and opportunity for all. Also, as shown the history of the last 40 years, it is the first requirement for reducing extravagant deficits. For this, no constitutional amendment is needed.

But we do need "to think anew and move with a new boldness." That is what "The Income and Jobs Action Act" is all about. That is why our bill extends and strengthens the 1946 and 1978 laws.

It does this by mandating Presidential initiatives toward the goals of

Both (a) creating good job opportunities for all able and willing to earn a living through paid work and (b) providing adequate income for all adults unable to work for pay (secs. 2 and 3),

Promoting realistic planning to help declining industries (civilian or military) to convert to sectors where more or better goods and services are needed (sec. 4),

Sparking overall planning for attaining full employment through (a) a bold new approach to local initiative in overall planning, (b) inclusive local and national partnerships among all sectors of society, and (c) a total package of the many incentives needed for more creative use of both private and public sectors and market and nonmarket processes (sec. 5), and

Efficient implementation through staged schedules that include educational activities within each State and through the introduction at long last of net outlay budgeting (sec. 6).

This legislation authorizes no additional funds whatsoever. It is a policy mandate to the President, his Council of Economic Advisers, and other agencies set up by Federal statute. Their present budgets are in toto large enough to carry out this mandate—with whatever changes in priorities a Presidential full employment program may propose or the Congress may authorize in other legislation. And rather than authorizing more funds for the Joint Economic Committee or the Congressional Budget Committees, the bill would give them, instead, a more coherent Presidential program as a starting point for their deliberations.

Mr. President, we do not use hallowed words lightly. We deplore the use of freedom by those who seek a union free environment and liberation from controls that protect consumers, workers and the environment. We reject the use of opportunity to disguise the actions of those who seek more opportunities for sheltering their millions from taxes. We cannot go along with those who seek emancipation from laws against bribery, tax evasion, and the buying of elections and votes.

Our legislation offers a framework for Americans to work together on behalf of true freedom—freedom for all, black, white, brown and yellow, not just for a few pampered elites.

Our bill charts the paths on which the people, the Congress, and the President can walk together in doing whatever is to be done—and undone—to build true American opportunity society.

If this measure is enacted without crippling changes, if it is creatively administered with the full participation of an alert citizenry and if it sparks action on an entire full employment package, then we could at long last emancipate this country from fear of coming recessions. Its full implementation would mean emancipation from the present-day horrors of poverty, hunger, homelessness, business and farm failures, family breakdown, cynicism and despair.

We reject the Radical Right principle: "Let Gold rule" or "Do others in before they do you in." Their emphasis on personal greed and possessive individualism would subvert much of the good—and enlarge most of the bad—in American society.

Our moral premise, rather is the original Golden Rule: do unto others what you would have others do unto you. On this premise, we weave the highest principles of economic justice into the seamless web of public and private decisionmaking and action.

In doing this, we have tried to combine wisdom from the past and realistic knowledge of the present with a bold new vision for the future of our generations and generations to come.

To explain what we are attempting, I shall now

Explain why one may see this legislation as outlining a new experiment in economic democracy.

Review the historical anteacdents of The Income and Jobs Action Act,

Set forth its guiding principles, and then

AN AMERICAN EXPERIMENT IN HUMAN RIGHTS

The Income and Jobs Action Act does not propose a new American revolution.

Its sponsors stand by the highest principles of the first American revolution, the Constitution, and the Bill of Rights. We favor the democratic processes of liberation and consciousness raising initiated by the New Deal, by the civil rights, civil liberties and women's movements, by neighborhood activities and by all those who know that national security begins with economic securities at home. These processes lead not toward revolution but toward fundamental institutional change.

During the first two centuries of our Republic, many experiments were made in fundamental institutional change—from the Bill of Rights and the elimination of property qualifications for suffrage to the freeing of the slaves, the direct election of Senators, women's suffrage, and lowering of the voting age to 18. While always resisted by entrenched economic interests, these forward steps were accompanied by innovation and experimentation in expanding material production.

Over the centuries these and other experiments in political democracy, stated the American Catholic bishops in November 1984, "did a great deal to ensure the protection of civil and political rights in our Nation." They also contributed to impressive strides in providing material necessities.

The bishops then pointed out that economic justice has lagged behind political democracy:

There remain major problems and injustices that infringe upon human dignity. The Nation must take up the task of framing a new national consensus that all persons have rights in the economic sphere and that society has a moral obligation to take necessary steps to ensure that no one among us is hungry, homeless, unemployed or otherwise denied what is necessary to live with dignity.

The bishops then suggested that

The time has come for a similar experiment in American democracy: the creation of an order that guarantees the minimum conditions of human dignity in the economic sphere of every person.

That is the kind of social order favored by spokesmen of all major religions. That message was given back in August of last year by the Reverend Stephen J. Thurston, pastor of the New Covenant Missionary Baptist Church when (together with Msgr. John J. Egan) he testified in support of last year's version of our proposal. It is the kind of order sought, I believe, not only by the sponsor of this bill but by many others who are studying the bill carefully before taking a position on it * * *

FROM FRANKLIN ROOSEVELT TO AUGUSTUS HAWKINS

Forty one years ago, while planning how to win the war against the fascist Axis, President Franklin Roosevelt addressed the Congress on plans to win the peace. The foundation of any sound plan, he declared, would be an economic bill of rights.

The first of these was the right to a useful and remunerative job. He then set forth seven other rights. They dealt with decent wages, adequate housing, health care, social security, education, family farming and protection against monopoly.

If these and similar rights are carried into practice, Roosevelt affirmed, America could build a new basis of security and prosperity for all—regardless of station, race or creed. Thus America would never again return to the boom-and-bust business cycle of the past. Americans could be confident that with the termination of war-time spending, we would never again experience the catastrophic horror of the 1929 collapse and the depression that was ended only by World War II.

But should rightist reaction prevent the implementation of economic rights, Roosevelt warned, then "even though we shall have conquered our enemies on the battlefields abroad, we shall have yielded to the spirit of Fascism here at home."

During the 1944 election campaign, Roosevelt took this issue to the people. This forced Thomas Dewey, his Republican opponent, to give lip service to jobs for all. But it was clear to most voters that Republican political service was more given to rightist reaction than to full employment. Roosevelt was re-elected to an unprecedented fourth term.

A few weeks after the election, Harry Truman—then Vice President-elect but still a Senator from Missouri—and Senator James Murray of Montana decided that new legislation was needed to make economic rights a reality. In their report of December 18, 1944 they stated that—

The so-called right to a job is a meaningless figure of speech unless our Government assumes responsibility for the expansion of our peacetime economy so that it will be capable of assuring continuing full employment.

They therefore proposed a full employment bill to establish responsibility for full employment planning. In February 1945—just 40 years ago—this bill was introduced in both Houses of the Congress. It was cosponsored by a bipartisan coalition of Democrats and Republicans. It was supported warmly by all sectors of the labor movement, all major religious groups, most mayors, many independent businessmen and by the major organizations representing women and minorities. Under the leadership of President Roosevelt and then of President Truman, it was backed by all executive agencies—even the Federal Reserve Board and the Bureau of the Budget.

All the supporters were agreed that the enactment of the measure without destructive amendments would make American capitalism more responsible and more democratic. They knew that with full employment, market demand would be high enough to allow private business to earn good long-term profits without becoming addicted to military contracts, tax subsidies and high cost bailouts.

But the bill was strongly attacked by a small and extremely powerful minority of the people whom Roosevelt called Economic Royalists and Economic Bourbons. Economic Royalists. These people saw unemployment as a weapon to use against working people. They looked forward to the bargains they would pick up in the stock market during recession or depression. They preferred the cozy comfort of Federal contracts, loans and subsidies—as against genuine competition in a full-employment economy. They saw full-employment opportunities at good wages as something that would give more power and status to women and racial minorities.

But without bringing these reasons into the open, they attacked the bill with pure demagogy. It would lead to too much regulation and spending, they charged—perhaps even to socialism. These were the same shopworn arguments they had used against every New Deal measure to save capitalism—from bank deposit insurance to Social Security and the Labor Relations Act.

As a result of this opposition, the bill was weakened before becoming law in February 1946. The term "full" was replaced by "maximum." More important, the right to a job opportunity was stricken.

Nonetheless, the bill crystalized in powerful form a growing consensus that the Federal Government has a basic responsibility to coordinate all its plans, functions, and resources to prevent another mass depression.

To implement this responsibility, the act

First, instructed the President to develop every year—and send to Congress in the Economic Report—an overall economic program to attain needed levels of employment, production, and purchasing power,

Second, set up the Council of Economic Advisers to help advise on such a coordinated program, and

Third, established the Joint Economic Committee to help Congress in coordinating legislation affecting economic policy.

During the first 30 years of this legislation, one fact was abundantly clear: there had been no mass depression for the population as a whole. In fact, the word "recession" had to be invented to replace "depression" in describing downturns in the business cycle.

But by the early 1970's, under the leadership of Representative AUGUSTUS HAWKINS, members of the House Education and Labor Committee and the Congressional Black Caucus uncovered less obvious facts:

First, while the country suffered merely from recurring recessions, people—and particularly younger people—in black and Hispanic ghettoes and in many rural areas were stricken by ongoing mass depression.

Second, official Government statistics seriously understated the real amount of joblessness, while also providing little or no information on the consequences of joblessness for business failure, family breakdown, alcoholism, drug abuse, and crime.

Third, full employment was being officially defined as the highest tolerable level of unemployment, with that level rising from 2 or 3 percent to 5, 6, or 7 percent of a narrowly defined labor force.

Fourth, official ideas of full employment planning tended to be restricted to manpower programs alone—such as new careers, public service employment, CETA and other job training measures—even ignoring fiscal and monetary policy and foreign economic policy.

Fifth, the idea of overall planning and coordination—the keys to and successful business activity or city government—faded out as more and more attention was given to single issue solutions to multidimensional problems.

Sixth, under onslaughts from the radical right, many people seemed to have dropped—or temporarily forgotten—the Roosevelt vision of an economic bill of rights.

In 1974 AUGUSTUS HAWKINS and scores of colleagues in the both Houses of Congress picked up the fallen flag by introducing the Equal Opportunity and Full Employment Act. This measure reasserted in improved form the right to freely chosen job opportunities at fair wages. To enforce this right, provision was made for an over-all full employment program to be presented to Congress and reviewed by the Joint Economic Committee, local reserves of private and public job projects to be developed in cooperation with local and neighborhood boards, a Job Guarantee Office within a renamed U.S. Full Employment Service, Standby Job Corps, a National Commission for Full Employment Policy Studies, and opportunites for administrative or judicial appeals by anyone deprived of his or her job rights.

The struggles over this legislation and the many amendments offered to it were long and bitter. A privileged minority of big business leaders leveled their attack against the idea of economic rights for other people. They themselves might enjoy the right to rig prices, get big welfare from Federal, State, and local government, and build tax shelters to escape social responsibility. But ordinary people should not have the right to earn a living at fair wages. To support them, some economists—better called iconomists—who bow daily before the icon of the so-called free market argued that in its original form the measure would have eliminated substandard poverty-level wages.

In October 1978, the Hawkins-Humphrey bill was finally enacted. Although many of its important provisions were sacrificed, the final law nonetheless contained a vital mandate. It required the President every year to aim at the interim target of bringing officially measured unemployment down to 4 percent within 5 years. A few months later, in his first Economic Report under the law, President Carter set a target of reducing unemployment—then over 6 percent—to 4 percent by 1983. But the President then departed, as Representative HAWKINS promptly pointed out, from the basic spirit of the law by moving to expand unemployment as a presumed cure for inflation. By the 1980 election, both inflation and unemployment rose considerably. This allowed Ronald Reagan to campaign successfully on behalf of jobs, jobs and more jobs.

Since then, President Reagan has consistently departed from both the letter and the spirit of the law. At no time has he set a target of reducing unemployment to 4 percent. In his Economic Report of February 5, 1985, Mr. Reagan does not even mention the word "unemployment," let alone set any targets for reducing it. He did claim that 6 million more people were working than when he came into office. In using this figure, he failed to point out that this growth was less than half of the 13 million growth during the Carter administration—and therefore represented a slowdown from previous growth rates. This slowdown, of course, was largely due to the Reagan recession of 1981–82—the largest economic decline since World War II. By the end of 1982, the unemployment rate became double digit, peaking at 10.6 percent. And for 1983 as a whole, the official unemployment rate was 9.6 percent—over twice as high as the statutory target of 4 percent.

Today, Mr. Speaker, after an uneven upturn that has meant prosperity for some and misery for many more, the official unemployment of about 7.4 percent is higher than where it was in either 1979 or 1980. And for January 1985, the number of people officially reported as unemployed—and this leaves out the number of their dependents—reached 8.5 million. That is the seasonally adjusted figure. The actual figure, without seasonal adjustment, was a little over 9.1 million.

To this huge figure, however, we must add other data that—as the distinguished chairperson of the Education and Labor Committee, Representative HAWKINS, has often pointed out—the Government collects but does not publicize: First, about 5 million part-time workers actively seeking more hours of work but not finding it; and second, another 5 million or so who want jobs but, for one reason or another, have not been actively seeking them and therefore are not counted in the labor force. Add these 3 figures together and you get not 8.5 or 9.1 million, but 18.5 or 19.1 million jobless people. In the technical jargon of Federal statisticians, they may not be unemployed. But they desperately need employment opportunities. That is why Representative HAWKINS argues that this larger total should be officially published instead of being hidden among the fine print. Indeed, this could be done without disturbing the official total, which might be labeled "U-1". Then the larger figure—now ranging from 18.5 to 19.1 million—could be called U-2, the non-employed or simply the jobless.

But I do not want to give the impression that the official data tell the whole story.

First of all, there is some reason to doubt the accuracy of the official reports of jobless jobseekers. Recently, the Center for Urban Studies of Youngstown University, Ohio, did its own door-to-door survey in Youngstown, one of the country's many depression areas, one for which the Government reported 15.2 percent unemployment. Using the Government's definitions but exercising more care in its survey methods, the university's figure was 29.3.

Second, the Federal Government has never included other victims of joblessness—not the dependents of the jobless and not the employed people who fear termination or whose wages are kept down by the existence of a large "reserve army of the unemployed." Let us assume that every jobless person has at least one dependent. This raises the number of victims from 18.5 to 37 million. Let us then assume that for every one of these victims, one employed person is victimized by

job insecurity or substandard wages. This raises the figure to 74 million people. So by these ultraconservative estimates the total number of people directly victimized by unemployment amounts to almost a third of the U.S. population.

Even these estimates, however, are serious understatements on the full impact of joblessness. They do not include the local government, landlords, and storekeepers adversely impacted by declining tax bases, rent payments, and consumer purchases. Nor do they even suggest the enormous impact of joblessness and job insecurity on workers' morale, productivity, physical and mental health, alcoholism, drug addiction, violence in the family, suicide, low-income crime, racism, anti-Semitism, sexism, and other forms of institutionalized or spontaneous discrimination.

Moreover, all the data become more startling when attention is paid to specific groups of people. In depressed localities and industries, the general indicators are much higher than the above. And in general, without reference to specific areas and sectors, the official rates for January 1985 show the percentages of official unemployment: 11.6 for all people of Hispanic origin; 13.2 for Vietnam male veterans, 25 to 29 years of age; 15 for all blacks; 19.7 for all teenagers; and over 40 percent for black teenagers.

For all these groups, moreover, as for all older men, the official data show declining labor force participation: that is, larger numbers of labor force "drop-outs" and "kept-outs."

Finally, we must consider the impact of joblessness on poverty. We all know that during the last 4 years, the number and percentage of people and families below the so-called "poverty line" has risen. We all know that the gap between the rich and the poor has been growing. Much of this poverty is the direct result of joblessness, which reaches over 65 percent for all families below the poverty line and over 80 percent for female-headed households below the same line. Then there are the working poor. These are the people who toil for poverty wages that are the indirect effect of a job shortage that allows employers to pay poverty wages—and get away with it.

Unfortunately, radical rightwingers often see benefits in a large pool of jobless people. "There's no insurance against strong labor movements and higher wages like a large pool of unemployed people," they tell themselves or occasionally write. "That is the best way to raise productivity in competition with foreign labor. There is no better way to pick up depression bargains than a downturn in the business cycle."

That, Mr. Speaker, is the twisted logic that the sponsors of our bill want to straighten out by again picking up the fallen flag of economic rights.

"THE INCOME AND JOBS ACTION ACT": ITS GUIDING PRINCIPLES

"True individual freedom," Roosevelt stated in 1944, "cannot exist without economic security and independence." In 1946, this theme was developed still further by the late Prof. Abba Lerner, one of America's most distinguished economists:

> The security of knowing that one is able to find another job also means that the worker is more thoroughly protected against oppression than by any legislation on working conditions. His great recourse to threatened oppression is the power to go away and get another job. He will know what is meant by saying all men are free and equal. Full employment is the greatest guardian of the dignity of man.

During the last 40 years, Mr. Speaker, most of us have made some progress in restating such ancient phrases "The dignity of man" and "All men are created equal."

Most of us think now of the dignity of human beings—women and children as well as men. And many of us, when we use the word "all," we really mean all—no matter what their color, race, ethnic background, religion, or age. When we say "every," we do not limit ourselves to everyone who "counts for something." We do not exclude the "no-account" people who are jobless, homeless, or helpless. We do not exclude the middle-class people who are being squeezed by the present policies of the radical right. We even include the ultra rich who suffer from—in the words of Dr. Charles Henry, the University of California political science professor—the deviant behavior and pathology of "the culture of wealth." We respect their right to be rich, but not at the expense of the poverty of others and the loss of their commitment to moral values.

Mr. Speaker, the dictionary defines "all" as "the entire or total number." It defines "every" as "each without exception." But the radical right Reaganites have their own dictionary. Since it is classified, I must confess that I have not yet succeeded in getting a copy. But from close observation, my suspicion is that when they talk about opportunity for "all," they are thinking mainly of "White Upperclass Rich Men." Their firm conviction is that the WORMS have too little money. They, therefore, deserve more Government handouts, even if we must print more and more money to keep them happy. As for the poor and the jobless, their thinking goes, they have too much money, so we must cut all funds for the poor and transfer the "savings" to the rich.

By this way of thinking and acting the poor and the jobless are predestined to be an underclass, particularly those who are black, Hispanic, native American, or female.

Mr. Speaker, I believe that this country has a rendezvous with a different kind of destiny—a destiny in which economic rights take precedence over "rightist reaction."

Many of these economic rights have been set forth in a host of vitally important measures dealing with single issues in the Economic Bill of Rights of 1944: education, housing, health care, social security, family farming, and protection against monopoly. Other important proposals have dealt with the rights of people threatened by plant closures, high interest rates, declining exports, and the long-term impact of an unprecedented Federal debt.

But none of these separate measures can be properly financed if the country is losing the productive power of the jobless and the purchasing power that fuller employment would provide. Indeed, the absence of a full employment approach is one of the reasons that there is not enough support as yet for any of these specific measures. It is one of the reasons why we do not yet have a full enough package of progressive legislation in all these many areas.

That is why Franklin Roosevelt made the rights to a job and adequate income the cornerstone of his postwar planning. That is the economic logic behind "The Income and Jobs Action Act." That is why the bill set forth certain economic rights and then, under that policy umbrella, proceeds to the coordination of policies on conversion, locally rooted planning and implementation.

1. THE RIGHT TO EARN A LIVING (SEC. 2)

The radical right believes they have some divine right to keep wages down by whatever volume of cyclical or noncyclical unemployment is politically tolerable—and that is what they mean when they occasionally use the term "full employment." They even look forward to the next recession, hoping that it will do even more to weaken organized labor than Reagan's 1981–82 recession. They believe in the divine right of rightwing capital to a union-free environment. That is their high-tech version of the 18th century's "divine right of kings." For some of them, it is the right to keep or make a fortune without ever doing an honest day's work.

As a constructive alternative, we have updated Roosevelt's 1944 "right to a job" and the Hawkins-Humphrey "right to full opportunities for useful paid employment at fair rates of compensation." Our new formulation—and we invite suggestions for any improvement that may be needed—is as follows:

Every adult American able and willing to earn a living through paid work has the right to a free choice among opportunities for useful, productive,

and fulfilling paid employment—part- or full-time—at decent wages or self-employment.

The special attention given to voluntary part-time work recognizes the need of many people—students, older people, and those with child-rearing and housekeeping responsibilities—for paid employment of 10 to 15 or 20 hours a week. In my judgment, of course, part-time workers should enjoy full fringe benefits in addition to decent wages, something which is more feasible if they become members of the American labor movement.

This same section makes it obligatory for all agencies set up under Federal statute—including the Federal Reserve System—to operate in a fashion to help implement this right.

2. THE RIGHTS OF THOSE UNABLE TO WORK FOR PAY (SEC. 3)

The radical rightists think they have the right to widen still further the holes in the welfare net. They employ high-paid professionals to popularize the nonsensical idea that most welfare recipients are unemployable, lazy, or stupid.

We, on the other hand, believe in a genuine safety net for all adults unable to work for pay—and this, of course, would enable them to take better care of their dependents. We do not suggest that it be anywhere as generous as the administration's safety net that protects the country club memberships, stock values, and three martini luncheons of the country's biggest bankers and military contractors. We think an adequate standard of living is enough. On this basis, we propose the following:

Every adult American unable to work for pay has the right to an adequate standard of living that rises with increases in the wealth and productivity of the society.

To guide the interpretation of this right, we add a protection against labeling people unable to work just because of the unavailability of suitable work at a given place or because of the lack of employment experience.

3. CONVERTING TO ECONOMIC SECTORS THAT SHOULD BE EXPANDED (SEC. 4)

There is much talk these days about conversion, Mr. Speaker. Many Members have proposed excellent measures favoring conversion from the production of military goods no longer needed. Others have been pondering how to promote conversion into more productive operations of steel, auto, rubber, glass, and textile plants that are winding or closing down.

But if we look at the present administration's program and budget, we can find attention to entirely different kinds of conversion, One is the effort by radical Reaganites to convert American executives from innovative entrepreneurship into cocaine capitalists. This is done by larger and larger injections of funny money through bailouts, high interest handouts on riskless Government securities, tax giveaways, and cost-plus contracts. The other is the use of media imagery, militaristic jingoism, and subtle racism to convert American workers into Republicans. In this, they are helped by some radical television evangelicals who try to give the impression that God is spelled G.O.P.

In our bill, we talk sense on economic conversion. We require that the President's program, as presented to Congress every year, deal with two constructive kinds of economic conversion: conversion from military to civilian sectors—as dealt with more specifically in various bills now before the Congress—and conversion from declining civilian sectors to civilian sectors where there are unmet needs for more or better goods or services.

To fund such conversion activities, we mandate that the President's budget provide no less than the funds proposed for military spending.

4. MANDATING LOCALLY-BASED FULL EMPLOYMENT PLANNING (SEC. 5)

Large corporations always plan ahead. Generals and admirals spend most of their time planning. Every civilian agency does some kind of planning. But most of this planning serves some special interests alone. Most of it is overcentralized. And behind all the fancy talk about free market forces, the radical rightists dream of more and more centralized, special interest, behind-the-scenes planning by organized forces of the rich and the powerful. That is the kind of planning we get from a special interest White House.

The sponsors of this measure believe in public interest planning, not special interest coddling. We believe that the White House should be brought back into the public sector. Toward that end, building on the precedents of the 1946 and 1978 employment planning acts, we ask the Congress to mandate the kind of Presidential program needed to help America achieve its best potentials during the remaining years of this century. That means a program to make basic economic rights a reality.

That also means a program to promote inclusive local partnerships. We reject the idea that the so-called private sector is made up of nothing but big banks, transnational corporations, and get-rich-quick land and development speculators. We believe in participation by all the many private sectors—and that means small and medium-sized enterprise, labor organizations, and professional associations, the unemployed, neighborhood organizations, religious groups, coorperatives, nonprofit enterprises, and foundations. They too are private—and since we believe in private enterprise, we specify how they can be included in local, State, regional, and national partnerships.

Our legislation also proposes the rejuvenation of the thousands of town, city, county, and State planning boards and commissions already exist in existence. This would be done by new Federal incentives to promote:

Local assessments of unmet needs;

Local surveys of available, but unused, labor resources;

Local analyses of potentials for raising private and public funds to put available labor to work in meeting unmet needs;

The local development through open discussion of goals for the future of each area from the immediate present to the year 2,000; and

The local initiation of high priority projects for prompt progress in working toward such goals through cooperation among all private and public sectors.

The passage of this bill would mandate quick action through reductions in real and nominal interest rates, the provision of desperately needed private and public works and services, and voluntary work sharing.

Longer range measures include the expansion of voluntary part-time employment opportunities, staged reductions in paid working time with no corresponding loss in wages, other steps to cope with technological unemployment, the prevention of improper plant closings, and measures to control inflation.

5. IMPLEMENTATION

Experience has shown Americans that without an educated and active citizenry, there is no assurance of the proper implementation of any law. Experience has also shown that any public interest measure can be defeated through budgetary manipulation.

The final section of this bill, therefore, requires a short-term and long-term schedule for the implementation of every section. Two specific requirements are set forth. The first is the promotion of educational activities within each State. The second is a long overdue reform of budgetary practices—namely, estimating net as well as gross outlays. This would mean taking into account any increased revenues and reduced expenditures resulting directly from action to reduce unemployment and increase the number of people working for pay.

The full implementation of these policies would create conditions for more self-empowerment by all people bearing the brunt of the many cancerous prejudices that infect American society. It would enhance the dignity and self-respect of the many millions who, because of their sex, race, ethnic background, age, religion, station in life, political or sexual preference, or personal disability, are victimized by open or tacit prejudice.

But implementation would also serve the basic interests of everyone else. It would provide the rising mass purchas-

ing power—based more on real wages than on debt—and responsible growth needed for full employment. It would promote an improved quality of work and environment. It would create conditions for stabler, less subsidized, longrun business profits. It would thus serve the best interests of the great majority of American business people, farmers, white- and blue-collar employees, consumers, and taxpayers.

It goes without saying, of course, that a public interest measure of this type could not be implemented without a public interest Federal Government.

Its public interest policies could not be implemented if we continue to have a special interest Senate.

They could not be implemented if we continue to have a vested interest White House, even if legislation of this nature were to be passed over a Presidential veto. Economic rights can be translated into reality only when a Congress can work cooperatively and creatively with a President committed to economic rights for all rather than radical rightist reaction.

HUMAN RIGHTS OR "RIGHTIST REACTION"

In 1944, when Franklin D. Roosevelt warned against "the spirit of fascism here at home," he was not suggesting the possibility of Hitler-like dictatorship.

He was warning, rather, against tendencies toward a corporate state dominated by economic royalists. He was warning against what might happen if rightist reaction should trap us into forgetting economic rights. He was warning against the demagogy of the same radical rightists who dragged their feet in the war against the Fascist Axis.

Today, new demagoges have come to positions of power. While expanding the rights and entitlements of today's economic royalists, they attack the hard-won rights of ordinary people. They buy sophisticated position papers from rightwing think tanks to assault the entitlements of working people, of the unemployed, of present and future Social Security recipients, and of small- and medium-sized farmers and business people. They use skilled media communicators to brainwash people into retreating from the very idea of economic rights for all.

This radical right demagogy has had some successes. Elected officials now know that they will face powerful opposition if they treat the "right to earn a living" as more than a rhetorical slogan. They know that to defend the rights of the needy means to be vilified by powerful folk who believe in more privileges for the greedy. They know that if they try to revive the idea of a new economic bill of rights, they will be ignored by the mass media. As a result, many people have retreated from the very idea of economic rights for all.

But if we retreat from the right to earn a living, then whether we know it or not, Mr. Speaker, we undermine labor's right to organize for better wages and working conditions.

If we retreat on the income rights of those unable to work for pay, we undermine the purchasing power needed by our business people and farmers.

If we forget both of these rights, we undermine the living conditions of minorities, older people, and women.

If we yield on these rights, we retreat on all other economic rights. Why? Because only in a full employment society can our economy be productive enough to make a reality of our rights to good education, housing, health, and environment.

If we forget economic rights, we retreat on civil rights, political rights, and civil liberties. Martin Luther King, Jr., recognized this when he led demonstrations on behalf of jobs. That was his message in 1967 when he declared that "we must create full employment or we must create incomes" ("Where Do We Go From Here: Chaos or Community?," pages 161–162).

Above all, if we forget Martin Luther King, Jr., and economic rights, we yield the initiative to the military-industrial complex and give up on civilian alternatives to military spending.

"What we now need to discover in the social realm," wrote the famous psychologist William James many years ago, "is the moral equivalent of war."

Today, Mr. Speaker, what this country needs is an economic equivalent of military spending.

Let us be perfectly frank: the bloated military budget—going far beyond rational security needs—is the jobs program of the present administration. If this high-cost and inefficient jobs program were to be cut without replacing it by civilian employment, more people would be thrown out of work.

But if we can enact a rational package of full employment measures, then the curtailment of wasteful and destabilizing weapon systems would become more feasible. A major purpose of "The Income and Jobs Action Act" is to spark more farsighted and courageous initiatives in developing such a package.

Another purpose of this public interest proposal is to help restore the U.S. Congress to its constitutional position as a coordinate, not a subordinate, branch of Government. The practitioners of the imperial Presidency, on the other hand, want a Congress that stays away from policy legislation. They prefer a Congress that rubberstamps policies written within the executive bureaucracies without guidance from the legislative branch. They would confine serious policy debate to interagency committees and the offices of lobbyists and think tanks. They want legislators who spend their time arguing about administrative details. The administrators in their superior wisdom can then write the laws. They can then select the laws they want to administer and those for which they can become the executioner.

Mr. President, "The Income and Jobs Action Act" is overall policy legislation. It sets up no new agencies. Instead, it establishes policies to help coordinate the fragmented activities of existing agencies.

The measure provides no additional rules or regulations governing business, labor, voluntary organizations, and other private sectors. Rather, it establishes a policy framework for open debate on whatever additional incentives may be needed for inclusive local, regional, and national partnerships.

The measures set forth no new procedures. Instead, it strengthens the existing legal procedures governing the presentation of Presidential programs to the Congress and their consideration by the appropriate committees of the Congress.

The measure authorizes no additional Government spending or borrowing. Rather, in the spirit of the Employment Act of 1946, it mandates a Presidential program that would make more effective use of whatever Government outlays are authorized or appropriate under other legislation. Let us never forget that a large part of the Federal deficit results from, first, the revenues lost when people who would otherwise pay taxes are unemployed, and second, the outlays incurred by transfer payments to the unemployed. Many economists estimate that for every additional million people moving from unemployment to employment, these two factors alone would decrease the deficit by over $25 billion. So if official unemployment were to be cut by only 3½ percent, the effect on the Federal deficit would be a reduction of over $87 billion!

Mr. Speaker, there is a place for legislative action on details of administrative structures, rules and procedures—just as there is for sustained congressional oversight of action or inaction by executive agencies. There is even a greater role for policy legislation to advance American progress in such crucial fields as education, job training, labor relations, health, housing, trade relations, and fiscal, monetary, and military policy.

But every now and then, the time comes when, without reducing our care for the separate trees in the forest, we must look at the forest as a whole. Some people are waiting for the next downturn in the business cycle. That, they think, would be a more appropriate time to consider

overall policy. We think the time is now.

Some people think that moral vision should be left only to preachers in churches on Sunday and in synagogues on Saturday. We believe in moral values that are practiced every day of the week and every week and month of the year. We regard the present levels of unemployment, poverty, and distressed as sinful. We think it is morally wrong to wait for the next recession before taking the kind of action required for true freedom, emancipation, dignity, and opportunity.

That is why our bill enunciates the basic moral principles of the right to earn a living and the rights of those unable to work for pay. That is why our bill embodies the vision of those many religious leaders who suggest that the great American experiment in political democracy should be extended by a new American experiment in economic democracy.

Forty years ago, when Senator James E. Murray, of Montana, introduced "The Full Employment Bill of 1945," he made this statement: "Some Members of the Congress may disagree with the sponsors of this bill. That is how it should be in a democracy. Sound legislation can be developed only by clarifying the differences between conflicting schools of thought. The sponsors of this bill welcome criticisms."

The sponsors of "The Income and Jobs Action Act" also welcome criticisms. The words of our bill are not written in concrete.

Forty years ago, when the predecessor of our measure was first introduced, it was cosponsored by a bipartisan group of Democrats and Republicans. Indeed, the original measure was considerably clarified by amendments offered by four Republican Senators on the subjects of consultation, agriculture, foreign economic relations, and the concept of full employment.

We also welcome proposals for amendments. Any and all amendments will be considered seriously and objectively.

Above all, we ask the Members of this legislative body to look at this measure seriously. We would appreciate the benefit of either first impressions or considered judgments.

Sometimes a truly public interest proposal can transcend the usual distinctions between liberal and conservative and between Democrat and Republican. We think this bill is that kind of proposal and we look forward hopefully to bipartisan support.

Highlights of the Income and Jobs Action Act

The purpose of this bill is to advance the cause of human freedom for all Americans.

It does this by establishing in law an overall economic policy and mandating a coordinated program of implementation.

The policy is to recognize at long last—

The right to earn a decent living, and

The right to an adequate income for adults unable to earn a living through paid employment.

The mandate is for presidential submission to Congress of a detailed program for full employment without inflation.[1]

One element in the program would be incentives for planned conversion from areas of declining employment (civilian or military) to those where expansion is needed.

More significantly, the bill mandates the submission of specific proposals to lower interest rates, shorten hours of work, improve education and training, and provide for needed public and private works. Emphasis is placed on cooperative planning by all private sectors, by all levels of government, and through use of both market and nonmarket processes. Incentives are mandated for bold new local initiatives that would help prevent undue concentration of federal or corporate power.

Provision is made for short- and long-term implementation schedules that include educational activities in all the States and improved methods of calculating federal outlays.

The presentation of such a program would be a productive starting point for action by the Joint Economic Committee, the Budget Committees and the many legislative committees of Congress.

Its presentation would by itself give hope to those in the country's many areas of local recession and depression. Action on it—with whatever improvements the Congress may determine—could be a major step toward reducing the federal deficit.

Serious attention to this bill would by itself promote more confidence by the many business people who now assume that nothing is going to be done to prevent a future recession that could be even more destructive than the 1981-82 recession.

The Income and Jobs Action Act of 1985: Summary

This "call-to-action" bill has six sections. It begins with a short title and statements of two fundamental rights: The right to earn a decent living and the right to an adequate standard of living for Americans unable to work for pay. This is followed by sections on conversion to expanding civilian sectors, locally based over-all planning and implementation. These would create conditions under which the two rights may be freely exercised.

Section 1. Short Title: The Income and Jobs Action Act of 1985.

This is an "action" act because it can be used to inspire constructive activity throughout the country to:

(1) get a President and a Congress committed to work together for genuine and sustainable recovery based on good jobs and income; and

(2) prepare a full package of all the many measures—both private and public, local and state as well as national—required to carry out the Act's aims.

Why "income" before "jobs"? Income from a good job at decent wages is personally and socially preferable to income from transfer payments. But, if jobs at decent wages are not available, then adequate income must be provided.

The long title refers to a full employment society rather than economy. This stresses the social, ethical, moral and political—as well as economic—aspects of income-jobs planning and action.

Sec. 2. The Right to Earn a Living.

"Sec. 2(a). Every adult American able and willing to earn a living through paid work has the right to a free choice among opportunities for useful, productive and fulfilling paid employment (full or part-time) at decent wages or for self-employment."

This commitment reformulates for the 1980's, Franklin Roosevelt's "right to a useful paid employment at fair rates of compensation" in the Hawkins-Humphrey Act of 1978.

The next subsection, 2(b), requires all federal agencies to work together to attain and maintain "conditions under which all adult Americans may freely exercise this right".

Subsection 2(c) is a commitment needed today which provides that: "Neither the Federal Reserve System nor any Federal department, agency, or commission may directly or indirectly promote recession, stagnation, or involuntary unemployment as a means of reducing wages and salaries or inflation."

Sec. 3. The Right of Those Unable to Work for Pay.

"Sec. 3. (a) Every adult American unable to work for pay has the right to an adequate standard of living that rises with increases in the wealth and productivity of the society."

This principle is already embodied in unemployment compensation, public assistance, food stamps, rent subsidies, and other transfer payments to the poor—but in distorted form.

Subsection 3(b) clarifies this dangerous misunderstanding. Distortion one: Many recipients are now regarded "unemployable" even though they are or would be employable if certain minimum conditions—decent job opportunities (including part-time), child day care, relevant job training or education, etc.—were met.

Subsection 3(c) clarifies the income amount. Distortion two: The income received in transfer payments is often inadequate. This subsection, therefore, mandates an adequate standard of living, as defined by the Bureau of Labor Statistics ". . . moderate level of living".

Sec. 4. Conversion to Expanding Civilian Sectors.

Sec. 4(a) creates a Conversion Planning Fund and Office in the Executive Branch, and mandates that the President ". . . shall include specific proposals" for the administration of conversion planning beginning in the first annual message to Congress after enactment of this bill.

Subsection 4(b) provides that this office will "promote short and long-term plans for coping with declines in civilian or military activities".

This office will promote conversion: (a) from military to civilian and (b) from civilian sectors (auto, steel, aerospace and many other industries in which employment has been or will be declining because of labor-displacing technologies, high interest rates and Third World austerity) to areas of needed civilian expansion.

Sec. 5. Locally Based Over-all Planning

This section provides for President-Congress cooperation in planning and implementing a staged program to carry out the intent of the previous sections. This is to be done in a manner "designed to prevent or counterbalance any undue concentration of

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[1] This mandate builds on—and improves upon—the Employment Act of 1946 and the Full Employment and Balanced Growth Act of 1978.

Federal or corporate power." Thus, the government will actively foster non-federal planning for sustainable recovery and full employment by:

Sec. 5(b)(1) town, city, county, and state governments and their agencies in urban, suburban, and agricultural areas of the country;

Sec. 5(b)(2) small and large business enterprises, labor organizations and trade unions, the unemployment, non-profit, voluntary and cooperative organizations (including neighborhood, tenant and home owners associations and corporations), women, and racial and ethnic minorities.

This means inclusive, rather than exclusive partnerships locally and nationally.

Subsection 5(b)(3) explains how the locally based over-all planning works and states what kinds of things local people should be doing. Quick action is mandated to create productive jobs through reductions in real and nominal interest rates, the provision of desparately needed private and public works and services, and voluntary work sharing.

Subsection 5(d) describes improved Federal incentives (guarantees, loans contracts, tax deductions, etc.) would be provided for all organizations listed in Subsection 5(b)(1) and (2). Incentives for larger corporations would be conditioned on "their living up to well-defined standards of corporate responsibility". Thus, appropriate advance notice, termination payments, etc., may be required of a company before it decides to "close, substantially reduce, or relocate its operations".

Longer-range measures include (1) the expansion of voluntary part-time employment with fringe benefits, (2) staged reductions in paid working time (with the average work week in manufacturing cut to 35 hours) with no corresponding loss in wages, (3) other steps to cope with technological unemployment, (4) improved education and training of managers, technicians, the employed and the unemployed, and (5) measures to control inflation.

Sec. 6. Implementation

The program mandated in this bill would be financed by an amount no less than one percent of the amount appropriated for military purposes but also by such larger resource shifts as (1) reductions in the military budget itself, (2) reducing or eliminating wasteful tax loopholes, (3) reducing both real and nominal interest rates, and (4) the more appropriate use and direction of the enormous sums in public and private pension funds, and (5) the creation or promotion of private and public development banks, particularly in neighborhoods and other areas of high unemployment and poverty.

The President shall, as a part of the annual program developed in the economic report to Congress, include a short- and long-range schedule for implementing this Act. The implementation schedule shall include the promotion of educational activities within each state and timetable for attaining policy goals of the Act.

This bill requires a careful distinction between gross and net outlays. This takes into account both spending decreases when people move from unemployment compensation or public assistance to payrolls and the increased revenue received when they pay taxes. Thus, if a gross outlay of $100 million results in (a) $30 million less in transfer payments and (b) $20 million more in payroll and income taxes, then the net outlay is only $50 million. The regular use of such estimates—not currently provided by the Office of Management and Budget or in appropriation measures—will make budgeting more rational.

H.R. 1398

A bill to promote genuine and sustainable recovery and a full employment society by extending and fully implementing the Employment Act of 1946 and the Full Employment and Balanced Growth Act of 1978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Income and Jobs Action Act of 1985".

THE RIGHT TO EARN A LIVING

SEC. 2. (a) Every adult American able and willing to earn a living through paid work has the right to a free choice among opportunities for useful, productive and fulfilling paid employment (part- or full-time) at decent wages or for self-employment.

(b) All Federal departments, agencies, and commissions shall plan and carry out their policies, programs, projects, and budgets in a manner that will contribute to establishing and maintaining conditions under which all adult Americans may freely exercise this right.

(c) Neither the Federal Reserve System nor any Federal department, agency, or commission may directly or indirectly promote recession, stagnation, or involuntary unemployment as a means of reducing wages and salaries or inflation.

THE RIGHT TO AN ADEQUATE STANDARD OF LIVING OF AMERICANS UNABLE TO WORK FOR PAY

SEC. 3. (a) Every adult American unable to work for pay has the right to an adequate standard of living that rises with increases in the wealth and productivity of the society.

(b) No adult American shall be judged unable to work merely because of the unavailability of suitable paid employment opportunities at a given time or place or because of the lack of previous employment.

(c) In the absence of such opportunities and until such opportunities can be provided under section 2, an adult American able and willing to work for pay shall be provided with whatever income is required to maintain a moderate level of living, as defined by the Bureau of Labor Statistics.

CONVERSION TO EXPANDING CIVILIAN SECTORS

SEC. 4. (a) In the first annual message at the beginning of the first session of the Congress after the enactment of this Act, the President shall include specific proposals for a Conversion Planning Fund, to be administered by such agencies as the President shall determine.

(b) The purpose of such Fund shall be to promote short- and long-term plans for coping with declines in civilian or military activities by developing specific policies, programs, and projects (including but not limited to feasibility studies, education, training on the job, and inducements for whatever increased labor mobility may be necessary and desirable) for the expansion of economic activities in sectors where additional or improved goods or services are needed.

(c) In addition to such other funds as may be authorized, such Fund shall include no less than 1 percent of the amount appropriated for military purposes during each subsequent year.

LOCALLY BASED OVERALL PLANNING

SEC. 5. (a) Within six months after the date of enactment of this Act and thereafter in each annual economic report and budget message, the President shall transmit to Congress a staged program to create conditions under which the rights set forth in sections 2 and 3 may be fully and freely enjoyed and to set forth how the Fund created by section 4 may be most productively used.

(b) Such program shall be designed to prevent or counterbalance undue concentration of Federal or corporate power by fostering recovery and full employment planning by—

(1) town, city, county, and State governments and their agencies in urban, suburban, and agricultural areas of the country;

(2) small and large business enterprises; labor organizations and trade unions; the unemployed; non-profit, voluntary, and cooperative organizations (including neighborhood, tenant and home owners' association and corporations); women; and racial and ethnic minorities;

(3) broad-based local partnerships in which the groups referred to in paragraphs (1) and (2) cooperate—

(A) to assess unmet needs in their areas, including the need for voluntary leisure as well as for goods, services, adequate income, employment at good wages, and volunteer activities;

(B) to survey the supply of labor resources and of managerial, professional, and technical skills that might be used in meeting such needs;

(C) to analyze the potential for obtaining necessary funds from various combinations of private and public sources without undue reliance on Federal funding;

(D) to develop goals for the future (through the year 2000) of their area; and

(E) in the light of the activities conducted under subparagraphs (A) through (D), to initiate high priority action projects that attain prompt progress toward such goals through both private and public agencies and market and non-market processes.

(c) Such program shall be designed to promote conditions for more self-empowerment by people victimized by discrimination in hiring, training, wages, salaries, fringe benefits, or promotion on the basis of prejudice concerning race, ethnic background, gender, age, religion, station in life, political or sexual orientation, or personal disability.

(d) Such program shall include, but need not be limited to, general and specific policies and projects designed—

(1) to provide quick action through reductions in real and nominal interest rates, voluntary work-sharing arrangements, and a program of private and public works and services to use the abilities of the unemployed in repairing and improving the Nation's infrastructure of private industry, public facilities, human services, and natural resources,

(2) to provide improved Federal incentives for small and large business enterprises; labor organizations and trade unions; the unemployed; and non-profit, voluntary, and cooperative organizations (including neighborhood, tenant, and home owners' associations and corporations), with the receipt of any Federal incentives by larger corporations conditioned on their performance in living up to well-defined standards of corporate responsibility, including the obligation regularly to certify compliance with laws and regulations governing working conditions, labor relations, affirmative action, environmental protection, taxation, election

contributions, and bribery at home or abroad;

(3) to provide for Federal grants to promote creative initiatives by local and State governments and their agencies in planning and budgeting for genuine recovery and a full employment society;

(4) to promote staged reductions in paid working time by reducing the average work week in manufacturing to no more than 35 hours without any corresponding loss in weekly wages;

(5) to vastly increase the opportunities for voluntary part-time employment with full fringe benefits;

(6) to take such other steps as may be needed to cope with the threat of increased unemployment caused by the increased use of technology;

(7) to provide for vastly improved education, training, and retraining of managers, technicians, the employed, and the unemployed;

(8) to prevent plant closings through all feasible means (including conversion to other forms of production and ownership) and provide standards (including measures such as appropriate advance notice, termination payments, and extension of health benefits) for any corporation planning to close, substantially reduce, or relocate its operations;

(9) to promote conversion from military to civilian production; and

(10) to control inflation.

IMPLEMENTATION

SEC. 6. (a) As part of the annual program developed by the President under section 5, the President shall transmit in the annual economic report to Congress a short- and long-range schedule for implementing the purposes of this Act.

(b) The implementation schedule shall include, but need not be limited to—

(1) reductions in the military budget;

(2) recommendations for increased revenues through the reduction or elimination of wasteful tax expenditures and other loopholes in the tax laws;

(3) reduction in interest payments on the Federal debt by reductions in both real and nominal interest rates and Federal deficits;

(4) recommendations for the appropriate use and direction of public and private pension funds; and

(5) the creation or promotion of private and public development banks, particularly in neighborhoods and other areas of high unemployment and poverty.

(c) The implementation schedule shall include, but need not be limited to—

(1) the promotion of educational activities within each State on locally-based overall planning, with special attention to educational processes that promote and use the creative abilities of small, medium, and large business, of labor organizations and the unemployed, and of nonprofit voluntary and cooperative organizations; and

(2) timetables for developing the conditions for progress in attaining the policy goals of this Act.

(d) Any outlays proposed by agencies involved in the implementation of this Act shall be presented in terms not only of gross outlays but also of net outlays, computed with a full estimation of any immediate impact additional employment may have in—

(1) reducing outlays by reducing the number of people receiving unemployment compensation, public assistance, and other transfer payments (without necessarily including reduced outlays resulting from improvements in public health and safety); and

(2) increasing tax receipts as a result of more individuals earning income subject to social security and income taxes and more business enterprises, particularly small business, earning the larger, more stable, and less subsidized total profits possible under conditions of full employment.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I want to say that some of the points that the gentleman is making are absolutely essential to the economic discussion that this Nation is going to undertake over the next several weeks. The gentleman makes some excellent points.

I want to congratulate him on making the point that the way to bring down deficits is to bring down unemployment in this country.

Would the gentleman agree with me that the best way to bring down unemployment is to inspire economic growth?

Mr. HAYES. In part I agree with the gentleman. And one of the ways to inspire economic growth is to employ people who are unemployed.

Mr. WALKER. If the gentleman would yield further, I think that is correct, but the gentleman would agree that the way that you put people to work is to have the kind of economic growth that allows jobs to be created; is that not right?

Mr. HAYES. That is right. But I think the Government has to be a partner to this creation of jobs.

Mr. WALKER. If the gentleman would yield further, I assume that the gentleman is pleased by the fact that last year the economy grew at a rate of nearly 7 percent which allowed the creation, in an 18-month period, of nearly 6 million jobs which was pretty much of an all time record. We created a fantastic number of jobs as a result of that rather significant growth.

I am just wondering whether the gentleman as a part of what he is attempting to do would say that what we need to do is make certain that the economy continues to grow at 7 percent a year, or 8 percent a year, or maybe even 10 percent a year. That we ought not put artificial ceilings on the growth of the economy.

Mr. HAYES. Well, the gentleman from Pennsylvania is certainly entitled to enter into the RECORD following my statement anything he wants to do to substantiate the position that he suggests.

□ 1330

One of my problems was, I do not believe some of the figures that have been publicized in terms of economic growth, so long as it leaves so many people unemployed which are not being reported. As long as people are out of work and seek jobs, I think we as Representatives of the Federal Government have a responsibility to at least put forth a program and establish some priorities which will provide jobs for them in terms of building our infrastructure and some of the other things in our major cities in order to provide jobs. This is part of what I consider to be economic growth.

Mr. WALKER. If the gentleman will yield, I certainly agree with the gentleman that there is too much joblessness left. I certainly would not try to defend the amount of joblessness that still exists, and we certainly need to do something about that.

But would the gentleman agree that we are better off creating real productive jobs in the economy rather than creating Government make-work jobs in the economy?

Mr. HAYES. I am not even agreeing that the jobs I refer to are make-work jobs. I think they are necessary jobs. Sure, I agree that necessary jobs should be an objective to achieve. But if we build our infrastructure, build our sewage systems in our cities, build the kinds of houses that are necessary for the middle- and low-income people I think is a plus in terms of giving people work, and certainly I agree that this would help to stabilize our economy and at the same time provide employment for people. I agree with what the gentleman is saying, but I think we may pursue it from a different avenue.

Mr. WALKER. If the gentleman will yield further, the only point I make to the gentleman is that that economic growth has also permitted us to raise over the last 2 years an additional $120 billion in revenue over what we received in fiscal 1983, that we have increased revenues to the Federal Government since fiscal year 1983, where we collected $600 billion in revenue, to a 1985 revenue estimate by the Treasury which is going to be $725 billion.

I think the gentleman would agree with me that the kind of economic growth that produces those revenues helps us to rebuild infrastructure, helps us to do all these things, and in fact that revenue growth has also taken place in many of our States and localities, which has given them additional revenue, in some cases even surpluses, although the surpluses are not what some of the studies have projected. Still, there are some areas that have come up even with surpluses in their budget, as a result of economic growth, that has allowed them to improve infrastructure on their own and thereby employ people doing those jobs.

I cannot imagine that the gentleman and I would disagree on the idea that that kind of rather high economic growth is not a good thing for the

economy so long as that growth is not inflationary.

Mr. HAYES. I think full employment is an objective that I think we ought to try to achieve. I think I have a basic difference with the gentleman from Pennsylvania as to how we achieve that full employment. I do not think it can ever be achieved at the expense of not having some priorities which really commits the Government to provide at least a person an opportunity to a job if he is able and willing to work. And if they cannot find a job, if a job is not available, then it is, too, the responsibility of the Government to provide that person with a livable and decent income until such time as a job is available. I do not think we can ever achieve that kind of plateau so long as we spend the amount of Federal taxes that we now collect for the amount of military that we spend it for. I think it is always going to be at the expense of programs that benefit people. That is what disturbs and bothers me.

Mr. WALKER. If the gentleman will yield, the gentleman does remember that his figure that the full employment is defined by the Federal law which he cited was a 4-percent figure.

Mr. HAYES. That is right.

Mr. WALKER. Where it is 7.5 percent right now, approximately. Which means that in order to achieve the full employment rate we would have to drop unemployment by 3.5 points.

Over the last year we have dropped unemployment by almost 3.5 points. It has really been over about 18 months that we have dropped down unemployment by 3.5 points, largely because of growth. And what I am suggesting to the gentleman is that if we can keep attaining those levels of growth, if we can keep the kind of economic program in place that attains that level of growth, that in fact we have a chance over the next 18 months to drop the unemployment rate back another 3 points, and that would achieve the full employment level that the gentleman suggested earlier.

Mr. HAYES. I just want to suggest to the gentleman from Pennsylvania that I do not agree that the 7.4-percent figure of unemployment actually reflects the number of joblessness in this country to day.

Mr. WALKER. The gentleman will admit that that is the official Government figure?

Mr. HAYES. I know. That is what is publicized. But I am concerned about that which is not publicized.

Mr. WALKER. I thank the gentleman for yielding.

● Mrs. COLLINS. Mr. Speaker, I would like to thank my good friend and colleague Congressman CHARLES HAYES for managing this special order on H.R. 1398, the Income and Jobs Act of 1985.

The need for a coordinated and comprehensive Federal economic policy on unemployment is long overdue, and I would like to lend my support to this important legislation.

Just about 40 years ago, our Nation made a commitment to attaining maximum employment through the Employment Act of 1946. The law essentially established the Government's responsibility to prevent a second Great Depression.

Of course, it was impossible to know back then that depressions were to be replaced by recurring recessions. These recessions have represented a slow death for the disadvantaged people and minorities in our society.

When the business cycle takes a dive, a quick economic fix is pumped in just in time to make the President look good before the next election, and all is well on Main Street U.S.A.

Right? Wrong.

If you look beyond the facade of the pretty buildings and flower boxes, you will see economic suffering as this country has not seen in many years.

Young people, Hispanics, blacks, women—they all paid the price for shortsighted economic policies that led to what has become a selective recovery.

This situation prompted my good friend and colleague Congressman GUS HAWKINS to introduce the Full Employment and Balanced Growth Act of 1978. This bill became law, but was twisted around so much that it has not accomplished its purpose.

So we are essentially in this same sad situation today. It is fashionable to talk about helping the unemployed, but the quick fix has taken its toll. We need a long-term plan for economic justice in this Nation, and we have found one in the Income and Jobs Act of 1985.

The bill's objectives are simple: It states that every adult American has the right to earn a decent living, and if he or she is willing but unable to work, the right to an adequate income.

The Income and Jobs Act is a commonsense piece of legislation. It calls for a coordination of Federal economic policy and mandates a program of implementation, which means the Government needs to get its act together and do some long-range planning with regard to employment opportunity.

Things like promoting realistic plans to convert from declining industries to areas where additional services are needed, and more local involvement in planning to avoid corporate or Government concentration of power show the practical approach taken by this legislation.

And no additional funding is required. This bill would simply guide existing Federal agencies in establishing policy to carry out the will of the people in a manner beneficial to all the people.

The impact of joblessness on this society is far reaching, the Federal Government has an obligation to do what we can to help.

We must think beyond the next few years and consider what the fruit of our actions will be decades from now.

Are we going to take the short-term, easy solution? Or will we act prudently to preserve economic justice for all of our citizens?

We do have a choice in this matter, and I believe it is time to close the gap between economic justice and political democracy through our support of the Income and Jobs Act of 1985.●

● Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 1398, the Income and Jobs Action Act of 1985 introduced by my friend and distinguished colleague from Illinois, CHARLES HAYES. Throughout his career, he has blazed the path for full employment, first as an important leader within the labor movement and now on the Committee on Education and Labor, where his diligence is second to none.

Similar to the bill that we introduced together last session, this bill would make the right to a job a fundamental and enforceable right. If enacted, it would create a conversion planning fund, which, administered by the President, would promote short- and long-term plans for coping with declines in civilian or military activities by developing specific policies, programs, and projects for expansion of economic activities in sectors where additional or improved goods or services are needed. It would be funded in part by a transfer of 1 percent of Department of Defense outlays and would include job training activities in areas which are particularly hard hit by high unemployment. I urge Members to study it closely because it is a bill for which the logical, economic, and human justifications are clear and compelling.

This bill represents an alternative to supply side economics which in my judgment has been a failure even by its own measures. It is the demand-side alternative to supply-side economics which has permanized structural unemployment in major regions of the country. It is an alternative to the current economic arrangements and assumptions which have created unparalleled budget and human deficits.

It is the alternative which represents the most viable method of reducing the need for Government expenditures while increasing Government revenues in the most painless of ways: putting people to work. Not only is it a better alternative for human beings but it is also a better alternative for the economy as a whole. Indeed most historical, international, and empirical evidence supports this.

Contrary to popular myth, the current brand of economic program has

produced the lowest rate of economic growth in the past 20 years. Look at the growth rates in the GNP of the past five Presidents: Kennedy 5.2 percent; Johnson 4.8 percent; Nixon 2.6 percent; Ford 3 percent; Carter 3 percent; Reagan 2.2 percent.

Why? Under the Reagan administration's economic program there have been lower relative levels of capital investment and productivity, lower savings and higher real interest rates, an overvalued dollar, losses of over 3 million jobs in the manufacturing sector and more business failures and mortgage delinquencies.

And these failures do not reflect the human and social impacts which are concentrated primarily among those of the lower economic strata.

This is the situation today for the world's most affluent country: 22 million people unemployed or underemployed; 35 million below the poverty line; a black unemployment rate twice the national rate and six times the national rate for the black youth; a black poverty rate at an astounding rate of 37 percent; 100,000 preventable occupational deaths annually; and all the social and economic ills of lowered productivity as well as demand and higher misery and crime that beset the Nation because of this enormous vault of wasted talent.

Mr. Speaker, there are other costs. The Subcommittee on Crime which I chaired in the 97th Congress, held numerous hearings which recounted the recurring link between joblessness and crime. There are telling relationships between chronic levels of unemployment and chronic bad health, between chronic levels of unemployment and the decay of our infrastructures, our schools and our hospitals.

A full employment alternative is not lacking in empirical or historical rationale. It is lacking only in the political will needed to translate it into reality. Indeed, those countries that have used demand-side economics or full employment as a guiding principle rather than supply-side economics have higher rates of investment, productivity, capital formation, demand, and economic growth, and lower rates of crime, sickness, spending on social subsistence programs and the other social ills that befall an unemployed country. This is not a matter of philosophy, it is a matter of record.

The absence of a national planning strategy in the 1960's, as contrasted to that of other countries, meant that the steel and auto industry became uncompetitive in the 1980's. The poor state of democracy within the workplace today means that there needs to be 10 times as many employees in managerial and supervisory positions than in most West European countries and Japan where full employment is the guiding principle.

The human and economic waste wreaked by unemployment is enormous—approximately $30 billion for every 1 percent increase in unemployment—also chokes the economy. And these costs do not take into account the multitude of other costs like $30 billion that we spend on criminal justice enforcement—excluding police enforcement—and the vast array of other costs of unemployment.

High unemployment also dampens demand and is a major cause of lower productivity. Much data shows that our fall from grace in productivity and investment can be directly and linearly traced to the increases in unemployment.

Just $1 billion of the $300 billion military budget 0.3 of 1 percent, could create 70,000 jobs in the civilian sector, almost 3 times the number of those created in the military sector for the same amount of money.

We as a country must believe in the fundamental principles of democracy, security, equality, community, efficiency, and liberty. Our economic beacon must be that economic programs that undermine these values will suffer substantial economic costs and those which support them will reap the benefits of releasing our productive energies and harnessing them to meet human needs.

This is not bleeding heart liberalism, but it is a practical economic plan that offers a better alternative not just for those who are currently excluded from the economy but for all Americans. It is my hope that Members will now consider this demand-side, full-employment alternative as a better plan for our economy.●

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

STEEL IMPORT TALKS WITH JAPAN: A LESSON IN FUTILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, well, it has happened again. Last August, imported steel surged to capture better than a 30-percent share of the domestic market. In December, imported steel again surged past the 30-percent mark. And, just yesterday, we learned that in January, for the third time in the past 6 months and the second time since last September, when the present administration refused to impose specific quotas on steel imports, foreign steel captured more than a 30-percent share of the domestic steel market.

I ask you, Mr. Speaker, is it ever going to slow down? Are we ever going to take some action to insure that we will have a viable steel industry again? How many more steelworkers are going to have to lose their jobs before we feel it's time to do something?

I must admit that I'm not particularly surprised that the Japanese, as reported in yesterday's Washington Post, have broken off negotiations after 2 weeks. After all, if it looks as if U.S. negotiators are not again going to cave in to their demands, what's the point of going on.

It seems to me as if the Japanese are continuing their same old game of delay and obfuscation. After all, the congressional steel caucus made a major sacrifice so this administration could pursue its efforts to reach voluntary agreements on steel imports instead of imposing firm import quotas.

Everyone in this House should remember that the Fair Trade in Steel Act, which would have imposed a quota level of 15 percent, had over 220 cosponsors—surely more than enough votes for passage.

But, in a display of compromise—of willingness to give our negotiators a freer hand—the congressional steel caucus did not push for passage of the Fair Trade in Steel Act.

We agreed to step aside, to let the administration attempt to achieve its goal of limiting steel imports to about 18.5 percent of the domestic steel market through the voluntary agreements.

Quite frankly, Mr. Speaker, I didn't believe it would work when it was first announced. And today, I am even more positive that we are giving up on the steel industry in the United States.

As you will recall, the mid-September decision by the administration called for agreements to be reached with seven steel exporting nations—Japan, South Korea, Brazil, South Africa, Mexico, Spain, and Australia. In addition steel exports from the European Common Market would continue under the existing 1982 agreement. The new agreements were to be for 5 years and to be retroactive to October 1, 1984.

Well, everything seemed to be going along well, even though I had some misgivings. The Japanese agreed to a 5.8 percent market share; South Korea, 1.9 percent; Brazil, 0.8 percent; Mexico, 0.3 percent; Spain, 0.67 percent; Australia, 0.18 percent; and South Africa, 0.42 percent.

In addition, as I was told in a letter from the USTR, Bill Brock, in mid-January, his office was monitoring steel imports from such exporting na-

tions as Canada, Sweden, Austria, Venezuela, Taiwan, and several Eastern European nations.

At any rate, Mr. Speaker, the point I am making is that the Japanese did agree to a market share. The implication in the agreement was that the Japanese also accepted the 5-year term of the agreement and the retroactive date of October 1, 1984.

Apparently, that was not the case, insofar as the Japanese were concerned. The Japanese now are saying that the date or retroactivity should be January 1, 1985. Thus, the Japanese are reneging on their initial acceptance of the agreement, and, by that action, could destroy the fabric of the agreements with the other nations.

And I wouldn't blame them. Why should they accept the October 1, 1984, date, if we will be willing to accept a January 1, 1985, date for the Japanese?

And, even further, given the Japanese style of agreeing in principle to an issue and than seeking to renegotiate it until they get what they want, I believe it will be a cold, cold day before any agreement is finally reached.

Just consider the results of recent negotiations with Japan for the acceptance of wood and wood products from the United States and the efforts of the United States to get a piece of Japan's telecommunication industry's needs.

We have already read what Secretary of Commerce Baldrige told his team. He told them to pack it up and come home because we weren't getting anywhere with the Japanese negotiators.

And if we think we are the only ones suffering from the Japanese style of negotiations, I urge you to read an article by James B. Treece, the Tokyo bureau chief of AP-Dow Jones News Services, which appeared in the Wall Street Journal on Monday.

Mr. Treece has compiled a list of Japan's refusals to work with the developing nations in Southeast Asia. In instance after instance, the Japanese have closed off their market to those nation's raw and finished goods. In fact, Japan takes only 8, that's right, 8 percent of the developing world's exports—and most of that is oil and gas—while the United States takes 50 percent and Europe takes 28 percent.

What really hurts us is that at the same time Japan continues to flood the American market with its steel and other export goods, the United States is also being flooded by goods from the developing nations of Asia who have been unable to market their goods in Japan.

I ask you, is that fair? Is that the action of a nation that says it wants to be a part of the world economy?

The current administration finally recognizes this. When the plan to reach voluntary agreements with the steel exporting nations was announced, this administration hoped that steel markets in Japan and other industrialized countries wouldn't be closed to steel from developing nations. In other words, U.S. officials wanted to be sure that Korean steel beyond the agreed limit wasn't going to come to the United States because it couldn't get into Japan.

This administration's fears were well founded. For, as Mr. Treece reports, Korean steel is unloaded at night onto unmarked trucks by importers anxious not to offend Japanese steelmakers.

I am including Mr. Treece's article in its entirety because it brings a message that every Member of Congress should know.

□ 1340

I think at this point I am going to read. I was going to include it, but I think it is imperative that I read the Wall Street Journal of Monday, March 4. The article has the headline, "Japan's Protectionism Diverts Asian Goods to the United States."

This is datemarked Tokyo:

When a high-level delegation from Japan's Federation of Economic Organizations made an unprecedented swing through Malaysia, Singapore and Indonesia late last year to discuss trade with business and government leaders, it was big news in that part of the world.

But when Japan's press covered Chairman Yoshihiro Inayama's post-trip news conference, it reported only what he said about curbs on auto exports to the U.S. and didn't mention the trip.

Japan takes its Asian trading partners for granted. It is far more inclined to bow to U.S. demands for trade concessions than to Asian ones. That is a poor policy for Tokyo, and, more important from an international perspective, the U.S. and Europe are being shortsighted if they think Tokyo's favoritism helps them.

In fact, the U.S. and Europe become the dumping grounds for Asian goods that can't get into Japan. As U.S. trade representative Bill Brock pointed out in Tokyo recently, Japan takes only 8 percent of the developing world's exports (much of it is oil and gas), the U.S. 50 percent and Europe 28 percent.

I mentioned that in the main part of my remarks.

Continuing on in the article:

Most of the world faces Japanese bars to imports. What makes the Asian examples so striking, however, is how often the blocked products are made in plants of Japanese origin.

□ 1350

Here is an example: "Indonesian tropical hardwood plywood, whose manufacture was developed with Japanese technology, faces a steep 20-percent tariff at Japan's ports."

Outside of this article, in my remarks, I ask, where do you think that goes? It ends up right here. Do not let anybody fool you.

Continuing on with the article:

Japanese steelmakers, fearful of more competition from South Korean mills they helped build—

The Japanese built them; it is their technology, their mills, their machinery—

are holding back on further technical exchanges, and are believed to have pressured domestic buyers against taking Korean steel.

Outside of the article, let me remark, where do you think that steel is going?

Back to the article:

Thai Industry Minister Ob Vasuratana recently complained that Japan buys only modest amounts of Thai manufactured goods, even though 90 percent of Thai plant machinery was made in Japan.

Sumitomo Corp. this year scaled back plans for an integrated textile concern in China, with all of the output targeted for the Japanese market, after domestic textile companies complained.

A string of Japanese prime ministers has traveled to Southeast Asia to affirm that Tokyo values its ties with the region. But lack of progress has allowed Japan's trade relations with Asian nations to unravel even further in the past year;

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are to America—as part of a mid-December "market opening" package favoring Asia.

That was a small concession.

Continuing on in the article:

As these examples show, the responses of Asian nations over the past year haven't been positive or productive. Instead of lashing back unilaterally, Japan's Asian trading partners need to build alliances with the U.S. and Europe, to try to ensure that Japan's markets are open to all.

That is, open to all countries, including themselves.

December's series of bilateral talks between the U.S. and countries that export steel to America are an example of how such cooperation might have worked but didn't. The talks were aimed at limiting steel imports into the U.S., however, and Seoul, for example, spent most of the time howling about unfair American quotas. It missed a chance to enlist Washington's help in prying open Japan's market.

When President Reagan first announced plans to limit steel imports, a crucial part of the plan involved guaranteeing that steel markets in Japan and other industrialized countries wouldn't be closed to steel from developing nations, lest the latter's steel be "diverted" to the U.S. market. In other

words, Mr. Reagan wanted to make sure Korean steel wasn't going to the U.S. because it couldn't get into Japan.

The implied suspicion was well founded. Korean steel is unloaded at night onto unmarked trucks by importers anxious not to offend Japanese steelmakers. An agreement last year by Japanese trading houses to import Korean steel under long-term contracts seems aimed at setting up specific import channels that will ensure those imports' share of the domestic market will stay below an informal limit of 10 percent.

Not surprisingly, Mr. Reagan's proposal met with strong criticism in Tokyo. Over the next week, the local press charted the rise in Japan's imports of steel, as if to argue that rising imports proved Japan's market already was open.

Tokyo needn't have worried. The idea went nowhere. U.S. negotiators, lacking strong political backing on the "diversion" issue from U.S. steelmakers, focused only on limiting Japanese imports into the U.S., not on making sure the Japanese market was open.

Asian nations would do well to link future export restraints to the U.S. or Europe with demands that Washington or Brussels join in pressing Tokyo to open its markets to Asian goods. Such a link is in the self-interest of developed nations. Robust U.S. economic growth is pulling in Southeast Asian exports at a record clip, and non-Japanese Asian economies too easily could become addicted to this.

The article goes on and on. My time is short, and I do not want to read it in its entirety, but it will be made a part of the RECORD.

But if it was only steel imports that posed a problem for this country, under those conditions outlined in that article, it would be one thing. But the range of industries that are and will be feeling the pinch is limitless.

In the Journal of the Institute for Socioeconomic Studies, for the winter of 1985, there is a listing of foreign imports as a percentage of total sales for selected products.

For example, in 1950 the imports represented about 10 percent of the apparel market, but in 1983 the import share was up to 40 percent.

At this point I am just going to read these very, very hurriedly. Here is the item, apparel, and the base year. In 1950, 10 percent was coming into this country; in 1983, 40 percent.

Textile machinery: Back in 1963, 9 percent was coming into this country, foreign-made; in 1983, 50 percent of textile machinery was coming into this country from foreign producers.

Back in 1965, automobiles: 6 percent coming into the country; in 1983, 27 percent of all the automobiles in this country were coming from foreign producers.

Radial tires: Back in 1950, zero; in 1983, 15 percent.

Back in 1955, 5 percent of all the machine tools used in this country were foreign-made; in 1983, 37 percent.

Industrial goods: Back in 1975, a short time ago, for industrial goods it was 11 percent; it is now 17 percent.

Carnations: It was zero back in 1970, now over half of all carnations are coming from foreign providers.

Ammonia: 20 percent now, zero before.

Steel: Look at this. Back in 1960, 5 percent. Five percent of the steel consumed in this country was foreign-made back in 1960. In 1983, 22 percent and rising.

Business jets: We always thought we were the exclusive in the world, that we could only make a business jet. Back in 1965, 5 percent foreign made. What are they in 1983? Forty-three percent, almost half.

TV sets and radios: Back in 1950, 10 percent were foreign made, which is a reasonable amount. No complaint there. In 1983, 60 percent. Where do you think those jobs went.

Shipbuilding contracts: Listen to this one. Back in 1950 the shipbuilding in this country was only 10 percent foreign. That is the supplying of the ships. Do you know what it is today? It is 70 percent.

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And look at this. Video discs and cassettes. In 1950, 5 percent; 1983, 80 percent. Pretty soon you can kiss it goodbye.

Nuts and bolts, little fasteners and things like that, very important in our economy; back in 1950, 5 percent foreign made. Do you know what they were in 1983? Eighty percent and still rising.

Shoes, all kinds, 1.2 percent back in 1950. They came from Taiwan, Italy, Spain, you name it and it's there. Do you know what they were in 1983? Remember, these are all 1983 figures, not 1984 or 1985. They do not have them yet. Sixty-five percent in 1983 of all the shoes in this country. Those are telling statistics. Let me include a summary of these imports, as follows:

FOREIGN IMPORTS AS A PERCENTAGE OF TOTAL U.S. SALES—SELECTED PRODUCTS AND YEARS

Item	Base year	1983
Apparel (1950)	[1] 10	[2] 40
Textile machinery (1963)	9	[3] 50
Autos (1965)	6	[4] 27
Radial tires (1950)	[1] 0	[5] 15
Machine tools (1950)	[1] 5	[6] 37
Industrial goods (1975)	[7] 11	[8] 17
Carnations (1970)	[1] 0	[9] 60
Ammonia (1950)	0	[10] 20
Steel (1960)	5	[11] 22
Business jets (1965)	5	[12] 43
TV sets, radios (1950)	10	[13] 60
Shipbuilding contracts (1950)	10	[14] 70
Video disks, cassettes (1950)	[15] 5	[16] 80
Nuts and bolts (1950)	[15] 5	[17] 80
Shoes (1950)	1.2	[18] 65

[1] Author's estimate.
[2] American Textile Manufacturer's Institute, as cited in Chicago Tribune, Apr. 10, 1984.
[3] "Competitive Status of the U.S. Fibers, Textiles, and Apparel Complex," Office of the Foreign Secretary, National Academy of Engineering and National Research Council, National Academy Press, Washington, DC, 1983, p. 42.
[4] 1981. "Statistical Abstract of the United States, 1982," p. 617.
[5] Business Week, Aug. 1, 1983, p. 22.
[6] Fortune, Oct. 3, 1983. p. 62.
[7] Fortune, Oct. 3, 1983, p. 62.
[8] Ibid.
[9] Christian Science Monitor, Sept. 20, 1983. p. 19.
[10] Financial Trend (Dallas). Aug. 22–28, 1983, p. 15.
[11] American Iron and Steel Institute.
[12] Forbes, Feb. 13, 1984. p. 50.
[13] Robert B. Reich, "The Next American Frontier," Atlantic Monthly, March 1983, pp. 44–45.
[14] Estimated. Financial Trends, Nov. 15–21, 1982, p. 14.
[15] Estimated.
[16] Christian Science Monitor, Nov. 1, 1983.
[17] The Wall Street Journal, Dec. 23, 1981, p. 1.
[18] Footwear Industries of America, Philadelphia, PA, communication to author, Feb. 7, 1984.

Source: The Journal/The Institute for Socioeconomic Studies, winter, 1985.

So, here we are. Now this administration has decided to not extend the voluntary agreements on auto imports from Japan. We just put those auto workers back to work. They started paying taxes. They paid our Government back money that we lent them, or the money that we guaranteed for them. Do you remember, Lee Iaccoca, everybody loves him, they want to make him President. Now we take off the restraints.

Maybe the American auto companies, except for General Motors, are authentically concerned. General Motors, the single exception, has deals with Japanese to market cars here, so obviously do not care.

But there is great concern, here as well as in Japan. The Japanese Government, of course, worries about a severe reaction from us here in this country if their auto companies flood our market.

Toyota, Nissan, and Honda are fairly happy with the existing current numbers because they have the lion's share of the imports coming into this country; but the pressure is coming from the other Japanese car and truck manufacturers who have been limited in getting a growing share of the American market. They have a little competition over in Japan, too. With no more limits, they want to ship big numbers of cars here, and let us not think they will not. They will.

Here in this country, Americans are also confused. Many economists say the end of import restraints on cars from Japan will lower the price of all cars, American as well as Japanese, which will be a boon for the consumer, and you hear this continually repeated.

But, Mr. Speaker, are not autoworkers, like steelworkers, like textile workers, shoe workers, are they not all consumers, too? If they lose their jobs to imports, how will they be able to cash in on this great boon? That car is cheaper, and granted it may be, but where are you going to get the money to pay for it if you are not working? Regardless what people say, unemployment compensation is grossly insufficient to enable recipients to pay for an automobile, please believe me, and in most instances you and I and everybody else who are not on unemployment compensation, not on the so-called dole or the take, after you have been on it, you never want to go on it again. What more tragedy is there in a country that could befall or beset a country than not to provide a job for its citizens? I cannot comprehend, for

the life of me, anything that is more devastating, more unacceptable and a breach of the obligation we have to our citizens than not to provide a job for those people who want to work and are able to work. It cannot be justified.

Just yesterday, in USA Today, the newspaper, Thomas O'Grady of Chase Econometrics forecast that 150,000 jobs will be lost when those voluntary restraints on autos, which I just mentioned, are lifted at the end of this month.

Mr. O'Grady even lists those plants that will suffer most if the Japanese flood the market, and one of those plants, the Volkswagen Golf plant in Westmoreland, PA, is in my district; so I have real concern, but the pain will be felt in a broader way. Look at these. Plants in Kenosha, WI; St. Louis, MO; Newark, DE; Belvidere, IL; Kansas City, MO; Edison, NJ; Wayne, MI; Lakewood, GA; Janesville, WI; and Leeds, MO, are among those targeted by Mr. O'Grady for production cutbacks.

It really all comes down to one point and one question and that is jobs. According to some strong estimates, the United States has lost 1.4 million, almost 1½ million manufacturing jobs over the past 4 years, and that is a net figure; so even if we are gaining some jobs in the exporting and importing sections of the economy, we are still losing more.

Perhaps, Mr. Speaker, we made our mistake last fall when we, the congressional steel caucus members, backed off on the Fair Trade in Steel Act. Perhaps if the House at the very least had passed that measure, I do not know what the other body would do, it would have been a signal to the Japanese that we were really serious about preventing the total demise of our domestic steel industry and our auto industry and that they had better recognize that it would be in their best interests to deal fairly and openly with us.

As I said earlier, Mr. Speaker, if it were just steel that was in trouble, the Japanese might have a leg to stand on; but as we all know, it is steel, it is automobiles, it is textiles, it is electronic equipment, and I could go on and on. I could tell you about women's junk jewelry, so to speak. We used to have 20,000 jobs in this country making this small what they call junk jewelry. It is the cheaper jewelry, a pair of earrings, necklaces, bracelets, and those things. Those 20,000 jobs went down the drain a long time ago.

I can tell you about the television sets. I can tell you about so many different things; Christmas tree bulbs and all the things that we used to do in this country that make employment for our mentally retarded, our physically impaired citizens who found solace and found some need for themselves to be able to go down and make this jewelry, to make the earrings, to participate as a working individual, all those things, all down the drain; not making them anymore, but I see other countries that kind of attach importance to it and think that it is farily good stuff in your economy to be able to make earrings and jewelry and employ 20,000 people and make some profit.

I could go on and on and talk about socks and shirts, anything, you name, it, I can talk about it; all that stuff is down the drain.

There is also the reluctance and the arrogant intransigence—and I repeat that, arrogant intransigence of our Japanese traders. I do not want to call them partners, Japanese traders in the economic world of trade. Arrogant intransigence to negotiate with us. They know better. They walk out. They refuse to give. They control international trade. They continue to put up barriers to American products. At the same time they demand that we open our doors to their finished goods. Arrogance. You only get arrogant when the other guy lets you get arrogant. I am going to take a special order in the not too distant future and we are going to talk about that arrogance.

I thought we defeated the Japanese some 30 or 40 years ago. I thought they were asking us for things. We are now begging them for things. It has got to end. We must be the masters of our own fate. We must decide what we as a nation can accept in terms of imported goods. We cannot let other nations make these decisions for us.

Mr. Speaker, I include the article from the Wall Street Journal of March 4 on Japan's protectionsim, as follows:

[From the Wall Street Journal, Mar. 4, 1985]

JAPAN'S PROTECTIONISM DIVERTS ASIAN GOODS TO THE UNITED STATES

(By James B. Treece)

TOKYO.—When a high-level delegation from Japan's Federation of Economic Organizations made an unprecedented swing through Malaysia, Singapore and Indonesia late last year to discuss trade with business and government leaders, it was big news in that part of the world.

But when Japan's press covered Chairman Yoshihiro Inayama's post-trip news conference, it reported only what he said about curbs on auto exports to the U.S. and didn't mention the trip.

Japan takes its Asian trading partners for granted. It is far more inclined to bow to U.S. demands for trade concessions than to Asian ones. That is a poor policy for Tokyo, and, more important from an international perspective, the U.S. and Europe are being shortsighted if they think Tokyo's favoritism helps them.

In fact, the U.S. and Europe become the dumping grounds for Asian goods that can't get into Japan. As U.S. trade representative Bill Brock pointed out in Tokyo recently, Japan takes only 8% of the developing world's exports (much of it is oil and gas), the U.S. 50% and Europe 28%.

Most of the world faces Japanese bars to imports. What makes the Asian examples so striking, however, is how often the blocked products are made in plants of Japanese origin:

Indonesian tropical hardwood plywood, whose manufacture was developed with Japanese technology, faces a steep 20% tariff at Japan's ports.

Japanese steelmakers, fearful of more competition from South Korean mills they helped build, are holding back on further technical exchanges, and are believed to have pressured domestic buyers against taking Korean steel.

Thai Industry Minister Ob Vasuratana recently complained that Japan buys only modest amounts of Thai manufactured goods, even though 90% of Thai plant machinery was made in Japan.

Sumitomo Corp. this year scaled back plans for an integrated textile concern in China, with all of the output targeted for the Japanese market, after domestic textile companies complained.

A string of Japanese prime ministers has traveled to Southeast Asia to affirm that Tokyo values is ties with the region. But lack of progress has allowed Japan's trade relations with Asian nations to unravel even further in the past year:

Tokyo mistakenly thought pomp and ceremony for South Korean President Chun Doo Hwan's historic September visit was all Seoul cared about. Tokyo failed to see the frustrations that led Seoul to ban a huge list of imports from Japan shortly after President Chun returned home.

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The Nakasone cabinet made only a minuscule cut in Japan's tariff on boneless chicken—an item as symbolic of Japan's closed markets to Thailand as beef and oranges are to America—as part of a mid-December "market opening" package favoring Asia.

Continued intrasigence by Japanese industry on Malaysian requests for technology transfer prompted even Prime Minister Mahathir Mohamad, Japan's top cheerleader in Asia, to blast Japanese businessmen for attitudes that are costing them friends in Asia.

As these examples show, the responses of Asian nations over the past year haven't been positive or productive. Instead of lashing back unilaterally, Japan's Asian trading partners need to build alliances with the U.S. and Europe, to try to ensure that Japan's markets are open to all.

December's series of bilateral talks between the U.S. and countries that export steel to America are an example of how such cooperation might have worked but didn't. The talks were aimed at limiting steel imports into the U.S., however, and Seoul, for example, spent most of the time howling about unfair American quotas. It missed a chance to enlist Washington's help in prying open Japan's market.

When President Reagan first announced plans to limit steel imports, a crucial part of the plan involved guaranteeing that steel markets in Japan and other industrialized countries wouldn't be closed to steel from developing nations, lest the latter's steel be "diverted" to the U.S. market. In other words, Mr. Reagan wanted to make sure Korean steel wasn't going to the U.S. because it couldn't get into Japan.

The implied suspicion was well founded. Korean steel is unloaded at night onto unmarked trucks by importers anxious not to offend Japanese steelmakers. An agreement last year by Japanese trading houses to import Korean steel under long-term contracts seems aimed at setting up specific import channels that will ensure those imports' share of the domestic market will stay below an informal limit of 10%.

Not surprisingly, Mr. Reagan's proposal met with strong criticism in Tokyo. Over the next week, the local press charted the rise in Japan's imports of steel, as if to argue that rising imports proved Japan's market already was open.

Tokyo needn't have worried. The idea went nowhere. U.S. negotiators, lacking strong political backing on the "diversion" issue from U.S. steelmakers, focused only on limiting Japanese imports into the U.S., not on making sure the Japanese market was open.

Asian nations would do well to link future export restraints to the U.S. or Europe with demands that Washington or Brussels join in pressing Tokyo to open its markets to Asian goods. Such a link is in the self-interest of developed nations. Robust U.S. economic growth is pulling in Southeast Asian exports at a record clip, and non-Japanese Asian economies too easily could become addicted to this.

In addition, a Japanese market closed to developing nations' exports could threaten to derail the solution of the international debt crisis, since almost all Third World debtors have been told to boost exports to gain the cash to pay their bills. If the second-largest economy in the Free World is closed to their exports, the Third World countries will flood the U.S. and the Common Market with goods instead.

Some Third World leaders realize that. Last year, Japan's ambassadors to Latin America united in calling on Tokyo to open its markets wider to goods from developing countries. The problem is even worse there. Japan's exports to Latin America last year grew 34% to $8.6 billion while imports rose only 12% to $7.2 billion.

Japan would benefit from opening its markets. Not only would consumers, so commonly ignored by Tokyo's trade negotiators, find prices lower on some products, but Japan's economy would gain from healthy Asian economies. After all, 21.6% of Japan's 1984 exports went to East and Southeast Asia, well ahead of any other county or region except the U.S. with 35%. If Tokyo's policies choke off the export growth of other Asian nations, it will soon find that the U.S. market alone isn't enough to keep Japan's export engines going.

(Mr. Treece is Tokyo bureau chief for the AP-Dow Jones News Services.)

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THE SEATING OF RICHARD McINTYRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, over the last several days we have heard quite a bit of talk about the situation as it relates to the Indiana case of Rick McIntyre and his seating in the House of Representatives. We had some discussion of it on the floor on Monday, as we sought to bring a resolution to the floor to have Mr. McIntyre seated.

Last evening the gentleman from Arkansas, Mr. ALEXANDER, read into the RECORD some documents pertaining to the Democrats' side of this case. I thought it important, perhaps, to put that into some perspective and also to try to put some other documents in the RECORD which I think focus on the issue as it comes from the minority side of the aisle.

First of all, let me say that it is our concern, on this side of the aisle, that this decision is being made wrongfully based upon precedent; and also is something less than fair in its application.

We consider it to be decided wrongfully by precedent because there have been 82 similar instances before the House of Representatives in the past, and in each case those decisions have been made with regard to a seated Member based on the fact that that Member had already been allowed to take his or her seat and was in fact functioning as a representative of their district while the decision was being made; a decision similar to the one being made in the question of Mr. McIntyre.

In fact in the documents that the gentleman from Arkansas [Mr. ALEXANDER] read into the RECORD last night from the Congressional Research Service, that document indicates that that is precisely what has generally happened in this body. That document says, and I quote:

> Generally the person holding the necessary credentials from the State is allowed to be seated and exercise the functions of a Member of the House until the election contest is decided.

That is the point; that is what we have generally done. That has been the precedent; that has been the procedure. That is what we should be doing in this instance. We should not be depriving the people of Indiana of their basic right to have a representative in this body during the time that we are making decisions in this body relative to the election contest.

Now, we are told that we have no reason to be fearful of that process because after all what we are doing is we are clearing up confusion and we are doing it in a way which is fair.

I refer to an article that appeared in this morning's Washington Times, where the gentleman from Texas, the majority leader [Mr. WRIGHT] and the distinguished Speaker of the House, the gentleman from Massachusetts [Mr. O'NEILL] are commenting on precisely this thing, and the article says that:

> Mr. Wright and Speaker Thomas P. O'Neill, Jr. said the Democrats' handling of the matter and the House Administration Committee's study of the race "couldn't be fairer."

The gentleman from Massachusetts [Mr. O'NEILL] was quoted later on, talking about the whole process, and it says that he characterized the counting of the ballots in Indiana as "utter confusion." And that he expected—get this—the General Accounting Office to come up with an accurate count.

And then once again he says, "It couldn't be fairer."

Well, let's look at the fairness issue. First of all, is it fair to deny the State of Indiana the right to count its own ballots? Let's think what we are doing here. We are taking the ballots cast in the State of Indiana and we are giving not the officials in Indiana who are elected to the job of being the official counters of those ballots, not letting them make the determination, but bringing it here to Washington to the General Accounting Office and saying that we are going to rely, according to the gentleman from Massachusetts [Mr. O'NEILL] on the General Accounting Office to come up with an accurate count.

Does the General Accounting Office have election laws? I was not familiar with the fact that they did. Now, there is no doubt that this House does have the ability to consider the qualifications of its own members.

I think that is kind of interesting because the fact is Mr. McIntyre is not a Member. Mr. McIntyre has never been sworn into this body. In fact, in a colloquy with the gentleman from Arkansas [Mr. ALEXANDER] the other day, I asked whether or not Mr. McIntyre was Member enough to be seated for the official photograph, and I was told "no." No.

And so do we have the right to judge the election returns of someone who is not a member? I quote the Constitution, section 5 of article I: It says:

> Each House shall be the judge of elections, returns and qualifications of its own members.

No doubt about what the Constitution says.

We do not deny the fact that if Mr. McIntyre was seated in this body, and there was some question about the ballots that were cast in his election, that the Committee on House Administration has every right to be looking at that, and if they find that Mr. McIntyre was not really elected, then to ask him to step aside and Mr. McCloskey to take the seat.

That is exactly what has happened in precedents in the past; there is no doubt that that could happen here again.

What we do question is whether or not it is fair to deny Mr. McIntyre the seat, run a question about his election through the General Accounting Office here, and in so doing perhaps deny him the right to ever be seated here, period. Is that fair?

And then we also question, we also raise a question about the makeup of the committees of the Congress that

are making these decisions. That, for instance, have decided evidently to allow the General Accounting Office to do this work.

First of all, you have the overall Committee on House Administration. Is that a fair committee? Well, it is stacked against the minority by numbers greater than what the numbers of the majority in the House should allow them to have in terms of membership on that committee. It is a stacked committee. It is not a fair committee in terms of the ratios of majority to minority membership.

Was that done purposely? Some of the committees around here were permitted to have fair ratios this time. We congratulate the majority for finally understanding that the autocratic way in which they had dealt with committee ratios in the past was not proper.

In this particular instance, this is one of the few committees where they decided not to do that; is there a reason for that? One has to wonder. The fact is that this is one of the few committees that does not have a fair committee ratio.

Then that unfair committee ratio decided that they were going to set up a task force to look at this election. That is what we usually do. There in fact is precedent for that as well. That is the way the Committee on House Administration handles it.

The task force, was it set up in a way that, for instance, the Ethics Committee is set up, where you decide very serious questions involving the Members, on an equal basis, was there an equal ratio of majority to minority members? No. No; it was stacked 2 to 1 against the minority.

Decisions within that task force will be decided by a 2-to-1 majority against the minority membership of this body of which Mr. McIntyre will be a Member. Is that fair? Do the American people really believe that a 2-to-1 stacking of that task force is fair?

The Speaker is quoted as saying, "it couldn't be fairer." It couldn't be fairer? At the very least, if you were going to be really fair, what you would do is do 2:2 or 3:3 on that task force; you would allow everybody in the body to have an equal voice in making this very basic decision about one of our own Members? That would be fair.

This is not fair; 2 to 1 is not fair. Now, I must admit that based upon the way we have operated around here for about 20 or 30 years, 2 to 1 probably does seem fair to the majority; that is the way they are used to operating. That is the standard on which we usually operate and that probably seems fair.

But I will tell you as somebody who tries to pursue legislative direction from the minority side that we do not regard that as fair. Those are not fair ratios, when you start off with two-thirds of the vote against you; that is not fairness.

To suggest that it couldn't be fairer suggests that it couldn't be fairer because the majority has decided that it won't be fairer. That that is what they intend to do.

Then you take that and you build upon that the issue of the sophomore class of the Democratic Party who, the other day, elected Mr. McCloskey, who has never won anything in the election—but they elected him as the president of their class.

Now why is that important? Because their class functions under the House rules as an official unit of this body.

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It is an official organization within this House of Representatives. They elected him as their president and they said in a press release that they sent out after that election that "We expect that Mr. McCloskey is going to be here with us within several weeks."

Do they know something that we do not know? Do they know why the process is being stacked against the minority? Has the decision already been rendered that they can send out that kind of press release? One has to wonder. At least on our side of the aisle one has to wonder. One has to be very, very suspicious when you see this whole pattern of events developing. And we are indeed suspicious because we feel very strongly that Mr. McIntyre has won the seat. He deserves to be seated and every precedent of the House would suggest that he should be seated. At least until there has been a judgment rendered about whether or not his election was conducted properly.

It is also interesting to note that most of the arguments coming from the other side in recent days on this case have suggested that the reason why they are concerned about the McIntyre matter is because of voting irregularities that have taken place in Indiana.

We have a law. It is called the Federal Contested Elections Act. It was put in place in order to assure that if a candidate for Federal office believes that there was voting irregularities that he would have some recourse after the election to take appropriate action to assure that those irregularities would be properly investigated.

Mr. McCloskey, if he really believes that there were voting irregularities, has the power under that act to use that act on his behalf.

Has Mr. McCloskey filed anything under the Federal Contested Elections Act? No. Not a thing. He has not used the act at all.

Now the only thing that I can gather from that is that he does not believe he has a case under that act, that if they in fact used that act the whole concept of voting irregularities would be totally thrown out and therefore that would not be an arguable case in this body.

If the case that is being made about voting irregularities has any kind of validity at all, why did not Mr. McCloskey file timely under the Federal Contested Elections Act? That is a serious question from our point of view. And the only thing that we can determine is that there was no case there and so what Mr. McCloskey intends to have happen is, he intends to have the majority in this body autocratically impose their will on the minority and give him his seat. That would be an absolutely irresponsible, an absolutely horrifying precedent to set in this body.

Imagine what we would say at that point. That if you have the majority in this body, be you Democrat or Republican, if you get a fairly close election, somebody comes here with a certificate, we by majority vote in this body will determine whether or not you can sit here. That the politics of the matter will be that you have to win two races. You have got to win a race back in your State and then you have got to come to the House of Representatives and you have got to hope that you are popular enough here that we will let your certificate be permitted on opening day.

The forefathers would cringe at the idea that the House of Representatives would become that kind of body. The forefathers specifically wanted the States to have the power to elect their own representatives here. They wanted us to be able to judge the qualifications of those people. But they wanted us also to make certain that those were people truly representative of the areas from which they came. They did not want Washington power to be imposed on the Nation. I would ask anybody who has read the Federalist Papers to find where the forefathers thought that the best solution to our problems in this country was to have Washington continually foisting its power on the States. In fact, they felt the other way, that power should flow from the States and from the localities into Washington.

They would be horrified to think that we were going to now have a two-step election process. One where you got elected by your district, where the people elected you and one where the politicians elected you in Washington after you got here.

But that is what we are setting up in the McIntyre case. We are setting up a situation where the politicians in Washington can overrule the people of the States.

Now, I suggest to my colleagues that that is not what we want to have happen for the future of this body or for the future of this country. That that kind of precedent would be a

precedent that would ill serve every elected Member of this body today and every future elected Member of this body. And we ought not let it happen.

Now, the State of Indiana feels very strongly about that. As of last night they filled before the U.S. Supreme Court a case alleging that the State of Indiana has been denied its rightful representation, its rightful full representation, in the House of Representatives, that precisely what the forefathers feared is taking place because of the arrogance and autocracy within this body. And that the Supreme Court is going to have to settle this because it is a serious matter that affects the entire federalism of this country.

I intend to read portions, as much of this case into the RECORD as I can because I think it is important as a counterpoint to what the gentleman from Arkansas put into the RECORD yesterday.

At this time, Mr. Speaker, however, I would yield to the gentleman from North Carolina [Mr. COBEY].

Mr. COBEY. I thank the gentleman for yielding.

I was really interested in the debate that happened on the House floor on Monday where the Speaker said that two wrongs do not make a right. I find it interesting that that, I guess, the first admission that there has been a wrong committed.

Mr. WALKER. Would the gentleman repeat that statement because I heard the same statement. What was it the Speaker said out here on the floor that day?

Mr. COBEY. He said that two wrongs do not make a right.

Mr. WALKER. And that was in response to the minority leader, was it not, when the minority leader suggested that we had come to the floor with kind of an unusual procedure here, but the reason why we had done it was that we thought that we had been subjected to some rather unusual procedures prior to that. Is that not the case?

Mr. COBEY. That is the case.

Mr. WALKER. And the Speaker's reply to that was that two wrongs do not make a right.

Mr. COBEY. That is right.

Mr. WALKER. The gentleman is correct.

Mr. COBEY. I found that interesting. I guess that that is the way he was raised. It certainly was the way I was raised that two wrongs do not make a right. But it seems to me it was an admission that a wrong has been committed and a serious wrong.

I would like to encourage Members of the majority party to head over to Rayburn right now, room 2318, where I have just come from, room 2318, where the secretary of state from Indiana is over there answering questions on this situation. I mean, he cared enough to come all the way here to Washington. And, as the gentleman has pointed out, there is litigation now before the courts. He cared enough to come all the way here to Washington to answer the concerns of any Member of Congress and particularly the Members of the majority party. I wish that they would go over and ask questions so that any concerns that they may have could be addressed.

I noticed there was a Member from North Carolina, a member of the majority party, that was over there. I was encouraged to see that. I hope any questions he has will be answered.

But in fairness the State of Indiana needs a hearing. I know as I am at home in our district the people of our district are very concerned about this issue. I do not think it can be assumed that the people of America are not becoming aware of this issue, because they are. Time and time again when I speak to groups in my district they raise this question. It is the first thing that they ask me about. It is the first question that they ask.

This morning I spoke before a group in Washington and the first question—in fact, they even interrupted my talk to ask me questions about the McIntyre situation. I find that very interesting. The level of awareness is really getting out there.

I submit to the Members of this distinguished body that this is a issue that we are so concerned about and willing to fight on because it is a constitutional issue.

□ 1430

It is an issue that, for the sake of democracy and for the sake of this country, we cannot afford to lose it. But I submit to the majority party and the Members there that this is something that they cannot afford to win, because I know they care this much about our country. I would not impugn motives on the other side. And I wish that they would just carefully consider the fact in an objective manner, and I think that there is no question in my mind that if they do, they will come to the same conclusion. I have considered this matter—I am a freshman Congressman, this is the first time I have been in this body—and I know that they take the oath of office as seriously as I did to protect the Constitution and to uphold it, and to me this is a constitutional violation.

Mr. WALKER. If I could go back to the point that the gentleman made a little bit earlier, the gentleman from Indiana, Mr. Simcox, who is the secretary of state for the State of Indiana is here to answer all of the Members' questions at the present time.

Mr. COBEY. Right. Right now.

Mr. WALKER. This is the man who has been accused by some on the majority side of rigging this election somehow and therefore is somebody who has been basically on the firing line, who has been the subject of a lot of criticism from the majority side, and he is over there and he is perfectly willing to answer questions with regard to some of those charges. Is that correct?

Mr. COBEY. That is correct. And it is a very good opportunty.

Mr. WALKER. And this is an open meeting, so that whatever is said in there is certainly open to being quoted, and so on.

Mr. COBEY. Yes. The media is covering it.

Mr. WALKER. The media is covering this. So in other words if Mr. Simcox really does have something to hide and if there is really a problem there, and somebody goes over and raises those kinds of questions, he stands to be corrected in a public forum; is that what the gentleman is telling us?

Mr. COBEY. That is correct. And I really know that the majority party Members care about the Constitution and want to do what is right. I do not want to impugn their motives or anything like that. Like I said earlier, I would really encourage anybody who has any questions about alleged irregularities to get over there and have their questions answered firsthand.

But what I was getting around to saying is that I just went through the elective process, like everybody else did, and there are serious issues that we need to get on with and to work with. There is general agreement among the people of our country, and rightfully so, that we cannot continue to tolerate these enormous deficits. We have to balance the budget. I think they are going to start focusing on the fact that we have to pay off this national debt of nearly $1.5 trillion. We cannot continue to carry this kind of debt in our country. It straps us, it eats at the seed corn of our country, it erodes confidence in our system, it keeps our interest rates so high. This is a very, very important issue that we need to deal with. And yet we necessarily, because we want to uphold the Constitution, are distracted by this situation and are not able to devote the kind of energies and attention that we need to just that one problem, the serious thing, in a meaningful way, reducing Federal spending here.

Mr. WALKER. In a large part, I think it needs to be understood the reason why we are concerned about the issue of McIntyre is because we see that the issues are so substantive and so controversial that literally we may have issues in this Congress that will affect the entire future, particularly the financial future of this country, that will be decided by one vote.

Mr. COBEY. Right. There is no question about it.

Mr. WALKER. We could easily have those. We had issues that were decided back in 1981 by just a mere handful of votes—two or three votes. We could easily have major issues decided this year by one vote. And what we are concerned about is that some of those issues come to the floor before the majority deigns to decide the McIntyre issue, that is one vote that the minority will not have to be looking at its view of the issue and consoling with those 500,000 people in Indiana who have been denied representation.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Sure, I will be glad to yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding, because he has confirmed what I though we have been dealing with here, which is the elephant stick.

Mr. WALKER. Excuse me, I did not hear the gentleman.

Mr. FRANK. The gentleman has confirmed my view that what the minority has been giving us in this case is an example of that famous device, the elephant stick. You know, the elephant stick is the thing the man is carrying down at Dupont Circle, and he is asked why he is carrying that stick and he says it is to keep away the elephants. And someone says, "Well, there have not been any elephants here at Dupont Circle." And he says, "See, the stick worked."

In other words, what the minority is doing is preventing the majority from sealing an election that the majority has no intention of stealing.

It was interesting, to me, that in the debate that happened Monday we heard affirmation, which I was pleased to hear, from many speakers on the minority side about the fairness of the process that has been set up for deciding this issue. Now, I realize there were two separate questions here: Should Mr. McIntyre be seated provisionally? And what is the procedure for deciding ultimately who should be seated?

And I was pleased to hear that Members of the minority, in fairness, said that they had no question about the fairness of the procedure. They paid tribute to the gentleman from California [Mr. PANETTA] and the others on that task force. We ought to make that very clear. And it suggests——

Mr. WALKER. If the gentleman will allow me to reclaim my time, and then I will be glad to yield back to him——

Mr. FRANK. Am I doing too well? Is that why the gentleman wants his time back?

Mr. WALKER. I will get back to the gentleman in just a second. I just wanted to make the point that I think the statement that was made was they had no doubt about the fairness of the individuals who were involved. I do not remember anybody from the minority suggesting that we agreed to the fairness of the procedure.

Mr. FRANK. Will the gentleman yield back?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. FRANK. Well, now I am a little puzzled, because apparently we have very fair and honest individuals whom the gentleman thinks are going to run a crooked procedure, maybe. That seems, to me, to be a bit of a problem. Maybe they are sorry that they agreed that these people are fair. I would think if you talk about the gentleman from California [Mr. PANETTA] and his colleagues who are on that task force as people of fairness and honesty that you have a hard time trying to prove to people that all of these fair and honest people are going to run a crooked deal on you. No one has suggested that. Is the gentleman suggesting that somehow the procedure is going to be unfair? Because it has been my view that everyone agreed that the procedure was going to be fair. I am a little bit puzzled to hear that, yes, we have all these good people doing it but it is not a fair procedure.

Mr. WALKER. Maybe the gentleman can explain to me why it was that the House Administration Committee was unfairly stacked against the minority.

Mr. FRANK. Is the gentleman yielding back to me again? I am not sure whether he has ruled when I can talk and when I cannot.

Mr. WALKER. Yes; I posed a question to the gentleman.

Mr. FRANK. OK.

I cannot explain that.

Mr. WALKER. No; we cannot either.

Mr. FRANK. I guess I am lucky that I am not married so the gentleman cannot ask me when I stopped beating my spouse. No; I cannot explain to him why something I do not think happened——

Mr. WALKER. If the gentleman will let me reclaim my time——

Mr. FRANK. I realize the gentleman is going to reclaim his time any time he does not like what I am saying.

Mr. WALKER. OK, I want to follow up on that, because it is the gentleman's caucus that makes the decision on those committee ratios, and so the gentleman did in fact participate in the decision, and so it is not a question of why you beat your wife, it is a question of why you made the decision you made. I will be glad to yield back to the gentleman.

Mr. FRANK. I thank the gentleman for giving me another minute or two here before I lose the time again.

I did not deny participating in the decision. I deny that the decision to set it up was unfair. But that is a separate question. The gentleman wants to get off the basic point. I will be glad to debate with him the ratios at some other time, I may even take out a special order——

Mr. WALKER. Will the gentleman——

Mr. FRANK. Here I lose the time again. The gentleman is very fair with his time.

Mr. WALKER. And I am very glad to yield to the gentleman, but I think it is important——

Mr. FRANK. Is the gentleman yielding to me?

Mr. WALKER. It is important to have a dialog here. And I am trying to have a dialog.

Mr. FRANK. The gentleman is trying to have a dialog the way Edgar Bergen had a dialog with Charlie McCarthy.

Mr. WALKER. Well, I am not certain which role the gentleman sees himself playing. I hope not the dummy.

Mr. FRANK. Under your rules, I am afraid that is what I am relegated to.

Mr. WALKER. I would say to the gentleman that it seems to me that that stacking of the committee is indeed an important issue, because one of the reasons why the minority feels strongly that there is a chance of unfairness is the fact that that was one of the few committees that your caucus made the decision to stack against the minority.

Now, there was some reason for being selective about which committees you stacked, and this one was stacked unfairly. That is the reason why we do not think there is basic fairness. And we do not think it is basically fair to have a task force making decisions that are 2 to 1 against us, regardless of the individuals involved. There were fair individuals on task forces in the past, and we have testimony from our side of the aisle, in fact we have committee reports, that suggested that those task forces, regardless of the fairness of the individuals involved, made some bad decisions, from the minority standpoint.

I will be glad to yield to the gentleman.

Mr. FRANK. I am about to break this off because I am disappointed that the gentleman is insisting, because he controls the time, on such a one-sided discussion, and every time I try to respond at any length to what he said, I lose the time.

□ 1440

He took out the time and he is entitled to stack this particular deck any way he wishes. I do not think that the Administration Committee was stacked, but, in particular, I do not think it is relevant to the issue we are talking about here, which is the fairness of the procedure.

I want to reiterate: Members of the minority on Monday were very clear as to the people in charge of this task

force are fair people and honest people. They do not want to impugn honest men as dishonest, but they somehow want us to believe that honest people are going to do some dishonest procedure. In fact, I do not think anyone thinks there is going to be a dishonest procedure. I think the minority knows that. I think the minority wants to have a good issue, so they are going to rant and rave right now and object to an unfairness that no one plans so that when the procedure works honestly and legitimately, they can take credit for the fact that it was honest and legitimate. I will make that as my prediction: That we will have a fair and honest procedure, and the minority will then be taking credit, like the man with the elephant stick, for preventing something that was not going to happen in the first place.

Specifically, I wanted to respond to the gentleman's point about deciding things by one vote. People whose soap opera was off for the day and happen to be watching this would not necessarily understand that we intend by the guidelines that are laid down to have this issue resolved by the end of the month. So the notion that there will be a vacant seat and one vote will turn on it all year is simply not true. By April 1 we will have someone seated. So we are not going to have this situation that the gentleman suggested and I think people watching might have thought, well, they are going to leave this open all year and we will have that one vote thing.

To date, of course, we have not done very much. The major thing we have done is to vote on whether or not to seat Mr. McIntyre. So if Mr. McIntyre had been seated he would not have had anything to vote on. The rest of us have only had something to vote on mostly because we had not yet seated Mr. McIntyre.

The question is: Does it make sense to seat someone provisionally, pending a decision, then if that is the decision, unseat him? This is an election that has already been called one way once and another way another time and another way another time, and it seems to be perfectly reasonable if you think the procedure is fair.

Now, if the gentleman honestly believes that the House Administration Committee Task Force composed of honest people is prepared to do a dishonest thing, then that is a matter for concern. I do not. We have a commitment that everybody agrees is there. Honest people on the task force, they are going to bring in a report and we are going to vote on this at the end of March. I intend to be guided by who I think got the majority of votes. I think the Members will do that, and we will solve it fairly.

My prediction is that once we have a legitimate and honest solution to this, the Members of the minority side will be taking credit for having brought about a result that was going to happen anyway.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman, and I just would go back quarrel with a couple of points that he made.

First of all, he says he does not agree that the House Administration Committee is stacked. He is certainly entitled to his opinion, but the fact is that the House Administration Committee has a greater majority membership than the majority party is entitled to by virtue of the number of votes that they have in this House. That to me is a stacked committee. I realize that the way the majority behaves around here, that they regard that as simply their right, so that that kind of arrogance within the process we have gotten used to. It is the kind of thing that we are concerned about. That is stacking.

The gentleman says that we do not have very many important issues anyhow, and so that one vote is not going to make very much of a difference between now and March 30. I would disagree with the gentleman that we have not had some important votes this week. We had a vote on the Farm bill yesterday.

Mr. FRANK. Will the gentleman yield? What was the margin on that?

Mr. WALKER. Well let me make my point; I allowed the gentleman to make his.

Mr. FRANK. It was about a 100-vote margin.

Mr. WALKER. That was an extremely important vote. We are likely to have a veto override vote come back here; that will be an extremely important vote. It could very well rest on one vote in this House. The people of Indiana deserve to be represented on those kinds of important votes, particularly since Indiana has a very strong farming community and Rick McIntyre's district has a very strong farming community.

It seems to me to suggest that his presence not being here during the time that we are deciding that kind of a fundamental question is to suggest that the American people are foolish. I do not think so. I think the American people are wise enough to know that when those important decisions are made, the rightfully certified Member deserves to be seated.

I yield to the gentleman.

Mr. FRANK. I thank the gentleman. He speaks with far more certainty that I think it possible about what the great bulk of the American people think about a complicated election dispute.

Yes, I agree that the farm vote was important. I was not saying, and did not say, and I am sure the record will bear this out, that there were no important issues decided. What I said was that the gentleman's suggestion that there was going to be a whole year of important issues decided with that vacant, wait a second, if the gentleman did not mean that and if I misheard him, I apologize.

Mr. WALKER. I would say to the gentleman——

Mr. FRANK. Did I lose my time again?

Mr. WALKER. I did not say that, and I just want to make it clear, and, in fact, I made reference to the fact that the majority is supposedly going to decide this issue by the end of this month. Nevertheless, that is a quarter of the year that that seat has been decided. I would say to the gentleman that he did say that the only important vote that we had taken this week was on the McIntyre issue, and that was what I was quarreling with.

Mr. FRANK. If the gentleman would yield, I should have been clearer. The margin, of course, was so overwhelming that one vote would not have made a difference. But that is no reason not to have it there. Obviously, it should be filled as quickly as possible, and I look forward to voting to fill that as quickly as possible.

I just want to talk, if I might, about the committee ratios. I think I am a fairly good student of democratic theory. I do not know any set of rules, constitutions, theories, texts which say that when you have got a majority in a legislative body every single committee must represent exactly the ratio. That is not the common practice in many other parliaments. The democratic theory is vindicated by the ability of people on the floor to vote, and we should make it very clear, by the way, that the House Administration Committee is not making a decision. The House Administration Committee, first through its task force and then through itself, will be making a recommendation to the floor. So the decision will not be made solely by the committee. The reason I alluded to the fairness of the gentlemen involved is that many of us in the Congress are in the habit of deferring to those committee members who we know to be diligent, who make a specialized examination. In this case, my point was that those charged with making the special examination by unanimous discussion of those you mentioned on the minority side Monday, are people of great integrity.

The decision will be made not by any stacked committee or unstacked committee or whatever kind of committee, the decision will be made by the House. The recommendation will come from people of unquestioned integrity, and I think that when you have got people of unquestioned integrity, the minority testified to their integrity, making a recommendation to the

whole House, you have the best possible answer.

I thank the gentleman for yielding.

Mr. WALKER. I would point out to the gentleman that the gentleman from California [Mr. DANNEMEYER] has made a rather extended study of the business of committee ratios, and he has found that there are several other parliamentary bodies around the world that do in fact stack their committees unfairly against the minorities within those bodies. All of those parliaments, though, just happen to be behind the Iron Curtain.

I would suggest to the gentleman that that is not exactly a standard that we would want to heed.

I yield to the gentleman.

Mr. FRANK. I am appalled that the gentleman from California or the gentleman from Pennsylvania would take seriously the notion that there are meaningful parliaments behind the Iron Curtain and that they have minority parties. There are no minority parties in most Iron Curtain countries. We are in a fantasy world.

The gentleman has got no point to make. There are none. In fact, there are other parliaments which do not always go with the exact numerical ratio. But if the gentleman is suggesting that the Soviet Union, Communist Party unfairly treats a minority, they have no minority parties in there. So I do not understand that one at all.

The gentleman from California is not always easy to follow, but this time he has left me completely.

Mr. WALKER. The gentleman is simply helping me make my point. That is that that is exactly what happens and that we are a little bit concerned that the House of Representatives of the United States is the single other parliamentary body that takes that kind of a route.

If you take a look at our brethren across the building here, in fact they do try to stick very, very closely to proper ratios. We have suggested that in this House we ought to do the same things. What we found was this year it became a powerful enough argument that many of the committees were put on a proper basis. There were just a few that were not. Rules being a good one. But, of course, that controls the entire process out here on the floor, and good heavens, the minority should not be fairly represented there.

Ways and Means, I mean, that only decides tax issues and important social issues and welfare issues and so on. But, good heavens, the minority should not be fairly represented there. Appropriations; I mean, that only decides the whole budget, the whole spending of our country. Good heavens, the minority should not have fair representation there.

Then there is House Administration. We have got all of those, and then we put House Administration and we decide there that we are not going to get fair ratios either. I am not certain that that is the whole list, but that is a pretty good group of the list. All the rest, we went with reasonably fair committee ratios. The question that rises is: Why was House Administration singled out in that illustrious group and what is it that we are doing?

Well, for one thing, of course, we are protecting majority perks around this place. That is one reason for doing it. But we also know that very, very important questions about process, particularly process about qualifications of Members, is also decided in that committee, and will be decided on this issue. It makes us rather suspicious.

I yield to the gentleman.

Mr. FRANK. Is the gentleman suggesting that the House Administration Committee was given a higher Democratic-Republican ratio for the specific purpose of finagling in this seat? I do not like "cuteness" as a general, political thing. I find that a preposterous suggestion.

If the gentleman wants to make it, he ought to make it; if he does not want to make it, he should not make it. But I think cutely hinting at it is really not a very worthy way to discuss it. Is that what the gentleman is charging?

Mr. WALKER. The gentleman is simply saying, and I made mention of the fact that what we may be doing by stacking it that way was protecting majority perks around here.

Mr. FRANK. The gentleman also suggested that it might have been for the purposes of fixing an election. If that is what he is charging, I think he is wrong. But he ought to be fair and charge it.

Mr. WALKER. I suggested that there may be other things and I do not think that the gentleman from Pennsylvania that they are fixing the election.

Mr. FRANK. Well, I thank the gentleman for that.

Mr. WALKER. The gentleman has simply said that he thinks that an unfair determination may be made here, and the gentleman sticks by that. I would also say to the gentleman that we are concerned about the fact that also not only a stacked full committee, we then went to the task force which we made 2 to 1.

Mr. FRANK. Of honest people.

Mr. WALKER. I will say to the gentleman, in the case of the Ethics Committee here, we specifically decide that that ought to be an equal number of Members on both sides because the issues that we are dealing with concern us as individual Members and that both the majority and the minority have an equal stake in those determinations.

□ 1450

I would be far more sanguine about the question of the overall committee ratio if, in fact, the task force itself had been made even, but it was not. It was stacked 2 to 1 against the minority as well, so that you have a stacking all the way through the process.

Mr. FRANK. If the gentleman will yield further, I appreciate the fact that he has just said that he is not charging that the House Administration Committee maneuvered the election.

Mr. WALKER. I said I did not think they would fix the election.

Mr. FRANK. Well, the gentleman is not prepared to make the charge. If the gentleman wants to get into innuendo, I do not do innuendo, so I am going to have to go back to another meeting. But I do think again, it ought to be said in fairness, when you are talking about the possibility that this task force is going to do something improper that we make it clear that your own copartisans made it very clear on Monday that they have great confidence in the integrity of these people. The notion that people of unquestioned integrity plan to do something improper is a very hard one for me to get my mind around, but perhaps that is just due to the limitations of my own particular makeup.

Mr. WALKER. I certainly understand the gentleman's problem on that. I would simply refer the gentleman to past reports where people of unquestioned integrity, it seems to me, made decisions but where the minority, in the minority reports, made it quite clear that they did not think that the decision by the task force or by that particular committee had been a fair decision. That did not question the integrity of the people involved. What it did was question the process by which we arrived at the decision and that we felt that that process was unfair.

We see that same unfair process now manifesting itself in this particular case, and that is this gentleman's great concern.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Montana.

Mr. WILLIAMS. I thank the gentleman for yielding.

Mr. Speaker, I was involved elsewhere and heard part of the discussion concerning committee ratios and the fact that the committee ratios are not in completely parallel ratio with the percent of Members the Democrats have versus Republicans here in the House.

As the gentleman may recall, that has been of some interest to me, and although I do not have the precise figures in my head, I can tell the gentleman this: The last time your party

controlled this House, which was, according to the purpose of the American people, more than a third of a century ago, the ratios by which you controlled the committees had a much greater disparity to your percentage control in the House than does the ratios of today.

In other words, under your definition of fairness, the Democrats in this Congress are much fairer than the Republicans were when they were in the majority a third of a century ago.

Mr. WALKER. I have to say to the gentleman that I appreciate his point. When that Congress met, this particular gentleman was in grade school, so I did not have very much say in the party processes at that particular time.

We have come a long way in 30 years. We have passed civil rights acts, we have made substantial changes in the processes of this place, there have been major reforms in the way this body conducts itself. If the gentleman continues to want to go back 30 years to make his point, then that is certainly up to him, but I would suggest to the gentleman that you can look at other legislative bodies even in this town that Republicans control and find that there the committee ratios are fair.

That is the judgment on which we make what is happening in the present day. What is happening in this generation of politicians? Do not throw up to me generations of politicians who are post-New Deal people. That seems to me to be a rather general argument that does not make much sense in the context of this time and this place.

This is the 1980's. This is not the 1950's. I would suggest to the gentleman that in the 1980's that what we ought to be doing as a legislative body and what we ought to be doing as parties is being fair.

The Republicans in this last election got 49.6 percent of the votes cast nationwide. We got 42 percent of the seats in this body. Somehow we ended up, despite the fact that we got almost as many votes as the Democrats, we got our numbers in the House distinctly down.

Why was that? There may be a variety of factors, but gerrymandering is certainly among them. I would say to the gentleman that having gotten that. We think that we deserve at least the 42 percent of the seats on the committees that we got when we got Members elected to the House.

I would contend that if you really wanted to represent the American people and be fair, we deserve 49.6 percent of the seats on the committees, but I am sure the gentleman would be very apprehensive about moving quite that far.

Mr. WILLIAMS. If the gentleman would yield further, I would agree with the gentleman that we need not repeat history precisely, and I am not suggesting that because something occurred when the gentleman or I were in grade school that it must occur again. I am simply citing what your party did the last time it had authority here in the House.

Mr. WALKER. Mr. Speaker, if I may reclaim my time, it was not my party. I mean, it was the Republican Party, but it was not my party. I was not part of the Republican Party then. I was in grade school. My teachers were still telling me about what Congress was at that point.

Mr. WILLIAMS. If the gentleman would allow me to finish my point, we can indeed learn from the past. For example, the gentleman has given us some description of 80 cases which he says uphold his point in this problem of the matter in Indiana. Those 80 cases have happened in the past 200-year history of the United States. We do not condemn them because some of them happen to be 185 years old. We think they are worth learning from, and I commend the gentleman for the research he has done on that.

But my larger point is this: When you were last in authority in the House a third of a century ago, your party understood what the majority party understands now, and that is because of the diversity of this place, because of the size of it, 435 Members representing the various needs and interests and desires of all Americans, it is difficult, if not sometimes impossible, to move legislation through this place. One party has to have the authority to do so.

When you were that party, you insisted on the authority in even greater numbers than we do. But one party must make sure that it has enough of the authority, particularly on the major committees such as Rules and Ways and Means, Budget, and Appropriations, to run this place.

Your problem is not that our party runs it. Your problem is that your party does not run it.

Mr. WALKER. I thank the gentleman, and yes, I would like to see my party run it. I have to admit to the gentleman that that is the case, and I would hope we would do so on a fair, more democratic—spelled with a small "d"—way than what the gentleman's party does, because it seems to me that what the gentleman is saying is not very responsive to modern times. We do a lot of talking around the world that we want one man, one vote. We say that is an important kind of example for the world to follow.

We had a Supreme Court decision since those days when the gentleman refers to the House committee structure under the Republicans. We had a one-man, one-vote decision by the Supreme Court. We have moved a long, long way. It seems to me that if we want to be a real body representing the people of this country in the right way that this body should begin to take that as its message as well and at least within the deliberative process within that committee structure that we ought to be as fair and equal as possible; that all of us are sent here by 500,000 people who expect us to be a contributing part of the process.

By denying the minority their rightful number of seats in the committees and in the subcommittees, what the gentleman is suggesting is that there are hundreds of thousands of people nationwide who do not deserve their rightful say in the Congress; that rather what we need to have is the kind of arrogance that suggests that a small clique of people, because they happen to be in the majority, ought to run the legislative process and ought to be able to force its way through the Congress.

We have seen a lot of that force used in recent years. We have seen a lot of bad legislation literally forced down the throats of the Members. I would contend that that Rules Committee the other day, when they came to the floor with a rule out of that stacked committee, more than a 2-to-1 ratio, and came to the floor with a rule, the very first rule this year, that decided to burst the budget, decided to just waive the whole Budget Act so that we could do what we wanted to do politically, made a decision that hundreds of thousands, in fact hundreds of millions of Americans would disagree with.

□ 1500

The American people are telling us in no uncertain terms right now they expect us to live within budgets around here; they do not expect us to be waiving them. That Rules Committee, stacked unfairly against the minority, made a conscious decision to send a rule to the floor that just said, "The heck with the Budget Act."

Now, I contend that that is part of the problem. That is the arrogance of power. That is a question of process that becomes an issue of realness. That is a real issue because in that process we have determined to do things that the American people said flatly in November they do not want done.

Now, when we say then that we are going to unfairly stack the situation so that we can do those kinds of things, I think we make a tremendous mistake. I think we communicate to the country all the wrong messages, and it is one of the reasons why, when the polls are read around the Congress about the people's trust in the integrity of this body, it just is not there, and we rate very low on the scales because people believe that a small clique of powerful people, listening primarily to

special interests, force legislation through here and the people do not have a real say.

It is time to correct that. It is time for the gentleman's party to correct that, it is time for my party to correct that.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. And I would say to the gentleman that when we offered our set of rules which, of course, were voted down on an absolutely partisan basis on opening day, when we offered our set of rules, one of the things in that set of rules was fair committee ratios, equal committee ratios. We committed ourselves as a party and put that vote out on the House floor. It was turned down. Had we adopted that package of rules, this House, regardless of whose party controlled it, would have been able to function in fairness. But it was the gentleman's party that turned it down.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, earlier the gentleman—and I am going to change the subject just slightly, if the gentleman will permit me—earlier the gentleman had made some reference to the numbers of votes that the Republican candidates received versus the numbers of votes the Democratic candidates received, and it did not sound right to me, so I asked staff to give me the official count.

They tell me it is a little difficult to give the official count because the State of Arkansas has not delivered theirs yet, and we know that Indiana is still counting. But let me give the gentleman the official count, because he is in error and I would not want it to stand.

Democratic candidates for this body received 41,974,144 votes, and Republican candidates received 36,685,914 votes, for a total of a 54-percent preference expressed for the Democratic candidates.

Mr. WALKER. The gentleman would contend that it is 54 to 46, but with 46 percent of the vote, under the gentleman's calculations, we still got only 42 percent of the seats. It still makes the gentleman's point that we got more votes nationwide.

I know where the discrepancy lies between the two figures. The gentleman, of course, is counting all votes cast. I think my figures rest on the contested seats.

Mr. WILLIAMS. Well, in every State except Indiana we tend to use all votes cast.

Mr. WALKER. Well, in Indiana we would like very much to use all votes cast. In Indiana, if you counted all the votes in the Indiana election, Mr. McIntyre wins by 34 votes.

What we do not want is a selective taking away of votes, because if you count every vote that was cast in the election, Mr. McIntyre wins. But what we are afraid of is that we are establishing a process around here in an unfair committee, with an unfair task force, that will in fact selectively take out certain votes and thereby give the election to Mr. McCloskey. That is our fear. I hope that is not the case, but that is our fear. That is our concern.

Mr. COBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from North Carolina.

Mr. COBEY. Mr. Speaker, I thank the gentleman for yielding.

I think we need to get back and talk about what the basic issue is here at the moment. At the moment the issue is that the people of the Eighth District of Indiana are not represented. They are being taxed without representation, and there is a duly elected and certified person, Rick McIntyre, who should be sitting in that seat today, who should have been certified the day I was sworn in.

In 82 out of 82 times, it is my understanding, this has happened in our history. The majority party cites a couple of cases that are not relevant to this situation. I am not an attorney, but all it takes is common sense to realize that the two cases they are citing, Chambers versus Roush and the Adam Clayton Powell case, are not precedent-setting cases. But these 82 are, and they are established under law.

Mr. WALKER. For those people who may not be familiar with the case, we should understand that with Roush versus Chambers, the reason that is not a precedent here is because in that case you had two Members and each appeared to have a valid certification. You had one Member with a certification, and you had another Member about whom the Governor wrote and said his certification was not any good and the real Member that should have been certified was the other guy. You had two people with certificates.

Mr. COBEY. Yes, not just one.

Mr. WALKER. Not just one. So the House had to decide which one of those two should be seated. We, obviously, could not seat two certified Members of a delegation, so we had to decide between the two.

That is certainly not the case here. Mr. McIntyre is the only holder of a certificate in this particular instance.

Mr. COBEY. Mr. Speaker, if the gentleman will yield further, that is the issue at the moment, and yet we have to address what the task force is doing because that process is going forward.

I think the gentleman is quite correct. In fact, he cites that there are two members of the majority party on that task force and only one of the minority party on the task force. With anything having to do with conduct in this body, the Ethics Committee, it is always balanced.

My question to the majority party is "Why can't there be two of each party?" Because I am concerned about what is going to happen when that task force goes out and they start looking at the votes and then follow the criteria they establish in going in there to select which votes to count.

I do not think they should even have that right because it is the right of the people of Indiana, through their representatives, to set Indiana State election law, which has been followed.

Now, the gentleman from California was correct in saying that they can only recommend and the recommendation will come to this floor. But if we look at the vote on Monday, we know there is enormous pressure on the members of the majority party to vote with the leadership, and if the leadership decides that there should be a certain vote, it seems like they go along. I mean this is a highly, highly partisan body. It is a very discouraging thing to me because we should put partisanship aside when it comes to constitutional matters.

I guess there is a time and a place for partisanship, but I am concerned about the pressure and the strong-arm tactics that can be used in this situation.

As I was saying earlier, there are serious matters that this House needs to address—for instance, the deficit. I know down in my own State there is enormous concern with the textile industry and the imports.

Mr. WALKER. Mr. Speaker, will the gentleman allow me to reclaim my time for a moment?

Mr. COBEY. Yes.

Mr. WALKER. The gentleman was making the point just a moment ago about how highly partisan this body is and the fact that partisanship may manifest itself on this issue.

We were accused on the floor the other day of putting out press releases in the Members' districts suggesting that they had voted badly on this issue and that was partisanship. I have just been handed something astonishing, given the Democrats' contention in that regard. I have been handed a copy of a press release that was put out by nobody else but the Democratic Congressional Campaign Committee. They put out a very, very misleading press release into a Member's district suggesting that they had voted on this floor the other day to deny American citizens, including 1,000 blacks, despite two recent Federal court rulings, their right to have a proper vote.

Now, that is another reason why we think what is being done here is pretty partisan. This Member of Congress had that kind of statement put out

when really what she was doing was voting to seat a Member in this body that has been duly elected. This kind of press release, which is very misleading, was put out, contending that what she was voting to do was to throw out 5,000 votes. That was not the case at all, and I think it is time we recognize what has been going on here.

The SPEAKER pro tempore. All time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

□ 1510

THE DISPUTED ELECTION IN THE EIGHTH DISTRICT OF INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. COBEY] is recognized for 60 minutes.

Mr. COBEY. Mr. Speaker, I wanted to continue this discussion and I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I imagine the gentleman is as shocked as I am, based on the discussion we had on this floor the other day that such a press release would be put out after there was so much criticism of the Republicans for putting out press releases relating to Democratic votes on this issue that the Democrats would turn around and use exactly the same tactics after using it as a criticism in order to win their point on the floor the other day.

Mr. COBEY. Well, let me see if I understand this thing correctly. On election night there was a tabulation error that showed Mr. McCloskey in the lead. When that tabulation error was corrected, Rick McIntyre won by 34 votes; is that correct?

Mr. WALKER. That is right, so if all the votes are counted——

Mr. COBEY. If all the votes are counted.

Mr. WALKER. Rick McIntyre wins the election.

Mr. COBEY. That is Mr. Simcox's, the secretary of state, certified the election, just like he did the gentleman's election and my election on that basis; is that correct?

Mr. WALKER. That is my understanding.

Mr. COBEY. Now, we had a recount that took place and was completed in early February where some 5,000 votes were thrown out because they were not initialed properly and the vote then showed that Mr. McIntyre was ahead by some 418 votes, so I do not understand this kind of press release, because if all the votes are counted, Mr. McIntyre is elected and certified. If 5,000 votes are thrown out because of some irregularities in the election process of Indiana, Mr. McIntyre still wins.

My question is why does not this House seat Mr. McIntyre?

Mr. WALKER. Well, let me say to the gentleman, he should understand this press release. This press release is a partisan distortion of the issues involved in a very serious matter. That is what this is. It does not take much to understand that. This is a partisan distortion of the process by which we are deciding the case with regard to Mr. McIntyre and it is precisely this kind of action on the part of the majority, arrogant enough to do this, that causes fears on our side of the aisle, because when you stack the committee, when you stack the task force, when you use your votes partisanly on the floor and overwhelmingly vote on every issues and then put out press release of this kind, we have a hard time believing that out of the process they intend to seat Mr. McIntyre.

We have to believe that perhaps it is in the back of someone's mind to deny Mr. McIntyre a seat and come up with something fair, maybe like a special election.

"We are very confused about this and so what we will do is we will simply say that neither of them won, deny the people of that district their seats and go to a special election. That is a fair way to decide this," or some other fairness type of solution.

I personally, I must say to the gentleman, I personally do not believe they would have the unmitigated gall to seat Mr. McCloskey. I mean, I really would find that hard to believe. I mean, if they really followed through and actually seated that guy, I think at that point that we would really have blown the lid off on the question of the absolute arrogance of this particular body; but my guess is that they are going to try to come up with something that allows them to deny Rick McIntyre his seat.

I am pleased that the gentleman yielded to me.

Mr. COBEY. Well, I am very concerned and in a sense the free press is a referee in a free society, would the gentleman not agree, and that they sometimes can get partisan even in the press.

Mr. WALKER. Surely.

Mr. COBEY. But they will throw a flag when they think something is wrong.

Mr. WALKER. If the gentleman will yield further, we put out a partisan press release, too. That was what was referred to on the floor the other day. I mean, our congressional campaign committee put out a press release in the Democratic districts pointing out the way they had voted, so in fact we put out such a press release, but that was complained about on the floor the other day and was used as an example of why Democrats should not vote to seat Rick McIntyre on the floor. It was used that way on the floor and now we find out that right after that vote the Democratic Congressional Committee went out and used the same tactic.

The question is, you know, what is their real point over there?

Mr. COBEY. I want to make a statement before I yield. I was following up on a point that the free press which we all hold so dear in a democratic society in a sense is a referee in our free society.

I wonder how long the majority party is going to ignore the fact that editorial after editorial after editorial across our country is bringing attention to the fact that this is wrong.

Now, I admit there are probably a couple editorials on the other side, but even the Washington Post, the paper right here in Washington, DC, that has tended to support the majority party, and I think they would admit to that, has come out and clearly said that Mr. McIntyre should be seated.

I would be glad to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding in this rebuttal and so forth of press releases.

I would just like to enter into the RECORD the press release that the gentleman from Pennsylvania referred to that was put out by the National Republican Congressional Committee, if that is all right.

I thank the gentleman for yielding.

Mr. COBEY. Mr. Speaker, I ask unanimous consent that that article be inserted at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SYNAR SUPPORTS STEALING OF HOUSE SEAT; VOTE LEAVES 500,000 WITHOUT REPRESENTATION

WASHINGTON.—Oklahoma Congressman Mike Synar supported attempts Thursday to steal a seat in the House of Representatives, leaving over half of a million people without representation in the U.S. House.

Synar bowed to the wishes of the Democrat powerbrokers in the House and voted to refuse to seat Indiana Republican Rick McIntyre as a Member of the House. Synar's vote came despite the fact that McIntyre was certified as the winner of the election in Indiana's Eighth Congressional District. A recount has been completed and confirms that McIntyre won.

"Mike Synar has sent the House of Representatives down a treacherous path," said Joe Gaylord, Executive Director of the National Republican Congressional Committee. "Never before in history has the House refused to recognize a valid election certificate issued by a sovereign state. Synar and his Democrat colleagues are refusing to honor the wishes of the voters in Indiana and are continuing to delay the seating of McIntyre until they can construct a system that will enable them to steal the seat for their Democrat candidate.

"McIntyre was the winner of this race by 34 votes. The ballots were counted and the Secretary of State of Indiana certified the results. Later, the ballots were recounted and McIntyre's lead increased to 418 votes.

Despite these facts, the Democrats in the House are abusing their power by refusing to seat the winner.

"Republicans asked that the House seat McIntyre provisionally while the recount procedures in Indiana are examined. But Synar and the Democrats voted against even this reasonable request, denying over half of a million people their voice in Congress.

"The residents of the Eighth Congressional District in Indiana have a right to representation. Mike Synar and his colleagues should be ashamed of their abuse of power. The vote to refuse to seat Rick McIntyre was an arrogant action that will not go unnoticed by fair-minded persons of both political parties."

Mr. WALKER. Mr. Speaker, will the gentleman yield further to me?

Mr. COBEY. Yes, I would be glad to yield.

Mr. WALKER. I think that that is very useful for the gentleman from California to enter that in. It does not negate the point that that press release was sent out prior to the vote the other day and that it was used on the House floor in the course of the debate by several Democratic Members to indicate why they thought that the tactics being used by the Republicans were unfair and that this was a distortion of the process.

Now what we find out is that having said all those things and used it to win their point out here on the floor the other day, they turned around and did exactly the same thing.

Now, what is going on around here? I mean, you know, if what we did was wrong, then I guess the Speaker was not correct the other day when he said two wrongs do not make a right. The Democrats have just shown that two wrongs do make a right. Conventional wisdom is thrown out. I do not know. I cannot quite figure it out, but the fact is that they have now engaged in what can only be stated is absolute partisan distortion of the issues at hand.

I thank the gentleman again for yielding.

Mr. COBEY. Mr. Speaker, what I find extremely troubling in this whole process is that I was elected by the people from North Carolina to come and deal with serious issues, like the deficit, which I pointed out earlier, and the people of our district are concerned about textitles, the tremendous glut of textiles coming into our country that is destroying jobs in North Carolina and elsewhere in this country.

There is the issue of the sanctity of human life that we need to deal with. We need to have meaningful debate on that issue.

Pornography is a concern in this country and we need to legislate in that area so that we can protect our young people and people of this society from the kind of garbage that is being put out there through various forms of the media.

So it is so troubling to me, having run in support of balancing the Federal budget, ultimately paying off our national debt so that we can be strong as a nation, hopefully helping our textile industry and other basic industries by coming up with some kind of industrial strategy that would be meaningful, so that we could have fair trade in the world. We do not have fairness right now in the world that we are dealing in; that we can address the fact that thousands, in fact millions of unborn children are being killed before birth, the pornography issue and on and on. These things need to be addressed, and yet we are put in the position, and rightfully so, but it is expending so much time of defending our Constitution; but we have to, because that is what we were sworn to do.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, I know that many of those issues the gentleman just raised were the issues he ran on in his district this last fall. He conducted a very outstanding campaign there, but as I recall, the gentleman was running not on an open seat, but he was running against an incumbent Member of this body and that in fact in defining the issues that he just made note of, that the people of his district decided that his view on the issues was more in line with their thinking than the view of the person that had represented them for a reasonably long time. He came to Washington based upon that particular vote.

□ 1520

The gentleman would have to admit that if we developed the standard here that this gentleman suggested earlier, that that was only the first contest you had to win, that the gentleman would have been a little leary of the next vote, having run against an incumbent, coming back here to where that incumbent was the known person in this body, had made all of the friends. And suppose that we had that two-tier test, that first you had to win in your district and then you had to come up here and win in the Congress. I think the gentleman probably would have had some real concerns about that while he was running and speaking on those very vital and yet controversial issues in his district, because the fact is that on many of the issues that he won on in his district, the establishment opinion in this body and in this town is very much different from the views voiced by his constituents. And so you would have this establishment having the opportunity to make a decision as to whether or not he was qualified to serve in this body. And they might just decide that they did not like the way the people chose in North Carolina, just like they have decided they did not like the way people chose in the State of Indiana.

I thank the gentleman for yielding.

Mr. COBEY. Like I said, it is very troubling and let us just take one issue. I really think that the people in this town, in fact in this body, get insulated from the people of America. Let us take the deficit problem, for example. I think that this town is out of step with the people of America and certainly out of step with the people of my district. They gave me a very clear message that I was to go to Washington and do everything in my power to balance this Federal budget.

I think it is immoral that we have been spending like there is no tomorrow, passing this on to future generations, this tremendous cost of bloated and overregulating, overspending government. And yet we have not been able to meaningfully deal with that issue. And we have not caught up with the people of America.

They have much more courage than the people that are running government in this town.

Mr. WALKER. If the gentleman will yield again, the gentleman makes an excellent point. Don't you love it in this House when the very people who have spent us into this problem come out to the floor and say, "Oh, it wasn't me. I didn't do it." You know, "It is that nasty President downtown," or it is somebody else, somebody else is doing all of this spending.

I had my staff do some research the other day. It is just kind of interesting to find out how much we in Congress have overspent over our own budget over the last 5 years, how much spending over what we said we were going to spend have we done over the last 5 years. We have spent in a 5-year period $171 billion more than we said we were going to do in our own budget resolution. That is not the President's budget resolution. If you take his budget resolution, the figure is something over $200 billion. But our own budget resolutions we have exceeded by $171 billion.

If you also take into regard the misestimates of our revenues that we have done around here, we have in fact exceeded our own budgets over the last 5 years by $305 billion. That is not the President's budget. That is not what the President has done. That is what we have done.

The spending by this body, by the big spenders here, has in fact resulted in this situation. That is what the American people are disgusted about. That is the reason why they are sending people here like the gentleman from North Carolina, to do something about balancing the budget, because they look at Washington and they think Washington has no will to balance the budget and, by golly, they are right.

I thank the gentleman for yielding.

Mr. COBEY. There is no question in my mind, I have not seen the will here nor the courage to take the necessary steps to balance this budget. I think the people of America need to get that message, they need to get that message here to Washington, and they cannot assume that most of the people even in this body can relate to the fact that this budget has to be balanced in order to preserve our Nation.

I wanted to relate that to the fact that it bothers me that we have to spend so much time and so much money fighting this constitutional battle when it is clear and obvious that the right decision is to go ahead and seat Rick McIntyre and then, OK, go ahead and investigate this election.

But I agree with the gentleman from Pennsylvania that what it looks like is happening is that we are kind of rolling toward a special election. Can you imagine what that is going to cost?

Mr. WALKER. If the gentleman will yield, it will certainly be one of the more expensive special elections in history. It will mean that both candidates will have to raise inordinate amounts of money. It will mean that the people of that State will be denied their representation for another period of weeks until the election is resolved. It will mean that during that period of time when we are likely to be deciding budget issues and some of the many things the gentleman from Massachusetts referred to here earlier, that Rick McIntyre will not be seated if that, in fact, is the decision.

You know, one just gathers along the way that that is the kind of thing that is being contemplated here, that it is so confusing, there are so many irregularities, despite the fact that they were not filed under the Federal Contested Elections Act, there is just so much here, and so what we have got to do is probably go to a special election. And I have the feeling that that is the kind of scenario that we are being led toward.

I would find that very disturbing because that would throw out what was already a very expensive election last fall. It would literally say despite the fact that 34 more people voted for Rick McIntyre, if you count all of the ballots, do not just take the recount, count every one of the ballots, every one of them that was in those ballot boxes, count them all and Rick McIntyre wins by 34 votes, despite the fact that that happened in that election, we will figure out a way to throw out that election and hold another one. That would be a very disturbing outcome to this particular process.

Mr. COBEY. In looking at this situation I think particular note should be taken of the fact that most of the Members of the freshman class, if not all the Members of the freshman class, have made this an extremely high priority, because we have talked among each other and we had a feeling before we got here that if you won by one vote in a democracy, and were certified by the State, you have won. And all of a sudden we come here and find that there is some other critical mass.

In that dialog the other night we asked questions about what is that critical mass. I mean, how many votes do you have to have to win by before there is going to be an investigation. Is it 50, is it 100, it is 150?

And I will tell you, I have to admit that I have been accused all of my life of being somewhat of an idealist, and I admit that I am. I happen to believe that right will prevail, that you can trust people to do the right thing, and this is really shaking my confidence in the process, that if a person like we are taught in civics class, as we come through school, wins by 1 vote, I was always taught that they won. If they got 50 percent plus 1 vote, they won the election. And now I am not convinced of that fact, given what has happened, what the majority party has done.

Mr. WALKER. If the gentleman will yield, I am quoting from the newspaper today. The majority leader is quoted as saying, and he is talking about this committee study ongoing, and he says, "Whoever emerges the winner will be seated." That is his statement.

I think that the American people think that the person who gets one more vote than the other guy on election day wins the election. I mean we have done that. We have talked to the American people in that regard with anecdotal materials for years. Practically before every election day there are a whole series of stories printed about the elections decided by one vote. And the League of Women Voters and other people have ads out that say "Your one vote counts," and they talk about all of these things.

And we have a belief in this country that if you win the election by one vote you have won; you are the victor and you have been elected. And it was not until we got here this year that we find out that when you are running for the House of Representatives that ain't necessarily true. If the majority decides in its arrogance that you are not somebody who has won by enough, then what we may be able to do is deny you your seat on the floor until we decide whether or not there are enough votes there for you to be elected.

□ 1530

I mean, we will make some sort of decision around here ourselves. That is scary. That is scary. Think how that can be applied in other instances in other times and places. You know, the gentleman talked earlier about the Adam Clayton Powell case and the Supreme Court of course eventually threw out what the House did there. Now in fact the House seated Adam Clayton Powell in that instance and then decided specifically to throw him out. The Court came back and said, "You cannot do that." But is it not interesting that if we set this precedent, that what you could probably do then in those kinds of instances is just decide not to seat a person on opening day and then have an investigation around here and drag it out and out and out and out and thereby get around what was done wrongly to Adam Clayton Powell? How is that going to be applied? Is it going to be applied on a standard of the number of votes? Is it going to be applied on the standard of whether or not we like the person's views? Is it going to be applied on a standard of whether or not we like the person's looks? I mean, what are we going to do in the future with this precedent if we decide that is how we are going to run this body? It is very, very disturbing and I think that it makes clear that the American people are right to assume that if you win by one vote and you are certified as having won by that vote you deserve to be seated in this body because it not only is what we have always done, it is good common sense. Anything else will wield power to a majority here that has no particular will to accommodate or to respect the rights of the minority. What we heard from the gentleman from Montana a little bit earlier about committee ratios, all he was saying is "We are the majority and we don't have to respect the rights of the minority." That is true. They have got the votes. They can behave that way. But the question is: Is it fair? Is it right? I think on those questions the American people say no, it is not fair, and no, it is not right.

Mr. COBEY. As the gentleman was saying, this is a very, very dangerous precedent that we may be in the process of setting. And when we look to the fact that we had these general charges of irregularities and yet we have no specific charges; where are the specific charges? Why has Mr. McCloskey not gone to the Federal Contested Elections Act and made specific charges? It leads one to believe that there are no specific charges that could be brought in this case.

And certainly I do not want to and I know the gentleman from Pennsylvania does not want to be party to anything that would be wrong in an election, but that is why we have the laws.

Why are they not appealing to these laws?

I would be glad to yield back to the gentleman from Pennsylvania.

Mr. WALKER. Well, the gentleman is absolutely right. You know, our side has never said we want to be party to any kind of situation that would have

a winner that was not really a winner. All we have said is we need to have an election decided fairly. What we are concerned about is unfairness.

Mr. COBEY. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. All time of the gentleman from North Carolina has expired.

LEGISLATIVE UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent I may be permitted to extend and revise my statements and to include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I rise to continue in anticipation of what I hope to do tomorrow, the introduction of the bills that I have been introducing and resolutions for about some five or six Congresses, having to do with what I consider to be the prime underlying reason for what now seem to be crisis manifestations in the farm belt, in the rust belt, which used to be the glory of the world until very lately, that is 4 years ago.

The favorable balance of trade that we managed to have, even though at a meager ratio, was due mostly to the fact that America's farmers have had a tremendous capacity for production, far exceeding anything the Nation demanded or needed and had, in effect, been the breadbasket of the world. As it was the arsenal for democracy during the war it has been the breadbasket of the world.

But coming events cast their shadows before.

I have felt all along that those of us who have very special and significant responsibilities, depending upon the particular assignments to committees, and those assignments having a direct relevance to these events that unmistakably are in the making, have a duty to speak out. For he who knows the truth or has possession of the facts and for whatever reason does not shout them out from the rooftops, is in conspiracy with liars and with cheats. I have always felt that way.

So that when these issues are not quite apparent, except to those who have scrutinized diligently and over a period of many years, it is not difficult to understand why very suggestive criticism and facile dismissal of what one is trying to say is the common lot one faces.

I have spoken thus far in this Congress in anticipation of the introduction or rather the reintroduction of some of these measures, on the fact, and I have made reference to three or four specific Presidents and great leaders of the Nation since the founding of the Nation as bearing out the Federal premise of what I have had to say and what has motivated my legislative behavior as a member of the Committee on Banking.

Originally when I came here 24 years ago it was known as the Banking and Currency Committee. Today it is the Committee on Banking, Finance and Urban Affairs. I happen to also have the honor of being the chairman of the largest subcommittee in the whole Congress, the Subcommittee on Housing and Community Development.

There are only eight members of the full committee who do not belong to this subcommittee.

On top of that, prior to my becoming the chairman of this subcommittee, exactly 4 years ago, I had for a period of 10 years been the chairman of the subcommittee on what was known as international finance and later revamped to international or multinational banking institutions.

So that I have been in a position of what I consider to be great strategic location and importance and therefore have been a witness, and even though it seems as if I am an isolated voice, I have drunk deep from the well of wisdom and experience of some of my predecessors, great Americans, such as the chairman of the Banking Committee who became chairman 1 year after I came to the House of Representatives, the Honorable Wright Patman, may his soul rest in peace, a great fellow Texan, one whom I had long admired before I dreamed I would be in the Congress, and was honored to have been able to be his ally and help during his great moments of constant obstruction, inveterate enmity on the part of the vested interests that knew who the enemy was to their doings and their actions that certainly have not been and are not now in consonance with the best interests of the greatest number of this Nation.

□ 1540

So I must give credit where credit is due. Some of the things I have done and some of the things I have said have been independent of what has been said or what has been recorded or what has been introduced in this House of Representatives.

That has been borne out of my own individual experience in these committee assignments as well as my prior experience of 5-year service in the Texas State senate, where I also headed the State senate's banking committee, as it was known then, and then also the 3 years on the city council.

I think they have all been indispensable; and have allowed me to reach this cumulative point where I can speak the way I am.

Now I have said, and I have said it in the presence, in the last 2 weeks, of those colleagues of mine that have the most and direct relevance to the farm crisis, which continues. There is an old Irish saying that says, "It's easy to sleep on another man's wounds." This is what has been happening in our country.

Our country is so great, it is so diverse, it is so strong that we tend to take many things for granted. We take for granted what we consider, in our actions and thoughts to be, a self-sustaining, self-operative system of Government.

The fact is that we are not. We have yet to celebrate the bicentennial, the 200th birthday of our form of Government. We have celebrated the bicentennial of the Declaration of Independence, but we have yet and we must wait until 1989 before we can say that we have functioned under this form of Government successfully for 200 years.

There is nothing that vouchsaves our being able to do that in 1989. I consider ourselves to be like any other human institution; a fragile thing that requires our constant effort to uphold and to work at diligently.

I, for one, am firmly resolved and always have been, out of a profound sense of gratitude for this great country that gave birth to me, for the privilege of having served and of the privileges that I consider to be the highest honor any citizen in any country could hope to have, where the majority of his constituents or his fellow citizens, have chosen him to represent them in the legislative halls from the lowest local level to the highest in the Nation.

This is a matter of profound gratitude to me, and one which I want to uphold. And I have sworn that in all my actions and thinking and behavior that if I could not add, by way of increment, an improvement then I certainly would behave in such a way never by one iota to reduce that great heritage which forebears enabled me to come up under.

I have been, by way of explanation, the subject of attack by almost every single group one could label, whether it is a conservative or a liberal or as labels—and I detest labels, let me say for the record—or whether it is "ethnic" or "minority," strangely enough for adhering to a straight, given straight-lined course.

Nobody fought and nobody has fought greater battles in defense of securing the liberties and freedom and rights of every American entitled to them at birth in America than I have. Very difficult times. Of course, today those issues are so accepted that nobody considers them issues.

I can recall in 1954 in the city council chamber standing up and resisting

the incredible action of a body which insisted, after over 130 years of municipal existence, that the city of San Antonio pass regulatory ordinances, in the light of the Supreme Court decisions of 1954.

I thought it was incredible; said so, and found myself immediately a minority of one, and being told that I was a political suicide. Since I had not visualized myself making politics a career at the time, that did not bother me very much; anymore really than it does today, for I have always felt that unless you have basic reasons for what it is you are trying to do at the moment that one can find one's self either disillusioned, disappointed, or perhaps at great loss.

I found that the people of that area, even though strict segregatory practices had been invoked as far as any Southern State could have invoked them the presence of strong Jim Crow laws in the State legislative enactments and the constitutional provisions of the State of Texas, made it look as if it was a Don Quixote tilting at windmills.

I found, incredibly, that the biggest criticism I received after I went to the Senate and found that that was the No. 1 issue there, was leaders then of the community who happened to come from the same background as I did or the same ethnic or particular segment of our society, they were the biggest critics. For the simple reason that can be understood when one understands the average human being's desire to be acceptable and to be recognized by his fellow citizens, particularly those that are looked upon as the dominant and prevailing forces in the community.

The reason was that my stand jeopardized the group that I came from; and that they certainly did not desire to be lumped in with what they considered to be the lesser group who did face these injustices and deprivation of basic constitutional rights.

I am here today, after 33 years of elective public office, and I think that should be one testimony as to the greatness and the inherent goodness of the overwhelming and predominant majority of the American people, be they where they may be.

I think that is the greatest thing that I could offer by way of a testimonial.

So these have been the impelling reasons. If there had been political motivation, I certainly could have been accused of being one of the dumbest politicians ever, for the particular people affected and the target of these unjust laws—represented, and even today do not represent much over 7½ percent of the total population. What kind of political mileage could anyone get?

It is the same thing on the national level. What mileage is there in introducing a resolution calling for the impeachment of the Chairman of the Federal Reserve Board? That is, at first glance.

All I have asked, and I have not asked it because I thought it was going to bring me publicity; I do not go out and handle press releases. Sometimes somebody reports a speech and sometimes they do not. Today is this day of television coverage of the House proceedings I get letters saying, Well, isn't it a shame that you addressed an empty chamber?

My reply is: I am not addressing a TV audience. I was doing this the first week I came to the Congress on issues that I considered to be relevant to my position as a member of a national policymaking body which might have had yes, local applicability, but that the purely parochial was transcended in the inherent nature of the matter of discussion that I wish to communicate for the record, to my colleagues.

So if at any time anybody can point to the record to say that I have addressed anybody but by colleagues during the use of this high privilege, of what we call special orders then I will admit to the error and will confess to it publicly. But nobody can because at no time have I.

□ 1550

Now I am glad we have TV coverage. I have always been a great believer in having as much communication as possible of my actions because I am proud of what I do. And I know I work hard at it. So I am the first in my area that started TV reports back as soon as the TV stations accepted it when I got elected to the State senate. I was the only one in the State senate doing it. But those were specific reports to the people and constituency of the 26th senatorial district of Texas, which then consisted of the entire county. My first 8 years in the House of Representatives, the 20th Congressional District of Texas consisted of the whole county of the State.

So I say all of this in order to implore my colleagues, who if they may be watching on their closed circuit TV sets, will know that I am not raising an issue for any particular angle, either political or any other, other than a purely legislative intent on a matter that the record will show I have been speaking out in some instances for 20 years.

I would like, as a matter of record, to present for the RECORD an article I wrote. I actually wrote it in November 1964. That will be 20 years, over 20 years. It was printed in the Quarterly Report, the winter issue, 1965, of the Personal Finance Law publication. The title of it is, "Bank Interest and the Federal Law."

I have kept up a fight that this illustrious forebear and great chairman, Wright Patman, had initiated and had sustained for many years. I believe I have carried it much further than he conceived he would do and the reason is that I lived after his demise at a point where it was obvious that the forebodings both he and I had expressed—he far longer than I—were about to be realized to the great detriment and well being of our people of this country.

I offer this article because it shows the basic research I did on the history of interest rate control in our Nation and to do away with this mischievous myth that such an agency as the Federal Reserve Board is first a Federal agency—which is not. And second, that it is an independent agency as if it had been conceived in heaven or some place on high. It is really a creature of the Congress. All I am doing is reminding my colleagues of that. Also that interest rates are not an act of God. They are man-made, manmade problems and they are susceptible to manmade solutions if we care to bring about a solution.

Now, that is easier said than done. I recognize that.

The article follows:

[Reprint from winter 1965 Issue of the Personal Finance Law, Quarterly Report]

BANK INTEREST RATES AND THE FEDERAL LAW

(By Henry B. Gonzalez, Member of Congress)

James J. Saxon, Comptroller of the Currency, ruled recently that National Banks may charge interest at the maximum rate permitted by applicable state law to any competing lending institution including small loan companies.[1] The significance of this ruling is seen in the fact that in Texas, under the Regulatory Loan Act of 1963,[2] small loan companies, may charge rates up to 300% on loans of $100* or less. Banks were excluded from this law and they may charge no more than 10% interest. The new ruling would permit National Banks to charge the maximum rates permitted under the Regulatory Loan Act of 1963. The State Banks, of course, would still be excluded from that law.

The Comptroller's ruling is based on Section 85 of the Federal Banking laws.[3]

Last August, in his testimony before the House Banking and Currency Committee on the proposed Federal Banking Commission Act,[4] Mr. Saxon submitted for the record written answers to 29 questions which had been propounded to him by the Committee. Answer No. 26 was an explanation of his ruling on interest rates that National Banks may charge. In his answer, Mr. Saxon states that his ruling:

". . . is merely a restatement of relevant court decisions (see, for example, *Rockland National Bank of Boston* v. *Murphy*, 110 N. E. 2d 638, Mass. 1953) and is entirely consistent with the objectives of Congress beginning in 1863 and 1864, as was clearly stated in the legislative history of section 85, as has been uniformly recognized by previous Comptrollers, and as is reflected in the applicable court decisions."

[1] Footnotes at end of article.

* ED. NOTE: On loans above $100 the rate is much less, i.e., on a loan of $1500 the true annual rate would be 21.14%.

BACKGROUND SKETCH

A brief sketch of the background and development of the current Federal rate of interest provisions (12 U.S.C 85) is helpful to the understanding of the problem created by Mr. Saxon's recent ruling, particularly as it affects Texas. The present law is derived directly from the National Bank Act of 1864,[5] which was in turn based on the Act of 1863.[6] Section 46 of the 1863 Act stated:

". . . every assocation may take, reserve, receive and charge on any loan, or discount made, or upon any note, bill of exchange, or other evidence of debt, such rate of interest or discount as is for the time the established rate of interest or discount as is for the time the established rate of interest for delay in the payment of money, in the absence of contract between the parties, by the laws of the several States in which the associations are respectively located, and no more . . . "

There was considerable debate in Congress on the proposed changes of this section of the law during the discussion of the National Bank Act of 1864. Obviously, the substance of this debate is of extreme importance in the construction of the law as there is very little else to shed light on the intent of Congress in enacting this provision. Hearings were not then recorded or published. Therefore, almost all we have of what the members of Congress intended is what was printed in the Congressional Globe, a commercial predecessor to the Congressional Record.

The bill setting forth the National Bank Act of 1864 originally provided for a uniform Federal rate of interest in the amount of 7% per annum. The Senate Finance Committee proposed to delete the uniform rate from the bill, and the following amendment was offered on the floor of the Senate:

"The rate allowed by the laws of the State or Territory where the bank is located, and no more. And when no rate is fixed by the laws of the State or Territory, the bank may take, receive, reserve, or charge a rate not exceeding 7%."[7]

POINTED DEBATE

The debate which followed was quite pointed. Sen. James Grimes of Iowa spoke first. He said that in Iowa the legal rate of interest was 6%, but for special contracts it could be 10%. Under the proposed language, he said, the State banks would be limited to 6% while the National banks could charge 10%. He thus vigorously opposed the amendment. Sen. John B. Henderson of Missouri took the same position and said succinctly:

"I desire to allow these banks to charge just exactly what other banks of issue in the State charge. I do not want to make any difference between them."

Several other Senators spoke up in agreement, including Sen. John R. Doolittle of Wisconsin who said:

"I can only say, for one, that I will never vote for a bill allowing national banks to go into the States and Territories and charge a rate of interest equal to 10 percent, unless that State or Territory where they are located allows its banking associations to do the same."

The opponents to the amendment remained firm, and no arguments from the other side could explain to their satisfaction why National banks should be given the power to charge higher rates of interest than State banks. This, of course, is precisely the issue raised by Mr. Saxon's ruling. The issue was not immediately resolved when it was taken up in 1864. The amendment first came to the floor on May 5, 1864. The statements I have quoted were all made on that day. Instead of taking a vote, however, the matter was passed over and then taken up again the following Saturday, May 7, 1864. On that day, the following additional language was proposed, to be inserted after the words "no more":

"except that where by the laws of any State a different rate is limited for banks of issue organized under State law, the rate so limited shall be allowed for associations organized in any such State under this Act."

This amendment to the amendment was agreed to, and the amendment as amended was passed, all without any debate. The language finally adopted and incorporated into the 1864 Act was therefore:

"Sec. 5197. Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate allowed by the laws of the State, Territory or district where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this Title. When no rate is fixed by the laws of the State or Territory, or district, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum . . ."

Except for the insertion of a clause bearing on another problem, the 1933 Act carried forward the language of 1864 intact. The present law, 12 U.S.C. 85, is thus almost exactly as it was written in 1864.

DEEP CONCERN

As I read the debate of the 1864 Act, there was deep concern as there is today, that National banks might be given the power to charge higher rates or interest than the State banks. The objections made on the floor of the Senate May 5, 1864 held up action on this section of the bill until new language could be agreed upon. The crucial language is the wording added on May 7, namely, that where State law limited interest rates for the State banks then the National banks would also be so limited. This language could have been added only to remove the objections of Senators Grimes, Henderson, Doolittle and the others who would "never vote for a bill allowing National banks to go into the States and Territories and charge a rate of interest equal to 10 per cent, unless that State or Territory where they are located allows its banking associations to do the same.

The intent of Congress in 1864 was plainly to permit the National banks to charge the same rates of interest as State banks, but no more, regardless of the rates allowed for persons other than banks, as, for example private persons who enter into special contracts. In all the modifications of the banking law over the past 100 years, the law regarding interest rates that National banks may charge has remained the same. So has the intent of Congress.

RULING OPPOSED

I strongly oppose the ruling of the Comptroller of the Currency which would give to the National banks a power they have not had and should not have, that is, the power to charge higher rates of interest than the State banks in a State where higher rates are permitted to small loan companies to the exclusion of the State banks. For the judicial interpretation of Sec. 85 I could quote no case better than the one cited by Mr. Saxon, *Rockland National Bank of Boston* v. *Murphy*. The court stated in that case:

"A national bank in making loans is allowed by the Federal law to take, receive, and charge the same rate of interest, if one is established by the statutes of the State where the bank is located, as may be charged by the State banks. 12 U.S.C. 85. The purpose of this act of Congress is to put national banks on an equality with State banks in competing in the business of lending money. *The lawful rate permitted to State banks is the measure which national banks must adopt in conducting the business of making loans.*" (Emphasis added)

The Murphy case happens to support my views, not Mr. Saxon's. Congress never intended to permit a National bank to charge more interest than a State bank merely because loan companies are permitted to charge more than the maximum rate allowed under State law on small loans. Congress would be particularly opposed to giving the National banks such an advantage where, as in Texas, the State law specifically excludes both the State banks and the National banks from the higher rates.[8] It should also be pointed out that the ruling of an earlier Comptroller of the Currency on which, Mr. Saxon relies, in part, refers to State commercial banks or State industrial banks, not to small loan companies.[9]

Perhaps one benefit that has resulted from this controversy has been the attention focused on the Federal law covering interest rates. I fail to see why, in this day and time, there should be different rates of interest in each State. If there were good reason for permitting higher interest rates in the Western States than in the Eastern States, because of the remoteness of the West and the lack of capital in that underdeveloped area, that reason does not hold true today. The reason for the law allowing higher interest rates in one area than in another has long ceased to exist.

In this regard, the Federal Government follows an obsolete rule of law which undercuts the present policy of eliminating poverty and helping the lower income group. For the sake of uniformity, and to remove those obstacles in the law which militate against the War Against Poverty, Congress should seriously consider legislation establishing a uniform rate of interest for all banks belonging to the Federal Reserve System.

FOOTNOTES

1. Paragraph 7310, *Comptroller's Manual for National Banks.*

2. Art. 6165b V. A. T. C. S., Texas Regulatory Loan Act of 1963.

3. 12 U.S.C. 85.

4. H.R. 107. Also considered at the hearing was H.R. 6885, providing for the transfer of the powers of the Comptroller of the Currency to the Secretary of the Treasury.

5. 13 Stat. 108, Sec. 5197 (1864).

6. 12 Stat. 665, Sec. 46 (1863), the National Currency Act. This Act and the National Bank Act of 1864 remained the basis of Federal Banking Legislation until passage of the Federal Reserve Act of 1913. The amendments of 1864 were designed to meet certain objections of State bankers. See, *Banking and Monetary Studies*, Ch. 2, p. 17 (a project of the Comptroller of the Currency).

7. 38th Congress, 1st Session (1864), *Congressional Globe*, p. 2123.

8. Art. 6165b V. A. T. C. S. Sec. 6(a) (1) and (11).

9. Paragraph 9510, *Digest of Opinions.*

Mr. GONZALEZ. But it is somewhat demoralizing to see that the things we were saying have been fulfilled much to our disappointment. I would much rather have been dead wrong than to see what has happened here to our

country and what appears to be unrestrained continuing to happen.

I referred to the fact that this was an issue from the beginning of our Nation as a nation. We forget that the first 10 years of our Nation as a national existence, those who shaped that government thought so little of such an office of the Presidency—which in the Constitutional Convention they called the Chief Magistrate during the debates—but anteceding those debates they did not even bother to have any kind of an office comparable to an office of the Presidency. It was the First and the Second Continental Congresses. There was good reason for that. As the debates reflect, those that have been preserved during the arguments and consideration that led to the adoption of the Constitution, there was great fear for this office. This is one reason why the power to declare war in the law is vested in the constitutional. It is nondelegable. Only the Congress can declare war. But we are living in eras that we foresaw and we said so. When? During equal crisis, during the Vietnam war. I did not see anybody rising up to say that it was questionable that Presidents would have the right to conscript an unwilling American and compel him to serve outside of the continental United States in an undeclared war. I have not seen anything by way of discussion, other than what I got up and said on this floor. I said it during the regime of a President that certainly was a personal friend. Yes, I was criticized and yes, I became sort of unpopular there with some of his more innermost advisers. But so what? I think if anything that ought to show the continuity of my behavior and the reasons for it. Because attached to it is the most fundamental power of all. I referred to it and said that Thomas Jefferson, if what I have said in using the word "bankers"—and when I use the word "bankers" I am not talking about the 14,200-some-odd commercial banks—I am talking about 7 or 8 or 9 at the most of that 14,000-plus. Those were the classes and the types of individuals and forces and powers that Thomas Jefferson was addressing himself to at the time of the First and Second Continental Congresses and after the adoption of the Constitution and the granting of the first charter of the first bank of the United States.

I am going to quote directly from what he said so that the record will show why I refer to Thomas Jefferson and say, the issue is no different. The only difference today is that we were sold out. The American people have been sold out. They have been robbed of their heritage. They have been sold down the river because whoever was in power during these last three, four decades were abdicating their responsibilities. And I will tell you why. The only difference is they have taken over and they did not at the time of Thomas Jefferson.

I quote:

> If the American people ever allow the banks to control the issuance of their currency, first by inflation, then by deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children will wake up homeless on the continent their fathers occupied.
>
> The issuing power of money should be taken from the banks and restored to Congress and the people to whom it belongs. I sincerely believe the banking institutions having the issuing power of money are more dangerous to liberty than standing armies.

Then Abraham Lincoln. Of course we had in between Andrew Jackson who terminated the second chartered bank of the United States. These were given 20-year charters in succession and Andrew Jackson came in as a populist, as the people or the masses versus the classes and his big fight against the banks. He undid the second U.S. bank for the reasons that were similar in basic issue as those confronting the first occupants of power in our structured government.

But Abraham Lincoln and I quote:

> The government should create issue and circulate all the currency and credit needed to satisfy the spending power of the government and the buying power of consumers. The privilege of creating an issue in money is not only the supreme prerogative of government, but it is the government's greatest creactive opportunity.
>
> By the adoption of these principles, the longfelt want for a uniform medium will be satisfied. The taxpayer will be saved immense sums of interest. The financing of all public enterprises, the maintenance of stable government and ordered progress, and the conduct of the Treasury will become matters of practical administration. Money will cease to be master and become matters of practical administration. Money will cease to be master and become the servant of humanity.

□ 1600

And then again, right about the time he was killed:

> I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country; corporations have been enthroned, a era of corruption in high places will follow and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until the wealth is aggrandized in a few hands, and the republic destroyed.

Woodrow Wilson was the last to really address the issue. It was during his term and just about the time the war broke out that he expressed great concern. It was about the time of the formation as a result of the Federal Reserve Board Act of 1913, and the history of its adoption, and particularly the House committee that had a lot to do after the depression and the crisis of 1907 and 1908. I advise my colleagues whenever they have a little spare reading time to look up that history and look up the history of that particular committee and what tremendous obstacles were placed and how finally the compromise worked over in the Senate, actually, literally taken over by a Senator who had married into the Rockefeller family. And, of course, these loopholes and these possibilities were troubling the mind of Woodrow Wilson. He said:

> A great industrial nation is controlled by its system of credit. Our system of credit is concentrated. The growth of the nation, therefore, and all our activities are in the hands of a few men * * * and we have come to be a government by the opinion and duress of small groups of dominant men.

Men such as Wright Patman, fully conscious of this history, were speaking out at a time when it was very difficult. Even I, in 1965 and 1966, when we saw the clear evidences of things to come in the credit crunch of 1966, the first so-called credit crunch, spoke out. But even then I could not persuade our distinguished chairman, the late Wright Patman, who was in the meanwhile preoccupied with other issues the President and other Members of Congress were pressing upon him, and frustrated in his efforts to obtain the necessary moneys from the House Administration Committee to conduct the necessary work, because in order to do what we should have done 20 years ago at the latest—it was even late then—the Congress would have to equip itself, and the committee such as the Banking and Currency Committee, as it was known then, came on this House floor and asked for a request that would enable it to go into areas of such things as interlocking directorates could be investigated, the acquisition of one bank of another bank through the hypothecation of banking stock. These are all issues that I joined him in. I was fervent in that joinder. Why? Because everybody treats banking institutions as if they are God ordained. They are the most powerful, and they have the greatest privilege of all, for they now actually coin our money through our fractional system.

What is more, what the Congress established as a regulator has turned out to be the lab creature of six of our biggest banks. All the policies that the Federal Reserve Board has pronounced and promulgated for the last 20, 25 years have really been dictated by the very private bankers that were supposed to be regulated. They are the ones who control the monetary and therefore the fiscal policies of Government, and even our social policies.

I have had the Chairman of the Federal Reserve Board come before the committee, and when I have had my 5-minute question and answer period I said, "Mr. Chairman, why is it that in an election time in a given administration, you suddenly loosen up?"

And they get indignant and deny it.

Yet, finally, the statistics are published.

Why? because what is called the Open Market Committee, which is not open and whose determinations are going to dictate the policies which in turn can make or break any administration—any administration—why, this is the way they used to do it in England, the Exchequer, until they put a stop to it in England, and the Parliament finally said, "Hey, wait a while, who is making policy?"

I had the Chairman of the Federal Reserve Board who is still in power tell me that, yes, it was true that those policies he was advocating would cause a deterioration in the standard of living of some Americans. And I said, "Well, whom will they be, Mr. Chairman? Certainly they are not going to be David Rockefeller. It is not going to be the First City National Bank. Who are you talking about? You are talking about the overwhelming preponderant majority of my constituency. And, therefore, I challenge you."

What good did it do? I mean one voice. It looked kind of flamboyant, it looked kind of bombastic for one voice to take on the Federal Reserve Board's powerful Chairman.

And this attitude has led to great delinquencies and crimes which I have alleged in bills of particulars, in the resolution of impeachment I have introduced on this present Chairman and the Open Market Committee, and I have pointed out and given particulars. I will not go into that. I even printed in the RECORD the report that was finally issued to it. It took 3 years, because I had received information that there had been hanky-panky, that there had been confidential information released by a member or two of the Open Market Committee that had resulted in the wrongful accumulation of great wealth of two of the banks in New York.

My requests were ignored. But finally in open meeting I persuaded the subsequent chairman, Mr. Wright Patman, to at least ask the question and ask them, "Do you have an inspector general in the Federal Reserve Board? Why do you not want an audit of the Federal Reserve Board? What do you have by way of self-policing?"

And at first even the Chairman was going to be ignored until he became insistent. Finally, the Chairman of the Federal Reserve Board said, "We will look into this." I said, "Well, I have specifics. What about this leakage of information and the consequent and inordinate and improper profit to those that were able to benefit by the confidential leakage?"

I gave him names.

So then he said he would look into it. Then, finally, they come back and said they were going to have an investigation, an inhouse investigation. One year later I had to ask what were the results. Finally the Chairman said, "We will send you a report."

What was the report? It was from the law firm of Fulbright and Jaworski, a Texas-based law firm, who conducted one of their lawyers, who also happened to be the lawyer for one of their banks that conducted the report. It was the fox going to the chicken coop to investigate who was killing the chickens when it was he who was doing it all along.

I put all of that in the RECORD.

Now, what does that mean today? What it means is that if the farmers are now in distress—oh, yes, a big segment of them, not all, but those most directly affected—we had foreseen it, we had spoken out, I spoke out no less than 1 year ago. You will recall that the President, who, when he meets with the Federal Reserve Board Chairman, meets as if he is meeting with a foreign potentate. The difference is that at least when he meets with some foreign potentate they have a communique issued. When the President meets with Paul Volcker we do not know what they discuss. We do not know. I have good reason to suspect what it is they decided, but we do not know.

□ 1610

The people do not know; the Congress does not know; nobody gives a hoot. Yet, it is very material to what we take for granted but which is wrong. The reason the Founding Fathers put that proviso in for impeachment is very simple, and it is spelled out in the proceedings of the Constitutional Convention. Those reasons are so apt and appropriate to cover the bulk of the decisionmakers in the Federal level, even though Paul Volcker can say, "Well, I am not really a Federal," he will have a hard time disavowing responsibility.

It is true; the Federal Reserve Board is really now a creature and responding only to the private banking system which it is supposed to regulate. But it is not responsive to the Congress; it has gotten away from that. It is not responsive to the President if it does not want to be. If it is in political disharmony with the President it is not going to be.

Who constitutes the Open Market Committee? Well, the seven members of the Federal Reserve Board plus five of the private bankers meaning the leading bankers of Federal Reserve Board banks and others in New York City. So that what we are talking about is what Jefferson feared, as well as Jackson, as well as Lincoln, as well as Woodrow Wilson. The difference is is that at least they put the power and the majesty of the Chief Executive office of this country on the side of the people. They believed that the power to allocate credit was basic, always has been basic, and is basic to any society or any form of government, should not be in the hands of those who are insatiable in their desire for profits. The more they have, the more they want. This has been true not only in America, it has been true at all times in all countries in all climes in all ages. We have recorded history of that going back 7,000 years before Jesus Christ. As a matter of fact, when the Lord Jesus Christ was preaching, there were rigid laws against usury, punishable by death, in some instances.

The American people have been stripped naked of any protection whatsoever and it is cumulative. Today it is irreversible. So that you have the great production, the great industrial area of our country now known as the "Rust Belt." Why? Because in 4 years our Nation has been converted from a producing nation to the dumping ground.

But why? Back to our monetary and fiscal policies. The great interests that finally have total and complete control of the decisionmaking processes in that respect of this administration for the first time in history.

Yes, we had great trusts that Theodore Roosevelt reviled against, but they never had one-tenth of the power and control that these interests have today. We see banks that are supposed to be chartered. That is, they are granted a permission. For what? Out of public need and convenience. Public need and convenience.

This is why, in 1965, some of us began to raise the issue about the danger, unarrested, of allowing banks to buy other banks through what we call the hypothecation of banking stocks. The findings even with the meager amounts of moneys that were allotted to us to conduct that investigation or study were very disturbing and should have been to anybody, having any kind of serious interest in these basic questions. So that if the farmers are in distress, well, the immediate cause, right now, is that the Chinese Communist Government reneged on its pledge to purchase 6 million metric tons of wheat that the President, with great ado, said he had brought about.

What he has not reported to the people is a side agreement, still secret, on military. Some kind of military alliance we have made with Communist China. But what do we want? Are we so credulous, are we so naive as to think that the Chinese Government is going to look to America's interests first? Of course not. Are we so foolish as to think that the governments of France, West Germany, which now has more gold than we have, and therefore, can agitate just like the Russians did a couple of years ago, just through movements of gold in the Swiss market. Suddenly you have got

pressure on the dollar. You read about it. Suddenly the pressure on the dollar was such that the dollar had dropped but then it went up. The reason we now find, all of this is secret. The Federal Reserve Board will not report on this officially. But we intervened. Mr. Reagan went in and put in about $3 or $4 billion of the taxpayers' money to intervene because of that sudden shift of quick, hot money because, West Germany and a couple of our so-called allies did this. They are looking out for No. 1. This is what we should always at all times do, and we have not.

The American people have been sold down the river, I repeat, by those in exhalted places. For, as Abraham Lincoln says, "We are fighting against high powers in great places with great corruption."

I pointed out in my bill of particulars on the impeachment resolution I was asking, that the Chairman of the Federal Reserve Board was not going to condescend to have a meeting with the chairman of the leading bank, say, in my district, but he certainly did have a private, secret, they thought it was secret, but the chairman of the First City National Bank a couple of years ago in Florida. With whom? With Nelson Bunker Hunt of Texas, who has had to divert $20 billion-plus of banking resources. Remember, banking resources are provided under the law and by charter for public need and convenience. Mr. Bunker's attempt to try and corner the silver market, why that is ridiculous as the bull market. When you go into that area, you are going in there with the heavyweights of the world. Men who have had that kind of power for 400 years in the biggest, controlled, speculative area of all human existence.

So our leaders have, in effect, our Secretary of the Treasury who boasted in 1976, well, we are going to sell our gold. Why? We have demonetized. I was in contact with French financial figures in other European countries that certainly did not seem to think the world had demonetized and pointed out that at least in repealing the 1932 act which prohibited the so-called private holding of gold, that we would restore those protective parts of the law that had helped protect the American general interest. Even the banking interests themselves to no avail. It was as I have said repeatedly: Like a coyote over in the brushwood country of Texas at midnight braying to the moon. That is about as far as it seems.

However, I will have this to say for the RECORD and my colleagues: The people are those; they know. Do not ever underestimate the knowledge and the response I have had over the course of years has been so impressive and beyond my ability to really respond for my responsibility, and therefore resources are limited to a geographical area known as the 20th District. I go back; why and what would motivate the introduction of the impeachment resolution. The fact that once that power has been concentrated in few, unaccountable hands, unaccountable to the people, unaccountable to the peoples' representatives, whether they be legislators or executives, that you have then an unrestrained power which never in the known history of mankind has been able to function without restraint, without regulation, and such must be the case here.

□ 1620

I have introduced a couple of measures, and when my article was written in 1965 I had that in mind. I saw it coming at that time. At that time the Comptroller of the Currency was James J. Saxon. He was the appointment of a very dear, personal friend of mine, President John F. Kennedy.

Nevertheless, I said, "You are wrong, Mr. Saxon." What was it he was trying to do? He was trying to say that national banks could come into a State and would be permitted to charge the highest interest rate legally possible in that State, even though the State-chartered banks were prohibited from going that high. They were limited by usury restrictions. In my State of Texas, I had managed to fight off and ward off the so-called, what they later called, Regulatory Loan Act of Texas. It was supposed to regulate loans of $100 or less, but what did it allow? It allowed for interest rates to go as high as 375 percent. Who are the ones who would have to borrow $100 or less? Certainly not the affluent class, but those that needed the greatest protection of the Government.

So I warded it off in the State Senate until I came here, and then 1 year after I came to the Congress, the Texas Legislature cleared the legislation and adopted that. To my astonishment, I come up here and the next year, the second year, the Comptroller of the Currency says, "Well, in the State of Texas it will be possible for a national bank to go in and do the same thing," even though the State banks cannot do it because the State constitutional provisions of 10 percent maximum interest, which was then prevailing, ruled.

I said it was wrong. I researched the law and showed clearly where he was not only tenuous but wrong in his position, and I think I had a hand in restraining that kind of pronunciamento on the part of the Comptroller of the Currency.

So what I am saying is that the issue is basic today except we are worse off because I do not know of any one single thing that can be done to reverse at this point. It will be a combination of events. It will be a combination of things that have to be done. I do not see them done unless they will be out of events born of crisis, like the farm problem. If we study the farm legislation last week, what was it we were really doing? What we were doing was expending periods of allocation of credit. The version that came out of the Committee on Appropriations was a little bit more definite. It provided for what? For extension of credit so that in those cases of imminent foreclosure, that could be prevented.

I would like to point out to my colleagues that I hope they will be as sensitive, and they were not 2 years ago, to the urban dweller when we were trying to save the homes of at least 100,000 American families. We have converted again, let me say, from a nation that was a homeowner nation. For the time since the depression, home ownership declined in 2 successive years, 1983 and 1984, and it continues this year.

But what we have done, we have converted our country from home ownership, at least some attachment to the soil or the country or the place or the community that a family rightfully could say, "It is mine," for a renter, a transitory occupant. Our Congress, even the great Subcommittee on Housing and Community Development, has not quite grasped that transformation.

We have to address it. I say that pessimistically, and I regretfully say so, that it will come out of crisis when we start getting rent strikes, squatters, and violence. I pointed this out for 4 years, that experiences in Europe, Brussels, Paris, Berlin, London, where you had reached the same absorption point that we have passed now for 3 years.

I have had the privilege to travel around the country, so when I speak I am not speaking parochially. I have gone into every single section of this country as an individual, as chairman, but not in the name of the subcommittee, for lack of funds. I have gone into 33 different States. As chairman and with the subcommittee and in the name of the subcommittee, I have gone from the State of Wisconsin to Texas, from the Eastern Shore here in Maryland where, by the way, I would say to my colleagues, get in your car, especially in season here, drive 1 hour and 15 minutes to the Eastern Shore, and you will see the most abominable migrant labor conditions you will find anywhere in a Third World country. This is in America, 1 hour and 15 minutes from the Nation's Capital.

Those people are invisible, just like the farmers were until last week, and like urban dwellers in their great concentrated areas are at this moment.

This is what I said a while ago, and I make reference and conclude with

that element of thought that happened during the Vietnam conflict. As long as it was a small fragment of our population, of our citizens, who were asked or compelled to serve and die or suffer serious bodily harm, nobody really gave much care.

I recall once vividly attending, on the invitation of President Lyndon Johnson, a briefing which the President very much liked to do, and that is one thing about him. We talk about a great communicator. He was, in the true sense of communication. He would have more accessibility than any public official I have ever known, local, State, or National.

So he would call us over, and I remember going, and at that time the casualties were beginning to come in from Vietnam. I had raised the issue just a few months before. It had antagonized the President. It had raised questions on the part of some of his intimate advisers when I brought out that in the summer of 1965, over 45 percent of those who were going to see action in Vietnam were draftees, and I asked the question, "How come?"

This disturbed people, but it was true, and I was the first to raise that and bring out that statistic. Well, being first is no consolation unless something happens that will address what obviously is a distortion of something. So at the briefing the President expressed his dismay and concern. He had the Joint Chiefs of Staff explaining their particular dilemma and therefore, as the President said, "My dilemma." He said, "The President gets all the unresolved problems my Cabinet cannot resolve. I get them."

One of the Members then of this House got up and said, "Mr. President, what are you worried about? My goodness, 65 casualties a week? Why, we had many times more traffic accidents last week in this Nation. What are you worried about?"

You know, this is the attitude that has puzzled me. I cannot understand it.

I was chief juvenile probation officer for Bexar County after the war. There were a lot of things I could not understand, including theft. I could not understand why an intelligent young man, brilliant in my book, who devised intricate ways of stealing, would use so much brain power to end up getting caught, losing everything, including reputation, when by the same use of that brain power he could accumulate twice as much, his to keep, with no questions.

I am puzzled also the same way on these great national issues. I see us debating and remember that if our dollar is not really good or sound, we have lost the war. I said this at the time of Vietnam when I related that our procurement had reached over $45 billion and that it was impacting the soft underbelly of our country.

□ 1630

I wrote a letter to the President. I asked him to consider invoking some of the things other Presidents had under other circumstances—Harry Truman and Franklin Roosevelt—at least minor things, minor credit controls, et cetera. The President bucked it over to some underling at Treasury—I do not know why he did—and that was the last I heard of it. But it hurt me very much to see some of these things we visualized came to happen. I could not understand the obtuseness of great, great minds.

I respect many, many of the leaders, but I also learned a long time ago that sometimes the ones you have to worry with the most are the so-called experts and the great. And we have to keep in mind that no matter who, no matter what human being, if we adhere to the basics, the basic verities of our form of government and the basic principles, I do not think we would be in much trouble. But we have not.

We are going to be tested. It remains to be seen whether we will rise to heights beginning this year and reaffirm that basic faith that is involved in preserving what we take for granted until we can celebrate its 200th anniversary in 1989, as I said in the inception. I say that it is not too late to reclaim our heritage. But we have, directly or indirectly, permitted our great inheritance to be sold for a mess of pottage.

Mr. Speaker, I yield back the balance of my time.

THE CONTINUING ARREST OF MIKLOS DURAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. DWYER] is recognized for 10 minutes.

● Mr. DWYER of New Jersey. Mr. Speaker, since last May, Miklos Duray has been held in prison in Bratislava, Czechoslovakia, without trial. This is the second time he has been arrested. The first time, he was charged and a trial opened, but was discontinued, resulting in his return to freedom under close police surveillance.

This time the chances for a discontinuation of the case are not bright. The Czechoslovak Government is creating a cause celebre by keeping Duray imprisoned, suggesting the trial will be an even more obvious travesty of justice.

The only new "crime" Duray had committed was to protest the draft law in the Slovak regional parliament which would have permitted the Slovak Ministry of Education to close Hungarian sections in the schools. Duray and 11,000 Czechoslovak parents of Hungarian nationality considered this to be a violation of the constitutional guarantees of the right to education in the mother tongue and protested against it. Because the petition campaign succeeded and the controversial provisions of the draft law were withdrawn by the Government, Duray was selected as the scapegoat. Yet the case is not only an ethnic dispute.

Four outstanding Slovak intellectuals also protested Duray's arrest to President Husak. Duray's prosecution is an excellent example of how anyone who tries to speak out against injustice in Czechoslovakia often finds themselves in prison, charged with activities against the state.

Czechoslovakia is a land where freedom cannot be found. It is a state where not only the Hungarian minority, but also the Catholic Church and other churches are singled out for persecution, where people are arrested for having Bibles printed abroad and where friars and nuns are considered to be subversive.

I would like to extend my congratulations to the American Hungarian Action Committee and the American Hungarian Federation which together have fought back against the unjust arrest and incarceration of Miklos Duray since last May and initiated several congressional actions on his behalf. People like Dr. Z. Michael Szaz and Mrs. Eva DiGioia, a constituent of mine from Perth Amboy, NJ, who is an adviser to the American Hungarian Action Committee, have done yeoman work to bring the issue to the attention of all of us.

I urge my colleagues to renew their attempt to affect the release of Mr. Duray by urging the State Department and the President to undertake strong diplomatic efforts to this effect and to protest to President Hudak about the present unjust state of affairs.●

LEAVE OF ABSENCE

Mr. MCDADE (at the request of Mr. MICHEL), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. MADIGAN, for 5 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. STRANG, for 60 minutes, today.

Mr. COBEY, for 60 minutes, today.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.
Mr. STUDDS, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)
Mr. DWYER, of New Jersey, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)
Mr. CHAPPIE in two instances.
Mr. FIELDS in two instances.
Mr. WORTLEY.
Mr. CONTE.
Mr. GILMAN.
Mr. DORNAN of California.
Mr. GROTBERG.
(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)
Mr. MORRISON of Connecticut.
Mr. CONYERS.
Mr. MILLER of California.
Mr. BORSKI.
Mr. BRYANT.
Mr. RANGEL.
Mr. DELLUMS in two instances.
Mr. DINGELL.
Mr. LEVINE of California.
(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)
Mrs. BURTON of California.
Mr. MAZZOLI.
Mr. RANGEL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 592. An act to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between members appointed from the House of Representatives and members appointed from the Senate, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1096. An act to authorize appropriations for famine relief and recovery in Africa.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, March 7, 1985, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

691. A letter from the Comptroller General of the United States, transmitting a monthly list of GAO reports issued in January, 1985, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

692. A letter from the Director of Civilian Personnel, Uniformed Services University of the Health Services, transmitting the annual pension report for 1982, and the TIAA-CREF annual report, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

693. A letter from the Chairman, Federal Election Commission, transmitting proposed rules and regulations governing the Presidential election campaign fund, pursuant to IRC, section 9009(c); to the Committee on House Administration.

694. A letter from the Secretary of Agriculture, transmitting the annual report on the Food-for-Peace Program, pursuant to the act of July 10, 1954, chapter 469, section 408(a) (80 Stat. 1537; 89 Stat. 854; 95 Stat. 1282 Executive Order 11963); jointly, to the Committees on Agriculture and Foreign Affairs.

695. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and for other purposes; jointly, to the Committees on Energy and Commerce, the Judiciary and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY:
H.R. 1430. A bill to regulate the transportation and destruction of chemical munitions; to the Committee on Armed Services.

By Mr. ASPIN (for himself and Mr. DICKINSON) (by request):
H.R. 1431. A bill to authorize appropriations for civil defense programs for fiscal year 1986 and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of California (for himself, Mr. MATSUI, and Mr. ZSCHAU):
H.R. 1432. A bill to amend title VIII and XIX of the Social Security Act to treat certain sensory and communication aids as medical and other health services, and for other purposes; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mrs. COLLINS:
H.R. 1433. A bill to establish a Bureau of Motor Carrier Safety within the National Highway Traffic Safety Administration, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GRAY of Illinois:
H.R. 1434. A bill to amend the Internal Revenue Code of 1954 to allow each individual to designate $2 of income tax payments for use for world hunger emergencies; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. RINALDO, Mr. FISH, Mr. LAGOMARSINO, Mr. FLORIO, Mrs. HOLT, Mr. SMITH of Florida, Mr. LUNGREN, Mr. TORRICELLI, Ms. FIEDLER, Mr. KINDNESS, Mr. FRENZEL, Mr. SMITH of New Jersey, Mr. RANGEL, Mr. ST GERMAIN, Mr. RAHALL, Mr. CONTE, Mr. HYDE, Mr. VOLKMER, Mr. DWYER of New Jersey, Mr. OWENS, Mr. MCCAIN, Mr. EMERSON, Mr. HOWARD, Mrs. ROUKEMA, Mr. GILMAN, and Mr. JACOBS):
H.R. 1435. A bill to amend the Age Discrimination in Employment Act of 1967 to exclude from the operation of such act matters relating to the age at which individuals may be hired, or discharged from employment, as firefighters and law enforcement officers by States and political subdivisions of States; to the Committee on Education and Labor.

By Mr. KRAMER:
H.R. 1436. A bill to recognize the organization known as the Retired Enlisted Association, Inc.; to the Committee on the Judiciary.

By Mr. LATTA:
H.R. 1437. A bill to authorize the Secretary of Defense to close or realign any military installation if he determines that such action is in the public interest; to the Committee on Armed Services.

By Mr. LEWIS of Florida (for himself, Mr. BENNETT, Mr. BILIRAKIS, Mr. CHAPPELL, Mr. FASCELL, Mr. FUQUA, Mr. GIBBONS, Mr. HUTTO, Mr. IRELAND, Mr. LEHMAN of Florida, Mr. MCCOLLUM, Mr. MACK, Mr. MACKAY, Mr. MICA, Mr. NELSON of Florida, Mr. PEPPER, Mr. SHAW, Mr. SMITH of Florida, and Mr. YOUNG of Florida):
H.R. 1438. A bill to change the name of the Loxahatchee National Wildlife Refuge, FL, to the Arthur R. Marshall Loxahatchee National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. LOWERY of California (for himself and Mr. DE LUGO):
H.R. 1439. A bill to amend title 10, United States Code, to eliminate the requirement that students in Junior Reserve Officer Training Corps units be citizens or nationals of the United States; to the Committee on Armed Services.

By Mr. PANETTA (for himself, Mr. STUDDS, Mr. LEVINE of California, Mr. MILLER of California, and Mrs. BOXER):
H.R. 1440. A bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California, and in the Atlantic Ocean off the State of Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY:
H.R. 1441. A bill to amend title 10, United States Code, to increase from six to seven the maximum number of Deputy Chiefs of Naval Operations in the Office of the Chief of Naval Operations; to the Committee on Armed Services.

By Mr. RODINO (for himself, Mr. YATES, Mr. LEHMAN of Florida, Mr. DYMALLY, Mr. TRAFICANT, Mr. HAYES, Mr. STOKES, Mr. SMITH of Florida, Mr. SEIBERLING, Mr. HEFTEL of Hawaii, Mr. LELAND, Mr. TORRICELLI,

Mr. DOWNEY of New York, Mr. FAUNTROY, Mr. BERMAN, Mr. MILLER of California, Mr. CLAY, Mrs. BOXER, Mr. WHITEHURST, Mr. ADDABBO, Mr. SCHUMER, Mr. TOWNS, Mr. ROYBAL, Mr. GREEN, Mr. DELLUMS, Mrs. BURTON of California, Mr. DONNELLY, Mr. STARK, Mr. STUDDS, Mr. WHEAT, Mr. MITCHELL, Mr. BEILENSON, Mr. FASCELL, Mr. FORD of Tennessee, Mr. MILLER of Washington, Ms. MIKULSKI, Mr. ROE, Mr. EDWARDS of California, Mr. SUNIA, and Mr. EDGAR):

H.R. 1442. A bill to amend chapter 44 of title 18 of the United States Code to control handgun crime, and for other purposes; to the Committee on the Judiciary.

By Mr. ROWLAND of Connecticut:

H.R. 1443. A bill to establish a 3-year program of Federal aid to States to assist them in cross-matching their welfare rolls on a regular basis against bank records and the records of other financial institutions in order to verify the eligibility of applicants and recipients under the various federally assisted public assistance programs to which such rolls relate; to the Committee on Government Operations.

By Mr. STARK:

H.R. 1444. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for advertising or other promotion expenses with respect to arms sales; to the Committee on Ways and Means.

By Mr. STUDDS (for himself and Mr. PANETTA):

H.R. 1445. A bill to improve coastal zone management; to the Committee on Merchant Marine and Fisheries.

By Mr. TORRICELLI:

H.R. 1446. A bill to require the Secretary of State, in exercising the authorities provided by the Foreign Missions Act, to consider the impact on local communities of acquisitions by foreign missions of property and other benefits within those communities and to consult with appropriate local governments in assessing such impact; to the Committee on Foreign Affairs.

By Mr. UDALL (by request):

H.R. 1447. A bill to amend the Atomic Energy Act of 1954, as amended, to improve the nuclear power plant siting and licensing process, and for other purposes; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. ARMEY:

H.R. 1448 A bill to repeal the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

By Mr. BROYHILL (for himself, Mr. LOTT, Mrs. LLOYD, Mr. QUILLEN, Mr. MATSUI, Mr. EMERSON, Mr. COOPER, Mr. RUDD, Mr. BONER of Tennessee, Mr. WHITEHURST, Mr. FLIPPO, Mr. DELAY, Mr. JONES of North Carolina, and Mr. SCHAEFER):

H.R. 1449. A bill to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation (Conrail) to the private sector, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FIELDS:

H.J. Res. 184. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 185. Joint resolution to provide for the designation of the week beginning on October 20, 1985, as "National Parkinson's Disease Week"; to the Committee on Post Office and Civil Service.

By Mr. MRAZEK:

H. Con. Res. 77. Concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice; to the Committee on Foreign Affairs.

By Mr. ROE:

H. Con. Res. 78. Concurrent resolution expressing the sense of the Congress that the United States should recognize Jerusalem as the capital of Israel, and that the U.S. Embassy in Israel should be relocated to Jerusalem; to the Committee on Foreign Affairs.

By Mr. WHEAT:

H. Res. 98. Resolution to proclaim March 17, 1985, through March 23, 1985, as "Camp Fire Week"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GINGRICH:

H.R. 1450. A bill for the relief of Fiona McLeod; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 1451. A bill for the relief of Guice Uithoven and Felix Uithoven; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. FOWLER, Mr. MCCOLLUM, Mr. SHAW, Mr. MORRISON of Connecticut, Mr. IRELAND, Mr. GINGRICH, Mr. TALLON, Mr. CHAPPELL, Mr. YOUNG of Florida, Mr. NELSON of Florida, Mr. SWINDALL, and Mr. KOLTER.

H.R. 85: Mr. KANJORSKI and Mr. ROSE.

H.R. 280: Mr. BOSCO, Mr. TOWNS, Mr. NOWAK, and Mr. KANJORSKI.

H.R. 386: Mr. DYSON, Mr. ROSE, Mr. WISE, Mr. HORTON, Mr. WHITEHURST, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. BADHAM, Mr. SILJANDER, Mr. OWENS, Mr. PORTER, Mr. BERMAN, Mr. TOWNS, Mr. KOLTER, Mr. ROBINSON, Mr. JONES of North Carolina, Mr. HENRY, Mr. APPLEGATE, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. NIELSON of Utah, Ms. KAPTUR, Mr. HYDE, Mr. LOWERY of California, Mr. FAZIO, Mr. GRAY of Illinois, Mrs. COLLINS, Mr. RANGEL, Mr. FRENZEL, Mr. BLAZ, Mr. DORNAN of California, Mr. ATKINS, Mr. MARTINEZ, Mr. FISH, Mr. SUNIA, Mr. STARK, Mr. NEAL, Mr. WORTLEY, Mr. MITCHELL, Mr. MADIGAN, Mrs. ROUKEMA, Mr. MRAZEK, Mr. CHAPPIE, Mr. HERTEL of Michigan, Mr. Weiss, and Mr. FAUNTROY.

H.R. 423: Mr. MATSUI, Mrs. HOLT, Mr. MORRISON of Connecticut, and Mr. BROWN of Colorado.

H.R. 479: Mr. BEREUTER, Mr. BERMAN, Mr. HAYES, and Mr. SCHUMER.

H.R. 582: Mr. MCCOLLUM.

H.R. 752: Mr. EDGAR, and Mr. KANJORSKI.

H.R. 780: Mr. BEDELL, Mr. FISH, Mr. MITCHELL, Mr. HARTNETT, and Mrs. BOXER.

H.R. 787: Mr. KANJORSKI.

H.R. 871: Mr. WORTLEY and Mr. CHAPPELL.

H.R. 888: Mr. MITCHELL, Mr. TORRES, Mr. NEAL, Mr. MURPHY, Mr. CROCKETT, Mr. SUNIA, Ms. KAPTUR, and Mr. MORRISON of Washington.

H.R. 930: Mr. FASCELL.

H.R. 932: Mr. ROTH and Mr. LUKEN.

H.R. 980: Mr. MITCHELL, Ms. KAPTUR, Mr. SAXTON, Mr. KINDNESS, Mr. YOUNG of Missouri, Mr. DREIER of California, Mr. STOKES, and Mr. IRELAND.

H.R. 998: Mr. DIXON, Mr. WHITLEY, Mr. MONTGOMERY, Mr. FROST, and Mr. MARLENEE.

H.R. 1006: Mr. DOWDY of Mississippi, Mrs. HOLT, Mr. JEFFORDS, Mr. CHAPPIE, Mr. SOLOMON, Mr. HILLIS, Mr. SHELBY, Mr. CROCKETT, Mr. SCHULZE, Mr. ROSE, Mr. LUKEN, Mr. HENDON, Mr. LOWRY of Washington, Mr. RITTER, and Mr. SWINDALL.

H.R. 1017: Mr. BADHAM, Mr. DYMALLY, Mr. GINGRICH, and Mr. MARTINEZ.

H.R. 1020: Mr. KOLTER, Mr. MILLER of California, and Mr. MOAKLEY.

H.R. 1038: Mrs. BURTON of California.

H.R. 1059: Mr. PASHAYAN, Mr. PURSELL, Mr. DEWINE, and Mr. WHITEHURST.

H.R. 1145: Mr. FISH, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. DIOGUARDI, and Mr. BATES.

H.R. 1161: Mr. CROCKETT, Mr. DELLUMS, Mr. EDGAR, Mr. FAZIO, Mr. FORD of Tennessee, Mr. HOYER, Mr. HUGHES, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. ROE, Mr. RUSSO, and Mr. WIRTH.

H.R. 1245: Mr. SENSENBRENNER, Mr. NICHOLS, Ms. KAPTUR, Mr. NIELSON of Utah, Mr. WEISS, and Mr. YATRON.

H.R. 1267: Mr. HEFNER, Mr. LOTT, and Mr. PARRIS.

H.R. 1271: Mr. SILJANDER.

H.R. 1339: Mr. WHITTAKER.

H.J. Res. 27: Mr. O'BRIEN, Mr. SKEEN, Mr. WALKER, and Mr. JONES of Tennessee.

H.J. Res. 111: Mr. PARRIS.

H.J. Res. 141: Mr. COATS, Mr. WORTLEY, Mr. WEISS, Mr. DURBIN, Mr. VOLKMER, Mr. FROST, Mr. HENRY, Mr. DWYER of New Jersey, Mr. DAUB, Mr. YOUNG of Missouri, Mr. CROCKETT, Ms. MIKULSKI, Mr. HUGHES, Mr. LAGOMARSINO, Mr. FEIGHAN, Mr. MINETA, Mr. FRENZEL, Mrs. BOXER, Mr. SOLARZ, Mr. NEAL, Mr. FISH, and Mr. MACK.

H.J. Res. 151: Mr. CONYERS, Mr. VENTO, Ms. MIKULSKI, Ms. OAKAR, Mr. WHEAT, Mr. DORNAN of California, Mr. MCGRATH, Mr. OWENS, Mr. RANGEL, Mrs. BOXER, Mr. CARR, Mr. LEVIN of Michigan, Mrs. JOHNSON, Mr. BUSTAMANTE, Mr. SAVAGE, Mr. HORTON, Mr. DURBIN, and Mr. FORD of Tennessee.

H.J. Res. 161: Mr. SCHEUER.

H. Con. Res. 31: Mr. CRANE, Mr. WAXMAN, and Mr. LUNDINE.

H. Con. Res. 53: Mrs. BURTON of California.

H. Con. Res. 56: Mr. DELLUMS and Mr. FRANK.

H. Res. 68: Mr. SENSENBRENNER, Mr. FRANK, Mr. LEHMAN of Florida, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. MRAZEK, Mr. ACKERMAN, Ms. KAPTUR, Mr. GALLO, Mr. BARNES, Mrs. BOXER, Mr. BERMAN, Mr. HORTON, Mr. BEDELL, Mr. HEFTEL of Hawaii, and Mr. REID.

H. Res. 82: Mr. FAUNTROY, Mr. PEPPER, Mr. HALL of Ohio, Mr. FUSTER, Mr. STOKES, Mr. FRANK, Mrs. BOXER, Mr. HUGHES, Mr. OWENS, Mr. ADDABBO, Mr. HEFTEL of Hawaii, Mr. ACKERMAN, Mr. LEHMAN of Florida, Mr. BEILENSON, Ms. MIKULSKI, Mr. BUSTAMANTE, Mr. KOLTER, Mr. DYMALLY, Mr. FROST, Mrs. KENNELLY, Mr. HERTEL of Michigan, Mr. SCHEUER, Mr. MANTON, Mr. MCGRATH, Mr. WILLIAMS, Mr. MITCHELL, Mr. GLICKMAN, Mr. TOWNS, Mr. COELHO, Mr. SABO, Mr. BARNES, and Mr. BERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

46. By the SPEAKER: Petition of the American Farm Bureau Federation, Washington, DC, relative to additional credit for farmers; to the Committee on Agriculture.

47. Also, petition of the students of the University of Massachusetts at Amherst, relative to continued support of the Nation's economy and the education of its people through financial aid; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

THE EFFECTIVE SCHOOLS DEVELOPMENT IN EDUCATION ACT

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. HAWKINS. Mr. Speaker, there are public schools in this Nation which evidence continuous improvement and growth in the academic achievement levels of their students, for each day that these students are in school.

These public schools have principals who are more interested in classroom instruction than they are in being administration paperpushers. The teachers in these schools have high expectations for student success, and demand student success. The emphasis is on academics in these schools, and administrators, teachers, students and parents agree on what the academic priorities will be. Stability, effective organization, and sound discipline are key educational factors in these schools. And since students expect to be academically successful in these public schools, they show consistent skills improvement when their academic performance is evaluated.

Where are these public schools? They are in Jackson, MS; Spencerport, NY; Los Angeles, CA; New York City; Glendale, AZ; Richmond, VA; Pittsburgh, PA; Hartford, CT; Portland, OR; and many other cities throughout the Nation.

They are located in big cities, small cities, rural communities, and middle-sized cities; and in industrial States and farm States.

What they have in common is a determination to improve pupil performance, pupil behaviour, and the effectiveness of teaching and learning in their schools. They are adherents and advocates of the late Prof. Ron Edmonds—of Michigan State University and Harvard University—effective schools principles, which emphasize the belief that while public schools realistically can't control what happens in their surrounding communities, public schools can control what happens within their "four walls."

Professor Edmonds and other educator researchers, through years of study and research determined that:

One of the most tangible and indispensable characteristics of effective schools is strong administrative leadership, without which the disparate elements of good schooling can be neither brought together nor kept together. Schools that are instructionally effective for poor children have a climate of expectation in which no children are permitted to fall below minimum but efficacious levels of achievement. The schools' atmosphere is orderly without being rigid, quiet without being oppressive, and generally conducive to the instructional business at hand. Effective schools get that way partly by making it clear that pupil acquisition of basis school skills takes precedence over all other school activities. When necessary, school energy and resources can be diverted from other business in furtherance of the fundamental objectives. The final effective school characteristic to be set down is that there must be some means by which pupil progress can be frequently monitored. These means may be as traditional as classroom testing on the days' lesson or as advanced as criterion referenced system-wide standardized measures. The point is that some means must exist in the school by which the principal and the teachers remain constantly aware of pupil progress in relationship to instructional objectives.

I support effective schools principles because I think these principles advance the Nation's call for quality education in our public schools. I further support the effective schools movement because it has articulated—through theory and practice—that principals, teachers, parents, and students can determine the teaching and learning agenda successfully in their schools. I believe and agree with the National Commission on Excellence in Education's statement that:

The Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. It must provide the national leadership to ensure that the Nation's public and private resources are marshaled to address the issues discussed in this report.

And because I believe that it is in the national interest for the Federal Government to support and encourage innovation and success in education, I introduced the Effective Schools Development in Education Act in the 98th Congress.

On January 28, 1985, I reintroduced the Effective Schools bill, H.R. 747. The bill proposes that the Federal Government assist the effective schools/school improvement efforts of local and State educational agencies, by providing up to 50 percent of grant funds to an LEA or SEA, which seeks to broaden, expand, or improve their already implemented effective schools program.

The text of the effective schools bill is as follows:

H.R. 747

A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to promote more effective schools and excellence in education, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by inserting after title VII the following new title:

"TITLE VIII—EFFECTIVE SCHOOLS

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Effective Schools Development in Education Act of 1985'.

"FINDINGS AND PURPOSES

"SEC. 802. (a) The Congress finds that—

"(1) there are schools that are effectively teaching the Nation's children;

"(2) there are school children increasing their learning and achievement in schools that have been identified as being effective;

"(3) these effective schools are located in urban centers, inner cities, rural areas, and suburban communities of the Nation;

"(4) there is an increasing body of experience and knowledge built on research which indicates that school effectiveness can be increased;

"(5) where school improvement programs (based on effective school principles and practices) have been instituted, student academic achievement often increases, especially in schools serving poor, minority, or educationally deprived students;

"(6) based on effective schools research, many State education agencies and local education agencies are adopting school improvement programs to enhance school effectiveness in their schools; and

"(7) the process of making schools effective and thereby improving the quality of education for all children, often involves the expenditure of additional funds to which State education agencies and local education agencies do not have access.

"(b) It is therefore the purpose of this title to provide financial assistance—

"(1) to assist State education agencies and local education agencies in meeting special school needs of educationally deprived children incident to improving school effectiveness as that effectiveness pertains to improving student achievement, student behavior, teaching, learning, and school management;

"(2) to encourage State education agencies and local education agencies to participate in effective school programs and school improvement programs;

"(3) for the dissemination of information on school effectiveness research, school effectiveness models, and school improvement programs;

"(4) to encourage State education agencies and local education agencies involved in effective school programs to help other State education agencies and local education agencies implement effective school programs in their school communities; and

"(5) for research and development in effective schooling practices and school im-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

provement methods which can contribute to an improved formulation of Federal, State, and local policy.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 803. There are authorized to be appropriated $100,000,000 for fiscal year 1986, $110,000,000 for fiscal year 1987, $120,000,000 for fiscal year 1988, and such sums as may be necessary for each of the two succeeding years to carry out this title.

"AUTHORIZED ACTIVITIES

"SEC. 804. Funds made available under a grant pursuant to this title may be used, in accordance with an application approved pursuant to section 805—

"(1) to promote State and local educational agency awareness of effective schools information through conferences at schools and district and multidistrict offices, and through onsite visits to model effective schools;

"(2) to develop and implement data collective systems and systems to analyze and interpret such data and communicate the results back to the school;

"(3) to plan activities under this title, and to conduct reviews and propose revisions of such activities, either by local or State educational agencies or by combined local and State task forces;

"(4) to support related effective schools efforts, such as training, workshops, forums and other mechanisms to improve parent and community organization involvement and participation, demonstration programs, and improved communication and coordination between schools, school districts, and such demonstration programs;

"(5) to obtain technical assistance and consultant services from (A) regional educational laboratories and research and development centers supported under section 405(f) of the General Education Provisions Act, (B) institutions of higher education, and (C) other qualified nonprofit educational organizations and institutions;

"(6) to design, develop, and publish educational materials on effective schools programs;

"(7) to conduct program evaluations; and

"(8) to otherwise identify, document, and disseminate information concerning exemplary effective schools programs.

"APPLICATION FOR GRANTS

"SEC. 805. (a) Any State or local educational agency desiring to obtain a grant under this title shall submit an application to the Secretary. Such application shall be submitted at such time and in such manner, and shall contain such information and assurances as may be required by the Secretary by regulation.

"(b) To be eligible for selection as a grant recipient, the application shall demonstrate that—

"(1) the applicant has an effective schools improvement program in effect;

"(2) funds provided by any grant under this title would be used to pay not more than one-half the cost of any program or actively conducted with such funds;

"(3) such funds would be used to supplement and not to supplant any State or local funds available from non-Federal sources for the conduct of programs or activities assisted under this title; and

"(4) an independent annual evaluation of each such program and activity will be conducted and the results of such evaluation made available to the Secretary.

"(c) In selecting grant recipients from applicants submitted in accordance with subsection (b) and the regulations prescribed under subsection (a), the Secretary shall—

"(1) consider, among others, such factors as (A) the extent the funds provided would be used to improve schools in districts with the greatest numbers or percentages of educationally deprived children, and (B) the extent to which the ongoing effective schools program of the applicant has demonstrated the capacity to improve student achievement or behavior, of both;

"(2) ensure reasonable geographic distribution of the grants throughout the Nation; and

"(3) designate grants as being available for a period of at least one but not more than three years on the basis of the period required for attainment of the purposes for which the grant is awarded.

"TECHNICAL ASSISTANCE

"SEC. 806. The Secretary shall make available information and technical assistance for the purpose of informing State and local educational agencies of the availability of and requirements for obtaining funds under this Act and for the purpose of assisting such agencies to qualify for such assistance in accordance with section 805(b)(1) by bringing an effective schools program into effect before seeking assistance under this Act.

"PROGRAM EVALUATION

"SEC. 807. The Secretary shall, on the basis of the evaluation reports received pursuant to section 805(b)(4) and such further investigation as may be necessary, analyze the programs conducted pursuant to this Act and, not later than September 1, 1987, submit to the Congress a report thereon, together with such recommendations as may be useful in strengthening and improving such programs.

"DEFINITIONS

"SEC. 808. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Education.

"(2)(A) The term 'effective schools programs' means school programs having the objective of (i) promoting school-level planning, instructional improvement, and staff development, (ii) increasing the academic achievement levels of educationally deprived children through early childhood education programs and the use of the factors identified by effective schools research as distinguishing effective from ineffective schools, and (iii) achieving those factors as ongoing conditions in the school.

"(B) For the purpose of subparagraph (A) of this paragraph, the factors identified by effective schools research as distinguishing effective from ineffective schools are the following:

"(i) strong and effective administrative and instructional leadership that creates concensus on instructional goals and organizational capacity for instructional problem solving;

"(ii) emphasis on the acquisition of basic and higher order skills;

"(iii) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

"(iv) a climate of expectations that virtually all children can learn under appropriate conditions; and

"(v) continuous assessment of students and programs to evaluate the effects of instruction.".●

THE HANDICAPPED INDEPENDENCE ASSISTANCE ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. BROWN of California. Mr. Speaker, today I am reintroducing the Handicapped Independence Assistance Act of 1985. Congressmen MATSUI and ZSCHAU are cosponsors of this legislation, which would make certain sensory aid devices reimbursable under Medicare and Medicaid. This action is critical not only for the sensory-impaired, but it would also be of benefit to the Nation. Sensory-impaired citizens are a great untapped resource who, with proper assistance, could be major contributors to the economy.

In this time of fiscal constraints, some may be concerned about the cost of this program to the Federal Government. I am also concerned about the Federal budget and the growing deficit, but I think you will agree that the Handicapped Independence Assistance Act is not another wasteful Federal expense. It is a vital investment utilizing the dormant potential of the sensory-impaired population. Making sensory aids available would give thousands of handicapped individuals a chance to lead productive and fulfilled lives.

For the handicapped, paying the bills for basic needs can often be a severe burden. In most cases, it is not financially possible for the sensory-handicapped to buy needed aids and equipment. It disturbs me that Medicare and Medicaid do not cover sensory aids, especially when other countries not as wealthy as the United States provide these devices for their handicapped citizens. For example, Scandinavian nations consider sensory aids medically necessary. Several years ago, Italy started a program to provide students with sensory aids and to mainstream those students whenever possible. Other countries in Europe provide similar support.

Sensory aids can be life-giving devices for sensory-disabled individuals. Advances in technology enabled Phonic Ear to develop an FM radio transmission system in the 1970's for use in educating the hearing impaired. Other devices include a speech synthesizer specifically developed for use by nonoral individuals.

On the horizon of sensory aid technology is the development of a set of eyeglasses which may enable a deaf person to achieve total communication with the hearing world, even with people who do not know sign language. The revolutionary device, called an autocuer, enhances a deaf person's ability to read lips. Invented by Orin Cornett of Gallaudet College and

Robert Beadle of Research Triangle Institute, the autocuer's complex circuitry produces a light image that appears next to the speaker's mouth, visible only the deaf listener. The images help the deaf person to differentiate between sounds which look alike when spoken. This device, once on the market, will cost $4,000 apiece and will be available to only those who can afford the steep price—Medicare/Medicaid will not cover it.

If sensory and communication aids were provided to disabled children in educational environments when needed, most educable individuals could be trained to become productive wage earners upon completion of their education. Matching advanced technologies with the needs of the handicapped is a priority. It is futile to engage in scientific research if we do not attempt to apply the results for the benefit of all.

Sensory aids coverage under Medicare and Medicaid is a national investment—not a budgetary expense. According to a preliminary analysis conducted by Bob Humphreys, former Commissioner of the Rehabilitation Services Administration, in 3 years time the handicapped community would return to the Government in taxes and reduced benefits all the money spent in Medicare reimbursements. Medicare's cost in the first year would total $21.4 million. In the outyears the program results in significant benefits. By the end of the first 2 years of Medicare coverage, benefits could reach a potential $15.5 million of reduced public assistance payments and increased tax revenues. By the end of the third year, the net gain could be as much as $31 million.

In 1982, the Office of Technology Assessment issued a report to the Science and Technology Committee. OTA's report, "Technology and Handicapped People," concluded that the most important issues to be addressed for the handicapped relate to financing, distributing justice, and coordinating programs and goals. This report clearly indicates the need for Government support of developing technologies to aid the handicapped. I believe this legislation would answer some of the questions the OTA report raised.

We have seen many technological advances since the early sixties. In the last decade, we have taken technology developed for one arena and successfully transferred its application to areas different from the original intentions. For instance, the technological advances developed originally for NASA have been transferred to rehabilitation engineering. We have only to look at rechargeable pacemakers and increasingly sophisticated prosthetic limbs to see the evidence of this transfer of technological innovations. One of the main responsibilities that goes hand-in-hand with advanced research and technology is to apply that gained knowledge for the benefit of as many as possible. If we ignore this responsibility to the handicapped, we all lose.

The goal of this legislation is to generate independence and rehabilitation. I look forward to working with my colleagues again on this and similar legislation to improve the Federal Government's role in helping the disabled acquire employment and achieve independence.

The text of the bill follows:

H.R. 1432

A bill to amend title VIII and XIX of the Social Security Act to treat certain sensory and communication aids as medical and other health services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Handicapped Independence Assistance Act of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) the increased availability and use of technologically advanced sensory and communication aids, equipment, and devices by individuals who are blind, severely visually impaired, deaf, severely hearing impaired, or vocally impaired would reduce the handicaps of such individuals with respect to employment, education, and self-care;

(2) such sensory and communication aids, equipment, and devices would open many new job opportunities for their users, but are beyond the financial means of many such individuals;

(3) although payment for such aids, equipment, and devices is not expressly prohibited by statutes authorizing Federal health insurance programs, regulations of both Federal and State agencies result in widespread denials of such payments; and

(4) wider acquisition of such aids, equipment, and devices by persons with disabilities would benefit the national economy, disabled persons, and their families through increased employment, independence, and improved education for such persons, and is therefore in the national interest.

AMENDMENTS TO SOCIAL SECURITY ACT

SEC. 3. (a)(1) Section 1861(s) of the Social Security Act is amended—

(A) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15) respectively;

(B) by striking out "and" at the end of paragraph (9);

(C) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (10) the following new paragraph:

"(11) sensory and communication aids designed to substantially reduce or eliminate handicaps to employment and education caused by blindness, deafness, a severe hearing or visual impairment, or the inability to communicate vocally, including training in the use of such aids.".

(2) Section 1864(a) of such Act is amended by striking out "paragraphs (11) and (12)" and inserting in lieu thereof "paragraphs (12) and (13)".

(b) Section 1862(a)(1) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the semicolon at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) in the case of items and services described in section 1861(s)(11), which are not reasonable and necessary for reducing or eliminating handicaps caused by blindness, deafness, a severe hearing or visual impairment, or the inability to communicate vocally;".

(c) Section 1833 of such Act is amended by adding at the end thereof the following new subsection:

"(k) With respect to expenses incurred for items and services described in section 1861(s)(11), no more than $5,000 in any calendar year, and no more than $15,000 in any five consecutive calendar years, shall be considered as incurred expenses for purposes of subsections (a) and (b).".

(d) Section 1905(a)(12) of such Act is amended by inserting after "devices" the following: ", including sensory and communication aids described in section 1861(s)(11)".

(e) The amendments made by this Act shall be effective with respect to items and services furnished on or after January 1, 1986.●

HUMAN RIGHTS CONDITIONS IN EL SALVADOR

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. MOAKLEY. Mr. Speaker, there has been a great deal of discussion in the Congress with regard to U.S. policy toward El Salvador. There are legitimate differences of opinion on how to deal with the situation in that country; and these views will certainly be aired during consideration of the upcoming foreign aid authorization bill. However, regardless of our political leanings, one thing is clear—violence and terror continue to plague El Salvador.

In response to the current levels of violence and civil unrest in El Salvador, I have introduced legislation (H.R. 822) which would temporarily suspend the detention and deportation of Salvadorans now in the United States. The suspension would be for approximately 2 years, during which time the General Accounting Office would be asked to conduct a study concerning the general plight of the Salvadoran refugees and the overall conditions in El Salvador. Senator DENNIS DECONCINI of Arizona has introduced identical legislation (S. 377) in the Senate.

Recently, I received a letter from Ms. Holly Burkhalter, Washington representative for the Americas Watch Committee, detailing some of the current human rights violations in El Salvador. Knowing that many of my col-

leagues are concerned with this issue, I ask that Ms. Burkhalter's letter be printed in the RECORD. I would also like to submit a description of my legislation.

The materials follow:

AMERICAS WATCH,
Washington, DC, March 4, 1985.

Hon. JOE MOAKLEY,
Cannon Building,
Washington, DC.

DEAR CONGRESSMAN MOAKLEY: As you know, the Americas Watch has been closely monitoring human rights conditions in El Salvador for the past several years. Americas Watch representatives recently returned from a mission to El Salvador to prepare our sixth comprehensive report, and, unfortunately, have documented serious ongoing abuses of human rights in that country. Because of continued killings of civilians by the Armed Forces and armed opposition forces, and the upheaval of civil war which has created hundreds of thousands of refugees and displaced persons, I believe that the Moakley-DeConcini legislation mandating a temporary stay of deportation of Salvadorans in the United States is as relevant today as when you first introduced the bill in the 98th Congress.

As you are aware, in one area—death squad killings and disappearances—there have been improvements in El Salvador. Many people conclude that as a result El Salvador's human rights problems are over. Nothing could be further from the case. In the period from July 1984 through December 1984, the human rights monitoring office of the Archdiocese of San Salvador, Tutela Legal, reported 40 killings of civilians by non-uniformed death squads (which have close ties to the Salvadoran armed forces). In the same period, there were 57 disappearances attributable to the same forces. These numbers—as shockingly high as they seem—are nonetheless an improvement for El Salvador, where in the past, death squad killings and disappearances numbered in the hundreds every month.

In another area, however, there has been no improvement in the human rights situation. In our many interviews with salvadoran civilians displaced by violence from the zones of conflict, church officials, journalists, representatives of international humanitarian officials, U.S. Embassy officials, and Salvadoran military officials, the Americas Watch found that the Salvadoran Army and Air Force are attempting to win the war by forcing civilians out of guerrilla-controlled zones. The Salvadoran Armed Forces use both terror tactics to force civilians from conflicted areas (such as bombing civilian targets and assaults by ground forces) and more humane methods (such as physically removing civilians by helicoptering them to displaced persons camps.

Two particularly well-documented massacres of civilians took place during the last half of 1984. In July, the Army massacred at least 68 civilian noncombatants at Los Llanitos in Cabanas Department. Church officials and western journalists visited the site of the massacre days after the incident, viewed the bodies, took testimony from survivors and family members still present in the area, and compiled a list of victims. Roughly half of the 68 dead were children under 14 years of age. The New York Times, Christian Science Monitor and Boston Globe all carried detailed accounts of the incident. The Boston Globe of Sept. 9, 1984 reported the following:

"Villagers of Los Llanitos, a hamlet of 185 residents, said government troops combed the areas for guerrillas three times earlier this year. But in the July campaign, villagers said, the soldiers for the first time avoided open roads. Instead they scaled rocks and cut through bush and brambles to take to the hills above the hamlets before village lookouts spotted them. When word finally went out at dusk on July 18 that the 'enemy' was ready, nearly 1,000 peasants from seven hamlets grabbed their children and set out on a frantic march, stumbling in the darkness down ravines and over promontories, the villagers said. They hoped to reach the caves and gullies where they had hid safely during past army incursions.

"On the morning of July 19 the soldiers came down after them, according to the villagers. With sticks, troops beat in the roofs of empty houses and one elementary school. 'We weren't there,' said Tula Escobar, 'so the houses had to pay'.

"Napoleon Gamez, 35, said he was crowded in the bushes on one side of a ravine with 36 villagers when soldiers fired on them with a machine gun from the other side. Gamez said a woman named Gloria Vides, 24, and her two children, one age 2 and the other 6 months, froze with fear and were left behind as others pressed up on the hill.

Minutes later, Gamez and other witnesses heard a soldier call out to his commander. 'Do I leave her or kill her?' 'Light the fire,' Gamez quoted the officer as shouting. 'Then we heard rifles rattling' Gamez said. Gamez said he found the three bodies when he returned to his home July 22nd.

"Gamez' sister Teresa, 28, fell behind because of a bad hip. Witnesses said they saw her being captured by troops. She did not reappear. Villagers believe that she and six other persons were beaten to death and their bodies pushed into a public school latrine. They said they found clothing tatters and parts of human limbs there.

"Villagers said that later in the afternoon of July 19, soldiers burned 22 bodies, including 9 children, in a wooded clearing. From his hiding place, farmer Aquidio Rosa, 28, saw three bonfires. Reporters who visited the site saw a mound where guerrillas were said to have dug a mass grave. The area was littered with human bones, many burned, and nearby trees were sprayed with bullet holes."

A second massacre took place in August 1984 in Chalatenango Department where approximately 600 civilians (with several armed guerrilla escorts) attempted to flee the village of Las Vueltas and nearby hamlets when the Army began shelling homes with mortar fire. The Army opened fire on the fleeing civilians and at least 50 died in the attack.

In addition to journalists' accounts such as the one quoted above and testimonials from witnesses and family members, the statements of Salvadoran military officials themselves suggest that the Armed Forces consider the areas of conflict "free fire" zones and all civilians living there as appropriate targets. A top Salvadoran commander, Col. Sigifredo Ochoa publicly stated in January 1985 that he has established a number of free fire zones in Chalatenango and the armed forces press office, COPREFA, frequently describes air force bombing operations to "soften up" conflicted areas. When the Americas Watch asked members of the U.S. Military Group at the U.S. Embassy whether there are fixed military installations or concentrations of guerrillas in these areas which would be appropriate targets for bombing, we were informed that this is not the case. Furthermore, the Embassy stated that there are no areas of the country which are sufficiently empty of civilians that they may allow for "free fire". Accordingly, it appears that the Air Forces' "softening up" operations are for the purposes of forcing civilians to flee these areas so as to deprive the guerrillas of the civilian base.

In addition to consistent violations by the Salvadoran Armed Forces, the Salvadoran guerrillas also commit acts of violence against civilians. In the last six months of 1984, Tutela Legal compiled information on 29 killings of civilians and 34 disappearances that it attributed to the guerrillas. In July 1984, the guerrillas executed a group of 9 captured civilians in the village of Cocoapera, Morazan. Furthermore, as you are aware, thousands of civilians fled the Department of Morazan earlier in 1984 because of a policy of forced recruitment of young men into the guerrilla forces.

It seems clear to me, Congressman Moakley, that because of the violations of human rights by both the Salvadoran Armed Forces and the guerrillas, all civilians in El Salvador face particular dangers associated with the massive upheaval caused by a bloody civil war. Therefore, it seems particularly appropriate that the executive branch grant the same relief to Salvadorans that it has provided many other national groups whose homelands are similarly affected. "Extended Voluntary Departure," a temporary stay of deportation, is an administrative remedy for a serious humanitarian problem. I respectfully urge you to continue your efforts to see that this remedy is available for Salvadorans in the U.S.

Sincerely,

HOLLY BURKHALTER,
Washington Representative,
Americas Watch.

MOAKLEY/DECONCINI BILL: TEMPORARILY SUSPENDING THE DEPORTATION OF SALVADORANS IN THE UNITED STATES

Due to the current levels of civil strife in El Salvador, Representative Joe Moakley (D-MA) and Senator Dennis DeConcini (D-AZ) have introduced legislation (H.R. 822 in the House; S. 377 in the Senate) to suspend the deportation of Salvadorans from the U.S. for approximately two years. The suspension will allow time for a study of security and humanitarian problems as they pertain to those Salvadorans who would be deported, as well as general conditions in the Central American region regarding Salvadoran refugees and displaced persons.

The study, which is outlined in the legislation, is to be conducted by the General Accounting Office (GAO), beginning within 60 days of the enactment of the bill. The GAO is an arm of the Congress which assists that body in examining and analyzing problems of special interest to it. The GAO will explore, among other things, the circumstances of Salvadorans deported from the U.S. It will also look at the problems of displaced persons in El Salvador, addressing their assistance and protection needs, and examining other general characteristics of that population. These results are to be compared and contrasted with situations in which the U.S. has granted temporary haven (i.e., "extended voluntary departure" or "EVD") to other nationalities.

Upon completion of the study, which the GAO has one year to finish, relevant Congressional committees are to examine it and

forward their recommendations to their respective houses of the Congress. In addition to receiving the findings of the report, the committees are to consider steps to assure the protection of Salvadoran refugees and displaced persons, pertinent U.S. treaty obligations and how these are being fulfilled, the appropriateness of continuing the suspension of deportation, and other matters.

Finally, the suspension of detention and deportation pertains to Salvadorans who were in the U.S. prior to the date of the bill's enactment. The suspension automatically expires upon completion of the process outlined above, unless the Congress takes action to extend it. This process will require from one-and-a-half to two-and-a-half years, depending the speed with which the Congress will work, the length of Congressional recesses, and other factors.●

JUDICIAL REFORM

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. FIELDS. Mr. Speaker, today I am introducing a proposed amendment to the Constitution requiring that Federal judges be reconfirmed by the U.S. Senate every 10 years.

Mr. Speaker, presently Federal judges once appointed, serve life terms. The only constitutional mechanism for removal of these judges is impeachment. And as we all know, impeachment is a long and arduous process which historically has been exercised on only nine occasions, resulting in actual removal from office of only four judges.

In the absence of any other effective formal procedure for dismissal, Federal judges have been elevated to a stature unprecedented and unequaled by any other Federal official. Unfortunately, as a consequence, there is no procedure for removal of a judge who may be senile, disabled, dishonest, or in any other way unfit to fulfill his or her constitutional responsibilities.

According to article III of the Constitution, Supreme Court Justices and inferior court judges are appointed to their office for a term of good behavior. I certainly recognize and compliment the wisdom of the framers of the Constitution who, by separating judicial officials from the political process, preserved and defined the principle of separate but equal branches of Government. However, I continue to believe that this separation has resulted not in a more effective judicial system but rather in a greater disparity between the various branches of Government. The life tenure of these judges has made them less, not more, accountable for their actions and decisions.

Furthermore, and more significantly, is the increasing use by judges of their judicial power as a forum for legislating social policy. Our judicial system was established to interpret law, not to formulate national policy. However, in the last several years, many of our Federal judges have taken to backdoor legislating on such controversial issues as school prayer, abortion, and school busing.

I sincerely believe that neither this legislative body nor the American public can stand by and watch this transgression of constitutional authority. National policy decisions should not be formulated in our courts but rather should be duly deliberated and decided by the people's elected representatives in Congress.

Mr. Speaker, I urge expeditious consideration of this legislation so that our Nation can once again be assured of three separate but equal branches of Government.

Thank you.●

BLACK HISTORY MONTH

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mrs. KENNELLY. Mr. Speaker, it is my privilege to join my colleagues and my fellow Americans in observing Black History Month. This year's celebration marks the 49th time this Nation has joined to commemorate the outstanding achievements of black Americans, achievements which are far too precious to be overlooked.

Black History Month has special significance to me this year. As the State of Connecticut celebrates the 350th anniversary of its founding, I have come to a new appreciation of how much that history has been enriched and enlivened by the contributions of black Americans.

During the Revolutionary War, for example, blacks served in 25 of Connecticut's militia companies. The roll of honor includes men like Caesar Clark, born in Africa, who was at Valley Forge in the freezing winter of 1777-78. There was Ebenezer Hill, a freed slave, who witnessed the surrender of General Burgoyne. And their was Lemuel Haynes, born in West Hartford, who enlisted as a Minute Man in 1774, joined the army at the siege of Boston, and fought with Ethan Allen and the Green Mountain Boys at the Battle of Ticonderoga. Haynes went on to become one of the best-known Congregational ministers of his day and was the first black to receive an honorary master's degree.

Since the days of the Revolution, the black men and women of Connecticut have made contributions in many fields. As judges and scientists, educators, and painters, editors, political activists, and public servants, theirs is a superb record of achievement. The accomplishments of these outstanding men and women form an impressive legacy that all of Connecticut's citizens—and all of us as Americans—honor.●

HOSPICE LEGISLATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, recently I introduced legislation, H.R. 1316, to extend the Medicare hospice benefit beyond the statutory sunset date of October 1, 1986, to October 1, 1988.

This bill is simple and straightforward. It would amend Public Law 97-248, the National Hospice Reimbursement Act, by changing the sunset date and leaving all other aspects of the benefit intact. This would give the administration some additional time to collect, analyze, and report to the Congress on the costs and quality of hospice services as mandated in the Medicare hospice benefit.

During this 2-year extension period, hospices would be able to continue caring for Medicare-eligible terminally ill Americans. Patients would be able to continue to choose the hospice alternative instead of the more costly cycle of hospitalization, nursing homes, and home health agencies.

There is a need for this legislation because the administration delayed the implementation of the Medicare hospice benefit and failed to set in motion cost collection methods in a timely fashion. The administration should certainly have sufficient evaluation data by late 1988, and Congress would also have an opportunity to improve the hospice benefit at that time.

My colleagues will also be pleased to know that not only would the extension of the Medicare hospice benefit for 2 years help the people, but it would also help our Federal budget. In October 1980, the administration conducted a national hospice demonstration project in 26 sites throughout the Nation. The preliminary report from this demonstration project provides convincing evidence that hospice inpatient care and hospice home care save rather than cost Medicare dollars. In its study of the fiscal impact of the Medicare hospice benefit, the Congressional Budget Office estimated that the substitution of hospice care for the traditional mix of services used by terminal patients would save the Medicare trust fund more than $100 million during the first 3 years of the benefit and would save even more as hospice care become more accessible and available to patients throughout the United States.

To allow Medicare beneficiaries the voluntary choice of living out the final months and weeks of their lives under the compassionate and competent care

of a hospice program is a responsible way to reduce the Federal budget.

In Dade County, FL, there is a hospice, Hospice, Inc., which provides quality inpatient and home hospice care. Hospice, Inc., is one of the Nation's first hospices. As one of the administration's 26 model demonstration hospices, it helped to prove both the quality and the cost-savings potential of hospice services. If Hospice, Inc., were threatened, more than a thousand terminally ill residents of south Florida, who are annually cared for by Hospice, Inc., would be forced back into the much more expensive acute care hospital beds.

Although I would prefer that the Medicare hospice benefit be made permanent, this bill would at least extend this benefit for 2 more years in order to give the administration some additional time to fulfill the reporting requirements of Public Law 98-617. Perhaps, during the consideration of this bill in committee, some ways could be found to improve the benefit during the 2-year extension.

This bill would allow the care and compassion which is provided by hospices for dying persons and their families to continue. In addition, the savings impact on the Medicare trust fund which results when beneficiaries are able to substitute hospice services for the traditional cycle of care in the last 6 months of life would also continue. I hope that my colleagues will join me in sponsoring this legislation to extend the Medicare hospice benefit until 1988.●

WORLD FOOD DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. GILMAN. Mr. Speaker, today I am introducing a House joint resolution which would designate October 16, 1985, as "World Food Day." World Food Day has been supported by Congress for the past 4 years and has proven to be an effective tool for increasing the public's awareness of the global problems of hunger and malnutrition.

Mr. Speaker, at this point, I am inserting the full text of the House joint resolution designating October 16, 1985, as "World Food Day."

H.J. RES. 172

Joint resolution to designate October 16, 1985, as "World Food Day"

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world and famine is again afflicting so many of the countries of Africa;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment, including blindness, because of vitamin and protein deficiencies;

Whereas Congress is particularly concerned by the rise of hunger, recurring natural catastrophes, and inadequate food production and distribution now affecting a large number of African countries and the need for an appropriate United States response to emergency and long-term food needs of that continent;

Whereas there is growing recognition that improved agricultural policies, including farmer incentives, are necessary in many developing countries to increase food production and national economic growth;

Whereas there is a need to increase the involvement of the private voluntary and business sectors, working with governments and the international community, in the search for solutions to food and hunger problems;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas the United States has always supported the principle that the health of a nation depends on a strong agriculture based on private enterprise and the primacy of the independent family farm;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in efforts to assist countries and people to improve their ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and therefore to the security of the United States;

Whereas Congress is acutely aware of the paradox of immense farm surpluses and rising farm foreclosures in the United States despite the desperate need for food by hundreds of millions of people around the world;

Whereas a key recommendation contained in the 1980 report of the Presidential Commission on World Hunger is that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the member nations of the Food and Agriculture Organization of the United Nations designated October 16 of each year as World Food Day because of the need to alert the public to the increasingly dangerous world food situation;

Whereas the Food and Agriculture Organization was conceived at a conference in Hot Springs, Virginia, with a goal of freedom from hunger and 1985 marks the 40th anniversary of the organization's existence;

Whereas past observances of World Food Day have been supported by proclamations of the 50 States, the District of Columbia, the commonwealth of Puerto Rico, and the territories and possessions of the United States, by resolutions of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than 330 private and voluntary organizations and many thousands of communtiy leaders are participating in the planning of World Food Day observances for 1985: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1985, is hereby designated as "World Food Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.●

STOP PAYING DEFENSE CONTRACTORS' PUBLIC RELATIONS COSTS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. STARK. Mr. Speaker, press reports in the last 2 days have highlighted the outlandish billing practices of two major defense contractors: Boeing and General Dynamics. Secretary of Defense Weinberger has announced that strong action will be taken against General Dynamics, and that the Boeing case will be reviewed. This is proper.

But the Boeing and General Dynamics cases which have been made public by the efforts of the gentleman from Michigan Mr. DINGELL and myself do not seem to be exceptions. I fear they are the rule.

Many of our Nation's defense contractors are taking advantage of current Federal procurement regulations and the Tax Code to bill the taxpayers for corporate public relations costs, while dodging the taxman themselves. This is not only unnecessarily expensive, it is damaging to our national security.

The Defense Contract Audit Agency estimates that the Federal Government spends at least $140 million on defense contractors' public relations costs annually. That is a very conservative estimate. GAO's review of just 12 contractors leads to an estimate in the neighborhood of $500 million a year.

I have calculated how many actual weapons we could have purchased instead of plastic desk models and newspaper advertisements. Even using the DCAA's conservative estimate we could have bought 49 M-1 tanks, or 7,000 antitank missiles for the Army, 140 Harpoon antiship missiles for the

Navy, or 7 F-16 fighters—plus fuel—for the Air Force. And don't forget, these figures are based on prices which probably include public relations charges.

Should our tax dollars be buying a plastic and paper military, or one made of steel and titanium?

Today I am introducing a bill, with the support of 44 of my colleagues, which addresses the tax aspect of this problem by eliminating the tax deduction defense contractors currently receive for public relations expenditures. The purpose of current tax law is to provide a deduction for "ordinary and necessary" expenses of doing business. In the arms market, given the dominant role of the Federal Government as the world's largest customer, expediter, and financier of arms sales, there is little advertising and promotion that is ordinary or necessary.

This may seem like a small and arcane tax matter, but it is not. Current procurement and tax regulations create incentives for defense contractors to spend lavishly on advertising and promotional gimmicks because they not only often avoid paying the costs of these activities, but actually profit from them by reducing their tax payments. Several examples of the kind of expenses contractors have billed to the taxpayer illustrate the waste our current situation encourages.

The examples provided below have been submitted by the contractor for payment as overhead contract costs, then questioned by the Defense Contract Audit Agency. On all but two of the examples, the final overhead cost claim has not yet been negotiated; therefore the amounts which will be actually paid are unknown at this time.

DCAA survey of public relations costs supplemental information

Contractor No. and contractor name:	*Questioned*
1. Martin Marietta—Corporate office	$91,829
2. Tenneco, Newport News Shipbuilding & Dry Dock Co.	830,862
3. General Dynamics, Fort Worth Division	2,153,143
4. Litton-Ingalls Shipbuilding Division	184,583
5. Martin Marietta Aerospace, Orlando	.....
6. General Dynamics, Electric Boat	45,000
7. UTC—Corporate office	1,519,185
8. FMC—Corporate office	.....
9. General Dynamics—Corporate office	1,575,590
10. McDonnell Douglas—Corporate office	1,191,708
11. McDonnell Aircraft Co	33,668
12. Rockwell International—Corporate office	643,209
13. Westinghouse Electric—Corporate office	57,000
14. Westinghouse Electric—Aerospace & Electronics Systems Division	.....
15. Boeing—Corporate office	164,366
16. Boeing Aerospace Co	186,363
17. FMC, Ordnance Division Operations	.....
18. Lockheed Missiles & Space Co., Inc	40,486
19. Martin Marietta—Denver Aerospace	259,961
20. General Dynamics, Convair Division	577,531
21. General Dynamics, Pomona Division	206,032
22. Hughes Aircraft Co.—Corporate office, El Segundo	1,272,100
23. Hughes Aircraft Co., Fullerton	0
24. Litton Systems, Inc.—Corporate office	0
25. Lockheed—Corporate office	806,050
26. Lockheed—California Co	0
27. Rockwell International, North American Aircraft Operations	849,567
28. Rockwell International, Space Transportation & System Group	3,035,782

In addition to eliminating the tax deduction for public relations expenses related to arms sales, I hope that my bill will alert the taxpayers and the Congress to the broader problem of what should and should not be allowable contract costs. Let's stop paying the flashy promotional costs of defense contractors, and buy more security for our tax dollars.●

OPPOSE PORT USER FEES

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. BORSKI. Mr. Speaker, since President Reagan unveiled his controversial budget proposal earlier this month, we have heard a lot about how it would negatively affect many American citizens. Reaction from the targeted groups—among them middle-class working families, senior citizens, Federal employees, farmers, and veterans—has been fast and furious.

But there is another concern that also deserves our attention, and that is what the President's budget would do to the Port of Philadelphia. Our port is one of the most important economic assets we have. Over 90,000 jobs are linked to the port, and every year $1 billion in business and $50 million in tax revenues are generated by port commerce. In 1983, Philadelphia edged out Baltimore as the No. 2 regional port on the North Atlantic Coast, and we're well on the way to becoming an international business center.

But we could lose this vital economic cornerstone if the Reagan administration's "user fee" proposal wins approval by Congress. The proposal requires ports and their customers to reimburse the Federal Government for the cost of dredging—an expense traditionally borne by the Federal Government. If enacted, user fees would deal a serious blow to our local economy through lost revenue and jobs.

While user fees would be charged to all U.S. ports, such fees would disproportionately penalize Philadelphia, in relation to other east coast ports, because of the unique characteristics of our waterway. The Delaware River navigation system is made up of 120 miles of channels with unusually large deposits of mud and silt which require difficult and expensive dredging. Our competitors have much shorter channels, and lower operation and maintenance costs. Therefore, Philadelphia would be forced to charge higher user fees, making our port prohibitively expensive. Instead of paying the higher fee, many shippers would choose to move their cargo through the ports of New York, Baltimore, or Norfolk.

It was precisely to avoid this kind of unfairness that our Founding Fathers established Federal responsibility for channel dredging. They understood that transportation was a key to economic growth and national defense. As a result of that Federal involvement, we have the best water transportation system in the world. The Federal commitment to keeping our ports open and functioning has worked well for the past 200 years. That commitment is still valid today.

I strongly disagree with the administation's argument that the cost of channel maintenance is an unjustified drain on the Federal Treasury. On the contrary, the Federal Government benefits from the services it provides to our Nation's ports. In 1983, for example, the Federal Government spent $400 million for channel maintenance, while it took in more than $9 billion in customs receipts.

The administration's plan to abandon Federal responsibility for port dredging would be devastating to cities like Philadelphia. Congress must oppose user fees—not only to protect the economic health of major port cities but, in the long run, to serve our national interests.●

A TRIBUTE TO JACK OSSOFSKY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. PEPPER. Mr. Speaker, I want to call the attention of my colleagues to the 20th anniversary of Jack Ossofsky's service with the National Council on the Aging, the Nation's foremost group dedicated to improving the quality of life for older Americans. Mr. Ossofsky's leadership on behalf of the elderly, particularly during the last 13 years as executive director of NCOA, has served as a catalytic force in our Nation's efforts to assist our

aged citizens to live lives with dignity and security.

Jack Ossofsky is well-known throughout America for his strong advocacy of public initiatives to benefit the elderly. He has worked tirelessly to strengthen the Social Security system and the comprehensive protections it provides to older and disabled workers and their dependents. He played a key role in the enactment of Medicare and subsequent efforts to help ensure that senior citizens receive assistance with the crushing burden of health care bills. And perhaps more than any other single individual in the private sector, Jack Ossofsky has been a leader in our continuing struggle to eradicate age discrimination in employment.

During his tenure as NCOA executive director, Jack Ossofsky has built the National Council on the Aging into a highly visible and effective organization which is working to meet the needs of senior citizens across the spectrum. Always deeply committed to employment as a means of increasing both income and self-esteem for the aged, NCOA now administers 64 projects providing 6,288 jobs to the elderly under the Senior Community Services Employment Program.

Jack's creativity is well illustrated by a new program which NCOA has recently launched which is providing an opportunity for elderly persons to assist families with disabled children. Under NCOA's new Family Friends Program, older volunteers are making regular visits to the homes of these families to help provide care and nurturing for such children. This program has the double benefit of assisting the families involved and also providing a meaningful opportunity for the older volunteers to use their skills and experience in a productive capacity. NCOA, under Mr. Ossofsky's leadership, has also developed the first standards for the operation of senior centers, as well as adult day care standards, and is currently developing programs to reduce illiteracy among the elderly.

Jack Ossofsky's entire career has been directed toward how we as individuals and collectively as a society can work together to help those in need. Earlier in his career he helped lay the groundwork for development of the Foster Grandparent Program as well as nutrition programs under the Older Americans Act.

Moreover, Jack Ossofsky has played a key role in shaping perceptions regarding elderly citizens in our society. He has worked extensively with the private sector to promote employment opportunities for older workers and to encourage the development of comprehensive retirement planning policies which will benefit employers and employees alike. He has also been a leader in the effort to sensitize the media to avoid stereotypical portrayals of the aged and instead to depict them accurately as a diverse group possessing many strengths as well as problems with which they require the assistance of the rest of society.

Jack currently chairs the Leadership Council of Aging Organizations. He writes frequently about the problems of the aging and he also appears frequently on television and radio to help explain how our Nation can best meet its commitments to help senior citizens lead fulfilling lives.

I want to salute Jack Ossofsky on the 20th anniversary of his service with the National Council on Aging. All of us in America who care about the elderly are deeply grateful for the contributions he has made on their behalf.●

THE MICHAEL STEWART CASE IN NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. RANGEL. Mr. Speaker, I rise to bring to the attention of my colleagues an example of how well our criminal justice system can work when given a chance.

On September 15, 1983, a graffiti writer named Michael Stewart was arrested by Transit Authority police officers in New York. He died 13 days later after having lapsed into a coma during what several witnesses said was a beating by the officers. Six of the officers were indicted for Stewart's death on February 21 of this year.

Whether or not the officers are guilty is a question to be answered in a court of law. We should be pleased, however, that our criminal justice system has, in this case, proven itself to be worthy of our trust and respect.

I would like to submit the following article from the New York Amsterdam News for inclusion in the CONGRESSIONAL RECORD. I hope that tragedies such as this will become a thing of the past, for the sake of all of us.

[From the Amsterdam News, March 2, 1985]

THE STEWART INDICTMENTS: AFFIRMATION OF RULE OF LAW

We New Yorkers have recently witnessed a series of events which have led us to carefully re-examine the foundations of our criminal justice system.

It has been an eye-opening month. Bernhard Goetz shot four youths under highly questionable circumstances and was not indicted by a grand jury. A New York police officer shot and killed Eleanor Bumpurs and an indictment was handed down. Chief Medical Examiner Elliott Gross made questionable autopsy findings and is under investigation. Last week, six Transit Authority officers were indicted in the deaths of graffiti writer Michael Stewart.

What conclusion can we make of these events? Does our criminal justice system work to prevent lawless actions by the police, or is it in disarray? I want to suggest an answer to these questions by reviewing the Michael Stewart case within the context of the Goetz, Bumpurs and Gross investigations. I hope that readers of the Amsterdam News, many of whom are simultaneously concerned with crime and with excesses of the policies in the black community, will find this analysis helpful in thinking about the questions being raised in the media and elsewhere.

The Stewart indictments handed down last week involve as many as 11 Transit officers and 40 witnesses. The grand jury investigating the case heard testimony from 62 persons. Three officers could spend as many as 25 years in jail, and the three other officers could be imprisoned for seven years. They have been charged with violating their sacred trust—using the power of the state to commit the crime of murder.

The Goetz, Bumpurs, and Stewart cases all involve fundamental questions of whether the law enforcement system is able to rise above societal and institutional racism to protect all of the citizens of New York, regardless of race. Robert Morganthau referred to the Stewart case as a "classic cover-up". Mayor Koch, who shamelessly demagogued the Goetz and Bumpurs cases, said that he was "pleased" with the Stewart indictments.

What we can conclude from the Mayor's comments is that our City officials have opted to let the criminal justice system run its course. The Mayor seems to recognize in this instance that there is no excuse for any police officer to allow a prisoner in police custody to be harmed. If he is harmed, a grand jury should be convened, and an indictment handed down to continue proceedings before a court of law.

Is this a vindication of our criminal justice system? I would say, yes—partially.

As I said in the great editorial in last weeks Amsterdam News, the failure to bring Bernhard Goetz before a court of law was inexcusable. The recent Bumpurs indictment and Gross investigations have been timely and necessary. Before they were initiated we were in danger of law enforcers becoming as guilty as law breakers. The Michael Stewart indictments, following upon the indictment of the officer who shot Eleanor Bumpurs, has indeed been encouraging.

Excluding the Goetz example, our system seems to be moving in the right direction. But I would add a strong caveat: We must remain alert to the fact that our system will be only as good as the people it serves. If we throw up our hands and make folk heroes out of vigilantes, we are in trouble and our system of equal protection under the law is useless. We must never become complacent or cynical, because it will lead only to a destruction of the fundamental freedoms that protect us from official lawlessness.

We must avoid the easy response, the tendency to allow our concern about crime, the revulsion against the graffiti artists, to allow us to condone citizen or police violence against alleged perpetrators. If we take the easy way out, allowing our emotions to overcome our intelligence, we will undermine the constitutional guarantees of due process that we, as black people, must depend upon. Muggings, graffiti, other actions against society that attack our values must be condemned, but we cannot allow those sworn to uphold the law to sink to the level of the criminal. If we do that, we all are lost. The hope we draw from the Bumpurs and Stewart indictments is that the reaction to vigilante justice in the Goetz case

has not become official policy. Lawlessness is lawlessness, whether committed by criminals—or by the police.●

LIFE IN THE HOUSE OF O'NEILL

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. FIELDS. Mr. Speaker, I want to bring to your attention, and the attention of my colleagues, an outstanding article which appeared in yesterday's Dallas Morning News. The article, entitled "Life in the House of O'Neill," discusses the refusal of the House leadership to seat Congressman Richard McIntyre and other actions the leadership has taken to advance partisan interests, not the national interest.

Those of us who have watched while the rights of 500,000 Indianans have been trampled and ignored, and those of us who have tried to find bipartisan solutions to this Nation's problems but have been confounded by the intense partisanship in this body, identify with the article.

The basic question raised in the Dallas Morning News article is this: Why does the House leadership refuse to do what is fair, what is good, what is right in regard to Mr. McIntyre?

Mr. Speaker, I hope you have a good answer. Because the American people, in increasing numbers, are demanding an answer to that question.

LIFE IN THE HOUSE OF O'NEILL

(By William Murchison)

It is not as though the newly elected congressman from the Sixth District of Texas had nothing better to do with his time. The distraction at hand is a matter of principle—the principle of no-taxation-without-representation, the principle of thou-shalt-not-steal-elections.

This is why Rep. Joe Barton of Ennis busies himself in behalf of a 29-year-old Indiana attorney, Rick McIntyre. So do lots of others busy themselves in McIntyre's cause. Maybe the cause will yet get somewhere.

McIntyre, a Republican, defeated one-term incumbent Democratic Congressman Francis X. McCloskey in the Nov. 6, 1984, elections. It was a narrow victory—34 votes. There was understandably a recount. McIntyre this time came out 418 votes ahead. Indiana's secretary of state certified him the winner.

But what happened when McIntyre went to Washington? The U.S. House of Representatives told him please to wait in the lobby. The House's Democratic majority wanted to do some counting of its own. The job won't be finished before late April. McCloskey, the certified loser, is out. Therefore the 8th District of Indiana, which includes Evansville and part of the university city of Bloomington, has no congressman, no representation, no voice in the nation's affairs. Sorry about that, folks, that's politics—at it's most degrading.

Nothing quite like the McIntyre affair has ever been seen in Washington, perhaps in any democratic venue. Never has a certified winner been denied his seat in Congress, whether pending recount or not.

Among those wroth about it is Congressman Barton, a mover and shaker in the growing movement to seat McIntyre. "It really radicalizes someone like me," says Barton, "who goes to Congress believing it's going to take bipartisan action to solve the deficit problem and this is the first thing they (the Democrats) do."

Interestingly enough, McCloskey hasn't even challenged the election under the Federal Contested Elections Act. No fraud is alleged. Indeed, as McIntyre's supporters point out, if all ballots questioned in the recount were thrown out, McIntyre still would win. Likewise he would win if all ballots contested were disallowed.

McIntyre has filed suit against Mr. Speaker O'Neill and the Democrats who voted not to seat him. Republican congressmen speak out on the matter whenever possible. Republican offices sport posters with an empty chair and the message "Seat McIntyre" superimposed on the text of the Constitution. The Washington Post, seldom mistaken for a Republican rag, says flatly: "Mr. McIntyre ought to be seated."

There plainly are bigger things than the McIntyre case going on in the world—the budget, the farm crisis, tax simplification, Nicaragua. The case matters for two reasons—first, as a question of justice; second, as indicative of the House Democratic Party's ever more petulant, ever more peevish mood.

His corpulence the speaker of the House surveys the changed mood of America. Disbelief wars inside his mind with disgust. The speaker misses the good old days, when to propose a spending program was to pass it. The speaker's ancient eyes soften with nostalgia. Would that the old days might come again.

Meanwhile, darned if the speaker is going to lift a finger to help Ronald Reagan or any other so-and-soing Republican. Far rather had he stick out a foot to trip them all. The rest of the Democratic leadership, if otherwise persuaded, seldom shows it.

Such an attitude goes far to explain why the House will not now seat Rick McIntyre—any more than (so far) it will cooperate with Reagan to reduce the deficit or to protect U.S. interests in Central America or calmly to resolve the farm problem.

The Democratic House leaders are like unto the post-revolutionary French Bourbons: They have forgotten nothing and learned nothing. The same is less true of the rank and file. Younger congressmen like Dick Gephardt of Missouri and Jim Jones of Oklahoma, though they still must cooperate with the leadership, are broader and more flexible in their dealings with Republicans. Ironically, therefore, they pose a larger long-term danger to Republicans than does the obstructionist Tip. Gephardt and Jones sense that the party must move back to the middle; that it must become part of the solution, not just part of the problem.

For now, though, it's Tip who leads. "Leads," did I say? Sticks out his tongue, is more like it. Shakes his fist, drags his heels and wastes the Republic's valuable time playing political games.

Rick McIntyre, if ever he gets in, can't do other than improve the moral tone of the House of Tip.●

REDUCING THE COST OF MEDICAL CARE

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. CHAPPIE. Mr. Speaker, with all the dire news circulating about Medicare financing and spiraling health care costs, I think it is important to note that there are also subtle, but positive changes taking place in this country which are altering our traditional beliefs about medical care.

I don't mean to infer, especially in light of the general aging of America's population, that we no longer be concerned about the future course of health care, but we should acknowledge the progressive forces currently at work in our health system to encourage competition and reduce costs without sacrificing quality.

At this time, I would like to submit for the RECORD an article written by Bernard R. Tresnowski, which was printed in the Wall Street Journal on Tuesday, February 26. The article is entitled "Health Care Checks Out of the Hospital," and it describes these new developments in the area of health care costs.

HEALTH CARE CHECKS OUT OF THE HOSPITAL

(By Bernard R. Tresnowski)

Reports of declining hospital admissions, occupanices and lengths of stay provide a cheerful counterpoint to years of depressing headlines about apparently uncontrollable increases in health-care costs. The declines are modest, on the order of 4 percent or 5 percent, but these are the early signs of profound changes in the organization, delivery and financing of health-care services, and it is likely that many of the changes are permanent. There will be no return to a time when physicians made the decisions about what services would be provided, hospitals decided how much they would cost, and patients and payers made the best arrangements they could under the circumstances.

Of course, it wasn't ever that simple. There have always been some limits on the physician's freedom to practice and order as he pleased, and limits on hospital freedom to establish rates at whatever levels suited their needs and plans. Government exercised its regulatory authority, and payers exercised such constraints as they were able to devise. It was never anything like the reckless, extravagant system imagined by critics in government and elsewhere, but there can be no question that in the past it has been providers who have had control.

They don't have it anymore. When the prices got too high, finally, government and industry—the chief buyers of health services—revolted. Government said: "This is how much we'll pay. Here is your price list." And industry said' "These are the services we'll buy. What is your bid?" Competition burgeoned, and for the first time since Lister discovered antisepsis and Morton discovered ether, medical care has started to move out of hospitals and go back where the people are, in new configurations such as surgicenters, emergency centers, primary-

care centers and other new arrangements—including many that are organized and financed by hospitals themselves. In response to the same competitive forces, health-maintenance organizations and preferred-provider arrangements that combine the delivery and financing functions are springing up and growing more rapidly than traditional health insurance, and group practice is making inroads on the private practice that prevailed in the past. As the editor of a medical-society journal summed it all up, "We'll look back on 1984 as the year the music stopped."

From another perspective, it is possible to consider that the music goes on, but the tune has changed. Along with the professions and institutions whose activities and attitudes are being redirected by the initiatives of government and industry, another cause of the declines in hospital utilization is an underlying change in the public view of hospitals and doctors.

People increasingly find hospitals formidable. Everybody understands that the magnificent medical technology of our time has made possible the precise diagnosis and heroic surgery that restore function and save lives. But that doesn't make it any easier to abide the parade of strangers at the bedside whose errands, however necessary, remain for the most part unexplained or unintelligible.

While doctors may regret changes in the personal bond with their patients as much as the patients do, the interposition of so many people and so much equipment stretches the bond beyond the point where it has much meaning in today's hospital.

After 40 years of multiplying specializations and technologies and broadening health-insurance coverage that encouraged people to think of the hospital as the place you have to be when anything is the matter with you, a precisely opposite view has taken root and is making itself felt: The hospital is a place to avoid unless you absolutely have to be there. Not conditioned by years of experience with it to accept the hospital as inevitable, young people have been the first to reject the notion that the sensible thing to do is get to the hospital right away when there is any question about health.

Today's elders were shocked a generation ago when a few of their daughters announced that they were going to have their babies delivered at home, with their husbands assisting, if not presiding. They wouldn't have doctors and nurses controlling their lives at a critical time. As it has turned out, the home-delivery movement hasn't put hospital obstetric departments out of business, but it has changed hospital obstetric practice. Now "birthing rooms" simulating home conditions are an accepted option, preferred because they eliminate or suppress the thing about hospitals that young people, especially, and increasing numbers of people of all ages, don't like: The hospital robs them of control over their own lives.

In the hospital, somebody else calls the shots. For those who are very ill, and for the very old who are not necessarily very ill, this may be desirable, but for everybody else it is forbidding, and increasingly so as the specialization and segmentation of care and the multiplication of technologies go on and on, saving humans but submerging humaneness. The birthing room is a metaphor for all the new forms and practices that are emerging from the generalized public discontent with what hospitals have become. A cognate sign is the wellness movement that has people of all ages jogging, running, swimming, weight lifting, dieting and disciplining themselves—all aimed at helping people regain control of their own health and own lives.

It isn't likely that we shall completely reverse the process that has seen the hospital develop from a last resort for the desperately ill and dying in the 19th century, to the doctor's workshop in the first half of this century, to the focus of health care in the community that it became in the past 30 years. The knowledge and technology will keep on developing, and the hospital will remain the focal point for technology and for care of the gravely ill. For the rest of the population, the greater part of the health-care enterprise—most of the diagnostic procedures, the lesser surgery, the subacute care—will be dispersed to where the people are, in neighborhood out-patient centers and doctors' offices and group practices that combine delivery and financing of care. Some of the care will be dispersed back to people's homes, where it came from 100 years ago.

There is speculation about the reasons for these changes—the new restrictions on health insurance, the new reimbursement methods, the alternative delivery systems, the new competition, the new health-care conglomerates. However these forces may be measured, it is clear that the movement of health care out of hospitals and into new places and new forms will continue until what is left inside hospitals are only the services that only hospitals can provide. The underlying reason it will happen is that this is what the people want.●

RETREAT FROM MEDICARE MUST STOP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. FRANK. Mr. Speaker, one of the most disturbing trends in public policy in recent years is the effort to force older Americans to pay more when they are in need of medical care. On the one hand, President Reagan tells us he is dead against new taxes; on the other, he continues to press for what are in effect higher taxes on those older people who make the mistake of becoming ill. The administration's recent proposals to force older people, including the vast majority who are by no means wealthy, to pay more for medical care is another step away from the sort of humane policies that ought to prevail.

An excellent article by Jacob Getson in today's Boston Globe makes this point clearly. Mr. Getson is a very able health policy analyst and administrator, with a great deal of experience and wisdom about these matters.

The essay follows:

[From the Boston Globe, Mar. 6, 1985]

THE RETREAT FROM MEDICARE MUST BE HALTED

(By Jacob Getson)

The President's proposed budget for 1986 contains three important items affecting Medicare. The changes would freeze hospital and doctor fees, impose a $4.80 charge for home-health service after the 20th visit, and raise the Part B premium charge 8½ percent.

While on the surface these changes may not seem significant, they highlight a disturbing trend—an increasing desire on the part of government to shift costs onto Medicare beneficiaries.

Freezing hospital rates and doctor fees are not likely to upset people who are used to hearing about the Medicare trust funds going bankrupt. Nor is a proposed increase in the Medicare Part B premium from $15.50 a month to $16.80 in January 1986 likely to raise many eyebrows. A new daily charge of $4.80 for home-health care might seem understandable—even though it has been covered in full since 1981.

Unnoticed in the public debate are some very significant issues. The federal government is backing farther away from its support of Medicare. This retreat can be measured in real dollars which outstrip inflation.

Originally designed to cover about 70 percent of the cost of health care for older Americans, basic Medicare now pays for less than 44 percent, and the government's share continues to become less and less. This year, senior citizens will pay a greater percentage of their income for out-of-pocket expense for health care than they did when Medicare began in 1966.

Because the public debate over health-care policy has been kept off the front pages, few Bay Staters understand the significance of this trend. It is only when faced with a hospital stay, doctor bill, or an increased premium for their Medicare supplementary insurance that they notice someone changed the rules. By then it is too late.

A closer analysis reveals that both the quality and quantity of Medicare benefits are threatened. Doctors and hospitals will have to absorb some cuts, but other Medicare changes would translate to higher bills for the elderly. In Massachusetts, that means that 750,000 people over 65 will pay more or have less access to health care.

Physicians' fees under Medicare will be frozen for the second straight year. But unfortunately, doctors don't have to treat Medicare patients and many choose not to participate at all in the Medicare program. The President's proposal certainly will not bring more physicians into the Medicaid program, and, as the older population grows, many will find increasing difficulty getting access to a doctor.

The proposed increase in the Part B premium is still another issue. The present monthly charge is designed to cover 25 percent of the cost of Medicare's health services. The new budget would phase in a higher premium until 35 percent was covered in 1990. This major change in federal health policy represents a significant pullback of the government's commitment to the elderly.

Medicare's hospital deductible and co-payment charges are also increasing—as much as three times faster than the Consumer Price index. In fact, they went up 12½ percent for 1985. That first day in the hospital will cost an older person $400 in 1985 as opposed to $180 five years ago.

Most people in Massachusetts won't notice that change right away. That is because more than two-thirds of the state's over-65 population have Medicare supplementary insurance policies that fill the major gaps in government benefits. These "Medigap" policies, of which MEDEX is the state's largest

with more than 450,000 subscribers, fill in most of the important gaps even when they widen as the deductibles did in January.

The federal cutbacks, policy changes, and retreats will be noticed by the elderly, but not until months later when the Medigap insurance rates increase to cover what would otherwise be benefit reductions. When that happens, few people make the connection between what Washington has done and what their supplemental insurance costs.

Social Security has been called a "sacred compact" between the American people and their government. In adding the Medicare amendments, Congress extended that partnership to include health care for older people. It is important that the public understand all the implications of budget changes upon that compact.

We must look far beyond the simple dollar adjustments or seemingly harmless modifications to the text of a budget act. Only by recognizing these trends before it is too late to address them sensibly can we protect both the quality and affordability of health care in Massachusetts.●

BLACK HISTORY MONTH

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mrs. COLLINS. Mr. Speaker, I would like to thank my good friend and colleague Congressman LOUIS STOKES for calling this special order so that Members might properly observe Black History Month. I have always felt that this particular month affords an opportunity for each of us to recognize the contributions and achievements of black Americans.

To that end, my colleagues should be aware that I have introduced a resolution designating the month of February as National Black History Month. The measure, House Joint Resolution 22, has received the cosponsorship of 130 Members; still short of the 218 needed. It is my intention to have the bill amended on the House floor so that a Presidential proclamation can be issued next February.

Mr. Speaker, many do not realize that the observance of Negro History Week was the brain child of Dr. Carter G. Woodson, a noted black historian. He initiated the observance in 1986 after founding an association dedicated to the study of black history. Dr. Woodson believed that there was a need to acclaim and honor the famous and lesser known blacks for their achievements in the arts, sciences, literature, law, medicine, human rights, sports, and politics.

Sadly, many people are either not aware or have chosen to ignore a glorious history replete with heroes and heroines from Crispus Attuck, Harriet Tubman, and Frederick Douglass to today's Dorothy Height and Jessie Jackson. Each has contributed something of note to the long upward climb of black Americans in this country. And, there is scarcely a field of endeavor where blacks have not excelled in the past or are not pioneering in new ways today.

The ministry comes first to mind because of the brilliance and genius of Dr. Martin Luther King, Jr., our own great Gandhi who tried to liberate a nation from bigotry and discrimination as surely as Gandhi liberated India from British control. Dr. King symbolized the great black pastors whose passion for social justice was as fervent as their religious beliefs.

Black Americans have contributed much in the area of arts and letters. Phillis Wheatley was among the first American poets. How many of us know that the author of such great classics, "The Three Musketeers" and the "Count of Monte Cristo" were written by a black author, Alexandre Dumas Pere?

In medicine, black women and men have excelled for generations, beginning in 1800 with Dr. James Durham, the Nation's first black physician. Dr. Charles Drew developed the first blood plasma bank; Dr. Daniel Hale Williams performed the first open heart surgery; and chemist Percy Julian's research in cortisone freed millions from pain and misery.

In the area of law, blacks have again excelled from the days of John S. Rock who in 1865 was the first black to practice before the Supreme Court. No one better symbolizes our great Justice Thurgood Marshall, who led the fight in Federal courtrooms around the country against discrimination and racism.

I could, if time permitted, go on in greater detail about the hundreds of black Americans who have shared their talents, intellect, and selfdetermination for the good of our Nation and all Americans. I do encourage my colleagues and the American public to take the time to learn about the enormous positive influence black Americans have had on our society.●

STRATEGIES TO CUT SPENDING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. HAMILTON. Mr. Speaker, I am inserting my Washington report for Wednesday, March 6, 1985, into the CONGRESSIONAL RECORD:

STRATEGIES TO CUT SPENDING

Most members of Congress would agree that in November of 1984 the voters gave the President and Congress a clear message: the federal budget deficit should be reduced, if at all possible, by spending cuts, not by tax increases. Congress is wrestling with that charge now. It is not enough to advocate cutting a single program, or even several programs. Sufficient progress in reducing the deficit cannot be made using a single-shot approach. A comprehensive strategy of spending cuts must be tried.

The President has forwarded to Congress a comprehensive plan to cut spending, but it has met stiff opposition. Big defense and entitlement programs are actually increased while sharp reductions are proposed in programs that have been cut already. Alternatives to it are being put together on both sides of Capitol Hill, but unfortunately there are no quick answers. The "easy" moves were made in previous years, and most being proposed now would hurt one group or another. An across-the-board freeze in spending has some appeal, though it might hit good programs too hard while not dealing severely enough with inefficient ones. If we do not make the difficult decisions soon, however, interest payments on the national debt will require large spending cuts and tax increases every year simply to prevent the deficit from getting worse. A recent report by the nonpartisan Congressional Budget Office (CBO) suggests strategies for making substantial spending cuts. It deserves careful consideration.

Domestic discretionary spending, 18% of this year's federal budget of $950 billion, has declined in both real terms and as a percentage of the total budget since 1980. One strategy for making further cuts would have people pay more when they use services such as passenger rail or non-profit mail. A second would shift responsibility to state and local governments for federal programs with heavy local emphasis, such as aid to elementary and secondary education. A third would direct programs to those most obviously in need. Limiting veterans' hospital care to the service-connected disabled or poor veterans, for example, could save more than $7 billion over five years. A fourth strategy would restructure credit subsidies by raising low interest rates set long ago in programs such as rural electrification and rural housing.

The federal government will spend 9% of the budget this year on manpower and management—half of which will go to pay civilian employees (mainly in the Defense Department). One strategy to trim spending here would be to refashion programs to reduce the size of the work force, perhaps by closing underused facilities, shifting support jobs to private-sector contractors, or folding more grant-in-aid programs into block grants. Other strategies would call for suspension of federal construction projects, or for cutbacks in federal compensation. Various changes in civil service retirement could save nearly $3 billion over five years.

Entitlements, from social security to farm price supports, provide benefits to anyone meeting the requirements set by law. It is not surprising that entitlements comprise the largest single component of the budget—46 percent this year—and that sharp growth in them is projected. Several broad cost-cutting strategies are possible. First, we could restrict eligibility in many ways, ending, for example, revenue sharing for communities in good fiscal condition. Second, we could lower benefits available to the eligible, reducing dairy price support levels, or limiting social security cost-of-living adjustments to the rate of inflation minus two percentage points. Over five years, this last measure could save $58 billion. Third, we could channel benefit to those who need them the most, lowering deficiency payments for large-scale farm operators or containing increases in social securi-

ty benefits for higher-income retirees. Yet another strategy would trim demand for benefits in certain programs by having beneficiaries pay more costs on their own. Higher deductibles under medicare would be an example.

Spending for national defense—27 percent of the 1985 budget—has grown from 5 percent of the gross national product in 1979 to 6.3 percent in 1984. There are at least five different ways to realize extensive savings in the military. One is to trim increases in the cost of procuring weapons by slowing rates of production, cancelling doubtful and duplicative programs, or substituting simpler weapons for more complex ones. Getting rid of the MX missile alone would save $10 billion over five years. Second, we could trim increases for support and military construction, less important in a shorter, more intense conflict. A one-year freeze in procurement of support equipment, followed by real increases of 3 percent over the next four years, would yield $37 billion in savings. Third, we could trim increases in spending for readiness, which has been improved markedly in recent years. A one-year freeze followed by four years of 3 percent real increase in the budget for operation and maintenance of existing military plant and equipment would save $75 billion. A fourth option would be to limit growth in military pay and benefits, which accounts for approximately one fourth of the defense budget. Reducing the cost-of-living adjustments of working-age military retirees, for example, would save the Defense Department $19 billion in five years. A fifth strategy would be to trim future increases in size of the armed services, though this would produce relatively smaller savings.

Many of these options presented by the CBO will not be adopted by Congress, nor should they be. However, the examples help show the complexity and the difficulty of the task facing Congress. The list includes something to upset just about everyone. Yet that, ironically, is precisely the type of spending reduction package that Congress must put together eventually. Hoosiers with whom I talk are willing to sacrifice, as long as they perceive that the sacrifices are being spread around evenly. If we start to exempt one group or another, showing unjustifiable favoritism, a major spending reduction package will not emerge, and we will face only harsher spending and taxing decisions in the future.●

ADMINISTRATION SUPERFUND BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. FLORIO. Mr. Speaker, last year the House of Representatives voted overwhelmingly to reauthorize the Superfund Program at a funding level of $10.1 billion. The current fund is clearly inadequate to finish cleanup at even 10 percent of the Nation's priority sites and it was our view that the sooner the fund was extended and expanded the more stable and effective the program would become.

Unfortunately, the administration opposed this vital legislation and thwarted our efforts to get it passed last year. The administration said it would not be ready to come forward with a proposal until this year.

That proposal was made public on February 22, 1985. The administration's bill would raise some $4.5 billion in actual tax dollars for Superfund, a funding level which would mean it would take at least 30 years to get the Nation's worst sites cleaned up. The bill would also double the States matching share obligations under the program, at a time when they are having difficulty even meeting their current responsibilities. Finally, the bill would leave the Environmental Protection Agency [EPA] complete discretion to ignore the health standards in other major Federal environmental laws when conducting cleanup.

I would draw my colleagues' attention to the following astute analyses of the administration's position by the New York Times and the Philadelphia Inquirer.

The articles follow:

[From the New York Times]

SCRIMPING ON THE SUPERFUND

The problem of abandoned toxic waste dumps is not going away. New dumps are still being discovered faster than the known sites can be contained. Already some 20,000 dumps have been tallied, and the poisons leaking from them threaten neighborhoods and ground water throughout the country. Yet the Superfund program to clean up toxic wastes is about to expire without having done more than scratch the surface. The Environmental Protection Agency's proposals for renewing the fund are ingenious but inadequate.

Lee Thomas, the agency's new Administrator, is no stranger to Superfund and the strife it engenders. An able manager in South Carolina's safety programs and in the Federal Emergency Management Agency, he was summoned in 1983 to rescue the Superfund from the turbulence that engulfed it under Rita Lavelle. Willlam Ruckelshaus recommended him to be his successor as head of the E.P.A. Mr. Thomas is surely committed to making Superfund work. Yet the terms on which he proposes that Congress renew the fund for five more years offer insufficient promise of success.

Despite the complaints of critics, Mr. Thomas is right in wanting to restrict the scope of Superfund to dumps of hazardous wastes. Other claims being made against the fund, to remove asbestos from schools, clean up mysteriously tainted aquifers or natural foci of radioactivity and diseases, may all be worthy. But they could overwhelm the Superfund. The primary task of cleaning up dumped toxic chemicals is daunting enough.

Less persuasive is Mr. Thomas' idea for financing the new Superfund. The present program is a $1.6 billion fund derived largely from a tax on chemical feedstocks, or raw materials, which are simple to tax and are the source of the toxic wastes. Mr. Thomas proposes that two-thirds of the new Superfund come from a waste-end tax levied on the treatment and disposal of hazardous waste. But no one knows if that much tax can be collected.

Proponents of a waste-end tax say it will encourage manufacturers to generate less hazardous waste. But the exact effects are uncertain: taxing certain forms of disposal, such as landfill, may encourage less desirable forms, such as burning hazardous waste in boilers, or midnight dumping.

The Administration wants to double the states' contribution to 20 percent of cleanup costs, arguing that they can afford it better than can Washington. But securing even the present level of state support has been one of the worst causes of delay. Whatever the accounting merits, doubling the state contribution is likely to cause further delays. It would also hit unfairly at states like New York and New Jersey, which have the largest number of dumps.

Nor has the E.P.A. come to grips with the question of how clean is clean. It wants something less than absolute cleanup standards applied to every site, deciding case by case. Yet without firm standards, many cleanup operations may prove inadequate and have to be redone.

The criteria for Superfund should be whatever cleans up the most dumps the fastest. Restricting the scope of the fund makes sense. Untried financing schemes and uncertain standards amount to a leap in the dark. For the second Superfund, the Administration should not be taking such chances.

[From the Philadelphia Inquirer, Feb. 26, 1985]

TIME TO BEEF UP SUPERFUND

In December, the U.S. Environmental Protection Agency told Congress that the Superfund program would require at least $11.7 billion—and perhaps as much as $22.7 billion—to adequately clean up the nation's most dangerous toxic-waste sites.

Annual funding for Superfund would have to at least double, according to EPA officials, if the cleanups were to continue at their present level. And at that level only a handful of the sites could be dealt with each year.

Despite EPA's projections of need two months ago, the administration's Superfund reauthorization bill, unveiled Friday, calls for spending $5.3 billion over the next five years. That it claims will enable the EPA to clean up more than 900 sites.

Critics question that claim, noting that during Superfund's first five years, a $1.6 billion appropriation enabled complete cleanup of only six dumps. Cleanup operations also were begun, but not completed, at an additional 200. Rep. James J. Florio (D., N.J.), prime sponsor of the 1980 Superfund bill and a key player in the 1985 reauthorization fight, labeled the administration's proposal a "superfraud."

"If the legislation (proposed by the Reagan administration) were to pass, it would take 30 years to clean up the worst Superfund sites," said Mr. Florio. The EPA has listed 2,000 sites as the nation's most hazardous.

Advocates in Congress of an aggressive Superfund program have called for five-year funding of $10.1 billion. That was approved by the House last year. A Senate reauthorization bill last year set spending at $7.6 billion.

Funding levels won't be the only point of contention when Congress takes up the reauthorization bill. While attention will be focused on the bottom line, consideration must be given to other aspects that also will have a major impact on how this nation deals with hazardous wastes.

A strict timetable must be established. The pace of cleanup must increase markedly, for the sites in their present condition pose a serious public health threat. The bill

must contain incentives to develop new technologies to detoxify hazardous substances, rather than simply relocate them in another site that may also pose public health problems. Federal agencies must be required to increase research on toxic substance exposures.

The bill also must be expanded to include federal facilities and underground storage tanks containing petroleum-based materials—now exempt from Superfund coverage. Both have been linked to serious instances of toxic-substance contamination.

Until those additions are in place the Superfund program—no matter how adequately funded—won't be able to do the job it was intended to do.●

H.R. 1082 IMPROVES FBI COUNTERINTELLIGENCE ACCESS TO BANK RECORDS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. STUMP. Mr. Speaker, despite the intention of the Congress in enacting the Right to Financial Privacy Act of 1978 [RFPA] (12 U.S.C. 3401 et seq.), the Federal Bureau of Investigation has encountered difficulties in gaining access to bank records needed in foreign counterintelligence investigations. Section 302 of H.R. 1082, the Omnibus Intelligence and Security Improvements Act which I introduced on February 7, 1985, redresses this situation by amending the RFPA to ensure that the FBI can obtain necessary counterintelligence access to bank records. Section 302 of H.R. 1082 will provide the FBI with the necessary counterintelligence access and will also provide full protection for financial institutions complying with FBI counterintelligence access requests.

I. PURPOSE OF THE RIGHT TO FINANCIAL PRIVACY ACT

Congress enacted the RFPA in response to the decision of the Supreme Court of the United States in *United States* v. *Miller*, 425 U.S. 435 (1976). In Miller, an individual convicted of several Federal liquor revenue offenses challenged his convictions, arguing that the Government had obtained bank records used against him at trial in violation of constitutional rights of privacy stemming from the fourth amendment. The Government had obtained the records by grand jury subpoenas directed to the bank at which the individual had accounts. The individual had no notice of the subpoenas or opportunity to contest them in advance of the bank's compliance with the subpoenas. The Supreme Court held squarely that depositors have no constitutional right of privacy under the fourth amendment to records relating to them possessed by banks.

After Miller, the Congress enacted the RFPA, concluding that, although the Constitution does not create a right to privacy of bank records, a limited right to banking privacy should exist. The RFPA conferred a right to financial privacy based on two key procedural principles: First, "that the customer be given prior notice of the Government's attempt to gain access to his bank records," and second, "that the customer be given an opportunity to contest Government access in court." House Report 95-1383, p. 34.

II. SPECIAL EXCEPTION FOR INTELLIGENCE INVESTIGATIONS

For foreign counterintelligence functions, the RFPA contained a crucial exception to its normal procedural requirements. Section 1114(a) of the RFPA [12 U.S.C. 3414] provided that:

> Nothing in this Act * * * [except cost reimbursement, civil penalties, injunctive relief, and congressional reporting provisions] * * * shall apply to the production and disclosure of financial records pursuant to requests from—(A) a Government authority authorized to conduct foreign counter- or positive-intelligence activities for purposes of conducting such activities. * * *

Section 1114(a) set out a clear procedure for intelligence access to bank records:

> * * * the Government authority shall submit to the financial institution the certificate [of compliance with the RFPA] signed by a supervisory official of a rank designated by the head of the Government authority.

Finally, section 1114(a) made clear that, unlike normal RFPA procedure, in intelligence investigations notice will not be given of Government access to bank records:

> No financial institution, or officer, employee, or agent of such institution, shall disclose to any person that a Government authority * * * [engaged in intelligence activities] * * * has sought or obtained access to a customer's financial records.

Thus, in enacting the RFPA, the Congress recognized the special importance of access to records of financial institutions for foreign counterintelligence investigations. The Congress further recognized that the unusually sensitive nature of such investigations required a simple procedure for intelligence access to bank records under conditions of strict secrecy. The Congress had specifically in mind FBI foreign counterintelligence investigations, as evidenced by the House Banking Committee's statement in discussing the intelligence exception that "this exception is available only to those U.S. Government officials specifically authorized to investigate the intelligence operations of foreign governments." House Report 95-1383, p. 55.

III. FBI COUNTERINTELLIGENCE RESPONSIBILITIES

By section 1.14 of Executive Order 12333, the President has assigned to the FBI primary responsibility for counterintelligence within the United States. Thus, the FBI is responsible for detecting and thwarting espionage and sabotage conducted by foreign powers, including international terrorists. The FBI carries out this responsibility primarily through its Intelligence Division, whose activities consume a substantial portion of the manpower and budget of the FBI.

The counterintelligence role of the FBI is crucial to the security of the Nation. The FBI must identify hostile foreign agents and terrorists, discover their activities and intentions, and render their hostile activities ineffective, often without even letting the foreign agents or terrorists know that the FBI has done so. The FBI must accomplish this difficult task completely within the American constitutional and legal framework designed to safeguard the fundamental freedoms we cherish.

The FBI has an array of lawful, carefully circumscribed methods at its disposal by which it can investigate hostile foreign agents and terrorists. Of increasing importance is the FBI's ability to trace the funds which finance espionage and terrorism in the United States and to trace those who have access to, and make use of, those funds. To accomplish this properly and in a secure fashion, the FBI must be able to make effective use of the Right to Financial Privacy Act special provisions for access to bank records for foreign counterintelligence activities.

IV. DEFICIENCIES IN THE COUNTERINTELLIGENCE PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY ACT

Despite the counterintelligence access provisions of the RFPA, the FBI has encountered substantial resistance from financial institutions to FBI requests for access to bank records for counterintelligence purposes. The problem is particularly acute in States such as California which have enacted strict State banking privacy statutes. Banks refusing to comply with FBI RFPA counterintelligence access requests have cited two principal reasons for their failure to cooperate: First, they interpret the RFPA to give the FBI the right to request access to records for counterintelligence purposes, but not to require the bank to grant such access to the FBI, and second, they fear that they might be found liable for violating the privacy of their depositors by making depositors' records available to the FBI.

To remedy this problem, legislation is needed to make clear that: First, FBI counterintelligence access requests under the RFPA are mandatory, second, the RFPA preempts State banking privacy statutes which would otherwise restrict FBI counterintelligence access to bank records, and, third, banks complying with FBI counterintelligence requests for access to

bank records are protected from any civil or criminal liability in complying with such requests. Section 302 of H.R. 1082 accomplishes these objectives.

Section 302 of H.R. 1082 provides:

SEC. 302. Section 1114(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended by adding at the end thereof the following new paragraph:

"(5)(A) Financial institutions, and officers, employees, and agents thereof, shall comply with a request pursuant to this subsection by the Federal Bureau of Investigation for financial records when such request has been approved by the Attorney General or his designee for foreign counterintelligence purposes.

"(B) Financial institutions, and officers, employees, and agents thereof, shall be immune from any civil or criminal liability for efforts to comply with a request described in subparagraph (A) of this paragraph."

Section 302 of H.R. 1082 will ensure that the FBI has the ability it needs to gain access to bank records in a timely and secure fashion in counterintelligence investigations. The necessity for such access to assist in protecting the Nation from hostile intelligence agents and terrorists cannot be gainsaid. The Congress should act soon to remedy the counterintelligence access deficiencies in the Right to Financial Privacy Act.●

CONDEMNING THE DEATH OF VALERY MARCHENKO, UKRAINIAN ACTIVIST

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. MORRISON of Connecticut. Mr. Speaker, I join with my colleagues from Connecticut, Congresswomen BARBARA KENNELLY and NANCY JOHNSON, and Congressmen SAM GEJDENSON, STEWART MCKINNEY, and JOHN ROWLAND, in condemning the death of Ukrainian human rights activist, Valery Marchenko. Mr. Marchenko, who died on October 9, 1984, is the third prominent Ukrainian human rights activist to perish in the infamous Soviet Gulag. He graduated with distinction from the philology faculty at Kiev University in 1969, and served as editor of the Ukrainian literary magazine, "Literatyuranay Ukraina."

Valery Marchenko was imprisoned several times on charges of anti-Soviet agitation and propaganda for writing articles critical of conditions in Soviet labor camps and of violations of human rights. It was during his second imprisonment, at the Perm Labor Camp for political prisoners, that he developed a serious kidney ailment and high blood pressure, the result of harsh conditions in the camp. Upon his release, he applied three times for permission to travel to the West for medical treatment but was denied permission each time.

In 1983, Valery Marchenko was rearrested for what was to be his last time, and given the maximum sentence possible under the Ukrainian criminal code. He was gravely ill at the time. But, despite appeals from his family and from medical doctors that he be transferred to a civilian hospital for proper medical treatment, Soviet authorities refused to move him. Not until September 1984 was Marchenko transferred to the central prison hospital in Leningrad where he died less than 1 month later.

We are saddened and enraged by the harshness of the Soviets toward human rights activists like Valery Marchenko. He is only one of many who have struggled and fought to gain individual liberty and freedom for his people. But his life, and the life of others like him, will remain an inspiration to us who are concerned about human rights in the Soviet Union.●

ARREST OF MIKLOS DURAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. ADDABBO. Mr. Speaker, it gives me great pleasure to join my House colleagues in protesting the incarceration of Miklos Duray, the unofficial leader of the 700,000 Hungarians living in the Slovak region of Czechoslovakia.

Mr. Duray is an activist for human and cultural rights not only of the Hungarian minority in that beleagured nation but of all the citizens of Czechoslovakia. He was a signer of CARTA 77 and his arrest last spring provoked protests by many Slovakian intellectuals to President Gustav Husak.

Since May 10, 1984, Miklos Duray has been imprisoned. Finally now, charges have been filed against him which are so outrageous that they ought to be rejected out of hand. By speaking out for human rights, Mr. Duray has been charged with sedition, incitement, and two counts of slander against the Republic.

This is not the first time that Czechoslovakian authorities have sought to imprison this Slovakian leader. Similar charges were brought against him once before, and after 1 day of trial the case was thrown out of court and he was freed.

This time, however, his ability to secure some 11,000 signatures on a petition to delete provisions which would have abolished Hungarian language classes in that region contested directly with the determination of the Ministry of Education to bring about that abolition.

It is part of the history of this region that conquerors seek to abolish the language in hopes of diminishing the memory of what was once a free and independent state. When the young cannot speak the language the fierce determination to seek freedom again begins to diminish. Miklos Duray understands this as do the Communist rulers of Czechoslovakia. They are not interested in the public concern and are trying through the arrest of Mr. Duray to intimidate all those who would also speak out for truth and justice.

Mr. Speaker, the illegal imprisonment of Miklos Duray prohibits him from speaking out against what is happening in his homeland today. So we must take his place in making the world aware of what is happening in the Slovak region and we must call upon our President and the Secretary of State to protest strongly against the continuing human rights violations in Czechoslovakia.●

A SALUTE TO THE WOMEN WHO GOVERN SCHLEY COUNTY

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. RAY, Mr. Speaker, Schley County, GA, is a rural county in my district. The people of this area still maintain strong ties to the family farm, and the livelihood of much of the county centers around agriculture. The only incorporated community in Schley County is Ellaville, an energetic town with a population of around 1,762.

In many respects, Ellaville, and Schley County are what many term, "traditional America." The people are hard working and cling staunchly to their values—belief in God, love of America, and respect for the family. There aren't many surprises when you visit this area—it's just pure Americana.

But there is one way in which this county is vastly different from other rural, Southern areas. The top echelon of government leadership in Schley County and Ellaville is comprised entirely of women. The chairman of the Schley County commissioners, the highest county office, is held by Mrs. Imogene McLendon, while Jeanette Peede serves in the voice of mayor for the city of Ellaville. Although Mrs. McLendon has been serving in her post for 8 years, the election of Mrs. Peede to mayor this past November gave the area an unusual distinction.

Both women have been residents of Ellaville and Schley County for most of their lives. Both have also been active throughout their career in the community and held positions with

the State government. Mayor Peede is retired from the Georgia Department of Human Resources after 34 years of service, and Commissioner McLendon was on the board of family and children services for several years.

The credentials for both of these women are impressive, and they are indeed qualified to hold the positions of leadership to which they were elected. Both have told me that they felt it was their experience and their record of involvement that convinced voters to elect them.

Both have also said, Mr. Speaker, that gender was not an issue in their races. They ran as candidates for an office and the voters chose them strictly on their platforms and qualifications.

I have chosen to tell my colleagues about Chairman McLendon and Mayor Peede because we are in the midst of Women's History Week in this Nation. During this week, a tremendous effort is made to remind Americans of the roles that many women have played in our history. I applaud this effort and am proud to be a cosponsor of the legislation which establishes this week.

However, my purpose in these remarks is to encourage women in today's society to become active in the political world around them. There is a place for all citizens to participate in our democratic form of government, and too often women have hesitated to be involved simply because politics is not the traditional career of American women. Mrs. Imogene McLendon and Mrs. Jeanette Peede are living examples that leadership is needed in this country, and gender makes no difference.

Mrs. McLendon said it much more eloquently than I can, Mr. Speaker, when she told me,

> We need to tap the source of leadership, wherever it may be. Women have a lot to offer in this area, since they have a concern for the quality of the community. The important issue now is to encourage these women to come forth and offer themselves for service. If they do, they'll find themselves eagerly welcomed into the government.

I agree with Mrs. McLendon and today I salute her, Mrs. Peede, and the other women who have forged the way into public service. They serve as role models for others who will follow and they deserve our respect and our admiration for their courage.●

IN DEFENSE OF YUBA CITY

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. CHAPPIE. Mr. Speaker, last week the Rand-McNally Co. came out with its list of the best and worst cities in the country to live in. At the very bottom of this list was Yuba City, CA.

Mr. Speaker, this ranking is a sham and I rise today to set the record straight. In order to fit a rigid analytical mold for classification, the Rand-McNally people twisted the true boundaries of Yuba City to include two whole counties. These statistical warlocks recklessly added over 80,000 people who don't even live in Yuba City so it would fit their classification.

The truth is that Yuba City is a small, rural community of a little over 20,000 people. It sits in the middle of farm country where rice, peaches, almonds, and kiwifruit abound. The good people of Yuba City are honest, hardworking folks who have made a conscious choice to avoid the cities in favor of a smaller, community-oriented lifestyle.

The fact of the matter, Mr. Speaker, is this. Yuba City is not a city in the sense that Rand-McNally defines cities. What Rand-McNally chose to do is to take a large geographical area, with no less than five separate communities, and arbitrarily call it a city. It's prepostrous.

Given this crippling disadvantage, nobody in their right mind would expect Yuba City to compete with large metropolitan areas for things like teaching hospitals, universities, major sports teams and quality opera. What in the world would a teaching hospital be doing in a small, rural farm community of 20,000 in northern California. Mr. Speaker, it strikes me the analysis of Yuba City in these terms is not unlike debating the relative merits of the Ford pickup as a luxury car.

Mr. Speaker, Yuba City is a beautiful little community with a warm, sunny climate, very little crime or pollution, two different rivers for camping and boating and plenty of wide-open space.

So let it be known that Yuba City is not the worst city in the country. To everyone but the misguided bureaucrats at Rand-McNally it is not a city at all. It is a safe, clean, and sunny little farm community and it intends to stay that way.●

MICHIGAN WEATHERIZES ITS 100,000TH HOME

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. DINGELL. Mr. Speaker, earlier this year the State of Michigan weatherized its 100,000th low-income home. In 1984 alone, this saved $13.18 million in energy bills. Cumulative savings since the program began in 1978 exceed $35 million in reduced fuel bills. With these savings in hand, the Low-income Energy Assistance Program in Michigan—an essential part of the social safety net for the poor, elderly, and unemployed—has been able to serve more of those in need and at a higher level.

But these energy savings are not the only benefit that has come from the Weatherization Assistance Program. The Weatherization Program provides a healthy and comfortable living environment for low-income residents, educates all of our citizens on energy saving techniques, and provides hundreds of jobs to help reduce the unemployment rolls. It adds a significant economic stimulant to the economy.

Although this 100,000 mark is a time for celebration, it is not time to rest on our laurels. Census data indicate there are over 496,000 potentially eligible households across Michigan. If we weatherize all of these homes, total savings each year in Michigan would exceed $75 million. With continued efforts nationwide we could save billions of dollars in fuel costs, and perhaps we would save some of the over 25,000 people who freeze to death in the United States each year. A lot of work remains to be done.

Unfortunately, the Reagan administration is now proposing to cut the funding for the Weatherization Program. The administration's budget request represents a 20-percent reduction for 1985 levels as part of a proposed 5-year phaseout of the program. This proposal once again puts poor people out in the cold, and quite literally this time.

This Reagan proposal to eliminate a valuable and proven program in the hope of reducing the short-term Federal deficit is ill conceived. In the long term it may end up costing more than it saves. Money saved by not investing in low-income weatherization would soon leak out the door as the poor continue to struggle to keep their families warm.

Fortunately, this year the administration has not renewed its attack on the Low-income Energy Assistance Program, which helps low-income households pay their high energy bills. Bipartisan efforts in Congress have rejected significant cuts in its funding in the four prior Reagan budgets. I hope this shows the administration has learned how valuable a part of the social safety net this program is. Unfortunately, the proposal to phase out the Weatherization Program shows the administration has not learned that energy assistance funds should be spent wisely by helping make those homes we heat energy efficient. It makes no sense to give water to the thirsty by pouring the water into a leaky glass, but this is in essence what the administration's energy conservation proposals would do.

The administration's proposal may be penny-wise but it's pound-foolish. The Weatherization Program is an investment in the future of our country as it improves the low-income housing stock while helping to improve energy conservation and thus reducing our dependence on foreign energy sources. The success of this program in Michigan shows how large the savings are that can be achieved. Now is the time to continue this investment.●

PERSONAL EXPLANATION

HON. JOHN E. GROTBERG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. GROTBERG. Mr. Speaker, due to a previous commitment, I was not present and voting when the House approved the Journal of Tuesday, March 5. Had I been present, I would have voted "nay" on the motion.●

TIME TO STOP PLAYING GAMES WITH AFRICAN AID

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. MAZZOLI. Mr. Speaker, I think it's time we stopped playing games with the lives of the starving peoples of Africa.

The tragic situation in Ethiopia and other famine-stricken nations in Africa—now brought graphically into our own living rooms by the media—requires immediate attention from the Congress. No clear thinking person can possibly not be moved by the plight of these unfortunate people. The Congress must act at once to assure that more aid is in the pipeline.

Unfortunately, it appears that history is repeating itself. Once again a vital humanitarian assistance program is being held hostage in an effort to push through Congress a piece of controversial legislation.

Last year the controversial bill was military aid to Central America. This year it is the emergency farm credit bill.

Last year, Mr. Speaker, the logjam over aid to Central America took months to resolve. Meantime, thousands of people starved to death in Africa. Congress fiddled around with parliamentary and political maneuvering while people died.

Even though the President has hinted that he might veto the African aid bill—on its own—because of the price tag, I do not feel he will.

But, tacking on to it the farm credit bill has sealed its doom for sure and with it the fate of thousands of starving Africans.

So, Mr. Speaker, I voted against the rule we had before us yesterday in the hopes that we could go to conference with the other body on the farm credit bill and send a straightforward African hunger relief bill to the President's desk.

But, it was not to be. I hope when the issue comes before us again in the coming weeks that we act expeditiously on the African relief measure and get the desperately needed aid in the pipeline as soon as possible.●

THE YMCA OF SYRACUSE AND ONONDAGA COUNTY OBSERVES A CENTURY OF OUTSTANDING SERVICE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. WORTLEY. Mr. Speaker, it is with singular pleasure that I bring to the attention of our colleagues in the Congress the forthcoming 100th anniversary of the Young Women's Christian Association of the city of Syracuse and Onondaga County, NY.

The observance of the century of the YMCA's service to the women and other residents of the community which I am privileged to represent will officially commence on the evening of Wednesday, March 13, in the Landmark Theatre in Syracuse.

How our YMCA has grown and expanded its programs in 10 decades is a remarkable and commendable story.

Our local association had its beginning in 1885 when Mrs. William Allen Butler began providing classes and opened a boarding house for working women at 518 South Salina Street in Syracuse.

Since our YMCA came into existence, through the years since, and to this day, its dedicated staffs have served the needs of women and girls with a high degree of excellence. The YMCA has provided shelter, education, and training, assistance in finding jobs, recreation, cultural opportunities, companionship, and safe travel. And YMCA personnel have helped to develop ledership skills that have benefitted women throughout their adult lives.

As times have changed, our YMCA has changed with the times, providing new and more programs. Boarding homes, camps, food services, a USO center, traveler's aid, job readiness clinics, business women's clubs, health clinics, 24-hour child care, night shift programs, language, and business courses, and assertiveness training are among the activities offered the women and girls of our community.

Mr. Speaker, I am honored to cite the achievements and the continuing service of our outstanding YMCA of Syracuse and Onondaga County on the occasion of its 100th anniversary.●

LEDERLE LABORATORIES: AN EXAMPLE OF CORPORATE INVOLVEMENT IN HUMANITARIAN ASSISTANCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. GILMAN. Mr. Speaker, on February 7, 1985, my distinguished colleagues, Mr. FASCELL and Mr. BROOMFIELD, joined me in introducing a resolution encouraging private sector involvement in the worldwide effort to alleviate hunger. Today, I am pleased to bring to the attention of the House, one example of private sector involvement which aids the 2.5 million Ethiopians in immediate life threatening jeopardy from one of the worst droughts in that country's history.

I would like to commend Lederle laboratories, a pharmaceutical concern, located in my congressional district in Pearl River, NY, for its contribution to the health needs of so many starving people in Ethiopia. Lederle, a division of American Cynamid Co., has recently sent a total of $835,000 in vitamins and antibiotics to aid the suffering citizens of the drought and famine ridden nation of Ethiopia. This amounts to almost one-third of the total $3 million contributed by the entire U.S. pharmaceutical industry.

Founded in New York City in 1906 by Dr. Ernst Lederle, Lederle Laboratories has responded to international health needs for the past 79 years. In 1981, Lederle contributed products to the victims of an earthquake in Italy, as well as to a medical emergency in a children's hospital in Poland. More recently, Lederle contributed antibiotics for the relief of victims of the tragedy in Bhopal, India.

It is with pride that I recognize the humanitarian concerns of many of my constituents, who, through their employer, are participating in the campaign to assist Africa in its hour of need. Through these generous contributions, Lederle has helped to save thousands of lives. But it is estimated that some 14 million Africans still remain at risk from the current drought, needing urgent assistance in terms of food, medical care, and shelter if they are to survive.

Lederle Laboratories is a notable example of private sector humanitarian assistance in the best tradition of America and the values for which America and the West stand. I pray that others will join this international effort to end world hunger and health tragedies in our lifetime.●

CENTENNIAL ANNIVERSARY OF SAILORS' UNION OF THE PACIFIC

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. MILLER of California. Mr. Speaker, 100 years ago tonight—March 6, 1885—a group of labor activists and oppressed sailors met on the Folsom Street Wharf in San Francisco and founded the Coast Seamen's Union. That organization formed the nucleus for the revival of the trades union movement in California, and grew into the Sailors' Union of the Pacific, which I know the House of Representatives will join me in saluting on its centennial anniversary.

The conditions under which sailors lived a century ago cried out for organization. Boardinghouse keepers and ship owners ruled the wharves with iron hands. Shanghaing—drugging a sailor and putting him aboard an outbound ship—was commonplace. On board, physical punishment, brutal working conditions and cruelty—including denial of food—were used to enforce discipline.

Efforts to organize met with fierce resistance and poor results in the 1850's and 1860's. The first association, the Seamen's Friendly Union and Protective Society, was founded in 1866, but fell victim to a chronic problem which plagued subsequent organizational efforts: the absence of shoreside leadership to administer its affairs while its members were out at sea.

Not until 1880 did a truly promising organization surface—the Seaman's Protective Association. Labor activists, including Frank Roney, A. J. Starkweather, Thomas Hagerty and S. R. Wilson realized the need for stable leadership, and recommended the creation of a shore-based secretary to administer the union's finances and to recruit new members. While this proposal was not accepted by sailors, the activists actually did administer the union for most of its brief history. By 1882, however, the combination of a poor local economy, the strength of the boardinghouse keepers' alliance, and the transience of the union's membership, the association collapsed.

The sailors were still without a union in early March 1885, when rumors of a proposed wage reduction swept the waterfront. Spontaneous demonstrations broke out on March 5. Sigmund Danielewicz, who had gained prominence during earlier organizational activities, was passing by the wharves when he was asked to address the crowd of angry sailors and other maritime employees.

Danielewicz lectured the sailors on the need for a union. Heartened by their enthusiastic response, he called upon them to gather the following evening at the Folsom Street Wharf for an organizational rally. The following night—100 year ago today—a tumultuous crowd of several hundred sailors heard speeches from Danielewicz, J.J. Martin, P. Ross Martin, and the erratic, though spellbinding, Burnette G. Haskell.

The speakers called for organization and higher wages. Before daybreak, over 200 sailors had signed up as members of the new Coast Seaman's Union. Within 10 days, that number more than doubled. Eventually, nearly 90 percent of San Francisco's sailors held union cards, and the CSU had branches in Port Townsend, Eureka, San Pedro, San Diego, and other cities along the coast.

The new union moved quickly to avert some of the problems which had overcome earlier organizational attempts. Only coastwise sailors were admitted, since they, unlike ocean-going sailors, were not absent for long from San Francisco and the other western ports. Nonsailors, including owners, captains, boardinghouse keepers, saloon keepers and any professional politician were specifically barred from membership. In an unusual departure from common practice of that time, the union was open to black sailors.

News reports from the spring of 1885 describe demonstrations, marches and enthusiastic meetings which illustrated the new union's confidence. More important, the union virtually shut down San Francisco's port, forcing a recission of the proposed wage cut. The union also won its own boarding house and shipping office.

The events that took place on the Folsom Street Wharf 100 years ago tonight helped lay the groundwork for the modern labor movement of San Francisco and much of the Pacific Coast. Organization of the Coast Seaman's Union—the precursor of the Sailors' Union of the Pacific—was soon followed by the revival of the city labor association, the federated trades and labor organizations and later the San Francisco Labor Council.

Recalling those organization efforts, against tremendous odds and brutal repression, can only serve to inspire us all. The sailors who vainly fought against exploitation for so many years before the triumph of 1885 can teach us much about facing, and overcoming, the harshest of adversity. From their struggles, we learn that victory requires patience, organization, courage and struggle, but the victory on behalf of the disenfranchised, the poor, the unorganized and the powerless can and must be won, no matter the odds against success.

On this centennial of the founding of the Sailors' Union of the Pacific, I would like the men and women of this body to take a moment to recall the great achievement that occurred on the Folsom Street Wharf 100 years ago tonight. I know that we will all want to join in congratulating the sailors' union on this historic occasion.●

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. LEWIS of Florida. Mr. Speaker, today I am introducing legislation to honor an individual who has contributed greatly to the enhancement and protection of Florida's natural resources. I am pleased that the entire Florida congressional delegation has joined me in sponsoring this bill to rename the Loxahatchee National Wildlife Refuge in south Florida after Arthur R. Marshall. Mr. Marshall's academic work and personal efforts in the field of environmental protection have had a tremendous effect on south Florida's ecosystem, particularly the Everglades. It is fitting that the Loxahatchee National Wildlife Refuge bear the name of Arthur Marshall as this area is, in fact, a small part of the Florida Everglades and one of the largest freshwater marshes on the North American Continent.

The Loxahatchee National Wildlife Refuge was established in 1951 for the purpose of managing and protecting a portion of the Florida Everglades and its native species of wildlife. It is an area where one will find shallow water flats interspersed with dense strands of sawgrass encompassing 220 square miles in Palm Beach County. The primary objective of the wildlife refuge is to maintain the habitat for a full spectrum of wildlife native to the Florida Everglades so that they might be preserved for the enjoyment of future generations.

Art Marshall is highly regarded as an early champion of theories regarding the effect of growth on south Florida's natual resources, particularly the Everglades. He designed and advocated policies aimed at restoring the Everglades system to permit the sheet flow of water across them as once had occurred naturally. He also supported acquiring the lands now known as the Big Cypress National Preserve, an area purchased by the Federal Government in order to ensure protected sheet flow of water necessary for the survival and livelihood of Everglades National Park.

Art Marshall was a pioneer in environmental conservation and has justly earned the respect and recognition of major environmental organizations in the State of Florida. He has received many awards and commendations

from organizations including the Florida Audubon Society, the Sierra Club, and the Izaak Walton League. Just last fall, the Florida Wildlife Federation voted him the Conservationist of the Decade. He served as adviser to three Florida Governors and worked for 15 years for the U.S. Fish and Wildlife Service in south Florida.

Art Marshall felt the protection of our south Florida ecosystem was worth fighting for. He waged one conservation battle after another and saw many of his ideas and initiatives put into constructive action. His recent death will be a loss to the fighters of conservation battles yet to be waged, and it is highly appropriate that an example of the habitat and natural systems he worked so diligently to preserve bear his name. For this reason, I am pleased to offer this legislation to rename the Loxahatchee National Wildlife Refuge in honor of Arthur R. Marshall.●

H.R. 1239—EMERGENCY FAMINE RELIEF

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. DORNAN of California. Mr. Speaker, I wish to commend my colleagues for their efforts in considering and passing H.R. 1239, which made an urgent supplemental appropriation for emergency famine relief and recovery in Africa. I voted for this measure because humanitarian considerations are extremely important in the foreign policy of this country. At the same time, I am concerned that our concern to be nonpolitical about something so vital as food for the starving may lead us to overlook an important point.

While Ethiopia has made headlines by its terrible famine, its neighbor Somalia, a country with which the United States has a close friendship and a practicing cooperative relationship in security matters, sometimes goes unnoticed. While I am not proposing a formal earmark of resources under this bill for Somalia, I want the record to show that there is substantial need in Somalia.

For the information of my colleagues, I am introducing into the record some facts on Somalia's food needs.

FACTS ON SOMALIA'S FOOD NEEDS

First. Somalia has suffered for over a decade from drought, especially in the western and northwestern part of the country. Thus, livestock herds and cereal reserves declined.

Second. Somalia is housing 700,000 refugees from Ethiopia, mostly ethnic Somalis from the Ogaden, but also Oromos and other ethnic groups from Ethiopia, in camps administered by the U.N. High Commission for Refugees. Already in September 1984, the Somali Government appealed to the UNHCR for additional food as the camps' reserves were critically low.

Third. In addition, Somalia also houses over 1 million refugees, again ethnic Somalis from the Ogaden and other Ethiopian ethnic groups, outside the camps. They live with relatives or other clan members.

Fourth. Somalia, under agreement with the IMF, has undertaken a major liberalization of its agricultural policies, restoring the functions of the individual farmer and is focusing on improved productivity rather than State-controlled farms.

Fifth. According to the New York Times of February 24, 1985, an imbalance of aid to Ethiopia versus Somalia would result in the return of some of the Somali refugees to Ethiopia under Communist rule in order to survive. We should not countenance such imbalance. If we want to feed our enemies, we should make sure that at the same time we are feeding our friends.

Sixth. The Agency for International Development is presently planning only $20 to $25 million in food aid to Somalia out of an appropriation of $480 million in the emergency supply act. It only plans to allocate $2 to $3 million in refugee assistance to Somalia out of $37.5 million total for African refugee aid under this measure.

Seventh. The unmet needs of Somalia, according to the Somali Government, are $40 million to meet food deficiency and $25 million to take care of the shortfall in refugee assistance. Since Somalia is on the back burner in Western European plans for food assistance, a fair allocation of U.S. aid under H.R. 1239 would be nearer $30 million, or about 6 percent of the total aid for Africa, certainly not a disproportional percentage. The refugee assistance needs cannot be covered, but even $5 million would make a difference, which still would be only about 14 percent of emergency refugee assistance to Africa while Somalia has to deal with the second largest number of refugees in Africa—1.7 millon refugees.●

A TRIBUTE TO PROGRESSIVE BAPTIST CHURCH

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. DELLUMS. Mr. Speaker, I offer on this day of March 6, 1985 congratulations to the Progressive Baptist Church for its 50 years of outstanding service to the community. For half a century this church has been a guiding light, not only to the residents of Berkeley but to the entire East Bay community.

Under the leadership of the late Rev. Edward Stovall, the church in its early years began not only its spiritual outreach into the community, but its educational, economical, and civic outreach as well. During those early years civic and political leaders alike sought the council of Reverend Stovall. He educated not only his congregation but the entire surrounding community. He and his congregation fought for justice and fair representation, they picketed for equality, and preached togetherness. The doors of Progressive Baptist Church were opened to the downtrodden, the weak, and the homeless.

The present leadership of the Rev. Earl Stuckey has continued in that respect. The services offered by the Progressive Baptist Church include: Youth outreach, senior programs, drug and alcoholism programs, and community programs. They all give testimony to the church's commitment to improving the quality of life for its members and those in need. I commend Rev. Earl Stuckey and the Progressive Baptist Church for their never-ending determination to inform themselves and the community on the burning issues of today, be they local, State, national or international.

It is this type of leadership and activism which is needed today. The guidance and leadership which the Progressive Baptist Church has demonstrated over the years can only make the world a better place to live.

May the Progressive Baptist Church continue to set an example for the world community.●

TRIBUTE TO THE LATE DR. JOHN WILLIAM THURMOND

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. DERRICK. Mr. Speaker, I rise today to pay tribute to one of South Carolina's finest physicians, Dr. John William Thurmond of North Augusta, who died November 9, 1984, at the age of 84.

To his devoted wife, Elisabeth Tarver Thurmond, and children, Mrs. Ellen Senter, Mrs. Elisabeth Printup and Dr. J. William Thurmond III, I express my deepest sympathy.

I also offer my condolences to his sisters, Miss Gertrude Thurmond, Mrs. Mary Tompkins, Mrs. Martha Bishop; and to his brothers, Dr. Allen George Thurmond and U.S. Senator Strom Thurmond, our colleague in Congress.

Dr. Thurmond, first-born of the late John William and Eleanor Gertrude Strom Thurmond, enjoyed a remarka-

ble life. Following the example of his parents, he pursued a life dedicated to helping others—a characteristic which is evident in the lives of his brothers and sisters.

William Thurmond felt that one of the best ways he could serve humanity was through the medical profession, so he pursued that vocation with energy and enthusiasm, always mindful of his obligation to serve his fellow man. Achieving this objective would require discipline and dedication, but William Thurmond was willing to pay the price.

For members of the Thurmond family, discipline and regimen have always been a way of life. William Thurmond developed his perfectionism during his formative years at Bailey Military Academy in Greenwood, S.C. where he graduated in 1919. In 1922, he received his undergraduate degree from the Medical College of Georgia.

Dr. Thurmond served his residency in obstetrics and gynecology at University Hospital in Augusta and did postgraduate work at Margaret Haige Hospital in Jersey City, NJ, and in New York.

For over a half-century, Dr. Thurmond provided excellent medical care to thousands of patients. In fact, it is said that he delivered more babies in Georgia and South Carolina than any other doctor in those States. He was widely admired and respected by his colleagues in the medical field, and was held in high regard for all who knew him. Even the children he delivered were drawn to his affectionate personality because he loved young people as if they were his own.

Indeed, Dr. Thurmond was a gifted and skillful gynecologist; yet, his genuine concern and deep sense of compassion for others, particularly for the less fortunate, was a quality that elevated him to a place of prominence in the community.

Providing medical attention often meant sleepless nights for Dr. Thurmond. However, making sacrifices for his patients was the rule rather than the exception It was simply his nature to consider the needs of others first and foremost.

To illustrate the positive impact Dr. Thurmond made during his lifetime, it is worthwhile to quote a few of the numerous comments which friends and colleagues expressed to Senator THURMOND and his family at his death:

He will be especially missed by the many families who lives he touched during his 50 years of service to his community and state.—Governor Richard W. Riley of South Carolina

Dr. Thurmond was a man of extraordinary capacity who lived a fulfilled life of outstanding service to his fellow man.—Honorable G. Anthony Campbell, General Counsel, Flowers Industry, Thomasville, GA.

I knew him very well and he was a gentleman of the old breed. He, too, rendered great service to his mankind in his long and successful medical career.—Honorable G. G. Dowling, Dowling, Sanders, Dukes, Svalina, Ruth & Williams, P.A., Beaufort, SC.

His was certainly a long and successful life. It was my privilege to have met him and he obviously was an outstanding man with 50 years as a practicing physician. In the true Thurmond tradition, he lived a life of service.—Judge Thomasine G. Mason, Administrative Law Judge, Columbia, SC.

Dr. Thurmond lived a full and happy life and the legacy of memories left by him will provide a continuing source of pride and satisfaction to you and your family.—Honorable John C. West, former South Carolina Governor and Ambassador to Saudi Arabia, Hilton Head Island, SC.

We have a special place in our hearts for William because he took good care of me when all of our girls were born. With all my problems, had I not been in the care of good doctors, I don't believe we would ever have had our family.—Mrs. David H. Kennedy, Williston, SC.

His contribution to his profession and fellowman will serve as an inspiration to the medical profession. In his spirit of service to others, the Scholarship Fund at the Medical University of South Carolina will endow the medical profession with the values of this great physician who dedicated himself to his practice for some 50 years. It is most appropriate that his career serve as an example to aspiring young doctors.—Judge Clyde H. Hamilton, U.S. District Court, Columbia, SC.

All who knew your brother had the benefit of his many years of dedicated service to his community and State. In my judgment, this is the greatest legacy that one can leave.—Major General James A. Grimsley Jr., President of The Citadel, Charleston, SC.

In addition to his illustrious medical career, Dr. Thurmond was a pioneer in many banking endeavors. He was director emeritus of the Georgia Railroad Bank, director and founder of Palmetto Federal Savings and Loan at Aiken and director and founder of North Augusta Banking Co., now Bankers Trust of South Carolina.

Dr. Thurmond was a member of numerous professional and civic organizations: The American Medical Association, the 50-Year Club of American Medicine, the Medical Association of Georgia, the South Atlantic Association of OB-GYN, the Pan-American Medical Association, and the Richmond County (Ga.) Medical Society. Dr. Thurmond was a fellow on the American Board of OB-GYN.

Dr. Thurmond also believed in quality education, and worked diligently to help students in their quest for academic excellence. He served on the Board of Trustees of Paul Knox Junior High School in North Augusta. His brother, Senator THURMOND, established the J. William Thurmond Scholarship Fund at the Medical University of South Carolina in Charleston.

A member and deacon of Fairview Presbyterian Church, Dr. Thurmond was the embodiment of those Christian virtues which Christ requires of His followers—to truly love others as thyself. Without question, his commitment to God was the foundation upon which he based his tremendous service to mankind.

Mr. Speaker, it is an understatement to say that Dr. Thurmond will be missed by a large circle of friends. His death created a void which cannot be filled. However, the memory of his many contributions and achievements will comfort and inspire those he left behind.

People will remember Dr. Thurmond as a humanitarian who helped bring life into the world and made all of us appreciate life as a precious gift from God. No one understood the words of the English proverb as well as Dr. John William Thurmond—"Our birth made us mortal, our death will make us immortal." Such was his deep and abiding faith—that just as Dr. Thurmond helped bring life into the world for a time, so, too, has the God he served now brought him into a better world forever. He truly deserves such a reward.●

HEATING FUELS COMMITTEE RESOLUTION ON OIL IMPORT FEES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. CONTE. Mr. Speaker, on January 3, 1985, I introduced House Resolution 12, expressing the sense of the House in opposition to the imposition of an import fee on refined products and crude oil. I am pleased to be able to report to my colleagues a very important development concerning this resolution.

On February 8, 1985, the Board of Directors of the Petroleum Marketers Association of America [PMAA] unanimously passed a resolution which urged Members of Congress to cosponsor this important resolution.

I am very pleased that a national trade association such as PMAA supports my resolution for two reasons. First, PMAA's resolution explains many of the problems which would occur through the imposition of an oil import fee. Second, PMAA's support shows that this is truly a national, not a regional, issue that has a monetary impact on each and every one of our constituents.

I will include PMAA's resolution in the RECORD for my colleagues to review and study. I urge all of you to cosponsor House Resolution 12.

Whereas consumers are benefiting from declining petroleum product and crude prices due to competition and free markets, and

Whereas imported petroleum products and crude oil are a positive influence on domestic oil markets because imported petro-

leum products and crude oil offer marketers and consumers an additional competitive supply source, and

Whereas there has already been significant discussion of the possible imposition of an import fee on crude oil or refined petroleum products by Members of Congress, media, some major oil companies and independent refiners, and

Whereas consumers of all petroleum products would be penalized by an artificially inflated cost associated with an import fee on petroleum products and crude oil, and

Whereas an import fee on petroleum products or crude oil would also penalize marketers making petroleum products less competitive with competing fuels; Now, therefore be it

Resolved, That PMAA support House Resolution 12, introduced by Representative Silvio Conte, on January 3, 1985, which expresses the House of Representatives opposition to the imposition of an import fee on refined products and crude oil; and

Be it further *Resolved*, That PMAA urge members of Congress to co-sponsor this important resolution.●

JOHNNY BARROW—DEDICATED PUBLIC SERVANT

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. RAY. Mr. Speaker, In January, one of my district's most dedicated public servants, John C. Barrow, retired after 31 years of service. He spent those years caring for the people of West Point, GA—first as an alderman and then as their mayor for 22 years.

Mayor Barrow has been a well-know figure on the Georgia political scene for many years, and we will all miss him. He was active with the Georgia Municipal Association for many years, served as their president in 1974, and served on their board of directors until his retirement. GMA is one of the most far-reaching political organizations in the State of Georgia and it is a tribute to Johnny Barrow's lifetime of service that this organization held a reception to honor him on mayor's day in Atlanta.

Mayor Barrow's years of experience have made him a savvy and determined city leader. Under his guidance, the city of West Point has grown and several important projects have come to completion, including a four-lane highway, a new city hall, and the John C. Barrow Bridge.

Mayor Barrow practiced city government like it should be practiced, Mr. Speaker. He knew the people of his city and he cared about their problems. When he decided that West Point needed something, he went after it and stuck with it until he got it.

Public servants of Johnny Barrow's caliber are rare, and we should be thankful for them. Not many people are willing to devote their entire working life to the people of a city, State, or Nation, and when that someone has the talents and abilities of Mayor Barrow, it is a significant gift.

It is for that reason that I wanted to tell this Congress about Mayor Barrow. He has given so much to the people of West Point and Georgia, and although we may show our gratitude, we can never repay him for his dedication.●

WOMEN'S HISTORY WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. GREEN. Mr. Speaker, I rise to acknowledge this very important commemorative week, Women's History Week. I was pleased to cosponsor House Joint Resolution 50 designating March 3–9, 1985, as a time to reflect on the role women have played in our society throughout history. More importantly, this week is designed to encourage women of all backgrounds to work with schools, libraries and other organizations to provide historical information about women to their communities.

For those of us in Congress who have been strong advocates of policies aimed at achieving equality for women, much of the history of women and issues affecting them is second nature. We have heard testimony based on personal experience and professional opinion on a wide array of issues affecting women. We have the opportunity to hear firsthand of the inequities women have faced in economic issues, civil rights cases, and social policy. We also have an even greater opportunity to address those inequities.

In the 98th Congress, I was pleased to be an original sponsor of the Economic Equity Act. By facing up to economic discrimination against women, we learned that the roles of women throughout history have changed dramatically, particularly in the past 25 years, and realized that our laws must be changed to reflect that. We made progress in passing both civil service and private pension reform legislation, some tax reform, child care information and referral guidance, and improved child support enforcement legislation. However, we still have a significant agenda ahead of us to achieve economic equity for women.

As the 99th Congress begins to address these issues, I am pleased to be a cosponsor of several important pieces of legislation affecting women, including the ERA, the Women's Business Ownership Act and the Civil Rights Restoration Act of 1985. In addition, I have reintroduced the Sex Discrimination in the United States Code Reform Act, which passed the Senate unanimously last session and attracted 86 cosponsors in the House.

However, many people throughout the country are unaware of women's history, and the central position it occupies in the issues we are debating today. Women's History Week provides a unique opportunity to raise public awareness of women's issues, so that we can work together to make the future a history of equality for women.●

THE HANDGUN CRIME CONTROL ACT OF 1985

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. RODINO. Mr. Speaker, today I am introducing, with 39 cosponsors, the Handgun Crime Control Act of 1985, which is essentially the same bill I introduced in the 98th Congress.

As numerous surveys across the country indicate, reducing crime is now the highest priority of the American people. Time and again the handgun has been the favored tool for crime. It is time to take the handgun out of the hands of criminals.

This bill intends to do just that—by banning the cheap, widely available and easily concealed "Saturday night special" handgun, which serves absolutely no one other than the criminal, and by setting up procedures that would prevent criminals from purchasing handguns in the first place.

The handgun crime statistics are grim. In 1980, there were over 11,000 handgun murders here in the United States as compared to 8 in England. Of the nearly 19,000 murders committed in the United States in 1983, 44 percent were by handguns. And of all homicides from firearms that year, three-quarters were committed with handguns.

But statistics cannot tell the whole story. Behind the numbers are thousands of personal tragedies, grieving families, and shattered futures, brought about by the reckless use of handguns by criminals.

Moreover, our national memory is too often haunted by handgun-wielding assassins taking aim at our political leaders. Fortunately, Presidents Reagan and Ford, as well as Governor Wallace, survived attempts on their lives by would-be assassins. Robert Kennedy, Allard Lowenstein, and George Moscone did not.

Sadly, murder by handgun has become, in the words of one London newspaper, "a peculiarly American death."

Yet despite these epic and daily tragedies, we still have not adopted reason-

able controls on the availability of handguns.

The Handgun Crime Control Act of 1985 would ban the manufacture, importation, assembly or sale of "Saturday night specials," which are easily concealed and not suitable for sporting use. The bill also requires a 21-day waiting period before any handgun can be purchased so that the FBI and local police could run a records check that would effectively prevent purchase by a convicted criminal, a mental incompetent, a drug addict, or an illegal alien. This waiting period would be waived where adequate state restrictions are in force.

The bill would improve the crime fighting utility of the firearms tracing program by improving recordkeeping on the distribution of firearms and by requiring the reporting of the loss or theft of a firearm. The bill would also transfer responsibility for enforcement of the firearms laws from the Treasury Department to the Justice Department.

It will not, in any way, limit the options or firearms used by hunters and sportsmen. Rather, it is a crime prevention bill that will keep criminals away from their most deadly weapons.

Last fall, in the omnibus crime bill, we enacted a key provision calling for strict prison sentences for persons who commit crimes while carrying firearms. But we really need to prevent these crimes from happening initially—after-the-fact-prison sentences do little for the victims of crime. Most criminals can now easily obtain handguns, and we must make it harder for them to do so.

Finally, we must legislate effectively on behalf of those whom we depend upon for the front-line enforcement of our laws. Last year, two-thirds of the American police officers who were killed in the line of duty were killed by handguns: 46 out of 69. It is time we do something to help protect our Nation's police officers from the greatest danger they face every day—the cornered criminal with a handgun.

This bill is a reasonable attempt to develop a system of handgun control that has widespread public support but will not infringe upon responsible ownership and use of firearms.●

BUDGET REQUEST THREATENS HEALTH AND SAFETY OF MINERS

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. BOUCHER. Mr. Speaker, last week I had the opportunity to testify before the Interior Subcommittee on Mining and Natural Resources on the Bureau of Mines budget request for fiscal year 1986. Believing that the Bureau's proposed cuts in the area of health and safety research should be rejected, I urge your attention to my remarks on the effect of the Bureau's request on the health and safety of our Nation's miners.

BUREAU OF MINES' FISCAL YEAR 1986 BUDGET REQUEST THREATENS THE HEALTH AND SAFETY OF MINERS

I am greatly concerned about the Administration's proposal for substantial funding reductions for the Health Engineering Technology Program and the Safety Hazard Reduction Program. The FY86 request for these programs is $24.5 million, a decrease of $8.9 million from the FY85 appropriation.

Under these two programs, valuable research has been conducted in such areas as improved respiration devices, strengthened roof support systems, equipment safety analyses, and evaluation of toxic emissions from mining equipment. The Administration has proposed, however, to make large cuts in these programs, including a one-third reduction in funding for its highest priority project, respirable dust.

The number of coal mining fatalities in 1984 was 124, compared to 70 in 1983. This large number of mining fatalities combined with deaths from black lung disease argues loudly for safety and health research. In its own budget proposal the Bureau of Mines states that, "when mining accidents occur, they are more likely to cause fatalities or serious injuries than those in most other industries." It is difficult to understand how the Bureau can make such a statement at the same time that it is requesting cuts in the very area of its budget which can reduce the unacceptably high rate of mining fatalities and serious injuries.

I recognize the need to reduce our dangerously large deficit, but cuts should not be made at the expense of the health and safety of miners. I encourage the Subcommittee's rejection of the $8.9 million cut in Health and Safety Technology and approval of a budget more mindful of the continuing health and safety dangers associated with the mining industry.●

OCS MORATORIUM BILL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1985

● Mr. LEVINE of California. Mr. Speaker, I am pleased to be an original cosponsor of legislation introduced today to impose a moratorium on offshore oil and gas leasing in environmentally and economically sensitive coastal areas.

I strongly support decreasing our dependence on foreign sources of oil. However, the areas designated in this legislation are those in which the negative impacts on local economies and the environment outweigh the benefits of the potential energy to be obtained.

In my district, there is strong bipartisan opposition to drilling in Santa Monica Bay. Residents fear its harmful impact on air quality and wetlands, the possibility of an oil spill, and huge revenue losses due to lowered property values and the depressed tourist and fishing industries. Yet local and State officials have been forced to fight this same battle with the Federal Government year after year.

Mr. Speaker, the Interior Department's 5-year leasing plan would open almost the entire Outer Continental Shelf to oil and gas leasing. Certainly, there are areas within that scope which are environmentally and economically sensitive and deserve to be preserved. The legislation we are introducing today would offer protection until the year 2000, and I urge my colleagues to support our efforts.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 7, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 8

9:30 a.m.

Commerce, Science, and Transportation

To hold an organizational business meeting, to consider committee rules of procedure and other pending committee business.

SR-253

Joint Economic

To hold hearings on the employment/unemployment situation for February.

2359 Rayburn Building

10:00 a.m.

Appropriations

Defense Subcommittee

To continue hearings on a proposed resolution relating to the MX missile.

SD-192

Budget

Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.

SD-608

Environment and Public Works
To resume hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1986, focusing on requests for the Army Corps of Engineers.
SD-406

Judiciary
To hold hearings on S. 44, S. 356, and S. 442, bills allowing for the regional disposal of low-level radioactive waste.
SD-226

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-562

11:00 a.m.
Finance
International Trade Subcommittee
To hold hearings on Senate Concurrent Resolution 15, relating to United States-Japan trade relations.
SD-215

2:00 p.m.
Budget
Business meeting, to continue markup of the first concurrent resolution on the fiscal year 1986 budget.
SD-608

MARCH 11

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

2:00 p.m.
*Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the status of recruiting and retention programs, including educational benefits in the Armed Services.
SR-232A

MARCH 12

9:00 a.m.
Armed Services
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on Air Force tactical program issues.
SR-222

9:30 a.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on the farm credit crisis and certain practices of the Federal Deposit Insurance Corporation.
SD-226

Labor and Human Resources
Handicapped Subcommittee
To continue oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the structure of agriculture.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agricultural Library, Department of Agriculture.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the United Nations, focusing on voluntary contributions to international organizations and programs.
SD-192

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on recently disclosed currency reporting violations by the First National Bank of Boston, and the role of Federal regulators in warning the bank of possible violations.
SD-342

MARCH 13

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Bureau of Standards.
SR-253

Judiciary
Constitution Subcommittee
To hold hearings on certain issues promoting affirmative integration.
SD-226

Labor and Human Resources
Handicapped Subcommittee
To continue oversight hearings on the care and advocacy for mentally disabled persons in certain institutions.
SR-428A

10:00 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on S. 374 and S. 193, bills authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SD-G50

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review a recent report on international narcotics.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international security assistance programs.
S-126, Capitol

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration, and to hold oversight hearings on the Department of Transportation's Office of Commercial Space Transportation.
SR-253

10:00 a.m.
*Agriculture, Nutrition, and Forestry
To hold hearings to examine loan rates, target prices, supply management and production controls in agriculture policy.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Crop Insurance Corporation, and the Rural Electrification Administration, Department of Agriculture.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-192

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and antiterrorism programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on nuclear fission, commercial waste management, and uranium enrichment.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury.
SD-116

MARCH 19

9:00 a.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on the aviation computer reservation system.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on proposed asbestos claims facilities.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of technology and research on agriculture policy.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Food Safety and Inspection Service, Department of Agriculture.
SD-124

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (P.L. 98-241).
SD-G50

Environment and Public Works
To hold hearings on the availability of environmental impairment insurance and its relation to the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (P.L. 96-510), and the Resource Conservation Recovery Act (P.L. 98-616).
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Peace Corps, the Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Elections Commission, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of Special Counsel, and the National Archives and Records Service.
SD-116

MARCH 20

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
334 Cannon Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Commerce, and the International Trade Commission.
S-146, Capitol

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine capital investment, debt, credit, and taxes in agriculture policy.
SR-328A

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs (Department of Commerce), and the Consumer Information Center.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on media efforts to deglamorize drug abuse.
SD-342

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Export-Import Bank of the United States.
S-126, Capitol

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SR-428A

*Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the U.S. Trade Representative, Japan-U.S. Friendship Commission, and the Federal Trade Commission.
S-146, Capitol

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 100, to provide for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, Office of Revenue Sharing and the New York City loan program (Department of the Treasury), Federal Home Loan Bank Board, and the National Institute of Building Sciences.
SD-192

Appropriations
Transportaton and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Washington Metropolitan Area Transit Authority, and the Architectural and Transportation Barriers Compliance Board.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Personnel Management.
SD-116

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the Maritime Administration, and S. 102, authorizing funds for fiscal year 1986 for the maritime construction differential subsidy.
SD-628

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on S. 124, authorizing funds through fiscal year 1989 for programs of the Safe Drinking Water Act.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for energy conservation programs.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

MARCH 22

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for satellite and atmospheric programs of the National Oceanic and Atmospheric Administration.
SR-253

MARCH 25

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on a proposal to reform the current system of Federal funding for graduate medical education.
SD-430

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of the Inspector General, and Office for Civil Rights.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the Stevenson/Wydler Technology Innovation Act (P.L. 96-480).
SR-253
Environment and Public Works
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Governmental Efficiency and the District of Columbia on Government global forecasting capability.
SD-342
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold joint hearings with the Committee on Environment and Public Works on Government global forecasting capability.
SD-342
Labor and Human Resources
To resume oversight hearings to review labor violence activities.
SD-430

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Farmers Home Administration, Department of Agriculture, and the Farm Credit Administration.
SD-124
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Geological Survey, Department of the Interior.
SD-138
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary, Financial Management Service, Bureau of the Public Debt, U.S. Mint, U.S. Savings Bonds Division, all of the Department of the Treasury, and the U.S. Postal Service.
SD-116
*Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 27

9:00 a.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Board for International Broadcasting, Arms Control and Disarmament Agency, and the Federal Communications Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for foreign assistance programs.
S-126, Capitol
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Selective Service System, Consumer Product Safety Commission, Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124
Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

MARCH 28

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans Administration, and the National Science Foundation.
S-126, Capitol
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192
Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navajo and Hopi Indian Relocation Commission, and the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Interstate Commerce Commission.
SD-124

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Executive Office of the President, and the Internal Revenue Service, Department of the Treasury.
SD-116

APRIL 1

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 2

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, Food for Peace Program (P.L. 480), Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, and the U.S. Information Agency.
S-146, Capitol

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Aviation Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of Treasury.
SD-124

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Oceanic and Atmospheric Administration, Department of Commerce, the Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

*Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, focusing on multilateral development banks.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Conrail, U.S. Railway Association, and the Office of the Secretary of Transportation.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings in open session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Indian Affairs, Department of the Interior
SD-138

APRIL 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office of Civil Rights, Office of Inspector General, National Institute of Education, and Bilingual Education, all of the Department of Education.
Room to be announced

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Mines, Department of the Interior.
SD-138

APRIL 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including vocational and adult education, education for the handicapped, rehabilitation services and handicapped research, special institutions (including Howard University), and education statistics.
Room to be announced

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Customs Service, Department of the Treasury.
SD-124

APRIL 18

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Endowment for the Humanities, and the National Endowment for the Arts.
SD-138

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Forest Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, U.S. Postal Service, and General Government programs.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, educational research and training, and libraries.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Bureau of Investigation, Department of Justice, the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency, and the Environmental Protection Agency.
SD-124

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for ACTION (domestic programs), Corporation for Public Broadcasting, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Council on the Handicapped.
SD-116

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Management and Budget, including the Office of Federal Procurement Policy.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Indian Education, and the Institute of Museum Services.
SD-138

APRIL 30

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Mediation Board, OSHA Review Commission, and the Federal Mediation and Conciliation Service.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. District Courts.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the General Services Administration.
SD-138

MAY 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the De-

partments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.

SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs, Department of the Interior.

SD-138

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Indian Health and Human Services.

SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

MAY 9

9;30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management, Department of the Interior.

SD-138

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.

SD-138

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.

SD-138

MAY 23

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.

SD-138

CANCELLATIONS

MARCH 7

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.

SD-226

MARCH 12

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on solar and renewables and energy research.

SD-192

SENATE—*Thursday, March 7, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"* * * The nation which indulges toward another an habitual hatred, * * * is a slave to its animosity * * *. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur * * *."—George Washington's Farewell Address to the people of the United States.

Sovereign God of all nations and peoples, may the wisdom expressed by George Washington in his farewell address be true as the arms control talks begin in Geneva. Grant to those involved in the talks a special dispensation of grace, understanding, and patience. God of infinite, unconditional love, may the spirit of friendship prevail. Soften obduracy so that respect and honor for one another transcend differences to the end of progress toward peace. Protect our Senate observers in their journey, keep them from illness and accident, return them safely home, and be with their families in their absence. In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each. I am going to reserve my time.

That will be followed by special orders for Senators PROXMIRE and BENTSEN. There will be a period for the transaction of routine morning business until 11 a.m. Following the conclusion of routine morning business, it will be the intention of the leadership to turn to any legislative or executive items cleared for action. One matter that we hope may be cleared is the Pacific Salmon Treaty, which is on the Executive Calendar.

I reserve the remainder of my time, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the President pro tempore, the occupant of the chair.

REALLOCATION OF TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time that was to be allotted to Mr. BENTSEN be controlled by me.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 609—FAIR TRADE ACT OF 1985

Mr. BYRD. Mr. President, when I introduced my Fair Trade Act in May 1982, the trade deficit for the previous year had reached $39.7 billion. Last year's trade shortfall was more than three times that level—a record $123 billion.

Is the United States becoming less competitive? Is the trade deficit the result of some fundamental inability of American businesses to compete in the world market? Clearly not. Buried under this huge trade deficit is the fact that American workers and companies managed to increase exports by 9 percent over the previous year. Despite the record value of a dollar propelled by high interest rates, American firms are proving that they can compete in the international market.

But our products are up against some crippling constraints. As I have said, the value of the dollar is the most serious impediment. The chairman of the Senate Foreign Relations Committee [Mr. LUGAR] has said that the dollar handicaps American exports by making them 40 percent less competitive than foreign goods. At the same time, American exporters are confronted with a host of unfair trade practices. Foreign governments routinely subsidize their domestic producers, while erecting trade barriers to entry of American goods.

The worst case example of unfair foreign trade practices can be found in Japan. Last year, the United States experienced a staggering $37 billion trade shortfall with Japan. The Washington Post of February 26 carries a headline about more delays in trade liberalization talks as the result of Japanese Government footdragging. Despite some half dozen announced trade liberalization efforts, the Japanese Government continues to employ a broad array of tariff and nontariff barriers that prohibit access for American goods.

We have all heard the stories. American baseball bats are restricted because they are too dangerous. American telecommunications equipment will be evaluated in Japan by competing Japanese firms. American consumer goods must be tested and certified by Japanese inspectors. American beef and citrus products are subjected to quotas. American lumber is burdened with high tariffs.

The Japanese Government does not sit around wringing its hands and debating whether or not these policies are protectionist. Like most of the world, Japan judges the success or failure of its trade policy on results. And, at least for the near term, those policies are producing a world class export-driven economy. I am not suggesting that we emulate the Japanese approach. But I am suggesting that we begin to judge our own trade policies—and our laws—in terms of how they contribute to a competitive U.S. economy.

We face the very real prospect of trade deficits in 1985 that could exceed $150 billion. This represents an unacceptable erosion of traditional U.S. leadership in the international marketplace. As I have said, the value of the dollar and the associated high interest rates are the biggest part of the problem. But we cannot continue to wear blinders and hope that the rest of the world will follow the American model with respect to open market practices. Leadership by example is a fine policy, but if we turn around, we will see that no one is following. We need to adopt trade policy and legislation that will help us keep a world class American economy.

With that in mind, I am reintroducing my Fair Trade Act. This legislation would build upon the progress begun last year with the passage of the Trade and Tariff Act of 1984. The annual report on barriers to market access now required by the amendments to the Trade Act of 1974 would become the foundation for a plan of action based upon reciprocity. After the President submits his report, he would include recommended actions for approval by the Congress. In this way, the United States will be able to

craft specific remedies when its trading partners engage in unfair, market-distorting trade practices.

I believe my bill is a responsible course of action, and one which will help American exporters compete in a more open international trade system.

Mr. President, I introduce this bill for an appropriate referral.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. BYRD. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade Act of 1985".

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) to redress imbalances in United States international trade and commerce due to unfair trade practices by United States trading partners;

(2) to give the United States effective weapons to use against subsidized foreign imports into our markets and other unfair trade practices by our trading partners;

(3) to open foreign markets to American products and services in order to improve the United States balance of payments and strengthen the United States domestic economy;

(4) to eliminate barriers imposed by United States trading partners which prevent fair competition between United States exports and products of United States trading partners; and

(5) to establish procedures requiring Presidential action with respect to the importing of products of other countries into the United States unless such countries take, within a reasonable period of time, appropriate steps to remove impediments to American goods in their economies.

SEC 3. PRESIDENTIAL ACTION IN RESPONSE TO UNFAIR FOREIGN TRADE PRACTICES AND OTHER BARRIERS TO MARKET ACCESS.

(a) IN GENERAL.—Subsection (b) of section 181 of the Trade Act of 1974 is amended to read as follows:

"(b) ACTION BY THE PRESIDENT.—Within 30 days after a study is submitted to the President under subsection (a), the President shall publish in the Federal Register and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives—

"(1) such study,

"(2) an estimate of the trade distorting impact on United States commerce of any acts, policies, or practices identified in such study,

"(3) all feasible courses of action which would redress any imbalance resulting from such acts, policies, or practices if efforts to obtain their elimination fail, and

"(4) a proposed joint resolution which requires the President to take a specific course of action (beginning on the date which is 60 days after the date of enactment of such joint resolution) which the President has determined to be the most appropriate course of action.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 181 of the Trade Act of 1974 is amended—

(A) by striking out "under subsection (b)(1)" in paragraph (1) and inserting in lieu thereof "under paragraph (4)", and

(B) by adding at the end thereof the following new paragraph:

"(4) REPORT TO PRESIDENT.—By no later than the date that is 1 year after the date of the enactment of the International Trade and Investment Act, and each year thereafter, the United States Trade Representative shall submit to the President the analysis and estimate made under paragraph (1) of the revision of such analysis and estimate made under paragraph (3).".

(2) Section 181 of the Trade Act of 1974 is amended by adding at the end thereof the following new subsection:

"(d) CONSULTATION WITH CONGRESS ON TRADE POLICY PRIORITIES.—The Trade Representative shall keep the committees described in subsection (b) currently informed with respect to trade policy priorities for the purposes of expanding market opportunities.".

SEC. 4. LEGISLATIVE ACTION IN RESPONSE TO STUDY OF UNFAIR FOREIGN TRADE PRACTICIES AND OTHER BARRIERS TO MARKET ACCESS.

(a) IN GENERAL.—Chapter 8 of title I of the Trade Act of 1974 is amended by adding at the end thereof the following new sections:

"SEC. 182. LEGISLATIVE ACTION ON STUDIES OF UNFAIR FOREIGN TRADE PRACTICIES.

"(a) INTRODUCTION OF JOINT RESOLUTION.—Within 5 days after a joint resolution described in section 181(d)(4) is submitted by the President under section 181(b)—

"(1) the chairman of the Committee on Ways and Means of the House of Representatives shall introduce such joint resolution in the House of Representatives and such joint resolution shall be referred to the Committee on Ways and Means, and

"(2) the chairman of the Committee on Finance of the Senate shall introduce such resolution in the Senate and such resolution shall be referred to the Committee on Finance.

"(b) RESTRICTION OF AMENDMENTS.—Only amendments which relate to the course of action to be taken by the President with respect to any act, policy, or practice described in section 181(a)(1) shall be in order in either House. No motion to suspend the application of this subsection or request to suspend the application of this subsection or request to suspend the application of this subsection by unanimous consent shall be in order in either House.

"(c) COMMITTEE AND FLOOR CONSIDERATION.—Any joint resolution described in subsection (a) shall be subject to the same procedures and rules applicable to any implementing bill (or, in the case of a joint resolution which contains one or more revenue measures, any implementing revenue bill) under subsections (e), (f), and (g) of section 151, except that in applying section 151(e) in the case of such a joint resolution, '25th day' shall be substituted for '45th day' each place it appears therein.

"(d) CONFERENCE REPORT.—A vote on final passage of the conference report on any joint resolution described in subsection (a) (if necessary) shall be taken in each House before the 60th day after the day on which the President submitted such joint resolution to the appropriate committees under section 181(b).

"(e) RULEMAKING POWER.—The provisions of this section are enacted by the Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in this section, and they supersede other rules to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(f) DISCRETIONARY PRESIDENTIAL ACTION UNDER SECTION 301.—Nothing in this section shall be construed to affect the ability of the President to take action under section 301 without the prior approval of Congress.

"SEC. 183. NOTIFICATION OF OFFENDING TRADING PARTNERS OF LEGISLATIVE ACTION.

"Upon enactment of any joint resolution described in section 181(b)(4) in response to any act, policy, or practice of a foreign country or instrumentally, the President shall notify such foreign country or instrumentality that the President will undertake the course of action specified in such joint resolution on the date which is 60 days after the date of enactment of such joint resolution unless such foreign country or instrumentality ceases to commit such act or maintain such policy or practice prior to such date.".

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 181 the following new items:

"Sec. 182. Legislative action on studies of unfair foreign trade practices.

"Sec. 183. Notification of offending trading partners of legislative action.".

SEC. 5. DISCRETIONARY ACTION BY THE PRESIDENT UNDER SECTION 301 OF THE TRADE ACT OF 1974.

Paragraph (1) of section 301(a) of the Trade Act of 1974 (19 U.S.C. 2411(a)(1)) is amended—

(1) by striking out "or" at the end of subparagraph (B)(i);

(2) by inserting "or" at the end of subparagraph (B)(ii);

(3) by inserting immediately after clause (ii) of subparagraph (B) the following new clause:

"(iii) denies to the United States commercial opportunities substantially equivalent to those offered by the United States;"; and

(4) by inserting "(or to redress any imbalance resulting from)" after "elimination of".

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Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

THE ADMINISTRATION FLIP-FLOP ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, proponents of the Genocide Convention were heartened last fall when President Reagan, one of the most conservative Presidents of this century, broke ranks with many of his conservative backers and gave his wholehearted endorsement to the Genocide Convention. It was through his efforts and those of former Majority Leader Howard Baker that the Senate even had an opportunity to open debate on the Genocide Convention in October before our adjourment.

In eloquent testimony before the Foreign Relations Committee last September the administration representatives testified that their 3½ year review of the Genocide Convention and all possible understandings, reservations, and declarations convinced them of the wisdom of the Foreign Relations Committee's decision in 1976 to report the Genocide Convention with three understandings, one declaration, and no reservations. That is how the Reagan administration endorsed the Genocide Convention, in precisely that format. When Senator HELMS suggested the possibility of a limitation on the authority of the World Court to review disputes between nations over the Convention, the administration was quick to point out that such proposals would undercut our ability to charge Communist and totalitarian regimes who are most likely to commit genocide.

But in testimony before the Foreign Relations Committee on Tuesday, the administration now testifies that they are willing to accept a reservation to the role of the World Court. Why the flip-flop? Its interesting to note Elliott Abrams; first rationale: The administration has concluded that without a reservation to this article, the treaty will not be able to secure advice and consent of the Genocide Convention.

While I appreciate their enthusiasm for the Convention, I think they have seriously misread both the committee and the Senate on that point. I am convinced that such a reservation will be rejected and should be rejected. Second, Abrams pointed to the Nicaragua case that is currently before the World Court as the specific reason that the administration changed its mind.

The irony of listing practical political considerations first was not lost on members of the committee as several members were quick to point out.

While it is clear to me that the Nicaragua case will result in a debate on the merits of such a reservation when the Genocide Convention comes before the Senate for consideration, I am hopeful that the committee will not be stampeded into such an ill-considered action.

Senators PELL, DODD, and KERRY pointed out in their questioning how such a reservation would actually work against the United States—not for us—in our efforts to aggressively take on those Communist and totalitarian regimes most likely to commit genocide. In addition, the president of the American Bar Association, in his prepared testimony, presented a very thoughtful and straightforward case for rejecting such an article IX reservation.

He noted in part:

It has been suggested that the Senate give serious consideration to a reservation or other qualifying language to its resolution of ratification concerning the jurisdiction of the International Court of Justice under article IX of the treaty concerning the "interpretation application or fulfillment" of the Convention, including "the responsibility of a state for genocide or for any of the other acts enumerated in article III." The American Bar Association opposes any such qualifier for a number of reasons.

First, and most important, the United States, as the leader of the free world, should take full advantage of ratification of the Genocide Convention to bring charges against foreign governments who fail to uphold their responsibility to prevent and punish instances of genocide. Were the United States to itself reserve authority under article IX that reservation could be applied against the United States under the doctrine of reciprocity by a country against whom the United States had brought charges.

Second, it has been suggested that without such a reservation the United States would be subject to trivial charges before the International Court. This, however, is no reason to adopt such a reservation since such charges now could be brought before the World Court for propaganda and disinformation purposes regardless of whether the Court had jurisdiction and regardless of the merits of the charge.

It must be said loudly and clearly that the United States has nothing to hide and that as the bastion of freedom in the world we have no need to erect artificial barriers against the baseless propaganda charges of any foreign governments.

As I interpret that, Mr. President, It means the United States does not commit genocide. Genocide has been committed consistently and overwhelmingly by governments destroying ethnic, racial, or religious groups. We have never done that. We never will. We know that there is no way this country could be embarrassed. We are not talking about discrimination that occurs everywhere. We are talking about genocide, the destruction of an ethnic, religious or racial, group, what Hitler did to the Jews in Europe before and during World War II. That is genocide.

Now, the Bar Association goes on to say:

Third, to reserve authority under article IX would implicitly suggest to over 90 other countries which have ratified this treaty—and particularly to those who would seek to harm us—that the United States is seriously concerned about the validity of any alleged incidents of genocide in the United States. The United States and its people don't commit genocide. We should be on the offensive in identifying perpetrators of genocide in other countries and in bringing them to the bar of justice.

Fourth, some nations might, as some already have done, failed to recognize United States ratification of the Genocide Convention if such a reservation were approved. The Netherlands and the United Kingdom, for example, both have stated that the reservation to article IX by the Soviet Union so goes to the heart of the purpose of the treaty that they do not recognize those ratifications as valid. We should join our Allies in rejecting such a reservation as a flimsy crutch for a totalitarian regime—we should not dignify our adversaries fear of freedom and justice by copying it.

Finally, under customary international law, genocide already is considered a crime. Thus, the Untied States already is subject to actions concerning genocide before the International Court of Justice under our prior general acceptance of the compulsory jurisdiction of that court. To ratify this treaty without a reservation to article IX would clarify the now vague legal obligation of the United States.

STAR WARS WILL BRING ON THE BIGGEST FEDERAL DEFICIT EVER

Mr. PROXMIRE. Mr. President, what are the two biggest decisions facing this country today? One is the Federal deficit. That huge, overpowering mountain of Federal spending exceeding Federal revenues pushes on with the irresistible momentum of the glacier that covered much of this country thousands of years ago. What do we have to do to stop and turn back this 20th century glacier that threatens to bury our superlative economy under a cold, icy mountain of debt? Obviously we must hold down Federal spending.

Ah, but what is the other great decision the Federal Congress must make? It is whether to spend the colossal amount of money required for the strategic defense initiative [SDI] or star wars that the President of the United States will request over the next 10 or 15 years. That happens to be precisely the time when we will be wrestling with the vast deficit.

Mr. President, I think many of us have been impressed with both the New York Times and Washington Post, two of the great newspapers of our country; they have devoted an enormous amount of space in the last few days to the star wars issue. They have explained it in great detail with stories on the front page, two or three stories in each paper for several days now. They are running a series because they recognize the colossal impact this will have on our arms control policy. What I want to call attention to is the effect it will have on our deficit.

What will we have to do in these coming years to bring the deficits under control? It is going to be very,

very hard, far harder than most Americans appreciate—in fact, far harder than most Members of Congress appreciate. We will have to end many good and constructive Federal programs. We will call for sacrifices from the farmer, the small businessman, the workingman, the unemployed, the youth pleading for help in securing an education, the working poor asking for assistance to meet their food bills, the homeless needing safe and clean housing, and the ill and the dying pleading for help with their medical bills. The Congress must make some cruel decisions, not just this year but throughout this decade and for years to come.

Congress may or may not have the will as the years go on to stay with the kind of strict and stern austerity that progress against the deficit will demand. Now ask yourself, will the same Congress that had to make such painful decisions of denial to so many Americans also find the will to deny the huge increases in spending that will roll on like an ever increasing avalanche to fund star wars? The cost of star wars, we are told, could easily exceed a trillion dollars. It would dwarf any and all health, welfare, and education programs combined. For 10 or 20 years, it would be combined with an offensive nuclear weapons program to assure the credibility of our deterrent during the crucial years when the Soviets might be tempted to strike before the defensive shield of star wars has come into place.

So we can expect that spending on nuclear offensive weapons will also increase. Star wars would, furthermore, require an intense buildup of our continental antiaircraft and look-down, shoot-down capability so we could stop the submarine, bomber, and cruise missile attacks that could underly the star wars net armed with nuclear warheads. While star wars would cost a cool $1 trillion or so, this antiaircraft, look-down, shoot-down supplement in the judgment of former Defense Secretary Schlesinger would set us back $50 billion each and every year in addition to star wars. Of course, with both Soviet and United States offenses changing and constantly improving, none of this immensely costly defense might work. The odds are heavily against it.

This should give us some idea of what the strategic side of the arms race will cost us in the next few years when this country is grappling with Federal spending to bring the deficit under control.

Meanwhile, can we expect any letup in military spending for conventional purposes? No way! It is an odd fact that about 90 percent of our military spending has consistently been on the conventional, nonstrategic side. But 90 percent of the public concern has been for strategic—that is, nuclear—weapons because of the threat and terror involved. The ships, the tanks, the planes for conventional warfare continue to zoom up in cost. Personnel costs are high, and they are largely conventional. They will remain high because personnel costs represent the most defensible of all our military spending.

No military force, no matter how well equipped, is any better than the skill, the training, the motivation, and the leadership of its soldiers. So there is no way that we can expect to wisely reduce conventional military spending to pay for star wars. Star wars will be a total trillion dollar add-on, plus the $50 billion dollar supplement each and every year we can expect from the anti-aircraft and look-down, shoot-down capacity to make star wars work.

So it should be clear to anyone with an eye to see and a brain to think that we will never get the Federal deficit under control as long as we insist on funding this trillion dollar monstrosity: star wars. So what is the answer?

The answer is simple. It is serious bargaining with the Soviet Union for comprehensive, nothing-excluded arms control, with a willingness to end antimissile defense or any other aspect of military expenditure, provided that the agreement is mutual and subject to verification that can detect any cheating by either side. Arms control negotiations with the Soviet Union can work only when both sides can gain from them. That should be crystal clear to everyone. The arms race has become a fearsome burden on this country. The gross national product of the Soviet Union is only 55 percent of the GNP of America. Obviously, the arms race is much more of a burden for Russia than for America. So Russia has an even stronger incentive to reach an agreement than we do. They also have a stronger incentive to keep any agreement. Obviously, if we renounce an arms control agreement because they are cheating, this country can move back into arms competition with more force than can Russia. That provides a powerful restraint on Soviet cheating.

But isn't arms control negotiations with the Soviet Union precisely what is taking place in Geneva as of March 12? The answer is that the President has made it absolutely clear that star wars is not on the table at Geneva and that nothing will deter him from asking Congress to proceed with it. From our standpoint, the principle chips we might surrender in return for heavy Soviet concessions for some kind of agreement with the Soviets at Geneva are the MX, which Congress has not started to fund and the intermediate missiles in Europe which NATO has not begun to deploy. From the standpoint of Federal military spending, the current arms control talks will at best save us relatively little. If arms control is going to play the part it can and should to bring our deficit under control, it should include the big military spending on both sides.

It should include all offensive and defensive nuclear weapons, no exceptions. Unless it does, the Federal deficit will roll onward and upward, with no end in sight, except unparalleled inflation and national bankruptcy. It will roll on and up regardless of what Congress does on nonmilitary spending. And then what happens to our national security? Let us not deceive ourselves: The fundamental military power of the United States depends squarely on this Nation's economy, by far the world's strongest. That is the real source of our military strength. The irony is that the much smaller but far more tightly disciplined Soviet economy could conceivably survive the arms race. After all, they can rigidly control inflation. They can crack down effectively on any diversion from the state's military purpose. Our system of freedom, on the other hand, cannot tolerate that kind of dictatorial channeling of all energies into the military except in the event of actual war. Our far bigger and stronger economy could be the one to falter and fail in the course of a prolonged arms race.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. MATHIAS). There will now be a period for the transaction of routine morning business, not to extend beyond 11 a.m.

THE ENGLISH LANGUAGE

Mr. SYMMS. Mr. President, this wonderful country of ours, the United States of America, is a land where the dreams and hopes of our forebears have become a reality. This is a land, even today, where the dreams of a poor immigrant boy can still become the dreams we like to think of and look to as the land of hope and opportunity.

Twenty-nine years ago in Houston the Velez family welcomed their 11th child—a baby boy whom they named Jorge. Shortly after the infant's birth the Velez family returned to Mexico where three more children were born.

Life delt Jorge a serious blow at age 3. While playing, he fell on a kerosene stove resulting in serious burns which nearly killed him. The Velez family returned to Houston so their son could receive the medical care he needed.

Jorge recovered, but the scars left him slightly crippled. When other children teased him because of his physical condition, Jorge resolved that he would make something of his life—a life his parents and family would be proud of. But first, he knew he would have to learn English.

Jorge Velez immersed himself in English by reading everything he could find, speaking with anyone who would take the time, and joining the Boy Scouts. Fortunately, there were no bilingual education programs to retard his acquisition of English. Jorge learned English so well that he became the number two speller in his age group at the Houston spelling bee!

In time, Jorge also learned German when he served in Switzerland as a volunteer for his church. He won a Harvard national scholarship, and last year Jorge received a law degree from the Harvard Law School, and a M.B.A. degree from the Harvard Business School. Today Jorge Velez is a successful attorney with General Motors in Detroit.

Jorge learned that in America, opportunity speaks English.

America's employers agree! Last year the National Academy of Sciences convened a panel consisting of representatives from big business, small business, labor unions, education, and government. DuPont, Kellogg, Woolworth, Bechtal, Hughes, Citibank, Control Data, AT&T, and D.C. General Hospital were there; as were the Federal Office of Personal Management, the National Federation of Independent Business, the Department of Labor, the AFL-CIO, the Department of Defense, and representatives of major school boards.

This august panel met for one purpose: "To define the educational competencies that will be needed by the high school graduates for success in the workplace, both at entry level and throughout a 45 to 50 year career in a constantly changing economic environment." This was to be done solely from the employer's perspective—the perspective of those who do the actual hiring in America.

The panel's final report entitled "High Schools and the Changing Workplace," lists 10 "core competencies" which they claim are "vital to almost every job except the least skilled, and essential to upward mobility and adaptability."

Mr. President, I suggest that every American student regardless of ethnic background pay close attention to these competencies, unless, of course, the student is content with "the least skilled" jobs.

At the head of the list is the No. 1 competency, a "command of the English language," which the panel declared as "the most basic skill of all." They further concluded that a command of English is "essential for success and mobility in American society." And to our bilingual education advocates who want to maintain a student in his native language, the panel admonishes: "Although a second language may be useful in job mobility, all American young people, regardless of their home or native tongue, need a functional command of standard English in its written and spoken forms."

And that, Mr. President, was written by the people who sign this Nation's paychecks; not by social engineers, dogooders, politicians, bilingual educators, or ethnic "leaders."

Of the remaining nine competencies, a second deals with reading, a third with writing, and a fourth with oral communications—all in English.

The message comes through loud and clear: For America's employers, opportunity speaks English.

In 1983, the year prior to the National Academy of Science's study, the Twentieth Century Fund's Task Force on Education published a related report. It stressed the primacy of English and makes two fundamental recommendations:

No. 1: "That the Federal Government clearly state that the most important objective of elementary and secondary education in the United States is the development of literacy in the English language;"

And No. 2, "that Federal funds going to bilingual programs be used to teach non-English-speaking children how to speak, read, and write English."

Mr. President, I have sponsored Senate Joint Resolution 20, the English language amendment, to help accomplish these very goals. The amendment will send a message to all our people: English is the language of opportunity. The amendment will reestablish this body's original intent in passing the Bilingual Education Act of 1968: To teach students English as rapidly as possible so they may enjoy the opportunities that are here in America. Also, the English language amendment will establish English as the official language of all Federal, State, and local governments and elections.

Contrary to what some may believe, the English language amendment will not prohibit other languages in any private context, nor will it effect the teaching of foreign languages in our schools. In fact, I feel strongly that all our students should master a language other than English.

Jorge Velez was fortunate in that he recognized the importance of English at an early age. Indeed, America is very fortunate to have Jorge Velez, and others like him, as citizens. They are the future of this great Nation.

I ask my colleagues in the Senate to join me in this noble effort to have our Nation pull together in one language—the English language.

Mr. President, I ask unanimous consent to have printed in the RECORD the second chapter of the important report from the National Academy of Sciences panel of employers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT HIGH SCHOOL GRADUATES NEED

The panel has attempted to project the future of the American job market to determine the sort of worker who will prosper in the future. It has asked its employer members to describe the employees they will need, and be able to employ, in the years ahead. A single answer comes from both sources: a person who is able and willing to learn throughout a working lifetime.

A person who knows how to learn is one well grounded in fundamental knowledge and who has mastered concepts and skills that create an intellectual framework to which new knowledge can be added.

It is precisely in the basic intellectual skills, however, that young employees show the greatest deficiencies. Many lack the ability to draw correct inferences from written, pictorial, or mathematical information; to understand oral instructions; to develop alternatives and reach conclusions; to express their ideas intelligibly and effectively; and to apply such basic concepts of economics as profit and cost.[1] All of these skills are important, even in entry-level jobs. Advancement to more responsible posts requires skills of an even higher order, including the ability to compose tables and reports, to consult reference and source materials, to apply mathematical concepts and procedures, to control complex equipment, and to address groups.

These conclusions derive from the panel's collective experience and from examinations by its members of their own industries. For example, representatives of leading banks and brokerage houses in New York City said they will need high school graduates with skills in reading, writing, mathematics, and oral expression at least as good as those of today's workers to fill entry-level jobs such as messenger, general office clerk, and teller. Applicants for higher entry-level jobs such as secretary, adjuster, or clerical supervisor will need even better skills.[2] The federal government has developed precise hiring standards for the hundreds of thousands of civilian high school graduates it employs in scores of white- and blue-collar occupations.[3] Some federal jobs require no more than a high school diploma, but many demand specific technical skills or knowledge acquired through apprenticeship, technical training, or work experience. Even these special skills, however, are built on a core of competencies that can be acquired in high school. For example:

Every federal employee, whether a laundry worker, personnel clerk, or technician, must be able to follow written and verbal instructions, keep accurate records, and convey information orally.

Workers as diverse as accounting clerks, upholsterers, and aircraft mechanics must be able to compute accurately to estimate costs, determine materials needed, and develop work plans.

Occupations as varied as dental hygienist or equipment repair technician require familiarity with basic concepts of biology, chemistry, or physics.

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[1] See, for example, Colorado Department of Education, *op. cit.*, p. 2.; Center for Public Resources, *op. cit.*; Leonard Lund and E. Patrick McGuire, *op. cit.*

[2] Report submitted to the panel by panel member Frederick A. Roesch (available from the Committee on Science, Engineering, and Public Policy).

[3] Report submitted to the panel by panel member Loretta Cornelius (available from the Committee on Science, Engineering, and Public Policy).

Very disparate workers, such as nursing assistants, clock repairers, and surveying technicians, need to be familiar with equipment used in laboratory work.

Beyond these specific skills, the panel agrees that young people need additional characteristics to succeed on the job: attitudes and understanding that lead to good work habits and successful interpersonal relationships. A clear understanding of the rights and responsibilities of workers and employers, and of the place of each in American economic and social life, will help students to function effectively as workers and to exercise their rights as employees and citizens.

Schools cannot meet the specific demands of every employer, of course. They cannot, for example, train students to fill out a particular organization's invoices or requisition slips or to follow its costing procedures. Yet, schools can, and must, teach students the basic skills that underlie these specific job requirements. A young person who can read skillfully and compute accurately will master quickly the versions of these skills required by a given employer. A young person who lacks the basic skills, however, probably cannot learn to fulfill an employer's expectations. (See Appendix B for a brief description of studies on the relation of cognitive skills to job performance.)

The panel has concluded, therefore, that the need for adaptability and lifelong learning dictates a set of core competencies that are critical to successful careers of high school graduates. These competencies include the ability to read, write, reason, and compute; an understanding of American social and economic life; a knowledge of the basic principles of the physical and biological sciences; experience with cooperation and conflict resolution in groups; and possession of attitudes and personal habits that make for a dependable, responsible, adaptable, and informed worker and citizen. Together, these competencies comprise what are needed to prepare a young person for an uncertain future.

That these competencies form the basis of all high-quality education is not, in the panel's opinion, accidental. The panel believes that the education needed for the workplace does not differ in its essentials from that needed for college or advanced technical training. The central recommendation of this study is that all young Americans, regardless of their career goals, achieve mastery of this core of competencies up to their abilities. For those intending to enter the work force directly after completing high school, additional training in specific vocational skills will increase employability and is naturally desirable. But no other skills, however useful or worthwhile, can substitute for the core competencies.[4]

Young people not planning on going to college may not require advanced or highly theoretical courses in mathematics, science, or other academic subjects, but they must have a working knowledge of these disciplines to permit them to perform job tasks accurately, correctly, and with understanding.

The workplace ordinarily affords a narrow margin for error. Workers who misinterpret instructions might damage costly machinery or tools and endanger themselves and others. Workers unable to compute with precision might fill orders improperly, losing their employers the good will of customers, or miscalculate cost information, confusing their employer's accounting systems and adding unnecessary costs.

Mastery of the core competencies to the best of one's abilities is both a necessary and reasonable goal. What differentiates students who end their education upon completion of high school from those going to college is not necessarily the ability or desire to learn; frequently, the differences take the form of economic resources, social backgrounds, cultural exposure, life styles, aspirations, or values. These differences do not dictate any lowering of educational standards, but they may suggest some variation in educational settings or techniques. Some students learn best in a scholastic environment; others in settings closer to "real life." Students not planning on postsecondary education, however, actually have less time to master the foundations of learning then those going on to college.

The panel has not attempted to recommend specific routes to mastering the core competencies; this lies properly in the realm of educators. The panel does urge in the strongest possible terms, however, that all educational programs be evaluated on the basis of their ability to provide the skills that all young people will need.

THE CORE COMPETENCIES

The core competencies judged by the panel to be required by employers and, by extension, for success in employment, are given below. The list is not exhaustive, but rather illustrative. Some of these skills, or similar concepts, have been advocated by others (see reference 1, for example); this report attempts to put them in one context. These competencies are transferable, vital to almost every job except the least skilled, and essential to upward mobility and adaptability.

Command of the English language

The panel predicates this list of competencies on possession of the most basic skill of all—a command of the English language, which it believes to be essential for success and mobility in American society. Although a second language may be useful in job mobility, all American young people, regardless of their home or native tongue, need a functional command of standard English in its written and spoken forms.

Reasoning and problem solving

The capacity to reason and solve problems is the central indication of an educated person. Throughout their working lives, individuals will encounter problems or situations with various possible solutions. The ability to understand the consequences of alternative courses of action is an essential condition for success in employment. Well-developed reasoning capacity requires a person to be able to:

Identify problems.

Consider and evaluate possible alternative solutions, weighing their risks and benefits.

Formulate and reach decisions logically.

Separate fact from opinion.

Adjust to unanticipated situations by applying established rules and facts.

Work out new ways of handling recurring problems.

Determine what is needed to accomplish work assignments.

Reading

Each student needs to be able to read, comprehend, and interpret written materials. Job success often hinges on following written instructions, manuals, or labels. Workers must frequently use catalogs and reference books, read and draw inferences from correspondence and reports, and interpret correctly forms such as vouchers, requisitions, and work orders. Neither reading nor writing is taught separately in most high schools. However, every course in every academic subject can require students to read and write critically and extensively. Competent reading requires the ability to:

Understand the purpose of written material.

Note details and facts.

Identify and summarize principal and subsidiary ideas.

Be aware of inconsistency in written material.

Verify information and evaluate the worth and objectivity of sources.

Interpret quantitative information; for example, in tables, charts, and graphs.

Writing

It has been said that a person can write no better than he or she can think. All students need to be able to organize information and state it clearly and concisely in a written form that is grammatically correct. Employees in many lines of work are called upon to fill out forms, document experiences and procedures, record events, and present their ideas in memorandums, letters, and notes. Skillful writing requires the ability to:

Gather information suitable for the purpose.

Organize information in a logical and coherent manner.

Use standard English syntax.

Apply the rules of correct spelling, punctuation, and capitalization.

Attribute references correctly.

Use reference books such as a dictionary, a thesaurus, and an encyclopedia.

Write legibly.

Computation

All students need to be able to understand and apply basic mathematics, at least through elementary algebra. An understanding of geometry and trigonometry is desirable. Countless work tasks require computations of cost, time, volume, area, percentage, fractional share, and other mathematical relationships. Precise computation requires that a person be able to:

Add, subtract, multiply, and divide whole numbers, decimals, and fractions accurately.

Calculate distance, weight, area, volume, and time.

Convert from one measurement system to another, for example, from English to metric.

Determine the costs, time, or resources necessary for a task.

Calculate simple interest.

Compute costs and make change.

Understand simple probability and statistics.

Calculate using information obtained from charts, graphs, and tables.

Use ratios, proportions, percentages, and algebraic equations with a single unknown.

Estimate results and judge their accuracy.

Science and technology

Whether employed in a factory, farm, office, shop, or retail store, American workers need to feel comfortable with technology.

Many jobs, of course, demand specific understanding of the physical and biological sciences, including the practical experience

[4] For a state perspective, see Wellford W. Wilms, "The Limited Utility of Vocational Education: California Employers' Views," *Public Affairs Report*, Vol. 24, No. 14, August 1983.

developed in laboratory work. Technical occupations of all kinds—in the fast-growing medical and health service fields, in communications, and in the military services—call on workers to deal effectively with mechanical and electronic equipment.

As the use of advanced technologies becomes ever more pervasive in our economy, schools must encourage students of both sexes to acquire a firm grounding in science and technology. Lack of an adequate scientific background and technological experience has precluded many, especially women, from competing for large numbers of desirable jobs in the past.

High school graduates, therefore, need the confidence that they can understand how things work. Nothing builds this confidence so effectively as the study of specific technologies and the scientific principles underlying them. While devices may consist of thousands of parts, individual parts are often simple, as are the rules for their interaction. Facility with technology comes from understanding these rules and in working with devices embodying them. That, the panel believes, is best achieved by combining classroom study with practical experience in school laboratories or outside school; for example, learning the principles of chemical combinations and performing simple chemical reactions; learning the basic electrical laws and operating a voltmeter; and studying the thermal properties of solids and examining the structure of an integrated circuit chip.

Competency in science and technology includes the ability to apply the scientific method, whether or not it is labeled as such; this is, the ability to formulate and state hypotheses, and then to evaluate them by experimentation or observation. That competency will serve all graduates, whether they work in technical occupations or not. It serves, for instance, in localizing a problem in a word-processing system, in repairing mechanical systems, or in identifying the source of a recurring error in computation.

Further, the well-educated high school graduate will be able to apply the basic principles of the physical, chemical, and biological sciences to work. Thus, high school graduates competent in the basic sciences will be able to evaluate risks better, understand the rationale for industrial processes, and even suggest how they might be improved. The particulars are less important than the generality: that knowledge of science and technology dissipates unknowns and enhances confidence in one's ability to analyze and solve a problem.

Finally, education in science and technology should include acquaintance with computers. That does not necessarily mean learning programming languages and the like, but it does mean acquiring knowledge of the basic functions of computers; knowing what they can and cannot do; some familiarity with the basic components of a computing system; and an understanding of the possibilities and limits of frequently used software packages such as word processors, data-base management systems, and electronic spreadsheets.

Oral communication

Success in any job requires, among other things, the aptitude to communicate thought, knowledge, and information through speech, whether with supervisors, coworkers, customers, or the general public. Competent oral communication includes the ability to:

Communicate in standard English.

Understand the intent and details of oral communications.

Understand and give instructions.

Identify and summarize correctly principal and subsidiary ideas in discussions.

Obtain, clarify, and verify information through questioning.

Participate effectively in discussions.

Interpersonal relationships

Success in a career depends on the capacity to deal constructively and effectively with others. In turn, this depends on a knowledge of behavior appropriate to and customary in the workplace. Young people must understand that the standards of behavior, speech, and dress expected of employees often differ markedly from those acceptable in student circles. They also must realize that conflicting interests and opinions are inherent in many social interactions, but that such conflicts can and should be resolved through constructive means. Finally, they must recognize that employers cannot tolerate behavior, even if innocently intended, that offends customers, colleagues, other employees, or members of the general public. Effective interposnal relations require the ability to:

Interact in a socialy appropriate manner.

Demonstrate respect for the opinions, customs, and individual differences of others.

Appreciate the importance and value of humor.

Offer and accept criticism constructively.

Handle conflict maturely.

Participate in reaching group decisions.

Social and economic studies

Understanding how employees and employers fit into the economic structure of the community and country is essential to an appreciation of one's own contributions and responsibilities. Young people should realize that private employers purchase services in order to provide a product or service at a profit so that they can stay in business, while public employers must adhere to rules of public accountability. Only employees who contribute to these goals are likely to keep their jobs or advance in them. Students can gain this understanding best through a knowledge of how the American society and economy function, how various groups and interests interact, and what they can expect of one another. Adequate social and economic knowledge requires an understanding of:

The history of present-day American society.

The political, economic, and social systems of the United States and other countries.

The fundamentals of economics, including a basic understanding of the roles of money, capital investment, product pricing, cost, profit, and productivity, and market forces such as supply and demand.

The concept of "trade-offs" and the differences between economic principles, facts, and value judgments.

The roles of industry and labor in creating wealth, maintaining employment, and raising the standard of living.

The forms and functions of local, state, and federal governments.

The rights and responsibilities of citizens.

Civil rights and justice in a free society.

Personal work habits and attitudes

Personal work habits indicate the level of responsibility one is capable of assuming. Positive habits and attitudes contribute significantly to success in performing tasks, dealing with others, and gaining employment. They are also vital to success in school and should be cultivated long before a student enters the work force.[5] Constructive work habits and attitudes require:

A realistic positive attitude toward one's self.

A positive attitude toward work and pride in accomplishment.

A willingness to learn.

Self-discipline, including regular and punctual attendance and dependability.

The ability to set goals and allocate time to achieve them.

The ability to work with or without supervision.

Appropriate dress and grooming.

An understanding of the need for organization, supervision, rules, policies, and procedures.

Freedom from substance abuse.

Appropriate personal hygiene.

The panel emphasizes again that these competencies are goals, by no means universally achievable to the same level by all, but nevertheless important for all to strive toward. The panel also emphasizes that they are incomplete goals, limited to those believed necessary for preparing high school graduates for satisfying careers. These goals must be supplemented by others if high school graduates are to participate fully in the cultural and civic life of this country.

[5] Employee attitudes and their relation to job performance will be treated in a forthcoming report by the Committee for Economic Development, Business and the Schools: Identification of Employer Needs, to be published in the fall of 1984.

THE GENOCIDE TREATY

Mr. SYMMS. Mr. President, this past Tuesday, the Foreign Relations Committee held hearings on the Genocide Treaty. The testimony amply demonstrated the necessity for proceeding with extreme caution on this volatile but highly complex issue.

Witnesses testifying on behalf of the treaty, for example, could not give a single instance in which the treaty could currently be applied to halt genocide, notwithstanding the fact that there are certainly thousands of people today who are being butchered by totalitarian regimes.

Indeed, the State Department's Legal Advisers Office has privately appraised us that the treaty would not apply to the murder of 2 million human beings in Cambodia, or the execution of entire villages of women, children, and elderly people in Afghanistan. This is because these cases were politically motivated, rather than racially motivated, as would be required under the treaty.

Mr. President, when we define genocide in such a way as to exclude the major atrocities of our time, we are, in a sense, exonerating the horrible acts of butchers such as Idi Amin and Pol Pot. The Senate should look long and hard before it takes such a step.

There is an excellent editorial in the Washington Times of Tuesday, March 5, which I believe, makes an articulate case for the points I have raised. I ask unanimous consent that this editorial be printed in the RECORD:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REFOCUSING THE GENOCIDE TREATY

Once again the Senate is preparing to take up the Genocide Convention. First drawn shortly after the close of World War II, the treaty has never been approved by the United States, the principal reason being a perceived threat to American sovereignty.

But the real problem with the treaty is not sovereignty. There's no good reason why the World Court should be denied power to condemn genocide, if genocide is properly defined—and that is the problem.

The treaty covers mass slaughter motivated by race or religion, but not mass slaughter based on politics. Furthermore, its definition of genocide includes "causing serious . . . mental harm" to any ethnic group—a definition that would seem to extend the crime of genocide to Polish jokes, racist remarks, even advocacy of policies deemed harmful to an ethnic group.

Under the treaty's terms, the slaughter of 2 to 3 million Khmer people by the Khmer Rouge was not genocide, because politically and not racially motivated. The Soviet Union's war on terror against Afghanistan would not be genocide, but this country's failure to provide nationwide busing might be. (Exempting politically motivated genocide was done at the insistence of the Soviet negotiating team.)

Far from balking, the United States should take the lead in banning genuine genocide, as opposed to the false genocide included in the U.N.'s Genocide Convention. The treaty should be amended to include politically motivated aggression, thereby illegitimizing Communist enormities, and "mental harm" gibberish should be deleted. These, we hear, are the approaches now being taken in the Senate, which should enhance greatly its chances of being approved.

MILITARY RETIRED PAY

Mr. THURMOND. Mr. President, since Mr. David Stockman, Director of the Office of Management Budget [OMB], made his unfortunate remarks regarding military retired pay on February 5, 1985, a great deal has been written and said regarding the military retirement system. Unfortunately, much of the commentary either has been based on misinformation, or comparisons have been made with other, non-related governmental programs.

To help clarify the understanding of this issue, I would like to insert an editorial in the CONGRESSIONAL RECORD that appears in the March issue of The Officer magazine, published by the Reserve Officers Association of the United States [ROA]. It helps to put the military retirement system in the proper perspective and emphasizes its importance as a valuable service retention tool. I encourage my distinguished colleagues to read this editorial.

Mr. President, I ask unanimous consent for this editorial entitled, "Impugning The Military," to be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IMPUGNING THE MILITARY

The extraordinary sacrifices made by career servicemen and women are more demanding than those made by civilians, said President Reagan in the aftermath of remarks made by Office of Management and Budget Director David A. Stockman on Capitol Hill in early February.

Mr. Stockman impugned the integrity of every man and woman in the service when he charged that America's military personnel are more concerned about the security of their retirement program than about national security.

That is blatantly untrue.

While GIs gripe about a myriad of matters, they defend this nation whenever and wherever they are called.

Mr. Stockman's later denial of intention to impugn the integrity of our GIs came as a quiet anticlimax to his outburst before the Senate Budget Committee—and the glare of network television. Unfortunately, the explosive remark carried more impact than the oblique mea culpa that followed.

With the misconceptions about military matters that many civilians have, the one uttered by Mr. Stockman will endure long after the waffling is forgotten.

Some of the facts overlooked by Mr. Stockman are listed below, and, when you are talking to your neighbor, they will serve as a basis for setting the record straight.

LET'S SET THE RECORD STRAIGHT

Here are some misconceptions that have been receiving widespread publicity, following the remarks of Mr. Stockman. A factual response follows each one.

The military retirement system is overly generous.

Fact: The average annual gross retired pay for a full career nondisability military retiree is $13,716. The federal government defines the poverty level for a family of four as $10,178. Thus the difference of $3,538 is how much the government, in its collective wisdom, values the long and loyal service of its military over survival at the poverty level. Further, all non-disability retirement pay is fully taxable.

The military retirement system is six times more expensive than private pensions.

Fact: A comparative analysis of military vice private retirement systems performed by the staff director of the Fifth Quadrennial Review of Military Compensation revealed that the military system is between one and 1.2 times more costly than retirement plans offered in the private sector. In view of the many hardships that most military personnel must face during their career, such as loss of civil liberties, frequent moves, separation from their families, isolated and/or harsh duty stations, and combat or other life-threatening environments, this hardly seems unreasonable.

The average military retiree is a well-paid senior officer.

Fact: The median grade for all military retirees is pay grade E-7, a master sergeant or chief petty officer whose retired pay averages $13,716 annually. Over two-thirds of all personnel receiving military retired pay are enlisted. Given the Washington environment in which he deals, it is understandable (to be kind) that Mr. Stockman might be dazzled into thinking that no one save generals and admirals stick it out for retirement pay.

No other job allows someone to retire at half pay after only 20 years service.

Fact: Military personnel do not retire with 20 years service at 50 percent of their compensation. They do receive half of part of their pay (base pay only). Thus, the actual amount is 35 percent for 20 years of service or 58 percent for 30 years service. Even with such recompense, however, an overwhelming majority of military men and women must begin a second career to supplement their government-earned retirement.

And they enter the civilian labor force at a serious disadvantage: despite their experience and training, they are 20 or 30 years behind their corporate and business contemporaries who have been advancing in their own cilivian careers while the military members served their country.

The present pension system encourages people to retire after only 20 years.

Fact: The military retirement system is not a pension; it is a management tool to provide the personnel needed to maintain a vital armed force. In fact, studies have shown that the total cost to taxpayers is significantly greater when a miltary member retires after 30 years instead of after 20 years.

There are too many people entitled to military retirement pay.

Fact: Only 13 percent of those who enter the service remain long enough to earn retired pay. Clearly, the civilian world is more attractive and more enticing to most of the 87 percent who opt out of miltiary service.

The $16 billion cost of military retirement in FY 83 is too high.

Fact: This cost includes the cost of disability retirees and payments to survivors. In FY 83, military retired pay is less than one half of one percent of the Gross National Product, and only six percent of the defense budget.

In view of the serious budget deficit, military retirees should not be immune from cuts.

Fact: Changes implemented in the military retirement system since 1980 alone have reduced lifetime retirement pay by approximately 20 percent for those fully affected. Further, while individual Social Security benefits have increased 11 percent in real dollars since 1980, the earning power of military retired pay decreased by two percent during the same period.

The military retirement program must be reformed. Even the Pentagon has urged reform.

Fact: Reform means improvement. Virtually all of the so-called reforms currently being recommended constitute drastic cuts—reductions for the sake of reducing costs, not for the sake of reform. Concerning the Pentagon, the Department of Defense is required by law to review thoroughly the military retirement system every four years. Study groups that have been formed for this purpose have offered recommendations to reform the military retirement system. Some of the reforms would increase retired pay, while others would reduce it. In each case, however, senior Defense officials decided against the recommendations after determining that the current system would enable them to manage the career force better.

Military personnel serve in the military and sometimes risk their lives out of love for the country and what it stands for—not because of the retirement program.

Fact: Patriotism and love of freedom play a major role in a person's decision to serve in the Armed Forces or make it a career. However, studies have shown that the No. 1 factor in a person's decision to make the

military a career is its retirement program. Further reductions in the military retirement program will certainly have an adverse impact on the retention of trained personnel; reductions in needed personnel directly equate to a loss of readiness. As was the case only a few years ago when the Navy literally had to tie up some of its ships because it did not have the qualified manpower needed to sail them, losses in personnel weaken our national security.

SENATE RESOLUTION 82—RELATING TO THE DEDUCTION FOR STATE AND LOCAL TAXES

Mr. CRANSTON. Mr. President, on February 28, I joined my colleagues, Senators D'AMATO, MOYNIHAN, WILSON, and HAWKINS as a sponsor of Senate Resolution 82 which expresses the sense of the Senate that the Federal income tax deduction for State and local taxes should not be repealed.

The Treasury Department, in its justification for its proposal to repeal the deduction, apparently considers the current deduction to be a Federal subsidy which "simply permits taxpayers to finance personal consumption expenditures with pre-tax dollars."

The Treasury's explanation reflects an extremely narrow view of Government in a Federal system. I am also certain that it comes as a surprise to childless taxpayers that their school taxes are a "personal consumption expenditure."

I think, however, that the true reason for the Treasury's proposal and why it should be taken as a serious threat to the fiscal stability of State and local government is provided in Treasury's bottom-line rationale for repealing the deduction.

Finally, the Treasury document states:

> The deduction for State and local taxes is one of the most serious omissions from the Federal income tax base. Repeal of the deduction is projected to generate $33.8 billion in revenues for 1988. Unless those revenues are recovered, the rates of tax on nonexcluded income will remain at their current unnecessarily high rates.

Almost everybody agrees that the present tax system is unfair.

Grossly unfair.

Tax reform is supposed to make taxes fair.

The Treasury's proposal to repeal the deductibility for Federal income tax purposes of State and local taxes goes in exactly the opposite direction.

That proposal would take an unfair tax system and, instead of making it fairer, would make it even more unfair. People can deduct taxes they pay to foreign governments. But under the Treasury proposal they cannot deduct taxes they pay to their own State or city.

That is absolutely absurd, unfair and discriminatory. It would increase the unfair tax discrimination against Americans who work in America. It would encourage industries to take more American jobs overseas.

Repealing the deductibility of State-local taxes would increase the tax burden on citizens in States like California which have a strong State income tax and which rely on revenues from that tax to finance essential State services.

The average Californian will have to pay nearly $600 a year more in Federal taxes.

This sense of the Senate resolution expressing support for the Federal deduction of State and local taxes will greatly strengthen the tax reform movement which I strongly support.

I am an original cosponsor of the Bradley-Gephardt tax proposal. It has a deductibility provision and it is by and large the best, most effective, and fairest tax reform proposal that anyone has offered so far, though I do not necessarily agree with Bradley-Gephardt on every issue.

I am glad that the Reagan administration favors a modified flat tax and that Kemp-Kasten has offered another flat tax plan. I see some merit in all the proposals—and I do not agree totally with any pending proposals.

The Bradley-Gephardt proposal, by retaining the deductibility of State and local taxes with the exception of the sales tax, assures that every taxpayer receives the same tax benefit from the deduction regardless of wealth or tax bracket.

The Bradley-Gephardt approach will preserve for States like California fair and equal treatment under a reformed tax code.

It assures equity between the States.

State taxpayers are relieved of an unfair tax on a tax.

No State is asked to subsidize another.

No State will gain unfair advantage in "tax" competition.

I ask unanimous consent that the fact sheet on California State and local taxes be printed in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

CALIFORNIA STATE AND LOCAL TAXES—FACT SHEET

Californians collectively paid an aggregate of $27 billion in state income taxes, state and local property taxes and state and local sales taxes in 1981.[1]

Some 4.5 million Californians itemized deductions on their federal income tax returns (about 40% of all federal taxpayers in the state). Those California taxpayers deducted a total of $11,295,377,000 for payments of state-local taxes in 1981.

Following is breakdown of those non-business related tax deductions claimed by Californians on their federal tax returns:

Income taxes	$6,591,247,000
Real estate taxes	2,586,853,000
Personal property taxes	393,577,000
Sales taxes	1,723,700,000
Total	11,295,377,000

As a result of those deductions, Californians who itemized saved $591.37 in 1981 on a per capita basis. (The national average was $410.21.)

A married California couple with adjusted gross income of $50,000, that year paid an effective state personal income tax rate of 4.5%. But because they were able to deduct those state taxes from their federal income tax, those Californians actually paid an out-of-pocket rate of 2.3% in state income taxes.

That couple paid $2,250 in state income taxes. If the federal deductibility of state and local taxes had been repealed in 1981, they would have paid a federal income tax of $1,100 as well.

[1] This is the latest year for which IRS has completed its breakdown of figures shown in this fact sheet.

Sources: IRS, Statistics of Income, 1981; Advisory Commission on Intergovernmental Relations, "Strengthening the Federal Revenue System: Implications for State and Local Taxing and Borrowing.", 1984.

EDWARD M. BALLIN

Mr. MOYNIHAN. Mr. President, I have the sad personal duty to report to the Senate the death of Edward M. Ballin of Larchmont, NY. In a career in philanthropy that spanned almost half a century, few persons have given as much of themselves, or gotten as much for others as Ed Ballin. He began his career in 1941 on the staff of U.S. Relief, and maintained a lifelong interest in mainland China, spurred not least by the fact of his beloved wife Edith having been born in Harbin. Following World War II, Ed Ballin settled into a career raising funds for charitable enterprises. Jewish by faith, it was characteristic of him that much, if not most of his work, involved Catholic charities. For he was a man above any sectarian concerns, and beyond any interests save those of persons in need, be they a vast abstraction such as the masses of distant China, or the most specific residents of a nearby home for the aged.

I first met Ed Ballin some 30 years ago through my wife Elizabeth who worked with him in the field of health care. Later I met his incomparably gifted wife Edith, a linguist, teacher, and wise counselor to causes and individuals beyond numbering. We send her our deep condolences and great gratitude for a long and precious friendship.

Mr. President, I ask unanimous consent that an obituary of Mr. Ballin which appeared in the Gannett Westchester Newspapers on January 28, 1985, be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

EDWARD M. BALLIN

Edward M. Ballin, a semiretired public relations consultant, died of a heart attack Saturday at his home, 12 Spruce Road, Larchmont. He was 67.

His wife, Edith, said this morning that the death was unexpected. In fact, they were planning to leave for a vacation in Spain on Thursday.

"He died as beautifully as he lived, quietly and in his sleep," Mrs. Ballin said.

Mr. Ballin was self-employed in the public relations field for 40 years. He specialized in non-commercial accounts, such as universities, schools, hospitals, club and organizations, his wife said, and won several awards for written and graphic public relations presentations.

A member of the National Society of Fund Raisers, Mr. Ballin was also chairman of the outreach committee of the Prompters organization at the State University of New York College at Purchase. He had held the chairmanship for about 18 months.

Mr. Ballin was also a member of the Century Club at the University of Tennessee.

"He was a wonderful person, in terms of giving to other people," Mrs. Ballin said. "He had a huge heart and great consideration for everyone."

He and his wife, the former Edith Bihovsky, were married in New Jersey in 1943. She lived in China for many years as a young woman and child, and Mr. Ballin developed a life-long interest in China and Sino-American relations, his wife said.

He started his career in 1941 on the staff of United China Relief, and the couple were among the delegates to the 1980 national convention of the United States-China Peoples Friendship Association, held in Boston.

Born on April 11, 1917, in Hollis, Queens, Mr. Ballin was a Phi Beta Kappa graduate of New York University and held a bachelor of arts degree.

In addition to his wife, he is survived by two children, Roberta L. Fischer of Larchmont and James E. Ballin of Phoenix, Ariz., a sister, Eleanor Furman of New York City; and three grandchildren.

WOMEN'S HISTORY WEEK

Mr. HATFIELD. Mr. President, this week has been designated by congressional resolution as "Women's History Week," a time to reflect on the tremendous contributions made by American women from all walks of life in the development of our Nation. The following statement marks the importance of this week in southern Oregon where the Jackson County Advisory Committee on the Status of Women has planned events to promote further recognition of the crucial role of women in history. I commend to my colleagues this statement which I submit for the RECORD.

JACKSON COUNTY OR, WOMEN'S HISTORY WEEK

"When I found out that women had a part in the history of 1849, I really began to realize that women had a part in the history of this country."

This was one young student's reaction to a Women's History Week program. America's women didn't quite make it into America's history books. And history's loss is our loss.

Over the last 8 years a new aspect of the women's movement has been gathering momentum—the celebration of National Women's History Week, March 3-9. Jackson County Women's Commission members spearheaded the drive to plan and organize a 1985 celebration. The Women's Commission is appointed by the Board of Commissioners to promote the County's policy to eliminate sex discrimination.

The theme for our 1985 Celebration is Write Women Back Into History. No other group has undertaken the task of organizing a county-wide celebration. Our 1985 Women's History Week Celebration is making history.

Honoring the role women has played in history has spread rapidly. It's moved from its origin in Sonoma County, California, all the way to the halls of Congress. A special congressional resolution has placed Women's History Week on the calendar of national events.

We're taking steps to bring about an understanding of how this country has been shaped by all its citizens. Our goal is to understand their lives, their courage, their ambitions, their failures, and their successes.

When boys and girls learn about the lives of women throughout history, they invariably gain a wider sense of our diverse national culture. They also begin to view their own lives within an historic context—they see themselves anew as "makers of history" rather than as its passive subjects. And, most importantly, they increase their awareness of the options open to them as they themselves become adults. This increased awareness inevitably leads to more informed and purposeful involvement in public affairs. This same response happens time after time to adults who participate in National Women's History Week events.

The week containing March 8 is appropriate for designation as National Women's History Week because of that day's internationally accepted significance as International Women's Day—commemorating the involvement of women in every aspect of human endeavor.

We'll still have heroes. We'll just have more of them. We don't undermine the basic good feelings for our country when we tell more of its story.

It's time we opened our minds to all the women in U.S. history. National Women's History Week is one important way to do just that.

SENATOR EVANS ADDRESSES NATIONAL ASSOCIATION OF COUNTIES ON COMPARABLE WORTH

Mr. CRANSTON. Mr. President, on Monday, March 4, the distinguished Senator from Washington [Mr. EVANS] spoke before the National Association of Counties on the issue of comparable worth. In his speech, he addressed some of the arguments often used against comparable worth and demonstrated why they are lacking in merit. As the principal sponsor, with Senator EVANS, of legislation introduced last week, S. 519, the proposed Federal Employee Anti-Sex-Discrimination in Compensation Act, which addresses the need for a comprehensive pay-equity study of the Federal work force, I believe that Senator EVANS' speech presents a forceful explanation of why the Federal Government must confront, and not evade, this important issue.

I ask unanimous consent that the transcript of this speech, as actually given, be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT OF DANIEL J. EVANS ON COMPARABLE WORTH

It began in front of a meeting of the National Association of Counties, during the time I was Governor that we initiated some very strong cooperative efforts between county government, city government, and the states. The initial effort led to what became revenue sharing some years ago. So I suppose at least, in one respect, I feel part parent of revenue sharing and now find myself in the Congress debating whether we are going to retain any last remnant of that important initiative of the last ten years. Comparable Worth is an issue which is not unique, it is not something that came out of the cosmos like Halley's Comet. Comparable Worth is merely one step in a continuum which began centuries ago. In modern times, it began with the debate over equal pay for equal work. I might add, a hotly debated issue which first came to Congress in 1948, one which was before Congress most of the succeeding years until 1963. Almost ¼ of a century later when it finally passed.

Next in line was the Civil Rights Act of 1964. It gave further flesh to this skeleton of wages and the interrelationship of people in the market place. And now we are talking about equal pay for equivalent work—not a dramatically changed or new issue, but as I have said one step in a continuum that has moved dramatically during the course of the last half century. I guess I would like to spend most of my time today destroying some shibboleth. Some shibboleths which are use by those who oppose the concept of comparable worth, and I suspect that maybe Mr. Pendelton and I will find that we are on the same side of many more issues than we are on the opposite side.

First, is the fundamental opposition based on the concept that the market place will decide. That we somehow operate in a marvelously perfect marketplace where the employers seek to get from the labor market people to work for wages as small as possible while those in the labor market seek out employment for wages as high as possible. And, of course, attached to that especially from some of the economists and academicians who strongly oppose comparable worth, is the concept involving out of what they call "Human Capital" viewpoint. The human capital viewpoint, and listen to this, because it is an interesting and fundamental thesis of theirs, that people with less expected time in the labor force, will train less, and will enter those occupations in which less training is required. Now, of course, when you talk about people with less expected time the labor force, you are talking about women, or you are talking about women as the situation existed for the last hundred years or more. And of course the idea then that under human capital investment they will train less and enter those occupations in which less training is required. And, of course, we see that all over the place: we see women entering the nursing profession instead of being truck drivers. Women ending up as child care specialists instead of zoo keepers—now when in each case they could get much more money with apparently exactly the job they should seek. One in which was less training was required because they had less attachment to the labor force. Well, lets face it, the market is an imperfect mechanism, made imperfect by lack of mobility of most workers, lack even

of knowledge of opportunity which exists across the nation. Made less perfect, I am not saying whether it is right or wrong, made less perfect as a market by union agreements, made less perfect by the long tradition of apprenticeship programs which for many, many years had a sign up saying "Men Only Apply." Made less perfect by government at all levels whose legislative bodies frequently apply wage freezes or distort what otherwise might happen in the market place simply because of budgetary impact. You know, if the market was perfect, if the market really was where we solely went for the answer to our wage considerations then of course those who suggest that would obviously be opposed to child labor laws, be opposed to the Fair Labor Standards Act, be opposed to wage and hour acts, be opposed to minimum wage, be opposed to the Wagner Act, be opposed to the Taft-Hartley Act, and unquestionably be opposed even to equal pay for equal work. All of these impact in one way or another on the market place. And the antecedents of those who now oppose comparable worth also opposed equal pay for equal work in strikingly similar words. I always hesitate to quote someone who is sitting right next to me, but he will tell me if the quotes are not totally accurate. Mr. Pendleton said, "this is probably the luniest idea since looney tunes came on the screen. I think you cannot begin to do things to the market place that has served this country so well." In March of 1963, Representative Edith Green, of Oregon asked the question, "you say that in your plant the starting salary for women were $50 to $100 below the mens' salaries?" William Miller representing the U.S. Chamber of Commerce said, "I said that is what the market place has placed as the value of the difference between men and women." Pendleton says, "if a truck driver makes more than a secretary, she should be able to apply for a job as a truck driver." In 1963, question again to Mr. Miller by Mrs. Green, "and no women has the chance of being a leader in your plant?" Mr. Miller, "I have yet to see a woman in a manufacturing establishment who has been able to rise to the top in a manufacturing job. It is because men in general liked to be supervised by men rather than woman." Or third, by Mr. Pendleton, "if by forcing salaries higher in some jobs that usually go to women comparable worth could backfire. If employers of cafeterias and other kinds of services exchange that for coffee machines and other kinds of vending machines." And in Mr. Miller's response in March of 1963, he said "the passage of this type of legislation," now remember this is equal pay for equal work, "would discriminate against women and reduce their job opportunities, particularly in the field mostly dominated by men because employers in order to reduce competitive costs and potential problems under the new laws would hire only men." Well, disaster didn't strike, the market didn't crash, new opportunities did open up at better wages for women. And today, if you went to Congress with a proposal to repeal the equal pay for equal work statute you not only wouldn't get one vote in Congress, you couldn't get anybody to even introduce the proposition.

The second shibboleth, there would be a requirement for a massive bureaucracy. Well, I think here is where we probably agree more than disagree. I don't believe that we ought to institute any kind of bureaucracy. I think this is a proposal which ought to be utilized independently and internally by governments and by corporations. Internal alignment may change some things internally and then the external market can work as a free market should. If in the change internally, some people or some classifications find their wages go up, they presumably will attract more and better people and those on the outside will either respond or lose their chance to hire those people. The same fear again that was expressed in 1963. That there would be a massive bureaucracy and I have quotes again almost similar to those being used today in opposition to comparable worth.

Third shibboleth, there is a huge cost to implementation. Let's talk about what comparable worth is and what it isn't. Comparable worth is merely a method, one among many, of aligning job classifications within a work force. Once you align them, you make choices then as to where you set salaries, and there is not necessarily any huge cost at all. I know that when we did this survey many years ago in Washington State we even found that some people appeared to be overpaid, strikingly enough in Government, but our proposal then was modest in cost if it had been implemented and implemented promptly.

The fourth shibboleth, this is a brand new and untried concept. Well, it is hardly that. It has been used for years by corporations. The whole method of job evaluation now helps set the salaries of millions of workers in America. 24 states are now studying implementation of comparable worth within their states. Many companies have already adopted the concept of comparable worth and find it easily done. I am very proud that Thurston County, in my home state of Washington has just concluded a cooperative venture with the union and nonunion employees of Thurston County and have implemented with strikingly little problem and not very much cost a comparable worth concept. It is a coming force and it is as irresistible as equal pay for equal work was in 1963. I have introduced a bill but the bill does not intend to unilaterally implement any concept relating to comparable worth. It merely says let's for the first comprehensive time since the federal civil service came into existence in 1923, let's do a comprehensive study. Let's seek facts and lets do it under the best and fairest conditions we can find, with a broadly based advisory commission under whose control this study would begin, with a requirement that they hire a contractor from a list put together by GAO, the best possible professionals and report on their findings to Congress whether or not there is a problem, the extent to which if in fact there is any discrimination and only then recommendations for elimination. And why not? The federal government is virtually unique among all of the employers in this nation. Just as I suspect in many cases, county government is virtually unique among the companies and other governments of the communities you represent. The federal government has about twice as many job classifications as the biggest corporation in the U.S. And I suspect that you will find pretty much the same thing in county government. Many broader, more disparate kinds of job classifications than in most companies or most enterprises devoted to a much narrower concept. Any why not then examine through study this very complex governmental unit? Why not establish internal alignment? And most of all, why not if done, let the market place respond externally?

In conclusion, let me just repeat what I said at the start. It is a continuum and a long journey toward equal opportunity. Many opposed the concept of equal pay for equal work in 1948, and did so successfully. They opposed it continuously until 1963 when finally, equal pay for equal work was instituted without dramatic negative consequences and some considerable positive ones. And now in 1985, many oppose the next step in this continuum. And I think the Federal government has a chance to initiate, a chance to lead. Either we will or we will leave the field to states, local communities, and companies who are already beginning the task, who will be the initiators and who will be the innovators. We may be left to react. Or more distressingly and more potentially, we fail to respond and leave the decisions to the courts of the United States, and when we do that we have simply given up our executive and legislative responsibilities leaving decisions to the judges where there are no economic or practical limitations to their actions.

Thank you.

DEFENSE BUDGET CUTBACKS WILL HURT ECONOMIC RECOVERY AND GROWTH AT THE STATE LEVEL

Mr. HATCH. Mr. President, I rise in the interest of both our national security and the source of its strength—our economy and, more importantly, the quality of our work force. On Tuesday of this week, I cautioned that the ultimate adoption of a no-growth defense budget, the one passed by the Senate Budget Committee that day, could cost the Nation dearly. I have completed a very thorough analysis of the implications of no growth in defense spending and am pleased to submit for the RECORD the entire report, including the tables.

I am hopeful, Mr. President, that my colleagues in both the House and Senate, and those outside of the Congress will give the closest attention to the study's results. In a few words, every State in the Nation will be deprived of skilled production workers, engineers and scientists. Every State will jeopardize the capital investment made in infrastructure development which undergirds industrial development, and every State will experience some turbulence in State planning and budgeting because of the relationship of defense direct expenditures to State government spending.

Mr. President, before we cross that final bridge into the adoption of a first budget resolution, let us take pause and ask ourselves whether we really intend to reignite recession, whether we intend to signal our NATO allies that we are walking away from a 3-percent growth commitment that we demanded from all members, and whether we really want to tell the Soviets by deed as well as word that we do not believe they represent a threat to anyone, especially the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIVES OF THE HATCH STUDY

The purpose of this study is to measure the job impact of the FY86 no growth defense budget on the fifty states. According to the Congressional Budget Office, $270 billion would be spent under a nominal freeze compared to the presidential level of $284.6 billion.

The study has two parts:

First, the job and outlay spending impact on all fifty states for no growth is provided in three ways. Both jobs and funding relate to:

a. Non-Procurement, Research and Development, Testing and Evaluation (non-PRDTE) projects—such activities generally fall into the operations and maintenance (O&M) and other spending categories (e.g. military pay, military construction, etc.), representing activities which include both military and civilian workers and which are done largely by government workforces on government installations. In the study, civilian workers are separated from military in the calculations which focus on civilian workers only.

b. Procurement, Research and Development, Testing and Evaluation (PRDTE) projects—the great bulk of such activities are both civilianized and conducted off military installations. There are relatively negligible exceptions for R&D which involve a very few military workers and some government laboratories, for example.

c. The net loss of civilian jobs for both non-PRDTE and PRDTE activities is summarized by state at the end of the fifty-state table.

Second, the study includes all states to assess the direct relationship of defense expenditures to:

a. Growth in defense spending at state level over the FY82-86 time frame; that is, states which are more oriented to procurement and R&D tend to have received more defense funds than those which are O&M oriented (i.e. those which have heavier defense installation spending).

b. Congress tends to cut procurement and O&M accounts, according to the historical trend over the period FY82-85. Therefore, the Hatch Study alerts states as to what to expect based on the distribution of DOD receipts between procurement and O&M in the state. Other defense accounts, such as military construction, military and retired pay, family housing, etc. do not generally suffer deep cuts.

c. State budgeting—those states with high military installation spending tend to have higher ratios of total DOD to state government expenditures, and are more likely to run higher surpluses.

MAJOR FINDINGS

Part I.—Adjustments under a no growth defense budget: (see table I-1)

305,331 jobs will be denied;

155,719 will come from defense industries;

149,617 will come from defense installations, the hardest hit states in terms of total job losses are:

State:	*Job impact*
California	63,823
New York	20,264
Texas	17,918
Virginia	17,086
Pennsylvania	14,221

The states losing the fewest jobs are:

State:	*Job impact*
Wyoming	83
Montana	113
Idaho	126
South Dakota	132
North Dakota	188

National mean job loss is 6,107.

Part II.—State receipts of defense monies and impact: (see tables II-1-3)

Minnesota, Iowa and Indiana had the biggest gain over the period FY 82-86; all three states have more than 70 percent of expenditures going to procurement activities.

Louisiana, Missouri, and Idaho gained the least in terms of defense funding over the period cited. While Louisiana and Missouri are procurement oriented, Idaho is predominantly O&M related and is the lowest recipient of all defense spending in the 22 state sample.

Texas, Missouri, Colorado, and Connecticut received DOD expenditures equal to two and one-half times or more of their total state government spending, with all four states ranked in the top four of total DOD receipts. Their surpluses in the state budget were among the top five in the nation, except for Colorado.

Wisconsin, Iowa and Idaho received the least amount of DOD funds compared to total state government expenditures; although Wisconsin ran the third highest budget surplus, the other two states had no surplus.

TABLE I-1

[CBO estimate fiscal year 1986 defense outlays $285,000,000,000/$270,000,000,000, Mar. 7, 1985]

State	Direct expenditures President's fiscal year 1986 5.9 percent defense budget					Direct expenditures no growth (billions)	
	P, RDT&E		Other payroll		Total DOD spending amount (billions)	Total	Net decrease
	Amount (billions)	Percent	Amount (billions)	Percent			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Alabama	$0.83	0.25	$2.5	0.76	$3.3	$3.13	$0.17
Alaska	.023	.02	1.03	.98	1.05	1.00	.05
Arizona	1.98	.52	1.82	.48	3.8	3.61	.19
Arkansas	.251	.21	.951	.79	1.2	1.14	.06
California	34.283	.61	21.65	.39	55.9	53.08	2.85
Colorado	2.3	.50	2.3	.50	4.5	4.27	.23
Connecticut	6.7	.73	2.5	.27	9.2	8.73	.47
Delaware	.051	.13	.336	.87	.4	.37	.02
Florida	5.9	.47	6.7	.53	12.6	11.96	.64
Georgia	1.177	.23	4	.77	5.2	4.91	.26
Hawaii	.097	.04	2.44	.96	2.5	2.41	.13
Idaho	.007	.02	.336	.98	.3	.33	.02
Illinois	2.95	.48	3.15	.52	6.1	5.79	.31
Indiana	4.2	.70	1.7	.30	6	5.69	.31
Iowa	.79	.64	.45	.37	1.2	1.14	.06
Kansas	2.2	.59	1.6	.43	3.7	3.51	.19
Kentucky	.19	.10	1.64	.90	1.8	1.74	.09
Louisiana	.41	.14	2.6	.89	2.9	2.75	.15
Maine	.552	.40	.817	.60	1.4	1.30	.07
Maryland	4.34	.54	3.77	.46	8.1	7.70	.41
Massachusetts	7.65	.73	2.8	.27	10.5	9.92	.53
Michigan	2.5	.61	1.6	.39	4.1	3.89	.21
Minnesota	3.3	.75	1	.23	4.4	4.18	.22
Mississippi	.852	.26	2.45	.74	3.3	3.13	.17
Missouri	4.9	.66	2.5	.33	7.4	7.02	.38
Montana	.009	.03	.256	.97	.3	.25	.01
Nebraska	.09	.10	.8	.88	.9	.85	.05
Nevada	.036	.06	.59	.94	.6	.59	.03
New Hampshire	.803	.55	.668	.45	1.5	1.40	.08
New Jersey	3.42	.55	2.77	.45	6.2	5.87	.32
New Mexico	.34	.22	1.3	.81	1.6	1.52	.08
New York	10.4	.62	6.3	.38	16.7	15.85	.85
North Carolina	.715	.17	3.51	.83	4.2	4.01	.22
North Dakota	.019	.04	.456	.96	.5	.45	.02
Ohio	4.2	.57	3.2	.44	7.3	6.93	.37
Oklahoma	.611	.22	2.15	.78	2.8	2.62	.14
Oregon	.328	.34	.644	.66	1.0	.92	.05
Pennsylvania	4.99	.57	3.75	.43	8.7	8.29	.45
Rhode Island	.539	.52	.503	.48	1.0	.99	.05
South Carolina	.21	.07	2.64	.93	2.9	2.70	.15
South Dakota	.009	.03	.333	.97	.3	.32	.02
Tennessee	.382	.21	1.45	.79	1.8	1.74	.09

TABLE I–1—Continued

[CBO estimate fiscal year 1986 defense outlays $285,000,000,000/$270,000,000,000, Mar. 7, 1985]

State	Direct expenditures President's fiscal year 1986 5.9 percent defense budget					Direct expenditures no growth (billions)	
	P, RDT&E		Other payroll		Total DOD spending amount (billions)	Total	Net decrease
	Amount (billions)	Percent	Amount (billions)	Percent			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Texas	8	.45	9.6	.54	17.7	16.80	.90
Utah	.72	.40	1.1	.61	1.8	1.71	.09
Vermont	.385	.73	.141	.27	.5	.50	.03
Virginia	4.74	.32	10.29	.68	15.0	14.26	.77
Washington	3.5	.45	4.3	.55	7.8	7.40	.40
West Virginia	.18	.38	.29	.62	.5	.45	.02
Wisconsin	.91	.51	.84	.47	1.8	1.71	.09
Wyoming	.008	.04	.193	.96	.2	.19	.01
Total	133.977		130.71		264.5	251.02	13.49

Note.—Differences in totals may be attributed to rounding.

FISCAL YEAR 1983 (BENCHMARK YEAR) TOTAL DOD PERSONNEL AND PAYROLL

State	Military personnel	Military personnel/ total personnel	Military payroll (billions)	Military pay/total pay	Civilian personnel	Civilian personnel/ total personnel	Civilian payroll (billions)	Civilian pay/ total pay	Total personnel	Total DOD payroll (billions)	State pay/ U.S. pay
(1)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
Alabama	25,072	0.49	$0.051	0.05	26,090	0.51	$0.506	0.50	51,162	$1.007	0.022
Alaska	20,680	.82	.402	.79	4,616	.18	.105	.21	25,296	.507	.011
Arizona	24,432	.72	.483	.69	9,725	.28	.218	.31	34,157	.701	.015
Arkansas	9,889	.67	.208	.80	4,764	.33	.052	.20	14,653	.26	.006
California	204,572	.61	3.89	.53	133,359	.39	3.42	.47	337,931	7.31	.159
Colorado	39,879	.74	.76	.72	14,061	.26	.292	.28	53,940	1.052	.023
Connecticut	5,865	.57	.105	.48	4,515	.43	.117	.53	10,308	.221	.005
Delaware	4,935	.73	.109	.75	1,782	.27	.036	.25	6,717	.145	.003
Florida	70,872	.70	1.505	.70	29,805	.03	.65	.30	100,667	2.155	.047
Georgia	62,941	.63	1.07	.59	36,620	.37	.738	.41	99,561	1.808	.039
Hawaii	45,715	.69	.86	.66	20,244	.31	.442	.34	65,959	1.302	.028
Idaho	5,999	.84	.118	.83	1,176	.16	.025	.17	7,175	.143	.003
Illinois	36,289	.63	.71	.66	21,591	.37	.373	.34	57,880	1.083	.024
Indiana	6,059	.31	.17	.36	13,779	.69	.299	.64	19,838	.469	.010
Iowa	459	.24	.012	.12	1,462	.76	.09	.88	1,921	.102	.002
Kansas	24,609	.79	.448	.76	6,419	.20	.141	.24	31,028	.589	.013
Kentucky	41,378	.75	.598	.71	13,605	.25	.243	.29	54,983	.841	.018
Louisiana	25,950	.74	.45	.56	9,006	.26	.348	.44	34,956	.798	.017
Maine	5,419	.72	.143	.77	2,067	.28	.042	.23	7,486	.185	.004
Maryland	35,759	.47	.712	.43	40,857	.53	.939	.57	76,616	1.651	.036
Massachusetts	10,385	.47	.216	.36	11,922	.53	.38	.64	22,307	.596	.013
Michigan	9,599	.45	.194	.42	11,945	.55	.272	.58	21,544	.465	.010
Minnesota	916	.25	.041	.47	2,706	.75	.046	.53	3,622	.087	.002
Mississippi	18,119	.62	.413	.75	11,133	.38	.14	.25	29,252	.553	.012
Missouri	17,685	.47	.285	.43	20,134	.53	.372	.57	37,819	.657	.014
Montana	4,160	.79	.099	.79	1,119	.21	.027	.21	5,279	.126	.003
Nebraska	12,282	.77	.345	.84	3,761	.23	.068	.16	16,043	.413	.009
Nevada	11,824	.86	.233	.85	1,872	.14	.042	.15	13,696	.275	.006
New Hampshire	4,096	.28	.089	.29	10,363	.72	.214	.71	14,459	.303	.007
New Jersey	21,447	.44	.332	.37	27,309	.56	.572	.63	48,756	.904	.020
New Mexico	16,883	.64	.357	.59	9,433	.36	.251	.41	26,316	.608	.013
New York	22,716	.55	.35	.45	18,631	.45	.436	.55	41,347	.786	.017
North Carolina	97,890	.86	1.59	.85	15,306	.14	.288	.15	113,196	1.878	.041
North Dakota	11,647	.88	.24	.91	1,618	.12	.025	.09	13,265	.265	.006
Ohio	11,834	.27	.311	.27	32,657	.73	.831	.73	44,491	1.142	.025
Oklahoma	31,875	.56	.548	.53	24,749	.44	.488	.47	56,624	1.036	.022
Oregon	770	.20	.047	.56	3,042	.80	.037	.44	3,812	.084	.002
Pennsylvania	7,997	.13	.145	.12	53,985	.87	1.109	.88	61,982	1.254	.027
Rhode Island	3,974	.49	.084	.47	4,122	.51	.094	.53	8,086	.178	.004
South Carolina	50,264	.72	.788	.65	19,803	.28	.422	.35	70,067	1.21	.026
South Dakota	6,515	.84	.138	.85	1,219	.16	.024	.15	7,734	.162	.004
Tennessee	11,831	.61	.178	.55	7,653	.39	.143	.45	19,484	.321	.007
Texas	133,406	.68	2.649	.67	62,799	.32	1.326	.33	196,205	3.975	.086
Utah	6,241	.22	.14	.23	22,156	.78	.472	.77	28,397	.612	.013
Vermont	60	.10	.002	.15	535	.90	.011	.85	595	.013	.0003
Virginia	94,484	.47	1.779	.42	104,719	.53	2.45	.58	199,203	4.229	.0918
Washington	42,570	.59	.753	.54	29,246	.41	.648	.46	71,816	1.401	.0304
West Virginia	438	.22	.008	.35	1,557	.78	.015	.65	1,995	.023	.0005
Wisconsin	943	.24	.018	.25	2,936	.76	.054	.75	3,879	.072	.002
Wyoming	3,821	.81	.085	.81	886	.19	.02	.19	4,707	.105	.002
Total	1,363,445		25.7		914,849		20.4		2,278,294	46.06	

Note.—Differences in totals may be attributed to rounding.

FISCAL YEAR 1986 DEFENSE OUTLAYS

State	Civilian jobs per $1,000,000 expenditures		Non-P, RDT&E only			Fiscal year 1986 5.9 percent Defense budget civilian jobs		
	Non-P, RDT&E	P, RDT&E only	1983–86 deflator	Civilian payroll fiscal year 1986	Adjusted civilian payroll (billions)	Non-P, RDT&E	P, RDT&E only	Total
(1)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
Alabama	52	32	0.125	$1.27	$1.12	57,517	23,240	80,757
Alaska	44	32	.125	.19	.16	7,230	644	7,874
Arizona	45	32	.125	.52	.45	20,227	55,440	75,667
Arkansas	92	32	.125	.31	.27	24,786	7,028	31,814
California	39	32	.125	8.54	7.48	291,512	959,924	1,251,436
Colorado	48	32	.125	.60	.52	25,262	64,400	89,662
Connecticut	39	32	.125	1.09	.95	36,718	187,600	224,318

FISCAL YEAR 1986 DEFENSE OUTLAYS—Continued

State	Civilian jobs per $1,000,000 expenditures		Non-P, RDT&E only			Fiscal year 1986 5.9 percent Defense budget civilian jobs		
	Non-P, RDT&E	P, RDT&E only	1983–86 deflator	Civilian payroll fiscal year 1986	Adjusted civilian payroll (billions)	Non-P, RDT&E	P, RDT&E only	Total
(1)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
Delaware	50	32	.125	.09	.08	3,861	1,428	5,289
Florida	46	32	.125	1.98	1.74	79,582	165,200	244,782
Georgia	50	32	.125	1.47	1.29	63,879	32,956	96,835
Hawaii	46	32	.125	.75	.66	30,012	2,716	32,728
Idaho	47	32	.125	.06	.05	2,267	196	2,463
Illinois	58	32	.125	1.18	1.03	59,515	82,600	142,115
Indiana	46	32	.125	1.18	1.03	47,613	117,600	165,213
Iowa	16	32	.125	.34	.30	4,868	22,120	26,988
Kansas	44	32	.125	.32	.28	12,099	61,600	73,699
Kentucky	56	32	.125	.41	.36	19,880	5,320	25,200
Louisiana	26	32	.125	.67	.59	15,169	11,480	26,649
Maine	49	32	.125	.23	.20	9,714	15,456	25,170
Maryland	44	32	.125	2.01	1.76	76,542	121,520	198,062
Massachusetts	31	32	.125	1.50	1.31	41,081	214,200	255,281
Michigan	44	32	.125	.89	.78	34,214	70,000	104,214
Minnesota	59	32	.125	.75	.65	38,455	92,400	130,855
Mississippi	80	32	.125	.93	.82	64,881	23,856	88,737
Missouri	54	32	.125	1.33	1.16	63,031	137,200	200,231
Montana	41	32	.125	.05	.05	1,968	252	2,220
Nebraska	55	32	.125	.19	.16	9,076	2,520	11,596
Nevada	45	32	.125	.08	.07	3,145	1,008	4,153
New Hampshire	48	32	.125	.48	.42	20,286	22,484	42,770
New Jersey	48	32	.125	1.55	1.36	64,815	95,760	160,575
New Mexico	38	32	.125	.47	.41	15,323	9,520	24,843
New York	43	32	.125	2.84	2.48	106,143	291,200	397,343
North Carolina	53	32	.125	.47	.42	22,071	20,020	42,091
North Dakota	65	32	.125	.06	.05	3,150	532	3,682
Ohio	39	32	.125	2.35	2.06	80,768	117,600	198,368
Oklahoma	51	32	.125	.94	.82	41,701	17,108	58,809
Oregon	82	32	.125	.51	.45	36,971	9,184	46,155
Pennsylvania	49	32	.125	3.27	2.86	139,120	139,720	278,840
Rhode Island	44	32	.125	.26	.22	9,791	15,092	24,883
South Carolina	47	32	.125	.75	.65	30,637	5,880	36,517
South Dakota	51	32	.125	.05	.05	2,333	252	2,585
Tennessee	54	32	.125	.57	.50	26,670	10,696	37,366
Texas	47	32	.125	3.07	2.69	127,330	224,000	351,330
Utah	47	32	.125	.86	.75	35,251	20,160	55,411
Vermont	49	32	.125	.13	.11	5,395	10,780	16,175
Virginia	43	32	.125	5.41	4.73	202,308	132,720	335,028
Washington	45	32	.125	1.75	1.53	69,153	98,000	167,153
West Virginia	104	32	.125	.23	.20	20,556	5,040	25,596
Wisconsin	54	32	.125	.64	.56	30,247	25,480	55,727
Wyoming	44	32	.125	.04	.03	1,408	224	1,632
Total				55.59	48.64	2,235,531	3,751,356	5,986,887

Note.—Differences in totals may be attributed to rounding.

CIVILIAN JOB LEVELS UNDER A NO GROWTH FISCAL YEAR 1986 DEFENSE BUDGET

STATE	Non-P, RDT&E	P, RDT&E	Total jobs	Net non-P, RDT&E decrease	Net P, RDT&E decrease	Net jobs decrease
(1)	(28)	(29)	(30)	(31)	(32)	(33)
Alabama	54,584	22,055	76,639	2,018	2,100	4,119
Alaska	6,861	611	7,472	197	205	402
Arizona	19,195	52,613	71,808	1,891	1,968	3,859
Arkansas	23,522	6,670	30,191	795	827	1,623
California	276,645	910,968	1,187,613	31,273	32,550	63,823
Colorado	23,974	61,116	85,090	2,241	2,332	4,573
Connecticut	34,845	178,032	212,878	5,606	5,835	11,440
Delaware	3,664	1,355	5,019	132	138	270
Florida	75,524	156,775	232,299	6,177	6,367	12,484
Georgia	60,621	31,275	91,897	2,420	2,519	4,939
Hawaii	28,481	2,577	31,059	818	851	1,669
Idaho	2,151	186	2,337	62	64	126
Illinois	56,480	78,387	134,867	3,551	3,696	7,248
Indiana	45,185	111,602	156,787	4,129	4,297	8,426
Iowa	4,620	20,992	25,612	674	702	1,376
Kansas	11,482	58,458	69,941	1,842	1,917	3,759
Kentucky	18,866	5,049	23,915	630	655	1,285
Louisiana	14,395	10,895	25,289	666	693	1,359
Maine	9,219	14,668	23,887	629	655	1,284
Maryland	72,638	115,322	187,960	4,950	5,152	10,101
Massachusetts	38,986	203,276	242,262	6,379	6,640	13,019
Michigan	32,469	66,430	98,899	2,604	2,711	5,315
Minnesota	36,494	87,688	124,182	3,270	3,404	6,674
Mississippi	61,572	22,639	84,211	2,218	2,308	4,526
Missouri	59,817	130,203	190,019	5,004	5,208	10,212
Montana	1,867	239	2,107	55	58	113
Nebraska	8,613	2,391	11,005	290	302	591
Nevada	2,985	957	3,941	104	108	212
New Hampshire	19,252	21,337	40,589	1,069	1,112	2,181
New Jersey	61,509	90,876	152,386	4,013	4,177	8,189
New Mexico	14,542	9,034	23,576	621	646	1,267
New York	100,729	276,349	377,078	9,930	10,335	20,264
North Carolina	20,945	18,999	39,944	1,052	1,095	2,147
North Dakota	2,989	505	3,494	92	96	188
Ohio	76,648	111,602	188,251	4,957	5,160	10,117
Oklahoma	39,574	16,235	55,809	1,470	1,530	2,999
Oregon	35,085	8,716	43,801	1,153	1,200	2,354
Pennsylvania	132,025	132,594	264,619	6,968	7,253	14,221
Rhode Island	9,292	14,322	23,614	622	647	1,269
South Carolina	29,075	5,580	34,655	913	950	1,862
South Dakota	2,214	239	2,453	65	67	132
Tennessee	25,310	10,151	35,460	934	972	1,906
Texas	120,836	212,576	333,412	8,780	9,138	17,918
Utah	33,453	19,132	52,585	1,385	1,441	2,826

CIVILIAN JOB LEVELS UNDER A NO GROWTH FISCAL YEAR 1986 DEFENSE BUDGET—Continued

STATE	Non-P, RDT&E	P, RDT&E	Total jobs	Net non-P, RDT&E decrease	Net P RDT&E decrease	Net jobs decrease
(1)	(28)	(29)	(30)	(31)	(32)	(33)
Vermont	5,120	10,230	15,350	404	421	825
Virginia	191,990	125,951	317,941	8,372	8,714	17,086
Washington	65,627	93,002	158,629	4,177	4,348	8,525
West Virginia	19,508	4,783	24,291	640	666	1,305
Wisconsin	28,705	24,181	52,885	1,393	1,449	2,842
Wyoming	1,336	213	1,549	41	42	83
Total	2,121,519	3,560,037	5,681,555	149,612	155,719	305,331

Note.—Differences in totals may be attributed to rounding.

PART II.—TABLE 1—TOP, BOTTOM 5 STATES

[Sampled in terms of fiscal year 1982–86 defense expenditure change]

State	Percent change [1]	Defense character [2]	Region
MN	159	P	MW
IO	150	P	MW
IN	131	P	MW
CO	88	OM, P	FW
NY	88	P	NE
MI	86	P	MW
TN	29	P, OM	SE
SC	26	OM	SE
ID	21	OM, P	FW
MO	18	P, OM	MW
LA	16	P, OM	SE

Notes: [1] Mean is 63 percent; other States: CT (46), FL (64), KS (68), NB (48), NM (33), ND (53), OH (63), TX (49), UT (39), WA (56), WI (64).
[2] P=procurement, OM=operations & maintenance. Single entry means at least 70 percent P or OM; double entry means at least 35 percent for each, in order of rank. Other States: CT (P), FL (P, OM), KS (P, OM), NB (OM), NM (OM—61 percent), ND (OM), OH (P), TX (P, OM), UT (OM, P), WA (P, OM), WI (P).

PART II.—TABLE 2—HISTORY OF CONGRESSIONAL CUTS OF PRESIDENT'S DEFENSE BUDGET

[Percent only]

Cut category	Fiscal year— 1982	1983	1984	1985	4 yr mean
RDT&E	[2] NA	50	53	53	
Proc	13	8	13	14	
Subtotal	13	58	66	67	51

PART II.—TABLE 2—HISTORY OF CONGRESSIONAL CUTS OF PRESIDENT'S DEFENSE BUDGET—Continued

[Percent only]

Cut category	Fiscal year— 1982	1983	1984	1985	4 yr mean
O&M	43	20	17	17	
Other [1]	44	22	17	16	49
Grand total	100	100	100	100	

Notes:
[1] Other includes military pay, military construction, other personnel costs.
[2] No cut.
Source: DOD, CRS, CBO data.

PART II.—TABLE 3.—FISCAL YEAR 1986 DOD EXPENDITURES, BY STATE, COMPARED TO FISCAL YEAR 1985 TOTAL STATE GOVERNMENT EXPENDITURES

[In order of rank]

State	DOD versus total State government expenditures (percent)	Fiscal year 1985 State budget surplus	Defense character	Region	Fiscal year 1986 total DOD spending amount	
					Amount	Rank
TX	311	396	P,OM	SW	17.7	1
MO	290	259	P,OM	MW	7.4	6
CO	250	55	OM,P	FW	4.5	9
CT	249	200	P	NE	9.2	4
KS	218	88	P,OM	MW	3.7	12
FL	200	111	P,OM	SE	12.6	3
IN	200	19	P	MW	6.0	8
WA	181	30	P,OM	FW	7.8	5
UT	150	51	OM,P	FW	7.8	5
SC	121	0	OM	SE	2.9	14
NM	114	130	OM	SW	1.6	18
NB	100	6	OM	MW	.9	20
ND	96	139	OM	FW	.48	21
MN	90	570	P	MW	4.4	10
NY	85	102	P	NE	16.7	2
OH	84	122	P	MW	7.3	7
MI	75	2	P	MW	4.1	11
TN	75	54	P,OM	SE	1.8	15
LA	69	6	P,OM	SE	2.9	13
ID	57	0	OM,P	FW	.34	22
IA	57	0	P	MW	1.2	19
WI	39	326	P	MW	1.8	11
Mean	141				5.3	

States below mean: N=12; no surplus: N=3; mean surplus 121.5; range 0–570.
States above mean: N=9; no surplus: none; mean surplus 134.3; surplus range 19–326.
Source: National Government Association, DOD, Commerce Department data.

DONNA SHULTZ, PUBLIC SERVANT

Mr. DOLE. Mr. President, the Senator from Kansas, and many others in my State, this week lost a dear friend and a very special person. Donna Shultz, of Lawrence, KS, passed away early Tuesday morning.

Donna was a former staff member, and a cherished advisor. Her years of faithful public service for causes and candidates she believed in exemplified the best in America's free political system.

The Senator from Kansas will always remember her loyalty, her dedication, and above all, her friendship. My heart goes out to Donna's loving husband, Ren.

PROGRESS AGAINST TROPICAL DISEASES

Mr. HATCH. Mr. President, as chairman of the Labor and Human Resources Committee, I've had the pleasure of working with the multinational pharmaceutical industry on a number of occasions—most memorably in connection with the landmark Drug Price Competition and Patent Term Restoration Act of 1984 that I sponsored.

The research-based pharmaceutical industry, one of our leading high-tech industries, makes an enormous contribution to public health—and not only in this country.

For many years, both foreign and domestic pharmaceutical firms have been quietly working to improve the health and lives of people in developing countries.

The industry has invested large amounts of capital in developing countries, has trained and employed thousands of local workers, has set up re-

search centers, has helped educate health-care workers and has improved health-care services. It has responded generously to specific shortages of medical supplies, such as that in Ethiopia.

Most importantly, however, the multinational pharmaceutical industry has discovered, developed and provided medicines to people who live in developing countries—medicines that cure diseases common throughout the world as well as medicines that cure diseases common only in developing countries.

The contributions made by the multinational pharmaceutical industry to developing countries are outlined in an informative new report prepared by the Pharmaceutical Manufacturers Association. Mr. President, I ask to have that report—"Progress Against Tropical Diseases: A Report From The Pharmaceutical Industry"—printed in the RECORD.

The report follows:

PROGRESS AGAINST TROPICAL DISEASES: A REPORT FROM THE PHARMACEUTICAL INDUSTRY

INTRODUCTION

For years, the multinational pharmaceutical industry has been working to improve the health and lives of people in developing countries.

The industry has done this in many ways. It has invested large amounts of capital in developing countries, transferred technology to these countries and trained and employed thousands of local workers. Pharmaceutical companies have undertaken numerous special projects in these countries, setting up research centers, helping train and educate health-care workers and improving health-care services.

Most important, however, the pharmaceutical industry has discovered, developed and provided modern medicines to people who live in developing countries—modern medicines that cure diseases common throughout the world as well as modern medicines that cure diseases common only in developing countries.

Modern medicines are the most cost-effective form of therapy for preventing disease, curing illness and prolonging life—in developing as well as developed countries. Indeed, the value of modern medicines in developing countries is enhanced because other forms of health care such as physicians' services and hospital treatment are so expensive and in such short supply.

"(P)harmaceuticals are the most cost effective elements of modern medical technology," wrote Dr. Harold J. Simon, Director of International Health Programs at the University of California at San Diego School of Medicine, in the Spring 1981 issue of The Pharos. "Particularly in those settings (in the developing world) where great emphasis is being placed on provision of primary care by nonphysicians, the importance of safe, effective, cheap, and easy-to-use pharmaceuticals cannot be overestimated."

GAINS IN LIFE EXPECTANCY

The use of modern medicines and vaccines in developing countries—along with the general improvement in sanitation, nutrition and other factors—has led to impressive gains in life expectancy, enabling these countries to accomplish in 15 years what had required almost 70 years in Western Europe during the 19th century. Life expectancy in developing countries, which was 40 years in 1950, rose to 50 in 1965 and now is about 55 years.

"(Drugs and insecticides) made it possible to control many communicable diseases and appear to be responsible for roughly half of the increase in life expectancy in the Third World," wrote Davidson R. Gwatkin and Sarah K. Brandel in the May 1982 Scientific American. "These measures succeeded in raising life expectancy above the level that might have been achieved through social and economic progress alone."

The World Bank, in its 1980 World Development Report, stated that low-income countries registered greater gains in life expectancy than industrialized and middle-income countries between 1950 and 1978—14.7 years compared to 7.5 and 9.1, respectively.

MEDICINES USED WORLDWIDE

Products to prevent such diseases as smallpox, polio, yellow fever, cholera and typhoid fever have provided benefits throughout the world. So have medicines used in combating measles, tetanus, tuberculosis, pneumonia, venereal diseases and even hypertension, which the World Health Organization (WHO) has listed as a health priority for developing countries because of the pressures of urbanization.

Many medicines and vaccines also have been developed by pharmaceutical companies to treat tropical diseases that are a serious health problem only in developing countries: chloroquine and amodiaquine for malaria, oxamniquine and praziquantel for schistosomiasis (an infection of the liver and blood stream) and nifurtimox for Chagas' disease (a parasitic disease prevalent in Latin America), to name a few. Pharmaceutical companies continue their research on a variety of tropical diseases, including malaria, schistosomiasis and leprosy.

The pharmaceutical industry has invested heavily in developing countries. According to the U.S. Commerce Department's 1981 publication U.S. Direct Investment Abroad, 1977, 26.1 percent of the pharmaceutical-manufacturing affiliates of U.S. multinational companies were located in developing countries in 1977, compared to only 18.6 percent for all manufacturing subsidiaries.

Significantly, however, pharmaceutical-manufacturing affiliates of U.S. companies located in developing countries earned far less than did such subsidiaries world-wide—a 3.1 percent return on assets compared to an 8.1 percent return.

TARGETED TROPICAL DISEASES

Nevertheless, a number of multinational pharmaceutical companies have worked to produce drugs to treat tropical diseases, in particular the six such diseases WHO has targeted for special attention:

Malaria, a fever spread by mosquitoes that causes more than 1 million deaths a year.

Schistosomiasis, an infection of the liver and blood stream that is spread by snails and can cause convulsions and paralysis.

Filariasis, a painful disease that is caused by parasitic worms and takes several forms, including guinea worm infection and elephantiasis.

Leishmaniasis, the collective name for a variety of infections that are caused by parasites and transmitted by sandflies.

Trypanosomiasis, which is spread by the tsetse fly and can result in psychosis, somnolence and coma.

Leprosy, a chronic bacterial infection that, if untreated, often leads to severe disfigurement and mutilation.

DRUGS FOR TROPICAL DISEASES

Parke-Davis, a subsidiary of Warner-Lambert Company, has worked for years in developing drugs to treat tropical diseases, specializing in anti-parasitic research. It has developed and marketed seven different drugs for malaria, two for leprosy and one for leishmaniasis.

Sterling Drug Inc., which has concentrated for a long time on developing drugs for parasitic and amoebic diseases, produced a medicine to replace quinine in the treatment of malaria during World War II and later developed another drug that continues to be used in controlling the disease. The company also has developed a medicine for schistosomiasis, and recently gained approval in several developing countries for quinfamide to treat amoebiasis, a serious intestinal disorder prevalent in many such countries.

Hoffmann-La Roche Inc. has been engaged in tropical-disease research since 1953, and currently is working on all of the diseases targeted by WHO except leprosy. In 1978, the company introduced a drug for Chagas' disease, the Latin American form of Trypanosomiasis, and in 1984 it produced a potent new anti-malarial drug for WHO. Roche also has developed a medicine to treat tetanus—the leading killer of children in some African countries—and in recent years introduced a drug that combats tapeworms and roundworms.

Ciba Geigy Corporation developed an effective medicine that is used to treat schistosomiasis througout the Middle East, Africa and Latin America. The company also has produced two products that are useful in treating leprosy. In addition, Ciba has developed an effective anti-tuberculosis medicine that it has tested in Indonesia at the request of the government. Some 4 million people in that country have tuberculosis, making it the second most prevalent disease after malaria.

Since the beginning of the century, Bayer AG of Leverkusen, Germany, has developed many medicines to treat tropical diseases. In 1923, the company introduced suramin as the first effective therapy for sleeping sickness. Bayer has developed three anti-malarials, one of which is still widely used. In 1970, Bayer came out with nifurtimox to treat Chagas' disease. The company also has developed many drugs for the treatment of schistosomiasis—the most recent being praziquantel, which Bayer and E. Merck, Darmstadt, introduced in 1980 as a single-dose treatment.

Recently, Smith Kline and French Laboratories developed an oral vaccine that appears capable of protecting children from a violent form of diarrhea that is estimated to kill 1 million children annually in developing countries. More than 1,000 children have received the vaccine—expected to become available in developing countries in two years—in six countries in Africa, South America and Europe. Smith Kline and French also is developing, in cooperation with the Walter Reed Army Institute of Reseach, an anti-malarial drug and a vaccine to prevent malaria.

In collaboration with WHO, Merck Sharp & Dohme is working on a drug that could be effective in treating onchocerciasis (also known as river blindness), a chronic infection caused by a filarial roundworm that affects an estimated 40 million people in sub-Sahara Africa, Yemen and parts of Latin

America. The drug has been shown to be promising in clinical tests reported in the July 24, 1982 Lancet and in studies whose results were reported in the fall of 1984 at the XI International Congress for Tropical Medicine and Malaria.

Several other companies also have developed drugs to treat tropical diseases:

Pfizer Inc. developed oxamniquine for the treatment of schistosomiasis.

Hoechst AG participated in a program with South Korea, Taiwan and other Southeast Asian countries to develop a drug to treat local diseases spread by worms. The company now is conducting research on a vaccine for Chagas' disease.

Rhone-Poulenc has discovered and developed many tropical medicines, one of the most recent being a schistosomicide that has been tested in Africa and Brazil.

Roussel Uclaf has made the anti-malarial amodiaquine for almost 30 years and produces a large part of the medicine most used to treat leprosy.

And Janssen has developed several products to treat tropical diseases.

In addition, the Wellcome Trust—a charity that is the sole owner of the Wellcome Foundation Ltd., the parent organization of a world-wide group of pharmaceutical, chemical and animal-care companies—contributes several million pounds a year for research and development of drugs for tropical diseases.

In a report issued in late 1984 on schistosomiasis, WHO noted that recent advances have made it possible "as never before" to control the disease "in the remote rural areas where it is most prevalent." WHO and pharmaceutical companies, the report stated, have developed three "safe and highly effective" drugs to treat schistosomiasis—praziquantel, oxamniquine and metrifonate. And, WHO said, a single dose of the medicine can cure the disease for less than $2.00.

IFPMA EFFORTS

Besides developing medicine to treat tropical diseases, the pharmaceutical industry has worked in many other ways—often with WHO through the International Federation of Pharmaceutical Manufacturers Associations (IFPMA), which is composed of groups representing drug companies in 48 countries—to improve the health of people in developing countries.

Commenting about these efforts, Dr. Halfdan Mahler, WHO's Director-General, said in early 1982 that "a new era of close cooperation" had developed between his organization and the multinational pharmaceutical industry. "Exciting new developments," he said, can be expected as a result of the industry's initiative.

Since 1979, the pharmaceutical industry has been working with WHO to supply medicines to developing countries at reduced prices, provide expert assistance on such matters as drug storage and distribution and train personnel in quality control.

Some 60 companies have offered to supply more than 250 different medicines and vaccines, including most of those on WHO's Essential Drug List, at reduced prices to the least developed countries. The aim of the program—which is to be tested in a few countries on a pilot basis—is to provide medicines through public programs to persons who have not received any in the past or who have not received an adequate supply. The WHO Secretariat has been considering where to test the plan and which medicines should be supplied.

In 1979, the IFPMA made an offer to WHO to provide quality-control training for three to six months for 25 persons from developing countries in a pilot program and later said additional personnel would be trained. More than 35 companies are participating in the program, and training has been provided to people from nine developing countries, including Indonesia, Singapore, the Congo, Zambia, Thailand and Lesotho.

THE GAMBIA PROJECT

In other efforts, 13 companies belonging to the Pharmaceutical Manufacturers Association (PMA)—which represents research-based pharmaceutical companies operating in the U.S.—financed a 21-month demonstration project in The Gambia. In many developing countries like The Gambia, where the government is the principal provider of health care, physical distances and poor transportation and communications make it both difficult and expensive to deliver medicines. The demonstration project helped to improve the management and distribution of basic pharmaceuticals so they became more widely available in rural areas. It was so successful that WHO will hold a workshop to explain the project to health officials from other developing countries.

After The Gambia project, 14 PMA companies agreed to finance a similar endeavor in Sierra Leone at a cost of more than $350,000.

The pharmaceutical industries of other developed countries also have undertaken efforts to improve the capacity of public-sector programs in developing countries to distribute drugs. The Swiss industry has worked with Burundi, for example, the German industry with Malawi and the French with Senegal.

CAMPAIGN AGAINST SCHISTOSOMIASIS

In another project, Pfizer has helped Brazilian officials for several years in a major campaign to control schistosomiasis, which had spread from the Northeast part of the country to the South and West. The program has involved thousands of people, with training provided for laboratory technicians, laboratory assistants and field health-care workers. Pfizer prepared educational materials to encourage children to change their sanitation habits and donated supplies of oxamniquine. For six years, the company also provided several professional researchers each year to work with three East African countries on trypanosomiasis at a laboratory in Tanzania.

Warner-Lambert Company has invested more than $5 million in the Industrial Free Zone in Senegal to initially manufacture 12 pharmaceutical products to serve a dozen West African nations. In addition, the company and its Parke-Davis Division pushed for the creation of Joint Therapeutic Commissions in Senegal, the Ivory Coast, Cameroon and Zaire. The purpose of the comissions—which are composed of health ministers, other key health officials, academics, representatives of international health organizations and top company officials—is to exchange information about health needs and to work out solutions to health problems.

In mid 1984, the Schering-Plough Corporation helped to facilitate participation by U.S. companies in an effort to teach basic health-care practices to poor people in South Africa. Under the program, video tapes that provide health-care information and video-cassette players are being installed in waiting rooms in clinics and hospitals. Other U.S. companies that are supporting the program—which the firms hope to introduce in other countries—include Abbott Laboratories, Eli Lilly and Company, Dow Chemical U.S.A., Warner-Lambert, The Upjohn Company, SmithKline Beckman Corporation and Merck & Co., Inc.

RESEARCH CENTERS

In 1971, Johnson & Johnson's Brazilian subsidiary, Johnson & Johnson of Brazil, set up a research institute in that country to work on indigenous diseases. The institute, now located in Sumare and staffed by five scientists, helped develop Mebendazole, which is marketed in Brazil and other countries for the treatment of intestinal parasites. Johnson's endemic disease institute currently is conducting research on such diseases as leishmaniasis, trypanosomiasis, schistosomiasis, malaria, dermatobiasis and hookworm.

Other companies also have set up research centers to work on tropical diseases:

Ciba-Geigy established a research center in India that is concentrating on such diseases as filariasis, hookworm and amoebiasis. (The company also has cooperated on projects with Indonesian officials to combat tuberculosis and to set up a school to train laboratory assistants for public-health agencies.)

Ciba-Geigy, Hoffmann-La Roche and Sandoz, Inc. created the Basel Foundation on Tropical Diseases to train researchers and public health officials from developing countries. Among other efforts, the Foundation set up the Rural Aid Center in Tanzania, which trains medical students and assistants and is now run by the government.

Hoechst operates research centers in India, Egypt, and Brazil, and cooperates on the research of indigenous diseases with the University of Mexico.

Organon recently created a research center in India, where research has begun on drugs for the treatment of parasitic diseases.

EDUCATIONAL EFFORTS

Pharmaceutical companies also have helped to educate health professionals and others in developing countries and to promote the study of tropical diseases.

For example, since the early 1950s, Sterling Drug has contributed millions of dollars to help educate physicians, dentists, nurses and other students in developing countries. Sterling's efforts started in the Philippines, Peru, Chile, and Brazil and have been expanded to Nigeria, Kenya and Thailand in recent years.

For many years, Pfizer has sponsored a series of continuing education programs for health professionals in virtually every Latin American country. Medical experts from the U.S. and Europe lecture for two or three days in a particular country and also tour the countries to consult with health professionals. In addition, Pfizer has some 200 videotaped seminars conducted by medical experts that it circulates throughout Latin America, and the company supplies bibliographic materials and current articles to medical professionals to keep them posted about the latest developments in medicine.

At a cost of $1 million, Warner-Lambert developed Tropicare, a 3-year health-care education program for French-speaking Africa. Audio-visual materials are being used to teach health-care professionals and other health-care workers in the field about local diseases.

CONCLUSION

Multinational pharmaceutical companies have played an important part in helping to

improve the health of people in developing countries—and they are continuing these efforts through research, product production and assistance programs.

While medicines widely used in industrialized countries—such as antibiotics and other anti-infective agents, cardiovascular drugs and vaccines—also are beneficial in developing countries, pharmaceutical companies have developed many products whose main use is in these countries. They have supplemented drug-development efforts by providing financial aid to help educate health-care professionals; training such personnel; agreeing to sell their products at reduced prices, and cooperating on special projects to improve health-care services in developing countries.

The pharmaceutical industry is committed to continuing these efforts so modern medicines will be of even greater help in preventing disease, curing illness and saving lives in developing countries.

VETERANS' AFFAIRS COMMITTEE DEMOCRATIC MEMBERS' VIEWS ON FISCAL YEAR 1986 BUDGET FOR VETERANS' PROGRAMS

Mr. CRANSTON. Mr. President, as the ranking minority member of the Veterans' Affairs Committee, I, along with my Democratic colleagues on the committee, recently completed an exhaustive review of the fiscal year 1986 budget for veterans' programs.

We had conducted this examination of the budget with the goal of reaching agreement with our Republican colleagues on a set of recommendations that, pursuant to section 301(c) of the Congressional Budget Act of 1974, our committee would submit to the Budget Committee.

Unfortunately, despite our best efforts to reach agreement with the committee's majority members, we were ultimately unable to do so. Thus, in lieu of the participation in a committee report as we had intended, we decided to submit our views by way of a letter to the distinguished chairman [Mr. DOMENICI] and ranking minority member [Mr. CHILES] of the Budget Committee.

Mr. President, so that all of our colleagues and the public may be aware of our recommendations, I ask unanimous consent that our letter, with enclosures, be printed in the RECORD.

There being no objection, the letter with enclosures was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 6, 1985.

Hon. PETE V. DOMENICI,
Chairman,
Hon. LAWTON CHILES,
Ranking Minority Member, Committee on the Budget, Washington, DC.

DEAR PETE AND LAWTON: We are writing to provide you with the views of the Democratic membership of the Committee on Veterans' Affairs with respect to the FY 1986 budget for veterans' programs within the jurisdiction of our Committee.

We have very carefully reviewed the Administration's fiscal year 1986 budget for veterans' programs and the testimony of representatives of the Veterans' Administraton, the Department of Labor, and veterans' service organizations at our February 20 hearing. In addition, we have given great weight to the urgent need to control federal spending in order to reduce the projected rapidly increasing federal deficits. However, we also strongly believe that deficit-reduction efforts must be undertaken in a manner that is fair to our Nation's veterans and consistent with our obligations to those who have served and made such great sacrifices to keep our Nation free and strong.

We have taken the unusual step of submitting a separate statement of the views of the Democratic membership of the Committee because our very best efforts to reach an accord with the majority membership were, we regret, unavailing.

GOVERNMENTWIDE CONSIDERATIONS

Agency-by-Agency Freeze. Before focusing on specific items, we would like to state that, if the Congress commits itself to a governmentwide spending freeze—in the form of FY 1985 appropriations-level (or outlay-level) caps for each department and agency, the Veterans' Administration should be included. However, in light of the high priority that properly attaches to veterans' programs, we believe strongly that these programs must not be singled out for discriminatory cuts in order to make room for increases in other budget areas.

Administration-Proposed Pay Cut. With respect to the government-wide, 5-percent federal civilian employee pay cut proposed by the President, we wish to note that we strongly oppose any such cut and doubt that the Congress will enact legislation to implement it. However, if such a pay cut is enacted, we do not recommend excluding the Function 700 accounts. In the same way, if, as we propose, no such pay cut is enacted, we strongly recommend the restoration of $228.4 million in the various accounts throughout Function 700 to reflect full salary costs to the VA—and restoration of corresponding amounts in the Department of Labor (DoL) accounts from which DoL veterans' programs are funded—in fiscal year 1986. (The enclosed table reflecting our recommended policies also shows the effect of the enactment of such a pay cut on each affected VA account.)

Compensation and Pension COLA's. If the Congress were to institute an across-the-board freeze on cost-of-living adjustments (COLA's) for all federally-supported entitlement benefits, we would not object to the application of such a freeze to VA compensation and pension COLA's. Otherwise, we strongly support the provision of COLA's to VA compensation and pension recipients in fiscal year 1986.

FUNCTION 700

In the absence of an agency-by-agency freeze and assuming that the proposed federal pay cut will be rejected—but still seeking an appropriate balance in how we carry out our responsibilities to both the Nation's veterans and its taxpayers—we are recommending Function 700 totals (for programs within our Committee's jurisdiction) of $27.601 billion in budget authority and $27.193 billion in outlays. (These totals reflect proposed unspecified cost-saving legislation in the maximum amount of $50 million that we are committed to in the event that our other recommendations are substantially achieved in the course of budget and appropriations processes.) Our recommendations are reflected in the enclosed table and include the amounts requested in the President's fiscal year 1985 budget (as reestimated by the Congressional Budget Office), with the following changes (with differences from baseline also noted):

Subfunction 701, Income Security for Veterans

Compensation. Subtract $33.6 million in BA and $30.2 million in outlays in connection with a service-connected disability compensation and dependency and indemnity compensation (DIC) COLA, effective December 1, 1985, of 3.7 percent rather than 4.1 percent as proposed by the President. Consistent with Committee and Congressional prior practice, we recommend a compensation and DIC COLA at the rate, 3.7 percent, at which CBO estimates social security benefits (and other income-maintenance programs with increases tied to social security COLA's, such as VA non-service-connected pension) will automatically be increased by law in the coming fiscal year. The President's proposal of a 4.1-percent COLA corresponds with the Administration's projection that the December 1985 social security COLA will be 4.1 percent.

Subfunction 702, Veterans' Education, Training, and Rehabilitation

Add $44,000 in outlays to reflect our position that the Administration's proposal to terminate the VA's authority to make direct education loans to certain veterans should not be enacted.

(Our recommendation results in no change from baseline.)

Subfunction 703, Hospital and Medical Care for Veterans

Medical Care.

Staffing levels: Add $120 million to the medical care account in order to support in FY 1986 4,160 full-time equivalent employees (FTEE) over the level proposed by the President for VA health-care services. This addition would, first, restore the 2,092 FTEE for which funds were appropriated in the FY 1985 HUD-Independent Agencies Appropriations Act but which are not included in the base for the agency's FY 1986 budget because the VA is not using them; and, second, add the 2,068 FTEE identified in the VA's budget documents as needed to staff new activations in FY 1986.

With reference to the 2,092 FTEE for which funds were appropriated but which the VA is not using in the current fiscal year, it is asserted in the VA's budget documents that the decision not to use these FTEE was the result of internal agency analysis given the absence of these FTEE from the level requested for fiscal year 1986 and the high percentage (59%) of the FY 1985 pay raise costs for medical care account employees that OMB is, to this point, forcing the VA to absorb. If so, this would be the first time in our experience that the VA, on its own initiative, chose to ignore explicit Congressional intent regarding the level of health-care personnel staffing. This would be particularly ironic because, pursuant to a law enacted in 1981, OMB must certify to the Congress that it has provided to the VA all the FTEE and funding to support the FTEE for which Congress has appropriated funds, a requirement with which, according to the Comptroller General of the United States, OMB complied with respect to the FY 1985 appropriations measure. A more likely scenario would seem to be that this reduction is a further example—this budget includes several others—of OMB imposing directly or indirectly arbitrary reduc-

tions in the numbers of VA health-care staff providing direct health-care services to veteran-patients, in this case despite OMB's certification that the VA was given the authority to hire the full number of FTEE. Such personnel reductions, proposed without regard to the impact on the veterans who receive VA care, threaten to bleed the overall system to the point where its capacity to provide quality health care for eligible veterans would be substantially reduced.

With further reference to this reduction, we note that the Chairman of the House Appropriations Subcommittee on HUD-Independent Agencies, Representative Edward Boland, has already advised the VA that he intends to provide funds, through a supplemental appropriations measure, to restore this 2,092 reduction in the current fiscal year. In view of this action, we anticipate favorable action in the House of Representatives, and we will press for favorable action in the Senate.

Once the 2,092 FTEE are restored to the medical care account this year—thereby establishing a new FTEE base to carry forward the explicit Congressional intent for fiscal year 1985—we also recommend the addition of 2,068 FTEE—the number which the VA indicated in its budget documents is needed to staff new activations in DM&S during FY 1986. These activations include additions to the basic system, such as start-up of one new nursing home care unit and providing full-year support for eight other nursing home care units which are opening in the current fiscal year, opening two new satellite outpatient clinics, and completing major replacement and modernization efforts at three VA medical centers.

The net impact of these two FTEE additions, totalling 4,160 additional FTEE—and the $120 million needed to support them—is to restore the medical care account personnel level intended by Congress for FY 1985, thereby supporting the same program level approved for this fiscal year, and then to augment that level with the personnel positions needed to staff new activations in the coming fiscal year. In essence, the status quo from appropriations action for FY 1985 and prior years—for FTEE and construction for future activation—would thereby be maintained.

Flexibility in the allocation of resources: With further reference to the VA's medical care account, we strongly believe that the VA should not be restricted in the use of any of its resources—either the base level proposed in the budget or the additional resources we are advocating—for developing or expanding innovative programs to avoid institutionalization and provide more effective care to older veterans. Although not formally reflected in the VA's budget documents, it is our understanding that OMB, during the preparation of this budget, gave the agency guidance to the effect that it should not develop or expand services that are alternatives to institutionalizations—such as adult-day health care, hospital-based home care, and geriatric evaluation units—until the VA could demonstrate their cost-effectiveness. Although we agree that the VA must be aware of the cost implications of various programs, we believe that the agency should be free from such arbitrary limitations on its utilization of available resources—particularly in areas, such as this, in which it needs to acquire experience and knowledge regarding its own capability to provide more cost-effective services. We believe that there is already good reason to conclude that these outpatient approaches are more economical within a universe of fixed resources than institutional care and are in virtually all cases, where used appropriately, more compassionate and humane. In the specific area of programs that are designed to avoid institutionalization of older veterans, either in hospitals or extended-care facilities, we are especially concerned that the VA undertake all appropriate efforts to enhance its utilization of such programs. (For example, section 9 of the pending legislation, S. 6, would direct the VA to establish a pilot program in (at least) five geographic regions to test various such approaches in coordination with community-based efforts, including the provision of medically-related social services such as nutrition and homeworker services.) Only through such efforts will the agency be able to find out how best to use available resources even to begin to meet the needs of the growing population of older veterans.

Administration legislative proposals: With reference to the legislative proposals (neither of which has been submitted to the Congress) mentioned in the VA's budget documents relating to the application of a means test to all non-service-connected veterans, regardless of age, who seek health care from the VA based on their "inability to defray the expenses" of the care sought, we note that neither proposal is shown by the VA budget documents or the President's budget as a cost-savings item for fiscal year 1986. Such a means test would restrict the VA health-care eligibility of non-service-connected veterans with incomes more than twice the VA pension level and eliminate eligibility based on being age 65 and over.

We have received a copy of a preliminary CBO document costing OMB's version of such a means test applicable to veterans, regardless of age, who have no service-connected disabilities. In light of the growth in demand for VA care currently being experienced—for example, a recent VA study showed that in a representative sample of VA medical centers approximately 17 percent of all applicants for VA care were first-time users of the VA health-care system—we strongly believe that no fair and appropriate means test to determine which veterans were "unable to defray the expenses" of care could produce net cost-savings in FY 1986. Veterans who would be denied VA care through the application of a means test would almost surely be replaced by an equal number who would satisfy the test requirements or be exempt from them, especially since the OMB proposal that CBO has costed would exempt from the application of any means test, as does existing law, over 1.2 million veterans with zero-rated service-connected disabilities. In addition, we would note that the administrative costs of implementing a means test are, according to VA testimony in prior fiscal years, likely to be substantial and do not appear to have been taken into account in the CBO analysis.

We, therefore, urge that no cost-savings be attributed to these proposals at this point.

With reference to another proposal mentioned in the VA's budget documents but also not yet submitted to the Congress—legislation which would require reimbursement from private health insurance carriers for VA care provided to non-service-connected veterans, which we do not support—it is our view that there remain numerous unanswered questions about this proposal. The unknowns include, among others, the implications of such a proposal for increasing the overall cost of health care (by increasing administrative costs for both the VA and the insurers), the extent to which non-service-connected veterans receiving VA care have health insurance that would yield payments under such a law, the ability of the VA to generate billings which accord with requirements in existing insurance contracts (including cost-containment measures), the cost to the taxpayers and premium-payers of implementing such a program, and the disparate impact on health insurance contributions made by employers and employees in areas where VA health-care facilities are located. We, therefore, believe it is premature to consider any savings from such a proposal in the context of the FY 1986 budget process. Nevertheless, should your Committee decide to assume the enactment of health-insurance reimbursement legislation, we strongly urge that your assumptions include: (1) creating such reimbursements as proprietary receipts, as the Administration has said it will propose, with no reduction in the medical care account for any such revenue and with the amount of expected receipts not allocated to either Appropriations Committee under the budget resolution conference report cross-walk; and (2) providing the VA with whatever FTEE and associated resources would be necessary to implement such a program. (Preliminarily, in our view, such requirements would be at least 350 FTEE and $7 million.) Without such safeguards, enactment of a health insurance reimbursement program would have the very real potential of reducing the VA's capacity to provide health care to eligible veterans, a result that we believe would be totally unsupportable.

(Our recommendation is $25.0 million in budget authority and $36.9 million in outlays over baseline.)

Medical and Prosthetic Research. Add $5.3 million in both budget authority and outlays to the medical and prosthetic research account in order to support 222 FTEE over the level proposed by the President for VA medical and prosthetic research projects.

These additional funds would allow the VA to retain in FY 1986 the same dollar level proposed by the Administration to be available for research efforts for FY 1985. Also, this level would restore 65 FTEE for which funds were appropriated in FY 1985 HUD-Independent Agencies Appropriation Act but which the VA is not using as well as avoid the further, 157 FTEE reduction proposed in the FY 1986 budget. The VA's failure to utilize the 65 FTEE is similar to the situation discussed earlier in the medical care account and our analysis of the action under this account is the same as, of course, is our opposition to the application of a 5-percent federal pay cut. We are convinced that investments in the VA medical and prosthetic research program pay significant dividends in terms of improvements in the quality of care for America's veterans and do not believe that these programs should suffer the arbitrary reductions proposed by the President from the activity level underway at present. Such reductions would not only reduce future research activity but would have great potential for causing significant disruptions in ongoing research efforts. For these reasons, we urge this modest addition.

(Our recommendation is $7.8 million in budget authority and $5.5 million in outlays less than baseline.)

Construction. With respect to the VA's medical construction program, we recommend the levels set forth in the VA's

budget. We stress, however, that this should not be taken as an indication of our endorsement or approval of any or all of the specific plans for VA construction in fiscal year 1986. The Committee will address the specifics regarding individual projects at the appropriate time through this Committee's major construction project-approval process under section 5004 of title 38, United States Code.

We note, nevertheless, that we are deeply concerned by the Administration's total disregard of our Committee's positions, taken last May in that process, that a bedsizing model for major replacement/modernization projects be developed that emphasizes care for veterans with service-connected disabilities or in receipt of VA pension and that no facilities be constructed with over 700 hospital beds. We intend to continue to pursue this matter with the VA and through the section 5004 Committee-approval process, as well as through the appropriations process and, if necessary, through legislation.

Although at this time we have made no allocation among the three major replacement/modernization projects included in the President's budget—at Houston, Mountain Home, and Philadelphia—we do support substantially greater funding than requested by the President for the Philadelphia project for FY 1986 and the appropriation of $6 million for updating the 10-year-old design for a replacement hospital in Baltimore. Also, consistent with the Committee's approval of construction funding last year based on downsizing factors, we continue to believe that projects of over 700 hospital beds are too large, and, in the appropriations process this year (and in subsequent years), we will propose and pursue an amendment to prohibit the use of funds for the construction of any VA medicial facility with over 700 hospital beds. Under this approach, the funds for updating Baltimore's design, any resizing, and the reallocation of more funding to Philadelphia than is proposed would all be accomplished within the total amount requested by the President for construction (major and minor combined). However, we will urge the VA to use its working reserve fund to begin immediately any resizing and redesign efforts so that scheduled construction could move forward in FY 1986.

With respect to non-medical construction, we note that the President's budget proposes the appropriation of $6 million for the purposes of land acquisition for a new national cemetery in Northern California. We strongly support the establishment of a new national cemetery there but cannot agree to any expenditure to purchase the land given the fact that there is a parcel of land in Santa Nella/Los Banos, California, that is available to the VA at no cost to the Federal Government for the purposes of a new cemetery. Thus, we support the appropriation of $6 million for a new cemetery but only for the purposes of site preparation and start-up costs associated with establishing it at the Santa Nella/Los Banos site. We note that not only is this a considerably more cost-effective approach but that it would also mean that the new cemetery could be made available considerably sooner to meet the needs of Northern California veterans and their families and that this approach has the support of all the major California veterans' service organizations.

(Our recommendation is $182.2 million in budget authority and $6.5 million in outlays below baseline.)

Grants for construction of State extended care facilities.

Our recommendation is the same in both budget authority and outlays as the President's budget as reestimated by CBO.

(This is $13.6 million in budget authority below baseline and the same as baseline in outlays.)

Subfunction 704, Veterans' Housing

Loan Guaranty Revolving Fund. Add $514 million in outlays to reflect the net effect of accepting at this point CBO's very recent estimate that the fund will be self-sustaining in FY 1986 (as well as the next four fiscal years) and of rejecting both the President's request for an appropriation of $404.6 million in the Loan Guaranty Revolving Fund and the VA's proposal to increase the loan guaranty fee from one percent to five percent.

The loan guaranty fee was increased to one percent last year and extended by two years, through FY 1987, in response to the need to shore up the program by diminishing the need for appropriations to meet shortfalls and enable the VA to meet its guaranty commitments. Also, a supplemental appropriation of $100 million was made to the Fund last fiscal year and another $160 million was transferred to the Fund from other benefits program accounts.

The President's budget for FY 1986 includes a request for another appropriation of $404.6 to meet the shortfall that the Administration expects to occur in the fund during FY 1986; alternatively, in lieu of that appropriation, the President's budget proposes the enactment of legislation to increase the VA loan guaranty funding fee by four hundred percent, from one to five percentage points, which, according to CBO, would have an outlay effect of minus $514 million. This approach contrasts sharply with CBO's projection that the Fund will be self-sustaining through the 5-year projection period and that no appropriations or fee increase will be needed to keep the fund solvent in FY 1986 or through fiscal year 1990.

We also note that the VA's Direct Loan Revolving Fund (DLRF) will, according to the VA's budget documents, have an unobligated balance of $77.7 million at the beginning of FY 1986, rising to $122.3 million by the close of the fiscal year. Under a provision included each year in the HUD-Independent Agencies Appropriations Act, unobligated DLRF balances are available for transfer to the loan guaranty fund. Since the DLRF has provided an additional cushion to ensure the solvency of the loan guaranty program, we strongly oppose the Administration's proposal to delete the transfer authority from the FY 1986 appropriations measure and will pursue legislation to provide permanent authority for such transfers.

In light of the foregoing considerations, we do not concur with either the fee-increase proposal or the appropriations request. In our view, the imposition of a 4-percentage point increase in the fee when the receipts are not needed to keep the fund solvent would constitute a particularly heavy burden, as among veterans of war-time service, on veterans of the Vietnam era, who are at this time the most likely to be in the market for their first homes and be most in need of the assistance that the guaranty provides. We stand ready, however, to consider appropriate legislative actions and to exercise necessary oversight responsibilities to ensure the continued solvency of the Fund and the continued effective operation of this successful program.

(Our recommendation results in no change from baseline.)

Subfunction 705, Other Benefits and Services

General Operating Expenses (GOE). Included in the President's FY 1986 budget is $25.1 million to begin to implement a consolidation, into 3 processing centers, of major Department of Veterans' Benefits (DVB) activities, including adjudication, in the VA's 58 regional offices. Also included in the budget is a reduction of 624 FTEE in DVB staff in FY 1986.

For reasons stated in Senator Cranston's February 8 letter to the Administrator of Veterans' Affairs (copy attached), we believe that the VA cannot lawfully proceed with the consolidation plan. In addition, we have very serious concerns regarding the fairness to veterans and VA employees as well as the wisdom of such a consolidation. However, although we oppose the use of the $25.1 million for consolidation and believe such use would be contrary to law, we urge that the budget request not be reduced by that amount. Rather, we recommend that that amount be used instead for restoration of up to 624 FTEE and for ADP planning and acquisitions that could facilitate increased productivity and efficiency. The FTEE restoration would include an as yet undetermined number of FTEE associated with the consolidation proposal, increased staffing for the Vocational Rehabilitation and Counseling Service (VR&CS) in order to provide for the implementation of the two new pilot vocational training programs provided for in Public Law 98-543 without draining already stretched VR&CS resources from the task of the rehabilitation of service-connected disabled veterans, and increased staffing for the Loan Guaranty Service to ensure a more effective and efficient operation of that program in terms of enhanced VA loan forebearance activities as well as vendee sales.

(Our recommendation is $11.2 million in budget authority and $9 million in outlays below baseline.)

American Battle Monuments Commission. Our recommendation is the same in both budget authority and outlays as the President's budget as reestimated by CBO.

(This is $541,000 in budget authority and $389,000 in outlays below baseline.)

Other Accounts

As previously noted, we accept the President's budget request for all accounts not specifically discussed, except with respect to the proposed 5-percent federal pay cut.

Cost-Savings Legislation

If our foregoing recommendations for VA accounts are substantially agreed to in the FY 1986 budget and appropriations processes, we will work to develop or support, as a matter of equity and fiscal prudence, legislation yielding up to $50 million in fiscal year 1986 savings in veterans' programs. We would view such savings—in areas to be determined subsequently—as a reasonable level to defray part of the medical programs add-on to the President's budget which we strongly urge in order to maintain the VA's ability to provide quality health-care services.

(Our recommendation under the conditions discussed above would be up to $50 million in budget authority and outlays below baseline.)

FUNCTION 500

With regard to the Function 500 accounts for veterans' employment programs designed specifically to assist veterans in finding suitable employment in order that they may become productive participants in the society they fought to maintain, we are in agreement with the President's fiscal year 1986 request except, as previously noted, with respect to the proposed 5-percent federal pay cut.

REVENUES

We want to express our firm opposition to the enactment of any legislation that would subject VA service-connected disability compensation to the federal income tax, as has been proposed in the Department of the Treasury's tax reform and simplification package. We believe that such a proposal would produce an inequitable, unjust, and totally unacceptable result. Specific reasons for our opposition to that proposal are outlined in the preamble of S. Con. Res. 20 (copy enclosed), of which we are all cosponsors, a resolution to express the sense of the Congress that VA compensation should remain tax exempt. We urge the Committee not to include any increased revenues that could be achieved from such a proposal and note that enactment of any such proposal would inevitably lead to the consideration of increases in the benefit rates, in order to restore the real value of the payments, which could consume any revenues raised by taxing the benefits.

We wish to emphasize that we have arrived at our recommendations after a thorough review of veterans' programs and extensive efforts to identify areas in which savings and economies could be achieved consistent with the Congress' continuing commitment to meet its obligations to the Nation's veterans and their survivors, and particularly to service-connected disabled veterans.

These views reflect our best judgment as of this date. If we or the Committee's minority staff may be of further assistance in your consideration of this letter, please feel free to call upon us.

Sincerely,

SPARK M. MATSUNAGA.
ALAN CRANSTON,
Ranking Minority Member.
GEORGE J. MITCHELL.
DENNIS DECONCINI.
JOHN D. ROCKEFELLER IV.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 8, 1985.

Hon. HARRY N. WALTERS,
Administrator of Veterans' Affairs, Washington, DC.

DEAR HARRY: I am writing in response to your February 1, 1985, letter regarding a planned reoganization and consolidation of certain field office functions of the Department of Veterans' Benefits. In that letter, you stated that you "propose to consolidate DVB benefit processing and support activities from 59 regional offices into 3 processing centers over the course of fiscal years 1986 through 1988."

I share with you a strong desire to improve the efficiency of VA operations and the quality of services. I also believe that the VA should make a concerned effort to take advantage of recent advances in communications and data processing technology in order to make such improvements. However, any actions taken in pursuit of the goal of greater efficiency must, I'm sure you will agree, not to be at the expense of service to veterans and be carried out in full compliance with the law.

In your February 1 letter, you stated that you were providing notification "[i]n accordance with" section 210(b)(2) of title 38, United States Code. For the reasons discussed below, I believe that your letter fails to meet the requirements of section 210(b)(2) and that this law prohibits action to implement the planned reorganization during FY 1986.

Under the pertinent provisions of section 210(b)(2), you "may not in any fiscal year implement" a reorganization involving a more-than-10-percent reduction in the number of full-time equivalent employees (FTEE's) at any VA facility with more than 25 employees unless you first submit, not later than the dare on which the President submits the budget for that year, to the appropriate Congressional committees "a report containing a detailed plan and justification for the . . . reorganization." In my view, your letter falls far short of providing the type of "detailed plan and justification" required by the law. For example, the letter does not even indicate the number of employees who would be moved (either in total or from each regional office) or identify the cities at which the 3 processing centers would be located. Nor does the letter state how the consolidation would make the estimated more then 2,300 FTEE-reduction possible other than through a vague and conclusory reference to "efficiencies possible with consolidation", which I do not view as satisfying section 210(b) (2).

Moreover, the letter was totally ambiguous as to whether employees who adjudicate claims and attend hearings requested by claimants would remain in the regional offices. Your letter said both that claims adjudication activities would be centralized and that "operations involving direct personal contact with veterans and beneficiaries" would not be moved. This raises the question whether the adjudication personnel whose duties involve direct personal contact with veteran-claimants, such as conducting hearings, would or would not be moved.

These and many other questions would have to be specifically addressed in any type of "detailed plan" in my judgment.

I believe that your letter also fails to provide a "detailed . . . Justification". The mere recitation in the letter of claims that the reorganization would enable you to take advantage of recent technological advances, improve efficiency, and achieve savings is unsatisfactory.

In contrast, I note your letters, also dated February 1, 1985, regarding two other proposed reorganizations: the proposed closing of the three data processing and telecommunications field stations and the transfer of certain functions from the VA Prosthetics Center in New York City to a new Prosthetics Assessment and Information Center (PAIC) in the Washington, D.C., area. Both of these letters set forth in much greater detail the specifics of the proposed, much more limited reorganizations (whether or not the data processing letter contains a "detailed . . . justification" as required by the law is an open question in my mind). Indeed, in the case of the proposed PAIC, the letter is accompanied by a description of the implementation actions and a summary of the proposal that discusses justification, organization impact, personnel impact, and fiscal and related impacts.

Indeed, you seem to recognize in the letter on the proposed DVB reorganization that you have not provided the requisite plan. You state that a "task force has been established to develop an implementation plan" and that, in July of this year, this "task force" will provide definitive plans on locations and relocation strategies, as well as detailed estimates on translocation and equipment costs . . ." It may be that that plan, if accompanied by specific information justifying the reorganization, would provide the level and kind of detail required.

If such a plan and justification is submitted this year (or any time prior to or concurrent with submission of the President's FY 1987 budget), actions to implement the reorganization could lawfully be initiated in FY 1987.

In light of the extensive work that would be necessary to acquire and prepare the office space at the 3 centers, I would also like to emphasize the prohibition in section 210(b)(2) against any "action to carry out" a reorganization until the beginning of the fiscal year with respect to which adequate notification is given. In my view, the law applies not apply only to the transfer and attrition of personnel but also to all actions preparatory to the personnel moves that would be taken pursuant to the plan. Thus, even assuming that the July 1985 notification of this proposed reorganization will meet the law's reporting requirement, I believe that no work may be done or expenditures incurred to implement the reorganization plan until October 1, 1986, the first day of fiscal year 1987.

As you know, Harry, this reorganization proposal is of great interest and deep concern to many veterans, VA employees, and their families and to all members of the House and Senate. Therefore, I would very much like to learn as quickly as possible your responses to the issues I have raised. In addition, I request that you seek a formal written opinion from your General Counsel as to whether your February 1, 1985, letters regarding the proposed DVB reorganization and the closing of three data processing and telecommunications field stations comply with section 210(b)(2) as to an October 1, 1985, implementation date.

As always, I very much appreciate your cooperation and look forward to your prompt reply.

With best personal regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

S. CON. RES. 20

Whereas the Department of the Treasury, as part of its tax reform initiative, has proposed to tax Veterans' Administration compensation paid to veterans who suffer from service-connected disabilities;

Whereas this benefit is the means through which a grateful Nation seeks to recognize and repay the sacrifices made and hardships incurred by those who have suffered disabilities in the line of duty;

Whereas compensation benefit levels have been provided on a tax-exempt, wage-replacement scale, based on the average earning impairment caused by the disability, and disruption of this relationship by taxing these benefits would inevitably lead to consideration of the need for raising the payment levels, which could consume any revenues raised by taxing the benefit; and

Whereas the Treasury Department's proposal to tax compensation would place a higher tax burden on more severely disabled veterans and would violate the policy of compensating veterans with greater degrees

of disability at sufficiently higher rates to reflect those veterans' disproportionately greater needs: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation, and

(2) the President is urged to reject any proposal to tax such payments in connection with any tax reform legislation that the President submits to the Congress.

SENATE COMMITTEE ON VETERANS' AFFAIRS DEMOCRATIC MEMBERS' RECOMMENDATIONS FOR FUNCTION 700, VETERANS' BENEFITS AND SERVICES, FOR FISCAL YEAR 1986

[In thousands of dollars]

Subfunction and program	Recommendations	Difference from President's request (reestimated)	Difference from baseline
Budget Authority			
701—Income security for veterans:			
Service-connected compensation	10,076,000	0	0
Proposed legislation: Effective Dec. 1, 1985, Administration proposes 4.1 percent COLA; Democratic members propose 3.7 percent (CBO estimate)	336,400	−33,600	0
Non-service-connected pension	3,940,700	0	0
Burial benefits and miscellaneous assistance	144,100	0	0
Insurance programs:			
Veterans' insurance and indemnities	9,750	0	0
National service life insurance fund	1,297,200	0	0
U.S. Government life insurance	18,800	0	0
NSLI and USGLI receipts	−415,189	0	0
Subtotal, income security for veterans	15,407,761	−33,600	0
702—Veterans' education, training and rehabilitation:			
Readjustment benefits	1,006,100	0	0
Post-Vietnam era veterans education account	171,000	0	0
Post-Vietnam era veterans education account receipts	−171,000	0	0
New GI bill/DOD contribution account	162,000	0	0
New GI bill/offsetting receipts	−20,000	0	0
Subtotal, veterans' education, training and rehabilitation	1,148,100	0	0
703—Hospital and medical care for veterans:			
Medical care	9,412,974	+322,974	+228,854
With administration proposed 5-percent pay cut not restored	[9,210,000]	[+120,000]	+25,880]
Proposed legislation: Administration proposes to invalidate health-insurance contract clauses excluding carrier liability for VA care and provide for reimbursement from such carriers for the care of non-service-connected disabled veterans, effective Oct. 1, 1985	0	+62,000	0
Medical and prosthetic research	192,372	+5,292	−7,819
With administration proposed 5-percent pay cut not restored	[188,085]	[+1,005]	[−12,106]
Medical administration and miscellaneous operation expenses	57,119	+1,240	−15,692
With administration proposed 5-percent pay cut not restored	[55,879]	[0]	[−16,932]
Major construction	417,200	0	−170,460
Minor construction	195,406	+1,006	−11,721
With administration proposed 5-percent pay cut not restored	[194,400]	[0]	[−12,727]
Grants for construction of State extended care facilities	22,000	0	−13,639
Grants to the Republic of the Philippines	500	0	0
Subtotal, hospital and medical care for veterans	10,297,571	+392,512	+9,523
With administration proposed 5-percent pay cut not restored	[10,088,064]	[+183,005]	[−199,984]
704—Veterans' housing	0	0	0
705—Other veterans' benefits and services:			
General operating expenses	768,250	+18,838	−11,172
With administration proposed 5-percent pay cut not restored	[749,412]	[0]	[−30,010]
Grants for construction of State veterans' cemeteries	3,000	0	0
General post fund	15,000	0	0
Other independent agencies: American Battle Monuments Commission	10,988	0	−541
Subtotal, other veterans' benefits and services	797,238	+18,838	−11,713
With administration proposed 5-percent pay cut not restored	[778,400]	[0]	[−30,010]
Unspecified cost-savings legislation [1]	−50,000	−50,000	−50,000
Total, function 700, veterans' benefits and services [2]	27,600,670	+327,750	−52,190
With administration proposed 5-percent pay cut not restored	[27,372,325]	[+99,405]	[279,994]
OUTLAYS			
701—Income security for veterans:			
Service-connected compensation	10,107,000	0	0
Proposed legislation: Effective Dec. 1, 1985, administration proposes 4.1 percent COLA; Democratic members propose 3.7 percent (CBO estimate)	280,300	−30,200	0
Non-service-connected pension	3,936,700	0	0
Burial benefits and miscellaneous assistance	144,100	0	0
Insurance programs:			
Veterans' insurance and indemnities	9,750	0	0
National service life insurance fund	1,042,700	0	0
U.S. Government life insurance	45,700	0	0
NSLI and USGLI receipts	−415,189	0	0
Service disabled veterans' insurance fund	1,000	0	0
Veterans' reopened insurance fund	46,400	0	0
Servicemen's group life insurance fund	20,100	0	0
Veterans' special life insurance fund	−64,500	0	0
Subtotal, income security for veterans	15,154,061	−30,200	0
702—Veterans' education, training and rehabilitation:			
Readjustment benefits	1,007,576	0	0
Post-Vietnam era veterans education account	211,000	0	0
Post-Vietnam era veterans education account receipts	−171,000	0	0
Emergency Veterans' Job Training Act	35,000	0	0
Education loan fund	−7,500	0	0
Proposed legislation: Administration proposes repeal of loan authority	0	+44	0
Vocational rehabilitation fund	−26	0	0
New GI bill/DOD contribution account	3,000	0	0
New GI bill/offsetting receipts	−20,000	0	0
Subtotal, veterans' education, training and rehabilitation	1,058,050	+44	0
703—Hospital and medical care for veterans:			
Medical care	9,188,446	+322,974	+239,858
With administration proposed 5-percent pay cut not restored	[8,985,472]	[+120,000]	[+36,884]
Proposed legislation: Administration proposes to invalidate health-insurance contract clauses excluding carrier liability for VA care and provide for reimbursement from such carriers for the care of non-service-connected disabled veterans, effective Oct. 1, 1985	0	62,000	0
Medical and prosthetic research	220,253	+5,292	−5,197

SENATE COMMITTEE ON VETERANS' AFFAIRS DEMOCRATIC MEMBERS' RECOMMENDATIONS FOR FUNCTION 700, VETERANS' BENEFITS AND SERVICES, FOR FISCAL YEAR 1986—Continued

[In thousands of dollars]

Subfunction and program	Recommendations	Difference from President's request (reestimated)	Difference from baseline
With administration proposed 5-percent pay cut not restored	[215,966]	[+1,005]	[−9,484]
Medical administration and miscellaneous operation expenses	60,010	+1,240	−11,712
With administration proposed 5-percent pay cut not restored	[58,770]	[0]	[−12,952]
Major construction	454,510	0	−4,262
Minor construction	202,226	+1,006	−2,188
With administration proposed 5-percent pay cut not restored	[201,220]	[0]	[−3,194]
Grants for construction of State extended care facilities	23,399	0	0
Special therapeutic and rehabilitation activities fund	−10	0	0
Grants to the Republic of the Philippines	500	0	0
Subtotal, hospital and medical care for veterans	10,149,334	+392,512	+216,499
With administration proposed 5-percent pay cut not restored	[9,939,827]	[+183,005]	[+6,992]
704—Veterans' housing:			
Loan guaranty revolving fund	136,300	0	0
Proposed legislation: Administration proposes to increase loan guaranty fee from 1 to 5 percent, effective Oct. 1, 1985	0	+514,000	0
Direct loan revolving fund	−50,000	0	0
Subtotal, veterans' housing	86,300	+514,000	0
705—Other veterans' benefits and services:			
General operating expenses	768,117	+18,838	−8,988
With administration proposed 5-percent pay cut not restored	[749,279]	[0]	[−27,826]
Grants for construction of State veterans' cemeteries	2,600	0	0
General post fund	13,500	0	0
Canteen service revolving fund	−307	0	0
Other independent agencies: American Battle Monuments Commission	10,994	0	−389
Subtotal, other veterans' benefits and services	794,904	+18,838	−9,377
With administration proposed 5-percent pay cut not restored	[776,066]	[0]	[−28,215]

SENATE COMMITTEE ON VETERANS' AFFAIRS DEMOCRATIC MEMBERS' RECOMMENDATIONS FOR FUNCTION 700, VETERANS' BENEFITS AND SERVICES, FOR FISCAL YEAR 1986—Continued

[In thousands of dollars]

Subfunction and program	Recommendations	Difference from President's request (reestimated)	Difference from baseline
Unspecified cost-savings legislation [1]	−50,000	−50,000	−50,000
Total, function 700, veterans' benefits and services [2]	27,192,649	+845,194	+157,122
With administration proposed 5-percent pay cut not restored	[26,964,304]	[+616,849]	[−71,223]

[1] If the recommendations for the VA accounts reflected in this table are substantially agreed to in the fiscal year 1986 budget and appropriations processes, the Democratic members will develop or support legislation yielding up to $50,000,000 in fiscal year 1986 savings in veterans' programs. For computation purposes, a full $50,000,000 is assumed.

[2] With function 700 accounts not within the committee's jurisdiction, included at baseline levels, the totals would be $27,648,113 in budget authority and $27,220,471 in outlays (with administration proposed 5-percent pay cut not restored: $27,438,223 in budget authority and $26,992,126 in outlays). The accounts involved are the Department of Housing and Urban Development, Government National Mortgage Association, participation sales fund (veterans housing); Department of the Treasury, Financial Management Service, miscellaneous trust funds (other veterans benefits and services); and Department of Defense—civil, cemeterial expenses, Army salaries and expenses, Soldiers' and Airmen's Home, payment of claims, operation and maintenance, capital outlays, and Soldiers' and Airmen's Home-permanent fund.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. HUMPHREY assumed the chair.)

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

SCHEDULE

Mr. DOLE. Mr. President, it is our hope to complete the treaty with Canada concerning Pacific salmon today and then we hope to take up, if we can do it with some agreement, S. 457, the African relief authorization.

That became a vehicle for the farm amendments. The President has now vetoed the farm amendments. The House of Representatives has indicated, I assume because they do not have the votes to override, that they will not take up the veto, so that bill apparently has gone to committee.

So we would like to send a clean authorization bill to the House of Representatives. I know we are looking, shopping, on both sides, to see if that might be possible.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, at this time I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

TREATY WITH CANADA CONCERNING PACIFIC SALMON

The PRESIDING OFFICER. The clerk will state the resolution of ratification.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon, including Annexes and a Memorandum of Understanding to the Treaty, signed at Ottawa on January 28, 1985.

Mr. DOLE. Mr. President, I ask unanimous consent that the treaty be advanced through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. BYRD. Mr. President, reserving the right to object, I know of Mr. DODD's interest in this matter. I do not object on my own in this instance, and I may not object if the distinguished Senator from Connecticut has no objection, but from the standpoint of offering my Democratic colleague an opportunity to object or not object on his own within his own rights, I yield the floor, and if he wishes to object, he may do so, or he may not wish to do so.

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, may I ask for a repetition of the unanimous-consent request? I did not hear it. I was in discussion with the distinguished Senator from Alaska.

Mr. DOLE. Mr. President, I would just indicate that the unanimous-consent request was that the treaty be advanced through its various parliamentary stages up to and including the presentation of the resolution of ratification.

Mr. DODD. Mr. President, I would say to my good friend, the majority leader, that the distinguished Senator from Alaska and myself and others are in the process of trying to resolve some issues that relate in some part to procedures within the committee. At this juncture, I would, with all due respect to the majority leader and my good friend from Alaska, object at this point. I understand that the distinguished Senator from Alaska would like to make an opening statement. I would have no objection to that, but I would not want to agree to this unanimous-consent request at this juncture.

So, Mr. President, I would object.

The PRESIDING OFFICER. Objection is heard.

ARTICLE I

The PRESIDING OFFICER. The clerk will read the first article.

The assistant legislative clerk proceeded to read article I.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Article I reads as follows:

ARTICLE I

DEFINITIONS

As used in this Treaty,

1. "enhancement" means man-made improvements to natural habitats or application of artificial fish culture technology that will lead to the increase of salmon stocks;

2. "fishery" means the activity of harvesting or seeking to harvest salmon;

3. "fishery regimes" means the fishing limitations and arrangements adopted by the Parties pursuant to Article IV, paragraph 6;

4. "interception" means the harvesting of salmon originating in the waters of one Party by a fishery of the other Party;

5. "overfishing" means fishing patterns which result in escapements significantly less than those required to produce maximum sustainable yields;

6. "stocks subject to this Treaty" means Pacific salmon stocks which originate in the waters of one Party and

(a) are subject to interception by the other Party;

(b) affect the management of stocks of the other Party; or

(c) affect biologically the stocks of the other Party; and

7. "transboundary river" means a river that rises in Canada and flows to the sea through the United States.

Mr. BYRD. Will the Senator yield for a parliamentary inquiry?

Mr. MURKOWSKI. Yes.

Mr. BYRD. Mr. President, is the Senate now in the Committee of the Whole?

The PRESIDING OFFICER. The Senate now is in the Committee of the Whole.

Mr. BYRD. I thank the Chair and I thank my friend from Alaska.

Mr. MURKOWKSI. I thank the minority leader and I thank my good friend from Connecticut.

Mr. President, we have asked that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification. However, pending discussion among the staffs of the Senator from Connecticut, myself, and the chairman of the Foreign Relations Committee, I would like to move into an opening statement and briefly outline the importance of this treaty.

Mr. President, as an Alaskan I am pleased to support the United States/Canada Salmon Treaty and its implementing legislation.

Commercial fishing is of critical importance to my State. Alaska is the world's leading supplier of salmon with between one-third and one-half the worlds catch. In southeast Alaska for example, 40 percent of the economy is based on commercial fishing.

Salmon migrate from their spawning streams without regard for international boundaries. Highly competitive salmon fishermen do not ask what nation of origin their catch is. Interceptions of the other nation's salmon has resulted in overfishing of some salmon stocks.

The solution to that problem is the treaty we have before the Senate today.

Formal negotiations between the United States and Canada on Pacific salmon have been taking place for almost 15 years. This treaty is the product of over 15 years of hard work, difficult compromises, and consensus agreement by a broad spectrum of fishing interests on the west coast of the United States.

We owe a debt of gratitude to all the fishing representatives who negotiated this package with their livelihood on the line. Special recognition should be given to a former House colleague, Ed Derwinski, who acted as a political overseer to the negotiation process, and Ted Kronmiller, the chief U.S. negotiator.

It is appropriate that the treaty and implementing legislation are being passed together. This project has been a package agreement to resolve disputes not only between Canada and the United States, but also among divergent U.S. interests.

The treaty sets up an eight-member Commission, with four representatives from both countries. This Commission will make salmon management decisions on interception fisheries based on the two principles: One, preventing overfishing, and, two, equity—so that each country should receive benefits equal to the production of salmon from its streams.

Difficult decisions will be required. However, all U.S. Commission decisions must be made by unanimous agreement. This will require all parties to work closely together and assures all interests are heard.

This treaty package also resolved the troubling controversy between the State of Alaska and Indian tribes of the Pacific Northwest regarding Chinook allocations. The tribes have agreed not to sue Alaska for increased allocations under the Boldt decision. The U.S. section of the Commission will make Chinook allocations between both parties. If no agreement can be reached, neither will be allowed to fish for Chinook. Consequently, there are checks and balances in the system.

I would like to emphasize that this treaty has required sacrifices by many fishermen, who gave up fish in the short term to obtain this treaty with Canada. This treaty was agreed to with the promise of needed research, enhancement and bilateral management that can provide for more salmon in the future.

Alaska's Chinook fishery will be limited to 263,000-plus returning hatchery stocks. This is a difficult reduction from our historical average of 325,000.

Canada had no commercial fishing on the Stikine and Taku transboundary rivers before 1978. The treaty allows Canada to harvest a portion of these fish on these rivers according to formula. Gilnetters in Alaska are tremendously concerned by Canada's newly institutionalized presence, but it is hoped the formula will be such that it will not occur.

Other groups from the Pacific Northwest and Alaska sacrificed for this treaty. During the testimony before the Foreign Relations Committee, witnesses from the administration made clear the obligation and commitment for extensive research and enhancement that is part of this treaty package.

The Senate in exercise of its constitutional authority to give advice and consent, takes note of the obligation placed on this, provide sufficient enhancement for restoration and equity needs.

Mr. President, this treaty and legislation were negotiated with a spirit of cooperation and unity. It is vital that this spirit be maintained to assure the treaty work. We have a chance to establish a better future for U.S. salmon fishermen and all the people who depend on the salmon resource. I urge support of this treaty and continued efforts by all parties, including the Federal Government, to make this effort successful.

I might add that there has been a concern expressed by the State of Idaho from its two able Senators, Senator McCLURE and Senator SYMMS. I look forward to a colloquy on safeguard provisions that can be included to provide for input by the State of Idaho in commission actions. The State of Idaho plays a very vital role by acting as spawning grounds in the upper Columbia River system and it is important that they have an input in decisions involving these salmon and steelhead resources.

I anticipate that my good friend, Senator EVANS, from the State of Washington, will be addressing various issues involved in this treaty. As I have stated earlier, Senator DODD and I will be carrying on some discussions with regard to the procedure of the Foreign Relations Committee. I hope at a later time this morning we will be able to respond in more detail to Senator DODD's specific questions.

I think it is interesting to reflect on the specific aspects of the check and balance system that has been put into the treaty. The very fact that the fish-

ing for Chinook will stop until there is an agreement between Alaska and the Pacific Northwest on allocations is very important. The fish are not going to wait for the negotiators to resolve their particular differences. The very fact that the run may be lost is going to act as motivation for the negotiators to promptly resolve their differences and get on with solving the issues so that the fishing can begin.

This particular treaty is significant because the migration pattern of the North Pacific salmon occurs over a wide geographical range moving beyond the coastal communities that are affected into some of the inland communities such as the State of Idaho, the rivers of Oregon, some of the rivers in California, British Columbia, and Alaksa.

We, Senator STEVENS, Representative YOUNG, Senator EVANS, Senator GORTON and I, had an occasion about 10 months ago when the treaty talks had broken down to arrange a meeting with our counterparts in Canada. There was a luncheon held. At that meeting constructive conversation took place which enabled the Canadians an opportunity to converse and USA a chance to listen to their particular point of view on this treaty.

As a consequence, I think there was a real committed effort to get treaty negotiations back on track as evidenced by the treaty before the Senate today. Of course, tremendous work has been done by Counselor Derwinski and Ted Kronmiller, representing the United States and the administration, in bringing this treaty to a successful culmination. In the hearings that were held before the Foreign Relations Committee, there were no objections expressed on the treaty. There were, of course, various concerns voiced. The hearing was held for a good portion of the day and witnesses from all groups, including the tribal groups, were heard and I think gave excellent testimony. The witness list included the following, counselor to the Secretary, Ed Derwinski, and the chief U.S. negotiator, Ted Kromiller; a representative of the Governor of the State of Alaska, Norman Cohen; representatives from the tribal councils and representatives from a fishing industry specifically. The panel discussion covered all aspects of the treaty and the particular point of view of those involved including such diverse groups as the Northwest power planning group, the members of the Quinalt Business Committee, Northwest Indian Fisheries Commission, Columbia River Inter-Tribal Fisheries Commission, the Washington Charterboat Association, the Puget Sound Gillnet Association, the Washington Trollers Association, and the Puget Sound Purse Seine Vessel Owners Association.

So it was a case where the full input of all parties concerned had an opportunity to be heard. They were in unison in their support of the treaty. I think it is extraordinary in this body when after 15 years of negotiations we are able to have a treaty with such broad support. While we mortals may debate some of the merits of this treaty, if you are going to appropriately and properly manage the resource, you are going to have to do it through the cooperation of not only the Pacific Northwest and Alaska, but Canada as well. That has successfully been done in this agreement. It deserves the Senate's unanimous support.

I yield to my good friend, Senator EVANS, from the State of Washington, who would like to make a statement on this matter. After that, I think Senator MCCLURE also wishes to be heard on the treaty, and maybe other Senators. I intend to also refer to the questions that Senator DODD raised previously.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Washington.

Mr. EVANS. Mr. President, I rise to support this treaty and also to give my thanks to the many who have worked over a long, long period of time to bring this treaty to the position it now holds.

Some of those in recent weeks have provided enormous service to the country. But they have been aided during the preceding 15 years by their predecessors who in their own right have done a remarkable job.

For those of us in the Pacific Northwest, it is truly a historic event. We are embarking on a new era of cooperation that will ensure the conservation, indeed the preservation, of one of our most valued resources, the Pacific salmon.

Before I proceed to the treaty, Mr. President, I would like to compliment my colleague from Alaska, Senator MURKOWSKI, for his success in moving the treaty through the Foreign Relations Committee in what must be record time. Although it took 15 years to negotiate the treaty, it was received by the Senate on February 19. We held hearings on February 22 and reported it out of the Foreign Relations Committee on March 5. I applaud the Senator from Alaska for his work and suspect this record may well stand for some time.

To return to the treaty, Mr. President, for more than 15 years representatives from the States of Washington, Oregon, Idaho, Alaska, the Federal Governments, and the treaty Indian tribes have met once or twice a year to argue over who took more of whose salmon. All the while fishermen continued to fish, and to fish more efficiently. The number of fishermen increased and the salmon's environment in the ocean and in the rivers deteriorated. The resource dwindled. Some stock suffered so greatly their very existence is now in peril, and at least in the case of very few stocks they apparently now are extinct. But finally, after all of these years, we have chosen to end our squabbling over what might well have been who would catch the last Pacific salmon and, rather, we have chosen to seize the single opportunity we may have to restore the great salmon resource of the Pacific Northwest.

We have not reached this point easily and not without a fair amount of prodding. Mr. Ed Derwinski, counselor of the Department of State and Ted Kronmiller, the chief negotiators for the United States, deserve enormous credit and our sincere thanks for their efforts to bring the U.S. delegation together to reach this agreement with our friend and ally, Canada.

My special gratitude goes also to those who served on the U.S. delegation, and who over the years labored so hard to get to this point.

The fishery agencies of the various States, the sports and commercial fishermen representing a wide variety of viewpoints, and the treaty Indian tribes have all cooperated and brought us to what I believe, Mr. President, is a fair and balanced treaty.

Mr. President, this is a fair and balanced treaty. It balances United States and Canadian interests as well as the interests of the many U.S. participants. No one got everything they wanted and everyone gave much. Some may benefit more than others, at least in the beginning. And the sacrifices may fall more heavily on some than on others. But I believe it is to the great credit of those who may be giving a little more and those who will have to wait a little longer for the ultimate benefits of the treaty that they were willing to join in and support the treaty.

Over the years, we have watched the salmon stocks decline. We have known that enhancement programs would help restore these stocks, and could bring us back to the great livelihood we had many years ago.

But enhancement proposals have not gone forward on either side of the border because there was no way to control interceptions and no way to get back your investment. This treaty will provide that control and ensure that return. We can now embark on major enhancement programs and strong rehabilitation measures that will restore the salmon stocks and assure their survival.

Mr. President, there is real urgency in acting on this treaty and the supplementing legislation now, today. It will be the last opportunity, as I understand it, until almost 2 weeks from now, and the salmon runs of this year

have already started. We need to initiate this treaty to begin to work yet this year to put all efforts together, both in Canada and in the United States, to act on this year's salmon run, to ensure that we begin now to stop the devastation and to begin rebuilding.

I hope my colleagues will join with us, join with us today, join with us in overwhelming support of the treaty to give the Pacific salmon one last chance.

Mr. President, I wonder if Senator MURKOWSKI would answer a question.

The treaty recognizes the importance of enhancement for the preservation of the Pacific salmon resource. It is my understanding that enhancement programs both to correct equity imbalances and for restoration purposes are central to the object and purpose of the treaty. Is that the Senator's understanding?

Mr. MURKOWSKI. Yes; the Senator is correct on both counts. Those representing the United States and the administration noted in the hearings before our full committee both the obligation for research to meet the requirements of the equity principle and the obligation for equity and restoration enhancement.

I can only give that reassurance that this is something that is certainly of the very highest order in the consideration of the treaty.

Mr. EVANS. I thank the Senator.

Mr. MURKOWSKI. Mr. President, I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I support ratification of this vital treaty. It is the result of decades of hard work. I especially believe that the chief U.S. negotiator, Theodore Kronmiller, and State Department counselor, Edward Derwinski, deserve high praise for bringing to a noteworthy conclusion this most difficult and emotional set of negotiations. I also laud the efforts of Mr. Lee Alverson, past U.S. negotiator, as well.

This treaty, as my colleagues have pointed out, has been in the making for the better part of two decades. The U.S.-Canada Salmon Interception Treaty is critical to the Pacific Northwest. The future of the salmon resource and the people who depend on it are in jeopardy. Uncontrolled interceptions by Canadians and U.S. citizens and the resulting overfishing profoundly threaten the resource.

The solution to the problem is this treaty, which is built upon two basic principles. First, the treaty is designed to prevent overfishing and to provide for optimum production. Second, it is directed at equity—at the proposition that each nation should receive benefits equivalent to the production of salmon originating in its waters.

I should like to emphasize that this treaty will cause difficulties for many fishermen, who will have to give up a lot in the short term in order to provide that more salmon will be available in the future. But while the treaty before us today is not a panacea, it does represent a major step toward a restored and secure resource.

I believe that this treaty will in the long run produce more salmon for the Pacific Northwest; increase returns on habitat and hatchery investments; prevent the overharvesting of our salmon; rebuild our dwindling chinook and coho stocks; and, finally, provide for strong international cooperation in the management of Pacific salmon stocks.

This treaty is endorsed by most of the Northwest's commercial and sports fishermen, by State and tribal fishery managers, by conservationists, fishery-dependent businesses, port authorities, cities, counties, and State governments. The Pacific Salmon Treaty is vital to the protection, enhancement, and coordinated management of our salmon resources.

Both the chairman of the Senate Foreign Relations Committee and my colleagues from the Pacific Northwest already know all of this, and each has played a vital part in bringing us this far. Now we must join in urging our Senate colleagues to support this treaty. The Senate's prompt consideration and ratification will be in the best interests of both the nations and the Pacific Northwest.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I thank Senators GORTON, MURKOWSKI, EVANS, HATFIELD, and all the others who have been so instrumental in respect to this treaty.

Without burdening the Senate too long, I would outline some of the history of this treaty.

Three races of Chinook salmon and one race of Steelhead trout enter Idaho streams. Idaho produces about 30 percent of the spring Chinook, 45 percent of the summer Chinook, and 5 percent of the fall Chinook that enter the Columbia River.

Without those spawning grounds and production in Idaho, these runs would be reduced by that amount.

It is these runs, as they enter the ocean and go up the coast of Canada and into the Gulf of Alaska, which are a part of the subject which we are talking about today. The Salmon River, which is wholly within the State of Idaho, contains about 1,920 stream miles of available anadromous fish habitat. The Salmon River drainage produces more spring Chinook, 39 percent, and summer Chinook, 45 percent, than any other drainage in the Columbia River system.

About 83 percent of the Snake River Chinook run spawns in the Salmon drainage.

It is also an important steelhead producer. Estimated Steelhead runs averaged nearly 26,000 between 1967 and 1969. The Idaho Department of Fish and Game has reported escapement goals for the Salmon River system of 72,000 steelhead and 15,000 chinook by 1990.

Idaho has suffered in the past because it has not had a vote or a voice on any commission or panel which makes major decisions affecting anadromous fish originating within its boundaries. It is time that Idaho had that voice.

The negotiation of this treaty, as has been outlined before, which has gone on for about 15 years, did not involve Idaho. We were not invited to participate and until recently did not participate. The feeling in the State of Idaho, expressed strongly from the office of the Governor and the office of the attorney general, was that Idaho must have a voice under this treaty.

The treaty, because of its negotiating history, provides, in three levels of administration of the treaty, only a role on the third and least significant, the advisory board.

The Commission, which is established by the treaty, has no representation from Idaho, has one from the State of Alaska, and one in common from the States of Oregon and Washington.

There are three panels established under the treaty: one for the Northern Panel, representing the people in Alaska and the northern portion of the Pacific, one established for the Fraser River, which is of mixed nationality because of its own unique history and geography, and the third being the Southern Panel which affects the runs that are produced in Idaho and the sports fishery that is part of the return run in Idaho.

There is no representative for Idaho on that panel and the structure of the negotiated treaty does not permit one on that panel. The States of Washington and Oregon have representation; the State of Idaho has none. When advised by the Governor's office that although the State had participated to a small degree and had left no participation, they told us that they did not know of the draft legislation until January 16 and had seen none of the draft legislation and, therefore, had no participation in and no opportunity to comment on draft legislation that will implement the treaty. They immediately contacted the Idaho congressional delegation to protect Idaho's rights on the floor when the treaty came up. They were asking that we insist that Idaho have a vote on the Commission.

Senator SYMMS and I, in reviewing the conditions of the treaty, recognized that it would require renegotiation in order to accomplish that. I believe that is unwise and detrimental to the interest we are trying to protect, to try to go back now and start at square one and renegotiate the treaty that has been so difficult to achieve over the past 15 years.

Similarly, it would require renegotiation of the treaty to provide for direct representation on the Southern Panel. Again, I think it would be unwise to insist upon that protection for Idaho's interests, in spite of the fact that had we been involved throughout the process, had been afforded the opportunity and, indeed, had insisted upon it and it perhaps could have been accomplished during the negotiations; the fact is it was not.

Let me suggest, too, as a kind of counterpoint to that issue of this particular treaty, that Idaho, the upstream State, has only a sports fishery interest. We do not have a commercial fishery interest in this run, although certainly, the sports fishery is a matter of commerce and a matter of a great deal of interest in several communities in Idaho and for hundreds if not thousands of sportsmen who are interested in that run for sports reasons.

In the past, the Columbia River compact has denied any participation by Idaho in the deliberations of that Commission. Several years ago, the attorney general of Idaho, on behalf of the people of Idaho, filed suit to force the downstream States to permit Idaho participation on that body. That lawsuit was resisted by the downstream States and in spite of that resistance, the courts, just last fall, finally resolved that case, after years of litigation, by ordering that Idaho be granted participation in the deliberations with respect to the Columbia River runs so far as that Commission was concerned. I mention that only to outline both the difficulty and the paralleling of facts for the protection of Idaho's interest.

Upon being notified by the Governor and the attorney general in Idaho of the lack of participation and lack of protection of Idaho's interests in this treaty, and after we had determined that it was not wise for us to insist upon aggravating everything that had come this far along and renegotiate a new treaty, we began looking for alternatives. I want to freely acknowledge the cooperation that we have received from the delegates to this body from the other Northwest States—Alaska, Oregon, and Washington. I mean that most sincerely. There was no attempt made at all to say that Idaho did not have an interest or that that interest should not be protected.

Through that process and also in negotiation with Mr. Derwinski, who is counsel to the State Department and a former colleague of mine in the other body and a very good friend, we were able to come to an agreement that the regulations that will be issued to implement both the treaty and the legislation that set forth the procedures by which the Commission will operate and procedures by which the panels will operate will include provisions that require notice and the opportunity for participation by a representative of Idaho—even though they are not members of the Commission and will have no vote on the Commission, they will not be members of the panel and will have no vote on the panel—and also provide for the presentation to the Commission and to the panel of Idaho's views.

Although it would require renegotiation to guarantee that result with respect to the meeting of the Commission, where it meets with the Canadian counterpart members of that Commission—and that would be impossible for us to establish unilaterally—it does provide that in the absence of the Idaho representation at such a Commission meeting, the views of Idaho will be presented to the Commission.

I think that is the best we can do at this stage of the game, and I think it is important again that there be recognized the contributions that have been made by all of the people who are involved in these negotiations that we were able to achieve that result.

I commend the Governor of Idaho and the attorney general of Idaho for having called this matter to our attention and pointing out that, even though they had the opportunity—the State did have the opportunity—to participate at an earlier stage, they felt that that participation was not sufficient and cannot result in sufficient participation for Idaho's interests and they then called it to our attention.

I should like to ask the Senator from Alaska, if he will yield for a question, if I have outlined the situation fairly and indeed, if the arrangements that have been made have the approval of the parties who have been involved in these organizations.

Mr. MURKOWSKI. Mr. President, I am pleased to respond to my colleague from Idaho.

Yes, that is my understanding, I very much appreciate the concern expressed by the State of Idaho with regard to the resource and the treaty. I think the suggestions for input on behalf of the senior Senator from Idaho are quite appropriate. They have been discussed with various representatives who were active in the negotiations.

There is concurrence that there is an appropriate role for representatives from the State of Idaho to be heard with regard to how the treaty allocates the salmon resource during its journey to the State of Idaho.

Mr. McCLURE. Mr. President, I thank the Senator from Alaska.

I think there is one other point that needs to be made in connection with what interests we are trying to protect and represent here. That is the fisheries interest that is guaranteed by treaty in the Indian tribes. The Nez Perce Indian lived along the Salmon River, what is now called the Salmon River, in the area which is now encompassed within Idaho. The fish was a major resource for that tribe. Other tribes further upstream also shared in that fisheries resource and the treaty provides for direct representation on the southern panel of Indian tribes. It is my expectation, at least, that that representation will be divided between downstream tribes and upstream tribes so that there is a recognition, indeed, that what goes downstream must have an opportunity to return upstream, at least in part.

I think that also illustrates part of the difficulty we had and one of the reasons for the great concern with respect to the management of the anadromous fishery. Last year we had some of the best indications of good returns to the system we have had in years. The lower State fish mitigation program is working to a degree and we are getting better escapement to the sea and now getting better returns to the river system. The passage of mature adults moving back upstream, both salmon and steelhead, last year was remarkably better than it had been in the past. But something happened in the lower Columbia. They never reached Idaho. And instead of having a good fishing season, we had none, which is simply another way of saying not all the problems the salmon have are out in the ocean. Some that we have are within the Columbia River system itself, and a large part of that impacts the lower Columbia Indian fishery which also is represented here and necessarily must be represented.

The reason Senator SYMMS and I have come to the conclusion that indeed this arrangement we have been able to negotiate and which has the support of everyone involved, is an acceptable one, rather than asking that the treaty not be ratified is a recognition of the critical nature of some of these runs and that we have to do something about it. Last year was a good example. If we cannot get escapement upstream to the spawning grounds, there will not be any downstream migration and those races of salmon will no longer contribute anything to either the sports fishery in Idaho, Oregon, or Washington or to the commercial fishery for Canada, Alaska, Oregon, or Washington, so the treaty is essential to the makings of these fish runs in our judgment and it

is already in many respects later than we think.

Mr. MURKOWSKI. I assume that my colleague from Idaho is also equally concerned with the status of the steelhead runs which flow the salmon as well?

Mr. McCLURE. Absolutely. Many of the few steelhead that returned to Idaho for spawning last year in spite of the downstream fishing bore the marks of the gill nets from which they had escaped as they moved upstream, so there is a very real interest and a very real problem with respect to that steelhead run, which is a major fishery resource and certainly one of the best sports fisheries in the world. Anybody that has ever hooked into a steelhead will never forget that experience; to hook one is to be hooked for life.

Mr. MURKOWSKI. Having had the experience on occasion, I certainly agree with my colleague from Idaho. It is indeed too bad at this time of the year we occasionally do not get away to try to take advantage of that tremendous sport and natural resource that we have an obligation to maintain and protect. Obviously this treaty is designed to do just that.

Mr. McCLURE. Mr. President, we have been in contact with the Governors of the several States involved, Alaska, Washington, Oregon, and Idaho. While I do not have in hand letters from them indicating approval of the arrangement, those letters are on the way, I am informed. We will make those letters a part of the RECORD when they are received.

Mr. President, I ask unanimous consent that a letter dated January 21 addressed to myself and signed by the Governor, the attorney general, and the director of the Idaho Fish and Game Department be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF IDAHO,
Boise, January 21, 1985.

Hon. JAMES McCLURE,
U.S. Senator, Dirksen Building, Washington, DC.

DEAR SENATOR McCLURE: The negotiations for a treaty between the United States and Canada concerning fishing for Pacific salmon were basically completed on January 16, 1985. The negotiating team has been working on legislation in Seattle to implement this treaty. The proposed legislation presently includes the establishment of a commission and panels to review and approve regulations to carry out the purposes and objectives of the treaty.

The present draft of the legislation does not contain any provisions for the nomination or inclusion of a representative from Idaho on either the commission or panel. A representative of the Idaho Department of Fish and Game made a presentation to the U.S. Delegation concerning this issue on January 16, 1985. He also discussed the issue with representatives of the states of Oregon and Washington.

It appears that once again decisions related to the harvest of salmon produced in the state of Idaho are going to be made without Idaho having official status in the deliberations. We have been informed that the treaty and enabling legislation are going to be "fast-tracked" through Congress. There may be very little time, therefore, to affect this process once the drafting is done. We have also been informed that at least one meeting was recently held in which the senators from the Pacific Northwest agreed to the procedures to be used to move the treaty and legislation through Congress. We were not informed as to whether Idaho's Senators were invited to this meeting.

We urge you to contact your counterparts from Oregon and Washington and stress the necessity to include Idaho in any decision-making bodies established in the enabling legislation. We also urge you to contact Ted Kronmiller, head of the U.S. Delegation, and urge that Idaho be included.

Idaho produces fall, summer and spring chinook salmon which are going to be affected by the decisions made relative to this treaty. We believe the continuing efforts to shut Idaho out of management decisions involving its fish must be fought at the highest possible level.

We will be glad to supply any additional information you may need to press this issue with the Pacific Northwest Congressional delegation.

Sincerely,

JOHN V. EVANS,
Governor.
JAMES JONES,
Idaho Attorney General.
JERRY M. CONLEY,
Director,
Idaho Department of Fish and Game.

Mr. McCLURE. I ask unanimous consent that a letter addressed to me dated March 4 signed by the Governor of the State of Idaho and the attorney general of the State of Idaho be made a part of the RECORD, together with the attachments thereto.

There being no objection, the letter and attachments were ordered to be printed in the RECORD, as follows:

STATE OF IDAHO,
OFFICE OF THE ATTORNEY GENERAL,
Boise, ID, March 4, 1985.

Hon. JAMES McCLURE,
U.S. Senator,
Washington, DC.

DEAR SENATOR McCLURE: We would like to thank you for placing a hold on the Canada-United States Treaty implementing legislation and for your efforts in getting representation for the State of Idaho on the panel and the commission. Adequate representation of Idaho's interests on the panel and the commission are critical to the preservation of the anadromous fish runs in the state.

It is our understanding that Idaho is being criticized for insistence on being included on the panel and the commission. Idaho has been informed that it should not expect to participate because the state was not involved in the development of the treaty. Further, we understand that some individuals are asserting that Idaho should not be included on the panel or the commission because it is not producing substantial numbers of salmon. Neither assertion is entitled to any weight.

Idaho participated in numerous meetings prior to the 1982 draft of the treaty. From 1982 to 1983, there was virtually no treaty negotiations. Then in 1984, negotiations accelerated. Through neglect or by design, however, the participants to the treaty did not inform Idaho of the technical and policy level meetings during 1984. Idaho found out about many meetings after they had occurred. Those meetings Idaho attended, it became aware of through other meetings concerning the negotiation of a new management plan for anadromous fish runs on the Columbia River.

Those meetings the state learned of and a representative from the Idaho Department of Fish and Game (IDFG) attended were the meetings in Seattle (November 19-20, 1984 and December 14-16, 1984), and Vancouver, B.C. (December 11-12, 1984).

Idaho first become aware of the contents of the draft enabling legislation on January 16, 1985. On that date David Hanson, Anadromous Fishery Manager for the IDFG, presented a statement to the United States Delegation on the need to include Idaho on the panel and the commission to be created by the legislation implementing the treaty. Mr. Hanson also stressed this need to William Wilkerson, director, Washington Department of Fisheries and Jack Donaldson, director, Oregon Department of Fish and Wildlife. No response was ever received to this request; in fact, after being made aware of Idaho's concerns, the parties continued negotiations without providing notice of meetings to the State. For example, Idaho was ignored when meetings were arranged to develop plans and funding relevant to the treaty. The meeting was held in the offices of the Washington Department of Fisheries on March 1, 1985. Idaho was not informed of this meeting, even though a representative of Idaho attended other meetings in those same offices on the two days prior to this meeting. Idaho became aware of the meeting after a phone call in the late afternoon of March 1, in which Idaho was asked how much money Idaho required to participate in marking and recovering marked salmon. Idaho's input was needed immediately since the material was being shipped to Washington, D.C. on March 4, 1985. It is very difficult, if not impossible, to participate fully in discussions, when a party is not informed of what is taking place.

The State of Idaho also voiced strong objection to the proposed legislation to its senators. The IDFG contacted your local offices on January 17 and 18, 1985, an informed your staff of Idaho's concern. Also, Idaho expressed its concern to you through our hand delivered letter of January 21, 1985.

Contrary to the assertion that the state's contribution to the runs affected by the treaty is minimal, a substantial portion of the salmon in the Columbia River, which contributes to the stock being regulated by the treaty, are produced in Idaho. The attached tables document the recent runs. Lower Granite Dam, the entry point for salmon into Idaho, reflects only a portion of the fish produced in the state. Interdam losses at the seven dams above Bonneville reduce the run into Idaho by approximately 34 percent. Idaho-bound fish are also intercepted in tribal and nontribal fisheries in the Columbia River. When those mortality factors are considered along with the Lower Granite counts, it is obvious that Idaho's contribution to the runs is substantial.

The portion of summer chinook produced by Idaho in the Columbia River is increasing (Table 1). This trend is expected to continue. Spring chinook jacks into Idaho have increased substantially. (Table 2). This is a

very strong indicator that the Idaho runs are rebuilding, and will make an even greater contribution in the very near future. Idaho is also producing fall chinook to maintain the run into the Snake River. All of these chinook stocks appear in ocean fisheries off the coasts of Canada and Alaska. Thus, it is clear that implementation of the treaty will have an impact on the future of Idaho's anadromous fish. Idaho's interest can be protected only by insuring that Idaho has a voice in how the fisheries are managed.

Idaho was recently forced to bring an action in Federal court to ensure that its interests were represented in the negotiations of a new management plan for the anadromous fish runs in the Columbia River. Idaho's efforts were successful in gaining recognition of its interests. Despite this decision, however, it appears that the desire to harvest Idaho's fish without giving Idaho any voice in the management of the runs continues.

Idaho is being told to produce fish, but is being totally left out of the decisions which affect the harvest of these fish. The last draft of the legislation permits a tribal representative from Idaho to sit on the commission or panel, yet precludes such representation for all other citizens of the State.

We are requesting that you continue your efforts to see that Idaho is provided the same opportunity for participation in the panel and commission as that provided for the other states and the Indian tribes. Your efforts, if successful, will make litigation over Idaho's right to participate in the management of anadromous fisheries subject to this treaty unnecessary.

Sincerely,

JOHN V. EVANS,
Governor.

JIM JONES,
Attorney General.

TABLE 1.—COUNTS OF SUMMER CHINOOK AT BONNEVILLE DAM, LOWER GRANITE DAM AND THE SOUTH FORK TRAP

	Adults	Jacks	Total
Bonneville Dam			
Year:			
1984	22,351	6,076	28,427
1983	18,000	5,400	23,400
1982	20,100	6,500	26,000
1981	22,400	4,600	27,000
1980	27,000	4,100	31,100
1979	27,700	6,500	34,200
1978	39,700	4,600	44,300

	Adults	Percent of Bonneville [1]	Jacks	Percent of Bonneville	Total	Percent of Bonneville
Lower Granite Dam						
Year:						
1984	5,429	24.3	1,815	29.9	7,224	25.5
1983	3,900	21.7	770	14.3	4,670	20.0
1982	4,200	20.9	320	4.9	4,520	17.0
1981	3,300	14.7	480	10.4	3,780	14.0
1979	2,700	9.7	860	13.2	3,560	10.4
1978	11,600	29.2	100	2.2	11,700	26.4

	Adults	Jacks	Total
South Fork Trap [2]			
Year:			
1984	934	595	1,529
1983	433	504	937
1982	502	48	550
1981	400	124	524
1980	194	186	([3])

[1] Percent of Bonneville Dam count. This number does not include any correction for interdam loss, or other sources of mortality.

[2] The South Fork trap, located on the South Fork of the Salmon River, is the main egg source for McCall Hatchery. Summer chinook also return to other hatchery facilities and spawn naturally.

[3] (161 females, and 80 males were also captured at Lower Granite Dam).

TABLE 2.—COUNTS OF SPRINGS CHINOOK AT BONNEVILLE DAM, LOWER GRANITE DAM, AND THE RAPID RIVER TRAP

	Adults	Jacks	Total
Bonneville Dam			
Year:			
1984	46,038	4,198	50,236
1983	54,898	1,940	56,838
1982	70,000	6,000	76,000
1981	62,800	2,200	65,000
1980	53,100	7,900	61,000
1979	48,000	2,800	51,400
1978	147,700	2,200	149,000

	Adults	Percent of Bonneville [1]	Jacks	Percent of Bonneville	Total	Percent of Bonneville
Lower Granite Dam						
Year:						
1984	6,511	14.1	1,410	33.6	7,921	15.8
1983	9,517	17.3	509	26.2	10,026	17.6
1982	12,400	17.7	380	6.3	12,780	16.8
1981	13,100	20.9	530	24.1	13,630	21.0
1980	5,500	10.4	1,300	16.5	6,800	11.1
1979	6,800	14.0	790	28.2	7,590	14.8
1978	40,700	27.6	300	13.6	41,000	27.4

	Adults	Jacks	Total
Rapid River Trap [2]			
Year:			
1984	1,662	651	2,313
1983	1,864	94	1,958
1982	3,646	30	3,676
1981	3,087	176	3,263
1980	1,528	432	1,960
1979	3,054	350	3,404
1978	5,735	34	5,769

[1] Percent of Bonneville Dam count. This number does not include any correction for interdam loss, or other sources of mortality.

[2] The Rapid River Trap is the main egg source for Rapid River Hatchery. Spring chinook also return to other hatchery facilities and spawn naturally.

Mr. McCLURE. Mr. President, I thank Senator GORTON and all the Senators who have been involved in the negotiations which resulted in the United States-Canada Pacific Salmon Treaty. I know that he and the other Senators from Washington, Oregon, and Alaska have long had a special concern for the treaty's impact on the Pacific Northwest, Canada, and Alaska.

The treaty will provide a greatly needed mechanism for management of salmon originating in rivers entering the Pacific Ocean from Oregon, Washington, Idaho, Canada, and Alaska. The present status of many of the Pacific salmon stocks is very poor. The provisions of this treaty will allow coastwide management and basinwide management which will permit rebuilding of the stocks with benefits to both Canada and the United States. Without coordinated management between these parties as provided for in the treaty it will be impossible to guarantee sufficient escapements for continuous future benefits.

Mr. GORTON. Mr. President, I thank Senator McCLURE for his support of the United States-Canada Pacific Salmon Treaty. I know he has had special concern for any treaty or legislation which would impact Idaho and the Pacific Northwest's fisheries. I know that he does not wish to hold up this treaty nor the enabling legislation and I hope that the agreements made concerning Idaho's representation on the Advisory Committee will adequately represent his position.

Mr. McCLURE. In recognition of Idaho's legitimate and historic fishery on the Columbia River basin, a number of steps have been taken to ensure that the legislation implementing the treaty protects Idaho's interests. One of the U.S. commissioners on the Pacific Salmon Commission and two of the members of the U.S. section of the Southern Panel must be selected from among the treaty Indian tribes of Idaho, Washington, and Oregon. The legislation also will guarantee Idaho a seat on the Advisory Committee.

In addition, the rules of procedure governing the U.S. section of the Pacific Salmon Commission and the U.S. section of the Southern Panel will designate that a representative of the State of Idaho shall be notified of all meetings, and be provided agendas when agendas are available to Commission members, and members of the Southern Panel, of the U.S. sections of those bodies.

Also the designated representatives of the State of Idaho and its congressional delegation shall be invited to attend all meetings of the U.S. sections of the Commission and the U.S. sections of the Southern Panel, and with the concurrence of the Canadian commissioners, Idaho will be invited to all meetings of the Pacific Salmon Commission.

In addition, Federal representatives to the Pacific Salmon Commission and the Southern Panel shall consult with the designated representatives of the State of Idaho and its congressional delegation on all matters to be discussed and decided upon by the U.S. sections of the Commission and the Southern Panel that affect the salmon fishery in Idaho.

I want to express my sincere thanks to those Members of the Senate, the State Department, and the negotiating team and their staffs for working so closely with both Senator SYMMS and myself on this matter. I am pleased to have been able to work out this compromise and feel that this treaty will be good for the entire area. Without the treaty the unacceptable losses of commercial and recreational salmon fisheries which have been experienced over the past several years will continue. Ratification will enable future generations to enjoy abundant resources in the Columbia River basin and the Idaho tributaries.

Mr. PACKWOOD. If the Senator will yield, these arrangements, as outlined by the Senator from Idaho for

the recognition of Idaho's interests do not adversly affect the treaty or the interests of the other States and I have no objection.

Mr. STEVENS. Mr. President, the United States and Canada have been negotiating the treaty currently before the Senate for over 15 years. This is a historic occasion with respect to comprehensive management of our fisheries resources.

The United States has had to make tough concessions on catch levels in order to reach an agreement with Canada. Alaskans will have to curtail their Chinook fishery and the pink and Sockeye fisheries in the northern boundary area. Pacific Northwest fishermen have given up a great deal to obtain this treaty. The tribal leadership has also agreed not to sue Alaska, and has indicated a willingness to work out allocation problems with the other States.

These concessions were made because U.S. fishermen can see that in the longrun comprehensive management will pay off. Conservation efforts on the part of the States will no longer be offset by increases in Canadian catches. The task before us now is to restore the stocks as quickly as possible so that Alaskan and Pacific Northwest fishermen will not have to dicker over allocations of reduced catch levels. I hope that the time will come when we can all cross the rivers walking on the backs of the salmon.

The Federal commitment does not end on the floor of the Senate today. In order for this treaty to work, the Federal Government will have to assist in restoring the stocks. This means commitment to offset situations where there is an equity imbalance with the Canadians. It also means a Federal commitment to restore the salmon stocks to alleviate the economic hardships that will occur in the coming years. Secretary of State Shultz has sent me a letter indicating the administration's support for such enhancement, which I would like to have printed in the RECORD.

This does not mean that the States and the tribes will be absolved from financial responsibility in restoring the salmon stocks. The States will be the ultimate beneficiaries of a vibrant fishery, and they must shoulder some of the cost. A joint effort by the Federal Government and the States will be necessary to ensure the effectiveness of this management regime.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, March 7, 1985.

Hon. TED STEVENS,
U.S. Senate.

DEAR SENATOR STEVENS: I would like to thank you for your firm support of the U.S.-Canada Pacific Salmon Treaty. I know you have long had special concern for the Treaty's impact on the state of Alaska, and your efforts have been indispensable to our success in bringing this treaty into force.

Your letter to me of February 13, 1985, enclosing a letter from Governor Sheffield, raised fundamental concerns regarding fair and effective implementation of the treaty. Specifically, you and the Governor emphasized the importance of salmon enhancement, both to restore salmon harvests necessarily limited by the Treaty and to compensate Canada for any imbalances that might occur with respect to Article III of the Treaty, the so-called equity provisions.

I fully appreciate the crucial role of enhancement in both these regards. Once the Treaty is in effect, its obligations and the concomitant requirement to enhance salmon stocks are national obligations. Accordingly, they will require support from the several states, the treaty Indian tribes and the Federal government. U.S. negotiators, including representatives of the Department of State, deemed Federal support of local enhancement programs to be one of the key elements in enabling the states to agree to harvest cutbacks, both to reach agreement with Canada and to resolve differences within the U.S. Delegation.

State and tribal interests already have taken the lead in formulating enhancement proposals. They have indicated that where Federal support is needed to buttress local contributions, they will submit such proposals to you and the other members of Congress directly. This conforms with the approach embodied in the Treaty's implementing legislation, which confers primary responsibility for policy and management issues on the states and treaty Indian tribes.

Counselor Ed Derwinski, who is overseeing initial implementation of the treaty on my behalf, has reaffirmed to the Congress the views of the Department of State on the fundamental role of enhancement to restore salmon harvests and satisfy our treaty obligations. You may expect our full support on this important principle.

Ed has repeatedly told me of the vital contributions you and your colleague Senator Frank Murkowski have made throughout the negotiations. I know he values your counsel and looks forward to continuing to work with you towards effective implementation of the Treaty.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. STEVENS. I have examined the arrangements that have been made with the State of Idaho, through the efforts of the distinguished Senators from Idaho, and I am entirely in accord with the arrangements that have been made. They do have an interest in this treaty because of their constituents' use of a portion of the runs of the salmon. It is a very extensive recreational use, as a matter of fact. I think they have been right in their insisting that their constituents be recognized in the process that will implement this treaty. I am delighted that has been worked out.

Mr. MURKOWSKI. Mr. President, I think it is important to reflect on a matter that Senator DODD has brought to our attention, and I am sure some of my colleagues will in a short time be with us to shed additional light. But the question of expediting this process within the current calendar of the Senate, with the recognition that we are to be out next week and the fact that President Reagan will be going up to Canada to meet with Prime Minister Mulroney on the 17th and 18th, made it very evident that if the treaty was going to be a part of the Presidential package of items on the agenda—it was intended by the White House that that be the case—action had to be taken within the appropriate number of days remaining on the calendar.

As a consequence, the Foreign Relations Committee met on the matter and voted out the treaty. The question of procedure has come up, and I would like to cite for the RECORD the extenuating circumstances that occurred. As a matter of record, last night the extraordinary circumstances were the treaty was being held up in the Foreign Relations Committee by initially the inability to identify the specific Senator——

Mr. DODD. Will my good friend yield at that point?

Mr. MURKOWSKI. If I may, I should like to finish the outline and then I will be happy to yield for a question.

Mr. DODD. Fine.

Mr. MURKOWSKI. Mr. President, I am going to yield to the Senator from Idaho, who wants to put a couple of other things in the RECORD.

Mr. McCLURE. Mr. President, I thank the Senator for yielding.

Mr. President, I ask unanimous consent that a letter dated March 6, 1985, addressed to Senator McCLURE and Senator SYMMS signed by Edward J. Derwinski, counselor to the Department of State, be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, March 6, 1985.

Hon. JAMES A. McCLURE and STEVEN D. SYMMS,
U.S. Senate.

DEAR SENATOR McCLURE and SENATOR SYMMS: I would like to thank you both for your firm support of the U.S.-Canada Pacific Salmon Treaty. I know you have long had special concern for the Treaty's impact on the State of Idaho, and your help has been indispensable to our success in bringing this treaty into force.

In recognition of Idaho's legitimate and historic fishery on the Columbia River basin, we have taken a number of steps to ensure that the legislation implementing the treaty protects Idaho's interests. One of the U.S. Commissioners on the Pacific Salmon Commission and two of the members of the U.S. section of the southern Panel must be selected from among the treaty Indian tribes of Idaho, Washington, and Oregon. The legislation also will guarantee Idaho a seat on the Advisory Committee—guarantees that the States of Washington and oregon do not have.

In addition, to address the concerns that you raised with me, I have advised the U.S. Delegation, by copy of this letter, that the

rules of procedure governing the U.S. section of the Pacific Salmon Commission and the U.S. section of the southern Panel should contain the following:

(a) The designated representative of the State of Idaho shall be notified of all meetings of the Commission, the southern Panel, of the U.S. sections of those bodies, and shall be provided agendas of such meetings when they are available to the Commission or the Panel members; and its Congressional delegation shall be invited to attend all meetings of the U.S. sections of the Commission and the southern Panel, and to the fullest extent possible, all meetings of the Pacific Salmon Commission and the southern Panel;

(b) The designated representatives of the State of Idaho;

(c) Federal representatives to the Pacific Salmon Commission and the southern Panel shall consult with the designated representatives of the State of Idaho and its Congressional delegation on all matters decided by the U.S. sections of the Commission and the southern Panel that affect the salmon fishery in Idaho. Th Federal representative, at the request of such designated representatives, shall present the views of the State of Idaho to the Commission or the Panel

I have valued your counsel throughout this process. I look forward to continuing to work with both of you.

Sincerely,

EDWARD J. DERWINSKI.

Mr. McCLURE. Mr. President, the distinguished junior Senator from the State of Washington, who has been so important in all of these negotiations, I think has also indicated the approval of the arrangements which have been made with respect to Idaho's notification and opportunity to have somebody at the meetings of the panel and the Commission, am I correct, if the Senator from Washigton will yield for that question?

Mr. EVANS. The Senator is correct. I further add that the distinguished Senator from Idaho [Mr. McCLURE] and his colleague [Mr. SYMMS] have eloquently and forcefully stated the case for Idaho. I think it is a very important case. They are a source fishery and a very important one for the benefit of everyone, not just citizens of Idaho but citizens of the Northwest and of the whole North Pacific region. It is terribly important that we adequately manage all of our resource. Idaho is an important part of that and should share in the decisionmaking to the degree possible under the treaty and the implementing legislation.

I fully agree with the Senator from Idaho in the arrangements which have been made and hope they will not only adequately but enthusiastically be carried out.

Mr. McCLURE. I thank the Senator from Washington.

Mr. President, I ask unanimous consent that an article which appeared in the Caldwell, ID, Press-Tribune of December 10, 1984, be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EVANS ENDORSES SALMON FISHING TREATY

BOISE, Idaho.—A treaty that would limit salmon fishing in Canada and the United States has been endorsed by Gov. John Evans.

The governor said a substantial number of chinook from Columbia River Basin streams and hatcheries in Idaho, Washington, and Oregon are harvested by British Columbian and Alaskan fisheries.

He said a salmon conservation treaty between the United States and Canada would limit each nation's harvest of the other's Pacific salmon.

The Legislative Council on Indian Affairs last month suggested that state senators and representatives look at the treaty when they meet in January.

The council wants the Legislature to decide whether the state should take a stand supporting it.

Columbia River tribes, the Northwest Power Planning Council, along with officials from Washington, Idaho and Oregon, want to restore Columbia and Snake River chinook, Evans said.

The treaty has been discussed by the two countries' governments for 15 years, but no agreement has been reached.

Negotiations are scheduled to resume this month in Vancouver, B.C.

"Idaho's interest in this treaty is clear and compelling," Evans said in a news release. "Our goal is to return a total of 109,000 natural and hatchery produced chinook to state waters.

Mr. McCLURE. I thank the Senator for yielding.

Mr. MURKOWSKI. I thank my colleague for his comments and an additional submission.

The two points I want to make to my friend from Connecticut are the necessity of moving in a timely manner on the treaty with the reality that if the President was going to be able to take it to Canada, it had to be done this week. Further, after chairing the hearing at great length, there was no occasion when there was an objection by any member of the committee as to the appropriate action being taken by the Foreign Relations Committee to pass the treaty out with a favorable recommendation.

The sequence of events that occurred last night is a bit extraordinary, and I should like to cite that for the RECORD.

The treaty was being held in the Foreign Relations Committee yesterday at the request of a Senator whose identity was unknown at that time. I was advised that the best procedure was to contact Senator PELL, who is the ranking minority member, and I did. I was advised by the distinguished Senator that he had been requested by the individual Senator not to release the name of the Senator who, in effect, was requesting the 3-day rule to be filed along with the report. I explained to the ranking minority member of the Foreign Relations Committee my frustration, in the sense that I would not be able to respond to whatever concern the Senator who choose to be anonymous had on the matter.

I then took the liberty of, personally, phoning Senator ED ZORINSKY and asked him if he might know, and he indicated that he had no knowledge, since no one, to his knowledge, had voiced an objection. So it appeared to me that we had another reason that must be affecting the status of the treaty.

I later learned that it was my colleague from Connecticut, Senator DODD, who is with us today, that had concerns. We conversed on the telephone, and I recognized that he had concerns, but they were not specifically objections to the salmon treaty but to other matters. He also objected to the procedure, and it was his elaim and contention that it was the right of any member to require the maintenance of the 3-day rule.

The action taken by the counsel for the Foreign Relations Committee, obviously is a prerogative, and any member may challenge that prerogative, and I respect that right.

It is true that the Foreign Relations Committee rule provides that any member may have 3 days to file supplemental minority or individual views when a report is filed. However, the rule specifically states that the member must give notice of his intention to file such minority or supplemental views.

Based on the fact that at that time the member had not identified himself and we were approaching the time when a report had to be filed, the magic hour of 6 o'clock—I do not remember the exact sequence—and the realization that the treaty had to be acted upon expeditiously, counsel for the committee saw fit to rule that the treaty could merely be reported to the Senate, without a written report. This ruling was made after consultation with the Senate Parliamentarian.

I should like to point out the rule of our Foreign Relations Committee, rule No. 9, on page 7, the last sentence:

Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

I say to my good friend from Connecticut that I will not debate the merits of "extraordinary," except that I assume it is fair to say that counsel for the committee considered this extraordinary, based, I assume, on the calendar realities. We will not be in session next week, if we did not get this treaty done, it could not be taken by our President to Canada, and the Canadians, of course, are expecting the treaty to be ready for ratification.

The second ruling is one that may or may not be appropriate, but it is one of germaneness, since we later learned that there was no objection the Senator specifically had to the treaty before us. I understand that he has certain other considerations that he would like addressed, as well as the ap-

propriateness of the procedure that was followed here; and he has indicated that he would like the chairman of the Foreign Relations Committee to address that. I see that the senior Senator from Indiana is with us. I do not know what his feeling is on this, but obviously he can address that.

The other specifics that I believe were communicated to me by the staff of the Senator from Connecticut, or at least through some members of our staffs—and often that is how we get in trouble around here—was the Senator's concern that the President have, as a priority, acid rain, and air pollution, when he meets with Prime Minister Milroney. I am sure the Senator will elaborate on this. In connection with which he would like a letter from the White House to be in his hands expressing this priority. The junior Senator from Alaska cannot deliver a letter from the White House, but I understand that the concerns of the Senator from Connecticut have been passed down to the White House, and I hope they will respond to his interests in one way or another.

I assure my colleague from Connecticut that I share his concern over the acid rain issue. I was previously a member of the Committee on Environment and Public Works and spent a good deal of time on this matter. It is a very frustrating one. I see both the United States' and Canada's sides of the issue.

Perhaps a basis could be found similar to what we have found with Canada in reaching a resolution on the salmon treaty. Both Pacific salmon interceptions and acid rain are very complex issues.

Hopefully this successful culmination of 15 years of extensive debate will lay a foundation for a treaty to resolve our concern over air pollution and acid rain. I respectfully urge that my colleague allow the administration to address his concerns and that we get on with the ratification of this treaty.

I say to my colleague that the particular procedural point of view here which he has raised within the rules of the Foreign Relations Committee should be done, in my reflection, within the committee itself, as opposed to taking up time on the floor of the Senate. It is something we can debate for a long time, and obviously others may care to comment.

Mr. DODD. Mr. President, will the Senator yield for a question?

Mr. MURKOWSKI. I am happy to yield to my colleague for a question.

Mr. DODD. I appreciate the Senator's comments.

As the Senator knows from our private discussions, there are a couple of issues here. One has to do, as the Senator has accurately pointed out, with the issue of procedure, procedures particularly in consideration of a treaty, which is an extraordinary constitutional responsibility this institution bears, and the Senator is well aware of that.

The second matter has to do with not an unrelated issue. It is the issue of acid rain.

Mr concern—and I am delighted to see the Senator from Indiana with us here at this time—first of all, had to do with the question of a report being filed. My intent was not in any way to object to the treaty but to bring up issues which are not unrelated. Others may suggest that they are. On the questions of acid rain and Atlantic salmon, substantial reports have been written on those subjects. It is not Pacific salmon, but it is a hot issue between the Canadians and ourselves.

The No. 1 issue that will be raised when the President visits the Prime Minister of Canada next week is not going to be salmon; it is going to be acid rain.

I thought I would take advantage of the opportunity in the treaty to put in some thoughts for the consideration of my colleagues.

There has been only one instance since 1940 in which a treaty of any kind has been filed with this body without a report being filed with it, and that had to do with the wheat arrangement of 1979; and by agreement of everyone, no report was necessary and none was requested. That was the only time we never filed a report with a treaty.

I am somewhat concerned and disturbed over the fact that legal counsel, a staff member of the Foreign Relations Committee, can make a decision that a treaty is such an extraordinary matter that it should come right to the floor without a report.

First of all, I am curious, and the question is, from whence does this authority come that allows a staff member to make a decision that a treaty is extraordinary?

I am also curious as to how long this staff member has been on the committee, that he has been a part of our committee's structure. But I did not realize that was another issue that came up.

Can my colleague tell me where does that come from? From whence does legal counsel, a staff member, get the authority to decide that a particular matter is extraordinary and the Senate itself or the members of that committee not be involved in that decision?

Mr. MURKOWSKI. Mr. President, I would be happy to cite page 3 of the rules, under "(e) Procedure," and if my colleague from Connecticut would like me to read it, I can.

Mr. DODD. Sure. What does it say?

Mr. MURKOWSKI. It says:

(e) *Procedure.*—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member and with the advice of the Chief Clerk. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

I think my colleague, Senator LUGAR, who is chairman of the committee, may appropriately address the Senator's question as well.

Mr. DODD. Where does the legal counsel get the authority? My colleague from Alaska said the legal counsel made the decision that it was extraordinary.

Mr. LUGAR. Mr. President, will the Senator yield so I may engage in a colloquy with my distinguished colleague from Connecticut?

Mr. MURKOWSKI. I yield.

Mr. LUGAR. Mr. President, I think the point that the Senator from Connecticut has raised is an important one.

On this occasion, and I stress "this occasion," because I do not want to establish precedent, nor I think does the Senator from Connecticut, in trying to work out a troubling circumstance, I gave authority to the legal counsel. I asked him, in essence, to report the treaty to the floor without a written report. It was not on his own volition. It came on my volition.

Let me just indicate at the outset that I appreciate the point that the Senator from Connecticut has raised. I think it is an important one.

I visited at length with the distinguished ranking minority member of the committee, Senator PELL, of Rhode Island, because we have tried from the beginning to understand the rules. We have not had a long tenure in our relationship as chairman and ranking minority member, but nevertheless, it has been, I think, a very good one, which I cherish as I do my relationship with each member of the committee in a sense of comity. We have tried, I believe, to understand the rules and to make certain they were not obtrusive and at the same time that they protect people.

I think the 3-day rule is an important rule which, as the Senator from Connecticut and the Senator from Alaska have cited, says:

A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, . . .

That is an important rule and it is one that I think should be observed.

The rule with regard to treaties, as the Senator from Connecticut has pointed out, imposes an even greater obligation. Treaties are covered by

rule IX as a separate matter and I think this reflects their elevated position.

Let me just add this thought to the conversation, and that is that the Senator from Rhode Island has read to me the record of that meeting. I think we were all present on the occasion. The Senator from Rhode Island turned to me before asking for recognition to indicate that a request for a report was going to be forthcoming. I then recognized him, as it turned out, just before or just after the Senator from Connecticut had engaged in questioning a witness and some colloquy occurred, and he made a statement which is a part of the record.

What I think is fair to say, and I have a disagreement with the Senator from Rhode Island, which I will be frank to say on this, is that "a member" means that. In other words, if a member of the committee asks for this type of consideration, I think that it must be granted.

But in this particular case, Senator PELL indicated to me that this was not his request, relying, I suppose, on some custom from the past. His feeling was that whoever the member was need not be disclosed; he could remain anonymous in the situation.

My own feeling is that the member really must make the request. It need not be a written one; it might be an oral request. But it seems to me as a check and balance against arbitrary delays that there is a responsibility involved in making this kind of request.

I think that will be true of many procedures in our committee from time to time, and we tried already to wrestle with the 7-day rule which has been another one of our committee understandings so it is not used to cause delay.

In this particular instance, my ruling may appear arbitrary. If so, I apologize for that. But it seems to me that it was important to establish that a request must be made by a member and the responsibility must lie with the member making the request and that the rule should be observed.

I think we proceeded through a tortuous afternoon because obviously there is great importance placed on this treaty by the President, by the Secretary of State, by Mr. Derwinski on their behalf. Myself and others attempted to find out who the anonymous member might be.

We have found out, and I think under the circumstances it is very important that the views of the Senator from Connecticut be a part not only of this debate but a part of the whole consideration. They are quite relevant, and I offer assurance that in the event any member of the committee asked for a report with regard to a treaty or with regard to a regular measure that that request would be granted without deviation.

I would request, though, in the event of unusual circumstances, the opportunity to visit with the member so that I might express, if the member did not know, what I would consider the gravity of the situation and I would try to reach an accommodation in a face-to-face manner.

Mr. DODD. Mr. President, will the Senator from Alaska yield? I do not know who has the floor.

Mr. President, who has the floor?

The PRESIDING OFFICER. The floor is available.

Who seeks recognition?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I appreciate the comments of my friend from Indiana, and let me say at the outset I have the highest regard and deepest respect for him and I am already enjoying immensely his chairmanship and the hearings we have had are some of the best I have attended in 4 years in the Foreign Relations Committee from a global foreign policy perspective.

He has identified the problem, and I appreciate his comments on it.

For the purpose of the record, my purpose was not to hide my identity. In fact, when Ambassador Derwinski, who is a dear friend of mine called me, he said, "Can you help me and tell me who the member is who will not identify himself?"

I said, "Ed, look no further. You are talking to the member."

I am not hiding anything.

The tradition has been, as I understood it, that a member go to the ranking minority member to make a request if he wishes to file something, supplemental views or additional views.

So I only did what I thought was custom and tradition, and that was to make the request of my ranking minority member.

I appreciate his decision to be candid about not necessarily, at least at the outset, revealing the name of the Senator who made the request. But I certainly did not make that request of him and if I put him in an awkward position, I apologize to the distinguished Senator from Rhode Island.

But I certainly had no intention to hide my identity. I merely wanted to file supplemental views and made the request through my ranking minority member, and when I discovered last night that the treaty had been filed anyway, my feeling was that if we are not going to have this 3-day rule—and it is not really a rule; as I understand it, the Senate rules do not provide for this at all, so I guess it is more custom and tradition than it is a specifically rule, although the chairman may enlighten me on that as well.

But at any rate, I accept his commitment, certainly that this should not happen again, and as he knows, there are others from the time to time who will want to file views on things and clearly and particularly in matters as treaties, because of their extraordinary nature, and it is important that they be given that opportunity.

So I appreciate his comments immensely on that. As I told my friend from Alaska, and I also point out the Senator from Washington, Senator EVANS, and others, who I know have a deep interest in this matter from the Northwest of our country, colleagues from the other body who came over here to see me the last 24 hours—I have received more calls from friends in the Northwest in the last 24 hours, less than 24 hours, than I have in 4 years—my intention, of course, is to be supportive of this treaty.

So I accept the chairman's comments on this. I appreciate it immensely. I think this record will help, in terms of the future, on how we handle the matters where supplemental views are wished to be filed by any member of the committee. I thank him for his comments.

Mr. LUGAR. Will the Senator yield?

Mr. DODD. Certainly, I will yield.

Mr. LUGAR. Mr. President, I deeply appreciate the understanding of the Senator from Connecticut. Let me just say reciprocally that I regret any misunderstanding on my part. But I do want to affirm just for the record—and the Senator has properly raised the question at least of whether it is a Senate rule or not—that we have adopted a committee rule that in fact provides for this 3-day period of time. We are not establishing a precedent per se, but my own understanding and my own hope and, I might say, perhaps that of many members of the committee, perhaps a fair number, is that if a member does wish to make a request, that he would identify himself or herself and that we would proceed automatically to this.

I must say I have had a good colloquy with my good friend from Rhode Island and his procedure might not be the same. So I want to identify that we are not necessarily unanimous in that thought, but, as a matter of procedure, if we could operate in this fashion at least for the coming 2 years or so, that would be helpful and I believe will probably be fair with regard to other members.

It has occurred to the chairman of the Foreign Relations Committee that from time to time Members on both sides of the aisle might wish to slow things down for a bit. In fact, it may be to such a slow pace that certain things are never heard and never done. So, at the outset, if we could have some comity on the 3-day rule and the 7-day rule and understand

that we take responsibility for these things, I will bend over backward to make certain that our rules are enforced.

Mr. DODD. Mr. President, I would just merely say, and I presume this is the case, since my good friend the chairman, pointed out that this would be something he would request of all of the members of the committee—and I presume he is speaking about the majority as well as the minority—that if majority members object or wish to file majority views—and I have not mentioned this to my good friend from Rhode Island—that the majority member would have to identify himself to the minority.

Mr. LUGAR. That would be true with both the majority and minority.

Mr. DODD. I thank my good friend for his comments and assurances in this regard.

Mr. PELL. Mr. President, I thank very much the chairman of the committee for his very forthcoming statement. I can see where some of the problems and wrinkles were here. But I would add I really believe there may well be occassions in the future when, as a matter of just general precaution, either to slow things down or because I feel somebody may have an objection later on and may want to reserve the right, that I will feel committed to say that I would like 3 days for the filing of a report, even though I do not have any idea at the moment whether it is the Senator from X or the Senator from Y. But I think we can work this out.

Mr. MURKOWSKI. Will the Senator from Connecticut yield?

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I very much appreciate the colloquy that has taken place between the distinguished chairman of the Foreign Relations Committee [Senator LUGAR] and the Senator from Connecticut. I think that it has cleared the air on a procedural situation that probably was clouded by the fact that we were approaching 6 o'clock and if movement was not made on the filing of a report for the treaty prior to that time, we were in very real danger of losing the opportunity to have a vote prior to the recess of the Senate at the end of this week. It is indeed too bad that some of the communication has broken down, but I think with the colloquy that took place the matter of procedure within the Foreign Relations Committee has addressed this question adequately and, as a consequence, the traditional procedure of a 3-day rule is protected for the members of the committee and the circumstances that led to this unusual situation have been appropriately addressed.

I want to thank my colleague, the senior Senator from Alaska Senator STEVENS for his comments and support, and Senator MCCLURE, the senior Senator from Idaho, with regard to the commitment that indeed there is a concern over the role of the State of Idaho with regard to representation in Commission decisions, and the recognition that they indeed should have an appropriate voice. I assume that has been addressed.

Mr. MCCLURE. Will the Senator yield?

Mr. MURKOWSKI. I am pleased to yield.

Mr. MCCLURE. I thank the Senator from Alaska for yielding.

I have just been on the telephone with the Governor of my State, and he has indicated that while he, like the rest of us, would have preferred to have a different treaty arrangement with respect to Idaho's participation on the Commission and on the panel, that he concurs in the judgment which I have stated that in view of the nature of the negotiations and the nature of the threat to the fisheries resource, that it is better to accept that alternative arrangement than to insist upon any change in the treaty. He does not desire, and he wished that I should state that he does not desire, the treaty be delayed.

I would just like to add for the RECORD that it would be my understanding, and I hope it is borne out by practice, that the Idaho participation, pursuant to the agreement under the rules and regulation, will be deemed to be official, or an actual performance of an advisory committee member, under the provisions of the treaty so that their attendance at the meetings of the Commission and their attendance at the meetings of the panel would be deemed to be actual performance for the U.S. section and for the Commission. And that becomes important only because that covers the question of whether or not there is any compensation for their actual expenses in attending.

That is a matter that is my understanding at this time. I hope that that will be proven to be so in practice under the treaty.

Mr. MURKOWSKI. Mr. President, I would certainly hope that that matter could be appropriately arranged. It would be my wish to support that.

I might add for the RECORD that our Governor, Governor Sheffield, was in communication with your Governor, Governor Evans, urging that indeed this matter not be held up.

(Mr. DENTON assumed the chair.)

Mr. LUGAR. Will the Senator yield?

Mr. MURKOWSKI. I am pleased to yield to my colleague, the chairman of the Foreign Relations Committee.

Mr. LUGAR. Mr. President, on a second issue that has concerned us in this discussion, namely the very important problem of acid rain as it affects fishing on both of our coasts and with the Canadians, I feel that it is important that this issue come to the attention of the President. I have joined in a conversation with my colleague from Connecticut Senator DODD and suggested that he and I author a letter to the President that I could present to the Secretary of State this afternoon emphasizing the urgency of this matter.

And I simply, as a matter of record in this debate, want to indicate my own conviction that this is important, and that I am prepared to move expeditiously with the distinguished Senator from Connecticut, my colleague, to bring this to the attention of the administration because it might be very important to the administration in the preparation for the negotiations that are now to occur with the Prime Minister of Canada and our Canadian friends.

Mr. DODD. Will the Senator yield? I appreciate the Senator from Indiana's assurance on that. I think that will help. I should point out that the Senator from Alaska, the Senator from Washington, and others have indicated that they deeply concerned about this issue. I have mentioned the issue of acid rain. I am sure it is a problem in the Pacific. We can talk about stocks, but if there are not going to be stocks living to be fished, there is not any point in talking about a Pacific Salmon Treaty. So I really appreciate the Senator from Indiana's agreement to do work on a joint letter to that effect.

I might ask others if they would be willing to cosign such a letter as well to emphasize the importance of this treaty—that this a major issue, obviously, as all of us know, that will be discussed with the Canadians in the coming week, and that it has not been around for 15 years, as in the case of the Pacific Salmon Treaty; or 37 years, as in the Genocide Convention, but only about 5. But even so, it is one of severe tension between two neighbors, two good neighbors in this case. I think the letter will help—I hope, anyway—to encourage the administration to proceed more expeditiously to respond to the Canadian proposals that they have now offered with our own, or accept or come up with our own. They may not accept. I doubt they will. That will help, I think, to get this thing moving. I appreciate that assurance.

Mr. LUGAR. I thank the Senator.

Mr. MURKOWSKI. I am very pleased to respond to the Senator from Connecticut, and indeed join in the letter with the chairman of the Foreign Relations Committee.

At this time, I wonder if I could ask my good friend, the Senator from Connecticut, if he has any intention to amend the debate further to the treaty on an article-by-article basis.

Mr. DODD. Will the Senator yield?

Mr. MURKOWSKI. I am pleased to yield.

Mr. DODD. In light of the assurances from the good Senator from Indiana with regard to the procedures on handling supplemental views in the future, and the decision to send a letter to the President, to the Secretary of State, to be delivered if possible today on the acid rain issue as it relates to the upcoming visit, and the delay in consideration of that particular item, I will not offer any additional amendments to various articles of this specific salmon treaty. And I appreciate the patience, I might add, of my colleagues, and it is not trying to be obstreperous for the sake of being obstreperous. But these are two matters of significant importance to me. I wanted to raise them. I am very satified.

Mr. MURKOWSKI. I assure my colleague from Connecticut, I think his contribution has been significant in the discussion on the treaty to bring about attention on this very important matter of acid rain. I will again respectfully urge that he consider the consequences of just what foundation this salmon treaty will mean if indeed it is looked upon as simply that; a building block for future agreements with Canada on some of our mutual problems. The issue that he has highlighted of acid rain is certainly a premier topic and one that the citizens of both nations would agree must be resolved and by highlighting as the Senator from Connecticut; cut has done a substantial service to both our countries.

As a consequence, I wonder if the Senator from Connecticut would mind if we advance the treaty to the resolution of ratification so that any debate that might take place on a resolution could be initiated.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. A unanimous-consent request is pending.

Mr. SARBANES. I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. I temporarily withdraw, Mr. President, the request for advancement to resolution of ratification pending clarification from my colleague.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Mr. SARBANES. Mr. President, I did that procedurally because I understand they wish to check with respect to the unanimous-consent request. I think that is a reasonable request, and in the meantime I would like to be able to make just a few comments which I think will help to expedite this matter. Otherwise, I will wait until they check and then make my comments. It seems to me there is no reason not to do it right now.

Mr. MURKOWSKI. I would certainly not object. I have no objection to a quorum call being in progress.

Mr. SARBANES. We have withdrawn the quorum call. I think I now have the floor. Is that correct, Mr. President?

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to make a few comments on the procedural issue which I gather was discussed earlier before I was able to come to the floor. I understand that with one prior exception which I understand was the consequence of a staff error at the time that no treaty has been brought to the floor of the Senate since 1946 that was not accompanied by a written report. I gather there was one instance in 1979, but I am told that was a mistake. It was simply an error made. It was brought out here not accompanied by a report, but the standard procedure has been that treaties should be accompanied by a report. This treaty is not accompanied by a report.

Of course, we have had this additional issue of the desire of my distinguished colleague from Connecticut to have filed supplemental, minority, or additional views. Of course, he was precluded from doing that by the procedure that was followed. I gather there has been an exchange that in effect says that this should not have happened this way, and that the committee wil not operate in this manner in the future so that it will not happen again. That seems to me under the circumstances to be a satisfactory resolution. But I do think that what appears to be a simple procedural matter is a matter of some consequence and some importance that after all does go to the ability to state our views and consider these matters on the substance.

Mr. MURKOWSKI. Will my colleague yield for a suggestion that might address this specific concern?

Mr. SARBANES. I yield without losing my right to the floor, Mr. President.

Mr. MURKOWSKI. What I have before me is the report that would have been filed, and if there is no objection, we might consider a unanimous-consent agreement to enter it into the RECORD.

Mr. SARBANES. How does that address the desire of the Senator from Connecticut to have his statement included in the report, because it was a request that was made in the committee?

Mr. DODD. If the Senator will yield?

Mr. SARBANES. I yield.

Mr. DODD. I appreciate that. I will file some views today for the report. But I think the point of the Senator from Maryland, the one I was trying to make, is while I appreciate that, the reason for filing the report along with the bill is to give colleagues who are not members of the committee an opportunity to understand what is in the bill. If there are additional supplemental minority views with regard to that particular measure, then our colleagues who do not serve on the committee have the opportunity to review that so they can make a decision whether or not to support the legislation.

Mr. SARBANES. Further, I say to the Senator from Connecticut that the usual procedure is for the members of the committee to have an opportunity to look at the report to see if in fact they feel it expresses the committee's view, or if they are filing an additional view, in order to be able to do so in response to the report. I do not think we should enter into a procedure here where a document is put into the RECORD as the committee report if that document has not received the normal review and clearances that a committee report would have.

It is not comparable to a Member getting up and making his statement and asking unanimous consent to include his statement in the RECORD. That is the Member's statement.

This is a committee report and there is a standard procedure for screening and reviewing committee reports, which I think is important to the proper operation of the Senate as an institution.

So in addition to the point which the Senator from Connecticut is making, about having reports available for enlightenment of the Members not on the committee, I do not think we ought to get into the practice of putting in a "committee report" by unanimous consent on the floor when Members have not had the opportunity to review the committee report and passed judgment on what they thought the committee's judgment was, or if they disagreed making their own statement in that regard, disagreeing with the committee report.

It seems to me that having a report to accompany treaties is an important consideration. Except in extraordinary circumstances, the rule is that they shall be acompanied by a report. I am informed that this has only happened once since 1946 that a treaty has been brought to the floor of the Senate without a written report. I inquired about that and they said a terrible

mistake was made by the staff at the time.

I think it is an important principle and I think the desire of the Senator from Connecticut, the request that was made that he be able to file supplemental, minority, or additional views, is in keeping with our past practice.

Mr. DODD. Will the Senator yield?

Mr. SARBANES. I yield.

Mr. DODD. I appreciate the Senator's comments. I agree with him 100 percent on this matter. I will file whatever additional views I would have filed in the committee report of the RECORD today rather than try to go through the report process. I said that I would use today's RECORD. I am grateful to the Senator from Maryland for his comments and observations on this matter and could not agree with him more.

Mr. SARBANES. Mr. President, I yield the floor.

Mr. MURKOWSKI. Mr. President, I appreciate the comments of the Senator from Maryland. I believe the consensus of the discussion is that the matter of dealing with this was extraordinary. There was discussion earlier as to the timeliness of this and the fact that because of some confusion a Senator was asking for the report to be held up before movement on the floor. That issue has now been cleared up.

I agree with the Senator from Maryland that it is necessary to protect the rights of all Senators with regard to an accompanying report. I think the chairman of the Foreign Relations Committee qutie adequately indicated to my colleague from Connecticut that indeed this was an extraordinary situation, but it was not going to be, by any means, a pattern or a precedent that would follow in the committee. If I can give additional assurance of that to my colleague from Maryland, that is my intent.

In regard to the appropriateness of the report going into the RECORD, there was the issue of whether the treaty should have come down with a report for the edification of any Senator who wishes it, there is report language and it can be put into the RECORD at an appropriate time.

If there is no objection, I would ask that it be put into the RECORD.

Mr. SARBANES. Mr. President, reserving the right to object, if the Senator wishes to put in that statement to explain the treaty as the Senator's statement, I obviously have no objection. I will object to having it now put in as the committee report. We have not followed the appropriate process for presenting a document to the Senate which will be "the committee report."

I may not object to the substance, but I do not think we ought to follow this procedure. If the Senator wishes to put it in as a statement by the Senator from Alaska with respect to this treaty, I will have no objection.

Mr. MURKOWSKI. I will accommodate my colleague from Maryland and I will just file it.

Mr. SARBANES. I do not think it can be filed as a committee report.

Mr. MURKOWSKI. I will ask the Chair to rule whether it is approprate to file it.

The PRESIDING OFFICER. The Senator can file a report on behalf of the committee.

Mr. MURKOWSKI. I thank the Chair.

I wonder if my friend from Connecticut could indicate where we are on the matter of moving this treaty.

Mr. DODD. Let me see if I follow what has transpired. The Senator from Maryland and this Senator have no objection to the Senator from Alaska filing this as a statement of his views. I would have an objection, however, to having it construed as a committee report. I would like to see what is written in it and have the opportunity to respond to it. But we are doing that on the floor of the Senate. Normally that would be done in committee before it comes to the Senate. That, to me, would be setting a precedent.

Mr. MURKOWSKI. Rather than pursue it, I will file it after the vote.

Mr. DODD. Will we have a chance to read it and file our views before it is submitted for the RECORD? The report may not be filed until perhaps next week before those get in.

Mr. MURKOWSKI. If for some reason my colleague from Connecticut objects to what may or may not be in this I will withdraw it and we can proceed with the business before the Senate.

Mr. DODD. Fine.

Mr. SARBANES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SARBANES. Must committee reports to be filed be available 3 days for supplemental, minority, or additional views to be filed?

The PRESIDING OFFICER. The Senator has made an inquiry about which the Chair has no particular jurisdiction nor personal knowledge. However, there is a Senate rule pertaining to this matter. The rule is rule XXVI, paragraph 10(c), which rule states as follows:

(c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

And it goes on from there.

Mr. SARBANES. In view of that rule, Mr. President, I suggest to the Senator from Alaska that the document he wishes to present should be included as, in effect, the Senator's statement with respect to this treaty.

Mr. MURKOWSKI. In view of the fact that I withdraw it, it would appear to be irrelevant, because it has not been submitted. There was an objection raised, so I withdrew it. As far as the Senator from Alaska is concerned, the question is moot.

Mr. SARBANES. Mr. President, I thank the Senator. I yield the floor.

Mr. DODD. Mr. President, I fully support international agreements which are designed to manage and protect our Nation's valuable fishery resources. However, agreements such as the Pacific Salmon Treaty will become meaningless if something constructive is not done to reach an agreement with Canada on the acid rain problem. Fishery resources are dying at an alarming rate because of this growing problem.

Acid rain is a phenomenon that occurs when sulfur and nitrogen oxide combine with cloud moisture to form mild solutions of sulfuric and nitric acids. According to the Environmental Protection Agency [EPA], a number of environmental organizations and some researchers, precipitation becomes acidified when sulfur and nitrogen oxides emitted by fossil-fueled powerplants, vehicles and other sources, both natural and manmade, are chemically changed in the atmopshere and return to Earth as acid compounds. They contend that this acidity is causing a wide range of damage to the environment and may indirectly damage human health. They cite evidence that it kills freshwater fish, disrupts other parts of aquatic ecosystems and may injure forests, reduce crop yields and damage manmade materials including buildings, statuary, finishes and metals.

This problem is particularly acute in the Eastern United States and Canada. The Adirondack lakes have gone from an average pH of about 6.8 in the 1930's to about 4.8 in 1975. Apparently as a result of this, between 100 and 200 are now devoid of fish. Based on limited sampling and preliminary sensitivity analysis, Canadian officials believe that between 2,000 and 4,000 lakes in Ontario are similarly "dead" and that tens of thousands more are at risk. The species of fish in these lakes simply cannot reproduce at pH's below 5.

The Clean Air Act now in effect contains no provisions designed specifically to control acid rain. Nor do the ad-

ministration's proposals for revision of the Clean Air Act address the problem of acid rain directly, except to recognize the importance of a strong research program. Many of the administration's proposals, if put into effect, would encourage increased rather than decreased sulfur dioxide and nitrogen oxide emissions.

The situation with regard to sulfur dioxide is even worse. Acid precipitation is expected to increase with greater coal use. The presently observed increased acidity of rainfall in the United States has occurred during a period—1950–77—in which coal use expanded by 30 percent. Now, with projections indicating a near doubling of coal use between 1977 and 1990, the problem will become significantly worse, especially in view of the projected 224 percent increase in the use of coal for electricity generation during the same period. The problem could be exacerbated even further through conversion of existing oil-fired powerplants to coal. These converted plants may be held subject to stringent new-source performance standards.

Acid rain has become a major issue in United States-Canadian relations. The issue of transboundary air pollution was first discussed by the United States and Canadian Governments during the 1976 visit to Ottawa by EPA Administrator Russell Train.

Following a 1978 amendment to the Foreign Relations Authorization Act calling for the negotiation of a bilateral agreement, both governments set up a research consultation group to advise on the state of scientific knowledge, and went on to negotiate two documents as preliminary steps toward an air quality agreement.

The joint statement of July 1979 sets out the agreed set of principles and practices the United States and Canada seek to apply in resolving bilateral environmental problems. Noting that both countries "share a determination to reduce or prevent transboundary air pollution," the joint statement summarizes the existing basis of obligation, commitment and cooperative practice which applies to transboundary air pollution.

In a memorandum of intent of August 1980, both nations recognized the urgency of dealing with a variety of transboundary air pollution problems including acid rain and pledged to conclude a bilateral agreement as soon as possible. The Reagan administration has told the Canadian Government it intends to abide by the terms of the memorandum. To pave the way for negotiations leading to an air quality agreement, the memorandum of intent established five bilateral technical work groups which are now in the process of developing the best current scientific and technical assessments of what is known about the problem and possible ways of controlling it. The working groups have failed to meet the timetable specified in the memorandum of intent and, at least privately, the Canadians complain of U.S. procrastination.

The memorandum of intent also committed both governments to take interim measures, including stricter enforcement of existing laws and possible new legislation, to curb transboundary air pollution and acid rain. In an aide-memoire dated March 6, 1981, the Canadian Government has cited several important measures it has taken to meet its obligations. The large INCO smelter at Sudbury, Ontario, has been served with a control order to reduce emissions over a specified period of time, and a study has been launched to determine the greatest additional reductions that would be feasible. Ontario Hydro, another major source of acid precursor pollutants in central Canada, is beginning a series of steps aimed at reducing emissions 43 percent by 1990. The aide-memoire notes that these measures have been taken "in the expectation the measures will be similarly forthcoming from the United States."

To implement the commitments undertaken in the memorandum of intent and to give domestic effect to the agreement being negotiated, Canada believes that strong and effective clean air legislation is required at the Federal level. In December 1980, the Canadian Government amended Canada's Clean Air Act to provide a clear and enhanced authority for the Federal Government to control transboundary pollution originating in Canada.

The current efforts of Senator MITCHELL and others to amend the U.S. Clean Air Act will directly affect the outcome of the bilateral negotiating process now underway. Canada has been deeply concerned at the recent emergence of proposals for Clean Air Act revisions that could result in a diluted Federal ability to control an increasing amount of transboundary air pollution. It is the belief of the Canadian Government that if the United States is to meet its obligations to Canada, the revised Clean Air Act must ensure that the U.S. Government has the legislative authority and regulatory means to begin controlling long-range transboundary air pollution.

While more research is needed, Canada believes that enough is now known to warrant significant reductions in the emissions of sulfur dioxide and nitrogen oxide, the main acid precursor pollutants. Consistent with the obligations of the memorandum of intent signed between Canada and the United States in 1980, Canada has begun to curtail its emissions. Since at least one-half of the acid rain falling on Canada originates south of the border, Canada is continuing to urge parallel actions in the United States.

I strongly urge that this administration make a good-faith effort to reach an agreement with Canada which will reduce oxide emissions by a fixed percentage within a time certain.

Mr. HATFIELD. Mr. President, I rise today to lend my support for ratification of the United States-Canada Pacific Salmon Interception Treaty and for the passage of its enabling legislation H.R. 1093. This treaty is the result of more than 15 years of negotiations between our two nations. Countless individuals have spent untold hours in intense bargaining to make this treaty a reality. Our action today will validate their selfless efforts in reaching an agreement that is not only equitable but also serves to restore and enhance a valuable resource, Pacific Ocean salmon.

For the past two decades, it has been clear that there was a crisis brewing in the North Pacific. Once plentiful stocks of salmon were dwindling. Coastal communities dependent upon the salmon resource were suffering economic difficulties as the fishing fleet returned with fewer fish. Indians who had historically relied upon large numbers of salmon returning to their spawing grounds found their harvests to be declining. It was obvious that action needed to be taken to reverse this trend.

The treaty before us today offers a first step in solving some of those problems. At present, salmon originating in both the United States and Canada are intercepted in significant numbers by fishermen of the other nation. This treaty will increase returns of salmon to their native waters and, therefore, provide an increased return on the dollars we have already invested in fish enhancement programs in our respective countries. This treaty also provides a framework for cooperatively managing our salmon stocks. But perhaps most importantly, by guarding against overfishing this treaty guarantees more salmon returning south of the 49th parallel thereby providing a stable salmon population. In the next 2 years alone, 400,000 more Chinook will be available for harvest in the waters of Oregon, Washington, and Idaho if this treaty is ratified by us today.

The impact that this agreement will have on the Columbia River system is, of course, of particular interest to me. When Lewis and Clark entered the Columbia, they spoke with amazement about the numbers of salmon present in the river. Over the years, we have seen the once abundant salmon resource dwindle to dangerously low levels. One of the culprits of this reduction was the Federal Government. By building dams to provide hydroelectric power to homes and industry,

we inadvertently contributed to the disruption of salmon runs. To compensate for this, over $800 million has been invested in fish enhancement programs along the system. Federal and State Governments, along with the treaty Indian tribes and private groups, invest millions annually in enhancement activities. In addition, as a result of the 1980 Northwest Power Act, as much as $750 million more has been pledged by the Northwest Power Planning Council for enhancement over the next 20 years. However, these moneys will be wasted if this treaty is not ratified. There is no reason for us to implement programs to increase salmon stocks if those same fish are to be harvested by Canadian fishermen. Without ratification, this would be the case.

While I am pleased that this treaty is finally before us, it will be meaningless if we do not provide adequate legislation to see that the terms of the agreement can be implemented. I believe that H.R. 1093, which I hope will come before this body later today, provides the necessary framework to complete the mandates contained in the treaty. Furthermore, I am committed to work with my colleagues in the Congress to see that adequate funds are made available for the restoration and enhancement of salmon stocks. The Senate must pass this important legislation if we are to begin to return the salmon resource to its historic levels.

Mr. President, the United States-Canada Pacific Salmon Interception Treaty represents the interests of many diverse groups. For the first time in my memory, all the major fishing groups in my State are united in a common effort. The coalition includes charter boat operators, commercial fishermen, treaty Indian tribes, port commissioners, sport fishermen, environmentalists, and the Oregon Department of Fish and Wildlife. The American Friends Service Committee has even endorsed the treaty and its implementing legislation.

Before closing, I would like to join my colleagues in praising the work done by the many dedicated individuals whose tireless efforts made the treaty a reality. State Department Counselor Edward J. Derwinski and American negotiator Ted Kronmiller will share my lasting admiration for holding the negotiations together through some very difficult times. Also, several individuals from my State were instrumental in representing the diverse interests in the Oregon fishing community. Special appreciation must go to Mr. Jack Donaldson, director of the Oregon Department of Fish and Wildlife and Mr. Tim Wapato, executive director of the Columbia River Inter-Tribal Fish Commission. I appreciate the manner in which they kept me informed of the treaty's progress and the businesslike manner in which they represented their respective interests.

The efforts of these men and many more will be affirmed when we ratify this treaty. I urge you to join me today in voting for ratification of the Pacific Salmon Treaty and passage of H.R. 1093. The legacy of our action will be measured by the regeneration of salmon stocks in the North Pacific.

REPRESENTATION OF IDAHO ON THE ADVISORY COMMITTEE

Mr. McCLURE. Mr. President, Senator GORTON, I want to thank you and all the Senators who have been involved in the negotiations which resulted in the United States-Canada Pacific Salmon Treaty. I know that you and the other Senators from Washington, Oregon, and Alaska have long had a special concern for the treaty's impact on the Pacific Northwest, Canada, and Alaska.

The treaty will provide a greatly needed mechanism for management of salmon originating in rivers entering the Pacific Ocean from Oregon, Washington, Idaho, Canada, and Alaska. The present status of many of the Pacific salmon stocks is very poor. The provisions of this treaty will allow coastwide management and basinwide management which will permit rebuilding of the stocks with benefits to both Canada and the United States. Without coordinated management between these parties as provided for in the treaty it will be impossible to guarantee sufficient escapements for continuous future benefits.

Mr. GORTON. Mr. President, Senator McCLURE, I would like to thank you for your support of the United States-Canada Pacific Salmon Treaty. I know you have had special concern for any treaty or legislation which would impact Idaho and the Pacific Northwest's fisheries. I know that you do not wish to hold up this treaty nor the enabling legislation and hope that the agreements made concerning Idaho's representation on the Advisory Committee will adequately represent your position.

Mr. McCLURE. Senator GORTON, in recognition of Idaho's legitimate and historic fishery on the Columbia River basin, a number of steps have been taken to ensure that the legislation implementing the treaty protects Idaho's interests. One of the U.S. Commissioners on the Pacific Salmon Commission and two of the members of the U.S. section of the Southern Panel must be selected from among the treaty Indian tribes of Idaho, Washington, and Oregon. The legislation also will guarantee Idaho a seat on the Advisory Committee.

In addition, the rules of procedure governing the U.S. section of the Pacific Salmon Commission and the U.S. section of the Southern Panel will designate that a representative of the State of Idaho shall be notified of all meetings, and be provided agendas when agendas are available to Commission members and members of the Southern Panel, of the U.S. sections of those bodies.

Also the designated representatives of the State of Idaho and its congressional delegation shall be invited to attend all meetings of the U.S. sections of the Commission and the U.S. sections of the Southern Panel, and with the concurrence of the Canadian Commissioners, Idaho will be invited to all meetings of the Pacific Salmon Commission.

In addition, Federal representatives to the Pacific Salmon Commission and the Southern Panel shall consult with the designated representatives of the State of Idaho and its congressional delegation on all matters to be discussed and decided upon by the U.S. sections of the Commission and the Southern Panel that affect the salmon fishery in Idaho.

I want to express my sincere thanks to those members of the Senate, the State Department, and the negotiating team and their staffs for working so closely with both Senator SYMMS and myself on this matter. I am pleased to have been able to work out this compromise and feel that this treaty will be good for the entire area. Without the treaty the unacceptable losses of commercial and recreational salmon fisheries which have been experienced over the past several years would continue. Ratification will enable future generations to enjoy abundant resources in the Columbia River basin and the Idaho tributaries.

Mr. HATFIELD. I agree with the recognition of Idaho's legitimate and historic fishery on the Columbia River basin and agree with the measures taken to address the State of Idaho's concerns surrounding the Pacific Salmon Treaty.

The changes made in the procedure governing the U.S. section of the Pacific Salmon Commission and the U.S. section of the Southern Panel which provide notification and invitation to the State of Idaho and the Idaho congressional delegation to attend Commission and Southern Panel. In addition, Idaho representatives shall be consulted with on all matters to be discussed and decided upon by the U.S. sections of the Commission and Southern Panel.

Mr. DOLE. Mr. President, I am pleased that we are finally given the opportunity, after many years, to advise and consent to the ratification of the treaty with Canada concerning Pacific salmon. As has been pointed out by others, the treaty represents the culmination of 14 years of formal negotiations between the United States and Canada. Resolution of our differences was critical as Pacific

salmon is one of the most prized resources of the Pacific Northwest and is an essential element of the quality of life in the region.

As I understand it, the treaty, as finally signed, directs the establishment of an eight member commission. The goals assigned to the work of the commission are: First, to prevent overfishing, and second, to provide each nation the opportunity to receive benefits equivalent of their production of salmon. The commission will in turn be assisted by three panels representing somewhat different areas and presumably, three different interest groups. This arrangement will certainly help to insure that different points of view will be taken into consideration on an ongoing basis.

Neither of the goals assigned to the commission will be easy to achieve, but the ratification of the treaty and the resulting establishment of the commission will go a long way toward realizing these goals.

I commend the distinguished chairman of the Foreign Relations Committee, Senator LUGAR and the distinguished ranking member of that same committee, Senator CLAIBORNE PELL, for the speed with which the committee dealt with this important issue.

This treaty is the result of bilateral cooperation between this Nation and our friend to the north, Canada. The existence of the treaty will finally provide a framework that will enable us to resolve our disputes and in doing so, help to protect and conserve a precious resource.

ACID RAIN AND THE PRESIDENT'S MEETING WITH CANADIAN PRIME MINISTER BRIAN MULRONEY

Mr. BYRD. Mr. President, I would like to point out that I have already sent a letter to the President regarding his forthcoming meeting with Prime Minister Mulroney. On February 6, I wrote the President on the subject of acid rain and made a few suggestions which I believe can contribute to the efforts to address the acid rain problem.

Mr. President, acid rain is not a partisan issue. It is an issue about which there is disagreement between scientists and policymakers in the United States, and between the United States and Canada. However, considerable scientific research is underway to address the numerous questions about the origins and consequences of acid deposition. Indeed, because of the remaining scientific uncertainties, it is premature, at best, to impose a stringent regulatory program which unfairly penalizes coal-fired Midwestern and Appalachian utilities. The economic impacts on coal-producing States such as West Virginia would be devastating. For example, it has been estimated that an acid rain program would cost as many as 24,550 jobs in West Virginia in the coal and related industries.

Estimates of the costs of an acid rain program range from $4 billion to $40 billion. Some of these costs would be reflected in higher electric utility bills for thousands of consumers in West Virginia and other Appalachian and Midwestern States.

My letter to the President urged him to support the Clean Coal Technology Program, which was passed by the Congress last year to support the development of advanced coal combustion technologies. The development of such technologies will provide alternatives which are more cost-effective and efficient than flue gas desulfurization in reducing emissions of sulfur and nitrogen. I believe that such a program will make a positive contribution to the eventual development of a balanced approach to the acid rain problem.

Mr. President, I ask unanimous consent that the letter I sent to the President, dated February 6, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 6, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I understand that you will be meeting on March 17 and 18 with Canadian Prime Minister Brian Mulroney to discuss a number of bilateral issues. One of those issues will be the difficult problem of acid rain. I am writing to make a suggestion which I believe will strengthen your position on acid rain, and will facilitate the development of less expensive, more equitable approaches to controlling this problem than those that have been proposed by those who advocate trying to solve it through new and stringent regulations.

Acid rain is not a partisan issue. Unfortunately, it is a source of friction between the United States and our neighbor to the North. It is an issue which is not amenable to easy solutions. Much more scientific research is required before we know enough to effectively address the problem of acid rain. In the meantime, we should be working to develop technologies which will significantly lower the costs of reducing emissions below levels already achieved under the Clean Air Act.

To that end, the Congress recently established the Clean Coal Technology program to support the development of advanced coal combustion technologies. A $750 million Clean Coal Technology Reserve, which is subject to appropriations actions by the Congress, was established to support such efforts. These funds previously were appropriated to the Synthetic Fuels Corporation, but were recently transferred to this new program by the Congress as a part of the bipartisan compromise on the SFC.

I would like to call your attention to some noteworthy aspects of this program. First, the program relies heavily on private sector initiative to define its scope and content. This course of the private sector advising the federal government on the appropriate clean coal technologies is the course we should pursue. Second, it will involve significant cost-sharing between the private sector and the federal government. Third, the program represents an investment in the development of coal technology which will be far less expensive than the estimated cost of previous acid rain control proposals. As you may be aware, the cost of those proposals is estimated to range between $4 billion and $40 billion. To the extent that such costs are included in the price of American products, these products will be less competitive with those of foreign nations, and more American jobs will be lost. Finally, the Clean Coal Technology program is a logical complement to your position on acid rain. It is a positive initiative which has as its aim the development of innovative and more cost-effective alternatives to current approaches (e.g., "scrubbers") to reducing emissions from coal combustion.

I urge you to support the Clean Coal Technology program as a part of your acid rain position. I also urge you to consider announcing your support for the Clean Coal Technology program at the conclusion of your discussions on acid rain with Prime Minister Mulroney. In addition, you might consider urging Mr. Mulroney to join the United States in a parallel effort by launching a similar program in Canada.

I offer these suggestions in the hope that they will contribute to the success of your discussions with the Canadian Prime Minister. I also hope these suggestions contribute to the eventual development of a balanced approach to the acid rain problem, and to the greater use of American coal, our most abundant energy resource.

Thank you for you attention to this matter.

Sincerely,

ROBERT C. BYRD.

Mr. MURKOWSKI. Mr. President, I wonder if I may engage my colleague from Connecticut in answering a question as to where we are with regard to the check that was occurring by some of our colleagues on his side.

Mr. DODD. Mr. President, with regard to the question of the Senator from Alaska, I believe we can proceed on the unanimous-consent request he made, if he would restate that request he made earlier.

Mr. MURKOWSKI. Mr. President, I propose the following to my friend from Connecticut. Would he have any objection to advancing the treaty to the resolution of ratification?

Mr. DODD. I have no objection to that.

Mr. MURKOWSKI. I ask unanimous consent that the treaty be advanced through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will state the resolution of ratification.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon, including Annexes and a Memoran-

dum of Understanding to the Treaty, signed at Ottawa on January 28, 1985.

Mr. PELL. Mr. President, I should like to compliment very much the chairman of the committee for his forthcomingness in seeking to work a way out of the imbroglio in which we found ourselves and also to compliment the Senator from Connecticut for the point he has made and the way this problem has been resolved. Without comity and cooperation here, we could have been in session for quite a long time. So I thank them both.

I yield to the Senator from Indiana.

Mr. LUGAR. Mr. President, I thank my colleague, the distinguished ranking member of the Committee on Foreign Relations, for his thoughtful comments and likewise for his successful work at mediation, reconciliation, and constructive debate on this issue.

Of course, I compliment the distinguished Senator from Alaska [Mr. MURKOWSKI] for his leadership and comments at the hearings and his work in pursuing this.

I thank my friend from Connecticut for the important contribution he has made to the debate and likewise to the understanding and comity within our committee. I think all of this discussion has been most helpful in that respect.

Without muddying the waters, I should like to ask that what otherwise would have been the committee report appear in the RECORD as my personal views. If that is satisfactory to my colleagues, I shall ask that that text be considered as part of my remarks in the RECORD.

I think it would be good to have.

I ask unanimous consent that the text I shall present be made my personal views and printed as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INFORMATION ON THE PACIFIC SALMON TREATY

PURPOSE

The purpose of this treaty is to establish a system for bilateral cooperation in the management and enhancement of salmon fisheries off the Canadian and Alaskan coasts and to promote research on Pacific salmon.

BACKGROUND

Salmon originating in either country pass through waters of the other during migration and are thus subject to interception by fishermen of the other country. Without an agreement controlling these interceptions, neither country realizes the full benefits of its salmon production. Pacific salmon is one of the most prized resources of the Pacific Northwest and is an essential element of the quality of life in the region; an agreement is therefore in the best interest of both countries.

The salmon interception problem arises because of the unique life history of the fish. Young salmon, upon leaving their home streams and entering the ocean, migrate long distances. During migration they pass into the fishery zones of the other country. Unless conservation concerns are jointly held, one country can overfish the stocks of the other country and jeopardize the home country's management plans. Excessive catches by the intercepting country can also jeopardize plans for artificial enhancement of salmon runs. The home country may be reluctant to make the necessary investments to improve its salmon runs if the salmon could be caught by the other nation's fishermen.

Many of the problems salmon migration pose for the United States and Canada surfaced during a series of meetings and exchanges which began in the mid-fifties. At that time, discussions began on the inclusion of pink salmon in the existing treaty for Fraser River sockeye salmon (the Convention for the Protection, Preservation, and Extension of the Salmon Fishery of the Fraser River System). Several meetings were held in 1965 and 1966 to review overall salmon problems. Formal negotiations began in 1971 in response to the United States-Canadian reciprocal fisheries agreement signed at Ottawa in April 1970. This agreement called for consultation within one year "regarding all matters of mutual concern related to fisheries for Pacific salmon."

The United States initial aim was to gain some control over the Canadian troll fishery off West Vancouver Island, where large numbers of U.S. chinook salmon are caught, and over the Straight of Juan de Fuca net fisheries that take U.S. coho salmon. The Canadian goal was a reduction in the U.S. net fisheries in northern Puget Sound, which intercept significant numbers of Canadian salmon, including the Fraser River sockeye and pinks caught under the auspices of the International Pacific Salmon Fisheries Commission. As the extent of interceptions was recognized, other intercepting fisheries were brought into the negotiations. Notable among these were United States fisheries in southeastern Alaska which catch Canadian salmon, particularly sockeye, pink and chinook; the Canadian fisheries in northern British Columbia which intercept Alaska salmon, mainly pinks (these are commonly referred to as the Boundary Area fisheries); and the Transboundary River fisheries in the Taku, Stikine and Alsek.

Over the years, efforts to reach an agreement were complicated by a host of factors, not the least of which were resource fluctuations in various areas. These fluctuations often altered the economic and political realities. The lack of reliable information on interceptions in various key areas, notably the Boundary Area fisheries, also hindered the negotiations.

For more than a decade, the negotiators sought to conclude a long-term agreement that would contain not only broad principles but also specific arrangements to balance interceptions together with a complicated scheme of paybacks when one side intercepted more than the other's salmon. In October 1981, it bacame clear that while both sides had strong incentive to conclude an agreement and had agreed on the basic principles, neither could accept the other's view of what constituted a just and equitable formula for balancing interceptions over the long-term. It was at this time that the two negotiators, Dr. Lee Alverson for the United States and Dr. Mike Shepard for Canada, agreed to develop the institutional arrangements of treaty but leave balancing fomulae to annual or biannual negotiations within the Commission and panels established by the agreement.

In February 1983, United States and Canadian negotiators initialed, ad referendum, a draft treaty that would have required the two governments to conduct their fisheries and salmon enhancement programs in accord with two principles. Those principles, which are contained in the present treaty, are: (1) to prevent overfishing and optimize production; and (2) to insure that each country receives an amount of fish equal to its reproduction. The draft treaty established a formal bilateral framework to achieve these objectives, creating a new Pacific Salmon Commission, with subsidiary panels for northern, southern, and Fraser River fisheries. While generally welcomed by many United States fishing interests, the annexes to the draft treaty, which included fishing plans for the 1983 and 1984 fishing seasons, met with strong opposition from Alaska and Puget Sound fishermen. The initialed treaty was never signed. Efforts to revive the treaty negotiations failed in 1983 and throughout most of 1984.

Negotiations resumed in November 1984 under the supervision of The Honorable Edward Derwinski for the United States and Mr. Mitchell Sharp for Canada. After two weeks of negotiations, led by Mr. Theodore Kronmiller for the United States and Mr. Garnet Jones for Canada, agreement in principle was reached on December 15, 1984. The United States-Canada Pacific Salmon Treaty was signed at Ottawa on January 28, 1985. It is thus the culmination of 14 years of painstaking and difficult negotiations.

SUMMARY OF MAJOR PROVISIONS

The United States and Canada will establish an eight member commission with the responsibility for managing "intercepting" salmon fisheries. These are the fisheries of one nation that harvest fish which spawn in the waters of the other nation. There are two principles that will govern the commission in managing these fisheries. The first is the prevention of overfishing and the second is that each nation will receive benefits equivalent to the production of the salmon originating in its waters. The two countries will also be required to undertake extensive research and develop a phased program to address any imbalances in interceptions that presently exist.

The annexes to the treaty establish management regimes for six separate fisheries. They are the Taku and Stikine rivers; the northern boundary areas between Canada and Alaska; Chinook salmon; Frasier River sockeye and pink salmon; southern coho; and southern chum.

The treaty contains three guidelines to aid the Commission in implementing the treaty's principles. The first is that the Commission is to recognize the "desirability in most cases of reducing interceptions." Second, the Commission is directed to recognize the desirability of avoiding economic and social dislocation of existing fisheries, some of which have long settled expectations and historical claims. This guideline provides protection for historic fisheries that the Parties do not intend to terminate even though these fisheries do intercept salmon. Finally, the Commission is directed to consider annual variations in abundance of the stocks.

COMMENTS

The Foreign Relations Committee recognized in its deliberations that the provisions of this treaty were worked out within the United States delegation to the treaty negotiations as part of a package to address certain domestic questions concerning salmon

management that arise from the bilateral agreement with Canada. This package included the treaty and its accompanying documents, the legislation to implement the treaty, and an agreement to remove the State of Alaska from the impact of a lawsuit initiated by the treaty Indian tribes of Washington and Oregon that is now pending against the States of Washington and Oregon. This package strikes a delicate balance between all United States interests.

It should be noted that during hearings before the Foreign Relations Committee on the treaty, Administration witnesses acknowledged that the federal government has a responsibility to fund research and enhancement projects to meet the obligations of the treaty. Had the Committee filed a report, it would have recognized in that report that federal funding is an essential component of this treaty.

FOREIGN RELATIONS COMMITTEE ACTION

The Senate received the treaty on February 19th. It was referred to the Committee on the same day. On February 22nd, the Committee held a hearing on the treaty. The following witnesses appeared and gave testimony:

The Honorable Slade Gorton, U.S. Senator from the State of Washington.

The Honorable Edward Derwinski, Counselor to the Secretary of State.

The Honorable Theodore G. Kronmiller, United States Negotiator, Pacific Salmon Treaty.

Norman Cohen, Representing Governor Sheffield of Alaska.

Tim Wapato, Tribal Councils.

Bill Frank, Jr., Chairman, Northwest Indian Fisheries Commission.

Allen Pinkham, Chairman, Columbia River Inter-Tribal Fish Commission.

William Yallup, Chairman, Fish & Wildlife Commission, Yakima Indian Nation.

Robert Blake, United Fisherman of Alaska.

Robert P. Zuanich, Purse Seine Vessel Owners Association.

Mark Cedergreen, Chairman, U.S.—Canada Treaty Coalition.

In addition, the Committee received written comments on the treaty from: (1) Geron Bruce, Executive Director, United Southeast Alaska Gillnetters; (2) Earl Krygier, Executive Director, Alaska Trollers Association; (3) Douglas Fricke, President, Washington Trollers Association; (4) William R. Wilkerson, Director, Washington Department of Fisheries; (5) Joe De La Cruz, President, Quinault Indian Nation; and (6) the Northwest Power Planning Council.

On March 5th the Committee met to consider the treaty. By a vote of 17-0, the Committee voted to report the treaty favorably to the Senate.

SECTION-BY-SECTION ANALYSIS

The following excerpt is from the text of the Letter of Submittal of the Department of State which provides a detailed section-by-section analysis of the United States-Canadian Treaty:

Analysis of text

Article I defines key terms of the Treaty between the Government of the United States of America and the Government of Canada concerning the Pacific Salmon. Among other things, it defines interception as the harvesting of salmon the originate in the waters of one Party by the fishermen of the other. It also identifies the stocks that are subject to interception or affect the management or biological development of the other Party's stocks.

Article II establishes the structure of the treaty. As indicated above, the core organ of the treaty is a Commission, composed of a United States and a Canadian section, each of which will have no more than four Commissioners and no more than four alternates. Each section has a single vote and both sections must approve any Commission recommendation or decision. Each Party is to bear its own expenses and half of those of the Commission. The Commission Chairman is to be selected by one section and the Vice-Chairman by the other, with the positions to alternate annually between sections. The Commission, to be housed at New Westminister, British Columbia, is to promulgate rules of procedure and bylaws for itself and such other entities as may be created by the Commission.

Panels, constituted by annex, are to provide information and make recommendations to the Commission. Annex I now establishes a Northern, Southern, and Fraser River Panel. Panels are to be composed of not more than six members from each Party and alternates as may be necessary. The United States recognized that not all interest groups could be represented on a Panel this size, but felt this problem could be accommodated through procedures established for alternates. For example, in the case of the seat on the Southern Panel to be alternated annually between commercial and recreational interests, it was anticipated that the Panel member would obtain the concurrence of his alternate before any vote on a Panel decision or recommendation. Like those of the Commission, Panel decisions and recommendations are to be approved by each Party, which must also bear its own Panel expenses.

Article III, discussed above, establishes the principles that govern operation of the Commission and this treaty. The underlying principles are two-fold: to conduct fisheries and enhancement programs to provide for conservation and optimum production and two, to "provide for each Party to receive benefits equivlant to the production of salmon originating in its waters"—the equity principle. The Parties harbor no illusions that the equity principle will be simple to quantify. In adopting this provision, the Parties, by Memorandum of Understanding to the treaty, have reorganized expressly that levels of interceptions will vary annually and over time, that data on the extent of interceptions in some areas are imprecise, and that it would not be immediately possible to determine with certainty the total production of salmon from each country's rivers. They also recognized that methods of evaluating benefits accruing within each country differ. For these reasons, the Parties anticipated that it would be some time before the Commission could discern that a trend has developed and ascertain the value of benefits due each Party under Article III(1)(b).

The Commission will have the equally complex task of developing programs to adjust any inequity and provide for any appropriate adjustment to implement the provisions of Article III(1)(b). The treaty establishes three precepts that are to guide the Parties in their implementation of these twin principles of conservation and equity. Initially, Article III(3)(a) requires the Commission, when considering equity adjustments, to recognize the desirability of reducing interceptions. This precept recognizes that excessivly high interception rates may result in conservation problems and reduce incentives to enhance resource production. However, such reductions cannot be mandated in all cases because they will not always be fair or feasible. In the northern boundary area, for example, since stocks are of both Canadian and United States origin and cannot be segregated, the United States fishery targeted on United States-origin salmon must catch Canadian-origin sockeye in an incidental manner. Similarly, the Canadian fishery for Canadian-origin sockeye and pink salmon intercepts substantial numbers of United States pink salmon. A reduction in interception levels would preclude a Party from targeting on its own stocks. This would be plainly contrary to the Parties' objective.

Therefore, to balance the concern with reducing interceptions, Article III(3)(b) further instructs the Commission to consider a second important concept: the desirability of avoiding undue disruption of existing fisheries. This protects several United States fisheries from undue social or economic dislocation as a result of equity adjustments. In the northern boundary area, the example cited above, historic United States fisheries targeting on United States stocks could not be shut down in order to reduce interceptions. In the case of the Fraser River, a fishery developed and managed jointly by the Parties since the 1930's, Canada affirmed that it has no intention of closing down a historic United States fishery. Article III(3)(b) provides these fisheries an assurance that the Commission will seek to avoid the social and economic dislocations of major adjustments.

Finally, Article III (3)(c) exhorts the Commission when performing equity calculations, to note that seasonal variations in stocks are anticipated, and therefore it is necessary to view equity over the long term based upon demonstrable trends rather than short term fluctuations.

The United States section of the Commission has the responsibility for developing proposals to correct equity imbalance in favor of the United States. In developing such proposals, imbalances should be addressed where possible through enhancement programs rather than through adjusting established fisheries.

Article IV concerns the conduct of the fisheries and sets out the procedures to be followed to establish annual fishery regimes. Each Party is to submit to the other Party and to the Commission a report that will include basic statistics on each fishery: run size, spawning escapement (except for transboundary rivers, where under Article VII the appropriate Panel is to perform this task), estimated total allowable catch (TAC), stock interrelationships, management and, as appropriate, domestic allocation objectives. The Commission is to solicit Panel views on the report and recommend fishery regimes to the Parties. On adoption by the Parties, these regimes are to be promulgated as chapters to Annex IV of the treaty and implemented by domestic federal, state, and tribal management authorities. Each Party is to notify the other Party and the Commission of regulations and in-season modifications.

Under Article IV, each Party is to establish and enforce the regulations to implement the regime, except in the case of the Fraser River regime for which Article VI establishes different procedures.

Article V elaborates on the Article III (2) commitment to bilateral cooperation on salmon enhancement programs. Parties are to exchange information on their own anticipated projects. Cross-references to Arti-

cle III reflect mutual concern that fish from one Party's enhancement project would not "flood" the other Party's fishery and unduly disrupt or displace an existing fishery. This would arise when a Party, in order to harvest its own stocks, will necessarily have to harvest the other Party's enhanced stocks. The consultation provision of Article V and the forum provided by the Commission should help the Parties avoid that result.

Article VI establishes the special provisions for the portion of the Fraser River sockeye and pink fishery that occurs within the agreement area defined in Annex II to correspond to the Convention Area of the 1930 Fraser River Convention. Unlike other Panels, the Fraser River Panel is to propose pre-season regulations applicable within the agreement area to the Commission, which would then forward its proposals to the Parties. The proposed regulations become effective upon approval by the Party in whose waters the regulations would apply. The Panel may also order in-season management responses, which each Party is to implement unless the regulation is inconsistent with its domestic law. Article IV (4) specifically requires that Panel actions be consistent with established United States Indian treaty rights and domestic allocation objectives.

It is the treaty's intent to develop a Fraser River regime that encompasses all Fraser River pink and sockeye salmon, wherever harvested, though the special procedures apply only within the Fraser River Panel area. Thus, Annex IV, Chapter 4 prescribes a regime based on the TAC of Fraser River sockeye and pink salmon, applicable both inside and outside the specified area. Outside the specified area, Articles IV (7) and VI (7) require the Parties to regulate in a manner that ensures accomplishment of this fishing regime, including allocation provisions.

Article VII establishes two special provisions for relevant salmon stocks originating in the Canadian portion of the transboundary rivers, which Annex IV, Chapter 1 specifies to include the Taku, Stikine, Alsek and Columbia Rivers. In recognition of its unique status, the Columbia River is given special treatment in Annex IV, Chapter 1. (The Yukon River is addressed separately.) First, spawning escapements for these stocks are to be established initially by the appropriate Panel, which is to forward them through the Commission to the Parties. Second, enhancement is intended to be cooperative or, if unilateral, upon approval by the Commission.

Article VIII recognizes that the Yukon is unique among the transboundary rivers. The distinct stocks on this geographically remote river are subject in part to another treaty regime between the Parties and Japan. The United States user groups and political constituencies did not participate directly in the negotiations for most of the fourteen years of negotiations. Accordingly, the Parties provided that the equity provisions of Article III (1)(b), and the special provisions for transboundary rivers are not applicable to the Yukon, unless agreed in negotiations to which the Parties have committed. The United States anticipates full Yukon representation on these talks. In these negotiations, the Parties have agreed, *inter alia*, to account for United States harvests of salmon originating in the Canadian section of the river. In so doing, the Parties are not precluded from adopting the approach identified in the Memorandum of Understanding, which is to consider the percentage of the TAC of Canadian-bound salmon deemed to be of United States origin.

Article IX provides that the Panels and Commission are to consider conservation of steelhead in development of their management actions. Steelhead, an anadromous salmonid, originate in the streams of both countries. They are not the subject of directed intercepting fisheries, but could be subject to incidental harvests. Further, steelhead enhancement could have impacts on the production and harvest of other salmon stocks.

Article X memorializes the Parties' commitment to continue ongoing and initiate necessary cooperative research for stocks of common concern. Such information is essential to provide the information needed to implement the management regimes required to achieve the conservation objectives of the treaty and to make "equity" determinations pursuant to the treaty.

Article XI is a standard savings clause indicating, *inter alia*, that the treaty is not intended and should not be interpreted to modify Indian treaty rights.

Article XII permits either Party to have recourse to an ad hoc Technical Dispute Settlement Board for binding resolution of disputes of a technical nature. The Parties have recourse to the Technical Dispute Settlement Board for disputes on interception rates and data relating to questions of overfishing.

Article XIII provides for amendment of annexes through exchange of diplomatic notes. Since Annex IV contains fishery regimes that will be revised routinely and frequently, changes to these regimes will not be submitted to the Senate for advice and consent.

Article XIV memorializes the Parties' obligation to adopt and enforce implementing legislation and to exchange such data as may be necessary to implement the treaty.

Article XV provides that the treaty shall enter into force upon exchange of instruments of ratification, and remain in force for at least four years. A Party may give notice to terminate at the end of the third year after the treaty's entry into force, effective one year later. This article also provides for termination of the 1930 Fraser River Convention, and contemplates transfer of responsibilities of the International Pacific Salmon Fisheries Commission to the Government of Canada and to the entities created by this (i.e. the Fraser River Panel and Commission) over a transition period as may be agreed by the Parties.

As provided by Article XIII, annexes may be amended or additional annexes promulgated by exchange of diplomatic notes memorializing decisions of the Commission. The treaty is now being submitted with four annexes.

Annex I establishes three Panels pursuant to Article II: a Southern Panel for salmon originating in rivers south of Cape Caution, except those salmon covered by the Fraser River Panel; a Fraser River Panel for Fraser River sockeye and pink salmon harvested in the Agreement Area; a Northern Panel for salmon originating in rivers with mouths situated between Cape Caution and Cape Suckling.

Pursuant to Article II, salmon of concern to more than one Panel would be reviewed jointly by the appropriate Panels. Thus, for example, both Northern and Southern Panels will address chinook issues. Fraser River sockeye and pink salmon would be covered by the Fraser River Panel insofar as they are harvested within the agreement area, and by the Southern Panel insofar as they involved other species or stocks harvested outside the agreement area.

Annex II identifies the Fraser River Panel area as the waters described in Article I of the 1930 Fraser River Convention. The area may be adjusted under Annex IV, Chapter 4 in order to simplify domestic management or ensure adequate consideration of the effects on other stocks or species.

Annex III sets out the procedures governing operation of the Technical Dispute Settlement Board. Within 20 days of notification by the Commission Chairman, the Parties are to establish an ad hoc Board, composed of a representative of each Party and a third member, jointly designated by the Parties as chairman. Decisions are made by majority vote.

Annex IV sets out six specific fishery regimes. Most are short term, and will require modification in the future by the Parties.

Annex IV, Chapter 1 concerns transboundary rivers and contains provisions for the Stikine, Taku, Alsek and Columbia Rivers. It was recognized that any effort to provide for long term viable fisheries in Canada without severe dislocation of traditional United States fisheries would depend upon increasing the productivity of the stocks through development of enhancement opportunities. This would provide increased harvests to the fishermen of both countries. A primary focus by the United States was and should be to consider joint enhancement through agreement by the Parties. Joint enhancement was intended to mean that the Parties would share the costs of development in an agreed manner and that the benefits from such enhancement would be shared.

On the Stikine River, for 1985 and 1986 Canada is limited to annual harvests of: 35% of the TAC of Canadian Stikine River sockeye or 10,000 such sockeye, whichever is greater; 2,000 coho; and incidential catches of chinook, pink, and chum salmon.

A brief word is warranted about Canada's allocation of 35% of the sockeye salmon originating in the Canadian portion of the Stikine River. The only directed harvest of Stikine River sockeye occurs in Districts 106, 108 and in Canada. Harvests in other fisheries are incidential, insignificant, and cannot be managed to achieve specific harvest shares for Canada. The long-standing United States position has been that the catches in Districts 106, 108 and in the Canadian portion of the river, comprise the TAC for purposes of computing harvest shares. On the basis of these catches, the 35% Canadian share was negotiated. Since significant Stikine sockeye harvests occur only in Districts 106 and 108 and the Canadian portion of the river the omission of specific reference to these areas should not affect harvest sharing calculations for 1985 and 1986. The United States anticipated that starting in the 1987 regime and thereafter, the same interpretation would apply, whether or not any amendments to Chapter 1 are adopted.

On the Taku River, for each of 1985 and 1986, Canada is permitted 15% of the TAC of Canadian sockeye and incidental harvests of chinook, pink, chum, and coho salmon. Taku River sockeye are caught only in portions of District 111 and in the Canadian portion of the river. A TAC is calculated only from these areas. The Canadian share is based on that TAC. Since Taku sockeye are caught only in these areas, it was not necessary to refer expressly to these areas

in Chapter 1. The United States anticipates that starting in 1987 and thereafter, the same interpretation would apply whether or not amendments to Chapter 1 are made.

Management constraints inherent with respect to Stikine and Taku River coho have precluded the United States from agreeing to any significant Canadian harvest of this species. Substantial portions of coho are produced on the United States portion of these rivers. Were the United States to provide for new Canadian coho fisheries on these rivers, it would have to waste substantial portions of the United States coho resources. It would also result in severe dislocation of a United States fishery that for over a hundred years has depended on the entirety of the coho stock on these rivers.

On the Columbia, the Parties have agreed that Article VII's special provision for transboundary rivers do not appropriately apply. The Southern Panel will not set spawning escapements for that river, and enhancement efforts will not necessarily be cooperative. The Parties have committed to consult in 1985 on alternative methods to address these issues while avoiding interference with present and future United States Columbia River federal, tribal, and state salmon management programs.

Annex IV, Chapter 2 establishes a regime for fisheries in the so-called boundary area between northern British Columbia and southeastern Alaska. The boundary area is near the United States-Canadian maritime boundary in Dixon Entrance, and includes but is not limited to the disputed maritime areas claimed by both Parties.

This fishing area has characteristics which make management especially difficult. First, stocks of both Canadian and United States origin broadly intermingle on the fishing grounds. This makes it most difficult to segregate salmon fisheries by country of origin, and must be taken into account in devising any time, gear or area restrictions. Limitations on the number of Canadian fish that could be harvested by American fishermen, for example, could also affect opportunities for American fishermen to harvest United States-origin salmon. Second, the fishery is characterized by complex stock mixtures, varying run sizes, and environmental conditions. Third, any management or enhancement actions by either Party in this area may have direct implications for the conduct of the other Party's fishery. Enhancement into limited fisheries of the other Party could affect that Party's ability to harvest its own stocks.

In view of these difficulties, the Parties committed themselves to management measures designed to limit interceptions without significantly affecting each country's ability to harvest its own stocks. To accomplish these objectives, the boundary area chapter establishes restrictions on the United States sockeye fishery and the Canadian pink salmon fishery near the boundary area.

The United States Noyes Island purse seine fishery in District 4 is limited to a four-year total catch of 480,000 sockeye salmon prior to United States statistical week 31 (about the third week in July) during the period 1985–88. The United States Tree Point drift gillnet fishery in Districts 1A and 1B is to be managed in a manner that will result in an average annual harvest of 130,000 sockeye over time.

The Canadian net fishery in Areas 3–1, 3–2, 3–3, 3–4, and 5–11 is limited to an average annual harvest of 900,000 pink salmon for the duration of the chapter. The troll fishery in Area 1 will be limited to a total of one million pink salmon for the period 1985–86. However, in either of those years, should the troll fishery harvest 300,000 pink salmon in area 1, sub-areas 101–3 north of 54° 35′ north, 101–4, 101–8 and 103 north of 54° 35′ north will close to pink salmon trolling.

Annex IV, Chapter 3 addresses the crucial problem of the decline of many naturally spawning chinook stocks in recent years. The Parties committed to halt the decline in spawning escapements and by 1998 to restore production of naturally spawning chinook stocks. This approach recognizes the imperative to reduce United States and Canadian chinook catches, while taking into account the need to avoid economic dislocation that would be caused by abrupt harvest reductions. Rebuilding of stocks would be considered achieved when management spawning goals are generally achieved on a continuing bases.

With these concerns in mind, the Parties established chinook harvest ceilings for 1985 and 1986 for particular areas as follows:

For the United States:	
Southeast Alaska (all gear)	263,000
For Canada:	
Northern and central British Columbia (all gear)	263,000
West coast of Vancouver Island (troll)	360,000
Strait of Georgia (sport and troll)	275,000

The application of a harvest ceiling off the west coast of Vancouver Island to only the troll fleet reflects difficulties in quantifying the sport catch and Canada's commitment to limit inside net fisheries in that area. This was based on the understanding that Canada does not now have a significant sport harvest and that no expansion will be allowed in the next two years. The Strait of Georgia ceiling includes catches from all marine areas inside Vancouver Island south of Johnstone strait and eastward of ocean management areas.

Should a Party exceed a ceiling, it is required to address the excess in a manner that assures rebuilding by 1998. During the rebuilding period, adjustments can be made to catch ceilings established for 1985 and 1986: (1) in response to changes in stock status assessments as provided for in paragraph 1(c)(ii) of the chinook chapter; and (2) to allow harvest of a region's increased enhancement production as provided in paragraph 2. In the event that chinook stock abundance declines, paragraph 1(d)(iv) provides for reductions in catch ceilings if the Joint Technical Committee determines that reductions are required to achieve stock rebuilding by 1998.

It was recognized that a number of situations could arise in which ceilings might be changed after 1985 from levels recommended for 1985 and 1986. For example, if slower rebuilding rates occurred as a result of unfavorable environmental conditions, ceilings may be reduced as recommended by the Joint Technical Committee to achieve rebuilding by 1998. For 1986 only, reductions shall only be permitted if the Joint Technical Committee recommends a reduction of greater than 15% because of a decline in stock abundance. If, however, ceilings were reduced below levels established for 1985 and 1986 and at some later time stock conditions improved, upon recommendation of the Joint Technical Committee and with approval of the Parties, it is expected that ceilings would be raised, provided that stock rebuilding could still be achieved by 1998.

Furthermore, it was recognized that some combination of better than expected salmon survival or greater responses to management measures implemented under the treaty could result in the potential for rebuilding depressed natural stocks earlier than 1998. Though the management regime would remain in effect unless altered by the Parties, upon determination by the Joint Technical Committee that the rebuilding program was proceeding ahead of schedule, the Parties could agree to develop a new management regime allowing catches to increase in a manner that would ensure stock rebuilding by 1998 or at some earlier date as jointly agreed.

Management regimes would be established by the Commission at the end of the rebuilding period to maintain chinook stocks at optimum productivity and provide for fair internal allocations.

The Parties recognized that management regimes must be directed at rebuilding depressed stocks, recognizing that variations in individual stock productivity will result in different degrees of success for the different stock. Accordingly, the Parties are committed to structuring management regimes to ensure that some depressed stocks are not benefited to the detriment of others stocks. Fisheries which are not specifically referenced in the Annex are to be managed so that the bulk of depressed stocks preserved by the conservation program accrue principally to spawning escapement.

Incidental mortality of chinook killed but not harvested or reported is addressed in Paragraph 1(e). As long as these mortalities are a fairly stable portion of the catch, rebuilding schedules may not be affected. The Parties are committed, however, to evaluating, assessing and minimizing the impact of all sources of such mortality in 1985 and 1986. The Commission will take into account such information in implementing the chinook rebuilding program.

In order to mitigate any dislocation that might be caused by the program, enhancement programs are planned for the fishery that takes place off Alaska. That region's harvest ceilings may be increased by demonstrated contributions of that region's salmon enhancement activities, provided that the rebuilding program for natural stocks is not extended beyond 1998.

Annex IV, Chapter 4 prescribes the regime that will govern the Fraser River sockeye and pink salmon fishery. The regime covers the entire Fraser River pink and sockeye (Paragraph 5), unlike the predecessor arrangements of the 1930 Fraser River Convention which governed such stocks only when harvested within the prescribed agreement area. Accordingly, Parties cannot frustrate management objectives by permitting fisheries to move outside the agreement area beyond the purview of a governing commission.

The Parties have prescribed two successive four-year regimes. Once the regimes are concluded, allocations will be determined by the Commission and the Parties. In 1989, the Commission may begin to consider adjusting allocations in order to implement the equity principle of Article III(1)(b), the provision which is intended to ensure that each Party receives benefits equivalent to the salmon spawned in its waters.

The first four-year regime, 1985–88, provides the United States the following sockeye catch levels (based on preliminary expectations of run size): 1985, 1.78 million;

1986, 3.00 million; 1987, 1.06 million; and 1988, 1.16 million. These catch levels are derived from a total United States entitlement of 7 million sockeye distributed within that four-year period to reflect anticipated cyclical differences in abundance (Paragraph 1(b)(ii)). The United States harvest of pink salmon will be 3.6 million in 1985 and 1987, the years in which pink salmon are available.

United States catches are subject to two adjustments. First, United States catches may increase or decrease, based on deviations to the TAC, which in turn is modified as discussed below. Second, under a so-called coho adjustment, for each of 1985 and 1986, the United States has agreed to reduce its harvest by 50,000 Fraser River sockeye, in exchange for Canadian reductions of equal numbers of coho allocated to Canada under Chapter 5 of this Annex. (Paragraph 1(b)(iii)). This 50,000 adjustment is fixed and not subject to change based on increase or decrease in TAC. This trade was effected at the request of the United States to mitigate some economic dislocation by enabling Northwest fishermen to harvest more coho and to address conservation concerns for certain coho salmon stocks.

The United States allocations of sockeye and pink salmon described above are based on preliminary expectations of TAC set out in Paragraph 1. These TAC's are based on the following predicted run-size and escapement goals that were prepared by a Joint Technical Committee.

SOCKEYE

[In millions]

	Total run	Escapement goal
1985	9.0	2.0
1986	18.0	5.0
1987	5.0	1.5
1988	5.0	1.0
1989	10.0	2.5
1990	19.0	5.5

PINKS

[In millions]

	Total run	Escapement goal
1985	16.0	5.0
1987	18.0	6.0
1989	20.0	6.0

The Parties have agreed that these allocations are subject to pre- or in-season adjustments to correspond with changes in anticipated run size (Paragraph 1(b)(iii)), unless the changes are due to Canadian-funded enhancement (Paragraph 2). The adjustments must take into account any increase in Canadian Indian food harvests, deemed to be 400,000 sockeye annually, which already have been deducted from the preliminary expectation of TAC's set out in Chapter 4. Should the Canadian Indian food fishery increase above 400,000 sockeye each year (thus reducing preliminary expectations of TAC's), such increases may not result in a decreased United States harvest and must come from Canada's harvest, whether or not it is reflected in the TAC. The United States catches are not adjusted due to any changes in the TAC that are due to changes in escapement goals by Canada that form the basis of the agreed TAC in the chapter. Paragraph 1(e) specifically provides for adjustment in the United States catch in subsequent years to compensate for differences if the prescribed catch levels are not achieved.

In the second four year regime, 1989–92, the United States is entitled to a total of 7 million sockeye, or an annual average of 1.75 million sockeye, and 7.2 million pinks, or 3.6 million for each of the two years in which pink salmon will be available. These allocations may be decreased in response to decreases in pre- or in-season forecast of run-size; they may not be increased (Paragraph 1(f)). The Fraser River regime contemplates at the outset that the United States catch will be a steady percentage of the total available catch. However, if a run comes in so far below expectations that the United States is unable to achieve its expected harvest, the permitted United States harvest for later years would be adjusted accordingly so that the United States would be able to harvest the full 7 million sockeye by the end of the second four-year period. However, if the total run size for all four years is significantly less than expected, the total catch permitted the United States will be reduced proportionately. Decreases will not be made because of Canadian Indian food fishery above 400,000 or any increase in escapement goals. It will be the responsibility of the Parties, the Panels, and Commission to establish specific annual catch levels for this second four-year regime within the total of 7 million sockeye and 7.2 million pink.

In managing Fraser River sockeye and pink salmon, the Fraser River Panel is to consider management requirements of other stocks and species in the area, notably coho, chum and non-Fraser River sockeye and pink salmon (Paragraph 1(h)). Paragraph 4 recognizes the desire of the United States to be able to eliminate several management areas (e.g. Areas 6B, 6D, 7B, 7C, 7D) from the area to simply domestic management of other stocks and species.

Annex IV, Chapter 5 applies to coho salmon harvested by fisheries in Washington and southern British Columbia. The Parties agreed to reciprocal extensions for 1985 of recent management actions, effective after expiration of the management controls of the 1930 Fraser River Convention, for inside net fisheries in United States Areas 7, 7A and Juan de Fuca Strait and Canadian Area 20. In addition, off the west coast of Vancouver Island, Canadian harvests would be limited in 1985 and 1986 to 1.75 million coho annually. Since these totals reflect the reductions of 50,000 coho to which Canada agreed to accommodate United States concerns, the level of Canadian harvest has been deemed to be 1.8 million annually for these years.

Definitive data are lacking on the size, productivity, distribution, and status of many coho stocks, making it difficult at present to estimate total interceptions of this species. Since management problems were determined to be more critical and information more readily available, this chapter concentrates on coho stocks harvested by Washington and southern British Columbia fisheries. The Parties agreed that stocks of common concern were harvested mostly off the southern portion of the west coast of Vancouver Island, but management limitations required that a ceiling apply to the entire west coast of Vancouver Island. Canada may not permit its fishery to concentrate effort and to increase harvests off the southern portion of the Island, since this would increase the interception of United States origin coho. For the year 1987 and beyond, the Commission is to set allocations for intercepting fisheries off the west coast of Vancouver Island to implement conservation measures approved by the Commission, in a manner consistent with Article III. Canadian increases will be permitted insofar as warranted by demonstrated increased contributions by Canada to the fishery.

It is contemplated that stocks contributing to northern British Columbia and southeast Alaskan fisheries shall be considered to determine whether there is a need for management in the future.

The parties agreed to establish a Joint Technical Committee to develop information on coho stock status and productivity to guide development of future management regimes.

Annex IV, Chapter 6 on chum is intended to institutionalize the Parties' commitment to intensify chum research and develop joint management plans. A Joint Technical Committee is to be established to develop specific management measures for the 1985 season and thereafter.

Annex IV, Chapter 7 is intended to apply to fisheries not directly addressed in another chapter of this Annex. No new fisheries which intentionally increase interception are to be established by either Party. In addition, no intentional increases in interceptions by existing fisheries are to be allowed. There are circumstances where interceptions will unavoidably increase, including cases where there are annual variations in stock compositions due to natural run fluctuations or where enhancement by one Party results in fish entering the other Party's fisheries. In addition, the provision is not intended to deny a Party the opportunity to enhance and benefit from this enhancement even if it results in some, but not significant, increase in levels of interception. At the same time, if in order to recover its enhancement, a Party increases its interception levels to a substantial degree, we anticipate that this would be subject to Commission agreement and recommendations to the Parties.

Chapter 7 is to be interpreted in light of Article III which makes clear that this chapter is not directed at inadvertent increases in interceptions necessary for each Party to harvest fish originating in its waters. Indeed, it was the express commitment of the Canadian negotiator that Canada did not intend to prevent the United States from harvesting its own stocks.

Memorandum of Understanding. The Parties also negotiated as an integral part of the treaty a Memorandum of Understanding which considers several items which provide guidance to the Parties and the Commission, but which do not directly affect fishery regimes. These items include the following:

An explanation of the agreed method for implementation of the equity principle.

An outline for the development of a data sharing program which is to be recommended to the Commission by April 1, 1987.

An agenda and a schedule for the Parties to initiate negotiations for salmon stocks originating in the Canadian portions of the Yukon River.

A requirement that the Commission, during the first year following the entry into force of the treaty, determine for the transboundary rivers the TAC of salmon that shall be deemed to be of United States origin for the purpose of implementing Article III (1)(b) of the treaty.

A requirement that Canada provide to the United States a plan which ensures that Canadian net fisheries in the northern boundary area which harvest both Canadian and United States pink stocks will not increase during the period of mid-July through mid-August.

Mr. MURKOWSKI. Mr. President, if there is no further discussion on the matter before us, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, while the Senate is known as the greatest deliberative body in the world, I think it significant to note that the Pacific Salmon Treaty is finally before us. It has been 15 years in its coming, and I will not delay it anymore. The yeas and nays have been ordered. I ask that the Chair proceed to the immediate consideration of the ratification of the treaty.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. ABDNOR] and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. SYMMS] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Montana [Mr. BAUCUS] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BAUCUS] would vote "yea."

The PRESIDING OFFICER [Mr. PRESSLER]. Are there any other Senators in the Chamber who wish to vote?

The yeas and nays resulted—yeas 96, nays 0, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—96

Andrews	Chiles	Durenberger
Armstrong	Cochran	Eagleton
Bentsen	Cohen	East
Biden	Cranston	Evans
Bingaman	D'Amato	Exon
Boren	Danforth	Ford
Boschwitz	DeConcini	Garn
Bradley	Denton	Glenn
Bumpers	Dixon	Goldwater
Burdick	Dodd	Gore
Byrd	Dole	Gorton
Chafee	Domenici	Gramm
Grassley	Leahy	Pryor
Harkin	Levin	Quayle
Hart	Long	Riegle
Hatch	Lugar	Roth
Hatfield	Mathias	Rudman
Hawkins	Matsunaga	Sarbanes
Hecht	Mattingly	Sasser
Heflin	McClure	Simon
Heinz	McConnell	Simpson
Helms	Melcher	Specter
Hollings	Metzenbaum	Stafford
Humphrey	Mitchell	Stennis
Inouye	Moynihan	Stevens
Johnston	Murkowski	Thurmond
Kassebaum	Nickles	Trible
Kasten	Nunn	Wallop
Kennedy	Packwood	Warner
Kerry	Pell	Weicker
Lautenberg	Pressler	Wilson
Laxalt	Proxmire	Zorinsky

NOT VOTING—4

Abdnor	Rockefeller
Baucus	Symms

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 0, two-thirds of the Senators present and voting having voted in the affirmative, the Senate does advise and consent to the ratification of the treaty.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PACIFIC SALMON TREATY ACT OF 1985

Mr. GORTON. Mr. President, I ask unanimous consent on behalf of the majority leader that the Senate turn to the consideration of H.R. 1093, Pacific Salmon Treaty Act of 1985, which is at the desk by unanimous consent.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1093) to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

The PRESIDING OFFICER. Is there objection to the request for immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I move, pursuant to section 904 of the Budget Act, to waive section 402(a) of that act with respect to the consideration of H.R. 1093, Pacific Salmon Treaty Act of 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I will not go into detail on H.R. 1093, which will implement the treaty. I have prepared a section-by-section analysis of this legislation which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 1093

Section 3: This section provides for the composition of the United States Section of the Pacific Salmon Commission. The United States Section is to be made up of four members, three voting and one non-voting. The voting members are to be nominated by the Governor of Alaska in the case of the Alaskan seat, by the Governors of Oregon and Washington for the joint Oregon-Washington seat, and by the Secretary of the Department of the Interior for the treaty Indian tribes seat. The federal seat is non-voting. This seat was identified as a non-voting seat because it was felt by the parties to the treaty that there were too many different interests involved in the United States Section already and that in order to achieve a consensus it was necessary to limit the role of the federal commissioner.

The bill also provides for the designation of alternate commissioners. Alternate commissioners are to be chosen from the lists of nominees from the Governors-Secretary of Interior submitted for the commissioner positions. As an example, if the State of Alaska submits six names to the President, one will be appointed to represent the state as a commissioner and one as an alternate commissioner. Alternate commissioners are allowed to vote for their commissioner in the commissioner's absence and are allowed to be present at all of the meetings of the United States Section. This latter provision was included because it is apparent that each commissioner will represent so many interests that assistance of the alternate commissioner will be required simply to be able to handle the commissioner's duties.

This section also provides for the appointment of panel members for the Northern, Southern and Fraser River Panels. The Northern Panel is to be made up of six individuals, including one official of the United States with salmon fishery management responsibility and expertise, one official of the State of Alaska with the same qualifications, and four individuals who are knowledgeable and experienced in the fisheries for which the Northern Panel is responsible (e.g., the Southeast Alaska and coastwide fisheries subject to the treaty). The four individuals who are not necessarily governmental employees are to be chosen by the Secretary of Commerce from a list submitted by the Governor of Alaska. The Governor can submit any number of names for each position. Alternate panel members are also to be chosen from these lists.

Paragraph (g) of this section provides the means for voting in the United States Section of the Commission. Voting is to be by consensus with no decisions to be taken when there is a dissenting vote. This procedure is different than a straight unanimous voting process by allowing a commissioner

to abstain from voting. All decisions of the Northern Panel are to be made by a majority of those members present and voting. For decisions and recommendations of joint panels, each panel's concurrence is required by a majority of the present and voting members of each panel.

Section 4: This section of the bill sets out the authorities and responsibilities of the federal agencies. In paragraph (a), the Secretary of State is authorized to, inter alia, in consultation with the Secretary of the Interior and the Secretary of Commerce, approve, disapprove, object to, or withdraw objections to fishery regimes proposed by the Commission (and the Fraser River Panel in conjunction with Fraser River Panel regulations). This authority is to confirm the United States' acceptance, rejection or other action as to the recommendations of the Commission and is not to be construed as authority of the Secretary of State to take action on regulations adopted by the states or treaty Indian tribes implementing Commission recommendations. If some action is required to preempt state or tribal regulations the appropriate action would occur pursuant to the authority in section 6 of the bill and the action would be taken by the Secretary of Commerce.

Paragraph (b) provides that the Secretary of State is to forward Commission recommendations to the states and treaty Indian tribes. It is then anticipated that the states and tribal authorities will implement these recommendations through their general regulatory authorities. This is the preferred and, in practically all cases, the only means of implementing Commission recommendations. As these regulations will be state and tribal regulations, judicial review or prosecutions of violations of these regulations are to be taken to state or tribal courts as appropriate.

Section 6: This section provides for the ability of the Secretary of Commerce to preempt state or tribal regulations when such regulations (or lack of action) puts the United States in jeopardy of not fulfilling its international obligations under the treaty. If a state or tribal authority is so jeopardizing such an obligation, the Secretary cannot automatically preempt the states or the tribes. The Secretary is to give notice to the states or tribes of the problem, how the problem can be resolved, and the intention to take action if such resolution is not made in fifteen days, unless more immediate action is necessary. This provision is intended to give the states or tribes the necessary time to resolve the problem or explain why in their view such a problem does not exist. This section also provides that the states and tribes are to advise the Secretary of Commerce of all of their laws and regulations pertaining to the salmon stocks subject to the treaty, together with such amendments thereto as may be adopted from time to time.

Section 7: Paragraph (a) of this section provides the means for the Secretary of Commerce to adopt regulations in two, and only two situations: where the Secretary has preempted state or tribal law, regulation, or inaction, and for conforming amendatory regulations for the Exclusive Economic Zone. All other regulations adopted by the federal agencies are to be adopted under paragraph (b) of this section. As a result of the need to expedite regulations for preemption and for noncontroversial amendatory regulations to conform the EEZ regulations with state or tribal regulations, an expedited process has been developed. This process includes the exemption of such regulations from the notice provisions of the Administrative Procedures Act, and the National Environmental Policy Act. As provided in paragraph (b), all other regulations promulgated by the Secretary shall follow the normal federal rulemaking procedures.

Regulations adopted by the Secretary in this section are subject to some special judicial review procedures. First, challenges to federal regulations are only to be set aside under certain conditions and preliminary relief is not available. However, the prohibition on preliminary relief is not intended to thwart a plaintiff from obtaining timely relief, but rather is intended to maintain the validity of a regulation pending the outcome of the litigation. Consequently, provisions are made for expedited review by a court in order that the matter be heard on the merits prior to the problem addressed be rendered Moot. In fact, it is anticipated that the courts would expedite the matter to the extent necessary to obtain meaningful relief as warranted.

Section 8: Paragraph (f) provides that the district courts of the United States have exclusive jurisdiction over any case or controversy arising under this section. This provision is written in this way to make clear that challenges to state or tribal laws and regulations or prosecutions under state or tribal laws and regulations are properly brought before state or tribal courts and not to federal district courts.

Section 10: This section sets up an advisory committee which is to make recommendations to the United States Section and the Panels. The advisory committee is intended to expand public participation and recognizes that there are so many interests involved in the treaty process that all of them could not possibly be represented on the Panels or on the Commission.

Section 12: Section 12(c) provides a general authorization for appropriations for research, enhancement and other activities necessary to carry out the purposes of the treaty and this title. This general authorization recognizes that the Congress will be making appropriations necessary to accomplish the scientific requirements of the treaty through research and also that one of the major components of the treaty is the use of enhancement programs. Enhancement under the treaty includes both the artificial propagation of salmon and also man-made improvements to natural habitats intented to increase the production of salmon. Enhancement can be used for many purposes. First, enhancement is intended to aid in the achievement of the conservation of the stocks, a major purpose of the treaty. Second, enhancement is the prime means for achieving equity when the United States is out of balance with Canada on interceptions and must present to the Commission proposals to address this inequity. An enhancement project to provide more salmon to Canada is the preferred option over disrupting existing fisheries which may intercept salmon of Canadian origin. Third, enhancement may be an option where a proposed project can create new benefits for portions or all of the users affected by the treaty. And fourth, that it was the understanding of the parties to the negotiations that an integral part of the treaty package was to restore previous fishing levels in a timely fashion. It was recognized that during the period of rebuilding and as a result of reductions in interceptions there would be hardship in the fishing industry which needed to be addressed. The national interest in obtaining a treaty required such commitments to enhancement.

Section 14: This section provides a savings clause to address existing federal laws and existing Indian treaties.

The section also recognizes an Order which has been filed in the case of *Confederated Tribes and Bands of the Yakima Indian Nation* v. *Baldrige*, Civil No. 80-342. This order which has been cited in the section is a stipulation among the twenty-four treaty Indian tribes of Washington and Oregon and the States of Oregon, Washington, and Alaska, and the federal government. This stipulation provides for a mechanism to allocate the coastwide chinook resource among the various user groups after the period of stock rebuilding which is scheduled to be concluded in 1998. The stipulation provides that the United States section is to allocate among domestic users upon the unanimous determination of the commissioners, based a series of considerations. If the commissioners cannot achieve a unified portion then all fishing for chinook stocks subject to the treaty (there is a list in the stipulation of stocks which are not subject to this provision though they are subject to the treaty) shall cease until an agreement is reached. This is not intended to include the incidental harvest of chinook in fisheries primarily directed on other specials of salmon such as the southeast Alaska gillnet fishery for sockeye salmon and the southeast Alaska purse seine fishery targeted on pink salmon. During the period in which the treaty and the stipulation are in effect, the parties have agreed not to sue on the issue of whether the State of Alaska has an obligation under the Palmer and Stevens Treaties to reduce its harvest of chinook salmon.

Mr. STEVENS. Section 14 of H.R. 1093 refers to a court order which settles once and for all the questions about whether the State of Alaska can be brought in as a defendant in the lawsuit between the State of Washington and the treaty tribes. It has been represented to me by the Department of the Interior that as long as the United States-Canada Salmon Treaty is in place, the treaty tribes have agreed not to sue on the issue of whether the State of Alaska has an obligation under the Palmer and Stevens Treaties to reduce its share of chinook salmon.

The court order also established a mechanism for allocating chinook stocks among the various groups after 1998. All North-South chinook allocation decisions will be reached by unanimous consent of the U.S. Commissioners. If an agreement is not reached, there will be no fishing of those chinook stocks which are subject to the treaty. This will provide incentive for the parties to arrive at a compromise.

Mr. GORTON. Mr. President, I support the passage and enactment of H.R. 1093, a bill to give effect to the treaty between the Government of the United States and the Government of Canada concerning Pacific salmon, which was signed at Ottawa on January 28, 1985. As I stated during Senate consideration of the treaty itself, many people deserve special thanks

for their efforts on behalf of its companion measure, S. 516, including my colleagues from the Senate Committees on Foreign Relations and on Commerce, Science, and Transportation. I appreciate their swift action in bringing H.R. 1093 before the Senate today.

The proposed legislation provides that the United States be represented by four Presidentially-appointed Commissioners: one representing the U.S. Government, one from the State of Alaska, one from the States of Washington and Oregon, and one from treaty Indian tribes. The U.S. position is to be determined by consensus of the three non-Federal Commissioners.

Three regional panels are established by this bill:

First, the Northern Panel. The U.S. section of the Northern Panel will consist of State and Federal representatives from Alaska who will address the mangement concerns over salmon stocks originating north of Cape Caution, British Columbia and south of Cape Suckling, AK.

Second, the Southern Panel. The Southern Panel is to be appointed to develop management recommendations for stocks originating south of Cape Caution—except for Fraser River sockeye and pink salmon stocks. The legislation describes the six-member U.S. section of the Southern Panel as consisting of one representative of the United States, one appointee each from the Governors of Washington and Oregon, two representatives of treaty Indian tribes, and one appointee of the Secretary of State annually alternating between commercial and recreational fishing representatives. Recommendations of the Southern Panel are to be made by majority vote, provided that the representatives from the States of Washington and Oregon and at least one treaty tribal representative concur.

Third, the Fraser River Panel. The Fraser River Panel will replace the International Pacific Salmon Fisheries Commission in managing Fraser River Sockeye and pink salmon runs. The proposed implementing legislation describes the U.S. section of the panel as being comprised of four members, one from the United States, one appointee of the Governor of the State of Washington, one from treaty Indian tribes, and one from the commercial fishing industry appointed by the Secretary of State. Preseason recommendations of the U.S. section require consensus among the four panel members. In-season management decisions require a majority vote of members present and voting, provided that both the Washington State and treaty tribal representative concur.

Two boards are also established in H.R. 1093:

First, the conciliation board. A three-person conciliation board is established to assist the U.S. sections of panels or the Commission in developing recommendations; and

Second, the advisory board. The bill establishes an advisory committee to provide expertise and perspectives from the fishing community. Half of the membership must be residents of Alaska and at least one must reside in Idaho.

One of the key elements of this bill is the authorization of appropriations for research, enhancement, and other activities essential to carrying out the purposes of the United States-Canada Salmon Interception Treaty. State Department representatives testified on this subject before the Senate Committees on Commerce and on Foreign Relations, and stated that the Federal Government had international obligations to provide adequate Federal funding for enhancement, data collection, research, and other programs under the treaty. As confirmed by the State Department officials, I stress that Federal funding for the Mitchell Act hatcheries on the Columbia River is not only a Federal responsibility but an international obligation as well. This testimony was presented at the Senate Commerce Committee hearing which I chaired on March 1, 1985.

I want to emphasize that the participants in the treaty negotiations, as well as my congressional colleagues from the Pacific Northwest, are relying on and trusting in the assurances made by the Federal Government. My colleagues and I will hold the Federal Government to its commitments, and through congressional oversight we will see to it that it lives up to its stated obligations to fund the activities mandated by the treaty and this legislation.

It is crucial that any new project be fully coordinated with enhancement plans being developed by the parties, including processes under the Salmon and Steelhead Conservation and Enhancement Act (P.L. 96-561), the Pacific Northwest Energy Conservation and Planning Act (P.L. 96-501), and other planning processes which may evolve. Such coordination is necessary in order to achieve a more direct link between salmon harvest management and enhancement, consistent with articles III and V of the treaty.

The legislation before us, H.R. 1093, includes steelhead within the definition of salmon for the purposes of this legislation only. There has been some concern raised about this inclusion. I would like to state for the RECORD that, however, as attested to by the State Department at the Commerce Committee hearing on March 1, 1985, nothing in the treaty or implementing legislation will be construed as enlarging on or diminishing the rights of non-Indian fishermen to harvest steelhead, rights that existed prior to this treaty and act. The State Department has concurred with this position.

I also want to point out that a part of this treaty package is an agreed-upon court order pertaining to fishing rights among Northwest treaty tribes, the States of Alaska, Oregon, and Washington, and the Federal Government. This court order and stipulation will go into effect when H.R. 1093 is enacted, and will resolve a number of issues in the "All Citizens Suit." The lawsuit is not fully resolved by the stipulation, and it is recognized that the State of Washington intends to negotiate its unresolved issues.

In conclusion, the United States-Canada Pacific Salmon Interception Treaty is the key to the protection, coordinated management, and increased harvest of our salmon. It means security for the future of the Pacific Northwest salmon resource. The legislation which is before us, H.R. 1093, is vital to carrying out the objectives of this landmark treaty.

Mr. DANFORTH. Mr. President, today I urge passage of H.R. 1093, implementing legislation for the United States-Canada Pacific Salmon Treaty.

The Senate has just exercised its advise-and-consent role by ratifying the Pacific Salmon Treaty. This treaty has been under negotiation for 15 years. The settlement represents the culmination of many years of hard work, occasional frustration, arduous negotiation and compromise. The U.S. delegation to the treaty talks was comprised of fishermen of several gear types from three States, Alaska, Oregon, and Washington. Indian and non-Indian fishermen, commercial and sport fishermen, and State and Federal Government officials all grappled with the complex issues of providing coastwide management of the Pacific salmon resource.

All of the parties to the U.S. delegation are to be congratulated for their tireless efforts and for making the sacrifices necessary to reach an accord. The results of this good faith bargaining will be evidenced by the survival and enhancement of salmon runs in the Pacific.

The treaty and annexes establish a framework providing long overdue coordinated management of the salmon resource. The implementing legislation, which authorizes the United States to fulfill its obligations under the treaty, ensures that the first step will be taken to rebuild depressed stocks of salmon. The treaty provides for a United States-Canada Pacific Salmon Commission and three advisory panels to meet the treaty goals of coastwide salmon management.

H.R. 1093 identifies the roles of the affected U.S. interests in the composition and decisionmaking process of the bodies created under the treaty. Like the treaty, the implementing legislation represents a delicate balancing of

interests obtained after much give and take among affected U.S. interests.

As stated above, H.R. 1093 sets forth the composition and manner by which the U.S. section to the Commission and its panels will be appointed and the voting requirements for effecting decisions by the U.S. section. There will be four Commissioners appointed by the President to represent the United States. A U.S. Government official will serve as a nonvoting member of the Commission. The three voting Commissioners will represent the State of Alaska, the States of Oregon or Washington, and the affected Indian treaty tribes.

Each of the three panels, the Northern, Southern, and Fraser River Panels, will have six U.S. members. The membership of the panels reflects the myriad of interests represented at the treaty negotiations by the 100-member U.S. delegation. The panels are to provide information and recommendations to the Commission.

H.R. 1093 also sets forth the responsibilities and authorities of U.S. governmental agencies in responding to communications from the Pacific Salmon Commission. Of particular interest is the authority extended to the Secretary of State, in consultation with the Secretaries of Commerce and Interior, to approve, disapprove, object to, or withdraw objections to specific fishery regimes, Fraser River Panel regulations, and proposed enhancement activities that are developed in accordance with the treaty.

Furthermore, the implementing legislation provides procedures by which the Secretary of Commerce may preempt fishery authority of relevant States or treaty Indian tribes. This extraordinary power is to be used only when the Secretary determines that an action has been taken, or not taken, by one of these parties which places the United States in jeopardy of not fulfilling its international obligations under the treaty.

The bill requires the U.S. Section of the Commission to appoint an Advisory Committee to be comprised of members knowledgeable and experienced with respect to the fisheries subject to the treaty.

H.R. 1093 authorizes funding for the U.S. share of the Commission's expenses. Also, authorization is provided for research and enhancement activities that are necessary to carry out the purposes of the treaty and this legislation. In addition, authorization is provided for compensating U.S. Commissioners and panel members, and their alternates. All funds authorized under this section shall be available to the extent provided in appropriations acts.

Finally, the act provides a savings clause intended to insure that this legislation will not in any way serve or be interpreted to diminish or modify Indian rights established by existing treaties, Federal laws, or court orders.

In conclusion, passage of this bill is critical to preserving and effectively managing the salmon resource. In addition, the Pacific Salmon Treaty and the implementing legislation exhibits the Reagan administration's commitment to improving our bilateral relations with Canada. Without the administration's willingness to tackle the tough and complex issues, it would not have been possible to resolve this long-standing, thorny issue to the mutual benefit of the two nations. Again, I urge my colleagues to act favorably on this bill.

Mr. PACKWOOD. Mr. President, I am pleased to join my colleagues from the Pacific Northwest in rising to support H.R. 1093, a bill to implement the United States-Canada Pacific Salmon Treaty. This treaty and its implementing legislation is extremely important to United States-Canadian relations and to the entire Pacific Northwest.

This treaty represents a major step forward on an issue which has been under negotiation for nearly 15 years; namely, the cooperative management and enhancement of our Pacific Northwest salmon resource. There is probably no other issue in which the interests of Oregon, Washington, Alaska, and Canada are intertwined as much as the management of salmon. For years the Pacific salmon stocks have suffered from habitat depletion and overfishing. The uncontrolled interception of salmon by Canadian and U.S. fishermen as a result of salmon migrations have increasingly served to exacerbate the decline in the salmon stocks.

The treaty is intended to resolve these problems. This treaty will establish a United States-Canada Commission and three advisory panels which will implement a coastwide salmon management plan designed to:

First, prevent overfishing by eliminating the unlimited interception of salmon;

Second, provide for the optimum production of salmon through increased hatchery and habitat improvements; and

Third, provide that each party participating in the treaty receive benefits equivalent to the production of salmon originating in its waters.

Not only does this treaty set forth a framework in which to resolve our west coast salmon management problems, it also requires a long-term commitment by both the United States and Canada to provide significant enhancement activities to rebuild salmon stocks. In the past, Federal, State, tribal, and private organizations have been reluctant to invest money in Columbia River habitat and hatchery improvements since most of the salmon spawning in the river were harvested by Canadian and Alaskan fishermen. This treaty will reverse that trend. For example, the Pacific Northwest Power Planning and Conservation Act of 1980 instructed the Northwest Power Planning Council to adopt a program for salmon enhancement. With the treaty, approximately $700 million over the next 20 years will be invested by the Council in habitat and passage improvements so that more salmon will return to the Columbia River basin to spawn. It is estimated that with this investment, the return of the Columbia River chinook stocks will increase from 15 to 30 percent.

This treaty stands as a credit to the persistence and determination of the entire United States-Canada negotiating team. In the process of resolving this treaty, the U.S. delegation has been successful in securing the widespread endorsement of treaty Indian tribes, commercial and sport fishermen, and officials in each of the affected States. Rarely have I seen such unanimity amongst the fishing community.

The Pacific Salmon Treaty is essential for the protection and enhancement of our Pacific salmon resource. Therefore, I strongly urge my colleagues to join me in supporting this critical legislation implementing the United States-Canada Pacific Salmon Treaty.

Mr. GORTON. Mr. President, I believe there is no further debate.

The bill (H.R. 1093) was ordered to a third reading, read the third time, and passed.

Mr. GORTON. I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICAN FAMINE RELIEF AUTHORIZATION ACT

Mr. LUGAR. Mr. President, in a moment I will propound a unanimous-consent agreement request for consideration of S. 457, the African Famine Relief Authorization Act. As Members will recall, it was the privilege of the Senate Foreign Relations Committee to consider African famine relief in committee and to quickly mark up and bring to the floor a bill which we found met with almost unanimous support in the Senate and in this country. Members of the House have

also indicated their eagerness to move quickly, given the dimensions of the disaster in Africa.

Members will also recall that as a part of the agreement of the previous weekend, amendments were allowed on S. 457 when it was brought to the floor. The amended bill was substituted for the House bill, H.R. 1096, and the legislation proceeded, and Members of the House adopted the entire Senate package by sizeable vote. That legislation was vetoed yesterday by the President.

It is our understanding there will not be an attempt in the House of Representatives to challenge that veto.

We return today essentially with the original African relief authorization bill. As a committee, we believe it is proper to proceed with an authorization preceding consideration of the appropriation legislation that would follow this authorization. We are aware that work has already commenced in the Appropriations Committee and an appropriation bill may shortly come to the floor which will fund not only the nonfood emergency assistance authorized by our committee but also the emergency food assistance as well.

I would like to emphasize that the Foreign Relations Committee was responsible only for the nonfood part of the overall relief effort which will be incorporated in a broader appropriation bill covering the food as well as the nonfood, relief, rehabilitation and recovery efforts. We believe the need for this legislation is urgent. We think there is no doubt about that urgency among the people of this country. We have appealed to all Members to understand that urgency.

For this reason, we have asked the majority leader for the opportunity to try once again today to bring before the Senate this authorization legislation.

With this background in mind, Mr. President, at this time I should like to alert my colleague, the distinguished minority leader, that I am about to propound a unanimous-consent request.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 8, S. 457, the African famine relief authorization, and that it be considered under the following agreement: that notwithstanding third reading and the adoption of a substitute for the bill, one further amendment be in order, to be offered by the majority leader or his designee, which will be the text of S. 457 as reported by the Foreign Relations Committee, with a few technical changes; that following the adoption of the one amendment in order and any statements, the Senate proceed to vote, without any intervening debate, motion, appeal, or point of order, on passage of S. 457, as amended.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LUGAR. Mr. President, objection has been heard, and I appreciate that, because I have asked unanimous consent. The objection ends any attempt to bring up the bill.

I simply say, respectfully, to my colleague the distinguished minority leader that I regret that he needed to enter that objection. The need for the legislation is obvious, and the compassion of this country is obvious. The need to meet our ideals is apparent. I simply ask that thoughtful consideration be given on all sides to what has transpired here in order that we might be able to act appropriately as soon as possible.

Mr. BYRD. Mr. President, I too, thought the need was fairly obvious, but apparently the President did not see it that way. The legislation was on his desk, and the African relief portion was included in the bill. Apparently he felt very deeply that he should veto it, and he did. So I assume that, in doing so, he felt that it could wait.

Mr. LUGAR. Mr. President, my esteemed friend, the minority leader, has mentioned the veto of the President. Indeed, the African relief bill, our own S. 457, under the House number, was sent to the President. But as we are all aware, significant amendments were attached to the bill.

The President pointed out in his veto that if we are serious in this country, and especially in this Congress, with regard to the deficit, as we take a look down the trail toward a long and tortuous session, then we really have to have wisdom and courage at the outset.

The President pointed out, quite correctly, that in working with congressional leaders on both sides of the aisle, the administration had provided very substantial extensions of farm credit in the week before we came to the amendments that he found objectionable; that indeed every attempt is being made by this administration. In my State of Indiana, I see the extension of this effort in every direction, as we must make credit available to all farmers who are trying to put in a crop and do so in a timely manner.

The President also suggested that it is not in keeping with our budget obligations to offer a loan before the crop goes in, without any real assurance that a crop would go in, without much assurance in fact that a loan could be paid under any circumstances. Furthermore, to make that money available to all farmers—to those who have very severe credit needs as well as to the majority of American farmers who really do not have a credit need for the planting of this specific crop—is not a responsible thing to do at the outset of the budget process.

Therefore, he vetoed the bill—quite properly, I think—and has challenged us to do our duty in behalf of the farmers, who clearly are hurt by high interest rates and past irresponsible policies with regard to budget deficits.

We come today, I hope, with consideration of a different proposition. The entire farm credit problem will be refought on the appropriation bill. It may be refought on many bills. The plea most of us make today, respectfully and I hope in a fairly mild-mannered way, is that we consider, an authorization bill that would precede the debate on the appropriation bill.

The African famine situation is a serious one. Most of us share a compassional aim. If the farm credit bill is refought, the vehicles for that fight are all too obvious. But we hope we might have an opportunity to proceed to expeditiously consider the famine relief measure separate from the farm credit issue.

I do not wish to be contentious about this request and I would like to point out that I respect the judgment of the minority leader. He is representing a point of view which is an important one. I had simply hoped that, in the spirit of goodwill today, it might have been possible for us to proceed. I accept the fact that we will not have that opportunity.

AFRICAN FAMINE RELIEF SUPPLEMENTAL APPROPRIATION

Mr. HATFIELD. Mr. President, the African famine relief supplemental as reported by the Appropriations Committee on March 5 would provide a total of $685 million in additional funds for a variety of food aid and disaster relief programs. This is $315 million below the level passed by the House, and $434 million above the request of the administration.

Funding is provided in a number of different ways for several programs. For food donation under title II of Public Law 480, the committee recommends a supplemental appropriation of $269 million with an additional $16 million from unobligated balances in the Commodity Credit Corporation, for a total program level of $285 million. In addition, the committee has agreed with the House provision in H.R. 1239 creating an "Emergency Reserve for African Famine Relief" with another $225 million for title II of Public Law 480, which funds are to be available until September 30, 1986, and can be expended only if four conditions are met: First, other available funds for title II are exhausted; second, the Administrator of AID submits a plan to Congress on the utilization of additional funds; third, the President certifies that the release of

the reserve funds is essential to famine relief in Africa; and four, the President submits a budget request. The latter proviso was recommended by the committee so the President will take responsibility for additional necessary spending and not unfairly criticize Congress for supposed "overspending" above his request.

The committee has also recommended appropriations up to $175 million for three disaster and refugee assistance programs administered by AID and the Department of State.

Mr. President, my colleagues on this floor have been very patient over the 18 years that I have stood here and pled the cause for hungry people. I have pled that cause on different vehicles and in different circumstances because, in my view, one of the most destabilizing forces in the world today is hunger. Unfortunately, it generally leads to escalation of the arms race in this world.

We are always dealing with those problems that are created by destabilization, and we are always looking at it as a military problem. If we would address some of the causes, and hunger is but one of many causes, we would be getting a far more cost-effective program than the billions and the trillions of dollars we have spent on the military. In the last 5 years, we will have spent $1 trillion for military defense programs and we are asked to spend $2 trillion in the next 5 years.

We are dealing with paltry sums of money in comparison to trillions but which would bear great cost benefits because we would be able to see greater stability in the world. This would reduce the call for more arms which are not only dollarwise costly, but costly in terms of raw materials, energy, and all the other things that go to produce them.

Mr. President, I wish to make it very clear that this program has come out of my Appropriations Committee with bipartisan support. We do not do anything in the Appropriations Committee, with 15 Republicans and 14 Democrats, the largest committee in the Senate, without bipartisan efforts. I am proud to say that of all the committees in the Senate, I believe that ours has had the reputation for doing its business on a bipartisan basis perhaps more than any other.

Therefore, this issue is not a partisan issue. When we are threatened by the forces of hunger in this world, from a political-military point of view, it affects all of us—Democrats and Republicans, the executive branch and the legislative branch.

Mr. President, I wish to also say that there is a humanitarian factor here that should transcend all political considerations. It is a humanitarian factor that should never let itself get caught in the byplays of politics, whether they are senatorial politics, Democratic politics, Republican politics or executive department politics.

This is far more important than anyone's political future, or a party's political future in 1986. I am not saying that these are the considerations, although these are the perceptions. And we ought to be as concerned about perceptions in politics as we are concerned about substantive questions.

I am going to propound a unanimous-consent request so that there is the humanitarian factor of helping to stave off death and starvation to at least a portion of those thousands of Africans who will be doomed to death without the kind of help that this bill could provide. I want Senators in this body to let their conscience be their guide at this point, and just bear in mind the faces that we have seen on television and in the newspapers of starving children, and tell me that there is any procedural question or political question that supersedes this from a humanitarian point of view at this moment in history. Let that be on the conscience of every Member of this Senate; let that be on the conscience of the President of the United States; let that be on the conscience of every political voice that makes a decision on this matter.

I voted for the farm bill on the final passage here on the floor of the Senate. I would have voted to override the veto if it came to this floor. But, Mr. President, I am not going to let my view and my position in support of the farm bill impinge upon my duty and my responsibilities as a Senator, and as a human being to take the kind of action necessary to rush this food to the needs of those starving people.

There is no segment of the population of this country today that suffers as much as those people are suffering, and there is a lot of suffering in this country, too, believe me. We must address those issues; it is not an either/or situation.

The House of Representatives has passed this bill. The Senate Appropriations Committee has passed this bill. If we can pass this bill clean and not put other matters unrelated to this issue on this bill, we perhaps can even avoid the conference with the House of Representatives, because this bill is so equitable. I am told that the House of Representatives could well accept this and rush it to the President's disk, where I am given the information that the President will sign it.

Every hour, every day that we delay means more death, more starvation, more children going to eternity without the benefit or privilege or opportunity of growing up.

Let anyone raise an issue on this floor that is more important at this moment from a humanitarian point of view, because there is none.

I do not believe the Senate has had in its recent history that golden moment to demonstrate an issue that rises above politics, above Senate procedures, that is not violating Senate laws or rules, than this moment.

I will take a back seat to no one on the floor for a consistent battle on this front of starvation and hunger both at home and abroad.

This is that one issue that has confronted this first session of Congress, the perception of the people out there who are giving of their dollars, sacrificially. I know of people who are in lower middle-income status who really have very little money to take care of their own family needs who are giving to World Vision, who are giving to Catholic Relief, who are giving their hard-earned dollars to these other organizations that are out there trying to relieve this suffering because they say, "This is my God-given responsibility."

Let the Government stand at this time and demonstrate again, not just Congress but the White House and Congress, that they believe they have a God-given responsibility to act, too.

Mr. President, there is no reasonable intelligent excuse that could stop this action. I defy anyone in this body to say there is an overriding issue that takes precedence over starvation and hunger and famine that this bill can help relieve. Anything that is used for that purpose is contrived. It is a demonstration that politics are going to be preeminent in the action on this cause for humanity, the answer to starvation and hunger.

I ask unanimous consent that the Senate turn to the consideration of Calendar No. 12, H.R. 2339, Urgent Supplemental for African Relief, to be considered under the following time agreement: 10 minutes on the bill to be equally divided between the chairman of the Appropriations Committee and the ranking minority member, or their designees; that no amendments be in order, with the exception of the committee report amendments; 5 minutes on any debatable motion, appeals, or points or order if submitted to the Senate; and the agreement be in the usual form with respect to the division and control of time, and all of this within the context of rules and procedures and precedents of the Senate.

Mr. BYRD. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I reserve the right to object. I note that the agreement provides that no amendments be in order, with the exception of the committee-reported amendments.

Mr. President, I must object in the light of that part of the proposed agreement.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. And I do so reluctantly and with apology to the distinguished Senator from Oregon, and may I say the same is true with respect to the request that was made just a little earlier by the distinguished chairman of the Committee on Foreign Relations.

Mr. HATFIELD. Mr. President, we have another supplemental coming down the track. The House of Representatives will mark it up the week of March 18. We will probably have another supplemental following that.

Let the record show that, for whatever reason, the minority leader of this Senate objects to handling this bill at this time, and there are other vehicles upon which other legislative matters not related to African relief could be put. The members of the minority party sitting on the Appropriations Committee offered amendments, and they have had every opportunity to help create this bill that we have here. This is not the administration bill. This is not a House bill in the sense of the word. We, in the Senate Appropriations Committee, created this bill with Democrat and Republican support.

So there is conceivably at this point in time no amendments that I am aware of that could relate to African relief outside of those committee amendments.

Let the record so show that. Let the record also show that there are other vehicles upon which matters unrelated to African relief could be attached and considered on the floor of the Senate, to which I, as chairman of the Appropriations Committee, would give every opportunity and would fight for the right of every Member of this Senate to so offer such amendments.

Let the record also show that upon that side of the aisle rests the decision that the Senate made today to avoid, to dodge the issue of the starving people of Africa, that this bill could help relieve such condition. That is the record. And let that record be broadcast throughout this country and the world that that is what the U.S. Senate did in this dark hour of our history; that, for whatever other reason, as legitimate as those reasons may be, this vehicle was not the only vehicle in order to argue out and resolve those other issues.

Mr. BYRD. Mr. President, let the record also show that this agreement proposed that no amendments be in order. May I say to my distinguished friend—and he is my friend—I think we stand together on many matters that come before the Appropriations Committee. I respect the Senator from Oregon as a great chairman and I have never had anyone who has been more fair to me and more considerate of the problems that I have as a Senator from West Virginia and also as the leader of the minority.

There are other measures on the calendar. There is one that shows, on the status of appropriations bills, that H.R. 1189, the emergency agricultural credit bill, passed the House on February 28 and was received in the Senate and that measure will be coming along. And I would say that after the passage of a few days, we, on this side of the aisle, will be prepared to proceed with one of the vehicles on which this African relief matter could become a part.

I would not concede that humanitarianism is a monopoly of that side of the aisle. I would like to think that we all share in that and that we all do appreciate and are concerned about the suffering people in Africa.

The majority leader on yesterday said—and I read it from the RECORD—he was answering my question as to what the plan would be with respect to calling up the urgent supplemental appropriations for African famine relief. He said at that time:

> We are advised there may be adequate funds to maintain the present funding for a period of about 3 months. We are seeking clarification of that information.

I do not know whether that clarification has occurred or not. I have not been advised one way or the other in that regard.

But this side will be prepared to take up the African famine relief measure at some point very early in the near future.

Would the Senator be willing to call up the bill and have it open to amendments?

Mr. HATFIELD. Senator, I have made every effort to expedite every assigned bill to our committee and will continue to do that wherever we have the jurisdiction.

I would say to the minority leader that recently the President of the United States was accused by certain Democrats of having a lack of conscience in the vetoing of a bill that included African relief authorization down at the White House. And I, as I say, voted for that bill.

But let me say that there will be over 1,000 children each day we delay that will die because of lack of food, while we try to decide whether there is an immediate program that is necessary or whether they can shift programs within the department.

I have here documentation that urges this as a swift approval. This is the language:

> Urge swift approval by the Congress of the administration's effort to African supplemental request in order to avoid a hiatus in U.S. emergency aid to African nations affected by the worst drought of the century. The consequences of such a hiatus would be grave indeed.

Now those are fairly strong adjectives to describe the immediacy of this need. I can say this: we lose over 1,000 children a day under present hunger conditions in Africa. Add that to the numbers for every hour that we delay.

We have an opportunity, Senator, to move on this bill in this hour at this moment and to send it to the House and to send it to the President for signature, which we will get. Why delay?

I am going to support a farm bill. I have supported it in the past. I will continue to support it. But there are other vehicles that will resolve that farm bill. We are not going to resolve that farm bill between now and tomorrow, even if we could offer it today as an amendment to this bill.

We can solve the question of moving aid quickly to Africa by taking action on this bill today. We are going into recess for a week because of the conference at Geneva. So, nothing happens next week. For 24 hours each of those days of next week multiply that by 1,000. Is this delay worth that massive loss of life?

Mr. BYRD. The Senator has not answered my question.

Mr. HATFIELD. I had hoped that it would. I hoped it would put it in such focus that the Senator would see the priority here of moving on a bill that we have in place here to act upon—we could—without violating any precedent of the Senate. We have had many bills come to this floor with a unanimous-consent agreement for no amendments except committee amendments. There is nothing unusual in this request.

Mr. BYRD. I understand that. Is the Senator willing to bring this bill up with amendments thereto in order? His request is that no amendments be in order.

Mr. HATFIELD. With the exception of the committee reported amendments.

Mr. BYRD. Right. Is the Senator willing to bring this bill up under the condition that amendments from the floor may be in order? I may want to amend the measure to add funds for people who are starving in Afghanistan. Is the Senator willing to do that? Yes or no.

Mr. HATFIELD. I wish that truth could be found in black or white. Senator, truth is often found in shades of gray. I could answer yes and then we could immediately have this vulnerable to a farm proposal which would sink the whole thing, as the Senator knows.

Mr. BYRD. Well, the Senator wants to——

Mr. HATFIELD. We do not have to play games, Senator. You and I know each other well enough not to play games.

Mr. BYRD. The Senator wants to call up a measure but he wants to attach a condition that no amendments be in order. I am simply asking

him whether he would be willing to call it up with amendments from the floor in order?

Mr. HATFIELD. What about germane amendments? Would the Senator be willing to accept only germane amendments?

Mr. BYRD. Well, that is the usual procedure under the rules with respect to supplemental bills, especially if they are general appropriations bills.

The Senator wants to make us all believe that only the people on that side of the aisle are concerned about the starving children.

Mr. HATFIELD. The Senator did not listen to me. I said this came about with the support of Democrats and Republicans. I have not indicated at any point that there were not those that were compassionate on the Senator's side of the aisle.

I am saying, though, that the Senator now, at this period of time, in his role as leader on that side, is blocking this bill that a bipartisan committee on the Appropriations Committee put together because of our concern for that need for Africa.

Mr. BYRD. The Senator from Oregon is blocking it. Is he willing to call up the bill and allow amendments?

Mr. HATFIELD. I am willing to call up this bill with germane amendments.

Mr. BYRD. Oh, he conditions this on germaneness. Appropriations bills generaly are, under the rules, not open to nongermane or legislative amendments.

Mr. HATFIELD. The Senator knows I have been here for 18 years.

Mr. BYRD. Mr. President, I do not yield the floor further. If the Senator wants to call up this measure with floor amendments in order, I would be glad to go back to my colleagues and see if we can clear that. Does the Senator wish to do that?

Mr. HATFIELD. Mr. President, I will only respond to the Senator from West Virginia by saying that I have tried to work out every difficulty that he and I have ever had on any matter.

Mr. BYRD. We have never had any difficulty on any matter.

Mr. HATFIELD. But the Senator from West Virginia knows very well what he is asking.

Mr. BYRD. The Senator from Oregon knows——

Mr. HATFIELD. I have been around here for a very long time.

Mr. BYRD [continuing]. That I am simply asking if he is willing to call up this bill allowing amendments.

Mr. HATFIELD. I do not want to play games. The Senator knows very well that once we open this bill up for nongermane amendments other than committee amendments, we are going to get those amendments which do not relate to African relief and it will sink the whole bill.

Mr. BYRD. Mr. President, I do not yield the floor further. I will simply say this, and I will sit down. And the Senator can have the floor. I am not going to stand here the rest of the afternoon and go around this mulberry bush. The Senator has offered an agreement which I do not consent to. Part of that proposed agreement is that no amendments be in order with the exception of the committee-reported amendments. I have asked the distinguished chairman of the Appropriations Committee whether or not he would remove that condition, and let the bill be called up without any such constraint. Let Senators offer amendments. I might want to offer one on Afghanistan. There are starving people there too.

There is no person in this Chamber who is more deeply touched than I with respect to the starving people of Africa. I have seen the same television newscasts that the Senator has seen. I would never attempt to say that the quality of mercy exists only on this side of the aisle or that side. I am not going to judge anybody in that respect. If the Senator wants to make a particular to-do because I have objected to taking this bill up under this consent agreement that has been provided to me, I am not going to let the Senator get away with that. I have asked the Senator whether or not he would be willing to call up the bill with no strings attached. The Senator has not said yes or no. I hope that can be done. If the Senator wants to do that, I would be happy to talk with him about it and to consider it.

Mr. President, I yield the floor.

(Mr. BYRD subsequently said:)

Mr. BYRD. Mr. President, earlier today the distinguished Senator from Oregon, Mr. HATFIELD, and I had an exchange with reference to a request which he made to proceed to the African relief appropriations bill.

I ask unanimous consent that, in the context of those remarks by me, the following paragraph be taken from the New York Times, Thursday, March 7, 1985, under the headline: "Transcript of Reagan's Comments on Farm Veto." These are the words stated by the President that I wish to have appear as a part of my remarks in the context of that exchange.

Let met add that my veto will not interfere with the African relief effort now underway. Using authority and the existing law, we can maintain the flow of emergency assistance.

(Conclusion of subsequent remarks.)

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, earlier today I had a 15-minute order. The Senate gave its consent to my taking control of the time I previously had, such time being reserved. Do I still have that time reserved?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I thank the Chair.

WE MUST EXTEND FEDERAL SUPPLEMENTAL COMPENSATION

Mr. BYRD. Mr. President, 2½ years ago, Congress enacted a temporary program of Federal supplemental compensation to augment the Basic Unemployment Insurance and Extended Benefits Program. In doing so, Congress acknowledged that the numbers of weeks of unemployment insurance benefits available to the long-term unemployed through the combination of basic unemployment insurance benefits and extended benefits—39 weeks in most States—is insufficient.

The Federal Supplemental Compensation Program currently provides from 8 to 14 weeks of benefits to the long-term unemployed who have exhausted all other available unemployment insurance benefits. The Federal supplemental compensation benefits became even more important than originally contemplated when major constraints placed during 1981 on eligibility for the Extended Benefits Program took effect, with the result that the unemployed in only one or two States were eligible for this middle-tier program.

At the unemployment peak of the most recent recession in late 1982 and early 1983, tens of thousands of jobless workers were becoming eligible for the Federal Supplemental Compensation Program every week. Currently, despite the much-heralded economic recovery, approximately 35,000 jobless workers across the Nation still are exhausting all other unemployment insurance benefits every week without being able to find other jobs. over 320,000 persons currently are receiving Federal supplemental compensation benefits.

In my own State of West Virginia, the unemployment rate is the highest in the Nation at 15.6 percent—in December, the last month for which data are available—and, in fact, is higher now than it was a year ago in December of 1983. Every week, between 300 and 800 long-term jobless workers exhaust all other unemployment insurance benefits for which they are eligible and move onto the Federal supplemental compensation rolls. The week of February 9, 4,032 West Virginians were receiving these benefits.

Mr. President, far and away the majority of these workers want to work. They do not want to be idle. They do

not want to become dependent or destitute. But they cannot find work. These workers are the human manifestation of the disturbing statistics on long-term unemployment in this Nation. The number of persons unemployed for 6 months or longer has risen from approximately 1.27 million in January 1981, to over 1.4 million in December of last year. Over the same period, the average duration of unemployment nationwide rose by more than 20 percent.

If the Federal Supplemental Compensation Program were not available to these unemployed workers, those who could qualify would be forced onto welfare programs. However, regardless of their financial dilemma, many would not be able to qualify for welfare, and would simply be left to face personal ruin for themselves and their families.

We are moving ominously closer to the day when the Federal supplemental compensation benefits in fact will not be available any longer. The program expires on March 31. In my view, Mr. President, allowing it to expire, while taking no steps of any kind to address the tragic problems of the long-term unemployed, is wholly unacceptable.

I commend the distinguished Senator from Michigan [Mr. LEVIN] for his initiative in introducing S. 509, to extend the Federal Supplemental Compensation Program. I ask unanimous consent, Mr. President, that I be listed as a cosponsor of S. 509.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I want to urge the chairman of the Finance Committee to schedule hearings on this issue at the earliest possible time, and to act on this issue before time runs out on March 31.

We must act swiftly to prevent the disappearance of the Federal Supplemental Compensation Program still badly needed in many parts of the Nation. I certainly will want to assist the Finance Committee in any way I can toward this end.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE OBSERVERS TO FOLLOW ARMS CONTROL TALKS

Mr. DOLE. Mr. President, there has been considerable discussion about Senate observers at the arms control talks. I want to announce today, though it may not be news to some, that a bipartisan group of 11 Senators will be traveling to Geneva, Switzerland, this coming weekend in their capacity as official observers to the U.S.-Soviet arms control talks.

On January 3, the Senate unanimously adopted a resolution authorizing the Senate majority leader and minority leader to designate Senators to follow the arms control negotiations.

The Senators who have been selected as official observers have not only a legitimate, but a crucial role to play in the ultimate success of the arms control negotiations. If, as we all hope, the negotiations produce an arms control treaty, it will be the responsibility of the Senate to ratify it. But the Senate will not be able to act wisely, unless it is apprised of how the treaty was drafted and all the details it contains. That is the essential function the Senate observers will fulfill.

I thank Senate Minority Leader BYRD for his leadership and cooperation in setting up the Senate observer group.

Accompanying Senator BYRD and myself will be: Senators GORE, KENNEDY, LUGAR, MOYNIHAN, NICKLES, NUNN, PELL, STEVENS, and WARNER. Senator WALLOP, who is also an official Senate observer, will not be making the trip.

These official Senate observers have received extensive briefings from the administration and outside arms control experts. We will be meeting with President Reagan tomorrow morning to discuss the upcoming talks. In Geneva, the group will be given in-depth briefings by U.S. negotiators before and after the first round of talks, and before and after each round during our stay. We will receive classified briefings on Monday, March 11 and Tuesday, March 12.

I believe all of us in the Senate want these talks to produce a fair, strategically sound and verifiable treaty. And the participation of the observers should help us achieve that goal.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that we may proceed as if in morning business for a period not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 638—CONRAIL SALE AMENDMENTS OF 1985

Mr. SPECTER. Mr. President, I urge my colleagues in the Senate to study the implications of the proposal by the U.S. Department of Transportation to sell Conrail to Norfolk Southern. This complex issue is now pending before the Commerce Committee and, as I understand, will soon be referred to the Judiciary Committee.

I suggest that the antitrust issue is especially problemsome for reasons outlined in my testimony before the Commerce Committee.

I ask unanimous consent that the following statements be printed in the RECORD as if read in full on the floor of the Senate:

First, my written statement submitted to the Commerce Committee on February 28, 1985.

Second, my oral testimony before the Commerce Committee on February 28, 1985, including the question and answer portion.

Third, U.S. Department of Justice letter to Secretary Dole, dated January 29, 1985.

Fourth, correspondence between Secretary Dole and me.

Secretary Dole's letter to me dated April 24, 1984.

My letter to Secretary Dole dated June 19, 1984.

Secretary Dole's letter to me dated July 13, 1984.

My letter to Secretary Dole dated August 7, 1984.

Secretary Dole's letter to me dated September 6, 1984.

My letter to Secretary Dole dated September 7, 1984.

Secretary Dole's letter to me dated October 9, 1984.

My letter to Secretary Dole dated November 8, 1984.

Secretary Dole's letter to me dated November 8, 1984.

My letter to Secretary Dole dated November 9, 1984.

My letter to Secretary Dole dated December 21, 1984.

Secretary Dole's letter to me dated December 28, 1984.

Secretary Dole's letter to me dated January 4, 1985.

My letter to Secretary Dole dated January 8, 1985.

My letter to Secretary Dole dated January 10, 1985.

My letter to Secretary Dole dated February 28, 1985.

Fifth, a summary of the witnesses' testimony at six Conrail hearings.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER CONCERNING THE SALE OF CONRAIL

Mr. Chairman, and Members of the Committee, I appreciate this opportunity to testify on the proposed sale of Conrail, which is of vital interest to my state, the Commonwealth of Pennsylvania, as well as to the entire country.

I have been concerned about the sale of Conrail since last June when proposals were made by three private bidders. My first concern arose in connection with potential

harmful consequences to Pennsylvania. However, during the course of my studies, and further review, I have become very much concerned about the proposed sale of Conrail in terms of the very serious, if not disastrous, consequences which will result for the entire Nation.

It is for that reason that I introduced two bills on February 19 of this year. The first bill, S. 464, blocks the proposed sale of Conrail to Norfolk Southern, The second bill, S. 465, provides that in the event that a sale of Conrail is deemed advisable at this time, it proceed by public stock offering, and not by private sale.

I arrived at the views which I hold as a result of extensive consultations with labor and business leaders, both within Pennsylvania and outside of my State, and after discussions with the Secretary of Transportation, Elizabeth Dole.

In addition to those meetings, I have studied voluminous documents, and I have conducted six hearings on this subject—in Harrisburg in October, Philadelphia in December, Pittsburgh in January and February, and, along with Senator Dixon of Illinois, my Co-chair on the Northeast-Midwest Senate Coalition, in Washington, D.C. in January and February. As a result of these hearings, I am convinced that it would be strongly contrary to the national interest to proceed with the proposed sale of Conrail to Norfolk Southern.

The best starting point on this issue is to deal with an article published by the distinguished Secretary of Transportation, Elizabeth Dole, in the New York Times on Sunday, February 17.

I applaud Secretary Dole on her sincerity. But I must disagree with her both on her analysis of the facts, and on her conclusions as to what is best for the United States.

In the New York Times article, Secretary Dole refers to a review of the Norfolk Southern offer by the Department of Justice, and she concludes that there will be preservation of competition in the region now served by Conrail. My analysis of the facts convinces me that exactly the contrary is the case.

Today these two carriers, Conrail and Norfolk Southern, compete and have over 1,200 miles of parallel trackage throughout their systems. The proposed sale would combine the current 18,000 miles. of Norfolk Southern track with 15,000 miles of Conrail track, and would have a very serious anticompetitive impact on the entire Nation.

The magnitude of the threat to competition is apparent when one considers that the combined rail system would have approximately 60 percent of the rail market in Michigan, 95 percent of the market in northeast Indiana, 70 percent of the southern Michigan steel traffic, 85 percent of the Cleveland grain traffic, and 94 percent of the eastbound New England/New York/Texas corridor rail traffic.

In fact, the Department of Justice itself noted in its Janaury 29 report that the merger of Norfolk Southern and Conrail will have a "very serious anticompetitive effect."

It is apparent on the face of the Justice Department letter that Justice was straining to find some way to approve what the Secretary of Transportation wanted to accomplish. The final arbiter on the issue of compliance with the antitrust laws, however, is obviously not the Department of Justice, but the courts. I submit that lawsuits which have already been promised by the Chessie Railroad at hearings held by the Northeast-Midwest Coalition, will result in a round of litigation that will last a decade. The eventual conclusion will be to ban this proposed sale of Conrail to Norfolk Southern on the grounds that it would violate the antitrust laws.

The Department of Justice further outlined the fact that there would be anticompetitive effects in 100 markets, and in 21 States. The Justice report ignored the impact on the area east of Buffalo, Harrisburg, and Philadelphia, and further ignored antitrust problems which would be magnified by the consequences of abandonment of lines by the CSX Corporation. On the basis of the existing facts, there is, therefore, no question about a violation of the antitrust laws.

The second point that Secretary Dole makes is one relating to the best way to preserve service to Conrail shippers.

The conclusive evidence presented at the hearings which I have referred to discloses that there would be an adverse impact on shippers throughout the area served by Conrail within the Northeast-Midwest region.

Testimony, for example, by John Westhause, the Director of Traffic for National Steel, disclosed that competition would be obliterated in 12 markets where National Steel presently ships which are served by both Norfolk Southern and Conrail. Prices for National Steel would thus be raised. Similar testimony was given by Robert Corcoran, Director of Traffic for the United States Steel Corporation.

I suggest, Mr. Chairman, that it would be very harmful to add to the substantial costs which the American steel industry has already sustained in its battle to compete with foreign imports.

Testimony by many other shippers at these hearings, including PPG, Fort Pitt Consolidators, and Consolidation Coal, disclosed that they now benefit from the competition of Conrail and Norfolk Southern, and that such competition would be eliminated by the proposed merger.

Throughout the corridor presently served by Conrail, such disastrous effects upon shippers, especially small shippers, would result, thereby adding to the cost of goods sold, impacting upon consumers, and causing a very severe inflationary effect.

The next issue involves that assertion by Secretary Dole that the "public should gain the best possible return on its investment" by a sale of Conrail to Norfolk Southern.

A return to the taxpayers of $1.2 billion for 85 percent of the stock of Conrail is a very small price considering the following facts. First, the taxpayers have expended $7 billion to modernize Conrail. Second, the book value of Conrail is in excess of $4 billion at the present time. We have not yet had an itemization of the assets of Conrail, notwithstanding my request to Secretary Dole which has been pending since August of 1984. At the present time, Conrail has $1.050 billion in cash—some $850 million in a cash reserve, and $200 million in excess funding for the pension plan which is really cash available to Conrail.

On the basis of these undisputed facts, I suggest that $1.2 billion for 85 percent of the stock is a grossly low price to be received by the taxpayers of the United States and the U.S. Government and that, in any event, such a low price should preclude any sale at this time. The bidding may be reopened, and bids at a later date should not be hard to obtain, considering the fact that Conrail is currently earning profits of $500 million a year. Even without the tax breaks which Conrail presently receives as a governmental entity it would earn in the range of $230 million annually.

Secretary Dole further asserts in her *New York Times* article that the Conrail employees deserve to know what their futures hold. This assertion suggests that Conrail employees would be protected by the proposed sale to Norfolk Southern. The contrary is the fact. Norfolk Southern, in a recent press conference, conceded that at least 2,500 employees would lose their jobs, and the estimates I have received state that many times that number would, in fact, lose their employment.

The Secretary of Transportation further asserts that Conrail's Philadelphia offices would be retained. Such an assertion seems fine, but it is obviously inevitable that Norfolk Southern would eventually consolidate the headquarters with its Virginia-based operation.

One factor not considered by the Secretary of Transportation, which is of enormous importance to this Nation, is the competition offered by the Port of Philadelphia to the Port of Norfolk. If Norfolk Southern acquires Conrail, it will be only a short time before rail traffic will be diverted from the Port of Philadelphia—notwithstanding the $42 million investment recently made in that Port to triple the coal handling capacity, and notwithstanding the absence of competitive benefits which run to the shippers now able to choose between ports through which to send their coal and their other products.

I do agree with one assertion in Secretary Dole's article, and that is the statement that an acquisition by Norfolk Southern would provide long-term stability for the Conrail system. Mr. Chairman, I submit that the best way to provide maximum stability for the rail system in this country is to have one rail owner. But that is hardly the perferable course for this country, which thrives on competition. Further, it is too high a price to pay for stability to eliminate the competition which now benefits so many shippers throughout the areas now served by Conrail.

As to the issue of price, persuasive testimony has been adduced by investment bankers at Morgan Stanley and Company that a public sale would yield $300 to $400 million more than the $1.2 billion offered by Norfolk Southern. On the basis of this record, it is my conclusion that the national interest would be best served by not selling Conrail at all at this time.

I do agree as a matter of philosophy that it is desirable ultimately to return Conrail to the private sector because, over the long term, a government held railroad should not exist and compete with private railroads. But on its face, given the offer of $1.2 billion—which is totally inadequate according to the facts at hand—no sale would be the best alternative at the present time. If that fails, then I urge that the best alternative, if a sale is deemed advisable at this time, would be a public offering. A public sale would return the stock of Conrail to the American people and would, according to a very reliable estimate, yield $300 to $400 million more than the price being offered by Norfolk Southern.

Mr. Chairman, I think it is vitally necessary that the Senate of the United States focus on this issue at this time. Some suggestion has been made about folding the Conrail sale into the budget resolution, which I strongly oppose. But this matter

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will soon be before Congress on one day or another. These facts are matters of great importance which far transcend the cataclysmic consequences to the Commonwealth of Pennsylvania in terms of the loss of corporate headquarters, the loss of the repair yards in Hollidaysburg near Altoona and the impact on some 15,000 employees and 2,300 shippers. It is not in the national interest to sell Conrail to Norfolk Southern.

Thank you.

STATEMENT OF HON. ARLEN SPECTER, A UNITED STATES SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you very much, Mr. Chairman.

At the outset, I express our appreciation for the many courtesies from you, Mr. Chairman, and from your committee. We appreciate this opportunity to be here this morning.

Mr. Chairman, I oppose the sale of Conrail to Norfolk Southern because, after extended study and hearings, it is my conclusion that the sale by the Government of Conrail to Norfolk Southern would be contrary to the national interest. Stated simply, the sale price is a steal, and it would render a death blow to competition affecting some 100 markets in 21 States.

I will submit a full written statement, Mr. Chairman, which I would like to have made a part of the record, but I shall summarize it, hopefully in the interest of brevity. When the sale of Conrail was proposed early in 1984, and the bids were submitted in the spring, Senator Heinz and I began an intensive study of the issue because of its obvious impact on the Commonwealth of Pennsylvania which has the Philadelphia corporate headquarters, major repair yards at Hollidaysburg, Altoona, and Conway, an employment force of 15,000 people, plus 2,300 shippers, and very vital interests of the Port of Philadelphia.

It became obvious early on that a sale of Conrail to Norfolk Southern would be catastrophic to the interests of the Commonwealth of Pennsylvania. As our own inquiries progressed, it became equally apparent that the sale of Conrail to Norfolk Southern would be contrary to the national interest, both in terms of the sale price and the very serious impact on competition.

As to the sale price, Mr. Chairman, a price of $1.2 billion for 85 percent of the stock is woefully inadequate. The Federal Government has put over $7 billion into Conrail. Conrail has a book value in the range of $4 billion. Conrail has a scrap value in excess of $3 billion. Conrail earned profits in 1984 or $500 million.

True, if it were a private company those earnings would have been significantly less, but still in the $240 million range, demonstrating a value substantially in excess of what Norfolk Southern has offered for Conrail. The balance sheet of Conrail shows cash on hand, at the end af last year, of $849 million. $200 million more are assets of Conrail in terms of excess funding for the pension plan. So that Conrail in its current status has cash on hand of $1.050 billion. On its face that kind of a cash balance demonstrates, I would submit, that the value of the railroad is far in excess of the sale price which has been offered by Norfolk Southern and recommended by the Secretary of Transportation.

The Secretary of Transportation has approached this matter with diligence, and I commend her for all of her efforts. But I sharply disagree with her about her conclusions that a sale of Conrail is in the national interest—a sale of Conrail to Norfolk Southern is not in the national interest.

One critical question, Mr. Chairman, which has yet to be answered by the Secretary of Transportation is the value of the assets of Conrail. Back on August the 7th of 1984 I wrote to Secretary Dole and asked her directly, what was the value of the assets, such as rights of way, equipment, buildings, et cetera.

And then again on September 7th, 1984, in a more extensive letter—and I would ask that both these letters be made a part of the record—that question was repeated. As of this moment the Secretary has not responded to that important question.

Last month at a hearing of the Northeast-Midwest Coalition, that question was again raised with Mr. Riley, who acknowledged the failure to answer and promised a response. But as yet no response has been received.

The same question was raised with Conrail at the same hearing of the Northeast-Midwest Coalition and, by letter dated February 22nd, which I received on February 27th from Stanley Crane, the salvage value of Conrail was placed at $3.016 billion, and an itemized statement was provided. I would ask that this too be made a part of the record.

Secretary Dole states that Norfolk Southern would be giving up very material tax advantages which are on the books of Conrail at the present time. Be that as it may, Mr. Chairman, that is only part of the picture. The depreciation deductions that Norfolk would acquire under existing law on the book value for tax purposes would give Norfolk Southern deductions of some $1.4 billion.

It hardly seems fair, given a sales price of $1.2 billion for 85 percent of the stock, to have the acquiror immediately have deductions worth $1.4 billion, a figure which is really in excess of the sale price all by itself. And that is why, Mr. Chairman, I think that it is accurate to say that the sale price of $1.2 billion for 85 percent of the stock is pure and simply a steal, and ought not to be countenanced by the Congress of the United States.

It is true that no one has come forward as of this moment with a more substantial sale price. But I would suggest to this committee that the initial bid of $1.2 billion made by the first bidder has in effect been copied by all those who have made bids subsequently, and that as the picture has unfolded and the matter has been in the public view it is apparent, I would say, in many quarters that the value of Conrail is substantially in excess of the bids which have been made.

That suggests to me, Mr. Chairman, that the appropriate answer may well be at this time that the Congress should do nothing about the proposal made by the Secretary of Transportation, a course of conduct with which we have had great experience. But I would say in this situation it would be more than justified by the facts at hand.

I believe that it is appropriate to sell Conrail, that it is philosophically undesirable to have one railroad which is held by the Government which has advantages that other railroads in the private sector do not have. But the issues of to whom to sell, and when to sell, are ones which we have to approach with great care.

It is for that reason that I have introduced two bills, Senate Bill 464, which flatly prohibits the proposed sale and would defer action by the Congress, giving us time to study this matter in some depth, and to resubmit Conrail to the public market, where I think we could get a substantially greater sales price.

The second bill which I have introduced, Senate Bill 465, proposes a public sale of the stock of Conrail. Morgan Stanley has testified extensively in hearings which have been held by the Northeast-Midwest Coalition, and by Senator Heinz and myself in Pennsylvania, on the subject of the sale price, and Morgan Stanley has stated that there is a consortium ready, willing and able to guarantee $1.2 billion because of their confidence that they could sell Conrail in a public offering for substantially more than $1.2 billion.

The estimates of Morgan Stanley are that Conrail would bring in the range of $1.5 to $1.6 billion, and it is my sense that as the picture unfolds an even greater price could be obtained for Conrail.

One of the points that Secretary Dole makes in the statement that she presented yesterday was the Conrail has a relatively brief earning record, and that is true. The answer to that factor is not a hurried sale of Conrail, but rather to permit that earning record to be explored in greater detail, and to lead to the public market where I think we would have a substantially greater price offered for Conrail.

Mr. Chairman, of even greater importance than the sale price of Conrail is the devastating effect that the acquisition by Norfolk Southern would have on competition in this country. Norfolk Southern has 18,000 miles of track, and Conrail has 15,000 miles of track. In an era of deregulation which we have adopted as a matter of national policy, it would be horrendous to allow Norfolk Southern to acquire Conrail.

The Department of Justice has considered this matter at length and the letter written by the Antitrust Division is an effort to squeeze an elephant through a funnel. Justice comes to the conclusion that it may be possible under certain attenuated circumstances to pass antitrust muster, but that conclusion does not hold up on the basic facts as outlined in the January 29 Department of Justice letter.

This is a situation where there are 100 markets in 21 States which would be adversely affected by this acquisition, and where the solution lies in spinoffs to many smaller lines that are very thinly capitalized, and cannot conceivably present the kind of competition that is currently present between Conrail and Norfolk Southern. I suggest that most antitrust lawyers, perhaps any antitrust lawyers, who looked at this on an objective basis would say it simply violates directly the antitrust laws of the United States.

I say that, Mr. Chairman, with some experience in the antitrust field in the private practice of law. But a reading of this letter shows an accommodation by the Department of Justice, and an unsuccessful effort to squeeze that elephant through the funnel.

The consequences I think would just be absolutely disastrous from the point of diminution of the competition. Included in the hearings which we have held has been extensive testimony from many, many shippers, illustrated by the testimony of National Steel, which provided facts that it is served by Conrail and Norfolk Southern on twelve of its important facilities. If Norfolk acquires Conrail that competition will be lost. That pattern is replicated again and again and again across the spectrum of the

21 States which would be affected adversely by this acquisition.

That is the essence of my concern, Mr. Chairman. I would like to submit for the record a summary of testimony by numerous witnesses who have testified in hearings which have already been held by Senator Heinz and myself, and by the Northeast-Midwest Coalition, starting in Harrisburg last October, Philadelphia in December, Pittsburgh in January and February, and two hearings by the Northeast-Midwest Coalition in January and February of this year.

Thank you very much, Mr. Chairman.

[The material referred to follows:]

Senator SPECTER. Mr. Chairman, if I may, I would like to introduce a letter for the record which Governor Thornburgh of Pennsylvania has submitted to Senator Heinz and myself. Senator Heinz staff, and my staff have been in continuous contact with the Governor's staff. Senator Heinz, Governor Thornburgh and I met earlier this week and discussed this issue extensively, and at that time the Governor asked that we submit to this Committee a letter which he has prepared, dated February 27th of this year.

The essence of Governor Thornburgh's concern is expressed in terms of a prior letter which he had written to the Secretary of Transportation on July 16, 1984, concerning principles which he believes would have to be observed. First, any sale must result in a strong railroad which will continue to invest in industrial development, and preserve current jobs in the northeast.

Second, the type and level of cost effective service now provided by Conrail to the States and shippers must be preserved. Third, Conrail should be maintained as a single entity. He has delineated that further in the paragraph. Fourth, there should be a commitment to maintain and utilize the existing infrastructure, including the headquarters and coal shipping facility at Pier 124 in Philadelphia.

Governor Thornburgh later in the letter states that the proposal to sell to Norfolk Southern fails to address some of the other principles. For example, freight service could indeed be impaired if railroad competition in the northeast is reduced and the incentives for holding down freight rates removed.

Second, such stated intentions that Conrail will be operated substantially as it is now, and service maintained to the maximum extent that is economically justifiable, seemed to be somewhat less than solid.

Third, the existing infrastructure in Pennsylvania could be substantially bypassed at the Pier 124 facility in Philadelphia if Norfolk Southern elects to move freight and coal through its southern routes and ports.

Fourth, there is no mention of maintaining jobs either throughout the Conrail system, or at the Philadelphia headquarters. With respect to the last point, I note that Secretary Dole has referred to a covenant as to headquarters being maintained at Philadelphia for five years. But I believe that a fair reading of that covenant discloses that its duration is too short, and its enforcement is really impractical.

Mr. Chairman, I would like to cite just one part of the long letter from the Department of Justice on this antitrust question. The Department of Justice letter runs nine single-spaced pages, and has six pages of exhibits. We know, as lawyers, that when you write an opinion letter that long something's wrong. But this is the key part in the introduction on Page 1.

"As explained below, on the basis of our independent investigation, we have concluded that without appropriate divestitures, the proposed merger would violate both Clayton and Interstate Commerce Act merger review standards.

"The merger would have a significant adverse effect on competition for the transport of commodities to and from a number of locations in several states, with the greatest adverse effect occurring at locations along an east-west rail corridor running between Buffalo and Pittsburgh in the east and St. Louis and Chicago in the west.

"The merger would likely enable the merged entity to achieve certain efficiencies. These efficiencies do not appear, however, to be sufficiently great to offset all of the competitive effects in all of the affected markets."

Now, if you listen to those words they state flatly, that the merger violates the antitrust laws. The letter goes on in the second paragraph to say: "The Department of Justice therefore would oppose the proposed merger unless its competitive problems are remedied through a prior or concurrent divestiture of assets that is approved by the Attorney General."

Later in the letter there are numerous references to the problems of passing antitrust muster, as illustrated by the reference on Page 5 to: "Our concern is particularly acute because a number of competing railroads would be reduced from two to one in a certain area." And later, in questioning the issue on diversion of interchange traffic, saying, "It is extremely difficult to estimate the size of future diversions."

This letter has been cited, Mr. Chairman, Senator Hollings, as authority for the proposal that the Justice Department approves this merger. Now, you can read it that way, or you can read it to say that you cannot squeeze the elephant through the funnel. But I believe that what has to be remembered here is that the friendly Department of Justice—friendly to the Department of Transportation—does not make the ultimate judgment as to whether there is compliance with the antitrust laws. That judgment is made in the courts.

I would like to amplify that in the six hearings we have held we heard some 49 witnesses, and we have made available to this Committee summaries of the testimony.

One of those witnesses was from the Chessie Railroad, which was enormously concerned about the antitrust aspects of the merger, and promised litigation in the courts which could last for a decade. This kind of litigation can take practically forever, given the ingenuity of lawyers, and given the enormous complex factual problems and legal issues which are involved here.

Senator Heinz has put the issue very well in referring to the matters which have to be considered by the Finance Committee on which he serves. In order to protect the national interest and Pennsylvania's interest, the Judiciary Committee, will have to consider the antitrust implications. I have already written to Chairman Thurmond to ask for a referral to the Judiciary Committee, on which I serve, in order to consider these questions.

It would be inviting a long litigation process, which would likely end in stalemate, if this sale of Conrail to the Norfolk Southern proceeds, even with Congressional approval.

Thank you very much.

The CHAIRMAN. Gentlemen, thank you very much. I know no more formidable combatants in any contest in the Senate than the two Senators from Pennsylvania. You are both very able in representing the interests of your constituents. I know you put a great deal of time in considering the Conrail matter, and I take it from your comments that you will continue to put a great deal of time on this matter.

Senator SPECTER. We intend to fight, Mr. Chairman.

U.S. DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Washington, DC, January 29, 1985.

Hon. ELIZABETH H. DOLE,
Secretary, Department of Transportation, Washington, DC.

DEAR SECRETARY DOLE: This letter sets forth the Department of Justice's analysis of the competitive implications of a proposed sale of Consolidated Rail Corporation ("Conrail") to Norfolk Southern Corporation ("Norfolk Southern"), as you requested on September 11, 1984. As explained below, on the basis of our independent investigation, we have concluded that, without appropriate divestitures, the proposed merger would violate both Clayton Act and Interstate Commerce Act merger review standards. The merger would have a significant adverse effect on competition for the transport of commodities to and from a number of locations in several states, with the greatest adverse effect occurring at locations along an east-west rail corridor running between Buffalo and Pittsburgh in the east and St. Louis and Chicago in the west. The merger would likely enable the merged entity to achieve certain efficiencies. These efficiencies do not appear, however, to be sufficiently great to offset all of the competitive effects in all of the affected markets.

The Department of Justice therefore would oppose the proposed merger unless its competitive problems are remedied through a prior or concurrent divestiture of assets[1] that is approved by the Attorney General. Appropriate divestiture must include divestiture of Conrail and/or Norfolk Southern rail assets along the designated corridor to one or more independent acquirers, other than CSX or any entity owned or controlled by CSX, that would provide long-term, viable, and competitive rail service to locations along the corridor. Such divestiture would preserve the vast bulk of the competition that would have been eliminated by the merger. While there may be some possible anticompetitive consequences remaining in some isolated markets after the divestiture, these anticompetitive consequences are likely to be insignificant relative to the merger's expected efficiencies. This precondition to approval of the merger has been set forth in language agreed to by the Departments of Justice and Transportation (attached to this letter as Appendix A) which is to be included in the Agreement of Sale between Norfolk Southern and the Department of Transportation.

Our analysis is explained in detail below.

I. COMPETITIVE ANALYSIS

A. Analytical approach

Although mergers play a beneficial role in our economy, they sometimes may harm competition by creating, enhancing, or fa-

[1] "Divestiture" means the conveyance of other transfer by sale, lease, or otherwise of rail tracks and facilities or the right to use rail tracks and facilities.

cilitating the exercise of "market power." "Market power" is the power of a firm or firms to raise the price of a product or service in a specific market above a competitive level for a significant period of time without fear that existing competitors or new entrants will make such a price increase unprofitable by expanding their output or charging a lower price. When only a few firms in a market into which entry is difficult account for most of the sales of a product, they may either explicitly or implicitly coordinate their actions to eliminate rivalry on price and non-price variables. When firms exercise market power in this way, the result is a transfer of wealth from buyers to sellers and a misallocation of resources that harms the economy. Therefore, a merger that would eliminate a significant competitor in an already highly concentrated market into which entry is difficult may enhance the ability of the remaining firms to exercise market power. Such a merger normally would be challenged by the Department under Section 7 of the Clayton Act unless other economic factors or some appropriate divestiture indicate that the merger should be permitted.[2]

We analyzed this proposed merger according to the same standards and principles that we apply to mergers generally. As with any merger, our first step was to identify economically relevant markets—product-location combinations which could be subject to the exercise of market power—in which both Conrail and Norfolk Southern operate. Our next step was to identify "problem" markets (i.e., product-location combinations) with respect to which the merger would result in significantly high post-merger concentration and where entry by new firms (for example, trucking companies) would be difficult or unlikely in response to the exercise of market power following the merger. Once we identified the markets in which the merger would likely have a significant anticompetitive effect, we then considered whether these anticompetitive effects might be offset by efficiencies resulting from the merger. Finally, we considered what would be required to resolve any competitive problems that might be raised by the merger—that is, to prevent a reduction in the number of competing rail alternatives in highly concentrated markets where considerable revenues are involved and where the merger would otherwise be likely significantly to diminish competition.

B. Methodology

We defined two types of economically relevant markets for the purpose of analyzing this proposed merger—(1) transportation of a commodity to a location ("destination markets.") and (2) transportation of a commodity from a location ("origin markets").[3] In addition to railroads, non-rail transportation modes, such as truck and barge, were considered to be in the market to the extent they appeared to be close substitutes for rail transportation.

To identify those markets in which the merger might have a significant adverse effect (*i.e.*, would result in high post-merger concentration and would significantly increase pre-merger concentration), we first identified markets (product-location combinations) where in 1983 Conrail and Norfolk Southern each participated (independently of one another) in at least 10 percent of the rail movements and where together the two railroads accounted for at least 50 percent of all rail movements in the market.[4] Using 1977 Census of Transportation data, supplemented by surveys and interviews with over 200 shippers concerning approximately 700 facilities, we then eliminated those markets where non-rail competition appeared to be significant. Finally, we employed a number of other screens designed to eliminate from further consideration those markets in which over a significant portion of the route into the destination or out of the origin market in question, a single carrier other than Conrail or Norfolk Southern provides rail service, in which the total revenues affected were small, or in which the major shipper in the market supported the merger.

Using this screening procedure, we identified more than one hundred markets located in 39 counties in 21 states in which it appeared that a merger between Conrail and Norfolk Southern could have a significant anticompetitive effect. With respect to these markets, Conrail and Norfolk Southern participated in movements involving $516.1 million in rail revenues in 1983. Of the 39 counties, 15 had "problem" markets in which Conrail or Norfolk Southern participated in movements involving less than $5 million of revenues. If these 15 counties had been the only locations potentially affected by the merger, we would not oppose the merger, given the likely efficiencies that would result from the merger and given the fact that the commerce affected as to these 15 counties is so small compared to the actual overall volume of commerce involved in the merger. Even after eliminating these counties, however, a number of others remain and the potentially affected revenues in these counties are substantial enough to be of significant concern. The remaining counties include, among others, Wayne and Washtenaw counties in Michigan; Allen and Marion counties in Indiana; Erie county in New York; and Cuyahoga, Jefferson, Lucas, Stark, and Lorain counties in Ohio, as well as several counties in the southern United States that originate shipments of pulp, paper, and fiberboard products destined for locations served by Norfolk Southern and/or Conrail in the Midwest and Northeast.[5] In two of these counties, Jefferson county in Ohio and Allen county in Indiana, our concern is particularly acute because the number of competing railroads would be reduced from two to one. In the other counties, the competitive situation would not be much better, because the number of rail alternatives would be reduced either from three to two or from four to three. We have determined that, although they are used by shippers so some limited extent, non-rail transport alternatives are inadequate substitutes for rail transport in these markets.

We also considered the argument that following the merger, the combined entity would divert so much interchange traffic from regional railroads in the northeast and midwest that some of these railroads would be unable to compete effectively in the markets they currently serve and that the resulting loss of competition would reduce consumer welfare. We find, however, that, as a general matter, it is extremely difficult to estimate the size of future diversions.[6] It may be even more difficult to determine whether such diversions would be so substantial as to render otherwise viable regional railroads incapable of providing competition in markets where they currently operate and where their exit would reduce competition significantly. Because diversions often result from lower costs to railroads of providing single-line, rather than interline, service and because single-line service is often attractive to shippers, any potential harm in markets currently served by regional carriers must be weighed against possibly substantial benefits. Hence, even if we knew with certainty that such diversions would significantly impair the operations, or even the viability, of regional railroads, this would not demonstrate that the diversions are, on balance, harmful to the economy. To the extent that they may be harmful, however, the divestiture that we have proposed in Section II of this letter would address

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[2] See, U.S. Department of Justice, Merger Guidelines, June 14, 1984. The standards used by the Department to analyze mergers under the Clayton Act are substantially the same as those used by the Interstate Commerce Commission, which is directed by statute to approve only transactions that are "consistent with the public interest." 49 U.S.C. § 11344. In applying this standard, the Commission disapproves transactions that would "substantially reduce the transport alternatives available to shippers unless there are substantial and demonstrable benefits to the transaction that cannot be achieved in a less anticompetitive fashion." General Policy Statement for Merger on Control of at Least Two Class I Railroads, 49 C.F.R. § 11801(a).

[3] We identified commodity and location combinations using the five-digit Standard Transportation Commodity Codes ("STCCs") and four-digit Standard Point Location Codes ("SPLCs"), respectively, designated in the 1983 ICC 1% Waybill Sample. Five-digit STCCs were used because, for the most part, the products in a single five-digit group are close substitutes for one another and have similar transportation characteristics. A four-digit SPLC is in most cases a county, although, in a significant number of cases, a single county may contain two or more four-digit SPLCs.

Usually, the relevant geographic market will be as small as a county. However, even if in some cases the market may be broader, the competitive analysis would be the same because in markets located along the east-west corridor towards which our proposed remedy is directed, there are at most four competing railroads before the merger. In addition, where we knew with some certainty that the market was broader than a county, we incorporated this into our analysis. For example, we analyzed separately outbound shipments of corn, wheat, and soybeans, as well as the movement by rail of coal to utility plants. Producers of these commodities tend to be able to select among transportation alternatives that extend beyond county lines through the use of a combination of rail and nonrail movements.

[4] Although in some of the markets shippers can now be served only via the tracks of either Conrail or Norfolk Southern, but not both, many of these shippers nevertheless consider other carriers identified on the Waybill to be competitive alternatives because of "reasonable" reciprocal switching arrangements currently in place. One factor that probably keeps the switching rates of Norfolk Southern and Conrail low enough to allow competition in these markets is the fact that the two carriers rely on each other for switches into different markets and each might feel constrained from unilaterally exercising its full market power (by raising the switching rates at locations it alone controls) for fear that the other railroad would retaliate in other locations. Thus, even where shippers can be reached only by the tracks of Conrail or Norfolk Southern, the merger may eliminate competition that resulted from reciprocal switching.

[5] A complete listing of the product-location combinations identified through our screening methodology is attached to this letter as Appendix B. This listing is limited to counties in which in 1983 the potential problems identified involved Norfolk Southern's and Conrail's participation in rail revenues exceeding $2 million.

[6] While we have received diversion estimates from a number of sources, including the Department of Transportation, Norfolk Southern, Conrail, and some regional carriers, these estimates vary considerably and it is very difficult to draw firm conclusions from them.

that problem by ensuring that there will be an opportunity for regional carriers to continue receiving interline traffic from independent carriers other than Norfolk Southern or Conrail.

C. Efficiencies

The primary benefit of mergers to the economy is their efficiency-enhancing potential, *e.g.*, their ability to lower overall production costs to the benefit of society. Some mergers that would significantly increase concentration in a market nevertheless result in significant real efficiencies. Therefore, if the parties to a merger establish by clear and convincing evidence that a merger will achieve such efficiencies, the Department considers those efficiencies in evaluating the merger.

As stated in the Department's Merger Guidelines,[7] cognizable efficiencies include, but are not limited to, economies of scale, better integration of operating facilities, and similar efficiencies relating to specific operations of the merging firms. The Department also considers claimed efficiencies resulting from reductions in general administrative and overhead expenses, and other efficiencies that otherwise do not relate to specific operations of the merging firms, although, as a practical matter, those types of efficiencies are more difficult to demonstrate and to quantify. The Department does not give weight to claimed efficiencies if comparable savings reasonably could be achieved by the parties through means short of a merger likely to reduce competition.

We have reviewed efficiency claims made by Norfolk Southern. We believe that some of these claims are overstated,[8] while others, such as abandonment of unprofitable track, would probably occur even in the absence of a merger. Nevertheless, we believe, based in part on interviews with affected shippers, that substantial benefits are likely to result from increased single-line service, an option that is in many cases both less costly to railroads and more desirable to shippers.

On balance, we have concluded that the possible benefits of the proposed merger are not sufficiently great to outweigh the very serious anticompetitive effect the merger would have, particularly in the designated east-west corridor. The potential efficiency gains—particularly relating to the offering of single-line service—are, however, likely to be sufficiently great to offset the less significant adverse competitive effects that would remain after the divestiture outlined in Section II of this letter is effected.

II. PROPOSED REMEDY

As discussed above, although the proposed merger would have an anticompetitive effect in a number of markets, the markets of primary concern are located along a rail corridor bounded on the east by Buffalo and Pittsburgh and on the west by Chicago and St. Louis. Accordingly, we believe that a sale of Conrail to Norfolk Southern must be expressly conditioned on the prior or concurrent divestiture[9] of rail assets to an independent entity or entities capable of providing long-term, viable, and competitive rail service along this corridor. For these purposes, "divestiture" means the conveyance or other transfer by sale, lease, or otherwise, of rail tracks and facilities or the right to use rail tracks and facilities.

To ensure competitive service, the divestiture must satisfy three conditions. First, the acquirer or acquirers (hereinafter "acquirer") must demonstrate to the satisfaction of the Attorney General that it possesses the managerial, operational, and financial capability necessary to compete effectively, and to remain a viable entity providing long-term rail service along the designated corridor.

Second, the divestiture should provide the acquirer direct connections in Buffalo, Chicago, Toledo, and East St. Louis to one or more railroads other than the merged carrier or CSX Corporation or any railroad controlled by either of them. This condition is essential to the competitive viability of an alternative rail line because traffic to and from the affected markets moves not only on Conrail and Norfolk Southern lines, but also, to a significant extent, off those lines to or from connections with other railroads in Buffalo, Chicago, Toledo, and East St. Louis. Therefore, an independent connection to other railroads at each of these gateways would have to be available so as to remove the acquirer's need to rely upon the merged carrier or CSX to make these connections.[10]

Third, following the divestiture, in each of the designated counties in the east-west corridor, the merged Norfolk Southern/Conrail entity must switch cars between its tracks and facilities and the tracks and facilities of any shipper served by Norfolk Southern, Conrail, or Norfolk Southern/Conrail on customary terms and conditions whenever switching is practicable and necessary in order to provide a shipper with effective competitive access to the track and facilities of the acquirer.

The specific rail tracks and facilities to be divested and the consideration to be paid should be determined by agreement between the parties to the divestiture so that the market, rather than the Department of Justice, can determine the most suitable divestiture alternative. Because the divestiture would be subject to the Attorney General's approval, however, to assist him in evaluating the divestiture the Department of Justice should be supplied with complete information concerning all offers and inquiries received in connection with the divestiture, including those that are rejected by either the Department of Transportation or Norfolk Southern.[11]

This proposed divestiture addresses the vast majority of the larger "problem" markets we identified. While several markets are not affected by the proposal, these markets are either located in areas where a divestiture would be impractical or are locations, where the amount of commerce shared by Conrail and Norfolk Southern was less than $5 million. When an independent rail alternative able to maintain competition within the designated corridor is found, such divestiture would resolve at least $371.4 million of potential problems out of a total of $516.1 million in the markets we have identified. In addition, this remedy would benefit some shippers, such as pulp, paper, and fiberboard producers located in 11 "problem" counties in the South, whose goods pass through or terminate in this corridor. Finally, as discussed above, we have determined that the efficiencies that are likely to result from the proposed merger would be substantial enough to offset the potential anticompetitive effect in markets that are not directly addressed by the proposed divestiture.

III. CONCLUSION

I trust that this letter is responsive to your request for the Department's advice concerning the competitive impact of a sale of Conrail to Norfolk Southern. I would like to thank you and your staff for the competent and willing assistance that has been provided to us throughout our review process.

Sincerely,

J. PAUL MCGRATH,
Assistant Attorney General,
Antitrust Division.

ATTACHMENT A

"Divestiture" means the conveyance or other transfer by sale, lease, or otherwise of rail tracks and facilities owned or operated by CR or NS or the right to use such rail tracks and facilities.

"NS" means Norfolk Southern Corporation, its subsidiaries, affiliates, successors and assigns.

"CR" means Consolidated Rail Corporation, its subsidiaries and affiliates.

"CSX" means CSX Corporation, its subsidiaries, affiliates, successors and assigns.

1. This Agreement of Sale is contingent upon prior or concurrent Divestitute sufficient to enable an acquirer or acquirers ("acquirer(s)"), not controlled as control is defined in 49 U.S.C. § 10102 by NS/CR or CSX, to provide rail service along a rail corridor bounded on the West by Chicago and E. St. Louis and on the East by Buffalo and Pittsburgh, with service to, from, and between the following counties in that rail corridor: Erie, New York; Cuyahoga, Lorain, Jefferson, Lucas, and Stark, Ohio; and Allen and Marion, Indiana. Subject to the requirements of paragraph (5) with respect to Marion County, Indiana, such rail service may be limited to service along those sold or leased rail lines where prior to divestiture shippers had service by both NS and CR. Such rail service shall include direct connections in Buffalo, E. St. Louis, Toledo and Chicago to a railroad or railroads not controlled by NS/CR or CSX as control is defined in 49 U.S.C. § 10102.

2. The rail tracks, rights and facilities divested pursuant to paragraph (1) and the consideration paid therefor shall be determined by agreement between NS and the acquirer(s).

3. The Divestiture required by paragraph (1) shall be made to acquirer(s) who shall have demonstrated to the Department of Justice that they will be able to provide long-term, viable, competitive rail service along the rail corridor(s) and to, from and between the counties enumerated in paragraph (1), as indicated by their having managerial, operational, and financial capability necessary to compete effectively in the pro-

[7] U.S. Department of Justice, Merger Guidelines, June 14, 1984, at Section 3.5.

[8] For example, Norfolk Southern's estimated annual savings of $139 million due to the elimination of redundant personnel and facilities is highly speculative given the unpredictable results of union labor negotiations.

[9] Concurrent divestiture may involve a transaction such as a contract between Norfolk Southern and a purchaser to transfer assets acquired from Conrail. Such a contract could become effective as at the closing of the sale of Conrail to Norfolk Southern.

[10] The Toledo gateway would give shippers in Wayne and Washtenaw counties in Michigan access to a railroad other than Norfolk Southern/Conrail and CSX that provides a direct link to eastern and western destinations via Buffalo, Chicago, and East St. Louis.

[11] These terms and conditions are set forth in Appendix A and, we understand, will be included in the Agreement of Sale between the Department of Transportation and Norfolk Southern.

vision of such rail service. The Divestiture required by paragraph (1) may not be accomplished without the prior approval by the Attorney General of its terms and conditions and of the acquirer(s).

4. Following the execution of this Agreement of Sale, NS shall promptly solicit offers to purchase, lease, or operate upon property to be divested in accordance with paragraph (1). NS shall keep records of its efforts to accomplish the Divestiture required by paragraph (1), including the identification of any person or persons expressing an interest to any officer or official of NS, and the terms and conditions of each officer, and shall allow the Department of Justice access to such records. NS shall immediately notify the Department of Justice of the details of any offer related to the Divestiture required by paragraph (1). If NS rejects any such offer, it shall promptly notify the Department of Justice and fully describe the reasons for such rejection.

5. It is further agreed that following Divestiture NS, CR, or NS/CR shall switch cars, on terms and conditions customary at other locations within the region of the Divestiture, between the tracks and facilities of the acquirer(s) and the tracks and facilities of any shipper physically served by NS, CR, or NS/CR and open to service by both as of the date hereof, at each of the counties specified in paragraph (1) whenever such switching is practicable and necessary in order to provide a shipper with effective competitive access to the tracks and facilities of the acquirer(s). Following Divestiture, in Marion County, Indiana, NS, CR or NS/CR shall establish switching charges at levels no higher than those customarily at other locations within the region of the Divestiture for switching cars between the tracks and facilities of the acquirer(s) and the tracks and facilities of any shipper served by NS, CR or NS/CR as of the date hereof. If there is a dispute as to whether such switching is practicable and necessary, or as to such customary conditions and compensation for such switching, such dispute shall be resolved within six months by an arbitration procedure governed by the rules of the American Arbitration Association. In respect of such requirements for practicable and necessary switching of cars, the acquirer(s) and the directly affected shipper(s) shall be entitled to enforce this paragraph, in each such instance, for their sole benefit.

ATTACHMENT B.—MARKETS IN COUNTIES WITH REVENUE PROBLEMS OF $2 MILLION OR MORE

	SPLC	County	STCC5	Product
ST-AL:				
Orig	4759	Dallas	26111	Pulp.
Orig	4783	Wilcox	26311	Fiberboard, paperboard, or pulpboard.
ST-AR:				
Orig	6118	Jeffer	26311	Fiberboard, paperboard, or pulpboard.
ST-FL:				
Orig	4936	Taylor	26111	Pulp.
ST-GA:				
Dest	4685	Doughe	26111	Pulp.
Orig	4655	Glynn	26311	Fiberboard, paperboard, or pulpboard.
Orig	4637	Macon	26111	Pulp.
ST-IL:				
Orig	3877	Champa	20921	Soybean oil, crude or refined.
Orig	3922	Macon	20419	Flour or other grain mill products, new.
Orig	3922	Macon	20463	Corn sugar.
Dest	3876	Vermil	26712	Superphosphate.
Dest	3876	Vermil	40211	Iron or steel scrap, wastes or tailing.
Orig	3876	Vermil	20413	Corn meal cr flour.
Orig	3876	Vermil	20419	Flour or other grain mill products, new.

ATTACHMENT B.—MARKETS IN COUNTIES WITH REVENUE PROBLEMS OF $2 MILLION OR MORE—Continued

	SPLC	County	STCC5	Product
Orig	3876	Vermil	20923	Soybean cake, flour, grits, meal, or other.
ST-IN:				
Orig	3642	Adams	20923	Soybean cake, flour, grits, meal, and other.
Dest	3618	Allen	11212	Prepared bituminous coal.
Dest	3618	Allen	26311	Fiberboard, paperboard, or pulpboard.
Dest	3618	Allen	26471	Sanitary tissues or health products
Dest	3618	Allen	40211	Iron or steel scrap, wastes, or tailing.
Dest	3618	Allen	41114	Articles, used.
Orig	3618	Allen	37149	Motor vehicle accessories or parts, new.
Orig	3618	Allen	40211	Iron or steel scrap, wastes or tailing.
Orig	3682	Clinto	20923	Soybean, cake, flour, grits, meal or other.
Dest	3687	Marion	11212	Prepared bituminous coal.
Orig	3687	Marion	20411	Wheat flour.
Orig	3687	Marion	20413	Corn meal or flour.
Orig	3687	Marion	20462	Corn starch.
Orig	3687	Marion	20923	Soybean cake, flour, grits, meal, or other.
Orig	3623	St Jos	37112	Motor trucks or truck tractors, assembled.
ST-KY:				
Orig	2865	Jeffer	28212	Synthetic rubbers.
Orig	2865	Jeffer	36321	Household refrigerators or home or FA.
ST-LA:				
Orig	6451	Ascens	49057	Flammable compressed gases.
Orig	6451	Ascens	49066	Flammable liquids, thermally unstable.
ST-MA:				
Dest	1492	Hampde	26311	Fiberboard, paperboard, or pulpboard.
ST-MI:				
Orig	3167	Ingham	37149	Motor vehicle accessories or parts, new.
Dest	3193	Kalama	26311	Fiberboard, paperboard, or pulpboard.
Dest	3193	Kalama	33123	Iron or steel sheet or strip.
Orig	3194	Washte	37149	Motor vehicle accessories or parts, new.
Dest	3181	Wayne	20841	Wine, brandy or brandy spirits or fruit.
Dest	3181	Wayne	26213	Printing paper, coated or uncoated.
Dest	3181	Wayne	37149	Motor vehicle accessories or parts, new.
Dest	3181	Wayne	41114	Articles, used.
Orig	3181	Wayne	37111	Motor passenger or air cars, assembled.
Orig	3181	Wayne	37149	Motor vehicle accessories or parts, new.
Orig	3181	Wayne	41114	Articles, used.
Dest	3183	Wayne	41114	Articles, used.
Orig	3183	Wayne	37111	Motor passenger or air cars, assembled.
Orig	3183	Wayne	37112	Motor trucks or truck tractor, assembled.
Orig	3183	Wayne	37142	Motor vehicle accessories.
Orig	3183	Wayne	37147	Motor vehicle body parts.
Orig	3183	Wayne	41114	Articles, used.
ST-MO:				
Dest	5675	St Lou	33125	Structural shapes or piling, steel mil.
Dest	5675	St Lou	37149	Motor vehicle accessories or parts, new.
Orig	5675	St Lou	37149	Motor vehicle accessories or parts, new.
ST-MS:				
Orig	4893	Adams	26111	Pulp.
ST-NC:				
Orig	4033	Washin	24211	Lumber, rough or dressed, or softwood cut.
Orig	4033	Washin	26213	Printing paper, coated or uncoated.
Orig	4033	Washin	26311	Fiberboard, paperboard or pulpboard.
ST-NY:				
Dest	1854	Erie	1195	Potatoes, other than sweet.
Dest	1854	Erie	20411	Wheat flour.
Dest	1854	Erie	20452	Prepared flour mixes.
Dest	1854	Erie	20995	Mixed loads of food or kindred products.
Dest	1854	Erie	24321	Plywood or veneer or built-up wood.
Dest	1854	Erie	26311	Fiberboard, paperboard or pulpboard.
Orig	1854	Erie	33123	Iron or steel sheet or strip.
Orig	1854	Erie	37148	Motor vehicle accessories or parts, new.
ST-OH:				
Dest	3418	Cuyaho	11212	Prepared bituminous coal.
Dest	3418	Cuyaho	24321	Plywood or veneer or built-up wood.
Dest	3418	Cuyaho	26213	Printing paper, coated or uncoated.
Dest	3418	Cuyaho	26311	Fiberboard, paperboard, or pulpboard.

ATTACHMENT B.—MARKETS IN COUNTIES WITH REVENUE PROBLEMS OF $2 MILLION OR MORE—Continued

	SPLC	County	STCC5	Product
Dest	3418	Cuyaho	26471	Sanitary tissues or health products.
Dest	3418	Cuyaho	41114	Articles, used.
Orig	3418	Cuyaho	33121	Steel ingot or semi-finished shapes.
Orig	3418	Cuyaho	40211	Iron or steel scrap, wastes or tailing.
Orig	3418	Cuyaho	40241	Paper waste or scrap.
Dest	3419	Cuyaho	20431	Cooked cereals, flaked, granulated, popp.
Dest	3419	Cuyaho	26311	Fiberboard, paperboard or pulpboard.
Dest	3419	Cuyaho	26471	Sanitary tissues or health products.
Dest	3419	Cuyaho	41114	Articles, used.
Dest	3461	Hancoc	20621	Sugar, granulated or powdered, sugar cubes.
Orig	3461	Hancoc	36311	Household ranges, ovens or surface cooking.
Dest	3472	Jeffer	10111	Iron direct-shipping ores, crude.
Dest	3472	Jeffer	11212	Prepared bituminous coal.
Dest	3472	Jeffer	32741	Lime or lime plaster.
Dest	3472	Jeffer	40211	Iron or steel scrap, wastes or tailing.
Orig	3472	Jeffer	33121	Steel ingot or semi-finished shapes.
Orig	3472	Jeffer	33123	Iron or steel sheet or strip.
Orig	3472	Jeffer	33127	Tin mill products.
Orig	3472	Jeffer	40211	Iron or steel scrap, wastes or tailing.
Orig	3422	Lorain	29914	Coke produced from coal.
Orig	3422	Lorain	33124	Iron or steel bars, bar shapes or rods.
Orig	3422	Lorain	33126	Iron or steel pipe, tubes or fittings.
Orig	3422	Lorain	40211	Iron or steel scrap, wastes or tailing.
Orig	3422	Lorain	41114	Articles, used.
Dest	3431	Lucas	26311	Fiberboard, paperboard or pulpboard.
Orig	3431	Lucas	1139	Grain, Nec.
Orig	3431	Lucas	20411	Wheat flour.
Orig	3431	Lucas	20412	Wheat bran, middlings or shorts.
Orig	3431	Lucas	20419	Flour or other grain mill products, new.
Orig	3431	Lucas	20431	Cooked cereals, flakes, granulated, popp.
Orig	3431	Lucas	28125	Potassium compounds.
Orig	3431	Lucas	29914	Coke produced from coal.
Orig	3431	Lucas	49057	Flammable compressed gases.
Dest	3449	Stark	40211	Iron or steel scrap, wastes or tailing.
Orig	3449	Stark	33124	Iron or steel bars, bar shapes or rods.
Orig	3459	Wyando	32959	Nonmetallic minerals or earths, ground.
ST-PA:				
Dest	2151	Butler	40211	Iron or steel scrap, wastes or tailing.
ST-SC:				
Orig	4478	Charle	26311	Fiberboard, paperboard, or pulpboard.
ST-TN:				
Orig	4273	McMinn	26212	Ground wood paper, uncoated.
ST-TX:				
Orig	6847	Harris	28151	Cyclic intermediates from benzene.
Orig	6847	Harris	28212	Synthetic rubbers.
Orig	6847	Harris	49122	Combustible liquids, polymerizable.
Dest	6848	Harris	26212	Ground wood paper, uncoated.
Dest	6848	Harris	33126	Iron or steel pipe, tubes or fittings.
Orig	6848	Harris	26213	Printing paper, coated or uncoated.
ST-VA:				
Orig	2624	Hopewe	26311	Fiberboard, paperboard, or pulpboard.
Orig	2624	Hopewe	28191	Ammonia or ammonium compounds.
ST-WI:				
Orig	3231	Dougla	20411	Wheat flour.
Orig	3231	Dougla	26613	Wallboard.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, April 20, 1984.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR ARLEN: I am writing at this time to bring you up to date on the Department of Transportation's continuing efforts to secure suitable purchasers for the government-owned Consolidated Rail Corporation, Conrail.

On April 10, 1984, I received the second offer for the purchase of the Federal government's ownership interest in Conrail from the Alleghany Corporation. The De-

partment received its first offer last June from the Railway Labor Executives' Association. Alleghany's offer provides for preservation of current rail service patterns for shippers in the Northeast and the Midwest. Alleghany asserts that its offer will preserve the present financial and managerial strength of the railroad, elements which are necessary to preserve Conrail's long term viability as a rail carrier.

Specifically, Alleghany has offered payment of $1 billion in cash for the Federal government's ownership interest in Conrail, along with surrender of the right to use certain Conrail net operating loss carryforwards and investment tax credits representing an additional value to the government of more than $1 billion. The offer contemplates retention of incumbent management, and provides a $700 million cash and equity package for Conrail's employees. It also contains a series of conditions designed to ensure continued service on the Conrail system, including a commitment to invest a minimum of $2.225 billion in track and equipment maintenance over a period of years.

I have submitted the Alleghany offer to the Department's investment advisor, Goldman, Sachs & Co., for analysis. Goldman, Sachs has verified our initial conclusion that the Alleghany offer is worthy of consideration.

Consistent with the Department's earlier commitment, I am now setting a sixty-day time period for submission of additional offers. Between now and June 18, the Department will receive alternative purchase proposals, and assist interested parties in obtaining needed information. We will refer all offers promptly to Goldman, Sachs for analysis, and I will keep you apprised of the progress of that process.

At the end of the sixty-day period, I will consult with leaders of the Congress, and it would be my hope that Congress and the Department will be able to proceed with a purchase proposal at that time.

To reiterate our position, we intend to judge all offers by the same public interest criteria: We will only accept an offer that leaves the railroad in the strongest financial condition after a sale; best preserves service to the states and shippers Conrail serves; and, consistent with these criteria, provides the maximum return to the taxpayer.

I will continue to keep you informed on the Department's progress in its effort to return Conrail to private sector ownership. I also want to restate my commitment to consult with Congressional leadership before making any decision. I look forward to working with you as the Conrail matter progresses.

Sincerely,

ELIZABETH HANFORD DOLE.

U.S. SENATE,
Washington, DC, June 19, 1984.

Hon. ELIZABETH DOLE,
Secretary of Transportation,
Washington, DC.

DEAR SECRETARY DOLE: On June 14, 1984, I met with thirteen officers of Pennsylvania locals of the Brotherhood of Railway and Airline Clerks and discussed their concerns regarding the forthcoming sale of Conrail. I am writing to express my concern that the railroad be sold as an entity and that the necessary assurances be extracted from any potential purchaser not to pursue a piecemeal dismantling which would result in great job loss in my State of Pennsylvania.

Any sale must be made with the following considerations: Current service patterns must be preserved. A new owner must be selected with an eye toward retaining the railroad's long-term viability as a carrier. While it is very important that Conrail be in a strong post-sale position to weather the impact of a recession, it is equally imperative that the purchaser be restricted from "cherry picking" the most profitable routes and eliminating the less profitable or marginal routes along with accompanying jobs.

In Pennsylvania 14,600 Conrail employees worked very hard and made the necessary sacrifices a viable enterprise; therefore, these workers deserve to be recognized in any sale. Moreover, the federal government has invested approximately $7 billion in subsidies, employee buy-outs and bankruptcy settlements in order to build a profitable railroad that services the commercial needs of the industrial Northeast. Conrail was not built so that it could be sold and ultimately be torn apart.

As the deadline for submission of all offers has just passed, the department will be confronted with many important decisions regarding the sale. In making these determinations, I urge that the concerns of Conrail employees, as manifested in their purchase plan, be given full consideration.

Sincerely,

ARLEN SPECTER.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, July 13, 1984.

Hon. ARLEN SPECTER,
United States Senate,
Washington, DC.

DEAR ARLEN: Thank you for your recent letter regarding the sale of Conrail. As we both recognize, this is an extremely important undertaking that deserves, and is receiving, my close personal attention.

The primary concern raised in your letter, relating to the preservation of Conrail as a single operating entity, is one that is of particular concern not only to Conrail's employees, but to me also. Conrail's employees have played a vital role in turning Conrail into the viable and profitable railroad that it is today. I am in full agreement with you regarding the desirability of an entity sale. As you are aware, our efforts to return Conrail to the private sector have focused on a sale of the railroad as a single entity. I am encouraged about a single entity sale because of the substantial number of apparently viable bids that we received by my June 18th deadline. Only one bid suggested that Conrail be broken up, and as my Deputy, Jim Burnley, testified recently before the Senate Surface Transportation Subcommittee, such a break-up is contrary to our present aims.

With regard to possible "cherry picking" after the sale, we do intend to seek service commitments from the purchaser. Preservation of rail service to shippers and assuring the railroad's long-term viability are among our highest goals in the disposition process. To achieve that viability, however, I consider it important that the new owner generally be able to make economic decisions without more or less Government regulation than would be the case for any other railroad. In other words, I would hope that after the sale the standard provisions of the Interstate Commerce Act, which control abandonments of rail lines, would apply to Conrail. I should add, however, that by use of the current expedited procedures contained in the Regional Railroad Reorganization Act of 1973, Conrail has already abandoned the vast majority of its unprofitable lines. We do not expect to see, therefore, a substantial change in the present Conrail system.

I very much appreciate your input in this undertaking. Obviously Conrail is an important factor in the economic well-being of Pennsylvania, as well as the entire Northeast region of the Country. I firmly believe that we will succeed in returning a healthy, profitable, and viable Conrail to the private sector, such that it will serve the needs of Pennsylvania's citizens and industry for many years to come.

Sincerely,

ELIZABETH HANFORD DOLE.

U.S. SENATE,
Washington, DC, August 7, 1984.

The Hon. ELIZABETH H. DOLE,
Secretary, Department of Transportation,
Washington, DC.

DEAR ELIZABETH: I am very much concerned about the continuing media reports concerning an imminent proposed agreement for the sale of Conrail. As I have reflected on our meeting of last week, it seems to me that there are a number of important outstanding questions which should be resolved before the sale price or the terms and conditions can be concluded.

As I mentioned to you during our meeting, I am interested to know the value of the assets (such as rights of way, equipment, buildings, etc.) after deducting the $300 million in cash and the $500 million in reserve for operating expenses. The value of such assets is obviously important in determing the total worth of Conrail.

Since talking to you, I have been advised that there is an extra $200 million in Conrail's assets in the form of excess funding of Conrail's pension plan beyond what is necessary for actuarial soundness. I am very much interested to know if you concur in that assessment or what your view is on the status of the funding of Conrail's pension plan.

Beyond the issue of value, I continue to be very concerned about retaining the branch lines in places like up-state Pennsylvania so that existing service will be maintained absent some very strong showing of cause or severe financial loss to the railroad by keeping such lines in existence. I am not yet satisfied that the ICC standards would be adequate, and it may be necessary to have covenants to guarantee adequate protection on this subject.

In addition, I would like to discuss with you further the impact, if any, on the existing labor force on any proposed sale.

As I mentioned to you during our meeting, I very well recall the investigation which I conducted as District Attorney of Philadelphia leading to the criminal prosecution of three key Penn Central executives in 1972. Those activities and other factors led to the demise of the Penn Central, and we want to be sure (as sure as we can) that rail service is continued without the necessity for involvement by the federal government at a later date. To accomplish that, it seems to me that we have to be very careful in the way the transaction is structured in addition to being sure that fair compensation is obtained on the sale.

For these reasons, I think it important that such questions be answered before a final price is established and the terms and conditions of the sale are set.

Thanks very much for your continuing consideration on this matter.

Sincerely,

ARLEN SPECTER.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, September 6, 1984.
Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC

DEAR ARLEN: Thank you for your letter addressing the Conrail sale and raising several follow-up questions to our recent meeting. I appreciate your continuing interest in this process.

Conrail's property and equipment, including rights of way, buildings, etc., are valued for book purposes at approximately $3.6 billion (net of depreciation and allowance for disposition). However, the book value of these assets is not a true indicator of Conrail's worth. The going concern value of many capital intensive industries is far below their book valuation. Goldman, Sachs, our investment banker, advises that the market value is the best and, in fact, the only proper determinant of Conrail's worth. Value, as a real world concept, can be seen as the amount and willing buyer will pay a willing seller in actual market competition. This determination of value is particularly reliable where there is active competition among a number of sophisticated potential buyers, each having adequate information and financial resources. That is precisely the process which the Department has used in seeking to sell Conrail. The purchase consideration offered for Conrail is based on a vigorous competition among 15 potential buyers.

It is also important to recognize that the offers made by potential purchasers represent a purchase price for the Govrnment's 85 percent interest in Conrail, not for Conrail as a whole. The actual purchase cost for each buyer must also include the consideration paid labor for their 15 percent interest. Most buyers have offered either a substantial stock position or cash, or both, the Conrail's employees.

Significant also is the fact that post-sale Conrail will be burdened by various restrictions or convenants which we will require as essential to fulfilling our responsibility to protect the public interest. These convenants significantly lower Conrail's value to potential investors. For example our terms will bind the purchaser to Conrail and to the railroad business for a minimum of five years. During that period the purchaser must:

Maintain its controlling interest;

Maintain substantial cash balances in the company;

Abide by a limitation on dividends;

Provide for capital reinvestment in the system;

Not defer maintenance; and

Continue to provide the maximum level of economically sustainable service.

You also raise the issue of retention of service, particularly on Pennsylvania branch lines. As you are aware, one of my primary criteria in evaluating the offers is to determine which is most likely to assure long term service to the States and shippers presently served by Conrail. However, I am convinced that Conrail cannot truly be regarded as a private sector company unless the new owner has the same flexibility to deal with abandonments as do other railroads. Nevertheless, there are factors which should mitigate most concerns about abandonments.

For example, the expedited abandonment authority granted Conrail in NERSA gave Conrail the tool it needed at that time to shed unprofitable branch lines. The active use by Conrail of this expedited authority in the past means that today there are few additional abandonments contemplated. As part of the sale agreement, this authority will be relinquished and the traditional Interstate Commerce Commission process reinstated.

The financial and other restrictions we would place upon a buyer serve to provide protection for Conrail's labor force as they ensure continuity of operations and a cushion for business adversity. Moreover, the Railway Labor Executives Association has been actively negotiating with several of the bidders on a separate agreement concerning the future of Conrail's employees.

With respect to Conrail's pension plan, Conrail and certain subsidiaries maintain defined benefit pension plans which are noncontributory for all nonunion employees and contributory for participating union employees. Conrail's actuaries estimated the present value of obligations for future benefits as of July 1, 1984. Deducting such obligations from assets currently available to pay future beneifts indicates a surplus of more than $200 million. We agree with that assessment. However, we have taken the position in our negotiations with prospective buyers that these funds should not be withdrawn from Conrail's existing plans.

I share your interest in seeing that Conrail is returned to the private sector in such a way as to assure that there is no need of further Federal involvement. Accordingly, I welcome your continued input on this very important project.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE.

U.S. SENATE,
Washington, DC, September 7, 1984.
Hon. ELIZABETH H. DOLE,
Secretary, Department of Transportation, Washington, DC.

DEAR ELIZABETH: Following our discussions on Conrail and my letter to you of August 7, I have discussed the Conrail situation with many people, including many Pennsylvanians, and I have concluded that a public offering of the Conrail stock is the best alternative in light of: (1) serious concerns about the future operation of Conrail by a new owner and (2) the relatively low offers which have been received considering the value of Conrail's assets.

While I would very much appreciate your responses to the questions raised in my letter of August 7, 1984 at your earliest convenience, my review of Conrail's assets demonstrates to me that Conrail is worth far more than has been offered by the private bidders. When I wrote to you on August 7, the value of Conrail (as reported to me) included $300 million in cash, $500 million in reserve for operating expenses and $200 million of excess funding for Conrail's pension plan beyond what was necessary for actuarial soundness. In addition, there were various other assets such as rights of way, equipment, buildings, etc. which would have substantial value.

Since early August, Conrail has increased its profits, as reported to me, in the range of $75 million to $95 million; and its projections for the immediate future suggest that there will be more cash surplus on hand. While I understand your interest in returning Conrail to private ownership, the offers which have been received seem to me clearly insufficient in the face of the assets of Conrail and its continuing profitability.

Accordingly, it is my thought that a public offering should be explored further as promptly as possible. I understand that the initial conclusion was that all the Conrail stock could not be sold to the public at one time. That may have changed in light of Conrail's increasing profitability. However, even if the stock cannot be sold at one time, it may make good sense to offer the stock in a series of public offerings. Such public offerings could be conditioned on the sale of 51% of the stock or some higher percentage or even all of the stock, so that if a satisfactory arrangement did not follow from the public offering, then a private sale could again be considered. While I understand that there is some risk in having the current offers withdrawn, it seems to me to be a relatively small risk in light of the very modest offers which are pending at the present time.

A public offering would have the significant advantage of returning Conrail to private ownership while maintaining Conrail's management which has been so successful and which has been very solicitous of shippers' interests and the public's welfare generally. In conversations with many Pennsylvania users of Conrail, I have heard repeated concerns about what would happen if a new owner came into the picture contrasted with the very satisfactory current arrangement with Conrail. Also, I note that the British Government has had more significant success in public offerings selling off some nationalized corporations.

In addition, I continue to be very much concerned, as noted in my letter to you of August 7, about retaining branch lines in places like up-state Pennsylvania. Again, Conrail's existing management has a good record on that important subject, and there is substantial doubt about what a future owner would do on that matter. Continuation of the current Conrail operation is also the preferable course for Conrail's existing labor force and overall operations which impact very heavily on Pennsylvania.

In addition to these considerations, the U.S. Government could see an immediate return of significant cash without a sale by Conrail's immediate payment of $145 million consisting of $60 million in interest on the $850 million in debentures and an $85 million payment for reduction of the principal debt. I am advised by Mr. L. Stanley Crane, Chairman and Chief Executive Officer, that Conrail is in a position to make such payments forthwith.

Since it now appears very unlikely that any proposed sale of Conrail could be reviewed, considered and approved by Congress in advance of our October 5 adjournment date, it seems to me that consideration should now be given to such a public offering; so I wanted to give you my thinking on the subject as promptly as possible. I am considering holding a public hearing in western Pennsylvania, perhaps Altoona, shortly after the October adjournment to get more of a feeling for the public's reaction to the sale of Conrail.

I look forward to continuing to work with you and your Department on the questions raised in this letter and my previous letter of August 7.

Thanks very much for your continuing consideration.

Sincerely,

ARLEN SPECTER.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 9, 1984.
Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR ARLEN: I appreciate the points raised in your recent correspondence and I know we share a common concern for Conrail's future. I continue to believe, however, that the various proposals for sale of Conrail stock through a series of public offerings provides less opportunity for the Department to protect the public's interest in sound future operation of that railroad than any of the other options now before us.

I have never ruled out the possibility that a portion of Conrail shares might be sold in the public market as part of the overall sale transaction. If nothing else, this could serve to set a market price for any shares subject to transfer after the date of closing. But I continue to believe that a public offering of all or a majority of Conrail shares is unlikely to achieve the Department's primary objectives—protecting the public interest in non-financial aspects of the transaction while maximizing the return on the taxpayers' investment.

I have had Goldman, Sachs—the Department's investment advisor—thoroughly review the use of a pure public offering as an alternative to sale of a controlling interest as a block. They have concluded that a public offering of our entire interest presents numerous significant drawbacks and practical difficulties. Among the major impediments are the following:

I believe the Department must know who the owner of a controlling interest will be, not only on the day of closing, but for a reasonable period of time thereafter. One can use contractual sale covenants to accomplish this objective in a sale to a single buyer or a group of buyers. That same option is not available in a public offering. Even though restrictions may be placed on the offering itself, there is no guarantee, in a public sale, that a controlling interest in the company will not be acquired by a party unacceptable to those who have Conrail's best interests at heart within a few months after closing. Takeover bids for publicly held companies are not uncommon. In a somewhat parallel situation, shortly after a recent public offering of the stock in a company owned by the British Government, it found that another firm had acquired effective control of the company.

Moreover, under the Memorandum of Intent we have been discussing with the remaining bidders, post-sale Conrail would be constrained by various restrictions or covenants which I believe are essential to fulfilling our responsibilities to the public interest. We would bind Conrail to the railroad business and require, inter alia, that the purchaser:

Maintain its controlling interest for five years;

Abide by a limitation on dividends and other cash distributions;

Reinvest in the system;

Not defer maintenance; and

Continue to provide the maximum level of economically sustainable service.

Goldman, Sachs has advised me that it is very unlikely the stock market could absorb the government's 85% interest in Conrail in one offering. Thus, there would have to be a series of offerings. Given the highly unpredictable fluctuations in stock prices, it is quite possible the government could be left holding a minority interest for a lengthy period, should market conditions turn sour after a partial offering.

You again raised the issue of retention of service on light density lines, particularly in places like up-state Pennsylvania. As you are aware, retention of service is a primary concern of mine. This aspect of a railroad's operations affects not only shippers but the employees who serve them. Our motive for insisting upon the stringent financial and maintenance covenants we would extract from a buyer (in tandem with reimposition of standard Interstate Commerce Commission procedures in lieu of Conrail's expedited abandonment privileges) is to ensure that ample financial resources exist to maintain secondary lines as well. Negotiation of these covenants and an enforceable contractual agreement on their terms is possible in the sale of majority interest to a single buyer or group of buyers. Such enforceable agreements are not possible in a broad based public offering, where the ultimate buyer is unknown and no contract of sale exists.

Goldman, Sachs has advised us that a public offering, free of all constraints on ownership, dividends, service levels, maintenance levels, or operations could—under prevailing market conditions—yield net proceeds in the range, but not in excess of, the offers now before me. They also advise us that attaching the kinds of public interest covenants which we require could significantly reduce our return on the taxpayers' investment and make it more difficult to accomplish a successful public offering.

This is particularly the case for ownership constraints. While issuers sometimes require underwriters to distribute shares widely and in stipulated maximum sized blocks, it is unusual to impose lengthy ownership constraints, which raise investor concerns about liquidity, corporate flexibility, and forfeiture of the opportunity to benefit from a buyout. Thus, the more stringent our requirements become in the pure public offering context, the lower the return the taxpayers will get and the higher the probability that an offering would not sell well.

The various proposals to limit Conrail stock ownership by a single party to a certain percentage, say five percent, actually weaken the relative appeal of the public offering, because they undermine both my ability to negotiate effective public interest covenants and my ability to maximize the return on the taxpayers' investment. The Department has been advised by Goldman, Sachs that potential purchasers will pay a premium for control that they will not pay for participation. In other words, price per share for a controlling interest in Conrail is likely to be higher, perhaps significantly higher, than the price per share for minority participation. A five percent limitation ensures that the Government will not receive the maximum return achievable through a negotiated sale. There is also the very real possibility that ownership of the five percent shares could become divided among a number of parties with conflicting interests in Conrail's future mode of operation, creating management gridlock.

Value is very much a real world concept—it's the price a willing buyer will pay a willing seller, and it is difficult to conceive of a more rigorous test of market value than the three and one-half year sale process that culminated in the presentation of fifteen competitive bids in mid-June. To cancel the sale process now in order to test the waters on a pure public offering would be tantamount not only to betting with the public's investment in Conrail on future stock market fluctuations, but would surely be a grave disservice to all of the parties who made large investments of dollars and management time in the current purchase process. If we were to cancel that process, it is highly doubtful that any of the qualified bidders now before us would wait for the Government to make up its mind about when or whether to pursue a Conrail sale in the future.

More importantly, Conrail's employees, who have already endured several years of uncertainty about the future of the company, would face another extended period of discussions that will have a profound impact on their careers. The very active involvement of the Railway Labor Executives' Association in the current negotiations is evidence of the desire of many Conrail employees to have the sales process come to a successful conclusion as soon as is practicable.

These are all difficult issues, and you can be certain that I have weighed the alternatives with care. I have listened carefully throughout this process to concerns expressed by those who reside in the area Conrail serves, and incorporated those concerns to the maximum degree possible in negotiations with potential buyers. I am firmly convinced that the end result will be an agreement that best achieves our objectives—protecting the public interest on service related, nonfinancial issues and maximizing the return on taxpayer dollars. I appreciate the counsel you have offered in that process, and look forward to your continued advice.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE.

U.S. SENATE,
Washington, DC, November 8, 1984.
Hon. ELIZABETH H. DOLE,
Secretary, Department of Transportation, Washington, DC.

DEAR ELIZABETH: I plan to host a symposium in Philadelphia on December 5, 1984 to examine the pros and cons of a public offering for Conrail. I would greatly appreciate your making Mr. John Riley available to join us.

In addition to Mr. Riley I will also be inviting financial experts, investment bankers, transportation specialists and representatives of the three parties who have outstanding offers to purchase Conrail. I believe this session will be useful to me and the Department, and I hope that no final decision will be made concerning the disposition of Conrail before December 5.

I have asked Mary Louise Westmoreland of my staff to provide your staff with more specific information concerning the symposium.

Thank you for all of your continuing assistance.

Sincerely,

ARLEN SPECTER.

SECRETARY OF TRANSPORTATION,
Washington, DC, November 8, 1984.
Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR ARLEN: Thank you for your letter following the Conrail hearing in Harrisburg on October 24. I appreciate the opportunity which you provided for Federal Railroad Administrator John Riley to testify.

As you indicated in your letter, the concerns which you have raised there and which were discussed at the hearing are not new. Your letter and our past discussions indicate to me that we both agree that the continued financial health of Conrail, preservation of service to Conrail shippers, and

maximizing the taxpayers' return when Conrail is sold are central to the sale process. Indeed, these are the very criteria I set for evaluating offers to purchase the government's Conrail interest.

In reading your letter, and in reviewing the testimony given by Pennsylvanians at your hearing in Harrisburg, I am struck by the many points as to which we are in fundamental agreement.

First, you have been forthright in expressing your concern that service must be preserved when Conrail is returned to private ownership and that any disposition of Conrail must safeguard against wholesale liquidation of the company's assets. I agree completely, which is why I have chosen a sales process which will allow the Department to obtain specific and enforceable contractual covenants from the purchaser on these points.

For example, the purchaser must agree to continue Conrail's statutorily-mandated practice of selling lines otherwise subject to abandonment for 75 percent of net liquidation value, in order to promote short line development. Ultimately any purchaser must comply with the same Interstate Commerce Commission restrictions on abandonments and service reductions which apply to any railroad (including Conrail's competitors and a publicly-held Conrail). But the Department's terms also will require that the new owner continue to provide the maximum level of economically justifiable service for the next five years as Conrail adjusts to private ownership. I must emphasize that these special protections can be obtained only through negotiations leading to a specific contract enforceable against a specific purchaser. They are far superior to any protections available in a public offering.

Another important concern which you raised and which I am addressing through mandatory contractual requirements is the need to keep Conrail in the railroad business by barring the purchaser from liquidating the company. I have required that the terms of the government's sale of its interest in Conrail prohibit liquidation of the company or any alternatives designed to strip out and sell Conrail's operating assets. This requirement offers what Goldman, Sachs & Co. advises is the strongest form of protection obtainable from a purchaser. A public offering of Conrail stock does not and cannot offer similar protection.

You suggest in your letter that the difference between Conrail's book value and the purchase price for the Government's Conrail interest represents a windfall available to the purchaser. I must disagree. First, as discussed above, the buyer in a negotiated sale will be bound by contractual requirements which prohibit liquidation of the railroad's assets, regardless of the value of these assets. Second, liquidation of Conrail would have to be approved by the Interstate Commerce Commission. Liquidation would require a finding by the Commission that public convenience and necessity require liquidation; such a finding is inconceivable in this setting. There has not been a single case in modern times in which a major railroad has been granted authority summarily to liquidate.

Third, I believe that there is substantial agreement in the financial community that the book value of Conrail is not an accurate measure of the company's value. Because value is a real world concept—the amount a willing buyer will pay a willing seller on a competitive basis—the market is the best determinant of Conrail's value. That determination is particularly reliable where there is active competition among a number of sophisticated potential buyers, each having adequate information and financial resources. That is precisely the test to which the Department's process has submitted the issue of Conrail's valuation. Book value, in contrast, is only an accounting of the historical cost of assets. Book value thus bears little relationship to purchasers' appraisal of Conrail's earning capacity and its value as a going concern.

I am glad that you heard specific testimony in Harrisburg from John Riley and from Conrail's Executive Vice President for Finance and Administration, Robert Platt, indicating that both the Department and Conrail management agree on the difference between Conrail's book value and its market value. As Mr. Platt put it, "any company is worth what a willing buyer will pay for it."

Finally, now that Conrail's management has endorsed a "pure" public offering of Conrail stock, I must reiterate my reservations about such an approach, which I discussed in my October 7 letter to you, and which John Riley covered in his testimony in Harrisburg. In brief, a "pure" public offering precludes the government from obtaining the financial and service protections which you and I agree are essential, and which I will be able to obtain from a specificly identified buyer through sale process.

Also, there is no readily foreseeable advantage in the financial return to the government to be realized from a public offering as compared to the offers now before me for consideration. Indeed, I am advised that, based upon a public offering valuation analysis done by the investment banking firm Morgan Stanley at the request of Conrail, the net proceeds (after deducting underwriters fees and other public offering expenses) that would accrue to the government for the sale of its 85 percent stock interest in Conrail are no greater than the offers which have been made to the Department for a negotiated sale.

Mr. Platt of Conrail expressed his personal judgment in testimony before you that a staged public offering of Conrail stock over three years could, under certain market conditions, raise two billion dollars. Conrail's on projections show, however, that Conrail now is at a near-term peak of its earnings cycle—meaning that management expects a cyclical decline in earnings near the midpoint of the next four years as the demand for railroad services lessens. This projection by the company's management contrasts sharply with the optimistic market conditions upon which Mr. Platt conditioned his estimate at your hearing. Furthermore, during the indeterminate period that it would take to complete the offering, the government would be left a minority shareholder.

I also must reiterate the concerns which I expressed in my October 9 letter to you about limiting Conrail ownership by a single party to five percent. In brief, such a limitation would preclude the taxpayers from gaining the premium which any purchaser will be willing to pay for control of Conrail. A five percent limitation would fractionate ownership control, and management accountability with it. Moreover, should Conrail experience financial difficulty in the future, a controlling stockholder would have a compelling incentive to draw on his own resources to protect Conrail's future and his billion dollar plus investment, while a five percent stakeholder has far less incentive to put additional resources into a troubled carrier.

I believe that the ownership limitations incorporated in the COMSAT sale have little if any applicability to a Conrail transaction. In structuring the COMSAT sale, Congress required that 50 percent of the company be held by a coalition of COMSAT users. No limitation was placed on the amount that any single user could hold. In fact, AT&T holds nearly 30 percent of the company. The 10 percent ownership limitation was imposed only on the remaining 50 percent of the stock; this limitation was imposed for entirely different reasons than those proposed by Conrail management for the current transaction. In COMSAT, the limitation was proposed to ensure that the coalition of users would always maintain ownership control of the company. In contrast, Conrail management's proposal uses the limitation to ensure that no owner maintains control of the railroad. Ironically, the objectives of the COMSAT Act and my objectives in structuring a negotiated sale of Conrail are very similar. In both cases a primary objective is to ensure that there is a controlling interest in the company which can be relied upon to operate the company in a manner consistent with the purposes for which it was created.

It is also worth noting that maximizing the return to the government was not a primary objective of the COMSAT sale and, in fact, COMSAT stock is not a strong performer. Maximizing return to the government is a principal objective in the Conrail sale, and forfeiture of the control premium through a limitation on the number of shares any party can own is inconsistent with that objective.

I trust that this answers the questions which you raised following the hearing, and I will look forward to providing any additional information that may be of use to you.

With best regards.

Sincerely,

ELIZABETH HANFORD DOLE.

COMMITTEE ON THE JUDICIARY,
Washington, DC, November 9, 1984.

Hon. ELIZABETH H. DOLE,
Secretary, Department of Transportation, Washington, DC.

DEAR ELIZABETH: Thank you for your letter of November 8.

I am in the process of reviewing closely the contentions you made and, as I do so, it would be helpful to have a copy of the most recent protective covenants that the Department intends to require of any purchaser.

I am particularly interested in your reference to "mandatory contractual requirements" that "prohibit liquidation of the company or any alternatives designed to strip out and sell Conrail's operating assets."

I am also interested in the covenant that "will require that the new owner continue to provide the maximum level of economically justifiable service for the next five years. . . ."

Whatever amplification you can provide in addition to the proposed language itself would be appreciated.

Thank you for your assistance.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC. December 21, 1984.
Hon. ELIZABETH H. DOLE,
Secretary, Department of Transportation, Washington, DC.

DEAR ELIZABETH: In my letter of November 9 I requested a copy of the most recent protective covenants which the Department intends to require of any Conrail purchaser. Of particular interest to me is your reference to "mandatory contractual requirements" that "prohibit liquidation of the company or any alternatives designed to strip out and sell Conrail's operating assets." I am also interested in the covenant that "will require that the new owner continue to provide the maximum level of economically justifiable service for the next five years. . . ." I consider a review of these covenants crucial to any analysis of the Department's position that a private sale of Conrail will better protect the public interest.

In response to my inquiry, you arranged for your representative, Christopher Rooney, to explain these covenants to my staff. Notwithstanding this staff briefing, I would still like to see the actual covenants, and I hope that no final decision will be made by the Department concerning the disposition of Conrail before I have had an opportunity to do so.

I am also quite concerned by reports that a sale of Conrail to Norfolk-Southern would result in the elimination of over two thousand jobs, including those of many headquarters employees. I would appreciate very much your assurances that this will not occur.

Thank you very much for your assistance in this matter.

Sincerely,

ARLEN SPECTER.

SECRETARY OF TRANSPORTATION,
Washington, DC, December 28, 1984.
Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR ARLEN: You asked me for copies of the protective covenants we are seeking from the bidders for the government's Conrail stock. I am pleased to enclose them. I am sending one set for each bidder because the documents vary.

Please be aware that negotiations are not yet complete and that the bidders have not seen their competitors' documents. Therefore, we must ask you to keep these documents confidential lest the negotiations be compromised. Because negotiations with the bidders are continuing, you should expect the documents to change further before negotiations are completed.

You also expressed concern that a sale to Norfolk Southern Corporation would result in the elimination of many Conrail jobs. We have discussed such concerns with Norfolk Southern, and I believe you will find the enclosed letter from Robert Claytor, Chairman and Chief Executive Officer of Norfolk Southern, informative.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE.

Enclosures.

NORFOLK SOUTHERN CORP.,
Norfolk, VA, December 11, 1984.
Hon. ELIZABETH H. DOLE,
Secretary of Transportation, U.S. Department of Transportation, Washington, DC.

DEAR SECRETARY DOLE: In response to concerns expressed about Philadelphia's role in a combined Norfolk Southern-Conrail system, I wish to repeat the assurance contained in Norfolk Southern's June 18 offer that "Conrail would continue to operate from its own headquarters in Philadelphia, as does Norfolk and Western in Roanoke and Southern in Atlanta."

Specifically, Conrail will remain a separate Pennsylvania corporation, headquartered in Philadelphia, with its own on-site President and with employees paid with Conrail checks.

Operations matters, including transportation and engineering, will remain in Philadelphia. In fact, the scope and responsibility of the Conrail operating department will expand as various Norfolk and Western operations in the midwest are coordinated into it.

Norfolk Southern has a high regard for the accomplishments of the Conrail marketing department. We will be slow to make changes except for melding the marketing policies of the two companies. Philadelphia will gain for the first time competing single-system rail service into the southeast. Marketing will have new challenges as the system works to capitalize on this opportunity. The field sales forces of Norfolk Southern and Conrail will be brought under unified direction, as were the Norfolk and Western and Southern sales forces.

With respect to treasury, accounting and administrative functions, Norfolk Southern's practice has been to unify functions rather than move people, and we would expect to take this approach in Philadelphia. The high cost of moving people makes any other approach prohibitively expensive. This is equally true of the other departments.

This is not to say that Conrail's own efficiency programs will halt, or that tomorrow's needs will be the same as today's. But Conrail will face the future united with an interterritorial rail system that gives it real assurance of continued vitality and competitiveness.

Sincerely,

ROBERT B. CLAYTOR.

SECRETARY OF TRANSPORTATION,
Washington, DC, January 4, 1985.
Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR ARLEN: In 1981 the Congress enacted the Northeast Rail Service Act (NERSA), which directed the Secretary of Transportation to return the Consolidated Rail Corporation (Conrail) to private ownership.

I am pleased to report that after an extended competitive bidding process for the government's 85 percent interest in Conrail's common stock, I now am nearing completion of the negotiations with the three finalists—the Alleghany Corporation, the Marriott Group, and the Norfolk Southern Corporation. I will designate one of these companies as the purchaser and transmit their offer to the Congress for enactment of enabling legislation.

Because of the very substantial interest in this issue in the Congress, the Department has prepared the enclosed briefing material for your information. I will look forward to providing you with updated information as the sale process continues.

Should you or your staff have any additional questions, please do not hesitate to call the Department's Office of Congressional Relations (472-9700).

With best personal regards,

Sincerely,

ELIZABETH DOLE.

Enclosure.

SALE OF CONRAIL

Transportation Secretary Elizabeth Hanford Dole soon will designate a purchaser of the government's 85 percent common stock interest in the Consolidated Rail Corporation [Conrail]. That purchase offer will be transmitted to the Congress for enactment of enabling legislation. This paper has been prepared for Congressional offices as a brief introduction to the Conrail sale; additional information is available from the Department of Transportation (call 472-9700) on the issues discussed here.

WHY CONRAIL IS BEING SOLD

Conrail was created by the Congress in 1975 out of the remains of the bankrupt Penn Central and other Northeastern railroads, with the new non-governmental company operating freight service through 15 Northeastern and Midwestern states.

The government holds 85 percent of Conrail's common stock and also holds other senior securities of the company. The remaining 15 percent of the common stock is held in an employee stock ownership plan.

Conrail is governed by a board with two management directors, six directors appointed by the statutory U.S. Railway Association, and five directors appointed by the Secretary of Transportation.

Conrail operated at a loss until 1981, and federal assistance was required to keep the company operating. That year the Congress enacted the Northeast Rail Service Act [NERSA], which:

Enhanced Conrail's chances of becoming profitable, by mandating wage concessions, exempting it from certain state taxes, relieving it of requirements to operate commuter passenger service, and permitting it to abandon unprofitable trackage more easily than other railroads; and

Directed the Secretary of Transportation to sell Conrail, preferably as an entity.

Conrail has a projected 1984 profit of $487 million, but that figure would have to be adjusted substantially downward to reflect Conrail's earnings if it was operating as a truly private company without the benefit of mandated wage concessions, state tax exemptions, and federal payment of job protection costs.

HOW THE SALE IS BEING CONDUCTED

Since 1982 the Department and its investment advisor, Goldman Sachs & Co., have discussed the proposed sale of Conrail at length with senior officials of every major railroad that interconnects with Conrail, as well as with more than 100 major nonrail companies. Following those discussions, and on the advice of Goldman Sachs, the Secretary set a deadline of June 18, 1984 for submission of bids.

The 15 bids received by that date have been evaluated according to criteria set by the Secretary, who has announced that she will select the offer which:

Leaves Conrail in the strongest financial position after the sale;

Best preserves service to Conrail shippers; and

Gives the taxpayers the best rate of return possible consistent with the first two criteria.

The Secretary has applied these criteria, with Goldman, Sachs' advice, to narrow the bidders to three finalists: Alleghany Corporation, the Marriott Group, and Norfolk-Southern Corporation.

Throughout the sale process Secretary Dole and the senior officers of the Depart-

ment have consulted with Members of Congress, governors and mayors in areas served by Conrail, and shippers and shipper groups which rely upon Conrail for freight service.

While the Department conducts final negotiations with these three companies, the Treasury Department is reviewing the sale transactions to confirm that the normal tax rules apply, and the Justice Department is reviewing the competitive aspects of the transaction.

When the Secretary completes the negotiations she will select a purchaser and send a recommended purchase plan to the Congress for enactment of enabling legislation. A "core" version of such legislation already has been provided to the Congress for study.

VALUE OFFERED BY THE BIDDERS

Each of the three finalists' offers include:

Cash of no less than $1.2 billion, paid to the government in full on the date of closing;

Surrender of Conrail's accumulated tax benefits in the form of net operating loss carryforwards ($2.1 billion) and investment tax credits ($275 million); and

Public interest covenants binding the purchaser and the company after the sale.

ROLE OF RAIL LABOR

Conrail's labor force significantly aided Conrail's ability to become profitable by agreeing to wage concessions that cause Conrail employees to be paid at lower rates than the national scale applicable to other railroads. As a result there is a statutory direction to include Conrail's employees, who are represented by the Railway Labor Executives' Association [RLEA], in the sale process. Conrail's employee stock ownership plan [ESOP] also owns the 15 percent of Conrail's common stock that is not owned by the government.

Each of the finalist bidders has negotiated directly with the RLEA about consideration for the employees' interest and wages, and each bidder has offered a substantial stock interest or cash, or both, to the employees.

PUBLIC INTEREST COVENANTS

The public interest covenants are specially designed to safeguard Conrail service and Conrail's financial integrity during a five-year transition period following the sale. The covenants require the buyer to:

Continue Conrail's business substantially as it is now being conducted;

Maintain a controlling interest for five years;

Make capital investments over the next five years that are adequate to protect Conrail's capital plant;

Maintain the maximum amount of rail service that is economically justifiable, subject to ICC standards;

Refrain from paying dividends unless a minimum cash balance of $500 million would remain afterwards;

Refrain from deferring maintenance;

Relinquish Conrail's expedited abandonment authority and offer any abandoned lines to shippers or short line railroads at 75 percent of net liquidation value; and

Provide certifications of compliance and regular reports to the government, with violations of the covenants enforceable by injunction by federal courts.

A competitive negotiated sale to a specifically identified buyer is the best means of obtaining the post-sale protections represented by these public interest covenants.

SALE OF CONRAIL THROUGH A PUBLIC OFFERING

The Secretary, after consulting with Goldman, Sachs, decided to sell Conrail through a negotiated bid process under competitive conditions rather than selling the government's stock in a public offering. If Conrail's financial strength is to be protected and the public is to be assured of service from a viable post-sale Conrail through protective covenants such as those outlined above, then

A public offering is highly unlikely to yield a greater present value return to the taxpayers than the private offers;

An initial public offering of Conrail stock (which would be the largest initial offering since the Ford Motor Company offering in 1956) could not be sold all at once on a remunerative basis. This would leave the taxpayers holding a minority stock interest while facing the risk of a declining price while the sale is being completed during Conrail's own projected significant downturn in profitability during 1986 and 1987;

Market uncertainty also would mean that the Congress would necessarily have to approve a public offering without knowing, as it would in a private sale, the actual value or size of offering to be realized; and

Potential investors' interest in a Conrail public offering would turn on the expectation that a substantial amount of earnings (about 40%) would be paid out as dividends in order to be competitive with other railroad stocks; but should Conrail's revenues decline, dividends at these rates could substantially erode Conrail's financial strength and the railroad's ability to make needed capital expenditures.

U.S. SENATE,
Washington, DC, January 8, 1985.

Hon. ELIZABETH H. DOLE,
Secretary, Department of Transportation, Washington, DC.

DEAR ELIZABETH: I am very much concerned by your January 4, 1985 letter to me indicating that you have rejected the idea of a Conrail public offering, and intend to choose one of the three private bidders as purchaser in the near future. My concern is even greater since I now understand that Conrail Management, also on January 4, presented a proposal to you which incorporates a public offering of Conrail stock. The Board of Directors of Conrail has asked that this proposal be given consideration along with the proposals of the three private bidders. I believe that the Board's request is reasonable.

The Conrail Plan, as I understand it, anticipates a return to the government and the taxpayers of $1.4 billion, as opposed to the private bidders' return of $1.2 billion. There is no contemplation of leveraging Conrail with additional debt financing, as equity securities will be utilized. In addition, railway labor's ownership will increase from 15% to 30%, and the employees' wages will return to industry levels retroactive to July 1, 1984.

The Conrail Plan addresses the interests of taxpayers, investors, shippers and employees, and anticipates the continuation of a viable railroad service. The Plan has only recently been revealed, and deserves thorough analysis. I intend to initiate such analysis at a Conrail Symposium which I am conducting in Pittsburgh on January 9. This Symposium will begin the process of examining the feasibility and desirability of the public offering proposed in the Conrail Plan. I expect that others, including the Department of Transportation, will also wish to examine the Plan carefully.

Accordingly, I hope that no final decision will be made by the Department concerning the disposition of Conrail before the Conrail Board's recent proposal has received full consideration.

Thank you very much for your continuing consideration on this matter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington. DC, January 10, 1985.

Hon. ELIZABETH H. DOLE,
Secretary, Department of Transportation, Washington, DC.

DEAR ELIZABETH: As you know, I advocate a public offering of Conrail stock as the best means of protecting the interests of taxpayers, labor and shippers. If Conrail is sold, instead, to a private bidder, I am very much concerned that the sale not impact adversely on Pennsylvania. I believe that a sale of Conrail to Norfolk-Southern Corporation would result in the loss of many Pennsylvania jobs by consolidation and efficiency measures undertaken during the process of merging these two railroads.

When I previously expressed this concern, you forwarded to me a December 11 letter to you from Robert Claytor, Chairman and Chief Executive Officer of Norfolk-Southern. Mr. Claytor's letter, however, does not reassure me. Rather than outlining any specific operating procedures which Norfolk-Southern will undertake, Mr. Claytor refers obliquely to "unifying procedures," emphasizes that efficiency programs will not halt, and warns that tomorrow's needs will not be the same as today's. Mr. Claytor does not address the question of how many of Conrail's 15,000 Pennsylvania employees would be retained.

In addition to the question of jobs, the sale of Conrail to another railroad may—through "unifying procedures"—endanger the continued operation of Conrail's Philadelphia headquarters, its repair shops in Altoona, and the branch lines serving shippers throughout the State of Pennsylvania. I would appreciate being advised as to how these interests will be adequately protected, so that a sale to Norfolk-Southern would not result in a major loss of jobs and industry in Pennsylvania.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington. DC, February 28, 1985.

Hon. ELIZABETH HANFORD DOLE,
Secretary, Department of Transportation, Washington, DC.

DEAR ELIZABETH: I am very much concerned by recent reports that $1.4 billion in tax benefits will be available to the purchaser of Conrail.

I have been informed that Conrail's assets are valued for tax purposes at $3.1 billion. By utilizing the accelerated cost recovery system, the purchaser of Conrail may depreciate the cost of Conrail's property and equipment, and may recover as much as $1.4 billion during the next five years.

When this fact is taken into account with the already inadequate purchase price of $1.2 billion offered by Norfolk Southern, it is clear that U.S. taxpayers, who have already invested over $7 billion in Conrail, will receive absolutely no monetary consideration. The government will be losing more than it gains on the sale, despite your assertion that the government has been seeking to maximize the return to the taxpayers.

I would like to know if this topic has been addressed by the Treasury Department in its review of the tax implications of the pro-

posed Conrail sale, and I would appreciate receiving any materials or reports which Treasury has conveyed on this subject.

I would appreciate any amplification which you can provide on the inclusion of these tax deductions, and how this comports with prior assurances that the proposed purchaser of Conrail would forego all tax benefits associated with the sale.

Thank you for your continuing consideration on this matter.

Sincerely,

ARLEN SPECTER.

To: Senator Specter.
From: Debbie McIlroy.
Date: February 25, 1985.

CONRAIL HEARINGS WITNESS LIST AND TESTIMONY SUMMARY

HARRISBURG, PA—OCTOBER 24, 1984 (SENATOR SPECTER)

1. John Riley—(Administrator, Federal Railroad Administration)—testified that a public offering would not meet D.O.T.'s goals of maximizing government's return, and leaving Conrail in strongest financial position—that D.O.T. wanted to know who buyer of Conrail was in order to make a judgment on that buyer's willingness to invest in company;

2. Representative Rick Geist—(Altoona, Chairman, Pennsylvania High Speed Rail Passenger Commission)—testified that Conrail must remain intact, it is now profitable, carries 80 million tons a year, and wants main line preserved along with Altoona rail shops and Hollidaysburg car shops—fears cherry-picking, and wants Altoona's $15 million commitment in diesel locomotive shop to stay in Pennsylvania—also if Conrail is intact, the High Speed Rail Commission may have track routes dedicated for Philadelphia/Pittsbugh line;

3. Robert H. Platt—(Executive Vice President, Finance and Administration, Conrail)—states Conrail opposed to Norfolk Southern bid for antitrust problems—feels certain companies or limited individuals alone should not reap the benefit of taxpayers' $7 billion investment in Conrail—Conrail has $850 million in cash for 1984—any sale should contain significant public offering and financial institutions have supported such a structure broad-based ownership of Conrail with no more than 5-10 percent ownership is best way to allow Conrail to be a major industrial independent company—states if government sold Conrail in stages over period of three years, it could get in excess of $2 billion;

4. Robert G. Griffin—(Vice President, Distribution and Transportation, PPG Industries)—PPG has 13 major plants on Conrail lines and has been pleased with services and management—wants the rail competition in east enhanced—opposes any sale to CSX or Norfolk Southern—feels public ownership plan has "a lot of merit"—need competition to get lower prices, Conrail has actively sought business and has kept prices down;

5. Everett W. Croyle—State Legislative Director, Pennsylvania State Legislative Board, United Transportation Union)—states that employees made first offer to buy Conrail for $500 million and have increased it to $1.2 billion—employees as owners would exceed past performance of productivity—most opposed to Norfolk Southern bid as railroad labor would be reduced and lines in Pennsylvania and northeast would be abandoned—would lose Conrail Philadelphia Headquarters, engine and car shops and repair facilities in Altoona—employees want deferred wages restored, and membership on Board of Directors of new Conrail;

6. Gordon E. Neuenschwander—(Executive Vice President, Pittsburgh and Lake Erie Railroad Company)—states that Pittsburgh and Lake Erie R.R. has been profitable for over 100 years but in last five years "has had its wings clipped during the Conrail experience"—government benevolence and guidance of Conrail has hurt short line eastern railroads—stated opposition to Norfolk Southern because of dominance of market.

New position—favors Norfolk Southern as now proposes a joint venture with Grand Trunk Western whereby the venture—Prorail—will pick up some lines divested by the Norfolk Southern /Conrail merger and provide short line service in western Pennsylvania and Ohio region.

PHILADELPHIA, PA—DECEMBER 5, 1984 (SENATOR HEINZ AND SENATOR SPECTER)

1. L. Stanley Crane—(Chairman of the Board and Chief Executive Officer, Conrail)—future of Conrail will best be preserved by independent management and Board, responsible to stockholders—public sale is best way to achieve goal of continuing viability;

2. James Runde—(Managing Director, Morgan, Stanley and Co.)—Conrail is viable entity, and market would value 100% of Conrail at $1.7 billion—public offering of Conrail stock feasible, either in one day or in a series of offerings, and that public interest objectives may be incorporated into offering without harm;

3. Christopher Rooney—(Associate Administrator for Policy, Federal Railroad Administration)—Conrail is profitable, but will not support significant purchase debt—needs "deep pockets"—must limit cash pay outs, and minimize risk of return of Conrail to Federal enterprise;

4. Robert Scardelletti—(General Chairman, Brotherhood of Railroad and Airline Clerks—BRAC)—labor needs assurance that Conrail will not be broken up—want assurance that offices and repair facilities will not be moved and employees will not be fired—wants a public offering and continuation of management;

5. Mary DeSapio—(President, Cardinal Capitol Transportation, Inc.)—feels Conrail will hold up under any economic recession—worth 3 times the $1.2 billion offer;

6. George McFadden—(Partner, McFadden Bros.) and Raymond Wong (Vice President, Merrill, Lynch Capital Markets) both appeared on behalf of Alleghany Corporation—even in a good year for Conrail such as 1984, it cannot cover the interest expenses and debt currently on books, therefore, Conrail cannot sustain a public offering, Conrail operating income is negative, and cash flow once returned to private industry status is low—Conrail would be most highly leveraged railroad in country and that would be too risky.

PITTSBURGH, PA.—JANUARY 9, 1985 (SENATOR SPECTER)

(1) Robert H. Platt—(Executive Vice President, Finance and Administration, Conrail)—presented Conrail management plan for first time—included a return of $1.4 billion for the government, with a $500 million public offering of common sock, $600 million of privately placed or publicly offered preferred, and $300 million of Conrail's excess cash—financial advisors, Morgan Stanley, had backed this plan and could organize group of underwriters at this time to provide at least $1.2 billion for Conrail, with the thought that substantial profit could be made by selling publicly;

(2) Thomas Saunders and James Runde—(Managing Directors, Morgan Stanley and Co.)—states that Conrail management plan is feasible, and that a firm commitment of $1.2 billion for government's 85 percent interest could be achieved from underwriters;

(3) Ben Lambert—(Vice General Chairman of the Brotherhood of Railway and Airline Clerks—BRAC) and Yolanda Munoz (Local Chairperson—Pittsburgh)—states that the interest of all NE-MW states, the federal government, the taxpayers, Conrail shippers, and Conrail employees would be best served by the Conrail management plan for a public offering, is opposed to Norfolk Southern and other bidders as does not feel there is a true commitment there to the longevity of Conrail;

(4) Robert J. Buckley—(Chairman and Chief Executive Officer of Allegheny International Corporation)—states that Conrail management is top of the line, and wants it to continue—states that his company ships various supplies on Conrail, and it is the most aggressive marketer of railroad transportation in the entire country—supports a public offering as best way to maintain status quo;

(5) Lawrence Kobitter—(Vice President, Transportation, Consolidated Coal Company)—states support for the public offering option—states that five year covenants will not protect interests enough—stresses need for competition in NE region, and declares that public offering concept did not receive adequate consideration by D.O.T.;

(6) Kenneth Brody—(Partner, Goldman Sachs and Co.)—states that $1.2 billion offer is "within a range of fairness"—states that public offering does not provide same guarantee of financial strength for Conrail—feels that public offering is too risky, and that the valuation by Conrail management is too aggressive—market may change, and that will affect "doability" of public offering;

(7) Gary Wilson—(Executive Vice President and Chief Financial Officer, Marriott Corp.)—states that public offering places Conrail at high risk of no accountability in case of economic problems or management failure—states that Norfolk Southern poses a threat to jobs throughout NE—states that Marriott will keep Conrail independent, will maximize jobs in Pennsylvania, will maintain railroad competition, will keep transportation costs low, will maintain headquarters in Philadelphia for 25 years, and will keep repair facilities in Altoona for 10 years;

(8) Rayamond Wong—(Vice President, Merrill Lynch Capital Markets) and Arthur Sharples—(Managing Director, Merrill Lynch) (for Allegheny Corp.) states that Conrail did not generate enough cash flow in 1984 to fund its capital expenditure program, and states that Conrail could not support the public offering concept—feels market is not receptive to an initial public offering, that cyclical industries are not popular at this time, that such a large offering is almost unprecedented, and that Conrail should not be compared to British Telecom as that stock represented a monopoly on telephone service, with very high expectations for future increased earnings, which Conrail does not.

NE-MW HEARING—WASHINGTON, DC—JANUARY 24, 1985—(SENATOR SPECTER AND SENATOR DIXON)

(1) John Riley—(Administrator, Federal Railroad Administration)—justified D.O.T.'s

negotiated sale process as best way to guarantee maximum price, and continued service—states that Conrail, although profitable, is simply not wealthy enough to "buy itself," or support a public offering—states Conrail is strong enough to remain an independent entity with "deep pockets" to draw upon, but not strong enough to "shoulder a major preferred stock issue," which would remove too much cash from the company's treasury;

(2) Charles N. Marshall—(Vice President, Marketing, Conrail)—states that geographic competition will be lost through a merger—Conrail has been aggressive about obtaining new business, and has very much aided competition in the NE—cites specific examples of such existing competition in New England (Boston Harbor), New York state (Occidental Chemicals, Allied Chemicals)—and Bethlehem Steel in Pennsylvania—Conrail keeps rates low, and keeps steel industries competitive with others in other territories—"Conrail has been a leader in trying to shake up the railroad business and make it more competitive"—reduced rates on export coal—spinning off lines to short line railroads, as proposed by D.O.J. will not work as those railroads are not financially strong enough to support business, or to compete with larger lines;

(3) Gov. Breathitt—(Vice President of Public Affairs, Norfolk Southern Corporation)—states that merger will be good for the nation and "good for the rail industry"—provides greatest assurance that NE will continue to be served by an efficient and financially strong rail carrier, for "this century and on well into the next century"—no speculation or resale, but to "increase the efficiency and competitiveness of rail service in the Northeast and Midwest"—feels Conrail cannot survive as a stand-alone entity if it must pay state and local taxes and stock dividends;

(4) Panel of Shippers (a) John R. Sheppard—(General Manager, Transportation, Consolidated Coal Company)—urged Sec. Dole to consider public offering—feels "deep pocket rationale" naive as "no responsible party will throw good money after bad"—his company has large investment in Pa., Oh., Ind., and Ill., coal properties, as well as in port facilities handling coal in Pa., Oh., and W.Va., wants Conrail to remain a viable and competitive force in region;

(b) James Collins—(Vice President of Materials, American Maize Products, Hammond, Indiana)—in 1984 shipped over 300 million pounds of materials via Conrail—favors Conrail management proposal—feels Conrail management has responded favorably to needs of shippers—supports public offering—merger would threaten his business due to "monopolistic nature"—merger would provide "disincentives to be efficient and competitive"—rates would increase, and "there just would not be any competition";

(c) David Lifschultz—(Executive Vice President, Lifschultz Fast Freight, New York City)—five year covenants will not be sufficient for long term purposes of railroad—does not see any "rush to sell the railroad right now"—feels Norfolk Southern has not been as responsive to shippers' needs as Conrail—supports public offering, and feels sale should be delayed one year to consider facts closely;

(d) Donald Watson—(General Transportation Manager, Allied Corporation, New Jersey)—Allied is one of Conrail's top 20 customers—34 plants are located on Conrail—29,000 carloads are generated per year—plants are located in 20 states, and employ more than 5,000 people—management of Conrail has been "responsive, innovative, market-oriented"—opposed to Norfolk Southern—merger would deny Allied the choice of competitive routing in 13 areas now served by Conrail—supports public offering as "best avenue to assuring rail service in the Northeast and a continuance of the competitive balance";

(e) Robert Edwards—(Vice President, Transportation, The Early & Daniel Company, Ohio)—regional grain company—60% of company's rail tonnage moved by Conrail—16,000 carloads, with 10,000 through Port of Philadelphia—supports public offering—"adamantly opposed to Norfolk Southern"—will erode competition, and cause abandonment of rail network—Conrail has aided with innovative rates such as recent 3,000 carloads in Cincinnati;

(f) Kelvin J. Dowd—(Counsel, Eastern Coal Transportation Conference)—represents 22 coal shippers in NE region—sale to Norfolk Southern would "be an absolute disaster for the shipping public"—small regional feeder lines will not be adequate competitor in NE—coal would be moved through Norfolk Southern's ports and not Philadelphia, which would hurt small coal shippers in W. Va.—Conrail is only one which presently accommodates the needs of small shippers—has developed Port of Philadelphia to do that, and Norfolk Southern would abandon that.

NE-MW HEARING—WASHINGTON, DC—FEBRUARY 8, 1985 (SENATOR SPECTER AND SENATOR DIXON)

(1) L. Stanley Crane—(Chairman of the Board, Chief Executive Officer, Conrail)—public offering will provide at least $1.4 billion for government—Morgan Stanley states that underwriters will pay at least $1.2 billion at this moment—Conrail will be a viable company over the long term;

(2) Theodore E. Somerville—(Vice President and General Counsel, Alleghany Corporation)—states that Alleghany bid, with the backing of labor will provide best possibility of long-term service for Conrail—strong financial position with $780 million in cash, and Alleghany has virtually no debt—intends to maintain Conrail as it is today—no plans to abandon lines or lay off employees or change management practices—intend to keep Conrail for the long term;

(3) Stephen Norris—(Vice President, Marriott Corporation)—states that Marriott would have a public offering of 15% of common stock, would purchase for itself 54% of the common stock, and would provide that labor have the remaining 31% of common stock—Marriott restructured its offer because of continuing concern over public offering expressed through hearings—would keep Philadelphia HQ for 25 years, and Altoona repair shops for 10—also intends to keep management and practices;

(4) Mark Aron—(General Counsel)—Special Projects—CSX Corp.)—states that CSX favors dividing Conrail amongst existing carriers.

New Position—we have been informed that CSX now will support a public offering of Conrail stock states that CSX will do all within its power to fight the antitrust problems posed by merger of Norfolk Southern and Conrail—even if law suits take a decade—CSX would be forced to abandon lines and this would result in further loss of business and jobs—feels D.O.J. report is insufficient, and further study of anti-competitive effects of proposed merger must be made;

(5) Ole Berge—(Chairman of the Railway Labor Executives Association, and President of the Brotherhood of Maintenance of Way Employees)—states labor will pursue industry level wages in any case—labor voted for Alleghany bid as all 19 unions felt they could support that bid—Berge still prefers a public offering, as proposed by unions—labor helped put Conrail where it is, and wants to participate in eventual outcome.

PITTSBURGH, PA—FEBRUARY 18, 1985 (SENATOR SPECTER)

1. Robert Corcoran—(Director of Traffic, U.S. Steel)—the merger of Conrail and Norfolk Southern will substantially lessen competition. Conrail and Norfolk Southern are both aggressive in promoting export of Western Pennsylvania coal through separate ports. If combined, the merged companies would likely close one port creating higher shipping costs. Should not be reduced to two.

2. Dan Struthers—(Manager of Traffic Services, Wheeling Pittsburgh Steel)—the cost of transportation could be raised by 15 million annually. Higher transportation costs would mean higher costs for Wheeling Pittsburgh Steel customers, thus hurting the competitiveness of an already ailing steel industry.

3. John Sheppard—(General Manager Transportation, Consolidated Coal Company)—Consol is Conrail's biggest customer, transporting 9 million tons of coal per year. A public offering can produce a profit mainly because they would be responsible to the shipping public. Conrail has been innovative in the rail business.

4. Michael Petuccelli—(General Traffic Manager, PPG Industries)—PPG has noticed changes in the shipping rates between south and north and a sale of Conrail to Norfolk Southern would be an added factor in the attrition of these prices going from the north and giving it to the south. Must have at least three rail services in order to promote competition and fair shipping rates. PPG favors a public sale of Conrail stock.

5. Barry Sheer—(Senior Vice President, Fort Pitt Consolidators)—they are a major piggy-back rail transportation facility that ships 15 million dollars worth of freight a year. Advised that an additional problem is the sale of North American Van Lines to Norfolk Southern. If the sale goes through along with the proposed merger with Conrail, the only piggy-back docking facilities presently owned by Conrail would be closed. Conrail is the 8th best carrier out of a list of 40 carriers.

6. John Westhause—(Director of Traffic and Transportation, National Intergroup, Inc.)—will fell the loss through area of reduced competition. Conrail has been well managed, has a good track record. Prefers a public sale to continue the small rails which is the mid territory (track) of Conrail. Should not be reduced to two shippers.

7. Ben Lambert—(Vice General Chairman, BRAC)—Conrail employs 87,000, 65% of which are employed in Pennsylvania. There will be a reduction of about 2,500 jobs. Crime of the Century—scrap value of Conrail is worth more than the price offered by Norfolk Southern. Sale would burden retirement system. Favors public offering.

8. Yolonda Munoz—(Local Chairman, BRAC)—favors public offering. Is concerned with value of scrap not being correctly assessed. There is 28,000 miles of track. Scrap is being sold at $46.00 a ton.

9. Edward Rodzwitz—(Local Chairman, BLE)—spoke from floor. Public stock offering is best way to go. Feels $6,000,000 is closer to scrap value than what has been estimated.

10. Gary Galvin—(Local Chairman, UTU)—many employees now in a furlough status. The proposed merger of Conrail and Norfolk Southern will result in unemployment. Prefers a public sale because an atmosphere of reliability and security will be maintained rather than insecurity, unemployment, and a burden to tax-payer.

11. Robert Skocich—(Local Chairman, Supervisors Union)—a public offering is a must. Loss of shop facilities will create additional unemployment resulting from Norfolk Southern sending cars to their existing repair shops.

12. Harry Householder—(District Chairman, Brotherhood of Maintenance and Way (Track) Employees)—favors public sale. Concerned with unemployment for track repair members.

13. Don Dunlevy—(Legislative Representative, Conrail and Norfolk Southern)—favors public sale of stock. Estimated loss of jobs resulting from merger could be in the thousands. More than the 2,500 estimated.

14. Bob Christman—(Mobay Chemical Company)—all mergers are not bad.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. GRAMM]. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, today, I am introducing on behalf of myself and Senator HOLLINGS a bill that would direct the implementation of Secretary Dole's recommendation to Congress that the Norfolk Southern Corp. purchase Conrail. In my view, this purchase clearly would best serve the public interest and best ensure the realization of Congress' goal of returning Conrail to the private sector. In introducing this bill, I am pleased to help move the Federal Government one step closer to consummating the purchase.

My decision to support the Norfolk Southern purchase is based on a thorough review of the purchase plan and of the alternatives for dealing with Conrail. An essential part of this review was played out last week, when I chaired 2 days of hearings before the Senate Commerce Committee; 30 witnesses testified during those hearings. They included representatives of the U.S. Senate, the administration, the Conrail management, the Conrail employees, shippers, other railroads, and investment bankers. The focus of the testimony was on the process used by Secretary Dole to select the Norfolk Southern; the terms and conditions of the Norfolk Southern's purchase plan; the effects of that plan on interested parties; and the feasibility and desirability of selling Conrail by means of a public offering. In discussing each of these matters, the witnesses raised a number of issues and expressed a variety of viewpoints. They left few, if any, stones unturned. In the end, I was firmly persuaded that the Secretary's recommendation on Conrail was indeed the right recommendation for her to make to Congress.

In the Northeast Rail Service Act of 1981 [NERSA], Congress directed the Secretary of Transportation to arrange for the sale of Conrail. NERSA also provided that the sale plan should promote competitive bidding, ensure continued rail service, and maximize the return to the Federal Government on its investment. The sale of Conrail to Norfolk Southern meets these criteria and more.

First, the sale to Norfolk Southern is the product of a competitive bidding process. To promote such a process. Secretary Dole began by contacting between 1982 and 1984 over 100 companies about bidding for Conrail. She did so with the able assistance of John Riley, the Federal Railroad Administrator, and her other staff, and Goldman Sachs, the Department's investment banker. She also looked at the possibility of selling Conrail by means of a public offering. The result was that she received 15 bids by last June to purchase Conrail. In turn, she began a series of difficult, time-consuming negotiations to narrow the list of bidders. Further, she again looked at a public offering after Conrail management submitted such a plan.

Second, the sale to Norfolk Southern would ensure continued rail service. A financially strong Conrail is the best means of ensuring the long-term preservation of railroad service and protecting against the economic downturns that have plagued the carrier over the years. The sale to Norfolk Southern would leave Conrail in a stronger financial position than it is now or would be under any other sale scenario considered by the Secretary. One reason for this is that the Norfolk Southern would finance the purchase from cash out of its own pocket rather than by using any of Conrail's resources. Other reasons are that the Norfolk Southern would bring Conrail new financial resources and a broader, less recession-prone traffic base.

During the committee's hearings, special attention was given to the question of whether the sale to Norfolk Southern would adversely affect competition in the Conrail region. Based on the testimony of the Justice Department and other witnesses, I am satisfied that, with the divestiture of certain lines, competition would not be adversely affected. Further, competition would be improved with the reopening of gateways and routes previously closed by Conrail.

Third, the sale to Norfolk Southern would maximize the return to the Federal Government on its investment. The Norfolk Southern would pay the Federal Government a minimum of $1.2 billion in cash on the day of closing. It also would surrender Conrail's accumulated tax benefits, which include $2.1 billion in net operating loss carryforwards and $275 million in investment tax credits. Further, it would be bound for 5 years by a series of public-interest convenants, all of which have value to the Federal Government.

Before concluding my comments today, I want to make a couple of points about alternative recommendations dealing with Conrail. During the committee hearings, some witnesses testified that Conrail should be sold by means of a public offering, and one witness testified that the sale should be delayed until a better time. I do not consider either of these recommendations to be acceptable.

My primary concern with the public offering is that it would not strengthen Conrail's financial position, and could well lead to the carrier's future financial failure. I, for one, do not want to see Conrail returned to the Federal Government. I also am troubled by the statements of the proponents of the public offering who argue that the inclusion of public-interest covenants would be inappropriate in such a sale. I believe shippers, employees, and the communities served by Conrail all want and deserve these covenants. Finally, I have serious doubts whether the Federal Government would get more for Conrail with the public offering than it would with the sale to Norfolk Southern. At this time, no investment banking firm is able to give a firm commitment that it will underwrite a plan that would guarantee the Federal Government $1.2 billion.

As for the recommendation to delay the sale of Conrail, I see no merit in this idea. Right now clearly is the best time to sell Conrail. A delay would extend the many uncertainties currently being experienced by all the interested parties. Such a delay would also be harmful to the Federal Government's credibility.

Mr. President, I look forward to working with our colleagues in moving this bill through the Senate early this year. It is an excellent bill, and one which I believe others will want to cosponsor. I ask unanimous consent that the bill and its section-by-section analysis be printed in the RECORD.

There being no objection, the bill and its analysis were ordered to be printed in the RECORD, as follows:

THE CONRAIL SALE AMENDMENTS OF 1985

SECTION-BY-SECTION ANALYSIS OVERVIEW

Conrail is a federally established corporation. It was authorized by the Regional

Railroad Reorganization Act of 1973 (the 3-R Act); established by the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4-R Act); and restructured for return to the private sector by the Northeast Rail Service Act of 1981 (NERSA).

The Secretary of Transportation has carried out the preliminary steps required by NERSA for the sale of Conrail. The selection of Norfolk Southern Corporation to buy Conrail followed a two-year effort to sell Conrail by the Secretary and Goldman, Sachs (the investment banker hired as required by NERSA); an open, competitive bidding process which resulted in fifteen bids for Conrail; and months of negotiation between the Secretary and prospective purchasers of Conrail. The final step for the sale of Conrail requires enabling legislation.

The enabling legislation requires action by Congress. The original sale provision of NERSA permitted the Secretary to sell Conrail unless both the House and the Senate passed a resolution of disapproval. Not only does *Immigration and Naturalization Service* v. *Chadha et al.*, 103 S.Ct. 2764 (1983) invalidate the congressional disapproval procedure in NERSA but the importance of the sale and need to conform existing legislation require affirmative legislation to conclude the sale.

This bill amends the 3-R Act and NERSA to provide for:

(1) the sale of Conrail to Norfolk Southern Corporation;

(2) the enforcement by the Secretary of specific protective convenants binding Norfolk Southern Corporation and Conrail that the Secretary has included in the Secretary's Plan for the sale; and

(3) the repeal of those provisions of existing law designed for a public sector Conrail.

SECTION-BY-SECTION

Section 2. *Findings.* This section enumerates that:

(1) NERSA provided for an orderly return of Conrail to the private sector;

(2) NERSA was successful in preparing Conrail for return to the private sector;

(3) the United States Railway Association (USRA) found Conrail met the standards of profitability necessary for its return to the private sector;

(4) the Secretary of Transportation followed the requirements of the 3-R Act by:

(i) engaging an investment banker; and

(ii) conducting open competitive bidding and negotiation to sell Conrail;

(5) the Secretary's Plan provides for the sale of Conrail to the Norfolk Southern Corporation;

(6) the sale to Norfolk Southern Corporation maximizes the return to Government while it leaves Conrail in the strongest financial position after the sale and best preserves patterns of service to the shippers and communities Conrail serves;

(7) existing laws governing Conrail as a public entity need to be amended to reflect it becoming a private entity; and

(8) the Secretary's Plan best meets the intent, goals and objectives of NERSA, and the requirements of section 401(e) of the 3-R Act.

Section 3. *Purpose.*

This section merely states that the purpose of this Act is to return Conrail to the private sector by directing and facilitating implementation of the Secretary's Plan.

Section 4. *Definitions.*

This section contains several definitions. "Secretary's Plan" is defined as:

(A) the Memorandum of Intent between the United States and Norfolk Southern Corporation, and

(B) the divestitures by Norfolk Southern Corporation as required by the Department of Justice to ensure competition.

It also defines "Definitive Agreements" which are the agreements entered into between the United States and Norfolk Southern Corporation to implement the Memorandum of Intent.

TITLE I—AMENDMENTS TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973 (3-R ACT) AND NERSA

SUBTITLE A—3-R ACT AMENDMENTS

Section 101. *Terminaton of USRA Loan Authority.*

The authority of USRA to purchase Conrail preferred stock or debentures is terminated upon consummation of the sale.

Section 102. *Responsibility of Conrail Directors.*

The immunity given existing Conrail Directors against civil liability is continued for any actions taken to implement the Secretary's Plan.

Section 103. *End of Public Conrail.*

After consummaton of the sale, the provisions of the 3-R Act do not apply to Conrail, except for the following:

(1) *Definitions* are retained;

(2) *Conrail seat on USRA Board* is retained to facilitate future cooperation between USRA and Conrail to get information needed for unresolved matters after sale which had arisen before sale;

(3) *USRA Access* to Conrail information respecting matters pending before the Special Court is retained but other access is removed;

(4) *Civil Immunity* for Conrail Employee stock ownership plan (ESOP) fiduciaries, including Conrail directors, is retained for actions taken prior to or in connection with consummation of the sale.

(5) *ESOP* qualificaton for tax purposes is continued and transfer is facilitated; i.e., Norfolk Southern Corporation is permitted to buy out the ESOP with cash or its stock;

(6) *Right to Collect Commuter Debt* arising from operations by Conrail prior to January 1, 1983 is retained;

(7) *Immunity of Conrail Directors,* prior to sale, for actions arising prior to or in connection with the sale is retained;

(8) *New England Supplemental Transactions,* rights and obligations already adjudicated and specified in the order of the Special Court are preserved within the jurisdiction of the Special Court;

(9) *Expedited Abandonment* authority for abandonments not filed before the sale is cut off upon consummation of the sale; i.e., Norfolk Southern Corporation will be bound by regular Interstate Commerce Commission (ICC) abandonment procedures;

(10) *Stock sale* authorization is maintained with added direction to implement the Secretary's Plan and coordinated operation of the combined Norfolk Southern Corporation and Conrail systems;

(11) *Recapitalization* of Conrail continues to be permitted; the Secretary would cancel Series A Preferred Stock and Debentures issued by USRA.

(12) *Special Court Review* continues to be the only review of the sale, including enforcement of terms and conditions which are part of the Secretary's Plan, the Definitive Agreements or the enabling legislation except for the actions authorized by section 106;

(13) *Existing Labor Protection* is continued for those eligible before the sale, but after the sale Norfolk Southern Corporation and railroads acquiring divested properties assume responsibility for new labor protection for employees adversely affected after the sale because of implementation of the Secretary's Plan. (*See* section 108);

(14) *Positions "blanked"* (abolished) by Conrail under NERSA authority remain "blanked";

(15) *Railroad Job Register* maintained by the Railroad Retirement Board for terminated employees continues to be available to future-terminated Conrail employees;

(16) *Federal Employers Liability Act (FELA) claims* arising from injuries incurred by employees of predecessor railroads prior to the beginning of Conrail operations on April 1, 1976 continue to be Conrail's responsibility;

(17) *NERSA Labor Protection* provided for employees deprived of employment prior to consummation of the sale continues to be the responsibility of the Federal Government;

(18) *Exemption from State full crew laws* in the region will continue for Conrail after consummation of the sale just as for other carriers in the region;

(19) *Pre-Sale Labor Protection* burdens of proof continue on Conrail for disputes involving pre-sale eligibility; and

(20) *After the Sale Labor Protection* becomes *New York Dock* protection (See section 108).

Section 104. *Implementation of the Secretary's Plan.*

This section does five things:

(1) repeals the legislative veto provision;

(2) specifically directs the Secretary to implement the Secretary's Plan;

(3) treats the sale and subsequent coordinated operation of Norfolk Southern Corporation and Conrail properties as a railroad merger deemed to have been approved by the ICC;

(4) directs the Secretary to enter into the Definitive Agreements; and

(5) defines the date of sale as the date title to the common stock passes to Norfolk Southern Corporation and the United States receives the cash purchase price.

Section 105. *Railroad Purchasers and Offer For Sale of Shares to Employees.*

This section repeals those provisions of NERSA, which were incorporated into the 3R Act, designed to give employees a right of first refusal and to set limitations on railroad buyers had Conrail been sold as a terminal company owned by several railroads. Since the Secretary considered an offer from employees to purchase Conrail and since the purchaser chosen by the Secretary is a single corporation, there is no need for these provisions.

Section 106. *Cancellation of Debt and Preferred Stock.*

This section permits recapitalization of Conrail, prior to sale, by cancellation of the preferred stock and debentures issued by USRA to fund Conrail. The recapitalization becomes effective on date of sale. Under existing law the preferred shares and debentures would be cancelled except in case Conrail went bankrupt, whereupon they would become liabilities against the bankrupt estate. This section eliminates that exception because no buyer would buy with such contingent liability and the financial strength of Norfolk Southern Corporation makes Conrail bankruptcy highly unlikely.

This provision allows Norfolk Southern Corporation to bring a civil action in the event the Internal Revenue Service takes any action that constitutes a breach of the tax representations made by the Federal

Government to Norfolk Southern Corporation.

Section 107. *Applicability of Other Laws.*

This section maintains the existing exclusions from judicial or administrative review for implementation of the Secretary's Plan and the Definitive Agreements. The faithful execution of the agreements is assured by section 121 which gives jurisdiction to the Special Court.

Section 108. *Labor Protection.*

This section requires Norfolk Southern Corporation and the buyers of any divested properties to provide *New York Dock* labor protection conditions after the sale for employees adversely affected by implementation of the sale and consolidation of Norfolk Southern Corporation and Conrail. Eligible employees adversely affected after the sale may receive up to six years pay.

SUBTITLE B—NERSA AMENDMENTS

Section 121. *Special Court Jurisdiction.*

This section extends the jurisdiction of the Special Court to review actions arising under this Act, the Secretary's Plan and the Definitive Agreements.

Section 122. *NERSA Conforming Amendment.*

This section makes clear that "sale of the interest of the United States in the common stock of Conrail or transfer of the rail properties and freight service responsibilities of Conrail" are included in the term "service transfers", which section 1168 of NERSA addressed in specifying the applicability of other Federal laws to the review of the transaction.

SUBTITLE C—ESOP

Section 131. *Responsibility of Employee Stock Ownership Plan Fiduciaries.*

This section extends civil immunity to ESOP fiduciaries for actions taken to implement the Secretary's plan.

Section 132. *Qualification and Review of Employees Stock Ownership Plans.*

This section clarifies the existing Conrail ESOP provisions in two ways:

(1) it assures no tax liability to ESOP members in connection with a sale to Norfolk Southern Corporation until ESOP assets are distributed to members; and

(2) it exempts the issuance and sale or contribution of securities by Norfolk Southern Corporation to the ESOP resulting from negotiations between labor organizations, Norfolk Southern Corporation and the Secretary from other Federal approvals or securities registration requirements. The exemption covers only a conversion of the existing Conrail plans, not the operation of any new ESOP should the parties agree to one.

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS

Section 201. *3-R Act Changes Effective on Date of Sale.*

Effective on successful consummation of the sale, the following changes appropriate to a privately owned Conrail would be made:

(1) Extinguish certain Conrail-related authorizations in title II of the 3-R Act, with respect to the following agencies or programs: the Department of Transportation, the Interstate Commerce Commission, the purchase of Conrail securities, assistance in transfer of Conrail services to local commuter authorities, Rock Island employee protection under separate legislation, and other commuter authority payments.

(2) Repeal sections 404, 405, 406, 407, 408(a) and (d), 409, 110, 411, 412, and 713 of the 3-R Act, which address the sale process itself or are otherwise unnecessary.

Section 202. *Other Changes Effective on Date of Sale.*

This section would repeal or revise the following provisions of rail laws other than the 3-R Act, again effective only upon consummation of the sale:

(1) Repeal section 1154 of NERSA, which subordinates all United States claims against Conrail to any other valid claim.

(2) Repeal section 1161 of NERSA, which establishes a government role and procedure for disposition of Conrail's light density lines. (See section 103(9));

(3) Repeal section 1166 of NERSA, which concerns trackage rights in the City of Philadelphia;

(4) Repeal section 1167(c) of NERSA, which provides for transfer of Conrail's stock to DOT;

(5) Repeal section 1168(b) of NERSA, which exempts Conrail from State full crew and related laws. (See section 103(18));

(6), (7), and (8) Delete from the "Rail Rehabilitation and Improvement" financing provisions of the 4-R Act the provisions for separate standards for certain funding of Conrail.

(9), (10) Delete Conrail references from the section 511 loan guarantee provision of the 4-R Act and from the Rail Safety and Service Improvement Act of 1982.

(11) Delete a specific reference to Conrail from provisions of the Rail Passenger Service Act dealing with the promotion of private sector passenger rail corridors.

(12) Delete a specific reference to Conrail from the duties of the ICC Rail Services Planning Office.

(13) Delete reference to Conrail from the entities directed to provide information to the Department of Transportation's Minority Resources Center, since this information will be provided as required by the terms of the Secretary's Plan.

TITLE III—MISCELLANEOUS PROVISIONS

Section 301. *Common Carrier Status of Conrail after Sale.*

This section preserves Conrail's rail common carrier status after the sale and does not convert Norfolk Southern Corporation, a holding company, into a railroad carrier.

Section 302. *Consummation of Sale.*

This section defines the time of sale as when the common stock passes to Norfolk Southern Corporation and the United States receives the cash purchase price.

Section 303. *Separability.*

This is a standard provision preserving other parts of the statute should any part be held invalid.

Section 304. *Effective Dates.*

This section makes everything in the bill effective on date of enactment, except those provisions which becomes effective upon the consummation of sale.

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conrail Sale Amendments of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) the Northeast Rail Service Act of 1981 (45 U.S.C. 1101 et seq.) provided for an orderly return of Conrail freight service to the private sector;

(2) the provisions of the Northeast Rail Service Act of 1981 were successful in removing Conrail's obligations beyond railroad freight service and in otherwise preparing Conrail for an orderly return to the private sector;

(3) acting under section 403 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 763), the Board of Directors of the United States Railway Association twice found Conrail to be a profitable corporation;

(4) acting under section 401 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761), the Secretary of Transportation engaged an investment banker and arranged, through open competitive bidding and negotiation, to sell the interest of the United States in the common stock of Conrail;

(5) the Secretary's Plan for the sale of Conrail provides for sale of the interest of the United States in the common stock of Conrail to Norfolk Southern Corporation;

(6) the Secretary of Transportation found that sale of the interest of the United States in the common stock of Conrail to Norfolk Southern Corporation (A) best meets the sale criteria of leaving Conrail in the strongest financial position after the sale, (B) preserving patterns of service to shippers and communities in the region Conrail serves, and maximizing return to the Federal Government consistent with the criteria specified in clauses (A) and (B);

(7) amendments to the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and related laws are needed to permit the sale of the interest of the United States in the common stock of Conrail to Norfolk Southern Corporation and to permit cancellation of the interest of the United States in Conrail debt and preferred stock; and

(8) the Secretary's Plan satisfies the requirements of the Northeast Rail Service Act of 1981, including the intent, goals, and objectives relating to the sale of the interest of the United States in the common stock of Conrail and the requirements of section 401(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(e)).

PURPOSE

SEC. 3. It is therefore declared to be the purpose of the Congress in this Act to return Conrail to the private sector by directing and facilitating implementation of the Secretary's Plan for the sale of the interest of the United States in the common stock of Conrail.

DEFINITIONS

SEC. 4. (a) In this Act, unless the context otherwise requires, the term—

(1) "Conrail" means the Consolidated Rail Corporation;

(2) "Definitive Agreements" means any and all agreements existing or to be developed between the United States and Norfolk Southern Corporation, including all representations and warranties made therein, to implement the Memorandum of Intent described in paragraph (4)(A);

(3) "Secretary" means the Secretary of Transportation; and

(4) "Secretary's Plan" means (A) the Memorandum of Intent between the United States and Norfolk Southern Corporation signed February 8, 1985, and (B) the divestitures by the Norfolk Southern Corporation of certain rail tracks, rights, and facilities, in accordance with Attachment A to the letter from the Department of Justice attached to the Memorandum of Intent as Exhibit E.

(b) Section 102 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702) is amended—

(1) by redesignating paragraphs (6) through (18) as paragraphs (7) through

(19), and paragraphs (19) through (21) as paragraphs (21) through (23), respectively;

(2) by inserting after paragraph (5) the following paragraph:

"(6) 'Definitive Agreements' means any and all agreements existing or to be developed between the United States and Norfolk Southern Corporation, including all representations and warranties made therein, to implement the Memorandum of Intent described in paragraph (20)(A);" and

(3) by inserting after paragraph (19), as so redesignated, the following paragraph:

"(20) 'Secretary's Plan' means (A) the Memorandum of Intent between the United States and Norfolk Southern Corporation signed February 8, 1985, and (B) the divestitures by the Norfolk Southern Corporation of certain rail tracks, rights, and facilities, in accordance with Attachment A to the letter from the Department of Justice attached to the Memorandum of Intent as Exhibit E;".

(c) Section 1135(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(a)) is amended—

(1) by redesignating paragraphs (6), (7) and (8) as paragraphs (7), (8), and (10), respectively;

(2) by inserting after paragraph (5) the following paragraph:

"(6) 'Definitive Agreements' means any and all agreements existing or to be developed between the United States and Norfolk Southern Corporation, including all representations and warranties made therein, to implement the Memorandum of Intent described in paragraph (9)(A)"; and

(3) by inserting after paragraph (8), as so redesignated, the following paragraph:

"(9) 'Secretary's Plan' means (A) the Memorandum of Intent between the United States and Norfolk Southern Corporation signed February 8, 1985, and (B) the divestitures by the Norfolk Southern Corporation of certain rail tracks, rights, and facilities, in accordance with Attachment A to the letter from the Department of Justice attached to the Memorandum of Intent as Exhibit E;".

TITLE I—AMENDMENTS TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973 AND THE NORTHEAST RAIL SERVICE ACT OF 1981

Subtitle A—Regional Rail Reorganization Act Amendments

LIMIT ON AUTHORITY TO PURCHASE STOCK

SEC. 101. Section 216(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(b)) is amended by adding at the end thereof the following paragraph:

"(5) The authority of the Association to purchase debentures or series A preferred stock of the Corporation under this section shall terminate upon the consummation of the sale of the interest of the United States in the common stock of the Corporation under the terms of the Secretary's Plan.".

RESPONSIBILITY OF CONRAIL DIRECTORS

SEC. 102. Section 301(i) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741(i)) is amended by inserting immediately after "required by law" the following: ", taken to implement the Secretary's Plan,".

APPLICABILITY OF REGIONAL RAIL REORGANIZATION ACT OF 1973 TO CONRAIL AFTER SALE

SEC. 103. Section 301 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741) is amended by adding at the end thereof the following subsection:

"(k) GOVERNING PROVISION AFTER SALE.—The provisions of this Act shall not apply to the Corporation and to activities and other actions and responsibilities of the Corporation and its directors after consummation of the sale of the interest of the United States in the common stock of the Corporation under the terms of the Conrail Sale Amendments of 1985, other than with regard to—

"(1) section 102 of this Act;

"(2) section 201(d) of this Act;

"(3) section 203 of this Act, but only with respect to information relating to proceedings before the special court established under section 209(b);

"(4) section 216(f)(8) of this Act, but only as such authority applies to activities related to the employee stock ownership plan and related trusts prior to or in connection with consummation of the sale of the interest of the United States in the common stock of the Corporation, including activities related to the sale, exchange, valuation, or disposition of the assets of the employee stock ownership plan and related trusts, or of ConRail Equity Corporation, in connection with the Secretary's Plan;

"(5) sections 216(f) (11) and 216(f) (12) of this Act, as amended by the Conrail Sale Amendments of 1985;

"(6) section 217(e) of this Act;

"(7) subsection (i) of this section, but only as such authority applies to service as a director of the Corporation prior to consummation or in connection with implementation of the sale of the interest of the United States in the common stock of the Corporation;

"(8) section 305 of this Act, but only as to the effect, and continuing administration, of supplemental transactions consummated prior to consummation of the sale of the interest of the United States in the common stock of the Corporation;

"(9) section 308 of this Act, but only in abandonment actions when such authority has been relied on to file a notice or notices of insufficient revenues prior to consummation of the sale of the interest of the United States in the common stock of the Corporation;

"(10) section 401(a) of this Act, as amended by the Conrail Sale Amendments of 1985;

"(11) section 402 of this Act, as amended by the Conrail Sale Amendments of 1985;

"(12) section 408(c) of this Act, as amended by the Conrail Sale Amendments of 1985;

"(13) section 701 of this Act, but only as may be necessary to indentify employees eligible for benefits under agreements entered into under such section;

"(14) section 702(e) of this Act;

"(15) section 704(b) of this Act;

"(16) section 709 of this Act;

"(17) section 710(b)(1) of this Act;

"(18) section 711 of this Act;

"(19) section 714 of this Act, but only with regard to disputes or controversies specified in such section that arose prior to consummation of the sale of the interest of the United States in the common stock of the Corporation; and

"(20) section 715 of this Act, as amended by the Conrail Sale Amendments of 1985.".

IMPLEMENTATION OF THE SECRETARY'S PLAN

SEC. 104. (a) Section 401(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)(3)) is amended to read as follows:

"(3) The Secretary is authorized and directed to implement the Secretary's Plan, in accordance with paragraph (4) of this subsection. Such implementation of the Secretary's Plan and the coordinated operation of the Corporation's properties with those of Norfolk Southern Corporation and its affiliates as a single rail system is deemed approved by the Commission under chapter 113 of title 49, United States Code.".

(b) Section 401(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)) is amended by adding at the end thereof the following paragraphs:

"(4) The Secretary shall implement the Secretary's Plan by negotiating, executing, delivering, and performing the Definitive Agreements, which shall, in the Secretary's judgment, conform substantially to the Memorandum of Intent described in section 102(20)(A) of this Act.

"(5) The sale of the interest of the United States in the common stock of the Corporation shall be deemed to be consummated on the date title to the common stock passes to Norfolk Southern Corporation and the United States receives the cash purchase price.".

RAILROAD PURCHASERS AND OFFER FOR SALE OF SHARES TO EMPLOYEES

SEC. 105. Subsections (d) and (e) of section 401 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(d) and (e)) are repealed.

CANCELLATION OF DEBT AND PREFERRED STOCK

SEC. 106. Section 402 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 762) is amended to read as follows:

"DEBT AND PREFERRED STOCK

"SEC. 402.(a) RECAPITALIZATION.—In connection with the sale of the interest of the United States in the common stock of the Corporation under section 401 of this Act, and consistent with the Secretary's Plan, the Secretary may take all action necessary to cause the Corporation to be recapitalized such that the interest of the United States, or any agent or instrumentality thereof, and all other commitments or obligations of the Corporation to the United States or any agent or instrumentality thereof arising out of such interest, in any debt (including accrued interest and contingent interest thereon) and preferred stock (including accrued and unpaid dividends thereon) of the Corporation shall be cancelled or retired, and contributed to the capital of the Corporation. The Secretary shall cause the recapitalization authorized by this section to be effective as of the consummation of the sale of the interest of the United States in the common stock of the Corporation.

"(b) BREACH OF REPRESENTATIONS.—(1) Norfolk Southern Corporation or any successor corporation thereto may bring suit for any breach of representations contained in paragraph 6(e) of the Memorandum of Intent described in section 102(20)(A) of this Act (hereinafter referred to as the 'Representations') in the United States Claims Court or a district court of the United States. If such an action is brought, the Claims Court or district court shall determine the amount by which the United States income tax (including interest and penalties whether or not such penalties are assessed as a tax under the Internal Revenue Code of 1954) assessable against the Corporation or against Norfolk Southern Corporation for any year exceeds the amount of such tax which would have been assessable for such year had such Representations not been breached (hereinafter referred to as the "Offset Amount").

"(2) The Representations shall be considered breached and Norfolk Southern Corporation shall be entitled to bring suit upon the first occurrence of any of the following that is inconsistent with the Representa-

tions: (A) the issuance by the Internal Revenue Service of a statutory notice of deficiency (90-day letter), (B) the assessment of the United States income tax, or (C) any claim by the United States in a suit or other judicial proceeding against Norfolk Southern Corporation or the Corporation.

"(3) The right to bring suit pursuant to this section shall not be subject to any waiting period applicable to tax proceedings or to any requirements for payment of any tax as a condition to instituting any suit based on a breach of the Representations.

"(4) Any judgment for money damages relating to breach of the Representations shall only be awarded as an offset in any court or administrative proceeding against the tax liability of Norfolk Southern Corporation or the Corporation, or both, to which such breach relates; except that if any such tax liability resulting from such breach has been paid, the judgment shall to that extent be an offset against any United States income tax liability of the Norfolk Southern Corporation or the Corporation, or both. If any portion of the tax resulting from a breach of the Representations has been paid, then the Offset Amount shall include interest on such payment from the date paid at the rate from time to time specified in the International Revenue Code of 1954 for interest payable on refund claims.

"(5) It shall not be a defense to an action brought under this section that Norfolk Southern Corporation knew, or should have known, of the falsity of the Representations or that there exists no carryover basis procedure as contemplated by the last sentence of the Representations.

"(6) For purposes of this section, tax liability of Norfolk Southern Corporation shall include the tax liability of Norfolk Southern Corporation and its affiliated group, within the meaning of section 1504 of the Internal Revenue Code of 1954.".

APPLICABILITY OF CERTAIN LAWS TO SALE OF CONRAIL

SEC. 107. Section 408 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768) is amended—

(1) by repealing subsection (b);

(2) by amending subsection (c) by striking out "No transfer" and all that follows through "subject to" and inserting in lieu thereof "Except as provided in section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105), the Secretary's Plan and the Definitive Agreements and their negotiation, execution, and implementation shall not be subject to administrative or"; and

(3) by adding at the end of subsection (c) the following sentence: "The issuance in private placement of notes or other securities in accordance with Exhibit B to the Memorandum of Intent (described in section 102(20)(A) of this Act) in the Secretary's Plan shall not be subject to the provisions of subtitle IV of title 49, United States Code.".

LABOR PROTECTION

SEC. 108. (a) Section 701(d)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(d)(2)) is amended by striking "the last day of the eighteen month period beginning on".

(b)(1) Title VII of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797 et seq.) is amended by adding at the end thereof the following section:

"PROTECTION AFTER SALE

"SEC. 715. After consummation of the sale of the interest of the United States in the common stock of the Corporation pursuant to the Secretary's Plan, any employee of Norfolk Southern Corporation, the Corporation, any rail affiliate of either company, and any transferee of the rail tracks, rights, and facilities divested in accordance with the Secretary's Plan, who is adversely affected in his employment by the implementation of the Secretary's Plan shall receive from his employer protection under the labor protective conditions set forth in *New York Dock Railway—Control—Brooklyn Eastern District Terminal* (354 ICC 399 (1978), *modified upon further consideration*, 360 ICC 60 (1979)). The arbitration provisions of section 4 of *New York Dock* shall apply to the formation of any implementing agreements that may be necessary in connection with the implementation of the Secretary's Plan, including any resulting coordinations.".

(2) The table of contents of the Regional Rail Reorganization Act of 1973 is amended by inserting immediately after the item relating to section 714 the following item:

"Sec. 715. Protection after sale.".

SUBTITLE B—NORTHEAST RAIL SERVICE ACT AMENDMENTS

SPECIAL COURT JURISDICTION

SEC. 121. Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended—

(1) by inserting "or the Conrail Sale Amendments of 1985" immediately after "subtitle" wherever it appears;

(2) in subsection (a), by striking "or" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following paragraphs:

"(5) brought by the United States or any agency or instrumentality thereof seeking to enforce the Secretary's Plan or the Definitive Agreements;

"(6) brought by Norfolk Southern Corporation seeking to enforce the Secretary's Plan or the Definitive Agreements;

"(7) brought by a party which is a signatory to an ancillary agreement entered into in accordance with the Secretary's Plan or the Definitive Agreements and which is seeking to enforce such ancillary agreement; or

"(8) brought to determine the value of the interest of the employee stock ownership plan and related trusts, or of the beneficiaries thereof, in the preferred stock of the ConRail Equity Corporation.

For purposes of any action brought under paragraph (5) of this subsection, a violation of any covenant contained in the Secretary's Plan or the Definitive Agreements shall be deemed to constitute immediate and irreparable harm for purposes of awarding injunctive relief to the United States.".

APPLICABILITY OF OTHER LAWS

SEC. 122. Section 1168(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1116(a)) is amended by striking "service transfers" and inserting in lieu thereof "sale of the interest of United States in the common stock of Conrail or transfer of the rail properties and freight service responsibilities of Conrail".

SUBTITLE C—EMPLOYEE STOCK OWNERSHIP PLAN

RESPONSIBILITY OF EMPLOYEE STOCK OWNERSHIP PLAN FIDUCIARIES

SEC. 131. (a) Section 216(f)(8)(A) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)(8)(A)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following clauses:

"(iv) for or in connection with any action taken to implement the Secretary's Plan, including any sale, exchange, valuation, or disposition of the plan and related trust assets, or the assets of ConRail Equity Corporation, in connection with implementation of the Secretary's Plan and any determination of the terms on which any such sale, exchange, valuation, or disposition is effected.".

QUALIFICATION, REVIEW, AND VALUATION OF EMPLOYEE STOCK OWNERSHIP PLANS

SEC. 132. Section 216(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)) is amended by adding at the end thereof the following paragraphs:

"(11)(A) The employee stock ownership plans of the Corporation and related trusts maintained, amended, or adopted in implementing the Secretary's Plan shall be deemed to meet the qualification requirements of sections 401 and 501, respectively, of the Internal Revenue Code of 1954 notwithstanding (i) that such plans may not meet the requirements of section 415 of the Internal Revenue Code of 1954, or (ii) that participants in such plans may be entitled to withdraw a portion of the shares allocated to their accounts prior to the expiration of the period generally imposed by the Internal Revenue Service for qualified plans. Such qualification shall relate only to the contributions, allocations, and withdrawals of shares provided for in the Secretary's Plan with respect to the plans and related trusts maintained, amended, or adopted in implementing the Secretary's Plan. Such contribtutions and allocations shall in no event be treated as having exceeded the maximum annual addition permitted under section 415 of the Internal Revenue Code of 1954 (but not for purposes of applying section 404(j) of the Internal Revenue Code of 1954) for purposes of calculating any limitation under section 415 with respect to contributions and allocations not described in the Secretary's Plan, including contributions and allocations to plans and related trusts of the Corporation and any affiliated corporation. The continued qualification of such plans with respect to all other contributions, allocations, and withdrawals shall be subject to all provisions of existing law, as amended from time to time. No inference shall be drawn from this paragraph as to whether an amount is a contribution deductible under section 404 of the Internal Revenue Code of 1954 rather than non-deductible capital expenditure.

"(12) Except as provided in section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105), the issuance and sale or contribution of securities by Norfolk Southern Corporation to fulfill arrangements with the Corporation's employees in implementing the Secretary's Plan and the distribution of shares from the Corporation's employee stock ownership plans and related trusts maintained, amended, or adopted in implementing the Secretary's Plan shall not be subject to the registration and prospectus delivery requirements of the Securities Act of 1933, any approval requirement under subtitle IV of title 49, United States Code, or the laws of any State with respect to the issuance and sale of securities.".

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS

REGIONAL RAIL REORGANIZATION ACT AMENDMENTS AND REPEALS

SEC. 201. The following provisions of the Regional Rail Reorganization Act of 1973 are repealed or amended as specified:

(1) Subsections (a) and (b) of section 214 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724 (a) and (b)), are repealed, and such section 214 is amended by striking "(c) ASSOCIATION.—".

(2) Subsection (f) of section 217 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(f)) is repealed, without prejudice to the continued availability of funds appropriated prior to the date of enactment of this Act pursuant to section 217(f)(1)(C) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(f)(1)(C)).

(3) Section 404 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 764), and the item relating to such section in the table of contents of such Act, are repealed.

(4) Section 405 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 765), and the item relating to such section in the table of contents of such Act, are repealed.

(5) Section 406 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 766), and the item relating to such section in the table of contents of such Act, are repealed.

(6) Section 407 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 767), and the item relating to such section in the table of contents of such Act, are repealed.

(7) Subsections (a) and (d) of section 408 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768 (a) and (d)) are repealed.

(8) Section 409 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 769), and the item relating to such section in the table of contents of such Act, are repealed.

(9) Section 410 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 769a), and the item relating to such section in the table of contents of such Act, are repealed.

(10) Section 411 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 769b), and the item relating to such section in the table of contents of such Act, are repealed.

(11) Section 412 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 769c), and the item relating to such section in the table of contents of such Act, are repealed.

(12) Section 713 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797l), and the item relating to such section in the table of contents of such Act, are repealed.

AMENDMENTS AND REPEALS OF OTHER RAIL LAWS

SEC. 202. The following provisions of law are repealed or amended as specified:

(1) Section 1154 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1107), and the item relating to such section in the table of contents of such Act, are repealed.

(2) Section 1161 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1110), and the item relating to such section in the table of contents of such Act, are repealed.

(3) Section 1166 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1114), and the item relating to such section in the table of contents of such Act, are repealed.

(4) Subsection (c) of section 1167 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1115) is repealed.

(5) Subsection (b) of section 1168 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1116(b)) is repealed.

(6) Section 501(8) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821(8)) is amended—

(A) by striking "(A)";

(B) by striking "(i)" and inserting in lieu thereof "(A)", and by striking "(ii)" and inserting in lieu thereof "(B)"; and

(C) by striking all after "utilization;".

(7) Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) is amended—

(A) in subsection (a)(1), by striking all after "railroad" through "1981)"; and

(B) in subsection (b)(2)(C), by striking all after "costs" the second time it appears through "subsidy".

(8) Subsection (b)(1) of section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829(b)(1)) is repealed.

(9) Section 511(e) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(e)) is amended by striking "(1)", and by striking all after "time" and inserting in lieu thereof a period.

(10) Section 402 of the Rail Safety and Service Improvement Act of 1982 (45 U.S.C. 825a) is repealed.

(11) Section 1005(b)(1) of the Rail Passenger Service Act (45 U.S.C. 655(b)(1)) is amended by striking "the Consolidated Rail Corporation,".

(12) Section 10362(b)(7)(A) of title 49, United States Code, is amended by striking "by the Consolidated Rail Corporation or".

(13) Section 332(d) of title 49, United States Code, is amended by striking ", the Consolidated Rail Corporation,".

TITLE III—MISCELLANEOUS PROVISIONS

COMMON CARRIER STATUS OF CONRAIL AFTER SALE

SEC. 301. Conrail's status as a common carrier by railroad under section 10102(4) of title 49, United States Code, shall not be affected by virtue of sale of the interest of the United States in Conrail's common stock. Purchase of Conrail stock shall not alone be the basis of a determination that the acquiring entity has become a common carrier by railroad under section 10102(4) of title 49, United States Code.

CONSUMMATION OF SALE

SEC. 302. The sale of the interest of the United States in the common stock of Conrail shall be deemed to be consummated on the date title to the common stock passes to Norfolk Southern Corporation and the United States receives the cash purchase price.

SEPARABILITY

SEC. 303. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall be affected thereby.

EFFECTIVE DATE

SEC. 304. (a) Except as provided in subsection (b), the provisions of and amendments made by this Act shall take effect on the date of enactment of this Act.

(b) Sections 108(a), 201 and 202 of this Act shall take effect on the date of consummation of the sale of the interest of the United States in the common stock of Conrail.

Mr. THURMOND. Mr. President, to what committee will this legislation be referred?

The PRESIDING OFFICER. The legislation has not been received yet.

The bill will be referred to the Committee on Commerce, Science, and Transportation.

Mr. THURMOND. Mr. President, I ask unanimous consent that this bill be jointly referred to the Judiciary Committee.

The PRESIDING OFFICER. Is there objection?

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DANFORTH. Mr. President, I would like to explain the reasons for my objection, an objection raised on my own behalf and on behalf of several of my colleagues. We have spent a great deal of time in recent days attempting to work out an agreement that properly protects the rights of all Senators as well as the jurisdictional concerns of all committees. We were unable to work out a formal agreement on joint or sequential referral. However, I believe we can accommodate the Senator's concerns in another way.

Mr. THURMOND. Mr. President, let me make my intentions clear. I and some of my colleagues on the Judiciary Committee believe that significant antitrust questions are raised by this legislation. As a committee of jurisdiction in such matters, we are interested in joint or sequential referral to give us sufficient time to explore these questions.

Mr. DANFORTH. Mr. President, let me say to the distinguished President pro tem of the Senate that I appreciate his concerns. I want to accommodate him and his committee in every way. I do believe the Chair has ruled correctly. The Chair's referral is the same as the referral yesterday in the House where the bill was sent only to the House Committee on Energy and Commerce. This was done even though the House Parliamentarian is empowered to jointly refer legislation, a power not enjoyed by our Parliamentarian. Nonetheless, I want to accommodate the concerns of the Senator as well as similar concerns expressed to me by the chairman of the Finance Committee. Therefore, I am prepared to commit myself to delaying any action in the Commerce Committee on this measure until the Judiciary Committee and the Finance Committee have had ample time to hold hearings on it. In that regard, I will tell the Senator that the Commerce Committee will not attempt to report this bill before April 1 of this year. That is not to say that we would in fact report on April 1, but we will not try to report the bill before that day.

Mr. THURMOND. Mr. President, I thank the distinguished Senator for his willingness to accommodate the concerns of other committees. I would still prefer to have joint or sequential referral. I can appreciate the Senator's efforts to meet our concerns. However, I am not sure that the proposed date gives us enough time. I wonder if the

Senator would be willing to extend that date until April 10. That would give our committee a chance to hold a hearing the week of March 25 and to hold additional hearings if they are necessary. It will also give us sufficient time to meet and make any recommendations we believe to be appropriate.

Mr. DANFORTH. Mr. President, I would prefer an earlier date, but under the circumstances I am happy to accommodate the Senator, and I look forward to working with him on the enactment of this important legislation.

Mr. THURMOND. Mr. President, I wish to thank the Senator for agreeing to that.

Mr. HOLLINGS. Mr. President, today I join my colleague Senator DANFORTH in introducing legislation to implement the sale of Conrail to Norfolk Southern. I do this with the belief that a sale to Norfolk Southern represents the best and most secure accommodation of the interests which must be met in any disposition of Conrail in the private sector.

In 1981, Congress passed the Northeast Rail Services Act in response to Conrail's continuing financial and operational problems and its continuing drain on the Federal Treasury. This act presented as an alternative to continued Federal subsidies the sale of Conrail in the private sector. It established a process for implementing such a sale; specifically stated that all best efforts were to be made to sell Conrail as an entity; and delegated to the Department of Transportation [DOT] the responsibility for finding a responsible buyer, with a view toward ensuring financial strength, continued rail service, and the maximum return to the Federal Government. DOT's efforts to this end began in 1983, when it hired an investment banker and began to solicit bids for the purchase of Conrail. The competitive bidding process engendered by these efforts culminated in the receipt by DOT of 15 bids by the deadline for submission on June 18, 1984.

Shortly thereafter, the committee held a hearing in June of last year on the progress of the process to date. At that time, I emphasized my concerns that in any sale of Conrail, we must be assured of a reasonable return to the Federal Government; a purchase that brings financial strengths to the Conrail system; an arrangement that ensures the continuation of high quality service in the Conrail region and as a link to other parts of the country; and a sale which recognizes the sacrifices that rail labor has made and the importance of labor participation to the future of the rail system in the Conrail region. With these criteria in mind, I carefully reviewed Secretary of Transportation Dole's selection on February 8, 1985, of Norfolk Southern as purchaser of Conrail and became convinced that the selection represented an appropriate balance of the various interests.

Last week, on February 27 and 28, Senator DANFORTH and I were joined by other Commerce Committee members in extensive hearings on that selection. After carefully examining the testimony received from a myriad of witnesses espousing divergent viewpoints on this selection, I remain confident that of the alternatives available for resolving this matter, an expeditious sale of Conrail to Norfolk Southern represents the strongest and most concrete alternative.

During the hearing, I and other members explored several questions that have been, and continue to be, raised about the Conrail sale. Two such issues relate to whether Conrail should be sold now or later, and further whether the purchase price of $1.2 billion represents an adequate return to the Government. After listening to testimony given by DOT and various investment bankers. I believe that now is the best time to sell Conrail, given the uncertainties which have been raised about the future market and Conrail's future financial health. Furthermore, I believe that the price is a reasonable one, arrived at through an appropriate business assessment of value and a competitive bidding process.

Much attention also was focused in the hearing on other sale alternatives, including the public offering option. After listening to the testimony on this issue, I am even more convinced that the Norfolk Southern bid is the wisest approach. First of all, Norfolk Southern is clearly a carrier that is financially and operationally sound and thus can bring important strength and resources to rail service in the Conrail region—added resources which would not be available if Conrail remained a stand-alone entity. Furthermore, the Norfolk Southern bid provides us with a timely sale at a price certain with no encumberances on Conrail assets—which I am not convinced could be attained through a public offering. Finally, continued high-quality service is promoted through financial and service covenants—which I again am not confident could be effectively incorporated into a public offering, and which I believe are an important element in any sale. In short, this purchase would provide us with certainty that the public interest is being protected, a goal which I know is shared by rail labor, shippers, and other interested parties.

Several other important issues were explored at the hearings, including the tax implications of this transaction, the anticompetitive impacts that might be felt inside and outside the Conrail region, and the employee dislocations that also might occur inside and outside the Conrail region—all issues on which I will continue to seek more definitive information.

After hearing the testimony on potential anticompetitive impacts, however, I am not yet persuaded by the arguments that the Justice Department report and its proposed remedies are inadequate, or that impact on service outside the Conrail region will be as devastating as claimed. In fact, service to other parts of the country could even be enhanced through added efficiencies and the opening of gateways.

Finally, with respect to employment impacts, I believe that a sale to Norfolk Southern is beneficial to rail labor as a whole. First of all, a Norfolk Southern/Conrail combination would provide more certainty of financial strength than Conrail as a single entity, which would ensure the long-term viability that I know labor is interested in. Second, while Norfolk Southern has indicated the potential for some layoffs, they seem minimal by comparison to those displaced in the last few years on the Conrail system, and possibly to those that could be laid off by Conrail if it remained a single entity. Furthermore, the Norfolk Southern bid guarantees certain labor protection and an opportunity for employee participation in the future entity. Finally, with respect to concerns raised about employee dislocations off the Conrail/Norfolk Southern system, while many generalizations have been made, I am still not certain of specific impacts and their relationship to a sale of Conrail to Norfolk Southern.

While I remain committed to thoroughly reviewing all the concerns that are being raised, I am persuaded that a Norfolk Southern purchase is the best alternative and most clearly meets important financial and service criteria. Furthermore, I do not believe that the concerns raised either outweigh the clear and certain benefits of a sale of Conrail to Norfolk Southern, or cannot otherwise be met in the context of a Norfolk Southern purchase.

As we proceed with a disposition of Conrail in the private sector, I look forward to working with all interested parties to perfect as necessary the legislation which I am cosponsoring today.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, I have listened to the request and the colloquy between the Senator from Missouri and the Senator from South Carolina quite carefully, and I must confess that I remain concerned not so much about the procedures that have been described but about the procedures that have not been described. I would like to ask the chairman, the distinguished chairman of the Commerce

Committee, Senator DANFORTH, if it is his intention to move his legislation through the Senate as freestanding legislation or whether he would anticipate that it might be a part of another bill?

Mr. DANFORTH. Mr. President, from the standpoint of the Commerce Committee, it is certainly the intention of the chairman to move the bill through the Commerce Committee in the ordinary course of events, that is to say, it is the intention of the chairman of the Commerce Committee that we, having held hearings, proceed to mark up the bill and to report the bill out of the Commerce Committee.

I have agreed now not to do so before April 10. I think I understand the thrust of the Senator from Pennsylvania. He is concerned that perhaps this be included as part of a reconciliation measure.

Mr. HEINZ. The Senator is correct.

Mr. DANFORTH. I cannot speak to that. I do not know the answer to that. I would have difficulty believing that reconciliation instructions could be accomplished before April 10.

Mr. HEINZ. That is the point.

Mr. DANFORTH. Whatever happens in the Budget Committee, it seems to me, is a different matter. We will not have this bill reported out of the Commerce Committee before April 10, and I cannot imagine that it is going to be covered by reconciliation instructions before April 10.

Mr. HEINZ. I would probably agree with the Senator. It is not what happens before April 10 in the Budget Committee that worries me; it is what happens after April 10 in the Budget Committee. As the Senator has just described, he will imagine not acting on this bill earlier than April 10, but if he acts by April 10 and the Budget Committee has not written the reconciliation instructions by April 10, which as the Senator from Missouri says—and I am inclined to agree—is highly unlikely, then the Budget Committee could very easily incorporate the bill reported from the Commerce Committee into the budget reconciliation. My question for the Senator from Missouri is, would he support or oppose such an effort?

Mr. DANFORTH. To put this in the reconciliation instructions?

Mr. HEINZ. Yes.

Mr. DANFORTH. I do not know. I may well support that on the Budget Committee. That is a matter which I am going to have to decide on a different day. But whether or not it is included in reconciliation instructions to me is irrelevant to the question of referring the matter to the Commerce Committee and my commitment not to report the bill out of the Commerce Committee until April 10.

Mr. HEINZ. If the Senator will permit me, I will attempt to explain why it is extremely relevant. As the Senator well knows, the legislation that he has just sent to the desk is not only controversial and touches on matters in the jurisdiction of the Commerce Committee, but has vast antitrust implications. That legislation has been the subject of a lengthy study by the Justice Department, not the Interstate Commerce Commission; the Justice Department deals with antitrust matters, and it is clear and a matter of common sense that when the Antitrust Division of the Justice Department has investigated the proposals of the Department of Transportation at some length, there clearly are a variety of antitrust issues, such that the Senator saw fit to discuss it a few moments ago with the chairman of the Judiciary Committee.

There are also, as I know the Senator from Missouri is aware, very intricate, important tax aspects to this legislation and that the legislation should thereby come under careful scrutiny not only of the Judiciary Committee but of the Senate Finance Committee as well.

But I must say that without the ability to obtain referral to either the Judiciary Committee or the Finance Committee or, as I would prefer, both, the agreement entered into with my good friend and the President of the Senate, the Senator from South Carolina, is in fact a sham. It is a sham if reconciliation becomes the vehicle by which this legislation is moved forward. And so if the legislation was going to move forward on some kind of freestanding basis, it might be an appropriate methodology. Under what the Senator just described, he is unwilling to say that it was not going to go on reconciliation.

Frankly, I think what we have been doing here is really a pretense to grease the skids of this legislation so that it is tucked away in budget reconciliation, which is debated under a very tight time limitation. Amendments to reconciliation bills are extraordinarily difficult; we all know that.

I do not think anybody should be under the least bit of illusion as to what is going on here. I respect both the Senator from South Carolina and the Senator from Missouri, but I think the public deserves to know that no protections have been obtained for the Judiciary Committee, and in a minute we will talk about the Finance Committee, because there will not be an opportunity to properly consider the legislation either in those committees or on the floor, even after a period of suitable study.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. HEINZ. I yield.

Mr. DANFORTH. I do not understand the argument being made by the Senator from Pennsylvania, and I have been listening to him with great care.

I suppose any measure that is agreed to in the budget resolution can be included, if it is the will of the Senate, in reconciliation instructions. It does not depend on whether a related bill is or is not reported by one or two committees, three committees, or more committees. I just do not see the relevance of that at all. Anything can be in reconciliation, and that is the point, that it is included in reconciliation instructions, regardless of the actions of any committee.

So, whether the Commerce Committee takes 1 week, 10 days, 1 month, or 2 months to mark up a bill and to report it out of the Commerce Committee is a totally unrelated matter, I would think, to reconciliation. The fact is that while we do not have procedures in the Senate, absent unanimous consent, for sequential referral, I have done my best to accommodate the concerns of the Judiciary Committee and the Finance Committee by guaranteeing that we are going to have more than a month, so that the Finance Committee and the Judiciary Committee can look into this question in great depth.

It is my understanding that a hearing is scheduled for the Judiciary Committee on March 25, and my hope is that the Finance Committee would also be willing to schedule hearings. But certainly given a month or 5 weeks, or whatever it is, for committees to look into the matter and to consider any amendments they might want to propose is ample time.

Mr. HEINZ. Exactly how does the Senator propose that the Finance Committee or the Judiciary Committee amend the bill if the bill is not jointly referred?

Mr. DANFORTH. I would think the committees could hold hearings on the bill, consider any changes they might agree on, and then propose floor amendments.

Mr. HEINZ. If the bill does not come to the floor, is it not going to be a little hard—if it is wrapped up in reconciliation?

Mr. DANFORTH. I do not see the relevance between the question of whether or not this is going to be in reconciliation instructions and whether or not it is referred to one, two, three, or more committees in the Senate.

Mr. HEINZ. There are a number of ways of perfecting any piece of legislation. One can do it through the process of joint referral, where the bill is referred to more than one committee, each committee works its will and reports simultaneously its deliberations and the amendments it has by vote of the respective committees, the provisions that have been adopted. Sometimes it will result in the same bill.

Sometimes it will result in two or more pieces of legislation that have more differences than similarities. That is one alternative.

The second alternative is sequential referral, where whichever committee, I suppose, is last in sequence has the last word.

I am not proposing sequential referral. I think sequential referral could arguably be accused of being a methodology of slowing down and/or killing the Department's proposal.

But sequential referral, where everybody with a legitimate jurisdiction had their fair bite at the apple, does not slow down the legislative process at all. Indeed, it results in the committees of jurisdiction, where people with the expertise to make the judgments make those judgments, not on some consensus basis that is hazardous or vague at best, but by actual vote of the committee.

Mr. President, I find the arguments of the Senator from Missouri thoroughly unconvincing on this point. It seems to me that he has nothing to fear from joint referral to both Finance and Judiciary. No one questions the right of the Commerce Committee to it.

It seems to me that there are clearly tax provisions in this bill. There are clearly antitrust questions in this bill. So, in a moment I am going to propound a unanimous-consent request, and I hope that the Senator from Missouri and other Senators will understand that it may be that the shortest distance between two points is a long straight line.

I think it would be very injurious to the budget process and to any reconciliation bill were the Conrail legislation simply incorporated by the Budget Committee, without having been properly considered by all three committees of jurisdiction. If that sounds like an implied problem with respect to the votes of certain Senators, myself included, that is exactly what I intend it to imply.

Mr. SPECTER. Mr. President, will the Senator yield?

Mr. HEINZ. I yield.

Mr. SPECTER. Mr. President, I should like to associate myself with the remarks of Senator HEINZ. I believe it is vital that there be thorough hearings on this issue before the Judiciary Committee and the Finance Committee, and that the legislation have an opportunity, in regular course, to be considered on all the issues, before both Judiciary and Finance.

As I testified before the Commerce Committee on February 28, there are enormous antitrust questions involved in the proposed sale of Conrail. I believe that the proposed sale of Conrail to Norfolk Southern is violative of the antitrust laws, as is made clear in the January 29 letter from the Department of Justice to Secretary Dole, which sets so many preconditions that the proposed merger cannot pass antitrust muster.

I associate myself with the remarks of Senator HEINZ and ask that his unanimous-consent request be agreed to.

Mr. METZENBAUM. Mr. President, will the Senator from Pennsylvania yield?

Mr. HEINZ. I am happy to yield.

Mr. METZENBAUM. Mr. President, I am very happy to hear that the Senators from Pennsylvania and the distinguished President pro tempore of the Senate have seen fit to raise this issue.

The President pro tempore of the Senate also serves as chairman of the Judiciary Committee. As he well knows, I indicated to him at an early point that I felt very strongly that the antitrust issues involved in this matter demand that there be jurisdiction in the Judiciary Committee with respect to the antitrust aspects and that we ought to have joint jurisdiction.

I understand full well the attitude of the Senator from Pennsylvania, who indicates concern as pertains to the tax aspect. As a matter of fact, I am not sure that the Senator from Pennsylvania is aware of the fact, but the staff director of the Joint Tax Committee has informed the Senator from Ohio that there are very serious tax consequences involved in connection with this entire transaction, indicating that there very well be a tax shelter of $3 billion in connection with an investment of $1.2 billion.

We all know that there is $800 million in cash in the bank. We know that there is $250 million surplus funds available in the pension fund. We know that there is an obligation of $850 million to the Federal Government. We know that there is $7 billion that the Federal Government put into this railroad operation. All of this is to be sold for $1.2 billion.

I will say that no public official I have ever met has tried harder to work with the Members of the Senate—and I assume the House as well—in trying to be open and aboveboard and willing to be available to discuss the entire proposal than has the distinguished Secretary of Transportation, Elizabeth Dole.

I hardly know of a Member who has been involved who has not had direct contact with her, and she certainly has tried in every way possible to work with us, and I have no fault to find with her.

But the fact is I do have some faults to find and some concerns about this entire transaction, and the Senator from Ohio is not one of those who believes there should be a public offering. The Senator from Ohio is predisposed to believe when the Federal Government is picking up $500 million a year maybe there is some reason for it not to be sold, at least not at this point.

I, therefore, say that if there is not joint jurisdiction, if concurrent jurisdiction is in the committees as suggested, I think that there will be the suggestion that there is some attempt to railroad the Conrail bill, and I do not believe that that kind of legislation, which is as controversial as it is, should be railroaded. I think that every committee that has jurisdiction should have a fair opportunity to consider it.

I certainly strongly urge that those who want Conrail legislation to be passed make it possible for totality of fairness to be achieved because otherwise I am afraid that the legislative procedures will be bogged down. I am afraid that we will find ourselves debating this issue ad infinitum on the floor of the Senate, and I think we will do far better if we attempt to work out a solution to the problem in the Finance Committee, the Judiciary Committee, and the Commerce Committee as well.

Absent that, the Senator from Ohio has no reservation in saying that I would be prepared to try to impress upon the Senate why this measure should not be proceeded forward from an antitrust standpoint as well as from a tax standpoint.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter, dated February 27, 1985, from David H. Brockway, chief of staff of the Joint Committee on Taxation, and an article, which appeared in the New York Times, Wednesday, March 6, 1985, entitled "Tax Gain on Conrail Sale Cited—'Shelter' Seen For Norfolk."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, February 27, 1985.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: This is in response to your letter, dated January 15, 1985, concerning the potential tax consequences of the Federal Government's sale of its ownership interest in the Consolidated Rail Corporation ("Conrail"). In order to undertake a thorough analysis of the potential tax results of the sale of Conrail, we would require detailed information regarding the terms of the competing offers to purchase (including, e.g., the extent to which legislation would be required to effectuate the consequences contemplated by a particular offer). This letter sets forth relevant areas of inquiry, with a view to providing a framework within which the tax consequences can be determined.

In preparing this response, we had one meeting with Conrail representatives. In addition, a limited amount of information was made available to us regarding a management proposal to make a public offering of Conrail's common stock and the Depart-

ment of Transportation ("DOT") proposal to sell Conrail to the Norfolk Southern Corporation ("NS").

We have identified four broad areas of concern: (1) the extent to which the Federal Government would benefit from the elimination of Conrail's existing net operating loss ("NOL") and investment tax credit ("ITC") carryforwards, (2) the consequences of cancelling the Federal Government's interest in Conrail debt and preferred stock, (3) the implications of transactions involving Conrail's employee stock ownership plan ("ESOP"), and (4) whether the deficit in Conrail's earnings and profits ("E&P") account should carry over to a purchaser. Certain issues raised by the NS offer are also discussed.

ELIMINATION OF NOL AND ITC CARRYFORWARDS

As part of the consideration required to purchase Conrail, the purchaser will surrender the right to use Conrail's NOL and ITC carryforwards that accumulate before the closing of the sale (approximating $1.8 billion and $300 million, respectively). The value to the Federal Government of eliminating these tax attributes depends on the extent to which the carryforwards would be utilized if they were available. Because the ability to use the carryforwards would be limited by Conrail's future taxable income, it would be important to consider any factors that bear on the prospect of Conrail generating sufficient taxable income before the carryforwards expire.

Obviously, the required analysis must take into account the termination of certain cost-savings that Conrail now enjoys because of the Federal Government's ownership interest. For example, the current wages of Conrail employees are 12 percent below the national rail average; after a sale, wages will be returned to industry levels. Similarly, Conrail will be required to make payments pursuant to certain labor protection agreements. In addition, a sale will terminate Conrail's exemption from State and local income taxes. The requirement that Conrail pay these expenses will reduce Conrail's future taxable income.

Another area that should be explored relates to the fact that the aggregate tax basis of Conrail's depreciable and amortizable assets substantially exceeds the value of those assets. Thus, Conrail's tax attributes include built-in deductions that would shelter future income, and thereby defer the use of carryforwards. To the extent that built-in deductions remain available after a sale, as the NS offer contemplates, the carryforwards may be superfluous. As of December 31, 1984, the aggregate tax basis approximated $3 billion; thus, assuming that no significant liabilities appear on Conrail's post-acquisition balance sheet, the $1.2 billion purchase price implies a built-in loss of $1.8 billion (which, coincidentally, approximates the size of the NOL carryover). It should be noted that special legislation would be required to implement a transaction in which Conrail's carryforwards are eliminated but its high basis/low value assets are unaffected.

If the carryforwards were available, a purchaser might be able to accelerate their use by diverting income-producing opportunities to Conrail. By way of example, NS, which now competes with Conrail in the railroad industry, has announced its intention to increase the volume of Conrail's business. The ability of NS to cause Conrail to generate additional taxable income depends, in part, on NS's own tax attributes. For example, if NS has a low effective tax rate, the amount of taxable income that is available for diversion to Conrail may be negligible. On the other hand, there are various ways in which NS could increase the amount of available taxable income (e.g., by engaging in lease transactions that effectuate the transfer of excess tax deductions and credits to a lessor).

A subsidiary issue relates to the extent to which sale proceeds payable to the Federal Government would increase if Conrail's carryforwards survived. For a variety of reasons (including uncertainly about the rate of use and the possibility of disallowance pursuant to a statutory provision that proscribes tax-motivated acquisitions), generally, the value of carryforwards is discounted in pricing a corporation. Thus, it is unclear whether the allowance of Conrail's carryforwards would result in a significant increase in the purchase price.

CANCELLATION OF DEBT AND PREFERRED STOCK

As part of the disposition of its stock interest in Conrail, the Federal Government will cancel all of Conrail's outstanding notes and debentures that evidence indebtedness (approximating $850 million) owed by Conrail to the Federal Government. In general, if a shareholder of a corporation gratuitously forgives a debt owed by the corporation, the transaction is treated as a nontaxable contribution to the capital of the corporation. It is uncertain whether the general rule regarding a shareholder's cancellation of debt would provide nonrecognition treatment in the context of an acquisition of the debtor/corporation. If the debt cancellation were treated as a capital contribution by a person other than a shareholder (because, e.g., the Federal Government will cease to be a shareholder as part of the larger transaction), Conrail could be treated as realizing income from discharge of the indebtedness; alternatively, the basis of Conrail assets might be subject to reduction.

The NS offer requires the Federal Government to guarantee that the planned cancellation of indebtness will not result in the recognition of income by Conrail, and that Conrail will not be required to adjust the basis of its assets. Presumably, this condition was included because of the uncertainty regarding the tax treatment of the debt cancellation. This issue will require further study; if it is determined that the debt cancellation would result in the recognition of income or require an adjustment to the basis of assets, special legislation would be required to implement this aspect of the NS offer.

Note that, if Conrail's NOL carryovers were available, the NOL carryovers would offset any income from discharge of the indebtedness.

The NS offer also requires the Federal Government to guarantee that the cancellation of Conrail's preferred stock will not result in the recognition of income by Conrail. The reason for the inclusion of this provision is unclear. It is possible that the Federal Government's preferred stock interest could be recharacterized as indebtedness; in such a case, the cancellation could give rise to income (as described above).

TRANSACTIONS INVOLVING CONRAIL'S ESOP

Fifteen percent of Conrail's common stock is beneficially owned by Conrail employees through an ESOP. The tax consequences to the Conrail employees participating in the ESOP will depend on a number of factors, including whether the purchaser uses cash or stock as consideration for the acquisition of the ESOP's holdings and whether the ESOP is terminated as a result of the acquisition. In the case of any proposal that contemplates an increase in the ESOP's holdings, consideration should be given to the possible application of tax provision that grants special tax relief to lenders who finance an ESOP's acquisition of employer securities. These issues would not be unique to a Conrail sale, but would arise in the context of any acquisition involving an ESOP.

In general, the Conrail ESOP would be able to exchange Conrail stock for stock of an acquiring corporation without triggering the recognition of income to Conrail employees. Similarly, if a purchaser acquired the ESOP's stock for cash, there would be no current income inclusion so long as the cash is not distributed.

If the ESOP is terminated after a cash purchase, Conrail employees would be taxed on an amount equal to the cash distributed (less the amount of any contributions the employees may have made to the ESOP). If stock is distributed after a termination, the amount subject to immediate tax generally would be limited to the ESOP's tax basis in the stock (which would be equal to the value as of the date when the ESOP acquired the stock).

To the extent that assets held by the ESOP revert to Conrail on a termination, Conrail would be required to include certain amounts in income. Note that this income inclusion could be offset by NOL carryovers if such deductions were available.

The information that we have regarding a public offering indicates that the Conrail ESOP would increase its holdings to 30 percent under that plan. In such a case, the source of the ESOP's financing should be considered. There is a statutory provision that grants special tax relief to taxpayers (such as banks, insurance companies, and corporations actively engaged in the business of lending money) who lend money to ESOPs for use in acquiring employer securities. Under this provision, a lender is permitted to exclude from gross income 50 percent of the interest received with respect to loans made to an ESOP. The application of this provison would generate a revenue loss to the Federal Government.

DEFICIT IN E&P ACCOUNT

The fact that Conrail has a substantial NOL carryover suggests the existence of a deficit in Conrail's E&P account. Although the magnitude of this deficit has not been established, it is fair to state that the carryover of the deficit could enable Conrail or an acquiring corporation to pay tax-free dividends in the future. Thus, in addition to certain tax guarantees that may be requested of the Federal Government, a purchaser could escape the tax consequences of future dividend distributions.

ISSUES RAISED BY NS OFFER

The NS offer contemplates the guarantee of certain tax results that may be inconsistent with existing Federal income tax laws, apart from the areas mentioned above with respect to which special legislation would be required. For example, DOT proposes to agree that the basis of Conrail's depreciable and amortizable assets will be as shown on its income tax return for the taxable year ending on the date of closing. Normally, the Internal Revenue Service ("IRS") is free to seek adjustments to the basis of a corporation's assets (e.g., as the result of an audit that discloses the improper treatment of items on a taxpayer's return). With respect to the NS offer, unless an audit is conducted to establish the correctness of the informa-

tion on Conrail's last pre-acquisition return, it is questionable whether the Federal Government should surrender the right to challenge the propriety of the treatment of any tax return items that affect the basis of Conrail's assets.

It should also be noted that the NS offer provides for the elimination of NOL carryforwards, except to the extent such carryforwards are attributable solely to reductions required by the IRS in the tax basis of Conrail's depreciable assets as reflected in its last pre-acquisition tax return. Thus, if the IRS determines that a reduction in the tax basis of Conrail's assets is in order, the amount of the reduction would be available to NS in the form of a NOL carryforward.

Another issue raised by the NS offer relates to the possible application of the statutory provision pursuant to which a corporation that purchases stock in another corporation is treated as a direct purchase of the acquired corporation's assets, with the result that the basis of the assets will generally equal the cost of the stock. Generally, this provision applies at the election of an acquiring corporation. If no election is made, but the acquiring corporation also makes a direct purchase of assets of the acquired corporation (or an affiliate) within a prescribed period, then the acquiring corporation may be treated as if it had made an election (and the basis of all of the acquired corporation's assets will be adjusted).

The NS offer is conditioned on a guarantee that NS will not deemed to have made the statutory election as the result of the acquisition of any assets by NS (or an NS affiliate) provided that NS treats any such assets as having a basis equal to their basis in Conrail's hands (which could preserve built-in deductions with respect to such assets). The tax consequences of this treatment cannot be determined in the absence of details regarding the proposed transaction that formed the basis for the inclusion of this condition in NS's offer.

Finally, if the legislation necessary to effectuate the tax consequences contemplated by the NS offer is not enacted, the Federal Government would be obligated to indemnify NS for any resulting tax liability.

This is our preliminary analysis of the issues involved in the sale of Conrail. We will continue to look into this matter, and additional issues may be identified as information regarding particular proposals becomes available.

Sincerely yours,

DAVID H. BROCKWAY,
Chief of Staff.

[From the New York Times, Mar. 6, 1985]

TAX GAIN ON CONRAIL SALE CITED

"SHELTER" SEEN FOR NORFOLK

(By Reginald Stuart)

WASHINGTON, March 5—The Norfolk Southern Corporation could recover more in tax benefits than the $1.2 billion it would pay the Government for the Consolidated Rail Corporation, according to David H. Brockway, the staff chief of the Congressional Joint Committee on Taxation.

The preliminary analysis of the sale proposed by the Reagan Administration was given in a letter that was requested and released by Senator Howard M. Metzenbaum, Democrat of Ohio.

"If the analysis is correct, the sale could be one of the biggest tax shelters in history and one that is guaranteed by the Federal Government," Senator Metzenbaum said, joining a number of critics of the proposal.

NO PLAN FOR AMENDMENTS

However, the Senator's press secretary, Drew Von Bergen, said Mr. Metzenbaum had no plan to offer amendments to a Conrail sale bill to curtail tax benefits to a buyer. The Government cannot sell its 85 percent stake without legislative approval.

The Department of Transportation, replying to the Senator, said the tax benefits to Norfolk Southern would arise under the Internal Revenue Code, not by virtue of terms negotiated by the department.

Last week, the tax aspects of the sale were questioned by railroad industry opponents of Norfolk Southern's bid, notably the CSX Corporation, and several members of Congress. The proposed sale had already been under fire on the ground that the sale price was too low, given the fact that Conrail has banked profits of more than $800 million and has an excess of payments to its pension program of $250 million that a buyer could pocket.

Mr. Brockway, who heads the nonpartisan staff of the tax committee, stressed that his analysis might be revised as more information about the proposed sale became available.

He said a buyer might get a "built-in loss" of up to $1.8 billion, which could be used to offset taxable income. That is about the same amount of tax savings from carry-over operating losses and investment tax credits that the Transportation Department has insisted any buyer must agree in advance to surrender.

The $1.8 billion "loss" for tax purposes assumes Conrail's property is worth $3 billion to a buyer for depreciation purposes, as it was at the end of 1984, and the buyer assumes no substantial liabilities that must be paid off. On Conrail's books, the $1.8 billion "loss" would represent the difference between the $1.2 billion sale price and the $3 billion depreciation value of the property sold.

In addition, Mr. Brockway said, the fact that Conrail has operating losses from prior years suggests that the company might be able to pay tax-free dividends to a future owner.

"Thus, in addition to certain tax guarantees that may be requested of the Federal Government, a purchaser could escape the tax consequences of future dividend distributions," he added.

The letter also said there were questions about the proposal to Congress in the sale agreement to waive payment by Norfolk Southern of $850 million in debt owed the Government by Conrail. Mr. Brockway said it was uncertain whether, under the tax code, Norfolk Southern would be allowed to treat the forgiven debt as nontaxable income. He noted that the sale agreement purports to guarantee that Norfolk Southern would not be liable for taxes on the forgiven debt.

A similar provision would apply to the preferred stock that Norfolk Southern would acquire as part of the purchase.

The proposal would bar the Internal Revenue Service from seeking to reduce the tax basis for depreciation of Conrail's assets.

"Normally, the I.R.S. is free to seek adjustments," the letter said.

Mr. HEINZ. Mr. President, I thank the Senator from Ohio for his very clear remarks. They echo in large part many of my own thoughts, particularly on the antitrust and tax questions, although he and I may differ on what the ultimate conclusion of the deliberations may ultimately be; as I understand it, he does not seem to favor any change in the status of Conrail.

But be that as it may, that is very much another issue compared to the questions of antitrust and tax policy that are involved here.

I must also say as I listened to my good friend from Missouri, I did not hear him enunciate a single reason why this legislation should not be jointly referred. All I heard is that he wants it referred to his committee and does not want it referred anyplace else, and this Senator would be more than willing to agree to a time certain within the time period that the Senator from Missouri has stipulated, which is by April 10.

So, Mr. President, I propound the following unanimous-consent request:

I ask unanimous consent that the Conrail Sale Amendments Act of 1985 be jointly referred to the Committees on Commerce, Finance, and the Judiciary, provided that if any committee reports, the other committees have 30 calendar days in which to report, and further provided that all three committees are restricted to those matters within their jurisdiction.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. DANFORTH. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, first, let me respond prior to entering my objection, which I will do. Let me respond to the comments of the Senator from Ohio, suggesting that there was some effort to railroad the Conrail bill.

Mr. President, I am sure this is controversial legislation and that it will be debated, but it could never be reasonably said that there is an effort to railroad the Conrail bill.

The sale of Conrail was first determined by an act of Congress. This was not something that was dreamed up in some dark room. No. The fact Conrail was to be sold was debated here in the Chamber and enacted into law in 1981—in 1981.

Subsequent to the 1981 passage of the Northeast Rail Service Act, the Department of Transportation went through the process of determining how to sell Conrail. It retained a financial adviser, Goldman, Sachs & Co., to help it in this effort.

It solicited bids throughout the country. I think it approached something like 100 possible buyers. It received 15 bids. It spent 7 months, very highly publicized months, reviewing the bids. It then determined, as I recall, in late January that the best of the bids was Norfolk Southern.

We held hearings in the Commerce Committee, 2 days of hearings, very

extensive, long days of hearings—one, in fact, was a full day of hearings. We heard from 30 different witnesses on all sides of the sale.

All I have done today, Mr. President, is to introduce a bill, just introduce a bill. It is done all the time in the Senate. Then I have agreed that in addition to introducing the bill, we are going to have a hiatus. We are not going to report anything out of the Commerce Committee for 5 weeks, until April 30.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. DANFORTH. I am trying to be accommodating, trying to be accommodating to the Finance Committee and the Judiciary Committee and in fact we have worked this out with the chairmen of those two committees, and I am grateful for their help.

So having said that, Mr. President——

Mr. HEINZ. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. I am about to yield the floor.

Having said that, Mr. President, I do object to the unanimous-consent request of the Senator from Pennsylvania.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. HEINZ. Yes.

Mr. President, I was hoping that the Senator from Missouri would not be so unreasonable, having reserved the right to object and knowing that his right was protected, and that he could have yielded to me for a question of clarification, and it might have been to his advantage; it might not, depending on how he answered the question. Despite the fact that he did not yield for that question, would he nonetheless be so kind and generous as to answer the question now? Will the Senator be so minded to answer the question?

Mr. DANFORTH. I have not heard the question, Mr. President. I would be happy to hear the question.

Mr. HEINZ. The question is: What is it that the Senator from Missouri feels he loses when the legislation is jointly referred to three committees and each committee is restricted to simply those matters in its jurisdiction? There is a time certain within the framework that the Senator from Missouri has stipulated, April 10, by which the bills are all reported. What is it that he does not like about that procedure?

Mr. DANFORTH. I would say to the Senator from Pennslyvania that I am attempting, as chairman of the Commerce Committee, to represent the committee and all of its members to the best of my ability.

I have discussed this possibility with other members of the Commerce Committee, and they have stated to me that they object to a joint referral of the bill.

Mr. HEINZ. So their view is, irrespective of what is in this bill, irrespective of how it tramples on the jurisdiction of other committees, they do not care.

Mr. DANFORTH. I do not think that they would express themselves in quite those terms.

Mr. HEINZ. Perhaps not.

Let me ask the distinguished chairman of the Commerce Committee one other question. I appreciate his willingness to answer these questions even at this late time.

Mr. DANFORTH. It is not the time, Mr. President, that bothers me; it is the Budget Committee is now marking up the budget resolution, but I would be delighted, of course, to entertain further questions of the Senator from Pennsylvania.

Mr. HEINZ. Could the Senator from Missouri, who made much of the fact that this legislation grew out of the Northeast Rail Services Act, which was incorporated in the budget reconciliation of 1981 and which, by implication, would appear to have a 4-year legislative history, tell me when he first received and examined the specific tax provisions of the bill he has sent to the desk?

Mr. DANFORTH. Well, I think the tax provisions and the sale more or less have been a matter of public record now since last summer some time.

Mr. HEINZ. Well, I wish the Senator would go and examine the specific provisions of the bill. What I think he is saying is he has not yet examined—maybe he does not mean to say this, but there have been discussions in very general terms of what might or might not be done over the course of the last year. But I repeat my question: When did the Senator from Missouri first examine the specific tax provisions of this bill?

Mr. DANFORTH. Well, as I say, I think that they have been pretty well known and have been disussed between me and people at the Department of Transportation beginning some time in the late spring or during the summer of 1984. In addition to my own general knowledge of them, the Secretary of Transportation has asked the Treasury Department to examine them at great depth and that has been done. In fact, the Assistant Secretary of the Treasury for tax policy, Mr. Pearlman, testified before the Commerce Committee last week on this. And I would refer the Senator from Pennsylvania to that testimony.

Mr. HEINZ. When did the Treasury undertake that study?

Mr. DANFORTH. I do not know. You will have to ask Secretary Pearlman that question.

Mr. HEINZ. What is the Senator's understanding of when they concluded that study?

Mr. DANFORTH. I do not know the answer to that.

Mr. HEINZ. It is the Senator from Pennsylvania's understanding that the study took up many months, that it was initiated some time last summer, that it was concluded only within the last several weeks. Indeed, it was the conclusion of that study that the Secretary of Transportation had been waiting for and that it was such a complex matter that it took the Treasury Department 6 months nearly of internal studies.

I see the Senator from Missouri seems to be occupied on other matters. I wish that he would also respond, perhaps he can, for the record as to a similar question regarding the antitrust aspects of the legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

(During the day, routine morning business was transacted and additional statements were submitted, as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 1:14 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1251. An act to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985; and

H.J. Res. 50. Joint resolution designating the week beginning March 3, 1985, as "Women's History Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. THURMOND].

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 134. Joint resolution authorizing and requesting the President to designate the week of March 10 through 16, 1985, as "National Employ-the-Older Worker Week";

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 79. A concurrent resolution providing for a conditional adjournment of the House from March 7, 1985, until March 19, 1985.

MEASURE REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 134. Joint resolution authorizing and requesting the President to designate the week of March 10 through 16, 1985, as "National Employ the-Older-Worker Week;" to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-579. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Taiwan; to the Committee on Armed Services.

EC-580. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, a report on plans to study certain functions at several military installations for conversion from in-house to performance under contract; to the Committee on Armed Services.

EC-581. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Major Defense Issues Being Addressed by the General Accounting Office"; to the Committee on Armed Services.

EC-582. A communication from the Acting Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on special pay for duty subject to hostile fire or imminent danger in 1984; to the Committee on Armed Services.

EC-583. A communication from the Acting Deputy Assistant Secretary of defense transmitting, pursuant to law, a report on Officer Responsibility Pay for 1984; to the Committee on Armed Services.

EC-584. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law, a report on January 1985 transactions involving Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-585. A communication from the Chairman of the Securities and Exchange Commission transmitting a draft of proposed legislation requesting authorization of appropriations for fiscal years 1986-87-88; to the Committee on Banking, Housing, and Urban Affairs.

EC-586. A communication from the Administrator of NASA transmitting, pursuant to law, a report on planned funding for a project in excess of the amount authorized; to the Committee on Commerce, Science, and Transportation.

EC-587. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to provide for the disposition of foreign fishing fees; to the Committee on Commerce, Science, and Transportation.

EC-588. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for weather modification reporting functions; to the Committee on Commerce, Science, and Transportation.

EC-589. A communication from the Secretary of Energy transmitting, pursuant to law, the fourth quarter report on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-590. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on the training for operators of publicly owned wastewater treatment plants; to the Committee on Environment and Public Works.

EC-591. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on the Agency's long-range research agenda for 1986-1991; to the Committee on Environment and Public Works.

EC-592. A communication from the Secretary of State transmitting, pursuant to law, a report on an agreement for the phased withdrawal of U.S. troops from Grenada; to the Committee on Foreign Relations.

EC-593. A communication from the Comptroller General transmitting, pursuant to law, a report entitled "Examination of the Overseas Private Investment Corporation's Financial Statements for the Years Ended September 30, 1984 and 1983"; to the Committee on Foreign Relations.

EC-594. A communication from the President of the United States transmitting, pursuant to law, a determination by him to continue peaceful nuclear cooperation with EURATOM; to the Committee on Foreign Relations.

EC-595. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report entitled "Managing the Cost of Government—Building an Effective Financial Management Structure"; to the Committee on Governmental Affairs.

EC-596. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report listing General Accounting Office Reports issued during January 1985; to the Committee on Governmental Affairs.

EC-597. A communication from the D.C. Auditor transmitting, pursuant to law, a report on the backlog of uninvestigated neglect reports in the Child and Family Services Division of the Department of Human Services; to the Committee on Governmental Affairs.

EC-598. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on a computer match program involving Marine Corps allotments paid to recipients in New York City and current public assistance/food stamp recipients in New York City; to the Committee on Governmental Affairs.

EC-599. A communication from the Director of the Equal Employment Opportunity Commission transmitting, pursuant to law, the Commission's 1984 Government in the Sunshine report; to the Committee on Governmental Affairs.

EC-600. A communication from the Director of Civilian Personnel of the Uniformed Services University of the Health Sciences transmitting, pursuant to law, a report on annual pensions; to the Committee on Governmental Affairs.

EC-601. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of D.C. ACT 6-11; to the Committee on Governmental Affairs.

EC-602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-12, adopted by the Committee on Governmental Affairs.

EC-603. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Eligibility Verification and Privacy in Federal Benefit Programs: A Delicate Balance"; to the Committee on Governmental Affairs.

EC-604. A communication from the Vice President for Government Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-605. A communication from the Freedom of Information/Privacy Officer of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-606. A communication from the Chairman of the Federal Reserve System submitting, pursuant to law, the Board's Annual Report covering the implementation of its administrative responsibility during calendar year 1984; to the Committee on the Judiciary.

EC-607. A communication from the Executive Secretary of the National Mediation Board transmitting, pursuant to law, an annual report for the calendar year 1984; to the Committee on the Judiciary.

EC-608. A communication from the Director of the Equal Employment Opportunity Commission transmitting, pursuant to law, the Commission's annual report for 1984; to the Committee on the Judiciary.

EC-609. A communication from the Director of Community Relations Service, Department of Justice, transmitting, pursuant to law, an annual report for fiscal year 1984; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-81. A concurrent resolution adopted by the General Assembly of the State of Arkansas; to the Committee on Agriculture, Nutrition, and Forestry.

"RESOLUTION

"Whereas, officials of the current Presidential administration have developed a package of proposed changes in various farm programs and will submit the various proposals to the U.S. Congress in the near future; and

"Whereas, the proposals to be submitted to Congress include the reduction of price support programs, the termination of set-aside programs, elimination of the farm-owned grain reserve program, new limits on direct subsidy payments, the phase out of dairy supports, and a gradual elimination of "target price" payments; and

"Whereas, the State of Arkansas and the nation rely heavily on the agricultural economy and any action at the national level which is detrimental to agriculture and the American farmer has a serious adverse effect on the State of Arkansas and the nation as a whole; and

"Whereas, the farmers of this State and the nation are currently in a serious agricultural depression and even moderate changes in government farm programs could have a widespread catastrophic impact on the American farmer and the overall economy of the country; and

"Whereas, this is a most inopportune time for the consideration of any substantial reduction in U.S. farm support programs or any other change in U.S. farm policy which will adversely affect the American farmer: now therefore,

"Be it resolved by the Senate of the Seventy-fifth General Assembly of the State of Arkansas, the House of Representatives concurring therein:

"It is the consensus of the Arkansas General Assembly that approval by the U.S. Congress of the changes in farm programs proposed by the present administration officials would be highly detrimental to Arkansas farmers and farmers of the nation and would adversely impact the entire economy of the country and that this is a most inopportune time for the Congress to make any major changes in government farm programs or policies.

"Be it further resolved that the General Assembly sincerely urges the current session of the U.S. Congress to reject any proposed changes in U.S. farm programs which would have a serious adverse effect on the farmers of this country and on the overall economy of the nation.

"Be it further resolved that upon adoption of this Resolution a copy hereof shall be transmitted by the Secretary of State to the presiding officer of the U.S. Senate, the U.S. House of Representatives, and to each member of the Arkansas Congressional Delegation."

POM-82. A concurrent resolution adopted by the General Assembly of the State of Arkansas; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE CONCURRENT RESOLUTION

"Whereas, officials of the current Presidential administration have developed a package of proposed changes in various farm programs and will submit the various proposals to the U.S. Congress in the near future; and

"Whereas, the proposals to be submitted to Congress include the reduction of price support programs, the termination of set-aside programs, elimination of the farmer-owned grain reserve program, new limits on direct subsidy payments, the phase out of dairy supports, and a gradual elimination of 'target price' payments; and

"Whereas, the State of Arkansas and the nation rely heavily on the agricultural economy and any action at the national level which is detrimental to agriculture and the American farmer has a serious adverse effect on the State of Arkansas and the nation as a whole; and

"Whereas, the farmers of this State and the nation are currently in a serious agricultural depression and even moderate changes in government farm programs could have a widespread catastrophic impact on the American farmer and the overall economy of the country; and

"Whereas, this is a most inopportune time for the consideration of any substantial reduction in U.S. farm support programs or any other change in U.S. farm policy which will adversely affect the American farmer: Now, therefore,

"Be it Resolved by the House of Representatives of the Seventy-fifth General Assembly of the State of Arkansas, the Senate concurring therein:

"It is the consensus of the Arkansas General Assembly that approval by the U.S. Congress of the changes in farm programs proposed by the present administration officials would be highly detrimental to Arkansas farmers and farmers of the nation and would adversely impact the entire economy of the country and that this is a most inopportune time for the Congress to make any major changes in government farm programs or policies.

"Be it further resolved that the General Assembly sincerely urges the current session of the U.S. Congress to reject any proposed changes in U.S. farm programs which would have a serious adverse effect on the farmers of this country and on the overall economy of the nation.

"Be it further resolved that upon adoption of this Resolution a copy hereof shall be transmitted by the Secretary of State to the presiding officer of the U.S. Senate, the U.S. House of Representatives, and to each member of the Arkansas Congressional Delegation."

POM-83. A resolution adopted by the Commonwealth of Massachusetts; to the Committee on Banking, Housing, and Urban Affairs.

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO BAN CREDIT CARD SURCHARGES

"Whereas, Federal legislation banning the imposition of surcharges on credit card purchases for the past eight years expired on February twenty-seventh, nineteen hundred and eighty-four; and

"Whereas, surcharging would be inflationary to all consumers by creating a two-tier pricing system that would also limit cash discounts; and

"Whereas, surcharges would be particularly harmful to the seven out of ten Americans who rely on credit, many of whom are elderly and/or poor; and

"Whereas, the proposed surcharge is in direct conflict with the Commonwealth's anti-surcharge and usury laws; and

"Whereas, legislation is pending in the Congress of the United States that would permanently ban surcharges; now therefore be it

"*Resolved*, That the Massachusetts Senate respectfully urges the Congress of the United States to adopt legislation which would permanently ban the imposition of credit card surcharges; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officer of each branch of the Congress and to each Member thereof from the Commonwealth."

POM-84. A resolution adopted by the International Association of Chiefs of Police relating to the Presidential Commission on Drunk Driving; to the Committee on Commerce, Science, and Transportation.

POM-85. A resolution adopted by the House of Representatives, Fourth Northern Marianas Commonwealth Legislature; to the Committee on Energy and Natural Resources.

"HOUSE RES. NO. 76

"Whereas, Micronesian war claims were recognized in the 1952 Treaty of Peace between the governments of the U.S. and Japan; and

"Whereas, the United States Government, pursuant to that Treaty, negotiated the Micronesian war claims with Japan in 1969, without the input or representation of the people of Micronesia; and

"Whereas, in 1971 the United States Congress passed and the President of the United States signed into law Public Law 92-39, the Micronesian Claim Act; and

"Whereas, a Micronesian Claims Commission was established which determined the amount of the Micronesian claims; and

"Whereas, subsequently in 1977 Congress pursuant to Public Law 95-134 authorized the appropriation of the sums necessary to pay-off the $24.1 million in outstanding Title I claims; provided, that Japan make a contribution to the Trust Territory in goods and services of half the total amount; and

"Whereas, it is estimated that the Government of Japan has already donated goods and services to the Trust Territory in the neighborhood of $12 million; and

"Whereas, the only impediment to the payment of these claims is for the Secretary of the Interior to certify that this condition has been met; and

"Whereas, these beliefs and views of the Commonwealth House of Representatives are also shared by the Committee on Interior and Insular Affairs (See Committee Print No. 6, March 15, 1984, Report to the Committee on the Budget); and

"Whereas, it has been 13 years since the establishment of the Micronesian Claims Commission and still the adjudicated claims have not been honored; and

"Whereas, in spite of the dire need for these funds, many of these claimants, who are now old or have already died will never personally see these funds; and

"Whereas, the Senate of the Commonwealth Legislature is of a similar opinion as evidenced by Senate Resolution 4-50, which we hereby endorse; now, therefore,

"Be it resolved by the House of Representatives, Fourth Northern Mariana Commonwealth Legislature, Fourth Regular Session, 1984 on behalf of the people of the Commonwealth and all Micronesians we respectfully request the United States Government to expedite the payment of these claims to all Micronesians, but especially to those claimants who are citizens of the Commonwealth of the Northern Mariana Islands; and

"Be it further resolved by the House of Representatives, that the Secretary of Interior is urged to wade through the bureaucratic red tape, in favor of compassion for a race of people who suffered because of a war that was imposed upon them and who now continue to suffer by being denied what

a U.S. Commission has determined 13 years ago, is their just compensation; and

"Be it further resolved by the House of Representatives, that all members of the United States Congress and the Commonwealth of the Northern Marianas Islands Resident Representative to the United States are respectfully requested to support the people of the Commonwealth in this matter, by whatever means at their disposal; and

"Be it further resolved that the Speaker of the House of Representatives, shall certify and the Chief House Clerk shall attest to the adoption of this resolution and shall thereafter transmit a certified copy to the Senate and the House of Representatives of the United States Congress, to the Secretary of State, the Honorable George Schultz, the Secretary of Interior, the Honorable William Clark, to the Representative of Guam to the United States, the Honorable Won Pat, Member of Congress, to the CNMI Resident Representative to the United States, the Honorable Froilan C. Tenorio, to the President of the Federated States of Micronesia, the Honorable Tosiwo Nakayama, to the President of the Republic of Belau, the Honorale Haruo Remeliik, to the President of the Republic of the Marshalls, the Honorable Amata Kabua, to the Presiding Officers of the Micronesian States Legislatures, and to the Governor of the Commonwealth of the Northern Mariana Islands, the Honorable Pedro P. Tenorio."

POM-86. A resolution adopted by the Commonwealth of Massachusetts to the Committee on Finance.

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SAVE AND PROTECT THE AMERICAN SHOE INDUSTRY.

"Whereas, in the last ten years, over three hundred shoe factories in the United States have gone out of business, unable to compete with cheap foreign-made footwear, and idling thousands of American workers; and

"Whereas, Foreign imports of footwear now represent seventy to seventy-five per cent of footwear sales in the United States; and

"Whereas, the international trade Commission has been unwilling to provide a fair hearing relative to the injury to the United States; footwear industry by imports of foreign-made footwear; and

"Whereas, Massachusetts is the fifth most important footwear producing State in the Nation and is the leading supplier of component and services to the footwear manufacturers of the country; and

"Whereas, the domestic shoe industry, including manufacturers and suppliers, now create over two hundred thousand jobs which will be lost without immediate remedial legislation; and

"Whereas, the Congress of the United States is now considering measures to provide relief to the American footwear industry, including amendments to the trade Act of nineteen hundred and seventy-four; now therefore be it

"Resolved, that the Massachusetts Senate memorializes the Congress and the President of the United States to immediately act on pending legislation to save and protect the American footwear industry from further unfair competition from foreign imports; and be it further

"Resolved, that a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the speaker of the house of representatives, the President pro tem of the Senate and members of Congress from the Commonwealth."

POM-87. A resolution adopted by the Senate of the State of Michigan; to the Committee on Finance.

"SENATE RESOLUTION No. 38

"Whereas, Recently, it has come to the attention of public officials that 22,000 Michigan homeowners whose property taxes are submitted to local treasurers by their mortgage company did not have their winter taxes paid before the end of 1984. This foulup, charged to a computer program failure, has affected the deductibility of these taxes for the homeowners' 1984 federal income tax returns; and

"Whereas, For the 22,000 Michigan homeowners affected by this situation, it is estimated that they will lose about $7 million in federal tax deductions, or $2.1 million in lost tax benefits, for 1984. For many of the individuals involved, this loss of an important deduction to their federal income tax returns can make the difference between whether or not they will receive a 1984 tax refund from the government; and

"Whereas, In an effort to assist the affected homeowners, the Internal Revenue Service has been requested to waive a requirement that property taxes must actually be paid in the year in which they are claimed for a tax deduction. However, the Internal Revenue Service has stated that it is merely the intermediary in this situation and that only Congress can provide the necessary remedy through legislation. The important point involved here is that the homeowners themselves had operated in good faith by paying taxes into escrow accounts as part of their monthly house payments, and they had anticipated that the mortgage company would perform its customary service of passing the payments along to the local treasurers before the end of the year. Therefore, since these homeowners had fulfilled their responsibility, it would seem incumbent upon the Congress of the United States to afford them the statutory relief necessary to allow that their property taxes be eligible for deduction to their 1984 federal income tax returns; now, therefore, be it

"Resolved by the Senate, That the members of this legislatively body hereby memorialize the Congress of the United States to enact legislation necessary to allow homeowners whose mortgage company failed to pay their 1984 property taxes before the end of 1984 to claim those taxes as a deduction to their 1984 federal income tax returns; and be it further

"Resolved, That a copy of this resolution be tramsmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan congressional delegation."

POM-88. A joint resolution adopted by the Commonwealth of Virginia; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 129

"Whereas, the conflict in Southeast Asia which ended over a decade ago is still a tragic memory for those who returned as well as to the many families who lost loved ones; and

"Whereas, the Commonwealth of Virginia recognizes the many sacrifices made by the veterans who served in Southeast Asia and answered their country's call in order to provide the American people with a strong national defense; and

"Whereas, it is estimated that there are still approximately 2,500 Americans unaccounted for in Southeast Asia, and many not accounted for are from Virginia; and

"Whereas, the Socialist Republic of Vietnam has failed to adequately accommodate American humanitarian and compassionate concerns regarding the release of American prisoners of war and the return of the remains of U.S. servicemen and civilians; and

"Whereas, the families of those U.S. servicemen and civilians missing in Southeast Asia have suffered greatly and have lived with uncertainty because the governments of Indochina have failed to provide an adequate accounting of those still missing; and

"Whereas, the Commonwealth of Virginia has an enduring interest in the welfare of Americans listed as missing or otherwise unaccounted for in Southeast Asia; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the General Assembly of Virginia memorializes the President and the United States Congress to call upon the Socialist Republic of Vietnam to end the years of uncertainty for American POW/MIA families by releasing all U.S. prisoners still held, providing all information concerning the fate of U.S. servicemen and civilians still missing, and repatriating all American remains which are now in their possession or may subsequently be found; and, be it

"Resolved further, That the Clerk of the Senate is directed to prepare copies of this resolution for transmittal to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Virginia Congressional delegation in order that they may be apprised of the sense of this General Assembly."

POM-89. A joint resolution adopted by the Commonwealth of Virginia; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 113

"Whereas, the Ecumenical Patriarchate of the Eastern Orthodox Church, located in Istanbul, Turkey, has existed since the earliest days of Christendom and is the source of spiritual life and inspiration of the Orthodox faithful throughout the world; and

"Whereas, for a number of years the government of Turkey has pursued a course of harassment against the Patriarchate and its schools and churches, including the registering of all sacred items and declaring them the national property of Turkey and the conversion of the Greek Orthodox School of Theology on the island of Halki to a modest high school with a Turkish principal; and

"Whereas, Turkish law prohibits repairs to Christian churches, schools, businesses and homes exceeding 250 liras, or less than two dollars, without permits, which are systematically denied to Greek Orthodox residents of the country; and

"Whereas, there are continuous efforts on the part of the Turkish government to seize the income-producing properties willed by Greek Orthodox people to the hospitals in Balukli, Istanbul; and

"Whereas, as a result of these actions, oppressive conditions exist for Greek Orthodox people, and many families are fleeing, reducing the ethnic Greek populations of Turkey to fewer than 5,000, many of whom are sixty-five years old or older; and

"Whereas, the human rights and civil liberties of Greek Orthodox people must be ensured, and the Ecumenical Patriarchate of Constantinople must be allowed to continue to freely carry on its holy mission; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the General Assembly hereby memorializes the Congress of the United States to petition the government of Turkey to protect the civil and religious rights of Orthodox Christians living in that country; and, be it

"Resolved further, That the Clerk of the Senate is hereby instructed to prepare a copy of this resolution for transmittal to the Speaker of the United States House of Representatives, the President of the United States Senate and to the members of the Virginia Delegation to the Congress of the United States in order that they may be apprised of the sense of this body."

POM-90. A resolution adopted by the American Library Association Council urging Congress to use its authority to bring about diplomatic and economic sanctions against the South African Government; to the Committee on Foreign Relations.

POM-91. A resolution adopted by the Federal Bar Association supporting the Ratification of the Convention on the Prevention and Punishment of Crime of Genocide; to the Committee on Foreign Relations.

POM-92. A petition from a Citizen of Concord, New Hampshire relating to ending United States technology flow to the Soviets by supporting the Human Rights and National Survival Act of 1984; to the Committee on Foreign Relations.

POM-93. A resolution adopted by the International Association of Chiefs of Police relating to state and local drug enforcement efforts; to the Committee on the Judiciary.

POM-94. A resolution adopted by the International Association of Chiefs of Police urging several states to establish a "National Arson Awareness Week"; to the Committee on the Judiciary.

POM-95. A resolution adopted by the Catholic War Veterans of the United States of American reestablishing May 30th as Memorial Day; to the Committee on the Judiciary.

POM-96. A concurrent resolution adopted by the General Assembly of the State of South Carolina; to the Committee on the Judiciary.

"CONCURRENT RESOLUTION—H. 2342

"Whereas, by Act 452 of 1982, the South Carolina General assembly passed the Southeast Interstate Low-Level Radioactive Waste Management Compact for the purpose of providing an effective means for the sale and efficient disposal of low-level radioactive waste and agreed that the most efficient means of solving the disposal problem is on a regional compact basis; and

"Whereas, because the United States Congress enacted the Low-Level Radioactive Waste Policy Act in 1980 which provides and encourages the development of low-level radioactive waste compacts, it is now the responsibility of the United States Congress to approve the Southeast Interstate Low-Level Radioactive Waste Management Compact; and

"Whereas, the South Carolina General Assembly feels that it must protect the health, safety, and rights of its citizens, as well as its environment; and

"Whereas, the State of South Carolina has accepted an extremely large burden of the low-level waste disposal responsibility for the United States in the past and now finds it necessary to consider alternative methods to the compact process which may negatively impact the other Southeast Compact states and the nation. Now therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the members of the General Assembly of the State of South Carolina, by this resolution, urgently request the South Carolina Congressional Delegation and the United States Congress to take immediately whatever action is necessary to ratify the Southeast Interstate Low-Level Radioactive Waste Management Compact.

"Be it further resolved That a copy of this resolution be forwarded to each member of the South Carolina Congressional Delegation, the Speaker of the United States House of Repesentatives, and the President of the United States Senate."

POM-97. A petition from a Citizen of Concord, New Hampshire urging Congress to investigate Congressman Dellums and his subversive ties; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 51. A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services:

John E. Krings, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense.

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

ROUTINE MILITARY NOMINATIONS WHICH HAVE BEEN PENDING WITH THE SENATE ARMED SERVICES COMMITTEE THE REQUIRED LENGTH OF TIME AND TO WHICH NO OBJECTIONS HAVE BEEN RAISED

**1. In the Naval Reserve there are 504 appointments to the grade of lieutenant commander and below (list begins with Mark E. Murphy). Ref. #104

**2. In the Air Force there are 13 permanent promotions to the grade of colonel and below (list begins with Garald L. Bottorff). Ref. #106

**3. In the Air National Guard there are 24 promotions to the grade of lieutenant colonel (list begins with Kenneth E. Berger). Ref. #107

**4. In the Air Force there are 126 appointments to the grade of second lieutenant (list begins with Jerome J. Akerson). Ref. #108

**5. In the Army there are 20 appointments to the grade of lieutenant colonel and below (list begins with George F. Chandler). Ref. #109

**6. In the Army there are 31 permanent promotions to the grade of colonel and below (list begins with Alden M. Cunningham). Ref. #110

**7. In the Army Reserve there are 1,370 promotions to the grade of colonel and below (list begins with Thomas E. Forbess). Ref. #111

Total, 2,088.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 26, and February 27, 1985, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 609. A bill to amend the Trade Act of 1974 to ensure fair trade opportunities, and for other purposes; to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. LEAHY, Mr. KENNEDY, and Mr. COHEN):

S. 610. A bill to amend section 1030 of title 18, United States Code, to clarify coverage with respect to access to computers operated for or on behalf of the Federal Government; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 611. A bill to expedite the completion of Hooker Dam and Reservoir of the Central Arizona project; to the Committee on Energy and Natural Resources.

By Mr. NUNN (for himself and Mr. MATTINGLY):

S. 612. A bill to authorize the establishment of competitive health insurance programs for Federal employee organizations; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 613. A bill for the relief of Mr. Jose Alberto Vrolyk; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. GRASSLEY, Mr. NUNN, Mr. DANFORTH, and Mr. HOLLINGS):

S. 614. A bill to amend section 3505 of title 44, United States Code, to further reduce the Federal paperwork burden on small businesses; to the Committee on Governmental Affairs.

By Mr. BUMPERS:

S. 615. A bill to amend title 5, United States Code, and title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. HELMS:

S. 616. A bill to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER (for himself, Mr. GORTON, Mr. BOREN, and Mr. HEINZ):

S. 617. A bill to provide for procedures to eliminate the structural deficit bill to provide for procedures to eliminate the structural deficit in the Federal budget; to the Committee on the Budget and the Committee on Governmental Affairs; jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continous session to report or be discharged.

By Mr. HATCH:

S. 618. A bill to provide for the appointment of an additional bankruptcy judge for the district of Utah; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 619. A bill for the relief of Alena Placek; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. TRIBLE):

S. 620. A bill to make permanent the authority to establish and administer flexible and compressed work schedules for Federal Government employees; to the Committee on Governmental Affairs.

By Mr. DECONCINI (for himself and Mr. DOMENICI):

S. 621. A bill to establish an Office of Hispanic Affairs in the Executive Office of the President, and in various Federal departments and agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DECONCINI:

S. 622. A bill to amend title 38, United States Code, to require the Administrator of Veterans' Affairs to transmit certain annual reports to Congress to facilitate the orderly expansion of the National Cemetary System; to the Committee on Veterans Affairs.

By Mr. DECONCINI (for himself and Mr. GOLDWATER):

S. 623. A bill to provide for the establishment of a national cemetery in Maricopa County, AZ; to the Committee on Veterans Affairs.

By Mr. METZENBAUM:

S. 624. A bill to amend the Internal Revenue Code of 1954 to provide that the proceeds of obligations secured by installment notes be treated as payments on such notes; to the Committee on Finance.

By Mrs. HAWKINS:

S. 625. A bill to include the offenses relating to sexual exploitation of children under the provisions of RICO and authorize civil suits on behalf of victims of child pornography and prostitution; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 626. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to acquire easements for conservation, recreational, and wildlife purposes in wetlands, upland, and highly erodible land which secure certain delinquent loans owed to the United States under any law administered by the Farmers Home Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 627. A bill to promote and expand the vitality of the U.S. copper industry; to the Committee on Finance.

By Mr. DIXON (for Mr. STEVENS (for himself, Mr. DIXON, and Mr. LONG)):

S. 628. A bill to amend the Internal Revenue Code of 1954 to limit the application of the stock-voting-rights passthrough to certain employee stock ownership plans, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. DIXON):

S. 629. A bill to extend and modify the Net Worth Certificate Act and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HAWKINS:

S. 630. A bill to provide for the payment of rewards to individuals providing information leading to the arrest and conviction of persons guilty of killing or kidnaping a Federal drug law enforcement agent; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 631. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

S. 632. A bill to amend the Internal Revenue Code of 1954 to require a mandatory section 338 election in hostile stock takeovers, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, and Mr. DODD):

S. 633. A bill to continue the authorization for Federal Crime Insurance under the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. WEICKER, Mr. PROXMIRE, Mr. SARBANES, Mr. LEVIN, Mr. KERRY, MR. MOYNIHAN, Mr. HART, and Mr. RIEGLE):

S. 635. A bill to express the opposition of the United States to the system of apartheid in South Africa and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for himself, Mr. CRANSTON, Mr. SYMMS, Mr. MCCLURE, Mr. INOUYE, and Mr. HECHT):

S. 636. A bill to provide for the minting of gold coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ZORINSKY (for himself and Mr. MELCHER):

S. 637. A bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deductions in the tier 2 benefit if the employment is for his last nonrailroad employer; to the Committee on Labor and Human Resources.

By Mr. DANFORTH (for himself and Mr. HOLLINGS):

S. 638. A bill to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation to the private sector, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WALLOP (for himself, Mr. MOYNIHAN, Mr. BOREN, and Mr. SYMMS):

S. 639. A bill to amend the Internal Revenue Code of 1954 to clarify the tax treatment and recordkeeping requirements with respect to automobiles, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 640. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to require the making of commitments to guarantee loans or insure investments under the authority of such Acts in the full amounts provided by law; to the Committee on Foreign Relations.

S. 641. A bill to preclude certain restriction of loan guarantee and loan insurance authority under the Indian Financing Act of 1974; to the Select Committee on Indian Affairs.

S. 642. A bill to preclude the Department of Energy from impounding loan guarantee or loan authority; to the Committee on Energy and Natural Resources.

S. 643. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to guarantee or insure loans under such Act in the full amount provided by law; to the Committee on Labor and Human Resources.

S. 644. A bill to provide that loan guarantees in certain programs shall be limited only by the availability of qualified applicants and limitations in appropriations Acts; to the Committee on Commerce, Science, and Transportation.

S. 645. A bill to provide that loan guarantees in an economic development program shall be limited only by the availability of qualified applicants and limitations on appropriations Acts; to the Committee on Environment and Public Works.

S. 646. A bill to amend the Small Business Act; to the Committee on Small Business.

S. 647. A bill to amend the General Education Provisions Act to preclude the impoundment of loan guarantee or loan insurance authority; to the Committee Labor and Human Resources.

S. 648. A bill to require the Secretary of Agriculture to enter into commitments to guarantee or insure authorized loans in the full amount provided by law for such loans; to the Committee on Agriculture, Nutrition, and Forestry.

S. 649. A bill to amend title V of the Housing Act of 1949 to establish a minimum level of guarantee and insurance authority; to the Committee on Banking, Housing, and Urban Affairs.

S. 650. A bill to amend the Department of Housing and Urban Development Act to establish a minimum level of guarantee and insurance authority; to the Committee on Banking, Housing, and Urban Affairs.

S. 651. A bill to ensure that commitments under Federal loan guarantee and insurance programs are entered into in the full amount provided by law; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. BENTSEN and Mr. MITCHELL):

S. 652. A bill to amend the Clean Water Act and for other purposes; to the Committee on Environment and Public Works.

By Mr. ABDNOR:

S. 653. A bill to name the Federal Building located at 1200 Pennsylvania Avenue, N.W., Washington, D.C., as the "Ariel Rios Memorial Federal Building"; to the Committee on Environment and Public Works.

By Mr. EXON (for himself, Mr. COHEN, Mr. ZORINSKY, Mr. MITCHELL and Mr. ABDNOR):

S. 654. A bill to amend the Biomass Energy and Alcohol Fuels Act of 1980 to clarify the intention of Section 221 of the Act; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BOREN, Mr. BUMPERS, Mr. EXON, Mr. NICKLES, Mr. PRYOR, Mr. ZORINSKY, Mr. JOHNSTON and Mr. LONG):

S. 655. A bill granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. MURKOWSKI, Mr. PELL, Mr. BOSCHWITZ, Mr. GOLDWATER, Mr. LAUTENBERG, Mr. NUNN, Mr. MATSUNAGA, Mr. HATFIELD, Mr. JOHNSTON, Mr. BOREN, Mr. LUGAR, Mr. WARNER, Mr. QUAYLE, Mr. THURMOND, Mr. KENNEDY, Mr.

BENTSEN, Mr. GORE, Mr. HECHT, Mr. DECONCINI, Mr. HEINZ, Mr. EAST, Mr. HOLLINGS, Mr. COCHRAN, Mr. BRADLEY, Mr. DENTON, Mr. GLENN and Mr. FORD):

S.J. Res. 76. Joint resolution to proclaim March 22, 1985 as "National Energy Education Day".

By Mr. McCLURE (by request):

S.J. Res. 77. Joint resolution to approve the "Compact of Free Association", and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SYMMS:

S.J. Res. 78. Joint resolution to provide for the designation of June 10 through 16, as "National Scleroderma Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 95. A resolution to direct the Senate, the Senate Legal Counsel, to represent Malin Jennings in "Alaskans for Nuclear Arms Control Political Action Committee v. Charney, et al."; considered and agreed to.

By Mr. DODD (for himself, Mr. MOYNIHAN, and Mr. KENNEDY):

S. Con. Res. 26. A concurrent resolution calling on the Government of the United Kingdom to ban the use of plastic and rubber bullets against civilians; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. PELL):

S. Con. Res. 27. A concurrent resolution calling on the Government of the United Kingdom to outlaw the Ulster Defense Association, its membership, activities, and any like terrorist organization; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself, Mr. STAFFORD, Mr. DODD, Mr. HATFIELD, Mr. KENNEDY, Mr. SPECTER, Mr. EAGLETON, Mr. DURENBERGER, Mr. BENTSEN, Mr. HOLLINGS, and Mr. RIEGLE):

S. Con. Res. 28. A concurrent resolution expressing the sense of the Congress that May 18, 1985, should be commemorated as the 20th anniversary of the establishment of the Head Start Program and reaffirming congressional support for the Head Start Program; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD:

S. 609. A bill to amend the Trade Act of 1974 to ensure fair trade opportunities, and for other purposes; to the Committee on Finance.

(The remarks of Mr. BYRD and the text of the legislation appear earlier in today's RECORD.)

By Mr. MATHIAS (for himself, Mr. KENNEDY, and Mr. COHEN):

S. 610. A bill to amend section 1030 of title 18, United States Code, to clarify coverage with respect to access to computers operated for or on behalf of the Federal Government; to the Committee on the Judiciary.

CLARIFICATION OF LAW ON ACCESS TO GOVERNMENT COMPUTERS

● Mr. MATHIAS. Mr. President, today I introduce a very short, but very important, bill to correct far-reaching legislation that was hastily enacted in the closing days of the 98th Congress. That legislation addressed the growing problem of computer crime. My bill, which is cosponsored by the distinguished Senators from Vermont [Mr. LEAHY], Massachusetts [Mr. KENNEDY], and Maine [Mr. COHEN], will refocus that legislation on its important objectives and will reduce the likelihood that it will be misused to cut back on the American public's right to know about the activities of its government.

Senators will surely recall that at the end of the 98th Congress, a massive anti-crime amendment was tacked on to a continuing appropriations resolution, passed by both Houses of Congress, and signed into law by President Reagan. Much of the Comprehensive Crime Control Act of 1984 had already been examined by the Senate Judiciary Committee, and by its Subcommittee on Criminal Law, and had already been approved by the Senate after an opportunity for thorough debate. But a few of its most important provisions became law without the scrutiny afforded by the usual legislative processes. The computer crime provisions of chapter XXI of the act fall into this category. The subject of computer crime is relatively new and highly complex, so it is not surprising that Congress' first legislative product in this area is marred by a few imperfections.

My amendment addresses one such problem which attracted widespread attention when the computer crime legislation passed last fall. The provision of the act now codified as section 1030(a)(3) of title 18, United States Code, makes it a crime to "knowingly use * * * or disclose information in (any) computer * * * operated for or on behalf of the Government of the United States" when the defendant gains access to the computer without authorization or his conduct exceeds the scope of his authorization. The literal terms of this enactment sweep too broadly.

Government computer data bases now include vast quantities of information on every conceivable subject. Presumably, all of this data is compiled for some public benefit, or else the Government should not collect it in the first place. The Freedom of Information Act [FOIA] expresses the principle that all government information ought to be readily available to the American people, subject only to the specific exceptions contained in the FOIA or other applicable statutes. But section 1030(a)(3) seems to apply even if the FOIA mandates that the information be disclosed upon proper request. As a result, information to which the public has an unfettered right to access may not be released by a government employee whose authority to obtain it from a computerized file is in doubt.

The practical impact of this provision on the administration of the FOIA is not hard to guess, although it is distressing to contemplate. The effectiveness of the FOIA depends on voluntary compliance with its strictures. Individual Federal employees make the initial decision to disclose or withhold a Government document sought by a member of the public; court challenges to these determinations are relatively rare. The enactment of section 1030(a)(3) may go far toward tipping the balance of these initial decisions against the principle of open government. Even if it is clear that the computerized information sought falls outside any FOIA exemption, the question will then become whether the employee asked to release the data has authority to obtain it. An incorrect assertion of authority could expose the employee to prosecution and imprisonment. Common sense tells us that in any close case, the doubt will be resolved against disclosure; any prudent agency official would play it safe and let the courts decide. By discouraging voluntary compliance with the FOIA, the 1984 computer crime legislation could impose an unnecessary obstacle to the public's right to know.

These apprehensions are echoed by many of those most vitally concerned with maintaining the vigor of the Freedom of Information Act, including the press. The New York Times, in an editorial published on October 11, 1984, pointed out that this provision "would let agencies bent on secrecy write rules that threaten criminal punishment for divulging even unclassified, nonsensitive information, merely because it is stored in a computer. Congress might thus cut itself off from whistle-blowers and deprive the public of much other information." The Times concluded that the law must be clarified because "no criminal statute should ever be susceptible to such abuse."

Motivated by these concerns, the Senate, on the next to last day of the 98th Congress, unanimously approved an amendment to H.R. 5616, the House-passed computer crime bill. This amendment, which I introduced with the support of Senators LEAHY and KENNEDY, would have limited the scope of section 1030(a)(3). The prohibitions against destruction, modification, or prevention of the use of computerized infomation were left unchanged. But the ban on the use or disclosure of such information was

limited to the most sensitive data collected by the Government: Personally identifiable information, as defined by the Privacy Act of 1974. Unfortunately, in the rush toward adjournment, the House of Representatives never acted on the Senate amendment to its bill. Instead, the day after the Senate passed my amendment, the far more sweeping version of section 1030(a)(3) reached the President's desk at the tail end of the crime package, and that section was signed into law along with all the other provisions of the Comprehensive Crime Control Act.

Accordingly, today we restate our concern about this subsection of the computer crime law by reintroducing the same amendatory language embraced by the Senate last October. We offer it not as an accomplished fact, but as a sincere attempt to limit the sweep of the disclosure prohibition to the scope we believe that its authors in the other body truly intended. We are heartened by indications that those authors are sensitive to the problems we discern in the enacted legislation and are prepared to revisit the issues presented by section 1030(a)(3). I know that the cosponsors of today's bill all look forward to working with our colleagues in the other body, principally Representative WILLIAM HUGHES, chairman of the Subcommittee on Crime of the House Judiciary Committee, as well as with the distinguished chairman of the Senate Judiciary Subcommittee on Criminal Law, Senator LAXALT, to draft legislation that will deter and punish criminal abuse of Government computer systems, without creating roadblocks to the free flow of Government information to the American people.

Mr. President, since this bill is quite short, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1030 of title 18, United States Code, is amended by striking out paragraph (3) of subsection (a) and inserting in lieu thereof the following:

"(3) knowlingly accesses without authorization a computer operated for or on behalf of the Government of the United States, or, having accessed such a computer with authorization, uses the opportunity such access provides for purposes to which the authorization does not extend, and by means of such conduct affecting such operation, knowingly—

"(A) modifies, destroys, or prevents the use of information in such computer, or

"(B) uses or discloses individually identifiable information in such computer, the disclosure of which is prohibited by section 552a(i) of title 5;".●

● Mr. LEAHY. Mr. President, the bill Senator MATHIAS and I are introducing today fulfills a pledge we made at the end of the last session of Congress, to correct a serious problem with the computer crime bill passed in those last, hurried days.

Actually, this bill is no stranger to the Senate. We were aware of some of the problems with the House version of the bill and on October 11, 1984, introduced and later passed legislation containing the essence of the bill we now reintroduce. The House adjourned without acting on our measure, but I hope and believe it was the crush of time, and not disagreement with us, that was the cause of the inaction.

For the issue is an important one. The computer crime statute now on the books makes every unauthorized disclosure of information from a Government computer a crime, whether or not the person doing the disclosing is an employee of Government who had legal access to the computer or a so-called computer hacker who has gained access to the computer without permission.

It makes no difference under this bill that a Government employee who has accessed the computer lawfully discloses information that is not secret or classifed. It can even be information that is available under the Freedom of Information Act.

Now the sponsors of last year's legislation claimed that they had no intention of limiting whistleblowers. But, I see little room for a Government employee with a real, but complex, story to tell about misconduct or gross inefficiency to tell that story effectively without documentation. And even if that documentation is available to the whistleblower without the aid of a computer, there will always be the suspicion that information originated in a computer, and employees who are not also Supreme Court Justices are going to be very reluctant to come forward under these circumstances.

Secrecy in Government is certainly needed in specific areas where security and overriding national interests are at stake. On both the Intelligence Committee and Judiciary Committee I have worked to preserve and protect that legitimate need.

But secrecy as a general operating principle for Government is pernicious, and laws that promote unnecessary secrecy—even unintentionally—are dangerous.

The first amendment rights of citizens are severely devalued if they don't have access to facts about Government. You can't speak up about something that is hidden in a Government file.

At the worst, this bill could encourage agency and department heads to overreach and to clamp down on legitimate and necessary contacts between Government employees and the outside world.

At the least, this new law could have a strong negative impact on agency responses under the Freedom of Information Act, because employees at all levels of Government now know that there is a new law on the books raising the flag of caution where information about Government is presented to the public.

Senator MATHIAS and I agreed last year—and continue to agree—that conduct which "modifies, destroys, or prevents the use of information" in a Government computer is very similar to a trespass at common law and does not significantly implicate first amendment values.

But the unauthorized use or disclosure of information from a Government computer ought to be made criminal only to the extent that it would violate the standards of the Privacy Act—that is only if the disclosure involves individually identifiable information in the computer whose disclosure is now prohibited by the act.

The bill we are introducing today makes that change. To those colleagues who carefully examine every legislative qualification to see which ones can become loopholes, I say there is no need to worry. This amendment does not legitimize any conduct that should properly be labeled criminal. You will find no loopholes, but you will also find no traps, and that's the point.

This bill is a modest one. I have not sought to add an amendment dealing with the problem of nonaural acquisition of information—a problem I have discussed many times in this body, arising under the Wiretap Act of 1968. That law does not cover the transmission of data, such as computer transmissions, and in the age of computers, that omission must be corrected.

I am working on broader legislation to deal with privacy issues which arise from data and video transmissions resulting from the new information and communications technologies.

But for good order's sake I will introduce this legislation separately and hope that the present bill can move as rapidly as possible through both Houses.●

By Mr. BINGAMAN:

S. 611. A bill to expedite the completion of Hooker Dam and Reservoir of the Central Arizona project; to the Committee on Energy and Natural Resources.

COMPLETION OF HOOKER DAM AND RESERVOIR

● Mr. BINGAMAN. Mr. President on September 30, 1968, the Congress of the United States authorized in Public Law 90-537 the Central Arizona project. The project was authorized for the purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona and western New Mexico

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through the direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, and enhancement of recreational opportunities. One of the units of Central Arizona project authorized was the "Hooker Dam and Reservoir or suitable alternative." The New Mexico unit was authorized to develop 18,000-acre feet of water for New Mexico's use by primarily municipal and industrial users. The Secretary of Interior was authorized to contract with water users in New Mexico for water from the Gila River in amounts that would permit 18,000-acre feet of use per year.

Since that authorization, construction of the major elements of the Central Arizona project is well advanced. The works necessary to bring the water from the Colorado River to the Phoenix area currently are expected to be completed in 1986. These works are necessary to deliver water to Gila River users in Arizona to offset the effect of the authorized new users in New Mexico. Unfortunately, the work on the New Mexico project has not progressed as fast as had been anticipated by the Bureau of Reclamation and the State. For a number of years the Governor of New Mexico and the Interstate Stream Commission have urged that the completion of the works in New Mexico be scheduled to coincide with the completion of the works needed to bring water from the Colorado River to effect the necessary exchange with Gila River water users in Arizona.

I am offering this bill to insure that the necessary steps toward initial construction be taken as quickly as possible. The bill would set specific dates for completion of the site selection and environmental impact statements for the Hooker Dam or alternative. It further orders the Secretary of Interior to make a record of decision with regard to the project as soon as practically possible after the completion of the final environmental impact statement. With the bill, it is my hope that construction could begin as early as 1988. The dates specified in the bill are dates currently being used by the Bureau of Reclamation in its planning for this project.

The residents of the Gila River area and the State of New Mexico are understandably frustrated by the lack of action on the part of the Federal Government since authorization of the dam in 1968. Feasibility investigations by the Bureau of Reclamation of the Hooker Dam and Reservoir or on alternative site began in the 1970's. In 1977 the administration directed that no additional study be made. It was not until 1980, following insistent urging by the State of New Mexico, that the Bureau of Reclamation began its current upper Gila water supply feasibility study.

In 1982 the Department of Interior recognized the need to expedite completion of this project. The Assistant Secretary for Land and Water Resources ordered the feasibility study for the site to be expedited from the scheduled spring of 1986 to the fall of 1984. Unfortunately, this 1984 date already has slipped to 1985. It is important to move toward construction of the project before any additional delay occurs.

The State of New Mexico has demonstrated its good faith in the effort of completing an initial site determination by providing, in 1983, $300,000 for the investigation program of the Connor site near Red Rock, NM. The non-Federal contribution to the study of the New Mexico unit of the Central Arizona project arose out of the current severe Federal budget constraints. The State's willingness to invest moneys in the site selection process is commendable. Local residents in southwestern New Mexico have actively pursued this project since its authorization. Concerned citizens formed the Hooker Dam Association, which has been active in keeping the project before the Bureau of Reclamation's attention. Their effort and determination are to be commended.

There still are some issues to be resolved besides final site selection. These include finding the potential users of the 18,000 acre feet of water to be made available for New Mexico and the places of use; determining that providing this water to New Mexico can be accomplished without causing downstream economic injury or cost; resolving any water rights issues that relate to this project, and mitigating any environmental problems. I am confident that the Federal Government, working with the State and local residents, can resolve these issues and move toward construction of the project. I intend to offer whatever assistance I can toward this end.

In order for this project to be completed as quickly as possible, a schedule for action is necessary. I hope my colleagues will support this bill which provides such a schedule.●

By Mr. NUNN (for himself and Mr. MATTINGLY):

S. 612. A bill to authorize the establishment of competitive health insurance programs for Federal employee organizations; to the Committee on Governmental Affairs.

COMPETITIVE HEALTH INSURANCE PLANS FOR FEDERAL EMPLOYEE ORGANIZATIONS

● Mr. MATTINGLY. Mr. President, today I join my distinguished colleague from Georgia, Senator NUNN, in introducing legislation which would permit Federal employee groups to offer their membership the most cost-effective health care program possible. A similar proposal was passed by the Senate last year as a part of the Treasury, Postal Service, and General Government Appropriation Bill, but was eliminated while in conference with the House of Representatives.

Under present law, any Federal employee organization wanting to offer to its membership its own health plan had to submit the application in 1979. This cutoff date acted as a barrier to alternative plans already approved under the Federal employees health benefit program.

This legislation we are introducing today would create a 90-day window, allowing the members of the employee group to transfer their enrollment to the new plan within this period of time. The creation of this 90-day window will not affect the authority of the Office of Personnel Management. The OPM will have continuing and full authority to insure that any approved plan meets OPM minimum requirements.

One group that has been in need of an opportunity to offer a competitive health plan to its members is the Federal Managers Association. This nationwide organization was founded in 1913 and now has over 17,000 members, representing all the major Federal agencies and departments of the Federal Government. It is one of the oldest and largest management organizations in the Federal Government. The FMA will offer the health plan to its bona fide members only, including retired members.

I urge the Senate to approve this measure and allow employee groups the right to offer their own plan, thereby giving their members a competitive chioce in the area of health care benefits.●

By Mr. BUMPERS (for himself, Mr. GRASSLEY, Mr. NUNN, Mr. DANFORTH, and Mr. HOLLINGS):

S. 614. A bill to amend section 3505 of title 44, United States Code, to further reduce the Federal paperwork burden on small businesses; to the Committee on Governmental Affairs.

SMALL BUSINESS PAPERWORK REDUCTION ACT

● Mr. BUMPERS. Mr. President, on February 6 of this year I introduced S. 396, the "Small Business Fairness Act of 1985," a measure that contained four titles of importance to small business. Title III of that bill was a very sensible paperwork reduction provision, and I am today introducing that provision as a separate bill for referral and action by the appropriate committee. This measure will require Federal agencies to reduce the paperwork burden on small businesses by at least 5 percent a year for the next 3 years. I am pleased that Senators GRASSLEY, NUNN, DANFORTH, and HOLLINGS are joining me as original cosponsors.

Every business, large and small, has too much Government paperwork. But, in my judgment, the Federal

paper blizzard hits small businesses especially hard because they have fewer employees and less resources to deal with the demands of the Federal bureaucracy, by comparison, than do larger businesses. Small businesses are less likely to have sophisticated computers to keep track of correspondence and financial transactions, and less likely to have employees who can devote full time to answering the endless demands of Government. As one who once made a go of it in a hardware store in Charleston, AR, I know full well what small business people are talking about when they complain about Federal paperwork, and I believe their complaints are fully justified.

A great obstacle to small business participation in the Federal procurement process is paperwork. Potential small business contractors must frequently respond to solicitations which exceed 100 pages. The average Department of Defense solicitation for 1984 was 84 pages, plus exhibits. OMB estimates the procurement paperwork burden of only four Federal agencies is 1.25 billion hours. The IRS is also a major culprit. The IRS accounted for more than half of the nonprocurement paperwork burden imposed by the Federal Government in 1983.

I have concluded that the only way to deal effectively with this problem is for Congress and the President, by law, simply to order the Bureaucracy to cut the paper, as we did in the Paperwork Reduction Act which Senator CHILES originally authored. We certainly need better oversight of the Federal agencies, but we can't write their forms and tailor their paperwork for them. So I propose simply to order the Office of Management and Budget to reduce the Federal paperwork load for small businesses by 5 percent for each of the next 3 years. This is a fairly modest goal that I am confident can be met, but it would be of great help to small business men and women who are literally swamped with Federal paperwork requirements.

I want to take this opportunity to commend Senator CHILES for his very diligent work in this area. Small businesses can thank him for the countless hours he spent hammering out the original Paperwork Reduction Act. I look forward to working with him to see that act reauthorized this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my statement. I urge the Senate to act quickly to reduce the paperwork burden on small business.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Paperwork Reduction Act of 1985".

AMENDMENT TO THE PAPERWORK REDUCTION ACT OF 1980

SEC. 2. Section 3505 of title 44, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2),

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(4) upon enactment of this paragraph—

"(A) set a goal to reduce the then existing burden of Federal collections of information on small businesses (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) by not less than 5 per centum by October 1, 1986; and

"(B) for each of the next two years following, set a goal to reduce the burden which existed on October 1 of the previous year by not less than an additional 5 per centum.".●

By Mr. BUMPERS:

S. 615. A bill to amend title 5, United States Code, and title 28, United States Code, with respect to awards of expenses of certain agency and court proceedings, and for other purposes; to the Committee on the Judiciary.

EQUAL ACCESS TO JUSTICE ACT AMENDMENTS

● Mr. BUMPERS. Mr. President, on February 6, I introduced S. 396, the Small Business Fairness Act of 1985, a measure containing four titles of great importance to small business. One of those titles was a reauthorization of the Equal Access to Justice Act, and I am today introducing this title as a separate bill for referral and action by the appropriate committee.

As every member of this body knows, this measure will allow small businesses to be reimbursed for their costs and attorneys fees if they challenge Federal agencies in court and are successful. This measure, for reasons that escape me entirely, was vetoed by the President last year.

The reasoning for this bill, which merely extends a policy which Congress wisely established 4 years ago, is simple. We believe that if a small business successfully challenges the Federal bureaucracy in court, or if an agency unfairly accuses a small business of violating the law and the businessman vindicates himself, he should be able to recover his costs. Every Member of Congress knows on a personnel level that there are genuine cases of bureaucratic abuse. These cases of injustice are the very reason why many Members are motivated to seek public office in the first place. And there is not a Member of this body who has not found on his or her doorstep citizens who have been wronged by their own Government. At worst, a career or a life may be ruined; at best, the individual has been wrongly accused and has had to incur great expense to clear his name. I do not say this to take a cheap shot at the Federal bureaucracy, but there are certainly those in Government who, from time to time, exercise very poor judgment.

Until the Equal Access to Justice Act, there was little that Members of Congress could really do for people who had suffered such a wrong. As a general rule, the Government is not subject to suit save when Congress says so, and the remedy of a private relief bill is cumbersome and impractical. Equal access to justice made the promise of justice to these people who had gone to great expense to challenge agency wrong, or who had successfully defended themselves against wrongful agency action.

As everyone here knows, Congress renewed this promise last year by extending the Equal Access to Justice Act. The President, much to my dismay, vetoed this important legislation after the 98th Congress adjourned. Of course, small businesses owe great thanks to Senators DECONCINI and DOMENICI, and several others, who have worked long and hard to make a reauthorization of equal access a reality. They are primarily responsible for this bill, and I want them to know that I will use my influence on the Small Business Committee and do all I can to make it a reality this Congress.

Mr. President, I urge the Senate to consider this measure quickly, so that we can again send a bill to the President, and I hope that this year he will see the obvious merit to this legislation and sign it into law.●

By Mr. HELMS:

S. 616. A bill to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE, FOOD, TRADE, AND CONSERVATION ACT

Mr. HELMS. Mr. President, today I am introducing the Agriculture, Food, Trade, and Conservation Act of 1985. The current farm and food statutes will expire this year, and this 17-title omnibus bill will revise and reauthorize those expiring authorities.

BACKGROUND

This bill is the culmination of a process I began nearly a year and a half ago. In May 1983, I sent about 200 letters to farmers, economists, agribusinessmen, academicians, and Government officials, asking them to submit papers on farm policy issues. The result of that effort was the publication of a print by the Committee on Agriculture, Nutrition, and Forestry, entitled, "Farm Policy Perspectives: Setting the Stage for 1985 Agri-

cultural Legislation." The papers in that print, representing diverse viewpoints, present the policy options for the rewriting of domestic farm programs in the 1985 farm bill.

That print was followed by a second, similar effort dealing with U.S. agricultural trade policy. The print, released late last year, was entitled, "Trade Policy Perspectives: Setting the Stage for 1985 Agricultural Legislation."

Drawing on those efforts, as well as on the listening sessions the Secretary of Agriculture held last year around the country and the hearings the Joint Economic Committee held on farm policy, I have prepared legislation which will set U.S. agriculture on a path of growth, opportunity, and profitability.

Mr. President, as we begin congressional work on the 1985 farm bill, the family farmer is operating under extremely difficult circumstances. Current farm policy has contributed significantly to a situation in which the family farmer is unable to earn a profit on his work and investment. Commodity surpluses, which depress prices and reduce profits, are a direct cause of the current credit crisis so much in the news these days. As we look at the stress in rural America today, it is vital that we understand why that stress exists, and make the necessary changes in farm policy to alleviate that stress.

So, the first question that must be addressed is, "How has the current decline in U.S. agriculture come about?"

The decade of the 1970's was, in many ways, a time of prosperity in American agriculture. Booming demand for agricultural commodities worldwide raised U.S. exports almost six-fold during that decade. At the same time, high inflation and double digit interest rates began boosting production costs. Faced with the challenge of meeting world demand, and lured by inflation-driven increases in their asset values, American farmers expanded and increased production of virtually every commodity. For better or for worse, U.S. agriculture made a complete and irreversible change in its organization and structure. It structured itself to be part of a global world economy.

Then came the grain embargo of 1980. It was a shock when the Government closed down the very large 17 to 20 million metric ton annual Soviet market. However, worse long-range damage was done when the Carter administration and Congress increased the loan rate at that time in a well-meaning but misguided attempt to soften the blow of the embargo. But their actions didn't soften the blow on farmers—they made the blow land harder in following years. The boost in loan rates, and the trend of higher price supports generally, induced an increase in production both here and abroad at the very time the world needed an economic signal to reduce, not increase, production.

This situation resulted in Congress writing a 1981 farm bill that increased income protection mechanisms and granted successively higher price supports for most commodities. But even with that, the 1981 farm bill was severely criticized as miserly and tightfisted, and barely obtained enough votes to become law.

But the experience of the last 4 years has shown that rigid price supports written into law are not practical for today's quickly changing global economy. After 1981, inflation fell much faster than anyone predicted. As inflation fell, U.S. price supports rose much faster in real terms than Congress had intended in the 1981 farm bill.

Other important global factors have affected U.S. exports the last 4 years. World recession dampened demand for U.S. commodities. Debt problems in foreign countries reduced their ability to buy U.S. commodities. The U.S. dollar gained in strength relative to other currencies, making it more expensive for our customers to purchase U.S. exports. The decline in world demand led foreign countries to subsidize their own agricultural exports and engage in other unfair trade practices that robbed U.S. farmers of markets.

Mr. President, there is a clear lesson to be learned from the experience of the 1981 farm bill: U.S. agriculture policy simply must be flexible. American farmers are affected more by global events over which Congress has no control than by the farm programs which Congress does control. Congress cannot directly affect the inflation rate or the relative value of the dollar or global weather. Thus, the agricultural economy is like a cork floating on the ocean, bobbing up and down with each successive wave. The Congress must write a farm policy that is flexibile enough to adjust to these changing world conditions.

Let me explain as simply as I can the problem in farm policy. Congress has attempted to support farm income by guaranteeing prices above market-based levels through the price support loan mechanism. Farmers who participate in Government programs are assured of receiving for their products a price at least equal to the loan rate. This also effectively places a price floor under all U.S. production, and even for all production worldwide. As Congress has mandated higher and higher loan levels, foreign producers have increased agricultural production. Foreign farmers, with the help of export subsidies from their governments, find it easy to sell commodities on the world market at prices below the U.S. loan rate.

So, while foreign producers move into markets that U.S. farmers previously occupied, the U.S. Government is forced to purchase more and more of this country's farm surplus production. The U.S. Government response to this problem has been to impose acreage reduction programs, which cost taxpayers money, but fail to cut overall production, and simply make more room for foreign producers to bring on more production of their own.

Even as U.S. policy has sought to reduce acreage, surpluses have continued to mount because farmers simply cultivate more intensely their remaining acres. So, worldwide agricultural production has increased. The result is large and costly domestic surpluses, depressed prices, and lower real farm income.

Mr. President, current farm policy seems to have placed U.S. agriculture on a vicious 3- or 4-year cycle. The culmination of the first of these cycles was the payment-in-kind program of 1983. The high support prices had induced such a large surplus that the shortage of storage space and the effect on prices had become unmanageable. Thus, the Department of Agriculture implemented the PIK program, removing some 80 million acres from production in 1 year.

What was the result? Production was cut significantly in 1983, but many experts believe the reduction was more a result of the most severe drought in 50 years rather than the PIK program. These 1983 reductions temporarily boosted prices, but U.S. farmers were injured in the long run because loan rates rigidly established above market-clearing levels continued to stimulate increased production in other countries.

What's worse was the effect of the PIK program on agribusiness. The severe acreage cutback meant less seed was sold, less fertilizer was purchased, machinery purchases were put off for another year, and fewer tractor tires were needed. Agribusiness of every sort suffered acutely as a result of the temporary idling of that production base.

As long as current policy remains in place, it seems certain surpluses like that of 1983 will continue to accumulate every 3 or 4 years, requiring a PIK-like acreage reduction. Can farmers really afford to take 30 or 40 percent of their land out of production every 4 years? Can agribusiness suffer a 30- to 40-percent loss of business every 4 years? Can the taxpayers bear the immense costs involved?

The answer to those questions is an unequivocable "No." Current agricultural policy is like an old car that has finally worn out. One reason it is worn out is because of the way it has been driven. High price supports encourage

production—which I liken to pressing the accelerator to the floor. At the same time, the Government has placed both feet firmly on the brakes by paying farmers not to produce.

So now our agriculture policy car has worn out brakes and a burned out engine. It needs to be replaced. What other models are on the markets? What are the alternatives?

Mr. President, there are two clear alternatives. The first I wish to bring to the attention of my colleagues is what I shall call public utility agriculture.

We have heard agricultural policy debated at some length here on the Senate floor in the past several weeks. And that is why I confidently can say that there are those in this body who support this model. To quote one such statement heard recently in this Chamber:

> My argument is that for our farmers to have a decent return and to be able to engage in their livelihoods and to be productive members of our society, the Government has to ensure that there is indeed some form of supply management program for our farmers.

Such a policy would require Government to be even more involved in the production and marketing decisions of each farmer in all of the commodities which make up this industry. The proponents of this approach advocate that prices to farmers be set artificially high—which without question would result in even greater declines in our world market shares and profits.

Advocates of this kind of national program agree that it could work only if the United States virtually closed its borders to agricultural trade. Closing our borders would have two negative effects. First, because of the retaliation which would certainly occur, the United States would lose foreign agricultural markets that contribute nearly $20 billion annually to our trade balance. Since the United States is already suffering from a large negative trade balance, we can ill afford to sacrifice an industry that contributes so significantly to a positive balance of trade.

Second, the Government would have to permanently idle between 30 and 40 percent of the U.S. agricultural production base for its food and fiber. That is the amount of U.S. production that goes to the export market. If we close our borders, it follows that we also shut down our export trade. So a public utility approach would mean that either 30 percent of U.S. farmers must go out of business, or each farmer must decrease production 30 percent.

Make no mistake: this kind of public utility agricutlure will mean not only 30 percent of our agricutlural production will go out of business, but also 30 percent of the equipment dealers, 30 percent of the farm banks, 30 percent of the seed dealers, 30 percent of the fertilizer dealers, and 30 percent of the kind of society that makes up rural America.

Mr. President, the U.S. Government tried all that in the 1950's. It didn't work then and it won't work now, especially in the global business economy to which we have now structured U.S. agriculture.

To illustrate the problem of farm policy based on mandatory production controls on each farmer, one needs only to consider the tobacco program.

Without question, mandatory production controls on tobacco demonstrate that when such policies are combined with Government established prices for commodities above market-based levels, reductions in quota are inevitable. The 33-percent reduction in the tobacco quota over the past decade has made it virutally impossible for farmers to realize the efficiencies of production necessary to make profits. The United States has seen its market share decline from 65 percent of the world trade in tobacco to about 20 percent. Much of the tobacco production capacity of the United States has been transferred overseas.

It is no wonder that many tobacco farmers are clamoring for reform to allow them to grow more tobacco and to be competitive in the marketplace. They recognize that price supports above market-based levels result in the destruction of their production potential and the demise of their livelihoods.

Because the program has become the basis for the structural organization of much of the farming in the South—and hundreds of thousands of families are dependent upon the existence of the tobacco quota system—I strongly believe the poundage quota system should continue for that particular crop, and for peanuts as well.

However, that does not exempt tobacco from the need to become market-based in the price function, and at some point this year Congress may address that question, even though tobacco is not part of the farm bill.

So if current policy doesn't work, and a public utility agriculture can't achieve its objective any better, Congress is left with but one option: there is simply no alternative but to return to the market orientation which guided U.S. farm policy in the 1970's.

When I say market-oriented, I don't mean a free market with no Government involvement in agriculture, despite that frightful caricature drawn by some proponents of the failed status quo.

No, I mean that now is the time to begin a 3- to 5-year transition toward market-orientation. And during that transition, my bill provides for a strong safety net for farmers.

Now, Mr. President, let me describe in the most general terms what my bill will do for American agriculture.

My bill will establish U.S. price supports at market-based levels, leading to expanded U.S. exports and greater profitability for farmers. Coupled with strong export provisions that provide substantial aid to U.S. farm exports, market-clearing price supports will cause more production adjustments to take place abroad than here at home. This means that foreign producers who expended production as a result of high U.S. price supports will now yield world markets back to U.S. farmers.

My bill also recognizes that farmers cannot fight foreign government export subsidies on their own. It emphasizes U.S. export assistance, and demonstrates to predatory exporters that the United States will stand by its producers and provide financial assistance to give farmers opportunities in the export market as long as foreign subsidies continue.

As price supports are brought back to market-based levels, U.S. agriculture will be placed in a competitive position, poised to grow and expand, instead of in the position of permanently idling acreage which will take place under current policies.

As U.S. agriculture makes the transition to market-orientation, my bill will provide a strong safety net for farmers by providing cash payments through the target price mechanism. The target price will continue to provide income protection for farmers who most need it.

Mr. President, there has been a chorus of voices saying, "We can't make those adjustments now. There is too much stress in agriculture today. They will have to wait."

My answer to that is, every day we delay making the necessary corrections in policy will create even more distress. This Congress cannot evade the truth that we must make our farm policy work for American farmers and the American people.

Mr. President, the bill is also vigorous in its conservation concerns. It will diminish the squandering of the soil and water resources that has been encouraged under present policies.

A new approach to research in the bill will target available funds to help family sized farmers adopt new and present technologies to help them become economically viable without costly and often counterproductive Government payments.

Most important, this is a fiscally responsible bill that will reduce Government costs, thereby bringing about a reduction in interest rates. I am not a supporter of market orientation in farm policy, however, simply because it happens to cost less, but rather because it is the best farm policy for

farmers. The fact that it is the least costly of the alternatives however, will go a long way toward helping farmers with those interest rate problems that are so bedeviling to them.

I have long said—as has the distinguished majority leader—that the best farm bill would not even have the word "farm" in it. It would be a bill to reduce spending, balance the budget, and reduce interest rates. That would add tremendously to farmers' profitability. About 20 percent of farmers' production costs can now be attributed to interest payments, so each percentage point reduction in the interest rate will put about $1 billion in farmers' pockets from increased profits.

Mr. President, let me point out that this bill represents the best thinking and efforts of myself and the staff of the Senate Agriculture Committee. But we are not infallible, and it may be that we are not complete in our understanding of every part of farming or farm policy. I invite the comments, suggestions, and ideas of other Senators, and I assure them that every idea and point of view will be carefully analyzed and considered. My sole concern is that we return profitability to agriculture, save the family farmer, and restore to this great endeavor of farming the dignity and self-respect it so richly deserves.

Now, Mr. President, let me explain in more detail the major provisions of the bill.

AGRICULTURAL EXPORTS

Because agricultural trade is essential to a healthy, growing, and dynamic agricultural industry, agricultural export programs, Public Law 480, and a new "Food for Progress" initiative are included as the first title of the bill. Long-term profitability for producers is only achievable through policies designed to allow American agriculture to use its resources to the greatest productive advantage.

The United States has traditionally been a major agricultural exporter. Although exports were slow to recover from the suspension of trade during the Great Depression, we experienced a much greater demand for agricultural exports in the 1970's than in the years between 1945 and 1970. This is demonstrated by the fact that total planted acreage for corn, wheat, soybeans, and cotton increased 72 million acres in the 1970's to satisfy growing world export demand.

By the period 1979 to 1981, U.S. farmers were exporting 60 percent of their wheat and soybeans, over half of their cotton, and 30 percent of their feed grains. Export value peaked in 1980 at $43.8 billion and export volume peaked in 1981 at 163.9 million tons. Since then, both export volume and value have dropped, in spite of vastly increased Government export assistance.

For producers to survive economically as we move toward more market-oriented domestic agricultural policies, they must be assured that the U.S. Government is committed to assisting them in the international marketplace. Although most foreign export competitors employ no more export assistance than the United States, some, namely the European Community, use massive export subsidies to blatently violate the principles of free and fair trade.

The trade title of this bill contains a battery of weapons to help American producers fight unfair and predatory trade practices engaged in by foreign competitors.

The cornerstone of this effort is a new intermediate export credit initiative directed toward: First, countries that previously utilized credits under the Public Law 480 Program and second, countries that are unable to use other short-term export credit programs offered by the United States. This measure provides a minimum of $1 billion per year for direct credit financing or credit guarantees to promote U.S. agricultrual export sales for fiscal years 1986 through 1988, and a maximum of $1 billion for such activity for fiscal years 1989 through 1991.

Currently, the United States does not operate an intermediate export credit program. Agricultural customers must either qualify for 20- or 40-year concessional sale credit guarantees available through the Public Law 480 Program or 3 year credit guarantees available through the GSM 102 Program. A desire for 3 to 10 year intermediate credit has been expressed by countries no longer eligible for, or wishing to graduate from, the Public Law 480 Program, but not yet able to use the short-term GSM 102 Program. An intermediate credit program such as the one contained in this bill will fill a critical gap in U.S. export credit offerings.

In addition to the intermediate export credit initiative, the use of $325 million (or an equal value of CCC-owned commodities) for targeted export assistance is mandated in each of the fiscal years 1986 through 1988. This direct assistance is to be targeted to those commodities that have been adversely affected by the unfair trading practices of foreign countries and is intended to continue the current level of direct export assistance now being offered by the Department of Agriculture.

The targeted export assistance provision in this bill represents a further recognition of the market realities faced by U.S. producers and demonstrated our national resolve to assist U.S. producers competing in an international marketplace that is not free. This is an extension of legislation that I authored for this purpose in 1983.

The bill mandated export sales of 150,000 metric tons of CCC-owned dairy products per year for fiscal years 1986 through 1988. Few industries have been so effectively shut out of the world market because of other countries' subsidies as has the American dairy industry. Our absence from this market has much to do with our failure to compete for an equitable share of the world dairy market on an equal basis with other exporting nations, primarily those of the European Community.

Through the use of export subsidies, the European Community has taken a share of the world dairy market well out of proportion to its overall share of world production. Even though U.S. dairy price supports are at levels comparable to those of the EC, the U.S. share of the world dairy market is but one-sixth of the share held by the EC. Export subsidies by the EC and, more recently, currency exchange rates are responsible for the inequitable situation. Mandatory dairy product sales from CCC stocks will signal our resolve to demonstrate to the EC that the United States can employ the same kind of unfair tactics that the EC uses regularly. Hopefully, this small but measured step will help bring the EC to the bargaining table to resolve a number of issues involving its wanton dumping of surplus agricultural products.

In order to utilize grain stocks and other commodities acquired by the CCC through price support activities, specific authority for export payment-in-kind [PIK] programs is included in the bill. The basic objective of the export PIK program is to assist the Secretary of Agriculture in promoting and increasing exports of U.S. agricultural commodities and the products thereof in order to reduce price depressing Government stocks, reduce Government outlays made under domestic price support programs, improve farm income, and further induce those who now use predatory trading practices to come to the bargaining table.

Under this PIK provision, CCC-owned commodities could be provided free or at reduced prices to foreign purchasers as an incentive to purchase U.S. commodities in amounts beyond their normal level of purchases. In addition, I contemplate that the Secretary could provide commodities or the products thereof to foreign purchasers under this provision, even though their purchases are lower than normal, in cases in which providing such commodities would help to maintain U.S. market share.

The application of the so-called cargo preference laws—which require 50 percent of certain Government-generated shipments of commodities to be carried on expensive U.S.-flag vessels—

to the export payment-in-kind and blended credit programs carried out by the CCC and the Department of Agriculture make these programs expensive at best or inoperable at worst, while not achieving the purpose for which the cargo preference laws were enacted.

Cargo preference has failed in its objective of stimulating modernization of the U.S.-flag bulk fleet. Although cargo preference has not been applied to all export programs carried out by the CCC or the Department of Agriculture, the instances in which it has been applied and the possibility of its expanded application create severe obstacles to achieving satisfactory results from U.S. agricultural export assistance programs.

Provisions in this bill exempt the export PIK and blended credit programs and emergency food aid from the cargo preference laws.

American agricultural producers face numerous export roadblocks and unfair trade practices in the world market. These issues may best be addressed through new multilateral trade negotiations.

Therefore, I have included a sense of Congress resolution in the bill that calls for new trade negotiations. Currently, agricultural trade issues are largely outside the purview of the international trade laws. In addition, dispute settlement procedures for trade activities now covered by international law need reform to make such procedures more effective.

The sense of Congress provision calls for a strengthened General Agreement of Tariffs and Trade (GATT), improved dispute settlement procedures, and inclusion of agricultural trade issues in a strengthened and more effective GATT.

Also included in the bill is a provision requiring that, in distributing agricultural commodities under title II of Public Law 480, the President shall consider the nutritional assistance to recipients and the benefits to the United States that would result from the distribution of these commodities in the form of value added and protein-fortified products.

The inclusion of value-added dairy and fortified grain-based products is especially important for the title II programs. The use of these products in maternal and child health feeding programs, school lunch programs, and a variety of other nutritional and supplemental feeding activities, enhances the scope and application of the programs and helps to combat undernurishment and malnutrition. The use of value-added and protein-fortified products in title II also benefits the economy of the United States, as employment is increased, additional tax revenues are collected, and wider use of U.S. transport facilities occurs.

Barter is one method by which CCC-owned commodities may be used to enhance U.S. agricultural export trade. The Department of Agriculture conducted a barter program from 1950 until 1973. During this time, the market value of agricultural commodities exported from the United States through barter was approximately $6.65 billion. Provisions are included in the bill to require the CCC, to the maximum extent possible, to use barter arrangements to trade agricultural commodities for strategic materials and to facilitate filling the Strategic Petroleum Reserve.

A proposal originally outlined by the Grace Commission Private Sector Survey on Cost Control is also included in the bill. It was the thought of that Commission that CCC export credit guarantee programs might be more effectively carried out if a secondary financial market were available in which CCC guaranteed obligations could be purchased. The bill directs that the feasibility of such a secondary market be studied by the Department of Agriculture.

PUBLIC LAW 480 AND RELATED PROGRAMS

The Agricultural Trade Development and Assistance Act of 1954, or Public Law 480 as it is popularly known, has been a mainstay in the efforts of this country both to help our farmers develop foreign markets for U.S. agricultural commodities and to provide humanitarian food assistance to hungry people in Europe, Asia, Africa, and other continents. Public Law 480 has also been used as a tool to encourage economic development in the developing countries, with emphasis on those countries that have made a commitment to expand their domestic agricultural production. This bill extends these important activities through September 30, 1991, and makes several significant revisions.

CAPITAL FINANCING AGREEMENTS

It is important to point out that our farmers have a strong interest in Public Law 480, since it promotes long-term market development. Experience has shown that as countries develop, they become better customers for American farm products. Korea is often cited as an example of this very thing. From 1956 through 1981, the United States provided Korea with a total of $1.6 billion of food assistance under title I of Public Law 480. At the time Korea started receiving this assistance, it was suffering serious economic disruption and had a per capita income of about $100 annually.

Today, Korea has a highly developed rural and industrial sector with an annual per captia income of over $1,500. In tandem with its economic development, Korea has developed into a mature commercial market, and is now one of our farmers' most important customers, purchasing more than $1 billion annually in U.S. commercial agricultural exports.

Title I of Public Law 480 has played a vital role in the stimulation of U.S. agricultural trade. These provisions provide for concessional sales of agricultural commodities to friendly countries. Agreements made under this title provide for credit repayable in dollars over a maximum 20-year repayment period, or credit repayable in convertible local currency over a maximum 40-year repayment period.

These agreements also provide for a grace period during which the purchaser of the commodities must pay interest, but need not make principal payments. The grace period for dollar credit agreements can be as long as 2 years, and the grace period for convertible local currency agreements may be as long as 10 years. Specific downpayments in dollars may be required under both types of agreements. Minimum interest rates under both types of financing are set by law at 2 percent during the grace period and at 3 percent thereafter. The terms of the sales agreements are determined on a case-by-case basis.

Under these credit terms, it is often a very long time before the United States receives repayment for commodities that will be consumed today. With so little of the value of these commodities being returned to our taxpayers, I believe there is a better way for us to make use of the debts owed for the commodities sold under title I.

In trying to develop a better say, I was intrigued by a recommendation of the President's Task Force on International Private Enterprise Development. The recommendation calls for authorizing the repayment of title I obligations in local currencies and seeks to use these currencies to promote agricultural development in recipient countries and to develop overseas markets for our farmers. I have incorporated this concept in the bill.

Specifically, the proposal in the bill would authorize the Secretary of Agriculture to finance credit sales of agricultural commodities under title I of Public Law 480 on terms that permit repayment in foreign currencies, in addition to the current authorities for sales for dollars or local currencies convertible to dollars. Such repayments in foreign currencies would be required for at least 25 percent but no more than 50 percent of all title I sales.

The Secretary would then be authorized to loan these currencies to financial intermediaries in the countries making the repayments. The currencies would be used to fund loans for private enterprise investment, giving strong preference to agriculture and agriculturally related investment. The use of local currencies in this manner

will help provide capital to those involved in agriculture, especially the smaller farmers who are so important to development.

None of these loan funds could be used to finance State-owned entities or ventures, or to produce commodities or products that would compete with U.S. commodities or products. Private enterprise entities receiving loans under this provision must be owned solely by citizens of the recipient country, with the exception that the entity may have as much as 25 percent U.S. ownership.

The Secretary would also be authorized to use up to 5 percent of the currencies received from the sale to provide agricultural technical assistance, including the funding of market development activities. Once financial intermediaries begin to make repayments of their loans to the Secretary, the Secretary may convert such currencies into dollars, reloan the currencies to financial intermediaries to finance additional private investment, use the currencies for agricultural market development, or use the currencies to pay U.S. obligations within the repaying countries.

This proposal will effectively put our resources to work not only developing markets for our farmers but promoting the kind of private enterprise necessary for developing countries to grow into vibrant economies. It is a more prudent way to utilize our agricultural abundance.

OTHER INTERNATIONAL FOOD ASSISTANCE PROGRAM CHANGES

Through price support program operations, the Commodity Credit Corporation [CCC] has built up stores of significant quantities of food. Specifically, including the grain in the disaster and food security reserves, the CCC owned at the end of the last year, nearly 100 million pounds of butter, 600 million pounds of cheese, 1.1 billion pounds of nonfat dry milk, 13 million bushels of barley, 202 million bushels of corn, 90 million bushels of sorghum, 349 million bushels of wheat, 20 million hundredweight of rice, and 81.5 million pounds of honey.

Currently, the Secretary is only authorized to donate wheat and dairy products under the section 416 program. In order to provide the Secretary with the authority and flexibility to better utilize our Government held surplus to help needy persons overseas, this legislation would expand section 416 authority to include any CCC owned food commodities and products thereof.

FOOD FOR PROGRESS

U.S. foreign food assistance programs have received a good deal of attention in recent months as the chief mechanism for combating the famine currently afflicting much of Africa.

The tragic dimensions of the famine have stirred many in Congress to reexamine our food assistance programs and analyze the extent to which these programs provide humanitarian assistance, develop markets for our farmers, and promote agricultural development in developing nations.

All Americans can be proud of the unprecedented campaign our country has carried out to provide assistance to the African people in their great hour of need.

Under the section 416 program, the Secretary of Agriculture is authorized to use surplus dairy and wheat products stored in Government warehouses for donations to needy people overseas. Using this program, the Secretary has already donated over $50 million in surplus dairy products to African countries. The donation of surplus wheat, just authorized by Congress last year, is likely to occur soon.

Through the much larger Public Law 480 Program, or Food for Peace Program, our Government has purchased large amounts of American agricultural commodities to be sent to African and other countries, either as donations under title II of Public Law 480 or as sales on very favorable credit terms under title I. Through these programs, the United States has provided almost as much food aid to Sub-Saharan Africa as have all other countries combined.

What has impressed me about this food aid activity has been the outpouring of assistance from private individuals. Over the past few months, Americans have voluntarily provided aid agencies such as CARE, Church World Services, Catholic Relief Services, World Vision, and others, with more than $40 million. Each day it seems as though I read stories about children putting together projects to raise money, or churches passing around the collection plate and getting overwhelming responses, or businesses pledging percentages of sales.

In some circles, particularly within the major media, it remains fashionable to run down America whenever possible. However, I believe that our response to the African crisis says a lot about our country and the values for which our people stand.

However, the true test of our compassion lies not merely in the amount of emergency aid we give, but also in our ability ot assist developing nations in solving the long-range problems which have limited their agricultural development.

No doubt, natural causes, such as the weather, have been a major factor in the continuing cycle of hunger in Africa. However, much of the problem can be traced to the adoption by African countries of centrally planned economic systems.

Marxist policies, whenever applied, have never brought about agricultural development. This is understandable because farmers, wherever they may be, have a way of being independent, and a way of wanting to be free. These desires are simply not acceptable to the Soviet leadership or those who seek to emulate them.

Unfortunately, farmers in many parts of Africa have been subjected, to some extent, to Marxist centrally planned economic systems. They have been forced by top-heavy bureaucracies to sell their products at well below market prices in order to subsidize cheap food for urban populations. In this and other ways, farmers' incentives have been eliminated and indigenous agricultural production destroyed.

However, it is encouraging to note that many African governments have come to realize that policies that deny farmers profits and force them to sell their products at very low prices are counterproductive. They understand that Africa will remain hungry unless policies are implemented that provide farmers with the incentives that accompany free markets.

Without the benefit of growth oriented policies that give individual farmers access to appropriate inputs and technology and allow these farmers to produce and keep the fruits of their labors, the investment of time and resources necessary to feed the continent's growing population will never be made.

However, it will not be easy for African countries to change their food policies. Sudden policy shifts could bring about social, political, and economic disruption. One of the key features of the food assistance provisions of my bill aims to put our surpluses to work easing this transition.

Specifically, this proposal is called Food for Progress. It embodies a concept developed for President Reagan by our Ambassador to Madagascar, Robert Keating. It authorizes the President to make multiyear commitments of food assistance to countries wishing to implement growth-oriented private agricultural policies.

The food to be used for this program would be taken from stocks already sitting in Government warehouses and would be in addition to other U.S. assistance going to participating countries. Assistance under this proposal would be limited to a total of 500,000 metric tons a year. Participating nations could use this grant as a buffer to allow prices received by farmers to rise without abruptly increasing food costs for urban populations accustomed to cheap food policies.

These provisions, as those under Public Law 480, will promote long-term economic development in these countries and, thus, foster the development of markets for our commodities to the benefit of our farmers. As in the example of Korea, which I cited earlier, private enterprise in these

countries will develop and grow and will in turn provide larger markets for our farmers.

DAIRY

The dairy price-support provisions of the bill would make a gradual transition toward a more market-based program through reductions in the price support level for milk until Government purchases stabilize between 2 and 4 billion pounds annually.

Federal programs have been deeply imbedded in the economic fabric of the U.S. dairy industry for more than 40 years. During this time, the economic characteristics and performance of the industry have changed considerably, although the basic structure of the Federal Dairy Program remains largely unchanged.

The Federal Dairy Price Support Program supports the national average price received by farmers for manufacturing milk through purchases by the Commodity Credit Corporation of butter, natural cheddar cheese, and nonfat dry milk at announced prices. The announced prices are designed to result in U.S. average prices to producers at least equal to the announced support price.

For many years, the Dairy Price Support Program successfully fulfilled its goal of providing adequate supplies of wholesome and nutritious fluid milk and dairy products at reasonable prices to the consumer and at minimum cost to the taxpayer. However, in recent years milk production has far outpaced demand, leaving the Government to purchase unacceptable and increasing amounts of surplus dairy products.

The cost of the price support program has grown from $250 million in 1979 to nearly $2.6 billion in 1983. Even with a program in effect for much of fiscal year 1984 that paid dairy farmers to reduce their production, program costs are still estimated to be around $1.5 billion. These unprecedented expenditures have left the Government owning a huge and growing surplus of dairy products. As of February 15, 1985, the CCC owned 110 million pounds of butter, 547 million pounds of cheese, and 1 billion pounds of nonfat dry milk for which there is little market.

The great expansion in production which precipitated the rise on program costs and corresponding growth of Government-owned surpluses was the result of a number of factors, including unusually high supports that were continually increased because they were indexed to inflation. Specifically, from the beginning of fiscal year 1978, to the beginning of fiscal year 1981, the support price for milk increased 40 percent.

In addition, over the past few decades, well established, and continually improving genetic procedures have increased the productive capacity of each dairy cow at an average rate of more than 2 percent per year. The Senate Agriculture Committee will examine later this year some of the new technologies that may well bring about even more drastic increases in productivity.

In view of the prospect of growing milk production and Government purchases, Congress has taken a number of actions since 1981 to adjust the price support level for milk.

The latest action, taken in the Dairy and Tobacco Adjustment Act of 1983, provides for price support reductions, a temporary, voluntary paid Diversion Program with a 50-cent per hundredweight assessment, and the establishment of a dairy product promotion order. Pursuant to that act, the dairy price support level was reduced to $12.60 per hundredweight on December 1, 1983.

That act also calls for an additional reduction of 50 cents per hundredweight on April 1, 1985, if the Secretary estimates that for the following 12-months net Government purchases of surplus dairy products would exceed 6 billion pounds milk equivalent. It appears fairly certain that the Secretary will make such an estimate, and that the support price will be lowered to $12.10 per hundredweight at that time.

A similar adjustment on July 1 of this year is also provided for if the Secretary estimates that purchases over the following 12-month period would be in excess of 5 billion pounds milk equivalent. At this point, it seems likely this adjustment will be made as well, bringing the support price to $11.60 per hundredweight as of July 1, 1985.

The Diversion Program offered under the 1983 act represented a major departure from traditional dairy policy. Under this program, producers who chose to reduce production from 5 to 30 percent below their base could receive a payment of $10 for every hundredweight of milk not produced. To defray the costs of these payments, a 50-cent per hundredweight assessment on all milk marketed by all dairymen was continued. The 15-month Diversion Program is scheduled to expire March 31, 1985.

During the life of the Diversion Program, milk production, Government purchases, and taxpayer cost for the program have all fallen. Last year, production fell by more than 3 percent, Government purchases fell by about 45 percent by value; and the cost of these purchases fell by more than $1 billion.

However, even with these reductions taxpayers are still left with a program costing $1.5 billion a year. This compares to the $250 million taxpayers were spending on this program in 1979.

In addition, it appears that the productive capacity of the Nation's dairy herd has not been adjusted in accordance with the demand for milk and dairy products. Department of Agriculture estimates indicate that farmers dumped or fed to farm animals an additional 1.8 billion pounds of milk last year, yet only reduced production by 1.6 billion pounds.

The Diversion Program has also caused disruptive effects in the industry, particularly in the Southeast. Due to the high participation rates in my region, plants have found themselves short of a regional supply of fluid milk sufficient to meet customer demand and have had to ship milk in from other regions, often at high premiums. I have heard many dairymen in North Carolina tell me they cannot understand why the Government instituted a program which resulted in their cooperative having to pay premiums to obtain fluid milk at the same time that surplus milk and milk products were being purchased by the Government in other parts of the country.

While it is true that Government purchases of surplus milk products have declined with the diversion program, not all the credit is due to a reduction in production. Rather, commercial dairy sales increased in fiscal year 1984 by almost 3 percent, or 3.6 billion pounds, representing the first significant increase in sales in the past 5 years. This sales increase accounted for more than half of the drop in surplus dairy purchases during the last fiscal year.

The increase in sales can be attributed to a number of factors: The improvement of the economy, the additional funds being spent on promotion, and the fact that the adjustments in the support level have made milk and dairy products a better bargain in the grocery store.

I have long felt that the best way to solve the dairy surplus problem lies in adjusting the price. Producers react in large part to price incentives; in fact, I believe most dairy farmers would prefer to have their prices set by the market and not by policymakers in Washington.

While in the short run diversion programs might maintain higher prices for producers in some parts of the country, they maintain prices at artificial levels and inhibit further increases in consumption. Production control programs serve to delay inevitable adjustments in the industry made necessary by shifting demand, changing demographics, advances in efficiencies and productivity, and other market forces.

The Dairy Program called for in my bill would allow production to adjust in response to market forces, but in a way that will not pull the rug out from under farmers. It would provide

for the dairy support price to be adjusted in accordance with demand and would be predictable, long term, and understandable, so that dairymen can make better, more informed production decisions.

Specifically, the bill would maintain the expected $11.60 support price level through fiscal year 1986, in order to give dairymen time to adjust to the new program. Beginning on October 1, 1986, the price support level would be adjusted according to a scale based on the Secretary's projections of surplus purchases for the upcoming fiscal year. For example, if the Secretary estimates that price support purchases during the upcoming fiscal year would be more than 7.5 billion pounds but less than 10 billion pounds, the current price support level would be decreased by 75 cents for the upcoming year.

If during a fiscal year, the Secretary determines that an increase in the price support level for milk would be necessary to assure an adequate supply of fluid milk, he may increase the level by as much as 50 cents per hundredweight.

The bill seeks to stabilize Government purchases of dairy products between 2 and 4 billion pounds a year. This is the range that is estimated to be necessary to enable the Government to meet obligations of other programs, such as child nutrition and other feeding programs, and military use.

Mr. President, the bill also continues for an additional 6 years the authority to include seasonal base and Louisville plans in Federal milk marketing orders. Those provisions encourage producers to pattern their seasonal milk production to meet market needs.

WOOL AND MOHAIR

The current Wool and Mohair Program was establishedment under the National Wool Act of 1954 to encourage the production of wool in sufficient quantities and grades to meet domestic demand. To accomplish these goals, an incentive payment is offered under the programs to wool growers. Payments are based on the percentage needed to bring the average return received by producers up to the support level.

For the first 10 years of the program, the support price was set by the Secretary of Agriculture at 62 cents a pound for shorn wool. The Food and Agriculture Act of 1965 introduced a formula for determining the support price. The formula adjusted the 62 cent price by the percentage change in the index prices paid by all farmers for production inputs during the 3 most recent years, compared with that index during 3 base years, 1958, 1959, and 1960.

The use of the formula resulted in a slow rise in the support price during the late 1960's. By 1972, it was 72 cents a pound. With the gap between the higher support price and the lower market price widening each year, use of the formula was abandoned and the support price was set at 72 cents a pound for shorn wool and 80.2 cents for mohair from 1970 through 1977. Since 1977, the support price has been set as a percentage of the original formula: 85 percent for 1977 through 1981 and 77.5 percent for 1981 through 1985.

Using this formula, we have seen a dramatic increase in the support price during the past few years while the market price for wool has remained relatively stable. The support level has risen without regard to market forces, to the point that the 1984 support price of $1.65 was more than twice as large as the average market price of 80 cents.

This disparity in prices has, in turn, brought about a dramatic increase in the cost of the program to the taxpayer. From 1980 to 1984, program costs rose 351 percent, from $37.5 million to $131.9 million.

In part, the large cost of this program can be traced to the fact that unlike other program payments, wool program payments are not subject to a payment limitation. With no payment limitation, some wool producers receive huge payments. In 1983, payments over $50,000 went to 254 wool producers. Of these producers, 52 received more than $100,000 and one actually received a Government check for more than $500,000.

The following chart provided by the Department of Agriculture documents these payments:

PAYMENTS UNDER THE NATIONAL WOOL ACT OF 1954—SUMMARY DISTRIBUTION BY SIZE GROUPS OF PAYMENTS FOR THE 1983 MARKETING YEAR

Size of payment	On shorn wool		On unshorn lambs		Total wool and lambs	
	Number	Amount	Number	Amount	Number	Amount
Less than $100	32,479	$1,646,567.95	30,514	$1,333,921.52	62,993	$2,980,489.47
$100 to $199.99	16,863	2,413,823.96	9,719	1,370,661.05	26,582	3,784,485.01
$200 to $499.99	16,640	5,218,648.87	7,632	2,375,516.90	24,272	7,594,165.77
$500 to $699.99	4,312	2,539,789.26	1,709	1,007,664.92	6,021	3,547,454.18
$700 to $999.99	3,626	3,030,733.58	1,202	998,518.26	4,828	4,029,251.84
$1,000 to $1,999.99	4,775	6,690,653.68	1,423	1,984,509.90	6,198	8,675,163.58
$2,000 to $2,999.99	1,762	4,304,051.46	470	1,144,834.30	2,232	5,448,885.76
$3,000 to $3,999.99	959	3,323,080.09	221	757,118.00	1,180	4,080,198.09
$4,000 to $4,999.99	631	2,813,016.78	164	734,194.41	795	3,547,211.19
$5,000 to $5,999.99	876	5,349,665.82	194	1,182,622.15	1,070	6,532,287.97
$6,000 to $9,999.99	519	4,479,541.90	85	734,012.37	604	5,213,554.27
$10,000 to $14,999.99	603	7,355,183.33	111	1,347,796.99	714	8,702,980.32
$15,000 to $19,999.99	332	5,726,191.13	44	755,459.50	376	6,481,650.63
$20,000 to $24,999.99	218	4,861,649.91	20	430,275.40	238	5,291,925.31
$25,000 to $49,999.99	490	17,006,351.28	19	598,740.03	509	17,605,091.31
$50,000 to $99,999.99	201	13,215,939.27	10	675,692.68	201	13,891,631.95
$100,000 to $499,999.99	52	8,248,316.99		0	52	8,248,316.99
$500,000 to $999,999.99	1	509,685.98		0	1	509,685.98
$1,000,000 and over		0		0		0
Total payments	85,339	98,732,891.24	53,537	17,431,538.38	138,876	116,164,429.62

However, as this chart demonstrates, 81 percent of the 138,000 people who received wool payments got less than $500, and 64 percent, or almost 90,000 out of the 138,000 received payments of less than $200.

Questions have been raised as to whether the Wool Program can meet its announced goal of encouraging wool production. Even though program costs have increased by about 350 percent since 1980, wool production has declined from about 265 million pounds in 1970 to 155 million pounds in 1983.

One reason for the failure of the program to bring about increased production may be that only 20 to 30 percent of the income generated by a sheep operation comes from wool. Therefore, a 10-percent increase in wool receipts raises operators' income only 2 to 3 percent.

The wool and mohair title of my bill would set a new course for the Wool and Mohair Program. Under my proposal a payment program is continued but it is market oriented in that it gradually brings the price support level into line with market prices. Furthermore, the payment program would be fiscally responsible as Government costs for the program would be lowered while, at the same time, a safety net for family sized farms would be maintained.

While the bill seeks to bring the support price more in line with the

market, it does so in a gradual fashion so as to minimize the effects on the industry. Specifically, the bill would repeal the current formula for setting the support price and call for a 15-percent reduction in the support level each year until the support price reaches market levels. This is estimated to take about 4 years.

Under the bill, once the support price reaches market levels, a market oriented safety net would be maintained. This would be accomplished by setting the price support level at 100 percent of the average price received by producers for the preceding 5 years, with the high and low years removed.

This bill seeks to target benefits to the family farm and to preserve the integrity of the program. To accomplish this the bill would subject payments made under the Wool Program to a payment limitation equal to the average family median income in the United States—now approximately $24,500. This is the same limitation that would be applied to payments made under all other commodity programs. Savings from the payment limitation alone would be $20 million in the first year. Staff estimates of the total savings under the bill amount to $38 million in the first year.

WHEAT, FEED GRAINS, COTTON, AND RICE

Domestic price supports for the basic commodities of wheat, feed grains, cotton, and rice are designed in this bill to enhance producer income through the recapture and expansion of foreign export markets.

The bill continues the authority for nonrecourse commodity loans as under current law. However, the bill will effectively reduce the loan rate through the use of a market-based formula to levels below market prices and, thus, will remove the negative aspects of this marketing tool that became apparent as it was manipulated in an effort to artificially increase prices.

As already discussed, inflexible loan rates, set in recent years without regard for changing market conditions, have left U.S. producers as the residual suppliers in the world market. Of course, embargoes and fiscal and monetary policy have had an adverse export impact as well.

One result of inflexible loan rates has been the tendency of policy managers to resort to acreage reduction schemes as demand and price decline because of shrinking U.S. export markets. These schemes are inherently ineffective, and have resulted in Government takeover of massive amounts of unmarketable commodities.

A good example of this "one foot on the accelerator and one foot on the brake" situation is the 1983 Payment-in-Kind Program [PIK]—the only logical action given inflexible loan rates, declining export demand, and massive price-depressing stock accumulation.

In order to avoid such circumstances in the future and to return American agricultural products to a first choice export status, commodity loan rates in the bill are tied to a percentage of the 5-year moving market average price.

Except for cotton, which has a slightly different formula, loan rates may be set by the Secretary of Agriculture within a range of 75 to 85 percent of the average price received by farmers in the previous 5 years, excluding the high and low years.

This Secretarial discretion to set the loan rate between 75 and 85 percent of the moving market average is necessary to enable the Secretary to take into account certain unforeseen market developments, or to adjust loan rates between commodities based on their competitive relationship.

The setting of loan rates below market prices is predicated on the widespread belief that global commodity markets are responsive to price. Loan rates set as prescribed in this bill will reduce global production incentives and help regain the U.S. market share that has been lost. Market sensitive loan rates will discourage ever increasing production and exports from countries that compete with American farmers in the export market.

For example, wheat and coarse grain production in the competitor countries of Argentina, Australia, Canada, South Africa, and Thailand stood at 49.7 million hectares in 1977 while U.S. production was 71.2 million hectares. By 1983, production in the competitor market had risen 21 percent, to 60.2 million hectares, and U.S. production had shrunk 20 percent, to 57 million hectares. Virtually all the increased production in competitor nations went into the export market.

For wheat and rice, the Secretary is directed by the bill to establish separate loan rates based on the five major classes of wheat and on long grain and medium and short grain rice.

Significant market distortions have occurred because a single loan rate cannot effectively take into consideration the differences in quality and market price received among various classes of certain commodities. Separate loan rates will facilitate more orderly marketing of all wheat and rice.

Farm income supports for producers of wheat, corn, cotton, and rice through the Target Price/Deficiency Payment Program are retained through the 6-year life of the bill.

I recognize that producers have made investment decisions based on the belief that the ever increasing prices and Government supports of the highly inflationary 1970's and early 1980's would continue. Therefore, the bill retains the income support feature of current agricultural policy to provide an adequate safety net for the transition back to market oriented agricultural policy.

However, as with loan rates, it is in the farmer's best interest that target prices be reflective of market conditions so that correct market signals will be received by farmers.

The bill establishes target prices at a range between 110 and 125 percent of the then current loan rate for the commodity. Secretarial flexibility to set target prices within the 110- to 125-percent range is necessary so that unforeseen market conditions may be taken into account. Such discretion will also give the Secretary ample authority to cushion the impact on producers of the transition toward market-oriented loan rates. However, it is important to remember that target price deficiency payments serve as a production stimulus in the United States.

Producers generally have been required to participate in acreage reduction programs to qualify for deficiency payments. However, since these payments are based on established yields for each farm, producers have an incentive to increase production on the acres remaining in production in order to maximize returns and increase the established yield by which deficiency payments are calculated. Also, deficiency payments, because they mask market signals, reduce the likelihood that marginal ground not currently needed for production will be voluntarily put to more practical uses than would be the case without deficiency payments.

Under the bill, acreage reduction authorities for wheat, feed grains, cotton, and rice are basically a continuation of current authorities. Acreage limitation and paid land diversion authorities are provided for wheat, feed grains, cotton, and rice. Set-aside authority is also authorized for wheat and feed grains.

In addition, the bill contains authority for multiyear land diversion contracts in place of annual paid diversions if such multiyear contracts would be cost effective.

Although acreage reductions are counterproductive in the long run and have been used as policy instruments principally to force domestic prices to or above the support price and to keep farmer's participation in and eligibility for payment programs to a minimum, current carryover supplies and production capacity may dictate that acreage reductions be used in the future. In this context, it is possible that multiyear land diversion contracts may be the most cost-effective means to assist producers in adjusting production needs relative to demand.

Specific reference to summer fallow wheat and skiprow cotton production provisions contained in current law are eliminated in the bill. These provisions allow certain wheat and cotton producers participating in acreage reduc-

tion programs to effectively mitigate the costs of diverting acreage and, in fact, add to overall production. Such policies are not justifiable within the context of taxpayer funded programs designed to reduce production because they are internally and inherently contradictory.

Also, the formula for determining each farm's acreage base for use in conjunction with an acreage limitation program has been slightly modified. Producers would now use as their base the immediately preceding year's planted acreage or the average of the 3 preceding years instead of the present 2-year average. This change should discourage base building by producers simply for purposes of benefiting from taxpayer funded price and income support programs.

PEANUTS

Mr. President, this legislation seeks to provide optimum conditions under which farmers may earn fair profits for their efforts to supply the consuming public with ample quantities of the highest quality peanuts at reasonable prices. The bill reauthorizes and makes very minor improvements in the Peanut Program provided for in the 1977 and 1981 farm bills, and retains the essential thrust provided in those acts.

Peanuts are a semiperishable crop which cannot be readily compared to wheat, feed grains, soybeans, rice, and other nonperishable crops. In this sense, peanuts resemble milk and tobacco more than the other commodities.

The commercial trade does not provide warehouses and elevators in which the individual farmer can store his peanuts and receive a warehouse receipt on which he can obtain a bank loan and against which he can subsequently sell a stated grade and quantity of peanuts. These services are not provided because of the unique nature of the commodity.

U.S. peanuts derive most of their value from use of the seed as an edible nut, both in-shell and shelled, and in edible products, such as peanut butter and snack foods. This market commands a higher price than the crush market for peanut oil, which must compete with domestic and foreign oilseed products.

Prior to 1977, U.S. peanut farmers consistently produced more peanuts than the domestic edible market could absorb. In that year, and again in 1981, changes were enacted to reduce what had been increasing Government costs, and to bring domestic supply and demand levels for peanuts used in edible products into balance.

While the 1977 farm bill was successful in significantly reducing the net Federal outlays for the Peanut Program, it was especially effective in providing for greater flexibility for the production of peanuts for the export and oil markets. The 1977 farm bill initiated a two-price poundage quota program which was continued in the 1981 act. The 1981 act suspended the peanut acreage allotments and decreased the poundage quota in each year of the act to eliminate the excees of peanuts supported at the domestic edible support price. This reduction was applied first to holders of quotas who were not actual producers, which has had the practical effect of eliminating nonproducing quota holders from the program. As presently constituted, except for the normal administrative expenses of the sort associated with every Department of Agriculture activity, the Peanut Program operates at very little cost to the taxpayers.

This bill maintains the present program, with several minor adjustments in dates and implementation. The program includes an annual national poundage quota of 1,100,000 tons for domestic edible peanuts. It provides for a two-tier price support system. The support price for quota peanuts is established at the level for the preceding year, adjusted to reflect the increases in the national average cost of peanut production, with any adjustment limited to no more than 6 percent per year. The support price for nonquota additional peanuts is to be established by the Secretary at his discretion, but at a level which must not result in any net losses to the Commodity Credit Corporation.

One change that is made in the Peanut Program by the bill is to move the deadline for contracting with handlers to sell additional peanuts for crushing or export from April 15 to June 15. The April 15 date is just too early since so many things can happen to affect the actual production of the crop between that time and harvest. It has also tended to depress contract prices to farmers. Moving this date should be helpful to both farmers and buyers.

Another change made by the bill would decrease the expenditures of the program to a negligible amount. This change would prevent the Secretary from permitting peanuts which are grown within the poundage quota, but which have defects, from being supported at the quota support level. Currently, if a producer's quota is not fully utilized these peanuts may be supported at the quota support level. In order to ensure an adequate supply of peanuts for domestic edible purposes, however, the bill provides that, if the Secretary deems it necessary, he could make these peanuts available to buyers for seed or edible use at prices that are applicable to quota peanuts.

SOYBEANS

In 1981, the loan rate formula for soybeans which was enacted was the formula that I originally introduced that year for the principal national production agriculture commodities, namely a formula setting a loan level equal to 75 percent of the average price received by farmers during the preceding 5 years, with the high and low years excluded.

The Soybean Price Support Program has proven immensely successful, and I propose in this bill to extend the present program with very little change. And, as is the case under current law, this bill provides for no target price for soybeans, no reserve or storage payment programs, and specifies that the Secretary of Agriculture has no authority to require participation in any production adjustment program as a condition of eligibility for soybean price support loans.

Generally, soybean price supports have not acted as a price floor in international trade. During the past 30 years, the Soybean Loan Program has functioned as a price floor only five times, but when it was needed it was there. As a consequence, soybean farmers have never had to deal with chronic surplus conditions which seem to plague other commodities.

Soybean acreage has expanded from some 50 million acres in the early 1970's to more than 70 million acres in recent years. Exports have nearly doubled from about 560 million bushels in 1970 to more than 1.1 billion bushels in 1983. The cash value of soybeans to farmers has increased from about $3 billion in 1970 to about $13 billion in 1983.

Under this bill, as under current law, soybean producers will continue to benefit from a farm program which allows them to obtain cash at harvest time through the loan program. Thus producers retain control over the soybeans and market them throughout the year when prices seem most favorable.

SUGAR

There is a long history of Government involvement in the sugar industry. The most recent program authorizing commodity loans for domestically produced sugar was included in the 1981 farm bill.

Under the current support program, the price of sugar is supported through loans to processors. For the 1985 crop of sugarcane, the loan rate is 18 cents per pound for raw cane sugar. All loans are due and payable before the end of the fiscal year in which they are made.

Congress intended that the program be operated so that no sugar would be forfeited to the Government. The Department of Agriculture seeks to have an average market price for sugar in this country somewhat above the sugar loan rate. This price, calculated to be the minimum necessary to encourage sales in the domestic market instead of loan forfeitures, is called the market stabilization price. It is

21.57 cents per pound—raw value—for fiscal 1985.

To maintain the stabilization level and avoid acquiring any sugar, the Government utilizes the provisions of section 22 of the Agricultural Adjustment Act of 1933, as amended, and authority under the tariff schedules of the United States [TSUS] to establish either import fees or quotas, or both, on foreign imports of sugar. With the drop in world sugar prices to less than 10 cents per pound in 1982, fees alone could no longer protect the Government fropm acquiring sugar placed under loan and quotas were therefore imposed.

The quotas are allocated among some 39 sugar-exporting nations, based on the average percentage of U.S. sugar imports they supplied during the period 1975 through 1981, excluding their individual high and low years.

Of the nearly 170 countries in the world, about 100 produce at least some sugar; 115 countries import part or all of their sugar requirements; and approximately 80 countries are sugar exporters.

Seventy-five to 80 percent of the world's almost 100 million tons of sugar produced annually is consumed in the country of origin. The balance is available for export trade. More than half of the sugar available each year for international trade is shipped under special arrangements and the remainder makes up what is known as the world sugar market. Because the world sugar market is a market of last resort for many sellers and it remains relatively thin compared to world supply and demand, it is subject to significant price volatility.

Sugar is one of the world's most politicized and controlled commodities, making it very difficult for our sugar industry to compete under these conditions.

Most nations practice some sort of market intervention to protect their respective domestic sugar markets. According to a recent study, all major exporters guarantee producer price minimums, and most control exports and amounts available for domestic consumption. Both importers and exporters tend to restrict imports.

SUMMARY OF POLICIES OF MAJOR EXPORTERS AND IMPORTERS

Item	1983 share of world trade (percent)	Price policies	Trade policies
Exporters:			
Argentina	2	Guaranteed minimum farm price; production quota	Rebate on exports.
Australia	8	Fixed producer price; production quota	Sales by quasi-Government corporation.
Brazil	10	Minimum producer price; maximum mill price	Do.
Cuba	24	Administered prices and production	Government sale.
EEC	18	Producer price guarantees; import regulation	Export subsidies.
Philippines	4	Regulated producer and retail prices	
South Africa	2	Industry controlled price—stabilization program; controlled high retail prices	Sales by industry.
Thailand	4	Regulated producer, retail, and export prices	Government controlled sales.
Total	72		
Importers:			
China	4	Administered prices	Government purchase.
Japan [1]	6	Minimum producer prices; import levies	Import levies.
Mexico [2]	1	Minimum and maximum prices established	Government purchase.
United States	12	Raw sugar price support; import restrictions	Duties, fees, quotas.
U.S.S.R.	19	Administered producer and consumer prices	Government.
Total	42		

[1] Japan subsidizes the price of domestic sugar production, and finances part of that cost through import fees on both corn sweeteners and sugar (in excess of quarterly determined amounts). A surcharge is applied to corn sweeteners to generate revenue and to discourage substitution for sugar.

[2] The Mexican agricultural policies are in rapid transition. A comprehensive plan to increase human nutrition and domestic production had increased prices of many agricultural commodities, but was insufficient to halt the production shortfalls. In the fall of 1982, a new administration formally discarded the old system. It is expected that selected food price controls will continue.

Source: USDA and the World Sugar Journal.

The U.S. sugar industry, therefore, is not competing in a free market throughout the world, but against countries whose sugar industries are either heavily subsidized or, as in the case of Cuba, supported by what amounts to slave labor. The European Community is a good example.

The Community was a net importer of sugar through the early 1970's. However, the Community stimulated sugar production through massive subsidies and now it is a major exporter of sugar. Specifically, the Community guarantee producer prices, apply prohibitive levies to sugar imports—except limited amounts from former colonies—and subsidize sugar exports as necessary to compete. Last year, the Community accounted for almost 20 percent of all sugar moving in world trade. According to a recent study, European farmers in 1982 were getting 26.7 cents a pound while world sugar prices were less than 6 cents a pound.

In my opinion, lowering our loan rate for sugar at this time would send a contradictory signal to the Europeans about our willingness to support our farmers on the issue of fair trade. In addition, it would not be fair at this time to leave our sugar industry to compete in a world market with heavily subsidized foreign sugar selling for 3 or 4 cents a pound.

In light of these factors, the sugar provision in my bill calls for a simple continuation of the current loan program with the loan rate set for the life of the bill at the 1985 crop price of 18 cents. The fact that production in this country has not increased since enactment of the sugar program indicates that this price is at a level unlikely to stimulate new production. Yet, it continues to provide a safety net for sugar producers.

HONEY

Under the current honey price support program, the Secretary of Agriculture offers loans or purchases intended to support the price of honey at a level between 60 and 90 percent of parity.

For more than a decade, the support price has been set near the minimum level of 60 percent of parity. However, the amount of honey placed under loan and ultimately forfeited to the Commodity Credit Corporation has increased dramatically over the past 5 years.

Acquisitions by the CCC amounted to approximately 6 million pounds for the 1980 crop. This figure jumped to 38.7 million pounds for 1981 and 74.5 million pounds for 1982. In 1983 the Government acquired 115 million pounds, an amount representing one half of the honey produced in this country.

Since 1974, the price support level for honey has grown by almost 320 percent, from 20.6 cents a pound to 65.8 cents. The recent jump in Government acquisitions of honey can be traced to increases in the support price above market clearing levels. While the support price in 1980 approximated the average domestic wholesale price, the spread between the support price and the market clearing level has dramatically increased over the past 4 years. It is esti-

mated that in 1984 the support price exceeded wholesale prices by 15 cents.

Increasing CCC acquisitions of honey have resulted in significantly increased costs to the American taxpayer. While the honey program cost $4 million in 1980, it exceeded $88 million in 1983.

According to the Department of Agriculture, the benefits of this increasingly expensive program are provided to very few beekeepers. The Department estimates that 90 to 95 percent of the 211,600 known beekeepers in the United States are hobbyists owning fewer than 25 colonies. Most of the honey produced by these beekeepers is consumed locally.

The Department further estimates that only 1 percent of all known beekeepers are commercial beekeepers for whom honey serves as the principal source of income. This group of 1,600 beekeepers accounts for almost 60 percent of all domestic honey production.

The honey provision in my bill would reverse the unwarranted trend of increasing Government costs and gradually bring the honey price support level in line with market forces. Under the provision, use of the parity formula for determining the support level would be discontinued. Instead, the support level would be set within a range of 75 to 85 percent of the average price received by producers of honey for the 5 previous years, excluding the year the average price was highest and the year it was lowest.

The use of a moving market average would in effect, gradually reduce the support level to the point where the support level would no longer determine producer prices, but rather would serve as a safety net to protect producers from drastic price swings. As the support level falls below the market price, producers will seek to sell their product on the market instead of forfeiting their honey to the Government. This will bring about a corresponding reduction in the cost of the program.

PRODUCER RESERVE PROGRAM

The producer grain reserve is an integral part of U.S. farm policy as contained in the bill. The bill makes several changes in the reserve authority that are aimed at reforming the price depressing and market distorting effects of the present program.

The most significant change would eliminate the current provision restricting producers with wheat or feed grains in the reserve from redeeming their grain without penalty and repaying their loans until the price of the grain reaches a so-called release level. Under the bill, a producer would be able to redeem the wheat or feed grains securing the loan and repay the loan prior to the maturity date whenever the producer wishes to do so.

This change will allow producers to decide the most opportune time to take grain out of the reserve. Eliminating these restrictions on producers will also help discourage the price depressing accumulation of massive amounts of commodities in the reserve such as has been the case in the last few years.

In addition, secretarial authority to waive interest charges on reserve loans is eliminated by the bill. Present interest waivers encourage entry of grain into the reserve and prevent the grain from being marketed through normal commercial channels. Again, this accumulation of grain under Government sponsorship results in commodity prices below what they would otherwise be without such surpluses hanging over the market.

Several other changes in the bill are designed to make the reserve loan more of a marketing tool rather than a price support mechanism. These include requiring expiration of a regular price support loan before the producer is eligible for a reserve loan and requiring that the reserve loan rate not be in excess of the regular price support loan rate for wheat or feed grains.

Authority for storage payments is continued in order to assist producers to market their grain in an orderly fashion while utilizing the reserve program.

PAYMENT LIMITATIONS

The bill would reduce the current limitation on total cash payments a producer may receive annually from $50,000 to a level established at the national median family income for the most recent year—approximately $24,581 in 1984. The limitation would apply to producers of wheat, feed grains, upland cotton, extra long staple cotton, rice, wool and mohair.

The purpose of a payment limitation is to target the benefits of direct farm income support payments to the smaller and medium sized family farmers. And, at a time when Federal budgets must be brought under control and when spending for farm programs in particular must be reduced, a payment limitation less than the present level of $50,000 will achieve cost savings without removing the income supports inherent in the farm programs from those producers most dependent on them.

The level of median family income was chosen as a matter of equity. We have struggled for decades to assure that farmers have the same opportunities for a high standard of living as Americans engaged in other livelihoods. That parity with other livelihoods has been achieved. The income of farm families now pretty much equals or exceeds the income of families in other occupations, whereas it was only one-third as much prior to World War II. By limiting the direct payments that farmers may receive from farm programs at the median family income level, we assure farmers that they will not retrogress in that regard, and we assure the taxpaying public that farmers as a class are not going to receive Federal payments which exceed the median level of income for American households, generally.

Payment limitations apply only to those producers who participate in Government farm programs. For the 1984 commodity programs, this was approximately 71 percent of rice producers and 55 percent of cotton producers, but only 31 percent of wheat producers, 29 percent of corn producers, and 18 percent of the remaining feed grain producers. Also, the limitations relate primarily to deficiency and diversion payments—75 percent of 1983 cash payments and 66 percent of 1984 cash payments.

Thus, a reduction in the payment limitation would not affect the vast majority of participating farmers, nor affect all cash assistance that is provided.

In 1983, only 3.9 percent of the producers who received deficiency, diversion, and PIK payments exceeded the $50,000 limitation. In 1984 less than two-thirds of 1 percent of producers receiving payments exceeded the $50,000 limitation. It should be noted that some producers received more than $50,000 because certain payments, such as 1983 PIK payments and 1984 milk diversion payments, were not subject to the limitation and some producers, such as States, were exempt from the limitation. If for these years the limitation had been set at $25,000, only 10.3 percent would have been affected in 1983, and only 3.3 percent in 1984. It is also interesting to note that of the producers receiving cash payments in 1984, 50 percent received less than $1,000. The following table demonstrates this point for all programs, as well as commodity deficiency and diversion payments:

DISTRIBUTION OF 1984 CASH PAYMENTS

Program	Number of payees	Number over $50,000	Percent of payees	Number over $25,000	Percent of payees	Number under $1,000	Percent of payees
All programs	912,813	5,763	0.63	30,321	3.31	457,592	50.12
Cotton deficiency	91,017	46	.05	1,743	1.90	55,747	61.25
Cotton diversion	22,502	0	0	3	.05	15,760	70.04
Feed grains deficiency	120,674	16		441	.37	53,537	44.36
Feed grains diversion	104,566	1		23	.02	86,770	82.98
Wheat deficiency	362,748	443	.12	5,958	1.64	170,121	46.90
Wheat diversion	419,370	32	.01	588	.14	284,334	67.80
Rice deficiency	29,249	45	.15	1,488	5.09	10,521	35.97
Rice diversion	18,304	0	0	13	.07	12,641	69.06

However, significant savings can be achieved by a reduction in the payment limitation. In 1984, nearly 13 percent of total payments—$492,758,497—went to the 0.63 percent of the producers exceeding the $50,000 limitation. Over 35 percent of the 1984 total payments—$1.3 billion—went to producers receiving more than $25,000. The proposed payment limitation can contribute greatly to budget deficit reduction efforts without affecting the vast majority of farmers participating in Government farm programs.

Current law exempts from the payment limitation payments made to States, political subdivisions, or agencies with respect to lands owned by such entities so long as such lands are farmed primarily in the direct furtherance of a public function. Indian tribal ventures, with ASCS approval, are also exempt from the payment limitations. My bill would end these exemptions. If we are truly sincere in our efforts to effectively reduce the deficit, to direct assistance to small- and medium-sized family farms, and to try our best to treat all producers equitably, then these special exemptions for States and others simply cannot be justified.

While a payment limitation set at the median family income only affects a small percentage of farmers, it also helps direct the assistance to small- and medium-sized family farms. Farms with annual sales of over $100,000 have an annual average income of $82,000 per household—well above the national average for all households. The following table shows that the larger average farm payments go to farms with average sales exceeding $200,000:

DIRECT PAYMENTS TO PRODUCERS BY VALUE OF SALES CLASS, 1983

Sales class	Number of farms (thousands)	Percent of total farms	Amount of payments (millions)	Percent of payment	Per farm payment
$500,000 and over	24	1.0	$637	6.9	$26,542
$200,000 to $499,999	83	3.5	1,391	15.0	16,759
$100,000 to $199,999	177	7.5	2,096	22.6	11,842
$40,000 to $99,999	381	16.1	3,106	33.4	8,152
$20,000 to $39,999	272	11.4	985	10.6	3,621
$10,000 to $19,999	279	11.8	401	4.2	1,437
$5,000 to $9,999	325	13.7	372	4.0	1,145
Less than $5,000	829	35.0	306	3.3	369
All farms	2,370	100.0	9,294	100.0	3,922

The bill would also make the value of commodities provided by the Government under any payment-in-kind acreage diversion program subject to the payment limitation. These PIK payments are basically no different than cash payments and should be subject to the limitation. Subjecting these payments to the limitation would prohibit the extremely large payments that some producers received under the 1983 PIK Program.

The bill also eliminates current acreage limitation or setaside adjustment authority available to the Secretary in the case of producers who are impacted by the payment limitation. This would ensure that all producers are treated equally under the payment limitation provision, if and when the Secretary determines that acreage reduction programs would be needed.

Under the bill, the current limitation on disaster payments would be reduced from $100,000 to $50,000 per year.

The primary Federal program that protects farmers from natural disasters is the Federal Crop Insurance Program. Since expanding nationwide in 1980, the program has witnessed considerable growth, but has not yet reached its stated goal of providing protection for all crops grown. Until this occurs, the bill provides for discretionary authority for the Secretary of Agriculture to provide disaster payments only for those crops where Federal crop insurance is unavailable. It is in the national interest to provide farmers protection from natural disasters. Absence of such assistance could deter this country's ability to produce sufficient supplies of food and fiber for the United States and the world.

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

Current law prohibits the Commodity Credit Corporation from selling any of its stocks at less than 110 percent of the release price in the case of commodities for which there is a reserve—such as wheat and feed grains—or 115 percent of the national average loan rate for certain other commodities. The net effect of current law is that the CCC acquires and holds massive amounts of surplus commodities which overhang the market and depress prices for farmers. In addition, taxpayers are burdened with bearing the costs of storage and handling of these commodities, which amounts to hundreds of millions of dollars.

The bill eliminates these sales restrictions and would allow the CCC to sell surplus commodities at a fair market price.

Should surplus stocks begin to accumulate, this provision will allow the Commodity Credit Corporation to dispose of such stocks in an orderly manner, before the amounts held by the Corporation become a problem. The trigger mechanisms in the current programs have resulted in the accumulation of excessive stocks.

The elimination of these sales restrictions will mean that the Federal Government will no longer be a major repository for surplus stocks of various commodities.

The alternative to this change in policy is for the Federal Government to continue to be forced to receive and hold massive amounts of surplus commodities with their price-depressing effect. With the Federal Government no longer left to hold commodities in perpetuity, farmers will realize that, for the most part, production will be entering the market.

PAYMENT OF INTEREST ON NONRECOURSE LOANS

The bill requires the repayment of interest on all price support loans, including loans under the farmer-held reserve. Under current law, interest is not paid if the loan is not repaid, that is, if the collateral securing the loan is forfeited to the Government.

Requiring the repayment of interest will help to reestablish the nonrecourse loan as a marketing tool, instead of an artificial pricing mechanism.

Even though there is only one official loan rate for farm programs, interest and storage payment policies essentially mean that there are actually two loan rates under the present system. The official loan rate is determined by law, and becomes a floor for both United States and world prices. This loan rate is mainly of importance to those producers, both domestic and foreign, who do not participate in the U.S. Commodity Price Support Programs.

The second loan rate, the effective loan rate, is the official loan rate, plus the interest that some producers can earn on any portion of the commodity loan that he does not have to spend

immediately, plus the accumulated interest on the loan that the producer does not have to repay if the loan is not repaid. In the case of the reserve, the effective loan rate is even higher because of the added value of storage payments and outright waiver of interest for certain periods during the life of the reserve loan.

From the standpoint of the participating producer, the effective loan rate establishes a price that the market would have to meet before a producer in the program would choose to repay his loan and take possession of his commodity. Requiring the repayment of interest will lower the effective loan rate for some producers in the program. Also, by eliminating the two-price loan rate structure under the current programs, producers will be more likely to reduce plantings of crops that are in surplus.

Requiring the repayment of interest will increase the soundness of commodity program operations. It will encourage producers to view the Federal Government as providing a marketing tool instead of a market for their commodity. Under the bill, the producer will have complete marketing control over the commodity, both in the regular loan program, and in the farmer-owned-reserve program.

FOOD STAMP AMENDMENTS

A major part of the committee's deliberations this year will involve consideration of reauthorizing the Food Stamp Program. The authorization for appropriations for that program currently expires September 30. The issue of reauthorizing the Food Stamp Program will be important in the context of farm legislation because of the original ties between the Food Stamp Program and the desire to reduce surplus commodities. That link, as a rationale for the program, has grown increasingly doubtful, given the present structure of the Food Stamp Program. I am including a food stamp title in this farm bill, although the committee may decide, as in 1981, to consider the Food Stamp Program separately from the farm legislation.

The provisions of the bill relating to food stamps have five major purposes: First, to establish a State option block grant to enable a State to carry out a low-income nutrition assistance program in lieu of the present Federal Food Stamp Program, second, to tighten loopholes in the existing program which lead to fraud, waste, and abuse, including improvement in the error rate sanction system for State overissuance errors, third, to establish a workfare program for able-bodied food stamp recipients, fourth, to return the program to a nutrition focus by reinstating the purchase requirement for most households—except those containing an elderly or disabled member and those households with net incomes under $30 per month, and, fifth, to freeze indexed portions of the program—that is, benefits, deduction limits, and income eligibility standards.

STATE OPTION BLOCK GRANT

The Senate passed in 1982 the previous low-income nutrition assistance block grant that I proposed that year in S. 2352. However, the House objected to the provision, and it was not enacted.

Since that time, support for the concept has been growing. In January 1984, the President's Task Force on Food Assistance recommended, as its primary recommendation for improving Federal food assistance programs, that the Food Stamp Program and other food assistance programs be offered to States in the form of optionnal block grants—termed "autonomous food assistance programs" by the task force.

The President's task force outlined the rationale for the optional block grant concept in its report as follows:

We have become convinced that people in need of food assistance would benefit if the programs or any subset of them were controlled at a more local level, such as the state or county. The gains from such a modification derive from allowing the states (1) more autonomy in allocating funds among the various food assistance programs, (2) greater discretion in administering programs, and (3) greater responsibility for assuring that funds are properly targeted toward those in greatest need. The greater flexibility and improved administration that would be gained would help to increase the benefits available to the truly needy without at the same time increasing the cost to the taxpayer.

Additional support was voiced at hearings held on February 1, 1984, by the Committee on Agriculture, Nutrition, and Forestry. Support came from States with as varying populations and needs as California, Idaho, New Hampshire, and Tennessee.

Theo M. Murdock, administrator of the Division of Welfare in the Idaho Department of Health and Welfare, submitted the following comments in support of the concept:

What may meet the needs of low-income people in a large, industrialized state (under the current program) continues to fall far short of the needs of those individuals in the State of Idaho. * * * If funding is adequate to do a good job, states such as Idaho will initiate programs that will eliminate major abuses, reduce overhead costs, and meet the needs of their low-income citizens.

State Representative Bill Ceverha of Texas, chairman of the American Legislative Exchange Council, echoed the desire for State autonomy and creativity:

It is my belief that an optional block grant is an innovative and workable approach to bring efficency into the food stamp program. The philosophical ideas upon which it is based are sound.

(The block grant approach) affords the opportunity for states to reach undernourished people; for, after all, the state knows better than the Federal government who within its jurisdiction needs food and who does not.

The proposal I am reintroducing embodies the thrust of the task force recommendation. State participation would be totally voluntary. Maximum discretion would be permitted.

Under a block grant approach, States would be responsible for making decisions about eligibility and benefit levels, appropriate application procedures, means of verification, and other administrative procedures, most of which are currently mandated in considerable detail by the Federal Government. New flexibility will permit State innovation in developing methods for better serving the poor.

With regard to funding, any State opting for the block grant would receive the same percentage of the current year's non-Puerto Rico food stamp approriation as it did during 1984—relative to the total food stamp appropriation set by Congress—with a minimum allotment for each participating State of 0.25 percent of the non-Puerto Rico food stamp appropriation. Of course, the amount any State will receive will depend on the overall appropration approved by Congress, that is, whether the appropriation itself is increased or decreased over the preceding year's level.

FRAUD, WASTE, AND ABUSE

Overissuances of food stamp benefits now account for 9.19 percent of all food stamp benefits issued, according to the most recent official figures from the Department of Agriculture. These include benefits going to those who are ineligible for food stamp assistance and benefits going to those who, though eligible, receive more than the amount to which they are legitimately entitled. The following table shows the current rates of overissued and underissued benefits:

FOOD STAMP ERROR RATES, APR. 1 to SEPTEMBER 1982

State	Estimated monthly issued	Ineligible	Over issued	Under issued	Total errors
Connecticut	$5,350,569	6.00	6.17	3.64	15.81
Maine	5,269,708	3.70	5.55	1.86	11.11
Massachusetts	14,273,884	7.86	5.14	3.35	16.62
New Hampshire	1,994,971	8.77	8.47	1.55	18.79
New York	84,130,828	3.96	4.77	3.38	12.11
Rhode Island	2,892,013	5.06	4.06	1.57	10.69
Vermont	1,844,748	6.94	3.84	2.18	12.96
NERO	115,756,721	4.68	4.95	3.22	12.88
Delaware	2,246,124	1.07	5.75	1.61	8.43
District of Columbia	3,659,296	5.67	5.21	4.33	15.29
Maryland	15,700,960	3.50	5.24	1.61	10.35
New Jersey	20,819,363	5.83	3.05	2.24	11.14
Pennsylvania	37,604,820	4.89	4.96	2.60	12.46
Virgin Islands	1,437,772	8.96	5.73	3.20	17.97
Virginia	15,005,388	4.62	4.96	1.89	11.49
West Virginia	9,249,649	3.91	5.25	1.54	10.70
MARO	105,722,372	4.75	4.69	2.24	11.68
Alabama	22,116.004	1.96	4.07	1.55	7.58
Florida	35,088,585	3.02	6.66	3.27	12.95
Georgia	28,679,162	4.01	6.22	2.60	13.08
Kentucky	22,481,279	3.45	3.77	2.04	9.26
Mississippi	18,797,478	4.22	5.10	2.87	12.19
North Carolina	17,163,096	4.88	6.68	.93	12.49
South Carolina	19,133.049	3.37	4.66	2.71	10.75
Tennessee	24,801,506	3.12	5.93	2.24	11.29
SERO	188,260,159	3.44	5.49	2.37	11.34

FOOD STAMP ERROR RATES, APR. 1 to SEPTEMBER 1982—Continued

State	Estimated monthly issued	Ineligible	Over issued	Under issued	Total errors
Illinois	41,065,666	4.70	5.56	1.90	12.20
Indiana	17,604,577	3.66	4.32	2.21	10.19
Michigan	36,615,507	3.49	5.41	3.19	12.09
Minnesota	6,663,390	2.44	4.11	2.35	8.90
Ohio	44,639,759	4.23	4.20	1.30	9.73
Wisconsin	9,436,681	6.17	5.93	4.48	16.58
MWRO	156,025,580	4.16	4.96	2.24	11.36
Arkansas	11,164,425	4.64	5.15	2.52	12.31
Louisiana	18,490,618	4.34	5.20	3.01	12.55
New Mexico	6,529,206	6.81	5.79	2.71	15.38
Oklahoma	6,001,568	3.57	4.93	3.28	11.78
Texas	44,033,086	3.51	5.07	2.21	10.79
SWRO	86,218,903	4.09	5.15	2.53	11.78
Colorado	6,313,994	8.48	5.94	2.38	16.80
Iowa	6,986,414	4.11	5.21	1.15	10.48
Kansas	4,675,425	3.99	5.27	1.43	10.70
Missouri	14,600,975	3.24	4.79	2.53	10.56
Montana	2,029,573	3.14	4.66	1.81	9.61
Nebraska	2,735,520	5.10	5.87	1.82	12.78
North Dakota	966,643	1.87	4.72	.68	7.27
South Dakota	1,848,064	5.28	4.87	1.65	11.80
Utah	2,605,907	6.82	5.39	4.14	16.63
Wyoming	630,591	5.08	3.97	1.71	10.76
MPRO	43,393,106	4.63	5.16	2.10	11.91
Alaska	1,439,657	15.19	5.13	3.58	24.26
Arizona	10,235,100	4.91	6.46	2.67	14.04
California	46,685,997	3.00	5.02	3.21	11.25
Guam	1,285,661	4.27	1.39	1.12	6.78
Hawaii	5,735,960	2.80	2.45	1.33	6.57
Idaho	2,728,613	5.30	4.13	2.78	12.21
Nevada	1,358,309	.83	.69	.16	1.71
Oregon	12,458,772	3.81	6.34	1.66	11.88
Washington	9,367,883	4.02	5.09	1.76	10.86
WRO	91,295,952	3.66	5.07	2.59	11.34

The inadequacies in the existing food stamp sanction system have been widely noted. The General Accounting Office reported in 1984, in its report entitled "Federal and State Liability for Inaccurate Payments of Food Stamp, AFDC, and SSI Program Benefits" that the existing Food Stamp Sanction Program results in proportionately smaller sanctions for the same degree of error than the AFDC and SSI Programs. the GAO noted that this was because of one the Food Stamp Program's higher target error rate—AFDC's error rate is 3 percent, SSI's is 4 percent, and the Food Stamp Program's is 5 percent—and two, the Food Stamp Program's specific procedures for calculating sanction amounts based on a percentage of federally reimbursed administrative costs instead of the amount of benefits issued as in the AFDC and SSI programs.

The President's Private Sector Survey on Cost Control, known as the Grace Commission, commented on the need for greater incentives for States to reduce errors:

> The Food Stamp Program is the only major welfare program whose benefits are 100 percent funded by the Federal Government, yet which is administered at the state and local levels. Findings . . . indicate that states must be provided with greater incentives to reduce errors in the Food Stamp Program.

To tighten the existing program, and to provide parity with the AFDC program, my proposal would lower the acceptable error rate to 3 percent and require that, in computing a sanction, the actual amount of dollars overissued in each State be the basis of the sanction, rather than the percentage of administrative funds, as is the case at present.

WORKFARE FOR ABLE-BODIED FOOD STAMP RECIPIENTS

The existing Food Stamp Act provides States and local communities with the option to implement workfare for able-bodied food stamp recipients. The legislation I am introducing would require States and localities to establish such workfare programs for the able bodied.

In essence, workfare is a program whereby unemployed able-bodied adult recipients, not caring for very young children, are required to perform some purposeful community service in return for the benefits they receive.

Where it has been tried, workfare is hailed as a success—for both taxpayers and recipients alike.

Any State or local government operating a workfare program receives the benefits of the public service performed—work it otherwise probably could not have afforded.

Taxpayers receive the benefits of the community service provided, as well as the satisfaction of knowing that their tax dollars are being well spent—that is, that the only able-bodied recipients on the rolls are those who are willing to work for their benefits.

The recipient earns increased self-esteem and gains exposure to the workplace and the discipline provided by regular employment. The recipient is also provided with increased incentive to seek regular employment.

The ultimate objective of workfare is to encourage recipients to obtain regular employment and become self-supporting, not simply to require public service work indefinitely. In this regard, the Department of Agriculture has concluded from its analysis of the workfare pilot projects that recipients subject to a workfare requirement left the food stamp rolls faster than similar people in communities without a workfare program. Presumably, much of this more rapid exodus is because of the incentive to find regular employment.

Workfare can be critical in changing attitudes and raising individual self-esteem—qualities which make the participant more employable in the regular work force. Oftentimes after workfare recipients have demonstrated job responsibility, they are hired by the very agency for which they initially worked.

The Department of Agriculture reported from its workfare pilot program survey that 77 percent of all persons referred to workfare believe that able-bodied people receiving food stamps should have to work in exchange for the food stamps they receive.

Thirty-five percent of those who worked at workfare job sites, in the Department's pilot project survey, thought workfare would help them get a job later primarily by building skills or providing contacts with potential employers.

Some argue that, in the past, many welfare professionals have relegated welfare recipients to almost perpetual public dependency. Several authors have written of such individuals as a permanent underclass in our society. Workfare's greatest long-term potential may be in liberating such citizens trapped in the underclass. Prof. Lawrence M. Mead, assistant professor of politics at New York University, noted during testimony before the Committee on Agriculture, Nutrition, and Forestry on March 16, 1983, that, "workfare would help to integrate the underclass mainly by giving welfare recipients without work experience some work history on the basis of which they can more hopefully seek private-sector employment."

Current experience with workfare projects indicates that workfare jobs offer a wide variety of job opportunities. Workfare participants have been placed in public libraries, as assistants in various capacities with schools, as workers at Red Cross and Salvation Army offices, and in other nonprofit organizations, as clerical workers, and in various departments of local government.

REINSTATE A PURCHASE REQUIREMENT

Prior to 1979, the food stamp program required that participants buy into the Food Stamp Program by purchasing, with cash, an amount of food stamp coupons greater in value than their cash contribution. The price of the coupons was termed the purchase requirement.

The purchase requirement was intended to encourage households to increase their food purchases. Households were originally required to contribute up to 30 percent of their countable income to the Federal Government in return for the larger value food stamp benefits. This purchase requirement was eliminated by legislation in 1977. The elimination of the purchase requirement is widely regarded as the single greatest cause for the rapid expansion of both cost and participation of the Food Stamp Program since 1979.

Since the elimination of the purchase requirement, the program has come to be more of an income transfer program inasmuch as free food stamps are now more likely to replace money which might have been spent for food, freeing up some money for other, non-food expenditures.

When the purchase requirement was in effect, since the household received stamps worth the full amount of the thrifty food plan, all households who received stamps had to spend at least this amount on food. However, after the elimination of the purchase requirement, a family would receive in stamps the difference between the full value of the thrifty food plan and 30 percent of its net income. Not only did the household not have to put up any cash income, it no longer was obliged to spend an amount equal to the full value of the thrifty food plan for food purchases.

With the elimination of the purchase requirement, there is no longer any guarantee that recipients will spend any of their own money on food. Thus, there is no assurance that participating households are purchasing—with food stamps or cash income—as much food as they were prior to 1979 relative to their income.

The provision I am reintroducing would require that households once again pay up to 30 percent of their countable income for the full value of the thrifty food plan, thus, reinstating a nutrition element to the program. However, households containing elderly or disabled members would be exempt from this requirement, as would households with net income of less than $30 per month.

PROGRAMWIDE FREEZE

Much discussion has revolved this year around the concept of freezing various program benefits, rather than having them automatically escalate through indexing. Three components of the Food Stamp Program are currently indexed—benefit levels, deduction limits, and income eligibility standards.

Under the present program, each of these components will be automatically increased during each fiscal year. Provisions in this legislation will freeze, either temporarily or permanently, each of these indexed portions of the food stamp program. Without a freeze, indexing will result in increased costs of over half a billion dollars during fiscal year 1986 alone.

Under the bill, benefit levels, established on the basis of the thrifty food plan, will remain unchanged during fiscal year 1986. Current levels provide for a $264 maximum benefit allotment for a family of four for 1 month. This current level would remain in effect until January 1, 1987, at which time indexing would be resumed to coincide with indexing in other Federal benefit programs, such as Social Security. The one-time delay in indexing would save over $500 million, according to the Congressional Budget Office.

With regard to deductions, the bill proposes a similar one-time freeze on indexing of the excess shelter/dependent care deduction limit. Currently, households may receive a deduction of up to $134 for expenses associated with excess shelter costs—defined as costs above 50 percent of income after all other deductions have been subtracted—and dependent care costs. Together, a deduction for these expenses may not exceed $134 per month, except for households with elderly or disabled members who have no ceiling on excess shelter costs. The bill would freeze this amount until January 1, 1987, at which time indexing would resume.

Under the bill, indexing of the standard deduction would be eliminated altogether. The standard deduction was originally proposed in 1977 to replace several specialized deductions. However, as finally enacted, the standard deduction was established and a host of the specialized deductions were retained. Thus, there has been no compelling justification for indexing the standard deduction—which was originally set at $60, but which is now $95. At the present time, the indexing of the standard deduction serves to exclude an increasingly large portion of household income from being counted as income for purposes of establishing food stamp benefit levels.

The third component of the program that is currently indexed is the income eligibility standard. The bill freezes further indexing of this standard. Currently, the standard is set at 130 percent of the income poverty guidelines established by the Office of Management and Budget and updated annually by the Secretary of Health and Human Services. For a four-person household, 130 percent of poverty equals $13,260 per year. By freezing further indexing of the gross income eligibility standard, $13,260 for a family of four would continue to be the maximum gross income eligibility standard for the program. The effect of this change is to gradually reduce the gross income eligibility ceiling. However, at no point under the bill could the gross eligibility ceiling fall below the actual poverty line.

OTHER PROVISIONS

Other provisions of the bill incorporate the legislative recommendations of the President's Private Sector Survey on Cost Control—the Grace Commission—regarding food stamps. These recommendations included:

Updating the thrifty food plan annually to reflect participant age and sex characteristics in household food stamp allotments.

Eliminating the minimum monthly benefit of $10 for one- and two-person households.

Counting benefits received under the school lunch, school breakfast, child care food, and summer food service programs when determining food stamp eligibility and entitlement values.

Additionally, the bill requires States to reimburse the Federal Government for State and local sales taxes collected within each State on food stamp purchases. A number of States currently impose a sales tax on food which includes purchases made with food stamp coupons. The effect of the current policy is twofold: It serves to provide less buying power than that established by the thrifty food plan in those States imposing such a tax and it serves as an indirect Federal subsidy to those State and local governments imposing a sales tax on food stamp purchases.

The bill would also set a deadline for use of the special 75 percent Federal funding for new computer systems. This special funding, established in 1980, was intended to provide an incentive for States to begin new computerized systems to modernize their Food Stamp Program. While some States have availed themselves of this special funding, many have not. As a result, many States continue to operate outdated systems, many of which are almost entirely manual. Under the bill, the special, higher funding for computerization will be phased down beginning October 1, 1988. The 75-percent funding level will be reduced by 5 percent per year, until it reaches 50 percent, the percentage used for most other federally reimbursed administrative expenses under the Food Stamp Program. It is my strong hope that States will begin to implement new automated systems prior to any reductions in the 75-percent funding level.

These are some of the important issues that will be addressed during Food Stamp Program reauthorization this year. The committee has heard from a number of witnesses during the last several years on the problems in the Food Stamp Program, and it will be my intent to address these problems in a comprehensive way during the reauthorization process.

AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

As we prepare to start moving away from Government intervention in agriculture and toward a more market-oriented agricultural economy, we need to make a strong and consistent commitment to ensuring that the American farmer remains the most efficient producer of agricultural commodities. A strong agricultural research, extension, and teaching policy that will benefit farmers and lead to long-term profitability is central to success in the development of an efficient agricultural sector.

My bill recognizes the critical value of research, extension, and teaching to the development of an efficient and profitable, market-oriented agricultural economy by targeting funds to enable the family-size farmer to adopt new technologies that will help him or her become more economically viable

without costly and often counterproductive Government supports.

The family-size farm is of vital importance to the welfare of the agricultural sector and accounts for more than 90 percent of all farms in the United States and for approximately 60 percent of total farm cash receipts. Family farms are not just small farms. They include small farms, part-time farms, and commercial farms with annual gross sales in excess of $20,000. Family farms can also be corporate farms. About 90 percent of all corporate farms in the United States are family held.

Farms and businesses have benefited considerably over the last 100 years from an extensive array of Department of Agriculture funded research, extension, and teaching programs. These programs and activities are essential to maintaining and improving food production and marketing methods, and to making the U.S. farmer the most efficient in the world.

I believe that a commitment to research, extension, and teaching that will aid the family-size farm is a vital investment for America. My bill reflects that commitment and expresses the sense of Congress that Department of Agriculture research, extension, and teaching programs should emphasize technology development, application, and transfer that will benefit the family-size farm.

Also, my bill would redirect funds to research, extension, and teaching programs that will help the family-size farm which I consider so critical to a growing agricultural economy. For example, the bill would require at least 50 percent of Smith-Lever section 3(d) funds be used for the delivery of agricultural technology that would benefit small- and moderate-sized farming operations. In addition, the bill modifies the competitive research grant program of the Department of Agriculture to require at least 50 percent of the funds made available for applied research under that program be used for research that would benefit small- and moderate-size farming operations.

To minimize the costs to the taxpayer, 20 percent matching of competitive research grants is required from non-Federal sources. I do not believe it is unreasonable to require that 20 percent of our competitive research funds be matched from non-Federal sources. Any grant proposal that cannot attract a portion of its funds from State and private sources should be reevaluated as to its worthiness for Federal assistance.

Given our ongoing budgetary constraints, much of the current research budget goes for year-to-year research activities with few resources for new research programs. Worthwhile research may be delayed significantly until such time as new Federal research funds are appropriated by Congress. The United States simply cannot expect to remain competitive in international markets unless we are in the forefront of technology development. My bill establishes a new technology research program that would allow the Secretary of Agriculture to enter into cooperative agreements with private agencies, organizations, and individuals for the development of new agricultural technology to further the research programs of the Department of Agriculture. My bill is sensitive to budget concerns. Under this new research program, at least 50 percent matching of the Federal contribution from non-Federal sources is required for each project. The Federal funds which may be made available under each agreement are limited to $50,000 annually, up to a total of $150,000.

As our technology develops, we are able to find new and expanded uses for crops. To open new markets and enlarge those markets which already exist for agricultural crops, we need to focus on research that will explore and develop new and alternative industrial uses for crops. The bill designates such research as high priority research. This commitment is backed up by requiring that at least 10 percent of the funds appropriated under the competitive research grant program be used for such research.

The research programs and grants now offered by the Department of Agriculture should be administered in an effective, coordinated manner that should not result in excessive Federal outlays, overlap of research activities, or underutilization of some facilities. As a step toward realizing these goals, the authorization for funds for the special research grant program is discontinued. The Department of Agriculture must prioritize our scarce research resources. Special research grants focus attention on specific and local problem areas and many are not subject to any form of peer review. In many cases, grants that have already been made will fund projects through 1989. Those States wishing to continue support in these research areas are free to use other available funds for such support.

In my view, one area of research that, if ignored, would threaten the health and vitality of U.S. agriculture is biotechnology research. Major opportunities have already been identified for enhancing the application of current biotechnology research accomplishments to agriculture and food production. No other Federal agency is better suited or more prepared to establish and administer controls for biotechnology research dealing with agricultural applications than the Department of Agriculture. Therefore, my bill would designate the Department of Agriculture as the lead agency for establishing controls for the development and use of biotechnology in agricultural applications. This would allow biotechnology research to be coordinated with other research programs of the Department of Agriculture and provide cost-effective and efficient oversight and control of this very important research.

My bill would also extend most of the basic research, extension, and teaching programs of the Department of Agriculture at the current authorization levels.

We must continue to emphasize our research, teaching, and extension programs but in a responsible, efficient manner taking into account the needs of the family size farm. I believe my proposal accomplishes this and thereby helps to ensure the future of agriculture in the years ahead.

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CONSERVATION

The bill ends 50 years of Federal incentives for farmers to plow highly erodible lands in order to obtain a larger share of Federal commodity payments. The bill provides that any person who produces an agricultural commodity on highly erodible land will be ineligible to receive any type of Federal price support, income assistance, or production adjustment payments for the person's entire production of the commodity in that particular year. In addition, a person would not be eligible to receive a storage facility loan, Federal crop insurance, and Federal disaster payments for the commodity. Lastly, the person would be ineligible to obtain a new Farmers Home Administration loan if the Secretary determines that use of the loan proceeds would contribute to excessive erosion of highly erodible land. The bill's sanctions would not apply to land that had been under cultivation in the last 10 years, or to any crop produced using an approved conservation plan.

The Soil Conservation Service estimates that the average rate of erosion for all cultivated cropland in the United States is 5 tons per acre per year. This rate of erosion is generally recognized as an acceptable rate of erosion. The average rate of erosion, however, on highly erodible land being brought into cultivation in the West ranges from 10 tons per acre to 30 tons per acre per year. Erosion of this magnitude represents a serious problem for all Americans, and the Federal Government simply cannot continue to encourage crop production on marginal lands not presently being cultivated, unless the production is carried

out under a conservation plan that minimizes soil erosion.

While national data with regard to sodbusting is not available, the Soil Conservation Service estimates that approximately 600,000 acres of highly erodible land were converted from grassland to cropland in South Dakota between 1974 and 1982. In Colorado, the Soil Conservation Service estimates that approximately 500,000 acres of such land were plowed from the spring of 1979 to the spring of 1982. While estimates vary, testimony presented before the Committee on Agriculture, Nutrition, and Forestry suggests that as much as 250 million additional acres of highly erodible land could be brought under cultivation unless some disincentives are built into the system.

Under the current system, the taxpayers have been paying twice; once for farm support programs and again for the costs of soil erosion. The Federal Government has encouraged farmers to plow marginal lands with its price support activities. We then offer cost-sharing programs to help reduce erosion from these lands. Taxpayers are also responsible for dredging the soil runoff from our rivers and streams.

It is not my intention to restrict or limit a person's right to use property in any manner. These provisions simply make clear that Federal farm and agricultural loan programs will not be made available to persons who cultivate marginal lands irresponsibly. The landowner retains complete authority to manage his land as he or she deems appropriate. Marginal lands being farmed under an approved conservation plan remain eligible for Federal assistance programs.

This provision is identical to legislation unanimously reported last year by the Committee on Agriculture, Nutrition, and Forestry. A slightly amended version offered by Senator ARMSTRONG unanimously passed the Senate. The conference committee, however, was never able to report legislation as a result of disagreements with the House of Representatives over unrelated amendments.

The bill also requires compliance by producers with sound conservation practices in order to be eligible for program benefits under the basic farm commodity programs. Under this provision, appropriate conservation practices would be determined by the local soil and water conservation districts, or by the county agricultural stabilization and conservation committees in areas where there is no conservation district, thus preserving local control over such determinations. This provision should help to correct the poor resource management inherent in farm commodity programs and improve the stewardship and sensible use of our soil and water resources.

AGRICULTURAL CREDIT

The agricultural credit title of the bill contains several substantial changes in the programs administered by the Farmers Home Administration [FmHA]. This legislation proposes a redirection of those FmHA programs to cooperative lending programs with the Farm Credit System and commercial lenders through loan guarantees and the elimination of several rural development loan programs that do not provide direct credit assistance to farm operators.

Farmers Home Administration credit assistance to farmers has traditionally been provided to borrowers who are considered too risky to obtain loans from commercial lenders. FmHA is, thus, the "creditor of last resort" for a growing number of farm operators who receive concessional interest rates on loans for annual operating expenses, real estate purchases, and replacement of losses due to natural disasters.

The mission of FmHA has been enlarged over the years from that of providing temporary assistance to low-income farmers to lending to a significant portion of all agricultural borrowers. Although the present condition of our agricultural economy is well-known, we must take the initiative now to redirect FmHA back to becoming an agency of temporary credit for limited income, but economically viable farm operations.

The Farmers Home Administration farm ownership loan program will be significantly modified by provisions in the bill. Upon enactment, insured loans for farm ownership purposes will be available through fiscal year 1991 only to those loan applicants who currently have outstanding insured farm ownership loans, except for those applicants eligible for low-income, limited resource loans. Until September 30, 1991, however, applicants may be eligible for loan guarantees for real estate purchases.

Beginning in fiscal year 1988, interest rates charged for new insured farm ownership loans will increase annually by at least 1 percent, but not more than 1.25 percent, until the interest rate for new loans made in successive years equals the rate charged on similar loans made by commercial lenders. This interest rate increase will not apply to a loan made for the purpose of a deferral, consolidation, rescheduling or reamortization of a prior farm ownership loan or to a loan made to a low-income, limited resource borrower.

These provisions provide a transition period of 6 years for borrowers currently utilizing the farm ownership loan program to move to the private sector to obtain credit for farm land acquisition. Existing financial resources of the Federal Government must be used for purposes of greater need for farmers than additional land purchases. While this bill makes an allowance for an interim program, it will phase out the preferential interest rates for insured loans that are provided under current law.

Much of the current farm debt problems facing many farmers can be traced to the "easy credit" programs of the Federal Government. The gradual elimination of the farm ownership loan program with its subsidized interest rates and accommodating repayment terms for insured loans will remove the substantial enticement for farmers to incur heavy debt for expansion. Credit for economically viable farm land purchases will be provided by commercial lenders.

The amount authorized for farm ownership loans for each fiscal year, beginning with $700 million in fiscal year 1986, will be allocated to the insured farm ownership loan program and the guaranteed farm ownership loan program solely at the discretion of the Secretary.

The FmHA farm operating loan program will also be amended by the bill. Current borrowers in the insured farm operating loan program will be able to continue receiving such credit through September 30, 1991, if they continue to meet the eligibility standards. New borrowers, except those eligible for low income, limited resource loans, may apply only for guarantees of commercial loans, however.

Beginning in fiscal year 1988, interest rates charged for new insured operating loans, except for those made to low income, limited resource borrowers or for purposes of a deferral, consolidation, rescheduling, or reamortization of a prior loan, will increase annually at least 1 percent, but not more than 1.25 percent, until the interest rate for new loans made in successive years equals the rate charged for similar loans made by commercial lenders.

Authorization levels for the farm operating loan program will be $3.5 billion. The Secretary, in his discretion, will determine the amounts of authorized funds to be made available in the insured loan program and in the loan guarantee program. This will allow the Secretary maximum flexibility to provide appropriate funding levels for each program.

The FmHA farm operating loan program has provided a sharply increasing share of nonreal estate credit to farmers since the middle 1970's. In 1975, the FmHA held 3 percent of all non-real-estate farm debt. By 1984, this share had grown to 15 percent. The rapidly escalating pace of this program must be brought under control and redirected.

The bill will permit an orderly transition from a program heavily oriented toward direct Government lending to one which targets its funding to loan guarantees. In this way, borrowers will

be able to obtain necessary credit from commercial lenders with the help of Federal guarantees. Commercial lenders will service the loans and give loan applicants the benefit of extensive counseling which has been sorely lacking in many FmHA county offices.

Current borrowers will be given an incentive to graduate from FmHA to the private sector as FmHA interest rates approach and eventually equal the commercial rates. This graduation from FmHA subsidized loans has always been desirable, but has been extremely difficult to achieve in most cases.

The appropriate role of FmHA is to provide temporary subsidized credit until a borrower is able to obtain credit from commercial sources. Far too often, borrowers continue to ask for and receive subsidized FmHA credit and never graduate to the private sector. Under the bill, current FmHA borrowers unable to obtain credit elsewhere will have the FmHA credit window open to them, but the low interest rates that are the disincentive to move to commercial lenders will be phased out. New borrowers will be helped in obtaining credit through loan guarantees. Also, the bill removes the substantial inequity to private sector borrowers caused by the interest subsidy provided to the 12 percent of all farm borrowers who are eligible for FmHA credit assistance.

The bill provides that farmers having the opportunity to insure against crop losses through the Federal Crop Insurance Corporation will not be eligible for the FmHA disaster emergency loan program. This deeply subsidized FmHA program has a huge potential for direct cost to the taxpayers, since the interest rates for these loans are as low as 5 percent and there is no cap on the total amount which can be loaned under the program.

Farmers should be given the means to protect themselves against losses over which they have no control; the Government has done this through the Federal Crop Insurance Program. As long as farmers can obtain crop insurance coverage, taxpayers have no obligation to provide similar coverage for them in the form of the substantial credit subsidies currently available in the FmHA disaster loan program

The bill will give the Secretary broad discretion to compromise and settle debts owed to FmHA. This provision will clarify the authority for such agreements under current law. This provision, if enacted, will allow the FmHA to assist troubled borrowers facing imminent foreclosure or liquidation and to do so in a way that is in the best interests of both the borrowers and the Government. If properly administered, this provision will allow FmHA borrowers to reach a mutually agreeable resolution to their repayment obligations before entering into foreclosure or liquidation proceedings.

The bill eliminates spending authorizations for recreational development and community facility loans, as well as business and industrial loans after September 30, 1985. The bill also eliminates FmHA loans for water, drainage, or waste disposal facilities after September 30, 1986.

The administration of the programs proposed for elimination are more properly handled by other agencies of the Federal Government currently having responsibility for similar programs. It is more appropriate that funding allocated to the Department of Agriculture be targeted primarily to farmers. Further, FmHA can provide greater emphasis in assisting farmers with their credit problems if the agency is relieved of the responsibility of administering a myriad of rural development programs.

Mr. President, I ask unanimous consent that a copy of the bill and a summary be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Agriculture, Food, Trade, and Conservation Act of 1985".

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TITLE I—AGRICULTURAL EXPORTS AND PUBLIC LAW 480

SUBTITLE A—COMMERCIAL EXPORT PROGRAMS

INTERMEDIATE EXPORT CREDIT

SEC. 101. Section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "In addition, the Corporation may guarantee the repayment of loans made to finance such sales.";

(2) in paragraph (2)—

(A) by inserting ", and no loan may be guaranteed," after "financed";

(B) by striking out "or" at the end of clause (A);

(C) by striking out the period at the end of clause (B) and inserting in lieu thereof "; or"; and

(D) by inserting at the end thereof the following new clause:

"(C) otherwise promote the export of United States agricultural commodities.";

(3) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) Export sales of agricultural commodities financed or guaranteed under the provisions of this subsection must—

"(A) to the maximum extent possible, be made to purchasers from countries that are previous recipients of credit extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.); and

"(B) be made to purchasers from countries unable, as determined by the Secretary, to utilize other short-term export credit programs offered by the Secretary or the Commodity Credit Corporation.";

(5) in paragraph (4) (as redesignated by paragraph (3) of this section)—

(A) by inserting "or guarantees" after "financing";

(B) by striking out "and" at the end of subparagraph (C);

(C) by striking out "credit" in subparagraph (D);

(D) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and"; and

(E) by adding at the end thereof the following new subparagraph:

"(E) otherwise to promote the export sales of agricultural commodities.";

(6) in paragraph (5) (as redesignated by paragraph (3) of this section)—

(A) by inserting "or guarantees" after "financing"; and

(B) by striking out "to encourage credit competition, or";

(7) in paragraph (6) (as redesignated by paragraph (3) of this section)—

(A) by inserting "(A)" after the paragraph designation;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(C) by adding at the end thereof the following new subparagraph:

"(B) Contracts of guarantee under this subsection shall contain such terms and conditions as the Commodity Credit Corporation shall determine.";

(8) by inserting "or guarantees" after "financing" in paragraph (7) (as redesignated by paragraph (3) of this section);

(9) in paragraph (8) (as redesignated by paragraph (3) of this section)—

(A) by inserting "or guarantee" after "finance" each place it appears; and

(B) by inserting "or guarantee" after "financing" in subparagraph (B);

(10) by inserting "or guaranteed" after "financed" in paragraph (9) (as redesignated by paragraph (3) of this section); and

(11) by inserting at the end thereof the following new paragraph:

"(11) For purposes of financing or guaranteeing export sales under this subsection, the Commodity Credit Corporation shall make available—

"(A) no less than $1,000,000,000 for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988; and

"(B) no more than $1,000,000,000 for each of the fiscal years ending September 30, 1989, September 30, 1990, and September 30, 1991.".

DAIRY PRODUCT EXPORTS

SEC. 102. (a) In each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, the Secretary of Agriculture shall sell for export, at such prices as the Secretary determines appropriate, not less than one hundred and fifty thousand metric tons of dairy products owned by the Commodity Credit Corporation.

(b) Such sales shall be made through the Commodity Credit Corporation under existing authority available to the Secretary or the Commodity Credit Corporation.

(c) Through September 30, 1988, the Secretary shall report semiannually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the volume of sales made under this section.

EXPANSION OF MARKETS FOR UNITED STATES AGRICULTURAL COMMODITIES AND PRODUCTS

SEC. 103. (a) Notwithstanding any other provision of law, the Secretary of Agriculture may formulate and carry out a program under which agricultural commodities, including but not limited to wheat, feed grains, upland cotton, rice, and milk, and

the products thereof, acquired through price support operations by the Commodity Credit Corporation, are provided to United States exporters and users and foreign purchasers at no cost to encourage the development, maintenance, and expansion of export markets for United States agricultural commodities and the products thereof, including value-added or high-value agricultural products produced in the United States.

(b) In carrying out the program authorized by this section, the Secretary of Agriculture shall—

(1) take such action as may be necessary to ensure that the program provides equal treatment to domestic and foreign purchasers and users of United States agricultural commodities and the products thereof in any case in which the importation of a manufactured product made, in whole or in part, from a commodity or the product thereof made available for export under this section would place domestic users of the commodity or the product thereof at a competitive disadvantage;

(2) to the extent that agricultural commodities and the products thereof are to be provided to foreign purchasers during any fiscal year, consider for participation all interested foreign purchasers, giving priority to those who have traditionally purchased United States agricultural commodities and the products thereof and who continue to purchase such commodities and the products thereof on an annual basis in quantities greater than the level of purchases in a previous representative period;

(3) ensure, insofar as possible, that any use of agricultural commodities or the products thereof made available under this section be made in such manner as to encourage increased use and avoid displacing usual marketings of United States agricultural commodities and the products thereof; and

(4) take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic purposes in the importing country, of agricultural commodities or the products thereof made available under this section.

(c)(1) If a foreign purchaser sells in the importing country agricultural commodities or the products thereof received from the Secretary of Agriculture, under the authority of this section, and uses the receipts from the sale of such commodities or the products thereof for the construction or rehabilitation of facilities in the importing country to improve the handling, marketing, storage, or distribution of United States agricultural commodities or the products thereof in such importing country, such purchaser shall be eligible to receive supplemental distributions of agricultural commodities or the products thereof under this section.

(2) Supplemental distributions under this section shall be made with such commodities or the products thereof, at such intervals and in such amounts as the Secretary determines appropriate, taking into account—

(A) the extent to which facility improvements have been made,

(B) the capability of the importing country to distribute or otherwise use additional commodities or the products thereof, and

(C) such other factors as are determined appropriate by the Secretary that are consistent with the purposes of this section.

(d) The Secretary of Agriculture shall carry out the program authorized by this section through the Commodity Credit Corporation.

(e) The Secretary of Agriculture may issue such regulations as the Secretary deems necessary to carry out this section.

(f) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provision of law.

EXPORT TRANSPORTATION OF AGRICULTURAL COMMODITIES

SEC. 104. (a) Except as provided in subsection (b), section 901 of the Merchant Marine Act, 1936 (46 U.S.C. 1241) and the Joint Resolution of March 26, 1934 (48 Stat. 500, 46 U.S.C. 1241-1) (commonly referred to as the "cargo preference laws") shall not apply to export activities of the Department of Agriculture or Commodity Credit Corporation under which—

(1) stocks of agricultural commodities or the products thereof acquired by the Commodity Credit Corporation are made available to United States exporters, users, or foreign purchasers, for the maintenance or expansion of export markets for United States agricultural commodities or the products thereof,

(2) commercial credit guarantees are blended with direct interest-free credits from the Commodity Credit Corporation to reduce the effective rate of interest on export sales of United States agricultural commodities and the products thereof, or

(3) commodities are made available for emergency food relief.

(b) This section shall not apply to any export activity undertaken to carry out any agreement entered into prior to the date of enactment of this Act.

TRADE NEGOTIATIONS

SEC. 105. (a) Congress finds that—

(1) open and fair trade is essential to economic growth and prosperity in the world today;

(2) unfair trade practices of many countries have had adverse effects on exports of United States agricultural commodities, United States producers, and the international trading environment;

(3) many of these practices have been predatory in nature and constitute gross violations of free and fair trade principles;

(4) such unfair trade practices include export price subsidies, export credit subsidies, predatory marketing arrangements, and tariff and nontariff trade barriers;

(5) such unfair trade practices distort market signals, add volatility to the trading environment, increase government expenditures, inhibit economic development abroad, and discourage or prohibit the importation of United States agricultural commodities and the products thereof;

(6) the United States trading system is the most open in the world, as is evidenced by the continuing merchandise trade deficits of this country;

(7) all other major grain producing nations have refused to join the United States in attempts to reduce surpluses of agricultural commodities, and such nations have, in fact, taken advantage of United States efforts by increasing production of major agricultural commodities;

(8) the United States holds and stores a disproportionate level of supplies of agricultural commodities in time of surplus;

(9) the United States world market-share in the case of many agricultural exports has been reduced as a result of unfair trade practices;

(10) in order to establish market oriented domestic farm policies in the United States, American producers must be assured of equity in the international trading environment;

(11) more effective rules governing international agricultural trade must be established to provide greater market access for all countries and to curb the use of export subsidies that have hindered agricultural exports of the United States and other countries; and

(12) failure to find multilateral and bilateral solutions to international trade problems, the most desirable form of trade conflict resolution, will increase the likelihood of unilateral action on the part of the United States to protect American markets and producers.

(b) It is the sense of Congress that the President should, at the earliest practicable time after the date of enactment of this Act, initiate a new round of multilateral trade negotiations with the trading partners of the United States for the purposes of—

(1) strengthening the General Agreement on Tariffs and Trade (GATT) in a manner that promotes a more open and fair world trading system;

(2) improving the dispute settlement procedures of GATT such that industries suffering from unfair trade practices will receive more expeditious relief and that affected contracting parties will abide by the decisions reached under GATT; and

(3) bringing agricultural trade issues within the purview of strengthened and more effective GATT rules and procedures.

TARGETED EXPORT ASSISTANCE

SEC. 106. (a) For export activities authorized to be carried out by the Secretary of Agriculture or the Commodity Credit Corporation, the Secretary of Agriculture shall use—

(1) for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not less than $325,000,000 of funds of, or an equal value of commodities owned by, the Corporation; and

(2) for each of the fiscal years ending September 30, 1989, September 30, 1990, and September 30, 1991, such funds of the Corporation as the Secretary deems necessary or an equal value of commodities owned by the Corporation.

(b) The funds or commodities specified in this section shall be used by the Secretary for export assistance only in connection with agricultural commodities or the products thereof for which exports have been adversely affected, as determined by the Secretary, by price subsidies, credit subsidies, or unfair marketing arrangements or trading practices used by other countries in connection with their agricultural exports.

VALUE-ADDED, PROCESSED, AND PROTEIN FORTIFIED PRODUCTS

SEC. 107. (a) Section 201 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721) is amended by adding at the end thereof the following new subsection:

"(c) In distributing agricultural commodities under this title, the President shall—

"(1) consider—

"(A) the nutritional assistance to recipients and benefits to the United States that would result from distributing such commodities in the form of processed and protein-fortified products, including processed milk and plant protein products;

"(B) the nutritional needs of the proposed recipients of the commodities; and

"(C) the purposes of this title; and

"(2) take all feasible steps to ensure that an appropriate portion of such commodities distributed each fiscal year be in the form of processed and protein-fortified products.".

(b) Subclause (B) of section 1207(a)(5) of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m(a)(5)(B)) is amended to read as follows: "(B) funding an export market development program for value-added farm products and processed foods at a higher funding level than that provided during the fiscal year ending September 30, 1985; and".

BARTER OF AGRICULTURAL COMMODITIES

SEC. 108. Section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) is amended—

(1) in the fourth sentence—

(A) by striking out "is authorized," and inserting in lieu thereof "shall, to the maximum extent practicable, in consultation with the Secretary of State, and"; and

(B) by striking out "to";

(2) in the fifth sentence, by striking out "normal commercial trade channels shall be utilized and priority shall be given" and inserting in lieu thereof "the Secretary shall: (1) use normal commercial trade channels; (2) take action to avoid displacing usual marketings of United States agricultural commodities and the products thereof; (3) take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities used for such exchange; and (4) give priority";

(3) in the seventh sentence, by striking out "Secretary of the Treasury" and inserting in lieu thereof "Administrator of General Services"; and

(4) by inserting after the seventh sentence the following new sentence: "If the volume of petroleum products (including crude oil) stored in the Strategic Petroleum Reserve is less than the level prescribed under section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234), the Corporation shall, to the maximum extent practicable, with the approval of the Secretary of Agriculture, and in consultation with the Secretary of Energy and the Secretary of State, accept petroleum products (including crude oil) produced abroad in exchange for agricultural commodities acquired by the Corporation and shall transfer the petroleum products, without reimbursement, to the Secretary of Energy to be placed in the Reserve.".

STUDY OF SECONDARY MARKET FOR COMMODITY CREDIT CORPORATION GUARANTEED OBLIGATIONS

SEC. 109. (a) The Secretary of Agriculture shall conduct a study to assess the feasibility and effect of permitting obligations guaranteed by the Commodity Credit Corporation under the export credit sales programs of the Corporation to be traded in a secondary financial market without the need for the Commodity Credit Corporation to approve or consent to the transfer.

(b) Not later than one year after the date of enactment of this Act, the Secretary shall report the results of the study required under subsection (a), together with any recommendations for necessary legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SUBTITLE B—PUBLIC LAW 480 AND RELATED PROGRAMS

UNITED STATES POLICY

SEC. 120. The first sentence of section 2 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691) is amended by inserting "to use foreign currencies accruing under this Act to foster and encourage the development of private enterprise in developing countries;" after "agricultural production;".

CAPITAL FINANCING AGREEMENTS

SEC. 121. (a) Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended—

(1) by inserting ", or for foreign currencies (including currencies on credit terms) for use under section 108 of this Act" before the period at the end thereof; and

(2) by adding at the end thereof the following new sentences: "At least 25 per centum, but not more than 50 per centum, of all sales of agricultural commodities made annually under this title under agreements entered into after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985 shall be sales for foreign currencies or foreign currencies on credit terms. Not more than one-half of the value of all sales made in accordance with the preceding sentence may be made on credit terms.".

(b) Section 103 of such Act (7 U.S.C. 1703) is amended—

(1) by inserting ", in section 108," after "section 104" in subsection (b);

(2) by striking out "for dollars on credit terms" in the last sentence of subsection (d);

(3) by inserting "except as provided in section 108 of this title," after the subsection designation of subsection (m);

(4) by striking out "for dollars on credit terms" and "for cash dollars" in subsection (n);

(5) by striking out "Assure convertibility" in subsection (p) and inserting in lieu thereof "Except as provided in section 108 of this title, assure convertibility"; and

(6) by striking out "Assure convertibility" in subsection (q) and inserting in lieu thereof "Except as provided in section 108 of this title, assure convertibility".

(c) The first sentence of section 105 of such Act (7 U.S.C. 1705) is amended by striking out "section 104" and inserting in lieu thereof "sections 104 and 108".

(d) Section 106(a) of such Act (7 U.S.C. 1706(a)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) Payment by any friendly country for commodities purchased for foreign currencies on credit terms under agreements entered into under this title after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985 shall be made in annual installments over a period of not to exceed four years from the date of delivery of the commodities.

"(B) The interest rates on such credits shall be at such rates as are determined by the President, but not less than the cost of funds to the Treasury of the United States, taking into consideration the current average market yield on outstanding marketable obligations of the United States having maturities comparable to the maturities of the credits.".

(e) Such Act is amended by inserting after section 107 (7 U.S.C. 1707) the following new section:

"SEC. 108. Notwithstanding any other provision of law:

"(a) As used in this section, the term 'financial intermediary' shall include banks, other financial institutions, and any other organization or entity, as determined by the Secretary of Agriculture, that has the capability of making and servicing loans in accordance with this section.

"(b) Pursuant to an agreement for the sale of agricultural commodities entered into under this title and in order to foster and encourage the development of private enterprise institutions and infrastructure as the base for the expansion, promotion, and improvement of the production of food and other related goods and services within a developing country, the Secretary may enter into agreements with financial intermediaries within such country for the use of foreign currencies that accrue in connection with commodity sales to such country under an agreement for sales entered into under this title after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985.

"(c) Any agreement entered into under this section shall specify the terms and conditions under which the foreign currency shall be used and subsequently repaid to the Secretary, including the following terms and conditions:

"(1) Such currency shall be loaned by financial intermediaries to private individuals, cooperatives, corporations, or other entities within a developing country for the purpose of financing productive, private enterprise investment within such country at reasonable rates of interest.

"(2) Financial intermediaries shall, to the maximum extent feasible, give preference to the financing of agricultural and agriculturally related private enterprise with the funds provided under this section.

"(3) No currency may be used to finance any entity or venture that is owned or controlled, in whole or in part, by the government or any governmental subdivision of the developing country.

"(4) No currency may be used to promote the production of commodities or the products thereof that will compete, as determined by the Secretary, in world markets with similar commodities or the products thereof produced in the United States.

"(5) No entity shall be eligible for financing under this section unless its ownership interest is held, directly or indirectly, by citizens of the developing country, except that up to 25 per centum of such ownership interest may be held by citizens of the United States.

"(d)(1) All currencies repaid by financial intermediaries under agreements entered into under this section shall be deposited and accounted for in accordance with section 105.

"(2) Currencies repaid by financial intermediaries shall, as determined by the Secretary—

"(A) be used to finance additional productive, private enterprise investment under agreements with financial intermediaries entered into under this section;

"(B) be used for the development of new markets for United States agricultural commodities;

"(C) be used for the payment of United States obligations (including obligations entered into pursuant to other laws of the United States); or

"(D) be converted to dollars.

"(e)(1) Any agreement entered into under this section shall be subject to periodic audit by the Secretary to determine whether the terms and conditions of the agreement are being fulfilled.

"(2) No later than one hundred and eighty days after the close of each fiscal year, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the ac-

tivities carried out under this section during the preceding fiscal year, including an evaluation of the impact of investment under this section on the development of agricultural and agriculturally related private enterprise in each participating country.

"(f) The Secretary may provide agricultural technical assistance to further the purposes of this section, including the funding of market development activities. No more than 5 per centum of the foreign currencies initially obtained from sales of agricultural commodities made under agreements entered into under this title after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985 may be used to carry out such assistance.".

ELIMINATION OF MINIMUM AGGREGATE VALUE OF AGREEMENTS UNDER THE FOOD FOR DEVELOPMENT PROGRAM

SEC. 122. Section 302(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727a(c)) is amended—

(1) by striking out paragraphs (1) and (2);

(2) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(3) by striking out ", even beyond the minimums required by paragraph (1) of this subsection" in paragraph (1) (as redesignated by clause (2) of this section).

EXTENSION OF PROGRAM

SEC. 123. Section 409 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c) is amended—

(1) by striking out "1985" in the first sentence and inserting in lieu thereof "1991"; and

(2) by striking out "Agriculture and Food Act of 1981" in the second sentence and inserting in lieu thereof "Agriculture, Food, Trade, and Conservation Act of 1985".

USE ABROAD OF COMMODITY CREDIT CORPORATION STOCKS

SEC. 124. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended—

(1) by striking out the last two sentences of subsection (a); and

(2) by striking out "Dairy products and wheat" and "dairy products and wheat" each place they appear in subsection (b) and inserting in lieu thereof "Food commodities and the products thereof" and "food commodities and the products thereof", respectively.

FOOD FOR PROGRESS

SEC. 125. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is further amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law:

"(1)(A) In order to use the food resources of the United States more effectively in support of countries that have made commitments to introduce or expand free-enterprise elements in their agricultural economies through changes in commodity pricing, marketing, input availability, distribution, and private sector involvement, commodities and the products thereof acquired by the Commodity Credit Corporation, which the Secretary determines meet the criteria specified in subsection (a), may be furnished by the Secretary to carry out agreements entered into by the President under paragraph (2) of this subsection.

"(B) Not more than 500,000 metric tons of commodities may be furnished under this subsection in each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989.

"(C) The Commodity Credit Corporation may purchase agricultural commodities and the products thereof for use under this subsection if Commodity Credit Corporation stocks are insufficient to fulfill commitments made in agreements entered into under this subsection.

"(D) No funds of the Commodity Credit Corporation in excess of $30,000,000 (exclusive of the cost of commodities) may be used to carry out this subsection unless authorized in advance in appropriation Acts.

"(2)(A)(i) The President may enter into agreements with developing countries to furnish commodities and the products thereof made available under paragraph (1) of this subsection to such countries to promote the implementation of private, free-enterprise agricultural policies for long-term agricultural development.

"(ii) Such commodities shall be furnished under this subsection on such terms and conditions as the President deems are in the public interest and will promote the objectives of this subsection. Agreements may provide for commodities to be furnished on a multi-year basis.

"(B) In determining whether to enter into agreements with countries for the furnishing of commodities under this subsection, the President shall consider whether a potential recipient country—

"(i) is carrying out, or is committed to carry out, policies that promote economic freedom, private, domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of such commodities, including policies that may provide for—

"(I) access, on the part of farmers in such country, to private, competitive markets for their products;

"(II) market pricing of commodities to foster adequate private sector incentives to individual farmers to produce food on a regular basis for the domestic needs of the country;

"(III) establishment of market-determined foreign exchange rates;

"(IV) timely availability of production inputs, such as seed, fertilizer, or pesticides, to farmers; and

"(V) access to technologies appropriate to the level of agricultural development in the country; and

"(ii) is able to use the amount of commodities being considered for donation without disruption of the internal market of the country for domestically produced agricultural commodities and products.

"(3) An agreement entered into under this subsection shall prohibit the resale or transshipment of the donated commodites to other countries.

"(4) In entering into agreements with countries for the donation of commodities under this subsection, the President shall take reasonable precautions to avoid displacement of any sales of United States agricultural commodities that would otherwise be made to such countries.

"(5)(A) The provisions of section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) shall apply to commodities furnished under this subsection.

"(B) The cost of the commodities furnished under this subsection, and the expenses incurred in connection with furnishing such commodities, shall be in addition to the level of assistance programmed under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) and may not be considered expenditures for international affairs and finance.

"(6)(A) The President shall carry out the duties imposed on the President under this subsection through the National Security Advisor in the Executive Office of the President.

"(B) The National Security Advisor, with the approval of the Secretary, may use personnel of the Department of Agriculture in carrying out this subsection.

"(7) Section 901 of the Merchant Marine Act, 1936 (46 U.S.C. 1241) and the Joint Resolution of March 26, 1934 (48 Stat. 500, 46 U.S.C. 1241-1) (commonly referred to as the 'cargo preference laws') shall not apply to any export activity authorized under this subsection.

"(8) Within one hundred and twenty days after the close of each fiscal year in which an agreement entered into with a country under this subsection is in effect, the President shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the status of such agreement and the progress being made to implement private, free enterprise agricultural policies for long-term agricultural development in such country.

"(9) This subsection shall be effective during the period beginning on October 1, 1985, and ending on September 30, 1989.".

TITLE II—DAIRY

MILK PRICE SUPPORT

SEC. 201. Subsection (d) of section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) is amended to read as follows:

"(d) Notwithstanding any other provision of law:

"(1) Effective for the fiscal year ending September 30, 1986, the price of milk shall be supported at a rate equivalent to $11.60 per hundredweight for milk containing 3.67 per centum milkfat.

"(2)(A) Effective for the fiscal year ending September 30, 1987, and each fiscal year thereafter through the fiscal year ending September 30, 1991, except as provided in subparagraph (B) of this paragraph, the price of milk shall be supported at a rate equal to the support level for the immediately preceding fiscal year (including any adjustment made under subparagraph (B) of this paragraph) adjusted by the Secretary based on the estimate of the Secretary (at the beginning of such fiscal year) of net Government price support purchases of milk and milk products during the fiscal year as provided in the following table:

"If the estimated amount of net Government price support purchases of milk during the relevant fiscal year is (in milk equivalent):	The price support level per hundredweight for milk containing 3.67 per centum milk fat shall be:
More than:	
10.0 billion pounds.....	decreased by $1.00
7.5 billion pounds but less than 10.0 billion pounds.	decreased by 75 cents
6.0 billion pounds but less than 7.5 billion pounds.	decreased by 50 cents
4.0 billion pounds but less than 6.0 billion pounds.	decreased by 25 cents
2.0 billion pounds but less than 4.0 billion pounds.	the same
0. billion pounds but less than 2.0 billion pounds.	increased by 25 cents.

"(B) If, during a fiscal year, the Secretary determines that an increase in the price

support level for milk for a fiscal year referred to in subparagraph (A) of this paragraph is necessary in order to assure an adequate supply of pure and wholesome milk and the Secretary provides sixty days public notice of such determination, the Secretary may increase such level for such fiscal year by no more than 50 cents per hundredweight for milk containing 3.67 per centum milkfat. The authority provided by this subparagraph may be exercised only once during each fiscal year.

"(3) The price of milk shall be supported through the purchase of milk and the products of milk.".

FEDERAL MILK MARKETING ORDERS

SEC. 202. Section 101(b) of the Agriculture and Food Act of 1981 (Public Law 97-98; 7 U.S.C. 608c note) is amended by striking out "1985" and inserting in lieu thereof "1991".

TITLE III—WOOL AND MOHAIR

EXTENSION OF SUPPORT PROGRAM

SEC. 301. The second sentence of section 703(a) of the National Wool Act of 1954 (7 U.S.C. 1782(a)) is amended by striking out "1985" and inserting in lieu thereof "1991".

SUPPORT PRICE

SEC. 302. Subsection (b) of section 703 of the National Wool Act of 1954 (7 U.S.C. 1782(b)) is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), the support price for shorn wool for each of the 1986 through 1991 marketing years shall be an amount, as determined by the Secretary, equal to the larger of—

"(A) the support price for the immediately preceding marketing year less 15 per centum of such support price; or

"(B) the average price received by producers for shorn wool, as determined by the Secretary, during the immediately preceding five marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

"(2) Once the support price is determined under clause (B) of paragraph (1), such support price for subsequent marketing years shall continue to be determined under clause (B) of paragraph (1) without regard to clause (A) of paragraph (1).".

TITLE IV—WHEAT

MARKET INTERVENTION RATES, FEDERAL GUARANTEED PRICES, AND WHEAT ACREAGE LIMITATION AND SET-ASIDE PROGRAM FOR THE 1986 THROUGH 1991 CROPS OF WHEAT

SEC. 401. Effective only for the 1986 through 1991 crops of wheat, section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) is amended to read as follows:

"SEC. 107C. Notwithstanding any other provision of law:

"(a)(1) The Secretary shall make available to producers, loans and purchases for each of the 1986 through 1991 crops of wheat at such level (hereinafter in this section referred to as the 'market intervention rate'), not less than 75 per centum nor more than 85 per centum of the simple average price received by farmers, as determined by the Secretary, during the immediately preceding five marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, as the Secretary determines will encourage the exportation of wheat, will not result in excessive total stocks of wheat, will maintain the competitive relationship among the various classes of wheat, and will maintain the competitive relationship of wheat to other grains in domestic and export markets. The simple average price received by farmers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.

"(2) Separate market intervention rates shall be established by the Secretary for (A) Hard Red Winter wheat, (B) Soft Red Winter wheat, (C) Hard Red Spring wheat, (D) White wheat, and (E) Durum wheat, as defined in the official United States standards for wheat established under the United States Grain Standards Act (7 U.S.C. 71 et seq.), based on the average prices received for these respective classes of wheat.

"(b)(1)(A) The Secretary shall make available to producers payments for each of the 1986 through 1991 crops of wheat in an amount computed as provided in this subsection. Payments for any such crop of wheat shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the farm program payment yield for the crop. In no event may payments be made under this paragraph for any crop on a greater acreage than the acreage actually planted to wheat.

"(B) The payment rate for wheat shall be the amount by which the higher of—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the market intervention rate determined under subsection (a) of this section for such crop,

is less than the Federal guaranteed price per bushel.

"(C) The Federal guaranteed price for wheat shall be not less than 110 per centum nor more than 125 per centum of the market intervention rate, as determined by the Secretary.

"(D) The total quantity of wheat on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

"(2)(A) Except as provided in subparagraph (B) of this paragraph, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers. The total quantity of wheat which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 per centum of the Federal guaranteed price for the crop for the deficiency in production below 60 per centum for the crop.

"(B) Producers on a farm shall not be eligible for disaster payments under this paragraph if crop insurance is available to them under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to their wheat acreage.

"(c)(1)(A) The Secretary shall proclaim a national program acreage for each of the 1986 through 1991 crops of wheat. The proclamation shall be made not later than August 1 of each calendar year for the crop harvested in the next succeeding calendar year.

"(B) The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines it necessary based on the latest information. The Secretary shall proclaim such revised national program acreage as soon as it is made.

"(C) The national program acreage for wheat shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

"(D) If the Secretary determines that carryover stocks of wheat are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) The Secretary shall determine a program allocation factor for each crop of wheat. The allocation factor for wheat shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of wheat be more than 100 per centum nor less than 80 per centum.

"(3)(A) The individual farm program acreage for each crop of wheat shall be determined by multiplying the allocation factor by the acreage of wheat planted for harvest on the farms for which individual farm program acreages are required to be determined.

"(B) The farm program acreage may not be further reduced by application of the allocation factor if the producers reduce the acreage of wheat planted for harvest on the farm from the acreage base established for the farm under subsection (e)(2) of this section by at least the percentage recommended by the Secretary in the proclamation of the national program acreage.

"(C) The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of wheat planted for harvest is less than the acreage base established for the farm under subsection (e)(2) of this section, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

"(D) In establishing the allocation factor for wheat, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(d)(1) The farm program payment yield for each crop of wheat shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for wheat was established for the farm in the previous crop year, the Secretary may determine such yield as the Secretary finds fair and reasonable.

"(2) Notwithstanding paragraph (1) of this subsection:

"(A) In the determination of yields, the Secretary shall take into account the actual yields proved by the producer.

"(B) Neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection.

"(3) If the Secretary determines it necessary, the Secretary may establish national,

State, or county program payment yields on the basis of—

"(A) historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or

"(B) if such data are not available, the Secretary's estimate of actual yields for the crop year involved.

"(4) If national, State, or county program payment yields are established, the total farm program payment yields shall balance to the national, State, or county program payment yields.

"(e)(1)(A) Notwithstanding any other provision of law, the Secretary may provide for any crop either for a program under which the acreage planted to wheat would be limited as described in paragraph (2) of this subsection or a set-aside program as described in paragraph (3) of this subsection, if the Secretary determines that the total supply of wheat, in the absence of such a program, would be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

"(B) The Secretary shall announce any such acreage limitation program or set-aside program on or before August 1 prior to the calendar year in which the crop is harvested.

"(2)(A) If a wheat acreage limitation program is announced under paragraph (1) of this subsection, such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each wheat-producing farm.

"(B) Producers who knowingly produce wheat in excess of the permitted wheat acreage for the farm shall be ineligible for wheat loans, purchases, and payments with respect to that farm.

"(C)(i) The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation under this paragraph shall be—

"(I) the acreage planted on the farm to wheat for harvest in the crop year immediately preceding the year for which the determination is made, or

"(II) at the discretion of the Secretary, the average acreage planted to wheat for harvest in the three crop years immediately preceding the year for which the determination is made.

"(ii) For the purpose of clause (i) of this subparagraph, acreage planted to wheat for harvest shall include any acreage which the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers.

"(iii) The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

"(D)(i) A number of acres on the farm determined by dividing—

"(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of wheat times the number of acres actually planted to such commodity, by

"(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary,

shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

"(ii) The number of acres determined under clause (i) of this subparagraph is hereafter in this subsection referred to as 'reduced acreage'.

"(E) If an acreage limitation program is announced under paragraph (1) of this subsection for a crop of wheat, subsection (c) of this section shall not be applicable to such crop, including any prior announcement which may have been made under such subsection with respect to such crop. The individual farm program acreage shall be the acreage planted on the farm to wheat for harvest within the permitted wheat acreage for the farm as established under this paragraph.

"(3)(A) If a set-aside program is announced under paragraph (1) of this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by this section, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of wheat planted for harvest for the crop for which the set-aside is in effect.

"(B) The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

"(C) If a set-aside program is established, the Secretary may limit the acreage planted to wheat. Such limitation shall be applied on a uniform basis to all wheat-producing farms.

"(D) The Secretary may make such adjustments in individual set-aside acreages under this section as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary deems necessary.

"(4)(A) The regulations issued by the Secretary under paragraphs (2) and (3) of this subsection with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

"(B) The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to hay and grazing or the production of (i) native agricultural crops (as described in the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.) that could be used to supply critical agricultural materials of strategic and industrial importance, or (ii) other commodities, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of any price-support program carried out by the Secretary under this Act, will not adversely affect farm income, and may not be used as a substitute for any commodity for which the Secretary provides price support under this Act.

"(5)(A)(i) The Secretary may make land diversion payments to producers of wheat, whether or not an acreage limitation or set-aside program for wheat is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

"(ii) The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(iii) The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(B)(i) In any year in which the Secretary determines that land diversion payments under subparagraph (A) of this paragraph are necessary, the Secretary may, in lieu of making land diversion payments under subparagraph (A) of this paragraph, enter into multiyear land diversion contracts with producers of wheat who are participating in the program established under this section. Payments under such contracts may not be made beyond the 1991 crop year. The Secretary may enter into multiyear contracts under this subparagraph only if the Secretary determines that such contracts would be as cost effective as making land diversion payments under subparagraph (A) of this paragraph. The provisions of subparagraph (A) of this paragraph shall apply to multiyear land diversion contracts.

"(ii) The Secretary may provide cost sharing incentives to producers entering into contracts under this subparagraph for the establishment of a vegetative cover (which may include trees) on the acreage devoted to conservation uses. Such cover shall be capable of maintaining itself throughout the period of the contract to provide soil protection, water quality enhancement, wildlife protection, and natural beauty.

"(6)(A) Any reduced acreage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A) of this paragraph.

"(C) The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(7)(A) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(B) The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) Notwithstanding any other provision of law, the Secretary shall require that, as a condition of eligibility for loans, purchases,

and payments authorized under this section, producers on a farm use conservation practices determined by the local soil conservation district to be appropriate for the area. In areas where no soil conservation district exists, the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall determine appropriate conservation practices.

"(g)(1) If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(h) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(k) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.".

NONAPPLICABILITY OF CERTIFICATE REQUIREMENTS

SEC. 402. Sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379d-1379j) (which deal with marketing certificate requirements for processors and exporters) shall not be applicable to wheat processors or exporters during the period June 1, 1986, through May 31, 1992.

SUSPENSION OF MARKETING QUOTAS AND PRODUCER CERTIFICATE PROVISIONS

SEC. 403. Sections 331, 332, 333, 334, 335, 336, 338, 339, 379b, and 379c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1331-1336, 1338, 1339, 1379b, and 1379c) shall not be applicable to the 1986 through 1991 crops of wheat.

SUSPENSION OF QUOTA PROVISIONS

SEC. 404. The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1986 through 1991.

NONAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949 TO THE 1986 THROUGH 1991 CROPS OF WHEAT

SEC. 405. Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1986 through 1991 crops of wheat.

TITLE V—FEED GRAINS

MARKET INTERVENTION RATES, FEDERAL GUARANTEED PRICES, AND FEED GRAIN ACREAGE LIMITATION AND SET-ASIDE PROGRAM FOR THE 1986 THROUGH 1991 CROPS OF FEED GRAINS

SEC. 501. Effective only for the 1986 through 1991 crops of feed grains, the Agricultural Act of 1949 is amended by inserting after section 105B (7 U.S.C. 1444d) the following new section:

"SEC. 105C. Notwithstanding any other provision of law:

"(a)(1) The Secretary shall make available to producers loans and purchases for each of the 1986 through 1991 crops of corn at such level (hereinafter in this section referred to as the 'market intervention rate'), not less than 75 per centum nor more than 85 per centum of the simple average price received by farmers, as determined by the Secretary, during the immediately preceding five marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains. The simple average price received by farmers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.

"(2) The Secretary shall make available to producers loans and purchases for each of the 1986 through 1991 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the market intervention rate for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b) of this Act.

"(b)(1)(A) The Secretary shall make available to producers payments for each of the 1986 through 1991 crops of corn, grain sorghums, oats, and, if designated by the Secretary, barley, in an amount computed as provided in this subsection. Payments for any such crop of feed grains shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the farm program payment yield for the crop. In no event may payments be made under this paragraph for any crop on a greater acreage than the acreage actually planted to such feed grains.

"(B) The payment rate for corn shall be the amount by which the higher of—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the market intervention rate determined under subsection (a) of this section for such crop,

is less than the Federal guaranteed price per bushel.

"(C) The Federal guaranteed price for corn shall be not less than 110 per centum nor more than 125 per centum of the market intervention rate for corn, as determined by the Secretary.

"(D) The payment rate for grain sorghums, oats, and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

"(E) The total quantity of feed grains on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

"(2)(A) Except as provided in subparagraph (B) of this paragraph, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of feed grains which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 per centum of the Federal guaranteed price for the crop for the deficiency in production below 60 per centum for the crop.

"(B) Producers on a farm shall not be eligible for disaster payments under this paragraph if crop insurance is available to them under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to their feed grain acreage.

"(c)(1)(A) The Secretary shall proclaim a national program acreage for each of the 1986 through 1991 crops of feed grains. The proclamation shall be made not later than November 1 of each calendar year for the crop harvested in the next succeeding calendar year.

"(B) The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines it necessary based on the latest information. The Secretary shall proclaim such revised national program acreage as soon as it is made.

"(C) The national program acreage for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

"(D) If the Secretary determines that carryover stocks of feed grains are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) The Secretary shall determine a program allocation factor for each crop of feed grains. The allocation factor for feed grains shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of feed grains be more than 100 per centum nor less than 80 per centum.

"(3)(A) The individual farm program acreage for each crop of feed grains shall be determined by multiplying the allocation factor by the acreage of feed grains planted for harvest on the farms for which individual farm program acreages are required to be determined.

"(B) The farm program acreage may not be further reduced by application of the allocation factor if the producers reduce the acreage of feed grains planted for harvest on the farm from the acreage base established for the farm under subsection (e)(2) of this section by at least the percentage

recommended by the Secretary in the proclamation of the national program acreage.

"(C) The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of feed grains planted for harvest is less than the acreage base established for the farm under subsection (e)(2) of this section, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

"(D) In establishing the allocation factor for feed grains, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(d)(1) The farm program payment yield for each crop of feed grains shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for feed grains was established for the farm in the previous crop year, the Secretary may determine such yield as the Secretary finds fair and reasonable.

"(2) Notwithstanding paragraph (1) of this subsection:

"(A) In the determination of yields, the Secretary shall take into account the actual yields proved by the producer.

"(B) Neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection.

"(3) If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of—

"(A) historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or

"(B) if such data are not available, the Secretary's estimate of actual yields for the crop year involved.

"(4) If national, State, or county program payment yields are established, the total farm program payment yields shall balance to the national, State or county program payment yields.

"(e)(1)(A) Notwithstanding any other provision of law, the Secretary may provide for any crop either for a program under which the acreage planted to feed grains would be limited as described in paragraph (2) of this subsection or a set-aside program as described in paragraph (3) of this subsection, if the Secretary determines that the total supply of feed grains, in the absence of such a program, would be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

"(B) The Secretary shall announce any such feed grain acreage limitation program or set-aside program not later than November 1 prior to the calendar year in which the crop is harvested.

"(2)(A) If a feed grain acreage limitation program is announced under paragraph (1) of this subsection, such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each feed grain-producing farm.

"(B) Producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm.

"(C)(i) The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation under this paragraph shall be—

"(I) the acreage planted on the farm to feed grains for harvest in the crop year immediately preceding the year for which the determination is made, or

"(II) at the discretion of the Secretary, the average acreage planted to feed grains for harvest in the three crop years immediately preceding the year for which the determination is made.

"(ii) For the purpose of clause (i) of this subparagraph, acreage planted to feed grains for harvest shall include any acreage which the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers.

"(iii) The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

"(D)(i) A number of acres on the farm determined by dividing—

"(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains times the number of acres actually planted to such commodity, by

"(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary,

shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

"(ii) The number of acres determined under clause (i) is hereafter in this subsection referred to as 'reduced acreage'.

"(E) If an acreage limitation program is announced under paragraph (1) of this subsection for a crop of feed grains, subsection (c) of this section shall not be applicable to such crop, including any prior announcement which may have been made under such subsection with respect to such crop. The individual farm program acreage shall be the acreage planted on the farm to feed grains for harvest within the permitted feed grain acreage for the farm as established under this paragraph.

"(3)(A) If a set-aside program is announced under paragraph (1) of this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by this section, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of feed grains planted for harvest for the crop for which the set-aside is in effect.

"(B) The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

"(C) If a set-aside program is established, the Secretary may limit the acreage planted to feed grains. Such limitation shall be applied on a uniform basis to all feed grain-producing farms.

"(D) The Secretary may make such adjustments in individual set-aside acreages under this section as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary deems necessary.

"(4)(A) The regulations issued by the Secretary under paragraphs (2) and (3) of this subsection with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

"(B) The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to hay and grazing or the production of (i) native agricultural crops (as described in the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.) that could be used to supply critical agricultural materials of strategic and industrial importance, or (ii) other commodities, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of any price support program carried out by the Secretary under this Act, will not adversely affect farm income, and may not be used as a substitute for any commodity for which the Secretary provides price support under this Act.

"(5)(A)(i) The Secretary may make land diversion payments to producers of feed grains, whether or not an acreage limitation or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

"(ii) The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(iii) The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(B)(i) In any year in which the Secretary determines that land diversion payments under subparagraph (A) of this paragraph are necessary, the Secretary may, in lieu of making land diversion payments under subparagraph (A) of this paragraph, enter into multiyear land diversion contracts with producers of feed grains who are participating in the program established under this section. Payments under such contracts may not be made beyond the 1991 crop year. The Secretary may enter into multiyear contracts under this subparagraph only if the Secretary determines that such contracts would be as cost effective as making land diversion payments under subparagraph (A) of this paragraph. The provisions of subparagraph (A) of this paragraph shall apply to multiyear land diversion contracts.

"(ii) The Secretary may provide cost sharing incentives to producers entering into contracts under this subparagraph for the establishment of a vegetative cover (which may include trees) on the acreage devoted to conservation uses. Such cover shall be capable of maintaining itself throughout the period of the contract to provide soil protection, water quality enhancement, wildlife protection, and natural beauty.

"(6)(A) Any reduced acreage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A) of this paragraph.

"(C) The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(7)(A) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(B) The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) Notwithstanding any other provision of law, the Secretary shall require that, as a condition of eligibility for loans, purchases, and payments authorized under this section, producers on a farm use conservation practices determined by the local soil conservation district to be appropriate for the area. In areas where no soil conservation district exists, the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall determine appropriate conservation practices.

"(g)(1) If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(h) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(k) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.".

NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949 TO THE 1986 THROUGH 1991 CROPS OF FEED GRAINS

SEC. 502. Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1986 through 1991 crops of feed grains.

TITLE VI—COTTON

MARKET INTERVENTION RATES, FEDERAL GUARANTEED PRICES, AND COTTON ACREAGE LIMITATION PROGRAM FOR THE 1986 THROUGH 1991 CROPS OF UPLAND COTTON

SEC. 601. Effective only for the 1986 through 1991 crops of upland cotton, the Agricultural Act of 1949 is amended by inserting after section 103 (7 U.S.C. 1444) the following new section:

"SEC. 103A. Notwithstanding any other provision of law:

"(a)(1) The Secretary shall, on presentation of warehouse receipts reflecting accrued storage charges of not more than sixty days, make available for the 1986 through 1991 crops of upland cotton to producers nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at such level (hereinafter in this section referred to as the 'market intervention rate') as will reflect for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States the smaller of—

"(A) a per centum, as determined by the Secretary, that is not less than 75 per centum, nor more than 85 per centum, of the average price (weighted by market and month) of such quality of cotton as quoted in the designated United States spot markets during three years of the five-year period ending July 31 in the year in which the market intervention rate is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, or

"(B) a per centum, equal to the per centum determined under clause (A) of this paragraph plus 5 per centum, of the average, for the fifteen-week period beginning July 1 of the year in which the market intervention rate is announced, of the five lowest-priced growths of the growths quoted for Middling one-and-three-thirty-seconds-inch cotton C.I.F. northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the market intervention rate is announced between such average northern European price quotation of such quality of cotton and the market quotations in the designated United States spot markets for Strict Low Middling one-and-one-sixteenth-inch cotton (micronaire 3.5 through 4.9)),

as the Secretary determines will encourage the exportation of upland cotton and not result in excessive total stocks of such cotton.

"(2) If for any crop the average northern European price determined under clause (B) of paragraph (1) of this subsection is less than the average United States spot market price determined under clause (A) of paragraph (1) of this subsection, the Secretary may, notwithstanding paragraph (1) of this subsection, increase the market intervention rate to such level as the Secretary may deem appropriate, not in excess of the average United States spot market price determined under clause (A) of paragraph (1) of this subsection.

"(3) The market intervention rate for any crop of cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such level is to be effective. Such level may not thereafter be changed.

"(4)(A) Except as provided in subparagraph (B), nonrecourse loans provided for in this section shall, on the request of the producer during the tenth month of the loan period for the cotton, be made available for an additional term of eight months.

"(B) Such request to extend the loan period may not be approved in a month when the average price of Strict Low Middling one-and-one-sixteenth-inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for the preceding month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six-month period.

"(b)(1) Whenever the Secretary determines that the average price of Strict Low Middling one-and-one-sixteenth-inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for a month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton subject to the following conditions:

"(A) The amount of the special quota shall be equal to twenty-one days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent three months for which data are available.

"(B) If a special quota has been established under this subsection during the preceding twelve months, the amount of the quota next established hereunder shall be the smaller of twenty-one days of domestic mill consumption calculated as set forth in subparagraph (A) of this paragraph or the amount required to increase the supply to 130 per centum of the demand.

"(C) As used in subparagraph (B) of this paragraph:

"(i) The term 'supply' means, using the latest official data of the Bureau of the Census, the United States Department of Agriculture, and the United States Department of the Treasury—

"(I) the carryover of upland cotton at the beginning of the marketing year (adjusted to four-hundred-and-eighty-pound bales) in which the special quota is established, plus

"(II) production of the current crop, plus

"(III) imports to the latest date available during the marketing year.

"(ii) The term 'demand' means—

"(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent three months for which data are available, plus

"(II) the larger of average exports of upland cotton during the preceding six marketing years or cumulative exports of upland cotton, plus

"(III) outstanding export sales for the marketing year in which the special quota is established.

"(D) When a special quota is established under this subsection, cotton may be entered under such quota during the ninety-day period beginning on the effective date of the proclamation.

"(2) Notwithstanding paragraph (1) of this subsection, a special quota period may not be established that overlaps an existing quota period.

"(c)(1) The Secretary shall make available to producers payments for each of the 1986 through 1991 crops of upland cotton in an amount computed as provided in this subsection. Payments for any such crop of upland cotton shall be computed by multiplying (A) the payment rate, by (B) the farm program acreage for the crop (determined in accordance with subsection (g) or subsection (i)(1) of this section), by (C) the farm program payment yield for the crop (determined in accordance with subsection (h) of this section). In no event may payments be made under this subsection for any crop on a greater acreage than the acreage actually planted to upland cotton.

"(2) The payment rate for upland cotton shall be the amount by which the higher of—

"(A) the average market price received by farmers for upland cotton during the calendar year which includes the first five months of the marketing year for such crop, as determined by the Secretary, or

"(B) the market intervention rate determined under subsection (a) of this section for such crop,

is less than the Federal guaranteed price per pound.

"(3) The Federal guaranteed price for upland cotton shall not be less than 110 per centum nor more than 125 per centum of the market intervention rate determined for such crop under subsection (a) of this section, as determined by the Secretary.

"(4) The total quantity of upland cotton on which payments would otherwise be payable to a producer on a farm for any crop under this subsection shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under subsection (d) of this section.

"(d)(1) Except as provided in paragraph (2) of this subsection, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of cotton which the producers are able to harvest on any farm is less than the result of multiplying 75 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 33⅓ per centum of the Federal guaranteed price for the crop for the deficiency in production below 75 per centum for the crop.

"(2) Producers on a farm shall not be eligible for disaster payments under this subsection if crop insurance is available to them under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to their cotton acreage.

"(e)(1) The Secretary shall establish for each of the 1986 through 1991 crops of upland cotton a national program acreage. Such national program acreage shall be announced by the Secretary not later than November 1 of the calendar year preceding the year for which such acreage is established.

"(2) The Secretary may revise the national program acreage first announced for any crop year for the purpose of determining the allocation factor under subsection (f) of this section if the Secretary determines it necessary based on the latest information. The Secretary shall announce such revised national program acreage as soon as it has been made.

"(3) The national program acreage for upland cotton shall be the number of harvested acres the Secretary determines (on the basis of the estimated weighted national average of the farm program yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

"(4) The national program acreage shall be subject to such adjustment as the Secretary determines necessary, taking into consideration the estimated carryover supply, so as to provide for an adequate but not excessive total supply of cotton for the marketing year for the crop for which such national program acreage is established. In no event shall the national program acreage be less than ten million acres.

"(f) The Secretary shall determine a program allocation factor for each crop of upland cotton. The allocation factor for upland cotton (not to exceed 100 per centum) shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop.

"(g)(1) The individual farm program acreage for each crop of upland cotton shall be determined by multiplying the allocation factor by the acreage of cotton planted for harvest on the farms for which individual farm program acreages are required to be determined.

"(2) The farm program acreage may not be further reduced by application of the allocation factor if the producers reduce the acreage of cotton planted for harvest on the farm from the acreage base established for the farm under subsection (i)(1) of this section by at least the percentage recommended by the Secretary in the announcement of the national program acreage.

"(3) The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of cotton planted for harvest is less than the acreage base established for the farm under subsection (i)(1) of this section, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

"(4) In establishing the allocation factor for upland cotton, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this subsection.

"(h)(1) The farm program payment yield for each crop of upland cotton shall be determined on the basis of the actual yields per harvested acre on the farm for the preceding three years, except that the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster, or other condition beyond the control of the producers. In case farm yield data for one or more years are unavailable or there was no production, the Secretary shall provide for appraisals to be made on the basis of actual yields and program payment yields for similar farms in the area for which data are available.

"(2) Notwithstanding paragraph (1) of this subsection:

"(A) In the determination of yields, the Secretary shall take into account the actual yields proved by the producer.

"(B) Neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection.

"(3) If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of—

"(A) historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or

"(B) if such data are not available, the Secretary's estimate of actual yields for the crop year involved.

"(4) If national, State, or county program payment yields are established, the total farm program payment yields shall balance to the national, State, or county program payment yields.

"(i)(1)(A) Notwithstanding any other provision of this section, the Secretary may establish a limitation on the acreage planted to upland cotton if the Secretary determines that the total supply of upland cotton, in the absence of such limitation, would be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

"(B) Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each cotton-producing farm.

"(C) Producers who knowingly produce cotton in excess of the permitted cotton acreage for the farm shall be ineligible for cotton loans and payments with respect to that farm.

"(D)(i) The acreage base for any farm for the purpose of determining any reduction required to be made for any year as a result of a limitation under this paragraph shall be—

"(I) the acreage planted on the farm to upland cotton for harvest in the crop year immediately preceding the year for which the determination is made, or

"(II) at the discretion of the Secretary, the average acreage planted to upland cotton for harvest in the three crop years immediately preceding the year for which the determination is made.

"(ii) For the purpose of clause (i) of this subparagraph, acreage planted to cotton for harvest shall include any acreage which the producers were prevented from planting to cotton or other nonconserving crop in lieu of cotton because of drought, flood, or other natural disaster, or other condition beyond the control of the producers.

"(iii) The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

"(E)(i) A number of acres on the farm determined by dividing—

"(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of upland cotton times the number of acres actually planted to such commodity, by

"(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary,

shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such regulations shall assure protection of such acreage from weeds and wind and water erosion.

"(ii) The number of acres determined under clause (i) of this subparagraph is hereafter in this section referred to as 'reduced acreage'.

"(F) The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to hay and grazing or the production of (i) native agricultural crops

(as described in the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.) that could be used to supply critical agricultural materials of strategic and industrial importance, or (ii) other commodities, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of any price support program carried out by the Secretary under this Act, will not adversely affect farm income, and may not be used as a substitute for any commodity for which the Secretary provides price support under this Act.

"(G) If an acreage limitation program is announced under this subsection for a crop of upland cotton, subsections (e), (f), and (g) of this section shall not be applicable to such crop, including any prior announcement which may have been made under such subsections with respect to such crop. The individual farm program acreage shall be the acreage planted on the farm to upland cotton for harvest within the permitted upland cotton acreage for the farm as established under this subsection.

"(2)(A)(i) The Secretary may make land diversion payments to producers of upland cotton, whether or not an acreage limitation for upland cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

"(ii) The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(iii) The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(B)(i) In any year in which the Secretary determines that land diversion payments under subparagraph (A) of this paragraph are necessary, the Secretary may, in lieu of making land diversion payments under subparagraph (A) of this paragraph, enter into multiyear land diversion contracts with producers of upland cotton who are participating in the program established under this section. Payments under such contracts may not be made beyond the 1991 crop year. The Secretary may enter into multiyear contracts under this subparagraph only if the Secretary determines that such contracts would be as cost effective as making land diversion payments under subparagraph (A) of this paragraph. The provisions of subparagraph (A) of this paragraph shall apply to multiyear land diversion contracts.

"(ii) The Secretary may provide cost sharing incentives to producers entering into contracts under this subparagraph for the establishment of a vegetative cover (which may include trees) on the acreage devoted to conservation uses. Such cover shall be capable of maintaining itself throughout the period of the contract to provide soil protection, water quality enhancement, wildlife protection, and natural beauty.

"(3)(A) The reduced acreage and the diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A) of this paragraph.

"(C) The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(j)(1) An operator of a farm desiring to participate in the program conducted under subsection (i) of this section shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(2) The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(k) Notwithstanding any other provision of law, the Secretary shall require that, as a condition of eligibility for loans and payments authorized under this section, producers on a farm use conservation practices determined by the local soil conservation district to be appropriate for the area. In areas where no soil conservation district exists, the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall determine appropriate conservation practices.

"(l) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(m) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(n)(1) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans and payments, the Secretary may, nevertheless, make such loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(o) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(p) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(q) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(r) In order to encourage and assist producers in the orderly ginning and marketing of their cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).".

SUSPENSION OF BASE ACREAGE ALLOTMENTS, MARKETING QUOTAS, AND RELATED PROVISIONS

SEC. 602. Sections 342, 343, 344, 345, 346, and 377 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1342-1346 and 1377) shall not be applicable to upland cotton of the 1986 through 1991 crops.

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

SEC. 603. Effective only with respect to the period beginning August 1, 1978, and ending July 31, 1992, the tenth sentence of section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by striking out all of that sentence through the words "110 per centum of the loan rate, and (2)" and inserting in lieu thereof the following: "Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells upland cotton for export, in no event, however, at less than such price level as the Secretary determines appropriate to maintain and expand export and domestic markets for such commodity, and (2)".

MISCELLANEOUS COTTON PROVISIONS

SEC. 604. Sections 103(a) and 203 of the Agricultural Act of 1949 (7 U.S.C. 1444(a) and 1446(d) shall not be applicable to the 1986 through 1991 crops.

PRELIMINARY ALLOTMENTS FOR THE 1992 CROP OF UPLAND COTTON

SEC. 605. Notwithstanding any other provision of law, the permanent State, county, and farm base acreage allotments for the 1977 crop of upland cotton, adjusted for any underplantings in 1977 and reconstituted as provided in section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379) shall be the preliminary allotments for the 1992 crop.

TITLE VII—RICE

MARKET INTERVENTION RATES, FEDERAL GUARANTEED PRICES, AND RICE ACREAGE LIMITATION PROGRAM FOR THE 1986 THROUGH 1991 CROPS OF RICE

SEC. 701. Effective only for the 1986 through 1991 crops of rice, the Agricultural Act of 1949 is amended by inserting after section 101 (7 U.S.C. 1441) the following new section:

"SEC. 101A. Notwithstanding any other provision of law:

"(a)(1) The Secretary shall make available to producers in the several States of the United States loans and purchases for each of the 1986 through 1991 crops of rice at such level (hereinafter in this section referred to as the 'market intervention rate'), not less than 75 per centum nor more than 85 per centum of the simple average price received by farmers, as determined by the Secretary, during the immediately preceding five marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, as the Secretary determines will encourage the exportation of rice and not result in excessive stocks of rice in the United States. The simple aver-

age price received by farmers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.

"(2) Separate market intervention rates shall be established by the Secretary for (A) long grain rice and (B) short and medium grain rice, based on the average prices received for these respective kinds of rice, in accordance with the provisions of paragraph (1) of this subsection.

"(3) The market intervention rate and the Federal guaranteed price for each of the 1986 through 1991 crops of rice shall be announced not later than March 1 of each calendar year for the crop harvested in that calendar year.

"(b)(1) The Secretary shall make available to producers payments for each of the 1986 through 1991 crops of rice grown in the several States of the United States in an amount computed as provided in this subsection. Payments for each such crop of rice shall be computed by multiplying (A) the payment rate, by (B) the farm program acreage for the crop, by (C) the yield established for the farm. In no event shall payments be made under this subsection for any crop on a greater acreage than the acreage actually planted to rice.

"(2) The payment rate for rice shall be the amount by which the Federal guaranteed price for the crop of rice exceeds the higher of—

"(A) the national average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(B) the market intervention rate determined under subsection (a) of this section for such crop.

"(3)(A) The Federal guaranteed price for rice shall be not less than 110 per centum nor more than 125 per centum of the market intervention rate, as determined by the Secretary.

"(B) Separate guaranteed prices shall be established by the Secretary for (i) long grain rice and (ii) short and medium grain rice.

"(4) The yield established for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years. The actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, other natural disaster, or other condition beyond the control of the producers. If no rice was produced on the farm during such period, the yield shall be determined taking into consideration the yield of comparable farms in the surrounding area and such other factors as the Secretary determines will produce a fair and equitable yield.

"(5) The total quantity of rice on which payments would otherwise be payable to a producer on a farm for any crop under this subsection shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under subsection (c) of this section.

"(c)(1) Except as provided in paragraph (2) of this subsection, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of rice which the producers are able to harvest on any farm is less than the result of multiplying 75 per centum of the yield established for the farm for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to producers at a rate equal to 33⅓ per centum of the Federal guaranteed price for the crop for the deficiency in production below 75 per centum for the crop.

"(2) Producers on a farm shall not be eligible for disaster payments under this subsection if crop insurance is available to them under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to their rice acreage.

"(d)(1)(A) The Secretary shall proclaim a national program acreage for each of the 1986 through 1991 crops of rice. The proclamation shall be made not later than January 31 of each calendar year for the crop harvested in that calendar year.

"(B) The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines a revision is necessary based on the latest information. The Secretary shall proclaim such revised national program acreage as soon as it is made.

"(C) The national program acreage for rice shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm established yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

"(D) If the Secretary determines that carryover stocks of rice are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) The Secretary shall determine a program allocation factor for each crop of rice. The allocation factor for rice shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop. In no event may the allocation factor for any crop of rice be more than 100 per centum nor less than 80 per centum.

"(3)(A) The individual farm program acreage for each crop of rice shall be determined by multiplying the allocation factor by the acreage of rice planted for harvest on the farms for which individual farm program acreages are required to be determined.

"(B) The farm program acreage may not be further reduced by application of the allocation factor if the producers reduce the acreage of rice planted for harvest on the farm from the acreage base established for the farm under subsection (e)(1) of this section by at least the percentage recommended by the Secretary in the proclamation of the national program acreage.

"(C) The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of rice planted for harvest is less than the acreage base established for the farm under subsection (e)(1) of this section, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

"(D) In establishing the allocation factor for rice, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this subsection.

"(e)(1)(A) Notwithstanding any other provision of law, the Secretary may establish a limitation on the acreage planted to rice if the Secretary determines that the total supply of rice, in the absence of such limitation, would be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

"(B) Any such limitation shall be announced by the Secretary not later than January 31 of the calendar year in which the crop for which the announcement is made is harvested.

"(C) Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each rice-producing farm.

"(D) Producers who knowingly produce rice in excess of the permitted rice acreage for the farm shall be ineligible for rice loans, purchases, and payments with respect to that farm.

"(E)(i) The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation under this paragraph shall be—

"(I) the acreage planted on the farm to rice for harvest in the crop year immediately preceding the year for which the determination is made, or

"(II) at the discretion of the Secretary, the average acreage planted to rice for harvest in the three crop years immediately preceding the year for which the determination is made.

"(ii) For the purpose of clause (i) of this subparagraph, acreage planted to rice for harvest shall include any acreage which the producers were prevented from planting to rice or other nonconserving crop in lieu of rice because of drought, flood, or other natural disaster, or other condition beyond the control of the producers.

"(iii) The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

"(F)(i) A number of acres on the farm determined by dividing—

"(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of rice times the number of acres actually planted to rice, by

"(II) the number of acres authorized to be planted to rice under the limitation established by the Secretary,

shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such regulations shall assure protection of such acreage from weeds and wind and water erosion.

"(ii) The number of acres determined under clause (i) of this subparagraph is hereafter in this section referred to as 'reduced acreage'.

"(G) The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to hay and grazing or the production of (i) native agricultural crops (as described in the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.) that could be used to supply critical agricultural materials of strategic and industrial importance, or (ii) other commodities, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of any price support program carried out by the Secretary under this Act, will not adversely affect farm income, and

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may not be used as a substitute for any commodity for which the Secretary provides price support under this Act.

"(H) If an acreage limitation program is announced under this subsection for a crop of rice, subsection (d) of this section shall not be applicable to such crop, including any prior announcement which may have been made under such subsection with respect to such crop. The individual farm program acreage shall be the acreage planted on the farm to rice for harvest within the permitted rice acreage for the farm as established under this subsection.

"(2)(A)(i) The Secretary may make land diversion payments to producers of rice, whether or not an acreage limitation for rice is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

"(ii) The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(iii) The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(B)(i) In any year in which the Secretary determines that land diversion payments under subparagraph (A) of this paragraph are necessary, the Secretary may, in lieu of making land diversion payments under subparagraph (A) of this paragraph, enter into multiyear land diversion contracts with producers of rice who are participating in the program established under this section. Payments under such contracts may not be made beyond the 1991 crop year. The Secretary may enter into multiyear contracts under this subparagraph only if the Secretary determines that such contracts would be as cost effective as making land diversion payments under subparagraph (A) of this paragraph. The provisions of subparagraph (A) of this paragraph shall apply to multiyear land diversion contracts.

"(ii) The Secretary may provide cost sharing incentives to producers entering into contracts under this subparagraph for the establishment of a vegetative cover (which may include trees) on the acreage devoted to conservation uses. Such cover shall be capable of maintaining itself throughout the period of the contract to provide soil protection, water quality enhancement, wildlife protection, and natural beauty.

"(3)(A) The reduced acreage and the additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A) of this paragraph.

"(C) The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4)(A) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(B) The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) Notwithstanding any other provision of law, the Secretary shall require that, as a condition of eligibility for loans, purchases, and payments authorized under this section, producers on a farm use conservation practices determined by the local soil conservation district to be appropriate for the area. In areas where no soil conservation district exists, the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall determine appropriate conservation practices.

"(g) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(h) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(i)(1) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(j) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(k) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(l) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.".

TITLE VIII—PEANUTS

NATIONAL POUNDAGE QUOTA AND FARM POUNDAGE QUOTA

SEC. 801. Effective only for the 1986 through 1991 crops of peanuts, subsections (k) through (p) of section 358 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(k)-(p)) are amended to read as follows:

"(k)(1) The national poundage quota for peanuts for each of the 1986 through 1991 marketing years shall be 1,100,000 tons.

"(2) If the Secretary determines that the national poundage quota for any marketing year is insufficient to meet total estimated requirements for domestic edible use and a reasonable carryover, the national poundage quota for the marketing year may be increased by the Secretary to the extent determined by the Secretary to be necessary to meet such requirements.

"(l) The national poundage quota established under subsection (k) of this section shall be apportioned among the States so that the poundage quota allocated to each State shall be equal to the percentage of the national poundage quota allocated to farms in the State for 1985.

"(m)(1)(A) A farm poundage quota shall be established for each farm which had a farm poundage quota for the 1985 crop year.

"(B) The farm poundage quota for any such farm for the 1986 through 1991 marketing years shall be the same as the farm poundage quota for such farm for the immediately preceding marketing year, but not including any increases for undermarketings from previous marketing years, except that if the farm poundage quota, or any part thereof, is permanently transferred in accordance with section 358a of this Act, the receiving farm shall be considered as possessing the farm poundage quota (or portion thereof) of the transferring farm for all subsequent marketing years.

"(2)(A) The farm poundage quota so determined shall be increased by the number of pounds by which total marketings of quota peanuts from the farm during previous marketing years (excluding any marketing year before the marketing year for the 1980 crop) were less than the total amount of the applicable farm poundage quotas (disregarding adjustments for undermarketings from prior marketing years) for such marketing years.

"(B) Increases in farm poundage quotas made under this paragraph may not be counted against the national poundage quota for the marketing year involved.

"(3) Notwithstanding the foregoing provisions of this subsection, if the total of all increases in individual farm poundage quotas under paragraph (2) of this subsection exceeds 10 per centum of the national poundage quota for the marketing year in which such increases shall be applicable, the Secretary shall adjust such increases so that the total of all such increases does not exceed 10 per centum of the national poundage quota.

"(n)(1) For each farm for which a farm poundage quota was established for the 1985 crop of peanuts, and when necessary for purposes of this Act, a farm yield of peanuts shall be determined for each farm.

"(2) Such yield shall be equal to the average of the actual yield per acre on the farm for each of the three crop years in which yields were highest on the farm out of the five crop years 1977 through 1981.

"(3) In the event that peanuts were not produced on the farm in at least three years during such five-year period or there was a substantial change in the operation of the farm during such period (including, but not limited to, a change in operator, lessee who is an operator, or irrigation practices), the Secretary shall have a yield appraised for the farm. The appraised yield shall be that amount determined to be fair and reasonable on the basis of yields established for

similar farms which are located in the area of the farm and on which peanuts were produced, taking into consideration land, labor, and equipment available for the production of peanuts, crop rotation practices, soil and water, and other relevant factors.

"(o)(1) Not later than December 15 of each calendar year, the Secretary shall conduct a referendum of farmers engaged in the production of quota peanuts in the calendar year in which the referendum is held to determine whether such farmers are in favor of or opposed to poundage quotas with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held, except that, if as many as two-thirds of the farmers voting in any referendum vote in favor of poundage quotas, no referendum shall be held with respect to quotas for the second and third years of the period.

"(2) The Secretary shall proclaim the result of the referendum within thirty days after the date on which it is held.

"(3) If more than one-third of the farmers voting in the referendum vote against quotas, the Secretary also shall proclaim that poundage quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar year in which the referendum is held.

"(p) For the purposes of this part and title I of the Agricultural Act of 1949 (7 U.S.C. 1441 et seq.):

"(1) The term 'quota peanuts' means, for any marketing year, any peanuts produced on a farm having a farm poundage quota, as determined in subsection (m) of this section—

"(A) that are eligible for domestic edible use as determined by the Secretary,

"(B) that are marketed or considered marketed from a farm, and

"(C) that do not exceed the farm poundage quota of such farm for such year.

"(2) The term 'additional peanuts' means, for any marketing year—

"(A) any peanuts that are marketed from a farm for which a farm poundage quota has been established and that are in excess of the marketings of quota peanuts from such farm for such year, and

"(B) all peanuts marketed from a farm for which no farm poundage quota has been established in accordance with subsection (m) of this section.

"(3) The term 'crushing' means—

"(A) the processing of peanuts to extract oil for food uses and meal for feed uses, or

"(B) the processing of peanuts by crushing or processing into flakes or otherwise when authorized by the Secretary.

"(4) The term 'domestic edible use' means use for milling to produce domestic food peanuts (other than those described in paragraph (3) of this subsection) and seed and use on a farm, except that the Secretary may exempt from this definition seeds of peanuts that are used to produce peanuts excluded under section 359(c) of this Act, are unique strains, and are not commercially available.".

SALE, LEASE, OR TRANSFER OF FARM POUNDAGE QUOTA

SEC. 802. Effective only for the 1986 through 1991 crops of peanuts, subsections (i) and (j) of section 358a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358a(i) and (j)) are amended to read as follows:

"(i)(1) The owner, or the operator with permission of the owner, of any farm for which a farm poundage quota has been established under this Act may, subject to such terms, conditions, or limitations as the Secretary may prescribe, sell or lease all or any part of such poundage quota to any other owner or operator of a farm within the same county for transfer to such farm.

"(2) The owner or operator of a farm may transfer all or any part of such farm's farm poundage quota to any other farm owned or controlled by such owner or operator that is in the same county or in a county contiguous to such county in the same State and that had a farm poundage quota for the 1985 crop.

"(3) Notwithstanding the foregoing provisions of this subsection, in the case of any State for which the poundage quota allocated to the State was less than 10,000 tons for the 1985 crop, all or any part of a farm poundage quota may be transferred by sale or lease or otherwise from a farm in one county to a farm in another county in the same State.

"(j) Transfers (including transfer by sale or lease) of farm poundage quotas under this section shall be subject to the following conditions:

"(1) No transfer of the farm poundage quota from a farm subject to a mortgage or other lien shall be permitted unless the transfer is agreed to by the lienholders.

"(2) No transfer of the farm poundage quota shall be permitted if the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) determines that the receiving farm does not have adequate tillable cropland to produce the farm poundage quota.

"(3) No transfer of the farm poundage quota shall be effective until a record thereof is filed with the county committee of the county to which such transfer is made and such committee determines that the transfer complies with the provisions of this section.

"(4) Such other terms and conditions that the Secretary may by regulation prescribe.".

MARKETING PENALTIES; DISPOSITION OF ADDITIONAL PEANUTS

SEC. 803. Effective only for the 1986 through 1991 crops of peanuts, section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359) is amended by striking out subsections (f) through (l) and inserting in lieu thereof the following new subsections:

"(f)(1)(A) The marketing of any peanuts for domestic edible use in excess of the farm poundage quota for the farm on which such peanuts are produced shall be subject to penalty at a rate equal to 140 per centum of the support price for quota peanuts for the marketing year in which such marketing occurs.

"(B) For purposes of this section, the marketing year for peanuts shall be the twelve-month period beginning on August 1 and ending on July 31.

"(C) The marketing of any additional peanuts from a farm shall be subject to the same penalty unless such peanuts, in accordance with regulations established by the Secretary, are either—

"(i) placed under loan at the additional loan rate in effect for such peanuts under section 108B of the Agricultural Act of 1949 and not redeemed by the producers,

"(ii) marketed through an area marketing association designated pursuant to section 108B(c)(1) of the Agricultural Act of 1949, or

"(iii) marketed under contracts between handlers and producers, pursuant to the provisions of subsection (j) of this section.

"(D)(i) Such penalty shall be paid—

"(I) by the person who buys or otherwise acquires the peanuts from the producer, or

"(II) if the peanuts are marketed by the producer through an agent, by such agent.

"(ii) If a person or agent is required to pay a penalty under clause (i) of this subparagraph, such person or agent may deduct an amount equivalent to the penalty from the price paid to the producer.

"(E) If the person required to collect the penalty fails to collect such penalty, such person and all persons entitled to share in the peanuts marketed from the farm or the proceeds thereof shall be jointly and severally liable for the amount of the penalty.

"(F) Peanuts produced in a calendar year in which farm poundage quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though the peanuts are marketed prior to the date on which such marketing year begins.

"(G) If any producer falsely identifies or fails to certify planted acres or fails to account for the disposition of any peanuts produced on such planted acres, an amount of peanuts equal to the farm's average yield, as determined under section 358(n) of this Act, times the planted acres, shall be deemed to have been marketed in violation of permissible uses of quota and additional peanuts. The penalty in respect thereof shall be paid and remitted by the producer.

"(2)(A) The Secretary shall authorize, under such regulations as the Secretary shall prescribe, the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or reduce marketing penalties provided for under this subsection in cases in which such committees determine that the violations that were the basis of the penalties were unintentional or without knowledge on the part of the parties concerned.

"(B) Errors in weight that do not exceed one-tenth of 1 per centum in the case of any one marketing document may not be considered marketing violations except in cases of fraud or conspiracy.

"(g)(1) Only quota peanuts may be retained for use as seed or for other uses on a farm.

"(2) Peanuts retained under paragraph (1) shall be considered as marketings of quota peanuts, except that the Secretary may exempt from consideration as marketings of quota peanuts seeds of peanuts that are used to produce peanuts excluded under section 359(c) of this Act, are unique strains, and are not commercially available.

"(3) Additional peanuts may not be retained for use on a farm and may not be marketed for domestic edible use, except as provided in subsection (k) of this section.

"(4) Seed for planting of any peanut acreage in the United States shall be obtained solely from quota peanuts marketed or considered marketed for domestic edible use.

"(h) On a finding by the Secretary that the peanuts marketed from any crop for domestic edible use by a handler are larger in quantity or higher in grade or quality than the peanuts that could reasonably be produced from the quantity of peanuts having the grade, kernel content, and quality of the quota peanuts acquired by such handler from such crop for such marketing, such handler shall be subject to a penalty equal to 120 per centum of the loan level for quota peanuts on the quantity of peanuts that the Secretary determines are in excess of the quantity, grade, or quality of the peanuts that could reasonably have been produced from the peanuts so acquired.

"(i)(1) The Secretary shall require that the handling and disposal of additional peanuts be supervised by agents of the Secretary or by area marketing associations designated pursuant to section 108B(c)(1) of the Agricultural Act of 1949.

"(2) Quota and additional peanuts of like type and segregation of quality may, under regulations prescribed by the Secretary, be commingled and exchanged on a dollar value basis to facilitate warehousing, handling, and marketing.

"(3) Failure by a handler to comply with regulations issued by the Secretary governing the disposition and handling of additional peanuts shall subject the handler to a penalty at a rate equal to 120 per centum of the loan level for quota peanuts on the quantity of peanuts involved in the violation.

"(j) Handlers may, under regulations prescribed by the Secretary, contract with producers for the purchase of additional peanuts for crushing, export, or both. All such contracts shall be completed and submitted to the Secretary (or if designated by the Secretary, the area marketing association) for approval prior to June 15 of the year in which the crop is produced.

"(k)(1) Subject to the provisions of section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427), any peanuts owned or controlled by the Commodity Credit Corporation may be made available for domestic edible use in accordance with regulations established by the Secretary.

"(2) Additional peanuts received under loan shall be offered for sale for domestic edible use at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus—

"(A) not less than 100 per centum of the loan value of quota peanuts if the additional peanuts are sold and paid for during the harvest season on delivery by and with the written consent of the producer,

"(B) not less than 105 per centum of the loan value of quota peanuts if the additional peanuts are sold after delivery by the producer by not later than December 31 of the marketing year, or

"(C) not less than 107 per centum of the loan value of quota peanuts if the additional peanuts are sold later than December 31 of the marketing year.

"(3) For the period from the date additional peanuts are delivered for loan to March 1 of the calendar year following the year in which such additional peanuts were harvested, the area marketing association designated pursuant to section 108B(c)(1) of the Agricultural Act of 1949 shall have sole authority to accept or reject lot list bids when the sales price as determined under this section equals or exceeds the minimum price at which the Commodity Credit Corporation may sell its stocks of additional peanuts, except that the area marketing association and the Commodity Credit Corporation may agree to modify the authority granted by this paragraph in order to facilitate the orderly marketing of additional peanuts.

"(l)(1) The person liable for payment or collection of any penalty provided for in this section shall be liable also for interest thereon at a rate per annum equal to the rate of interest which was charged the Commodity Credit Corporation by the Treasury of the United States on the date such penalty became due.

"(2) The provisions of this section shall not apply to peanuts produced on any farm on which the acreage harvested for nuts is one acre or less if the producers who share in the peanuts produced on such farm do not share in the peanuts produced on any other farm.

"(3) Until the amount of the penalty provided by this section is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to farm poundage quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States.

"(4)(A) Notwithstanding any other provision of law, the liability for and the amount of any penalty assessed under this section shall be determined in accordance with such procedures as the Secretary by regulations may prescribe.

"(B) The facts constituting the basis for determining the liability for or amount of any penalty assessed under this section, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and may not be reviewable by any other officer or agency of the Government.

"(C) Nothing in this section shall be construed as prohibiting any court of competent jurisdiction from reviewing any determination made by the Secretary with respect to whether such determination was made in conformity with the applicable law and regulations.

"(D) All penalties imposed under this section shall for all purposes be considered civil penalties.

"(5) Notwithstanding any other provision of law, the Secretary may reduce the amount of any penalty assessed against handlers under this section if the Secretary finds that—

"(A) the violation on which the penalty is based was minor or inadvertent, and

"(B) the reduction of the penalty will not impair the operation of the peanut program.

"(m) Notwithstanding any other provision of law, the Secretary may not permit peanuts which are otherwise ineligible for price support as quota peanuts because of defects, as determined by the Secretary, to be eligible for price support at levels applicable to quota peanuts regardless of whether the quota allocated to the farm has been fully utilized for the crop year. The Secretary may, if deemed necessary, make peanuts so ineligible for price support as quota peanuts, if they have been pledged as collateral for a price support loan, available to buyers for seed use or edible use at prices which are applicable to quota peanuts.".

PRICE SUPPORT PROGRAM

SEC. 804. Effective only for the 1986 through 1991 crops of peanuts, the Agricultural Act of 1949 is amended by adding after section 108A (7 U.S.C. 1445c-1)) the following new section:

"SEC. 108B. Notwithstanding any other provision of law:

"(a)(1) The Secretary shall make price support available to producers through loans, purchases, or other operations on quota peanuts for each of the 1986 through 1991 crops.

"(2) The national average quota support rate for each of the 1986 through 1991 crops of quota peanuts shall be the national average quota support rate for such peanuts for the preceding crop, adjusted to reflect any increase, during the period beginning on January 1 and ending on December 31 of the calendar year immediately preceding the marketing year for the crop for which a level of support is being determined, in the national average cost of peanut production, excluding any increase in the cost of land, except that in no event shall the national average quota support rate for any such crop exceed by more than 6 per centum the national average quota support rate for the preceding crop.

"(3) The levels of support so announced may not be reduced by any deductions for inspection, handling, or storage, except that the Secretary may make adjustments for the location of peanuts and such other factors as are authorized by section 403 of this Act.

"(b)(1) The Secretary shall make price support available to producers through loans, purchases, or other operations on additional peanuts for each of the 1986 through 1991 crops at such levels as the Secretary finds appropriate, taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets. The Secretary shall set the support rate on additional peanuts at a level estimated by the Secretary to ensure that there are no losses to the Commodity Credit Corporation on the sale or disposal of such peanuts.

"(2) The Secretary shall announce the level of support for additional peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the level of support is being determined.

"(c)(1)(A) In carrying out subsections (a) and (b) of this section, the Secretary shall make warehouse storage loans available in each of the three producing areas (described in section 1446.11 of title 7, Code of Federal Regulations (1984 ed.)) to a designated area marketing association of peanut producers that is selected and approved by the Secretary and that is operated primarily for the purpose of conducting such loan activities.

"(B) The Secretary may not make warehouse storage loans available to any cooperative that is engaged in operations or activities concerning peanuts other than those operations and activities specified in this section and in section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359).

"(C) Such area marketing associations shall be used in administrative and supervisory activities relating to price support and marketing activities under this section and section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359).

"(D) Loans made under this paragraph shall include, in addition to the price support value of the peanuts, such costs as the area marketing association reasonably may incur in carrying out its responsibilities, operations, and activities under this section and section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359).

"(2)(A) The Secretary shall require that each area marketing association establish pools and maintain complete and accurate records by type, area, and segregation for—

"(i) quota peanuts handled under loan,

"(ii) additional peanuts placed under loan, and

"(iii) additional peanuts produced without a contract between a handler and a producer as described in section 359(j) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359(j)).

"(B) Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed in proportion to the value of the peanuts placed in the pool by each producer.

"(C) Net gains for peanuts in each pool shall consist of—

"(i) for quota peanuts—

"(I) the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in such pool, plus

"(II) an amount from the pool for additional peanuts to the extent of the net gains from the sale for domestic food and related uses of additional peanuts in the pool for additional peanuts equal to any loss on disposition of all peanuts in the pool for quota peanuts, and

"(ii) for additional peanuts—

"(I) the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool for additional peanuts, less

"(II) any amount allocated to offset any loss on the pool for quota peanuts as provided in clause (i) of this subparagraph.

"(D) Notwithstanding any other provision of this section, any distribution of net gains on additional peanuts of any type to any producer shall be reduced to the extent of any loss by the Commodity Credit Corporation on quota peanuts of a different type placed under loan by such producer.

"(d) Notwithstanding the foregoing provisions of this section or any other provision of law, no price support shall be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers, as provided for in section 358(o) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(o)).".

REPORTS AND RECORDS

SEC. 805. Effective only for the 1986 through 1991 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting immediately before "all brokers and dealers in peanuts" the following: "all farmers engaged in the production of peanuts,".

SUSPENSION OF MARKETING QUOTAS AND ACREAGE ALLOTMENTS

SEC. 806. The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1986 through 1991 crops of peanuts:

(1) Subsections (a) through (j) of section 358 (7 U.S.C. 1358(a)-(j));

(2) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a(a)-(h));

(3) Subsections (a), (b), (d), and (e) of section 359 (7 U.S.C. 1359(a), (b), (d), and (e));

(4) Part I of subtitle C of title III (7 U.S.C. 1361 et seq.); and

(5) Section 371 (7 U.S.C. 1371).

SUSPENSION OF CERTAIN PRICE SUPPORT PROVISIONS

SEC. 807. Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) shall not be applicable to the 1986 through 1991 crops of peanuts.

TITLE IX—SOYBEANS

MARKET INTERVENTION RATES FOR THE 1986 THROUGH 1991 CROPS OF SOYBEANS

SEC. 901. Effective only for the 1986 through 1991 crops of soybeans, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) by inserting "soybeans," after "tung nuts," in the first sentence; and

(2) by adding at the end thereof the following new subsection:

"(i)(1) The price of soybeans shall be supported through loans and purchases during each of the six marketing years beginning with the 1986 marketing year at a level (hereinafter in this subsection referred to as the 'market intervention rate') equal to 75 per centum of the simple average price received by farmers for soybeans for each of the preceding five marketing years, excluding the high and low valued years.

"(2) For the purposes of this subsection, the soybean marketing year shall be the twelve-month period beginning on September 1 and ending on August 31.

"(3)(A) The Secretary shall make a preliminary announcement of the level of price support not earlier than thirty days in advance of the beginning of the marketing year based on the latest information and statistics available when such level of support is announced.

"(B) The Secretary shall make a final announcement of such level as soon as full information and statistics are available on prices for the five years preceding the beginning of the marketing year. Such final level of support may not be announced later than October 1 of the marketing year for which the announcement applies. The final level of support may not be less than the level of support set forth in the preliminary announcement.

"(4) Notwithstanding any other provision of law:

"(A) The Secretary may not require participation in any production adjustment control program for soybeans or any other commodity as a condition of eligibility for price support for soybeans.

"(B) Soybeans may not be considered an eligible commodity for any reserve program.

"(C) The Secretary may not authorize payments to producers to cover the cost of storing soybeans.".

TITLE X—SUGAR AND HONEY

MARKET INTERVENTION RATES FOR THE 1986 THROUGH 1991 CROPS OF SUGAR BEETS AND SUGARCANE

SEC. 1001. Effective only for the 1986 through 1991 crops of sugar beets and sugarcane, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) (as amended by section 901 of this Act) is further amended—

(1) by striking out "honey, and milk" in the first sentence and inserting in lieu thereof "honey, milk, sugar beets, and sugarcane"; and

(2) by adding at the end thereof the following new subsection:

"(j)(1) The price of each of the 1986 through 1991 crops of sugar beets and sugarcane, respectively, shall be supported in accordance with this subsection.

"(2) The Secretary shall support the price of domestically grown sugarcane through nonrecourse loans at such level (hereinafter in this subsection referred to as the 'market intervention rate') as the Secretary determines appropriate but not less than 18 cents per pound for raw cane sugar.

"(3) The Secretary shall support the price of domestically grown sugar beets through nonrecourse loans at such level as the Secretary determines to be fair and reasonable in relation to the market intervention rate for sugarcane.

"(4) The Secretary shall announce the market intervention rate to be applicable during any fiscal year as far in advance of the beginning of that fiscal year as is practicable consistent with the purposes of this subsection.

"(5) Loans under this subsection during any fiscal year shall be made available not earlier than the beginning of such fiscal year and shall mature before the end of such fiscal year.".

HONEY PRICE SUPPORT

SEC. 1002. Effective only for the 1986 through 1991 crops of honey, section 201(b) of the Agricultural Act of 1949 (7 U.S.C. 1446(b)) is amended by striking out "at a level not in excess of 90 per centum nor less than 60 per centum of the parity price thereof" and inserting in lieu thereof "at such level, not less than 75 per centum nor more than 85 per centum of the simple average price received by producers for honey, as determined by the Secretary, during the immediately preceding five marketing years excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, as the Secretary determines will not result in excessive total stocks of honey".

TITLE XI—PRODUCER RESERVE PROGRAM

PRODUCER RESERVE PROGRAM

SEC. 1101. (a) Effective beginning with the 1985 crops, section 110 of the Agriculture Act of 1949 (7 U.S.C. 1445e) is amended—

(1) in the first sentence of subsection (a), by inserting "who have received a loan under the wheat or feed grain program established under this title" after "feed grains" the first time it appears;

(2) by amending subsections (b) and (c) to read as follows:

"(b)(1) In carrying out the producer storage program, the Secretary shall provide, on the maturity of a loan under the wheat or feed grain program established under this title, for extended price support loans for wheat and feed grains under terms and conditions designed to encourage producers to store wheat and feed grains for extended periods of time in order to promote orderly marketing when wheat or feed grains are in abundant supply.

"(2) Loans made under this section shall be made at such level of support as the Secretary determines appropriate, not in excess of the then current market intervention rate under the wheat and feed grain programs established under this title.

"(3) Among such other terms and conditions as the Secretary may prescribe by regulation, the program may provide for—

"(A) repayment of such loans in not more than three years;

"(B) payments at least quarterly to producers for storage in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

"(C) a rate of interest as determined under subsection (c) of this section;

"(D) recovery of amounts paid for unearned storage if such loans are repaid by producers under subparagraph (E) of this paragraph before the maturity dates thereof; and

"(E) redemption of the wheat or feed grains securing such loans and repayment of such loans prior to the maturity dates thereof at the discretion of the producer.

"(c)(1) The rate of interest charged participants in the program authorized by this section may not be less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury.

"(2) The Secretary may increase the applicable rate of interest in such amounts and at such intervals as the Secretary determines is appropriate to encourage the orderly marketing of wheat and feed grains securing loans made under this section.";

(3) by striking out subsection (f); and

(4) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.

(b) The Secretary of Agriculture shall permit producers who have outstanding loan agreements under the producer reserve program established under section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) to modify such agreements to conform to the requirements of the producer reserve program as established by subsection (a) of this section.

CONFORMING AMENDMENT

SEC. 1102. Section 208(c)(2) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(c)(2)) is amended—

(1) in subparagraph (A), by striking out "That, for wheat and feed grains" and all that follows through "*Provided further,*"; and

(2) by amending subparagraph (B) to read as follows:

"(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.".

TITLE XII—MISCELLANEOUS COMMODITY PROVISIONS

PAYMENT LIMITATIONS

SEC. 1201. Notwithstanding any other provision of law:

(1) For each of the 1986 through 1991 crops, the total amount of payments (excluding disaster payments) that a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for wheat, feed grains, upland cotton, extra long staple cotton, and rice, and under the National Wool Act of 1954 (7 U.S.C. 1781 et seq.) for wool and mohair, may not exceed the national median family income, as determined by the Secretary, for the latest calendar year, respectively, for which such information is available.

(2) For each of the 1986 through 1991 crops, the total amount of disaster payments that a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 for wheat, feed grains, upland cotton, and rice may not exceed $50,000.

(3) As used in this section, the term "payments"—

(A) includes the value of commodities provided to a person under a payment-in-kind acreage diversion program maintained by the Secretary of Agriculture; and

(B) does not include loans or purchases, or any part of any payment that is determined by the Secretary of Agriculture to represent compensation for resource adjustment (excluding land diversion payments and payment-in-kind acreage diversion payments) or public access for recreation.

(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules as the Secretary determines necessary to assure a fair and reasonable application of such limitation, except that the rules for determining whether corporations and their stockholders may be considered as separate persons shall be in accordance with the regulations issued by the Secretary on December 18, 1970, under section 101 of the Agricultural Act of 1970 (7 U.S.C. 1307).

FINALITY OF DETERMINATIONS

SEC. 1202. The first sentence of section 385 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1385) is amended by inserting "extra long staple cotton," after "upland cotton,".

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

SEC. 1203. Effective only for the marketing years for the 1986 through 1991 crops, section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended—

(1) in the third sentence, by striking out the language following the third colon and inserting in lieu thereof the following: "*Provided,* That, notwithstanding any other provision of law, the Corporation may sell for unrestricted use any of its stocks of wheat, corn, grain sorghum, barley, oats, rye, rice, sugar, and honey, respectively, at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such commodities.";

(2) in the fifth sentence, by striking out "current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)" and inserting in lieu thereof the following: "current basic county market intervention rate (or a comparable price if there is no current basic county market intervention rate)"; and

(3) in the seventh sentence, by striking out ", but in no event shall the purchase price exceed the then current support price for such commodities" and inserting in lieu thereof the following: "or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation's minimum sales price for such commodities for unrestricted use".

APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949

SEC. 1204. Effective only for the 1986 through 1991 crops of wheat, feed grains, upland cotton, and rice, subsection (k) of section 408 of the Agricultural Act of 1949 (7 U.S.C. 1428(k)) is amended to read as follows:

"(k)(1) Reference made in sections 402, 403, 406, 407, and 416 of this Act to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans and purchases for wheat, feed grains, upland cotton, and rice under this Act.

(2) References made to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) of this Act shall be considered as applying as well to loan and purchase operations for wheat, feed grains, upland cotton, and rice under this Act.".

NORMALLY PLANTED ACREAGE

SEC. 1205. Section 1001 of the Food and Agriculture Act of 1977 (7 U.S.C. 1309) is amended to read as follows:

"SEC. 1001. (a) Notwithstanding any other provision of law, whenever a set-aside program is in effect for one or more of the 1986 through 1991 crops of wheat or feed grains, the Secretary of Agriculture may require, as a condition of eligibility for loans, purchases, and payments for such crops under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), that producers not exceed the acreage on the farm normally planted to crops designated by the Secretary, adjusted as deemed necessary by the Secretary to be fair and equitable among producers and reduced by any set-aside or diverted acreage.

"(b) Such normal crop acreage for any crop year shall be determined as provided by the Secretary.

"(c) The Secretary may require producers participating in the program to keep such records as the Secretary determines necessary to assist in making such determination.".

PAYMENT OF INTEREST ON NONRECOURSE LOANS

SEC. 1206. Section 405 of the Agricultural Act of 1949 (7 U.S.C. 1425) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, any person who receives a price support loan (including an extended price support loan under section 110 of this Act) made under this Act by the Commodity Credit Corporation shall be liable for the payment of any interest that has accrued with respect to such loan.".

TITLE XIII—FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS

SUBTITLE A—FOOD STAMP INTEGRITY AND ACCOUNTABILITY

HOUSEHOLD DEFINITION

SEC. 1301. Section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following new sentence: "'Household' means (1) an individual who lives alone and customarily purchases food and prepares meals for home consumption; (2) except as provided in clauses (3) and (4), a group of individuals who live together and customarily purchase food and prepare meals for home consumption; (3) parents or siblings who, while living with others, purchase food and prepare meals for home consumption separate and apart from the others if one of the parents or siblings is an elderly or disabled member; or (4) at the option of the State agency, one or more individuals who, while living with others, customarily purchase food and prepare meals for home consumption separate and apart from the others.";

(2) by striking out "clause (1) of" in the second sentence; and

(3) by inserting after the second sentence the following new sentence: "Subject to the previous provisions of this subsection relating to parents and children, or siblings, who live together, a State agency may prescribe criteria to determine whether one or more individuals who, while living with others, customarily purchase food and prepare meals for home consumption separate and apart from the others qualify as a household under clause (4) of the first sentence of this subsection.".

STUDENT LOANS, GRANTS, AND INCOME

SEC. 1302. (a)(1) Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended by striking out clause (3).

(2) Section 5(f)(1)(B) of such Act (7 U.S.C. 2014(f)(1)(B)) is amended by striking out "nonexcluded income of the type described in subsection (d)(3) of this section" and inserting in lieu thereof "income from educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like".

(b) Section 6(e) of such Act (7 U.S.C. 2015(e)) is amended by adding at the end thereof the following new sentence: "The income and financial resources of an individual rendered ineligible to participate in the food stamp program as a result of this subsection shall be considered in determining the eligibility and the value of the allotment of the household of which the individual is a member.".

NONRECURRING LUMP-SUM PAYMENTS

SEC. 1303. (a) Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) (as

amended by section 1302(a)(1) of this Act) is further amended by striking out clause (8) and redesignating clauses (4), (5), (6), (7), (9), (10), (11), and (12) as clauses (3), (4), (5), (6), (7), (8), (9), and (10), respectively.

(b) Section 5(f)(1) of such Act (7 U.S.C. 2014(f)(1)) is amended—

(1) by inserting ", other than income of the type described in subparagraph (C)," after "one year" in subparagraph (A); and

(2) by adding at the end thereof the following new subparagraph:

"(C) Household income in the form of a nonrecurring lump-sum payment (including, but not limited to, an income tax refund, rebate, or credit, a retroactive lump-sum social security or railroad retirement pension payment, or a retroactive lump-sum insurance settlement) shall be treated in a manner consistent with the treatment of such income under section 402(a)(17) of the Social Security Act (42 U.S.C. 602(a)(17)).".

FINANCIAL RESOURCES

SEC. 1304. The second sentence of section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended—

(1) by striking out "and," after "$4,500,"; and

(2) by inserting before the period at the end thereof the following: ", and any real property (other than the principal dwelling house of the household, the lot upon which the house is situated (except that the amount of the lot which may be excluded shall be limited to ten acres), and a burial plot for each member of the household)".

ADMINISTRATIVE HEARINGS

SEC. 1305. (a) The first sentence of section 6(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(b)(1)) is amended by inserting ", after notice and an opportunity for a hearing," after "agency".

(b) Section 6(b)(2) of such Act is amended by striking out "way of adminstrative hearings, after notice and an opportunity for a hearing at the State level, or by" and inserting in lieu thereof "(A) issuing a notice that states the period of ineligibility and the basis for the finding of ineligibility and providing an opportunity for a hearing, or (B)".

ALIENS

SEC. 1306. The last sentence of section 6(f) of the Food Stamp Act of 1977 (7 U.S.C. 2015(f)) is amended by striking out "(less a pro rata share)".

CASH CHANGE

SEC. 1307. Section 7(b) of the Food Stamp Act of 1977 (7 U.S.C. 2016(b)) is amended by striking out ": *Provided further,*" and all that follows through the period at the end thereof and inserting in lieu thereof a period.

CERTIFICATION OF INFORMATION

SEC. 1308. Section 11(e)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)) is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a period; and

(2) by adding at the end thereof the following: "Each adult member of a household that is applying for a coupon allotment or is required to file a periodic or other report under section 6(c)(1) shall be required to certify in writing, under penalty of perjury, the truth of the information contained in the application for the allotment or the report, respectively;".

IMPROVED VERIFICATION

SEC. 1309. Section 11(e)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(3)) is amended—

(1) by striking out "only" after "verification";

(2) by striking out "other than that determined to be excluded by section 5(d) of this Act";

(3) by striking out "and" after "Act)" and inserting in lieu thereof ", household size, and such other eligibility factors as the State agency determines to be necessary, including";

(4) by striking out ", whether questionable or not, the size of any applicant household and"; and

(5) by inserting "and area" after "error-prone household".

EXPEDITED COUPON ISSUANCE

SEC. 1310. Paragraph (9) of section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(9)) is amended to read as follows:

"(9) at the option of the State agency, for the provision of coupons on an expedited basis to categories of households designated by the State agency to be in immediate need because such households each—

"(A)(i) have household income, as described in section 5(d), that is less than $85 per month; or

"(ii) are destitute migrant or seasonal farmworker households; and

"(B) have financial resources, as described in section 5(g), that do not exceed $100;".

PHOTOGRAPHIC IDENTIFICATION CARDS

SEC. 1311. Section 11(e)(16) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(16)) is amended—

(1) by striking out "in those" and all that follows through "integrity,";

(2) by striking out the semicolon at the end thereof and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following: "The State agency may permit a household to comply with this paragraph by presenting a photographic identification card used to receive assistance under a welfare or public assistance program;".

FRAUD DETECTION OFFICES

SEC. 1312. Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) is amended—

(1) by striking out "and" at the end of paragraph (20);

(2) by striking out the period at the end of paragraph (21) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraph:

"(22) in a project area in which five thousand or more households participate in the food stamp program, for the establishment and operation of an office to investigate, and assist in the prosecution of, fraud in the food stamp program;".

ELIGIBILITY FOR PARTICIPATION IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM

SEC. 1313. (a) Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021) is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), a retail food store or wholesale food concern which has been disqualified under subsection (a) shall be ineligible during the period of disqualification to participate in the special supplemental food program established by section 17 of such Act.".

(b) The second sentence of section 9(c) of such Act (7 U.S.C. 2018(c)) is amended by striking out "this Act or the regulations issued pursuant to this Act" and inserting in lieu thereof "this Act or section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) or the regulations issued to carry out this Act or such section".

LIABILITY FOR OVERISSUANCE OF COUPONS

SEC. 1314. Section 13(a) of the Food Stamp Act of 1977 (7 U.S.C. 2022(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) Each adult member of a household shall be jointly and severally liable for the value of any overissuance of coupons.".

COLLECTION OF CLAIMS

SEC. 1315. (a) The first sentence of section 13(b)(2)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2022(b)(2)(A)) is amended by striking out "and claims arising from an error of the State agency".

(b) Section 13(b) of such Act (7 U.S.C. 2022(b)) is amended—

(1) by striking out "may" each place it appears in paragraphs (1)(B) and (2)(B) and inserting in lieu thereof "shall"; and

(2) by inserting ", unless the State agencies demonstrate to the satisfaction of the Secretary that the other means are not cost effective" before the period at the end of paragraphs (1)(B) and (2)(B).

FOOD STAMP INTERCEPT OF UNEMPLOYMENT BENEFITS

SEC. 1316. (a) Section 13 of the Food Stamp Act of 1977 (7 U.S.C. 2022) is amended by adding at the end thereof the following new subsection:

"(c)(1) A State agency may determine on a periodic basis, from information supplied pursuant to section 3(b) of the Wagner-Peyser Act (29 U.S.C. 49b(b)), whether an individual receiving compensation under the State's unemployment compensation law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law) owes an uncollected overissuance.

"(2) A State agency may recover an uncollected overissuance—

"(A) by entering into an agreement with an individual described in paragraph (1) under which specified amounts will be withheld from unemployment compensation otherwise payable to the individual and furnishing a copy of the agreement to the State agency administering the unemployment compensation law, or

"(B) in the absence of an agreement, by obtaining a writ, order, summons, or other similar process in the nature of garnishment from a court of competent jurisdiction to require the withholding of amounts from the unemployment compensation.

"(3) As used in this subsection, the term 'uncollected overissuance' means the amount of an overissuance of coupons, as determined under subsection (b)(1), which has not been recovered pursuant to subsection (b)(1).".

(b)(1) Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) (as amended by section 1312 of this Act) is further amended by adding at the end thereof the following new paragraph:

"(23) at the option of the State, for procedures necessary to obtain payment of uncollected overissuance of coupons from unemployment compensation pursuant to section 13(c); and".

(2) Section 3(b) of the Wagner-Peyser Act (29 U.S.C. 49b(b)) is amended—

(A) by striking out "or" the second place it appears and inserting in lieu thereof a comma; and

(B) by inserting after "such Act," the following: "or of a State agency charged with the administration of the food stamp program in a State under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.),".

(3) Section 303(d) of the Social Security Act (42 U.S.C. 503(d)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2)(A) The State agency charged with the administration of the State law—

"(i) may require each new applicant for unemployment compensation to disclose whether the applicant owes an uncollected overissuance (as defined in section 13(c)(3) of the Food Stamp Act of 1977) of food stamp coupons,

"(ii) may notify the State food stamp agency to which the uncollected overissuance is owed that the applicant has been determined to be eligible for unemployment compensation if the applicant discloses under clause (i) that the applicant owes an uncollected overissuance and the applicant is determined to be so eligible,

"(iii) may deduct and withhold from any unemployment compensation otherwise payable to an individual—

"(I) the amount specified by the individual to the State agency to be deducted and withheld under this clause,

"(II) the amount (if any) determined pursuant to an agreement submitted to the State food stamp agency under section 13(c)(2)(A) of the Food Stamp Act of 1977, or

"(III) any amount otherwise required to be deducted and withheld from the unemployment compensation pursuant to section 13(c)(2)(B) of such Act, and

"(iv) shall pay any amount deducted and withheld under clause (iii) to the appropriate State food stamp agency.

"(B) Any amount deducted and withheld under subparagraph (A)(iii) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the State food stamp agency to which the uncollected overissuance is owed as repayment of the individual's uncollected overissuance.

"(C) For purposes of this paragraph, the term 'unemployment compensation' means any unemployment compensation payable under the State law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law).

"(D) A State food stamp agency to which an uncollected overissuance is owed shall reimburse the State agency charged with the administration of the State unemployment compensation law for the administrative costs incurred by the State agency under this paragraph which are attributable to repayment of uncollected overissuance to the State food stamp agency to which the uncollected overissuance is owed.".

(c)(1) The proviso of the first sentence of section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking out "section 13(b)(1) of this Act" and inserting in lieu thereof "section 13 (b)(1) and (c) of this Act".

(2) The first sentence of section 18(e) of such Act (7 U.S.C. 2027(e)) is amended by striking out "13 (b) of this Act" and inserting in lieu thereof "13 (b) and (c) of this Act".

STAYS OF ADMINISTRATIVE ACTION

SEC. 1317. The last sentence of section 14(a) of the Food Stamp Act of 1977 (7 U.S.C. 2023(a)) is amended—

(1) by striking out "an application" and inserting in lieu thereof "on application"; and

(2) by striking out "of irreparable injury" and inserting in lieu thereof "required under applicable law governing the granting of stays of such administrative action".

STATE AGENCY LIABILITY FOR ERRORS

SEC. 1318. (a) Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) by striking out subsection (c);

(2) in subsection (d)(2)(A)—

(A) by striking out "exceeds—" and all that follows through "subparagraph (B)," and inserting in lieu thereof "exceeds 3 per centum, the Secretary shall"; and

(B) by striking out "amounts" and inserting in lieu thereof "amount";

(3) by striking out subparagraph (B) of subsection (d)(2) and inserting in lieu thereof the following new subparagraph:

"(B) The Secretary shall institute an error rate liability program under which each State agency shall be liable to the Secretary for an amount equal to the product of multiplying—

"(i) the per centum by which the State agency's payment error rate for any fiscal year exceeds 3 per centum; by

"(ii) the total dollar value of all coupons issued by the State agency during the fiscal year."; and

(4) by striking out paragraph (3) of subsection (d) and inserting in lieu thereof the following new paragraph:

"(3)(A) With respect to each fiscal year, the Secretary shall—

"(i) determine the total dollar loss to the United States as a result of payment error rates above 3 per centum by all State agencies during the most recent quality control period for which federally-adjusted data is available and the proportion of the loss which was attributable to each State agency;

"(ii) estimate the total dollar loss to the United States as a result of payment error rates above 3 per centum by all State agencies during the fiscal year (based on the loss described in clause (i)) and the proportion of the estimated loss which the Secretary determines will be attributable to each State agency (based on the proportion described in clause (i)); and

"(iii) estimate the amount of the liability of each State agency under this subsection for the fiscal year (based on the proportion of the estimated loss described in clause (ii)).

"(B) The Secretary shall reduce a State agency's federally funded share of administrative costs by an amount equal to the estimated liability of the State agency under subparagraph (A)(iii).

"(C) If the estimated liability of the State agency under subparagraph (A)(iii) is more than the State agency's federally funded share of administrative costs, the State agency shall pay to the Secretary, at such times as the Secretary may require, an amount equal to the difference between the estimated liability of the State agency and the State agency's federally funded share of administrative costs.

"(D) After the end of each fiscal year—

"(i) the Secretary shall determine the actual liability of each State agency under paragraph (2) for the fiscal year; and

"(ii)(I) in any case in which the actual liability of the State agency for the fiscal year is less than the amount collected from the State agency under this paragraph during the fiscal year, the Secretary shall adjust the State agency's federally funded share of administrative costs in an amount equal to the difference between the actual liability of the State agency and the amount collected from the State agency; and

"(II) in any case in which the actual liability of the State agency for the fiscal year is more than the amount collected from the State agency under this paragraph during the fiscal year, the State shall pay to the Secretary an amount equal to the difference between the actual liability of the State agency and the amount collected from the State agency.".

(b)(1) Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) (as amended by subsection (a) of this section) is further amended by redesignating subsections (d) through (g) as subsections (c) through (f), respectively.

(2) Section 11(e)(3) of such Act (7 U.S.C. 2020(e)(3)) is amended by striking out "section 16(e)" and inserting in lieu thereof "section 16(d)".

(3) The second sentence of section 11(g) of such Act (7 U.S.C. 2020(g)) is amended by striking out "sections 16(a) and 16(c)" and inserting in lieu thereof "section 16(a)".

(4) Section 16(c)(2)(A) of such Act (as redesignated by paragraph (1) of this subsection) is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (f)".

(5) Section 18(e) of such Act (7 U.S.C. 2027(e)) is amended by striking out the second sentence.

(c) Notwithstanding section 16(g)(1) of the Food Stamp Act of 1977 (as it existed before the amendment made by section 180(a)(2) of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 782)) or section 16(d)(2)(A) of the Food Stamp Act of 1977 (as it existed before the amendment made by subsection (a)(2) of this section), a State agency shall pay to, or have withheld by, the Secretary of Agriculture the amount described in such section and may not be excepted from the payment or withholding of the amount on the basis of good cause as determined by the Secretary.

ADMINISTRATIVE COST-SHARING FOR AUTOMATIC DATA PROCESSING

SEC. 1319. Section 16(f) of the Food Stamp Act of 1977 (as amended by section 1318(b)(1) of this Act) is further amended—

(1) by inserting "(1)" after the subsection designation;

(2) in paragraph (1) (as designated by clause (1) of this section)—

(A) by striking out "75 per centum" and inserting in lieu thereof "the per centum referred to in paragraph (2)"; and

(B) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) The per centum referred to in this paragraph shall be—

"(A) for costs incurred during the fiscal year ending September 30, 1986, and the fiscal year ending September 30, 1987, 75 per centum;

"(B) for costs incurred during the fiscal year ending September 30, 1988, 70 per centum;

"(C) for costs incurred during the fiscal year ending September 30, 1989, 65 per centum;

"(D) for costs incurred during the fiscal year ending September 30, 1990, 60 per centum;

"(E) for costs incurred during the fiscal year ending September 30, 1991, 55 per centum; and

"(F) for costs incurred during the fiscal year ending September 30, 1992, and each fiscal year thereafter, 50 per centum.".

GEOGRAPHICAL ERROR-PRONE PROFILES

SEC. 1320. Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) (as amended by section 1318(b)(1) of this Act) is further amended by adding at the end thereof the following new subsection:

"(g)(1) The Inspector General of the Department of Agriculture may use quality control information made available under this section to determine which project areas have payment error rates (as defined in subsection (c)(1)) which impair the integrity of the food stamp program.

"(2) If the Inspector General determines under paragraph (1) that a project area has a payment error rate which impairs the integrity of the food stamp program, the Secretary may impose requirements on the State agency which administers the food stamp program in the project area which the Secretary determines are necessary to reduce the rate and which are consistent with the purposes of this Act.

"(3) No later than twelve months after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985, and each twelve months thereafter, the Secretary shall submit a report which lists project areas described in paragraph (1) and describes any requirements imposed on State agencies under paragraph (2) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

TRANSFER OF SALES TAX IMPOSED ON FOOD PURCHASED WITH FOOD STAMPS

SEC. 1321. Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) is amended by adding at the end thereof the following new subsection:

"(f)(1) If a State participated in the food stamp program in any fiscal year and in such fiscal year the State or any political subdivision thereof imposed a tax on the sale of food purchased with coupons, the State shall transfer to the Secretary of the Treasury as soon as practicable after the end of such fiscal year, but not later than December 1 of the fiscal year following the fiscal year in which the tax was imposed, an amount equal to the sum of—

"(A) the product obtained by multiplying—

"(i) the total value of coupons issued by the State agency of the State to all households during such fiscal year; by

"(ii) the rate of tax imposed by such State on the sale of food purchased with coupons during such fiscal year (as determined by the Secretary of Agriculture); and

"(B) the product obtained by multiplying—

"(i) the total value of coupons issued by the State agency of the State to all households within such political subdivision during such fiscal year; by

"(ii) the rate of tax imposed by such political subdivision on the sale of food purchased with coupons during such fiscal year (as determined by the Secretary of Agriculture).

"(2) If a State fails to transfer to the Secretary of the Treasury the amount of funds described in paragraph (1)—

"(A) the Secretary of the Treasury shall notify the Secretary of Agriculture of such failure; and

"(B) the Secretary of Agriculture may withhold, from funds which the State would otherwise be entitled to receive under section 16(a), the amount which the State failed to pay.".

ELIMINATION OF NONCASH BENEFIT REQUIREMENT FOR PUERTO RICO NUTRITION ASSISTANCE PROGRAM

SEC. 1322. Section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking out "noncash".

MANDATORY WORKFARE PROGRAM

SEC. 1323. Section 20(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2029(a)(1)) is amended by striking out "The" and all that follows through "Secretary to" and inserting in lieu thereof the following: "A State in which the food stamp program is in operation shall submit a plan to the Secretary, in compliance with guidelines promulgated by the Secretary, and".

SUBTITLE B—FOOD STAMP OPTIONAL BLOCK GRANT

FOOD STAMP OPTIONAL BLOCK GRANT

SEC. 1330. (a) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end thereof the following new section:

"STATE BLOCK GRANT OPTION

"SEC. 21. (a) As used in this section, unless the context otherwise requires:

"(1) The term 'Attorney General' means the Attorney General of the United States.

"(2) The term 'block grant State' means a State which is operating a low-income nutritional assistance program in accordance with this section.

"(3) The term 'Comptroller General' means the Comptroller General of the United States.

"(4) The term 'State' means the fifty States, the District of Columbia, Guam, and the Virgin Islands of the United States.

"(b)(1) A State may elect—

"(A) to operate a low-income nutritional assistance block grant program to finance expenditures for food assistance for needy persons within the State in accordance with this section, or

"(B) to participate in the food stamp program within the State in accordance with sections 2 through 18 and section 20.

"(2) If a State elects to operate a low-income nutritional assistance block grant program pursuant to paragraph (1)(A), the State shall give notice to the Secretary of such election at least thirty days before the beginning of the first fiscal year it elects to operate the program.

"(3) The Secretary shall make grants to block grant States in accordance with this section.

"(4) The Secretary shall retain each fiscal year, out of funds appropriated pursuant to the authorization contained in section 18(a)(1) for such fiscal year (other than the amount apportioned pursuant to section 19(a)), an amount which bears the same ratio to the total amount appropriated pursuant to such authorization as the amounts received by and benefits distributed in block grant States for the twelve-month period ending December 31, 1984, under this Act and section 8 of the Act of December 31, 1973 (Public Law 93-233; 42 U.S.C. 1382e note), bears to the total amount received by all States for such period under this Act and such section.

"(c)(1)(A) The Secretary shall allot to each block grant State in each fiscal year, out of funds retained under subsection (b)(4) for such fiscal year, an amount which bears the same ratio to the total amount of funds retained under such subsection as the amount received by and benefits distributed in such block grant State for the twelve-month period ending December 31, 1984, under this Act and section 8 of the Act of December 31, 1973 (Public Law 93-233; 42 U.S.C. 1382e note), bears to the total amount received by all such block grant States for such period under this Act and such section.

"(B) Notwithstanding subparagraph (A), no block grant State may receive for any fiscal year an amount less than one-quarter of 1 per centum of the amount appropriated pursuant to the authorization contained in section 18(a)(1) for such fiscal year which remains after the apportionment required by section 19(a). If one or more block grant States receive minimum allotments by virtue of this subparagraph, the total amount of funds available to other States shall be reduced by the total amount of allotments received by virtue of this subparagraph.

"(2)(A) If, with respect to any block grant State, the Secretary—

"(i) receives a request from the governing body of an Indian tribe or tribal organization within the block grant State that assistance under this section be made directly to the tribe or organization; and

"(ii) determines that the members of the tribe or tribal organization would be better served if grants to provide benefits under this section were made directly to such tribe or organization,

the Secretary shall reserve, from amounts which would otherwise be allotted to the block grant State under this section for the fiscal year, the amount determined under subparagraph (B).

"(B) The Secretary shall reserve for the purpose of subparagraph (A) from sums that would otherwise be allotted to the block grant State an amount which bears the same ratio to the block grant State's allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under this paragraph bears to the population of all individuals eligible for assistance under this section in the block grant State.

"(C) The sums reserved by the Secretary under this paragraph shall be granted to Indian tribes and tribal organizations on the basis of the relative number of individuals contained in the Indian tribes and tribal organizations for whom a determination has been made under this paragraph.

"(D) To be eligible for a grant under this paragraph in any fiscal year, an Indian tribe or tribal organization must submit to the Secretary a plan for the fiscal year which meets such criteria as the Secretary may prescribe by regulation.

"(d)(1) To be eligible for a grant under this section in any fiscal year, a block grant State must submit an application to the Secretary for the fiscal year. Each application shall be submitted at such time and in such form as the Secretary shall require.

"(2) No funds may be allotted to a block grant State for any fiscal year after the fiscal year in which such block grant State received funds under this section unless the legislature of the block grant State conducts public hearings, not less often than biennially, on the proposed use and distribution of funds to be provided under this section.

"(3) As part of the application required by paragraph (1), the chief executive officer of

each block grant State shall certify in writing that the block grant State will—

"(A) assess on a regular basis the food and nutrition needs of needy persons residing in the block grant State;

"(B) use the funds made available to it under this section to raise the level of nutrition among low-income households residing in that block grant State;

"(C) designate a single agency which shall be responsible for the administration, or supervision of the administration, of the program for which funds made available under this section are used;

"(D) provide that fiscal control and fund accounting procedures will be established to ensure the proper disbursal of and accounting for Federal funds paid to the block grant State under this section, including procedures for monitoring the program carried out by the block grant State with the assistance provided under this section;

"(E) provide for an audit (pursuant to paragraph (8)), not less often than biennially, of the block grant State's expenditures of amounts received under this section;

"(F) describe how the block grant State program will operate to carry out this paragraph, including a description of the assistance to be provided under the program, the recipients who will be eligible under the program, and the administering agency; and

"(G) comply with all the requirements of this paragraph and the public hearing requirement of paragraph (2).

"(4) The Secretary may not prescribe the manner in which the block grant States comply with paragraph (3). Each block grant State may prescribe, and the Secretary may not limit, standards of or requirements for eligibility for benefits under this section. Such standards or requirements may include a requirement for work or household contributions, or both, as a condition of eligibility for benefits under this section.

"(5) A grant made under this section may not be used by the block grant State, or by any person with whom the block grant State makes arrangements to carry out this section, for the purchase or improvement of land, or the purchase, construction, or permanent improvement of a building or other facility.

"(6)(A) The chief executive officer of each block grant State shall prepare and furnish to the Secretary a plan which describes how the block grant State will implement the assurances specified in paragraph (3). The chief executive officer of each block grant State may revise a plan prepared under this subparagraph and shall furnish a copy of the revised plan to the Secretary before its implementation.

"(B) A plan, including any revision of a plan, prepared under subparagraph (A) shall be made available for public inspection within the block grant State in a manner that will facilitate the review of, and comment on, the plan.

"(C) An Indian tribe or tribal organization which receives a grant under subsection (c)(2) shall not be a part of the plan submitted under this paragraph.

"(7) The Secretary may, upon a block grant State's request, provide technical assistance with respect to programs for the provision of assistance under this section, including technical assistance for the purpose of determining the feasibility of specific block grant plans under consideration by the block grant State.

"(8) Each block grant State shall provide for an annual audit of the funds provided to such block grant State under this section and shall have such audit conducted by an entity independent of the agency administering activities or services under this section. The audit shall be conducted in accordance with generally accepted accounting principles. Within thirty days after the completion of the audit, the chief executive officer of the block grant State shall submit a copy of the audit to the legislature of the block grant State and the Secretary.

"(9) The Comptroller General shall from time to time evaluate expenditures by block grant States of grants made under this section in order to ensure that expenditures are consistent with this section and to determine the effectiveness of the block grant State in accomplishing the purposes of this section.

"(e)(1) No person may on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, a program or activity funded with funds made available under this section. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to such a program or activity.

"(2) Whenever the Secretary determines that there has been a failure to comply with paragraph (1) or any applicable regulation pertaining to paragraph (1), the Secretary shall notify the chief executive officer of the block grant State and request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(C) take such other action as may be provided by law.

"(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever the Attorney General has reason to believe there has occurred a pattern or practice in violation of this subsection, the Attorney General may bring a civil action in an appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"(f)(1) The Secretary shall pay each block grant State the total allotment of funds for a fiscal year to which the block grant State is entitled under subsection (c) immediately after the Secretary has determined the amount of such allotment.

"(2) Payments made to a block grant State under this section for any fiscal year may be expended by the block grant State to carry out this section only in such fiscal year or in the succeeding fiscal year.

"(3) Any funds paid to a block grant State under subsection (c) which are not expended by the block grant State in the fiscal year for which they are paid or in the succeeding fiscal year may be expended by the block grant State on other social services provided pursuant to Federal law. The block grant State shall inform the Secretary of all such funds expended on other social services. If the block grant State elects not to expend all or part of the funds on other social services, the unexpended funds shall be returned to the Secretary and added to the amount made available for allotment to all the block grant States under subsection (b)(4) for the following fiscal year.

"(g)(1)(A)(i) A block grant State shall repay to the United States any amounts not expended other than in accordance with this section.

"(ii) The Secretary shall (in the absence of repayment by the block grant State under clause (i)) offset the amounts against any other amount to which the block grant State is or may become entitled under this section.

"(B)(i) The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a block grant State has failed to use funds in accordance with this section or an assurance made under subsection (d)(3).

"(ii) The Secretary, after adequate notice and an opportunity for a hearing conducted within the affected block grant State, shall withhold funds from a block grant State which fails to utilize its allotment substantially in accordance with this section or fails to meet an assurance made on behalf of the block grant State under subsection (d)(3).

"(C) Any funds repaid, offset, or withheld under this paragraph in any fiscal year shall be added to the amount made available for allotment to all the block grant States under subsection (b)(4) for the following fiscal year.

"(2) The Comptroller General may conduct investigations of the use of funds received under this section by a block grant State in order to ensure compliance with this section.

"(3)(A) In connection with an investigation conducted under this subsection, a block grant State shall make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General, upon a reasonable request, for examination, copying, or mechanical reproduction on or off the premises of the entity concerned.

"(B) The Secretary and the Comptroller General may not request information not readily available to a block grant State or require that information be compiled, collected, or transmitted in a form not already available.

"(h) Whoever knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any funds, assets, or property provided or financed under this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both. If the value of the funds, assets, or property involved is not over $200, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(i)(1) The Secretary, in consultation with the Comptroller General, shall evaluate possible alternate formulas for the allotment of funds to block grant States under subsection (c). The formulas shall provide for the equitable distribution of the funds to block grant States and take into account the population, number of low-income households, financial resources, levels of unemployment, and such other factors within the block grant States which the Secretary deems appropriate.

"(2) The Secretary shall report to Congress on the evaluation conducted pursuant to paragraph (1) no later than one year

after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985.".

(b) Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by striking out "As" in the matter preceding subsection (a) and inserting in lieu thereof "Except as provided in section 21(a), as".

SUBTITLE C—OTHER DEFICIT REDUCTION PROVISIONS AND REAUTHORIZATION

PURCHASE REQUIREMENT

SEC. 1340. (a) Section 3(b) of the Food Stamp Act of 1977 (7 U.S.C. 2012(b)) is amended by inserting "and any amount to be paid by the household for the allotment" before the period at the end thereof.

(b) The first sentence of section 4(a) of such Act (7 U.S.C. 2013(a)) is amended by inserting "which has a greater monetary value than the charge to be paid for the allotment by the households" before the period at the end thereof.

(c) Section 8 of such Act (7 U.S.C. 2017) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following new heading:

"VALUE OF AND CHARGES FOR ALLOTMENT";

(2) by inserting "which is in excess of the amount charged the household for the allotment" after "household" in subsection (b); and

(3) by adding at the end thereof the following new subsections:

"(e)(1) A household shall be charged for the allotments issued to them, except that—

"(A) allotments shall be issued without charge to a household containing an elderly or disabled member; and

"(B) allotments may be issued without charge to a household with an income of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary.

"(2) The amount of the charge shall represent a reasonable investment on the part of the household, except that the charge may not exceed 30 per centum of the household's income.

"(f) Funds derived from the charges made for allotments shall be promptly deposited, in a manner prescribed in regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purpose. The deposits shall be available, without limitation to fiscal years, for the redemption of coupons.".

(d) Section 11 of such Act (7 U.S.C. 2020) (as amended by section 1316(b)(1) of this Act) is further amended—

(1) by adding at the end of subsection (e) the following new paragraph:

"(24) notwithstanding any other provision of law, for the institution of procedures under which a household participating in the food stamp program may have any charges for its allotment deducted from any payment the household receives under title IV of the Social Security Act (42 U.S.C. 601 et seq.) and have its allotment distributed to it with the payment."; and

(2) in subsection (h), by striking out "Treasury" and all that follows through the period at the end thereof and inserting in lieu thereof "separate account established under section 8(f), a sum equal to the amount by which the value of any coupons issued as a result of the negligence or fraud exceeds the amount that was charged for the coupons under section 8(e)(2)".

(e) Section 15(a) of such Act (7 U.S.C. 2024(a)) is amended by inserting "purchase," after "for the".

(f) Section 18 of such Act (7 U.S.C. 2027) (as amended by section 1321 of this Act) is further amended—

(1) by adding after the first sentence of subsection (a) the following new sentence: "Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by the households for the allotments shall be transferred to and made a part of the separate account established under section 8(f).";

(2) by amending the first sentence of subsection (b) to read as follows: "In any fiscal year, the Secretary shall limit the value of coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for the fiscal year which is transferred to the separate account under subsection (a).."; and

(3) by adding at the end thereof the following new subsection:

"(g) If the Secretary determines that any of the funds in the separate account established under section 8(f) are no longer required to carry out this Act, the unneeded funds shall be paid into the miscellaneous receipts of the Treasury.".

ADJUSTMENT OF THRIFTY FOOD PLAN

SEC. 1341. Clause (8) of the second sentence of section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended by striking out "October 1, 1985, and each October 1 thereafter" and inserting in lieu thereof "January 1, 1987, and each January 1 thereafter".

INCOME STANDARDS OF ELIGIBILITY

SEC. 1342. Clause (2) of the first sentence of section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) is amended to read as follows:

"(2) in the case of a household that does not include an elderly or disabled member, the household's income (after the exclusions provided for in subsection (d) but before the deductions provided for in subsection (e)) exceeds the higher of—

"(A) such poverty line as in effect on January 1, 1985, by more than 30 per centum; or

"(B) the poverty line as described in clause (1).".

ADJUSTMENT OF DEDUCTIONS

SEC. 1343. Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) in the second sentence—

(A) by inserting "and" after "March 31," at the end of clause (1); and

(B) by striking out ", and (3)" and all that follows through the period and inserting in lieu thereof a period; and

(2) in the fourth sentence—

(A) by striking out "October 1, 1985, and each October 1 thereafter" in subclause (iii) of the proviso of clause (2) and inserting in lieu thereof "January 1, 1987, and each January 1 thereafter"; and

(B) in clause (3), by striking out ", on January 1, 1981" and all that follows through the period and inserting in lieu thereof a period.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 1344. The first sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking out "and" after "1984;"; and

(2) by inserting before the period at the end thereof the following: "; not in excess of $10,500,000,000 for the fiscal year ending September 30, 1986; not in excess of $11,000,000,000 for the fiscal year ending September 30, 1987; not in excess of $11,500,000,000 for the fiscal year ending September 30, 1988; and not in excess of $12,000,000,000 for the fiscal year ending September 30, 1989".

SUBTITLE D—GRACE COMMISSION RECOMMENDATIONS

COMPOSITION OF HOUSEHOLD FOR THRIFTY FOOD PLAN

SEC. 1350. Section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) (as amended by section 1341 of this Act) is further amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) by amending paragraph (1) (as designated by clause (1) of this section) to read as follows:

"(1) 'Thrifty food plan' means the diet required to feed a family of four persons as determined by the Secretary by multiplying—

"(A) the sum of the products obtained by multiplying—

"(i) the cost of food for each category of participants for whom such data is collected in establishing the thrifty food plan; by

"(ii) the percentage frequency of participation for such category; by

"(B) four."; and

(3) by redesignating clauses (1) through (8) of paragraph (2) (as designated by clause (1) of this section) as clauses (A) through (H), respectively.

CHILD NUTRITION ASSISTANCE

SEC. 1351. Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended—

(1) by inserting "except as provided in subsection (k)," after "(1)" in clause (1) of subsection (d); and

(2) by adding at the end thereof the following new subsection:

"(k)(1) Household income for purposes of the food stamp program shall include the value of any Federal assistance provided to members of a household during a month under the school lunch program, the school breakfast program, the child care food program, and the summer food service program for children established under the National School Lunch Act
(42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(2) For purposes of paragraph (1), the value of any Federal assistance provided to members of a household during a month under a program referred to in such paragraph shall be an amount, determined by the Secretary, obtained by multiplying—

"(A) the value of such assistance, as determined by multiplying—

"(i) the national average meal payment for each free meal served under such program, by

"(ii) the estimated national average number of free meals to be served to a participant during such month under such program,
rounded to the nearest whole dollar; by

"(B) the number of members of such household who are participating in such program.".

MINIMUM ALLOTMENT

SEC. 1352. Section 8(a) of the Food Stamp Act of 1977 (7 U.S.C. 2017(a)) is amended by striking out the colon after "dollar" and all that follows through the period and inserting in lieu thereof a period.

SUBTITLE E—COMMODITY DISTRIBUTION AMENDMENTS

EXTENSION OF COMMODITY DISTRIBUTION PROGRAM

SEC. 1360. Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking out "during fiscal years 1982, 1983, 1984, and 1985" and inserting in lieu thereof "during the period beginning October 1, 1985, and ending September 30, 1989".

ADMINISTRATIVE COSTS AND PILOT PROJECTS

SEC. 1361. Section 5(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended—

(1) by striking out "the Secretary (1) may" and all that follows through "and (2)" and inserting in lieu thereof "the Secretary"; and

(2) by striking out "1985" and inserting in lieu thereof "1989".

SUBTITLE F—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 1370. This title and the amendments made by this title shall become effective on October 1, 1985.

TITLE XIV—AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

REDIRECTION OF TECHNOLOGY DEVELOPMENT

SEC. 1401. The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1473 (7 U.S.C. 3319) the following new section:

"TECHNOLOGY DEVELOPMENT FOR SMALL AND MODERATE-SIZED FARMING OPERATIONS

"SEC. 1473A. It is the sense of Congress—

"(1) that the agricultural research, extension, and teaching activities conducted or financed by the Department of Agriculture relating to the development, application, and transfer of agricultural technology should emphasize technology that can be used by small and moderate-sized farming operations; and

"(2) such agricultural research, extension, and teaching activities relating to agricultural technology that cannot be used by small and moderate-sized farming operations should be discontinued as soon as is reasonably practicable after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985.".

COMPETITIVE RESEARCH GRANTS; MATCHING REQUIREMENT

SEC. 1402. (a) Section 2(b) of the Act of August 4, 1965 (7 U.S.C. 450i(b)) is amended by striking out the fifth sentence and inserting in lieu thereof the following new sentence: "To be eligible to receive a research grant made under this subsection, matching funds in an amount equal to 20 per centum of each such grant shall be provided from non-Federal sources by the recipient or recipients of such grant.".

(b) Section 2(b) of such Act (as amended by subsection (a) of this section) is further amended—

(1) by inserting "(1)" after the subsection designation;

(2) by redesignating clauses (1) through (6) of the third sentence as clauses (A) through (F), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Not less than 50 per centum of the funds made available to carry out applied research under this subsection shall be used to provide grants for research relating to the development and application of agricultural technology that can be used by small and moderate-sized farming operations, as determined by the Secretary.".

ELIMINATION OF SPECIAL RESEARCH GRANTS

SEC. 1403. (a) Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i) is further amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively.

(b)(1) Section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241) is amended by striking out "2(e), 2(f), and 2(h)" and inserting in lieu thereof "2(d), 2(e), and 2(g)".

(2) Section 1463(c) of such Act (7 U.S.C. 3311(c)) is amended by striking out "the special and competitive grants programs provided for in sections 2(b) and 2(c)" and inserting in lieu thereof "the competitive grants program provided for in section 2(b)".

(3) Clause (1) of section 1469 of such Act (7 U.S.C. 3315(1)) is amended by striking out "2(e), 2(f), and 2(h)" and inserting in lieu thereof "2(d), 2(e), and 2(g)".

(4) The first sentence of section 1473 of such Act (7 U.S.C. 3319) is amended by striking out "subsection (c)(2) and subsection (d)" and inserting in lieu thereof "subsection (c)".

EXTENSION ACTIVITIES RELATING TO SMALL AND MODERATE-SIZED FARMING OPERATIONS

SEC. 1404. Section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)) (commonly known as the "Smith-Lever Act") is amended by adding at the end thereof the following new sentence: "Not less than 50 per centum of the amounts received by the Federal Extension Service under this subsection shall be used for the delivery of agricultural technology that can be used by small and moderate-sized farming operations, as defined by the Secretary of Agriculture.".

ELIMINATION OF EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM

SEC. 1405. Section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following new subsection:

"(b) The Secretary may not conduct an expanded food and nutrition education program, currently conducted under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), after September 30, 1985.".

SPECIAL MATCHING RESEARCH PROGRAM FOR PRIVATE SECTOR TECHNOLOGY DEVELOPMENT

SEC. 1406. The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) (as amended by section 1401 of this Act) is further amended by inserting after section 1473A the following new section:

"SPECIAL TECHNOLOGY DEVELOPMENT RESEARCH PROGRAM

"SEC. 1473B. (a) Notwithstanding the provisions of chapter 63 of title 31, United States Code, the Secretary may enter into cooperative agreements with private agencies, organizations, and individuals to share the cost of research projects, or to allow the use of Federal facilities and services on a cost-sharing or cost reimbursable basis, to develop new agricultural technology to further the research programs of the Department of Agriculture.

"(b)(1) Beginning with the fiscal year ending September 30, 1986, and for each fiscal year thereafter through the fiscal year ending September 30, 1991, not less than 0.5 per centum of the funds appropriated to the Agricultural Research Service for such fiscal year may be used to carry out this section.

"(2) If funds set aside pursuant to this section are not expended through cash or unreimbursed in kind contributions, the Secretary may use such remaining funds for other research programs of the Agricultural Research Service of the Department of Agriculture in such manner and amount as the Secretary determines appropriate.

"(c)(1) To be eligible to receive a contribution under this section, matching funds in an amount equal to at least 50 per centum of such contribution shall be provided from non-Federal sources by the recipient or recipients of such contribution.

"(2) Funds received by the Secretary under this section shall be deposited in a separate account or accounts, to be available until expended. Such funds may be used to pay directly the costs of such research projects and to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs.

"(3) The total amount which may be made available under this section by the Secretary under any one research project in any fiscal year may not exceed $50,000. Such cash or in kind assistance contributed by the Secretary under this section to a particular research project may not exceed a total of $150,000.".

RESEARCH TO DEVELOP NEW AND ALTERNATIVE INDUSTRIAL USES FOR AGRICULTURAL CROPS

SEC. 1407. (a) The third sentence of section 2(b)(1) of the Act of August 4, 1965 (7 U.S.C. 450i(b)) (as amended by section 1402(b) of this Act) is further amended—

(1) by striking out "and" at the end of clause (E);

(2) by striking out the period at the end of clause (F) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(G) research to develop new and alternative industrial uses for agricultural crops.".

(b) Section 2(b) of such Act (as amended by section 1402(b) of this Act) is further amended by adding at the end thereof the following new paragraph:

"(3) Not less than 10 per centum of the amounts appropriated for the purposes of carrying out this subsection shall be used to carry out the research referred to in clause (G) of paragraph (1) of this subsection.".

CONTROLS FOR THE USE OF BIOTECHNOLOGY IN AGRICULTURAL APPLICATIONS

SEC. 1408. Section 1405 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) establish appropriate controls with respect to the development and use of biotechnology in agricultural applications."

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 1409. (a) The last sentence of section 2(b)(1) of the Act of August 4, 1965 (7 U.S.C. 450i(b)) (as amended by section 1402(b) of this Act) is further amended—

(1) by striking out "and" after "1981,"; and

(2) by inserting "and $65,000,000 for each of the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991," after "1985,".

(b)(1) Section 1417(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(d)) is amended—

(A) by striking out "and" after "1984,"; and

(B) by inserting "September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991," after "1985,".

(2) The first sentence of section 1433(a) of such Act (7 U.S.C. 3195(a)) is amended by striking out "1985" and inserting in lieu thereof "1991".

(3) The third sentence of section 1444(a) of such Act (7 U.S.C. 3221(a)) is amended by striking out "1985" and inserting in lieu thereof "1991".

(4) Section 1463(a) of such Act (7 U.S.C. 3311(a)) is amended by striking out "the fiscal year ending September 30, 1985" and inserting in lieu thereof "each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991".

(5) Section 1463(b) of such Act (7 U.S.C. 3311(b)) is amended by striking out "the fiscal year ending September 30, 1985" and inserting in lieu thereof "each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991".

(6) Section 1464 of such Act (7 U.S.C. 3312) is amended by striking out "the fiscal year ending September 30, 1985" and inserting in lieu thereof "each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991".

(7) Section 1477(a) of such Act (7 U.S.C. 3324(a)) is amended by striking out "1985" and inserting in lieu thereof "1991".

(8) Section 1483(a) of such Act (7 U.S.C. 3336(a)) is amended by striking out "1985" and inserting in lieu thereof "1991".

TITLE XV—HIGHLY ERODIBLE LAND CONSERVATION

DEFINITIONS

SEC. 1501. For purposes of this title:

(1) The term "agricultural commodity" means any agricultural product planted and produced by annual tilling of the soil, including one-trip planters.

(2) The term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the land capability classification systems in effect on the date of enactment of this Act. The land capability class for a field shall be that determined by the Secretary to be the predominant class under regulations issued by the Secretary.

(3) The term "Secretary" means the Secretary of Agriculture.

PROGRAM INELIGIBILITY

SEC. 1502. Except as provided in section 1503 and notwithstanding any other provision of law, following the date of enactment of this Act, any person who produces an agricultural commodity on highly erodible land shall be ineligible, as to any of that commodity produced during that crop year by such person, for—

(1) any type of price support, income assistance, or production adjustment payments for such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(2) a loan for the construction or purchase of a facility for the storage of such commodity made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(3) crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(4) a disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(5) a new loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), or any other provision of law administered by the Farmers Home Administration, if the Secretary determines that such loan will be used for a purpose that will contribute to excessive erosion of highly erodible land.

EXCEPTIONS

SEC. 1503. Section 1502 shall not apply to any of the following:

(1) Any land that was cultivated by a person to produce any of the 1976 through 1985 crops of agricultural commodities.

(2) Any crop of an agricultural commodity planted by a person before the date of enactment of this Act.

(3) Any crop of an agricultural commodity planted by a person during any crop year beginning before the date of enactment of this Act.

(4) Any loan described in section 1502 made before the date of enactment of this Act.

(5)(A) Any crop of an agricultural commodity produced using a conservation system that has been approved by a soil conservation district and that is based on technical standards set forth in the Soil Conservation Service technical guide for that soil conservation district.

(B) In areas where no soil conservation district exists, the Secretary shall determine the adequacy of the conservation system to be used in the production of any agricultural commodity on highly erodible land.

USE OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY COMMITTEES IN ADMINISTRATION

SEC. 1504. To ensure compliance with the provisions of this title on the part of those persons participating in the programs described in section 1502, as well as fair and equitable treatment in the application of this title, the Secretary shall use the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) in the administration of this title.

APPEAL OF LAND CLASSIFICATION

SEC. 1505. The Secretary shall establish, by regulation, an appeal procedure under which a person who produces an agricultural commodity on land classified as class IVe, VIe, VII, or VIII land under the land capability classification systems applicable under this title may seek review of such classification.

COMPLETION OF SOIL SURVEYS

SEC. 1506. (a) The Secretary shall, as soon as is practicable after the date of enactment of this Act, complete soil surveys on those private lands that do not have a soil survey suitable for use in determining the land capability class for purposes of this title.

(b) In carrying out subsection (a), the Secretary shall, insofar as possible, concentrate on those localities where significant amounts of highly erodible land are being converted to the production of agricultural commodities.

TITLE XVI—AGRICULTURAL CREDIT

REAL ESTATE LOANS

SEC. 1601. Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law:

"(1) Except with respect to low-income, limited resource borrowers, insured loans under this subtitle for the purposes set forth in section 303 may be made only to applicants who had loans outstanding under this subtitle on the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985.

"(2) The Secretary may not make, insure, or guarantee loans under this subtitle for the purposes set forth in section 303 after September 30, 1991.".

WATER, WASTE FACILITY, AND COMMUNITY FACILITY LOANS

SEC. 1602. Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Notwithstanding any other provision of law, the Secretary may not make, insure, or guarantee loans, or make grants, under subsection (a)—

"(1) for recreational development and community facilities after September 30, 1985, or

"(2) for water, drainage, or waste disposal facilities after September 30, 1986.".

INTEREST RATES FOR REAL ESTATE LOANS

SEC. 1603. Section 307(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)) is amended—

(1) by striking out "and (6)" in paragraph (2) and inserting in lieu thereof "(6), (7), and (8)";

(2) by striking out "paragraph (6)" in paragraph (3)(A) and inserting in lieu thereof "paragraphs (6) and (8)"; and

(3) by adding at the end thereof the following new paragraph:

"(7)(A)(i) Except as provided in subparagraph (B), effective for the fiscal year ending September 30, 1988, the Secretary shall increase the rates of interest charged on loans made during such year for farm ownership purposes under this subtitle (except for guaranteed loans) from the rates prevailing at the close of the preceding fiscal year by an amount not less than 1 per centum, nor more than 1.25 per centum.

"(ii) In each succeeding fiscal year, the Secretary shall increase the rates of interest on loans made during such year for farm ownership purposes under this subtitle (except for guaranteed loans) from the rates prevailing at the close of the preceding fiscal year by an amount not less than 1 per centum, nor more than 1.25 per centum, until such loans are offered to eligible loan

applicants at rates of interest approximately equal to the rates prevailing in the private market for similar loans.

"(iii) The Secretary may not establish rates of interest on loans made under this subtitle that exceed the rates prevailing in the private market for similar loans.

"(B) This paragraph shall not apply—

"(i) to any loan made under this subtitle when such loan is part of a deferral, consolidation, rescheduling, or reamortization of a prior loan made for farm ownership purposes under this subtitle and the prior loan was made before the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985, and

"(ii) to loans for which the interest rate is determined under paragraph (3)(B) of this subsection.".

BUSINESS AND INDUSTRIAL LOAN PROGRAM

SEC. 1604. Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law, the Secretary may not make, insure, or guarantee loans, or make grants, under this section after September 30, 1985.".

INSURED OPERATING LOANS

SEC. 1605. Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, except with respect to low-income, limited resource borrowers, insured loans under this subtitle for the purposes set forth in section 312 may be made only to those applicants that had loans outstanding under this subtitle on the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985.".

INTEREST RATES FOR INSURED OPERATING LOANS

SEC. 1606. Section 316(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a)) is amended—

(1) by striking out "loans as provided in paragraphs (2) and (3)" in the second sentence of paragraph (1) and inserting in lieu thereof "loans as provided in paragraphs (2), (3), and (4)"; and

(2) by adding at the end thereof the following new paragraph:

"(4)(A)(i) Except as provided in subparagraph (B), effective for the fiscal year ending September 30, 1988, the Secretary shall increase the rates of interest charged on loans made during such year under this subtitle (except for guaranteed loans and loans as provided in paragraph (2)) from the rates prevailing at the close of the preceding fiscal year by an amount not less than 1 per centum, nor more than 1.25 per centum.

"(ii) In each succeeding fiscal year, the Secretary shall increase the rates of interest on loans made during such year under this subtitle (except for guaranteed loans and loans as provided in paragraph (2)) from the rates prevailing at the close of the preceding fiscal year by an amount not less than 1 per centum, nor more than 1.25 per centum, until all such loans are offered to eligible loan applicants at rates of interest approximately equal to the rates prevailing in the private market for similar loans.

"(iii) The Secretary may not establish rates of interest on loans made under this subtitle that exceed the rates prevailing in the private market for similar loans.

"(B) This paragraph shall not apply to any loan made under this subtitle when such loan is part of a deferral, consolidation, rescheduling, or reamortization of a prior loan made for farm operating purposes under this subtitle and the prior loan was made before the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985.".

EMERGENCY LOAN LIMITATION

SEC. 1607. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following new sentence: "No financial assistance shall be made available under this subtitle for production losses that the applicant could have insured against under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).".

AUTHORITY TO SETTLE CLAIMS

SEC. 1608. Subsection (d) of section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(d)) is amended to read as follows:

"(d) compromise, adjust, reduce, or charge-off claims, and adjust, modify, subordinate, or release the terms of security instruments, leases, contracts, and agreements entered into or administered by the Farmers Home Administration under any of its programs, as circumstances may require, to carry out the purposes of this title. The Secretary may release borrowers or others obligated on a debt incurred under this title from personal liability with or without payment of any consideration at the time of the compromise, adjustment, reduction, or charge-off of any claim, except that no compromise, adjustment, reduction, or charge-off of any claim shall be made or carried out on terms more favorable than those recommended by the appropriate county committee utilized pursuant to section 332 of this title, nor shall such action be taken after the claim has been referred to the Attorney General, unless the Attorney General so agrees;".

AUTHORIZATION OF LOAN AMOUNTS

SEC. 1609. Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) (as amended by section 607 of the Emergency Agricultural Credit Act of 1984 (Public Law 98-258; 98 Stat. 140)) is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a) Effective October 1, 1985, the aggregate principal amount of loans under the programs authorized under each subtitle of this title during each fiscal year thereafter shall not exceed such amounts as may be authorized by law after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985. From amounts authorized for loans under this Act, the Secretary may determine the aggregate principal amount of loans to be made as insured loans and the aggregate principal amount of loans to be guaranteed.

"(b)(1) Loans for each of the fiscal years 1986 through 1991 are authorized to be insured, or made to be sold and insured, or guaranteed from the Agricultural Credit Insurance Fund as follows:

"(A) farm ownership loans under subtitle A of this title for the fiscal year ending September 30, 1986, $700,000,000; for the fiscal year ending September 30, 1987, $584,000,000; for the fiscal year ending September 30, 1988, $468,000,000; for the fiscal year ending September 30, 1989, $352,000,000; for the fiscal year ending September 30, 1990, $236,000,000; for the fiscal year ending September 30, 1991, $120,000,000;

"(B) operating loans under subtitle B of this title, $3,500,000,000 for each of the fiscal years 1986 through 1991; and

"(C) emergency loans under subtitle C of this title in such amounts as are necessary to meet the needs resulting from natural disasters.

"(2) Water and sewer facility loans for the fiscal year ending September 30, 1986, are authorized to be insured, or made to be sold and insured, from the Rural Development Insurance Fund in the amount of $75,000,000.";

(2) by striking out subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

TITLE XVII—EFFECTIVE DATE

SEC. 1701. Except as otherwise provided herein, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

SUMMARY OF AGRICULTURE, FOOD, TRADE, AND CONSERVATION ACT OF 1985

TITLE I—AGRICULTURAL EXPORTS AND PUBLIC LAW 480

Subtitle A—Commercial export programs

Intermediate export credit. Revises the intermediate export credit financing authority as follows:

Authorizes the Secretary of Agriculture to guarantee loans of 3 to 10 yearts in length that are made to finance export sales of agricultural commodities;

Requires that export sales financed or guaranteed under this provision be made to purchasers from countries that (1) previously received assistance under title I of Public Law 480 and (2) are unable to use other Department of Agriculture short-term export credit programs;

Expands the uses for which export credit financing and guarantees may be made available to include promotion of export sales of agricultural commodities;

Requires the Commodity Credit Corporation to make available not less than $1,000,000,000 for each of the fiscal years 1986, 1987, and 1988 and not more than $1,000,000,000 for each of the fiscal years 1989, 1990, and 1991 for purposes of financing or guaranteeing export sales of agricultural commodities under the intermediate credit provision.

Dairy product exports. Requires the Secretary of Agriculture to sell for export during each of fiscal years 1986, 1987, and 1988, a minimum of 150,000 metric tons of dairy products owned by the Commodity Credit Corporation. These dairy product sales are to be made at such prices as the Secretary deems appropriate, and the Secretary is to report semiannually to Congress the volume of dairy products sold under this provision.

Expansion of foreign markets. Authorizes the Secretary of Agriculture to establish and carry out an export payment-in-kind program using surplus Commodity Credit Corporation agricultural commodities and products thereof, including wheat, feed grains, upland cotton, rice, and dairy products.

Cargo preference requirements. Provides that the cargo preference laws of the United States will not apply to future export payment-in-kind, blended credit, and emergency food relief activities of the Department of Agriculture or the Commodity Credit Corporation.

Agricultural trade negotiations. Expresses the sense of Congress that the President should initiate a new round of multilateral trade negotiations with U.S. trading partners to (1) strengthen the General Agreement on Tariffs and Trade (GATT), (2) im-

prove the dispute settlement procedures of the GATT, and (3) bring agricultural trade issues within the purview of strengthened and more effective GATT rules and procedures.

Targeted export credit assistance. For each of the fiscal years 1986 through 1988, requires the Secretary of Agriculture to use not less than $325,000,000 of funds of the Commodity Credit Corporation (or an equal value of CCC-owned commodities) for export activities to assist in the export of U.S. agricultural commodities and products that have been adversely affected by price or credit subsidies or unfair marketing arrangements or trading practices employed in connection with foreign agricultural exports. For fiscal years 1989 through 1991, requires the Secretary to use such funds of CCC (or CCC-owned commodities) as are necessary to assist in the export of affected U.S. commodities.

Value-added and protein fortified products. In connection with the donation of commodities under the Public Law 480 program, requires the President to consider (1) the advantages to be gained from the donation of processed and protein-fortified products under Public Law 480 and (2) the nutritional needs of the recipients. Also requires the President to take steps to ensure that an appropriate part of the commodities donated under Public Law 480 is in the form of processed and protein-fortified products. Expresses the sense of Congress that the Secretary fund export market development programs for value-added farm products and processed foods at higher levels than during fiscal year 1985.

Barter of agricultural commodities. Requires the Commodity Credit Corporation, to the maximum extent practicable, in consultation with the Secretary of State, to use CCC commodities to barter for strategic and critical materials. Also provides that if the volume of petroleum products stored in the Strategic Petroleum Reserve is less than the level prescribed by law, the Commodity Credit Corporation must, to the maximum extent practicable, with approval of the Secretary of Agriculture and in consultation with the Secretary of Energy and the Secretary of State, accept petroleum products in exchange for CCC commodities and tranfer such products, without reimbursement, to the Strategic Petroleum Reserve.

Study of secondary market for CCC guaranteed obligations. Requires the Secretary of Agriculture to conduct a study of the feasibility and effect of permitting obligations guaranteed by the Commodity Credit Corporation under the export credit sales programs to be traded in a secondary market. Requires a report on the study to the agriculture committees of the House and Senate within 1 year after enactment of the bill.

Subtitle B—Public Law 480 and related programs

Private enterprise development. Amends the Public Law 480 program to provide foreign currencies for private enterprise development as follows:

Authorizes the Secretary of Agriculture to finance credit sales of agricultural commodities on tems that permit repayment in foreign currency; this is in addition to current authorities for sales for dollars or local currencies convertible to dollars;

Authorizes the Secretary of Agriculture to enter into agreements with financial intermediaries in developing countries for the use of the foreign currencies generated from sales of U.S. agricultural commodities under title I of Public Law 480 made after the date of enactment of the bill subject to the following conditions:

The foreign currency would be loaned to financial intermediaries for use in funding loans for private enterprise investment, giving strong preference to agriculture and agriculturally related investment;

No loan funds could be used to finance State-owned entities or ventures;

No loan funds could be used to produce commodities or products that would compete with United States commodities or products;

Private enterprise entities receiving loans under this provision must be owned solely by citizens of the developing country, with the exception that the entity may have as much as 25 percent U.S. ownership.

Food for Development Program. Eliminates the requirement that the aggregate value of all agreements entered into under title III (Food for Development Program) be at least 15 percent of the aggregate value of all agreements under title I.

Extension of program. Extends Public Law 480 for 6 years (through fiscal year 1991).

Food for progress. Provides for a 4-year program under which the President could donate up to 500,000 metric tons of surplus Commodity Credit Corporation commodities per year through multiyear commitments to developing countries. These donations would be in addition to any current assistance and would be designed to encourage those countries to reform their agricultural economic policies. The program would—

Provide developing countries intending to move away from centralized economic systems with a multiyear commitment of U.S. surplus food during their transition to growth oriented agricultural policies;

Be coordinated by the President through the National Security Adviser;

Authorize the Commodity Credit Corporation, to pay transportation and processing costs up to $30 million per year. Any further sums would have to be appropriated in advance;

Not be subject to the cargo preference laws.

The President would report annually to Congress on the implementation of the program and the progress being made by recipient countries.

Use abroad of Commodity Credit Corporation stocks. Expands the kinds of Commodity Credit Corporation stocks that may be donated abroad under section 416 of the Agricultural Act of 1949 to include all food commodities and the products thereof (now limited to dairy products and wheat).

TITLE II—DAIRY

Dairy price support. Extends ther dairy price support (purchase) program for 6 years (through fiscal year 1991) with the following provisions:

Sets the support level for milk for fiscal year 1986 at $11.60 per hundredweight;

Provides that the support level for each of the fiscal years 1987 through 1991 would be the level at the end of the preceding year adjusted by the Secretary of Agriculture based on his estimate of net Government price support purchases of dairy products for the ensuing year as follows:

Projected purchases for ensuing fiscal year	Adjust support level
10+ billion pounds	−$1.00
7.5 to 9.9 billion pounds	−.75
6 to 7.4 billion pounds	−.50
4 to 5.9 billion pounds	−.25
2 to 3.9 billion pounds	−.00
0 to 1.9 billion pounds	+.25

Authorizes the Secretary, once during each of the fiscal years 1987 through 1991, to increase the price support level by 50 cents per cwt. if needed to ensure an adequate supply of milk.

Federal milk marketing orders. Continues until December 31, 1991, three provisions in the 1981 farm bill:

Extends authority to include seasonal base and "Louisville" plans in Federal milk marketing orders to encourage dairy farmers to pattern their seasonal milk production to meet market needs;

Requires the convening of a hearing to amend a Federal milk marketing order if one-third or more of the producers supplying the market petition for such a hearing;

Requires that minimum prices under Federal milk marketing orders be such as to ensure sufficient milk to meet current needs and to ensure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs.

TITLE III—WOOL AND MOHAIR

Price support program. Extends the wool and mohair price support program through the 1991 marketing year as follows:

Continues the incentive payment program;

Repeals the current price support formula;

Establishes the support price for shorn wool for each marketing year at the larger of (1) the preceding year's level less 15 percent or (2) the average price received by producers for shorn wool during the preceding 5 marketing years, excluding the high and the low years. Once the support price reaches the preceding 5-year average market price, that becomes the basis for determining the support price;

Continues the support level for pulled wool and mohair in relation to the level for shorn wool.

TITLE IV—WHEAT

Wheat price support and acreage reduction program. Provides for a loan and deficiency payment program for the 1986 through 1991 crops of wheat as follows:

Allows the Secretary of Agriculture to set the loan and purchase level (called the market intervention rate) for wheat between 75 and 85 percent of the average price received by farmers for wheat during the preceding 5 years, with the high and low years excluded. Separate market intervention rates would be required for the 5 major classes of wheat;

Provides for deficiency payments and permits the Secretary to set the target price (called the Federal guaranteed price) for wheat between 110 and 125 percent of the market intervention rate;

Authorizes reduced yield disaster payments for producers for whom Federal crop insurance is not available;

Authorizes acreage limitation, set-aside, and paid diversion programs for wheat if needed to protect against overproduction. The acreage base for any acreage reduction would be the acreage planted to wheat in the previous year or the average acreage planted in the 3 previous years;

Authorizes multiyear land diversion contracts in lieu of an annual paid diversion program in any year the Secretary decides a

paid diversion program is necesary, if the Secretary also determines that such contracts would be as cost effective as an annual program;

As a condition of eligibility for program benefits, requires producers to use conservation practices determined by the local soil and water conservation district to be appropriate for the area.

Suspension of permanent law. Suspends for 6 years certain permanent provisions of law relating to marketing quotas, certificate requirements, and price support for wheat.

TITLE V—FEED GRAINS

Feed grain price support and acreage reduction program. Provides for a loan and deficiency payment program for the 1986 through 1991 crops of feed grains as follows:

Allows the Secretary of Agriculture to set the loan and purchase level (called the market intervention rate) for corn between 75 and 85 percent of the average price received by farmers for corn during the preceding 5 years, with the high and low years excluded. Loans and purchases for grain sorghums, barley, oats, and rye would be made at levels that are fair and reasonable in relation to the market intervention rate for corn;

Provides for deficiency payments and permits the Secretary to set the target price (called the Federal guaranteed price) for corn between 110 and 125 percent of the market intervention rate. The target prices for the other feed grains would be set at levels that are fair and reasonable in relation to the Federal guaranteed price for corn;

Authorizes reduced yield disaster payments for producers for whom Federal crop insurance is not available;

Authorizes acreage limitation, set-aside, and paid diversion programs for feed grains if needed to protect against overproduction. The acreage base for any acreage reduction would be the acreage planted to feed grains in the previous year of the average acreage planted in the 3 previous years;

Authorizes multiyear land diversion contracts in lieu of an annual paid diversion program in any year the Secretary decides a paid diversion program is necessary, if the Secretary also determines that such contracts would be as cost effective as an annual program;

As a condition of eligibility for program benefits, requires producers to use conservation practices determined by the local soil and water conservation district to be appropriate for the area.

Suspension of permanent law. Suspends for 6 years certain permanent provisions of law relating to price support for feed grains.

TITLE VI—COTTON

Upland cotton price support and acreage reduction program. Provides for a loan and deficiency payment program for the 1986 through 1991 crops of upland cotton as follows:

Allows the Secretary of Agriculture to set the loan level (called the market intervention rate) for upland cotton at the lower of (1) a percentage, between 75 and 85 percent, of the average United States spot market price for Strict Low Midding 1 1/16 inch upland cotton during the preceding 5 years, with the high and low years excluded, or (2) a percentage, equal to the percentage used in clause (1) plus 5, of the average Northern Europe price for Middling 1 3/32 inch upland cotton, as determined under a formula set out in the bill;

Authorizes extension of loans, at the producer's request, for an additional 8 months beyond the normal 10-month term unless the average price of upland cotton for the preceding month exceeded 130 percent of the average price for the preceding 36 months, in which event a special import quota would be proclaimed;

Provides for deficiency payments and permits the Secretary to set the target price (called the Federal guaranteed price) for upland cotton between 110 and 125 percent of the market intervention rate;

Authorizes reduced yield disaster payments for producers for whom Federal crop insurance is not available;

Authorizes acreage limitation and paid diversion programs for upland cotton if needed to protect against overproduction. The acreage base for any acreage reduction would be the acreage planted to upland cotton in the previous year or the average acreage planted in the 3 previous years;

Authorizes multiyear land diversion contracts in lieu of an annual paid diversion program in any year the Secretary decides a paid diversion program is necessary, if the Secretary also determines that such contracts would be as cost effective as an annual program;

As a condition of eligibility for program benefits, requires producers to use conservation practices determined by the local soil and water conservation district to be appropriate for the area;

Requires the Secretary to make available to producers recourse loans on seed cotton using existing authorities under the Commodity Credit Corporation Charter Act.

Suspension of permanent law. Suspends for 6 years certain permanent provisions of law relating to base acreage allotments, marketing quotas, and price support for upland cotton.

CCC sales price restrictions. Requires the Commodity Credit Corporation to sell cotton for unrestricted use at the same prices as it sells cotton for export, but in no event at less than prices the Secretary determines are appropriate to maintain and expand export and domestic markets for cotton.

TITLE VII—RICE

Rice price support and acreage reduction program. Provides for a loan and deficiency payment program for the 1986 through 1991 crops of rice as follows:

Allows the Secretary of Agriculture to set the loan and purchase level (called the market intervention rate) for rice between 75 and 85 percent of the average price received by farmers for rice during the preceding 5 years, with the high and low years excluded. Separate market intervention rates would be required for (1) long grain rice and (2) short and medium grain rice;

Provides for deficiency payments and permits the Secretary to set the target price (called the Federal guaranteed price) between 110 and 125 percent of the market intervention rate;

Authorizes reduced yield disaster payments for producers for whom Federal crop insurance is not available;

Authorizes acreage limitation and paid diversion programs for rice if needed to protect against overproduction. The acreage base for any acreage reduction would be the acreage planted to rice in the previous year or the average acreage planted in the 3 previous years;

Authorizes multiyear land diversion contracts in lieu of an annual paid diversion program in any year the Secretary decides a paid diversion program is necessary, if the Secretary also determines that such contracts would be as cost effective as annual program;

As a condition of eligibility for program benefits, requires producers to use conservation practices determined by the local soil and water conservation district to be appropriate for the area.

TITLE VIII—PEANUTS

Peanut poundage quota and price support programs. Generally extends the poundage quota and price support programs applicable to the 1982 through 1985 crops of peanuts to the 1986 through 1991 crops. As extended, the legislation provides as follows:

Establishes an annual national poundage quota for peanuts of 1,100,000 tons, with authority for the Secretary of Agriculture to increase the quota to meet estimated requirements for domestic edible use and a reasonable carryover;

Establishes farm poundage quotas for each farm which had a quota for the 1985 crop;

Requires approval of the quota program by two-thirds of the peanut farmers voting in a referendum, with a new referendum to be held after each 3-year period;

Continues the two-tier system of peanut production with (1) "quota" peanuts being those marketed from a farm with a farm poundage quota and that are within the poundage quota for that farm, and (2) "additional" peanuts being those marketed in excess of farm poundage quotas or from farms without a farm poundage quota;

Provides that the penalty for marketing peanuts for domestic edible use in excess of a farm poundage quota would be 140 percent of the support price for quota peanuts. The marketing of additional peanuts is subject to the same penalty unless the additional peanuts are placed under loan, are marketed through are marketing associations, or are marketed under contracts with handlers for crushing or export;

Changes the date for submitting contracts with handlers for the purchase of additional peanuts from April 15 to June 15;

Continues the two-tier price support system for quota and additional peanuts. The quota support rate would be the support rate for the preceding year adjusted to reflect any increase during the preceding calendar year in the national average cost of peanut production, with any adjustment limited to not more than 6 percent. The support rate for additional peanuts would be set by the Secretary taking into consideration domestic and foreign demand and prices but would be required to be such as to result in no program losses to the Commodity Credit Corporation;

Prevents the Secretary from permitting peanuts which are grown within the poundage quota but which have defects from being supported at the quota support level;

Requires the Secretary to make warehouse storage loans available to designated area marketing associations (except cooperatives engaged in activities with respect to peanuts other than handling CCC price support operations), and to use the associations in administrative and supervisory activities relating to price support and marketing.

Suspension of permanent law. Suspends for 6 years certain permanent provisions of law relating to marketing quotas, acreage allotments, and price support for peanuts.

TITLE IX—SOYBEANS

Soybean price support program. Extends the price support program applicable to the 1982 through 1985 crops of soybeans to the

1986 through 1991 crops. As extended, the legislation provides as follows:

Requires that the price of soybeans be supported through loans and purchases at a level (called the market intervention rate) equal to 75 percent of the average price received by farmers for soybeans during the preceding 5 years, with the high and low years excluded;

Provides that the Secretary of Agriculture may not require participation in any production adjustment program as a condition of eligibility for soybean price support, that soybeans may not be considered an eligible commodity for any reserve program, and that the Secretary may not make payments to farmers to cover the cost of storing soybeans.

TITLE X—SUGAR AND HONEY

Support program for sugar. Extends the price support program for sugar beets and sugarcane through the 1991 crops as follows:

Maintains price support for domestically grown sugarcane through nonrecourse loans at not less than 18 cents per pound for raw cane sugar;

Provides price support for domestically grown sugar beets through nonrecourse loans at such level as the Secretary of Agriculture determines to be fair and reasonable in relation to the level of loans for sugarcane.

Honey price support program. Revises the honey price support program for the 1986 through 1991 crops of honey as follows:

Deletes the current 60 to 90 percent of parity price support level;

Requires support of the price of honey at a level between 75 and 85 percent of the average price received by producers for the 5 preceding years, excluding the high and low years, as the Secretary of Agriculture determines will not result in excessive stocks of honey.

TITLE XI—PRODUCER RESERVE PROGRAM

Producer reserve program for wheat and feed grains. Revises the farmer held reserve program for wheat and feed grains as follows:

Requires expiration of a regular price support loan before a reserve loan is extended;

Requires that reserve loans be made at a rate not in excess of the regular loan rate for wheat or feed grains (i.e., the market intervention rate);

Provides that loans may not exceed 3 years in length (now 3 to 5 years);

Deletes authority to waive or adjust interest on reserve loans;

Requires storage payments to be made quarterly;

Provides for recovery of unearned storage payments if a reserve loan is repaid before maturity;

Allows a producer to redeem the wheat or feed grains securing the reserve loan and repay the loan prior to the maturity date at the discretion of the producer;

Deletes the prohibition on the Commodity Credit Corporation selling any of its stocks of wheat or feed grains, if a reserve is in effect, at less than 110 percent of the reserve release level (see title XII for general restriction on rule of CCC owned commodities);

Requires the Secretary of Agriculture to permit outstanding reserve loans to be modified to conform to the new reserve provisions.

TITLE XII—MISCELLANEOUS COMMODITY PROVISIONS

Payment limitations. Revises and extends the limitation on the total payments that a person may receive annually under certain programs, as follows:

Extends the limitation to the 1986 through 1991 crops;

Applies the limitation to payments under the wool program (in addition to the wheat, feed grains, upland cotton, extra long staple cotton, and rice programs);

Limits payments (except disaster payments) under these programs to an amount not in excess of the national median family income (approximately $24,500 for 1983);

Limits disaster payments to $50,000 per person per year (now $100,000);

Specifically makes the value of commodities provided under a payment-in-kind acreage diversion program subject to the limitation;

Applies the limitation to States, political subdivisions, and agencies thereof;

Deletes authority for the Secretary of Agriculture to adjust any acreage limitation or set-aside requirement for persons whose payments are limited.

Commodity Credit Corporation sales price restrictions. Authorizes the Commodity Credit Corporation to sell any of its stocks of wheat, corn, grain sorghums, barley, oats, rye, rice, sugar, and honey at such price levels as the Secretary of Agriculture determines appropriate to maintain and expand export and domestic markets for such commodities.

Normally planted acreage. Authorizes the Secretary of Agriculture to require, whenever a set-aside program is in effect for any of the 1986 through 1991 crops of wheat or feed grains, that producers not exceed the acreage on the farm normally planted to designated crops as reduced by the set-aside or diverted acreage, as a condition of eligibility for program benefits.

Payment of interest on nonrecourse loans. Requires that any person who receives a price support loan (including a loan under the farmer-held reserve) under the Agricultural Act of 1949 shall be liable for the payment of any interest that has accrued on the loan, whether the loan is repaid or the commodity securing the loan is forfeited.

TITLE XIII—FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS

Subtitle A—Food Stamp Integrity and Accountability

Household definition. Deletes the present provision allowing individuals (except parents and children, or siblings, who are not elderly or disabled) who live with others but who purchase food and prepare meals for home consumption separate and apart from the others to be treated as a separate food stamp household. Gives States the option to permit such individuals to apply as a separate household and authorizes States to establish criteria for determining when such individuals should be treated as a separate household.

Student loans, grants and income. Eliminates the current provision which exempts a certain portion of some student loans or grants from being counted as income for purposes of determining food stamp eligibility and benefit levels. Also requires that the income and resources of ineligible students be counted in determining the eligibility and benefit levels of the remaining household members.

Nonrecurring lump-sum payments. Deletes the exclusion from income for purposes of the food stamp program of moneys received in the form of nonrecurring lump-sum payments, such as income tax refunds, lottery or other cash prizes, and insurance payments. Requires that such payments be treated in a manner consistent with the treatment of such income under the AFDC program (that is, counted as income in the month received, with amounts above the eligibility standard being counted as income in future months to determine the length of ineligibility).

Financial resources. Excludes from being counted as a resource the principal dwelling house of the household, the surrounding lot (not to exceed 10 acres), and a burial plot for each member of the household.

Administrative hearings. Permits State agencies to disqualify individuals for fraud or intentional misrepresentation without an automatic fraud hearing. If the State agency proceeds against an individual in such an instance, requires the agency to issue a notice to the individual that states the period of ineligibility and the basis for the finding of ineligibility and provide an opportunity for a hearing.

Aliens. Requires that all income and assets of an alien ineligible for the food stamp program be considered in determining the eligibility and benefit level of the household of which the alien is a member, not just a prorata share as under current law.

Cash change. Eliminates the issuance of cash change (now permitted for amounts less than $1.00).

Certification of information. Requires that all adult recipients who are required to file certain reports and other documents certify in writing, under penalty of perjury, the truth of the information contained in the food stamp applications, monthly income reports, and other documents.

Improved verification. In determining household eligibility, requires verification by the State agency of all income, household size, and other factors which either the Secretary of Agriculture or the State agency may require.

Expedited coupon issuance. Eliminates the requirement that State agencies provide food stamp coupons on an expedited basis to certain households. Gives States the option of providing coupons on an expedited basis in cases where the gross income of the household is under $85 (or the household is a destitute migrant or a seasonal farmworker household) and household assets do not exceed $100.

Photographic identification cards. Requires States to implement a system under which each household certified as eligible to participate in the food stamp program would be required to present a photographic identification card when using its authorization card to receive its food stamp coupons.

Fraud detection offices. Requires States to establish fraud detection offices in project areas serving 5,000 or more food stamp households to investigate, and assist in the prosecution of, fraud in the food stamp program.

Retail store sanctions. Provides that retail food stores and wholesale food concerns disqualified from participation in the food stamp program are also ineligible, during the period of disqualification, from participating in the special supplemental food program for women, infants, and children (WIC).

Liability for overissuance of coupons. Clarifies that each adult member of a household is jointly and severally liable for the value of any overissuance of coupons.

Collection of claims. Requires States to collect overissuances which are not collected by benefit offset—primarily among households no longer participating in the program—by other means, unless the State can demonstrate to the satisfaction of the Secretary of Agriculture that such collection would not be cost effective. Also requires States to collect overissuances which result from State agency error. (Overissuances resulting from recipient error are already required to be collected when the recipient is still participating in the program.)

Food stamp intercept of unemployment benefits. Permits States to establish systems for intercepting unemployment compensation benefits from households who owe uncollected overissuances due to fraud or misrepresentation in the food stamp program. Permits States to retain 50 percent of such recoveries.

Stays of administrative action. Changes the conditions appellant retail food stores, wholesale food concerns, and States must meet in order to obtain judicial stays of administrative penalties. Requires such entities to demonstrate the same conditions as are required under applicable law for the granting of judicial stays of administrative actions, rather than just showing irreparable injury as under the current stay criterion. (Generally, a petitioner must show a likelihood of prevailing on the merits of the case, as well as irreparable injury, in order to obtain a stay of an administrative action pending a judicial appeal).

State agency liability for errors. Requires States to lower their food stamp program error rates to 3 percent or reimburse the Federal Government for errors above that amount either through a reduction of the State agencies' federally funded share of administrative costs or cash repayment. Also eliminates the Secretary of Agriculture's authority to waive the application of a sanction for excessive overissuances. Deletes the Secretary's authority to increase a State agency's federally funded share of administrative costs from 50 to 60 percent in certain instances (i.e., when the State's error rate is less than 5 percent).

Administrative cost-sharing for automatic data processing. Beginning October 1, 1987, reduces the percentage of federally reimbursed costs (now 75 percent) relating to the design or installation of automatic data processing systems by 5 percent each year until that percentage reaches 50 percent.

Geographical error-prone profiles. Permits the Inspector General of the Department of Agriculture to develop information on project areas which have error rates that impair the integrity of the food stamp program. In such areas, the Secretary of Agriculture may institute additional requirements to reduce the overissuance errors. Requires an annual report to the agriculture committees of Congress on what areas have significant error rates and what actions, if any, have been taken to remedy them.

Transfer of sales tax imposed on food purchased with food stamps. Requires States that impose a tax on food purchased with food stamps (including such taxes imposed by political subdivisions of the State) to pay to the Secretary of the Treasury for each fiscal year an amount equal to the total value of food stamps issued in that State in that fiscal year multiplied by the rate of the sales tax. Require reduction of the State's federally funded share of administrative costs if the State fails to pay the amount required based on the imposition of the sales tax.

Elimination of noncash benefit requirement for Puerto Rico nutrition assistance program. Eliminates the requirement (currently scheduled to become effective September 30, 1985) that food assistance under the Puerto Rico nutrition assistance program be in the form of noncash assistance.

Mandatory workfare program. Requires States to operate a workfare program under which able-bodied, nonexempt members of participating food stamp households must accept work in return for compensation of the food stamp allotment.

Subtitle B—Food Stamp Optional Block Grant

Food stamp optional block grant. Authorizes States to elect to operate a low-income nutritional assistance block grant program in lieu of the Federal food stamp program as follows:

Provides for payment to States electing to operate a block grant program, at the beginning of the fiscal year, of a percentage of the annual Federal food stamp appropriation (other than the amount appropriated for Puerto Rico) equal to their proportionate share of (1) food stamp benefits, (2) cash benefits in lieu of food stamps, and (3) the Federal share of the State administrative expenses for the 12-month period ending December 31, 1984;

Provides a minimum allotment for each State participating in the block grant program of 0.25 percent of the non-Puerto Rico food stamp appropriation;

Authorizes Indian tribes located in block grant States to be assisted directly with a special allotment from the States' grant, if the Indian tribes so request;

Permits States to prescribe eligibility requirements for nutrition assistance and the type and amount of assistance to be provided to needy persons;

Requires States receiving block grant funds to assess the nutritional needs of low-income persons on a regular basis, certify that the States will use the funds made available to raise the nutritional level of residents of low-income households, refrain from using the funds for construction, designate a single State agency to be responsible for administration and oversight, comply with national nondiscrimination laws, and provide for fiscal controls and audits;

Requires the legislature of a block grant State to conduct public hearings at least biennially on the proposed use and distribution of the funds;

Authorizes the Secretary of Agriculture to withhold funds due a State if the State misuses grant funds.

Subtitle C—Other Deficit Reduction Provisions

Purchase requirement. Reinstates the requirement that households participating in the food stamp program contribute a portion of their income (not to exceed 30 percent) to "purchase" their food stamps. Exempts from the purchase requirement households containing an elderly or disabled member. Also authorizes households with an income of less than $30 per month for a family of four to obtain food stamps without charge.

Adjustment of thrifty food plan. Delays from October 1, 1985, to January 1, 1987, the inflation adjustment in the cost of the thrifty food plan (on which food stamp allotments are based) and makes the inflation adjustment in subsequent years on January 1.

Income standards of eligibility. Establishes the gross income standard of eligibility at 130 percent of the poverty line as in effect on January 1, 1985, except that the gross income standard of eligibility may never be less than 100 percent of the poverty line as adjusted annually. (Note: Currently 130 percent of the poverty line for a family of four is $13,260.)

Adjustment of deductions. Makes several changes in the inflation adjustments with regard to deductions as follows:

Freezes the standard deduction at the current level ($95 for the continental United States and $162, $134, $190, and $83 for Alaska, Hawaii, Guam, and the Virgin Islands of the United States, respectively);

Delays from October 1, 1985, to January 1, 1987, the inflation adjustment in the deduction for excess shelter costs and makes the inflation adjustment in subsequent years on January 1.

Authorization for appropriations. Extends the authorization for appropriations for the food stamp program for an additional 4 years at the following levels:

$10,500,000,000 for fiscal year 1986;
$11,000,000,000 for fiscal year 1987;
$11,500,000,000 for fiscal year 1988; and
$12,000,000,000 for fiscal year 1989.

Subtitle D—Grace Commission Recommendations

Composition of household for thrifty food plan. Revises the definition of the thrifty food plan (on which food stamp allotments are based) to reflect the frequency of participation by various categories of participants.

Child nutrition assistance. For purposes of the food stamp program, includes in income for a month the value of the Federal assistance to members of a household under the school lunch, school breakfast, child care food, and summer food service programs during that month. The value of the Federal assistance under these programs for each household member that participates in such programs is determined by multiplying (1) the national average meal payment for each free meal served under such program by (2) the estimated national average number of free meals to be served under such program during the month.

Minimum allotment. Deletes the minimum allotment of $10 per month for households of one and two persons.

Subtitle E—Commodity Distribution Amendments

Commodity distribution program. Extends through fiscal year 1989 the authority for the Secretary of Agriculture to purchase and distribute agricultural commodities with appropriated funds to maintain the traditional level of assistance for food assistance programs.

Administrative costs and pilot projects. Extends through fiscal year 1989 the requirement that the Secretary of Agriculture pay to the States an amount equal to the administrative costs of State and local agencies in operating the commodity supplemental food program. Also deletes the authority to establish two pilot projects directed at low-income elderly persons.

TITLE XIV—AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

Redirect technology toward small and moderate-sized farming operations. Makes several changes in Department of Agriculture research, extension, and teaching programs to redirect such activities toward small and moderate-sized farming operations:

Expresses the sense of Congress that Department of Agriculture research, extension, and teaching activities relating to agricultural technology should emphasize technology development, application, and transfer that will benefit small and moderate-sized farming operations;

Requires at least 50 percent of Smith-Lever section 3(d) funds be used by the Extension Service for delivery of agricultural technology that would benefit small and moderate-sized farming operations.

Special matching research program for private sector technology development. Establishes a new matching research program as follows:

Authorizes the Secretary of Agriculture to enter into cooperative agreements through fiscal year 1991 with private agencies, organizations, and individuals on a cost sharing or cost reimbursement basis for the development of new agricultural technology to further the research programs of the Department of Agriculture;

Requires at least 0.5 percent of the funds appropriated to the Agricultural Research Service for each fiscal year be used for the research;

Requires at least 50 percent matching of the Federal contribution from non-Federal sources and limits the Federal funds which may be made available under each agreement to $50,000 annually up to a total of $150,000.

Competitive research grants. Makes several changes in the Department of Agriculture's competitive research grant program:

Requires at least 50 percent of the funds made available for applied research under the competitive research grant program be used for research that would benefit small and moderate-sized farming operations;

Requires 20 percent matching of competitive research grants from non-Federal sources.

Identifies research to develop new and alternative industrial uses for crops as a new area of high priority research and requires at least 10 percent of the funds appropriated under the competitive research grant program be used for such research;

Special research grants. Eliminates the special research grants program under section 2(c) of the Act of August 4, 1965.

Expanded Food and Nutrition Education Program. Eliminates the expanded food and nutrition education program.

Biotechnology initiative. Designates the Department of Agriculture as the lead agency for establishing regulations for development and use of biotechnology in agricultural applications.

Appropriation authorizations. Reauthorizes for each fiscal year through fiscal year 1991 the following research programs at the current authorization levels (except as noted below):

Competitive research grants: $65,000,000 (the current authorization is $50,000,000);

Food and agricultural sciences education: $50,000,000;

Animal health and disease research programs at eligible institutions: $25,000,000;

Extension at 1890 land-grant colleges: 6 percent of the total extension appropriation;

Existing and certain new agricultural research programs: $890,000,000;

Agricultural research at State agricultural experiment stations: $250,000,000;

Extension education: $380,000,000;

Aquaculture assistance programs: $7,500,000; and

Rangeland research: $10,000,000.

TITLE XV—HIGHLY ERODIBLE LAND CONSERVATION

Program and benefit ineligibility. Makes any person who produces an agricultural commodity on highly erodible land ineligible, as to any of that commodity produced during that crop year by such person, for—

Any type of price support, income assistance, or production adjustment payment for such commodity made available under any Federal statute;

A loan (made under the Commodity Credit Corporation Charter Act) for the construction or purchase of a storage facility for such commodity;

Federal crop insurance for such commodity;

A Federal disaster payment for such commodity; and

A Farmers Home Administration loan, if the Secretary determines that the loan proceeds will be used for a purpose that will contribute to excessive erosion of highly erodible land.

Exceptions to ineligibility. Provides that the ineligibility provisions shall not apply to—

Any land cultivated to produce any of the 1976 through 1985 corps of agricultural commodities;

Any crop of an agricultural commodity planted before the date of enactment of the bill or during any crop year beginning before the date of enactment of the bill;

Any storage facility loan or Farmers Home Administration loan made before the date of enactment of the bill; and

Any crop of an agricultural commodity produced using a conservation system that has been approved by a soil conservation district and that is based on technical standards applicable to that district. In areas where no soil conservation district exists the Secretary of Agriculture would determine the adequacy of the conservation system.

Definition of highly erodible land. Defines "highly erodible land" as land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the land capability classification systems in effect on the date of enactment of the bill.

Use of ASC committees and appeal procedures. Requires the Secretary of Agriculture to use Agricultural Stabilization and Conservation county committees in the administration of the title and to establish an appeal procedure applicable to land capability classifications.

Completion of soil surveys. Requires the Secretary of Agriculture to complete, as soon as practicable, soil surveys on private lands that do not have a survey suitable for use in determining the land capability class and to concentrate on areas where significant amounts of highly erodible land are being converted to agricultural production.

Conservation practices and farm programs. (Note: The wheat, feed grains, upland cotton, and rice titles require producers, as a condition of eligibility for program benefits, to use conservation practices determined by the local soil and water conservation districts to be appropriate for the area.)

TITLE XVI—AGRICULTURAL CREDIT

Authorizations of insured and guaranteed loan amounts. Establishes the total principal amount of loans that may be insured or guaranteed under the Consolidated Farm and Rural Development Act for the fiscal years 1986 through 1991 as follows:

Farm ownership loans at $700,000,000 for fiscal year 1986 with equal yearly reductions so that the program is phased out over the 6-year life of the bill;

Farm operating loans at $3,500,000,000 per year over the 6-year life of the bill;

Emergency loans at such sums as are necessary to meet the needs resulting from natural disasters;

Insured water and sewer facility loans at $75,000,000 for fiscal year 1986;

Permits the Secretary of Agriculture to divide the total authorized FmHA loans between the insured and guaranteed loan programs.

Graduation of FmHA borrowers. Beginning in fiscal year 1988, requires the Secretary of Agriculture to raise the interest rates on new FmHA insured farm ownership and operating loans by not less than 1 nor more than 1.25 percent each year, until the rates charged by the Secretary for such loans are approximately equal to the prevailing commercial rates for similar loans. This provision will not apply to loans made to defer, consolidate, reschedule, or reamortize a previous FmHA farm ownership or operating loan or to farm ownership and operating loans made to low-income, limited resource borrowers.

Authority to settle claims. Gives the Secretary of Agriculture discretionary authority to compromise, adjust, reduce, or charge-off claims and adjust, modify, subordinate, or release the terms of security instruments, leases, contracts, and agreements previously entered into by the FmHA, as circumstances may require, to carry out the purposes of the Consolidated Farm and Rural Development Act. Also authorizes the Secretary to release borrowers from personal liability, with or without consideration, at the time the terms of the loan contract are adjusted or modified.

Emergency loan limitation. Prohibits the making of any emergency loan on the basis of production losses that could have been insured against under the Federal Crop Insurance Act.

Limitation on eligibility for insured loans. Limits eligibility for new insured loans (except emergency loans) to borrowers who already have an insured loan, except that low income, limited resource borrowers would remain eligible for insured loans, if the Secretary of Agriculture decides to make such loans.

Limitations on loan programs. The Secretary may not make, insure, or guarantee loans for—

Recreational development and community facilities (and make grants for such purposes) after September 30, 1985;

Business and industrial purposes after September 30, 1985;

Water, drainage, or waste disposal facilities after September 30, 1986;

Farm ownership, recreational uses, and related purposes after September 30, 1991.

By Mr. DURENBERGER (for himself, Mr. GORTON, Mr. BOREN, and Mr. HEINZ):

S. 617. A bill to provide for procedures to eliminate the structural deficit in the Federal budget; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

BALANCED BUDGET PROCEDURES ACT

Mr. DURENBERGER. Mr. President, I rise to introduce the Balanced Budget Procedures Act of 1985. This

bill is designed to institute permanent changes to the budget process that will require the Congress and the President of the United States to face up to the difficult choices necessary to balance the budget.

The legislation would force us to draft budget plans that would narrow the gap between revenues and spending until the budget is in balance. It does not force us to balance the budget. But it does require the President and the Budget Committees of the House and Senate to present alternatives that are in balance, if their first option is not.

My colleagues will recall that I introduced an essentially similar bill in the closing days of the 98th Congress, with the support of the chairman of the Senate Budget Committee. My proposal is even more relevant today, as we attempt to develop a Senate alternative to President Reagan's fiscal year 1986 budget. Many of my colleagues have declared the President's budget "dead on arrival" in Congress because the costs of meeting even modest deficit reduction targets are so painful that even this politically popular President can't get them passed. Now we must find alternative cuts designed to shrink a deficit that is so large that it amounts to nearly $1,000 for every man, woman and child in America.

The unpleasant fact is, politicians of both parties—both here on the Hill and in the White House—are responsible for crafting budgets with these massive and growing structural deficits. Such deficits exist not because of cyclical downturns in the economy. And they are too large to be cured by economic growth.

The largest portion of our current and future deficits exist because the revenues generated under current law are insufficient to cover our spending programs, even in the best of times. We are simply not willing to raise taxes necessary to pay for the spending promises we have made.

Instead, we have used deficits to put off the day of reckoning when we must choose between hundreds of competing national priorities. We have abused our spending authority for the short-term gratification of being popular with everybody for just one more election. But it remains that the free lunch we have promised our constituents will impose a great social cost on our Nation's future.

Consider that today's children face the prospect of having to pay an additional $10,000 in taxes over their lives just to finance the interest on this year's $214 billion deficit. More than $84 billion of the 1985 deficit is just the new interest on the debt we have incurred since 1981. Because of our deficits, interest on the debt is the fastest growing account in the Federal budget, and will soon surpass Social Security as the largest single Federal expenditure.

Budget proposals containing massive deficits serve to obscure the fact that there are just two ways out of our dilemma. Cut spending, or raise taxes. Yet, despite last year's election, there is still not a majority here in Congress to do either. The American public does not support a substantial tax increase. Nor, it seems, will they agree to the substantial spending reductions that will be necessary to solve the problem. We have spent too much time spouting happy talk about economic growth. And we have cultivated the impression that billions in fraud waste and abuse could be cut, if the Congress was just diligent in its efforts to oversee Federal spending. Or that billions more would come into the Treasury if we would simply tax the fat cats fairly.

Most of us know that isn't true. Most of us know that getting to a balanced budget will be a very painful process. We will have to cut back on defense spending, as well as middle class subsidies for those who are currently receiving them. And most of us know that taxes will have to be raised. Not taxes on the corporation, but taxes on the middle class. Anybody who knows the magnitude of the deficits we face and the impact of those deficits on the economy if sustained much longer, knows that the painful choices are coming.

When? Our problem in making progress on the deficit occurs because the American public does not share our perception. They have not struggled through the budget process with us. And so long as all the public sees is one big blank spot in the budget, they'll be free to imagine any painless solution they like, even if it is nothing but hopeful thinking.

That's why I am offering this Balanced Budget Procedures Act. It is an educational act. The intent is to educate the American public on the real choices that must be made, year in and year out, if we are to be responsible to future generations of taxpayers. If we pass this legislation, all of us, Republican and Democrat, President and Congress, would be in the same soup together. And the public would have a chance to share in our struggle. No more hiding behind constitutional amendments, tax the rich schemes or other gimmicks.

Let me describe the legislation in more detail. It would require the President to submit with his budgets for fiscal years 1987, 1988, and 1989, alternative budgets designed to take us gradually toward a balance in 1990. For 1990, and every year thereafter, it would require the President to submit alternative balanced budgets whenever his own budget does not envision a balance. These alternatives could include deficits, but only to the extent that they would result from cyclical downturns in the economy. In short, they must be designed to produce a balanced budget in times of high unemployment.

The House and Senate Budget Committees would also be required to do their part. We would require that the committees report to their respective chamber each year an alternative first concurrent resolution that produces a balancing down by 1990 and no structural deficit thereafter.

Mr. President, our budget process needs updating to reflect the times. Congress no longer has as free a rein to represent the public interest as used to be the case. We are much more prone to respond to the concerns and direction of our constituents. And our constituents expect us to respond. We need to adjust the budget process accordingly. The budget should serve not only to educate the participants, but the public at large. Only then will we feel confident that today's popular misconceptions about the deficit will not injure us politically when we face up to the difficult choices required to secure a prosperous and debt-free future for our children and grandchildren.

Mr. President, I ask that the text of S. 617 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Balanced Budget Procedures Act of 1985."

(b) The Congress finds and declares that—

(1) in recent years, historically high federal budget deficits have resulted in the rapid growth of the national debt;

(2) as a direct result of such growth, the interest payments on the national debt have increased faster than any other major component of the federal budget, a trend which, if left unchecked, will encumber future taxpayers with unreasonable debt service;

(3) the effect of such fiscal policy is to subsidize the price of current consumption with future production;

(4) the President and the Congress must take immediate action to further the long-term national interest by dramatically reducing the Federal budget deficit for fiscal year 1986 and for all subsequent fiscal years;

(5) such deficit reductions will require actions that many individual Americans will be reluctant to accept; and

(6) because neither the President nor the Congress has been required to consider the choices necessary to produce a balanced budget, the American people have not been made aware of the sacrifices necessary to promote thereby the long-term national interest.

(c) It is the purpose of this section to—

(1) require the President to submit to Congress—

(A) for each of the fiscal years beginning after September 30, 1986, and before October 1, 1989

(i) a budget under section 1105 of title 31, United States Code, that would, if implemented, result in a balance between outlays and revenues under conditions of high employment by fiscal year 1990 or

(ii) if the budget submitted under such section for any such fiscal year would not, if implemented, achieve such a balance by fiscal year 1990, an alternative budget in detail equal to that of the budget submitted under such section that would, if implemented, achieve such balance by fiscal year 1990,

(B) for each fiscal year, beginning after September 30, 1989, in which a budget is submitted to the Congress under section 1105 of title 31, United States Code, that would not be balanced under conditions of high employment, and an alternative budget that would be in balance under conditions of high employment, and

(C) any legislative proposals necessary to implement any such alternative budget:

(2) require the Committee on the Budget of each House of Congress to report to such House for any fiscal year beginning after September 30, 1986—

(A) a first concurrent resolution on the budget under section 301 of the Congressional Budget Act of 1974 that would, if implemented—

(i) in the case of fiscal years beginning before October 1, 1989, result in a balance between revenues and outlays under conditions of high employment by fiscal year 1990, or

(ii) in the case of any fiscal year beginning after September 30, 1989, result in a balance between revenues and outlays for such fiscal year under conditions of high employment; or

(B) if the concurrent resolution on the budget reported by such Committee for a fiscal year does not comply with the applicable requirements of subparagraph (A), an alternative concurrent resolution on the budget in equal detail to the concurrent resolution reported to the Committee that would, if implemented, achieve such results.

(d)(1)(A) If the total outlays set forth for fiscal year 1990 would exceed the total revenues set forth for such fiscal year under conditions of high employment in any budget submitted by the President under section 1105 of title 31, United States Code, for a fiscal year beginning after September 30, 1986, and before October 1, 1989, such budget shall be accompanied by an alternative budget in which total outlays for fiscal year 1990 would not exceed total revenues for such fiscal year under conditions of high employment.

(B)(i) An alternative budget submitted by the President pursuant to this paragraph for a fiscal year shall be in detail equal to that of the budget submitted by the President under section 1105 of title 31, United States Code, for such fiscal year and shall include a clear and understandable explanation of the differences between such alternative budget and the budget submitted by the President pursuant to such section.

(ii) Not later than March 15 of any year in which the President submits an alternative budget pursuant to this paragraph, the President shall submit recommendations and proposals for changes in the laws of the United States which would be required to be enacted during such year in order to achieve a balance between total outlays and total revenues under conditions of high employment by fiscal year 1990.

(C)(i) Not later than April 15 prior to any fiscal year beginning after September 30, 1986, and before October 1, 1990, the Committee on the Budget of each House of the Congress shall report to such House—

(I) A first concurrent resolution on the budget, for such fiscal year pursuant to section 301 of the Congressional Budget Act of 1974 in which total outlays and total revenues for fiscal year 1990 would be in balance under conditions of high employment, or

(II) if the first concurrent resolution on the budget reported by such Committee for a fiscal year under such section does not comply with the requirements of subclause (I), an alternative concurrent resolution reported by the Committee pursuant to such section that complies with such requirements.

(ii) The provisions of sections 305 and 310 of the Congressional Budget Act of 1974 shall apply to an alternative concurrent resolution on the budget reported pursuant to subsection (i) and any reconciliation bill reported pursuant to such alternative concurrent resolution.

(2) (A) Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) (1) If the President submits a budget for any fiscal year pursuant to subsection (a) that—

"(A) assumes that conditions of high employment will exist during such fiscal year; and

"(B) recommends that total outlays exceed total revenues for such fiscal year, such budget shall be accompanied by an alternative budget for such fiscal year in which total outlays do not exceed total revenues.

"(2) If the President submits a budget for any fiscal year pursuant to subsection (a) that—

"(A) assumes that high employment will not exist during such fiscal year; and

"(B) recommends that total outlays exceed total revenues for such fiscal year by an amount that is greater than the amount by which such excess would be reduced if conditions of high employment were assumed to exist during such fiscal year, such budget shall be accompanied by an alternative budget for such fiscal year in which total outlays would not exceed total revenues under conditions of high employment.

"(3) (A) An alternative budget submitted by the President pursuant to this subsection for a fiscal year shall be in detail equal to that of the budget submitted pursuant to subsection (a) for such fiscal year and shall include a clear and understandable explanation of the differences between such alternative budget and the budget submitted by the President pursuant to subsection (a) for such fiscal year.

"(B) Not later than March 15 of any year in which the President submits an alternative budget pursuant to this subsection, the President shall submit recommendations and proposals for changes in the laws of the United States which will, if enacted, reduce the amount by which total outlays exceed total revenues for the fiscal year to which such alternative budget relates to the amount of the deficit set forth in such alternative budget."

(B) The amendment made by subparagraph (A) shall apply to fiscal years beginning after September 30, 1989.

By Mr. HATCH:

S. 618. A bill to provide for the appointment of an additional bankruptcy judge for the district of Utah; to the Committee on the Judiciary.

ADDITIONAL BANKRUPTCY JUDGE FOR THE DISTRICT OF UTAH

Mr. HATCH. Mr. President, I present to you and to my fellow distinguished colleagues of the Senate, a number of alarming statistics regarding the massive caseload upon the bankruptcy court of the State of Utah, when compared with national averages and averages of other districts in the Tenth Circuit. These figures were recently obtained from the Administrative Office of the United States Courts.

In 1980, the first year applicable statistics were available, the total number of chapter 11, chapter 13, and adversary bankruptcy filings per judgeship in the State of Utah were 84, 234, and 293 respectively. By 1984, the number of filings per judge had risen astronomically to 196 for chapter 11 filings (a 133-percent increase), 487 for chapter 13 filings (a 103-percent increase), and 844 for adversary filings (a massive 188-percent increase).

When compared with the national average of filings per bankruptcy judgeship, Utah's bankruptcy court is blatantly overburdened. For instance, the average number of chapter 11 filings per judgeship in the Nation during 1984 was 86, while in Utah, the number stood at 196, or better than twice the national average. The national average for chapter 13 filings currently is set at 393 per judge, whereas the figure in Utah is presently 487. The dramatic indicator of Utah's beleagured position, however, lies in the disparity of adversary filings per judgeship nationally versus regionally in the Utah district. That national average is now 253 per judgeship, while the per judgeship average in Utah towers at 844, a greater than three-fold difference.

Such a rigorous caseload has caused the Utah Bankruptcy Court judges to spend very long hours on the bench; it has caused the frequent usage of visiting judges when possible; and furthermore, such a caseload would seem to jeopardize for litigants the equitable benefits of an efficient, smooth-functioning judicial system.

In article I, section 8 of the U.S. Constitution we find that Congress has been empowered to create uniform bankruptcy laws. The efficiency of uniform bankruptcy laws, however, is imperiled when the article I bankruptcy courts are presented with enormous caseloads. In fact, when compared with other districts in the tenth circuit, Utah falls even further behind in the acquisition of necessary bankruptcy adjudicatory resources.

Judge Ralph R. Mabey, a former Utah Bankruptcy Court judge with a national reputation, has oft mentioned Utah's troubled position in the tenth circuit. The Utah district, in 1984, was dealing with almost four times the

number of chapter 11 filings, more than two times the number of chapter 13 filings, and just under three times the number of adversary filings per judgeship as compared with other districts in the tenth circuit. Mr. Mabey, referring to the previous statistics, said, "Utah's problem is by far the worst of any in the circuit—and I dare say as bad as anywhere."

Given the present inequity, I hereby propose a numerical change in the U.S. Code by increasing the number of bankruptcy court judgeships in Utah from two to three.

The Honorable Aldon J. Anderson, former chief judge of the United States District Court, District of Utah, prior to his recent resignation, repeatedly requested a third bankruptcy judgeship position in Utah. His pleas became increasingly emphatic as he saw the "trial calendars * * * backlogged approximately 2 years." He affirmed that the delay of appointment has not only been an inconvenience to the two presently overburdened judges, but also, the delay "has worked injustice on litigants."

This situation is certainly worthy of congressional attention. If our court systems are to retain the respect they require to dispense impartial and efficient justice, they must not fall into the dilemma currently facing the Utah bankruptcy bench. Accordingly, I urge my colleagues to study this situation and help me ensure that fair and efficient adjudication is not jeopardized by the Utah bankruptcy caseload.

By Mr. WARNER (for himself and Mr. TRIBLE):

S. 620. A bill to make permanent the authority to establish and administer flexible and compressed work schedules for Federal Government employees; to the Committee on Governmental Affairs.

EXTENSION OF FLEXITIME FOR FEDERAL WORKERS

Mr. WARNER. Mr. President, it is my privilege today to introduce legislation to extend indefinitely the Federal Employees Flexible and Compressed Work Schedules Act of 1982.

The provisions of this important measure, which have allowed Federal employees flexibility in the scheduling of their work hours, are scheduled to expire on July 23 of this year.

By a simple repeal of the sunset statute, Federal personnel may continue to tailor their working hours, fulfilling their obligations to their Federal employer and accommodating the needs and demands of their personal lives.

Flexitime, as this authorization has come to be called, allows innumerable benefits to Federal employees.

For instance, it helps accommodate the multiple roles of the working parent.

Under a flexitime schedule, there can be a period at either the beginning or end of the day or, indeed, a full day under a compressed 4-day week, in which the educational or medical needs of a child can be fully attended.

Furthermore, the employees themselves are provided leeway in making their own domestic arrangements.

The permanent extension of flexitime has no budgetary effect for the Federal Government.

Indeed, my office was advised only yesterday of a case in which travel expenses were being saved for the U.S. Forest Service through the use of compressed 4-day work weeks.

I was the principal cosponsor of the 1982 Flexitime Act, now Public Law 97-221, one of the few bills in recent years to actually benefit Federal employees.

The civilian population of the Federal work force has been in rough seas, particularly with regard to compensation and retirement.

We should send a strong signal of support to our Federal employees with the permanent extension of flexitime.

Let us assure Federal employees that this important benefit will be continued.

For Federal workers, flexitime is quality time, a time for individual discretion and personal judgment.

I call on my colleagues to join me in this effort as a demonstration of our good faith and confidence in the ability of our Federal employees.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is repealed.

Mr. TRIBLE. Mr. President, I am pleased to join my distinguished colleague from Virginia, Senator WARNER, in introducing legislation to authorize permanently the flexitime program for civil servants.

As my colleagues know, the flexitime program allows Federal agencies to offer their employees alternative work schedules such as staggered work hours or compressed work weeks. This program permits working parents to tailor their work schedules to meet the important needs of their children and has provided employees with the opportunity to develop a work schedule meeting both their professional and personal requirements.

Flexitime has been an unqualified success. This program, supported by the Office of Personnel Management and by Federal employee unions and organizations, has resulted in increased morale and productivity in the Federal work force. In addition, this program has no budgetary effect. In fact, the program has led to reduced tardiness and absenteeism, thus reducing Government costs.

In 1982, Congress enacted the Federal Employees Flexible and Compressed Work Schedule Act. This measure, which I strongly supported as a Member of the House of Representatives, extended the flexitime program until July 1985.

Mr. President, I believe that Congress should permanently authorize the flexitime program. This program continues to be successful, and is supported by this administration and affected employees. I am pleased to be a cosponsor of this timely legislation and I urge my colleagues to support its enactment.

By Mr. DECONCINI (for himself and Mr. DOMENICI):

S. 621. A bill to establish an Office of Hispanic Affairs in the Executive Office of the President, and in various Federal departments and agencies, and for other purposes; to the Committee on Governmental Affairs.

HISPANIC AFFAIRS ACT

● Mr. DECONCINI. Mr. President, over the past 15 years, Hispanic Americans have shown demonstrable progress in their struggle for equal opportunity. Under the adverse conditions of prejudice, they have managed to improve in areas such as education, business ownership, participation in the work force and the political arena. Despite Hispanic-American efforts, however, certain problems have remained constant and unrelenting. For example:

Hispanics are still underrepresented proportionally in management and administration positions. This extends to the Federal Government, as well, despite equal opportunity programs.

Cash income remains low. The median family income for Hispanics, measured for the year 1982, is over $7,000 below that of other Americans.

Unemployment rates for Hispanic Americans have held at 1½ times that of non-Hispanics for over a decade.

Educational achievements, that is, college graduates, lawyers, medical doctors, engineers, and college professors, remain well below that of other Americans.

Most disturbingly, perhaps, the poverty rate for Hispanic Americans is approximately double that of Americans as a whole.

These statistics illustrate the extent that Hispanic-Americans have been excluded from avenues of opportunity and success that other Americans enjoy. Exclusion of this kind is intolerable when encountered by any group, but especially by a group as large as our Hispanic population.

Hispanic-Americans constitute our second largest minority. The 15 mil-

lion or so Hispanics residing in the United States today represent a 61-percent increase in population since 1970, according to the Census Bureau. The rate for population growth for the rest of America during this time was 9 percent. Admittedly, these figures were in part influenced by improved census techniques, but this does not negate the fact that the Hispanic-American population is larger than surmised, and is growing at an incredible rate.

Because of the static nature of the problems which Hispanic-Americans face, and because growth in Hispanic population will mean a multiplication of the suffering caused by these problems, I am introducing the Hispanic Affairs Act of 1985 today. Under this act, an Office of Hispanic Affairs would be established in the Executive Office of the President. Additionally, satellite offices of Hispanic Affairs would be set up throughout the departments and agencies of the executive branch.

The Office of Hispanic Affairs would ensure that the voice of Hispanic-Americans will be heard on such issues as Federal laws, policies, and assistance programs. The Office would also serve as a clearinghouse for information on social and economic topics relating to Hispanic-Americans.

The departmental offices would provide the central office with data and practical experience, and would be responsible for implementation of the White House Office's policies.

This bill is virtually identical to the Hispanic Affairs Act of 1979, on which the Senate did not take action. The problems of Hispanic-Americans grow with every passing day—action needs to be taken now. I urge the Senate to support this legislation, which has a direct bearing on the welfare and enhanced opportunities of such a large number of our fellow Americans.●

By Mr. DECONCINI:

S. 622. A bill to amend title 38, United States Code, to require the Administrator of Veterans' Affairs to transmit certain annual reports to Congress to facilitate the orderly expansion of the National Cemetery System; to the Committee on Veterans' Affairs.

TO REQUIRE ANNUAL REPORTS FOR EXPANSION OF THE NATIONAL CEMETERY SYSTEM

Mr. DECONCINI. Mr. President, I am introducing legislation today which will require the Veterans' Administration to submit an annual report to Congress on its plans to expand the National Cemetery System. Each report shall include a 5-year plan for the construction and expansion of the National Cemetery System; a list, in order of priority, of the 10 geographic areas in the United States in which the need for additional burial space is the greatest; and general plans for each proposed cemetery included in the 5-year plan.

Additionally, the report requires the Administrator to assess the desirability and feasibility of incorporating existing State cemeteries into the System if such State cemeteries exist in one of the geographic areas designated as having the greatest need. My purpose in introducing this legislation is to provide a rationale basis for the expansion of the National Cemetery System and to ensure that additions to the System will be established on a needs basis.

The National Cemetery System was originally established to provide burial space for the countless thousands of soldiers who died during the Civil War. For reasons of efficiency, the initial cemeteries were located in close proximity to battlefields and hospitals. Originally administered by the Department of the Army, jurisdiction for the Cemetery System was transferred to the Veterans' Administration in 1973. Over the years, the Cemetery System has been expanded to include 109 cemeteries. When the Veterans' Administration assumed responsibility for the System, one of its goals was to remove politics from the selection of cemetery sites and to establish a regional balance in their location. The VA adopted what has become known as the "regional concept"—the establishment of a large national cemetery in 10 geographic areas of the United States.

Despite the good intentions of the VA regional concept, I do not believe it has achieved its desired objective of regional balance. There are currently 58 open cemeteries, 25 of which are located in only seven States. The remaining 33 cemeteries are distributed among the other 31 States and Puerto Rico. More disturbing is the fact that 19 States have no national cemetery or have one which is closed for interments, which is the case in Arizona. The closest national cemetery in which Arizona veterans can be buried is more than 300 miles from Maricopa County where 50 percent of the Arizona population lives.

Today we have veterans who do not choose to be buried in a national cemetery because the nearest one is located hundreds of miles from their homes. Many families who have elected to have their loved ones buried in a national cemetery are effectively precluded from visiting the gravesites of departed relatives because of the tremendous distances involved.

Within the next 15 years, it is anticipated that 9 million veterans will die. The 4 million spaces potentially available will not meet the burial needs of these veterans. It is clear that the National Cemetery System will have to be expanded and it is this Senator's hope that the expansion will be accomplished on the basis of need. The reports required under this legislation will help us to accomplish that objective.

If the Cemetery System is expanded on a needs basis, I am convinced that the demographics of the veteran population will dictate establishment of a national cemetery in Arizona.

By Mr. DECONCINI (for himself and Mr. GOLDWATER):

S. 623. A bill to provide for the establishment of a national cemetery in Maricopa County, AZ; to the Committee on Veterans' Affairs.

TO ESTABLISH A NATIONAL CEMETERY IN ARIZONA

Mr. DECONCINI. Mr. President, on behalf of myself and Senator GOLDWATER, I an introducing today a bill to establish a national veterans' cemetery at the site of the Arizona State Cemetery, located 17 miles north of Phoenix at Cave Creek and Pinnacle Peak Roads.

The initial legislation which led to the establishment of what was to become the National Cemetery System was enacted in 1862 and was intended to provide places of burial for soldiers who died in military service during the Civil War. By 1870, 62 national cemeteries had been established in close proximity to Civil War battlefields and hospital sites. Although the National Cemetery System has been expanded through the years to include 109 cemetery sites, the vast majority are located in the East and South. For instance, Virginia has 14 national cemeteries, excluding Arlington, while many Western States have none.

Originally, the National Cemetery System was administered by the Department of the Army. However, jurisdiction for the cemeteries was transferred to the Veterans' Administration in 1973 upon enactment of Public Law 93-94. It is important to note that one provision of that act directed the Administrator to conduct a comprehensive study on a number of issues relating to national cemeteries, one of which was the concept of establishing regional cemeteries. As you know, that concept was ultimately adopted as VA policy. While the VA has attempted to redress the imbalance in the location of our national cemeteries, the fact remains that a disproportionate few are located in the West.

It is my firm belief that every veteran who has served his country honorably has the right to burial in a national cemetery within reasonable proximity to his/her domicile. Statistics indicate that survivors are adverse to burial sites beyond a 75-mile radius of their residence. Yet the closest cemetery available for interment of Arizona veterans is located in Riverside, CA—a distance of approximately 300 miles from Phoenix, where half of the Arizona population resides.

In the absence of a national cemetery in Arizona with available burial space, the Arizona Veterans' Memorial Cemetery Board of Directors, along with the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars, worked tirelessly to ensure the establishment of a State veterans' cemetery so Arizona veterans could be buried near loved ones. As a result of their efforts, the State of Arizona, on June 27, 1976, authorized and later appropriated moneys for the development of a parcel of land in Maricopa County to be used for a veterans' cemetery. The site contains 836.34 acres which will accommodate burial space for up to 500,000 veterans.

The initial phase of the cemetery plan was completed in early 1979, and the first three interments took place on March 14, 1979. As of February 27, 1985, 3,924 veterans and their dependents have been buried at this site. Burials are now averaging close to 80 a month.

After enactment of the Veterans' State Cemetery Grant Program in 1978, Public Law 95-476, the State of Arizona applied for Federal assistance for its cemetery. In April 1981, the Veterans' Administration released a grant in the amount of $104,125 to the State of Arizona to cover the Federal share of the costs involved in the construction of the administration building at the State cemetery. An additional grant of $187,618 was awarded to the State in September 1984 to develop, among other things, a water system at the cemetery site. It is anticipated that Federal participation in this program will continue as the cemetery site is further developed.

Despite this Federal assistance, both Senator GOLDWATER and I, as well as all of the veterans in Arizona, believe that this cemetery should be incorporated into the National Cemetery System, and I urge my colleagues on the Senate Veterans' Affairs Committee to give this legislation their favorable consideration.

By Mr. METZENBAUM:

S. 624. A bill to amend the Internal Revenue Code of 1954 to provide that the proceeds of obligations secured by installment notes be treated as payments on such notes; to the Committee on Finance.

TAX TREATMENT OF BUILDER BONDS

● Mr. METZENBAUM. Mr. President, I am today introducing legislation to close a tax shelter that is enabling major real estate developers to earn millions of dollars in profits while paying little or nothing in Federal income taxes.

How does this tax shelter work?

In general, profits from the sale of property are taxed in the year of sale. However, under a special tax rule, if profits from a sale are received in installments, the profits are taxed as the payments are received. This special rule, the installment sales rules, is intended to prevent taxpayers from being required to pay taxes before cash is received.

That certainly is fair. I find no fault with the general rule.

But major real estate developers have found an ingenious way to obtain their cash in the year they sell property, yet still qualify for the preferential installment sales treatment. And the Government, through GNMA and FNMA, helps them.

Here is how a typical transaction works:

A developer finances the sale of a home, taking a 30-year FHA/VA guaranteed mortgage from the purchaser. Because payments are received over a 30-year period, the developer qualifies for installment sales treatment. This means that the profit earned on the sale will be taxed over the 30-year period.

Next, the developer takes the mortgage and places it in a trust with a number of other such mortgages. The trust is used as collateral to sell bonds—builder bonds—guaranteed by the Government National Mortgage Association [GNMA] or the Federal National Mortgage Association [FNMA]. The proceeds from the bonds enable the developer to receive all its cash in the year of sale. But for tax purposes, the developer continues to report taxable income over the 30-year period. The mortgage payments from the home purchaser are used to repay the bond holders.

What are the tax consequences?

One major accounting firm, Kenneth Leventhal & Co., describes them as follows:

The deferred income tax liability is paid over the term of the underlying mortgages. During the first 24 years of a 30-year monthly payment mortgage (assuming no prepayments), only 46.13 percent of the tax liability will be paid leaving 53.87 percent of the liability to be paid between years 25 through 30.

If a builder commits approximately one-third of its annual volume to these types of bond programs, the builder would offset all current year taxable income from for-sale residential development. By committing more or all of a builder's volume to this program, there exists the opportunity to recapture up to the previous 3 years of income taxes paid, offset income tax liability in the current year from other sources other than for-sale residential sales, or create a net operating loss carry-forward system to offset future taxable income.

For primarily the privately held builders and to some extent public companies, the program also affords the opportunity to use the building company as the primary tax-shelter and estate planning entity since the tax deferral period is longer than that provided through conventional investment opportunities.

The Treasury Department's tax simplification proposal calls for elimination of this federally guaranteed tax shelter. The bill I am introducing today will do precisely that. And, according to the Treasury Department, it will raise $2 billion over the next 3 years.

I urge the chairman of the Finance Committee to schedule hearings on this issue so that the real estate developers can have an opportunity to explain why they should not be required to pay taxes on their profits. If they are unable to do so—and I do not believe that this shelter is defensible—I hope that we can move on this issue, now—or, at the latest—when legislation addressing the imputed interest rules reaches the Senate floor.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 453 of the Internal Revenue Code of 1954 (relating to the installment method) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) TREATMENT OF INSTALLMENT OBLIGATION PLEDGED AS SECURITY.—Except as provided in regulations prescribed by the Secretary, if a taxpayer pledges an installment obligation as security for any bond or other evidence of indebtedness, the proceeds from such bond or evidence of indebtedness shall be treated as a payment on such installment obligation.".

(b) the amendment made by this section shall apply to installment obligations pledged as security on or after the date of the enactment of this Act, in taxable years ending after such date.●

By Mrs. HAWKINS:

S. 625. A bill to include the offenses relating to sexual exploitation of children under the provisions of RICO and authorize civil suits on behalf of victims of child pornography and prostitution; to the Committee on the Judiciary.

SEXUAL EXPLOITATION OF CHILDREN

● Mrs. HAWKINS. Mr. President, I rise today to introduce legislation amending the Racketeer Influenced and Corrupt Organizations Act [RICO] to cover one of the most vicious and heinous crimes presently facing this Nation, the sexual exploitation of children.

In recent months, the American public has been shocked and outraged by reports of the deprivation created by wars, natural and manmade disasters, and, most forcibly, the famine in Africa. In light of these distressing developments, perhaps it is not surprising for many people to hear James Grant, the head of UNICEF, declare that

Without new ideas and strategies, several million more children are going to die in the

decade ahead than was thought possible even three short decades ago—and many million more are going to suffer mental and physical damage unless a new way forward is found.

However, this statement does not refer to the millions of dispossessed in war-torn areas nor does it refer to the millions of Ethiopian children whose terrible plight has haunted the American conscience in recent months. Rather, this statement depicts a disaster of equal magnitude, another disease that threatens the safety and security of our children. Today, I rise to tell of this less publicized horror story, the tale of the widespread sexual exploitation of children and of the pornographic networks which control this growing racket.

It is difficult to completely estimate the depths of this international dilemma. Approximately 170 million children live on the streets of the world, alone and vulnerable to the malignant designs of sexual exploitation. While most of these children are from the nations of the Third World, they also live in London, New York, and even right here in Washington. Indeed, the United States has unfortunately established itself as an integral part of this world problem. Despite the best efforts of many concerned individuals both inside and outside of this Congress, the United States remains the largest importer and producer of films and videos portraying young children in explicit sexual acts, and our citizens are among the most frequent purchasers of the tools of the pornographic trade.

We have made progress; last session, we passed the milestone Child Protection Act. Yet, we have still failed to come to grips with certain disheartening, but nonetheless essential, facts. Child pornography is not merely the work of the isolated flasher or the province of the part-time pervert who owns a home movie camera and two slide projectors. Rather, it is a $5 billion worldwide industry that stretches its tentacles across State lines and international boundaries. Kiddie porn is dominated by large, multinational operations that control significant resources and important networks and, like other major racketeers, infiltrate respectable organizations that front for these appalling criminals. The distribution of pornographic literature through such countries as Denmark and the Netherlands has evolved into a well-oiled process that delivers its goods quickly and efficiently to both foreign and domestic markets. Even in the United States, there exists a highly complex structure for reproducing and circulating pornography and laundering ill-gotten gains. In addition, these racketeers organize and sponsor child exploitation field trips to Sri Lanka, Thailand, and the Philippines where they gladly sell advice on circumventing local law, negotiating the price of a child prostitute, and finding the proper hotels for these activities.

Against these well-organized and well-funded rackets, present statutes and enforcement efforts have been notably insufficient. State laws and Federal regulations cannot cope with these complex production and distribution networks. Indeed, under current law, the organized pornographer and his cohort of financiers and promoters face little deterrent to keep them from their lucrative business.

On the other side, the victim of child pornography presently is afforded little relief. Under the current system, both State and Federal courts have insufficient power to provide appropriate compensation and damages for the victims of sexual exploitation.

However, I firmly believe that the more stringent requirements of RICO would markedly alleviate this dilemma. Including child protection under the RICO coverage gives prosecutors an important tool in their arsenal of statutes in which to prosecute those who profit from child pornography. RICO coverage permits differential sentencing, thus allowing higher sentences for large-scale operators, as opposed to the standard sentence provided in the child pornography statutes. By providing for interstate distribution over the crime, it also alleviates the difficulties of prosecuting for pornography that is produced in one State but distributed in orders. RICO coverage also grants the district courts the jurisdiction to issue injunctions preventing national distribution of the pornographic material, thus providing the victim with a mechanism by which to prevent further distribution of the pornography.

RICO also enables victims to sue for treble damages and attorney's fees. This provision is the heart of RICO and was the result of years of careful study leading to the conclusion that the profit must be removed from criminal ventures. Unfortunately, the type of damages covered by the current RICO act apply only to business or property. While a child's reputation may be considered a property interest in part, the RICO statute should be amended in order to provide complete relief from the offender. Thus, my legislation amends section 1964(c) to include damages to the "person" for the categories of child pornography and child prostitution.

Mr. President, today we are confronted with the direct evidence of thousands of exploited and ruined children and the picture of a growing industry in pornography. The world offers little protection to the weak and homeless, we must provide some shelter from exploitation before even more damage is done to our children. I urge all my Senate colleagues to join me in supporting this vital bill.●

By Mr. COCHRAN:

S. 626. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to acquire easements for conservation, recreational and wildlife purposes in wetlands, upland, and highly erodible land which secure certain delinquent loan owed to the United States under any law administered by the Farmers Home Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM DEBT RESTRUCTURE AND CONSERVATION SET-ASIDE ACT

● Mr. COCHRAN. Mr. President, today I am introducing the "Farm Debt Restructure and Conservation Set-Aside Act of 1985," to authorize the Secretary of Agriculture to acquire easements in land that secures certain delinquent loans owed to the Farmers Home Administration. This same bill has been introduced in the other body by my friend WEBB FRANKLIN, Republican of Mississippi.

This legislation would give the Secretary of Agriculture authority to acquire an easement, in consultation with the Director of the U.S. Fish and Wildlife Service, in land that had been row cropped for the last 3 years with little or no success, and that secured a direct loan from FmHA. The easements acquired would be used for conservation, recreational, and wildlife purposes.

As consideration for the easement, the Secretary would reduce the outstanding debt of the participating farmer by a percentage directly related to the portion of the farmer's total FmHA-encumbered acreage that has become subject to the easement.

The benefits of this measure are numerous, Mr. President. Thousands of acres of barely arable yet publicly subsidized land would be taken out of production permanently. It would also add to the American landscape hundreds of wildlife habitats, forests, and game preserves managed according to agreements between the Department of Agriculture, the Fish and Wildlife Service, and the individual States. To future generations, this would be a far better legacy than a rash of federally foreclosed tracts of land.

I hope this bill can be considered favorably by the Senate.

Mr. President, I request unanimous consent that a copy of the bill be inserted at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as "Farm Debt Restructure and Conservation Set-Aside Act of 1985".

SEC. 2. (a) The last sentence of section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended by striking out "all the interest of the United States, including mineral rights," and inserting in lieu thereof "all the interests of the United States (including mineral rights) other than easements acquired under subsection (e).".

(b) Section 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) is amended by adding at the end thereof the following new subsection:

"(e)(1) For conservation, recreational, and wildlife purposes, the Secretary may acquire and retain easements, for a term of not less than 50 years, in real property which is wetlands, upland, or highly erodible land if such real property—

"(A) is determined by the Secretary to be suitable for the purpose involved,

"(B)(i) secures any loan made under any law administered by the Farmers Home Administration and held by the Secretary, and the borrower involved is unable, as determined by the Secretary, to repay such loan timely, or

"(ii) is administered under this title by the Secretary; and

"(C) was row cropped in each year of the 3-year period ending on the date of the enactment of the Farm Debt Restructure and Conservation Set-Aside Act of 1985.

"(2) The terms and conditions specified in each such easement shall—

"(A) specify the uses to which such real property will be put by the owner of such real property (including such borrower and any successor in interest of such borrower);

"(B) identify the conservation measures to be taken, and the recreational and wildlife uses to be allowed, with respect to such real property; and

"(C) require such owner to allow the Secretary, and any person or governmental entity designated by the Secretary, to have access to such real property for the purpose of monitoring compliance with such easement.

"(3) Any such easement acquired by the Secretary shall be purchased from the borrower involved by cancelling that part of the aggregate amount of such borrower's outstanding loans held by the Secretary under laws administered by the Farmers Home Administration which bears the same ratio to the aggregate amount of such borrower's outstanding loans held by the Secretary under all such laws as the number of acres of such borrower's real property which are subject to such easement bears to the aggregate number of acres securing such loans.

"(4) The Secretary shall consult with the Director of the Fish and Wildlife Service of the Department of the Interior for purposes of—

"(A) selecting real property in which the Secretary shall acquire easements under this subsection;

"(B) formulating the terms and conditions of such easements; and

"(C) enforcing such easements.

"(5) The Secretary, and any governmental entity or person designated by the Secretary, may enforce an easement acquired under this subsection by the Secretary.

"(6) For purposes of this subsection—

"(A) the term 'governmental entity' means any agency of the United States, of a State, or of a unit of local government of a State;

"(B) the term 'highly erodible land' means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the land capability classification system in effect on the date of enactment of this Act;

"(C) the term 'recreational uses' includes hunting;

"(D) the term 'wetlands' has the meaning given it in section 3 of the Water Bank Act (16 U.S.C. 1302); and

"(E) the term 'wildlife' means fish or wildlife as defined in section 2(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371).

"(7) This subsection shall not apply with respect to the cancellation of any part of any loan made after the date of the enactment of the Farm Debt Restructure and Conservation Set-Aside Act of 1985.".

SEC. 3. The second sentence of section 1001 of the Agricultural Act of 1970 (16 U.S.C. 1501) is amended—

(1) by striking out "perpetual", and

(2) by inserting "for a term of not less than 50 years" after "easements".

SEC. 4. Any part of a loan cancelled under section 335(e) of the Consolidated Farm and Rural Development Act shall not be included in income, and shall not have any effect on any tax attribute with respect to any taxpayer or property, for purposes of the Internal Revenue Code of 1954.●

By Mr. DOMENICI:

S. 627. A bill to promote and expand the vitality of the U.S. copper industry; to the Commitee on Finance.

NATIONAL COPPER POLICY ACT

● Mr. DOMENICI. Mr. President, the bill I am introducing today is also being introduced in the House by Congressman UDALL. We hope that the bill will receive the endorsement of all of the members of the copper caucus, and that it will be enacted quickly.

The centerpiece of this legislation is a mandate that the United States enter into negotiations for a voluntary production restraint agreement with the major copper-producing countries. A similar provision passed the Senate last year, but was reduced to a sense of the Congress during the omnibus trade bill conference.

Last year's resolution contained numerous findings regarding the plight of the copper industry, the distorted world copper market, the exacerbating role that the Interamerican Development Bank and the compensatory financing facility have played in expanding capacity in excess of world demand.

Last year's sense of Congress resolution urged the president to negotiate with the principal foreign copper-producing countries to conclude voluntary restraint agreements with the major copper-producing countries for the purpose of effecting a balanced reduction of total annual foreign copper production for a period of between 3 to 5 years to allow the price of copper on international markets to rise modestly to levels which will permit the remaining copper operations located in the United States to attract needed capital, and to achieve a secure domestic supply of copper.

In response to the resolution, Ambassador William Brock, U.S. Trade Representative, directed the copper task force to prepare a report on the feasibility and desirability and of a negotiated voluntary restraint agreement. To ensure that all facets of the proposal were adequately analyzed, the membership of the task force included participants from the U.S. trade representative's office, the Treasury Department, Interior Department, State Department, and Commerce Department.

A draft of that report, which should be released soon, confirms that the U.S. copper industry is in a serious and continuing state of decline, that the world copper market is distorted and depressed as a result of the policies of government-owned foreign producers and lending by international agencies, and that continuation of these trends will make our country dependent on potentially unstable foreign supplies of a strategic metal.

The report supports and confirms what I have been saying all along, that is that the U.S. copper industry and its workers are not getting a fair shake. Furthermore, that the only help for reversing this trend is a government-to-government negotiation.

The draft report concludes that, if appropriately structured, an internationally negotiated production restraint would both save the U.S. copper industry and benefit foreign producers as well.

The report includes findings regarding: First, the current condition of the U.S. copper industry; second, the impact of foreign, government-owned copper producers, and international lending institutions on the copper market; third, the strategic importance to the United States of maintaining adequate domestic copper production; and fourth, the potential benefits to the U.S. industry and to foreign producers of negotiated production cutbacks by foreign producers.

CONDITION OF THE U.S. COPPER INDUSTRY

The report states that, contrary to administration expectations, the price of copper has declined 6½ percent since September 1984, when President Reagan rejected a recommendation by the International Trade Commission to impose import relief for the copper industry. This decline brought the 1984 yearend price 20 percent below the already disastrous 1983 yearend price. The report finds that: "U.S. mine production could contract 75 percent from current levels" if current copper price levels persist.

The report concludes that "the current financial situation of most of the U.S. copper industry is so precarious that dramatic reductions in copper production could take place within the next 6 months. Such reductions might involve the bankruptcy of a major

copper firm and/or further divestiture of copper holdings by parent companies."

ROLE OF FOREIGN PRODUCERS AND INTERNATIONAL LENDING INSTITUTIONS

The interagency report confirms that government ownership and support of foreign copper producers has distorted the free market. The report states that foreign government infusions of capital into foreign copper production are providing "a distinctive advantage at a very critical time." The report indicates that Government loans and equity financing to foreign producers "may enable production to be maintained at a significantly higher level than would otherwise be the case." Further, the draft report states that Government financing in Zambia, Zaire, and the Philippines has been provided "without requiring a reasonable rate of return."

According to the report: "The market behavior of some Government-owned or controlled copper enterprises is significantly different from that of private sector firms."

The report suggests that even the low-cost Government-owned copper producer in Chile, Codelco, "[k]eeps production high regardless of market conditions" due to inflexible Government-imposed payment schedules. "[T]he institutional framework within which Codelco functions causes it to act as a revenue, rather than a profit maximizer," according to the report. With respect to Zambia and Zaire, the report states that these countries are "clearly influenced by governmental commitments to maintain high production levels so as to maximize foreign exchange earnings and employment."

The practices of international lending institutions have also distorted the free market in copper, according to the findings of the task force. Their draft report finds multilaterial development bank loans to foreign producers are "encouraging private sector financing which might otherwise stay from the project."

THE STRATEGIC CONCERNS

The interagency report also discusses the strategic considerations favoring a strengthened U.S. copper industry. The report states: "The shutdowns in capacity which are now threatening the U.S. copper mining industry could not be easily reversed in the short term and would make the U.S. more dependent on imports from outside North America."

BENEFITS OF FOREIGN PRODUCTION RESTRAINTS

The draft report analyzes the potential economic effects of production restraints by major foreign producers. Assuming no increase in current U.S. production, a production cutback for 2 years or more by Chile, Zambia, Zaire, and Peru would produce an increase in export revenues for these countries as well as an increase in U.S. copper revenues, according to the task force report. Only in scenarios where uneconomic U.S. production is brought back onstream do the foreign production cutbacks prove disadvantageous for the foreign producers.

The report notes that production cutbacks are an acceptable form or relief to the domestic copper fabricators.

In view of the analysis set forth in the copper task force report, I think it is appropriate to introduce legislation which mandates that these negotiations take place. This is exactly what the bill that Congressman UDALL and I are introducing today does. It is my hope that the copper caucus would work with the administration on this legislation to facilitate the negotiations and the resulting production restraints by copper producers.

These negotiations will not be easy, the task force report makes that clear. But the facts and conclusions of this report make it obvious that action must be taken promptly to save our copper industry. The report makes it very clear that an internationally negotiated solution offers a prospect of achieving that goal while also benefitting the foreign producing nations as well.●

By Mr. DIXON (for Mr. STEVENS, for himself, Mr. LONG, and Mr. DIXON):

S. 628. A bill to amend the Internal Revenue Code of 1954 to limit the application of the stock voting rights passthrough to certain employee stock ownership plans, and for other purposes; to the Committee on Finance.

EMPLOYEE STOCK OWNERSHIP PLAN EXPANSION ACT

Mr. DIXON. Mr. President, I am pleased to join my distinguished colleagues from Alaska and Louisiana, Senators STEVENS and LONG, in reoffering the Employee Stock Ownership Plan Expansion Act. This legislation is identical to S. 748, which we offered in the last Congress. It is designed to help remove obstacles to the formation of employee stock ownership plans [ESOPS] by closely held corporations, with minimal, if any, cost to the U.S. Treasury.

An ESOP is a tax-qualified method of providing employees with beneficial ownership of stock in their company without requiring a cash outlay on their part. Before 1978, the Tax Code recognized two types of ESOPS: First, the leveraged ESOP, which could hold any form of employee security and did not require pass-through of voting rights, and second, the "Tax Reduction Act ESOP," which was eligible for an additional 1-percent investment tax credit and which was required to hold only voting stock and to pass-through voting rights to employees who participated in the plan. In 1978, Congress consolidated these two types of plans and imposed the voting pass-through and voting stock requirements on leveraged ESOPS as well as those eligible for the tax credit. Recognizing that such requirements might be unduly burdensome for closely held companies, Congress then limited the voting pass-through and voting stock requirements for these smaller businesses to major corporate issues such as mergers and amendments to the articles of incorporation.

But, although the 1978 law has not caused difficulties for publicly traded companies, it has created severe problems for many closely held and family businesses that want to share ownership with their employees. The voting pass-through and voting rights requirements can, in cases where there is high employee turnover, cause such a broad dispersal of stock among former employees that a small or family business may become publicly owned against the will of those who formed it.

The voting rights requirement may cause additional special problems for closely held companies, as the example of a small publishing company in my home State of Illinois will illustrate. This company has outstanding voting and nonvoting stock. Its corporate treasury contains shares of nonvoting stock which would be available for the formation of an ESOP but for the voting rights requirement in current law.

However, this company is unable to issue any new voting stock, either for ESOP formation or for other purposes, because of an agreement made at the insistence of some of its creditors. Thus, the company is effectively prevented from forming a tax-qualified ESOP because current law conflicts with the company's need to satisfy its leaders' demands.

Closely held companies such as this one often can be made subject to restrictions against the issuance of new voting stock. Such stipulations may frequently be made by lenders who want to be satisfied that control of the corporation will remain in the hands of those who control it at the time the agreement to extend credit is made. Alternatively, the corporation may wish to obtain additional financing through the issuance of voting stock to limited numbers of new stockholders. These new stockholders, in order to be assured that their share of control of the company will not be diluted, may condition their purchase of stock on an agreement that the company issue no new voting stock thereafter. In either situation, the company, in order to obtain needed financing through debt or through new stock issues, must respond to the demands of lenders or prospective shareholders. Obviously, in such cases the corporation is effectively prevented from

forming tax-qualified ESOPS by the need for an infusion of capital. In a period of high interest rates, such a situation imposes especially severe burdens on closely held businesses.

In essence, Mr. President, the voting pass-through and voting stock requirements applicable to ESOPS under current law prevent many small business owners from offering their employees a share in the growth of their company. Not surprisingly, business groups indicate a sharp decline of interest in ESOPS among closely held companies since these requirements were imposed in 1978. The express intent of Congress to avoid unduly burdensome requirements for closely held companies has, in practice, been frustrated.

In 1981, the Senate attempted at least a partial remedy of this situation. By a vote of 94 to 3, we adopted an amendment offered by Senator STEVENS which would have repealed the voting passthrough requirement for closely held companies. unfortunately, this amendment was dropped in conference with the House.

Mr. President, this legislation makes no changes in ESOP requirements as they apply to publicly traded companies. For closely held companies, however, it provides necessary relief from requirements that have worked, in effect, to thwart Congress' express intent to encourage the formation of ESOPS.

It repeals the current voting passthrough requirement as it applies to closely held companies and permits the use of nonvoting stock in a leveraged ESOP or a tax credit ESOP, under certain special circumstances.

There is nothing intrinsically wrong with stock that lacks voting power, so long as that lack of voting power is reflected in the valuation of the stock. In determining what types of assets an ESOP or any tax-qualified plan ought to have, the important consideration is not so much what the attributes of those assets are as what the price paid for assets with a given set of attributes is. Nonvoting stock is worth less than similar stock which has voting power; so long as this difference is recognized at the time the company takes its tax deduction for making contributions to the plan; and so long as the value is communicated properly to the plan's participants, there is no reason why a plan ought not to be able to acquire such stock.

Moreover, as I stated earlier, there are many cases in which such nonvoting stock is the only stock available for acquisition by the ESOP. In these cases, the current requirements effectively prevent employees from enjoying the economic benefits of stock ownership at no cost to themselves. As is the case with the voting passthrough requirement, the congressional effort in 1978 to make the ESOP too perfect has only succeeded in denying ESOP benefits to workers who would otherwise have received them.

The amendment is designed to prevent manipulation and abuse by requiring that nonvoting stock must have been issued and outstanding for at least 24 months before it can be acquired by the ESOP. In other words, an arms-length purchaser must have thought that the stock was a valuable asset to own for at least 24 months before the ESOP will be able to own it. This requirement, coupled with the extensive requirements relating to fair valuation of the Internal Revenue Code and ERISA, should provide more than adequate protection for all employees of companies with ESOPS.

Mr. President, I believe this is a reasonable measure, and one that is necessary if the promise of ESOPS is to become a reality, rather than an illusion for the employees of small businesses. Passage of this bill will make the formation of ESOPS by closely-held companies more likely, enabling employees of small businesses to share in the future growth and prosperity of their companies. I regret that we did not have the opportunity to address this issue on the Senate floor in the last Congress. I look forward to full consideration and prompt enactment of the measure this year.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Stock Ownership Plan Expansion Act".

SEC. 2. CLOSELY-HELD COMPANIES-SPECIAL ESOP REQUIREMENTS.

(a) IN GENERAL.—Subsection (a) of section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit sharing and stock bonus plans) is amended by striking out paragraph (22) and redesignating paragraphs (23) and (24) as paragraphs (22) and (23), respectively.

(b) Section 409A(1) of the Internal Revenue Code of 1954 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) NONVOTING COMMON STOCK MAY BE ACQUIRED IN CERTAIN CASES.—Nonvoting common stock shall be treated as employer securities if an employer has a class of nonvoting common stock outstanding and the specific shares that the plan acquires have been issued and outstanding for at least 24 months.".

(c) EFFECTIVE DATES.—The amendment made by subsection (a) shall apply to acquisitions of securities after December 31, 1982.

Mr. STEVENS. Mr. President, I am pleased to join my colleagues, Senator LONG and Senator DIXON, in introducing this very important piece of legislation for the employees and owners alike of closely held companies in this country that desire the opportunity to participate in Employee Stock Ownership Plans [ESOP's].

The voting passthrough requirement is not a new issue. In 1981, the Senate recognized the problem caused by the current law, and by a vote of 94–3 overwhelmingly supported this same legislation in the form of an amendment I offered to the Economic Recovery Tax Act. Unfortunately, this amendment was dropped in the conference committee with the House.

The problem has not gone away. Legislative action is needed as much today as it was back in 1981. I know of at least two groups of employees who will be denied the benefits of their ESOP's, if this legislation is not enacted. The plans are going to be cancelled, and there is no reason for that.

Mr. President, this legislation would amend the Internal Revenue Code of 1954 to remedy a problem created by the revisions made by the Revenue Act of 1978. What I propose is, exactly what I proposed back in 1981, that is we eliminate for closely held corporations only the voting rights passthrough requirements as applied to employee stock ownership plans. Since passage of the 1978 amendment, which added section 401(a)22 to the Code, there has been a precipitous decline in the formation of new ESOP's, for closely held corporations. The massive expansion of ESOP's in the late 1970's has slowed to a small trickle since the passage of the 1978 language.

Many employers formed ESOP's prior to the introduction of the voting rights requirement, and they are now considering abandonment of the ESOP's program. I know of two in my State in particular. The voting rights requirement creates an enormous administrative burden. Solicitation of employees' proxies for ESOP's is an especially onerous paper burden for small closely held corporations.

The most onerous effect of the 1978 revision was that it takes away from the small family owned business the right to control its own enterprise when there is an intent to transfer ownership of that business to the employees. I think this is most unfortunate, because there are great virtues in allowing transfer of ownership by small enterprises to their employees who have put their life's work into the enterprise.

Following passage of the Revenue Act of 1978, there was a tremendous outcry by the then existing ESOPs providing corporations. I quote my distinguished colleague, Senator RUSSELL LONG, in his remarks following passage of the 1978 amendment:

Last year as part of the Revenue Act of 1978 Congress provided for the passthrough to plan participants the voting rights in certain situations, closely-held employer's stock held in profit-sharing plans,

stock bonus plans, money purchase plans, and employee stock ownership plans (ESOPs).

This is a very ill-advised decision. We held no hearings on this question and did not give the business community any opportunity to advise Congress on how they perceived the issue. In fact, only the Treasury Department actually demanded the pass-through of these voting rights. This winter I, and most other Members of Congress, received letters from other constituents that all opposed this position to the Revenue Act of 1978. I would estimate that perhaps as many as 300 letters and telegrams have reached me recently.

We have to recognize that however laudable some might feel these requirements to be they will be meaningless if they cause employers not to adopt, or to terminate, these plans and thereby deprive their employees of the benefits of stock ownership.

Mr. President, the fears that we all felt with the passage of the Revenue Act of 1978 have come to pass. ESOPs for closely held corporations have become a very small part of employee benefit packages. A number of closely held corporations have either stopped or eliminated their ESOP plans. I feel that this is a great detriment not only to the employees and organizations, but also to the public itself. However one may feel about allowing such pass-through, the facts must still be recognized: First, that is if the choice is no ESOPs or ESOPs without voting rights passthrough—we must elect the latter. It is in that spirit that I offer this legislation today.

Louis Kelso, the grandfather of ESOPs as we know them in this country today, succinctly stated his position on this issue as follows:

Should an employee stock ownership plan provide for automatic vote pass-through?

The purpose of the ESOP is to provide the employees with economic power—the power to produce goods and services through his privately owned capital. Functionally, management is an art and skill; it should be in the hands of those who are qualified by talents and experience.

The ownership of capital on the other hand should be possessed by everyone, for it is the essence of economic power—economic democracy. Democracy provides everyone with political power, but only the ESOPs can provide the American worker with economic power. Political power without economic power is sterile and useless. The political power of an employees is made effective by matching it with economic power in the form of capital ownership. The better the quality and experience of the management, the more productive is the capital. Thus, amateur management by employees is not desirable either for non-employee stockholders, nor for employees who have acquired stock ownership through their ESOPs. Amateur management weakens rather than strengthens economic democracy.

Mr. President, I concur with Mr. Kelso's thoughts on this issue and urge prompt enactment of this legislation.

By Mr. D'AMATO (for himself and Mr. DIXON):

S. 629. A bill to extend and modify the "Net Worth Certificate Act," and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION OF NET WORTH CERTIFICATE ACT

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to extend the Net Worth Certificate Program, which is scheduled to expire on October 15, 1985. This program has been of significant assistance to the Nation's savings institutions and should be extended to help see them through the next 3 years while they continue efforts to restructure their mortgage loan portfolios and, thus, improve their net-worth-to-assets ratios.

The Net Worth Certificate Program was established in 1982 as part of the Garn-St Germain Act. The purpose of the program is to provide capital assistance to depository institutions which have suffered earnings and capital losses primarily as a result of their home mortgage lending activities. To be eligible for assistance, an institution must have a ratio of net worth to assets below 3 percent and must have investments in residential mortgages or mortgage-backed securities aggregating at least 20 percent of its loans.

The program was designed as a way to help troubled thrift institutions without requiring direct outlays by the Federal Government. Qualified depository institutions may exchange their own capital instruments—called net worth certificates—for promissory notes issued by the Federal Savings & Loan Insurance Corporation or the Federal Deposit Insurance Corporation. The notes are booked as assets by the institutions and, thus, shore up net worth. The amount of assistance received by each institution is keyed to its operating losses and its net worth position.

Thrift institutions suffered great losses of capital during the period 1980 to 1982. With the removal of the limits on interest paid on savings accounts, thrifts were paying higher and higher rates of interest to attract deposits. This higher cost of money balanced against lower-yielding residential mortgages held in portfolio resulted in significant operating losses. During 1981 and 1982 the majority of savings institutions operated at a loss, with savings and loan associations and mutual savings banks posting combined losses of $11.6 billion, or 25.9 percent of the beginning capital of these institutions during the 2 years in question. Total regulatory net worth fell from $32.4 billion at the end of 1980 to a low of $23.7 billion in September 1982. But with an improving interest rate environment and with the help of net worth certificates, regulatory net worth rose to $37.6 billion at the end of September 1984.

The Net Worth Certificate Program clearly has been helpful and important to the thrift industry. It has enabled troubled institutions with net worth levels at 3 percent or below to keep their heads above water during the past 2½ years. Unfortunately, during that time interest rates have stayed up. Because the projections for the next 3 years are for rates to stay at historically high levels while we work out our Federal budget deficit problems, the Net Worth Certificate Program must be extended. This will give savings institutions needed time to continue restructuring their mortgage loan portfolios by adding new higher yielding mortgages and by making additions of capital to their net worth.

The Net Worth Certificate Program not only buys time for savings institutions to improve their net worth positions but it also limits the necessity of expensive and wrenching mergers. Savings institutions would prefer to survive and serve their customers if at all possible rather than be merged with another institution, and the Net Worth Certificate Program makes this possible in many cases. Significantly, all this is done without any budgetary impact. It is a "no cost" way for the Federal Government to assist savings institutions and, thus, help assure a ready supply of money for America's home-buying public.

Besides extending the Net Worth Certificate Program, my bill would also help improve the program. The amount of assistance a savings institution may receive under the program is determined as a percentage of operating losses. As the program is presently being administered, operating losses are treated essentially as including only losses incurred in the ordinary course of business, which the regulators are interpreting as excluding losses resulting from financial asset sales. My bill would make clear that operating losses should include losses resulting from the sale of items such as mortgages, mortgage-backed securities, and municipal and other types of bonds. The sale of assets of this type is critical to the successful restructuring of portfolio by savings institutions. The program must be corrected in order to further encourage proper financial restructuring and better business management.

My bill would also give added assistance to savings institutions by modifying the program to give needed flexibility to the criteria for determining eligibility for assistance.

Mr. President, the Net Worth Certificate Program is a proven significant, important, and sound approach to helping thrift institutions survive. This industry dedicated to fulfilling

the American dream of homeownership must be kept in place as part of our financial institutions structure. The Net Worth Certificate Program provides assistance and time for savings institutions to help themselves. It is vital that we move as expeditiously as possible to extend and improve the Net Worth Certificate Program. I ask unanimous consent that the section-by-section analysis and the bill be printed in the RECORD in their entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 206 of Title II of the Garn-St Germain Depository Institutions Act of 1982 is amended by striking out "three years" and inserting in lieu thereof "six years".

SEC. 2. Section 406(f)(5) of the National Housing Act (12 U.S.C. 1729(f)(5)) is amended as follows:

(a) By adding a new subparagraph (N) to read as follows:

"(N) For purposes of this paragraph, the term 'operating losses' shall be defined to include losses from the sale of financial assets, including, without limitation, mortgages, bonds, and other securities.";

(b) By adding after the word "paragraph" in subparagraph (B)(v) the phrase "unless the Corporation, in its discretion, permits a lower net worth threshold in conjunction with a business plan submitted by the institution";

(c) By striking out the phrase "70 per centum of" in subparagraph (E)(iii); and

SEC. 3. Section 13(i) of the Federal Deposit Insurance Act (12 U.S.C. 1823(i)) is amended as follows:

(a) By adding a new subparagraph (14) to read as follows:

"(14) For purposes of this subsection, the term 'operating losses' shall be defined to include losses from the sale of financial assets, including, without limitation, mortgages, bonds, and other securities.";

(b) By adding after the word "paragraph" in paragraph (2)(E) the phrase "unless the Corporation, in its discretion, permits a lower net worth threshold in conjunction with a business plan submitted by the institution";

(c) By striking out the phrase "70 per centum of" in paragraph (5)(C).

EXPLANATION

These amendments would extend the Net Worth Certificate Act (Title II of the Garn-St Germain Depository Institutions Act of 1982, Public Law 97-320) ("Garn-St Germain Act").

Section 1—Three-Year Extension to October 15, 1988.

In 1982 in order to provide capital assistance to depository institutions which had suffered earnings and capital losses primarily as a result of their mortgage lending activities, Title II of the Garn-St Germain Act authorized the FDIC and the FSLIC to utilize their respective insurance funds to administer a three-year program whereby "qualified" depository institutions could exchange their own capital instruments (called "Net Worth Certificates") for promissory notes issued by the federal insurance agencies (FSLIC and FDIC). The exchange of such notes is intended to partially offset current losses and shore up the net worth of qualified institutions. To be "qualified" an institution must have, among other things, investments in residential mortgages or mortgage-backed securities aggregating at least 20 percent of its portfolio of loans. Under the Net Worth Certificate (NWC) program, eligible institutions are authorized to apply for assistance based on their net worth at the time of the request. The amount of assistance is keyed to an institution's operating losses and its net worth position.

The Net Worth Certificate Act was signed into law as part of the Garn-St Germain Act on October 15, 1982 and is scheduled to expire on October 15, 1985. The legislative history of the program reflects a clear Congressional intent that thrift institutions be given time through use of the NWC program to restructure their loan portfolios and to streamline their existing operating procedures.

However, the relatively high interest rate environment which has prevailed throughout much of the first two years of the NWC program has frustrated the efforts of thrift institutions to accomplish the first and the most critical of the two objectives—restructuring of loan portfolios.

Although the Garn-St Germain NWC program has afforded institutions time to streamline their operating procedures and therefore reduce operating costs, economic conditions have effectively precluded institutions from restructuring their assets (i.e., loans) during that same timeframe.

Moreover, as a result of the losses sustained in the previous high interest rate cycle, most thrifts already have severely depleted net worths. According to statistics as of September 30, 1984 compiled by the U.S. League of Savings Institutions, about 30% of the total number of the nation's savings institutions have regulatory net worths below the regulatory minimum of 3% of assets. Total regulatory net worth fell from $32.4 billion at the end of 1980 to a low of $23.7 billion in September 1982 and then rose to $37.6 billion at the end of September 1984.

The thrifts' problems are compounded by the increased competition for retail deposits from commercial banks which are seeking more stable deposits to offset deposit outflows from large depositors concerned about commercial bank vulnerability to non-performing foreign and domestic loans. This increased competition necessarily forces up interest rates paid to retail depositors. In turn, thrifts either have to meet this competition or face disintermediation (i.e., the withdrawal of funds by savers for reinvestment in depository accounts or securities paying higher yields).

The NWC program should be extended for three years until October 15, 1988. Extension of the program early in 1985 would provide the federal insurance agencies with adequate notice of the program's extension and would avoid forcing the regulators to devote their already strained resources to developing contingency plans to deal with the thrift problem in the event Congress does not act to extend the program prior to the sunset date.

Sections 2(a) and 3(a)—Definition of "Operating Losses".

The purpose of this amendment is to provide the FSLIC and the FDIC with important additional flexibility in the administration of the NWC program. The Net Worth Certificate Act allows those agencies to provide capital assistance to savings institutions with low net worth that have been suffering "operating" losses.

Ironically, as the governing statute is currently administered, institutions that incur losses as the result of selling financial assets, including mortgages, mortgage-backed securities, and municipal and other bonds, which were acquired in the past, and, because of current higher interest rates, now have market values below book carrying value, may not have any portion of those losses covered by capital assistance. This results from the fact that operating losses are treated essentially as including only losses incurred in the ordinary course of business, which the regulators are interpreting as excluding losses resulting from financial asset sales.

The practical effect of this situation is to prevent institutions that need and qualify for assistance from being able to sell some of their low-yielding assets and enter into restructuring transactions of real economic benefit—transactions that would produce earnings over time to return the net worth certificates issued by the institution. It is, of course, counterproductive to force institutions to tie up assets in unprofitable ways when their assets could be redeployed in a manner that would strengthen those institutions and ultimately reduce their need for capital assistance. The amendment would cure this problem by making it absolutely clear that, for the purpose of the NWC legislation, operating losses shall include losses resulting from the sale of items such as mortgages, mortgage-backed securities, and municipal and other types of bonds.

Sections 2(b) and 3(b)—Discretion to Provide Eligibility to Borderline Institutions.

These amendments to the National Housing Act and the Federal Deposit Insurance Act would provide more flexibility to the FSLIC and FDIC in setting a floor for eligibility to issue NWCs. Under present law, a "qualified institution," i.e., one eligible to issue NWCs, must have net worth of at least 0.5 percent of assets after the purchase of its NWCs. To meet this threshold, an institution may have to take undesirable short-term and artificial actions, such as the sale of branches or buildings and termination of pension plans, with accompanying long-term negative consequences.

With this change, the regulators may exercise discretion and permit a 0.49 or 0.45 percent net worth level, for example, if such condition exists in an institution which has submitted an acceptable business plan. Such a plan would be judged by the supervisory agency to be likely to result in an improved net worth position for the institution within a reasonable time. With regulatory discretion applied to a more flexible minimum net worth standard, the NWC program will operate with greater efficiency and fairness. Institutions struggling for survival but with a sound long range business plan should not be denied the opportunity to participate in the program automatically because of a temporary fall below minimum net worth.

Sections 2(c) and 3(c)—Increased Assistance for Institutions Suffering Severe Financial Difficulties.

These amendments would remove the "70 per centum" limitation in recognition that institutions with net worth levels as low as 1 percent of assets or less are in need of significant assistance—as much as 100 percent of operating losses under circumstances as determined by the supervisory agency. These amendments would remove the reluc-

tance of the agencies to purchase NWCs in amounts equal to operating losses in cases where such full assistance is necessary and appropriate. The agencies would also be less inclined to force sick institutions into expensive involuntary mergers.

The aim of the NWC program is to enable depository institutions to work their way out of their financial problems with some assistance from their supervisory agencies. These amendments are most supportive of that objective in that they promote self help and survival over unwanted merger.

Mr. DIXON. Mr. President, I am pleased to join my distinguished colleague from New York, Senator D'AMATO, in offering legislation to extend the Net Worth Certificate Program. This program has been of real importance to our Nation's thrift industry, and I believe it would be premature to let it expire on October 15, 1985, which is what will happen if Congress does not act.

The thrift industry has made remarkable progress in the past 2 years. Savings and Loans have undertaken extensive efforts to help themselves by revamping their portfolios, cutting their costs, and by improving their competitiveness by offering new cost-effective products and services. Thrifts have diversified to a degree while maintaining their commitment to housing.

While self-help has been extremely important for the industry, however, it is worth recalling the vital role the Net Worth Certificate Program has played in helping to start thrifts on the road back to economic health. The Net Worth Program bought many thrifts the most important thing they needed—time. It gave them time to undertake their self-help efforts, time to adjust to the deregulation of interest rates, and time to take advantage of the changes in Federal laws and regulations that were contained in the Garn-St Germain Act of 1982.

The Net Worth Certificate Program enabled troubled thrifts to arrest the erosion of their net worth without cost to the Federal treasury. It enabled many thrifts to maintain their independence, and helped the Federal Home Loan Bank Board keep the number of costly, assisted mergers or acquisitions below what would have otherwise been necessary.

It does not make sense to let this program expire this year, Mr. President. Thrifts are doing better; but while the industry overall is operating in the black, between one-quarter and one-third of all thrifts lost money last year. Further, the interest rate environment is still very uncertain.

The economic health of the thrift industry is therefore still rather fragile, and the Net Worth Certificate Program is therefore still needed. Many institutions still will need the time this program can provide to continue their efforts to restructure their portfolios, reduce their costs, and strengthen their net worth.

I believe this is important legislation. It is not a panacea, but it has worked, and will work to provide real assistance to thrifts, assistance that is still needed. It is in no sense a comprehensive answer to the thrifts continuing problems. It simply provides them with the breathing room they need to address those problems.

The industry has made effective use of the program. It has not cost the Federal Government a dime. In fact, I would strongly argue it has saved us money. A 3-year extension of this program is a reasonable and appropriate step. I therefore urge my colleagues to act quickly on this legislation.

By Mrs. HAWKINS:

S. 630. A bill to provide for the payment of rewards to individuals providing information leading to the arrest and conviction of persons guilty of killing or kidnaping a Federal drug law enforcement agent; to the Committee on the Judiciary.

FEDERAL DRUG LAW ENFORCEMENT AGENT PROTECTION ACT

Mrs. HAWKINS. Mr. President, today I am introducing legislation that would pay rewards to individuals providing information leading to the arrest and conviction of persons guilty of kidnaping or killing a Federal drug law enforcement agent.

Mr. President, I introduce this proposal with both the past and future in mind. As we have seen in the past, an escalation of our war on drugs has brought threats and retaliation to our men and women who serve in this great struggle. If we are to wage an effective battle against illegal narcotics trafficking, I believe that we must take whatever measures necessary to ensure the safety and security of our Federal drug law enforcement officers. I urge speedy enactment of this bill in the hope that it will help prevent a recurrence of the recent tragedy which took the life of one of our brave DEA agents.

This Federal Drug Law Enforcement Agent Protection Act of 1985 would amend the Controlled Substances Act by providing that awards of up to $100,000 be made to any individual who provides original information which leads to the arrest and conviction of a person who kidnaps or kills a Federal drug law enforcement agent. The money for the reward, or rewards, would be taken from the repository of forfeiture proceeds within the Department of Justice.

Mr. President, if the drug traffickers have become so brazen that they kidnap and kill a Federal law enforcement agent in a nation that has been our neighbor and friend for centuries, then it is time we let them know that we will not tolerate it. The Federal Drug Law Enforcement Agent Protection Act would provide a needed protection to our brave men and women all over the world, who daily risk death and danger in their efforts to enforce the drug laws of our country.

With this legislation, I would hope that we can further infiltrate the drug traffickers' world. We already know that members of this underworld will destroy innocent children, kidnap and kill Federal law enforcement agents, and commit any brutal crime for drug profits. With the enactment of this proposal, we will let it be known that we will pay for information to bring these thugs to justice. This information could help us in our efforts to put them permanently out of existence.

Under my proposed legislation, drug traffickers foot the bill. The money for the rewards provided in this legislation would come from forfeiture proceeds with the Department of Justice. This includes any property seized in a drug raid, or narcotics sting operations, whether it is contraband, vehicles used for drug shipments, or cash seized in a drug transaction.

Mr. President, we all acknowledge that we must stop drug trafficking and abuse. As we strive to achieve this goal, we must provide adequate protection for the men and women who work so hard, against such overwhelming odds, to enforce the drug laws of our country. The Federal Drug Law Enforcement Agent Protection Act of 1985 would provide some necessary assistance in this effort, and I urge my colleagues to join me in enacting this bill.

By Mr. CHAFEE:

S. 631. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

S. 632. A bill to amend the Internal Revenue Code of 1954 to require a mandatory section 338 election in hostile stock takeovers, and for other purposes; to the Committee on Finance.

TENDER OFFER REFORM ACT AND THE AMENDMENTS TO THE INTERNAL REVENUE CODE

● Mr. CHAFEE. Mr. President, a barrage of takeovers is blasting its way through the corridors of corporate America. The frenetic pace of corporate takeovers this year and last has set new dollar volume records for mergers and acquisitions.

Without a doubt many of these takeovers redeploy underutilized assets, enhance efficiency, raise values, and give shareholders a fairer return than they would otherwise receive.

Hostile takeovers, on the other hand, demoralize companies, disrupt local communities and pressure top executives into wasteful defensive tactics and a focus on the short-term rather than a long-term future. Hostile takeovers—assaults on the company by corporate raiders—have reached epi-

demic proportions leaving most corporate chiefs worried from one day to the next.

To fend off hostile assaults, U.S. corporate chiefs are purposely inflating their debt, paying billions in ransom, and squeezing even more short-term earnings out of their operations—all at a heavy cost to long-term competitiveness.

I wonder who is minding the store. CEO's are spending enormous amounts of time worrying about who is going to acquire them, who they are going to acquire in order to avoid being acquired themselves, huddling with accountants and their financiers, huddling with their lawyers.

Hostile takeovers, utilizing high-risk financial vehicles, enjoying the benefits of our tax laws, are aimed at short-term profits for professional speculators at the expense of long-term economic performance. This activity is not in the national interest.

In order to finance their recapitalizations and buyouts, management is selling assets, cutting back on capital expenditures, and cutting back on operating expenditures like research and development.

If we are to compete effectively in the future, industry must expand its investment in innovation and new technology, not forgo R&D expenditures in order to satisfy speculating bounty hunters.

Our competitors in the international marketplace experience few if any hostile takeovers. These very same countries have learned the effectiveness of cooperative vehicles for research and development, as the cost of conducting R&D gets even higher, quite different from the kind of hostile environment in this country where raiding companies soak up scarce resources.

To avoid a hostile takeover, management's attention must be riveted on the short term, lest quarterly results lag; crucial investments in the firm's long-term health may be deferred or not made at all. Preparation for a possible takeover attempt involves countless hours spent studying, discussing, and implementing offenses and defenses. Meanwhile, development of new products and services, or improvements in technology, process or efficiency fail to receive the undivided attention they must. Once a hostile bid is underway, some managements employ measures that may represent costs which they will take many years to recover.

The implications for our Nation's continued competitiveness, prosperity, security, and quality of life demand critical response rather than acceptance of the status quo. Today's price per share is all that matters; the stock markets accommodate speculators rather than investors.

The neutrality which the Williams Act was enacted to ensure no longer exists in the market for corporate control. By adoption of the Williams Act in 1968, Congress intended to protect investors. But a major aspect of the effort to protect the investor was to avoid favoring either management or the takeover bidder. There is a decided tilt in favor of the hostile bidder in this most recent wave of hostile takeovers.

There are many explanations for this, not the least of which is found in our income tax laws. Our Government actually subsidizes hostile bids by permitting not only the full deductibility of interest on debt borrowed by a raider to finance deals, but also a write-up of the target's assets with a corresponding reduction in taxes and increased cash flow. Furthermore, the tax laws may allow targets to deduct the greenmail settlement payments as a business expense.

Much attention has been given to the tactics used by corporate raiders to gain control. But the defensive tactics used by management to thwart hostile takeovers also do great damage to their own company. Is it fair that corporate management has virtually unlimited discretion to use or sell corporate assets to defend against a takeover? In the case of a hostile takeover, it is clear that management's interest in perpetuating its control may conflict with the interest of the shareholders, the employees, and the future of the company.

The Williams Act neutrality has been further eroded by the current operation of the securities markets themselves, and their increasing dominance by institutional investors, that principally stacks the deck for the raider. A recent SEC study estimates that institutional ownership increased from 30 percent to 38 percent between 1980 and 1983. Institutional fund managers have customary short-term horizons. The narrow focus of the institional holder also facilitates arbitrageurs in acquiring interests in the target. A target is thus put "in play" on a field owned by "new" shareholders, whose only interest is to see the tender offer succeed regardless of the cost. Almost inevitably, a target will "lose" such a game. And in the process whole communities, employees, suppliers, and the Nation's economic health suffer great losses as well.

Our responses to this hostile activity during the 98th Congress were reactive and piecemeal. Those proposals focused on defensive practices employed by management of target companies, thereby ignoring the role played by raiders and their allies, the arbitrageurs.

The legislation I am introducing today, the Tender Offer Reform Act of 1985, is intended to improve the ground rules for conducting hostile takeovers. These rules would assure informed decision making by those in a position to focus on the long-range economic implications of a hostile takeover transaction.

Under the Tender Offer Reform Act of 1985, all tender offers for, or accumulations exceeding a certain minimum of a target's stock would be subject to an approval process by both the bidding and target companies. If the total value of the contemplated transaction amounted to less than 20 percent of the net book value—or alternatively market value—of the bidder, approval of a majority of its outside directors would be required. Transactions exceeding that dollar amount would require a majority shareholder vote.

On the target side, a majority of the outside disinterested directors would have to approve any tender offer for more than 20 percent of its stock.

No tender offer to acquire control of the company or to acquire more than 20 percent of the outstanding voting securities of the company could be consummated unless this approval process has first been complied with.

Approval by the shareholders of the bidding company is absolutely essential. Hostile bids often involve massive redirection of capital resources, huge interest expenses, and enormous commitments and shifting of management time and energy. In many instances hostile raiders have incurred staggering indebtedness and been obliged to engage in huge asset dispositions to service that indebtedness. The shareholders' enterprise is frequently radically altered by a tender offer, but they have no voice in that alteration.

This idea is hardly radical since under most State corporation statutes, shareholders presently have a vote in such fundamental transactions as mergers, consolidations, liquidations, recapitalizations, and the sale of all or substantially all of a corporation's assets.

On the target side this legislation would place responsibility to accept or reject a bid in the hands of outside directors. This is a better approach to protect the varied interests at stake on the target side than a shareholder vote. Experience has shown that arbitrageurs acquire large blocks, if not control, of a target almost immediately upon, if not before, the announcement of a takeover. They have but one interest—to see the tender offer succeed or to promote a competing bid at a higher figure.

As for the target management, its judgment fades as its position and status are threatened; its decision under those circumstances are solely self-serving. As the takeover battle escalates, challenged incumbents have not hesitated to pursue actions that

weaken their corporation solely to preserve their management positions.

Only the disinterested directors can be counted on to do what's best for the long-term interests of the corporation given this environment and the conflicting interests to be served.

The approval process in this legislation requires greater disclosure than that now required under the securities laws. Any tender offer materials or filings, as well as any solicitations in connection with a shareholder vote—whether required of the bidder because of the relative size of the transaction or arising in the context of a proxy contest to replace directors of the target who have rejected an offer—would include much more detailed disclosure as to the bidder's goals and business plans with respect to the combined firms.

Although current rules require a variety of information to be furnished to shareholders in connection with tender offers, this disclosure has not been adequate in many respects. More meaningful disclosure would include, for example, financial statements giving projected profit and loss balance sheets reflecting anticipated operations for the ensuing 3 years following the proposed purchase. Furthermore, shareholders and directors would have provided to them the anticipated effects of the takeover transaction on the innovation, productivity, efficiency, and profitability of either or both firms, as well as upon the shareholders, employees, creditors, suppliers, customers, and the communities in which either operated, or any other relevant constituency.

Finally to ensure truthful disclosure, any shareholder who was induced to act and was injured by any untruthful or misleading disclosures made in connection with the process would be given express standing in court to enjoin further acquisition or order divestment of securities purchased.

I am also introducing today amendments to the Internal Revenue Code to address the way present tax laws reward hostile corporate raiders. Where the target's outside directors have rejected a bid, any ensuing takeover initiatives by a raider should not be subsidized by the Government but should succeed or fail on its merits. Nor should our tax laws encourage management to make huge settlement payments in the form of greenmail and payment of the raider's expenses. If disinterested directors have rejected the bid, such payments would hardly be defensible under the business judgement rule, and should not be rewarded by our tax laws. These tax changes would ensure the oft-espoused Government neutrality during such a takeover battle.

There are three aspects to my tax proposal, each designed to accomplish a different objective, but all designed to stem the tide of these unproductive hostile takeover attempts. First, the bill would make any so-called greenmail payments made by a corporation nondeductible for Federal tax purposes. It is my understanding that these payments should be nondeductible under current law, but some aggressive corporate tax attorneys are advising their clients that the payments are deductible on the theory that they are made under emergency circumstances to save the corporation. I want to make it perfectly clear that they are not tax deductible.

Second, this bill would require a mandatory election under section 338 of the Internal Revenue Code of 1954 in the case of hostile takeovers. Such a mandatory election would have the effect of treating the stock purchase as a purchase of the assets of the corporation, with the result that a tax would have to be paid on the gain generated by the sale of the assets. Section 337 would not apply to any gain generated. Furthermore, the bill requires that the basis of the assets acquired in the hostile takeover be reduced by the amount of the tax paid.

Finally the bill would deny an interest deduction for debt used to finance a hostile takeover. For all purposes of the legislation, hostile is defined as any takeover which is disapproved by a majority of the continuing independent, that is disinterested, members of the board of directors of the corporation.

Mr. President, this approach to hostile takeovers does not imply lack of support for free market forces. A free market economy is the foundation of our country's greatness and, as such, should proceed with minimum Government interference. I fully support the ability of corporations to merge and the right of shareholders to replace inefficient management when necessary.

But these hostile takeovers are undermining our economic system and our competitiveness in a way that we can ill afford. The massive debt being borne by target companies either as a result of a successful hostile takeover or to defend against one, further exacerbates the direction in which our economy is moving. Our Government faces massive budget deficits. Our trade deficits are alarming. The influx of foreign capital to finance these deficits threaten to make us the biggest debtor nation in the world. This leveraging of America is a trend we cannot responsibly ignore. The Senate must move ahead to address the devasting effects of these corporate raids.

This proposed legislation is obviously not perfect. I welcome all suggestions and improvements. But these bills represent an excellent starting place for the debate. I urge the support of my colleagues and hope hearings on both the securities and tax aspects can be scheduled promptly.

I request that the text of these bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tender Offer Reform Act of 1985".

SEC. 2. (a) Section 13(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)) is amended—

(1) by striking out "shall, within ten days" and inserting in lieu thereof "shall, on the same day of such acquisition, make a public announcement containing such information as the Commission may by rules and regulations prescribe and within two days" in paragraph (1);

(2) by striking out subparagraph (C) of paragraph (1) and inserting in lieu thereof the following:

"(C) if the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer or to acquire more than 20 per centum of the voting securities of the issuer—

"(i) any plans or proposals which such persons may have to liquidate such issuer, to sell its assets to or merge it with any other persons, to change the location of its principal executive office or of a material amount of its business activities, to change its management or policies of employment, to materially alter its relationship with suppliers or customers or the communities in which it operates, or to make any other major change in its business, corporate structure, management, or personnel;

"(ii) the anticipated effects of any changes described pursuant to subparagraph (i) as well as the anticipated effects of the proposed transaction generally and operations subsequent thereto, upon the innovation, productivity, efficiency, and profitably of such person and the issuer, including the effects on shareholders, employees, creditors, suppliers, and customers of each, and communities wherein either is present; and

"(iii) financial statements, including projected profit and loss and balance sheets reflective of anticipated operations of such person and the issuer for the ensuing three years following the proposed purchase, prepared in accordance with generally accepted accounting principles;";

(3) by redesignating paragraphs (3) through (6) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (2) the following:

"(3) From the time any person becomes obligated pursuant to paragraph (1) to make a public announcement and send the statement to the issuer and the exchange and file the statement with the Commission, or to transmit and file an amendment pursuant to paragraph (2), then the person so obligated shall not acquire, directly or indirectly, the beneficial ownership of additional voting securities of the issuer until two days after such statement or amendment, as the case may be, is sent and filed.

"(4) If any person is required to make public announcement and send and file a statement pursuant to paragraph (1), or an amendment pursuant to paragraph (2), and

the statement or amendment, as the case may be, states that the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer or to acquire more than 20 per centum of the voting securities of the issuer than such person may acquire no additional voting securities of the issuer unless—

"(A) such person has approved such acquisition by—

"(i) the affirmative vote of a majority of the person's disinterested directors; and

"(ii) if the total value of securities to be acquired exceeds twenty per centum of the book value of such person as reflected in its most recent financial statements or if the majority of the person's board of directors is not comprised of disinterested directors, by the affirmative vote of a majority of the total voting power of such person's voting securities. A special meeting of the shareholders shall be held for this purpose not less than ten days following a mailing to all shareholders which shall include the information provided pursuant to paragraph (1); and

"(B) such issuer has approved such acquisition by a majority vote of its disinterested directors.

If disinterested directors do not constitute a majority the issuer's board of directors or if a vote on the proposed transaction is not taken within twenty days after the public announcement and filing provided in paragraph (1), the transaction shall be deemed to be approved by the issuer. For purposes of this paragraph, the term 'disinterested director' means a member of a board of directors who (I) is not an employee or officer of the corporation, (II) is not a relative or spouse of any executive officer of the corporation, and (III) receives no compensation from the corporation except as a director.

"(5) If any statement or amendment sent and filed pursuant to paragraph (1) or paragraph (2), as the case may be, does not contain a statement that the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer or to acquire more than 20 per centum of the voting securities of the issuer, then, during the two-year period beginning on the date such statement or amendment, as the case may be, is filed with the Commission, the acquiring person may not—

"(A) commence a tender offer for or a request or invitation for tenders of the issuer of any percentage of outstanding voting securities which, when added to the amount of voting securities of the issuer beneficially owned, directly or indirectly, by or for the account of such person, will exceed 20 per centum of the outstanding voting securities of the issuer; or

"(B) acquire, directly or indirectly, the beneficial ownership of voting securities such that the aggregate amount of the voting securities beneficially owned, directly or indirectly, by or for the account of such person, will exceed 20 per centum of such voting securities,

unless the provisions of paragraph (4) are first complied with."; and

(5) by adding at the end thereof the following:

"(10) Any person who, after acquiring, directly or indirectly, the beneficial ownership of more than 5 per centum of any voting security of a class which is specified in paragraph (1)—

"(A) fails to make, on the date of the acquisition, a public announcement containing the information prescribed by the rules and regulations of the commission;

"(B) fails to send, within two days of such acquisition, to the issuer and the exchange, and to file with the Commission, a statement containing the information required by paragraph (1) or an amendment required by paragraph (2), and by the rules and regulations of the Commission; or

"(C) sends to the issuer and files with the Commission such a statement or amendment which, when such statement or amendment was sent and filed, contained an untrue statement or material fact or omitted to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall be liable to any person who, in reliance on such statement, purchased, sold, or retained voting securities of the acquiring person or the issuer. In addition, the issuer and any such person may sue in any court of competent jurisdiction to enjoin further acquisition of the issuer's voting securities by the acquiring person and such court shall, unless in its discretion it determines that it would be inequitable, order the acquiring person to divest itself of voting securities purchased or otherwise acquired following (i) any failure to send or file a statement or amendment required pursuant to paragraph (1) or (2), and (ii) the sending or filing of any statement or amendment containing an untrue statement of material fact or omitting to state a material fact required to be stated therein or necessary to make the statement therein not misleading.".

(b) Section 14(d) of such Act (15 U.S.C. 78n(d)) is amended—

(1) by adding at the end of paragraph (4) thereof the following: "A person required to file the information specified in section 13(d)(1)(C) shall include such information in the first materials seeking approval or acceptance of the tender offer or request or invitation for tenders which is sent or otherwise provided to the shareholders of such person or the holders of securities of another issuer.";

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

"(8) If any person commences a tender offer for or a request or invitation for tenders of—

"(A) any and all of the outstanding voting securities of a company which are registered pursuant to section 12 of this title,

"(B) less than all the outstanding voting securities of such issuer if such person states an intent to acquire control of the issuer, or

"(C) any amount of any voting securities of a company which, when added to the amount of the voting securities of such company beneficially owned directly or indirectly, by or for the account of such offering person will exceed 20 per centum of the outstanding voting securities of such company,

then such person may not consummate the tender offer unless the provisions of section 13(d)(4) are first complied with.".

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATORY SECTION 338 ELECTION IN THE CASE OF HOSTILE STOCK PURCHASES.

(a) GENERAL RULE.—Section 338 of the Internal Revenue Code of 1954 (relating to certain stock purchases treated as asset acquisitions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) Special Rule for Hostile Qualified Stock Purchases.—

"(1) IN GENERAL.—In the case of any hostile qualified stock purchase—

"(A) the purchasing corporation shall be treated as having made an election with respect to such purchase under this section,

"(B) section 337 shall not apply for purposes of determining the amount of the gain recognized on the deemed sale under subsection (a)(1), and

"(C) the basis of the assets of the target corporation determined under subsection (b) shall be reduced by the amount of tax imposed on the target corporation on the gain recognized on such deemed sale.

"(2) HOSTILE QUALIFIED STOCK PURCHASE.—For purposes of this section—

"(A) IN GENERAL.—The term 'hostile qualified stock purchase' means any qualified stock purchase if all (or any portion of) the stock included in such purchase was acquired pursuant to a hostile offer.

"(B) HOSTILE OFFER.—The term 'hostile offer' means any offer to purchase (or otherwise acquire) the stock of a corporation if such offer is disapproved by a majority (consisting of at least 2 members) of the continuing independent members of the board of directors of such corporation. For purposes of the preceding sentence, any member of the board of directors shall be treated as independent if such member is not an officer or employee of the corporation and (except for ownership of stock in the corporation) has no substantial financial or commercial ties to the corporation."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to hostile qualified stock purchases (as defined in section 338(i)(2) of the Internal Revenue Code of 1954) with respect to which the acquisition date (as defined in section 338(h)(2) of such Code) is after March 6, 1985.

SEC. 2. DISALLOWANCE OF DEDUCTION FOR GREENMAIL PAYMENTS AND INTEREST ON CERTAIN HOSTILE ACQUISITIONS.

(a) GENERAL RULE.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280H. GREENMAIL PAYMENTS AND INTEREST ON INDEBTEDNESS INCURRED IN CERTAIN HOSTILE TAKEOVERS.

"(a) GENERAL RULE.—No deduction shall be allowed under this chapter for—

"(1) any greenmail payment, or

"(2) any interest paid or accrued on indebtedness incurred or continued to acquire (or carry) stock or assets acquired pursuant to a hostile offer.

"(b) GREENMAIL PAYMENTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'greenmail payment' means any payment made by a corporation in redemption of stock of such corporation which is held by a 4-percent shareholder—

"(A) if such shareholder held such stock (as determined under section 1223) for a period of less than 2 years, and

"(B) if, at some time during the 2-year period ending on the date of such sale or exchange, there was a public tender offer for stock in such corporation.

Such term shall also include any payment to a 4-percent shareholder or other person for any expenses paid or incurred by such

individual in connection with such redemption or such public tender offer.

"(2) 4-PERCENT SHAREHOLDER.—The term '4-percent shareholder' means any person who owns (directly or through the application of section 318) stock possessing 4 percent or more of the total combined voting power of all classes of stock entitled to vote, except that such term shall not include any person who, throughout the 1-year period ending on the date of the redemption, was—

"(A) an officer, director, or employee of the corporation, or

"(B) a 4-percent shareholder (determined without regard to this exception).

"(3) PUBLIC TENDER OFFER.—The term 'public tender offer' means any offer to purchase (or otherwise acquire) stock in the corporation if such offer was required to be filed or registered with any Federal or State agency regulating securities.

"(C) HOSTILE OFFER DEFINED.—For purposes of this section, the term 'hostile offer' has the same meaning as when used in section 338(i), except that the term 'assets' shall be substituted for the term 'stock' in the case of an asset acquisition.".

(b) CLERICAL AMENDMENT.—The table of sections for part IX of a subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 280H. Greenmail payments and interest on indebtedness incurred in certain hostile takeovers."

(C) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to indebtedness incurred or continued to acquire (or carry) stock which is acquired after March 6, 1985.●

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, and Mr. DODD):

S. 633. A bill to continue the authorization for Federal Crime Insurance under the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL CRIME INSURANCE AUTHORIZATION EXTENSION

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to extend a program of vital significance, the Federal Crime Insurance Program. The Federal Crime Insurance Program [FCIP] was first implemented in 1971. However, FCIP, which makes property crime insurance available to residents and small businesses in high-crime areas, is now scheduled to expire on September 30, 1985.

The Federal Crime Insurance Program is vital to U.S. cities where regular private crime insurance is unavailable or is priced totally beyond the reach of residents and small businesses. Congress developed this program because of the need for affordable crime insurance; it serves to retain and help attract homeowners and businesses to inner-city areas. In fact, both the crime and flood insurance programs were created to promote the stabilization of areas of our country that otherwise would be abandoned by residents and proprietors of commercial establishments. These programs offer eligible participants insurance coverage for property that would generally be considered uninsurable in the eyes of private insurers due to their location in areas of high risk for the casualties that they protect.

It has been argued that the crime insurance program is only used by a few States, thus, its existence is no longer justified. However, this rationale could also apply to the flood insurance program. In 1983, four States accounted for more than 79 percent of the claims paid out of the national flood insurance program. In addition, over the entire life of the flood insurance program, seven States have received nearly 70 percent of all claims paid. Mr. President, are we to say that because only a handful of States benefit from the flood insurance program, it should be terminated without any provision for insurance against these unavoidable risks? Certainly not. Both the Federal flood and crime insurance programs were created for the protection of our citizenry.

Presently 30 States and U.S. territories participate in the crime insurance program. However, I would venture to say that the need is even greater. With broader participation, the crime insurance program could expand its premium base and diversify its risk, therefore helping this program become self-sufficient. It was never claimed that the crime or flood insurance programs would be entirely self-sustaining. Congress decreed that premiums for these types of coverage were to be affordable, rather than actually sound. It is the flood insurance program that has placed the greater strain on the Federal budget. In 1983, total obligations for the flood insurance program exceeded total premium income, by $223 million, whereas the crime insurance program was only $22 million in the red. In addition, the crime insurance program has shown a dramatic and consistent improvement in recent years.

It has also been claimed—again wrongly—that the crime insurance program is the States' responsibility. This is nonsense. We must all have concern for the victims of crime. Crime is a national problem.

Mr. President, the need for crime insurance extends beyond the States currently participating in the program and this program is still needed today. Throughout the country, we still have mom and pop groceries, corner candy stores, and crime. We need crime insurance for their protection. Nothing has changed to undercut the rationale for this program; nothing has changed that would suggest a decreasing need for this program; nothing has changed in the demonstration of urgency for the Crime Insurance Program.

Therefore, Mr. President, I urge my colleagues to join me in providing assurance to communities throughout this great Nation that urban communities can continue to grow and prosper. There is no justification for the termination of authority for the Federal Crime Insurance Program.

This legislation does not request increased funding, Mr. President. The Federal Crime Insurance Program serves as an insurer of last resort. It provides crime insurance to businesses and residents in distressed areas with high crime rates where private coverage is often not available at any cost.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the matter preceding the hyphen in section 1201(b)(1) of the National Housing Act is amended—

(1) by striking out "parts A, C, and D" and inserting in lieu thereof "part A"; and

(2) by inserting after "1985," the following: "and parts C and D shall terminate on September 30, 1987,".

(b) Section 1201(b)(1)(A) of such Act is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1988".

By Mr. ABDNOR:

S. 634. A bill to amend chapter 44, title 18, United States Code, to eliminate certain ammunition recordkeeping requirements; to the Committee on the Judiciary.

ELIMINATION OF CERTAIN AMMUNITION RECORDKEEPING REQUIREMENTS

● Mr. ABDNOR. Mr. President, I am pleased to introduce legislation which will reduce the burdensome recordkeeping requirements imposed on federally licensed firearms dealers. This legislation will eliminate the need for maintenance and retention of records in connection with the retail sale of ammunition.

This requirement was first imposed as a provision of the Gun Control Act of 1968. In the 16-plus years that this ammunition provision has been in effect, it has served no legitimate investigative purpose. It has, however, cost the hundreds of thousands of legitimate small businessmen who sell ammunition a good deal of their valuable time and limited file space.

The so-called gun control issue is a controversial issue; I am proud to count myself among those who support the right of the people to keep and bear arms. To this end, thoughtfully crafted and comprehensive legislation has been introduced by the gentleman from Idaho, and I am proud to count myself as a cosponsor of S. 49, the Firearms Owners Protection Act of 1985. As a realist, however, I fear that some in the other body may maneuver to thwart us in our efforts to get S. 49 enacted into law.

It would, however, be at variance with common sense to oppose a bill

eliminating the need for maintenance of records which serve absolutely no good purpose. I, therefore, urge and fully anticipate broad bipartisan support for my bill, and ask unanimous consent that it be printed in the RECORD.

Thank you Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 634

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 921(a)(17) of Title 18 of the United States Code is redesignated as section 921(a)(17)(A), and a new subparagraph (B) is added to section 921(a)(17) to read as follows:

"(B) The term 'small arms ammunition' means ammunition of .50 caliber or less, including conventional, sporting shotgun ammunition and components described in subparagraph (A)."

SEC. 2. Section 922(b)(5) of Title 18 of the United States Code is amended to read as follows:

"(5) any firearm or ammunition (other than .22 caliber rimfire ammunition and small arms ammunition sold or delivered in a single transaction in quantities of 5,000 rounds or less) to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity."

SEC. 3. The first sentence of section 923(g) of Title 18 of the United States Code is amended to read as follows:

"(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition (other than .22 caliber rimfire ammunition and small arms ammunition sold or delivered in a single transaction in quantities of 5,000 rounds or less) at such place, for such period, and in such form as the Secretary may by regulations prescribe."

SEC. 4. The amendments shall take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of this Act.●

By Mr. KENNEDY (for himself, Mr. WEICKER, Mr. PROXMIRE, Mr. SARBANES, Mr. LEVIN, Mr. KERRY, Mr. MOYNIHAN, Mr. HART, and Mr. RIEGLE):

S. 635. A bill to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ANTI-APARTHEID ACT OF 1985

● Mr. KENNEDY. Mr. President, today we are introducing the Anti-Apartheid Act of 1985. This legislation is intended to send a clear signal to the Government and the people of South Africa that the United States will use appropriate economic pressure as part of the effort to achieve racial justice in that country and the peaceful elimination of apartheid.

This legislation has four basic provisions:

First, it prohibits new U.S. bank loans to the Government of South Africa;

Second, it prohibits new investment by U.S. firms in South Africa;

Third, it prohibits the importation of South African gold coins, called kruggerands, into the United States;

And, finally, it forbids the sale of computers to the Government of South Africa.

We are introducing this legislation because we believe that the flagrant injustice of apartheid demands a vigorous response by the United States, and that the time for concrete and effective action by Congress has come.

What disturbed me most on my visit to South Africa in January was the consensus among most black leaders I met that America is increasingly perceived as being on the side of the racist minority government, and that our current policy is providing aid and comfort to apartheid.

We are told by those who support our present course that quiet diplomacy is finally working, that an irreversible process of change is now underway in South Africa, and that the government has initiated reforms that will ultimately end apartheid.

But where is the progress, when over 150 blacks have been killed by the South African police since last August—and 3,500 more have been detained?

Where is the progress when, in a single brutal incident last month, 18 blacks were killed and 234 were injured at crossroads because of the government's cruel policy of forced location.

Where is the progress when 8 million black South Africans have already been denationalized because of their government's homelands policy, and when this policy, designed to make South Africa permanently white, continues even as we meet today.

And where is the progress when, just 2 weeks ago, the entire political leadership of the United Democratic Front was arrested and charged with high treason. The South African Government claims that it is willing to consider talks with opposition leaders—but its acts of repression speak louder than its rhetoric of change.

No, the fundamental structure of apartheid and the continued exclusion of the black majority from any meaningful role in the political life of the nation has not changed. In fact, the violence of recent months shows that apartheid has only gotten worse.

The United States was founded on principles of individual liberty and human rights. If we are true to those principles, we cannot continue policies that actually encourage Americans to invest in racism or profit from apartheid. America should be playing a much more positive role in the effort to achieve peaceful change, political freedom and racial justice inside South Africa. The legislation we are offering today is an initial step in that direction; there will be stronger steps to come if South Africa continues its repressive ways.●

● Mr. WEICKER. Mr. President, it is a basic lesson of our history that freedom always costs something. As a people, we have bravely and proudly borne the costs of freedom for our own people and people around the world. And for that we are respected.

Up to this point, the United States, through Republican and Democratic administrations and Congresses, has adopted a cost-free approach to apartheid. Wonderful words and diplomatic entreaties have done little more than salve our consciences while the oppression goes on. As Bishop Tutu has said, there can be no neutrality with respect to apartheid: We are either on the side of the oppressed, or the oppressor. The time has come for the United States by our actions to get on the side of freedom for South Africa's disenfranchised majority.

The introduction today of legislation putting into place economic sanctions against South Africa in the House and Senate is a watershed in our relations with South Africa. A process begins today whereby the United States makes clear to the Government of South Africa that an amicable relationship with us depends on swift and significant reform.

And, Mr. President, the proof of our sincerity and our resolve is that we are willing to pay a price for the protection of universal ideals of justice and human dignity. To be an American is to do no less. I urge my colleagues to support this measure.●

● Mr. PROXMIRE. Mr. President, I am supporting the Anti-Apartheid Act of 1985 because I am convinced apartheid is morally wrong and that America must use its influence to encourage peaceful change in South Africa's benighted racial policies.

What bothers me and many others about South Africa is not simply that racial discrimination exists there. Rather it is the extent to which racism has been institutionalized, enshrined in law and made all pervasive in the apartheid system. The purpose of that system is to ensure that 4½ million whites maintain their absolute and capricious rule over 21 million blacks. Political rights in the apartheid system are based solely on race and black people—no matter how accomplished they are—have none.

Since blacks have no political rights it makes it difficult for them to achieve a gradual peaceful change in that country's system. Soviet preached

violent change is presented as an alternative. We know that violence would not be beneficial to white or black South Africans nor to U.S. interests in Africa.

President Eisenhower condemned the apartheid system over a quarter of a century ago. Our subsequent Presidents have all tried to persuade the South African Government to change that system without effect. In December of last year President Reagan said America grieves "over the human and spiritual cost of apartheid."

Despite these condemnations of apartheid by our Presidents over the past 30 years, American companies have invested billions in South Africa and we have become that country's largest trading partner. U.S. banks have loaned billions to businesses in that country and have even loaned hundreds of millions to the South African Government. These actions, while taken in good faith, have strengthened the South African economy and its ruling elite. To those black leaders looking desperately for help from our country, as the world's citadel of freedom, it might appear that profits are our only national interest in South Africa. We must show that is not true.

Secretary of State Shultz in a recent speech stated that:

> Throughout our own history we have always believed that freedom is the birthright of all peoples and that we could not be true to ourselves or our principles unless we stand for freedom and democracy, not only for ourselves but for others. And so, time and again in the last 200 years, we have lent our support—moral and otherwise—to those around the world struggling for freedom and independence.

I agree with the Secretary and hope the administration will lend support to blacks in South Africa in their struggle for freedom by getting behind this bill. Its provisions are not radical. It does not require our companies to get out of South Africa nor does it cut off trade with that country. It does restrict new American investment in and new bank loans to businesses in that country. It permits the President to waive these restrictions if South Africa takes specific steps to provide political rights for its black citizens.

Our country has trade and investment controls in place against many countries around the world including the Soviet Union, Cuba, Vietnam, Poland, and Cambodia because of their human rights violations. So this bill is consistent with America's present practices elsewhere and as the Secretary of State noted with our 200-year-old tradition of helping freedom fighters.

It will, I believe, send a strong signal to South Africa's white regime that unless changes are made in its apartheid system, the economic isolation of the country will worsen. I will work to have my Senate colleagues adopt this bill because it is the right thing to do and is also in America's interest.●

● Mr. SARBANES. Mr. President, this bill is called the Anti-Apartheid Act of 1985 for good and specific reason: To make clear that the United States not only rejects South African apartheid in principle but will not condone it in practice. The message is clear and strong; the Government of South Africa must change its racist policies or face further economic isolation.

Apartheid cynically, systematically, and brutally denies to the black population of South Africa the essential civil and political rights which are fundamental to a decent life. Apartheid's purpose is to maintain, at any cost, the political and economic domination of a white minority over the vast black majority of the nation's population.

Apartheid isn't just a theory of social relations or government. On a daily basis it involves innumerable appalling acts of inhumanity—the breaking up of families, forced relocation to distant territories, arbitrary detention, violence, and abuse. Above all, apartheid involves constant denial of human dignity and respect.

The South African Government must understand that Americans do not accept apartheid, and will not countenance superficial cosmetic changes that leave the underlying system intact. The bill we are introducing today is an essential step forward in the critical effort to convince South Africa that the system of apartheid must be dismantled.●

● Mr. LEVIN. Mr. President, I am honored to join with my distinguished colleagues in introducing the Anti-Apartheid Act of 1985. Many of the provisions of this legislation are identical to the South Africa restrictions which were attached to the House version of the Export Administration Act with overwhelming bipartisan support on October 27, 1983.

On March 1, 1984, I took to the Senate floor to "urge my colleagues who will be Senate conferees on this most vital legislation to accede to the House and accept title III of the Export Administration Act," the U.S. Policy Toward South Africa Act of 1983. Unfortunately, the sanction provisions died in conference.

Mr. President, implementation of the provisions of this bill will demonstrate to South African blacks that the United States is prepared to exert new pressures for their political enfranchisement. These restrictions will indicate to the world that the United States does not have a double standard for human rights by race and that it is prepared to adopt sanctions against South Africa as well as Poland and the Soviet Union.

Opponents of these restrictions have argued that the provisions would antagonize blacks by depriving them of employment. But the employment effects, according to a House Subcommittee on Africa report, would be minimal because the actual economic impact of the restrictions is modest. Furthermore, black leaders have indicated that blacks would be prepared to suffer in the short run for longrun purpose. As the late Steve Biko said:

> The argument is often made that the loss of foreign investment would hurt blacks the most. It would undoubtedly hurt blacks in the short run because many of them would stand to lose their jobs. But it should be understood in Europe and North America that foreign investment supports the present economic system of political injustice. . . . If Washington is really interested in contributing to the development of a just society in South Africa, it would discourage investment in South Africa. We blacks are perfectly willing to suffer the consequences! We are accustomed to suffering.

Similar statements were expressed by Nobel Peace Prize recipient Bishop Desmond Tutu during a recent hearing of the House Subcommittee on Africa.

Mr. President, Stanley Greenberg, who is the associate director of Yale University's Southern Africa Research Program, has rebutted this argument that foreign investment and economic growth by themselves will improve the plight of blacks in South Africa. He testified before the House Subcommittee on Africa in September 1983:

> This easy association between economic growth and political reform lacks a historic foundation in South Africa; more than a century of industrial development has been accompanied by more, not less, racial discrimination. The pressures for change and reform are rooted not in this economic logic but in the political struggles that have accompanied it—protests, civil disorders, strikes, and organization, internal and external. Businessmen in South Africa have demanded or proved receptive to racial reform only when black political opposition compelled it. If the United States hopes to encourage reform in South Africa, it must align our country, not simply with abstract economic forces and the state, but the political initiatives of the black majority.

I appreciate the administration's most recent statements indicating that the South African Government must do more to improve the lives of its black majority. However, the United States must go beyond words in demonstrating to South Africa our concern and intentions. I believe that this legislation which we are introducing today provides some of the additional real actions which are necessary to achieve that goal.

Mr. President, the following is a brief summary of the legislation we are introducing today:

SUMMARY OF THE ANTI-APARTHEID ACT OF 1985

(1) No Bank Loans to the South African Government.—No U.S. person may make a loan to the Government of South Africa or to any government entity unless the loan involves educational, housing or health facili-

ties that are readily available to all persons regardless of race.

(2) Restrictions on New Investment.—No U.S. person may make any investment in South Africa after the effective date of this legislation. Investment is defined to include "making a loan or other extension of credit". This provision may be waived. (See *Waiver* below.)

(3) Ban on the Importation of Krugerrands.—No person may import into the United States any South African krugerrand or any other gold coin minted in South Africa. See Waiver.

(4) Ban on Computer Sales to South African Government.—No computer, software, or goods intended to service computers may be exported, directly or indirectly, to or for the use of the Government of South Africa or any of its entities.

WAIVER

The restrictions on new investment and the ban on the importation of krugerrands are subject to a waiver provision. The President may waiver these prohibitions for a period of not more than 12 months if he determines that any one (or more) of the following conditions are met and Congress agrees by way of a joint resolution:

(1). The Government of South Africa eliminates the system that prevents black employees and their families from living near their place of employment.

(2). The Government of South Africa eliminates the policies that prevent black people from seeking employment wherever they can find it in South Africa.

(3). The policies of denationalization are eliminated.

(4). The Government of South Africa halts all removals of black populations on account of race or ethnic origin.

(5). The Government of South Africa eliminates all residence restrictions based on race or ethnic origin.

(6). The Government of South Africa has entered into meaningful negotiations with black leaders about a new political system that would permit the full national participation of all South Africans in the social, political and economic life in that country.

(7). An internationally recognized settlement for Namibia has been achieved.

(8). The Government of South Africa has freed all political prisoners.

Additional waivers can be implemented as additional conditions are met. The legislation includes expedited procedures for Congress governing the joint resolution.

The provisions of the act may be abolished if the President determines—with a joint resolution of Congress—that the system of apartheid in South Africa has been abolished.

NEGOTIATIONS

The President is directed to attempt to persuade other countries to adopt similar policies by means of bilateral and multilateral negotiations.

Mr. President, being a cosponsor of this measure does not necessarily limit my support to only these provisions. It may be that a consensus develops for other actions as well, or that some of the provisions we propose warrant modification.

Because of additional concerns about this country's dealings with South Africa, I joined Senator PROXMIRE in introducing S. 147 at the beginning of this session. S. 147 would reimpose foreign policy controls, effective in the Carter administration, on certain exports to the South African police and military entities. It would also tighten controls on nuclear-related exports to South Africa, which has refused to sign the nuclear nonproliferation treaty. It also includes sometime similar to those introduced in the bill today.

There is a need for these additional controls. In 1977, the U.S. Security Council, with U.S. support, imposed a mandatory ban on the sale to South Africa of arms and of equipment for use by that country's military or police forces. Unfortunately, this has been circumvented under the current administration.

In 1982, a U.S. export license was issued for the sale of 2,500 electric cattle prods, also known as shock batons, that were used for crowd control by South African police, and in another case mechanical gear that could be used for 155mm howitzers was given an export license. An administration official indicated "human error" on the part of the Commerce Department in the approval of the electric cattle prods.

According to a U.S. General Accounting Office [GAO] report on U.S. nuclear exports released in September 1983, South Africa was the third largest recipient of U.S. nuclear exports between July 1, 1981, and June 30, 1982. The administration approved seven nuclear-related exports to South Africa during that time period. Additionally, the Department of Energy granted a license in October 1983 for U.S. companies to service the Koeberg nuclear power reactor, despite tremendous congressional opposition. The Department of Energy granted a total of 13 licenses for nuclear transfers to South Africa in 1983.

In a January 1984 report issued by the American Friends Service Committee [AFSC] entitled, "Military Exports to South Africa—A Research Report on the Arms Embargo," Washington Office Director of AFSC Jim Matlack revealed:

It is now evident that the Administration has been presiding over a brisk flow of military technology to South Africa. The volume of this trade is much greater than has ever been reported, according to disclosures under the Freedom of Information Act in November 1983. The information released shows that the State Department has authorized commercial sales of more than $28.3 million worth of military equipment to South Africa during fiscal years 1981-1983—the highest levels to South Africa on record.

The State Department has continued to license the sale of munitions list items to South Africa, as the documents released to AFSC have shown.

The Carter administration was successful in reducing the flow. In 1978, the State Department issued 4.6 million dollars' worth of munitions list licenses for sales to South Africa, followed by $25,000 in 1979; there are no licenses on record for 1980. According to disclosures made by the State Department's Office of Munitions Control to AFSC, officials there authorized 29 separate exports of munitions list commodities to South Africa during fiscal years 1981-83.

Mr. President, the latest wave of repression unleashed by the South African Government has led to the death of hundreds of black opponents of apartheid and injury and arrest of thousands. The recent South African constitutional changes have led only to fraudulent reforms which continue to deny the nation's 23 million blacks the right to vote.

Our national interests require firm measures to disassociate the U.S. Government from the repugnant practice of apartheid. This is not simply a moral obligation. It is a strategic imperative, as well, for future U.S. relations with the emerging nations of black Africa and the black majority of South Africa.●

Mr. KERRY. Mr. President, this bill is a significant piece of legislation—both for the people of South Africa and for the citizens of our country. Today, our Government is perceived increasingly as an agent of the status quo in South Africa. We are perceived as tolerating apartheid in all but rhetoric. This bill challenges that, placing the United States firmly on the side of the South African people against the system of apartheid.

The anti-apartheid bill is important both for what it says and for what it does. It will stop the flow of American loans to South Africa, loans that today help maintain apartheid. It will prevent American computers from being used to keep track of men and women for the purpose of segregating them according to race. It will prohibit Americans from financing state-sponsored racism through investing in South African krugerrands. And it will provide incentives to South Africa to change policies on housing, employment, population relocation, political prisoners, and Namibia.

What we are saying with the filing of this bill is that the Reagan administration's policy of constructive engagement, its theory of trickle-down human rights, has not worked and must be abandoned. We are saying that it is time for the United States to engage in a policy of constructive disengagement until the South African Government gives up all forms of state-sponsored racism.

From my seat on the Foreign Relations Committee I will seek hearings on this legislation in order that we illuminate the role American business now plays in the maintenance of apartheid.

Following these hearings, I believe the committee will recommend pas-

sage of this legislation to enable our Government to use American economic power on the side of the people of South Africa, rather than their racist government.

Mr. HART. Mr. President, I proudly join my colleagues today in cosponsoring the Anti-Apartheid Act of 1985. This legislation is in the long-term interest of this country. It also gives us a method by which to assist the oppressed majority of South Africa. I believe this bill reflects a rapidly growing national consensus and is truly an idea whose time is upon us.

There can be no question that the evil practices of the Government of the Republic of South Africa encompass the most serious abuse of human rights known in today's world. Apartheid—racial segregation and economic exploitation mandated by law—allows 4.5 million whites to deny to 22 million blacks every basic right of citizenship.

Black South Africans cannot vote. They cannot seek political office to have a voice in guiding their destiny.

The Government's homelands policy has resulted in over 9 million blacks being stripped of their citizenship in the land of their birth. They have been assigned—without their consent—to government selected, so-called independent homelands. Lands which are barren, isolated, and totally incapable of supporting meaningful agriculture, housing, or industry.

A virtual police state exists. The price of peaceful protest is often harassment, intimidation, detention without trial—and all too frequently—outright murder.

Apartheid is a disease that doesn't knock before it enters the lives of black South Africans. It robs them of their dignity, their sense of personal autonomy and meaning in their lives. As the world's foremost beacon of freedom, the United States can no longer silently tolerate these deplorable circumstances. Moreover, we can no longer maintain our present policy of constructive engagement.

Constructing engagement is fact destructive. It destroys the lives of black South Africans and it reduces U.S. credibility and influence. More important, it indirectly finances apartheid. It gives the South African Government the means by which it acquires the armaments and technology through which its reign of terror is enforced.

As Nobel Prize winner, Bishop Desmond Tutu has said, "those who are oppressed shall be free"! And they shall. The people of South Africa themselves will win their freedom, with or without our support.

I believe though, that the legislative initiatives introduced in this session of Congress may well represent the last chance for achieving peaceful change.

Our objective should be to use our resources to work toward convening an all parties conference in which the South African people themselves negotiate a new constitutional arrangement that enfranchises all the members of that society. To do otherwise, only weakens our credibility and places us on the wrong side of history. It would also lessen our ability to work with those who will eventually lead a post-apartheid South Africa.

Mr. President, the Anti-Apartheid Act of 1985 contains economic sanctions. Members of this body have questioned the wisdom of such tactics. There are several observations I am compelled to make in this regard.

First, there is the argument that economic sanctions would harm the very people they are intended to help. The fact is, less than 1 percent of South Africa's 22 million blacks are employed by U.S. industry and corporations. The number of individuals who would suffer directly from divestment, therefore, is relatively small. The much more compelling argument is that growing numbers of blacks demonstrate by daily acts of resistance, that they have concluded that their overall political, social and economic condition has grown so intolerable they are willing to suffer whatever consequences are required to achieve the ultimate goal of freedom.

There is a second argument, that few black South Africans have themselves advocated divestment strategy. I respectfully suggest to my colleagues that the explanation for this is the fact that South African law makes it a crime—punishable by 5 to 25 years imprisonment for treason—to advocate divestment. This being the case, it is no surprise that the black majority has not publicly endorsed divestment.

Courageous, individual leaders have spoken to this subject, Mr. President. I submit for my colleagues two of their representative statements.

Steve Biko, the black consciousness spokesman murdered by South African security forces, said in 1976 that—

> If Washington is really interested in contributing to the development of a just society in South Africa, it would discourage investment . . . We blacks are perfectly willing to suffer the consequences! We are quite accustomed to suffering.

In addition, Mr. President, Chief Albert J. Luthuli, himself a Nobel Prize winner and former president of the African National Congress, said in 1964,

> In the name of what we have come to believe . . . America stand[s] for, I appeal to . . . America to take full-scale action for sanctions that would precipitate the end of the hateful system of apartheid.

Mr. President, I must be blunt. People die every day in South Africa. They will continue to die every day until South Africa changes. The only change that will matter is absolute freedom for the black majority.

I believe that this legislation gives us a vehicle by which to assist in bringing about that change. I urge my colleagues to join in this noble effort.

By Mr. DOLE (for himself, Mr. CRANSTON, Mr. SYMMS, Mr. MCCLURE, Mr. INOUYE, and Mr. HECHT):

S. 636. A bill to provide for the minting of gold coins; to the Committee on Banking, Housing, and Urban Affairs.

LIBERTY DOUBLE-EAGLE BULLION COIN ACT

Mr. DOLE. Mr. President, today I am pleased to introduce legislation to authorize a new U.S. gold coin that will be comparable to the South African krugerrand and which should be a strong competitor with the krugerrand for investors. I believe this is an appropriate, and important, free-market alternative for those who are concerned about the tragedy of apartheid but who want to adopt a sensible strategy for influencing the South African Government in a way that helps, rather than hurts, the people of that troubled nation. Senators CRANSTON, SYMMS, MCCLURE, INOUYE, and HECHT have agreed to join me in cosponsoring what I hope will be a very productive piece of legislation.

AN APPROPRIATE GESTURE

Mr. President, this legislation is based on H.R. 1123, which was introduced in the House on February 7 by Congressmen JERRY LEWIS, JULIAN DIXON, and many others, including most of the members of the Black Caucus in the House. As my distinguished colleagues in the House have pointed out, this legislation is highly appropriate for two reasons. First, with about 3 million foreign gold coins imported into the United States every year, there is no reason why the U.S. Mint cannot compete in that market and produce a coin that will win a fair share of those sales for a U.S. product. Foreign gold coin sales add almost $1 billion yearly to our balance-of-payments deficit.

Second, many Americans view the krugerrand—which accounts for $400 million of that $1 billion trade imbalance—as a symbol of apartheid, a representation of the way of the past in southern Africa—a past that President Reagan has sought to help South Africa escape with his policy of constructive engagement. An American alternative to the krugerrand attacks this problem in the fairest, most direct way: through free-market competition. Those who oppose krugerrand sales as a statement against apartheid should, and I believe will, be glad to embrace this proposal for a comparable U.S. gold coin.

OTHER VIEWS

Mr. President, I know that many of my colleagues support stronger measures against the krugerrand and against commercial relations with South Africa, including a possible ban on krugerrand sales in this country. I

appreciate their point of view, and I urge them to support what they think is right. In their view this gold coin proposal may simply be a first step toward enacting broader sanctions against South Africa. But while I do not share that view, I urge all Members who are concerned about the dilemma of apartheid to join me in supporting this bill. It is something we can agree on, even if we differ on other possible measures.

As Congressman DIXON stated in the House, this bill authorizes a U.S. gold coin to stand as a symbol of liberty—and in the marketplace of ideas, liberty must always prevail over injustice and invidious racial classifications. Our coin should prevail in the free market as well, as an appropriate symbol of our ideals and of our leadership of the world economy.

DESCRIPTION OF PROPOSAL

Mr. President, let me conclude by briefly describing just how this legislation would work. The bill authorizes the Secretary of the Treasury to mint and issue a gold coin to be called a double eagle, of 1 troy ounce of fine gold, and the same diameter as the double eagles we minted up until 1933. Composition would be 90 percent gold and 10 percent alloy, essentially the same as the krugerrand, and the design would be "traditional American"—symbols of liberty and American eagles. The coin would be legal tender to expedite marketing, but the Treasury would not be obligated to disburse the coins into circulation except as part of the sales program.

Finally, Treasury could set production limits to maximize profits and would have to recover all costs and sell the coins at fair market value. Any profits would go to reducing the national debt, an area where we need all the help we can get. Let me add that while the bill as introduced does not specify production goals, there should be no doubt that the sponsors intend that the coin be produced in significant quantities so as to have a real impact. If that requires setting minimum production levels, that is something we can work out as we move through the legislative process.

I urge my colleagues to join me in sponsoring this bill. It has strong bipartisan support because it stands for the best American values: freedom and fair play.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Liberty Double-Eagle Bullion Coin Act".

MINTING OF GOLD COINS

SEC. 2. (a) Notwithstanding any other provision of law, the Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue gold double-eagle coins pursuant to this Act.

(b)(1) Each such double-eagle coin—

(A) shall weigh 34.559 grams;

(B) shall have a diameter of 34 millimeters;

(C) shall contain 90 percent gold and 10 percent alloy, and

(D) shall have reeded edges.

(2)(A) On the obverse of each such double-eagle coin shall appear a design emblematic of the Statute of Liberty.

(B) On the reverse of each double-eagle coin shall appear a design representing a family of eagles, with the male carrying an olive branch and flying above a nest containing a female eagle and hatchlings.

(C) On each double-eagle coin there shall be inscriptions of the year and of the words "Liberty", "In God We Trust", "United States of America", "E Pluribus Unum", and "One Ounce".

(3) Subject to section 5118 of title 31, United States Code, all such double-eagle coins shall be legal tender as provided in section 5103 of such title at their fair market value.

(c)(1)(A) All such double-eagle coins shall be sold to the public by the Secretary under such regulations as the Secretary may prescribe and at a price equal to the cost of minting and issuing such double-eagle coins (including labor, materials, dies, use of machinery, promotion, and overhead expenses) plus a surcharge.

(B) Such surcharge shall be equal to the amount by which the fair market value of gold bullion held by the United States and used in minting of such double-eagle coins exceeds the statutory maximum value of any gold certificates outstanding against such gold bullion.

(2) All surcharges which are received by the Secretary from the sale of such double-eagle coins shall be deposited in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

(3)(A) The Secretary shall determine the number of such double-eagle coins which will be minted each calendar year.

(B) In making such determination, the Secretary shall consider the demand for gold from all sources and shall establish the number of such coins which will be minted each calendar year at a level which does not depress the price of gold or otherwise reduce the potential revenue from surcharges.

(C) Not less than sixty days before the beginning of each calendar year, the Secretary shall announce to the public the number of such double-eagle coins which will be minted during such calendar year. Such number may be decreased, but shall not be increased, by the Secretary during such calendar year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 4. This Act shall take effect on October 1, 1985.

AMERICAN COMPETITION FOR THE KRUGERRAND

Mr. CRANSTON. Mr. President, I am delighted to join with the distinguished majority leader [Mr. DOLE] as principal cosponsor of the measure that he has introduced, along with a bipartisan group, calling for a legal-tender U.S. gold coin to compete with the South African krugerrand. The companion bill is being introduced today in the House by my California colleagues, JULIAN DIXON and JERRY LEWIS.

The krugerrand has become a symbol of the abomination called apartheid and the abominable Government of South Africa that practices it.

A U.S. gold coin with the same features as the krugerrand will give American gold investors and coin collectors a free choice between a symbol of liberty and a symbol of race hatred. I have no doubt which they will choose.

It is especially important that we act against the Government of South Africa without restricting Americans' freedom or hurting ourselves economically.

If the Carter administration grain embargo taught us anything, it is that economic sanctions are a two-way street. While we tried to hurt the Soviets for invading Afghanistan we actually hurt American farmers.

The best way for a free people to show contempt for a symbol of slavery is through voluntary rejection rather than legal coercion.

Free market, voluntary action is already working, as evidenced by the current issue of Coin World which reports that U.S. sales of the krugerrand have fallen off against competition from the gold Canadian maple leaf. Further competition will come from a new, 1-ounce British coin, the angel, which was introduced last month.

I am sure an American product will do even better in an American market. I am sure that Americans will want to buy American and this will provide them that opportunity.

The American gold coin, the liberty double eagle, will be minted by the U.S. Treasury with gold from Fort Knox.

No South African gold will be imported to produce this coin.

The coin will contain exactly 1 troy ounce of gold and possess other krugerrand features important to investors and coin buyers such as reeded edges, national symbolism, and acceptance as coin of the realm.

By Mr. ZORINSKY (for himself and Mr. MELCHER):

S. 637. A bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deductions in the tier 2 benefit if the employment is for his last nonrailroad employer; to the Committee on Labor and Human Resources.

RAILROAD RETIREMENT ACT AMENDMENTS

Mr. ZORINSKY. Mr. President, like many States, Nebraska is populated heavily with former railroad employees. Union Pacific is headquarted in Omaha, Burlington Northern is heavily situated in Alliance and Chicago Northwestern along with others, runs through various parts of the State. In years gone by rail retirees, like other retirees, have been able to look forward to their retirement years. However, Mr. President, today many retirees are finding it increasingly difficult to survive economically and retirement itself is quickly losing its appeal. Health care costs have risen, food prices never seem to decline, Federal assistance for housing and other necessities appears to be drying up and now, to top it all off, even the States are finding it necessary to tighten up, thus forcing our retirees to rely more and more heavily on their already meager annuities. Most pension systems across the country have tried to adjust accordingly, however, the railroad retirement system has failed to maintain the pace. One glaring example of this is the railroad retirement system's policy on employment once benefits have accrued.

As the Railroad Retirement Act currently stands, individuals wishing to receive their pension must first cease all work for railroads. Similar regulations are followed in most other private and publicly operated pension plans. However, the Railroad Retirement Act contains additional language, mandating that individuals must also cease compensated services to any employers in addition to railroads in order to receive a railroad pension.

The original intent of the 1937 amendment, which prohibits an individual from working for his last nonrailroad employer, was to, in effect, keep the elderly out of the job market. When this provision was enacted, the Depression was upon the Nation and it was the feeling of the amendment's sponsors that by enacting the clause, jobs would become available for young individuals just entering the labor force. Today, with totally different economic circumstances prevailing across the country, retirees often need part-time work in order to pay their many bills. However, the law continues to effectively wipe them out of the job market. Most will never secure new part-time work and I believe this is an injustice.

Bob, who works at the Aksarben Race Track part-time each season; Florence, who works in the corner bakery a few hours each morning; and Sam, who works part-time on the neighbor's farm, all must relinquish their part-time work in order to collect railroad retirement benefits. They can never work at those part-time jobs again, but instead must look for new sources of employment. In a rural State like Nebraska, which, by the way, has never emerged from the economic recession of 2 years ago, it is going to be extremely difficult for my three friends and most other individuals in similar situations to ever find other part-time work.

This unfair provision exists in no other retirement program that I am aware of and I believe it is time we amend this section of the Railroad Retirement Act to adjust for the economic changes that have occurred since this rule's origin. Do not railroad retirees deserve the same chance to earn outside income as do all other retirees: If so, then why do we insist on keeping them at a disadvantage by prohibiting them from retaining their last nonrailroad job? When I was first presented with this question, I knew the only fair thing to do was to amend the Railroad Retirement Act in order to give rail retirees a fair shake.

The bill I am submitting today proposes to allow the potential retiree to work in last nonrailroad employer service with a partial work deduction being applied to a portion of the railroad retirement benefit. Under the proposal, tier 1 and windfall benefits would be subject to the same Social Security limitations they are currently under. However, tier 2 benefits would be subject to a partial work deduction, where the benefit would be reduced by $1 for every $2 earned from the last nonrailroad service. This would allow the beneficiary's total income from work and railroad retirement benefits to be greater than it would be if he either had to relinquish his last nonrailroad job or his railroad retirement benefits. The railroad retirement board, in a recent report commented that such an approach might be cost neutral or could result in a savings to the system although it would be quite small.

Mr. President, my distinguished colleagues, I believe, and I am sure you will agree, that our country was founded on the principles of fairness and equity for all. The bill that I am introducing seeks only to ensure that our railroad retirees enjoy the same opportunities as other retirees to earn outside income.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(e) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(e)) is amended—

(1) by striking out subdivisions (1) and (2) and redesignating subdivisions (3), (4), and (5) as subdivisions (1), (2), and (3);

(2) in subdivision (1), as so redesignated, by striking out "to an employer or to the last person, or persons, by whom he was employed prior to the date on which the annuity under subsection (a)(1) of this section began to accrue" and inserting in lieu thereof "to an employer (as defined in section 1(a))"; and

(3) in subdivision (2), as so redesignated, by striking out "subdivision (3)" each place it appears and inserting in lieu thereof "subdivision (1)".

(b) Section 2(f) of such Act (45 U.S.C. 231a(f)) is amended by adding at the end thereof the following new subdivision:

"(6) That portion of the annuity of an individual, a spouse, or a divorced wife, as is computed under section 3(b) or 4(b) shall be subject to a deduction of $1 for each $2 of compensation received by such individual from compensated service rendered to the last person or persons by whom he was employed prior to the date on which the annuity under subsection (a)(1) began to accrue.".

(c) The amendments made by this Act shall apply to annuities payable under the Railroad Retirement Act of 1974 for months beginning after the date of the enactment of this Act.

By Mr. DANFORTH (for himself and Mr. HOLLINGS):

S. 638. A bill to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation to the private sector, and for other purposes; to the Committee on Commerce, Science, and Transportation.

(The statements of various Senators and the text of this legislation appear elsewhere in today's RECORD.)

By Mr. WALLOP (for himself, Mr. MOYNIHAN, Mr. BOREN, and Mr. SYMMS):

S. 639. A bill to amend the Internal Revenue Code of 1954 to clarify the tax treatment and recordkeeping requirements with respect to automobiles, and for other purposes; to the Committee on Finance.

TAX TREATMENT AND RECORDKEEPING REQUIREMENTS FOR AUTOMOBILES

● Mr. WALLOP. Mr. President, today I introduce legislation for myself and Senators MOYNIHAN, BOREN, and SYMMS, to define to the appropriate limits of IRS involvement in the taxation of relatively insignificant fringe benefits and more importantly, to limit the significant intrusion in the lives of Americans caused by attempts to tax such benefits.

A worker from the Wyoming coalfields wrote me recently complaining that the paper web in which the Congress has entangled Americans was recently made intolerable as a result of the regulations to implement the simultaneous recordkeeping requirements. I have to agree.

A constituent from Cheyenne wrote saying that he shudders to think of the consequences of the current discussion of tax reform. He writes that rules and regulations relating to depreciation of business vehicles are likely to cause "permanent brain

damage." He says "The tax system has already been reformed beyond comprehension," and asks in light of the vehicle record requirements whether we shouldn't take a very close look at the Treasury proposal to bring simplicity and fairness to the tax system. One can't help but wonder how the Treasury defines "simplicity" and "fairness."

My constituents obviously do not want the brand of simplicity and fairness designed by Treasury in its attempt to tax fringe benefits. And I couldn't agree more. Independence is the driving force behind Americans; that dedication to independence runs particularly strong in my home State of Wyoming. We cannot allow an intrusion on that spirit without a superseding benefit to our society. I am convinced that supertechnical taxation of the value in every conceivable fringe benefits is not such an overwhelming cause.

The bill introduced today seeks moderation in the taxation of personal use of business vehicles. The bill accepts many of Treasury's regulations as modified; however, there are still areas for which taxation goes beyond the bounds of reason. The bill is an acknowledgment that the personal use of emergency vehicles and agricultural vehicles does not merit the burdens of recordkeeping, withholding or taxation. In addition, the bill would exempt from taxation certain de minimus commuting use where the vehicle use is an integral part of the performance of one's duties or the commuting is required for some genuine business purpose.

As part of the Deficit Reduction Act of 1984, we passed legislation enabling the Treasury to issue regulations for the proper taxation of fringe benefits. In that process Treasury has made the unforgivable error of tax-blind bureaucrats. They failed to include in the regulatory process any concern for the application by and the effect on the real world. It seems that we have found yet another way to use the tax-collection process to make the lives of Americans more difficult without revenue benefit. I cannot believe that the Congress intended such a result. Certainly the American tax burden is high enough that we do not have to tax one's spirit as well as one's pocket by further intrusion into everyday life.

Since the Treasury was unable to properly or even reasonably balance the demand for technical compliance with the tax law and the intrusion on the lives of Americans, it is up to the Congress, who empowered them to take such action, to correct it, and acknowledge that there are times when fairness and reason outweigh the need for technical tax collection. I am very much afraid that the current call for fairness and simplicity in the tax law is caused more by unreasonable regulatory and collection efforts than by actual unfairness in the tax law. It also concerns me that we now have a proposal to reform the entire tax system which was designed by the same Treasury that created these regulations. I would not be surprised if after our review we find that the two have approximately the same level of simplicity.

The move to simply repeal the simultaneous recordkeeping requirements will leave the IRS without guidance as to how it is to impose taxation on the fringe benefits involved, and the American taxpayer subject to further technical and unreasonable collection efforts. This bill is the first step of a refinement toward practicality and an expression of concern for the real world. I am already studying other areas where Treasury's attempt to tax fringe benefits goes beyond reason and the tolerable limits for intrusion on the lives of Americans. Further legislation may be required. I wish to thank my colleagues who have cosponsored this legislation with me today, and I pledge to work with them toward its early enactment.

Mr. President, I ask unanimous consent that the text of this legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX TREATMENT OF PERSONAL USE OF VEHICLES.

(a) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 274 of the Internal Revenue Code of 1954 (relating to disallowance of certain entertainment, etc. expenses) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) SPECIAL RULE FOR USE OF CERTAIN VEHICLES.—

"(1) IN GENERAL.—In the case of property to which this subsection applies, subsection (d) shall be applied by substituting 'adequate records or by sufficient evidence corroborating his own statement' for 'adequate contemporaneous records'.

"(2) PROPERTY TO WHICH SUBSECTION APPLIES.—This subsection applies to—

"(A) any agricultural vehicle (as defined in section 4483(d)(5)(B)(i)),

"(B) any emergency vehicle described in section 4064(b)(1)(C), or

"(C) any vehicle with respect to which the only use other than any qualified business use (within the meaning of section 280F(d)(6)(B)) is a qualified personal use.

"(3) QUALIFIED PERSONAL USE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified personal use' means—

"(i) personal use of a vehicle by an employee if—

"(I) the employer requires the employee to commute to and from work for bona fide business reasons, including protection of the vehicle or equipment stored in the vehicle (but not including commuting solely for the protection or regular transportation of the employee), and

"(II) no other personal use (other than de minimis personal use) is allowed by the employer, or

"(ii) any personal use of a vehicle by an individual who is required to use such vehicle as an integral part of the performance of the trade or business of such individual or his employer, including use of the vehicle to make calls on customers or clients, to make deliveries, or to visit job sites.

"(B) NO QUALIFIED PERSONAL USE IF BUSINESS USE IS LESS THAN 70 PERCENT.—The term 'qualified personal use' shall not include any personal use for any taxable year unless the taxpayer establishes that the qualified business use (within the meaning of section 280F(d)(6)(B)) of the vehicle is 70 percent or more of the total use of the vehicle for such taxable year.".

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 274(d) of such Code (relating to substantiation requirement) is amended by inserting "except as provided in subsection (i)," before "with".

(b) INCLUSION IN INCOME OF EMPLOYEES.—Section 132(e) of the Internal Revenue Code of 1954 (defining de minimis fringe) is amended by adding at the end thereof the following new paragraph:

"(3) PERSONAL USE OF AUTOMOBILES.—The personal use of a vehicle shall be treated as a de minimis fringe if—

"(A) such vehicle is—

"(i) an agricultural vehicle (as defined in section 4483(d)(5)(B)(i)), or

"(ii) an emergency vehicle described in section 4064(b)(1)(C), or

"(B) Such use is qualified personal use (within the meaning of section 274(i)(3)).".

(c) DEDUCTION AND CREDITS.—Section 280F(d) of the Internal Revenue Code of 1954 (relating to definitions and special rules for limitation on luxury automobiles and personal use of property) is amended by adding at the end thereof the following new paragraph:

"(11) SPECIAL RULE FOR FARM AND EMERGENCY VEHICLES AND QUALIFIED PERSONAL USE.—

"(A) FARM AND EMERGENCY VEHICLES.—This section shall not apply to—

"(i) any agricultural vehicle (as defined in section 4483(b)(5)(B)(i)), or

"(ii) any emergency vehicle described in section 4064(b)(1)(C)(iii).

"(B) QUALIFIED PERSONAL USE.—This section (other than subsection (a)) shall not apply to any vehicle with respect to which the only use other than any qualified business use (within the meaning of section 280F(d)(6)(B)) is a qualified personal use (within the meaning of section 274(i)(3)).".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section apply to taxable years beginning after December 31, 1984.

(2) SPECIAL RULE FOR SUBSECTION (c).—The amendment made by subsection (c) shall apply to property placed in service after June 18, 1984, in taxable years ending after such date.●

Mr. MOYNIHAN. Mr. President, I am pleased to rise today to join my distinguished colleague from Wyoming, Senator WALLOP, in offering legislation to provide some justified exceptions to the requirement that contemporaneous records be kept in order to obtain tax deductions for the business use of automobiles.

The management of contemporaneous recordkeeping was added by the Deficit Reduction Act of 1984 (Public Law 98-611). The provision was intended to ensure that only those individuals who legitimately use their cars for business purposes would be permitted the tax deductions available for business use of property. It appears now, however, that there are a limited number of circumstances where the business use of an automobile is so certain to predominate that the contemporaneous recordkeeping requirement can be relaxed without risk of significant compliance problems.

The legislation we are introducing today would repeal the requirement of keeping a daily log for business use of automobiles for agricultural and emergency vehicles, as well as for individuals who are required by their employer to commute to work for a bona fide business purpose, such as preventing damage to a vehicle or its contents. Additionally, an exemption from the contemporaneous recordkeeping requirement would be available where an automobile is used at least 70 percent of the time in an integral part of a trade or business, such as for making deliveries or calling on customers. In all such cases, the limitations of previous law would apply: adequate records, though not necessarily a daily log or diary, would have to be kept, or other sufficient corroborating evidence would have to be available in order to prove the business use.

It is a matter of responsible government—indeed of simple common sense—that where the surrounding circumstances make it clear that automobiles are predominantly used for business purposes, individuals should not have to keep extensive records because of some incidental personal use. A salesman or delivery man who uses his automobile at least 70 percent of the time for business purposes, under our bill, would not be subject to the new contemporaneous recordkeeping requirements.

Similarly, a construction worker who takes a vehicle home at night because it contains equipment would not be forced to delineate exactly what percentage of his use of that vehicle is for business or personal purposes, so long as the latter does not exceed 30 percent. It simply makes sense that this efficient way of protecting construction vehicles and tools be available without triggering extensive recordkeeping requirements as income to the employee.

Many of our Nation's law enforcement officers have also been unnecessarily required to keep a daily log of the business use of their squad cars. It is often the case that a policeman is required by his police force to use his squad car when he is off duty—often to park it at his home.

Numerous police departments believe it essential to the security of their vehicles that they be treated in this manner. Moreover, a policeman is never entirely off duty. In an emergency, he or she would be required to respond. Under current law, police officers who use their squad cars when off duty are required to keep mileage logs, despite the minimal personal use of their vehicles. Our bill would eliminate this unnecessary burden on law enforcement officials.

Finally, Mr. President, it is important to note that our bill would treat the 30-percent use of an automobile for nonbusiness purposes, permitted under this measure, as a tax-free de minimis fringe benefit. This provision is straightforward. Its simple intention is to eliminate unduly burdensome recordkeeping in this instance as well.

The legislation we are introducing today is a matter of responsible government, sensitive to the need to avoid unnecessary paperwork burdens on the taxpaying public when a reasonable alternative exists.

By Mr. LEVIN:

S. 640. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to require the making of commitments to guarantee loans or insure investments under the authority of such acts in the full amounts provided by law; to the Committee on Foreign Relations.

S. 641. A bill to preclude certain restriction of loan guarantee and loan insurance authority under the Indian Financing Act of 1974; to the Select Committee on Indian Affairs.

S. 642. A bill to preclude the Department of Energy from impounding loan guarantee or loan authority; to the Committee on Energy and Natural Resources.

S. 643. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to guarantee or insure loans under such act in the full amount provided by law; to the Committee on Labor and Human Resources.

S. 644. A bill to provide that loan guarantees in certain programs shall be limited only by the availability of qualified applicants and limitations in appropriations acts; to the Committee on Commerce, Science, and Transportation.

S. 645. A bill to provide that loan guarantees in an economic development program shall be limited only by the availability of qualified applicants and limitations on appropriation acts; to the Committee on Environment and Public Works.

S. 646. A bill to amend the Small Business Act; to the Committee on Small Business.

S. 647. A bill to amend the General Education Provisions Act to preclude the impoundment of loan guarantee or loan insurance authority; to the Committee on Labor and Human Resources.

S. 648. A bill to require the Secretary of Agriculture to enter into commitments to guarantee or insure authorized loans in the full amount provided by law for such loans; to the Committee on Agriculture, Nutrition, and Forestry.

S. 649. A bill to amend title V of the Housing Act of 1949 to establish a minimum level of guarantee and insurance authority; to the Committee on Banking, Housing, and Urban Affairs.

S. 650. A bill to amend the Department of Housing and Urban Development Act to establish a minimum level of guarantee and insurance authority; to the Committee on Banking, Housing, and Urban Affairs.

S. 651. A bill to ensure that commitments under Federal loan guarantee and insurance programs are entered into in the full amount provided by law; to the Committee on Governmental Affairs.

LOAN GUARANTEE LEGISLATION

Mr. LEVIN. Mr. President, today I am reintroducing a number of bills that would prohibit the executive branch from unilaterally reducing the level of loan guarantee authority provided by Congress to Federal departments and agencies. These bills are identical to the ones I introduced last Congress.

In the recent past, several of Congress' policy decisions have been unilaterally altered by the executive branch. The substantial reduction in the level of loan guarantee authority for a number of programs in 1981 was probably the most visible.

These actions present a fundamental institutional issue involving the Congress and the executive branch: At issue here is executive usurpation of congressional authority to establish the levels of new commitments for loan guarantee programs. At stake is the basic constitutional role of the Congress as the lawmakers elected by the people vis-a-vis the executive branch as executors of those laws.

This legislation would address this fundamental issue by ensuring that the congressionally enacted levels of loan guarantee authority are utilized in full by Federal departments and agencies, subject only to these being an adequate level of qualified applicants.

Through the authorization and appropriations process, Congress establishes the appropriate level of loan guarantee authority during a fiscal year. The President is free to reject this decision through the exercise of his veto power. But once the level of loan guarantee authortiy for the various programs is enacted into law, Congress and the American people have every reason to expect that the full

amount of such authority will be available for commitment to qualified applicants. Absent a statutory scheme for modification of this level, the executive branch is not free, and under our system of Government cannot be free, to ignore a congressional mandate, or modify it unilaterally to conform to its own notion of what is appropriate economic or social policy. However, this has not always been the case.

In November 1981, the Reagan administration announced a $20.3 billion reduction in congressionally enacted loan guarantee authority for fiscal year 1982. This reduction was made without formal notice to Congress. It affected a number of guarantee programs administered by several agencies and departments, including the Government National Mortgage Association, the Export-Import Bank, the Rural Electrification Administration, and several Small Business Administration loan programs.

In response to this reduction, Congress approved section 136 of the third continuing resolution for fiscal 1982, Public Law 97-92. That section required the head of each department and agency administering loan guarantee programs to enter into commitments to guarantee loans to qualified applicants in the full amounts provided by law. Congress has subsequently adopted similar provisions in the continuing resolutions for fiscal years 1983, 1984, and 1985. But, as in the past, the provision contained in the continuing resolution for fiscal 1985, Public Law 98-473, expires at the end of the fiscal year and there is nothing to prevent this administration, or any future administration, from again unilaterally reducing the congressionally approved level of loan guarantee authority.

The package of bills I am introducing today is similar to the provision contained in Public Law 98-473 and the previous continuing resolutions. These bills would make permanent the requirement contained in the most recent continuing resolution for guarantee programs now in operation. The bills would amend the basic statutes which establish the loan guarantee programs to require that those Federal agencies and departments which have loan guarantee authority make such guarantee commitments to qualified applicants in the full amounts provided by law.

Mr. President, it is my firm belief that no administration should be able to arbitrarily and unilaterally alter the level of loan guarantee authority provided by law. For this administration or any other not to make available the full amount of loan guarantee authority provided in law is to render meaningless the actions of Congress. As Members of this Congress, we cannot, and should not, allow it to happen again. These bills are designed to do that.

I ask unanimous consent that the text of these bills be printed in the RECORD at this point.

There being no objection the bills were ordered to be printed in the RECORD, as follows:

S. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 223 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of law, in carrying out the provisions of section 222 under which loans are guaranteed by the President and in carrying out the provisions of section 222A(c) under which loans are guaranteed by the head of the agency primarily responsible for carrying out part I, the President or the head of such agency, as the case may be, shall enter into commitments to guarantee such loans in the full amounts provided by law under such provisions, subject only to—

"(1) the availability of qualified applicants for guarantees under such provisions; and

"(2) limitations contained in appropriation Acts.".

SEC. 2. Section 237 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(m) Notwithstanding any other provision of law, in carrying out the provisions of section 234(a) under which investments are insured by the Corporation and in carrying out the provisions of section 234(b) under which loans are guaranteed, the Corporation shall enter into commitments to insure such investments or to guarantee such loans, as the case may be, in the full amounts provided by law, subject only to—

"(1) the availability of qualified applicants for insurance or guarantees under such provisions; and

"(2) limitations contained in appropriation Acts.".

SEC. 3. Section 24 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, in guaranteeing loans under this section, the President shall enter into commitments to guarantee such loans in the full amount provided by law, subject only to—

"(1) the availability of qualified applicants for such guarantees; and

"(2) limitations contained in appropriation Acts.".

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Indian Financing Act of 1974 (26 U.S.C. 1481, et seq.) is amended by adding at the end thereof the following new section:

SEC. 219. Notwithstanding the provisions of any law other than this Act or any appropriation Act, the Secretary shall enter into commitments to guarantee or insure loans under this title to the full extent authorized under this title subject only to—

(1) the limitations imposed under this title, and

(2) the availability of applicants whose loans are authorized to be guaranteed or insured by the Secretary under this title.

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part C of title VI of the Department of Energy Organization Act is amended by adding at the end thereof the following:

"LOAN AND INSURANCE GUARANTEE AUTHORITY

"SEC. 661. Notwithstanding any other provision of law, in carrying out any loan guarantee or insurance program of the Department, the Secretary shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law, subject only to—

"(1) the availability of qualified applicants for such guarantee or insurance under such program; and

"(2) limitations contained in appropriation Acts.".

(b) The table of sections of such Act is amended in part C of title VI by adding at the end thereof the following new item:

"661. Loan and insurance guarantee authority.".

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XXI of the Public Health Service Act is amended by adding at the end thereof the following new section:

"LOAN GUARANTEES

"SEC. 2116. Notwithstanding any other provision of law, the Secretary, in carrying out any provision of this Act authorizing the guarantee or insurance of the payment of the principal of and interest on a loan, shall into commitments to guarantee or insure such payment pursuant to such provision in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations contained in appropriation Acts.".

S. 644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 202 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3142) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary in carrying out any loan guarantee pursuant to this section shall enter into commitments to guarantee such loans in the full amount provided by law subject only to—

"(1) the availability of qualified applicants for such guarantee; and

"(2) limitations contained in appropriation Acts.".

SEC. 2. Section 308(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary in carrying out any loan guarantee pursuant to this subsection shall enter into commitments to guarantee such loans in the full amount provided by law subject only to—

"(A) the availability of qualified applicants for such guarantee; and

"(B) limitations contained in appropriation Acts.".

SEC. 3. Section 3 of the Emergency Rail Services Act of 1970 (45 U.S.C. 662) is amended by adding at the end thereof the following new subsection:

"(g) The Secretary in administering any guarantee of a certificate shall enter into commitments to guarantee such certificate in the full amount provided by law subject only to—

"(1) the availability of qualified applicants for such guarantee; and

"(2) limitations contained in appropriations Act.".

SEC. 4. Section 3 of the Act entitled "An Act to provide for Government guarantee of private loans of certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes", approved September 7, 1957 (49 U.S.C. 1324 note) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary in carrying out any loan guarantee shall enter into commitments to guarantee such loan in the full amount provided by law subject only to—

"(1) the availability of qualified applicants for such guarantee; and

"(2) limitations contained in appropriation Acts.".

SEC. 5. Section 511(c) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(c)) is amended by adding at the end thereof "The Secretary in carrying out any guarantee made pursuant to this section shall enter into commitments to guarantee such obligations in the full amount provided by law subject only to—

"(1) the availability of qualified applicants for such guarantee; and

"(2) limitations contained in appropriation Acts.".

SEC. 6. Section 602(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 602(b)) is amended by adding at the end thereof "The Secretary in carrying out any guarantee shall enter into commitments to guarantee such obligations in the full amount provided by law subject only to—

"(1) the availability of qualified applicants for such guarantee; and

"(2) limitations contained in appropriation Acts.".

SEC. 7. Section 1103(a) of the Merchant Marine Act of 1936 (46 U.S.C. 1273(a)) is amended by adding at the end thereof "The Secretary in carrying out any guarantee shall enter into commitments to guarantee an obligation in the full amount provided by law subject only to—

"(1) the availability of qualified applicants for such guarantee; and

"(2) limitations contained in appropriation Acts.".

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3142) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary in carrying out any loan guarantee pursuant to this section shall enter into commitments to guarantee such loans in the full amount provided by law subject only to—

"(1) the availability of qualified applicants for such guarantee; and

"(2) limitations contained in appropriation Acts.".

S. 646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20(a) of the Small Business Act is amended—

(1) by inserting "(1)" after "SEC. 20. (a)"; and

(2) by adding at the end thereof the following:

"(2) Notwithstanding any other provision of law, the Administration shall enter into commitments to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and enter into commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958, in the full amounts provided by law subject only to (A) the availability of qualified applications for such guarantees, and (B) limitations contained in appropriation Acts. Nothing in this paragraph authorizes the Administration to reduce or limit is authority to enter commitments for such guarantees to qualified applicants.".

S. 647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart 2 of part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"LOAN GUARANTEE AUTHORITY

"SEC. 433A. Notwithstanding any other provision of law, the Secretary of Education in carrying out any loan guarantee or insurance program shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) any limitation contained in an appropriation Act.".

S. 648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3677 of the Revised Statutes (7 U.S.C. 2208) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, in carrying out any program administered by the Secretary of Agriculture under which loans are insured or guaranteed by the Secretary, the Secretary shall enter into commitments to guarantee or insure such loans in the full amount provided by law for such program, subject only to—

"(1) the availability of qualified applicants for loans under such program; and

"(2) limitations contained in appropriations Acts.".

S. 649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 517 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(p) Notwithstanding any other provision of law, the Secretary, in carrying out any loan guarantee or insurance program under this title, shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) any limitations contained in appropriation Acts.".

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following:

"(q) Notwithstanding any other provision of law, the Secretary, in carrying out any loan guarantee or insurance program, shall enter into commitments to guarantee or insure loans pursuant to such program in full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) any limitations contained in appropriation Acts.".

S. 651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Subtitle II of title 31, United States Code, is amended by adding at the ending thereof the following new chapter:

"CHAPTER 17—FEDERAL LOAN GUARANTEE AND INSURANCE PROGRAM COMMITMENTS

"1701. Federal loan guarantee and insurance program commitments.".

"§ 1701. Federal loan guarantee and insurance program commitments

"Notwithstanding any other provision of law, the head of any department or agency of the Federal Government in carrying out any loan guarantee or insurance program shall enter into commitments to guarantee or insure pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations contained in appropriation Acts.".

(b) The analysis of subtitle II of title 31, United States Code, is amended by adding at the end thereof the following new item:

"17. Federal Loan Guarantee and Insurance Program Commitments... 1701".

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. BENTSEN, and Mr. MITCHELL):

S. 652. A bill to amend the Clean Water Act, and for other purposes; to the Committee on Environment and Public Works.

CONSTRUCTION GRANTS TRANSITION ACT

● Mr. CHAFEE. Mr. President, today I am introducing legislation which reauthorizes EPA's wastewater treatment construction grants program and makes several changes in the Clean Water Act's regulatory program.

Before I outline the contents of this legislation I would like to take a moment to discuss the progress the Nation has made under the Clean Water Act. Often in our zeal to push forward with new environmental legislation we fail to recognize the achievements of the Environmental Protection Agency, State and local governments, public interest groups, and industry in abating pollution from our waters.

More than 10 years ago we were besieged with reports of fish kills in our lakes and rivers, beaches closed to

swimming, algae and slime choking our waters.

Congress responded with the Clean Water Act in 1972 and in a relatively short period of time we have seen results. Despite increases in population, significant water quality gains have been achieved. By 1982 there were over 15,000 wastewater treatment plants in operation. The number of persons utilizing secondary or greater treatment increased 67 percent from 1972 to 1982, while population increased only 11 percent.

According to the Environmental Protection Agency's National Water Quality Inventory Report, substantial reductions have occurred in pollutants. Sewage treatment plants are removing about 13,600 tons per day of the two principal conventional pollutants—suspended solids and Biological Oxygen Demand [BOD]—an increase of 65 percent over 1973 levels. In July 1977, 37 percent of the secondary plants required by the Clean Water Act had been completed and by June of 1983 that figure had risen to 69 percent.

The EPA has reported that a majority of the Nation's waters assessed in 1982 meet the interim Clean Water Act goal of fishable, swimmable waters. Thirty-six States have reported specific improvements resulting from the construction of municipal wastewater treatment facilities and 20 States have reported improved water quality due, at least in part, to pollution controls installed by industry.

These impressive achievements, however, are not without cost. Since 1972, a total of $56 billion in tax dollars has been invested to construct Publicly Owned Treatment Works [POTWs]. The Federal Government has spent over $40 billion with State and local governments contributing the rest. According to EPA, eligible construction needs through the year 2000 is a staggering additional $53.1 billion, of which the Federal Government would contribute approximately $35.8 billion. Quite frankly, I don't see how we can continue to make those kinds of expenditures in light of the budget deficits we are currently facing.

Many of my colleagues may remember the changes Congress made to the program in the 1981 amendments. Those reforms began to gradually transfer Federal involvement to State and local governments. Changes were made to more clearly focus the program on water quality by eliminating Federal funding for collector sewers and most combined sewer overflow projects. The Federal share was reduced from 75 percent to 55 percent and the authorization level was reduced from $5 billion to $2.4 billion per year. While in 1981 we set the stage for phasing out Federal funding for the program, our next step is to actually begin the phaseout process.

The bill I am introducing today with our distinguished full committee chairman, and ranking member, Senator BOB STAFFORD, Senator LLOYD BENTSEN and the distinguished ranking member of the Environmental Pollution Subcommittee Senator GEORGE MITCHELL, will provide a smooth transition and will assure that construction of necessary facilities moves ahead so we can continue to make impressive gains in water quality.

In order to facilitate the transition, the bill creates a new title VI of the Clean Water Act which authorizes expenditures for State Water Pollution Control Revolving Funds (SRFs). Under this approach, the Federal Government will gradually reduce straight categorical grants for wastewater projects and, in their place, provide money for States to establish loan funds. Using this Federal seed money, a State could then make low-interest loans available to their communities for construction of POTWs. Let me take a moment to mention the bill's key features.

Most importantly, the bill lives up to the 10-year funding commitment made when we passed the 1981 amendments. Full funding at the $2.4 billion level is authorized through fiscal year 1991. In fiscal years 1992 through 1994, authorizations will be reduced at a rate of $600 million per year.

In fiscal years 1986, 1987 and 1988, $2.4 billion is authorized for the current program. In 1989 and 1990, half the funds authorized—$1.2 billion—would go to the SRFs. In fiscal years 1991, 1992, 1993, and 1994, all of the funds will be directed to SRFs and no new money will be authorized for categorical grants under title II of the Act. Although the legislation calls for an 8-year reauthorization, the allotment formula which we will revise this year would then be authorized only through fiscal year 1990. This will give Congress an opportunity to review the 1988 needs survey and, if necessary, revise the formula by which funds are distributed.

States that wish to set up SRFs prior to fiscal year 1989 may, upon approval by the EPA Administrator, use title II funds. However, beginning with fiscal year 1989, a State will only have 1 year to commit loan funds to projects. Those that fail to establish SRFs or fail to commit funds within the 1-year time period will be ineligible to receive payments from the Federal Government. Those funds will be reallotted to States that have set up SRFs and are committing funds received within 1 year. To receive SRF funds, a State must enter into an agreement with the Administrator to establish a fund and payment schedule, as well as match the Federal contribution with 15 percent of its own funds.

Although the loan program is designed to give the States flexibility in funding projects, there are some necessary limitations. For instance, in the event facilities in a State have failed to meet the 1988 compliance deadlines, SRF loans must first be used to bring those facilities into compliance before funding of other projects can occur. During the authorization period, States must also provide assurances that construction of treatment works meet other project requirements under title II. Once an SRF is established, States can make loans at or below market interest rates, or interest free.

States can utilize SRF's to assist communities that have gone ahead with advance construction. Some communities are so low on a State priority list that they may not receive construction funds in time to build a facility to comply with the 1988 deadline. Under this legislation, a community could raise money to get construction underway and then work out an arrangement whereby an SRF could refinance the debt obligation and ease the financial burden on the community. The SRF could also be used to guarantee local obligations, improve credit market access, reduce interest rates, or as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued to fund the SRF.

Each State that has set up an SRF would be required to establish fiscal controls and accounting procedures. Audits shall be conducted not less than annually and by an entity independent of the State. States are required to prepare annual reports which shall describe, among other things, the goals and objectives of the SRF, and information on present and future projects and activities.

The EPA Administrator is also required to prepare a report to Congress by February 1990 on the financial status and operation of the SRF's under the new title VI. In addition to establishing a grant program for State Water Pollution Control Revolving Loan Funds, the bill makes several changes to the title II grant program.

The bill amends the law to sunset the existing grandfather provisions as of September 30, 1990, for phased-segmented projects that are currently receiving 75-percent grants and funding for reserve capacity.

Although the 1981 amendments envisioned the grandfather provision for phased-segmented projects to be limited in scope, the law did not provide a cutoff period. As the construction grants program winds down after fiscal year 1990, previously grandfathered projects which are not completed will only receive the prevailing 55-percent Federal share and future

grants will only be made for a project's existing population.

The bill continues the mandatory 4-percent set-aside for the innovative and alternative technology program (the I and A program) in fiscal year 1986 but reduces the set-aside to 2 percent in fiscal year 1987 and 1988, after which the program is made discretionary. Beginning in fiscal year 1989, a Governor will have the option to set-aside up to 7½ percent of a State's allotment for title II grants. This set-aside could be reserved to increase the Federal share for innovative and alternative techniques and process. Any such reserve would be applied to a State's allotment for title II grants and would not affect the amounts available for proposed title VI grants. Although the I and A program is a useful tool in promoting new and cost effective technologies, this provision will allow Governors to more freely use title II funds for high priority conventional projects, especially those that have not met the 1988 compliance deadline.

The bill also contains two provisions unrelated to the construction grants program.

Section 301(g) of the act is amended to prohibit water-quality-based waivers for nonconventional pollutants. Under current law, a variance may be obtained from the best available technology requirement for nonconventional pollutants (those pollutants that are not listed as toxic pollutants subject to section 307, conventional pollutants identified pursuant to section 304(a)(4), and the thermal components of discharges) if the applicant can show that such a variance will not result in the discharge of quantities of pollutants which may reasonably be anticipated to pose an unacceptable risk to human health or the environment.

Now what is important to note here is that these nonconventional pollutants such as alachlor and chlorobenziate, are highly toxic. However, because these substances have not been put on the official toxics list, dischargers of such lethal substances may seek to avoid the act's stringent control requirements.

This is flatly inconsistent with the provisions of the act that forbid water quality waivers for listed toxic pollutants. Just because a toxic pollutant is not on a list doesn't mean it is any less toxic to human health or the environment than one that is listed pursuant to the act. Further, reviewing applications for these variances is extremely time consuming and resource intensive and have held up the issuance of a number of permits.

Our committee and the Congress has clearly rejected proposals which have sought waivers for toxic pollutants. The information, the resources and the technology is just not available to make sound decisions on waivers for toxics. The same rule should apply for nonconventionals. These pollutants are largely unknown and very little data exists on their toxicity and effect on human health. If we are serious about eliminating the discharge of pollutants from the Nation's waterways—the goal of the Clean Water Act—then we cannot tolerate exceptions such as the one contained in section 301(g).

Since some industries have already applied for waivers of nonconventional pollutants, this amendment is designed to let those waiver applications run their course. However, applications will not be valid if submitted after January 3, 1985. Those industries which submitted applications prior to that date must receive a tentative approval from the EPA for a waiver by the date of enactment of the bill or their request will be automatically denied.

The bill also authorizes $10 million annually for the establishment of management conferences to solve pollution problems in many of the Nation's great estuaries. Over the last several years we have seen a decline in water quality in a number of estuaries around the country. Portions of the Narragansett Bay, the State of Rhode Island's greatest natural resource, have been closed to shellfishing and swimming. Point and nonpoint sources of pollution continually threaten the cleanup process not only in the Narragansett but in other estuaries such as the Chesapeake Bay, Puget Sound, Long Island Sound, and Delaware Bay. If these and other estuaries around the Nation are going to continue to provide millions of Americans with economic and recreational opportunities, we must take the initiative now.

This provision will provide for interstate and international cooperation in developing estuarine protection programs and better integration of existing resources and authorities to address pollution problems. It was modeled, in part, after the successful Chesapeake Bay Program—a research and management effort directed toward improving and preserving that Bay's water quality.

Under the provision, the EPA shall convene a management conference if the Administrator determines that the attainment and maintenance of the chemical, physical and biological integrity of an estuary requires control of interstate or international sources of pollution. These conferences may be requested by a Governor or Governors in whose State the estuary is located, or other interested parties.

The conferences shall be convened for up to 5 years and shall identify pollution sources; conduct research and assessments in the affected estuary; and develop comprehensive conservation and management plans which recommend corrective actions. Members of the management conference shall include the EPA Administrator and representatives of other Federal agencies and State and local governments, interstate or international organizations, affected industries, public and private institutions, and the general public.

The Administrator may make grants to States to carry out surveys, studies, and other related research and technical work necessary for the development of the management plan provided that the State provide at least 25 percent of the costs of such projects. Once a plan has been approved by the Administrator, with the concurrence with the affected Governors, projects may be implemented with funds derived from the title II construction grants program, the title VI revolving loan program, or the nonpoint pollution program.

Finally, Mr. President, I would like to touch on the act's section 404 wetlands dredge and fill program. Quite frankly, I am disturbed and concerned with the way this program is being administered. Several years ago, when the Assistant Secretary of the Army for Civil Works was proposing to reform the program, I and others became quite concerned that reforming meant ignoring the environmental safeguards to protect our wetland areas. I held oversight hearings on these so-called reforms and learned that, just as I had feared, the Corps of Engineers, which is responsible for carrying out the program, was primarily concerned with how fast they could issue permits as opposed to ensuring that projects proposed to be built in wetlands were designed to reduce adverse environmental impacts. In an attempt to avoid a need to amend the law, we tried to work with the administration to find ways to improve the program from a management as well as an environmental standpoint. Now, I am sorry to report that the administration's reforms again threaten to dismantle the program.

This view has been reflected by others, most notably former Assistant Secretary of Interior Ray Arnett—who has never been accused of being a tree-hugger. Before he left office, Ray wrote the Acting Assistant Secretary of the Army for Civil Works and said:

> * * * It is now abundantly clear that further correspondence on this issue is pointless and that Army's regulatory program is so flawed, it is no longer a usable tool to adequately protect wetlands.

Not only do I agree with Mr. Arnett's assessment of the Army's role in this program, I am equally concerned that the Environmental Protection Agency is not properly exercising its 404(c) veto authority over permits which fail to provide for the adequate protection of wetlands.

I plan to hold oversight hearings on the 404 program next month to get a clearer picture of how the Corps, EPA, the Fish and Wildlife Service, and the National Marine Fisheries Service are administering the program. It would be my hope to avoid any amendments to the section 404 program because I earnestly believe that the problems with the program can be worked out administratively. Amendments are not, however, out of the question.

Now a word on how we will proceed with the Clean Water Act amendments. The Subcommittee on Environmental Pollution will hold hearings March 26, 27, and 28 on the bill I am introducing today and S. 53 which was introduced by our distinguished committee chairman, BOB STAFFORD. After our hearings, we will combine both bills, plus any new legislative proposals we make as a result of the hearings, into a markup vehicle. We have tentatively scheduled to conduct a subcommittee markup on April 4.

Mr. President, I now ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Construction Grants Transition Act of 1985".

CONSTRUCTION GRANT AUTHORIZATION

SEC. 2. (a) Section 207 of the Clean Water Act is amended by striking out the period at the end thereof and adding the following: "; and to carry out this title, other than sections 206(e), 208 and 209, subject to such amounts as are provided in appropriation act, for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not to exceed $2,400,000,000; and for each of the fiscal years ending September 30, 1989, and September 30, 1990, not to exceed $1,200,000,000.".

(b) Sec. 205(e) is amended by striking, ", 1979, 1980, 1981, 1982, 1983, 1984, and 1985" in the first and second sentences and inserting in each place in lieu thereof "through 1994".

STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 3. The Clean Water Act is amended by adding at the end thereof the following new title:

"TITLE VI—GRANTS FOR WATER POLLUTION CONTROL REVOLVING FUNDS "AUTHORIZATION, ALLOTMENT, AWARD, AND PAYMENT

"SEC. 601. (a) There are hereby authorized to be appropriated the following sums to carry out the purposes of this title:

"(1) $1,200,000,000 per fiscal year for the fiscal years 1989 and 1990;

"(2) $2,400,000,000 for the fiscal year 1991;

"(3) $1,800,000,000 for the fiscal year 1992;

"(4) $1,200,000,000 for the fiscal year 1993; and

"(5) $600,000,000 for the fiscal year 1994.

"(b) Sums appropriated to carry out this title for each fiscal year shall be allotted by the Administrator in accordance with section 205(c) of this Act.

"(c) Sums allotted to the States for a fiscal year shall be available for a grant award under subsection (d) during the fiscal year for which authorized. The amount of any allotment not obligated by the end of such fiscal year shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted under Title II of this Act for the next fiscal year, except that none of the funds reallotted by the Administrator will be allotted to any State which failed to obligate any of the funds being reallotted.

"(d) If a State has entered into a grant agreement with the Administrator as provided in section 602 of this title, the Administrator is authorized to make a capitalization grant to the State from funds available for obligation under this title.

"(e) From funds obligated for a given fiscal year pursuant to subsection (d) of this section, quarterly installment payments shall be made in accordance with the schedule of payments established under section 602(b)(2) of this title.

"(f) If the Administrator determines that a State has not complied with agreements under section 602, or requirements of this title, and Administrator shall notify the State of such noncompliance and the necessary corrective action. If the State does not take such corrective action by the 60th day after the date the State receives notice, the Administrator shall withhold additional payments to the State until the Administrator is satisfied that the State has taken the necessary corrective action.

"(g) If the Administrator is not satisfied that adequate corrective actions have been taken by the State within twelve months of the notice provided under subsection (f) of this section, the payments withheld by the Administrator shall be made available for reallotment under subsection (c) of the section.

"CAPITALIZATION GRANT AGREEMENTS WITH STATES

"SEC. 602. (a) To receive a capitalization grant under this title, a State shall enter into an agreement with the Administrator which shall include but not be limited to the specifications set forth in subsection (b) of this section.

"(b) The Administrator shall enter into an agreement with a State only after the State has established to the satisfaction of and Administrator that—

"(1) the State has established a Water Pollution Control Revolving Fund, as defined in section 603 of this title;

"(2) the State has agreed to accept grant payments under this title in accordance with a payment schedule established by the Administrator, and has agreed to deposit all such payments in the dedicated revolving Fund;

"(3) the State has agreed to deposit in the Fund, from State monies, an amount equal to 15 percent of the capitalization grant, and has further agreed to make such necessary matching deposits by no later than the date of each grant payment under the provisions of paragraph (2) of this subsection;

"(4) the State has agreed to make binding loan commitments in an amount equal to 100 per centum of the amount of the grant payments within one year of the receipt of such funds;

"(5) the State has made adequate assurances through submission of an intended use report under section 604(c) of this title that (A) all funds available in the Water Pollution Control Revolving Fund will be committed in an expeditious and timely manner, (B) treatment works projects that are constructed in whole or in part prior to fiscal year 1995 with funds from the State Water Pollution Control Revolving Fund will meet the same requirements applicable to grant projects funded under Title II, and (C) such funds will first be used to assure maintenance of progress in the completion of all projects needed to meet the enforceable deadlines, goals, and requirements of this Act;

"(6) in addition to meeting the requirements of this title, the State has made assurances that it will commit or expend the payments so received in accordance with laws and procedures applicable to the commitment or expenditure of revenue of the State;

"(7) in carrying out the requirements of section 604 of this title, the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;

"(8) the State will require as a condition of making a loan that recipients will maintain project accounts in accordance with generally accepted government accounting standards; and

"(9) the State will make annual reports to the Administrator on the actual use of funds in accordance with section 604(d) of this title.

"STATE WATER POLLUTION CONTROL REVOLVING FUNDS

"SEC. 603. (a) To be eligible for an award of a grant under section 601 of this title, each State shall establish a Water Pollution Control Revolving Fund, administered by an instrumentality of the State with powers and limitations including those specified in subsections (b), (c), and (d) of this section.

"(b) The amounts of funds available to the Water Pollution Control Revolving Fund shall be dedicated solely to providing financial assistance to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works (as defined in section 212(2) of title II of this Act). The Fund shall be established, maintained, and credited with repayments, and the Fund balance shall be available in perpetuity for this purpose.

"(c) The instrumentality of the State administering the Water Pollution Control Revolving Fund shall be authorized to use the fund to make loans, on the condition that—

"(1) such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years or the design life of the facility to be constructed, whichever is less;

"(2) annual principal payments shall commence not later than one year after completion of any project and all loans shall be fully amortized not later than twenty years after project completion;

"(3) the recipient of a loan shall establish a dedicated source of revenue for repayment of loans; and

"(4) the fund shall be credited with all repayment of principal and interest on all loans.

"(d) Except as otherwise limited by State law, a Water Pollution Control Revolving Fund may be used—

"(1) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at

or below market rates, where such debt obligations were incurred after March 7, 1985.

"(2) to guarantee, or purchase insurance for, local obligations where such action would improve credit market access or reduce interest rates;

"(3) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of such bonds are deposited in the Water Pollution Control Revolving Fund;

"(4) to earn interest on Fund accounts; and

"(5) for the reasonable costs of administering the Fund and conducting activities under this title provided that such amounts shall not exceed 4 per centum of all grant awards to such fund under section 601(d).

"AUDITS, REPORTS, AND FISCAL CONTROLS

"SEC. 604. (a) Each State electing to establish a Water Pollution Control Revolving Fund under this title shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for—

"(1) payments received by the Fund;

"(2) disbursements made by the Fund; and

"(3) fund balances at the beginning and end of the accounting period.

"(b) The Administrator shall conduct, or require each State to have conducted, not less than annually, an independent audit to review the operations of each Water Pollution Control Revolving Fund. Such audits shall be conducted by an entity independent of the State, and in accordance with the Comptroller General's standards for auditing government organizations, programs, activities, and functions. An audit under this subsection shall be completed in such time and manner as deemed necessary or appropriate by the Administrator to carry out the purposes of this title.

"(c)(1) Each State shall, on an annual basis, prepare a plan on the intended uses of the amounts available to the Fund. The plan shall include—

"(A) a description of the short and long term goals and objectives of the State's Water Pollution Control Revolving Fund;

"(B) information on the activities to be supported, including a description of project categories, discharge requirements under Titles III and IV, terms of financial assistance, and communities served;

"(C) assurances and specific proposals for meeting the requirements of section 602(b)(4) and (5) of this title; and

"(D) the criteria and method established for the distribution of funds.

"(2) To meet the requirements of this subsection and to facilitate comments from interested local governments and persons on the use of funds, a State may adapt or use priority systems and lists developed under section 216 of the Act.

"(d) Beginning the first fiscal year after the receipt of payments under section 601(e) of this title, the State shall provide an annual report to the Administrator describing how the State has met the goals and objectives for the previous fiscal year as identified in the plan prepared for the previous fiscal year pursuant to subsection (c) of this section, including identification of loan recipients, loan amounts, and loan terms.

"(e) The Administrator shall conduct an annual review of each State plan and report prepared under subsections (c) and (d) of this section, and other such materials as are considered necessary and appropriate in carrying out the purposes of this title. After reasonable notice by the Administrator to the State or the recipient of a loan from a Water Pollution Control Revolving Fund, the State or loan recipient shall make available to the Administrator records the Administrator reasonably requires to review and determine compliance with this title.".

STATE-OPTION TO USE TITLE II FUNDS

SEC. 4. Section 205 is amended by adding a new subsection as follows:

"(1)(1) The Administrator is authorized to award from funds available for obligation during each fiscal year ending September 30, 1986, September 30, 1987, September 30, 1988, September 30 1989, September 30, 1990, September 30, 1991, September 30, 1992, September 30, 1993, and September 30, 1994, a capitalization grant to a State for the purpose of capitalizing a Water Pollution Control Revolving Fund pursuant to Title VI of this Act, where the Governor requests such action in accordance with paragraph (2) of this subsection.

"(2) No later than thirty days after the date of enactment of this Act with respect to funds available for obligation in the fiscal year beginning October 1, 1985, and not less than ninety days prior to the start of each of the fiscal years beginning October 1 of 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, and 1994, a State shall provide notice of its intent to use all or a portion of the funds available for obligation in that fiscal year as a capitalization grant for a Water Pollution Control Revolving Fund under Title VI of this Act.

"(3) Any sum made available to a State's Water Pollution Control Revolving Fund under this subsection shall be in addition to any funds otherwise allotted to that State under Section 601(b) during any fiscal year.

REPORT TO CONGRESS

SEC. 5. Section 516 of the Clean Water Act is amended by adding at the end thereof the following new subsection:

"(f) The Administrator shall submit to the Congress by February 10, 1990, a report on the financial status and operations of Water Pollution Revolving Funds established by the States in accordance with title VI of this Act. The Administrator, in cooperation with the States, including water pollution control agencies and other water pollution control planning and financing agencies, shall include in such report the following:

"(1) an inventory of the facilities that are in significant noncompliance with the enforceable requirements of this Act;

"(2) an estimate of the cost of construction for such facilities that require construction to meet such requirements;

"(3) an assessment of the availability of sources of funds for financing such needed construction, including an estimate of the amount of funds available for loans through September 30, 1999, from the Water Pollution Control Revolving Funds established by the States under title VI of this Act;

"(4) an assessment of the operations, loan portfolio and loan conditions of Water Pollution Control Revolving Funds established by the States under title VI of this Act; and

"(5) an assessment of the efficiency of the operation and maintenance of treatment works constructed with financial assistance under Titles II and VI of this Act.".

ELIGIBILITY AFTER 1990

SEC. 6. (a) Section 202(a)(1) of the Clean Water Act is amended by striking out the period at the end thereof and adding the following: ", for any such grants made before October 1, 1990.".

(b) Section 204(c) of the Clean Water Act is amended by inserting "awarded a grant before October 1, 1990," after the words "such facility and interceptors".

(c) 205(g)(1) of the Clean Water Act is amended by striking "October 1, 1985" and inserting in lieu thereof "October 1, 1994".

INNOVATIVE AND ALTERNATIVE PROJECTS

SEC. 7. Section 205(i) of the Clean Water Act is amended to read as follows:

"(i) Not less than one-half of one per centum of funds allotted to a State for each of the fiscal years ending September 30, 1979, through September 30, 1988, under subsection (c) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works utilizing innovative processes and techniques pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the preceding sentence, a total of two per centum of the funds allotted to a State for each of the fiscal years ending September 30, 1979, and September 30, 1980, and 3 per centum of the funds allotted to a State for the fiscal year ending September 30, 1981, under subsection (c) of this section shall be expended only for increasing grants for construction of treatment works pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the first sentence of this subsection, a total (as determined by the Governor of the State) of not less than four per centum nor more than seven and one-half per centum of the funds allotted to such States under subsection (c) of this section for each of the fiscal years ending September 30, 1982, through September 30, 1986, and of not less than two per centum nor more than seven and one-half per centum for each of the fiscal years ending September 30, 1987, and September 30, 1988, shall be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 202(a)(2) of this Act. For each of the fiscal years beginning on or after October 1, 1988, up to seven and one-half per centum of funds allotted to a State under subsection (c) of this section for making grants under this title may be expended for increasing the Federal share of grants for construction of treatment works pursuant to section 202(a)(2) of this Act."

NONCONVENTIONAL WAIVER DEADLINE

SEC. 8(a). Section 301(j)(1)(B) of the Clean Water Act is amended by inserting immediately at the end thereof the following: "In addition to the above requirement a completed application for a modification under subsection (g) must have been filed not later than January 3, 1985, and each completed application for a modification under subsection (g) pending on the date of enactment of the Clean Water Act Amendments of 1985, shall be deemed ineligible for such modification unless the Administrator, with the concurrence of the State, has issued a tentative decision prior to the date of enactment of such amendments.".

(b) Section 301(g)(1) is amended by inserting "(i)" immediately after "subsection (b)(2)(A)".

SEC. 9. Title III of the Clean Water Act is amended by adding at the end thereof the following new section:

"NATIONAL ESTUARY PROGRAM

"SEC. 320. (a)(1) Whenever the Administrator determines that the attainment and maintenance of the chemical, physical and biological integrity of an estuary requires the interstate or international control of sources of pollution to supplement existing controls, the Administrator shall convene,

for a period not to exceed five years, and estuarine management conference to:

"(A) assess trends in water quality, natural resources, and uses of the estuary;

"(B) collect, characterize and assess data on toxics, nutrients and natural resources within the estuarine zone to identify the causes of environmental problems;

"(C) develop the relationship between the inplace loads and point and nonpoint loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality and natural resources;

"(D) develop a comprehensive conservation and management plan that recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;

"(E) develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the conference;

"(F) monitor the effectiveness of actions taken pursuant to the plan; and

"(G) review any Federal assistance program or federal development project subject to the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of any plan prepared under this section. For purposes of this subparagraph, these programs and projects shall not be limited to the assistance programs or development projects subject to Executive Order 12372, but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of any plan developed pursuant to this section.

"(b) The members of a management conference convened under this section shall include, at a minimum, the Administrator and representatives of:

"(1) each State and foreign nation located in whole or in part in the estuarine zone of the estuary for which the conference is convened;

"(2) international, interstate, or regional agencies having jurisdiction over all or a significant part of the estuary;

"(3) each interested Federal agency, as determined appropriate by the Administrator;

"(4) local governments within the estuarine zone, as determined appropriate by the Administrator; and

"(5) affected industries, public and private educational institutions and the general public in the estuarine zone.

"(c) Prior to developing a comprehensive conservation and management plan under this section, the management conferees shall survey and use existing reports, data, and studies as well as local master or regional plans relating to the estuary that have been developed by or made available to Federal, interstate, international, State or local agencies.

"(d)(1) Not later than 90 days after the completion of a conservation and management plan, the Administrator shall, if the plan satisfies the purposes of this section and the affected Governor or Governors concur, approve such plan.

"(2) Upon approval of a conservation and management plan under this section, funds authorized to be appropriated under Titles II and VI and section 319 of this Act may be used in accordance with the applicable requirements of this Act, to assist States with the implementation of such plan.

"(e) There are authorized to be appropriated to the Administrator not to exceed $10,000,000 per fiscal year for each of the fiscal years 1986, 1987, 1988 and 1990, for:

"(1) expenses related to the administration of management conferences under this section, not to exceed 10 per centum of the amount appropriated under this paragraph;

"(2) grants to State, interstate or regional water pollution control agencies for research, surveys, studies, monitoring, modeling and other technical work necessary for the development of a conservation and management plan under this section; *Provided*, That such grants shall not exceed 75 per centum of the costs of such technical work and shall be made on condition that non-Federal sources provide at least 25 per centum of the costs that receive funding under this paragraph; and

"(3) the costs of monitoring the implementation of a conservation and management plan. Such monitoring shall be done by the management conference or, in any case in which the conference has expired or been terminated, by the Administrator.

"(f) Any State, interstate or regional agency that receives a grant under subsection (e) shall report to the Administrator not later than 18 months after receipt of such grant and biennially thereafter on the progress being made under this section.

"(g) For the purposes of this section, the terms 'estuary' and 'estuarine zone' shall have the same meanings such terms have in section 104(n)(4) of this Act, except that the term 'estuarine zone' shall include those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher.".

● Mr. STAFFORD. Mr. President, I am pleased to join Senator CHAFEE in sponsoring this bill to reauthorize and amend the Clean Water Act.

My colleagues will recall that the Committee on Environment and Public Works reported two Clean Water Act bills in the last Congress. S. 431 would have reauthorized and amended title III provisions related, for the most part, to industrial wastewater treatment and water quality standards. S. 2006 would have authorized a new nonpoint source management program to deal with runoff pollution which, although a major cause of water quality degradation, is not adequately dealt with under existing provisions of the Clean Water Act.

On January 3, I introduced S. 53, which combined the provisions of both bills and incorporated amendments that had been agreed to by the committee and would have been added on the floor had the bills been debated last year.

The bill that Senator CHAFEE is introducing today picks up at that point. It proposes a reauthorization of the grants program for construction of publicly owned sewage treatment works and the gradual phase in of a State-run revolving loan fund to replace the Federal grants program. I support this proposal. It honors the 10-year commitment of Federal support made at the time of passage of the 1981 amendments that reformed the grants program, and it sets the stage for State and local self-sufficiency in funding of treatment works.

As the committee proceeds through hearings and markup, I may propose modifications to this bill or to S. 53 or additions to either of them. I am concerned, for example, that the phasedown of the set-aside requirement for innovative and alternative sewage treatment systems proposed in this bill may be premature.

I proposed this provision in the 1977 amendments to the Clean Water Act. Its purpose was to assure that funds would be available for innovative or alternative systems, which are often the most effective for small communities such as those in my own State of Vermont.

The set-aside provision has been successful in that regard. I am not persuaded that the provision has no further utility. I suspect that there remain many smaller communities that continue to need this set aside to assure their ability to compete with large cities for Federal support.

Senator CHAFEE has scheduled early hearings and markup of Clean Water Act amendments. The full Environment and Public Works Committee will act quickly on legislation reported by the subcommittee. It is imperative that reauthorization be accomplished during this fiscal year to assure uninterrupted Federal support for construction of publicly owned treatment works and needed amendments to the Clean Water Act.●

● Mr. MITCHELL. Mr. President, today I am joining Senator CHAFEE in sponsoring amendments to the Clean Water Act.

The 1972 Clean Water Act sets ambitious goals for this country: "To restore and maintain the chemical, physical and biological integrity of the Nation's waters". We have in fact made substantial progress toward achieving these goals. The bill we are introducing today would reaffirm our commitment to the clean water goals we established over a decade ago.

The quality of the waters of the State of Maine is testimony that the Clean Water Act works.

Ninety-eight percent of Maine's 1,838 lakes now meet or exceed the water quality goals of the act.

In 1972, only 37 percent of assessed stream miles in Maine fully supported their designated use; 32 percent of uses were partially supported. By 1982, 63 percent of stream miles fully support the designated use; 36 percent partially support the use.

Municipal compliance with sewage discharge permits rose to 86 percent in 1982; up from 44 percent in 1972.

Compliance by industries with waste water discharge permits rose to 90 percent in 1982; up from 11 percent in 1972.

There are tangible results of these efforts and these expenditures by the State, localities, and industries.

Atlantic salmon have returned to the Penobscot River after a 30-year absence.

The Maine commercial shell fishing industry declined for many years due to the discharge of untreated sewage. As of 1982, over 4,000 acres of soft shell clam flats had been reclaimed with an estimated value of $6½ million a year.

I cite these examples as the success story of just one State. Virtually every State in this country has similar examples. While we have made great progress, we must maintain the pollution control programs which have proven so successful in the past decade and expand our efforts to meet emerging water pollution problems.

The legislation introduced today will supplement the Clean Water Act reauthorization bill introduced by Senator STAFFORD (S. 53) with three additional provisions: A long-term program for financing of municipal waste water treatment facilities; a new program for the protection of estuaries; and modifications to discharge permit variance provisions of the current law. Each of these provisions is described briefly below.

The most significant element of this legislation is the proposal of a long-range program for financing of waste water treatment plants. State and local governments need a clear statement of future Federal involvement in order to plan for treatment plant construction and to meet the compliance deadlines established in the law.

The bill provides for allocations of a total of $18 billion over the next 9 years to assist municipalities with these construction projects. The direct grant assistance program will continue for the next 5 years. Starting in 1989, States will receive a total of $8.4 billion over the next 6 years to capitalize State revolving loan funds. These loan funds will be administered by each State with the objective of assisting municipalities in financing of waste water treatment projects. Establishment of loan funds will complete the process of transfer to State control of the municipal treatment construction program.

I believe the general approach outlined in the legislation is a good basis for discussion of future financing of waste water treatment construction and I look forward to hearing comments and suggestions for improvements to the proposal from all interested parties.

The bill also provides for a new program to protect major estuaries. Estuaries are a national resource of great productivity and value which are threatened by a wide range of pollution sources. The bill would allow the EPA Administrator to convene a management conference, including representatives of Federal, State, and local governments. The conference, which is patterned after the successful experience in Chesapeake Bay, would assess trends and conditions and develop a conservation and management plan to restore and maintain water quality.

Finally, the bill would make several changes to the waste water discharge provisions of the Clean Water Act. Section 301(g) of the act, which provides for variances from the best available technology standards for nonconventional pollutants, is removed. The bill would also clarify aspects of the law relating to the availability of that section for indirect discharges.

These amendments provide a thoughtful and responsible vehicle for discussion of key issues related to reauthorization of the Clean Water Act. They are consistent with the national consensus for clean water. Over 90 percent of the persons responding to a Harris survey either supported the Clean Water Act or wanted it strengthened, even considering the costs of pollution controls. These amendments are an important step toward carrying out this mandate.●

By Mr. ABDNOR:

S. 653. A bill to name the Federal Building located at 1200 Pennsylvania Avenue, NW., Washington, DC, as the "Ariel Rios Memorial Federal Building"; to the Committee on Environment and Public Works.

ARIEL RIOS MEMORIAL FEDERAL BUILDING

● Mr. ABDNOR. Mr. President, I am introducing legislation today that will honor one of America's large, yet largely nameless, band of law enforcement heroes. I would have the Federal Building at 1200 Pennsylvania Avenue, NW., Washington, DC 20226, designated the "Ariel Rios Memorial Federal Building" in memory of the first Federal law enforcement officer to give his life as a member of the Vice President's Task Force on Crime in South Florida.

On December 2, 1982, Special Agent Ariel Rios, a member of the Vice President's Task Force on Crime in South Florida, died of a gunshot wound received while serving in the line of duty. Special Agent Rios was killed and his partner, Special Agent Alexandrer D'Atri, received critical injuries while conducting undercover negotiations for the purchase of a large quantity of cocaine.

Although the meeting had gone as planned, one of the perpetrators apparently observed other agents closing in to effect an arrest. When this subject drew a gun, Special Agent Rios moved to disarm him and was shot in the face. He died almost instantly.

Special Agent Rios' action was taken quickly and decisively. He acted for his own protection, for the protection of his partner, and for the protection of the other agents effecting the arrest. Ultimately, his life was given for the protection of the citizens of this country.

Prior to this incident, Special Agent Rios had been one of the most active and effective agents assigned to the ATF Task Group. Just prior to this incident, he served as case agent for an investigation resulting in the seizure of over 200 silencers and 2 machineguns. The case received notoriety as the silencers were manufactured in a place where, 3 months earlier, eight people had been shotgunned to death in a bloody gangland massacre.

Special Agent Rios had also performed critical liaison duties between the ATF Task Group and the DEA/Customs Joint Task Group. It was his responsibility to insure a smooth flow of information between the two groups. One confidential informant, developed by Special Agent Rios, told him of a large scale drug smuggling operation between Colombia and the United States. The intelligence gathered as a result of this referral has proven invaluable. Special Agent Rios displayed an infectious enthusiasm in the performance of his duty, which contributed greatly to the high morale of the task force. The energy and optimism with which he approached his duty contradicted the personal sacrifice of prolonged separation from his wife and children.

The day he died was not the first time he had been faced with danger while assigned to the Vice President's Task Force. In one investigation, while in an undercover capacity, a violator had held a loaded machinegun to Rios' head. The night before he was killed, while working on a separate phase of the same investigation which led to his death, a subject being arrested pulled a gun on his undercover partner. Special Agent Rios immediately went to this partner's aid and became involved in a struggle while the subject had the gun in hand. Special Agent Rios received a blow to the head during this melee.

This investigation, which began a month earlier, has resulted in the confiscation of 5 kilograms of cocaine, $82,000 in U.S. currency, 1 automatic weapon, 5 silencers, 20 silencer kits, and 20 other firearms—4 of which were stolen. Seventeen individuals have been convicted in three different conspiracies to sell drugs and illegal weapons. Most of these individuals have long criminal histories in narcotics trafficking. Many are Mariel Cuban refugees who have spent long terms in Cuban prisons. It was in response to the criminal activities of such individ-

uals that the Vice President's Task Force was formed.

Special agent Rios dedicated himself to achieving the goals and objectives of the Vice President's Task Force. He died defending the citizens of this country from the criminal element. He died defending the ideals in which he believed.

Ariel Rios is one of the many unknown heroes of Federal law enforcement. He was the first Federal agent to give his life as a member of the Vice President's Task Force on Crime. He was an agent of the Bureau of Alcohol, Tobacco and Firearms, the splendid law enforcement agency which is headquartered in the building I would see renamed in Ariel Rios' honor.

As chairman of the Appropriations Subcommittee with oversight over ATF, I know of Ariel Rios unselfish sacrifice. I urge the Senate to approve this bill so that the rest of the Nation will know.

I ask unanimous consent, Mr. President, that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building located at 1200 Pennsylvania Avenue, N.W., Washington, D.C. is named and designated as the "Ariel Rios Memorial Federal Building." Any reference in law, map, regulation, document, record, or other paper of the United States to such building will be held to be a reference to the "Ariel Rios Memorial Federal Building."●

By Mr. EXON (for himself, Mr. COHEN, Mr. ZORINSKY, Mr. MITCHELL, and Mr. ABDNOR):

S. 654. A bill to amend the Biomass Energy and Alcohol Fuels Act of 1980 to clarify the intention of section 221 of the act; to the Committee on Energy and Natural Resources.

CLARIFICATION OF SECTION 221 OF THE BIOMASS ENERGY AND ALCOHOL FUELS ACT OF 1980

Mr. EXON. Mr. President, I am today introducing a bill making a technical correction to the Biomass Energy and Alcohol Fuels Act of 1980 to clarify the intention of the Congress with regard to the Department of Energy's program. This measure involves no new authority or new spending, but rather provides the opportunity for several pending ethanol loan guarantee applications to complete their negotiations with the agency.

The Senate's expeditious action is required to ensure that these pending projects are allowed to move forward on a timely basis. This bill does not approve these conditional commitments but merely provides time to complete action on each project. The DOE is interpreting section 21 of the Energy Security Act in a manner which would have these projects dropped in the midst of negotiations.

Mr. President, this measure is required to clarify the intent of the Congress for the benefit of the DOE's Office of the General Counsel. That office has interpreted section 221 of the 1980 act as terminating the entire Alcohol Fuels Loan Guarantee Program. Members of Congress and committee staff involved in the 1980 act differ with the General Counsel as to this interpretation.

Certainly the Congress did not intend that meritorious projects should be dropped in the midst of the notification process. Rather than terminate the program, section 221 is intended to "cap" the loan guarantee program, limiting the DOE to considering those projects with conditional commitments as of September 30, 1984.

Conference committee report language, Mr. President, is clearly instructive on this matter. The report states that section 221 prohibits the commitment or negotiations of new insured loan agreements, guarantees, or other forms of authorized assistance after September 30, 1984. Projects holding conditional commitments prior to that date are not new projects.

This bill before the Senate today is merely an extension of time consistent with the intent of section 221. Similar legislation was approved without objection in the House on February 27, 1985.

The four projects are all that remain of the 11 projects originally awarded conditional commitments under the program. Of those 11, 1 project has been constructed with a DOE loan guarantee. The remaining four projects, located in Nebraska, Maine, Minnesota, and Louisiana, would utilize the equivalent of 40 million bushels of grain per year.

These facilities will help expand the domestic fuel ethanol industry's ability to provide critically needed domestic outlets for U.S. farm commodities. In addition, fuel ethanol is a proven octane enhancer and a leading replacement for lead additives which the EPA is rapidly phasing out of gasoline.

Time is of the essence. Due to construction time, absent swift approval of this clarification bill, these projects will be unable to complete construction by the end of 1985. These projects have spent millions of dollars each in good faith response to the DOE solicitation and deserve the opportunity to finalize those efforts.

Delays at the DOE and uncertainties created by the Treasury Department's announced tax reform plan have robbed these projects of the few critical weeks needed to complete negotiations with the DOE. The Congress did not intend to bring these projects to the brink of completion only to abandon them in the midst of ongoing negotiations.

Mr. President, this measure does not sanction or provide approval of the loan guarantees for these projects. It merely gives each project the opportunity to meet DOE's financial scrutiny and hopefully close on the loan guarantee. These projects offer a valuable contribution to our Nation's energy supply and our efforts at reducing the lead content in gasoline.

The Senate's indulgence and consideration of this unique circumstance is greatly appreciated.

I ask unaminous consent that a letter to Senator DOLE and the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the first sentence of section 221 of the Biomass Energy and Alcohol Fuels Act of 1980 is amended by inserting before the period at the end thereof the following: ", except that all conditional commitments for loan guarantees under this subtitle which were in existence on September 30, 1984, are hereby extended through September 30, 1985".

(b) Enactment of this bill shall not be interpreted as indicating Congressional approval with respect to any pending conditional commitments under this act.

U.S. SENATE,
Washington, DC, March 4, 1985.

Hon. ROBERT DOLE,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR BOB: We are writing to request your support for a unanimous consent agreement to immediately consider the enclosed bill which is a technical amendment to the Biomass Energy and Alcohol Fuels Act of 1980. This measure simply extends the time available for four fuel ethanol projects to complete their negotiations with the Department of Energy for loan guarantees.

This simple extension involves no taxpayer outlays. It is intended to clarify the intent of the Congress with regard to Section 221 of the 1980 act. These four projects from Nebraska, Maine, Minnesota, and Louisiana, would utilize the equivalent of 40 million bushels of grain per year. These facilities will help expand the domestic fuel ethanol industry's ability to provide critically needed domestic outlets for U.S. farm commodities. In addition, fuel ethanol is a proven octane enhancer and a leading replacement for lead additives which the EPA is rapidly phasing out of gasoline.

Time is of the essence. Without swift approval of this legislation these projects will be unable to complete construction by the end of 1985. These projects have spent millions of dollars each in a good faith response to the DOE solicitation and deserve the opportunity to finalize those efforts. Delays at the DOE and uncertainties created by the Treasury Department's announced tax reform plan have robbed these projects of the few critical weeks needed to complete negotiations. The Congress certainly did not intend to abandon these ongoing projects in the midst of negotiations. All of these

projects were awarded conditional commitments prior to September 30, 1984.

Your past support for a strong domestic fuel ethanol industry is widely recognized. We ask your help and support in expediting the Senate's consideration of this measure which is identical to language passed by the House without objection on February 27, 1985.

Sincerely,

J. JAMES EXON,
EDWARD ZORINSKY,
JAMES ABDNOR,
WILLIAM S. COHEN,
GEORGE J. MITCHELL,
U.S. Senators.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. BOREN, Mr. BUMPERS, Mr. EXON, Mr. NICKLES, Mr. PRYOR, Mr. ZORINSKY, Mr. JOHNSTON, and Mr. LONG):

S. 655. A bill granting the consent of Congress to the central interstate low-level radioactive waste compact; to the Committee on the Judiciary.

CONSENT OF CONGRESS TO THE CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

Mr. DOLE. Mr. President, I am pleased to offer legislation which will enable the Central States to enter into a regional compact for the more efficient management of their low-level nuclear waste. This bill seeks to secure congressional consent for the central interstate low-level radioactive waste compact, an agreement already ratified by the State Legislatures of Kansas, Oklahoma, Nebraska, Louisiana, and Arkansas. This compact was formulated in response to the Low-Level Radioactive Waste Policy Act passed by Congress in 1980, and requires the formal approval of Congress for its implementation. Representative GLICKMAN from Kansas has introduced a companion measure in the House. This legislation is identical to S. 1581, a bill I sponsored in the 98th Congress.

Low-level nuclear waste is commonly defined as any radioactive substance which is not classified as high level waste and is generally confined to materials that have become contaminated with radioactivity at commercial power reactors, hospitals, research institutions, and industrial sites. Samples of low-level waste include paper towels, gloves, clothes, animal carcasses, liquids, and sludges. This waste does not incorporate spent reactor fuel, waste generated by reprocessing spent fuel or waste elements heavier than uranium.

Originally, low-level waste produced by the 50 States was deposited at three national waste treatment sites located in Nevada, Washington, and South Carolina. Over the years, as the volume of low-level waste increased nationwide, the ability of these sites to process and monitor this waste was severely diminished. This increase created potentially dangerous operating conditions and caused several States to express concern over the management procedures and safety standards employed at these overburdened waste facilities. The situation worsened. When two of the three national sites shut down operations in 1979, it became apparent that an alternative approach to the disposal of low-level waste was urgently needed.

Congress responded by passing the Low-Level Radioactive Waste Policy Act of 1980, Public Law 96-573. This act directed individual States to assume complete responsibility for the treatment and disposal of low-level nuclear waste products generated within their borders. Declaring that the Nation's low-level waste problem could best be resolved on a regional basis, the 1980 act encouraged the States to form interstate agreements to facilitate the economical and efficient management of their radioactive materials.

There are two significant advantages with pursuing the compact approach to low-level waste management. The first involves financial considerations. It is costly for States, especially those which generate small amounts of this waste, to develop in-State facilities that will have to be monitored for a minimum of 100 years. The compact enjoins party States to share the costs involved with maintaining a regional treatment facility. Second, the compact grants the States more autonomy in handling their low-level waste disposal problem by allowing party States to ban the importation of waste generated outside the region. Some States such as Texas have opted for the go-it-alone option. However, recognizing the high costs involved with constructing and maintaining individual State facilities for storing the radioactive waste, most States have entered negotiations with neighboring States to develop a regional plan for waste disposal.

The central interstate region has adopted the regional solution to their low-level waste disposal problem. In 1980, shortly after passage of the Low-Level Waste Policy Act, Kansas and Oklahoma inititated discussions among interested States in the central region to explore the feasibility of entering into a cooperative agreement for the expeditious processing of low-level waste. The State conferees agreed that the compact approach would be the most desirable waste management method and established a set of preliminary guidelines for staging its planning and development. The bill I have set before you today represents the culmination of their efforts to negotiate a contractual agreement for low-level waste disposal.

The central interstate compact represents a cooperative effort to provide for a regional facility with sufficient capacity to manage all radioactive waste generated within the region. Each party State would have access to this facility, provided that the State deposits its waste in compliance with the terms of the compact and accepts responsibility for the packaging, containment, and transportation of the waste materials. Any State which fails to uphold its obligations would be subject to having its privileges suspended or its membership revoked.

The central interstate compact is not the only cooperative agreement of this kind. The Northwest, Southeast, Rocky Mountain, and Midwest States have finalized similar compact agreements for the treatment of low-level waste. Other regions are close to reaching an agreement.

These interstate compacts require the consent of Congress prior to their implementation. Efforts were made in the 98th Congress to bring to consideration the five compacts introduced for congressional approval. Hearings were held before the Senate Judiciary Committee to evaluate the merits of each compact, to assure consistency and uniformity between the compacts, and to ensure that each compact comported with the spirit of the 1980 act.

In addition, these hearings helped to focus attention on some of the issues which still need to be addressed by Congress prior to granting consent to these compacts. Examples of some the problem areas include the need to develop a uniform definition of low-level radioactive waste applicable to all compacts; to define Federal waste activities; and to delineate clear EPA and NRC regulatory authority to eliminate dual jurisdiction between the two agencies.

Congress may condition its approval of the States' agreements on a set of criteria or conditions which would apply to each compact upon its implementation. The purpose of the consent language is to clarify any inconsistencies or ambiguities between the compacts and to ensure that each compact is compatible with State and national law. Difficulties arose during the previous Congress over the adaption of such consent language, but I am confident that we will be able to reach a consensus on acceptable consent language.

There is one area which still requires a solution and concerns the post-1986 access date. According to provisions contained in the Low-Level Waste Policy Act of 1980, States can refuse to accept for disposal waste generated outside the region after January 1, 1986. For the northwest, southeast, and Rocky Mountain regions, all of which possess an existing disposal site, this provision has no long-ranging implications. However, the central interstate region has no existing site. The effect of this cutoff date. Even if the region could begin today to develop and construct a disposal site, it would be at least 5 years

before a site could be fully operative. What happens to the waste that is generated in the interim? While the central interstate region generates less than 5 percent of the Nation's low-level waste, the States' utilities, universities, and research institutions need to be assured of continued access to a low-level waste disposal site.

I understand the State representatives have held ongoing negotiations to provide for interim disposal capacity to those regions without a site, and it is my hope that the States will be able to reach a consensus on these interregional agreements.

A commitment to developing a workable, nationally integrated system of low-level waste disposal should be a priority of this Congress. The groundwork for a coordinated national plan for low-level waste disposal was laid down in the 96th Congress with the passage of the 1980 act, and the Central States have done their part to comply with this congressional directive. Indeed, the Central State area was the first of the siteless regions to submit a compact to Congress for ratification.

In short, the central interstate region has demonstrated its willingness to compact for the coordinated management of low-level nuclear waste. Before the States can take active steps to implement this newly developed management system by siting a disposal facility, the Congress must grant its consent to the compact. It is our responsibility to act now to permit the States to pursue the course which they have charted for themselves, and in light of the 1986 deadline set by Congress, I would urge my colleagues to give expeditious consideration to and support for this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the states of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, and Oklahoma to enter into the Central Interstate Low Level Radioactive Waste Compact, and to each and every part and article thereof. Such compact reads substantially as follows:

"CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

"ARTICLE I. POLICY AND PURPOSE

"The party states recognize that each state is responsible for the management of its non-federal low-level radioactive wastes. They also recognize that the Congress, by enacting the Low-Level Radioactive Waste Policy Act (Public Law 96-573) has authorized and encouraged states to enter into compacts for the efficient management of wastes. It is the policy of the party states to cooperate in the protection of the health, safety and welfare of their citizens and the environment and to provide for and encourage the economical management of low-level radioactive wastes. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety and welfare of the citizens and the environment of the region; to limit the number of facilities needed to effectively and efficiently manage low-level radioactive wastes and to encourage the reduction of the generation thereof; and to distribute the costs, benefits and obligations among the party states.

"ARTICLE II. DEFINITIONS

"As used in this compact, unless the context clearly requires a different construction:

"a. 'Commission' means the Central Interstate Low-Level Radioactive Waste Commission;

"b. 'disposal' means the isolation and final disposition of waste;

"c. 'extended care' means the care of a regional facility including necessary corrective measures subsequent to its active use for waste management until such time as the regional facility no longer poses a threat to the environment or public health;

"d. 'facility' means any site, location, structure or property used or to be used for the management of waste;

"e. 'generator' means any person who, in the course of or as incident to manufacturing, power generation, processing, medical diagnosis and treatment, biomedical research, other industrial or commercial activity, other research or mining in a party state, produces or processes waste. 'Generator' does not include any person who receives waste generated outside the region for subsequent shipment to a regional facility;

"f. 'host state' means any party state in which a regional facility is situated or is being developed;

"g. 'low-level radioactive waste' or 'waste' means, as defined in the Low-Level Radioactive Waste Policy Act (Public Law 96-573), radioactive waste not classified as: High-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in section 11 e.(2) of the Atomic Energy Act of 1954, as amended through 1978.

"h. 'management of waste' means the storage, treatment or disposal of waste;

"i. 'notification of each party state' means transmittal of written notice to the Governor, presiding officer of each legislative body and any other persons designated by the party state's Commission member to receive such notice;

"j. 'party state' means any state which is a signatory party to this compact;

"k. 'person' means any individual, corporation, business enterprise, or other legal entity, either public or private;

"l. 'region' means the area of the party states;

"m. 'regional facility' means a facility which is located within the region and which has been approved by the Commission for the benefit of the party States;

"n. 'site' means any property which is owned or leased by a generator and is contiguous to or divided only by a public or private way from the source of generation;

"o. 'state' means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands or any other territorial possession of the United States;

"p. 'storage' means the holding of waste for treatment or disposal; and

"q. 'treatment' means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render such waste after for transport or management, amendable for recovery, convertible to another usable material, or reduced in volume.

"ARTICLE III. RIGHTS AND OBLIGATIONS

"a. There shall be provided within the region one or more regional facilities which together provide sufficient capacity to manage all wastes generated within the region. It shall be the duty of regional facilities to accept compatible wastes generated in and from party states, and meeting the requirements of this Act, and each party state shall have the right to have the wastes generated within its borders managed at such facility.

"b. To the extent authorized by Federal law and host State law, a host state shall regulate and license any regional facility within its borders and ensure the extended care of such facility.

"c. Rates shall be charged to any user of the regional facility, set by the operator of a regional facility and shall be fair and reasonable and be subject to the approval of the host state. Such approval shall be based upon criteria established by the Commission.

"d. A host state may establish fees which shall be charged to any user of a regional facility and which shall be in addition to the rates approved pursuant to section c. of this Article, for any regional facility within its borders. Such fees shall be reasonable and shall provide the host state with sufficient revenue to cover any costs associated with such facilities. If such fees have been reviewed and approved by the Commission and to the extent that such revenue is insufficient, all party states shall share the costs in a manner to be determined by the Commission.

"e. To the extent authorized by Federal law, each party state is responsible for enforcing any applicable Federal and state laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders and shall adopt practices that will ensure that waste shipments originating within its borders and destined for a regional facility will conform to applicable packaging and transportation laws and regulations.

"f. Each party state has the right to rely on the good faith performance of each other party state.

"g. Unless authorized by the Commission, it shall be unlawful after January 1, 1986, for any person:

"1. To deposit at a regional facility, waste not generated within the region;

"2. to accept, at a regional facility, waste not generated within the region;

"3. to export from the region, waste which is generated within the region; and

"4. to transport waste from the site at which it is generated, except to a regional facility.

"ARTICLE IV. THE COMMISSION

"a. There is hereby established the Central Interstate Low-Level Radioactive Waste Commission. The Commission shall consist of one voting member from each party state to be appointed according to the laws of each state. The appointing authority of each party state shall notify the Commis-

sion in writing of the identity of its member and any alternates. An alternate may act on behalf of the member only in the absence of such member. Each state is responsible for the expenses of its member of the Commission.

"b. Each Commission member shall be entitled to one vote. Unless otherwise provided herein, no action of the Commission shall be bonding unless a majority of the total membership casts its vote in the affirmative.

"c. The Commission shall elect from among its membership a chairman. The Commission shall adopt and publish, in convenient form, by-laws and policies which are not inconsistent with this compact.

"d. The Commission shall meet at least once a year and shall also meet upon the call of the chairman, by petition of a majority of the membership or upon the call of a host state member.

"e. The Commission may initiate any proceedings or appear as an intervenor or party in interest before any court of law, or any Federal, state or local agency, board or Commission that has jurisdiction over any matter arising under or relating to the terms of the provisions of this compact. The Commission shall determine in which proceedings it shall intervene or otherwise appear and may arrange for such expert testimony, reports, evidence or other participation in such proceedings as may be necessary to represent its views.

"f. The Commission may establish such committees as it deems necessary for the purpose of advising the Commission on any and all matters pertaining to the management of waste.

"g. The Commission may employ and compensate a staff limited only to those persons necessary to carry out its duties and functions. The Commission may also contract with and designate any person to perform necessary functions to assist the Commission. Unless otherwise required by the acceptance of a Federal grant, the staff shall serve at the Commission's pleasure irrespective of the civil service, personnel or other merit laws of any of the party states or the Federal government and shall be compensated from funds of the Commission.

"h. Funding for the Commission shall be as follows:

"1. The Commission shall set and approve its first annual budget as soon as practicable after its initial meeting. Party states shall equally contribute to the Commission budget on an annual basis, an amount not to exceed $25,000 until surcharges are available for that purpose. Host states shall begin imposition of the surcharges provided for in this section as soon as practicable and shall remit to the Commission funds resulting from collection of such surcharges within 60 days of their receipt; and

"2. Each state hosting a regional facility shall annually levy surcharges on all users of such facilities, based on the volume and characteristics of wastes received at such facilities, the total of which:

"(A) Shall be sufficient to cover the annual budget of the Commission; and

"(B) shall be paid to the Commission, provided, however, that each host state collecting such surcharges may retain a portion of the collection sufficient to cover the administrative costs of collection, and that the remainder be sufficient only to cover the approved annual budget of the Commission.

"i. The Commission shall keep accurate accounts of all receipts and disbursements. An independent certified public accountant shall annually audit all receipts and disbursements of Commission funds and submit an audit report to the Commission. Such audit report shall be made a part of the annual report of the Commission required by this Article.

"j. The Commission may accept for any of its purposes and functions any and all donations, grants of money, equipment, supplies, materials and services, conditional or otherwise from any person and may receive, utilize and dispose of same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this section, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Commission.

"k. (1) Except as otherwise provided herein, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act, omission, course of conduct, or on account of any casual or other relationships. Generators, transporters of waste, owners and operators of facilities shall be liable for their acts, omissions, conduct or relationships in accordance with all laws relating thereto.

"(2) The Commission herein established is a legal entity separate and distinct from the party states and shall be so liable for its actions. Liabilities of the Commission shall not be deemed liabilities of the party states. Members of the Commission shall not be personally liable for actions taken by them in their official capacity.

"l. Any person or party state aggrieved by a final decision of the Commission may obtain judicial review of such decisions in the United States District Court in the District wherein the Commission maintains its headquarters by filing in such court a petition for review within 60 days after the Commission's final decision. Proceedings thereafter shall be in accordance with the rules of procedure applicable in such court.

"m. The Commission shall:

"1. Receive and approve the application of a non-party state to become a party state in accordance with article VII;

"2. submit an annual report, and otherwise communicate with, the Governors and the presiding officers of the legislative bodies of the party states regarding the activities of the Commission;

"3. hear and negotiate disputes which may arise between the party states regarding this compact;

"4. require of and obtain from the party states, and non-party states seeking to become party states, data and information necessary to the implementation of Commission and party states' responsibilites;

"5. approve the development and operation of regional facilities in accordance with Article V;

"6. notwithstanding any other provision of this compact, have the authority to enter into agreements with any person for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. Such authorization to import or export waste requires the approval of the Commission, including the affirmative vote of any host state which may be affected;

"7. revoke the membership of a party state in accordance with Articles V and VII;

"8. require all party states and other persons to perform their duties and obligations arising under this compact by an appropriate action in any forum designated in section e. of Article IV; and

"9. take such action as may be necessary to perform its duties and functions as provided in this compact.

"ARTICLE V. DEVELOPMENT AND OPERATION OF REGIONAL FACILITIES

"a. Following the collection of sufficient data and information from the states, the Commission shall allow each party state the opportunity to volunteer as a host for a regional facility.

"b. If no state volunteers or if no proposal identified by a volunteer state is deemed acceptable by the Commission, based on the criteria in section c. of this Article, then the Commission shall publicly seek applicants for the development and operation of regional facilities.

"c. The Commission shall review and consider each applicant's proposal based upon the following criteria:

"1. The capability of the applicant to obtain a license from the applicable authority;

"2. the economic efficiency of each proposed regional facility, including the total estimated disposal and treatment costs per cubic foot of waste;

"3. financial assurances;

"4. accessibility to all party states; and

"5. such other criteria as shall be determined by the Commission to be necessary for the selection of the best proposal, based on the health, safety and welfare of the citizens in the region and the party states.

"d. The Commission shall make a preliminary selection of the proposal or proposals considered most likely to meet the criteria enumerated in section c. and the needs of the region.

"e. Following notification of each party state of the results of the preliminary selection process, the Commission shall:

"1. Authorize any person whose proposal has been selected to pursue licensure of the regional facility or facilities in accordance with the proposal originally submitted to the Commission or as modified with the approval of the Commission; and

"2. require the appropriate state or states or the U.S. Nuclear Regulatory Commission to process all applications for permits and licenses required for the development and operation of any regional facility or facilities within a reasonable period from the time that a completed application is submitted.

"f. The preliminary selection or selections made by the Commission pursuant to this Article shall become final and receive the Commission's approval as a regional facility upon the issuance of license by the licensing authority. If a proposed regional facility fails to become licensed, the Commission shall make another selection pursuant to the procedures identified in this Article.

"g. The Commission may, by two-thirds affirmative vote of its membership, revoke the membership of any party state which, after notice and hearing, shall be found to have arbitrarily or capriciously denied or delayed the issuance of a license or permit to any person authorized by the Commission to apply for such license or permit. Revocation shall be in the same manner as provided for in section e. of Article VII.

"ARTICLE VI. OTHER LAWS AND REGULATIONS

"a. Nothing in this compact shall be construed to:

"1. Abrogate or limit the applicability of any act of Congress or diminish or otherwise impair the jurisdiction of any Federal agency expressly conferred thereon by the Congress;

"2. prevent the application of any law which is not otherwise inconsistent with this compact;

"3. prohibit or otherwise restrict the management and waste on the site where it is generated if such is otherwise lawful;

"4. affect any judicial or administrative proceeding pending on the effective date of this compact;

"5. alter the relations between, and the respective internal responsibilities of, the government of a party state and its subdivisions; and

"6. affect the generation or management of waste generated by the Federal government or federal research and development activities.

"b. No party state shall pass or enforce any law or regulation which is inconsistent with this compact.

"c. All laws and regulations or parts thereof of any party state which are inconsistent with this compact are hereby declared null and void for purposes of this compact. Any legal right, obligation, violation or penalty arising under such laws or regulations prior to enactment of this compact shall not be affected.

"d. No law or regulation of a party state or of any subdivision or instrumentality thereof may be applied so as to restrict or make more costly or inconvenient access to any regional facility by the generators of another party state than for the generators of the state where the facility is situated.

"ARTICLE VII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY INTO FORCE, TERMINATION

"a. This compact shall have as initially eligible parties the states of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota and Oklahoma. Such initial eligibility shall terminate on January 1, 1984.

"b. Any state may petition the Commission for eligibility. A petitioning state shall become eligible for membership in the compact upon the unanimous approval of the Commission.

"c. An eligible state shall become a member of the compact and shall be bound by it after such state has enacted the compact into law. In no event shall the compact take effect in any state until it has been entered into force as provided for in section f. of this Article.

"d. Any party state may withdraw from this compact by enacting a statute repeating the same. Unless permitted earlier by unanimous approval of the Commission, such withdrawal shall take effect five-years after the Governor of the withdrawing state has given notice in writing of such withdrawal to each Governor of the party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

"e. Any party state which fails to comply with the terms of this compact or fulfill its obligations hereunder may, after notice and hearing, have its privileges suspended or its membership in the compact revoked by the Commission. Revocation shall take effect one year from the date such party state receives written notice from the Commission of its action. The Commission may require such party state to pay to the Commission, for a period not to exceed five-years from the date of notice of revocation, an amount determined by the Commission based on the anticipated fees which the generators of such party state would have paid to each regional facility and an amount equal to that which such party state would have contributed in accordance with section d. of Article III, in the event of insufficient revenues. The Commission shall use such funds to ensure the continued availability of safe and economical waste management facilities for all remaining party states. Such state shall also pay an amount equal to that which such party state would have contributed to the annual budget of the Commission if such party state would have remained a member of the compact. All legal rights established under this compact of any party state which has its membership revoked shall cease upon the effective date of revocation; however, any legal obligations of such party state arising prior to the effective date of revocation shall not cease until they have been fulfilled. Written notice of revocation of any state's membership in the company shall be transmitted immediately following the vote of the Commission, by the chairman, to the Governor of the affected party state, all other Governors of the party states and the Congress of the United States.

"f. This compact shall become effective after enactment by at least three eligible states and after consent has been given to it by the Congress. The Congress shall have the opportunity to withdraw such consent every five-years. Failure of the Congress to withdraw its consent affirmatively shall have the effect of renewing consent for an additional five-year period. The consent given to this compact by the Congress shall extend to any future admittance of new party states under sections b. and c. of this Article and to the power to ban the exportation of waste pursuant to Article III.

"g. The withdrawal of a party state from this compact under section d. of this Article or the revocation of a state's membership in this compact under section 3. of this Article shall not affect the applicability of this compact to the remaining party states.

"h. This compact shall be terminated when all party states have withdrawn pursuant to section d. of this Article.

"ARTICLE VIII. PENALTIES

"a. Each party state, consistent with its own law, shall prescribe and enforce penalties against any person for violation of any provision of this compact.

"b. Each party state acknowledges that the receipt by a regional facility of waste packaged or transported in violation of applicable laws and regulations can result in sanctions which may include suspension or revocation of the violator's right of access to the regional facility.

"ARTICLE IX. SEVERABILITY AND CONSTRUCTION

"The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared by a court of competent jurisdiction to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If any provision of this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters. The provisions of this compact shall be liberally construed to give effect to the purpose thereof.".

Mrs. KASSEBAUM. Mr. President, the central interstate low-level radioactive waste compact was introduced in the 98th Congress by Senator DOLE on June 29, 1983. Hearings were held on this measure, S. 1581, but the Senate adjourned before acting on this important bill. As you know, Congress mandated that the States take action on the management of all low-level nuclear waste generated within individual's State's boundaries by January 1, 1986. Time is growing short and the fine efforts of the States involved—Kansas, Oklahoma, Nebraska, Louisiana, and Arkansas—deserve the Senate's prompt attention. Legislature of all the States involved have given their approval to the compact. Senators from all the member States have cosponsored this legislation. Now, in order for the compact to meet the orders of Congress to assume complete responsibility for the treatment and disposal of low-level nuclear waste products generated within their borders, we must act promptly on this legislation. I would urge my colleagues to give consideration and approval to the central interstate low-level radioactive waste compact so that the compact can proceed in an orderly and responsible manner to develop a low-level radioactive waste disposal site for the central region.

By Mr. McCLURE:

S.J. Res. 77. Joint resolution to approve the Compact of Free Association, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION TO APPROVE THE COMPACT OF FREE ASSOCIATION

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a joint resolution to approve the Compact of Free Association, and for other purposes.

Mr. President, this draft joint resolution was submitted and recommended by the President, and I ask unanimous consent that the joint resolution, and the Presidential message which accompanied the proposal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 77

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the Trusteeship Agreement for the former Japanese Mandated Islands entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 18, 1947; and

Whereas the United States, in accordance with the Trusteeship Agreement, the Charter of the United Nations and the objectives of the international trusteeship system, has promoted the development of the peoples of

the Trust Territory toward self-government or independence as appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and

Whereas the United States, in response to the desires of the peoples of the Federated States of Micronesia and the Marshall Islands expressed through their freely-elected representatives and by the official pronouncements and enactments of their lawfully constituted governments, and in consideration of its own obligations under the Trusteeship Agreement to promote self-representatives of the peoples of the Federated States of Micronesia, and the Marshall Islands; and

Whereas these negotiations resulted in the "Compact of Free Association" which, together with its related agreements, was signed by the United States and by the Federated States of Micronesia and the Republic of the Marshall Islands on October 1, 1982 and June 25, 1983, respectively; and

Whereas the Compact of Free Association was approved by majorities of the peoples of the Federated States of Micronesia and the Marshall Islands in United Nations-observed plebiscites conducted on June 21, 1983 and September 7, 1983, respectively; and

Whereas the Compact of Free Association has been approved by the Governments of the Federated States of Micronesia and the Marshall Islands in accordance with their respective constitutional processes, thus completing fully for the Federated States of Micronesia and the Marshall Islands their domestic approval processes with respect to the Compact as contemplated in Compact Section 411: Now be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Compact of Free Association, the text of which follows, is hereby approved and the President is authorized to agree to an effective date for and thereafter to implement the Compact of Free Association, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

COMPACT OF FREE ASSOCIATION

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENTS OF THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA

Affirming that their Governments and their relationships as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the peoples of the Trust Territory of the Pacific Islands have the right to enjoy self-government; and

Affirming the common interests of the United States of America and the peoples of the Trust Territory of the Pacific Islands in creating close and mutually beneficial relationships through two free and voluntary associations of their respective Governments; and

Affirming the interest of the Government of the United States in promoting the economic advancement and self-sufficiency of the peoples of the Trust Territory of the Pacific Islands; and

Recognizing that their previous relationship has been based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the peoples of the Trust Territory have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they have, through their freely-expressed wishes, adopted Constitutions appropriate to their particular circumstances; and

Recognizing their common desire to terminate the Trusteeship and establish two new government-to-government relationships each of which is in accordance with a new political status based on the freely-expressed wishes of peoples of the Trust Territory of the Pacific Islands and appropriate to their particular circumstances; and

Recognizing that the peoples of the Trust Territory of the Pacific Islands have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitutions and forms of government and that the approval of the entry of their respective Governments into this Compact of Free Association by the peoples of the Trust Territory of the Pacific Islands constitutes an exercise of their sovereign right to self-determination;

NOW, THEREFORE, AGREE to enter into relationships of free association which provide a full measure of self-government for the peoples of the Marshall Islands and the Federated States of Micronesia; and

FURTHER AGREE that the relationships of free association derive from and are as set forth in this Compact; and that, during such relationships of free association, the respective rights and responsibilities of the Government of the United States and the Governments of the freely associated states of the Marshall Islands and the Federated States of Micronesia in regard to these relationships of free association derive from and are as set forth in this Compact.

TITLE ONE

GOVERNMENTAL RELATIONS

ARTICLE I

Self-Government

Section 111

The peoples of the Marshall Islands and the Federated States of Micronesia, acting through the Governments established under their respective Constitutions, are self-governing.

ARTICLE II

Foreign Affairs

Section 121

(a) The Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to conduct foreign affairs and shall do so in their own name and right, except as otherwise provided in this Compact.

(b) The foreign affairs capacity of the Governments of the Marshall Islands and the Federated States of Micronesia includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of their commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting their individual citizens.

(c) The Government of the United States recognizes that the Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to enter into, in their own name and right, treaties and other international agreements with governments and regional and international organizations.

(d) In the conduct of their foreign affairs, the Governments of the Marshall Islands and the Federated States of Micronesia confirm that they shall act in accordance with principles of international law and shall settle their international disputes by peaceful means.

Section 122

The Government of the United States shall support applications by the Governments of the Marshall Islands and the Federated States of Micronesia for membership or other participation in regional or international organizations as may be mutually agreed. The Government of the United States agrees to accept for training and instruction at the Foreign Service Institute, established under 22 U.S.C. 4021, citizens of the Marshall Islands and the Federal States of Micronesia. The qualifications of candidates for such training and instruction and all other terms and conditions of participation by citizens of the Marshall Islands and the Federated States of Micronesia in Foreign Service Institute programs shall be as mutually agreed between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia.

Section 123

(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Governments of the Marshall Islands and the Federated States of Micronesia shall consult, in the conduct of their foreign affairs, with the Government of the United States.

(b) In recognition of the respective foreign affairs capacities of the Governments of the Marshall Islands and the Federated States of Micronesia, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Marshall Islands or the Federated States of Micronesia on matters which the Government of the United States regards as relating to or affecting any such Government.

Section 124

The Government of the United States may assist or act on behalf of the Government of the Marshall Islands or the Federated States of Micronesia in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Marshall Islands or the Federated States of Micronesia undertaken with the assistance or through the agency of the Government of the United States pursuant to this section unless expressly agreed.

Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Marshall Islands or the Federated States of Micronesia in the area of foreign affairs, except as may from time to time be expressly agreed.

Section 126

At the request of the Government of the Marshall Islands or the Federated States of Micronesia and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Marshall Islands and the Federated States of Micronesia for travel outside the Marshall Islands and the Federated States of Micronesia, the United States and its territories and possessions.

Section 127

Except as otherwise provided in this Compact or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which have resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact are no longer assumed and enjoyed by the Government of the United States.

ARTICLE III

Communications

Section 131

(a) The Governments of the Marshall Islands and the Federated States of Micronesia have full authority and responsibility to regulate their respective domestic and foreign communications, and the Government of the United States shall provide communication assistance in accordance with the terms of a separate agreement which shall come into effect simultaneously with this Compact, and such agreement shall remain in effect until such time as any election is made pursuant to Section 131(b) and which shall provide for the following:

(1) the Government of the United States remains the sole administration entitled to make notification to the International Frequency Registration Board of the International Telecommunications Union of frequency assignments to radio communications stations respectively in the Marshall Islands and the Federated States of Micronesia; and to submit to the International Frequency Registration Board seasonal schedules for the broadcasting stations respectively in the Marshall Islands and the Federated States of Micronesia in the bands allocated exclusively to the broadcasting service between 5,950 and 26,100 kHz and in any other additional frequency bands that may be allocated to use by high frequency broadcasting stations; and

(2) the United States Federal Communications Commission has jurisdiction, pursuant to the Communications Act of 1934, 47 U.S.C. 151 *et. seq.*, and the Communications Satellite Act of 1962, 47 U.S.C. 721 *et seq.*, over all domestic and foreign communications services furnished by means of satellite earth terminal stations where such stations are owned or operated by United States common carriers and are located in the Marshall Islands or the Federated States of Micronesia.

(b) The Government of the Marshall Islands or the Federated States of Micronesia may elect at any time to undertake the functions enumerated in Section 131(a) and previously performed by the Government of the United States. Upon such election, the Government of the United States shall so notify the International Frequency Registration Board and shall take such other actions as may be necessary to transfer to the electing Government the notification authority referred to in Section 131(a) and all rights deriving from the previous exercise of any notification authority by the Government of the United States.

Section 132

The Governments of the Marshall Islands and the Federated States of Micronesia shall permit the Government of the United States to operate telecommunications services in the Marshall Islands and the Federated States of Micronesia to the extent necessary to fulfill the obligations of the Government of the United States under this Compact in accordance with the terms of separate agreements which shall come into effect simultaneously with this Compact.

ARTICLE IV

Immigration

Section 141

(a) Any person in the following categories may enter into, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions without regard to paragraphs (14), (20), and (26) of section 212(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(a) (14), (20), and (26):

(1) a person who, on the day preceding the effective date of this Compact, is a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become a citizen of the Marshall Islands or the Federated States of Micronesia.

(2) a person who acquires the citizenship of the Marshall Islands or the Federated States of Micronesia at birth, on or after the effective date of the respective Constitution;

(3) a naturalized citizen of the Marshall Islands or the Federated States of Micronesia who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence; or

(4) a person entitled to citizenship in the Marshall Islands by lineal descent whose name is included in a list to be furnished by the Government of the Marshall Islands to the United States Immigration and Naturalization Service and any descendants of such persons, provided that such person holds a certificate of lineal descent issued by the Government of the Marshall Islands.

Such persons shall be considered to have the permission of the Attorney General of the United States to accept employment in the United States.

(b) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for:

(1) in statutes or regulations of the United States; or

(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

(c) Section 141(a) does not confer on a citizen of the Marshall Islands or the Federated States of Micronesia the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of the Marshall Islands or the Federated States of Micronesia from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

(a) Any citizen or national of the United States may enter into, lawfully engage in occupations, and reside in the Marshall Islands or the Federated States of Micronesia, subject to the rights of those Governments to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in the Marshall Islands or the Federated States of Micronesia only in accordance with the laws of the jurisdiction in which habitual residence or domicile is sought.

(b) With respect to the subject matter of this Section, the Government of the Marshall Islands or the Federated States of Micronesia shall accord to citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries; any denial of entry to or deportation of a citizen or national of the United States as an undesirable alien must be pursuant to reasonable statutory grounds.

Section 143

(a) The privileges set forth in Sections 141 and 142 shall not apply to any person who takes an affirmative step to preserve or acquire a citizenship or nationally other than that of the Marshall Islands, the Federated States of Micronesia or the United States.

(b) Every person having the privileges set forth in Sections 141 and 142 who possesses a citizenship or nationality other than that of the Marshall Islands, the Federated States of Micronesia or the United States ceases to have these privileges two years after the effective date of this Compact, or within six months after becoming 21 years of age, whichever comes later, unless such person executes an oath of renunciation of that other citizenship or nationality.

Section 144

(a) A citizen or national of the United States who, after notification to the Government of the United States of an intention to employ such person by the Government of the Marshall Islands or the Federated States of Micronesia, commences employment with such Government shall not be deprived of his United States nationality pursuant to Section 349 (a)(2) and (a)(4) of the Immigration and Nationality Act, 8 U.S.C. 1481 (a)(2) and (a)(4).

(b) Upon such notification by the Government of the Marshall Islands or the Federated States of Micronesia, the Government of the United States may consult with or provide information to the notifying Government concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 552a.

(c) The requirement of prior notification shall not apply to those citizens or nationals of the United States who are employed by the Government of the Marshall Islands or the Federated States of Micronesia on the effective date of this Compact with respect to the positions held by them at that time.

ARTICLE V

Representation

Section 151

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may establish and maintain representative offices in the capital of the other for the purpose of maintaining close and regular consultations on matters arising in the course of the relationship of free association and conducting other government business. The Governments may establish and maintain additional offices on terms and in locations as may be mutually agreed.

Section 152

(a) The premises of such representative offices, and their archives wherever located, shall be inviolable. The property and assets of such representative offices shall be immune from search, requisition, attachment and any form of seizure unless such immunity is expressly waived. Official communications in transit shall be inviolable and accorded the freedom and protections accorded by recognized principles of international law to official communications of a diplomatic mission.

(b) Persons designated by the sending Government may serve in the capacity of its resident representatives with the consent of the receiving Government. Such designated persons shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions as such representatives, except insofar as such immunity may be expressly waived by the sending Government. While serving in a resident representative capacity, such designated persons shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration, restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents.

(c) The sending Governments and their respective assets, income and other property shall be exempt from all direct taxes, except those direct taxes representing payment for specific goods and services, and shall be exempt from all customs duties and restrictions on the import or export of articles required for the official functions and personal use of their representatives and representative offices.

(d) Persons designated by the sending Government to serve in the capacity of its resident representatives shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations.

(e) The privileges, exemptions and immunities accorded under this Section are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government to which they are assigned.

Section 153

(a) Any citizen or national of the United States who, after consultation between the designating Government and the Government of the United States, is designated by the Government of the Marshall Islands or the Federated States of Micronesia as its agent, shall enjoy exemption from the requirements of the laws of the United States relating to the registration of foreign agents. The Government of the United States shall promptly comply with a request for consultation made by the prospective designating Government. During the course of the consultation, the Government of the United States may, in its discretion, and subject to the provisions of the Privacy Act, 5 U.S.C. 552a, transmit such information concerning the prospective designee as may be available to it to the prospective designating Government.

(b) Any citizen or national of the United States may be employed by the Government of the Marshall Islands or the Federated States of Micronesia to represent to foreign governments, officers or agents thereof the positions of the Government of the Marshall Islands or the Federated States of Micronesia, without regard to the provisions of 18 U.S.C. 953.

ARTICLE VI

Environmental Protection

Section 161

The Governments of the United States, the Marshall Islands and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Marshall Islands and the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

(a) The Government of the United States:

(1) shall continue to apply the environmental controls in effect on the day preceding the effective date of this Compact to those of its continuing activities subject to Section 161(a)(2), unless and until those controls are modified under Sections 161(a)(3) and 161(a)(4);

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 *et seq.*, to its activities under the Compact and its related agreements as if the Marshall Islands and the Federated States of Micronesia were the United States;

(3) shall comply also, in the conduct of any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), with standards substantively similar to those required by the following laws of the United States, taking into account the particular environments of the Marshall Islands and the Federated States of Micronesia: the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531 *et seq.*; the Clean Air Act, 77 Stat. 392, 42 U.S.C. Supp. 7401 *et seq.*; the Clean Water Act (Federal Water Pollution Control Act), 86 Stat. 896, 33 U.S.C. 1251 *et seq.*; the Ocean Dumping Act (Title I of the Marine Protection, Research and Sanctuaries Act of 1972), 86 Stat. 1053, 33 U.S.C. 1411 *et seq.*; the Toxic Substances Control Act, 90 Stat. 2003, 15 U.S.C. 2601 *et seq.*; the Resources Conservation and Recovery Act of 1976, 90 Stat. 2796, 42 U.S.C. 6901 *et seq.*; and such other environmental protection laws of the United States as may be mutually agreed from time to time with the Government of the Marshall Islands or the Federated States of Micronesia; and

(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), appropriate mechanisms, including regulations or other judicially reviewable standards and procedures, to regulate its activities governed by Section 161(a)(3) in the Marshall Islands and the Federated States of Micronesia in a manner appropriate to the special governmental relationship set forth in this Compact. The agencies of the Government of the United States designated by law to administer the laws set forth in Section 161(a)(3) shall participate as appropriate in the development of any regulation, standard or procedure under this Section, and the Government of the United States shall provide the affected Government of the Marshall Islands or the Federated States of Micronesia with the opportunity to comment during such development.

(b) The Governments of the Marshall Islands and the Federated States of Micronesia shall develop standards and procedures to protect their environments. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Governments of the Marshall Islands and the Federated States of Micronesia, taking into account their particular environments, shall develop standards for environmental protection substantively similar to those required of the Government of the United States by Section 161(a)(3) prior to their conducting activities in the Marshall Islands and the Federated States of Micronesia, respectively, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and Section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia.

(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major federal actions significantly affecting the quality of the human environment, the regulatory regime established under Sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact and its related agreements from any environmental standard or procedure which may be applicable under Section 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the affected Government of the Marshall Islands or the Federated States of Micronesia shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the affected Government.

(f) The laws of the United States referred to in Section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact and its related agreements only to the extent provided for in this Section.

Section 162

The Government of the Marshall Islands or the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to Sections 161(a), 161(d) or 161(e) or for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under Section 172(b) which relate to the activities of the Government of the

United States and its officers and employees, governed by Section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this Section;

(b) Actions brought pursuant to this Section may be initiated only by the Government concerned;

(c) Administrative agency actions arising under Section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706;

(d) The District Court shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States;

(e) The judicial remedy provided for in this Section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees governed by Section 161; and

(f) In actions pursuant to this Section, the Governments of the Marshall Islands and the Federated States of Micronesia shall be treated as if they were United States citizens.

Section 163

(2) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Governments of the Marshall Islands and the Federated States of Micronesia shall be granted access to facilities operated by the Government of the United States in the Marshall Islands and the Federated States of Micronesia, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Marshall Islands or the Federated States of Micronesia for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Marshall Islands or the Federated States of Micronesia under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided those Governments under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Governments of the Marshall Islands and the Federated States of Micronesia shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

ARTICLE VII

General Legal Provisions

Section 171

Except as provided in this Compact or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceases with respect to the Marshall Islands and the Federated States of Micronesia as of the effective date of this Compact.

Section 172

(a) Every citizen of the Marshall Islands or the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Governments of the Marshall Islands and the Federated States of Micronesia and every citizen of the Marshall Islands or the Federated States of Micronesia shall be considered a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Marshall Islands or the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by Sections 161 and 162.

Section 173

The Governments of the United States, the Marshall Islands and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Marshall Islands and the Federated States of Micronesia pursuant to this Compact and its related agreements and by those Governments in the United States pursuant to this Compact and its related agreements.

Section 174

Except as otherwise provided in this Compact and its related agreements:

(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands or the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the effective date of this Compact; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands, pending as of the effective date of this Compact, against the Government of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

(c) Any claim not referred to in Section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact shall be adjudicated in the same manner as a claim adjudicated according to Section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in Section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor court, which shall have jurisdiction therefor, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Governments of the Marshall Islands and the Federated States of Micronesia shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia in any case in which the action is based on a commercial activity of the defendant Government where the action is brought, or in a case in which damages are sought for personal injury or death or damage to or loss of property occurring where the action is brought.

Section 175

A separate agreement, which shall come into effect simultaneously with this Compact, shall be concluded between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia regarding mutual assistance and cooperation in law enforcement matters including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners. The separate agreement shall have the force of law. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188-3195, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-4115, shall be applicable to the transfer of prisoners under the separate agreement.

Section 176

The Governments of the Marshall Islands and the Federated States of Micronesia confirm that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Marshall Islands and the Federated States of Micronesia to grant relief from judgments in appropriate cases.

Section 177

(a) The Government of the United States accepts the responsibility for comparison owing to citizens of the Marshall Islands, or the Federated States of Micronesia (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia or resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of $150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.

Section 178

(a) The federal agencies of the Government of the United States which provide the services and related programs in the Marshall Islands or the Federated States of Micronesia pursuant to Articles II and III of Title Two are authorized to settle and pay tort claims arising in the Marshall Islands or the Federated States of Micronesia from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in Section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under Section 178(a) which cannot be settled under Section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall, in the separate agreements referred to in Section 232, provide for:

(1) the administrative settlement of claims referred to in Section 178(a), including designation of local agents in the Marshall Islands and each State of the Federated States of Micronesia; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in Section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to Section 178(a).

(d) The provisions of Section 174(d) shall not apply to claims covered by this Section.

TITLE TWO

ECONOMIC RELATIONS

ARTICLE I

Grant Assistance

Section 211

(a) In order to assist the Governments of the Marshall Islands and the Federated States of Micronesia in their efforts to advance the economic self-sufficiency of their people and in recognition of the special relationship that exists between them and the United States, the Government of the United States shall provide on a grant basis the following amounts:

(1) to the Government of the Marshall Islands, $26.1 million annually for five years commencing on the effective date of this Compact, $22.1 million annually for five years commencing on the fifth anniversary of the effective date of this Compact, and $19.1 million annually for five years commencing on the tenth anniversary of this Compact. Over this fifteen-year period, the Government of the Marshall Islands shall dedicate an average of no less than 40 percent of these amounts to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b).

(2) to the Government of the Federated States of Micronesia, $60 million annually for five years commencing on the effective date of this Compact, $51 million annually for five years commencing on the fifth anniversary of the effective date of this Compact, and $40 million annually for five years commencing on the tenth anniversary of the effective date of this Compact. Over this fifteen year period, the Government of the Federated States of Micronesia shall dedicate an average of no less than 40 percent of these amounts annually to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b). To take into account the special nature of the assistance, to be provided under this paragraph and Sections 212(b), 213(c), 214(c), 215(a)(3), 215(b)(3), 216(a), 216(b), 221(a), and 221(b), the division of these amounts among the national and state governments of the Federated States of Micronesia shall be certified to the Government of the United States by the Government of the Federated States of Micronesia.

(b) The annual expenditure of the grant amounts specified for the capital account in Section 211(a) by the Governments of the Marshall Islands and the Federated States of Micronesia shall be in accordance with official overall economic development plans provided by those Governments and concurred in by the Government of the United States prior to the effective date of this Compact. These plans may be amended from time to time by the Government of the Marshall Islands or the Federated States of Micronesia.

(c) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia recognize that the achievement of the goals of the plans referred to in Section 211(b) depends upon the availability of adequate internal revenue as well as economic assistance from sources outside of the Marshall Islands and the Federated States of Micronesia, including the Government of the United States, and may, in addition, be affected by the impact of exceptional, economically adverse circumstances. Each of the Governments of the Marshall Islands and the Federated States of Micronesia shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of the plans and on their use of the funds specified in this Article. These reports shall outline the achievements of the plans to date and the need, if any, for an additional authorization and appropriation of economic assistance for that year to account for any exceptional, economically adverse circumstances. It is understood that the Government of the United States cannot be committed by this Section to seek or support such additional economic assistance.

Section 212

In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall provide to the Government of the Federated States of Micronesia $1 million annually for fourteen years commencing on the first anniversary of the effective date of this Compact. This amount may be used by the Government of the Federated States of Micronesia to defray current account expenditures attendant to the operation of the United States military Civic Action Teams made available in accordance with the separate agreement referred to in Section 227.

Section 213

(a) The Government of the United States shall provide on a grant basis $1.9 million annually to the Government of the Marshall Islands in conjunction with Section 321(a). The Government of the Marshall Islands, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in the Kwajalein Atoll area of the Marshall Islands.

(b) The Government of the United States shall provide on a grant basis to the Government of the Federated States of Micronesia the sum of $160,000 in conjunction with Section 321(a). This sum shall be made available concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact. The Government of the Federated States of Micronesia, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in Yap State, Federated States of Micronesia.

Section 214

As a contribution to efforts aimed at achieving increased self-sufficiency in energy production, the Government of the United States shall provide on a current account grant basis for fourteen years commencing on the first anniversary of the effective date of this Compact the following amounts:

(a) To the Government of the Marshall Islands, $2 million annually; and

(b) To the Government of the Federated States of Micronesia, $3 million annually.

Section 215

(a) As a contribution to the current account operations and maintenance of communications systems, the Government of the United States shall provide on a grant basis for fifteen years commencing on the

effective date of this Compact the following amounts:

(1) to the Government of the Marshall Islands, $300,000 annually; and

(2) to the Government of the Federated States of Micronesia, $600,000 annually.

(b) For the purpose of acquiring such communications hardware as may be located within the Marshall Islands and the Federated States of Micronesia or for such other current or capital account activity as may be selected, the Government of the United States shall provide, concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact, the sum of $9 million to be allocated as follows:

(1) to the Government of the Marshall Islands, $3 million; and

(2) to the Government of the Federated States of Micronesia, $6 million.

Section 216

(a) The Government of the United States shall provide on a current account basis an annual grant of $5.369 million for fifteen years commencing on the effective date of this Compact for the purposes set forth below:

(1) $890,000 annually for the surveillance and enforcement by the Governments of the Marshall Islands and the Federated States of Micronesia of their respective maritime zones;

(2) $1.791 million annually for health and medical programs, including referrals to hospital and treatment centers; and

(3) $2.687 million annually for a scholarship fund or funds to support the post-secondary education of citizens of the Marshall Islands and the Federated States of Micronesia attending United States accredited, post-secondary institutions in the United States, its territories and possessions, the Marshall Islands or the Federated States of Micronesia. The curricular criteria for the award of scholarships shall be designed to advance the purposes of the plans referred to in Section 211(b).

(b) The Government of the United States shall provide the sum of $1.333 million as a contribution to the commencement of activities pursuant to Section 216(a)(1).

(c) The annual grants referred to in Section 216(a) and the sum referred to in Section 216(b) shall be made available by the Government of the United States promptly after it receives instruction for their distribution agreed upon by the Governments of the Marshall Islands and the Federated States of Micronesia.

Section 217

Except as otherwise provided, the amounts stated in Sections 211, 212, 214, 215 and 231 shall be adjusted for each Fiscal Year by the percent which equals two-thirds of the percentage change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less in any one year, using the beginning of Fiscal Year 1981 as the base.

Section 218

If in any year the funds made available by the Government of the United States for that year pursuant to this Article or Section 231 are not completely obligated by the recipient Government, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Section 219

All funds previously appropriated to the Trust Territory of the Pacific Islands which are unobligated by the Government of the Trust Territory of the Pacific Islands as of the effective date of this Compact shall accrue to the Governments of the Marshall Islands and the Federated States of Micronesia for the purposes for which such funds were originally appropriated as determined by the Government of the United States.

ARTICLE II

Program Assistance

Section 221

(a) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia, in accordance with and to the extent provided in the separate agreements referred to in Section 232, without compensation and at the levels equivalent to those available to the Trust Territory of the Pacific Islands during the year prior to the effective date of this Compact, the services and related programs:

(1) of the United States Weather Service;

(2) of the United States Federal Emergency Management Agency;

(3) provided pursuant to the Postal Reorganization Act, 39 U.S.C. 101 *et seq.;*

(4) of the United States Federal Aviation Administration; and

(5) of the United States Civil Aeronautics Board or its successor agencies which has the authority to implement the provisions of paragraph 5 of article IX of such separate agreements, the language of which is incorporated into this Compact.

(b) The Government of the United States, recognizing the special needs of the Marshall Islands and the Federated States of Micronesia particularly in the fields of education and health care, shall make available, as provided by the laws of the United States, the annual amount of $10 million which shall be allocated in accordance with the provisions of the separate agreement referred to in Section 232.

(c) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia such alternate energy development projects, studies and conservation measures as are applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, for the purposes and duration provided in the laws of the United States.

(d) The Government of the United States shall have and exercise such authority as is necessary for the purposes of this Article and as is set forth in the separate agreements referred to in Section 232, which shall also set forth the extent to which services and programs shall be provided to the Marshall Islands and the Federated States of Micronesia.

Section 222

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall consult regularly or upon request regarding:

(a) The economic development of the Marshall Islands or the Federated States of Micronesia; or

(b) The services and programs referred to in this Article. These services and programs shall continue to be provided by the Government of the United States unless their modification is provided by mutual agreement or their termination in whole or in part is requested by any recipient Government.

Section 223

The citizens of the Marshall Islands and the Federated States of Micronesia who are receiving post-secondary educational assistance from the Government of the United States on the day preceding the effective date of this Compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.

Section 224

The Governments of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may agree from time to time to the extension of additional United States grant assistance, services and programs as provided by the laws of the United States, to the Marshall Islands or the Federated States of Micronesia, respectively.

Section 225

The Governments of the Marshall Islands and the Federated States of Micronesia shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Marshall Islands or the Federated States of Micronesia at no cost to the Government of the United States as of the effective date of this Compact or as may be mutually agreed thereafter.

Section 226

The Governments of the Marshall Islands and the Federated States of Micronesia may request, from time to time, technical assistance from the federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws and which shall grant such technical assistance in a manner which gives priority consideration to the Marshall Islands and the Federated States of Micronesia over other recipients not a part of the United States, its territories or possessions. The Government of the United States shall coordinate the provision of such technical assistance in consultation with the respective recipient Government.

Section 227

In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available United States military Civic Action Teams for use in the Federated States of Micronesia under terms and conditions specified in a separate agreement which shall come into effect simultaneously with this Compact.

ARTICLE III

Administrative Provisions

Section 231

Upon the thirteenth anniversary of the effective date of this Compact, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall commence negotiations regarding those provisions of this Compact which expire on the fifteenth anniversary of its effective date. If these negotiations are not concluded by the fifteenth anniversary of the effective date of this Compact, the period of negotiations shall extend for not more than two additional years, during which time the provisions of this Compact including Title Three shall remain in full force and effect. During this additional period of negotiations, the Government of the United States shall continue its assistance to the Governments

with which it is negotiating pursuant to this Section at a level which is the average of the annual amounts granted pursuant to Sections 211, 212, 213, 214, 215 and 216 during the first fifteen years of this Compact. The average annual amount paid pursuant to Sections 211, 212, 214 and 215 shall be adjusted pursuant to Section 217.

Section 232

The specific nature, extent and contractual arrangements of the services and programs provided for in Section 221 as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Marshall Islands or the Federated States of Micronesia, and other arrangements in connection with a service or program furnished by the Government of the United States, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

Section 233

The Government of the United States, in consultation with the Governments of the Marshall Islands and the Federated States of Micronesia, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Such audits shall be conducted on an annual basis during the first five years following the effective date of this Compact and shall be at no cost to the Government of the Marshall Islands or the Federated States of Micronesia.

Section 234

Title to the property of the Government of the United States situated in the Trust Territory of the Pacific Islands or acquired for or used by the Government of the Trust Territory of the Pacific Islands on or before the day preceding the effective date of this Compact shall, without reimbursement or transfer of funds, vest in the Governments of the Marshall Islands and the Federated States of Micronesia as set forth in a separate agreement which shall come into effect simultaneously with this Compact. The provisions of this Section shall not apply to the property of the Government of the United States for which the Government of the United States determines a continuing requirement.

Section 235

(a) Funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands, in his official capacity, as of the effective date of this Compact shall remain available as trust funds to their designated beneficiaries. The Government of the United States, in consultation with the Government of the Marshall Islands or the Federated States of Micronesia, shall appoint a new trustee who shall exercise the functions formerly exercised by the High Commissioner of the Trust Territory of the Pacific Islands.

(b) To provide for the continuity of administration, and to assure the Governments of the Marshall Islands and the Federated States of Micronesia that the purposes of the laws of the United States are carried out and that the funds of any other trust fund in which the High Commissioner of the Trust Territory of the Pacific Islands has authority of a statutory or customary nature shall remain available as trust funds to their designated beneficiaries, the Government of the United States agrees to assume the authority formerly vested in the High Commissioner of the Trust Territory of the Pacific Islands.

Section 236

Except as otherwise provided, approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the sums and amounts specified in Articles I and III of this Title. The obligation of the United States under Articles I and III of this Title shall be enforceable in the United States Claims Court, or its successor court, which shall have jurisdiction in cases arising under this Section, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States.

ARTICLE IV

Trade

Section 241

The Marshall Islands and the Federated States of Micronesia are not included in the customs territory of the United States.

Section 242

For the purpose of assessing duties on their products imported into the customs territory of the United States, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were insular possessions of the United States within the meaning of General Headnote 3(a) of the Tariff Schedules of the United States. The exceptions, valuation procedures and all other provisions of General Headnote 3(a) shall apply to any product deriving from the Marshall Islands or the Federated States of Micronesia.

Section 243

All products of the Marshall Islands or the Federated States of Micronesia imported into the customs territory of the United States which are not accorded the treatment set forth in Section 242 and all products of the United States imported into the Marshall Islands or the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges or a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

ARTICLE V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Marshall Islands and the Federated States of Micronesia. Should the Government of the Marshall Islands or the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

The Government of the Marshall Islands or the Federated States of Micronesia may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as such Government deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact be made according to the United States Internal Revenue Code.

Section 253

A citizen of the Marshall Islands or the Federated States of Micronesia, domiciled therein, shall be exempt from:

(a) Income taxes imposed by the Government of the United States upon fixed or determinable annual income; and

(b) Estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Marshall Islands or the Federated States of Micronesia, those Governments shall have authority to impose tax upon income derived by a resident of the Marshall Islands or the Federated States of Micronesia from sources without the Marshall Islands and the Federated States of Micronesia, in the same manner and to the same extent as those Governments impose tax upon income derived from within their respective jurisdictions. If the Government of the Marshall Islands or the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Marshall Islands or the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Marshall Islands or the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. For purposes of this Section, the term "resident of the Marshall Islands or the Federated States of Micronesia" shall be deemed to include any person who was physically present in the Marshall Islands or the Federated States of Micronesia for a period of 183 or more days during any taxable year; provided, that as between the Governments of the Marshall Islands and the Federated States of Micronesia, the authority to tax an individual resident of the Marshall Islands or the Federated States of Micronesia in respect of income from sources without the Marshall Islands and the Federated States of Micronesia as provided in this subsection may be exercised only by the Government in whose jurisdiction such individual was physically present for the greatest number of days during the taxable year.

(b) If the Government of the Marshall Islands or the Federated States of Micronesia subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in Section 254(a).

Section 255

Where not otherwise manifestly inconsistent with the intent of this Compact, provisions in the United States Internal Revenue Code that are applicable to possessions of the United States as of Janury 1, 1980 shall be treated as applying to the Marshall Islands and the Federated States of Micronesia. If such provisions of the Internal Revenue Code are amended, modified or repealed after that date, such provisions shall continue in effect as to the Marshall Islands and the Federal States of Micronesia for a period of two years during which time the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall negotiate an agreement which shall provide

benefits substantively equivalent to those which obtained under such provisions.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

ARTICLE I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

(b) This authority and responsibility includes:

(1) the obligation to defend the Marshall Islands and the Federated States of Micronesia and their people from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Marshall Islands and the Federated States of Micronesia by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Marshall Islands and the Federated States of Micronesia, subject to the terms of the separate agreements referred to in Sections 321 and 323.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

Section 312

Subject to the terms of any agreements negotiated in accordance with Sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Marshall Islands and the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with those Governments, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

(b) The consultations referred to in this Section shall be conducted expeditiously at senior levels of the Governments concerned, and the subsequent determination by the Government of the United States referred to in this Section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this Section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Marshall Islands or the Federated States of Micronesia:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or over flight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by Section 314(b).

(d) No material or substance referred to in this Section shall be stored in the Marshall Islands or the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this Section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the government of the United States, and the laws of the United States and their implementing regulations.

(e) Any exercise of the exemption authority set forth in Section 161(e) shall have no effect on the obligations of the Government of the United States under this Section or on the application of this subsection.

(f) The provisions of this Section shall apply in the areas in which the Government of the Marshall Islands or the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Marshall Islands or the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval by the government of the Marshall Islands or the Federated States of Micronesia.

Section 316

The authority and responsibility of the government of the United States under this Title may not be transferred or otherwise assigned.

ARTICLE II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Marshall Islands or the Federated States of Micronesia are set forth in separate agreements which shall come into effect simultaneously with this Compact.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Marshall Islands or the Federated States of Micronesia in addition to those for which specific arrangements are concluded pursuant to Section 321(a), it may request the Government concerned to satisfy those requirements through leases or other arrangements. The Government of the Marshall Islands or the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Marshall Islands and the Federated States of Micronesia. In making any requests pursuant to Section 321(b), the Govenment of the United States shall follow the policy of requesting the minimum areas necessary to accomplish the required security and defense purpose, or requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Marshall Islands and the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Marshall Islands or the Federated States of Micronesia, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

ARTICLE III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact and its related agreements, the Government of the United States, exclusively, shall assume and enjoy, as to the Marshall Islands and the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of the day preceding the effective date of this Compact; and

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Marshall Islands and the Federated States of Micronesia. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Marshall Islands or the Federated States of Micronesia.

ARTICLE IV

Service in Armed Forces of the United States

Section 341

Any person entitled to the privileges set forth in Section 141 shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States so long as such

person does not establish habitual residence in the United States, its territories or possessions.

Section 342

The Government of the United States shall have enrolled, at any one time, at least two qualified students, one each from the Marshall Islands and the Federated States of Micronesia, as may be nominated by their respective Governments, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195; and

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295b(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to Section 342(b) of this Compact.

ARTICLE V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall establish two Joint Committees empowered to consider disputes under the implementation of this Title and its related agreements.

(b) The membership of each Joint Committee shall comprise selected senior officials of each of the two participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of each Joint Committee. For the meetings of each Joint Committee, each of the two participating Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, each Joint Committee shall meet semi-annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. A Joint Committee also shall meet promptly upon request of either of its members. Upon notification by the Government of the United States, the Joint Committees so notified shall meet promptly in a combined session to consider matters within the jurisdiction of more than one Joint Committee. Each Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree.

(d) Unresolved issues in each Joint Committee shall be referred to the Governments concerned for resolution, and the Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Governments of the Marshall Islands and the Federated States of Micronesia under Titles One, Two and Four and to their responsibility to assure the well-being of their peoples.

Section 353

(a) The Government of the United States shall not include any of the Governments of the Marshall Islands and the Federated States of Micronesia as named parties to a formal declaration of war, without their respective consent.

(b) Absent such consent, this Compact is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Marshall Islands or the Federated States of Micronesia, which arise out of armed conflict subsequent to the effective date of this Compact and which are:

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under Section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

(a) Notwithstanding any other provision of this Compact, the provisions of this Title are binding from the effective date of this Compact for a period of fifteen years between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia and thereafter as mutually agreed or in accordance with Section 231, unless earlier terminated by mutual agreement pursuant to Section 441, or amended pursuant to Article III of Title Four.

(b) The Government of the United States recognizes, in view of the special relationship between the Govenment of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, and in view of the existence of separate agreements with each of them pursuant to Sections 321 and 323, that, even if this Title should terminate, any attack on the Marshall Islands or the Federated States of Micronesia during the period in which such separate agreements are in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Marshall Islands and the Federated States of Micronesia in accordance with its constitutional processes.

TITLE FOUR

GENERAL PROVISIONS

ARTICLE I

Approval and Effective Date

Section 411

This Compact shall come into effect upon mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of the Marshall Islands or the Federated States of Micronesia and subsequent to completion of the following:

(a) Approval by the Government of the Marshall Islands or the Federated States of Micronesia in accordance with its constitutional processes;

(b) Conduct of the plebiscite referred to in Section 412; and

(c) Approval by the Government of the United States in accordance with its constitutional processes.

Section 412

A plebiscite shall be conducted in each of the Marshall Islands and the Federated States of Micronesia for the free and voluntary choice by the peoples of the Trust Territory of the Pacific Islands of their future political status through informed and democratic processes. The Marshall Islands and the Federated States of Micronesia shall each be considered a voting jurisdiction, and the plebiscite shall be conducted under fair and equitable standards in each voting jurisdiction. The Administering Authority of the Trust Territory of the Pacific Islands, after consultation with the Governments of the Marshall Islands and the Federated States of Micronesia, shall fix the date on which the plebiscite shall be called in each voting jurisdiction. The plebiscite shall be called jointly by the Administering Authority of the Trust Territory of the Pacific Islands and the other Signatory Government concerned. The results of the plebiscite in each voting jurisdiction shall be determined by a majority of the valid ballots cast in that voting jurisdiction.

ARTICLE II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Marshall Islands or the Federated States of Micronesia and any of those Governments shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact or of its related agreements.

Section 422

In the event the Government of the United States, or the Government of the Marshall Islands or the Federated States of Micronesia, after conferring pursuant to Section 421, determines that there is a dispute and gives written notice thereof, the Governments which are parties to the dispute shall make a good faith effort to resolve the dispute among themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia cannot be resolved within 90 days of written notification in the manner provided in Section 422, either party to the dispute may refer it to arbitration in accordance with Section 424.

Section 424

Should a dispute be referred to arbitration as provided for in Section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this Section within 30 days of referral of the dispute to arbitration pursuant to Section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

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(b) The Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the other party to the dispute.

ARTICLE III

Amendment

Section 431

The provisions of this Compact may be amended as to the Governments of the Marshall Islands and the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement.

Section 432

The provisions of this Compact may be amended as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement. The effect of any amendment made pursuant to this Section shall be restricted to the relationship between the Governments agreeing to such amendment, but the other Governments signatory to this Compact shall be notified promptly by the Government of the United States of any such amendment.

ARTICLE IV

Termination

Section 441

This Compact may be terminated as to anyone of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States by mutual agreement and subject to Section 451.

Section 442

This Compact may be terminated by the Government of the United States as to the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 452, such termination to be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended.

Section 443

This Compact shall be terminated, pursuant to their respective constitutional processes, by the Government of the Marshall Islands of the Federated States of Micronesia subject to Section 453 if the people represented by such Government vote in a plebiscite to terminate. Such Government shall notify the Government of the United States of its intention to call such a plebiscite which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by such Government in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, such Government shall, upon certification of the results fo the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date fo delivery of such notice. The time specified in the notice of termination may be extended.

ARTICLE V

Survivability

Section 451

Should termination occur pursuant to Section 441, economic assistance by the Government of the United States shall continue on mutually agreed terms.

Section 452

(a) Should termination occur pursuant to Section 442, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed:

(1) Article VI and Section 172, 173, 176 and 177 of Title One;

(2) Article I and Section 233 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) The Government of the United States shall also provide the Government as to which termination occurs pursuant to Section 442 with either the programs or services provided pursuant to Article II of Title Two at the time of termination, or their equivalent, as determined by the Government of the United States. Such assistance shall continue until the fifteenth anniversary of the effective date of this Compact, and thereafter as mutually agreed.

Section 453

(a) Should termination occur pursuant to Section 443, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of the Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed:

(1) Article VI and Sections 172, 173, 176 and 177 of Title One;

(2) Title Three; and

(3) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to Section 443, the Government of the United States and the Government so terminating shall promptly consult with regard to their future relationship. These consultations shall determine the level of economic assistance which the Government of the United States shall provide to the Government so terminating for the period ending on the fifteenth anniversary of the effective date of this Compact provided that the annual amounts specified in Section 211, 212, 214, 215 and 216 shall continue without diminution. Such amounts, with the exception of those specified in Section 216, shall be adjusted according to the formula set forth in Section 217.

Section 454

Notwithstanding any other provision of this Compact:

(a) The Government of the United States reaffirms its continuing interest in promoting the long-term economic advancement and self-sufficiency of the peoples of the Marshall Islands and the Federated States of Micronesia; and

(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms which shall also determine the duration of Section 213.

ARTICLE VI

Definition of Terms

Section 461

For the purpose of this Compact only and without prejudice to the views of the Government of the United States or the Government of the Marshall Islands or the Federated States of Micronesia as to the nature and extent of the jurisdiction under international law of any of them, the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trusteeship Agreement consisting of the administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, Section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "The Marshall Islands" and "the Federated States of Micronesia" are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) "Government of the Marshall Islands" means the Government established and organized by the Constitution of the Marshall Islands including all the political subdivisions and entities comprising that Government.

"Government of the Federated States of Micronesia" means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(e) The following terms shall be defined consistent with the 1976 Edition of the Radio Regulations of the International Telecommunications Union (ISBN 92-61-0081-5) as follows:

(1) "Radio Communications" means telecommunication by means of radio waves.

(2) "Station" means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radio communication service; each station shall be classified by the service in which it operates permanently or temporarily.

(3) "Broadcasting Service" means a radio communication service in which the transmissions are intended for direct reception by the general public, and which may include sound transmissions, television transmissions or other types of transmissions.

(4) "Broadcasting Station" means a station in the broadcasting service.

(f) "Frequency Assignment" means the same as 'Frequency Assignment' means in the 1976 Edition of the Radio Regulations of the International Telecommunications Union (ISBN 92-61-0081-5).

(g) "Habitual Residence" means a place of general abode or a principal, actual dwelling place of a continuing or lasting nature; provided, however, that this term shall not apply to the residence of any person who entered the United States for the purpose of full-time studies as long as such person maintains that status, or who has been physically present in the United States, the Marshall Islands or the Federated States of Micronesia for less than one year, or who is a dependent of a resident representative, as described in Section 152.

(h) For the purposes of Article IV of Title One of this Compact:

(1) "Actual Residence" means physical presence in the Marshall Islands or the Federated States of Micronesia during eighty-five percent of the period of residency required by Section 141(a)(3); and

(2) "Certificate of Actual Residence" means a certificate issued to a naturalized citizen by the Government which has naturalized him stating that the citizen has complied with the actual residence requirement of Section 141(a)(3).

(i) "Military Areas and Facilities" means those areas and facilities in the Marshall Islands or the Federated States of Micronesia reserved or acquired by the Government of the Marshall Islands or the Federated States of Micronesia for use by the Government of the United States, as set forth in the separate agreements referred to in Section 321.

(j) "Capital Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for:

(1) the construction or major repair of capital infrastructure; or

(2) public and private sector projects identified in the official overall economic development plan.

(k) "Current Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for recurring operational activities including infrastructure maintenance as identified in the annual budget justifications submitted yearly to the Government of the United States.

(l) "Official Overall Economic Development Plan" means the documented program of annual development which identifies the specific policy and project activities necessary to achieve a specified set of economic goals and objectives during the period of free association, consistent with the economic assistance authority in Title Two. Such a document should include an analysis of population trends, manpower requirements, social needsd, gross national product estimates, resource utilization, infrastructure needs and expenditures, and the specific private sector projects required to develop the local economy of the Marshall Islands or the Federated States of Micronesia. Project identification should include initial cost estimates, with project purposes related to specific development goals and objectives.

(m) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(n) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

Section 462

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia, as appropriate, shall conclude related agreements which shall come into effect and shall survive in accordance with their terms, as follows:

(a) Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 131 of the Compact of Free Association;

(b) Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 132 of the Compact of Free Association;

(c) Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 of the Compact of Free Association;

(d) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association;

(e) Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association;

(f) Agreement Concluded Pursuant to Section 234 of the Compact of Free Association;

(g) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association;

(h) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 227, 321 and 323 of the Compact of Free Association;

(i) Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association;

(j) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; and

(k) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association.

Section 463

(a) Except as set forth in Section 463(b), any reference in this Compact to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as such provision was in force on January 1, 1980.

(b) Any reference in Article VI of Title One and Sections 131, 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act or the Administrative Procedure Act constitutes the incorporation of the language of such provision into this Compact as such provision is in force on the effective date of this Compact or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

ARTICLE VII

Concluding Provisions

Section 471

(a) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree that they have full authority under their respective Constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.

(b) Each of the Governments of the United States, the Marshall Islands and the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, the conformity of its laws, regulatoins and administrative procedures with the provisions of this Compact.

(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

Section 472

This Compact may be accepted, by signature or otherwise, by the Government of the United States, the Government of the Marshall Islands, and the Government of the Federated States of Micronesia. Each Government accepting this Compact shall possess an original English language version.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and each of the other Governments signatory to this Compact.

DONE AT HONOLULU, HAWAII THIS 1st DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA

AMBASSADOR FRED M. ZEDER, II

PRESIDENT'S PERSONAL REPRESENTATIVE

FOR MICRONESIAN STATUS NEGOTIATIONS

DONE AT HONOLULU, HAWAII THIS 1st DAY OF OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO

FOR THE GOVERNMENT
OF
THE FEDERATED STATES OF MICRONESIA

HONORABLE ANDON L. AMARAICH
CHAIRMAN, COMMISSION ON FUTURE POLITICAL STATUS AND TRANSITION

DONE AT MAJURO, MARSHALL ISLANDS, THIS 25th DAY OF JUNE, ONE THOUSAND, NINE HUNDRED EIGHTY-THREE

FOR THE GOVERNMENT
OF
THE UNITED STATES OF AMERICA

AMBASSADOR FRED M. ZEDER, II
PRESIDENT'S PERSONAL REPRESENTATIVE
FOR MICRONESIAN STATUS NEGOTIATIONS

DONE AT MAJURO, MARSHALL ISLANDS, THIS 25th DAY OF JUNE, ONE THOUSAND, NINE HUNDRED EIGHTY-THREE

FOR THE GOVERNMENT
OF
THE MARSHALL ISLANDS

PRESIDENT AMATA KABUA
PRESIDENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

SEC. 1.

(a) With respect to Section 321 of the Compact of Free Association and its related agreements, the jurisdictional provisions set forth in subsection (b) of this section shall apply only to the citizens and nationals of the United States and aliens lawfully admitted to the United States for permanent residence who are in the Marshall Islands or the Federated States of Micronesia.

(b) The defense sites of the United States established in the Marshall Islands or the Federated States of Micronesia in accordance with the Compact of Free Association and its related agreements are within the special maritime and territorial jurisdiction of the United States as set forth in Section 7, Title 18, United States Code.

(i) Any person referred to in subsection (a) of this section who within or upon such defense sites is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State of Hawaii by the laws thereof, in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(ii) The United States District Court for the District of Hawaii shall have jurisdiction to try all criminal offenses against the United States, including the laws of the State of Hawaii made applicable to the defense sites in the Marshall Islands or the Federated States of Micronesia by virture of subsection (b)(i) of this section, committed by any person referred to in subsection (a) of this section.

(iii) The United States District Court for the District of Hawaii may appoint one or more magistrates for the defense sites in the Marshall Islands. Such Magistrates shall have the power and the status of Magistrates appointed pursuant to chapter 43, title 28, United States Code, provided, however that such Magistrates shall have the power to try persons accused of and sentence persons convicted of petty offenses, as defined in section 1(3), title 18, United States Code, including violations of regulations for the maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b), title 18, United States Code.

SEC. 3.

Upon the effective date of the Compact of Free Association, the laws of the United States generally applicable to the Trust Territory of the Pacific Islands shall continue to apply to the Republic of Palau and the Republic of Palau shall be eligible for such proportion of Federal assistance as it would otherwise have been eligible to receive under such laws prior to the effective date of the Compact, as determined by the Government of the United States.

To the Congress of the United States:

There is attached a draft of a Joint Resolution to approve the "Compact of Free Association," the negotiated instrument setting forth the future political relationship between the United States and two political jurisdictions of the Trust Territory of the Pacific Islands.

The Compact of Free Association is the result of more than fourteen years of continuous and comprehensive negotiations, spanning the administrations of four Presidents. The transmission of the proposed Joint Resolution today, and Congressional enactment of it, marks the last step in the Compact approval process.

The full text of the Compact is part of the draft Joint Resolution, which I request be introduced, referred to the appropriate committees, and enacted. I also request that the Congress note the agreements subsidiary to the Compact. Also attached is a section-by-section analysis to facilitate your consideration of the Compact.

I originally submitted this same draft Joint Resolution to the 98th Congress on March 30, 1984. Before their adjournment, both Houses held extensive hearings on the Joint Resolution. The Administration stands by the policies it outlined during these hearings and hopes that they will serve to expedite consideration and approval of the Compact in this new Congress.

The defense and land use provisions of the Compact extend indefinitely the right of the United States to foreclose access to the area to third countries for military purposes. These provisions are of great importance to our strategic position in the Pacific and enable us to continue preserving regional security and peace.

Since 1947, the islands of the Trust Territory have been administered by the United States under a Trusteeship Agreement with the United Nations Security Council. This Compact of Free Association with the governments of the Marshall Islands and the Federated States of Micronesia would fulfill our commitment under that Agreement to bring about self-government in accordance with the freely expressed wishes of the peoples concerned. Upon termination of the Trusteeship Agreement, another political jurisdiction of the Trust Territory—the Northern Mariana Islands—will become a commonwealth of the United States.

The Compact was signed for the United States by Ambassador Fred M. Zeder, II, on October 1, 1982, with the Federated States of Micronesia, and on June 25, 1983, with the Republic of the Marshall Islands. It is the result of negotiations between the United States and broadly representative groups of delegates from the prospective freely associated states.

In 1983, United Nations-observed plebiscites produced high voter participation, and the Compact was approved by impressive majorities. In addition to approval in the plebiscites, the Compact has been approved by the governments of the Marshall Islands and the Federated States of Micronesia in accordance with their constitutional processes.

Enactment of the draft Joint Resolution approving the Compact of Free Association would be a major step leading to the termination of the Trusteeship Agreement with the United Nations Security Council, which the United States entered into by Joint Resolution on July 18, 1947. Therefore, I urge the Congress to approve the Compact of Free Association.

RONALD REAGAN.

THE WHITE HOUSE, *February 20, 1985.*●

By Mr. SYMMS:

S.J. Res. 78. Joint resolution to provide for the designation of June 10 through 16, 1985, as "National Scleroderma Week"; to the Committee on the Judiciary.

NATIONAL SCLERODERMA WEEK

● Mr. SYMMS. Mr. President, I am introducing today a joint resolution authorizing the President to designate the week of June 10 through June 16, 1985, as "National Scleroderma Week." Similar resolutions were adopted in 1982 and 1983. Our resolution to designate a similar week in 1985 will again show concern and encourage further national recognition for better understanding of this problem. It is my hope that my colleagues will join me in supporting the resolution again this year.

Scleroderma is a painful and debilitating ailment that attacks the skin and multiple organs of the body. In its most serious form, scleroderma can strike the esophagus, intestines, lungs, heart, or kidneys, causing fibrosis, inflammation, and atrophy of normal functioning tissues. Two major problems caused by scleroderma are decreased circulation and increased production of collagen. Localized scleroderma causes hardening and thickening of the skin, particularly of the hands and fingers, along with painful ulcerations.

This disease, one of the many forms of arthritis, is estimated to affect 300,000 people in the United States. However, the actual number of victims may be higher because of misdiagnosed cases. Four times as many women as men develop scleroderma during early and middle age.

Unfortunately, the cause of scleroderma is unknown, and there is no permanent cure for the disease. But while there is no specific treatment for scleroderma, various medications and therapies can alleviate the patient's troubling symptoms. Research and studies are being conducted at medical centers throughout the United States, and the outlook is bright.

Lack of focus on this disease has resulted in a shortage of funding for this vital research. At a time when public funding for many worthy causes is scarce, we obviously need to encourage private contributions. National Scleroderma Week will help to bring the additional attention that will boost public consciousness of scleroderma, as well as lend comfort to its hundreds of thousands of victims.

I think my colleagues will agree that enactment of this resolution will bring closer the day when a cure is actually found for scleroderma. I urge my colleagues to join me in sponsoring this important resolution.●

ADDITIONAL COSPONSORS

S. 63

At the request of Mr. GOLDWATER, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 63, a bill to encourage the rendering of in-flight emergency care aboard aircraft by requiring the placement of emergency first aid medical supplies and equipment aboard aircraft and by relieving appropriate persons of liability for the provision and use of such equipment and supplies.

S. 68

At the request of Mr. HART, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 68, a bill to prohibit the use of appropriated funds for the production of lethal binary chemical weapons; to express the sense of the Congress on achieving an international agreement to ban the production and stockpiling of chemical weapons; and to express the further sense of the Congress encouraging the improvement of defenses against the effects of the use of chemical weapons on the Armed Forces of the United States.

S. 172

At the request of Mr. SPECTER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 172, a bill entitled the "Professional Football Stabilization Act of 1985."

S. 210

At the request of Mr. D'AMATO, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 210, a bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of social security benefits.

S. 232

At the request of Mr. PRYOR, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1954 to add a new subsection dealing with exchanges and rentals of names from donor lists and membership lists.

S. 339

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 339, a bill to implement the rule of the shorter term in the case of computer programs.

S. 341

At the request of Mr. GRASSLEY, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 341, a bill to amend section 552(a)(4)(F) of title 5 of the United States Code, and for other purposes.

S. 367

At the request of Mr. HART, the names of the Senator from Florida [Mrs. HAWKINS], the Senator from Ohio [Mr. GLENN], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 367, a bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of veterans' affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

S. 377

At the request of Mr. DECONCINI, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 377, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 412

At the request of Mr. GOLDWATER, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 412, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 418

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 418, a bill to amend the Internal Revenue Code of 1954 to exclude certain net capital gain of insolvent taxpayers from the alternative minimum tax.

S. 419

At the request of Mr. GRASSLEY, the names of the Senator from Georgia [Mr. MATTINGLY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Dakota [Mr. ANDREWS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 419, a bill to amend the Internal Revenue Code of 1954 to allow a deduction for one-half of the expenses paid by a self-employed taxpayer for individual health insurance premiums.

S. 420

At the request of Mr. BOREN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 420, a bill to amend the Internal Revenue Code of 1954 to impose a 50 percent nondeductible excise tax on certain profits realized in connection with corporation takeover, attempts, and for other purposes.

S. 425

At the request of Mr. GOLDWATER, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 425, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases.

S. 426

At the request of Mr. WALLOP, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 426, a bill to amend the Federal Power Act to provide for more protection to electric consumers.

S. 453

At the request of Mr. GRASSLEY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 453, a bill to amend the Internal Revenue Code of 1954 to safeguard taxpayer's rights.

S. 476

At the request of Mr. BOREN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 476, a bill to amend the Internal Revenue Code of 1954 to impose a 50 percent nondeductible tax on certain profits realized in connection with corporate takeover attempts, and for other purposes.

S. 477

At the request of Mr. ANDREWS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 477, a bill to enhance rail competition and to ensure reasonable rail rates where there is an absence of effective competition.

S. 484

At the request of Mr. HATCH, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 484, a bill to amend the Saccharin Study and Labeling Act.

S. 487

At the request of Mr. MATHIAS, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 487, a bill to recognize the organization known as "The Statue of Liberty-Ellis Island Foundation, Inc."

S. 509

At the request of Mr. BYRD, his name was added as a cosponsor of S. 509, a bill to extend the Federal Supplemental Compensation Act of 1982.

S. 515

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. MCCLURE], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 515, a bill directing the President to conduct a comprehensive review of U.S. policy toward Bulgaria.

S. 523

At the request of Mr. ARMSTRONG, the names of the Senator from Indiana [Mr. QUAYLE], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 523, a bill to prohibit the payment of certain agricultural incentive payments to persons who produce certain agricultural commodities on highly erodible land.

S. 531

At the request of Mr. DECONCINI, the names of the Senator from Louisiana [Mr. LONG], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 531, a bill to authorize the appropriation of funds for the operation and maintenance of a special operations wing of the Air Force Reserve, to authorize the appropriation of funds for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Enforcement, and to require certain reports.

S. 536

At the request of Mr. HART, the name of the Senator from Maine [Mr. MITCHELL], was added as a cosponsor of S. 536, a bill to establish a select commission to examine the issues associated with national service.

S. 554

At the request of Mr. ROTH, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Montana [Mr. MELCHER], the Senator from Alabama [Mr. DENTON], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of S. 554, a bill to amend title 18, United States Code, to include the transportation of males under the Mann Act, to eliminate the lewd and commercial requirements in the prosecution of child pornography cases, and for other purposes.

S. 589

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota [Mr. ABDNOR], the Senator from Oklahoma [Mr. BOREN], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 589, a bill to amend the Federal Reserve Act.

SENATE JOINT RESOLUTION 17

At the request of Mr. D'AMATO, the name of the Senator from Illinois [Mr. DIXON] was added as cosponsor of Senate Joint Resolution 17, a joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 48

At the request of Mr. LEVIN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution to designate the year of 1986 as the "Year of the Teacher."

SENATE JOINT RESOLUTION 52

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of April 1985 as "National School Library Month."

SENATE JOINT RESOLUTION 60

At the request of Mr. NUNN, the names of the Senator from Kansas [Mr. DOLE] and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of Senate Joint Resolution 60, a bill to designate the week of May 12, 1985, through May 18, 1985, as "Senior Center Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. D'AMATO, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. RIEGLE], the Senator from Idaho [Mr. SYMMS], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 66, a joint resolution designating June 14, 1985, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 70

At the request of Mr. HELMS, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. QUAYLE], the Senator from South Carolina [Mr. THURMOND], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 70, a joint resolution to proclaim March 20, 1985, as "National Agriculture Day."

SENATE JOINT RESOLUTION 72

At the request of Mr. DANFORTH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate October 16, 1985, as "World Food Day."

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Concurrent Resolution 4, a concurrent resolution calling on the President to appoint a special envoy for Northern Ireland.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. MOYNIHAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. MCCLURE], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution concerning Bulgaria's abuses of the Customs Convention of the International Transportation of Goods under Cover of TIR Carnets in facilitating the transportation of illicit narcotics, smuggled arms, and terrorists.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. MATTINGLY, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the Social Security benefit disparity known as the "notch problem."

SENATE RESOLUTION 35

At the request of Mr. GOLDWATER, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Resolution 35, a resolution to express the sense of the Senate relative to discriminatory and unduly restrictive State and local regulation of home satellite antennas.

SENATE CONCURRENT RESOLUTION 26—CONDEMNING THE USE OF PLASTIC OR RUBBER BULLETS IN NORTHERN IRELAND

Mr. DODD (for himself, Mr. MOYNIHAN, and Mr. KENNEDY) submitted the following concurrent resolution; which

was referred to the Committee on Foreign Relations:

S. CON. RES. 26

Whereas a delegation from the United States Congress representing the "Friends of Ireland" traveled to Ireland, visiting Dublin, Belfast, and Derry between May 29 and June 2, 1982;

Whereas serious concern about the continued use of plastic bullets by British security forces was strongly expressed to this delegation;

Whereas the European Parliament has voted overwhelmingly in favor of a ban on the use of plastic bullets against civilians in the members states of the European community;

Whereas in recent years fifteen people, many of them children, have been killed in Northern Ireland by plastic bullets fired by British security forces and over one hundred and sixty people have sustained injuries, including brain damage, loss of eyes, and total blindness;

Whereas all of these injuries have been suffered by civilians, many of them in nonriot situations;

Whereas the British Home Secretary has described plastic bullets as "lethal";

Whereas in serious rioting in 1981 in fourteen British cities, during which gasoline bombs and other potentially lethal missiles were used against police, plastic bullets were not used in any instance, and

Whereas the use of plastic bullets in the United Kingdom has been restricted to Northern Ireland alone: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress condemns the use of plastic or rubber bullets in Northern Ireland and calls on the Government of the United Kingdom to ban the use of plastic or rubber bullets against civilians.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President for the purpose of informing the Government of the United Kingdom.

SENATE CONCURRENT RESOLUTION 27—RELATING TO THE ULSTER DEFENSE ASSOCIATION

Mr. DODD (for himself, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. PELL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 27

Whereas a delegation from the United States Congress representing the "Friends of Ireland" traveled to Ireland, visiting Dublin, Belfast, and Derry, from May 29 to June 2, 1982;

Whereas serious concern was expressed to the delegation about the continued unchecked operations of the Ulster Defense Association;

Whereas the Ulster Defense Association is the largest paramilitary organization in Northern Ireland;

Whereas the Ulster Defense Association has clearly shown itself to be a terrorist organization responsible for the murder of innocent civilians, bombings in the Irish Republic, and for the illegal importation and stockpiling of arms;

Whereas over four hundred members of the Ulster Defense Association have been jailed for serious offenses and some of these have been members of the Ulster Defense Regiment which is an integral part of the security forces in Northern Ireland;

Whereas the Ulster Defense Association is allowed to operate openly in Northern Ireland, to recruit members and to raise funds, despite its crimes against the people of Northern Ireland; and

Whereas the Ulster Defense Association and other loyalist terrorist organizations have been responsible for more than six hundred deaths in Northern Ireland: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress condemns all acts of violence in Nothern Ireland and calls upon the Government of the United Kingdom to outlaw the Ulster Defense Association, its membership, activities, and any like terrorist organization.

SEC 2. The Secretary of the Senate shall transmit copy of this resolution to the President for the purpose of informing the Government of the United Kingdom.

● Mr. DODD. Mr. President, I rise to submit two concurrent resolutions regarding Northern Ireland, as I have done in each of the last two Congresses. The first resolution calls on the British Government to cease the use of plastic and rubber bullets in Northern Ireland. The second calls on the British Government to outlaw the Ulster Defense Association. I ask for their appropriate referral.

The term, "plastic bullet," Mr. President, conjures up an image that is misleading. These are not toys and they are not harmless. "Plastic baton rounds," as the British call them, have an impact that can be compared with that of a brick traveling at well over 100 miles an hour. Fifteen people, many of them young children, have been killed by such bullets, which continue to be used by the security forces in Northern Ireland. Over 160 people have suffered grave injuries, including brain damage, the loss of an eye, and total blindness. The assertion that plastic bullets are less deadly than lead bullets may lead to a presumption that plastic bullets can be used when deadly force is not necessary. But the facts show that plastic bullets are also deadly.

It is sad to note, too, that the use of plastic bullets have been restricted to Northern Ireland. They are not used in any other civilized country. They are not used in Great Britain itself, in even the most severe rioting. Why, then, does the British Government continue to use these brutal, unnecessary missiles in Northern Ireland?

The sponsors of this first resolution do not believe that there are legitimate security purposes served by the use of plastic bullets. In fact, their use only serves to heighten tensions in Northern Ireland. There is simply no good reason for the British to continue to use them. We hope that this expression of U.S. congressional concern will prompt the British Government to discontinue the use of plastic or rubber bullets.

The second resolution, Mr. President, condemns all acts of violence in Northern Ireland. In particular, it calls on the British Government to outlaw the Ulster Defense Association and any like terrorist organization.

The Ulster Defense Association is a terrorist organization. It is the largest paramilitary organization in Northern Ireland. It is responsible for the murder of innocent civilians, for bombings in the Irish Republic, and for the illegal importation and stockpiling of weapons in Northern Ireland. Over 400 members of the UDA have been jailed for serious offenses. Some of those jailed have been members of the Ulster Defense Regiment, which is part of the security forces in Northern Ireland. These links do not go unnoticed by the minority population in the north.

The sponsors of this second resolution recognize that the British Government maintains a policy of tolerating political organizations which may be extremist, but which do not employ violence. The Ulster Defense Association has long ago overstepped those bounds. Other terrorist organizations have been outlawed in Northern Ireland. Why not the Ulster Defense Association?

Mr. President, the tragedy that is Northern Ireland endures. Personally, I favor the reunification of all Ireland. I think that is the only way to resolve the problems and reconcile the two communities in the north. But I remain mindful of the deep wounds that exist there, wounds that make the task at once so necessary and at the same time so difficult. Yet, I also recall the bonds that unite all Ireland, bonds which are not without their strength even on this side of the Atlantic.

But as we here seek to contribute to a peaceful reunification of Ireland, we must not forget that we are not the Irish Government. We must exercise great respect for the views and policies of the freely elected Government of the Republic of Ireland, and we must be attentive to all the parties in the north. Above all, we must not lose hope that reason will prevail, even as the vicious, senseless, useless violence goes on.

Many of us in the United States were encouraged by the work of the New Ireland Forum. That effort was open to all who oppose violence and, in the words of Taoiseach Dr. Garret Fitzgerald, was intended to produce "not a blueprint but an agenda for possible action." Many of us who supported that effort were then perturbed by the vehemence with which Prime Minister Thatcher rejected the forum's proposals. Some have said that the Prime Minister's emphatic rejection of Irish unity leaves no alternatives to violence.

I strongly disagree. But I am not naive. The Prime Minister's language does indeed give ammunition to those who condone violence. But we should not forget that, just a few weeks before the Prime Minister's intemperate rejection of the New Ireland Forum, the provisional wing of the IRA tried to murder her and her entire Cabinet at Brighton. And so the cycle goes on: wrongs beget wrongs, rejection begets rejection, extremism begets extremism. Only one conclusion can be drawn: violence does not work. We must act on the courage of that conviction.

So, along with my fellow members of the Friends of Ireland, I call for specific steps on the part of the British Government. A ban on the use of plastic bullets, and the outlawing of the Ulster Defense Association will not, alone, create the political confidence now so lacking on both sides. But these are at least steps in the right direction, and before we can go to the end of that path, we must start on it. Let us begin now, by calling on the British Government to apply the same standards in Northern Ireland that apply elsewhere.●

SENATE CONCURRENT RESOLUTION 28—COMMEMORATING THE 20TH ANNIVERSARY OF THE HEAD START PROGRAM

Mr. CRANSTON (for himself, Mr. STAFFORD, Mr. DODD, Mr. HATFIELD, Mr. KENNEDY, Mr. SPECTER, Mr. EAGLETON, Mr. DURENBERGER, Mr. BENTSEN, Mr. HOLLINGS, Mr. REIGLE, Mr. ANDREWS, Mr. INOUYE, and Mr. WEICKER) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 28

Whereas on May 18, 1965, President Lyndon B. Johnson announced the establishment of Project Head Start;

Whereas by the end of the summer of 1965, nearly 560,000 low-income preschool children had been enrolled in 13,400 Head Start centers in 2,500 American communities;

Whereas over the past twenty years the Head Start program has grown from a six- to eight-week summer demonstration program to a year-round early childhood enrichment program;

Whereas over nine million low-income preschool children have been enrolled in and benefited from the Head Start program since its inception in 1965;

Whereas the Head Start program has provided essential health, education, nutritional, and social services to these children and their families and has had a profound impact on the physical social, and cognitive development of these children;

Whereas the emphasis in the Head Start program on broad-based participation of the parents of children enrolled in the program has contributed in many important ways to the self-sufficiency, self-esteem, and economic and psychological well-being of the parents as well as their children;

Whereas numerous studies have documented the life-long beneficial effects of participation in Head Start programs and the cost-effectiveness of the program; and

Whereas the Head Start program is one of the most effective programs supported by the federal government: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 18, 1985, is commemorated as the Twentieth Anniversary of the establishment of the Head Start program and that it is the sense of Congress that the Head Start program has been a highly cost-effective and successful program and that the commitment of the Congress to the Head Start program is reaffirmed.

Mr. CRANSTON. Mr. President, I am today introducing a concurrent resolution commemorating May 18, 1985, as the 20th anniversary of the establishment of the Head Start Program. I am joined in introducing this resolution by a number of my colleagues: Senators STAFFORD, DODD, HATFIELD, KENNEDY, SPECTER, EAGLETON, DURENBERGER, BENTSEN, HOLLINGS, RIEGLE, ANDREWS, INOUYE, and WEICKER. Mr. President, Head Start is clearly one of the most successful, cost-effective, and popular programs ever established by the Federal Government. I am proud to have been closely associated with this program since I first came to the Senate and have sponsored a number of measures to protect and improve this fine program. I am equally proud to introduce today this resolution for Congress to recognize the 20th anniversary of Head Start and to reaffirm its commitment to this outstanding program.

HEAD START: ITS BEGINNINGS IN 1965

Mr. President, the history behind the creation of the Head Start Program is as remarkable as the program itself. The original steering committee began its work in January 1965. In a world where committees take months and even years to formulate plans, the Head Start steering committee produced a report and plan of action in 6 weeks. On May 18, 1965, President Johnson held a press conference in the Rose Garden of the White House to announce the new program. I ask unanimous consent that the text of President Johnson's statement be printed in the RECORD at the conclusion of my remarks.

Mr. President, by the end of the summer of 1965, nearly 560,000 low-income preschoolers had been enrolled at some 13,400 Head Start centers in 2,500 communities throughout the country. The launching of a nationwide program in this span of time took the creative contributions of numerous individuals. A group of congressional wives spent hours on the telephone locating organizations in the 300 poorest counties in the United States to sponsor the initial Head Start Programs. Substitute teachers from the District of Columbia school system were brought in to process the more than 3,000 grant applications which were submitted and to help select the initial sites. Thousands of volunteers throughout the country worked to make the program a success.

Mr. President, many of the individuals who participated in the creation of the Head Start Program, both those individuals who served on the initial steering/planning committee and those who worked with them, contributed their recollections on how the Head Start Program was created to a book published in 1979 by Dr. Edward Zigler, one of the principal creators of the Head Start Program. I highly recommend this volume, "Project Head Start, A Legacy of the War on Poverty," to those who would like to know more about this fascinating period in the history of the Head Start Program.

I ask unanimous consent that a list of the names of those individuals who served on the original Head Start steering/planning committee be placed in the RECORD at the conclusion of my remarks, following the speech by President Johnson.

KEY ELEMENTS

Mr. President, what began in the summer of 1965 as a 6- to 8-week Summer Demonstration Program soon was transformed into the Head Start Program that we know today—a Comprehensive Preschool Child Development Program which has served some 9 million low-income preschool children since its creation. Today, more than 400,000 children are enrolled in Head Start programs throughout the Nation. Head Start has been a resounding success. The program's profound impact on the physical, social, and cognitive development of its participating children has been documented by numerous independent evaluations. Head Start's impact has been demonstrated to continue long after the preschool experience. A report prepared as part of the 15th anniversary of the Head Start Program indicated that when such factors as reduced cost of special education and remedial services were considered, Head Start's benefits outweighed its costs by 236 percent. Head Start students have been found to be less likely to need special education and to be less likely to fail a grade, they score significantly higher on mathematics achievement tests and tend to score higher on reading tests, and they show stronger achievement orientation and have higher levels of self-esteem than non-Head Start children.

Although Head Start has made impressive contributions to educational achievement, it has been equally important as a source of health care and nutritional services. Head Start has always recognized the interrelationship between the health and physical

development of a young child and the child's overrall development. Head Start's tremendous success has been based, in large part, upon the comprehensiveness of its approach.

Critical to that success has also been the emphasis in Head Start on parental participation. Head Start programs seek to reinforce the ability and responsibility of parents to foster their children's development and have consistently made parental participation a key element in program operation. This has resulted in an extraordinarily strong involvement of Head Start parents. For every 15 children enrolled in Head Start, 10 parents provide volunteer services to the program. This parental participation has had both an immediate and long-term impact on parents' behavior and attitudes toward their children.

Studies have found that Head Start parents allow their children to help more with household tasks, read to their preschool children more, and show more interest in the development of their children's reading and writing skills. Head Start participation increases the parents' confidence in their own child-rearing abilities, their verbal communication and praise of their children, and their interest in their children's educational future.

Participation in Head Start also provides important benefits for the parents themselves. More than 12,000 Head Start parents have received college training for credit through the Head Start Program. Over the years that I have worked with Head Start programs in California, I have seen parents grow tremendously as a result of their experience with this program and, in turn, make tremendous contributions to society.

CONCLUSION

Mr. President, Head Start is a program which we all can be proud of. It is a program which has fulfilled its promise. It deserves the continued strong support of the Congress.

I ask unanimous consent that President Johnson's announcement and the list of individuals who served on the original Head Start planning/steering committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Speeches by Lyndon B. Johnson]

REMARKS ON PROJECT HEAD START, MAY 18, 1965

Mr. Shriver, ladies and gentlemen, distinguished guests:

On this beautiful spring day it is good to be outside in the Rose Garden. Of course, the White House is a place where when you go outside you are still inside.

In that same vein, I would note that the Rose Garden is a garden without roses today, and the Fish Room is now a room without fish. But there is one compensation—open nearly any door here in the West Wing and you are liable to run into Sargent Shriver, and sometimes you will find him in more than one room at the same time.

This is a very proud occasion for him and for us today, because it was less than three months ago that we opened a new war front on poverty. We set out to make certain that poverty's children would not be forevermore poverty's captives. We called our program Project Head Start.

The program was conceived not so much as a Federal effort but really as a neighborhood effort, and the response we have received from the neighborhoods and the communities has been most stirring and the most enthusiastic of any peacetime program that I can remember.

Today we are able to announce that we will have open, and we believe operating this summer, coast-to-coast, some 2,000 child-development centers serving as many as possibly a half million children.

This means that nearly half the preschool children of poverty will get a head start on their future. These children will receive preschool training to prepare them for regular school in September. They will get medical and dental attention that they badly need, and parents will receive counseling on improving the home environment.

This is a most remarkable accomplishment and it has been done in a very short time. It would not be possible except for the willing and the enthusiastic cooperation of Americans throughout the country.

I believe this reponse reflects a realistic and a wholesome awakening in America. It shows that we are recognizing that poverty perpetuates itself.

Five- and six-year-old children are inheritors of poverty's curse and not its creators. Unless we act these children will pass it on to the next generation, like a family birthmark.

This program this year means that 30 million man-years—the combined lifespan of these youngsters—will be spent productively and rewardingly, rather than wasted in tax-supported institutions or in welfare-supported lethargy.

I believe that this is one of the most constructive, and one of the most sensible, and also one of the most exciting programs that this Nation has ever undertaken. I don't say that just because the most ardent and most active and most enthusiastic supporter of this program happens to be the honorary national chairman, Mrs. Johnson.

We have taken up the age-old challenge of poverty and we don't intend to lose generations of our children to this enemy of the human race.

This program, like so many others, will succeed in proportion as it is supported by voluntary assistance and understanding from all of our people. So we are going to need a million good neighbors—volunteers—who will give their time for a few hours each week caring for these children, helping in a hundred ways to draw out their potentials.

We need housewives and coeds. We need teachers and doctors. We need men and women of all walks and all interests to lend their talents, their warmth, their hands, and their hearts.

The bread that is cast upon these waters will surely return many thousandfold.

What a sense of achievement, and what great pride, and how happy that will make all of us who love America feel about this undertaking.

Thank you.[1]

LIST OF INDIVIDUALS WHO SERVED ON THE 1965 HEAD START PLANNING/STEERING COMMITTEE

Robert Cooke, Chairman; George B. Brain; Urie Brofenbrenner; Mamie Clark; Edward Perry Crump; Edward Davens; Mitchell I. Ginsberg; James L. Hymes, Jr.; Mary Kneedler; Reginald S. Lourie; John H. Niemeyer; D. Keith Osborn; Myron E. Wegman; Jacqueline Grennan Wexler; and Edward Zigler.

Initial Head Start Directors: Dr. Julius B. Richmond and Jule Sugarman.

SENATE RESOLUTION 95—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 95

Whereas, the case of Alaskans for Nuclear Arms Control Political Action Committee v. Charney, et al., Case No. 1JU-84-14 CIV, is pending in the Superior Court for the State of Alaska, First Judicial District at Juneau;

Whereas, plaintiff has served a subpoena for records on Malin Jennings, Press Secretary to Senator Ted Stevens;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2)(1982), the Senate may direct its counsel to defend an employee of the

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[1] The President spoke at 12:20 p.m. in the Rose Garden at the White House. In his opening words he referred to Sargent Shriver, Director of the Office of Economic Opportunity.

On the same day the White House made the following announcement:

"President Johnson announced today that 2,500 Head Start projects which will reach about 530,000 children of the poor this summer in 11,000 Child Development Centers will be operated as part of the War on Poverty in every state in the Union. The program will cost $112 million.

"The President made public the first 1,676 projects approved. They involve 9,508 centers at which 375,842 children will be given special training at a total cost of $65,686,741. The remainder will be announced within two weeks.

"The centers will provide pre-school training to prepare youngsters to enter regular school in the Fall.

"President Johnson said the program will 'rescue these children from the poverty which otherwise could pursue them all their lives. The project is designed to put them on an even footing with their classmates as they enter school."

"The Project will use the services of 41,000 professionals, including teachers, doctors, dentists, nurses, etc. More than 47,000 poor will be employed. As many as 500,000 part-time volunteers will be needed. Local contributions will be $16 million.

"President Johnson emphasized that the program—administered by Sargent Shriver, Doctor of the Office of Economic Opportunity—is aimed to achieve the following:

"—Strike at the basic cause of poverty.

"—Assist the parents as well as the children.

"—Assist children to face life.

"—Treat known defects among the half million children, including 100,000 with eye difficulties; 50,000 with partial deafness; 30,000 with nutritional deficiencies; 75,000 with no immunizations.

"The President noted that the response of the communities to the invitation to submit proposals was so great the size of the program had been multiplied. At the outset, local projects involving $17 million and 100,000 children were anticipated.

Senate with respect to any subpoena directed to her in her official capacity; Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Malin Jennings in Alaskans for Nuclear Arms Control Political Action Committee v. Charney, et al.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources.

On Friday, March 15, 1985, at 2 p.m. in the Fifth Circuit Court of Appeals Building, courtroom 209, 600 Camp St., New Orleans, LA, the committee will receive testimony on how the proposed Treasury tax simplification plan regarding energy taxes may affect the domestic oil and gas industry.

For further information, please contact the full committee, Mr. David Doane, (202) 224-5304 or the office of Senator BENNETT JOHNSTON, at the Hale Boggs Federal Building, room 1010, 500 Camp St., New Orleans, LA, 70130, phone (504) 589-2427 (staff contact: Charmaine Caccioppi).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 7, to hold a hearing to take a broad look at problems with the current agriculture policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 7, in closed executive session, to hold a hearing on naval tactical programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 7, 1985, to hold a hearing on manpower and personnel issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 7, to hold an open hearing followed by a closed session, to receive testimony on Army operation, and maintenance, and readiness in review of the fiscal year 1986 DOD authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER AND FORCE PROJECTION

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Seapower and Force Projection of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 7, 1985, to conduct an open hearing to be followed by a closed hearing on force projection programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL FOREIGN LANGUAGE WEEK

● Mr. DODD. Mr. President, March 4 through March 10 is National Foreign Language Week. In my opinion, this is, therefore, an appropriate time to review the merits of foreign language skills and the need to augment Federal support for foreign language study.

During the past several months various education task forces and organizations conducted indepth studies of the current state of U.S. foreign language competency. In addition, these groups have endeavored to determine the relation of foreign language competency and skills to the Nation's education, economic, diplomatic, and defense needs.

For example, 34 percent of all colleges and universities in 1966 required a background in a foreign language for admission. In 1985, however, only about 8 percent of institutions of higher education have the same requirement.

In addition, approximately 15 percent of American secondary school students are enrolled in foreign language courses, compared to 24 percent in 1965.

This is in direct contrast to the strong emphasis currently being placed on foreign language competency in other countries, including Japan and the Soviet Union. For example, 80 percent of Japanese students take a foreign language beginning at age 12. Approximately 10 million Soviets study English while only 28 thousand Americans study Russian. And, in the U.S.S.R., there are more teachers of English than there are students of Russian in the United States.

While 4 years of study is generally considered the minimum length of time required to become competent in a foreign language, only 1 out of every 20 U.S. public high school students studied German, French, or Russian beyond the second year.

One area where the decline in formal foreign language training and skills has had a dramatic impact is international trade. It is extremely difficult to demonstrate a direct relationship between foreign language expertise and successful ventures in the marketplace. Many Japanese businessmen, nonetheless, attribute much of their marketing success in computers and electronics in the United States to their fluency in the English language and their related knowledge of American customs and consumer desires.

The U.S. trade deficit last year reached the record figure of $123.3 billion, a level my colleagues would agree is completely unacceptable. It is ironic to note that this deficit comes at a time when American businessmen abroad are relying heavily upon individuals in the host country for language, contract, and other business and customer interpretation.

Chevrolet executives learned the hard way, for example, about the role foreign language familiarity can play in marketing. It seems that the company initially had some problems pushing auto sales of its Nova model in some Spanish-speaking countries. Some of these problems might have been alleviated had it taken into consideration that Nova in Spanish means it doesn't go.

The importance of foreign language skills is not limited to international business and marketing. Another area where these skills are of major significance is that of national security and diplomacy.

Former Deputy Director of the CIA, Adm. Bobby Inman, recently stated:

> The importance of adequate foreign language capability in the intelligence community cannot be overstated * * * the foreign language capability of our country is poor and getting worse.

On a larger scale, the President's Commission on Foreign and International Studies in 1979 reported that:

> The declining enrollments in our schools and colleges will lower the quality of new recruits for their (U.S. Government agencies) services and increase language training costs.

These are just a few examples that display the critical need for foreign language expertise. The United States is becoming increasingly dependent upon individuals who can relate to and compete with their counterparts in other nations. Foreign language study, therefore, must be enhanced if we expect to fully ensure national security and promote economic prosperity. The message to Congress is that we must acknowledge and accept our responsibility to intensify support for

foreign language study at all levels of education.●

RULES OF COMMITTEE ON FINANCE

● Mr. PACKWOOD. Mr. President, as chairman of the Committee on Finance, I submit herewith for printing in the CONGRESSIONAL RECORD the rules of the Committee on Finance in accordance with clause 26.2 of Senate Rule XXVI.

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted February 7, 1985)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsections (b) and (c) seven members, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

(c) Once a quorum as prescribed by subsection (a) has been established for the conduct of business in executive session, the committee may continue to conduct business so long as five or more members are present, including not less than one member of the majority party and one member of the minority party.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16 *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV—STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * *

RULE XXVI—COMMITTEE PROCEDURE

* * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than thirty days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period referred to above, such period shall be extended until the first day thereafter on which it is published.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of not more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.●

SOVIET JEWS

● Mr. LEVIN. Mr. President, again this year, the congressional call to conscience is drawing the Congress' attention to the bleak situation of the Soviet Jews. Although we are all familiar with their plight, it cannot be reiterated too often. The Soviet Union is denying Jews their most fundamental human rights. We must continue to let the Soviet Union know how strongly the U.S. Congress condemns their treatment of Soviet Jews and let them know that our efforts on behalf of Soviet Jewry will not abate.

There are many deprived cultural and religious groups in the Soviet Union and they all warrant the world's attention and concern. But the Jews have been singled out by the Soviet Government for official persecution and repression. The controlled media denounce Jewish activities as dangerous and subversive and have gone so far as to equate Israel with Nazi Germany. An official Anti-Zionist Committee has been established. Jewish schools are forbidden, and the doors to higher Soviet education are closed to many qualified Jewish applicants. Degrees held by distinguished Jewish scientists who applied to emigrate have been revoked, effectively shutting them out from contributing to the academic community. Soviet Jews are not free to pass their culture and traditions on to their children, to practice their religion and pray in the few synagogues which remain open.

Those who apply for emigration visas to escape this oppressed way of life not only have their applications denied, but subsequently may find themselves jobless or having to deal with cut telephone lines, undelivered mail, or other forms of harassment. Those who actively protest too often, often end up beaten and imprisoned.

These depressing conditions have existed for years, but now is a time of particular concern because there is every indication that the Government is stepping up its efforts to crush Soviet Jewry. While some 350,000 Jews in the Soviet Union have expressed an interest in emigrating to Israel or elsewhere, less than 1,000 were permitted to leave last year. This is dramatically down from the peak year total of 51,000 who emigrated in 1979, and the situation does not seem likely to improve for 1985.

Another alarming example of current Soviet policy is the increased persecution of teachers of Hebrew, five of whom have been convicted of various charges in the last few months. Yakov Levin of Odessa has been sentenced to 3 years in a labor camp for anti-Soviet slander. Evidence used against him at his trial included his possession of so-called subversive materials, such as Leon Uris' "Exodus" and writings from before the 1917 Russian revolution. Iosif Berenshtein was sentenced to 4 years imprisonment for allegedly resisting arrest.

Moscow Hebrew teacher Yuli Edelshtein was sentenced to 3 years in a labor camp on charges of drug possession. He had previously applied for an emigration visa to Israel. Nadezhda Fradkova was sentenced to 2 years imprisonment for parasitism. Fradkova repeatedly has been confined to a psychiatric hospital because authorities maintain that she must be suffering from hallucinations since she insists on receiving an exit visa to Israel.

Aleksandr Kholmiansky recently was convicted of weapons possession after the KGB claimed to have found a gun and ammunition in his home. Kholmiansky is one of Moscow's leading Hebrew teachers. Others, including friends of those already convicted, are still awaiting trial.

The real crime of these activists is their attempt to keep their religion and heritage alive. I am gravely concerned not only about the future of these particular activists but also that their arrest may be only the beginning of a new wave of harassment and imprisonment of Soviet Jews, particularly those actively involved in trying to preserve the Jewish heritage.

We must continue to do all we can to provide assistance to the millions of Jews in the Soviet Union and we cannot become discouraged with the current state of affairs. In actions and in words, we must continue to put pressure on the U.S.S.R. to adhere to internationally recognized standards for human rights. In our negotiations with the Soviets, we must continue to bring up the subject of their lamentable human rights record as an integral part of all our dealings with that country. At the very least, these actions will give the Jews in the Soviet Union some hope and the assurance that they have not been forgotten.●

MINNESOTA SALUTE TO LOUISE WHITBECK FRASER COMMUNITY SERVICES, INC.

● Mr. DURENBERGER. Mr. President, for the past 50 years, mentally delayed and retarded individuals and their families have benefitted from the caring services provided by what is now known as the Louise Whitbeck Fraser Community Services, Inc.

In those 50 years, the well-known community institution in suburban Minneapolis has grown from a home-study program involving 7 students to a well-rounded program encompassing a $1.5 million facility with more than 40 staff members and dozens of volunteers who care for approximately 100 children and adults.

Sensing the need to broaden its focus, Louise Whitbeck Fraser Community Services has, in the recent years, branched out to serve adults and to provide a large number of services to both children and adults in their home environments.

Because of the outstanding contributions made by Louise Whitbeck Fraser Community Services, I ask that the following two articles noting the organization's 50th anniversary which were published recently in the Richfield Sub-Current be printed in the RECORD.

The articles follow:

FRASER SCHOOL: 50 YEARS OF HELPING HANDICAPPED

(By Judy Rothschadl)

At 8 a.m. it's rush hour at Whitbeck Fraser schools.

Coffee is steaming, staff and volunteers file in and disappear into classrooms, tiny chairs are set aright, miniature dining services are stacked for play time. Down the hallway leading to the executive director's office come armfuls of balloons and paper streamers.

"We're trying to surprise him," explained Lane Dexter, director of program development at Louise Whitbeck Fraser Community Services Inc., 2400 W. 64th St., Richfield. Executive Director Robert Kowalczyk's birthday is three days away. Chances are he won't be expecting a party.

Dexter is trim, tan and looks more like a student teacher than a 20-year veteran of the school.

"It's not always this busy, but pretty close,' she said.

Traffic and enthusiasm have risen recently in expectation of the school's 50th anniversary—the kickoff was a fashion show fund-raiser this past weekend at the downtown Hyatt Regency. Celebrities showing support for the school by modeling at the fashion gala included 1976 Miss U.S.A. Barbara Peterson-Burwell, former Minnesota Gov. Wendell Anderson, and Erica Bouza, wife of Minneapolis Police Chief Tony Bouza.

Besides a birthday, the service organization for developmentally delayed and mentally retarded children and adults is also undergoing its third name change. Founded in 1935 by Richfield resident Louise Whitbeck Fraser (see accompanying article), the school was known for 32 years as Home Study School.

In 1967 it was renamed to honor Fraser as Louise Whitbeck Fraser School Inc. Because of growth and diversity, the school is again being rechristened, this time as Louise Whitbeck Fraser Community Services Inc.

The service has grown over a half century from a home-study program involving seven students to encompass a $1.5 million facility with some 40 staff members and leagues of volunteers caring for approximately 100 children and adults.

Three divisions comprise the non-profit, private service facility: the Fraser School for handicapped children aged 6 weeks to 6 years; the Whitbeck Nursery School, offering licensed day-care and nursery services to non-handicapped preschoolers; and the Muriel Humphrey Residence Program, added in 1977 to serve mentally retarded adults.

The Fraser and Whitbeck schools are housed in the 2400 W. 64th St. facility. Each is staffed separately with special education instructors and therapists who work one-on-one with children. Handicapped infants are visited in their homes by specialists who work with both the child and parents. When

the children are older, they come in to the school facility to work with instructors and music, speech, occupation and corrective therapists.

Lori Bird, special education instructor at Fraser School, explained that the children have mental or physical handicaps, some correctable, some permanent.

The key to helping them, staff members agree, is early intervention, getting professional help as soon as possible.

"The sooner we get them," Bird said, "the more we can help them."

The school also looks after "normal" children. Although normal and handicapped kids have separate staffs, the children have a tendency to mingle.

Dexter said the mixing of the two groups has mutual benefits. The disabled childen learn more by playing with unimpaired peers, who serve as models. The "normal" kids learn to accept peers with disabilities.

"It's a good place to start as far as kids learning how to deal with other types of people in their world," Dexter said.

On the other range of services, the organization provides for mentally retarded adults through the Muriel Humphrey Residence Program. Residence homes offer a family atmosphere and are staffed with a live-in counselor couple, a program specialist with assistant, and weekend relief counselors to provide constant support.

Whitbeck Fraser Community Services Inc. falls under the jurisdiction of Hennepin County social services and is one of eight developmental achievement centers serving the Hennepin metro area. It is 85 percent funded through tuition paid by parents eligible for government financial assistance. Fees are based on income and range from zero to $300 a month. Other funding sources are private foundations and companies.

With the recent "tightening" of government and private funding, the school is seizing the occasion of its 50th anniversary to remind the community of its services. A whole array of activities is being planned, including open houses, to begin in earnest this coming fall.

Kowalczyk said the school is unique not only for its ability to survive through changing community needs, but also because of its unique methodology. Although other schools for the handicapped use music therapy, Fraser was a pioneer in the approach.

"Fraser discovered you could take a hyperactive child and through a controlled setting, starting with more involved music and leading to more passive music, the child could be calmed," he said.

Fraser learned to seize these moments of calm, he explained, to introduce a lesson. Sometimes the calm lasted only half a minute, but it was enough to start a learning process.

Music in only one part of the education program at Whitbeck Fraser. On the morning of Kowalczyk's birthday party, kids were huddled in giggling gaggles from one end of the building to the other, engrossed in exercies to push their tiny hands and minds toward new horizons.

One huddle in the nursery appeared to be cleaning up after a make-believe tea party. Across the hall a Goldilocks-type was beaming after fitting together a block puzzle. A trio in therapy smiled sheepishly after maneuvering a ball into a small tin can.

It looked like fun, yet Dexter said each activity was also helping develop specific mental and physical skills. She pointed to a group of retarded children gleefully mashing mounds of shaving cream and Rice Krispies. The exercise helped fine-tune touch perceptions. One child let out a squeal.

"Some don't like the feel of the Rice Krispies," Dexter said.

Some children take months or years to learn a simple skill. Some never learn. But every so often—often enough—there is a success, maybe as simple as a child learning to bring a cracker to his mouth with his right hand.

"We can never make brain damage go away," Bird said. "But we can help them learn things people didn't used to think they could learn—to help themselves—to make a better life."

SCHOOL FOUNDER HAD A WAY WITH KIDS AND ADULTS

(by Judy Rothschadl)

It way another long day in a hard life for Louise Whitbeck Fraser.

At just 32 years old, she had been widowed when her husband, Allen, was shot and killed on the day he was to retire from a dangerous secret service job. Prior to that tragedy, a son, Robert, had been killed in a freak auto accident. And a daughter, Mary Lou, was struck down by a staph infection as she was about to launch a law career.

Fraser was left on her own to raise a remaining son, Wesley, and a daughter, Jean, who became deaf after a bout with spinal meningitis.

Fifty years ago, it was not, uncommon for children with physical disabilities to be diagnosed as mentally retarded. But Fraser, a trained commercial artist and elementary school teacher, was determined to keep Jean at home and teach the child herself, even though doctors recommended institutionalization.

Jean, described as a "terror," was straining her mother's patience on this particular day. Perhaps out of frustration. Fraser plopped the child down alongside a phonograph, and to her surprise Jean suddenly stopped struggling. For a precious moment a calm descended in the Fraser home.

"She couldn't tell if it was the music, movement of the record going round and round or the sound of the bass," explained Robert Kowalczyk, executive director at Whitbeck Fraser Community Services Inc. "But she thought there had to be more to it."

Kowalczyk, speaking from memory of past conversations with Mrs. Fraser (now deceased), said from those surprised beginnings, the Whitbeck Fraser School founder went on to pioneer special education therapy for children that was almost unheard of 50 years ago.

Fraser developed techniques for music therapy that became the subject of countless professional journal articles. And her special way of handling handicapped children led to a growing number of requests from area parents with similar problem children.

In 1935 Fraser officially opened her home as a school called Home Study School, 5019 38th Ave. S., Minneapolis, with seven pupils. Each year the number of students rose, from 25 in 1939 to 60 in 1960. Staff and services were added while the facility outgrew six different locations. In 1967 a new $300,000 building was constructed at the school's present site at 2400 W. 64th St., Richfield, and in 1971 an addition was completed, finishing off a $1.5 million special education complex, serving approximately 100 area handicapped children and adults.

Remembering Fraser now on the occasion of the school's 50th anniversary, Kowalczyk smiles frequently. His boss, mentor and friend—who started the program in her living room—died eight years ago at age 81.

What kind of woman could survive severe family trauma and go on to found a school for children who sometimes require more attention than a single body can give?

According to Kowalczyk, she had an intuitive sense about what her school needed. After a single, brief meeting with him, she was determined to hire Kowalczyk, whom she talked into leaving a comfortable post at Anoka State Hospital.

"She had a lot of charm with people," said Pam Jurdy-Juul, the school's director of infant programming, "the kind of charm you don't see much these days."

It was a charm that worked on the children as well, according to Jurdy-Juul, who said the children were often "calmed" by Fraser's presence.

One wall of the school's conference room is now practically filled with plaques and notes of recognition that poured into Fraser's hands over the past 50 years. Among them are Minnesota Mother of the Year, Richfield Kiwanis Award for Outstanding Services for the Mentally Retarded, and Community Leader of America Award. She is also listed in the "National Register of Prominent Americans" and "Who's Who of American Women."

"Fraser used to say," said Kowalczyk, " 'all this new equipment that's coming out is wonderful, but you can be just as effective with scraps of paper and a few broken crayons if you know what you're after.' "●

VALLEY VIEW COMMUNITY HOSPITAL, YOUNGTOWN, AZ

● Mr. DECONCINI. Mr. President, I would like to bring to the attention of my colleagues an outstanding public service program which was recently instituted at Valley View Community Hospital in Youngtown, AZ. To my knowledge, this program is the first of its kind in the country and represents the positive results which can ensue from a partnership between the Government and the private sector. I commend the hospital and its staff for undertaking this initiative and hope it will be replicated in other hospitals throughout the country.

Valley View Community Hospital has undertaken a program, called Med-Vet, to assist the Veterans' Administration in providing general acute care services to Medicare-eligible veterans. All of us in Congress are painfully aware of the stress being placed on the Veterans' Administration health care system to provide services to eligible veterans. The current problems of funding and resources will only become exacerbated as the veteran population continues to age. Therefore, Valley View Hospital's initiative could not have come at a more opportune time.

Under the Med-Vet Program, Valley View Community Hospital will provide general acute care services to veterans not requiring long-term care. They will be provided to any Medicare-eligible veteran at no cost to the veterans.

This will be accomplished by Valley View taking a 100-percent assignment on Medicare benefits and writing off all deductible requirements to the veteran. This, according to Larry A. Mullins, executive vice president and administrator of Valley View, will mean that most of these veterans will receive medical care at no cost to them.

Mr. Mullins indicated that the hospital's rationale for taking this action was in response to the Veterans' Administration's valiant efforts to serve all veterans:

> The number of veterans is so large that existing resources may not be fully capable of meeting the demand. Our premise is that by simply shifting those veterans who are eligible under another program for benefits, that space and resources will be made available to those veterans not eligible for this program.

If this initiative is adopted by other hospitals, it should result in more expedient and efficient services to veterans as well as a better distribution and allocation of health care resources.

Again, I commend Valley View Community Hospital for undertaking this initiative. Not only will the Med-Vet Program allow a significant number of veterans to receive free health care services, it will, hopefully, alleviate some of the demand at the overcrowded Phoenix Veterans' Administration Medical Center.●

INITIAL INFRASTRUCTURE REPORT RECEIVED

● Mr. STAFFORD. Mr. President, the administration recently completed and submitted to Congress its supplement to special analysis D to go with the fiscal year 1986 budget. This is the initial report required under the terms of title II of Public Law 98-501, the so-called infrastructure law.

This new law, of which I was honored to be the Senate sponsor, contained two titles. The first title authorized creation of the five-member National Council on Public Works Improvement.

It is my hope that the President will soon name his three appointees to the Council, so the Senate and House leadership can select its nominees.

The work of the Council is authorized to be completed in 3 years. We need to begin moving forward soon to assure the Council a full opportunity to fulfill its mission.

The second title of Public Law 98-501 required the annual report on the state of infrastructure spending. Specifically, this title requires annual projections on Federal investment spending, as well as a review of needs.

Mr. President, this study serves as a sound basis from which the work of the Council can begin, and it provides solid information to serve as the basis for the continuing review of these issues by the Committee on Environment and Public Works.

I commend the administration for its work in developing this report.●

PROPOSED BUDGET CUTS: IMPACT ON CITIES

● Mr. MITCHELL. Mr. President, last month, Pamela Plumb, a city councilor in Portland, ME, testified before the House Budget Committee concerning the impact of Federal budget and tax policies on Portland and other cities in the Northeast.

Ms. Plumb made some interesting observations about the effect Federal budget reductions have had on urban areas over the last few years; the changes that have been made to respond to reductions in Federal assistance; and the expected impact of further budget cuts proposed for fiscal year 1986 and beyond.

Most cities must provide for balanced budgets even while they are limited by State law in the way they can increase revenues. To comply with the fiscal restraints set by States and with past reductions in Federal spending, cities have been forced to make sharp cutbacks in their services, reduce the number of their employees and raise taxes and fees. However, the adjustments made in the past are only a beginning compared to what is being proposed today.

Ms. Plumb asks a question that other representatives of urban areas have been asking; why must cities bear such a disproportionate share of Federal budget cuts; why not approach the deficit problem with a more balanced program that affects all areas of the Federal budget instead of concentrating on narrow programs that serve important functions?

As Congress begins the long process of considering a budget for fiscal year 1986, I believe Ms. Plumb's remarks merit our consideration. I ask that her remarks be printed in the RECORD.

The remarks follow:

TESTIMONY OF COUNCILOR PAMELA P. PLUMB

Good morning Chairman Gray and members of the Committee. I am Pam Plumb, City Councilor from Portland, ME, and member of the Board of Directors of the National League of Cities. I speak this morning on behalf of the National League of Cities and, by using our small city as an example, hope to give you a clearer picture of the impact of the proposed federal budget on cities of our region.

1. THE CHANGING ROLE OF THE FEDERAL GOVERNMENT AND CITIES

During the last four years, virtually all major urban programs have taken 50 percent cuts (see attached paper on Taxing Question for Cities and the chart comparing spending versus tax spending in key urban areas). Because these cuts were commenced during the recession of 1981-82 and because cities are required to submit balanced budgets on an annual basis, in the past four years almost all cities have raised local taxes and user fees, while cutting employees and services. At the same time, as more and more families have fallen through the safety net, cities have become the place of last resort.

The Congress and the nation rejected the New Federalism proposals, but the successive cuts in state and local assistance have made it a reality with one major difference: as proposed, the new Federalism would have created revenue sources for state and local governments to assume these former federal responsibilities. The new Reagan budget proposal not only provides no such revenue sources, but alludes to the Regan tax reform proposal which would severely obstruct cities abilities to raise local revenues by repealing the deductibility of state and local taxes and discourage charitable giving.

During the last five years, we have experienced an increase in poverty throughout the nation. Today, one in four children in the United States is born into poverty. Increasingly, with the federal cutbacks in the means-tested entitlement programs and in low income housing, the homeless and the hungry have turned to local governments to provide assistance. In city after city across the nation there have been annual increases in Americans without any shelter or nutrition. The new budget offers no initiatives, no hope for these people; it promises to put more and more desperate Americans on our streets.

Finally, perhaps the most extraordinary change over the past four years is the extent to which federal urban policy has come to be dominated by federal tax policy. On almost every major urban issue federal tax expenditures have far outstripped direct federal assistance. This means two things: one, cities have far less control over the use of federal benefits in their cities, and two, the Internal Revenue Service, the House Ways and Means Committee, and the Senate Finance Committee have the key roles in what is happening to cities from the federal policy perspective.

It is interesting to note, for instance, that last year the Treasury estimated that the deficit was increased some $1.2 billion due to mortgage interest deductions taken by Americans to purchase vacation homes. That amount would automatically increase under the president's new budget proposal, in sharp contrast to the virtual elimination of all housing assistance for low and moderate income Americans. The contrast is especially sharp, Mr. Chairman, when we consider the cost of New York City for the number of homeless men, women, and children. Commissioner Gross testified this morning he must shelter on these frigid nights.

While cities across the nation have risen to accept these new burdens and responsibilities, we are confronted with a serious obstacle to accepting any more. Eighty percent of cities have one or another type of statewide tax limit. Moreover, there is a direct correlation between slow local revenue growth and state imposed tax limits. Those cities with the slowest local revenue growth are those laboring under the burden of state imposed tax limitations.

What this means, Mr. Chairman, is that many cities, especially those in the most precarious fiscal situations, will be unable to help themselves or the citizens in greatest need.

2. THE IMPACT OF THE PROPOSED FEDERAL BUDGET ON PORTLAND, MAINE

Let me now turn my attention to the issue of how the President's proposed budget will specifically effect my city. I am attaching to my testimony a copy of an analysis which

we recently forwarded to the Maine Congressional delegation. This report, which addresses 21 Federal programs, shows the specific effect that the budget cuts will have upon Portland. I trust you will find it useful.

The citizens of our community understand the absolute necessity for bringing the budget deficit under control. What we fail to understand is why the deficit reduction program calls for the outright elimination of so many Federal programs that have proven to be very successful. These programs, revenue sharing, UDAG, EDA, etc., have not failed—on the contrary, their accomplishments are remarkable. Secondly, we fail to understand why we, because we have struggled to keep our financial houses in order, have made the difficult choices and balanced our budget, why must our 13% of the federal budget be asked to bear all the burden of the dedicit while the rest of the budget grows.

Perhaps the best way to provide the Committee with an understanding of our situation in Portland is to briefly describe what has occurred in our community over the past five years. Beginning in FY81 the City faced a financial crisis brought on by the dual effects of recession and severe inflationary pressures. Four years ago we took dramatic steps to deal with our financial difficulties. We completely restructured many of our municipal operations and reduced our workforce by 17% or 180 positions at the same time that we raised the property tax rate 5%. The process was extremely painful and disruptive, but we took these steps because our Charter requires us to balance our budget. Fortunately, with creative management and the help of a dedicated workforce, we were able to continue to provide our essential public services. Since FY81, we have maintained a stable workforce in the face of growing demands for basic services. We have managed, with the help of 5 UDAG grants, an EDA grant, GRS, HCD, and a heavy dose of Yankee ingenuity, to keep our city moving forward in a remarkable urban renaissance.

However, underlying these "successes" are some very serious "distress" factors which we in local government cannot ignore. They are real, they are growing worse and they adversely effect our whole community and threaten our forward progress. Let me explain:

Welfare

In spite of extremely low published rate of unemployment for our region, our local welfare roles are exploding. More and more citizens are being completely left out of the economic mainstream. Our welfare recipients are primarily young adults with an average 5th grade education with multiple barriers to entering the job market. Our Welfare costs in fiscal year 1981 stood at approximately $700,000. Four years later they stand at $4,525,564 and in fiscal year 1986 they are projected to exceed $5,000,000. That's a 700% increase in four years. For our cost of City government, it is crippling. For the individuals involved it is a human tragedy.

Housing

Housing for our low and moderate income population has now reached a crisis level. In just four years we have seen an alarming increase in rent levels, a growing displacement of low and moderate income families and a frightening need for emergency shelter. This crisis has no end in sight—it is compounding itself, and driving a permanent wedge between the poor and the other members of our society.

Demand for services

While it is easy to say that people want less government, that is not the message a City Councilor receives at a neighborhood meeting. As our urban societies become more complex, our citizens are asking for more, not fewer, municipal services. The people in our neighborhoods want more police, better education, more recreational opportunities, cleaner streets, fewer potholes, more sidewalks, the list goes on and on . . .

In Portland we have done our best to be responsive to the needs of our citizens. We have accomplished this without adding additional personnel. But our manpower and resources are strained. We cannot hope to meet the needs of our community if Federal programs such as Revenue Sharing are eliminated.

Resources

I know that many in Washington simply say that if programs are needed at the local level then taxes should be increased. What these people fail to realize is that taxes *have been* increasing every year simply to maintain existing services. Our community's only tax source is the property tax. Since fiscal year 1982 our property taxes in Portland have gone up annually 5.0%, 9.2%, 6.2%, 5.9%, 6.5%, and are projected to increase by 6.3% in fiscal year 1986. We have raised our taxes because there are critical services that must be provided and because we are required by Charter to balance our budget. However, there is a limit, and with Portland having the highest tax rate in our county, nearly double the surrounding suburban rates, we cannot be expected to replace the loss of Federal funds with additional increases in property taxes.

What about the giant surpluses that we are reported to have? Would that it were true; but we have had no such luck. Do we have a surplus? Yes, of course, because we are constitutionally prohibited from incurring a deficit, and we have yet to perfect the fine art of bringing our $74 Million Dollar budget into the penny each year. Every year, since FY81, when we reduced the workforce 17% and raised taxes 5%, we have used our surplus and still had to raise the property tax in our effort to stay even. Over the last three years, the surplus has been 1.3%, 4.8%, and 4.3% of the budget. The bonding houses are after us to maintain an unallocated reserve of 3-5% every year. As we plan for FY86, even after plowing in our FY84 surplus, we will still be squeezing our government to keep the property tax increase down to 6.3%.

As our analysis indicates, the Administration's proposed Federal budget would have a devastating effect upon our City, and especially upon the less fortunate members of our community. These cuts will only make worse the critical problems that our community now faces. It is ironic that in an era of economic affluences, we find ourselves preoccupied with governmental proposals that ignore our society's real needs.

3. THE APPROPRIATE FEDERAL-CITY RELATIONSHIP

We on the municipal level understand that the deficit is real (albeit self-induced) and must be dealt with. But we ask you to understand that our urban problems and resource limitations are also real. They cannot be ignored or wished away.

We do not ask you to solve all our problems for us, but we do ask you not to compound them by asking us, after losing 50% of our program assistance, to bear a vastly unequal share of the deficit burden. We are prepared to do our part, but we can't accept the proposition that the Federal Government should abdicate its responsibilities toward helping alleviate the problems of our cities.

We are not a special interest group. Like you, I am elected and hold a public trust to ensure that Portland provides a healthy and safe environment for citizens in which to live and work. You and I draw our taxes from the same people, and are partners in trying to provide for the safety and well-being of our constituents.

When we, as city elected officials, deal with balancing our budgets each year, we focus on priorities which affect our citizens. We pay for those programs which are important. We try to balance the many needs of the community and not decimate any one neighborhood or activity.

It seems to me that any budget discussion must focus on what the nation's goals and objectives are. Is providing decent, safe, and sanitary shelter no longer a national objective? Is a 25 percent poverty rate in the richest country in the world acceptable? Is a 7.4 percent unemployment rate this far along in the economic recovery reasonable?

We would hope that the federal budget would be shaped not by a goal of eliminating domestic responsibilities, but on providing national balance and leadership.

4. WHAT SHOULD BE DONE

Given these concerns, I would like to offer three suggestions from cities:

First, a freeze across the board, except for interest on the debt and means-tested entitlement programs, could reduce the FY 1986 deficit by over $70 billion if it included Social Security, defense, and tax expenditures. That is considerably more than the goal enunciated by Federal Reserve Chairman Volker, and would be much more fair. It is hard for me to explain to homeless families in my city that the deficit in FY 1986 will increase to provide greater incentives for families to purchase resort condominiums or for the Treasury to issue rebate checks to General Dynamics.

Second, cities believe that in the major functional areas of the budget affecting cities, all items should be on the table. In other words, the revenue losses from tax benefits for housing, the federal credit programs for housing, and the FmHA and HUD programs should be considered jointly so that budget decisions affecting the deficit are made on public policy grounds. The tax losses associated with urban enterprise zones should be put on the same table as the proposal to eliminate Urban Development Action Grants.

Third, last year the House Democrats, and this winter the House Republicans have suggested the concept of requiring tax incentives to pay for any spending increases. We, as cities, already incorporate that in our budget processes. We think it is a commendable idea. It is one we would support.

Thank you for the opportunity to present our concerns before you committee. I appreciate the difficult task facing you, and I know that the Congress will listen closely to the needs and aspirations of American cities.

PROPOSED FEDERAL BUDGET CUTS AND THEIR IMPACT ON PORTLAND

Federal program	Budget proposal	Use by city	Grant amount	Jobs	Private investment leveraged	New property tax	Impact of budget proposal on Portland
General government:							
General revenue sharing	Elimination	$1,836,000 annually. Integral part of city's operating budget used to support essential services such as fire, police, and social services.					Reduce municipal workforce by 10 percent (108 positions) or increase property taxes by 4.5 percent.
Transportation:							
UMTA—Urban Mass Transit Administration Operating Assistance.	do	Funds 15.6 percent of Metro bus services					$500,000 transfer to Portland property tax. Since Portland's share of Metro is increasing dramatically, this proposed federal cut could mean the end of Metro bus service.
Community and economic development:							
HCD—Housing and Community Development Block.	20 percent reduction (10 percent cut plus 10 percent shift to non-urban programs).	In the current fiscal year, Portland is allocating HCD in the following manner: Social services, $694,328; physical improvements, $652,025; economic development, $244,000; housing rehabilitation, $318,551; city programs, $492,104; total, $2,401,008.					
UDAG—Urban Development Action Grants.	Elimination	1. Fore St. Garage and Old Port Exchange	$1,200,000	196	$4,800,000		The elimination of UDAG would remove an important economic development tool that has been available to the city for the past 5 yrs.
		2. Congress Square	7,300,000	212	22,055,367	114,000	
		3. Stroudwater Sewer/Union Mutual	639,810	611	14,143,431	429,000	
		4. Shailer/Emerson Storage	500,000	0	1,275,000	6,400	
		5. Stroudwater Estates Industrial Park	408,000	29	3,211,000	43,000	
		Total	10,047,810	1,048	45,484,798	592,400	
EDA—Economic Development Administration.	do	$6.3 million capital grant to assist the city in building the fish pier.					EDA has been an essential economic development tool. Without this kind of assistance the city will be unable to provide the public infrastructure needed for major economic development projects.
SBA—Small Business Administration.	do	There have been 123 loans to Portland businesses during the past 10 yrs. amounting to over $14,000,000. In 1984 there were 17 loans amounting to over $2,000,000.					SBA has been an important financing program to encourage expansion and creation of small businesses.
LAWCON—Department of the Interior Land and Water Conservation Program.	do	During the past yr. the city has received LAWCON funds for: Expo Sports Complex, $310,000; Presumpscot Park, $250,000.					The property tax will have to provide full funding for improvements to the city's recreational facilities.
UPARR—Department of the Interior Urban Parks and Recreation Program.	do	During the past yr., the city has received UPARR funds for: Fort Allen Park, $140,000; Deering Oaks Park, $200,000.					The property tax will have to provide full funding for improvements to the city park system.
Housing:							
HUD Rental Rehabilitation—Department of the Housing and Urban Development.	do	The city utilizes rental rehabilitation funds to rehabilitate apartment buildings that have low to moderate income tenants. The city receives $125,000 annually along with 25 section 8 certificates. The Rental Rehabilitation money is matched by private funds.					Substantial slowdown in the upgrading of the city's housing stock will occur, particularly for multi-family structures and buildings owned by low to moderate income individuals.
Section 312—Department of Housing and Urban Development.	do	The section 312 program provides below market rate loans for multi-family buildings. The city has received $2,798,250 in section 312 allocations.					The continued revitalization of our neighborhoods will be in jeopardy as a result of these proposed eliminations.
HODAG—Housing Development Action Grant.	do	HODAG is a new program with only 1 program cycle. The city has been awarded a $4.5 million HODAG grant for the 115 unit Back Bay Tower project.					No new subsidized housing will be built.
Section 8—Modern rehabilitation.	do	Modern Rehabilitation funds will be used to create 100 elderly housing units at the old City Hospital.					Many low income individuals and families will be unable to find decent, affordable housing.
Mortgage revenue bonds financing.	do	The State of Maine estimates that $10,799,000 in mortgage assistance has been provided to first time home buyers in Portland.					Elimination of mortgage revenue bonds would make it impossible for many Portland residents to become homeowners.
Human services:							
Food stamps—Department of Agriculture.	Freeze	4130 Portland households currently receive food stamps					Direct increase in city's General Assistance Welfare Program (90 percent State funded and 10 percent property tax funded).
WIC—Child Nutrition Program Department of Agriculture.	Eliminate	1,900 Portland children received assistance					Direct increase in city's General Assistance Welfare Program.
Low income energy assistance—Department of Health and Human Services.	Freeze	6,500 Portland households receive fuel assistance					Do.
AFDC—Department of Health and Human Services.	do	1,647 Portland households receive AFDC					Do.
SSI—Department of Health and Human Services.	do	1,390 Portland residents receive SSI					Do.
Medicaid	Freeze/cut	633 Portland residents receive Medicaid Assistance					Increase general assistance for at least one-third of city's welfare clients.
Medicaid	do	81 percent of patients at the Barron Center nursing home receive Medicaid benefits.					Threatens quality of care may place additional burdens on local property tax.
JTPA—job training—labor	Freeze	800 Portland residents received job training during 1984					Will be less able to provide job training opportunities to welfare recipients.

CITY OF PORTLAND, SOCIAL SERVICES DIVISION—FINANCIAL ANALYSIS

	GA and administrative total expenses	Percent increase	Direct GA expenses	Percent increase	Administrative expenses	Percent increase	Muncipal obligation	State reimbursement	Percent decrease	Net city cost	Percent increase	Percent of total for administration	Number of client contacts
Fiscal year:													
1978	570,913		390,218		180,695		436,200	0		570,913		31	13,008
1979	568,422	—.4	402,765	2	165,657	—.8	258,750	129,140		439,282	23	29	13,171
1980	670,604	18.0	488,229	21	182,375	10	281,750	171,421	33	499,183	14	27	14,532
1981	362,145		264,363		97,782		140,892	111,124		251,021		27	7,046
6 mos:													
1982	740,455	10.0	541,600	11	198,855	9	315,660	203,346	17	537,109		27	14,464
1983	1,290,510	74.0	1,062,227	96	228,283	15	315,660	640,345	215	650,165	21	18	24,873
1984	2,780,552	115.0	2,510,160	136	270,392	18	315,660	1,975,050	208	805,501	24	9	29,043
Projected 1985	4,525,564	63.0	4,200,000	67	325,564	21	315,660	3,495,960	77	1,029,604	28	8	42,000

Source: Prepared by Health and Human Services Department, Jan. 15, 1985.

A TAXING QUESTION FOR CITIES

To tax or not to tax. So goes the question of 1985 for the nation and the nation's cities.

And as the 99th Congress and the Reagan administration ponder the 6th major tax bill in 5 years, municipal leaders will watch this process with more than usual apprehension.

Whatever this latest massive change of the federal tax code will be called, it will impact the ability and authority of cities to raise revenues to meet their own needs, responsibilities and priorities.

Perhaps more seriously, however, city leaders, in increasing numbers, are realizing that the federal Treasury and Internal Revenue Service have come to dominate federal urban policy, virtually preempting other federal cabinet agencies. Similarly, in the Congress, the Senate Finance and House Ways and Means Committee have inadvertently become the preeminent urban policy makers in the fields of housing, economic development, transportation, energy, employment, health, income security, infrastructure, and municipal fiscal stability.

HOW HAS THIS EVOLUTION HAPPENED?

In the past few years, the enormous federal deficit stretching out seemingly forever has led the administration and Congress to reduce or freeze virtually all assistance programs to cities. Thus, housing, community and economic development, and wastewater sewage treatment grant programs have been cut substantially. Federal assistance for low income housing construction has been virtually eliminated. Other programs, such as General Revenue Sharing, have been frozen at 1976 nominal levels. In other words, measured in real dollars, GRS payments made to cities in 1984 are worth less than 50 percent of the amounts received in 1976. The actions of the administration—seeking deep cuts in domestic programs—and the Congressional process—authorizations, budget resolutions, and appropriations mean that every direct assistance program to cities is under intense scrutiny and must overcome at least four obstacles (President's budget, first Congressional budget resolution, authorization action, and appropriations).

With these reductions in both nominal and real dollars, there is less and less of a policy making role for cabinet agencies and Congressional authorizing committees. For instance, when the administration proposes to eliminate all funding for a program such as EDA, the U.S. Commerce Department gives up much of its ability to direct federal municipal economic development policy. Likewise, as Congress has agreed to severe reductions in a program such as EDA, relevant Congressional authorizing committees (Senate Environment and Public Works, House Public Works and Transportation) have a relatively reduced role in setting municipal economic development policy. The fewer the dollars available to assist economic development in cities, the more reduced the role of these committees becomes.

In contrast, provisions in the internal revenue code which provide incentives for certain kinds of investment undergo little scrutiny. They are immune to policy considerations from the appropriate federal agencies and Congressional committees. They are immune to the Congressional budget process.

Except in rare instances, tax incentives, or federal tax expenditures become indexed entitlement programs. That is, once a provision creating a certain kind of tax incentive is inserted in the code—such as, for instance, the mortgage interest deduction—the value of the revenue loss to the federal treasury is not subject to any policy review by HUD or the House or Senate Housing Subcommittees. The value is not subject to concurrent budget resolutions. The value is not subject to the congressional appropriations process. Moreover, because it is built into the tax system, it is a value which grows significantly faster than inflation.

Both in the federal and Congressional budget process direct spending programs are segregated from tax revenues. Thus, when the federal government makes its annual budget review in preparation for the submission of the president's budget, the housing and commerce portion of the budget provides review only of the HUD and Farmer's Home Administration direct assistance program. That portion of the budget does not include the myriad of provisions in the tax code to benefit housing, such as single-family mortgage revenue bonds, multi-family rental housing bonds, accelerated depreciation, rehabilitation tax credits, mortgage interest deductions, capital gains deferrals for principal homes, etc. Similarly, when the House and Senate budget committees consider the housing function, they review only those direct spending and, in some cases, credit programs under the jurisdiction of the respective House and Senate housing subcommittees. Neither the Housing subcommittees, Budget committees, nor Appropriations committees have any jurisdictional review over the tax-related housing expenditures.

The federal Treasury and Congress' tax writing committees—originally charged with revenue raising responsibilities—have evolved into entities with much greater power than any other entities. These are powers they jealously protect. They adhere to the Biblical prescription: It is better to give than receive.

WHAT DOES IT MEAN?

Heretofore, entering the tax arena has been mostly dedicated to sophisticated tax attorneys and wealthy investors. Indeed, tax incentives are only successful to the extent that an individual finds that a tax benefit has greater advantages than a non-tax motivated investment, and that the investor has enough surplus disposable income to make such an investment. Cities have not consciously sought to use the tax code in the past for major urban programs. They have, for the most part, treated the internal revenue code as more complex than the evolution of modern mathematical theory written in Greek.

City officials have assumed that federal urban policy is the job of HUD and the House and Senate Banking and Urban Policy Committees to set. They have assumed that when federal housing policy is determined, annually, that all federal elements are thrown into a large mixing bowl—out of which is fashioned a carefully crafted public policy.

Yet, the opposite is increasingly the case. Every year, a smaller and smaller percentage of federal housing program elements go into the mixing bowl. Every year a significantly greater percentage of federal housing expenditures are withheld from the mixing bowl. It is not unlike trying to bake a cake without sugar, flour, milk, or eggs. The salt and vanilla do not go very far.

Consider an example. The U.S. Treasury has estimated that in 1984, federal housing tax expenditures for the mortgage interest deduction for vacation homes equalled $1.2 billion.

Yet, there is no evidence that anyone at HUD reviewed that expenditure and recommended that part of federal housing policy be to allocate $1.2 billion of assistance to Americans who could afford vacation homes. Similarly, no committee in Congress held hearings to determine if—at a time when cities are faced with a growing problem of housing the homeless—it was appropriate to provide these families, who can afford a second home, with this large a level of assistance—a level, moreover, which has grown annually in every year without any review by any committee at the very time when the current administration and Congress have said time and time again that the federal government must take drastic action to reduce federal assistance for housing.

As the role of direct assistance and policy making has declined, the role of tax policy and its impact on cities has become proportionately greater. This is a pattern, moreover, which is unlikely to change.

With the recent revelation by David Stockman, President Reagan's Budget Director, that federal deficits are not going to simply melt away in the face of a growing economy, there will be more intense pressure to make major reductions in domestic spending. Indeed, with the largest non-means entitlement program held harmless, the Pentagon seeking a $42 billion increase over FY '85, and with interest payments on the federal debt increasing at the most rapid rate (estimated at $165 billion for FY '85), and the president pledged not to increase taxes, in order to make even a partial reduction of the nation's deficits would require cuts at least twice as large as Congress enacted in 1981.

By attempting to further reduce the federal government's role in direct spending, without any change in the tax revenue it collects, the tax system becomes the dominant factor in shaping not only intergovernmental relations, but the shape of cities in the future.

TAX EVOLUTION ON KEY URBAN ISSUES

[Dollar amounts in millions]

	Direct assistance		Tax expenditures	
	Amount	Percent	Amount	Percent
I. Economic development:[1]				
1979	$2,377	.....	$585	.....
1984	1,173	−51	2,155	+268
II. Housing:[2]				
1979	30,334	.....	28,300	.....
1984	13,564	−55	71,310	+152
III. Jobs:[3]				
1979	11,694	.....	15	.....
1984	3,583	−69	1,015	+666
IV. Pollution control:[4]				
1979	5,415	.....	415	.....
1984	2,825	−48	1,330	220
V. Fiscal assistance:[5]				
1979	7,150	.....	16,300	.....
1984	4,574	−36	31,630	+94
VI. Energy:[6]				
1979	450	.....	825	.....
1984	490	+9	1,395	+41

[1] This includes the National Development Bank, EDA, local public works, rural development and business assistance for direct, the revenue loss associated with the issuance of small issue industrial development bonds for the tax expenditure side.

[2] This includes: (a) Direct—public, subsidized, rural, rehabilitation, and credit programs; and (b) tax—housing bonds, mortgage interest deductions, property tax deductions, expensing, depreciation, deferral of capital gains and carryover, and rehabilitation and historic tax credits).

[3] This includes: (a) Direct—CETA, and employment and training assistance; and (b) tax-targeted jobs credit.

[4] This includes: (a) Direct—wastewater construction grants and hazardous waste assistance; and (b) tax—pollution control bonds.

[5] This includes: (a) Direct—General revenue sharing and targeted fiscal assistance; and (b) tax—exclusion of interest on GO bonds and the deductibility of State and local taxes, except on owner-occupied homes.

[6] This includes: (a) Direct—energy conservation, schools and hospital programs, weatherization, (b) tax—energy facility idbs, residential energy credits, and alternative energy credits.●

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. McCLURE. Mr. President, in accordance with the requirement of Senate Rule XXVI to publish the rules of each Senate Committee in the CONGRESSIONAL RECORD, I hereby submit the rules of the Committee on Energy and Natural Resources for the RECORD.

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), six Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless ten Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee of any Subcommittee.

VOTING

Rule 7. (a) A roll call of the Members shall be taken upon the request of any Member. Any member who does not vote on any roll call at the time the roll is called, may vote (in person or by proxy) on that roll call at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any member who did not vote on any roll call shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of members assigned to each Subcommittee and the division between majority and minority members shall be fixed by the Chairman in consultation with the ranking minority member.

(b) Assignment of members to subcommittees shall, insofar as possible, reflect the preferences of the members. No member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is

open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.●

WESLEYAN UNIVERSITY COMMENCEMENT ADDRESS

● Mr. DODD. Mr. President, I would like to bring to the attention of my colleagues a commencement address at Wesleyan University by David G. McCullough. I think this address is very insightful, and ask that the text appear in the CONGRESSIONAL RECORD.

Mr. McCullough's theme was history. He comments on how history changed his life, and gave him a better understanding of human beings. History has made us who we are, and why we behave the way we do. We must use history to shape our present and future; we cannot repeat mistakes. Finally, he says you must be yourself. He states failure is not only part of life, but sometimes turns out to be to your advantage.

I commend Mr. McCullough and his remarks. I hope my colleagues will benefit from his comments.

The address follows:

ADDRESS DELIVERED BY DAVID G. MCCULLOUGH

President Campbell, Professor Rose, Senator Kennedy, distinguished faculty, trustees, guests, the Class of 1984, ladies and gentlemen: My remarks today might be titled, "The President and the Preposition."

On a December night more than thirty years ago two men were sitting talking at a long table. The younger, more elegant-looking of the two was the secretary of state, Dean Acheson, the son of an Episcopal bishop, a graduate of Groton, a graduate of Yale, a graduate of the Harvard Law School. The other gentleman at the table was the president of the United States, Harry S Truman, the son of a farmer, a man who had no formal education beyond high school. They were sitting in the Cabinet Room, the same Cabinet Room where Mr. Truman had taken the oath of office five years earlier on the day of the death of Franklin Roosevelt. They were also in company of two or three of the president's aides and a recorder, John Hersey, who recorded what was said.

The president and the secretary of state were going over a speech and they'd gotten up to page three and the secretary of state, Mr. Acheson, told the president he didn't like the first sentence on top of page three. It was a very important speech to be delivered to the country and the secretary of state felt that the sentence on top of page three should be changed. The sentence read: "Now I want to talk to you about these things."

Acheson said to the president, "Couldn't you say talk with you?"

"Strikes me I'm just talking to the people, Dean," Truman said.

But Acheson thought "with" seemed easier, more informal. "To," he said, "sounds as if you're laying down the law a little bit."

Truman paused for a moment and then, in a rather quiet voice, he said, "Some people think I do lay down the law a little." And then, his voice gaining strength, he said the following, this wonderful observation: "Somebody has to lay down the law around here some of the time. Some people confuse liberty and license; they think this country owes them nothing but privileges, and that nobody ought ever to lay down the law to them about their moral responsibilities. Let's just say 'to'?"

Now what makes that scene so marvelous, it seems to me, is that it reveals presidential character, presidential principle and purpose in nothing larger than a presidential decision concerning a preposition. And everything's there; and how timeless it is. That same exchange could have taken place in the area of Ptolemy or yesterday. The point is that it's about values and that it has to do with judgment of human nature and personality. It is exactly the kind of situation that led Dean Acheson to regard Harry Truman as a great man. They were a highly unlikely twosome, to say the least. Acheson was very State Department—very tall, slim, elegant, pin-striped suits, pin-striped shirts and that glorious, unmistakable Dean Acheson mustache. Truman looked like he might have been the president of a small bank somewhere in the midwest. Both were perfect examples that there is more to the man than meets the eye.

But they also had very much in common. They were both warm-hearted men who loved good conversation and the company of good lively minds. Each was a terrific taskmaster of himself and they were both products of small-town America as it existed back before what they called in their generation the Great War, before 1914. Truman, as everybody knows, came from Independence, Missouri, right in the middle of middle America. Acheson, as many of you know, came from right here, Middletown. His memoir, *Morning and Noon*, is a very touching, very beautiful account of life in this town at the turn of the century, of the security and freedom of growing up here. Truman's boyhood world would have included much the same spirit, the same atmosphere; and both towns, Independence and Middletown, were dominated by the almost mythic presence of the river. Sometimes more mythic than others. Acheson wrote of the big houses right over here on High Street, of the Russells, the Hubbards, the Alsops who lived right there, and of a Mr. Richard De Zeng with his gray derby, who put a plate glass window between his horse and cow to permit companionship. Truman liked to walk through his section of Independence, down North Delaware Street, and look at the big houses, big houses not unlike these, in awe—not out of sentiment only, he said, but because it helped him keep his bearings.

Pride in your home. Community. Sense of the continuity of civilization. A feeling for history. The ability to judge their time and their part in their time in its large affairs in the context of history.

Francesco Guicciardini, Renaissance scholar, writer, lawyer, historian, wrote this in the sixteenth century:

"Past things shed light on future ones. The world was always of a kind. What is and will be was at some other time. The same things come back, but under different names and colors. Not everybody recognizes them, but only he who is wise and considers them diligently."

Now I like to quote that for two reasons. The first, it's such a marvelous piece of insight and the second is I love to say "Francesco Guicciardini."

Harry Truman in our century said, "The only new thing in the world is the history you don't know."

Truman was a close student of history and of human nature his whole life; and in this year of his centennial, this year of presidential aspirations, it is perhaps useful to consider that the most exceptional presidents of our century have been those with the best and longest understanding of history: Woodrow Wilson, the two Roosevelts, Truman, and John Kennedy. As candidates for the State Department must meet a language requirement, so our candidates for the highest office ought to meet a history requirement.

History is the guideline, the guide, to navigation in perilous times. History is who we are and why we are the way we are. We cannot choose the times in which we are born, but neither then should we limit our perception of time and of life and of human experience to only our time. It is just as possible to be provincial in time as in space.

Now some insist history is dead, gone, the bunk, as Henry Ford said. Yet nothing ever happened in the past, not ever. Only in the present. The difference was it was somebody else's present, not ours. None of those people who have gone before us ever thought of himself or herself as living in the past, only in the present. And their present was as poorly understood, as complicated, as mysterious, as exciting as ours. And entirely as real. And none of them, any more than we do, knew how it was all going to come out. We say the past is behind. Yet we follow a road they went ahead of us; we are walking in their footsteps. We are all the beneficiaries in a hundred, in a thousand different ways of those who went before us, who built our towns, who built our universities, who established our way of life, who framed our laws, who built our universities, who established our way of life, who framed our laws, who bequeathed to us the immeasurable legacy of music and architecture and story and of example.

Indifference to history is a form ingratitude. Ignorance of history is not only stupid, it's rude.

The year I finished Yale University with a B.A. degree I was given a book by my Aunt Marty called A Stillness at Appomattox. I had never read a book like that before and though I didn't realize it at the time, it changed my life. My ambition began to stir, I now know, with that book. In the years since, I have lived not only in this century, but in the nineteenth century. I have crossed the barrier of time but have also crossed the barrier of discipline. I have know engineers and engineering, scientists and science; I have had to learn economics, physics, archaeology and politics. And I keep growing in my need to know more. I want never to become an expert because as Mr. Truman said, experts are people with all the answers and what we must be is the people with questions. I don't know what

the lesson of history is. One lesson certain is that then was then and now is now, and to apply the actions of the past unthinkingly to the problems of the present could be as fatal as ignoring history. Mainly history has to do with understanding human beings. Wherever you poke around in the past you find life, and there is nothing on earth more interesting or more important to understand.

Now my remarks in conclusion are addressed to the Class of 1984.

The self-centered, self-pitying, self-indulgent Me-Now Generation is over. Thank God! We have too much to do. We have too many people in trouble, real trouble, poverty, hopelessness. We must stop our incessant, assinine poisoning of the air and water and land. There can be no more fooling around about that, no more tolerance of silly delays and sillier platitudes, no matter what. At the National Press Club in Washington recently Barbara Tuchman after a speech, during a question period, was asked what is the most important event of our century, the historic development with the greatest long-range consequences. And she paused for a moment and said, "What we are doing to the environment." That simple. And that, I stress, from an historian, not the Audubon Society, not the Sierra Club.

We have so much to build, so much to rebuild—cities, bridges, schools. We have courses of direction to correct, blinders to remove. It would be hard to name a country with a richer, deeper, more turbulent or fascinating history than Mexico, or a country with greater problems or of greater importance to us. But how much do we know about Mexico? How many books are we publishing about Mexico? How many intelligent documentary films do we produce for television about Mexico? How many courses on Mexico do we offer in our great universities? Who are these people flooding across our border?

We boast of our accomplishments, as well we might. But how often is our pride stirred by our inventions of power, our rockets, our production lines. At night, if you travel and stay in hotels across the country, you see television stations signing off at midnight of after playing the Star Spangled Banner with films of jet fighters and tanks and aircraft carriers. Are those the symbols that touch us most deeply as Americans? What of our inventions of understanding, not power, our understanding: our giant telescopes, our great universities. What of Monticello and the St. Louis Arch, the corn fields of Iowa? What of Whitman, Georgia O'Keefe, Scott Joplin, Balanchine, Francis Parkman? You who are going out today have the best to come. Hard as you worked, you are going to work harder. As important as what you've read, the most important books in your life are ahead of you. Your most important work is ahead of you. Choose your work, please, not just for what you can make from it, but what it will make of you because we are what we do.

Enjoy your work.

Remember that opportunity very often is disguised as work.

Dean Acheson loved to quote a line from Justice Holmes which I think applies particularly to the work you've done to arrive where you are sitting right at this moment. He said, "The mode by which the inevitable came to pass was effort."

Be yourselves. Be yourselves.

Remember that failure is not only part of life, but not always what it seems. In Washington right now at the Smithsonian there is a spectacular show of James McNeil Whistler, room after room after room of wonderful paintings, full of the same vitality, the same great beauty that they had when they were painted. Whistler began as a cadet at West Point, like his father before him. But his junior year he was expelled. He had flunked his chemistry exam. Years later, with a great smile, he said, "Had silicon been a gas, I would have been a major general."

I have been working almost as long as you have been undergraduates at this university. I have been working on a book about Harry Truman. If there is a lesson to be learned from the like of that man, surely it is, "Don't underestimate politicians." In all, they have a lot to recommend them.

Remember also in these contentious times, in this presidential year, how much democracy is founded on good will, the ability to work with one another, to be able to disagree without being disagreeable. And that the process is more important than the product. The election is more important than the candidate; otherwise we would have had coup d'etats in this society.

I am sometimes asked if I would like to have lived in some of the earlier times about which I have written. To have been around when they were building the Brooklyn Bridge, for example, or to have been there when they were packing up from towns like this to go off on the Oregon Trail. I certainly would. But not if it meant missing any of our own time. There has never been a time of greater opportunity, a greater need for talent and intelligence and diligence or greater need for good people.

I am enormously honored by this degree. This venerable and innovative University is one of the treasures of our nation. But for a writer to be where I am now is a moment of indescribable importance. I am more moved than I can say, because of this university's tradition in the literary form. Included in this community are three of the outstanding writers, three of the most gifted and accomplished people in American letters today. Annie Dillard, William Manchester, and the estimable Paul Horgan, who is a university unto himself.

Good luck to you.

Care about people and some time, somewhere along the line, do something for your country.●

EDUCATIONAL CHOICES

● Mr. DURENBERGER. Mr. President, there is no shortage these days of thoughtful suggestions on improving the quality of education provided to our Nation's young people.

Since the report "A Nation at Risk" was transmitted to President Reagan in April of 1983, concerned citizens, educators, elected officials, and parents and students across the country have engaged in an extensive critique and dialog on elementary and secondary education in America.

As we approach the challenges and opportunities of the 21st century, the importance of encouraging continued excellence in education must remain at the top of our Nation's list of priorities. As Americans, we are increasingly aware of the competitive nature of the world in which we live. In order to retain our competitive edge in business, in science, and in every aspect of our lives, we must insist on maintaining an educational system which is responsive to the constantly changing demands which it must satisfy.

One key to encouraging responsiveness in our educational system must include granting students and parents the kind of choices which President Reagan proposed in his February 28 speech to the National Association of Independent Schools.

In that speech, the President urged State governments to encourage parental choice by allowing students to choose from any public school within States and to eliminate barriers to transfers of students among schools within districts.

"Parents," the President said, "should have greater freedom to send their children to the schools they desire."

That's a very simple concept, but one which has tremendous implications for the future of elementary and secondary education in the United States.

Until now, public schools have been insulated from the kind of competitive incentives and rewards which exist in so many other fields of public and private life. Imagine, for example, a hardware store which is guaranteed the business of all those individuals living within a certain geographic area. Would that store be constantly updating its merchandise and giving people the kind of high level of service which would make them want to come back? Or would it very naturally slip into a mentality under which the store manager and employees themselves regarded as the best judges, as the best judges of what people wanted and needed, and then stocked and operated their store accordingly? Human nature being what it is, I find it hard to conceive of very many store managers and employees who would take the latter course, and yet many who would feel that they were operating a very efficient and successful business.

With that sort of reality in mind, a number of educators, business leaders, State government officials, and private citizens in Minnesota have banded together to urge the Minnesota Legislature to allow parents and students a greater degree of choice in selecting from among public schools located in the State.

The proposal as presented to the legislature by Minnesota Governor Rudy Perpich would:

First, allow students to seek enrollment in any public school district in the State.

Second, allow a school district to deny the application of students only if space is lacking of, or the application would put the district out of compliance with State-approved desegregation plans. If space is not available

for all students applying, students would be selected for the available spaces by lot, thus ruling out any selection procedure which would discriminate on the basis of income or academic ability.

Third, limit transfers to students seeking a change in the curricular offerings of the district. This limitation prohibits transfers by outstanding athletes or musicians, for example, addressing fears that such students might be recruited by schools with outstanding athletic teams or musical organizations. Regulation of nonacademic transfers would lie, as it does now, with the State High School League.

Fourth, establish December 1 of each year as a deadline for students seeking to transfer to another school district for the coming academic year. The district receiving the application must act on it by February 1. Once enrolled, students must remain for at least a full academic year. Earlier deadlines are in effect for the three school districts in the State which are operating under State desegregation rules.

Fifth, make the open-enrollment option available to 11th and 12th grade students for the 1986-87 school year; and for all grades beginning in 1988-89.

Sixth, allow students in the 11th and 12th grades to attend a Minnesota public college or university and receive credit toward graduations from both the high school and the post-high school institution. College or university tuition would be paid by the school district receiving State aid for the student.

Seventh, reimburse transportation costs necessary to transport students within their home district. The student's family would be responsible for the cost of getting to schools beyond the home district boundary.

Eighth, transfer the total amount of State aid and local property tax revenue associated with each student from the district the student is leaving to the receiving district. Actual revenue transfers would be made on the accounts of the State Department of Education by deleting local property tax revenues associated with students leaving the districts from State aids awarded to the district for students who remain.

Legislation implementing this plan to expand student choice has now been introduced in the Minnesota Legislature and hearings are being held. The proposal has generated support among a number of organizations and individuals concerned about the future of education in Minnesota.

Many details of this proposed legislation remain to be worked out. Compromises and adjustments will no doubt have to be made in the legislative process.

Care must be taken, for example, to ensure that the special educational requirements of handicapped and other special needs students continue to be met. Concerns will have to be addressed about maintaining the vital role played by smaller school districts in more sparsely populated rural areas. And care will have to be taken to ensure that teachers and other professionals in the field are fully involved in designing and carrying out what will be fundamental changes in how they do their jobs.

But the proposal now being debated in Minnesota represents a major step toward expanding choices and rewarding excellence as we prepare to educate future generations of young Americans. And, for that contribution alone, this proposal deserves the recognition and support which it is not generating.

Because these twin goals—expanding choices and rewarding excellence—were a major theme of a speech I delivered last fall at Hamline University in St. Paul, and because that speech expands of the objectives laid down last week by President Reagan, I ask that the following excerpts from my speech to the Hamline University conference be printed in the RECORD.

FREEDOM TO TEACH—A REVOLUTION IN OUR NATION'S SCHOOLS

(Remarks by Senator Dave Durenberger)

I find it impossible to believe that here at the tail end of the 20th Century in the midst of the continuing industrial/information revolution of wealth and opportunity that allows each of us the power to put ourselves apart from the mass—that in the midst of that celebration of the individual, the very ideal of the American nation—that right here in the middle of all that we are going to measure "excellence" in education according to our ability to turn out a standardized high school graduate who, on the average, compares favorbly with some past or foreign average. Or that we are going to climb up this steeple of excellence by giving a ladder to our teachers so that they might be motivated to distance themselves in rank and recognition from their professional colleagues

I have come here to say that we need to look somewhere else for other themes and principles. Fortunately, the seeds are available right here in Minnesota. We have a better opportunity to produce the needed revolution in education than any other community in the nation. Some of you have read the Citizens League report, "Rebuilding Education to Make It Work." Some of you are familiar with John Brandl's voucher legislation. We have Minnesota Business Partnership's proposal of recent days. Finally, the lucky few of you have had an opportunity to read Joe Nathan's book Free To Teach and will understand my use of the phrase—free-to-teach—to characterize this alternative.

With his permission I will call it the "free-to-teach movement," but the one thing you should not do is blame Joe Nathan for any error I might make. Each of you should get his book and see the future for yourselves through the eyes of the real revolutionary.

Again, there are two simple principles that define the "free-to-teach" movement, one which focuses on the student and one which focuses on the teacher. The principles are choice and competition.

Where the "excellence" movement says that the remedy for our education problem is to impose a standardized, core curriculum designed by a national blue-ribbon commission on every student, our recommendation is pretty much the opposite. We say instead that there should be a great range of alternatives available and that the student and parents should be empowered to make choices among them. It goes beyond the curriculum to choosing the school itself. Parents and their children should be able to choose their school or school organization rather than be assigned to it. And they should be free to leave and go someplace else if dissatisfied.

Of course, this option is available to some families already. Those who can afford to send their children to a private school of those who can afford to pick their place of residence to fulfill their educational expectations in a public system, have experienced and benefits (and responsibilities) of choice. We are simply saying that we need to extend that same option to all regardless of means. We expect that a well-defined set of choices would be among the public schools in a single district or across districts or between public and private schools. In fact, there might be many new kinds of entities providing educational services that would not be considered as schools in the traditional sense, at all.

Making choice successful requires that the second principle—competition among providers—operate, as well. I hope you don't think of this as simply competition between the public and private sector, although that's the common form today. But if we could find a way to successfully disengage the school from the district, there is no reason that providers wholly in the public sector should not be brought into competition against each other. What we recommend here is sometimes called school-site management. It simply means that the group of teachers who practice at one location are given more autonomy and responsibility for allocating the resources assigned to their institution. And as a result their institution becomes somewhat different from the one down the road.

There is nothing very complicated about this model. In fact, there is an American educational system that promotes choice and competition among nearly 3,000 separate institutions serving millions of students already. We're at one of those institutions this evening. Higher education successfully allows providers to compete and students to choose without violating any fundamental American values.

Many of the students here at this private university are being supported by one or another form of public stipened. It is a private university, but no one would argue that Hamline is simply a scheme to abandon the poor in public colleges. This university competes with many in the public sector which receive direct appropriation from the state legislature. And those public institutions compete with other institutions in the public sector. And all about us teachers teach and students learn and more than occasionally excellence is achieved without any help from a national commission.

There is no great complexity in the model I am suggesting. And little real threat to public education. A fact—four-fifths of the students attending American colleges and

universities are enrolled at public institutions.

But Senator, you'll say, elementary and secondary education is altogether different from going to college. And with that I would agree, but it is different only because we chose to organize it differently.

I ask you to make a list of the impediments you see in applying the "free-to-teach" model to elementary and secondary education.

You have to educate everybody.

The poor will be left behind.

Public dollars might be used to teach a religion.

School is the melting pot that makes us one nation.

Who will set the standards? And then think about higher education and you will usually discover it was no problem, at all.

The only real difficulty is in making the transition from our current system which in the main finances institutions through public appropriations to a system that empowers students and parents to direct those same financial resources by their choice among competing institutions.

When I talk about choice and competition in the delivery of public services, I am more often speaking on the subject of health care where we are making a rapid transition to a consumer rather than an institution-controlled system. Unlike education, health care is greatly affected by the decision of the national government. Medicare, Medicaid, the tax-exemption for employer-provided health insurance, the veterans hospitals and the insurance we provided to federal employees—take all these health responsibilities together and you find that the national government dominates the health industry. And if we want to change, we really can accomplish a revolution. HMO, PPS, Medicare vouchers, cafeteria benefit plans, and open enrollment for federal employees are all manifestations of our commitment to choice and competition in health care.

In fact, I wish you could be in Washington, D.C., this month to see the full potential of this kind of competition. November is open enrollment month for federal employees—which means that they can pick up health insurance, if they don't already have it or change providers, if they do. And they have the choice among dozens of providers who are advertising on TV and radio and in the Washington Post. Catalogues comparing prices and coverage are prepared. The consumer watch groups issue press releases with their own, independent comparisons and the providers use direct mail to reach new consumers and hold their existing clients. That's what it's like to be a health care consumer in Washington in November.

Now, imagine it's Minnesota in August and we are getting ready for another school year. But this time your district doesn't assign your child. You get to choose the school. What's more the per pupil state aid goes with your child to the school you select. Groups of teachers are free to put together their own programs and lease buildings for the year. They may even run multi-building systems with a group trade name. Don't you suppose they would come after you as a consumer and point with pride to their record of turning out over-achievers or well-rounded citizens or guaranteed employables or whatever would most likely appeal to you and your children. Some states are trying to do this already, some are experimenting with it, Vermont, New York, Washington State.

Which brings me to my closing note on the federal role in elementary and secondary education. The problem is not in conceiving of a school system based on choice and competition. The problem is reaching it from the public bureau system we have today. School financing is extremely complex and probably no level of government—local, state or federal—has sufficient resources to finance an equitable revolution on its own.

The federal government has traditionally provided financial support for the education of children with special needs. Our piece of the financial pie is about eight percent today and it is distributed through grants to state departments and individual institutions. But it may be time for us to break that institutional linkage and to begin to finance vouchers for our special needs students—vouchers that will provide the kinds of choices that have always been available to the advantaged.

Along with vouchers for the disadvantaged I would like to see a modest federal tuition tax credit for all students who attend both public and private schools. Ideally, these tax credits would be linked to comparable stipends from the states that would allow parents and students to allocate substantial public dollars by their choices within the educational system. And there could be a linkage between the federal voucher and the federal tax credit, as well. Schools which want their students to be eligible for the tax credit might be required to take a certain number of the vouchers as payment in full for the education of our special needs students.

Perhaps I have painted the picture more boldly than was necessary tonight. All I was supposed to do was tell you about all of these national reports. But, I wanted to make sure that some other, somewhat different, message was being heard.

Reality is always somewhat hard to come to grips with. We just came off an election campaign and if anybody found any reality in that, I'd like to hear about it. The President says he supports one of my positions on tuition tax credits, for example, but, without rewarding people in private schools. So, it is really kind of hard to find the reality that we're looking for.

I want to close with a few observations from a politician and what he hears from his public. Politicians all over the country, in the recent election, were for cutting taxes and cutting spending; all politicians, that is, except Fritz Mondale, and look what happened to him! No matter where you went, Democrats and Republicans were all against taxing and spending. By the middle of October, I began to wonder why they were running for public office. What do politicians do? They tax and they spend. But, they were all against taxes and spending. That's what you hear from politicians.

But what I hear from the public is that, "That's not really right. What we want you to do is to tax more fairly and to spend smartly. That's what we're looking for."

What do I hear from teachers? Those of you who are teachers know that I've been a cosponsor of tuition tax credit bills for as long as I've been around. During the last six years, I've had at least a thousand teachers come up and say, "I like you, you're kind of independent, but why are you for tuition tax credits?" And every time I respond this way. I say, "When was the last time you got up in the morning and felt like you really wanted to get to school because you had a product that was exactly what those kids wanted? I've never had anyone say, 'I'm just dying to get there!' "

I know what teachers want, I know what teachers need. They need to practice their profession. They are the only profession in the world who can't do what they're trained to do without checking through someone else to find out how many hours and how many kids and what curriculum they have to teach.

What do kids say? What do they say about their schools? They don't list discipline as the major problem. (Probably because they're part of the problem.) On the other hand, they do not want easier classes.

In both national Gallup and Minnesota youth polls, kids say that the biggest problem is that their classes don't challenge them. From that I draw the conclusion that students are willing to work harder and they want to learn more. If you think those are just statistics then go during the summer to one of the remedial programs in innercity areas and talk to those kids about their problems and why they're going to summer school and the problem of teachers who can't teach, and why kids have trouble learning.

And, finally, to the point of education financing. If you were to look at the American public, you'd find that support for a kind of GI bill for the families using elementary and secondary education has jumped 13 percent in the last ten years and is now more than 50 percent. In the U.S. Senate, that's final passage.

More significantly, 62 percent of our youngest voters, those 18-29, support financing through the students.

I hope my comments this evening have conveyed to you my belief in the men and women who choose public education as their profession. The "free-to-teach" movement is a salute to them and if you give them a chance to compete for the minds of your children and the excellence of American education, I promise you the latter will never be questioned again.

Thank you very much.●

MASSALINA VIVIAN LAWRENCE BOWEN

● Mr. HOLLINGS. Mr. President, today I join with the family, friends, and former students in mourning the passing of Mrs. Massalina Vivian Lawrence Bowen on Thursday, February 28, 1985 in Greenville, SC. She was 93 years old.

Mrs. Bowen was a former seventh grade teacher at the now closed Allen Grammar School in Greenville. Her teaching career spanned some five decades in the public schools of Greenville. She began teaching in 1909 and spent 11 years teaching in the county school system. In 1920 she came to the city school system where she remained until her retirement in 1959. She was an honored and revered member of the faculty.

Born in Greenville on September 12, 1891, Mrs. Bowen was the daughter of Thomas Elliot and Polly Thompson Lawrence. She attended Allen University in Columbia, and earned a degree in elementary education. She was a member of Allen Temple AME Church where she was active in the Allenitie Club.

Mr. President, Mrs. Bowen was a very civic minded person. For 5 years she served as secretary of the Greenville NAACP, serving under four presidents: the late Rev. H.W. Duckett, the late F.J. Green, Mark Tolbert, and A.J. Whittenburg. In her later years when she was informed by letter that her name had been dropped from the list of active registered voters, she contacted the head of the State registration board. Her name was subsequently returned to the voter list and she was given the option of either mailing in her ballot or having someone assist her to the polls. She had not voted because of failing eye sight. However, she held dear her right to vote and to her credit, Mr. President, she took the steps necessary to insure the continuance of that right.

Mrs. Bowen was the wife of the late Bruce Bowen and the mother of Harry Bowen.

According to Mr. C.E. Hammond, former principal of Allen Grammar School, when he was asked to comment on Mrs. Bowen:

We cannot forget the thoughtfulness, the love, the thoroughness, which marked her teaching and the confidence and self-respect she engendered and inspired in her boys and girls.

Many blacks who hold prominent positions in the Greenville area are former students of Mrs. Bowen. Her students can be found in all walks of life, from dean of a major divinity school to leaders in government, social service, and education.

Almost to a person, Mrs. Bowen's former students can remember some of the poems each student was required to learn weekly. They quickly recall her insistence on the proper use of grammer. Her students were noted for their vocabularies and their language skills.

In the words of one of her former students:

It's hard to say exactly what it was that made Mrs. Bowen special—but it had something to do with the way she made students feel. To her, every child was special. She used to bring a child some treat such as her delicious apply pie every day. Each child, in his turn, knew that his day would come.

Perhaps this special quality is embodied in her basic professional philosophy. Mrs. Bowen stated that she saw herself as "not so much a teacher, as I am a reacher. I strive to reach the heart and mind of every child with whom I come into contact."

Mr. President, significant contributions have been made to the lives of countless children over the years. Many are now prominent leaders and members of the community in which they live. Regardless of the achievements of these children, now men and women, I believe that all have had their life materially improved because of the outstanding character of this fine woman and her dedication to education.●

THE GARRISON DIVERSION UNIT COMMISSION

● Mr. McCLURE. Mr. President, on February 22, 1985, Senator ANDREWS, for himself and Mr. BURDICK, introduced S. 495, a bill to implement certain recommendations made pursuant to Public Law 98-360. On February 20, 1985, the Senate received a letter from Assistant Secretary of the Interior Robert M. Broadbent which enclosed a draft bill identical to S. 495, and which recommended that the draft bill be introduced. For the information of the Senate, I ask that the letter signed by Mr. Broadbent which accompanied the draft bill be printed in the RECORD.

The letter follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, February 5, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. SPEAKER: There is enclosed a draft bill, "To implement certain recommendations made pursuant to Public Law 98-360" to be introduced, and referred to the appropriate committee for consideration.

The Garrison Diversion Unit Commission was created pursuant to Public Law 98-360, to make recommendations to the Secretary of the Interior and the Congress concerning the Garrison Diversion Unit and the contemporary water resource needs of the people of the State of North Dakota. The Commission recommended that draft legislation be considered by the Congress to provide authority, where needed, to implement the Commission's recommendations. This draft bill was prepared as a drafting service to the Congress in response to that recommendation.

The Administration has not reviewed the enclosed draft bill to determine whether the recommendations are consistent with the program of the President. The Department of the Interior, together with other concerned agencies, is now evaluating the Commission's recommendations and will be prepared to testify as to the position of the Administration.

Sincerely,

ROBERT M. BROADBENT,
Assistant Secretary.

Enclosure.

A BILL TO IMPLEMENT CERTAIN RECOMMENDATIONS MADE PURSUANT TO PUBLIC LAW 98-360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the recommendations made by the Garrison Diverson Unit Commission, hereinafter "Commission," pursuant to the mandates of section 207 of Public Law 98-360, concerning the contemporary water development alternatives for the State of North Dakota are in substantial conformance with the authorized plans for the Garrison Diversion Unit except as specifically modified by this Act. Further, the Garrison Diversion Unit, as altered and supplemented by this Act reflects the entitlement of the State of North Dakota to a Federally funded water development program as compensation for North Dakota's contributions to the Pick-Sloan Missouri River Basin Program.

SEC. 2. (a) Any investment related to full design capacities of features that are no longer employed pursuant to the recommendations of the Commission shall be absorbed as a reasonable cost of satisfying the Federal obligation to the State of North Dakota and therefore will be nonreimbursable. The costs, already expended, for these features are calculated to be $35,920,000. If the full capacities of those project features are used in some future expansion of the project, those nonreimbursable costs should be reassigned to purposes for which the features are used. The reimbursability of any such features will be reconsidered at that time.

(b) The costs of construction, operation, maintenance, and replacment of the Sheyenne River release feature and water treatment plant will be nonreimbursable. Cost of these features shall be deemed attributable to meeting requirements of the Boundary Waters Treaty of 1909.

SEC. 3. The irrigation units known as Lucky Mound, Upper Six Mile Creek, and Fort Yates, located on and within the boundaries of the Fort Berthold and Standing Rock Indian Reservations, are hereby authorized as a part of the Pick-Sloan Missouri River Basin Program subject to the finding by the Secretary of the Interior of irrigability of the lands. Repayment for such units shall be made pursuant to the Leavitt Act, 25 U.S.C. 386a.

SEC. 4. (a) Municipal, rural industrial water systems constructed by the Secretary of the Interior as part of the Garrison Diversion Units shall utilize power from the Pick-Sloan Missouri River Basin Program, section 9 of the Flood Control Act of 1944, allocated to irrigation, at a rate equivalent to the paid by preference customers, for the operation of such systems.

(b) Repayment assistance for the municipal, rural and industrial water systems capital costs shall be provided by reassigning a portion of the irrigation repayment assistance from the Pick-Sloan Missouri River Basin Program allocated to the Initial Stage of the Garrison Diverson Unit. This repayment assistance shall be provided, if necessary, in order that the monthly family cost for municipal water is no more than $10 higher than current obligations, or the amount needed to recover the costs of the operation and maintenance of the system, whichever is greater.

(c) Municipal, rural and industrial water systems constructed by the Secretary for the Garrison Diversion Unit shall include systems to satisfy the needs of the Fort Berthold, Standing Rock and Fort Totten Indian Reservations.

SEC. 5. The Secretary of the Interior, by and through the appropriate authorities of the United States, is authorized to enter into negotiations with the Government of Canada, in consultation with representatives of the Province of Manitoba and the State of North Dakota, to explore the establishment of a Binational Resource Development Program. Such binational mechanism should provide for a cooperative study, by appropriate agencies and independent entities, to define ways to exchange resources, including water, power, minerals, and markets to meet mutual needs. Additionally, prior to delivery of treated Missouri River water into the Hudson Bay drainage basin, the officials of the binational program should request a comprehensive inventory of fish species and pathogens present in Manitoban waters to be conducted by an indpendent international body to provide a baseline of current biota conditions.

SEC. 6. Nothing in this Act is intended to limit or expand the authorities of the Secretary of the Interior except as expressly

stated in this Act in regard to the Garrison Diverson Unit of the Pick-Sloan Missouri River Basin Program.●

DR. WILLIAM HADDON, JR.

● Mr. LAUTENBERG. Mr. President, it is with sadness that I note the death of Dr. William Haddon, Jr., on March 4. Bill Haddon, who directed the Insurance Institute for Highway Safety, had a long and memorable career in the field of automative safety.

Dr. Haddon was born in Orange, NJ. After serving in the Army during World War II, he attended the Massachusetts Institute of Technology and Harvard Medical School. In addition, Dr. Haddon received a masters degree from the Harvard School of Public Health.

For 10 years, Bill Haddon served in the New York State Department of Health where he studied the role of alcohol on automobile accidents. Last year, the Insurance Institute for Highway Safety and Dr. Haddon provided solid research which bolstered the case for a uniform minimum drinking age. It was a great satisfaction for me to meet Bill Haddon in the Rose Garden of the White House when the Uniform Minimum Drinking Age Act was signed into law by President Reagan last July.

Dr. Haddon appeared with me on one of my series of cable TV shows which bring news of public issues to my constituents in New Jersey. On that program, Dr. Haddon discussed his research in auto safety which had made him a leading expert in the field particularly as regards airbag technology.

Mr. President, I have noted of late many news accounts of the public's new awareness of the dangers of drunk driving and auto safety. Without a doubt, the long career of Dr. William Haddon is in part responsible for this new awareness. Bill Haddon had a passion for saving lives. Indeed, his life and career made a major difference in reducing death and injury on our Nation's highways.●

PEOPLE: A KEY TO IMPROVED DEFENSE PROCUREMENT

● Mr. QUAYLE. Mr. President, over the last year, I have chaired numerous hearings conducted by the Senate Armed Services Task Force on Selected Defense Procurement Matters. We have tried to examine many aspects of the defense acquisition system in order to make the system more efficient.

We must achieve the highest possible efficiency in the acquisition of weapon systems. We already have had signs this week that defense funding will be considerably less than the levels requested by the President. The threat we face from the Soviet Union is not diminishing, however. If we are to provide for the common defense within available resources, we must get the maximum return for the tax dollars spent on national security.

During the course of the task force hearings on defense acquisition, we have explored many different approaches to changing the way the Department of Defense buys weapon systems, spares and other equipment. Last year, the task force approved legislation that made substantial changes in defense acquisition provisions. We will continue to review acquisition laws and regulations over the next 2 years.

Mr. President, we can change any law we like, but if we do not have qualified professional people in the system, we cannot achieve very much. Any organization is only as good as the people in it. The defense procurement process is no exception.

We held a task force hearing on the career development of our acquisition work force last December. As a result of that hearing and private meetings with policy experts, I have proposed to explore ways to improve the qualifications of our acquisition professionals in the context of the defense authorization bill for fiscal 1986.

On Monday, March 11, our newly formed Subcommittee on Defense Acquisition Policy plans to examine this issue in greater detail. We will seek answers to the following questions:

Are the services developing formal qualifications and career paths for selection to program management positions?

Do military officers have the opportunity to specialize in the acquisition management field at an early enough point in their career?

Do we need more formal career and management development programs for military and civilian contracting officers?

We also plan to look at the system for competing with the private sector for quality entry level civilian acquisition people. Recently we did away with the pace examination as a means of channeling college graduates into career positions. We now recruit using the schedule B process, which provides very little in the way of definite career opportunities.

How do we increase the attraction of a civilian procurement management career with the Department of Defense?

Are we paying an unacceptable cost by relying on the schedule B process?

We do have the procurement intern program as an additional recruiting tool, but do we have a clear understanding of how well this program will meet our growing personnel resource requirements in the coming years?

Mr. President, clearly we must focus more attention on the problem of ensuring that our defense acquisition managers, whether civilian or military, have the training, the experience and the motivation to carry out their very critical function. The demand for greater accountability and control within the defense procurement system will require not only an increase in the degree of proficiency, but also in the numbers of qualified procurement managers.

Our subcommittee must begin its work now if the Congress is to develop the proper oversight role in the expansion and improvement of this vital professional work force.●

IRISHMEN OF THE YEAR

● Mr. SPECTER. Mr. President, every year on March 17, the feast day of St. Patrick, the patron saint of Ireland, the Irish of Philadelphia, as, indeed, the Irish of this Nation and of the entire world, rejoice in their heritage and proclaim the glory of the Gael and his love of freedom, honor, and good fellowship. Certainly not the least in leading this tribute to Ireland, the Celts and things Celtic is the Irish Society of Philadelphia.

Among the events the society holds during this festive period is an annual dinner at which the society honors one or more of its own as "Irishman of the Year." In this year of 1985, the society has chosen as its honorees two judges of the court of common pleas of Philadelphia, President Judge Edward J. Bradley and Judge Edward J. Blake. These distinguished jurists and sons of Erin are eminently deserving of this honor.

A native Philadelphian, Judge Bradley was appointed to the bench in 1965 and was elected by his colleagues as president judge of the court of common pleas in 1975, a post to which he was reelected to a second 5-year term in 1980. In October 1980, he received the Distinguished Pennsylvanian Award. Having spent a lifetime in public service, Judge Bradley currently serves on the board of directors of the Association for Retarded Citizens and on the advisory council of the National Multiple Sclerosis Society. He is also active in many judicial, legal, fraternal, and other charitable endeavors.

Also born, reared and educated in Philadelphia, Judge Blake was appointed a judge of the court of common pleas in 1971 and won reelection to 10-year terms in 1973 and 1983. Prior to his judicial appointment, he served admirably as court administrator for the court of common pleas and quarter sessions. He has rendered distinguished service to innumerable judicial, educational, fraternal and charitable causes.

Aside from their common careers in the law and the judiciary, both Judge Bradley and Judge Blake share a common heritage. They are Irish. And they are proud of being Irish. Not in

the chauvinistic sense, to the derogation of other ethnic groups; but in the best sense, in seeking and proclaiming what is best in Irish art, culture and history.

The educated world is well aware of the wit, the intellect and the poetic bent of the Irish and is grateful for their contributions to world culture. Judge Bradley and Judge Blake, as outstanding Irish Americans and encomiasts of Irish culture, have done much to further this appreciation. They deserve the honor accorded them by the Irish Society of Philadelphia.●

IN REMEMBRANCE OF BLOODY SUNDAY

● Mr. HART. Mr. President, we are observing an important anniversary of which every American should be aware. While parts of the story we commemorate are not pleasant, it is important to pause and reflect on the significance of the events which transpired on the Edmund Pettus Bridge in Selma, AL, 20 years ago today. Out of that incident, events were set in motion which led directly to the passage of the Voting Rights Act of 1965 and, in the process, helped to liberate this Nation.

Twenty years ago, black Americans did not enjoy the unfettered right to vote. The promise of participatory democracy rang hollow to the masses of black citizens. A combination of State laws and vicious local practices resulted in widespread disenfranchisement. In many Southern States—blacks and impoverished whites as well—were subjected to obstacles like the poll tax and literacy test. Intimidation was widespread. Far too often, the price for challenging the status quo was fire hoses, electric cattle prods and in the case of Jimmie Lee Jackson and countless others—even death.

It was against this backdrop that the Dallas County Voters League, the Student Nonviolent Coordinating Committee and the Southern Christian Leadership Conference selected Selma, AL, as the site of the direct-action campaign to win for southern blacks the unobstructed right to vote.

On Sunday, March 7, 1965, a march was held to protest the denial of voting rights. As a disciplined column of 600 marchers reached the Pettus Bridge, they were met by heavily armed contingents of local police and the Alabama Highway Patrol, some of whom were mounted on horseback.

What happened next, Mr. President, is well known to even the most casual student of contemporary American history. The police charged into the men, women, and children gathered on the bridge with military ferocity. Tear gas was fired. Bull whips and rubber tubing wrapped in barbed wire were used. In the aftermath of the ambush, at least 70 of the marchers were hospitalized and an equal number were treated at the Brown Chapel A.M.E. Church for their injuries.

In describing the brutality to a joint session of Congress, President Lyndon Johnson said that:

> • • • at times history and fate met at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was • • • in Selma, AL.

And so it was, Mr. President. For the nationwide revulsion at bloody Sunday led to a subsequent march from Selma to Montgomery that drew thousands of Americans of good will from across the length and breadth of the country. All were gathered to demand that every American, regardless of color, be allowed to realize the constitutional guarantee of the right to vote. Upon arrival in Montgomery, Dr. Martin Luther King, Jr., summarized the purpose of the march with his typical eloquence. He said in part, that:

> We must come to see that the end we seek is a society at peace with itself, a society that can live with its conscience. That will be the day not of the white man, not of the black man. That will be the day of man as man • • • How long will it take? I come to say to you • • • however difficult the moment, however, frustrating the hour, it will not be long. Because truth pressed to earth will rise again. How long? Not long, because no lie can live forever. How long? Not long, because you reap what you sow. How long? Not long, because the arc of the moral universe is long, but it bends toward justice.

Mr. President, out of that event the Voting Rights Act was born. The beneficial results of that law are felt to this day. It is because of the Voting Rights Act that there is a Congressional Black Caucus. It is because of the protections afforded by that law, that Hispanic-Americans now have a voice in national affairs. And it is because all Americans can now participate in the process, that we recently saw a woman nominated for the second highest office in the land.

It is important that we recall Bloody Sunday, Mr. President. In so doing, we can justifiably be proud of how far we have come as a nation. Likewise, we can recognize how far we have yet to travel on the road to true brotherhood and equality. We must not deceive ourselves. We still have vistas to conquer.

Finally, I would be remiss if I did not note that in addition to Jimmie Lee Jackson, two other Americans died in the course of the Selma campaign. Rev. James Reeb, a Boston minister and Mrs. Viola Liuzzo, a Detroit housewife, both gave their lives in the struggle for justice and human rights.

It is because of their sacrifice—and those of the marchers who gather today in Montgomery to remember what happened on an otherwise undistinguished highway bridge—that freedom and democracy have been made a bit more real to all Americans.●

GOOD GROOMING MONTH

● Mr. D'AMATO, Mr. President, historically the month of April has been designated by the fabric care industry as "Good Grooming Month." During this time each year, the industry undertakes an effort to advise the public of the need for a high standard of care in their clothing and household items. The industry has enlisted the aid of State and local governments to bring public attention to the proper care of their goods, the need for quality service, and the protection of our environment in the proper disposal of chemical wastes.

This year, the Neighborhood Cleaners' Association, which is headquartered in New York and represents members from the States of New Jersey, Massachusetts, Rhode Island, Pennsylvania, West Virginia, Florida, Connecticut, Delaware, and New York, is beginning its new campaign during "Good Grooming Month." The Neighborhood Cleaners' Association, through its 3,700 members, is launching an effort, in conjunction with "The People's Campaign," to help groom an American symbol, the Statue of Liberty. The association is asking each of its members to make a personal contribution to the Statue of Liberty/Ellis Island Foundation. Then, they are going to conduct a continuing campaign by developing posters, ads, and other materials for their members to provide to customers. They are also urging all members of the industry to participate in this worthwhile program.

Mr. President, I wanted to take this opportunity to advise my colleagues of the efforts of the Neighborhood Cleaners' Association and its members who professionally operate neighborhood establishments, and to commend them for their efforts to seek contributions for the proper grooming of the Statue of Liberty. It is private sector initiatives such as this one that make America as great as it is today.

Thank you, Mr. President.●

COMMEMORATING THE CENTENNIAL OF THE SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

● Mr. ABDNOR. Mr. President, today marks the Centennial of the South Dakota School of Mines and Technology. On March 7, 1885, the territorial legislature passed legislation establishing a school which would gain worldwide repute as one of the finest mining and technology schools in the United States.

The South Dakota School of Mines is noted for its research programs. The

Institute of Atomspheric Sciences, which pioneered work on weather modification is also studing air quality monitoring and pollution effects on precipitation. The Mining and Mineral Resources and Research Institute was established in 1978 and offers training and research in mining, mineral resources and minerals development.

In true South Dakota fashion, SDSM&T also provides a variety of community programs to the people of Rapid City and the Black Hills. Continuing education courses, conferences, workshops, and lectures are held throughout the year. Tech also offers a junior and senior high school program aimed at increasing interest in math and science careers. The Visiting Scientist Program, a free service to schools and funded by local businesses, provides speakers on a variety of topics. Over 8,000 students are reached each year by these valuable programs.

The acclaimed Museum of Geology is visited by 60,000 people each year. Thousands of specimens pertaining to mineralogy and paleontology are on display to the public.

We in South Dakota are justifiably proud of the South Dakota School of Mines and Technology—its officials, faculty, staff, and students, and would like to take this opportunity to look back on the last 100 years with pride and forward to challenges of the next 100 years with eager anticipation.

Mr. President, I submit for the RECORD an article appearing in the January 1985, Rapid City Chamber of Commerce Investment Report saluting Tech's Centennial.

COVER STORY: RAPID CITY SALUTES "TECH'S" CENTENNIAL

Dakota School of Mines was established March 7, 1885 by an act of the Territorial Legislature. Rapid City was then a mere nine years old, and could be reached only by horseback or stagecoach.

A bill had been introduced in 1883 for a school of mines, but the governor vetoed it. The cause did not die, and the 1885 bill passed and was signed by Governor Pierce. Land was secured and the cornerstone for the first building was dedicated on August 19, 1885.

Franklin R. Carpenter was hired as first Dean of the Faculty in December 1886, and classes officially began Monday, February 21, 1887, with high hopes and strong community support.

But success was slow in coming. Neither faculty nor students were anxious to come to such a remote area. With statehood in 1889, the school became South Dakota School of Mines. Although the school was gaining in respect for scientific work and publications, enrollment did not increase.

After the 1890 commencement, the newly-established Board of Regents ordered that no present faculty be retained. That fall, school started with new faculty, few students, and little funding. There were no graduates for the next 10 years.

The school began to make some headway by the turn to the century, and enrollment slowly grew. Dedicated faculty specialized areas of expertise.

The first licensed radio station in the state, WCAT, began at the school in 1911, and a huge "M" was constructed on Cowboy Hill in 1912.

A real period of growth came after World War I, when it became evident that technology was the way of the future. There were more students with greater dedication to their alma mater. The first issue of the alumni newsletter, "The Hardrock," was printed in 1934 by Dr. Guy E. March, a man who continued to lead a strong alumni group until his death in 1981.

World War II was called a "war of technology", and in 1943 the school officially became South Dakota School of Mines and Technology to signify that it had moved far beyond its original purpose as a school for miners and had grown to encompass many other areas of engineering and the sciences.

Enrollment surged after the war, and that growth continued into the "Space Age" and the "Computer Age", except for a slight decline in the early 1970's. Following the Vietnam war, more veterans enrolled, more women enrolled, and a greater emphasis was placed on research and high technology fields.

As we enter our Centennial year celebration, SDSM&T boasts nearly 3,000 students and offers degrees in seven engineering programs and seven science disciplines, with supporting instruction in other areas. Expanded emphasis is placed on continuing education, research, and service to the community. During fiscal year 1983, research expenditures reached nearly $2 million.

Looking to the future, SDSM&T has implemented a program, Education for Innovation and Productivity, which will focus on many areas of high technology, including the microprocessor. Research and training continues in the areas of energy, the environment, and mineral development.

From a one-building school in a tiny gold rush town, SDSM&T has grown to an outstanding engineering and science college that has highly successful graduates placed throughout the world. Not long ago, SDSM&T was cited by the national magazine as one of only 40 colleges in the nation that offers top education for an affordable price.●

ADVOCACY CENTER FOR TEACHERS

● Mr. BUMPERS. Mr. President, much public attention has been directed and much has been said, both in my State of Arkansas and nationwide, about problems in public education and what we should do to solve them. The University of Arkansas at Pine Bluff has developed an innovative approach specifically aimed at assisting minority educators and students in Arkansas to develop their skills and abilities, and it is a program which I urge my colleagues to consider and share with the educational communities in their own States. The following article appeared in the January 31, 1985, edition of the Arkansas Democrat and details the establishment of the Advocacy Center for Equity and Excellence in Teacher Education. I ask that it be printed in the RECORD.

The article follows:

UAPB PLANS ADVOCACY CENTER FOR TEACHERS

(By David Ivers)

PINE BLUFF.—The division of education at the University of Arkansas at Pine Bluff is breaking new ground once again, this time with the establishment of an Advocacy Center for Equity and Excellence in Teacher Education.

The university decided this week to provide for the center with a grant of $25,000 out of the university's enhancement money from the state Department of Higher Education. The program is designed primarily to address the poor showing of blacks on standardized tests.

"The key thing is—yes, the examinations are hurting, but we are trying to take positive action to turn things around," Dr. George Antonelli, dean of the division of education and author of the grant proposal, said in an interview Wednesday. The center will be the first of its kind as far as Antonelli knows.

In another move to improve education, UAPB announced in October it would establish a warranty program for teachers who graduate from the university. University officials said that if teachers it graduates have any problems when they begin work, UAPB will help the teachers overcome their deficiencies.

The Advocacy Center has seven objectives, which, in sum, are designed to enhance the status of blacks in post-secondary education, increase the numbers of black teachers and improve the performance of black students and teachers.

The focus of the center's programs will be free workshops for teachers, students and parents in Southeast Arkansas. The workshops will deal with matters such as test-taking, study skills, and gifted and talented programs.

"For too long people have utilized tests as instruments . . . that measure aptitudes as opposed to instruments that measure achievements," Antonelli said. Many people argue that a person cannot study for aptitude tests, but Antonelli says that even IQ tests do not measure only aptitude. "I don't believe there's a test made by anyone that can't be studied for," he said.

The primary reasons for poor performance among blacks, he said, is a lack of preparation and a lack of emphasis on understanding tests and taking them.

Educators can work on the problems at the college level, he said, but "the first place to receive the major reform movement is where they receive the initial learning."

By improving the skills of black children, Antonelli also hopes the center will be doing something to stop a dramatic decrease in the number of black teachers predicted nationwide.

As for gifted and talented students, Antonelli's plan is to see that expectations for black children are raised: "A lot of black students receive watered-down curriculum. They aren't expected to perform well"—and thus they don't, he said.

The center is designed to help not just children, but teachers who, in Arkansas, must give and take tests both. And workshops will show parents how they can help their children learn to take tests.

"I know it's ambitious, but we're going to give it a try," Antonelli said.●

COP-KILLER BULLETS

● Mr. HEINZ. Mr. President, I am pleased to have recently cosponsored S. 104, the "cop-killer bullets" legislation. This bill is vital to the protection of our law enforcement officials and I call upon my colleagues to move quickly to pass S. 104.

This legislation would ban the manufacture and importation of armor-piercing ammunition, which is capable of piercing the bullet proof vests worn by police, except for exportation purposes or for use by the U.S. Government. S. 104 is identical to S. 2766 of the 98th Congress, which was cosponsored by almost every Senator and was unanimously approved by the Judiciary Committee. With that history, I believe the Senate Judiciary Committee, under the fine leadership of one of the bill's sponsors, Senator THURMOND, will give this important bill the high priority it deserves.

Armor-piercing ammunition was the subject of numerous hearings before the Criminal Law Subcommittee. It seemed as if the complex problem of formulating a definition of exactly what constitutes an armor-piercing bullet, as well as attempts to reconcile the legitimate concerns of law enforcement officials and law-abiding hunters, would be unresolvable.

Fortunately, all parties realized the gravity of the situation and finally agreed to a definition which strikes an adequate balance between the competing interests. Indeed, the National Rifle Association and Handgun Control Inc., two organizations which rarely agree, have both announced their support for S. 104. In addition, numerous police organizations, and the Reagan administration, have also announced their support.

Armor-piercing ammunition is defined in S. 104 as a solid projectile, or projectile core, which is constructed from specified metals, such as tungsten, brass, bronze, or depleted uranium. It excludes from this definition other projectiles which the Secretary of the Treasury determines to be primarily intended for legitimate sporting purposes.

Almost as important as the severe restrictions upon the manufacture and importation of these bullets are S. 104's strict penalties for criminals using or carrying them during the commission of a violent felony. Anyone found guilty of carrying or using these bullets during a violent crime will be given a minimum mandatory sentence of 5 years, in addition to the original sentence for the crime itself. I am pleased to note that S. 104 will strengthen these same provisions which became law as part of the Crime Control Act of 1984.

Mr. President, I feel a deep remorse that anything should ever be called a cop killer. Unfortunately, these destructive devices do exist, they are being used, and they are endangering the lives of thousands of police officers who perform their hazardous duties under the protection of bullet proof vests. It is imperative that we in the Congress enact laws to protect the police officers who risk their lives for the security of our families, homes, and businesses; I therefore urge prompt consideration and passage of S. 104.●

A MAN FOR ALL SEASONS—G. RAY ARNETT, NRA'S NEWLY ELECTED EXECUTIVE VICE PRESIDENT

● Mr. ABDNOR. Mr. President, I do not think any man, woman or child in this country does not know that the National Rifle Association of America is the champion of hunters and sportsmen and the defender of the Constitution of the United States, especially the second amendment right to keep and bear arms.

Last month, the NRA chose a successor to Harlon B. Carter, executive vice president of the NRA who announced his retirement at the mid-year NRA board of directors meeting.

Harlon Carter has been an NRA member for nearly 50 years. He established the Institute for Legislative Action and became its first director, before serving for 8 years as the executive vice president. He will continue to serve the NRA in an advisory capacity and will serve on the association's executive council.

Mr. President, you notice that I very explicitly said the NRA would choose a "successor" to Harlon Carter, not "replace" Harlon Carter. As anyone who knows or has worked with Harlon would admit, he is irreplaceable. In every sense he was the ideal administorator and leader of the 3,000,000 member association. I ask my colleagues to join the thousands who at this time, are paying homage to Harlon. We all know that any praise we give will be small compared to his outstanding contributions.

After interviewing nearly 100 candidates, the NRA board of directors unanimously elected G. Ray Arnett to succeed Harlon B. Carter as the new executive vice president of the NRA.

G. Ray Arnett is a man of science, learning, and skill. His knowledge and experience have won for him international recognition as a hunting and wildlife conservation authority. Like many men of accomplishment, he is unaffected and unassuming.

Arnett recently resigned from his position as Assistant Secretary of the Interior for Fish, Wildlife and Parks. He was appointed to that position by President Reagan early in 1981.

Mr. President, Ray Arnett is a man of sound administrative and keen legislative ability. He is a man of vitality leading a vital association in pursuit of its legislative goals. He is further, no stranger to Capitol Hill. He has testified before our committees and subcommittees, briefed Senators on proper wildlife management and conservation and parks issues, and broken bread with many of those seated before me.

Those of us who know Ray, note that he is an uncompromising defender of the second amendment, a strong supporter of hunting rights, and is vitally interested in the continued growth of a larger and ever more powerful NRA membership dedicated to fighting for its beliefs.

Under Ray Arnett's leadership the NRA can look forward to a bright future and increased legislative success for the association.

Mr. President, Ray Arnett, like his predecessor, is "A man for all seasons." He represents a rare combination of judgment, imagination, immunity to pressure and fidelity to truth. Let us all join in wishing him congratulations on his new venture.●

RECOGNITION OF ROBIN H. WILSON

● Mr. D'AMATO. Mr. President, I rise to pay a special tribute to Robin H. Wilson, an individual whose efforts have vastly improved the quality of life for hundreds of thousands of New Yorkers who use the Nation's largest commuter railroad, the Long Island Railroad [LIRR].

Robin Wilson became the president of the LIRR over 3½ years ago and initiated a comprehensive program to modernize the commuter railroad's aging infrastructure, with the goal of providing more reliable, efficient service to the people of the New York metropolitan region. He has successfully applied private sector business principles in this $1.1 billion rehabilitation effort, as well as in the daily operations of the LIRR. Mr. Wilson's diverse management skills and keen sense of professionalism have set the standard by which we may measure other transit executives.

I bring this individual to the attention of my colleagues in the Senate because I believe that it is important for us to recognize those who make significant contributions in the critical area of mass transit. We must encourage others to follow Robin Wilson's fine example.

Robin Wilson enriches the lives of those who have the pleasure of working with him, and he leaves the LIRR a better railroad because of his vision and tireless efforts. I am certain that he will have many more successes in the future.●

STAN D. ARNOLD RETIRING

● Mr. LEVIN. Mr. President, on March 27, 1985, Stan D. Arnold will be honored by his family, friends, and colleagues at a retirement dinner-dance to benefit the restoration of Most Holy Trinity Church. It is most appropriate that Stan Arnold be recognized on this occasion, but it is so typical of this man to let that recognition benefit a worthy cause.

Stan Arnold was born in Kentucky 62 years ago. However, his family moved to Detroit when he was very young. He was orphaned at the age of 6, and raised by an older sister and her husband. Stan attended grade school at St. Francis Home for Boys, where he now sits on the board of directors. He completed his education by attending Clarenceville High School and the University of Detroit.

Stan Arnold began his career as an apprentice metal lather but soon joined the U.S. Marine Corp serving from 1941 to 1946 and participated in four major campaigns in the South Pacific.

Upon return to civilian life, he started a career in the organized labor movement, serving in many capacities; business representative and business manager, international representative, international vice president and in his present position as secretary treasurer of the Michigan Building Trades Council for the past 24 years.

Stan has served on many boards, commissions, and councils. The people who appointed him have included Michigan Governors Romney, Milliken, and Blanchard, and Presidents Nixon, Carter, and Reagan. Among those appointments, to mention a few; the Governor's Occupational Safety Standards Task Force, Construction Safety Commission, Residential Builder's Licensing Board, Worker's Compensations Legislation Study Committee, Governor's Task Force on Economic Development, Michigan State Housing Development Authority, and the Advisory Council for the Social Security Administration that presented a minority report on Medicare before Congress.

Aside from his professional interests, Stan Arnold has served tirelessly in community affairs and charitable organizations. In addition to the St. Francis Home for Boys, he has supported the Boys Town of Italy and is currently actively involved with the committee to restore Most Holy Trinity Church in Detroit.

I am pleased to cite the achievements and the continuing service of Stan D. Arnold. I am honored to join with so many others in wishing this good friend and great citizen peace, good health, and fulfillment in his retirement.●

NATIONAL WOMEN'S HISTORY WEEK

● Mr. CHAFEE. Mr. President, it is truly a pleasure to be a cosponsor of the measure which the Senate passed yesterday, designating the week of March 3 as National Women's History Week.

As my colleagues may know, tomorrow—March 8—is celebrated all over the world as International Women's Day, a day when families, coworkers, and friends pause to honor the important women in their lives. Thus it is fitting for us to set this week aside to honor those women that have made their mark on our collective experience as a nation.

It is unfortunate that the names and accomplishments of many of these women have been lost to posterity. The actual historical record documents but a small portion of the contributions women have made, as leaders in the fields of science, education, religion, medicine, government, and the arts. Many other achievements by women remain unknown and unrecognized.

Given the bias of historiography, it follows that the women whose names do remain to us must have been truly exceptional individuals. I'd like to take this opportunity to salute two such women, both Rhode Islanders.

A prominent member of both the women's suffrage movement and the antislavery movement, Elizabeth Buffum Chace of Providence and Smithfield, RI dedicated her 94 years to these two causes. She became active in the abolitionist cause at an early age, and in 1840 established an underground railroad station in Valley Falls, RI. Throughout this period, Mrs. Chase served as the agent of the New England Antislavery Society, arranging meetings and giving valued counsel to its officers.

At the same time, she was working ardently for women's suffrage—writing, speaking and securing petitions for legislative action. She was a sponsor of the 1850 Women's Rights Convention in Worcester, MA, and in 1868, joined with Paulina Davis in organizing the Rhode Island Women's Suffrage Association. She served as president of the group until her death in 1899, and was for many years an officer of the national Women's Suffrage Association as well.

Broader humanitarian concerns and a mind for reform led her into other areas of activity. In 1870, she secured passage of a State law requiring that all correctional institutions for women and children be inspected by a board of women visitors. She herself served as a member of the board for many years, and was also instrumental in establishing, in 1884, the Rhode Island Home and School for Dependent Children.

A contemporary of Mrs. Chace and her equal in commitment, dedication, and leadership, Sarah Elizabeth Doyle was truly a pioneer in the field of education. A lifelong resident of Providence, she devoted the whole of her 46 year career as a teacher and headmistress to promoting education, and particularly education for women.

Sarah Doyle was the first woman to preside over a session of the National Education Association; in 1898, she was named to lead an investigation of management in the Providence public schools. Founder and first president of the Rhode Island Women's Club, she also established, in 1895, the Rhode Island State Federation of Women's Clubs. And, above all, she led the drive to establish the Rhode Island School of Design, now one of the Nation's principal institutions for the study of art and architecture.

Most notable among Sarah Doyle's achievements was her instrumental role in establishing a women's college in Rhode Island. In 1895, women were allowed to become candidates for degrees from Brown University, but were not permitted within university classrooms. Sarah Doyle led the drive to establish a college building solely for women; bucking the prevailing opposition to coeducation, she formed a committee and raised the necessary funds. The officers of the university soon voted to establish a department which became known as the Women's College at Brown University.

At this time, Brown also conferred upon her the honorary degree of master of arts, and at her death at the age of 93, the state of Rhode Island honored her as one of its leading citizens.

Mr. President, it was with great pleasure that I joined my colleagues in cosponsoring National Women's History Week. I take pride in being able to commemorate the achievements of such women as Elizabeth Chace and Sarah Doyle, and I salute their modern counterparts across the Nation, who are making history at this very moment.●

THE ELECTRIC CONSUMERS PROTECTION ACT OF 1985

● Mr. D'AMATO. Mr. President, I rise today to join Senator WALLOP and several others of my distinguished colleagues in cosponsoring S. 426, the Electric Consumers Protection Act of 1985. This bill responds to an issue of basic fairness and equity for millions of consumers. At stake are billions of kilowatt-hours of low-cost hydroelectricity. That inexpensive power could be taken away from the vast majority and made available to only a small segment of this country's consumers who by geographic happenstance are served by government-run State or

municipal utilities if this legislation is not enacted.

This is a matter of extreme importance to New Yorkers, since our State is rich in hydroelectric power. This important consumer issue is arising with increasing frequency in the relicensing of existing projects throughout the country. Congress must ensure that no Americans are forced to pay higher electric bills due to a preferential policy that would allow government-run utilities to take away this low-cost energy from millions.

A little background will help to make clear the inequities inherent in such a preferential policy.

Hydroelectric projects are licensed by the Federal Energy Regulatory Commission for periods of up to 50 years. When the initial license expires, the existing licensee must file an application with FERC for a new license if it wishes to continue to operate these valuable projects. At the time of relicensing, other applicants may file applications for the new license in competition with the existing licensee. If a competing application is judged on the merits by FERC to be better adapted to develop the resource, the competitor should and would receive the new license for the project.

Because of a lack of clarity in the Federal Water Power Act of 1920, now the Federal Power Act, and several conflicting interpretations by the Federal Energy Regulatory Commission in recent years, the law is now unclear whether competing State and municipal utilities are to be given a preference against existing private licensees at the time of relicensing these projects. If State and municipal licensees have a preference, they will be able to take away hydroelectric projects from existing licensees and their customers simply by filing plans to develop the water resource that are only as good as the existing licensees, not better. Thus, by reason only of the government status of such potential competitors, the low-cost hydroelectric power would be transferred from millions of consumers of existing licensees to the relatively small segment of consumers who happen to live in an area served by a State or municipally operated electric utility. This arbitrary transfer of benefits does not make sense.

If the existing licensee has had a good track record of operating these projects in the public interest and FERC determines the licensee would continue to do so in the future, it should receive the new license. Why cause the economic hardship and disruption associated with transferring ownership of these valuable assets when the public interest in utilizing the resource would not be served as well by the new owner?

The unfairness is readily apparent. Municipal competitors are currently trying to take away 11 hydroelectric projects from private utilities that have developed, operated, and maintained them for the benefit of their customers for periods of up to 50 years or more. Over 8.5 million customers benefit from these 11 projects operated by the existing licensees. The competing municipal utilities have only 955,000 electric customers. This is a 9-to-1 ratio. Using 1983 prices and data, those 8.5 million customers realized, in that year alone, fuel-cost savings based on equivalent fossil fuel generation of approximately $308 million, and such equivalent fuel-cost savings occur year after year. With approximately 177 investor-owned utility hydro projects coming up for relicensing by December 31, 1993, and more after that, these same comparisons will be arising across the country.

In New York State, Niagara Mohawk Power Corp., New York State Electric & Gas Corp., and Rochester Gas & Electric Corp., hold licenses for 33 projects. The licenses for 15 of those projects, representing 39 individual plants and approximately 380 megewatts of capacity, are up for relicensing between now and 1994. Fuel cost savings from these projects for the consumers of New York State amount to tens of millions of dollars each and every year.

Why should Congress allow a policy that could have the effect of making the vast majority of electric consumers in New York worse off for the sake of a handful who will benefit? Already, customers of State and municipal utilities, which represent approximately 13 percent of the electric customers in the country, have preferential access to 68.3 percent of the hydroelectric project capacity in the country. This is because Federal laws already give them: first, a preference to obtain initial licenses to develop new hydroelectric sites and, second, a preference to purchase low-cost power generated at federally owned and operated hydroelectric projects. Because the customers of private utilities, which represent 76.5 percent of the country's electric consumers, have none of these preferences, they have only 31.6 percent of the country's hydroelectric capacity. Given these facts, I do not believe it is good public policy for the small segement of electric consumers served by municipal utilities to receive through a relicensing preference even more of such inexpensive electricity simply because of the government ownership status of the electric utility that provides them service.

In New York, hydroelectricity helps to moderate the cost of electricity for millions of consumers served by the New York investor-owned utilities having a generating mix that includes more expensive fossil or nuclear generation or both. If these utilities lose their hydroelectric projects, their cost of electricity will increase. Consumers should not be forced to bear the burden of increased electric rates, no matter what the amount, in order to benefit a relatively small segment of preferred consumers whose only claim on the resource is that they happen to be served by State or municipal utilities.

During the course of last year's congressional hearings on this subject, Mr. William T. Bagley rendered a statement on behalf of the National Association of Regulatory Utility Commissioners with regard to the public policy question of whether a preference should exist. In expressing his support for the House version of the Electric Consumers Protection Act, Mr. Bagley observed that never have so few tried to take so much from so many for so little.

Congress must act now to protect the vast majority of electric consumers by insuring fair competition for this valuable, low-cost form of electricity in order that it be spread equitably among as many consumers as possible. S. 426, the Electric Consumers Protection Act, would do just that. I am pleased to join in cosponsoring this important legislation.●

RULES OF COMMITTEE ON ARMED SERVICES

● Mr. GOLDWATER. Mr. President, the rules of the Senate require that the rules of each standing committee be printed in the CONGRESSIONAL RECORD at the beginning of each session. I submit for the RECORD the rules adopted by the Committee on Armed Services.

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted March 7, 1985)

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be

discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, six members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. *Announcement of Votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, a least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.●

INTERNATIONAL WOMEN'S DAY

● Mr. KERRY. Mr. President, on March 8, 1875, and again in 1908, women workers on the Lower East Side of New York held demonstrations to demand an end to the oppressive conditions in their workplaces and to declare their right to a decent life for themselves and their families. In 1910, to commemorate the struggles of these and countless other women, March 8 was proclaimed "International Women's Day." Since then, it has been a day of both celebration and protest for women in countries around the world.

For women on the Lower East Side in 1857 and 1908, the issue was survival. And for millions of women in the United States and around the world, the issue is still survival. Women today are faced with limited employment options; they are underpaid; they are concentrated in low paying jobs; and they are still subject to discrimination and sexual harassment in their workplaces. The vast majority of women still bear primary—and often sole—responsibility for the care of children. They are the ones who have to see those children go hungry when they cannot earn enough to provide for them.

The majority of this Nation's poor are women. Female-headed households make up 16 percent of all families, and half of all poor families. Of the elderly poor, 75 percent are women. Black and Hispanic women

earn less than 61 cents for every dollar men earn. Since 1980, the Reagan administration has cut the budgets of vital assistance and training programs which provide essential services to women and their children. This administration has systematically eroded the progress we have made toward increasing and improving the participation of women in the work force and in society.

Although not without struggle and not always in ways which are highly visible and well acknowledged, women have always made valuable contributions to our society. And although not in percentages which reflect their numbers or their abilities, women have advanced the fields of science, literature, government, and business. At this moment in history, we are faced with a series of critical choices about the future of this Nation, and indeed, the future of the planet. We cannot afford to squander and deny the creative energy and talents of over half of our population.

March 8 calls our attention to the need to recommit our energy to oppose policies which discriminate against women. We must continue the struggle to improve the qualify of life for women and for all of us.●

COOPER-HEWITT MUSEUM

● Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of a bill introduced by my distinguished colleague from Arizona to authorize the Smithsonian Institution to plan and construct facilities for the Cooper-Hewitt Museum in New York City.

Since 1976, when the Cooper-Hewitt Museum began to operate as a Smithsonian Museum, it has opened its doors to thousands of people. The Cooper-Hewitt has published many books, created a Master of the Arts Program in the history of decorative arts, and sponsored classes for the general public. It has received over 40 awards and commendations because of its extraordinary collections of applied arts and related objects.

The Cooper-Hewitt is in the process of being renovated so that it will be able to accomodate more exhibitions and provide additional programs to the general public. The Construction and Expansion Program is a partnership between the Federal Government and the private sector. Upon its completion, it will be one of the most modern museums in New York City.

Mr. President, I urge my fellow colleagues to act expeditiously on this important bill.●

HEARINGS ON S. 408, A BILL AUTHORIZING FUNDING FOR SBA FOR FISCAL YEAR 1986–88

● Mr. WEICKER. Mr. President, the Committee on Small Business completed its third day of hearings on S. 408, a bill authorizing funding for the Small Business Administration for fiscal years 1986–88. This legislation is now supported by a majority of the committee.

Major small business associations testified staunchly in favor of maintaining an independent SBA including:

National Federation of Independent Business.

Small Business United.

National Small Business Association.

Small Business Legislative Council.

Chamber of Commerce.

Small Business Service Bureau, Inc.

National Association of Small Business Investment Companies.

National Association of Development Companies.

On February 6, 1985, the following small business organizations cited continuation of an independent SBA at the top of their legislative priority lists:

National Association of Women Business Owners.

National Association of Minority Contractors.

Latin American Manufacturers Association.

American Association of Nurserymen.

National Society of Public Accountants.

International Communications Industries Association.

National Association of Plumbing-Heating-Cooling Contractors.

Independent Electrical Contractors, Inc.

American Council of Indpendent Laboratories.

American Association of Minority Enterprise Small Business Investment Companies.

Independent Bankers Association of America.

American Institute of Certified Accountants.

Specialty Advertising Association International.

Brick Institute of America.

National Tooling & Machining Association.

National Association of Manufacturers.

I am pleased with the growing support for retaining the SBA, which I believe is based on the agency having fulfilled its mission to aid, counsel, and assist small businesses, and help create an economic climate conducive to the success of small enterprise.

Mr. President, I ask that a review of the agency's accomplishments, prepared by the staff of the committee, be printed in the RECORD.

The review follows:

THE SMALL BUSINESS ADMINISTRATION: ITS RECORD OF ACCOMPLISHMENTS

SBA: A LEGISLATIVE OVERVIEW

Section 202 of Public Law 163 well states the policy of Congress which led to the establishment of the Small Business Administration:

The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect insofar as is possible, the interests of small-business concerns in order to preserve free-competitive enterprise . . .

These reasons supporting the original Congressional authorization of the SBA still hold true today.

The Committee has engaged in a strong course of oversight of the agency and its programs, and its Chairman, Senator Lowell Weicker, Jr., R-Conn., and Ranking Member, Senator Dale Bumpers, D-Ark., are of the opinion that the agency is fulfilling its mandate, and serving those it is intended to serve.

Accordingly, Senators Weicker and Bumpers have introduced legislation, co-sponsored by 7 other Committee Members, charting a three-year course for the agency, while achieving substantial savings through a budget freeze and program eliminations. The bill is consistent with the Committee's interest in paring down the agency; in 1981 Congress eliminated 27 percent of its operating budget.

This bill represents a legislative response to the Administration's proposal to dismantle the agency, and makes a clear statement by its sponsors that the starting point for any Senate deliberations with regard to the agency's funding will be this legislation, and not the Administration's budget submission. The Weicker-Bumpers bill contains the following key provisions:

Maintains SBA as an independent agency by authorizing funding for SBA programs and activities for the next three fiscal years;

Freezes all programs in FY 86 at FY 85 levels;

Eliminates all direct lending programs, except for loans to the handicapped, veterans, and Minority Enterprise Small Business Investment Companies (MESBICs);

Achieves total agency cost reductions from CBO's current policy baseline of $661.3 million in budget authority and $722.6 million in outlays over the next three fiscal years.

SBA: A MISSION FULFILLED

The SBA has an impressive record of providing critical assistance to large numbers of small business owners and operators. The agency's role in maintaining a viable and progressive small business sector, and creating an economic climate conducive to individual initiative and opportunity, is demonstrated by its accomplishments:

The 7(a) Guarantee Lending Program has resulted in 500,000 small business loans, a majority of them long-term, totalling $36 billion. These loans helped fill a well documented long-term credit gap for small businesses.

SBA, through its Small Business Investment Company (SBIC) and Minority Enterprise Small Business Investment Company (MESBIC) venture capital programs, provid-

ed $2 billion in equity capital to 70,000 small businesses, creating 250,000 jobs.

SBA, through its 503 Development Company Loan Program, provided $703 million in economic development loans, generating 100,000 jobs.

Management assistance programs including Small Business Development Centers, Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), and Small Business Institutes, have counseled or trained more than 3 million entrepreneurs, teaching them essential management skills, with out which many businesses fail.

The Surety Bond Guarantee Program, enabling small contractors to obtain the surety bonding required to bid on almost all federal, federally-funded, and private construction contracts, has guaranteed 166,000 surety bonds permitting the award of $12.9 billion in contracts.

Pollution Control Bond Program has provided small firms with an important source of capital as they seek to comply with mandated environmental standards.

Procurement programs have helped to direct $118.4 billion in federal contracts to small enterprises, $52.3 billion having been achieved through small business "set-asides", and $75.2 billion in subcontracts since 1980.

SBA's 8(a) program brings minority contractors into the economic mainstream through participation in the federal procurement process. During FY 81 through FY 84, 19,115 Section 8(a) contracts were awarded totalling slightly less than $10 billion.

The SBA is the only agency in the Executive Branch whose sole mission is to promote and assist our nation's 14 million small concerns. This sector accounts for 97 percent of all new businesses, and annually create over 80 percent of all net, new jobs. Small enterprises have been effectively represented by the SBA Administrator and the Office of Advocacy through many activities, including issuance of The State of Small Business: Report of the President, establishment of a small business economic data base, establishment of a toll-free phone line to answer small business questions, sponsorship of state and local legislative issues conferences and planned participation in the White House Conference on Small Business.

The recently created Small Business Innovation Research (SBIR) Program, which the SBA oversees, resulted in 11 federal agencies making research awards to small research and development companies totalling $416.5 million.

A DESCRIPTION OF EFFECTIVE SBA PROGRAMS MERITING CONTINUANCE

SBA Guaranteed Lending Program: Filling a Critical Credit Gap

The 7(a) Guarantee Lending Program is filling a critical credit gap by providing small enterprises with long-term loans, the toughest to obtain.

GAO's extensive 1983 study of the 7(a) program called it "the Federal Government's answer to small business' need for long-term financing." The study found out that the guarantee program has encouraged lenders to finance new ventures, make longer-term and larger small business loans, with no evidence of "crowding out" of other small business borrowers or discernible impact on the general level of interest rates.

The Guarantee Lending Program has demonstrated its effectiveness by guaranteeing 500,000 loans to small firms, totalling $36 billion.

Small Business Investment Company Program: Public-Private Partnership Provides Equity Capital

The Small Business Investment Act of 1958 which first authorized the Small Business Investment Company (SBIC) Program, recognized "that small business concerns are faced with a real difficulty in obtaining long-term and equity capital required for adequate growth and development. Commercial banks are not able to furnish such financing; their function lies primarily in short- and intermediate-term lending; they do not supply venture capital or long-term credit." This funding void still exists today, and SBA's venture capital programs are filling this critical credit gap.

SBICs and Minority Enterprise Small Business Investment Companies (MESBICs) are SBA licensed companies which, through a private and public sector partnership, provide equity capital, long-term loans, and management assistance to small businesses. SBICs are responsible for many of our nation's great small business success stories. Companies which have stimulated the economy and provided thousands of jobs, such as Apple Computer and Federal Express, would not have started without SBA financing.

In return for a commitment to invest in small businesses, SBICs are licensed by SBA and authorized to issue loans backed by federal guarantees. To be licensed as an SBIC, a company must have at least $500,000 in private sector, paid-in capital. Before an SBIC can leverage any funds, it must have first committed at least 60 percent of its own capital to investments in small business concerns.

SBA, through its SBIC and MESBIC venture capital programs, provided $2 billion in equity capital to approximately 70,000 firms, creating 250,000 jobs. The assisted companies have produced jobs, economic gains, and tax revenues far exceeding the government's outlays, and should be maintained.

503 Certified Development Company Loan Program: Job Creation and Economic Development at Low Cost to Government

The 503 CDC Loan Program has clearly fulfilled its mandate by spurring economic development and jobs at low cost to the government.

As one of the federal government's primary economic development programs, 503 represents the classic partnership between state and local governments and the private sector in making long-term capital available to healthy small businesses for planned expansion and job creation. Section 503 authorizes the SBA to guarantee debentures issued by Certified Development Companies (CDCs) to finance the acquisition of land, plants, and equipment for small business expansion. With a commitment for a substantial number of new jobs resulting from the expansion before any loan is made, SBA can guarantee up to 40 percent of the project costs, with 50 percent coming from a private sector lender, and 10 percent from the small business itself.

541 CDCs have been certified, funding over 2300 projects, creating or retaining nearly 100,000 jobs. In every quarter since the program's inception, more and more jobs have been created, and the federal commitment per job has declined. This is a federal program that works, and works well.

Management Assistance: Providing Essential Training, Counseling for Entrepreneurs

The absence of sound management practices is responsible for an estimated 50 percent of all small business failures, and the agency's programs diminish the risks to small business owners by administering preventive medicine in the form of management counseling and training, helping entrepreneurs to hone their management skills and better protect their investments.

SBA's Small Business Development Centers (SBDCs), Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), and Small Business Institute (SBI) programs, along with management assistance representatives in each SBA field office, provide a network of affordable management training programs through private sector resources, colleges and universities, state and local governmental agencies.

Since 1979, more than 3 million individuals have received training or counseling through SBA programs. These types of one-to-one counseling and training opportunities, offered at little or no cost by the SBA, are often the only option for the entrepreneur needing answers to serious business problems. It is important that these programs continue.

Surety Bond Guarantee Program: Small Contractors Bridge to Construction Contracts

Under its Surety Bond Guarantee (SBG) Program, SBA enables small business concerns to obtain the surety bonding required to bid on almost all federal, federally-funded, and private construction contracts. Small firms with limited track records and thin capitalization find it difficult to obtain bonds from commercial bonding companies at reasonable costs. Since the inception of the SBG Program in 1971, 166,132 surety bonds have been guaranteed permitting the award of $12.9 billion in contracts.

After deducting program costs, including losses, SBA can identify approximately $504 million in direct savings (difference between the bid price of the the small business participant in the SBG Program and the next low bidder), and has helped thousands of small construction contractors to enter the federal, state or local markets.

Pollution Control Equipment Contract Guarantee Program: Assistance in Complying With Environmental Regulations

By amendments in 1976 to the Small Business Investment Act of 1958, Congress authorized the Small Business Administration to guarantee 100 percent of the payments due from eligible small businesses under qualified contracts for the planning, design, financing or installation of pollution control facilities or equipment which has been mandated by governmental pollution control regulations. Financing of such contracts may be obtained from the proceeds of tax-exempt bonds issued by state or municipal authorities.

Small business owners, bankers, underwriters, and state pollution control financing agencies have overwhelmingly attested to the importance of small businesses' continued access to this small but crucial source of guarantee authority. It is sound public and fiscal policy to continue to permit small businesses which are forced to install nonproductive pollution control equipment to have access to this important—and often only—source of capital.

Procurement Assistance: Helping Small Business in the $166 Billion Federal Market

The SBA has fulfilled its legislatively mandated mission of assisting small businesses to compete for a federal procurement market that totaled $166 billion, awarded through almost 22 million individual procurement actions. SBA programs both assist small businesses seeking to enter the federal market and result in cost savings to the government.

Under its "set-aside" program, competition for individual agency contracting opportunities may be restricted for exclusive competition by small business concerns. During FY 81-84, the set-aside program awarded $52.3 billion in federal contracts to small businesses, representing approximately 45 percent of the $118.4 billion in total awards to small business (approximately 21 percent of the $527.4 billion in total procurement expenditures).

Under its Subcontracting Assistance Program, the opportunities for small business concerns to participate in the federal procurement market as subcontractors is encouraged. Public Law 95-507 requires large prime contractors to submit subcontracting plans with specific goals for subcontract participation by small business concerns and disadvantaged small business concerns. During FY 81-84, $75.2 billion in subcontract awards was made to small businesses and $4.7 billion to disadvantaged small business concerns, representing 36.8 percent and 2.3 percent respectively of the $203.9 billion in subcontract awards reported.

The newest and most cost-effective of SBA's procurement assistance programs is the Breakout Procurement Center Representative (BPCR) Program. Begun in FY 80, the goal of the BPCR Program is to create contracting opportunities by "breaking-out" to competition items that have been procured on a sole source basis. During FY 81-82, three pilot BPCRs were stationed at three of the Air Force Logistics Command's five Air Logistics Centers (ALCs). In FY 83, the pilot program was expanded to cover four (ALCs). The results for FY 81-83 are dramatic: almost $49 million was saved by the "breakout" of only 2,432 items. Late in FY 84, the program was expanded to cover 10 additional buying centers. The FY 84 results: 14 BPCRs saved almost $152 million through the breakout of only 961 items. On October 30, 1984, the President signed H.R. 4209 establishing the BPCR Program by statute and expanding it to all major DOD buying activities. Given a "spare parts" budget approaching $15 billion and the fact that only 20 percent of the 1.8 million parts screened by DOD are procured competitively, the potential of the BPCR Program is truly outstanding.

In FY 84, procurement earned their right to renewal by producing documented savings of more than $400 million to the government.

Disadvantaged Small Business Assistance Programs: Fostering Entry into the Economic Mainstream

SBA uses the federal procurement system to assist small business concerns owned and controlled by socially and economically disadvantaged individuals to enter the economic mainstream. Under the Section 8(a) Program, an executive agency makes a contract with SBA to fulfill a specific agency need for supplies, services or construction; SBA, in turn, then subcontracts with a qualified 8(a) Program participant to fulfill the agency contract. In addition to the contract opportunity, SBA provides direct management and financial assistance to the 8(a) Program participant. During FY 81-84, SBA made 19,115 8(a) program awards, totalling slightly less than $10 billion. In addition, approximately $5.7 billion in contracts were awarded to disadvantaged small business concerns outside the 8(a) Program.

Advocacy: A Vital Agency Function

The agency's role as the advocate and voice of the American small business has been strengthened by the appointment of its Administrator, James C. Sanders, to the Cabinet Council of Commerce and Trade. If the Advocacy functions of the SBA were shifted to the Department of Commerce, the voice of small business would be muffled in a large bureaucracy oriented to big business and international trade.

Every major small business has come out in favor of maintaining the SBA as an independent advocate for small enterprise, including: National Federation of Independent Business, Small Business Legislative Council, Small Business United, Chamber of Commerce, National Association of Small Business Investment Companies, National Small Business Association, Small Business Service Bureau, Inc., National Association of Women Business Owners, National Association of Minority Contractors, Latin American Manufacturers Association, National Association of Development Companies, American Association of Nurserymen, National Society of Public Accountants, International Communications Industries Association, National Association of Plumbing-Heating-Cooling Contractors, Independent Electrical Contractors, Inc.

Small Business Innovation Research Program: Agency Helps Small Firms Obtain Research Awards

The Small Business Innovation Research (SBIR) Program was borne out of Congressional concern that 95 percent of federal research and development funds were being channeled to large businesses, non-profit companies, universities, and government laboratories, while the small business sector received virtually no awards. The SBA is charged with overseeing and monitoring 11 federal agencies and the program's first year achievements were praised by President Reagan in his 1983 State of Small Business Report: "The first year of the Small Business Innovation Research (SBIR) program demonstrated the critical role played by small business research and development companies. The SBIR program resulted in ten federal agencies making over 800 research awards to small firms."

According to President Reagan, SBIR is "creating new opportunities for small business and increasing federal agencies' utilization of small businesses' technological expertise." Since 1982, the SBIR program monitored by SBA has resulted in $416.5 million in grant awards to small research and development firms. The small business sector stands to lose a great deal if SBA oversight were removed from this program.●

JOHN B. "JACK" KELLY, JR.

● Mr. HEINZ. Mr. President, on March 2, a highly respected constituent from my home State of Pennsylvania, Mr. John B. "Jack" Kelly, Jr., died in his native Philadelphia.

Jack Kelly participated in the Olympics four times—in 1948, 1952, 1956, and 1960—and won a bronze medal in single sculls in the 1956 games in Melbourne, Australia. One of his proudest achievements, Mr. President, was his victory in the prestigious Diamond Sculls competition at Henley-on-Thames, England, in 1947, two decades after his father, Mr. John B. Kelly Sr., had been banned from participating in the event because he was not considered a "gentleman." His father was a bricklayer—a social standing too common for Henley-on-Thames; nonetheless, within a generation, Jack Kelly went on to win that championship two times and his sister, the late Princess Grace of Monaco, was invited to present the awards at the games.

When not competing himself, Jack Kelly was active in amateur athletic causes. He founded the Vesper Boat Club which, under his stewardship, won the gold medal in the eight-man crew race in the 1964 Olympics in Tokyo. He was president of the Philadelphia Athletic Club and recently was named president of the U.S. Olympic Committee.

He will be remembered, Mr. President, as an outstanding Philadelphian and a great American.

Mr. President, I ask to have printed in the RECORD an editorial about Mr. John B. Kelly, Jr., which appeared in the Philadelphia Inquirer on Monday, March 4, 1985.

The editorial follows:

JACK KELLY, TRULY OLYMPIAN

John B. Kelly Jr. was a distinguished Philadelphian who belonged to the world. He was Olympian in the noblest sense—an extraordinary athlete and a leader in development of international athletic competition rooted in sound fundamentals of sportsmanship. He was a public servant, civic leader and global ambassador of good will.

He had a love of history and a marvelous affinity for heritage and tradition. Helping others in charitable enterprises, often in ways that did not attract public attention, was something he genuinely liked to do. He was generous in compassion and spirit.

Jack Kelly—as he was known not just to friends but to many who never knew him personally—was forthright and down to earth. The planet was his stage. He loved Philadelphia, which he served in elective office for three terms as a member of City Council, but he was at home anywhere.

In addition to all that, and much more, he was a cheerful and friendly man who practiced fellowship and enjoyed life. He had style and grace. As an outstanding member of a famous family characterized by excellence and achievement, he not only held his own but added to the luster.

Thus, his sudden and untimely death at 57 is a grievous loss—all the more so because he had become president of the U.S. Olympic Committee last month and had been looking forward to responsibilities in that role with great enthusiasm. It would have been a labor of love for a former world champion in the single sculls, an Olympic medalist and winner of many international rowing competitions.

There was much work ahead that he wanted very much to do. He will be sorely missed but his inspiration will endure.●

IMPACT STATEMENTS ON FEDERAL RESERVE MONETARY POLICIES

● Mr. GRASSLEY. Mr. President, on March 5, 1985, I introduced a measure to amend the Federal Reserve Act to require the Chairman of the Federal Reserve System issue an impact statement at the time he presents the Federal Reserve's monetary policies to the Congress in accordance with the Humphrey-Hawkins Act of 1978. Such an impact statement would express the effect of these monetary policies on the agriculture and small business sectors of our economy (S. 589). I ask today that Senator ABDNOR, Senator BOREN, and Senator MELCHER be added as if original cosponsors of S. 589.●

THE GENOCIDE CONVENTION WON'T HURT ISRAEL

● Mr. BOSCHWITZ. Mr. President, some opponents of the Genocide Convention have raised the argument that U.S. ratification might hurt Israel; that it makes it more likely that some country will try to bring Israel to the World Court.

This is a false argument being used to undermine support for the convention, developed as a reaction against Nazi Germany's genocide against the Jews.

Israel was one of the first countries to ratify the convention back in 1950. If someone was going to try to bring them before the World Court on some spurious charges, they would have done so already. American ratification of the convention is not going to change the basic situation.

The issue was addressed very eloquently by Elie Wiesel, the noted author, during his testimony on March 5, before the Senate Foreign Relations Committee.

Mr. Wiesel, chairman of the U.S. Holocaust Memorial Council, said:

> Israel, which is the dream of the Jewish people, has often been a target of genocide, not a perpetrator of genocide. Had Hitler and his acolytes succeeded, every single Jew everywhere on the surface of the earth, in the United States or in Israel or anywhere would have ceased to exist . . . it is essential for the whole world to adopt a convention against genocide. Israel is not afraid at all; Israel is not afraid of false accusations.

He also said that Americans should have more self-confidence that the United States will not be hauled before the World Court on some false charges.

Mr. President, I ask that excerpts from his testimony and the following discussion be placed in the RECORD.

[The excerpts follow:]

STATEMENT OF HON. ELIE WIESEL, PROFESSOR, BOSTON UNIVERSITY TO THE SENATE FOREIGN RELATIONS COMMITTEE, MARCH 5, 1985

Mr. WIESEL. Mr. Chairman, Senator Boschwitz, Senator Dodd, I thank you very much for inviting me to appear before your committee today to give testimony on an issue that seems to me of vital importance to our generation and to the world today.

I speak to you not as a professor of law—I am not a professor of law—nor as a professor of political science—I am not a professor of political science. I am a professor in the humanities, and I would like to speak to you, Mr. Chairman and my friends, in the name of humanity. And it is in the name of humanity that I humbly urge you to approve this treaty.

. I speak to you as an American. * * * I came here as a refugee, stateless person, without passport, and it is in this country that I found haven and hope and all the possibilities offered a young man, to work and to try to justify his work for the sake of his contemporaries in this nation and outside of this nation.

As a Jew, I grew up believing in justice and carrying with me memories of fire and anguish and trying to do something with those memories of fire and anguish in order to reduce fire and to curtail anguish.

But above all, Mr. Chairman, I speak as a witness. I speak as someone who has seen, who has seen genocide at work. Of all my predecessors here at this table who have the privilege to speak to you and before you, I think I am the only one who has seen the results and the workings of genocide. I have seen it recently in Cambodia where I went to see what was happening. I have seen in a way the Miskito Indians and their suffering. But above all, what I have seen from forty-odd years ago should not be seen nor endured by anyone alive ever.

And this is why I came to be with you today.

It happened some forty-odd years ago, Mr. Chairman. In Biblical terms, as surely you know, forty years mark a generation. So a generation ago hundreds and hundreds of communities were wiped out in a tempest of blood and steel and reduced to ashes. When the Jews of my town arrived at the place unknown to us then, Auschwitz, the death factories annihilated 10,000 human beings a day. At times their success was so great that the figure was much higher, 17,000; and once they recorded for their history 22,000 a day.

Mr. Chairman, I have seen the flames. I have seen the flames rising to noctural heavens; I have seen parents and children, teachers and their disciples, dreamers and their dreams, and woe unto me, I have seen children thrown alive in flames. I have seen all of them vanish in the night as part of a plan, of a program conceived and executed by criminal minds that have corrupted the law and poisoned the hearts in their own land and the lands that they had criminally occupied.

Then it was called the final solution. Today it is called genocide.

Mr. Chairman, it is the honor of our country to have lead the war, and what a war, what a heroic and noble war, against those who practiced genocide. Tens of thousands of young Americans have given their lives to defeat Nazis, and their war, our war, was not a political war. It was a moral war. And therefore, it is still being glorified and extolled by all of us with justified pride.

I submit to you, Mr. Chairman, friends, that my plea today is also morally inspired and not politically. I am governed by moral considerations only. Though a consequence of political and economic machinations, genocide transcends them all and becomes as a reminder and warning, a powerful call to conscience, and therefore, I urge you to ratify the convention against genocide. In doing so you will declare for all to hear, yes, crimes against entire peoples did indeed occur.

I insist on that, Mr. Chairman, because we live now in a time where morally perturbed minds all over the world, even in our own country, to our embarrassment and shame, dare to claim that it did not occur, that Jewish people did not die in gas chambers. And what really do they think? We are still here. What happened to our people? But what happened to our parents? What happened to the 15,000 Jews of my city? And what happened to the 10,000 cities in Eastern Europe? Yet they place us in an untenable position that we have to defend our own testimony and say yes, it happened.

We don't do it with pleasure, we don't. We do not like to open wounds in public.

So to accept this convention, Mr. Chairman and friends, would serve a warning, yes, what we say, what we witnesses say is true, we are true witnesses, and this would be an act of morality, Mr. Chairman, that all of us would appreciate fully and totally.

Furthermore, in adopting this convention you will say that yes, it occurred, but it must never occur again, ever by evoking the past, you will protect not only the memory of humankind but also its future. You will protect our children and their children from further shame and death.

Oh, naturally, although I am a humanist, I am not excessively naive, not to the point of assuming that laws, however lofty, could stop planned mass murder, but I am certain that the absence of such laws would encourage mass murder as it has in the past.

Do I need to remind you, who know so much of history, that Hitler and Himmler and Eichmann and their acolytes were convinced that what they were doing was decent, legal, and even beneficial to society? In his diaries, Goebbels, the arch propagandist for Hitler, mentioned his conviction that the Allies were pleased, he said it, that the Allies were pleased with the final solution's theoreticians and practitioners for doing the dirty work for them.

The fact that the killers could kill and go on killing, and go on killing without protest or interference from the outside world was interpreted in Berlin as tacit consent to their policies.

Well, that doesn't mean that if the law were to be accepted and ratified, as I am sure it will, a law on genocide would stop future attempts to commit genocide against other people. But at least we as a moral nation whose memories are alive, we must make that statement that we are against genocide, that we cannot tolerate a world in which genocide is being perpetrated, and whoever engages in genocide, wherever that is, places himself outside the human community.

Now, why has not this convention been ratified by the United States? I told you, I am not a political scientist; I don't know. But I can tell you as a witness in all sincerity, Mr. Chairman and friends, this question, why not, has been a permanent trouble to us, to me. Our attitude is being questioned both at home, in schools, and abroad, wherever I go.

I teach in other universities, in France, and in Scandinavia. After all, that is my vocation. I am a passionate teacher. I believe that what we have received we must communicate. And I am proud to appear everywhere as a teacher from an American university who is involved in our political life and who believes in our system and in our ideals. But when they ask me why, explain

to me why hasn't the United States ratified the convention, what could I say? And in my own schools here in the United States, when my students ask me, you who preach humanism, and you who glorify the moral asset, the moral conviction of our nation, how do you explain that we have not ratified for 19 years something which is so simple and urgent and vital, I, their teacher, find it difficult to come up with a logical answer.

Therefore, I urge you to give me that answer, the right answer, and reaffirm our common belief that we have been and remain a nation governed by moral principles. When those principles were jeopardized, we had the courage to defend them. Now I am asking you, isn't genocide the greatest threat to those principles? Isn't genocide the greatest peril to civilization's ideals and visions of peace and compassion?

A French philosopher, Jean Rostand, once remarked, and I quote him, "Kill a man and you are an assassin. Kill a town and you are a conquerer. Kill a people and you are a god."

Now, isn't it our obligation to stand up to those who wish to become gods by murdering people?

Mr. Chairman and distinguished Senators, murder is evil. We all know that. But genocide is absolute evil, and therefore, we have no choice there; we as citizens of this country and teachers to our generation, both in the field of politics, of statesmanship and education, we must tell the young people today, yes, we are against absolute evil, and we are absolutely against that evil.

To outlaw genocide means to justify our faith in faith. We owe it to our children, and we must tell them that we shall do whatever we can to see to it that they will never be confronted by the darkness that is piercing our light and by the wounds that plague our nightmares.

Oh, I know, the Genocide Convention will not bring back the dead. Mr. Chairman, friends, I know that. The dead, it is too late for the dead. But at least in signing such a convention we could remember the dead without shame. Not to remember them would mean to betray them and betray ourselves.

If we do not remember them, we, too, shall be forgotten.

In conclusion, Mr. Chairman, and in thanking you for your graciousness and kindness for listening to me this afternoon, I urge you that the Genocide convention, when ratified, would become not only an act of justice, but above all, a solemn and noble act of remembering.

I thank you.

Senator HELMS. Thank you.

Let the Chair suggest that we have one round of three minutes each with questions directed only to Mr. Wiesel, because he must go, and then the other gentlemen, if you will be patient with us.

We have another panel after this one, I would mention.

But let me say to you, sir, I have never heard a more eloquent message. It has been worth this entire day just to hear you, and I thank you.

Your sensitivity toward the suffering of the Jewish people had been clearly displayed once more, and I am almost hesitant to ask a question or two, but let me do so anyhow as to the meaning and effect of genocide.

First of all, do you find it distressing that in the international area, the country most often accused of genocide happens to be Israel, and that these accusations most often come from the very people who do not believe that Israel should be allowed to exist?

Mr. WIESEL. Mr. Chairman, Israel, which is the dream of the Jewish people, has often been a target of genocide, not a perpetrator of genocide. Had Hitler and his acolytes succeeded, every single Jew everywhere on the surface of the earth, in the United States or in Israel or anywhere would have ceased to exist. Clearly, Mr. Chairman, a people with such memories, a people who saw what genocide can do and does, not only to its victims but to its perpetrators, do you really feel that there is any possibility of temptation in the Jewish people or in Israel for a semblance of genocide?

Why have these accusations been leveled? Because Israel has been isolated for reasons that have to do with metaphysical considerations as well as political considerations, and Israel has many enemies. Well, Israel is a lonely nation. It does not belong to any bloc, and I think it has a sense of integrity which angers many operations.

The fact that it has been accused of genocide only speaks poorly of the state of our world today, but not to Israel.

Senator HELMS. Do you think that these accusation will be harmful to Israel in the long pull?

Mr. WIESEL. Mr. Chairman, I thank you for your questions because you force me to reflect on them. I do not think so. I think Israel has itself signed the convention. I have friends in Israel and friends in government, friends in Parliament, and I have spoken to them, and all of them believe that it is essential for the whole world to adopt a convention against genocide. Israel is not afraid at all; Israel is not afraid of false accusations.

For the last 2000 years the Jewish people have endured enough false accusations and slander, and yet we survive.

Senator HELMS. Thank you very much. * * *

Senator BOSCHWITZ. * * * there is a feeling and a fear that the United States will be hailed into court just as my colleague, Senator Helms has suggested that the Israelis will be hailed into court and brought to the bar with spurious charges, that if we sign this convention, we would be hauled into court by those in the world who are not our friends, and brought to the bar on some sort of charge.

Does this concern you as you consider the Genocide Convention?

"* * * we in the United States I believe represent a moral force, and the United States is strong, is morally strong and should not feel so insecure."

Are we really afraid of propaganda? Since when are we afraid of propaganda? If it is a matter of propaganda, then we lose because the Russians are better than that. If it comes to truth, there we have a chance of winning. But in propaganda, the Russians and all their agencies and the communist empire and its agencies, they do nothing else, but the Untied States, fortunately for us, the United States has a certain concept of truth, and therefore we can take the risk.

I am convinced that when we will adopt this convention, we will only take pride in it and not sorrow.

Senator HELMS (presiding). If the Senator would yield, I do not disagree with you at all about the moral intent of the United States, or the strength, but on the other hand, we have a treaty responsibility here. The United States has entered into some defective treaties on a number of occasions, and while we all agree on the question of genocide, and this Senator agrees on the question of a genocide treaty, my duty as I see it may be a little bit different from somebody else's who is not in the Senate, and I want it to be as strong and as protective of the United States as possible. Otherwise we will have difficulties down the road.

But again, I want to tell you that I not only enjoyed your testimony, I was inspired by it. You are a fine man.

Thank you very much.

Mr. WIESEL. I thank you very much.* * *●

SUBCOMMITTEE ASSIGNMENTS, COMMITTEE ON ARMED SERVICES

● Mr. GOLDWATER. Mr. President, I ask to have printed in the RECORD a list of the subcommittee memberships of the Committee on Armed Services for the 99th Congress.

The material follows:

SUBCOMMITTEE ASSIGNMENTS—COMMITTEE ON ARMED SERVICES, 99TH CONGRESS

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Senator Thurmond (Chairman), Senator Warner, Senator Humphrey, Senator East.

Senator Bingaman (Ranking), Senator Stennis, Senator Hart.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Senator Warner (Chairman), Senator Goldwater, Senator Thurmond, Senator Cohen, Senator Quayle, Senator Wilson.

Senator Hart (Ranking), Senator Nunn, Senator Stennis, Senator Exon, Senator Levin.

SUBCOMMITTEE ON PREPAREDNESS

Senator Humphrey (Chairman), Senator Goldwater, Senator East, Senator Denton, Senator Gramm.

Senator Dixon (Ranking), Senator Levin, Senator Kennedy, Senator Glenn.

SUBCOMMITTEE ON SEA POWER AND FORCE PROJECTION

Senator Cohen (Chairman), Senator Quayle, Senator Wilson, Senator Denton, Senator Gramm.

Senator Exon (Ranking), Senator Nunn, Senator Stennis, Senator Hart.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Senator Wilson (Chairman), Senator Thurmond, Senator Cohen, Senator East, Senator Denton.

Senator Glenn (Ranking), Senator Nunn, Senator Exon, Senator Kennedy.

SUBCOMMITTEE ON DEFENSE ACQUISITION POLICY

Senator Quayle (Chairman), Senator Goldwater, Senator Warner, Senator Humphrey, Senator Gramm.

Senator Levin (Ranking), Senator Bingaman, Senator Dixon, Senator Glenn.●

EMERGENCY ASSISTANCE FOR THE VICTIMS OF DROUGHT AND FAMINE IN AFRICA

● Mr. BOSCHWITZ. Mr. President, the current situation in Africa is intolerable and horrible. Millions of Africans have been forced from their homes by the current drought and famine. None of us can remain unaf-

fected by the plight of individuals, families, and villages who are forced to abandon the world they have known to search out basic necessities—food, water, and shelter. As is common in such conditions, weakened individuals are susceptible to diseases and epidemic threats.

I am pleased to be an original cosponsor of the bill which is back before us today, S. 457, and addresses the critical nonfood problems faced by the Africans. Much attention has been focused on the food needs created by the drought and famine, and there will be congressional action soon on additional food aid. This bill S. 457, addresses other equally life-threatening conditions. Funds are provided for disease prevention, health care, water projects, and the supply of shelter and clothing.

As a member of the Budget Committee, I am painfully aware of the budget constraints under which we all must operate. The exigency of the current situation, however, requires that we rise above our own budgetary problems. The President and the administration have already realized this. He has used his reprogramming and waiver authority to provide emergency assistance. Senate bill 457 gives him the authority to provide additional assistance as is necessary. The committee has chosen not to determine explicitly how the funds are to be expended in order to give the administration flexibility in meeting rapidly changing needs.

Included in this bill is a slightly revised version of the amendment which I offered in the Senate Foreign Relations Committee. The committee adopted the amendment unanimously last month and it was part of the bill originally sent to the President. The purpose of this amendment is to permit the Department of Defense to provide emergency services on a lower cost-effective basis. This amendment makes possible the use of these services on the basis of the costs actually incurred such as fuel, oil, and additional maintenance to fly in emergency cargoes or to provide medical supplies and teams.

The revised amendment has been worked out after prolonged discussions with our House colleagues and the Defense Department which supports it.

Under the amendment, the costs charged to the Agency for International Development or the State Department for the emergency African relief effort will not include military pay and allowances, or amortization of equipment, or a share of the fixed facilities such as airport equipment.

In practice, the Defense Department has not been charging at least some of these costs recently as part of an informal agreement. I commend them for this. This amendment will provide legal backing and codify the arrangements to enable provisions of these services, when requested, on a lower cost-effective basis.

In this emergency situation with thousands of lives at stake, the Pentagon should not charge relief agencies high overhead, such as depreciation of equipment or salaries for the doctors and medics which will be paid whether or not they are performing humanitarian services. Thus, we can facilitate the use of U.S. military medical personnel and transportation equipment for humanitarian purposes in the African drought relief effort. It is not the intention that the military substitute for the ordinary use of civilian facilities, such as planes. But in some situations, however, using the military may be the fastest way of saving lives. The military is often the best equipped organization to quickly send in medical teams, engineers to drill wells or build sanitation facilities or to fly emergency supplies to remote areas where there are only rough landing strips.

They could, in effect, serve as "white berets." Of course, American military personnel could participate only with the agreement of the host government.

The private voluntary organizations do an outstanding job in providing emergency assistance. The provision of American military assistance if needed at a lower cost will help these organizations as well as international relief organizations carry out their tasks more effectively.

I am certain that all of us desire to provide drought-stricken Africa with the emergency assistance as quickly as possible. The expeditious passage of S. 457 is one step we all can take.●

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE FROM MARCH 7, 1985, UNTIL MARCH 19, 1985

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Concurrent Resolution 79, the House adjournment resolution.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 79) providing for a conditional adjournment of the House from March 7, 1985, until March 19, 1985.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. THURMOND. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 79) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I thank the distinguished President pro tempore, the chairman of the Judiciary Committee.

JOINT REFERRAL OF THE NOMINATION OF DONALD E. SHASTEEN, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that the nomination of Donald E. Shasteen, to be Assistant Secretary of Labor for Veterans' Employment, be jointly referred to the Committee on Labor and Human Resources and the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of myself and the distinguished minority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 95) to direct the Senate legal counsel to represent Malin Jennings in Alaskans for Nuclear Arms Control Political Act v. Charney, et al.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the plaintiff in an action in the Superior Court for the State of Alaska has issued a subpoena to Malin Jennings, press secretary to Senator STEVENS. The State of Alaska, through its legislative affairs agency, operates a legislative teleconference network which provides a telecommunication link among various locations in Alaska and between Alaska and the District of Columbia. The Alaska State Legislature has priority in the use of the telecommunications network.

The legislative affairs agency also permits members of the Alaska congressional delegation to use the network, and Senator STEVENS, who is not a defendant in this action, has utilized the network to hold press conferences with the Alaska news media. The

Alaska State agency has denied to the plaintiff organization access to the network, and the plaintiff is contending that the denial is unconstitutional. The plaintiff is seeking to establish the utilization by others, including Senator STEVENS, of the telecommunications network.

The following resolution would authorize the Senate legal counsel to represent Senator STEVENS' press secretary in discovery proceedings in this action.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 95) was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas the case of Alaskans for Nuclear Arms Control Political Action Committee v. Charney, et al., Case No. 1JU-84-14 CIV, is pending in the Superior Court for the State of Alaska, First Judicial District at Juneau;

Whereas plaintiff has served a subpoena for records on Malin Jennings, Press Secretary to Senator Ted Stevens;

Whereas pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2)(1982), the Senate may direct its counsel to defend an employee of the Senate with respect to any subpoena directed to her in her official capacity: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Malin Jennings in Alaskans for Nuclear Arms Control Political Action Committee v. Charney, et al.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AGRIBUSINESS ANXIETY

Mr. MATSUNAGA. Mr. President, in our concern for the plight of the family farmers of America let us not lose sight of the fact that there are real people engaged in corporate farming, too, who also are facing dire times.

The administration's farm proposal tolls a death knell for the Nation's domestic sugar industry if we in this body and the House accept it. It would certainly bring to a close the 150-year-old sugar industry in my home State, and the consequences to the Hawaiian economy will be disastrous, for sugar constitutes the second largest industry in Hawaii.

This is fully recognized by both management and labor of Hawaii's 13 sugar plantation companies, which employ 7,800 people, as well as by the industry's 265 small, independent sugar growers. Without these men and women of the domestic sugar industry, in Hawaii and other sugar-producing States, our country would become so dependent upon foreign imports for one of the most volatile and basic of all commodities that the consequences would be akin to depending entirely on OPEC for all our oil. What the present administration fails to realize is that sugar is an import commodity, unlike wheat, corn, feed grains, and other agricultural commodities which are export items. Even today, we produce only 55 percent of our domestic sugar needs and import 45 percent. My colleagues will recall standing in long lines at gasoline service stations when OPEC invoked an embargo of its exports to the United States. We were then importing only 8 percent of our oil needs. If the foreign suppliers of sugar should form a cartel and invoke an embargo for one reason or other, the consequences would be beyond our imagination. Every member of every American family would be lined up at every grocery store for rationed sugar, should our domestic industry be dead.

It is all the more difficult to appreciate the administration's position on sugar in light of the additional fact that the sugar program to date has operated without cost to the U.S. Treasury and the American taxpayer, while assuring stable supplies for consumers at prices fair to both consumers and producers alike.

For an appreciation of agribusiness anxiety during this period of depressed sugar prices, I recommend to my colleagues an editorial which appeared in the Honolulu Advertiser of Saturday, March 2, 1985, entitled: "Sugar Workers' Role." It points up how the will to survive has forged a common bond between labor and management in the Hawaiian sugar industry.

Mr. President, I ask unanimous consent that this editorial be included in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Honolulu Advertiser, Mar. 2, 1985]

SUGAR WORKERS' ROLE

The sugar workers of the International Longshoremen's and Warehousemen's Union did what had to be done in difficult circumstances. A 92 percent majority ratified another one-year contract essentially freezing wages.

The union resisted management requests for increased employee medical insurance payments or wage cuts but agreed to weekend work without overtime pay. The previous contract also froze wages with the last 30-cent increase in early 1984.

As everyone here understands, the sugar industry is in desperate straits in its 150th year in Hawaii. With world surpluses high and prices low, the Reagan administration threatens to end sugar price supports.

Survival will require optimal cooperation between labor and management. Hawaiian Sugar Planters' Association chairman John W.A. "Doc" Buyers recently paid tribute to workers and managers when he said:

"They go to work every day under (a) cloud of uncertainty. They constantly read about the political and economic difficulties of sugar and how it affects their livelihoods. However, they continue to do a splendid job, continue to cut costs—and, for the most part, they remain dedicated and even cheerful. These people on our plantations deserve our admiration, praise and support."

Buyers also noted the union's political help in Washington. "One of my best friends and best sources of assistance in Washington in 1981 (when sugar was gotten into the Farm Bill) was Mike Lewis of the ILWU. Their support will be of critical importance in securing the backing of other elements of organized labor in our struggle."

In Washington concern is being expressed for family farmers whose economic plight is grim compared to the well-being of the big, corporate, "agribusiness" farms. Sugar here does not fit that picture.

There are only 13 sugar companies in Hawaii under six corporate umbrellas (plus 265 small, independent farmers), so it is easy to forget that the industry employs about 7,800 people and delivers a $200 million pay-and-benefits packet each year.

Perhaps even more than for the Mainland small farmer, the livelihood and lifestyle of sugar people are threatened by the peril to the industry, which is Hawaii's second largest business and the only agricultural endeavor known that can use so much land here so productively.

ORDER FOR RECESS UNTIL 10 A.M. MONDAY, MARCH 11, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Monday, March 11, for a pro forma session only. No business will be transacted during Monday's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY, MARCH 11, 1985 UNTIL 12 NOON ON THURSDAY, MARCH 14, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate recesses on Monday, following the pro forma session, it reconvene at 12 noon on Thursday, March 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON THURSDAY, MARCH 14, 1985

Mr. DOLE. Mr. President, I also ask unanimous consent that following the two leaders under the standing order on Thursday, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON THURSDAY, MARCH 14, 1985

Mr. DOLE. Mr. President, following the Proxmire special order, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m. with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, the legislative schedule for Thursday is uncertain at this point, although it is the intention of the leadership to turn to any legislative or Executive Calendar items cleared for action. But I would also announce there will be no rollcall votes on Thursday, March 14.

Mr. BYRD. Mr. President, if the distinguished majority leader would yield, he does not anticipate any business, the transaction of any business by way of acting on legislation or calling up legislation on Thursday when we are back in session?

Mr. DOLE. I would say to the distinguished minority leader that I do not anticipate anything. If anything came up that needed to be disposed of, it would be after consultation with the minority leader. But we would do it without a rollcall or it would be postponed.

Mr. BYRD. I thank the distinguished majority leader.

RECESS UNTIL 10 A.M., MONDAY, MARCH 11, 1985

Mr. DOLE. Mr. President, there being no further business, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 10 a.m., Monday, March 11, 1985.

(The motion was agreed to; and, at 5:52 p.m., the Senate recessed until Monday, March 11, 1985, at 10 a.m.)

NOMINATIONS

Executive nominations received by the Senate March 7, 1985:

THE JUDICIARY

Carol Los Mansmann, of Pennsylvania, to be U.S. circuit judge for the third circuit vice a new position created by Public Law 98-353, approved July 10, 1984.

J. Thomas Greene, of Utah, to be U.S. district judge for the district of Utah vice a new position created by Public Law 98-353, approved July 10, 1984.

Carolyn R. Dimmick, of Washington, to be U.S. district judge for the western district of Washington vice a new position created by Public Law 98-353, approved July 10, 1984.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

George S. Rosborough, Jr., of Misssouri, to be a member of the National Museum Services Board for a term expiring December 6, 1988, vice Douglas Dillon.

HOUSE OF REPRESENTATIVES—*Thursday, March 7, 1985*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember in this, our prayer, all people who have any special need. We pray for those that face tension and strain in their lives and for those who are uncertain about the future. May Your word of hope and Your promises of new life and Your gift of faith strengthen all of us. Whatever our place or position, give us Your peace that passes all understanding that we may know and experience the abundant life that is Your will for us. This we pray. Amen.

JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. STRANG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STRANG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 162, answered "present" 3, not voting 23, as follows:

[Roll No. 29]

YEAS—244

Ackerman	Boggs	Chappell
Addabbo	Boland	Coelho
Akaka	Boner (TN)	Coleman (TX)
Alexander	Bonior (MI)	Conyers
Anderson	Bonker	Cooper
Andrews	Borski	Coyne
Annunzio	Bosco	Crane
Anthony	Boucher	Crockett
Aspin	Boxer	Daniel
Atkins	Brooks	Darden
AuCoin	Broomfield	Daschle
Barnard	Brown (CA)	de la Garza
Barnes	Broyhill	Dellums
Bates	Bruce	Derrick
Bedell	Bryant	Dicks
Bennett	Burton (CA)	Dingell
Berman	Bustamante	Dixon
Bevill	Byron	Donnelly
Biaggi	Carper	Dorgan (ND)
Boehlert	Carr	Dornan (CA)
Dowdy	Lantos	Rostenkowski
Downey	Leath (TX)	Rowland (GA)
Durbin	Lehman (CA)	Roybal
Dwyer	Lehman (FL)	Rudd
Dyson	Leland	Russo
Early	Levin (MI)	Sabo
Eckart (OH)	Levine (CA)	Savage
Edgar	Lewis (FL)	Scheuer
Edwards (CA)	Lipinski	Schneider
English	Lloyd	Schumer
Erdreich	Lowry (WA)	Seiberling
Evans (IL)	Luken	Sharp
Fascell	Lundine	Shelby
Fazio	MacKay	Sisisky
Feighan	Manton	Skelton
Flippo	Martin (NY)	Slattery
Florio	Martinez	Smith (FL)
Foglietta	Matsui	Smith (IA)
Foley	Mavroules	Smith (NJ)
Ford (TN)	Mazzoli	Snyder
Fowler	McCurdy	Solarz
Frost	McHugh	Spratt
Fuqua	Mica	St Germain
Garcia	Mikulski	Staggers
Gaydos	Miller (CA)	Stallings
Gejdenson	Mineta	Stark
Gephardt	Mollohan	Stenholm
Gibbons	Montgomery	Stokes
Glickman	Moody	Stratton
Gonzalez	Moore	Studds
Gordon	Morrison (CT)	Swift
Gray (IL)	Mrazek	Synar
Guarini	Murphy	Tallon
Hall (OH)	Murtha	Thomas (GA)
Hall, Ralph	Myers	Torricelli
Hall, Sam	Natcher	Towns
Hamilton	Neal	Traficant
Hawkins	Nelson	Traxler
Hayes	Nichols	Udall
Hefner	Nowak	Valentine
Hertel	O'Brien	Vento
Horton	Oakar	Visclosky
Howard	Obey	Volkmer
Hoyer	Olin	Walgren
Hubbard	Ortiz	Watkins
Hughes	Owens	Waxman
Hutto	Panetta	Weiss
Ireland	Pease	Wheat
Jenkins	Pepper	Whitley
Johnson	Perkins	Whitten
Jones (NC)	Petri	Williams
Jones (OK)	Pickle	Wilson
Jones (TN)	Price	Wirth
Kanjorski	Rahall	Wolpe
Kaptur	Rangel	Wright
Kastenmeier	Ray	Wyden
Kennelly	Regula	Wylie
Kildee	Reid	Yates
Kleczka	Richardson	Yatron
Kolter	Robinson	Young (MO)
Kostmayer	Roe	
LaFalce	Rose	

NAYS—162

Archer	Coats	Evans (IA)
Armey	Cobey	Fawell
Badham	Coble	Fiedler
Bartlett	Coleman (MO)	Fields
Barton	Combest	Fish
Bateman	Conte	Franklin
Bentley	Coughlin	Gallo
Bereuter	Courter	Gekas
Bilirakis	Craig	Gilman
Bliley	Dannemeyer	Gingrich
Boulter	Daub	Goodling
Brown (CO)	Davis	Gradison
Burton (IN)	DeLay	Green
Callahan	DeWine	Gregg
Campbell	Dickinson	Grotberg
Carney	DioGuardi	Gunderson
Chandler	Dreier	Hammerschmidt
Chappie	Duncan	Hansen
Cheney	Eckert (NY)	Hartnett
Clay	Edwards (OK)	Hendon
Clinger	Emerson	Henry
Hiler	McGrath	Shaw
Holt	McKernan	Shumway
Hopkins	McKinney	Shuster
Huckaby	McMillan	Sikorski
Hyde	Meyers	Siljander
Jacobs	Michel	Skeen
Jeffords	Miller (OH)	Slaughter
Kasich	Miller (WA)	Smith (NE)
Kemp	Mitchell	Smith (NH)
Kindness	Molinari	Smith, Denny
Kolbe	Monson	Smith, Robert
Kramer	Moorhead	Snowe
Lagomarsino	Morrison (WA)	Solomon
Latta	Nielson	Spence
Leach (IA)	Oxley	Stangeland
Lent	Parris	Strang
Lewis (CA)	Penny	Stump
Lightfoot	Porter	Sundquist
Livingston	Pursell	Sweeney
Loeffler	Ridge	Swindall
Lott	Ritter	Tauke
Lowery (CA)	Roberts	Taylor
Lujan	Roemer	Thomas (CA)
Lungren	Rogers	Vander Jagt
Mack	Roth	Vucanovich
Madigan	Roukema	Walker
Markey	Rowland (CT)	Weber
Marlenee	Saxton	Whitehurst
Martin (IL)	Schaefer	Whittaker
McCain	Schroeder	Wolf
McCandless	Schuette	Young (AK)
McCollum	Schulze	Young (FL)
McEwen	Sensenbrenner	Zschau

ANSWERED "PRESENT"—3

Dymally	Frenzel	Oberstar

NOT VOTING—23

Applegate	Heftel	Rinaldo
Beilenson	Hillis	Rodino
Breaux	Hunter	Tauzin
Collins	McDade	Torres
Ford (MI)	Moakley	Weaver
Frank	Packard	Wise
Gray (PA)	Pashayan	Wortley
Hatcher	Quillen	

□ 1120

Messrs. SENSENBRENNER, PARRIS, and CONTE changed their votes from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed, without amendment, a joint resolution of the House of the following title:

H.J. Res. 50. Joint resolution designating the week beginning March 3, 1985, as "Women's History Week."

THE UNFAIRNESS OF SUBCOMMITTEE RATIOS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, my colleagues on the Energy and Commerce Committee on our side the other day refused to participate in subcommittee

proceedings as a way of protesting very unfair subcommittee ratios. Earlier this year members of the Judiciary Committee took similar action.

Now, walking out of subcommittee hearings is not something that we take lightly. However, there does not seem to be any other way to get our point across.

Representation in this House has become so badly misaligned through gerrymandering, ratios, staffing, and arbitrary rules that it has gotten to the point where the sacred right of the people to decide who represents them is looked upon as some kind of nettlesome nuisance by the majority in this House.

We in the minority do not deny that the majority does have some prerogatives when it comes to ratios and staff, and I will say quite frankly that at the full committee level my negotiations with the majority leader were eminently fair. But beyond that, it goes beyond the Speaker and the majority leader down to that chairman of the committee, and there is where we are not being treated fairly.

When legitimate prerogatives become arbitrary abuses of power which threaten the very fabric of representative government in this House, then it becomes necessary to fight for what we see is right and fair and just.

And we are going to continue to do that, Mr. Speaker.

□ 1130

INTRODUCTION OF GREAT LAKES INLAND WATERWAY BILL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today, I am proposing legislation to authorize the Army Corps of Engineers to update a study on the feasibility of the Great Lakes Inland Waterway, a canal from the Cleveland area on Lake Erie to the Ohio River near Pittsburgh, of approximately 120 miles.

America suffers from imports and has over $130 billion in trade deficits. Yet we have not maximized our export opportunities. This canal would complete our vast inland water system by creating export opportunities to both Canada and Europe.

This waterway is the final link—the exit north—in our comprehensive water transportation system, necessary to move coal, forestry products, agricultural commodities, and petrochemicals at reduced costs.

Cost controls the marketplace, and America's water transportation system is incomplete. It's unfinished. It's like having an interstate highway system of 2,000 miles and leaving the last 120 miles unfinished. That's not smart planning.

This bill will simply authorize the study of feasibility that could ultimately benefit all of America. I urge the support of my colleagues.

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I have asked for 1 minute to proceed out of order to announce matters relevant to our program.

It is expected that the other body will be passing and sending to us a resolution calling for a recess at the close of business today until Tuesday, the 19th of March.

The purpose of the recess would be to accommodate the delegation which will be attending the peace process in Geneva.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, March 19, 1985, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Reserving the right to object, Mr. Speaker——

The SPEAKER. Well, the House will be in session on the 20th.

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so to ask a question. Is any of the recess schedule or any of the work of the committees going to be delayed?

The SPEAKER. Will the gentleman withdraw that? We will be back in session before the 20th.

Mr. WRIGHT. I withdraw that request, Mr. Speaker.

The SPEAKER. The gentleman withdraws his request.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON WEDNESDAY, MARCH 20, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 20, 1985, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting the President of the Republic of Argentina.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. DAUB. Reserving the right to object, Mr. Speaker, I do so to inquire, beyond that is any business scheduled then for example on trying to get to conference on an agricultural credit bill or anything like that between now and the 20th?

Mr. WRIGHT. I cannot answer the gentleman's question. I think those questions are going to have to be answered by the people who are handling the legislation.

The SPEAKER. Is the gentleman from Pennsylvania reserving the right to object on receiving the President of Argentina?

Mr. WALKER. Mr. Speaker, I reserve the right to object because I am just trying to inquire with this recess schedule that we are undertaking here, is this in any way going to delay the committee from moving on the McIntyre matter? Are they going to be able to continue to move during that period of time?

Mr. WRIGHT. There is no change in that committee's plans. Committees will be meeting next week. The Budget Committee has work to perform and will be better able to perform it without being interrupted by sessions of the House. Other committees of the House also are doing important work. That includes the House Administration Committee.

The SPEAKER. May the Chair respond that it understands there are 14 committees that have committee assignments for next week and the Chair expects and trusts that those committees will have those hearings.

Mr. WALKER. I thank the Speaker. I assume then that the timetable that we have been given toward resolving the McIntyre matter by the end of the month will not be affected by this recess?

The SPEAKER. As far as the Chair is concerned, it hopes and desires and will so inform the chairman of the subcommittee that the Chair trusts that he will stay to his date.

Mr. WALKER. I thank the Chair, and I thank the gentleman from Texas.

Mr. Speaker, I withdraw my reservation of objection.

Mr. DAUB. Mr. Speaker, I also withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROTECTING FEDERAL EMPLOYEES OF LEGISLATIVE AND JUDICIAL BRANCHES FROM EMPLOYMENT DISCRIMINATION

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, along with 42 of my colleagues, I am a sponsor of legislation introduced recently by Representative LYNN MARTIN to protect Federal Government employees of the legislative and judicial branches from employment discrimination.

During the sixties and seventies, Congress passed many laws banning discrimination in employment on the basis of race, national origin, religion, sex, age, and handicap. Yet, while these laws cover every employer in the country who has 15 or more employees, thousands of employees of the Federal legislature and judiciary find themselves excluded from protection against discriminatory practices.

The Congressional and Judicial Equal Employment Opportunity Act (H.R. 691) addresses this discrepancy. This legislation grows out of the efforts of the individual members of the House Wednesday Group, who have traditionally pushed for greater consistency and coverage of our civil rights laws. Their commitment to civil rights, and to women's rights as embodied in a report titled "Women in American Society," published last June, has been incorporated into the gentlelady's proposal. As we approach the 100th Congress of the United States, I believe it is appropriate that we make every effort to rectify this glaring inconsistency in our civil rights laws.

Legal and constitutional experts as well as civil rights experts have all been consulted to produce a viable bill that legitimately addresses the concerns of those who have argued, from a constitutional perspective, against this reform.

I urge all of my colleagues to recognize this effort and join us in rectifying this inequity by cosponsoring this timely legislation.

ADMINISTRATION'S BUDGET SLATES HIGHER EDUCATION AS A SCAPEGOAT

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, the administration's proposals for higher education represent, in effect, a declaration of war on American colleges and on all college students, including especially poor ones. In fact, of the $2.9 billion of the proposed cuts from the Department of Education, $2.3 billion is aimed at student aid. This budget has slated higher education as a scapegoat.

Today I rise again on behalf of the Nation's young people whom the President would like to deny opportunity and hope. The proposed cuts would affect every one of the current 5.3 million aid recipients, not just the rich ones, as the administration would like us to believe. More than 2 million students would lose eligibility for grants or loans, and most others would have their aid reduced.

The proposal of a 25-percent cut for higher education is unconscionable especially if you consider that student aid dollars have declined 15 percent already in actual purchasing power between 1980–81 and 1984–85. Education has done more than its share in cutting corners. We, as legislators, must finally draw the line and think of our children who are the future of this Nation.

REFORMERS SHOW TRUE COLORS

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, all week now you have heard the Republican members of the Energy and Commerce Committee describe the refusal of the committee's Democratic leadership to be fair in the makeup of subcommittees. We are not seeking a mathematically perfect 58–42 subcommittee ratio. All we ask is that the subcommittees reflect as closely as possible the party makeup of the full committee, 60–40.

That is reasonable. That is fair. But that has not been acceptable to the Democrats on the Energy and Commerce Committee.

Ironically, the Democrats pushing hardest to disenfranchise the people I represent are those who came to this body as "reformers." I was here when they came. I remember the lofty principles they claimed to represent. Truth and justice, one man-one vote, not politics in smoke-filled rooms, was their creed.

Sometime between then and now, the reformers became performers. They apply the lofty principles to everyone except themselves. I hope that is not all they ever were and that they will apply the ideals they once espoused to themselves as well as to others.

□ 1140

WHERE IS RECIPROCITY IN OUR INTERNATIONAL TRADE

(Mr. ERDREICH asked as was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERDREICH. Mr. Speaker, where is the reciprocity in our international trade? We're going to have over $130 billion deficit in trade this year, and few of our trading partners, or adversaries, let us enter their markets like they enter ours.

Now we have allowed "voluntary restraints" on Japanese auto imports to expire. But what did we obtain from Japan in return?

Trade Representative Brock now says "it may be time" to take retaliating action against countries that deny American companies equal access to their markets.

I say it's past time for talk—it's time for action on trade.

In January, President Reagan told Prime Minister Nakasone we wanted to see Japan remove trade barriers in electronics, telecommunications, drugs, medical equipment, and lumber products. More talks—little results.

I had lunch the other day in the House Restaurant and couldn't believe it when I picked up a toothpick on the way out.

Yes, you guessed it—it was made in Japan.

That's an appropriate symbol—Japan and other nations are cleaning out our jobs and our industrial competitiveness with unfair trade, closed markets.

It's time for our achieving fair trade in the international marketplace. The strength of America depends on it.

PRESIDENT'S VETO OF THE FARM CREDIT BILL REVEALING

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, the President's veto message on the farm credit bill revealed three things to me: First, the President does not understand the severity of the crisis in agriculture. He said only 4 percent of American farmers are experiencing financial difficulty.

Mr. President, most experts predict that 10 percent of our farmers may go under this year. Another 10 to 20 percent are in deep trouble and may fail down the road.

Second, the President does not understand his own farm programs. They have built a surplus that has forced commodity prices down. The high cost of these programs is not evidence of aid to farmers, but rather of a failed farm policy.

In addition, the administration's credit program has resulted in only two loan guarantees in Minnesota while 13,000 Minnesota farmers are in financial difficulty.

Mr. President, your credit program is not working. That is why we needed the bill you vetoed.

Third, the President cares more about missile silos than grain silos. He called this $100 million farm bill a "budget buster" on the same day that he was begging Congress to give him $4 billion for additional MX missiles. He is clearly willing to break the budget on Pentagon spending while watching American agriculture go broke.

THE ISSUE OF FAIRNESS

(Mr. ECKERT of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKERT of New York. Mr. Speaker, I rise to speak briefly on an issue about which the American people heard a great deal of talk during last fall's elections: The issue of fairness.

The question of fairness that now confronts the Energy and Commerce Committee is: In the forum in which the basic work on important issues gets done—the subcommittees—should the Democrat-to-Republican ratio at least come close to approximating the judgment of the people on election day? If not, why not?

That's now the case in our full committee, in nearly all other standing committees of the House, in nearly all other committee subcommittees, in most State legislatures, in most local government legislative bodies, and in the other body of Congress. Why not the subcommittees of Energy and Commerce?

All that we Republicans are asking is that our subcommittees follow the generally accepted legislative practice and therefore assign subcommittee ratios approximating a 60-to-40 ratio of Democrats to Republicans. It's the fair thing to do.

That's why we Republican members of Energy and Commerce have refused to make subcommittee assignments. We want to give those Members on the other side of the aisle who love to talk about fairness the opportunity to practice it. We hope they start soon so that our committee can begin to deal effectively with the important issues that face us.

JUSTICE FOR AMERICA'S VETERANS

(Without objection Mr. WRIGHT was given permission to address the House for 1 minute.)

There was no objection.

Mr. WRIGHT. Mr. Speaker, today I am introducing a House joint resolution expressing the sense of the House that compensation paid to veterans with services-connected disabilities should remain exempt from Federal income tax.

This is a simple proposal. Mr. Speaker. It should receive bipartisan support. It deals with a proposal embedded in the Treasury Department's tax simplification plan that proposes to tax VA disability compensation. That proposal is an outrageous insult and it deserves to be nipped in the bud so that it never sees the light of day.

Disability compensation has been provided to veterans, not as a handout, but as a way for a grateful nation to express its deepest thanks for sacrifices made by the veteran in service to the United States. This compensation to veterans who suffer from wounds or other disabilities that resulted from their military service has never—I repeat, never—been taxed. In fact, the compensation rates have been developed over the years based on the fact that they are not taxed.

For the life of me I cannot understand the logic of saying to veterans with service-connected disabilities—veterans who have lost a leg or an arm, who have been paralyzed or blinded during war—that they must now face the indignity of paying taxes on compensation for which they have already paid such a terrible price. We may need to reform our Tax Code, Mr. Speaker, but we should not in the process treat VA disability compensation like it is just another tax loophole to be closed.

Let me also speak out against the administration's plan to consolidate 58 regional VA offices into just three locations. The plan seeks to concentrate all administrative and adjudicative functions related to the processing of veterans' claims and appeals. But the current, decentralized system of VA offices is absolutely fundamental to a system that guarantees veterans due process. Take away the offices, make them less accessible to veteran claimants, and you virtually wipe out even the pretense of due process.

While my resolution addresses only the tax issue, I urge the administration to abandon both of these proposals. They are bad for veterans, and that means they are bad for the country.

□ 1150

THIRTY-NINE DAYS TO APRIL 15—TAX DAY

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, there are 39 days to April 15, tax day. At a time of economic uncertainty, at a time of fear and loathing toward the IRS, the one thing that we can do to restore commonsense to a Tax Code gone wild with special advantage, the one thing that we can do within the next 39 days to reassure the average middle-class taxpayer—I am talking about farmers, sales people, small businessmen and women—the one thing that we can do to reassure them that we hear them and that we care, the one thing that we can do is to beat the IRS and the Congress on the issue of vehicle mileage and contemporaneous accounting. We can pass H.R. 600.

The taxpayers are outraged. I know you have gotten hundreds of letters and calls. I thank the 185 of you who have joined with me to cosponsor repeal of this provision. You have made H.R. 600 the lead bill. I am now asking the 250 of you who have not cosponsored H.R. 600 to join with us. We have 39 days to send a powerful message.

We hear you, America, and you are right. We will correct this wrong. Thirty-nine days to April 15, tax day, enough time to send a message of hope, enough time to do the right thing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore([Mr. ALEXANDER). The Chair will announce that the proceedings for further 1-minute speeches will be discontinued until after the House considers a veto message from the President. The 1-minute speeches will be resumed following the disposition of that message.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 5:03 p.m. on Wednesday, March 6, 1985 and said to contain H.R. 1096, an Act to authorize appropriations for famine relief and recovery in Africa, and a veto message thereon.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

AFRICAN FAMINE RELIEF AND RECOVERY ACT OF 1985—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-37)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning without my approval H.R. 1096, a bill to authorize emergency relief for victims of famine in Africa and to establish additional farm credit programs that would add a minimum of $2.5 billion to the deficit over the next several years.

I should note at the outset that my veto of this bill will not interfere with the African relief effort now under way. Using authority in existing law, we can continue to provide relief in the near term, but I urge the Congress to act expeditiously on the request for additional relief authority I submitted earlier this year.

My disapproval of this bill is based on objections to the farm credit provisions, which are completely unacceptable and unnecessary in view of measures already instituted by my administration.

Title II of the bill would alter the regulations governing the special Debt Adjustment Program that I announced last September. The bill would institute a series of changes that would primarily benefit banks at the expense of farmers and taxpayers. Another of its provisions would establish a new program to pay banks to reduce the interest rate on loans to certain farmers. This program, although initially limited to $100 million, would soon grow into an uncontrollable, multi-billion dollar annual spending spree. A third section of this title would require bank regulatory agencies to refrain, under a vaguely delineated standard, from classifying adversely delinquent loans to farmers and ranchers. This provision would inject uncertainty into the authority of the regulatory agencies charged with ensuring the soundness of our banking system, provoke needless litigation, and possibly jeopardize the interests of depositors in banks that have made agricultural loans.

Title III of the bill would require establishment of a program of advance loans from the Commodity Credit Corporation of up to $50,000 per farmer. This provision would have added a minimum of $7 billion to fiscal year 1985 outlays, only part of which would be returned in 1986. By distorting the purpose of the basic Federal mechanism for stabilizing farm prices, this provision risks serious disruption at harvest time as well as long-term damage to the soundness of Federal farm programs.

I share the concern for problems facing certain of our farmers this year. That is why I have taken a number of steps to strengthen existing programs and to institute a new Debt Adjustment Program to help financially strapped farmers refinance their existing debt.

It is time to get on with the job of making these programs work. That will require the cooperation of all concerned, but most important of all, it will require an end to the uncertainty that would be created by hasty legislation requiring massive changes in rules just as the planting season begins.

RONALD REAGAN.

THE WHITE HOUSE, *March 6, 1985.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. WRIGHT. Mr. Speaker, I move that the veto message of the President, together with the accompanying bill, H.R. 1096, be referred to the Committee on Agriculture and the Committee on Foreign Affairs.

The SPEAKER pro tempore. Without objection, the motion is agreed to.

There was no objection.

THE SMALL BUSINESS ADVANCEMENT ACT OF 1985

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, today, the gentleman from Texas [Mr. ARMEY] and I are introducing the Small Business Advancement Act of 1985. It embodies the administration's proposal to establish the administration for enterprise and development opportunity in place of the SBA to cut government spending and reduce the Federal deficit. Given that 99.8 percent of our Nation's small business don't rely on the SBA for credit, the agency is clearly a luxury we can do longer afford.

I have heard from numerous small business owners in my district and their reaction to the proposal has been overwhelmingly positive. As an example, yesterday I received a letter from a businesswoman, Rosemary Tucker, who owns a tire company in my district. Rosemary was given the award of "Small Business Person of the Year by the Senate of California in 1978, and she placed third in the Nation that year in a similar contest sponsored by the Small Business Administration. Knowing what she now knows about the SBA, she has given her total support to my efforts.

As Rosemary and many others have told me, small business do just fine without the SBA. Their interests are better served by reducing the deficit and creating a better economic environment in which all small business can flourish.

KEEPING ALIVE THE FREE ENTERPRISE SYSTEM

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, one of my constituents called me today to share an important insight that came to him in the throes of a terrible dream at around 3 o'clock this morning.

It came to him that the central purpose behind the Reagan administration's new deal in going to Geneva to pursue arms talks with the Soviet Union is something far more important to every American taxpayer than nuclear war. He believes that the arms talks advisers are going to Geneva in order to buy $25,000 BMW motor cars at a 20-percent discount. Truly, they have set an important example for all of us. One example they have set is to demonstrate their firm and continued support for the endangered free enterprise system in this country. Because you see, Mr. Speaker, these Presidential advisers used their temporary diplomatic passports to purchase nine $25,000 BMW's at, yea, a 20-percent discount. Then they plan to bring the cars back to the United States so that they can sell them for a profit. This is a wonderful example for all of us. And they also found a few minutes in their spare time to set up the arms-talks in Geneva.

Mr. Speaker, I would propose that we offer diplomatic passports to every American citizen so that they, too, can go to Geneva to keep alive the free enterprise system.

UNFAIR SUBCOMMITTEE RATIOS DISTORT POLICY DECISIONS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the denial of fair Republican representation on Energy and Commerce Subcommittees is first and foremost a breach of basic principle. But, to understand why it was done one must only observe the broad jurisdiction of the committee.

The committee must consider major issues including Superfund, Amtrak, Clean Air Act, natural gas deregulation and corporate takeovers, among others. The outcome of all of them will hinge in large part on the subcommittees. Those who lack confidence in the persuasiveness of their positions will do anything to deny the Members from working their will, including stacking subcommittees. But, when subcommittees do not fairly represent Republicans, and thus particular regions and interests, the product of the committee is distorted.

Republicans feel strongly about unfair ratios. We have been forced to boycott hearings when left with no other recourse. We have done so despite interest in the issues before them

and witnesses such as the Secretary of Energy and EPA Adminstrator.

We again call upon our Democrat friends to join us in reaching fair ratios so that we can get on with the agenda of the committee for the 99th Congress in an orderly manner.

□ 1200

THE PRESIDENT'S VETO IS WRONG

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we have just heard the President's veto message, and he says therein that it would add to the deficit several billions.

Well, I do not know where the President gets that when it is 2,000 percent wrong. As he admits earlier in his message, the correct estimate really is $200 million.

I will vote to cut the deficit and to cut it dramatically, but I will do so in ways that do not cut down thousands of middle-sized farmers. The President's way is not the law of the market, Mr. Speaker, it is the law of the jungle.

The farm issue is a national, not a special interest issue. But I guess the answer is that time will tell. I think the President is going to find, and all of America will find, that chickens do come home to roost.

SUBCOMMITTEE RATIOS

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I rise today to speak about something that is dear to this body. This is the Peoples' Body; we refer to ourselves as that most closely related to the American people.

We also, in this body, hold very dearly the subjects of human rights and voting rights. We are constantly speaking out in favor of one man; one vote; justice for all. However, this rhetoric apparently has fallen on deaf ears among the subcommittee chairmen of the Energy and Commerce Committee. They think that one man, one vote, human rights, all of that applies to everyone except Republicans on their subcommittee. The people of this country awarded the Republican Party and the Members of this body, 42 percent of the seats. The full committees were accordingly broken down along ratios approaching that.

The subcommittee chairmen of the House Energy and Commerce Committee refuse to go along. It is wrong, Mr. Speaker.

WHAT KIND OF A PRESIDENT IS THIS?

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, a lot of farmers in the Farm Belt of this country are terribly disappointed by the President's veto. I am disappointed because the President misrepresented that bill. He called it a budget buster. With all due respect to the President, I say the President does not know what he is talking about. It is not a budget buster.

The budget buster is the President himself embodied in the bloated military budget that he sends down to this Congress.

Now, if the cows were sick or the hogs diseased, or a tornado came through the Midwest, if a natural disaster occurred, the Government would be out there in a rush with men and money. But the disaster is an economic disaster and it has thrown these people off the farms out of work, and the President says, "I will give you a veto."

What is the difference between our farmer and the country of Austria, between our farmer and the Government in Turkey, the American family farmer and the Government of Greece, the American family farmer and Singapore? The difference is the President wants to give those countries low interest loans. But he says to the family farmers: "I am not interested."

In the President's budget, he calls for low interest loans, 2 percent and 5 percent interest rates to Turkey, Austria, Greece, Singapore, Cyprus, and on and on and on, but when it comes to the legitimate credit needs of American family farmers, this President says, "I do not care."

What kind of a President is that? In my judgment it is a President that makes big mistakes on critical issues to people in this country.

THE RHINOCEROS IN OUR LIVING ROOM

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, I rise to speak of the rhinoceros in our living room. Mr. Speaker, over the past several weeks, the debate over the budget has heated up to the point where it is going to reach incandescence. yet, every proposal we hear increases the national debt because every proposal has deficits in it.

Mr. Speaker, the rhinoceros in our living room is the national debt. Every proposal showing any deficit increases the size of this rhinoceros until, out of control, it shall run rampant, leave the living room, and destroy our House. We cannot reduce the national debt by continuing to spend more than we take in.

Mr. Speaker, if we do not take steps to get the rhinoceros out of our living room, we shall have no house at all.

LET US SEND 10 NEW AGENTS TO CONTINUE THE WORK OF OUR SLAIN DEA AGENT IN MEXICO

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I just take a moment to bring my outrage to the floor of this House over the actions that took place in Mexico yesterday. One of our U.S. Drug Enforcement Agency officials, an agent, was killed, brutally murdered and tortured in the fight against narcotics. I have introduced a resolution today to say to the President, and I hope my colleagues will join me, that not only do we commend this individual for his efforts, but we are asking the President to detail 10 additional agents to carry on his work.

This is terrorism in its brutalist form, without base, without philosophy, strictly for illicit causes. The worst kind of terriorism. I hope my colleagues will join with me and the President will concur, that we will send 10 addditional agents immediately to carry on this work.

CALL FOR RENEWED TRUST AND COOPERATION BETWEEN MEXICO AND THE UNITED STATES

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I have just been advised by the Commissioner of Cutoms that upon conclusion of a meeting with officials at the State Department 1 hour ago, a decision has been made to continue the closure of the remote border stations, at least until next Monday.

As those who live along the Mexican-American border are acutely aware, relations between our two countries have recently been difficult. Free movement across the border, a symbol of the important ties we enjoy with Mexico, have been curtailed because of fear. Commercial interests on both sides of the border have suffered, adding to the strain in relations. We need to protect our agents in Mexico, and along the border itself. But our shared border, some 1,700 miles long, is too important to the economic and social welfare of both the United States and Mexico to allow a pervasive

atmosphere of mistrust and suspicion to persist.

I believe that the recent problems are indicative of the fragile nature or communications between Washington and Mexico City. I therefore urge President Reagan and President De La Madrid to meet in the near future to resolve the problems that precipitated the present crisis, and to strive for renewed trust and cooperation between our two countries.

THE HOMELESS EMERGENCY RELIEF ACT OF 1985

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, for the past 7 months, the Subcommittee on Intergovernmental Relations and Human Resources, which I am proud to chair, has investigated homelessness in America. The subcommittee has documented the emergency nature of homelessness. There may be as many as 3 million homeless men, women, and children in this country, and their massive population is increasing by as much as 38 percent a year.

Today I am introducing the Homeless Emergency Relief Act of 1985. This bill is intended to meet the emergency needs of homeless Americans. The act authorizes the Secretary of Health and Human Services to provide grants, on a competitive and matching basis, to local governments or nonprofit corporations for the provision of emergency services to homeless individuals and families.

The legislation authorizes the grants to cover no more than 75 percent of the costs of shelter and recovery projects, the balance to be funded by State and local governments, or private agencies. The total authorization would not exceed $190 million. This is a minimal price tag. New York City alone spends more than $200 million to provide services to its homeless, and New York is losing its battle against homelessness.

Mr. Speaker, I urge an expeditious approval of the Homeless Emergency Relief Act. Each moment we fail to act, we are delaying aid to men, women, and children in desperate need of our help.

CONDUCT WHICH SHOCKS THE CONSCIENCE

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, in a famous Supreme Court decision that dealt with the protection of individual liberties, Justice Douglas described the acts of a government denying the individual of his rights as conduct that shocks the conscience. Recently my colleagues in the minority have also witnessed a gross demonstration of the arrogant abuse of power which is the type of conduct which rises to the level of shocking the conscience of those who believe in our form of democracy. Although we in the minority were the witnesses to this shocking conduct, the American people are the victims of the majority's vote to deprive us of our rightful percentage of subcommittee seats on the Energy and Commerce Committee. By this decision not to seat an appropriate number of minority members to each subcommittee, the majority members have demonstrated a contempt of the American electorate and the legislative process.

I am constantly amazed that those members of the majority who so frequently cite the virtues of democracy are so willing to corrupt and demean our system of self-determination when the democratic process does not serve their best interests. The majority's perversion of the democratic process is not yet irreversible. Majority can ease its own troubled conscience if they accept our proposal which calls for no more representation than that to which we are entitled. It is within their power alone to remedy the wrongs that they have inflicted upon the minority members of the Energy and Commerce Committee and the citizens we represent.

□ 1210

PRESIDENT NOT INTERESTED IN FAMILY FARMERS

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, I am outraged and appalled at the President's veto message on the emergency credit act just vetoed yesterday. He has misled the American people on the real reason for his veto of this bill.

The fact is that there is no budgetary consideration with regard to this legislation. Over the next 6 years the Congress has already indicated that the cost of this bill is $455 million. It will be taken out of the agricultural budget. It will not be added as additional cost. The President, if he indeed was interested in balancing the budget, would have not presented a budgetary deficit of some $180 billion for fiscal 1986.

If the President is not interested in balancing the budget, he is merely shifting spending to his own pet priorities. He takes from agriculture and shifts to the Contras in Nicaragua. He takes from rural America and shifts dollars to the MX missiles. He takes money from many domestic issues and shifts it into his priorities in defense.

This President is not interested in budgetary issues, and he is certainly not interested in trying to assist the family farmer. His veto yesterday demonstrates that, and he has misled the American people in the process.

MILITARY RETIREES DESERVE DISABILITY COMPENSATION

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, military retirees who suffer from service-connected disabilities are being penalized under our current laws. Although they faithfully fulfilled their service requirement, despite their disability, and qualify for full military retirement, they must accept reduced retirement pay in order to be compensated for their injuries by the Veterans' Administration.

I don't think this is fair. If a service member qualifies for benefits under two totally separate systems—one based on years of service, the other based on disabilities incurred in service—he should receive the full benefits to which he is entitled. He should not be asked to pay for his disability compensation out of his earned retirement pension.

I have introduced legislation, H.R. 867, to correct this inequity and I urge my colleagues to join me in this effort as cosponsors of this bill. Our disabled career veterans deserve no less.

STATES SHOULD REGULATE TRANSFER OF WATER

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, as our Nation uncovers growing numbers of contaminated aquifers, and as our need for water continues to increase, we must focus our attention on the regulation of this precious resource.

In 1982, the Supreme Court overturned nearly 200 years of water law tradition. It held in Sporhase versus Nebraska ex. rel. Douglas that water is an article of commerce, bringing its control under the jurisdiction of Congress.

The implications of this decision are great, as they assert that States may no longer exercise control over the surface or ground water within their borders. Neither the States in the West which are currently experiencing critical water shortages, nor the Great Lakes States which currently possess large supplies of fresh water, would support a stripping of their rights to regulate water.

Although Congress has not chosen to interfere with a State's decision to

regulate this resource, the day when it may choose to take the lead role in this process could be fast approaching.

Today I am introducing a bill to insure that States may exercise a right to regulate the transfer of water from their States to others. The legislation is simple and straightforward. It would reverse the Sporhase decision and return to the States their rights to negotiate among themselves with regard to transfers of water between borders. Further, it assures them that negotiations of interstate compacts may occur without the threat of congressional intervention.

The Governors of the Great Lakes States, together with representatives from two Canadian Provinces share a similar philosophy regarding States rights to water. They joined together on February 11, 1985, for the signing of a new charter to protect the Great Lakes, require consultation on future diversion proposals and encourage prudent management of the resource.

I encourage my colleagues to consider the merits of this legislation, as water remains an increasingly precious resource which must be protected.

WHEN DEMOCRATIC RULE TURNS UNDEMOCRATIC

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, at a recent meeting of the House Committee on Energy and Commerce the Democrat majority, led by the so-called reformers of the mid-1970's, once again demonstrated its utter disregard for the rights of the minority by depriving us of our rightful percentage of subcommittee assignments. The victims of the exercise of this authority are not just the minority members, but the American people who have every right to expect fair representation.

What do we ask for? We are asking for no more than fair representation on each subcommittee. But the issue is greater than fighting for a few subcommittee slots. There is a greater issue that transcends what the majority describes as partisan bickering. The issue is an abuse of power by a few Democrat committee members. The abusers of the power are, ironically enough, the quickest to denounce abusive conduct and unfairness in others. By their recent actions which deny the fair representation of the American people, they differ only in degree rather in kind from those who are the targets of their sharpest barbs. I hope they realize that the utter hypocrisy of their denunciations is revealed through their similar abuses of power in the Energy and Commerce Committee.

I urge my Democrat colleagues to rethink their position on this matter and to give the minority its fair share of representation by insuring fair subcommittee ratios.

UNSUNG AND OVERWORKED LAW ENFORCEMENT OFFICERS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I wish to bring to your attention today a group of men and women who are largely unsung and overworked, but who risk their lives every day to protect us and our families. I am referring to the law enforcement officers of this country.

Last week, while traveling through Dallas, TX, I experienced car trouble. Within minutes, motorcycle officer J.R. Dawson came to my assistance. After summoning a wrecker, he left. Before the wrecker arrived, however, officers Richard C. Morrell and D.R. Patterson also stopped to assist me. These two Dallas police officers stayed until the wrecker arrived and were most courteous and helpful.

Mr. Speaker, these men are but a single example of the quality men and women in law enforcement today. We must help them by passing H.R. 13, the Law Enforcement Protection Act of 1985, which would prohibit the manufacture of ammunition which could pierce the body armor vests worn by police officers, and H.R. 1125, the bill that requires convicted drug dealers to forfeit their ill-gotten gains. Mr. Speaker, we too often take for granted the services our law enforcement officers provide. I will support these two pieces of legislation to provide additional measures of protection for our law enforcement agencies and officers such as J.R. Dawson, Richard Morrell, and D.R. Patterson.

SMALL BUSINESS ADVANCEMENT ACT OF 1985

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, let me begin this morning by saying that I am a strong believer in small business. As an economist, I am well aware of the contributions which small business has made to our economy and our overall economic well-being. Small business means jobs; it means technological innovation and growth in productivity; in short, small business embodies the best of the free market and our free society. But believing in small business does not mean supporting the ill-advised Small Business Administration. I believe it means just the opposite.

The Small Business Administration attempts to do things which Government cannot. It attempts to identify worthy new businesses, and to allocate scare capital resources to their optimal use. Facts show, however, that SBA credit assistance flows to support areas of our economy where healthy competition already exists. SBA is not even very good at picking those selected companies it supports. From 1975 to 1981, the default rate on SBA loan guarantees averaged 19 pecent, versus less than 1 percent for commercial lending facilities.

Mr. Speaker, I am pleased to join with the distinguished gentleman from California [Mr. DREIER] in introducing the Small Business Advancement Act of 1985. The passage of this act will result in a savings of almost $8 billion over the next 6 years.

Substantive efforts to help small business should center on eliminating our budget deficits, and on reducing Federal participation in the credit markets. These are both too high and result in upward pressure on interest rates. High interest rates hurt all business, especially those which do not receive Government credit assistance.

Passing this act will help our economy; more specifically, it will help small business men and women prosper in a free market by the use of their talents and their creativity as free-born Americans.

DO NOT SUPPORT UNFAIR REPRESENTATION

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, fairness, like charity, begins at home and it is hypocritical for Members of Congress to promote fairness for others while not practicing it at home. A few members of the Energy and Commerce Committee have decided that their subcommittees will not reflect the same proportion of Democrats and Republicans as in the full committee. Apparently, they find fair representation too difficult to deal with.

Because they somehow feel that they know better than the American people what legislative policy should be pursued, they believe they are justified in stacking subcommittees in a way that does not reflect the will of the American people. This is unfair to the constituents of the minority, members of the Energy and Commerce Committee, and it is unfair to the American people.

The Democrats on the Energy and Commerce Committee should see this position for the critical one that it is. To those Democratic Members who care about their representation I say: The time has come for you to stand up

and put a stop to this nonsense. In supporting subcommittee party ratios that reflect the full committee ratio, you will be doing no favor to Republicans, you will be doing a favor to democracy and the will of the American people.

FACE UP TO THE TRUTH—SEAT McINTYRE

(Mr. COBEY asked and given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBEY. Mr. Speaker, I was walking the halls of the Cannon Building yesterday and ran into a professionally produced poster that says: "Cut the rhetoric, count the votes. With all the votes counted, McCloskey is the winner." I do not know who launched this propaganda campaign, but the votes have been counted twice, one on election day, which showed that Rick McIntyre won by 34 votes, and then again in a duly conducted recount of the votes which showed him the winner by 418 votes.

Now it is time that the House and the Members face the truth, face up to what is the right decision, and go ahead and seat Rick McIntyre right now, immediately.

FORM 1099 PAPERWORK RELIEF ACT OF 1985

(Mr. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER. Mr. Speaker, as a result of Public Law 98-67, enacted in 1983, the Internal Revenue Service now requires corporations, banks, and brokerage firms to mail yearly statements of dividend earnings—1099 forms—to every shareholder in a separate envelope containing no additional material. Although the intent of this regulation was to keep shareholders from throwing their 1099 statements away along with quarterly reports or other information, the effect has been duplication of effort and unnecessary expenses for businesses of all sizes.

The additional administrative and postage costs for this separate mailing cannot be justified. The president of a small company in the Shenandoah Valley of Virginia estimates that this regulation resulted in $856 in unnecessary expense to notify his company's 1900 shareholders of their yearly dividend earnings last year. A large corporation in Richmond, VA, shelled out an additional $6,785.40 in administrative and postage costs to meet the requirements of this regulation in 1984. And, most astoundingly, this regulation cost each regional telephone company approximately $375,000 to notify its shareholders in a separate envelope what their dividend earnings were for 1984.

Surely the money spent to comply with this regulation could be used more economically and efficiently elsewhere in the market.

This IRS regulation is yet another example of how complexity and needless paperwork have infected our Tax Code.

I have introduced the Form 1099 Paperwork Relief Act of 1985 to modify this regulation and add some sensibility and practicality to our Tax Code. This bill, H.R. 1423, would once again allow corporations to mail out 1099 forms in the same envelope with dividend checks, while continuing to prohibit their inclusion with other extraneous matter likely to be thrown away.

My bill would strike a blow for simplicity, fairness, and efficiency in our Tax Code, while adding a small piece of badly needed common sense and practicality. I invite my colleagues from both sides of the aisle to join me in helping get Government just a little more off our people's backs: cosponsor the Form 1099 Paperwork Relief Act of 1985.

A SELECT COMMITTEE TO DO AWAY WITH SELECT COMMITTEES

(Mr. GEKAS asked and was given permission to address the House for 1 minute.)

Mr. GEKAS. Mr. Speaker, let me say to the Members of the House that today I am announcing the formation of a select committee to do away with select committees in the House of Representatives.

Mr. Speaker, the American public requires us, in order to demonstrate our seriousness about cutting budget deficits, to first trim our own excesses here in the Congress of the United States. The select committees, for all their good virtues and good intentions, are a duplication and an overlapping of functions and jurisdictions already vested in the committees, the standing committees of the House of Representatives.

We must, as this new select committee, ferret out certain select committees and do away with them so that we can show the American public we want to cut costs, we want to cut frills.

Mr. Speaker, there is no better place to begin the trimming process to bring down these horrendous deficits than within the Congress itself. I ask all of you to join me in this new select committee to do away with certain select committees.

A PLEA TO RETURN NEXT WEEK AND ATTACK AGRICULTURAL PROBLEMS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, let me say to the Members that I never get enjoyment from coming into the well of the House and saying, "I told you so," and I have never before come to the well and castigated our Congress for our insensitivity in doing the job we are supposed to do.

When we look at the veto that the President cast on this farm credit bill this week, we all knew that was going to happen. We talked about that 2 days ago in this Chamber. Yet we decided, rather than trying to work things out through a conference committee, rather than trying to work things out with the administration, rather we would send the bill down to the White House, get a veto, and issue a lot of press releases.

What is the result of our actions in the last 2 weeks? First of all, we have no credit for farmers, and we have no famine relief for the starving people of Africa. All we have decided to do this week is to take a week's vacation next week.

If we are really concerned about the farmers and emergency farm credit, Mr. Speaker, I suggest that we come back here next week and sit down and try to work things out for all of American agriculture and the American people.

SELECT COMMITTEE ON NARCOTICS IS ONE TO BE SPARED

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, let justice be done. Seat Rick McIntyre.

Mr. Speaker, the very distinguished gentleman from Pennsylvania [Mr. GEKAS] just made a very compelling case that we should analyze the duplication of efforts of all of our select committees. However, I would ask him to keep an open mind about one select committee in this House that has a critical role to play in protecting our young people, and that is the Select Committee on Narcotics Abuse and Control.

I do not think it is in the cards, due to the number of Californians now on the committee, that I will be able to serve on it for the next 2 years, as I have served on it for 5 years when I was here in prior Congresses. But I feel deeply the desperate need for this committee to continue.

We have in this Nation a malignant social cancer that is destroying the very fabric of this Nation—the United Nations says it is tearing the world apart—that is the use of narcotics at all levels of society. We need more so-called recreational substances added to alcohol abuse, such as legalizing marijuana in this country like we need bubonic plague.

In Mexico we now have a DEA agent, Enrique Camerena, tortured and beaten to the edge of death and then buried alive to perish in an agonizing murder.

A final thought—we must be very careful how we approach this in our intergovernmental relations with Mexico—315 of Mexico's fine young federal soldiers and police have been murdered in gunfights trying to stop marijuana and other drugs, including pills, from coming into this country.

Mr. Speaker, we simply must have a Select Committee on Narcotics Abuse and Control. We must continue to remind all our citizens that everytime they light up a joint for so-called recreational use, pop pills for kicks, or snort a little cocaine, they are killing law enforcement officers worldwide.

A PLEA TO SEAT RICK McINTYRE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I have not spoken very much about the Rick McIntyre case, but I am very concerned that thievery by the Democratic leadership of this House may be taking place in the very near future. I would like to give a few facts to the Democratic majority so they will understand really what is going on in Indiana.

First of all, fact No. 1: Rick McIntyre won by 34 votes in the original count.

Fact No. 2: 60 percent of the recount commissioners were Democrats, members of your party. In 9 of the 15 counties, the recount commissioners were controlled by the Democratic Party.

Fact No. 3: Of the 5,000-plus votes that were thrown out, 96 percent of those votes that were disallowed were disallowed by Democratic recount commissioners.

So I say to my friends on the Democratic side of the aisle that Rick McIntyre won the original contest, he won the recount, by 418 votes, and if any violations of people's rights to vote occurred, they occurred at the hands of Democratic recount commissioners.

Mr. Speaker, this man ought to be seated. He ought to be seated now; 550,000 people in Indiana are disenfranchised, and that should not be tolerated.

PRESIDENT'S VETO ABSOLUTELY RIGHT

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, was the bill that the President vetoed yesterday a budget buster? Some have come to the floor today and contended that it was not.

Well, we said it was the other day when we passed the bill. We had to waive the Budget Act on this floor before we could pass the bill. We said flatly that it was a budget buster at that time. Why should we not be passing budget busters out here? Because they raise interest rates and thereby hurt the family farmer all across the country. That was the kind of problem that President Reagan faced.

We have had a lot of discussion here on the floor today about the fact that there were other priorities that are being addressed by the President. The budget that was busted is not the President's budget. It is not the President's priority. It is our priority. The budget we busted was the fiscal 1985 budget that we passed where we set the priorities. It has nothing to do with Presidential priorities. It has everything to do with our ability to live within the means that we say we have.

We decided last week not to have any kind of priorities, but to bust the budget.

The President was absolutely right in what he did. He said that we were busting the budget, that is irresponsible and it has to be stopped. He stopped it, thank goodness.

PROVIDING FOR THE ESTABLISHMENT OF A SELECT COMMITTEE ON HUNGER

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution (H. Res. 20) to establish the Select Committee on Hunger, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 20

Resolved, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Hunger (hereinafter referred to as the "Select Committee").

FUNCTIONS

SEC. 2. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of hunger and malnutrition, including but not limited to, those issues addressed in the reports of the Presidential Commission on World Hunger and the Independent Commission on International Development Issues, which issues include—

(A) the United States development and economic assistance program and the executive branch structuring responsible for administering the program;

(B) world food security;

(C) trade relations between the United States and less developed countries;

(D) food production and distribution;

(E) corporate and agribusiness efforts to further international development;

(F) policies of multilateral development banks and international development institutions; and

(G) food assistance programs in the United States;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting hunger or malnutrition; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting hunger or malnutrition.

(b) Nothing contained in this resolution shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of seventeen Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or had adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee except the provisions of clause 2(m)(1)(B) of rule XI relating to subpena power.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 6. (a) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

The SPEAKER pro tempore (Mr. KANJORSKI). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR] for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 20 establishes for the 99th Congress the Select Committee on Hunger. It is a matter of original jurisdiction of the Committee on Rules, and as a privileged resolution is now being considered in the House under the 1-hour rule.

This resolution is similar to House Resolution 15, which established the Select Committee on Hunger in the 98th Congress. As in the 98th Congress, the Select Committee on Hunger shall not have legislative jurisdiction in the 99th Congress. However, the committee will continue to have the authority to conduct an ongoing and comprehensive study of the problems of domestic and international hunger.

Jurisdiction over hunger issues is shared by at least 8 of the 22 standing committees and numerous subcommittees. House Resolution 20 will reestablish the single, unified forum for the thoughtful consideration of the diverse issues related to hunger.

The resolution provides that membership of the select committee shall be comprised of 17 Members, including any Represenative, Delegate, or Resident Commissioner. Members shall be appointed by the Speaker, who shall designate one of them as chairman.

To ensure that the select committee will continue to operate under the same provisions which apply to all standing committees under clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives, these clauses are made applicable to the select committee. Clauses 1, 2, and 3 of House rule XI relate to procedures for committees, adoption of written rules, committee meetings, committee records, quorum requirements, travel limitations, and broadcasting of committee hearings. It should be noted, however that clause 2(m)(1)(B) of rule XI, which confers subpoena power on committees, will once again not apply to this select committee.

The select committee would be prohibited from sitting while the House is considering a measure for amendment under the 5-minute rule. As is the practice with standing committees of the House, the select committee may ask for permission of the House to sit during the 5-minute rule on a case-by-case basis as necessary.

The resolution provides the customary authority to the select committee to sit, act, and hold hearings. The authority would be granted without regard to whether the House is in session, has adjourned, or has recessed, and without geographic limitation.

House Resolution 20 further authorizes the select committee to incur expenses in connection with its duties, subject to the adoption of expense resolutions as required by clause 5 of rule XI of the rules of the House. No funds for the activities of the select committee would be available except by House approval of a funding resolution reported by the Committee on House Administration.

Finally, the resolution requires the select committee to submit an annual report to the House which includes a summary of its activities during the calendar year to which the report applies.

In the 98th Congress, the select committee issued a "1984 Progress Report." As an addendum to this report, the select committee included a staff resource paper titled "Information for Future Study of Programs which Alleviate Hunger and Malnutrition." The paper is a wide-ranging exploration of the issues surrounding hunger and its treatment. The study is an important resource product and will serve as a useful starting point for the select committee's work in the 99th Congress.

While the select committee was not able to begin full-scale operations until April 1984 it did hold a number of important hearings and briefings by the end of the 98th Congress. The select committee held hearings in California and Mississippi, as well as in Washington, DC. Hearing topics included a discussion of the effectiveness and accessibility of domestic hunger relief programs and the specific problems being faced in dealing with the devastating drought in Ethiopia and much of the rest of sub-Saharan Africa.

With respect to international hunger issues, the select committee contributed to the successful passage of legislation in the 98th Congress to provide $60 million in additional primary health care and nutrition assistance to developing countries. The committee also assisted in the diversion of food shipments and the release of 300,000 metric tons of reserve wheat to meet urgent food needs in Ethiopia. In addition, an Office of Technology Assessment technical memorandum was issued at the select committee's request which addresses Africa's future and covers issues including technology, agriculture, and U.S. foreign aid. Further, the select committee has issued periodic updates on the African famine for the benefit of the Congress. The select committee also played a role in helping to get congressional action on the African famine emergency supplemental legislation.

As chairman of the select committee's international task force, I am especially proud of the contributions the committee has made to issues relating to international hunger. In particular, the global primary health care initiative is expected to save the lives of at least 170,000 people and save a comparable number of people from being crippled. I believe that the select committee is urgently needed to continue efforts of this kind in the 99th Congress.

On the domestic front, the select committee has investigated practical steps that can be taken to ensure adequate nutrition for all Americans. The select committee has studied improvements in the distribution of surplus commodities and simplification of the administrative procedures governing Food Stamp Program participation.

The select committee also worked with members of the Agriculture Committee in soliciting support for H.R. 5151, the Hunger Relief Act of 1984, and in helping to obtain House passage of the legislation. The committee further worked to expand the involvement of the private sector in anti-hunger activities, including the creation of a private sector advisory board.

In its short period of existence, the Select Committee on Hunger has made some important contributions to the work of the Congress on issues relating to both domestic and international hunger. I believe the record demonstrates that the select committee's work has complemented that of the standing committees with jurisdiction over hunger. Moreover, the select committee has succeeded in focusing special attention on issues that might not have received such congressional consideration without the work of the select committee.

Mr. Speaker, House Resolution 20 has strong bipartisan support. This is indicated by the fact that all of the returning Members who served on the select committee in 1984 are original cosponsors of the resolution.

The resolution was approved by voice vote of the Rules Committee, and I urge my colleagues to adopt it.

□ 1240

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 20 renews the Select Committee on Hunger for the 99th Congress.

The resolution requires the Speaker to appoint 17 Members to the committee. The committee would have no legislative jurisdiction, but it would study the various aspects of domestic and international hunger and make recommendations to the appropriate legislative committees.

Funding for the committee, expected to be about $1.3 million during the 99th Congress, would be subject to the adoption of a separate expense resolution from the Committee on House Administration.

Mr. Speaker, during 1984, the Select Committee on Hunger held six hearings, conducted five briefings and six of its members went to Ethiopia to assess famine relief efforts.

Mr. Speaker, I have several requests for time, including requests from Members who are opposed to the recreation of the select committee. Before I yield time, however, I would like to call to the attention of the Members the minority views of the gentleman from Mississippi [Mr. LOTT] which are contained in the committee report we filed from the Committee on Rules.

The gentleman from Mississippi makes the point that the activities of the Select Committee on Hunger, during the 98th Congress, duplicated some of the work of the Committee on Foreign Affairs as well as the Committee on Agriculture. He also makes the point that hunger related issues are being addressed, both in hearings and through legislation, by the two standing committees.

At this time, Mr. Speaker, I yield 6 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], who is the ranking minority of the select committee.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of House Resolution 20, to reauthorize the Select Committee on Hunger for the 99th Congress.

First Mr. LELAND is to be commended for his outstanding leadership as chairman of the select committee. Through his efforts the committee has become a forum for a bipartisan approach to the heart-wrenching problems of hunger.

As ranking Republican on the committee, I now believe that the need for this committee is clear. Last year my views were not the same, I was one of the 78 Members who voted against the creation of the select committee. However, having the opportunity of working with my colleagues over the last 10 months as ranking Republican, I fully support reauthorization. And it is important to note that all members of the select committee now unanimously agree that the committee should be reauthorized, which was not the case when we began our work. I am also gratified to note that 225 of our colleagues have cosponsored House Resolution 20, our reauthorization bill.

Why this change of mind? Because of events, experience, and education.

In this period of budget deficits and cost reduction, some may question the need for this committee. I understand this concern, as one of my top priorities has been and continues to be deficit reduction. However, since the committee was formed, the problems of hunger and starvation have emerged on a global scale. Obviously, solutions to the hunger problem will not be developed in a session of Congress. But the toll which hunger takes both at home and overseas demands that we in the Congress must focus some effort solely on this problem. The existence of the select committee offers specific tangible evidence that the Congress is tremendously concerned and wants to go beyond its individual committees of jurisdiction to involve itself in a comprehensive and integrated study of this devastating problem. A select committee now seems the best vehicle for such a congressional focus, and I believe the committee's record to date justifies its continuation.

Since the committee's creation last spring, Americans have demonstrated more than ever before their great compassion and desire to to something about the famine in Africa. The situation there grips us almost daily through television and newspaper stories. Certainly, as we grapple with the issues of oversupply here at home, we must ask ourselves how best can we utilize the fullness of America's vast resources. With the spectacle of a continent's living through a famine of untold proportions, we must try to bring to bear all possible resources in order to alleviate this problem. I believe that the committee has made a start toward identifying some practical and effective ideas to combat the hunger problem in several areas. With important antihunger legislation to be considered in numerous standing committees this year, the need for this committee is all the more compelling.

The causes of hunger are multidimensional—with economic, political, social, and cultural roots. The alleviation of hunger defies easy solutions, and at times solutions appear unattainable. Some progress has been made but today's reality clearly demonstrates that the solutions are eluding us at every turn. What continues to astound and trouble us is that there is still hunger here in the United States and in the world despite the availability of food. Our country is so rich in resources, and given our oversupply we have more than enough to assist the less fortunate wherever they are. Addressing this central issue, which I have called the paradox of hunger has been a key part of our deliberations. The necessary technologies are available, but are underutilized. Clearly, more needs to be done.

All of us have been touched by the tragedy of drought and famine in Africa, where the lives of 10 million people are being scarred by hunger. I had the unparalleled opportunity to experience this situation firsthand with a group of my House colleagues during a recent trip to Ethiopia led by Chairman LELAND. Words cannot describe the anguish I felt at the Korem and Makele refugee camps. My sense of helplessness was overwhelming. What impressed me the most about the need for relief there was how interrelated the problems of hunger are. Beyond the imminent real threat of starvation and malnutrition from lack of food, deprivation shackles human existence at every turn. Disease is rampant. Of the children who survive the famine, many will be physically or mentally handicapped for the rest of their lives. The short-term agricultural solutions required are of a tremendous magnitude, and help is needed just to provide seeds and animals for small farmers so that they can even plant for the next harvest. Not only in Ethiopia, but in the many other affected nations, the issue goes far beyond the provision of just food itself, vital as that is. A coordinated response on all fronts is required. It is that kind of overview that our committee seeks to provide.

Our committee's concerns have also been to assist those people in the United States who do not have adequate diets and need help in order to obtain a decent meal.

Because of the complexity of the hunger problem, the same need exists for an interrelated approach in domestic issues as it does in the international area. For example, one of the committee's field trips to investigate problems of hunger in urban areas took place in San Francisco. We made several site visits, first to a hospital to view low birthweight infants, a health issue that can be related to malnutrition. As these are health concerns, generally this issue would fall under the purview of the energy and commerce committee. We next visited a WIC clinic which assists low-income pregnant and nursing mothers and their young children. This program is authorized by one of the committees I serve on, the Education and Labor Committee. Our hearing was held in a church which operates a large privately funded feeding program, and we heard testimony about the operation of Federal food assistance programs such as food stamps and the importance of good nutrition, issues which fall under the purview of the Agriculture Committee. Thus, in one morn-

ing, we examined the hunger problem and in so doing dealt with issues falling into at least three of the standing committee jurisdictions. This experience underscores the value of our integrated and comprehensive study that transcends existing jurisdictions.

As we seek our continuation, the committee must report on its work to date, and last December we issued our year-end progress report. We became operational last April and worked on a timetable that included recesses for two national conventions and an October adjournment. During this brief timeframe a firm base for future investigation of hunger and malnutrition both in the United States and overseas has been established. I believe our work to date has been accomplished in an efficient and economical manner. Previous studies in the hunger area were analyzed so that we did not duplicate the background research that had been done before setting up the committee. By utilizing the expertise of standing committee members and their staffs, we increased our effectiveness.

During the committee's short time of existence, we held 6 major hearings starting last June and set up congressional briefings at which over 100 people provided information. We established a private sector advisory board to tap the expertise of those in private enterprise who can contribute to resolving hunger-related problems, and held a very fruitful meeting to exchange ideas 2 weeks ago. The committee commissioned a study by the Office of Technology Assessment [OTA] on the very crucial issue of technology transfer to sub-Saharan Africa. By concentrating on the issue of achieving agricultural self-sufficiency, we hope to highlight programs which will lessen future dependency on the world's emergency food assistance.

The committee's work focused on several major issue areas. The African crisis has obviously been of major concern given its immediacy and magnitude. Committee members were early advocates for the release of 300,000 tons of reserve wheat and the transfer of funds from the Food Aid Sales Program—Public Law 480, title I—to the Food Aid Donations Program—title II. During the trip to Ethiopia, in which four committee members participated, we were able to arrange an accelerated food shipment there to help fill a dangerous shortfall in supplies. Upon the delegation's return, we were invited by President Reagan to brief him on our observations and recommendations. Chairman LELAND and I initiated a project to increase voluntary donations by pharmaceutical companies of urgently needed medical supplies, and we are gratified by the generous response the companies have given to our requests for these needed supplies.

Much attention was also paid to the importance of primary health care in antihunger programs so as to attack the vicious cycle of malnutrition and infection. Through the Hall-Wolf bill supported by some committee members, an additional $60 million in primary health care and nutrition funds have been made available to AID. The committee has also explored the role of U.S. educational institutions in alleviating world hunger. Another major area of concern generally has been the provision of U.S. emergency assistance overseas. Investigation on domestic issues has revolved around the effectiveness and accessibility of antihunger programs in different settings. The committee explored these issues from the rural perspective in Greenwood, MS, and, the urban perspective in San Francisco, CA. Investigation has also been focused on utilization of our Nation's surplus commodities as a means of alleviating hunger and malnutrition at home and abroad, one of the areas of the "paradox of hunger" I mentioned previously. This in no way diminishes nor disparages the effectiveness and reliability of the committees of jurisdiction. Our purpose is to focus, enhance and complement the hunger related issues with which they did.

I believe one of the strongest rationales for reauthorizing the select committee is the great number of issues and legislation involving hunger concerns which will be considered this year in Congress. The select committee's single-minded focus can provide an overview and a particular perspective to the debate which will occur on many programs needing reauthorization this year. Just last week, the House voted for supplemental appropriations for Africa. Some of the proposals for this supplemental were introduced as a result of our trip to Ethiopia. In addition, food for peace—Public Law 480—food stamps, temporary emergency food assistance, multilateral development banks, child nutrition, and WIC will all receive attention in the 99th Congress. We can continue to provide indepth information on these issues working with the relevant standing committees.

There are a number of issues mentioned in the select committee's progress report which we believe need further exploration as part of our efforts to alleviate the hunger problem. These issues include:

U.S. and international mechanisms for responding to food emergencies abroad such as the African drought, including transportation, storage and other logistics;

U.S. role in providing solutions to underlying problems creating hunger by focusing on longer term development assistance and the Food-for-Peace Program;

Prevention of further loss of croplands to erosion and desertification overseas;

Hunger as a destabilizing force in the international community;

Utilization of U.S. agricultural surpluses to alleviate hunger in the United States and overseas;

The interrelationship of Federal programs which combat hunger in the United States;

The role of the private sector—both profit and nonprofit—in combating hunger; and

Hunger education in the United States to heighten public consciousness.

While we have not had enough time to fulfill our mandate, I believe that Congress has enhanced its visibility and knowledge on the important and pressing hunger issues facing us today through this committee's work thus far. With the groundwork laid, investigations underway, and a great deal of legislation coming up this session, our efforts need to be continued. I urge you to support House Resolution 20 to reauthorize the Select Committee on Hunger so that we can continue to attack the "paradox of hunger" and alleviate the tragic human catastrophy and utilize the available resources and technologies.

□ 1250

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Texas [Mr. LELAND], the chairman of the Select Committee on Hunger.

Mr. LELAND. Mr. Speaker, let me first associate myself with the wonderful words of one of the most gracious leaders of our select committee, the ranking minority member, the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. Speaker, we are all becoming better aware of the extent of the worldwide problem of hunger and malnutrition. We understand that hunger and malnutrition are inextricably linked to the problems of poverty. I will not dwell, at this time, on the tragic facts that worldwide, over 450 million people are chronically hungry; that 15 to 20 million people die each year as a result of hunger and starvation. We have witnessed the ravages of hunger in Africa as portrayed in the media, and the effects it has wreaked on innocent victims.

While hunger in the United States is not as severe as the tragic situation existing in many less developed countries, we are not immune from the effects of poverty. Today, over 15 percent of our population, including one in four children under 6, are living below the poverty level, and many of these people are hungry mainly due to the effects of poverty. Black infant mortality rates are still double white infant mortality rates. While many

Americans are enjoying a time of prosperity, many others are hungry. The U.S. Conference of Mayors reports continued increase in the demand for emergency food assistance.

Some Members may agree that hunger in the United States and abroad requires the urgent attention of the Congress, but ask: What concretely has the Select Committee on Hunger done? I welcome this question because I am proud of our committee's bipartisan record of accomplishment.

I would like to take this opportunity to share with my colleagues an outline of our track record. In the months since the committee became operational in April 1984, we have accomplished the following:

First, we conducted six hearings, five briefings and numerous visits to program sites such as laboratories, health and nutrition centers, and domestic feeding programs. Members of the committee also visited port facilities and famine relief centers in Ethiopia, and met with Ethiopian Government leaders.

Second, we initiated an Office of Technology Assessment report on long-term responses to the African food problem and a report on using the U.S. commodity surplus to combat hunger. The committee also conducted a major assessment of over 300 studies on domestic and international hunger and malnutrition. At the end of the 98th Congress, the committee issued a progress report including a summary of our investigative findings.

Third, as a result of committee investigations of the link between infection and malnutrition, members of the committee, working with other legislators, proposed legislation to earmark funding for health and nutrition assistance to developing countries. This initiative resulted in bipartisan agreement on $60 million of additional health and nutrition aid. Using conservative estimates, this additional funding will save the lives of 170,000 people and save a comparable number of people from being crippled. This one accomplishment alone indicates why the Select Committee on Hunger is needed.

Fourth, as a result of the committee's work on the African famine, members of the committee proposed a number of antihunger measures which were adopted, including the redirection of food aid to Ethiopia and the transfer of funds from the food aid sales program to the food aid donations program. Members of the committee were also active in pressing for the release of 300,000 metric tons of reserve wheat to alleviate the famine.

Fifth, the committee helped inform Congress of the dimensions of the African crisis, issuing periodic updates, and providing data on the pending issues. The select committee has assisted the standing committees by providing research and analysis of the crisis. The Africa relief measures passed by the House were based, in large part, on this select committee research.

Sixth, the committee members worked with members of the Agriculture Committee in soliciting support for H.R. 5151, the Hunger Relief Act of 1984, and in helping to bring about its passage by the House.

Seventh, the committee worked successfully to expand the involvement of the private sector in antihunger activities, including the creation of a private sector advisory board. Following the mission to Ethiopia, I, along with the dedicated and able gentlelady from New Jersey [Mrs. ROUKEMA], succeeded in encouraging the pharmaceutical industry to donate needed emergency supplies to Africa. To take another example, 2 weeks ago, an airlift of donated emergency food and medical supplies left Columbus, OH, for Burkina Fasso in West Africa. This airlift was coordinated by select committee members and staff, who brought together farm groups, oil companies, a charter company, relief agencies and State government in order to make the airlift a reality.

The select committee members are in agreement that a solid basis has been laid for expanded work on domestic and international hunger issues. I believe the committee has shown that it has the ability to focus on these complex problems and provide standing committees with research and insights which can assist in solving the problem of hunger. The concern about the global problem of hunger and chronic malnutrition call into play the moral and humanitarian responsibility of the United States. We must continue to maintain a leadership role in the struggle against the pain and misery of worldwide hunger. In light of the work the committee has accomplished in the few months it has been operating. I believe the work ahead of us argues for the reauthorization of the Select Committee on Hunger.

Mr. Speaker, we have got to have the select committee, at least this term. We still have a lot of work undone. There are still millions of people in this world who are starving to death.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON], a member of the select committee.

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from California.

Mr. DIXON. Mr. Speaker, I rise today in support of the reauthorization of the Select Committee on Hunger.

There is little question in the minds of the American people that hunger, both domestic and foreign, has reached epidemic proportions.

It is estimated that Africa's food deficit in 1985 will amount to 4 million metric tons. Hundreds of thousands of Africans are at risk, and the movement of people to refugee camps seeking food has created a major crisis.

There has been an outpouring of generosity from individuals, churches, and private organizations to help get food and medical aid to Ethiopia and other countries stricken by drought. H.R. 1239, which was passed by Congress last week and provided $1 billion in food assistance over a 2-year period to Africa, is an important response to the immediate crisis. However, the economic and political problems in Africa that led to this famine require a more coherent, long-term strategy.

The Select Committee on Hunger will provide a forum to establish the role which our Nation can play in bringing a green revolution to Africa and the rest of the developing world so that it may be better able to meet its own food needs.

Domestically, the number of people who cannot provide adequate nutrition for themselves or their families has increased dramatically. We have all seen the face of America's hungry: the elderly, the working poor, the unemployed, the homeless. As more Americans fall below the poverty line, the spectrum of hunger broadens.

America has faced this problem before. We responded over the course of several years with strong Republican and Democratic leadership and bipartisan congressional support. The Food Stamp Program was established and the importance of adequate nutrition to learning was enforced by the creation of school lunch and breakfast programs. Meals on Wheels Programs were instituted to reach the older Americans isolated in their homes. These programs made a difference in reducing hunger in America.

Now, in 1985, it seems that many are lost among this patchwork of Federal nutrition programs.

The reauthorization of an umbrella committee that will focus solely on the problems and solution for hunger both in the United States and throughout the world.

I urge you to join me in voting in favor of this reauthorization.

Mr. EMERSON. Mr. Speaker, I rise in support of House Resolution 20 which reauthorizes the Select Committee on Hunger for the 99th Congress. As some of you may know I opposed this select committee during the debate in the 98th Congress. I expressed concern about the possible duplication of efforts and jurisdictional conflict between the select committee and the standing committees. To the degree that the select committee has been in place those issues have not

constituted a problem. One of the reasons for that is due to the leadership of the gentleman from Texas [Mr. LELAND] and the gentlewoman from New Jersey [Mrs. ROUKEMA]. I commend them both for their attention to the purposes for which the select committee was established.

One of the accomplishments of the select committee was to focus attention on the famine related problems in Ethiopia and other sub-Saharan countries. As a member of the Select Committee on Hunger I traveled to Ethiopia in November 1984. During that trip the select committee toured relief camps for famine victims and met with United States and Ethiopian Government officials as well as the private voluntary organizations providing relief efforts.

The select committee found some progress in several areas. When we arrived on November 24, there was some great concern over a possible shortfall in food supplies from December through mid-January. While we were there, we cabled AID Administrator Peter McPherson and the President to request that an additional 10,000 metric tons of fortified foods be sent to Ethiopia to help cover this projected deficit. AID was able to divert a ship bound for India. At the same time, large new commitments were finalized by the World Food Program and other western donors which will fill this gap. In addition, the administration announced its intention to tap the international wheat reserve, thereby freeing up 300,000 tons of additional source of disaster assistance for Africa.

We were able to determine that the logistics of transportation and distribution in Ethiopia were improved. The Ethiopian Government had increased its capacity to handle shipments coming into the ports and then transport them to feeding centers around the country. These shipments were being processed faster at the docks and more trucks were available.

We explored the question of whether our aid was in fact reaching those in need and not being diverted. The private voluntary organizations assured us that the food provided by the United States was being distributed properly.

While the situation in Ethiopia with regard to the distribution of donated food is not good now, I do believe the select committee has played a role in focusing attention on a problem and has offered constructive methods of correcting the situation. For these reasons I believe the select committee should be authorized.

I do not believe the case is as strong for reauthorization for those issues related to domestic food assistance programs. As the ranking minority member on the subcommittee with jurisdiction over the Food Stamp Program I believe we have focused attention on the issues and have taken positive steps to alleviate problems. The gentleman from California, Chairman PANETTA, is to be commended for his role.

I do believe the select committee can play a positive role in examining how the various programs—AFDC, Medicaid, food stamps, housing aid and others—can be simplified for those applying for help and those administering the program. The process in place now is complex and the various program rules differ markedly from one to another. I hope the select committee will look closely at this phase of the programs set up to help the needy.

I urge Members to support Reauthorization of the Select Committee on Hunger for the 99th Congress.

□ 1300

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Mrs. BURTON].

Mrs. BURTON of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to express my firm support for House Resolution 20 reauthorizing the Select Committee on Hunger. I serve on the select committee, and I can assure you that the select committee has distinguished itself well during its short existence.

In an expensive and productive series of hearings, one of which took place in my city of San Francisco, the select committee clearly demonstrated that hunger exists in America. Hunger can be stemmed and its consequences moderated, and I believe the select committee has done an excellent job in highlighting the threat of hunger endangering the lives of innocent children, the elderly, women, and families.

In our progress report, the select committee provides important recommendations on the Government-private sector initiatives for alleviating hunger, both in the United States and in other areas in the world. The most compelling need is, of course, in Africa, where drought and disease has created a famine of catastrophic proportions.

I would like the commend our distinguished chairman, MICKEY LELAND from Texas, and MARGE ROUKEMA, the minority ranking member from New Jersey, for their magnificent work on the committee. I urge Members to approve this authorization. Hunger is, obviously, a very serious problem in our Nation and in the world.

Mr. TAYLOR. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, at this time I am pleased to yield to my colleague the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in support of the reauthorization of the Select Committee on Hunger for the 99th Congress. The hunger problem—particularly in the developing countries, and even in rich countries like the United States—is enormous. It affects hundreds of millions of people, and as a result increases the social, economic, and political costs to the world society. What is hopeful is that despite the size and severity of the problem, it is possible to eliminate the worst aspects of hunger and malnutrition by the year 2000—less than 20 years from now. It is possible, however, this will not come about unless the United States and other developed countries make this a major policy objective.

We are all tragically aware of the crisis in Africa. Last week the House passed two bills to help alleviate the suffering from the drought in Africa. Our goals were twofold: To provide adequate food assistance to meet the needs of the continent, while offering logistic support and other assistance to ensure that the aid reaches those in need; and recovery and rehabilitation and health care projects.

But we also know that the United States is not immune. The Physician Task Force on Hunger in America has recently published its findings. They report that hunger in America is a national health epidemic. They find hunger and malnutrition are serious problems in every region of the Nation. They call upon the leaders of this Nation to respond to this crisis.

During the last session of Congress, we were concerned enough to address these needs. The need was there for a coordinated policy to address hunger. Hunger related policies are under the jurisdiction of numerous congressional committees. Consequently, these committees are not able to give this issue the sustained and comprehensive approach that is needed. We established the Select Committee on Hunger to focus soley on the diverse and complex issues relating to hunger. The committee is doing an admirable job of coordinating these areas, but much more remains to be done. The hunger problem is multidimensional and defies easy solutions.

Surely at a time when we see an entire continent suffering drought and famine, and our own physicians are terming hunger in America an epidemic we can do no less than to reauthorize this committee, to continue the fine work that it is doing.

Mr. GILMAN. I thank the gentleman for his remarks.

Mr. Speaker, I wish to associate myself with the remarks of our distinguished chairman, the gentleman from Texas [Mr. LELAND], and our distinguished ranking minority member,

the gentlewoman from New Jersey [Mrs. ROUKEMA], who have discussed effectively the need for the select committee's reauthorization. The committee worked effectively during the short time it has been in existence—since last April—to help lay the groundwork for us to explore a number of critically important issues in the current Congress.

Estimates of populations affected by hunger and hunger-related illness vary, but a generally accepted worldwide estimate is that 750 to 800 million live in desperate poverty and suffer from chronic malnutrition. This constitutes one-fifth of the world population.

About 15 to 20 million children die each year from hunger-related causes. That means a loss of life of 40,000 a day, three-quarters of whom are children.

Approximately 325 million people on the Asian continent are undernourished.

Of the nearly 800 million malnourished, 90 percent live in rural areas, 20 percent are children, and nearly 40 percent are pregnant and nursing mothers. Some countries lose nearly 40 percent of their children before they reach the age of 5.

Widespread hunger is a cruel fact of our modern world. In 1974, after poor harvests and oil price increases disrupted the international food system, the World Food Conference called on all governments to accept the goal that in 10 years' time, no child would go to bed hungry, no family would fear for its next day's bread, and no human being's future and capacities would be stunted by malnutrition. Today, however, the world is even farther from that goal than it was a decade ago. The widespread famine in Africa has found the world not much better prepared than it was in 1974. This did not have to be and should not be the case.

Mounting public and congressional concern over the continuing deterioration of the world food situation led this Chamber to create the Select Committee on Hunger. The committee's mandate by the Congress was to identify the basic causes of domestic and international hunger and malnutrition, assess past and present national programs and policies that affect hunger and malnutrition, review existing studies and research on hunger, help our standing committee's to create a coherent national food and hunger policy, and focus public attention on food and hunger issues.

There are nine House committees that work on one or more portions of the hunger problem. But none of these committees has the time or staff to denote their full attention to this critical problem.

I believe that the select committee has made great strides toward tackling these goals in its brief few months of its existence. Accordingly, I urge my colleagues to support House Resolution 20, in order to continue this critical and important work or ending world hunger.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the reestablishment of the Select Committee on Hunger. It has done a fine job in identifying the complicated and interrelated causes of hunger at home and abroad.

Hunger at home has not been on the front pages our our newspapers and the television set the way hunger abroad has been. The select committee has done a superb job; they had excellent hearings in San Francisco and elsewhere. They have identified the fact that hunger at home in this country is real, and it is something that we must cope with.

Abroad, of course the tube in each of our living rooms has done the job for us. We have had these appalling specters of hunger, especially in sub-Saharan Africa that have gripped each of us by our heart strings.

I hope that the Select Committee on Hunger will get to the causes of hunger. I want to congratulate the gentlewoman from New Jersey, MARGE ROUKEMA, for her abolutely marvelous statement.

Drought and famine is the proximate cause, but the causes go farther than that. The roots of the problem causes are first, mismanagement of land; mismanagement of resources; not enough aid to low-resource farmers there in arid zone regions, and above all, too many people for the available food.

When you have a situation in that whole continent where there is over a 3-percent population growth rate annually, and a 1-percent growth in food annually, you have an annual 2-percent per capita deficit in food production. As long as we are staring that stark fact in the face, we can look for these appalling emergencies until the memory of man runneth not.

I hope that the Select Committee on Hunger, under its talented and able chairman, and under its talented and able ranking minority member, will take a look at the need to equate food with people and achieve an equilibrium between food and people. That means not only increasing food production from the 1 percent at which it stands now in sub-Saharan Africa, but also helping those sub-Saharan African countries get a hold on their exploding population growth rate of more than 3 percent so that we can avoid this endemic business of emergency famines year after year after tragic year.

□ 1310

Mr. TAYLOR. Mr. Speaker, I yield 4 minutes to the distinguished minority whip, the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I filed minority views and oppose reconstitution of the Select Committee on Hunger not because I think the select committee is not doing a fine job, but rather because I think our standing committees are already doing a good job at oversight and legislation in the areas of domestic and world hunger. As such, this select committee is duplicative and unnecessary.

Mr. Speaker, I have cited numerous examples in my minority views to the report on this resolution of the work our standing committees have been doing in the last Congress and this Congress. But let me just cite one additional example which is not contained in those views. On Tuesday, February 19, Representative PANETTA issued a press release as chairman of the House Agriculture Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, and announced this year's first, in a continuing series of field hearings on domestic hunger problems. To quote from Mr. PANETTA:

> This session continues the subcommittee's series of first hand inspections of the way Federal food assistance programs are actually working around the country * * * (and) begins the process of gathering the information we need to make informed decisions when we consider reauthorization * * * of the Food Stamp Program and the Temporary Emergency Food Assistance Program.

Now I appreciate the fact that Mr. PANETTA is also the chairman of the task force on domestic hunger of the Select Committee on Hunger. But, my point is, that title and role are redundant. His Agriculture Subcommittee, as well as the Education and Labor Committee, are already doing a good job of oversight with a view to improved programs and better legislation. Select committees should only be formed when our existing committees are not adequately addressing a problem. I therefore urge defeat of this resolution. Let's spend the $1.3 million the select committee will be requesting in the 99th Congress on feeding the hungry instead of on further studies of hunger.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman knows, I agree with him on the philosophy of select committees, but I want to remind my colleagues here in the House that the Select Committee on

Hunger has only been in existence effectively for 6 months.

With the events around the world and here at home as they are presently being described and experienced, I think this is a committee that should at least be continued for the next Congress.

Mr. LOTT. Would the gentlewoman be inclined not to support it after this Congress?

Mrs. ROUKEMA. I think it should be very carefully reviewed. I do not believe that committees should continue beyond their usefulness. This happens to be a committee that there would be no purpose for our 6-month existence if we were now to abolish it, now in the face of the worldwide famine and the problem of oversupply of agricultural production here at home, and with the Public Law 480 Food Program coming up for reauthorization next year. I think there was less reason for authorizing it last year than there is now.

Mr. LOTT. But we have standing committees dealing with this issue, acting on these issues.

Mr. LELAND. Mr. Speaker, will the gentleman yield on that point?

Mr. LOTT. I would be glad to yield to the gentleman from Texas, the chairman of the select committee.

Mr. LELAND. I thank the gentleman for yielding.

Mr. Speaker, in the gentleman's minority report from the Committee on Rules, the gentleman cites also the famine relief bill and states that as one of the examples of the duplicative work that the select committee had done.

Let me inform the gentleman from Mississippi that it was the work of the select committee staff that put the bill together in order that we would have a bill in the first place.

Mr. LOTT. The gentleman contributes to the activity of the standing legislative committee—correct?

Mr. LELAND. We helped the authors of the bill. The select committee staff was in fact the staff that did the work for Mr. WOLPE, Mr. WEISS, and myself.

Mr. LOTT. I think the gentleman should be commended in that particular example.

Mr. LELAND. I thank the gentleman. The gentleman is wonderful.

Mr. LOTT. I do commend him for that effort.

Mr. LELAND. And I mean that.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from Oklahoma [Mr. JONES].

Mr. JONES of Oklahoma. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am going to oppose all three of the funding measures for these select committees. In doing so, it is in no derogation to the Members who serve on these committees or to the staffs who perform the functions on these committees, nor is it in any way to cast aspersions on the good intentions or the quality of work of these three select committees.

I would also point out that I have no less concern for the subject matter of these three select committees—namely, hunger; children, youth, and families; and narcotics abuse and control, as those who serve on the committees and those who are supporting these funding resolutions. But as I listen to the justification, I can see as we go ahead and try to reduce these $200 billion deficits, that virtually every program that exists in the Federal Government can have the same justifications for getting funding.

I think we are going to have to start drawing the line on some of these programs. What was said by the previous speaker about duplication I think exists. Every one of these subjects before these select committees is also within the jurisdiction of standing committees. The standing committees themselves have the authority to write and pass legislation to do something about these subjects, and the select committees do not.

So I just believe that rather than spending the $1.6 million, as I understand these three committees did last year, of which $1.4 million was for staff salaries, I believe that we should not fund these select committees. By doing so, we can reduce the House budget by 5 percent roughly, and send a positive signal to the American people that we are serious in looking at home about doing something about the deficits.

When I come to Congress in 1973, and since then, I have been one of those who said Congress has to build up its committee expertise in order to match the bureaucracy of the executive branch. We have done that, and it seems to me that we now have to look at our own house and determine whether or not we have too many subcommittees, too much staff, too many select committees, and start getting our own house in order, and I think we need to start by not funding these committees.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I fully endorse the remarks made by the previous speaker both as to the duplicative functions of the three select committees that are under consideration here today, and my remarks are visited against all three resolutions, not singling out the Select Committee on Hunger.

I think the most poignant point that was made thus far was in the opening remarks in accompanying the introduction of the resolution made by the gentleman from Ohio when he stated that there are eight separate standing committees that have jurisdiction over the problems of hunger. At the same time, the gentleman from New York stated in his judgment there were nine standing committees that were responsible for the problems of hunger.

In my judgment, we can solve this problem in one of three ways. One is to take $131,000 away from each one of the standing committees of the nine standing committees that have jurisdiction over this, and take that money and apply it to the $1,300,000 that is required by the Select Committee on Hunger. I would be willing to vote for such a measure, leaving us in the House of Representatives as revenue-neutral on this issue. So we will have decided as a body to continue the Select Committee on Hunger, but then remove from the budget of the nine standing committees that have cooperative jurisdiction on the problems of hunger, shrink them by $131,000, and that way the staff that presented the agriculture bill last time would have done so on its own and would not have required sending it over to the Committee on Agriculture where another staff simply copied, by mimeograph or something, the report that the chairman of the Select Committee on Hunger sent over there.

I believe that the time has come, as the previous speaker has said, and as the minority whip has reiterated, that we begin deficit reduction right here where we stand on this floor here today.

I would also be willing to endorse another plan, and that is to vote this down and then to constitute the gentleman from Texas and the gentlewoman from New Jersey as cochairmen of a caucus on hunger to which I would be the first entrant and volunteer, with my own congressional office resources, to help fund, as we are on the domestic steel and several other caucuses and task forces. That is the way to do it. We would save the taxpayers money and still focus on those problems and still allow the gentlewoman from New Jersey and the gentleman from Texas to do all the magnanimous work that they have done on behalf of fighting hunger. That is the way to go.

□ 1320

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. Further, Mr. Speaker, if I may still continue while I am hot on the subject, the other issue that is at hand is what the people of our Nation expect.

Do they expect us to have a Select Committee on the Homeless? That is a good issue. Do we have to have a Select Committee on Victims of Rape? That is an important problem. Should

we have a Select Committee on X, Y, and Z?

We have the standing committee structure that is able to deal with these problems.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of House Resolution 20, which would reauthorize the Select Committee on Hunger for the 99th Congress.

As a father, and a former school teacher, I often wonder what the children of tomorrow will learn when they study the 1980's. What will be discussed in the classrooms? Implantation of the first artificial heart? Nomination of a woman, who is also a lady, to share the Presidential ticket of a major party? Introduction of the computer into the home? No doubt, these events will be remembered in the years to come.

But, Mr. Speaker, what will be said about hunger? I fervently hope that the students of the future have to be taught about what malnutrition was; that they will not know it personally, nor will their neighbors or friends or anyone else. The students of the future, I pray, will have to be taught about starvation, because they will not be watching it on the evening news. I long for the day when children in Africa, Asia, and the Americas will no longer be huddled in feeding centers and refugee camps. They will be in their villages, towns, and cities, engaged in activities more befitting their age than scrounging to find their next meal.

One day, hunger may be just a dim memory; like polio, whooping cough, and the black plague, this great scourge could be consigned to schoolbooks for the recollection of one's elders. Unlike these other diseases, though, hunger persists long after a cure has been discovered. It is a plague that can be eradicated today, if we have the will and the vision.

With our abundant natural and technological resources, we could eliminate all manifestations of hunger, whether it appears as a loud cry welling up from the scenes of mass deprivation and suffering that we see abroad, or the silent mutterings of the homeless, the slum dwellers, and the rural poor that we hear in this Nation.

In its short existence, the Select Committee on Hunger, under the leadership of the gentleman from Texas [Mr. LELAND] and the gentlewoman from New Jersey [Mrs. ROUKEMA], has shown that it has the will and the vision to combat this problem. Should the committee succeed, its legacy would be the most stirring history lesson of all. I urge my colleagues to support House Resolution 20, and renew the authority of the select committee.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GROTBERG].

Mr. GROTBERG. Mr. Speaker, I appreciate the gentleman from Missouri [Mr. TAYLOR] yielding time to me, and I rise in opposition to the pending resolution and the following two resolutions. I want to commend the gentleman from Minnesota [Mr. FRENZEL] for his dedication to the efforts to reduce congressional spending and eliminate duplication in the legislative branch.

I, too, am very concerned about the activity which is before the House today. As one who has just completed 12 years of service in the Illinois General Assembly, the last 4 years in leadership, I know how duplicative and costly legislative committees and commissions are and how they proliferate, like coathangers in a closet when you close the door. In 1984, the Illinois General Assembly passed a law abolishing 47 different legislative commissions—40 in 1984 and 7 more to die this year, in 1985. This amounted to a savings of $4.7 million—and this is one State—in fiscal year 1985 and will mean an additional $7.1 million more in fiscal year 1986.

And do you know what? Nobody misses them. Nobody knows they are gone.

Now, the burden is on Congress and it should begin today in this body. During the last 2 weeks, we have been debating intensely the crisis which faces many of our Nation's farmers. The situation is aggravated in many cases and there are no easy solutions. But many of us, even those of us with substantial farm populations in our districts, have opposed efforts to bust the Federal budget and commit funds which might be misspent and misdirected. That certainly has not been easy or even politically expedient, but if we in the Congress do not take this deficit monster to task, who will or who can?

House Resolution 20, if passed by the House, will certainly send out the wrong signals. The actual expenses for 1984 for the Select Committee on Hunger were $347,847. The committee has requested $652,513 for 1985. This is nearly a 50-percent increase in the funding for a committee less than 1 year old. Now those of us opposed to this resolution are not for hunger. We are also for children, youth, and families and supportive of efforts to control narcotics abuse. But there exist committees and staff functions to handle these specifically focused problems and concerns. The standing committees have not been overly active so far this year. It seens to me that these select committee matters can be neatly folded into the agenda of the appropriate standing committees.

Let's begin now to control spending, our spending before it is too late. The eyes of the Nation are upon us as we begin the effort to reduce the budget deficit by cutting Federal spending in most areas, including the congressional budget.

Mr. Speaker, I ask my colleagues to please oppose House Resolution 20.

Mr. LELAND. Mr. Speaker, will the gentleman yield?

Mr. GROTBERG. I yield to the gentleman from Texas.

Mr. LELAND. Mr. Speaker, does the gentleman from Illinois understand that the figure for that year that he has cited is a figure that is less than what was authorized, and actually because of the efficiency in the operation of the committee, we turned back over a hundred thousand dollars?

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. GROTBERG] has expired.

Mr. GROTBERG. Mr. Speaker, I would ask for another 30 seconds.

The SPEAKER pro tempore. The time is controlled by the gentleman from Missouri [Mr. TAYLOR].

Mr. TAYLOR. I am sorry, Mr. Speaker. I have two other speakers, and I do not believe I have enough time to yield any more time to the gentleman.

Mr. GROTBERG. Mr. Speaker, I thank the gentleman.

Mr. TAYLOR. Mr. Speaker, if I might inquire, how much time do we have on this side?

The SPEAKER pro tempore. The gentleman from Missouri [Mr. TAYLOR] has 6 minutes remaining and the gentleman from Ohio [Mr. HALL] has 10 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I think this is an inappropriate time to be doing away with this, as well as the other select committees, at a time when the crisis in hunger in America and hunger throughout the world is growing, at a time when, in a wealthy State like the one I come from, Connecticut, we find a 53-percent increase in attendance at soup kitchens and pantries, at a time when one out of seven children in our State are living below the poverty line, and when a recent Harvard study pointed out that hunger in America is in its worst case today than it was in the last 15 years. This is the wrong time to take the focus off hunger.

What this committee has been able to do in its short tenure is to pull together the resources of other committees, as well as add an incredible amount of direction to the programs that we need to make them more efficient and more effective.

We need not look simply at the nightly news to see the hard situation in east Africa to know the kind of crisis that exists there and exists in our own streets.

This is a time when we face some of the most formidable challenges in taking our resources and our surplus grain products and seeing that they are used in the most efficient manner possible. This committee substantially adds to that effective use of our surplus commodities.

Mr. Speaker, I say that now is the time, in only the first full year of this committee, as we look down the road, to see that it is given the staff and the resources necessary to fight on in this cause.

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, I rise in opposition to this resolution.

We are contemplating a ridiculous and irresponsible action which, unfortunately, often typifies the congressional response to emergencies. Because we believe that there are already too many committees with jurisdiction over hunger, we are considering revitalizing yet another committee. Because we know the heartbreaking face of starvation from every major news source in the world, we are considering sending numerous House Members and accompanying staff on costly odysseys to further study the problem. Because we have just approved legislation crafted by standing committees to provide African famine relief, we stand prepared to fund a select committee with no legislative authority.

I say enough is enough. Certainly, my opposition to this renewal does not indicate indifference to hunger—far from it. But the simple fact remains that the Select Committee on Hunger can do nothing but study an issue which requires action, not rhetoric. It cannot write legislation. Its existence neither limits nor changes the jurisdiction of standing committees, and it will do absolutely nothing to address the very real problem of hunger.

I find it embarrassing that we are even contemplating the expenditure of some $1.3 million over 2 years to organize and staff another showcase congressional panel. Our action is all the more embarrassing to me because it comes right on the heels of our billion dollar legislative response—a very real response—to the terrible situation in Africa. While the select committee may bask in public approval for that action and may claim some responsibility for the development of that legislation, the fact remains that the measures in question were fashioned by the Foreign Affairs Committee and the Appropriations Committee—just as they would have been if the Select Committee on Hunger had never come into being.

I opposed the original creation of this panel in February 1984 and I continue to oppose it. The select committee has been in existence since April 1984. During that period of time, its only noteworthy achievements have been the expenditure of $347,847 and providing employment for 17 staff members. Incidentally, it is my understanding that the panel has found 17 staffers to be inadequate, and that it is now requesting another professional staff member as well as an intern.

We do not need to be expanding our committees or sending Members of Congress on more trips. We need to develop responsible, effective long-range solutions to the devastating problem of world hunger. The standing committees of the House have proven their ability to respond to hunger problems repeatedly and, if there is truly an inhibiting jurisdictional overlap, the way to address it is to consider less committee involvement, not more.

If we are committed to alleviating hunger, let us demonstrate that dedication through meaningful action, and not hollow, costly gestures such as this.

□ 1330

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. SAM B. HALL, JR. Mr. Speaker, we are discussing matters here today dealing with money and no one in this Congress wants to save money any more than I do, I think my record is clear on that. Here we are asking for a mere pittance. I feel the same way toward this committee as I do the Narcotics Subcommittee which will follow this, on which I will make some comments at that time because I am a member of that subcommittee.

Everyone in this room has seen the television news just as I have. We have seen evidence not only throughout the world but in the United States, the evidence of hunger. If this little bit of money that we are asking for can help alleviate some of the hardships, some of the terrible things that are happening throughout the world and in the United States, I am the first one to say that we should pass this resolution.

I think it might besmirch the integrity of this body if we refused to allow this small amount which could be used to help alleviate some of the suffering in this world today, and God knows it is rampant.

So I urge my colleagues, to not cut this program out now. I do not believe the bulk of the American people would appreciate this being done.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, much has been said today about the eight or nine committees that are involved with hunger. First of all, I certainly want to commend the gentleman from Texas [Mr. HALL] for his very poignant words with regard to the importance of this issue. There are eight or nine committees that are at work, but they work piecemeal, some on credit, some on trade, some on nutrition, but none of them have the time or the full staffing in order to get to the root causes of the problem, a problem in which we are pouring billions and billions of dollars each and every year, and yet those committees do not have the resolve or the opportuntiy or the staffing to dig into the root causes to try to help those countries help themselves and cure the problem.

We have the ability, the capability of feeding the world. Let us find out what those root causes or those problems are and to resolve them so that we rid the world of hunger once and for all.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise only to make a clarification.

One of the previous speakers implied that the reason this committee should be abandoned is because of excessive travel accounts. There is nothing that could be farther from the truth.

In the first palce, a trip to Ethiopia was financed by the Speaker's fund and not by the committee account.

In the second place, even if it had been funded by the committee account, it would have been a far more educational experience and far more valuable than almost any other committee overseas tour that I can imagine or that I have ever been privileged to hear about.

As far as the account for next year, the budget allotment for next year, I am not going to support the full budget, as my committee chairman knows; but he has been most circumspect even in his request here. There is absolutely nothing requested in next year's budget for international travel. It is a modest account only for domestic field hearings and probably he will not even get that.

Do not vote against this committee because you are fearful that we will be taking junkets. If anyone wants to go on a junket, come with me to the refugee camps and I will tell you, it is no junket. It is a heart and soul searing experience.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I appreciate the gentleman yielding.

This is a very important issue, not just to this country, but to the world. We do a pitifully small amount in this Congress to respond to it.

People are hungry in the long term. They are hungry every single day, not just in Ethiopia, Mozambique, but also here in this country, according to recent reports. We have to respond to that.

I want to say that here in the Congress often people walk around and say, "Well, who is in charge of this, or who is responsible for that?"

On the hunger issue, responsibility is divided many different ways, but I am proud to be one person that voted in the last Congress to say let us establish a panel so that we can provide some leadership on this hunger issue.

The gentleman from Texas [Mr. LELAND] and the gentlewoman from New Jersey [Mrs. ROUKEMA] I am proud to say, not having been a part of their committee, but having watched television and read the news reports and seen what they have done over the last year, have provided focus, focus to a very important issue to a lot of people around this world who will not get enough to eat tonight, tomorrow night, next month, or next year.

We can do something about that as Americans. We in the Congress have it in our power to do some good things to respond to world hunger. It is a security issue.

We find people that are hungry here and around the world and we find instability. When we respond to those issues, we are responding to security issues. We are responding to issues of human misery that we have a responsibility to respond to in our interest and in theirs. That is why I am proud to support this authorization.

Mr. TAYLOR. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Minnesota [Mr. FRENZEL], the ranking member of the Committee on House Administration.

Mr. FRENZEL. Mr. Speaker, I have sent out a number of "Dear Colleague" letters urging that all select committees be defeated, and that we vote down each one of the four resolutions that will ultimately come before the House this year.

I do not have anything against the people that serve on these committees. I do not despise or denigrate in any way the mission of these committees.

I think the leadership of the committees is collectedly wonderful. I think the membership is wonderful. I will stipulate that they are all working hard on these important missions.

The problem is that while these select committees are colorfully and attractively named; that is, Aging, Narcotics, Hunger, Children, the committees themselves are eunuchs. They have no legislative authority. They cannot pass a bill. They can meet night and day. They can spend the taxpayers' money until they are blue in the face, but they cannot affect the issue. Bills must go to a standing committee where everything select committees have to do must be duplicated.

One of our Members said, "I am glad this committee has the will and the vision." I will again stipulate that this committee has all the will and all the vision in the world. What it does not have is any authority to do anything to carry out that vision.

What you are really voting for is congressional staff. In this committee right now I think it has about 17 employees. You take all four select committees, that is 92 employees. They are pretty well paid employees, too.

This resolution is simply providing for Federal employment. You are not providing for a reduction of hunger, or for the providing to any individual of more nutrition.

□ 1340

These committees duplicate the work that the standing committees do in case there is some legislation needed in their fields. Our real committees cost us $34 million last year. Those are hard-earned taxpayer dollars. Our select committees cost us $3.2 million or 8.5 percent of all of our committee costs.

Now, if we were to focus our resources on the committees that can actually get at the problems, can actually solve them, can begin to find solutions for us, we could take care of those committees, give them responsible staff and therefore do the job. But instead we are dissipating our resources on people who work hard but cannot do the job.

Now, how long do we have these committees working on these special problems? Well, the Select Committee on Aging was formed for a 2-year period and, yes, that was 1975. Here in 1985 they are still working diligently on the problems of our senior citizens, having yet to pass a bill in those 11 years.

The Committee on Narcotics was formed a year later. It has been working diligently to solve the problems of narcotics. It, too, has been unable to pass a bill.

The Committee on Hunger, the Committee on Children, have been at work a much lesser time. However, neither of them has been able to pass a bill because they cannot pass a bill.

Now, in my judgment, the people who are interested in these problems have a legitimate interest and they have a legitimate right to be able to affect those interests in Congress. But if they want to accomplish anything, then they have got to create a standing committee which can do something about the problem.

Select committees which are wonderful at hearings. They are wonderful at travel. They are wonderful at press releases. They cannot write a bill.

Now, you are not voting against hunger if you vote down this resolution. What you are voting for is to put some order into the processes, and to focus on the committees who can really do the job. Make them real committees, make them legislate, or get rid of them.

Now, remember when you vote for this committee all you are doing is voting for 17 staff members here, who are not badly paid I might add, and who may or may not be busy for the next 2 years. They may have a little time on their hands from time to time. And I submit to you you are not going to bring hunger to its knees by hiring additional congressional staff. And if you submit this question to your constituents at home I doubt they will think that the addition of a few extra congressional staff people added to the hundreds and thousands that we already have, are going to bring the problem of hunger under control

Have a little heart for the taxpayer; have a little heart for hunger, and let those committees who have jurisdiction on it work for them.

Never mind the titles. Remember we could have a Select Committee on Poverty, a Select Committee on Deficit, a Select Committee on the Environment. All of these things spread over many standing committees, too.

The only reason we have not done them is we have not had an organized lobby working hard enough in the Congress to get us to create these extra select committees.

Let me correct one matter for the RECORD. The gentleman from Illinois talked about increases on this committee. The gentleman from Texas tried to correct him. We do have to think of what they spent last year in annualized terms. They are asking for 9 percent more than their annualized authorization, 41 percent more than their annualized spending for last year.

Strike a blow for good sense and reason; get rid of this useless animal.

Mr. HALL of Ohio. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 3 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of the time to myself.

Mr. Speaker, I am not here today to defend all the select committees that are before us, the ones that have been in existence for years, some of which have been in existence for a very short time. I am only here as a member of the Rules Committee which has original jurisdiction of this matter and as a member of the Hunger Committee, and I am most interested in this committee and it is very, very urgently needed.

I, along with other members of this committee, have a real passion for this issue. I thought that when I served in

the Peace Corps about 20 years ago that I had seen hunger and I had seen poverty.

But truly I had not seen hunger until in November of last year I visited Ethiopia by myself, visited camps, saw thousands of people severely malnourished; 60 people died in one camp the day I was there, and I truly, thinking that I had known something about hunger, was seeing hunger for the first time.

This committee has been in existence a very short time but in a very short time I think it has done wonders. We have a staff that is professional and educated in hunger and the issues of hunger and it is not a gathering committee for patronge. They work hard.

Second, we have a committee that is educating the members of this committee.

Third, if it was not for this committee and the information that we received, one of the bills that passed last year, of which I was the prime sponsor, the global primary health care bill, would have never passed because prior to this committee we just didn't have the information.

But as a result of that bill, hunger experts all over this country and in the world say, in conservative estimates, that bill alone will save about 170,000 people in this world.

That is exciting that we can make a dent.

I say if a committee like this can save 10 people in the world it is worth it.

There is no duplication of this committee. The committees like Agriculture and Foreign Affairs are great committees, they deal with hundreds of issues, but they don't give justice to this issue because the do not have the time.

This Select Committee on Hunger deals with the issue of hunger, period. It is not a permanent committee and shouldn't be a permanent committee.

And for these reasons I guess you can understand how I feel, how important that we reconstitute this committee for another 2 years to really seriously get into the subject because the idea of hunger is not just giving the aid to Africa, but to help them through our assistance get on their feet so they can help themselves like India did 20 and 30 years ago.

Mr. PICKLE. Mr. Speaker, I rise in opposition to the reauthorization of these select committees, such as the Select Committee on Hunger, Select Committee on Narcotics, and the Select Committee on Children, Youth, and Families.

I oppose select committees because they have no legislative power, and they duplicate the work of the standing committees. Now, it will be argued that we need these select committees because the jurisdiction over these issues is divided among the standing committee system, then let's reform the committee system. We don't need another layer of committees to advise the standing committees on what they should be doing. We don't need another layer of committee staff to research what the staff of the standing committees are supposed to be researching.

These committees are costly. The three committees before us today have a combined 2-year budget of $4 million. It seems to me this is a questionable price to pay to set up a set of committees which primarily lobby Congress itself on these issues. Do we really need to spend $4 million to lobby ourselves. I don't think these expenditures are justified, but they certainly aren't justified when we are faced with a $200 billion deficit. Once started, these committees grow and grow and grow and never stop. Some of these committees now are among the largest in Congress. It is not a question of whether they do good work. They do good work. But it ought to be done in our regular committee structure.

● Mr. BRUCE. Mr. Speaker, I rise today in support of the reauthorization of H.R. 20, the Select Committee on Hunger. As you know, Mr. Speaker, this committee is specifically charged with focusing on the diverse and complex issues relating to hunger and malnutrition in our country as well as abroad.

Internationally, this committee coordinates relief efforts among private groups, grain companies, and agricultural groups in the distribution of food to poor countries. This committee is evaluating, through the Food for Peace Program, how we can better help provide more efficient delivery methods to relieve the famine in Ethiopia.

My district has been very involved with the Food for Peace Program and exemplifies the positive coordination among private groups, grain companies and agricultural groups. The Lauhoff Grain Co. in Danville, IL, is one of the largest processed food suppliers to the Food for Peace Program in this country. Lauhoff Grain annually buys and processes 50 million bushels of area corn and soybeans which is sold to the Food for Peace Program to aid in famine relief. Besides aiding famine relief in Third World countries, it also creates a much needed market for area farmers, employees 400 people, and brings in an annual revenue of approximately $65 million.

Domestically, this committee monitors infant mortality rates, investigates soup kitchens and evaluates the impact of the reductions in the food stamp and child nutrition programs. Two weeks ago, the physicians task force on hunger released their report on hunger in America. Their findings justify the reauthorization of this select committee. Their study concluded that each month, up to 20 million Americans are unable to obtain an adequate diet or have run out of food altogether. Health clinics in some of our inner cities, including Chicago, have reported cases of kwasiorkor and marasmus, two diseases of advanced malnutrition primarily found in Third World countries. Their study also showed that our infant mortality rate is worse than other industrial nations and does not appear to be declining.

Mr. Speaker, for all of these reasons, the Select Committee on Hunger should be reauthorized. By focusing on hunger and only hunger, the select committee can be more reasonably expected to assemble reliable information on the extent of the hunger problem in the United States and in the Third World and to prepare innovative legislation to help solve the hunger problem and end its devestating impact.●

● Mr. GREEN. Mr. Speaker, although I deeply share the concern regarding the existence of hunger in our Nation, I find that I cannot support the reauthorization of the select committee as a viable solution for meeting this need. Select committees have the potential for being used as political vehicles whose operating funds I would prefer, in most cases, to direct toward more constructive alternatives. As we begin consideration of the fiscal year 1986 budget, reducing the Federal deficit is our highest priority. The administration has proposed alarming cuts or freezes in many social programs, including those for nutrition and hunger. Before considering cuts in these programs, I would prefer to cut money now devoted to personnel and administrative expenses for a committee without any legislative jurisdiction and spend it on programs directly affecting the hungry of our Nation and of the world.

As you know, I am a strong supporter of programs designed to reduce hunger and improve nutrition. Last year I was glad to vote for reauthorization of the Older Americans Act, which includes both congregate meals and home-delivered meals for the elderly. Likewise, I voted for H.R. 7, legislation to reauthorize five expiring school lunch and child nutrition programs, including the supplemental food program for Women, Infants and Children (WIC).

I have been an equally ardent advocate of foreign development and aid programs addressed to hunger. Last session I cosponsored legislation which recognizes that hunger and global security are related, and that security cannot be achieved through military means alone. More recently, last week I voted for H.R. 1096 and H.R. 1239, legislation to provide assistance for

emergency famine relief and recovery in Africa.

While I share the concern that hunger policy could be better coordinated than it is at present, being divided among eight full committees, I do not agree that continued funding of a select committee would provide an approprite solution. Select committees can neither bring bills to the floor of the House nor appropriate funds. Hunger is the entity upon which we must take action. It is not necessary to commission further evaluations of the problem.

At all times, particularly when growing Federal deficits must be top priority, let us spend the taxpayers' money on feeding the hungry, not on more congressional staff.●

● Mr. WOLPE. Mr. Speaker, I rise to speak in full and enthusiastic support for the reauthorization of the Select Committee on Hunger.

In August 1983, over 1 year before American television picked up the story on famine in Ethiopia, Congressman MICKEY LELAND joined me on a fact-finding mission to that drought-stricken country. We visited food distribution and feeding centers in Ethiopia's northern provinces and witnessed the human catastrophe that was rapidly unfolding in Ethiopia and throughout Africa at that time. As we left Ethiopia we issued a press release emphasizing the fact that thousands would die unnecessarily if the United States and the international community did not rapidly increase famine relief aid to Ethiopia, and we also sent an urgent request to the State Department for greater food and transport assistance for Ethiopia.

Upon our return we continued to raise the issue of famine in Africa with dozens of our colleagues in an effort to increase public awareness of this tragedy and to encourage the administration to provide greater life-saving assistance to those African countries that were in dire need of help. It was to be a tremendous struggle to move the issue of African famine and the U.S. response to the center stage of public and congressional concern.

Mr. Speaker, we've come a long way to achieve an appropriate level of U.S. emergency assistance to the numerous famine-plagued countries of Africa, and continue at present to face delays in the passage of a supplemental package for African famine relief. But one of the major reasons we've succeeded in gaining congressional attention on this issue and in creating a broad based and fully bipartisan approach to African famine relief is because of the invaluable contributions of the Select Committee on Hunger.

The work of the Select Committee on Hunger, since its creation in early 1984, has provided the Members of this body with a significant additional, and badly needed, resource. This committee has provided a wealth of information on the critical issue of hunger not just in Africa but worldwide and at home as well. Under the leadership of its chairman, our distinguished colleague from Texas, Mr. LELAND; and, the ranking minority member, our distinguished colleague from New Jersey, Mrs. ROUKEMA, the Select Committee on Hunger, its members and staff, has helped provide a critical analysis of the famine conditions in Africa, hunger in America and in other parts of the world.

On the issue of famine relief to Africa, the Select Committee on Hunger has cooperated extensively with my small subcommittee on Africa staff, and staff for the Foreign Affairs Committee, to fashion a fiscal year 1985 supplemental for aid to Africa which could enjoy solid bipartisan support. It was this contribution of the Select Committee on Hunger that was in large part responsible for the incredible speed with which the Foreign Affairs and Appropriations Committees were able to move this legislation successfully to the House floor for final passage last week—all within 1 month.

Mr. Speaker, the Select Committee on Hunger is an invaluable asset to this body and we should move quickly to reauthorize it and encourage the committee to continue its important work.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of House Resolution 20, a bill to establish a Select Committee on Hunger in the 99th Congress.

This legislation to reauthorize the Select Committee on Hunger is in our national interest. In the 98th Congress the Select Committee on Hunger provided leadership in focusing the attention of the Congress on the plight of the most vulnerable of our fellow citizens suffering from hunger in the United States of America. The committee provided valuable oversight over our domestic food programs and has worked to insure that these food programs meet the needs of the hungry amongst us.

The Select Committee on Hunger led the struggle in this body to focus attention on the problem of world hunger and highlighted the difficult problem of African famine now gripping the collective conscience of the American people.

We continue to need the considerable capabilities of the Select Committee on Hunger to help us assess the situation nationally and internationally as it pertains to hunger. The continuing research and coordination provided by the committee is essential if we are to do what we must morally do, focus on the problem of hunger and its solution.

Specifically, House Resolution 20 would provide the following authority to the Select Committee on Hunger:

Authority to conduct a continuing comprehensive study and review of the challenge posed by hunger and malnutrition on both a domestic and global scale.

Authority to review recommendations of the executive branch as these recommendations impact on programs and policies affecting hunger and malnutrition.

Authority to recommend to appropriate committees of the House of Representatives legislation or public policy oversight initiatives which the Select Committee on Hunger deems necessary to address the challenge of hunger at home and abroad.

Mr. Speaker, the people in the soup kitchens of Washington, DC, and in our entire Nation need the services of the Select Committee on Hunger. The hungry people of the world need the committee to help us to help them and to help our country and our world.

In considering this legislation, I hope we would keep in mind the wisdom of Dr. Martin Luther King, Jr.:

> In a real sense, all life is interrelated. The agony of the poor impoverishes the rich; the betterment of the poor enriches the rich. We are inevitably our brother's brother. Whatever affects one directly affects all indirectly.

I urge the passage of House Resolution 20 to establish a Select Committee on Hunger in this the 99th Congress.●

● Mr. FASCELL. Mr. Speaker, I join my colleagues in supporting the reestablishment of a Select Committee on Hunger. As we are all aware, hunger is the major problem facing sub-Saharan Africa at the present time. The United States is responding generously to help alleviate this crisis. The chairman and members of the Select Committee on Hunger have been leaders in the House in describing these tragic problems, and have been most helpful to the Committee on Foreign Affairs in our efforts to secure prompt congressional action to provide supplemental disaster assistance to meet these pressing needs.

Hunger is also a recurring problem in the United States, and we are all aware of recent reports indicating that the incidence of hunger is on the increase. As the world's most prosperous country, we cannot allow this to continue. I know that the select committee intends to explore the issues of domestic hunger, and I am sure that its reports will be helpful to all of us as we endeavor to alleviate these problems.

As the Foreign Affairs Committee continues its efforts to frame appropriate U.S. responses to the problems of hunger around the world, we look forward to the assistance and cooperation I know the Select Committee on Hunger and its chairman, Representa-

tive LELAND, will provide during this Congress.

I urge approval of House Resolution 20, to establish the Select Committee on Hunger.●

● Mr. WOLPE. Mr. Speaker, I rise to speak in full and enthusiastic support for the reauthorization of the Select Committee on Hunger.

In August 1983, over 1 year before American television picked up the story on famine in Ethiopia, Congressman MICKEY LELAND joined me on a fact-finding mission to that drought-stricken county. We visited food distribution and feeding centers in Ethiopia's northern provinces and witnessed the human catastrophe that was rapidly unfolding in Ethiopia and throughout Africa at that time. As we left Ethiopia we issued a press release emphasizing the fact that thousands would die unnecessarily if the United States and the international community did not rapidly increase famine relief aid to Ethiopia, and we also sent an urgent request to the State Department for greater food and transport assistance for Ethiopia.

Upon our return we continued to raise the issue of famine in Africa with dozens of our colleagues in an effort to increase public awareness of this tragedy and to encourage the administration to provide greater life-saving assistance to those African countries that were in dire need of help. It was to be a tremendous struggle to move the issue of African famine and the U.S. response to the center stage of public and congressional concern.

Mr. speaker, we've come a long way to achieve an appropriate level of U.S. emergency assistance to the numerous famine-plagued countries of Africa, and continue at present to face delays in the passage of a supplemental package for African famine relief. But one of the major reasons we've succeeded in gaining congressional attention on this issue and in creating a broad-based and fully bi-partisan approach to African famine relief is because of the invaluable contributions of the Select Committee on Hunger.

The work of the Select Committee on Hunger, since its creation in early 1984, has provided the Members of this body with a significant additional, and badly needed, resource. This committee has provided a wealth of information on the critical issue of hunger not just in Africa but worldwide and at home as well. Under the leadership of its chairman, our distinguished colleague from Texas, Mr. LELAND; and, the ranking minority member, our distinguished colleague from New Jersey, Mrs. ROUKEMA, the Select Committee on Hunger, has helped provide a critical analysis of the famine conditions in Africa, hunger in America and in other parts of the world.

On the issue of famine relief to Africa, the members and staff of the Select Committee on Hunger cooperated extensively with my Subcommittee on Africa the Foreign Affairs Committee to fashion a fiscal year 1985 supplemental for aid to Africa which could enjoy solid bipartisan support. It was the contribution of the Select Committee on Hunger that was in large part responsible for the incredible speed with which the Foreign Affairs and Appropriations committees were able to move this legislation successfully to the House floor for final passage last week—all within 1 month.

Mr. Speaker, the Select Committee on Hunger is an invaluable asset to this body and we should move quickly to reauthorize it and encourage the committee to continue its important work.●

● Mr. PANETTA. Mr. Speaker, I rise in support of the reauthorization for the Select Committee on Hunger. As 1 of 228 cosponsors of House Resolution 20, I wish to add my voice to the resounding majority who support our enhanced efforts toward famine relief and emergency food assistance. As chairman of the Select Committee's Domestic Hunger Task Force, I believe we have gained momentum in the struggle to end hunger. Yet, we must continue.

In this modern day, we are shocked and somewhat horrified to recognize the extent of hunger throughout the world. At home, we have taken precautions. We strive to maintain and expand our national nutrition policy by providing school lunches, meals on wheels, pre- and post-natal nutrition assistance and counseling, emergency commodity assistance, and food stamps.

Abroad, we react to crisis. We are appalled that hundreds of millions of people who share our earth do not share our bounty. We agonize over the fact that starvation persists among our world neighbors.

Over the past year, the Select Committee on Hunger has had a measurable impact on our ability to responsibly address hunger and malnutrition. Through its close and careful examination of the multiple dimensions of hunger the world over, the select committee has educated us all.

We have learned that over 15 million people die each year from hunger-related causes. Undernourishment results where no food is available. Children, who have no food for 4, 5, or 6 days, are often on the very brink of survival. Nutrient deficiencies can cause permanent crippling, blindness, and developmental abnormalities. Contaminated water supplies only frustrate any attempt to help.

Promotion of oral rehydration therapy, breast feeding, improved sanitation methods, and vaccination campaigns can have dramatic, positive results for children in the Third World. In underdeveloped nations, where infant mortality claims the life of more than one in every five babies, the select committee has made practical recommendations to end the bitter cycle of malnourishment and starvation.

At home, the select committee has undertaken a broad review of food and nutrition programs for low-income families, the elderly, homeless, disabled, unemployed, women, infants, and children. It has coordinated with standing committees of the House to provide an integrated analysis of programs affecting each of these groups.

Last year, I found that the select committee complemented the work of the Agriculture Committee's Subcommittee on Nutrition in our efforts to improve the Food Stamp Program. As subcommittee chairman, I appreciated the contributions of the select committee in the support for and passage of H.R. 5151, the Hunger Relief Act. This year, I look forward to working with select committee members to improve emergency food assistance, the Food Stamp Program, and nutrition education. The select committee has already demonstrated that legislative policy—particularly in drought-stricken Africa—can be vastly improved. I look forward to our continued progress in the fight against hunger at home and throughout the world. I believe the Select Committee on Hunger will play an integral role in achieving this end.●

● Mr. RICHARDSON. Mr. Speaker, I rise in support of the resolution before us today to reestablish the Select Committee on Hunger for this Congress. I encourage my colleagues from both sides of the aisle to join me.

Mr. Speaker, my support for the continuation of the select committee stems from my realization that hunger not only exists in America, but that it is reaching epidemic proportions. My support for the retention of this committee is based on my belief that its continued concentration on this tragedy and its cooperation with standing committees will bring forth actions in this Congress that will succeed in alleviating this malady.

It is undeniable that poverty is inextricably linked to hunger. In this country today, more than 35 million Americans live in poverty. This total includes more than 4.2 million Hispanic Americans, or, 28.4 percent of all Hispanics in this country. Further, while Hispanics comprise only 6 percent of the total U.S. population, 12 percent of all Americans living in poverty are Hispanic.

Minority groups in America are more vulnerable to hunger primarily because they, as population groups, suffer higher poverty rates. Recent figures made available by the U.S. Census Bureau indicate that Hispanic children have experienced a more dramatic increase in poverty than any

other racial, ethnic, or age group in the country during the last 3 years. These children, without proper nutrition, are extremely susceptible to stunted growth, abnormal brain development, and severe infections if they become ill.

During the 98th Congress, the Select Committee on Hunger conducted hearings both in the field and here in Washington on the effectiveness and availability of domestic feeding programs. It is my understanding, Mr. Speaker, that this committee has been conducting research on the nutrition status of our Nation's most vulnerable groups, and I, for one, look forward to the results of their work as it pertains to Hispanic Americans.

I know that we all take pride in this Nation and promises that it holds for the future. However, these are empty promises if we do not assure our people of adequate nutrition. We have no future if we continue to permit the multitudes—Hispanic, black, white, and native American—to live in poverty and to go hungry.

I believe that the Select Committee on Hunger can help this body do something about fulfilling these promises. Their record attests to this commitment. I encourage all of my colleagues to support this resolution so that we can continue to work toward alleviating hunger and malnutrition.●

● Mr. NELSON of Florida. Mr. Speaker, I rise today in strong support of House Resolution 20, to establish a Select Committee on Hunger in the 99th Congress.

Hunger is making a comeback in this country. Recently, the Physicians Task Force on Hunger in America reported that millions of people in almost every part of the Nation cannot afford to buy enough groceries to fill their stomachs and keep their bodies adequately nourished. The task force estimates that 20 million people in this country go hungry periodically. Obviously, hunger is not an isolated problem, but extends to millions of families and elderly people.

By establishing the Select Committee on Hunger, the House can focus on this tragic problem in the United States as well as the Third World, and provide leadership in combating hunger and malnutrition. Domestic and international hunger problems must be resolved by cooperative effort among the standing committees of the House and the executive branch. A select committee can provide comprehensive study and review of the hunger issue.

The problem of hunger extends beyond the emptiness of a child's belly. The vicious cycle of malnutrition and infection must be broken through emphasis on primary health care. Solution demands that we work to alleviate the immediate suffering of the hungry but also to increase food production and efficient distribution of surplus commodities, promote international development—particularly in agricultural technology—and educate our Nation to the plight of the hungry.

The attention of U.S. citizens has recently been riveted on the tragedy of famine occurring in Ethiopia. Last year, members of the Select Committee on Hunger went to Ethiopia to assess relief efforts. In January, my wife Grace and I chartered a DC-8 filled with food and medical supplies contributed by the people of Florida and Fort Wayne, IN.

Despite relief missions, the problem of famine in Africa is real. Twenty nations have been affected—seven of which are critical. Just in Ethiopia alone, over 7 million people are jeopardized by starvation.

We cannot ignore the threat of domestic or international hunger. The elected officials of this country have an obligation to help the less fortunate. Ours is a land of plenty, yet there are those even here who suffer from want * * * want for only enough to satisfy their bodily needs of survival. And we have an inherent responsibility to respond to them.

Perhaps our obligation is best summed up in Matthew chapter 25: "When you did it for the least of these, you were doing it for me." Let us respond to His children across America and the world in recognizing the vital importance of establishing this committee.

I urge my colleagues to support this resolution.●

● Mr. LEVINE of California. Mr. Speaker, I rise today in support of House Resolution 20. This important resolution reauthorizes the Select Committee on Hunger in the House for the 99th Congress.

Recent events around the world have starkly revealed how pervasive the tragedy of hunger still is today. In a world which produces enough food to feed its entire population, up to 800 million people still live with daily fears of hunger and millions more are starving.

Internationally, recent events in Africa have shocked the citizens of this Nation and other nations with the graphic depiction of thousands of people starving helplessly, in famine-stricken areas. Yet, as we watch this horror, we are reminded that the world is cumulatively wealthy, and that this tragedy need not occur.

The problems of hunger, malnutrition, and starvation are not only limited to areas of chronic drought and famine. In the United States hunger is increasing and has reached epidemic proportions. Operators of shelters and food kitchens report dramatic increases in the numbers of people who require their services on a regular basis. Incidents of nutrition-related diseases in children and the elderly are increasing, and programs which once provided adequate relief for the poor are no longer sufficient to meet even basic nutrition needs.

Mr. Speaker, as I mentioned before, the problem of hunger is not caused by a lack of food. The aggregate world production of food is adequate to meet the needs of even the poorest people in drought and famine stricken areas. The problem lies with lack of cohesive, unified national and international food policies.

The Select Committee on Hunger has, in its first year, made impressive strides toward identifying and developing policy responding to the problems of both domestic and international hunger. No other body in this House is charged with dealing comprehensively and exclusively with the issue of hunger as it exists on national and international levels. The importance of this effort cannot be overestimated. I strongly and enthusiastically support the reauthorization of the Select Committee on Hunger.●

● Mr. CONTE. Mr. Speaker, I rise in support of House Resolution 20, a bill to reauthorize the Select Committee on Hunger. World hunger is a crisis that will not soon go away. There are approximately 500 million people in some 90 countries today who are either undernourished or in a state of starvation. According to the most recent statistics, food supplies in food deficit countries would have to increase by 20 to 50 million tons this year to bring diets up to adequate levels by international standards. This would require an increase by at least 65 percent, and in some areas 200 percent, of food imports by developing countries, in order to reach minimum nutritional standards. In light of these staggering statistics, there is a compelling need for continuation of the Select Committee on Hunger, to study and implement measures to alleviate worldwide hunger.

There is overwhelming proof to suggest that concerted efforts directed at diminishing hunger and related diseases have been successful. This is a tribute to our efforts here in Congress, as well as those of the numerous private organizations outside of this Government. I am very pleased to report that hunger-related deaths worldwide have dropped by nearly 7 million annually from the late 1970's. Of the 13 to 18 million people who are presently dying from hunger each year, however, three-quarters are children. I hope you will agree with me that these figures are wholly unacceptable and that our efforts in Congress must persist.

The Select Committee on Hunger has taken an active role in promoting practical steps to combat hunger throughout the world. The concerns of its members and their colleagues

prompted the introduction of legislation to provide $60 million of additional health and nutrition assistance to developing countries. It has been estimated that these additional funds, which the Congress approved, will save 170,000 lives. Other committee recommendations which have been adopted include the diversion of food shipments and the release of 300,000 tons of reserve wheat to meet the critical food needs in Ethiopia. In addition, the committee has commissioned the Office of Technology Assessment to study appropriate long-term agricultural technologies in sub-Saharan Africa, an effort focused on achieving the ultimate goal of agricultural self-sufficiency.

I realize that we live during a period of huge budget deficits, and that fiscal austerity must be the rule and not the exception. As Representatives of the greatest Nation on Earth, however, we cannot close our ears to the many cries of starving children throughout the world. This committee has proven invaluable in combating what may well be the greatest problem facing mankind today and therefore I urge my colleagues to join me and rise in support of House Resolution 20.●

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. HALL] has expired.

All time has expired.

Mr. HALL of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 124, not voting 22, as follows:

[Roll No. 30]

YEAS—286

Ackerman	Boggs	Chappell
Addabbo	Boland	Clay
Akaka	Boner (TN)	Clinger
Alexander	Bonior (MI)	Coats
Anderson	Bonker	Cobey
Andrews	Borski	Coelho
Annunzio	Boucher	Coleman (MO)
Applegate	Boxer	Coleman (TX)
Barnes	Brooks	Conte
Bates	Broomfield	Conyers
Bedell	Brown (CA)	Cooper
Beilenson	Bruce	Coughlin
Bennett	Bryant	Courter
Bereuter	Burton (CA)	Coyne
Berman	Bustamante	Crockett
Bevill	Callahan	Darden
Biaggi	Carper	Daschle
Bliley	Carr	Davis
Boehlert	Chandler	de la Garza
Dellums	Kildee	Rogers
Derrick	Kleczka	Rose
DeWine	Kolbe	Rostenkowski
Dicks	Kolter	Roukema
Dingell	Kostmayer	Rowland (CT)
Dixon	LaFalce	Rowland (GA)
Donnelly	Lagomarsino	Roybal
Dorgan (ND)	Lantos	Russo
Dowdy	Leach (IA)	Sabo
Downey	Leath (TX)	Savage
Duncan	Lehman (CA)	Saxton
Durbin	Lehman (FL)	Schaefer
Dwyer	Leland	Scheuer
Dymally	Lent	Schneider
Eckart (OH)	Levin (MI)	Schroeder
Edgar	Levine (CA)	Schuette
Edwards (CA)	Lewis (CA)	Schumer
Edwards (OK)	Lipinski	Seiberling
Emerson	Lloyd	Sharp
English	Lowery (CA)	Shelby
Erdreich	Lowry (WA)	Sikorski
Evans (IA)	Lujan	Siljander
Evans (IL)	Luken	Sisisky
Fascell	Lundine	Skelton
Fawell	Madigan	Slaughter
Fazio	Manton	Smith (FL)
Feighan	Markey	Smith (IA)
Fiedler	Martin (NY)	Smith (NE)
Fish	Martinez	Smith (NJ)
Florio	Matsui	Smith, Robert
Foglietta	Mavroules	Snowe
Ford (TN)	Mazzoli	Snyder
Fowler	McEwen	Spratt
Frost	McGrath	St Germain
Fuqua	McHugh	Staggers
Gallo	McKernan	Stallings
Garcia	McKinney	Stangeland
Gaydos	McMillan	Stark
Gejdenson	Mica	Stokes
Gephardt	Mikulski	Stratton
Gilman	Miller (CA)	Studds
Gingrich	Miller (WA)	Tallon
Gonzalez	Mineta	Thomas (GA)
Gordon	Mitchell	Torricelli
Gray (IL)	Molinari	Towns
Gray (PA)	Moody	Traficant
Guarini	Moore	Traxler
Gunderson	Moorhead	Udall
Hall (OH)	Morrison (CT)	Valentine
Hall, Ralph	Morrison (WA)	Vander Jagt
Hall, Sam	Mrazek	Vento
Hamilton	Murtha	Volkmer
Hatcher	Myers	Walgren
Hawkins	Natcher	Watkins
Hayes	Neal	Waxman
Hefner	Nelson	Weaver
Hendon	Nichols	Weiss
Henry	Nowak	Wheat
Hertel	Oakar	Whitehurst
Horton	Oberstar	Whitley
Howard	Obey	Whitten
Hoyer	Ortiz	Williams
Huckaby	Owens	Wilson
Hunter	Panetta	Wirth
Hutto	Pease	Wise
Ireland	Penny	Wolf
Jacobs	Pepper	Wolpe
Jeffords	Perkins	Wortley
Jenkins	Porter	Wright
Jones (NC)	Price	Wyden
Jones (TN)	Rahall	Wylie
Kanjorski	Rangel	Yates
Kaptur	Regula	Yatron
Kasich	Reid	Young (AK)
Kastenmeier	Richardson	Young (MO)
Kemp	Ridge	
Kennelly	Roe	

NAYS—124

Anthony	Byron	Dyson
Archer	Campbell	Early
Armey	Carney	Eckert (NY)
AuCoin	Chappie	Fields
Badham	Coble	Flippo
Barnard	Combest	Franklin
Bartlett	Craig	Frenzel
Barton	Crane	Gekas
Bateman	Daniel	Gibbons
Bentley	Dannemeyer	Glickman
Bilirakis	Daub	Goodling
Bosco	DeLay	Gradison
Boulter	Dickinson	Green
Brown (CO)	DioGuardi	Gregg
Broyhill	Dornan (CA)	Grotberg
Burton (IN)	Dreier	Hammerschmidt
Hansen	McCollum	Skeen
Hartnett	McCurdy	Slattery
Heftel	Meyers	Smith (NH)
Hiler	Michel	Smith, Denny
Holt	Miller (OH)	Solomon
Hopkins	Monson	Spence
Hubbard	Montgomery	Stenholm
Hughes	Murphy	Strang
Hyde	Nielson	Stump
Johnson	Olin	Sundquist
Jones (OK)	Oxley	Sweeney
Kindness	Parris	Swift
Kramer	Pashayan	Swindall
Latta	Petri	Synar
Lewis (FL)	Pickle	Tauke
Lightfoot	Pursell	Taylor
Livingston	Ray	Thomas (CA)
Loeffler	Roberts	Visclosky
Lott	Robinson	Vucanovich
Lungren	Roemer	Walker
Mack	Roth	Weber
MacKay	Rudd	Whittaker
Marlenee	Sensenbrenner	Young (FL)
Martin (IL)	Shaw	Zschau
McCain	Shumway	
McCandless	Shuster	

NOT VOTING—22

Aspin	Hillis	Ritter
Atkins	McDade	Rodino
Breaux	Moakley	Schulze
Cheney	Mollohan	Solarz
Collins	O'Brien	Tauzin
Foley	Packard	Torres
Ford (MI)	Quillen	
Frank	Rinaldo	

□ 1400

The Clerk announced the following pairs:

On this vote:

Mr. Ford (Michigan) for, with Mr. Cheney against.

Mr. Rodino for, with Mr. Schulze against.

Mr. SLATTERY and Mr. ROBINSON changed their votes from "yea" to "nay."

Mr. PORTER and Mr. DUNCAN changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter on House Resolution 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR THE ESTABLISHMENT OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution (H. Res. 22) to establish the Select Committee on Narcotics Abuse and Control, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 22

Resolved, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control (hereinafter referred to as the "select committee").

FUNCTIONS

SEC. 2. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct continuing oversight and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substance when used in combination with any other substance; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1954; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of twenty-five Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Veterans' Affairs, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall mean any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS

SEC. 6. (a)(1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(3) The select committee shall report to the House its recommendations for a comprehensive program to control the worldwide problem of drug abuse and drug trafficking.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

□ 1410

Mr. PEPPER (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with, and that the resolution be printed in full in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 22, to establish a Select Committee on Narcotics Abuse and Control, was favorably reported from the Committee on Rules by voice vote on February 28, 1985. The resolution is privileged and is accorded 1 hour of debate in the House.

House Resolution 22, as introduced and reported from the Committee on Rules, is substantially identical to the resolution establishing the committee adopted during the 98th Congress. The select committee is composed of 25 members appointed by the Speaker. In the 98th Congress, House Resolution 49 required that the membership of the select committee include at least one member from each of the following eight standing committees: Agriculture; Armed Services; Energy and Commerce; Foreign Affairs; Government Operations; Judiciary; Merchant Marine and Fisheries; and Ways and Means. House Resolution 22 requires that, in addition to members from these committees, a member from the Veterans' Affairs Committee also be appointed to the select committee. This change reflects an agreement reached during floor consideration of House Resolution 49 during the 98th Congress that a member from the Veterans' Affairs Committee should serve on the select committee. It should be noted that a member from the Veterans' Affairs Committee did serve on the select committee throughout the 98th Congress.

The select committee was originally created to study and review the problems of narcotics, drug, and polydrug abuse and control in the United States and narcotics trafficking of a national and international nature. House Resolution 22 continues this mandate. Since the select committee was originally created in 1976, the problem of drug abuse has continued to grow and international illicit drug trafficking shows no signs of abatement. The costs of the drug economy to our Nation are countless dollars annually and countless lives wasted.

Mr. Speaker, the select committee is charged with making recommendations for legislative initiatives to the appropriate standing committees to combat the persistent and growing problems of drug abuse. The sole function of the select committee is to study and recommend. It has no legislative jurisdiction. However, since legislative jurisdiction is scattered among at least 14 House committees, the select committee serves as a focal point in the House on drug matters and provides coordinated congressional action on oversight of this most serious national problem.

The select committee, chaired by the distinguished gentleman from New York [Mr. RANGEL], with another distinguished gentleman from New York [Mr. GILMAN], the ranking minority member, has done a magnificent job. It has held at least 18 hearings around the country embracing at least 20 days. It has held two excellent and

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comprehensive hearings abroad, and you will hear more in detail when the distinguished chairman speaks to the resolution very shortly.

Mr. Speaker, we know that one of the great menaces to the security of our country and the health of our people is the drug menace. This committee, in every way it can, is mobilizing the might of this Nation to resist that dangerous menace and invasion of our country bringing death and devastation to so many, and imposing such heavy costs upon so many public bodies of this country in trying to meet that onslaught and invasion.

This committee has made magnificent recommendations to the legislative committees, and the legislative committees have been from time to time implementing the wise and able recommendations that this select committee has made. I know something of the work that this committee is doing because Florida is very vitally affected by this drug menace, by this drug invasion.

We are trying more and more to mobilize the real might of America to intercept this invasion of drugs and drug traffickers. It is taking a large part of our public funds to provide prosecution in the courts for the criminals engaged in this industry; we have many murders and other crimes attributable to this trade. We are now trying to get the Defense Department to buy a certain number of additional planes that can be used by the Customs Service in keeping proper surveillance over this invasion, making it possible to intercept it at a time when it can be effectively stopped.

I very strongly recommend to my colleagues the continuation of this select committee ably chaired and ably composed of Members of this House dedicated to protecting our people from this terrible menace.

Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. RANGEL], the distinguished chairman of the committee.

Mr. RANGEL. I thank the gentleman for yielding me this time.

Mr. Speaker, I urge the House to support H.R. 22. First, I would like to thank the chairman of the Rules Committee, not only for his support in the reconstitution of this committee, but in providing the leadership decades ago and singling out the very danger that drugs would be to our country if we did not move swiftly to do something about it.

Unfortunately, Mr. Speaker, in those days, it was really thought that drug abuse was confined to the inner cities and to poorer people. Mr. PEPPER, then as chairman of the Crime Committee, was trying to point out that this epidemic could spread toward class distinctions, across State lines, and indeed has become an international epidemic.

Mr. Speaker, for that reason, our committee not only represents key Members of key standing legislative committees, but is truly a bipartisan effort to see what we can do not only to see what we can do to mobilize the efforts that we have in the House and the Senate as well as in the executive branch to curtail this epidemic that is sweeping the world.

I do not have to tell the Members here of the detriment that is being caused to society, because in each one of your congressional districts you see what is happening in our schoolyards and the courtyards. Indeed, even in the boardrooms of our corporate structures.

Even the United Nations has recently issued a report of the International Narcotic Control Board, and this body does not normally criticize countries that are involved in its membership, indicating that they have seen the surge of drug trafficking to increase terrorism, insurgency, gun smuggling, corruption, so that the very foundation of democracy as we have known it is under threat.

Last year we have seen some 10 tons of heroin enter into the United States; some 85 tons of cocaine, and 15 tons of marijuana. From the report issued by the United Nations, indeed, from the report that supplements it, issued by our own State Department, we expect that this year is going to be even worse.

The President has declared war against drugs; can this body do any less? We can see throughout the world our ambassadors being chased out of Colombia and out of Bolivia. That prices are being placed on the heads of our Drug Enforcement administrators and other officers. Indeed, the tragic knowledge that came to our country last night of a dedicated Drug Enforcement agent that had been kidnaped was murdered in cold blood and his partner buried alive.

It seems to me that as we see hit squads coming into the United States from South America; as we see threats where our public officials and public buildings are under attack, this is the time to mobilize our strengths and to come together and to make certain that we work as a cohesive unit to find some answers to the problem.

There are some people that complain that the standing committees have responsibility for these jobs. That is why when we went to the Speaker and went to chairman PEPPER, we wanted to make certain that when the time came for reconstitution that we would be able to answer some of the critics and we would be able to say that we have gone to the chairmen of the standing committees, and we have asked these chairmen whether or not they believe that this select committee can provide a function.

That is why we can come to the floor with the support of Chairman RODINO of the Judiciary Committee; with Congressman FISH; with certainly my partner in directing the direction in which the select committee goes, and Mr. GILMAN, and to know that Chairman FASCELL of the Foreign Affairs Committee supports the efforts that we are trying to do as we cooperate with the standing committees, the 15 standing committees, in order to make certain that we come up with some type of a national policy.

□ 1420

At home we have a problem that is estimated to cost our Nation some $100 billion to $125 billion. The street crime certainly is increasing as a result of drug abuse. Of course, our jails, our prisons, where even in the city of New York, the inmate population, 60 percent of it is attributed to drug abuse.

We now find increases in addiction at a time where services in the Federal portion of that is being reduced for local and State governments.

So I say that if we are going to continue the war, this is not the time to be critical of a committee, but time to join with us just as we have worked with the Governors around this country, our law enforcement officers, and our mayors.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Mississippi.

Mr. LOTT. I thank the gentleman for yielding.

Mr. Speaker, I asked the gentleman to yield, first of all, to commend him for the job that he is doing with his select committee. I think the gentleman knows that generally speaking I do not speak too highly of select committees. But, I voted for this select committee the first two Congresses and against it the last two. I am prepared to vote for it this time for three or four good reasons, I think.

First, I think you are doing a good job, you and your ranking member.

Second, I think we do need more coordination in this area, both in the Congress, where we have 15 standing committees with jurisdiction over this problem; and in the administration, where there is duplication and uncoordinated efforts. I think you can help there as well.

Third, I recognize the problem is not better than it was 4 years ago; it is probably worse, and for that reason the select committee should be continued.

So I hope that the gentleman will always look for a way to phase out select committees, but right now I think we probably need this one. I do wish the gentleman would look at the possiblity of maybe a Joint Committee on Narcotics in the future. But, re-

gardless of that, I think this is one we probably need right now. Be tough and get the job done this next 2 years.

Mr. RANGEL. I want to thank the gentleman for his support.

Mr. Speaker, I want to tell the Members of the House that they can depend on this being your committee. We were criticized for preparing a briefing book for each Member of the House, but we had felt that as they deal with this problem with their constituents that we had an obligation to furnish Members with materials that are necessary so that when they ask Members what they are doing about drugs that we would be able to say that our select committee is doing the job not for itself but for the entire Congress and, indeed, we hope for the entire Nation.

We are meeting with your Governors on a regular basis, your law enforcement officers and your mayors. We are going into the districts, whether it is in the mountains of Hawaii or whether it is going to be in the hills of Kentucky, certainly in Florida where we find so much of the problem.

So we hope that we get the input of Members as we have asked for it in the questionnaires that were sent to Members' offices so that we would have a better understanding of the problems that our colleagues are facing in their districts.

I thank my colleagues for the past support that they have given to this committee, and we promise that with the hard work that we are prepared to do, notwithstanding our other legislative responsibilities, that this is one bipartisan committee that is anxious to make the Members of Congress proud and, indeed, America proud.

Mr. Speaker, as chairman of the Select Committee on Narcotics Abuse and Control in the 98th Congress, I rise in strong support of House Resolution 22 to establish the committee in the 99th Congress.

House Resolution 22 is a bipartisan resolution which has been cosponsored by 61 of our colleagues. The Select Committee on Narcotics is a bipartisan effort by the House to play an active role in formulating national policy to control the availability and abuse of illicit drugs in the United States.

Mr. Speaker, I could use much of my time describing to the House the magnitude of the drug trafficking and abuse problem in the United States. I would just like to highlight a few salient points because I know that my colleagues are aware of the severity of drug abuse in America.

Drug abuse and the effects it has on American society reach into every community in our Nation, our schoolyards, corporate boardrooms, the professions, our workforce. No segment of our society is untouched.

The grave dimensions of drug abuse trafficking have become all too familiar. Each day brings new proof that drug abuse and drug trafficking continue to escalate in our Nation and around the world. The tragic events here in our Nations' Capital over the past weekend when eight people died from overdoses of high purity heroin underscore this fact.

The United Nation's International Narcotics Control Board recently reported that illegal drug production and trafficking, financed by well-organized international criminals, is "so pervasive and generate(s) such vast volumes of capital that countries' economies are disrupted, legal institutions menaced and the very security of some States is threatened."

The State Department's annual report on worldwide narcotics production, released on February 14, 1985, concludes that in most of the major drug producing countries illicit marijuana, coca, and opium crops were larger in 1984 than in 1983.

I do not believe I am exaggerating when I say the United States is at war with international drug traffickers. A DEA agent was kidnaped by drug terrorists in Mexico, last month. His brutally beaten body was reportedly found yesterday. South American drug bosses have placed bounties on top DEA officials, and Colombian hit squads have reportedly been dispatched to the United States to attack DEA agents and bomb Federal buildings. Our American diplomatic personnel in drug producing nations have been threatened by narco-terrorists.

Domestically, the illict drug trade is a $100 billion a year industry. The domestic cultivation of marijuana has become increasingly widespread. In 1980, two States reported significant illicit marijuana cultivation; in 1984, significant production was found in 48 States. In some parts of the United States marijuana is the leading cash crop, and some local economies have become dependent on its production.

Drugs are responsible for most of the street crime that grips our Nation. Drug-related crime is overwhelming State and local criminal justice systems. In my own State of New York, over 60 percent of State prison inmates used drugs prior to the commission of their offense or were under the influence of drugs at the time of their offense.

Levels of drug abuse in the United States, particularly among our young people, exceed those of any other industrialized nation of the world, sapping the strength of our most important resource—our people. Drug abuse also uses up scarce resources available for health and social services.

Yes, Mr. Speaker, we are at war. The security of our Nation and the integrity of our political, economic, and social institutions are threatened.

Now is not the time for the House as an institution to retreat from this fight. We must continue our commitment to effective drug oversight and send a signal to drug producing nations and drug traffickers that the House is committed to waging a strong battle against drug trafficking. We must let parents, teachers, and drug abuse professionals know that the House appreciates the gravity and the consequences of drug abuse and is dedicated to formulating curative policies.

The Select Committee on Narcotics Abuse and Control is the only committee in the Congress whose full-time efforts are devoted to oversight of narcotics issues. Drug jurisdiction in the House is not limited to 1 or 2 standing committees but is fragmented among no less than 15 standing committees. The select committee's expertise and its mandate to review all aspects of drug abuse and control enable it to provide a broad perspective on drug issues not available through any one standing committee.

The select committee's 18 hearings, 2 study missions abroad, and other activities in the 98th Congress have documented the extent of drug abuse and drug trafficking both here and overseas.

We have reviewed Federal domestic and international efforts to control the drug problem.

We have held extensive meetings with foreign officials to urge their cooperation with us in stemming the international drug trade.

Our annual report for 1984 and other committee reports have presented a series of recommendations to the Congress and the executive branch to control the worldwide problem of drug abuse and drug trafficking.

Although the select committee has no legislative jurisdiction, our efforts have resulted in the enactment of key legislation. We worked closely with the House Foreign Affairs Committee to draft and obtain passage of an amendment that calls on drug producing nations to prepare plans for eliminating illicit narcotics cultivation and requires the President to cut off foreign aid to countries that fail to take adequate steps against illicit narcotics production. This law provides an effective tool to gain the cooperation of foreign governments, especially since the United States gives aid to seven major drug-producing countries where illicit drug crops increased last year.

The committee's findings and recommendations have also formed the basis for legislation proposed in the 98th Congress (H.R. 5990) and reintroduced in the 99th Congress (H.R. 526) to authorize a program of assistance to State and local governments overwhelmed by drug trafficking and abuse. Full congressional consideration of this bill will be a top priority

of the select committee in this Congress.

The select committee has prepared and circulated a narcotics briefing book to serve as a resource tool for each House Member. This book will be updated periodically to reflect changing circumstances and new developments.

The select committee also plays an important role in raising public awareness of drug issues. For example, the select committee's efforts in south Florida led to the formation of an Ad Hoc Drug and Law Enforcement Liaison Committee. One of the local law enforcement officials participating on the ad hoc panel credits the select committee with being the "catalyst in finally bringing together the South Florida task force and local law enforcement in our fight against narcotics."

The select committee's efforts over the next 2 years will continue to be directed toward assuring that an effective drug strategy is in place and that the necessary resources are available for its implementation. A major focus of our activities will be on steps that can be taken to eliminate the uncontrolled production of illicit narcotic crops abroad and suppress the international manufacture and traffic of illicit narcotic and psychotropic substances.

We will be asking the House leadership and the standing committees to join with us in establishing a dialog with the administration, or ambassadors to drug-producing countries, and the ambassadors and other officials from countries that supply drugs to the illicit U.S. market to urge initiatives to control the international drug trade. For example, recalling all our ambassadors from drug-producing countries for top-level narcotics discussions in Washington would send a strong signal to these nations.

We also need to make clear to drug-producing countries that they risk losing U.S. aid if they fail to prepare and implement plans to control illicit narcotics production. The legislative sanctions Congress has crafted do little good when our Government has yet to issue so much as a warning to countries that fail to comply.

Just as controlling illicit drugs at their source is essential to drug abuse prevention, so too are strong Federal, State, and local drug enforcement efforts and drug abuse prevention, treatment and rehabilitation programs. The committee will continue to review these aspects of the drug prevention strategy as well, as we will reach out to the standing committees as we proceed.

Mr. Speaker, in closing I would like to relate one anecdote that brought home to me the tremendous concern that exists within our Nation about drug abuse. Not long ago, I was asked to address a group of Wall Street brokers and financial managers. I assumed they were interested in legislative developments relating to taxes and the economy and invited me to speak because of my position on the Ways and Means Committee. Instead they wanted to hear about drugs and the treatment programs available that could help cocaine abusers among their ranks.

Drug abuse is not just an urban problem anymore; it is not just an inner city problem or a minority problem anymore. Drug abuse affects all of us.

The Nation looks to us for leadership. I believe the Select Committee on Narcotics Abuse and Control can continue to provide that leadership in the House. I urge your support for House Resolution 22.

Mr. Speaker, yesterday the body of kidnaped DEA Agent Enrique Camarena Salazar was reportedly found in a rural area near Zamora, Mexico. Also found was the body of Alfredo Zavala Avelar, a Mexican pilot who assisted DEA. As our colleagues are aware, Agent Camarena and Mr. Zavala were kidnaped by narcotics terrorists in Guadalajara last month.

Mr. Speaker, these senseless acts of violence confirm, without doubt, that international drug trafficking organizations have declared war on the United States. Not only have they murdered our agents, the narco-terrorists have placed bounties on top DEA officials, have threatened American diplomatic personnel in drug producing nations, and have reportedly sent hit squads to the United States to attack DEA personnel and bomb Federal buildings.

Every day and every hour we permit illegal drug smugglers to invade the United States. Yet, while the President is prepared to spend billions to arm the Heavens against an enemy attack by missiles, he can't or won't direct the military to protect our borders against narcotic laden planes crossing our borders, or will he ask for the resources necessary for DEA, the Customs Service, and the Coast Guard to successfully perform their drug interdiction missions. It is time for our Nation to recognize the threat illegal drugs pose to our health and security.

The time has come for our Nation to respond to the international drug trafficking organizations with the necessary commitment, manpower, and resources to repel their invasion.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 22 reestablishes the Select Committee on Narcotics Abuse and Control during the 99th Congress.

I strongly support this resolution, because I believe the House of Representatives does need the comprehensive oversight, policy guidance and legislative recommendations of the committee if the Congress is to maintain its leadership role in this Nation's struggle to prevent and control drug abuse.

The resolution requires the Speaker to appoint 25 members to the select committee, and further requires that the membership include at least one member from each of nine specified standing committees.

Mr. Speaker, the Select Committee on Narcotics would have no legislative jurisdiction. It would continue to have a mandate to study drug abuse in the United States, to study domestic and international narcotics trafficking, and to make legislative recommendations to the appropriate committees of the House.

Under the provisions of the resolution, funding for the select committee will be subject to a separate expense resolution, which is expected to be reported from the Committee on House Administration.

Mr. Speaker, the Select Committee on Narcotics is the only committee in the Congress whose efforts are focused exclusively on oversight, study and recommendations concerning drug issues.

Guided during the 98th Congress by the dedicated leadership of the two gentlemen from New York [Mr. RANGEL and Mr. GILMAN], the chairman and ranking Republican member, the committee has had a major impact on this Nation's efforts to control narcotics.

Mr. Speaker, I will not take the time to examine all of the activities of the Select Committee on Narcotics during the 98th Congress, but I would suggest to my colleagues that they take the time and read the committee's 1984 annual report.

The committee has made a series of recommendations, on a country-by-country basis, pertaining to the various nations of the world that engage in narcotics production and trafficking. In addition, the committee has made a series of recommendations regarding improvements in narcotics law enforcement efforts at the national, state and local levels.

Mr. Speaker, one of the best ways the House can make sure these recommendations are acted upon by the legislative committees involved is to continue to have the Select Committee on Narcotics at work.

I urge my colleagues to support the resolution.

Mr. Speaker, at this time I yield 6 minutes to the distinguished gentleman from New York [Mr. GILMAN], who is the ranking member on the select committee.

Mr. GILMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of House Resolution 22, reestablishing

the Select Committee on Narcotics Abuse and Control for the 99th Congress, and I wish to associate myself with the remarks of our distinguished chairman of our Narcotics Select Committee, the gentleman from New York, [Mr. RANGEL]. As chairman of the select committee for the past 2 years, he has worked tirelessly at home and abroad to combat the cultivation, trafficking and abuse of illicit narcotics and, if the House passes House Resolution 22, I would look forward to the next 2 years of working with him on this most difficult and challenging effort. I commend the distinguished chairman of our Rules Committee, the gentleman from Florida, [Mr. PEPPER], for his staunch support on the work of our Narcotics Committee.

The worldwide problems associated with drug trafficking and abuse are enormous, and, despite our efforts to date, grow worse with every passing year. This illicit, multibillion-dollar business activity is conducted by well-healed international syndicates, who use their vast profits to develop sophisticated techniques to cultivate, process, and market illicit narcotics. These profits allow them to assemble the most modern boats, planes, radar and other equipment to conduct their clandestine operations. While our Government and the international community talk about the need for an all-out "war" against drugs, our actions to date do not reflect an urgent commitment to address the problem head on and our failure to allocate sufficient resources is obviously making the problem worse. Until we fully recognize and accept the adverse consequences of drug abuse, and develop a comprehensive, coordinated approach to the drug problem, we will not succeed. It is time for a worldwide commitment to combat drug trafficking and drug abuse.

In our Nation alone the profits from drug trafficking are estimated to be more than $110 billion annually. Our Government is forced to spend about $1 billion annually to eradicate and interdict the illicit production and trafficking of drugs, and to educate our citizens on the dangers of drug abuse, as well as to treat and rehabilitate those in our society who have become dependent on drugs. In addition, we lose $40 billion annually in productivity; $1.25 billion in increased medical expenses; and $10 billion annually through crime. Due to increased worldwide production and increasing demand, illicit drugs are more plentiful than ever on our streets. Drug abuse is sapping our Nation of vital resources, especially our youth. The heartbreak and suffering associated with drug abuse cannot be measured, but those who experience the pain of a loved one "hooked" on drugs will never forget the experience.

Mr. Speaker, I have been a member of the Select Committee on Narcotics Abuse and Control since it was first established in 1976 and I am proud to serve as the select committee's ranking minority member. Under the outstanding leadership of Chairman RANGEL, the select committee has achieved some notable successes during the 98th Congress, including the following:

Enactment of the Rangel-Gilman-Hawkins amendment, authorizing the President to suspend economic and military assistance to nations failing to take adequate steps to prevent the production, distribution and trafficking of illicit drugs into the United States; and

Holding 15 hearings in Washington and critical areas around the Nation documenting the growing problems of drug trafficking, drug abuse, domestic marijuana cultivation and other drug-related crime in the United States.

Following our 1983 hearings in California on domestic marijuana cultivation and eradication, the select committee played a pivotal role in securing an extra $800,000 from the administration for helicopters to support California's 1984 marijuana eradication program.

To help meet the needs of State and local governments, the select committee developed H.R. 5990 to provide $750 million a year for 5 years to States and localities for increased drug prevention, treatment, enforcement and eradication efforts, which has been reintroduced in this Congress as H.R. 526, the State and Local Narcotics Control Assistance Act.

In an effort to facilitate coordination and cooperation among Federal, State, and local law enforcement authorities in their fight against drug trafficking, the select committe held two law enforcement conferences in south Florida and a national followup hearing in our Nation's Capitol.

As a result of our extensive missions to major drug producing and trafficking nations around the world, and our discussions with government leaders in those nations, substantial positive actions have been taken to help end the scourge of drug production, trafficking and abuse. Specifically, the Government of Colombia has initiated military action to eradicate its huge marijuana crops, and has extradited several drug traffickers to the United States. The Government of Italy has intensified its law enforcement efforts against organized crime and drug traffickers, thereby helping to reduce the amount of heroin entering the Eastern United States from Italy. The Government of Burma has initiated an aerial eradication program with U.S. Government funding support for this activity.

Drug law enforcement coordination and cooperation has improved in south Florida with the formation of an ad hoc drug and law enforcement liaison committee, which resulted from the select committee's law enforcement conference held in south Florida in May of 1984. In that connection, Mr. Speaker, I would like to report that as a result of our law enforcement conference, a sheriff from south Florida wrote our select committee thanking the committee "for being the catalyst in finally bringing together the south Florida task force and local law enforcement in our fight against narcotics. As a result of your hearings and insistence, the staff members of the south Florida task force met and acknowledged the lack of interaction we all experience. I can assure you that for the first time in my memory, local law enforecment and Federal law enforcement are really sincere in working together."

Mr. Speaker, I would like to point out that one of the byproducts of the Rangel-Gilman-Hawkins amendment, which was enacted into public law in November 1983, is to requrie the State Department to submit to the Congress an international narcotics control strategy report that reviews worldwide illicit drug production and the policy, programs and role of our Government in preventing the entry of illicit drugs into our Nation. To my knowledge, this is the first legislative initiative to require the State Department to comprehensively report to the Congress on the worldwide drug situation.

I recognize that there are those who believe that the select committee duplicates the work of certain standing committees; that it has no legislative jurisdiction; that it, therefore ought to be abolished during these critical budgetary times. I would like to remind my colleagues that the Select Committee on Narcotics Abuse and Control is the only congressional committee that has the time, expertise, resources and mandate to comprehensively oversee the entire complex and diverse field of narcotics trafficking and drug abuse. The previously mentioned actions recently taken by the Governments of Colombia, Italy, and Burma are prime examples of actions taken by foreign nations as a direct result of select committee prodding and continuous oversight; and they are actions that could not have been legislated.

There must be no mistake, however, in recognizing that the problems of drug trafficking and abuse are intensifying, and that the job of the select committee in helping to reverse this trend is extremely difficult. The select committee has helped raise the consciousness of the public regarding the dangers of drug abuse. It is the only congressional committee that has the mandate to prod and work with every department and agency of our executive branch, but we cannot do the job

alone. Ultimate responsibility for combating narcotics trafficking and drug abuse rests with the entire international community as well as with the executive, legislative and judicial branches of our Government. In this regard, Chairman RANGEL and I recently went to Vienna, Austria, to address the 31st session of the United Nations Commission on Narcotic Drugs, where we stressed the need for increased multilateral cooperation among nations of the world and urged increased participation in and utilization of the U.N. Fund for Drug Abuse Control [UNFDAC]. The select committee must and will continue to press for such activity.

Despite the administration's efforts to combat the drug problem, narcotics trafficking and drug abuse is accelerating, not deminishing. Heroin, cocaine, marijuana and other illicit drugs are inundating every city, town, school district in all of our congressional districts by the plane load and by the boat load. Indeed, this insidious illicit activity is adversely impacting every nation in the world. The drug traffickers have become more ruthless. In addition to killing our youth, they are now resorting to kidnaping, murder, bombings and they have linked up with terrorists throughout the world to facilitate their deadly business activities. Our ambassadors have been threatened, our embassies bombed, our law enforcement agents murdered. A wave of terror radiates throughout the world from the astronomical multibillion-dollar narco-terrorists operations. And just last week, both Time magazine and Newsweek devoted their cover stories to the global operations and the deadly menace of drug trafficking.

Given the fragmentation that exists among the diverse standing committees having piecemeal drug-related jurisdiction, now is not the time to terminate the work of our Narcotics Select Committee. To bring down the curtain on the life of the select committee at this critical time would send the wrong signal to our citizens and to the international community and to the criminals who peddle these deadly substances. Now is the time to intensify congressional drug-related efforts, not end them.

Drug traffickers have declared war on our institutions, on our Government, on our young people. Our response must be more than a limited police action. We must meet them head on in an all-out war.

Accordingly, Mr. Speaker, I urge my colleagues to fully support House Resolution 22.

□ 1430

Mr. TAYLOR. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I rise in support of House Resolution 22, to establish the Select Committee on Narcotics Abuse and Control.

To those of us who have been working to find solutions to the devastating problem of drug abuse, one thing is clear: our Nation is at war. The enemy is the drug pusher on the street corner, organized crime drug smugglers, and corrupt foreign officials who profit from the drug trade. The frontlines are our streets, schools, workplaces, our borders, and the high seas. Our soldiers in this combat are DEA and customs agents, the Coast Guard, law enforcement officers at all levels, parents, teachers, clergy, and healthworkers throughout the country.

Mr. Speaker, it is all-out warfare and, despite the best efforts of many dedicated people, we are losing. Illicit drugs continue to flood our Nation. Marijuana continues to be the most widely used illegal drug in spite of the increasing evidence of its harmful health effects. Cocaine has become the second most abused drug. It is estimated that the total illegal drug trade is a staggering $110 billion a year industry, and this figure does not begin to measure the social costs such as drug-related crime or the economic loss of productivity which are the results of drug abuse.

The news headlines of the past several days leave no doubt about the stakes involved in the war on drug abuse. DEA agent Enrique Salazar is kidnaped and murdered in Mexico. Nine men and women die in Washington, DC, within days from lethal injections of heroin. The elected Chief of the Turks and Caicos Islands in the Caribbean is arrested in Miami on drug charges.

Under the able leadership of Chairman RANGEL and ranking minority member, BEN GILMAN, the Select Narcotics Committee has worked hard to keep the complex issues of drug abuse before the Congress, the administration, and the international community. The committee has been active in all aspects of drug abuse from identifying the serious threat posed by drug abuse in the military services to the need for more coordinated efforts by various law enforcement agencies to the importance of drug abuse education programs in our schools.

Mr. Speaker, I am not a great fan of select committees except when circumstances are extraordinary. The war on drug abuse in which we are engaged is just such an exceptional situation. The Select Narcotics Committee has been effective in raising the drug issue within the various standing committees of this body, in prodding the executive branch on drug abuse matters, and in focusing public attention on the problem.

I urge adoption of House Resolution 22 so that this important work can be continued.

Mr. PEPPER. Mr. Speaker, I yield 5 minutes to the able gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, the gentleman from New York [Mr. RANGEL], the very distinguished and able chairman of this select committee, did have the opportunity to mention the jurisdictions of two committees, the Committee on Foreign Affairs and the Committee on the Judiciary. But that is only the beginning, and he did not have time to tell us about some of the other committees in whose jurisdiction the whole question of drug abuse impinges. In the jurisdiction of the Committee on Armed Services is the whole question of the sensitive and complicated posse comitatus involving the military forces of our country in a useful, constructive, and constitutional way in the absolutely necessary business of interdicting aircraft and ships that are bringing drugs to our shores.

He did not have time to mention the jurisdiction of the Committee on Energy and Commerce, which has jurisdiction over health rehabilitation programs to get these pitifully addicted young people off drugs, off the habit, and back into a healthy, independent way of life.

He did not have time to mention the jurisdiction of the Committee on Education and Labor over drug education programs. Actually these education and health programs and programs for rehabilitation and drug education offer perhaps the last and best hope to get us out of this morass.

The point I am trying to make is that when we look at the broad spectrum of programs and legislative programs that a comprehensive look at the whole drug problem involves, we understand how absolutely important it is for some entity of this House to be looking at the whole picture, to be putting the jigsaw puzzle together, and to be working with the members and the leadership of each of the individual committees to explain to them what the constructive and positive role for their committees is in creating a comprehensive, integrated approach to ridding ourselves of this national scourge.

It would be an absolute tragedy if the Select Committee on Narcotics were to disappear and each of these committees was left to struggle with the problem of drug addiction and how their jurisdictions are impinged by this question. The fact is that they do not have the time to do it, they probably do not have the specialized expertise to do it, and the job would not be done.

So I want to congratulate the chairman of the Select Committee on Nar-

cotics for the brilliant job he has done in leading this committee. I want to congratulate the staff director, Mr. John Cusack, who used to have the top international law enforcement job with the Federal Bureau of Narcotics and Dangerous Drugs, perhaps the world's outstanding authority on the whole question of international control of drug flows. These two men working in harness have done an absolutely outstanding job in leading this committee.

Mr. Speaker, it has served an indispensable function, and I urge my colleagues to continue its life for another Congress.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida [Mr. SHAW], a member of the select committee.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the Members have heard in the debate that has come before us of the work that this committee has done and the tragedy that continues to sweep this country, so I do not have to stand here and continue to talk about it. I think there is one thing, though, that we should face and we should take a look at as Members of this great body.

We are perhaps the greatest collection of generalists on the face of this Earth. Our time and our attentions are brought from subject to subject and from crisis to crisis. We are talking about social issues, we are talking about issues of defense, we are talking about budgetary issues, we are talking about many different issues all across the board.

□ 1440

There is a need, a crying need for certain Members of this Congress to focus at least during a particular time of the week on a particular subject that is so crucial to the future of this country.

We have come a long way, I believe, in the last 4 years in our war against drugs; however, in coming the distance that we have come, those who would continue to smuggle have intensified their operations. Domestic production is up. Drug use is up. If we had not taken the remedies that we have taken today we would be in a far greater crisis than we find ourselves in today.

And who are the victims of this crisis? Who are the victims of what we have failed to do? It is generally the young people of this country. It has been referred to by the chairman of the committee that the use of drugs and the abuse of drugs is not only in the schools, but it finds itself in the board rooms of the great corporations that run the big companies that are so vital to the industry of this country.

But yet we have not come to a point where we think that we have really found all the answers. It is going to take a lot more looking. We have got to become more innovative. We have looked at the problem of education. We have looked at the problems of rehabilitation. We have looked at law enforcement, and this has been one area that has been so important to my own district of south Florida.

With the posse comitatus relaxation that we saw about 3 years ago, we have found that this country has gone into a new area of law enforcement. We have gotten our military involved, but it was not easy. It was not just as easy as passing posse comitatus as we did 3 years ago. We had to prod. We had to work. We had to convince the Defense Department that there were benefits to be derived by getting involved in this war with us, and it is a war. It is a war that we have intensified, but it is a war that the other side has also intensified.

We have seen the growing rise of terrorism, as has just been reported to us last night and then confirmed today about the dealth of our agent in Mexico.

We have seen threats in south Florida to explode and blow up the DEA facility simply because we are doing something good and we are beginning to crack down and we are beginning to financially hurt those who would violate our laws and import these substances into the United States.

We have had problems in bringing around some of the other countries and getting their attention so that we could get their full cooperation. We are making progress in Colombia. Hopefully this progress will again be seen through the cooperation we once enjoyed in Mexico.

There are so many areas and so many jurisdictions that have to be crossed with regard to our war on those who would abuse our laws and drugs. There is only one committee that has the oversight ability that this committee has and that is the Select Committee on Narcotics Abuse and Control. It is so important that this committee be reauthorized. We have worked hard in the last 4 years since I have been on the committee, and I am sure before that. We have not had the success that we wish we had, but the administration has not had the success that we wish that they had and that they wish that they had. We have not yet found a successful cure to the problem; however, we have been holding that tide back.

It is very important as we see the war on drugs beginning to intensify with the other side using its machinery of death and destruction against our own forces that this select committee continue its work and continue at least for the next 2 years.

I strongly support the reauthorization of this committee and I would urge my colleagues here in the Congress to join with us in this most important vote.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the able gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, let me say to the gentleman from Florida [Mr. PEPPER] that I am very proud to be here to speak on behalf of House Resolution 22.

I was sheriff for the last 4 years before entering Congress and for 10-plus years I ran a drug treatment program in the Greater Mahoning Valley area.

I think what our Nation has to recognize is that the drug dealers and the big foreign import people have declared war on America. We have sat a little bit passively back. I think it is time that we rise up, each and every one of us that has a commitment at stake, our children and the lives of our children and our families, to support the fine efforts of our chairman, the gentleman from New York [Mr. RANGEL] and that committee. I am certainly looking forward in years to come to perhaps be placed on that committee. I believe that the focus of that committee should be to continue to purge these types of problems from America.

I just want to briefly discuss one incident that occurred in the late seventies. I am sure the gentleman from New York [Mr. RANGEL] and his committee will be addressing this. Our Drug Enforcement Administration made one of the biggest "buy" busts in American history. A buy bust is when you transfer cash, you take the dope, and you make the arrest. They gave $9 million to an official of a foreign nation who transferred 90 pounds of cocaine to our agent. Bond was set at $3 million and within 1 hour bond was reduced to $1 million and within 15 to 20 minutes $1 million cash bond was placed before that court and that foreign official left this country and never did come to trial. These are the types of things that are hurting America. It is now one of our major problems and for us to fail to support this chairman, the gentleman from New York [Mr. RANGEL] and this committee would be to fail this country.

So I am strongly recommending from a background of treating drug abuse problems for 10 years and being a sheriff and working in the law enforcement aspect, let us support our law enforcement people. Let us give our agents some muscle behind them, let them know that Congress is not going to take any more, that we have had enough and the American people have had enough.

The SPEAKER pro tempore (Mr. DURBIN). The time of the gentleman from Ohio has expired.

Mr. PEPPER. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman from Florida [Mr. PEPPER].

I think that as we look at the problems that face us, the No. 1 problem in America is the social order of our Nation and that is the family. If there is one particular problem that eats and erodes away at the American family, it is this particular phenomenon of drug abuse. It has affected all people.

Realistically, the concerns now have moved from the traditional poverty section into the suburbs and perhaps America is a little bit more inclined to get involved.

This is not only an ethnic problem, but it is closely intertwined with American poverty as well, but for us to continue to let foreign imports of narcotics come into this Nation to the tune of 60 metric tons of cocaine per year. I say to the Members of Congress, we have to be crazy. We literally have to be nuts.

All efforts must be geared and taken toward stopping that flow from the outside and then hopefully controlling the dimension from within.

Many times our law enforcement officers do not get the support of the Government officials. More emphasis must be placed in that direction, and hopefully from what I understand from the committee and the fine leadership of the gentleman from New York [Mr. RANGEL], all efforts are going to be made in that regard.

This is what we face and I think it is time now for America to declare war, declare war on people that have wrecked and are continuing to wreck our families.

I really do not have anything else to say, except that it is the problem of all America and all America should be behind this committee. If there is any question of the support for this committee, the American people should speak out and support the gentleman from New York [Mr. RANGEL] in the task that he has at hand.

So I am very honored and I will serve in any capacity I can from my experience, Mr. Speaker, to be available for any hearings in any specific areas of expertise that I can offer to the gentleman and his committee.

I hope that all Members of Congress will go beyond whatever partisan lines there might be and support the committee and the efforts of this committee.

I commend the gentleman from Florida [Mr. PEPPER] for his efforts in the past and also the chairman, the gentleman from New York [Mr. RANGEL].

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I thank the gentleman for his indulgence.

Frankly, Mr. Speaker, a few weeks ago I had some strong reservations about not only continuing my service on the Select Committee on Narcotics Abuse and Control, but to actually consider opposing the reauthorization of the select committee. I had had some great concerns about the scope of the committee, perhaps whether in fact the committee had continued and completed its function as to what it was charged to do, the obvious cost of the committee and other things that weighed on my mind; but events over the last several weeks have made me change my mind, very frankly, and I find myself here in the well today not only commending the chairman, the gentleman from New York [Mr. RANGEL] and the ranking member, the gentleman from New York [Mr. GILMAN] and all the members of the committee, but also to say that we would certainly be sending the wrong signal to the international drug traffickers, many of them controlling billions and billions of dollars and thousands and thousands of people if we were to eliminate the committee today.

□ 1450

So I come to the floor of the House really as a convert to support the concept and the reauthorization of this committee.

Some of the activities that have occurred, we are all aware of. We are aware of the killing of the agents in Mexico and the discovery of their bodies just yesterday.

What kind of signal does that send to the law enforcement in this country and, indeed, other countries if we do not have the courage to support the reauthorization of the committee and make it very clear not only to the American public but to the world at large that we do care what is happening out there and we do care about our DEA agents in that regard as well.

It is interesting, Mr. Speaker, that many times in this country, rather I should say a few times in this country it happens that law enforcement is threatened the way international drug terrorists have threatened our people and our DEA agents. There is a $350,000 price tag on the head of "Bud" Mullen, the head of the DEA—almost unthinkable. Literally, can any of us imagine the Mafia, for example, in this country declaring that there is a bounty on the head of Judge William Webster? That does not happen. But it happens internationally. That is why I think our position has to be exceptionally strong.

So I want to not only commend the chairman and the members of our committee that we have worked with the last few years—and I have been a member since I came here in 1981—but as one who has seen the international situation develop to the point where I am greatly concerned.

My colleagues from Ohio talked about it being an international war. Indeed it is an international war, one that we are going to have to determine that we are going to win or walk away from.

I do not think the American people want to walk away from this war on the international drug terrorism.

Mr. TAYLOR. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I would simply like to say that I think there is a great potential for this committee. I think we have done a lot but I think there is a great potential that exists right now.

Enrique "Kiki" Camarena Salazer was the 37-year-old agent whose body has been tentatively identified, in fact the agent who was killed. We believe it is his body; we are not positively sure now, but we think it is his body.

He was killed in Guadalajara fighting the drug war.

I would like to read a statement out of his Calexico High School yearbook when he graduated from high school. I think it is indicative of what he was about, what we should be about, and what this committee is all about.

The yearbook carried the notation for him: "Usually found where important gatherings happen to be."

When Enrique was fighting the drug war in the interior of Mexico he was where important happenings happened to be, because what is going on right now with regard to this war is every bit as important as the military posture of the United States vis-a-vis the Soviet Union, our problems with Nicaragua, our problem with Cuba. It is of the time magnitude as any of our most pressing foreign policy problems.

Let me just say a couple of things about what the committee can do, what the committee can be and what we have done.

Let me tell you some of the things that we have done that I think are important.

One thing we have done is we have talked straightforwardly to foreign delegations. The State Department cannot do that. We can sit in front of foreign delegations who happen to be their drug control people and tell them the facts of life and tell them that we will put pressure on them, that we will consider taking sanctions if they do not react, if they do not do something about their drug problems.

It is very difficult for a representative of the State Department to do that. We in Congress can do that.

I think that is important.

Another area where we have a great impact, let me just say that we have a

number of agencies that are involved in the drug war. We have the DEA, we have the State Department, the Coast Guard, and now most importantly, the Services. And we do have a problem in coordinating these agencies. They do have a problem with regard to what I would call turf battles.

They do not always act in complete coordination.

By bringing these people before our committee and by talking to them, in some cases by talking to them while they are together, we can get them to start thinking and working together and I think we have done that to a large degree and I think we can continue to do it. So that is a very important function for this committee.

I would just like to echo what my colleague just mentioned about message-sending. The drug lords of Central America have thrown the gauntlet down. They have said things that American gangsters would never dare say. They have said, "We are going to kill American agents, kill Federal agents, kidnap the head of the DEA." They have carried out some of their threats.

If after they make these threats the United States reacts by dissolving our Select Committee on Narcotics I think the message is going to be very clear that they have succeeded in their attempts to intimidate us.

So I would ask my colleagues to join with us and to reinstitute this committee and I think we will be very effective in the coming year in fighting this battle.

I appreciate the gentleman yielding his time.

I yield back the balance of my time.

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. MOLINARI].

Mr. MOLINARI. Mr. Speaker, we are not authorizing a new committee here today. We are seeking to reauthorize a committee that has functioned in the past and very simply I think all we have to do is look at the past couple of years and say: "How did this select committee serve?" It served very well.

We have made a very minor investment in a very, very serious problem.

Under the capable leadership of the gentlemen from New York the chairman [Mr. RANGEL] the ranking member [Mr. GILMAN] they have performed extremely well and I think we would be remiss if we did not make that small investment and continued this select committee for the next 2 years.

I yield back the balance of my time.

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank the Speaker.

My colleagues, I think everyone is aware that this committee, given the circumstances over the last few days particularly, is going to be reauthorized. I would hope that we would send a very strong signal to these arrogant people who the United Nations says are literally just ripping the whole fabric of Western civilization apart.

We would send a signal to them that this Congress of the United States sees this as a prime issue before us and that all of those fiscal conservatives, my good friend in this House who are worried about budget constraints, would join in reauthorizing certainly this one important select committee. It has the greatest bipartisan reputation in this House, it has a fine chairman who did a superb job on Nightline the other night, and is run in a bipartisan tradition of the last four or five chairmen of the committee.

Mr. Speaker, I would like to see us as close to a unanimous vote as we can get out of tribute, if nothing else, not only to Enrique Camarena but to the 315 Mexican Federal soldiers and police who died trying to keep narcotics from killing people in this country of ours and all the agents who died all around the world trying to get a handle on this monstrous evil.

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. DIOGUARDI].

Mr. DIOGUARDI. I thank the Speaker.

Mr. Speaker, I rise to support the select committee and hope to one day become a member of that committee as well.

I spent 7 years on the board of Phoenix House, one of the Nation's largest rehabilitation centers as chairman of the finance committee there and saw first-hand what drug abuse has done to the families; the enormous social cost that this is causing in our country.

In one jurisdiction in my congressional district, the dropout rate in high schools is three times the average of the district and it is basically tied into drug abuse.

Now, think about the future costs that this is going to render society. When someone drops out of school, becomes dependent on drugs, cannot support themselves, that undermines the fabric of the family unit from the very beginning.

□ 1500

I just want to be quick about this; I think we should declare war on drugs as our number one social objective and muster every resource we can to get rid of it before it undermines the social fabric of this great country.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, having failed to convince the House to vote against the resolution to re-create the Committee on Hunger, I have illusions about convincing the House again to vote against the Narcotics Committee, which is even more popular with the Members, particularly with those on my own side of the aisle.

Notwithstanding the inability of all these folks to gain wisdom, I have to make the same kind of case again. It is a pretty simple one; and should not be very hard to understand. You do not bring narcotics peddlers to their knees by hiring additional congressional staff, just as you do not cure worldwide and national problems of hunger by hiring congressional staffs.

It used to be that Congress threw money at problems; now we seem content to throw congressional staff at problems. We have got thousands of them; the problems are still out there.

Here you are only talking about 16, or at last count that was the number. The Narcotics Committee, the select committee, has not been around a long time; only 9 years. It will spend this year somewhere between the $600,000 of last year and the $750,000 that it is asking this year; a modest amount I suppose except that the same point obtains here as did in the discussion on the Hunger Committee: Whatever modest amount is spent is spent in duplication of every standing committee of the House that deals with the problem of narcotics.

Again I must say I have great respect for the chairman and all the members of the committee, and I know they are doing wonderful and hard work, in a very difficult, major international problem area.

Nevertheless, Mr. Speaker, it does seem to me that our constitutents can get very little solace from the fact that we are throwing their money in terms of hiring extra congressional staff to solve problems that are the legislative jurisdiction of other committees.

It does no good, in my judgment, to issue press releases or to print very fancy binders like these and send them around to all the Members so we can be properly edified; and to me that is not the best use of the taxpayers' dollar.

If we want to spend this kind of money against narcotics, then let us beef up our control points, let us beef up the DEA, let us even beef up the standing committees who have jurisdiction, and let them construct stronger laws.

If we continue to try to attack this problem through the hiring of additional staff, we will continue to waste the taxpayers' money.

● Mr. FAUNTROY. Mr. Speaker I rise in support of House Resolution 22, a bill to establish a Select Committee on Narcotics Abuse and Control.

The Select Committee on Narcotics Abuse and Control has a committee record of performance in the Congress

in the past Congresses that should recommend it for continued service—if for no other reason. Under the leadership of Congressman CHARLES B. RANGEL the work of the select committee in the 98th Congress has been exceptional.

The world situation in drug addition is worsening day by day. The use of cocaine, heroin, marijuana, and the chemicals has now reached epidemic proportions in a growing number of countries. Those countries that were once the major growers of cocaine and opium now are threatened by an addicted population in their own countries. In addition to that peril, the huge amounts of money turned over in the transactions of this illicit traffic have become so enormous as to threaten and destabilize more and more economic and political systems in free countries of the world.

While a growing number of agencies, public and private, are giving specialized attention to one or more aspect of the narcotics crisis, the role of the Select Committee on Narcotics Abuse and Control has actually increased in importance in gathering information, in holding hearings, in reviewing activities within domestic public and private drug abuse agencies, and in conducting the same review and coordination of activities in the international setting. Its subpena powers have been employed effectively in bringing together an important record of the enormous and growing problems stemming from the international production of narcotics, the increasing role of the transit countries, and the ever contributing demand for drugs by the addictive users.

The Select Committee on Narcotics has further strengthened its capabilities to serve by being one of the truly bipartisan bodies in the United States Congress. With this kind of vigorous partnership, the executive branch, the enforcement agencies, the courts, the drug treatment and research facilities—all these groups, and many more, are constantly reviewed and examined closely to further increase their effectiveness and their coordination with each other for greater results in the "War on Drugs."

While there are many urgent reasons to continue the work of the Select Committee in this next Congress, there are several more urgent and threatening than others.

Recently, the huge amounts of money involved in drug transactions have endangered national monetary systems through the laundering of these moneys. These large sums of money have enabled drug czars to buy their way into large corporations and to run for elective office for the purpose of taking over and corrupting the systems of some countries with their illicit drug trafficking. And, recently, as mentioned also in the media, drug traffic terrorists have kidnaped and executed enforcement personnel and have threatened the lives of other officials with large money rewards offered for the purpose. This danger to the stability of open and free democracies, this threat to legitimate business, and this endangering of human life will continue in the future unless we all face the realities of the crisis.

The Select Committee on Narcotics Abuse and Control is an important answer to this threat. Their Annual Report for the year of 1984 with recommendations for this 99th Congress should be read by all of us.

I urge the support of the Select Committee on Narcotics and its important mission.●

● Mr. FASCELL. Mr. Speaker, I am pleased to support House Resolution 22, reconstituting the Select Committee on Narcotics Abuse and Control for the duration of the 99th Congress. It is crucial that we continue to focus our attention on the narcotics epidemic that is fast becoming this country's major public health problem. The select committee provides a forum through which we can accomplish that goal.

As our distinguished colleagues in this body know, Florida has become a veritable marketplace in recent years for the wares of international narcotics traffickers, particularly those with operations based in several Latin American nations. A tidal wave of violent, narcotics-related crime has inundated South Florida and there is every indication that the sale of illegal substances has resulted in the increased presence of organized crime as well.

Congress and the executive branch have repeatedly expressed strong support for Federal policies which provide an effective antidote to the narcotics poison which is sweeping our country. The Select Committee on Narcotics Abuse and Control plays an important role in formulating Federal policies, focusing attention on the war against narcotics and providing the oversight necessary to ensure that the United States wins that war. As one who has joined in sponsoring this measure, I urge our colleagues to approve House Resolution 22.●

● Mr. LEVINE of California. Mr. Speaker, I rise in support of House Resolution 22, legislation to reconstitute the Select Committee on Narcotics Abuse and Control for the 99th Congress. It has been an honor for me to serve on that panel for the past 2 years, and I will seek reappointment this year.

Throughout my tenure on the committee, I have been impressed with the panel's diligence, expertise, and most especially, its bipartisan nature. In addition to promoting meaningful dialog with many drug-producing nations, the committee has held hard-hitting drug trafficking hearings both in Washington and throughout the country; held oversight hearings on U.S. drug law enforcement policy, international narcotics policy, Federal drug strategy, and U.S. treatment, prevention, and abuse programs; participated in two study missions abroad; worked hard to restore funding to the drug enforcement administration, the U.S. Customs Service, and the Coast Guard to enable them to effectively assist in narcotics interdiction; and worked with the Foreign Affairs Committee to enact a provision tying foreign aid more closely to efforts to control narcotics trafficking and illicit crop production.

The drug abuse problem will not simply go away. The select committee has estimated that, since 1978, drug abuse and trafficking have grown by approximately $10 million per year. Related social and economic costs are currently estimated at $100 billion. Despite these numbers, however, the administration has refocused its efforts from attacking both drug supply and demand to a concentration on demand. It has cut funding for drug abuse prevention programs by 40 percent. This has meant the end of many local programs and the curtailment of many services to drug abuse victims.

Mr. Speaker, the committee's work is far from over. I ask my colleagues to join me in voting to reestablish the Select Committee on Narcotics Abuse and Control. It is critical that it receive the authorization and the resources it needs to continue in its important efforts.●

● Mr. RODINO. Mr. Speaker, every Member of this body knows that America is today reeling from the pernicious effects of drug abuse. The problem has spread cancer-like through our body politic, leaving as its legacy misery, poverty, death and despair. The question before us is not whether we should do everything in our power to combat this menace—we are agreed on that—but whether there should be in the U.S. House of Representatives a committee whose full-time efforts are devoted to addressing the serious problem of drug abuse in this country.

I think the answer to that question is clear. The Select Committee on Narcotics Abuse and Control provides the coordinated oversight the House needs to take the lead in monitoring our drug control strategies and programs. Without the select committee, oversight jurisdiction would be scattered among eight standing committees, of the House, committees that have a host of other concerns.

Similarly, drug enforcement responsibilities on the Federal level are scattered among numerous agencies, including the Drug Enforcement Administration, the Coast Guard, the FBI, and the Customs Service. As a result,

congressional oversight of drug related issues, if left solely to the standing committees, would necessarily be fragmented, uncoordinated, overlapping and duplicative.

In addition, failure to reconstitute the select committee would remove from the legislative branch a valuable focal point for policy analysis, empirical studies, and overall coordination of both legislative and executive branch agenda and priorities. It would also deprive policymakers, as well as Federal, State and local law enforcement personnel, and the public in general, of a readily identifiable forum for the exchange of information and ideas on the drug problem. It would be tragic indeed if the invaluable expertise acquired by committee members and staff were allowed to dissipate through our failure to provide them with an effective mechanism for their concentrated efforts.

Finally, and just as important, we must decide what kind of signal we want to send to the American people and the world. By all accounts, drug trafficking and abuse is more prevalent than ever, and the prospects for making meaningful inroads in the near future appear dim. The country is virtually awash in illegal narcotic and psychotropic drugs. Now more than ever is the time to accelerate congressional oversight of drug control efforts, not lessen it.

Mr. Speaker, we all know that the select committee by itself cannot provide the answer to the drug problem. But it can and should be an integral part of the combined Federal, State, and local effort to rid the Nation of the ravages of drug abuse. And although we recognize, as we must, that spiraling budget deficits compel us to scrutinize more closely than ever each and every Federal expenditure, we must recognize that drug abuse costs the American public nearly $50 billion a year in lost productivity, increased medical expenses and crime. The question then is not whether we can afford to reconstitute the committee, but whether we can afford not to.

I am proud to be a cosponsor of House Resolution 22. Under the able leadership of the distinguished gentleman from New York [Mr. RANGEL], the select committee has compiled an impressive record of accomplishment. Let the committee continue its critically important work. I urge my colleagues to support House Resolution 22.●

● Mr. GREEN. Mr. Speaker, like my good friend and colleague, Congressman RANGEL, chairman of the House Select Committee on Narcotics Abuse and Control, I have also spent a considerable amount of time during my tenure as a U.S. Representative fighting the battle against the illicit importation and use of illegal narcotics. As a member of the House Banking Committee I worked to strengthen regulations governing the flow of currency in financial institutions in order that local, State, and Federal law enforcement officials could more easily prosecute those individuals involved in laundering money gained from narcotics deals—and I am pleased that the Treasury Department will soon define casinos as "financial institutions," placing them under the same cash restrictions as banks. As a Member of the Appropriations Committee I have continually fought for increased funds to combat the flow of illicit narcotics into this country and their use.

It is clear that the Federal Government must continue to increase its commitment to ridding our country of illegal drugs such as heroin, PCP, marijuana, and cocaine. At my request, President Reagan identified the Lower East Side of New York City, in my congressional district, as an area worthy of increased Federal interdiction and prosecution efforts. I have met with, and I shall continue to meet with, officials from the Department of Justice, the Coast Guard, and the Customs Service in an effort to ensure an efficient use of Federal funds for interdiction efforts. In addition, I shall continue to work with officials of the Drug Enforcement Agency and the New York Police Department in their efforts to cooperate on drug busts.

However, Mr. Chairman, just as I have spent considerable time on these efforts, I must report that I oppose the reauthorization of the House Select Committee on Narcotics Abuse and Control. I admire my good friend from New York, Congressman RANGEL, and I am proud that his congressional district neighbors mine. However, select committees do not have the authority to report bills to the House floor. I believe that it would be a better idea to use the taxpayers' dollars to fund legislative projects which the Congress can approve and which will lead directly to a lessening of the drug problem in the United States. This House should continue to commit itself to solving the drug problems in the United States, but we should do so in more substantive ways than the reauthorization of this select committee.●

● Mr. AKAKA. Mr. Speaker, I lend my full support to the reestablishment of the Select Committee on Narcotics and Drug Abuse. I can think of no problem which undermines the very fabric of our society more than the problem of drug abuse. Drug abuse is a disease afflicting those at every stratum of society—it knows no class distinction nor societal levels. It saps the strength of our young and destroys many of our most talented citizens. Drug abuse is a threat to the basic structure of our Nation—economically, socially, and politically.

The statistics are alarming; and it speaks for itself: 20 million Americans use marijuana regularly, 8-20 million are regular cocaine users, 500,000 individuals are heroin addicts, 1 million are regular users of hallucinogens, and 6 million people abuse prescription drugs.

Profits in the sale of narcotic and psychotropic drugs are skyrocketing. Since 1978, sales have risen $10 billion annually; and in 1984, it is estimated that the retail illegal drug trade was a $100 billion industry. The impact of this untaxed, illegal industry cannot be understated. It undermines our national economy—diminishing industrial productivity as it breeds crime, violence, corruption, and death.

In our efforts to curtail the supply and availability of illicit drugs, particularly in Latin America, we have upset drug kingpins who have declared war on the Drug Enforcement Agency. Certainly, the April assassination of Justice Minister Rodrigo Lara Bonilla of Colombia and, more recently, the tragic kidnaping and murder of DEA agent Enrique Camarena Salazar, are indicative not only of the severity of the drug problem but also the danger drug dealers pose to our law enforcement personnel. The urgency is clear. This threat must be dealt with expeditiously.

All of this makes the role of the Select Committee on Narcotics Abuse and Control even more critical. The select committee has indeed accomplished a great deal in the areas of prevention and substance control; but it must continue its oversight activities, and monitor drug abuse prevention and control strategies of the administration. The select committee provides the proper forum in which these very strategies can be evaluated for its effectiveness in addressing the drug escalation, and the mechanism to propose necessary recommendations to the respective committees for suitable legislation.

I ask my colleagues to send a clear message to drug dealers, pushers, and abusers, that illicit narcotics will not be tolerated. I ask for the support of the reconstitution of the Select Committee on Narcotics Abuse and Control so that we may continue our fight.●

● Mr. TOWNS. Mr. Speaker, as a member of the Select Committee on Narcotics Abuse and Control during the 98th Congress, I want to urge my colleagues to support the reconstitution of the committee.

Drugs continue to be the major source of street crime in my congressional district. Whether it's the hard drugs, like heroin or cocaine, or the headshops selling pills and marijuana the illicit drug trade contributes to the deterioration of America's communities. Just last week, the Nation's Capital faced a rash of heroin overdoses

which left eight victims dead and sent another 14 to area hospitals. The committee's survey of drug-abuse showed that young people comprise the largest number of drug abusers in our population. The levels of drug abuse in the United States are thought to be the highest in the industrialized world. The select committee has been able to generate interest on the part of our neighbors to the south that drug trafficking is a serious concern in the U.S. Congress. Efforts to halt drug trafficking have resulted in threats and even death in some cases to those who opposed this practice in their country, like the Colombian Justice Minister, Rodrigo Lara Bonilla and our own Drug Enforcement Administration personnel, Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar.

These incidents highlight the need for a strong commitment to continue the war on drugs. Reestablishing the select committee will ensure that the House retains its oversight capability to comprehensively address the drug abuse problem. I administered a drug rehabilitation clinic so I know how hard it is for abusers to break out of the cycle of narcotics use. The Congress must do everything in its power to make certain that additional victims are not added to the list of drug addicts. I hope that this House will send a clear signal to all levels of government and the American citizenry that we are committed to fighting drug abuse. I urge my colleagues to support House Resolution 22.●

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 310, nays 94, answered "present" 1, not voting 27, as follows:

[Roll No. 31]

YEAS—310

Ackerman	Annunzio	Bateman
Addabbo	Anthony	Bates
Akaka	Applegate	Bedell
Alexander	Atkins	Bennett
Anderson	Barnes	Bentley
Andrews	Barton	Bereuter
Bevill	Gray (PA)	Pashayan
Bilirakis	Guarini	Pease
Blliey	Gunderson	Penny
Boehlert	Hall, Ralph	Pepper
Boggs	Hall, Sam	Perkins
Boland	Hamilton	Petri
Boner (TN)	Hammerschmidt	Porter
Bonior (MI)	Hatcher	Price
Borski	Hawkins	Pursell
Boucher	Hayes	Rahall
Boxer	Hefner	Rangel
Brooks	Heftel	Regula
Broomfield	Henry	Reid
Brown (CA)	Hertel	Richardson
Bruce	Horton	Ridge
Bryant	Howard	Ritter
Burton (CA)	Hoyer	Robinson
Burton (IN)	Huckaby	Roe
Bustamante	Hughes	Rogers
Byron	Hunter	Rose
Callahan	Hyde	Rostenkowski
Campbell	Ireland	Roth
Carney	Jones (NC)	Roukema
Carper	Jones (TN)	Rowland (CT)
Carr	Kanjorski	Rowland (GA)
Chandler	Kaptur	Roybal
Chappell	Kasich	Rudd
Chappie	Kastenmeier	Russo
Clay	Kemp	Sabo
Coats	Kennelly	Savage
Cobey	Kildee	Scheuer
Coelho	Kleczka	Schneider
Coleman (MO)	Kolbe	Schroeder
Coleman (TX)	Kostmayer	Schuette
Conte	Kramer	Schumer
Conyers	Lagomarsino	Seiberling
Cooper	Lantos	Sharp
Coughlin	Latta	Shaw
Courter	Leach (IA)	Shelby
Coyne	Leath (TX)	Sikorski
Craig	Lehman (CA)	Siljander
Crockett	Lehman (FL)	Sisisky
Darden	Leland	Skeen
Daschle	Lent	Skelton
Davis	Levin (MI)	Slaughter
de la Garza	Levine (CA)	Smith (FL)
Dellums	Lewis (CA)	Smith (IA)
Derrick	Lewis (FL)	Smith (NE)
DeWine	Lightfoot	Smith (NJ)
Dickinson	Lipinski	Snowe
Dicks	Lloyd	Snyder
Dingell	Lott	Solarz
DioGuardi	Lowry (WA)	Spence
Dixon	Lundine	Spratt
Donnelly	Madigan	Staggers
Dorgan (ND)	Manton	Stallings
Dornan (CA)	Markey	Stangeland
Dowdy	Marlenee	Stark
Downey	Martin (NY)	Stokes
Duncan	Martinez	Strang
Durbin	Matsui	Stratton
Dwyer	Mavroules	Studds
Dymally	Mazzoli	Sweeney
Early	McCurdy	Tallon
Eckart (OH)	McEwen	Taylor
Eckert (NY)	McGrath	Thomas (GA)
Edgar	McHugh	Torricelli
Edwards (CA)	McKernan	Towns
Edwards (OK)	McKinney	Traficant
Emerson	McMillan	Traxler
English	Mica	Valentine
Erdreich	Mikulski	Vander Jagt
Evans (IA)	Miller (CA)	Vento
Evans (IL)	Miller (WA)	Volkmer
Fascell	Mineta	Vucanovich
Fawell	Mitchell	Walgren
Fazio	Molinari	Watkins
Feighan	Mollohan	Waxman
Fiedler	Montgomery	Weiss
Fish	Moody	Wheat
Flippo	Moorhead	Whitehurst
Florio	Morrison (CT)	Whitley
Foglietta	Morrison (WA)	Whitten
Foley	Mrazek	Williams
Ford (TN)	Murtha	Wilson
Fowler	Myers	Wise
Frost	Natcher	Wolf
Fuqua	Neal	Wolpe
Gallo	Nelson	Wortley
Garcia	Nichols	Wyden
Gaydos	Nowak	Wylie
Gejdenson	O'Brien	Yates
Gephardt	Oakar	Yatron
Gilman	Obey	Young (AK)
Gingrich	Ortiz	Young (FL)
Gonzalez	Owens	Young (MO)
Gordon	Oxley	
Gray (IL)	Parris	

NAYS—94

Archer	Hall (OH)	Olin
Armey	Hansen	Panetta
AuCoin	Hiler	Pickle
Badham	Holt	Ray
Barnard	Hopkins	Roberts
Bartlett	Hubbard	Roemer
Beilenson	Hutto	Saxton
Bonker	Jacobs	Schaefer
Bosco	Jenkins	Sensenbrenner
Boulter	Johnson	Shumway
Brown (CO)	Jones (OK)	Shuster
Broyhill	Kindness	Slattery
Clinger	LaFalce	Smith (NH)
Combest	Livingston	Smith, Denny
Crane	Loeffler	Smith, Robert
Daniel	Lowery (CA)	Solomon
Dannemeyer	Lujan	Stenholm
Daub	Luken	Stump
DeLay	Lungren	Sundquist
Dreier	Mack	Swift
Dyson	Martin (IL)	Swindall
Fields	McCain	Tauke
Franklin	McCandless	Thomas (CA)
Frenzel	McCollum	Visclosky
Gekas	Meyers	Walker
Gibbons	Michel	Weaver
Glickman	Miller (OH)	Weber
Goodling	Monson	Whittaker
Gradison	Moore	Wirth
Green	Murphy	Zschau
Gregg	Nielson	
Grotberg	Oberstar	

ANSWERED "PRESENT"—1

Udall

NOT VOTING—27

Aspin	Hartnett	Quillen
Berman	Hendon	Rinaldo
Biaggi	Hillis	Rodino
Breaux	Jeffords	Schulze
Cheney	Kolter	St Germain
Coble	MacKay	Synar
Collins	McDade	Tauzin
Ford (MI)	Moakley	Torres
Frank	Packard	Wright

□ 1520

The Clerk announced the following pairs:

On this vote:

Mr. Ford of Michigan for, with Mr. Cheney against.

Mr. Rodino for, with Mr. Schulze against.

Mr. BONKER changed his vote from "yea" to "nay".

Mr. LIGHTFOOT, Ms. MIKULSKI, Mr. CONTE, and Mr. GINGRICH changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on House Resolution 22 and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL 5 P.M., THURSDAY, MARCH 14, 1985, TO FILE REPORT ON H.R. 99

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until 5 p.m. Thursday, March 14, 1985, in which to file a report on the bill, H.R. 99.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR THE ESTABLISHMENT OF THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution (H. Res. 25) to establish the Select Committee on Children, Youth, and Families, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 25

Whereas Congress finds that strong family relationships are crucial to the health and optimal development of children;

Whereas there are approximately sixty-four million children in the United States, and the number of children under age ten may increase by 20 per centum in the next decade;

Whereas decisions of the Federal Government involving education, employment, health and nutrition, law enforcement, or economic policy have a substantial effect upon the well-being of American children and their families;

Whereas a combination of governmental and private sector efforts are necessary to provide services and support for families and children; and

Whereas the House of Representatives lacks the capacity to conduct comprehensive oversight affecting our Nation's children, youth, and families: Now, therefore, be it

Resolved, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Children, Youth, and Families (hereinafter referred to as the "select committee").

FUNCTIONS

SEC. 2. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of children, youth, and families, including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment, and recreation;

(2) to study the use of all practical means and methods of encouraging the development of public and private programs and policies which will assist American children and youth in taking a full part in national life and becoming productive citizens; and

(3) to develop policies that would encourage the coordination of both governmental and private programs designated to address the problems of childhood and adolescence.

(b) Nothing contained in this resolution shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of no more than thirty Members of the House, who shall be appointed by the Speaker, and one of whom he shall designate as chairman.

(b) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For the purpose of carrying out its responsibilities under this resolution the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code.

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 6. (a) The select committee shall report to the House as soon as practicable during the present Congress, the results of its investigation and study, together with such recommendations as it deems advisable.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) Any such report shall be referred to the committee or committees having jurisdiction over the subject matter thereof.

(d) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

Mr. WHEAT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that the resolution be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 25 establishes a House Select Committee on Children, Youth, and Families. It is a matter of original jurisdiction of the Committee on Rules, and as a privileged resolution, is now being considered in the House under the 1-hour rule.

The resolution authorizes the establishment of a temporary Select Committee on Children, Youth, and Families which would have no legislative jurisdiction. The resolution is identical to House Resolution 16, which was adopted by the House on February 2, 1983 by a vote of 312 to 69.

House Resolution 25 conforms to the language of the model resolution appearing in "Guidelines for the Establishment of Select Committees," a subcommittee print approved by the Committee on Rules. The resolution proposes a select committee to be composed of no more than 30 Members of the House to be appointed by the Speaker, and one whom the Speaker shall designate as chairman.

To ensure that the select committee will operate under the same provisions which apply to all standing committees under clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives, these clauses are made applicable to the select committee. Clauses 1, 2, and 3 of House rule XI relate to procedures for committees, adoption of written rules, committee meetings, committee records, quorum requirements, travel limitations, and broadcasting of committee hearings.

The resolution provides the customary authority to the select committee to sit, act, and hold hearings. The authority would be granted without regard to whether the House is in session, has adjourned or has recessed, and without geographic limitation. The select committee would, of course, be prohibited from sitting while the House is considering a measure for amendment under the 5-minute rule.

House Resolution 25 further authorizes the select committee to incur expenses in connection with its duties subject to the adoption of expense resolutions as required by clause 5 of rule XI of the rules of the House. No funds for the activities of the select committee would be available except by House approval of a funding resolution reported by the Committee on House Administration.

Under the resolution, the select committee is directed to report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any report will be referred to the appropriate committee or committees having jurisdiction over the subject matter.

Mr. Speaker, the Select Committee on Children, Youth, and Families was first authorized in the 97th Congress when House Resolution 421 was reported by the Committee on Rules and adopted by the House by voice vote on September 29, 1982. Due to time constraints, no Members were appointed and no funds were authorized for its activities in the 97th Congress. The select committee was reauthorized for the 98th Congress when House Resolution 16 was reported by the Committee on Rules and adopted by the House on February 2, 1983. After adoption, the Speaker appointed 25 Members to serve on the select committee during the 98th Congress. The select committee commenced operations in April 1983.

The select committee was established to conduct continuing, comprehensive studies of the problems affecting children, youth, and families; to encourage the development of public and private programs and policies which will assist American children in becoming productive citizens; and to develop policies that will encourage the coordination of both governmental and private programs designed to address the problems of childhood and adolescence.

Since April 1983, the select committee has held 25 hearings, conducted 11 site visits and issued 5 reports. The information and analysis contained in the hearing transcripts and committee reports have become a valued resource for Members of Congress, Government agencies, and the public.

Prior to the establishment of the select committee jurisdiction of issues affecting children, youth, and their families was shared by 13 of 22 standing House committees. There was no single committee charged with identifying and developing comprehensive programs and policies concerning children and their families. The select committee has proven to be a viable mechanism in assisting Members to develop comprehensive programs and policies involving American families and children.

During the 99th Congress, the select committee will continue its factfinding and resource functions. Issues to be examined include substance abuse and the family, tax policy, child care, and families under stress.

House Resolution 25 has 228 cosponsors in the House—Democratic and Republican, conservative and liberal. House support is mirrored by broad-based support from public and private organizations across the country. More than 100 national, State, and local groups have endorsed House Resolution 25.

Mr. Speaker, decisions and policies of the Federal Government involving education, employment, health, nutrition, and so forth, significantly impact upon the 64 million children in this country and their families. The select committee will aid the House in conducting a comprehensive oversight of these issues. House Resolution 25 was approved unanimously by the House Rules Committee and I urge my colleagues to adopt it.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 25 renews the Select Committee on Children, Youth, and Families for the 99th Congress.

The resolution requires the Speaker to appoint 30 members to the committee. The committee would have no legislative jurisdiction, but would study and review the problems of children, youth, and families, and develop policies to encourage coordination of Government and private programs designed to address these problems.

Funding for the committee, expected to be almost $1.5 million during the 99th Congress, would be subject to the adoption of a separate resolution from the Committee on House Administration.

Mr. Speaker, during the 98th Congress, the Select Committee On Children, Youth, and Families held 25 hearings, conducted 11 visits to day care and counseling centers, and issued 5 reports.

Judging by the scope of the committee's work, including the fact that they heard from over 300 witnesses, I have no doubt that the committee has made good on its promise to conduct comprehensive oversight.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. COATS].

□ 1530

Mr. COATS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the reauthorization of the Select Committee on Children, Youth, and Families for many reasons, the most primary of which is simply because it is the only committee charged with the responsibility of looking at the family as a whole. It is also the only single committee currently constituted that is capable of carrying out such a charge, not because the other committees do not consider it necessary, but because the present structure of the House committee system makes that impossible.

Legislative responsibility for programs affecting families is currently shared by 13 standing committees, the focus of which are jurisdictionally limited, and must be kept narrow in order to accomplish their agenda. Yet problems experienced by families do not come neatly divided into parts labeled "Education and Labor," "Energy and Commerce," or "Ways and Means." The problems identified by and parceled out among our standing committees are not so easy to separate from each other when examined within the context of the families where those problems exist.

Child abuse, juvenile delinquency, drug abuse, adolescent pregnancy, low birth weight, unemployment, divorce, welfare dependency—they are all interrelated, yet prior to the creation of the House Select Committee on children, Youth, and Families, no single entity in this House had the ability to pull all these elements together and study them as a whole.

Mr. Speaker, the family is the most important institution in society. Further, I think all of us would agree that it is irreplaceable. We'll never devise any program or be able to spend enough money to take its place. But sometimes it seems that Congress forgets this fact.

Just lately, the problems of family violence, child abuse, day care, and teen suicide have come into national prominence. If Congress addresses these issues in the same manner it has handled others, can we honestly say that we expect the problems to decrease? If we treat children as if they have no parents, parents as if they don't have primary responsibility for their children, and husbands and wives as if they were just two people living together, will we really treat the problems families experience, or just treat the symptoms of them?

Speaking from the standpoint of the minority, during the 98th Congress, members of the select committee worked to put the pieces of the family back together again. We don't want to just keep treating the symptoms, we want to do something about the basic cause of the problem itself. But we have to understand those problems first. We held hearings in the 98th Congress on paternal absence, on child abuse, on adolescent pregnancy, and on the public/private partnership that exists throughout this country to meet the needs of our children, youth, and families. We approached these subjects from a family perspective, in a

manner for which our committee is uniquely suited. Our efforts were rewarded with the discovery of facts which a committee dominated by the discussion of legislation and Federal programs could well have passed over.

I am particularly pleased with the select committee plans for the 99th Congress. In our presentation to the House Administration Committee to justify our budget request, we have listed a number of goals for 1985, including:

1. Learn more about maximizing public/private partnerships for families and children, including those who run major philanthropic institutions;
2. Investigate the effects of alcoholism and substance abuse on all members of the family, and the family as a unit;
3. Stemming from our exhaustive hearings on child care, take a more in-depth look at the impact of different tax policies on families, and examine the potential for providing special protection for new parents through private employers' leave and other personnel policies;
4. Look at families under particular stress: Rural families, families with disabled children, military families, families with other occupational stresses including police and firefighters' families;
5. Review what is known from research about what it takes to make families "successful".

We do not want to confine our investigation simply into the problems that families experience; we want to look at model families. We want to look at successful models and see what makes good families work and see if we can transfer some of our lessons.

I look forward to taking on this work in the 99th Congress. I believe that the select committee is capable of making some unique and valuable contributions to the deliberations of the standing committees. We are in the midst of many changes, in both Government and society as a whole. We are questioning a lot of the assumptions on which Government programs have been run for a couple of decades. I believe that the select committee can help us come up with some better ideas, as they relate to our children, youth, and families.

Mr. WHEAT. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the select committee in the 98th Congress, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of House Resolution 25 to reauthorize the Select Committee on Children, Youth, and Families for the 99th Congress. I ask for the support of the entire House.

In 1983, when the House established the Select Committee on Children, Youth, and Families, it did so because of very strong bipartisan commitment to the concerns of children and their families. At that time, there was no forum within Congress to address solely the particular and critical needs of America's children, youth, and families. By creating this committee, Congress took a major step forward in solving that problem.

That bipartisan support still exists today, and so do the special needs of our children and our families. As we begin our 99th Congress, 228 Members of Congress have joined as cosponsors of House Resolution 25, to reconstitute the select committee.

I am also encouraged by—and grateful for—the endorsement of over 100 organizations, representing religious, law enforcement, health, nutrition, education, child welfare, child advocacy, and disability rights groups. A partial listing of these organizations follows:

ORGANIZATIONS ENDORSING HOUSE RESOLUTION 25 (PARTIAL LISTING)

Action for Child Protection.
Alabama Council on Human Relations, Inc.
American Academy of Child Psychiatry.
American Academy of Pediatrics.
American Association for Marriage and Family Therapy.
American Association of University Women.
American Baptist Churches, USA.
American Bar Association.
American Camping Association.
American Federation of Teachers.
American Foundation for the Blind, Inc.
American Home Economics Association.
American Jewish Committee.
American Psychological Association.
American Public Health Association.
American Red Cross.
The American Sociological Association.
American Youth Work Center (formerly National Youth Work Alliance).
Association for Children of New Jersey.
The Association of Junior Leagues, Inc.
Association for Retarded Citizens of the United States.
Association for the Advancement of Psychology.
Boy Scouts of America.
Boys Clubs of America.
Bread for the World.
Camp Fire, Inc.
Center on Budget and Policy Priorities.
Center for the Development of Non-Formal Education.
The Center for Early Adolescence.
Center for Public Advocacy Research.
The Center for the Study of Social Policy.
Child and Family Services (Knoxville, TN).
Child Care Action Campaign.
Child Development Programs Advisory Committee, State of California.
Child Welfare League.
Children's Defense Fund.
The Children's Foundation.
Children's Hospital of Michigan.
Children's Hospital, National Medical Center.
Church of the Brethren.
Comprehensive Community Child Care.
Covenant House Under 21 (New York, NY).
Day Care Council of New York, Inc.
District of Columbia Action for Foster Children, Inc.
The Edna A. Hill Child Development Laboratory Preschools, Department of Human Development and Family Life, University of Kansas.
The Family Resource Coalition.
Family Service America.
Florence Crittenton Services.
Food Research and Action Center.
Friends Association for Care and Protection of Children.
Future Homemakers of America, Inc.
Girl Scouts.
Greater Kansas City, Missouri Affiliate, National Black Child Development Institute.
Greater Minneapolis Day Care Association.
Health Security Action Council.
Homes for Children (Park Ridge, IL).
Institute For The Community As Extended Family.
International Association of Pupil Personnel Workers, Inc.
Iowa's Children's and Family Services.
Jack and Jill of America Foundation.
Jewish Child Care Association of New York.
Jewish Children's Regional Service of Jewish Children's Home (New Orleans, LA).
Los Angeles Roundtable for Children.
Lutheran Council in the USA.
March of Dimes.
Minnesota Association of Voluntary Social Service Agencies.
The National Assembly of National Voluntary Health and Social Welfare Organizations, Inc.
National Association for Child Care Management.
National Association for the Education of Young Children.
National Association of Children's Hospitals and Related Institutions.
National Association of Counties.
National Association of Elementary School Principals.
National Association of Social Workers, Inc.
National Black Child Development Institute, Inc.
National Center for Clinical Infant Programs.
National Child Abuse Coalition.
National Coalition of Advocates for Students.
The National Collaboration for Youth.
National Committee for Citizens in Education.
National Committee for Prevention of Child Abuse.
National Conference of Catholic Charities.
The National Consortium For Child Mental Health Services.
National Council of Jewish Women.
National Council of Juvenile and Family Court Judges (Reno, Nev.)
National Crime Prevention Council.
National Education Association.
The National Exchange Club Foundation for the Prevention of Child Abuse.
The National Federation of Business and Professional Women's Clubs, Inc. of the United States of America.
National Head Start Association.
National Nutritional Foods Association.
The National PTA.
The National Society for Children and Adults with Autism.
National Women's Political Caucus.
The Ohio Association of Child Caring Agencies, Inc.
Ohio Perinatal Association.
Oklahoma Institute for Child Advocacy.
Orange County (CA), Association for the Education of Young Children.

The Parent Connection, Inc.
Philadelphia Child Guidance Clinic.
Pioneer Women/Na'amat
Presbyterian Church (U.S.A.)
Project on Equal Education Rights.
St. Mary's County Government (Md.)
Society for Nutrition Education (Oakland, California)
Society for Research in Child Development.
South Carolina Perinatal Association.
State of Wisconsin, Department of Health and Social Services.
Statewide Genetics Services Network Project, University of Wisconsin—Madison.
United Church Board for Homeland Ministries.
The United Methodist Children's Home.
The United Methodist Church, General Board of Church and Society.
United Methodist Women's Division.
WAIF, Inc. (NY)
Wider Opportunities for Women, Inc.
Winooski Youth Development Commission (Vt.)
YWCA of the USA, National Board.
American Public Welfare Association.
Michigan Association of Children's Alliances.
Friends Committee on National Legislation.

This continued expression of support by my colleagues has reinforced my belief that the needs of this country's children and their families are very real. And that we, in the Congress, recognize our obligation to respond to those needs in order to assure a more secure future for America's children.

What Members know to be true in their own districts, we have learned to be true throughout the entire country: Social and economic forces, in conjunction with governmental decisions, have changed greatly the way children are being raised. These forces have caused greater stress on families and, at the same time, reduced the supports available to enable many families to cope.

In my opinion, the continued support of the Members and the public and private institutions who provide services to children and their families is also in response to the select committee's work over the last 2 years.

In 1983, Congress charged the select committee with three functions:

First, to conduct a continuing comprehensive study and review of the problems of children, youth, and families;

Second, to study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist American children and youth in taking a full part in national life and becoming productive citizens; and

Third, to develop policies that would encourage the coordination of both governmental and private programs designed to address the problems of childhood and adolescence.

Mr. Speaker, during the last 2 years, the select committee has adhered to these instructions and has compiled significantly with all three.

Since the committee began operating in April 1983, we have held 25 hearings, conducted 11 site visits, and issued 5 reports. We have heard from over 300 witnesses, including parents and children, service providers, State and local elected officials, business and labor leaders, church and voluntary sector representatives, and the very best researchers that this country has to offer.

Our first year was basically one of factfinding, taking a one-time, region-by-region snapshot of the social, economic and demographic changes affecting American families today. The extensive information base established during this period and the work of our task forces on prevention strategies, crisis intervention, and economic security, have added immeasurably to our understanding of the problems families and children face today.

Building on our early findings, the committee devoted much of its second year to a bipartisan national initiative on child care. This initiative culminated in a comprehensive report, "Families and Child Care: Improving the Options," containing specific policy recommendations. This report was signed by every member of the committee.

Throughout our efforts, the participation of committee members and other Members of the House and Senate has been high, the dialog serious, and the product very fruitful.

We have become a resource to other committees and to congressional offices, providing credible, clear and crosscutting information, and enhancing—not duplicating—their attention to issues affecting children and families. We have become a resource as well to the public and the administration on these issues.

As serious as some of the problems are that the select committee has addressed, we know that many communities have developed successful approaches to mitigating—and even preventing—the very family-related problems which many policymakers in this body have found so troublesome. In our own bipartisan efforts, we, too, have found common ground for formulating and improving policies for children and families.

We have an opportunity and an obligation to continue our efforts. I urge you to vote for House Resolution 25.

Mr. ANTHONY. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I would be delighted to yield to the gentleman from Arkansas.

Mr. ANTHONY. I thank my chairman for yielding.

Mr. Speaker, I would like to make two points based on the comments that the gentleman has made.

One, you came to the State of Arkansas, and as a result of coming we were able to pull together more than 20 various organizations in the State of Arkansas that have some direction that they want to take on trying to provide services in this very needed area, but it was terribly disjointed, one not knowing what the other was doing.

We had a very successful breakfast, and as a result of that, we now have a better coordinated effort in our State in trying to develop and render these services. I say that as a matter of record to the other Members of the House. They can do the same thing in their States and they can make sure those services are rendered in a better fashion.

Mr. Speaker, if the gentleman would yield further, made another excellent point.

I serve on the Committee on Ways and Means. One of the areas that the gentleman has identified is the area of child care and the tax credits.

The SPEAKER pro tempore [Mr. DURBIN]. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. WHEAT. Mr. Speaker, I yield 2 additional minutes to the gentleman from California [Mr. MILLER].

Mr. ANTHONY. Mr. Speaker, will the gentleman yield further?

Mr. MILLER of California. I yield to the gentleman from Arkansas.

Mr. ANTHONY. Mr. Speaker, in the area of child care and tax credits, I have asked the chairman of the oversight subcommittee on which I serve to start working with your staff, if we are reauthorized, so that we can start taking the reports and developing them into legislative enactments. And to also show the importance there, if you would take a look at this year's budget that has been submitted by the President, you will see that area of tax credits is something that he is even interested in.

So for those people who have voted against the other two committees because they say that the committee cannot work easily, this is an exception. It is one where the quality is high and the coordination is there.

Mr. Speaker, I urge a yes vote for the resolution.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman, and I thank him for his service on behalf of children and families on the committee and on the Ways and Means Committee.

I would just say to the Members of the House that this is a very rare opportunity, given the jurisdiction of this committee, because this is the only committee in the entire Congress where each and every day our only business is children and their families. It is not natural gas, it is not tax policy, it is not transportation, it is not highways; it is children and the fami-

lies in which they live. I think that has been recognized in the editorial support for this committee, in the support by the Members, and in the support by religious and charitable organizations outside which have looked at this committee as a catalyst for bringing together a very diverse group of people and providing a comprehensive review of subject matters that would never otherwise be attended to by the Congress.

Mr. Speaker, I urge support and passage of House Resolution 25.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, the Select Committee on Children, Youth, and Families should be reauthorized. I have served on this committee since its inception in 1983. I have found it to provide a timely and effective mechanism for Congress to learn the facets and assess efforts nationwide at addressing the multitude of problems afflicting our families and youth.

Prior to the establishment of the select committee, no single congressional committee dealt exclusively with the complex and diverse issues affecting American families and their children. At least 13 of the 22 House standing committees share jurisdiction over these subjects. I cannot visualize a better vehicle for a comprehensive analysis than the select committee. The ultimate service of the select committee will be to bring its findings and recommendations to the standing committees for their consideration.

I said the formation of the select committee was timely. Coinciding with its creation has been an escalation of public awareness of the dark side of growing up: Prostitution, pregnancies, and suicides. The recent deluge of reports of child molestation and child abuse which have become daily occurrences in the media, was virtually unknown until just a few years ago.

It is vitally important that the facts come out about this fundamental segment of our population and your select committee devoted its first 2 years to building a data base on changes in the American family. But more than that, Mr. Speaker, the committee hearings provide an essential source of information on prevention which will be the test of our success.

The good news is that a lot of committed people are devoting their energies to the problems of youth and families. It is important that we recognize the hundreds of organizations, public and private, around the country who look to the work of this select committee to bring into focus their works and efforts. I received many letters from organizations within my congressional district, as well as throughout New York State, who appreciate the work of the select committee and are in support of its reauthorization.

The agenda for the coming year is full of hearings on exciting and major children and family issues including among others: Families and substance abuse, families and Federal taxes, parental leave policies, special problems among military families, and the effectiveness of programs for low-income children.

Mr. Speaker, I fully support the extension of the life of the Select Committee on Children, Youth, and Families.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, it is with great pleasure that I rise in support of House Resolution 25, which reauthorizes the Select Committee on Children, Youth, and Families.

In the 98th Congress, I served as the chair of the task force on economic security of the select committee, so I have been involved with the work of the select committee since its inception. During its first term of operation, the select committee conducted a number of hearings which assisted in focusing the attention of Congress on the condition of American children and their families, and on the ways in which our legislative authority can be used to assist and strengthen them.

The topics covered such subjects as the consequences of long-term unemployment for the families of the unemployed and an exploration of private and public sector approaches to child care.

There are some Members who question the need for a separate body within this House which can devote specialized expertise to issue affecting children and families. I urge them to examine House Report 98-1195, which reviews the activities of the select committee in the 98th Congress. I encourage them to read the 26 printed hearings and committee reports which are the record of those activities.

I ask them to explain to me the unimportance of the issues to be considered by my own task force this session, such as the impact of the various tax reform bills on families and an examination of the problems facing the 3.7 million people who are members of U.S. military families.

It is especially critical that Congress understand how the tax reform bills will affect families. Unfortunately, over the past 30 years Congress has not generally taken families into account when making changes to the tax code. Corporations have been the main benefactors of previous tax reform proposals.

As a result, the share of Federal revenues received from corporations has declined from 26.5 percent of revenues in 1950 to 6.2 percent in 1983. In contrast, the percentage of revenues from individuals has increased. From 39.9 percent in 1950 to 48.1 percent in 1983. In 1980, a family of four at the poverty line paid $462 in Federal income and payroll taxes, but in 1984 that same family paid $1,079.

Those individuals, though, are not just paying that money out of their own pockets. They are paying money that would otherwise go to support their own families. And that cost is high. According to the U.S. Department of Agriculture, in 1984 the average cost of raising a child to age 18 in an urban area was: $95,846 if you lived in the West; $93,796 if you lived in the South; $90,958 if you lived in the Northeast; and $86,295 if you lived in the Midwest.

If you lived in a rural area, it was higher: $100,008 for boys and $100,295 for girls. Children are our investment for the future. Our Tax Code should reflect this.

Families have been faring badly under the Tax Code. Congress should recognize this and take the opportunity to provide them with redress as it undertakes the task of reviding the tax system. I hope that the efforts of my task force will assist them in this goal.

The record is clear that the select committee has indeed fulfilled its mandate "to enhance significantly the capacity of Congress to conduct comprehensive oversight on issues affecting children, youth, and families".

Please join with me now in passing the resolution before us so that the Select Committee on Children, Youth, and Families can continue its urgent work.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, putting on the cap of the resident curmudgeon, it seems appropriate to talk about the Select Committee on Children, Youth, and Families. I have children, I have families, and I lost my youth here working on the budget of the Congress of the United States.

I recognize that decent people with decent goals are involved in all these select committees. In fact, they sound so wonderful everyone has to be for them—Select Committee on Hunger, on Narcotics Abuse and Control, and on Children, Youth, and Families.

But granted that there is passage of information, granted that Members receive testimony that may be useful, what else do they do? Well, they cost money. They cost $3 million a year, and they grow. They create paper, reams and piles of it, and reports, regrettably unread, and they provide staff jobs, about 100 of them, and that is growing, too. We have another line on all of our stationery, and we have more chairmanships and ranking members.

They do not provide legislation, and in that sense at some point we have to

stop. They have overlapping functions; 8 legislative committees deal with hunger, 8 legislative committees deal with narcotics, and 11 or 12 deal with children and families.

I think it is appropriate that Congress look at its own house. Of course, one is for better families; of course, one is for narcotics abuse control; of course, one is opposed to hunger. But how are we going to leave and go home and talk about cutting deficits and then say, "But, of course, we are not going to start here, we will continue these." It is not a goal that anyone will disagree with. But it is what we are doing, which is kidding ourselves and ultimately kidding the American people.

So putting on my curmudgeon hat, I say vote no.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. Mr. Speaker, I rise in support of House Resolution 25, reauthorizing the Select Committee on Children, Youth, and Families.

During the 98th Congress, it was my privilege to serve on this special panel and to chair its task force on crisis intervention. While I have long been concerned about issues affecting children and families, and committed to finding solutions for the problems they face, I was not prepared for the outpouring of support that has greeted this committee during hearings here in Washington, and around the country. The need for a forum to address the complex and crosscutting nature of issues facing American families today has been evidence over and over again in the testimony of witnesses at our hearings, by the audiences who attend those hearings, and by the communication in letters and through personal contact of hundreds of groups and thousands of individuals.

What we have learned from this special rapport with American families, and those who serve them, is that the demographic trends of the past 25 years have wrought dramatic changes in the structure of families today. Over 50 percent of all children are now raised in families where both parents work, or the only parent present works. One is five households is headed by women and one-half of all women with children under 5 now work.

These changes are occurring alongside fluctuations in the economy and alongside shifting Federal budget priorities. The Select Committee on Children, Youth, and Families is the one place in the Congress where we can learn how families are faring in the face of these interacting forces, and what solutions have been devised, or can be devised, to ameliorate damaging effects.

This special role has characterized the crisis intervention task force hearings I have chaired. At the "Families in Crisis" hearing, task force members learned that millions of American families were caught in the recent economic recession. Budget cuts sharpened the blow, and in many cases removed the ladders which, in other times, might have helped them climb out from under. As a result, while the rest of the country began to enjoy economic recovery, these families were left behind. Their despair was reflected in increased rates of child abuse, spouse abuse, substance abuse, and teenagers abandoned to fend for themselves. We learned this was occurring in Detroit, where human service agencies joined forces in an attempt to focus their efforts more effectively. A youth services center administrator from Ames, IA also told us it was happening in rural Iowa.

That testimony was given in July 1983. We have to be deeply concerned about how farm families are faring in today's climate of crisis and what can be done to assist them.

At the task force hearing on "Teenagers in Crisis" the news was more heartening, but still worrisome. Many indicators of stress and alienation among urban and middle-class suburban youth have decreased. Examples include declines in the teenage birth rate, use of marijuana, and juvenile crime. However, other indicators are stubbornly high or increasing, such as the school drop-out rate, abuse of alcohol, and suicide.

A panel of experts on teenage suicide attributed the threefold rise in suicide among young people since 1950 to fragmentation of family and community supports due to single parenthood, divorce and frequent moves; poor communication between children and their parents; pressures on youngsters to succeed, and the ready-availability of alcohol, drugs, and firearms. We learned that specific measures can be taken to prevent teenage suicide. We also learned that the commitment in years past to fund youth programs is responsible, in part, for today's decline in a range of stress indicators. We were warned that recent abandonment of those efforts on behalf of teenagers who, in the best of times must manage difficult developmental changes, will reap tragedy for future generations.

Our task force hearing in New Orleans on "Youth and the Justice System" looked closely at how we might prevent one expression of tragedy: juvenile crime. The message in testimony from juvenile court judges, researchers, school counseling personnel, and from troubled young people themselves, was remarkably uniform. In their own way each conveyed the point that a 16-year-old youth in trouble with the law was once a 6-year-old child whose family may have been stressed, but no aid was forthcoming, or who may have been abused at home, but no one noticed, or who may have had a learning disability and no one helped.

The consequences of these early experiences for children was so clear to Judge McGee, Chief Justice of Jefferson Parish Juvenile Court—just outside of New Orleans—that his court initiated and maintains a close relationship with local school and health authorities to identify abused children and children with learning problems.

These are just a few examples of the work of the Select Committee on Children, Youth, and Families during the 98th Congress. Our ability to provide a forum for American families, and those who serve them, has deepened our understanding of how complex forces can create complex outcomes that, in turn, require comprehensive solutions. We have learned so much from organizations with established records of service like the National Conference of Catholic Charities, Family Service America, and the Association of Junior Leagues.

No other committee of Congress, in the face of legislative demands, can consistently undertake such a broad agenda, but neither can Congress afford to ignore it.

I urge my colleagues to vote in favor of House Resolution 25 to reauthorize the Select Committee on Children, Youth, and Families, and allow the important work of this forum for American families to go forward.

□ 1550

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of the legislation to reauthorize the Select Committee on Children, Youth, and Families. As a member of this committee, I know first hand of its work and its potential benefit to the many families I represent, within the 10th District of Virginia, as well as families nationwide.

First, I recognize the committee's work as a means of doing something which Congress has not been very good about doing for several decades; that is, understanding families—understanding the way they work and the way we can really help them to do their job.

We shouldn't kid ourselves. It is families who do the work of raising our youth who will some day run this country. We can help or hinder them; we can't replace them. No Federal program—no matter how well conceived and no matter how much money we spend—is ever going to make it up to a child when he loses his father through divorce, or when his father was never part of his life to begin with. No Fed-

eral program is going to teach a child how to love, to sacrifice for others, or to participate in society. Parents teach those lessons.

Second, I see the select committee taking a serious look at a problem which is plaguing families throughout the United States: that is, day care. There are many working parents in my district and some of those people have a real dilemma about how to care for their children while they are at work. No parent wants "just adequate" care for his or her child, but often that is the only kind which can be found.

Through the select committee and meetings with my constituents I have become aware of the growing need to work with the private sector to help parents find good care for their children. Through its child care initiative, the committee has explored ways employers can assist families in meeting their employees' child care needs. Hearings have documented the benefits received by employers who provide child care assistance. It is estimated that for every dollar spent on this kind of family support, $4 are returned in increased productivity and reduced turnover.

Additionally, this year the select committee has already begun working with the military to examine policies which might strengthen military families. It does so with the blessing and encouragement of the Armed Services Committee, which sees the clear need for this project.

Military families are subject to extraordinary stresses as a direct result of the service they render to their country. Frequent moves and prolonged parental absence take their toll on family life. And unhappy family life, in turn, takes its toll on job performance.

The Federal Government has a direct responsibility to the families in our military. Our treatment of the military family ought to reflect our understanding of the family and its irreplaceable value in our society. I believe that the select committee will make a significant contribution to that understanding.

In conclusion, I note that the select committee's finding request describes plans to devote time for in depth study to research concerning factors which make families successful. This is exactly the kind of thing I am talking about. It is so important that it is almost inconceivable that we neglected such studies before. When you consider the amount of influence the Federal Government can have on the family unit, through its tax and welfare policies especially, you begin to see how foolhardy it is to continue to make those policies without taking the family into account in a serious way.

I urge my colleagues to support the resolution to continue the Select Committee on Children, Youth, and Families.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Mr. Speaker, today as we consider the reauthorization of the Subcommittee on Children, Youth, and Families, I am reminded of comments made by Bob Keeshan, otherwise known as Captain Kangaroo, who told me a year and a half ago that this is a society that places children up with mom and apple pie. Unfortunately, we don't eat all that much apple pie, and one in every two moms is divorced, and we act in a very strange way for a society that says it loves children.

Prior to the creation of the Select Committee on Children, Youth, and Families, no "special interest" received more accolades and less attention in Congress than children and the family. They were part of everyone's concern, but the primary concern of no one.

The select committee has changed all that. Children and families have been our exclusive interest, not just a benevolent afterthought. Without it, 65 million American kids and their 30 million families are dispersed among 13 standing committees in this House.

Our children and families are our fundamental institution and for this reason they must be protected. As one great American said: "No government program, no social service, no speech by a public official is a substitute for interest at home, inspiration at home, encouragement at home." It's a responsibility assisted by the Select Committee on Children, Youth, and Families.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY]

Mr. BLILEY. Mr. Speaker, I support House Resolution 25 wholeheartedly, and I encourage my colleagues to do the same.

Several of our colleagues—all valued Members of this body—have suggested that we cannot afford this select committee—that the prospect of $200 billion-plus budget deficits means that we should scrap nonessential spending and cut the Federal budget back. I could not agree with those Members more.

But I think that we are missing the point here—in fact we may be forsaking the forest for the trees. It is the profligate spending and piecemeal family policies of the last 30 years—not coincidentally when we have experienced the greatest explosion of deficit spending—that have simultaneously undermined the family as the basic unit in our society and caused Federal deficits to skyrocket.

When Congress seeks to insulate individuals from proverty by guaranteeing individual benefits, that action not only tears at the historic fabric of our society but increases Government welfare spending exponentially.

This select committee, while possessing no legislative authority, provides an essential forum for legislative committees to see how their individual actions have affected our Nation, and to get some sense of how their actions might interact with those of other legislative committees. The Education and Labor Committee needs a forum for determining how its legislation will work with the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation. Until the 98th Congress, we did not have a forum for bringing these issues together and asking the question, "How does the whole body of Federal legislation affect the American family?" The Select Committee on Children, Youth, and Families provides that important forum.

I think we've seen some of the results of that work already. We've seen how the experiments of the 1960's with guaranteeing income for poor people have contributed to a 60-percent increase in marital breakdown. We've seen how the policy of providing contraceptives to teenagers and ignoring the role that their parents must play has led to skyrocketting rates of teenage pregnancy. We've learned that providing housing, AFDC benefits and food stamps to those teenagers when they have babies has brought us to the point where one in five children born in America is illegitimate. We now know that we have an education crisis, despite having poured ever-increasing amounts of Federal tax dollars into education.

I do not mean to denigrate all the efforts of the past decades. Instead, I want to emphasize how important it is to have a forum to reexamine these issues to see if what we indended is actually taking place. The Select Committee on Children, Youth, and Famiies provides us that opportunity.

Once reauthorized, the committee will study a number of very important policy areas that are often overlooked. In the course of these investigations, the committee intends to seek out private sector experts on families and children, to learn how to form better public/private partnerships. We will look at problems as they affect families, not just individuals.

In the coming months the committee will look at the impact of Federal tax policies on American families. Perhaps nothing could contribute to a strong congressional effort on tax reform more than a full exploration of how our tax laws have affected and will affect American families. These hearings will provide a valuable public record on changing Federal personal exemptions and those potential effects on families.

The committee will also take an indepth look at what makes families successful. That framework has to be established in order for members of legislative committees to better understand how to encourage successful families, and to appreciate what works against families.

The committee will look at the following issues during the coming 2 years.

To learn more about maximizing public/private partnerships for families and children, we will seek out public and private sector chief executives, including those who run major philanthropic institutions.

We will investigate the effects of alcoholism and substance abuse on all members of the family, and the family as a unit;

Stemming from our work on child care, we will take a more indepth look at the impact of different tax policies on families, and examine the potential for providing special protection for new parents through private employers' leave and other personnel policies;

We will look at families under particular stress: rural families, families with disabled children, military families, families with other occupational stresses including police and firefighters' families;

We will review what is known from research about what makes families successful.

In sum, the Select Committee on Children, Youth, and Families performs a valuable service to the Members. I urge my colleagues to support its reauthorization.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the reauthorization of the Select Committee on Children, Youth, and the Family. I do so from the standpoint of a physician, a family physician. I do this from a perspective that I want to compare being a family physician with how this select committee has functioned over the years.

You know, we have in the medical world specialists who deal with particular problems. We also have family physicians or general practitioners who get a general look at everything.

Well, I look at the select committee as a generalist. It looks at everything and its helps point out to the authorizing committees, to the standing committees, the things that they should focus their attention on, just as I did as a family physician.

So, Mr. Speaker, I rise in support of reauthorization of this committee on that basis. This is a generalist committee that will focus attention to the authorizing committees about what should be dealt with.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Speaker, I rise in opposition to this proposal. We seem to arrive today at the candy store of committeeships. Clearly, we have seen brought forward three committees which have no legislative authority, no legislative responsibility, and yet they have been created and they grow, and coming up fast on the outside is the Select Committee on Children and Youth. It started out at $500,000. Now it is up to $748,000.

It started out with I do not know how many staff people, but now we are seeing that it wants 20 staff people. That is more than the Committee on Hunger and the Committee on Narcotics.

This is sort of a "hire a kid week" we are hearing now in Washington. Everybody goes out and finds their favorite staff person, creates a position on the select committees and gets them a job.

This committee is committed to the issue of children and youth. I do not question that and its membership is filled with quality individuals who are very concerned about the family; but the fact is those same individuals serve on other committees in the House, and since there are 11 committees in this House which address families and children and youth, and since there are 28 subcommittees under those 11 committees which address the family, children, and youth, I know that those individuals in their effective and very strong way can promote their concerns about the family, children, and youth, without having to cost the American taxpayer an additional $748,000 and 20 new staff positions.

What we are really doing here in the Congress with this continuing sort of water torture of the American people as we continue to spend money is we are not helping the children of this country. We are mortgaging their future. It is our children and my children, my three children and the children of the members of this committee and the children of the Members of this House and, yes, even the children of the staff of these committees, who are going to have to pay in the future the $1.5 trillion debt that we have managed to add up, and to create another committee which is going to add further and further to this tremendous deficit, a committee with is going to be duplicative and inappropriate, is in my humble opinion totally wrong.

So I ask for a "no" vote on this committee.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

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Mr. LEVIN of Michigan. I just hope that people who have come in here to make quick slams at the select committee might stick around and listen to the members of the select committee and hear what we have to say about what we have been doing.

This is not hire a kid week or month or year. It has nothing to do with a candy store.

Those of us who are on the select committee in most cases do not chair any task forces. There is no staff personally assigned to us. We are involved in this because we are vitally interested in the issue or the issues that are handled by this select committee, and they provide us an opportunity for input, and I think ultimately for action, for action.

This select committee has fed into other areas of concern by other committees and I think has helped to illuminate the way for them.

To point to $500,000 spent by this select committee really is foolish when you consider the hundreds of millions and the billions that we have to examine when we really get at the deficit. This select committee is serious. Its subject matter is serious. Its work has been productive, and I say to those who take what I think really are cheap shots, listen to those who are on the select committee as to why we think the work is valuable on both sides of the aisle, and then let us get down to the serious business together of cutting the deficit.

This is not where the deficit problem is going to be solved.

Mr. Speaker, during the last 2 years, the select committee has displayed an impressive record of achievement in bringing issues of vital concern to this Congress before its Members. The broad scope of its responsibilities grants the committee a wide perspective on the implications of Federal policy in all areas regarding the welfare of the American family.

The American family is changing, both for better and for worse. Those changes bring challenges. The select committee's work, over the past few years, has sought out new avenues for constructive involvement of the public and private sectors in meeting those challenges.

We have studied the growing needs for affordable, accessible, and responsible child care in this country, as more and more families are requiring full-time care for their children. We have explored options in the public and private sectors for improving child care services, and studied the troubling increase in reported incidences of child abuse in day care.

The select committee has looked at the youth justice system, and at the role of parents in American education. We've studied the problems facing working families, and the increasing danger of violence in the American family.

In my own district in Michigan, we held a field hearing on the long-term consequences of unemployment on the family. Held in March of last year, the committee heard testimony from unemployed parents, from guidance counselors working with the children of unemployed workers, and from those working in the community in services for these families and in retraining the work force. I was impressed at that time both with the committee's commitment both to the issues involved, and to the challenge of finding solutions to the problems we faced.

I strongly urge my colleagues to join me in supporting the reauthorization of the Select Committee on Children, Youth, and Families.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GROTBERG].

Mr. GROTBERG. Mr. Speaker, I appreciate the gentleman from Ohio yielding on this important subject.

My fellow Members, I take a back seat to no one on a lifetime of service to kids, privately, professionally, legislatively, for 14 years in my legislative service.

But the people in my district have sent me down here to help do something about the budget. The previous speakers have alluded to the content and the sensitive subject of child legislation, and advocates for children worldwide that is so much needed. We have also heard about narcotics. We have also heard about hunger, and the list goes on and on.

But I am here to tell you, Mr. Speaker, that the standing committees of this assembly can cover every item on the agenda, that the extra effort, the extra funds put forth by special committees, select committees, is indeed an exercise in futility. I have sat on them all over the years. I have put out my press releases with great pride. I have pumped up the importance of them as much as you have done, and that is not a cheap shot to any one of the Members here. It is what happens with special and select committees that have no power, no authority, and in the long run do not get anything done except make an interesting subject more helpless with the reviewing of it outside the sphere of the legislative process.

I urge my colleagues to defeat this bill. Be consistent.

They say that consistency is the hobgoblin of small minds. I am here to say that in this matter, on these committees, the opportunity comes every 2 years to do something about it. Of all of the years, Mr. Speaker, of all years when the big subject is what to do in our own House to cut some costs, we get this golden opportunity and it looks like we are probably going to do nothing about it because it is not popular to speak out against these subjects of children, narcotics, and hunger.

I urge you to vote no.

Mr. WHEAT. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I am pleased to rise in support of the reauthorization of the Select Committee on Children, Youth, and Families. There has been a groundswell of interest in the activities of this committee in the Third District of Connecticut which I represent, and I know that its continuation has broad support among my constituents.

When I was first appointed to this select committee, I established a local advisory committee to counsel me in my work. As word spread of both my appointment and the work of the select committee, my district office was inundated with requests from concerned citizens wishing to become involved. The advisory group now consists of over 130 individuals representing an array of professions and interests. Their concerns are not limited to concern for poor children who are hungry, in need of medical care, and inadequately housed. They go beyond the children "at risk" in the population—those who have been neglected and abused, or are in foster care awaiting adoptive homes, or who have had contact with the juvenile justice system. Their concerns include issues affecting every strata of our society, and every family raising children—separation and divorce, child care, drug and alcohol abuse, adolescent pregnancy, the adequacy of education, teenage sexuality, runaway youth, missing children—the myriad of issues confronting families attempting to raise healthy children in our complex society.

The select committee has begun to tackle some of these problems. At a hearing held in my district, which focused on working families, a number of important facts were elicited, including the dramatic increase in the participation of women in the labor force, especially women with children under the age of 6. The special needs of these families—flexible hours, child care, time off from work to be with family members—and possible ways to address these needs—employer-sponsored day care, school-based day care, more responsive parental leave policy, flexible work hours—all were discussed during this hearing. So, also, was the need for quality programs, so that parents could be comfortable with the day care arrangements they made. Experts from the Yale University Child Study Center, a leading institution in the field of child development, testified as to the need for trained professional staff, developmentally appropriate programs, good relations between staff and parents, adequate salaries and benefits for teachers, and adequate adult-child ratios. From this and other hearings dealing with the problems of health families will come a legislative package designed to improve the range of child-care options and the quality of programming available for preschoolers whose parents work.

Yet this is only one of a large number of accomplishments of the Select Committee on Children, Youth, and Families. During the 98th Congress, the committee has held 25 hearings, taken testimony from over 300 witnesses, conducted 11 site visits, and issued 5 reports. It has established task forces on prevention strategies, crisis intervention, and economic security. And it has worked with a number of standing committees to shape legislation enhancing the quality of life for families and their children, including the extension of Medicaid to pregnant women, the provision of funds for training child care workers and parents in child abuse prevention, the reauthorization and extension of the Child Abuse Prevention and Treatment and Adoption Reform Act, and the Family Violence Prevention and Services Act.

Given this impressive list of accomplishments, one might ask, "Why should this committee be continued?" The answer is quite obvious; much more needs to be done. Take my home State of Connecticut, for example:

In a single year, almost 14,000 children in Connecticut are affected by divorces.

The proportion of Connecticut mothers with children under 6, who are in the labor force, increased 52 percent in 10 years.

Less than one-third of the children needing day care in our State can be accommodated in a licensed day care facility.

Over 15 percent of Connecticut students require special education.

Only one-quarter of eligible children are enrolled in Head Start programs in our State.

Three thousand two hundred teenage girls in Connecticut become pregnant in a single year.

One in fifteen babies born in Connecticut is a low-birthweight baby.

Last year, 13,148 Connecticut children were suspected victims of child abuse and neglect.

Since 1980, the number of Connecticut children suspected to have been sexually abused has increased 21 percent.

An estimated 6,000 pregnant women, 7,500 infants, and 20,000 preschoolers in Connecticut have no health care coverage.

Fifty percent of the children in New Haven continue to live in poverty, and the poverty rate for children in Connecticut has increased by 58 percent in the last 10 years.

Soup kitchens and emergency food banks in Connecticut report an increase in demand for assistance of up to 400 percent since 1980.

Mr. Speaker, this is only a partial list of the situations facing families in my State; yet they illustrate the diversity of problems which must be addressed. Without the Select Committee on Children, Youth, and Families, there would be no single Federal or State agency or congressional committee which focused on the diverse and complex problems of this vulnerable segment of our society. Jurisdiction over issues relating to children, youth, and families is shared by at least 13 of the 22 House standing committees. Program responsibility is lodged in numerous Federal agencies and departments. Clearly, if we are to coordinate our efforts and strengthen family life, which is the backbone of American society, there must be a forum in which we can look at the total picture. This select committee provides such a forum, and for this reason I strongly urge my colleagues in the House to support its reauthorization.

Mr. LATTA. Mr. Speaker, I have one additional speaker. I now yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I rise to express my support for this resolution, and for the continuation of the Select Committee on Children, Youth, and Families.

The committee was designed to study the means of encouraging institutions like Congress how to enact policies which assist youth in becoming productive citizens. The committee has functioned well for 2 years now and will, I hope, for another 2 years. At that time, perhaps Congress will come to fully realize the damaging effect that the current Federal deficits have on the foundation of our society, our youth.

Recently, I spoke with several high school students who were upset that they, the youth of America, were going to have to pay a big price for the budget deficits we are racking up this decade.

"Our parents won't let us run up a bill on their credit cards, so why should the Government run up a huge bill on ours?" one of the students asked me. It's simple logic: If you borrow money, you are someday going to have to pay it back. Someday. Somehow. That someday will be throughout our children's lifetimes. That somehow will be in the form of extra taxes our children will have to pay. What are we in this body doing to our children?

Now everyone would like to have a rich uncle to add a little cushion in life. Well, I had no rich uncle, but neither did I have an uncle who saddled me with his debt.

Today's youth aren't so lucky. The biggest uncle of them all, Uncle Sam, will soon deposit the biggest debt in the history of the world on their backs. By 1990, the national debt could top $3 trillion. By then, annual interest payments on the debt could reach $300 billion. That's 30 times what the national debt cost when I graduated from college.

What does this mean for our children? Think of it this way. In a few years' time, our children will grow up to be taxpayers. As a taxpayer, each one will have to pay—throughout his or her lifetime—at least $3,000 in extra taxes every single year just to pay the interest on the debt.

Give or take a little, our children will have to work 1 full month every year just to pay the interest on the debts which we, their parents and grandparents, are accumulating today.

The select committee has a valuable role to play in this Congress. Its responsibility is to forcefully help awaken us to the fact that we are destroying any chance for future prosperity by our greedy spending habits. This body is failing in its responsibility of stewardship on behalf of our Nation's children. And in my judgment, the Select Committee on Children, Youth, and Families can help each of us to consider the future implications of today's spending decisions on our children and the unreasonable burden they will have to bear. If so, it will justify its cost many times over.

● Mr. WEISS. Mr. Speaker, 2 years ago this body voted overwhelmingly in favor of creating the Select Committee on Children, Youth, and Families. Today, we have the opportunity to renew that support.

The impressive record of the select committee has proven to us that our votes were not just a symbolic gesture toward the needs of children and families. Since its inception, the select committee has done an excellent job in fulfilling its principal mandate. Included has been the assessment of the status of children, youth, and families by the gathering of information about problems facing them, and looking at both public and private efforts to remedy these problems. But, successful though they've been, much remains to be done.

Jurisdiction over issues relating to children, youth, and families is shared by at least 13 of the 22 House standing committees and numerous subcommittees. Under the current committee system, the House lacks the capacity to conduct comprehensive oversight affecting these groups. No single Federal or State agency focuses on the diverse and complex problems of this vulnerable segment of our society. The resolution on which we are voting today reauthorizes the select committee to develop policies that would encourage the coordination of both governmental and private programs designed to address the many problems of families, childhood, and adolescence.

During the 98th Congress, the Select Committee on Children, Youth, and Families held 25 hearings, conducted 11 site visits, and issued 5 reports. Over 300 witnesses testified before the select committee.

The continuation of this select committee is especially vital now as the family unit becomes increasingly stronger, and the concerns of American youth become more complex. While President Reagan extols the value of the American family, his policies have been devastating.

Today, more than 13 million children live in poverty. This represents the highest child poverty rate in 25 years. Over half of the children pushed into poverty between 1980 and 1982 live in two-parent families and almost 90 percent of the children are white. but, one out of four black children in two-parent families now live in poverty. In single-parent families, half of all children live in poverty. An incredible 70 percent of black and Hispanic children in female-headed households live in poverty. The Congressional Budget Office estimates that programs that serve children, youth, and families have been cut by more than $62 billion since 1982. The Reagan budgets have represented a huge step back from this country's commitment to high-risk children and families. Once again, with his fiscal year 1986 budget request, President Reagan targets poor children and families for harsh budget cuts.

In light of this recent budget request, the nonpartisan Select Committee on Children, Youth, and Families provides an invaluable forum for public and private consideration of the programs and policies affecting children and their families. It has already contributed to the comprehensive reevaluation of Federal policies that are needed to inform future legislative actions.

Children are generally given a low priority in our society, and yet, they are a precious resource that society cannot ignore. It is imperative that this Congress renew its support for the Select Committee on Children, Youth, and Families. Support for children and families begins in the House.●

● Mrs. BOXER. Mr. Speaker, I rise in support of House Resolution 25, to reauthorize the Select Committee on Children, Youth, and Families in the 99th Congress. In its first 2 years, this committee has been incredibly productive, but there is a great deal more that needs to be done.

None of us in this Chamber can fail to recognize that dramatic economic, cultural, and demographic changes

have occurred in our society over the last decades. But as profound as these changes have been, committees within the Congress have rarely had the time or the jurisdictional freedom to step back and see just how these changes have affected the way American families live today.

Over the past 2 years, the Select Committee on Children, Youth, and Families has had the time to investigate the new challenges and problems facing parents and children.

We've talked to the best experts in child development, and to the best doctors; we've visited the hospitals and the training programs and day care centers; and we've talked to parents and to the children because they are the ones that are expert in experience.

We've gained a tremendous amount of knowledge about the condition of America's children and families, and that knowledge is available now, for all of us to use.

But the select committee's service to the Congress, and to the Nation goes far beyond the facts it has accumulated.

The select committee has provided outstanding leadership by bringing into full view some of this Nation's most disturbing and painful problems—problems which all of us know exist but are often reluctant to examine. And it has provided the Members of Congress both on and off the committee an opportunity to grapple between themselves, and within themselves over the best set of policies to deal with these problems.

Over the course of 2 years of hearings, we've heard from battered wives and shelter directors about the prevalence of child abuse and family violence in our society.

We listened to an anguished mother talk about her teenage son's sudden suicide, and about the programs in schools and hospitals that are helping to prevent the loss of more young lives.

And we learned from working mothers, in hearings across the country including one in San Francisco, about the severe emotional and financial stress caused by a nationwide shortage in the supply of affordable child care.

But we haven't only heard about problems, we've heard about solutions too. We observed public and private programs across the country, and became even more convinced that investing our resources in prevention is the key to long-term success. The evidence could not be clearer that preventing problems before they occur not only saves lives but is far more cost effective than trying to solve problems with expensive technologies after they have happened.

In its first year, the select committee concentrated on developing a solid data base on the conditions of children and families. Last year, we showed what more we can do by focusing on a single issue, child care, and providing an in-depth report on this complex, cross-cutting issue with a series of recommendations to help other committees create new legislation.

There are many, many other critical issues that demand this kind of careful study, and there is much more that the select committee can do to help other committees deal with those issues. The committee's job is far from complete.

In the 99th Congress, the Select Committee on Children, Youth, and Families will continue to learn about the stresses families are facing and about the resources that exist to help them. And the committee will also continue to bring back what we learn to the other committees in Congress so that the policies we develop for families and children will be both reasonable and responsive.

I strongly urge my colleagues to vote in favor of House Resolution 25 so that this unique committee can continue its valuable service to the Congress and the country.●

● Mr. GREEN. Mr. Speaker, although I am profoundly concerned about the problems facing children and families in the country, I find that I am unable to support reconstitution of the select committee as a means of addressing those problems. Select committees always have the potential for being used as political vehicles whose operating funds could be put to better use. Rather than spend this money for congressional staff and administrative expenses, I would prefer to allocate these funds to programs directly assisting children, youth, and families. As we deal with a growing Federal deficit, I believe eliminating funds for select committees, which have no legislative jurisdiction, would be a more constructive beginning than cutting the programs which actually serve the citizens the committee studies.

As you know, I am a strong supporter of programs which address the needs of children and families. In the 98th Congress I was happy to vote for legislation such as H.R. 4325, the child support enforcement amendments, and H.R. 1904, legislation to provide assistance for victims of family violence. Further, I have consistently supported programs designed to improve maternal and child health care, family planning services, education at all levels, services for the handicapped, and child nutrition among many others.

I realized that with jurisdiction over these programs spread among many committees, coordination among them is not always as effective as it could be. Overall, however, I believe the standing committees of the House perform admirably in addressing these problems. Further, I might note that the Congressional Caucus for Women's Issues, of which I am a member, serves as a coordinating mechanism focusing on policy affecting children and families as well as women. The caucus is supported through clerk-hire funds donated by members, and has as its research arm the Women's Research and Education Institute, which is supported through private moneys. I believe this approach to policy centralization represents a more conducive alternative than select committees, which can neither bring bills to the floor nor make appropriations.

Clearly, the standing committees and the caucus provide the necessary support on the issues affecting children, youth, and families. Therefore, I believe this money would be better spent on programs directly affecting these groups, rather than on more staff and operating costs.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of House Resolution 25, a bill to establish a Select Committee on Children, Youth, and Families.

This legislation is to reauthorize the Select Committee on Children, Youth, and Families for the 99th Congress. The select committee was activated late in the 1st session of the 98th Congress and began its operations in the 2d session on a full scale. In that short period of time, this select committee has demonstrated beyond the slightest doubt the urgency and merit of its contributions.

As dramatic evidence of the swift development of relevancy to the problems and needs in the areas of children, youth, and families, over 115 public and private agencies have expressed their support for the continuing role of the select committee. That support was further reinforced by letters to Members of Congress citing how in the brief time of its existence, the select committee had aided them in their work.

The United States has entered a period of painful, often undefined change—not only in the public policy sector, but in many crises in the private sector. The ability of this committee to coordinate, study and review the problems that confront us in the areas of children, youth, and family will provide all of us important information, data, and recommendations that will help us formulate more effective public policy.

Our children are our future. Our youth, as our future—nearly at hand, have many challenges in a rapidly changing world and very much need our assistance. The family, our most important basic unit of society, is burdened as never before with many new challenges and our support to the family is crucial.

The Select Committee for Children, Youth, and Families provides that focus and attention needed to bring forward not only problems but identi-

fies solutions. No other such coordination on a large scale exists.

I urge my colleagues to join me in an unconditional support for this important select committee.●

● Mr. LEHMAN of Florida. Mr. Speaker, I am pleased to join my colleagues in strong support of the reauthorization of the Select Committee on Children, Youth, and Families.

In the last Congress, I was privileged to serve as chairman of the Select Committee's Task Force on Prevention Strategies. During that time the task force examined a range of issues affecting the healthy development of our children and their families. The work of the task force has focused on ways to improve their lives and has highlighted many successful and cost-effective approaches to prevent problems from developing in the first place. It is inarguable that prevention makes the best sense, and our work strongly confirms and documents it.

Along with the full select committee, the task force learned how much and rapidly life has changed across the country. We all now know that the dramatic demographic and economic shifts have, unfortunately and all too often, meant more difficult life circumstances for so many. We have compiled a record of those conditions, and we have found many examples of model efforts with compelling evidence that prevention and early intervention works.

We started at the beginning. At our first task force hearing we reviewed in great detail the elements of sound child development and practices that enhance it. Child development researchers, senior administration officials, and medical experts provided us with the latest research and drew the same conclusions. They noted that problems in the very early stages of development can lead to lifelong physical, intellectual, and emotional difficulties; the knowledge necessary to prevent many of these things from occurring exists now; and that prevention saves money.

We heard about the unabated critical problems of infant mortality and the births of low birth weight babies who are at terrible risk if they survive at all. Recent data show that the problems remain severe, especially for black and low-income women and their infants. We know that good, early prenatal care can help to prevent these tragedies at a fraction of the monetary cost required to correct later problems. The human suffering that could be prevented is immeasurable.

We learned more about development and early health care during the select committee's regional assessment hearing held in Miami. As part of that assessment, committee members visited the model neonatal intensive care program and saw first hand the problems faced by many low birth weight babies. At the hearing, we also heard about Florida's regional perinatal network, which helps to provide medical care to women with high risk pregnancies and to sick and/or low birth weight newborns.

The State also is currently participating in the Southern Governors' Association Regional Task Force on Infant Mortality, which recently issued an interim report calling for more emphasis on prevention.

My Task Force on Prevention Strategies also examined issues of adolescent pregnancy and parenthood. We documented many of the enormous difficulties faced by young people and the need for multifaceted, coordinated approaches to prevent adolescent pregnancy and to assist those who are already parents and their children. The need is clear with more than 1 million estimated adolescent pregnancies this year.

In light of the sharply increasing reports of child abuse documented by the select committee in 1983, the task force focused attention on what we know about the problems and approaches for both primary prevention and the prevention of repeat abuse. Although the body of evidence remains slim, we do know a lot about what works in abuse prevention from the efforts and experiences of a growing number of individuals and groups working in this field. For example, the education of new parents, the sensitive education of children about sexual abuse, and efforts that reduce stress in families, all have been found to help reduce abuse. I have shared that information with my district and have heard from many people who wanted to know more and how they could help.

In addition to these areas, the task force heard from researchers, parents, educators, and students about many of the important roles parents can and need to play in improving the education of their children. We know that parent involvement and support make a significant, positive contribution to the schooling process. There are, however, many barriers that must be addressed in order to achieve productive and meaningful parent involvement. The task force was able to document many of these issues, as well as examples of dynamic partnerships among parents, teachers, school administrators, employers, and other community representatives.

I have had many opportunities to share the information gathered by the select committee with my colleagues here and on other committees where I sit and those before which I have been honored to testify.

The select committee will continue to be a valuable resource to all of us in addressing issues affecting children and families specifically and comprehensively.

I look forward with pleasure to working with the Select Committee on Children, Youth, and Families in the 99th Congress.●

● Mr. LEVINE of California. Mr. Speaker, I rise today in support of House Resolution 25. This resolution reestablishes the Select Committee on Children, Youth, and Families for the 99th session of Congress.

The children of America are one of our most vital resources. Issues affecting the welfare of the Nation's children actually affect the future welfare of the entire country. Yet in the push toward other goals, so-called children's issues can be lost in the debate of stronger special interest groups. The Select Committee on Children, Youth, and Families seeks to voice the needs of those who have no political voice of their own.

While our children are our greatest national resource, it seems hardly a day goes by that we do not read about a new case of child abuse or a new discovery of a massive child pornography ring.

The Nation was horrified by the revelations of child abuse occurring in day care centers. As the need for day care increases, and more children spend time in day care facilities, the need for safe child care becomes imperative. Yet, many day care facilities remain legally unlicensed, and day care workers are hired without comprehensive criminal background checks. Parents are rarely aware of their day care rights, how to choose adequate day care, or how to detect signs of abuse in their children. Children often do not know their rights and protections, and suffer increased fears when called to testify against adult assailants. Even more tragically, statistics show that less than 2 percent of the reported incidents of child abuse take place in day care centers and that 98 percent of the reported incidents are family related. To truly provide the protections children need, day care center professionals must also understand the symptoms of child abuse. National policies to fight this crime, whenever it occurs, are a priority. The physical safety of our children must not be neglected.

As a country, we are becoming aware of a horrible tragedy that affects our teenagers: suicide. The suicide rate among teenagers has almost tripled since 1950. There is an attempted teenage suicide every minute and a successful one every 2 hours. America's teenagers are crying out for help, but in alarming numbers it is too late to answer them. Programs must be developed to halt this terrible human waste.

The issue of unplanned teenage pregnancy is also a national problem. Teenage birthrates in the United States are among the highest of any

industrialized nation in the world. As out-of-wedlock birth rates climb, more teenage mothers are choosing to keep their babies. Tragically, many teenagers find parenthood lowers their educational attainments and subsequently lowers their career opportunities, resulting in a loss to society as well as to the teenagers. Teenage marriages which result from unplanned pregnancy are twice as likely to end in divorce, and often society must support the child and mother at some time. The entire country suffers with the loss of human potential when a teenager's future is clouded. A cohesive national policy must be developed to help teenagers deal with this growing problem.

And then, there is the issue of poverty among families with children. Recent budget cuts have eroded programs designed to protect children during the early formative period of their lives. Malnutrition affects approximately 500,000 American children a year, resulting in increases in incidents of nutrition-related illness, stunted growth, and "failure to thrive." Poverty and malnutrition among children can be halted, and programs to provide food for the hungry must be initiated.

Other problems, such as juvenile crime, drug and alcohol abuse, child support, education, homelessness, and juvenile unemployment are rampant throughout cities and States across our country. The Select Committee on Children, Youth, and Families seeks comprehensive solutions to national problems. During the last session of Congress, the select committee made impressive strides toward developing compassionate policies for dealing with the interrelated problems facing children and teenagers. The Select Committee on Children, Youth, and Families is the only resource Congress has to present a single cohesive picture of the widely divergent issues that form our policy toward those who will eventually lead us. I enthusiastically support the reauthorization of this important committee.●

□ 1610

Mr. LATTA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to, and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 194(a), title 14 of the United States Code, the Chair, on behalf of the Speaker, without objection, appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House:

Mr. GEJDENSON of Connecticut; and
Mrs. JOHNSON of Connecticut.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 9355(a), of title 10, United States Code, the Chair, on behalf of the Speaker, without objection, appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members of the House:

Mr. FOLEY of Washington;
Mr. DICKS of Washington;
Mr. KRAMER of Colorado; and
Mr. LEWIS of California.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of title 10, United States Code 4355(a), the Chair on behalf of the Speaker, without objection, appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House:

Mr. DIXON of California;
Mr. HEFNER of North Carolina;
Mr. FISH of New York; and
Mr. HILLIS of Indiana.

There was no objection.

APPOINTMENT AS ADDITIONAL MEMBERS OF DELEGATION TO ATTEND CONFERENCE OF THE INTERPARLIAMENTARY UNION IN LOME, TOGO

The SPEAKER pro tempore. Pursuant to the provisions of title 22, United States Code, 276(a)(1), the Chair on behalf of the Speaker, without objection, appoints as additional members of the delegation to attend the Conference of the Interparliamentary Union to be held in Lome, Togo, on March 25 through March 30, 1985, the following Members on the part of the House:

Mr. HAWKINS of California;
Mrs. SCHROEDER of Colorado;
Mr. HUBBARD of Kentucky;
Mr. HALL of Ohio;
Mr. CROCKETT of Michigan;
Mr. HYDE of Illinois;
Mr. HAMMERSCHMIDT of Arkansas;
Mr. FISH of New York;
Mr. ROTH of Wisconsin; and
Mr. BOEHLERT of New York.

There was no objection.

NATIONAL SKIN CANCER PREVENTION AND DETECTION WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 85) to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HILER. Mr. Speaker, reserving the right to object, and I do not object, I simply would like to inform the House that the minority has no objections to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 85

Whereas skin cancer, including melanoma and nonmelanoma types, is the most common cancer in the United States, accounts for between 30 and 40 per centum of all cancers, and is increasing at a significant rate;

Whereas the 1983 National Institutes of Health Consensus Conference on Precursors to Malignant Melanoma found that the incidence of melanoma and the number of deaths from melanoma are increasing in many areas of the world, and found evidence that early recognition and surgical removal of melanoma makes it a highly curable cancer;

Whereas eighteen thousand Americans will develop a primary melanoma and over five hundred thousand Americans will develop nonmelanoma skin cancer this year;

Whereas epidemiological studies have shown that the incidence of melanoma has doubled every decade since the 1930's and is now increasing at a faster rate than any other cancer except lung cancer in women;

Whereas melanoma has a fatality rate of 25 per centum and causes five thousand deaths per year, and nonmelanoma skin cancer causes another two thousand deaths per year;

Whereas patients at increased risk of developing melanoma and nonmelanoma skin cancers can be identified, and early treatment of melanoma and nonmelanoma skin

cancers results in high cure rates for such cancers;

Whereas sun exposure is an undisputed cause of nonmelanoma skin cancer and is an important factor in the development of melanoma;

Whereas the number of skin cancers can be reduced through sun protection measures such as the use of sunscreening topical lotions and simple changes in lifestyle;

Whereas Americans should become aware that melanoma and nonmelanoma skin cancers are major health problems, and education of the general public about prevention of melanoma and nonmelanoma skin cancers should become a national concern;

Whereas the American Academy of Dermatology and State and local dermatologic organizations are committed to heightening the awareness and understanding of melanoma and nonmelanoma skin cancers among members of the general public and the health care community; and

Whereas the first national Melanoma and Skin Cancer Prevention and Detection Program, a coordinated national voluntary effort of professional dermatologic organizations to reduce the increasing incidence of melanoma and nonmelanoma skin cancers and to better control such cancers, will occur during the week of March 24, 1985, through March 30, 1985: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of March 24, 1985, through March 30, 1985, is designated as "National Skin Cancer Prevention and Detection Week", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such week with appropriate programs and activities.

● Mr. SHELBY. Mr. Speaker, I want to thank the gentleman from New York, the chairman of the subcommittee, and the gentleman from Utah, the ranking minority member, for bringing this important resolution to the floor.

This resolution will designate the week of March 24-30, 1985, as "National Skin Cancer Prevention and Detection Week." I am pleased to be its principal sponsor, and am delighted to have the support of over 250 of my colleagues.

As many in this Chamber know, skin cancer is the most common form of cancer in this country. It is also among the most preventable—if precautions are taken—and among the most curable—if detected early.

The rarest but most serious type of skin cancer is melanoma or malignant melanoma—the cause of over two-thirds of all skin cancer deaths. Because disturbing statistics indicate that melanoma deaths are increasing in many areas of the world, we must heighten the level of public awareness of this disease, and of methods by which it can be prevented.

In this effort, the 6,770-member American Academy of Dermatology, along with local and State dermatological societies, is sponsoring free malanoma/skin cancer prevention and detection centers this spring—many during the week designated in my resolution. These health fairs, to become a yearly event, will be staffed by physician/volunteers teaching self-examination techniques and diagnosing individual cases of skin cancer.

It pleases me to play a part in this worthwhile effort to control this pervasive cancer, by calling for a national observance of a Skin Cancer Prevention and Detection Week. I would like to highlight the work of two men whose vision brings us closer and closer to controlling melanoma and skin cancer—Dr. Clayton E. Wheeler, current president of the American Academy of Dermatology, and Dr. Richard L. Dobson, immediate past president of the academy. Their sensitivity to the magnitude of the problem, and their dedication to prevention efforts has sparked the movement that brings us here today.

I am very optimistic about this awareness campaign, and I look to the tremendous degree of support this resolution has received, both in the House and in the other body, as a positive sign for the success of the upcoming skin cancer health fairs, and the overall progress toward controlling this disease.●

● Mr. WYDEN. Mr. Speaker, I am very pleased to be able to extend my support for passage of this important resolution.

The evidence shows that the incidence of skin cancer is growing at a faster rate than any other cancer with the exception of lung cancer in women. But this dread disease doesn't have to be the threat it currently is. Skin cancer is one of the most easily detected and prevented forms of cancer. Efforts like this resolution help spread the word that melanoma and other skin cancers can be beaten.

I commend by colleague, Congressman SHELBY, for his work on this resolution and the work of Dr. Paul Russell, from my home State, who is chairman of the Council on Governmental Liaison of the American Academy of Dermatology. Dr. Russell has taken a very strong role in this resolution, the establishment of skin cancer screening programs across the country and the national health fair that the academy is sponsoring in connection with Skin Cancer Prevention and Detection Week.

I urge my colleagues to support this important resolution that will help move this country in the direction of health promotion and disease prevention—a worthwhile and cost-effective goal.●

● Mr. BRYANT. Mr. Speaker, I rise in support of the House Joint Resolution 85, designating March 24-30, 1985, as National Skin Cancer Prevention and Detection Week.

Dr. James B. Howell, of Dallas, TX, has been a leader in the field of the prevention of skin cancers for a long period of time. He is now chairman of the Task Force on Preventive Dermatology of the American Academy of Dermatology.

In an article entitled, "Prevention," in October 1981, in the Journal of the American Academy of Dermatology, Dr. Howell, and Dr. Peyton E. Weary, of Charlottesville, VA, advocated a significant drive on prevention of skin cancer.

In the article, it was indicated that "In 1969 the first of a series of over 30 skin cancer detection clinics was conducted by dermatologists at the University of Virginia in conjunction with local units of the American Cancer Society. The average rate of positive findings of malignant and premalignant lesions since 1969 has been 20 percent in over 3,000 patients. After the clinics had begun, it became clear that, if they were to be successful with a high rate of positive findings, it was essential to concentrate on rural populations. Those held in metropolitan areas had a low rate of discovery. In addition to the screening of patients, efforts were made to instruct the farmers, in simple and inexpensive methods, to reduce their sunlight exposure and to instruct them in the protection of their skin by using external applications and protective clothing. This is an example of how a carefully selected population can be educated at an extremely low cost. Zagula-Mally et al. reported a similar experience with a 20-percent incidence of malignant and premalignant lesions in rural Tennessee."

I would also like to note that the national newspaper, USA Today, on March 4, 1985, commented about the seriousness of the nature of melanoma, "the most virulent form of skin cancer," It indicated that since 1930, the incidence of melanoma has doubled every 10 years. Melanoma, the fastest growing of all cancers, is also expected to kill 5,500 people this year.

Also, the article notes that "skin cancer rates are higher in the South and Southwest, where the Sun's intensity is 1½ times that in the North."

The American Academy of Dermatology, the American Cancer Society, the American Medical Association, and all of the allied associations, medical and voluntary, which are taking part in this effort, are to be praised. I would also like to note here that the members of the task force, headed by Dr. Howell, are: Rudolf L. Baer, M.D., Robert Friedman, M.D., James J. Leyden, M.D., Harold O. Perry, M.D., Frances Storrs, M.D., Peyton E. Weary, M.D., Faye D. Arundell, M.D., and Darrell S. Rigel, M.D.●

● Mr. ZSCHAU. Mr. Speaker, I want to indicate my very strong support for the passage of House Joint Resolution 85, calling for a National Skin Cancer

Prevention and Detection Week, March 24-30, 1985.

Skin cancer is the most prevalent of all forms of cancer, with nearly 400,000 new cases reported each year. Particularly ominous is the increase in the deadly form called malignant melanoma, which is life threatening. In fact, a report released just recently indicates that the incidence of this form of cancer is increasing faster than any other except women's lung cancer. The American Cancer Society predicts 22,000 cases in the United States this year, a 25-percent increase from 1984.

Recently, Dr. Faye D. Arundell, a dermatologist practicing in Menlo Park, wrote asking me to support this resolution, which is intended to call attention to the growing threat of skin cancer. Although I don't usually cosponsor commemorative-type legislation, I felt that this one deserved special consideration because of the attention it draws to the need for cancer's prompt detection and treatment. Hopefully this week's observance will significantly advance that cause.

Dr. Arundell has been a leader in the development of the skin cancer screening program which has been carried on so successfully not only in the San Francisco and Menlo Park areas, where she practices, but also throughout the rest of California and the United States. She is, in fact, chairman of the American Academy of Dermatology's Melanoma/Skin Cancer Screening Program and has corresponded with hundreds of State and local experts on dermatology throughout the United States, urging them to take part in this program. As past president of the San Francisco Dermatological Society, and as a private practitioner of dermatology in Menlo Park since 1969, she has been a leader in skin cancer prevention. At her current post as clinical associate professor of dermatology at Stanford University School of Medicine, she continues to work for prevention of skin cancer, and is indeed a leader in preventative medicine.

I am pleased to support the resolution and to pay tribute to Dr. Faye Arundell, who is indeed a leader in this important effort.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL EMPLOY-THE-OLDER-WORKER WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 134) authorizing and requesting the President to designate the week of March 10 through 16, 1985, as "National Employ-the-Older-Worker Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HILER. Mr. Speaker, reserving the right to object, I do not object. I would like to inform the House that the minority has no objections to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 134

Whereas individuals aged fifty-five and over are a major national resource, constitute 21 percent of the population of the United States and will constitute a larger percentage of the population in future decades;

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the work force, and would like to serve their communities and their Nation in productive roles;

Whereas such individuals have made continuing contributions to the national welfare and should be encouraged to remain in, or resume, career and voluntary roles that utilize their strengths, wisdom, and skills;

Whereas employers who retain older workers or rehire older former employees report that such workers and employees exhibit greater company loyalty, high levels of job performance, and low rates of absenteeism; and

Whereas the American Legion has sponsored a "National Employ-the-Older-Worker Week" during the second full week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the week of March 10 through 16, 1985, as "National Employ-the-Older-Worker Wek," and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, and to expand career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the work force;

(2) voluntary organizations to reexamine the many fine service programs which they sponsor and to expand both the number of older volunteers and the types of service roles open to older workers;

(3) the United States Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through its older worker program authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe this day with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHILD ABUSE PREVENTION MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 121) to designate the month of April 1985 as "National Child Abuse Prevention Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HILER. Mr. Speaker, reserving the right to object, and I do not object, I would like to compliment and thank the gentleman from New York [Mr. GARCIA] for his assistance in this matter.

Mr. Speaker, it has been my pleasure to introduce in the 97th, 98th, and 99th Congresses commemorative legislation designed to assist our Nation's children by increasing the awareness of a very serious national problem—child abuse.

Again this year, my colleague MARY ROSE OAKAR and I have sponsored legislation to designate April 1985 as "National Child Abuse Prevention Month." The widespread and early support this legislation received emphasizes both its significance and its merit. I wish to commend my colleagues for their support and also to thank the gentleman from New York [Mr. GARCIA] and the gentleman from Utah [Mr. HANSEN] for their expeditious consideration of this bill.

The nationwide statistics on child abuse are deplorable. It is estimated that more than 5,000 children were killed by their parents or parent-surrogates last year. An estimated 2 million children experience the degradation and physical injury of child abuse every year. That this many of our Nation's children are maltreated is incomprehensible and, regrettably, these horrifying statistics are growing. I would like to think the statistics are growing because of increased awareness and reporting that child abuse is not acceptable behavior.

Fortunately, there are several outstanding organizations, such as Parents Anonymous, who are leading the effort to curb child abuse. These are not Federal agencies, but groups of hardworking dedicated volunteers, including the National Committee for

the Prevention of Child Abuse, the American Humane Association, the National Child Abuse Coalition, and the National Exchange Club.

These organizations are able to service families with a child abuse problem much more cost effectively than public welfare agencies, and represent the finest example of the benefits of voluntarism.

National Child Abuse Prevention Month will recognize the fine work of these organizations and will encourage other volunteers to join the fight against child abuse. We must expand our efforts to bring national visibility to ways to prevent this abuse that rips at the fabric of families, communities, and the future of our Nation. I urge my colleagues to continue a tradition of support for National Child Abuse Prevention Month.

□ 1620

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 121

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated two million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Parents Anonymous, the National Committee for the Prevention of Child Abuse, American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations, such as, Parents Anonymous and other members of the National Child Abuse Coalition are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April 1985 is designated as "National Child Abuse Prevention Month" and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ENERGY EDUCATION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 160) designating March 22, 1985, as "National Energy Education Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HILER. Mr. Speaker, reserving the right to object, and I do not object, I simply would like to inform the House that the minority has no objection to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Reserving the right to object, Mr. Speaker, and I do so to make an inquiry of the Chair.

This will finish, as I understand it, the legislative business before the House for the day. However, it was said earlier that we would have a recess resolution coming over, which, of course, would constitute legislative business.

Can the Chair tell me what the intent of the House is relative to that particular business?

The SPEAKER pro tempore. The House will start special orders, but the Chair will reserve the right to take up that adjournment resolution, whether it comes from the Senate or is offered here on the floor.

Mr. WALKER. If I may make further inquiry of the Chair, do we have any idea what time that might take place?

The SPEAKER pro tempore. The Chair is not aware of any particular time, but we will interrupt special orders for that purpose, but I cannot predict the time that that would happen.

Mr. WALKER. So at this point we have no resolution that has been passed by the Senate, and it could be a considerable time before we get such a resolution?

The SPEAKER pro tempore. That is a matter of speculation; the matter could be handled with or without a vote; it could be handled by voice at that time.

Mr. WALKER. I thank the Chair.

Further reserving the right to object, I do not wish to inconvenience Members unnecessarily, and some of us, if the resolution was here, intended to get a vote on that particular resolution, but I think rather than having Members wait around for hours at a time, that I would announce that at least my intent—I cannot speak for anybody else but myself—but my intent then would be to get a vote if we are going to wait for some period of time following.

I thank the Chair.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 160

Whereas, American homes, schools, businesses, and industries have made great progress this past decade in energy management and production;

Whereas, the Nation's annual consumption of energy has decreased, but demand and imports still remain significant;

Whereas, the energy crisis of the 1970's is over, but the energy problem of the twenty-first century still remains;

Whereas, the development and wise use of conventional and alternate energy sources will require an energy educated public and an even more energy educated industry for energy supplies, distribution and management;

Whereas, ongoing quality energy education programs in America's schools and communities will be required to meet the energy education challenges of the future;

Whereas, the annual celebration of National Energy Education Day (NEED) brings together students, teachers, school officials, and community members to focus attention on the growth of energy education in our Nation's schools and communities; and

Whereas, such a celebration should be conducted in a manner which encourages a deeper understanding of the role education will play in shaping America's energy future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to promote and enhance energy education programs at all grade levels of public and private schools throughout the United States, March 22, 1985, is designated "National Energy Education Day". The President is requested to issue a proclamation calling upon the people and educational institutions of the United States to observe such a day with appropriate ceremonies and activities, and directing all Federal agencies to participate in the observance of such a day and to cooperate with persons and institutions conducting such ceremonies and activities.

● Mr. KINDNESS. Mr. Speaker, I urge my colleagues' support for a resolution which will designate March 22,

1985, as "National Energy Education Day."

The 1985 national energy education theme is "Educating for America's Energy Future." This theme reflects the importance of energy education for all Americans, but particularly for those young Americans who will face tomorrow's more difficult energy choices.

We need only look back on our experiences with the oil embargo of 1973 and the subsequent rising energy costs and U.S. dependence on foreign sources of energy to realize that energy education is of utmost importance to our national security.

As schools and communities throughout our Nation prepare to observe this fifth annual day of energy awareness, it's only appropriate for those of us in the Congress to express our support for energy education and awareness by cosponsoring and securing passage of House Joint Resolution 160.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the four joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM THURSDAY, MARCH 7, 1985, to TUESDAY, MARCH 19, 1985

Mr. MURTHA. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 79) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 79

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 7, 1985, it stand adjourned until 12 o'clock meridian on Tuesday, March 19, 1985, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House, after consultation with the minority leader of the House, shall notify the Members of the House to reassemble whenever, in his opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BLACK LUNG BENEFITS REFORM ACT

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, last week, on behalf of myself and several colleagues, I introduced the Black Lung Benefits Reform Act.

The bill is very straightforward. It directs the Secretary of Labor to end once and for all the disgraceful backlog of black lung claims at both levels of the appeals process. A recent GAO report indicates that this backlog has grown to 20,000 at the administrative law judge level and 5,000 at the benefits review board.

We made some progress last year by expanding the benefits review board, but I am introducing this legislation because every weekend when I return to my district in West Virginia, I meet coal miners who have black lung claims pending at the Department of Labor and who know they cannot expect a final decision on their claims for 4, 5, even 6 years. It is a major injustice to force the thousands of former miners, who have become ill with this disease while helping fuel America's progress, to wait years for the resolution of their black lung cases.

In a related effort, I am also circulating a letter to the Under Secretary of Labor, asking for a detailed status of last year's BRB expansion and related questions. I will include the text of the letter in the RECORD. I urge my colleagues to cosponsor my legislation and cosign the letter. The letter is as follows:

Hon. FORD B. FORD,
Under Secretary of Labor,
Washington, DC.

DEAR MR. FORD: We are concerned about conclusions reached in the October 26, 1984 GAO report on the adjudication of black lung claims by the Department of Labor.

Briefly, the report indicates that (1) it will take between nine and thirty-five years to reduce the backlog at the OALJ level, depending on the success of a recently implemented plan to contract with retired administrative law judges, and (2) it will take between six and twelve years to reduce the backlog at the BRB level, depending on the success of the plan to expedite proceedings at the OALJ level.

This situation is deplorable, and we would very much appreciate your response to the following questions:

1. What is the current backlog at the OALJ level and the BRB level?

2. What is the status of the plan to expedite proceedings at the OALJ by contracting with retired administrative law judges?

3. What is the status of last year's Congressionally mandated expansion of the BRB? Have you appointed the two additional permanent members? Have you appointed the four temporary members? How much funding for the expansion has been obligated?

4. What is your best estimate of the period of time needed, barring legislative changes, to eliminate the backlog at the OALJ and BRB levels, and how would you define—in terms of pending cases—this elimination?

5. If mandated to reduce the period of time needed to eliminate the backlog at the OALJ level, which of the following measures would you prefer?

a. Hire additional administrative law judges.

b. "Borrow" additional administrative law judges from other agencies.

c. Contract with more retired administrative law judges.

d. Contract with private attorneys.

Please discuss the "pros and cons" of each of these proposals and any others you deem worthy of consideration.

We believe these questions are straightforward, and we hope you agree that the seriousness of the problem warrants an early response.

Sincerely,

ALAN B. MOLLOHAN.

REPEAL THE VEHICLE LOGGING RULES

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MARLENEE. Mr. Speaker, I'd like to pose a trivia question to my colleagues: Who is the author of the following quote regarding the so-called log book regulations?

I see no realistic alternative to the maintenance of records to prove business-related deductions. Repeal of the new requirements * * * would damage the faith of many taxpayers in the belief that the tax system is fair.

Was it Mark Russel, Rodney Dangerfield, or Alfred E. Neuman of MAD magazine? Was it W.C. Fields? Wrong, it was our own IRS Commissioner Roscoe L. Egger, Jr.

Damage the taxpayers' belief that our tax system is fair? Who is this guy kidding? This guy and his crew better come in out of the dark, their lack of sensitivity, their abusive actions, such as I will outline in my next 1-minute speech, are forcing taxpayers out of a voluntary system and into a taxpayer revolution. These new regulations, that IRS Commissioner Egger is defending, prove to me that he has totally lost touch with reality. These new rules have proven to the people of Montana that the IRS doesn't know the meaning of the words "fair" or "sensible".

Mr. Speaker, I ask my colleagues to join me in repealing the vehicle logging rules, and ask that they cosponsor H.R. 750.

IRS URGES RETENTION OF RECORDKEEPING RULES

WASHINGTON.—Taxpayers are claiming well over $3 billion a year in excess tax benefits by overstating deductions for business use of automobiles, the Internal Revenue Service said Tuesday in urging Congress not to repeal a new law requiring better recordkeeping.

But as IRS Commissioner Roscoe L. Egger Jr. appealed to the House Ways and Means Committee to support the stiffer rules, nearly two dozen members of Congress testified repeal was the only way to provide relief for paperwork-weary farmers and businesspeople.

"Joe and Martha Six-pack should not have to hold degrees in accounting just to be able to file their taxes properly," said Rep. Thomas Bliley, R-Va.

The Treasury Department pledged to work with Congress to refine the disputed rules, which affect as many as 20 million vehicles.

And Rep. Dan Rostenkowski, D-Ill., chairman of the committee, cautioned against a headlong rush for repeal.

While repeal would satisfy demands for simplicity, Rostenkowski said that "it also raises serious doubts about Congress' resolve in pursuit of" overhaul of the tax system.

More than half the members of the House and at least 40 of the 100 senators have signed bills to repeal the law requiring the new rules. The lawmakers are reacting to thousands of letters from taxpayers who say the requirement that automobile records be made at the time the vehicles are used is overly burdensome.

Egger said the old rules for proving claimed business used of vehicles were widely abused. He cited a case involving 937 employees of a big corporation who were furnished cars by the company and kept no records of personal and business use of the vehicles. After auditing the employees, the IRS last year demanded additional taxes averaging $846 per person—a total of $800,000.

"I see no realistic alternative to the maintenance of records" to prove business-related deductions, Egger said. Repeal of the new requirements, which have been in effect only since Jan. 1, would damage the faith of many taxpayers in the belief that the tax system is fair, he said.

Ronald A. Pearlman, assistant treasury secretary for tax policy, offered to work with the committee to improve the rules. But without the new law, he said, "we would return to a system in which honest, conscientious taxpayers are made to feel foolish for complying with rules that others ignore with impunity."

Several members of Congress disagreed, and ridiculed the rules.

"Crazier than a bedbug," said Rep. Ron Marlenee, R-Mont. "Onerous," said Rep. Wes Watkins, D-Okla. "Senseless," added Rep. Toby Roth, R-Wis.

Until this year, the law required only that a taxpayer keep adequate records to support a deduction for local (as opposed to away-from-home) business use of a car or truck. It did not specify the type of record, so if the IRS challenged a deduction it often was required to estimate mileage by consulting an appointment calendar or other records.

DEDUCTION FOR THE REMOVAL OF ARCHITECTURAL BARRIERS

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BONER of Tennessee. Mr. Speaker, today, 37 Members of the House have joined Representative BOB MATSUI and myself in introducing a bill designed to increase the employment opportunities available for our Nation's handicapped and elderly.

The bill we have introduced extends the tax deduction currently available for the removal of architectural barriers that limit accessibility to offices, factories, and other privately owned but publicly used buildings. Specifically, our bill provides that the $35,000 tax deduction for the removal of architectural barriers remain available through 1992. As many Members of the House know, the current tax deduction is scheduled to expire at the end of 1985.

Since the tax deduction was first enacted in 1976, it has never been given a fair chance to be fully effective. Since 1976, the deduction has been renewed twice, allowed to expire in 1982, and then renewed again in the Deficit Reduction Act for a 2-year period through the end of this year. This checkered history has made it difficult to encourage businessmen to take advantage of the deduction and undertake the removal of architectural barriers limiting accessibility to their place of business.

Our bill would extend the deduction for 6 years. We believe that this longer period will give the deduction a fairer chance to succeed. Individuals and groups supporting the removal of architectural barriers will be able to begin working with local businessmen instead of expending their time and energy every 2 or 3 years to assure that Congress renews the tax deduction. Businessmen can begin making the necessary plans to remove architectural barriers without worrying whether the expenses they incur will be deductible.

So that Congress can fully evaluate the need and success of this deduction, our bill requires the Department of the Treasury to report after the fifth year of the 6-year period on the extent to which the deduction was used. Surprisingly, no data on the deduction are currently collected, thus requiring proponents of this provision to rely on anecdotal information of where the deduction was utilized to make buildings accessible.

Mr. Speaker, I particularly want to express my appreciation to the Paralyzed Veterans of America and to the Easter Seals Society for their support of this legislation. While many organizations joined us last year in successfully incorporating the deduction in the Deficit Reduction Act, PVA and Easter Seals were especially active in securing support for this provision. Both these organizations have joined us in working for the enactment of the legislation we have introduced today.

I also want to express my thanks to Representative BOB MATSUI. As a member of the House Ways and Means Committee, BOB was instrumental in steering the legislation we introduced in the 98th Congress through the tax-writing process. I am proud that he has joined me again this year and, like last year, I am looking forward to his assistance in securing enactment of this bill.

Mr. Speaker, the assistance and incentives the Congress provides can make the difference as to whether the handicapped and elderly can find jobs suited to their needs and their talents. But before these individuals can become full working members of our society, the workplace must be accessible. The legislation we have introduced today will encourage accessibility and increase employment opportunites for our Nation's handicapped and elderly.

I invite my colleagues to join Representative MATSUI, myself, and 37 other Members in working to secure passage of this bill.

H.R. 1458

A bill to amend the Internal Revenue Code of 1954 to extend the deduction for expenses incurred in connection with the elimination of architectural and transportation barriers for the handicapped and elderly

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Extension of the deduction for eliminating architectural and transportation barriers for the handicapped and elderly.

(a) EXTENSION.—Subsection (d) of section 190 of the Internal Revenue Code of 1954 (relating to expenditures to remove architectural and transportation barriers to the handicapped and elderly) is amended by striking out "1986." and inserting in lieu thereof "1992."

(b) REPORTING REQUIREMENT.—The Secretary of the Treasury shall report to the Congress not later than January 1, 1991, the number of taxpayers taking the deduction, and the average amount of the deduction, provided by section 190 of the Internal Revenue Code of 1954 for the most recent taxable year for which data are available.

DON'T OVERLOOK THE HANDICAPPED

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAIG. Mr. Speaker, oftentimes we are guilty of overlooking certain members of our society who have so much to offer. I refer to those whom we call the handicapped. In fact, when I see these people function on the job, I believe the term "handicapped" is a misnomer.

To illustrate what I mean, may I bring to your attention the people who staff the mailroom operations for my good friend and colleague from Idaho, Senator STEVE SYMMS.

The Senator has a very unusual operation where sign language prevails,

and where visitors must enunciate carefully so that their lips can be read.

Mr. Speaker, for the interest of my colleagues I wish to insert into the RECORD a very readable newspaper article from an eastern Oregon daily paper about the three young men who do such marvelous work for Senator SYMMS. I would say many of us could learn from these kind of talented people we often label as "handicapped."

[From the Ontario (OR) Daily Argus Observer, Feb. 4, 1985]

DON'T OVERLOOK THE HANDICAPPED

(By Rusty Butler)

WASHINGTON, DC.—If you received 1,000 letters each week, or 5,000 postcards in a 10 day period, how would you answer them all? Or would you?

That is the problem Senator Steve Symms faces every week that Congress is in session. And 35-45 percent of that mail comes from Idaho constituents who expect prompt replies.

During a recent tour of Senator Symms' office I met a unique and well-qualified threesome who make it all happen—Charles Grant, 31, and his brother Jim Grant, 28, both from Caldwell, and John Engel of Boulder, Colorado. The trio run the computerized mail "nerve center" in the Senator's Washington, D.C. offices.

By any standard this is a well-run operation, but the office is different from any other Senator's office because the three often use sign language to communicate. You see, Jim is totally deaf, and Charles also has a hearing handicap.

Charles and Jim are sons of retired Canyon County auctioneer and realtor Bud Brant and his wife. After graduation from Boise State, Charles left Idaho to attend the only liberal arts college for the deaf in the U.S. to learn sign language, Gallaudet College in Washington, D.C. He later taught deaf children in New York State, but was laid off. When he came to Washington with his wife (also deaf) looking for employment, Senator Symms recognized his talents and retrained him as a computer operator. Now he is the manager of the Symms mail operations.

Although completely deaf, Jim Grant graduated from Caldwell High School and received a B.A. in English from Galludet College. He will finish his Master's degree in Art Therapy at George Washington University this May. He taught deaf mental patients in Washington, but needed extra income to get through college. Senator Symms now uses Jim's computer talents to handle mailing lists and help with letters to constituents.

Jim has never heard a human voice, but his pronunciation is very good, thanks to a stint at the Tucker-Maxon Oral School in Portland, Oregon. The school specialized in the principles of correct pronunciation for the deaf as well as lip reading. He learned sign language at Gallaudet College.

John Engel, Correspondence Management Systems (CMS) manager, used to play basketball and soccer against teams from high schools for the deaf. Wanting to strike up a friendship, he and several teammates bought sign language books which they studied diligently. By the end of his senior year he was "fluent." Now he uses sign langauge to communicate in mail room operations.

Charles explains that Senator Symms keeps a constant tab on the incoming mail to monitor the issues and concerns of his constituents. Although Idaho mail gets preferential treatment (a response within 3 days), all mail is answered—something few senators bother to do.

During my visit I found Senator Symms in the mail room reading a fistful of random letters from Shelly, Weiser, Buhl, Moscow, Kuna and other Idaho communities. He enunciated his comments about each letter carefully so that Jim could read his lips. Sometimes Grant would interrupt with sign language to help communicate a point.

Senator Symms feels that he has one of the best mail room operations in the Senate and is justifiably proud of this unusual trio. So the next time you receive a response from Senator Symms in answer to your letter, know that it has gone through the capable hands of some very dedicated workers.

A NEW, UGLY TURN IN THE INDIANA CONGRESSIONAL SEAT CONTEST

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute, and to revise and extend her remarks, and to include extraneous matter.)

Mrs. BENTLEY. Mr. Speaker, yesterday the fight to seat the rightful Member from the Eighth District of Indiana took an even uglier turn. The Democratic Congressional Campaign Committee issued a racist press release accusing me of voting to seat Rick McIntyre out of racial motives.

There is no person in the world who can make such an allegation about me. I am myself a member of an ethnic and religious minority.

Such an attack bespeaks a desperation on the part of those who are denying McIntyre his seat. What they are doing is clearly understood by the press and the people of the Nation. Now they descend to slurs which are beneath contempt. I can assure these mud throwers that I, for one, will not be intimidated from speaking the truth by their scurrilous attacks.

I hope that the gentleman from California [Mr. COELHO] and the Democratic Congressional Campaign Committee have examined very carefully what took place in the Eighth District of Indiana. I believe a close examination of the facts will prove that ballots were thrown out at the behest of both candidates, and if that be the case, the campaign committee not only owes me an apology but also must issue the same type of press release about Mr. McCloskey.

Mr. Speaker, I include with my remarks a copy of the campaign press release, as follows:

BENTLEY DENIES VOTING RIGHTS

WASHINGTON.—Maryland Republican Congresswoman Helen Bentley voted Monday to deny voting rights to thousands of American citizens, including 1,000 blacks, despite two recent Federal court rulings that the U.S. House of Representatives has the Constitutional obligation to uphold these rights.

In a partisan motion on the House Floor, Bentley voted to throw out 5,000 ballots and award a disputed Indiana House seat to a fellow Republican who did not win on Election Day, November 6, 1984. Bentley was not successful, however, as a House majority voted her down.

At issue was the principle of one-man, one-vote involving the election last November in Indiana's Eighth Congressional District, the closest in the country. When 100 percent of the ballots were first certified, Democratic Congressman Frank McCloskey was judged the winner over Republican Richard McIntyre by 72 votes out of 234,000 cast.

Several recounts then began, and the lead changed hands many times. However, the recounts did not settle the question of who really won, because several thousand legitimate ballots were thrown out on technicalities. Candidate McIntyre is narrowly ahead on the latest count, but only because so many ballots were thrown out. In some predominantly black precincts, every single vote was disallowed, even though voter intent was not in question.

This led to lawsuits and strong local criticism. On January 3, the House decided the charges were serious enough to warrant a special Task Force investigation before allowing either candidate to assume office. That investigation will be completed within a few weeks.

Last month, U.S. District Judge Gene Brooks of Evansville ruled that the recounts were so irregular they did not produce a clear winner. He said that, now, only the House could figure out who won. And last Friday, U.S. District Judge June Green reaffirmed the jurisdiction of the House to decide the question of the disputed ballots.

Nevertheless, Bentley voted today to disenfranchise these 5,000 voters and give the seat to her Republican colleague before the investigation is completed.

THE MONEY LAUNDERING CONTROL ACT OF 1985

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, today I am introducing the Money Laundering Control Act of 1985.

Recent news stories have dramatized for the public what we have known for a long time: Drug traffickers and members of organized crime syndicates have penetrated the Nation's financial institutions in order to convert the proceeds of their crimes into monetary instruments that can be used to further extend their power throughout the economy and into the society.

The recent cases in Boston involving billions of dollars in small bills, which owe their origin to millions of tragic transactions for drugs that take place around schools and throughout neighborhoods and workplaces in our Nation, point out the urgent need for effective measures.

The Subcommittee on Crime of the Committee on the Judiciary, which I chair, has been investigating the problem of money laundering since 1983. The hearings which the subcommittee held on money laundering through

the gaming casinos of Nevada and New Jersey laid the groundwork for the regulations recently issued by the Treasury Department to begin to control that aspect of the problem.

The Subcommittee on Crime also wrote the Money Laundering Penalties Act of 1984 which was included in the Comprehensive Crime Control Act which was signed into law last October.

The bill I am introducing today makes a number of long overdue changes in the operation of the Currency and Foreign Transactions Reporting Act, and in the criminal law.

Most significantly, the bill would create a new crime of money laundering which is very simple. It prohibits any person from engaging or attempting to engage in a financial transaction with criminally derived property, knowing that the property is criminally derived. Very simply, this offense makes it a crime for racketeers and drug traffickers to use the banks. This new offense is critically important, not only as a measure to give law enforcement officials a vitally needed tool to investigate and prosecute racketeers, but as a measure to protect the Nation's financial industry from the influence and control of racketeers.

We know that persons who are large depositors at banks are often given special privileges, whether it is lunches in private dining rooms or easy access to credit. Persons who are enormous depositors can in fact begin to control the actions of the bank. They can, in essence, blackmail the bank by threatening to withdraw their deposits. A run on deposits is probably the greatest crisis a banker can face.

This new offense will strongly deter the racketeers from getting involved in the banks in the first place. The penalties are severe. A fine of $1 million is provided for each count, and in the case of an organization, a fine of $5 million is provided, in addition to a 5-year prison term. The offense also has an alternative fine provision of twice the amount of the funds or monetary instruments used in the transaction.

Equally important is the fact that the bill makes it a crime for banks and other financial institutions to knowingly accept criminally derived funds, as well as for any person in the chain of financial transactions to knowingly participate. We intend to slam shut the doors of financial institutions to those who would use them to launder criminally derived funds. This means we must subject the institutions and their employees to criminal sanctions for their complicity in money laundering by offering their services to knowingly process criminal funds. The same sanctions are provided for lawyers, accountants and other professionals who knowingly assist in financial transactions involving criminally derived funds.

In addition to the new criminal offense, the bill makes a number of changes in the currency and foreign transactions reporting act to help assure the banks are not used to launder money.

Section 3 requires all persons who seek an exemption from the requirement of filing a currency transaction report each time they deposit or withdraw more than $10,000 in currency to apply for an exemption. Right now, banks have been giving out exemptions on an almost totally uncontrolled basis. The amendment requires the Secretary of the Treasury to approve the application for the exemption. Cases such as that of the Bank of Boston and the reputed organized crime boss of New England who deposited millions of dollars without filing currency reports because he had an illegitimate exemption will be prevented by this amendment. It will plug the loophole that now allows those who lie to obtain such an exemption to escape prosecution.

Section 4 will plug the loophole that now allows millions of dollars to be sent out of the country without a report if the funds are sent by wire or electronic means. The Secretary will be able to require reports, which conceivably could be filed electronically, that will greatly enable us to investigate the international financial activities of drug traffickers.

Section 5 will require the bank supervisory agencies which examine financial institutions to examine for compliance with the Currency and Foreign Transactions Reporting Act in every examination that they carry out.

Section 6 corrects an error in the Comprehensive Crime Control Act. One of the issues that courts have had to address is at what time a person who is transporting currency out of the country is required to file a report. The Treasury Department believed that it lacked the authority to require reports before the actual time of departure because of the way the statute had been drafted. This amendment makes clear that a report may be required when a person "is about to transport" currency, that is at a time before the person actually departs.

THE PLIGHT OF THE MENTALLY ILL HOMELESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. McKINNEY] is recognized for 5 minutes.

● Mr. McKINNEY. Mr. Speaker, the plight of the mentally ill homeless population continues to be a political football and it is time for legislators—Federal, State, and local—to stop throwing the issue into an empty field.

During the past 20 years, the noble philosophy of deinstitutionalization has resulted in part, in a plethora of destitute, ill-equipped, chronic mentally ill individuals being dumped on our Nation's communities. While the original intent of deinstitutionalization—that is, care of the chronic mentally ill in the community rather than "warehousing" in an institution—was laudable and one that I support, it remains a fact that the community support structures are not adequate to deal with the problem. The fragmented, uncoordinated mental health delivery system which mandates placement in the community is unquestionably harmful to those inappropriately placed. It is my hope that we can bring about a clarification of the goals of deinstitutionalization and provide the chronically mentally ill with the most appropriate and beneficial form of treatment.

Currently there is no coherent Federal policy that sets guidelines for deinstitutionalization of the mentally ill. The often cited "least restrictive setting" principle was coined by President Kennedy in his address to Congress in 1963. As a result of this philosophy, the advent of psychoactive drugs, and the Community Mental Health Centers Act of 1963 deinstitutionalization gained momentum. Furthermore, the enactment of Medicare and Medicaid legislation allowed States to divest themselves of the financial responsibility of caring for the chronic mentally ill.

Due to the Mental Health Systems Act, the courts have embraced the least restrictive setting principle as a panacea to the problem of warehousing in State mental hospitals. The results have been devastating. It has been estimated that there are between 250,000 and 1,000,000 homeless people in the United States today. Of these, one-third to one-half are estimated to be former mental patients. The population of State mental hospitals has declined from a peak of 650,000 in the mid-1950's to less than 123,000 today. Nationally, of the 1,000 mental patients who are discharged per day from institutions only 7 percent are referred to operating community mental health centers.

In New York City it is estimated that there are 36,000 homeless people of which half are said to be former psychiatric patients. The readmission rate in New York increased from 27 percent in 1955 to almost 65 percent by 1974. In my own State of Connecticut, the population in State mental hospitals decreased from 9,000 in 1955 to just over 2,000 today. The list is endless. Yet the community support structures to care for, educate, train, and house this influx of mentally ill individuals have not kept pace with the demand for such services.

According to a 1983 American Medical News publication, "the street, the

train and bus stations, and the shelters of the city have become the State hospitals of yesterday. We have created a new institution, an asylum without walls in which homeless psychiatric patients are disgracefully abandoned to meander like a vagabonds." It is important to understand that the success of the deinstitutionalization movement is predicated on the assumption that adequate community support structures would be available to care for the chronic mentally ill outside the institution. But since the support structures are not present, the plan is doomed to failure at the expense of those it is designed to help.

The refinement and expansion of the Kennedy plan has continued in an uncoordinated manner since enactment of the Community Mental Health Centers Act of 1963. In 1980, Congress extended the Community Mental Health Centers Act with Public Law 96-398, the Mental Health Systems Act. However, it was restructured in fiscal 1981 when grants were directed toward specific target groups under block grants created by the Omnibus Budget Reconciliation Act, Public Law 97-35.

In essence, less moneys are now available for community based services as a result of efforts to cut Federal spending. In addition, Federal district court decisions have mandated that States direct their rehabilitation efforts into the community treatment centers and away from State institutions. The District Court of the District of Columbia case, Dixon, et al. against Harris, et al., was a landmark civil rights action on behalf of the chronically mentally ill. It resulted in the Dixon plan for systematic deinstitutionalization of St. Elizabeths Hospital.

Further, in the Supreme Court case, O'Conner against Donaldson, it was ruled that "a State cannot constitutionally confine a nondangerous person who is capable of surviving safely in freedom without offering treatment to that individual." Thus, a legal precedent has been set for outplacement into the community, while at the same time a requirement exists for proper support structures to be present. Yet, there is less money available for this requirement of community care.

Through exhaustive research, discussion with mental health specialists and legal counsel, I have determined that the root of the problem is lack of consistent Federal guidelines concerning deinstitutionalization. The least restrictive setting principle is vague, at best. Least restrictive is a term that assumes a valid and reliable measure associated with it. Mr. Speaker, I maintain that there is no universal measures of restrictiveness that is adequate for all chronically mentally ill individuals. Unfortunately, restrictive was interpreted to pertain merely to physical setting. But is that necessarily the most appropriate criterion of restrictiveness for all people? For some people the use of psychoactive drugs may be less restrictive than physical freedom, while for others the reverse may be true. It all depends on how restrictiveness is defined.

I want to make perfectly clear that I am in complete support of the principles of deinstitutionalization. When it is appropriate and where the community support structures exist, treatment in the community is ideal. However, when deinstitutionalization is pursued in an unabridged fashion with little or no consideration given to individual circumstances, then I must take exception to the policy. There are three major problems with the system today: First, a lack of adequate support structures in the community; second, rapid readmission of inappropriately discharged patients; and third, the phenomenon of transinstitutionalization.

As I have stated, the ideal situation is a well-coordinated community mental health network with rapid referral allowing incremental changes in therapeutic milieu depending on individual needs. Without such a system, the community becomes a jungle, with survival of the fittest the only law. Are we going to continue to allow this situation to occur? I say no. The second problem, a high readmission rate, in and of itself, is a negative indicator of the success of deinstitutionalization; it is ironic that it may be the one result that has saved otherwise destitute people from the ravages of the street.

Finally, the use of nursing homes as the community support structures for patients clearly contradicts the philosophy of deinstitutionalization as it is merely transinstitutionalization (the movement of a patient from one institution to another). The Dixon plan in Washington, DC, which mandated the J.B. Johnson Nursing Home as the recipient of discharged St. Elizabeths patients, is a case in point. Surely the nursing home is as much of an institution as St. Elizabeths. In fact, there has been evidence to suggest that it may be more restrictive in terms of physical liberties.

Regrettably, in many instances deinstitutionalization appears to be financially motivated and is not in the best interest of the chronically mentally ill.

Clearly, the appalling lack of necessary community services, the extraordinary high readmission rates, and extensive use of improperly administered nursing homes indicates that the goal of rehabilitation in the community has not been accomplished. I am very concerned that under the guise of community care many States are using a poorly written Federal policy and the potential for budgetary savings to clear institutions of patients and "dump" them in the community where they are without even minimal services. In short, we have moved from institutional warehousing to community warehousing.

Mr. Speaker, I submit that we are doing a disservice to the chronically mentally ill by allowing this practice to continue unchecked. For these reasons I am introducing a bill that will clarify the meaning of "least restrictive setting" by stipulating that care be provided in the "optimum therapeutic setting." Clearly, the optimum setting is the community, provided that sufficient rehabilitation services exist. Furthermore, it requires States upon submitting their application for money under the Public Health Service Act, to have, in effect, a plan governing the release of individuals from inpatient mental health facilities.

My bill amends the Public Health Services Act by replacing the currently used least-restrictive-setting standard of care for the mentally ill with a new one of optimum-therapeutic-setting. The bill provides a more structured definition in the release of patients by specifying that a hospital or other institution may be that optimum setting for some patients while community living is most desirable for others.

The bill also places responsibility on the States for insuring that the chronic mentally ill receive appropriate care, tying that responsibility to eligibility for Federal block grant funds. The requirement that States submit a plan satisfactory to the Secretary when applying for their money, insures that the practice of deinstitutionalization is carried out in a well thoughtout manner. Up to this point, some States have successfully released patients back into communities, while others have gone so far as to get rid of their institutionalized population by providing a one way bus ticket out of town.

Mr. Speaker, horror stories involving the treatment of the homeless lead one to ask a basic question: are Americans willing to let this broad class of disabled people live a life of degradation, or will they make the commitment to ensure that these people get the care they need? The answer should be clear. But recent events have made me wonder which way the American public is leaning.

A homeless center in San Diego was burned in a fire classified as arson. In Santa Barbara, a 35-year-old drifter was found shot to death in December, and a flyer was circulated threatening more violence to the homeless in the area. The 20-member police force of Winnemucca, NV has been charged with tossing undesirables into garbage pits or abandoning them deep in the desert. The city manager of Fort Lauderdale, FL, suggested adding poison

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to the garbage dumpsters to discourage rummaging. In Phoenix, officials closed all programs providing overnight shelters for the homeless hoping they would go elsewhere. In Baltimore, a bill was introduced before the city council to prohibit the homeless from sleeping in or on public buildings, parks, streets, stations, or parking areas. The list of examples is endless.

Ideally, future Federal initiatives will stimulate the development of a comprehensive mental health network at the community level. My legislation is a logical incremental progression toward future action. I would like to reiterate my support for the philosophy of deinstitutionalization. But, until the facts of the situation catch up with the requirements of the philosophy, we cannot be successful. Let us not abrogate our duty as public servants; let us not continue down the primrose path of ignorance; but let us take control of the situation. My proposal is the necessary first step in gaining that control.●

THE PRESIDENT'S VETO MESSAGE IS REVEALING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 5 minutes.

Mr. PENNY. Mr. Speaker, the President's veto message on the farm credit bill revealed three things to me.

First, the President does not understand the severity of the crisis in agriculture. He said only 4 percent of American farmers are experiencing financial difficulty. Mr. President, most experts predict that 10 percent of our farmers may go under this year. Another 10 to 20 percent are in deep trouble, and may fail down the road.

Second, the President does not understand his own farm programs. They have built a surplus that has forced commodity prices down. The high cost of these programs is not evidence of aid to farmers but rather a failed farm policy. In addition, the administration's credit program has resulted in only two loan guarantees in Minnesota, while 13,000 Minnesota farmers are in financial difficulty. Mr. President, your credit program is not working, that is why we needed the bill you vetoed.

Third, the President cares more about missile silos than grain silos. He called this $100 million farm bill a budget buster on the same day that he was begging Congress to approve another $4 billion for additional MX missiles. Mr. President while you are breaking the budget on Pentagon spending American agriculture is going broke.

FINANCIAL AUTHORITIES EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. ST GERMAIN] is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, I am today introducing the Financial Authorities Equity Act, a bill that closes the so-called South Dakota loophole.

In the past few years, some States have granted their State-chartered depository institutions the authority to conduct a wide range of services not permitted under Federal law to Federal institutions or holding companies. In some instances, States have, in effect, made it easier for those powers to be carried on out-of-State rather than in the State that grants the powers. One result of these laws has been to make these State-chartered institutions attractive targets for takeover by firms that wish to exercise those broad powers across State lines.

Because of concerns about the effects of such laws, particularly in the South Dakota situation, the House Banking Committee, as part of H.R. 5916, last year reported out a provision to close the loophole that allows these laws to take effect. The provision in H.R. 5916 had two aspects: First, an amendment to the Bank Holding Company Act relating to insurance authorities; and second, a general section relating to the broad range of authorities of State-chartered institutions. The basic purpose of the provision was to place restrictions on the activities of these State-chartered institutions, without impairing the basic purposes of the dual banking system.

The bill I am introducing today does nothing more than restate the text of the "South Dakota loophole" provisions of H.R. 5916 that was reported from the Banking Committee last July, but that was not acted upon during the 98th Congress. I expect this issue, along with the others I discussed in my January 3 statement in the RECORD, to be the subject of serious consideration before the Banking Committee this year.

A section by section analysis of the bill follows:

Section 1 of the bill provides the short title, the Financial Authorities Equity Act.

Section 2 of the bill amends section 4(c)(8) of the Bank Holding Company Act to clarify and emphasize that a bank holding company may not provide insurance services (other than those permitted under the Garn-St Germain Act) through a subsidiary or affiliated company.

Section 3 of the bill provides that State chartered banks may only engage in activities outside of their home State if they are authorized for national banks to engage in directly under Federal law, or authorized by regulation under section 4(c)(8) of the Bank Holding Company Act. State chartered thrift institutions may only engage in activities outside of their home State if they are authorized for federally chartered savings associations to engage in directly, or authorized by regulation for multiple savings and loan holding companies under the Savings and Loan Holding Company Act. State chartered institutions may engage in activities in addition to those described above, as may be authorized by State law, but only in their home State and only for State residents. With respect to existing relationships which do not comply with these restriction, a 10-year compliance period is provided. The Federal Reserve Board is given authority to enforce these provisions through cease and desist orders.●

RURAL HOSPITALS REIMBURSED UNFAIRLY FOR CARE TO MEDICARE RECIPIENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. TAUKE] is recognized for 60 minutes.

Mr. TAUKE. Mr. Speaker, Members of the House, I have taken this special order today to address a problem which is not unknown to the Members of this body; in fact last year we spent considerable time talking about it. I think that most of the Members of this body, along with the Member from Iowa, believed that we had solved the problem.

Indeed, I am here today to tell you, as a number of my colleagues will tell you, that we did not solve the problem. What is the problem of which I speak? It is the problem of reimbursing rural hospitals in this Nation fairly for the services they provide to Medicare recipients.

How well or how poorly a hospital fares under the new Medicare Prospective Payment System should depend upon its ability to offer needed, high quality, cost-effective care.

□ 1630

But under the prospective payment system as it is now structured, a hospital's reimbursement depends not upon how well it provides services, but depends instead on the location of the hospital. And hospitals that are located in rural areas receive substantially less than those located in urban areas.

The inequities in the Medicare prospective payment formula are threatening to close the doors of many rural hospitals, leaving rural Medicare beneficiaries without access to community-based hospital services and imperiling the availability and quality of rural health care services generally. A strong rural hospital system is essential to attracting physicians, nurses

and other health care professionals to rural areas and to retaining them. Rural hospitals serve as bases and resource centers for other health care services, such as home health care, respite care, hospice care, and adult day care for the chronically ill elderly.

Many rural hospitals provide skilled nursing beds, and many are now converting underutilized wings to long-term care units. Rural hospitals have traditionally provided lower cost care than urban hospitals. This very fact that rural hospitals have been efficient and low-cost motivated the creation of the urban-rural differentials in the current reimbursement system, those differentials which today, ironically, are threatening the survival of our most cost-efficient health care providers—namely, rural hospitals.

We have put in place a system which, if unaltered, will shut down the most cost-effective providers and drive rural Medicare beneficiaries into costly urban hospitals.

Rural hospitals in the Midwest, the region which I and others represent, are particularly hard hit. In the West North-Central region, which includes Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, the standardized labor reimbursement is 25 percent higher—25 percent higher—for urban areas than for rural hospitals. These differentials are greater than those of any other region of the country and greater than the national differentials.

Let me repeat: The standardized labor reimbursement is 25 percent higher for urban than for rural hospitals. Furthermore, the standardized nonlabor reimbursement is 54 percent higher for urban than for rural hospitals in our region. It just does not make sense.

Several examples provided by rural Iowa hospitals of the cumulative impact of these differentials, coupled with the application of an area wage index further reducing reimbursement for labor costs, graphically illustrate the size of the differentials and the reason that rural hospitals in the Midwest are imperiled under the current system.

The Stewart Memorial Community Hospital in Lake City, IA, for example, looked at the reimbursements received for seven frequently occurring DRG's by hospitals in the two metropolitan statistical areas between which that facility is located and compared them with the reimbursement for that hospital in Lake City. The differences are all over 100 percent. So we have one community in between two larger urban areas, and the hospitals in the larger urban areas get over 100 percent more for the services that are provided under Medicare than the hospital in the central community.

The Mary Greeley Medical Center, a rural hospital in Ames, IA, a city of some 30,000, located only 35 miles from Des Moines, reports that a hospital in Des Moines, just 35 miles away, receives 61.7 percent more per DRG. Mary Greeley Medical Center, for example, is reimbursed $4,524.41 for DRG 209, which is major joint procedure. A Des Moines hospital receives $7,314.57 for the same DRG. So one hospital receives $4,524; another hospital 30 miles away receives $7,314.

Now, what is the reason for this differential? Primarily, the reason is theoretically that the rural hospital pays lower wage rates, but that is not necessarily the case. While rural wage rates tend to be lower in the rural areas than they are in the urban areas, they are not 25 percent lower. Moreover, the 54-percent nonlabor differential defies comprehension when one considers, first of all, that rural hospitals are more limited than urban hospitals in their ability to hold down supply costs because urban hospitals can buy in bulk.

Second, the range of competing suppliers likely to be available to urban hospitals is not likely to be available to rural hospitals. Transportation costs are added to the cost for rural hospitals, a transportation cost that urban hospitals often do not have to pay. Utilities cost the same or more in rural areas, once again because of lower utilization rates.

So how in the world do you come up with a 54-percent differential in the nonlabor component between urban and rural areas? That, too, does not make sense.

The Health Care Financing Administration argues that these differentials must reflect reality because they say the labor and nonlabor standardized components of the prospective payment system were developed by averaging reported hospital costs in each region. If that is the case, we have put in place a system which is rewarding institutions which have traditionally shown higher costs and penalizing those which have shown lower costs.

Rural hospitals located near urban areas and competing for staff with hospitals in urban areas are especially disadvantaged by the rural-urban differentials. St. Joseph Mercy Hospital and Jane Lamb Health Center are located in Clinton, IA a city in my congressional district with a population of 32,000 but lying within what is known as a rural area under this program. These hospitals must compete with staff for hospitals in the Davenport-Rock Island MSA 30 miles to the south of Clinton. Samuel French, the senior vice president of St. Joseph Mercy Hospital, compared average wages in Clinton County, the rural area, with the average wages in the two MSA's and with his average wages for a number of hospital-relevant occupations. While St. Joseph Mercy Hospital's wage costs are closely comparable to those in the two MSA's, that hospital receives 33-percent less reimbursement for labor costs than hospitals in those two MSA's only a few miles away—I emphasize, a 33 percent difference.

Marshalltown Area Community Hospital in Marshalltown, IA, a rural area 45 miles from Des Moines, provides yet another example of the wage reimbursement inequity. In 1983 the starting wage for a registered nurse in Des Moines averaged $8.31 an hour, and in Marshalltown, $7.96 an hour, a 4.4 percent difference, not the 25 percent difference concluded in the formula.

Rural areas in the Midwest, moreover, have a high percentage of elderly residents, and rural hospitals therefore have a higher percentage of Medicare admissions than is typical of urban hospital. Medicare patients account for 60 to 70 percent of admissions in many rural hospitals. Therefore, rural hospitals are far more dependent upon Medicare reimbursement than urban hospitals and have far less flexibility to respond to shortfalls in Medicare reimbursement.

Now, what can be done to make the prospective payment system one under which a hospital's survival is determined by its ability to provide needed, cost-effective, high-quality services rather than upon where it happens to be located?

Well, of course, the answer, in part, is to change the seriously flawed area wage indices in the current system. They must be revised, and the revised indices must be swiftly implemented.

The current indices were developed from the Bureau of Labor Statistics hospital wage and employment data. Last year Congress recognized how bad that data was, and the resulting serious flaws in the area wage indices and provided correction in the Deficit Reduction Act, enacted in July 1984.

The provisions in that act direct the Secretary of Health and Human Services to develop a revised set of indices, taking into account full-time versus part-time employment patterns, and to report this revision to Congress within 30 days after the enactment of the act.

The Secretary missed that deadline, which was in August of last year, and failed to keep a subsequent commitment made to a group of us from the West North-Central region to have a report to Congress by December 31 of last year. She missed the August deadline; she missed the December 31 deadline. Now it is March and we still do not have a report to Congress, a report Congress mandated in the Deficit Reduction Act enacted last July.

Now, it is my understanding, from conversations with Secretary Heckler and Dr. Carolyn Davis of the Health Care Financing Administration, that the delays in the issuance of this report have been caused by difficulties

in obtaining hospital-specific data and by concerns about the accuracy of the data once they were collected. These concerns have led to a series of audits, the last of which was completed in late February. In general, these audits reveal that the data reported by hospitals are accurate. The audit process has corrected the problems of some of the remaining data, and officials with the Department of Health and Human Services have reported to me that they are confident enough of the data at this point to issue a report on the revised area wage indices.

□ 1640

But the report still has not been issued.

Today, we have taken this special order to plead with the Secretary of Health and Human Services to get on with it; to get this report issued. Once the report has been issued, we plead with her to implement the revised wage indices as quickly as possible so at least a portion of this tremendous inequity can be corrected and so that we can begin to reimburse rural hospitals at a rate which will allow them to stay in business.

I note, Mr. Speaker, there are a number of Members here on the floor who want to speak to this issue, and I am delighted to yield to the senior Member of the Iowa delegation, the distinguished gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding, and I want to point out that at our Appropriations Subcommittee meeting last week, the Secretary was there, and I asked her specifically how soon we could expect this report. We covered the importance of what the gentleman has just said.

In addition to that, I would mention that it is going to be important, not only for those that are not getting enough money, but the ones that are getting too much money, if they have to pay back over a year of overpayments, they are going to be in trouble too. She promised that they would have it within 2 weeks of the time, whatever day that was last week that we held that hearing.

Now, I thank the gentleman for having this special order, but I hope that we can get it within that time because that will be plenty late.

Mr. TAUKE. The gentleman has done a tremendous job in attempting to put pressure on the Department of Health and Human Services to do what it is supposed to do. As you know, the Secretary has made commitments before; we hope this commitment is more reliable than some of those that have been previously made.

As the gentleman knows, once we get the report to Congress, we still have to have regulations then formulated by the Department of Health and Human Services. We have to have those approved by OMB. They have to be published before we can actually get the reimbursement rate changed.

As the gentleman so well pointed out, it is a problem not just for the rural hospitals that are being underreimbursed, but we are also overreimbursing other hospitals, and the longer we go on with this kind of a system, the bigger the shock will be to them when they have to start paying back.

I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. She pointed out, she had the statistics there. There are some that it makes a 30-percent differential, and that is a huge differential to try to make up after it has been overdue for 1 year.

Mr. TAUKE. The gentleman makes an excellent point.

I yield to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. I thank the gentleman for yielding to me.

Mr. Speaker, I welcome the opportunity this afternoon to comment on the very harmful inequities that exists for rural hospitals under Medicare's prospective payment system. I also rise today to voice my frustration with the bureaucratic road blocks and footdragging that have prohibited problems from being corrected several months ago.

Before continuing, however, I want to thank my good friend and colleague from Iowa, Mr. TAUKE, for reserving time today to bring this issue before the House and to acknowledge all his efforts in the past few months to help us resolve the wage-index problem.

It was 2 years ago this month that we gave final approval to the Social Security rescue bill and at the same time established Medicare prospective payment, making the most significant reform in Medicare since the program's inception. Then as now, I am optimistic that when fully in place—when all the kinks have been worked out—prospective payment will improve the efficiency of the Medicare Program and help to control the growth of Federal health-care costs.

Until the refinement is complete, however, there exists serious inequities in the way the new reimbursement system is being implemented, and these inequities pose a very real threat to the continued delivery of health care in the rural areas of the Nation. No where is this being felt more strongly than in rural Nebraska and throughout our neighboring States, which compose—along with Nebraska—the West North-Central Medicare region.

Many of our colleagues have not dealt with the intricacies of prospective payment and the reimbursement formula, having not been confronted with this issue since hospitals in their districts have not been short-changed on their Medicare reimbursements. All too many, in fact, have gotten more than their fair share of the program benefits. Even a brief summary of the payment system gets complicated, but the bottom line is that the prospective payment system reimburses hospitals based on where they are located on the assumption that it is downright cheap to be sick in rural America as compared to our big cities. Since I've been in Congress, I've had to explain away this misconception to big city bureaucrats time and time again.

Under prospective payment, Medicare reimburses hospitals for inpatient services based on predetermined rates called diagnosis related groups or DRG's. The DRG reimbursement formula includes both a labor and nonlabor component and each is adjusted to reflect this assumed costs differentials between urban and rural areas.

As my colleagues this afternoon have pointed out, the rural/urban differentials for labor and nonlabor costs are greater in our West North-Central region than in any other region of the country and greater than the national average. Urban hospitals receive 25 percent more for standardized labor costs and 54 percent more for standardized nonlabor costs than rural hospitals receive.

When the standardized labor component, already lower for our rural hospitals, is further adjusted to reflect differences in area wage rates, rural hospitals lose out again, especially those in my district. When the wage indexes were published in September 1983, rural Nebraska had the lowest in the country.

While there are several areas of concern, the major and overriding problem in the prospective payment system is this adjustment made in the Medicare reimbursement for wage-rate variations.

The adjustment is made by applying certain poorly formulated area wage indexes, which were developed by the Bureau of Labor Statistics. The Bureau's faulty data fail to take into account the efficient and extensive use rural hospitals make of part-time personnel, skewing the indexes against the rural hospital.

Because rural Nebraska hospitals use about 31 percent part-time help, the result is dramatic for rural Nebraska. The average DRG payment rate is nearly 80 percent less than that for urban Colorado, right next door. It is even 50 percent less than the average DRG payment to urban Nebraska hospitals in Omaha.

Prospective payment is 18 months old. From day one, those responsible for administering Medicare, both HHS officials and HCFA officials, have known—I repeatedly called it to their attention—of the inequity created by the flawed wage index, have acknowledged it, have acknowledged that it

could be resolved administratively, and have again and again promised to correct the problem.

But to hedge our bet, we were successful in having Congress address the issue with law. The Deficit Reduction Act of 1984 requires the Secretary of Health and Human Services to report to Congress on a revision of the area wage index within 30 days of enactment.

Since I first called HCFA officials to my office in October 1983, shortly after the final regulations for the program were published, I had promises from HHS Secretary Heckler down through the ranks of the bureaucracy that the congressional mandate would be met and that application of the wage index would be corrected and a revised index incorporated in the revised regulations for fiscal 1985. But the regulations were published in September without changes.

We here this afternoon did not take this lying down. We wrote Secretary Heckler and Mr. TAUKE hand-delivered the letter. Again, we were given another promise—a report on the revised wage index would be forthcoming no later than December 31.

For a further assurance, I summoned HFCA Administrator Dr. Davis to my office. Again, the same promise. The agency was committed to issuing its report by December 31 and putting in place as soon as possible the revised indexes.

Well, here it is March 7, 2 months later, and all we have is another promise that the report is forthcoming—maybe just 2 more weeks. We do know—via rumor that is—that the revised indexes, based on new wage data collected from the more than 90 percent of the Nation's hospitals during the past year, prove our case—rural hospitals have been underreimbursed and stand to gain, in some cases, substantially. And we know that the data used to develop the revised indexes has been checked, double-checked, and verified one more time. It is reliable and accurate, and Secretary Heckler has no more excuses to use for delaying the wage index report. It is imperative that she keep her most recent promise and meet the 2-week deadline.

The longer we wait for the wage index to be corrected and the correction to be reflected in reimbursement rates, the more we risk rural hospitals closing up shop. Rural hospitals are struggling to survive after months of underreimbursement. They need the most immediate relief possible. And I urge—no I demand—that Secretary Heckler provide it—we risk too much if she does not.

Few doctors are willing to practice without access to a hospital. As our rural hospitals fold, attracting and holding physicians will grow increasingly difficult. We will see a halt to the progress we have made in recent years in bringing high-quality, community-based health care to rural America.

I thank my colleagues for joining with me today to address this grievous inequity in a Federal program that should and could have been corrected long, long ago.

Thank you.

Mr. TAUKE. I thank the gentlewoman from Nebraska, because she has been one of those people who has, time and again, as you have indicated, attempted to put the pressure on the Department of Health and Human Services and the Secretary in order to ensure that this action is taken.

As the gentlewoman pointed out, we are the policymakers, theoretically, in this Government, and the policymakers have spoken. We have mandated the change in these wage indexes, and that change was mandated to take place last year, and yet it has not taken place. We are outraged and we have every right to be, and I think those we represent are outraged too, that this inequity, which everybody acknowledges exists, is allowed to continue in place.

I thank the gentlewoman for her excellent remarks.

I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, I want to thank my colleague from Iowa, Mr. TAUKE, for organizing this discussion on what amounts to be a real crucial issue that is facing our rural hospitals. The gentleman has been an outstanding leader in our efforts to correct this very unfair reimbursement formula.

What we are really talking about here in this special order is fairness and the ability of citizens in our rural areas to continue to attain at least adequate and affordable health care. Let us consider the following: Is it fair that our rural hospitals are paid less for actually performing the same service as an urban hospital just because they fall into the Government's rural category? Is it fair that our rural hospitals who were promised that they would be reimbursed by the Government for the cost of treating these Medicare patients have not been reimbursed?

Is it fair that the Government, who has promised all of us it would correct, as the gentleman has pointed out, any inequities found in the system has not made the correction for over an 18-month period. I think all sensible people would agree that these conditions are not fair and should be changed. To date, the Department of Health and Human Services has not seen it this way.

Our small rural hospitals are not asking for any special favors or breaks here; they just simply want a fair shake from their Federal Government. Now the difference between maintaining access to rural health care and widespread rural hospital closures is becoming smaller with every day that passes.

I have over 38 hospitals in my district of 50 beds or less. In Kansas, we are losing nearly $20,000 every day as long as this formula is left unchanged. Now, for some States, I guess you could argue that is not a lot of money; I submit to you that in my State, for a rural hospital it is a lot of money, and over a 4-year period would amount to over $30 million.

So today we underscore the urgency that this situation merits. I would like to just speak to the comments made by my colleague and friend from Iowa, Mr. SMITH, and the comments that have been alluded to by my friend from Iowa.

Several months ago, I received the same kind of assurance that he received in committee from the Secretary: "We are going to study this; it is going to be about 2 weeks and we will get back to you." Then came the news that we were going to make sure that this formula was accurate; that we really were not going to spin off more money to rural hospitals than was truly justified, and nobody here wants that.

So we were going to study some 60 hospitals; I think the gentleman will recall that study. So in about 2 weeks, we got back with them again and then it was 144 hospitals. Then that study was concluded and, well, now, wait a minute; we are going to have another 2 weeks because there are maybe two or three more hospitals, and we just need the two or three more to fit in this 144-hospital study.

□ 1650

Then after the two or three are done, and I find out, hopefully, that they are done, we are going to have to assess this. We are going to have to study it a little bit further, and maybe in another 2 weeks, we can get back to you.

So I have called for 2 months, after sending down a special report that we did in my district assessing all of the problems in our rural health care delivery system about every 2 weeks. I know the gentleman has, and I know these other folks have as well.

I do not get to talk to the Secretary. I did not ask to speak to the Secretary. After all, she used to be a Member of this body and she has more important things to do than to answer every congressional call. So I talk to the No. 5 man, or No. 4 man, or No. 4 person, or No. 2 person, depending on my blood pressure and the sound of my voice.

So they come on with,

Well, now, Congressman, I know. I know. We are going to get back to you. You called before. This is a terrible problem. We are

going to study it some more. You do not want us to make the wrong kind of decision.

I would say to my friend and colleague and everybody here, and to the Secretary, and to the 5, 4, 3, 2 man, I am tired of the calls. I am tired of the study. I want some action. If we do not get action, I am going to come down here with 1-minutes every day and start numbering the days that this thing has been promised. It will be another *Pueblo* incident, the sinking of the *Pueblo*, when another Member came down here and said that he was fed up and tired of it.

I am fed up and I am tired of it. This is not an HHS decision anymore. This is an OMB decision. We are getting the runaround. If this continues with this study, OMB never wants to spend the money and we will not get reimbursement. We might get something down the road, but we will never get reimbursed what we are owed down the road.

So the message is clear, if anybody can read these proceedings: that this Member intends to quit calling and start speaking from the House floor for them to face up to this and keep its promise and move forward on correcting the Medicare formula.

Mr. TAUKE. I thank the gentleman for his remarks. He certainly deserves the applause he is receiving.

Let me point out something that I am sure the gentleman is aware of and alluded to in his remarks. We are not asking for any additional money. In the course of this change of reimbursement, there will be some reductions to some hospitals and some increases in others, but it will be budget-neutral. But if we do not get this formula change in place pretty soon, what is going to happen is, we will have our most efficient hospitals going out of business, the rural hospitals, and our patients will have to go to the more expensive urban hospitals, and as a result it will cost more money.

So we are not asking the Federal Government to spend more for Medicare. Instead, we are trying to save the Government money by making the reimbursement fair.

Mr. Speaker, I yield to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Speaker, I wish to commend the gentleman for bringing to the attention of this body the serious problem that exists today over Medicare's urban rural area wage indexes.

The current problem began in 1983 when Medicare's new Prospective Payment System established different areas wage rates for the reimbursement of urban and rural hospitals. These area wages indexes were based on the assumption that wages are lower in rural communities as compared with urban areas. However, several important facts were not taken into consideration: First, the fact that rural hospitals tend to use higher numbers of part-time staff; second, the fact that rural hospitals must pay competitive wages to attract qualified personnel; third, the fact that rural hospitals tend to have relatively high percentages of Medicare patients; and fourth, the fact that the data obtained from the Bureau of Labor Statistics left a lot to be desired—timeliness and reliability being at the top of the list.

These rates are causing serious financial inequities for rural hospitals in Iowa, and throughout the Nation, and if left unchanged, they threaten to undermine the future effectiveness of the whole DRG system. Congress took the much needed step last year of directing the Secretary of the Department of Health and Human Services to issue a report to Congress on revised area wage indexes.

Until this report is submitted to Congress, new regulations on the area wage indexes cannot be proposed and we are all familiar with the lengthiness of the regulation process. It is imperative that this report be completed immediately. Two deadlines have already been missed. Too much time has already elapsed for many hospitals in my district.

On February 10, the Iowa Des Moines Register listed the Iowa hospitals suffering operating losses in 1983, when DRG's went into effect. I had seven hospitals in my own district and many more who were barely in the black. As Ron Dorris—the administrator of Clarion Community Hospital in my district—states in the article, "the 1983 figures hardly are worthy of note in the face of today's realities." And I wholehearted agree with Mr. Dorris when he states later in the article that "the rural health care programs the Government has encouraged in the past now will be irreparably damaged before anything is done to correct problems faced by hospitals such as his."

Mr. Speaker, I want to commend the gentleman for the work he has done on this issue. I would like to approach the issue from another aspect, if I might.

I hope people, first of all, realize the problem we have in our rural areas and the economic problems we face, and then what they are proposing we do is pile on top of that these completely unfair methods of reimbursement for a rural hospital.

I thought we had a society wherein we tried to promote and encourage the efficient. If HHS is correct, and if it costs a lot less to provide services in rural hospitals than it does in urban hospitals, who is it in the Government who could possibly think that what we should do is put the rural hospitals out of business so that people have to go to the more expensive urban hospitals and the people in rural areas have to spend a lot of money to get those more expensive hospitals.

It seems to me that this is just as crazy as trying to destroy the family farm or just as crazy as saying that we are going to eliminate the Small Business Administration; that we better realize that our job is to promote the efficient, take advantage of those less costly services.

I believe the time is now to correct these unrealistic reimbursement rates. Hippocrates said, "Healing is a matter of time, but it is also a matter of opportunity." Secretary Heckler has the opportunity and I urge her to issue this report so we can get these changes made.

Mr. TAUKE. The gentleman's remarks are right on target, and I thank the gentleman for his hard work on this issue.

Mr. Speaker, I yield to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. I thank the gentleman for yielding, and I commend him for his leadership on this subject.

Mr Speaker, a few minutes ago you might have had the impression that the gentleman from Kansas was upset, and he has every reason to be upset. I am at least equally upset.

What we have here is the arrogance of the executive branch. This is not a policy question. This is a decision that was made by the elected Representatives of the United States sitting in the Congress, and it is arrogantly being disregarded.

I will be in the well at least once every week we are in session, either in a special order on a 1-minute until a change is brought about that implements what this Congress has decided.

Today I am rising with my colleagues because we have a plight in rural hospitals that is very severe. It is a plight that this Congress has addressed, but it is being sidestepped.

We are in trouble out there. The economic and social fabric of our farm communities is under intolerable stress. Because of the farm crisis, the level of health care in many communities is seriously threatened. Individuals in many families are postponing elective surgery, dropping their health insurance, or lowering their coverage. Obviously this has an additional negative effect on small rural hospitals which are already facing financial hardships because of Medicare underreimbursements. In a State where 60 to 70 percent of the hospital beds are Medicare beds, and that is Nebraska, these underpayments may spell disaster for some hospitals. Action now, however, by the Secretary of Health and Human Services could help us avert hospital closures and correct some of the basic inequities in the labor-wage index that contributed to these underpayments.

As all of us here know, Congress recognized the problem of underpayments in the Deficit Reduction Act that was signed into law last summer. That act contained a requirement that the Secretary of Health and Human Services issue a report to Congress on a revised labor-wage index within 30 days of enactment. The report, however, was not forthcoming; and, in fact, was not forthcoming as subsequently promised by the Department of Health and Human Services by December 31, 1984. We're now promised the report by March 14, 1985. It is crucial that this most recent promise be kept.

It is a source of great frustration to this Member that Health and Human Services assures us that they recognize the unfairness of the current wage index used in the repayment formula, while doing nothing to correct it. It is irritating to hear that Health and Human Services recognizes that the effect of the current reimbursement formula is to penalize smaller hospitals for their efficient practices of hiring only the part-time employees that they need. Why, then, doesn't the Department of Health and Human Services release the revised data? We Members from rural States who have been attempting to correct this serious flaw in the prospective payment system have been patient. We have been understanding. We have been accommodating. Certainly it is our desire to continue to be cooperative. But our constituents are suffering. Secretary Heckler, in the name of fairness, those revised indices must be implemented.

As a former Member of this House of Representatives, and I might say as a former member of the Wednesday Group, I ask you to look at why your Department is not following what Congress tells you to do. It is arbitrary, it is capricious, and it is officious, and it is the kind of conduct that should not be tolerated in this Government.

The Nebraska Hospital Association has told this Member that the corrected wage index would result in an 11-percent increase for my rural Nebraska hospitals. This increase could mean the difference between survival or closure for some small hospitals that are stressed to their financial limits, and I might say beyond their financial limits. It is time to end the months of dissension and overt stalling and fulfill the promises given to this body and to individual Members.

I thank the gentleman for letting me get a few things off my chest, and I hope I do not have to be in the well the next week we are in session, but I will be in the well and I hope you will join me there at that time if it is necessary. We are going to resolve this problem.

Mr. TAUKE. I thank the gentleman for his statement, and I can assure him that I will be in the well, if need be, in order to push this issue.

As the gentleman said, we are basically nice fellows.

Mr. BEREUTER. We are nice fellows.

Mr. TAUKE. We are nice guys, and we are patient, accommodating, and understanding, but there is a limit, and we have reached the limit.

Mr. Speaker, I yield to the gentleman from Texas [Mr. STENHOLM].

□ 1700

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Iowa for yielding and I commend him for his leadership on this issue today. It sounds like it is going to get very crowded in the well with 1-minute speeches very soon, because I will add my voice to those who have spoken before in saying that we have studied this issue long enough.

I appreciate the opportunity to speak today on the subject of the plight of rural hospitals, particularly in relation to the current formulas used for diagnosis related group [DRG] reimbursements.

Those who live in urban, densely populated and well served areas may have difficulty in understanding the significance of a hospital in a rural area. To perhaps add a little perspective, I would like to lead a brief guided tour of the 17th District of Texas, which I have the privilege of representing here in Congress.

The 17th District is composed of 35 counties and 31,906 square miles. In other words, my district is larger than 12 individual States and the District of Columbia. Or, if you wanted to combine land area, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Hawaii, and the District of Columbia all together wouldn't be as large as the 17th District. In that expanse of land, there are 2 counties which have no hospitals at all, while 21 more have only one hospital. I have 30 hospitals in my district which have 50 or fewer beds.

It quickly becomes clear that a large percentage of my constituents live in areas where they must travel quite some distance to receive health care, usually from a small hospital. Whether it be for a routine tonsillectomy, an emergency poisonous snake bite, or a tractor accident, the health and life of many of the residents of the 17th District rest in the hands of the rural hospital. The sparsity of the population and the size of the hospitals may not be typical for the Nation, but that makes those west Texans no less deserving than other Americans of access to quality health care. The only way they're going to continue receiving that care is if the DRG formulas are adjusted to allow the rural hospitals to survive.

I want to say very straightforwardly that I have been a supporter of Medicare reform and I have been pleased with the decrease in the rise of costs that we have already seen since the implementation of the DRG plan. Many of my hospital administrators themselves have expressed their support for this plan which forces them to be frugal financial managers. So, while I don't want to throw the baby out, I do think the temperature of the bath water needs some adjusting.

The rural/urban differentials in the prospective payment system assume that rural wages and other costs are lower than those in urban areas, and therefore, rural hospitals are reimbursed an amount smaller than are their urban counterparts for precisely the same services. The rural administrators in the 17th District report that reimbursements often are 25 to 47 percent less, depending on the treatment category. This, I am convinced, is entirely unfair.

To begin with, most rural hospitals in west Texas must offer their professional staffs at least as much pay as the urban hospitals offer, simply to attract the professionals to those remote, less developed areas. My rural hospitals have an ongoing battle in meeting the 24-hour nursing requirement and finding doctors to staff the hospitals. The problem is not a lack of energetic and creative recruitment efforts, but rather the inherit lack of the benefits of urban life—job opportunities for spouses, cultural and recreational activities, academic resources, et cetera. Frequently, a salary which can compete with or exceed an urban job offering is the largest, and one of the few, incentives a rural hospital can use to attract personnel.

Second, small hospitals are not able to use the economies of scale in purchasing materials that larger hospitals can use. Without the advantages of bulk buying, small hospitals have higher per unit costs.

Third, the rural component for wage costs used by the Health Care Financing Administration was developed from Bureau of Labor Statistics data which do not take into account factors such as part-time versus full-time employment. Since rural hospitals tend to use higher numbers of part-time employees, which in the long run are most costly, the area wage indices are artifically low for rural areas.

Fourth, statistics show that rural areas have a disproportionately high percentage of elderly residents. These elderly folks generally require more health care, and their illnesses tend to be more serious, requiring a greater length of care. Thus, many of the rural hospitals carry extremely high Medicare patient loads, often ranging from 60 to 80 percent of their entire patient care. Every hospital adminis-

trator in the country will attest to the fact that private paying patients are counted on to recoup the money lost on Medicare/Medicaid patients. When 80 percent of the the patient load is Medicare patients, there are not enough other patients to help carry the financial burden.

Finally, there is a need to allow time for smaller hospitals to adjust to the new financial diet imposed by prospective, rather than retroactive reimbursement. A progressive hospital board president recently told me about the plans for new programs his hospital expected to implement within 5 years. Many larger hospitals utilize money makers such as weight control, smoke-stoppers, physical fitness, and adult day care programs to make up losses in bed patient costs. Rural hospitals typically have had only bed patients as their source of income, and have not expanded into newer, innovative programs. This board president explained that DRG's have provided the motivation for rural hospitals to start thinking in more businesswise ways, and this is a positive step. But, he warned, creating, fine tuning, and implementing these new operations takes time, and rural hospitals must be given the opportunity to survive in the meantime. In the process of imposing a financial diet, the Government must not push hospitals to the point of starvation and death.

There seems to be little question that the rural/urban formula for Medicare reimbursement needs to be recalculated. Congress recognized the problem and via the Deficit Reduction Act of 1984, required the Secretary of Health and Human Services to issue a report on this issue within 30 days of enactment. Now, more than 6 months later, we still have not seen the report. With rural hospitals struggling and the basic health care of many Americans at risk, we cannot tolerate continued bureaucratic procrastination.

I strongly urge the Secretary to promptly deliver the report that has been ordered, and to continue by further evaluating the Medicare reimbursement formula in order that rural hospital might be treated more fairly and allowed to meet the health needs of rural America.

Mr. TAUKE. Mr. Speaker, I thank the gentleman. He has made the case very eloquently.

Mr. Speaker, I yield to my colleague, the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I want to rise and add my voice of concern about the delayed report from the Department of Health and Human Services to the Congress on the revised wage indices for reimbursement of hospitals under Medicare.

The wage index, as we have heard from a number of the previous speakers, as a part of the new prospective payment system initiated in 1983, was intended to adjust the Federal reimbursement rate to account for differences in area wages.

The intent of the Congress was to treat all hospitals fairly, but instead this faulty index unjustly, it was discovered, penalizes many hospitals. For example, the current wage index does not adequately adjust for those hospitals which traditionally employ a lot of part-time employees. This practice, particularly common in Nebraska hospitals, proves to be a cost effective and successful way to control what have been up until now very excessive and spiraling health care costs; yet the current wage index penalizes those hospitals for these applied cost saving methods.

Recognizing the problems that do exist with the current wage index, Congress mandated the Health and Human Services Department to report, as we know now, within 30 days after the enactment of the Deficit Reduction Act of 1984, a revised index. We have yet, obviously, to receive this report.

Now, our hospitals have kept their part of the deal. Since 1983 hospitals across this Nation have initiated cost containment procedures and admissions and lengths of stay have fallen. In the Omaha area that I am privileged to represent, in the past year people collectively spent over 12 percent fewer days as hospital patients. It is past time that we keep our end of the deal and receive for implementation the revised wage index.

Now, I recognize and I realize the difficulties that the HCFA encountered in collecting reliable data upon which to base such a revised index, and quite honestly, I appreciate their efforts and know that some of the slowness in this process resulted from some hospitals not getting their information in so that it could be tabulated.

□ 1710

I also think that my colleague would agree that we do not want another faulty index and have to go through the procedures again of another revision. But we have exceeded this deadline. The deadline we now face is one confronting those hospitals that are being unjustly penalized through inadequate payments due to this first inaccurate wage index.

This unjust reimbursement creates problems as we now know for many of our rural hospitals. I might add many urban hospitals as well, which if not corrected in a more timely manner will threaten the continued operation of many of these institutions, and most seriously threaten the availability of health care services in many areas of our country.

The revised index is important to my State of Nebraska which now ranks dead last among the 50 States on the Medicare wage index reimbursement scale. Nebraska ranks fourth per capita in the number of elderly persons. Due to this large elderly population Nebraska hospitals serve a disproportional number of Medicare recipients.

We cannot let this process drag on any longer than it already has. The report from HHS must be issued.

I want to say we all agree that the diagnostic related group approach, the prospective payment process we took upon ourselves in the Social Security revisions of May of 1985 are all well and good, and we have appreciated already in this first 18 months the cooperative nature of administrators and professionals in hospitals, and all of us in Government to try to lower the cost of health care.

We are on the right track. I certainly want to, as a former member with my colleague who called this special order of the Health and Long Term Care Subcommittee of the Aging Committee, commend the gentleman from Iowa [Mr. TAUKE] for the efforts and for your leadership that you bring to bear upon this very important and critical issue, particularly to rural and farm America. I think it is important.

I was delighted to note that my two colleagues, the gentlewoman from Nebraska, VIRGINIA SMITH, and the gentleman from Nebraska, DOUG BEREUTER, preceded me in this special order, who have worked so hard to try and assist us all in bringing some pressure to bear on the administration to get this matter resolved.

I want the gentleman to know that as a new member of the Health Subcommittee of the Ways and Means Committee, our staff is looking at this very same problem from a legislative point of view. The only difficulty I see now is that if we do get the revised index issue, it is going to be midyear, and I am sure the gentleman from Iowa recognizes that many of our rural hospitals operate in such a way that they are not so completely automated and computerized, that it will be a very easy opportunity for them to plug in the new figures midyear for their accounting year.

But it is better to know that there could be a refund for a reimbursement retroactively than to continue to operate with the uncertainty that now perplexes them. So indeed I am delighted to have had the opportunity to participate in this special order and I want to thank you very much for all of the work you are doing to help bring a resolution to this very important issue.

Mr. TAUKE. I thank the gentleman from Nebraska for his comments.

I also want to commend him for the tremendous work that he has done on this issue. Your comments about our understanding of the problem and our desire to work with the Health Care Financing Administration bring to mind something which I do not think anyone has mentioned. That is, a number of us, including the gentleman from Nebraska, worked with the Health Care Financing Administration to try to get those hospitals which had been reluctant to send in information to bring it in in a timely way.

Mr. DAUB. I thank the gentleman.

Mr. TAUKE. We have demonstrated our willingness and desire to work with the Health Care Financing Administration. We want to be reasonable about this.

At the same time, as I said to our other colleague from Nebraska, there is a limit. And I think we have approached that limit. We do not sense the commitment that there should be over at the Department of Health and Human Services to get on with the show.

That is why we are here today, and the gentleman stated it very well. I am delighted to know that he will be adding another voice from another corner of Congress over there on the Ways and Means Committee, which is so critical in determining health care policy, to help us on this issue.

So I thank the gentleman for his comments.

Mr. DAUB. Again I thank the gentleman.

Mr. PENNY. Will the gentleman yield?

Mr. TAUKE. I am pleased to yield to my neighbor to the north, the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I have spoken often in the past weeks about the crisis facing rural America. I am here again today to address an additional concern—the financial crisis faced by rural hospitals in the west north central region. These hospitals continue to lose money day after day, not because of their own inefficiencies, but because long required and often promised deadlines have not been kept by the Health Care Financing Administration and the Department of Health and Human Services.

When the prospective payment system for Medicare reimbursement was adopted, rural/urban differentials for labor and nonlabor costs were established. Rural hospitals are reimbursed less for the same services than urban hospitals because it is assumed that rural wages and costs are lower. Unfortunately, the formula for determining the differential was flawed and its impact on hosptials in our region was especially great. In the west north central region, urban hospitals receive 25 percent more for standardized labor costs and 54 percent more for standardized nonlabor costs than rural hospitals receive. It doesn't take a computerized cost-benefit analysis to demonstrate that these rural hospitals just can't keep providing service long when they are not being adequately reimbursed.

In July 1984, the Deficit Reduction Act required the Secretary of Health and Human Services to issue a report to Congress on a revision of the area wage indices within 30 days after enactment. The 30 days passed and no report was forthcoming. In the 8 months since, a bipartisan congressional group under the determined leadership of my colleague from Iowa, Mr. TAUKE, has pushed for the release of the report. We are still waiting. Rural hospitals are still waiting. In testimony earlier this week, Secretary Heckler promised that the report would be issued within 2 weeks. I sincerely hope that she finally keeps her promises and immediately acts to implement the new rates. Rural hospitals simply can't afford to wait any longer.

Mr. TAUKE. I thank the gentleman from Minnesota for his excellent remarks and for his commitment to this issue.

Mr. SCHUETTE. Will the gentleman yield?

Mr. TAUKE. I now yield to the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, I rise today to voice my concern and express my concern over the urban-rural distinction in Medicare's prospective payment system. Medicare's reimbursement system is predicated on the hospitals' geographic location and mandates lower reimbursement to the rural hospital for the same service per diagnosis-related group, or DRG, as that performed by the urban hospital.

But this urban-rural classification does not take into account costs to the rural hospital that may be beyond its control and therefore cannot be standardized in predetermined Medicare reimbursements.

The present system is inflexible and rural hospitals are suffering.

One such hospital, the Memorial Hospital in Owosso, MI, is in my district. And let me add that under the previous system the Owosso hospital was designated as an urban classification. But now, under the current system, it is a pocket surrounded by urban designations, and it is the sole rural designated hospital surrounded by urban hospitals in the State of Michigan.

This is an inequity that needs to be addressed.

That hospital is but one of the Nation's many rural hospitals that has become a victim of Medicare's urban-rural classification. The Memorial Hospital in Owosso, MI, is not alone. Many rural hospitals are losing money in Medicare reimbursements since they must absorb any costs that exceed the Medicare repayments.

It is an inequitable assumption that all rural hospitals incur lower costs than all urban hospitals and yet that is the underlying assumption of the Medicare prospective payment system. Many rural hospitals may in fact pay more for goods and services, labor, supplies, and transportation due to the nature of their locale.

The Medicare reimbursement system does not account for regional discrepancies or hospitals located on borderline areas. Instead, hospitals are grouped without regard to particular hospital-specific costs of services.

It is a threat to the quality of medical care and to Medicare services to force rural hospitals to cut corners to assure the coverage of their costs. The prospective payment system must be changed to incorporate the differentials of each hospital, regardless of its urban or rural location. We cannot risk substandard health services in order to accommodate the inflexible classification of Medicare's prospective payment system.

□ 1720

If the question before this body to provide health care is quality health care, and if the question presenting we as legislators is fair and affordable, and quality health care, we must correct, in a prompt fashion, the inequities in the DRG reimbursement system that so adversely affects rural hospitals across this Nation.

Let me say that I join with my colleagues on both sides of the aisle in commending Mr. TAUKE for his leadership on this critical issue. I know it is important back home in my State, in my district, and I commend the gentleman very much.

Mr. TAUKE. I thank the gentleman.

Mr. Speaker, clearly the gentleman from Michigan is one of the most promising new Members of Congress, and I am delighted that we have not only his support but his leadership on this critical issue of providing quality health care for rural America.

● Mr. GUNDERSON. Mr. Speaker, today I would like to add my words of concern in this special order regarding the wage indices used in calculating Medicare reimbursement under the prospective payment system.

The urban/rural wage distinction used in the reimbursement calculation contains many inequities. Admittedly, urban hospitals do in many cases have higher operating costs, but rural hospitals are being short changed for treatment of Medicare patients under the present method of calculating reimbursement rates. Specifically, the use of outdated Bureau of Labor Statistics data penalizes hospitals in rural areas like western Wisconsin that utilize large numbers of part-time em-

ployees. The data lacks information on hours of employment in hospitals. Thus, the wage index totally ignores this important factor in reimbursing rural hospitals.

In addition, a single wage index is used for all rural hospitals in a given State. Therefore, rural variations within a State are ignored by the index, causing rural hospitals to receive DRG rates anywhere from 10 to 30 percent lower than urban hospitals.

In this era of cost containment in health care, we have asked hospitals to make many changes to improve efficieny, and they have responded magnificently. Hospitals are becoming more specialized; home care and skilled nursing facility arrangements with the hospital are becoming more common; and hospitals and doctors are working more closely together. But if the prospective payment system is going to continue to be successful, certain very real problems within the system must be addressed quickly. Especially when we are considering simply freezing the present rate structure for another year, we must address the blatant wage index inequity.

In conclusion, Mr. Speaker, I urge the Health Care Finance Administration to implement new wage indices for Wisconsin hospitals.●

● Mr. SKELTON. Mr. Speaker, I thank the gentleman for his efforts on behalf of our rural hospitals. Secretary Heckler's pledge to submit the area wage index report to Congress within 2 weeks is attributable in a large part to your hard work on this subject.

Recent administration rhetoric about emergency credit relief for the Nation's farmers has, it seems, been designed to create the impression that rural America is trying to live on the Government dole. Nothing could be farther from the truth. What rural America expects, and what rural America deserves, is fair treatment from the Federal Government.

Adjustment of the area wage index is a matter of fairness to rural America. Because it fails to account for factors that tend to increase labor costs for rural hospitals, the wage index currently in use is wrongfully depriving those hospitals of millions of dollars in Medicare reimbursement. In the region in which Missouri is included, for example, the current wage index contributes significantly to a 25-percent differential in Medicare reimbursement for labor between urban and rural hospitals.

Since Medicare beneficiaries comprise a large part of the patient loads of most rural hospitals, it is essential that they receive adequate reimbursement from Medicare. Otherwise, some rural hospitals may be irreparably damaged and many rural Americans may lose hard-won gains in access to high-quality hospital services. Therefore, I urge Secretary Heckler to submit her report within the 2-week timeframe she has established and to expeditiously implement the revised area wage index.●

● Mr. WHITTAKER. Mr. Speaker, when Congress formulated the Medicare prospective payment system, we did so in the interest of efficiency and fairness. Unfortunately, those interests are not being served by the formula under which rural hospitals are reimbursed under this system.

When the Health Care Financing Administration [HCFA] drew up its formula for reimbursing hospitals for average costs, it attempted to account for differences in costs of living from one geographic area to another. The idea was that a hospital in a rural area could pay its health care staff less than a big city hospital. At first glance, it appears to be a sound idea and HCFA was faithfully carrying out Congress' orders.

But, there's a catch to it. In figuring average labor costs, HCFA did not take into account part-time versus full-time employees. HCFA took Bureau of Labor Statistics figures for a hospitals total payroll, divided by the number of employees. Due to the fact that rural hospitals have a greater number of part-time employees, a rural hospital's average labor costs are skewed. Under HCFA's original formula, the average wage for rural hospitals is artificially low. For that reason, rural hospitals are shortchanged under the prospective payment system.

Congress moved to correct this inequity in 1984. Last year's Deficit Reduction Act instructed Health and Human Services Secretary Heckler to recalculate the wage index for rural hospitals, taking into account part-time employees. Since then, HHS has missed two deadlines to revise the index and bring fair and equitable treatment to our rural hospitals. We hope they don't miss a third. Last Thursday, February 28, Secretary Heckler assured the Appropriations Committee that her department would have the new regulations within 2 weeks.

It's important to rural hospitals which are already struggling with the costs of providing quality health care in Kansas and other States that HHS issue the new, equitable wage indices in the next few days and then act to implement them swiftly.

We're counting on you, Secretary Heckler. Don't let rural hospitals and their patients down. Don't let your friends in Congress down.●

● Mr. LIGHTFOOT. Mr. Speaker, since taking office in January, I have been working with many of my Midwestern colleagues to correct the inequities in Medicare's prospective payment system for rural hospitals. As many of you might know, since the implementation of this new system, rural hospitals have received an extremely unfair and unjust reimbursement rate for providing Medicare services to older persons.

When the Department of Health and Human Services determined the reimbursement rates in 1983, they divided the country into nine regions and then within those regions differentiated between rural and urban areas. The rates were then based upon where a hospital was located.

So, for example, a hospital within my district, such as the Clarke County Public Hospital in Osceola, IA, would be under the rural reimbursement rates for the west north central region. Now, that sounds fine, until you look at what this hospital would receive compared to what an urban hospital, such as one in the Des Moines area, only 40 miles away, would receive.

In the case of the Osceola Hospital, under figures from last year, it received $1,960 for DRG No. 127, which is for heart failure and shock, while a Des Moines hospital received $3,161 for the same procedures. That's a 61-percent difference. Now, I admit that there are some cost differences between a rural area and an urban area, but not a 61-percent difference, especially for hospitals located 40 miles apart.

The differences between rural and urban areas is attributed to the differences in nonlabor and labor costs. Upon close examination, however, one finds that these differences are not that great. Common sense will tell you that. For instance, rural hospital costs for nonlabor items, such as supplies and utilities, might often be higher than the costs experienced by urban hospitals, which can order in larger quantities and which might get a break on energy costs because of higher energy usage.

In the area of the labor component, a case might be made for differences in labor costs between a rural area and an urban area, but again not such a large difference. What has not been taken into consideration is that rural hospitals often hire more part-time help and compete for skilled labor in an urban market. These factors have not been taken into account, which has created a flawed reimbursement formula for Medicare services.

Now, almost everyone admits that the reimbursement formula is flawed and needs to be corrected. For the past several months, many Members of Congress, led by my distinguished colleague from Iowa, Mr. TAUKE, have pressed Health and Human Services Secretary Margaret Heckler for a correction in the formula. On several occasions, Secretary Heckler has promised to send a report to Congress revising the reimbursement formula for

the labor component, but as you know, we are still waiting for it.

This report is more than 7 months overdue, and I am hopeful, along with many of Midwestern colleagues, that HHS will release this report soon. Small, rural hospitals should not have to suffer further under this flawed reimbursement formula. All of the hospitals have tried to work under the regulations for the new system, and all they want is to be treated equitably.

If this reimbursement formula is not corrected, we could possibly see many rural hospitals forced to close. A recent study by the Health Policy Corp., of Iowa shows that at least 32 of Iowa's small hospitals suffered operating losses during 1983. The figures for 1984 have not been compiled, but it is estimated that they will be even bleaker. The longer the report is delayed, the gloomier the picture will become. Hospitals have already waited for over a year for a correction in the formula, and they should not have to wait any longer.

If rural hospitals are forced to shut their doors, we will see a swift deterioration in health care services for Medicare patients. These hospitals provide an invaluable community service, and without them, many elderly Medicare patients would probably be denied health care services or would have to drive many, many miles to receive care because of the medical profession's hesitancy to service communities without hospitals. We cannot let this happen.

I am encouraged, however, by recent news from Congressman TAUKE that the report revising the area wage indexes should be sent to Capitol Hill in a few weeks. While this is heartening news, I will not be satisfied until the administration and Congress signs off on the report and until rural hospitals are operating under a revised reimbursement formula. Rural hospitals are not asking for a special deal, they only are asking for a fair deal.

At this time, I would like to commend Congressman TAUKE for his efforts to correct this faulty formula, and I intend to continue working with him and the rest of my colleagues in the House to get a fair Medicare reimbursement formula for Iowa's small, rural hospitals. The injustices that have occurred against rural hospitals must not continue.●

GENERAL LEAVE

Mr. TAUKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

BALLOT COUNTING IN THE McCLOSKEY/McINTYRE RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LELAND] is recognized for 60 minutes.

Mr. LELAND. Mr. Speaker, I have listened for several weeks to the arguments of the Members of the other side with regard to the unresolved election in the Eighth District of Indiana. It seems to me what has happened on the other side is that certain Members have taken it upon themselves to come to the floor and repeatedly state a case for their candidate based on only those facts or interpretation of those facts heavily slanted in the direction of the Republican Party.

Certain issues in the case are being consistently distorted or ignored. Mr. Speaker, I speak as the chairman of the Congressional Black Caucus and representation that I hold here today and for all fair-minded people in this body.

Mr. Speaker, I do not know who won that election in Indiana; I do not know who won that election because 5,000 ballots were thrown out, 5,000 ballots were simply not counted in determining the winner.

Mr. Speaker, I have taken this special order today because those on the other side who take to this floor on a daily basis are conveniently ignoring this small fact.

Mr. Speaker, it has to strike anyone who has run for public office that something is wrong when 5,000 ballots are disqualified in an election in a 15-county congressional district.

For either Mr. McCloskey, the Democrat, or Mr. McIntyre, the Republican, to claim victory seems to me to be absolutely absurd.

Something is very wrong with the ballot count in that Indiana race. Something is wrong, and it seems to me this House has no choice but to find out what it is.

But there is more. Mr. Speaker, of those ballots that were thrown out, nearly 1,000 of them were cast by black voters.

Mr. Speaker, that works out to approximately 20 percent of the black vote in that district, 20 percent in one county, three entire black precincts were disqualified.

Now, Mr. Speaker, I am alleging nothing. All I am saying is that any reasonable person has to conclude that something is not in order here and I simply want to know what it is.

Unlike my distinguished colleagues on the other side, I cannot brush this disturbing fact aside. Five thousand people, a disproportionate number of them minority voters, lost their right to participate in this election and that, Mr. Speaker, is the single paramount issue before us today.

I yield to the gentleman from Pennsylvania, the chairman of the Committee on the Budget.

Mr. GRAY of Pennsylvania. I am delighted the gentleman from Texas has taken this opportunity to do a special order on this issue in light of the great debate that has gone on on the floor of this House.

It is my understanding that most of those 5,000 voters who were literally disenfranchised, who were registered and residing in that district, that their ballots were voided solely because of alleged failures with regard to initials on the ballots. Is that the gentleman's understanding?

Mr. LELAND. That is my understanding.

Mr. GRAY of Pennsylvania. And it seems to me that somewhere the court has already ruled, it has set a legal and judicial precedent that when people are residents of a voting area and when they have gone to the polls and voted and their intention was to vote for a candidate, I believe that there is a legal precedent that says even if a technicality such as an initial was left off, that those votes should be counted.

Is there not such a precedent?

Mr. LELAND. Absolutely, the gentleman is correct.

Mr. GRAY of Pennsylvania. I have listened to the debate on this floor for some time, Mr. Speaker, and I have seen the ads taken out and the empty seat that is portrayed as if someone is taking something from somebody.

But it seems to me that really what has happened is that you have got 5,000 voters in a congressional district, and as you point out, 20 percent of them happen to be minority. It is ironic that, right now as we debate this whole issue, it is 20 years since the anniversary of the Selma-to-Montgomery march that led to the Voting Rights Act and that people are still being disenfranchised. That is sort of any irony that overshadows this whole debate.

But the truth of the matter is that right now, as I understand it, is there not a class-action suit against the Indiana secretary of state, Mr. Edward Simcox, pursuing this question about the legitimacy of those 5,000 votes being discarded for a technicality of where there is a judicial precedent that has said clearly that in America if you reside legally in the district you are a bona fide voter, you have made your intent clear by casting your vote, that it should not be thrown out.

Is that correct?

Mr. LELAND. The gentleman is correct and has made this issue crystal clear.

Mr. GRAY of Pennsylvania. Well, it seems to me what the gentleman from Texas is doing is very important because it would be, from my point of

view, inappropriate in light of the fact that 5,000 voters were disenfranchised for us to move on this issue prior to the secretary of state of Indiana and the class-action suit being determined.

We could find ourselves in a situation obviously where we seat someone and then turn around and in a few weeks say, "I am sorry, we made a mistake, you did not win after all. What happened was that there were some ballot hanky-panky where 5,000 voters were disenfranchised on a technicality."

So I want to commend the gentleman from Texas.

Mr. Speaker, I am particularly alarmed about the fact that so many of those voters were literally disenfranchised simply because of an initial, not because they were proven to be residents of some other congressional district, not because it had been proven that they had not registered, not because they were from some other State or they had been guilty of a crime that disqualified them, but simply a slight thing such as an initial.

□ 1730

I think it is really upsetting to Americans, and it is certainly upsetting to me, and I want to commend the gentleman.

Mr. LELAND. Would the gentleman agree that if in fact there are to be ads in newspapers or wherever, then in fact the illustrations should be, some means by which we can show that 5,000 people did participate in an election but yet were not counted?

Mr. GRAY of Pennsylvania. I think that that is right; and I think that if there are going to be commercials, if there are going to be newspaper ads, if there are going to be posters, radio ads, television ads, that those who are paying for those ads ought to also show very clearly that there are 5,000 voters in that district whose votes were not counted, and right now are in the process of a class-action suit which, based upon earlier judicial precedent, more than likely they are going to win, and thus they will be counted as a result of this disenfranchisement.

I think that those persons who are running these kinds of ads and saying these kinds of things ought to tell the whole story, not just half the story.

So I want to commend the gentleman from Texas for taking this special order. I particularly am shocked that 20 percent of these folk come from the minority community. We in the minority community are used to the struggle for enfranchisement. It seems that that struggle goes on even 20 years after the Selma-to-Montgomery march.

I am sure there are a lot of people that do not want that 20 percent counted, especially after looking at the surveys and polls that show that that 20 percent voted rather heavily one particular way last November.

So clearly that could mean a very different outcome. I think this House ought to allow justice to run its course; let the courts determine whether those 5,000 people are eligible to be counted as in the past. The courts have said that. Then we will seat whoever is declared the winner as a result of those people being determined, whether they lost their voting rights, and then we will move on with this issue.

I think it is unfortunate that we have forgotten the other side of the story, and I thank the gentleman from Texas [Mr. LELAND] for bringing the other side of the story forward.

Mr. LELAND. I thank the gentleman for his contribution.

Mr. Speaker, I voted now on several occasions in this Congress, to refer this matter to the Committee on House Administration. That is the committee which has jurisdiction over these matters. That is the committee which precedents suggest should handle this question.

Mr. Speaker, much of my concern rises from the fact that only 2.4 percent of the voters of the Eighth District of Indiana are black; the majority of those black voters live in Vanderburgh County's fourth ward particularly in precincts 5, 6, and 7 where black voters comprise sizable majorities.

According to election officials' tallies on election night, the Democrat, Mr. McCloskey, won by 72 votes. However, the Indiana secretary of state declined to certify Mr. McCloskey the winner and continued to decline certification for the 10-day period during which Indiana law requires that a certificate be issued.

Beginning on November 9, 1984, Republican McIntyre filed petitions for recounts in all or portions of 8 of the 15 counties in the district. McCloskey subsequently filed cross petitions for recount in all or portions of 10 counties. Fifteen separate recount commissions were appointed, each by a circuit judge within each of the respective counties.

The ballots challenged and recounted met with a variety of fates. In Vanderburgh County, where voting is done by punch card, McIntyre filed a petition for a recount of votes, selectively choosing 53 out of the 157 precincts, including more than half the precincts in wards 1 and 4.

McIntyre's petition alleged generally that either through "mistake or fraud" the votes in the designated precincts had not been correctly counted. The Vanderburgh County Recount Commission, appointed by a Vanderburgh circuit court judge, voted 2 to 1 in January 1985 to reject a total of 3,684 ballots previously counted, or more than 5 percent of all ballots cast in the county congressional election, including 1,088 ballots in ward 4.

The commission nullified all votes in ward 4, precincts 5 and 6, and all but 26 absentee ballots in ward 4, precinct 7.

The net result was that approximately 20 percent of all ballots cast by black voters throughout the entire voting district were invalidated. The Vanderburgh County Recount Commission similarly nullified all votes cast in two other precincts.

The Recount Commission stated in its report that the ballots were rejected for lack of designation of precinct in such ballot, or lack of proper initials. The gentleman from Philadelphia has very adequately pointed out, the lack of proper initials by poll clerks or a combination thereof resulted in these rejections.

Based on the revised count in Vanderburgh, the Democratic candidate had lost over 2,100 votes by comparison with the election-night totals, and the Republicans had lost more than 1,400 votes.

In the other 15 counties, the recount proceeded and, because different rules were being applied in each case, the result of the election was cast into even greater doubt. The recount was supposed to answer questions about the election; instead it opened a Pandora's box.

Mr. Speaker, in 1965, 1965—that was a democratic and very dramatic—Democratic with a capital "D" and a lowercase "d," I might add—dramatic march on the town of Selma, AL, by whites and blacks who were outraged over the organized efforts of local officials to deny voting rights to black citizens.

Much violence and bloodshed followed. You have seen in your living room and in your den the portrayal of what happened 20 years ago. That bloodshed and that violence revisited.

It was a dark, dark moment in the constitutional history of this Nation. Yet even today, 20 years later, as marchers arrive in Montgomery, AL, today from Selma, commemorating the 20-year anniversary of the struggle to get voting rights for black people in this country, the same circumstances might exist in Vanderburgh County.

Ironically, last Monday was the 20th anniversary of the march of Selma. Think about it—it was also the day the Republican side, just this Monday, the Republican side attempted to railroad this House into seating the Republican candidate in this race, trying to dupe those Democrats who they figured would probably not be here in numbers to protect the interests of the Constitution—even before the House Administration Committee had an opportunity to recount the ballots.

They wanted their man to be seated before the committee even had a

chance to study the allegations of misconduct, before the committee could even determine how and why 20 percent of the black voters were disqualified.

□ 1740

Mr. Speaker, there are now two lawsuits pending in court in Indiana. They have been filed by black voters there who are charging that misconduct on the part of election officials has unfairly denied them a vote in the election counts. Those suits are still in progress and no resolution of them has yet been made.

I might add that this is the only race in the Eighth District where those 5,000 votes are not being counted. In all the other races, by the way, they were counted. It is only this one case where they have been disqualified.

Something is wrong in Indiana today.

Mr. Speaker, I am including the full text of the lawsuit of Stevenson versus Simcox in the RECORD at this point.

U.S. District Court for the Southern District of Indiana, Evansville Division

SOL STEVENSON, ALBERTA STEVENSON, SONDRA MATTHEWS, TRACY JONES, CHARLES JACKSON, SYLVESTER L. STOFLETH 2D, KATHLEEN STOFLETH, and FRANK ELLIOTT, on Behalf of Themselves and all Others Similarly situated, plaintiffs *v.* EDWARD SIMCOX, in His Official Capacity as Secretary of the State of Indiana and Indiana State Board of Elections, MELVIN REED, DONALD COX; and Gov. ROBERT ORR and Helen L. Kuebler, in her official capacity as Clerk of the Vanderburgh County Circuit and Vanderburgh County Election Board, PAUL BLACK, HELEN KUEBLER, and JOE HARRISON and Vanderburgh County Recount Commission PAUL ARNOLD, THOMAS TERRELL; and CHRISTOPHER WEAVER, defendants

COMPLAINT—CLASS ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, by and through their undersigned attorneys, respectfully allege in their Complaint as follows:

PRELIMINARY STATEMENT

1. This action is brought on behalf of several thousand registered Indiana voters residing in Indiana's Eighth Congressional Voting District who were deprived of their fundamental right to vote and to have their votes counted for the candidate of their choice for the United States House of Representatives, in the federal election held November 6, 1984. Plaintiffs have no remedy in any other body of government. They do not seek a judicial order determining who is entitled to represent them in the United States Congress; that can only be determined in the final stage by the House of Representatives. They do seek what they are entitled to and what they can seek nowhere else: their right to have all their votes properly counted and recorded in light of the Constitution and laws of the United States, so that they can have their rightful voice both now and in the future in the election of those who make the federal laws under which they and all citizens must live.

2. Plaintiffs allege that they represent a class of more than 5,000 disenfranchised United States citizens all of whom are registered voters residing in the Eighth Congressional District and who voted in the general election held November 6, 1984. All of their votes for the United States Congressional candidate of their choice were stricken and not counted because of alleged misconduct on the part of state and county election officials and in the absence of any alleged fault of Plaintiffs. Their ballots were voided by Indiana officials solely because of alleged failures of election precinct clerks to initial the ballots or place the ward and precinct numbers on them, pursuant to Indiana statutory procedures and practices capriciously and arbitrarily applied. Although all of Plaintiffs' "ballots" were invalidated, their votes for all other elected officials, including their votes for representatives to the Indiana State Assembly were counted.

3. A sub-class of Plaintiffs includes more than 1,000 disenfranchised Black registered voters, largely concentrated in three Evansville, Indiana, inner city voting precincts within Vanderburgh County in the Eighth Congressional District. Nearly all the votes within these three precincts and numerous votes cast by other Black citizens were voided because of the same or similar misconduct by election officials as that described in para. 2. Approximately 20% of all votes cast by Black voters in the Eighth Congressional District were nullified pursuant to Indiana statutes which are facially unconstitutional and practices and procedures which have been and are likely in the future to be discriminatorily applied.

4. Plaintiffs representing the class and the sub-class wtihin the larger class seek certification of their class and sub-class and declaratory and injunctive relief against the unlawful and unconstitutional striking of their ballots in the manner set forth below and against the present and future enforcement of certain Indiana statutes which fundamentally erode the democratic process by arbitrarily and capriciously depriving thousands of citizens of their right to vote and to have their votes counted and by creating unlawful, discriminatory barriers against Black voters.

JURISDICTION

5. Jurisdiction of this Court is invoked under Article I, Section 2 of the United States Constitution; Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. Section 1973; Section 11(a) of the Voting Rights Act of 1965, 42 U.S.C. Section 1973i(a); 42 U.S.C. Section 1971(a)(2)(A) and (a)(2)(B); 42 U.S.C. Sections 1983 and 1988; and the Fourteenth and Fifteenth Amendments to the United States Constitution, pursuant to 28 U.S.C. Sections 1331. 1343, 1344, and 2202-02; 42 U.S.C. Sections 1971(d) and 1973(f). The matter in controversy exceeds the sum of value of $10,000, exclusive of interests or costs.

PARTIES

6. Plaintiffs Sol Stevenson, Alberta Stevenson, Sondra Matthews, Tracy Jones, Charles Jackson, Sylvester Stofleth, Kathleen Stofleth and Frank Elliott are all citizens of the United States and registered voters residing in Vanderburgh County in the Eighth Congressional District. Plaintiffs Stevenson, Stevenson and Matthews reside in precinct 4-5; Plaintiff Jones resides in precinct 4-6; Plaintiff Jackson resides in precinct 4-7; Plaintiffs Stofleth and Stofleth reside in precinct 1-5; and Plaintiff Elliott resides in precinct German-6. All Plaintiffs voted in their respective precincts on November 6, 1984, for the Congressional candidate of their choice. All of the votes in precincts 4-5, 4-6, 1-5 and German-6 were subsequently declared invalid by Indiana election officials and not counted. All of the votes in precinct 4-7 except 26 absentee ballots were invalidated. Plaintiffs Stevenson, Stevenson, Matthews, Jones and Jackson are Black.

CLASS ACTION ALLEGATIONS

7. All named Plaintiffs bring this action as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure, on their own behalf and on behalf of all registered voters residing in Eighth Congressional Voting District of Indiana who voted in the 1984 general election and whose votes were subsequently cast aside and not counted because of the alleged failures of election officials to index their ballots with initials and/or to place the ward and precinct numbers on them. Plaintiffs Stevenson, Stevenson, Matthews, Jones and Jackson bring this action on their own behalf and on behalf of a sub-class including all Black registered voters in the Eighth Congressional Voting District who voted in the November 6, 1984, general election and whose votes were disqualified solely because of the misconduct by Indiana election officials, described above.

As to these classes of persons, (1) the classes are so numerous that joinder of all members is impracticable, (2) there are questions of law and fact common to the classes, (3) the claims of the Plaintiffs are typical of the claims of the classes, (4) the representative Plaintiffs will fairly and adequately protect the interests of the classes, and (5) the Defendants have acted or refused to act on grounds generally applicable to the classes, thereby making appropriate final injunctive and declaratory relief with respect to the classes as a whole.

8. The Defendants are Edward Simcox, Secretary of State of the state of Indiana; the Indiana State Election Board, Melvin Reed, Donald Cox and Governor Robert Orr; Helen Kuebler, Clerk of the Vanderburgh County, Indiana Circuit Court; the Vanderburgh County Election Board, Paul Black, Helen Kuebler and Joe Harrison; and the Vanderburgh County Recount Commission, Paul Arnold, Thomas Terrell and Christopher Weaver. All the Defendants are sued in their official capacity. Defendants Cox, Kuebler, Black, Terrell, Harrison, Arnold and Weaver reside in Vanderburgh County, Indiana. Defendants Simcox and Orr reside in Marion County, Indiana. Defendant Reed resides in St. Joe County, Indiana.

9. The Defendant Secretary of State, is charged with certifying the elections of members of the United States House of Representatives, pursuant to Ind. Code, Section 3-1-26-9.

10. The State Election Board is charged under Indiana law with supervising Federal and state elections in the State of Indiana and administering the state election laws in their statewide application as they relate to federal and state elective officers, pursuant to Ind. Code, Sections 3-1-3-4, 4-26-3-17.2.

11. The Vanderburgh Circuit Clerk is charged with certifying the votes cast in Vanderburgh County to the Secretary of State, with the custody and preservation of ballots, pursuant to Ind. Code, Section 3-1-25-4, and with administrative duties concerning recounting of votes in the event of a recount.

12. The Vanderburgh County Election Board is charged under Indiana law with supervising and administering elections held

within Vanderburgh County, pursuant to Ind. Code, Section 3-1-4-4.

13. The Vanderburgh County recount commission, appointed by a Vanderburgh County Circuit Judge, was charged with recounting the ballots in all of the precincts challenged in Vanderburgh County.

14. At all relevant times set out hereinafter, Defendants were and have been acting under color of the statutes, ordinances, regulations, customs and usages of the state of Indiana.

FACTS

(A) Demographic profile of Eighth Congressional District

15. According to the 1980 census, the population of Indiana's Eighth Congressional District is 527,524, of whom 97 percent are white and 2.8 percent are Black, and the voting age population of the district is 395,151 persons 18 years of age or over, of whom 97 percent are white and 2.4 percent are Black.

16. The Eighth Congressional Voting District is a multicounty district consisting of all of the counties of Greene, Knox, Daviess, Martin, Lawrence, Orange, Gibson, Pike, Posey, Spencer, and Vanderburgh. The district also includes several townships each of Monroe, Crawford and Washington Counties.

17. According to the 1980 census, the population of Vanderburgh County, the most populous, urban county in the District, is 167,515, of whom 155,581 are white (92 percent) and 11,934 are Black (7 percent).

18. The majority of Black citizens residing within the Eighth Congressional Voting District are heavily and visibly concentrated within Vanderburgh County's 4th ward, particularly within precincts 5, 6 and 7 where Blacks comprise a substantial majority. According to 1980 census data and other demographic data, the population of Vanderburgh County's 4th voting ward is 18,254, of whom 62 percent are white and 37 percent are Black. Precincts 5, 6, and 7 of ward 4 include a populaton of 3,510, of whom 13 percent are white and 87 percent are Black.

(B) Balloting procedures in general elections

19. Within the Eighth Congressional District, punch card ballots are used in several counties including Vanderburgh, Pike, Gibson, Greene, Posey, Orange and Warrick. Voting is done by paper ballots in other countries and portions of counties, including Crawford, Daviess and Martin Counties.

20. Pursuant to statutory provisions dating back to 1880 when paper ballots were used exclusively, the general election laws require that the initials of both precinct polling clerks at each precinct appear on each ballot cast by the voter. See Ind. Code Sections 3-1-23-12 and 3-1-25-1. (Text of both statutes is set forth in full in Appendix attached herein.) Indiana Code provisions also require that precinct clerks place the ward and precinct numbers on the ballots. Ind. Code Section 3-2-4-4(d) (Text of statute subsection is set forth in full in Appendix.)

21. Ballots of voters qualified to vote by absentee ballots pursuant to Ind. Code Section 3-1-22-1, et seq., are received prior to election day by the county election board and from there, delivered to the precinct polling places. At the precinct, the polling clerks are required to initial the absentee ballots, pursuant to Ind. Code Section 3-1-22-5, et seq., even though the ballots were previously validated by the county election board, pursuant to Ind. Code 3-1-22-9, et seq.

22. At the close of voting, ballots at each polling precinct are validated and counted and delivered to the County Election Board which, on election day, constitutes the county board of canvassers who canvass and estimate the poll lists and papers returned by the local precinct clerks. The clerk of the circuit court in each county, acting as clerk of the county election board, pursuant to Ind. Code Section 3-1-25-9, certifies the number of votes given to each contest to the Secretary of State.

(C) Contests of elections

23. The general election laws of Indiana permits any candidate for any public office voted upon at any election to selectively challenge the votes cast in any precinct or precincts in which he ran, at his choice, and to demand a recount upon the filing of a verified petition in the circuit court or courts in which the precinct or precincts he is challenging are located. See Ind. Code Sections 3-1-27-1 and 3-1-27-2. (Text is set forth in full in Appendix attached herein.) An unsuccessful candidate demanding a recount of certain ballots need not allege any specific basis or ground for believing that any important irregularities occurred but need only allege generally his belief that an "irregularity or malconduct" occurred, that the contestee was ineligible or that "fraud or mistake" may have occurred. Ind. Code Section 3-1-28-2. As a practical matter, the candidate is free to selectively choose any precincts for scrutiny and omit any other precincts on the basis of known voting trends, suspected voting trends, known demographic data or partisan whim. The candidate who, on the face of the challenged election returns was successful, is allowed to file cross-petitions challenging additional precincts, according to Ind. Code, Section 3-1-27-3.

24. Upon the proper filing of a recount petition in any county, the circuit court is directed by statute to appoint a recount commission to recount the ballots in the county or those precincts within the county which have been challenged. See Ind. Code Section 3-1-27-9. The commissioners are required to be qualified voters representing the two opposite political parties which cast the highest and next highest votes in Indiana for Secretary of State in the last preceding general election. The costs of the recount are paid by the petitioner or cross-petitioner (Ind. Code Sections 3-1-27-10, 3-1-27-17).

(D) The general election on November 6, 1984, congressional race

25. On November 6, 1984, a general election for membership in the United States House of Representatives was held. The candidates were the Democratic incumbant, Frank McCloskey, a Republican, Richard McIntyre, and Michael Fallahay, a third-party candidate.

26. According to election officials' tallies on election night, more than 233,000 voters throughout the Eighth Congressional District cast ballots with 116,841 going to Rep. McCloskey, and 116,769 going to Mr. McIntyre. Within Vanderburgh County, 70,891 voters cast ballots, with 38,630 going to McCloskey, 31,978 to McIntyre, and 285 to Fallahay.

27. Defendant Secretary of State Simcox declined to certify Rep. McCloskey as the winner.

(E) Recount events

28. Beginning on November 9, 1984, candidate McIntyre filed petitions for recounts in all or portions of eight (8) of the fifteen (15) counties in the district. McCloskey subsequently filed cross-petitions for recount in all or portions of ten (10) counties. In accordance with statutory mandates, fifteen separate recount commissions were appointed, each by a circuit judge within each of the respective counties. The ballots challenged and recounted met with a variety of fates.

VANDERBURGH COUNTY RECOUNT

29. In Vanderburgh County, where voting is done by punch card, McIntyre filed a petition for a recount of votes, selectively choosing 53 out of the 157 precincts, including more than half the precincts in Wards 1 and 4. McIntyre's petition alleged generally that "either through mistake or fraud" the votes in the designated precincts had not been correctly counted.

30. The Vanderburgh County recount commission appointed by a Vanderburgh Circuit Court Judge voted 2-1, in January, 1985, to reject a total of 3,684 ballots previously counted, or more than 5% of all ballots cast in the county federal Congressional election, including 1,088 ballots in ward 4. The Commission nullified all votes in precinct 4-5 and 4-6 and all but 26 absentee ballots in precinct 4-7. The net result was that approximately 20 percent of all ballots cast by Black voters throughout the entire voting district were invalidated. The Vanderburgh County recount commission similarly nullified all votes cast in precincts 1-5 and German-6. The recount commission stated in its report that the ballots were rejected for "lack of designation of precinct on such ballots or lack of proper initials by poll clerks or a combination thereof." Based on the revised count in Vanderburgh, the Democratic candidate had lost over 2,100 votes by comparison with the election night totals and the Republican had lost more than 1,400 votes.

OTHER COUNTIES

31. In Pike County and Posey County, where voting is done by punch card, as in Vanderburgh County, the recount commissioners did not reject any ballots on the basis that precinct clerks' initials were missing or that ballots were not numbered according toward and precinct. The circuit judges in those counties did not instruct them to do so.

32. In Greene County, the original recount commission voted initially to reject all ballots not containing the clerks' initials and numerals, and accordingly rejected some 800 ballots. This result was challenged by candidate McIntyre. The Circuit Court Judge then ordered the recount commission report set aside, holding that some 400 absentee ballots which did not contain the statutorily required initials and which had been rejected by the recount commission should be counted. A second recount commission report included the absentee ballots, now counted.

33. In Gibson, Orange and Warrick Counties, where punch card ballots are used, disagreements and discrepancies arose concering whether ballots should be rejected which contained printed instead of handwritten initials. The rules changed in midcourse as Orange and Warrick County commissioners originally voted to reject all ballots not containing handwritten initials and then re-voted and decided to count ballots

containing printed initials and to reject ballots containing no initials.

34. A different set of discrepancies occurred among Crawford, Daviess and Martin Counties, all of which use paper ballots. Crawford County commissioners voted to reject both regular and absentee ballots which lacked polling clerks' initials. In Daviess County, the recount commission originally determined to reject all ballots lacking initials. Half-way through the counting procedure, however, the recount commissioners changed their minds and decided not to require clerks' initials on absentee ballots.

35. In other words, there was substantial lack of uniformity from county to county concerning which rules were followed. In Vanderburgh County, approximately 3,557 votes were thrown out in 53 precincts because the clerks omitted to initial the ballots or identify them according to ward or precinct. In Pike and Posey Counties, all otherwise valid ballots were counted which lacked these initials. In Daviess County, absentee ballots without clerks' initials were counted; in Crawford County, they were not.

36. Meanwhile, within Vanderburgh County, more than half the precincts went unchallenged, because neither the Democrat nor Republican candidates petitioned for recounts. On information and belief, many ballots in that county remained counted which lacked clerks' initials or numbers.

37. After the various recount commissions completed their proceedings with all the variations in rules, Defendant Secretary of State certified McIntyre as the winner, even though thousands of citizens' votes had been rejected which would have been counted had these same voters lived and voted in counties where different rules were applied.

38. The net effect of the various recount proceedings is that more than 5,000 citizens, including Plaintiffs, who did everything they were supposed to do, who registered and voted according to the rules for candidates in a federal Congressional race, had their votes taken away from them.

39. This effective disenfranchising of voters hit Black voters with a severely disproportionate impact. In Vanderburgh County, while all the votes from two predominantly white precincts were rejected out of approximately fifty-two precincts which have a white majority, all of the votes from two and virtually all the votes from a third predominantly Black precincts were rejected out of a total of five precincts or less which have a Black majority.

40. At the same time that more than 5,000 votes cast were discarded in the United States Congressional election, none of the vote tallies were changed, on information and belief, in any other election contest held in the Eighth Congressional District on November 6, 1984, including the contests for the Indiana State Assembly.

41. By virtue of the foregoing, the wholesale rejection of thousands of votes, valid under Federal law, and the racially discriminatory and capricious and arbitrary manner in which the counting, validating and certification of votes was carried out by Defendants and other Indiana officials in the 1984 general election, has caused and is causing irreparable harm to Plaintiffs and threatens to cause them harm in future elections by denying them their constitutional and statutorily-protected right to participate in the political process and an equal opportunity to do so on the same basis as other qualified voters. Plaintiffs have no other adequate remedy at law.

VIOLATIONS

I. Causes of action re different treatment

A. First Cause of Action: Article I, Section 2, Constitution of the United States

42. By virtue of the foregoing, a series of state proceedings and acts under color of Indiana law resulting in the abridgement of the Constitutional right of more than 5,000 citizens to vote and to have their votes counted in a federal election for a representative to the United States House of Representatives for no other reason than that the disenfranchised voters resided in counties or parts of counties which enforce certain procedural requirements which are not enforced by other counties and entities within the same Federal voting district constitutes a violation of Article I, Section 2 of the Constitution of the United States. Article I, Section 2 provides that Representatives shall be chosen "by the people of the several states and shall be apportioned among the several states . . . according to their respective numbers." This provision has been construed to give all voters an equal voice in choosing a Congressman.

B. Second Cause of Action: Article I, Section 2 of the United States Constitution

43. By virtue of the foregoing, the abridgement of the right of Plaintiffs and the class they represent to vote and to have their votes counted in a United States Congressional election, while at the same time allowing these same votes to count and remain counted in a simultaneous election for Indiana State Assembly candidates is a violation of Article I, Section 2, Clause I, which provides that Representatives shall be chosen by the people and that the "Elections in each state shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

C. Third Cause of Action: Section 11(a) of the Voting Rights Act of 1965

44. By virtue of the foregoing, the present Indiana statutory scheme which requires that ballots cast by duly registered voters not be counted or tabulated solely because of defects caused by state or county election officials and which has been imposed or applied by Defendants and other Indiana officials in an arbitrary and capricious manner is a denial of the rights of Plaintiffs' class to vote as set forth in Section 11(a) of the Voting Rights Act of 1965, as amended, 42 U.S.C. Section 1973i(a). Section 11(a) provides that no person acting under color of state law shall fail or refuse to permit any person to vote who is entitled to vote or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count and report such person's vote.

D. Fourth Cause of Action: 42 U.S.C. Section 1971(a)(2)(A)

45. By virtue of the foregoing, the arbitrary, capricious manner in which the procedural requirements of initialling the ballots are enforced, both pursuant to Indiana statutes permitting candidates to selectively challenge certain precincts and allow others to go unchallenged, and by the variations in interpretations and enforcement of the statutes from county to county, Defendants have violated the rights of Plaintiffs of both classes, pursuant to 42 U.S.C. Section 1971(a)(2)(A). This statute provides that no person acting under color of state law shall, in determining qualifications to vote, apply any standard, practice or procedure different from the standards, practices or procedures applied to other individuals within the same county or similar political subdivision who have been found by state officials to be qualified to vote.

E. Fifth Cause of Action: 42 U.S.C. Section 1971(a)(2)(B)

46. By virtue of the foregoing, whereby Plaintiffs and their class were deprived of their right to vote solely because of alleged procedural errors which are not material in determining their qualifications to vote, the rights of both classes were violated under the Voting Rights Act, 42 U.S.C. Section 1971(a)(2)(B), which provides that no person acting under the color of state law shall deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under state law to vote.

F. Sixth Cause of Action: 42 U.S.C. Section 1983 and the Fourteenth Amendment

47. By virtue of the foregoing, Plaintiffs and their class are denied their right protected by the Equal Protection Clause and the Due Process Clause of the Fourteenth Amendment and by 42 U.S.C. Section 1983.

II. Causes of action re discrimination against blacks

G. Seventh Cause of Action: Section 2 of the Voting Rights Act of 1965, as Amended

48. By virtue of the foregoing, a series of actions by state officials acting under color of state law resulting in the nullification of virtually all votes in three predominantly black precincts out of approximately five predominantly black precincts by comparison with the nullification of two out of approximately 152 predominantly white precincts solely because of clerical errors by election officials in a federal election constitutes a violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. Section 1973. This Statute prohibits the enforcement of any statute or state action resulting in the denial of Plaintiff's sub-class to vote and to have their vote counted on the basis of their race or color.

H. Eighth Cause of Action: Section 11(a) of the Voting Rights Act of 1965

49. Plaintiffs Stevenson, Stevenson, Matthews, Jones, and Jackson, and the sub-class they represent, were harmed by the same activities described in paragraph 44, and the rights of their sub-class were violated by Section 11(a) of the Voting Rights Act. This provision is described in paragraph 44 above.

I. Ninth Cause of Action: 42 U.S.C. Section 1971(a)(2)(A)

50. Plaintiffs representing the sub-class of Black voters alleged that they, as a class, were harmed by the same actions described in paragraph 45 and state that their rights as a sub-class were violated by 42 U.S.C. Section 1971(a)(2)(A), which provision is described in paragraph 45 above.

J. Tenth Cause of Action: 42 U.S.C. Section 1971(a)(2)(B)

51. Plaintiffs and the sub-class they represent were harmed by the same acts described in paragraph 46 and their rights were violated pursuant to 42 U.S.C. Section 1971(a)(2)(B). This provision is described in paragraph 46 above.

K. Eleventh Cause of Action: 42 U.S.C. Section 1983 and the Fourteenth and Fifteenth Amendments to the United States Constitution

52. By virtue of the foregoing, Plaintiffs Stevenson, Stevenson, Matthews, Jones and Jackson, and the sub-class they represent, have been denied their rights secured by the Equal Protection and Due Process Clauses of the Fourteenth Amendment and by the Fifteenth Amendment to the United States Constitution and by 42 U.S.C. Section 1983.

RELIEF

53. Wherefore, Plaintiffs pray that the Court grant the following relief:

A. Certify the class as a class action and the sub-class as a class action;

B. Declare that

(1) Ind. Code 3-1-27-1, et seq., providing for selective challenging of precincts for recounts, is invalid as applied to Federal elections.

(2) Ind. Code 3-1-23-12 and 3-1-25-1, mandating precinct clerks to initial the ballots and requiring the ballots be voided which are not so initialed by the election clerks, be declared invalid as applied to Federal elections.

C. Grant injunctive relief setting aside the vote certifications already made by the Indiana Secretary of State, and enjoining all Indiana officials from omitting ballots previously stricken on the basis that clerks' initials or precinct numbers were not on them.

D. Grant preliminary and permanent injunctive relief restraining and enjoining the Defendants, their officers, agents, employees, attorneys and all successors in office, and all persons acting in concert and participation with them, from any further enforcement of these invalid statutes as applied.

E. Grant Plaintiffs their costs of court, necessary expenses of the litigation, and reasonable attorneys' fees as provided by 42 U.S.C. Sections 19731(e) and 1988.

F. Grant Plaintiffs such other relief as may be just and equitable.

Respectfully submitted,

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APPENDIX

3-1-23-12 [29-5012]. Opening ballot packages—Initials of clerks.—At the opening of the polls, after the organization of and in the presence of the election board, the inspector shall open the packages of ballots in such a manner as to preserve the seals intact. He shall then deliver to the clerk of the opposite political party from his own, twenty-five [25] each of the state and local ballots, and to the other clerk a blue pencil for marking the ballots. The clerks shall at once proceed to write their initials in ink on the lower left-hand corner of the back of each of said ballots in their ordinary handwriting, and without any distinguishing mark of any kind. As such successive elector calls for a ballot, the clerks shall deliver to him the first signed of the twenty-five [25] ballots of each kind; and the inspector shall immediately deliver to the clerks another ballot of each kind, which the clerks shall at once countersign as before, and add to the ballots already countersigned so that it shall be delivered for voting after all those theretofore countersigned. [Acts 1945, ch. 208, § 251, p. 680.]

3-1-25-1 [29-5201]. Canvass of vote in precinct—Disputed ballots—Procedure.—(a) The precinct election boards except as otherwise provided in this section shall, in canvassing the votes, begin first with the state ballots and complete them before proceeding with the local ballots, by laying each ballot upon the table in the order in which it is taken from the ballot box; and the inspector and the judge of election differing in politics from the inspector shall view the ballots as the names of the persons voted for are read therefrom. And in the canvass of the votes any member of the election board may protest as to the counting of any ballot, or any part thereof, and any ballot which is not indorsed with the initial of the clerks, as provided for in this article, and any ballot which shall bear any distinguishing mark or mutiliation shall be void, and shall not be counted, and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates, shall not be counted as to the candidate, or candidates, affected thereby; and all ballots, voted and not voted, together with all protested, disputed, or uncountered ballots and certificates of the election board and tally sheets, shall be preserved by the inspector and at the close of the count placed in separate packages, together with the seals of the ballot packages, in paper bags securely sealed, and delivered to the clerk of the circuit court with notification of the number of ballots so placed in such bags, and of the condition of the seals of the ballot packages. The clerk shall also record on the tally sheets memoranda of such ballots, and the condition of the seals of the ballot packages, and in any contest of election such ballots and seals may be submitted in evidence. And before said ballots are placed in the bag as aforesaid, one [1] of the poll clerks shall endorse upon the back of each disputed or protested ballot the word "counted" or "not counted," as the case may be, and said indorsement shall be signed officially by both of said clerks. The election board shall immediately make a memorandum of the total vote cast for each candidate and deliver a copy thereof to each member of such board.

(b) If more than one precinct polling place is located in the same room, the inspector of any precinct using the room as a polling place may not begin the vote count procedure described in subsection (a) until all the polling places in the room are officially closed and no more persons are waiting in line to vote. However, subject to subsection (a), the inspector may begin the vote count procedure for the votes in his precinct that have been recorded on an electronic voting system before all the polling places in the room are officially closed and even though persons are waiting in line to vote at another polling place in that room. [Acts 1945, ch. 208, § 284, p. 680; 1981, P.L. 14, § 2.]

Amendments.—The 1981 amendment designated the former section as present subsection (a) and added subsection (b), and in subsection (a), deleted "herein" following "as otherwise" near the beginning of the subsection, inserted "in this section" near the beginning of the subsection, and substituted "article" for "act" in the second sentence of the subsection.

Comparative Legislation.—Counting votes and canvassing returns:

III.—Rev. Stat. ch 46, §§ 17-16—17-24, 22-1 et seq.

Ky.—Rev. Stat. §§ 117.275-117.305.

Mich.—Stat. Ann. §§ 6.1801-6.1846.

Ohio—Rev. Code Ann. §§ 3505 16-3505.40 (Page).

Cited.—Roudebush v. Hartke, 405 U.S. 15. 92 S Ct. 804.31 L. Ed. 3d 1(1972)

3-1-27-1 [29-5401]. Right of candidate to recount of votes—Any candidate for any public office voted upon at any election held within the state of Indiana shall have the right to have the votes cast for the office for which he was a candidate recounted in any voting precinct or precincts in any county or counties, as the case may be, under the conditions and in the manner and with the effect as in this article [3-1-27-1—3-1-27-17] provided. [Acts 1945, ch. 208, § 324, p. 680.]

3-1-27-2 [29-5401]. Right of recount—Candidates entitled—Application to voting precincts.—The right of recount provided in this article [3-1-27.1—3-1-27-17] shall be available to any candidate for any public office without exception and including specifically, but without limiting the generality of the foregoing, all candidates for any township, town, city, municipal, county, district, judicial, legislative, and state elective office and candidates for membership in the house of representatives and in the senate of the United States; and such right of recount may by any candidate be exercised with respect to one [1] or several or all of the voting precincts in which votes were cast for the office for which he was a candidate. [Acts 1945, ch. 208, § 325, p. 680.]

Mr. LELAND. This is a suit, Mr. Speaker, brought by a number of the 5,000 Indiana voters whose ballots were tossed out of the final count.

Mr. Speaker, I want to close by responding to the two arguments advanced by the Republican side last Monday on behalf of their candidate. The first is the argument that Mr. McIntyre holds the certificate of election and therefore should be seated.

While I think that that might be a useful argument in most cases, in this case the procedure prescribed by Indiana law clearly dictates that Mr. McCloskey should hold that certificate.

My friend, the gentleman from Arkansas [Mr. ALEXANDER], the chief deputy majority whip of the House, pointed out in a lengthy discussion on Tuesday that the certification process was not followed in Indiana according to that State's law and that the secretary of state has admitted that a Federal court in Indiana has ruled as much.

Second, Mr. Speaker, the Republican side has argued that Mr. McIntyre should be seated provisionally until the House Administration Committee makes its final determination. Why Mr. McIntyre, I ask? Why not Mr. McCloskey?

The point the other side makes is that McIntyre got more votes and therefore should be seated. However, I would suggest to the other side that the omission of 5,000 ballots, the fouled recount, the failure of the

retary of state to certify in accordance with the State law makes it impossible to say who won.

Mr. Speaker, I want to thank the Members of this House who voted to refer this matter to the House Administration Committee. It would have been highly premature to have done anything else. I do not know who won. And, by the way, I do not think anybody in this House does either. And when the committee reports back to this House, I intend to vote to seat the rightful winner, be he Democrat or Republican.

I might refer to an issue in this House, when I heard time after time this morning during the 1-minute speeches, that my colleagues on the Republican side got up and talked about the unfairness rendered by the majority in this House for seating people on the Energy and Commerce Committee, in particular, where they wanted more seats on the subcommittees.

My chairman, the gentleman from Michigan, came to me and asked if I would support the interest of the Republican Party to opt to seat more of the Republican Members on the Energy and Commerce Committee, on four of the committees on which they sought to get greater representation, and I said to my chairman, "Of course I will, because I too believe that is only fair to do so."

Mr. Speaker, what is fair is fair. Justice is not amendable or adaptable. Justice is justice. However, Mr. Speaker, I know, and obviously a majority in this House knows, that we would do no service to the people of this America, the Constitution of this country, or the people of the Eighth Congressional District of Indiana, if we voted to seat one or another of the candidates provisionally or permanently until we can guarantee that the basic, the very basic, fundamental right to vote, has not been wrongfully denied any citizen in that district.

Mr. Speaker, we are asking but for justice, but for justice in this matter.

The President of the United States of America has made overtures to black people in this country, and he has said that he wants black people to feel more comfortable with him. He has said that he wants to assure black people that he wants to protect all of their rights in their participation as equal citizens in this country.

Then I would admonish this President of the United States of America to give to his minions amongst our colleagues on the Republican side of the aisle an admonition himself, and that is to protect the interests of those people who voted last November, who voted and yet were not counted.

I yield to the gentleman who asked me to yield. I apologize to the gentleman for not knowing from whence he has come.

Mr. COBEY. North Carolina.

Mr. LELAND. I welcome the gentleman. I understand he is a new Member of the Congress, and I welcome the gentleman's comments.

Mr. COBEY. I appreciate the gentleman's yielding to me.

Mr. Speaker, I would like to answer some of the things that have been brought up in this discussion. One is that I do not believe anybody in this whole process intends to disenfranchise voters. I for one, and I am sure my colleagues share this, want to make sure that we protect the right to vote of all of our citizens in this country. We have been reading some editorials into the RECORD, and I was going to read one from the Washington Post today—and I will later—but I do not think the gentleman will say that the Washington Post is a racist publication. I do not think it is fair to raise the specter of racism.

What we are saying here is that 82 out of 82 times in our history when someone has been certified by the election official in the State, duly elected and certified, that they have been seated.

We may quarrel with some of the process of the investigation of this election, but we do not quarrel with the fact that that is a responsibility of the House, if it chooses, to investigate any alleged misconduct in an election.

All we are saying is that after all of the votes were counted, all the 5,000 votes were counted, Mr. McIntyre won by 34 votes. Yes, there was a tallying error apparentely, that had to be corrected, but once the votes were counted, Mr. McIntyre won by 34 votes. We believe he should have been seated on the same day that I took the oath of office.

Mr. LELAND. Does the gentleman, however, agree that the 5,000 votes were cast out, that they have not been counted?

Mr. COBEY. They were cast out in the recount process but not before.

Mr. LELAND. Then the gentleman from North Carolina must understand that without certification those votes cannot count, so his argument is purely hypothetical.

My point all along has been that neither side of this body knows at this moment who would have won, because all is purely speculative and hypothetical because we have not counted the 5,000 votes, And until those 5,000 votes are counted, than in fact you have not qualified who should win.

Mr. COBEY. If the gentleman will yield further, as I understand, the 5,000 votes the gentleman is questioning were counted in the original count when Mr. McIntyre won.

Let me raise another question: Why has not Mr. McCloskey filed any complaint under the Federal Contested Elections Act if he thinks that something is wrong?

But the issue is—and I do not think we should get diverted from the issue—Mr. McIntyre was certified by the secretary of state of Indiana, the official who has that duty. He should be seated. Everybody who has been certified in our history before, except in one case where there were two candidates certified, has been seated, and that is the argument right now, that Mr. McIntyre deserves his seat because 550,000 people in the Eighth District of Indiana are unrepresented in the House of Representatives today.

Mr. LELAND. Let me correct the gentleman by stating that there are 10 cases where there have been Members who have been certified and yet not seated. If the gentleman would like, I could state them for him. I do not think he needs that but he will just take my word for it. I will submit this portion of the statement for the RECORD so that the gentleman can further read about these cases:

In the 1860 Kentucky House election contest case of *Chrisman* v. *Anderson* in the Thirty-sixth Congress (1860–1861), the Committee on Elections asserted that the action by the State election board is not final and conclusive on the House and that it is the duty of the House in a contested election case to go behind all certificates and make the proper investigation to correct any mistakes.[22]

In the Fortieth Congress (1867–1868), the House in the New Mexico election contest case of *Chaves* v. *Clever*, refused to accept the certification of a Delegate-elect because of certain irregularities in the election. Since the certification of the Delegate-elect had been impeached by a letter from the secretary of the Territory of New Mexico alleging false and fraudulent voting, the House refused to seat or swear in either claimant until the Committee on Elections conducted an appropriate investigation of the *prima facie* right to the seat.[23]

In the Forty-second Congress (1871–1873), there were three instances whereby the House referred credentials of Members-elect to the Elections Committee and did not administer the oath to the Members-elect. The three Members-elect were (1) J.P.M. Epping from South Carolina, (2) R.T. Daniels from Virginia, and (3) Thomas H. Reeves from Tennessee.[24] Also in the same Congress, in the Texas election contest case of *Whitmore* v. *Herndon*, the House refused to permit a Member-elect to be sworn in until the sufficiency of the credentials had been examined by the Committee on Elections.[25]

In the 1877 California House contested election case of *Wigginton* v. *Pacheo* in the Forty-fifth Congress (1877–1879), the House challenged the credentials of a Member-elect who was asked to step aside without taking the oath of office at the time of the organization of the House although his name was on the Clerk's roll. It was alleged that the credentials of the Member-elect were based on forged returns. After an investigation, the House found that the cre-

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[22] *Id.*, § 538 at pp. 688–689.
[23] *Id.*, § 541, pp. 691–692.
[24] Henry C. Remick, *The Powers of Congress*, *supra* at p. 99.
[25] 1 Hinds' *Precedents*, *supra*, § 100 at p. 782.

dentials were regular in form, and the Member-elect was then sworn in.[26]

The Mississippi House contested election case of *Chalmers* v. *Manning* in 1884 in the Forty-eighth Congress (1883–1885) involved another case in which the House refused to seat either party until an appropriate investigation by the House into the election was completed. The House in this case refused to administer the oath of office to any person claiming to be a Member-elect while the House was investigating who was entitled to the seat.[27] After two days of considerable debate, the House passed a resolution that referred all the papers presented by both parties to the Committee on Elections and instructed it to report immediately on who was entitled to be seated.[28]

In the twentieth century, there have been two significant cases prior to the 99th Congress in which the House has refused to permit either claimant to a House seat to take the oath of office when certified by state officials as the winner but instead referred the dispute to its elections Committee for investigation. The first case was the 1934 Louisiana, *Kemp, Sanders* investigation in the 73d Congress in which two persons claimed a congressional seat after a special election. One claimant had a certificate of election signed by the Governor of the State and attested to by the Secretary of State. The other had a certificate of election from a citizens' election committee.[29] Since questions arose as to the validity of the election, the House referred the question of the *prima facie* right of the claimant to a House seat to the Committee on Elections to decide such question. The Committee report concluded that the nomination and election of candidate Kemp despite state certification as the winner were illegal and void since the voters of the Congressional district were not allowed to choose a candidate in the method approved by law. The report further concluded that candidate-elect Kemp was not entitled to a seat in the House.[30]

The second case involved the 1961 Indiana House contested election case in the Eighty-seventh Congress (1961–1962) of *Roush* v. *Chambers*. In the *Roush* case, the Member-elect (Chambers) at the time of the organization of the House of Representatives was asked to stand aside, while other Members-elect were sworn in, despite a certification from the Secretary of State.[31]

□ 1750

The gentleman has referred to a Washington Post editorial. Let me read to the gentleman from a segment of an editorial from the Indianapolis News if I can:

Initially, McCloskey was adjudged the winner by 72 votes on the basis of a vote canvass. Then, on the basis of a partial recount, Simcox declared McIntyre the winner by 34 votes. Now Simcox says McIntyre won by 418 votes. Which is it?

During the recount, thousands of ballots were tossed out on the basis of technicalities, even though neither side has charged that there was vote fraud. Furthermore, differing standards were used for determining which ballots to accept or reject throughout the district.

If Indiana wants to control the certification of its congressional representatives—as it should—the vote it certifies must be credible.

In the presence of an elastic vote count, and absent timely and uniform recount standards, it is understandable that the House wants to know what on earth is going on out in the Hoosier state before declaring anyone a winner.

I think that that is the more valid and credible statement of the case that we are discussing.

I yield to the gentleman from New York.

Mr. TOWNS. I thank the gentleman for yielding.

Mr. Speaker, the statement has been made here about partisan politics, and I have heard that over the last few days. Members on the other side of the aisle have gotten up and said partisan politics are at play here.

The secretary of state of Indiana; what is he, a Democrat or a Republican?

Mr. LELAND. I would have to ask the gentleman from North Carolina; I cannot state whether the gentleman is Democrat or Republican.

Mr. COBEY. Mr. Simcox is a Republican, but even Members over on the majority side have spoken very highly of his integrity, and I do not think that his integrity should be brought into question.

Mr. TOWNS. I do not want to bring anybody's integrity into play, but I am thinking about partisan politics, and I keep hearing that, and I have heard it many times in this House. I just wonder if my friend from the State of North Carolina ever thought that partisan politics might be in play in the State of Indiana when the secretary all of a sudden certifies the Republican candidate.

Mr. LELAND. I yield to the gentleman.

Mr. COBEY. I appreciate the gentleman's yielding to me.

It is my understanding that if we get into a partisan politics discussion here that 11 of the 15 election boards in the 15 counties in Indiana are controlled by the Democrat Party, including the county that is in question the most, and that is where, in the recount, not the first count, these votes were disallowed, or these ballots were disallowed. Vanderburgh County is controlled by a Democrat election board.

Both parties are very much involved in this process out in Indiana. Our point is that we should seat Mr. McIntyre pending any investigation that the House thinks is appropriate, but not let the people of Indiana go unrepresented.

There are people in Indiana from both parties involved, and we have to be very careful not to bring into question the laws of the State unless we have meaningful charges that can be brought forward. Going back to the fact that Mr. McCloskey still has not filed any kind of complaint under the Federal Contested Elections Act. The question is why has Mr. McCloskey not alleged any wrongdoing?

Mr. LELAND. I yield to the gentleman from New York.

Mr. TOWNS. What about the 5,000 votes that were just thrown out? Do you just want to ignore that and seat somebody? It seems to me something is wrong with that.

Mr. COBEY. That happened, as I understand it, during the recount process, when all the 5,000 votes are counted, Mr. McIntyre wins by 34 votes, and that is the basis upon which the secretary of state of Indiana certified Mr. McIntyre the winner.

Mr. LELAND. Let me suggest that this gentleman from Texas has said that I will accept the wisdom of whatever the voters have determined in that county. But when you have disenfranchised 5,000 voters by whatever means——

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because it is important to recognize here that if you put all 5,000 voters back into the case, and if you count all 5,000 of those votes, Mr. McIntyre wins by 34 votes.

Mr. LELAND. I will welcome him to this floor with open arms. But I will never accept the disenfranchsing of anybody or the representation by that disenfranchisement.

I yield to the gentleman.

Mr. WALKER. That is what I am saying: let us decide the election the way it was decided just before the opening days, where all of the ballots were counted, everybody participated; there were not 5,000 disenfranchised voters; every ballot is counted, and Mr. McIntyre wins by 34 votes. On that basis, he ought to be seated in this body. That has been our contention all the way along.

Mr. LELAND. No, no; not until we find out what happened to those 5,000 votes. I am concerned, and by the way, in heightening the interest of the overtures, let me say——

Mr. WALKER. Let us count the 5,000 votes.

Mr. LELAND. Fine; but we cannot do it.

Mr. WALKER. The point is Indiana can do it.

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[26] Henry C. Remick, *The Powers of Congress, supra* at p. 98. See also, 1 Hinds' *Precedents, supra*, § 539 at p. 690.

[27] Chester H. Rowell, *A Historical And Legal Digest, supra* at pp. 396–397.

[28] *Ibid.*

[29] Lewis Deschler, *Deschler's Precedents Of The United States House Of Representatives*, (Wash., D.C., U.S. Gov't Printing Ofc., 1977), ch. 9, §§ 9.1, 47.14, pp. 362, 495–501.

[30] H. Rep. No. 334, 73d Cong., 2d Sess. (1934). House Resolution 231 in the 73d Cong. was passed by the House which resolved: (1) that neither candidate was entitled to a seat in the House and (2) that the speaker convey to the Governor that there was a vacancy in the Sixth Congressional District of Louisiana.

[31] H. Rep. No. 513, 87th Cong., 1st Sess., p. 3 (1961).

Mr. LELAND. The basis of my argument is that 5,000 votes went out the window, and they have not been counted. Until we find out why those people have been discriminated against, then in fact I will not vote to seat anybody.

I yield to the gentleman.

Mr. WALKER. The gentleman had an opportunity to vote to seat Mr. McIntyre based upon all of the votes being counted. All of the votes were counted by the time we voted the first time. When we voted the first time, Mr. McIntyre had won by 34 votes after all of the votes had been counted.

Mr. LELAND. The problem is in the judgment of the secretary of state who stated at one point that somebody had won and at another point, somebody else. There was a question about the numbers.

Mr. WALKER. If the gentleman would yield, you do not really contend that the secretary of state should have certified someone based upon two pricincts that were double counted, do you? That a judge ruled that you had to have the clerk file the actual returns rather than double-counted returns. I do not think the gentleman is contending that we ought to double count precincts.

Mr. LELAND. There is something shady going on down there, and until we find out what is going on, I am not going to vote to seat anybody.

Something is wrong in River City, and we are going to find out what it is. That is my point.

I yield to the gentleman from New York.

BOB, you have spent a lot of time on this issue; let us have a little of that time, too.

Mr. TOWNS. Let me just say this. First of all, if 5,000 votes are thrown out, which you said 5,000 votes were thrown out, do you not feel uncomfortable voting to seat somebody when they just arbitrarily threw out 5,000 votes? I mean, would you not want the votes to be counted before you make the decision as to whether somebody should be seated or not?

Mr. LELAND. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman.

I have cast several votes on McIntyre. I have never voted, in all those votes, for something to throw out 5,000 ballots. I voted when we first came here to put him in this body based upon the fact he had won after all the votes had been counted, by 34 votes.

As a matter of fact, I have here the statement of Mr. Simcox, the man who certified this as of yesterday, in a transcript, about the concern that the gentleman raised, about the election night counting procedure. I would be very glad to read to the gentleman the testimony of the man——

Mr. LELAND. I would appreciate the gentleman reading the testimony at the appropriate time, and I consider the appropriate time to be during the time that he has a special order, immediately following this one, on the same issue.

Mr. WALKER. I will be glad to do that.

Mr. LELAND. I understand that the gentleman from Illinois [Mr. HAYES] wants to participate in this discussion. I yield to the gentleman.

Mr. HAYES. I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to join my colleague in speaking to an issue which has resulted in the most compelling evidence to surface in recent years from a congressional election in this country. I am speaking about the highly irregular voting trends used in the November 6 election in the Eighth Congressional District of Indiana.

This week we have heard persuasive arguments from our colleagues on both sides of the aisle as to who should or should not represent the citizens of that district. While we are all aware of the facts surrounding this situation, my comments today are reserved for an issue that has been rarely mentioned during this debate; an issue that is more fundamental to the basic rights of citizens who voted in that election and the questions raised regarding the controversial procedures by which that election was conducted. I am making specific reference to the disenfranchisement of thousands of black voters residing in Vanderburgh County, IN, whose votes were nullified by a commission during the recent recount to determine the winner of that contest.

It has been almost 20 years since the passage of the Voting Rights Act of 1965 and we are still plagued by gross violations of civil rights and other irregularities that date back to the end of Reconstruction. I am familiar with Vanderburgh County and know that its black citizens are concentrated in only a few sections within that district. What I cannot understand is why State officials felt it necessary to apply different rules and standards to that particular area and not to others in that same district. I agree with my distinguished colleague from Maryland, Mr. MITCHELL, that there is something very strange and unusual about these procedures.

The denial of the voting rights of any American is a serious affront to the principles upon which our great Nation was founded. The disallowal of thousands of votes from one county makes a travesty of our electoral system, of the ideals set forth in the Constitution of the United States, and of the congressional intent of the Voting Rights Act of 1965.

The violation of the sacred rights of any American citizen, or group of citizens, presents a clear and present danger to our system of government, our way of life, and to the stability of our Nation. It must not be tolerated under any circumstance.

Mr. Speaker, we cannot begin to address the serious problems which face this Congress if we fail in our duty to protect voting rights for all Americans.

As an American citizen and a Member of Congress, I dread to think of a day when our Government would be guilty of turning its back on the perpetration of so heinous a crime within our own borders. I am discouraged that Mr. McIntyre has not spoken out against this grave injustice.

Those black citizens of Vanderburgh County have the right to be heard and I encourage the House to make a full-scale investigation into this matter.

Thank you.

□ 1800

Mr. LELAND. I thank the gentleman from Illinois for his contribution, and let me further suggest that, as I was listening to the gentleman talk about the injustice that has been imposed on the citizens of Vanderburgh County, I was reminded of what Mr. Botha is doing in South Africa with apartheid. He, too, refuses to allow black people to participate in their elections.

I think that in America we have to hope for much more than that. The American ideal represents an opportunity, a democratic opportunity, for all people to participate, and for Mr. Simcox to throw out people who have already voted is just awful, awful, awful, awful, BOB.

Mr. WALKER. MICKEY, if you would yield, Mr. Simcox has thrown out no votes. The people who have thrown out votes are recount commissions around the State.

Mr. LELAND. And who is the authority who gives them the right to do so?

Mr. WALKER. The law does. They are operating under the law.

Mr. LELAND. No. Are they not agents of the secretary of state?

Mr. WALKER. I just want to make certain we are accurate on all this, and I will be very glad to go into all this.

Mr. LELAND. BOB, are they not agents of the secretary of state?

Mr. WALKER. No; they are agents of the independent counties in which they are, and they do not operate under the secretary of state, and they are for the most part, all of the 15 are 2-to-1 controlled by the Democratic Party.

Mr. COBEY. Including Vanderburgh County.

Mr. WALKER. Including Vanderburgh County, where all the talk is. They threw out the ballots.

Mr. LELAND. Understand, I am not making a partisan argument.

Mr. WALKER. OK.

Mr. LELAND. You have to understand that first and foremost.

Mr. WALKER. OK, but if you would just yield——

Mr. LELAND. You know, we have suffered from the trials and tribulations of adverse imposition of Southern Democrats historically in the South, but also of Democrats before, too, so I am not making a partisan argument.

Mr. WALKER. But if you would yield, the point being that Mr. Simcox certainly had no control over recount boards that are not even of his own party. Mr. Simcox is secretary of state. He has no control over these recount boards at all. They are the ones that threw out the votes. Our contention is, let us go back to opening day when you do not have any votes thrown out. We do not understand that. We are perfectly willing to have all 5,000 counted, including every black voter in the district. Let us have every one of the 5,000 counted because Rick McIntyre still wins the election under those circumstances.

Mr. LELAND. You shouldn't say "because Rick McIntyre wins under those circumstances." You should say "because then justice is done," if in fact justice is done.

Mr. WALKER. Justice is done at that point.

Mr. LELAND. BOB, you are not arguing principle; you are arguing party, and that is wrong. That is absolutely wrong, BOB, and that is what we are trying to get rid of. We do not need a partisan argument that way. That is not fair.

Mr. WALKER. I made no reference whether Mr. McIntyre was a Republican or a Democrat.

Mr. TOWNS. Mr. Speaker, will the gentleman yield?

Mr. LELAND. I yield to the gentleman from New York.

Mr. TOWNS. The recount commission, how many do we have, recount commissions? How many? You mentioned 15 counties? How many recount commissions would you have?

Mr. LELAND. Fifteen.

Mr. WALKER. Fifteen.

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. LELAND. I yield to whichever gentleman would like to respond to the gentleman from New York.

Mr. WALKER. They have 15; 1 for each county.

Mr. TOWNS. And do they all have the same rules?

Mr. WALKER. They all operate under the laws of the State of Indiana.

Mr. TOWNS. You are not answering my question. That is the point that I have great concern about, the fact that you have 15 commissions, as you indicated earlier on, and you have 15 different sets of rules. If you had one set of rules to operate under, where you would not disenfranchise 5,000 people, then I could understand what you are saying and I would say bring it here, let us vote on it, let us certify whoever. However, the point is that as long as we have this situation and you have votes that are thrown out, that they have the discretion to do that, I do not think you can say who won.

Mr. WALKER. Will the gentleman yield, so I can explain to the gentleman?

Mr. LELAND. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The difference is that there are different kinds of ballots in different districts. Some of them vote with paper ballots, some of them vote with machines, some of them vote with punchcards, and, in fact, the State law does have differing ways of counting ballots, depending upon how they are prepared. In other words, if you are voting with a punchcard kind of system, it says that there has to be a certain way of verifying that is an actual vote, that it was actually put into the box by somebody. If you are voting by paper ballots, there has to be another way of handling paper ballots.

In all honesty, in the State of Pennsylvania we do the same thing. We have differing rules, depending upon whether or not you have a paper ballot distict or whether or not you have a machine district.

That is what we are talking about here. Sure there are differing rules. But the rules differ because the type of ballot differs, and all are aimed at one thing, and that is insuring the integrity of the ballot process.

Mr. LELAND. I am going to reclaim my time, Mr. Speaker, because I am concerned. I am concerned that the gentleman is more concerned about seating somebody on this floor than he is the disenfranchising of those 5,000 voters. That is my point to you, BOB.

Mr. WALKER. If the gentleman would yield, let me assure the gentleman that that is not the case.

Mr. LELAND. Then state it that way, then. Say to me—I mean, I am not trying to get you to yell "Uncle." That is an overused statement these days. All I want you to admit to, and I hope you feel that way, is that you care as fervently about those 5,000 disenfranchised people who voted but who were not counted in that election as you do about seating your partisan colleague, Mr. McIntyre. I am asking for a specific response.

Do you care about the 5,000 people who voted on election day?

Mr. WALKER. Sure, I do very much, and that is the reason why I want every one of those votes counted to determine the result. Let us count all 5,000.

□ 1810

Mr. LELAND. Yes, but, now, BOB, you will admit——

The SPEAKER pro tempore (Mr. KILDEE). Will the gentleman refrain from using personal names and use formal address in addressing another Member?

Mr. WALKER. Mr. Speaker, I thank the Chair.

Mr. LELAND. The gentleman from Texas would apologize to the Speaker.

The SPEAKER pro tempore. There is no need to apologize.

Mr. LELAND. For calling him by his first name. Sometimes this gentleman slips into the vernacular of the community from whence he has come where he is very familiar with those people he has debates with and that is why we tend to forget to use those formalities.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, the gentleman and I have had some heated discussion——

The SPEAKER pro tempore. Would the gentleman allow the Chair to receive a message from the Senate.

Mr. LELAND. Yes, of course, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas may proceed.

Mr. WALKER. Mr. Speaker, if the gentleman would yield, I was just going to say that there have been some heated discussions in the past where the gentleman has called me by names that were far stronger than my first name, so I thought my first name was doing well.

Mr. LELAND. The gentleman is absolutely correct. I would suggest that if it were not the floor of the House of Representatives, those times that I referred to the gentleman in those very pungent terms were quite adequate, but this gentleman will refrain from doing so and when I slip, I hope it is only to call the gentleman from Pennsylvania by his first name.

Mr. Speaker, I yield to the gentleman from New York.

Mr. TOWNS. Mr. Speaker, I would just like to say that if we can be assured that all the votes have been counted and that a uniform procedure is taking place and then at that point if Mr. McIntyre has more votes than Mr. McCloskey, fine. If Mr. McCloskey has more votes than Mr. McIntyre, fine.

I do not think anybody can say at this point in time with 5,000 votes not being counted, with different procedures in each county, we do not know who the winner is. I think it would be unfair to seat anybody until we are clear as to who the winner is. I do not

think it is fair to the people of Indiana to do that.

Mr. COBEY. Mr. Speaker, will the gentleman yield?

Mr. LELAND. I yield to the nice gentleman from North Carolina. I would be glad to yield.

Mr. COBEY. Well, I appreciate the gentleman yielding.

Mr. Speaker, let us just get back to the question again. Rick McIntyre was certified by the secretary of state as a winner by 34 votes and in my knowledge of what I have been presented, the research that has been done by people shows that in 82 times out of 82 times in our history when one person has been certified the winner, they have been seated. That is the question.

The gentleman from Texas earlier in this discussion mentioned that there were 10 cases where somebody was certified, but not seated. The gentleman said he could read the cases. I would appreciate the gentleman reading the cases, because this would be new information for me.

Mr. LELAND. I have submitted the cases to the Clerk. It will be included in the RECORD tomorrow for the gentleman's reading.

Mr. COBEY. What we are saying is he should be seated pending that investigation of any alleged irregularities.

Now, we do have some question as to the fairness of that process, because the task force is 2-to-1 Democrats over Republicans, but what we are talking about right now is that the people of Indiana, the Eighth District, 550,000 people, are not being represented here in the House of Representatives, even though their candidate was certified.

Now, there was a recount when 5,000 votes were disqualified, thrown out, but let us count all the votes and he still wins.

Mr. LELAND. Mr. Speaker, reclaiming my time, let me suggest to the gentleman from North Carolina that we are talking about 550,000 or so people not being represented, but we are also talking about a question of the legitimacy of 5,000 people not being allowed to vote, at least their votes not being counted in a particular race.

Mr. COBEY. Well, if the gentleman will yield——

Mr. LELAND. The gentleman will not yield at this point, because I would like to state to the gentleman that I am truly concerned that something is going wrong in that State and in particular in that part of the State. Until we find out what is going on to determine legitimately who actually won the election, then I am not willing to vote to seat anybody, not Mr. McCloskey or Mr. McIntyre.

At best, the determination as to who would have won is cloudy; so all the hypothetical circumstances that have been rendered here are not valid.

Mr. COBEY. Well, if the gentleman would yield, I see a double standard in play here. On January 3, the majority of this House, including myself, voted to seat a Mr. STALLINGS from Idaho. There were alleged irregularities in that race, a very close race, and Mr. Hansen was not seated. Yet on that same day, another candidate that had been certified, and the one in Idaho is a contested election under the Federal Contested Election Act, why did not the majority party object to that seating?

Mr. LELAND. Well, reclaiming my time, the gentleman must understand that all of that is relative and what we are talking about now is a blatant denial of 5,000 people the opportunity to vote and even in the judiciary there is something called new evidence. The new evidence states that in fact 5,000 people for some reason, well, for given reasons, but under very scurrilous circumstances, were denied the opportunity to participate, or at least be counted in an election, and that is what I am concerned about.

As chairman of the Congressional Black Caucus, I am particularly sensitive to the fact that 1,000 black voters were denied the opportunity to be counted in an election in 1984. This is not right and we are going to continue to fight because historically in this country where we have been denied an opportunity to raise our vocies in order that we state who we wanted to represent us, then we have been bludgeoned. We have been jailed. We have been killed. We have been shut out. We have not had the opportunity to participate as equal American citizens.

We will never ever again be less than vigilant about circumstances like this. That is why we have come to spend this hour to discuss with you and the American people the plight of those voters, those 5,000 voters, by the way, who are not all black.

Mr. WALKER, Mr. Speaker, will the gentleman yield?

Mr. LELAND. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Does the gentleman know how many black voters there are in the entire district?

Mr. LELAND. About 5,000.

Mr. WALKER. About 5,000, and the thing that concerns us is the fact, and I think it would be a concern to the gentleman, too, and I am sure that it is, is the fact that those 5,000 people today are without representation in this body.

Mr. LELAND. I understand that no 5,000 black people have suffered a whole lot worse than by not being represented in the U.S. Congress.

Mr. WALKER. I cannot imagine under our representative system of government any denial that is worse than not being represented.

Mr. LELAND. That is why I appreciate the gentleman's statements against apartheid in South Africa. I appreciate the gentleman's association with the group of Republicans who have come out vehemently against apartheid in South Africa.

Mr. WALKER. The gentleman drafted the letter.

Mr. LELAND. That is what I am talking about, the gentleman and me; but at the same time, if the gentleman from Pennsylvania is willing, I would hope that he would come out as fervently, as vehemently, against any kind of denial of the counting of voters in that county.

Mr. WALKER. I do.

Mr. LELAND. Fantastic. That is precisely all that we have talked about today.

Mr. WALKER. I do, but the point is, if the gentleman will yield——

Mr. LELAND. That is paramount to the seating of anybody in a contested race. The gentleman says "sure" and I appreciate that.

Then the gentleman does agree with me.

Mr. WALKER. Sure.

Mr. LELAND. I thank the gentleman and I yield back the balance of my time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed, without amendment, a bill and a concurrent resolution of the House of the following titles:

H.R. 1093. An act to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985; and

H. Con. Res. 79. Concurrent resolution providing for a conditional adjournment of the House from March 7, 1985, until March 19, 1985.

REPORT OF PRESIDENT'S COMMISSION ON INDUSTRIAL COMPETITIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 30 minutes.

● Mr. LAFALCE. Mr. Speaker, for the past 4 years, the Reagan administration has claimed that the United States is meeting the challenge of international economic competition.

Escalating trade deficits and loss of world market share in industry after industry have not persuaded this administration that we have a problem. When pressed on the subject, they usually point to the high value of the dollar, and then explain that even the high dollar is just a reflection of the strength of our economy.

Well, the President's own Commission on Industrial Competitiveness,

chaired by John Young, president of the Hewlett-Packard Co., recently released its final report on the state of the international competitiveness of the U.S. economy. That report removes the cover from the administration's sunny facade.

In the words of the report:

> The United States is losing its ability to compete in world markets * * *. A close look at U.S. performance during the past two decades reveals a declining ability to compete—a trend that, if continued, will lead to a lower standard of living and fewer opportunities for all Americans.

The report lays to rest the notion that all of our problems in international trade can be blamed on the overvalued dollar. As the report points out, while the strong dollar has contributed greatly to our trade deficit, our competitiveness problem is much broader. Our slow productivity growth, stagnant wages, and high capital costs are not caused by the strong dollar. Thus the fall in the dollar, if it occurs, will not solve the long-term problem.

The report explains that a lower value for the dollar did not cure the trade deficit in the 1970's, when, despite a 15-percent depreciation, our trade deficit actually increased. Moreover, it is far from certain when and how much the dollar will fall, in view of the enormous financial flows into the United States by foreign investors.

The point is that the United States has a serious problem in meeting the challenge of international economic competition, and that problem goes beyond the high dollar to the essentials of a modern industrial economy: affordable capital for investment; basic and applied research and development; a trained work force; a spirit of cooperation among business, labor, and Government; a strategic and long-term approach to the making of both corporate and public policy; an awareness of the critical importance of international trade and competitiveness to our economic well-being.

If we are going to come to grips with the problem, we have to begin by admitting that it exists, that it is very complex, and that it is not subject to simple solutions. Progress will require cooperative and vigorous efforts by business, labor, and Government. It will not be easy, but as the Commission report documents, the consequences of ignoring the problem are severe. Among those consequences are:

First, increasing trade deficits. The strong dollar has greatly magnified this problem, but as the Commission report points out, our trade deficits started for the first time in the early 1970's, when the dollar was widely thought to be undervalued.

Second, increasing losses in world market share in industry after industry. Even in high technology, the United States has lost world market share in 7 out of 10 sectors. In 1984, our bilateral trade deficit with Japan in electronics was about $15 billion—nearly equal to our bilateral deficit in autos. Loss of American leadership in technology markets would have grave consequences for our entire economy, since its application is the essential ingredient in the improvement of nearly every industry.

Third, our manufacturing sector has experienced declining rates of return on assets—rates that are uncompetitive with alternative financial investments. A strong manufacturing sector is vital to our Nation's well-being, and as the report points out, we can't rationalize the poor performance of our manufacturing industries by pointing to a future service economy. Both are essential to a competitive national economy.

Fourth, U.S. productivity growth over the past two decades has been outstripped by nearly all our major trading partners. Japan's rate of growth has been nearly five times our own.

Fifth, real hourly wages in the United States have been virtually stagnant for the past 10 years. Since 1979, they have actually declined. In other words, the growth in our standard of living, which most Americans take for granted as a national birthright, has come to a halt.

Perhaps most disturbing, the present recovery is not bringing an end to these long-term problems. Our industries continue to lose world market shares, our trade deficit keeps ballooning, and we are dependent on massive infusions of foreign investment to finance our Federal budget deficit and sustain economic growth.

In response to these problems, the Commission offers a range of constructive recommendations, two of which I believe could quickly be converted into concrete legislative proposals that might be able to command bipartisan support in the Congress.

The Commission recommends the creation of the position of a White House adviser on competitiveness issues, with a small professional staff in the Executive Office of the President. This strikes me as an excellent idea that would raise international competitiveness to a higher priority in the making of national economic policy.

In addition, the Commission proposes that the Department of Commerce take the lead in an interagency effort to improve the collection and distribution of market information that potential exporters may need. It seem to me that this recommendation could form the basis of legislation to create a government data bank that would collect, analyze, and disseminate relevant domestic and international data concerning current and future economic trends and competitive opportunities.

Beyond these two proposals, the Commission makes a number of other constructive recommendations. The Commission's proposal to create a Cabinet-level Department of Science and Technology to bring greater coherence to our Federal research and development policies is badly needed. The Commission is right on target in its report in calling for increased emphasis on applied civilian research and development. As the Commission report says:

> Perhaps the most glaring deficiency in America's technological capabilities has been our failure to devote enough attention to manufacturing or "process" technology. It does us little good to design state-of-the-art products, if within a short time our foreign competitors can manufacture them more cheaply.

Further, the Commission's call for streamlining patent laws and procedures, providing greater protection for intellectual property rights, and removing antitrust barriers to joint R&D efforts by industry all strike me as worthwhile suggestions. The Commission's recommendations that the Secretary of Commerce lead an effort to unify export support functions of various executive branch departments, and that the Export-Import Bank expand its working relationship with commercial and State export banks also make sense.

Finally, the Commission's recommendations that the responsibilities of the U.S. Employment Service be refocused on its labor exchange functions, and that the unemployment insurance system be revised to allow the use of benefits as reemployment and retraining vouchers for workers certified as displaced would be useful steps to ease the adjustment of individuals caught up in the wake of economic change.

To conclude, the most important aspect of this report, it seems to me, is not its specific recommendations but the urgent message it is sending to the administration, the Congress, and the American people. That message is that competitiveness matters, that we ignore its importance at the peril of our own standard of living, and that we have it within our means to reverse the trends that threaten to undermine our long-term economic security. The report sets forth a challenge that we must accept.●

THE DOMESTIC ECONOMIC IMPACT OF THE MX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 30 minutes.

Mr. STRATTON. Mr. Speaker, the morning press now suggests that the four crucial MX approval votes scheduled for around March 18 are expected

to become favorable votes, particularly since the distinguished gentleman from Wisconsin [Mr. ASPIN], the chairman of the House Armed Services Committee, has decided to vote in favor of the MX and to bring along with him a number of liberal colleagues.

I am sure it would be exaggerating if I were to say that these special orders that I have been making over the past couple weeks pointing out that if even one of those vital four votes were to be lost, the new arms negotiations to be opened in Geneva on March 12 would almost certainly collapse because the repudiation of the MX missile by the U.S. Congress would be a clear signal to the Soviet negotiators that we were not really serious in arms negotiations, because we were coming to this particular conference table without any strong trump cards, dealing not from strength, but from weakness.

□ 1820

But the real change in this proposal with regard to the MX I honestly recognize has been brought about not by my special orders but by the tireless efforts by the President of the United States, President Reagan, and his Cabinet in meeting with dozens of Members of the House and of the other body in the last several weeks. And also I think because of the action of the majority leader, the gentleman from Texas [Mr. WRIGHT] in giving his support to MX in the past few days, an action that also led to a public disavowal of the press criticism that appeared last week over the trip to Geneva of the arms control observers designated by the House.

I am glad indeed that those observers are now going to Geneva and will be giving us, I hope, when they return an indication of exactly what has been going on with those negotiations.

Therefore, Mr. Speaker, under my leave to extend my remarks I will include at the end of these remarks five pages which set out the very beneficial impacts of MX production and MX jobs in all of our 50 States.

We have, of course, recognized exactly what a positive vote for the MX would do for arms negotiations. But I think it is perhaps not recognized exactly what the MX vote will bring about in terms of economic benefits.

In fact, in the last Congress I pointed out during the MX debate at that time that those who were opposing the MX had overlooked the fact that MX production would have a very considerable economic impact in many States and remarkably, including the home States of some of the strongest opponents of the MX. And that was at a time when many people were looking for jobs, certainly much the same situation as exists today, as I have learned from the published reports put out by the Pentagon.

For example, we find that if the four votes that are scheduled to be voted on some time after March 12 were to be lost, the arms negotiations opening in Geneva will almost certainly collapse.

But, Mr. Speaker, the record of the number of jobs available as a result of MX production includes still today many of the very same States where the largest number of opponents of MX are located. For example, in the State of California over the next 4 years the job increase would average some 14,473. In Florida, where the distinguished gentleman from Florida [Mr. BENNETT] offered the amendment to knock out MX in the last Congress, and succeeded in so doing, there would be over the 4-year period an increase of 1,250 jobs. In the State of Massachusetts where other opponents of MX have spoken out very clearly, Massachusetts would find over the next 4 years an annual average of 4,942 additional jobs. And in my home State of New York where not all of the Members of the New York delegation agree with me in support of the MX, over that 4-year period we would still average 1,403 jobs annually during the period from 1985 to 1988.

Certainly we cannot ignore those jobs and certainly these statistics which will appear in the tables which will follow my remarks, I believe will speak very eloquently for themselves. I hope that Members of the House who still have reservations over the impact of the MX on the success of the arms negotiations in Geneva will at least consider the contribution of an MX vote on much needed jobs in the United States, and perhaps even in the home States of those opposed to the MX. So, Mr. Speaker, at the end of my remarks I will include these five pages of economic statistics which indicate the economic impact of the MX, and which I hope will convince those wavering Members that by supporting the MX, as the gentleman from Texas [Mr. WRIGHT] has agreed to do, and as the President has suggested, we will not only enhance our negotiating posture in Geneva, but may also be able to put some of the unemployed back to work.

The information previously referred to follows:

THE DOMESTIC ECONOMIC IMPACT OF THE MX

TABLE 15.—ESTIMATES OF ANNUAL DIRECT EMPLOYMENT IN PEACEKEEPER INDUSTRY BY STATE FOR 1984–88 (NUMBER OF JOBS) [1]

State	1984	1985	1986	1987	1988	Annual average
Alabama	123	157	171	161	128	148
Arizona	388	494	539	505	402	466
California	12,062	15,357	16,749	15,699	12,499	14,473
Colorado	2,211	2,815	3,070	2,878	2,291	2,653
Connecticut	110	140	153	143	114	132
Delaware	33	41	45	42	34	39

TABLE 15.—ESTIMATES OF ANNUAL DIRECT EMPLOYMENT IN PEACEKEEPER INDUSTRY BY STATE FOR 1984–88 (NUMBER OF JOBS) [1]—Continued

State	1984	1985	1986	1987	1988	Annual average
Florida	1,042	1,326	1,447	1,356	1,079	1,250
Illinois	83	106	116	108	86	100
Maine	29	37	41	38	30	35
Maryland	73	92	101	94	75	87
Massachusetts	4,119	5,243	5,719	5,361	4,269	4,942
Michigan	11	14	15	14	11	13
Minnesota	62	79	86	80	64	74
Missouri	27	34	37	35	28	32
Nebraska	155	197	215	202	161	186
Nevada	201	256	279	261	208	241
New Hampshire	455	579	632	592	472	546
New Jersey	155	197	215	202	161	186
New Mexico	308	393	428	401	320	370
New York	1,169	1,489	1,624	1,522	1,212	1,403
Ohio	134	171	186	175	139	161
Oklahoma	148	188	205	192	153	177
Oregon	27	34	37	35	28	32
Pennsylvania	753	958	1,045	980	780	903
Texas	198	253	275	258	206	238
Utah	2,464	3,137	3,421	3,206	2,553	2,956
Virginia	163	208	227	211	168	196
Washington	79	99	108	101	80	93
Total	26,781	34,094	37,185	34,853	27,749	32,132

[1] The figures do not include indirect employment in Peacekeeper support industries and employment due to Peacekeeper base construction. The statewide distribution is based on the prevailing Peacekeeper direct employment pattern in 1982.

The table shows that an annual average direct employment of 32,132 jobs is generated and spread throughout the Nation. California is the largest beneficiary of Peacekeeper employment, followed by Massachusetts, Utah, Colorado, New York, Florida, and Pennsylvania.

E. Skilled labor requirements

An estimate of the nationwide demand for skilled manpower, due to the planned PIMS program, is useful because it facilitates the decisions of policy makers in production and employment planning. Based on the Occupation-by-Industry Model segment of the DEIMS, we identified categories of skill that will be in great demand for the production of the Peacekeeper missiles over the 1984–88 period. Approximately 163 labor skills related to Peacekeeper missile production were identified. The forecasts of the demand for 13 major occupational categories are provided in Table 16. A detailed reading of the distribution of demand for 163 skill categories reveals that the greatest demand for high-skill labor occurs in individual skill categories, such as engineers (particularly aero-astronautic, electrical, and mechanical), engineering and science technicians, scientists, and computer specialists.

F. Strategic material requirements

Based on the Critical Material Requirements Model segment of the DEIMS, we identified key strategic materials required for the production of the Peacekeeper. A first-order estimate of the quantity of these materials required for the production of 223 Peacekeepers is provided in Table 17.

TABLE 16.—PEACEKEEPER-RELATED PRODUCTION EMPLOYMENT BY MAJOR OCCUPATIONAL CATEGORIES [1]—1984–88 ANNUAL AVERAGE

Occupations	Number of jobs
Engineers	740
Scientists	196
Other engineers and scientists	698
Health workers	479
Technicians	148
Computer specialists	196

TABLE 16.—PEACEKEEPER-RELATED PRODUCTION EMPLOYMENT BY MAJOR OCCUPATIONAL CATEGORIES [1]—1984–88 ANNUAL AVERAGE—Continued

Occupations	Number of jobs
Social scientists and other professionals	1,280
Business professionals and staff	8,851
Craft and related workers	7,390
Operatives	9,790
Service workers	3,351
Laborers, except farm	10,423
Farmers and farm workers	2,857
Total	46,399

[1] Includes direct and indirect employment.

TABLE 17.—STRATEGIC MATERIAL REQUIREMENTS FOR PIMS PROGRAMS, 1984–88

[In short ton units]

	Amount
Aluminum	14,230.00
Chemical and metallurgical chromium group:	
Chromium metal	34.95
Ferrochromium silicon	1,116.43
High carbon ferrochromium	9,163.13
Low carbon ferrochromium	963.42
Copper	1,626.08
Manganese metal group:	
Medium and low carbon ferromanganese	201.06
High carbon ferromanganese and spiegeleisen	1,144.37
Manganese metal	102.28
Silicomanganese	436.24
Primary nickel (contained)	2,016.96

VI. SUMMARY AND CONCLUSIONS

The planned development, procurement, and deployment of Peacekeeper in Minuteman silos calls for a total appropriation of $16.6 billion over the FY 1983–90 period. During the 1984–88 period, over $12.3 billion will be spent on the Peacekeeper program. It can be expected to have significant economic impacts throughout the nation. Industrial output and employment will grow considerably in aerospace-related industries. Industrial output (sales) of about $23 billion will result from the program over the 5-year period. The program-related output can be expected to create an annual average increase of 47,650 jobs over the 1984–88 period, with a peak-year (1986) employment of 56,150 jobs. When the induced-consumption effects due to the economic stimulus provided by missile production activity are taken into consideration, a total annual average of 95,300 jobs will be created.

The most rapid increase in output and employment will be posted by aerospace industries, such as complete guided missiles, aircraft, ordnance, electronic components and scientific instruments, and communications equipment.

The gains in output and employment will also be shared by service industries, such as wholesale and retail trade, real estate, and business and professional services.

States that have the greatest concentration of these industries within their boundaries will benefit most from the increases in sales and employment. The eight states of California, Colorado, Delaware, Florida, Massachusetts, Pennsylvania, Utah, and Washington have already been identified as having the largest proportion of prime contractors and subcontractors.

Close to 28 states will benefit directly from the production requirements for the Peacekeeper missiles, while all states will benefit as a result of the increased economic activity.

A wide range of organizations—industries and Federal, State, and local governments—can use the industry output, employment, skilled labor, and strategic material demand estimates presented in this report. The projections, though preliminary, provide a framework for developing corporate investment strategy for plant and equipment and for planning purposes. These estimates also can become a basis for employment analyses, defense material requirements, capital availability, housing needs, etc.

The study provides preliminary estimates of impacts resulting from the PIMS program on National and regional levels of output, employment, and occupational skills. Detailed analysis of strategic and critical materials, labor requirements, and capital availability—nationally and regionally—should be undertaken to fully understand the adequacy of the defense industrial base to satisfy national security demands.

Further, continuing analysis, especially regional and site-specific economic impact analysis, is essential, particularly for Peacekeeper silo modification activity, inasmuch as the employment impacts are "localized." Such a study will be useful from the point of view of proper economic development and litigation planning during growth, as well as beyond the development phase of the project. The data on regional employment and production effects of the Peacekeeper program are currently being gathered for further analysis.

● Mr. LAGOMARSINO. Mr. Speaker, I'd like to thank the gentleman from New York [Mr. STRATTON] for calling this special order.

As all of you know, discussions will begin next week between the United States and the Soviet Union on the topic of nuclear arms control. I can think of no worse way to hamper our negotiators at Geneva than for this body to unilaterally throw in one of the high cards we now hold—the MX missile.

The test program for the MX is currently underway at Vandenberg AFB, and has gone exceptionally well. In fact, very soon, a test vehicle will be launched from one of the newly refurbished silos. There is no question in the minds of those familiar with the program that the MX represents an important part of our future strategic deterrent. Our strategic missiles now deployed are aging and, in some cases, decrepit to the point of being hazardous. The MX represents a needed updating in technology, reliability, and safety.

To maintain this program on an even keel, we need to keep the production line intact. Any precipitous action by this body could only be interpreted one way by the Soviets. Why should they agree to any reductions on their side if we unilaterally stop production on our side?

During the Carter administration, I asked, in August 1979, members of the Presidium of the Supreme Soviet what concessions they would make in exchange for our previous cancellation of the B–1 bomber, deferral of the MX, vetoing of a nuclear aircraft carrier, and so forth. They told me, "We don't believe in unilateral disarmament."

I submit that this body would be foolish to the point of irresponsibility if we unilaterally disarmed our own negotiators.●

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 days for an opportunity to extend their remarks and to include extraneous material on the subject on which I have just addressed the body.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from New York?

There was no objection.

THE SEATING OF RICHARD D. McINTYRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. STRANG] is recognized for 60 minutes.

Mr. STRANG. Mr. Speaker, I rise sadly today to talk about the subject which has taken a good deal of our time over the last 2 months, and that is the subject of the election in Indiana's Eighth Congressional District, whether or not to seat Rick McIntyre.

I rise with a good deal of concern because I have heard some of my distinguished colleagues in this House today add a new dimension to the discussion. They have said that this is a racial issue, Mr. Speaker, and that is regrettable, because nobody in the State of Indiana has ever suggested that this is a racial issue. Nobody. Not the secretary of state, not the election clerks, not the voters, not Mr. McCloskey, who lost the election.

Mr. Speaker, it is a shame for us to indulge in this kind of smokescreen when the fact is that we have an issue of fairness confronting us.

The facts are these: On election day in 1984 Mr. McIntyre won an election by 39 votes. At one point before he was certified and duly counted, it came to the attention of the authorities that one precinct had been counted twice.

□ 1830

At that point some member of the press alleged that Mr. McCloskey had won by 72 votes. When that error was rectified and the precinct was not counted twice, Mr. McIntyre was declared the winner and certified the winner by the secretary of state, Mr. Simcox, by 39 votes.

Mr. McCloskey has never contested this election. Contrary to the allegations we have heard on this floor that this is a contested election, it is not a contested election. Mr. McIntyre has the certificate from the State of Indiana.

With regard to the recount which was conducted after the election was

so close, of the some 5,000 votes, Mr. Speaker, which were thrown out, 94 percent of those votes, Mr. Speaker, were thrown out by Democratically controlled election commissions, most of them in Vanderburgh County. Ninety-four percent of the votes that were ruled ineligible were ruled ineligible by Democratically controlled election commissions. Those commissions were appointed not by the secretary of state; they were appointed by the circuit court.

Mr. Speaker, in 1974 a group of young, eager, idealistic State representatives came to Congress. They were elected in 1974; they came in January 1975. They are called the Watergate babies. And there are a good many of them still in Congress.

They were famous across the country because they brought up the issue of fair play. They were going to clear away the cobwebs, they were going to come to a new era, and they were going to do it because they did not think things were fair. Where are they on this issue of seating Rick McIntyre? I do not see them coming forth. They should come forth.

Mr. McIntyre has a certificate from the State of Indiana; his opponent has never contested that. In fact, no election official has ever declared Mr. McCloskey the winner.

With respect to the Watergate babies of 1974 who came to this House to bring fairness, to bring honesty and decency, where are they? Perhaps, Mr. Speaker, as we stay here too long, some funny things happen to us. It was gratifying to me to see over the last several days that the leadership of the Democratic Party has marshaled its troops and sent them here to the floor to discuss this issue. It was gratifying, not because of the words that were spoken, because I believe there are some misconceptions, Mr. Speaker, but gratifying because it is quite obvious that we have twisted somebody's tail and they are ashamed.

Mr. Speaker, as I look up here above me I see by the eagle the phrase "E pluribus unum" which, as a former classical teacher, Mr. Speaker, I am sure you will understand, but I will take the liberty of translating for the House, "Out of many, one." That is the principle under which this country operates, Mr. Speaker, "Out of many, one."

In the Eighth District of Indiana, Mr. Speaker, we have "Out of 550,000, none."

Mr. Speaker, that is a violation of the principles under which this country chooses to govern itself. E pluribus nothing in the Eighth District of Indiana.

Mr. Speaker, I had the privilege yesterday of meeting with Secretary of State Simcox. Mr. Simcox wrote the Committee on House Administration and offered to testify before them on the matter of the McIntyre case because he was sure that if he did so they would be persuaded that the situation is not a question, it is a fact that Mr. McIntyre won.

The House Administration Committee has not responded to his request, Mr. Speaker. And normally, as Congressmen, we react courteously to these kinds of requests. Perhaps they lost the letter.

Mr. Simcox, Mr. Speaker, has volunteered to appear before the House Democratic Caucus. And the reason he has volunteered to do that is he is convinced if he has an opportunity to explain the bizarre handling of this case on the floor of this body, failing to seat a Member who has a certificate from that State, he is convinced that the Democratic Caucus, a fair and reasonable body, will understand and will back away from a savage exercise of brute, raw political power.

We heard a comment on this floor this afternoon, Mr. Speaker, that the disenfranchising of 5,000 votes in the Eighth District of Indiana in the recount, which recount resulted in a bigger win for Mr. McIntyre, that this was a blatant decision.

Mr. Speaker, if this House reserves to itself the right to conduct elections in the 50 States and reserves to itself the right to review the procedures by which elections are conducted in the 50 States, Mr. Speaker, this House is saying, "We want to federalize all the States."

I do not want that, Mr. Speaker, and I am sure you do not want that. I am sure nobody wants that. But that is what is happening. I find it astonishing and very sad as a freshman Member of this body to be involved in this process when there is no fair way, no reason whatsoever, that this man should not be seated. If this House wants to review the election, wants to make sure there was no hanky-panky, wants to make sure there was nothing funny in River City, as one of my colleagues put it, this House has the obligation to seat the man certified by that State pending the outcome of whatever investigations they wish to make.

Mr. Speaker, we have a number of recent editorials on this race and I would like to read to you from March 7, 1985, from the Los Angeles Times Syndicate an editorial by Nick Thimmesch.

WASHINGTON.—The Democratic House majority has shortchanged the Republicans by one congressman this session, and the GOP is howling mad. This hot dispute is over whether one Rick McIntyre, a Republican, won Indiana's Eighth Congressional District seat, and should be working this very minute for the good citizens of that district.

Nearly everyone who's studied the facts comes to the conclusion that McIntyre, being twice certified as winner by the Indiana secretary of state, should be seated. The Democrats have a slim constitutional argument to make, but that's all. There are no charges of fraud. Indeed, the thousands of disqualified ballots involved were ruled on, in 90 percent of the cases, by Indiana Democrats.

Still, the Democratic leadership of Speaker "Tip" O'Neill, Majority Leader Jim Wright, and that most partisan of all fellows, Tony Coelho, chairman of the Democratic Congressional Campaign Committee, won't budge. They want a task force of the House Administration Committee—and that's mostly Democrats—to investigate the election returns one more time.

Frustrated by the pigheadedness of the Democrats, who got 58 percent of their congressional seats last fall with only 50.3 percent of the vote (gerrymandering and incumbency are the reasons), the GOP leadership tried a clever ploy last week to right this wrong.

House Minority Leader Bob Michel waited until about one-quarter of the House had left the chamber to call a quick vote on seating McIntyre. Naturally, all his Republican troops were in place, and the vote was whisker close—the Democrats winning 168-167. Michel must have muttered, "Damn."

Congress must have more important business than the McIntyre case, but it has become so exasperating to House Republicans that it occupies their every thought.

Here's the story in a nutshell. McIntyre was certified as the winner after the election, but Democrats demanded a full recount in the district.

□ 1840

The Democrats demanded a full recount in the district—I repeat that sentence, Mr. Speaker.

The recount put McIntyre ahead by only 34 votes, so the Indiana secretary of state, a Republican, thought it was fair to conduct a second recount. That one put McIntyre ahead by 418 votes.

The certified results went to the U.S. Congress, but the Democrats refused to seat McIntyre though, on the same day, the House voted to seat another certified winner, Idaho Democrat Richard Stallings, despite the reality that his election is being contested by Republican George Hansen.

In 81 other disputed elections over the House allowed the certified winner to serve while the argument was being settled. The McIntyre case is the first where this didn't happen, so we have a shady precedent.

Naturally, the Democrats don't see it that way. They want the election re-investigated, and cite the House's constitutional right to "be the Judge of Elections, Returns and Qualifications of its Members."

Therefore, the Democratic majority has designated Congressman Leon Panetta, a Democrat from California, a nominally reasonable gent, to head a task force to sniff around Indiana's Eighth Congressional District, particularly in certain Evansville precincts, to determine the Lord's will. At first, the Democrats claimed it would take 45 working days to make such a determination, but Panetta indicates he will have the matter resolved by April Fool's Day.

The overwhelming bulk of editorial comment on the McIntyre case has come down on the side of the Republicans. Among those crying, "Seat him" are the Washington Post, the Atlanta Constitution, and the Charleston, West Virginia Gazette, none of which is known for any special love of Republicans.

McIntyre even went so far as to sue the House for his right to be seated, claiming that the House deprived him of his constitutional rights. U.S. District Judge June L. Green ruled that the case is really a political question and the courts shouldn't get involved. So McIntyre has gone to the appellate court with his suit. Who knows, the way the House is dallying, this one might wind up with the U.S. Supreme Court making the final ruling.

Are the House Democrats, O'Neill and Company, so whipped and disorganized by President Reagan's high popularity and the conservative mood of the nation that they have become protective to the point of becoming petty?

The wiser Democratic heads in the Congress should go to Tip and say, Hey, let this Republican in, he isn't going to make any difference. The McIntyre case sure makes the House Democratic leadership look like bush-leaguers. Maybe that's what's wrong with the Democratic Party today, or at least, the national Democratic Party.

That concludes the article by Mr. Thimmesch, Mr. Speaker, and perhaps I would say that there is another Latin phrase, which I might have to translate, Mr. Speaker, "Sic transit gloria mundi."

Now for the benefit of those who are not Latin teachers, that means, "thus goes the glory of the world." Or perhaps, we hope, "Sic semper tyrannus." "Thus ever to tyrants."

Mr. Speaker, I yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding to me.

Mr. Speaker, as a Member of this Congress, not having been here very long, to be involved in constitutional precedents should be an honor. Unfortunately, the constitutional precedent that has been set in this particular case is a dishonor.

I would like to point out that never before, in the 200 years of this country, of this Constitution, has a Member who has received the only certification from his State not been seated. I repeat: Never, never before in the 200 years in this country's history has a Member who has been duly certified by the secretary of state, receiving the only certification in that State for that election not been seated in this body.

I call upon my colleagues who have voted not to seat Mr. McIntyre to examine their consciences on this issue. I mean that very sincerely.

I used to teach U.S. Government. I was taught to respect the Constitution, and I taught my students to respect the Constitution. I know one thing; the Constitution is a lot more important than the gentleman from New Hampshire or the gentleman from Colorado, or the Speaker of the House of Representatives. It is a whole lot more important.

Because of that Constitution, we are here. I have never read or seen or witnessed more arrogance than I have seen on the floor of this body toward the very document that we are sworn to uphold. There is no reason whatsoever to have the allegations and charges that have been brought forth in this body, and the gentleman from Colorado alluded to the racial charges that have been brought here.

Mr. McCloskey, to his credit, has not brought those charges. I would call upon the gentleman on the other side of the aisle who bring these charges, these ugly charges into this matter, I would ask them and call upon them to renounce those charges, because I do not believe those individuals were in Indiana; I do not believe those individuals were involved in the recount or were involved in this election.

There have been no charges, except on the floor of this body, from anyone; not from the secretary of state, not from Mr. McIntyre, not from Mr. McCloskey, not from the recount officials; no one other than rhetoric on the floor of this Chamber, no one has said anything about racial implications in the Eighth District of Indiana.

Arrogance is the issue here. Arrogance because of a lack of respect for the document that we are sworn to uphold. No one on this side of the aisle and I do not believe anybody on the other side of the aisle has questioned the right of the House Administration Committee to investigate this election. I do not question it. I know the other gentlemen who have arisen before me to talk about this issue, we do not question it.

We do not question your right to investigate this election for the same reason we do not question the right of any election to be questioned by this body.

What we do object to is not seating the Member who was certified. Why is it, if fairness is the question here, why is it that the Committee on House Administration, that the Democratic leadership of this House had never once ever spoken or asked the secretary of state of Indiana to come forth and testify before them? It has not been done. To the best of my knowledge that has not been done, and I think yesterday I sat in on a meeting, an open meeting with the secretary of state of Indiana in which he gave the facts, Mr. Speaker, and I do not believe I saw a Democrat Member there. There may well have been one, but if he or she was there, they were not identified.

I wonder why you are hiding from the facts. The secretary of state of Indiana said he would be very pleased, at any time, any place, just give him a 24-hour notice and he will be here to speak to you.

I issue that challenge to my colleagues: Do not be afraid of the truth; do not be afraid; do not be afraid to vote your conscience; we all have to do that once in a while—we should do it all the time, but we ought to do it once in a while—vote your conscience; do not be afraid of the truth; sit in, sit in on these meetings, find out what is going on, because you do not have the facts—we do not claim to have all of the facts, we do not claim to have a monopoly on the truth on this side of the aisle, but in this particular case, we are right.

Mr. STRANG. I thank the gentleman from New Hampshire, and I appreciate his comments.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, and I appreciate the gentleman's Latin lessons here this evening.

I am reminded of my old Latin class where we had the phrase: "Veni, vidi, vici." "I came, I saw, I conquered." That is what I hope we are going to do on this issue.

But we have to kind of move our way through the fog of confusion that tends to get thrown up on this House floor with regard to this House.

□ 1850

Every time Members of the opposition party come to the floor, I have the feeling that what the real effort is here is to try to add just one more note of confusion to the case, rather than deal with the facts of the case. So tonight we were treated to a discourse on the disenfranchisement of 5,000 voters, and I think it is important to establish the basic facts and to talk in real terms here.

We are not in any way advocating the disenfranchisement of 5,000 voters. In fact, everyone on our side believes that what we ought to do in that race is count all the ballots, all 5,000 that were thrown out in the recount. We do not mind. Go ahead and count them all. Count every one of them. And that would be fine. Just take, then, the original certification, where all of the ballots were counted, and, based upon that, seat Mr. McIntyre in this body. That is the way we voted in the initial instance. Go ahead, then, and investigate, after you seated him, but seat him in the body.

If you want to go by the recount procedures, then you are dealing with the potential of 5,000 ballots that were thrown out. They were thrown out not by the Republican secretary of state, as was implied on the floor. They were thrown out by recount commissions constituted under district judges in the State of Indiana.

Now, they are the ones who threw out the ballots. They evidently threw them out on cause. I do not know. I have not seen the ballots. But go by that procedure, if you want. That may not be the best procedure because obviously there are people with concerns that certain numbers of citizens were unfairly treated. Fine. Then go back

and count all of the original ballots. That is a fine outcome. Either way, we have voted in the House on the issue. We have voted on opening day not to accept the election when all the ballots were counted and not seat the Member then. And then later on, after the recount had taken place and another certification had taken place, then we voted again and we said again we were not going to seat him. That is our problem. All the time there is an excuse for not seating, and then when we raise the question that indeed we have the feeling that something is moving inexorably here toward seating someone other than the winner of the race, then we are given clouds of confusion with which to deal.

Let us establish here a little bit what the facts are, because as the gentleman has mentioned just a moment ago, the secretary of state came to town just to answer a lot of these confusing questions that have arisen in the case. Sad to say, very few Members, particularly Democratic Members of Congress, availed themselves of the opportunity to go and ask him the questions that had evidently troubled them for some time. That is the reason why he came to town. But very few Members availed themselves of the opportunity.

But he has in fact answered some of the very questions that are raised here. And I think it is important, given what we were told tonight, to put some things into perspective, a quote from the secretary of state of Indiana, with regard to this business of his certification of the first time the election returns came in. He says, and I quote:

Under Indiana election law, I.C. 3126, Sections 4, 8 and 9, the Secretary of State is required to issue a certification for each State and Federal office based upon the original and corrected original returns from the various county clerks. This procedure is completely independent of any recount proceedings that might occur. In the case of the 8th District, the last of the 15 original and corrected original returns was received by the Secretary of State on December 13, and the Secretary immediately certified a winner based upon those returns. Recount proceedings are entirely separate from the original certification procedure and are governed by a different chapter of the election laws, I.C. 3127. In fact, the recount statutes clearly contemplate that the original certification would be made before the recount is completed because I.D. 3127-15 provides that a recount certificate supersedes any previous certificate.

Now, you see, the whole thing has played itself out just as the secretary of state describes it. You had an election where all of the ballots were counted, where all of the corrected ballots were received by the secretary of state, not a bunch of telephone calls that came into the office or television returns, or whatever. We have got a number of Members around here who, if we had relied on the TV count or the count that was given on the radio, would not be here among us. It was found out later on that the radio and TV was wrong. Well, what the secretary of state has to get is the official count. After he got the full official count, he did as law required him, he immediately certified a winner. That winner was Mr. McIntyre, a winner by 34 votes, after all of the ballots had been counted.

That was the certificate that Mr. McIntyre brought with him to the floor on opening day and expected to have verified and be sworn in as a Member of this body—I think knowing full well that there was a chance, given the closeness of that race, that the House Administration Committee was going to look into it.

On opening day, however, in a very unusual procedure, in a procedure not ever used before in this House, the House denied Mr. McIntyre his opportunity to be seated at the same time that we seated a Member where there was a contest in his election under the Federal Contested Elections Act.

Later, the secretary of state recertified Mr. McIntyre, after a recount had been done and after a new certificate had been issued based on Indiana's law saying that the recount certificate has to supersede the original certificate. That is what the secretary of state has done. Mr. McIntyre has also brought that certificate to this body, and the other day when we had a vote on seating Mr. McIntyre, again we denied him his opportunity to have a seat by tabling the motion and sending it to committee.

Those are the facts. That is what happened. In one case, all the ballots were counted and we did not accept that. In another case, we recounted the whole procedure and we did not accept that. In fact, what we are doing is we will not accept anything unless we count the ballots here. And that is what we are afraid of. Because the process by which we are going to count the ballots here is in a stacked committee, with a task force constituted under that stacked committee that is 2 to 1 against the one side.

Mr. STRANG. I will say to the gentleman from Pennsylvania that I do not share his comment that the House Administration Committee is stacked. I do not believe that. I just do not share that view. I believe those are fair, honest people who are elected here under a process that they held dear. What I do believe is happening is that the—just let me take my time for a minute.

Mr. WALKER. If the gentleman will yield, I want to make it clear that I am not in any way reflecting upon the integrity of the Members or the people. I am simply talking about the numerical count. By count, we ought to have 42 percent of the seats on that committee. That is our number here in the House. We do not have 42 percent of the seats on that committee. Therefore, that is the reason I referred to it as a stacked committee, that it is an artificially constituted committee based upon the numbers.

I appreciate the gentleman's yielding.

Mr. STRANG. I thank the gentleman for his comments. I share them and I would like to take part in them.

Mr. Speaker, I have lived on a ranch all my life, and this reminds me of a couple of situations that I have been into. I do not know if anybody in this body has ever gone around and tried to pick up a cat that he thought was a domestic cat and when he got it picked up he found out it was not. Well, that is when the trouble starts. I think this is the problem the majority party has. They picked up that cat. The trouble is, you cannot let go of it without getting hurt, because as soon as you try to get rid of that cat, he digs in with his claws and you are in real trouble.

It also reminds me of an occasion I have been involved in. I shod horses for 30 years. A mule is kind of hard to shoe because they are smarter than a horse. When you shoe a mule's hind leg and you feel those muscles tighten, you know you are in trouble because you can stay there and hold the leg up and you will be all right, but you know darn well, Mr. Speaker, as soon as you turn loose that mule is going to kick you. This is the problem the Democratic Party has, they cannot turn loose of the mule. And somehow you would think, after their national symbol, that they would know a little better than to ever pick up that leg in the first place.

I yield to the gentleman from Virginia.

Mr. SLAUGHTER. Mr. Speaker, there is an editorial from the Houston Post of February 28, 1985, that I think in a few words describes the situation with respect to the seat of Richard McIntyre. It begins by saying: "Do voters count?"

House Republican leader Robert Michel of Illinois said Wednesday he will try again next week to see that Richard McIntyre of Indiana is allowed to assume the seat he apparently won last November. We hope it works. It would be about time.

In November Republican McIntyre won—after corrections of mistabulations—Indiana's Eighth Congressional District seat by 34 votes. A subsequent recount upped the margin of victory to more than 400 votes. Yet the House refuses to seat him.

More precisely, House Democrats, voting along party lines, have refused to seat him. Thus the Indiana district is without a representative, and may remain so until April. That is when a House task force (two Democrats and a Republican) is supposed to make its report on the election.

McIntyre has filed suit in a Washington federal district court against House Speaker Thomas P. "Tip" O'Neill, the House clerk, and the 221 Democrats who voted against seating him. It is something he should not have had to do.

No one is alleging fraud in McIntyre's election. The recount which substantially increased his margin of victory was conducted with Democratic election judges in 11 of the district's 15 counties. Still McIntyre is refused his seat, although both he and his November opponent are drawing a congressman's salary.

The recount hadn't been completed when the House convened in January, and both McIntyre and the opponent, one-term Democratic incumbent Frank McCloskey, showed up to be sworn in. Even though McIntyre was certified as winner by the Indiana secretary of state, the recount status might, barely, have been reasonable grounds for not seating him. But the recount only added to the Republican's winning margin. There is no excuse now.

The Constitution says each house "shall be the judge of the elections, returns and qualifications" of its members. It doesn't say the House can disenfranchise the people of a district because the election was close, or that the majority can use a tight election to increase its strength no matter what the voters' preference.

Half a million people in Indiana have no House representation while issues as important to them as farm policy and income tax reform are debated. McIntyre's election certificate should be enough to seat him now. The House, if it really has grounds to do so, can investigate the election at its leisure.

□ 1900

I would like to say that that is what we are asking is that the House seat Mr. McIntyre now. If a court or the House should find that that election was falsely reported, as McIntyre is the winner, then action could be taken at that time to deny him a seat in the House and seat the winning candidate.

There has been no allegation of fraud as this editorial states. That being the case, the House is embarking upon an extremely dangerous precedent to say that it will judge this election as to whether Mr. McIntyre should be seated. Because recounts, close elections, are not all that rare in this country. There are a number of them that occur in my State from time to time. I would say every other year there is a very close election for the legislature or the Congress or statewide office. If we establish this precedent, in what cases will the House refuse to take jurisdiction; in what cases will they take jurisdiction? Will every close election, will every election in which there is a recount had, will that be up to the House of Representatives to judge and in the meantime, deny the people of that district a seat.

Mr. Speaker, that is an extremely dangerous precedent because it can be used today by one political party out of, I think, a mistaken view of the law and the situation as existed on election day in the Eighth Congressional District of Indiana.

Mistaken though that may be, it can be used for partisan purposes by any political party, any time in the future. Two years hence; 4 years hence; 20 years hence. When you have a close election, have a recount, you can start arguing about it without any basis in fact being established before a court of law or being established before this House of Representatives.

Therefore, Mr. Speaker, for this and many other reasons, Mr. McIntyre should be given the seat that he has won from the Eighth Congressional District of Indiana.

Mr. STRANG. I thank the gentleman from Virginia.

Mr. Speaker, before closing, I would like just to summarize, to point out that this body has engaged on a most dangerous course. A course which it can rectify and change any day it wants. Seat this man who has a certificate from the State of Indiana, who has complied with the laws of the State of Indiana; seat this man who was elected and whose opponent has never contested his election. His opponent has never contested his election.

We are saying here that we have the right to rule on the election practices of the several States.

I yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding.

On that point, I think that is an excellent point about who is challenging this election. The gentleman correctly said it is not Mr. McCloskey who challenged the election, believe it or not. It is not the Eighth District of Indiana, the people there, who have challenged the election. It is not the Clerk of the House of Representatives who challenged the election; it is not the Democratic Party of Indiana who is chaleng-ing this election; it is the leadership of the Democratic Party in the House of Representatives who were not there; had nothing to do with the election whatsoever in terms of counting the ballots that night.

I think what it really boils down to, and I thank the gentleman for yielding to make one more point, that is, why bother to vote? Why bother to vote? What do we tell the young men and women in this country. All of us as political leaders like to say get out and vote; get the vote out. We concentrate on this day in and day out. Why? Why bother to vote?

The circumstances are that the secretary of state certifies an election. What are you telling these people? You are telling these people that it does not matter whether you are certified or not; it does not matter whether you win or lose. It does not matter. It is in the hands of the House of Representatives who can arbitrarily seat you or not seat you. They have the power to do that as we well know, by the Constitution. A very good provision in the Constitution.

As I said before, never before have we refused to seat an individual who was certified. I think it is a good point: Why bother to vote if we cannot even count the ballots. What are we telling people? We cannot count the ballots. I was taught to believe that if you win or lose by one vote or win or lose by a million votes, you count whatever the results are; they are the results. For that reason, I think we really ought to examine our consciences here and really take a good, hard look.

It really bothers when we see who is challenging this election because what has happened here, and anybody who is listening to this debate and has read all the editorials, and there are editorials from all over the country that have been read into this RECORD. What is the sad thing about this is that it has degenerated into a political argument in terms of whether it was a Republican or a Democrat who was elected.

That part of it is all right; there is a time and place for that. There is a place for that, Mr. Speaker, and that can be dealt with in the House Administration Committee; properly so. All of those arguments are valid, and we can call them political and the cynics can say it is politics if they want. But this body should not be politics; this body should be the Constitution of the United States. The Constitution of the United States provided that a certified Member be seated, and that Member in this case is Rick McIntyre.

Mr. STRANG. I thank the gentleman from New Hampshire and wish to associate myself with his remarks.

Mr. Speaker, I would beseech, I would implore the leadership of this body to back off; you are doing something that is astonishingly unfair, probably illegal, and certainly wrong.

GENERAL LEAVE

Mr. STRANG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THE NATIONAL COPPER POLICY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 10 minutes.

● Mr. UDALL. Mr. Speaker, I am introducing legislation today that will serve to establish a national copper policy.

America's copper industry is in serious trouble. If we do nothing in the 99th Congress to aid this vital industry, there is the very real danger that it will collapse.

Major segments of the copper industry are already standing idle. Sixteen of the twenty-eight major U.S. copper mines are shut down. Many may never reopen. Copper production last year bottomed out at 1.05 million metric tons, 25 percent below the 1976-78 period. Five years ago we produced nearly one-fourth of the world's copper; today we produce less than one-sixth.

Thousands of men and women have already lost their jobs. Employment in the mining and smelting portion of the industry has dropped from 44,000 workers in 1979 to just 23,000 last month. Whole communities are being destroyed by layoffs and shutdowns.

And all this is happening to a vital industry. Every year, Americans use nearly 2 million metric tons of copper including nearly 600,000 tons for building and construction; nearly 550,000 tons for wiring and electrical products; 380,000 tons for machinery and equipment; and 200,000 tons for use in our cars and transportation needs.

Copper has been indentified by Congress as a strategic and critical material. Under the terms of the Strategic and Critical Materials Stockpiling Act of 1979, we should have a stockpile of copper sufficient to meet our import needs for 3 years. But at the present time, our copper stockpile meets less than 5 percent of that goal. As a consequence, a major war could leave this country critically short of copper.

Copper is also a major economic force in this country. In addition to those who work in copper mining and smelting, another 100,000 work in the copper fabricating industry. Thousands more are employed in related industries. And many of these people work in the Midwest and the Northeast.

The year 1984 was tough for copper. The worst, however, is yet to come. The Commerce Department has reported that further production curtailments are likely in 1985 and the long-term picture is even bleaker. The Commerce Department reports:

> The prospects for the domestic copper industry are negative. U.S. producers have been adversely affected by the events of the past few years * * *. Producers have incurred substantial losses and have been forced to increase their debt burdens. In addition, domestic producers will continue to face costly environmental regulations and competition from foreign producers, whose production policies, at times, tend to ignore weak market conditions * * * total [domestic] production could fall about 15 percent, and primary production could decline about 28 percent by 1989 * * *. Imports are expected to increase significantly.

But the copper industry in this country does not have to die. Given a fair chance, it can compete with the best in the world. Domestic production costs have fallen sharply in recent years. According to the U.S. Bureau of Mines, copper production costs have fallen from 91 cents a pound in 1981 to 65 cents a pound in 1984. And American copper producers are committed to making further improvements and modernization. All they need is a chance. A fair chance. The National Copper Policy Act will give them that chance.

The National Copper Policy Act would require the administration to enter into negotiations with the principal foreign copper producers—Chile, Zambia, Zaire, and Peru—with the aim of getting them to agree to restrain their aggregate production to 1983 levels for the next 5 years. If agreed to, this would stabilize their production at about 3 percent below last year's production and 4 percent below this year's projected production.

If such an agreement is not reached within 6 months of the bill's enactment, the National Copper Policy Act would impose a tariff of 15 cents a pound on all copper and fabricated copper products entering this country. The tariff would be imposed for a maximum of 5 years. If after 1 year—or any subsequent year—the President can certify that the principal foreign copper producers have agreed to restrain their production to 1983 levels, the tarifff would be suspended as long as the production restraint agreements are observed.

For its part, the copper industry under the terms of this bill would be required to undertake production improvements and modernization, and to set up programs for the retraining and relocating of recently displaced copper workers.

Finally, the National Copper Policy Act requires the Secretary of the Interior to conduct a study to determine how the recent closings of domestic copper mines and smelters have impacted the Nation's copper reserves and production capacity. The Secretary would be required to report findings and recommendations to the Congress within 3 months of the bill's enactment.

This is a fair bill. While domestic producers have labored under near-record-high interest rates, foreign producers like Chile and Zambia have been expanding their production in recent years with the assistance of low-interest, subsidized loans from multilateral lending institutions like the World Bank. While our domestic producers have complied with staff environmental regulations, foreign smelters continue operating without significant environmental controls and are a major source of sulfur dioxide emissions. While domestic copper prices have been depressed by an overvalued dollar, foreign copper prices have been artificially inflated by undervalued currencies.

The production restraints called for in this bill would not require drastic production cutbacks. They would, however, serve to stabilize production and restore copper prices to a more realistic level. The standby 15 cents tariff in this bill would not be a full offset against all the cost advantages enjoyed by foreign producers. It would, however, offset the cost advantage enjoyed by foreign producers that do not have environmental controls similar to ours.

With this legislation, the domestic copper industry will have a fair and fighting chance. Without it, the industry will gradually fade away under the onslaught of unfair competition.●

RECOGNITION FOR SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I will not take my time, but I have a unanimous consent request here that I have been asked to take care of.

Mr. Speaker, I ask unanimous consent that, following legislative business and any special orders heretofore entered into, the following Member may be permitted to address the House, revise and extend his remarks, and include therein extraneous material.

Mr. LEVIN of Michigan on March 19 and 20 for 60 minutes each.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

□ 1910

THE FARM CREDIT CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. FRANKLIN] is recognized for 60 minutes.

Mr. FRANKLIN. My fellow colleagues, I have taken this time at the close of business today, and I guess the close of business for a week since we will not be here for a week, to review the last 2 weeks in Washington concerning the farm credit crisis and our legislative bungling of that farm credit crisis, and try to emphasize some of the things that could possibly have been done and maybe still can be done to help many millions of farmers throughout this country who have not yet received their farm credit for the 1985 crop year.

I would like to start by saying that we in this House passed a very responsible farm credit bill. That was H.R. 1035. I have to take this opportunity to commend the gentleman from South Dakota [Mr. DASCHLE], one of our colleagues on the House Agriculture Committee, for taking the bull by

the horns in getting this legislation before the committee, the subcommittee, passing it out of the committee in a completely bipartisan manner and bringing it to this House floor. It was a bipartisan effort, my colleagues, because the farm credit problem is a bipartisan problem.

We worked very diligently for a number of days to ensure that that piece of legislation that this House of Representatives adopted, by the way, by a better than 3-to-1 margin, could be acceptable to Republicans and Democrats, and hopefully to the people at the White House and the President of the United States. That bill passed by more than a 3-to-1 margin in this House.

Very shortly after that, the House leadership, Speaker O'NEILL, the chairman of the House Agriculture Committee, for reasons unknown to this Member and many others on this side of the aisle, abandoned the concept of a reasonable farm credit bill and adopted the Senate version, which was passed under extreme circumstances, as I understand it, when in that other body there was a confirmation, a filibuster, and other things going on, and that bill came over here carte blanche and without the kind of restrictions and thought and careful attention that our House Agriculture Committee had given the farm credit bill that we passed out.

But our bill was abandoned by the House leadership. It still is here in this body. I would like to recommend that maybe we take another look and see if we, in the short period of time left for American farmers, can have an opportunity to bring something reasonable out like H.R. 1035 and resurrect the effort to try to help the Nation's farmers in view of the President's recent veto.

I would like to say that it is absolutely astonishing to this Member that when we have the crisis of the magnitude that we have, that has been emphasized by the many, many farmers who are presently in Washington who are saying to the world and to America and to the administration and to the Members of this Congress that we need some help and we need it now, and that you have the ability to do that, that we would shut this body down for 1 week in this critical time for planning for most of American agriculture.

I would like to see us resurrect that bill, but I would also like to address some of the other rhetoric that has been thrown around here about blame. I think there is enough blame in this area for all of us to share in that. However, I want to say something about the President's veto.

When we were in this body discussing H.R. 1035, it was clear that we had a tough time convincing the White House that they should adopt more measures than they have seen fit to do to help the Nation's farmers. We felt that we had the appropriate vehicle to go with our brothers in the other body, reach some legitimate compromise, and come out with something, with the White House, that could be passed into law to help these farmers.

However, when the Senate bill came, the leadership of this body had the choice of knowing that a veto was going to happen on the Senate version, or going to conference and letting those things be worked out and be presented to the White House by Republicans and Democrats in an effort to get the help there. They chose to take the Senate version, clearly realizing that if we passed that Senate version and sent it to the White House that it was going to be vetoed, and in that event, those farmers out there who are asking for our assistance would not have the assistance. The veto came, just as the President said it would. The legislation is now dead, and lo and behold, the leadership of this House of Representatives has shut it down for 1 week.

Several of my colleagues on the Ag Committee, particularly those on the Republican side, met today. We talked all during the day to try to do something by introducing another measure that we could possibly comply with some of the things that the White House had some difficulties with to get the ball back rolling again for the American farmer and the credit crisis that is out there. We talked long and hard trying to find ways that would be acceptable to us as a body of Members representing various districts throughout this Nation in a way that would be acceptable to the White House and the President of the United States based on the objections that he gave when he vetoed the bill.

We were about ready to come forth with a bill that would address the problem and were asking the leadership of the House to give us consideration to get it back on the floor so we could get it out of here and back over to the Senate, and lo and behold, we were informed in the afternoon hours of today that this House would not be in session for 1 week. The Congress is now adjourned after these special orders, and the farmers are still waiting.

I think it is incredible that we would do that at this time. I would like if I could, now, to take just a few minutes to explain why it was impossible for the legislation to sent to this House by the Senate to be enacted into law.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me for just a moment on the question of the House recess?

Mr. FRANKLIN. I would be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because I am somewhat disappointed in that manner, too, and I thought from my perspective anyhow, that what we ought to have done was to have at least voted on the issue of whether or not we ought to pick up and go home during the midst of the farm crisis.

I may have some differing views from the gentleman on just exactly how we handled the farm crisis, but the fact is that no one can doubt that there are literally thousands of farmers in this town who are in extreme hardship and expect this Congress to be doing something meaningful, and yet, as the gentleman has pointed out, we have decided for 10 days that we are going to pick up and leave town.

It was my belief that the very least that we ought to do was vote on that, and let some of the people who have been screaming the longest and the loudest about this among the leadership on the other side come out here and tell us why we ought to vote for that recess resolution. The fact is that I had done some inquiring here to find out what the timing of the recess resolution would be, and was assured that we might not get it until late because it would come over from the Senate, and I therefore decided that we ought not put the Members through those hoops and, lo and behold, left the floor to go out and speak to our ambassador to South Africa and found out that about 3 or 4 minutes after I had had that discussion, that we came out on the floor with a resolution already typed up that was run through here by voice vote.

That is exactly the kind of shenanigans around here that I get awfully tired of, and it is one more case of this body not really allowing the American people to see who votes which way on issues of vital concern to people like those distressed farmers. I think a lot of those farmers would have been very, very interested to see who voted to pick up and leave town but we are not going to be able to show them that vote because that vote was very nicely prevented here in the House this evening.

I apologize for that. I probably was not diligent enough. I probably should not have left the floor, but the fact is that we are not going to have that vote on the record, and I think that is a shame.

Mr. FRANKLIN. I thank the gentleman for his remarks, and I would like to comment that while we are fixing to go into this recess, we do have the mechanism right here in this body that has been passed by this body better than a 3-to-1 margin that we can build upon and go with to try and resurrect some assistance for these farmers that is responsible assistance.

In addressing why the President vetoed the bill and why we do have a chance of resurrecting something that is more reasonable, let me just tell my colleagues some of the things that they might now know concerning the Senate version of that farm legislation that we passed out at the recommendation of this House leadership.

Mr. PENNY. Mr. Speaker, will the gentleman yield?

Mr. FRANKLIN. I would be glad to yield to my good friend, the gentleman from Minnesota and fellow colleague on the Agriculture Committee.

Mr. PENNY. I thank the gentleman from Mississippi.

Mr. Speaker, I have just one quick question. On your alternative proposal, have you assurances from the leadership in the Senate that they would bring that kind of a measure to the floor of the Senate for quick action?

□ 1920

Mr. FRANKLIN. We had assurances from Members of that body—not the leadership but Members interested as we were—on the Republican side that they needed to sit down and work out something and try to talk with the White House in a manner that a compromise could be reached so we could go forth with some reasonable legislation that would address some problems for the farmers out there who desperately need that credit. At the same time we were getting some signals from the White House that possibly if we got a little bit more reasonable, together with the Senate, we could do some convincing over there that would help to remedy the problems.

Mr. PENNY. Mr. Speaker, if the gentleman will yield further, I might continue by reminding the gentleman from Mississippi that it took several days of filibuster in the Senate to get action in the first place on this credit issue, and then in their wisdom they decided to enact different provisions than those passed by the House on the same day. But in large part, the basic elements of the Senate amendments on credit assistance were very similar to those approved in the House, and it was for that reason that the House decided to avoid a conference, which may have eaten up additional time, valuable time for Minnesota and national farmers, and move forward with the Senate version of that bill.

So we were in fact trying to expedite the process rather than drag out the process.

There is one last point I would like to make on the veto which did, of course, occur on the legislation, and that is that our understanding was, prior to the passage of that bill, that a veto was imminent regardless of what kind of legislation we sent down to the White House. A letter 1 week ahead of the passage of that bill by this House indicated that the Secretary of Agriculture, Mr. Block, was going to recommend a veto of any farm credit measure passed by the Congress. He did not distinguish between a House measure and a Senate measure; he said, "any credit measure."

Mr. FRANKLIN. Mr. Speaker, if the gentleman will allow me to continue, for the life of me, how this gentleman from Minnesota, who I know understands this legislation, because we worked together very diligently to try to resolve it, can say that there was no difference between the Senate-passed version and the House-passed version, that is beyond belief to me that the gentleman does not realize that.

The first thing, I say to my colleagues, that distinguishes this legislation, it concerns a concept of advance CCC loans. Now, in the House we restricted the advance CCC loans so that those farmers who were actually in need of the money—not farmers who already had their loans guaranteed or committed to them for this crop year—would get the financing. We also insured in that House version that under that concept a person who owes $3 million and has $1 million worth of security could not waltz into the CCC office or the ASCS office and sign up and get a $50,000 loan check before he put a seed in the ground.

Those were absolutely conditions that we in the House insisted on. They are reasonable, and they are things that we can go to the Senate and talk about and go to the White House and talk about and say that these things are reasonable. They are limited to the people this is going to help, and this will provide relief to the people who can accept the credit and have a reasonable opportunity of paying it back. I do not think there is any Member of this House who would have accepted the Senate provisions if they had fully understood that any farmer in this Nation, if he farmed last year, could waltz up to the ASCS office in his home county and sign up for the program and he could receive a $50,000 check from the U.S. Government on an advance for his crops that he normally puts in on the loan after he harvests them in the fall and expect to say that that would be reasonable.

That would mean that the multimillion-dollar farmers who have made money year after year after year in their farming operations could have waltzed in and gotten a $50,000 loan check. It would also mean that at the bottom end of the scale those people would be covered who cannot get financing anywhere—and there are some of them out there, I say to my friends, who owe the U.S. Government $3 million and have as security $500,000 backing up that loan and who have been told, "No more. You can't get any more credit."

If the Senate version of that bill had passed, those people who already owe four times more than they can ever repay and who cannot get enough financing to go this year would be able to go into the ASCS, simply sign their name, and receive $50,000 from the U.S. Government.

The House bill restricted and limited those people who were eligible for that loan to absolutely those who needed it and who had the opportunity and the ability to pay it back.

The real distinguishing difference between the Senate bill and the House bill was the fact that we in the House made no provision for what we call an interest buydown, which is a bank bailout for the midwestern banks that are in trouble.

The House bill provided $100 million that would go to the banks to let them write down the interest that those farmers owed to the banks, and it would not go in the pockets of one farmer in any county or any State in the United States of America. I do not think it was the original intent of this body and the House Agriculture Committee and those of us in Washington, and even those farmers who were here today asking for some relief, for the U.S. Government to provide $100 million to help the banks who seem to be in trouble in some parts of the country.

What we need to do is to direct our legislation so that those people who are in need, who are farmers, who are out there on the land, who are having to make plans and having to buy seed and equipment and fertilizer and other things to make this crop, will receive the credit they need. We are not here to bail out the banks.

Mr. Speaker, I will yield at this point to my friend and fellow colleague on the Agriculture Committee, the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding.

Perhaps I can shed some light on the concern that is expressed by my friend and colleague, the gentleman from Minnesota, about the assurance issue, because I think it is his concern, as it is my concern. Was there any assurance, once the House passed the bill and perhaps the Senate would have agreed to that? Or perhaps had we been able to go to conference and hammer out a compromise, what would have happened with regard to the Senate leadership and the USDA, not to mention the White House?

I cannot give the gentleman that kind of assurance, but I can give him this assurance from this Member and from 12 other Members who are of the minority in this body. I am talking about the Republican Agriculture Committee members who were ready as of this afternoon to introduce a bill, a scaled-down version very similar to

the House bill, dealing only with the advance loans and leaving the debt-restructuring part of it out of it. We were going to cosponsor that. And I had the assurance, if I can use that overworked word again, from the chairman of the House Agriculture Committee that we would hold hearings, we would try to keep it scaled down, and we would bring it to the floor when we come back. I wish we could do it next week, as the gentleman from Pennsylvania has indicated.

There is movement. I can assure the gentleman that even as I speak, they are huddling down at the USDA and hopefully at the White House, and I can certainly assure the gentleman that that effort is being made over in the office of the Senate majority leader to try to work out some movement to try to come up with some sort of an acceptable package. I think it is a little early. I think the wounds are a little fresh, if you will, and I think the partisanship is still running a little high, but that effort will be made.

If I may continue and if the gentleman will yield to me further, I would make the observation that we are blessed, I think, in having the privilege of serving on the House Agriculture Committee, because I feel there is probably less partisanship on that committee than any other committee in the House of Representatives. I know the gentleman from Minnesota will agree, as will the gentleman from Mississippi, that the gentleman from Kansas was put in the role of being sort of a broker by going back and forth to the various groups to try to hammer out some sort of a compromise in this very bipartisan effort.

As the gentleman in the well has pointed out, this was a bipartisan bill, and we did tie it down. I had some real concern with it. It was unprecedented, but after all, the problems are also unprecedented.

One of the features of the Senate bill that has not been brought out was that in terms of the advance loans it left the discretion up to the Secretary. I tell you, if you do not want the loans made, right now with the current mood down at the USDA, I do not think any loans would have been made under the Senate bill. I think our provisions were better.

So I will play the part of the salmon and go upstream on that particular issue. I just think in terms of the legislation, our legislation was much better.

Now, let us take the veto. I think the veto was ill advised. I personally voted for the Senate bill, even though I knew that it was the only train leaving the station, and it was not even our train. I did not like it, but in my personal observation the problems in farm country merited my support, so I voted for the bill, and I will tell the gentleman that had the vote come back here today on the override, I would have voted to override the President. I do not take any great pride in that. I just think in terms of my personal preference, that is what I would have to have done.

But I certainly do not blame the President. In terms of the first budget initiative out of the chute here, when you have 16 fingers in the dike and you take your finger out of one and you let agriculture come out here with the debt restructuring and with the advance loans and not with the provisions on the House side, I do not think he had any choice but to go ahead and do that. The test was drawn, the gauntlet was there, and the challenge was there. I think that is most unfortunate.

If I can recall back to the four farm bills I have been associated with, both as a staffer back here and as a Member, the threat of a veto is always there.

□ 1930

Former President Nixon, former President Ford, certainly President Carter, and now President Reagan have always said, "Now, wait a minute, you have to keep the spending under control. Don't go hog wild over here. We have been burned in agriculture before. I can veto this bill."

Then you have all these spokesmen saying that, and the gentleman also knows that finally when we get to the end result, there is a capitulation and an understanding. We compromise and go to conference. So the effort on the Republican side is to come forth again with a compromise and try to tie it down. I do not have the assurance they will sign it. I am sure in the speeches if you ask them today, as I say, I think their blood pressure is a little high down there and I am not sure what they would say.

I really think we need to look here at what happened in the 1981 farm bill. We passed it by only a two-margin majority and immediately right after that they had an emergency farm bill. That is the history of it. We pass a farm bill and obviously they do not work too well. That is why we need some long term structural changes. Everybody knows it costs too much and it is not working well.

Well, we came back with the emergency bill and for 3 years running I do not know who I got more upset with, the USDA for dragging its heels and poisoning the well to any change, and the gentleman knows that, or those in this body and the other body who always seem to prefer an issue rather than a bill and they hold out for all or nothing. It is called headline making.

"No, we are not going to pass that compromise on the emergency bill," and it dealt with wheat. We had one individual who shall remain nameless who said, "I'm sorry, but my State isn't being considered enough by the Secretary of Agriculture," and he held up the whole darned thing.

Now, in terms of wheat we were delaying and delaying the farm bill until after the seed was planted in the ground. Other than that, it was just a heck of a good farm program and we delayed and we delayed. We had an acreage base that did not fit any wheat country, so we made an effort for 3 years running to get an announcement at least in time to give the farmer some chance to make his crop plans and an acreage basis that worked and each time the example that the gentleman is now bringing to the floor happened. We had those who preferred an issue rather than a bill.

Now, I do not like that. Hopefully I will not ever be a party to something like that. I do not think the President likes it, either. I think in our consideration of the fight to restore profit to agriculture we have to remember several things.

No. 1, agriculture is in trouble and if we do not address this issue now and then get to some sort of a budget freeze, I predict nothing but acrimony and partisanship and business as ususal back here in regard to the farm bill. We cannot afford that. It will have to be done on a bipartisan basis, because agriculture is in trouble.

No. 2, I can give assurance to the gentleman from Minnesota and to the gentleman from Mississippi, I am not giving up. As a Republican, as a farm State representative, we have no alternative if we fall down on a hurdle, if we get all hung up on politics and vetoes, we have no alternative but to pick ourselves back up and keep trying.

I will introduce a scaled down version of this bill, as I have informed the chairman of the House Agriculture Committee, the Secretary of Agriculture, and the leadership in the Senate and the White House and our own leadership over here, a week from Monday, just as soon as it happens. It will be a scaled down version, as the gentleman has indicated. We will fight that battle then. It will be a bipartisan battle. I will lead my banner, you lead yours.

I think this has been a fine special order. Let us get the partisanship out of this and let us get the blame out of this and let us get on to the business of helping the farmers.

Mr. FRANKLIN. Mr. Speaker, I commend the gentleman for the statement he just made and I commend the gentleman for the thought that this is not a give up process. All of us in the agricultural community here are discouraged. We have worked pretty diligently on trying to get something that would be salable, that would be workable and that could become law. That has failed, but I will say to the gentle-

man that I am willing to work just as hard as the gentleman is to get up, pick up our grudges and try to do this in a bipartisan manner, in a way that we can go forth to try to cure the vast problems that are out there in agriculture.

While we are on the point, I think all of us here that are participating in this special order realize that credit is only a very minute part of the work that has to be done in this House of Representatives this year for the U.S. farmer and for the agriculture of this Nation. We have got to adopt a new course in agriculture by writing a new farm bill.

More credit is not the answer. Profit to the producer for the commodities he raises is the answer for the agricultural community. We all know that. The farmers know that. Members of Congress know it. Members of the other body know it and the White House knows it.

It remains the challenge of us who are going to be on the front burner in the cause to try to formulate the kind of policy that will allow American agriculture to be profitable in the future and to do so with compassion to that farmer who is presently out there on the ground so that he can have some assurance that if we get to the point of profitability in agriculture, that that same farmer who is there now on that ground will be there when that profitability comes.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield for one brief moment?

Mr. FRANKLIN. I yield to the gentleman.

Mr. ROBERTS. I apologize to the gentleman from Minnesota and I know that the gentleman from Mississippi will give him some time to comment.

There are two points that the gentleman raised. One, it was the concern of all the farmers in town this week and the previous week, the State legislators who were the important catalysts, I think, to force action on the bill and all members of all farm organizations in town this week, that you can only go to the well so many times. You know, this is a front burner town and if we do not have a crisis, we will invent one. You have to come here and the span of attention in this town is very small. So if you deal with a credit package, all of a sudden people say, "Well, we settled the farm problem." Obviously, we did not.

The real answer is price and profit. I have received more mail as a result of my efforts in behalf of this credit package against the package than I have in favor. These are from people who I describe as the haves in agriculture, as opposed to the have nots. I have some cowboys that are a little bit upset about it, too.

Now, I respond to them by saying that if we do not get some cash flow assistance now to get some breathing room, the entire farm lending structure stands in danger of becoming a domino kind of problem here and the haves will be in trouble. If we look at the price projections on some of the proposals around here, and I would simply add that I think our budget director's mother was right and he was wrong; but if you look at those price projections and that philosophy, you are looking at a continued decline in land values and continued low prices and that is a blueprint for disaster.

Consequently, this small measure to give us some breathing room so we can get a budget in hand and then we can write a farm bill with some common reason is absolutely essential.

One final point and this is to assure my friend, the gentleman from Minnesota. I will work with the Secretary of Agriculture and I will work with the Senate and I will work with my President and my party and we will make a good faith effort to try to come up with a bipartisan solution; but I do not work for them. I work for the people of my district, and as the gentleman knows in this honest attempt effort, we will make that effort. So consequently, that is the assurance I can give the gentleman in regard to what we will do on down the road.

Mr. FRANKLIN. I thank the gentleman from Kansas.

The gentleman from Minnesota has been very patient. We appreciate it and I am certainly glad to yield to my good friend.

Mr. PENNY. Mr. Speaker, I thank the gentleman for yielding.

First of all, I just want to correct one statement the gentleman made at the start of his last discussion and that was the assertion the gentleman made that I said the two bills, the House version and the Senate version were identical. My statement was they were similar in that the basic elements of the bills were the same, the advance CCC loans were a part of both bills and the guarantee program was a central part of each bill; but as the gentleman then went on to discuss, there were some important distinctions between the way they designed their package and the way we designed ours.

I can only concur with the gentleman that, yes, in most respects the House position was superior.

I have some author's pride in the way the bill was put together. I worked for several weeks together with the Democrats and Republicans on our committee to design that House bill to make it an effective targeted credit relief effort, one that would not be labeled a budget buster by this administration. That is why we were careful not to have any buydown provision on interest rates. We wanted the banks to offer that interest rate reduction on their own in exchange for the guarantee. That is why we went to an advancement of the CCC loans because that money is in the budget. It is a matter of whether you release all that money in the fall or some of that in the spring. It is not new money. It is already there. It cannot bust the budget if it is already there.

So I am proud of the position we put together here in the House. The only point I was trying to make is that we were not sure we could go to a conference with the Senate on this issue. That was a question that was up in the air.

We also, based on the letter from Secretary of Agriculture Block were led to believe that almost any credit measure, House bill, Senate bill, compromise bill, could be vetoed and that he would recommend that veto to the President and the only way to find out for sure was to send the bill down. Were they bluffing or did they mean it?

We felt that given the urgency of the problem, the fact that farmers could not wait another 2 or 3 or 4 weeks to get an answer to this credit issue, that it was important for us to move forward and to pass some kind of legislation this past week. If in fact we can put together an alternative scaled down version, certainly a bipartisan version that will enjoy the support not only here in the House but in the Senate as well and also meet the approval of the White House, we on this side will work closely with those of you on the Republican side of the aisle to develop that kind of package, because the important thing is to get something done for our farmers before it is too late.

□ 1940

I want to pledge to you if it is at all possible to put a package together in the next couple of weeks so that we can get some credit assistance to the farmers now, to help tide them over, to help them stay in business this year, we are going to be working to achieve that very objective. And we also need to build that kind of a bipartisan coalition as we work on the farm bill and on trade policy and budget policy, because all of that as well is important to farmers if we are going to return profitability to agriculture.

I thank the gentleman for yielding.

Mr. FRANKLIN. I thank the gentleman from Minnesota for his very, very fine comments concerning this problem. And I agree with the gentleman and thank him for agreeing to help in looking at what we are proposing. And we will get it to him just as quickly as we can.

I know that then the gentleman will, as he always has, work very diligently with us in an effort to do something about a problem that is real out there.

51-059 O-86-25 (Pt. 4)

I would like to point out, however, that in response to some of the remarks you made concerning this House bill, and I want to stress to my colleagues that what we did in the U.S. House of Representatives in passing H.R. 1035 is still alive in this body. It is still here. It is still reasonable. It is still a good bill.

I want to point out further to my friend from Minnesota, and my other colleagues, that when this bill was debated on the House floor, on I believe February 27, and passed, every person, whether he or she was a Democrat or a Republican, whether he or she was on the Agriculture Committee or just had an agriculture interest, every person who came forward and took this well and spoke for H.R. 1035 all said that H.R. 1035 was a better bill, it was the vehicle that we should use, it was the mechanism which had the best opportunity of being compromised and made into law. And it is still baffling to this Member why when every Member who took the House floor and spoke for H.R. 1035, and against the rule on the Senate bill, said it was the best, said it should be the vehicle, why the House leadership abandoned that and went with a bill that they know the White House was going to veto, and leave us in the dilemma we are now in, without an effective mechanism to help the farmer out there, and end in an adjournment where we do not have a week now that we could be doing the work of the legislative business to get to this problem.

In closing, I want to thank all of those Members who came and helped participate in this special order.

GENERAL LEAVE

Mr. FRANKLIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ECKERT of New York) to revise and extend their remarks and include extraneous material:)

Mr. STRANG, for 60 minutes, today.
Mr. GILMAN, for 15 minutes, today.
Mr. WALKER, for 60 minutes, today.
Mr. MCKINNEY, for 5 minutes, today.
Mr. NIELSON of Utah, for 5 minutes, today.
Mr. FRANKLIN, for 60 minutes, today.
Mr. BROYHILL, for 60 minutes, March 19.
Mr. LENT, for 60 minutes, March 19.
Mr. BROYHILL, for 60 minutes, March 20.
Mr. LENT, for 60 minutes, March 20.
Mr. BROYHILL, for 60 minutes, March 21.
Mr. LENT, for 60 minutes, March 21.

(The following Members (at the request of Mr. EVANS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. PENNY, for 5 minutes, today.
Mr. BONER of Tennessee for 5 minutes, today.
Mr. ST GERMAIN, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. LELAND, for 60 minutes, today.
Mr. LAFALCE, for 30 minutes, today.
Mr. STRATTON, for 30 minutes, today.
Mr. UDALL, for 10 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. AUCOIN, for 60 minutes, March 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PICKLE, on reauthorization of select committees, today.

(The following Members (at the request of Mr. EVANS of Illinois) and to include extraneous matter:)

Mr. YATRON.
Mr. UDALL in two instances.
Mr. TORRICELLI in four instances.
Mr. TRAFICANT in two instances.
Mr. SHELBY.
Mr. KILDEE.
Mr. BERMAN.
Mr. DYMALLY in two instances.
Mr. ROYBAL.
Mr. MINETA in two instances.
Mr. FAUNTROY.
Mr. WEISS in two instances.
Mrs. KENNELLY.
Mr. FOWLER.
Mr. WIRTH.
Mr. HALL of Ohio.
Mrs. BURTON of California.
Mr. ACKERMAN.
Mr. LEVINE of California.
Mr. DOWNEY of New York.
Mr. FLORIO in three instances.
Mr. EDWARDS of California in two instances.
Mr. WAXMAN.
Mr. SCHEUER.
Mr. CARR.
Mr. MARKEY.
Mr. FEIGHAN.
Mr. MAVROULES.
Mr. MATSUI.
Mr. ERDREICH in two instances.
Mr. BRYANT.
Mr. ORTIZ.
Ms. OAKAR.

(The following Members (at the request of Mr. ECKART of New York) and to include extraneous matter:)

Mr. GILMAN in three instances.
Mr. DREIER of California.
Mr. LAGOMARSINO in two instances.
Mr. SHUMWAY.
Mr. HAMMERSCHMIDT.
Mr. FRANKLIN.
Mr. BARTON of Texas in two instances.
Mr. VANDER JAGT.
Mr. MICHEL.
Mr. CHAPPIE.
Mr. FISH.
Mr. MCCAIN.
Mr. MCGRATH.
Mr. FIELDS
Mr. MCCANDLESS.
Mr. HYDE.
Mr. GEKAS.
Mr. WOLF.
Mr. DICKINSON.
Mr. CRANE.
Mr. KRAMER.
Mr. CONTE in three instances.
Mr. ROGERS.
Mr. GUNDERSON.
Mr. KINDNESS.
Mr. GREEN.
Mr. COURTER in three instances.
Mr. GINGRICH.
Mr. BEREUTER.
Mr. PARRIS.
Mr. EVANS of Iowa.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1251. An act to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985; and

H.J. Res. 50. Joint resolution designating the week beginning March 3, 1985, as "Women's History Week."

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1096. An act to authorize appropriations for famine relief and recovery in Africa.

ADJOURNMENT TO TUESDAY, MARCH 19, 1985

Mr. PENNY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 79 of the 99th Congress, the House stands adjourned until 12 o'clock meridian, Tuesday, March 19, 1985.

Thereupon (at 7 o'clock and 45 minutes p.m.), pursuant to House Concurrent Resolution 79, the House adjourned until Tuesday, March 19, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

696. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968, as amended, to extend certain authorities thereunder, and for other purposes; to the Committee on Finance and Urban Affairs.

697. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a determination that it is important to U.S. security interests to use FAA funds under the special authority of section 614 of the act for Yugoslavia (Presidential Determination 85-8), pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

698. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the addition of two countries to the Anti-Terrorism Assistance Program, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

699. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for William L. Ball, Assistant Secretary-designate of State for Legislative and Intergovernmental Affairs, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

700. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the U.N. Educational, Scientific and Cultural Organization's [UNESCO] policies that would restrict the free flow of information, pursuant to Public Law 97-241, section 109(b); to the Committee on Foreign Affairs.

701. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, and for other purposes; to the Committee on Foreign Affairs.

702. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs; transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

703. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

704. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

705. A letter from the Chairman, Consumer Products Safety Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

706. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on the activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

707. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

708. A letter from the Chairman, U.S. International Trade Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

709. A letter from the Comptroller General of the United States, transmitting a report entitled "Managing the Cost of Government—Building an Effective Financial Management Structure" (GAO/AFMD-85-35, February, 1985), to the Committee on Government Operations.

710. A letter from the Director, Peace Corps, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

711. A letter from the Executive Secretary, National Mediation Board, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

712. A letter from the Freedom of Information/Privacy Officer, Interstate Commerce Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

713. A letter from the Office of Legislative and Public Affairs, National Science Foundation, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

714. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs (Operations), transmitting a proposed plan for the use of the judgment awarded to the Mescalero Apache Tribe of the Mescalero Reservation in Docket 89-97L before the U.S. Claims Court, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

715. A letter from the Director, Community Relations Service, Department of Justice, transmitting a report on the activities of the Community Relations Service, pursuant to Public Law 88-352, section 1004; to the Committee on the Judiciary.

716. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the disposition of foreign fishing fees, and for other purposes; to the Committee on Merchant Marine and Fisheries.

717. A letter from the Director, Office of Personnel Management, transmitting a report on operation of the Senior Executive Service; and evaluation of its effectiveness and administration, pursuant to 5 U.S.C. 3135 and 4314(d); Public Law 95-454, section 415(b)(4); to the Committee on Post Office and Civil Service.

718. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report of the Chief of Engineers, Department of the Army, on Eastport Harbor, ME; to the Committee on Public Works and Transportation.

719. A letter from the Chairman, National Aeronautics and Space Administration, transmitting notification that the planned funding level exceeds the amount authorized for the Shuttle Production and Operational Capability Program, pursuant to Public Law 98-361, section 104; to the Committee on Science and Technology.

720. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, the Arms Export Control Act and the Agricultural Trade Development and Assistance Act of 1954 to authorize development and security assistance programs for fiscal year 1986, and for other purposes; jointly, to the Committees on Foreign Affairs and Ways and Means.

721. A letter from the Comptroller General of the United States, transmitting a report entitled "Job Training Partnership Act: Initial Implementation of Program for Disadvantaged Youth and Adults" (GAO/HRD-85, March 4, 1985); jointly, to the Committees on Government Operations and Education and Labor.

722. A letter from the Comptroller General of the United States, transmitting a report entitled "Major Defense Issues Being Addressed by the General Accounting Office" (GAO/NSIAD-85-42, March 1, 1985); jointly, to the Committees on Government Operations and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 752. A bill to amend title 38, United States Code, to ensure an orderly transition to the new educational assistance program established by chapter 30 of that title (Rept. No. 99-17, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAZZOLI:

H.R. 1452. A bill to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 1453. A bill to protect voting rights guaranteed by the 14th and 15th amendments to the Constitution by eliminating certain barriers to participation in Federal elections; jointly, to the Committees on House Administration and the Judiciary.

H.R. 1454. A bill to protect the voting rights guaranteed by the 14th and 15th amendments to the Constitution by preventing inappropriate registration procedures; to the Committee on House Administration.

By Mr. APPLEGATE:

H.R. 1455. A bill to require the Secretary of Transportation to reopen bidding for

Conrail in an effort to maximize the return to the United States upon its sale, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself and Ms. FIEDLER):

H.R. 1456. A bill to modify the Hansen Dam project, Los Angeles and San Gabriel Rivers, CA, to authorize the Chief of Engineers to contract for the removal and sale of certain dredged material, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BILIRAKIS:

H.R. 1457. A bill to amend title VII of the Social Security Act to provide for off-budget treatment of the operations of all four social security trust funds beginning with fiscal year 1987; to the Committee on Ways and Means.

By Mr. BONER of Tennessee (for himself, Mr. MATSUI, Mr. ANDERSON, Mrs. BURTON of California, Mr. CHAPPIE, Mr. COELHO, Mrs. COLLINS, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DYMALLY, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FRANK, Mr. GARCIA, Mr. HARTNETT, Mr. HORTON, Ms. KAPTUR, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LENT, Mr. LEVIN of Michigan, Mr. MITCHELL, Mr. MRAZEK, Mr. OWENS, Mr. PERKINS, Mr. ROE, Mr. ROYBAL, Mr. SCHEUER, Mr. SMITH of Florida, Mr. STARK, Mr. STOKES, Mr. TALLON, Mr. TOWNS, Mr. VANDER JAGT, Mr. VENTO, Mr. WEISS, and Mr. WORTLEY):

H.R. 1458. A bill to amend the Internal Revenue Code of 1954 to extend the deduction for expenses incurred in connection with the elimination of architectural and transportation barriers for the handicapped and elderly; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 1459. A bill to amend the National Labor Relations Act to authorize the Secretary of Labor to prohibit the awarding of Federal contracts to persons who have violated certain judicial orders or orders issued by the National Labor Relations Board; to the Committee on Education and Labor.

By Mr. GRAY of Pennsylvania (for himself, Mr. BERMAN, Mr. BLILEY, Mr. DELLUMS, Mr. FAUNTROY, Mr. FISH, Mr. GRADISON, Mr. LEACH of Iowa, Mr. MCKINNEY, Mr. ROEMER, Mr. SOLARZ, Mr. WOLPE, Mr. ACKERMAN, Mr. ADDABBO, Mr. ALEXANDER, Mr. ANDREWS, Mr. BARNES, Mr. BATES, Mr. BONIOR of Michigan, Mr. BONER of Tennessee, Mr. BORSKI, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CONYERS, Mr. COOPER, Mr. COYNE, Mr. CROCKETT, Mr. DE LUGO, Mr. DERRICK, Mr. DIXON, Mr. DOWNEY of New York, Mr. DURBIN, Mr. DYMALLY, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FORD of Tennessee, Mr. FRANK, Mr. FROST, Mr. GARCIA, Mr. GEPHARDT, Mr. GUARINI, Mr. HAWKINS, Mr. HAYES, Mr. HUGHES, Mr. JEFFORDS, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUKEN, Mr. LUNDINE, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCHUGH, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OBERSTAR, Mr. OLIN, Mr. OWENS, Mr. PURSELL, Mr. RANGEL, Mr. RODINO, Mr. ROYBAL, Mr. SABO, Mr. ST GERMAIN, Mr. SAVAGE, Mrs. SCHROEDER, Mr. SKELTON, Ms. SNOWE, Mr. STOKES, Mr. SWIFT, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. WHEAT, Mr. WIRTH, Mr. YATES, Mrs. BOGGS, Mr. CLAY, Mr. GRAY of Illinois, Mr. HOYER, Mr. JONES of North Carolina, Mr. LEHMAN of California, Mr. LIVINGSTON, Mr. MOLINARI, Mr. PENNY, Mr. PEPPER, Mr. WAXMAN, and Mr. BIAGGI):

H.R. 1460. A bill to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes; jointly, to the Committees on Foreign Affairs; Banking, Finance and Urban Affairs; and Rules.

By Mr. DREIER of California (for himself and Mr. ARMEY):

H.R. 1461. A bill to abolish the Small Business Administration, to terminate certain functions of the Administration, to transfer certain functions of the Administration to the Secretaries of Commerce and the Treasury, and for other purposes; to the Committee on Small Business.

By Mr. DYMALLY:

H.R. 1462. A bill to provide for the establishment of Micronesian medical fellowships in order to assist in improving the health care of Micronesian residents and to engage in medical research projects in Micronesia; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. EVANS of Iowa:

H.R. 1463. A bill to amend the Farm Credit Act of 1971 to provide additional farm credit resources, and for other purposes; to the Committee on Agriculture.

H.R. 1464. A bill to amend the Commodity Credit Corporation Charter Act regarding the export of agricultural commodities, and for other purposes; jointly, to the Committees on Agriculture, Foreign Affairs, and Armed Services.

By Mr. EVANS of Iowa (for himself, Mr. MARLENEE, Mr. ROBERTS, Mrs. SMITH of Nebraska, Mr. TAUKE, and Mrs. MARTIN of Illinois):

H.R. 1465. A bill to amend the Commodity Credit Corporation Charter Act regarding the export of agricultural commodities, and for other purposes; jointly, to the Committees on Agriculture, Foreign Affairs, and Merchant Marine and Fisheries.

H.R. 1466. A bill to amend the Commodity Credit Corportion Charter Act regarding the export of certain agricultural commodities; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. FISH (for himself, Mr. SHAW, Mr. HYDE, Mr. EDWARDS of California, and Mr. SEIBERLING):

H.R. 1467. A bill to require public notice of and a period for public comment on any guideline proposed by the Department of Justice or the Federal Trade Commission with respect to the interpretation or implementation of the antitrust laws or to any policy relating to the enforcement of the antitrust laws; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 1468. A bill to vest in the Secretary of the Treasury all functions relating to the examination and supervision of federally insured banks; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1469. A bill to abolish the Federal Open Market Committee; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1470. A bill to repeal the Federal Reserve Act and transfer the function formerly carried out under the act to the Department of the Treasury; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING:

H.R. 1471. A bill to provide that the effectiveness requirements of the Federal Food, Drug, and Cosmetic Act shall not apply to laetrile in certain cases; to the Committee on Energy and Commerce.

By Mr. GREEN:

H.R. 1472. A bill to amend section 376 of title 28, United States Code, to provide that certain judicial annuities for surviving spouses shall not terminate by reason of remarriage of an annuitant after age 60; to the Committee on the Judiciary.

By Mr. GUNDERSON (for himself, Mr. JEFFORDS, Mr. COLEMAN of Missouri, Mr. GOODLING, Mr. TAUKE, Mr. HENRY, Mr. PENNY, and Mr. DYMALLY):

H.R. 1473. A bill to amend title I of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. HUGHES:

H.R. 1474. A bill to amend title 18 of the United States Code to prohibit certain methods of concealing the proceeds of crime, and for other purposes; jointly, to the Committees on the Judiciary and Banking, Finance and Urban Affairs.

By Mr. KRAMER:

H.R. 1475. A bill to authorize the Air Force to acquire a space shuttle orbiter vehicle for use for national security purposes; to the Committee on Armed Services.

By Mr. McCAIN:

H.R. 1476. A bill to amend title 38, United States Code, to provide for annual reports to Congress to facilitate the orderly expansion of the National Cemetery System; to the Committee on Veterans' Affairs.

By Mr. McCANDLESS:

H.R. 1477. A bill to amend the Social Security Amendments of 1983 to provide that the amendment therein relating to off-budget treatment for certain social security trust funds which is effective for fiscal years after fiscal year 1992 shall be effective for fiscal years after fiscal year 1986; to the Committee on Ways and Means.

By Mr. McGRATH:

H.R. 1478. A bill to amend the Internal Revenue Code of 1954 to disregard tax-exempt interest in computing the amount of social security benefits included in income; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 1479. A bill to amend the Public Health Service Act to clarify the meaning of least restrictive setting for the mentally ill and to require as a condition to the receipt of grants for mental health that States have in effect plans governing the release of individuals in inpatient mental health facilities; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.R. 1480. A bill entitled: "The Shareholder Democracy Act of 1985"; to the Committee on Energy and Commerce.

By Mr. MICHEL (for himself, Mr. LOTT, Mr. CHENEY, Mr. LEWIS of California, Mr. LOEFFLER, Mrs. MARTIN of Illinois, Mr. MACK, and Mr. CRANE):

H.R. 1481. A bill to authorize the President, on a limited basis, to impound funds made available for the fiscal year 1985 or

1986 when economic conditions necessitate reductions in the Federal deficit; jointly, to the Committees on Government Operations and Rules.

By Mr. MINETA:

H.R. 1482. A bill to amend the Immigration and Nationality Act to increase the immigrant quota for colonies and dependent areas; to the Committee on the Judiciary.

By Mr. MINETA (for himself, Mr. BOLAND, Mr. CONTE, Mr. YOUNG of Missouri, Mr. SHAW, Mr. UDALL, Mr. LOWRY of Washington, and Mr. KOLBE):

H.R. 1483. A bill to authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes; jointly, to the Committees on House Administration and Public Works and Transportation.

By Mr. MONTGOMERY (by request):

H.R. 1484. A bill to amend title 38, United States Code, to provide a special pension program for veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 1485. A bill to amend title 38, United States Code, to extend eligibility for burial allowance to certain additional veterans; to the Committee on Veterans' Affairs.

H.R. 1486. A bill to amend title 38, United States Code, to increase the burial plot allowance for veterans from $150 to $250; to the Committee on Veterans' Affairs.

H.R. 1487. A bill to amend title 38, United States Code, to repeal the requirement that a chronic disease becoming manifest in a veteran within 1 year of the veteran's discharge from military service must be at least 10 percent disabling in order to be presumed to be service connected for purposes of veterans' benefits; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT) (by request):

H.R. 1488. A bill to amend title 38, United States Code, to provide for additional compensation for any veteran who has suffered loss or loss of use of one lung or one kidney; to the Committee on Veterans' Affairs.

H.R. 1489. A bill to amend title 38, United States Code, to provide that income received for participation in Veterans' Administration incentive work therapy programs shall not be counted as income for the purpose of pension payments; to the Committee on Veterans' Affairs.

H.R. 1490. A bill to amend title 38, United States Code, to include lupus erythematosis among the chronic diseases that are presumed to be service connected for purposes of veterans compensation if occurring within 1 year from a veteran's discharge from active service; to the Committee on Veterans' Affairs.

H.R. 1491. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to furnish to veterans prescription drugs prescribed by private physicians in connection with the treatment of a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 1492. A bill to amend title 38, United States Code, to permit veterans who are eligible for military retired pay to receive compensation from the Veterans' Administration for a service-connected disability concurrently with such retired pay; to the Committee on Veterans' Affairs.

H.R. 1493. A bill to amend title 38, United States Code, to provide mortgage protection life insurance to eligible veterans beyond their 70th birthday; to the Committee on Veterans' Affairs.

H.R. 1494. A bill to amend title 38, United States Code, to reduce from 100 percent to 50 percent the degree of service-connected disability a veteran must have in order to be eligible for dental care from the Veterans' Administration for a non-service-connected condition; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY:

H.R. 1495. A bill to prohibit the refusal to hire individuals because of their membership in the National Guard or a Reserve component of the Armed Forces of the United States; to the Committee on Armed Services.

H.R. 1496. A bill to amend title 10, United States Code, to extend medical and dental care and commissary and exchange privileges to surviving dependents of certain Reserve members of the Armed Forces who die in connection with military service; to the Committee on Armed Services.

H.R. 1497. A bill to amend the Internal Revenue Code of 1954 to authorize the Secretary of the Treasury to disclose to the Secretary of the military department concerned or the Secretary of Transportation the mailing addresses of certain members of the Ready Reserve and to disclose to the Director of the Selective Service System the mailing addresses of persons required to register under the Military Selective Service Act; to the Committee on Ways and Means.

H.R. 1498. A bill to amend titles 10 and 37, United States Code, to provide incentives for the recruitment and retention of health professionals for service in the Selected Reserve of the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 1499. A bill to amend title 5, United States Code, to prohibit employment in civil service positions in the executive branch of any individual required to register under the Military Selective Service Act who has not so registered; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (for himself and Mrs. HOLT):

H.R. 1500. A bill to amend the Military Selective Service Act to require registration and classification under such act, to provide authority for induction of not more than 200,000 individuals each year for training and service in the Individual Ready Reserve of the Army Reserve, and for other purposes; to the Committee on Armed Services.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT) (by request):

H.R. 1501. A bill to amend title 38, United States Code, to reduce from 50 percent to 30 percent the degree of service-connected disability a veteran must have in order to be eligible for outpatient care from the Veterans' Administration for non-service-connected diseases and disabilities; to the Committee on Veterans' Affairs.

H.R. 1502. A bill to amend title 38, United States Code, to provide that the period after a veteran is discharged from military service during which the occurrence of certain disease is presumed to be service connected shall, in the case of syringomyelia, by 7 years; to the Committee on Veterans' Affairs.

H.R. 1503. A bill to amend title 38, United States Code, to improve the death and disability pension program for veterans and their dependents; to the Committee on Veterans' Affairs.

H.R. 1504. A bill to amend title 38, United States Code, to increase from $60 to $75 the maximum amount of monthly pension that may be paid to a veteran being furnished hospital, nursing home, or domiciliary care by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 1505. A bill to amend title 38, United States Code, to establish regional veterans employment representatives; to the Committee on Veterans' Affairs.

H.R. 1506. A bill to extend the Emergency Veterans' Job Training Act; to the Committee on Veterans' Affairs.

By Mr. OBERSTAR:

H.R. 1507. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for investment in district heating and cooling systems; to the Committee on Ways and Means.

H.R. 1508. A bill to amend the Internal Revenue Code of 1954 to increase to 32 cents per pack the federal excise tax on cigarettes and to provide that the revenues from such tax shall be divided among the general fund, the Federal Hospital Insurance Trust Fund under the Social Security Act, and research on tobacco-related diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. EDGAR, Mr. MOODY, and Mr. MINETA):

H.R. 1509. A bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. REGULA:

H.R. 1510. A bill to authorize the States to regulate the interstate transfer of water to ensure that Federal regulation pursuant to the commerce clause of the U.S. Constitution does not impair or impede the efforts of the States to protect and control this resource; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

By Mr. RINALDO:

H.R. 1511. A bill to delete the word "war" where it appears before "veterans" in the provisions relating to charitable contributions to veterans organizations for which imcome tax and gift tax deductions are allowed, and for other purposes; to the Committee on Ways and Means.

By Mr. RINALDO (for himself, Mr. ROYBAL, Mr. KILDEE, Mr. BIAGGI, Mr. JEFFORDS, Mr. MARTINEZ, Mr. TAUKE, and Mr. PEPPER):

H.R. 1512. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs credit to December 31, 1986, and to treat as a member of a targeted group for purposes of such credit any economically disadvanteged individual who has attained age 55 to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 1513. A bill to impose certain restrictions on State-chartered depository institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHUMER:

H.R. 1514. A bill to authorize interstate banking; to the committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING (for himself and Mr. EDWARDS of California):

H.R. 1515. A bill to amend the Clayton Act to provide that certain factors be taken into consideration for purposes of determining whether acquisitions of share capital and stock may have the effect of substantially lessening competition; to the Committee on the Judiciary.

By Mr. SHELBY (for himself and Mr. SMITH of New Jersey):

H.R. 1516. A bill to amend title 38, United States Code, to remove an indequity in the Veterans' Administration program to provide assistance to certain disabled veterans in acquiring specially adapted residents; to the Committee on Veterans' Affairs.

By Mrs. SMITH of Nebraska (for herself and Mr. ROBERTS, Mr. STENHOLM, Mr. WATKINS, Mr. MARLENEE, Mr. LIGHTFOOT, Mr. EVANS of Iowa, Mr. GUNDERSON, Mr. SKEEN, Mr. MYERS of Indiana, Mr. COLEMAN of Missouri, Mr. EMERSON, Mrs. MEYERS of Kansas, Mr. TAUKE, and Mr. BEREUTER):

H.R. 1517. A bill to assist in the export of U.S. agricultural commodities and improve farm income through exemption of such commodities from cargo preference requirements; to the Committee on Merchant Marine and Fisheries.

By Mr. SWIFT (for himself and Mr. DWYER of New Jersey, Mr. BONIOR of Michigan, Mr. ADDABBO, Mr. NOWAK, Mr. STARK, Mr. BIAGGI, Mr. ENGLISH, Mr. FAZIO, and Ms. MIKULSKI):

H.R. 1518. A bill to amend title 5, United States Code, to include inspectors of the Immigration and Naturalization Service and inspectors of the U.S. Customs Service within the immediate retirement provisions applicable to certain employees engaged in hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. TRAFICANT (for himself, Mr. WRIGHT, Mr. STOKES, Ms. OAKAR, Ms. KAPTUR, Mr. RAHALL, Mr. STAGGERS, Mr. MOODY, Mr. VISCLOSKY, Mr. ATKINS, Mr. PERKINS, Mr. MRAZEK, Mr. NELSON of Florida, Mr. COELHO, Mr. GRAY of Illinois, Mr. GORDON, Mr. MANTON, Mr. ROBINSON, Mr. BUSTAMANTE, Mr. STALLINGS, Mr. KANJORSKI, Mr. APPELGATE, Mr. DOWNEY of New York, Mr. ANNUNZIO, Mr. BIAGGI, Mr. OBERSTAR, Mr. MOLLOHAN, Mr. HALL of Ohio, Mr. SABO, Mr. PEASE, Mr. BROWN of California, Mr. ALEXANDER, Mr. JONES of North Carolina, Mr. TALLON, Mr. JONES of Tennessee, Mr. VOLKMER, Mr. RALPH M. HALL, Mr. BROOKS, Mr. GRAY of Pennsylvania, and Mr. SEIBERLING):

H.R. 1519. A bill to direct the Secretary of the Army to review a study of the Army Corps of Engineers concerning construction of a canal connecting Lake Erie and the Ohio River, OH and PA, for the purpose of determining the feasibility of constructing that canal; to the Committee on Public Works and Transportation.

By Mr. UDALL:

H.R. 1520. A bill to promote and expand the vitality of the U.S. copper industry; jointly, to the Committees on Interior and Insular Affairs and Ways and Means.

By Mr. WATKINS:

H.R. 1521. A bill to repeal the new substantiation requirements for deductions attributable to business use of passenger automobiles and certain other types of personal property; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 1522. A bill to amend title II of the Social Security Act to restore eligibility for child's insurance benefits to postsecondary school students, in the case of existing children of covered workers; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mr. BARTLETT, Mr. BIAGGI, Mr. MURPHY, Mr. KILDEE, Mr. MARTINEZ, Mr. OWENS, Mr. ECKART of Ohio, Mr. HAYES, Mr. JEFFORDS, Mr. BOUCHER, and Mr. GOODLING):

H.R. 1523. A bill to amend the Education of the Handicapped Act to authorize the award of reasonable attorneys' fees to certain prevailing parties, to clarify the effect of the Education of the Handicapped Act on rights, procedures, and remedies under other laws relating to the prohibition of discrimination, and for other purposes; to the Committee on Education and Labor.

By Mr. WILLIAMS (for himself, Mr. MARTINEZ, Mr. FORD of Michigan, Mr. KEMP, Mr. MCKINNEY, Mr. HAYES, Mr. OWENS, Mr. DYMALLY, Mr. BOUCHER, Mr. MURPHY, Mr. TAUKE, Mr. LOWRY of Washington, Mr. COURTER, and Mr. EDWARDS of California):

H.R. 1524. A bill to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce; to the Committee on Education and Labor.

By Mr. WOLF (for himself, Mr. PARRIS, Mr. HOYER, and Mr. BARNES):

H.R. 1525. A bill to make permanent the authority to establish and administer flexible and compressed work schedules for Federal Government employees; to the Committee on Post Office and Civil Service.

By Mr. WEISS:

H.R. 1526. A bill to provide emergency shelter and related services to homeless individuals and families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MICHEL: (for himself and Mr. WRIGHT):

H.J. Res. 186. Joint resolution designating April 2, 1985, as "Education Day, U.S.A."; to the Committee on Post Office and Civil Service.

By Mr. FASCELL: (for himself, Mr. UDALL, Mr. SEIBERLING, Mr. SOLARZ, and Mr. LAGOMARSINO (by request):

H.J. Res. 187. Joint resolution to approve the "Compact of Free Association," and for other purposes; jointly, to the Committees on Foreign Affairs, and Interior and Insular Affairs.

By Mr. FISH (for himself, Mr. GARCIA, Mr. EDWARDS of California, Mr. RODINO, Mr. WYLIE, Mr. GREEN, Mr. LEACH of Iowa, Mr. HAWKINS, Mr. CLINGER, and Mr. MCKINNEY):

H.J. Res 188. Joint resolution to designate April, 1985 as "Fair Housing Month"; to the Committee on Post Office and Civil Service.

By Mr. LEVIN of Michigan (for himself, Mr. MCHUGH, Mr. HYDE, Mr. LELAND, Mr. SILJANDER, Mr. UDALL, Mr. FUSTER, Mr. BARNES, Mr. KLECZKA, Mr. SAVAGE, Mrs. COLLINS, Mr. BONER of Tennessee, Mr. SABO, Mr. DWYER of New Jersey, Mr. STANGELAND, Mr. DARDEN, Mr. OWENS, Mr. FUQUA Mr. ROE, Mr. HUGHES, Mr. LEVINE of California, Mr. MINETA, Mr. WAXMAN, Mr. WEISS, Mr. MOODY, Mr. CONTE, Mr. JEFFORDS, Mr. MCGRATH, Mr. FEIGHAN, Mr. ACKERMAN, Mrs. ROUKEMA, Mr. RANGEL, Mr. SOLARZ, Mr. WORTLEY, Mr. NATCHER, Mr. FISH, Mr. LANTOS, Mr. KOLTER, Mr. BUSTAMANTE, Mr. MURPHY, Mr. HERTEL of Michigan, Mr. SCHEUER, Mr. COOPER, Mr. SUNIA, Mr. BORSKI, Mr. DAUB, Mr. BATEMAN, Mr. BILIRAKIS, Mrs. BOXER, Mr. YOUNG of Missouri, Mr. LAGOMARSINO, Mr. CLAY, Mr. AKAKA, Mr. FROST, Mr. HORTON, and Mr. DURBIN):

H.J. Res. 189. Joint resolution to designate the week of April 1 through April 7, 1985, as "World Health Week", and to designate April 7, 1985, as "World Health Day"; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL (for himself, and Mr. WAXMAN):

H.J. Res. 190. Joint resolution directing that the Alcohol, Drug Abuse and Mental Health Administration receive full funding in fiscal year 1985 for new and competing research grants; to the Committee on Appropriations.

By Mr. WRIGHT:

H.J. Res. 191. Joint resolution expressing the sense of Congress that amounts paid by the Veterans' Administration to veterans with service-connected disabilities as compensation for such disabilities should remain exempt from Federal income tax; to the Committee on Ways and Means.

By Mr. MURTHA:

H. Con. Res. 79. Concurrent resolution providing for an adjournment of the House from March 7, 1985, to March 19, 1985; considered and agreed to.

By Mr. BEREUTER (for himself, and Mr. BARNARD):

H. Con. Res. 80. Concurrent resolution expressing the sense of the Congress that the Federal bank regulatory agencies shall encourage forebearance in agricultural lending consistent with safety and soundness considerations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COURTER (for himself, Mr. MCEWEN, Mr. HAMMERSCHMIDT, Mr. STUMP, Mr. MCCAIN, Mr. HOPKINS, Mr. YOUNG of Alaska, Mr. KASICH, Mr. GALLO, Mr. HYDE, Mr. MILLER of Washington, Mr. SOLOMON, Mr. EDWARDS of Oklahoma, Mr. HUNTER, Mr. SILJANDER, Mr. MOLINARI, Mr. GILMAN, Mr. DORNAN of California, Mr. DEWINE, Mr. MCCOLLUM, Mr. STRANG, Mr. SAXTON Mr. GINGRICH, Mr. BILIRAKIS, Mr. BADHAM, Mr. WORTLEY, Mr. WEBER, Mr. BURTON of Indiana, Mr. RITTER, Mr. LUNGREN, Mr. CRANE, Mr. CAMPBELL, Mr. KEMP, Mr. DENNY SMITH, Mr. BARTON of Texas, Mr. WALKER, Mr. LEWIS of California, Mr. MACK, Mr. LOTT, Mr. DICKINSON, Mr. DAVIS, Mr. SENSENBRENNER, Mr. SKEEN, Mr. DANNEMEYER, Mr. DAUB, Mr. SPENCE, Mr. MCGRATH, Mr. DREIER of California, Mr. GREGG, Mr. LOEFFLER, Mr. STANGELAND, Mr. ROGERS, Mr. LOWERY of California, and Mr. ARCHER):

H. Con. Res. 81. Concurrent resolution expressing the sense of the Congress concerning the situation in Nicaragua; to the Committe on Foreign Affairs.

By Mr. FLORIO (for himself, Mr. ADDABBO, Mr. BIAGGI, Mrs. BOXER, Mrs. BURTON of California, Mr. FAUNTROY, Ms. FIEDLER, Mr. FRANK, Mr. GALLO, Mr. GILMAN, Mr. GREEN, Mr. HORTON, Mr. HUGHES, Mr. KOSTMAYER, Mr. KRAMER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. MCDADE, Mr. MCHUGH, Mr. MANTON, Mr. MATSUI, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. PEPPER, Mr. RICHARDSON, Mr. ROE, Mr. SAXTON, Mr. SCHUMER, Ms. SNOWE, Mr. SOLARZ, Mr. STUDDS, Mr. TORRICELLI, Mr. UDALL, Mr. WALGREN, Mr. WAXMAN, and Mr. YATES):

H. Con. Res. 82. Concurrent resolution to express the sense of the Congress that the

United States should continue its investigation into the residence and activities of Dr. Josef Mengele, who is known as the Angel of Death of the Auschwitz concentration camp: jointly, to the Committees on Foreign Affairs, and the Judiciary.

By Mr. MICA:

H. Con. Res. 83. Concurrent resolution to express the sense of Congress regarding the recent murder of a U.S. Drug Enforcement Agency official in Mexico and to direct the President to provide 10 additional DEA agents to combat drug trafficking as a response to this act of terrorism; to the Committee on the Judiciary.

By Mr. WATKINS:

H. Con. Res. 84. Concurrent resolution relating to Family Farmers and Rural America; to the Committee on Agriculture.

By Mr. DYMALLY:

H. Res. 99. Resolution expressing the sense of the House of Representatives that the President should adequately provide for the civil rights and civil liberties of the Micronesians in the event of deployment of U.S. Armed Forces from the Philippines to Micronesia; jointly, to the Committees on Interior and Insular Affairs, and Foreign Affairs.

By Mr. GAYDOS:

H. Res. 100. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by standing and select committees of the House in the first session of the 99th Congress; to the Committee on House Administration.

By Mr. GONZALEZ:

H. Res. 101. Resolution providing for the impeachment of Paul A. Volcker, Edward G. Boehne, Robert R. Boykin, E. Gerald Corrigan, Lyle E. Gramley, Karen N. Horn, Preston Martin, J. Charles Partee, Emmett J. Rice, Martha R. Seger, and Henry C. Wallich, as members of the Federal Open Market Committee; to the Committee on the Judiciary.

H. Res. 102. Resolution providing for the impeachment of Paul A. Volcker, Chairman of the Board of Governors of the Federal Reserve System; to the Committee on the Judiciary.

By Mr. LELAND:

H. Res. 103. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Hunger in the 1st session of the 99th Congress; to the Committee on House Administration.

By Mr. LEVINE of California (for himself, Mr. FISH, Mr. GILMAN, Mr. DURBIN, Mr. HAYES, Mr. MORRISON of Connecticut, Mr. FRENZEL, Mr. WHEAT, Mr. BEILENSON, Mr. LEACH of Iowa, Mr. SMITH of Florida, Mr. KASTENMEIER, Ms. FIEDLER, Mr. LUNDINE, Mr. MITCHELL, Mr. BORSKI, Mr. FAUNTROY, Mr. WILSON, Mr. MCKINNEY, Mr. DELLUMS, Mrs. SCHNEIDER, Mr. CONYERS, Mr. BLAZ, Mr. GARCIA, Mr. FRANK, Mr. RICHARDSON, Mr. OWENS, Mr. SAVAGE, Mr. SABO, Mr. HORTON, Mr. STOKES, Mr. CLINGER, Mr. BARNES, Mrs. BOXER, Mr. KOSTMAYER, Mr. PEPPER, Mr. EDGAR, Mr. OBERSTAR, Mr. SCHEUER, Mr. HALL of Ohio, Ms. KAPTUR, Mr. MOAKLEY, Mr. SCHUMER, Mr. HEFTEL of Hawaii, Mr. FROST, Mr. KOLTER, Mr. SOLARZ, Mr. MINETA, Mr. SEIBERLING, Mr. MARKEY, Mr. FEIGHAN, Mr. WYDEN, Mr. WOLPE, Mr. NEAL, Mr. BERMAN, Mr. JEFFORDS, Mr. WAXMAN, and Mr. RANGEL):

H. Res. 104. Resolution expressing the sense of the House of Representatives with respect to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on Foreign Affairs.

By Mr. McGRATH:

H. Res. 105. Resolution expressing the sense of the House of Representatives that the Federal deduction for State and local taxes should not be repealed; to the Committee on Ways and Means.

By Mr. MILLER of California:

H. Res. 106. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Children, Youth, and Families in the first session of the 99th Congress; to the Committee on House Administration.

By Mr. WEISS (for himself, Mr. JEFFORDS, Mr. FRANK, and Mr. CONTE):

H. Res. 107. Resolution expressing the sense of the House of Representatives with respect to extending voluntary departure status to nationals of Guatemala; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

24. By the SPEAKER: Memorial of the Legislature of the State of Arkansas, to the Committee on Agriculture.

25. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the Mount Vernon Conference; to the Committee on Post Office and Civil Service.

26. Also, memorial of the Senate of the State of California, relative to mass transportation; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALLAHAN:

H.R. 1527. A bill for the relief of the Merchants National Bank of Mobile, AL; to the Committee on the Judiciary.

By Mr. GRAY of Pennsylvania:

H.R. 1528. A bill for the relief of Frances Silver; to the Committee on the Judiciary.

By Mr. LOTT:

H.R. 1529. A bill for the relief of Gerald M. Hendley; to the Committee on the Judiciary.

By Mr. REID:

H.R. 1530. A bill to direct the Secretary of the Interior to sell certain property located in Elbow Canyon, AZ; to the Committee on Interior and Insular Affairs.

By Mr. ROBERT F. SMITH:

H.R. 1531. A bill to confirm a conveyance of certain real property by the Southern Pacific Transportation Co. to Ernest Pritchett and his wife, Dianna Pritchett; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. FOGLIETTA, Mr. FEIGHAN, Mr. ANDERSON, Mr. PEPPER, and Mr. ANNUNZIO.

H.R. 6: Mr. MOLLOHAN.

H.R. 21: Mrs. BYRON and Mrs. SCHNEIDER.

H.R. 36: Mr. WEISS, Mr. SCHEUER, Mr. BROWN of California, Mr. BORSKI, and Mr. MARTINEZ.

H.R. 44: Mr. MONSON, Mr. TALLON, Mr. OXLEY, and Mr. ROBERT F. SMITH.

H.R. 68: Mr. ACKERMAN, Mr. BEDELL, Mr. BERMAN, Mr. BIAGGI, Mrs. BOXER, Mrs. BURTON of California, Mrs. COLLINS, Mr. CROCKETT, Mr. DYMALLY, Mr. FAUNTROY, Mr. FAZIO, Mr. FRANK, Mr. GARCIA, Mr. HAYES, Mr. HOWARD, Mr. JONES of North Carolina, Mr. KOLTER, Mr. MATSUI, Mr. MITCHELL, Mr. MRAZEK, Mr. OWENS, Mr. RAHALL, Mr. RANGEL, Mr. REID, Mr. ROSE, Mr. SAVAGE, Mr. SEIBERLING, Mr. STOKES, Mr. STUDDS, Mr. TOWNS, Mr. VENTO, Mr. WHEAT, Mr. WILLIAMS, and Mr. WOLPE.

H.R. 99: Mr. MORRISON of Washington and Mr. STAGGERS.

H.R. 147: Mr. SIKORSKI, Mr. BROWN of California, Mr. MCCURDY, Mr. WORTLEY, Mr. HEFTEL of Hawaii, Mr. SYNAR, Mr. MARTINEZ, Mr. SKEEN, Mr. HERTEL of Michigan, Mr. HAYES, Mr. FUSTER, Mr. FORD of Tennessee, Mr. CARR, Mr. DARDEN, Mr. BOLAND, Mr. RICHARDSON, Mr. FLORIO, Ms. KAPTUR, Mr. WEISS, Mr. THOMAS of Georgia, Mr. KOLTER, and Mr. MADIGAN.

H.R. 148: Mr. PURSELL.

H.R. 236: Mr. MORRISON of Washington.

H.R. 283: Mr. ACKERMAN, Mr. BEDELL, Mr. BERMAN, Mr. BIAGGI, Mrs. BOXER, Mrs. BURTON of California, Mrs. COLLINS, Mr. CROCKETT, Mr. DYMALLY, Mr. FAUNTROY, Mr. FAZIO, Mr. FRANK, Mr. GARCIA, Mr. HAYES, Mr. HOWARD, Mr. JONES of North Carolina, Mr. KOLTER, Mr. MATSUI, Mr. MITCHELL, Mr. MRAZEK, Mr. OWENS, Mr. RAHALL, Mr. RANGEL, Mr. REID, Mr. ROSE, Mr. SAVAGE, Mr. SEIBERLING, Mr. STOKES, Mr. STUDDS, Mr. TOWNS, Mr. VENTO, Mr. WHEAT, Mr. WILLIAMS, and Mr. WOLPE.

H.R. 346: Mr. TOWNS and Mr. MANTON.

H.R. 444: Mr. WHEAT.

H.R. 479: Mrs. SMITH of Nebraska and Mr. REID.

H.R. 501: Mr. MITCHELL, Mr. WOLPE, Mr. SEIBERLING, Mr. STARK, Mr. BATES, Mr. DWYER of New Jersey, Mr. RANGEL, Mrs. BOXER, Mr. HALL of Ohio, Mr. DELLUMS, Mr. MOODY, Mr. LEHMAN of California, Mr. KILDEE, Mr. WAXMAN, Mr. CROCKETT, Mr. EVANS of Illinois, Mr. MRAZEK, Mr. WEAVER, Mrs. BURTON of California, Mr. FEIGHAN, and Mr. LUKEN.

H.R. 507: Mrs. BENTLEY and Mr. BLAZ.

H.R. 508: Mr. MITCHELL, Mr. WISE, Mr. MRAZEK, Mrs. BOXER, Mr. NEAL, Mrs. BURTON of California, and Mr. FAUNTROY.

H.R. 511: Mr. MILLER of Ohio.

H.R. 526: Mr. DELLUMS, Mr. WILLIAMS, Mr. MICA, Mr. VENTO, Mr. MCGRATH, Mr. FISH, Mr. FAZIO, Mr. BONIER of Michigan, Mr. LLOYD, Mr. NOWAK, Mr. KILDEE, Mr. FEIGHAN, Mr. DIOGARDI, Mr. MURPHY, and Mr. LEVIN of Michigan.

H.R. 531: Mrs. JOHNSON, Mr. GREGG, Mr. DAUB, Mr. SHARP, Mr. EDWARDS of Oklahoma, Mr. BLAZ, Mr. SCHULZE, Mr. VALENTINE, Mr. MINETA, and Mr. CLINGER.

H.R. 585: Mr. APPLEGATE.

H.R. 589: Mr. BARTON of Texas, Mr. SENSENBRENNER, Mr. KINDNESS, Mr. GINGRICH, and Mrs. BOXER.

H.R. 600: Mr. GEJDENSON, Mr. STAGGERS, Mr. LANTOS, Mr. GRAY of Illinois, Mr. DONNELY, Mr. MINETA, Mr. MARTIN of New York, Mr. SAXTON, Mrs. ROUKEMA, Mr. COURTER, Mr. MCCAIN, Mr. YOUNG of Florida, Mr. COUGHLIN, Mr. LEACH of Iowa, and Mr. VALENTINE.

H.R. 639: Mr. BEILENSON, Mr. WEAVER, and Mr. TOWNS.

H.R. 640: Mr. TOWNS.

H.R. 665: Mr. MRAZEK, Mr. RITTER, Mr. WHITTAKER, and Mr. PEPPER.

H.R. 667: Mr. MITCHELL, Mrs. ROUKEMA, Mr. MATSUI, and Mr. FEIGHAN.

H.R. 691: Mr. MILLER of Washington and Mr. SIKORSKI.

H.R. 732: Mr. LUJAN, Mr. STANGELAND, Mr. DARDEN, Mr. ECKART of Ohio, and Mr. BEDELL.

H.R. 752: Mr. ROWLAND of Connecticut.

H.R. 773: Mr. HALL of Ohio, Mr. TAUKE, Mr. NOWAK, Mr. LAGOMARSINO, Mr. MURPHY, Mr. CHANDLER, Mr. TRAXLER, Mr. ROBERTS, Mr. MCCOLLUM, Mr. RUDD, Mr. SKEEN, Mr. STAGGERS, Mr. DYSON, Mr. BILIRAKIS, Mr. STALLINGS, Mr. SCHAEFER, Mr. BATEMAN, and Mr. THOMAS of Georgia.

H.R. 776: Mr. GUARINI and Mr. MORRISON of Connecticut.

H.R. 831: Mr. SMITH of Florida, Mr. COELHO, Mr. GORDON, Mr. DARDEN, Mr. SOLOMON, Mr. KOLTER, Mr. VALENTINE, Mr. HAWKINS, and Mr. WHITEHURST.

H.R. 842: Mr. MINETA.

H.R. 844: Mr. ACKERMAN, Mr. APPLEGATE, Mr. BEDELL, Mr. FRANK, Mr. HANSEN, Mr. HEFTEL of Hawaii, Mr. HYDE, Mr. KOLBE, Mr. LAFALCE, Mr. MCCANDLESS, Mr. MACKAY, Mr. MARTINEZ, Mr. MILLER of Washington, Mr. MRAZEK, Mr. NIELSON of Utah, Mr. NOWAK, Mr. ROYBAL, Mr. SMITH of New Jersey, Mr. STRATTON, Mr. WALGREN, and Mr. WYLIE.

H.R. 847: Mr. HYDE.

H.R. 849: Mr. MINETA, Mr. SUNIA, Mr. WILSON, Mr. NEAL, Mr. WEISS, and Mr. MATSUI.

H.R. 862: Mr. BONKER.

H.R. 864: Mr. RAHALL, Mr. REID, and Mr. KOSTMAYER.

H.R. 877: Mr. LOTT and Mr. DREIER of California.

H.R. 890: Mr. MOLLOHAN, Mr. DWYER of New Jersey, Mr. YATRON, Mr. EDGAR, and Mr. KANJORSKI.

H.R. 901: Mr. YOUNG of Missouri.

H.R. 930: Mr. WOLPE.

H.R. 935: Mr. HAYES, Mr. WEAVER, Mr. COUGHLIN, Mr. FRANK, Mr. FAUNTROY, Mr. BEILENSON, Mr. TOWNS, Mr. COURTER, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. DELLUMS, Mr. GREEN, Mr. WEBER, Mr. SAVAGE, Mr. BERMAN, Mr. BARTON of Texas, Mr. SCHUMER, Mr. GOODLING, Mr. MCGRATH, Mr. STUDDS, Mr. LATTA, Mr. LEACH of Iowa, and Mr. GRADISON.

H.R. 945: Mr. LOWERY of California, Mr. HENDON, Mr. WHITLEY, Mr. LOTT, Mr. MURPHY, Mr. JONES of Oklahoma, Mr. DYSON, Mr. HUBBARD, Mr. HUTTO, Mr. SKELTON, Mr. SKEEN, Mr. SHUMWAY, Mr. PERKINS, Mr. TAUZIN, Mr. BILIRAKIS, Mr. NIELSON of Utah, Mr. WHITTAKER, Mr. KANJORSKI, Mr. DARDEN, Mr. GREGG, and Mr. VALENTINE.

H.R. 963: Mr. BERMAN, Mr. LELAND, Mr. MORRISON of Connecticut, Mr. VENTO, Mr. WHEAT, and Mr. STUDDS.

H.R. 965: Mr. BERMAN, Mr. LELAND, Mr. MORRISON of Connecticut, Mr. WHEAT, and Mr. STUDDS.

H.R. 966: Mr. BERMAN, Mr. LELAND, Mr. MORRISON of Connecticut, Mr. WHEAT, and Mr. STUDDS.

H.R. 967: Mr. BERMAN, Mr. LELAND, Mr. MORRISON of Connecticut, Mr. WHEAT, Mr. STUDDS, and Mrs. BURTON of California.

H.R. 968: Mr. ACKERMAN and Mr. WEISS.

H.R. 976: Mr. KOLTER and Mr. ECKART of Ohio.

H.R. 1072: Mr. DWYER of New Jersey, Mr. FORD of Michigan, Mr. HALL of Ohio, Mr. KOLTER, Mr. CROCKETT, Mr. WEISS, Mr. EDGAR, and Mr. LEVIN of Michigan.

H.R. 1081: Mr. FORD of Tennessee, Mr. SAVAGE, Mr. DIXON, Mr. MORRISON of Connecticut, Mr. SMITH of Florida, Mr. MITCHELL, Mr. WHEAT, Mr. WEISS, and Mr. MARTINEZ.

H.R. 1086: Mr. LUJAN and Mr. WHITTAKER.

H.R. 1090: Mr. DOWNEY of New York, Mr. FUSTER, and Mr. SMITH of Florida.

H.R. 1098: Mr. LELAND, Mr. CLAY of Missouri, Mr. DYMALLY, Mr. DE LUGO, Mr. DELLUMS, Mr. GARCIA, Mr. TOWNS, Mrs. COLLINS, Mr. MITCHELL, Mr. CONYERS, Mr. HAYES, Mr. OWENS, Mr. EDWARDS of California, Mr. STOKES, Mr. FRANK, Mr. CROCKETT, Mr. RANGEL, Mr. DIXON, Mr. MARTINEZ, Mr. ADDABBO, Mrs. SCHROEDER, Mr. FORD of Tennessee, Mr. WHEAT, and Mr. WEISS.

H.R. 1123: Mrs. BURTON of California, Mr. DANNEMEYER, Mr. GUARINI, Mr. HOPKINS, Mr. MADIGAN, Mrs. MARTIN of Illinios, Mr. MOLINARI, Mr. SAXTON, Mr. STRANG, Mr. TAUKE, and Mr. LUNGREN.

H.R. 1124: Mr. DURBIN.

H.R. 1136: Mr. SMITH of Florida, Mr. FRANK, Mr. TOWNS, Mr. DEWINE, Mr. WHITEHURST, Mr. RANGEL, Mr. WORTLEY, Mr. DWYER of New Jersey, Mrs. JOHNSON, Mr. PENNY, Ms. MIKULSKI, Mr. DIOGUARDI, Mr. HERTEL of Michigan, Ms. KAPTUR, Mr. ECKART of Ohio, Mr. HUGHES, Mr. WEISS, Mr. GLICKMAN, Mr. PORTER, and Mr. YATRON.

H.R. 1163: Mr. SHUMWAY, Mr. SCHAEFER, Mr. WEBER, Mr. STALLINGS, Mr. DARDEN, Mr. DELAY, Mr. STUMP, and Mr. MORRISON of Washington.

H.R. 1188: Mr. DORGAN of North Dakota, Mr. ROBERT F. SMITH, Mr. RUDD, Mr. BATES, Mr. BERMAN, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mrs. BURTON of California, Mr. COELHO, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAZIO, Mr. LEVINE of California, Mr. LEHMAN of California, Mr. LOWERY of California, Mr. LEWIS of California, Mr. MARTINEZ, Mr. TORRES, Mr. FRANK, Mr. REID, Mr. WYDEN, Mr. FOLEY, Mr. RICHARDSON, Mr. BADHAM, Mr. TORRICELLI, and Mr. KOSTMAYER.

H.R. 1197: Mr. OWENS, Mr. LIPINSKI, Mr. STOKES, Mr. FORD of Tennessee, Mr. HERTEL of Michigan, Mr. ROE, Mr. ANNUNZIO, Mr. SMITH of Florida, Mr. SAVAGE, and Mr. MCGRATH.

H.R. 1213: Mr. CROCKETT, Mr. FAUNTROY, Mr. KANJORSKI, Mr. COURTER, Mr. REID, and Ms. MIKULSKI.

H.R. 1217: Mr. COMBEST, Mr. NICHOLS, Mr. BOULTER, Mr. STANGELAND, Mr. SMITH of Iowa, Mr. BUSTAMANTE, Mr. TOWNS, and Mr. ORTIZ.

H.R. 1219: Mr. ECKART of Ohio, Mr. NOWAK, Mr. WORTLEY, Mr. DURBIN, Mr. KANJORSKI, and Mrs. BENTLEY.

H.R. 1257: Mr. SMITH of Florida, Mr. WEBER, Mr. ROTH, Mr. BARTON of Texas, Mr. NIELSON of Utah, and Mr. HEFTEL of Hawaii.

H.R. 1272: Mr. KRAMER, Mr. DUNCAN, Mrs. SCHNEIDER, and Mr. WEAVER.

H.R. 1297: Mr. VENTO.

H.R. 1310: Mr. NOWAK and Mr. MARTINEZ.

H.R. 1327: Mr. BIAGGI, Mr. DOWNEY of New York, Mr. WHITTAKER, Mrs. COLLINS, Mr. BENNETT, Mr. MCGRATH, Mr. MARTINEZ, Ms. MIKULSKI, and Mr. CONYERS.

H.R. 1359: Mr. HENRY, Mr. ZSCHAU, and Mr. SMITH of Florida.

H.R. 1361: Mr. KOSTMAYER, Mr. DIXON, Mr. WHITEHURST, Mr. MCGRATH, Mr. APPLEGATE, Mr. CHAPPELL, Mr. WEISS, Mr. JACOBS, Mr. STARK, and Mr. FRANK.

H.R. 1392: Mr. COUGHLIN, Mr. KINDNESS, Mr. HENRY, Mr. WHITEHURST, Mr. JONES of North Carolina, Mr. CHANDLER, and Mr. ROE.

H.R. 1395: Mr. JEFFORDS, Mr. DURBIN, Mr. KRAMER, Mr. LAGOMARSINO, and Mr. CHAPPIE.

H.R. 1449: Mr. LATTA and Mr. TAYLOR.

H.J. Res. 25: Mr. QUILLEN, Mr. BUSTAMANTE, Mr. FISH, Mr. FUSTER, Mr. GILMAN, Mr. O'BRIEN, Mr. HAMMERSCHMIDT, Mr. HAYES, Mr. HOYER, Mr. TAUZIN, Mr. WIRTH, Mr. LEWIS of California, Mr. JENKINS, Mr. VENTO, Mr. LATTA, Mr. GARCIA, Mrs. LLOYD, Mr. LEVINE of California, Mr. MCDADE, Mr. HORTON, Mr. MAVROULES, Mr. BATEMAN, Mr. BRYANT, and Mr. MARTIN of New York.

H.J. Res. 74: Mr. SUNIA, Mr. PICKLE, Mr. COOPER, Mr. MCCAIN, Mr. EMERSON, Mr. SKEEN, Mr. SABO, Mr. WIRTH, Mr. HUCKABY, Mr. MOLINARI, Mr. KEMP, Mr. RUSSO, Mr. DELAY, Mr. ROSE, Mr. YATRON, Mr. HEFNER, Mr. HAMMERSCHMIDT, Mr. HAMILTON, Mr. SHARP, Mr. WHITLEY, Mr. GORDON, Mr. FAUNTROY, Mr. TRAXLER, Mr. ASPIN, Mr. ROTH, Mr. BARNARD, Mr. PASHAYAN, and Mrs. SMITH of Nebraska.

H.J. Res. 85: Mr. FAUNTROY and Mr. LEHMAN of California.

H.J. Res. 100: Mr. BERMAN, Mrs. BOGGS, Mr. BONIOR of Michigan, Mr. BRYANT, Mr. CARR, Mr. DARDEN, Mr. DEWINE, Mr. DIXON, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FORD of Michigan, Mr. FUQUA, Mr. GALLO, Mr. GRAY of Illinois, Mr. HENRY, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. MADIGAN, Mr. MANTON, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MURPHY, Mr. NEAL, Mr. RODINO, Mr. ROE, Mr. SABO, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. TALLON, Mr. THOMAS of Georgia, Mr. VANDER JAGT, Mr. VOLKMER, and Mr. WAXMAN.

H.J. Res. 105: Mr. BATEMAN, Mr. ECKART of Ohio, Mr. FAZIO, Mr. GREGG, Mrs. KENNELLY, Mr. KOLBE, Ms. MIKULSKI, Ms. OAKAR, Mr. RUSSO, Mr. SCHUETTE, Mr. SCHUMER, Mr. STAGGERS, Mr. THOMAS of Georgia, and Mr. WISE.

H.J. Res. 121: Mr. DENNY SMITH, Mr. LEHMAN of California, Mr. BARTON of Texas, Mr. HUCKABY, Mr. COUGHLIN, Mr. MILLER of Washington, Mr. HILLIS, Mr. GRADISON, Mr. NICHOLS, Mr. PANETTA, Mr. GINGRICH, Mr. CHAPPELL, Mr. MONTGOMERY, Mr. BROYHILL, Mr. THOMAS of Georgia, Mr. KASTENMEIER, Mr. ROGERS, Mr. BENNETT, Mr. SIKORSKI, and Mr. BATES.

H.J. Res. 123: Mr. DELLUMS, Mr. MCGRATH, Mr. EVANS of Iowa, Mr. SHUMWAY, Mr. HILER, Mr. MONTGOMERY, Mr. EMERSON, Mr. TALLON, Mr. WOLF, Mr. LIGHTFOOT, Mr. ROBERTS, Mrs. BURTON of California, Mr. CAMPBELL, Mr. JONES of North Carolina, Mr. HUCKABY, Mr. GUNDERSON, Mr. ROSE, Mr. LEWIS of Florida, Mr. DERRICK, and Mr. FAWELL.

H.J. Res. 134: Mr. COOPER, Mr. BOEHLERT, Mr. MACK, and Mr. EDGAR.

H.J. Res. 136: Mr. WILLIAMS, Mr. WEISS, Mr. FASCELL, Mr. BIAGGI, Mr. MORRISON of Washington, Mr. DYMALLY, Mr. ROBERTS, Mr. KANJORSKI, Mr. MOLLOHAN, Mr. KOSTMAYER, Mr. YATES, Mr. HORTON, Mr. ROSE, Mr. YATRON, Mr. HUGHES, Mr. VENTO, and Mr. JEFFORDS.

H.J. Res. 137: Mr. MCKERNAN, Mr. TAUKE, Mr. HOPKINS, Mr. BOUCHER, Mr. ERDREICH, Mr. BRUCE, Mr. HUNTER, Mrs. JOHNSON, Mr. TAUZIN, Mr. MAVROULES, Mr. ANNUNZIO, Mr. PRICE, Mr. ASPIN, Mr. CLINGER, and Mr. TRAXLER.

H.J. Res. 153: Mr. SPRATT.

H.J. Res. 160: Mr. DICKINSON, Mr. ERDREICH, Mr. MATSUI, Ms. FIEDLER, Mr. DORNAN of California, Mr. PASHAYAN, Mr. ANDERSON, Mrs. KENNELLY, Mr. MACKAY, Mr. GROTBERG, Mr. RUSSO, Mr. LEACH of Iowa, Mr. WHITTAKER, Mr. FRANK, Mr. PURSELL, Mr. WOLPE, Mr. FRENZEL, Mr. LOTT, Mr. SKEEN, Mr. GILMAN, Mr. SOLARZ, Mr. KEMP, Mr. MARTIN of New York, Mr. MCEWEN, Mr. AUCOIN, Mr. MCDADE, Mr. HARTNETT, Mr. DERRICK, Mr. COOPER, Mr. BARTON of Texas, Mr. BUSTAMANTE, Mr. ORTIZ, Mr. BATEMAN, Mr. KLECZKA, Mr. MOODY, Mr. FUSTER, Mr. EDWARDS of Oklahoma, Mr. MOORHEAD, Mr. CHAPPIE, Mr. EVANS of Illinois, Mrs. HOLT, Mr. BARNES, Mr. GREEN, Mr. KANJORSKI, Mr. FORD of Tennessee, Mr. SPENCE, Mr. COATS, Mr. HILLIS, Mr. THOMAS of Georgia, Mr. JONES of Tennessee, Mr. BRUCE, Mr. NEAL, Mr. ENGLISH, Mr. STOKES, and Mr. DE LUGO.

H.J. Res. 161: Mr. REID.

H.J. Res. 169: Mr. TOWNS, Mr. WEISS, Mr. WOLF, Mrs. COLLINS, Mr. FAUNTROY, Mr. CHAPPIE, Mr. DURBIN, Mr. SMITH of Florida, and Mr. O'BRIEN.

H. Con. Res. 15: Mr. BIAGGI.

H. Con. Res. 34: Mr. ANTHONY, Mr. DARDEN, Mr. EDWARDS of California, Mr. EVANS of Iowa, Mr. GAYDOS, Mr. GEKAS, Mr. GOODLING, Mr. SAM B. HALL, JR., Mr. HEFNER, Mr. JENKINS, Mr. KOLTER, Mr. KOSTMAYER, Mr. LIGHTFOOT, Mr. MCDADE, Mr. MURPHY, Mr. PACKARD, Mr. ROTH, Mr. ROWLAND of Georgia, Mr. SWINDALL, Mr. VALENTINE, Mr. WEISS, and Mr. YATRON.

H. Con. Res. 35: Mr. CHAPPELL.

H. Con. Res. 45: Mr. KANJORSKI, Mr. HORTON, and Mr. HUGHES.

H. Con. Res. 57: Mr. ADDABBO, Mr. BEDELL, Mr. BIAGGI, Mr. DAUB, Mr. LOWERY of California, Mr. MITCHELL, and Mr. MURPHY.

H. Con. Res. 60: Mr. CROCKETT, Mr. ECKART of Ohio, Mr. FISH, Mr. VENTO, Mr. WEISS, and Mr. HUGHES.

H. Con. Res. 63: Mrs. BENTLEY, Mr. BROOMFIELD, Mr. CONTE, Mr. ECKART of Ohio, Mr. GALLO, Mr. JACOBS, Ms. KAPTUR, Mr. KINDNESS, Mr. KOLTER, Mr. MRAZEK, Mr. MURPHY, Mr. REGULA, Mr. RUSSO, and Mr. TALLON.

H. Con. Res. 67: Mr. MARTINEZ, Mr. KOLTER, Mr. FEIGHAN, Mr. FRANK, Ms. KAPTUR, and Mr. TOWNS.

H. Con. Res. 69: Mr. NELSON of Florida and Mr. CARR.

H. Con. Res. 72: Mr. BEILENSON, Mr. DURBIN, Mr. MCCURDY Mrs. SCHNEIDER, Mr. BUSTAMANTE, Mr. DYSON, Mr. SWIFT, Mr. MORRISON of Connecticut, Mr. RICHARDSON, Mr. DICKS, Mr. FRANK, Mr. GLICKMAN, Mr. SYNAR, Mr. MATSUI, Mr. GEPHARDT, Mr. DASCHLE, Mr. MICA, Mr. LEHMAN of Florida, Mr. BONER of Tennessee, Mrs. COLLINS, Mr. BRYANT, Mr. DONNELLY, Mr. ERDREICH, Mrs. KENNELLY, Mr. WILLIAMS, Mr. DOWDY of Mississippi, Mr. BATES, Mr. KRAMER, Mr. CARPER, Mr. FAZIO, Mr. SMITH of Florida, Mr. LENT, Mr. NEAL, Mr. CRAIG, Mr. PEASE, Mr. SIKORSKI, Mr. SLATTERY, Mrs. BOXER, Mr. GEJDENSON, Mr. GORDON, Mr. HOYER, Mr. COOPER, Mr. DORGAN of North Dakota, Mr. RALPH M. HALL, Mr. FOWLER, Mrs. BURTON of California, Mr. SKELTON, Mr. ECKART of Ohio, Mr. BARNES, Mr. SABO, Mr. BORSKI, Mr. SHELBY, Mr. MCGRATH, Mr. FLORIO, Mr. MOODY, Mr. MRAZEK, Mr. SMITH of New Hampshire, Mr. SCHUMER, Mr. FROST, Mr. SAXTON, Mr. MACK, Mrs. JOHNSON, Mr. MCKERNAN, Mr. BARTLETT, Mr. CHENEY, Mr. DEWINE, Mr. HUGHES, Mr. MITCHELL, Mr. ACKERMAN, Mr. GRAY of Illinois, Mr. ROBERT F. SMITH, Ms. FIEDLER, Mr. MOAKLEY, Mr. BROWN of Colorado, Mr. MOLINARI, Mr. MANTON, Mr. SUNDQUIST, Mr. COELHO, Mr. CHAPPIE, Mr. KOSTMAYER, Mr. LANTOS, Mr. SILJANDER, Mr. AUCOIN, Mr. APPLEGATE, Mr. TAUZIN, Mr. BOUCHER, Mr. EVANS of Illinois, Mr. ORTIZ, Mr. BERMAN, Mr. COYNE, Mr. HALL of Ohio, Mr. MATSUI, Mr. AKAKA, Mr. HERTEL of Michigan, Mr. VENTO, Mr. SCHEUER, Mr. LEVIN of Michigan, Mr. CARR, Mr. FOGLIETTA, Mr. KLECZKA, Mr. COURTER, Mr. RIDGE, Mr. WAXMAN, Mr. BROWN of California, Mrs. MEYERS of Kansas, Mr. ROGERS, and Mr. TORRICELLI.

H. Res. 55: Mr. WISE, Mr. HAWKINS, Mr. MITCHELL, Mr. TORRICELLI, Mr. ROE, Mr. MORRISON of Connecticut, Mr. FUSTER, Mr. FROST, Mrs. SCHNEIDER, Mr. RAHALL, Mr. DELLUMS, Mrs. BOXER, Mr. WEAVER, Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. SCHUMER, Mr. WHEAT, Mr. VENTO, and Mr. CONYERS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

48. By the SPEAKER: Petition of the Gray Panthers, Galt, CA, relative to budget cuts; to the Committee on Education and Labor.

49. Also, petition of the Comision Cuidadana, Sevilla, Spain, relative to the Sevilla-1992-Exposition; to the Committee on Foreign Affairs.

50. Also, petition of the City Council of Seven Hills, OH, relative to Cui Zyixi (Charlie Two Shoes); to the Committee on the Judiciary.

51. Also, petition of the Retirees' Club of Westinghouse Workers, New York, relative to cost-of-living adjustments for social security benefits; to the Committee on Ways and Means.

52. Also, petition of the Common Council of the city of Buffalo, NY, relative to budget cuts; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

EXTENSIONS OF REMARKS

THE GRAND ILLUSION OF EQUALITY

HON. ROBERT J. LAGOMARSINO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I have just finished reading a speech given by Bernard C. Topper, vice president and general counsel for GTE Sprint Communications Corp., to the recent Telestrategies conference on the long-distance equal access now underway throughout the Nation.

I found Mr. Topper's remarks on the anticompetitive forces at work in the equal access marketplace to be both thoughtful and enlightening. I recommend his speech to my colleagues as an important element of their education on this vital issue which faces policymakers at the local and national levels.

The article follows:

THE GRAND ILLUSION OF EQUALITY

(By Bernard C. Topper, Jr.)

Good morning. As I stand here, recognizing that what I say may have a bit of controversy in it, I am reminded of a remark made to Sir Winston Churchill early in his career.

A woman who had just listened to one of his speeches asked him, "Doesn't it thrill you, Mr. Churchill, to know that every time you speak, the hall is packed to overflowing?"

The future prime minister replied, "It is quite flattering, but whenever I feel this way, I always remember that, if instead of making a political speech, I was being hanged, the crowd would be twice as big." [1]

Seriously, though—I'm pleased to be here and to have the opportunity to discuss with you today's long-distance industry.

GTE Sprint has been a supplier of alternative long-distance services for 10 years—a real old-timer by the standards of our industry. Much has happened in that short span—and much more still remains. Our industry is not for the faint-hearted.

It was just a year ago that the court-mandated AT&T divestiture occurred—truly a historic event. When an event of this magnitude occurs, we sometimes lose sight of the fact that the event is not an end in itself, but only a means to an end. This unprecedented reorganization sought to bring the benefits of competition to long-distance customers—benefits ranging from lower prices to a wider array of services and innovative offerings.

It is appropriate today—one year after the divestiture—to take a step back and ask ourselves the question: Has the goal of competition in the long-distance industry been achieved?

The divestiture and its associated equal access requirements were positive steps toward the development of a competitive environment in long-distance telecommunications. But they were only steps. To assume that the divestiture ensures there will be competition in the long-distance market is, I believe, both simplistic and unrealistic.

The long-distance industry's experience since divestiture demonstrates otherwise. It points out that the transition from a long-term regulated monopoly environment to a fully competitive marketplace involves an extremely intricate process. The policymakers must understand the dynamics at work in our industry and chart a course through the many shoals which exist during a transition to a fully competitive marketplace.

Today's topic—equal access—provides a vivid illustration of this. The equal access process has been underway for some time now and we have learned the hard way that equal access isn't equal. It simply does not provide an equal opportunity for AT&T and the alternative carriers. As it has unfolded, it is a process heavily biased in AT&T's favor. A process designed to advance the industry down the road to competition is not accomplishing its objective.

I believe we all anticipated that most customers would choose a long-distance carrier—perhaps Sprint, perhaps MCI, perhaps AT&T—but that a choice would be made. In fact, it isn't working that way. Approximately 70% of the customers nationwide are failing even to make a choice. And, under policies adopted by all of the Bell operating companies—save only Northwestern Bell—customers who fail to make a choice are all assigned to AT&T. The equal access rules in place today guarantee AT&T the lion's share of the market without any marketing effort or expenditure of funds. Surely, this result could not have been intended.

The reason for a customer's failure to make a choice is not hard to understand. A ballot is the simplest, most easily understood method for customers to choose a long-distance carrier. And it is not being used. Instead, 21 of the 22 Bell operating companies merely send customers a list of the long-distance carriers available in their area. It is then up to the customers to notify the long-distance carrier of their choice by mail. The use of this method has resulted in a customer inertia that is nothing short of astounding.

The process is not working and something needs to be done. The use of ballots is the answer. Ballots would focus a customer's choice and encourage him to make a decision—the real objective of presubscription. In the one case where ballots have been used by Northwestern Bell, the results were strikingly different—70% of the customers actually made a choice.

As things stand now, Sprint and the alternative carriers find themselves in a "no win" situation. The equal access procedures in place work to assign our customers to AT&T—without any action taken by the customer. Sprint and the other alternative carriers find themselves forced to spend millions of dollars, not to seek new customers, but merely to attempt to retain our existing customers. We spend the money, AT&T gets the customers.

We also find ourselves presented with almost insurmountable marketing obstacles. Equal access is taking place in bits and pieces throughout the country. When a telephone company's local switch is ready to accommodate equal access, the process starts. It is played out in small parts of cities at a time. Because of this, we cannot use television, radio and other forms of cost-effective mass marketing.

This has forced us to resort to direct marketing—a much more expensive approach. But that is only the start of the problem. To market directly, you must be able to identify and communicate effectively with potential customers. We are allowed to buy from telephone companies lists which include the names, addresses and telephone numbers of customers in an equal access area. More important, though, than what the lists include is what the lists do not include. They don't include information on unpublished numbers, often a significant percentage of the customers. They don't include information on a customer's usage—for example, the volume and type of traffic.

Our direct marketing is more aptly described as guess marketing. Rule No. 1 of direct marketing is identify all your potential customers—we can't. Rule No. 2 is pinpoint your marketing to address your customers' precise needs—we can't.

This might not be so bad if we were all in the same boat. But we're not. AT&T, as a vestige of its prior protected monopoly status, possesses all this information. It can communicate effectively with all prospective customers and tailor its marketing efforts to address a customer's needs.

Let me try and summarize this by means of an illustration. Take the board game of Monopoly. The next time you play Monopoly, try doing things a bit differently. If friends are coming over, get the game started before they arrive—a couple of hours will be sufficient, you don't need AT&T's 100 years. Set all the money out and start moving your game piece around the board. Buy every piece of property on which you land. If you run out of money take some extra from the bank. When the other players arrive, let them play, but make a few rule changes. The other players must be blindfolded. All the property is available for sale, but your blindfolded friends can purchase it only at double price. If they can't afford it or decide not to buy, the property is given to you, free.

You may find it will not be much of a competition. I suggest that that is exactly what is going on today in the long-distance industry—and, oddly enough, it's called "equal" access.

I am happy to see that the FCC, as it should, is taking a close look at the customer selection process, and I am confident that it will require substantial changes so that the process will work much more fairly.

There are also other significant problems with the so-called equal access. The use of tandem switches by the local telephone companies is of critical importance to Sprint and the other alternative long-distance carriers. These switches collect and disperse toll traffic in order to allow a more efficient use of our circuits. In the absence of tan-

[1] "The Last Lion"—William Manchester.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

dems, our only alternative is to use direct trunking, a far less efficient method. Unfortunately, many areas will be converted to equal access before the tandem switches are available.

The alternative carriers will incur significant conversion costs to accommodate their networks to equal access. And double conversion costs where tandems are not available at the time of conversion. Once, to accommodate individual or direct trunk circuits and, a second time, to redirect toll traffic over a tandem switch in order to achieve the network efficiencies.

AT&T will incur none of these expenses. Its network is already in place. It will continue to enjoy all the network efficiency benefits of operating on a "business as usual" basis.

That the AT&T divestiture and associated equal access requirements did not immediately cement the industry's competitive future should come as no surprise. Surely, one cannot expect to transform a protected monopoly market to a fully competitive one overnight. Equal access is but one topic that needs to be addressed—and it may not be the most significant.

We face an AT&T that has in place a ubiquitous quality network, offers full operator and directory assistance, as well as 800 and 900 service and international service. Its network and all of its services were funded by ratepayers during AT&T's 100 years as a protected monopoly. AT&T, and only AT&T, is in this position.

AT&T couples this unique position with a continuing domination over the long-distance marketplace. It likes to claim that its market share has dropped to 60%. According to nearly all other estimates, estimates reported by security analysts, Business Week, Communications Daily, and The Washington Post, AT&T's market share is between 85-90% of the market.

A company in AT&T's position has the ability to raise prices on its monopoly services and use those profits to undercut unfairly its competitive services. The threat of such behavior in the long-distance marketplace is real, as can be seen by recent AT&T actions.

AT&T filed divestiture-related tariffs in October 1983. In the tariffs, AT&T proposed to increase rates by 1.3% for 800 service, a service which is largely invulnerable to competition. At the same time, the rates for outward WATS which is subject to competition from alternative carriers, would have been decreased some 7%. Access costs were lowered for both forms of WATS service, and the reductions could have been applied evenly. Instead AT&T attempted to reduce the rates only on the service most vulnerable to competition and increase the rates on the less competitive service. The FCC subsequently rejected the tarif, but it is interesting to speculate what might happen if the FCC were no longer to pass on AT&T's tariffs. For those businesses and consumers who depend on 800 service, the message seems clear: prices would go up.

There is a great deal of talk today about deregulating AT&T. Applying the term "deregulation" to AT&T today is every bit as much a misnomer as the phrase "equal access." The more apt phrase is demonopolization. And only after AT&T's monopoly hold has been severed can deregulation properly be considered.

There are no good precedents for demonopolizing AT&T. The airline, railroad and trucking industries provide few, if any, useful guides. The players in these industries were well-established. In the airline industry, for example, the names of United, American, TWA, Pan Am, and Eastern come to mind, to name but a few. The players had both similar facilities, services and franchises in place when they were thrown into the deregulatory pool.

A group of telephone customers, known as the Ad Hoc Telecommunications Users Committee, has stated it well:

"Deregulation of AT&T should be considered only where there is a clear demonstration that the dominant firm's market power has been constrained by the development of effective competition. That has not yet occurred . . . until the actual effect of post-equal access conditions upon OCC market penetration and survival is known, the risks and societal costs of prematurely deregulating AT&T in the absence of effective competition far outweigh the risks and costs of maintaining regulation. . . ."

We at Sprint are in the business for the duration, and we remain confident that appropriate transition policies will be put in place so the long-distance market can, and will, become truly competitive.

We at Sprint like to think we are doing our part. We invested close to $1 billion in our business last year and intend to do the same this year. We are beginning to offer international service and operator assistance, as we must, to be a full-fledged competitor with AT&T.

I have no doubt that the real beneficiaries from competition in the long-distance market will be our customers. Competition will motivate all of us in the industry to greater efficiency, increased technological advances and more innovative services.

You can see this at Sprint. We have developed several new services which attempt to satisfy customers' needs. Our Travelcode is a good example. It permits a customer to place a call from anywhere we originate service at no additional charge. We have also developed what we call "the billing solution." This permits all of our customers charges for long-distance service to be contained in one bill, broken out as the customer wishes. Another example is our unique "Advanced WATS Offering." With this service, we offer a customer a virtual WATS system to assure that a customer will never cross over to the next, and more expensive, WATS band, regardless of the amount of traffic in a band at one time.

For us, we hope these new services mean more business. For the customer, it means more attractive and more cost-effective long-distance service. For our nation, it means that one of the key components of its infrastructure, long-distance telecommunications, will be even better and make our businesses more competitive internationally.

One year has passed since the AT&T divestiture. It is now time to address the appropriate transitional steps and institute policies that will permit the long-distance industry to become fully competitive. Equal access is one of the areas where we need to take a close look. If this is done, I am confident that the benefits to the customer will repay this effort tenfold.

Thank you.●

ANOTHER LOOK AT AFFIRMATIVE ACTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. EDWARDS of California. Mr. Speaker the Reagan administration increases daily its attacks against affirmative action. In the face of these attacks, we are fortunate to have Father Robert F. Drinan, our former colleague who is currently a distinguished professor of law at Georgetown University Law Center, continuing his outstanding work on this important issue.

So that our colleagues may have the benefit of his most recent work on affirmative action, I am submitting for the RECORD Father Drinan's article which appeared in the February 9, 1985, issue of America.

ANOTHER LOOK AT AFFIRMATIVE ACTION

"Those opposed to affirmative action have the burden of offering an alternative that will advance the position of blacks at least as much as affirmative action has done"

The controversy about affirmative action is becoming more complex and confusing. It is uncertain whether the negative attitude toward affirmative action on the part of the Reagan Administration or the Supreme Court decision concerning firefighters in Memphis last June will actually deter specific, ongoing programs employing affirmative action. But the climate of general acceptance of affirmative action may be shifting. It is the therefore appropriate to discuss: (1) the meaning of the 6-3 Supreme Court decision in the Memphis firefighters case, (2) the extensive use of affirmative action in other nations and its incorporation into international law and (3) the progress made by the use of affirmative action since 1965.

In 1974, the city of Memphis a consent degree that settled a suit brought against the city by the Civil Rights Division of the U.S. Department of Justice. The city agreed to set aside 50 percent of all job vacancies for qualified black applicants. In 1980, the city also agreed to ensure that 20 percent of the promotions in each job classification be given to blacks.

In neither was there any reference to what would happen if some firefighters or others were laid off. In 1981, the city announced that projected budget deficits required a reduction in personnel and that the citywide seniority systems would be followed. Of the 40 firefightering employees to be laid off 25 were white and 15 were black.

The Federal District Court enjoined the city from following the seniority rule since it would be in essence inconsistent with the consent degree agreed to by the city. The Circuit Court of Appeals sustained the injunction, but on June 12, 1984, the United States Supreme Court reversed, holding that Federal courts had no power to impose on a city a policy that preferred affirmative action to seniority.

The Supreme Court decision can be viewed narrowly as not a curtailment of affirmative action but only as an insistence that Federal courts cannot go beyond their proper mandate. Lawyers for black employ-

ees will henceforth insist that agreements involving affirmative action provide specifically for the practices and priorities to be followed if it becomes necessary to cut back the work force.

A few statements in the Memphis decision can be construed as unfavorable to affirmative action. The fact is, however, that all of the Federal courts of appeals throughout the country are unanimous in holding the view that race-conscious affirmative relief is permissible under Title VII of the Civil Rights Act of 1965; that law permits the court to "order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees . . . or any other equitable relief as the court deems appropriate."

It is also clear that the Memphis decision did not reverse Bakke, the 1978 decision in which a majority of the Supreme Court wrote that "executive, judicial and Congressional action subsequent to the passage of Title VII did not bar the remedial use of race."

That "remedial use" of race has been recommended on the international level for many years and has become a part of international law. In 1963, the General Assembly of the United Nations began the drafting of the Declaration of the Elimination of All Forms of Racial Discrimination. With active support from the United States, this document was completed in 1965. In 1969, after the requisite number of nations ratified the declaration, it entered into force as a part of international law. In 1984, 107 nations had ratified the declaration—more ratifications than for any of the treaties that have emerged from the United Nations. Even though the U.S. Senate has never ratified the declaration, it is arguably binding on the United States.

Article 1, 4 of this declaration approves of affirmative action in these carefully crafted words: "Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

This statement clearly enunciates the principle that measures designed to bring racial or ethnic groups into the mainstream shall not be deemed to be discrimination or reverse discrimination. The one qualification is the clear understanding that the privileges or preferences that have been extended will be removed as soon as they are no longer required.

It is unfortunate that this part of international law, which is the product of some of the finest legal minds around the world, has hardly ever entered into the heated discussion about affirmative action now going on in the United States.

This clear but careful endorsement of affirmative action agreed to by over two-thirds of the nations of the earth is a significant factor in the very valuable volume on affirmative action published in May by the Rockefeller Foundation. This collection of 10 papers on affirmative action, by experts from nations that include Malaysia, Nigeria, Israel and West Germany, demonstrates that in numerous nations, where leaders are trying to extend access to jobs to minorities hitherto locked out, they are utilizing various devices that could be called preferences, quotas, "special measures" or set-asides. The objectives of affirmative action are somewhat different in various nations. In Peru, affirmative action is directed at enhancing the economic and educational status of Indians, who constitute the vast majority of the population. In India, affirmative action is targeted at 22 percent of the population consisting of castes, the best known of which are the untouchables. In Israel, affirmative action has been justified as a means of building the self-respect of groups, both Jews and Arabs, who are held in low esteem.

It is significant that in the new Canadian constitution there is an acceptance of affirmative action since the document explicitly recognizes "any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups.

In a summary of the papers and of the discussion on which the Rockefeller report is based, the negative aspects of affirmative action are noted. Affirmative action, some feel, leads to low self-esteem of those who have been advanced pursuant to its use. Affirmative action may also, it is urged, benefit person who were not personally victimized, at the expense of some who were not oppressors, It is also claimed that affirmative action can lead to economic inefficiency by placing unqualified person in positions of responsibility.

Affirmative action has, nonetheless, the Rockefeller study concludes, "made a positive difference where other measures have failed." The potential abuses in affirmative action, however, were warned against by Jack Greenberg, former general counsel to the N.A.A.C.P. Legal Defense Fund, who spent 25 years advancing various forms of affirmative action; he likened affirmative action to a "powerful drug that must be used for a serious illness but should be employed carefully to minimize objections and facilitate the goals it seeks to advance."

The American Association for Affirmative Action, a group of administrators for colleges, corporations and government agencies, has the difficult task of increasing the number of minority employees while being careful not to dilute quality. They understandably like to point to the success of affirmative action in the past. Medical schools, for example, in the 1960's had a minority enrollment of 2.6 percent; in the late 1970's that figure was up to 8.2 percent. In 1970, there were 4,084 black female bus drivers; in 1980, there were 22,652. In 1962, there were 750 black employees at I.B.M.; in 1980, there were 16,546. In 1970, there were 962 black psychologists; in 1980, there were 6,756.

These amazing changes have many causes, but the official proponents and administrators of affirmative action programs understandably like to think that their objectives and their efforts have been important, if not crucial, in these developments. But the nation's administrators of affirmative action are wondering whether the next 10 years will bring new protests, or will the present controversies die down and the solid achievements of affirmative action in the years 1964 to 1984 be resumed? The answer to those questions depends in part on the future position of the Civil Rights Division of the Justice Department. Many of the top lawyers who directed that unit in 1981 have left—almost always in passionate dissent from the policies of Assistant Attorney General William Bradford Reynolds. The institutional memory of the Civil Rights Division may have been seriously damaged.

The future of affirmative action obviously also depends on what the courts decide in the next few months or years. But affirmative action probably depends more on the attitude that becomes dominant in American life during the balance of the 1980's. Up until the recent past, most individuals and corporations had welcomed affirmative action. It was a way to attract blacks into colleges and to places of employment. It was a reminder that women have been kept down in law firms, in industry and in higher education. And it taught a lesson that Hispanics had been discriminated against.

But now the consensus about affirmative action is less clear. An event in my class at Georgetown University Law Center revealed what a new generation is thinking about affirmative action.

Recently I put on the board for my class in constitutional law the median academic average and the scores on the law school admission test of the white and minority students at Georgetown Law Center. There is a difference of over 100 points between the scores of the white students and those of the minority. There is also a significant difference between the average grade quotient of these two types of students. Georgetown Law Center has 18 to 20 percent minority students—possibly the highest of any law school in the nation. The reactions of the class were very diverse. One black student said that she was "humiliated" that this information—routinely available to the faculty and to others—was publicized in this fashion. Another student asked if Georgetown, a Catholic institution, could use what he characterized as a "double standard" to increase or maintain the number of Catholics in the student body. A white student said with some anger that now he knew why his roommate at college was denied admission to Georgetown. One white student who identified himself as a Catholic said that he was proud of what Georgetown was doing but felt that it could possibly be struck down by a court.

The lack of a consensus among these 120 students, soon to be lawyers, reflects the deep division that exists almost everywhere regarding the thorny questions of affirmative action. Morris Abram, a noted civil rights attorney, does not make his position on affirmative action any clearer despite his continuous attempts to do so. Thomas Sowell, a black scholar sometimes identified with conservative groups, apparently feels that blacks will gradually emerge into the middle class just as the children and grandchildren of Germans, Italians and Scandinavians did. The vehemence demonstrated in the rejections of this position by civil rights attorneys and black leaders is an indication of the depths of feeling existing in those who feel that the concept of affirmative action is the only available way by which blacks and other minorities can be helped to reverse decades and decades of segregation and discrimination.

In almost every discussion of affirmative action, the unspoken question centers on the issue of whether "innocent" white people must somehow be required to pay a penalty because other white people discriminated on the basis of race. In 1976 the U.S. Supreme Court, while sustaining a form of affirmative action, approached this question with these words: "The result which we reach today . . . establishes that a sharing

of the burden of the past discrimination is presumptively necessary."

Those opposed to affirmative action have the burden of offering an alternative that will advance the position of blacks, at least as much as affirmative action has done. To many people they do not appear to have sustained that burden. After all the arguments have been made and the controversies aired, the central reality comes back to the words of Justice Harry A. Blackmun, who in the Blake decision wrote that "to get beyond racism we must first take account of race."●

MILDRED DI FANTE TO BE HONORED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FLORIO. Mr. Speaker, on Saturday evening, March 16, I will have the honor of attending a ceremony hosted by the American Legion. On that night, a very dedicated and respected constituent of mine will be honored for all that she has done to better the lives and hopes of veterans of Camden County.

Mr. Speaker, Mildred D. Di Fante is a good friend of mine and an able partner in many dozens of veterans' efforts which have been accomplished through my office. She enlisted in the Women's Army Corps in June 1943 and soon was posted in the Pacific areas of Port Moresby, Brisbane, Australia, Biak, and the Philippine Islands. Her Pacific experience continued with work with the U.S. occupying forces in Japan as well. Despite this remarkable posting schedule, Mildred still endeavored to seek and accept further work with Gen. Mark Clark at the general headquarters of the U.S. Army in Austria.

By 1950, this dedicated woman was in Camden, NJ, using her service experience to revamp the personnel system within Camden County. Mr. Speaker, her efforts have produced a system which still stands today and has in fact served as a model for county organizations throughout New Jersey.

In 1968, Mildred was the first woman in New Jersey to be elected president of a union representing municipal, county, and State employees. Mildred held this position for an unprecedented 14 years.

Her work with the American Legion has spanned an even longer period. Having joined the Legion in 1964, she has held a variety of posts, culminating with her election, by acclamation, as Camden County commander in 1984. She has been invaluable to me, especially since I gained a seat on the House Veterans' Affairs Committee last year.

I will be honored to be with Mildred and her husband, Joe, in Pennsauken, NJ, next Saturday night for this very deserved salute. Mr. Speaker, on behalf of my colleagues in the House I will proudly represent the best wishes of all New Jerseyans to Mildred D. Di Fante as we celebrate this special occasion.●

THE LATE MRS. DOROTHY B. WHITTINGTON

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DOWDY of Mississippi. Mr. Speaker, I would like to call my colleagues attention to an act of bravery, selfishness, and heroism on the part of the late Mrs. Dorothy B. Whittington of Smithdale, MS. On the night of December 23, 1983, Mrs. Whittington sacrificed her life in an attempt to save her grandchild, 3-month-old Kristi N. Mitchell. Kristi was asleep at Mrs. Whittington's home when fire broke out in another part of the House. Mrs. Whittington awoke and tried to report the fire, but the phone was inoperable. She, then, thinking not of her own safety, ran through the smoke-filled rooms to rescue Kristi. As conditions in the house worsened rapidly, Mrs. Whittington took Kristi into her arms and made her way to a window in another bedroom, where she was overcome by smoke. Efforts by other family members to reach the two failed and both died. Mrs. Whittington could have easily escaped on her own, but instead remained in the burning home in an effort to save Kristi. For her courage and sacrifice, Mrs. Whittington has been presented posthumously the Carnegie Hero Fund Commission's Medal of heroism. I join, today, the family of Mrs. Dorothy Whittington and the many Mississippians who knew and loved her in saluting her for her great and unselfish act.●

REAGAN ADMINISTRATION'S SUPPORT FOR THE CONTRAS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. TORRICELLI. Mr. Speaker, I recently read an editorial written by actor Mike Farrell expressing his concern over the Reagan administration's support for the Contras in Nicaragua. Like many of us in Congress and around the Nation, Mr. Farrell believes that the terrorist tactics employed by the Contras in waging war against the Sandinistas are inconsistent with the humanitarian values we hold firmly here in the United States. His perspective on this matter is well informed.

Mr. Farrell is currently chair of the Committee of Concern for Central America, a group of entertainment and broadcast industry professionals who oppose U.S. policies toward that region based on a fundamental misunderstanding of both the region and the problems of the people there.

He is also the American spokesperson for Concern, an international refugee aid and development organization which dispatches teams to assist in refugee emergencies around the world. In that capacity, he first traveled to Central America in 1982, visiting refugee camps in Honduras and Nicaragua and traveling extensively in both countries.

In 1983, Mr. Farrell went to El Salvador as part of a human rights fact-finding delegation sponsored by the Washington-based Commission on U.S./Central American Relations. The delegation had broad access, meeting with political, military, and religious leaders, professionals, and peasants. This was one of the first American delegations allowed into the prisons to speak to political prisoners.

In March 1983, Farrell represented the delegation in testimony before the House Foreign Affairs Committee.

In 1984, he returned to the region, this time visiting both El Salvador and Nicaragua as part of another human rights delegation under the aegis of the Center for Development Policy and the Arca Foundation, both out of Washington, DC. It was during this trip that he met with the Bolt family, the subject of the editorial which I have chosen to enter into the RECORD.

MIKE FARRELL: "PRESIDENT REAGAN, WE DESERVE BETTER"

President Reagan's enthusiastic embrace of the counter-revolutionaries in Nicaragua, whom he insists upon referring to as "Freedom Fighters," reaches new levels of hyperbole in today's news when he calls them "our brothers."

To a citizen who believes deeply in such stated American precepts as freedom, self-determination, honesty and decency, this unabashed display of crass salesmanship on the part of a President of the United States is confusing at best, and truly stupefying when one considers the shoddy nature of the product being pitched.

As a member of a human-rights fact-finding delegation visiting the region last Spring, I was one of a group given lunch at the home of a coffee-grower in Matagalpa. Our hostess, Senora Bolt, was most gracious and hospitable, taking great pains to make us comfortable as we heard from a group of local coffee producers of their labors, their problems, their relationship with the Sandinista Government and their hopes for the future.

Two months later our host, Noel Bolt, was murdered by the Contras, as they are called in Nicaragua. His severed head was left in plain view, to be discovered by his wife, and to serve as a warning to others in the community whose labors are viewed by the counter-revolutionaries as a threat to their hopes for a successful overthrow of the government in Managua.

Noel Bolt is only one of hundreds of noncombatant civilians in Nicaragua who have been slaughtered by this mercenary group which President Reagan recently compared to the American revolutionary army under George Washington.

This is, we should recall, the same group that Congressional leaders, after hearing testimony about their activities, called "murderers, thugs and rapists;" the same group that just kidnapped and raped two West German women who were travelling in the region; the same group that was recently described by one of its former leaders as having been organized, formed and directed by the CIA; the same group that regularly attacks health clinics, schools and rural cooperatives in its self-described attempt to "restore democracy" to Nicaragua.

President Reagan, we deserve better. Patriotic Americans believe that the strength to resist what you perceive as the "Communist threat" comes from a commitment to the principles upon which this country was founded, not from a mindless militaristic reaction to everyone who says something we don't like.

Telling lies about Nicaragua won't enhance America's stature in the world, nor will creating a rogue army to wage war against her. There are alternatives. People who believe in this country deserve to see its President as a statesman, not a salesman. We need a dialogue, not a monologue. Support the Contadora, not the cut-throats.●

LOOKING AT HIGHER EDUCATION THE NONTRADITIONAL STUDENT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. GUNDERSON. Mr. Speaker, "Change is inevitable in a progressive country. Change is constant." So stated Benjamin Disraeli before the House of Commons in 1867, over a century ago, but words appropriate for our Nation today. Certainly ours is a progressive society and America sometimes seems to stand for change as much as it does freedom, democracy, and the other principles of our Constitution.

Nearly 100 years after Disraeli's comments American society is changing both rapidly and broadly. Economically, demographically, and socially we encounter America in evolution. In this change a number of trends are apparent, presenting themselves as evidence of the sweeping reformation we are undertaking and an evolution our education community too must recognize.

When we look at our economy, as a first trend, the impact of technology has become everpresent. Computers and word processors are common tools of business. In a sense, we have undergone a microchip revolution. This industry has grown 600 percent in the last 10 years—from $5 billion in 1973 to $30 billion in 1983. The impact of these changes is significant. Lane Kirkland of the AFL-CIO has suggested that nearly one-third of those currently laid off will not get their jobs back; they have been replaced by technology.

In addition, our society is evolving toward a service oriented, information economy, replacing the manufacture-oriented, industrial economy of the past. While overall employment levels will continue to increase in coming years, the number of blue-collar jobs will shrink. At the same time, the administrative white-collar sector will grow significantly. Finally, as has been evident in recent years, the service sector of our work force will have the fastest growth, outpacing all other workforms.

The result of these economic changes is a population and society which must change just as rapidly to keep pace. Statistics indicate that the average high school student graduating today will have four careers—not just jobs, but separate careers—during his lifetime. The implications of this fact for our education system are endless.

A second trend apparent in our society is that it is changing demographically. The often discussed baby-boom generation—those born between 1946 and 1964—is coming of age. The last are finishing college right now. Soon they will face the training, retraining, and skill improvement needs that all American society is facing.

Overall, our population is getting older. The number of 18-year-olds will decline throughout the 1980's, leveling off around 1991 at about 73 percent of the number the age group represented in 1979. As far as traditional higher education is concerned, the simple facts are that the 18 to 22 age bracket will contain only 17 million people while those age 22 and above will number 133 million.

Finally, and a third trend, America is changing as a society. Socially, the effects of divorce, single parenthood, and women outside the home are extensive. Only 7 percent of today's families fit the traditional American concept of working father, housewife, and two children. More then one-third of the children born in the 1970's will spend their life living with a single parent. Additionally, more than one-third of the couples first married in the 1970's will have divorced. Our society is coming to be composed more and more of new, unique family units, and we face equally unique problems resulting from the breakup of the traditional family unit.

Of parallel significance is the expanded role women are playing outside the traditional homemaking setting. In many respects the past 15 years might correctly be characterized as the era of the working woman. Between 1972 and 1979, the number of self-employed women increased 43 percent, five times the rate for men. There are now 3 million women business owners in the United States, and women now represent nearly half the work force.

The significance of these changes on education generally, and higher education specifically, is far reaching. Social forecaster John Naisbitt, in his book "Megatrends," states:

> In education we are moving from the short-term considerations of completing our training at the end of high school or college to lifelong education and training.

In the future our education system will be asked not only to supply the traditional learning process, but training, retraining, and skill improvement for Americans of all ages. Formal education simply cannot and will not stop after a high school or college degree is granted.

Unquestionably, those beyond the traditional college ages of 18 to 22 have a growing interest in additional education. Studies indicate that 3-of-5 adults who took college courses in 1980-81 were doing so for job-related reasons. The college board projects that 40 million Americans are in a career transition, with 60 percent planning to seek additional education to enhance their career credentials.

The facts are we are not just moving into the realm of lifelong education; we are there. The National Center for Education Statistics predicts that the traditional age student population will decrease by 25 percent during the period 1979 to 1990. Simultaneously, the nontraditional student population will increase by 25 percent. Simple demographics, let alone economic and social changes, dictate that our student population will grow older.

In fact, today older students already account for 41 percent of our college and university student body, compared with 38 percent in 1980 and just 28 percent in 1970. These trends are further confirmed by enrollment studies of our student bodies in the last decade. From 1973 to 1983 enrollment for all students was up 28 percent, but enrollments for older students was up by 70 percent during the same period.

The trend toward an older student population affects all of higher education. While it was expected that trek of older persons to college campuses would benefit 2-year schools, community colleges and even State schools most, more expensive private institutions, if they prepare correctly, can also see the impact of the nontraditional student. President Derek Bok of Harvard University for example, stated in his 1982 commencement address that:

> We now enroll about 15,000 students in traditional degree-granting programs. That figure is essentially unchanged from what it was ten years ago. But we currently teach more than 30,000 additional students in a variety of nontraditional ways. And that

figure has almost doubled in the last decade.

And the potential benefit of these additional students, even in simple monetary terms, has yet to be accurately calculated. Yet one gets a picture of their potential magnitude from an American Society for Training and Development estimate that business and industry now spend $30 billion a year for the education and training of its employees. How much of this can be taken over by the higher education community is anyone's guess.

AT&T alone spends $1.1 billion a year on developing courses, paying instructors, for facilities, travel, and living expenses of participating employees. On any given day, 30,000 of AT&T's employees are in these corporate sponsored classes. Clearly, the need and market exist; higher education needs to respond.

Our current law, however, does not reflect these facts and trends. The Higher Education Act, due to be rewritten during the 99th Congress, focuses upon a student body comprised of younger traditional students. Its title I, continuing education, is unfocused to the extent that it has not received funding in 4 years. Its title IV student assistance programs are biased against older students both in terms of pure eligibility and the means tests used to determine amounts of grants and loans.

A priority of our reauthorization must be to bring the Higher Education Act up to date with current facts and trends in the higher education community. Older students are and will continue to play a larger role in higher education, and our Federal education law must first recognize them and then accordingly serve their needs while treating them fairly.

We must first recognize that nontraditional students needs are different than other students. Thomas Hudleston and Mary Hendry report in their analysis of adult students that:

> Among the major barriers that prohibit adults from returning to college are money, time, information, and personal fear of failure.

Simply put, adult students' attitudes and values are different. In many cases they have a career, children, car and home payments.

Understandably so, these students are different than their younger fellow students. Today, 42 percent of our students attend school part time—six credits or less. Over the past 10 years there has been a 52-percent growth in this group with older students comprising a large portion of that growth. Relatedly, 76 percent of our adult students attend part time.

The college board suggests that nontraditional students exhibit a number of concerns different than traditional students. Financially, their concerns are generally more extensive and immediate. They also have limited resources because of family responsibilities. They also have limited time availability because they are full-time workers and parents. But they also tend to be self-directed, responsible, and motivated. Accordingly, programs, curriculum, and teaching must be different to meet their needs. Finally, older students face personal considerations substantially different than their younger colleagues: transportation, day care for children, and even a convenient and quiet place to study.

Clearly, a reformation of Federal law is warranted to respond to these special needs. Our response should be focused in two complementing areas: First, institutional development and improvement through a new title I, and, second, student financial aid opportunities through revisions of our title IV programs.

Today I am reintroducing legislation, first presented in the 98th Congress, which will provide a comprehensive revision of title I of the Higher Education Act by focusing it on improved services to nontraditional students through institutional development. Future legislative proposals will be developed to answer our adult students' financial aid needs.

An analysis of the nontraditional student in higher education made it clear that title I had to be reformed to focus on the nontraditional student with emphasis in three areas: on-campus programs, off-campus development, and research. This new legislation responds to this threefold need by establishing three competitive grants to individual or groups of institutions for a 3-year period.

Initial examination of the needs of the nontraditional student reveals that our colleges and universities must begin by revising the programs and services they currently offer on campus. Clearly, one of the most significant barriers to matriculation for the adult learner is the structural organization of a postsecondary institution. American schools need to undertake both short-term changes in their programing, curriculum, and scheduling and the long-term planning necessary to integrate adult learners into their every day campus life and their general mission.

Part A of the revised title I would establish a 3-year maximum grant of $200,000 to expand and improve a variety of on-campus services for adult learners. Included are collaborative efforts by the institution to develop curriculum and education programs responsive to current employment and economic conditions; revised academic programs more available to nontraditional students at convenient time and locations; child care facilities; remedial instruction programs; and training for faculty and staff, among others.

The second grant would focus on the development and upgrading of off-campus educational programs. In many cases, adult learners encounter barriers which prevent them from attending classes on campus. At the same time, modern technology is an effective resource which can be used to make the resources of higher education more readily available. This $200,000 maximum grant can be used for the development and use of such technology for off-campus programs as well as other unique outreach systems and curricula. Institutions, however, would be permitted only to use 10 percent of their grant for the acquisition or purchase of equipment.

Finally, research into the many facets of nontraditional education naturally lags behind our knowledge in traditional education methods. As such, a third grant is established to conduct institutional research on the special problems and needs of adult learners, development of outreach methods to attract and mainstream adult learners, and training programs to enhance the effectiveness of faculty to teach adult learners, among others.

In all three cases, institutions receiving grants would be required to pick up these programs once the Federal grant was completed. In order to encourage consortial arrangements, a higher maximum grant of $300,000 for all three parts is established for two or more schools applying together.

This combination of programs will establish Federal leadership and a small incentive for the higher education community to broadly increase its services for this growing sector of our Nation's student body. This is a population group whose need for specific educational services is a growing product of our changing American society.

As we change as a whole, the individual must also change, adapt, and grow. Education's role in this process is undeniable and essential. Today, more than ever, the words of John Dewey, years ago, hold sage forecast about our society and education's place in it:

> Education is a social process . . . Education is growth . . . Education is not preparation for life; education is life itself.●

REPRESENTATIVE DALE E. KILDEE HONORS BLACK HISTORY MONTH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mr. KILDEE. Mr. Speaker, it is a great privilege for me to join once again in the annual observance of Black History Month. I am especially proud of the celebrations that are taking place in Michigan and in the Seventh Congressional District this

month to pay tribute to the many contributions that blacks have made to the culture and history of America.

Many Americans are aware of the contributions of such blacks as Crispus Attucks, the first casualty of the American War for Independence; Matthew A. Henson, a black explorer who was the first American to place the U.S. flag at the North Pole; Harriet Tubman, the black nurse who founded the Underground Railroad and who did so much to raise money for the Union cause during the Civil War; and the Reverend Martin Luther King, Jr., who helped lead our Nation out of the darkness of legally sanctioned racial discrimination.

Many others in the Seventh District are also aware of the enormous contributions of present day black Americans from the Flint, MI area. They include leaders such as Floyd McCree, the first black mayor of Flint and James A. Sharp, Jr., Flint's first elected black mayor and the present holder of that office.

But the true purpose of Black History Month should be to honor and call to the attention of all Americans the crucial and vital role played by millions of unheralded black Americans who have helped found, build, and defend the character of our Nation.

Mr. Melvin E. Banner, a noted black educator and historian from Flint, MI, has compiled a compelling work titled, "The Black Pioneer in Michigan." This work chronicles the struggles, tribulations, and triumphs of black pioneers of Michigan in evolving a better way of life for themselves and for those who would come after them. Volume I of Mr. Banner's work concentrates on the black pioneers of Flint and Genesee County, a major portion of Michigan's Seventh Congressional District.

First introduced in 1964, the Banner work used bits and pieces from family bibles, interviews with old people, and census records that were still available to bring forth a composite picture of early Flint area blacks. I want to take this opportunity to insert into the RECORD selected excerpts from Mr. Banner's incisive and insightful work.

The excerpts follow:

THE BLACK PIONEER IN MICHIGAN
Volume I: Flint and Genesee County
(By Melvin E. Banner)

EARLY RESIDENTS OF THE SAGINAW VALLEY

The years between 1700 and 1800 saw little immigration or construction of permanent homes in the Saginaw Valley. Flint, or as the Indians knew it, Muscatawingh, was indeed a forest region during the years of the eighteenth and ninteenth centuries.

In spite of the rough terrain and the slave hunters, Blacks began to enter Genesee County and spread over the Saginaw Valley. If they went by land, the dense forests provided them with protection. If they went by canoe, they had 870 miles of rivers at their disposal for added protection. Indian villages along the waterways would enable them to become members of a tribe. Eventually they might emerge as "Black Indians" and their disapperance would be complete. Many Blacks did exactly this. They disappeared from the white world time after time by melting into the forests. They had nothing to lose but their chains of slavery and everything to lose if they were caught and forced back into slavery or forced labor.

Other Black men and women accompanied their masters up and down the Great Lakes throughout what was then known as the "Ottowa Territory." These Blacks were sometimes captured and then freed by warring tribes of Indians who raided villages in the Saginaw Valley en route to Detroit. Many of the freed Black slaves were adopted by the Indians who freed them. These Black Indians ranged the land far and wide. One of the most famous of these Black Indians was Concoochie, who became chief of a tribe and ruled with wisdom and justice.

The beginnings of the larger migrations by Black people to the Flint area came during the revolutionary war, when many Black slaves left the plantations, the fields, the farms, and the cities and made their way to freedom in Canada and in the Northwest Territory. Any slave had little to lose and everything to gain by simply vanishing into the dark dense forest regions of the Saginaw Valley.

The Michigan pioneers of the 1800's did not like slavery and did not like slave hunters. They opposed the Fugitive Slave Law of 1850 which stated that slaves were to be returned to their masters by U.S. Marshals. Slaves could not testify in their own behalf and no trial by jury was provided. Many free Blacks had been unjustly returned to slavery in this manner.

Before the start of the Civil War, very few Blacks volunteered their true identity on any census form unless they were sure the information would not be used by slave hunters. Under the Fugitive Slave Law, punishment was very stiff if anyone protected or aided runaway slaves. Saginaw Valley residents very often ignored this law which quite a few of them considered an abomination.

THE CIVIL WAR AND BLACK FLINT

The Civil War came and the Civil War went! Like all wars, it began in the minds of men. To the Black Pioneer, the most important issue was slavery, or freedom from slavery for Black people.

Most of the people in Flint had no use for slavery or slave hunters, believing quite strongly that it was wrong. The slave hunter who came through Flint looking for a runaway slave met with so much opposition that he caught the first thing going out of Flint. The headquarters for the underground railroad in Flint was the old Cummings home at the Southeast corner of Beach and Court streets.

Flint had five Black volunteers for action in the Civil War. They were James B. F. Curtis, James H. Green, Jasper Moffett, James Smith and George Vessey.

Most of the young Black men went to Pontiac or Detroit to enlist in the Union army. There weren't too many young Blacks in Flint at this time. Flint was still in a wild state of muddy muck and mire.

When the Civil War ended there was much rejoicing among Black people. Michigan people rejoiced also and began to direct their thoughts toward things that made for a better life.

At this point, Mr. Speaker, Mr. Banner's work turns its attention to the many post-Civil War blacks who helped build Flint into what it is today. No examination of this would be complete without addressing the enormous contribution the black church has made to life in Flint. Mr. Banner does this in his narrative on the founding of one of the oldest black religious institutions in Michigan, the Quinn Chapel African Methodist Episcopal Church.

QUINN CHAPEL

Quinn Chapel African Methodist Episcopal Church, the oldest Black church in the Flint area, was organized in 1875 at the home of Mrs. Nancy West on Mill Street. The first Quinn Chapel was a wooden structure located at 121 East Seventh Street. Property for it had been donated by Mrs. Summer Howard. In 1912, a brick structure was built for Quinn Chapel. It was located on the corner of Saginaw and 10th streets, on the site where Flint's city hall now stands.

The Quinn Chapel, with its large membership, had to relocate in 1955 because its ground was needed for relocation of the new City Hall and Civic Center. On March 20, 1955, the last service was held in the old church. It was a cheerful moment for many of the old pioneers as they watched the iron ball of progress batter the red bricks into oblivion. It was here that they had buried their dead. They were the pioneers.

While the members were waiting for the new Quinn Chapel to be built, worship services were held in the Old Mount Olive Baptist Church.

Land was purchased on Lippincott Boulevard for the new Quinn Chapel. On March 3, 1957 the members marched triumphantly into a brand new, but unfinished edifice. Thousands of hours had been donated by members in every phase of construction of the new church. At any time of day and at almost any hour, the Reverend Mitchum could be seen scurrying here and there to aid in furthering construction. Final costs of building were well in excess of $100,000, but the countless hours put in by the devoted members of the church can never be measured in dollars and cents. Thus was the fulfillment of a dream held fast and dear in the hearts of the Black pioneers.

Mr. Speaker, the Banner work continues from this point to detail how early Flint black families helped build the modern Flint and contribute to the sustenance of our Nation.

I would like to close by quoting from the epilog of Mr. Banner's book, written in 1973:

In the work-a-day world of Flint, the Black man has proven his capability. This has been done in context to the many opportunities that have been presented to him by forward-thinking people, both Black and White. Thousands of Black people have become involved in thousands of different kinds of work here in the city.

Much credit must be given to General Motors for paving the way, through its industrial relations, for the advancement of its Black workers towards decision making and policy making positions in Flint and throughout the nation. Walter Scott, retired GM public relations man stated many times, . . . Let's all work together to make Flint a better place to work and live in. Let's do it together! And little by little, slowly but

surely, Black people and White people did begin working together to make Flint and Genesee County a better place to work in and to live in.

More than 140 years have elapsed since the first Black man and his family were officially recorded in the United States Census of Flint. Today, metropolitan Flint can proudly boast of having more than forty thousand Black men, women and children within the confines of its townships. It can proudly boast of its Black professionals—doctors, lawyers, teachers, accountants, educators and many others. It can proudly boast of its skilled Blacks who have been taking advantage of all the opportunities made available to them in this area. The benevolent paternalism of the nineteenth century has given away to the democratic cooperation of the twentieth century.

Mr. Speaker, in Michigan, we are proud of our black heroes and heroines—the unheralded as well as the famous. Each February, we are especially proud to thank all black Americans. With this thanks, we must also pledge further progress toward the goal of equality, justice, and opportunity which is the promise of America.●

TRIBUTE TO SPECIAL AGENT FRANCIS E. BEEUNAS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FLORIO. Mr. Speaker, today I pay tribute to Francis E. Beeunas, special agent, Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, on the occasion of his retirement. He will be honored for his 23 years of dedicated service at a retirement banquet on March 13, 1985, in Pennsauken, NJ.

I have been fortunate to work with Frank in the interest of law enforcement for the past 10 years. Most recently, Frank worked diligently with my office to prevent the removal of the Camden BATF office from my district. Although we were unable to prevent the relocation, Frank's efforts were typical of his total commitment and deep concern for law enforcement. BATF and the constituents in my district will certainly feel the loss of service from a man of Frank's caliber.

I know that Frank's retirement will afford him the opportunity to spend cherished time with his wife, Helen, and their children, Francis and Kimberly, as well as with his many friends. I hope that his retirement years will be as rich and productive as those he has given as a special agent.

Mr. Speaker, I know my colleagues will join me in expressing gratitude to Frank for his many years of dedication and service to our Government and in wishing him a long and enjoyable retirement.●

PRIVATE SECTOR GLEANS NEW HOPE FOR NATIONAL PARK PRIDE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. SHUMWAY. Mr. Speaker, in light of the enormous national deficit, it is incumbent upon us as Americans to replace our dependency on indulgent Government spending with resourceful private alternatives such as participation in volunteer endeavors and active support for nonprofit organizations. I am particularly pleased by one new surge of private initiative where citizens are banding together to raise funds for maintaining and refurbishing our public lands.

For example, the following article describes the work of the Yosemite Natural History Association [YNHA], a nonprofit organization dedicated to preserving the integrity of Yosemite National Park. Specifically, the YNHA solicits private funds that are used to supplement the park's annual operating budget from foundations, companies, and individuals. Furthermore, this organization seeks to heighten the public's concern for the sanctity of this magnificent natural treasure. I applaud the efforts of the YNHA and other concerned groups and individuals who are working to fulfill such common needs on their own. This traditional spirit of selfless and shared effort is one of our most precious renewable resources.

[From the Los Angeles Times, Jan. 21, 1985]

YOSEMITE—A PLEA FOR PUBLIC FUNDS

GROUP HOPES TO RAISE $52 MILLION TO RESTORE PARK'S SHINE

(By Ronald B. Taylor)

YOSEMITE NATIONAL PARK.—A private group has launched an ambitious campaign to raise $52 million in public donations over the next decade to augment the federal budget for operating and maintaining Yosemite.

The money would be used to restore meadows, cut trails, build museums and hire more employees in this popular park, which drew an estimated 2.8 million visitors last year.

National Park Service officials welcome the drive, which has raised $183,000 in donations and pledges its first few weeks and which, if successful, could be copied at other national parks and monuments.

Some environmentalists, however, view the program as an unwelcome precedent.

"We oppose this kind of fund raising. The maintenance and operation of the national parks is the responsibility of the government, not private fund raisers," said Karen Kress, vice president of the National Parks and Conservation Assn., an old-line conservation group dedicated "to protecting and defending the national park system."

"Our concern is that the park service will lose control over where and how such money is to be spent," added Clay Peters, a spokesman for the Wilderness Society.

The nonprofit Yosemite Natural History Assn., a private support group for the park, is soliciting private companies, foundations and individuals to donate $5.2 million a year for the next decade to restore "this magnificent national treasure" before it "is beyond reclaim." The association hired David Rice, a Walnut Creek fund-raising consultant, to design the drive.

"The combined impact of millions of visitors on the park and the lack of sufficient (federal) funding have created the need for direct action," explained Henry Berrey, executive director of the 1,800-member association, which was created in 1921 to help the park staff develop visitor education and interpretive programs.

The $5.2 million would be a substantial augmentation to the park's annual operating budget, which stands at $9.5 million this year.

Plans call for the names of major donors to be displayed on plaques located in visitor centers, museums or elsewhere in the park, much like donors who sponsor public television programs.

Despite the protests by environmentalists, Yosemite Park Superintendent Robert O. Binnewies welcomes the effort. "We need this fund raiser to protect our resources," he said. Binnewies said that while visitor use is on the rise (up 10% last year), the park budgets have lagged. When inflation is taken into account, budgets have dropped 20% over the last decade, Binnewies said, and he expects more deep cuts this year.

"Yosemite will not go out of business, but we're no longer able to make the park shine," he added.

Hardest hit by funding cuts have been the interpretive programs put on by ranger-naturalists. A decade ago, 138 of these specialists worked in Yosemite during the summer; last season the number had been reduced to 58 and less than half of them were trained, full-time professionals, according to Binnewies.

Faced with similar fiscal constraints, superintendents in some other parks have tried to make ends meet by issuing "gift catalogues," a low-key effort that sought donations for such items as a road or a parking lot or some new equipment.

Until Yosemite announced its fund-raising effort this winter, however, no park administration or natural history association had hired a professional fund raiser and set out to augment its federal appropriations on such a large scale.

"The Yosemite campaign is unique and ambitious. Most of the other natural history associations are watching closely to see how it goes," said James Murfin, a spokesman for the National Park Service who coordinated the work of these "cooperative associations" for several years until his recent retirement.

Normally the work of natural history associations has been limited to the sale of natural science and history publications. Last year the 64 associations raised a total of $3.2 million to help provide educational, scientific and research services in the nation's parks and monuments, just over half the amount the Yosemite association hopes to raise each year.

"Yosemite's plan steps out in a new direction," Murfin said.

The Yosemite association has begun a direct-mail campaign using lists purchased from the Sierra Club, the Diners Club, Field & Stream magazine and a dozen other sources.

San Diego was the first community targeted, and the direct mailing was followed up by telephone solicitation. Berrey said Los Angeles and San Francisco mailings are planned, and a special committee headed by Binnewies is contacting the heads of private companies and foundations, asking for contributions.

The first major donor, the FCA/American Savings & Loan Charitable Foundation, has pledged $150,000 over the next four years and already has delivered $75,000. The Stockton-based foundation is jointly operated by the American Savings & Loan Assn. and its 6,000 employees. The company is a subsidiary of the Financial Corp. of America.

Individual contributions thus far total about $33,000, Berrey reported

The campaign's slick black-and-white brochures feature photographs by the late Ansel Adams and boldly warn: "Yosemite's perfection has been allowed to erode at an alarming rate in recent years. . . . (This) campaign will raise the funds needed to restore Yosemite's perfection."

Donations of up to $99 will put the givers' names on the visitor center wall and enroll them in the honorary "Yosemite Club." A gift of up to $999 makes the donor a member of the "El Capitan Club" and the donation of $100,000 or more is rewarded by special access to the superintendent and inscription of the donor's name on a "Benefactor" plaque.

Some of the projects to be funded by donations include the $50,000 rehabilitation of the badly denuded landscape around Mirror Lake in Yosemite Valley and the restoration of meadows in the valley and the high country, at costs ranging up to $100,000. The renovation of the Pacific Crest Trail will cost another $100,000.

Big-ticket items listed by the fund-raising committee include construction of a 16-mile bike trail through Yosemite Valley ($960,000) and the construction of two museums ($3 million).

An "adopt-a-ranger" program is being touted, encouraging prospective contributors to defray the salary and support expenses for seasonal ranger-naturalists. It costs $4,000 to "adopt" and outfit one ranger for a summer.

The list of needs is long. "We want the interpretive signs up, want the naturalists programs to be excellent, we want to get rid of old buildings and improve the trampled meadows" Binnewies said.

Then he added: "We are not going hat in hand, begging, we are just trying to provide the funding this park deserves."●

EDGAR BRIDGES, SR.

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DOWDY of Mississippi. Mr. Speaker, I want to take this opportunity to extend my congratulations to Mr. Edgar Bridges, Sr., of Monticello, who has been elected grand master of the Most Worshipful Stringer Grand Lodge, jurisdiction of Mississippi. Mr. Bridges originally took office on February 27, 1984, following the death of Mr. H.M. Thompson. He was elected again on December 3, 1984.

Mr. Bridges has an outstanding record of service to the community. He has served as president of the Lawrence County Education and Recreational Association, president of the Lawrence County Black Federation, superintendent of mission, Lawrence County Baptist Association, dean of the Lawrence County Extension Center of the Mississippi Baptist Seminary, and as a member of the board of trustees of McCullough High School in Monticello.

Among the many awards he has been honored with are outstanding contribution to Head Start for several years, life membership in the Mississippi State Conference, NAACP, and the Medgar Evers Award, Southeast region, for outstanding leadership.

In addition, Mr. Bridges has served as chairman of the board of directors of Five County Child Development Program, deacon and treasurer of the Pearl River Valley Baptist Church, co-chairman of the Home Health Agency, Lawrence County Hospital, and member of the board of directors and executive committee of the Southwest Planning and Development District.

I know that my colleagues here in Congress join me in extending congratulations and best wishes to a very dedicated mason, Mr. Edgar Bridges, Sr.●

COMMENTS OF HON. JAMES J. FLORIO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. TORRICELLI. Mr. Speaker, while most Americans place the electoral choices of last year behind, the citizens of New Jersey face critical decisions about their future in 1985. On March 4, 1985, Congressman JIM FLORIO spoke about the opportunity presented to New Jerseyans this year. His comments are important for all of us to consider in this decisive time.

This week in Washington, farmers from around the nation, most of whom voted for President Reagan, saw the other side of genial, smiling Republicanism: the side that says go bankrupt, it's good for you. The side that says the destruction of families and businesses satisfies some Republican notion of a marketplace imperative. The side that says the children of hardworking middle class families just want stereos and beach vacations and not a college education.

Until today, and I hope never again, Democrats have been inclined to be defensive, apologetic, perplexed and shell-shocked. We question how the opposition gets away with its actions. We are baffled that more people have not caught on to the politics of smoke and mirrors.

The 1981 Republican gubernational nominee commits to tax cuts before the election. After the election, he raises taxes. The 1984 Republican Presidential nominee denies there is a deficit problem and promises no Social Security cuts and tax increases. After the election, there is suddenly a deficit crisis and we see Social Security cuts and tax increases being orchestrated in response.

Democrats have felt overwhelmed by the masterful Republican ability to play fast and loose with the truth and the apparent success of such duplicity.

But the time for handwringing is over. Just as the farmers are getting a sobering look at smiling Republicans, so will the rest of America. And we are going to help that process along. It's time to break out of our doldrums. It's time to strike back with facts, common sense and plain direct talk. We are done being intimidated by show business government.

We are not going to try to fool people by playing with words like "budget freeze" that, in truth, mean a $32 billion increase in defense spending. We don't insult people's intelligence by announcing that 1985, which just happens to be an election year, is the Year of the Environment. Well, what happened to 1984? What happened to 1983? What happened to 1982?

We are going to get our message across by sharpening the distinctions between Republican policies and ours. I emphasize this to suggest that those who timidly seek to blur differences, and refuse to even mention the Reagan and Kean Administrations by name, out of some theory that they will be protected if the public supports Republican ideas, are wrong.

If people of this nation or state really want to eliminate the opportunity for young people to go on to higher education; or really want to shift more health care costs onto senior citizens; or if they want to dismantle our commuter transportaton system, they are not going to support "me-too" Democrats who sound like Ronald Reagan or Tom Kean when they can have the real thing.

I don't believe Americans want those policies. Our job is spell out the differences, to provide the alternatives in clear, forceful terms.

At the state level, we can easily present an alternative to the four years of indecisive vacillation of the Kean Administration. No fundamental tough issue has been addressed. We keep on rolling from crisis to crisis. There's the flood control crisis; the garbage crisis; the asbestos in the schools crisis; the insurance crisis; the Mount Laurel crisis; the apparent upcoming drought crisis. Every one of them was a crisis in 1981 and every one of them is still a crisis in 1985. Nothing has changed.

The Kean Adminstration approach to government is clear: when in doubt about a tough problem, hide. When the solution to a tough problem is clear, run and hide.

The classic example of this philosophy is the Atlantic City to Philadelphia rail project. Three years ago, in 1982, the Congress passed my legislation which made available $30 million for the rehabilitation of the line. New Jersey was required to match the federal money with $20 million to complete the $50 million funding package. In addition, the state was to file a plan to provide commuter service, which was to be operated along with Amtrak's intercity service. Five million people were projected to use the system, which had to be operational in three years, by October 1, 1985, or else the federal funding would expire.

What happened? Nothing happened. The Kean Administration was struck by its congenital affliction: paralysis induced by controversy. It turned out that some people in

my area were not too pleased about the railroad. But wanting to be loved by all, the Kean Administration wore itself out, running up to Camden County to express its apprehension and doubts, then back to Atlantic County pronouncing its devotion to the project.

In the meantime, three years went by, and the cost of the project went from $50 million to $90 million. And still no word from Trenton. Now we come to find that President Reagan has decided to defer the original $30 million, saying that New Jersey hasn't completed with the conditions to obtain the funds, and, therefore, the rail line shouldn't be built. That's not Jim Florio criticizing Tom Kean—that's Ronald Reagan. The tragedy is we have either lost a valuable transportation resource, or New Jersey taxpayers will have to pay the entire $92 million to get it.

Democrats can and will do better because we know how to make decisions. We can make the calls on the tough ones. We can talk straight and tap into the common sense and wisdom of our people to make those decisions.

Item. Our utility rate system has to be changed. Under this system, we pay more when we use less. That's what our current system does and that violates common sense.

Item. Four years of having more toxic waste dumps than any other state in the nation and not one has been cleaned up. That is not acceptable. Governor Kean has offered the excuse that he doesn't understand the law. I wrote the law. I understand the law. What the law says is that if you have the will, you can take on these corporate chemical polluters and start cleaning up these dumps. Our Democratic nominee is going to have the will and the guts to do just that.

Item. The next Democratic Governor is not going to insult our intelligence by saying that our auto insurance problems are over because you can reduce your premiums by reducing your coverage. Our next Democratic governor should inject a healthy dose of competition into the insurance industry by getting rid of the anti-trust immunity that allows companies to engage in price-fixing.

And so it goes, item by item by item, an affirmative intelligent response to be provided by a Democratic Party of which we will be proud. The people of this state will flock to such leadership if vigorously presented. The pandering season is over. Government by smile is replaced by government by brain and backbone.

The adrenalin in the Democratic Party of New Jersey is pumping. It's Round 2 and we are ready to go.●

DALE E. KILDEE CRITICIZES THE IMPACT OF THE PRESIDENT'S BUDGET ON EDUCATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. KILDEE. Mr. Speaker, the impact of the administration's budget proposal for fiscal year 1986 will, if passed, have serious repercussions for years to come.

Reaganomics is being carried out under the flag of fiscal integrity, but there also is a strong philosophical motivation. There is no question that some Federal regulations are cumbersome and unnecessary. I have actively supported measures to ease regulatory burdens. However, I must react to the administration deregulation effort with deep concern. As originally pushed by the White House, deregulation has taken place through block grants combined with budget cuts which are reducing or eliminating programs. There is a real difference between deregulation and defunding. There have been attempts within the Congress to break certain programs out of the block grant. One such attempt which was successful was the Emergency School Aid Act. This measure was included in the math and science bill signed into law.

I believe that the three levels of government have a significant role in education. Education is and should be a local function. Daily operations of schools and basic curriculum should be determined by citizens and parents residing in district and by professional educators they choose to educate their children. Education is also a State responsibility. It is primarly a State responsibility to see that schools within their boundaries are adequately funded as possible and operate according to certain standards. Although education is a local function and a State responsibility, it must continue to be a strong Federal concern.

The Federal Government must be concerned about equal educational opportunity. Political morality alone demands that, but practicality forces it upon us. Eduation is a national priority because it is vital to our economic health and our national security. We are a very mobile society and people take or bring with them their ignorance or their knowledge. The Federal Government cannot afford to ignore education.

The Federal role is especially important in a cyclical economy because the Federal Government has a broader tax base from which to respond in times of budgetary restraints. This Federal concern has been translated over a period of years into some meaningful programs, including:

The Education for Handicapped Children Act (P.L. 94-142);

Title I, ESEA, which helped extend equality to children from economically deprived areas;

The Bilingual Education Act of 1968, allowing non-English proficient children a chance for education equality;

Vocational Education Act, which recognized the direct nexus between technological development and education; and

National Diffusion Network, created in 1974, to gather and disseminate successful education practices to other school districts.

Studies prepared for the Senate Committee on Equal Education Opportunities found that every dollar spent on education returned $6 to the gross national product. An accurate picture of the current administration's true beliefs about education and the Federal role can be seen in the budget figures. The Department of Education's total appropriations in 1980 were $14.4 billion. Their appropriation under the continuing resolution in 1981 was $15.8 billion. The actual appropriation, as the result of the administration's rescission request, was $14.9 billion in 1981. An accurate picture of the current administration's true belief can be seen in the following chart:

EDUCATION SPENDING—CARTER VS. REAGAN

[In billions of dollars]

Fiscal year and President	Requested authority	Actual authority
1981: Carter	13.5	14.9
1982: Carter	16.1	.....
1982: Reagan	12.3	14.7
1983: Reagan	9.9	15.4
1984: Reagan	13.1	15.4
1985: Reagan	15.5	18.4
1986: Reagan	15.5	.....

Note: President Reagan submitted his own FY 1982 budget in lieu of Carter's budget.

Source; House Committee on Education and Labor.

The Department of Education budget has been reduced from $18.4 billion for fiscal year 1985 to $15.5 billion for fiscal year 1986. The education budget for fiscal year 1986 is $2.9 billion or 16 percent below last year. The overwhelming amount of cuts—80 percent—come from proposed reduction in higher education. In postsecondary student aid, the U.S. Department of Education estimates a million grants and loans would be cut or eliminated. Other significant cuts are in impact aid and the proposed elimination of Federal support of libraries. The administration approach to education funding seems to be to freeze elementary and secondary programs and slash assistance at the college level. This so called "freeze" really means a cut because local school districts will have to absorb the cost of inflation. This also locks in the cuts in education which have occurred over the last 4 years. In the School Lunch Program, the budget proposes the total elimination of funds for the students who pay for their lunch.

Despite Congress appropriating funds higher than the administration request, education programs have not kept up with inflation. Based on the 1980 appropriations, the Department of Education would need a fiscal year 1985 appropriation of $20.5 billion just to keep pace with inflation.

Beyond these budget requests there appears to be on the part of some in the administration an antipublic school bias. An example of this is the

administration's position on tax exempt status to schools practicing racial segregation. The earlier attempt to dismantle the Department of Education is only one part of an effort to lessen the role of the Federal Government as a concerned partner in the education of our citizens.

American Presidents have long spoken out on the role of education and the Federal Government's responsibility to it:

Franklin Delano Roosevelt said:

The school is the last expenditure upon which America should be willing to economize.

John F. Kennedy told us:

A child miseducated is a child lost.

Lyndon B. Johnson said:

At the desk where I sit, I have learned one great truth. The answer for all our national problems, the answer for all the problems of the world, comes from a single word. The word is education.

Jimmy Carter said:

No poor, rural, weak or black person should ever again have to bear the burden of being deprived of the opportunity for an education, a job, or simple justice.

These words stand in sharp contrast to the unanswered question of Ronald Reagan, who asked:

Why should we subsidize intellectual curiosity?●

STANLEY SLUSARSKI: A LOSS FELT BY MANY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FLORIO. Mr. Speaker, last week we in the First Congressional District of New Jersey suffered a great loss. Stanley G. Slusarski, a longtime friend and advocate of veterans' rights, passed away. For many years Stanley and his devoted wife, Esther, were bulwarks of support for many events and endeavors in our district designed to help the veteran. Stanley was a frequent caller to my office and the range of his concerns belied the fact that he had been confined to a wheelchair for more than 30 years due to a war wound.

Stanley Slusarski served as a shining example to all who knew him. His memory will continue to serve as an example of strength to those who remember him. Mr. Speaker, I submit Stanley's obituary as it appeared in local newspapers last week. I, along with all my colleagues, share in the loss felt by Esther Slusarski in this difficult time.

STANLEY G. SLUSARSKI, DECORATED WAR VETERAN

LOGAN.—Stanley G. Slusarski, 57, a decorated veteran of the Korean War and a champion of veterans' rights, died yesterday in Veterans Administration Medical Center, Bronx, N.Y.

Mr. Slusarski, a resident of Logan, had been a truck farmer before joining the Army in 1945 and serving at the end of World War II.

He left the Army for a time and then reenlisted in 1948.

A corporal, he was wounded in Korea in 1950 and became a paraplegic.

He was awarded a Purple Heart and the Korean service medal.

He was a member of the Eastern Paralyzed Veterans of America, the Disabled American Veterans and the Military Order of the Purple Heart. He was a former commander and member of the Veterans of Foreign Wars Post 0414. Most recently, Mr. Slusarski belonged to the Beckett Memorial VFW Post.

He was self-employed as a part-time draftsman and also received disability payments.

He was a former Gloucester County Democratic committeeman and had been deputy director of welfare for Logan and a member of the township's welfare board.

Mr. Slusarski was a member of the Swedesboro Kiwanis Club and had been the club's parade marshal.

He is survived by his wife, Esther; three brothers, Thomas J. Slusar and Joseph J. Slusar of Swedesboro and John of Bridgeport; and three sisters, Anita Barnett of Logan, Mary Marino of Clarksboro and Catherine of Pennsgrove.●

AN APPEAL FOR THE BAHA'IS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. PORTER. Mr. Speaker, last month over 140 Members of the House and Senate joined me in sending an appeal to the U.N. Human Rights Commission urging the adoption of a resolution condemning the Government of Iran for its persecution of members of the Baha'i faith.

Over the past 3 years the Commission has adopted a series of resolutions condemning the Government of Iran for its violations of human rights. My colleagues and I are hopeful that the Commissioners will adopt a similar resolution during their meeting in Geneva this month.

Members of the Baha'i faith have been the target of hostility on the part of the Muslim Shi'ite clergy ever since the inception of the Baha'i faith in Iran over 140 years ago. Under the regime of the Ayatollah Khomeini, nearly 200 Baha'is have been executed and more than 700, including women and children, are held in jails and face ruthless torture. In addition, all Baha'is have been discharged from government service; many are being compelled to repay the salaries they earned during their years of service, and retirees are required to return their pensions or face imprisonment.

These acts of savagery cannot be allowed to pass in silence. It is critical that Members of Congress and human rights advocates around the world continue to call attention to the plight of the Baha'is. This will make it clear to the Khomeini regime that the world is aware of its barbaric actions.

I would like to insert in the CONGRESSIONAL RECORD a copy of the letter sent to the U.N. Human Rights Commission.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 21, 1985.

To the Members of the United Nations Commission on Human Rights:

We are writing to express our deep concern for the systematic repression of the Baha'i community by the government of Iran.

Guided by the principles embodied in the Universal Declaration of Human Rights, your organization over the last three years has adopted a series of resolutions condemning the government of the Islamic Republic of Iran for its numerous violations of human rights, and particularly for its brutal persecution of the Baha'is, Iran's largest religious minority.

The shock and dismay of the civilized world has been expressed repeatedly, through statements by prominent individuals and government leaders (including the President of the United States), and in the formal protests of legislative bodies such as the parliaments of Canada, Australia, Switzerland and the legislatures of many of the states of the United States of America. In September 1982 and again in June 1984 the U.S. Congress unanimously adopted concurrent resolutions protesting the repression of the Iranian Baha'is and calling upon the international community to raise its voice in defense of this peaceful and law-abiding community.

Current reports from Iran show that the pressure against the Baha'is has not ceased. Since last September, sixteen more Baha'is have been executed or have died in jails, many of them as a result of severe torture. More than 700 Baha'is are currently held in various prisons. Recently, they have been offered their freedom if they will sign a pledge stating that they do not possess, either on their person or in their homes, any book, picture or symbol of the Baha'i Faith; moreover, they are forced to state that such a possession would be tantamount to "being of those 'who war against God' "—a crime which is generally considered to be a capital offense.

While all Baha'is have been discharged from government service, many are now being compelled to repay all the salaries which they had legally earned during their years of service; retirees are required to return their pensions or face imprisonment.

Finally, and most significantly, last December Iran's Ambassador to the United Nations declared that his country would not hesitate to violate provisions of the Universal Declaration of Human Rights.

We are committed to the axiom that it is unconscionable to stand silent in the face of such injustice.

Considering these relentless acts of savagery against the innocent, we appeal to you, as the world's foremost guardian of human rights, to adopt yet another resolution reaffirming your commitment to human rights for the people of Iran and calling for the government to cease its persecution of the Baha'i religious minority. You can send a clear signal to the Iranian regime that the world notices and condemns this serious violation of internationally-ac-

cepted standards of fundamental human rights.

Sincerely,

Christopher Dodd, U.S. Senator; Tom Lantos, Member of Congress; Jim Leach, Member of Congress; Richard Lugar, U.S. Senator; George Mitchell, U.S. Senator; Rudy Boschwitz, U.S. Senator; John Heinz, U.S. Senator; John E. Porter, Member of Congress; Gus Yatron, Member of Congress; Claiborne Pell, U.S. Senator; Alan Simpson, U.S. Senator; Paul Sarbanes, U. S. Senator;

Daniel Patrick Moynihan, U.S. Senator; Carl Levin, U.S. Senator; Dave Durenberger, U.S. Senator; Paul Laxalt, U.S. Senator; James A. McClure, U.S. Senator; Quentin N. Burdick, U.S. Senator; Dan Quayle, U.S. Senator; Ernest F. Hollings, U.S. Senator; Lawton Chiles, U.S. Senator; Nancy Landon Kassebaum, U.S. Senator; Larry Pressler, U.S. Senator; Jesse Helms, U.S. Senator; J. James Exon, U.S. Senator; Mack Mattingly, U.S. Senator.

Alan Cranston, U.S. Senator; John Melcher, U.S. Senator; Pete Wilson, U.S. Senator; David Pryor, U.S. Senator; Alan J. Dixon, U.S. Senator; Paul S. Trible, Jr., U.S. Senator; John F. Kerry, U.S. Senator; Alfonse M. D'Amato, U.S. Senator; John P. East, U.S. Senator; Steven D. Symms, U.S. Senator; Robert T. Stafford, U.S. Senator; Paul Simon, U.S. Senator; Dennis DeConcini, U.S. Senator; William S. Cohen, U.S. Senator;

Sam Nunn, U.S. Senator; John C. Danforth, U.S. Senator; Strom Thurmond, U.S. Senator; Edward Zorinsky, U.S. Senator; Gordon J. Humphrey, U.S. Senator; Frank H. Murkowski, U.S. Senator; John Glenn, U.S. Senator; Jim Sasser, U.S. Senator.

Bob Edgar, Member of Congress; Chalmers Wylie, Member of Congress; Claude Pepper, Member of Congress; Sidney Yates, Member of Congress; Henry Hyde, Member of Congress; Les AuCoin, Member of Congress; Ben Gilman, Member of Congress; Tony Beilenson, Member of Congress; Louis Stokes, Member of Congress; George Brown, Member of Congress; Tim Wirth, Member of Congress; James Howard, Member of Congress; Ed Markey, Member of Congress; Ronald Dellums, Member of Congress; Walter Fauntroy, Member of Congress; Cecil Heftel, Member of Congress.

Norman Lent, Member of Congress; Peter Rodino, Member of Congress; Tony Hall, Member of Congress; Dale Kildee, Member of Congress; Stephen Neal, Member of Congress; Robert Lagomarsino, Member of Congress; Don Edwards, Member of Congress; Joe Addabbo, Member of Congress; Jim Jeffords, Member of Congress; Dan Glickman, Member of Congress; Ted Weiss, Member of Congress; Jim Scheuer, Member of Congress; Mary Rose Oakar, Member of Congress; Matt McHugh, Member of Congress; Sil Conte, Member of Congress; Parren Mitchell, Member of Congress.

Barney Frank, Member of Congress; John McCain, Member of Congress; Howard Berman, Member of Congress; Charles Stenholm, Member of Congress; Chester Atkins, Member of Congress; Steve Solarz, Member of Congress; Claudine Schneider, Member of Congress; Tommy Robinson, Member of Congress; John Kasich, Member of Congress; Pete Stark, Member of Congress; John Seiberling, Member of Congress; Jaime Fuster, Member of Congress; Sala Burton, Member of Congress; Steny Hoyer, Member of Congress; Gerry Studds, Member of Congress; Mervyn Dymally, Member of Congress;

Wyche Fowler, Member of Congress; Marcy Kaptur, Member of Congress; Larry Smith, Member of Congress; Ben Erdreich, Member of Congress; J.J. Pickle, Member of Congress; Mike Andrews, Member of Congress; Richard Durbin, Member of Congress; Martin Frost, Member of Congress; Mel Levine, Member of Congress; Mike Barnes, Member of Congress; Doug Bereuter, Member of Congress; Norm Mineta, Member of Congress; Barbara Boxer, Member of Congress; Byron Dorgan, Member of Congress; Vic Fazio, Member of Congress; Judd Gregg, Member of Congress.

Major Owens, Member of Congress; Robert Garcia, Member of Congress; Bill Hughes, Member of Congress; Robert Torricelli, Member of Congress; Bernard Dwyer, Member of Congress; Martin Sabo, Member of Congress; Buddy MacKay, Member of Congress; Ray McGrath, Member of Congress; Jim Cooper, Member of Congress; Bob Mrazek, Member of Congress; Thomas Manton, Member of Congress; John Bryant, Member of Congress; Julian Dixon, Member of Congress; Chris Smith, Member of Congress; Tony Coelho, Member of Congress; Bill Green, Member of Congress.●

NEW JERSEY'S YOUTH ART MONTH

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. TORRICELLI. Mr. Speaker, it is my pleasure to announce that March has been proclaimed "Youth Art Month" in the State of New Jersey. During the coming weeks children from all over the State will be encouraged to participate in the most creative form of self-expression.

Art, in its various forms, remains an essential part of our society and culture. For centuries, its many mediums have been the source and outlet for a wide variety of ideas and values. In a technological world, it is often hard to remember the instrumental role that art and artists played in the development of societies and cultures around the world.

New Jersey's Youth Art Month gives children the opportunity to discover what society has known for centuries. It allows them to cultivate valuable skills in self-expression, creative ability, discipline, and an eye for form, function, and beauty. Long recognized as an international language, art will help many of these youngsters bridge the gaps between neighborhoods, cultures, and countries.

In New Jersey, we believe that art is not a luxury, but an essential aspect of a well-rounded education. An education in artistic expression will serve as an important foundation for future development of skills, interests, and emotional maturity. In this Nation, children are our most important resource. During Youth Art Month, New Jersey's children will be given the opportunity to discover just what makes each one of them so special.●

NICARAGUAN PEACE INITIATIVE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. COURTER. Mr. Speaker, I submit for the RECORD an article by Arturo Cruz and Arturo Cruz, Jr., describing the peace initiative that was taken last Saturday in San Jose, Costa Rica, by the democratic Nicaraguan Resistance.

Mr. Cruz was a member of the Sandinista ruling junta and served as Nicaraguan Ambassador to the United States. He outlines a plan which offers the best hope for peace and democracy in Nicaragua, and I commend his remarks to my colleagues' attention.

[From the New Republic, Mar. 18, 1985]

A PEACE PLAN FOR NICARAGUA

(By Arturo Cruz and Arturo Cruz, Jr.)

Nicaragua's elections last November, far from easing the country's crisis, only compounded it. The elections were neither free nor fair, and brought Nicaragua no closer to democracy. According to the annual report of the Inter-American Human Rights Commission, the Sandinistas used their absolute control of the state to place themselves in a position of advantage over other contestants and to consolidate their power. The other governments of Central America, ranging from parliamentary democracies to military dictatorships, agreed. None of Nicaragua's neighbors sent delegations to the inauguration of President-elect Daniel Ortega. Carlos Andres Perez, the former president of Venezuela and now vice chairman of the Socialist International, publicly declined to attend, stating that "those of us who believe we have done so much for the Sandinista revolution feel cheated because sufficient guarantees were not provided to assure the participation of all political forces." Andres Perez called upon Ortega "to reflect upon what the rest of the world hoped for from the great revolution of all the Nicaraguan people: political pluralism, a mixed economy, and non-alignment—as the revolution pledged—conveying the true wishes of its people."

We of the democratic opposition within Nicaragua have consistently made the same appeal. Our organization, the Coordinadora Democratica, which is the largest opposition group in the country, planned to register for the November elections provided the government guaranteed that opposition leaders and their followers could assemble, orga-

nize, and compaign freely. By refusing to meet even the most minimal concessions, the Sandinistas made it impossible for the Coordinadora to run. We were not alone. Virgilio Godoy, a former Sandinista labor minister and the widely respected leader of the Independent Liberal Party, also withdrew from the race. Even the docile splinter parties that ran in the campaign have now joined the outright opposition in their demand against the regime. The socialist and the communist parties have both signed a document denouncing the dire state of public affairs and the electoral process.

The opposition leaders—politicians (including Godoy), labor leaders, and businessmen—told me in January that they intend to remain inside Nicaragua whatever the consequences. But as the Sandinistas encounter more popular pressure to open up the political process, their tactics are likely to prove less effective, and they will curtail civil liberties even more.

The Sandinistas are stepping up their struggle against the armed resistance as well. They are vigorously increasing both the volume and quality of their military operations. They have acquired weaponry far more sophisticated than that of any other Central American country. Outside of Nicaragua, the Sandinistas are waging a propaganda campaign, designed to distort the truth about the rebellion. They are attempting to get the rebels off their backs either through direct negotiations with Washington, or by undermining United States support for the insurgents in Congress and among the American public by claiming that they have no popular support.

Likewise, the Sandinistas profess a willingness to reach an accommodation through the Contadora peace process. Their true intention, though, is to preserve a free hand for the consolidation of their power in exchange for a few tactical security commitments to the United States at the regional level. Nicaragua's neighbors oppose this kind of solution, knowing that unless the Sandinistas accept Democracy they will always pose a threat to regional peace.

Now that the space for democratic action has narrowed, it is all the more critical for the opposition to use its few remaining political options effectively. Supporters of democracy in Nicaragua must understand that blanket support for the Sandinistas or opposition to the Reagan administration will not bring permanent peace to Nicaragua. It is necessary to remove the causes of what has become virtually a civil war, including those for which the Sandinistas are responsible. The Sandinistas' excesses have incited Nicaraguans to armed rebellion. Now the Sandinistas must make genuine modifications in their policies if we are to avoid national bloodshed.

Four points must be kept in mind.

First, the armed opposition in Nicaragua has a real social basis. What is true of the insurgency in El Salvador also applies in Nicaragua: you cannot manufacture revolutions. The sheer fact that the ranks of the so-called contras now include 12,000 to 15,000 men is a telling sign that something is genuinely wrong in Nicaragua. The rebels can no longer be dismissed as "mercenaries." They have gone from being an instrument of U.S. policy to a social movement.

Second, it follows that the fundamental conflict in Nicaragua is among Nicaraguans. The question "Can the United States learn to live with a revolutionary regime?" is misplaced. The problem is not between Washington and Managua. It cannot be resolved by the talks between representatives of the Sandanista government and the Reagan administration that have been held in recent months in the Mexican city of Manzanillo. The real question is whether Nicaraguans can or should learn to live with a vanguard—the Sandinistas—whose ideological ambitions are rejected by the rest of the society.

Third, in order for the Nicaraguan revolution to survive and to become a model for all of Central America, the Sandinistas must modify their ideological ambitions. The Sandinista ideology is sometimes called Marxist-Leninist, but that label cannot mean much in a country that has practically no working class. What matters is that the shopkeepers are furious with the restrictions of the government, the farmworkers want to be left alone, the city dwellers don't want to be watched by the block committees. But whether the Sandinistas have enough autonomy from the Soviet Union and Cuba to modify their totalitarian inclinations is open to serious doubt.

Fourth, it is important to recognize the possiblity that for the Sandinistas ideology and political practicality may go hand in hand. It may be that the Sandinistas have so alienated the Nicaraguan people that if they do not exercise absolute power, they will exercise no power at all. Even if they now made room for the opposition, they might not be able to control the discontent. The people speaking through the democratic process might demand new leaders. The Sandinistas would have to hand over power to others, which they would never do. Or they would have to repress the Nicaraguan people ever more violently.

We do not yet assume that it is too late to negotiate. In the coming days the democratic opposition leaders will challenge the Sandinistas to a national dialogue. With a sense of urgency we want to explore the last hope of achieving peace through national reconciliation and democracy and by avoiding the catastrophe of bloodshed that otherwise lies ahead. We urge President Ortega to avoid the ideological blackmail of his more extremist supporters. In the national insurrection against Samoza, Ortega showed imagination and flexibility in working with all sectors of Nicaraguan society. We hope that he will show similar imagination and flexibility now and prevent a full-scale civil war.

To begin with, we need a gesture of goodwill from each side. The rebels should proclaim a unilateral ceasefire and the Sandinistas should proclaim an effective amnesty for all political prisoners. Everyone who is in jail for political crimes—some 1,400 people, according to the Nicaraguan Human Rights Commission—should be released immediately.

From these measures we need to move to create the proper climate for a national debate on Nicaragua's future. We in the opposition have long called for the separation of the Sandinista party and the state. But even before that, the state and the party both must get out of civil society. This means that freedom of expression, freedom of the press, and freedom of movement must be guaranteed. *La Prensa* must be allowed to publish what it wants. University students must be allowed to read what they want and not just the books published in Moscow. (In Nicaragua today, students are not allowed to read Gramsci or Trotsky.) The block committees, the so-called Committees in Defense of the Revolution, must end their role as instruments of social control. They must not, for example, be the organization that distributes rationing cards. Once these measures are taken, the conditions will exist for Nicaraguans alone to freely decide Nicaragua's future. We ask the Sandinistas: Can you withstand free ideological debate?

If the government and the opposition come to some kind of formal pact about Nicaragua's future, we propose that the bishops of Nicaragua, in the presence of representatives of the other Central American governments and the Contadora countries, act as witnesses, supervisors, and guarantors of whatever agreement is reached.

To begin this debate, we offer these specific and moderate points. We must rectify the injustices of the last election with a new electoral process. President Ortega should remain as president within the parameters of the Sandinistas' original Plan of Government offered in 1979. However, the assembly elected in November should be dissolved and a new, genuinely open campaign held. The reconstituted assembly should then draw up a new constitution and establish an independent judiciary. Eventually a national plebiscite can be held to decide whether Nicaragua needs a new president.

But it is not the details that are most important. What matters is the commitment to democratic institutions governed by regular popular elections. Unlike the guerrillas in El Salvador, we are not demanding power, we are demanding only our rights. We do not want a military solution; we want a constitutional solution. But the Sandinistas have driven tens of thousands of Nicaraguans to believe that there is no alternative but armed struggle. The U.S. Congress may cut off aid to these forces, but that will not change their minds; nor will it end the conflict. Only the creation of a just and open society will end Nicaragua's civil war. It is now the Sandinistas' obligation to contribute to the creation of that society and to redeem the promise of the Nicaraguan revolution.●

IN RECOGNITION OF WOMEN'S HISTORY WEEK

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mr. CARR. Mr. Speaker, we have especially set aside this week to recognize the important and often neglected role of women in American history. However, the history of women's lives and roles in our Nation is a subject that deserves far more than a week of recognition.

Women's history should be of concern to historians, and students of history, every week of the year. Only when we begin to recognize the roles of people who often aren't mentioned in our history books—and that includes not only women, but our country's many minority and ethnic groups—will we fully understand our past, and the culture we have inherited.

Today, I would like to bring to the attention of my colleagues the important contributions of three women who lived almost a century ago in my

district in Michigan. Their achievements tell us that in that day, women of courage and determination were able to accomplish a great deal, in spite of the many obstacles they faced.

Abigail C. Rogers, born in 1818, made great achievements for women in the field of higher education, at a time when few women could hope to go beyond the most basic schooling, if that far. She began her teaching career at the age of 19, teaching young girls in Canada and New York before coming to Michigan. But Rogers was unsatisfied with the teaching opportunities and the educational quality of the schools for girls, and in 1855, she stepped out to establish her own college for women in Lansing, the Michigan Female Seminary. The school was built on 20 acres of land on West Franklin Avenue, now occupied by the State School for the Blind.

At the time she opened the school, there was great agitation over the question of admitting women to the University of Michigan at Ann Arbor and Michigan Agricultural College (now Michigan State). She hoped to provide the same high level of education to women at her school, but also wrote strong letters favoring the admission of women to the universities. While the doors of the universities were not opened to women until after her death in 1869, Abigail Rogers helped pave the way for co-education, and also trained a generation of women in equality and independence before her own school closed.

Gertrude Campbell, who was born in Pennsylvania in 1866 and grew up in Webberville, was one of the first women doctors in Michigan. She became interested in medicine after marrying a doctor, A.B. Campbell of Mason. When her husband died at an early age, she entered the Medical Department at the University of Michigan, and graduated in 1896. After serving for a time at the Women's hospital in Detroit, she reopened her husband's practice in Webberville. Her practice grew quickly, and throughout her life she served as an active member of the community as a member of the Ingham County Grange and State medical societies.

Mary Wilson Spencer was born in Pontiac in 1842, and made history as the head of the Michigan State Library in Lansing for 30 years. During her years of service, she helped distinguish the library by building and opening to the public a collection of more than 250,000 volumes. She also took the duties of a public library even further, by starting travelling libraries that went to regions of the State where no libraries existed.

Perhaps one of the most interesting aspects of Spencer's career at the State Library was the library's legislative research department. This department did all research on bills and issues for the State legislature for many years, until the legislature itself took over the job in 1921. Spencer also started the art and music department of the library.

These women held positions of leadership at a time when few women could hope to achieve such opportunities. Through their leadership and their example, these women helped open the doors for other women in Michigan and across the Nation.●

BEER AND WINE ADVERTISING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. CONTE. Mr. Speaker, in recent months there has been much discussion of the question of whether beer and wine advertising in the broadcast media should be restricted or even banned. A recent article in the Wall Street Journal discussed this issue, along with others relating to the question of factors influencing alcohol use and abuse. As the article points out: "It is a truism that the root of most so-called 'alcohol problems' lies in individual drinkers and not in the beverage." The article also raises questions, based upon the experience of other countries in trying to control alcohol consumption, of the usefulness of restricting advertisers' free speech as long as they do not misrepresent their products.

I commend this article to my colleagues' attention as a useful addition to the debate on alcohol-related issues.

The article follows:

[From the Wall Street Journal, Feb. 25, 1985]

IN A DITHER ABOUT DRINKING

(By Dwight B. Heath)

More than 50 years after the repeal of Prohibition, there is a strong and growing movement for increasing controls over the distribution and consumption of alcoholic beverages, in the U.S. as well as much of the rest of the world. Rejecting the Neo-Prohibitionist label that is used by some detractors, spokesmen have recently begun to refer to a New Temperance Movement. Unlike most of the temperance movements of the past century, which were motivated by strong religious convictions, the new movement expresses concern about costs to national health, social welfare and the economy. This is an interesting social phenomenon in the U.S., which, rightly or wrongly, has generally been viewed as a bastion of individual freedom—sometimes to the point of over-permissiveness and self-indulgence.

A loose coalition without an overarching organization, this movement has won both popular support and legislative changes in recent years, using a combination of intellectual and emotional appeals, depending on the audience. The scientific justification usually offered is that a wide range of the problems that occur in various societies are in direct proportion to per-capita consumption of alcohol. There is a strong "common-sense" appeal to such a view, and its enunciation by a French statistician in the 1950s is often cited in the scientific literature, even though in the ensuing years it has been discredited by numerous well documented exceptions.

STRICTER DWI LAWS

The emotional appeal is more direct, often focusing on the death and suffering of children involved in traffic accidents, the psychic pain of accident survivors or abused spouses, and similar damages that are attributed to alcohol. Interest groups have proliferated, and they have demonstrated how rapidly some changes can be made. Their political impact was clearly demonstrated in the media hype that accompanied signing of an amendment to the Surface Transportation Assistance Act, which will soon deny federal construction funds to any state that has not raised the minimum legal age for purchasing alcohol to 21. This occurred within a few days after President Reagan, who champions minimal regulation, had vowed to oppose it.

Other accomplishments of the movement are the increasingly stringent state laws against driving while intoxicated (DWI): At least 16 states now impose jail sentences for a first offense and fully 41 for a second. Heavy fines, license suspension and other judicial penalties are often underscored by informal social sanctions, such as having convictions prominently reported in newspapers. Both police and civil libertarians are ambivalent about frequent calls for stricter enforcement of DWI laws, increasing spot-checks at roadblocks, etc.

Massachusetts has banned "happy hours," "ladies' nights" and other promotional discounts that had become customary at many public drinking establishments, and other states are considering similar restrictions. Old "dram shop laws" are being enforced and new ones enacted, to penalize bartenders, restaurateurs and others for negligence in serving drinks that result in a customer's diminished capacity and damage to others. A few juries have recently held a host responsible for damages caused by a friend who'd been drinking at a private party in the host's home. New York City requires that public drinking establishments post signs warning that alcohol may be harmful to a pregnant woman and her fetus. Federal agencies are again being lobbied to require that alcoholic beverage containers carry warning labels; the "sin tax" (in itself, a revealing term) on distilled beverages will be raised sharply this year; and there is increasing clamor to ban beer and wine ads from television. All this might suggest that drinking is causing a crisis in the U.S., but the data point in just the opposite direction.

There is much evidence that in the U.S. the average adult's alcohol consumption increased virtually every year following repeal. But the trend peaked before the current reform push gained steam; consumption has actually been diminishing since 1980. When dealing with social customs, it helps to set them in a historical perspective. With that viewpoint, one must wonder about this country's first 50 years in comparison with the past 50 years: Between 1780 and 1840, the average adult consumed nearly three times as much alcohol as between 1930 and 1980, as the accompanying graphs show.

While no one should doubt that there were broken families, accidents, damaged livers, lost jobs and other alcohol-related problems in those early years of our repub-

lic, they seem to have been far less prevalent than in recent history. In a similar vein, although the number of traffic fatalities is far higher than it should be, the rate of such deaths—whether in relation to number of miles driven, vehicles registered or drivers licensed—has declined steadily since such records were first compiled more than 50 years ago. There is a special irony to the fact that the campaign against drunk driving has become increasingly vociferous during the past few years, when traffic fatalities have been dropping. Clearly there are sociological and psychological factors involved in the New Temperance Movement that do not respond to cold scientific facts.

It is a truism that the root of most so-called "alcohol problems" lies in individual drinkers and not in the beverage. Most systematic surveys agree in that nearly two-thirds of adult Americans drink and that only about 10% of drinkers suffer in any respect from drinking.

It is almost as if people were shifting the blame when they insist that beers and wines are too dangerous to be advertised on radio or television. (Distilled beverages never have been so advertised, thanks to a voluntary agreement among the producers and importers.) Rich advertisers make an easy target, and it may be comfortable to blame "hidden persuaders" for enticing a child whose parents have not taught him about alcohol abuse. Little mention has been made in the popular press about increasing evidence that two drinks a day appear to be healthful in combating arterial and heart disease, quite apart from their potential value in providing relaxation, symbolizing congeniality or enhancing a meal.

Meanwhile, ships are still christened with champagne, and sports victories and weddings are often marked by lavish use of alcoholic beverages. For a while, the three-martini lunch was a symbol of the kind of big business deals that sustain economic growth.

The fact that legislative controls are being increasingly sought in other countries adds an unusual dimension to the changing roles and images of alcohol. Mexico will soon require a health warning on liquor labels. Costa Rica requires that advertisements for alcoholic beverages be reviewed by a panel before they can be printed, and is considering a ban on radio and television advertising for such products. Various provinces in Canada have tried restricting hours of sale, limiting purchases at any given time and other measures aimed at curtailing drinking. Various Scandinavian countries have experimented with prohibition, rationing, price-indexing and drastically reducing the number of sales outlets, among other control measures, usually with little impact on drinking or drunkenness. Greenland now allows prohibition at the community level (as do some American states).

WHAT ABOUT MOONSHINE?

There is no advertising in the Soviet Union, but drunkenness is admitted to be endemic. This raises questions about the usefulness of restricting advertisers' free speech as long as they do not misrepresent their products. The fact that the specialist who compiles Norway's consumption statistics warns that they may be as much as 25% too low—because they ignore illicitly distilled moonshine—raises questions about the extent to which imposing higher taxes and prices on legal alcohol will reduce drinking. The fact that Finland, with unusually low per-capita consumption, has a high incidence of alcohol-related problems while Luxembourg and Argentina, among the "wettest" countries in the world, have few such problems, raises questions about a variety of factors other than alcohol that play a role in deviance, social disruption and ill health. The fact that a flourishing industry has developed around lecturing, writing and lobbying in favor of greater controls should not be overlooked, especially among those who attribute to alcohol an importance that bears little relation to its minor standing among the world's other significant health and welfare concerns.

It has been demonstrated in various cultures around the world that prohibition rarely works, except when it is embedded in a religious context. Let us be wary that increasing appeals for the control of alcohol do not mask a drive toward more pervasive controls. Why, at this moment in history, is there suddenly such a flurry of opposition to drunk driving? Could it be, among other things, a newly acceptable way of shaking one's fist and invoking "law and order"?●

HANDICAPPED CHILDREN'S ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. WILLIAMS. Mr. Speaker, today I am pleased to introduce the Handicapped Children's Protection Act of 1985.

This legislation, which my friends on both sides of the aisle join me in introducing, is designed to redress a situation that required last year when the Supreme Court in Smith against Robinson effectively and, in my judgment, inappropriately repealed important rights that heretofore had been made available by the Congress to all handicapped children and youth.

Justice Brennan, writing for himself and Justices Marshall and Stevens, wrote in the dissenting opinion:

The Court's conclusion that the EPA repealed the availability of Sections 504 and 1983 to individuals seeking a free appropriate public education runs counter to well-established principles of statutory interpretation. It finds no support in the terms or legislative history of the EHA. And, most important, it undermines the intent of Congress in enacting both sections 505(b) and 1988. . . .[W]ith today's decision coming as it does, the handicapped children of this country whose difficulties are compounded by discrimination and by other deprivations of constitutional rights will have to pay the costs. It is at best ironic that the Court managed to impose this burden on handicapped children in the course of interpreting a statute wholly intended to promote the educational rights of those children.

Mr. Speaker, Justice Brennan has it correct. This Congress did not then and does not now intend to see handicapped children and their parents suffer unwarranted burdens.

Indeed, the Congress will revisit the matter. We will make clear our intent, and I urge all my colleagues to join with me in doing so.

The text of the bill follows:

H.R. 1523

A bill to amend the Education of the Handicapped Act to authorize the award of reasonable attorneys' fees to certain prevailing parties, to clarify the effect of the Education of the Handicapped Act on rights, procedures, and remedies under other laws relating to the prohibition of discrimination, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Handicapped Children's Protection Act of 1985".

SEC. 2. AWARD OF ATTORNEYS' FEES.

Section 615(e)(4) of the Education of the Handicapped Act (hereinafter in this Act referred to as "the Act") is amended by inserting "(A)" after the paragraph designation and by adding at the end thereof the following:

"(B) In any action brought under this subsection, the court, in its discretion, may award reasonable attorneys' fees and other expenses as part of the costs to the parents or guardian or a handicapped child or youth who is the prevailing party.

"(C) A party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application for fees and other expenses which shows that the party is a prevailing party eligible to receive an award under this subsection and which indicates the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of such party stating the actual time expended and the rate at which fees and other expenses are computed.

"(D) The court, in its discretion, may increase the amount to be awarded to the prevailing party pursuant to this subsection if the court finds that the local or State educational agency or the intermediate educational unit has engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy or the court may reduce the amount to be awarded or deny an award if it finds that the prevailing party engaged in such conduct.

"(5) For purposes of this subsection—

"(A) the term 'fees and other expenses' includes the reasonable expenses of expert witnesses, the reasonable cost of any study, report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees;

"(B) fees awarded under this subsection shall be based on prevailing market rates for the kind and quality of services furnished; and

"(C) fees and other expenses awarded under this subsection to a prevailing party may not be paid with funds provided to the State under the Education of the Handicapped Act.".

SEC. 3. EFFECT OF EDUCATION OF THE HANDICAPPED ACT ON OTHER LAWS.

"(a) EFFECT ON OTHER LAWS.—Section 615 of the Education of the Handicapped Act is amended by inserting at the end thereof the following new subsection:

"(f) Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, title V of the Rehabilitation Act of 1973, or other Federal statutes prohibiting discrimination.".

(b) REGULATIONS UNDER SECTION 504 OF THE REHABILITATION ACT.—Section 504 of the Rehabilitation Act of 1973 shall be carried out in accordance with regulations under such section in effect on July 4, 1984.

SEC. 4. IMPROVEMENTS IN PROCEDURAL SAFEGUARDS UNDER THE ACT.

(a) PUBLIC ACCESS TO HEARING DECISIONS.—Section 615(d)(4) of the Act is amended by inserting "shall be made available to the public consistent with the requirements of section 617(c) and" after "decisions".

(b) INFORMAL COMPLAINT RESOLUTION PROCEDURE.—Section 615(b)(2) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following:

"Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall be provided an opportunity to meet informally with the State or local educational agency or intermediate educational unit to resolve the complaint. If the complaint is not resolved satisfactorily or a decision is made not to meet informally, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency, the local educational agency, or an intermediate educational unit as determined by State law or by the State educational agency."; and

(2) by inserting at the end of such paragraph the following new sentence:

"Any decision regarding participation in an informal meeting under this paragraph shall not affect the availability or provision of any rights of the parents or guardian under this section.".

SEC. 5. EFFECTIVE DATE.

(a) GENERAL PROVISION.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of enactment of this Act.

(b) LIMITED RETROACTIVE APPLICATION.—The amendments made by section 2 shall apply with respect to actions or proceedings brought under section 615(e) of the Education of the Handicapped Act after July 3, 1984, and actions or proceedings under such section brought prior to July 4, 1984, which were pending on July 4, 1984.●

THE EVIDENCE THAT LOW RATES ARE SHIFTING THE TAX BURDEN

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. LUNGREN. Mr. Speaker, for years the Reagan tax cuts were criticized for allegedly redistributing the tax burden from the rich onto the backs of middle and lower income taxpayers. This despite the fact that historical experience with across-the-board tax cuts showed that when high marginal tax rates were lowered, the wealthy ended up paying more, not less, in taxes. Furthermore, after the Mellon (1921-26) and Kennedy (1964-65) tax rate reductions, not only did tax payments by the rich increase, but their share of total taxes paid rose as well. Last summer the Joint Economic Committee invited a panel of distinguished tax experts to testify on the impact of the Reagan tax cuts on the tax burden borne by each income class. Using 1982 IRS statistics of income data, this panel of witnesses agreed that as a result of the 1981 Economic Recovery Tax Act, tax revenues paid by the rich increased, and more of the tax burden was shifted onto wealthy Americans. In the February 25, 1985, edition of the Washington Times, respected columnist Warren Brookes, using preliminary 1983 IRS data, demonstrated that the redistribution of the tax burden which began in 1982 has continued in 1983. Although there are other ways to look at this data, Mr. Brookes article shows why tax reforms that lower marginal tax rates have such broad appeal.

HOW LOW RATES ARE SHIFTING THE TAX BURDEN—SHARE PAID BY THE RICH CLIMBS AGAIN

This Wednesday, the House Ways and Means Committee, will open hearings on tax reform, including the three major proposals: Bradley-Gephardt, Kemp-Kasten, and the Don Regan Treasury plan, which is expected to be modified.

With the president making this his top legislative priority, Congress has an historic opportunity not only to make our tax system the envy of the Free World and a magnet for growth capital, but to make the system far more "progressive" by—paradoxically—*lowering* top marginal rates.

Legislators need not look far for statistical support for this process—the experience of the 1982 and 1983 tax cuts is well-documented for them in an analysis just released by the Internal Revenue Service. It shows that the shift of the tax burden from the poor, which started in 1982, continued even more strongly in 1983.

As this column was the first to point out last April, the effect of the 1982 tax cuts, which cut top marginal rates from 70 percent to 50 percent, was actually to *cut* the share of taxes paid by those with incomes under $20,000 by about 10 percent. And it *raised* the share of taxes paid by those with incomes over $50,000 by 8 percent. The share paid by millionaires jumped about 41 percent, as a whopping 55-percent more of them filed tax returns in 1982 than had in 1981.

Yet the 1983 analysis is even more impressive. In 1983, the share of taxes paid by those with income below $20,000 *fell* another 12 percent, and the actual taxes paid dropped 16 percent—about $6.2 billion.

Those with incomes in the $20,000-50,000 range paid more than $11 billion *less* taxes in 1983 than in 1982. And their share of the tax burden fell another 5 percent. Those with incomes over $50,000 paid $8 billion *more* in 1983, while their share of the tax burden *rose* another 12 percent.

The most impressive performance was in the highest tax brackets, with the million-and-over bracket increasing its total payments from $6.9 to 10.2 billion, a 47 percent increase in tax revenues, and a 54 percent increase in share of taxes paid.

In other words, in the last two years, the nation's total income tax distribution has become substantially more progressive, even as top tax rates have been reduced 29 percent.

The aggregate change from 1981 through 1983 is very impressive. The share paid by those earning less than $20,000 fell 20 percent, from 17.1 percent of total taxes paid in 1981 to 13.7 percent in 1983. The share paid by those earning more than $50,000 rose by an equally substantial 20 percent, from 32.9 percent in 1981 to 39.6 percent in 1983.

Perhaps the most potent result of the Reagan tax cuts is how successfully they have lured the superrich back into the tax base. The taxes paid by millionaires rose from $4.9 billion in 1981 (at the 70 percent top rates) to $10.2 billion in 1983, a 108 percent rise in taxes paid, at a 30 percent lower marginal tax rate!

And, in that '81-83 period, the number of millionaires paying taxes rose from 5,283 to 11,528, a 118 percent rise in the tax base of individuals with incomes of $1 million or more.

Thus, all that left-wing rhetorical garbage about the Reagan tax cuts favoring the rich was literally destroyed by the actual experience. Lower tax rates encouraged more rich people to incur—and pay—tax liability, instead of sheltering their incomes.

Of course, this is nothing new. Ronald Reagan's presidential hero was Calvin Coolidge, whose Treasury secretary, the hated Andrew Mellon, cut top marginal rates from 73 percent to 25 percent, between 1921 and 1925. Under those "richman's tax cuts," the share of taxes actually paid by the richest taxpayers (over $50,000) *rose* from 44 percent to 69 percent, a 57 percent increase, while the share paid by the lowest earners *dropped* 82 percent.

In fact, in 1926, those with incomes above $50,000 paid nearly seven times as much in income taxes (69 percent) as those with the same incomes in 1963 (11 percent), even as the top tax rates had been jacked up from 23 percent to 91 percent!

In short, the effect of the massive New Deal steeply graduated tax system (14-91 percent) was to shift the total tax burden away from the rich to the poor and middle-class, as the share paid by the $10,000-50,000 brackets jumped from 27 percent in 1926 to 41 percent in 1963.

Fortunately, Americans are becoming disabused of the silly notion that high tax rates are "progressive." The experience of 1981-1983 should reinforce flattening tax rates the way the various "tax reforms" now propose.●

HENRY A. WAXMAN'S REMARKS BEFORE THE SUPREME SOVIET DELEGATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. BERMAN. Mr. Speaker, I want to bring to your attention and to the attention of the entire House the remarks my California colleague, the Honorable HENRY A. WAXMAN, made to a delegation from the Supreme Soviet visiting Congress on March 6, 1985. Harry S. Truman used to say he wasn't giving 'em hell, he was telling the truth—it just felt like hell to 'em. Mr. WAXMAN's tough words to this delegation from Moscow on Soviet violations of human rights was just telling the truth.

REMARKS BY REPRESENTATIVE HENRY A. WAXMAN TO THE SUPREME SOVIET DELEGATION

The recent re-establishment of U.S.-Soviet talks on arms control has brought increased hopes for the improvement of relations between our two nations. It is an improvement in which all of us—and indeed the entire world—places great hope.

Your visit provides an excellent opportunity to discuss the realization of these shared hopes. But if we are to build a relation of trust on which genuine security and cooperation between our two countries can be established, we must also discuss, and try to resolve, the issues that divide us.

Solidifying a relation of trust between our countries requires that each of us abide by all of the provisions of international agreements to which we are signatories. It is difficult for an informed public to have faith in negotiations with a country that flouts solemn agreements in one area, such as human rights, while professing the urgent need for new agreements in another area, such as arms control or increased trade.

We view human rights as an international as well as bilateral matter. It has to do with commitments freely undertaken by the Soviet Union in international instruments, most notably under the Helsinki Final Act and the Universal Declaration of Human Rights, to respect the human rights of its citizens.

All too often when representatives of my country speak of public concern for human rights issues in your country, we are told that this is an interference in your internal affairs and thus not a legitimate topic for discussion between our governments.

Let me make clear that we cannot accept that response. Human rights concerns are an integral part of our policy vis-a-vis the Soviet Union. There concerns will not go away; they remain a permanent component of the U.S.-Soviet agenda.

Your willingness to fulfill international human rights agreements inevitably reflects on your willingness to abide by other accords. Your failure to fulfill agreements influences our approach to negotiations and agreements on all issues of importance.

Now we are seeing deterioration, not improvements, in your human rights policy. I hope our meeting today can be a turning point for reversing that trend.

Recent events trouble us. There have been waves of arrests aimed at destroying or isolating those groups in the Soviet Union who refuse to submit to the control of the State, dissent from the tenets of Soviet ideology, or insist that the State respect their basic religious and ethnic rights.

New violations of the spirit of the Helsinki accords are commonplace. Your government has eliminated the ability of average citizens to place direct-dial phone calls to the West, enacted more stringent customs search regulations, made it more difficult to send package mail to the USSR, interdicted international mail, and established new penalties for unauthorized contacts with foreigners.

We remain concerned about long-standing instances of injustice. There are still 43 Soviet Helsinki Monitors in prison—their only crime was to call the public's attention to certain shortcomings in your government's observance of the Helsinki Final Act's human rights provisions. At least three Monitors have already died in prison. And just last week Vyacheslav Bakhmin of the Psychiatric Working Group was re-arrested.

We are concerned as well with the treatment of all political prisoners. Many prisoners of conscience face horrible conditions in labor camps, prisons, and psychiatric hospitals; systematic denial of family visits and correspondence rights; meager, barely subsistent food; and brutal treatment, including severe beatings from wardens.

A Hebrew teacher from Ukraine, Iosif Berenshtein, sentenced in December to a four-year camp term, was partially blinded by prison guards during a recent beating. Two other leading imprisoned Jewish activists, Anatoly Shcharansky and Iosif Begun, have been hospitalized after prolonged periods of punishment, isolation, and protest hunger strikes. In addition, at least nine political prisoners died last year while in confinement.

Moreover, Soviet treatment of other groups has hardly been better, Ukrainian human rights activists, as usual, have suffered particularly badly, and although Ukrainians number less than twenty percent of the population of the Soviet Union, they account for over forty percent of its political prisoners.

The Soviet government has turned a deaf ear to international protests at its harsh treatment of Dr. Andrey Sakharov and his wife Elena Bonner. Soviet authorities continue to isolate the Sakharovs from the world.

The tens of millions of Soviet religious believers practice their faith at their own peril. As a matter of routine they face employment and education discrimination. And those who disobey laws restricting the practice of religion face prison terms—recently three Russian Orthodox priests, two Roman Catholic priests, an Orthodox Jew, a Lutheran Minister, and an Armenian Apostolic deacon have been placed in detention.

Some 200 reform Baptists have been imprisoned for their faith. Many Baptist pastors have been jailed repeatedly.

Soviet Adventists have also been subjected to official repression: the plight of Soviet Pentecostals is exemplified in two month-long hunger strikes by 55 Pentecostals in Chuguevka.

The Soviet State even decrees which religions can exist in your country. Thus the Ukrainian Catholic (Uniate) Church and Jehovah's witnesses are illegal.

Soviet Jews face an especially hostile climate. Not only are they restricted in their religious observance; denied access to materials from which they can learn about their history, religion, and culture; their Hebrew teachers subject to increasing repression; but most frighteningly, those who seek to emigrate are increasingly being presented as traitors and criminals.

As recently as February 17 a program appeared on the first channel of Soviet television entitled "Conspiracy Against the U.S.S.R." It drew a connection between the C.I.A., Nazism, and Zionism. This preposterous claim has become more and more commonplace in Soviet brochures, books, newspapers, and television. To the Soviet public it signals that aggressive, hostile behavior towards those Jews who seek to emigrate enjoys official sanction.

Although the official Anti-Zionist Committee proclaimed in June 1983 that Soviet Jewish emigration was essentially "completed," there are some 400,000 Soviet Jews who want to emigrate. We are prepared to submit a list of names of people that put a lie to the statement that there are few Jews who want to leave. We know of them because their relations in Israel and the United States appeal to us for help. Members of this delegation know of them because of our personal visits with refuseniks who have told us of their long wait to be reunited with their families.

These people will never be allowed to leave if your present emigration levels continue. Last year, only 896 Jews, 913 Germans, and less than 1,000 Armenians were allowed to leave the Soviet Union. In some cases families have waited over 25 years to be reunited. There is no other area where forward steps can have a greater positive impact on the overall atmosphere than in the one of freer emigration.

We recognize, however, that there are some modest, but hopeful signs in your human rights performance. Although Soviet emigration continues to fall, the number of refuseniks of long standing who are getting out has risen. In January and February emigration totaled only 163, but 75 were from the Moscow area and many were long-time refuseniks. Another welcome development was the January family visit to Anatoliy Shcharanskiy at his place of confinement.

I tell you this morning that we want to improve relations between our two great nations.

We want to enjoy a mutual and vigorous free trade.

We want a meaningful and lasting arms control agreement.

We want our two nations to enjoy peace and prosperity together.

But I also tell you that for any of these wonderful things to happen, we need to see a dramatic and consistent improvement in your country's human rights policy.

We need to see more emigration and a stop to repressive actions against cultural and religious study groups. We need to see that the Helsinki Final Act is being fulfilled. In this, as in other areas, it will be deeds and not words which will register Soviet willingness to take our serious concerns into account as a matter of policy.

If we take small steps together now we will be able to take great strides together later. Let us do what is necessary and just so that our nations can forge a bold path together.●

THE TOWING INDUSTRY

HON. WEBB FRANKLIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FRANKLIN. Mr. Speaker, I believe the following article offers a realistic picture of an industry that had always been vital to the economy of my congressional district.

The towing industry has experienced a steady decline since the late 1970's, and many of the operators with whom I have talked are worried about the industry's future. Decisions we make in the Congress will help to determine that future, and I would hope that this article would help to inform any of my colleagues who may be unfamiliar with the issues which affect these operators.

River Industries Learn To Sink or Swim During Slump

(By Alan Huffman)

Natchez.—Like other ports up and down the Mississippi, this historic city has had its share of ups and downs. From flatboat to steamer to modern diesel tug, river commerce has flourished and declined, and river cities from Minneapolis to New Orleans have suffered or benefitted accordingly.

In some instances, boom towns became ghost towns as the economic currents of the river changed, but only once did river commerce seem actually on the verge of dying out.

That was in the 1920's, when the proliferation of railroads and highways threatened to undermine commerce on the river once and for all. Only after the federal government became involved, through navigation improvements and the formation of its own barge line, was its life extended.

The towing industry rebounded after World War II, and with the aid of the U.S. Army Corps of Engineers' massive navigation, flood control and port development programs, reached an all-time high in 1979.

But that peak was followed by a severe recession, one that lingers up and down the river. Hundreds of boats are idle. Towing companies are going bankrupt. And portside industrial development has slowed to the point where some are questioning the industry's chances for survival.

The river industry is straining under the weight of three problems which are combining to squeeze profits or in some cases eliminate them. Tow boat operators and others now help pay for the river's maintenance through user fees, which are based on a diesel gasoline tax. Some in Congress would sharply increase these fees. In addition, the federal government is trying to reduce its funding for river-related economic development, including port improvements.

Meanwhile, the river business is in a slump. Tonnage was off sharply during the recession as some markets were lost to competing modes of transportation. For most tow boat companies an upturn isn't in site.

"The statistics are depressing." said Milton Barschdorf, former director of the port of Greenville and now an industry executive. "And from all indications—1983 and so far in 1984 except in a few specific cases, there has been little indication of any appreciable improvement."

Still, others express hope that an improving economy will lessen the effects of the government's withdrawal from involvement in river-born commerce.

But nearly all agree that the river industry is undergoing dramatic change.

Howard Brent, president of Brent Towing Company in Greenville, said that while new projects are badly needed—some locks and dams are now more than 50 years old—legislation favored by the Reagan administration would raise taxes for some towboats as high as $4,000 a day. He noted that a recent survey of the 15 largest towboat companies had combined losses last year of about $34 million, compared to combined profit in 1980 of $140 million. The industry hasn't been profitable since 1982.

Many companies have gone bankrupt, Brent said, and the decline has been felt by industries in port as well. Greenville, which had 28 towboat companies in 1977, now has less than half that many.

The main problem, Brent said, is that towing companies and port industries alike rely on volume shipping, which is only now beginning to rebound after a four-year depression. Brent fears the new government mandate will jeopardize that recovery.

Shipments from the state's inland river ports, located primarily on the Mississippi River, have declined since 1979 with no sign of rebounding. Only two ports—the newest and smallest, at Rosedale, and Natchez, have shown any growth in the last four years.

Shipments at Vicksburg, the state's largest river port, declined by more than a million tons between 1979 and 1982, and the second busiest port, at Greenville, was even harder hit. Greenville's shipments dropped off from a high of 3.3 million tons in 1979 to 1.8 million three years later.

John Brennan, port director at Greenville, said his city has felt the full brunt of the recession because one of its economic mainstays is shipbuilding, and because Greenville is a major base of operations for hard-hit towing companies. He said he knew of one boat-building company that had $10 million worth of boats that had gone unsold for two years.

Although the prospects for luring industries to the waterfront in Greenville are not as bleak, Brennan said there isn't "a single square foot of available space" in the port facility.

"We're having to turn industries away." Brennan said, adding that although he expects Omnibus bill funding for a planned expansion of 390 acres. "We're going to do it on our own if the government won't."

Marty Garton, port study manager for the corps' Vicksburg District, said that kind of cost-sharing concept with government has support.

"The feeling is that these projects should be done by local interests in response to market conditions," Garton said. He said that if the Greenville port expansion is not funded in the next session of Congress, it will be shelved.

Garton said other port and levee projects in Vicksburg and Natchez likewise face an uncertain future unless local interests agree to foot a major portion of the bill. And Barschdorf said that while such shifts in responsibility "look good to the public, the danger is that they will endanger our competitive edge in the world market."

In Vicksburg, where the harbor facility was created by a corps-dug channel and fill project, the port commission is also pursuing its own expansion plans, using matching Economic Development Foundation grants from the Department of Commerce, said director Jimmy Heidel.

MISSISSIPPI RIVER PORT ACTIVITY 1979–82 [1]

[In thousands of tons]

	1979	1980	1981	1982
Rosedale	71	109	161	286
Greenville	3,329	2,706	2,015	1,883
Vicksburg	3,838	3,362	2,763	2,658
Natchez	787	605	626	674

[1] Tonnage figures supplied by the U.S. Army Corps of Engineers, Vicksburg District for 1979–82. The 1983 figures won't be compiled until the end of the year.

"The problem is, it costs upwards of $60,000 an acre to create sites," Heidel said, and although the propsects for growth are good—the city has a market encompassing the State's most populous region, both rail and interstate connections and a location at the confluence of two navigable rivers. "The costs they're talking about passing on to us will ultimately be passed on to the consumers."

Here in Natchez, the majority of shipments are wood products to overseas markets, and although the port is showing signs of recovery, it is also in danger of losing its rail connections and the industrial facility on the river is now filled to capacity.

Natchez is the only Mississippi River port in the state without a slackwater harbor, and plans for a rail bridge, a protective levee and a deepwater ship channel—the components of former Mayor John Nosser's dream of making the city an industrial mecca—all hinge on the degree of involvement by the federal government.

Elsewhere on the river, at Rosedale, and at the soon-to-be completed Claiborne County port, local investment is expected to be the catalyst for economic growth.

At Rosedale, port director David Work said construction has been "nonstop" at the facility since it was completed in 1980, and that the commission has bought a rail line that was being abandoned.

But, Work said, the Bolivar County Board of Supervisors, which overseas the commission, is looking for help from the federal government in getting a bridge built across the Mississippi River, a project which he said would enhance the port's potential for development.

The Claiborne County Port Commission, with funding from tax revenues from Grand Gulf Nuclear Station, hopes to buy its rail line, which is threatened with abandonment, as well as develop potential industrial sites, said Commissioner E.P. Spencer.

While Spencer said he felt the prospects for growth at the Claiborne County port are good, state Hinds County Rep. Dick Hall, speaking at a recent River and Harbors Association meeting here, said state government may have to take up the slack left by withdrawal of the federal government.

"A lot of legislators are just now realizing what a resource we have," Hall said, adding that he was working for legislation to create a revolving fund for port commissions to borrow against.

Barschdorf, who is now an executive with Inland Rivers, Ports and Terminals Inc. of St. Louis, said that in addition to problems with government funding, the towing industry is suffering from the increasing use of "intermodal" movements of goods—the shipment of cargoes formerly devoted to barges to a combination of transportation modes including barge, motor freight and rail.

Many shipments to the Far East and Europe are now diverted overland to ports on the Atlantic and Pacific coasts via "land bridge" routes, Barschdorf said. That especially hurt ports along the Lower Mississippi, but he said the decline has been felt throughout the basin. Shipments on the river dropped 9 percent from 1981–1982.

Barschdorf said that while Natchez showed an increase in business in 1982, preliminary figures for last year showed a marked decline "due to increased competition from foreign businesses and the strength of the dollar abroad." Likewise, Rosedale tonnage was off last year "primarily due to cutbacks in farm commodity production under the PIK program," after a previous increase.

While the remaining river ports have yet to show any substantial increases, Barschdorf said tonnage at Vicksburg is expected to improve with the construction of a steel fabrication plant by Sumimoto Corp. of Japan, which he said is the seventh largest corporation in the world.

"The fact is," said Greenville towboat company executive Brent, "the towing industry is the first to feel an economic downturn and the last to recover."

One of the main concerns expressed by Hall, as well as Don Waldon, administrator for the Tennessee-Tombigbee Waterway Authority, was the impact the government's moves will have on the state's newest navigation corridor.

The controversial Tenn-Tom Waterway, which was dubbled a pork-barrel projected by its opponents, is almost complete, and Waldon said he was concerned that its development "may be as much of a challenge as getting the project build."

Harry Cook, president of the Washington-based National Waterways Conference, said that with the current attitude of the federal government, "We will probably never see another Tennessee-Tombigbee Waterway," a large federally sponsored project to boost regional economic development.

While the multibillion-dollar Tenn-Tom Waterway is nearing completion, prospects for future government financing of port development projects are dim. Members of the Rivers and Harbors Association of Mississippi, who met here earlier this month, expressed concern over the Reagan administration's announcement that the federal government's half-century of involvement in the river commerce industry is coming to an end.

The government, which in the past has sunk billions of dollars into port development, flood control and navigation projects along the Mississippi River and its tributaries, has delayed further funding until Congress can reach a compromise over shifting the costs of projects to local beneficiaries.

It's a process that began with President Carter's blockade of water projects eight years ago aimed at "getting the corps out of the dam-building business."

But the Reagan administration's intentions of approving a host of new projects while assigning costs to the private sector have launched a controversy over who the main beneficiaries of the government's work are, and what their share of the cost should be.

Representatives of the state's river-related industries and port facilities say the Reagan administration is pursuing a course that could threaten the entire water-borne commerce industry in the state and elsewhere, with its focus on user fees and cost-sharing.

Since the federal government implemented user fees in 1978, river businesses such as tow boat operators have paid taxes on diesel fuel. The money goes to river-related improvements.

The tax has gradually increased to where it stands today—8 cents per gallon. And there is support in Congress and in the White House for tax increases which could boost them as high as 60 cents per gallon.

But the tow boat industry and others contend that increases in user fees would only erode the financial structure of river businesses. Moreover, they point out that benefits of government support of the inland waterways go far beyond those in the business.

"We aren't the only beneficiaries of the government's work," said Barschdorf. "And while we don't mind paying our fair share, the towing industry is simply too depressed to support the high user fees the administration wants. And our inland river ports are completely dependent on a healthy, viable towing industry."

Even with the issues facing the river industry, "its not all bad," said Heidel, Vicksburg's port director. "The industries on the riverbank are pretty much holding their own, and business is starting to move and expand and grow."

One such company is Mississippi Marine Towboat Co. in Greenville. John Nichols, president, said that despite somewhat gloomy river industry forecasts, his company is undertaking a $2.2 million expansion that will double employment and create "the largest drydock in the entire inland waterway system."

The expansion is being paid for largely with company revenues, and industrial revenue bonds and a loan through an Urban Development Action Grant to the city of Greenville make the remainder. "I'm optimistic, or I wouldn't be investing so much money out of my own pocket," Nichols said. He said that although the proposed user fees "would drain the rest of the blood from a lot of companies, the rivers are there and the equipment is there and the industry is going to be around."

Nichols said his company once relied on boat building for towing companies and offshore oil supply, but that most of the work now being done is in repairs.

"The only boats that are going to be built in the near future are specialty boats," Nichols said, noting that his company is designing this kind of vessel. He said customer service and "just general hustling" enabled his company to increase its business by 50 percent last year, and he expects a similar increase this year.

"There's hard times out there, there's no doubt," Nichols said. "The industry is going through a cleansing operation."●

TEMPORARY SAFE HAVEN FOR GUATEMALAN REFUGEES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. WEISS. Mr. Speaker, today I am introducing a resolution urging the U.S. Attorney General to grant temporary safe haven (also known as extended voluntary departure status) to Guatemalans who have fled from the violence in their native land and sought refuge in the United States.

Since the late 1970's, approximately 50,000 Guatemalan refugees have come to the United States. Another 200,000 have sought refuge in neighboring Mexico. Guatemalans have fled from the ongoing civil war between the government troops and guerrillas and from violence against those suspected of supporting the insurgents.

Death squad killings and mysterious disappearances continue in Guatemala. In 1984, 90 Guatemalans a month were killed for political reasons; and the Inter-American Commission on Human Rights of the Organization of American States received documentation of an average of 80 disappearances a month for the year. The Kissinger Commission report on Central America, released early last year, found the "brutal behavior" of government security forces "morally unacceptable" and further concluded that, in the cities, security forces "have murdered even those suspected of dissent." In its 1984 report, Amnesty International charged that in Guatemala "opponents or suspected opponents of the government have been systematically seized without warrant, tortured and murdered."

Currently, the only way Guatemalans can attempt to stay in the United States is to seek permanent political asylum. Despite the well-documented evidence of political repression in Guatemala, just 0.4 percent of Guatemalan applicants received political asylum in 1984.

The United States could provide Guatemalan refugees temporary shelter in our country by granting them extended voluntary departure status (or EVD). This status would permit refugees from Guatemala to remain temporarily in the United States until the situation in their home country improves sufficiently to allow them to return there safely. Granted at the discretion of the U.S. Attorney General, extended voluntary departure status has been conferred in the past to nationals from Vietnam, Iran, and Nicaragua. It is currently in effect for Poles and Ethiopians.

I urge my colleagues to join me and the original sponsors of this resolution, Mr. JEFFORDS, Mr. CONTE, and Mr. FRANK, in supporting this effort to provide temporary safe haven for Guatemalan refugees now living in the United States.

H. RES. 107

Resolution expressing the sense of the House of Representatives with respect to extending voluntary departure status to nationals of Guatemala

Whereas ongoing fighting between the military forces of the Government of Guatemala and opposition forces is creating potentially life-threatening situations for nationals of Guatemala;

Whereas in 1984 an estimated 90 political killings a month occurred in Guatemala and the Inter-American Commission on Human Rights of the Organization of American States has received documentation of an average of 80 disappearances a month in 1984;

Whereas the Kissinger Commission report on Central America found the "brutal behavior" of government security forces in Guatemala "morally unacceptable" and further concluded that in the cities security forces "have murdered even those suspected of dissent";

Whereas it is estimated that as many as 50,000 Guatemalan nationals have fled from civil conflict and repression in their native country and entered the United States;

Whereas the Immigration and Naturalization Service detains such nationals who have entered the United States unlawfully for the purpose of returning them to Guatemala;

Whereas the human rights situation in Guatemala is so serious that Guatemalan nationals returning to their native country cannot be assured of their safety;

Whereas deportation of such nationals could be temporarily suspended, until it became safe to return to Guatemala, if the

Attorney General, upon the recommendation of the Secretary of State, provides such nationals with extended voluntary departure status; and

Whereas such extended voluntary departure status has been granted in recent history in cases of nationals who fled from Vietnam, Laos, Iran, and Nicaragua: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) The Secretary of State should recommend to the Attorney General that extended voluntary departure status be granted to aliens who are nationals of Guatemala, and

(2) The Attorney General should exercise his discretion and grant such status to such aliens until the situation in Guatemala has changed sufficiently to permit their safely returning to, and residing in, that country.●

GREAT TEXAS WOMEN IN HISTORY

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mr. STENHOLM. Mr. Speaker, it is with pleasure that I join my fellow colleagues, Congresswomen BARBARA BOXER and OLYMPIA SNOWE, in observing Women's History Week. The great women of our country merit special commemoration for their contributions to America's prosperity and development.

At this time I wish to pay tribute to a special group from a special place. I am, of course, talking about women from Texas. I am proud of the many contributions made by women from my native State. Throughout its history as a nation and a State, Texas fortunately has been fostered to greatness by famous women. Let me briefly commend some of the women who deserve special commemoration this week.

Whether you discuss aviation or the art of sculping, the Alamo or the games of sport, Texas women have left their mark.

Texas women have played an important part in the history of American aviation. Jacqueline Cochran, who headed the Women's Air Service Pilots in Sweetwater, TX, during World War II, was the first person who suggested that women be utilized in the Army's ferry aircraft. As a result of her efforts, more than 18,000 women flew every kind of aircraft built during those years, including the B–29 Superfortress. She was a great Texan.

Anne Morrow Lindbergh, wife of the aviator Charles Lindbergh, was also a pilot. When she lived in Texas in 1930, she became the first American woman to receive her glider pilot's license. Unknown to many people, she served as his copilot on many flights. She was a great Texan.

Edna Gardner White, who still lives in Texas, is a flight instructor at age 80. An active pilot, this living example of free spirit is one of 43,000 women in Texas who have pilot's certificates. She is a great Texan.

Nancy Robinson, a native of Stamford, TX, also my hometown, was the first woman ever selected by the U.S. Air Force Military Airlift Command to receive the Distinguished Citizen's Award. In 1983, she was one of two people in the Nation presented the honor for her contributions to the support of American Armed Services. She is a great Texan.

Texas has had many famous people in the field of art, but few have reached the stature of Elisabeth Ney. She moved to Texas in 1872 and created the statues of Stephen F. Austin and Sam Houston that now grace this building. She was a great Texan.

Texans also remember the most famous female athlete, a native of the State. Babe Didrikson Zaharias ranks as the best athlete in the history of the world. A native of Beaumont, she earned more medals and set more records in more sports than any other athlete, male or female, in the 20th century. She dominated the women's events of the 1932 Olympics, where she won three gold medals and set two world records. She later became a professional tennis player and golfer, winning every existing golf title. She was a great Texan.

When most people recall the famous cry of "Remember the Alamo," they may think of the more than 170 men who gave their lives for our State. Most do not attribute the inspiring line to a woman who braved the battle inside the walls of the crumbling mission. Suzanna Dickerson, 18 years old at the time, cared for the sick and wounded during the siege. It was this woman, spared by Santa Anna, who raced to relay the news of the Alamo to Gen. Sam Houston. It is said that after their conversation, "Remember the Alamo" became the cry for the Battle of San Jacinto. She was a great Texan.

Another unheralded heroine of the Alamo was Andrea Candelaria, who was asked to care for the ailing James Bowie. When the battle erupted, she staunchly refused to leave her entrusted challenge. She was injured when she threw herself in front of Bowie and was bayoneted through the arm and chin. She recovered and lived to be 113. She was a great Texan.

We cannot forget women in Texas' political history. Miriam Ferguson became the Nation's second female Governor in 1924 by a landslide victory. Lady Bird Johnson, wife of President Lyndon Baines Johnson, began one of the most successful beautification programs in our country while First Lady. The programs she initiated have beautified our great land. Barbara Jordan, who would later become one of Texas' best Representatives in Congress, became the first black to serve in the Texas Senate in more than 75 years when she was elected in 1967.

These are but a few of the great women who have made our history what it is—a proud history. May we honor and respect all women who, so devotedly, have labored and struggled for America all these years. I hope they will serve as an example to all Americans, male and female.●

VERBAL LOCKJAW: A RESPONSIBLE ALTERNATIVE TO PARTISAN LEAKING

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. HYDE. Mr. Speaker, once again we are approaching a vote on assistance to the freedom fighters in Nicaragua, and once again we are seeing a number of news stories reflecting leaks of sensitive information damaging to our national interest.

For instance, in late February, the Washington Post, citing congressional sources, carried a story concerning Secretary of State George Shultz's secret testimony to the Senate Select Committee on Intelligence. Among other things, it reported that the Secretary had discussed various options for assisting resistance forces in Nicaragua. Unfortunately, someone with access to Shultz's testimony leaked it to the Washington Post.

More recently, the Wall Street Journal featured for 2 days front page stories describing in great detail the evolution of alleged CIA activities vis-a-vis Nicaragua. Included were excerpts from a reportedly classified CIA document, a copy of which the Journal claimed it had obtained, and "intelligence and congressional officials confirmed its authenticity." In addition, someone purportedly working under cover was identified with the rationalization that he had been previously identified in the print media.

If true, that clearly violates the spirit, if not the letter, of the Intelligence Identities Protection Act which makes it a crime to reveal the identity of an individual clandestinely employed by the intelligence community.

Interestingly, in responsible contrast, the Miami Herald, during the same period, refrained from revealing the name of a previously identified undercover operative involved in Central American activities, pointedly noting the identities protection legislation as the reason for such restraint. In fact, the Herald went so far as to indicate that the law prohibited publishing names of covert intelligence personnel "even if the information is derived from public nonclassified sources."

Particularly relevant in this discussion are the observations of John R. Silber, president of Boston University and a member of the National Bipartisan Commission on Central America that was chaired by Dr. Kissinger last year. Writing in the February 18, 1985, issue of the New Republic, Dr. Silber stated that:

* * * perhaps most damaging to an effective foreign policy has been Congress unwillingness to recognize that secrecy can be essential in the conduct of international affairs. This results in an inescapable contradiction. When the details of our covert support for the Nicaraguan rebels are the subject of editorials in the newspapers and debated in Congress, we are forced to conduct our foreign policy by oxymoron; we must be either overtly covert or covertly overt.

Mr. Speaker, I realize as we draw closer to the floor debate on this controversial Contra issue, the temptation for additional leaks will grow exponentially, especially if such disclosures are seen as a way of enhancing one's point of view and/or savaging someone else's. That being the case, I urge all of us "in the sensitive information loop," in both Congress and the executive branch, to be doubly careful what we say publicly or to the press. The stakes are too high—in terms of our national security and the lives of those tasked with insuring it—not to do otherwise.●

NEW VOTING RIGHTS BILLS INTRODUCED ON 20TH ANNIVERSARY OF THE 1965 SELMA TO MONTGOMERY VOTING RIGHTS MARCH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. CONYERS. Mr. Speaker, today I have introduced two voting rights bills: The Postcard Registration Act of 1985, which would provide postcard registration in all Federal elections and the Registration Deadline Elimination Act of 1985, which prohibits voter registration cut off dates.

Voter participation is the very essence of the democratic electoral process. It is timely to note that on the 20th anniversary of the 1965 Selma to Montgomery voting rights march, the path to the ballot box remains obstructed by procedures which effectively block equal access to the polls a right guaranteed by the 14th and 15th amendments. In order to make the ideal of one man, one vote a reality, we must develop and implement mechanisms that will faciliate increased voter participation. The two measures that I have introduced today will do much to help us achieve that goal.

Today, the majority of the voting public in the United States can register to vote by mail. Postcard registration has been embraced by 22 States and the District of Columbia. When it was first introduced in these States, there was skepticism relating to cost inefficiencies and voter fraud. Experience has proven otherwise. Many studies, including one commissioned by the Ford Foundation, have conclusively demonstrated that postcard registration is substantially more efficient and less expensive to administer than other alternatives and that it presents no increased risk of voter fraud.

Under the provisions of the Postcard Registration Act of 1985, the Postmaster General, the Commissioner of Social Security, and the Administrator of Veterans' Affairs, in cooperation with the Federal Election Commission and the chief election officer of each State, would be responsible for facilitating distribution of postcard registration forms in Federal and State facilities. This will make registration easier for seniors, working people, handicapped persons, and others who cannot reach the local election office during office hours.

Regarding the Registration Deadline Elimination Act of 1985, it is during the weeks immediately preceeding an election that the public's interest is at its peak. Both the candidates and the media are putting forth their best efforts to discuss the issues that are reflected on the ballot. To restrict voter registration at this time, as many jurisdictions do, works contrary to the goal of maximizing participation in the political process. The States of Oregon, Wisconsin, Minnesota, and Maine have realized this fact and have enacted laws which permit registration up to and including election day. These measures, thus far, have encouraged an increase in voter turnout without creating significant problems with fraud.

If enacted, these bills would hopefully lead those States which have yet to reform their registration procedures to conform them with Federal law so that these barriers can be effectively eliminated as impediments to full voter registration.

The reenactment of the Selma to Montgomery march offers us a timely opportunity to reflect on exactly how far we as a society have traveled down the long, arduous road toward the enjoyment of our constitutional right to full and equal participation in the U.S. political process. But, the struggle did not end with the passage of the 1965 Voting Rights Act. We must now extend the spirit displayed by the march participants two decades ago and translate the 14th and 15th admendments into a living reality for all.

The texts of both bills are as follows:

H.R. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RIGHT TO VOTE.

(a) IN GENERAL.—Notwithstanding any provision of State or Federal law and except as provided in subsection (c), a State shall not deny any person otherwise qualified to vote the right to vote in any election, on the grounds such person is not registered to vote, if such person has complied with the registration method required to be maintained by the State under subsection (b) of this Act.

(b) REGISTRATION METHOD.—Such State shall provide for voter registration by mail with respect to elections for Federal office. Such registration shall be carried out by use of a post card application form approved by the Attorney General.

(c) EXCEPTION.—Subsection (a) of this section does not apply to an election if applicable law provides for registration at the polling place on the date of the election, or if registration is not a prerequisite to voting in the election.

SEC. 2 FEDERAL-STATE COOPERATION IN MAKING FORMS AVAILABLE.

The chief election officer of each State shall make available post card registration forms in quantities sufficient for distribution in State and Federal facilities. The Postmaster General, the Commissioner of Social Security, and the Administrator of Veterans' Affairs shall, in cooperation with the Attorney General and the chief election officer of each State, take such action as may be necessary to facilitate distribution of post card registration forms in Federal facilities.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "chief election officer" means the Secretary of State (or other State officer) who is responsible for the conduct of elections in a State;

(2) the term "election" means a primary, general, special, or runoff election;

(3) the term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress; and

(4) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 4. EFFECTIVE DATE.

This Act shall apply with respect to elections taking place after 90 days after the date of the enactment of this Act.

H.R. 1454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RIGHT TO VOTE.

A State shall not deny any individual the right to vote in any Federal election on the grounds such individual is not registered to vote if such State does not conduct voter registration, as required under section 2, with respect to such Federal election.

SEC. 2. VOTER REGISTRATION.

Such voter registration shall be conducted—

(1) during regular business hours on all regular business days, as determined by the Attorney General;

(2) during voting hours at all polling places on the date of such election; and

(3) at such other times as may be prescribed under State law.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Federal election" means a primary, general, special, or runoff election for the office of—

(A) President or Vice President;

(B) Senator; or

(C) Representative in, or Delegate or Resident Commissioner to, the Congress; and

(2) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 4. EFFECTIVE DATE.

This Act shall apply with respect to elections taking place after December 31, 1985.●

WOMEN'S HISTORY WEEK

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mrs. JOHNSON. Mr. Speaker, as Women's History Week comes to a close and, fortunately, as women move toward greater representation within government, it is important to remember the careers and contributions of those women who have already held national office. One such woman and one of the most dynamic women ever to serve in Congress was the late Chase Going Woodhouse of Connecticut. Congresswoman Woodhouse represented the people of my home State Connecticut during the 79th and 81st Congresses.

"Chase discovered perpetual motion," said a supporter of Chase Going Woodhouse, a political economist and a college professor turned politician. She distinguished herself by her wide range of interests into public policy. The issues espoused so succinctly in her campaigns for Congress have a familiar ring today—full employment, the necessity of revising the tax system, and the implementation of a more equitable system of Federal-State responsibility.

The ravaging effects of inflation in Germany drove Congresswoman Woodhouse to work long and hard to obtain congressional approval for the Bretton Woods plan to establish an International Monetary Fund and an International Bank for Reconstruction and Development. As a member of the House Banking and Currency Committee, she was able to exert considerable influence over the implementation of the plan, and she is given much credit for the eventual incorporation of these agencies into the United Nations.

Defeated after her first election, Congresswoman Woodhouse tenaciously campaigned and returned to Congress for one more term. During this time, she sponsored the equal pay bill. Her technical expertise and dedicated service encouraged President Truman to appoint her as Special Assistant to the Director of the Office of Price Stabilization.

Her limitless energies were also applied to her beloved State and to numerous women's organizations. To name a few: director of the Democratic National Committee; chairman of the Governor's Commission on the Status of Women; president of the Connecticut Federation of Democratic Women's Clubs; and, director of the Bureau for Women's Organizations.

Ask Connecticut mourns the death of Chase Going Woodhouse this past year, and as we celebrate this week devoted to women and their impact on our Nation and its history, my hope is that her brilliant career and dedication to excellence and public service can serve as a model for all Americans—men and women alike.●

CLEAN WATER ACT AMENDMENTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. OBERSTAR. Mr. Speaker, today I have joined several colleagues in introducing legislation to amend the Clean Water Act. This bill is identical to H.R. 5903 which I introduced in the 98th Congress, with two exceptions.

First, this new bill makes several of the set-asides in the Construction Grants Program, those for innovative and alternative technology, and the one for nontreatment-related projects, available for nonpoint source, or runoff, control work as well, at the discretion of the States.

I have written the Nonpoint Source Control Act of 1985, which has been incorporated in H.R. 8, the Clean Water Act amendments now before the Public Works and Transportation Committee. I earnestly hope that the Nonpoint Source Control Program, and the Clean Water Act amendments, will become law this year and that the $150 million the bill authorizes for nonpoint source controls will be appropriated.

However, the administration is firmly opposed to any funding for nonpoint source control work. Therefore, I have added the amendments to the set-aside provisions of the law in the hopes of offering a little money to begin work on a very crucial aspect of water pollution control.

Some States have not been able to use all their innovative and alternative funding. Between 1979 and 1983, States returned $38 million in I/A funds to EPA. The Agency estimates that another $13 million will be returned in fiscal years 1984 and 1985.

The nontreatment-related provision of the current law was an important provision of the 1981 amendments, and I know has been valuable to many States. I believe that nonpoint source controls fit well into this category, where States choose to use it, balancing it with their other nontreatment-related priorities.

It is important to realize that in many areas nonpoint sources are the major cause of water pollution. Where there are no tools to bring run-off under control, communities may be forced to go to a higher, and more expensive, form of municipal water pollution control.

This provision will give States and communities a little more flexibility in combating the full range of water pollution.

The second new provision deals with so-called anti-backsliding. This provision would prevent dischargers with permits made very stringent either to meet water quality standards or best engineering judgment, which are now meeting those permits, from dropping to a lower level of treatment just because water quality standards have been lowered, or because best available technology effluent limitations, when they are promulgated, turn out to require less treatment than best engineering judgment. Where equipment has been installed and is working. I believe it should be retained. There is an allowance for plants which can't meet these ultrahigh levels of treatment despite good faith efforts.

These changes, I believe, are reasonable and necessary to continue our efforts to control water pollution and to maintain and enhance water quality nationwide.

I urge my colleagues to support H.R. 8 when it comes to the House floor, and hope that these changes can be incorporated into that very good and urgently needed bill.●

WOMEN'S HISTORY WEEK

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mrs. BOXER. Mr. Speaker, I'd like to thank my colleagues and express my pride in coauthoring this resolution to designate March 3-9 as National Women's History Week.

The idea of Women's History Week began in 1977 when a group of women in Sonoma County, CA, decided to correct the incomplete view of the contributions of women throughout history. The American people must become more conscious of the history of women, more than half our population for despite the significant contributions of women to the development of our Nation, few are mentioned in texts or the classroom.

Recent research has yielded vast amounts of information on women's lives and the celebration of Women's

History Week serves to focus upon these treasures. This week also coincides with International Women's Day, a day set aside to recognize the work of women in the labor force and to stress the international connectedness among all women. Consequently, the observance of Women's History Week encourages communities, schools, and workplaces to embrace the multicultural and multiracial heritage of women and their impact on our Nation.

By inspiring Americans with the stories of women, their past and present roles in history, we are inviting them to expand their perceptions of the true, the eloquent as well as the everyday lives of women. We, as women, can also learn from their inspiration, their activism and accomplishments. This tradition reinforces our obligation to work for women's equality for us and future generations.●

STOP THE WAR ON NICARAGUA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DELLUMS. Mr. Speaker, in December 1984, a 17-member witness for peace delegation journeyed to Nicaragua. On December 16, 1984, they visited the U.S. Consul General in Managua and gave him the following letter to President Reagan.

I believe their perceptions and personal experiences will be of interest to Members of the House.

Their letter remains unanswered.

ESQUIPULAS, MATAGALPA,
Nicaragua, Dec. 15, 1984.

PRESIDENT OF THE UNITED STATES,
The White House,
Washington, DC.

DEAR PRESIDENT REAGAN: We appeal to you at this Christmas season, crying out with the Nicaraguans with whom we have shared life, "In the name of the Prince of Peace, stop the war on Nicaragua!"

Our own personal experience has convinced us that current U.S. policy toward Nicaragua is mistaken and must be changed. Our experience is confirmed by almost 1,000 other Witnesses For Peace who have preceded us in this beautiful land the past eighteen months. We believe you have been gravely misinformed on the nature and intent of the revolution in this land. Nicaragua is no threat to the United States, except as a model of compassionate action for its poorest citizens. We concur with the views and policies expressed by allied nations such as Canada, Mexico, France, Italy, Sweden, Peru and Japan, that the United States policy toward Nicaragua is misguided and wrong.

During the past two weeks that we have been here, some 40 civilians have been ambushed and killed and 10 others kidnapped. Near Esteli, 22 workers were killed on their way to pick coffee. In the same area a few days later, a public bus was stopped and passengers were taken off and shot. Near Cardenas, eight civilians were kidnapped while tending their cattle. Schools, hospitals and farm cooperatives have been repeatedly targeted and destroyed. The purpose of these raids is to undermine the revolution by paralyzing the nation and creating fear in the hearts of its people. We do not believe the average American would accept the civilian and terrorist nature of this war, or that it is being carried out with U.S. supervision, training and funding through CIA covert action. We plead with you, Mr. President, stop the killing of civilians in Nicaragua! Cease equipping and paying these terrorists with our tax dollars;

We have felt the presence of God's Spirit in our conversations with hundreds of Nicaraguans from the Costa Rican border to the mountain coffee fields of the north. We have slept in the humble homes of the people of San Juan del Sur and Esquipulas, sharing their beans and rice. We have picked coffee and helped unload trucks. We have listened to their stories, prayed with them, played with their children, and seen the joy and hope that the revolution has given them. We have seen the truth in the eyes of our Nicaraguan friends and heard it from their lips. We have talked with priests and missionaries who have lived in Nicaragua for years, who substantiate our conviction that the revolution has been good for the vast majority of people. The message we have heard from the Nicaraguan people is, "We want peace: Stop sending guns for the war. Loan us money to build bridges, houses, schools and hospitals. Let us work out our own destiny our own way."

In El Baston we visited a farm cooperative where people had been given land to work and cattle to raise. They are very proud of what they have accomplished together. In Rivas, we visited a new 200-bed hospital donated by the Swedish government. Cuban doctors on the staff are being replaced by newly educated Nicaraguan doctors as they are available. The Nicaraguan staff director said he had seen no evidence of communist indoctrination by the Cubans. In El Pochote we visited an 80-unit housing resettlement project being constructed by West Germans. We visited similar projects where rent paid by tenants will be credited toward the purchase price for private ownership of the house. In Nicaragua, we see a new hybrid form of capitalism and socialism emerging that seems good for its people. On many occasions we have felt as if we were beholding a modern version of New Testament Christianity. The influence of four Roman Catholic priests in the top level of the Nicaraguan government is evident. The personal Christian witness of the Minister of Housing, Maria del Socorro, brought tears to our eyes. If you had seen and heard what we did, Mr. President, you would change your mind and your policies.

Midway through our stay, we shared the grief of four mothers whose sons were killed in the war. We were again moved to tears as they shared the photographs and memories of their sons. The spirit of revolution will never be quenched in this land, for it has been purchased with the blood of heroes and martyrs. These mothers know that our tax dollars provided the guns and paid the salaries of the soldiers who killed their sons. Yet they welcomed us and forgave us. One mother prayed compassionately for you, by name. We pray for you, too, Mr. Reagan, and for ourselves, that God will forgive us for our complicity in the terrorism, economic strangulation and destruction for which we are responsible.

Have you forgotten that the whole world rejoiced in July 1979, when the brutal Somoza dictatorship was overthrown by the present Sandinista leaders? Somoza was placed in power more than 40 years ago by the United States, and he and his family and friends ruled with terror and exploitation through the murderous National Guard. It is incredible to us that the United States is now supporting this same National Guard that fled to Honduras in 1979, when Somoza was overthrown, and that we now call them "freedom fighters." Today they use their same old tactics of torture and terror to try and regain power. Mr. President we implore you, "In the name of the Prince of Peace, stop supporting this terrorism and war in Nicaragua."

In Trinidad, we visited recently wounded civilians and solidiers in the regional hospital. A 17-year-old telephone worker described how his good friend was bayoneted to death as he lay wounded on the ground, and four wounded women were shot at point-blank range. A 22-year-old soldier, whose right arm had been amputated above the elbow, said he believed God had been with him and spared his life. We prayed with both young men, asking God's continued blessings upon them and the cause for which they were fighting.

You have characterized the Nicaraguan government as totalitarian and communistic—as a land where there is little or no freedom. Our experience does not support your allegations. We have found the Nicaraguan people are not afraid to criticize or oppose their government. In the elections held Nov. 4, seven political parties competed, with the Sandinista Party getting approximately 65 percent of the vote and the Communist Party less than 2 percent. We have found freedom of worship throughout the country, as confirmed by the many Catholic and Protestant services we have attended. Faith in God continues to be the bedrock of this nation.

Will we do to Nicaragua what we did to Vietnam? Like Mai Lai, will we destroy Nicaragua to save it? Will we spray agent Orange on the bananas and coffee? Will the green mountains and lush valleys be pockmarked by bombs from B-52's? Will U.S. troops invade Nicaragua for the fourth time this century?

This is what we think you should do as President of the United States: Stop all military intervention in Nicaragua immediately, including financial support for the counter-revolutionary terrorists. Sign the Contadora Accords. Resume normal trade relations with Nicaragua and stop opposing loans by the World Bank. Uphold the United Nations Charter, which prohibits the intervention of one nation in the affairs of another. Abide by the decision of the World Court. "Give us back our honor!"

Our Witness For Peace delegation stands in solidarity with our sisters and brothers in Nicaragua, pledging them our commitment to return to the U.S. to work for justice and peace on their behalf. To this end, members of our delegation will sign the Sojourners' "Pledge of Resistance," which calls for participation in a nationwide non-violent resistance action in the event of U.S. military escalation.

President Reagan, we are not radicals. The 17 members of our group are committed Christians from nine traditions, Protestant and Catholic, including three pastors and one sister. We range in age from 20 to 67, coming from 10 states that span the nation. Our occupations include computer technician, social worker, biology teacher, homemaker, college student, journalist and

agriculturalist. We think of ourselves as heartland Americans. We believe that if you and your advisors would visit Nicaragua as we have you would see the inhumanity of U.S. policy.

We hope that you will have the wisdom and courage that President Nixon displayed when he led our nation to recognize China as a friend rather than an enemy. Think of how relations have changed with China in the last decade, due largely to presidential leadership. We hope you will become the President who recognized that the outdated Monroe Doctrine needs to be replaced. You have an opportunity to be remembered in history as a courageous leader because you dared to look more closely at the situation in Nicaragua and Central America, listened to the voice of Christian conscience and acted accordingly.

It is Christmas 1984. Voices of Witness For Peace cry out to you with voices of the poor and middle classes of Nicaragua, "In the name of the Prince of Peace, stop the war on Nicaragua!"

Jennifer Atlee, Philadelphia, PA; Wendell Banks, Detroit, MI; Sam Hope, Montreat, NC; Jane Jackson, Oakland, CA; Cathy Barker, Rapid City, SD; Donald Carver, Waterloo, IA; Dean Davis, Live Oak, FL; Ruth Davis, Live Oak, FL; Tim Dutton, Wooster, OH; David Enyeart, Hot Springs, SD; Georgine Essert, Rapid City, SD; Kevin Jensen, Rapid City, SD; David Ramaley, Juneau, AK; Nancy Reutlinger, Rapid City, SD; Jerry Schneider, Missoula, MT; Laura Truby, Benton Harbor, MI; Kimberly Yaussy, Beaver Creek, OH.

Witness For Peace, Dec. 2, 1984, Delegation, P.O. Box 29272, Washington, DC 20017.●

TAYLOR CULTIVATES INFLUENCE IN CLOAKROOM AND CORRIDOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. MICHEL. Mr. Speaker, every so often a very low-key and effective Member of the House is recognized for the truly outstanding public servant that he is. Such is one among us, GENE TAYLOR of Missouri.

The story written by Mark Rohner of Gannett News Service has some keen insight on this effective Member. It points out his concern for his colleagues, it points out his humor, and it also points out his outstanding representation of his constituents. I know my colleagues will find this a truly interesting piece of reporting.

At this point, I wish to insert in the RECORD, "Taylor Cultivates Influence in Cloakroom and Corridor," by Mark Rohner, Gannett News Service, Springfield, MO News Leader, Sunday, February 17, 1985:

TAYLOR CULTIVATES INFLUENCES IN CLOAKROOM AND CORRIDOR

CONGRESSMAN JOINS FOLKSY ANECDOTES TO FOXY MANEUVERS

WASHINGTON.—In today's U.S. House of Representatives, increasingly populated by young, telegenic activists seeking maximum exposure, Missouri's Gene Taylor is almost an anachronism—but a highly successful one.

Taylor, whose portly, rumpled, shuffling figure is more often seen in the Republican cloakrooms than the well of the House, seldom joins in House debate and even more rarely gets out front on a piece of legislation.

For a legislator with 12 years of seniority and status as one of his party's leaders in the House, Taylor has left no monuments, and hardly a visible track on Capitol Hill.

"It's hard to have much acquaintance with his record, because he's so inactive," said one longtime aide in a Missouri congressional office.

But Gene Taylor, re-elected this year with 70 percent of the vote, is neither unknown nor without influence in the House, particularly during the last four years that he's been a member of the powerful House Rules Committee.

"He's a behind-the-scenes operator, always has been," said an old friend, state Sen. Richard Webster, in a comment repeated by just about everyone who knows Taylor. "He operates in the corridors and committee rooms."

Taylor works in obscurity by choice, but he's known by colleagues as a wily country politician of the old school, by his party's leaders as a usually reliable vote for Republican positions, by lobbyists as a potential ally worth cultivating with campaign contributions and by almost everyone as a down-home wit who can delight an audience with his repertoire of Ozark stories.

"He's one of the great storytellers of the political world," said Washington consultant Richard Ichord, a conservative Democrat who represented the congressional district adjoining Taylor's before retiring in 1981.

"In the cloakrooms, you'll find members coming up to Gene and saying,'Hey, tell me a story I can use in a speech.' He's probably quoted on the floor of the House more than any other member."

Ichord says even President Reagan "is a great fancier of Gene's stories." He related how, at one White House reception, Reagan got such a kick out of one of Taylor's yarns that he called Vice President Bush over and made Taylor tell it again.

But there's more to Taylor than cornball jokes, and people underestimate him at their peril.

"Gene appears to be about as country as they come," said Webster. "He may sound like a hick, but he's not dumb. He's smart as the dickens."

A lobbyist told this story about another member of his profession who was snickering and making wisecracks at Taylor's expense while Taylor was regaling a committee meeting with one of his Missouri stories. "There were some people from Missouri sitting in front of the (other) lobbyist, and they went up afterward and told Taylor about it. Taylor confronted him and said he didn't appreciate things being said behind his back. He did it with a big smile and a story to tell—and he made that lobbyist feel like crawling under the rug."

Taylor rarely plays a role in legislation on national issues, content to use his energies on local concerns. His proudest accomplishments are things like saving the federal fish hatchery at Neosho and getting flood insurance rules changed to benefit several southwest Missouri communities—fights he won by working the phones and the cloakroons to line up his votes before going to the floor.

"You've got to be friends with these people," Taylor said. "There are not very many members of Congress I can't sit down with and talk to."

He understands other members' hometown concerns, too, and as a senior member of the House Public Works Committee—a position he had to relinquish when he went on the prestigious Rules Committee in 1980—Taylor was good at building friendships and collecting chits by taking care of colleagues' highway and water projects, said Rep. Bob Young, a St. Louis Democrat who served on the committee with him.

Young still remembers Taylor's help when, early in his House career, he worked on a successful effort to keep the St. Louis airport from being moved to Illinois.

Now that Taylor's on the Rules Committee, which clears bills for floor debate and decides whether amendments will be in order, he's in an even better position to look after colleagues' interests.

"He tries very hard, more so than other members, to protect the needs of Republican colleagues who want amendments made in order," said Rep. David Bonior, D-Mich., who serves with Taylor on Rules. Those who benefit from Taylor's solicitude are, in turn, "in a position to help him on substantive legislation," said Bonior.

"Being on the Rules Committee has opened a lot of doors for me," Taylor said. Leaders of other committees must appear before Rules, hat in hand, to get their legislation cleared for debate on the House floor.

"It gives me an opportunity to have a relationship with the chairmen and ranking members of every committee," Taylor said. "If we have something we need, legislation affecting the district. I'm in a position to go to them and talk to them about it."

Rules Committee positions like Taylor's are generally reserved by both parties for their most reliable members.

"I generally try to follow instructions from the (Republican) Policy Committee on legislation," Taylor said, though "there have been occasions . . . not over two or three" where he's bucked the GOP leadership.

"He's evidently an insider," said Bonior. "To be on the Rules Committee you've got to do your politics with your colleagues."

In looking for someone to fill the Rules Committee slot that eventually went to Taylor in 1980, House Republican Leader Bob Michel said he wanted a "fightin', bitin', partisan Republican." Taylor filled the bill as a strong partisan, but he's also considered an unusually gentlemanly adversary.

As a senior member of the Post Office and Civil Service Committee, "he's not been our best friend," said a labor union lobbyist. "However, he's very honest and up-front and tries to see it your way. When I need to talk to him, I can, and when he makes a commitment, he sticks to it."

Says Webster: "He is able to talk to people on any level. He can go to St. Louis and sit down and talk to the captains of our major industries, then fly down to southwest Missouri, put on his coveralls and go out to an auction and call the sale"—a skill left over from his days as "Colonel" Taylor, auctioneer.

Taylor's style might not work for everybody, but "he truly represents the conservative southwest part of Missouri," said Young.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the CONGRESSIONAL RECORD. I strongly believe that the people of the Second District of Arizona have a right to know where I stand on the issues decided by this body, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for more specifics.

The votes are described as follows:

KEY

1. Rollcall Number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the vote;
5. The date of the vote;
6. My vote, in the form Y=yes, N=no, and NV=not voting;
7. The vote of the entire Arizona delegation in the form (yes-no-not voting);
8. An indication of whether the motion or amendment was approved or rejected; and
9. The vote total.

VOTING RECORD

51. H Res 443, Hunger Committee Funds. Adoption of the resolution to provide $449,250 between March 1, 1984, and Jan. 3, 1985, for investigations and other expenses of the House Select Committee on Hunger. Adopted 288-109: Y(3-1-1), March 29, 1984.

52. HR 4841. Coast Guard Authorization. Adoption of the rule (H Res 472) providing for House floor consideration of the bill to authorize appropriations of $2.4 billion in fiscal 1985 and $2.6 billion in fiscal 1986 for the Coast Guard. Adopted 394-0: Y(4-0-1), March 29, 1984.

53. HR 4841. Coast Guard Authorization. Passage of the bill to authorize appropriations of $2.4 billion in fiscal 1985 and $2.6 billion in fiscal 1986 for the Coast Guard. Passed 348-38: Y(3-1-1), March 29, 1984. A "nay" was a vote supporting the president's position.

54. HR 4072. Agricultural Programs Adjustment. Adoption of the conference report on the bill to cut 1984 and 1985 target prices for wheat and freeze 1985 target prices for corn, cotton and rice at 1984 levels, to provide for 1985 acreage reduction programs for these crops and to revise certain conditions for Farmers Home Administration loans. Adopted 379-11: NV(4-0-1), April 3, 1984. A "yea" was a vote supporting the president's position.

55. HR 4707. Arizona Wilderness. McNulty, D-Ariz., motion to suspend the rules and pass the bill to designate approximately 1.2 million acres of national forest and Bureau of Land Management land in Arizona as federally protected wilderness. Motion agreed to 335-56: Y(3-2-0), April 3, 1985.

56. HR 5026. Credit Card Surcharge Ban. Annunzio, D-Ill., motion to suspend the rules and pass the bill to extend until May 31, 1985, the ban on merchants' adding a surcharge for purchases made with credit cards. Motion agreed to 355-34: Y(3-1-1), April 3, 1984.

57. H Con Res 280. First Budget Resoltuion, Fiscal 1985. Adoption of the rule (H Res 476) providing for House floor consideration of the concurrent resolution to set budget targets for the fiscal year ending Sept. 30, 1985. Under the rule, the budget committee's "pay-as-you-go" budget plan plus seven substitute budgets were made in order. Adopted 302-89: Y(4-1-0), April 4, 1984.

58. H Con Res 280. First Budget Resoltuion, Fiscal 1985. Wirth, D.-Colo., substitute to provide spending and revenue levels for fiscal 1985 as submitted by President Reagan on Feb. 1, 1984. Rejected 1-401: N(0-5-0), April 4, 1984.

59. H Con Res 280. First Budget Resolution, Fiscal 1985. Dannemeyer, R.-Calif., substitute to reduce federal deficits $206 billion over three years by cutting spending $136 billion and raising taxes $7 billion. Rejected 51-354: N(1-4-0), April 4, 1985.

60. H Con Res 280. First Budget Resolution, Fiscal 1985. Roemer, D-La., substitute proposed by the Conservative Democratic Forum to reduce deficits $225 billion over three years by cutting spending $53 billion and raising revenues $70 billion. Rejected 59-338: N(0-5-0), April 4, 1984.

61. H Con Res 280. First Budget Resolution, Fiscal 1985. Dixon, D-Calif., substitute offered by the Congressional Black Caucus to reduce deficits by $324 billion over three years by cutting military spending by $203 billion and increasing taxes by $181 billion. Domestic spending would increase $99 billion. Rejected 76-333: N(0-5-0), April 5, 1984.

62. H Con Res 280. First Budget Resolution, Fiscal 1985. McHugh, D-N.Y., substitute offered by the Democratic Study Group to reduce deficits $261 billion over three years by limiting domestic spending, holding defense increases to the rate of inflation and increasing taxes by $76.2 billion. Rejected 132-284: Y(2-3-0), April 5, 1984.

63. H Con Res 280. First Budget Resolution, Fiscal 1985. MacKay, D-Fla., substitute to impose a modified spending freeze, providing for inflation adjustments only in defense spending and most entitlement programs. Taxes would be increased by $47.2 billion. Rejected 108-310: N(1-4-0), April 5, 1984.

64. H Con Res 280. First Budget Resolution, Fiscal 1985. Latta, R-Ohio, substitute offered by House Republicans calling for $205 billion in three-year deficit reductions by cutting defense spending by $40.2 billion, domestic spending by $26.3 billion, entitlements by $23.2 billion, raising taxes by $47.2 billion and finding other savings totaling $61.6 billion. The plan would have resulted in a $174.6 billion fiscal 1985 deficit. Rejected 108-311: N(1-4-0), April 5, 1984. A "yea" was a vote supporting the president's position.

65. H Con Res 280. First Budget Resolution, Fiscal 1985. Adoption of the first concurrent budget resolution for fiscal 1985 to set targets for the fiscal year ending Sept. 30, 1985, as follows: budget authority, $1,002.1 billion; outlays, $918.2 billion; revenues, $742.7 billion; and deficit, $174.5 billion. The resolution also set preliminary goals for fiscal 1986-87, revised budget levels for fiscal 1984 and included reconciliation instructions requiring House and Senate committees to recommend legislative savings to meet the budget targets. Adopted 250-168: Y(2-3-0), April 5, 1984.

66. HR 7. Child Nutrition. Adoption of the rule (H Res 478) providing for House floor consideration of the bill to reauthorize child nutrition programs through 1988, to liberalize eligibility and benefits in certain programs, and make other changes. Adopted 275-125: Y(2-3-0), April 10, 1984.

67. HR 4900. Panama Canal Authorization. Carney, R-N.Y., amendment to reduce funding for the operation and maintenance of the Panama Canal in fiscal 1985 from $443,946,000 to $435,653,000. Rejected 188-214: N(4-1-0)), April 10, 1984.

68. HR 4900. Panama Canal Authorization. Passage of the bill to authorize fiscal 1985 spending of $445,946,000 by the Panama Canal Commission for the operation and maintenance of the Panama Canal. Passed 307-89: Y (3-2-0), April 10, 1984.

70. HR 7. Child Nutrition. Erlenborn, R-Ill., amendment to strike authorization for "tiering" in the federal child-care food program. Under this system, if certain percentages of children in a home child-care program were poor enough to qualify for free or reduced-price meals, all children in the program may receive such meals. Rejected 140-262: N(3-2-0), April 11, 1984.

71. HR 4170. Tax Reform Act. Passage of the bill to raise $49.2 billion in new taxes through fiscal 1987 by closing a wide range of tax loopholes; increasing taxes on distilled liquor, cigarettes and telephones; revamping taxation of the life insurance industry; and making other changes. Passed 318-97: NV(0-4-1), April 11, 1984.

72. HR 5394. Omnibus Budget Reconciliation Act. Derrick, D-S.C., motion to order the previous question (thus ending debate and the possibility of amendment) of the rule (H Res 483) providing for House floor consideration of the bill to cut spending during fiscal 1985—in a variety of federal benefit programs. Motion agreed to 241-173: Y(2-2-1), April 12, 1984.

73. HR 5394. Omnibus Budget Reconciliation Act. Adoption of the rule (H Res 483) providing for House floor consideration of the bill to cut spending during fiscal 1985—in a variety of federal benefit programs. Adopted 217-196: Y(2-2-1), April 12, 1984.

74. HR 5394. Omnibus Budget Reconciliation Act. Adoption of the rule (H Res 483) providing for House floor consideration of the bill to cut spending during fiscal 1985—in a variety of federal benefit programs. Adopted 217-196: Y(2-2-1), April 12, 1984.

74. HR 5394. Omnibus Budget Reconciliation Act. Moore, R-La., motion to recommit the bill to the House Ways and Means Committee with instructions to include provisions imposing a one-year physician fee freeze for Medicare services and to strike provisions in the measure that increased spending. Motion rejected 172-242: N(2-2-1), April 12, 1984.

75. HR 5394. Omnibus Budget Reconciliation Act. Passage of the bill to reduce federal spending $3.9 billion during fiscal 1985-87 by reducing costs in Medicare, welfare veterans', and other benefit programs. Passed 261-152: Y(2-2-1), April 12, 1984.

76. H Con Res 290. Mining of Nicaraguan Waters. Adoption of the rule (H Res 485) providing for House floor consideration of the concurrent resolution stating the sense of Congress that no appropriated funds

should be used for planning, directing, executing or supporting the mining of ports or territorial waters of Nicaragua. Adopted 230-153: Y(1-2-2), Apirl 12, 1984.

77. H Con Res 290. Mining of Nicaraguan Waters. Hyde, R-Ill., motion to recommit the concurrent resolution to the House Foreign Affairs Committee with instructions to substitute for it new language stating the sense of Congress that no appropriated funds should be used for planning, directing, executing or supporting the mining of ports or territorial waters of Nicaragua if Congress certified that the Nicaraguan government had ceased its support of forces aimed at the subversion of neighboring nations. Motion rejected 144-249: N(2-1-2), April 12, 1984.

78. H Con Res. 290. Mining of Nicaraguan Waters. Adoption of the concurrent resolution stating the sense of Congress that no appropriated funds should be used for planning, directing, executing or supporting the mining of ports or territorial waters of Nicaragua. Adopted 281-111: Y(1-2-2), April 12, 1984.

79. S 373. Arctic Research and Critical Materials Policy. Passage of the bill to establish an Arctic Research Commission and an Interagency Arctic Research Policy Committee to coordinate federal Arctic research and to establish a National Critical Materials Council to coordinate federal policies on materials critical to the national economy and security. Passed 253-1: Y(2-0-3), April 24, 1984.

80. HR 4974. National Science Foundation Authorization. Gregg, R-N.H., amendment to reduce by $58.5 million certain fiscal 1985 funding authorizations for the National Science Foundation. Rejected 175-180: N(3-1-1), April 25, 1984.

81. HR 4974. National Science Foundation Authorization. Walker, R-Pa., amendment to reduce fiscal 1985 funding for the National Science Foundation by 3.9 percent. Rejected 170-183: N(3-1-1), April 25, 1984.

82. HR 4974. National Science Foundation Authorization. Passage of the bill to authorize $1.56 billion for the fiscal 1985 activities of the National Science Foundation. Passed 252-99: Y(1-3-1), April 25, 1984.

84. S. 2570. Bankruptcy Court Transition Extension. Adoption of the rule (H Res 490) providing for House floor consideration of the bill to extend from April 30, 1984, to May 26, 1984, a period of transition to a new bankruptcy court system established under a 1978 law (PL 95-598). Adopted 295-47: Y(3-0-2), April 26, 1984.

85. S. 2570. Bankruptcy Court Transition Extension. Sensenbrenner, R-Wis., motion to recommit the bill to the Judiciary Committee with instructions to change the end of a transition period to a new bankruptcy court system established under a 1978 law (PL 98-598) from May 26, 1984, to midnight May 23, 1984. Motion rejected 33-304: N(0-3-2), April 26, 1984.

86. S. 2570. Bankruptcy Court Transition Extension. Passage of the bill to extend from April 30, 1984, to May 26, 1984 a period of transition to a new bankruptcy court system established under a 1978 law (PL 95-598) Passed: 322-13: Y(3-0-2), April 26, 1984.

87. HR 5172. National Bureau of Standards Authorization. Adoption of the rule (H. Res 481) providing for House floor consideration of the bill to authorize appropriations for the National Bureau of Standards and related agencies for fiscal 1984 and fiscal 1985. Adopted: 282-47: Y(2-1-2), April 26, 1984.

88. HR 5172. National Bureau of Standards Authorization. Fuqua, D-Fla., amendment to the Gregg, R-N.H., substitute to the Walker, R-Pa., amendment to cut the fiscal 1985 authorization by approximately $2.5 million. Adopted 164-151: Y(1-2-2), April 26, 1984

89. HR 5172. National Bureau of Standards Authorization. Gregg, R-N.H., amendment to the Walker, R-Pa., amendment, to cut the fiscal 1985 authorization by $6 million. Adopted 1985-126: N(2-1-2), April 26, 1984.

90. HR 5172. National Bureau of Standards Authorization, Gregg, N-N.H., substitute to the Walker, R-Pa., amendment, as amended by the Fuqua, D-Fla., amendment to cut the fiscal 1985 authorization by $2.5 million. Rejected 123-172: Y(1-2-2), April 26, 1984.

91. HR 5172. National Bureau of Standards Authorization. Rudd, R-Ariz., amendment to eliminate a $500,000 authorization for a study on conversion to the metric system. Adopted 146-143: N(2-1-2), April 26, 1984.

92. HR 5172. Nation Bureau of Standards Authorization. Fuqua, D-Fla., motion that the Committee of the Whole rise without coming to a resolution on the bill. Motion agreed to 159-129: Y(1-2-2), April 26, 1984.

93. HR 7. Child Nutrition. Bartlett, R-Texas, substitute to cut the authorizations in the bill for child nutrition programs from four to three years, through fiscal 1987, providing a total of $4.6 billion in budget authority for the programs. Rejected 136-270: N(3-2-0), May 1, 1984.

94. HR 7. Child Nutrition. Passage of the bill to reauthorize child nutrition programs through fiscal 1988, providing a four-year total of $9 billion in budget authority for the programs. Passed 343-72: Y(2-3-0), May 1, 1984.

95. HR 5041. Joint Research and Development Antitrust Act. Edwards, D-Calif., motion to suspend the rules and pass the bill to protect companies, under certain circumstances, from treble antitrust damages when they engage in joint research and development ventures. Motion agreed to 417-0: Y(5-0-0), May 1, 1984.

96. H Con Res 275. Colombian Drug Eradication. Fascell, D-Fla., motion to suspend the rules and adopt the concurrent resolution to congratulate the government of Colombia on its recent decision to conduct experimental testing of herbicidal methods for the eradication of plants used to produce narcotic drugs. Motion agreed to 416-0: Y(5-0-0), May 1, 1984.

97. H Con. Res 261. Contadora Group Initiative. Barnes, D-Md., motion to suspend the rules and adopt concurrent resolution to support the efforts of the so-called "Contadora group" of Columbia, Mexico, Panama, and Venezuela to negotiate a peace agreement in Central America and calling on the U.S. government to support those efforts. Motion agreed to 416-0: Y(5-0-0), May 1, 1984.

98. HR 5188. Customs Service Authorization. Gibbons, D-Fla., motion to suspend the rules and pass the bill to authorize $6.86 million for the U.S. Customs Service, $28.4 million for the U.S. International Trade Commission, and $14.2 million for the Office of the U.S. Trade Representative in fiscal 1985. Motion agreed to 289-127: Y(2-3-0), May 1, 1984.

99. HR 5147. Tuna Fishing Agreement. Breaux, D-La., motion to suspend the rules and pass the bill to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, on March 15, 1983. Motion agreed to 416-0: Y(5-0-0), May 1, 1984.

100. HR 4585. Environmental Quality Authorizations. Breaux, D-La., motion to suspend the rules and pass the bill to authorize $480,000 for the Office of Environmental Quality in each of fiscal years 1985-87, and to establish a fund to finance joint studies and projects involving the Council on Environmental Quality and other entities. Motion agreed to 412-4: Y(4-1-0), May 1, 1984.●

THE FLEX-TIME PROGRAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. WOLF. Mr. Speaker, today I am introducing legislation that would make permanent the authority of the Office of Personnel Management to administer the Alternative Work Schedules Program [AWS].

The AWS or "flex-time" program was authorized as an experimental program in 1978 and again in 1982 on the recommendation of an OPM report to Congress that said in part "more than 90 percent of employees and more than 85 percent of supervisors were satisfied with and wish to retain their AWS schedule."

Under the AWS Program, Federal employees are allowed to utilize work schedules which depart from the traditional 5-day, 40-hour workweek. Flexible work schedules used by Federal employees include a variety of arrangements in which fixed times of arrival and departure are replaced by core working hours and expanded arrival and departure times, and compressed work schedules such as the 10-hour-per-day, 4-day workweek. These types of arrangements are increasingly becoming more common in the private sector.

The AWS Program offers a number of benefits to both Federal employees' families and to the Federal Government. This bill is important to families because it gives Federal employees more time to spend with their children and spouses. Flexible work schedules allow the mother or father to be there when the son or daughter leaves for school and to be there when the child returns at the end of the day as well.

From the alternative work schedule experiment, OPM has noted greater efficency in Government operations, reductions in total vehicle miles per week and increased use of mass transit and car/van pooling, reduced building energy consumption on nonworking days where compressed schedules were used, and increased public accessibility to Government services at agencies open longer because of flexible work schedules.

Mr. Speaker, this program has received wide and strong support from both employers and employees in the public and private sectors. The pro-

gram has clearly demonstrated its ability to increase Government efficiency, productivity, and employee morale. The current authority for the AWS Program expires on July 23, 1985, and I urge my colleagues to support this important legislation.

H.R. 1525

A bill to make permanent the authority to establish and administer flexible and compressed work schedules for Federal Government employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is repealed.●

MISS MILDRED THAYER CELEBRATES HER 100TH BIRTHDAY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. CONTE. Mr. Speaker, it is very rare for me to have the opportunity to share in the celebration of a person's 100th birthday. At this time, I invite my colleagues to join me in honoring Miss Mildred Thayer of Northampton, MA, on the mark of her 100th birthday, April 6, 1985.

Miss Thayer was born to Eunice and Herbert Thayer on April 6, 1885, in Chesterfield, MA. She attended schools in Northampton and has been a devoted member of the Methodist Church in Northampton all of her life.

Miss Thayer worked as a dedicated secretary for the Hamden Mill Factory in Northampton for 50 years. She was actively involved in several Northampton organizations such as the Southside Monday Night Club, the Alturian Club, and the Dorcas Society.

Miss Thayer has been a resident of the Rockridge Retirement Home at Laurel Park in Northampton since October 4, 1982. She has been an energetic participant in the Rockridge Auxiliary for many years and is a true inspiration to all her friends at Rockridge because of her spirit and vitality.

I understand from the workers and residents at Rockridge that Miss Thayer is a lovely lady who handles all of her own finances, takes care of herself, and is a joy to be around. She eagerly reads the newspapers every morning in order to keep up to date on all the important issues of the day.

I am asking my colleagues to join me in congratulating Miss Thayer on reaching her centennial year. She exemplifies the true meaning of living life to its fullest. It is both a pleasure and an honor for me to rise today to wish Mildred Thayer a happy and joyous birthday.●

POLITICALLY MOTIVATED VOTE

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1985

● Mrs. SCHNEIDER. Mr. Speaker, I rise to express my dismay at the politically motivated vote that this body is considering. We face two very important issues that are related to one another in only the most tenuous manner—the plight of the American farmer and the starvation faced by millions of Africans. By combining these actions into a single vote, it is clear that the purpose is not to help either group, but rather to cause political embarrassment to the Republican administration.

I have serious reservations about the farm credit bill, not because I am hardened to the plight of the American farmer, but because I feel that a greater effort should be made to place responsibility for credit decisions in the hands of lending institutions. For the Federal Government to assume 90 percent of the risk on a loan program is an irresponsible gamble with the taxpayers' money.

I am a firm supporter of aid to African countries, and my vote last week reflects that support. However, I refuse to be used by the majority party in this attempt to pit a budget-busting farm bill against those in need in Africa. I am confident that no matter what action is taken on the farm credit bill, Congress will again be provided with the opportunity to provide additional funds for African aid. These bills should be considered separately and on their individual merits. To do otherwise is a disservice both to the struggling American farmer and to the starving African villager.●

REVITALIZING THE MERGER LAW TO EMPHASIZE COMPETITION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. SEIBERLING. Mr. Speaker, I rise today to introduce legislation addressing what may be the most significant threat to the continued economic productivity of this Nation—the continuing abuses resulting from unrestrained takeover activity among some of our largest corporations.

The spectacle of financial speculators and Fortune 500 companies engaging in corporate war games may be diverting to business page writers and lucrative to manipulators and arbitrageurs. But for the substantial majority of affected management, shareholdres, employees, pension fund recipients, and local communities, and for the economy as a whole, these takeover fights bring with them the spectre of waste and economic destabilization.

Corporate raids have caused fear and an almost obsessive preoccupation with takeovers across the country's boardrooms. Fear of a takeover is now even changing basic corporate operating procedure and strategy. Managers, more concerned than ever with short-term earnings, are, in increasing numbers, sacrificing growth plans that might temporarily affect the price of their stock. They are restructuring themselves—and even going private—to prevent raiders from doing it for them. To say that such preoccupation with takeover strategy is counter to the traditional American commitment to steady and sure economic growth and planning is an understatement. Financial manipulation is threatening to replace competition as the engine that drives our free enterprise system.

Since 1981, some 45 mergers worth over $1 billion each have taken place. In the prior 12 years, there were only a dozen such billion-dollar acquisitions. I realize that there is a belief in this administration that the size of our corporations doesn't really matter. Before his departure in 1983, Mr. Baxter even stated that he was untroubled by the prospect of all corporate assets in the world being controlled by 100 companies provided that each company had only 1 percent of each line of commerce. I am not so sanguine about such a scenario, particularly since we already live in an economic environment where nearly half of the U.S. manufacturing assets are held by only 100 companies.

Up to a point, size may indeed bring efficiencies which enhance competition. But big corporations, like big Government, carry with them substantial costs. As size increases, the number of decision-making centers may be reduced, additional layers of intra-corporate bureaucracy may be imposed, and experimentation and innovation may be impeded. The results of the kinds of mergers we are witnessing today may principally be the diversion of scarce capital from productive to unproductive uses, and the distraction of a manager's abilities from competitive to noncompetitive activities. By focussing attention on growth by acquisition rather than on growth by internal capital investment and expansion, many companies have actually reduced rather than enhanced their own efficiency.

Certainly some of these takeover excesses might be corrected through changes in the Tax Code and securities laws. But the Judiciary Committee and the Congress are still faced with the problem of a significantly changed enforcement climate that has worked to severely undermine the antitrust

laws as an effective deterrent. Under the Reagan Administration, large horizontal mergers have rarely been blocked by the enforcement agencies. And vertical and conglomerate combinations have been subject to no appreciable antitrust restraint whatsoever.

The low estate into which merger enforcement has fallen is all the more distressing because it is completely contrary to what Congress had intended during its extensive deliberations on the subject. The bill I am introducing today proposes to revitalize antitrust enforcement in the merger area by reaffirming those values originally embodied in section 7 of the Clayton Act, that section which forbids acquisitions that may "substantially lessen competition, or tend to create a monopoly." These values and policies are well documented in the legislative history of the Celler-Kefauver amendment to section 7 as well as in the interpretive decisions of the Supreme Court.

When Congress enacted the 1950 Celler-Kefauver amendment to the Clayton Act, it was the culmination of continuing efforts over a number of years to secure revision of a section of the antitrust laws considered to be ineffective in its then existing form. The legislative history makes clear that Congress sought three major objectives by amending section 7, and all these goals reflected a long-run view of merger policy.

First, Congress sought to encourage the efficient output of goods and services by preventing mergers that might cartelize or inhibit free competition. Second, Congress sought to avoid undesirable social and economic losses from mergers, including centralization of economic and political power, deprivation to small business of a fair and equal opportunity to compete, and undue loss of regional centers of business autonomy. Third, in extending the scope of merger enforcement, Congress acted not only to uphold these particular social values, but also to maintain public support for the free market system.

In the view of Congress, the inevitable result of uninhibited mergers and undue economic concentration was the centralization of governmental power and a consequent loss of confidence in the workings of the market by both the economic participants and the public at large. Congress made clear that while the specified social values were not, by themselves, enough to completely displace mergers that would clearly produce economic efficiencies, they were certainly part of the equation to be measured by a reviewing court.

For a time, the new section 7 exerted a forceful presence, serving to check many large corporate combinations. It allowed Government agencies to exercise considerable leverage and generated vital case law permitting the Government to launch a strong litigation effort, particularly in a hostile takeover setting.

However, with the advent of the Burger court, the ability of the enforcement agencies to prevent larger mergers began to diminish. And when President Reagan appointed William Baxter to head the Justice Department's Antitrust Division and James Miller to head the Federal Trade Commission, the role of section 7 was further reduced. Believing that the only possible detriment from a merger is the risk of horizontal market foreclosure, this administration has directed merger enforcement almost to that evil alone. Moreover, the enforcement agencies have gone further by permitting firms considered to actually pose a horizontal threat to proceed if the participants would simply consent to a divestiture of some portion of their competing assets. The DOJ and the FTC have been transformed from antitrust enforcement agencies to regulatory facilities, or less euphemistically, to merger brokers.

Defenders of the present enforcement scheme, the so-called Chicago School devotees, have a constricted view of antitrust policy—that competition means only economic efficiency. However, as developed by Congress and antitrust jurisprudence, the term "competition" has come to characterize a complex bundle of properties, including both the actuality and potentiality of market rivalry. There is little doubt that when these multiple effects are taken in the aggregate, economic efficiency retains a critical place, but not an exclusive one. The bill I am introducing today should clarify the relationship between the very central value of efficiency and other congressional concerns and by so doing, remove the unfortunate implication that somehow merger law revitalization is inimical to the economic health and productivity of the Nation.

Simply put, my bill seeks to require the enforcement agencies and the courts to take into consideration certain factors when determining whether a proposed merger would lessen competition. These factors include concern with the preservation of a sufficient number of customer-supplier relationships in any product or service in the aftermath of a merger; equality of competitive opportunity and the concomitant avoidance of monopoly profits earned at the expense of the consumer; retention of multiple centers of decisionmaking and diffusion of economic power; and the avoidance of practices which waste a company's assets or divert management's attention from productive business operations and invariably lead to diminished economic efficiency and higher prices for consumers.

The recent settlement between Phillips Petroleum Co. and corporate raiders Carl C. Icahn and T. Boone Pickens is only the latest, but certainly a most egregious, example of the need for this kind of legislation. Because they were unimpeded in their ability to acquire sufficient stock to control and even liquidate Phillips, they forced the management to borrow $4.5 billion, plan the disposal of $2 billion worth of corporate assets, and end up with an 80-20 debt-equity ratio. Clearly, Phillips will now have to focus all its efforts in the next 10 to 15 years on merely surviving and paying off this debt—a debt incurred not for corporate growth but solely to enable the quick enrichment of two corporate raiders. Obviously Phillips' ability to provide aggressive competition has been materially weakened for years to come.

It should be clear from the bill's specified factors that in restoring the original congressional intent to section 7, we have not in the least set our face against economic efficiency; for as recognized by Congress, the political and social values are largely congruent with the efficiency value in the sense of a strong presumption in favor of the consumer. Where there is a divergence between the efficiency consideration and other factors, courts, in assigning relative weight to the applicable considerations, will develop more refined presumptive rules for general categories of merger cases. In actuality, this reaffirmation of section 7 will essentially become a codification of the previous scheme of antitrust enforcement with the benefit of the learning in the intervening years concerning competitive markets and the efficiency of mergers.

By making explicit the concerns that Congress had originally sought to embody in section 7, Congress can revitalize that crucial part of the antitrust statutes, and in the process, redirect merger enforcement policy. The need for this effort is critical; for what we are witnessing today may be no less than the most fundamental showdown on the nature of the American capitalist system and spirit for free enterprise since the 1930's.●

A LEGEND IN HIS OWN TIME: EDMUND FARHAT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. VANDER JAGT. Mr. Speaker, like many Members of Congress, I have from time to time utilized this means of bringing to the attention of our congressional membership unique and unusual stories or developments involving individuals, organizations,

ceremonies or, as one might say, real happenings.

It is with very special interest and personal feeling, and yes, distinct pleasure and honor, to present a wonderful feature story on Ed Farhat. The story, which appeared in the February 10 edition of the Muskegon Chronicle, Muskegon, MI, requires no great elaboration. Dave Alexander, the Chronicle writer, wove a sparkling story on Ed Farhat, my dear friend, and yes, my mentor. Ed Farhat, as a teacher, a coach, school superintendent and now president of a multiclient lobbying firm in Michigan, is truly a legend in his own time.

I truly wish, Mr. Speaker, that all Members would have the opportunity to know and work with Ed Farhat. It would be a lasting experience, but more importantly, a beneficial one.

The newspaper story, "Ed Farhat: The Man Behind the Legend," follows:

ED FARHAT: THE MAN BEHIND THE LEGEND

(By Dave Alexander)

Muskegon, meet lobbyist Edmund Farhat.

You've known him as a teacher, football coach and administrator at Muskegon Catholic Central. You also may know him as a neighbor, family man and community servant. But in general, you know little about him since he left MCC in 1969.

In the past 15 years, he has become one of the most respected and powerful figures in state government, representing the likes of General Motors, Michigan doctors and Dow Chemical.

Meanwhile, he has remained a Muskegon resident, keeping quietly in touch with local politics and working on local projects. Farhat has used his enormous wealth of contacts, knowledge of state government and political savvy to become one of the most influential behind-the-scenes personalities in Muskegon.

"I'm aware of Ed Farhat and what he does," former Republican Muskegon County Board Chairman John Halmond said of Farhat's work in the community. "He is an influential person but he is of the other political persuasion."

Farhat's out-of-sight style—which has brought him respect and influence in Lansing—cuts like a double-edged sword in Muskegon.

Locally, he is revered, admired and even feared by Democrats, while some Republicans tend to resent his behind-the-scenes maneuvering. Few, however, will dispute his abilities.

"I shun publicity . . . it is a personal trait with me," Farhat said in a rare media interview with The Chronicle. "I'm a very private person to deal with."

By not courting the public spotlight, Farhat has become a much more effective and influential power broker—both in Lansing and Muskegon—friends say.

"Power can be seen a lot with the use of mirrors in politics. He doesn't go public and I think that makes him more effective," said attorney Anthony Derezinski, whose friendship with Farhat stretches back to his days as a student at Muskegon Catholic. Farhat helped Derezinski get elected to the state Senate in 1974.

One local Democratic insider called the 60-year-old lobbyist with Public Affairs Associates in Lansing a "political godfather" in Muskegon. Farhat discounts his influence and power locally. "It is a perception that I never created nor do I want," he said of the power broker image. "I have not been that involved. I get blamed for a lot of stuff. It is more perception than reality."

When you speak of the Capital City power structure, you speak of Ed Farhat.

Nothing illustrates Farhat's abilities more than his work on defeating Proposal C—Voter's Choice—in the November election. Farhat's expertise as an election strategist landed him the job of overseeing the Promote Michigan campaign.

"He did a marvelous job on C, just marvelous," Gov. James Blanchard said of Farhat. "He was the key player. He conceived of the committee, created it, organized it, coordinated it and staffed it in the broadest possible terms statewide.

"I can't say enough about him," Blanchard said of the man who assisted him in his first campaign for Congress in the 1970s.

Blanchard's reaction to questions about Farhat are repeated by Democratic leaders throughout the state.

"He is one of the best persons around Lansing," House Speaker Gary Owen said. "Eddie has as much credibility with me as anyone in Lansing."

However, the praise is a little more reserved from Republican leaders.

"I don't agree with all of his clients' viewpoints on the issues, but he represents them to the fullest," said Senate Majority Leader John Engler, R-Mount Pleasant. "His approach is one appreciated by a lot of legislators. Shrewd is a word to describe him."

Others say Farhat has a very "human" side that few see in the daily happenings of Lansing. But those who work with Farhat, especially those at the Michigan Catholic Conference, have seen another side.

Along with Farhat, several Lansing lobbyists received their start at the Catholic Conference. One is the current executive director, Sister Monica Kostielney.

"Ed Farhat also is a very compassionate man," Sister Monica said. "And, I think sometimes, unless a person really knows him very well, that is forgotten.

"He can walk from a heavy negotiations about a serious state issue and go a block to watch a group of high school boys practice football. The beauty is he gets as much enjoyment from both," she added.

Farhat's involvement and influence in community affairs in Muskegon began as a showcase for a school system and not a stage on which to build personal power, he said.

It has led to a personal involvement with many key issues and projects in recent years. "Ed Farhat has been working on behalf of good Muskegon projects for years without pay. I consider him a great resource for the community," said his friend, New Muskegon President and Chronicle Editor-Publisher George E. Arwady.

The list of projects includes the downtown hotel, government consolidation, Harbour Towne and a cross-lake ferry service.

"A lot of people don't understand his role," Muskegon Area Chamber of Commerce Chairman Robert Morin said. "I'm sure he is heavily involved in the Democratic Party and that bothers some Republicans."

Farhat—adept at building coalitions to assist projects—can "open the doors of communication" with the governor's office, key legislators and bureaucrats. He gets a lot done on the telephone, colleagues say.

His civic involvement began at Muskegon Catholic Central.

"MCC had to be a part of the community . . . it had to be a community-based school," he said. "For me as administrator to help sell the school in the community, (I) had to get into community life."

For Farhat, that meant participating in many community organizations and service projects such as building the Norton Shores Branch Library. He said he averaged one day a week on community projects while heading MCC.

Public support for parochial schools and the abortion issue pushed Farhat into electoral politics. He and former West Michigan Christian High School Principal and now Muskegon Mayor Elmer Walcott joined forces in 1966 to form a "Christian coalition" for Republican Guy Vander Jagt's first congressional race.

Farhat followed up that effort by supporting Democrats Derezinski, Gerrit "Barney" Hasper and friend and county commissioner John Campbell. He also has helped Republicans Sen. Phil Arthurhultz and Rep. Edgar Geerlings.

"I'm the most independent person you ever saw. The issue or person rises above partisan politics for me," Farhat said, adding he belongs to neither political party.

Known as a premier election strategist, his advice and support are aggressively sought.

"Anyone considering running for public office at the state level will contact Ed Farhat first," Geerlings said. "(Likewise,) any problem with the state and he is the first one people in Muskegon go to."

Halmond, the former county board chairman and high school government teacher, has a general philosophy about people who refuse to put their name on the ballot.

"I have ambivalent feelings about people who lurk in the background," Halmond said. "Some of them are there for the purest and clearest motives. There are other people who hide and never appear up front but want to run the show."

Farhat said Halmond makes a good point, but that nothing "in a 100 years" could get him into government or elected office.

"It is a legitimate challenge," he said of Halmond's philosophy. "But those who say that really don't understand my involvement. Many issues are brought to me and I respond."

One political insider, who did not want to be named, said Farhat influences the Muskegon political scene as a hobby. The source said Farhat enjoys political power. But Halmond would disagree.

"Generally, my overall feeling is that he has the general welfare of the community at heart." Halmond said of Farhat. "I respect the man, what I know of him."

Other than running for office, Farhat was asked by former Gov. William Milliken to head the state Labor Department. Likewise, Gov. James J. Blanchard has offered him state posts, Farhat said.

"I never desired to hold office," he said. "For me, it's hard to follow the swell of people. I like government, but I'm too independent to be a part of it."

From the ghettos of Lansing to the halls of the Capitol, the Ed Farhat story is pure Americana.

"I came out of a family that lived in the Lansing ghettos," said Farhat, a second-generation Lebanese American. "The thing was to get a white collar and a tie."

He served in the Army in World War II before receiving his bachelor's degree in business and physical education at Ferris State College in 1949. A nine-letter winner

in high school, Farhat played basketball and football in college.

Farhat began teaching and coaching after college. After working at several Michigan public schools, he came to Muskegon Catholic in 1954 as head football coach. He left first for a coaching position at the University of Colorado and then went on to the Athletic Department at Aquinas College. But he returned to MCC in the 1960s as superintendent. He received his master's degree from Michigan State in business.

Attempting to get the state to assist proviae schools, Farhat became interested in politics. In 1970, he went to Lansing to run an unsuccessful statewide ballot issue on private school aid.

He eventually went to work for the Michigan Catholic Conference as the director of public policy. Because his family—wife Virginia and four children—was comfortable and settled in Muskegon, he commuted.

After losing another statewide ballot proposal in 1978 on the voucher system, he was hired by Public Affairs Associates, a multi-interest lobbying firm.

"Up to this time I hadn't worked for that much money, but I thought I should put my kids through college. I make no bones about going out and making money," Farhat said, adding his position at PAA pays $118,000.

Farhat watchers view his weekend commutes between Lansing and Muskegon with mixed reactions.

"I marvel at the energy Ed has to go back to Muskegon every weekend to have coffee on Sunday morning," said Senate Majority Leader, John Engler, R-Mount Pleasant.

The "Thrifty Acre gang's" reputation appears to have gone far beyond Muskegon.

If anything brings skepticism about Farhat's involvement in Muskegon politics, it is the Sunday noon coffee hours at Meijer Thrifty Acres and Saturday morning sessions at the Cherokee Restaurant that attract influential leaders from many local sectors. Farhat is an original members of the group that began at the old Coscarelli's in 1957.

"Some things have come up at the county board that I know must have come out of those meetings. You guess that, but you don't really know it to be true, since I've never been up there," Halmond said.

One issue—government consolidation—seems to have received new life from the Meijer's group. Farhat was a leader in the consolidation attempts of the 1960s and has pushed the issue ever since.

Arwady, encouraged by Farhat, made the most recent push for consolidation through a week-long newspaper series on the issue last summer. A member of the Meijer's coffee group, Arwady used a frong-page editorial calling for an advisory vote on consolidation.

Two days later, another Meijer's group member—county Commissioner Campbell—sucessfully pushed the county board to place the issue on the ballot.

"We are not getting anything done at these gatherings. It is just an information session. It is for recreation," Farhat said of the discussions that range from politics to sports to outright gossip. The group includes liberal Democrats and conservative Republicans.

Those who attend the Meijer's meetings—like Arwady and Derezinski—said that no decisions are made on public policy. However, they said the gatherings give people a chance to trade information and possibly set up further meetings.

Again, because of the private nature of the group, public perception of deal cutting behind closed doors far outstrips reality, members said.

The question squarely comes down to the motives of those who "lurk in the background." In the case of Ed Farhat, few will question his motives.

"He doesn't abuse the system; he uses it," Morin said of Farhat's work on behalf of Muskegon. "He has a love for his community . . . it's an emotional involvement."

Arthurhultz, who sees Farhat work in both Lansing and Muskegon, said his motives are simple: "He's a good citizen and wants to help his community. He get roped into a lot of the Muskegon stuff because he can deliver in Lansing."●

ON THE DEATH OF HENRY CABOT LODGE, JR.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. CONTE. Mr. Speaker, at the end of February, our country lost one of her great statesmen and the Commonwealth of Massachusetts one of her kindliest patrician politicians. The death of Henry Cabot Lodge at the age of 82 at his home in Beverly marked the end of a great chapter in the history of our State and her ability to send to national service men and women of compassion and stature.

One could not read an obituary or editorial on Henry Cabot Lodge without reading the words "statesman," "integrity," "honor," or "courage." His and his family's long tradition of greatness will overwhelm students of history for generations to come, and will only inspire present public servants to strive for the qualities they displayed by example.

I would like to include obituary editorials from the Boston Globe and the Washington Post for my colleagues for insertion in the RECORD.

[From the Washington Post, Mar. 1, 1985]

HENRY CABOT LODGE

"Patrician" was the word that writers always attached to Henry Cabot Lodge, and to some extent it was the right one. His roots in America went back to the Mayflower, his ancestors had an impressive record of public service (six were U.S. senators), and there was family wealth to secure his standing.

But America does not guarantee its patricians the choicest public offices; they have to contend for them. Mr. Lodge, who died Wednesday at the age of 82, may be remembered more for some famous defeats with which he was associated—in his own campaigns, in Republican Party politics, in Vietnam—than for his victories, which were also considerable. The fact that he will still be remembered with fondness and respect for his conduct in good times and bad is a tribute to his courage, honor and good sense.

Mr. Lodge had a lot going for him in the career of politics he chose to pursue. He was handsome, well-spoken and capable of a wit that could be self-disparaging at times. He was three times elected to the Senate from Massachusetts, starting in 1936, with time out for distinguished Army service. In 1952 he did yeoman work for Dwight D. Eisenhower's campaign but perhaps not enough for his own, and was narrowly defeated by a young John F. Kennedy.

For the next few years, Mr. Lodge, although out of the Senate, was probably more in the public eye than at any time in his life before or after. President Eisenhower chose him as ambassador to the United Nations and relied heavily on him for political and foreign policy advice. In that time of high Cold War emotions Americans watched televised U.N. sessions with awe and suspense, and Mr. Lodge appeared as a forceful adversary of the Soviets in some rather noisy encounters.

He was also by that time a confirmed internationalist. The grandson of the man who had led the Senate drive to scuttle U.S. membership in the League of Nations after World War I, Mr. Lodge had himself been an isolationist at the start of his career. But by 1959, he was saying, in a typical speech: "We must match our knowledge against the future—not the past, and we must ask ourselves whether we are evolving as fast as the world is shrinking."

He was enough the respected national figure that leaders of both parties wanted him for some of their tougher assignments: as Richard Nixon's running mate in 1960, as Mr. Kennedy's and then Lyndon Johnson's ambassador to Saigon, as a principal figure in the unsuccessful effort to keep the Republican Party out of the hands of the Goldwater forces in 1964.

In 1979 Jimmy Carter called on him to help get SALT II ratified, and at the age of 78 he sent out on what proved to be an unsuccessful effort to persuade the Senate. Along the way he gave an interview that provided a glimpse of the patrician attitude: ". . . I've been in this work all my life, and I don't have to worry about money. If people like me are not going to aspire to these offices, who is going to do it?" That's not a fashionable sentiment these days, but it has produced some good public servants, including Mr. Lodge.

[From the Boston Globe, Mar. 1, 1985]

HENRY CABOT LODGE

In 1956, Dwight Eisenhower, in a conversation with the man who helped make him President, defined success in politics: "I am an extrovert and people think I'm honest." That man, Henry Cabot Lodge, who died at his home in Beverly at 82 Wednesday, was a politician of skill and integrity.

He was also a diplomat of patience and resourcefulness, combining Old World charm and courage with modern foresight and sophistication.

He was born into a household where family friends included Henry Adams and Edith Wharton. He played on the beach in Nahant (before his grandfather's estate was converted years later into a Nike missile base). His namesake had become a symbol of isolationism by crusading against Woodrow Wilson and the League of Nations. The grandson helped redefined patriotism by becoming a symbol of international eloquence at the Vatican, in Bonn and Saigon, and at the United Nations.

He had fun along the way: pub-crawling as a newspaper reporter with H. L. Mencken at national political conventions, then mocking the "negative attitudes" of fellow Republicans as a member of the Massachusetts House. After compiling a pro-labor record in the House, he was nominated, at 34, for the US Senate. His opponent, Gov. James Mi-

chael Curley, called him "Little Boy Blue," but Lodge won against the Roosevelt sweep of 1936.

He quit the Senate and earned the Bronze Star in World War II. After being re-elected, he helped draft Eisenhower, who won the Presidency while Lodge was losing his Senate seat to a young congressman, John F. Kennedy. He was the first UN Ambassador to be included in the Cabinet. So strong was his legacy that each successor has maintained that status.

He ran, in his own different fashion, for Vice President with Richard Nixon in 1960, was defeated by Kennedy again, but did not hesitate to take one of the most difficult and dangerous assignments offered by his old rival, the embassy in South Vietnam.

In 1920, H. L. Mencken wrote of Lodge's grandfather, chairman of the Republican convention: "He presided over the sessions from a sort of aloof intellectual balcony, far above the swarming and bawling of the common herd. He was there in the flesh, but his soul was in some remote and esoteric Cathay."

His grandson lived a life that enlivened and enriched the real world. Henry Cabot Lodge combined the best traditions of politics in Massachusetts an instinct for greatness and a sense of humor.

His two readable memoirs of the 1970s. "The Storm Has Many Eyes" and "As it Was," are laced with sober anecdotes of power and faintly ribald episodes of enjoyment. Henry Cabot Lodge, like Ike, was an extrovert. Massachusetts and the world mourn his loss. People believed he was honest because he was.●

ESTONIA INDEPENDENCE DAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. TORRICELLI. Mr. Speaker, it is my honor to rise today in commemoration of Estonia Independence Day. No people have suffered more at the hands of foreign aggressors than the people of this Baltic nation. Through the centuries, no people have stood more steadfastly for freedom and self-determination.

This past February 24 marked the 67th anniversary of the Declaration of Independence of the Republic of Estonia. At the end of World War I, Estonians fought a succcessful war of independence against the invading Bolshevik Russians. Freed from over 100 years of Russian domination, the newly formed republic was one of the first nations in the world to grant its minority population cultural autonomy. Government subsidized ethnic schools, libraries, and theaters enhanced the cultural richness of the Estonian nation.

This era of self-government was eclipsed, however, by a new surge of Soviet aggression. In 1940, the Soviets decided to regain control of the country and installed a puppet regime which declared Estonia a Soviet Republic. Estonia has been a vassal state ever since.

On the occasion of this 67th anniversary of Estonia's Declaration of Independence, there were no glorious fireworks, no grand parades, no music and no speeches. Instead, Estonian Independence Day was marked by Estonians all over the world with quiet determination. History has shown that the Estonian people are determined to be free. As citizens of the world's largest democracy, we here in America understand that desire. We will continue to acknowledge the rights of the Estonian people to be free. Mr. Speaker, I look forward to the day when Estonians both here and in their homeland can openly celebrate their independence. Until that day, let us continue to take note of February 24 and share in the quiet determination of the Estonian people to be free.●

CARGO PREFERENCE—THE HIDDEN COST TO U.S. FARMERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. BEREUTER. Mr. Speaker, over the last few months, the news media has focused considerable attention on the financial problems in our agricultural economy. During the past 2 weeks, the attention of this Congress has also focused on these problems and voted on legislation to address the most immediate of the financial problems affecting our farmers, ranchers, and agribusinesses. I thank my colleagues in the House, especially my colleagues from urban and industrial regions of this country, for their interest and understanding of the particular financial problems we face throughout the agricultural Midwest. However, beneath the immediate credit crisis there exists a number of fundamental problems in our agricultural programs which Congress must address this year.

Mr. Speaker, today I wish to bring to the attention of my colleagues one of these fundamental problems—cargo preference—and a few facts and figures which illustrate the impact that cargo preference requirements have on American farmers who need expanded overseas markets, underdeveloped nations that can least afford the subsidies now being granted to the U.S. maritime industry, and the U.S. Treasury which is coping with record deficits.

Cargo preference legislation requires an outlay cost charged against total USDA costs. Because the USDA budget is today already under fire for the exceptionally heavy cost of farm programs, neither taxpayers, farmers, nor starving people in underdeveloped countries should have to bear the cost of ocean freight differentials required to ship on U.S. vessels.

A major share of the cost of cargo preference is in the food aid program. Currently, costs are running around $75 million annually and are expected to exceed $100 million in 1985. Costs associated with cargo preference in the title II program generally are somewhat lower because much of the shipments are processed. However, in 1984, $20.2 million was spent on ocean freight differentials. This included $1.3 million for processed grain products, $0.8 million for bagged grain, and $18.1 million for bulk commodities shipped under title II. Total costs of all titles of Public Law 480 for cargo preference against the USDA budget in 1984 were almost $90 million.

An example of how cargo preference legislation increases the costs to the Federal Government in expanding farm export sales is the subsidized sale of flour to Egypt in early 1983. Because the price of the flour was subsidized to meet the European Community level of prices of around $160 per metric ton, cargo preference was applicable. The sale of flour to Egypt was made using Commodity Credit Corporation stocks of wheat. U.S. flour millers placed bids on wheat stocks from CCC holdings as the volume of free wheat needed in order to sell the flour to Egypt at a reduced price. Since the flour mills were aware that the cost of shipping to Egypt would be increased by the requirement that half the flour be shipped on U.S. vessels, they increased the volume of wheat needed. The Agricultural Stabilization and Conservation Service [ASCS] estimates that an additional 6 million bushels of U.S. wheat from CCC stocks were used to offset the increased cost of U.S. vessels. Based on prices at the time, the estimated cost to the CCC was $24 million.

The future impact of cargo preference legislation could be even more devastating to the development of overseas markets for farm products due to a recent Federal district court ruling in late February of this year. In that decision, the court ruled cargo preference was also applicable to the blended credit program. Blended credit is a mixture of direct Government loans and credit guarantees to banks. In this program, the blend is generally 20 percent direct credit at a zero interest rate and 80 percent of loan guarantees and prevailing commercial interest rates. The direct credit portion at a zero interest rate was ruled by the court to constitute a subsidy and therefore cargo preference laws were applicable. Unless the decision is eventually overturned this will mean that 50 percent of the shipments under the blended credit program must be shipped in U.S. bottoms at rates $20 to $50 above non-U.S.-flag carrier rates. Cargo preference would therefore add between 15 and 30 per-

cent to the cost of a ton of wheat which is averaging around $150 per ton. The 2-percent interest subsidy will hardly offset the 15- to 30-percent increase in the landed price of the commodity. In this instance, cargo preference would effectively kill any efforts to combat unfair European Community trade practices and reduce the export volume for U.S. wheat farmers.

It should also be noted that the excessive costs of cargo preference requirements benefit only a handful of U.S. maritime companies. In 1984, companies that received payments for ocean freight differentials under titles I and III of the Public Law 480 program are:

1. Lykes Steamship Co., Inc.	$9,365,765
2. Ultimar Shipping Co., Inc	8,934,047
3. Central Gulf Lines, Inc	7,561,504
4. Phoenix Bulkship, Inc	7,395,471
5. American President Lines, Ltd.	5,311,396
6. Equity Carriers III, Inc	2,863,950
7. Waterman Steamship Co	2,781,852
8. Delta Steamship Lines, Inc	2,633,032
9. Apex Marine Corp	2,449,000
10. A.P. St. Philip, Inc	1,981,650
11. Asco-Falcon II Shipping, Inc	1,650,949
12. Ogden Missouri Transport, Inc	1,587,832
13. Archon Marine Co	1,434,160
14. Universal American Barge Corp	1,298,500
15. Ocean Barge Corp	1,267,537
16. Transbulk Carriers, Inc	1,115,224

In addition, a total of 14 other companies received payments for ocean freight differentials in 1984 for shipping under titles I and II of Public Law 480 with amounts ranging from $13,869 to $852,066.

Mr. Speaker, while I believe that a strong maritime industry is important to the United States, I do not believe that the maritime industry should be permitted to hide the cost of its cargo preference behind agricultural and food assistance programs in the Federal budget. I would recommend that the Federal budget contain a separate line item for financing the cost of cargo preference and that Congress prohibit the use of funds appropriated for Function 150—International Affairs—and Function 350—Agriculture—to finance cargo preference. Congress should also specifically exempt the blended credit program and other short-term programs designed to enhance the export competitiveness of U.S. farm products from cargo preference requirements.●

INTRODUCTION OF THE ANTI-APARTHEID ACT OF 1985

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. GRAY of Pennsylvania. Mr. Speaker, this legislation I am introducing today, titled the Anti-Apartheid Act of 1985, imposes economic restrictions against the apartheid government in South Africa that are very similar to the restrictions contained in the Export Administration Act approved by the House of Representatives during the 98th Congress.

There are four significant limitations on American financial support for the apartheid regime contained in this act, all of which have been considered, and approved by the House of Representatives, in some form, in the past, and some of which have a long legislative history. As recently as last spring, more than 150 Members of the House joined me in writing to the conferees on the Export Administration Act urging them to retain the ban on new U.S. investments overwhelmingly adopted by the House in the first session of the 98th Congress.

The Anti-Apartheid Act prohibits: new American investments in South Africa; bank loans to the South African Public sector; the importation of South African gold coins into the United States; and the export of U.S. computer goods or technology to the South African Government.

This legislation seeks to end economic support for apartheid. At the same time a significant American presence in South Africa would continue as a potential source of positive American influence on the official policies of the openly racist government that controls that country.

One aspect of this legislation that may particularly interest many of my colleagues is the waiver provisions that provide incentives for the minority government to begin the "phased" dismantling of apartheid. Subject to the adoption of a joint resolution of approval, the President is granted the authority to waive, for specified periods of time, the restrictions on the importation of krugerrands, and new U.S. investment in South Africa, if that Government makes substantial progress toward eliminating apartheid.

South Africa is the only country in the world that practices legally mandated racism, most recently celebrating a new constitution that does not acknowledge the existence of 22 million South African citizens.

Since I first introduced legislation banning new U.S. investment in South Africa, in the 98th Congress, conditions for the vast majority of South Africa's citizens have deteriorated, in lockstep with the apartheid regime's public relations campaign to convince us that the minority government is striving for reform.

Only last year, the South African Government undertook yet another forced removal, under its black spot policy. South Africa's legal code requires racial segregation, and in 35 years, 3 million blacks, 800,000 coloreds, and 400 Indians have been forcibly removed to the so-called national states, or Bantustans.

The brutal show of force required to demolish the homes, schools, and yes, churches, in Magopa, a community built over generations by black South African men, women, and children, demonstrates the white supremacist regime's commitment to a system of governance that is alien to civilized societies.

In October of last year, just weeks following the enactment of House Concurrent Resolution 298, a bill calling for their immediate release, the dozens of men and women who had been held in detention without charge or trial, and under harsh conditions for 6 years following their capture by South African security forces during a bloody raid on a refugee camp in 1978, finally gained their freedom.

I suspect, however, that those people are now free because of international pressure, and because South Africa cynically attempted to deflect attention away from Bishop Tutu's acceptance of the Nobel Peace Prize.

This year, only weeks following the announcement of major reforms, dispensations, and an earnest intention to seek negotiations with South Africa's black leadership, the Government arrested more than a dozen of the most highly respected individuals in the leadership of the largest coalition of nonviolent antiapartheid organizations in South Africa.

As the champion of democracy and human rights in the free world, our allegiance to the principles of freedom and equality are matters of conscience, not convenience. Since the end of the 98th Congress, when the Senate declined to approve measures adopted by the House pertaining to South Africa, it has become ever more clear, that, at best, the United States cannot continue to do business as usual with the apartheid regime.

At worst, our failure to swiftly enact this legislation, will represent the failure of a direct, yet moderate approach which must be taken if our critical economic and strategic interests on the continent of Africa are to be protected—especially in the wake of the growing polarization and violence in southern Africa.

As I said last year, congressional enactment of this legislation will not end apartheid, just as economic sanctions against Poland or the Soviet Union have not ended communism. But as we have demonstrated on so many other occasions, with respect to many different nations, these restrictions will clearly demonstrate that the United States, as a matter of policy, will no longer provide economic support for a repugnant system that, by its very nature, threatens the stability of a strategically critical region of the world.

Mr. Speaker, and distinguished colleagues, I therefore urge you to support the Anti-Apartheid Act of 1985.●

TOM COLEMAN AND THE PRO-LIFE MOVEMENT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. HYDE. Mr. Speaker, I would like to take a few moments to call attention to the hard work and strong support exhibited by my colleague from Missouri, TOM COLEMAN, for protecting the lives of the unborn. Since arriving in Congress in 1977, TOM has been a steadfast supporter of the pro-life movement and his voting record proves it. In his 8 years in the House of Representatives, Congressman COLEMAN has repeatedly voted in favor of antiabortion amendments which I have authored. Designed to end the heinous practices of asking taxpayers to foot the bill for abortions, my amendments have always garnered TOM COLEMAN's support and vote.

I appreciate TOM's support in our ongoing effort to prohibit abortions, to do away with Federal support for taking the life of the unborn, and thus, end this needless waste of human life.

Mr. Speaker, I would like to insert in the RECORD TOM COLEMAN's outstanding pro-life voting record since coming to Congress.

PRO-LIFE VOTES BY CONGRESSMAN TOM COLEMAN OF MISSOURI

June 17, 1977—Labor-HEW Appropriations Bill (H.R. 7555).

Aug. 2, 1977—Labor-HEW Appropriations Bill (H.R. 7555).

Sept. 27, 1977—Labor-HEW Appropriations Bill (H.R. 7555).

Oct. 12, 1977—Labor-HEW Appropriations Bill (H.R. 7555).

Oct. 13, 1977—Labor-HEW Appropriations Bill (H.R. 7555).

Nov. 3, 1977—Labor-HEW Appropriations Bill (H.R. 7555).

Nov. 29, 1977—Labor-HEW Appropriations Bill (H.R. 7555).

Dec. 6, 1977—H.J. Res. 662 Continuing Resolution FY 1978.

Dec. 7, 1977—H.J. Res. 662 Continuing Resolution FY 1978.

Dec. 7, 1977—H.J. Res. 662 Continuing Resolution FY 1978.

June 13, 1977—Labor-HEW Appropriations Bill (H.R. 12929).

June 13, 1977—Labor-HEW Appropriations Bill (ban on Medicaid funding of abortions) (H.R. 12929).

July 18, 1978—Pregnancy Disability Bill (H.R. 6075).

Aug. 9, 1978—Department of Defense Appropriations (ban on abortion funding in armed services) (H.R. 13635).

Sept. 6, 1978—Extension of U.S. Civil Rights Commission (banning the USCRC from appraising U.S. abortion law) (H.R. 12432).

Oct. 12, 1978—Labor-HEW Appropriations (ban on Medicaid funding of abortions) (H.R. 12929).

Oct. 14, 1978—Labor-HEW Appropriations FY '79 (H.R. 12929).

June 27, 1979—Labor-HEW Appropriations (ban on Medicaid funding of abortions) (H.R. 4389) FY '80.

July 17, 1979—District of Columbia Appropriations (H.R. 4580).

July 29, 1979—District of Columbia Appropriations (H.R. 4580).

Oct. 9, 1979—Labor-HEW Appropriations (Continuing Resolution through FY '80) (H.J. Res. 413).

Oct. 30, 1979—Labor-HEW Appropriations FY '80 (Ban on Medicaid Funding of Abortions) (H.R. 4389).

Dec. 6, 1979—Child Health Assurance Act of 1979 ("CHAP") (H.R. 4962).

Dec. 6, 1979—Child Health Assurance Act of 1979 ("CHAP") (H.R. 4962).

Dec. 11, 1979—Child Health Assurance Act of 1979 ("CHAP") (H.R. 4962).

Aug. 20, 1980—FY 81 Treasury, Postal Service and General Government Appropriations (H.R. 7583).

Sept. 3, 1980—FY 81 District of Columbia Appropriations (H.R. 8061).

Sept. 29, 1980—District of Columbia Appropriations (H.R. 8061).

July 30, 1981—Treasury, Postal Service, General Government Appropriations, 1982 (H.R. 4121).

Sept. 30, 1982—Health Research Extension Act (H.R. 6457).

June 8, 1983—Treasury—Postal Service Appropriations (H.R. 3191).

Oct. 27, 1983—Treasury-Postal Service Appropriations (H.R. 4139).

Nov. 15, 1983—Equal Rights Amendment (H.J. Res. 1).

Feb. 2, 1984—Child Abuse Act (H.R. 1904).

June 27, 1984—Treasury, Post Office and General Government Appropriations Act of 1985 (H.R. 5798).●

CONTINUED UNFAIRNESS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FIELDS. Mr. Speaker, as a member of the Energy and Commerce Committee I remain concerned about the ratio dispute currently raging within our committee. The ratio proposal put forth by the Democratic caucus of the committee does not reflect the ratio of the full House of Representatives. I believe the American people are the ones suffering as a result of this unfairness. Our constituents do not want their electoral rights violated through diminished representation in the committee process. However, if on the Energy and Commerce Committee, the Democratic caucus proposal prevails, this is exactly what will happen to the American public.

This ratio fight is an issue of principle which will not just go away. The American public has a right to know that their electoral decisions are being ignored in favor of partisan politics. I would like to submit for the RECORD a copy of a recent article from the Washington Times which further details this situation. I commend it to my colleagues' attention:

REPUBLICANS SHUN SIX HOUSE PANELS

(By Bill Kling)

Republicans are boycotting the House Energy and Commerce Committee's six subcommittees over refusal of the Democratic majority to increase GOP subcommittee membership in line with Republican congressional election gains last November.

GOP congressmen also are threatening to snarl the full committee's bill-drafting sessions unless the dispute is settled in their favor.

House Democrats and Republicans have negotiated GOP membership increases on other committees in the current Congress, helped along by threat of retaliation against Democratic senators by the Republican Senate majority if the matter were not resolved in favor of the GOP.

Democratic chairmen of at least four of the subcommittees are blocking the additions and are attempting to conduct business without the Republicans, who in turn will attempt to get their licks in when and if legislation is considered by the full committee.

"We will use the full committee as our forum," said Rep. William E. Dannemeyer, R-Calif., a committee member and chairman of the conservative House Republican Study Committee.

Republicans are even refusing to assign GOP congressmen to Energy and Commerce's subcommittees to back their claim that their party's gain of 14 new House members in the November elections entitles them to one more seat on each of the subcommittees.

Mr. Dannemeyer said the Republican tactic is aimed at reducing liberal control of legislation in the subcommittees' jurisdiction. Democrats are going ahead with subcommittee hearings without the Republicans—a situation that a GOP committee staff aide said destroys legislative credibility.

"This is another feature event in the struggle by liberal, left-wing Democrats who—almost with terror in their eyes—are watching the disintegration of the power they have enjoyed for so many years."

Disturbing to the Democratic chairmen, he alleged, is realization that the demanded GOP additions could give subcommittee-level "operating control" over some legislative issues to Republicans and committee Democrats of a more conservative stripe.

"This thing has really become intense," Mr. Dannemeyer said. "We're hung up and staring at each other right now. It depends on who blinks first."

Mr. Dannemeyer accused some of the Democratic subcommittee chairmen of having "a totalitarian mindset" and of using their subcommittee majorities in a last-ditch effort to retain power.●

RATIFY THE GENOCIDE CONVENTION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. LEVINE of California. Mr. Speaker, today I am introducing a resolution with my distinguished colleague, Mr. FISH of New York, and 56 cosponsors of both political parties,

expressing the sense of the House of Representatives that the United States should signify its continuing commitment to ending genocide by ratifying the Convention on the Prevention and Punishment of the Crime of Genocide.

The purpose of the treaty is to make genocide an international crime, whether committed during peace or war. It was the United Nation's first human rights treaty, born in the aftermath of World War II and the Holocaust.

Determined to prevent a repetition of the Nazi's deliberate and systematic annihilation of the Jews, the U.N. General Assembly on December 11, 1946, unanimously passed a resolution declaring genocide a crime under international law. Two years later the General Assembly approved the text by a unanimous vote.

The convention has been in force since January 12, 1951, and 96 other countries have become parties. Although U.S. representatives to the United Nations played an important role in drafting the treaty and signed the convention on December 11, 1948, 2 days after adoption, the United States has yet to ratify the convention.

The Senate Foreign Relations Committee has favorably reported the Genocide Convention on five separate occasions, most recently on September 19, 1984. In lieu of action on the treaty, the Senate on October 11, 1984, adopted by a vote of 87 to 2 a resolution supporting the principles of the convention and pledging expeditious action on it in 1985. President Reagan has called for approval of the Genocide Convention by the Senate.

Ratification of the Genocide Convention is as important today as it was when it was first introduced. We are fortunate to live in the United States, a land of freedom and security. But even today genocide is taking place in such places as Cambodia and Iran.

It is time for the United States to take its place along with the 96 parties of the convention. We hope you will agree and that you will cosponsor this resolution. As you may know, a similar resolution was introduced in the last Congress and had 85 cosponsors. It was referred to the Committee on Foreign Affairs but no action was taken.

Following is the text of the resolution and the names of the cosponsors. Also following is a piece from the February 4, 1985, New Yorker Magazine which describes a present-day genocide—that of the Baha'is in Iran. I hope my colleagues will take the time to read it, because the story could not have been more succinctly told.

I would welcome cosponsorship of this resolution by other interested colleagues.

Text of resolution and article follow:

H. RES. 104

Resolution expressing the sense of the House of Representatives with respect to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide

Whereas the twentieth century has witnessed repeated instances of genocide, including the massacre of the Armenians, the Holocaust against the Jews, the slaughter of Cambodians, and the current persecution of the Bahá is in Iran;

Whereas in 1948 the United Nations General Assembly, in order to prevent a repetition of the Nazis' systematic annihilation of a people, unanimously approved the text of the Convention on the Prevention and Punishment of the Crime of Genocide;

Whereas the United States representatives to the United Nations played a leading role in drafting the Genocide Convention and advocating its adoption;

Whereas since 1948 ninety-six nations have become parties to the treaty;

Whereas since 1948 Presidents of the United States representing both major political parties, including President Reagan, have consistently requested the Senate to act favorably on the treaty;

Whereas the Senate Foreign Relations Committee has on five separate occasions reported favorably on the treaty and recommended that the Senate advise and consent to the ratification of the treaty, most recently with the three understandings and one declaration called for by President Reagan;

Whereas on October 11, 1984, the Senate approved Senate Executive Resolution 478 by a vote of 87 to 2, expressing its support for the principles embodied in the Convention and declaring its intentions to act expeditiously on the Convention; and

Whereas the United States remains the world's leader in efforts to bring to an end crimes against humanity and all human rights violations: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States should signify its continuing commitment to ending genocide by promptly joining the ninety-six other nations which have become parties to the Convention on the Prevention and Punishment of the Crime of Genocide.

SEC. 2. The House of Representatives declares that it will act expeditiously on the required implementating legislation as soon as the Senate gives its advice and consent to ratification of the Genocide Convention.

[From the New Yorker, Feb. 4, 1985]

THE TALK OF THE TOWN

The Bahais of Iran—an indigenous, industrious religious group numbering about three hundred thousand—are in extremely serious trouble, both as individuals and as a whole. The cause of their difficulties in Ayatollah Khomeini's Islamic Republic of Iran is essentially their singular religion, which is a nineteenth-century heretical offshoot of Shiite Islam, the traditional majority faith in the country.

Proclaiming the oneness of all religions, the oneness of God, and the oneness of mankind, the Bahais' founder, a Persian nobleman known as Baha Allah, preached equality of the sexes, racial harmony, and universal education, among other tenets abominable to the Persian establishment. For such preachings, he was imprisoned, tortured, and then exiled until his death, in 1892.

Ever since the religion was founded, the history of the Iranian Bahais has been one of sporadic persecution, and now, under the rule of Ayatollah Khomeini, they are in peril of collectively following an even worse fate than their founder's. What it all adds up to is, pure and simple, the world's foremost contemporary example of the genocide of a noncombatant people.

Consider these offenses against the Bahais:

The lingering prejudice against them in Iran has become institutionalized. As that nation's largest non-Islamic minority, they have been virtually outlawed—deprived of whatever rights and liberties are still available under the Khomeini regime. Merely being a member of the Bahai community is now, in effect, a crime. Bahai property has been confiscated. The young are denied education in staterun schools. The adults are prohibited from performing meaningful labor. And, because Bahai marriages are not recognized, Bahai wives are classified as "prostitutes" and the children are labelled "bastards."

The Bahais are summarily accused of being agents of the enemies of the Islamic Republic of Iran; namely, Americans, Zionists, loyalists of the late Shah, Iraqis, Communists—indeed, anyone who differs with the Ayatollah. The fact that the Bahai World Center is in Haifa, Israel—where it has been ever since Haifa was part of the Ottoman Empire—is proof positive, in the eyes of the ruling mullahs, of a Bahai-Zionist conspiracy.

Bahai shrines and religious sites are often taken over for other purposes or are desecrated and destroyed.

To divert attention from Iran's economic miseries and the unending war with Iraq, the mullahs have incited Shiite mobs to loot, terrorize, beat, and sometimes kill Bahais in well-organized programs.

Many Bahais physically and financially able to flee the country have done so, leaving their possessions and their relatives behind.

And, lastly, with a design not seen in four decades, the Iranian government has set about erasing the Bahais and their culture from the land. Recently, wholesale arrests and imprisonment of Bahais have led to torture and to execution, by firing squad and hanging. The torture, under the guise of interrogation to uncover anti-Iranian activities and the names of other Bahais, involves such devices as the bastinado, the rack, the rubber hose, and psychological torment.

In the case of female prisoners, the Shiite guards carefully cover the victim's body with a *chador* as they whip her, so that they will not have to view a woman's bare flesh—a sight that is anathema to a good Shiite man. The only aspect of this eradication of a people which remains to be carried out is a more efficient, mechanized method of extermination.

If all this is reminiscent of another people at another time in another country by the hand of another despot, one should not be surprised. The world is notorious for blithely forgetting even the recent past. Just before invading Poland, in 1939, Adolf Hitler is reported to have told his associates that since public opinion soon ignored the genocidal slaughter of the Armenians by the Turks during the First World War the same public would also ignore the obliteration of other peoples by the Germans during the coming war.

Today, international bodies and individual governments routinely deplore the Bahais' plight with puny appeals and redundant calls for further inquiries, and news of

recent Bahai executions continues to consist of two-inch items on back pages of the world press.

What will be done? Possibly nothing. What can be done? Something can always be done. Genocide—defined as the intentional destruction of any national, ethnic, racial, or religious group, in whole or in part—was declared an international crime by a United Nations convention in 1948. The edict has been ratified by ninety-six countries—including Iran (which was a signatory in 1956)—but not by the United States, the one nation that could perhaps put some teeth in it.

The Senate's thirty-six-year refusal to approve the genocide convention, despite even the flagrant reminder of its importance in present-day Iran, has in recent years been the obstructionist work of Jesse Helms, the newly reelected God-fearing Senator from North Carolina. But, Helms or no Helms, the Senate could act. Even a first, small step, like ratifying the convention, would be something.●

BURIED NEWS OFTEN MORE IMPORTANT THAN HEADLINES

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. COURTER. Mr. Speaker, for several weeks in December 1984 and January 1985, American Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko sat quietly in Geneva, laying the groundwork for the nuclear arms control talks now in progress. It is well that they did so. But as they talked, there was much afoot in the outside world, little of it conducive to peace.

Bill Gavin, an outstanding Capitol Hill aide and author, captured the contrast, and drew a moral from it, in an article entitled: "Buried News Often More Important Than Headlines." It appeared in Human Events on February 9, 1985, and follows here:

[From Human Events, February 9, 1985]

BURIED NEWS OFTEN MORE IMPORTANT THAN HEADLINES

(By William F. Gavin)

During the last week of December 1984 and the first two weeks of January 1985, the television evening news shows and the front pages of most newspapers devoted a great deal of time and space to the Geneva talks between Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko.

Media attention to such an important event is understandable. But all the talk about "a new detente" that surrounded the Geneva meeting failed to take into account another reality, reported in brief wire-service stories appearing in the inside pages of most newspapers.

During the three weeks when most of the "big" news focused on what we are told is the chance for improved relationships between the world's strongest democracy and the world's strongest totalitarian state, I read and clipped some of these wire-service articles.

Seen together, they tell a different story from the "hopes for peace" vision that was promoted by the major media before, during and after the Geneva talks.

Here, beginning with reports of December 28 and going to those of January 17, is what was happening in the rest of the world around the time of those talks:

A group of Polish tourists failed to return from a Christmas shopping excursion to West Germany, bringing the number who have jumped ship to over 1,000 in 1984.

In Peru, Shining Path Maoist guerrillas "shot and beat to death" 40 men, women and children, villagers who "had formed defense squads" to defend their homes against terrorist attacks. The next day these same terrorists "burst into a small Andean town, dragged 12 villagers from their homes and killed them."

Seventeen East German refugees who had sought asylum in the West German Embassy in Prague "gave up their struggle and left for home." There were so many East Germans trying to claim such asylum that the West Germans were forced to close the embassy to the public.

In Frankfurt, West Germany, the residence of a U.S. consul and a guard post at an American Army airfield were firebombed. "The attacks coincided with a hunger strike by jailed members of the left-wing Red Army faction."

A bomb "exploded along the NATO fuel pipeline in central West Germany . . . the blast appeared to be the work of the radical Red Army Faction."

In Belgrade, a book described as "a potential source of unrest" was ordered to be destroyed by a Belgrade District Court. The book was said to contain "untruths about the socio-political situation in Yugoslavia that could disturb the public."

Two men died and several were injured "when a nail bomb exploded in a shop in northern Namibia." The bomb was believed to be set by SWAPO guerrillas.

In the Soviet Union, "the wife of a Soviet Jewish activist imprisoned in a labor camp said . . . she was setting out on a 750-mile journey to locate her husband."

In Colombia "the government said it had ended a three-week army siege of leftist guerrilla camps in a remote mountain zone . . . a cease-fire was agreed upon."

In Rome, an Italian policeman was "shot dead" by a group "claiming to be part of the Red Brigades."

Polosario guerrillas "claiming one of their biggest victories in nine years of fighting over the disputed Western Sahara" were reported to have killed "311 Moroccan soldiers and wounded 250."

On one day—January 17—it was reported that a "suspected Communist" guerrilla wounded at least 27 people in a hand-grenade attack in the town of Davao in the Philippines; a Soviet diplomat was expelled from Spain on a charge of espionage after being caught in a "sting" operation; the East German government decided to "dynamite a Lutheran church at the Berlin Wall to improve border guards' field of fire"; and in Sofia, Bulgaria, ethnic Turks were said to have engaged in "violent disturbances" when Communist authorities tried to make them adopt Bulgarian names.

All of these things were going on when the world's attention was being directed to the talks in Geneva. But which set of facts tells us what is truly important about today's world—the diplomatic nuances of Geneva or the mosaic made up of the despair of those trying to live under or flee communism, the terrorism of anti-democratic forces, and the continuing efforts of Communists all over the world to subvert, bully and kill those who stand in their way?

During the same period, the fifth anniversary of the Soviet invasion of Afghanistan was marked. A New York Times editorial quoted a doctor who had seen the evidence of the Soviet rape of that country:

"When an Afghan woman tells you she left home because Russian soldiers killed almost everyone in her village, you wonder. . . . But over the months, when two dozen more Afghan women from various parts of the country come in with exactly the same story, it begins to seem inescapably true."

The Times went on to quote a Helsinki Watch team report:

"It soon became clear that just about every conceivable human rights violation is occurring and on an enormous scale. . . ."

According to the Times editorial, the Soviet violations include "indiscriminate bombings, reprisals against villages and villagers, summary executions, the mining of inhabited areas and homes, the planting of grenades on corpses, destructing [sic] of agriculture, theft of civilian property, desecration of mosques, killing of prisoners of war, wreckage of hospitals, assaults on journalists, training children as spies—all violations of Geneva conventions to which the Soviet Union had solemnly subscribed."

During this period, television news and front pages carried stories about the visit of Mikhail Gorbachev, second-ranking Soviet leader, to Great Britain. All of the coverage emphasized his good humor, the fact that he smiled a lot and the fashionable clothes worn by his wife.

But Soviet East European Report, a publication of Radio Free Europe/Radio Liberty, reported in its Jan. 1, 1985, issue that Gorbachev had as his principal patron in his rise to power Mikhail Suslov, "the old Stalinist who was the party's chief ideologist" and was helped by former KGB head and Soviet leader Yuri Andropov, facts not overly dwelled upon by the media.

The same publication offered more evidence that those who lived under the regime Mikhail Gorbachev has served so well do not share with many Western observers the belief that a smiling high-ranking Communist is an improvement over a frowning one. In 1984, according to the Report, 11 Estonians, including two party officials, fled their native land for sanctuary in the West. Four of the 11 made their escape on a rubber raft.

Eleven human beings may not seem to matter much in a world of Geneva talks and big media coverage. But what those 11 Estonians did tells us more about the underlying realities of our world than all the reporting of what Shultz said to Gromyko.

As the front pages were still filled with stories and analysis about the Geneva talks, the Chicago Tribune reported on an inside page "the minister of a 170-member Christian congregation that has sought for nearly two years to emigrate en masse from the Soviet Union has been placed in a prison hospital after refusing food for 40 days . . ."

The Lithuanian National Foundation's ELTA bulletin reported that a "63-year old scientist" was sentenced to three-and-one-half years in a "strict regime camp" and two years of internal exile on charges of "anti-Soviet activity and propaganda." A Lithuanian priest was arrested by KGB on November 9 and one Lithuanian patriot in a KGB prison faces the threat of psychiatric treatment, which in the Soviet Union means unendurable psychological terror.

The National Catholic News Service reported that "after years of harassment by authorities, a 47-year-old Catholic priest has been arrested and sent to an "unknown detention center."

The evidence is overwhelming, universal in scope and undeniable to anyone who wants to examine it fairly: Wherever Communists are in power or want to come to power, every human right is violated, every treaty or promise is broken, and human beings caught in such a situation are so desperate that they will risk their lives just to get the chance to escape.

Thus, the true "big" story during this period was not the Geneva talks. It was the story, buried in the back pages, taking place around the world every day, of Communists continuing in their efforts to destroy every last vestige of human freedom. That story has been going on since 1917. Since then it has taken various forms—Stalinism, Maoism, various ultra-left fanaticisms—but the pattern is always the same: terror, hatred, genocide, fear, an insatiable appetite for unlimited power combined with a twisted morality that sacrifices every humane feeling, every civilized thought, every element of brotherhood to the needs of the totalitarian vision.

Think of it: In Geneva, sitting across from Secretary of State Shultz, a decent, intelligent, humane man, was a Stalinist thug who had come to power serving the most barbaric ruler in modern history. That harsh reality was forgotten in all the media talk about Gromyko's diplomatic shrewdness and cunning.

Andrei Gromyko has for all his adult life served the vision that now inspires (in varying degrees and different fashions) the Shining Path fundamentalist Marxist-Leninists and the Red Brigades and the East bloc bureaucrats who operate regimes so terrible that people will risk everything to get out of them.

Given such undeniable, documented facts, surely it must be clear the defense of freedom and the propagation of Western values is the most important and urgent task for the West. Not budget balancing. Not arms control. Not welfare. Not trade. Not "dialogue." Not negotiations.

All of these, in certain circumstances and in varying degrees, can be useful in helping to make life better for people and to defend freedom. But they cannot be seen as a substitute for the sacrifices that have to be made for self-preservation. They cannot be portrayed as having the same nature or degree of importance as defending our civilization.

First the will and the resources to defend freedom must be there. Only then can these other values and activities have meaning. If the defense of freedom and its values is seen as simply another "issue," one that has to take its chances among other competing values, it will get lost in the special interest jungle.

It isn't simply a question of funding for military programs (although that is important)—it is a question of a hierarchy of values. If the will to survive and to see Western values prosper is not considered to be different in kind from all other priorities, no amount of funding will save the West.

Does the West have that will? Is it prepared to expand the necessary resources? The answer to that question depends upon whether we pay attention to the Big Story about "the new detente" or the accumulation of little stories that tells the gruesome truth about our world.

Perhaps the greatest service that can be performed by aides to powerful Western government officials—including the President and his Cabinet—is to periodically present them with an accumulation of such little stories, particularly when negotiating with Communists, in the Soviet Union or Central America or China or anywhere else.●

RETAINING EQUITY IN OUR TAX SYSTEM

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. McGRATH. Mr. Speaker, today I have introduced a resolution stating that it is the sense of the House of Representatives that the Federal income tax deduction for State and local property, income and sales taxes should not be repealed.

The provisions to repeal this deduction is contained in the tax reform proposal issued by the Department of the Treasury late last year.

The Federal deduction for State and local taxes, which has been a part of the Tax Code since its origination, is a key component of our system of federalism. The deduction permits State and local governments to levy taxes for State and local services, such as health and education, without imposing a double tax.

I represent a portion of Nassau County, NY, which has some of the highest State and local taxes in the Nation. The elimination of this deduction on the Federal income tax return for these taxes would be a devastating financial blow to the residents of my congressional district, where this is often the single largest itemized deduction. No reasonable decrease in marginal rates could adequately compensate for its loss.

The Federal tax bills of New Yorkers would rise by more than $4.7 billion this year, and by more than $6 billion in the year 1986 and beyond under the Treasury proposal. This would most certainly interfere with the ability of New York State and local governments to provide essential services, while increasing taxes for middle class families and driving businesses out of the State.

The impact of the elimination of this deduction would be especially severe on education. Without the deduction for State and local taxes, the actual burden of school taxes in New York would increase by $2.1 billion: $1.6 billion for taxes which go to elementary and secondary education, $500 million for higher education. This translates to $588 per elementary and secondary school pupil, the highest in the Nation. Since more than half of all property taxes collected in New York go directly to our schools, elimination of this deduction would produce the unacceptable choice of higher taxes or less education.

New York State is not unique in this situation. There are several reasons why a taxpayer in one State may have a significantly higher tax burden than a taxpayer earning exactly the same amount in another State. Energy producing States are able to raise approximately 25 percent of the revenues needed to support services from energy severance taxes. If New York State could raise funds in the same manner, our State and local taxes would be more in line with the rest of the Nation.

Maintaining the deduction for State and local taxes is in keeping with the administration theme of giving greater responsibility to State and local governments. Obviously, they must have the means to pay for these responsibilities. Local residents must also be able to afford those costs, and the Federal income tax deduction has enabled them to do so.

The Treasury plan has provided a starting point for discussion of tax reform by pointing out inequities in our current tax system. However, it is my hope that when the administration submits legislation to the Congress for tax reform, it will not create new inequities through elimination of this important deduction.●

END COLONIAL DISCRIMINATION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. MINETA. Mr. Speaker, I am introducing today legislation to raise the antiquated and discriminatory colonial quota. This little known provision of our immigration laws artificially limits immigration from nonwhite colonial areas.

When first imposed in 1952, this quota affected residents of Caribbean islands seeking to enter this country. The colonial quota now, as a practical matter, applies only to individuals born in Hong Kong who seek to emmigrate to this land.

For colonies such as Hong Kong, current law limits immigration to only 600 visas a year; compared with the 20,000 visa standard for independent nations. My legislation would raise the colonial quota to 5,000 visas a year

There is a particular urgency to this legislation now that Great Britain has agreed to relinquish control of Hong Kong to the Peoples' Republic in 1997, because at that point, Hong Kong will presumably lose its limited status as a colony, and thereafter be included within the overall quota for China.

There are, however, many thousands of people who wish to leave Hong Kong before 1997, and this legislation would facilitate the entry of many of these individuals to the United States. Yet without this legislation, only a handful of visas could be issued to Hong Kong residents before the return to Communist government.

In both the 97th and the 98th Congresses, proposals to raise the colonial quota to 3,000 visas a year were adopted without opposition. Now, with the return of Hong Kong to China just 11 years away, we must act with dispatch to allow a reasonable number of people now in Hong Kong to leave before 1997.

The vast bulk of these visas would, of course, be issued to relatives of U.S. citizens and permanent residents. All would be issued in accordance with the existing system of preferences.

The current colonial quota is artificially low and discriminatory on its own, but the situation in Hong Kong makes the problem all the more urgent.

I urge my colleagues to join with me in supporting the modest but much needed immigration reform.

Thank you very much.●

TRIBUTE TO CAROLINE OLIVER

HON. DON EDWARDS

OF CALIFORNIA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. EDWARDS of California. Mr. Speaker, it is with great pleasure that we pay tribute to Caroline Oliver on the occasion of her retirement from the District Council of Painters and Allied Trades, No. 33. She will be honored by her many friends at a retirement dinner on March 15, 1985.

As one of the most distinguished women in the labor movement in Santa Clara County, Caroline Oliver has devoted herself to the betterment of our society and to the rights of all workers. To mention all her contributions since moving to Alviso 39 years ago would be formidable, yet we would be remiss if we didn't single out a few.

She has been editor of the Alviso Beacon, office manager of the Building Trades Council, employee for 25 years of the painters local, member of the executive board of local 29, trustee of local 29 health trust fund, first woman officer of the Central Labor Council, member of the board of the League of Friends, recipient of the Woman of Achievement Award, and honoree at the annual 1985 COPE banquet.

The admiration and love Caroline Oliver receives from everyone who comes in contact with her is due to her sense of humor, warm personality, and thoughtfulness. She handles every situation that arises with complete competence and intelligence. It is these qualities that have endeared her to many friends and coworkers.

We know Caroline's retirement will afford her the opportunity to spend cherished time with her husband, Garland, two children, Dick and Key, grandchildren, and great-grandchild. We know her years of retirement will be as rich and rewarding as those she has given to all of us. Thank you, Caroline. Keep the ship in the harbor afloat.●

BIRMINGHAM LOSES BELOVED RESTAURANTEUR

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. ERDREICH. Mr. Speaker, the city of Birmingham recently lost a valuable and beloved member of its community whose life showed that the American dream is still very much alive. Phil Hontzas and his family owned John's Restaurant in Birmingham, a popular dining spot known as much for Phil's outgoing nature and sense of humor as it was for its fine food and always pleasant and friendly atmosphere.

Phil and his brothers came to this country from Greece as young boys, not able to speak English, but with a burning desire to become a productive part of our community, helping make Birmingham and America grow and prosper.

The Hontzas brothers eventually bought John's Restaurant, and while all three were well known and liked in our community, it was Phil who will be remembered for conducting his business as he conducted his life—with zest.

Phil Hontzas exemplified what our country is all about. He was proof that with hard work, dedication, faith, and a little luck, it is still possible to reap and enjoy the fruits of our labor.

Phil Hontzas showed that America is a true land of opportunity where those with energy and talent can indeed succeed in small business or large. As long as we have citizens with the initiative and entrepreneurship of a Phil Hontzas, I know continued progress and growth for Alabama and America is a certainty.

Phil Hontzas died on Monday, February 25, 1985. He will be deeply missed by all who knew and loved him.

I submit for the RECORD an editorial that appeared in the Birmingham Post Herald that aptly describes the zest and flair with which Phil Hontzas approached all aspects of his life.

PHIL HONTZAS

"Phil Hontzas was the American dream come true."

Those words from Birmingham attorney Mike Atchison aptly summarize the life of John's Restaurant owner Phil Hontzas, who died Monday at age 52.

Hontzas came to this country from his native Greece as a teenager. He joined several relatives who had already settled in Birmingham.

Through his own hard work and that of his family, Hontzas and his brothers acquired the capital to become their own bosses. The continuing popularity of John's Restaurant is a tribute to Hontzas' success as a small businessman in the highest tradition of his adopted country.

We join the family and friends of Phil Hontzas in mourning the fact that he did not have more time among us to enjoy the version of the American success story that he wrote for more than three decades. He typified what this country is all about.●

HELP FOR THE DRUG TRANSIT COUNTRIES

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FAUNTROY. Mr. Speaker, in the ugly, sinister world of drug traffic, a growing problem has brought pleas for help and cooperation from countries that have become known as transit countries.

In the structure of drug traffic, the "producing country," the "transit country," and the "market country" have become identified by the problems that are centered around the part each plays in the reduction or increase in drug trafficking.

The transit country is a geographically convenient country located in close proximity to a market country. More and more, criminal activity, intimidation of local enforcement agents, and a takeover attitude by drug traffickers has endangered the stability of these countries and has taxed their already limited police and enforcement resources.

The legislation introduced by Congressman GLENN ENGLISH, H.R. 962, is a worthy first step in responding to the cries for help from such transit country whose shores lie haplessly close to those of the United States and therefore have become the unwilling major center for the breakdown from large shipments into smaller shipping units that can more easily be slipped ashore on the coastline of the United States.

That country, requesting coordination with our enforcement forces, is the Bahamas. By working with Bahamian officials, our DEA, Customs and Coast Guard could assist in interdicting these large shipments of drugs before they are broken down into

smaller hard-to-detect delivery packets.

The wording in H.R. 962 which would expand the Mansfield amendment to the Foreign Assistance Act would make an exception of the prohibitions in the amendment to include the Bahamas.

Since cosponsoring H.R. 962, it has come to my attention that there are other countries that have similar status as transit countries who will need a similar exception to the amendment. I urge that these transit countries be given careful attention and that you, as colleagues, may wish to add information on additional countries. I urge that this issue be examined carefully through testimony at hearings on H.R. 962.

Our swift and adequate cooperation and assistance to our willing partner countries is imperative if we are to reduce their endangered status and effectively reduce the traffic of deadly drugs to our shores.●

TRIBUTE TO FORMER U.S. ALABAMA SENATOR LISTER HILL

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. SHELBY. Mr. Speaker, the State of Alabama and the Nation suffered a great loss with the death of former U.S. Senator Lister Hill on December 20, 1984. It is my privilege today to offer a tribute to the memory of this outstanding gentleman.

Not many people achieve the measure of admiration and respect that Lister Hill enjoyed. He earned that admiration and respect because he genuinely cared about people and about the welfare of his State and country.

In his 45 years on Capitol Hill, including 15 years in this body, Lister Hill became the strongest voice in Congress for his unflagging support for health and education. He became chairman of the Senate Labor and Public Welfare Committee, with responsibility for health and education bills. He also chaired the subcommittee of the Senate Appropriations Committee that handled the budget for the old Department of Health, Education and Welfare. He was the "father" of the National Institutes of Health.

One of his landmark achievements was the Hill-Burton Act of 1946. Through this piece of legislation, more than 9,200 medical facilities have been built with Federal assistance, many of them in poor and rural areas. Lister Hill supported such programs as Medicare and Medicaid and Social Security.

The first bill providing Federal aid to education passed Congress in 1958. The chief credit was given to the Alabama Senator, who had championed such legislation since his days in the House.

Senator Hill knew that we grow, gain strength and provide opportunities for our people by a proper development of our resources. In this respect, he was a pioneer in pushing for the establishment of the Tennessee Valley Authority. A supporter of the New Deal of President Franklin D. Roosevelt, Senator Hill was a sponsor of some of the major programs of the 1930's and 1940's, including the Rural Housing Act, the Rural Telephone Act and the GI bill of rights for veterans of World War II and the Korean conflict.

Senator Hill took his seat in the U.S. House of Representatives on August 14, 1923, after a special election. He was appointed to the U.S. Senate on January 19, 1938, to fill the unexpired term of Hugo Black, who had been appointed to the U.S. Supreme Court. When Senator Hill retired on January 3, 1969, having declined to seek reelection, he had served in Congress longer than any other Alabamian.

Lister Hill was born into a prosperous family on December 29, 1894, in Montgomery. His father, Dr. Luther Leonidas Hill, was a physician and surgeon who had studied in England with Joseph Lister, who introduced antiseptic surgery.

Named for his father's teacher, Dr. Hill wanted his son to pursue medicine, but instead Lister turned to law. He proved to be a brilliant student, graduating from the University of Alabama at Tuscaloosa in 1914 with a Phi Beta Kappa key. He earned a law degree at Alabama in 1915 and also studied law at the University of Michigan and Columbia University.

In 1916 he opened a law practice in Montgomery. Proud to fight for his country, he served in the Army during the First World War. From 1917 to 1922, before he took his seat in the House, he was president of the Montgomery Board of Education—an experience that later was attributable to his interest in educational matters.

Senator Hill was a powerful force in Congress. He was a rarity—a man who had the vitality and know-how to be extremely effective in getting things done, yet warmth and sensitivity that made him a beloved leader.

Lister Hill's life and his achievements should serve as a memorial to him for all time in Alabama and in this great country of ours, for he truly devoted it to serving the people and profession that he loved.

My heartfelt sympathy goes out to the family he left behind—to his wife, the former Henrietta Fontaine McCormick; to his son, L. Lister Hill; to his daughter, Henrietta Hill Hubbard; to his five grandchildren and four great grandchildren.

In closing, I would just like to say that I think Senator Lister Hill will be viewed by historians as one of the most effective and farsighted political leaders of our time. Thank you, Mr. Speaker, for the opportunity to present this deserving tribute to the memory of such an outstanding individual, as former Senator Lister Hill.●

TRIBUTE TO JOHN B. KELLY, JR.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FOGLIETTA. Mr. Speaker, today, I rise to pay a final tribute to a distinguished Philadelphian, and a man I was priviledged and very proud to call my friend, John B. Kelly, Jr. Kell died this past Saturday, returning from a rowing workout on the Schuylkill River.

Most of my colleagues knew Jack Kelly, if not personally, then certainly by reputation as an outstanding Olympic rowing medalist and an enthusiastic promoter of international amateur athletics. Many will remember Jack Kelly for his dedication, inspiration, and financial support of the Philadelphia Vesper Boat Club which won the gold Medal at the 1964 Olympics. Others will remember that Jack Kelly just last month was installed as president of the U.S. Olympic Committee.

But, those of us who knew him well will remember Jack Kelly first and foremost as a Philadelphian. This is a peculiarly appropriate tribute to Jack Kelly. He could, and did, move effortlessly through international circles, whether European royalty or the world's athletic elite. He always made time for his hometown—and home. He didn't have to, but he did. As an elected city councilman, Jack Kelly worried about potholes, trash disposal, low-income housing. When an immigrant beginning to make his way in Philadelphia needed a business hand, Jack Kelly often was there with financial support. When a local civic activity or charity needed a boost, Jack Kelly had the time and the commitment. One local newspaper reported a typical week's schedule for Jack Kelly; it included: Attendance as guest of honor at a benefit for the American Paralysis Association; a meeting of the Philadelphia Special Olympics where he was serving as vice chairman; an event for the Philadelphia Dance Alliance, of which he was president. He took the time and made the effort on behalf of these local activities the same week he was celebrating his selection as President of the U.S. Olympic Committee.

Mr. Speaker, if God permitted us to choose our time and place for passing, Jack Kelly certainly would have chosen a point close to the river and sport he loved. Only the time was

wrong; at 57, Jack Kelly had so much more to give.

On a personal level, Mr. Speaker, I have lost a very dear friend of 43 years. Jack Kelly will be memorialized this coming Friday at Memorial Hall in Fairmount Park in Philadelphia. The delegations traveling to the park to pay their final respects will be large and diverse, as was Jack Kelly's influence and respect among colleagues and acquaintenances.●

THE POLYGRAPH PROTECTION ACT OF 1985

HON. PAT WILLIAMS
OF MONTANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. WILLIAMS. Mr. Speaker, today I am introducing legislation to prevent the preclusion of employment opportunities by prohibiting the use of polygraphs and other so-called lie detectors in the workplace. The polygraph, or lie detector, has received much publicity recently since Representative BROOKS of Texas introduced H.R. 39, a bill relating to the administration of polygraph examinations and prepublication review requirements by Federal agencies. While Federal Government workers currently have some protection from polygraph examinations, and they may win even greater protection with the passage of Representative BROOKS' bill, private sector employees and job applicants have no such Federal protections whatsoever.

Nineteen States and the District of Columbia have, in one form or another, limited polygraph examinations in the workplace, and yet the number of employees and job applicants who are required to submit to these tests is increasing dramatically. The estimated number of polygraph examinations administered annually in the private sector alone ranges from 200,000 to 500,000. In a November 1983 study of the scientific validity of polygraph testing, the Congressional Office of Technology Assessment cited an estimate of over 1 million polygraph examinations administered each year. It has been estimated that at least 50,000 workers per year are wrongfully denied employment either because they refuse to take the tests or because of the inherent inaccuracies of the tests.

Mr. Speaker, this widespread use of polygraph examinations in the workplace has reached shocking proportions despite evidence of the inaccuracy of such tests. The Defense Department's own Assistant Secretary for Health Affairs warned that the polygraph "misclassifies innocent people as liars." In a memo to Secretary Weinberger, Dr. John Beary cited that the machines can only detect stress, not lies. In one study cited by Dr. Beary, 49 percent of truthful subjects were scored as deceptive. In another, 55 percent of the innocent were misclassified as liars. In a 1974 test conducted for the U.S. Army Land Warfare Laboratory, Dr. Joseph Kubis found that polygraph test results alone had only the same accuracy rate as the personal judgments of the same examiners based on observations without test results.

Which brings us to the critical question: What are the physiological symptoms of a lie? Is it the heart-rate, blood pressure, and galvanic skin response that polygraph operators suggest, or is it some as yet undiscovered physiological response? How about the length of one's nose? The truth is, Mr. Speaker, that there is no universal physiological response indicative of lies, and the peddlers of these services and equipment should be sent the way of palm readers and soothsayers. Jobs are too valuable, and in today's economy, too scarce, to be lost due to the misclassification of a physiological response.

The horror stories of polygraph abuse are numerable. One or two examples might prove useful as illustrations of the problem. One pregnant woman inquired if the test would affect her baby, and the polygrapher responded that "I can't make any promises." She refused the test, and was fired. Many potential employees have been asked questions dealing with sexual habits and partners, political and religious beliefs, and feelings about unions.

The State prohibitions are wholly inadequate to protect workers from the polygraph. Some States only proscribe requiring a test, not requesting a test. But the result for those who refuse to take the test is the same—no job. Many employers skirt State law simply by hiring in a neighboring State with no prohibition then "transferring" the employee into the State which has polygraph restrictions. For example, employees in Maryland and the District can be hired in Virginia where they are polygraphed, then transferred into the jurisdiction which prohibits such testing.

Mr. Speaker, the Polygraph Protection Act simply prohibits the use of truth verification devices in the workplace, for both pre-employment testing and testing in the course of employment. It requires the posting on the premises of employers engaged in interstate commerce of notice sufficient to effectuate the purposes of this Act. It provides for remedies as found in the Fair Labor Standards Act as amended. It does not apply to any individual employed by the U.S. Government, nor would it apply to State or local government employees.

The growing problem of polygraph testing has been treated as a constitutional issue, a privacy issue, and a civil rights issue. But the vast majority of polygraph tests administered in the United States today are employment related, and this issue has become, first and foremost, one of employment opportunities. Polygraphs have become vehicles for employee intimidation, and for screening out employees of political or union beliefs different from those of a particular manager. This bill assumes people have a right to privacy, but only focuses on the abuse of that right in the workplace. The time has come for outright prohibition of these inaccurate and intrusive machines from the workplace.

The courts in this country refuse to admit polygraph results as evidence in trials because of the documented inaccuracies of the machines. It is sadly ironic that criminals are protected from the polygraph, while American workers are not. It is time we prevent innocent employees from being "convicted" and deprived of their livelihoods through methods we would not even apply to murderers.

The Privacy Protection Study Commission, established by Congress in 1974, reported in 1977 that truth verification devices are "an unreasonable invasion of privacy that should be summarily proscribed." The Commission recommended that a Federal law should be passed forbidding the use of the devices in employment settings, and further recommended the banning of the manufacture and sale of the devices. It is time to begin implementation of the Commission recommendations by removing these insidious devices from the workplace.

Joining me today introducing this legislation are some of my colleagues from the Education and Labor Committee, from both sides of the aisle. We hope to have hearings early this spring to begin a legislative process that will bring an end to this intimidating and abusive testing of employees.

[The bill follows:]

H.R. 1524

A bill to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1985".

SEC. 2. PURPOSE.

It is the purpose of this Act to prevent the denial of employment opportunties based on the use of instrumentation designed to detect deception or verify truth of statement. This Act shall be construed to prohibit the use of all such instrumentation on employees, agents, prospective employees and prospective agents.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE.

No employer or other person engaged in any business in or affecting interstate commerce, nor any agent or representative thereof, shall—

(1) directly or indirectly require, request, suggest, permit or cause any employee, agent, prospective employee or prospective agent to take or submit to any lie detector test or examination for any purpose whatsoever;

(2) use, accept, or refer to the results of any lie detector test or examination of any employee, agent, prospective employee or prospective agent for any purpose whatsoever; or

(3) discharge, dismiss, discipline in any manner, or deny employment or promotion, or threaten to do so, to any employee, agent, prospective employee or prospective agent who refuses, declines, or fails to take or submit to any lie detector test or examination.

SEC. 4. NOTICE OF PROTECTION.

The Secretary of Labor shall prepare and have printed a notice setting forth information necessary to effectuate the purposes of this Act. This notice shall be posted at all times in conspicuous places upon the premises of every employer engaged in any business in or affecting interstate commerce.

SEC. 5. RULES AND REGULATIONS.

In accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, the Secretary of Labor shall issue such rules and regulations as may be necessary or appropriate for carrying out this Act.

SEC. 6. AUTHORITY OF THE SECRETARY OF LABOR.

The Secretary of Labor shall—

(1) make such delegations, appoint such agents and employees, and pay for such technical assistance on a fee for service basis, as he deems necessary to assist him in the performance of his functions under this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and require the keeping of records necessary or appropriate for the administration of this Act in accordance with the powers and procedures provided in sections 9 and 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209 and 211).

SEC. 7. ENFORCEMENT PROVISIONS.

The provisions of this Act shall be enforced in accordance with the powers, remedies, and procedures provided in sections 11(b), 16, and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(b), 216, 217). Amounts owing to a person as a result of a violation of this Act shall be deemed to be unpaid minimum wages or unpaid overtime compensation for purposes of sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216, 217).

SEC. 8. NO APPLICATION TO GOVERNMENTAL EMPLOYEES.

The provisions of this Act shall not apply with respect to any individual who is employed by the United States Government, a State government, city, or any political subdivision of a State or city.

SEC. 9. DEFINITIONS.

As used in this Act—

(1) The term "person" means any natural person, firm, association, partnership, corporation, or any employee or agent thereof.

(2) The term "lie detector" includes but is not limited to any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other device (whether mechanical, electrical, or chemical) which is used, or the results of which are used, for the purpose of detecting deception or verifying the truth of statements.

(3) The term "employer" includes an employment agency.

SEC. 10. EFFECTIVE DATE.

The provisions of this Act shall take effect on the date of enactment, except for section 4, which shall take effect six months from the date of enactment.●

SEVENTH ANNUAL BARTENDERS' BALL

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FAUNTROY. Mr. Speaker, 10 local charities and nonprofit organizations will be beneficiaries of the proceeds of the Seventh Annual Bartenders' Ball to be held on March 9, 1985. Chosen by the Bartenders' Ball Foundation, the 1985 recipients are: So Others Might Eat [SOME]; Living Stage; Washington Free Clinic; St. John's Development Center; Higher Achievement Program [HAP]; Sunshine Foundation; Heroes, Inc.; Hospital for Sick Children; Shaw Community Center Food Committee; and the Alexandria Community "Y".

The Bartenders' Ball Foundation, Inc., was created in 1982 to formally organize and direct the efforts of what had become one of Washington's largest single-event fundraisers. Proceeds from the 1979 to 1981 balls had been donated to the Leukemia Society of America. However, the foundation felt strongly that the money raised from the ball should be channeled back into the Washington community. Consequently, the 1982 ball proceeds of $77,000 were distributed to the Leukemia Society and also five locally based charities. Funds raised by the 1984 ball totaled over $80,000, benefiting 10 local agencies.

The board of directors of the Bartenders' Ball Foundation is comprised of Danny Marshall, Tommy Goss, Eda Boyle Edgerton, Gordon King, Craig Goodman, Steven A. Micheletti and S. Paul Loukas, who are past ball chairpersons as well as leading supporters of the ball. The 1985 Advisory Committee Members are: Michael Anderson, Shooter McGee's Eastport Raw Bar; Michael Maher, Washington, D.C. Restaurant & Beverage Association; Dick Heidenberger and Frank Bate, Bottom Line Madhatter; Robert Giaimo, Sharon Daley and Ype Hengst, American Cafe; Thomas Russo, Chadwicks; Eda Boyle Edgerton; Steve Winter and Ken Fried, Winter-Fried Associates. This years directors are: Peter Alafoginis, Bay State Beef; Jeff Dieringer, Dieringer, O'Marra, Palmer & Sunderland; Rick MacPherson, Hayman Cash Register; Mike Minnig, American-Potomac Distributing; and, Andy Ockershausen, WMAL.●

MIKLOS DURAY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DORNAN of California. Mr. Speaker, Communist governments adamantly disregard human rights, even those anchored in their constituents in international agreements. An outstanding example of their disdain for human rights is the continuing arrest and detetention of Milkos Duray, Czechoslovak citizen of Hungarian nationality.

Mr. Duray, a geologist and writer from Bratislava, the Slovak region of the country, was first arrested for having published in Hungarian in New York in 1982 a book of his own reminiscences on the fire of Hungarians in Czechoslovakia. He was subsequently arrested, charged, and after 1 day of trial, his hearing was discontinued and he was released.

When, in early 1984, the Slovak Ministry of Education presented a draft law to the Slovak regional parliament which included, among others, the provision that by establishing commissions whose recommendations would have to be followed by the Ministry—excluding consultations with parents—the ministry may close Hungarian classes in the various schools of Sovakia—where about 700,000 citizens of Hungarian nationality reside—Mr. Duray went to work to protest the provisions. He succeeded in organizing 11,000 parents againt the draft law which was then amended to exclude the controversial provisions. Mr. Duray had the constitutional right to do so, as the 1968 constitution guarantees the right of education in the mother tongue. But he was subsequently arrested and held incommunicado for months and remains in prison under formal charges of sedition, incitement, and slander against the republic, to this day.

Mr. Duray is not just an average dissident in Czechoslovakia. He was a signer of CARTA 77 together with Czech and Slovak intellectuals. Four prominent Slovak intellectuals also protested his arrest to both President Husak and the Premier of the Slovak Government in Bratislava. He is also the unofficial leader of the 700,000 Hungarians of Slovakia and had created an organization called the Committee for the Defense of the Rights of the Hugarian Minority. This group informed us through a samizdat publi-

cation of the continuing repressive and intimidating actions of the Czechoslovak Communist Party and the Government against anyone who dares to speak the truth and right for justice in the state.

Mr. Speaker, I want to commend the distinguished gentleman from California [Mr. LANTOS] and the distinguished gentleman from Illinois [Mr. PORTER] for having initiated in July 1984 a letter over 38 signatures to President Husak condemning the arrest and Mr. LANTOS for having sponsored this colloguim on the continuing arrest and detention of Miklos Duray. We all urge the President and the Secretary of State to use whatever leverage we may yet have with Prague to effect the liberation of Mr. Duray and call upon my colleagues to join us in denouncing this shameful deed of human and national rights deprivation and violation in Czechoslovakia. Thank you, Mr. Speaker.●

HONORING JOSEPH RUBIN AND THE YOUNG ISRAEL OF HILLCREST

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of the Young Israel of Hillcrest, on the occasion of its 25th anniversary. Since its inception, this synagogue has inspired and served the entire community and all of Queens County, NY.

Today, its more than 1,500 members include a vast array of doctors, lawyers, educators, and business leaders whose influence is felt throughout the length and breadth of our Nation.

Joseph Rubin, the Young Israel's "Man of the Year," epitomizes this standard of excellence in community service. During his term as president, he inspired the Young Israel to many achievements on behalf of all of the citizens in Queens. His concern for the younger generation motivated him to serve as president of the Samuel H. Wang Yeshiva High School of Queens, and on the board of directors of the Yeshiva of Central Queens and Yeshiva Dov Revel. The support of his wife, Rosalind, and their children, Arleen and Barry, has amplified his success in all these endeavors.

The Young Israel's roster of distinguished officers is symbolic of its members' unique commitment to American society and Jewish values. Danny Hiller, its dynamic president, is known nationally for his efforts on behalf of humanitarian causes, both here and abroad. Its vice presidents, Moshe Gantz, Alvin Warshaviak, and Ralph Sherman, participate actively in many facets of community service. Mr. Gantz was instrumental in the organization of the Hatzoloh Emergency Ambulance Service in Hillcrest; Mr. Warshaviak, whose genius and devotion generated the Queens Purim Parade, represents his neighbors on the local planning board; and Mr. Sherman is well-known and highly esteemed for his integrity and tireless service in the community. The treasurer, Shopsy Kanarek, works for several educational insitutions devotedly. Marc Katz, the financial secretary; Stanley Nussbaum, the recording secretary; and Sol Gelernter, the corresponding secretary, are active in many other charities and causes. Dr. Maurice Ballabon, the chairman of the board, is an economics scholar of international repute.

The spiritual leader of the Young Israel, Rabbi Simcha Krauss, is the perfect complement to this distinguished congregation. An outstanding Talmudic scholar, he is respected for his humility and humanity as much as for his learning. May these many accomplishments herald another quarter century of good works on behalf of the Queens community, the State of New York, and the entire Nation.

Mr. Speaker, I ask all of the Members of the United States House of Representatives to join me in paying tribute to the Young Israel of Hillcrest on its 25th anniversary.●

THE FUTURE OF CIVIL RIGHTS/CIVIL LIBERTIES IN MICRONESIA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DYMALLY. Mr. Speaker, I would like to acquaint my colleagues in the House of Representatives with a matter of concern to many residents in Micronesia. Shortly, Congress will be considering the Micronesian Compact; the product of over one decade of complex negotiations. Without question, the United States should relinquish its colonial-style hold on the Micronesian region, particularly in the Marshall and Caroline Islands. It is the last area of the globe that America maintains within a colonial framework, that is, the aging United Nations mandate system. The Compact promises a bright future for many Pacific islands, and it is time for the U.S. Government to usher in this new era of harmony and peace.

Despite our assurances of a coming new era there are still concerns in the islands that the Compact does not address certain issues as strongly as it should. Health is one of those issues, and I have introduced legislation to improve the health care of the region. Another issue is civil rights/civil liberties, and it deserves greater attention by the Congress as well. For some time, we have heard tales of a military fallback to Micronesia should difficulties in the Philippines result in the closing of U.S. military installations there. Some islanders fear that the Compact could lead to a larger U.S. military presence than exists today; a presence that will require land expropriation and population shifts.

Given the history of forced population relocations in the Pacific, and the sometimes weak military islander relations, the House of Representatives, as does Micronesia, needs assurances that the people of this region will enjoy full civil rights/civil liberties regardless of Congress' decision on the Micronesian Compact. Let us assure the Pacific islanders, as we have attempted to assure our friends in the Caribbean, that America stands for justice, fair play, and full democratic rights.●

TAKE SOCIAL SECURITY OFF THE BUDGET

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. McCANDLESS. Mr. Speaker, it is time to depoliticize Social Security. Every year as Congress begins to grapple with the formulation of a Federal budget, the Social Security system becomes a political football. The result is great concern and alarm among our senior citizens. This is totally unnecessary.

When it was established, the Social Security Administration was independent, and the benefits were to be provided from an independent trust fund. Over the years, Social Security has been represented to the public as a separate trust fund, but since fiscal year 1969 Social Security's financial operations have been included in the unified Federal budget.

When President Johnson proposed the larger unified budget in 1967, the announced objective was to simplify the portrayal of the financial matters of the Federal Government. Its immediate result was the masking of the escalating costs of the "Great Society" programs and of the war in Vietnam.

When the Congress passed the Social Security reform bill in 1983, a provision was included to take Social Security, and the hospital insurance portion of the Medicare program, out of the unified budget—but it is not effective until fiscal year 1993.

We should not wait that long. Changes in the Social Security and Medicare programs should be made exclusively on the basis of the objec-

tives and financial constraints of these programs, not because of the economic policy goals or budgetary constraints of the Federal Government as a whole.

I am today introducing a bill to change the effective date to apply to fiscal years after fiscal year 1986. I invite my colleagues to cosponsor this legislation.●

EXPANSION OF THE NATIONAL CEMETERY SYSTEM

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. McCAIN. Mr. Speaker, today I am introducing legislation which will provide for the orderly expansion of the National Cemetery System.

As you know, the present day national cemetery concept is not providing adequate burial facilities for a majority of our Nation's veterans. Currently, there are 109 national cemeteries, including 10 regional locations. Of these, only 57 are open for the interment of the veteran and first family members. Most of these cemeteries are located in the northern and eastern portions of the country. Estimates indicate that national cemeteries are not readily accessible to 66 percent of all living veterans.

The bill I am introducing will require the Administrator of the Veterans' Administration to come up with a 5-year plan for construction and expansion of the National Cemetery System. The plan should list in order of priority the 10 geographic areas in which the need for additional burial space for veterans is greatest. Additionally, it would assess the desirability and feasibility of acquiring existing State cemeteries in the geographic areas included on the list.

This legislation is very similar to that which was introduced by the distinguished chairman of the Subcommittee on Housing and Memorial Affairs, Richard Shelby. The one very important difference in my bill is the portion which refers to the existing State cemeteries. I feel it is imperative that if we are going to make plans to expand the National Cemetery System on a priority basis, we must take into account those State cemeteries already in existence and the benefits of placing them in the national system. In light of budgetary considerations, I am convinced that we must draw on the resources already existing in many areas of our country, and not spend more revenue than is necessary on establishing new cemeteries.

Mr. Speaker, there is no doubt that our present day system needs reform. This legislation calls for reform at the least expense to the taxpayer. At the same time, it ensures comfort to the veteran who will know that he can have the honor of being laid to rest in a national cemetery close to his family members.●

TILTED ARC

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. WEISS. Mr. Speaker, I am introducing into the RECORD at this time a statement which I made at a hearing convened at Number 1, Federal Plaza in New York City on March 6, 1985 regarding the continued siting or relocation of the Tilted Arc in the plaza at that location. I believe that my colleagues will find the issue has ramifications beyond the lines of my congressional district.

The statement follows:

STATEMENT

I want to thank William Diamond, the Regional Administrator of the General Services Administration for convening this hearing and for giving us an opportunity to take a fresh look at Tilted Arc and explore possible courses of action for it. For approximately twenty-five years prior to taking my seat in Congress in 1977, this area of lower Manhattan was my professional home. From 1955 to 1959 I worked as an Assistant District Attorney in the Criminal Courts Building just two blocks north of this courtroom. From 1962 to 1977 I served on the New York City Council at City Hall just a few blocks to the south. During the entire decade of the 1960's my law offices were located at 305 Broadway, directly opposite this site. I lived and suffered through the demolition, the pile driving and the construction of 26 Federal Plaza. As you can see I have long standing ties to this site and this neighborhood. With that background I want now to address the issue of the Tilted Arc.

The controvery that the placement of this sculpture has engendered warrants a reevaluation at this time. Tilted Arc is the result of the federal government's Art in Architecture program—an outstandingly effective program conceived by President Eisenhower and implemented by President Kennedy in 1963. It seeks to enhance the image of America through its government buildings by placing distinctive works of contemporary American art in public view. By devoting to it one half of one percent of the cost of construction or major repairs of federal buildings, this program under the General Services Administration, has commissioned over 200 works of public art for federal facilities throughout the country.

The Arts in Architecture program has been a major demonstration of our government's commitment to American artists and their work. It has contributed to public awareness of the arts, has provided aesthetic enrichment to public places and has strengthened the fragile partnership between artists and government. It has brought important works of art out of the museum into urban settings and made them accessible to large numbers of Americans. As one of the most active supporters of the arts in Congress, I have supported this program in debate and discussion on the floor of the House of Representatives, and I will continue to do so, regardless of what budget cuts the President may threaten. Whatever controversies have resulted over works for this program in the past and in the present, they should not be interpreted by anyone as a signal that the program ought to be eliminated. Rather they testify to the vitality of the program and its importance to a significant number of Americans.

As might be expected from such an ambitious and far-reaching program, not every selection of artwork or location has been as fortunate as others. In 1981, a public artwork commissioned by the internationally known urban sculptor, Richard Serra, resulted in Tilted Arc being placed squarely in the open courtyard at 26 Federal Plaza in Lower Manhattan.

Imagine if you will, this curved slab of welded steel twelve feet high, 120 feet long, weighing over 73 tons bisecting the street in front of your home, and you can imagine the reaction of those who live and work in this area. Adding to the shock effect is the natural oxide coating which gives it the appearance of a rusted metal wall. Many have regarded Tilted Arc as an abandoned piece of construction material—a relic perhaps too large and cumbersome to move—left behind and forgotten by a crew of construction workers long since gone.

The artist is said to have intended, with this piece, to "alter and dislocate the decorative function of the plaza." If that was the intent, one may conclude from its harsh disorienting affect that the artist has eloquently succeeded in executing his concept. But what of those who live and work within its confines? The sculpture cuts a huge swath across the center of the plaza dividing it in two and acting as a barrier to the builder's main doorways. Access to the building is awkward and confusing, and the normal walking patterns of those who enter and exit the building are disrupted. Tilted Arc rends the serenity of the plaza and obliterates its vistas.

Ever since this work became visible, it has been the subject of intense controversy. I do not wish to comment on its worthiness or its artistic merit. Undoubtedly the very existence of Tilted Arc has raised the aesthetic consciousness of everyone who has participated in discussions about it, whether pro or con. However, I believe that in the three years that it has been sited in Federal Plaza, the public has had sufficient time to ponder its artistic statement and to contemplate its aesthetic virtues. The time has come to find a new location for Tilted Arc.

Mr. Serra argues that because his work is site-specific, just to move it to another location would destroy it. It has, he maintains, a proprietary claim upon the plaza just as real as that of a painting to its convas. But I suggest that there are other valid claims upon the plaza that conflict with Mr. Serra's, and the scales tip in their favor.

The community—those thousands of people who live and work in the area—have the right to reclaim this small oasis for the respite and relaxation for which it was intended. This precious, small, open space is too rare an amenity in Lower Manhattan to be violated in this fashion.

Tilted Arc was imposed upon this neighborhood without discussion, without prior consultation, without any of the customary dialogue that one expects between government and its people. An NEA panel of three selected the artist and a three-person group from the General Services Administration in Washington, D.C. approved the design.

No one else—not from the community or its representative, not the architects, not even the Regional Administrator—was ever consulted.

These panels, no matter how expert or how well-intentioned, are not so omnipotent or infallible in their judgments that they cannot be challenged or improved upon. Many of those who oppose the removal of Tilted Arc are much harsher in their description of it than I am. Many of them openly acknowledge that placing the sculpture in this plaza was ill-conceived. But expressing fear of the precedent that may be set by removal of the sculpture they would rather that this existing wrong to the community continue unabated. Being concerned that a wrong may occur in the future is no justification for allowing a wrong to continue in the present.

In reality, the relocation of Tilted Arc cannot set a precedent of any kind. Since Tilted Arc was erected, the Arc in Architecture procedures have been expanded to provide for consultation with local communities which are to be recipients of their art. If these procedures had existed when Tilted Arc was under consideration, it would not be necessary for us to be here today.

Mr. Serra, I do not wish to see your work destroyed. I simply would like to see it in a more felicitous location, within more compatible surroundings. This is not an assault on art, on artists, or even on this particular piece of art. The community deserves to have its plaza restored and its advice sought as to how the plaza might host other artistic and community endeavors. The rights of a large number of people who live and work here have been overlooked and ignored. I would like to see their rights restored.●

TRUDE AND IRVING LEHRER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. WAXMAN. Mr. Speaker, on Sunday, March 17, 1985, Trude and Irving Lehrer will be the honorees for Temple Knesset Israel's special dinner commemorating "The Jewish Family—A Celebration."

For many years, I have had the pleasure and privilege of knowing the Lehrers and their illustrious children as valued friends and constituents. Individually and collectively, their personal and professional accomplishments as well as the scope of their work on behalf of our community have been a source of inspiration.

Fleeing Hitler's march into Austria, Irving and Trude came to Los Angeles as immigrants in 1938. They were married in 1942 shortly before Irving was called into service in the China-Burma-India theatre of operations. After the war, in addition to tending to the family business and raising their own family of three children, the Lehrers gave encouragement and support to their relatives scattered throughout Europe in displaced persons camps, or struggling as refugees in Palestine and Latin America. Eventually, many of the family were able to be reunited in southern California.

As a natural extension of their warmth and caring beyond their immediate family, the Lehrers soon became involved in community life. Among the many organizations which have benefited from their generosity are: Hollywood Los Feliz Jewish Center, the United Jewish Welfare Fund, Friends of Tel Hashomer, the Jewish National Fund, Hadassah, B'nai B'rith, Anti-Defamation League and, of course, Temple Knesset Israel.

The concern and love for "klal Yisrael" inspired the Lehrer children—Shelah, David, and Michael—from their earliest years. In time they and their families would follow closely in their parent's footsteps. The traditional values of a close and religious family life, commitment to charity, and accomplishment have been reflected in the lives of the Lehrer children and grandchildren. Among their members are included an historian in the field of Jewish studies, an Anti-Defamation League lawyer, a lawyer specializing in civil rights and legal aid to the poor, an architect, a landscape architect, and a psychologist specializing in early childhood learning.

I ask the Members to join me in congratulating Trude and Irving Lehrer on this special occasion. We have every reason to believe that the traditions of righteousness, responsibility, and caring which Trude and Iring Lehrer brought with them to our country more than 40 years ago and which are instilled so deeply in the lives of their children and grandchildren, will continue to flourish for all the generations to come.●

QUEENS TRIBUNE'S 15TH ANNIVERSARY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. SCHEUER. Mr. Speaker, a business institution that is not only profitable but also operated with an eye toward service to the community is a precious local resource. Such a concern is the Queens Tribune, Queens County's weekly newspaper now celebrating their 15th birthday. I want to share with my fellow Members some facts about the Queens Tribune to commemorate their anniversary.

With the New York metropolitan area constituting one media market covering three States, many counties and countless neighborhoods, our newspapers, television, and radio stations provide information to millions. Despite their best efforts, they cover local activities with a broad brush. This is due to the necessity of providing comprehensive information to millions. To fill the breach, many weekly papers have sprung up to cover local neighborhood activities and provide a forum for community opinions. Such a paper is the Queens Tribune.

The "Trib" was founded in 1970 by our colleague, the Honorable GARY L. ACKERMAN. With a current circulation of 75,000, the Tribune is Queens County's largest weekly newspaper.

The staff at the Queens Tribune provides information to their neighbors with a local flavor that allows their readers to relate well to the subject matter. Michael Schenkler is the publisher, as well as the author of "Quips-Queens in Politics"—an informative series of notes about government and politics in my home county. Mike's scalpel-like wit has surfaced in his column at times—a fact that I'm sure my Queens County colleagues readily attest to. Martin Lipp is the managing editor at the Queens Tribune, and Gabriel Escobar acts as news editor. They are ably assisted by Copy Editor Ellen Jaume and Production Manager Janice Herold. A staff of contributing editors, reporters, photographers and artists join together to help make the Queens Tribune an informative and attractive tabloid.

Within its pages, Queens Tribune readers can find numerous local news items pertaining to local problems and events. There are sections devoted to education, business, leisure as well as feature stories, a "people page," a "police blotter," and community calendar edited by Regina Vogel and a weekly contest page provided by Harley Benson. The Tribune's editorial page contains commentary on local problems from the Tribune as well as quest editorials and letters.

The Queens Tribune is a resource that the people of Queens County can count on for information pertaining to local problems that affect their readers' everyday lives. On the occasion of their 15th birthday, I salute this fine newspaper.●

BRUTAL DICTATORSHIP

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DORNAN of California. Mr. Speaker, I was impressed a few weeks ago to hear President Ronald Reagan deliver in just a few minutes a remarkably concise and important message to the American people, and to us, their representatives. That message, delivered during his weekly radio message, places in perspective once and for all the issue of the struggle of the people of Nicaragua against the brutal dictatorship imposed by the false Sandinistas. I call them false Sandinistas because they betrayed the ideals of the

original fighters for freedom against the regime of Anastasio Somoza. Those who remained true to the original goals of that anti-Somoza revolution are almost without exception in the opposition or in jail, if they are not dead. I am inserting in the RECORD at this point the text of the President's message, and call it to the attention of my colleagues and all interested citizens.

[For Immediate Release]

RADIO ADDRESS OF THE PRESIDENT OF THE NATION

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Rancho del Cielo, February 16, 1985.

The PRESIDENT. My fellow Americans, one of the most inspiring developments of recent years is the move against communism and toward freedom that is sweeping the world. In the Soviet Union and Eastern Europe we see the dissidents; in Poland, the Solidarity movement. We see Freedom Fighters in Afghanistan, Ethiopia, Cambodia and Angola. These brave men and women are fighting to undo the infamous Brezhnev Doctrine, which says that once a nation falls into the darkness of communist tyranny it can never again see the light of freedom.

Nowhere do we see this more than in Nicaragua whose Sandinista government is a Marxist-Leninist clique that broke the hearts of the freedom-loving people of their country by imposing a brutal dictatorship soon after taking control in 1979. Functioning as a satellite of the Soviet Union and Cuba, they moved quickly to suppress internal dissent, clamp down on a free press, persecute the church and labor unions and betray their pledge to hold free elections. Now, they're exporting drugs to poison our youth and linking up with the terrorists of Iran, Libya, the Red Brigades and the PLO. The Sandinistas aren't democrats but communists, not lovers of freedom but of power, not builders of a peaceful nation but creators of a fortress Nicaragua that intends to export communism beyond its borders.

The true heroes of the Nicaraguan struggle, non-communist, democracy-loving revolutionaries, saw their revolution betrayed and took up arms against the betrayer. These men and women are today the democratic resistance fighters some call the Contras. We should call them "freedom fighters."

Sandinista propaganda denounces them as "mercenaries" and former National Guardsmen of the Somoza dictatorship. But this is a lie. The freedom fighters are led by those who opposed Somoza, and their soldiers are peasants, farmers, shopkeepers and students, the people of Nicaragua. These brave men and women deserve our help. They do not ask for troops but only for our technical and financial support and supplies. We cannot turn from them in their moment of need. To do so would be to betray our centuries-old dedication to supporting those who struggle for freedom. This is not only legal, it's totally consistent with our history.

Time and again in the course of our history, we've aided those around the world struggling for freedom, democracy, independence and liberation for tyranny. In the Nineteenth Century, we supported Simon Bolivar, the Great Liberator. We supported the Polish Patriots, the French Resistance and others seeking freedom. We well remembered how other nations, like France, had come to our aid during our own Revolution. It's not an American tradition to turn away. And lucky for us that those who loved democracy 200 years ago didn't turn away from us.

Most of us know of the heroism of Lafayette, who chose to be a brother to those who fought for American independence. But he did more than fight in the field for the Continental Army. He went to France during the war and pleaded with his government for financial aid for the American Rebels. And he returned to General Washington with a promise that France would send support, including a large contingent of troops to help in the crucial last campaign. It was those French troops and Lafayette himself who helped defeat General Cornwallis and assure the British surrender at Yorktown.

America may never have been born without the help and support of the freedom-loving people of Europe, of Lafayette and Von Steuben and Kosciusko. And America did not forget. More than a century after our Revolution, American soldiers went to France to help them resist tyranny in World War I. And they said, in words that will live forever in the history of gratitude, "Lafayette, we are here."

This is not a story from some romantic past. This is how democracy was built, with one country, one people helping another in their hour of greatest peril.

And now the free people of El Salvador, Honduras and, yes, of Nicaragua ask for our help. There are over 15,000 freedom fighters struggling for liberty and democracy in Nicaragua and helping to stem subversion in El Salvador. They're fighting for an end to tyranny and its only reliable produce: cruelty. They are our brothers. How can we ignore them? How can we refuse them assistance when we know that ultimately their fight is our fight? We must remember that if the Sandinistas are not stopped now, they will, as they have sworn, attempt to spread communism to El Salvador, Costa Rica, Honduras and elsewhere.

The freedom fighters are putting pressure on the Sandinistas to change their ways and live, not as communist puppets, but as peaceful democrats. We must help. Congress must understand that the American people support the struggle for democracy in Central America. We can save them as we were once saved, but only if we act, and now.

Until next week, thanks for listening, and God bless you.●

PROPOSED TAX REFORM LEGISLATION

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. HUBBARD. Mr. Speaker, I have received a copy of an excellent letter of January 23 from my friend and fellow Kentuckian, Dr. Thomas B. Logan, of Henderson, KY, to President Reagan.

I believe my colleagues will be interested in Dr. Logan's timely remarks concerning the tax reform legislative proposals that might be considered during the 99th Congress. I hope my colleagues will note his concern that "the Treasury Department's tax reform proposal will seriously diminish tax incentives for charitable contributions."

Dr. Logan's letter is as follows:

JANUARY 23, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: It is my understanding that your administration is considering the Treasury Department's tax reform proposal which would seriously diminish tax incentives for charitable contributions. Two of the proposals that I understand are being considered are:

1. Repeal of the charitable deduction for nonitemizers as of January 1, 1986.

2. Allowing those who itemize to deduct only contributions that exceed 2% of their adjusted income.

I am of the opinion that your philosophy has been for charitable agencies, such as United Way, Red Cross, Salvation Army, and churches, to assume greater responsibility for meeting the needs of indigent people at a local level. I am certainly in agreement with that philosophy.

I have been a contributor to all of these agencies and have worked to solicit funds for these various worthwhile causes. If the Treasury Department's reform proposal is accepted, including the two items I have previously mentioned, I think it will seriously hamper all of the charitable agencies in my area. It is a difficult task to obtain funds for these causes with the tax laws such as they are now. I can only predict that a lot of unfortunate people will be without services that they have been able to obtain in the past.

I urge you to please take my appeal, as well as appeals from others, into consideration prior to allowing any changes of this nature to take place. Unfortunately, there are a great many people who are without work or without means of obtaining services which they so justly deserve. I only hope that this tax proposal does not alter their chances of receiving those basic human care services they have been used to in the past.

Thank you for your consideration to this important issue.

Respectfully,

THOMAS B. LOGAN, M.D.●

SMITHSONIAN SCIENCE FACILITIES BILL

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. MINETA. Mr. Speaker, the importance of scientific leadership has often been discussed in this House. Today I and a number of my colleagues are introducing legislation which will help in that effort to sustain and expand scientific leadership in two key areas: astronomy/astrophysics and tropical biology. The Smithsonian operates in each of these area research facilities which are used not only by Smithsonian scientists but by scientists from all over the United States and even beyond. This legislation would authorize certain new or upgraded structures at these existing locations which would allow continued

and even expanded use of these facilities, both of which are very important to scientific progress in their respective fields. I urge my colleagues to give favorable consideration to this important science legislation, and I insert in the RECORD at this point a more extensive statement on these facilities and on this legislation:

SCIENCE FACILITIES

The Smithsonian's science facilities construction proposal represents an effort by the Institution to consolidate in one legislative package planning and construction authority for facility development at two of its most significant research installations, the Fred Lawrence Whipple Observatory in Arizona and the Smithsonian Tropical Research Institute in Panama. The proposal is in keeping with the Institution's long-range scientific expectations and should meet the needs of those units for a number of years to come.

FRED LAWRENCE WHIPPLE OBSERVATORY

The Fred Lawrence Whipple Observatory (FLWO), located on Mount Hopkins in southern Arizona, is the largest field installation of the Smithsonian Astrophysical Observatory. Since its official opening in 1968 the Observatory has been used as the site for experiments requiring extremely dark skies, dry climate and good "optical seeing." Mount Hopkins is the second highest peak of the Santa Rita Range in the Coronado National Forest. The Smithsonian's observatory covers 4,774 acres, including the 8,550 foot summit.

The administrative and support facilities of the Observatory are located at Amado, Arizona in an office and maintenance complex just east of Interstate 19 and 18 miles from the scientific operations on Mount Hopkins. This base camp is the operational and logistical headquarters for anyone working at or visiting the mountain. Its site consists of two adjacent leased parcels of land totalling approximately 4.25 acres; its facilities include a one-level school building and a one-level residence which have been converted for office use. There are also vehicle service, repair, and storage buildings on the site.

The summit of Mount Hopkins is the site of the Multiple Mirror Telescope (MMT), a joint facility of the Smithsonian Institution and the University of Arizona. The MMT is the third largest telescope in the world in collecting area and is used for research in the optical and infrared regions of the spectrum. The first of its kind, the MMT combines six 1.8 meter telescopes in a common support structure to produce the light-gathering capability of a conventional 4.5 meter telescope.

Instruments of the Fred Lawrence Whipple Observatory are located on a half-mile long ridge at the 7,600 foot elevation. These include a Baker-Nunn satellite-tracking camera; a laser ranging system; a 10 meter optical reflector; 1.5 meter and 61 centimeter reflecting telescopes; and meteorological instruments. Current research activities include spectroscopic observations of extragalactic, stellar, and planetary bodies; gamma-ray and cosmic-ray astronomy; solar energy research; and environmental studies.

The lease on the base camp property expires in June, 1987. A new facility is required for administrative and support services for the scientific operations on Mount Hopkins and to serve as a transfer point for the public and for the scientific and technical personnel who visit the Observatory.

The Smithsonian recently completed the first phase of a master planning process to locate an appropriate site for a base camp and to make efficient use of the space available. After a thorough review, a site on land under the control of the Forest Service was selected. Adjacent to the access road between the current base camp and the mountain, but closer to the Observatory, it meets a number of criteria, including clear lines of sight for communications purposes.

The second and final phase of the master planning process will include spatial analyses of the site, plans for its development, related environmental documentation, and refined estimates of the cost components.

Assuming enactment of the required authorization, the Institution expects to include $4,500,000 for construction of a new base camp in its budget request for Fiscal Year 1987.

SMITHSONIAN TROPICAL RESEARCH INSTITUTE

The Smithsonian Tropical Research Institute (STRI), located in the Republic of Panama, is the principal U.S. center for tropical biology. Each year hundreds of U.S. and international researchers join the permanent STRI staff in undertaking fundamental studies on the tropics. Increasingly scientists and policymakers have recognized the need to understand now tropical ecosystems function in order to predict more accurately environmental changes in the temperate zones.

To capitalize on STRI's unparalleled data base of more than 60 years, it is necessary to undertake over the next five years the facilities improvements outlined below. A Master Plan is now being developed by a major architectural/engineering firm to assist in guiding this program.

Existing STRI facilities fall into several categories:

(1) construction undertaken in the 1920's and 1930's;

(2) renovated structures obtained from the U.S. military; and

(3) renovated structures obtained from the Government of Panama.

With the exception of a new library building opened in 1984, these facilities are inadequate because of age, size, safety, and health standards. Construction materials used in the first half of the century are inappropriate to the region's high humidity and insect infestation, and renovation of surplus buildings has served only as a stopgap measure to ensure continuity of research. The structures are inadequate for modern scientific purposes and require extensive maintenance.

Among the most pressing needs for STRI is a new terrestrial laboratory to replace a small and obsolete leased structure at Ancon. The present facility has severe deficiencies in its electrical systems, plumbing, load-bearing capacity, and parking, and in the wide-spread presence of arsenic and other health-related problems. Additionally, its hillside location makes extensive renovation and the addition of outdoor cages and plant-growing facilities impossible.

The construction of a new terrestrial laboratory at the nearby administrative headquarters, known as the Tivoli site, will allow the economy of logistics consolidation with the existing library and offices. The new site also will allow proper space utilization for permanent staff, long-term visitors, and students. Better integration of computers, other communications devices, and modern scientific equipment will be afforded in the new facility, as will space for lectures, small meetings, and major conferences. Construction and equipment for the new laboratory is currently estimated at $7.9 million. A gift of $4 million for construction has recently been received; an additional $3.9 million is required for completion of the project.

Barro Colorado Island, located in the middle of Gatun Lake, a key component of the Panama Canal, has served as an important research center for tropical biology since 1923. Under the Canal treaties, STRI was assigned custodianship of this 12,000 acre reserve on behalf of the United States. The island serves hundreds of investigators annually, providing research space, as well as living and dining accommodations. Its physical plant includes many outdated wooden buildings which do not meet modern day building or health codes. Using Restoration and Renovation monies, the Smithsonian has made some improvements to the basic electrical, water, and sewage systems. The major requirement now is a new scientific laboratory with attendant cages and growing facilities. Approximately $2.8 million is required for this construction.

The geographical advantages of Panama to researchers interested in marine studies are incomparable: nowhere else in the world are two oceans so easily accessible for comparative research. Currently, renovated facilities are available on the Pacific, but no similar situation exists in the Atlantic where STRI research is conducted at Galeta Point in a small aluminum building acquired as surplus property from the U.S. Navy in 1965. Housing for researchers consists of a dilapidated trailer which does not meet safety and health codes; an inadequate sewage disposal system threatens the unique coral beef/mangrove swamp study site. A new laboratory, dormitory, and sewage system will require approximately $3.5 million.

STRI is responsible for more than 60 vehicles, a major research vessel, and dozens of smaller boats, in addition to normal building maintenance requirements. At present the maintenance needs of its geographically dispersed facilities are performed in the bottom of an old torpedo factory; the top floor houses research offices. In order to provide for adequate maintenance and to relieve the noise and congestion of the present site, a new central facility with modern equipment is required; the estimated cost of its construction is $900,000.

The Smithsonian plans to seek $3.9 million in Fiscal Year 1987 for work associated with the Tivoli laboratory and conference center. The Barro Colorado Island laboratory is scheduled for Fiscal Year 1988, while the Galeta laboratory and dormitory, as well as the maintenance facility would be undertaken in Fiscal Year 1989.●

ISRAEL: NOT A FAIR WEATHER FRIEND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. CRANE. Mr. Speaker, in the past few weeks we have witnessed a somewhat distressing turn of events in our relations with New Zealand. Their decision to ban all U.S. warships from ports could have serious repercussions on the mutual defense pact between the United States, Australia, and New

Zealand, known as ANZUS. But the precarious nature of this alliance has also served to highlight the strength and vitality of another important alliance—that between the United States and Israel.

I have long believed that it is in the best interests of the United States to continue to foster good relations with Israel. In the first place, Israel is important to us because of its geostrategic position. It is located midway between Europe and the Persian Gulf. Israel is also our only longstanding ally in a region essential to us and our NATO allies because of its oil.

Israel also deserves our support because of its political stability. While many of the other nations of the region are inherently unstable and subject to overthrow by coup or revolution, Israel has a deeply rooted tradition of democratic institutions. It is the one politically and technologically advanced country in the region. What's more, unlike many of the other countries in the Middle East, Israel is permanently aligned with the free world.

I believe that the following editorial from the Chicago Sun Times provides some interesting insights into the nature of our relationship with Israel. It was written by Mr. Emanuel Winston and should prove interesting reading to my colleagues. I hope each of you will take time to read it.

WHILE OTHER U.S. ALLIES HEDGE, ISRAEL HOLDS FAST

The refusal of New Zealand to allow U.S. warships in its ports severely tests the allied relationship between the two countries. The implications for defense planning, specifically the ANZUS pact, may be overwhelming. However, this incident underscores the necessity for the U.S. foreign-policy makers to pursue an extensive re-evaluation of what constitutes an ally.

New Zealand surely meets most of the requisite standards for allied partnership. The country is a democracy, adheres to the ethical foundations of Western civilization and has a good record of promoting human rights and justice for its citizens.

The only questionable element brought about by the refusal of allowing U.S. ships in port is the aspect of strategic and military cooperation. However, for defense planners attempting to counter Soviet expansionism and military strategies, that element of the allied relationship is critical.

New Zealand is not the only friendly country to distance itself recently from U.S. strategic objectives. Greece seeks to rid its soil of U.S. bases, Belgium is contemplating going back on its word on the replacement of Pershing II missiles and Japan has refused to shoulder an additional burden of protecting Western strategic interests.

Only one ally has offered its facilities, initiative and experience to serve as a bulwark for U.S. strategic objectives. That ally is the only stable democracy in its entire region with a sophisticated military infrastructure and consistently has exhibited the most pro-U.S. voting record in the United Nations. That ally is Israel.

Israel is the sole democracy in a hotbed of anti-Western Arab states, which have amassed more than 14,165 tanks and 2,650 combat aircraft between them.

Americans cannot realize just how small Israel is, compared with the neighboring Arab states. The Arab states occupy more than 5.3 million square miles (double the size of the United States). Israel is only 8,299 square miles. Israel constitutes only one-half of 1 percent of the Middle East land mass. Thus, Israeli survival depends upon almost the miraculous.

The Israeli military competence has benefitted the United States immensely. Israeli experience has augmented weapons research and development-design capability. The United States has been saved billions from Israeli performances and innovations. Moreover, Israel has forced the Soviets to divert much of their military expenditures from expansion to replacement.

The trouncing the Syrians took during the air war over Lebanon caused the Soviets to go back to the drawing board. The implications of the defeat of Soviet technology also affected the balance of power between the Warsaw Pact and NATO.

As a geopolitical ally, Israel has stood fast against Soviet encroachment, offered positioning of U.S. equipment for American armed forces, medical military support and could if necessary, provide effective air cover for the 6th Fleet.

Because of Israeli military prowess as a military offset to the Soviet Union, the United States has not been forced to allocate troops to defend its interest in the Middle East. As it stands, the United States allocates 58 percent of its defense budget to the defense of the European members of NATO—an expenditure that translates to more than $150 billion. Another $38 billion is spent yearly to station U.S. soldiers in the Far East. In contrast, Israel is seeking only $2.6 billion in U.S. aid.

Moreover, of the money being asked for, less than 10 percent would be transferred to Israel. The rest would be spent with U.S. companies on American soil. In fact, M. Peter McPherson, administrator of the Agency for International Development, has estimated that for every $1 billion granted to Israel, 60,000 to 70,000 jobs are created in the United States.

The clamor to be expected in the upcoming weeks will primarily come from agents of the Arab countries and Soviet sympathizers who seek to weaken Israel as a strategic ally. Sen. Alfonse M. D'Amato (R-N.Y.) offered a solution to circumvent the coming hostility. He suggested removing Israel from under the classification of foreign aid and placing Israel under the heading of the military budget, like most of the other democracies in the world. Thus, if it were in the same category with Europe and Japan, much of the conjured criticism of aid to Israel would be removed.

Such an action by the administration would better reflect Israel's value to the United States when other allies are not fulfilling their strategic obligations.

Of course, in an economic, moral and political sense, the United States and Israel share close ideals. Israel is the birthplace of Christianity and Judaism and Western ethics stem from the traditions of these major religions. In science and culture, cooperation between the two democracies is on a large scale. But perhaps the relationship is best exemplified during recent joint naval maneuvers, especially in contrast to the decision by New Zealand.

On Dec. 11, 1984, the carrier Eisenhower and its crusier escort participated in joint exercises with the Israeli Navy. The ships docked for a nine-day visit to the Israeli port of Haifa. The response was overwhelming. The Israeli people welcomed the American sailors into their homes and gave them personal escorts of the sights of the country.

A great deal of the misconception about Israel stems from the fact that it does not have the financial resources to compete against petro-dollar-funded Arab propaganda and a leftist tendency of the major news media to side against anyone who has been victorious and will stand up for their destiny with force. In every sense, Israel fulfills the credentials for a true ally.

The United States under President Reagan's leadership is finally standing up to totalitarianism. Unfortunately, aside from Israel and the United States, most democracies have lacked resolve. Thankfully, there are two allies who will stand up for what democracy transcends while the rest of the world, including many Western allies, hypocritically whine.●

SHAREHOLDER DEMOCRACY ACT OF 1985

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. MARKEY. Mr. Speaker, today, I am introducing a bill that will reassert the role of the stockholder as final arbiter of a company's decisions on tender offers. This bill, the Shareholder Democracy Act of 1985, amends the Williams Act to require a vote by the majority of shareholders of both the bid and target companies before the tender offer is consummated. I believe this bill, while not a panacea for all the ills confronting the takeover situation, deserves the attention of Congress.

Recent takeover attempts and hostile bids for companies have made plain the need for reform of our laws governing tender offers. One fundamental and structural problem plaguing the Federal regulation of tender offers is the absence of a shareholder vote on this major restructuring of a corporation. This absence of a shareholder vote becomes more glaring when one considers the role shareholder play in our corporate structure.

One unchallenged, irrefutable doctrine of our corporate law is that shareholders should be the ultimate arbiters of a corporation's fate since they are the ultimate owners. This principle has been recognized by decades of State laws which have given shareholders democratic procedures to voice their approval and disapproval of mergers and consolidations of corporations. Since tender offers are similar in effect and purpose to mergers and consolidations, then logic dictates that shareholders should be accorded the same democratic procedures for tender

offers as they receive for mergers and consolidations.

Unfortunately, our corporate laws do not follow logic; there is no shareholder democracy in the tender offer process. For that reason, I am introducing today a bill which establishes democratic procedures by which shareholders can decide whether their corporation, the bid or target company, should complete a tender offer. A requirement of a majority vote by shareholders will give the ultimate owners of a corporation some say in the tender process and will increase the accountability of managements of both bid and target companies.

A vote by shareholders at the end of the tender offer process will enable the owners of a company to make an informed, rational decision on this major transaction. This feature gives shareholders of both the bid and target companies the right to pass judgment on the relative merits of a tender offer and the target companies response. By voting on the merits of a bid apart from the process of tendering shares, a shareholder can make an informed decision separate from their legitimate desire to get the top price for one's stock.

Recent tender activity makes plain the need for democratic shareholder procedures for both sides of a tender battle. The bid and target company—win, lose, or draw—will be altered significantly by the process. Bid companies incur tremendous debt and frequently are required to sell many company assets immediately in order to pay off the debt. The target company's owners, the shareholders, also could find themselves holding stock in a drastically different business from the one in which they originally invested. An investor could have purchased stock in a steel company and end up owning oil stock.

Clearly, tender offers affect the value and nature of a corporation, and therefore, shareholders should have a voice in the outcome. State laws give shareholders a say if there is a change under the guise of a merger. I find no reason why tender offers should be implemented under different procedures. This proposal would not impede or interfere with the commencement of a tender offer, but would require a majority vote for consummation of a tender offer.

Federal legislation is necessary because a State is unable to require a shareholder vote by a company not incorporated in the State or doing significant business in the State. As long as there is one State outside the circle which requires a shareholder vote, then democratic procedures will not be available to everyone. Only the Federal Government has the requisite authority to extend democratic procedures to all.

In addition to establishing democratic procedures for tender offers, the bill also requires both bid and target companies to disclose the economic effects of the tender offer upon corporations and affected constituencies. Based on an idea asserted last year by our colleague, MIKE OXLEY, this provision would require corporations to issue economic impact statements outlining the effects of a bid and a response to that bid, on a corporation; its assets; employees; the community; and local, State, and Federal governments. These economic impact statements would be distributed to shareholders and would assist them in making a decision on the bid proposal.

In conclusion, I believe the Shareholder Democracy Act of 1985 is a measured, rational response to the hostile takeover situation facing corporate America. Tender offers represent a massive restructuring of a corporation, and I believe the ultimate owners of the corporation should have some say in the process. These shareholders should make an informed and rational decision at the end of the tender offer process with a full understanding of the economic impact of the bid separate from the tender process. This bill will give shareholders that opportunity and restore confidence to the financial markets. I am hopeful that this bill and other proposals that address our market problems will get their due consideration soon.

HIGHLIGHTS OF THE SHAREHOLDER DEMOCRACY ACT OF 1985

Requires that consummation, but not commencement, of a tender offer be approved by the shareholders of both the bidder and the target corporation.

Specifies that the minimum vote required for approval of a tender offer is a simple majority of the entire voting power of the corporation and a simple majority of the voting power controlled by independent shareholders, but permits the states to increase the required majorities.

Prohibits would-be participants in the tender offer process from evading the vote requirements by providing that the shareholders who vote to approve or disapprove the transaction will include those of the ultimate parent enterprise on both sides of the transaction.

Sets the record date for the shareholder meetings as of the commencement of the tender offer and provides that all proxies issued for such meetings are freely revocable.

Augments existing federal disclosure requirements by requiring that both the bidder and the target disclose the economic effects of a tender offer upon both corporations and their affected constituencies, including shareholders, employees, communities and governmental bodies.

Confers upon the Securities and Exchange Commission, in accordance with historic practice, the power to expand the range of disclosures required from bidders and targets beyond those specifically established by statute.

Expands the current minimum offering period to 60 business days in order to accommodate the distribution of information and solicitation of proxies prior to the required shareholder meetings and also to provide a measured period for deliberation commensurate with the importance of the decision confronting shareholders.

Provides that proxies must be solicited separately from the tender offer documents, so as to provide adequate information to shareholders without unduly delaying a bidder's commencement of this offer by the burden of excessive disclosure.

Makes its voting and disclosure requirements applicable to exchange offers, as well as to cash tender offers.

Apart from the requirement of a vote by shareholders of both bidder and target, the Shareholders Democracy Act of 1985 will not affect the authority of States to regulate tender offers within the constitutional limitation of their power.

SECTION-BY-SECTION ANALYSIS OF THE SHAREHOLDER DEMOCRACY ACT OF 1985

The bill seeks to guarantee shareholders of both the issuer and the bidder the right to approve or disapprove tender offers. In addition, the bill would require both issuer and bid companies to divulge the economic impact of their actions on the corporation and its constituencies.

Section 101 provides that the title of the bill may be cited as the "Shareholder Democracy Act of 1985."

Section 102(a) eliminates the power of the Securities and Exchange Commission (the "SEC") to delete from a bidder's Schedule 13D disclosure obligations the specific items of information enumerated in Section 13(d)(1) of the Securities Exchange Act of 1934, including the additional information required by Section 102(b) of the bill. The SEC will continue to have the authority to add to, but not delete from, the items of information which are specifically identified in Section 13(d)(1).

Section 102(b) expands the information required to be reported pursuant to Section 13(d)(1)(C) of the 1934 Securities Act. This section requires a corporation, both the bidder corporation and any issuer opposing a tender offer, to include on a Schedule 13D the planned or proposed economic effect on communities and its employees of a tender offer, or the effects of opposition of the tender offer. The new disclosure obligations of the bidder and issuer are to be applied and interpreted consistently with applicable SEC regulations.

Section 103 deletes subparagraph 6(A) of Section 13(d) of the 1934 Securities Act in order to remove the present exemption for "any acquisition or offer to acquire securities made or proposed to be made by means of a registration statement under the Securities Act of 1933." Consequently, the disclosure of requirements of Section 13(d)(1) will apply to tender offers in which the consideration is or includes the exchange of securities, in addition to cash tender offers.

Section 104(a) eliminates the authority of the SEC not to require the reporting of the specific items of information required to be reported under Section 14(d). Therefore, it parallels in purpose and effect Section 102(a) of the bill.

Section 104(b) amends Section 14(d)(5) of the 1934 Securities Act to increase the period of time after which tendered shares may be withdrawn from 60 days to 60 business days. This change is made to permit the shareholder meetings of the issuer and bidder to be held before shareholders have a

right to withdraw their shares (after the initial 15-day withdrawal period has elapsed.)

Section 104(c) requires the approval of any tender offer by the shareholders of both the issuer and the bidder before the tender offer can be consummated. This section makes it unlawful for any person not to comply with the provisions governing such shareholder approval. Thus a tender offer must be approved by a majority of shareholders of the issuer and the bidder at meetings at which a quorum is present.

Section 104(c) adds new paragraph 11 to Section 14(d) of the 1934 Securities Act to set forth definitions of the terms used in this title. The term "bidder" is defined comprehensively to include any person who is making a tender offer, or on whose behalf or for whose benefit a tender offer has been made, except that it excludes an issuer making a tender offer for its own securities, unless the issuer has made that tender offer in response to another person's tender offer for the same class of securities. If any person who is nominally making a tender offer is wholly owned or is controlled by another person, or is a subsidiary within several tiers of subsidiaries wholly owned or controlled by another person, the term "bidder is to be construed to include a requirement of the approval of the shareholders of each parent corporation that is publically held.

New paragraph 11(E) authorizes any State with respect to an issuer or bidder organized under the laws of that State to permit an increase, but not a decrease, in the size of the majority shareholder approval of a tender offer required or the size of the quorum required for a shareholder meeting held to vote on a tender offer. States are therefore permitted to harmonize the voting requirement of this section with other State corporation law and to exercise their judgment in determining the appropriate majorities required.

Paragraph 11(F) sets the record date for determining the security holders entitled to vote at the shareholder meetings as of the close of business on the business day next preceding the commencement of the tender offer. This provision permits the original shareholders of the issuer and the bidder to determine the policy of their corporations in a tender offer situation rather than those persons who purchased securities of either the issuer or the bidder after the commencement of a tender offer. However, if those persons who comply with the applicable statutory provisions and SEC regulations governing proxy solicitation may obtain the right to vote at the shareholder meetings the securities of the issuer or the bidder purchased by them after the commencement of the tender offer.

Paragraph 11(G) requires the shareholder meeting to be held no later than two business days before the need of the minimum offering period for a tender offer. Thus, the shareholder meetings are held while the tender offer must remain open.

Paragraph 11(H) requires each proxy to remain revocable until the time at which shareholder approval of a tender offer is obtained and requires that such proxies be solicited, appointed and obtained both in accordance with Federal and applicable State law and separate and apart from the tender offer materials.

New paragraph 11(I) directs the bidder to provide the information required in Section 13(d)(1), directs the issuer if it opposes the tender offer, to provide the information required in Section 13(d)(1)(C), and requires both of them to provide any such additional information as the SEC may prescribe in connection with the solicitation of proxies for the shareholder meetings.

New paragraph 11(J) provides that the shareholder meetings required to approve a tender offer be held no later than a shareholder meeting called to approve a subsequent tender offer or other major corporate transaction.

Finally, Section 104(d) provides that a tender offer must remain open for at least 60 business days after its commencement. This minimum offering period is necessary in order to permit sufficient time for the shareholder meetings of the issuer and the bidder to be held while the tender offer is open.●

STATEMENT OF MRS. THOMAS J. DOWNEY ON SAVING THE FOLGER THEATRE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Ms. OAKAR. Mr. Speaker, on Monday, March 4, 1985, the Committee on House Administration's Task Force on Libraries and Memorials held a hearing to consider H.R. 1071, a bill which I introduced, authorizing the Secretary of the Smithsonian Institution to make a grant of $500,000 to the director of the Folger Theatre.

On January 4, 1985, the director of the Folger Library announced that the board of trustees of Amherst College had made a decision to cease operations, at the Folger Theatre, effective June 30, 1985. However, on March 1, 1985, due to the overwhelming public response against this decision, the director of the library announced a temporary financial commitment which would enable the theater to remain operational for the next 2 years.

For the past 15 years the Folger Theater has brought us a treasury of Renaissance and Elizabethan manuscripts. The idea of a living theatre in the form of Shakespeare and the classics must be preserved and allowed to flourish.

At our hearing, the Task Force on Libraries and Memorials received testimony from many concerned and active patrons of the Folger Theatre. Among them was Mrs. Chris Downey, the wife of our repected colleague Congressman THOMAS J. DOWNEY.

Mr. Speaker, as chairwoman of the task force I would like to share with my colleagues Mrs. Downey's statement which I am sure you will find, as I did, quite eloquent, meaningful, and most sincere.

TESTIMONY BY MRS. THOMAS J. (CHRIS) DOWNEY BEFORE THE TASK FORCE ON LIBRARY AND MEMORIALS OF THE COMMITTEE ON HOUSE ADMINISTRATION, MARCH 4, 1985

Madam Chairman, thank you very much for this opportunity to testify on behalf of the Folger Shakespeare Theatre. The theatre is truly a unique and valuable institution and your attention to it is very welcome.

The recent developments that give new life to the Folger Theatre are also welcome. This new two year stay provides us all with the opportunity to work carefully over time to insure that the theatre's contribution to the community and to the study and understanding of Shakespeare remains a part of Washington DC and the artistic fabric of our nation.

As the wife of a Congressman I think I have a somewhat unique perspective on the importance of this theatre on the Hill. We all know that Washington can be a very insular and single tracked world. Politics is the life blood of this city and the trials and tribulations of a small Shakespeare theatre may not seem very important to Washingtonians. After all, this is a city where you ask people if they've seen a Comedy of Errors and they tell you about the last Federals games; Inquire of people here what they thought of The Tempest and they agree that Willard Scott missed the call on that one; Talk about Love's Labors Lost and they roll their eyes and say "oh yeah, Lane Kirkland was a real big help for the Democrats"; And mention a Midsummer Nights Dream and people around here think you're talking about plans for recess.

Imagine how much worse it would be without the Folger and you'll realize what a wonderful thing this national neighborhood theatre really is. It's a community theatre that mixes actors and scholars into the simmering political cauldron of bureaucrats, staffers, lobbyists and politicians—adding seasoning and balance in the process. It's a live stage where the best plays in the world are performed—plays that challenge us to reassess our own values and to question those who hold our values in jeopardy. It's a repertory company that lives next door—actors who are a part of our community, who share our lives and take joy in our political intrigues as we take joy in their performances. The Folger Theatre is all these things and more.

Because it is attached to one of the greatest research institutions on Shakespeare in the world, it is also a dynamo for research—translating and energizing scholarly work for tens of thousands of people who come to performances every year.

Most of all, the Folger is a part of this community in every sense. Physically, it occupies almost an entire block. It's not adding to the tax base of the community, but with its theatre, it supports the community just as strongly. One of the questions that ought to be asked is what would the Folger's contribution be to the community absent the theatre. Outside of the 1,200 scholars who use the stacks, could the library alone contribute to the community the way theatre does?

I know it couldn't. As a mother of two small children, I know that the play is truly the thing to catch the imagination. I know that the players themselves, teaching our children, watching them grow, add to their experience and enrich them as human beings like no glass encased folio ever could.

As a member of the Folger board, I know that the audiences the Folger stage draws to it every year bring recognition, prestige and support to the entire institution. I know that the money the institution receives from the Park Service is money that helps both the theatre and the library—freeing up library funds significantly.

As a lover of Shakespeare, I know that what Shakespeare did for the people of his century, he can do for the people of the 20th—make us laugh and cry, think and

wonder, change us and make us grow as human beings. It's all possible with the stage, the play, the players and the audience.

To be or not to be is the question. We are back on the right track for the next two years. Let's save the Folger for good and Washingtonians will one day say; "All's Well that Ends Well"—oh yes, that's the story of the Folger Shakespeare Theatre! ●

THE GENEVA JUNKET RECESS: CONGRESS FIDDLES WHILE THE DEFICIT RAGES

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. KRAMER. Mr. Speaker, it is outrageous that, with critically urgent business waiting to be done, the House will be in recess next week so a group of our colleagues can jaunt off to Geneva at taxpayers' expense.

Nothing is more urgent than the need to curb the gigantic federal budget deficits that loom over us.

Yet this body prefers to fiddle while deficit spending rages out of control.

America is faced with Federal spending deficits that boggle the mind: $222 billion this fiscal year—$180 billion the next—a total of $500 billion over the following three years—almost $1 trillion added to the already astronomical national debt in just 6 years!

Faced with this terrible prospect, the House decides to recess for a week so 16 of our number can attend the opening of the Geneva arms talks as congressional "observers." According to an article in the March 5 edition of USA Today, the cost to the taxpayers of transporting them, their colleagues from the other body, and staff, will run about $200,000—another bit of kindling for the deficit blaze.

The nature of this "observer" mission was perfectly described in an incisive Washington Post editorial last week. I offer this enlightening piece for my colleagues' consideration.

The editorial follows:

[From the Washington Post, Mar. 2, 1985]

CONGRESS JOKE

How many legislators does it take to open arms talks in Geneva? The answer, it seems, is in the vicinity of 25 to 30, plus 10 to 20 sword bearers. Some 10 senators are scheduled to attend the opening of Soviet-American nuclear and space arms talks in Geneva on March 12. Perhaps 16 members of the House of Representatives will manage to make it too. With the senators will go four staff people; the congressmen will also have staff support. With the House delegation (but not, as members of it are quick to point out, the Senate delegation) there will also be some spouses. On the way back, some of the House people will stop off in Ireland to join the speaker, Tip O'Neill, who is headed there separately, for a parade.

Columnists Rowland Evans and Robert Novak reported the other day that there was much dark grumbling within the administration on the theme that the whole congressional role had turned into a circus, and the Kremlin might try to exploit it. Certainly a circus atmosphere is suggested by the piling up of numbers into the 40-plus range, the expected congestion on the briefing scene in Geneva and the unmistakable air of photo-opportunity that hangs over the proceedings. Not to speak of that stopoff in Ireland.

A more modestly sized delegation and one more evidently bent on business might have spared Congress a certain ridicule. Mae West once said that it was possible to have too much of a good thing and it was wonderful. But here it is not wonderful; it is absurd.

True, the extravaganza is for a worthy cause. Two months ago, the Senate announced, with President Reagan's favor, a plan to keep a rotating observer delegation in Geneva in order, as one of the observers, Sen. Daniel P. Moynihan, said, "to make a better connection between the negotiation process and the ratification procedure. There is a stack of unratified arms control treaties in the Senate already, and surely we don't need another." The undersecretary of state than invited Speaker O'Neill to send a group from the House to bolster congressional and bipartisan support. The House, controlled by Democrats, doesn't ratify treaties, but it controls weapons budgets.

The executive branch, any executive branch, is always nervous about Congress' butting in, and for a sound reason: Congress does butt in. We suppose it is worth a few days' discomfort at Geneva, however, if a two-way channel is cleared not only between Soviet and American negotiators but between the two American branches. It's just that there must have been a less farcical way.●

A TRIBUTE TO WILLIAM J. BARRETT

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. PARRIS. Mr. Speaker, I want to call to the attention of my colleagues the recent retirement of one of the most dedicated public servants in my congressional district, Mr. William J. Barrett. During his terms as Deputy and Acting Public Printer of the United States, and throughout his career at the Government Printing Office and Department of the Navy, he has served his country honorably and with distinction.

William Joseph Barrett entered Federal Civil Service in 1949 as a fiscal accounting clerk with the Department of the Navy. In 1951, he transferred to the Headquarters of the Navy Publications and Printing Service. From 1951 to 1962, Bill served in progressively more important positions in the Navy's Publications and Printing Service Office, Naval District of Washington, where he was responsible for the administration and operation of a complete printing plant employing over 80 personnel.

From 1962 to 1971, Bill Barrett was elevated to the Navy Secretariat Staff Office, serving as Deputy Administrative Officer of the Navy and, later, as Acting Administrative Officer of the Navy, reporting to the Under Secretary of the Navy. During this assignment, he was responsible for personnel, accounting, space management, and training for the Navy Secretariat and played a primary role in the demolition of the old Navy Department buildings on Constitution Avenue and the transfer of 14,000 Navy civilian and military personnel to commercial space in the Crystal City complex. Bill also served on the Navy transition team—Johnson to Nixon—briefing incoming appointees, and was a liaison to the "Blue Ribbon Panel" which reorganized the Department of Defense. During the tenure of Under Secretary John Warner, he also served as a member of a five-man ad hoc committee to reorganize the Office of the Secretary of the Navy and its staff offices.

In 1971, the Public Printer of the United States appointed Bill Barrett as the first administrative officer of the U.S. Government Printing Office, where he organized that agency's first formal paperwork management program and its first space management program. In 1973, Bill was appointed by the Public Printer to be the Deputy Assistant Public Printer—Superintendent of Documents. On December 7, 1981, he was appointed Assistant Public Printer—Superintendent of Documents—in which position he assisted Public Printer Danford L. Sawyer, Jr., in turning around a 3-year sales program loss of $20 million to a profit in 1982 of approximately $4 million.

On April 1, 1982, the Public Printer appointed Bill to the position of Deputy Public Printer of the United States, the second highest position in the Government Printing Office. After the resignation of Public Printer Sawyer, Bill served as the acting head of the GPO until his retirement this year.

During his 11 years at the U.S. Government Printing Office, Bill Barrett has chaired and served on over a dozen agency boards and committees. Many of my colleagues in the House and Senate know him through his involvement with the Appropriations Subcommittee on the Legislative Branch, which he has testified before on many occasions with diligence, integrity, and a sense of duty that is to be emulated by other officials throughout the Federal Government.

Mr. Speaker, Bill Barrett has gained the friendship and respect of my constituents throughout his distinguished career, and is a dedicated civil servant whom I value as a leader in northern Virginia. Furthermore, he has dedicated much of his personal time over the years to community service, particu-

larly in the city of Alexandria, VA, where he has resided most of his life.

Public servants of William J. Barrett's caliber are rare, and we should be thankful for them. Our Federal Government and my congressional district owes a great debt to this man. I wish Bill well in retirement; however, he will be sorely missed.●

THE LEGACY OF SELMA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DELLUMS. Mr. Speaker, I rise today to commemorate a milestone in American history—a day of infamy and redemption.

Twenty years ago today, a group of dedicated Americans set out on a people's crusade from Selma, AL, to the State capital at Montgomery, to petition their government to grant voting rights to all citizens, regardless of race, sex, or economic status. On the outskirts of the city, at the Edmund Pettus Bridge, as they knelt to pray, they were viciously attacked by a mob posse organized and directed by the local Sheriff, Jim Clark. Scores were hospitalized and injured; among them was John Lewis, a true American hero who almost died from a skull fracture inflicted by police clubs and stomping horses' hooves.

The very word "Selma" invokes a sense of astonishment, outrage and awe. Astonishment that, a recently as 1965, some Americans had to take to the streets to appeal to the Nation's conscience in order to secure the basic right to vote for all Americans; outrage that the constitutional guarantee of the right to vote for all had not been properly or adequately enforced, either by the Federal or many State governments; awe in that oppressed people of commitment and dignity had the tenacity and the courage to persevere against public indifference, governmental failure to enforce existing laws and Federal court decrees, police brutality—and even murder—to make a better America for all of us.

In 1965, Selma, the voter registration lists of that city contained the names of only 335 blacks, out of an eligible black voting population of more than 15,000. In his letter from the Selma jail, Dr. Martin Luther King, Jr. wrote: "This is Selma, AL. There are more Negroes in jail with me than there are on the voting rolls". The willingness of Dr. King and hundreds of others, to go to jail together, to suffer together, and even to die together in the name of freedom and equality made possible the prompt congressional passage of the Voting Rights Act that was signed into law by President Lyndon B. Johnson on August 6, 1965.

So on this day let us remember with grateful appreciation brave human beings like Mrs. Amelia Boynton, Mrs. Annie Lee Cooper, the Rev. C.T. Vivian, James Bevel and John Lewis, and hundreds of others who were beaten and jailed during the Siege of Selma. Even more, let us honor the memory of Jimmie Lee Jackson, The Rev. James Reeb, and Mrs. Viola Liuzzo, each of whom were murdered during the Siege of Selma by lawless people acting with the malign consent of those sworn to uphold the law. Their sacrifices helped make it possible for this Nation better to live up to the ideals professed in the Declaration of Independence and the Constitution.●

CARGO PREFERENCE LEGISLATION READIED

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. EVANS of Iowa. Mr. Speaker, for the past 30 years a program known as cargo preference has been required on all concessional sales and donations of U.S. produced agricultural products exported. During this period the Department of Agriculture has paid more than $1.5 billion in subsidies to ship our grain on U.S.-flag vessels.

It clearly is in the Nation's interest to maintain a viable and available merchant fleet. Recently, however, this practice has severely damaged our ability to sell U.S. agricultural goods abroad.

On February 21, a U.S. District Court decision expanded the Cargo Preference Act to include the U.S. Department of Agriculture's blended credit export program. This decision effectively eliminated the use of Federal assistance for U.S. farm exports. Without the ability to seek lowest cost means of exporting our grain products sold with these Federal financing tools, our farm exports will continue to face impossible odds for reversing the downward slide in volume of sales.

Recent experience with just how this application of cargo preference will apply if implemented indicates that none of the $536 million in blended credits authorized for Iraq, Egypt, Morocco, and Tunisia this year is likely to be used if those countries are required to use U.S.-flag vessels for 50 percent of the imports. The credits were authorized for the sale of more than 3 million tons of wheat and about 125,000 tons of flour.

Additionally, the court decision of February 21 included a finding of fact that GSM-102 Program operations could also be subject to cargo preference. Such a step would essentially end this $5 billion, 25-million-ton program which has no interest rate advantage to importing countries.

For programs providing emergency African assistance, Public Law 480 titles I and II, and the United States-Egypt flour agreement mentioned above in 1984 alone cost $131.4 million.

A strong merchant fleet must be maintained, but it is also in the Nation's best interests to expand sales abroad of our U.S.-grown agricultural products. Our farmers have no quarrel with the need to maintain a strong merchant fleet by whatever means but, if indeed the purpose of maintaining this fleet is for potential use in the event of a military confrontation somewhere in the world, that fleet can best be supported by the Department of Defense—or by direct appropriations through the Maritime Administration—not in lost sales of farm goods or expanded costs to the Department of Agriculture.

Earlier this week a broadly based group of farm and export organizations sent a letter to President Reagan asking him to stay the February 21 court order. A copy of that letter is attached to these remarks and I commend it to the attention of colleagues.

Action is needed in addressing squarely the issue of expanded U.S. agricultural exports. At the same time we need to insure support for our merchant fleet. I am today introducing legislation to address the issue of declining exports which will most certainly result if the court decision is permitted to stand.

There is much more to be said about this topic in the coming weeks and I urge all concerned to seek an equitable solution to the problems of both production and shipping interests.

A copy of the letter to President Reagan follows:

MARCH 1, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The undersigned agriculture associations and companies have a vital interest in U.S. agriculture trade and are shocked by the U.S. District Court ruling of February 21, 1985 which expands the Cargo Preference Act to include the U.S. Department of Agriculture's "blended credit" export program. This ruling is counterproductive to all programs of export enhancement for agriculture products, and discourages any innovative ideas to help U.S. agriculture compete with subsidized competitors or the inflated value of the U.S. dollar. This action also threatens over $5 billion in GSM 102 loan guarantees in this fiscal year. It should be noted that GSM 102 is the backbone of the international trade section of the Administration's proposed 1985 agriculture bill and applying U.S. flag vessel costs to that program will end it immediately.

We urge Administration's immediate request for a stay of this order pending an appeal by the Department of Justice. The "blended credit" program allocations were made in good faith to foreign governments

and the program should be permitted to proceed in an orderly manner. A stay would allow commitments made to these governments to be met during this fiscal year.

In this period of drastic realignments in our agricultural export competitiveness, the GSM 102 loan guarantees and GSM 5 direct government loans are absolutely vital to our export ability. This blended credit program was designed specifically to counter export subsidies of our competitors which are clearly in violation of GATT agreements and it has been the only tool available to fight those subsidies. The District Court ruling destroys this program and leaves us defenseless against the unfair competition.

Mr. President, the precedent of expanding cargo preference into agricultural export programs which are designed to allow U.S. products to just be competitive serves no purpose, since the tremendous expense of U.S. flag vessels negates the very benefits these programs are designed to confer. Such counterproductive actions work against our shared goal of expanding agriculture exports. We urge this Administration to support efforts to remove the cargo preference impediment from U.S. agriculture export programs.

Sincerely,

American Farm Bureau Federation, American Soybean Association, Bunge Corporation, Cargill, Inc., ConAgra, Inc., Continental Grain Company, The Fertilizer Institute, Millers' National Federation, National Corn Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Forest Products Association, National Grange, North American Export Grain Association, National Grain Trade Council, Rice Millers Association, Tobacco Associates, Inc., U.S.A. Dry Pea and Lentil Council, U.S. Feed Grains Council, U.S. Wheat Associates.

COURTER INTRODUCES RESOLUTION GRANTING POLITICAL RECOGNITION TO DEMOCRATIC RESISTANCE OF NICARAGUA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. COURTER. Mr. Speaker, situation in Nicaragua parallels the situation of 1979, when the Somoza government was still in power. A dangerous armed conflict is going on while the dictatorial government resists the opposition's call for freedom, human rights, and democracy.

Last Saturday, the political and military elements of Nicaragua's democratic opposition united in a broad coalition to call for peace and a negotiated transition to democracy. This initiative offers the best hope for national reconciliation in Nicaragua, and it is based on the respect for human rights and democracy that we all share.

I have drafted a resolution which calls on the President and our neighbors in the Organization of American States to support this peace initiative, and calls on the President to grant "explicit political recognition" to the Nicaraguan resistance. To call for recognition is not to call for U.S. withdrawal of recognition of the Sandinistas, nor does it imply abandonment of Contadora or other international talks. It simply asks that the President demonstrate, in whichever manner he finds appropriate, that the United States sides with Nicaragua's democrats, and supports their plan to fulfill the democratic aspirations of the Nicaraguan people.

I am pleased to be joined by the following Members who have cosponsored this resolution: Representatives McEWEN, HAMMERSCHMIDT, STUMP, McCAIN, HOPKINS, YOUNG of Alaska, KASICH, GALLO, HYDE, MILLER of Washington, SOLOMON, EDWARDS of Oklahoma, HUNTER, SILJANDER, MOLINARI, GILMAN, DORNAN, DEWINE, McCOLLUM, STRANG, SAXTON, GINGRICH, BILIRAKIS, BADHAM, WORTLEY, WEBER, BURTON of Indiana, RITTER, LUNGREN, CRANE, CAMPBELL, KEMP, SMITH of Oregon, BARTON, WALKER, LEWIS of California, MACK, LOTT, DICKINSON, DAVIS, SENSENBRENNER, SKEEN, DANNEMEYER, DAUB, SPENCE, McGRATH, DREIER, GREGG, LOEFFLER, STANGELAND, ROGERS, LOWERY, and ARCHER.

The text of the resolution follows:

Whereas the Organization of American States, in its XVII Meeting of Consultation of Ministers of Foreign Affairs on June 23, 1979 approved a resolution which deprived the Somoza government of its legitimacy;

Whereas this action was taken to alleviate suffering, to end armed conflict, and promote human rights in Nicaragua, and to remove a threat to regional stability;

Whereas the Organization of American States resolution called for the following:

"1. Immediate and definitive replacement of the Somoza regime.

"2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.

"3. Guarantee of the respect for human rights of all Nicaraguans without exception.

"4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom, and justice.";

Whereas on July 12, 1979 the ruling junta of the Provisional Government of National Reconstruction, formed by the Sandinista National Liberation Front of Nicaragua, wrote to the Organization of American States and promised "to establish full respect for human rights," "to enforce civil justice," and to conduct in Nicaragua "the first free elections that our country will have in this century";

Whereas the Sandinista government of Nicaragua has proclaimed its allegiance to Marxism-Leninism;

Whereas the Sandinistas have restricted freedom of expression, travel, worship and assembly, have failed to guarantee civil justice, and have failed to conduct free and fair elections;

Whereas these policies expressly violate the pledges made to the Organization of American States in the letter of July 12, 1979;

Whereas the Sandinista government now threatens regional peace and the human rights of the Nicaraguan people;

Whereas the military conflict between the Sandinista government and its domestic opponents is rooted in political causes and will only be resolved by the establishment of democracy in Nicaragua;

Whereas political and military forces opposing the Sandinista government of Nicaragua have formed a broad coalition;

Whereas the "Document of the Nicaraguan Resistance concerning National Dialogue," issued at San Jose, Costa Rica on March 2, 1985 calls for a peaceful, negotiated transition to democracy and national reconciliation in Nicaragua; and

Whereas the cause of the Nicaraguan Resistance is just and worthy of support by all democrats of the Americas: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms the declaration of the Organization of American States, made on June 23, 1979, that the solution to Nicaragua's political problems is "within the exclusive jurisdiction of the people of Nicaragua";

(2) urges the President to grant explicit political recognition to the democratic Nicaraguan Resistance; and

(3) urges the President and all the members of the Organization of American States to support the Nicaraguan Resistance in its quest for peace, human rights, free elections and national reconciliation.●

IF WE ARE SERIOUS ABOUT ARMS CONTROL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. BROWN of California. Mr. Speaker, the upcoming arms control negotiations in Geneva offer a unique opportunity to enhance both United States and world security. Our negotiators will be called upon to address many complex issues, in particular the President's strategic defense initiative [SDI], the so-called star wars program. The pursuit of star wars research has raised serious concerns regarding the long-term viability of the 1972 Anti-Ballistic Missile Treaty, and many, myself included, question the wisdom of proceeding as rapidly as the President would like with this research program. There is another related problem, however, which we will face in the very near future. This involves the antisatellite [ASAT] weapon, which has been somewhat overlooked in recent discussions regarding the Geneva talks, but which may prove to be the key to the success of these negotiations.

Antisatellite weapons are designed to destroy satellites in orbit. As such, they would be highly destabilizing because of their ability to jeopardize important military satellites which serve as the military's "eyes and ears." During peacetime, the United States is heavily dependent on satellites to

verify Soviet compliance with arm control agreements and to monitor military activities worldwide. In time of war, we would be particularly dependent on satellites to observe military developments, and to determine the intentions and activities of our adversaries. The danger of the ASAT weapon is that if it were used to blind an adversary, "worst case scenarios" would most likely be envisaged by the generals and political leaders of the blinded country, increasing the chances for miscalculations, and bringing the world closer to the nuclear abyss.

In light of these concerns, and with the hope of fostering a climate for ASAT arms control, the House approved the Brown-Coughlin amendment last year to establish a 1-year moratorium on testing of the antisatellite weapon. The continuing resolution conference report approved by the Congress provided for a moratorium which expired on March 1, 1985. I believe that this test moratorium helped to create a climate conducive to construction of arms control negotiations. I have written to President Reagan to urge him to voluntarily extend the test moratorium to be in effect as the negotiations proceed. Congressman COUGHLIN joined me in this letter, along with 100 of our colleagues.

Mr. Speaker, testing and deployment of ASAT's would open the floodgates of an enormously expensive and dangerous arms race in space. It is imperative that we limit the testing and deployment of this weapon if we hope to achieve true arms control in Geneva. I urge my colleagues to consider this as the negotiations proceed.

Mr. Speaker, an excellent editorial on the subject of antisatellite weapons appearing recently in the Los Angeles Times appears below.

[From The Los Angeles Times, Jan. 15, 1985]

SHOOTING DOWN ARMS CONTROL

Satellite-killers were mercilessly upstaged by President Reagan's "Star Wars" program at Geneva. But in our out of the footlights they have the power to blow up arms-control talks as neatly as they could pick off a Soviet satellite in outer space.

News accounts from Geneva seldom mentioned satellite-killers as an element of the "arms race in space" that the United States and the Soviet Union comitted themselves to trying to prevent. But they are in that race as deeply as the President's Strategic Defense Initiative. More so, in one important way. The American version is within a few weeks of being ready for final testing. Most scientists think that the President's notion of a defense against nuclear missiles is generations away from that phase—if it ever gets to the point of testing at all.

But under present law the Air Force will be free anytime after March 1 to order an F-15 fighter plane to launch a missile at a target in space in the first real test of whether or not the United States has a working anti-satellite system.

Times reporter Robert C. Toth reported last week that the U.S. delegation told the Soviets at Geneva that the United States will show restraint on satellite-killers as long as arms talks are in progress. Restraint is one of those fuzzy words that get arms controllers in trouble all the time because it can mean different things to different people.

Congress asked the Air Force last year to restrain the program by halting further tests unless, and until, the Soviet Union resumed testing of its own satellite-killer—a system that failed as often as it functioned before the Soviets stopped testing it altogther. The Air Force lobbied itself out of the restraint by promising not to conduct more than three tests this fiscal year.

The small homing missiles that would be launched from F-15's would cripple satellites in orbit by ramming into them. The Pentagon says that it must be able to do that to blind Soviet spy satellites in times of crisis so that they cannot track ship movements. Not even the Navy is unanimous on that point.

Satellite-killers make even less sense when you weigh what they could do on purpose against what they might do by accident. The last thing that the world needs in relative peacetime is for one superpower to discover that one or more of its satellites is blind, and not know whether its batteries are just dead or whether it has been hit by a missile.

Although satellite-killers and ballistic missile defenses are separate systems, they overlap at crucial points. A "Star Wars" program that never achieved its own purpose might, at some point in its development, produce technology that would make a first-rate satellite-killer. By the same token, a good satellite-killer would teach its developers much about the third phase of a defense against ballistic missiles.

Congress can remove the ambiguity of the assurance of restraint with relative ease. It can reopen the defense appropriation measure of last year and go back to its original moratorium language—halting further testing of satellite-killers unless, and until, the Soviets test another of their own.

The alternative is to gamble that this country's definition of restraint is so different from that of the Soviet Union that a test of a weapon that is not even vital to American defenses would blow up arms-control talks.●

PRESERVING THE SMALL BUSINESS INNOVATION DEVELOPMENT ACT

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. MAVROULES. Mr. Speaker, at a time when we are concerned about the revitalization of our economy and competition from other countries, it does not make sense to strike out against one program that is aimed at enhancing our own growing high technology industry—namely, the Small Business Innovation Development Act.

Let me take a minute to review the history of this act. Signed into law by President Reagan in 1982, the SBID awards a share of Government research and development funds to small companies in high technology fields. The SBID directs that 1 percent of these funds, growing to 1.4 percent by fiscal year 1986, be awarded to qualified small businesses.

We all know that most ideas for new products, new processes, and new technologies come from small firms.

Also, as a member of both the Small Business Committee and Armed Services Committee, I recognize the value of small business innovation to our defense industrial base. Small business ingenuity can strengthen and enhance our national security.

Yet, now the Office of Management and Budget has directed all Federal agencies to cap at 1 percent the percentage of research and development funds that must be directed to the SBID program—a program for which we all voiced our strong support and which the President warmly embraced.

I, along with my colleagues PARREN MITCHELL and SILVIO CONTE and other members of the Small Business Committee, have written to David Stockman requesting that OMB direct the Federal agencies to comply with the law. A copy of our letter to Mr. Stockman follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, March 6, 1985.

Hon. DAVID STOCKMAN,
Director, Office of Management and Budget, Old Executive Office Building, Washington, DC.

DEAR MR. STOCKMAN: It has come to our attention that the Office of Management and Budget has directed Federal agencies to cap at one percent the percentage of research and development funds they must use to support the Small Business Innovation Development program in their FY86 budget proposals. We wish to point out to you that we vigorously oppose this action. Such a cap is in direct conflict with P.L. 97-219, the Small Business Innovation Development Act, which has broad bipartisan support in the Congress and was warmly embraced and supported by President Reagan.

While we understand that this proposal to cap the SBID program at one percent, rather than let it grow to 1¼ percent as P.L. 97-219 dictates, was made as part of OMB's deficit reduction initiatives, we wish to point out the folly of this logic. Since P.L. 97-219 only earmarks percentages of appropriated funds in an agency's R&D budget, reducing, or for that matter increasing the SBID percentage will have absolutely no effect on an agency's total R&D spending. The SBID program is revenue neutral; no new appropriations are required for its operation.

Because of our deep interest in the SBID program, we request that OMB formally direct Federal agencies to comply with the provisions of P.L. 97-219.

Sincerely,

Parren J. Mitchell, Silvio O. Conte, Nicholas Mavroules, Berkley Bedell, Joseph P. Addabbo, Jim Cooper, Joseph J. DioGuardi, Charles W. Stenholm, Ike Skelton, Charles Hatcher, Norman Sisisky, David Dreier, Neal Smith, Jim Kolbe, Joseph M. McDade, Tom Luken, Jim Olin.●

PROCEDURAL EXPLANATION

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. LEHMAN of California. Mr. Speaker, I wish the RECORD to show that on March 4, 5, and 6, 1985, that I was absent for six votes as I was attending meetings in my district related to my committee assignments. Four of these votes were merely procedural but two were substantive. Had I been present I would have voted "yes" on rollcall No. 24, the motion to refer the matter of seating a Representative from the Eighth District of Indiana to the House Administration Committee. I would have voted "yes" on rollcall No. 27, on the motion agreeing to the Senate resolution providing famine relief to Africa and to provide emergency farm credit relief to American farmers.●

HONORING OUTSTANDING STUDENTS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. BARTON of Texas. Mr. Speaker, I would like to call attention to five high school students from my district who have recently achieved unusual honors in two different programs.

Both Jessica Nicole White of Bryan and David Lee Martin of Fort Worth have won honors in the 44th Annual Westinghouse Science Talent Search. They were among 7 Texas high school students so honored for their research and are among 300 finalists nationwide.

The program spotlights our best and brightest students who have the potential to become the research scientists and engineers of the future. Our Nation certainly needs to cultivate those who show promise in the sciences; and the Westinghouse program, during the past 43 years, has helped discover such promising talent.

I also want to call attention to the fact that 3 high school students from Texas' Sixth Congressional District will be among 436 American youth taking part in the U.S. Congress-West German Bundestag Youth Exchange Program.

Robert Thomas and David Beitel of Conroe High School and Donna Crider of Oak Ridge High School in spring will spend 1 year in Germany studying in the schools there and living with a German family. The three were selected from a field of 3,000 applicants and all have shown superior aptitude in foreign languages.

These students will have an unusual opportunity to serve, in essence, as American ambassadors during the 1 year they will be abroad. Hopefully, it will give them a better understanding of the importance of our Nation's alliances and how we assist each other in providing security in the free world.

I am very proud of these five students from my district and the outstanding achievements they have earned.●

A SALUTE TO THE SACRAMENTO ELKS LODGE NO. 6'S 90TH ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. MATSUI. Mr. Speaker, I rise today to honor the long, proud tradition of the Sacramento Elks Lodge No. 6. The members of this fine organization are gathering on March 16, 1985, to celebrate the 90th anniversary of the lodge. This group is truly an example of the best aspects of the Sacramento community.

The long history of the Sacramento lodge has always been marked by service to the community that has been matched by few and surpassed by none. The constant attention to special projects that benefit the underprivileged and handicapped shows the devotion to the betterment of the Sacramento community by the over 1,800 members of the lodge.

The Sacramento Elks have always been generous in the use of their facilities. Since the founding of the first hall in 1898, through the occupation of the historic temple at 11th and J Streets, the Sacramento lodge has always extended use of the facilities not only to needy children but to other charitable groups.

The Sacramento Elks have not only been generous in the use of their facilities, but have also provided time and energy to community projects. Their strong support of orphanages shows the caring attitude of the members. In addition to these local projects, the Sacramento Elks have also raised over $350,000 for State projects since 1950.

Mr. Speaker, the Benevolent and Protective Order of Elks is one of the finest organizations in our Nation. The Sacramento Elks Lodge No. 6 exemplifies the fine traditions of the national organization and is a vital part of the Sacramento community. I ask that my colleagues join me in saluting the Sacramento Elks Lodge No. 6 on this, the 90th anniversary of this outstanding group.●

FREE ENTERPRISE AT THE PENTAGON: SUCCESSES OF MILITARY REFORM

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. GINGRICH. Mr. Speaker, as Congress continues to build the bipartisan effort to reform spending procedures at the Pentagon, it is vital that the successes of this effort are recognized and thereby used to bring about further successes. With this in mind, I'd like to bring to the attention of the House an editorial in the January 16, 1985 New York Times and Congressman JIM COURTER's letter to the editor of the New York Times of January 26, 1985.

[From the New York Times, Jan. 16, 1985]

PEKING'S LESSON FOR THE PENTAGON

This has been a terrible time for socialism. First Peking announces Marxism is irrelevant to 20th-century problems, and now even the Pentagon is beginning to lose its abiding faith in central planning.

The Defense Department's usual way of doing business is to have a sole contractor build its weapons, after a sometimes desultory competition at the prototype stage. The frequent result is costly weapons of shoddy quality. The Air Force has now made an extraordinary discovery: if it signs up two contractors instead of one, and reassigns a contract annually depending on the terms being offered, it doesn't get taken so regularly to the cleaners.

The Air Force used to buy its fighter plane engines from Pratt & Whitney. The engine was delivered with a bad stalling problem, and requires 3.2 hours of maintenance for every hour flown. More, the Air Force paid through the nose for spare parts that Pratt wouldn't let it buy directly from subcontractors. Finally the Air Force wised up and last year switched 75 percent of its engine order to General Electric.

Faced with competition, Pratt started returning the Air Force's calls, cutting prices and offering warranties. This year the Air Force rewarded it with a 46 percent split, and reduced G.E. to 54 percent. Over 20 years, the taxpayer stands to save $5 billion from this simple change in procedure.

Air Force Secretary Verne Orr, who has pushed to introduce the Pentagon to free enterprise, is rightly proud of the results: "We have truly gained all the classical benefits of competition," he noted last week. "We now have management responsiveness and technical innovation. We have price benefits, warranties and the data that will allow us to buy spare parts directly from subcontractors."

Congress can reduce the Pentagon's budget while keeping its true buying power intact. All it need do is insist that the Pentagon follow Peking's example and make all its purchases subject to market forces.

[From the New York Times, Jan. 26, 1985]

FREE ENTERPRISE COMES TO THE PENTAGON

LETTER: ON DEFENSE CONTRACTS

To the EDITOR:

Your recent editorial "Peking's Lesson for the Pentagon" (Jan. 16) gives credit where

credit is due. Secretary of the Air Force Verne Orr and others at the Department of Defense are making real progress in addressing long-term, endemic procurement practices. Waging battle against what you have called the "comfortable swamp of socialism in a free-market economy" is no easy feat against the inertia of one of the largest and most entrenched bureaucracies in the world.

Secretary Orr's decision several years ago to split the contract on the Defense Department's purchase of fighter engines (starting what has become known as the "Great Engine War") has taught some lessons.

Lesson One: Free enterprise works in slashing costs, and sometimes even better than expected. The Pentagon, including Secretary Orr, was shocked by the magnitude of savings generated by the move to free enterprise and competition. Initial Air Force estimates of savings due to the duel-sourcing between Pratt-Whitney and G.E. were $2 billion to $3 billion. The Air Force, one year later, now has doubled this estimate, upping the amount saved by taxpayers to $5 billion.

Lesson Two: The Pentagon will not bend or be deceived by the cost-accounting games played by some defense contractors. That has to do with putting defense contractors on notice that complacency will not be tolerated. Last year, during the first round of the "Great Engine War," the two companies were asked to bid on different percentages of the contract. The least attractive portion, for Pratt-Whitney, was to be given only 25 percent, so the company artificially inflated the price of the warranties to make that option less attractive to the Air Force. When that was the portion it ultimately received, it reneged under pressure from reformers on the Hill who sought to preserve the integrity of recently passed legislation requiring warranties, and offered guarantees of quality at a more reasonable cost.

Pentagon reformers on the Hill applaud the greater unity of effort on both sides of the Potomac. Fighting to increase competition and improve quality, along with recent Pentagon pronouncements against the overspecification and gold-plating that gave us $7,000 coffee machines, will rebuild the consensus for a strong defense.

The success of these bipartisan efforts will help convince the public that their tax dollars are not being thrown at the Pentagon, with waste and inefficiency rampant, but rather are well spent and necessary.

JIM COURTER,
Member of Congress.●

ANTITRUST GUIDELINES: THE NEED FOR PROCEDURAL FAIRNESS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FISH. Mr. Speaker, today I am introducing legislation entitled the Antitrust Procedural Fairness Act of 1985. I am joined in this effort by a number of my distinguished colleagues who serve with me on the House Judiciary Committee—Congressmen CLAY SHAW, HENRY HYDE, DON EDWARDS, and JOHN SEIBERLING.

The purpose of this legislation is to require the antitrust enforcement agencies—that is, the Department of Justice and the Federal Trade Commission—to follow certain procedural due process requirements before they finally issue antitrust enforcement guidelines. These requirements would include public notice of proposed antitrust guidelines, through publication in the Federal Register, and a minimum public comment period of 60 days on such proposed guidelines. These requirements are patterned after, and are analogous to, the public notice and comment requirements contained in the Administrative Procedure Act, 5 U.S.C. 553.

The Department of Justice first issue merger guidelines in 1968. In 1982, the Antitrust Division of the Justice Department promulgated a new set of merger guidelines to replace the original 1968 guidelines. The 1982 guidelines, which rely to a substantial degree on economic analysis, embodied and symbolized a more flexible enforcement attitude toward mergers.

On June 14, 1984, the Antitrust Division issued a revised set of merger guidelines. While the 1984 edition left most of the 1982 guidelines unchanged, there were several significant modifications and additions. The 1984 changes tended to further liberalize the Department's merger enforcement policies.

Previously, the Department of Justice issued the antitrust guide for international operations in 1977. Those guidelines were explicitly intended as a general statement of Justice Department enforcement policy on international transactions which raised possible antitrust issues. As with the various versions of the merger guidelines, those guidelines were intended for the use of business decisionmakers, lawyers, and others concerned with antiturst enforcement in the international sector.

On January 23, 1985, the Antitrust Division of the Justice Department issued vertical restraints guidelines. Here again, these guidelines represent a statement of the enforcement policy of the Department of Justice with respect to nonprice vertical restraints—that is, territorial and customer restraints and exclusive dealing arrangements. These guidelines represented the first time that the Antitrust Division has issued written guidance with respect to various vertical activities which may violate the antitrust laws.

These guidelines have already been the focus of considerable comment and speculation. Particularly controversial is the collateral treatment of resale price maintenance [RPM] in the guidelines. Resale price maintenance deals with those situations where a manufacturer attempts to control the retail or wholesale price of the product. Such activities have been considered to be illegal per se since 1911. *Dr. Miles Medical Company* v. *John Park*, 220 U.S. 373 (1911). Language is contained in these recently issued vertical restraints guidelines which seem to say that such resale agreements may be legal under certain circumstances "if the price restraint is merely ancillary to the non-price restraints."

Each of these sets of guidelines, dealing with different facets of the antitrust laws, are explicitly intended as a statement of Federal enforcement policy. While the courts are technically not bound by Justice Department guidelines, a number of courts have nevertheless given great weight to them in deciding individual cases. *Allis Chalmers Manufacturing Co.* v. *White Consolidated Industries*, 414 F. 2d 506 (3rd Cir., 1969). To me, such guidelines are in fact law in the sense that they reflect an agency's statement of its enforcement intentions. Such a statement of agency enforcement policy is frequently given great weight by the courts in applying the laws in question.

Ironically, even though these guidelines have a major impact on the development and application of antitrust laws, in no instance did the Department of Justice publish these various guidelines in advance of their effective date. Consequently, the public—interested persons affected by the content of these policy statements—never was afforded an opportunity to comment on the actual text or the policies underlying their issuance. Just today, in a hearing before the Subcommittee on Monopolies and Commercial Law of the House Judiciary Committee, numerous witnesses affected by the recently issued vertical restraints guidelines, were critical of the lack of opportunity for input prior to their issuance.

The bill I am introducing today would infuse procedural due process into the announced enforcement practices of the Antitrust Division of the Justice Department and, when applicable, the Federal Trade Commission. Businesses and other affected parties should be given an opportunity to comment on agency guidelines that ultimately govern their commercial conduct and affect their very livelihoods before such guidelines go into effect. I am extremely hopeful that the House Judiciary Committee will give this legislation prompt and active consideration.●

THE HOMELESS EMERGENCY RELIEF ACT OF 1985

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. WEISS. Mr. Speaker, for the past 7 months, the Subcommittee on

Intergovernmental Relations and Human Resources, which I am proud to chair, has investigated homelessness in America. The subcommittee held hearings, conducted exhaustive investigations in four major cities and will soon issue a report to the Congress together with an indepth report by the General Accounting Office on the homeless crisis.

Homelessness has become a domestic emergency. There may be as many as 3 million homeless men, women, and children in this country, and their massive population is increasing by as much as 38 percent a year. The homeless are difficult to count because they are hard to find, and because they fear census takers or anyone else who attempts to approach them.

But to debate the exact number of homeless Americans obfuscates the urgency of the crisis. Every study we examined, all the testimony and our personal experiences indicate that an emergency exists, and is worsening. We have personally seen thousands of homeless people across America. We have visited soup kitchens where small children lined up with dispossessed adults, waiting for a meal. We saw shelters where the conditions are dehumanizing and unsanitary, yet thousands of homeless people vie for space in them every night. We saw poverty and squalor that one expects to find in an undeveloped Third World country, not the wealthiest Nation in the history of the world. These scenes were repeated everywhere we went.

The major causes of homelessness include the scarcity of affordable housing, the deinstitutionalization of the mentally ill, unemployment and cuts in Federal antipoverty programs. These varied problems require complex solutions which go to the heart of Federal policies. But while we wrestle with long-term answers to the causes of homelessness, millions of Americans are barely surviving on our streets, without adequate shelter, without sufficient food for their children, without the most meager medical services and without hope. They need our help now.

Today I am introducing the Homeless Emergency Relief Act of 1985. This bill will not eliminate homelessness, but it will do more than has ever been done in this country to meet the emergency needs of homeless Americans. The act authorizes the Secretary of Health and Human Services to provide shelter and recovery grants, on a competitive and matching basis, to local governments or nonprofit corporations for the provision of emergency services to homeless individuals and families. The grantees will be required to provide emergency and transitional shelter, medical and psychiatric services, job counseling and placement, food services and liaisons with Federal, State, and local public assistance offices.

The legislation authorizes the grants for a maximum of 2 years to cover no more than 75 percent of the costs of shelter and recovery projects, the balance to be funded by State and local governments, or private agencies. The Federal share of the grants cannot exceed $5 million, and the total authorization would not exceed $190 million. This is a minimal price tag. New York City alone spends more than $200 million to provide services to its homeless, and New York is losing its battle against homelessness.

If Congress does not act to help the homeless now, the eventual costs of homelessness in this country will dwarf the amount requested in this legislation. Current public assistance programs will grow as the homeless population increases, crime will soar as the homeless compete for survival in primitive conditions, and the Federal Government will lose the possible tax revenues of millions of people. But the greatest cost will be to our democracy. How can we claim to be a free and just society when so many Americans must live beneath human dignity, shackled by poverty?

Mr. Speaker, I urge and expeditious approval of the Homeless Emergency Relief Act. Each moment we fail to act, we are delaying aid to men, women, and children in desperate need of our help.

The bill, as introduced is printed below in its entirety:

H.R. 1526

A bill to provide emergency shelter and related services to homeless individuals and families

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeless Emergency Relief Act of 1985".

SEC. 2. GRANTS TO PROVIDE SERVICES AND SHELTER FOR THE HOMELESS.

(a) MANDATORY GRANTS.—The Secretary of Health and Human Services shall make grants to eligible local governments and nonprofit organizations for the purposes specified in section 3 and after consultation with the Emergency Shelter Grants Review Board established in section 7.

(b) OBLIGATION OF FUNDS.—Funds made available for grants under subsection (a) shall be obligated not later than September 30, 1988.

(c) IMPLEMENTATION THROUGH OFFICE OF COMMUNITY SERVICES.—The Secretary shall carry out this Act through the Office of Community Services of the Department of Health and Human Services.

(d) ISSUANCE OF RULES.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue rules to carry out this Act.

SEC. 3. PURPOSES OF GRANTS.

(a) USES OF FUNDS.—

(1) SHELTER AND RELATED SERVICES.—Except as provided in paragraph (2), a grant received under section 2 may be used only—

(A) to establish emergency shelters for men, women, and families who are homeless,

(B) to establish transitional shelters for men and women who are homeless,

(C) to lease, renovate, purchase, or construct facilities to be used as such emergency shelters or such transitional shelters,

(D) to increase the kinds, or expand the availability, of services described in section 5(b)(5) which are available at such emergency shelters or such transitional shelters, or

(E) to pay any increase in the cost of operating such emergency shelters or such transitional shelters if such increase is attributable to an activity described in subparagraph (A), (B), (C), or (D).

(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not to exceed 5 percent of a grant made under section 2 may be expended for administrative costs incurred in connection with the uses specified in paragraph (1) for which a grant may be expended.

(3) MAINTENANCE OF EFFORT.—No part of a grant made under section 2 may be used to supplant funds that are or, in the absence of such grant, would be available to the recipient of such grant for a use for which such grant may be expended.

SEC. 4. ELIGIBILITY TO RECEIVE GRANTS.

(a) ELIGIBLE ENTITIES.—Any local government or nonprofit organization which submits to the Secretary, not later than 180 days after the date of the enactment of this Act, an application in accordance with subsection (b) shall be eligible to receive a grant under section 2.

(b) APPLICATION FOR GRANT.—Each application for a grant under section 2 shall contain—

(1) information demonstrating the need for such grant, including an estimate of the number of homeless men, women, and families in the geographical area for which the applicant provides, or will provide, shelter and services to the homeless,

(2) a plan for providing to the homeless each type of shelter and service specified in section 5(b)(5) during the 2-year period beginning on the date such grant is received,

(3) a detailed budget identifying administrative, operational, and capital costs to be incurred by the applicant to carry out such plan,

(4) an assurance, and verification of such assurance, that such applicant can and will provide from non-Federal sources not less than 25 percent of the funds necessary to pay the cost of providing that part of the shelter and services for which such grant may be expended,

(5) a description of the kind and quality of each type of shelter and service specified in section 5(b)(5) which such applicant will provide during the 2-year period beginning on the date such grant is received,

(6) an assurance that such grant will be expended throughout a period of not less than 2 years,

(7) if such applicant is a nonprofit organization, the written approval of such plan by the chief executive officer of the local government which provides human services in the geographical area in which the applicant's shelter is or will be located,

(8) if such applicant is a local government, an assurance that in formulating such plan such local government consulted with the local nonprofit organizations which have experience in providing shelter and services to the homeless, and

(9) a plan (including identification of the financial resources available to such appli-

cant to carry out such plan) for providing to the homeless each type of shelter and service specified in section 5(b)(5) during the 2-year period beginning 2 years after the date such grant is received.

SEC. 5. AWARDING OF GRANTS.

(a) SELECTION OF GRANT RECIPIENTS.—

(1) REFERRAL OF GRANT APPLICATIONS TO BOARD.—The Secretary shall refer to the Emergency Shelter Grants Review Board for evaluation and recommendation all applications for grants under section 2.

(2) SELECTION OF GRANT RECIPIENTS.—From among eligible applicants for grants under section 2 and subject to subsection (b), the Secretary shall make grants on a competitive basis to any of such applicants after considering the following factors:

(A) The number of homeless men, women, and families, in the geographical area to be served by the applicant, for whom shelter and services of the types specified in subsection (b)(5) are not being provided.

(B) The quality of the services specified in subparagraphs (C), (D), (E), and (F) of subsection (b)(5) which are or will be provided to the homeless by such applicant.

(C) The adequacy and availability of funds necessary to carry out the post-grant 2-year plan required under section 4(b)(9) to be carried out by a recipient of a grant under section 2.

(D) The cost efficiency of the plan required under section 4(b)(2) and with respect to which a grant under section 2 may be expended.

(E) The nature and quality of the applicant's past experience in providing shelter and services to the homeless.

(F) The evaluations and recommendations of the Board made with respect to such applications

(b) LIMITATION ON INDIVIDUAL GRANTS.—No grant may—

(1) exceed $5,000,000,

(2) be approved under subsection (b)(2) after September 30, 1986,

(3) be made to an applicant if a grant under this Act has previously been made, or is then approved to be made, to such applicant,

(4) be used to pay more than 75 percent of that part of a shelter or service for which such grant may be expended, or

(5) be made to an applicant who has not agreed to provide, as a condition of receiving such grant, each of the following which it is not then providing:

(A) Emergency shelter for men, women, and families who are homeless, to be provided in separate buildings for each of the 3 categories of the homeless. To ensure privacy, each family shall be accommodated in a separate room, and no more than 8 men or women shall be accommodated in a single space bounded by walls or wall-like dividers or partitions.

(B) Transitional shelter for men and women who are homeless, to be provided in separate buildings for each of the 2 categories of homeless adults and in buildings which are not used to provide emergency shelter for the homeless.

(C) Outpatient medical care and outpatient psychiatric care to men, women, and families who are homeless. Such care may be provided at a site other than an emergency shelter or a transitional shelter.

(D) Not fewer than 2 meals a day to each homeless individual accommodated at an emergency shelter or transitional shelter.

(E) Employment counseling, job placement services, and transportation to employment sites for the homeless.

(F) Staff who prepare, on behalf of the homeless, applications for local, State, and Federal public assistance and serve as liaisons with the agencies that provide such assistance.

SEC. 6 DUTIES OF OFFICE OF COMMUNITY SERVICES.

The Secretary shall—

(1) provide for the annual inspection of each emergency shelter and each transitional shelter in connection with which any part of a grant made under section 2 is expended, to ensure compliance with this Act, and

(2) submit annually to the Speaker of the House of Representatives and the President pro tem of the Senate a report describing the implementation of this Act and the activities carried out by recipients of grants under this Act.

SEC. 7. EMERGENCY SHELTER GRANTS REVIEW BOARD.

(a) ESTABLISHMENT OF EMERGENCY SHELTER GRANTS REVIEW BOARD.—There is hereby established in the Office of Community Services of the Department of Health and Human Services the Emergency Shelter Grants Review Board which shall be composed of 11 members as follows:

(1) Two members shall be appointed by the Surgeon General of the Public Health Service from among officers and employees of the Public Health Service, who have expertise in mental health care and medical care, respectively.

(2) One member shall be appointed by the Director of the Office of Community Services from among officers and employees of such Office.

(3) One member shall be appointed jointly by the United States Conference of Mayors and the National League of Cities from among the membership of either organization.

(4) One member shall be appointed by the National Governors' Association from among its membership.

(5) Six members shall be appointed by the Secretary, in a manner that ensures representation of all regions of the United States, from among representatives of organizations which have experience in providing shelter and services to the homeless.

(b) COMPENSATION AND EXPENSES.—Members of the Board shall serve without compensation for such service. While away from their homes and businesses in the performance of services for the Board, members of the Board who are appointed under subsection (a)(6) shall be allowed travel expenses, including a per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code.

(c) FEDERAL STATUS.—Members of the Board who are appointed under subsection (a)(6) shall not be considered to be officers or employees of the United States.

SEC. 8. DEFINITIONS.

For purposes of this Act—

(1) the term "Board" means the Emergency Shelter Grants Review Board established in section 7(a),

(2) the term "emergency shelter" means a building which complies with all applicable laws relating to health and safety and which is used to provide living accommodations on a temporary basis for men, women, or families,

(3) the term "local government" means any general purpose unit of local government of a State,

(4) the term "Secretary" means the Secretary of Health and Human Services,

(5) the term "State" means the several States and the District of Columbia, and

(6) the term "transitional shelter" means a building which complies with all applicable laws relating to health and safety and which is used to provide living accommodations for men, women, or families, but for a period not to exceed 180 days in the case of any particular resident.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT AUTHORIZED.—There is authorized to be appropriated $190,000,000 for fiscal year 1986 to carry out this Act.

(b) CARRYOVER OF UNUSED AUTHORIZATION.—Any amounts authorized for any fiscal year under subsection (a) but not appropriated may be appropriated for fiscal year 1987.●

BENEFITS FOR WIDOWED ANNUITANTS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. GREEN. Mr. Speaker, once again I am introducing legislation designed to correct an inequity which has unfair affects on annuitants of our Federal judges.

The Social Security Amendments of 1977 (Public Law 95-216) and the Civil Service Retirement Survivor Annuities Reinstatement (Public Law 95-318) provided that widowed annuitants who had attained the age of 60 be permitted to remarry without losing their pension benefits. Public Law 95-216 provided that widowed annuitants on Social Security who had attained the age of 60 be permitted to remarry without losing their Social Security pension benefits, and Public Law 95-318 provided that widowed annuitants of civil service retirees who had remarried before July 18, 1966 have their pension benefits reinstated if such a person had attained 60 years of age.

Regrettably, when the 95th Congress made these changes in current law, it failed to consider the predicament of widowed annuitants of Federal judges 60 years of age or older who had or were contemplating remarriage.

Today, I introduced legislation which amends section 376 of title 28 of the United States Code, relating to judicial annuities, to provide that annuities under such sections shall not terminate by reason or remarriage of an annuitant after attaining 60 years of age.

Current actuarial practice assumes that no remarriage after 60 is occurring among widows receiving benefits from the Federal judges survivors plan. Thus, it follows from the actuarial assumption that maximum aggregate benefits are already being paid from the plan to widows over 60. Hence, the effect of a change permitting widows to remarry after age 60

without a loss in benefits would be negligible in actuarial terms, and would involve no additional expense above that currently projected for the system.

These inequities were brought to my attention by Mr. Zdena Lawrence, the widow of Federal Judge Charles D. Lawrence who served with distinction in the U.S. Customs Court for over 20 years. Once again, I urge my colleagues to join with me in this attempt to remedy this inequity affecting annuitants of Federal judges.●

SOVIET ABUSES OF HUMAN RIGHTS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FEIGHAN. Mr. Speaker, yesterday, I joined several of my colleagues in a meeting with the official delegation of the Supreme Soviet, the equivalent of a parliament in the Soviet Union. During the meeting, the American participants spoke candidly about our concern for those who suffer from human rights abuses in the U.S.S.R. The illegal treatment of dissidents like Andrei Sakharov and Anatoly Shcharansky has touched the conscience of the Western World, but countless thousands of others are denied the basic rights guaranteed in the U.N. Declaration on Human Rights, the Helsinki Final Act, and the Soviet Constitution itself. Since my election to Congress, I have not hesitated to take every opportunity to express the outrage felt by myself, my constituents, and the American people over the Soviet's repressive and arrogant behavior. Along with many Members from both sides of the aisle, I have signed scores of letters pleading with Soviet leaders to end their continued mistreatment of religious minorities, ethnic groups, and the people of Eastern Europe. The Soviet's failure to live up to the human rights commitments that they have voluntarily agreed to over the years raises serious questions and serious doubts about their intentions, their word, and their willingness to participate in the civilized family of nations.

Recently, I wrote to Soviet Communist Party General Secretary Konstantin Chernenko to request his personal intervention in a case of particular concern to me. Valentina Matveevna Svoyatytsky, whose husband passed away in the spring of 1983, along with her daughter, son-in-law, and grandchild have requested exit visas a dozen times over the last several years. Each time their requests have been denied. Mrs. Svoyatytsky's son is a resident of the 19th District of Ohio, and he has made every effort to secure the release of his family. He informed me of their plight, and of his concern for the health of his mother and sister. I have yet to receive a reply from the Soviet Union, but I intend to continue pressing this matter at every opportunity.

The situation facing Mrs. Svoyatytsky and her family is not uncommon in the Soviet Union and the countries that fall under their control. Those of us in the West, who have the freedom and the liberty denied to so many others in the world, have a responsibility to speak out against these continued violations of basic human rights. Following our meeting with the Soviet delegation yesterday, I presented a letter to them raising my concern over continued human rights violation in their country. Mr. Speaker, I insert my letter in the RECORD following my remarks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1985.

To the Official Delegation of the U.S.S.R. Supreme Soviet:

On the eve of long-anticipated arms control talks between our two nations in Geneva, I wish to welcome you to the United States Congress. This is a serious and hopeful time for our countries and our citizens: we have before us a task of the utmost important, one which I am certain both sides will approach with strong convictions. I hope, however, that our common interest in a lasting peace will create an atmosphere of openness and cooperation so crucial to a constructive and mutually beneficial outcome.

As a member of the Foreign Affairs Committee, it is my privilege to sit on the Subcommittee for Human Rights. The subcommittee is very concerned over a number of issues involving the Soviet Union, and I would like to take this opportunity to raise them with you.

First, let me underscore how important these issues are to any negotiations between our two nations. A concerted effort by the Soviet Union to address these problems would be seen as a significant indicator of cooperation and good faith when our representatives meet in Geneva. One overriding concern, as you may be aware, is the treatment of Jews in the Soviet Union. The increase over the past few years of government-sanctioned anti-Semitism is profoundly troubling. We have watched with dismay as the number of Soviet Jews allowed to emigrate plummeted. We have been discouraged by the refusal of letters sent to your embassy and to Soviet Prisoners of Conscience. Moreover, we must protest in the strongest of terms of the official declarations that no Soviet Jews wish to emigrate.

There are hundreds of thousands of Soviet Jews who have made at least a first attempt at obtaining permission to emigrate to Israel. I have personally written on behalf of scores of Soviet Jews who have been subject to arrest and extraordinary harrassment after their application to leave. Your commitments under the Helsinki Final Act have not been met and I urge you to take the message back to your leaders that the United States considers this one of its highest priorities.

One case in particular, that of Anatoly Shcharansky, has become a national concern in the United States. Last year, the Congress unanimously passed a resolution of support for the release of Mr. Shcharansky and I have personally met with his wife, Avital, to discuss his case. As you must be aware, Mr. Shcharansky is very ill and continues to suffer under prison conditions. His release from prison and permission to join his wife in Israel would dramatically improve the atmosphere at the Geneva arms talks.

The international relations of your country also continue to cause concern. The captive nations of Latvia, Lithuania and Estonia must be freed to pursue their own futures. The invasion and continued war against Afghanistan is completely insupportable. The continued repression of liberties in Poland contribute to the overwhelming impression in the United States that the Soviet Union is closed to the idea of open dialogue or negotiations. Surely, this impression cannot help but be a detriment to the outcome of talks between the superpowers.

In a spirit of peace, I urge you to consider these crucial issues as the fundamental obstacle to cooperation between our two nations. There must, of course, be consideration of problems on both sides. But as we walk into the talks in Geneva, I would hope that the overriding interest of the world, that of continued and lasting peace, will create a willingness on both sides to make strides in basic human rights. Only then will we be able to meet productively, and in the words of John F. Kennedy, keep the world "safe for diversity."

Sincerely,

EDWARD F. FEIGHAN,
Member of Congress.●

CONGRESSIONAL RESPONSIBILITY TO VOTE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. ORTIZ. Mr. Speaker, I believe very strongly that Members of Congress have a responsibility and obligation to be in attendance in the House whenever congressional business is pending. Therefore, I regret very much that I was unable to remain in Washington on Thursday, February 28, for two House votes, one on the interstate cost estimate and one on the farm relief bill. If I had been able to remain in Washington for the duration of the day, I would have supported both of these proposals.

I had to return to my district to participate in the Charro Days festival, an international celebration attended by many prominent Americans and Mexicans. I carried with me a letter from President Ronald Reagan to Mexican singer Jose Jose, who is internationally known as one of the most popular and talented Latin American singers. President Reagan wrote to Jose Jose to commend him for receiving the Mr. Amigo Award, which recognizes Jose Jose's efforts to promote good relations between Mexico and the United States. Because the Charro Days celebration is an important his-

torical and cultural celebration for Mexican-Americans, I believed it was important for me to participate and to personally deliver the President's congratulations to Jose Jose.

Members of Congress and the people of Texas know that I have been a strong supporter of releasing funds for interstate highway construction. I have written to Congressman JAMES HOWARD, chairman of the Public Works and Transportation Committee, several times, indicating my strong support for prompt consideration of this legislation which would release funds to the States.

I also recognize the plight of American farmers who needed the assistance provided by the farm relief bill. I regret that our efforts to assist farmers who are preparing for spring planting were blocked by a Presidential veto.

Once again, I regret that I was unable to remain in Washington for these two important votes, but my commitment to the people of Brownsville, TX, and my role in conveying the President's good wishes to this year's recipient of the Mr. Amigo Award persuaded me to return to my district on February 28.●

THE HOMELESS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Ms. OAKAR. Mr. Speaker, despite this administration's protests, the problem of homelessness is a serious and—without some action—apparently permanent problem for our Nation. National organizations and the House Task Force on Homeless estimate that about 3 million men and women constitute our homeless population. About 30 percent of these individual—600,000 to 900,000—have serious mental health problems.

Today, I am reintroducing the Homeless Persons Housing and Supportive Services Act. The bill requires the Secretary of Housing and Urban Development to administer a demonstration program to determine the feasibility of assisting nonprofit organizations in providing housing and supportive services for homeless persons.

The Homeless Persons Housing and Supportive Services Act provides $62 million per year for 3 years to establish a demonstration program to address in a more permanent manner the housing needs of homeless people, particularly homeless deinstitutionalized women.

The money may be used by nonprofit institutions to build, repair or renovate existing units for up to 12 people. Additionally, it will fund the salary of a counselor/supervisor who will oversee the tenants. If the nonprofit institution maintains the facility for the original purpose for 10 years, the debt is canceled; if this does not occur, the loan must be paid back with interest. Like tenants in public housing, the tenants of this facility will be expected to pay 30 percent of their SSI benefits.

In large cities many homeless people are deinstitutionalized mentally ill who have been given medication to sustain normal behavior. However, after their release from mental institutions, the unsupervised homeless often discontinue their medication and regress to their former condition. They then have the added burden of coping with life and its responsibilities outside the institution. This is an especially critical and heart-rending problem in Cleveland and Ohio where we see families hurt by economic change and the deinstitutionalized mentally ill out on the streets and in public and private shelters. I cannot understand how a prosperous America can tolerate this shame.

Since this legislation would create a demonstration project, I propose that assistance be limited to residences of not more than 12 individuals. Additionally, each residence would have a live-in supervisor/counselor who would provide the necessary medical, psychological, and pharmaceutical counseling with resources available from Federal, State, local governments, and nonprofit sources.

A policy adopted over a decade ago to deinstitutionalize people suffering from emotional and mental disabilities creates special housing needs. My proposal addresses these special needs by providing direct Federal assistance to nonprofit sponsors in the form of advances from the Department of Housing and Urban Development to be repaid only if the nonprofit sponsor does not continue to provide housing and other services for these people.

The Homeless Persons Housing and Supportive Services Act attempts to take the next step in addressing the housing needs of homeless Americans and I commend it to my colleagues attention.●

CONGRESS MUST ACT TO GET TOUGHER ON INTERNATIONAL AND DOMESTIC DRUG TRAFFICKERS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. TRAFICANT. Mr. Speaker, recent events again compel me to rise and urge my colleagues to lend their support to legislation I have introduced to stiffen the penalties for those convicted of drug trafficking or smuggling in large amounts. Yesterday the bodies of DEA agent Enrique Camarena Salazar and his Mexican pilot were found on the outskirts of a ranch 240 miles west of Mexico City. Evidence shows that they had been brutally beaten and had been dead for at least 20 days.

Mr. Speaker, this tragic and senseless incident clearly underscores the violent and ruthless nature of drug trafficking—both international and domestic. Big-time operators who mastermind huge drug deals are responsible for record amounts of narcotic drugs entering this country. A recent report released by the Congressional Select Committee on Narcotics Abuse and Control stated that drug abuse is fast emerging as this Nation's predominant health problem, with cocaine, marijuana, and heroin listed as the major drugs involved in trafficking and drug abuse. The tragic murder of DEA Agent Salazar and the recent threats by drug traffickers in Colombia on DEA officials is a clear indication that the problem is getting worse.

Not only are these drug king-pins responsible for bringing in unprecendented amounts of dangerous narcotic drugs into this country—which are poisoning our youth and adding to the human suffering of this country—but they also gravely threaten the lives of our law enforcement officers in the field fighting this illicit drug activity. The brutal murder of agent Salazar is indeed a tragedy. Just as tragic and unjust is the fact that in this country, big-time drug traffickers are greatly increasing their volume of activity—despite concerted efforts at the DEA to clamp down on them.

Because of existing law and because of the nature of international drug trafficking, many times these drug king-pins are arrested and charged, but then they post bond and many times flee the country. In many instances they return to this country and continue to deal drugs such as cocaine, heroin, PCP, and LSD—which reach the streets and ultimately poison our youth. These drug dealers are ruthless individuals who routinely deal in vast amounts of narcotic drugs. Some of them have openly declared war against DEA officials who are clamping down on their business. I feel it is time this country took strong action against these despicable drug dealers.

My bill, H.R. 994, the Controlled Substances Penalties Act of 1985, would raise the penalties in those cases involving a kilogram or more of cocaine; 2 kilograms or more of any other narcotic drug; a kilogram more of PCP; and 25 grams or more of LSD. The amounts indicated in my bill are the amounts of drugs involved in the large deals masterminded by these ruthless drug traffickers. Under my

bill first offenders would be subject to up to 30 years in prison and/or a maximum fine of $500,000. Most importantly, my bill would deny bond in these cases to ensure that these dangerous criminals stand trial. Second offenders would be subject to a maximum sentence of life imprisonment or if the defendant resists arrest and kills a law enforcement officer or civilian, he would be subject to the death penalty option. Mr. Speaker, I recognize the fact that cases and circumstances do vary. What my bill does is give the judge the ability to impose stiff sentences where it is warranted.

Mr. Speaker, I feel that the time is now for this body to enact tougher legislation against those who are responsible for the immeasurable human suffering associated with drug abuse and who are responsible for threatening the lives of our law enforcement officers in the field. DEA agent Enrique Camarena Salazar was killed trying to combat illicit drug activity. His tragic murder is yet another somber reminder that drug trafficking and drug abuse is a problem that simply will not go away. It is getting worse. We must approach this problem in a multifaceted way. Drug abuse programs, drug education, drug prevention and treatment programs, family counseling—these types of programs are what is necessary to combat the problem on one front. On the other front, swift and concrete action must be taken directly against those who are responsible for the massive influx of narcotics into this country. My bill is a positive step in this direction. Not only would my bill ensure that big-time drug traffickers remain in this country to stand trial, it would also ensure that once convicted, they pay dearly for their crimes. My bill would send out a clear and powerful message that this country will continue to do whatever is necessary to confront the problem of drug abuse and drug trafficking.

In the past, Mr. Speaker, this body has provided strong leadership in legislating tougher laws against those who poison our youth and threaten the fabric of our society. Passage of H.R. 994 would be another step in this long struggle to save our youth and end the human suffering and anguish associated with drug abuse. I again urge my colleagues to support H.R. 994.●

ACID RAIN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mrs. KENNELLY. Mr. Speaker, the health of our country, our forests, our lakes, and our crops are being threatened by acid rain. Acid rain is produced from oxide emissions of sulfur and nitrogen from factories, powerplants, and motor vehicles reacting with water vapor. This acidic precipitation is in turn destroying life in ponds, rivers, and streams, reducing our crop yield, and turning our forests from green to grey.

Thus far, two major factors have impeded our ability to take action against the problem of acid rain. First, there has been a reluctance on the part of some to impose acid rain controls until more research on the precise causes and effects of acid rain has been completed. However, the vast amount of research already conducted has established a clear link between sulfur dioxide emissions and acid rain. We know that where acid rain occurs, significant environmental damage is sure to follow. Can we really afford to wait years to confirm the precise effects of acid rain when there is already much we can do to prevent the death of our forests and streams?

The regional aspect of acid rain has also been an obstacle to the enactment of acid rain controls. The majority of sulfur emissions are produced by high sulfur coal-burning utilities in the Midwest but the greatest amount of environmental damage has been felt downwind in the Northeast. Now, however, it is becoming more and more evident that acid rain is a national problem requiring a national solution.

Research studies have shown that the effects of acid rain are being felt not solely in the Northeast but as far west as California and as far south as Florida. Spruce and fir trees that normally live up to 400 years are dying after only 45 years on the top of Mount Mitchell in North Carolina. Normal rain fell on States bordering the gulf coast as recently as 1966; by 1979 the average acidity of rainfall was 10 times higher.

While extensive damage to Northwest forests and lakes has yet to be confirmed, recent studies have shown that this region is particularly vulnerable to acid rain damage. According to the environmental defense fund, rainfall in many of our western national parks is now as acidic as the rain in those parts of the Northeast and Europe which suffer the effects of acid precipitation. Long-term water quality studies of over 70 Colorado high lakes reveal a general increase in acidity and in some high lakes it appears that certain trout and salamanders are no longer reproducing.

Because I am convinced of the urgent need for acid rain control, I am pleased to join my colleagues in the New England delegation in sponsoring the toughest acid rain control bill ever to be put before Congress.

H.R. 1030 is nearly identical to legislation supported by the New England delegation in the 98th Congress. As with its predecessor H.R. 4044, the key feature of H.R. 1030 is a mandated reduction of 12 million tons of sulfur dioxide. This overall reduction would be accomplished in two phases. Within the first 5 years of enactment of the bill, 6½ million tons of sulfur dioxide would be reduced by requiring the top 50 highest emitting powerplants to install scrubbers. A flexibility option would, however, allow States to substitute plants not included among the top 50 as long as the amount of emissions reduction was equivalent. These provisions would ensure that by 1996, high sulfur coal mining would be operating at about the 1980 production level.

In the second phase, States would be required to achieve additional reductions of 5½ million tons of sulfur dioxide within 8 years of the bill's enactment. However, States would not be required to attain this reduction by relying solely on scrubbers. They instead may choose from a variety of means to achieve the goal of this legislation including the use of fuel switching or tax credits to industry. H.R. 1030 also requires that States reduce nitrogen oxide emissions, another significant cause of acid rain, by 4 million tons through emission standards for new facilities and stricter truck emission standards. In addition, $20 million would be made available for advanced R&D pollution control technology and $25 million for cleaning up lakes damaged by the effects of acid rain.

H.R. 1030 includes an equitable and nationwide Cost Sharing Program that will be financed through a modest 1.5 million per kilowatt hour fee on electricity generated in the 48 contiguous States and the establishment of a trust fund. The trust fund would reimburse utilities for 90 percent of the capital costs of installing pollution control technology on the 50 specified plants and would also be used to pay for part of the cost of pollution controls on other powerplants.

The foot dragging that has characterized our response to acid rain must stop. We must act responsibly, we must act fairly, and we must act with a sense of urgency to reduce the damage of this serious problem. I urge my distinguished colleagues to support H.R. 1030 and, by doing so, reduce the environmental, economic, and public health hazards created by acid rain.●

FARM DEBT ASSESSED

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial that appeared in the February 27, 1985, issue

of the Santa Barbara News-Press, in my congressional district in California.

I believe the editorial concisely and effectively addresses the nature of the farm debt problem and deficient response of the Congress. We must redefine the relationship between Government and agriculture. I commend this editorial to my colleagues:

[From the Santa Barbara News-Press, Feb. 27, 1985]

FARM POLITICS

The Republicans and Democrats have spent the past several days playing a political game with the family farm. No matter who wins this one, it won't save the old homestead and its surrounding fields.

This is a numbers game. The Democrats saw a chance to cut deeply into President Reagan's popularity in the farm states by proposing more immediate relief money than the White House has proposed. The argument in Congress today is over a temporary bandage, first-aid only. In cash terms, it's not important. Within the context of a federal budget deficit that is exceeding $200 billion in one year alone, a billion more or less is chicken feed.

What is really important, and should concern every consumer in this country, is that the emergency funding of this spring's plantings doesn't come close to solving the crisis of the middle-class farm.

Medium commercial farms—not the huge corporate farms and the part-time farms—are in a depression, during a time when the national economy overall is enjoying a recovery. During a long period of government subsidies and controls over supply and demand, several unfortunate things have happened.

Farmers have borrowed to the hilt, paying excessive interest rates. More acreage has been left unused, drastically cutting the value of farm lands, making even high-interest loans less attractive to bankers. Meanwhile, the value of the U.S. dollar has increased so much in other countries that American farm exports can't compete with foreign products.

And as long as the federal government subsidizes farmers with money that it borrows at high interest, the growing deficit makes matters ever worse for these farmers.

Congress, in its current political game over this spring's planting, hasn't even begun to tackle the deep long-term problems. What's needed, quite clearly, is a turnaround in the relations of government and agriculture. We have faith in the high-quality farmers to compete successfully in a free-market atmosphere. Government's heavy-handedness certainly hasn't saved the family farm.

This won't set well with politicians who think in terms of swapping subsidies for farm-state supports, but they must face the fact that more farms are going under unless there is a major change in tax-paid farming.

This is a major undertaking, and should be done gradually over the next few years, but it must start with a trimmed-down farm bill this year.●

SANCTIONS WILL NOT SPEED AN END TO APARTHEID

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. HYDE. Mr. Speaker, in recent days this Congress has experienced a rush of legislation imposing various types of sanctions on the peoples and Government of the Republic of South Africa. The motive of much of this legislation is simple and noble: To assist in speeding up the movement away from legalized "separateness" or apartheid. Every Member of the House joins in applauding the motive, while not all of us agree how it can be accomplished or whether the United States can assist in this evolution by altering bilateral policies.

Quite frankly, I would tell my colleagues that I have agonized about this question. I have reviewed the various modes of sanctions, including the trends of leading bills introduced by our two colleagues from Pennsylvania, Mr. GRAY and Mr. WALKER.

Recently, I was reviewing an article in Freedom at Issue, the journal of Freedom House, for January–February 1985. In an article entitled, "Africa: Changes in the South," Prof. J. Leo Cefkin of Colorado State University notes that significant and considerable human and political rights progress is ongoing in the Republic of South Africa. Professor Cefkin writes:

As we move into the second half of the decade, a new order is beginning to take shape in South Africa. Apartheid is no longer a viable option for the future. Human rights and democracy as operative values require equitable African participation in politics. If the predicted improvement in the economic and social standing of Africans [non-whites] is impending, their demand for political rights will not be abated but grow. The question that will then have to be faced is, What are the consequences of black participation in the future order of South Africa?

Freedom House's reputation is so outstanding in the assessment and comparison of civil, political, and human rights among countries that we ought not overlook their ratings on Africa and the remarks of Professor Cefkin. In the same article, he continues:

The most significant foreign-policy differences between Reagan and Mondale was on policy toward South Africa. Both candidates opposed apartheid and favored peaceful change. * * * While Mondale favored threats of penalizing the Republic for inadequate progress on African [non-white] rights, the President stood by his policy of "constructive engagement." In the words of Chester Crocker, Assistant Secretary of State for African Affairs, that policy allowed for a proper blend of "our moral principles, our interests as a great power, and the realities of influence and power" in the region.

Concluding his article, Professor Cefkin states:

Reagan's re-election portends the likelihood of continued constructive engagement. It has been a policy which has had some success in 1984.

Throughout the Freedom House assessment of the state of freedom, of pluralist political developments, and of human and civil rights in Africa, the message is clear. While very, very far from perfect, South Africa is making positive and concrete strides under an American policy of constructive engagement. Threats and sanctions could combine with the current extreme depression of the South African economy either to provoke a vote of no confidence in the government of State President P.W. Botha and result in its replacement by a government under the Conservative Party of South Africa or make the economy even worse, thereby possibly provoking more human misery and perhaps additional violence.

As the antigovernment columnist Alastair Sparks wrote in the Washington Post of March 7, 1985, on the relationship between the South African economy and a possible white political backlash:

The South African government, already buffeted by widespread unrest in black areas, now faces the threat of disruptive protests from among its own staunchest white supporters. * * * Opinion polls show that significant numbers are beginning to turn to a breakaway party of hard-liners, called the Conservative party.

Mr. Speaker, those in favor of economic sanctions or codifying the Sullivan Principles in and out of the workplace must be realistic in advocating U.S. interventions against constructive engagement in bilateral policy.

Given the progress already made and the virtual irreversibility of the trends, sanctions, and other punitive activities can hardly be expected to produce more salutary results than President Reagan's policy of constructive engagement.●

H.R. 3748

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. SWIFT. Mr. Speaker, last year 30 House Members joined with me to sponsor H.R. 3748, a bill to include customs and immigration inspectors under the early retirement provisions of the civil service retirement provisions applicable to Federal law enforcement officers. The Office of Personnel Management [OPM] has denied this retirement status to inspectors, even though their jobs are—under anyone's definition—to under-

take investigations and enforce the laws of our country.

I am now reintroducing this bill, because the American public is entitled to a young and vigorous work force to protect the integrity of our borders and to ensure the vigilant and energetic enforcement of our Nation's laws. Including inspectors under the early retirement provisions of civil service retirement will allow this needed recruitment of young and able customs and immigration inspectors.

The facts speak for themselves in this matter: First, customs inspectors make on the order of 12,000 arrests a year, more than half of them on information from the FBI's National Crime Information Center. The FBI states that customs inspectors make more such arrests than all other Federal agencies combined. And all of them are felony arrests. Second, immigration inspectors have lead responsibility for screening individuals entering our country. Over a half a million inadmissable aliens are intercepted at ports of entry each year. Many aliens used fraudulent or counterfeit documents. This is an increasingly volatile situation, and violence and arrest resistance are a constant threat to inspectors.

In a letter to me, OPM Director Donald J. Devine acknowledged the existence of these problems:

> The points you have made on the difficulties and dangers faced by our customs inspectors are very well taken. This aspect of their work is, I believe, well documented. . . . Unfortunately, the inspectors do not fit into the rather narrow definition of a law enforcement officer found in the statute.

Last year in a hearing on this issue before the Subcommittee on Compensation and Employee Benefits of the House Post Office and Civil Service Committee, a group of inspector's wives gave what I think is compelling testimony about the professional duties of inspectors.

> The inspector is trained to make a determination based not only on what is said, but how it is said, mannerisms exhibited . . . profiles learned and a host of other techniques. It is very often the inspector's ability and his co-worker's ability to come to his aid which makes the difference between life and death. The mental and physical strain this places the inspector under is enormous. Multiply this stress over a long period of service, and you can imagine the toll it takes. In contrast, police officers are usually armed with arrest and search warrants beforehand, and they have information on the subject to be arrested—who he is, what his known habits are, and whether or not he is likely to be armed. They know when and where the arrest will take place, and they plan accordingly, ususally making sure there were more officers than subjects present. The inspectors, however, has none of these luxuries. It is the criminal who picks his time for the confrontation, and the criminal approaches the inspector, knowing he is in violation of the law, and fully prepared to prevent his arrest at all costs.

You have probably heard similar accounts from inspectors and their families in your area. If we are serious about guarding our borders, then we must have the professional, committed and vigorous work force the job requires. I hope you will join with me in sponsoring this needed legislation.●

MICRONESIAN MEDICAL FELLOWSHIP

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DYMALLY. Mr. Speaker, I would like to familiarize my colleagues in the House of Representatives with a matter of crisis proportions. The residents of the American Pacific possessions; namely, the Micronesian Islands chains of the Carolines and the Marshalls, are in immediate need of adequate health care. Because of the phasing out of medical services offered by the National Health Service Corps of the Public Health Service, as well as the retirement of medical officers trained during the Second World War, the Micronesians have severe shortages in medical personnel. These shortages have reduced medical capabilities and have increased the reliance on off-island referrals. Unfortunately, this situation has been combined with a dramatic increase of Hansens disease, tuberculosis, cholera, ciguatera, and the apparent adverse health effects from the nuclear testing program in Micronesia during 1946–54.

Without question, health care has been one of the most important responsibilities that the United States has maintained in the Micronesian region. During recent years, much focus has been placed on the political future of this area; America's last colony. Sadly, basic health care has been neglected during the debate, and no serious effort has been made to proceed with a comprehensive region-wide medical investigation into the reasons behind the high disease rate. In order to assault these health problems and begin research, I have introduced legislation that will create a Micronesian fellowship. The fellowship will empower the Secretary of Health and Human Services, acting through the Director for the Centers for Disease Control and the Director of the Health Resources and Services Administration, to provide fellowships to not more than 100 physicians in a given year. Six million dollars over a 3-year period is a modest price to make good our responsibilities to American subjects in certain American Pacific possessions.

For years, I have worked on the behalf of U.S. cooperation with Caribbean nations; Americans helping fellow Americans. The latter analogy applies even more succinctly to Micronesia. Indeed, it is time to combine our hemispheric concerns with those of the Pacific. The issues may differ, but the matter of responsibility looms large.●

REPEAL TAX ON BENEFITS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. McGRATH. Mr. Speaker, today I am introducing legislation to amend the Internal Revenue Code of 1954 with regard to tax-exempt interest used when computing the amount of Social Security benefits to be included in income.

During consideration of the 1984 tax reform bill, the Senate approved an amendment offered by Senator D'AMATO to exclude tax-exempt income in determining the amount of Social Security benefits to be taxed. Unfortunately, the House version of the tax bill did not contain such a provision, and the difference had to be resolved by a joint House-Senate conference committee. The compromise conference report did not include the Senate provision.

Consequently, beginning in January 1984, up to one-half of Social Security benefits is subject to tax for any year in which adjusted gross income plus nontaxable interest income and one-half of Social Security benefits exceeds a base amount. The base amount is $25,000 for an individual and $32,000 for a couple filing jointly.

Under the provisions of the new law, beneficiaries may have to make quarterly estimated tax payments during the year. Not only is this a burdensome requirement, but many of my constituents were unaware of the need to fill out new taxation forms, which is a long and complex process.

As one who voted against the entire Social Security reform package. I would like to see the section calling for the taxation of benefits for certain high income individuals repealed entirely. Today I am introducing legislation to delete the provision which includes income from tax-exempt bonds in adjusted gross income for the purpose of determining whether a portion of an individual's Social Security benefit will be subject to tax.

I must go on record as stating that I oppose the intent of tax on benefits provision, and feel that the cut in Social Security benefits is grossly unfair to those individuals who have expected to receive tax-free Social Security benefits and who, at this point, cannot change past work and savings decisions. Also, the indirect way in which the Social Security law taxes

previously tax-exempt income is discriminatory, in that it treats Social Security recipients differently from all other Americans.

Surely, senior citizens should not be penalized for saving for their retirement. I know that many of my colleagues share my concern over this issue, and I look forward to quick passage of this legislation.●

THE F.A.C.T. CONFERENCE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. TRAFICANT. Mr. Speaker, on March 2, 1985, the First Annual Foreign Affairs Conference with Traficant [FACT] was held at the Kent State University Trumbull Campus in Warren, OH. This conference was a great success and provided a better understanding of foreign affairs issues to all those who attended.

This year's conference focused on three primary topics: South Africa, the Middle East, and Central America. All three of these areas of the world have experienced great instability and turmoil in recent years and are topics which people have an interest in learning more about. A number of workshops were held throughout the day-long conference, which concentrated on certain aspects of foreign policy in the three topic areas and presented references to specific events in these regions.

I would like to especially thank Dr. Werner J. Lange, associate professor, department of sociology, Kent State University and Muriel Robinson for their long hours and extra effort in organizing this important event. Special thanks should also go to the UAW-CAP Council of Columbiana, Mahoning, and Trumbull Counties, Youngstown Peace Council, Lutheran World Ministries, and the South African Advocacy Program for their assistance. I would also like to extend thanks to the other member of the FACT organizing committee and FACT sponsors who contributed a large amount of time toward the success of this year's conference.

Finally, I want to thank all of the speakers who made presentations and conducted the workshops during this day-long event. Special thanks to Neo Nnumzana, representative of the African National Congress to the United Nations, for his presentation, "Life Under Apartheid—and the South African Struggle Against It."

The First Annual FACT Conference was a great opportunity for the people of the 17th Congressional District to learn more about these issues and have many of their questions answered. I look forward to the second annual conference as we all work to gain a better understanding of the issues which effect this Nation and the world.●

AMERICAN ACADEMY OF PEDIATRICS RELEASES TASK FORCE STATEMENT ON CHILDREN, ADOLESCENTS, AND TELEVISION

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. WIRTH. Mr. Speaker, I call to your attention and to the attention of my colleagues the recent statement issued on children, adolescents, and television by the task force of the American Academy of Pediatrics [AAP].

In this thoughtful synthesis—representing over a year's worth of work—the task force sets out some very real concerns about the impact of television on our Nation's youth. In addition, they make a series of recommendations regarding how to make television a positive force in the lives of children and adolescents.

The American Academy of Pediatrics represents over 27,000 pediatricians from the United States, Canada, and Latin America. They are devoted to ensuring for all young people "the attainment * * * of their full potential for physical, emotional and social health." Their goals include professional education, advocacy for children and youth, access to health care, and research and service to children.

The academy recognizes the importance of this powerful medium of television in shaping our youth's notions about their world. They correctly express concern that exposure to many of television's more negative portrayals may have a corresponding negative impact on development. On the other hand, they recognize that television—when used in a positive way—can prove beneficial and educational.

I commend the AAP for their sincere efforts in this regard. The statement by the task force follows, and I encourage my colleagues to read it.

The statement follows:

CHILDREN, ADOLESCENTS, AND TELEVISION

Next to the family, television may be the most important source of information for children and a principal factor influencing their development. Children two to 12 years old in the United States watch approximately 25 hours of television per week. On an annual basis, children spend more time in front of their television sets than they spend in school.

Television is a powerful tool that can promote learning, create aspirations, and induce prosocial behavior. When it deals with medical topics, television contains many messages that promote health or prevent illness. However, television advertising and programming can adversely affect learning and behavior of children and adolescents in a number of significant areas:

1. Repeated exposure to televised violence promotes a proclivity to violence and a passive response to its practice.

2. Television viewing increases consumption of high caloric density snacks, and increases the prevalence of obesity.

3. Although the evidence that television may have a deleterious effect on school performance may be confounded by other factors, learning from television is passive rather than active, and detracts from time spent reading or using active learning skills.

4. Television conveys unrealistic messages regarding drugs, alcohol, and tobacco, and indirectly encourages their use.

5. The portrayal of sex roles and sexuality on television is unrealistic and misleading; sexual relationships develop rapidly; the risk of pregnancy is rarely considered; adolescence is portrayed as a constant state of sexual crisis. These characteristics may contribute directly or indirectly to the risk of adolescent pregnancy and clearly alter age-dependent experiential learning with respect to sexuality. Pornography on cable television is a particularly important concern.

6. Television promotes ethnic and racial stereo types and does little to promote a sympathetic understanding of handicapped people.

7. Television conveys an unrealistic view of problem solving or conflict resolution.

To address these concerns, we recommend that the AAP:

1. Educate pediatricians with respect to the consequences of television viewing. Approaches should include the development of specific materials and curricula for teaching medical students, pediatric house staff, practicing pediatricians, and others who deal directly with the health of children and adolescents.

2. Provide materials and an approach to counseling children, adolescents and their families regarding the effects of television and methods suitable for altering viewing habits. Although an AAP pamphlet already exists for this purpose, additional materials regarding alcohol and sexuality would be useful. Specific recommendations for counseling should be developed.

3. Encourage legislative activity to increase quality programming and reduce advertising directed at children.

4. Establish liaisons with networks, producers, writers, and other professional organizations to improve the quality of programming and advertising and to act as a resource for these groups.

5. Provide an ongoing review of new technologies that enable families to alter or control their children's television viewing habits.

6. Encourage involvement by local and chapter groups to interact with network affiliates, independent television stations, and cable companies to improve local programming and advertising directed at children.

Task Force on Children and Television: H. James Holroyd, M.D., Chairman; S. Norman Sherry, M.D.; Frank Palumbo, M.D.; Victor Strasburger, M.D.; and William H. Dietz, Jr., M.D.; Ph.D.

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VETERANS' REPRESENTATIVE APPOINTED

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. CHAPPIE. Mr. Speaker, I rise today to announce an appointment of deep importance to all veterans in the Second District of California. Mr. Don Sweat, of Napa, CA, has recently agreed to become my veterans' representative for the Second District.

Mr. Speaker, I feel very fortunate that Don has agreed to accept this appointment. He is one of the most knowledgeable and dedicated advocates of veterans' rights in the State. A World War II veteran, Don Sweat has been a leader in veterans' affairs in California for over 30 years.

Don is chief of staff north for the California Division, Veterans of Foreign Wars. It is through this office that he has distinguished himself in creating policy and setting up programs which benefit veterans. Mr. Sweat comes to us extremely well qualified.

As my official representative, Don will make recommendations concerning State and Federal appointments and will also represent the views and concerns of the veterans of the Second Congressional District in California.

Mr. Speaker, Don has proven himself to be a dedicated and tireless worker for veterans in California and I am extremely proud that he has consented to serve as my representative.●

FRANK McGUIRE RECEIVES JOHN F. KENNEDY AWARD

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the recipient of this year's John F. Kennedy Award, Mr. Frank McGuire. This is an award issued by the St. Patrick Parade Committee of Holyoke, MA, bestowed annually upon an American of Irish descent who has distinguished himself in his chosen field of endeavor. Past recipients include several Members of Congress—the Honorable THOMAS P. O'NEILL, EDWARD P. BOLAND, and Senator EDWARD M. KENNEDY, each whom undoubtedly have distinguished records of public service—as well as other prominent Americans such as Pat O'Brien and Jimmy Breslin. It is now with great honor that I welcome Mr. McGuire among the ranks of these illustrious individuals.

The career of Frank McGuire in organized sports is truly remarkable, worthy of both envy and praise. As a student at St. John's University, he set the standard for academic and athletic excellence, graduating as a 4-year letterman in basketball and baseball. As a collegiate coach, he set records which may never be surpassed, thus securing a place for his name among those of the other great sports legends of our time. These are feats that one dreams of accomplishing when beginning a career. Mr. McGuire, however, would realize these dreams and rise above all others in his profession, thus earning the proud right to be this year's recipient of the J.F.K. Award.

The achievements of Frank McGuire both on and off the basketball court are numerous, and to mention them all would require far more than this brief tribute. He has received countless honorary degrees from universities around the country and has been selected to the Basketball Hall of Fame, for which he is also a member of the board of trustees. He is the only coach to win 100 games at three different colleges (103 at St. John's, 164 at North Carolina, and 283 at South Carolina) and to bring two different schools to the NCAA Tournament finals (St. John's in 1952 and North Carolina in 1957). He is also the only coach to be voted National Coach of the year in 11 different seasons. These are but a few of his many distinguished trumphs.

Presently, Mr. McGuire serves as the director of intercollegiate athletics for Madison Square Garden and is involved in a variety of projects for the Madison Square Garden Network. He has been instrumental in promoting and executing many youth sporting events, and for his efforts, he was awarded the "CYO Meritorious Service Award" by the Catholic Youth Organization in New York City. For his many contributions to the sporting world of New York, he was given the key to the city by Mayor Robert F. Wagner during a ceremony at the Madison Square Garden. His dedication over the years has been both exemplary and unwavering.

As an avid sports fan, I have followed the career of Frank McGuire with the utmost respect and admiration. He is truly a model of excellence within his field and a bright light which will forever shine upon competitive sports in this country. For these reasons and many more, I hope that you all will join me in congratulating Mr. McGuire and wishing him continued success and the best of luck in the many years to come.●

TRIBUTE TO MR. G. GUY DiPIETRO

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DOWNEY of New York. Mr. Speaker, it is with regret and sorrow that I make this statement today in tribute to one of my most distinguished constituents and friends, Mr. G. Guy DiPietro, who died suddenly of a heart attack on February 13, 1985. Mr. DiPietro was the superintendent of the Brentwood Union Free School District since 1972. I would like my colleagues to know of this fine man and of his tireless efforts to foster educational advancement for the students and community of Brentwood

During his 13-year career with the Brentwood School District Guy devoted himself to bettering the educational standards of the schools, expanding the horizons of the students, and creating an atmosphere for constructive relations between the school district and the community. He led the fight to bring a more equitably distributed share of State aid to the Brentwood School District and others of low property wealth. His efforts have resulted in a better Brentwood for all.

Guy was a man of intelligence, insight, and compassion. His commitment to the Brentwood School District far surpassed his required obligations, and the personal interest he took in all the activities of the district brought a new meaning to the role of superintendent.

He was an asset to the district and will be sorely missed by all those who had the opportunity to know him. His works and his principles will remain vivid in our memories.●

ISRAEL EXPO '85 INTERNATIONAL

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. FOWLER. Mr. Speaker, I would like to bring to the attention of my colleagues an exciting event occurring in Atlanta, March 23-31—Israel EXPO '85 International. This expo will give Atlantans a unique glimpse into Israeli life and culture. EXPO is a nonde-

nominational community event which will be an integral part of Atlanta life for 8 days. During this time, visitors from all areas of the State of Georgia will visit EXPO and will leave the exhibit with a better understanding of Israeli life.

I would also like to extend my welcome to Mrs. Ofira Navon, wife of former Israeli President Yitzchak Navon. Mrs. Navon will be the official spokesperson for the event and there is certainly no one who could be more appropriate for this task. Mrs. Navon received a masters degree at the University of Georgia and has maintained close ties to the Atlanta Jewish community. She is quite accomplished in her own right, having helped to establish arts and culture as an integral part of life in Israel. She has just completed a magnificent book, lauding the talents of Israeli landscape artists. Mrs. Navon is an extremely bright, attractive and articulate woman, and we will be fortunate to have her with us at EXPO.

Allow me to share with you some of the other highlights of this exciting event. A life-size kibbutz will be constructed, enabling visitors to see and experience this institution of Israeli life. A simulated archaeological dig will depict a fascinating aspect of this historic land and one that plays a major role in revealing details about ancient Middle East civilizations.

In conjunction with EXPO, many community institutions are sponsoring related events. The High Museum of Art will exhibit a collection from the Haifa Maritime Museum of Archaeology. Another exhibit, "Digging for Biblical Roots," featuring Israeli archaeological finds, will be at Emory University's Schatten Gallery. Schools from all over the State have planned visits to the EXPO, and church and synagogue groups are actively taking part in the activities.

I am proud of this event, proud of Dr. Perry Brickman and Mrs. Phyllis Freedman, cochairs for EXPO, for their hard work and proud of Atlanta for coming together as a community, with enthusiasm and interest, to help enlighten all of its citizens about a country whose history, culture and progress is so closely tied to ours.●

ADAMHA FUNDS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. ROYBAL. Mr. Speaker, this administration has quite a record of bypassing congressional intent in a number of areas. Today, I am introducing a joint resolution which would reverse one of the Office of Management and Budget's [OMB] more arbitrary actions, which involved research grants awarded by the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA].

The fiscal year 1985 labor/health and human services appropriations bill made it very clear that funds were intended to support, through ADAMHA, 583 new and competing research grants for this year. Recently, OMB, directly violating the provisions of that bill, ordered ADAMHA to cut the number of grants to be made available to only 500. My bill would make it clear that the full number of grants provided for by Congress will be awarded.

ADAMHA funds biomedical and behavioral research through its three Institutes: The National Institute of Mental Health [NIMH]; the National Institute on Alcohol Abuse and Alcoholism [NIAAA]; and the National Institute in Drug Abuse [NIDA]. The bulk of the reduction in the number of research grants ordered by OMB occurs in the National Institute of Mental Health, where OMB directed NIMH to fund only 277 new and competing grants in fiscal year 1985, instead of the 352 grants called for by Congress. NIMH is the major source of Federal funding for research related to mental health in the United States.

Mental and addictive disorders account for $20 billion in direct health care costs each year. It is clear that the investment of a few million dollars now can save us billions of dollars in the long run but, as usual, this administration cannot see past the short-term expense. Anyone with just a rudimentary knowledge of the health care field is aware of the incredible opportunities for advancement in mental health and other research. If we withdraw Federal funding now, we will be postponing, maybe even canceling, critical scientific progress in the prevention and treatment of mental health disorders. I cannot accept this scenario.

The passage of my joint resolution will reaffirm the strong bipartisan commitment of Congress to the support of biomedical and behavioral research. If you share my concern about this valuable research and about the actions of OMB, I urge you to join in support of this measure.●

PESTICIDE IMPORT AND EXPORT ACT OF 1985

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mrs. BURTON of California. Mr. Speaker, earlier this week I was pleased to join my colleagues CECIL HEFTEL and MICHAEL BARNES in introducing H.R. 1416, the Pesticide Import and Export Act of 1985.

Mr. Speaker, the United States is one of the world's leading exporters of pesticides. That position confers upon us the responsibility to protect, as completely as possible, those individuals who import and use pesticides from environmental and human health hazards. By some reliable estimates, 750,000 people around the world are poisoned by pesticides each year, 13,800 of them fatally. In most cases these are avoidable tragedies. Exporting pesticides to other countries, that have not been tested or are known to have toxic properties taints our national integrity. An additional result of this short-sighted policy is that many of the agricultural commodities that are imported by the United States are contaminated with residues of the same pesticides that are illegal in this country.

On December 18, 1984, the United States was the sole dissenter in a U.N. General Assembly vote, 147 to 1, to continue to publish and to expand a directory listing 500 potentially dangerous products that are banned, restricted or have failed to win approval in any of 60 countries. At the time of the vote the U.S. delegate, Dennis C. Goodman, said; "To make intelligent decisions, countries need more complete information . . ."

The Pesticide Import and Export Act of 1985 will reform current law to provide that information. The bill will increase the amount of information about pesticides that are exported from this country and will help trace the destination of these pesticides and the food crops to which they will ultimately be applied.

Mr. Speaker, this legislation provides a responsible and common-sense approach. I urge my colleagues in the House and Senate to examine this proposal and join me in working for its swift enactment.●

SUSQUEHANNA TOWNSHIP HIGH SCHOOL PARTICIPATES IN MODEL UNITED NATIONS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of the Congress an activity of good citizenship in which 12 young constituents of my district recently participated, the annual Georgetown University Model United Nations. This year's Model U.N. Conference was held on the Georgetown campus from Thursday, February 14, 1985, through Sunday, February 17, 1985. The 12 young people are students at Susquehanna Township High School in Harrisburg, PA.

Susquehanna was one of the 140 schools from across the Nation that participated in this year's conference. Their delegation represented the Syrian Arab Republic. Overall, 3,000 students, quite literally a small community, mingled in the spirit of world compromise and understanding that such an event attempts to generate. The students of Susquehanna had the unique experience for 3 days of meeting and talking with students from other sections of our great Nation.

Susquehanna frequently participates in regional Model United Nations. A few years ago they were honored with an invitation to Harvard University's Model United Nations. However, this year they received an invitation to Georgetown's United Nations. Additionally, Susquehanna was the only school to represent the 17th District of Pennsylvania.

While the students participated in their United Nations, their teachers and chaperons, including Susquehanna's Dave Volkman, participated in the Secondary School Teachers Institute sponsored by Georgetown.

Consequently, I would like to commend the excellent effort put forth by Dave Volkman and the entire Susquehanna delegation, which included Rudolph Butler, Nadene Boova, Craig Lammers, Shari Orbach, Richard Long, Elizabeth Colleran, Lisa Nicholas, Pam Binder, Mark Stimilo, Joel Braverman, Stephanie Prather, and Michael Furgeson.●

TUSKEGEE INSTITUTE SUCCEEDS IN JOB TRAINING

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. ERDREICH. Mr. Speaker, the problems of youth unemployment, which plague every part of this country, keep the economic recovery from being shared by all Americans. In Jefferson County, AL, which I am proud to represent, the strains of youth unemployment are felt.

Dealing with this problem has not been easy, but one example of progress can be seen in the work of Tuskegee Institute, of Alabama, where, since 1980, over 600 young people from my district have been trained, most of whom are now in school or are employed. The Tuskegee program has a similar record of success across all Alabama, training over 1,000 in 5 years. The Tuskegee record has been especially important for the training of disadvantaged minority students. I applaud those responsible for the Tuskegee program and these young people for this contribution to both economic and social goals.

The Tuskegee program offers educational assistance, skills training, job counseling, and other personal and vocational support services to disadvantaged youth. The goals achieved are significant as graduates go on to productive work in our communities. The Tuskegee program sends youth into jobs, institutions of higher education, and the military, thus providing both the means and the opportunity for these young people to become valuable members of our society.

Mr. Speaker, I commend Tuskegee Institute for this effort at the Job Corps center and thank them for their continued efforts on behalf of my constituents and others across the State of Alabama.●

MIAMI-JACOBS JUNIOR COLLEGE—SERVING DAYTON CITIZENS FOR 125 YEARS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. HALL of Ohio. Mr. Speaker, we have entered a new era, the era of technology. It is a time of change, and American lives are being altered as much as they were when our Nation entered the industrial age. However, the jobs of the new era call for higher skills than ever before demanded of our workers, while the jobs of yesterday are increasingly being taken over by computers, automated equipment, and by robots.

We cannot overstate the importance of education in this new era. Not only must younger Americans be trained in new skill, but also many older workers must be retrained in the next 5 to 10 years because their jobs are rapidly becoming obsolete.

In light of these changes, it is particularly appropriate to share with my colleagues in the House the pride we feel in Ohio's Third Congressional District as Miami-Jacobs Junior College observes its 125th anniversary this year.

Miami-Jacobs continues a tradition of excellence in business career training. Its longevity is a testament to its ability to adapt in a rapidly changing world and remain responsive to the new demands of area employers. In keeping with current demands, Miami-Jacobs now provides professional instruction in computer programming, word processing, and other specialized office skills of today's era of technology.

When the school was founded a century and a quarter ago, of course, far less sophisticated training was offered.

The first chapter of the Miami-Jacobs story was written in 1860, when Edwin D. Babbit opened the Miami Commercial School in Dayton. It was a simple one room school, but it brought new hope and opportunity to many young men in Montgomery County. Respectable jobs outside the home for young women were yet to come, in a somewhat more enlightened time.

In 1860, higher education was available from a small number of 4-year universities, and only to those from wealthy families. Until institutions like Miami Commercial College came on the scene, there was no formal training for careers, save the clergy, law, medicine, or the arts. Thus, the skills of bookkeeping and penmanship that Babbit taught were a highly welcomed alternative for youth from families of modest means. Here was training that made it possible for a young man to find employment in one of the many new business offices opening then in a growing, bustling Dayton.

In 1865, A.D. Wilt became president of Miami Commercial, a position he was to hold for 52 years. Himself a successful graduate of the school, Wilt guided the College steadfastly toward a new kind of business education—instruction which emphasized basic management principles and techniques along with routine, entry level skills.

The first practical typewriters went into production in this country during the late 1800's, at long last opening the door for women to take their places in the office work force. Miami Commercial College was a pioneer in offering typing instruction, just as the school was later to be one of the first in the Midwest to provide training in the now standard Gregg shorthand system.

This progressive spirit and educational leadership hardly went without notice at schools across the country. Miami Commercial was honored in 1893 by being selected to present an exhibit at the Chicago World's Fair.

In 1897, H.L. Jacobs of Harrisburg, PA, came to Dayton to found the Jacobs College of Business. Even Wilt described the new college as "a worthy competitor," and a merger of the two schools seemed inevitable. In 1916, the two consolidated to become Miami-Jacobs College.

A gifted young Canadian business teacher, William E. Harbottle, assumed the presidency of the newly consolidated college. He was the first link in a chain of family leadership which continues to this day. Harbottle served as president until his death in 1954, when his son, Charles P. Harbottle, was elected president. Charles Harbottle, now Miami-Jacobs' chairman, directed the college until 1983 with distinction and keen educational insight. At that time, his nephew, Charles G. Campbell, assumed the presidency. This continuity is one of Miami-Jacobs' greatest strengths.

In the 1960's, the college achieved a certain fame when it was featured

under the name of the "Ludlow College of Business" in the Steve Canyon cartoon strip drawn by former Daytonian Milton Caniff.

Now a fully accredited junior college, Miami-Jacobs offers a number of 18-month courses which lead to the associate in business degree. These courses range from the newest technologies, such as computer programming and word processing, to medical office assisting, fashion merchandising, accounting, marketing, and many specialized secretarial fields.

In every course, the goal is the same—to thoroughly prepare the student for employment, and to train the student to take his or her place in the business world as a contributing employee from the first day on the job.

This has always been the school's goal. It has never changed, even though its curriculum has undergone countless modifications. Nor is it likely to change, even though the curriculum is expected to be revised whenever a new business technology emerges or whenever the requirements of area employers call for new, specialized training.

A job for the graduate. Success for the graduate. There, simply, is Miami-Jacobs' mission. This sense of purpose has enabled Miami-Jacobs to endure and to grow. Even now, the school is completing work on a major expansion and renovation of its facilities.

The record of Miami-Jacobs Junior College is a commendable record, and one which merits our attention and admiration.

I wish to congratulate the administration, faculty, graduates, and students of Miami-Jacobs Junior College as the school celebrates its 125th anniversary. If what is past is prologue, then I have no doubt that the future holds continuing success for the college and for its graduates.●

CRESSONA ELEMENTARY PTA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. YATRON. Mr. Speaker, the Cressona Elementary PTA in the Blue Mountain School District is planning a Seatbelt Safety Awareness Week. Their goal is to convince their students of the validity of seatbelts and encourage them to impart these strong convictions to the rest of the members of the community. School administrators and teachers are supporting the project by encouraging the students to participate in a Make It Click campaign. The students will distribute literature and ask for signatures on a pledge to wear seatbelts for 2 weeks. Prizes will be given to the student from each room with the most signatures. A slogan contest and individual classroom projects are also being planned. The awards ceremony will be held on April 26.

A great deal of community involvement in the project is anticipated. Seatbelt Safety Awareness Week at Cressona Elementary School will begin on April 22.

Mr. Speaker, it is an honor to bring to the attention of my colleagues the outstanding efforts of the Cressona Elementary PTA to promote automobile safety. My hope is that their efforts will serve as a model to be emulated by other boroughs, towns, and cities nationwide.●

TRIBUTE TO SENATOR LISTER HILL

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. DICKINSON. Mr. Speaker, today I want to join my colleagues in paying tribute to the memory of the late former Senator Lister Hill. He was a dedicated and most respected representative of the people of Alabama and our Nation, whom he served so well and so long.

Senator Hill began his congressional career in 1923 when he was first elected to the House of Representatives. In 1938, he was appointed to the Senate, where he served until retirement in 1969. His lifelong accomplishments have become a part of our history as they are etched in the records of Congress over 45 years. Best known for his unflagging support for health and education, Senator Hill was a sponsor of the Hill-Burton Act which provided Federal funds to build hospitals across the country, primarily in poor and rural areas. Among his many achievements were programs such as the Tennessee Valley Authority, the Rural Housing Act, the Rural Telephone Act, and the GI bill of rights for veterans of World War II and the Korean conflict.

Americans, and especially the citizens of Alabama, have lost a great statesman who will long be remembered for his leadership and commitment to public service. I offer my deepest sympathy to all members of his family.●

MURDER IN MEXICO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. GILMAN. Mr. Speaker, it is with a great deal of sorrow that we learned last night, based on preliminary identification, of the brutal murders of DEA Agent Enrique Camarena Salazar and his associate, a Mexican pilot, Alfredo Zavala Avelar, at the hands of drug traffickers who kidnaped them on February 7, 1985, in Guadalajara, Mexico. Should their identifications be confirmed, and we have every reason to believe that they will, I am certain that every Member of this body will join with me in expressing our deepest sympathy to the families of these dedicated and courageous men. Agent Salazar joined the Drug Enforcement Administration in 1974, and was stationed in Guadalajara in 1980. He is married, and the father of three small children.

If there were ever any doubts about the magnitude of the drug trafficking problem, and the ruthlessness of drug traffickers, there should be no doubt now. These murders are only the last of a series of desperate acts by these ruthless drug traffickers. Only a few days ago a fugitive drug trafficking suspect proclaimed his defiance of Colombian law on local television, and said that coca planting was "a patriotic protest against American imperialism." Last year, drug criminals assassinated Colombia's Justice Minister Rod- rigo Lara Bonilla for his aggressive drug enforcement efforts. Later they made an effort to bomb the U.S. Embassy in Bogota. South American drug bosses have recently offered a $350,000 bounty for the kidnaping of DEA Administrator Francis Mullen, or any other high DEA official.

It is obvious that the efforts of this Nation to combat the production and importation of illicit narcotics are having an impact, and drug traffickers are becoming more frustrated and desperate in their actions. They have, in effect, declared all-out war against U.S. efforts to thwart their illegal activities. It is time that we recognize the gravity of the situation and respond in kind. Up to this point, however, our efforts have been piecemeal, lacking effective coordination, cooperation and resources.

We need a massive infusion of resources and personnel if we are going to do battle to get the job done to put an end to the slow but sure destruction of American society from within. Increased funding for all drug law enforcement personnel is desperately needed. Increased funding is needed for our State and local governments to prosecute drug dealers, to educate our citizens on the dangers of drug abuse and to treat those addicted. In addition, I believe that the time has come to provide increased use of military resources and personnel in our fight against drugs.

I call on all of our colleagues to join in this effort.

As the ranking minority member of the Select Committee on Narcotics Abuse and Control, I thank our col-

leagues for reauthorizing our select committee and we assure you that our committee will do all that we can to see that these goals are accomplished. The war against drug traffickers can and must be won, and I invite and urge you to join us in the fight.●

GRANADA HILLS HIGH SCHOOL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. BERMAN. Mr. Speaker, May 11, 1985, will mark the 25th anniversary of Granada Hills High School. Granada is an outstanding school with many outstanding accomplishments. As the Representative of California's 26th District I am proud to share some of Granada's accomplishments with my colleagues in the House of Representatives.

Granada Hills High School opened its doors in January, 1960. The first principal was Bryce Edwin Schorr. The motto, "Build for character not for fame" was selected then and has served since as a guiding principle for the school.

An innovative curriculum characterizes the forward-looking and aggressive faculty and student body. Granada Hills High School has long been known for its variety and depth of course offerings and progressive programs such as its Peer College Counseling Program, Skills Center Program and its Performing Arts Program. In addition, Mission College teaches three classes on campus, offering advanced instruction to many of the seniors who are ready for this challenge.

This school motif is a Scottish Highlander, adopted during the school's first year. Official school plaid is MacLean Hunting Plaid, personally selected by Mr. Schorr in Scotland to match the student selected school colors of green, black, and white. The motif is reflected in many of the school's traditions: Highlanders of Scots as the school's athletic designation; Highlander Hall as the name of its auditorium.

Granada Hills High School has an impressive record of being No. 1 in athletics, band competitions, and in the number of students enrolling in college. In the last set of figures released from the school district, Granada Hills High School enrolled more students than any other school in the district in the University of California, California State and Community College systems. It is an honor to have such a fine educational institution in the 26th District.●

TRIBUTE TO MRS. RAE SPANOVER, AN OUTSTANDING SENIOR CITIZEN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. BIAGGI. Mr. Speaker, today I would like to pay tribute to an outstanding senior citizen, Mrs. Rae Spanover of Bronx, NY. For the past 4 years Mrs. Spanover has been the highly regarded president of the Coalition of Institutional Aged and Disabled, an organization of which she has been a member for the past 10 years. She has been instrumental in making the coalition a formidable organization and in strengthening the voice of the institionalized residents of America.

In 1981, Mrs. Spanover was selected as a delegate to both the White House Conference on Aging and the New York State Governor's Conference on Aging. She testified at these conferences and at various congressional hearings in Washington. Each time, Mrs. Spanover articulately and realistically represented the views and concerns of nursing home residents and senior citizens all over the country.

A resident of two different nursing homes for the past 10 years, Mrs. Spanover has proudly and faithfully served on the resident councils of both. Her good spirit and dedicated efforts have made life more enjoyable for all the residents of the senior homes.

Mrs. Spanover has not only been a leader of nursing home residents, but a valuable member and contributor to society as a whole. Her good hearted efforts and dedicated service have contributed to the well being and quality of life of many individuals throughout her community.

Mr. Speaker, I salute and thank Mrs. Rae Spanover for her kind service, commitment, and dedication to both her community and the worthy cause of the Coalition of Institutionalized Aged and Disabled. Her efforts make me proud to have her as a constituent.●

TRIBUTE TO JOHN W. BAKER

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. BONKER. Mr. Speaker, I felt a great sense of loss when I learned that John Baker, one of the Nation's foremost scholars on church-state relations and general counsel and director of research services for the Baptist Joint Committee on Public Affairs, had died on January 12 of congestive heart failure. I had worked closely with Dr. Baker in the last Congress on the Equal Access Act and on efforts to prevent State-sponsored exercises of religion. During that time, I came to admire and respect John Baker and to rely on his counsel, for he was not only a man of great knowledge and wisdom, but also had the personal qualities of balance, fairness, and grace that made him credible and respected even among political adversaries. In the delicate and potentially divisive area of policies and religion, John was uniquely qualified to bring reason, equity and compromise to the most controversial issues.

John Baker was an activist. As a member of the bar of the Supreme Court and of numerous professional societies, he had a reputation for bringing together lawyers representing churches and civil liberties groups on a wide range of causes dealing with religious liberties issues. During his 15 years with the Baptist Joint Committee, he wrote or filed 21 friends-of-the-court briefs in the Supreme Court and other Federal panels.

John Baker was a scholar, and during his 64 years accumulated an impressive list of degrees and academic assignments. A native of Texas, he graduated from the University of Texas, B.A., and then earned a Ph.D. in political science from the University of California, Berkeley. More recently, Dr. Baker completed his law degree at the American University's Washington College of Law. Dr. Baker was a professor of political science for 22 years, with teaching posts at Trinity Univeristy, San Antonio, TX; University of California, Berkeley; University of Florida; Harvard University; Humboldt State College of California; and the College of Wooster, OH.

He was a visiting scholar at the Brookings Institution here in 1967–68. At that time, he was asked to join the staff of the Washington-based Baptist Joint Committee, a post he held from 1969 until his death.

An active lay church leader, Dr. Baker belonged to First Baptist Church, Silver Spring, MD, and served in various capacities for the District of Columbia Baptist Convention. He acted on several occasions as an unofficial consultant to the resolutions committee at the annual meeting of the Southern Baptist Convention, and at the time of his death was serving as a trustee of Golden Gate Baptist Theological Seminary, Mill Valley, CA.

Dr. Baker is survived by his wife, Mary E. Posey Baker of Bethesda, MD; sons Robert S. Baker of Beckley, WV; Frederick D. Baker of San Francisco; Brian Lee Baker of Washington; and John P. Baker of Washington; and six grandchildren.

While I mourn the passing of this great man, his accomplishments, his example, and his spirit remain with us.●

MIKLUS DURAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. PORTER. Mr. Speaker, I am pleased to join my colleague, and co-chairman of the Congressional Human Rights Caucus, TOM LANTOS, in calling attention to the plight of Miklus Duray.

Last May the Czechoslovak Security Police in Bratislavia took Mr. Duray into custody. Subsequently, Mr. Duray was charged with so-called activities contrary to the interests of the state and distribution of inciting material. If found guilty of these charges, Mr. Duray could face a 6-year prison sentence.

I am convinced that Mr. Duray is not guilty of any criminal activity, but rather he has been persecuted for his work on behalf of the Hungarian minority in Czechoslovakia. A writer and geologist by profession, Mr. Duray is well-known as one of the foremost leaders in protecting the rights of the Hungarians. Last spring Mr. Duray led a highly successful petition campaign against passage of a law which could have resulted in the serious curtailment of the Hungarian language schools and classes for Czech citizens who are ethnic Hungarians.

As my colleagues may be aware, the minority rights of ethnic minorities are protected by the Charter of the United Nations and other treaties to which both Czechoslovakia and the United States are parties. The persecution of Mr. Duray marks a change in enforcement of the provisions of the 1960 Czechoslovakian Constitution which specifically protects the right of minorities to be educated in their own language.

I am pleased to report that Mr. Duray's case has been adopted by Amnesty International and the International Commission of Jurors. In addition, many human rights organizations are closely observing the proceeding against him.

I urge my colleagues to join me in expressing their concern over the arrest of Miklus Duray, and the persecution of the Hungarian minority in Czechoslovakia.●

HAPPY ANNIVERSARY, CHANNEL 18

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. ROGERS. Mr. Speaker, this coming Friday, March 15, will mark a special occasion for the people of central and south-central Kentucky.

That day will be the 30th anniversary of the first television station in Lexington, KY—WLEX-TV.

It was at 6 p.m. that day, March 15, 1955, that channel 18 first went on the air, providing entertainment and news for the people of our region. Since then, the station has expanded its services, improved its equipment and buildings, and proudly serves the Lexington market with quality programming.

WLEX's success is in no small part the result of hard work and community dedication. Led by president and general manager, Harry Barfield, one of this Nation's outstanding broadcast executives, WLEX has recorded a proud past, and looks ahead with confidence to the years ahead.

Mr. Speaker, I urge all of my colleagues in the House of Representatives to join me in saluting WLEX-TV on its 30th anniversary, and in wishing the station continued success in the future.●

THE JOB CORPS PROGRAM WORKS

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1985

● Mr. HAMMERSCHMIDT. Mr. Speaker, for 20 years the Job Corps Program has done what it was designed to do: help disadvantaged youths break out from the vicious cycle of poverty and hopelessness by providing the environment and training for these young people to become productive members of society.

In my district, the Cass Job Corps Center in Ozark, AR, has done an exceptional job of training these young people in useful job skills. In fact, the Cass Job Corps Center is ranked in the top quarter of all 107 Job Corps centers around the Nation.

I would like to submit the following Washington Post editorial, which presents an excellent summary of the many reasons the Job Corps Program should be continued:

SAVE THE JOB CORPS

One of the last survivors of the War on Poverty is slated for extinction. The president's budget for fiscal 1986 and beyond would close down the Job Corps, one of the few programs that has ever succeeded in realistic measure in dealing with the nation's hardest-to-employ youth.

Like most social experiments of the 1960s, the Job Corps was conceived with an excess of expectation and a deficit of common sense. Unlike most social experiments, the Job Corps was allowed to survive long enough to learn from its mistakes. When Richard Nixon proposed ending the Job Corps, management was poor, discipline was lax and some sites suffered from racial discord and vandalism. As William Mirengoff, who took over the program for the Nixon administration recalls, "The media blew up every fistfight into a storm of violence."

Job Corps' administrators recruited counselors who knew how to deal with street kids, tightened up standards for counselors and youths and got unions and businesses to update training courses. A few years later, careful studies showed the Job Corps scoring impressive successes in changing the lives of kids otherwise headed for disaster—those with arrest records, out-of-wedlock pregnancy and truancy, for example, in their backgrounds.

The Job Corps is a residential program. It takes youths out of ghettos and depressed rural areas and moves them to camps to do conservation work and training. The hope is that the change of atmosphere and routine will make it easier for them to shake off the bad habits. That makes the program expensive—$15,000 for a year-round slot. It also means that the initial dropout rate is high, since many can't make the adjustment. But it also accounts for the program's notable success in increasing employment, military enlistment and further education, and reducing criminality and welfare dependency among those who stick it out.

In making its case for disbanding the program, the Office of management and Budget focuses only on the high cost per slot—ignoring the fact that more than one youth can fill a slot during a year—and the relatively low rate of direct placement in jobs—ignoring other positive outcomes such as military enlistment or return to school or the fact that, as in most training programs, large numbers of graduates find jobs for themselves. But controlled comparisons (which don't make all these obvious mistakes) show that the Job Corps is a good investment for the taxpayer. And even those calculations don't take account of the moral returns to a country that reaches out to its most disadvantaged young people.●

SENATE—*Monday, March 11, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 10 a.m. and was called to order by the President pro tempore.

The PRESIDENT pro tempore. The Senate stands in recess.

RECESS UNTIL THURSDAY, MARCH 14, 1985

Thereupon, at 10 o'clock and 4 seconds a.m., the Senate recessed, under the order of March 7, 1985, until Thursday, March 14, 1985, at 12 noon.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 12, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 13

10:00 a.m.
Appropriations
*HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs (Department of Commerce), Consumer Information Center, Neighborhood Reinvestment Corporation, National Credit Union Administration, Federal Home Loan Bank Board, National Institute of Building Sciences, and the Selective Service System.
SD-124

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review a recent report on international narcotics.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international security assistance programs.
S-126, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Richard H. Hughes, of Oklahoma, to be a Member of the Board of Directors of the Export-Import Bank of the United States.
SD-538

MARCH 14

9:00 a.m.
Armed Services
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on joint communications/electronic warfare programs.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration, and to hold oversight hearings on the Department of Transportation's Office of Commercial Space Transportation.
SR-253

9:30 a.m.
Special on Aging
To hold hearings to examine unnecessary surgical practices on older Americans.
SD-562

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine loan rates, target prices, supply management and production controls in agriculture policy.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Crop Insurance Corporation, and the Rural Electrification Administration, Department of Agriculture.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-192

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on nuclear fission, commercial waste management, and uranium enrichment.
SD-192

Armed Services
Sea Power and Force Projection Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on Naval forces readiness and sustainability.
SR-232A

Environment and Public Works
To hold hearings on proposed authorizations for fiscal year 1986 for the Public Buildings Service, General Services Administration.
SD-406

Foreign Relations
To hold hearings on proposed authorizations for the Department of State and certain foreign assistance programs.
SD-419

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and anti-terrorism programs.
S-126, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury.
SD-116

Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Energy.
SR-222

Armed Services
Preparedness Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on Navy and Marine Corps operations and maintenance.
SR-232A

MARCH 15

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the Strategic Defense Initiative.
SR-222

MARCH 19

9:00 a.m.
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on the aviation computer reservation system.
SR-253

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on proposed asbestos claims facilities.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of technology and research on agriculture policy.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Food Safety and Inspection Service, Department of Agriculture.
SD-124

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (P.L. 98-241).
SD-G50

Environment and Public Works
To hold hearings on the availability of environmental impairment insurance and its relation to the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (P.L. 96-510), and the Resource Conservation Recovery Act (P.L. 98-616).
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Peace Corps, the Inter-American Foundation, and the African Development Foundation.
SD-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Elections Commission, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of Special Counsel, and the National Archives and Records Service.
SD-116

Labor and Human Resources
To hold hearings on S. 484, to extend for 3 years the moratorium on the ban of the artificial sweetener saccharin.
SD-430

MARCH 20

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the military space program, including ASAT.
SR-222

Veterans Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
334 Cannon Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Commerce, and the International Trade Commission.
S-146, Capitol

Finance
To hold hearings on the United States-Israel Free Trade Agreement.
SD-215

Foreign Relations
To hold hearings on the proposed authorizations for fiscal year 1986 for foreign assistance programs.
SD-419

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine capital investment, debt, credit, and taxes in agriculture policy.
SR-328A

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on media efforts to deglamorize drug abuse.
SD-342

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Export-Import Bank of the United States.
S-126, Capitol

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 21

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on classified programs.
S-407, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SR-428A

Appropriations
*Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the U.S. Trade Representative, and the Federal Trade Commission.
S-146, Capitol

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 100, to provide for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget for fiscal year 1986 for the Washington Metropolitan Area Transit Authority, and the Architectural and Transportation Barriers Compliance Board.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Personnel Management.
SD-116

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the maritime administration, and S. 102, authorizing funds for fiscal year 1986 for the maritime construction differential subsidy.
SD-628

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on S. 124, authorizing funds through fiscal year 1989 for programs of the Safe Drinking Water Act.
SD-406

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on proposed authorizations for fiscal year 1986 for foreign assistance programs for the Near East and South Asia.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for energy conservation programs.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

MARCH 22

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for satellite and atmospheric programs of the National Oceanic and Atmospheric Administration.
SR-253

MARCH 25

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on a proposal to reform the current system of Federal funding for graduate medical education.
SD-430

2:00 p.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
H-227, Capitol

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of the Inspector General, and Office for Civil Rights.
SD-116

Environment and Public Works
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Governmental Efficiency and the District of Columbia on Government global forecasting capability.
SD-342

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold joint hearings with the Committee on Environment and Public Works on Government global forecasting capability.
SD-342

Labor and Human Resources
To resume oversight hearings to review labor violence activities.
SD-430

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Farmers Home Administration, Department of Agriculture, and the Farm Credit Administration.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Geological Survey, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary, Financial Management Service, Bureau of the Public Debt, U.S. Mint, U.S. Savings Bonds Division, all of the Department of the Treasury, and the U.S. Postal Service.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Federal Fire Prevention and Control Act (P.L. 93-498).
SR-253

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 27

9:00 a.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, refugee programs, and the Office of Child Support Enforcement.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Board for International Broadcasting, Arms Control and Disarmament Agency, and the Federal Communications Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for foreign assistance programs.
S-126, Capitol

Appropriations
*HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Revenue Sharing and the New York City Loan Program (Department of the Treasury), Consumer Product Safety Commission, Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

March 28

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Sucommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans Administration, and the National Science Foundation.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
*Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Interstate Commerce Commission.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navajo and Hopi Indian Relocation Commission, and the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Executive Office of the President, and the Internal Revenue Service, Department of the Treasury.
SD-116

APRIL 1

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on the care and advocacy for mentally disabled persons in institutions.
SR-428A

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 2

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the implementation of the Orphan Drug Act (P.L. 97-414), focusing on section 7(b) relating to radiation-cancer liability.
SD-430

Labor and Human Resources
Handicapped Subcommittee
To continue hearings on the care and advocacy for mentally disabled persons in institutions.
SR-428A

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, Food for Peace Program (P.L. 480), Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the department of State, and the U.S. Information Agency.
S-146, Capitol

Labor and Human Resources
Handicapped Subcommittee
To continue hearings on the care and advocacy for mentally disabled persons in institutions.
SR-428A

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Aviation Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal, Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Oceanic and Atmospheric Administration, Department of Commerce, the Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, focusing on multilateral development banks.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Conrail, U.S. Railway Association, and the Office of the Secretary of Transportation.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings in open session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

APRIL 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office for Civil Rights, Office of Inspector General, National Institute of Education, education statistics, and vocational and adult education, all of the Department of Education.
SD-428A

10:00 a.m.
Appropriations
* HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Mines, Department of the Interior.
SD-138

APRIL 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including education for the handicapped, rehabilitation services and handicapped research, special institutions, including Howard University, and bilingual education.
SR-428A

Appropriations
Commerce, Justice, State, and Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Customs Service, Department of the Treasury.
SD-124

APRIL 18

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Endowment for the Humanities, and the National Endowment for the Arts.
SD-138

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Forest Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, U.S. Postal Service, and General Government programs.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, college housing loans, educational research and training, and librariers.
SD-116

Appropriations
Commerce, Justice, State, and Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Bureau of Investigation, Department of Justice, the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency, and the Environmental Protection Agency.
SD-124

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for ACTION (domestic programs), Corporation for Public Broadcasting, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Council on the Handicapped.
SD-116

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Management and Budget, including the Office of Federal Procurement Policy.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Indian Education, and the Institute of Museum Services.
SD-138

APRIL 29

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Transportation and related agencies.
Room to be announced

APRIL 30

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, and the Federal Mediation and Conciliation Service.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
Room to be announced

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. District Courts.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcomittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the General Services Administration.
SD-138

MAY 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs, Department of the Interior.
SD-138

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Indian Health Service, Department of Health and Human Services.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

MAY 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management, Department of the Interior.
SD-138

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.
SD-138

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.
SD-138

MAY 23

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.
SD-138

CANCELLATIONS

MARCH 12

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on solar and renewables and energy research.
SD-192

MARCH 13

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Bureau of Standards.
SR-253

10:00 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on S. 374 and S. 193, bills authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SD-G50

Judiciary
Constitution Subcommittee
To hold hearings on certain issues promoting affirmative integration.
SD-226

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

MARCH 26

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the Stevenson/Wydler Technology Innovation Act (P.L. 96-480).
SR-253

SENATE—*Thursday, March 14, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*O Lord, thou hast searched me and know me! * * * thou discernest my thoughts from afar.*—Psalm 139:1,2 RSV.

Gracious God, we are all expert at concealing our needs—our hurts, our weakness, frustration, fear, anger, and sin. We dare not acknowledge vulnerability, lest we be misunderstood and public people especially must be cautious—surrounded as they are by those who would exploit the slightest indication of inadequacy. So we struggle, Heavenly Father, to sustain the image of power. Life becomes a charade and we are alone in our misery as we repress our deepest concerns. Thank You, Loving Lord, that we have no secrets from You. You know our hearts—our secret thoughts and desires—our foibles. In mercy and grace, compassionate Father, touch each of us with forgiveness, healing, and renewal. Free us from the stress of hiding and pretending that we may be effective servants for Your sake and the peoples'. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, for the information of Senators and others, there will be the leaders' time of 10 minutes each under the standing order, and a special order for not to exceed 15 minutes for the distinguished Senator from Wisconsin [Mr. PROXMIRE], followed by routine morning business not to extend beyond the hour of 1 p.m. with statements therein limited to 5 minutes each.

As indicated last week, there will be no legislative business expected today and so there will be no rollcall votes that will occur today. If there should be some request, that will be postponed until Monday. I do not anticipate our being in session tomorrow.

SCHEDULE FOR WEEK OF MARCH 18

Mr. DOLE. Mr. President, the schedule for the week of March 18 would be to convene at 12 noon on Monday. Shortly after 2 p.m., it is expected that the Armed Services Committee will report out Senate Joint Resolution 71, the MX authorization under a statutory time agreement of 10 hours. It would be the intention of the majority leader to turn to that resolution once reported from the committee.

As I understand, it is a privileged motion to bring up the resolution and does not require consent. It is not debatable.

On Tuesday, we will resume consideration of Senate Joint Resolution 71, the MX authorization, hopefully with a vote sometime after 2 p.m. on final disposition of Senate Joint Resolution 71.

On Wednesday, we will begin consideration of Senate Joint Resolution 75, the MX appropriation under a statutory time agreement of 10 hours. Again, it does not take consent to get the resolution up. It is a privileged and nondebatable motion.

On Thursday, March 21, we will hopefully finish Senate Joint Resolution 75 by 12 noon or so. Following the disposition of Senate Joint Resolution 75, the Senate could turn to S. 457, the African relief authorization, hopefully under some time agreement, and also H.R. 1239, the African relief appropriations, hopefully under some time agreement.

We may be able to do that earlier in the week because the distinguished minority leader has indicated to me that it might be possible to dispose of either one or maybe both of those matters earlier in the week.

On Friday, there will be a possible session if we have not concluded work on the MX authorization and appropriation, and, hopefully, we can dispose of the two African relief bills, if not before Friday, on next Friday.

If there is no legislative business, I would not anticipate a Friday session.

(Mr. WARNER assumed the chair.)

ARMS CONTROL OBSERVER GROUP TRIP TO GENEVA

Mr. DOLE. Mr. President, I returned yesterday from Geneva, where the distinguished minority leader and I led a delegation of 10 Members of the Senate's observer group to monitor the opening of arms control negotiations with the Soviet Union. I want to briefly offer the Senate at this point some observations on why we went to Geneva and what we accomplished there.

As the Senate knows, the arms control observer group was formed pursuant to Senate Resolution 19, passed unanimously on January 3.

This resolution's establishment of the observer group came about because of the leadership of the distinguished minority leader, Senator ROBERT BYRD. Senator BYRD should be commended by the body for his providing the initial inspiration for the arms control observer effort and for his tireless work to bring this group together as a functioning entity.

Its main purpose is to assist the Senate in carrying out its role under the Constitution to give advice and consent to the ratification of treaties, including any future arms control treaty.

In consideration of the importance and complexity of arms control issues, the distinguished minority leader and I took great care to recommend for inclusion on the Senate observer group some of the most distinguished Members of this body, who possessed long experience and special knowledge of those issues. As a result, we have a group which does great credit to the Senate and which has the knowledge and enthusiasm to perform its role effectively.

The group, as the Senators know, has four cochairmen: Senators STEVENS, NUNN, LUGAR, and PELL. The other Members are Senators WARNER, KENNEDY, WALLOP, MOYNIHAN, NICKLES, and GORE. The distinguished minority leader serves with me as an ex officio member of the group. All of these observers, except Senators WALLOP and MOYNIHAN, were able to make this first trip to Geneva and the absent Senators have indicated their intention to observe the negotiations on site in Geneva at an early opportunity.

GENEVA: GOALS AND ACCOMPLISHMENTS

Our group went to Geneva with three goals, and I think we accomplished them all. First, though we are not negotiators, the group has an important substantive role to play in the arms control process. It is to serve as the eyes and ears of the Senate in Geneva and to maintain close contact with the executive branch here in Washington, where negotiating goals and strategies are developed.

We had a number of substantive sessions with members of the negotiating team before the talks with the Soviet delegation actually commenced, and we also had a very informative debriefing immediately following the first negotiating session on March 12. We were asked by Max Kampelman and the other members of his team to respect the confidentiality of the negotiating sessions. Obviously, we are going to honor that request, to avoid in any way jeopardizing the smooth conduct of the talks.

I was pleased our excellent negotiating team—Max Kampelman, John Tower and Mike Glitman dealt with us in a spirit of excellent cooperation and candor. They were interested in the ideas and observations we had to offer. They fielded all of our questions, including some very tough and searching ones. And they actively sought to exchange information with us which might help the negotiating process itself.

In the course of these discussions we passed on the strong concern of the Senate, in the area of Soviet violations of existing arms control agreements. Our negotiators got the message clearly that we are deeply concerned about this issue and they agree that it must be addressed, in an appropriate way, in the context of the Geneva negotiations.

Our second goal in going to Geneva was to underscore the strong bipartisan support which exists in the Senate, and in fact in the country, for the administration's arms control efforts. The presence of our bipartisan delegation there alone, I think, sent a clear message to the Soviet delegation and to others: The United States is going about the business of arms control in a serious, nonpartisan, and basically unified way. Both in public statements and in our private meetings with our negotiating team, all of the members of the observer group stressed some common themes. We committed ourselves to be as patient as necessary to make sure we get the kind of agreement we want, and we urged our negotiators to persevere in that same spirit, too.

We departed for Geneva unified in our goals and we came back even more unified than before. Because of that, I am convinced that our presence and actions there materially strengthened the hand of our negotiators as these important talks began and helped to improve the long-term prospects for the kind of agreement we all want.

Finally, we went to Geneva with a third objective in mind—to get to know our own negotiators better and to let them know we are behind them. I need not expound for the Senate on the virtues of Max Kampelman, John Tower and Mike Glitman. We know these men well and have enormous respect for them. Let me say, though, that they, along with their able and enthusiastic deputies, have gone beyond their individual talents to form a true team, in concept and in action. They are a credit to the President who picked them and to the country they are serving so well.

MOSCOW: A NEW LEADER

While in Geneva, of course, we learned of the death of Soviet President Chernenko, and we wondered how it might affect the negotiations about to begin. It appears as if the Soviet Union has moved quickly to arrange an orderly transition of leadership, which is essential to the conduct of our bilateral relations. Certainly, it is encouraging that the Soviets decided to go ahead with the arms control talks on schedule and that the chief Soviet negotiator has confirmed the direct support of the new Soviet leader, First Secretary Gorbachev, for the Geneva talks.

I might add that Chernenko's death did make it impossible for the group, on this occasion, to meet directly with the Soviet negotiating team. We have received assurances, however, that on future occasions, onsite Senate observers will have appropriate access to the Soviet negotiators.

WASHINGTON FOLLOWUP

Finally, I would like to let the Senate know briefly of the future plans of the arms control observer group for monitoring the negotiations. Two of our Members, Senators STEVENS and GORE, have remained in Geneva for several days to observe the talks. It is the intention of the group that Members will travel to Geneva periodically to observe the talks and that at least one Member will be present for a substantial portion of the time the talks are going forward.

I would also like to inform the Senate that the distinguished minority leader and I last evening sent a letter to the President, giving him our initial observations from our trip. I ask unanimous consent that the text of our letter to the President be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, in conclusion, let me say that the talks in Geneva are off to a good start. The activities of the observer group are off to a productive start.

We recognize this will be a prolonged process. Nevertheless the events which we observed, and in which we played a part, in Geneva can offer all of us a bit more hope that, at the end of this long road, there may lie the prospect of a significant, balanced, and verifiable arms control agreement.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 13, 1985.

The PRESIDENT,
The White House,
Washington.

DEAR MR. PRESIDENT: As you know, pursuant to Senate Resolution 19 of January 3, 1985, we have established a Senate Arms Control Observer Group of twelve members, with Senators Stevens, Nunn, Lugar and Pell as Co-Chairmen. All of the members we have designated to serve on the Group are exceedingly well qualified to consider arms control issues and are eager to make a significant and constructive contribution to the arms control process.

As a first major step in that direction, we led a delegation of ten members of the Group to Geneva March 9-13, to observe the opening of arms control talks with the Soviet Union. Those talks are likely to continue for many months and years, and members of the Observer Group will travel to Geneva periodically to monitor their progress. We think it useful, however, to convey to you our initial impressions of the events we observed and the discussions we held in Geneva.

We went to Geneva with two main goals, and we believe we accomplished both.

First, we wished to demonstrate conclusively that the Administration's arms control efforts enjoy the broad, bipartisan support of the Senate. Our presence in Geneva—five Republicans and five Democrats—was visible evidence of that unity. In public statements, in encounters with the media and in our private sessions with our negotiating team, we stressed our wish for a good agreement and our determination to be as patient and persevering as necessary to achieve one.

We are confident that our message was understood and that our presence strengthened the position of our team as it began its talks with the Soviet negotiators.

Second, we sought to demonstrate the seriousness with which the Senate intends to fulfill its Constitutionally-mandated role in the arms control process. While we made it clear that we do not go to Geneva as negotiators, we do go with two important missions: to consult with and advise our negotiating team and to monitor and report to the Senate on the progress and development of the talks.

We had several opportunities to meet with our negotiators before the commencement of talks, and we had a useful debriefing from them immediately after the conclusion of the first negotiating session. Each of the sessions with the negotiating team was structured to permit us the full opportunity to present our views and questions to the team and to engage in a candid and confidential exchange of information. Within the coming days, we will be presenting our observations to the Senate. Through this continuing process of monitoring the negotiations as they unfold, we are confident that the Senate will be in a much better position to consider any resulting treaty or agreement.

Finally, Mr. President, we would be remiss if we did not apprise you of the very positive impression which the negotiating team made on us during our stay in Geneva. Max Kampelman, John Tower, Mike Glitman and their deputies did a great job with us and are obviously doing a great job in preparing for, and conducting, the talks with the Soviet delegation. They are a credit to

you, to your Administration and to the country they are serving so well.

Sincerely yours,

BOB DOLE,
Majority Leader.
ROBERT C. BYRD,
Minority Leader.

I ask unanimous consent that the letter we did send to the President be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 13, 1985.

The PRESIDENT,
The White House,
Washington.

DEAR MR. PRESIDENT: As you know, pursuant to Senate Resolution 19 of January 3, 1985, we have established a Senate Arms Control Observer Group of twelve members, with Senators Stevens, Nunn, Lugar and Pell as Co-Chairmen. All of the members we have designated to serve on the Group are exceedingly well qualified to consider arms control issues and are eager to make a significant and constructive contribution to the arms control process.

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Sincerely yours,

BOB DOLE,
Majority Leader.
ROBERT C. BYRD,
Minority Leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

SENATE ARMS CONTROL OBSERVER GROUP AND THE GENEVA NEGOTIATIONS

Mr. BYRD. Mr. President, 10 of the Senators on the arms control observer group traveled to Geneva last Saturday, March 9, 1985, in order to monitor the opening round of arms control negotiations with the Soviet Union.

I believe the trip was an unqualified success from every standpoint. The swift transition of power in the Soviet Union while we were in Geneva highlighted the feeling that we are at the beginning of a new era, not only in the field of arms control but also in American-Soviet relations in general.

The Senate arms control observer group was established by Senate Resolution 19 on January 3, 1985, and includes a well-balanced and highly knowledgeable cross-section of Senators from both sides of the aisle. It includes the leadership of both the Armed Services and Foreign Relations Committees as well as other Senators who have been deeply involved in the national security and arms control areas.

A major part of the reason I believe that this short trip to Geneva was a success was the extensive preparation that we engaged in prior to the trip. The group met for long sessions at breakfast, twice weekly for a month, with a variety of experts in this field—including, for example, such outside experts as Zbigniew Brzezinski and James Schlesinger, as well as our negotiating team and the Soviet Ambassador to the United States, Anatoly Dobrynin. We were, therefore, coversant with the broad outlines of the issues in each of the three negotiating areas: strategic, intermediate, and space weaponry.

The first negotiating session between the United States and Soviet teams was held on Tuesday, March 12, 1985. The second session was held just a few hours ago today.

Prior to the first session, we were provided with extensive briefings by both our three deputy and three chief negotiators. These included extensive confidential discussions of the issues involved. After the first negotiating session, we again conferred with our negotiators and received an extensive debriefing of the details of the negotiating session. I am sure I speak for my colleagues who attended those briefings and debriefings that they were fully informative and satisfactory.

The give and take of discussions between the observer Senators and our negotiators leads me to conclude that the process which we have established will be of long-term value to the Senate and to the administration both.

As Senator DOLE and I have communicated by letter to the President yesterday, we believe that we fulfilled the two main goals of our Geneva trip. First, we intended to convey that there is a strong bipartisan consensus supporting the efforts of our team in Geneva. This includes the determination to be very patient in the course of these talks. The talks will be long and arduous. The issues, particularly with the onrush of new technologies over the last decade and into the future, will be staggeringly complex. These will be, unquestionably, the most complicated and difficult negotiations in this field in history.

I made the point to our negotiators over the last few days that I believe it will be American inventiveness upon which the lion's share of ultimate success will depend. It will take our full creative genius to fashion sound solutions to the range of issues, unknowns, and complexities that modern weapons technology presents us with. Just the question of how to verify presently deployed systems such as cruise missiles, much less that largely hidden future of space technologies, is a very demanding task. I do not think the Soviets will exhibit the kind of flexibility and creativity which are peculiarly American. We Americans have to lead them—if they can be led at all, of course.

I also made the point that the Senate observer group is an important resource available to our negotiators. A number of Senators in the group have been deeply involved in fashioning the build-down concept, for example, and also in various kinds of proposals for so-called confidence building measures with the Soviets.

Our second goal on this trip was to demonstrate our commitment to fulfilling the unique and critical role which the Constitution places on the Senate in the area of treatymaking. In this connection, we must advise and

consent to any treaty which may result from these talks. It will take far more than just a cursory understanding of the very difficult and varied questions to be resolved by these agreements for us to properly meet our duty. It will take study and considerable work for the Senate to do justice to the technological as well as the political problems being faced in these negotiations. The group is available to provide counsel and the reaction of the Senate to the issues on the table—if that counsel is desired by our negotiators. We firmly believe that the interplay of ideas that has and will continue to occur with the members of our observer team will be of assistance to our negotiators.

In addition, in the event that a treaty does come before the Senate, the Senate will be in a better position to consider the detailed issues involved in such an agreement. On the other hand, in the event that the negotiations fail, the Senate will be in a better position to understand and make comprehensible to the American people just why that failure occurred.

Our negotiators, led by Max Kampelman and including John Tower and Mike Glitman, and their deputies did a fine job in preparing for the opening of the talks. I am sure my colleagues deeply appreciated their hospitality to us. In addition, our Ambassador to the United States Mission to the United Nations in Geneva, Mr. Gerald Carmen, was a generous, courteous, and helpful host. He had a major role in making our trip a success.

We had intended to meet informally with the Soviet negotiators during our stay, but the death of Mr. Chernenko precluded a meeting at that time. However, the Soviets have accepted the idea of such informal contacts in principle and Secretary Shultz has indicated to us that he believes such contacts will be useful in the future.

We expressed our condolences formally to the Soviet people on the passing of Mr. Chernenko last Tuesday. I take it as a positive sign that the Soviet regime has executed its transition of power in an orderly and swift manner. It has not had any effect on the timetable for the arms control negotiations, and I hope that stability in the Soviet leadership will permit the Soviet negotiators to reach reasonable accommodations on our arms control proposals.

We also had an extensive press conference on Tuesday morning in Geneva. I believe all members of our group expressed themselves fully and in response to a variety of questions. I believe it would be useful for my colleagues for the text of that press conference to be available to them, and intend to place it in the RECORD at the end of these remarks.

I note, Mr. President, that two members of our group, Senators STEVENS and GORE, are in Geneva today to monitor the second negotiating session. It is our intention to have one or more Senators, whenever possible, to be in Geneva while the negotiations are ongoing, and a running summary of the progress of the talks will be available on a confidential basis in the observer group files.

In summary, Mr. President, we had a productive and useful working trip to the opening of these talks from March 9 to 13, 1985. We got to know our negotiators on a personal basis and engaged in extensive discussions with them. The briefings were full and informative, the give and take of value to all concerned. We came away with the strong feeling of unity that we are all Americans with a common goal—to reach a sound agreement, or series of agreements, if at all possible.

Mr. President, let me associate myself with the remarks that have just been made by the distinguished majority leader. I was very favorably impressed on this trip by the dedication of all the Members of the Senate who are a part of the observer group. I was impressed also with the leadership that was demonstrated by the distinguished majority leader. He went as a very serious participant and as a member of the observer group. He demonstrated great leadership during that trip as we met with our negotiating team and as we met with other U.S. officials during our stay in Geneva.

May I say that if it were not for that solid, serious support by the majority leader, the efforts of the observer group would be, to some extent, in vain. I think that the support of the majority leader lends a strong undergirding of this whole idea of having observers from the Senate in Geneva during the arms control talks.

Mr. President, this observer group can and will make not only a fine contribution but one that is very much needed as the talks go forward. It is important, I think, that we demonstrate that the Senate is bipartisan in this matter, which we view as a nonpartisan matter. It is a matter affecting the safety and security of the people of this country and of the people in other parts of the world. The Senate has demonstrated that it sees its role under the Constitution in connection with the treaty-making powers as a vital role and as a unique role, and the Senate intends to fulfill that role.

As the distinguished majority leader has indicated, some of the members of the observer group are still in Geneva today.

The observer group has the support of the President of the United States, and that is extremely important. It can render a great service. It will be in a position to advise our negotiators if they desire to have the advice and counsel of the Senate. I think they manifested that desire during our visit.

It will also make it possible for us to have more than just a cursory knowledge of what is going on in the negotiations, because we shall have respected Members from both sides of the aisle who will be attending and keeping us informed of progress and developments.

Mr. President, I think it is important that the American people not be led to believe that these negotiations are going to be easy or that they are going to be of a short-lived nature. We have to keep in mind that some of the agreements that we have entered into with the Soviets heretofore have required years of negotiations. As a matter of fact, the MBFR talks have been going on for over 11 years between the Soviets and the Americans, and those talks have not resulted in an agreement as yet. The Soviet negotiators are tough, and they know what their goal is. Although they may make minor modifications from time to time in their approaches to our negotiators, I think we shall find that in the final analysis—or such has been the history of the INF negotiations—the Soviets are merely doing a little window dressing along the way, and they always come out at the same end.

Fortunately, our negotiators at the INF talks have seen this and they, too, have been purposeful in their goals. They have held out for an agreement that would be equitable and that would provide for verification necessary to protect this country's security interests.

The Soviets have certain advantages; we have certain advantages. The Soviets are going to feel that the advantages that are theirs should continue to be theirs and that the advantages that are ours should be negotiable. That is the kind of negotiators they are, and they know that the American people are usually impatient to get on with things and not spend much time. They are accustomed to instant potatoes and instant cake mix, instant this and instant that, instant everything else.

The Soviets very well may believe that if they just sit tight and take their time, the Americans will cave in. Well, this is too sober and too serious an enterprise, Mr. President, for the Americans to cave in. I would rather see no agreement at all than to see a bad agreement into which the American negotiators have been stampeded by political or other pressures. These arms talks are for keeps, and the outcome of these negotiations is going to affect not only the people of the world today but also the people of the world in my grandchildren's children's time. It is a very important undertaking and we should demonstrate great patience

and firmness and at the same time attempt to understand the other side's problems and try to work tenaciously and patiently to develop an outcome that will be worthy of approval by this body.

Mr. President, I congratulate the distinguished majority leader on his leadership during our trip to Geneva, and I congratulate the Members on both sides of the aisle who were there. They are indeed very conscientious Senators and they know that it is going to take a long time to get a good agreement. Senator DOLE and I have communicated by letter to the President already and we will continue to attempt as best we can to work with the negotiators in a useful way. Those who participate as negotiators are going to have to deal with the technologies that are onrushing and fast changing in this era, and it will require a great deal of inventiveness and innovativeness on the part of our negotiators. I think if we will look at the summary of the Special Consultative Group Progress Report to the NATO ministers in December 1983, we will see that our negotiators in that instance were innovative, but we will also see that the Soviet negotiators were obstinate, they were intractable, they were unmovable. The Soviet negotiators walked out of those talks. I am glad they have decided to renew the talks.

I ask unanimous consent, Mr. President, that I may insert into the RECORD the transcript of the news conference in which the distinguished majority leader and I and others in the observer group participated while we were in Geneva, and I also ask unanimous consent to insert in the RECORD the summary of the SCG Progress Report to the NATO Ministers. It is a report that is 49 pages in length.

I would say it would be worth the time and attention of not only every Member of this body but also all who read the CONGRESSIONAL RECORD wherever they may be. I think it would be well that they read it; it will certainly open the eyes of those who read this report as to just what kind of negotiators the American negotiators are working and meeting with, and it will thoroughly debunk any idea on the part of anyone, I think, that these talks are going to last only a few days or a few weeks. It is going to take months or years. There may be interim agreements along the way, if we can achieve them. There will be no miracles worked and none should be expected.

These are talks of the utmost gravity and importance, and I hope our negotiators will be firm and patient, because only then can we hope to achieve an agreement that is in the mutual interests of both the Soviets and ourselves.

There being no objection, the transcript of the news Conference and Summary were ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF PRESS CONFERENCE AT THE INTERNATIONAL CONFERENCE CENTER, GENEVA, SWITZERLAND BY SENATE ARMS CONTROL OBSERVER GROUP TO THE ARMS CONTROL TALKS, HEADED BY SENATE MAJORITY LEADER ROBERT DOLE (R-KANS) AND MINORITY LEADER ROBERT C. BYRD (D-W. VA), MARCH 12, 1985 (12:00 P.M.)

Sen. DOLE. Let me indicate, for the entire group, that we believe we have an important role to play in these negotiations that are in progress as we sit here.

We have had a number of meetings with our negotiators. We're here as a result of a resolution passed on January 3 in the Congress, suggested by my colleague Senator Byrd, the minority leader. We have each designated five observers, so we have a total of one dozen Capitol leaders, and ten of the twelve are here today—Senator Wallop and Senator Moynihan could not be here.

But I would indicate in a brief statement that this is a very serious business. We are very hopeful that yesterday's change in the Soviet leadership may have some impact, but that has yet to be verified. It is significant that the negotiations did proceed this morning.

We will be monitoring the discussions, the negotiations—I would say on a continuous basis over the next several weeks or however long it may take.

What we would like to do this morning—having made that brief statement, I would ask Senator Byrd, minority leader of the Senate, to make a statement. Then we will yield—the two leaders will yield to our co-chairmen Senator Stevens and Senator Nunn, followed by Senator Lugar and Senator Pell. So I think perhaps if we could sort of play musical chairs here, and we will obviously then accept questions.

We also have a prepared statement which is available; I assume you have the prepared text.

Senator BYRD. Thank you, ladies and gentlemen. We have met with our negotiating team. They are ready, they are upbeat; they are optimistic. They are prepared to be firm; they are prepared to say "no" or "yes"—whatever may be appropriate in the interest of our country.

I would hope that the leadership of the Soviet Union, having made the transition in a very swift and orderly manner, would allow the negotiators on the Soviet side to be more flexible and to accommodate themselves to some of our proposals.

This group of observers will be the eyes and ears of the United States Senate, which has a very special role under the Constitution in connection with the approval of treaties. They will be in a position to offer advise and counsel to our negotiating team if it is the desire of the team to have such advice and counsel. We are not here to negotiate arms control. But if a treaty should emerge, after a while or if interim treaties were agreed, we in the Senate would need to have more than just a cursory knowledge of the content and the background of the agreements.

We hope that there will be some interim agreements. We accept that a single agreement is difficult and takes a long time. I think our negotiators are prepared to say "no" and walk away from a bad agreement. We all want an agreement, but we don't want an agreement that is not in the best interests of our country.

So these observers will be there to offer advice and come back to us and keep us informed of the proceedings.

It is going to be a very difficult and time-consuming event, and any agreement's going to get very sound advice, especially as we're going to have to deal with the technologies of the era in which we now live.

So we're happy to be here today, and very pleased with the people we've visited with. As the majority leader Mr. Dole has indicated, we have with us senators who are very experienced in these things, and in dealing with strategic weapons, intermediate-range weapons, space technologies, and so on. So I'm going to hand over here to Senator Stevens and the others.

Senator STEVENS. I am very delighted to be here also, and to have an opportunity to participate in observing the talks as they go on.

Senator Vandenberg, a great American senator, used to say that if the Senate was going to be required to be on board at the time of any potential crash landings, we ought to be on board for the takeoff. And that's what we've done—not that we're participating in any prediction of a crash landing, but we believe we will function much better in our constitutional sense if we're here now and we have a presence here as much as possible during the whole period of the negotiations.

I am particularly concerned to convey to the negotiators the great interest of the United States Senate in the allegations of past violations on the part of the Soviet Union, and to make certain that the scope of these negotiations take into account what I consider the great concern on the part of the American people that any new agreement be entered into be cognizant of the impact of those past negotiations in terms of our future relationship.

Sen. NUNN. I don't have a lot to add to what Senators Dole and Byrd and Stevens have said. As a matter of history, we have had three treaties entered into by three different presidents—two Republican and one Democrat—over the last 12 years that have never been ratified by the United States Senate. So I think the record speaks for itself in terms of the need for the Senate to be involved in the take-off, as Senator Stevens said, and that's why we're here.

I think this is a historic occasion without any doubt. We have a unique opportunity to strive together—the Soviet Union and the United States—towards a more stable world, a more stable nuclear balance, and begin down the road to that end.

I think it's also certainly going to be, without any doubt, one of the most difficult and complex negotiations that the two countries have ever endeavored to seek agreement on. We have three baskets—we have intermediate forces; we have strategic forces; and we have also discussions of space and space weapons, and ground-based weapons that can go in space.

Now, that has a good side and a difficult side. The good side is that those three baskets allow the negotiations, at some point when they get further down the road, to begin to look at the interplay between the various components. Certainly, there's a connection between offense and defense. Certainly, there are difficult gray areas between intermediate forces and strategic forces.

On the other side of it, it makes it much more difficult and complex than any set of negotiations we've had. SALT-1 took about three and a half years to complete. SALT-2

took about six years to complete. We have to look at the record of history, and we have to look at that in terms of approaching these negotiations with patience—that's important from the point of view of both sides.

We have urged our negotiators—we have met with them and expressed a bipartisan confidence in our negotiators; we have an excellent team here; we have excellent people back in Washington that are looking very closely at these (talks)—we have urged our negotiators, and I am sure they will, and I hope their Soviet counterparts will do likewise, to approach these negotiations in a constructive attitude, with creativity and flexibility. And it's to require a lot of creativity and flexibility on both sides to reach agreement in this difficult area.

So as a member of this observer team, I'm grateful to Senator Byrd and Senator Dole for the leadership they've taken in what I think is a very, very important step in having the Senate of the United States participate in this process—not as negotiators, but as observers. I also want to underscore in a bipartisan fashion what Senator Stevens said about the alleged Soviet violations. Those give us a great deal of concern—not just Republicans but Republicans and Democrats alike. And one of the things that's most on the mind of the American people as we go into these negotiations is whether we can really have meaningful agreements unless we have confidence those agreements are being carried out. So I would hope that that point that we underscored here in Geneva, and I would hope that not only our negotiators but the Standing Consultative Commission would address those at an early stage, and the sooner we clarify those allegations as well as ambiguities, the better I think the negotiations will go.

Sen. DOLE. Senator Lugar is chairman of our foreign relations committee and he and Senator Pell are also co-chairman of this group.

Sen. LUGAR. We're pleased to join Sen. Dole and Sen. Byrd, Sen. Stevens and Sen. Nunn in making these comments this morning. I would like to point out that the United States of America is committed to the security of our country and we're confident that our Soviet counterparts are likewise committed. Arms control can be a part of that security. It is not a substitute for that security, but I think that's an important distinction to make at the outset, that occasional euphoria over arms control becomes in fact, a substitute discussion for what is needed, to make certain that the power is secure.

Having said that, I think the arms control talks offer an excellent opportunity, not only for negotiations in a bilateral sense, but for discussion between the two powers as to how security might be enhanced. Clearly the United States will offer, in discussion of the Strategic Defense Initiative, an idea as to how the deterrent power of our country and the Soviet Union might lead to greater security for both of these powers, and for the world in general.

It's a complex idea, and it may take some time to discuss and to understand comprehensively, but its an extremely important initiative as are the pick-up of talks in both of the other two areas, where substantial progress has been made in the past.

Let me add just one further thought, and that is that questions that were raised yesterday at the time of the death of Mr. Chernenko as to whether the talks would even continue or are indicative of how much our bilateral relationship has come to rest on arms control alone. I suspect that we are very hopeful as a delegation, as are our negotiators, that bilateral relations just might extend into many other realms, and that to the Soviet-American relationship might become much more substantial in a general political way, because those ties are absolute in the sense that it isn't necessary whether there are transitions in leadership, or ups and downs in reverses that might occur in the arms control situation and the continuity of the relationship, the ability to get back together in the conversation is of the essence.

Sen. PELL. Thank you very much. I think there is a great deal of optimism, some of it misplaced, since the remaining differences are still profound between the two sides. I doubt if anything brand new in the way of instructions that have been given to either side, from when they last sat together. I think that we'll have to look ahead and recognize that the outline of whatever agreement comes will probably include a reduction in Soviet Strategic Missiles—the heavy missiles—and Soviet controls on our space weapons. That will take quite a while to go down that path and get there, and in order to do it it's going to mean a reduction in inflamatory rhetoric, it's going to mean that the negotiations will have to be done in private, and not with the press, and also I really believe that the political leadership of each country may well be involved before we're through in trying to break through the logjam. Finally, the death of Mr. Chernenko I think will have very little effect on the general course of Soviet policy. You must remember that in the last 28 months, there have been four changes in leadership in the Soviet Union, and that has not affected one whit of their general policy and their movement in these Arms Control talks, because of the collective leadership that is theirs, where one man can die, and the policy remains very much the same.

Sen. DOLE. If you'll just bear with us, I'd like to hear now from Senators Kennedy and Warner, both members of the Arms Services Committee and then Sen. Gore and Sen. Nickles; Sen. Gore, recognized expert on Arms Control, Sen. Nickles, who made this a matter of great importance, will respond to questions, at least with Sen. Stevens and I.

Sen. WARNER. During the course of these negotiations, its my expectation that the negotiators will find the opportunity to have, on some confidence-building measures, discuss and perhaps be a bipartisan of these negotiations. Sen. Nunn and I were instrumental in the Senate, in introducing resolutions last year calling for the improvement of a hot-line, and indeed that is taking place and the tactical equipment utilized by the Soviets and the United States is in the process of being upgraded at this time, and I anticipate that this forum will provide for other confidence-building measures.

Sen. KENNEDY. I don't think there's any question that the eyes of the world are focused on Geneva today, and no decision made by this administration during this decade is going to be more important than the decisions which are going to be made here in Geneva over the period of the next months and the next few years, both with regards to the security of the United States and to the cause of peace throughout the world. I can remember the sense of satisfaction that President Kennedy had after the signing of the Partial Testban Treaty, after an extremly difficult time with the Soviet Union, following the Cuban Missile Crisis. I think all of us are mindful that these past months and past years have also been a time of challenge between the United States and the Soviet Union. But I think that all of us here recognize that a positive outcome from these negotiations, that this truly can be an open opportunity for a century of peace. And I think all of us here welcome the opportunity to serve with Sen. Dole and Sen. Byrd and to be a part of this process, not as negotiators but as observers, and to help insure that the Senate of the United States will be a meaningful partner in the final outcome of these negotiations.

Sen. NICKLES. Just briefly, I can say that for any arms negotiations between the United States and the Soviet Union to be successful, its going to take a commitment. It's certainly going to take a commitment from the United States, and from the Administration and also from the United States Senate. I can tell you that the commitment is there, this Administration is committed to get an actual agreement for arms reduction. I can tell you also that the United States Senate would like to see an agreement on arms reductions. Also a commitment from the Soviet Union looks very promising. The very fact that they're negotiating today with Mr. Chernenko's death, I think, is very promising. There seems to be a real commitment there. Their return to the bargaining table I think is very promising, and I hope and pray that there will be a successful outcome. We are interested in a treaty that will help reduce arms, a treaty that we can actually have confidence that there will be some compliance in, and also one that we can have some confidence that the verification of the means, that the treaty will actually be lived up to by both sides, and the net result be a world in which we reduce the amount of nuclear tensions, reduce the tensions and the fear and anxieties that people have throughout the world. A treaty that we can all be happy with, one that will increase the peace and security throughout the world.

Sen. GORE. I know you're anxious to go to questions, so I'll be very brief. I think those of you who are here covering these talks will quickly find out two things, if you haven't already. Number one is this is perhaps the most capable team of negotiators that the United States has ever put into the field. There's an excellent chemistry among the people working on the delegation. They are very capable, they're going to do a job on behalf of the United States, and in fulfilling their responsibility to the world to help move these talks towards a successful conclusion. Secondly, you will find that these talks are without a doubt the most complex and difficult that the United States has ever attempted.

Therefore, the need for patience is great, and back in the United States you will find strong bipartisan support for the negotiating team. We've met with them extensively, we're looking forward to meeting with them again this afternoon, and we've been very impressed with them. All of us are very hopeful and as we go back to the United States at the end of this week, some of us tomorrow, we'll take back a message of hope and optimism.

BILL BEECHER (Boston Globe). Can you tell us a little bit more about how your observer team will function? You say you will consult and provide advice to the negotiating team. Will you actually sit in on any sessions or will you be briefed by staff? How will you manage the observer role?

Sen. STEVENS. We anticipate sitting in on the briefings before the sessions start on Tuesdays and Thursdays and the other days that they negotiate and then in on the debriefings. As the talks develop, we'll see whether we want to actually sit in during the negotiations. At the beginning of these negotiations, they're very sensitive. Having an additional one or two people in the room might be destabilizing. We'll not insist on that yet, and we'll let that work out.

TOM FENTON (CBS News). Senator, how much interplay do you expect there'll be between the observer group and the negotiators, and what impact will that have on the course of the negotiations?

Sen. STEVENS. Well, I hope that it's a very salutary impact. We believe in a two-way street as far as these negotiators are concerned. We're expected to observe and take back to Washington, as we come and go to Washington, impressions of the progress of these negotiations. And we also intend to communicate to them the comments that are made to us by the Leadership and other members of the Senate. We have very close relationships with the negotiators, and anticipate that we will be able to at least convey to them the concerns of the Senate so that we can, in fact, be part of the whole process. We will not be negotiators, however.

Sen. STEVENS. Let me comment first, and then Sam will answer the questions you've directed to him.

The whole scope of these negotiations are under the control of our Executive Branch. The Senate will have to pass on the end product, and we're trying to have contact throughout the period of these negotiations to assure our complete understanding of the process and how it develops. I don't believe that it is within our province to say whether SDI or any other element of these talks should or should not be pursued, and when it should be pursued in the talks. I do believe that we will make comments as we go along concerning the progress or the emphasis, and the negotiators can take that into account as they conduct the negotiations on behalf of the Executive Branch. We have a real tradition in our country that politics stops at the water's edge. I can think of no instance when that should be more important than in considerations such as the arms control negotiations looking for radical reductions in nuclear arms. This is a bipartisan group . . . it is a nonpartisan group, in terms of our approach to this subject. Sam . . .

Sen. NUNN. I would just add that I think that there are some areas of roughly substantial agreement in the whole SDI area, and there are some areas that are still being considered within the Administration and by the Congress. We're going to have disagreements as to details. We'll have some disagreements, perhaps, as to definition and concept of what defenses we'll need. We certainly will have—as any democracy will—disagreements about the role of defenses in the arms control talks. But I think it's important to underscore that there is a very broad consensus on both sides of the aisle, Democrats and Republicans, throughout the country that research is absolutely legitimate. Research is legitimate under the ABM Treaty. President Reagan has said that we intend to abide by the ABM Treaty. He has stated that we will, as called for in the Treaty, give notice of any change in direction, as we have plans to do. I think there's also a broad kind of consensus in our country that the Treaty as it is now written must be complied with. Now, I think Democrats and Republicans are very concerned about the allegations concerning the Soviet radar in central Siberia. If we're going to really discuss in a meaningful way arms control, the ABM Treaty and the way it's going in the future, it seems to me a condition precedent to that would be to make sure both sides are complying with it now.

So there is a broad consensus about research. There's a broad consensus about the allegations of Soviet violations. And I think the other parts will have to be sorted out as we go along. There's an awful lot that can be discussed here. In addition to the ABM Treaty violations that we now believe are occurring, both sides are going to have to decide where research ends and where development begins. Both sides are going to have to have a better definition of what the word "component" means because a component part of that kind of defense is barred by the ABM Treaty. And both sides are going to have to have a better understanding of what "platforms" mean. So there's an awful lot for both sides to discuss on the ABM Treaty, and I hope it will be done in a constructive way on both sides.

Sen. STEVENS. Senator Lugar would like to respond to that.

Sen. LUGAR. Let me just make a comment about the portion of the question dealing with the alliance. It's of the essence that our negotiators continue to work with all of the strong allies of the United States to make certain there is full understanding of our negotiating position. Now it is especially important, I think, in the SDI because this is a relatively new idea in arms control. It's one in which there has been some skepticism in our country, quite apart from questions raised in other countries. But, in general, it seems to me important to say that at the outset we are hopeful that our allies would listen carefully and consult with us, to entertain new ideas, to think along as this situation evolved because there is a high degree, it seems to me, of education involved in these talks as they begin.

HERB KAPLOW (ABC). Have you folks heard anything here to affect your votes next week on the MX issue?

Sen. STEVENS. Well, I haven't. I was a firm believer in the MX before I came, as you know. We've spent $13 billion on that system so far. We'll vote this next week on whether or not we should release the $1½ billion that was made available last year for the next 21 of the MX missiles, and after that we'll have just about $6 billion left on a $20 billion system. In my judgment, just from the point of view of the expenditures we've made to date, it is essential that we modernize that missile force. It would literally cost us more to keep the old one going than it would be to finish this one. And I think that with the Russians having already deployed three or four systems of a similar character that the continued deployment of the MX certainly should not affect these talks one way or the other.

HERB KAPLOW (ABC). Well there was some thought that you were coming over here to see how sincere and earnest this arms control effort was, and that your impressions might affect how you vote or what you would recommend to the other members.

Sen. NUNN. Well, let me just say on that, I think I can say that I believe our negotiators and the President of the United States are proceeding in good faith. The question of good faith is subjective. I have never set that up as a criterion in any way for my own vote on a strategic weapons system. I judge the weapons system on whether it is a system that will enhance the national security of our United States. If it does, then it seems to me it's worthwhile. If it does not or if it is not a priority and there are others that are higher priorities, then I take a look at it in that respect. I didn't come to Geneva to learn about the MX missile, and I don't go home with any different views than I had when I arrived.

Question by TASS representing (Soviet Union). Question to Sen. Kennedy. Sec. General yesterday in Moscow has spoken that the Soviet delegation will propose a nuclear freeze at the negotiations. Can you develop your ideas about the negotiations, about the nuclear freeze between the Soviet Union and the United States?

Sen. KENNEDY. I have introduced with Senator Hatfield a nuclear freeze proposal, four years ago. We've received, on the vote involving tabling that particular proposal, some 40 votes in the United States Senate, bipartisan in nature. That particular proposal is not part of this negotiating process. The proposals now which are being advanced by this Administration have been outlined during the course of these negotiations, and I am at this time, as an observer for the Senate, supporting those efforts by the Executive and by the negotiating team, at this time.

Sen. STEVENS. Let me emphasize that should there be an agreement, the first result would be a freeze at the reduced levels. I don't think there's really a disagreement on the objective of the freeze, it's the timing of the freeze.

(Washington Post). Now, Senators, I'd like to ask do you think one of the first priorities is to overcome Soviet insistence on linkage among the three steps of negotiations. That is, if progress could be reached on INF before Space, could that proceed before there would be a whole package deal?

Sen. STEVENS. From my point of view, it's not our prerogative to set priorities for the negotiators. We have full confidence in them. I don't think I've been as impressed by an individual in my life as I am of Max Kampelman. He really has this whole subject in total perspective, and I haven't found one member here who's had any disagreeable words or really disagreement with Max. The priorities are for him to establish about what goes forward first.

Sen. DOLE. Make that a unanimous view.

ROY GUTTMAN (Newsday). I wanted to ask Senator Nunn, on the issue of compliance, could you tell us your understanding about the Krasnoyarsk radar? Do you agree with the Administration that it's an unambiguous violation of an existing agreement? Do you see any ambiguities?

Sen. NUNN. I agree with the Administration's position on it. I think the Soviets owe us an explanation as parties to a Treaty whereby all the evidence we have, there seems to be an unambiguous violation of the Treaty. So I agree with the Administration on that. I think we ought to give the Soviet Union a chance to respond in the proper forum. I think we now have two proper forums. One is the Standing Consultative Commission and any technical details will have to be worked out there. But in terms of a political forum that subject has to come up in the context of these discussions on the whole ABM Treaty. And I think one of the ways the Soviets could most readily present a good solid foundation from their own perspective as they approach these talks is to clear up the use of that radar, clear up what they're going to do with it. And if it is

indeed as we interpret it, a violation, to take steps to correct the violation.

Sen. GORE. There is no member of the United States Senate who has looked at the evidence surrounding the radar at Krasnoyarsk who has not come away with the same conclusion. And that is that when it is turned on, it will be a clear violation of the ABM Treaty. As a result, the Soviet Union is in an almost untenable position when it attempts to argue for a strengthening of the logic behind the ABM Treaty, while proceeding toward a brazen violation of that Treaty. The single most important thing the Soviet Union could do to move these talks forward toward a successful conclusion is to dismantle that radar at Krasnoyarsk.

Question. The negotiators went to Brussels with all the NATO partners. . . . Do you have any plans to do likewise or do you consider your task as a purely national one?

Sen. STEVENS. We are not going there now. Many of us are members of the NATO Parliamentary Conference and will be there in June—anyway later this year. We do meet with our counterparts in the parliamentary systems of the free world and will maintain our contact with them. This observer group, however, was not given that responsibility. We have that in our individual capacities as members of the Senate.

STEVE HANDEL (NBC). Senator Nunn, you spoke of history a short time ago. In the political sense, why do arms control treaties fail? What do you propose to do to prevent that from happening again?

Sen. NUNN. Well, if I had a proposal to keep arms control from failing, I would probably be the head of the negotiating team rather than in the United States Senate. I don't think anyone has that kind of magic formula, and I don't pretend to. But I think the arms control treaties in the past have left too much in the way of ambiguity. I think in the past we have not had as clear goals in arms control on either side as we perhaps do now. I think both sides are now becoming more and more aware of the mutual interest we have in restraining nuclear weapons, the proliferation of nuclear weapons in the world, in trying to build confidence building measures, and in restraining our own nuclear arsenals. So I believe the goals now are much clearer. For instance, it was for a long time considered a move towards more security to have a MIRVed-type movement in our ballistic missiles—both submarine-launched and land-based ballistic missiles. I think from our point of view, we now believe that MIRVing and having fewer targets in terms of ratio with the number of warheads on both sides is a destabilizing move. We hope that we can convince the Soviets of that. So if we both can agree on what stability encompasses and move in that direction, I think for the first time we will have clear goals. And in the past, as I read history, neither side has had a clear and explicit understanding of stability.

That may be one of the most difficult concepts—is to determine what we both can agree on in terms of stability. Certainly that's going to be one of the most difficult areas in terms of the SDI—the relationship between offense and defense. When we entered into the ABM Treaty in about 1971, one of the implicit understandings there was that if we were not going to have defenses on either side, we had to reduce the offensive threat. Instead, offenses increased, So, if the Soviet Union really wants to do something about America's Strategic Defense Initiative in addition to correcting the violations that we've already alluded to, they could certainly take a strong step in that direction by reducing significantly their first strike potential, that is, their SS-18's and SS-19's.

I believe we have much clearer goals as to where we're going, and I hope we can reach some conceptual agreements with the Soviets on this.

Question. Follow-up when I spoke about political failure, I meant the role of the Senate that you spoke of earlier. You spoke of failures in the past in the Senate, and you talked about what you might do this time . . . to prevent that.

Sen. NUNN. Well, yes, I think the effort here is to have the Senate fulfill both halves of its constitutional responsibility, not only the consent half—that's what we've been looked to primarily in the past—but also the advise half. It's up to the Administration as to how much advice they want. We're not going to run around and knock on their door every day and say, "We're here to advise you." But we are giving the Administration an opportunity to solicit our views, not only on the substance from time to time as they so desire, but also on the political situation within the Senate and what the Senators looking to on ratification. So we hope that this kind of coordination will first of all produce a treaty that we can all support, and second will enable our country to have some kind of patience and tenacity and yet creativity and flexibility that we need at the negotiating table.

BRENDAN MURPHY (USA Today). Question to Senator Nunn and anyone else who'd care to respond to it—You visited the Soviet Mission this morning. I would be interested in your appreciation of the Soviet mood entering the talks, if you were able to gauge it, and do you think that your involvement in the talks will make them more forthcoming, since they will know that the probability of the results being rejected by the Senate will be thus diminished?

Sen. NUNN. Well, I don't believe that one trip will accomplish that latter purpose, but I think over a period of time as we continue to be part of this process that certainly the Soviets will be aware of that and I would hope they would perceive from that we do have a united country, that we're moving in one direction, and that if they do enter into an agreement that it has a much better chance of ratification than in the past because the Senate's involvement in that process.

I must say that all of us reserve the right to decide in our own respective capacity as to whether we will vote for ratification if a treaty is produced. But I think the process itself is being enhanced.

As to Chernenko's passing, first of all our delegation expressed condolences last evening to the family of Chernenko and also to the Soviet people. I think we are all aware here that he was the leader of the Soviet Union when the Soviet Union decided to come back to the negotiating table, and we're very well aware of that and we think that his place in history will certainly be improved and enhanced as we go forward with this process, if both sides can reach an agreement.

Second, I think that it has already been alluded to by my colleagues here, that the Soviets are continuing this negotiation in a period of difficulty for them and a period of sadness for them in terms of the passing of their leader. I think it indicates their seriousness of purpose here. We take that as a very positive and constructive sign.

Sen. STEVENS. Let me just comment on one thing about Gorbachev's becoming the youngest leader of the Soviet Union in recent history, was predicted to us by our intelligence forces some time ago and including those from our allies. I think we welcome the fact that the Soviet Union has a leader now who has the potential to be on the scene for a substantial period of time. These talks may take a substantial period of time. And it's a very, I think, good omen for the talks that he will have the chance to be there and to know that he will be there following the successful conclusion of these talks, if we get an agreement.

As for ratification, I think that Senator Lugar who's chairman of the Foreign Relations Committee ought to talk about that. Our role as observers does not go to the point of guiding any potential agreement through the Senate. That's Senator Lugar's and Senator Pell's.

Sen. LUGAR. My only comment would be that the observer group is politically important in forming a consensus from which ratification might occur. We do not know how many years the process may take or when an interim agreement might occur that would require hearings by the Foreign Relations Committee and activity of the Senate. But the vigorous participation of all of our colleagues presently, I believe, is of the essence in informing all Senators—for that matter, the American public, which ultimately will have to be behind a treaty to make certain that members vote in favor.

Sen. PELL. Having seen the failure of SALT II, we all realize the importance of having favorable news behind this treaty before it goes to the Senate. This is where the observers' role plays an important part. It will help guide our Chairman, Senator Lugar, in guiding the treaties through. The experience we've had and the thoughts that we brought back to our colleagues will play a very important role in the final ratification.

SUMMARY OF SCG PROGRESS REPORT TO MINISTERS, DECEMBER 8, 1983

Despite an intense, sustained Alliance effort over the last two years, Soviet insistence on retaining their monopoly in longer-range INF missiles has so far prevented achievement of an INF agreement in Geneva. Nevertheless, the basis for an agreement has been laid in the negotiations, and progress has been made towards eventual resolution of major issues. Continued Allied implementation of the 1979 decision remains essential to prospects for arms control, to ensure the security of the Alliance, and to provide the foundation for a more stable and cooperative relationship with the East.

Those are the major conclusions of a comprehensive report on INF (Intermediate-range Nuclear Forces) prepared for Allied foreign ministers and defense ministers by NATO's Special Consultative Group (SCG).

INF has been one of the most significant and intensely debated security programs undertaken by the NATO Alliance since its formation. Today's report is being released to the public in the conviction that a full accounting of the Alliance's policy on INF, the steps the United States and Allies have taken to achieve an equitable and verifiable INF agreement, and the Soviet Union's refusal to date to reach such an agreement, can inform public discussion of these issues.

The report thus provides a comprehensive account of the negotiations in Geneva up through the discontinuation of the talks by

the Soviet Union on November 23, 1983. The report recounts developments which led to the 1979 dual-track decision and the principles and criteria which form the foundation of the Allies' policy on INF. It traces the growth in the Soviet LRINF arsenal since the 1979 decision. The report chronicles in detail the six negotiating rounds which have taken place in Geneva. It also reviews the informal discussions which occurred between the U.S. and Soviet negotiators pursuant to Ambassador Nitze's mandate to explore every possible avenue for agreement. The report discusses the status of the principal negotiating issues as they have evolved over the course of two years of negotiation, and concludes with an analysis of the prospects for eventual achievement of an INF agreement.

Among the report's highlights:

"At the time the Soviet Union suspended the negotiations, all the elements for an equitable agreement were on the table in Geneva," and progress had been made on a number of major issues in the negotiations—the requirement for reductions in LRINF missiles, treatment of aircraft, and the geographic issue.

"The fundamental premises of the 1979 double decision . . . have proved valid over four years. The Alliance policy has been successful in creating and driving forward a negotiating process in Geneva, which the Soviet Union had initially rejected."

"The SCG believes that it remains in the Alliance's interest to continue the effort to persuade the Soviet Union to undertake a cooperative endeavor with the United States at the negotiating table to achieve an agreement that would meet the legitimate security concerns of both sides. To this end, the SCG deplores the Soviet decision to suspend the negotiations, and believes that talks should resume at the earliest possible moment."

"The SCG also notes that continued implementation on schedule of the deployment track of the 1979 Decision remains essential to create incentives for the Soviets to negotiate seriously and to protect Allied security in case an agreement is not reached . . . The SCG also points out that the Alliance repeatedly has made clear its willingness to halt, modify or reverse deployments under an INF agreement, including removal and destruction of all U.S. missiles deployed to Europe if justified by the concrete results achieved in Geneva."

"Allied unity and firmness in implementing both tracks of the 1979 Decision remain critical to success in the INF negotiations. The cornerstone of such unity will continue to be a close and cooperative consultation process . . . The INF issue has led to one of the most intensive and productive consultation processes in the history of the Alliance."

"In the interest of achieving an agreement at the earliest possible date, consistent with Alliance security requirements, the United States position in the negotiations has over time supplemented the ideal outcome contained in the zero/zero proposal . . . with the valuable but less preferable outcome in the President's interim agreement proposal . . . This stands in sharp contrast to the Soviet position, which has never swayed from the one-sided objective of maintaining a large and threatening Soviet monopoly in LRINF missiles."

"The U.S. and Allies have repeatedly stated their willingness to consider any serious Soviet alternative that would meet the minimum security requirements of the Alliance. The SCG notes with profound regret that in the four years since the 1979 decision the Soviet Union has not once advanced such an alternative, while compiling an unbroken string of rejections of U.S. and allied initiatives."

While concrete results have been achieved so far in Geneva, U.S. and Allied initiatives in the negotiations have laid the basis for an agreement that would substantially reduce, and preferably eliminate, the LRINF missile systems of both sides.

The key stumbling block in the negotiation is Soviet insistence on retention of a monopoly of LRINF missiles. "Even before December 1979, when the Soviets waged a major campaign to forestall the dual-track decision, the Soviet Union made clear that its goal was retention of a sizable monopoly of LRINF systems. This objective has not changed in more than four years."

While insisting on its right to maintain a force "of at least 360 LRINF warheads in Europe and a comparable number in Asia", the Soviet Union consistently has rejected any outcomes that entail deployments of U.S. missiles at any level. Specifically, it has turned down the informal "walk-in-the-woods" package of 1982, the U.S interim agreement proposal of 1983, and President Reagan's September 1983 initiatives specifically designed to meet stated Soviet concerns.

Despite Soviet efforts to make compensation for the British and French independent national deterrents the centerpiece of the public debate on INF, and to portray this demand as a fundamental Soviet objective, "the erosion of the Soviets' position on third-country systems . . . has exposed its primary purpose" as a device to support the Soviet claim for a monopoly.

"The Soviet negotiating approach is closely coordinated with and linked to the Soviet public campaign, and appears to be designed to position the Soviets so that they can claim credit publicly for flexibility and movement while blaming the United States for a negotiating stalemate . . . The Soviet propaganda effort directed at Western publics has been designed to strengthen the Soviets' hand at the negotiating table by undermining public support for NATO modernization."

INF: Progress Report to Ministers

I. Introduction *

Since the December 1979 Decision on Theater Nuclear Force Modernization and Related Arms Control, NATO has made a concerted, continuous effort to advance on the arms control track of that decision, in the hopes that an equitable and verifiable negotiated agreement could be achieved. While some verifiable negotiated agreement could be achieved. While some progress has been made, this effort to date has not brought about concrete negotiating results, and the Soviet Union has now "discontinued" the talks.

Because implementation of the 1979 decision has been one of the most significant common security and arms control endeavors undertaken by the Alliance since its founding, the Special Consultative Group believes it worthwhile at this point to provide ministers a full account of Alliance efforts thus far to bring the negotiations in Intermediate-range Nuclear Forces (INF) to fruition; of the behavior of the Soviet Union inside and outside the negotiations which has frustrated agreement; and of the key issues which will require resolution when negotiations resume.

The fundamental premises of the 1979 double decision—that the strategic and political imbalance caused by the unprovoked Soviet build-up of a sizable monoploy of modern land-based longer-range INF missiles had to be redressed, and that this could not effectively be accomplished by a dual track approach of modernization and arms control—have proved valid over four years. The Alliance policy has been successful in creating and driving forward a negotiating process in Geneva, which the Soviet Union had initially rejected. It has been successful in advancing preparations for U.S. deployments, beginning at the end of this year, in case the negotiations could not achieve a concrete arms control result which would eliminate the need for deployments. Throughout the period, it has been evident that Allied unity on the deployment track of the 1979 decision has played an essential role both in creating the incentive for the Soviet Union to negotiate and providing a means for the Alliance to maintain defense and deterrence in case no agreement was reached. Throughout the period, the commitment of the Alliance to achieving an equitable and verifiable arms control agreement has both shaped the negotiations in Geneva and laid the basis for the eventual elimination or significant reduction of LRINF missile systems on both sides.

The focus of this report is on developments in the U.S.-Soviet INF negotiations in Geneva since their opening in November 1981. The SCG takes note, however, of the parallel preparations, in fulfillment of the modernization track of the 1979 Decision, for initiation this year of U.S. deployments in the Federal Republic of Germany, The United Kingdom, and Italy, and the preparations for deployments later in Belgium and the Netherlands.

In addition to deployments themselves, a companion element of the modernization track has been the continuing review by the High Level Group of the Alliance's nuclear stockpile, in order to ensure that nuclear weapons in NATO's armory are held to the minimum number necessary for deterrence, taking account of developments in conventional as well as nuclear forces. This review was completed in October 1983, and Nuclear Planning Group Ministers, meeting at Montebello, Canada on October 27-28, decided to withdraw 1,400 warheads during the next several years. This Ministerial decision, taken together with the already accomplished withdrawal of 1,000 warheads, will bring to 2,400 the total number of warheads to be removed from Europe since 1979. This reduction will not be affected by any deployment of LRINF missiles, since one further warhead will be removed for each Pershing II or ground-launched cruise missile (GLCM) warhead deployed.

In the negotiations in Geneva, the United States and its Allies have vigorously pursued efforts to find a mutually acceptable solution, and will continue to do so. At the time the Soviet Union suspended the negotiations, all the elements for an equitable agreement were on the table in Geneva. Originally, the U.S. proposed the mutual elimination of all LRINF missile systems.

NOTE: The Greek and Danish governments have expressed their national views in footnotes to the progress report.

* Denmark places a general reservation on parts of this report. Greece recalls its position on several parts of the report and more particularly its reservations concerning the deployment of INF in Europe.

When it became clear that the Soviets would not agree, the U.S. also offered to negotiate an interim agreement limiting U.S. and Soviet LRINF missile warheads to equal levels globally. In September 1983, the U.S. introduced new initiatives in areas of stated Soviet concern, amplifying them in November with a suggestion of a specific global warhead ceiling. While these efforts have not yet succeeded in producing an agreement, they have amply demonstrated Western flexibility and commitment to the search for an agreement.

Nonetheless, the Soviet Union has continued to block agreement by insisting on preserving a substantial and threatening force of SS-20 missiles, while denying NATO any missiles of the same class. Every Soviet proposal advanced in the negotiations has had as its ultimate result the preservation of the existing Soviet LRINF Missile monopoly, reflecting the long-standing Soviet objective of weakening the linkage between the American strategic nuclear deterrent and the defense of Europe. Soviet efforts inside and outside the negotiations have sought to split Europe from the United States, the European Allies from each other, and NATO members from their friends from allies in Asia, as well as to undermine the support for NATO and its deterrent policies within NATO countries.

The overall Western approach in implementing the two tracks of the 1979 decision has produced several positive results:

Allied determination to implement the 1979 decision was directly responsible for bringing the Soviet Union to the negotiating table, despite Moscow's initial opposition.

In the negotiations, the Soviets have had to recognize the long-standing Western claim of the particular threat posed by land-based LRINF missiles in comparison to aircraft, as well as the need for reductions in these forces, albeit without acknowledging the principle of equality. They have also been brought to recognize the need to count warheads as well as missiles, given the three warheads which are carried by each SS-20. They have indicated in principle that systems reduced would be destroyed, and not simply moved elsewhere, although they continue to refuse to consider missile inventory limits or to curb production of missiles. They have also admitted the principle that, under an agreement, systems outside of Europe should not be deployed within range of Europe. While the Soviet Union has not acknowledged the validity of Alliance security concerns, it has shown some tacit recognition of the rationale for the Alliance's criteria for an agreement, and greater respect for NATO's determination to see those criteria met.

The Alliance has made clear to the Soviets that it regards the security of each of its members as of equal importance, and we have firmly rejected and publicly exposed the Soviet concept that only the superpowers have a right to genuine security.

In the development of a negotiating position and the conduct of the negotiations, the Alliance has established an intensive and highly productive process of consultation and coordination which has reinforced Alliance unity and thereby advanced the prospects for arms control.

Active public affairs efforts by individual Allied governments, drawing on consultations in the SCG, have been successful in rebutting an unprecedented Soviet propaganda campaign and in reinforcing public support for Allied policy or INF. These efforts must continue and be intensified.

It is difficult to predict when the Soviets will recognize that it is in their own interest to seek agreement in Geneva. The Special Consultative Group believes, however, that we can expect continued Soviet propaganda efforts to split the Alliance and erode public support for the Alliance's INF policy, on the pattern that has been seen since the December 1979 decision. It is in part to deal with such a Soviet propaganda campaign that this report has been prepared. Just as it remains essential for the Alliance to continue implementing both tracks of the 1979 decision, it is important for Allied governments to make a continuing effort to promote public understanding of the Alliance's INF policy, the rationale behind our negotiating position, and the basis of the deployment track, which will be implemented over the coming several years, in the absence of an agreement.

II. STATUS OF SOVIET LRINF MISSILE BUILD-UP

Because the 1979 decision in large part was intended to redress the threat posed by Soviet deployment of the triple-warhead SS-20 missile, and because Soviet LRINF missile levels are of such obvious importance to the INF negotiations, the SCG has continuously monitored developments in the Soviet LRINF missile force. The SCG notes that Soviet deployments of the SS-20 have climbed steadily since 1977, when the first such missiles became operational. Current levels are 360 deployed SS-20s with 1,080 warheads, not counting refires. In mid-1977, the Soviets had 575 LRINF warheads deployed. Counting older SS-4 and SS-5 missiles, the Soviets now deploy some 1,300 warheads on roughly 600 LRINF missiles:

SOVIET SS-20 DEPLOYMENTS 1977-83

	Launchers	Warheads
Date:		
End 1977	10	30
End 1978	70	210
End 1979	140	420
End 1980	200	600
End 1981	270	810
March 1982	300	900
October 1983	360	1,080

As the table shows, SS-20 deployments have increased despite the initiation of negotiations in November 1981. They also increased in Europe as well as Asia even after Brezhnev's March 1982, announcement of a moratorium that indicated a halt to all activities associated with further SS-20 deployments oriented against Europe.

After May, 1982, when the Soviets said that their moratorium envisaged "a termination of preparation for the deployment of missiles . . . including an end to the construction of launching positions", the Soviets continued and completed construction at four SS-20 bases in the European USSR. In addition, they since have completed three bases east of the Urals which are within range of portions of NATO Europe. The activation of these seven bases added to the Soviet arsenal 63 SS-20 deployed missiles with 189 warheads, of which 36 missiles with 108 warheads are in the European USSR. The Soviets are building three new SS-20 bases in the eastern USSR; given the SS-20's 5,000-kilometer range, missiles at those bases will be able to strike portions of northern, southern and central Europe. When completed, they will add 27 missiles with 81 warheads. The three new bases likely foreshadow further increases in SS-20s in the eastern USSR.

III. THE 1979 DECISION—MODERNIZATION AND ARMS CONTROL

For the past four years, the 1979 decision has been the point of reference for the Allied position on INF modernization and arms control. Because NATO deployments commence this year, absent an agreement eliminating the need for them, the SCG believes it useful to summarize briefly the background and rationale for the 1979 decision, as well as its description of the relationship between arms control and modernization.

The Soviet Union's achievement of strategic parity with the U.S. in the mid 1970s gave particular importance to the growing disparity between NATO and Warsaw Pact capabilities in theater nuclear forces, particularly in the field of longer range INF missiles. Although the U.S. commitment to the defense of the Alliance had not changed, there was concern that this emerging situation could give rise to the risk that the Soviets might believe—however incorrectly—that they could use long-range forces to make or threaten limited strikes against Western Europe from a "sanctuary" in the Soviet Union. There could be a misperception that without adequate theater-based systems of its own capable of reaching Soviet territory, and in an era of parity at the strategic nuclear level, NATO lacked credible and appropriate means of response.

In the face of this challenge, the Allies undertook an extensive series of consultations and analytical work both to determine Allied policy and to raise the issue before Western publics. In October, 1977, former Chancellor Schmidt forcefully brought the INF issue to the forefront as one of the principal security challenges facing the Alliance. That same month, the Nuclear Planning Group, meeting in Ministerial session at Bari, directed that a High Level Group (HLG) be established to study Alliance long-term INF modernization needs consistent with the doctrine of flexible response.

Parallel with this, a Special Group on Arms Control and Related Matters (SG) was established to formulate principles which would guide future Alliance arms control efforts involving INF (after the 1979 Decision, the Special Group was renamed the Special Consultative Group and charged with continuing consultations on the arms control negotiations).

The work of the HLG and SG came together in the Integrated Decision Document, which set forth the basic aims of Allied INF Policy as "deterrence and stability based upon a triad of forces, the coupling between these forces, and the important political principle of the strategic unity of the Alliance." The report stated that these aims "can be served by two complementary programmes, force modernization and arms control", and noted that:

"A policy of parallel and integrated LRTNF deployments and arms control will best achieve maximum improvement in Alliance security. This integration is sought both to ensure that defense decisions and implementation of them are not made hostage to expectations of disarmament agreements, and so that arms control itself has a realistic chance of success. Moreover, negotiations involving LRTNF will not be realistic or possible without an agreed modernization plan and a decision to implement it."

Since 1979, the Alliance has consistently reaffirmed that deployments must proceed on schedule while emphasizing its readiness to reexamine the scale of such deployments

in the light of concrete results at the negotiations, including elimination of the entire category of U.S. and Soviet land-based LRINF missiles. The SCG believes that the Alliance should continue to emphasize its willingness to halt, modify or reverse deployments according to an agreement, while making clear that deployments will proceed on schedule absent an agreement.

IV. THE CONSULTATIVE PROCESS

In recognition that extremely close consultations would be needed given the political and strategic complexity of the issues involved in implementing the 1979 decision, the INF issue has led to one of the most intensive and productive consultation processes in the history of the Alliance. While the Special Consultative Group remains the primary consultation mechanism, INF has been the subject of the personal communications between Allied heads of state and government and is a major item for discussion by Ministers at the semi-annual meetings of the North Atlantic Council, Defense Planning Committee and Nuclear Planning Group. In addition, the North Atlantic Council regularly receives briefing from the chief U.S. INF negotiator before, during and after each negotiating round. This close and effective consultative process has been one of the most important aspects of implementation of the two-track decision.

The Special Consultative Group has met fourteen times in 1983, two of these meetings being special sessions to coordinate on the major initiatives in the negotiations this year, the interim agreement proposal in March 1983 and the U.S. initiative in September 1983. The SCG has discussed the full range of issues related to the negotiations:

development of the U.S. negotiating position in Geneva;

analysis of the Soviet negotiating position and potential Soviet moves inside and outside the negotiations affecting INF;

information and intelligence-sharing, including developments regarding Soviet nuclear forces of relevance to the negotiations; and

public affairs, including development of extensive materials to explain the Alliance's INF policy to Allied publics.

In addition to their regular meetings (including those held between negotiating rounds to more closely monitor the evolution of negotiating positions), SCG representatives frequently communicate between consultative meetings on relevant developments. This has been especially useful in promoting coordinated Allied responses to significant developments inside and outside the negotiations, such as the Soviet effort to misrepresent the facts about the November 1981 "equal reductions" package.

To handle an increased work load this fall, the Special Consultative Group established an intensified consultation schedule, with meetings twice a month at NATO headquarters and other Allied capitals. The decision to meet this fall in London, Bonn, and Rome gave greater visibility to the consultative process and allowed expanded contact with the press. In addition, a special session was held on September 19 in Brussels to consult on specific U.S. suggestions for the three new U.S. initiatives, which were subsequently presented in Geneva and announced by President Reagan. The SCG notes that the effectiveness of these consultations has contributed to the strength of the Alliance position and the degree of public understanding for NATO's arms control efforts.

V. CHRONOLOGY OF THE NEGOTIATIONS

Overview

Since the Allied decision was taken in December 1979, there have been several distinct phases in the negotiations. The SCG notes that, throughout this period, the U.S. and Allies have demonstrated consistency of purpose in seeking an agreement that would meet the security requirements of the Alliance as set forth in the IDD, while expressing willingness to be flexible in how this goal might be achieved in an agreement. In contrast, the Soviet Union has, from the outset, sought only one outcome: preservation of its monopoly in LRINF missiles.

The period through mid-1980 was marked by Soviet refusal to negotiate unless NATO renounced the 1979 decision. Allied reaffirmation of the decision at the Spring NAC Ministerial provided the basis for the subsequent Soviet announcement, during former Chancellor Schmidt's visit to Moscow that summer, that the Soviet Union would agree in principle to participate in INF negotiations.

From the fall of 1980 to the fall of 1981, both sides developed their approach to the negotiations. The period included preliminary meetings between U.S. and Soviet negotiators in October and November 1980, during which there was no agreement on the basic focus of the talks; the change of Administration in the United States in January 1981 and subsequent review of U.S. policy on arms control; the Spring 1981 NAC Ministerial which reaffirmed the 1979 decision, and extensive Allied consultation in preparation for negotiations by the end of the year.

Negotiations began in the fall of 1981. President Reagan opened the period by announcing that the U.S. and NATO were willing to cancel the planned deployment of 572 Pershing II and Ground-Launched Cruise Missiles if the Soviet Union would agree to destroy all its SS-4, SS-5 and SS-20 missiles. The negotiations formally commenced in Geneva on November 30, 1981. The U.S. presented the zero/zero proposal, which was supported by the Alliance as an effort to achieve the most far-reaching possible arms control result, one which would avoid the need for deployments. The Soviets presented a proposal for an agreement that would establish an eventual ceiling of 300 "medium-range" missiles and nuclear-capable aircraft in Europe. The proposal, however, was designed to preclude U.S. LRINF missile deployments and include British and French independent national forces to contrive a pseudo-"balance" between NATO and the Soviet Union, as well as significantly to impair U.S. conventional capability in Europe by drastic reductions in U.S. dual-capable aircraft. Both the U.S. and the Soviet Union tabled draft treaties reflecting their positions. In addition to exchanging views on the main negotiating issues, U.S. negotiators sought to engage the Soviets in discussions on a broad range of detailed matters—data exchange, comparison of treaty texts, verification—but Soviet cooperation was minimal. In December 1982, the Soviets publicly proposed a missile sub-ceiling in Europe tied explicitly to the level of British and French missiles. During this phase, Soviet propaganda focused on a proclaimed "moratorium" on SS-20 deployments in the European USSR and on the repeated Soviet claim that a balance existed in "medium-range" systems in Europe.

After close consultations in the SCG and directly among the leaders of the Alliance, President Reagan announced in March 1983 that the U.S. and Allies were prepared to accept an interim agreement establishing equal global levels of U.S. and Soviet warheads on LRINF missile launchers at the lowest possible number. At the same time, the U.S. and the Allies reaffirmed their view that total elimination of the entire category of U.S. and Soviet LRINF missiles remained the best outcome and long-term objective for the negotiations. The Soviets made two adjustments of position during the period, expressing willingness to use warheads as a unit of account, in addition to launchers, and clarifying that reduced systems would be destroyed. Neither move altered the basic outcome of the Soviet position, which would block NATO modernization while permitting the Soviets to retain a substantial SS-20 force in both the European and Asian USSR, with no ceiling on the latter. Indeed, despite the image of flexibility which the Soviets sought to convey, their position in practice had hardened by making even more explicit the linkage between Soviet LRINF missile levels and the levels of British and French forces.

After intensive consultations among the Allies on ways to move the talks forward, President Reagan this September elaborated on the interim agreement proposal by offering to address stated Soviet concerns on aircraft, geography and the composition of the NATO. LRINF force. The Soviets put forward a package which, while not modifying the basics of their proposal, did show some potential flexibility on aircraft and the first sign of any acceptance that strictly European limits are inadequate. The U.S. suggested that a global LRINF warhead limit of 420—the same number the Soviet proposal would grant their European force—would be acceptable. This evolution in the U.S. position, and to a much lesser degree in the Soviet position, offered the potential for progress. Nevertheless, the Soviet Union, after informally suggesting a new package offer that it promptly disavowed and about which it misrepresented the facts "discontinued" the negotiations indefinitely on November 23, 1983.

Summary of the negotiating rounds

Round I (November 30, 1981–March 16, 1982)

The negotiations opened with a heads of delegation meeting between Ambassadors Nitze and Kvitsinskiy, recessed from December 17 to January 12, and closed on March 16. The sides introduced their positions, the U.S. tabling a draft treaty, the Soviets outlining their position in more general terms.

U.S. position. The U.S. used the first sessions to explain the concerns and principles underlying the December 1979 NATO decision and the U.S. position, including *inter alia* the principle of U.S.-Soviet equality, the utility in focusing on LRINF missions, the need for global limitations on LRINF missiles and the importance of effective verification measures.

On December 11, the U.S. formally presented the basic elements of the "zero/zero" proposal to eliminate the entire class of U.S. and Soviet LRINF missiles worldwide, following up on February 2 by tabling a draft treaty.

The fundamental provision of the draft "zero-zero" treaty provides for the elimination of ground-launched, nuclear-armed, ballistic and cruise missiles with ranges between that of the Pershing II (1800 kilometers) and 5500 kilometers. All such missiles, their launchers and other agreed support equipment and structures would be de-

stroyed. Further, the treaty would ban new types of missiles with comparable ranges. The practical effect of this measure would be to eliminate all SS-20, SS-4 and SS-5 missiles, as well as any Pershing II and GLCMs deployed prior to the sides reaching agreement.

The U.S. treaty also proposed collateral measures designed to enhance the effectiveness of the ban on LRINF missiles by limiting Soviet shorter-range INF (SRLINF) missiles with ranges of and between those of the Soviet SS-23 and SS-12/22 to the number deployed as of January 1, 1982. Excess such missiles would be destroyed, though modernization and replacement, within certain qualitative limits, would be permitted on a one-for-one basis. Since both sides would be prohibited from deploying ground-launched missiles with ranges between that of the Soviet SS-12/22 and U.S. Pershing II, the combined effect of the treaty would be a ban on any ground-launched, nuclear-armed missiles with ranges in excess of that of the SS-12/22.

The other articles in the U.S. draft treaty contain necessary definition and type rules, and also deal with verification and procedural matters. The U.S. also tabled a draft memorandum of understanding for establishing and updating a data base.

Soviet position. The Soviets introduced several positions in the first round. At the opening plenary, they tabled a draft proposal for a moratorium on the deployment or preparations for deployment of new or additional "medium-range" nuclear systems in Europe. They also introduced early in the round their basic position in the negotiations, a proposal for NATO (i.e., the United States, Britain and France) and the Soviet Union each to reduce to 300 "medium-range" missiles and delivery aircraft in or "intended for use" in Europe. On February 4, they tabled a "Statement of (or Accord on) Intentions" which embodied both the reduction and moratorium proposals. The basic elements of their "statement" were: the U.S. and USSR would reduce to 600 "medium-range" missiles and aircraft in or "intended for use" in Europe by the end of 1985 and 300 by the end of 1990 (British and French forces would, in effect, be counted under the U.S. ceiling); modernization and replacement would be permitted on an aircraft-for-aircraft and missile-for-missile basis (thus precluding deployment of Pershing II or GLCM since the U.S. at that time had only "medium-range" aircraft in Europe); destruction would be the primary method of reduction, though some systems could be withdrawn; the agreement would remain in effect until the end of 1990 when it could be renewed if the sides agreed; and there would be a moratorium on deployments of "medium-range" systems in Europe.

The effects of Soviet-proposed "statement" were immediately clear. Under the 300 ceiling, the Soviets would be allowed to maintain all of the SS-20s they had deployed in Europe (as well as a number of modern "medium-range" aircraft). The moratorium on deployments of a new "medium-range" systems in Europe, combined with the requirement for one-for-one replacement of aircraft and missiles, would have prohibited any U.S. LRINF missile deployments.

Moreover, the Soviets proposed to "take into account" British and French nuclear forces by counting those forces within the 300 ceiling for U.S. systems. As the Soviets attributed 263 "medium-range" missiles and aircraft to Britain and France, the U.S. would have been allowed to maintain 37 dual-capable aircraft in Europe (regardless of their actual range, all U.S. dual-capable aircraft in Europe—as well as a number of U.S. aircraft not in Europe—were defined by the Soviets as "medium-range"). Thus, the U.S. limit was, in reality, a NATO limit. The Soviet proposal would have preserved the large Soviet advantage in LRINF missiles, leaving the Soviet SS-20 force in Europe intact while denying the U.S. the right to deploy any countering systems. At the same time, the U.S. would have been required virtually to eliminate its dual-capable aircraft in Europe.

The Soviet position was premised on a contrived claim that a balance in "medium-range" forces existed in Europe. To derive this balance, the Soviets counted independent British and French systems and defined all U.S. dual-capable aircraft in or near Europe to be "medium-range", while excluding large numbers of their own comparable nuclear-capable aircraft.

The Soviets made two other proposals during the opening round. One was, in reality, a variation of their basic position; it called for Soviet "medium-range" nuclear forces in Europe to be reduced to a level equal to those of Britain and France (the practical differences between this and the basic Soviet position were slight: by Soviet count, the Soviets would have been allowed to deploy 263 "medium-range" systems in Europe vice 300 and the U.S. would not have been permitted the 37 dual-capable aircraft in Europe that it would have been allowed under the basic Soviet position). The Soviets occasionally referred to this proposal in subsequent rounds. The other proposal called for the elimination of all "medium-range" and tactical nuclear weapons in Europe (this would have had the effect of leaving Soviet strategic nuclear systems as the only nuclear forces in Europe). Even though the Soviets did not often mention this in subsequent rounds, it remained their principal counter to the U.S. "zero/zero" proposal. They called it a "true zero" since all nuclear weapons (except Soviet strategic systems) would be eliminated from Europe.

Differences. By March 16 it had become clear that the sides differed on four fundamental issues:

Treatment of LRINF missiles. The United States proposed to eliminate all U.S. and Soviet LRINF missiles. The Soviet proposal would have allowed the USSR to maintain a large force of SS-20s in Europe and an unlimited number in the eastern USSR. U.S. LRINF missiles would be prohibited in Europe.

Third-country forces. The U.S. position was that only U.S. and Soviet forces should be addressed in bilateral negotiations. The Soviets, however, sought to "take into account" the independent systems of Britain and France, in effect by including them within the ceiling on U.S. systems.

Geographic scope. The U.S. called for global limits on LRINF missile systems. This reflected the range, mobility and transportability of modern LRINF missile systems, which made global limitations necessary. The Soviets proposed to limit only systems in or "intended for use" in Europe (a formulation which they manipulated to exclude all their missiles and aircraft in the eastern USSR while including U.S. aircraft not physically located in Europe).

Aircraft. The U.S., noting that the SS-20 was the system of most concern to the West and that high-level Soviet statements had indicated they were most concerned about the Pershing II and GLCM, argued that the negotiations should focus on limiting LRINF missiles. Aircraft could be addressed in a later stage, but their complexities (such as dual roles) would overly burden the talks. The Soviets called for discussion of limits on aircraft as well as missiles (though their proposal excluded a large number of Soviet aircraft which were comparable to U.S. aircraft which they were seeking to limit, which included U.S. FB-111's based in the United States) and proposed to treat missiles and aircraft under a single aggregate.

The sides also differed over a number of other issues:

Treatment of shorter range systems (the U.S. proposed to limit certain shorter range systems while the Soviets argued, short of eliminating all non-strategic nuclear forces from Europe, that systems with ranges under 1000 kilometers should not be constrained); method of reduction (destruction (U.S.) vs. a combination of destruction and some withdrawal); and duration of agreement (unlimited (U.S.) vs. until 1990).

By the conclusion of the round, it was possible to see the immedicate objectives of the Soviet negotiating position:

To preserve the Soviet monopoly in LRINF missiles in Europe by ensuring a large SS-20 force while denying the U.S. the right to deploy Pershing II or GLCM: to preserve a free hand with regard to SS-20 deployments in the eastern USSR; and to reduce drastically the U.S. contibution to NATO's conventional deterrent by forcing large cuts in U.S. dual-capable aircraft in Europe.

They had already foreshadowed that they would concentrate on compensation for British and French systems as the primary rationale to support their first objective.

Despite the emerging differences, however, a great amount of work was accomplished in the first round. The U.S. had clarified and detailed its proposal through explanation of its draft treaty. It had also had a chance to question the Soviets on the basic elements of their position. Moreover, negotiations had been conducted in a business-like and serious manner, relatively free of polemics.

Round II (May 20–July 20, 1982)

The U.S. used the round to continue exposition of the "zero-zero" proposal while the Soviets tabled a draft treaty embodying their basic position.

Soviet draft treaty. The Soviets began the round by tabling a draft treaty based on their proposal that NATO and the USSR each reduce to 300 "medium-range" nuclear systems in Europe. The basic elements of the draft treaty were the same as those contained in the Soviet-proposed "Statement of (or Accord on) Intentions." NATO and the USSR would each be permitted 300 "medium-range" missiles and aircraft in Europe; while the Soviets would be allowed to deploy a mix of missiles and aircraft, the small number of systems allowed the U.S. (after British and French forces had been "taken into account") could be only aircraft (the draft treaty contained a specific ban on the introduction of new types of "medium-range" systems in Europe, which were defined as systems not deployed in Europe as of June 1, 1982); and there would be no restrictions on Soviet systems in the Far East.

The Soviets did introduce certain global limitations, which would ban ground- and sea-launched cruise missiles, air-to-surface ballistic missiles and ballistic missiles on

water-borne vehicles other than submarines with ranges greater than 600 kilometers. These were apparently designed to block the U.S. sea-launched cruise missile as well as the GLCM is any location. The Soviets also made a number of minor changes to their position as they had explained it in the opening round:

They agreed to a treaty of unlimited duration;

They clarified their formulation of "in or intended for use in Europe" by introducing a "zone of reduction and limitation," lines of withdrawal and a non-deployment area which would have the effect of limiting some Soviet systems east of the Urals (specifically, missiles west of 80 degrees longitude would be covered); and

They said that systems with ranges of less than 1000 kilometers should be addressed in a separate protocol.

The Soviets tried to characterize each of these as a "major" concession, although they were little more than minor adjustments to the original Soviet position. For example, the original Soviet proposal was for an agreement whose terms would have expired on the very day all obligations and reductions were fully implemented. The original Soviet position also ignored the fact that, even using the range the Soviets attributed to the SS-20, SS-20s deployed east of the Urals could strike targets in much of NATO Europe (using the U.S. range estimate, SS-20s behind 80 degrees east longitude can still strike NATO territory). Likewise, they had indicated that account could be taken of the potential of shorter-range systems to undermine limitations on systems with ranges in excess of 1000 kilometers.

Although the U.S. hoped that the Soviet treaty, when introduced, would clarify the practical workings of the Soviet proposal, unfortunately, the Soviets withheld a number of important details. For example, ambiguities remained as to the geographic boundaries of the "zone of reduction and limitation" and as to the location of the withdrawal lines. Moreover, the collateral constraints in shorter range systems were unspecified and relegated to a protocol which was not introduced. A third major ambiguity: the Soviets claimed destruction was to be the primary method of reduction but there would be provision for the withdrawal of a certain percentage of the systems to be reduced; the Soviets gave no clue regarding this percentage, which was crucial to determining whether any SS-20s would have to be destroyed.

U.S. efforts. The U.S. used the round to focus on the main issues dividing the sides—third-country forces, geographic scope and treatment of aircraft—both through further exposition of the U.S. draft treaty and by comments on the Soviet draft treaty. The U.S. compared the basic provisions of the two documents in plenary discussions, demonstrating how the Soviet position failed to address the basic concerns underlying the 1979 decision and how the U.S. proposal worked to the interests of both sides.

The U.S. pressed for progress on other issues of less immediacy, arguing that progress should be made in these areas so that there would be no delay once central issues were resolved. The Soviets agreed to U.S. suggestions for the formation of two working groups to begin adddressing some of the technical matters involved in the negotiations. The first was a data experts group, which was given a mandate to clear up ambiguities and attempt to resolve differences between the sides with regard to the numbers and characteristics of various systems. The second was a treaty text working group, which began to consider various articles in the two draft treaties where there were similarities between the two sides; it was able to agree by the close of the round on joint language for several of the articles covering procedural matters.

By the conclusion of the second round, a much more specific version of the Soviet position had been presented. While a number of important ambiguities with regard to the Soviet position remained, comparison of the draft treaties of the two sides had begun to clarify the specific areas of difference and convergence. However, it was clear that the basic Soviet objectives—as revealed in the Soviet draft treaty—remained unchanged.

The "Walk in the Woods" (June 1982)

From the beginning of the negotiations, Ambassador Nitze was authorized to probe and explore areas of Soviet flexibility. In June, apart from the formal talks, he initiated a series of private discussions with his Soviet counterpart in an effort to develop a package meeting each sides' fundamental concerns, but in the process, entailing certain concessions by both parties with regard to their formally tabled positions.

In preparing for the dialogue, Ambassador Nitze outlined four principles which would have to be reflected in any agreement in order for it to be acceptable to the United States:

No compensation for British and French forces;

The U.S. could not accept aircraft limits that radically reduced its contribution to the conventional defense of Europe;

The U.S. could not agree to shifting the threat from Europe to the Far East; and

The agreement must be, and appear to be, equal in its overall effects.

The Soviet Ambassador cited one criterion of his own: The "zero-zero" proposal was totally unacceptable, as it was viewed in Moscow as being unilateral disarmament for the USSR.

The Soviet ambassador began the actual walk in the woods with the statement that he had to insist on compensation for third-country forces. Ambassador Nitze responded that there was no point in continuing the exchange if Kvitsinskiy had no flexibility on the question of third-country forces; if the Soviets held to that position there could be no common ground. The Soviet ambassador nevertheless agreed to carry on the dialogue. The "walk in the woods" package was developed in subsequent conversation between the two.

Both ambassadors agreed that the package that was developed did not constitute an offer on behalf of either government; rather, it was a package developed by the negotiators for presentation to their respective capitals for their consideration. The package contained the following provisions: the U.S. and U.S.S.R. would each have been limited to 225 LRINF missile launchers and aircraft in Europe (including the Soviet SS-20s on the eastern slopes of the Urals at Verkhnyaya Salda); each would have been limited to a subceiling of 75 LRINF missile launchers in Europe, the USSR. within its sublimit to deploy only ballistic missiles, the U.S. within its sublimit to deploy only cruise missiles; the USSR would have been limited to 90 LRINF missile launchers in the eastern USSR; each ballistic missile launcher would have carried no more than one missile with no more than three warheads; each GLCM launcher would have carried no more than four missiles, each with no more than one warhead; all LRINF missile systems in excess of the limits would have been destroyed; limited aircraft would have been the U.S. F-111 and FB-111, and the Soviet Backfire, Badger and Blinder; U.S. and Soviet shorter-range INF missiles would have been limited to existing levels; and appropriate verification measures were to have been negotiated within three months.

The package received close study in Washington following the conclusion of the second round. There was concern about certain elements and the fact that the Soviets might simply treat the package as a new U.S. offer and then attempt to split the difference between it and the formal Soviet position. However, Ambassador Nitze was authorized to continue conversations in the informal channel.

At their first meeting at the opening of the third round, the Soviet ambassador informed Ambassador Nitze that the USSR insisted on the following principles: full compensation for third-country forces; no U.S. deployments; no constraints on Soviet deployments in the eastern USSR; radical reductions in dual-capable aircraft; and full adherence to their concept of the principle of equality and equal security. The Soviet ambassador said the package had been rejected in Moscow, particularly because of the lack of compensation for British and French forces, and that he would not pursue informal discussions in the channel. Moreover, Ambassador Nitze was informed that the Soviet Union was not prepared to destroy a single SS-20. With this Soviet rejection of both the substance of the package and of the informal channel itself, Ambassador Nitze could not pursue further informal discussions.

Round III (September 30–November 30, 1982)

The U.S. pressed the Soviets to begin to take account of NATO's legitimate security concerns and, identifying a number of areas of commonality between the two sides on secondary issues, pressed in earnest for progress on those questions. The Soviet Delegation began to unveil a "carrot and stick" approach, the "carrot" taking the form of a missile subceiling which might entail some small SS-20 reductions in Europe, and the "stick" taking the form of unspecified threats of "countermeasures" if NATO implemented the deployment track of the 1979 decision.

U.S. position. The U.S. continued to explain the zero/zero proposal and its views on the failure of the Soviet proposal to address NATO's concerns. The U.S. also introduced an amplified memorandum of understanding regarding establishment and updating of a data base; a general discussion of verification principles (noting that national technical means would be fundamental to any verification regime but adding that, given the small size and mobility of INF systems, measures that went beyond national technical means might be necessary); and some specific provisions for the destruction of reduced missile systems.

In each case, the U.S. pointed out that there was a degree of convergency between the U.S. and Soviet positions. Both sides had called for the establishment and updating of a data base. The U.S. believed that measures beyond national technical means would be necessary for effective verification; the Soviets had also suggested that some cooperative measures could be designed to assist national technical means. And both

sides had tabled positions that would require the destruction of LRINF missile systems.

Thus, the U.S. argued that these were areas where the sides could make some progress, despite their differences over the fundamental issues; that this process could well serve to facilitate progress on other issues; and that it would speed completion of an agreement once central issues were resolved.

The U.S. also attempted to accelerate progress in the two working groups. In the treaty text group, the sides began to work some of the sections of their respective draft treaties where there was a degree of convergent language, i.e., the Preambles and the Verification and SCC articles of the two draft treaties. On several points, the U.S. began to accept Soviet language where it was clear the sides shared the same understanding of their meaning. The Soviets, on the other hand, rarely conceded anything.

In the Data Experts group, the U.S. pressed for the Soviets to disaggregate their LRINF missile numbers and to enter into a detailed discussion of the SS-20's range (since much of the Soviet side's argumentation in favor of a regional limitation regime was tied to the Soviet assertion of the SS-20's range). Although the U.S. continued to maintain that the sides should concentrate on missile limits, the U.S. participants in the data group agreed to discuss technical issues pertaining to aircraft. The U.S. raised the question of Badger and Blinder numbers, where there was a wide divergence in the two sides' estimates. The U.S. also proposed criteria for determining and comparing the combat radii of aircraft, given Soviet claims about the respective radii of the Fencer and F-4 (the Soviets defined the U.S. F-4 as a "medium-range" system, even though its combat radius is under 1000 kilometers, while they excluded their own Fencer, even though its combat radius is generally considered to be well over 1000 km).

AT the close of the round, the U.S. also proposed that the sides negotiate an agreement that would provide for advance notification of test launches of LRINF ballistic missiles.

Soviet reactions. The Soviet reaction to the U.S. push for progress on secondary questions was disappointing, suggesting that the Soviets were unwilling to see progress even where there was a degree of convergence between the positions of the two sides. While the Soviets initially indicated on an informal basis some readiness to work on these questions, they soon reverted to the line that such issues could not be addressed so long as the U.S. did not accept the Soviet framework for an agreement.

The Soviet efforts in the two working groups were particularly disappointing in this regard. In the treaty text group, they rejected a U.S. proposed draft joint text which left bracketed all areas of disagreement between the sides' respective draft treaties. Instead, the Soviets tabled an outline that followed the structure of the Soviet draft treaty in a manner that would have prejudiced a number of substantive issues to their advantage.

The Soviets followed a similar line in the data experts group. The Soviets refused to disaggregate their LRINF missile data between types of missiles and by general location so long as the U.S. held to the "zero-zero" proposal (once the U.S. had tabled the interim proposal, the Soviets still refused to disaggregate their data). With regard to the question of the SS-20's range, the U.S. explained how it computes missile range; the Soviets responded with simple assertions that the SS-20 range was 4000 kilometers but refused to enter into technical discussions to support that assertion. Thus, while the U.S. tried to create an objective framework for discussion, the Soviets frustrated such efforts.

While the Soviets claimed a large number of their Badger and Blinder aircraft were not configured for weapons delivery, they refused to explain which were not so configured. On the issue of the combat radius of the Soviet Fencer vs. that of the F-4, the Soviets continued to contend that the Fencer's radius was less than 1000 kilometers while that of the F-4 exceeded 1000 kilometers. The U.S. disagreed and proposed that the two sides agree to a flight profile so that one could compare the two aircraft using the same standard; the Soviets often responded by claiming it was inappropriate to use the same flight profiles for the two aircraft. (They later claimed that their "experts" in Moscow had tried computing Fencer combat radius using U.S. methodology, and those calculations still showed the Fencer's radius to be less than 1000 km.)

Soviet moves. On the main issues, the Soviets tried to create an appearance of movement, though there was little genuine change in their position. In late October they tabled what they termed a "new" position designed to reduce the level of "U.S.-Soviet confrontation" in Europe to zero. The proposal, however, contained the proviso that the USSR would be allowed to maintain forces equivalent to those of Britain and France. Thus, rather then being a new proposal, it simply repeated a position introduced in the first round to equate Soviet and British/French "medium-range" forces and amounted to only a slight variation on the basic Soviet position.

The Soviets shed some light on their proposal for collateral constraints on systems with ranges of less than 1000 kilometers, though they still did not provide their draft protocol. The Soviets said such limits would be quantitative in nature and would apply only to missiles with ranges between 500 and 1000 kilometers. However, they gave no details beyond saying that the SS-12/22 and Pershing I would be limited.

In the latter half of the round, the Soviets introduced the concept of a subceiling on "medium-range" missiles in Europe. However, in keeping with their practice of introducing proposals only in very general terms, the Soviets did not provide a level for their proposed subceiling. It was unclear whether that subceiling would require the reduction (to say nothing of destruction) of any Soviet SS-20s deployed in Europe. Toward the end of the round, the Soviets indicated that the missile subceiling might be set at a level approximately equal to the number of missiles they attributed to Britain and France.

While making these adjustments, the Soviets also began to give increasing emphasis to threats of countermeasures should NATO proceed with U.S. deployments. They began to make these threats in plenary statements as well as in informal discussions, increasingly hinting that the Soviets would deploy new weapons systems and be compelled to review their participation in the negotiations should U.S. deployments commence.

While an implicit recognition of the U.S. position that missiles were the systems of greatest concern, the missile subceiling did not change the basic outcome of the Soviet position. The Soviets would still be allowed to maintain a substantial force of SS-20s in Europe for which there would be permitted no U.S. counterpart. Soviet SS-20s in the eastern USSR would be completely free of constraints; and U.S. dual-capable aircraft would be virtually or entirely eliminated from Europe.

It increasingly became apparent that the Soviet effort in Geneva was aimed to a significant extent, if not primarily, at public opinion. The Soviets tabled several variations of the same proposal—all of which would have had the same essential outcomes—apparenty to position themselves to claim that they had shown "flexibility" and had offered a range of solutions to the INF problem. At the same time, they increasingly stymied progress, even on the smallest of issues, in an effort to create the appearance of a negotiating deadlock, the blame for which they attempted to place on the U.S. Their calculation undoubtedly was that such a stalemated negotiation would generate pressure for U.S. concessions and against proceeding with deployments as scheduled.

Round IV (January 26-March 29, 1983)

In March, the U.S. introduced the interim agreement proposal. Prior to this move, the U.S had emphasized its readiness to consider alternative Soviet proposals and outlined criteria by which such proposals would be judged. The Soviets largely repeated basic elements of their position, which had been modified to incorporate the missile subceiling introduced the previous round.

U.S. position. At the opening of the round, the U.S. noted its belief that the proposal for the elimination of the entire class of U.S. and Soviet LRINF missiles continued to constitute the best outcome for the negotiations. At the same time, the U.S. reiterated its readiness to consider any serious alternative proposal from the Soviet side and outlined five criteria by which the U.S. would judge any proposed outcome:

(1) An agreement must entail equal rights and limits between the U.S. and the USSR;

(2) An agreement should address only the systems of the U.S. and the USSR;

(3) An agreement should apply limits to INF missiles regardless of location and should not result in an exportation of the security problem in Europe to the Far East;

(4) An agreement should not weaken the U.S. contribution to NATO's conventional deterrence and defense; and

(5) An agreement must be verifiable.

The U.S. explained these criteria in detail; by tabling them and stressing U.S. readiness to consider outcomes other than "zero-zero", the U.S. in effect had extended an open invitation to the Soviets to come forward with a serious alternative position that might open the way to progress.

The U.S. also continued to press for progress at all levels of the negotiations, tabling a draft agreement embodying the proposed confidence-building measure for prenotification of LRINF ballistic missile launches, and proposing formation of a working group to negotiate the text of such an agreement. The U.S. also proposed formation of a working group to discuss verification issues which, because both sides envisioned the destruction of at least some LRINF missiles, would have the initial task of developing procedures for such destruction.

It became increasingly evident, however, that rather than seeking ways to overcome obstacles, the Soviets were making inclusion

of British and French forces the cornerstone of their position. The U.S. therefore devoted considerable time to rebutting the Soviet claim for compensation, noting that:

Britain and France are not parties to the nogotiations;

Britain and France are sovereign countries with strategic security interests of their own;

The U.S. does not determine or control the composition or employment of those forces;

British and French forces are small in comparison to the total Soviet arsenal, representing minimum national deterrents;

The Soviet effort to include those forces amounts to a demand that the USSR should have nuclear forces equal to those of all others combined and thus violates the fundamental principle of equal rights and limits between the U.S. and the USSR; and

A correct assessment of "equality and equal "security", properly interpreted, would not justify the United States compensating the Soviet Union for British and French forces.

Soviet position. The Soviets opened the round by formally tabling their proposed subceiling on "medium-range" missiles in Europe in treaty form. As General Secretary Andropov had publicly indicated a month beafore, the subceiling would equate Soviet missiles in Europe to the level they ascribed to British and French missiles (162 by Soviet count). The Soviets, however, made clear that the subceiling was not fixed. Should the level of British and French missiles increase, in quantity or in quality, the subceiling would also increase to allow the Soviets to maintain equality in missiles with Britain and France.

The Soviets labeled this proposal a step toward NATO concerns over the previous Soviet position, but it brought British and French forces even more explicitly into the negotiations than before. Further, even if all SS-20s to be reduced in Europe were destroyed (an assumption not supported by anything the Soviets had said at that point in the negotiations), the Soviet position would have allowed retention of more SS-20s than were deployed than when the negotiations began and twice as many as were deployed in December 1979. Moreover, the Soviets would have been free to continue deploying SS-20s in the eastern USSR.

In general, the Soviet attitude during the round became increasingly intransigent. Having introduced their missile subceiling, they asserted that they had moved as far as possible without movement by the U.S. They rejected out of hand the U.S. presentation of basic criteria by which an outcome would be judged, characterizing all—except verifiability—as unacceptable, groundless and designed solely to support the "zero-zero" proposal. Toward the end of the round, they introduced their own "prerequisites" for agreement, which merely restated past positions. They included:

An agreement could not entail deployment of new U.S. missiles in Europe;

Negotiations must address only the most "urgent and acute" problem, the situation in Europe;

Negotiations should encompass all types of "medium-range" systems, land- and sea-based aircraft as well as missiles; and

Negotiations must "take into account" British and French forces.

The Soviets continued to resist U.S. efforts to move forward on secondary issues, rejecting the U.S. proposals to form new working groups, thus bringing discussions in the established groups to a virtual standstill. They stalled progress on secondary issues—even where there was common ground—maintaining that such questions could be addressed only after progress had been made on the central differences. The Soviets also continued to withhold various details of their position (e.g., they did not disclose whether SS-20s to be reduced would be destroyed or withdrawn). Soviet threats continued; they claimed that U.S. deployments would destroy the basis for negotiations and would be met by a Soviet response, both in Europe and against the U.S. itself.

Interim agreement proposal. As the round progressed, it became increasingly evident that the Soviets were not yet ready to accept such a far-reaching solution as the proposal to eliminate the entire class of U.S. and Soviet LRINF missiles. Nor were they ready to come forward with a position that met in any way the U.S. criteria or addressed the concerns that had prompted NATO's 1979 decision. Therefore, at the close of the round, the U.S. tabled the interim agreement proposal which would entail equal levels of warheads on U.S. and Soviet LRINF missiles. Specifically, the U.S. offered to reduce the planned deployment of Pershing II and GLCM provided that the USSR reduce its warheads on LRINF missile launchers to an equal level on a global basis. When introducing the new proposal, the U.S. noted its belief that "zero-zero" remained the best outcome for the negotiations, but made clear that Soviet acceptance of "zero-zero" was not a precondition for an interim agreement.

At the close of the fourth round, the U.S. had made a major change in its negotiating proposal, although the Soviets had not yet shown any indication of being ready to address U.S. and NATO concerns. While the Soviet position had changed cosmetically, its underlying objectives and fundamental consequences remained the same as those in the original Soviet position.

Round V (May 17–July 14, 1983)

The fifth round of negotiations ran from May 17 through July 14. The United States opened the round by tabling a new draft treaty embodying the interim agreement proposal and devoted considerable time to explaining the practical workings of that treaty. In the latter half of the round, the United States offered to make the collateral constraints on shorter-range INF missiles reciprocal, i.e., U.S. Pershing I would be limited in the same manner as Soviet SS-12/22 and SS-23 missiles.

The Soviets, for their part, showed no movement on the central issues. While they introduced a proposal for equality in warheads, this did not improve on the consequences of their approach, but only served to exacerbate them. Their statements increasingly took on a more rigid and polemical tone.

New U.S. draft treaty. At the beginning of the round, the U.S. tabled a draft treaty embodying the interim proposal for equal levels of warheads on U.S. and Soviet longer-range INF missile launchers. The U.S. also made clear that its proposal to eliminate the class of U.S. and Soviet LRINF missiles remained on the table and was, in the U.S. view, the prefered outcome for the negotiations. However, the U.S. also made clear that Soviet acceptance of the "zero-zero" proposal as an ultimate goal was not a precondition for an interim agreement.

In tabling the new draft treaty, the U.S. did not specify a level, in order to leave flexibility for explorations with the Soviets. It made clear to the Soviets that the U.S. was prepared to explore a range of warhead ceilings between zero and 572. While favoring a low level, the U.S. would consider any level in which the Soviet side was interested, and urged the Soviets to suggest such a level. When the Soviets refused to do so, Ambassador Nitze took the further step of suggesting a series of various specific warhead levels between 50 and 450. The Soviets rejected any level within the context of the U.S. proposal.

U.S. movement on shorter-range INF. The original U.S. proposal contained limits only on Soviet shorter-range INF missiles. The Soviets protested this position, but never offered a specific proposal of their own with regard to limits on shorter-range systems.

In the latter half of the round, in an effort to draw the Soviets into a detailed discussion on SRINF limits, the U.S. expressed a readiness to discuss limits on U.S. Pershing I missile systems. Subsequently, revised treaty language was tabled making collateral constraints on SRINF missiles applicable on a reciprocal basis, i.e., U.S. Pershing I missiles and launchers would be frozen at their levels as of January 1, 1982, as would Soviet SS-12/22 and SS-23 systems. Unfortunately, the Soviets did not enter into a serious discussion of SRINF missile limits, nor did they table their protocol on missile systems with ranges between 500 and 1000 kilometers. Instead, despite U.S. movement that should have been of interest to them, they maintained that this issue could not be addressed until after the central issues of the negotiation were resolved.

On other issues, the U.S. began a more detailed discussion of verification. The U.S. also continued to push the work in the data experts and treaty text working groups, to clarify the balance and increase the amount of agreed language for an eventual treaty. However, the Soviets showed little interest in having the groups press ahead, using them for polemical rather than technical discussions.

Soviet position. At the beginning of the round, the Soviets followed up on General Secretary Andropov's May 3 statement regarding "nuclear charges" by proposing equal ceilings on warheads on INF missiles and aircraft. The Soviets did not table new treaty language incorporating that proposal, but merely provided oral explanations as to how the limits would work.

The new Soviet position was merely a variation of the fundamental Soviet stance. It did not improve on the basic consequences inherent in the Soviet position; rather, it exacerbated them. With regard to missiles, the Soviets proposed equal levels of warheads between Soviet and British and French missiles. However, they attributed more than 400 warheads to the British and French missiles. While the new Soviet position could entail a small reduction in SS-20s in Europe below the level of 162, the extra reduction be slight. Moreover, the Soviets made clear that they would retain the right to increase the number of their warheads should the number of warheads of British and French missiles increase. Based on Soviet claims that British and French missiles will in the future carry over 1200 warheads, the Soviets could thus claim the right to deploy as many as 400 SS-20s (or successor systems) in the European USSR alone.

The Soviets otherwise maintained the basic elements of their position intact. They continued to negotiate on the basis of their

prerequisites for an agreement (no U.S. deployments, negotiations must address only the situation in Europe, negotiations must encompass aircraft as well as missiles, and negotiations must "take into account" British and French forces).

The Soviets did modify their regional approach somewhat, adjusting the line of withdrawal (which had previously run along the 80 degrees east longitude) to prohibit deployments of SS-20s from 80 degrees east, 57 degrees north to the mouth of the Lena River (something which climatic conditions made unlikely in any case). However, SS-20s launched from behind the modified line of withdrawal could still reach NATO territory, even using the range the Soviets ascribe to the SS-20. Moreover, the Soviets still had not taken proper account of the mobility and transportability of the SS-20 system.

The Soviets also tabled an article regarding confidence-building measures which provided for prior notification of "medium-range" ballistic missile launches beyond national borders, multiple "medium-range" ballistic missile launches within their proposed zone of reduction and limitation, and take-off of a significant number of "medium-range" aircraft within the zone. However, they continued to refuse to participate in a working group on confidence-building measures or negotiate on the substance of such measures until the central issues of the negotiations were resolved.

In general, the Soviet attitude in the round was notably polemical. They increasingly elevated to the forefront charges that the U.S. was not interested in an agreement and was using the negotiations as a means to secure deployments. They also increasingly threatened various countermeasures should NATO proceed with its planned deployments.

At the close of the round, the Soviets had not responded in a positive manner to the U.S. proposal for an interim agreement, despite their continual urgings in previous rounds for the U.S. to move off of "zero-zero." The Soviet position remained fundamentally unchanged; it still entailed the basic objectives and consequences of the opening Soviet position nineteen months before: a large Soviet SS-20 force would be permitted in Europe but deployment of Pershing II and GLCM would be prohibited; Soviet systems in the eastern USSR would be unconstrained; and U.S. dual-capable aircraft would be all but eliminated from Europe.

Round VI (September 6, 1983–November 23, 1983)

At the beginning of the sixth round of negotiations, the Soviet side attempted to clarify their missile liquidation offer. On September 22 the U.S. delegation introduced new proposals with regard to the geographic allocation of U.S. deployments, the mix of permitted U.S. LRINF missiles, and limits on aircraft. The Soviets refused to work together with the U.S. delegation to help flesh out these initiatives. Instead, at the end of October they modified certain elements of their own position, while retaining their insistence on retention of a Soviet LRINF missile monopoly and compensation for third-country forces. In November, the U.S. proposed a specific global number as an acceptable LRINF warhead limit. The Soviets informally presented a package which their negotiator claimed would defer their claim to "compensation" in exchange for no U.S. deployments. They then disavowed the offer and misrepresented the facts about it. Citing votes by NATO country parliaments reiterating support for the 1979 decision, the Soviets unilaterally suspended the negotiations.

Andropov's liquidation offer. Under the Soviet position in prior rounds missile launchers and aircraft were limited, but there were no constraints on the number of deployed missiles. The Soviets maintained that dismantling or destruction would be the primary means of reduction for excess systems but a certain percentage of excess systems could be withdrawn from the "Zone of Reduction and Limitation." However, they consistently refused to specify what percentage of systems would be dismantled or destroyed or to say whether any would be SS-20s. In a late August *Pravda* interview, General Secretary Andropov announced that the Soviet Union was prepared to "liquidate" all missiles made excess by the Soviet-proposed agreement (i.e., those that would be reduced in the European USSR to reach a level the Soviets termed equivalent to British and French missile systems).

At the first plenary session, the Soviets introduced this offer, citing the Andropov interview. However, in the subsequent two plenary meetings, the Soviet side gave a confusing presentation of what the proposal meant, explaining that it entailed the dismantling or destruction only of excess missile launchers and structures and equipment associated with such launchers.

Ten days into the round, in the fourth plenary session, the U.S. pointed out that, as explained, the Soviet position (1) would not require the destruction of any missiles (thus allowing existing missiles in excess of those associated with permitted launchers to be stockpiled for use as refires with permitted launchers), and (2) would not entail any limits on total missile inventory or new production (thus allowing the Soviets to produce new missiles without constraints, either for stockpiling in the "Zone of Reduction and Limitation" or for deployment in the Eastern USSR). The Soviets then formally stated that one missile associated with each excess launcher would be liquidated.

The reasons for the piecemeal and confused Soviet explanation of the missile destruction offer are unclear. In any case, the Soviets did not address U.S. concerns regarding constraints on total inventory or new production. While the Soviet position might require the Soviets to dismantle or destroy some SS-20 missiles, as presented, it would continue to permit them to build and stockpile new missiles in unlimited numbers.

Soviet attitude.—From the opening of the round, the Soviets maintained a hard line, asserting that no agreement was possible unless it barred U.S. deployments and took account of British and French forces, threatening to take countermeasures should NATO proceed with deployments, and implying that if the U.S. negotiating position did not accommodate their two central concerns, there was no reason to continue the round. In initial discussions regarding the length of the round, the Soviets refused to commit themselves to any meetings past October 12. Starting in mid-October, the Soviets began to agree to meetings for only one or two weeks at a time, despite the fact that the U.S. delegation had proposed a work schedule through December 15 and had suggested that talks could resume in mid-January. In the first half of November, the Soviets began to agree to meetings on a one-by-one basis.

The Soviets also slowed the pace of the two working groups. The Treaty Text Working Group made little progress, the Soviets being reluctant even to schedule meetings on a timely basis. While the Soviets did agree that the Data Experts' Working Group could take up the subject of destruction and there was some convergence of views on this question, the Soviets also slowed down the pace of that effort.

September U.S. proposals. Following consultations with the Allies that intensified during the first week of September, the U.S. tabled three new proposals with regard to the geographic allocation of U.S. deployments, the mix of permitted U.S. LRINF missiles, and limits on aircraft. At the September 22 plenary, the U.S. formally presented these initiatives in general outline:

Within the context of an agreement providing the right to equal levels of U.S. and Soviet LRINF missile warheads globally, the United States is prepared to consider a commitment not to offset the entire worldwide Soviet LRINF missile deployment by U.S. LRINF missile deployments in Europe, while retaining the right to deployments elsewhere, and is prepared to explore with the Soviet side alternative means of implementing this commitment.

In the context of an agreement involving significant reductions from current Soviet and planned U.S. deployment levels, the United States is prepared to apportion the reductions to be made from its planned level between the Pershing II ballistic missile and ground-launched cruise missile in an appropriate manner.

The United States is prepared to explore equal, verifiable limits on specific types of U.S. and Soviet land-based aircraft that are consistent with Allied criteria for an INF agreement.

In introducing these proposals, the U.S. noted that they responded directly to concerns that the Soviet Union had described as important to it. The Soviets had long argued that the negotiations should focus on systems in or near Europe; the U.S. was now prepared to discuss a commitment that would apply specifically to Europe. The Soviet Union had left the clear public impression that it had a particular concern about the prospective deployment of the Pershing II; in the context of an agreement involving significant reductions from current Soviet and planned NATO deployment levels, the U.S. would now be prepared to apportion the reductions of Pershing II and ground-launched cruise missiles in an appropriate manner. Finally, the Soviets had long maintained that limits should be negotiated on aircraft as well as missiles; the U.S. was now prepared to discuss limits on specific types of aircraft.

The U.S. used subsequent sessions to explain these proposals. It also pointed out that as its new proposals addressed Soviet concerns, the Soviet side should participate in the process of translating them into concrete limitations and provisions in an agreement. To foster such discussion, the U.S. proposed that in addition to or in place of some formal plenary meetings the sides meet in less formal fora, suggesting heads-of-delegation sessions and/or "mini-plenaries" with limited attendance and without formal statements.

Even before the U.S. had been able to explain its new proposals, the Soviet side maintained they could not provide a basis for progress and refused to take up the U.S. suggestion to explore and flesh out the proposals in less formal meetings. The Soviets said they could not discuss the geographic allocation or Pershing II reduction propos-

als, since those moves were in the context of U.S. deployments in Europe which the Soviet side could not "bless". But they also refused to engage in serious exploration of the aircraft proposal, though it was not linked to U.S. LRINF missile deployments.

At the same time, the Soviets increased their focus on the planned deployments of U.S. LRINF missiles to Europe, stating that such deployments would make continuation of the talks impossible. The U.S. rejected this contention, making clear the United States had negotiated while the Soviet Union had continued to deploy SS-20s; it was prepared to negotiate as long as necessary, including after the beginning of U.S. deployments; and it was prepared, as the result of an agreement, to remove and eliminate missiles that had been deployed.

October Soviet proposals. On October 26 Tass carried an interview with General Secretary Andropov in which he announced a modified Soviet position. On October 27 the Soviet side introduced the modified position by handing over the text of Andropov's interview.

As explained by the Soviets, their modified position was contingent on no U.S. LRINF missile deployments in Europe and compensation for UK/French Systems, and comprised four elements:

To ensure missile warhead equality between NATO and the USSR, the Soviets would reduce to approximately 140 SS-20 missile launchers in Europe (based on their attribution of about 420 warheads to British and French missiles);

On entry into force of an agreement covering Europe and contingent on no change in the "strategic situation" in Asia, the Soviets would unilaterally halt deployment of additional SS-20 missile systems in the eastern USSR;

In the context of equal levels of NATO and Soviet aircraft with a "medium radius" of action, the Soviets would be willing to discuss both the specific level and the composition of aircraft types to be limited; and

If the U.S. deferred deployment indefinitely, the Soviets would unilaterally scrap their remaining SS-4 missiles over a two-year period.

In discussing the modified Soviet position, it became evident the 140 figure was simply the May offer to use warheads as a unit-of-account with a number specified. Moreover, the Soviets were continuing to link their SS-20 missile systems in Europe to inflated figures for British and French missile warhead levels. Under questioning, the Soviets acknowledged that their position in fact might not result in the dismantling or destruction of any SS-20 missile systems, given their claims as to projected future increases in British and French warhead levels and the fact that reductions would be implemented over five years (and would probably first consist solely of SS-4 missiles). Over the long run, the Soviet position would allow them a right to a significant increase in SS-20 systems in Europe as UK and French forces modernized. The Soviet position would not restrict production or stockpiling of SS-20 missiles either in Europe or in Asia.

While the Soviets have implicitly conceded the principle that their eastern SS-20 deployments are relevant to the negotiations, they still refused to accept the idea of global limits under an agreement. Moreover, even on its own terms their offer of a unilateral freeze on SS-20 deployments in the eastern USSR has important drawbacks. By making it contingent on no change in the "strategic situation" in Asia, the halt would be hostage to Soviet claims about deployment of U.S. nuclear forces in range of the eastern USSR or about changes in the size or composition of Chinese nuclear forces. Moreover, the freeze would not go into effect until entry into force of an agreement, permitting the Soviets to start an indefinite number of new SS-20 bases prior to that time. The Soviets stated they would halt missile deployments, but left undefined what that meant or exactly what activities would cease. There are already 117 SS-20 missile systems deployed and at least 27 more planned for bases currently under construction in the eastern USSR.

On aircraft, the Soviets indicated that they were prepared to drop some aircraft types and agree to a level (300-400) so as not to "impinge on" conventional requirements for U.S. dual-capable aircraft. However, they also stated that the levels would include U.S. sea-based aircraft and would cover an aggregate for NATO (the United States, Britain and France) on one hand, and the USSR on the other. They identified the Mirage IV as the only non-U.S. aircraft that would be limited under the NATO aggregate.

November U.S. Initiative. After discussing the details of the modified Soviet position, the U.S. delegation explained its view of its drawbacks but noted that certain aspects were positive and, in conjunction with the September U.S. proposals, provided the potential for progress. On November 15, the U.S. formally proposed that the two sides agree to an equal global ceiling of 420 LRINF warheads, while noting our continued preference for the zero/zero outcome and willingness to discuss other equal global ceilings. The specific number advanced corresponds to the approximately 420 warheads to which the Soviets had suggested they would limit themselves in Europe, in accordance with Andropov's October 26 remarks (i.e., about 140 SS-20's). The Soviets formally rejected this number in the November 17 plenary.

Informal Exchanges. Pursuant to his instructions allowing him to explore possible areas of agreement, Ambassador Nitze met privately with Ambassador Kvitsinskiy several times during the round in an attempt to find a way around the obstacles separating the two sides in Geneva. In addition to discussing differences between the formal positions of the two sides, they discussed additional potential ways of bringing the two sides together.

Nitze told Kvitsinskiy that he had heard that some Soviet spokesmen were quoted as saying that the "walk-in-the-woods" package might be acceptable as a basis for negotiations if the U.S. formally proposed it. Kvitsinskiy stated that, even if proposed by the United States, Moscow would reject the package in its entirety.

Nitze also told Kvitsinskiy that he had heard that certain Soviet spokesmen had suggested an approach that would result in 54 SS-20s in or within range of Europe versus zero U.S. deployments. Kvitsinskiy replied that there was no substance to what those people were saying.

November 13, Kvitsinskiy privately told Nitze that he had instructions to indicate that, if the U.S. proposed equal warhead reductions in Europe of 572 on each side, the Soviets would be prepared to accept, and remaining issues could be equitably worked out. Kvitsinskiy confirmed that this would leave the Soviets with approximately 120 SS-20s in Europe, and that "equal reductions" were acceptable to the Soviets only if the U.S. reduced to zero. Kvitsinskiy indicated that, under this sort of agreement, no specific mention of UK/French forces would be made but that the Soviets would pursue compensation "in an appropriate future negotiating forum." He said that in the "future negotiations", credit would be given NATO for the approximately 120 SS-20s the USSR would have retained in Europe. His instructions were to repeat the Soviet position on aircraft and Asian systems, which remained unchanged, and that the Geneva negotiations would cease if NATO deployments proceeded.

The absence from this package of the long-standing Soviet contention that they are entitled to specific compensation for UK and French forces in INF was only formal, since they were continuing to seek de facto compensation in the form of a sizeable LRINF monopoly. At the same time, by dropping the demand for explicit compensation, they were in effect confirming that concern over those forces was never a fundamental element of their INF approach, but rather a means of maintaining this monopoly. By making this proposal when they did, and stressing that with U.S. deployments the talks would cease, the Soviets were clearly attempting to posture themselves for public advantage, rather than to advance the talks.

After Ambassador Nitze reported the discussion of November 13 to Washington, the U.S. informed NATO capitals. On November 17, the Soviets began the delivery of notes to several NATO governments, including that of the U.S., describing the Soviet contingent offer as a proposal of Ambassador Nitze, and misrepresenting its substance by retaining and explicit link to British and French forces. The Soviets subsequently made these false assertions in public statements.

Nitze met with Kvitsinskiy November 19 and noted that Washington has instructed him to convey the following points:

The Soviet "equal reductions" proposal would leave the USSR with a large force of SS-20 missile systems in Europe while barring the United States from any countering deployments. The United States and it NATO Allies had made clear that they cannot accept a Soviet monopoly in LRINF missiles.

While Washington had noted with interest the indications that the Soviets were willing to drop their explicit demand for compensation for third-country forces, any negotiated outcome must provide for equality of rights and limits on a global basis between the United States and the Soviet Union.

While the United States was prepared to study carefully any proposal that the Soviets might wish to put forward in the negotiations, Soviet attempts to misrepresent their informal suggestions of November 13 as an American proposal were unacceptable. Allied governments were fully informed and therefore aware of the truth.

The ploy of not making the proposal themselves, but suggesting that if the U.S. were to make it then everything could be worked out, and the Soviets' later unfounded assertions that it was from the start an American proposal, call even further into question the seriousness of the Soviet negotiating approach thus far.

Soviet Suspension of Negotiations. The Soviets announced in the November 23 plenary that, because of recent votes in the parliaments of Great Britain, Italy, and the

Federal Republic of Germany (all of which endorsed continued adherence to the dual-track decision), they were unilaterally discontinuing the round of negotiations without setting any date for their resumption.

VI. SOVIET GOALS, NEGOTIATING POSITIONS AND NEGOTIATING BEHAVIOR

Even before December 1979, when the Soviets waged a major campaign to forestall the dual-track decision, the Soviet Union made clear that its goal was retention of a sizable monoply of LRINF systems. This objective has not changed in more than four years.

The SCG notes that the fundamental precepts of the Soviet position are that non-superpower states, whether in Europe or elsewhere, have no independent right to security, and that the Soviet Union's right to security overrides that of any other state. Thus, the Soviets argue, since Soviet LRINF missiles can strike only Europe but not the United States, the United States has neither the right to seek equality in the arms control negotiations nor the right to deploy offsetting forces in the event that an equitable arms control agreement is not attained. In essence, the Soviets have taken the position that it is unacceptable for the Soviet Union to face a threat from Western European territory analogous to the threat the Soviet Union poses to Western Europe (and to other states on the Soviet periphery).

The SCG notes that the Soviet Union, in pursuit of this goal, has established an inseparable connection between its negotiating position, its behavior in the negotiations, and its propaganda campaign directed against NATO, particularly the European members of the Alliance.

Soviet negotiating proposals to date have consisted largely of minor adjustments or clarifications to create the appearance of flexibility while not altering the basic outcome of an agreement. Thus, the Soviet proposal advanced by General Secretary Andropov in December 1982 for a sub-ceiling on LRINF missiles was designed to create the impression of Soviet willingness to take substantial cuts in its SS-20 force; however, the effect of that proposal would have been to leave the Soviet Union with more SS-20 missiles than when the negotiations began, deny NATO the right to modernize its deterrent to that threat, allow the Soviets to have an unlimited number of SS-20s east of the Urals, and almost totally eliminate from Europe aircraft of the United States which, in addition to being nuclear-capable, have essential conventional roles.

The Soviet negotiating approach is closely coordinated with and linked to the Soviet public campaign, and appears to be designed to position the Soviets so that they can claim credit publicly for flexibility and movement while blaming the United States for a negotiating stalemate. Over the course of the negotiations, certain patterns of behavior have emerged:

Unveiling the details of Soviet positions over an extended period of time to foster the appearance of a dynamic, flexible position;

Advancing positions in public before tabling them in Geneva;

Evading clarification of such proposals at the bargaining table unless the U.S. accepts the Soviet framework for an agreement; and

Refusing to cooperate in resolving "secondary" issues until the central issues are resolved on their terms.

The Soviet propaganda effort directed at Western publics has been designed to strengthen the Soviets' hand at the negotiating table by undermining public support for NATO modernization. For instance, the Soviets refused to negotiate until it became clear that this tactic was becoming politically costly with Western publics. NATO's success in addressing the Soviet campaign has over time forced the Soviets to shift themes. Soviet efforts to claim an existing LRINF balance between NATO and the Warsaw Pact lost all credibility as SS-20 levels increased without any offsetting NATO deployments (see chart on next page), and, while the Soviets have not abandoned this theme, their emphasis on it has faded. Similarly, Soviet efforts to capitalize on their declared "moratorium" failed when the Alliance made clear, both in the reports of SCG meetings and in national statements, that Soviet SS-20 deployments were continuing.

Following de-emphasis of the "balance" argument, the Soviets have attempted to justify a claim for compensation for British and French forces as the centerpiece of their propaganda effort. Recent Soviet stress on the need for compensation suggests the Soviets see considerable negotiating, political and propaganda value in this theme. In the negotiations, it permits the Soviets to advance a position that would block U.S. deployments, preserve a substantial SS-20 force in Europe as well as Asia, and index Soviet warhead levels to any future increases in French or British warhead levels. Politically, it provides them a means to attempt to create divisions between the nuclear and non-nuclear members of the Alliance. In propaganda terms, it gives them a means to attempt to confuse publics by falsely equating the deterrent to the Soviet Union by British and French independent national systems to only a fraction of the threat which the Soviet Union poses to France and Britain.

An integral and increasingly important part of the Soviet campaign is an attempt to generate fear about the consequences of NATO modernization. The Soviets repeatedly have said that NATO modernization would increase the risk and costs of nuclear war, particularly for Europe. The Soviets also increasingly threatened to break off the negotiations, to adopt a "launch on warning" policy should NATO deploy LRINF missiles, and to take countermeasures in response to NATO modernization. At the same time, the Soviets sought to convey the impression that they, not NATO, would be the aggrieved party, and that they would be forced into policies they would not otherwise adopt should NATO proceed with implementation of the dual track decision.

This Soviet stance illuminates the Soviet political goal in INF: to weaken and if possible to break the link between the United States and the European members of NATO. The SCG believes that we can expect continuing Soviet emphasis on pursuit of this goal with the failure of the Soviet effort to prevent NATO LRINF modernization, in the absense of an equitable agreement.

VII. PRINCIPAL NEGOTIATING ISSUES

In reviewing the status of the negotiations and the lack of agreement to date, it is essential to examine the practical outcomes of the two sides' proposals and how those outcomes have—or have not—evolved over time.

The U.S. position has evolved in three distinct stages. In November 1981 the United States proposed the elimination of the entire class of U.S. and Soviet LRINF missiles systems wherever located. In March 1983 the United States tabled the interim agreement proposal providing for equal global levels of U.S. and Soviet LRINF missiles warheads. In September 1983 the United States introduced new proposals with regard to the geographic scope of limitations, the mix of permitted U.S. LRINF missile systems, and limits on aircraft. The U.S. position at each of these stages would have entailed significantly different outcomes, in each case addressing concerns that the Soviet side had described as important to it.

The practical outcome of the Soviet position, on the other hand, has remained essentially unchanged. The adjustments introduced into the basic Soviet position (that NATO and the USSR each reduce to 300 "medium-range" missiles and aircraft in or near Europe) have included the missile subceiling proposal, the offer to use nuclear "charges" as the unit-of-account, the missile liquidation offer, and the October 1983 "package". However, none of these modifications has altered the basic outcome of the Soviet position. The Soviet position of November 1983 would have entailed the same overall consequences as the opening Soviet proposal: a substantial SS-20 force in Europe but no deployments on the U.S. side and no binding arms control limitations on deployment of SS-20 missile systems in the eastern USSR, from whence they could still threaten the security of NATO Europe as well as Asian nations. Indeed, the Soviet proposals, if accepted, would exacerbate rather than redress the imbalances that prompted the 1979 NATO decision.

The following reviews the evolution of each side's position on the major issues of the negotiation.

LRINF missiles

The opening U.S. position would have resulted in total elimination of U.S. and Soviet LRINF missiles, their launchers, and certain agreed support structures and equipment. It also would have banned the testing and production of new LRINF missile systems. However, after the Soviet Union made clear that it was not ready to do away with its LRINF missile force, the United States tabled an interim proposal that would allow the Soviet Union to retain such a force, providing the United States would have the right to deploy an equal force.

In September 1983 the U.S. further modified its position with regard to LRINF missiles, stating its readiness to apportion reductions to be made from its planned deployment level between the Pershing II and GLCM, thus addressing a specific Soviet concern about prospective deployment of the Pershing II. In November 1983, the U.S. proposed a specific level for an equal global ceiling on LRINF missile warheads, matching the number of LRINF warheads which the Soviets themselves had just proposed for their own LRINF missiles in range of Europe.

The Soviet position on LRINF missiles has remained essentially the same: the USSR would be allowed to maintain a large force of SS-20s in Europe while the United States would be denied the right to any deployments of Pershing II or GLCM. Such an outcome would still result from the missile subceiling proposal, the proposal to adopt warheads as the unit of account, or the offer to liquidate excess missiles. The Soviets have never expressed an interest in any outcome that would not give them at least 360 LRINF warheads in Europe, and a comparable number in Asia, while barring any offsetting NATO deployments.

The Soviets have attempted to portray their missile subceiling as a major step: previously the USSR could have deployed up to 300 SS-20 systems in Europe but under the subceiling would be allowed only 162 missile systems. Given probable military requirements for a mix of missiles and modern aircraft, it is unlikely that the Soviets would have chosen to deploy only missiles under their original proposal. In any case, the Soviet Union would still be entitled to a large SS-20 force in Europe, while NATO would not be allowed a single U.S. LRINF missile.

Similarly, the offer to adopt warheads as the unit-of-account did not significantly change the outcome of the Soviet position with regard to LRINF missiles. As the Soviets have demanded equality with the level of British and French missiles warheads used an inflated figure for that level, the reduction of Soviet SS-20 missile systems would not have been much greater than under the original subceiling proposal. This became clear when, in the October 1983 package, the Soviets indicated that, by their count, matching UK and French warheads would require "approximately 140" SS-20s rather than 162.

Perhaps more importantly, the Soviets made explicit their claim to a right to match future increases in British and French missile warheads, a position that was inherent in earlier Soviet proposals. Asserting that the level of those warheads would increase to 1200-1300 in the future, the Soviets, by the logic of their position, might be entitled to over 400 SS-20 missile systems in Europe. Again, the United States would be denied the right to deploy any LRINF missiles.

The missile liquidation offer also did not change the basic outcome of the Soviet position. It should be noted that while the U.S. position included limits on the total number of missiles, the Soviet position entailed no limits on the inventory of LRINF missiles, not even in the Soviet-proposed "zone of reduction and limitation." Thus, even though the Soviets have stated that they would be ready to dismantle or destroy one missile associated with each launcher made excess by an agreement, nothing in their position would prevent them from producing and stockpiling (for use as refires) an unlimited number of new LRINF missiles. Thus the Soviets would be allowed a large number of SS-20 missiles for use by those launchers; the United States would still be barred from any deployments.

Aircraft

At the opening of the negotiation, the U.S. expressed the view that the sides should focus their efforts on achieving limitations on the systems over which both countries had expressed the greatest concern—LRINF missiles. However, in an effort to move the talks forward and in response to the Soviet concern that aircraft as well as missiles be limited, the U.S. in September 1983 modified its position and indicated a readiness to explore limits on specific types of U.S. and Soviet aircraft.

The Soviet position on aircraft showed little change until October 1983. Their original proposal to have NATO and the USSR each reduce to 300 "medium-range" systems in or near Europe in effect defined every U.S. dual-capable aircraft in Europe and on aircraft carriers in the Atlantic fleet, as well as FB-111s in the United States, as subject to this limit, while excluding many of their comparable aircraft. The result would have been the elimination of all but a small handful of U.S. dual-capable aircraft in Europe or the eastern half of the Atlantic, but the retention of thousands of Soviet aircraft capable of striking Europe with nuclear weapons.

In June 1983 the Soviets dropped the Vulcan aircraft from their list of British and French "medium-range" systems. This would have allowed the U.S., presumably, to retain a slightly greater number of dual-capable aircraft in Europe. However, in the same round, the Soviets introduced their proposal to use nuclear "charges" as the unit of account. While they have not fully clarified how this would apply with respect to aircraft, the Soviet Union has indicated its view that NATO aricraft carry a greater number of aggregate weapons than Soviet aircarft. Thus, using aircraft weapons as a unit of account, the Soviets apparently seek to force greater reductions in U.S. dual-capable aircraft than when using aircraft as the unit of account. In any case, the Soviet position on aircraft showed little genuine change—it would have resulted in a radical reduction in U.S. dual-capable aircraft in Europe and drastic consequences for the U.S. contribution to NATO's conventional capability. The more forthcoming language of the October 1983 package suggested that the Soviets might be willing to consider a more equitable outcome on aircraft, although they still insisted on matching Soviet aircraft against those of NATO as a whole, and on including sea-based aircraft. However, only if the Soviets were willing to negotiate on specific questions of composition and levels could it be determined if this is in fact a positive step.

Geographic scope of LRINF missile limits

The United States, in view of the long range, mobility, and transportability of modern LRINF missile systems, proposed in its "zero-zero" and interim agreement positions to limit such systems without regard to location. In an effort to move the talks forward and in response to the Soviet view that the negotiations should focus on systems in or near Europe, the U.S. stated in September 1983 that, under the terms of an agreement providing for equal global ceilings, the United States was prepared not to offset the entire worldwide Soviet LRINF missile deployment by U.S. deployment in Europe. The U.S. offered to explore with the Soviet side a specific commitment with regard to developments in Europe. The Soviets refused to consider this, arguing that no U.S. deployments are acceptable to them.

The Soviet position on geographic scope has gone through only minor changes over the course of the negotiations. Originally, the Soviets proposed to limit systems in or "intended for use" in Europe. In the second round, they introduced a "zone of reduction and limitation," and withdrawal lines that would affect Soviet LRINF missiles outside of the European USSR but west of 80 degrees east longitude (this line was modified in June 1983 to preclude Soviet developments in certain northern latitudes east of 80 degrees east longitude, but these were areas where deployment was unlikely in any case due to climatic conditions).

All variations of the Soviet proposal would leave SS-20s at bases east of 80 degrees longitude, including those around Novosibirsk, unconstrained by an agreement. The October 1983 Soviet package did provide for a unilateral moratorium on further such deployments following the entry into force of a European agreement. In addition to the free interpretation the Soviets have given the term "moratorium" in the past, the condition that this would be contingent on "no change in the strategic situation in Asia" means that deployments could recommence at any time the Soviets claimed to perceive such a change. The Soviets' retionale for their growing Asian nuclear force has sometimes been based on their claims about U.S. forces in the Pacific, at others on claims of Chinese capabilities, and sometimes on claimed developments in Japan. The one constant remains a steady Soviet build-up.

Third-country systems

The United States position of no limitation, or compensation for third-country forces has remained firm throughout the negotiations. The Soviet effort to include British and French forces (which has served as their pretext for demanding wholly one-sided limits between the United States and the Soviet Union), if anything, has toughened. From being one of the several basic questions dividing the sides, the Soviets have tried to cast British and French forces as one of the two "key" issues of the negotiation (with the other being a proscription of any U.S. deployments in Europe). Moreover, as noted earlier, the Soviets by their count of British and French SLBM warheads, claim the right to deploy even an increased level of SS-20 missile systems in Europe to match future British and French levels. By explicitly linking its future deployments to increases in British and French SLBM warheads, Moscow has sought a mechanism, in an arms control agreement with the U.S., to influence British and French modernization programs.

The erosion of the Soviets' position on third-country systems—most striking in the absence of an explicit compensation claim from Kvitsinskiy's November 1983 "equal reductions" package—has exposed its primary purpose: to serve as a device to permit the Soviets to preserve their LIRNF missile monopoly. As the Alliance has repeatedly made clear, there has been and can be no change in the position of principle that these forces can neither be included nor compensated for in an INF agreement.

SRINF missile limits

The original U.S. position entailed limits on the Soviet SS-12/22 and SS-23 but none on the U.S. Pershing I. The reason for this was that SRINF missile limits were intended to enhance the effectiveness of the limits on LRINF missile systems; the Soviet systems could fulfill the missions of Soviet LRINF missiles to a much greater extent than Pershing I could fulfill the mission of U.S. LRINF missiles. However, in June 1983, the U.S. offered to apply limitations on a reciprocal basis to U.S. Pershing I's and urged that the sides begin a detailed discussion of SRINF missile limits.

The Soviet position on SRINF missile limits has not yet been introduced in detailed form. The original Soviet position was that limits on systems with a range or combat radius of less than 1000 kilometers were not necessary. The Soviets subsequently agreed in principle to quantitative limits on missiles with ranges between 500 and 1000 kilometers, but have not tabled concrete provisions. They have refused to enter into serious discussion of SRINF missile limits, asserting that this was a peripheral question to be addressed after the central issue of the negotiation had been resolved.

Verification

The U.S. from the beginning has stressed that the sides should work on issues such as verification in tandem with work on the

central issues. In the fourth round the U.S. formally proposed that the sides establish a working group to discuss verification measures. The U.S. suggested that, since both sides' positions envisaged destruction of LRINF missiles, as a first task such a working group could discuss measures for verifying missile destruction.

The Soviets initially rejected this proposal, arguing that such discussions had little utility when the sides were so far apart on the central issues. The Soviets further asserted that detailed verification measures should be left to the work of the Standing Consultative Commission.

Following Soviet introduction during Round VI of their offer to liquidate excess missiles in Europe, the U.S. again proposed formulation of a working group to discuss measures for verifying destruction. The Soviet side resisted formulation of a new group but then indicated that the subject of destruction measures could be taken up in the data experts' working group, providing that measures for the destruction of aircraft were also addresssed. While preferring a separate group, the U.S., in the interest of opening discussion of the subject, agreed to discuss destruction measures in the data experts' group, but noted that that group would still have to address unresolved data issues as well.

VIII. THE U.S. AND ALLIED NEGOTIATING POSITION

The SCG firmly believes that the principles and criteria which underlie the U.S. negotiating position to date remain valid and should continue to provide the basis for Allied pursuit of an INF agreement. All positions taken by the United States in the INF negotiations to date have been founded on the 1979 decision, which set forth certain guidelines for the U.S. negotiating effort:

Any future limitations on U.S. systems should be accompanied by appropriate limitations on Soviet systems.

The arms control negotiations should not include non-U.S. Allied systems, nor should the U.S. negotiate with the Soviets compensation for such systems.

Any agreed limitations must be consistent with the principle of equality and therefore should take the form of de jure equality both in ceilings and in rights.

Limitations on U.S. and Soviet longer-range INF systems should be negotiated bilaterally in a step-by-step approach.

The immediate objective of the negotiations should be agreed world-wide limitations on U.S. and Soviet land-based longer-range INF missile systems.

Any agreed limitations must be adequately verifiable.

These guidelines also have formed the basis for specific U.S. and Allied criteria for an INF agreement, as enunciated in February 1983 by President Reagan:

There must be equality of rights and limits between the United States and Soviet Union;

There can be no negotiation of or compensation for third-country forces;

There must be global limits on LRINF missiles and no exporation of the security threat in Europe to other regions, such as the Far East;

There must be no adverse impact on NATO's conventional defense and deterrence capability; and

There must be measures for effective verification.

The SCG believes these guidelines and criteria establish a flexible framework for an agreement that, given Soviet goodwill, could achieve substantial reductions, and ideally complete elimination, of longer-range INF missile systems on both sides.

In contrast to the rigid Soviet adherence to a policy established even before the 1979 decision was taken, the U.S. and Allies have exercised the flexibility inherent in the 1979 decision to make every reasonable effort to achieve an equitable and verifiable agreement. Further, the U.S. position has been guided by the U.S. and Allied desire that an agreement achieve deep reductions to the lowest possible equal levels.

The SCG notes that, in the interest of achieving an agreement at the earliest possible date, consistent with Alliance security requirements, the United States position in the negotiations has over time supplemented the ideal outcome contained in the zero/zero proposal first offered in November 1981 by President Reagan, with the valuable but less preferable outcome in the President's interim agreement proposal, under which both sides would maintain some level of LRINF missiles. This stands in sharp contrast to the Soviet position, which has never swayed from the one-sided objective of maintaining a large and threatening Soviet monopoly in LRINF missiles.

The SCG also notes that, in marked contrast to the rigid Soviet adherence to its ingoing position, the U.S. has undertaken a number of initiatives intended to promote progress in the negotiations. These include the zero/zero proposal of November 1981, the interim agreement proposal of March 1983, the U.S. offer in June 1983 to include shorter-range U.S. Pershing I missiles in negotiated collateral constraints, the U.S. negotiator's proposals in summer 1983 to his Soviet counterpart regarding a range of possible equal global levels between 50 and 450 for warheads on LRINF missiles, President Reagan's major elaboration of the interim agreement proposal in September 1983, and the formal U.S. offer in November 1983 of a global ceiling of 420 within the context of the September elaboration of the interim agreement proposal.

The SCG believes that the September 1983 elaboration of the interim agreement proposal is a particularly noteworthy example of Alliance flexibility in the INF negotiations. This initiative was entirely consistent with Allied criteria and represented a major step toward reducing the areas of disagreement between the United States and the Soviet Union in the negotiations in a number of important areas:

On the geographic allocation of deployments, by providing that, in the context of an agreement on equal, global limits on LRINF missiles, the United States would be willing to consider a commitment not to offset the entire Soviet global LRINF missile deployment by U.S. deployments of LRINF missiles in Europe. This offer took account of the Soviet view regarding limits on systems in Europe while fulfilling our requirement for reductions and limitations on a global basis.

On the composition of the NATO LRINF deterrent, by assuring the Soviet Union that, in the context of an agreement involving significant reductions from current Soviet and planned NATO deployment levels, the U.S. would be prepared to apportion the reductions of Pershing II and ground-launched cruise missiles in an appropriate manner. Within the framework of the Alliance decision that a mixed force of ballistic and cruise missiles provides the best deterrent, the offer that any reductions under an agreement would include Pershing II ballistic missiles addressed Soviet expressions of concerns about the composition of the mix under an agreement.

On aircraft, by expressing U.S. readiness to explore possible limitations on specific LRINF aircraft and an invitation to the Soviets to offer their views on how such limitations could be formulated within the framework of the President's criteria. As with the other elements of the September 1983 initiative, this move addressed a major stated Soviet concern, while being consistent with the requirement that an INF agreement not result in any weakening of the United States contribution to the conventional defense in Europe.

IX. NEXT STEPS

The U.S. and Allies have repeatedly stated their willingness to consider any serious Soviet alternative that would meet the minimum security requirements of the Alliance. The SCG notes with profound regret that in the four years since the 1979 decision the Soviet Union has not once advanced such an alternative, while compiling an unbroken string of rejections of U.S. and Allied initiatives.

Nevertheless, the SCG believes that it remains in the Alliance's interest to continue the effort to persuade the Soviet Union to undertake a cooperative endeavor with the United States at the negotiating table to achieve an agreement that would meet the legitimate security concerns of both sides.

To this end, the SCG deplores the Soviet decision to suspend the negotiations, and believes that talks should resume at the earliest possible moment, to permit further exploration of possible solutions and to probe for Soviet willingness to enter serious discussions that would take account of the security concerns of both sides.

The SCG also notes that continued implementation on schedule of the deployment track of the 1979 Decision remains essential to create incentives for the Soviets to negotiate seriously and to protect Allied security in case an agreement is not reached. The NATO LRINF modernization program envisions gradual deployments of U.S. Pershing II and ground-launched cruise missiles, permitting ample additional time for an agreement to be reached prior to completion of the modernization program in 1988. Given Soviet cooperation, however, the SCG believes that there is no reason why an agreement which substantially reduces LRINF levels on both sides could not and should not be reached earlier. The Alliance should continue to seek achievement of an equitable, verifiable agreement at the earliest possible time.

With respect to General Secretary Andropov's November 24 statements about "countermeasures", the SCG believes that any Soviet action that would delay achievement of an equitable, verifiable arms control agreement, or that would increase the nuclear threat to the Soviet Union's neighbors, would be totally unjustified in view of existing Soviet force levels. The effort by the Soviet Union to characterize such long-envisaged measures as a legitimate reaction to NATO modernization is utterly unfounded.

The SCG also points out that the Alliance has repeatedly made clear its willingness to halt, modify or reverse deployments under an INF agreement, including removal and destruction of all U.S. missiles deployed to Europe if justified by the concrete results achieved in Geneva.

Allied unity and firmness in implementing both tracks of the 1979 Decision remain

critical to success in the INF negotiations. The cornerstone of such unity will continue to be a close and cooperative consultation process that permits exchange of information and ideas on the part of all Allies. The SCG therefore plans to continue its intensive effort to monitor developments in INF and consider problems in, and prospects for, the negotiations.

Mr. DOLE. Mr. President, again as I did in my statement, I thank the distinguished minority leader. I think my colleagues remember it was his resolution which passed the Senate on January 3 which made this observer group possible. I also thank the distinguished presiding officer who was a member of the group. Obviously, it was sort of the launch or the takeoff. There is a long way to go. I do not want to mislead anyone. We may have differences from time to time, we may not even agree with the negotiators, but I must say again that they are an outstanding team and they have our support. All of us made it very clear that we were there to help the negotiators, not to pick a fight with anyone, not to undercut what they were doing, not to talk about what they were doing. I think it meant a great deal to even such hardened negotiators as our former colleague, Senator John Tower. I think he felt good about it, as did Ambassador Kampelman and Ambassador Glitman and the very able deputies. Again I thank the distinguished minority leader for his initiative which started last year, and culminated in unanimous passage of the resolution on January 3.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his kind words. Had it not been for his support, the resolution very likely would not have passed. I certainly salute the majority leader for his support of the proposal then and for his support now, as was demonstrated during our days in Geneva.

THE AFRICAN FAMINE RELIEF APPROPRIATION BILL

Mr. BYRD. Mr. President, the Democrats are ready to proceed with the African famine relief appropriation bill, and wherever the majority leader wishes to crank that into the Calendar of Business, beginning with Monday of next week, will be fine and we will be ready.

Mr. DOLE. I thank the minority leader.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

WHY CONGRESS SHOULD NOT FUND STAR WARS

Mr. PROXMIRE. Mr. President, in the past few weeks the country has been treated to a series of excellent in-depth articles in the New York Times, the Washington Post, and other papers about the President's determination to press ahead with the fabulously expensive antinuclear missile defense system that has been widely dubbed "star wars." One of the very best analyses appeared in the Sunday, March 10, issue of the Washington Post. It was written by Robert Kaiser. I hope as many Members of Congress as possible will take the time to read it. Reading the article would mean 10 minutes well spent, for these reasons: First, the cost of star wars, second, its critical significance for arms control, and third, its potential threat to the nuclear stability that has helped keep the superpower peace for the past 35 years.

The Kaiser article is a frank polemic against star wars. The Reagan administration has asked for some $3.7 billion for research on star wars in the 1986 budget. This Congress will have to act on that request over the next few months. The request represents the first really massive increase in star wars funding. It would increase the appropriations from a 1985 level of $1.5 billion by a whopping 150 percent in a single year. If we approve this funding this year, we will be well on the road to spending the $30 billion the administration is requesting over the next 6 years for star wars research. Those downpayments will put us right on the brink of the really big money, the expenditure of hundreds of billions of dollars—perhaps a trillion or more. That prospect will bring on the invasion of Congress by the military-industrial complex lobby with blood in their eyes.

The irony is that star wars is coming on with a soft-soap campaign as the wise road to the end of the arms race and a future of effective defense and arms control. How about it? Listen to Kaiser:

> Amid all the intellectual dishonesty now dominating discussion of these issues, perhaps the most dishonest suggestion of all is that somehow, creation of a star wars system would end the arms race. Why? Even the most idealized version of a successful defensive system will leave room for an opponent's inventiveness—especially when you consider that a completed system can never be tested in conditions remotely resembling the one that would prevail, if it were ever actually used.
>
> No, the very best we can expect from star wars is the ability to knock out most of the Soviet missiles launched against us in a war. We could never be so sure of the system as to launch an attack against the Soviets with confidence that they could not retaliate. In other words, the best we could get is a world of enormous technological uncertainty, in which both superpowers would have to calculate that a decision to launch a nuclear war was crazy.
>
> But that is the world we have today. There is no good reason to spend hundreds or thousands of billions of dollars to recreate the status quo on a higher and riskier level of ingenuity.

That is it, Mr. President: star wars will at best give us a nuclear stand-off, which is precisely what we have today. That is at best. But at best, it will cost hundreds of billions of dollars, and it will create greater uncertainty, greater instability, greater complexity, and therefore a greater likelihood that, through accident or the illusion that one side might win, nuclear war would begin.

Mr. President, last week the Defense Appropriations Subcommittee heard three administration witnesses; Defense Secretary Weinberger appeared, followed by the head of our Strategic Air Command, Gen. Bennie Davis, and then the President's senior arms control consultant Paul Nitze, all testifying in favor of our going ahead in the next couple of weeks with the deployment of MX missiles. This program would give the country an additional 100 MX missiles armed with 1,000 nuclear warheads, a massive add-on to our already colossal offensive nuclear force. We are asked to provide an additional $1.5 billion in the current fiscal year for the deployment of the first 21 MX's. A little later this year, we will act on the administration's request for more than $4 billion more for further MX deployment in 1986. We in Congress are asked by the administration to do this at the same time we are told that star wars will make offensive missiles like the MX worthless. We are told that funding these MX missiles will provide a stronger bargaining posture for the administration so it can negotiate a reduction of offensive nuclear missiles on both sides.

Mr. President, what chance is there that if we fund these MX missiles, we will bargain them away? The answer is, none. I challenged Mr. Nitze, our most experienced arms control negotiator who has been at it for more than two decades, to name a single, offensive weapon system that we had ever negotiated away in any arms control agreement. Mr. Nitze hesitated for quite a while. He was unable to name a single such system. And the answer, of course, is that there has been none. So we should view the administration's pledge to seek deep, sharp reductions in offensive missiles on both sides with considerable question. Make no mistake about it. Once we start funding the 100 MX missiles with their 1,000 warheads, they will be part of our permanent, nuclear arsenal.

Again, listen to Mr. Kaiser:

> The Reagan administration is arguing that the best way to get deep cuts in the superpowers' nuclear arsenals leading to a world without nukes is to complete a major

buildup of offensive weapons, then begin a huge new defensive arms race. This sort of reasoning is not based on secret information or expert knowledge about the esoterica of nuclear strategy. We're squarely in the realm of common sense. What do you think is the best way to push the superpowers toward lower levels of strategic weapons? By building many, many more? Or by starting now, at current levels, to negotiate reductions?

Mr. President, if this Congress follows the administration request and provides a 150-percent increase in funding for star wars research, it will be making two mistakes. First, we will be taking a long step toward a massively increased arms race. We will add a defensive race to a stepped-up offensive arms race. The Soviets will have no choice except to increase their offensive and defensive nuclear arms spending. Second, we will take a fateful step down the road to total fiscal irresponsibility. Today's $200 billion budget deficits will seem like piggy bank stuff by comparison.

Mr. President, I ask unanimous consent that the article to which I have referred by Robert Kaiser be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DISARMING LACK OF CANDOR

(By Robert G. Kaiser)

On the eve of nuclear arms talks in Geneva, the Reagan administration is bending itself into knots trying to pretend that it has a coherent national security policy that could produce both an American "Star Wars" defense and a sweeping arms control agreement with the Soviet Union.

There are two possible explanations for the administration's gyrations. One—the most hopeful, but also the most unlikely—is that we are witnessing a surpassingly shrewd bargaining operation by a group of master poker players, who are maneuvering the Russians into historic negotiations that could actually reverse the arms race.

The second and more likely explanation is that we have entered a strategic Wonderland, guided by a president obsessed by a doubtful idea, who is advised by "experts" whose principal expertise is concocting "rationales that don't torture the facts too badly," as a Republican Senate aide put it last week.

President Reagan's idea that we can have Star Wars and negotiated disarmament, too, is considered implausible by nearly everyone who follows these issues closely from a vantage point anywhere outside the Reagan administration. Superhawks on Capitol Hill, arms controllers, experts and officials all over Western Europe, senior members of past administrations—and numerous officials in the present American government who are never heard from in public—consider this an unrealistic approach.

Why? Because it would require the technologically inferior Russians to accept an entirely new and staggeringly expensive competition to build defensive weapons—not just another weapons system, but the biggest, boldest, most complex technological enterprise ever undertaken by the human race. At the same time, the Soviets would have to accept the elimination of a large fraction of their offensive weapons despite the fact that, if America succeeds in building a defensive system, deploying large numbers of offensive weapons will be the easiest way to counter its impact. (In other words, we're telling the Russians, there's about to be a famine, so please throw out all the canned food in your basement.)

Why should this proposition appeal to the Russians, who struggled so long to match or surpass the United States in most existing strategic weaponry, and now face a grave economic crisis in their own country? Here's an answer to that question offered by Lt. Gen. James A. Abrahamson, the Pentagon officer in charge of strategic defense:

"Remember that the Russians are afraid of our technology. That is what all this business is about. When they see that we have embarked on a long-term effort to achieve an extremely effective defense, supported by a strong national will, then they will give up on the development of more offensive missiles and move in the same direction."

One quivers at the thought that Gen. Abrahamson may have grandchildren who might be asked some day to answer for that assertion. The Russians are going to give up on the offensive weapons they rely on for their security? Like docile pussycats, they are going to fall into line behind us rather than find ways to counter what we do?

Paul Nitze, now the coordinator of administration arms control policy, who has had much more experience dealing with Russians than Gen. Abrahamson, answers the question in vaguer terms. Here's how he put it recently: ". . . We hope the Soviets will come to see the merits of our position—that it will serve their national interests as well as ours."

But they won't see that, because it won't ever be true. The Star Wars program described blithely by the president and his men (well, some of his men) as a benefit to both superpowers is in fact an ominous threat to whichever of them fails to get it first, because it would give its owner an enormous potential advantage in a war.

Don't take a journalist's word for it, just listen to Caspar W. Weinberger: "It takes very little imagination to realize what a vastly more dangerous world this would be if they [the Soviets] attained this ability to destroy our missiles, and we did not have a similar capability." Or Weinberger on another occasion: "If the Soviets get strategic defense and we don't, it would be very much like the world in which the Soviets had a nuclear weapon and we did not."

In other words, according to President Reagan's secretary of defense, for one superpower to have a functioning missile defense when the other did not would leave the other at a desperate disadvantage. Yet the United States proposes to build its defense first, and brags that the Soviets will have a hard time matching its technology.

The Russians have noticed this contradiction. Col. Gen. Nikolai F. Chervov, a senior official of the Soviet general staff responsible for arms control issues, actually quoted that second Weinberger statement to reporters in Washington last week. Chervov had memorized it.

Consider the Reagan administration's road map pointing the way from here to the ideal world of mutual missile defense. These four sentences, introduced and often repeated by Nitze, are called "the strategic concept" at the heart of the administration policy. Read them carefully:

"During the next 10 years, the U.S. objective is a radical reduction in the power of existing and planned offensive nuclear arms, as well as the stabilization of the relationship between offensive and defensive nuclear arms, whether on earth or in space. We are even now looking forward to a period of transition to a more stable world, with greatly reduced levels of nuclear arms and an enhanced ability to deter war based upon an increasing contribution of non-nuclear defenses against offensive nuclear arms. This period of transition could lead to the eventual elimination of all nuclear arms, both offensive and defensive. A world free of nuclear arms is an ultimate objective to which we, the Soviet Union, and all other nations can agree."

Got it? No, probably not, because there is almost nothing there to get. You don't need a Ph.D. in nuclear strategy to understand that this "strategic concept" contains neither a concept nor a strategy, but merely a wish.

And a wish of the most dubious sincerity, too. In order to achieve a "radical reduction" and a "stabilization" of nuclear forces, the Reagan administration is already building a dizzying array of new, often destabilizing weapons. This buildup has nothing to do with Star Wars, which would come later.

For example, we are now just a few years away from deployment of the super-accurate "D-5 missile" that will carry eight individually-targetable nuclear weapons, and will sail beneath the world's seas of Trident submarines. The MX missile gets all the publicity, but the D-5 is a considerably more important departure for the United States. It will give us an "invulnerable" (because hideable at sea) capability to wipe out Soviet missiles in their silos (because the D-5 will be so accurate), something neither side has had before.

The existence of large numbers of D-5 missiles threatening the entire Soviet land-based missile force would put enormous new strain on the stability of the nuclear balance in a crisis. (Knowing that their principal attack forces might be wiped out by D-5s, the Russians would always be tempted to use their rockets rather than lose them.) But that's what we're in for. Of course it's far from all that we're in for. We are also building new B-1 and "stealth" bombers (the Stealth is meant to be nearly invisible to Soviet radar), 760 new nuclear cruise missiles for deployment on ships at sea, about 3000 more cruise missiles to be carried by aircraft, 464 to be based on land, new Pershing II ballistic missiles for deployment in Europe, etc. Shall we now conclude that the promise of "radical reductions" and "stabilization" is more significant than this hardware, which is right now under construction?

The Reagan administration is arguing that the best way to get deep cuts in the superpowers' nuclear arsenals leading to a world without nukes is to complete a major buildup of offensive weapons, then begin a huge new defensive arms race. This sort of reasoning is not based on secret information or expert knowledge about the esoterica of nuclear strategy. We're squarely in the realm of common sense. What do you think is the best way to push the superpowers toward lower levels of strategic weapons? By building many, many more? Or by starting now, at current levels, to negotiate reductions?

The essence of the Star Wars idea is easy to grasp. It is not a path to guaranteed protection from nukes—even its strongest proponents acknowledge that fabulous new technological break-throughs will be re-

quired to make it work. It is not an end to what Reagan has called the "immoral" reliance on the mutual guarantee of nuclear destruction as the principal deterrent to nuclear war. Reagan's closest aides have said repeatedly that we will continue to rely on deterrence—that is, on that "immoral" balance of terror—even if we get Star Wars.

No, the essence of Star Wars is the promise of a fabulous new bonanza for what President Dwight D. Eisenhower called the "military-industrial complex." All that is certain if we go down this path is huge new spending programs, hundreds of billions in contracts to experiment with the mind-bending technology of space-based lasers and the like. The Soviets will spend billions on "countermeasures"—more offensive warheads and decoys to beat a defensive system; advanced, perhaps supersonic cruise missiles that could scoot under a defense; elaborate new weapons to be used to attack the space-based components of the American system, and so on.

The Soviets will also build their own defense. Their national character—plainly demonstrated again and again in the past—will push them to copy any new strategic system that we devise. So as they begin working on defense, we'll be able to spend more billions on our own countermeasures—new gizmos to beat the Soviet defensive system.

Amid all the intellectual dishonesty now dominating discussion of these issues, perhaps the most dishonest suggestion of all is that, somehow, creation of a Star Wars system would end the arms race. Why? Even the most idealized version of a successful defensive system will leave room for an opponent's inventiveness—especially when you consider that a completed system can never be tested in conditions remotely resembling the ones that would prevail if it were ever actually used.

No, the very best we can expect from Star Wars is the ability to knock out most of the Soviet missiles launched against us in a war. We could never be so sure of the system as to launch an attack against the Soviets with confidence that they could not retaliate. In other words, the best we could get is a world of enormous technological uncertainty, in which both superpowers would have to calculate that a decision to launch a nuclear war was crazy.

But that is the world we have today. There is no good reason to spend hundreds of thousands or billions of dollars to recreate the status quo on a higher and riskier level of ingenuity.

And yet, the entire subculture of defense contractors and "defense intellectuals" is speedily adjusting to the idea that Star Wars is about to become the biggest game in town. The contractors are panting after the money, and a great many strategic thinkers have succumbed to the temptation to embrace the new doctrine of defense.

Why, when it offers no demonstrable improvement on the status quo, should President Reagan's Star Wars dream be so attractive to so many people? This is a baffling question. Perhaps an answer can be found in the experiments of Erich von Holst, a student of the "schooling" instinct of fish.

Von Holst removed a common minnow's forebrain, the location of that fish's instinctive shoaling or schooling reactions. (His experiment is reported in Konrad Lorenz's "On Aggression.") Without its forebrain the minnow could still see, eat and swim as before, but it had lost the reflexes that make a normal minnow reluctant to stray from its school. In Lorenz's words:

"[The altered minnow] lacks the hesitancy of the normal fish which, even when it very much wants to swim in a certain direction, turns around after its first movements to look at its shoal mates and lets itself be influenced according to whether any others follow it or not. This did not matter to the brainless fish: if it saw food, or had any other reason for doing so, it swam resolutely in a certain direction, and the whole shoal followed it. By virtue of its deficiency, the brainless animal had become the dictator!"

There is another explanation for the popularity of Star Wars: it offers a solution to the worst problem of our epoch—not a messy, political solution, but a neat technological one. It's a very American notion: all problems are soluble, usually in mechanical ways. When Reagan speaks of Star Wars, you can hear a yearning in his voice for a fix that will make the great nuclear problem go away. Of course he's right—it *would* be wonderful to find a scientific way out of the nuclear madness mankind has created. It would be wonderful to find the fountain of youth, too.

The official talk this weekend is upbeat about arms control. But actually, Reagan administration policies, if pursued, will unravel the principal accomplishment of all previous arms control negotiations, the 1972 ABM treaty banning most deployments and testing of anti-missile missiles.

Here again the administration's position is cynical. We are assured—by Reagan, by Nitze and others—that the United States will adhere to the ABM Treaty. But the Star Wars portion of the administration's 1986 defense budget now pending in Congress contains money for the development of "prototypes" of new defensive weapons that violate Article V of the treaty, which commits both countries "not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based or mobile land-based." These prototypes in the '86 budget, if approved by Congress could be tested by 1990—the effective duration, apparently, of the promises to adhere to the treaty.

Our European allies recognize that there is no way to make Star Wars and the ABM Treaty compatible. That is why Margaret Thatcher has sought President Reagan's pledge that he would negotiate with the Soviets before deploying a Star Wars system. The British hope that such negotiations would somehow preserve the existing arms control regime. But can anyone imagine that the United States would spend up to $100 billion to develop a plausible Star Wars system (a conservative estimate of the development cost), and then drop the whole idea because the Soviets declined to accept its introduction after negotiations?

If the ABM treaty must go, many important officials of the Reagan administration won't mind. For despite the reassuring public rhetoric, this American government is filled with people who don't really believe in arms control, and actually prefer to live with the Russians on the basis of bad relations and vigorous competition.

Arnold Horelick, formerly the CIA's national intelligence officer for the Soviet Union and now with the Rand Corp., has described the hard-line element in the administration as convinced that the current strategic trends favor the United States. In this view, we'll be relatively better off five or 10 years from now than we are now, so why rush into new agreements with the Soviets based on today's balance of power?

There is no visible cause for optimism about the arms negotiations beginning this week in Geneva. Specialists in NATO foreign ministries and many working-level officials in the United States government agree that there are no real prospects for making a deal unless the Reagan administration is willing to adhere to the ABM treaty and give up active development of the defensive weapons which it bans. But President Reagan specifically rules out using his Star Wars program as a bargaining chip.

The great irony is that the current strategic trends probably are favorable—not if the objective is to gain a meaningful American advantage, but to get negotiated arms reductions under way. The Russians are anxious to avoid a whole new competition in space—the threat of Star Wars has indeed gotten their attention, and it remains a potentially useful bargaining chip. Our allies are yearning for new negotiated agreements. The Reagan administration could get an effective, comprehensive treaty through the Senate, if one could be negotiated.

Negotiating a deal would not be easy. The issues are complex and growing more complex all the time, as new weapons come into both arsenals. The Soviets appear to be building an elaborate new radar installation that violates the ABM Treaty itself; U.S. planners are tantalized by the prospect that they might get a really usable defensive system to protect land-based American missile silos—something far short of a Star Wars defense, but a neat little improvement in our arsenal that would justify deploying lots of MX missiles (because it could protect many of them in a war). Even without a full-blown Star Wars program, the fragile arms control regime now in force could easily unravel.

And yet, whatever marginal advantages the Soviets might get from their new radar or we might get from "point defense" of missile silos would not begin to provide meaningful new security to either side. Security in a world of 40,000-plus nuclear warheads can't be bought with incremental changes in your arsenal. Security can only come from confidence that the other fellow understands the balance of terror roughly the way you do, and has decided to try to live with it in an orderly way. Security is a political matter, not a technical invention.

Increased security based on political accommodation was always the promise of the arms negotiations launched by Richard Nixon and Henry Kissinger in 1969. Curiously, those two men seem assured of a relatively positive place in history because of their diplomatic accomplishments—and despite transgressions that would sink the reputations of many other public figures.

What sort of historical reputation would a public official enjoy if he is held responsible for destroying the fruits of those earlier negotiations, and also for initiating the most expensive and dangerous round in the entire history of the arms race? Ronald Reagan, apparently surrounded by yes-men and dreamers, may not have faced that question, but perhaps he should.

THE DEATH MARCHES OF 1945

Mr. PROXMIRE. Mr. President, 40 years ago at this time, the Allied Forces were advancing into Germany and the Third Reich was nearing its end. When Americans remember the early months of 1945, they think of

triumphant armies liberating captive villages. But other horrible and grim events were also taking place.

As the allies smashed their way into German territory, the Nazi high command discovered a new way to torture and kill its prisoners. In late January 1945, Nazi generals ordered the evacuation of many concentration camps. Hundreds of thousands of starving prisoners had to march through the snow-covered countryside. These shivering columns of men, women, and children criss-crossed German-controlled territory for 4 months until the Nazis surrendered in early May. According to many prison camp survivors, the death marches were the most dreadful part of their entire ordeal.

The Nazis clearly intended that the marches would kill the prisoners, SS guards would not allow Czech railway men to give the prisoners food, preferring that the captives starve to death instead. The SS mercilessly shot any prisoner who lagged behind or faltered.

The marching prisoners had no hope for escape. Although the captives far outnumbered their guards, the SS men had machine guns. The prisoners had nowhere to run, so they marched on.

One such march began on January 22, 1945. Elizabeth Herz, a survivor, remembered:

> They chased us out of the stables where we were sleeping and drove us aimlessly over the fields away from the approaching enemy. Along the way, women who could not walk on because of exhaustion or hunger were shot. We had five to six dead every day . . . So from the original 1,000, after 11 weeks of marching, 122 were left.

On January 15, 1945, there were over 700,000 concentration camp inmates. Of these, one-third, or about a quarter of a million people, died on the death marches. More than half of them were Jews.

So, Mr. President, as we prepare to celebrate the 40th anniversary of V-E day this spring, let us not forget that thousands of people were dying as our tanks came rolling toward Berlin.

We must never forget that the Nazis tried to annihilate the Jewish people completely, and that our victory came too late to save 6 million of them. The 40th anniversary of the defeat of the Nazis is the perfect occasion for the United States to ratify the Genocide Convention and show the world that we will never allow death marches to happen again.

FAA WINS TENTH ANNIVERSARY FLEECE

Mr. PROXMIRE. Mr. President, I am awarding my 10th anniversary Golden Fleece to the Federal Aviation Administration—the FAA—for snookering the taxpayers out of $48 million by turning a blind eye while Florida airports let thousands of acres of valuable Federal land sit idle and leased other land at bargain basement prices. The FAA's stewardship makes the Indians who sold Manhattan to the Dutch for $24 worth of trinkets look like shrewd operators.

The FAA really landed on the taxpayers this time. Their behavior typifies the fiscal "decade-nce" which the fleece has come to symbolize on this its "ten-th" anniversary.

In 1944, Congress decided to assist the fledgling civil aviation industry by allowing municipal airports to use surplus Federal land and buildings. They were to use this property—under the supervision of the FAA—to help pay their operating costs.

Did this approach work? No, and its failure proves once again that there's many a slip between cup and lip.

At 23 airports in Florida, more than 9,300 acres are sitting idle, home to mosquitos and sawgrass. This land would cause real estate brokers to do cartwheels: It has an estimated rental value of about $32 million a year. That is each and every year. How much is the taxpayer receiving? A big, fat zero.

Even when airports did lease this land, the taxpayers still took a beating. One airport leased 417 acres, valued at $52 million, for use as a golf course and stables. They were paid $240 an acre as rental: the fair market rate, $14,000 an acre. In another case, an airport rented 374 acres to a famous speedway. The rental—$11 an acre. A fair market rent would be near $8,000 an acre. The taxpayers are stuck with this one for a long time—the lease is for 99 years. Overall, 21 airports were leasing Federal land but instead of receiving fair market value—$22 million a year—they settled for a paltry $6 million.

Similar abuses of the taxpayer may be occurring nationwide, not just in Florida. If they are, the taxpayers are losing hundreds of millions dollars.

"Why did this assistance bellyflop? The Federal Government began to take an active role in helping airports by handing out grants. The FAA found it easier all around to sign a Federal check than to supervise the management of surplus Federal property.

The airports started getting a handout instead of a handup. What's more, the same 23 airports have received more than $112 million in Federal grant assistance and have asked for another $208 million.

The FAA should be grounded for this fly-by-night approach to managing these valuable lands. Its "un-tenable" stewardship has earned this 10th anniversary award.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

BAN SPACE WEAPONS

Mr. SYMMS. Mr. President, I was recently delighted to read a very cogent, very candid piece on space weapons and arms-control. It was not in the op-ed section of the Washington Post, the New York Times, or in a foreign-service journal.

No, I was delighted to read some interesting remarks by Capt. Thomas Wadsworth in the newsletter of the Idaho Civil Defense Association. The captain wrote:

> The Soviets want us back at the Arms Control Bargaining Table. Why? They bargain only when they feel threatened; not when they feel safe. Konstantin Chernenko wants the USA to sign a Ban-Space-Weapons drafted by the USSR. The Soviet President, in a letter addressed to U.S. scientists Carl Sagan and Richard Garvin, published by the Soviet news media TASS, urged all nations that possess space weaponry to sign a Soviet draft treaty that calls for a ban on space weapons. Chernenko wrote: "There are some who would like to turn space into an arena of aggression and war, as is clear from plans announced in the USA."

Then the captain noted that the Soviets are:

> Building the world's most powerful launch booster, with a thrust of between 11 million and 14 million pounds, twice the thrust of the old Saturn 5 boosters. This booster can deliver up to seven times the payload weight of the space shuttle with just one launching.
>
> Developing a working prototype of a "space attack fighter."
>
> Testing ASAT systems since 1968.

After noting other interesting facts about the Soviet capability in space, Captain Wadsworth concludes:

> Indeed, the Soviets now want us back at the arms-control bargaining table. And many fellow Americans say: "If we can just keep talking!" Did anyone really consider that in negotiating with the Soviets, America has made out best when we did not keep talking!

SOUTH AFRICA

Mr. SYMMS. Mr. President, in recent weeks South Africa has again been targeted by the so-called enlightened beltway liberals. As always, the concern is human rights, particularly the apartheid policy in South Africa. The critics of South Africa contend that the way to bring political rights to South Africa's blacks is to put them out of work. By restricting and curtailing American business activity in South Africa, through a policy of disinvestment, our moral policemen will succeed only in lowering the black standard of living in South Africa—where it is currently higher than in any other African nation.

Mr. President, I think there is no one in the Senate or in the country

who support the racist policies of South Africa, and I believe that those who advocate disinvestment and the imposition of other economic sanctions against South Africa do so with a very sincere intention of reversing those policies. But in my opinion, I believe that their policies will do more harm than good.

The system of legalized race separation and discrimination practiced in South Africa is repugnant to all Americans who cherish individual liberty and equality. The issue here is not whether to accept to condemn apartheid, but how best to aid South Africa in its move to dismantle this policy and bring greater freedom and prosperity to the blacks in that country. I believe that President Reagan's policy of constructive engagement toward South Africa is the right policy. In part due to this administration's policies, some changes have occurred in South Africa; others are now being implemented; still others have been promised or are being discussed and considered. The point is that progress is being made, progress which might not be possible if we were to withdraw and give the South Africans punishment instead of cooperation.

Let us look for a minute at some of the progress that has been made in the last 6 years. In 1979 the current prime labor law, the Industrial Conciliation Amendment Act, was passed. This law removed racial restrictions on labor unions and legally allowed multiracial trade unions and associations. From this legislation many other benefits, legal, economic and social, were achieved. There has been a dramatic rise in black disposable income, which has released a consumer-driven relaxation of apartheid laws in retail trade and has lead to the racial integration of the marketplace and the work place. Much of this economic progress is fueled by American businesses and their comparatively high wages and nondiscriminatory hiring policies.

When I visited South Africa last year this economic and social progress was very evident. At the Carlton Center, a shopping mall in Johannesburg, I saw the power of money and trade in operation. Currency is indeed a great equalizer. The stores in the mall were open, without discrimination, to all races; the only color anyone was interested in was the color of the buyer's money. This was the free market at its best. It was the best indication that we must encourage progress in this development and its concomitant social and racial progress, rather than trying to mandate economic and social regression.

I know of no Senator, no Member of the other body, and indeed, no American who would wish to harm the ordinary people of South Africa, but that would be the net effect of economic sanctions, disinvestment, banning bank loans and the krugerrand, and the anti-new investment proposals. I do not know of a way to surgically strike at those South Africans who advocate, enforce and support apartheid without severely hurting the vast majority of those we desire to help.

South Africa and all its citizens need our continued encouragement and support for the progressive change now underway in that country. We should endeavor to compliment and reward these changes, rather than enacting legislation which slows, stalls, or reverses this economic progress for all South Africans. Leon Sullivan, the author of the "Principles" which share his name, recognizes that his code for businesses operating in South Africa has fostered this political change and that "the enormous resources and influence of U.S. companies present a critical mass which can have a profound catalytic effect favoring fundamental change in South Africa * * * help a person gain economic rights and you will foster gains in his political rights."

Mr. President, let us not seek to undo the good that American business presence in South Africa has wrought.

To ensure that the views of South Africans are heard, I call to the attention of my colleagues an article by Mangosuthu Gatsha Buthelezi, the hereditary leader of the Zulu people of South Africa, which was pubished in the Wall Street Journal. I ask unanimous consent to have printed in the RECORD Chief Buthelezi's remarks, and I might add that I placed this article in the RECORD once, but its message deserves repeating.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 21, 1985]

DISINVESTMENT IS ANTI-BLACK

(By Mangosuthu G. Buthelezi)

In the struggle for liberation any black leader worthy of the title recognizes that the responsibility for bringing about radical change in South Africa rests on black shoulders. It is a South African struggle, and blacks have to lead in that struggle until we pass the point where the drive for improvements becomes nonracial. We have to shape events in our own chosen direction, and we have to fashion our society after the models that we ourselves emulate.

It must not, however, be forgotten that in life and death situations decency is so often under siege. Bloody revolutions fought against terrible oppression do not automatically bring about great improvements. Decency in South Africa is under siege at the moment in the sense that decency and democratic nonviolent opposition to apartheid are under threat by white recalcitrance, which is polarizing society and driving blacks to despair and anger. Decency is also under siege in the sense that time-honored civilized values and Western democratic principles are being viewed as impotent by an ever-increasing number of blacks. The struggle for liberation in South Africa still could take ugly turns; the prospects of widespread devastation of property and a sharp escalation of violence leading to a race war remain an ever-present possibility.

NEED ALL-PARTY ATTEMPT

It is against these background thoughts that I ask Americans to consider attitudes toward investment in South Africa, and attitudes toward President Reagan's constructive engagement policy. As a black leader I cannot be jubilant yet about the Reagan administration's South African policy. We don't know yet what deeds will be added to words, but we are aware that sufficient political time has not passed for anybody to make judgments on Mr. Reagan's approach to South Africa. As a black leader I must welcome his attempt to formulate a South African policy for the first time in the U.S.'s history, even if it has not yet been demonstrated that the U.S. government and the American people have the will and the ability to take South African issues out of U.S. party politics. Black South Africans still don't know whether petty politicking between Democrats and Republicans will turn apartheid into an American political football for party gain.

I make the point that for the U.S. the South African situation is distant and unimportant. The remoteness of South African issues from the daily vested interests of U.S. citizens does not demand that any U.S. government make more than vague moral pronouncements on what should and should not be happening in my country. The South African issue, however, does challenge Americans' moral fiber and the U.S.—as the world's leading democracy—should make an all-party attempt to side with the oppressed in South Africa.

This thought, however, does not belie the fact that medium- and long-term economic development in South and Southern Africa have implications for U.S. interests. South Africa after liberation will be a great gateway to the African hinterland where the process of industrialization must inevitably be talked of in terms of many millions of dollars. At this juncture, however, the immediate challenge to the U.S. is a moral challenge.

If we are to avoid a destructive conflagration of forces in South Africa, the process of change in the country must be speeded up. I fail to see how those who agree with this statement can possibly talk of our effective economic isolation. Isolation will bring stagnation to the economy and perhaps even destroy its growth base. Yet it is in the circumstances of a rapidly expanding economy, where the interdependence of black and white is vastly increased, that the propensity of the country to change is enhanced. Black vertical mobility is a concomitant of economic growth. Anybody who knows anything about a society such as our will know that the ceilings that apartheid imposes on this vertical mobility, produce the rubbing points that mobilize opposition to apartheid where it is most vulnerable.

Apartheid has lined white pockets and succored white privilege. When white privilege and standards of living are threatened through the prosperity of blacks and there is a rising claim to recognition, then the prospects of negotiated advance are the greatest. While protected by a wide range of apartheid measures, big business in South Africa has for decades sided with the oppressor and exploited black South Africans unmercifully.

That era has passed. No big business today can secure future plans without chal-

lenging apartheid. It was the large corporations that broke the apartheid barriers that led to real advancements for black workers. Ford Motor Co.'s hold indenturing of black apprentices against the law hastened the day when job reservation had to be abandoned. Progressive management talking, dealing and negotiating with workers hastened the day of black trade-union recognition.

It is big business that keeps institutions such as the Institute of Race Relations alive, and it is very often big business that provides the financial muscle to challenge the goverment in the courts on civil-rights issues, on labor issues and on contradictions and ambiguities in law; and it is international capital that can back educational and development program. For large American companies to opt out of the South African situation is to opt out of the prospects of being catalysts in the process of change.

Increased economic investment in South Africa by U.S. companies associated with a U.S. constructive engagement policy with real meaning is a moral option that the U.S. now has. In the circumstances that now appertain, withdrawal of investments in South Africa by Americans is a strategy against black interests and not a punitive stick with which to beat apartheid.

LIFE AND DEATH DIFFERENCE

There is a great deal of genuine interest in South Africa among many Americans, but I really am fearful that the upsurge of the current debate on the disinvestment issue and on Mr. Reagan's constructive engagement policy is in part fired by Americans for Americans on American issues. Apartheid should be more than some kind of looking glass in which Americans see themselves. Apartheid is real: it is out there and millions of black South Africans suffer indescribably under it. Americans should profess a humanitarian approach to the question of what the U.S. should do about apartheid. To stand on American indignant principles by withdrawing diplomatically and economically from South Africa is a luxury that the vastness of American wealth could afford. But indulgence in that luxury for the sake of purity of conscience, whatever genuine motives produce that conscience, would do no more than demonstrate the moral ineptitude of a great nation in the face of challenges from a remote area of the globe.

Black South Africans have to confine their options to realities, and we have to seek to bring about radical change in such a way that we do not destroy the foundations of the future. More than 50% of all black South Africans are 15 years old or younger. A huge population bulge is approaching the marketplace. To greatly exacerbate unemployment and underemployment, and to greatly increase the already horrendous backlog in housing, education, health and welfare services, would be unforgivable. Millions of black South Africans already live in dire squalor in squatter areas and in shantytowns. Jobs make the difference between hunger and starvation and between life and death. For Americans to hurt the growth rate of the South African economy through boycotts, sanctions and disinvestment would demonstrate a callous disregard for ordinary people, suffering terribly under circumstances that they did not create, and would be a gross violation of any respect Americans may have for the principle that people should be free to exercise their rights to oppose oppression in the way they choose. Black South Africans do not ask Americans to disinvest. The strident voices calling for confrontation and violence are the voices most dominant in calls for disinvestment.

FREEDOM FIGHTERS

Mr. SYMMS. Mr. President, I commend this administration for making a courageous statement that was long overdue on the need and responsibility that America has to help those people who are fighting for freedom and their right for self-determination in foreign lands.

Mr. President, my previous remarks that I just made in reference to the problems in South Africa tie in with what I am about to say in this statement and some of the things President Reagan has said, and I personally have encouraged the President to go one step further. We should even recognize some of our friends, and if we want to do something in the African continent to help black Africans, I think one of the greatest things that the U.S. Government could do as a people, as a nation, as our Government, would be to recognize that Jonas Savimbi is the true leader of the Angolan country.

With that recognition, we would be giving credibility to a leader who is both pro-Western, who is black, who is a Christian, and who is fighting the battle for freedom in that continent that is so important to other black people in that continent who are suffering under one party minority rule and in many cases under the dictatorships, Marxist dictorships, who have little regard for human rights and human life.

President Reagan, in his State of the Union address, outlined what U.S. foreign policy should be when he stated that "we must stand by all our democratic allies, and we must not break faith with those who are risking their lives—on every continent." The President again reiterated this plea for Americans to show their commitment to freedom and democracy by helping others seeking to establish representative governments in their own countries, in a radio broadcast in mid-February. The President noted that "one of the most inspiring developments of recent years is the move against communism and toward freedom that is sweeping the world." He recognized the resistance movements in Poland, Afghanistan, Ethiopia, Cambodia, Angola, and Nicaragua. Secretary of State Shultz repeated this theme in his recent speech to the Commonwealth Club in California.

I rarely make a complimentary remark about the Soviet leaders, but they know who their allies are, and reward them accordingly. If freedom is to survive, America must be as cooperative and helpful to its friends as the Soviets are to theirs.

Tremendous coups around the world were achieved by the U.S.S.R. with deceptive tactics, and one country after the next fell to "liberation" forces dominated by Marxist-Leninists in the 1960's and 1970's. The Soviet Union's success can be attributed to their mastery of the subtleties of warfare—through the use of terrorism, subversion, infiltration, and surrogate forces. America seemingly had no coherent policy to respond to the Soviet thrust. We appeared to be paralyzed by our self-inflicted, politically induced retreat from Southeast Asia. The climactic sign of open Soviet aggression without fear of Western retaliation was the December 1979 invasion of Afghanistan. For the first time since World War II, the Soviets brazenly deployed Red Army forces in a country that was strictly independent and nonaligned.

American attitudes about foreign intervention have changed perceptibly after experiencing our national helplessness and humiliation in Iran, Nicaragua, and Afghanistan. The concept of American impotence in shaping world events has been repudiated. In Grenada, we reasserted our responsibility to shape world events in a positive way, and defend our interests and those of our friends and allies.

Our objective should be, however, to avoid future Grenada missions. We should not be forced to use American combat troops in a moment of crisis by taking long-range actions to avoid such crises. A little foresight and planning would compel us to aid our friends now, requiring only minimal financial assistance, but lending maximum psychological and diplomatic impact. Our defense dollars could be expended more effectively against Soviet proxy forces, by giving assistance to those who are challenging Soviet imperialism in various areas of the world. Until the United States comprehends the ongoing character of Soviet warfare and implements a consistent policy to counter it on a global level, we will be condemned, as Jean-Francois Revel writes in "How Democracies Perish," to awaken "only when the danger becomes deadly, imminent, evident. By then, either there is too little time for (democracy) to save itself, or the price of survival has become crushingly high."

I commend the administration for issuing a united appeal for the cause of democratic freedom fighters. If the Congress will follow suit and exert all efforts to extend the necessary assistance to our democratic allies, they can defend themselves against foreign totalitarianism.

THE FIRST AMENDMENT STANDS IN PERIL

Mr. MATHIAS. Mr. President, the CONGRESSIONAL RECORD has been illuminated for many years by the

thoughts of Sam Ervin. Therefore, Senator Ervin needs no introduction from me, nor do his words need embellishment.

I shall only add that his warning that the "First Amendment Stands in Peril" is well taken and that the position he has held has my full support today as it has through the years.

I ask unanimous consent that a thoughtful article by Sam J. Ervin, Jr., long the Senator from North Carolina, be printed in the RECORD at this point together with a copy of a letter from him to President Reagan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A WARNING FROM "SENATOR SAM"

(By Sam J. Ervin, Jr.)

(For 20 years (1954–1974) Sam J. Ervin, Jr. represented North Carolina in the U.S. Senate. Although he achieved fame as a result of his chairmanship of the nationally televised Watergate hearings, Ervin's strict interpretation of the Constitution and his relentless defense of its protections spanned a multitude of issues. His admirers likewise run the ideological gamut. The Washington Post has praised Ervin's "unique grasp of the Constitution," while conservative columnist James J. Kilpatrick has written that "in his keen understanding of the meaning of a free society, Ervin of North Carolina stands alone."

In a recently published autobiography, Preserving The Constitution (Michie Co.), Ervin said simply, "I love the Constitution and the freedoms it enshrines. I love America, and entertain the abiding conviction that it can not endure as a free Republic unless those entrusted by its men and women with the powers of government keep their oaths to support its Constitution.

"For these reasons, I have written my autobiography in the hope that something I may have done or said may prompt others to fight as I have fought for the preservation of the Constitution and the freedoms it enshrines."

A former National Advisory Council member of Americans United for Separation of Church and State, Ervin was awarded the A.U. Religious Liberty Citation in 1974. The following essay is a condensation of two chapters on religious freedom from his new book.)

THE FIRST AMENDMENT STANDS IN PERIL

The most heart-rending story of history is that of man's struggle against civil and ecclesiastical tyranny for the simple right to bow his own knees before his own God in his own way. This is so because the story constitutes plenary proof of the truth of the observation of the French mathematician and philosopher, Blaise Pascal, who said: "Men never do evil so completely and cheerfully as when they do it from religious conviction."

North Carolina Supreme Court Justice Walter P. Stacy, one of America's wisest jurists of all time, described in a nutshell the nature and history of religious intolerance in his 1930 opinion in State v. Beal. He said: "There are those who feel more deeply over reigious matters than they do about secular things. It would be almost unbelievable, if history did not record the tragic fact, that men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut. Many sins have been committed in the name of religion. Alas! the spirit of proscription is never kind. It is the unhappy quality of religious disputes that they are always bitter. For some reason, too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth. . . ."

Learning from the lessons of history, the Founding Fathers of this nation desired that all Americans of all generations should enjoy religious freedom. To this end, they added the First Amendment to the Constitution: "Congress shall make no law respecting an establishement of religion, or prohibiting the free exercise thereof. . . ."

What did the Founding Fathers intend to accomplish by the establishment and freedom of worship provisions of the First Amendment?

The meaning of the freedom of worship clause is clear. This clause is designed to secure to every individual within our borders the right to entertain any religious beliefs compatible with his own conscience, to practice his religious beliefs in any mode of worship not injurious to himself or others, to endeavor by peaceful persuasion to convert others to his religious beliefs, and to be exempt from taxation for the teaching of religion.

The meaning of the establishment clause is also crystal clear. By those words, James Madison and his contemporaries intended to prohibit the government from establishing any official relation between government and religion and to prevent government from using tax moneys to support religion in any way.

While I was one of its members, the U.S. Senate was confronted by two crucial questions relating to the First Amendment. The first was whether federal courts had jurisdiction to determine the constitutionality under the First Amendment of federal financial aid to church-related schools or colleges, an issue later settled favorably by the Supreme Court. The second question was whether the Congress should amend the First Amendment to allow school prayer.

The religion-in-public-schools issue developed because of court challenges to state laws mandating prayer and Bible reading. In cases decided in 1962 and 1963, the Supreme Court adjudged that by using their public school systems to require these religious exercises, New York, Pennsylvania, and Maryland violated the establishment clause of the First Amendment and that the regulation, statute, and rule requiring them were unconstitutional.

The Supreme Court decisions provoked an uproar of nationwide proportions. Multitudes of sincere Americans deemed the decisions to be an attack on religion in general and Christianity in particular.

The offices of senators and representatives were flooded with mail from constituents condemning the decisions and demanding that Congress submit to the states a constitutional amendment authorizing prayer and Bible reading in the public schools. Many senators and representatives hastened to comply with the demand.

On March 22, 1966, Senator Everett M. Dirksen, one of the Senate's most eloquent and influential members, introduced S.J. Res. 148, which proposed an amendment to the Constitution for the avowed purpose of permitting voluntary prayer in public schools and public buildings.

The political popularity of the Dirksen Amendment was revealed by the facts that it had the sponsorship of 48 senators, and the Gallup and Harris polls indicated that 80 percent of the American people supported it.

In speaking to the British House of Commons in 1842, Thomas B. Macaulay said: "Timid and interested politicians think much more about the security of their seats than about the security of their country." In making this comment, Macaulay had in mind the agonizing temptation which confronts legislators when they are compelled to choose between what they know to be politically expedient and what they believe to be right. As an exceedingly popular proposal surcharged with religious emotions, the Dirksen Amendment presented this agonizing temptation to many senators in an excruciating way.

As the result of much study of the history of man's struggle for the simple right to worship Amighty God according to the dictates of his own conscience, I entertained this abiding conviction: When they decreed by the First Amendment that government "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," the Founding Fathers stated with precision the conditions indispensable to religious freedom in America, and any effort to alter their words by amendment poses an unacceptable threat to religious freedom in our land.

This abiding conviction impelled me to oppose the Dirksen Amendment, notwithstanding I was a senator from a Southern state where the King James Version of the Bible was generally accepted as truth, and where it was freely predicted that a senator would put his seat in jeopardy if he dared to oppose an amendment whose professed objective was simply to permit children to participate in voluntary prayer in public schools.

Fortunately for me, however, the future made it manifest that North Carolina clergymen comprehended the drastic implications of the Dirksen Amendment, and North Carolina laymen understood I was doing what I believed to be right in opposing it.

Senator Dirksen opened the Senate debate on his amendment on September 19, 1966. In a well prepared and well delivered speech, he asserted that the overwhelming majority of Americans favored his amendment; that his amendment harmonized with the traditions of the nation; that the Supreme Court has misinterpreted the First Amendment in the school prayer cases; that atheists and communists were trying to destroy religion in our country; and that prayer in public schools was vital to the moral education of our youth.

Opponents of the Dirksen Amendment selected me to bear the brunt of the debate against it. Their reason for so doing were two-fold. First, they deemed it advisable for a senator from the so-called Bible Belt of the South to lead the attack on the amendment; and, second, they knew I had studied in detail the history of the First Amendment and the Supreme Court cases construing it.

At the outset of my remarks against the Dirksen Amendment, I emphasized the value of religion and traced the history of man's struggle for religious freedom. I emphasized the supreme importance of keeping church and state separate. I noted that the Supreme Court's decisions were not concerned with the voluntary prayers of individuals, but, on the contrary, merely adjudged unconstitutional state-sponsored and

required religious exercises in public schools.

I pointed out that the Supreme Court had demonstrated (by the released time arrangement it upheld in Zorach v. Clauson) how interested groups could provide religious instruction for children attending public schools additional to that made available to them by home and church.

It is an idle dream to expect that prayer authorized or permitted by an official body will be voluntary in fact. The power conferred upon public school boards by a prayer amendment would be virtually unlimited and uncontrollable. The only professed limitation—that they could not prescribe the form or content of any prayer—amounts to no more than a pious hope. This is so because they could let others, such as ministers, priests, or rabbis selected by them, determine the forms and contents of prayers.

A school prayer amendment would confer upon public school boards a power the First Amendment now denies to Congress and the states, that is, the power to establish religion. The majority of a public school board could establish religion by directing or permitting prayers conforming to their religious opinions to the exclusion of prayers conforming to any and all other religious beliefs. Hence, the Dirksen Amendment would stir up religious discord by encouraging religious groups to fight each other for control of public school boards having the awesome power to "provide for or permit" prayer in the schools they govern.

I told the Senate that some of my ancestors were among the Scottish Covenanters who were run down and murdered upon the crags and moors of Scotland because they dissented from the doctrines of the established church in that land. Others of them were Scotch-Irish Presbyterians, who were denied political and religious liberty in Ulster. Some of them were among the Huguenots, who were massacred in France merely because they worshipped Almighty God according to the dictates of their own consciences instead of the dictates of the ecclesiastical and political rulers of France. Some of them were English Pilgrims, who were driven from their native England by way of Leyden, Holland, to Plymouth, because they did not want to use the prayers which the Church of England had inserted in the prayer book established by the act of Parliament. Some of them were Quakers who were despised because of the simplicity of their religion and way of life.

All of them came to America to obtain the simple right to bend their own knees and raise their own voices to their own God in their own way. I believe their experiences have some relation to the creation of my abiding conviction that religious liberty is the most precious of all freedoms.

In closing, I asked the Senate to ponder these questions: Why did the Founding Fathers incorporate freedom of religion in the First Amendment? What purpose did the Founding Fathers have in view when they did this?

The answer to these questions, it seems to me, appears with great clarity in the opinion of the late Supreme Court Justice Jackson in West Virginia Board of Education v. Barnette, I quoted what he had to say on this point:

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

I closed with a prayer that the Senate would stand by the First Amendment as it had been written and interpreted.

When the roll was called in the Senate, 49 senators voted for the Dirksen amendment, and 37 senators voted against it. Since the two-thirds majority required for a constitutional amendment was lacking, the amendment failed. William Fulbright of Arkansas, Ralph W. Yarborough of Texas, and I were the only Senators from the eleven Southern states who voted in the negative.

In an editorial comment, the Washington Post graciously called me "the authentic hero" of the debate on the Dirksen Amendment.

If any provision of the Constitution can be said to be more precious than the others, it is the provision of the First Amendment which undertakes to separate church and state by keeping government's hands out of religion and by denying to any and all religious denominations any advantage from getting control of public policy or the public purse.

This is so because the history of nations makes this truth manifest: When religion controls government, political freedom dies; and when government controls religion, religious freedom perishes.

The First Amendment stands in peril at this moment. It is being attacked on two fronts by divergent groups who possess much political power. One of these groups is composed of multitudes of well-intentioned people, whose piety blinds them to the nature of religious freedom. They are demanding that Congress submit to the states proposed constitutional amendments which, despite their protestations to the contrary, are based on the propostion that the public schools should undertake to teach state/supported religious views to the children attending them.

If religious freedom is to endure in America, the responsibility for teaching religion to public school children must be left to the homes and churches of our land, where this responsibility rightfully belongs. It must not be assumed by the government through the agency of the public school system.

The second group consists of clergymen, educators, parents and poltiicans who want the taxes of Caesar to finance the things of God. They demand that all Americans be taxed to finance the operations of private schools whose primary purpose is to teach to the childen attending them the religious doctrines of the denominations which control them.

If religious freedom is to endure in our land, those of us who love it must heed the warning implicit in John Philpot Currans aphorism: "The condition upon which God hath given liberty to man is eternal vigilance." Otherwise we will learn to our sorrow that Justice Sutherland spoke tragic truth when he said the saddest epitaph which can be carved for the loss of a vanished right is that those who had the power failed to stretch forth a saving hand while there was yet time.

SOME ADVICE TO MR. REAGAN ON THE CONSTITUTION—IN PLAIN ENGLISH

DEAR MR. PRESIDENT: The Constitution is the wisest instrument of government the earth has ever known. If America is to endure as a free Republic as ordained by it, Presidents, Supreme Court justices, and other public officers must do what they have sworn to do, that is, support it.

Recognizing these truths, I spent my major efforts during my 20 years as a senator from North Carolina trying to persuade government to obey the Constitution.

Despite my admiration for you, I am constrained by my duty to our country to assert that what you say, do, and advocate in respect to religion shows that you do not understand the religious clauses of the First Amendment and how obedience to them is essential to the preservation of the religious freedom they are designed to secure to all Americans of all faiths.

You urge Congress to give federal tax credits to parents who send their children to private schools to be taught the creeds of their churches. Your action in this respect violates the First Amendment, which forbids government to use the taxes of Caesar to finance the things of God.

You named an ambassador to the Vatican—an act in violation of the establishment clause, which in the words of its drafter, James Madison, forbids government to establish an official relationship with any religion.

You urge the adoption of a constitutional amendment to authorize prayer in the public schools. The adoption of such an amendment would drastically alter the First Amendment, which commands the government to be strictly neutral in respect to religion, and leaves the task of teaching religion to children to the homes and churches of our land.

The Founding Fathers rightly believed that the great diversity of religious faiths in America makes governmental neutrality in religion essential if our people are to live together in peace.

The Michie Company, of Charlottesville, Va., has just published my autobiography, *Preserving The Constitution*, and it explains the religious clauses of the First Amendment in plain English.

I send you a copy of *Preserving The Constitution* and urge you to read and ponder the chapters on "The Constitution And Religion" and "Prayer In The Public Schools." These chapters make it manifest that there is a total repugnancy between what you say, do, and advocate concerning governmental action in religion and the religious clauses of the First Amendment.

The government must keep its hands off religion if our people are to enjoy religious freedom—our most precious freedom.

Sincerely yours,

SAM J. ERVIN, Jr.,
Former U.S. Senator.

THE COST OF MASS-MAIL IN THE SENATE

Mr. MATHIAS. Mr. President, as chairman of the Committee on Rules and Administration, the cost of mass-mail in the Senate is necessarily on my mind. But some recent events have put the problem on my conscience as well. First, I just signed a letter to the Secretary of the Senate, Jo-Anne Coe, advising her of the new paper allotments for 1985 based on the latest population estimates from the Bureau of the Census and reflecting the new allotment rate of 1⅓ sheets per voting age person in each Senator's State. No

Senator, however, receives fewer than 1.2 million sheets per year. The new allotment rate was adopted by the Rules Committee last year, to be effective this January, at the same time that the reforms with respect to stockpiling and transferring paper went into effect, and is an increase from the previous rate of one sheet per person of voting age. The net increase from 1984 to 1985 is more than 113 million more sheets of paper available to Senators. If each of these sheets becomes a newsletter, additional postage—just postage—will top $9 million, even if the lowest possible postage rate is used. Our experience teaches us that only about 10 percent of newsletters will use the lowest rate—most go at a slightly higher rate for third-class, bulk sort—so the cost will be even higher.

Second, I just received a letter from the Clerk of the House, who administers the joint account from which the House and Senate postage costs are paid, noting that a supplemental appropriation of $11.9 million will be necessary for fiscal year 1985 to cover an unprecedented volume of mail. The Clerk states that postage costs in fiscal year 1984 for both the House of Representatives and the Senate were at an all time high, running, in the Senate, over $43.6 million and over $110 million for both Houses. To give my colleagues an idea of the appalling cost escalation this represents, I submit a table showing the costs for the years 1979 through 1986. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Dollar amounts in millions]

	Cost	Increase over previous odd-numbered year		Increase over previous even-numbered year	
		Amount	Percent	Amount	Percent
Fiscal year:					
1979	$43				
1980	62				
1981	54	11	26		
1982	98			36	58
1983	55	1	2		
1984	111			13	13
1985 (estimate)	86	31	56		
1986 (estimate)	144			33	30

(Mrs. KASSEBAUM assumed the chair.)

Mr. MATHIAS. Madam President, as you can see from the table, by next year mailing costs will be more than triple what they were in 1979, just 7 years ago. That is an increase of $101 million despite the fact that we now use the much cheaper third-class bulk sort and postal patron rates instead of first class. So the increase in volume actually is even more dramatic than the cost figures indicate.

Third, I have just received a summary of the mass-mail costs for individual Senators for the past year. This is a compilation of the individual reports furnished to each Senator on the cost of his or her mass mailings and includes postage and paper costs and operating expenses. Without mentioning names—and I do not intend to mention names—let me share with you some of the highlights from this report, which covers the calendar year 1984. The most striking aspect of the report is the great variation among Senators in the use of mass-mail. Twelve Senators were responsible for 50 percent of the cost, with one Senator alone accounting for over 10 percent. At the other end of the spectrum, eight Senators incurred no mailing costs whatever, and two Senators had costs of less than $1,000 each for the entire year. You would expect the volume of mail to correspond with State size, but there are notable exceptions. For example, one of the eight Senators with no costs at all is from a State that ranks in the top 10 in population, and 2 Senators among the 12 largest mailers are from States that rank between 25th and 30th in population size. Further, six Senators from the six most populous States ranked 16th, 20th, 29th, 72d, 89th, and 95th in costs.

Another revealing statistic is the cost per 1,000 persons of voting age in the State. The ratios range from a high of $630 per 1,000 persons to, of course, zero for the eight Senators with no mail cost at all. The median cost is $65 per 1,000. Senators from small States tend to be near the top of this ranking because, as a result of the 1.2 million sheet minimum, they have proportionally more paper per constituent than do Senators from large States. But here again there are exceptions. Among the 12 Senators with the highest per capita costs, 2 are from States in the top 10 in population.

The largest single quarterly cost was $1.5 million and was for the same Senator with the largest total cost—$3.8 million. It may be useful to reflect on how much $3.8 million is. It represents the total income tax payments of 2,188 families of four earning $20,000 per year. There are quite a few towns in Maryland with a population of around 9,000, and I am sure the people in those towns would be shocked to know that a single U.S. Senator spends on newsletters an amount equal to their entire personal income tax payments for a year. If they ever saw one of those newsletters, I hope they would think it was worth it, but I expect that many of them want their money back.

Let us look at some other comparisons. In a list of Federal budget accounts that I have reviewed, I noticed that the Harry S. Truman Memorial Scholarship Foundation has an annual budget of $3.2 million. In 1986 the Foundation will award 4-year college scholarships of up to $5,000 annually to 105 new students with outstanding potential for and interest in careers in public service and will continue scholarship support for 315 students selected in the 3 previous years. So we see that over 100 young people could get a college education with the money used to send the newsletters of a single Senator in 1 year.

Also, $3.8 million is $1 million more than it costs to maintain the buildings and grounds of the Supreme Court, and it is twice the annual cost of the office of the Senate legislative counsel.

If you compare the Senate postage cost for 1984—$43.6 million—with collections and other programs you would find that it takes all the tax payments—think of this: all of the tax payments—of over 25,000 families of four earning $20,000 per year to pay postage on Senators' mass mail, and that the Federal Aviation Administration is able to operate and maintain the Washington National Airport and the Dulles International Airport for less money.

And if you compare the estimated total for 1986 for postage for both the House and the Senate—$144 million—with tax collections and other programs you find that it would take a city of over 330,000 people, living in families of four earning $20,000 per family, to pay the bill. We would hitch up 330,000 people with family incomes of $20,000 to pay the mass mailing bill. For example, it is $8 million more than all of the programs of the National Institute on Aging. It is $4 million more than the cost of operating and maintaining reclamation projects of the Bureau of Reclamation. It is $20 million more than the Peace Corps. It is $26 million more than the 1985 salaries and expenses of the bankruptcy courts, with 232 judges and 2,610 staff. And it is more than twice what we spend annually to carry out the provisions of the Indian Education Act.

It does make one wonder, Madam President, whether Senators and members of their staffs, when they are composing their newsletters and filling out the work orders to have them printed, are conscious of the tremendous costs of their actions. One also wonders what content is unique enough, or important enough, or urgent enough, or even interesting enough to warrant these kinds of costs. Indeed, we may be dealing here, Madam President, with the congressional equivalent of the Pentagon's $500 hammer.

And yet, in spite of these realities, I am constantly being besieged with requests for the wherewithal to send even more. But why? Is it because there are no newspapers published in the States? Or because the people there cannot get copies of the national

press? Or because it is a section of the country where there is no radio or television so that people can find out what is happening and they, therefore, need and eagerly await mail from their Senator to tell them the news? Is that the reason given to me to increase the allotment? No, those are not the reasons. It is because Members of the House of Representatives can send more mail than Senators can. So I am under the gun to take steps that would lead to a sort of newsletter "arms race" with the House.

Madam President, I would have to think a long, long time to come up with a more embarrassing example of the waste of the taxpayers' money. So I urge my colleagues to consider the costs involved in your requests. And I invite my counterparts on the Committee on House Administration to join with me in seeking ways to reduce the outrageous costs for these products which I have to say are of dubious value.

We might begin by asking a very basic question. "Why should any mail come out of a Senator's office except in reply to a constituent's question or request?" If outgoing mail were restricted to this use, the paper allowance in the Senate of one sheet (and now one and one-third sheets) per person of voting age would make perfect sense, reflecting the possibility that, on the average, each person could be expected to write to his or her Senator at least once in the year and the Senator would need a piece of paper to answer. When and how the paper allowance ever came to fuel the massive printing of unsolicited mail that it has become is a question to which we may never know the answer. But we can ask, is it something that should continue? Or should Senators if they want to paper their States with unsolicited mail, do so with money that has been freely contributed to them and not with money that has been forcibly taken away from the citizens of this country under penalty of law?

Madam President, let me close by belaboring the obvious. While we are all racking our brains, as usual, to find ways to reduce Government spending and solve the problem of the deficit, we should not forget that economy, like charity, should begin at home. Here is certainly an area where millions of dollars could be saved. Each time American citizens receive unsolicited congressional mail they should be on notice that it is costing them money and increasing the national deficit.

Mr. SYMMS. Has the Senator concluded?

Mr. MATHIAS. I have.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. As I sat here and listened to my distinguished colleague from Maryland with great interest, I believe he has brought some very interesting thoughts to this body. I had a question that I was interested in with respect to the contributions.

I thought the law had been changed so that you could not take private contributions and mail newsletters. Would the distinguished chairman of the Rules Committee enlighten me on that? I yield for that purpose.

Mr. MATHIAS. I do not think you can commingle.

Mr. SYMMS. If my memory serves me, when I came into the other body in the early seventies, the customary procedure was if you wanted to put a newsletter out to your constituents, you had to raise private funds to do it, unless you paid for it personally. Then that was changed in some of the congressional reforms. Is that correct?

Mr. MATHIAS. That is correct. This is a totally taxpayer-funded operation which is now costing a projected $144 million a year.

Mr. SYMMS. Is the Senator proposing that we should change the law back so that people could do that?

Mr. MATHIAS. Pay the postage and the cost of printing? It would be done as you do with your personal correspondence. But it seems to me that it is an outrage to have allowed this thing to get to the point of costing $144 million a year which, as I suggested, requires the total tax payments of a city of 330,000 human beings, working day and night so that the congressional mail can go out.

Mr. SYMMS. How much does the mail cost in the other body and how much is attributed to the Senate? The Senator spoke on that, I believe.

Mr. MATHIAS. Of the total, the Senate is about $43 million.

Mr. SYMMS. And the House is $100 million?

Mr. MATHIAS. The total is $110 million for the past year. That would make it about $70 million or a little less than $70 million in the other body.

Mr. SYMMS. I throw this question out to my colleague. I do not say this in any way to be argumentative.

Mr. MATHIAS. The Senator can be as argumentative as he likes.

Mr. SYMMS. I think the Senator made an interesting point. I sat here fascinated. I was not aware that it was that costly to the taxpayers for congressional newsletters.

I had a personal experience this year with a newspaper in Moscow, ID, the home of my alma mater, the University of Idaho. I had been in Moscow twice last fall and once in the summer.

The local newspaper had recently run an article that said, "Steve Symms, Please Phone Home." And then they wrote an article about how I am never seen or heard of in the town of Moscow anymore, that I have gone off to Washington and was no longer interested in my roots. It was the implication of the article written by the editor of the newspaper, who happens to be of another political persuasion than I am.

I checked it out and wrote a letter back to him pointing out that his newspaper had received 23 pieces of official news correspondence from my office since the last date that I had been in Moscow, ID. And, of course, I am back in Moscow frequently.

We have to come to some kind of an answer. If we believe in a free press, and I know the Senator does and I do, what do we do about newspapers who selectively decide what is in the public interest? A Senator or a Congressman, often finds that the only way he can reach his constituents on what he is doing is through the post office. That is the question.

I probably agree with the Senator that there should be a requirement to privately raise the cost of their mailings above a certain cost.

Mr. MATHIAS. The Senator, of course, presents a case which is a dilemma.

Mr. SYMMS. I had sent 23 press releases, none of which had been printed in the paper. They just throw them in the wastebasket if they come from someone who is a conservative Republican. But from a Democrat, they print them with great relish.

Mr. MATHIAS. I understood the Senator exactly. I am not sure that the operative factor here is partisan affiliation of the mailer. I think what the Senator has said betrays a fact of life in America that bears on this question because I think a great many recipients of congressional junk mail—I am not suggesting that the Senator's mail is junk mail, but that is how a lot a mail is perceived—just simply give it the file 13 treatment without reading it and then the taxpayers' money which has gone into the preparation, printing, and postage is literally down the drain.

Let me say I have had the same experience. I wrote a letter to a person with whom I was not acquainted but on a matter of business. He was away from home. His son was in charge at the house. He saw a piece of congressional mail come in and he thought, "Well, just another piece of congressional mail," and put it aside. He was ready to throw it away when the man to whom it was addressed came home and it finally came to his attention. But he told me the story. He said, "My son got it and thought it was another piece of congressional junk mail."

That is the kind of attitude people have toward this mail in many cases. That may have been what happened to the 23 press releases that the Senator sent. They may have thought,

"Well, one more emission from Washington."

There is so much of it that I suspect we are denigrating the importance of a letter from the U.S. Senate or the House of Representatives. When there is an oversupply of any product the value goes down, as the Senator representing a great agricultural area is all too well aware.

Mr. SYMMS. The Senator is quite correct.

Mr. MATHIAS. I think that law of supply and demand is operating with respect to congressional mail just as with the price of wheat, corn, soybeans, and all the rest. There is just too much of it on the market. We might give it a little more value by doing a little less of it.

Mr. SYMMS. I think the Senator makes an excellent point. I have to say that I do know that in almost every newspaper in my State—and I think we are all guilty of contributing to this—people say, "Write your Congressman." Every newspaper has the names of Senators and Congressmen and advises them to write their Congressmen once a week. We invite an avalanche of mail.

Mr. MATHIAS. I am glad the Senator mentioned that. If we answered faithfully, and I hope we do—I hope I always do, and I am sure the Senator from Idaho does, and every Member of the Senate tries to answer every constituent request or inquiry promptly, efficiently, and accurately—if we answered every single constituent communication we would still only be talking about 3 or 4 percent of the total mail—3 or 4 percent. Ninety-two or ninety-three percent of this total cost is unsolicited. It does not respond to any constituent. The other 4 percent is committee related: hearings, reports, and similar materials. Just 3 or 4 percent of this load is adequate to answer every letter we get. The 92 percent is what we generate on our own. That is the tragedy. It is self-generating.

Mr. SYMMS. I thank the Senator very much for his enlightening comments today. I think we should all carefully look at this matter with the thought of the taxpayers foremost in our minds.

DENNIS OLSEN

Mr. SYMMS. Madam President, I have always said, to be a good citizen and help one's political party a person first has to take care of one's family, one's country; then it helps the party.

I rise today to inform my colleagues of the recent passing of my friend, Dennis Olsen, chairman of the Republican Party of Idaho, who certainly fulfilled those ideals. He was a good family man, a good patriotic American, and, through that, he was able to make a great contribution to his political party and the things he believed in.

Dennis was a rare individual; unlike anyone else I have ever worked with in political circles. Today, we are accustomed to pollsters, media advisers, consultants, party functionaries, and the like. Dennis stood out in the middle of this crowd as someone unique. He was more like a citizen-politician, or citizen-statesman, than a politico.

Dennis cared about issues. He cared very much about the future of his State and his Nation. And it was his vital interest in issues, in policies, that led him to politics.

That same care was reflected in his home life. A father of 10, Dennis was a man who conspicously relished the joys of domestic life with his lovely wife, Shelia. He was good at all of his many roles—as father, friend, and citizen. He lived up to the Jeffersonian ideal of the honest yeoman.

Dennis was born and raised in Blackfoot, ID, where he graduated from high school. After a year at Idaho State University at Pocatello, Dennis went on to complete his degree at Brigham Young University in 1956. Having majored in political science, public administration, and history, Dennis graduated with the highest honors.

Dennis received his juris doctor from George Washington University Law School in 1960, where he was an associate editor of the Law Review in 1959-60. He was honored with membership in the Order of the Coif and the National Legal Scholastic Society.

Between his studies, Dennis served in the U.S. Air Force from 1950 to 1954. In 1957, he married Shelia Ann Sorensen, a remarkable woman and a dear friend to Fran and me.

As Dennis excelled at law school, so he excelled as a practicing attorney in the law firm of Petersen, Moss, Olsen, Meacham & Carr in Idaho Falls. Dennis was diligent—but he didn't let his work detract from his family, religious, and other duties. A high priest in the Church of Jesus Christ of Latter-day Saints, Dennis also served as a Scout coordinator.

He had also served as chairman of the Bonneville County Republican Central Committee from 1972 to 1977, and became the State party chairman in 1977.

This achievement followed many years in service to the political process. Dennis had been a block worker for the Republican ticket in 1960. Under his chairmanship, the Bonneville County Young Republicans became the most active and outstanding Young Republican groups in the Nation.

He had also been a delegate to two National Republican Conventions. As State chairman during my race in 1980, Dennis had found himself in the center of a very long and hotly contested race. He performed an active and honorable role.

Let me conclude by saying that Dennis was a good friend to me. And, I am sure he will be long remembered in Idaho as a man who unstintingly gave his best to everything he did. If I can think of one word, or one title, that best describes Dennis' life, it would be this: Citizen.

THE 1985 VFW CONGRESSIONAL AWARD RECIPIENT—SENATOR STROM THURMOND

Mr. MURKOWSKI. Mr. President, this past Tuesday evening, March 12, 1985, the Veterans of Foreign Wars of the United States held its annual congressional banquet honoring Members of Congress. At that event, the VFW presented its coveted Congressional Award to my esteemed colleague, Hon. STROM THURMOND, Senator from South Carolina. I was privileged to attend this congressional banquet and join in this salute to Senator THURMOND on his receiving this prestigious award.

Mr. President, I can think of no one more deserving of this honor than Senator THURMOND. His dedication to public services is worthy of the highest praise. During his 30 years of service in the U.S. Senate, Senator THURMOND has spoken forcefully for a strong national defense and the necessity of maintaining our military preparedness as the means of achieving world peace. Also, his strong advocacy on behalf of veterans has contributed to the establishment of programs and benefits which have assisted millions of veterans in the transition from military to civilian life, thereby ensuring that the national commitment to our veterans is not forgotten.

Senator THURMOND's record of service to the State of South Carolina and this Nation is indeed a remarkable one. The positions of great responsibility which he currently holds in the U.S. Senate—President pro tempore, chairman of the Judiciary Committee, Senior majority member of the Armed Services and Veterans' Affairs Committees—are but a small part of a distinguished career spanning over half a century. A former high school teacher and athletic coach, school superintendent, county and city attorney, state circuit judge, State legislator, Governor, major general in the Army Reserve, and Presidental candidate, Senator THURMOND enjoys the distinction of being the only Member of the U.S. Senate ever elected to that office by write-in vote.

It is a true honor and privilege to serve in the U.S. Senate with a person of the integrity and stature of Senator THURMOND. He has most assuredly earned the title of statesman.

Mr. President, I ask unanimous consent that the remarks of Senator THURMOND upon receiving the VFW 1985 Congressional Award be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR STROM THURMOND UPON RECEIVING THE VFW CONGRESSIONAL AWARD

Commander-in-Chief and Mrs. Billy Ray Cameron, Senior Vice Commander-in-Chief John S. Staum, Junior Vice Commander-in-Chief Norman G. Staab, Adjutant General Howard E. Vander Clute, Jr., Quartermaster General J.A. "Al" Cheatham, Executive Director of the Washington, D.C., Office, Cooper T. Holt, President of the VFW Ladies Auxiliary Mrs. Glenetta Vogelsang, my distinguished Congressional colleagues, Attorney General Meese, V.A. Administrator Harry Walters, and other distinguished guests and my fellow members of the Veterans of Foreign Wars of the United States:

INTRODUCTION AND HUMOR

It is a great honor, privilege and pleasure to accept the Congressional Award of the Veterans of Foreign Wars of the United States. Of course, at my age, it is a great pleasure for me to be anywhere for any reason, at any time.

After hearing that introduction, I feel a little like Mark Twain did when he said that he spent $25 once to research his family background, and then spent $50 to cover it up!

Seriously, though, when I consider the stature of past recipients—John Stennis, Barry Goldwater, Olin E. Teague, John Tower, "Sonny" Montgomery, Bob Dole, Paul Laxalt, Sam Stratton, and John Paul Hammerschmidt—and the late John McCormick, the late Henry Jackson, and the late Everett Dirksen—I am made keenly aware of the supreme honor the VFW has bestowed on me with this award. I shall always strive to remain true to your trust and high standards.

Sir Winston Churchill once said that the three toughest things in the world to do are: Climbing a wall leaning toward you; kissing a girl leaning away from you; and addressing an audience that knows as much or more about a subject as you do. As I face this distinguished audience tonight, to talk about the VFW, veterans, and our National Defense, I am keenly aware of that third challenge.

VETERANS OF FOREIGN WARS OF THE UNITED STATES

As you may know, I am a Life Member of the Savannah River VFW Post #5877 in Aiken, South Carolina, where Nancy and I maintain our permanent residence. My association with the VFW has always been a source of great pride and satisfaction to me as a military man and as an American. It has given me many friendships over the years, and the VFW has emphasized principles of citizenship and service which I value highly.

The members of the VFW are the bedrock of the very spirit of America. Having experienced the hardships and tragedies of war and having sacrificed for freedom and peace, the members of the VFW have clearly demonstrated that they are true patriots, dedicated to the best of America.

The principles of the VFW are lofty, and its work in the programs of Community Activities and Youth Activities and the Buddy Poppies program deserves high praise.

While all of the VFW programs are worthwhile, I am especially pleased tonight to recognize the Voice of Democracy program for young Americans. By sponsoring this annual competition, the VFW acknowledges that the youth of today are the leaders of tomorrow. This program teaches young people the basic values of our Nation, and I wish to commend the participants from around the Country and from overseas who are here tonight.

VETERANS

In accepting the honor you have generously bestowed upon me, I wish to pay special tribute to our men and women who have worn the uniform.

All Americans have good reason to look with pride upon our land, our institutions, and our people. Our citizens are a diverse group, but we share a common thread, that is, a commitment to the fundamental principles of this Country. Throughout the history of our Nation, our veterans have been the guardians of these principles.

In their duty—whether it was on the beaches of Normandy, or in the rice paddies of Vietnam, whether they fought in the "War to End All Wars," or in the cold battlefields of Korea—veterans were brought together from all regions of our Country, to serve under one flag, for one noble cause: the defense of freedom.

It is the highest obligation of citizenship to defend our Nation in time of need. Thus, we cannot overemphasize the respect and admiration due those Americans who have answered this call to duty.

I agree with General Douglas MacArthur, who expressed his esteem for the American serviceman in this way:

"My estimate of the American serviceman was formed on the battlefield many years ago, and has never changed. I regarded him then as I regard him now—as one of the world's noblest figures. His name and fame are the birthright of every American citizen."

No salute to veterans would be complete without a note about American servicemen still missing or unaccounted for from the war in Southeast Asia. As President Pro Tempore of the Senate, I was pleased last year to help organize ceremonies across the Nation, in which the families of POW/MIAs were presented special medals authorized by Congress. However, the best way we can honor these individuals is to continue to demand that the Indochinese governments give us the fullest possible accounting for the 2,483 servicemen who are still Missing in Action.

A tribute to our veterans must also include a comment on our veterans of Lebanon and Grenada. Those young men of Lebanon were involved in a noble attempt to bring peace to a war-torn area of the world, and our troops in Grenada were involved in an equally noble cause in our own hemisphere.

We have once again showed the world that the United States is a force for good and for freedom. Those so-called "national leaders," who called for more isolationism and who counselled against our involvement in Grenada, were wrong. If they need any more proof about the justness of our mission there, I suggest they ask the citizens of Grenada, who are now free of communist oppression for the first time in years.

VETERANS AFFAIRS

Through the years, the VFW has distinguished itself as an effective representative in matters pertaining to veterans affairs. As a result of the strong leadership of the VFW—and other dedicated veterans advocates—Congress has enacted vital programs to assist veterans in making the transition from military service to civilian life. I am proud to be the Senior member of the Veterans Affairs Committee and shall continue to rely on the VFW for valuable advice and counsel on veterans issues.

This Nation's commitment to care for its deserving veterans is an ongoing obligation for all of us. Veterans benefits and entitlements are the continuing price of war long after the last shot has been fired. While we will never be able to repay our veterans for their service, loyalty and courage, we must be sensitive and responsive to the changing needs of our veterans and make every effort to adequately meet those needs.

President Reagan has stated his firm commitment to reduce the soaring Federal budget deficit—an action which I believe is absolutely essential. Veterans have always been willing to do their full share, and I am sure that they will once again meet this "call to arms."

However, veterans should not be expected to bear an unfair share of the effort to bring Federal spending under control. Toward that end, I will vigorously oppose any plans that would undercut quality health and medical care for our veterans and the government's longstanding commitment to grant preference to our veterans in hiring for Federal jobs. I pledge to you tonight that in our quest to reduce Federal spending, the needs of our veterans will not be forgotten.

DEFENSE STRENGTH

During our debate on spending cuts, let us also keep in mind our principal obligation to the veterans who have fought to keep us free: Our duty to ensure a strong National Defense. Those who claim that our defense budget is the chief cause of our budget deficit are wrong. Defense spending as a portion of our Gross National Product is at its lowest point since just prior to the Korean War. Less than 25 years ago, defense spending accounted for nearly half of the Federal budget. Today it accounts for little more than one-fourth of the entire budget.

It is certainly true that because of our Federal deficit, no portion of the budget can be considered exempt from cuts. Each year the Congress has cut the President's defense budget, and this year will probably be no different. However, to make the size cuts some recommended would only imperil our national security and would not be in our best interest as the leader of the free world.

For instance, if we were to cut the 20 highest priority defense programs in the budget—including the MX missile system, the B-1 bomber, the Strategic Defense Initiative (sometimes referred to as "Star Wars"), and the M-1 tank—it would cut our deficit by only $10 billion in fiscal 1986.

Such cuts would save little money in the long run, but would cost our Nation a great deal: Our ability to defend the Nation against those who are willing to spend whatever it takes to carry out their goal of world domination by force.

In the years ahead, we must balance the need for necessary domestic programs with the ongoing requirements for a global defense needed to protect ourselves and the free nations of the world. Any other course of action would only be a formula for disaster and defeat. A measure of our strength not related to defense expenditures, howev-

er, is our resolve to assist those nations and groups who are struggling to be free.

CENTRAL AMERICA

A great challenge to freedom currently looms in Central America, where a determined band of "freedom fighters" are attempting to bring a democratic government to Nicaragua, while its neighbor, El Salvador, is waging a battle against Communist forces which seek to control that nation.

America simply must not turn its back on the problems of Central America. That would not only be unfair to the people of that region who look to us for help, but it would be a grave threat to our national security as well.

The people of El Salvador have voted *for* democracy and against the tyranny of Communist guerrillas. Yet there are those in the United States that would have us cut off our military aid to the government of this fledgling democracy. The fallacy of this approach has been proven in Veitnam, Laos, and Cambodia. We need not test the bankruptcy of their ideas on another group of innocent people who seek only to be free and to govern themselves.

These same critics oppose our support for the popular forces in Nicaragua. It seems that their approach is that it is permissible for communists to overthrow democratic governments, but that we must stand idly by while our neighbors are overpowered by these same tyrants.

Additionally, we must never forget the historic importance of Central America and the Caribbean Basin, and our need to insure its neutrality. During the Second World War, the Germans sank more Allied shipping in the Caribbean than they did in the North Atlantic.

There are already two Soviet client states in the region in Cuba and Nicaragua. We cannot afford any more. The Soviets are shipping planes, tanks, helicopters, and other war material both through Cuba and directly to Nicaragua. The military build up in Nicaragua is to support one goal, which the Marxist regime has repeatedly stated, and that is the spread of Communist revolution throughout the region.

If El Salvador falls, Guatemala, Honduras, and Costa Rica will surely follow. This would then threaten Mexico and Panama, to include our access to the Panama Canal. This scenario would place our enemy astride our strategic lines of communication and threaten our ability to import oil, cobalt, manganese and chromium, to name just a few of the raw materials which are critical to our defense and industrial needs.

Freedom and democracy *can* be obtained in Central America if we are patient and are willing to maintain our resolve in support of democracy. The long-term rewards for our efforts will be *peace, freedom* and *stability* throughout this hemisphere. I pledge to you tonight my wholehearted support for those causes.

AFGHANISTAN

Soviet efforts to undermine or overthrow peaceful countries is not a regional problem; it is a global problem. Since 1979, the Soviet Union has conducted a war of systematic extermination in Afghanistan. Their atrocities rival the brutalities of Genghis Khan and Hitler's Nazis. The Soviets are devoid of any respect for human life, and I would like to give you two eyewitness accounts that will underscore my concern and belief that the United States must do all it can to support the valiant rebels striving to restore independence to their nation.

On September 11, 1984, in the Logar Province, the Soviets went into a small village and seized 40 men, women, and children. They were taken into the street and bound hand and foot. The Soviets then stacked their helpless victims like cord wood, poured gasoline over them and set them afire while horrified friends and relatives watched. The provocation for this act of terror was that a group of Afghan government troops had defected to the rebels the day before.

Another of the hundreds of reported atrocities took place in the same province on September 13, 1982. On this particular day, the Soviets, while looking for rebels, found 105 people hiding in a covered irrigation canal. When they refused to come out, the Soviets poured a mixture of oil and explosives into the canal and ignited the mixture. It took the families of the victims several days to recover the bodies, many of which were not identifiable.

As if this were not enough, the Soviets routinely use chemical weapons against Afghan villages to kill or drive off the population. The Soviets have also developed a terror tactic that is specifically designed to maim and kill children. Soviet planes and helicopters dispense various types of toys that are actually sophisticated booby traps that explode when picked up. The history and horrors of communist domination are well known. It is imperative, however, that we continue our support for those forces around the world who are resisting communist oppression.

CONCLUSION

In closing, I repeat that it is a singular honor to receive the Congressional Award of the VFW, an organization which has such a distinguished record of service to our Country. I am proud to receive this award, and do so with a sense of humility, the value of which was recently underscored by a visitor to my office.

Last week, a group of Girl Scouts were visiting my Senate office when I noticed one little Scout staring at the Purple Heart medal displayed on the wall. After careful inspection, she asked me, "Where did you get that medal?"

Pleased that she was so interested, I responded, "The Army gave it to me." With a quick loss of interest, she said, "Well, in my Girl Scout troop, we have to earn ours."

I am pleased that the VFW feels that I have earned this award, and I will always strive to live up to your trust.

Today, under our great President, Ronald Reagan, there is a renewed commitment in America—a commitment to make our Nation strong again, and to reestablish our Country as a shining symbol of democracy, freedom and world peace. The VFW personifies this renewed commitment and spirit. I salute you, the members of the VFW, and commend you for your loyalty, courage, and devotion to duty. Were it not for the patriotic deeds of citizens like you, and the thousands of others who have worn the uniform, there would be no America. We are forever in your debt.

God bless our United States, and God bless each of you.

FARMING IS KEY TO ILLINOIS ECONOMIC HEALTH

Mr. DIXON. Mr. President, the health of the agricultural sector is vital to the health of our national economy, and, indeed, to the health of the economy of the State of Illinois.

Agriculture has created jobs for more than 12 percent of the workers in Illinois, as pointed out in a recent article in the February 2, 1985, edition of the Prairie Farmer.

I ask unanimous consent that a copy of the article, "Farming Is Key to Illinois Economic Health," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Prairie Farmer, February 2, 1985]

FARMING IS KEY TO ILLINOIS ECONOMIC HEALTH

In a state as diverse as Illinois, no one part of the economy can completely dominate. But if industry made Chicago "the city of broad shoulders," it was farming that earned it the title "hog butcher of the world."

Agriculture has created jobs for more than 12% of the workers in the state, points out University of Illinois agricultural economist David Lins. In addition, farmers produce and sell about $7.6 billion in agricultural products each year.

"We have something like 55,000 people employed in this state in direct agricultural processing and distribution," he says. "Another 55,000 work in agricultural input industries. And about 320,000 others are employed in businesses such as grocery stores."

At the center of this economic ripple effect are the state's 113,000 farm residents. With income earned from farming, they buy cars, clothes, food, and other consumer items.

"But they also purchase tractors, fertilizer, and other agricultural inputs," Lins says. "Not counting the jobs created in other areas of the economy, each farmer creates three jobs for workers in agriculture-related businesses."

In fact, companies with headquarters in Illinois produce half the tractors used in the United States. The farm machinery and equipment manufacturing industry employs 21,000 people in the state.

Still, in the midst of hard economic times, the outlook for farm-related businesses is decidedly mixed. The equipment manufacturing sector has been particularly hard hit.

"In that area," Lins says, "we've had a major reduction in employment in the past three to five years as sales of farm machinery have come down. Some 11,000 jobs have been lost in that industry alone."

On the other hand, Lins says that the farm service industries are still expanding. The strongest growth areas are in consulting services, crop scouting, and financial management services.

"Within the complex of agribusiness, we have some industries decreasing and some increasing," he says. "But without question, agriculture remains an extremely important component in the economy of this state."

SMALL BUSINESS IN RHODE ISLAND

Mr. PELL. Mr. President, the economy of the State of Rhode Island is uniquely based on the fortunes of small business. In 1983 there were 23,995 small businesses in the State employing 126,092 people. Some 62 percent of total Rhode Island employ-

ment is in establishments of less than 100 employees, and 96 percent of the State's industrial establishments have less than 50 employees.

These figures reflect a true flowering of the entrepreneurial spirit in a State which has perhaps endured more than its share of cyclical adversity. The decline of the great textile mills, a process which began in the 1920's, and the more recent withdrawal of much of the Navy's presence in the State, deprived Rhode Island of two of its biggest institutions of employment. Today, much of the economic vitality of the State is to be found in new small businesses—high tech electronic firms, small jewelry manufacturers, metalworking plants and boat building companies.

It was against this background that I recently joined in cosponsoring S. 408, Senator WEICKER's bill authorizing appropriations for the Small Business Administration for fiscal years 1986, 1987, and 1988. The bill maintains funding for the SBA's guaranteed loan programs as well as its management assistance programs, while making certain economies, such as deletion of direct lending programs, in the interest of deficit reduction.

In usual circumstances, cosponsorship of an authorization bill is not an occasion for comment, but the circumstances confronting the small business community today are anything but usual. The Reagan administration has proposed deletion of the Small Business Administration and most of its programs, and if my mail is any indication, the small business people of my State are up in arms. In a world of big business, big finance, and big government, they feel that they are being threatened by the proposed elimination of their one sure voice of advocacy and support.

One of the clearest statements of the value of SBA support came in a letter from Roland L. Theriault, executive director of the Providence Industrial Development Corp. He wrote to tell me how his organization, with the help of a crucial $500,000 SBA loan guarantee, was able to rehabilitate Providence Steel, Inc. and not only save the business from liquidation but set it on the road to recovery and a 50 percent increase in its work force. I ask unanimous consent that Mr. Theriault's letter be printed at the end of my statement.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1).

Mr. PELL. Mr. President, the importance of the Small Business Administration to Rhode Island statewide has been eloquently summed up in a letter from our distinguished and energetic Lt. Gov. Richard A. Licht who has assigned high personal priority to the advocacy of small business. He states that over $400 million in small business loans have been granted in the State and that SBA loans were responsible for creating or retaining over 2,300 jobs in the State in fiscal 1984 alone. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Providence, February 15, 1985.

Hon. CLAIBORNE DEB. PELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR: I am writing to urge you to support continuation of funding for the Small Business Administration.

Since 1953, the Small Business Administration has been the only agency that has provided consistent and effective assistance for small businesses. With a budget that is just one-quarter of its 1980 commitment, SBA has continued to service businesses which contributed over $4.8 billion in federal taxes last year, a return of ten-fold beyond the SBA budget.

The expansion of small business presents the single greatest opportunity for job creation and economic development in Rhode Island. As Rhode Island has no state based assistance program, the SBA is essential to the growth of our economy. Elimination of vital SBA services will deal a severe blow to our state's 25,000 small businesses.

For many, SBA represents the only hope of building a business that can flourish and contribute to Rhode Island's tax base. Over $400 million in small business loans have been granted in our state. In fiscal year 1984 alone, SBA loans were responsible for creating or retaining well over 2300 jobs in Rhode Island. Currently, 2400 Rhode Island businesses utilize SBA loans, with a substantial portion being made to veterans, women, and minorities. The Small Business Administration has also provided more than 1600 Rhode Island businesses with critical disaster loans which saved thousands of jobs throughout the state. The $18.5 million base closing loan in Newport has played a significant role in helping Newport become one of America's major turnaround success stories.

Thirty-six percent of the 25,000 small businesses in Rhode Island have received assistance, counseling and/or training from the Management Assistant Division of the Providence District Office. During the past year alone, the Management Assistance Division served over 9000 Rhode Island based businesses, utilizing the resources of the Small Business Development Center, Small Business Institute, Service Corps of Retired Executives and Management Assistance Staff.

Most importantly, the continuing existence of the Small Business Administration is a symbol of America's commitment to its small businesses. It is a recognition of the vital economic contribution our small firms play in the financial health of our nation.

I am enclosing herewith Senate Resolution 85-S315 and House Resolution 85-H5441. These two resolutions demonstrate the Rhode Island General Assembly's unanimous, by-partisan support for continuation of SBA. I trust you will carry the message of these resolutions to the United States Congress and voice Rhode Island's opposition to eliminating the Small Business Administration.

Sincerely,

RICHARD A. LICHT,
Lieutenant Governor.

Mr. PELL. Mr. President, reaction to the President's proposal has been prompt and emphatic. Within days after the budget was released, both houses of the Rhode Island General Assembly unanimously passed resolutions memorializing Congress to restore funds for the Small Business Administration. The resolutions were conveyed to me by Senator Leo J. Gannon, chairman of the legislature's joint committee on small business, who noted that there was strong, bipartisan support for continuation of SBA services in the State. I ask unanimous consent that Senator Gannon's letter, together with the text of resolution 85S 315 of the Rhode Island Senate and 85H 5441 of the Rhode Island House of Representatives, be printed in the RECORD.

There being no objection, the letter and resolution ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Senate Chamber, February 8, 1985.

Hon. CLAIBORNE DEB. PELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PELL: I am writing to inform you of two very important resolutions passed unanimously in the Rhode Island General Assembly this past week. The resolutions demonstrate overwhelming support for continuation of funding for the Small Business Administration.

Both the Senate and the House feel strongly that the Small Business Administration is a vital link for Rhode Island's Small Business Community.

As Lieutenant Governor Richard A. Licht, Rhode Island's Small Business Advocate, has stated: "The expansion of small business presents the single greatest opportunity for job creation and economic development in our state, and the Small Business Administration is essential to the development of Rhode Island's economy. Curtailment of essential SBA services would deal a severe blow to Rhode Island's small business development opportunities."

I have enclosed copies of the Senate and House resolutions. After reviewing 85S 315 and 85H 5441, I am sure you will see Rhode Island's strong bi-partisan support for continuation of important SBA services in our state.

Sincerely,

LEO J. GANNON,
Chairman.

SENATE RESOLUTION MEMORIALIZING CONGRESS TO RESTORE FUNDING FOR THE SMALL BUSINESS ADMINISTRATION

Whereas, For years numerous Rhode Island businesses have received invaluable assistance from funding provided by the Small Business Administration; and

Whereas, Without this assistance, many of Rhode Island's businesses would not be in existence today; now, therefore, be it

Resolved, That this senate of the state of Rhode Island and Providence Plantations hereby memorializes Congress to restore the

funding for the Small Business Administration which has assisted Rhode Island businesses throughout the years; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

HOUSE RESOLUTION MEMORIALIZING CONGRESS TO RESTORE FUNDING FOR THE SMALL BUSINESS ADMINISTRATION

Whereas, For years numerous Rhode Island businesses have received invaluable assistance from funding provided by the Small Business Administration; and

Whereas, Without this assistance, many of Rhode Island's businesses would not be in existence today; now, therefore, be it

Resolved, That this house of representatives of the state of Rhode Island and Providence Plantations hereby memorializes Congress to restore the funding for the Small Business Administration which has assisted Rhode Island businesses throughout the years; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

Mr. PELL. Mr. President, my cosponsorship of S. 408 is intended to convey a clear signal of my commitment to the continuance of the Small Business Administration and many of its time-tested programs. That commitment is based on the clear call of my constituents and I intend to do all I can to assure its fulfillment.

EXHIBIT 1

PROVIDENCE INDUSTRIAL DEVELOPMENT CORP.,
Providence, RI, February 1, 1985.

Hon. CLAIRBORNE PELL,
U.S. Senator,
Washington, DC.

DEAR SENATOR PELL: We want to take this opportunity to outline our experiences with the U.S. Small Business Administration. Our hope is that you will take these factors into consideration as you debate the President's proposal to abolish this agency.

Our experiences with the SBA have been very positive. Seven small businesses, so vital to the economy of the City of Providence, were provided essential financing with PIDC. All these firms are growing and successful. I have to add that this aid was absolutely not available from any other source.

An outstanding example of how critically important the U.S. Small Business Administration was is in the instance of Providence Steel, Inc. During 1979, former owners of Providence Steel had tried unsuccessfully to secure financing for an employee, William King, who wanted to buy the business. Numerous attempts to get banks or investors involved were unsuccessful. Early in 1980, the owners announced that they were going to liquidate the business. Fifty jobs would be lost (90% Providence residences).

PIDC was asked, as a last resort, to see if it could save the firm. The Corporation accomplished its mission. It was able to secure the direct lending participation of a consortium of banks for $450,000. Those participating banks are R.I. Hospital Trust National Bank, Fleet National Bank, Citizens Trust, Columbus National Bank and the Newport National Bank. PIDC was also able to secure a critical 7A loan guaranty from the , SBA for $500,000. PIDC injected $150,000 of its own funds subordinated to the banks and SBA. Mr. King, the new owner also invested $150,000. Total financing $1,250,000.

Without the SBA 7A loan guaranty for $500,000, the banks would not have been willing to participate beyond their initial $450,000. When Providence Steel was revived, the firm had only 50 employees. Today, employment has grown to 73 employees. A remarkable achievement in just a few years.

PIDC has other success stories; however, we will just highlight them for you.

The SBA 4503 Program has been successful in four cases. The SBA has provided $401,000, in financing and PIDC with our banks have provided nearly $700,000. Employment at these firms has reached 236.

A total summary of U.S. Small Business Administration financing in the City with PIDC has produced the following results:

Number of firms assisted	7
Number of jobs impacted	439
SBA funds	$1,027,000
Total funds (banks, PIDC, etc.)	3,070,325
SBA funds/per job	2,339

We believe that the SBA has played an important role in assisting small businesses to expand in the City. Our experience has been very positive.

We ask for your consideration as you debate this critical issue in the upcoming weeks.

Sincerely,

ROLAND L. THERIAULT,
Executive Director.

COMMUNICATION FROM AMBASSADOR DOBRYNIN

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD for the information of all Senators a communication received from Ambassasor Dobrynin of the U.S.S.R.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

Hon. STROM THURMOND,
President Pro Tempore of the Senate, U.S. Senate, Washington, DC.

March 11, 1985.

DEAR MR. PRESIDENT PRO TEMPORE: I have the honor to inform you, with profound sorrow, of the passing away of the General Secretary of the Central Committee of the Communist Party of the USSR, Chairman of the Presidium of the USSR Supreme Soviet Konstantin Ustinovich Chernenko on March 10, 1985.

The Book of Condolences will be open for signature at the Embassy, 1125, 16th Street, Washington, D.C. on Tuesday, March 12 and Wednesday, March 13 from 10 a.m. to 4 p.m.

Please accept, Mr. President Pro Tempore, the assurances of my highest consideration.

A. DOBRYNIN, *Ambassador.*

SENATOR CHAN GURNEY

Mr. PRESSLER. Mr. President, former U.S. Senator Chan Gurney, who was one of South Dakota's most outstanding citizens, died on March 9, 1985. During his long and illustrious career, he worked constantly for programs that would bolster South Dakota's economy and attract new business to our State. His work in the aviation field helped to bring about the expansion of airline service to rural South Dakota. Chan was a remarkably versatile man. I World War I veteran, he became a national authority on defense matters.

In his youth he also excelled as a radio and sports announcer at Radio Station WNAX in Yankton, which he founded. Later he successfully managed the family seed and nursery business and then went on to found his own successful oil company. He ran for the U.S. Senate because he sincerely wanted to be a public servant. During his 12 years in the U.S. Senate, Senator Gurney earned a national reputation for his devotion to duty, his expertise, and his strong convictions.

Senator Gurney was a personal friend of mine. I have learned a great deal from his fine record of service in the Senate. Mr. President, I ask unanimous consent that a chapter on Senator Gurney from my book on South Dakota's U.S. Senators, "U.S. Senators From the Prairie," be printed at this point in the RECORD. "U.S. Senators From the Prairie" was published by the University of South Dakota press.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAN GURNEY

Date of Birth: May 21, 1896.
Place of Birth: Yankton, South Dakota.
Parents: Deloss Gurney, Henrietta Klopping.
Spouse: Evelyn Bordeno.
Children: (3) John, Deloss, Ida Elain.
Date Entered Senate: January 3, 1939.
Age at Induction: 42.
Date Left Senate: January 3, 1951.

As a prominent member of the U.S. Senate during World War II and the post war era, John Chandler Gurney, a World War I veteran himself, was an effective and outspoken advocate of U.S. defense and foreign aid programs. Gurney's convictions regarding the military preparedness of the U.S. and the western allies were so strong that, although a conservative Republican, he voted frequently with the Roosevelt and Truman administrations. After the war, Gurney introduced and helped steer through Congress two landmark defense measures: the National Security Act of 1947 which unified the armed forces and the Selective Service Act of 1948 which reinstated the draft.

Gurney's credentials as a loyal member of the GOP were never questioned when it came to domestic programs. He consistently joined his Republican colleagues in opposing government regulation and New Deal spending programs, especially those that might put the government in competition with the private sector. He also worked vigorously for programs to provide fair prices for farmers, and he fought for funds for Missouri River development and rural electrification projects in South Dakota.

Gurney was born on May 21, 1896, in Yankton, South Dakota, and was graduated

from Yankton High School in 1914. When World War I broke out, Gurney enlisted in the United States Army and served for roughly a year in Europe, as a sergeant with Company A of the Thirty-Fourth Engineers. Gurney later said that his wartime experiences and his lasting impressions of the German soldiers—"of how unbeaten they were, even behind barbed wire"—contributed to his continuing concern about the state of the country's military forces.

Gurney returned to Yankton after the First World War and became a well-known and versatile businessman. For several years he helped to operate the family seed and nursery business. In 1926 he established South Dakota's first radio station, WNAX of Yankton, where he worked for several years as a sports and news announcer. In 1932 he moved to Sioux Falls and established the Chan Gurney Oil Company.

Gurney first ran for the U.S. Senate in 1936. He won the Republican nomination but was defeated by the Democratic incumbent, William Bulow, in the general election. When he ran again in 1938, Gurney defeated Governor Leslie Jensen in the Republican primary and turned back the challenge of former Governor Tom Berry in the general election to win his seat in the U.S. Senate. He was reelected in 1944.

Gurney started his twelve-year Senate tenure in 1939, the year World War II began in Europe. In the next two years, pressure mounted for a U.S. military commitment. Gurney, although a freshman senator and a member of the Senate minority, was able to steer some of the administration's key military measures through Congress before the U.S. became involved in World War II in both the Atlantic and Pacific theaters.

In 1940 Gurney supported the Selective Training and Service Act which provided for the first peacetime program of compulsory military service in the U.S. In 1941 he steered through the Military Affairs Committee the bill calling for an 18-month extension of the act. This was quite an accomplishment since Chairman Thomas of Utah had been adamantly opposed to extending the draft in peacetime. The bill was signed into law by President Roosevelt August 18, 1941, just a few months before Pearl Harbor. (It had squeezed through the House by a vote of 203–202.)

The following September (after a German submarine attacked the USS Greer), Gurney voted with the administration for repeal of restrictive sections in the 1939 Neutrality Act. In October 1941 he called for outright repeal of the act. Gurney also supported President Roosevelt's lend lease program providing for military and other aid to the Allies. And he introduced the bill, passed in 1942, that lowered the draft age to eighteen.

Time Magazine, noting Gurney's efforts to build a strong defense establishment, said that the South Dakota Republican was behind President Roosevelt's defense policies "virtually 100 percent."

Gurney did not forget his home State. Throughout 1940 and 1941 he worked closely with Francis Case, then a member of the House, to promote Rapid City as the site of one of seven major new air bases throughout the nation.

When the Armed Services Committee was formed in 1947, Gurney, by now an established authority on military matters, was chosen as the panel's first chairman. In this capacity he introduced the National Security Act which unified the armed forces. He described the measure as "a sincere and earnest attempt to put into effect a security organization that is effective and modern—and yet economical."

An earlier draft had expired when Gurney introduced the Selective Service Act of 1948. Passed in June of that year, this provided for registration of all men between eighteen and twenty-five for twenty-one months' service. The draft was extended by law again in June 1950.

In addition to the Armed Services panel, Gurney served on the important Senate Appropriations Committee. As chairman of the Military Appropriations subcommittee he guided through the Senate large peacetime defense budgets.

In the postwar period Gurney also continued to support foreign aid programs, including loans to Great Britain, the Marshall Plan, and the North Atlantic Security Pact. But he consistently opposed any open-ended foreign aid commitments.

Burney's efforts to bolster the nation's defenses often overshadowed his other Congressional work. But Gurney was a strong supporter of increased benefits for veterans and a strong advocate of civil rights. In 1946 he voted for the Fair Employment Practices Act prohibiting discrimination in employment on the basis of nationality, race, or creed. In 1950 he opposed an amendment to the Internal Security Act that permitted detention of suspected saboteurs in periods of national emergency.

Besides Armed Services and Appropriations, Gurney served on the Senate Committees on Interstate Commerce, Public Lands and Surveys, and Irrigation and Reclamation.

When Gurney ran for a third U.S. Senate term in 1950, he was confronted by tough opposition from a fellow Republican, Representative Francis Case. Gurney campaigned on his record, pointing to his seniority and standing in the Senate. Case appealed to isolationists and argued that Gurney "only reflects the opinions of the military and the (Truman) administration on important policy decisions." More important, perhaps, Case concentrated on local issues. Republican voters chose Case as their nominee in the 1950 primary and Gurney left the Senate in January 1951.

Two months later, in March 1951, Gurney was appointed a member of the Civil Aeronautics Board. He served with distinction on the CAB during a period of remarkable growth in air travel. He was the board's chairman from 1954 to 1957 and continued as its vice chairman until his retirement in 1964.

THE STATUS OF THE REPUBLIC OF CHINA AS A MEMBER OF THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. DENTON. Mr. President, since 1961 the Republic of China has been an important, active member of the International Criminal Police Organization [Interpol] with respect to the territory under its exclusive control. On September 5, 1984, the continued membership of the Republic of China was brought into question by the admission into Interpol of the People's Republic of China.

The problem arose as a result of extraneous statements made by the People's Republic of China in its admission application that "the People's Republic of China is the sole legitimate government of China," * * * that "Taiwan is an inseparable part of Chinese territory," and that "after joining Interpol, the Chinese [PRC] delegation shall be the sole delegation for the Chinese [PRC] government, and it shall be incumbent upon us to appoint the delegation head and exercise the right to vote."

The acceptance of the membership application of the People's Republic of China apparently was considered by some members of Interpol, including the Secretary General, as an endorsement of the extraneous declarations contained in the application. The Republic of China immediately protested that such an interpretation would be in violation of the Interpol Constitution. The delegate from Nigeria expressed his understanding, and that of other members who voted to accept the People's Republic of China, that its membership application "simply drew attention to the possible consequences of acceptance of the application" and that he "did not think that the Assembly's acceptance of the application meant that one of its members had to be expelled * * *. The Assembly could consider that it had purely and simply accepted a new member * * *. Membership on the part of the People's Republic of China should not have any effect on the presence of the Delegation of the Republic of China in the Assembly."

The Interpol Executive Committee, which includes several representatives of the United States, met on February 11, 1985, to discuss the controversy about the status of the Republic of China. Prior to the meeting, Senator THURMOND, Senator HATCH, Senator EAST, Senator GRASSLEY, Senator DECONCINI, and I sent a letter, dated February 8, 1985, to President Reagan expressing our deepest concern about the possible expulsion or disenfranchisement of the Republic of China. We urged the President to instruct the U.S. delegation to the Interpol Executive Committee to take the necessary action to ensure that the full membership rights of the Republic of China were not prejudiced by the membership of the People's Republic of China.

Because of the extreme time constraints we faced in getting this letter to the President, only five Senators on the Judiciary Committee were able to sign it. We know, however, that more Senators on the committee were supportive of our effort and would like to have had the opportunity to cosign the letter.

Mr. President, I ask unanimous consent, that the text of the letter be printed in the RECORD immediately following my remarks.

I also ask that the text of a memorandum of law prepared by the Wash-

ington, DC, law firm of Vance, Joyce, Carbaugh, Huang, Fields, and Crommelin be printed immediately following the letter.

The memorandum thoroughly analyzes the legal issues surrounding the application and acceptance of the People's Republic of China as a member of Interpol. It concludes, incontrovertibly, that the inclusion of the People's Republic of China into Interpol did not and could not, under either the Interpol constitution or international law, affect the status or rights of the Republic of China within Interpol, and that any attempt to disenfranchise or exclude the Republic of China from membership would be in direct violation of article 3 of the Interpol constitution, which explicitly and unambiguously prohibits the organization from undertaking any intervention or activities of a political nature.

Mr. President, unlike the United Nations, Interpol is not a treaty-regime grouping of nations. It is a voluntary, nonpolitical association of governments with the sole purpose of providing mutual cooperation for practical and mutually beneficial internal governmental ends. In conformance with the explicit prohibition in its constitution, the members of Interpol have traditionally avoided any activities of a political nature. It would be not only in violation of the Interpol constitution but also detrimental to all of the members of Interpol if the organization takes a partisan stand on a highly controversial political issue.

Mr. President, the resolution of this issue will also have a direct effect on the interests of the United States. As you know, the United States has no extradition treaty with the Republic of China, but, our common membership in Interpol has provided us with a means for our law enforcement agencies to cooperate with each other in anticrime efforts. If the Republic of China ceases to be an active, voting member of Interpol, the relationship of cooperation that has developed between our two countries could be significantly impaired.

The Executive Committee of Interpol will reconsider the issue when it meets in June of this year. Although the People's Republic of China is an important and welcome addition to Interpol, the continued membership of the Republic of China is equally important. The worldwide law enforcement community will reap the greatest benefit if it has access to police information from both governments.

I urge each Member of this body to express to President Reagan your utmost concern about the situation and to support a resolution of this issue that will avoid any diminution of the membership rights of the Republic of China in the International Criminal Police Organization.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 8, 1985.

Hon. RONALD W. REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On September 5, 1984, the People's Republic of China was admitted to the International Criminal Police Organization (Interpol) by vote of the Interpol General Assembly meeting in Luxembourg. At that time, the assertion was made that the admission of the PRC automatically had caused the Republic of China, a member of Interpol since 1961, to be expelled.

Nevertheless, the Republic of China since September 5 has continued serving as a Member of Interpol, has assisted in the past few months in a large number of criminal investigations at the request of other Interpol Members, and has fully exercised the rights and fulfilled the obligations of Membership as it has always done in the past. The Republic of China has done so because any purported change in its status as a result of the admission of the PRC would be in violation of the Constitution of Interpol, which is non-political in character, contrary to the principles of equality and justice, and, above all, inconsistent with reality.

The entity which is the Republic of China has not changed in any manner whatsoever since its original admission to Interpol. It is now, as it has been throughout 24 years of Membership, Perfectly competent to fulfill its obligations in every respect. In fact, except for the Republic of China, no other entity can ensure that the police authorities under the jurisidiction of the Republic of China could provide assistance and cooperation when required. On ground of competency alone, therefore, the Republic of China should remain a Member.

Moreover, treaty and sovereign recognition issues of the type which arose in connection with the PRC Membership in the U.N. are not involved. Interpol is not in any way an international organization analogous to the United Nations or any similar treaty-regime grouping of obligated nations adhering as organization Members in their sovereign capacity. Interpol is instead a purely voluntary intergovernmental association formed purely for cooperative governmental purposes in suppressing crime.

The past President of Interpol, on September 11, 1984, stated in the Interpol General Assembly that there were legal aspects concerning the status of the ROC and that he had decided to submit the matter to legal experts for advice. As a result, the Interpol Executive Committee will discuss ROC status in Interpol at its next scheduled meeting in France on February 11, 1985. As you know, representatives of our government serve on the Executive Committee and the newly-elected President of Interpol is John R. Simpson, Director of the United States Secret Service. As President, John Simpson, will thus play a crucial role in resolving the issue.

Accordingly, we urge you to instruct our delegation to take, at the Executive Committee meeting, whatever action may be necessary to insure that the full Membership rights of the ROC are not prejudiced. Such action would be consistent with the spirit and intent of Section 5(d) of the Taiwan Relations Act which forbids any activity under the Act "supporting the exclusion or expulsion of Taiwan from continued membership in any international organization."

The work of our delegation on behalf of the ROC would also be of critical importance to our own country because the United States has no extradition treaty with the Republic of China, and Interpol remains one of the few practical means by which United States law enforcement agencies can cooperate with and receive the cooperation of the ROC in attaining shared anticriminal objectives. If the ROC should, for any reason, cease to be a Member of Interpol that cooperation would be seriously impaired, if not ended.

In short, the issue is not one of government recognition or of sovereign treaty obligations in a treaty-regime organization. It is, however, a clear issue of practical effectiveness in criminal law enforcement and one in which our Interpol delegation can be decisive in ending any further unnecessary difficulty.

Your strong personal support for that judgment would be deeply valued by each of us and would do much to insure an end to an unfortunate episode in the history of Interpol and to strengthen the international effort to suppress crime.

With warmest personal regards, we are

Respectfully,

JOHN P. EAST,
ORRIN G. HATCH,
STROM THURMOND,
JEREMIAH DENTON,
CHUCK GRASSLEY,
DENNIS DECONCINI.

INTRODUCTION

On September 11, 1984, the past President of the International Criminal Police Organization (hereinafter "Interpol" or the "Organization") stated in the Interpol General Assembly that the Executive Committee had determined that there were "legal aspects" which had arisen in connection with the status of the Republic of China (hereinafter, occasionally, the "ROC") as a Member of Interpol and that the Committee had decided to submit the matter to legal experts for comment.

The question thus submitted is essentially whether the admission of the People's Republic of China (hereinafter, occasionally, the "PRC") to the Organization on September 5, 1984, modified in some fashion the status of the ROC as an Interpol Member or caused its expulsion.

This memorandum is respectfully rendered, therefore, to provide additional analysis of the relevant law and facts. It is also submitted in the sincere hope that the information herein will assist the President in fulfilling his intent to make to the General Assembly an unbiased and well-founded report which will serve to strengthen Interpol organizational objectives rather than detract from them.

STATEMENT OF FACTS

On October 14, 1960, the Republic of China applied by letter to the Interpol Secretary General for admission to Interpol. The application contained no extraneous claims regarding the identity (territorial extent, population, etc.) of the Republic of China and pledged payment of one budget unit under the Interpol dues assessment system.

On September 4, 1961, the Interpol General Assembly admitted the Republic of China to Membership and "The Republic of China" was declared a Member country.

(See the Record of Proceedings in the General Assembly—hereinafter the *"Record"* at 30/AGN/PV/1, page 5.)

On May 17, 1984, the Criminal Police Authorities of the People's Republic of China filed (in English) a request for Membership in Interpol. The request "reiterated" the "stand that the People's Republic of China is the sole legitimate government of China and that Taiwan is an inseparable part of Chinese territory." The request further asserted that "after joining Interpol, the Chinese [PRC] delegation shall be the sole delegation for the Chinese [PRC] government, and it shall be incumbent upon us to appoint the delegation head and exercise the right to vote." In closing, the request advised additionally that the "number of membership dues we will pay is 30 units."

On June 14, 1984, the text of the PRC application was sent to each Interpol National Central Bureau (hereinafter "NCB") with an annexed circular letter in which the Interpol Secretary General advised the NCBs to consult with their governments on the PRC application for Membership.

On August 14, 1984, perhaps in response to a request for clarification from the Interpol General Secretariat and possibly after consultation of French counsel, a representative of the PRC made to the Secretary General, in French translation, a declaration (apparently oral) of the PRC concept of the effect of its Membership with regard to various matters including the status of the Republic of China in the Organization.

In pertinent part, the August 14 PRC declaration (in English translation) stated:

1. That—"the problem will remain the same in 1985 as in 1984. We understand what could happen in the General Assembly, however, we are persuaded that, thanks to the efforts of the Secretary General and of friendly Member countries, the problem will be able to be managed in a satisfactory fashion . . . we are certain that thanks to your influence [the Secretary General's] the *position* of China [the PRC] could be accepted . . . We ought however to work still on the other member countries;" and,

2. That—the PRC held the position that *"the resolution* which *ought* to be adopted by the Secretary General *ought* to include the following points: the PRC is the sole legitimate government of China and Taiwan is a part of China; that the Criminal Police Authorities [of the PRC] understand that the sole legitimate delegate adhering to the organization *should* be itself; and that the name of the entity of Taiwan in Interpol *ought* to be changed to 'the Department of Taiwan of China';" and that "the head of the delegation *ought* to be named by the competent department of the PRC to serve in the General Assembly and to exercise the right of the vote of China in Interpol." (Emphasis added.)

On September 4, 1984, in Luxembourg, at the second meeting of the 53rd Secretary General Session of Interpol, the Secretary General reported to the Assembly the receipt of the request for Membership of the PRC with declaration (but *not* a resolution containing the points urged by the PRC). During the course of the lengthy debate on the effect of admitting the PRC to Membership when the document requesting Membership and related declaration also stated the position of the PRC vis-a-vis the ROC, the Secretary General have the opinion that if "the *application* for membership was put to the vote and accepted . . . only the People's Republic of China would have the right to vote." (Emphasis added; *Record*, 53/ABN/PV/2 at page 11.)

During the course of the debate, many delegates (including the delegates from the United States) expressed contrary opinions and, for example, the delegate from Nigeria stated that he was "surprised at the views expressed by the Secretariat and the President who had given no warning about the difficulties that they now seemed to perceive." *Record*, 53/AGN/PV/2 at page 8. The PRC "application" for Membership (as perhaps then perceived, but more validly the simple question of admission of the PRC), not receiving the required two-thirds of votes cast, was rejected.

On the following day, September 5, 1984, the Interpol President "read out Article 21 of the General Regulations" and declared that since the vote taken on the admission of the PRC "had not resulted in a two-thirds majority in favour of *Membership*, a second vote would be taken." (Emphasis added; *Record*, 53/AGN/PV/3 at page 1.)

Neither the PRC position nor the previously implied effects of the request were mentioned by the President, and without debate or notice, the General assembly admitted the PRC to Membership by the required two-thirds.

Immediately following the vote the delegate from the Republic of China, apparently fearing that the ballot would be interpreted as expelling the ROC, stated the view that in such regard the Interpol Constitution (hereinafter, occasionally, the "I.C." or the "Constitution") "was clearly being violated" and that he would "defend the Republic of China's right to remain within Interpol." *Record*, 53/AGN/PV/3 at page 2.

Responding, the Nigerian Delegate stated the apparent view of many who voted for the admission of the PRC that he "had understood that the application for membership by the People's Republic of China simply drew attention to the possible consequences of acceptance of the application" and that he "did not think that the Assembly's acceptance of the application meant that one of its members had to be expelled . . . The Assembly could consider that it had purely and simply accepted a new member . . . Membership on the part of the People's Republic of China should not have any effect on the presence of the Delegation of the Republic of China in the Assembly." *Record*, 53/AGN/PV/3 at page 2.

Similarly, the Interpol President (in direct response to the ROC delegate's stated view that there was a need for a "study group to try to solve the problem") "repeated that the decision taken raised no problems". . . and reiterated simply that "the People's Republic of China had been accepted as a member of Interpol." *Record*, 53/AGN/PV/3 at page 4.

Later, however, the Secretary General, in tabulating the total number of Interpol Members, implied that the ROC had been expelled: "the vote on the representation of China meant that there was no change in the number." *Record*, 53/AGN/PV/3 at page 5.

During the session of 5 September, 1984, the ROC delegation, *at the insistence of no one either in open session or in private*, voluntarily and temporarily withdrew from the Assembly meeting room to avoid any situation which might needlessly embarrass the ROC, Interpol, its President, or its other Members. (See, in confirmation, the letter dated September 9, 1984, from the ROC Chief Delegate to the Interpol President.) At no time did the ROC delegate relinquish or withdraw ROC Membership in Interpol nor was he authorized (nor did he have apparent authority) so to do in any event. (Contrary assertions in other memoranda do not comport with the *Record* or the facts.)

On September 11, 1984, The Interpol President, "noted that there were legal aspects" involved, resulting in the present and other memoranda. (See Appendix hereto and *Record*, 53/AGN/PV/6 at page 1.) At no time, however, did the General Assembly take any action to expel the ROC. *Record*, 53/AGN.

Accordingly, during the time since the conclusion of the 53rd General Assembly Session of Interpol, the Republic of China has continued in every respect, as it has done since 1961, to exercise its rights and to fulfill its obligations as a Member of Interpol, has responded to numerous requests for assistance in criminal investigations from other Members, has continued to receive the full and reciprocal cooperation of other Members, and expects to remain an Interpol Member both now and in future years.

ISSUES PRESENTED

Issue I.—Under the Interpol constitution was any question purporting to affect ROC status in Interpol either actually or *validly* before the Interpol General Assembly on September 5, 1984; did the vote of that day purport to affect that status or did it merely admit the PRC to membership and, at most, take note of the PRC declaration vis-a-vis the ROC?

Issue II.—If the action of September 5, 1984, admitting the PRC to membership *did* purport to affect the status of the ROC, was it in that regard to the Interpol constitution and hence void?

Issue III.—As a voluntary intergovernmental association not founded by treaty, is Interpol governed in *internal* organizational matters by international law *qua* law; does the Interpol constitution, voluntarily and severally adhered to and implemented under the domestic law of members, independently control instead?

Issue IV.—Assuming *Arguendo* that international law *qua* law does apply to *internal* Interpol organizational matters, under accepted norms of international law so applied, did the admission of the PRC to membership *per se* expel the ROC; is the simultaneous membership of the PRC and the ROC contrary to such norms applied in the Interpol constitutional regime?

Issue V.—With respect to the territory under the effective control of the ROC, as a practical matter (and assuming the applicability of the principle of international law that organizational membership is based on the ability to perform), can the overall inter-governmental goals of Interpol expressed in I.C. article 2 and the specific *domestic* anti-criminal government objectives of members be met *at all* by any member other than the Republic of China?

ARGUMENT

Issue I.—Under the Interpol constitution was any question purporting to affect ROC status in Interpol either actually or *validly* before the Interpol general assembly on September 5, 1984; did the vote of that day purport to affect that status or did it merely admit the PRC to membership and, at most, take note of the PRC declaration vis-a-vis the ROC?

Discussion

Article 4 of the I.C. provides in relevant part, as follows:

"The *request for membership* shall be submitted to the Secretary General by the appropriate governmental authority."

"*Membership* shall be subject to approval by a two-thirds majority of the General Assembly." (Emphasis added.)—*Constitution and General Regulations*, September, 1977, at page 3.

The above language is unambiguous in specifying constitutional procedures for submitting "requests for membership" to the Secretary General and thereafter for the General Assembly acting solely on approval of "Membership." Stated differently, under Article 4, the precise issue subject to a two-thirds majority vote of the General Assembly is purely and simply admission to Membership.

Admission only permissible question

It is *not* approval or disapproval of the *application* itself or of the *words* of the request (or especially of an accompanying transcribed and translated oral declaration), either as to form or substance, but it is instead exclusively whether an entity requesting Membership shall be admitted to Membership. Under an Article 4 procedure the issue is and can be nothing more.

Because of the expressly limited scope of Article 4 and its special voting procedures, an action under it can not therefore validly include any other question nor can it validly incorporate any *substantive* motion, even that of a Member. Otherwise, among other results, the constitutional requirement of a two-thirds vote of the General Assembly could easily be misapplied to substantive questions requiring either a simple majority only or an extraordinary two-thirds majority of *all Members* with three months advance notice.

No parliamentary standing

Moreover, at the time the question of admission of the PRC to Membership was put before the General Assembly, the PRC was *not* a member and hence could not vote, present a question, or make or second a motion of any type, including obviously one to expel another Member or to modify its Membership rights. Besides the fundamental unseemliness of the PRC requesting Membership while simultaneously stating the position that its admission ought to require the expulsion of another, the PRC had no parliamentary standing to make *any* proposal, much less one which sought to prejudice the rights of a Member. That is why even the PRC declaration itself used repeatedly the term *ought* with respect to a proposed resolution (which was never proposed) concerning the ROC.

In short, under Article 4, notwithstanding the extraneous matters in the PRC "request for membership" or in the subsequent precatory "declaration" received by the Secretary General, only the question of admission to Membership could validly be put before the General Assembly on behalf of the PRC in response to its request. To attempt to present or to move any other substantive question was unauthorized.

Accordingly, constitutional authority was exceeded (and parliamentary procedure violated) in the purported presentation of positions and declarations concerning ROC status or its expulsion as part of the exclusive question mandated by Article 4: the admission of the PRC to Membership.

At most, the General Assembly could be deemed to have taken note of the PRC positions and declarations (having, obviously, been made aware of them) because any substantive proposal of such nature could only be presented as a question by a Member, and not by an Interpol official with no right to vote or move the adoption of a question nor by a supplicant for Membership also without those rights.

Constitutional amendment required

Moreover, since there is no I.C. provision for expulsion or modification of Membership status (beyond temporary administrative suspension under the General Regulations for non-payment of dues), any question seeking to expel a Constitutional Member, or to modify permanently its other Constitutional rights, would necessarily require a Constitutional Amendment and a vote not merely of two-thirds of the General Assembly, but instead, of two-thirds of all Interpol Members and that only after three months notice.

During the debate of September 4, 1984, much was said regarding the "receivability" of the extraneous declarations involving the ROC during the procedures under Article 4 even though the Article provides only for consideration of admission to Membership. Because the I.C. thus does not authorize under Article 4 the submission to the General Assembly of any question except admission to Membership, this discussion and debate concerning the receivability of the PRC declarations was moot.

Worth noting, however, are the observations of many delegates on September 4 objecting to the inference that the Membership question entailed any other issue. Similarly, 41 Members (more than one-third) voted to separate the extraneous question invalidly under discussion in the General Assembly from the simple question of PRC admission. Although this procedural exercise, on close examination of Article 4, is also seen as moot, it does evidence the large number of delegates who intended to adhere to the Constitution and consider PRC admission to Membership only.

Finaly, "receivability" under the I.C. of the extraneous question of ROC status during consideration of the question of PRC admission to Membership was not decided by the rejection of the purely procedural motion for a point by point vote on a question that could constitutionally have only one point: PRC admission. As such, the vote was moot, and since procedural in the first instance, no substantive inference can be drawn from it.

The ballot of September 5 decided only the issue of PRC admission to membership

The vote of September 4, based on the tone and tenor of the debate preceding it, rejected PRC Membership because a significant number of delegates favoring PRC admission to Membership also did not wish to prejudice existing ROC Membership and feared that, in view of the discussion preceding it, the vote might be misinterpreted as an action doing something more than simply admitting the PRC.

As such, the rejection of PRC Membership, under conditions inferring that the ROC might be downgraded or expelled, amounted to rejection also of the procedurally and constitutionally invalid positions which were extraneous to PRC admission but had been discussed at length during the debate. As such, the vote was also a rejection of the paradoxical assertion of the chair that it could take no position on the "receivability" of the extraneous issues while at the same time purporting exactly to present them. (See in that regard the instructive comments of the delegate from Senegal; *Record*, 53/AGN/PV/2 at page 9.)

Immediate vote

As a result, the vote of September 5, under the procedures specified in Article 4, occurred only on the question of PRC Membership but before the General Assembly *immediately* without discussion of "receivability" of extraneous matters. Since these matters were never received, they were clearly not acted upon, nor could they validly have been.

The General Assembly acted therefore only on the question of PRC admission, it being properly determined that the extraneous statements in the PRC application and declaration discussed the previous day had not been received or had been rejected *on* the previous day (if they had ever been before the General Assembly in any event). In sum, an Article 4 question only, i.e. admission to Membership, was before the body.

In this latter aspect, the remarks of the Nigerian delegate on September 5 are again particularly illuminating.

"[He] had understood that the application for membership by the People's Republic of China simply drew attention to the possible consequences of acceptance of the application. He did not think that the Assembly's acceptance of the application meant that one of its members had to be expelled. The Assembly could consider that it had purely and simply accepted a new member. Membership on the part of the People's Republic of China should not have any effect on the presence of the Delegation of the Republic of China at the Assembly."—*Record*, 53/AGN/PV/3 at page 2.

In addition, the vote on September 5 occurred as a result of the presumed requirement of Article 21 of the General Regulations (hereinafter, occasionally, "G.R.") providing for a second vote if a question requiring a two-thirds majority is not acted upon favorably on the first ballot.

Article 21, in English text, reads as follows:

"Voting shall be done by single ballot, except where a two-thirds majority is required."

"In the latter case, if the required majority is not obtained the first time, a second vote shall be taken."—*Constitution and General Regulations*, September, 1977, at page 16

Vote Confined to Admission

Since "in the latter case" equals "where a two-thirds majority is required," for G.R. Article 21 to have applied "where a two-thirds majority is required," it could only apply under Article 4 to the exclusive question "subject to approval by a two-thirds majority," i.e. admission to Membership. Hence, the ballot of September 5, as specified in Article 21 of the General Regulations, was necessarily confined to that issue.

It may also be advisable to note, at least in passing, that the Spanish text of Article 21 does not *require* a second ballot but only *permits* a second ballot. Therefore, under the Spanish text, there is a presumption that a request from a Member must precede a second ballot. Moreover, under the English text, there is a fair inference that the second vote must occur contemporaneously with the first.

In view of these difficulties, perhaps it should suffice to say that the presentation of the second vote on the second day without notice, warning, or debate was unusual and was so perceived by many delegates. (See *Record*, 53/AGN/PV/3—pages 1 through 5; Cf. at page 4, the Bolivian dele-

gate who "regretted that the General Secretariat had not notified the Assembly the day before that a second vote would be required" . . . and the General Secretariat which was said, at page 5, to be "*overloaded* with work and . . . unable to fulfill all its duties *as it should.*") (Emphasis added.)

Membership tabulation

Under these circumstances and contrary to Interpol President Bugarin's flat statement after the second ballot that "the decision taken raised no problems: the PRC [has] been *accepted as a Member* of Interpol," it was indeed unfortunate, if not unfathomable, that in the subsequent administrative tabulation of the total number of Members of Interpol it was implied that the ROC had been expelled. (See *Record*, 53/AGN/PV/3 at page 5.) That particular implication, however, arose from a purely functionary task and not from an action of the General Assembly nor any Member. It is, therefore, best characterized instead as an expression primarily of opinion perhaps evoked on the spur of the moment by the exigencies of administrative duties being performed under pressure when "overloaded with work."

This much at least is certain: at no time did the question presented on September 5 openly purport to include the expulsion of the ROC, or any proposal for the modification of its status, and the patent impropriety of now so characterizing that ballot is therefore as overwhelming as would be the unconstitutionality of any such purported effects.

Issue II.—If the action of September 5, 1984, admitting the PRC to membership did purport to affect the status of the ROC, was it in that regard contrary to the Interpol constitution and hence void?

Discussion

Although the analysis thus far attempts to make clear that the ballot of September 5, 1984, intended in actuality only to admit the PRC to Interpol Membership, even if it is assumed, in the alternative, that the ballot was meant to expel the ROC or to modify its status, the end result preserving ROC Membership is the same.

It is the same because otherwise the Constitution would be violated in two aspects: the prohibition of any political activity and the absolute constitutional protection of Membership.

With regard to the latter, during the debate on September 4, the assertion was made that the General Assembly is the supreme authority of Interpol and could therefore presumably act as it might choose in using procedures under Article 4 to expel a Member or modify its rights. This perception of the role of the General Assembly reflects a grave misconception of the role of the Assembly in a constitutional system.

Constitution supreme

First, it is important to note that under I.C. Article 5 the General Assembly is declared the "supreme authority *in*" Interpol. (Emphasis added.) Nowhere is it declared the supreme authority *of* Interpol. That authority rests, by the very nature of constitutional organization, in the Constitution itself.

Hence, the General Assembly is necessarily limited in its power by the Constitution, as are all the other constituent parts of the Interpol organization (e.g. the General Secretariat) over which the General Assembly is superior. Otherwise, there would be no reason for having a constitution at all, nor would there be any reason for specifying procedures for its amendment or for the promulgation of interpretative General Regulations.

There would also have been no reason nor logic for having mandated in I.C. Article 8 that:

"The functions of the General Assembly shall be . . . to carry out the duties *laid down* in the constitution." (Emphasis added.) *Constitution and General Regulations* September, 1977, at page 4.

Moreover, if the authority of the General Assembly is not limited by the Constitution, there would have been no need to have allowed the original Members six months in which to decline Membership under the Constitution or to specify a constitutional procedure (Article 4) for receiving subsequent "request for membership" and for acting thereafter on admission of Membership.

In addition, the manner in which the General Assembly applies the constitution is specified in Article 44 which *directs* the Assembly to use the procedure of interpretative General Regulations adopted after notice and a two-thirds majority vote. Even so, such General Regulations of the General Assembly are specifically declared to be *inferior* to the constitution, and overruled by it in case of conflict. (See G:R. Article 1 in *Constitution and General Regulations*, September 1977, at page 13.)

Membership constitutional

From these facts it can be determined that Interpol Membership and the rights associated therewith are *constitutional* in nature. That recognition is, as already indicated, evident throughout the Interpol Constitution; however, one need only look at I.C. Article 45 to understand conclusively that Membership itself (as well as its constitutionally expressed rights) is fundamentally constitutional in character because Article 45 actually incorporates by reference in the Constitution itself *the names* of the original Members and declares them to be Members as so named *based on* their adherence to the Constitution.

By analogy, the status of the States comprising the United States under the American Constitution is—as in many other constitutional federal systems throughout the world—purely constitutional in nature, based on adherence to the American Constitution in the case of the original North American States and on admission in that of subsequently joining States. Their resulting status in the American federal system cannot be changed except by constitutional amendment.

Since Membership status in Interpol is also, by its definition, constitutional in nature and is also achieved by original adherence or through compliance with constitutional procedures of admission, in the absence of a voluntary act of the Member (e.g. withdrawal, non-payment of dues) the *only* valid way that Membership status can be permanently modified, *if at all*, is likewise by constitutional amendment.

The certainty of this result is strengthened by the observation that the Interpol Constitution has no provision for expulsion of a Member nor for modification of the rights and status of Membership once those rights and status have vested—either as a result of the operation of Article 45 regarding original Members adhering to the I.C. or under Article 4 governing acceptance of new Members. (Except, however, in accordance presumably with I.C. Article 2 and 38, General Regulation Article 53 appears to permit *suspension* of the right to vote and other benefits as a remedy for chronic non-payment of dues. Such suspension is purely administrative and temporary, results from the voluntary actions of Member involved, and can easily be lifted by its voluntary action.)

Rights vest at time of admission

In summary, the rights arising from Membership obtained under either Article 45 or Article 4 vest at the time Membership status is obtained, and those constitutional rights of Membership (e.g. *name*, power to vote, move a question, and speak, to designate a head of delegation, etc.) arise from *that time* and attain constitutional protection then and thereafter; otherwise, the concept of Membership for all Members would be essentially meaningless if the rights of Membership or Membership itself were constantly subject to subsequent modification or revocation at whim by any action of less dignity than that of constitutional amendment.

If the ballot of September 5 is asserted to have affected the constitutionally protected rights and Membership status of the Republic of China, or to have expelled the ROC, it is in such regard also void because it would in that aspect violate I.C. Article 3 which is unambiguous and clearly broad in scope in prohibiting political activities of any kind.

During the debate on September 4 there were occasional statements that the Interpol prohibition on political activities was meant to extend to police investigations only and that, because the question of admission to Membership was inherently political, political activities could be undertaken with respect to particular *Members*. (See, for example, *Record*, 53/AGN/PV/2 at page 2.) These pronouncements, although undoubtedly well-intentioned and well-motivated, were ill-advised and ill-informed.

Article 3 specifies as follows:

"It is strictly forbidden for the Organization to undertake *any* intervention or activities of a political, military, religious or racial character." (Emphasis added.) *Constitution and General Regulations* September, 1977, at page 3.

The location of Article 3, at the beginning of the Constitution suggests the paramount importance to be attached to it, and its proximity to Article 2 (Goals) and to article 4 (Membership) implies the interrelation of these three primary provisions and is added strong evidence that the broad prohibition of Article 3 is particularly to be applied in achieving organizational goals and in dealing with matters directly affecting Members.

Prohibition broadly worded

Article 3 is furthermore *on its face* completely unambiguous and is clearly broad in scope as a prohibition of political activity of any kind. The Article is open to no other reasonable interpretation since it uses the broadly prohibitive term "strictly forbidden" with respect to a determination of the degree of political action which might be allowed and, with respect to what cannot be political, the widely encompassing term *"activities"*—a word which by its obvious generality must contemplate virtually every conceivable action involving the Organization. The inclusion of an express prohibition of political [criminal] "intervention" *in addition* to that of political "activities" also shows that *not just* interventions were involved; otherwise there would be no reason for the addition of the phrase "or [any] activities".

Prohibition based in history

That conclusion is confirmed by the publication entitled *Interpol—History and Constitution* which the Organization distributed after the adoption of the 1956 Constitution. This contemporaneous official document states unequivocally, at page 10:

"*All* activities of a political, military, religious or racial nature are *strictly forbidden* by the new constitution." (Emphasis added.)

Taking account of a similar broad prohibition in the 1946 statutes, the booklet further states, also at page 10:

"The word 'military' is the only innovation on this subject."

To say now, contrary to these blunt assertions made when the adoption of the 1956 Constitution was fresh in mind, that Article 3 applies today only to criminal investigations is to ignore completely the difficult history of Interpol which the post-Nazi Constitutions of 1946 and 1956 sought to rectify permanently. In short, the encompassing scope of Article 3 is also proven in that only a broad interpretation will support the cooperative goals of Article 2 toward which Interpol has heretofore striven successfully for almost forty years and with which the political interests of individual Members (or even of more than two-thirds of the General Assembly) are forbidden to interfere.

Action of admission expressly authorized

Finally, contrary to remarks in the General Assembly and elsewhere, the suggestion is highly misleading that the admission of a Member is itself a "political" act and hence serves to demonstrate the newly-acquired "limited" scope of the Article 3 prohibition. Obviously, there is an inevitable "political" character to any General Assembly action admitting a new Member, but that *highly limited*, yea or nay, "political" action is *expressly authorized* by the Constitution itself. In the absence of an express and specific authorization, Article 3 must control.

The maxim of Constitutional interpretation, and indeed of all statutory construction, that *the specific governs the general*, has as an obvious corollary in the principle that a general and broad prohibition on actions controls in the absense of an express specific authorization of action.

There is no constitutional authorization to engage in the political activity of expelling a Member nor of modifying its Membership status (only the practical, apolitical "suspension" of voting rights and other benefits for non-payment of dues) *nor certainly is there authority for deciding between competing political claims regarding disputed territory;* hence any action purporting to have that effect is forbidden by Article 3 and thus void.

Issue III.—As a voluntary intergovernmental association not founded by treaty, is Interpol governed in internal organizational matters by international law QUA law; does the Interpol constitution, voluntarily and severally adhered to and implemented under the domestic law of members, independently control instead?

Discussion

Interpol is not an entity organized under international treaty-regime. Members have not joined in accordance with their respective constitutional process for forming international agreements. The Organization does not have a treaty foundation as does the United Nations or its agencies.

In that regard, neither the 1971 resolution of the U.N. Social and Economic Council nor the subsequent U.N. recognition of Interpol as an intergovernmental organization make Interpol a part of the U.N. treaty-regime structure. They merely evidence an intent to cooperate in seeking mutual goals.

Membership in Interpol is voluntary and *not* obligated by reason of any international agreement. All that is expressed is a voluntary "willingness" to abide by the Interpol Constitution. Participation is normally authorized by domestic statute or administrative procedure of Member countries. Unlike the Charters of the United Nations, the International Labor Organization, and countless other treaty-regime organizations, the Interpol Constitution may be amended by its Assembly *without* national ratification.

No treaty obligation

It is *not* an international organization in the sense of a Membership league of treaty-obligated sovereign States; it is simply a voluntary intergovernmental association resulting from the unobligated participation of *governments* (with wholly independent legal systems exercising effective independent control over populations and territory) for practical and mutually beneficial *internal* (i.e. *domestic*) governmental ends.

Each Member operates exclusively within the framework of its own independent domestic law and of ordinary international law as the same pre-existed, exists now, is modified, and continues (e.g. extradition treaties), all entirely independent of Interpol.

As a result, *specific* international law as it might apply to, or form a basis for, the United Nations or other treaty-regime organizations (and might govern the exercise of rights and performance of obligations therein) *does not apply* to Interpol and especially does not apply with regard to internal *organizational* matters. It cannot, therefore, provide a basis for interfering with the constitutional Membership rights of a voluntarily participating Member whose rights have vested and who is in good standing.

For similar reasons, the Interpol agreement with France (November 3, 1982) regarding Interpol headquarters and its juridical personality is an agreement made under French domestic law only and has no applicability, nor can it govern (or any inference be drawn from it), in purely internal organizational issues within Interpol; otherwise, a fundamental intent of the new Interpol (which finds full expression in its current Constitution) to avoid any potential for a repetition of national interference (Cf. Nazi Austria) would be frustrated.

The concepts and distinctions were well appreciated by many delegates at the 53 General Assembly Session in Luxembourg. They were succinctly expressed by the delegate from Cameroon who pointed out that:

"Interpol was an *intergovernmental*, but apolitical, organization and *could not be compared with the organizations in the United Nations family.* The authorities of the People's Republic of China and those of the Republic of China each considered they had [effective] authority over different territorial entities. Why should the Organization wish to take an extreme position by refusing to give a seat to each?" (Emphasis added; *Record*, 53/AGN/PV/2 at page 6.)

Specific international law inapplicable

In summary, because Interpol is not an organization of treaty-committed States and is more properly characterized as an unobligated association of voluntarily participating governments, the international law *qua* law of a treaty-regime organization (having as its source the regime itself) is totally inapplicable, except for the possible instructional value of its analogies. (See "The Creation [Sources] and Application of International Law" in Kelsen, *Principles of International Law.*) This conclusion is confirmed by the apparent complete absence of jurisdiction of any international tribunal over any Interpol matter—the principle at work in Interpol being international cooperation not international obligation.

Because international law *qua law* does not govern with respect to Interpol Membership, internal Membership issues are controlled *exclusively* by the Interpol Constitution itself without reference to inferences which might be drawn or created from the law source of a treaty-regime. In these circumstances, it is necessary therefore only to note that under the provisions of the Interpol Constitution the admission of a new Member cannot divest the vested rights of an existing Member, especially when the character and nature of the existing Member has not changed in any way since its own admission and it is as able to perform its obligations and exercise its rights as always.

Issue IV.—Assuming *arguendo* that international law *qua* law does apply to *internal* Interpol organizational matters, under accepted norms of international law so applied, did the admission of the PRC to membership *per se* expel the ROC; is the simultaneous membership of the PRC and the ROC contrary to such norms applied in the Interpol constitutional regime?

Discussion

Articles 7 and 13 of the Interpol Constitution read in relevant part as follows:

"Article 7. Each Member may be represented by one or several delegates; however, for each *country* there shall be *only* one delegation head appointed by the *competent governmental authority* of that *country.*" (Emphasis added.)

Article 13. Only one delegate from *each country* shall have the right to vote in the General Assembly." (Emphasis added.) *Constitution and General Regulations*, September, 1977, at pages 4 and 5.

These provisions have been used by the PRC and others to buttress the assertion that the admission of the PRC to Interpol, because of the international law of the recognition of governments or (more properly) of States, requires the automatic expulsion of the ROC or, at least, the subordination of its Membership position within the Organization to that of the PRC.

In that regard, it is maintained that since some countries and international organizations assert that there is only one China, it must follow that the People's Republic of China Government is the "competent governmental authority of that country" and that since "only one delegate from each country" can have the right to vote, that right must rest with the delegate designated by the PRC Government.

The argument goes essentially that the ROC was admitted as "China," that the PRC was admitted as "China," that international law acknowledges only "China," and that the latter action of admission governs the former.

This line of reasoning, while appealing in its simplicity, reflects a profound misunderstanding of the facts, of the Interpol Constitution, and of international laws—even conceding its applicability.

First, the facts have been misunderstood, if not misrepresented.

In accordance with I.C. Article 4, the Republic of China in 1960 applied for Member-

ship in Interpol by letter in English text to Secretary General Marcel Sicot. The application was dated October 14, 1960.

ROC application made no territorial claim

Perceiving correctly that Interpol is an intergovernmental organization seeking practical apolitical goals, the application of the ROC refers to the admission of "the Government of the Republic of China." *It contains no claim whatsoever regarding the extent of its territory or jurisdiction.* It declares the willingness of "the Republic of China" to "cooperate with Interpol and all member *bodies* and to pay eight group member's subscriptions, namely, *one budget unit.*" (Emphasis added.)

Dues assessed on basis of effective control

In connection with the above, please note particularly that the proffered subscription (later increased to three budget units) was accepted and was (and is) obviously *based on the territory under ROC effective control.*

On September 4, 1961, the question of the admission of the ROC to membership was decided favorably by the General Assembly after "Mr. Hwan You (Republic of China)" said that "his *country* . . . had submitted an application for membership to the ICPO (Interpol)" and that "his *government* was prepared to accept the terms of the Organization's constitution and to collaborate with all Members." (Emphasis added; see *Record,* 30/AGN/PV/1 at page 4.)

ROC and PRC but not "China" proclaimed members

Thereafter, the "President *proclaimed* the following *countries* to have become Members . . . The Republic of China . . ." (Emphasis added; see *Record,* 30/AGN/PV/1 at page 5.)

At no time during the proceedings under Article 4, either in its formal application or ensuing debate, did the Government of the ROC assert any claim regarding its jurisdiction or attempt to assert its concept of the identity of the country it represented and *very significantly* the ROC was *not* "proclaimed" a Member "country" as "China" but rather as "The Republic of China."

Similarly, on September 5, 1984, immediately after the admission of the PRC to Interpol Membership, *not* "China" but "the *People's Republic of China* was declared a Member of the ICPO—Interpol." (Emphasis added; see *Record,* 53/AGN/PV/3 at page 2.) Moreover, notwithstanding extensive unilateral declarations by the PRC concerning one China, even the request for Membership of the PRC states in its formal operative part that "the Ministry of Public Security of the *People's Republic of China* hereby files its application for Membership of Interpol." (See PRC application dated May 21, 1984.)

These facts should be kept in mind while examining the second area of misunderstanding and misinterpretation: the meanings and implications of the terms "country" and "member" as used in the Interpol Constitution.

The term "member" is defined in I.C. Article 49 to mean "a Member or Members of the International Criminal Police Organization as mentioned in Article 4 of the Constitution." Article 4 specifies that "any country may delegate as a Member to the Organization any official police *body* whose functions come within the framework of the activities of the Organization."

It follows that police *bodies* are Members *delegated* by countries. For purposes of this analysis and to concede the argument of others, it is probably accurate enough therefore to say that the Members represent the countries and that as a result the countries are Members by proxy or, in effect, Members themselves. This conclusion is supported by the nearly interchangeable use of the two terms in the Constitution and General Regulations.

FGR not "Germany" named member in 1956

In this connection, it is important to recall that both the "People's Republic of China" and "The Republic of China" have been declared Members. Similarly, in 1956 when the Holstein doctrine of the Federal German Republic was in full force and the FGR claimed jurisdiction over one-Germany notwithstanding its effective control over only a part of German territory, *not* "Germany" but the "Federal German Republic" was *declared* by I.C. Appendix 1 to the Constitution to be the "country" referenced in Article 45 which read "all *bodies representing the countries* mentioned in Appendix 1 shall be deemed to be *Members* of the Organization." (Emphasis added.) In other words, the Member represented the FGR *not* Germany.

In short, the FGR, the ROC, and the PRC have all been declared "countries" and, by inference, "Members" (or represented by Members) notwithstanding their extraneous jurisdictional claims, expressed or not, at the time of admission. This comports with reality, with the practical goals of Interpol, and as will be seen, with international law.

Meaning of "country" and "pays"

Before making that examination, however, a final point should be made regarding the word "country." In the English language, it can have a broad generic meaning that implies primarily a geographic region. It can also mean a separately organized geographic entity with independent or autonomous government. It can finally mean, as contemplated in international law, a State with the required attributes of territory, population, and independent government.

The French text of the Interpol Constitution is helpful in this context in gaining an understanding of the meaning of the term "country" within the Constitution. The French text uses the term "pays" and *not* the term "Etat." In French, "pays" connotes with the greater precision the more encompassing and indefinite meaning of the English term "country" and implies less dignity than "Etat" which equates with the more narrow definition of "country" as a national "State" in English. (An "Etat" is always a "pays" and a national "State" always a "country," but not always the reverse in either language.) From this reasoning, it can be inferred that the term "country" in the English text is used in the more encompassing sense that is perhaps more clearly implied by "pays" in the French text.

This usage in the Interpol Constitution is consistent with the lack of any sovereign treaty-regime of Member-States underpinning Interpol, and it is consistent as well with the past practice of admitting even territories and regions to Interpol Membership (e.g. the Sarre).

With these understandings of the facts and of the specialized juridical personality of Interpol, it is possible to apply international law with greater clarity to the circumstances of the present analysis.

To ease that process, and because the result is the same, the word "country" will be treated in its most narrow sense i.e. national State, even though it is clear the Interpol Constitution, to achieve the practical goals of Article 2, permits a less restrictive and far more generous interpretation.

Two Principles

In the present analysis, two general principles of international law are crucial.

The first is the principle that a State exists if it has the key attributes of population, territory, and independent order of law. With these attributes, a State exists at international law regardless of its political recognition or non-recognition by second States or particular treaty organizations and regardless of the political recognition or non-recognition of its government or of the presence or lack of diplomatic relations. (Cf. Kelsen, Principles of International Law, at pages 394-5, wherein constitutive significance is attached to legal recognition.)

Hence, for one of very many examples, the existence of Belgium as a State at international law was accepted in the London Conference Protocol of February 19, 1831, even though Belgium was an unrecognized State insofar as concerned the very States drafting and signing the Protocol. Solely the objective norm of population, territory, and independent order of law determined the existence of Belgium as a State not the mere declaratory aspects entailed in recognition. Thus, existing as a State, Belgium was deemed bound by international law through its existence rather than as a result of its recognition.

Similarly, the Soviet Union existed as a State and State Government in 1919 yet was unrecognized by Great Britain, Hungary, Austria, Denmark, Belgium and France. Nevertheless, these exact States (before recognition of the Soviet State) concluded repatriation agreements with the Soviet Government. Yet international agreements, clearly, cannot be concluded with entities which do not exist, and so here again declaratory recognition has nothing to do with legal existence.

In fact, non-recognition does not even estop a claim against a non-recognized government brought by the same State which refuses recognition. (The Tinoco Case, A.J., 1924, p. 155; The George Hopkins Claim, A.J. 1927, p. 166, etc.) The reason is simple: political non-recognition of a State by one State or by most or even possibly all other States does not mean international legal non-existence, and it never has. The State, if satisfying the objective criteria of Statehood, is sui juris in international law regardless of the declaratory policies of other States. (This result is, of course, reinforced when there is also declaratory recognition, as in the case of the ROC, by a significant number of third States and legal recognition, in a variety of forms, by most of the balance.)

Marek's Identity and Continuity of States in Public International Law (1954), at pages 144-5 and 149, explains:

"A State exists in accordance with such objective norms [territory, population, and independent order of law] *alone* and the denial of such existence must equally be based on objective norms. Thus, it follows that just as *no amount of non-recognition can divest a State of its State character,* so no amount of recognition can make what is not a State into a State . . . in other words, *nothing* can replace [territory, population, and independent order of law] as a means of determining the existence of States. (Emphasis added.)

* * * * *

"Recognition, as a test of State identity and continuity, must be rejected. (Emphasis added.)

The Taiwan Relations Act

Thus, while the United States, for example, takes "no position" on the "sovereignty" of "Taiwan," the Taiwan Relations Act (P.L. 96-8; 93 Stat. 14, April 10, 1979), which was enacted after the termination of diplomatic relations between the United States Government and the ROC Government, takes account throughout of the *existence* of the ROC Government as a State Government and of the *existence* of the Republic of China as a State at international law.

Hence, Section 4(b)(1) of the Taiwan Relations Act provides:

"Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan."

Similar considerations account for very large number of third States which recognize the PRC Government but only acknowledge (as did the United States) or note its claims.

All the same, in the present case, a great noise has been made by some regarding the number of States politically recognizing the PRC as if some score board tallying recognitions could effect the existence or extinction of the ROC as a State. It cannot, and inferences to the contrary ignore a second established principle of international law which is derived from the first.

State continuity and the ROC

The second principle is that a State continues, subject to international law and having legal existence as a State under it (the doctrine of continuity of States), unless and until it loses either its population or its territory or its government.

Please note that "government" in this context means independent order of law not form, type, or political composition which may change while the identity of the State remains continuous. Please note also that the existence of the State *continues* even though it may decrease or increase (or even change, Cf. The Orange Free State and The Transvaal) either its territory or population. A State continues as well regardless of what name the State may choose to give itself or regardless of that by which other States may choose to call it. (E.g., "Taiwan" by America.)

In sum, what matters is the maintenance of the objective attributes, not their variation, denomination, or declared recognition.

(For a full discussion of the general principles of identity and continuity, please review in detail:

(For a full discussion of the general principles of identity and continuity, please review in detail: Whiteman, *Digest of International Law* Vol. 2; Marek, *Identity and Continuity of States in Public International Law;* Kelsen, *Principles of International Law;* Kunz, "Identity of States Under International Law," 49 Am. J. Int'l L. (1955); and O'Connell, *The Law of States Succession.*)

At the time of its admission to Interpol in 1961 the Republic of China had (1) a territory—irrespective of its politically claimed extent, (2) a people—irrespective of their politically claimed numerosity, and (3) an independent and effective government—irrespective of its politically claimed authority. Thus, in 1961, the Republic of China was a State, as such was deemed a "country" within the even more encompassing meaning of the Interpol Constitution by the very act of its admission to membership as a *country,* and was (under any test at international law) properly admitted to Interpol with rights as a country vesting under the Interpol Constitution including those rights given by Articles 7 and 13 together with the protection afforded by G.R. Articles 18 which forbids "the representative of one Member [to] vote for another Member."

Additionally, as seen, the admission of the Republic of China was not conditioned on its political claims, and those claims were *not asserted* by the Republic of China as a basis for Interpol Membership (since they were unrelated to Interpol Membership (since they were unrelated to Interpol Membership). Moreover, even if the ROC had insisted that its territorial and population claims be acknowledged by Interpol, for Interpol to have considered those claims would have been as improper and unnecessary in 1961 as it is now to consider similar claims of the PRC.

Thus, the Republic of China was admitted as it was then found (and now is) without regard to extraneous political claims not affecting the ability of the Republic of China to perform its obligations as a Member of the Organization.

From the time of its admission to Interpol in 1961 the Republic of China has not lost (1) territory, (2) people, or (3) its independent government. Nothing at all has changed which could affect the existence of the State under international law, and the Republic of China has not, under any test, become extinct either as a State or as a "country."

Thus, its existence as a State has continued *without interruption of any kind whatsoever.* It is therefore *still* today a State and hence certainly a "country" within the meaning of the Interpol Constitution, and it is *still* able to perform unimpaired its obligations in the Organization.

Furthermore, its own political claims (being extraneous to Interpol) and even the monetary presumed ascendancy of the competing international political claims of the PRC (or the related more numerous declaratory recognition of the PRC by third States) have nothing to do with the existence of the ROC either as a State as defined by the norms of international law or country as the more inclusive and indefinite term is used in the Interpol Constitution.

That is why, for example, Bishop, *International Law* at p. 330, in the section dealing with recognition of *States,* under the heading "The following *states* are *members* of the international Community" lists "China, People's Republic" and "China, Republic of" and does not list "China." (Emphisis added.)

In short, under the international law of the recognition of *States* (or more precisely the international law of the existence of States), the ROC was a State and hence a country in 1961, it continues now both as a State and as a country, and *not being extinct* nothing can be done now to *extinguish* its rights as a country under the Interpol Constitution which vested in 1961—except (possibly) by amending the Constitution itself specifically to exclude the ROC (which would nevertheless remain a State and a country at international law even after such exclusion).

Declaratory positions inapplicable and forbidden

The various political declaratory positions of other nations and organizations, and even the positions of the PRC and of the ROC themselves, on subsidiary political claims concerning territory, population, and governmental authority have *no bearing* on the existence of the ROC as a State and as a country in Interpol, and in fact the Organization is "strictly forbidden" (Article 3) from considering those political issues.

However, it is very important to emphasize at this point that, *even without the prohibition of Article 3,* because of the political claims of the PRC and those expressed in other contexts by the ROC itself are entirely extraneous to the non-extinction of the ROC as a State and a country, the Republic of China continues to be a country under the Interpol Constitution unaffected by the admission of any other entity or by whether political claims are prohibited or not. The prohibition on political activity does not make the ROC a country at international law; the facts make it a country. The General Assembly of Interpol, as a result, lacks power or authority at international law applied to the Interpol Constitution to declare extinct that which is not or to affect otherwise the Membership status of the Republic of China *as a country* except (possibly) through the process of Constitutional amendment.

The process of Constitutional amendment must be used because international law mandates no change in ROC status, because there is no other process specified in the Interpol Constitution, *and* because rights which vested in 1961, which continue now, and which are themselves constitutional in nature and constitutionally protected cannot be altered except by an action of equal dignity to the Constitution involving a change by amendment.

The apparent anomaly of simultaneous membership

There remains however, the vexing logical inconsistency which appears to arise from the unilateral PRC declaration that it represents "China" and that there is only one "China" and frankly from the related position, albeit deemed unnecessary of statement in the Interpol context, of the ROC. If both governments claim, in various circumstances, that there is one country, how can there be, consistent with I.C. Articles 7 and 13, two Members representing two countries and casting two votes?

On closer study, it is seen that the suppleness and ultimate rationality of the norms of international law give, not surprisingly, the exact same result as obtains under the Interpol Constitution alone when the Constitution is considered without resort to those norms.

Recognition policies do not provide an answer

Before proceeding, however, it is perhaps useful at this juncture to recall again that at international law the recognition of governments through the process of establishing diplomatic relations is distinct from the legal recognition of the existence of a State.

Thus, for example, with respect to sovereign governmental recognition, only nine of 83 countries which recognized the PRC government between 1970 and 1983 have also expressly recognized PRC sovereignty over the territory under the effective control of the ROC. For example, neither the United States, Canada, nor Japan have done so. And the U.S. Department of State official position, as noted, is that "the United States takes no position on the question of Taiwan's (sic) sovereignty."

In fact, it appears that a majority of Interpol Members, even including a majority of those with diplomatic relations with the

PRC, has not expressly recognized the PRC position concerning the sovereign extent of its representation (most have merely "acknowledged" or "taken note of" it). Yet, ironically, if the ROC were deemed expelled, Interpol, unlike most of its Members, would take an express position—and a position contrary to reality and to the accepted norms of public international law as applied in the specialized circumstance the Organization.

Interpol not bound by political recognition policies or claims of members

The key point is this: simply because there are parallel policies of both Governments regarding "China" and opposing claims to the right to administer territory does not mean that Interpol as an intergovernmental or even international organization is bound by or must for any reason follow the political concept of the two governments (and, ironically, of only a few other governments) regarding the scope of their jurisdictional representation.

This point was implicitly understood by many delegates participating in the Interpol debates of September 4-5, 1984. Perhaps it was best and most wisely put by the delegate from Chad who:

"Could not understand why [PRC] membership would necessarily result in the exclusion of the Republic of China which had a different capital and a different identity. What would happen to the Organization if it had to exclude one of its members every time a dispute arose between two countries? Record, 53/AGN/PV/2 at page 7.

Consideration of political claims forbidden

In fact, should Interpol allow itself to be governed by the extraneous political assertions of the two governments (which assertions have no applicability whatsoever in the Interpol nontreaty organizational regime) or to choose without any practical necessity between their competing territorial claims, then Interpol would violate its own Constitution (Article 3), strictly prohibiting activities of a political character and would, of greater significance, defeat the objects and cooperative purposes of I.C. Article 2.

To reiterate: even though the political positions of the ROC and of the PRC may be that there is one China, Interpol cannot take any action based on those political positions and, if international law is to be applied, must instead follow ordinary norms of public international law *without* reference to the political claims of either party, *without* reference to the declaratory and inapplicable recognition policies of various third States, and *without* reference to any particular treaty-regime since there is *none* underpinning the existence and operation of Interpol.

A practical and a legally required solution

In short, the question for Interpol is not whether there is "one China" nor is it which government is the proper government of "China," but it is instead simply whether at ordinary international law the Republic of China is a State and hence a *country*, as contemplated by the I.C., regardless of its own political and territorial claims and of those of the PRC and, in fact, even regardless of the political recognition policies of various other governments with respect to the two governments. And it has been seen that the Republic of China is a State, is dealt with as such even by those States which do not have diplomatic relations with the ROC Government, and, by any test, is a "country" as the term is used in the Interpol Constitution.

In view of the foregoing, it is essentially unnecessary to assert but nevertheless worth observing that, in fact, neither the political recognition of governments nor even legal recognition of States is finally controlling in this case. It is instead merely the determination of the existence of a particular entity within the meaning of the term "country" or "pays" as used in the Interpol Constitution. The true *underlying* question then is whether the entity called the Republic of China is a "country" as the term is used generically in I.C. and even more precisely whether it was a country at the time its rights vested under the Interpol Constitution at the time of its admission to Membership in 1961. A complete answer is given by the act of admission itself, by the performance of obligations and exercise of rights since that date, and by the obvious non-extinction or change in character of the admitted entity *as admitted*. Or, to state the matter with final simplicity, *what was a country then, being today neither more nor less than represented at the time, is a country now.*

In summary, the anomaly of both the PRC and the ROC having simultaneous status in Interpol as States, or (if either prefers to so consider itself or the other) as "countries," is an anomaly for the two governments *only*, which can either live with it or not as they choose. It is *not*, however, as the delegate from Chad perceived, an anomaly for Interpol under its apolitical Constitutional structure applying basic norms of internationl law. And again, if this anomaly cannot be accepted by the PRC or by the ROC, then either could voluntarily withdraw since neither is under any treaty-regime commitment nor is either a treaty-obligated Member in a sovereign capacity.

Finally, since the PRC has been particularly strident on these points, it could perhaps find solace in making the further claim that since its declarations concerning its identity were formally made known to the General Assembly prior to its admission, the fact of its admission implied that its position was noted. This added assertion would be inconsistent with I.C. Article 3 but consistent with the policy of most governments which recognize the PRC Government and hear its claims *without agreeing, in the face of reality, that the ROC is extinct as a State or country.*

Issue V.—With respect to the territory under the effective control of the ROC, as a practical matter (and assuming the applicability of the principle of international law that organizational membership is based on the ability to perform), can the overall intergovernmental goals of interpol expressed in I.C. Article 2 and the specific *Domestic* anti-criminal government objectives of members be met *at all* by any member other than the Republic of China?

Discussion

As a practical matter, there can be no dispute that only the Republic of China can fulfill the obligations and exercise the rights of Interpol Membership with regard to the territory under its effective administrative control. The overall specialized goals of the Organization as mandated by I.C. Article 2 and the *internal* domestic goals of its voluntarily participating Member governments cannot be served by the PRC *at all* with respect to matters involving territory under the exclusive control of the ROC.

Recognition of these realities was undoubtedly a reason for the General Assembly decision to admit the ROC to Membership in the first instance in October 1961. Recognition of these realities was, no doubt, a reason the ROC made no issue of its politically claimed identity in its application at the time of its admission and committed to payment of dues on the practical basis of territory effectively controlled. Recognition of these realities is no doubt the reason so many Member countries, represented by their Member police authorities whose objectives are anti-criminal and not political, opposed any inference that admission of the PRC implied the expulsion of the ROC.

Moreover, even if Interpol has to choose between the ROC and the PRC (*and it does not*), with the highly restrictive travel, immigration, and emigration policies of the PRC, it could be fairly proposed that greater practical benefit to this specialized organization lies with choosing the Membership of the ROC. What is clear is that the expulsion of the ROC (besides being legally impermissible except, possibly, by constitutional amendment) would hold the *least* benefit because the greatest practical benefit *to the Organization* ought to lie in the simultaneous Membership of both the ROC and the PRC.

This result comports with the situation as it exists *de facto*. It also comports with the general concept of international law that the competency of Members to participate in international organizations is premised on the ability to exercise rights and perform obligations.

Able and willing

Hackworth, *Digest of International Law*, Vol. 1, explains this latter concept, at page 58:

"International law is not especially concerned with *names* or *classification* of States or with their internal organization, so long as they are *able and willing* to perform their international obligations." (Emphasis added.)

Hence, this principle of international law *also* mandates continued ROC Membership—as do the practical goals of the Interpol Constitution, with or without reference to international law.

After September 5, 1984, the Republic of China, *as a continuing Member of Interpol*, has received innumerable requests for assistance in criminal investigations from the national bureaus of other Members. It has responded to all NCB requests and intends to continue to do so as it has done always in the past.

If *ultra vires* efforts attempting to expel the ROC are allowed to succeed without any clear action by the General Assembly (and certainly without any constitutional action by that body), then the national bureaus of the Interpol Members and criminal justice generally will be the true losers.

SUMMARY

This memorandum has analyzed five issues bearing on the status of the Republic of China as a Member of Interpol. The results of that analysis are summarized hereafter.

First, the vote of September 5 did not affect the status of the ROC because 1) no issue involving the ROC was actually before the General Assembly at all or, in the alternative, 2) no such issue was *validly* before the General Assembly since it could not be presented under procedures pursuant to I.C. Article 4—especially when the Article 4 question, i.e. admission to Membership, was simply submitted without notice or debate under G.R. Article 21, which applies *only* to

specific and precise constitutional questions requiring a two-thirds vote.

Within the confines of an Article 4 submission, therefore, no other parliamentary or constitutional method for raising extraneous substantive issues was available *nor was any used* since no *Member* moved any question whatsoever involving the ROC. Thus the General Assembly took no effective action against the ROC.

Second, even assuming the vote of September 5 *did* purport to affect the status of the ROC and was effectively before the General Assembly, the purported action violated the Interpol Constitution, was not within the power of the General Assembly to take, and exceeded the authority of the General Assembly. Hence, since *ultra vires* and unconstitutional, any such purported action is void and a nullity.

Third, international law *qua* law does not apply to organizational questions involving Interpol because Interpol is not a treaty-based international organization depending on the agreed sovereign commitments of obligated States and is instead a voluntary intergovernmental association with Member police authorities representing countries acting in their domestic rather than their international capacity.

As a result, the Interpol Constitution, being voluntarily implemented pursuant to the domestic law of Members and *not* implemented by operation of international law, is paramount in organizational issues, and that Constitution does not permit the involuntary expulsion of a Member except possibly through constitutional amendment.

Fourth, even assuming international law *qua* law were applicable to an Interpol organizational issue, the simultaneous Membership of the ROC and PRC as either States or countries may be inconsistent with their own mutually exclusive political claims but is not inconsistent with international law applied to the Interpol Constitution nor with the specific provisions of I.C. Articles 7 and 13, and, in fact, any other result is "strictly forbidden" by I.C. Article 3 because the organization would otherwise be guilty of adopting a clearly political position in a political dispute between Members.

This result obtains because the politically claimed identity of one government cannot make extinct under international law a State which is *not* extinct either as a matter of fact or law or within the legal cognizance even of States recognizing the contrarily claiming government and acknowledging its declarations.

Any anomaly in the PRC and the ROC asserting in various circumstances similar or parallel claims of their representational identity is, therefore, an anomaly for the two governments but *not for Interpol.*

Fifth, in their own right and at international law, practical considerations involving the effective ability to exercise rights and fulfill obligations with respect to the territory which is under the exclusive control of the ROC (as the sole "competent governmental authority" therein) mandate continued ROC Membership on the basis of its unique ability to perform and require that no actions be permitted which prejudice the rights of the Republic of China as an Interpol Member because, unless such *ultra vires* activities are recognized as such and prohibited, the cooperative intergovernmental goals of Interpol as specified in I.C. Article 2 could be seriously impeded.

Moreover, as a further practical matter, any proposals for modified status of ROC Membership—even those which might be properly undertaken through Constitutional amendment—besides being inequitable (and entirely unnecessary in the specialized circumstances of Interpol), are also unlikely to be attained.

CONCLUSIONS

The Republic of China has not been expelled from Interpol, nor has its Membership status been modified, either by any effective action of the General Assembly under the Constitution of the Organization or by operation of international law.

The Republic of China has not withdrawn from Interpol, continues to meet its obligations as a Member, and wishes and expects to be treated as such.

Respectfully submitted,

QUENTIN CROMMELIN, Jr., *Esq.*

[Appendix]

MEMORANDUM IN REPLY TO THE CONSULTATION OF PROFESSOR PAUL REUTER CONCERNING THE REPUBLIC OF CHINA AND THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION

INTRODUCTION

At the request of the Interpol Secretary General, Professor Emeritus Paul Reuter of the University of Law, Economy, and Social Sciences of Paris, submitted on December 5, 1984, a written Consultation responding in French to several questions concerning the effect, if any, of the admission of the PRC to Interpol on the Membership status of the Republic of China. Professor Reuter concludes, in essence, that the ROC was automatically expelled.

Professor Reuter's presentation is scholarly and facile, and his analysis demonstrates an impressive knowledge of international law. (His credentials were well established long ago in his *Droit international public*, 1958.)

He pledges at the outset to limit his study to the facts and juridical aspects and to avoid political considerations. He declares that his opinion is only that of an impartial expert given by necessity in the absence of any international court with jurisdiction to judge.

Nevertheless, despite his obvious expertise and *intended* impartiality, one is also impressed by his almost relentless drive toward a definitive result which is the most prejudicial to the Republic of China. His consultation, therefore, has all the qualities of an advocate's argument, and it deserves an advocate's response.

DISCUSSION

Stripped of its extensive erudition, Professor Reuter's thesis is actually very simple: there is one China, the ROC originally represented China in Interpol because it originally pretended to do so, and the PRC now represents China because its admission and its own political pretense is later in time.

The fundamental problem with the above is that its *assumed* premise that in Interpol "there is one China" presupposes, indeed requires, the result ultimately reached.

Fortunately for the achievement of the practical objectives of the Organization, the assumed premise, in the Interpol context, and even in that of the public international law of the legal existence of States and governments, is—respectfully—entirely false.

It is false because the political claims of the two entities do not (and under I.C. Article 3 *cannot*) bind Interpol.

It is false because Professor Reuter *erroneously* assumed that the Republic of China asserted claims extraneous to Interpol Membership in connection with its admission in 1961.

It is false because Professor Reuter glides past the central problem raised by the misapplication of the United Nations Treaty Regime (by analogy) to an organization which is not analogous, not based in treaty or on obligatory international agreement of any kind, but is instead an entirely voluntary intergovernmental association exclusively implemented through the domestic law of participants.

It is false because it thus ignores and denigrates, rather than recognizes, the paramount importance of the Interpol Constitution and General Regulations in determining internal matters.

It is false because it misapplies the declaratory (political) recognition policies of particular third States and related organizations to a specialized organization concerned *by its own definition of itself* with the legal and factual existence of its Members at international law rather than with their declaratory political recognition by other entities.

Finally, it is false because it applies, and applies wrongly, abstract theoretical concepts to an association engaged in facilitating the practical police work of jailing criminals rather than in the empty posturing of international diplomacy.

CONCLUSION

Because Professor Reuter accepts at the beginning as a premise (one China) what he concludes in twenty-seven pages as a result (one China), he has—with genuine respect for his many academic accomplishments and well-recognized reputation—missed the forest, which is profound and profoundly flexible, for a single mischosen and brittle tree.

TRIBUTE TO THE FLYING TIGERS LIFELIFT FOR ETHIOPIAN RELIEF

Mr. CRANSTON. Mr. President, today I would like to pay tribute to the Los Angeles headquartered Flying Tigers and its 6,000 worldwide employees for their contribution to the victims of the Ethiopian famine. In early February, the Flying Tigers' Lifelift for Ethiopian Relief flew a mercy flight of 7,400 miles from John F. Kennedy Airport in New York to Addis Ababa, Ethiopia, to deliver 234,771 pounds of medical supplies, food, and clothing valued at $1,066,537. The cargo was a gift from thousands of individuals and U.S. companies to the famine and drought-plagued people of Ethiopia.

Marilyn Folkes, a traffic agent for Flying Tigers at JFK was fundraising chairman of the Lifelift and integral to its success. She and dozens of other Flying Tiger employees, from cargo handlers to pilots, volunteered their time and energy without pay to coordinate the Lifelift. These people deserve our praise and recognition for their noble effort.

In reaching out to starving people thousands of miles away, Flying Tigers and its employees have set an admirable example for the rest of us. Their generous contribution of time,

effort, and money is well worth emulating.

I ask unanimous consent that an article from the Los Angeles Times regarding the Flying Tigers' effort be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLIGHT TO ETHIOPIA: FOOD, SUPPLIES, COMPASSION

FLYING TIGERS, OTHERS DONATE MONEY, TIME TO STARVING AFRICANS

(By Charles Hillinger)

ADDIS ABABA, ETHIOPIA.—The American Boeing 747 had been flying south over Ethiopia for more than an hour, covering 600 miles from the Red Sea at the nation's northernmost tip, across barren desert and bone-dry, rust-colored mountains indented with narrow, deep valleys.

Visible below were scattered settlements on high plateaus and in valleys where perhaps 200,000 people have died from famine in the last year alone, where thousands continue to starve and die each week in primitive huts or en route on the network of trails seeking help.

The incredible harshness of the landscape—not a sign of water or a patch of green—makes it remarkable that human life is possible there at all.

CAPITAL SIGHTED

"There it is! There it is! Addis Abada!" exclaimed Hal Ewing, 41, of Sumpter, S.C., captain of the Flying Tigers air freighter, as the 747 descended through puffy cumulus clouds. Ethiopia's 7,625-foot-high capital suddenly burst into view amid a patchwork quilt of dry, brown farms.

The plane was on a mercy flight sponsored by the Los Angeles-headquartered Flying Tigers and its 6,000 worldwide employees. The 747 carried 234,771 pounds of medical supplies, food and clothing valued at $1,066,537, a gift from thousands of Americans across the nation to vicitms of one of the greatest calamities of all times, Ethiopia's famine of the 1980s.

A few minutes later Ewing and his crew in the cockpit, First Officer Mick O'Connor, 32, of Key Largo, Fla., and Second Officer Paul Zahner, 31, of Danbury, Conn., landed the huge jet, using all but a few feet of the narrow, short runway with a hump in its middle. At the end of the airstrip lay the remains of wrecked Soviet planes that overshot the runway and ended at the bottom of steep cliffs, testimony to the airstrip's tricky nature.

The Flying Tigers Lifelift for Ethiopian Relief had flown 7,400 statute miles from New York's John F. Kennedy Airport to Addis Abada in 16 hours, 48 minutes counting a 3-hour, 50-minute refueling stop in Brussels.

For Marilyn Folkes, 35, traffic agent for Flying Tigers at J.F.K., who as fund-raising chairman for the Lifelift flight played a key role in its success, the arrival was one of enormous joy. During the stop in Brussels, while walking through the 185-foot-long main cargo deck loaded with tons of relief supplies, she commented:

"I am happy knowing the medicine will help save thousands of lives, prevent a lot of blindness and stop the spread of disease, that the food aboard the plane will provide needed nourishment, that thousands will be a little warmer because of these blankets and clothes. . . ."

For Marilyn Folkes, hunger is no stranger. She has worried about the starving people of Ethiopia for years. She has sponsored two Ethiopian children since 1976 at a cost of $60 a month. She has lectured about hunger in Africa in New York-area churches, primarily black churches, urging involvement in aid programs.

IMPACT OF BBC FILM

Then last November, not long after a BBC film crew jarred the conscience of the world with its startling footage of starving Ethiopians, Folkes decided: "The bottom line is I am my brother's keeper. I wouldn't want other people to ignore me." So, three months ago she took two weeks' leave from her job and flew to Ethiopia to do what she could in the camps set up for the victims of the famine.

During this, her second flight to Ethiopia, she told of the agony she witnessed: "I have not been the same person since. I feel absolutely miserable inside every time I think about it. I saw thousands of people lying on the dirt motionless, nothing more than skin and bones, obviously going to die. I saw physicians pick and choose who was going to live because of limited food supplies.

"I saw thousands of emaciated children, their faces covered with flies, staring into space. At Alamata in the refugee camp I saw the Mother Teresa Sisters of Charity comforting dying people, helping them to die with some sense of dignity. I have had nightmares ever since, waking up weeping," Folkes said as she wiped away tears.

Now, she was back to see firsthand the distribution of aid flown in by her fellow employees, back again to visit the sorrow, starvation, sickness and death at the refugee camps.

Within minutes after the 747 landed, cargo doors opened and the offloading operation began under the direction of Jochem Derschow, 29, of Amsterdam, Flying Tigers' European load master and charter operations supervisor who boarded the plane in Brussels.

Ethiopian cargo handlers moved the 86,751 pounds of medical supplies, 32,754 pounds of food and 115,266 pounds of clothing and blankets to a nearby section of the tarmac where trucks belonging to American-based relief agencies were waiting to transfer the material to famine camps 150 to 400 miles from the capital city. Some of the supplies would be airlifted.

In the boxes and fiber sacks were tons of vitamins, bandages, cotton swabs, emollient ointment, antibiotics, IV solutions, nutritional supplements for infants, butter oil, cereals, oral rehydration salts, blankets and warm clothing for the camps in the high mountains where temperatures are often below freezing.

The lifesaving items had come from humanitarian and church groups that had collected contributions from thousands of individuals and materials from several U.S. companies.

"Everything shipped here on this huge plane is needed desperately now," said Bekele Biri, 41, an Ethiopian who is president of the 35,000-member Ethiopian Union of Seventh-Day Adventists, as he met the plane. "The magnitude of the problem is so great resources will never be able to match it.

"The world came late. If it had come a little earlier perhaps things would have been much easier," said Biri with a sigh after each sentence, an idiosyncrasy of the Ethiopian melodious manner of speaking.

WIDESPREAD FAMINE

"Sad as it is, nearly every country in Africa is experiencing famine to varying degrees."

The Adventist Development & Relief Agency is one of several U.S. relief organizations active in Ethiopia shipping and receiving supplies on the Flying Tigers "Lifelift" flight. Others are Catholic Relief Services, Africare, Mennonite Central Committee, World Vision, MAP (Medical Assistance Programs) International, the Red Cross and Sudan Interior Mission.

Coordinating the assemblage of the 117-plus-ton shipment for the Flying Tigers flight was Interaction, headquartered at 200 Park Ave., New York, a coalition of 125 humanitarian and church relief groups, including those mentioned and others such as the American Friends Service Committee, Baptist World Aid and the American Jewish Joint Disaster Committee. Since last November, Interaction has shipped $40 million worth of medicine, food and clothing to Ethiopia for the consortium of voluntary groups.

"This airlift is of tremendous help. I hope this flight by Flying Tigers will have a domino effect and inspire other airlines to do likewise. The need is so urgent to get these vital items to Ethiopia as quickly as possible," said Julius Weeks, 31, of New York City, Interaction official aboard the Flying Tigers flight.

"It takes so long by ship, then by land once it arrives in an Ethiopian seaport. We have warehouses full of supplies in America waiting for ships and hopefully for planes destined for Ethiopia," added Weeks, a former Peace Corps worker who is a native of Liberia. His father was president of the University of Liberia and former secretary of state for Liberia.

It was an anonymous letter sent from an employee to Lewis Jordan, executive vice president of Flying Tigers, at the company's Los Angeles headquarters late in December that triggered the airlift.

While seeing the plane off in New York at the start of its mercy mission, Jordan recalled receiving the letter, which said: "We have a saying in our company. We care about people. We should do something about the victims of the Ethiopian famine."

Jordan mentioned the correspondence in the company's weekly newsletter. The response from employees was overwhelming. A committee was formed. Posters were printed and hung in all Flying Tigers offices showing an emaciated Ethiopian child and stating:

"Someone must care. Is that someone you? Give from your heart and save someone. You can help the famine and drought-plagued people of Ethiopia."

FUND DRIVE CONTINUES

Contributions poured in from throughout the company's worldwide system, from Japan, Taiwan, Australia, Hong Kong, Singapore, Europe, from across the United States.

"We're especially proud of this effort because to our knowledge no other air carrier employees have organized an airlift for the famine victims of Ethiopia," Jordan said.

The Flying Tigers company provided the airplane for the mercy flight without cost. Crew members volunteered their time to fly the 747.

The fund drive by employees, which is still going on, will offset a large part of the $95,000 fuel bill for the flight, the balance of which is being paid by contributions from

four aviation fuel firms and by relief organizations that have goods on board. Flying Tigers employees in the Los Angeles office have already contributed $7,500.

To charter a 747 from the company to fly a comparable weight load the same distance would cost about $300,000. To get the plane back in the Flying Tigers system it was necessary to fly it empty from Addis Ababa to Taipei, another 6,000 statute miles.

Two crews alternated flying the big cargo jetliner on the long journey. Capt. Randy Patterson, 48, of Palm Coast, Fla., First Officer Charles Cozad, 37, of St. Helena, Calif., and Second Officer Charles Gallardo, 34, of Atlanta, flew the first leg to Ethiopia. Also aboard were mechanic Charles Millman, 41, of Long Island, N.Y., flight attendants Becky Rasmussen, 33, of Hermosa Beach, and Michele Rizza, 27, of Rancho Palos Verdes, Lifelift committee members Stephen Hanks, 40, of Fountain Valley, and Colleen Ferguson, 39, of Westwood, and a Times reporter.

"All 600 pilots in the system wanted in on it," said Capt. Hal Ewing, in charge of assembling the cabin crew for the mercy mission. A native of Long Beach, he has flown other disaster efforts in the past—including the Honduras hurricane and Cambodian famine.

For Hanks, director of labor relations at Flying Tigers and chairman of the Lifelift committee, it was hard to believe that only 25 days had passed since the company decided to set in motion the airlift to the famine-stricken people of Ethiopia.

"It took the efforts of dozens of people within the company to make this all possible, to plan a way to free a plane from service for three days, to obtain landing permits and every so many other details," Hanks observed.

WORKED WITHOUT PAY

At Building 262, Tiger Corner at J.F.K. Airport Cargo Complex, a dozen volunteer cargo handlers led by Vince Buscarino, 30, worked through the night without pay loading the 747 with the relief supplies in preparation for the flight to Ethiopia. Typical comments from the cargo handlers:

Jerry Alston, 38: "My feelings, especially because I'm black, are I am so proud of everyone in this company for picking up on this great cause."

Jim Morrison, 38: "I have a 13-month-old daughter, Heather, at home. I see my daughter, how healthy she is. Then I see on TV those starving and dying kids in Ethiopia. It makes me sick at heart. I can picture my daughter in the same situation. I am saving money for my daughter's college education. I took some of that money and gave it for this flight."

Joseph Acanda, 54, truck driver who drove supplies to Flying Tigers from Maryland without charge: "I am a Comanche Indian. I got 13 children. I can't imagine people starving in this world of plenty. I got my health. Got a job. I'm giving to this cause because of the horror I saw in Ethiopia on TV."

The small airport at Addis Ababa was jammed with airplanes from various parts of the world, eight Soviet Antonov AN12 transports, two Antonov 26 (Russian made) Libyan Air Force planes, a French cargo plane, a Spanish Air Force Hercules, two British Royal Air Force Hercules, two West German Transall transports, an East German Interflug passenger jet, four Ethiopian Airlines passenger planes.

There are more planes moving in and out of Addis Ababa than ever in recent memory, said the airport manager, an Ethiopian who would not give his name but said he lived in Inglewood, while attending Northrop Institute.

The French plane was chartered by an organization of French doctors called Doctors Without Borders to bring in 36 tons of milk, medicine and blankets. The Spanish Air Force plane brought 15 tons of medical aid, food and clothing from the Spanish government.

A Libyan Air Force pilot said his country had been flying relief supplies in two planes to famine areas from Addis Ababa every day for two months. Aboard the two cargo planes this day were sacks of grain from Sofia, Bulgaria.

Ethiopia is a Marxist country. There are many Russians and Cubans here. Russian planes are resettling thousands of Ethiopians from the famine areas in the north to the southern part of the country unaffected by the drought. West Germany and Great Britain are shuttling food and supplies daily to the refuge camps. The British report handling more than 13 million pounds of supplies from Addis Ababa to Gondar, Axum, Mekele and Alamata refugee camps since Nov. 3, material donated from non-Soviet bloc nations from all over the world.

The Russian and British crews live in tents directly across the airplane parking area from each other. Do you have personal contact with one another, British Flight Lieutenant Phil Jones 29, was asked.

"They're not the friendly type. They don't talk to us," he replied. "When we're playing football (soccer) and our ball happens to go over on their side of the airport parking area, we yell: 'Can we have our ball back?' They yell back: *'Nyet.'* "

Jones said the Russians were still holding several British soccer balls.

Ethiopians at the airport were friendly, quiet-spoken. Almost to the person, they asked not to be quoted for fear of retaliation by the government. Those interviewed expressed dislike of the Russians and Cubans.

One Ethiopian airport worker said: "We don't like the idea of the Russians flying people from the northern famine areas to the south where the famine doesn't exist. They are bringing people with diseases from the north to areas where the diseases do not exist.

"They are resettling people of one tribe with people of other tribes who traditionally do not get along with one another. The Russians are disrupting the social fiber of this country."

The resettlement issue is control versial. The Soviet say they are flying thousands of people out of the famine area to save them from starving and dying. The people in the south are encouraged by the government to build shelters for them and help care for them.

Another worker at the airport observed: "The food, medicine and clothing people from other nations are sending Ethiopia are greatly appreciated. But please show us how to farm and bring us farming equipment so we can learn to feed ourselves and prevent future famines. . . ."

GENEVA ARMS TALKS

Mr. PELL. Mr. President, the distinguished majority and minority leaders and members of the Senate Arms Control Observer Group have just returned from Geneva, where we witnessed the opening of new arms control negotiations. While in Geneva, we were able to discuss in detail the preparations and prospects for these talks with the three American negotiators, their deputies and other officials.

This was the first working trip to Geneva for the Senate Observer Group, following weeks of extensive discussions with administration officials and nongovernmental experts here in Washington. As a Cochairman of the Group, I conclude that this new Group will play an important and useful role in ensuring both that the Senate remains informed on developments in the negotiations and that the negotiators will have the benefit of carefully weighed Senate judgments as they endeavor to forge new accords.

The preparations made for these new talks were impressive. It is evident that the President has given these talks high priority. I know that I and my fellow Senators wish the President every success, and will do our best to bring about that success.

Mr. President, we want to help ensure that the talks end—not as, in 1983, in acrimony—but in good, productive agreements. We and the Soviets are entering these talks with profound differences. I hope that the sides can move wisely and soon past empty options to those which can lead to productive compromise. For example, the Soviets need to recognize the need for major reductions in offensive forces, particularly in the very threatening land-based missile force. We need to be willing to consider real controls on space weapons. The leaders on both sides must be personally involved and must insist that their senior officials explore every opportunity.

Mr. President, I hope that there is strong bipartisan support for success in the new talks. After all, our national security—perhaps, our national survival—is at stake. We must understand that our defense programs and arms control can go together to form a strong national security fabric. With only arms control and weak defenses, we could be helpless before our unrelenting adversaries. Without arms control and with only defense programs, we will spend our national treasure with no certainty that we will increase our national security one jot.

This is a new opportunity—and possibly the last—for nuclear arms control. Without agreement, we may have only a costly new arms race and greater insecurity at the end of the course. I have no doubt, however, that these talks can succeed if there is commitment to success. It is a chance waiting to be seized.

CANCER RESEARCH

Mr. HEFLIN. Madam President, the administration's fiscal year 1986 budget and recent Office of Manage-

ment and Budget directives to officials of the National Institutes of Health have caused considerable concerns throughout the national biomedical research community in general and the cancer research community in particular. I share these concerns.

Through Mr. David Stockman, Director of OMB, the administration is seeking to sharply reduce the number of new and competing biomedical research grants in fiscal year 1985. In fact, the OMB directives would require that the number of competing grants proposed for funding in 1985 will be cut to 5,000 instead of the 6,526 grants that were allowed in the 1985 appropriations bill for the Department of Labor, Health and Human Services, Education and related agencies. Further, approximately 800 of those projects are to be funded on a multiyear basis and the research centers which have been mandated by Congress will not be funded if OMB is successful in its efforts to require NIH to use the fiscal year 1985 appropriations to support a significant number of projects for a 2- to 3-year period, rather than the traditional 1-year period.

Mr. President, this unwarranted action by OMB raises some very serious procedural issues apart from its programmatic effects. Last year, the Congress overwhelmingly adopted and the President signed into law the aforementioned DHHS appropriations legislation providing for a significantly increased investment in biomedical research.

Both Houses of Congress in their respective committee reports on the fiscal year 1985 DHHS appropriations bill instructed NIH to use the additional funds provided in the bill to award an increased number of grants during fiscal year 1985. More sepcifically, in its report accompanying H.R. 6038, the Labor, HHS, and Education appropriations bill for fiscal year 1985, the Committee on Appropriations in the House of Representatives cleary stated that funding for NIH had been increased "* * * to support an estimated 6,200 new and competing research project grants" (Rept. 98-911, p. 30, July 26, 1984). For its part, the Senate Committee on Appropriations in the report accompanying S. 2836, the Senate version of the appropriations bill, pointed out that it had increased the appropriations to support "* * * an additional 1,850 new and competing renewal research project grants" over and above the 5,000 grants specified in the President's budget (H. Rept. 98-544, p. 50).

The House and Senate conferees assigned to work out the differences in the respective chambers' versions of the fiscal year 1985 Labor, HHS, and Education appropriations bill reached a compromise on the number of new and competing renewal research projects to be funded in fiscal year 1985 and appropriated $1,183,806,000 for the National Cancer Institute.

Now, only a few months later, OMB apparently has determined this action by the Congress to be ill-advised and proposes to undo its effect via an accounting mechanism—spreading the actual expenditure of some of these funds over a 3-year period. In my view, OMB chose this approach because it knew that Congress would not agree to a straightforward request for a recision of NIH funds. In this regard, the Congress appropriates funds to NIH under a general authority and Appropriations Committee reports have traditionally served an authorizing function for biomedical research programs. Thus, OMB's directive is clearly legislative in character and policymaking in effect: as such, it intrudes on the responsibilities and constitutional prerogatives of the elected representatives of the American people.

I cannot overemphasize the importance of the research efforts being carried on at the National Institutes of Health. As the principal biomedical research agency of the Federal Government, NIH seeks to improve the health of the American people by increasing the understanding of the process underlying human health. Our doctors at NIH are developing methods of preventing, detecting, diagnosing, and treating disease and are disseminating these research results to the medical community for review and ultimately for medical application. In addition, this prestigious and world renown health agency conducts research in its own laboratories, trains talented researchers, and promotes the acquisition and distribution of medical knowledge throughout the country. Over the years, the research activities at NIH have uncovered new methods of preventing disease and disability.

One of the major components of the National Institutes of Health is the National Cancer Institute which has developed a national cancer program to expand existing scientific knowledge on cancer cause and prevention, as well as on the diagnosis, treatment, and rehabilitation of cancer patients.

The National Institutes of Health supports the majority of basic medical research in the United States through its extramural research programs. Principally among these programs are the grants from the National Cancer Institute to research facilities and university-based programs throughout America.

In my State of Alabama, important research through grants from the National Institutes of Health is being carried on at 13 universities and hospitals. Research crucial to our efforts to conquer cancer is being done at the University of Alabama in Birmingham, the University of South Alabama in Mobile, and the Southern Research Institute in Birmingham.

Over the years, the magnitude of financial support from NIH to Alabama institutions has been tremendous and has allowed great work to be accomplished. Approximately $46 million annually has been awarded to UAB and the Southern Research Institute. Currently, UAB has requested more than $27 million in competing grants from the various NIH institutes, which would be directly affected by the 25-percent cut in grants sought by the administration.

These institutions are well known for their important contributions to cancer research. In fact, the cancer research community throughout America and indeed the world knows that one of the flagships of cancer research in our Nation is the Cancer Core Center at the University of Alabama in Birmingham. The UAB center is among the three top centers for cancer research in our Nation. This center was one of the first eight new centers recognized by the National Cancer Institute when comprehensive centers were designated in 1973. The UAB Cancer Center has experienced remarkable growth and made many significant contributions to the war on cancer. It has developed some of the most sophisticated resources for basic science and clinical care in the Southeast and is now a regional, national, and international resource for patient care and research.

A number of remarkable research advances and improvements in patient care have taken place at the UAB Cancer Center. For example: First, its scientists were the first to identify the human natural killer cell, thought to be the normal target for interferon and to play a key role in the body's destruction of cancer cells; and second, its scientists were the first to discover that about 20 percent of leukemic children have a disease of primitive antibody forming cells, the pre-Bell, which requires more aggressive treatment in order to cure the patient.

During the time that the center has been in existence, it has grown from virtually nothing to the place where it now has over 1,000 net square feet of new space to which the National Cancer Institute contributed $5.94 million and the University of Alabama in Birmingham contributed $11.2 million from its own resources. Its faculty has grown from a mere handful to more than 120 professionals with Ph.D's or M.D.'s. It has built entirely with its own resources an 80-bed tower dedicate solely to care for patients with cancer. Funding from the National Institutes of Health for "core grants" for this center and others throughout the country has often been described as "the glue that holds a cancer center together."

Madam President, because of the great work and the priority of these research efforts, I have fought hard over the past 6 years to make sure that Congress appropriated adequate Federal funding for the National Institutes of Health programs. Therefore, it was with considerable alarm and dismay that I read of the recent directive of the Office of Management and Budget instructing the National Institutes of Health to fund only 5,000 biomedical research competing grants rather than the 6,526 that Congress intended in fiscal year 1985. This action by the Office of Management and Budget effectively rescinds congressional intent for previously appropriated funds and submits the national biomedical research efforts to precedent-setting and arbitrary political influence. It is clear that unless the Office of Management and Budget's initiative can be thwarted, NIH support of critical biomedical research will be adversely affected both in 1985 and in subsequent years. Not only will there be 1,500 fewer new and competing grants in fiscal year 1985—almost 500 fewer than in fiscal year 1984—resulting in a loss of research opportunities and personnel, but by forwarding funding a certain number of competing grants, NIH would be reducing its commitment base for funding in future years.

When the Congress took action to fund 6,526 NIH grants, it was acting on independent studies of biomedical research needs. The Congress recognized that our scientists are on the verge of critical breakthroughs in the diagnosis and treatment of diseases that have imposed unimaginable hardships on millions of our American families. Cancer in particular, is a disease that knows no class, income level, lifestyle, race or sex. Cancer is a disease that can strike anyone at any time. Cancer remains a major killer. This is why it remains imperative that we continue to support the important work being carried on in cancer research. We have come too far in our fight against this horrible disease to abandon our research efforts now.

I hope that the entire Congress will join me in stopping this disruption of our battle against cancer, particularly since we have made so many sweeping advances.

Madam President, I ask unanimous consent that a letter I recently wrote to the Comptroller General of the United States pertaining to the actions by the Office of Management and Budget to rescind the congressional appropriations for the NIH budget be included in the CONGRESSIONAL RECORD. I ask unanimous consent, also, that three letters I have received from scientists at institutions in Alabama involved in biomedical research be included in the CONGRESSIONAL RECORD: First, a letter from Dr. David O. Wood, assistant professor in the Department of Microbiology and Immunology at the University of South Alabama; second, a letter from Dr. Jenifer Turco, assistant professor in the College of Medicine at the University of South Alabama; and third, a letter from Dr. Herbert C. Chung, a professor of biochemistry and senior scientist at the University of Alabama in Birmingham Cancer Center.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 5, 1985.

Hon. CHARLES A. BOWSHER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: It is my understanding that you have already been contacted by some of my Senate colleagues to seek your opinion regarding the availability and use of FY 1985 appropriations for the National Institutes of Health.

I, too, have a deep interest in the appropriations for the National Institutes of Health, particularly the National Cancer Institute.

As you of course know, last year, the Congress approved a Fiscal Year 1985 Budget of $5.1 billion for the National Institutes of Health. This action by the Congress included funds to support 6,526 new and competing research grants. This figure is 1500 more than the 5,000 originally requested by the Administration for FY 1985. The Congress has recently received information that the Administration, through the FY86 Budget and other supporting documents that it intends to rescind Congressional intent with respect to the use of previously appropriated funds and reallocate NIH funds for new research project grants to pay multiyear projects and limit the number of new and competing renewal research projects to be funded in FY85 to 5,000 instead of the 6,526 grants that the Congress has authorized.

The purpose of my letter is to request that you expedite your opinion with respect to the actions by officials of the Office of Management and Budget to fund projects on a multi-year basis contrary to the intent of the Congress, as set forth in the FY85 Appropriations Bill.

Thank you for your advice and with kindest regards, I am

Sincerely,

HOWELL HEFLIN.

UNIVERSITY OF SOUTH ALABAMA,
COLLEGE OF MEDICINE,
Mobile, AL, February 7, 1985.

Hon. HOWELL HEFLIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HEFLIN: Many of my colleagues and I recently learned that the Office of Management and Budget has instructed the National Institutes of Health to reduce the number of competing grants funded in fiscal year 1985 to 5,000 instead of the 6,526 agreed to by Congress. According to the OMB, this is a cost saving measure that will allow funding of multiyear grants for a few select projects. I believe this will be detrimental to biomedical research in this country and is contrary to the intent of Congress when the budget was approved by Congress last fall and signed into law by the President.

We have witnessed a steady reduction in government commitment to basic research over the past five years. This has had a serious impact on biomedical research that will become even more evident as the attrition rate of personnel and the loss of research opportunities continues to grow. Our strength in this area is a direct result of providing an environment where new ideas can be pursued. Governmental policies that destroy this environment are doing irreparable harm to basic biomedical research and ultimately to the health of our citizens.

I wish to protest this action by OMB and urge you to investigate the matter. The impact will be felt here in our own district at the University of South Alabama College of Medicine, where several investigators stand to lose hundreds of thousands of research dollars.

Thank you for your consideration.

Sincerely,

DAVID O. WOOD, PH.D.,
Assistant Professor.

UNIVERSITY OF SOUTH ALABAMA,
COLLEGE OF MEDICINE,
Mobile, AL, February 12, 1985.

Senator HOWELL HEFLIN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HEFLIN: I am writing to express my concern about the future of biomedical research in the United States.

I am highly disturbed by the recent directive of the Office of Management and Budget, which will substantially reduce the funding of investigator-initiated research grants by the National Institutes of Health. It was clearly the intention of Congress to fund 6,500 new and competing grants in FY 1985. However, the Office of Management and Budget has directed the National Institutes of Health to fund only 5,000 grants in FY 1985, and to use the leftover funds for "forward funding" some of these grants. Such a directive nullifies the intention of Congress and spells disaster for the biomedical research effort in this country. If this directive stands, many quality research applications will not be funded, and many highly competent scientists will be unable to apply their training and experience to biomedical problems. The result will be a weakening of the biomedical research effort.

I strongly urge you to take action NOW toward reversing the directive of the Office of Management and Budget and restoring the level of funding intended by Congress for investigator-initiated grants in FY 1985. Thank you.

Respectfully yours,

JENIFER TURCO, PH.D.,
Assistant Professor.

THE UNIVERSITY OF ALABAMA IN BIRMINGHAM,
Birmingham, AL, February 16, 1985.

Hon. HOWELL HEFLIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HEFLIN: My colleagues and I have read lately about the possibility of President Reagan's administration attempting to reduce the 1985 National Institutes of Health appropriation which is contained in a spending bill that was passed by Congress and signed by the President. The attempted reduction, if materialized, would decrease by over 20% the number of research grants for which the Congressional appropriation is intended. I am disturbed and disappointed by such a plan and I am writing to enlist your assistance to stop the plan.

I do not pretend to understand the legality, or the lack of it, of any attempt to manipulate an approved appropriation. The fact remains that the budget was passed by Congress and signed by the President. The plan to reduce the spending level for fiscal 1985 would be in line with the President's desire to reduce Federal deficit, but is clearly contrary to Congressional intent.

I believe that are facing two issues here. The first is a basic one in regards the Administration's power to "obligate" the entire budget, but to limit actual spending during the current fiscal year to a level below the amount appropriated. If the Administration should follow through with the plan, however legal it may be, it would reinforce the notion in the mind of many that the Federal Government may not be entirely trustworthy. People who take advantage of tax loopholes are often criticized and their practice is frowned upon by the Government, which has been attempting to eliminate loopholes through reform of tax law. The plan to limit the 1985 NIH spending appears to be based on a loophole that is said to be immune to legal challenge. Many tax loopholes are also invulnerable to legal challenge. When citizens take advantage of them, their practice is disapproved. Yet it would seem legitimate for the Administration to take a similar approach in solving its problem. To me this would be an example of double standard being practiced by the Government. The Administration has made a legal commitment and the commitment must be honored. It is difficult to see how it can justify the plan on moral ground.

The other issue relates to the possible adverse impact on the entire biomedical field. As one who has served for many years in several NIH review groups, I know that most of my colleagues are doing an excellent job in their research supported by NIH grants. We are closer than ever before to many new biomedical developments based on basic research. We cannot afford to slow down and lose the momentum. I could go on to list a number of other reasons why basic research would suffer severely from the Administration's plan. However, I do not think it necessary for me to do so since I am certain that you are keenly aware of the possible consequences resulting from the proposed reduction in spending. Instead, I wish to respectively urge you to act on behalf of the biomedical community to stop the Administration from removing portions of the approved 1985 NIH budget and using it in the next fiscal year. Any assistance from you and your office to help the NIH to maintain the spending level that has been legally appropriated will be greatly appreciated by us.

Sincerely yours,

HERBERT C. CHEUNG, PH.D.,
Professor of Biochemistry and Senior Scientist, Cancer Center.

The PRESIDING OFFICER. The majority leader is recognized.

DIRECTIONS TO LEGAL COUNSEL

Mr. DOLE. Madam President, I send two resolutions to the desk on behalf of myself and the distinguished minority leader, Senator BYRD, and ask for their immediate consideration and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The resolutions will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 97) to direct the Senate Legal Counsel to intervene in *Pitney Bowes Inc.* v. *The United States of America, et al.*

A resolution (S. Res. 98) to direct the Senate Legal Counsel to intervene in *Ameron, Inc.* v. *U.S. Army Corps of Engineers, et al.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolutions en bloc?

There being no objection, the Senate proceeded to consider the resolutions.

Mr. DOLE. Madam President, on March 5, the Senate agreed to Senate Resolution 91 to direct the Senate Legal Counsel to intervene in an action in the Central District of California to defend the constitutionality of provisions of the Competition in Contracting Act of 1984. The Department of Justice has challenged the constitutionality of certain authority delegated by the Congress to the Comptroller General in the administration of the bid protest provisions of that act. Senate Resolution 91 and a statement explaining its purpose appear in the RECORD at 131 CONGRESSIONAL RECORD S2565-66 (daily ed. March 5, 1985).

The constitutional question has now arisen in two other lawsuits in the district of New Jersey and in the District of Columbia. The following resolutions will authorize the Senate Legal Counsel to intervene in the name of the Senate to present the Senate's defense of the Competition in Contracting Act in those cases.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 97

Whereas, in the case of *Pitney Bowes Inc. v. The United States of America, et al.*, filed in the United States District Court for the District of Columbia, the constitutionality of the procurement protest system established by the Competition in Contracting Act of 1984, Pub. L. No. 98-369, 98 Stat. 1175, 1199-1203, has been placed in issue;

Whereas, the Department of Justice has notified the Senate that the Department will assert in cases under the Competition in Contracting Act that the powers granted by that Act of Congress to the Comptroller General violate the constitutionally prescribed separation of powers;

Whereas, pursuant to section 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a)(1982), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in the case of *Pitney Bowes Inc. v. The United States of America, et al.*

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 98) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 98

Whereas, in the case of *Ameron, Inc. v. U.S. Army Corps of Engineers, et al.*, filed in the United States District Court for the District of New Jersey, the constitutionality of the procurement protest system established by the Competition in Contracting Act of 1984, Pub. L. No. 98-369, 98 Stat. 1175, 1199-1203, has been placed in issue;

Whereas, the Department of Justice has notified the Senate that the Department will assert in cases under the Competition in Contracting Act that the powers granted by that Act of Congress to the Comptroller General violate the constitutionally prescribed separation of powers;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a)(1982), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in the case of *Ameron, Inc. v. U.S. Army Corps of Engineers, et al.*

ORDER TO HOLD AT THE DESK HOUSE JOINT RESOLUTION 85

Mr. DOLE. Madam President, I ask unanimous consent that once the Senate receives from the House of Representatives House Joint Resolution 85, designating the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week," it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on March 8, March 12, and March 13, 1985, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on March 8, March 12, and March 13, 1985, are printed in today's RECORD at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING THE RECESS

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on March 12,

1985, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1093. An act to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

Under the authority of the order of the Senate of January 3, 1985, the enrolled bill was signed on March 13, 1985, during the recess of the Senate by the President pro tempore [Mr. THURMOND].

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 85. Joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Month";

H.J. Res. 121. Joint resolution to designate the month of April 1985, as "National Child Abuse Prevention Month"; and

H.J. Res. 160. Joint resolution designating March 22, 1985, as "National Energy Education Day."

The message also announced that pursuant to the provisions of section 276a-1 of title 22, United States Code, the Speaker appoints as additional members of the delegation to attend the Conference of the Interparliamentary Union to be held in Lome, Togo, on March 25 through March 30, 1985, the following Members on the part of the House: Mr. HAWKINS, Mrs. SCHROEDER, Mr. HUBBARD, Mr. HALL of Ohio, Mr. CROCKETT, Mr. HYDE, Mr. HAMMERSCHMIDT, Mr. FISH, Mr. ROTH, and Mr. BOEHLERT.

The message further announced that pursuant to the provisions of section 194(a), title 14, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members of the part of the House: Mr. GEJDENSON and Mrs. JOHNSON.

The message also announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. FOLEY, Mr. DICKS, Mr. KRAMER, and Mr. LEWIS of California.

The message further announced that pursuant to the provisions of title 10, United States Code, section 4355(a), the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. DIXON, Mr. HEFNER, Mr. FISH, and Mr. HILLIS.

MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 121. Joint resolution to designate the month of April 1985, as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

H.J. Res. 160. Joint resolution designating March 22, 1985, as "National Energy Education Day"; to the Committee on the Judiciary.

MEASURE HELD AT THE DESK

The following joint resolution was held at the desk by unanimous consent pending further disposition:

H.J. Res. 85. Joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Month."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-98. A resolution adopted by the legislature of the State of Nebraska; to the Committee on Agriculture, Nutrition, and Forestry.

"LEGISLATIVE RESOLUTION 58

"Whereas, on February 27, 1985, the United States Senate passed legislation providing significant agricultural credit relief to the farmers of the Midwest; and

"Whereas, the House of Representatives has the opportunity to forward that important legislation to the President of the United States; and

"Whereas, President Reagan has indicated that his veto of such legislation is to be anticipated.

"Now, therefore, be it resolved by the members of the eighty-ninth legislature of Nebraska, first session:

"1. That the House of Representatives is hereby urged to forward such legislation to the President.

"2. That the President is hereby urged to reconsider his threatened veto of the agricultural crisis credit legislation, thereby demonstrating his concern for the farms and people of the Midwest.

"3. That copies of this resolution be immediately telegraphed to President Reagan, the President of the Senate, and the Speaker of the House of Representatives."

POM-99. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Commerce, Science, and Transportation.

"RESOLUTION—SENATE OF PENNSYLVANIA

"Whereas, the public welfare and economic vitality of the Commonwealth, its citizens and its industry are being jeopardized by the proposed sale of the Conrail corporation to private sector entities; and

"Whereas, continued Federal, State and local investment efforts to spur increased economic growth in the Commonwealth are being jeopardized by the proposed nonpublic sale of Conrail without assurances of adequate maintenance and investment in our rail infrastructure and rail transportation systems; and

"Whereas, Conrail has demonstrated its ability to efficiently and profitably manage the rail infrastructure and rail transportation systems in this Commonwealth; and

"Whereas, It is clearly in the best interests of the Commonwealth, its citizens and its industries that Conrail's current structure be maintained in one management unit; therefore be it

"Resolved, That the Senate memorialize the Congress of the United States to reject the proposed nonpublic sale of Conrail to Norfolk Southern Corporation in order that the Commonwealth's economy may continue to prosper and flourish; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States, Ronald W. Reagan, the Secretary of Transportation, Elizabeth Dole, and the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-100. A joint resolution adopted by the legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY JOINT RESOLUTION No. 92

"Whereas, Joint venture fisheries in which United States vessels catch fish in the 200-mile Fishery Conservation Zone and transfer them to foreign processing vessels and directed fisheries in which foreign vessels catch fish in the 200-mile Fishery Conservation Zone are interim measures intended to provide markets until domestic processors are able to provide them; and

"Whereas, Domestic processing of, and markets for, Pacific whiting are presently being developed; and

"Whereas, Foreign fish processing vessels dump fish wastes into nearshore waters off the California coast which risks souring of prime fishing grounds; and

"Whereas, Foreign fishing and fish processing vessels were excluded from waters within 12 miles of shore before 1976; and

"Whereas, Joint venture fisheries in nearshore waters off the California coast compete with California commercial fishermen, impede the development of domestic processing and markets, and needlessly worsen the United States balance-of-trade deficit; and

"Whereas, The Pacific Marine Fisheries Commission, which represents the States of California, Alaska, Idaho, Oregon, and Washington, met on November 9, 1983, in Boise, Idaho, and voted to support full phase-in of domestic fisheries by 1990 and to oppose extension of joint venture fisheries south of Point Arena; and

"Whereas, The Pacific Fishery Management Council met on November 11, 1983, in Boise, Idaho, in spite of the Pacific Marine Fishery Commission action and over the opposition of the State of California, and recommended that the Secretary of Commerce allow an extension of a Soviet-United States joint venture fishery for Pacific whiting south of Point Arena; and

"Whereas, An extension of the joint venture fishery south of Point Arena would be of no benefit to California, off of which coast it would be located; and

"Whereas, The stocks of Pacific whiting are less mature the further south they are found along the Pacific coast, and the juvenile fish provide forage for salmon and other valuable commercial and recreational species; and

"Whereas, A joint venture fishery for Pacific whiting in southern California waters

would lead to the incidental catch of Pacific mackerel, a species which is being harvested to maximum allowable biological limits by southern California fishermen; and

"Whereas, The presence of Soviet fish processing vessels off the central and southern California coast would raise serious national security concerns for the United States; and

"Whereas, The Pacific Fishery Management Council on January 12, 1984, reversed its recommendation to allow an extension of the joint venture fishery south of Point Arena, but could reverse itself again and once more recommend it; and

"Whereas, The Pacific Fishery Management Council, meeting on April 12, 1984, in San Francisco and on July 12, 1984, in San Diego, over the opposition of the State of California, recommended establishing Soviet and Polish directed fisheries for Pacific whiting north of Point Arena; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That is it the policy of the State of California to support full phase-in of domestic fisheries by 1990, to exclude foreign fish processing vessels from waters within 12 miles of the California coast, and to prevent any extension of joint venture fisheries south of Point Arena and any directed fisheries off the California coast; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the Secretary of Commerce and the Pacific Fishery Management Council to implement these policies; and be it further

"Resolved, That the Legislature memorializes the Secretary of Commerce and the Pacific Fishery Management Council to examine the feasibility of excluding foreign fish processing vessels from waters within 30 miles of the California coast to protect and encourage California fishermen and processors; and be it further

"Resolved, That the Department of Fish and Game, in cooperation with the Pacific Marine Fisheries Commission and the Joint Committee on Fisheries and Aquaculture, prepare and submit an annual report to the Legislature by January 1 of each year commencing in 1985, and continuing each year until January 1, 1990, on the progress made toward implementing these policies and these memorials; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State of the United States, to the Secretary of Commerce, to the Chairperson of the Pacific Fishery Management Council, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, to the Director of Fish and Game, to the Executive Director of the Pacific Marine Fisheries Commission, and to the Chair of the Joint Committee on Fisheries and Aquaculture of the Legislature."

POM-101. A joint resolution adopted by the legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY CONCURRENT RESOLUTION No. 161

"Whereas a substantial number of fishing vessels based in California and in the other Pacific states are now operating in the North Pacific, both west and east of the International Dateline; and

"Whereas a viable albacore fishery has been developed in that area through many years of research, which was funded by the industry through the American Fishermen's Research Foundation, working in cooperation with the National Marine Fisheries Service and the Pacific Tuna Development Foundation (now named the Pacific Fisheries Development Foundation), all of which clearly demonstrate the interest of the government and industry in developing these fisheries; and

"Whereas several other fisheries with significant potential have begun to develop as a consequence of the vessels traveling along the leeward islets chain to and from the Midway albacore fishery; and

"Whereas the national interest would be served by improving our balance of trade position, by establishing and maintaining an economic and physical presence in the area, and by creating and maintaining employment and business in Hawaii and on the Pacific Coast of the continental United States; and

"Whereas Midway Island Harbor is the only harbor of refuge in reasonable proximity to this area, the next harbor being Honolulu, and Midway Island Harbor has unused facilities available which can be utilized without inconvenience to the Navy and without any security risk; and

"Whereas Midway Island is at the upper tip of the Northwestern Hawaiian Islands and is only a few days' running time from the migratory route of the Northern Pacific albacore; and

"Whereas albacore is primarily caught by small trolling vessels manned by crews of two to three members, and the running time of 10 to 12 days from Honolulu and substantially longer from California to the fishing grounds makes albacore fishing impractical for small vessels; and

"Whereas establishment of a base on Midway Island for refueling, resupplying, and offloading may make albacore fishing economically viable; and

"Whereas the Pacific Tuna Development Foundation estimated that revenues from albacore fishing could reach $25 million a year after a five-year development program; and

"Whereas Midway Island, however, is a United States Naval Base and the Navy's permission is required if a civilian fishing base is to be constructed on the island; and

"Whereas only a small part of the inner harbor and land of Midway Island is required for a fishing base; and

"Whereas the fishing fleet will continue to operate in cooperation with the American Fishermen's Research Foundation and to provide oceanographic information, including sea temperature, bathythermograph, wind and weather, and other technical data which will be of value to the Navy and other government agencies, and provide data for more accurate weather forecasting for the Pacific Coast; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the President and Congress of the United States, and the Secretary of Defense, the Secretary of the Navy, and the Secretary of Commerce to make the harbor facilities, or a part thereof, of Midway Island available for use by American fishing vessels to the extent necessary to support American fishing activities in the adjacent areas of the Pacific Ocean; and be it further

"Resolved, That the Department of Fish and Game, in cooperation with the Department of Economic and Business Development, the Economic Development Commission, the Joint Committee on Fisheries and Aquaculture, and other appropriate state agencies, contact the United States Navy, other appropriate federal agencies, the State of Hawaii, and interstate agencies, including the Pacific Marine Fisheries Commission and the West Coast Fisheries Development Foundation, to attempt to make the harbor facilities of Midway Island available, and to determine whether the State of California may play any role in making them available; and be it further

"Resolved, That the Department of Fish and Game shall report to the Legislature on or before January 1, 1985, and periodically thereafter, on progress toward making the harbor facilities available and on any further steps the State of California might take to make them available; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, the Secretary of the Navy, the Secretary of Commerce, to each Senator and Representative from California in the Congress of the United States, to the Director of Fish and Game, to the Director of Economic and Business Development, to the Chair of the Economic Development Commission, to the Chair of the Joint Committee on Fisheries and Aquaculture of the Legislature, to the Executive Director of the Pacific Marine Fisheries Commission, and to the Executive Director of the West Coast Fisheries Development Foundation."

POM-102. A petition from a citizen of Campo, Colorado relating to a redress of grievances regarding the Social Security System; to the Committee on Finance.

POM-103. A petition from a citizen of Concord, New Hampshire opposing the confirmation of Andrew L. Frey for a position on the D.C. Court of Appeals; to the Committee on Governmental Affairs.

POM-104. A joint resolution adopted by the Commonwealth of Virginia; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION No. 151

"Whereas in the year 1989 the United States of America will have approached the bicentennial of the founding of our great republic; and

"Whereas in recognizing this historical occasion it is also necessary to focus attention on the activities and events occurring in the years preceding it; and

"Whereas in March of 1785 a conference at Mount Vernon was held which provided a forum for the exchange of ideas helping to prepare the way for the Annapolis Convention in 1786 that resulted in the Constitutional Convention held in Philadelphia the following year; and

"Whereas the Historic Mount Vernon Conference was held to discuss matters of mutual concern to the Legislatures of both Maryland and Virginia, each state naming commissioners to the Conference; and

"Whereas the agreement reached at the Conference had an 'impact upon the whole structure of the confederation'; and

"Whereas March 28, 1985, marks the 200th Anniversary of the Mount Vernon Conference; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That March 28, 1985, shall be observed in the Commonwealth as a day of historical significance recognizing the invaluable part played by the Mount

Vernon Conference and its attendants as a first step leading to the Constitutional Convention; and, be it

"Resolved further, That a copy of this resolution be sent to the Legislature of Maryland to apprise its members of this action by this General Assembly and for joint recognition or other ceremonies as they might deem appropriate; and, be it

"Resolved further, That it is encouraged that ceremonies be undertaken in the Commonwealth and by the federal government as well as other states to recognize the importance of the Mount Vernon Conference in establishing the American Republic; and, be it

"Resolved finally, That the Clerk of the Senate prepare a copy of this resolution for transmittal to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the Virginia Congressional Delegation."

POM-105. A joint resolution adopted by the Legislature of the State of California. To the Committee on Labor and Human Resources.

"ASSEMBLY JOINT RESOLUTION No. 139

"Whereas the erosion of the United States' position as a world leader in science, engineering and technology has become a matter of national concern; and

"Whereas if the United States is to avoid erosion of its position as a world leader in these fields, access to sophisticated computer hardware systems must be ensured; and

"Whereas it is also vitally important that the United States continue to produce scientists and engineers who have had experience with supercomputers; and

"Whereas proposals are being submitted to the National Science Foundation for the establishment of a national supercomputer center at the University of California; and

"Whereas due to this state's vital role in the development of this nation's computer technology, it would be of immense value both to this state and to the nation to establish a supercomputer center at the University of California; and

"Whereas the establishment of this supercomputer center would allow many individuals, in a university research setting, to acquire the greatly needed hands-on experience with supercomputers; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation providing adequate funding for the establishment of supercomputer centers; and be it further

"Resolved, That the Legislature memorializes the National Science Foundation to grant the necessary funding for the establishment of a supercomputer center at the University of California; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Director of the National Science Foundation."

POM-106. A resolution adopted by the San Bernardino County Federation of Republican Women relating to the policies of the Republican Administration; ordered to lie on the table.

FOREIGN CURRENCY REPORT

Mr. DOLE. Mr. President, I ask that the annual consolidated report of expenditure of foreign currencies and appropriated funds for foreign travel by Members and employees of the U.S. Senate be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dr. Jeffrey M. Burnam:									
Germany	Deutsche mark	2,247.19	765.00	335.57	114.17			2,582.76	879.17
United States	Dollar				1,800.00				1,800.00
Total			765.00		1,914.17				2,679.17

JESSE HELMS,
Chairman,
Committee on Agriculture, Nutrition, and Forestry, Jan. 16, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David G. Shoultz:									
Mexico	Peso	75,000	375.00					75,000	375.00
Colombia	Peso	9,538	95.38					9,538	95.38
Peru	Sol	500,775	150.00					500,775	150.00
Bolivia	Peso	300,000	150.00					300,000	150.00
Argentina	Peso	17,850	255.00					17,850	255.00
Uruguay	Peso	4,068.40	75.00					4,068.40	75.00
Brazil	Cruzeiro	286,740	150.00					286,740	150.00
Total			1,250.38						1,250.38

JESSE HELMS,
Chairman,
Committee on Agriculture, Nutrition, and Forestry, Jan. 16, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Collins:									
Israel	Dollar		325.00						325.00
Spain	Dollar		75.00						75.00
James Bond:									
Morocco	Dollar		225.00						225.00
Cyprus	Dollar		75.00						75.00
Israel	Dollar		325.00						325.00
Spain	Dollar		75.00						75.00
Richard Collins:									
Dominican Republic	Dollar		150.00						150.00
Panama	Dollar		80.00						80.00
Colombia	Dollar		95.00						95.00
Peru	Dollar		375.00						375.00
Bolivia	Dollar		150.00						150.00
Argentina	Dollar		225.00						225.00
Warren Kane:									
England	Pound	232.99	280.40					232.99	280.40
West Germany	Deutsche mark	724.63	233.00					724.63	233.00
Airfare	Dollar				2,459.99				2,459.99
Senator Thomas Eagleton:									
England	Pound	297.41	356.00					297.41	356.00
John Shank:									
France	Franc	2,546.10	270.00					2,546.10	270.00
Germany	Deutsche mark	262.70	85.00					262.70	85.00
Austria	Schilling	5,549.60	258.00					5,549.60	258.00
Hungary	Forint	3,861.30	76.00					3,861.30	76.00
Poland	Zloty	23,625	187.50					23,625	187.50
Sweden	Krona	1,106.90	126.00					1,106.90	126.00
England	Pound	369.75	445.00					369.75	445.00
Airfare					2,383.00				2,383.00
Charles Parkinson:									
France	Franc	2,546.10	270.00					2,546.10	270.00
Germany	Deutsche mark	262.70	85.00					262.70	85.00
Austria	Schilling	5,549.60	258.00					5,549.60	258.00
Hungary	Forint	3,861.30	76.00					3,861.30	76.00
Poland	Zloty	23,625	187.50					23,625	187.50
Sweden	Krona	1,106.90	126.00					1,106.90	126.00
England	Pound	369.75	445.00					369.75	445.00
Airfare					2,383.00				2,383.00
Richard Ladd:									
Belgium	Erank	9,202	146.00					9,202	146.00
Germany	Dollar		221.00						221.00
Sweden			351.00						351.00
Norway	Krone	2,604	294.00					2,604	294.00
Senator Ernest Hollings:									
England	Pound	281.15	356.00					281.15	356.00
Senator Robert Kasten:									
Morocco	Dollar		225.00						225.00
Cyprus	Dollar		75.00						75.00
Israel	Dollar		325.00						325.00
Spain	Dollar		75.00						75.00
James Bond:									
Dominican Republic	Dollar		400.00		407.00				807.00
Sean O'Keefe:									
Japan	Yen	127,332	524.00					127,332	524.00
Korea	Won	224,130	275.00					224,130	275.00
Hong Kong	Dollar	2,782.80	357.00					2,782.80	357.00
Philippines	Peso	3,716.28	186.00					3,716.28	186.00
Richard Collins:									
Morocco	Dollar		225.00						225.00
Cyprus	Dollar		75.00						75.00
Richard Ladd:									
United States	Dollar				4,042.00				4,042.00
Francis Sullivan:									
Ireland	Pound	198.15	204.00					198.15	204.00
Oman	Riyal	55.20	160.00					55.20	160.00
Pakistan	Rupee	4,481	304.00					4,481	304.00
India	Rupee	2,107	172.00					2,107	172.00
Nepal	Rupee	3,960	225.00					3,960	225.00
Hong Kong	Dollar	2,786.40	357.00					2,786.40	357.00
Senator Jim Sasser:									
Ireland	Pound	198.15	204.00					198.15	204.00
Oman	Riyal	55.20	160.00					55.20	160.00
Pakistan	Rupee	4,481	304.00					4,481	304.00
India	Rupee	2,107	172.00					2,107	172.00
Nepal	Rupee	3,960	225.00					3,960	225.00
Hong Kong	Dollar	2,786.40	357.00					2,786.40	357.00
Senator J. Bennett Johnston:									
Ireland	Pound	198.15	204.00					198.15	204.00
Oman	Riyal	55.20	160.00					55.20	160.00
Pakistan	Rupee	4,481	304.00					4,481	304.00
India	Rupee	2,107	172.00					2,107	172.00
Nepal	Rupee	3,960	225.00					3,960	225.00
Hong Kong	Dollar	2,786.40	357.00					2,786.40	357.00
William P. Jones:									
Ireland	Pound	198.15	204.00					198.15	204.00
Oman	Rial	55.20	160.00					55.20	160.00
Pakistan	Rupee	4,481	304.00					4,481	304.00
India	Rupee	2,107	172.00					2,107	172.00
Nepal	Rupee	3,960	255.00					3,960	255.00
Hong Kong	Dollar	2,786.40	357.00					2,786.40	357.00
Total			15,717.40		11,674.99				27,392.39

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Dec. 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete Wilson:									
Italy	Lira	96,316	55.32					96,316	55.32
Germany	Deutsche mark	5,015.20	184.00					5,015.20	184.00
England	Pound	35.45	48.00					35.45	48.00
Belgium	Franc	3,435	60.75					3,435	60.75
Dr. Mark Albrecht:									
Italy	Lira	132,316	76.00					132,316	76.00
Germany	Deutsche mark	5,015.20	184.00					5,015.20	184.00
England	Pound	35.45	48.00					35.45	48.00
Belgium	Franc	3,435	60.75					3,435	60.75
Carl M. Smith, Jr.:									
Germany	Deutsche mark		330.00						330.00
Spain	Peseta		245.00						245.00
England	Pound	793.13	1,039.00					793.13	1,039.00
James F. McGovern:									
Spain	Peseta	37,282	165.70					37,282	165.70
Senator John Tower:									
England	Pound		65.53						65.53
Total			2,562.05						2,562.05

JOHN TOWER,
Chairman, Committee on Armed Services, Jan. 2, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeff M. Bingham:									
Panama	Balboa		320.00						320.00
Total			320.00						320.00

JAKE GARN,
Chairman,
Committee on Banking, Housing, and Urban Affairs, Jan. 24, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alfonse D'Amato:									
United States	Dollar				2,001.00				2,001.00
Edward E. Allison:									
Switzerland	Franc	1,170	492.00						492.00
United States	Dollar				1,734.00				1,734.00
Total			492.00		3,735.00				4,227.00

JAKE GARN,
Chairman,
Committee on Banking, Housing, and Urban Affairs, Jan. 24, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Douglas Olin:									
Dominican Republic	Dollar		150.00						150.00
Panama	Dollar		80.00						80.00
Colombia	Dollar		95.00						95.00
Peru	Dollar		375.00						375.00
Bolivia	Dollar		150.00						150.00
Argentina	Dollar		225.00						225.00
Total			1,075.00						1,075.00

PETE V. DOMENICI,
Chairman, Committee on the Budget, Feb. 4, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Martin P. Kress:									
Switzerland	Franc	1,681.75	675.00			440	177.70	2,121.75	852.70
United States	Dollar				1,913.38				1,913.38
Peter B. Perkins, Jr.:									
Switzerland	Franc	1,681.75	675.00			440	177.70	2,121.75	852.70
United States	Dollar				1,535.00				1,535.00
Total			1,350.00		3,448.38		355.40		5,153.78

JACK DANFORTH,
Chairman,
Committee on Commerce, Science, and Transportation, Jan. 16, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gerald J. Kovach:									
England	Pound	217.27	288.00					217.27	288.00
Switzerland	Franc	780.15	328.00	264	280.83			1,044.15	608.83
France	Franc	4,277.7	490.00	135	15.59			4,412.7	505.59
United States	Dollar				2,301.00				2,301.00
Ward H. White:									
England	Pound	217.27	288.00	31	41.09			248.28	329.09
Switzerland	Franc	780.15	328.00	881.10	368.68			1,661.25	696.68
France	Franc	4,277.7	490.00					4,412.7	490.00
United States	Dollar				2,301.00				2,301.00
Total			2,212.00		5,308.19				7,520.19

JACK DANFORTH,
Chairman,
Committee on Commerce, Science, and Transportation, Jan. 16, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charlene Sturbitts:									
Japan	Yen	167,670	690.00					167,670	690.00
United States	Dollar				2,432.00				2,432.00
Curtis A. Moore:									
Japan	Yen	167,670	690.00					167,670	690.00
United States	Dollar				2,183.00				2,183.00
Total			1,380.00		4,615.00				5,995.00

ROBERT STAFFORD,
Chairman,
Committee on Environment and Public Works, Jan. 30, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON ETHICS, FOR TRAVEL FROM SEPT. 11 TO SEPT. 17, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William B. Canfield III:									
Greece	Drachma		450.00		950.00				1,400.00
Clendon H. Lee, Jr.:									
Greece	Drachma		450.00		950.00				1,400.00
Total			900.00		1,900.00				2,800.00

TED STEVENS,
Chairman, Select Committee on Ethics, Jan. 10, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Stern:									
Israel	Dollar		1,300.00		2,049.00				3,349.00
Total			1,300.00		2,049.00				3,349.00

ROBERT J. DOLE,
Chairman, Committee on Finance, Feb. 11, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
M. Graeme Bannerman:									
Lebanon	Pound (7.48)	1,391.28	186.00					1,391.28	186.00
England	Pound (1.24)	76.70	96.00					76.70	96.00
United States	Dollar				1,647.00				1,647.00
Amendment to 1st quarter 1984:									
William G. Miller:									
U.S.S.R.	Dollar		500.00		372.00				872.00
Amendment to 2d quarter 1984:									
Codel Hawkins:									
Mexico	Dollar						1,697.27		1,697.27
Peru	Dollar						377.65		377.65
Bolivia	Dollar						1,006.45		1,006.45
Argentina	Dollar						1,798.92		1,798.92
Uruguay	Dollar						320.66		320.66
Brazil	Dollar						516.31		516.31
Carl W. Ford:									
Thailand	Dollar		648.00		77.40		24.77		750.17
Malaysia	Dollar		225.00						225.00
Philippines	Peso	9,453.38	675.00					9,453.38	675.00
United States	Dollar				3,272.35				3,272.35
Total			2,330.00		5,368.75		5,742.03		13,440.78

CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, Dec. 17, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM SEPT. 22 TO SEPT. 28, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ian Butterfield:									
Germany	Deutsche mark	1,394.46	440.00	120	37.94			1,514.46	477.94
United States	Dollar				1,598.00				1,598.00
Total			440.00		1,635.94				2,075.94

WILLIAM V. ROTH, JR.,
Chairman, Committee on Governmental Affairs, Dec. 18, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Kaufman:									
United States	Dollar				2,561.00				2,561.00
Greece	Drachma	26,480	225.00					26,480	225.00
Ruth Kurtz:									
Japan	Yen	87,483	363.00					87,483	363.00
Total			588.00		2,561.00				3,149.00

ROGER W. JEPSEN,
Chairman, Joint Economic Committee, Nov. 29, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Belgium	Franc			1,500	24.00			1,500	24.00
Total					24.00				24.00

STROM THURMOND,
Chairman, Committee on the Judiciary, Jan. 15, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Pillsbury:									
France	Franc	3,052.80	360.00						360.00
Switzerland	Franc	379.75	164.00						164.00
Austria	Schilling	1,988.70	101.00						101.00
Hungary			76.00						76.00
United States	Dollar				1,973.00				1,973.00
Total			701.00		1,973.00				2,674.00

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, Jan. 3, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Pillsbury:									
Liberia			157.00						157.00
Kenya			450.00		329.00				779.00
Total			607.00		329.00				936.00

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, Jan. 3, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Paula Hawkins:									
Ecuador	Dollar		324.00						324.00
Venezuela	Dollar		75.00						75.00
Costa Rica	Dollar		112.50						112.50
Panama	Dollar		41.50						41.50
John Dudinsky:									
Ecuador	Dollar		324.00						324.00
Venezuela	Dollar		216.00						216.00
Costa Rica	Dollar		331.00						331.00
Panama	Dollar		116.00						116.00
John Mica:									
Ecuador	Dollar		324.00						324.00
Venezuela	Dollar		216.00						216.00
Costa Rica	Dollar		331.00						331.00
Panama	Dollar		116.00						116.00
John Dudinsky:									
France	Dollar		249.00						249.00
Germany	Dollar		150.00						150.00
Spain	Dollar		150.00						150.00
Morocco	Dollar		225.00						225.00
United States	Dollar				2,315.10				2,315.10
Total			3,301.00		2,315.10				5,616.10

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, Jan. 29, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS, FOR TRAVEL FROM NOV. 7 TO NOV. 19, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert J. Dotchin:									
Hong Kong	Hong Kong dollar	2,782.80	357.00					2,782.80	357.00
People's Republic of China	Yuan	954.37	375.00					954.37	375.00
United States	Dollar				2,032.93				2,032.93
Alan L. Chvotkin:									
Hong Kong	Hong Kong dollar	2,782.80	357.00					2,782.80	357.00
People's Republic of China	Yuan	954.37	375.00					954.37	375.00
United States	Dollar				2,032.93				2,032.93
Total			1,464.00		4,065.86				5,529.86

LOWELL WEICKER, JR.,
Chairman, Committee on Small Business, Jan. 3, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), UNITED STATES DELEGATION TO ICARA II, COMMITTEE ON RULES AND ADMINISTRATION, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas R. Getman:									
Switzerland	Franc	975	410.00		1,535.00			975	1,945.00
Uganda	Shilling				100.00				100.00
Total			410.00		1,635.00				2,045.00

CHARLES McC. MATHIAS, JR.,
Chairman, Committee on Rules and Administration, Oct. 10, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL GARN, FOR TRAVEL AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS FOR TRAVEL FROM NOV. 8–19, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jake Garn:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
Senator Paul Laxalt:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
Senator Jack Danforth:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
Senator Alan Simpson:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
William F. Hildenbrand:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
M. Danny Wall:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
W. Lamar Smith, Jr.:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
Kenneth A. McLean:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
Vivian Dubreuil:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
Alvina Wall:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
Yvonne L. Hopkins:									
People's Republic of China	Yuan	1,525.51	589.00					1,525.51	589.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), CODEL GARN, FOR TRAVEL AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS FOR TRAVEL FROM NOV. 8-19, 1984—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hong Kong	Hong Kong dollar	2,369.70	304.00					2,369.70	304.00
Taiwan	Taiwan dollar	7,239.00	184.00					7,239.00	184.00
Delegation expenses:									
People's Republic of China	United States dollar						3,560.32		3,560.32
Hong Kong	United States dollar						3,480.17		3,480.17
Taiwan	United States dollar						4,382.14		4,382.14
Total			11,847.00				11,422.63		23,269.63

Note.—Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

JAKE GARN,
Chairman of Delegation, November 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), CODEL THURMOND, FOR TRAVEL AUTHORIZED BY THE PRESIDENT PRO TEMPORE FROM APR. 1 TO JUNE 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Strom Thurmond:									
France	Franc	1,823.17	214.49					1,823.17	214.49
Thad Strom:									
France	Franc	1,823.17	214.49					1,823.17	214.49
Senator Lowell Weicker:									
France	Franc	2,091	246.00					2,091	246.00
Senator John Warner:									
France	Franc	2,091	246.00					2,091	246.00
William Stewart:									
France	Franc	2,091	246.00					2,091	246.00
Ken Johnson:									
France	Franc	1,799.36	211.69					1,799.36	211.69
K.K. Cowan:									
France	Franc	4,182	492.00					4,182.00	492.00
Delegation expenses				6,591.80	781.37	8,243.77	969.94	14,835.57	1,751.31
Total			1,870.67		781.37		969.94		3,621.98

STROM THURMOND,
President pro tempore, Feb. 6, 1985.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT PRO TEMPORE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sam Ballenger:									
Guatemala	Quetzale	260	260.00					260	260.00
United States	Dollar				582.92				582.92
Margaret Hunt:									
Nicaragua	Dollar		450.00		563.92				1,013.92
Honduras	Dollar		376.74						376.74
Joel S. Lisker:									
Nicaragua	Dollar		450.00		563.92				1,013.92
Honduras	Dollar		376.74						376.74
Total			1,913.48		1,710.76				3,624.24

STROM THURMOND,
President pro tempore, Feb. 7, 1985.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Barbara W. Schlicher, of New Jersey, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships.

John A. Bohn, Jr., of Virginia, to be First Vice President of the Export-Import Bank of the United States.

Richard H. Francis, of Virginia, to be President of the Solar Energy and Energy Conservation Bank.

(The above nominations were reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation:

Carol Gene Dawson, of Virginia, to be a Commissioner of the Consumer Product Safety Commission.

Richard H. Jones, of Virginia, to be Deputy Administrator of the Federal Aviation Administration.

Edward J. Philbin, of California, to be a Federal Maritime Commissioner.

Mary L. Azcuenaga, of the District of Columbia, to be a Federal Trade Commissioner.

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Robert L. Johanson, USCG.
Capt. William F. Merlin, USCG.
Capt. Arnold B. Beran, USCG.
Capt. Peter J. Rots, USCG.
Capt. Thomas T. Matteson, USCG.

(The above nominations from the Committee on Commerce, Science, and Transportation were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. DANFORTH. I also report favorably, for the Committee on Commerce, Science, and Transportation, three nomination lists which appeared in full in the CONGRESSIONAL RECORD of January 21 and 24 and February 19, 1985, and, to save the expense of reprinting them on the Executive Calendar, ask unanimous consent that they lie at the Secretary's desk for the information of Senators.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR (by request):

S. 656. A bill to further amend the Peace Corps Act, and for other purposes; to the Committee on Foreign Relations.

By Mr. THURMOND (for himself, Mr. MURKOWSKI, Mr. SPECTER, and Mr. PRYOR):

S. 657 A bill to establish the Veterans' Administration as an executive department; to the Committee on Governmental Affairs.

By Mr. MATHIAS:

S. 658. A bill to establish a commission to study and make recommendations on the desirability and feasibility of amending the copyright laws to compensate authors for the not-for-profit lending of their works; to the Committee on the Judiciary.

By Mr. LUGAR (by request):

S. 659. A bill to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, and for other purposes; to the Committee on Foreign Relations.

S. 660. A bill to amend the Foreign Assistance Act of 1961, the Arms Export Control Act and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes; to the Committee on Foreign Relations.

By Mr. PACKWOOD:

S. 661. A bill entitled the "George Milligan Control Tower"; to the Committee on Commerce, Science, and Transportation.

By Mr. FORD:

S. 662. A bill place certain restrictions on the storage and demilitarization of chemical munitions and lethal chemical agents at Lexington-Bluegrass Army Depot, Kentucky, and for other purposes; to the Committee on Armed Services.

By Mr. METZENBAUM (for himself, Mr. HATFIELD, Mr. EXON, Mr. COHEN, Mr. PROXMIRE, and Mr. HART):

S. 663. A bill to amend the Internal Revenue Code of 1954 to modify the alternative minimum corporate tax; to the Committee on Finance.

By Mr. NICKLES (for himself and Mr. ABDNOR):

S. 664. A bill to facilitate the competitiveness of exports of United States agricultural commodities; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. WALLOP, Mr. NICKLES, Mr. ARMSTRONG, Mr. COHEN, Mr. DENTON, Mr. EAST, Mr. KASTEN, and Mr. MCCLURE):

S. 665. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GARN (for himself and Mr. HECHT) (by request):

S. 666. A bill to amend the National Flood Insurance Act of 1968, as amended, to extend certain authorities thereunder, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 667. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO (for himself and Mrs. HAWKINS):

S. 668. A bill to provide funding for the ACTION Drug Prevention Program in the Department of Health and Human Services out of proceeds received by the Customs Forfeiture Fund and the Department of Justice Assets Forfeiture Fund; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 669. A bill entitled the "Correctional Facility Development Act"; to the Committee on the Judiciary.

By Mr. EXON:

S. 671. A bill to authorize the Secretary of the Interior to modify the construction, operation, and maintenance of the O'Neill unit, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Energy and Natural Resources.

By Mr. HEFLIN:

S. 672. A bill for the relief of Kazim Ates Ontuna; to the Committee on the Judiciary.

S. 673. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself, Mr. KENNEDY, Mr. SPECTER, Mr. LEAHY, Mr. STAFFORD, Mr. METZENBAUM, Mr. PACKWOOD, Mr. CRANSTON, Mr. CHAFEE, Mr. PROXMIRE, Mr. ANDREWS, Mr. CHILES, Mr. HATCH, Mr. RIEGLE, Mr. TRIBLE, Mr. SARBANES, Mr. GORTON, Mr. LEVIN, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. BOSCHWITZ, Mr. DODD, Mr. HEINZ, Mr. ABDNOR, Mr. WILSON, Mr. DANFORTH, Mr. ZORINSKY, Mr. BRADLEY, Mr. MITCHELL, Mr. DECONCINI, and Mr. BURDICK):

S.J. Res. 79. Joint resolution to designate April, 1985, as "Fair Housing Month"; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. LAXALT, Mr. KENNEDY, Mr. LEAHY, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. CRANSTON, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GOLDWATER, Mr. HELMS, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MOYNIHAN, Mr. NUNN, Mr. STAFFORD, and Mr. STEVENS):

S.J. Res. 80. Joint resolution to authorize and request the President to designate the month of May, 1985, as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. GARN and Mr. SASSER):

S.J. Res. 81. Joint resolution to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. DURENBERGER, Mr. LAXALT, Mr. NUNN, Mr. SYMMS, and Mr. KERRY):

S.J. Res. 82. Joint resolution to designate the week of March 17, 1985, through March 22, 1985, as "National Camp Fire Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GOLDWATER (for himself and Mr. DECONCINI):

S. Res. 96. A resolution relating to the centennial observance of the University of Arizona; to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 97. A resolution to direct the Senate Legal Counsel to intervene in "Pitney Bowes Inc. v. The United States of America, et al."; considered and agreed to.

S. Res. 98. A resolution to direct the Senate Legal Counsel to intervene in "Ameron, Inc. v. U.S. Army Corps of Engineers, et al."; considered and agreed to.

By Mr. HELMS:

S. Res. 99. A resolution expressing the sense of the Senate that the Export-Import Bank of the United States should not grant financial assistance to or on behalf of fertilizer industries owned or controlled by foreign governments; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (by request):

S. 656. A bill to further amend the Peace Corps Act, and for other purposes; to the Committee on Foreign Relations.

PEACE CORPS ACT AMENDMENTS

● Mr. LUGAR. Mr. Presdient, by request, I introduce for appropriate reference a bill to amend the Peace Corps Act to authorize appropriations for fiscal year 1986 and for other purposes.

This proposed legislation has been requested by the Peace Corps and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill, and the letter from the Director of the Peace Corps to the President of the Senate dated March 11, 1985.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (hereinafter the "Act") is amended by changing the first sentence thereof to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act not to exceed $124,400,000 for the fiscal year 1986 and such sums as may be necessary for the fiscal year 1987."

SEC. 2. Section 15(a) of the Act is amended by adding, at the end thereof, the following sentence: "Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purposes of this Act, and the proceeds in such sales may be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31."

A BILL TO AMEND THE PEACE CORPS ACT AND FOR OTHER PURPOSES

SECTION-BY-SECTION ANALYSIS

Section 1 amends section 3 of the Peace Corps Act (hereinafter the "Act") to authorize the appropriation of not to exceed $124,400,000 for activities under the Act for fiscal year 1986, and such sums as may be necessary for fiscal year 1987.

Section 2 amends section 15(a) of the Act to authorize the Peace Corps to sell its publication to the public at cost, and to authorize deposit of the proceeds of such sales to the Peace Corps' then-current appropriation. The Peace Corps produces a number of technical publications which are valuable to private voluntary organizations and to host-country governments and agencies. They are often requested in quantity. Peace Corps cannot afford to make multiple copies available *gratis*, although dissemination of the information they contain is a desirable extension of the Peace Corps' mission. Efforts to have these publications produced through the Government Printing Office have proved too expensive, or unsuccessful. At present, Peace Corps lacks authority to reimburse its appropriation for the costs of publication of these materials from the proceeds of sales. Authorizing the Peace Corps to sell its publication at cost and reimburse its current appropriation for such cost, would permit a broader dissemination of Peace Corps technical publications than is now possible.

PEACE CORPS,
OFFICE OF THE DIRECTOR,
March 11, 1985.

Hon. GEORGE BUSH,
President,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit to you a draft bill which will enable Peace Corps to continue its efforts on behalf of world peace and friendship for fiscal years 1986 and 1987.

The bill will authorize the appropriation of $124,400,000 for activities under the Peace Corps Act for fiscal year 1986, and such sums as may be necessary to support activities under the Peace Corps Act in fiscal year 1987.

Peace Corps technical publications contain much information which is valuable to private voluntary organizations and host-country ministries. The bill proposes an amendment to the Peace Corps Act which would facilitate dissemination of this valuable information by authorizing the Peace Corps to sell its technical publications at cost, and to credit the proceeds of such sales to its current appropriations. The Peace Corps cannot afford to provide large numbers of its publications *gratis*, or without being able to recoup, for its own use, the proceeds of sales. Under present law, the proceeds of such sales must be remitted to the Treasury.

The Office of Management and Budget has advised that there is no objection to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

LORET MILLER RUPPE,
Director.●

By Mr. THURMOND (for himself, Mr. MURKOWSKI, Mr. SPECTER, and Mr. PRYOR):

S. 657. A bill to establish the Veterans' Administration as an executive department; to the Committee on Governmental Affairs.

ESTABLISHING THE VETERANS' ADMINISTRATION AS AN EXECUTIVE DEPARTMENT

Mr. THURMOND. Mr. President, today, I am introducing legislation to upgrade the Veterans' Administration to a Cabinet level department and to provide for a Secretary of Veterans' Affairs within the President's Cabinet.

In recognition of the contributions to freedom and liberty made by servicemen and women, our Government has placed a high priority on the welfare of its veterans. It is the highest obligation of U.S. citizenship to defend the Nation in time of need, and this obligation creates an equal responsibility on the part of our Nation to care for the men and women who have worn the uniform. It is most appropriate that the principal Federal agency charged with providing benefits and services to veterans, and their dependents and survivors, have Cabinet-level status. The honor and respect due our veterans require no less.

Mr. President, many factors warrant upgrading the Veterans' Administration to a Cabinet-level department and establishing the position of Secretary of Veterans' Affairs within the President's Cabinet. Significantly, the unique nature of veterans benefits must be taken into account and distinguished from the many social programs provided to others. Veterans benefits are not handouts; they have been earned through great pain and sacrifices, and oftentimes, by the loss of lives.

In addition, the size and importance of the Veterans' Administration in our system of government justifies establishing the Veterans' Administration as a Cabinet level department. The Veterans' Administration is the largest independent agency of the Federal Government. Its budget authority of $27.2 billion for fiscal year 1985 ranks among the largest of the Federal departments and agencies. Furthermore, the 220,000 employees of the Veterans' Administration outnumber the employees in any other Federal department or agency except the Department of Defense.

Mr. President, it is important to emphasize that today there are some 28 million veterans, and about 54 million dependents and survivors of veterans in the United States. The programs administered by the Veterans' Administration touch virtually every family in America in some way. The Veterans' Administration operates the largest, centrally managed health care system in the world, and administers the largest direct insurance program in the United States. In fiscal year 1984, the Veterans' Administration distributed $14 billion in compensation and pension benefits, and approximately $1.6 billion in education, training and rehabilitation assistance payments.

Moreover, the VA Home Loan Guaranty Program has provided millions of veterans with an opportunity for home ownership. Currently, over 4 million home loans in the United States are guaranteed by the Veterans' Administration. The Veterans' Administration also provides burial benefits to honor nearly 350,000 deceased veterans annually, which encompasses the operation of 108 national cemeteries.

In addition to having the awesome responsibility for administering these diverse programs, the Administrator of Veterans' Affairs must address some unique issues which further emphasize the great importance of his position. Providing effective, innovative readjustment programs for our Vietnam-era veterans most certainly remains a high priority matter. Additionally, we are faced with meeting the demands placed upon our hospital and health care system by the aging veteran population. Today, there are approximately 4.6 million veterans aged 65 or older. This number is expected to almost double to approximately 9 million by the year 2000.

Mr. President, in light of the commitment of our Nation to care for our deserving veterans, not to mention the size and importance of the Veterans' Administration in our Government, I believe it imperative that the Veterans' Administration be a Cabinet level agency. I have offered legislation to effect this change on several occasions in the past, and I do so again today.

In a time of large budget deficits and great pressures to restrain the growth of Federal spending, it is most important that the Veterans' Administration be involved closely in Government planning at the highest level. The legislation I am introducing today would ensure this involvement, and I urge my Senate colleagues to join with me working toward its early enactment.

● Mr. MURKOWSKI. Mr. President, I rise in support and as an original cosponsor of S. 657, a bill to elevate the Veterans' Administration to a Cabinet-level department. Is so doing, I join with my distinguished colleague, the Senator from South Carolina, in urging its prompt passage. As the Senator has so concisely stated, the Veterans' Administration is an agency with a vast responsibility not only to the 28 million veterans of America, but to their families as well. Given this very real secondary level of beneficiaries, the Veterans' Administration has the potential for affecting the health and well-being of more than 81 million Americans—better than a third of the population of the United States.

This responsibility carries with it a budget of $27.2 billion and a staff exceeding 220,000 full-time employees or their equivalents—making it our largest independent Government agency. It is the largest health-care delivery system of its kind in the world, with 172 major medical centers and 135 outreach clinics and their satellites. The VA's direct insurance program is the largest in the United States, and VA pensions and benefits—ranging from education assistance to rehabilitation and job training—exceeds $15 billion a year in payouts. In personnel it rivals all other agencies save the Department of Defense—from which Cabinet-level department the Veterans' Administration eventually draws its principal benefits recipients.

As the chairman of the Senate Veterans' Affairs Committee, I am familiar with the VA's broad scope of operations. It is with this knowledge—and appreciation for the tremendous burden of responsibility placed on the shoulders of any VA Administrator—that I urge my colleagues to support this bill, which would elevate the Veterans' Administration to a Cabinet-level department, thereby placing the VA Administrator at a level commensurate with his responsibilities and in the role of valuable counsel to the President as a member of his Cabinet.

Mr. President, the Veterans' Administration is now entering its 53d year of service to this Nation's veterans. Although the standards of service have not changed—it is still service second to none—the range of services offered and the logistics of administering those services have expanded almost exponentially. From humble beginnings of a few hospitals and nursing homes to today's network of world-class medical centers and affiliated medical schools, the VA has proven its worth time and time again.

In the early days, it was the VA that researched and brought to a halt the slow pain of tuberculosis. Today the VA is on the cutting edge of nuclear radiology to probe the inner workings of the brain, high-technology applications to aid the blind and the deaf, surgical procedures to improve the possibilities for those whose spinal cords have been damaged, and a wealth of other research and clinical applications clearly destined to better the quality of life for the veteran. The application of this knowledge and expertise can be used to benefit all Americans.

Veterans' Administration benefits programs are carrying out a long-term commitment our Government made to those who accepted the duty to stand in our defense. Education, employment and placement, readjustment counseling, home loans and allowances for specially adapted housing for the disabled, and other disability benefits only begin a list of programs that characterizes the commitment the VA has made to veterans. And since these and other programs help veterans reestablish themselves in communities all across our country, those communities, with their schools, businesses, and social programs also benefit.

Controlling the deficit-plagued Federal budget requires calm deliberation from those most directly affected by the distribution of our increasingly limited supply of dollars. The men and women who sit in daily counsel with the President exercise that deliberation to the best of their abilities and do so with the greater good of the Nation foremost on their minds. In view of the VA's impact on our society and in consideration of its sheer size, it is essential that the Administrator of Veterans' Affairs participate in those important discussions with the President and his Cabinet.

The Administrator of Veterans' Affairs—because he does oversee an agency that must maximize every available dollar—is well versed in budgets and the concept of a greater good. I believe the VA Administrator, by the very nature of his job, would be an asset in the Cabinet as its members work together to bring the budget under some semblance of control. Clearly, Mr. President, an agency that has been so much a part of this Nation, and has done so much for our defenders, has more than proven itself worthy of taking a seat in the Cabinet room in the White House.

Mr. President, once again I thank the Senator from South Carolina for his dedicated and inspired cooperation. I share his belief that this is a good and long-overdue undertaking, and I urge my colleagues to join with me in support of this legislation.

By Mr. MATHIAS:

S. 658. A bill to establish a commission to study and make recommendations on the desirability and feasibility of amending the copyright laws, to compensate authors for the not-for-profit lending of their works; to the Committee on the Judiciary.

PUBLIC LENDING RIGHT STUDY COMMISSION

● Mr. MATHIAS. Mr. President, our Constitution empowers the Congress "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their writings and discoveries." In the past, that aim has been advanced each time we enacted new patent and copyright legislation. Now, to implement that principle more fully, some suggest that we institute a system that compensates authors not only each time one of their books is sold, but also whenever it is borrowed from a public library. Such a regime, they argue, would help authors survive, would promote the production of high quality works, and would encourage their diffusion among the public. This concept is not new: At least 10 nations, among them Great Britain and West Germany, have already adopted such a provision commonly known as the public lending right.

Aware of the important consequences the introduction of this system could have, I introduced a bill last year to establish a commission to study whether or not it would be desirable in the United States. Although no legislative action was taken on this bill, it prompted a great deal of discussion and press interest. Several symposiums on the subject were also held. This question clearly deserves serious study. Consequently, today I reintroduce a bill to create a commission to give the Congress the expert guidance it needs to evaluate the public lending right in the American context. It would consist of 11 members appointed by the President representing authors, publishers, librarians, and readers. After 2 years, the Commission would submit a report to the President and to the Congress. This report would include recommendations and proposals regarding the appropriate procedures to carry out such financial compensation, if the idea seemed workable. The new bill incorporates several minor changes mainly regarding procedures, such as the date of creation of the Commission, the date of the first meeting, and the rules applying to the staff.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a National Commission on the Lending of Authors' Works (hereinafter in this Act referred to as the "Commission").

SEC. 2. The purpose of the Commission is to consider whether specific compensation to authors for the lending of their works would promote authorship in the United States without adversely affecting the reading public; and, if so, to make recommendations concerning an appropriate system of payment to authors from funds to be appropriated by the Congress or from a national trust fund established for that purpose.

SEC. 3. In carrying out its purposes the Commission—

(1) shall evaluate, report upon and assess the relevance to the United States of systems in operation or under consideration in foreign countries for compensating authors for the not-for-profit lending of their works;

(2) shall study and compile data on the various types of lending of books and similar publications; and

(3) if it recommends the establishment of a compensation system for the public lending of books or similar publications, shall also—

(A) consider the advantages or disadvantages of establishing such compensation by legislative and administrative action.

(B) consider, evaluate, and identify appropriate criteria for determining the amount of compensation, including the following:

(i) the number of copies sold to lending institutions,

(ii) the number of copies stocked by lending institutions, and

(iii) the number of circulations;

(C) identify procedures for determining and paying any such compensation without imposing upon the public libraries of the Nation burdensome administrative requirements which could have the effect of diverting significant resources of those institutions from service to the public;

(D) assess whether the eligibility of the author to receive compensation should be subject to specific limitations such as: (i) the copyright status of the work; (ii) the nationality or domicile of the author; (iii) the alienability or descendability of the right to compensation; or (iv) a specified term of years; and

(E) recommend whether a compensation system should be administered by an existing Government agency or by a new agency created for that purpose.

SEC. 4. (a) The Commission shall consist of eleven voting members. One such member shall be the Librarian of Congress and ten members shall be appointed by the President, as follows—

(1) two members selected from authors;

(2) two members selected from publishers;

(3) three members selected from librarians; and

(4) three members selected from the public generally.

(b) The members shall be appointed within 90 days after the date of enactment of this Act.

(c) The President shall call the first meeting of the Commission to be held within 90 days after appointment of all members. The Commission, at its first meeting, shall select its chairman and vice chairman from among the members of the Commission. Members may fill a vacancy in either office. The vice chairman shall act as chairman when the chairman is absent for any reason.

(d) Six members of the Commission shall constitute a quorum, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence, in accordance with section 10.

(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

SEC. 5. (a) Members of the Commission, other than officers or employees of the Federal Government, shall receive compensation at the rate of $100 per day while engaged in the actual performance of Commission duties.

(b) All members of the Commission shall be reimbursed for travel as authorized by section 5703 of title 5 of the United States Code, subsistence, and other necessary expenses in connection with the performance of their duties.

SEC. 6. (a) To assist in its studies, subject to such rules and regulations as may be adopted by the Commission, the Commission may appoint a staff which shall be an administrative section of the Library of Congress. The staff shall be headed by an Executive Director, who shall be appointed by and responsible to the Commission for the administration of the duties entrusted to the staff. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, or any other provision of law, relating to the number, classification, and General Schedule rates.

(b) The Commission may procure temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 per day.

SEC. 7. (a) Within one year after its first meeting, the Commission shall submit to the President and to the Congress a preliminary report on its activities.

(b) Within two years after its first meeting, the Commission shall submit to the President and to the Congress a final report which shall include its recommendations and its proposals, if any, for legislation and administrative action that may be necessary to carry out those recommendations.

(c) In addition to the preliminary report and final report required by this section, the Commission may publish such interim reports as it deems appropriate, including consultant's reports, transcripts of testimony, seminar reports, and other Commission findings.

SEC. 8. (a) The Commission, or, with the authorization of the Commission, any three or more of its members, may, for the purpose of carrying out the provisions of this Act, hold hearings, administer oaths, and request the attendance and testimony of witnesses and the production of documentary material.

(b) With the consent to the Commission, any one of its members may convene a meeting, seminar, or conference in furtherance of the purposes of the Commission.

SEC. 9. On the sixtieth day after the date of the submission of its final report, the Commission shall terminate and all offices and employment under it shall terminate.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

By Mr. LUGAR (by request):

S. 659. A bill to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, and for other purposes; to the Committee on Foreign Relations.

DEPARTMENT OF STATE AUTHORIZATION ACT FOR FISCAL YEARS 1986 AND 1987

● Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the Department of State for fiscal years 1986 and 1987.

This proposed legislation has been requested by the State Department and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate dated March 6, 1985.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 659

Be it enacted by the Seante and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

SEC. 101. This Title may be cited as the "Department of State Authorization Act for fiscal years 1986 and 1987."

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. In addition to amounts otherwise authorized for such purposes, the following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law:

(1) For "Administration of Foreign Affairs", $1,844,202,000 for the fiscal year 1986 and $1,902,478,000 for the fiscal year 1987.

(2) For "International Organizations and Conferences". $502,574,000 for the fiscal year 1986 and $527,119,000 for the fiscal year 1987.

(3) For "International Commissions", $26,278,000 for the fiscal year 1986 and $25,824,000 for the fiscal year 1987.

(4) "For Other Activities", $356,465,000 for the fiscal year 1986 and $358,582,000 for the fiscal year 1987.

STATE DEPARTMENT BASIC AUTHORITIES ACT

SEC. 103. Title I of the State Department Basic Authorities Act of 1956 (Public Law 84-885), as amended, is further amended as follows:

(1) Section 2 is amended to read, in the introductory clause, "The Secretary of State is authorized to—".

(2) Section 2(c) is amended by adding, in lieu of the semicolon at the end thereof, the following:

", provided that persons providing services under such contracts shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management".

(3) Section 34, as added by Public Law 98-164, is amended by substituting the terms, "$500,000 or 20 per centum" in lieu of the terms "$250,000 or 10 per centum" in subsection (7) therein.

(4) Section 36 of title I is redesignated section 37, and the following new section 36 is added:

"SEC. 36. Funds appropriated to the Department of State shall be available for expenses of international arbitrations and other proceedings for the peaceful resolution of international disputes under treaties or other international agreements, and for arbitrations arising under contracts authorized by law for the performance of services or acquisition of property, real or personal, abroad.".

FOREIGN MISSIONS ACT AMENDMENTS

"SEC. 104. Title II of the State Department Basic Authorities Act of 1956 is amended by redesignating section 204A (added by Public Law 98-164) as Section 214, and by further amending section 214, as redesignated, as follows:

(1) by striking the language in subsection (b)(3) of section 214 as redesignated, and substituting in lieu thereof the following—

"has not satisfied a final court judgement against such member or individual adjudicated on the merits or is not legally liable: *Provided*, That this subsection shall not apply unless the Director receives notice in writing at the time of filing or initiating any administrative or judicial proceeding resulting in or forming the basis for such judgment, as well as copies of pleadings or other documents filed in connection therewith, and"

(2) by striking in the ultimate paragraph of subsection (b) of section 214, as redesignated, all that follows the terms, "or, if there is no court-rendered judgement", and substituting in lieu thereof the following—

"in accordance with subsection (b)(3), an estimated amount of actual damages incurred by the injured party directly resulting from the fault of such member or individual. The payment of any such surcharge or fee shall be available only for compensation of the injured party or the estate thereof".

PROTECTION OF FOREIGN MISSIONS

"SEC. 105. (a) Section 605 (Extraordinary Protective Services) of the Department of State Authorization Act, fiscal years 1984 and 1985, is redesignated as section 215 of title II of the State Department Basic Authorities Act of 1956, as amended.

(b) Subsection (a) of section 215 of title II, as redesignated is amended by substituting, in lieu of all that precedes the clause, "to the extent deemed necessary by the Secretary", the following, "The Secretary is authorized to provide extraordinary protective services for foreign missions directly or by contract or through state or municipal authorities."

SPECIAL AGENTS

"SEC. 106. Public Law 84-104, as amended (22 U.S.C. 2666) is further amended to read as follows:

"(a) Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and Foreign Service are authorized—

"(1) to conduct investigations concerning illegal passport or visa issuance or use, except that the authority provided in this subsection shall be exercised subject to agreement with the Attorney General and that nothing herein shall effect the investigative authority of any other Federal law enforcement agency;

"(2) to obtain, execute, and serve search warrants and arrest warrants and to serve subpoenas and summonses issued under the authority of the United States, for the purpose of conducting investigations authorized by paragraph (1);

"(3) in both the United States and abroad, to protect and to perform those protective functions, as authorized by law, directly related to maintaining the security and safety of

"(i) heads of foreign states,

"(ii) official representatives of foreign governments and other distinguished visitors to the United States,

"(iii) the Secretary of State,

"(iv) the Deputy Secretary of State,

"(v) official representatives of the United States Government.

'(vi) members of the immediate families of any such persons, and

"(vii) foreign missions (as defined by title II of the State Department Basic Authorities Act of 1956, as amended) within the United States.

except that nothing in this subsection or section 215 of title II of the State Department Basic Authorities Act of 1956, as amended, shall be deemed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3 of the United States Code or section 3056 of title 18 of the United States Code at a level commensurate with protective requirements as determined by the United States Secret Service.

"(4) if designated by the Secretary of State and qualified for the use of firearms, to carry firearms for the purpose of performing the duties authorized by this section;

"(5) to make arrests without warrant—

"(A) for any offense against the United States committed in their presence, or

"(B) if they have reasonable grounds to believe that the person to be arrested has committed a violation of sections 111, 112(a) or 970(a) of title 18 of the United States Code and such person is in or fleeing from the immediate area of such violation.

"(b) The Secretary of State shall consult with the Attorney General before prescribing regulations with respect to the carrying and use of firearms by special agencies of the Department of State and Foreign Service."

SEC. 107. Public Law 88-493 (22 U.S.C. 2667) is repealed.

DETAIL TO OTHER AGENCIES

SEC. 108. Section 11 of the Department of State Appropriations Authorization Act of 1973, as amended (22 U.S.C. 2685), is repealed.

STRENGTHENING THE ORGANIZATION OF DEPARTMENT OF STATE

SEC. 109. (a) The first section of the Act entitled "An act to strengthen and improve the organization and administration of the Department of State, and for other purposes," approved May 26, 1949 (22 U.S.C. 2652), is amended by striking "thirteen" and substituting in lieu thereof the term "sixteen".

(b) Section 5315 of title 5, United States Code, is amended by—

(1) Striking out the terms "Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, Department of State.", "Director, Bureau of Intelligence and Research Department of State.", and "Assistant Secretary of State for International Narcotics Matters, Department of State.";

(2) Substituting "(16)" in lieu of "(13)" immediately after the terms, "Assistant Secretaries of State"; and

(3) Adding the following new positions thereto:

"Director General of the Foreign Service, Department of State."; and

"Inspector General of the Department of State and the Foreign Service".

(c) Section 9 of Public Law 93-126, as amended by Section 9 of Public Law 93-313 (22 U.S.C. 2655a) and Section 115(a) of Public Law 95-426 (22 U.S.C. 2652a) are repealed.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

SEC. 110. Public Law 94-37 (89 Stat. 216) is amended by designating all that follows the term, "That" as subsection (a), and by further amending subsection (a) as redesignated by substituting the terms, ", including territorial or governmental transition activities in connection therewith," in lieu of the terms "in the Middle East" therein.

MIGRATION AND REFUGEE ASSISTANCE AMENDMENTS

SEC. 111. The Migration and Refugee Assistance Act of 1962, as amended, is further amended as follows:

(a) Section 2 of the Act (22 U.S.C. 2601) is amended by inserting at the end thereof the following new subsection:

"(f) The President may furnish assistance and make contributions under this Act, notwithstanding any provision of law which restricts assistance to foreign countries."

(b) Section 5(a) of the Act (22 U.S.C. 2605) is amended by striking the word "and" at the end of paragraph (5) therein, by renumbering paragraph (6) as paragraph (7), and by inserting the following new paragraph immediately after paragraph (5):

"(6) contracting for personal services abroad: *Provided*, That persons providing services under such contracts shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;".

INTERNATIONAL CENTER

SEC. 112. The International Center Act (Public Law 90-553), as amended by Public Law 97-186, is further amended—

(a) In section 2 by inserting the terms "the Secretary or" before the terms "any foreign government therein, and by substituting "described in" in lieu of the terms "conveyed pursuant to"; and

(b) In section 4, by inserting after the words "related improvements" in subsection (f) therein, the following, ", including construction of facilities for security and maintenance,".

FOREIGN SERVICE INSTITUTE FACILITIES

SEC. 113. In order to promote comprehensive training to meet the foreign relations and national security objectives of the United States, and to provide special facili-

ties designed for that purpose to assure cost efficient training—

(a) Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding in lieu of the period at the end of subsection (5) therein, the following, "; the Secretary is authorized for this purpose to acquire a consolidated training facility in reasonable proximity to the Department of State by construction, lease-construction or long term lease, in consultation with the Administrator of General Services, and is authorized for this purpose to accept a transfer of excess Federal sites or facilities in accordance with the normal established process prescribed by section 202(a) of the Federal Property and Administrative Services Act of 1949, as amended."

(b) Of funds authorized to be appropriated under section 102(1) of title I of this Act for fiscal year 1987, not to exceed $11,000,000 may be expended for feasibility studies, site acquisition, and design, architectural and engineering planning, in order to carry out the purposes of section 704(5) of the Foreign Service Act of 1980, as amended.

(c) Of the amounts authorized to be appropriated for fiscal year 1988, such sums as shall be necessary are made available for acquisition, including site preparation, construction, lease-construction, or renovation of a consolidated training facility, in order to carry out the purposes of section 704(5) of the Foreign Service Act of 1980, as amended.

AUTHORIZATION FOR PARTICIPATION IN PREPARATION FOR AUSTRALIAN BICENTENNIAL

SEC. 114. (a) The Congress finds that the American-Australian Bicentennial Foundation, a private nonprofit corporaton established in 1983 for the purpose of coordinating all American official and private participation in the 1988 Australian Bicentennial celebration, deserves and needs financial support to effectively carry out that purpose.

(b) In order to carry out the purposes of this Section, the Secretary of State is authorized to make an annual grant to the foundation in support of its programs and operations to prepare for American participation in the Australian Bicentennial celebration; provided, however, that nothing contained herein shall amend or modify authority delegated to the Director of the United States Information Agency under section 102(a)(3) of the Mutual Education and Cultural Exchange Act of 1961, as amended.

(c) Funds authorized to be appropriated to the Department of State for the "Administration of Foreign Affairs" account for fiscal years 1986, 1987 and 1988 shall be available for grants under subsection (b).

U.S. DEPARTMENT OF STATE,
Washington, DC, March 6, 1985.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate.

DEAR MR. PRESIDENT: In accordance with Section 15 of the Act of August 1, 1956, as amended (22 U.S.C. 2680), there is transmitted herewith proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1986 and 1987 and for other purposes contained in this bill.

The primary purpose of the bill is to provide authorization of appropriations for (1) "Administration of Foreign Affairs" which supports the operation of the United States diplomatic and consular posts abroad and the Department of State in the United States; (2) "International Organizations, Conferences and other activities," which includes contributions to meet obligations pursuant to treaties, conventions or specific acts of Congress and other activities. (3) "International Commissions," which enables the United States to fulfill treaty and other internatinal obligations; and (4) "Other Activities" which funds the United States annual contribution to the International Committee of the Red Cross and various refugee assistance programs, the U.S. Bilateral Science/Technology Agreement, The Asia Foundation and the Soviet-East European Research/Training Fund. A section-by-section analysis further explaining the proposed legislation is also enclosed.

The Department has been informed by the Office of Management and Budget that there is no objection to the presentation of this proposed legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

J. EDWARD FOX,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

SECTION-BY-SECTION ANALYSIS

SECTION 101—SHORT TITLE

This title may be cited as the "Department of State Authorization Act, Fiscal Years 1986 and 1987".

SECTION 102—AUTHORIZATION OF APPROPRIATIONS

This Section provides an authorization of appropriations for the Department of State in accordance with the provisions of Section 15(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), as amended. This Act primarily authorizes funds to be appropriated under this legislation for the fiscal years 1986 and 1987 by category.

Category (1)—Authorizes appropriations under the heading "Administration of Foreign Affairs" for fiscal years 1986 and 1987. This category provides the necessary funds for the salaries, expenses and allowances of the officers and employees of the Department, both for the United States and abroad. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, domestic public information activities, central program services, and administrative and staff activities. This category also provides for representational expenses in accordance with Section 905 of the Foreign Service Act of 1980. Further, it authorizes funds for such activities as the acquisition, operation and maintenance of office space and living quarters for staff of United States agencies abroad; funds for relief and repatriation loans to United States citizens abroad and for other emergencies of the Department; and authorizes appropriations for buying power maintenance and protection of foreign missions and officials, and payments to the Foreign Service Retirement and Disability Fund, the American Institute in Taiwan, and the Asia Foundation.

Category (2).—Authorizes appropriations for fiscal years 1986 and 1987 under the heading "International Organizations and Conferences". This category provides the necessary funds for United States contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member. In addition, provision is made for funding of official United States Government participation in regularly scheduled or planned multilateral intergovernmental conferences, meetings and related activities, and for contribution to the international peacekeeping activities in accordance with multilateral agreements.

Category (3).—Authorizes appropriations for fiscal years 1986 and 1987 under the heading "International commissions". This category provides funds necessary to enable the United States to meet its obligations as a participant in international commissions such as the American Sections of international commissions dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

Category (4).—Authorizes appropriations for fiscal years 1986 and 1987 under the heading "Other Activiies". This category enables the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees, and the International Committee for the Red Cross, and through private voluntary agencies and through governments, and bilateral assistance, as authorized by law. This category also provides funds for United States bilateral science and technology agreements, and Soviet-East European research.

In addition to the amounts requested to be authorized in this bill, the Department plans to utilize the following permanent authorizations enacted by Congress. For:

Payment to the Foreign Service Retirement Funds $118,174,000 in 1986 and $119,934,000 in 1987.

Contributions for International Peacekeeping Activities $51,000,000 in 1986 and $55,400,000 in 1987.

As a result, the total authorization amounts, including these permanent authorizations, are $2,898,693,000 for fiscal year 1986 and $2,989,337,000 for fiscal year 1987.

SECTION 103—STATE DEPARTMENT BASIC AUTHORITIES ACT

SECTION 103(1)—TECHNICAL AMENDMENT TO BASIC AUTHORITIES

This subsection contains a technical amendment, conforming section 2 of Title I of the Basic Authorities Act to section 3, each of which authorize the Secretary to perform a variety of unrelated functions, principally at posts abroad. Section 2, however, unlike section 3, both of which are funded from the "Salaries and Expenses" appropriation under Section 102 of this Act, carries the additional requirement of specific reference in an appropriation Act in order for authorization under Section 2 to be sufficient to obligate funds. Since there is no need to segregate the particular authorities under section 2 from those in Section 3, this amendment will assure continued authorization and facilitate the appropriations process thereunder.

SECTION 103(2)—OVERSEAS CONTRACTING AUTHORITY

Public Law 98-533 amended section 2(c) of Title I of the State Department Basic Authorities Act of 1956 to extend the Department's authority for overseas personal services contracting to enable the Department to hire Americans overseas as well as local nationals; the amendment provided that in-

dividuals hired by contract under that section would not be considered employees of the United States Government. The present amendment would further modify section 2(c) to provide that Americans who perform such personal services contracts abroad shall not be deemed employees of the United States Government for the purposes of any law administered by the Office of Personnel Management.

SECTION 103(3)—REPROGRAMMING REQUIREMENTS

Section 32 of the Basic Authorities Act, added by Public Law 98-164, provides current reprogramming requirements applicable to the Foreign Relations and Foreign Affairs authorizing committees of the Congress; this amendment would increase the reprogramming notification threshold from $250,000 or ten percent, whichever is less, to $500,000, or twenty percent, whichever is less. This increase is consistent with the increased magnitude of the funds authorized for appropriation for the Department and with inflationary increases in operational expenditures. It will facilitate the Department's ability to effectively respond to rapidly changing diplomatic and consular priorities which are of a lower cost magnitude in terms of overall expenditures, and which represent a lesser degree of change for which additional congressional oversight is appropriate.

SECTION 103(4)—ARBITRATION EXPENDITURES

At present, the Department's authority to use appropriated funds for the expenses of arbitration and other dispute resolution proceedings abroad under international agreements and contracts has been included in each annual appropriation act, in compliance with decisions of the Comptroller General that authority for such expenditures be specifically granted by Congress. This amendment makes such authority a permanent provision of law.

SECTION 104—INSURANCE AND LIABILITY FOR DIPLOMATIC VEHICLES

This section amends the Foreign Missions Act of 1982, (22 U.S.C. 4301 et. seq.), clarifying the obligations of persons in the United States who have diplomatic or consular immunity and who drive or own vehicles and the rights of any third parties alleging injury thereby.

This section redesignates Section 214 of the Foreign Mission Act (added by Public Law 98-164) as Section 214. Section 204A, as redesignated and amended, retains the obligation of the Director of the Office of Foreign Missions to impose surcharges on foreign missions in certain accident or injury cases. This Section assures that this authority will be applied to enforce only those judicial decisions which are rendered on the merits, and in which the Director has received notice, in order to assert the interests of the United States, if any, in such matters.

In other cases where a decision is not able to be rendered because of immunities that may be involved, Section 214 as redesignated also authorizes the Director to impose a surcharge on a foreign mission and clarifies the standards to be applied by the Director in imposing such surcharges.

SECTION 105—PROTECTION OF FOREIGN MISSIONS

Subsections (a) and (b) of Section 105 redesignate Section 605 of Public Law 98-164 (relating to Protection of Foreign Missions) as—Section 215 of the Foreign Missions Act of 1982, 22 U.S.C. 4301 et seq., setting forth permanent authority for the Secretary of State to assist in the provision of extraordinary protective services for foreign missions in the United States.

The initial program authorization for this purpose was set forth in the State Department Authorization Act for Fiscal Years 1984 and 1985 and is now added by this Section to the Department's Basic Authorities Act. The foreign missions protection program is a significant part of the increased anti-terrorism efforts of the United States, which has a direct effect on requests for security for our missions abroad.

SECTIONS 106 AND 107—SPECIAL AGENTS

Section 106 revises and expands the existing authority of State Department security officers, originally enacted in 1955 (Public Law 94-141, 22 U.S.C. 2666 and 2667) which is no longer adequate for performance of these functions by the Department of State. As revised, the new authority will provide a more comprehensive basis for protective and law enforcement functions which these officers, now called special agents, are called upon to perform.

The Department of State is charged with important passport and visa fraud law enforcement responsibilities. Nevertheless, under current law the Department's special agents do not have specific statutory authorization for investigations which they are presently required to perform and which are necessary to carry out those functions, and are only authorized to carry firearms and make arrests without a warrant when they are protecting the Secretary of State and his or her family and certain foreign and domestic officials.

The absence of specific authority in the law enforcement area has proven to be a serious handicap to the Department. Special agents to the Office of Security are routinely required to investigate violations of a number of Federal laws, but they do not have arrest authority. When they develop a case to the point that an arrest or execution of federal warrant is appropriate, they must call in another Federal agency to make the arrest or execute the warrant. Because of the heavy burdens on other law enforcement agencies, the delay incurred may result in loss of evidence or inability to effect an arrest before departure of persons suspected of criminal violations.

Moreover, passport violations are frequently committed in conjunction with other felonious conduct. In the course of their investigation, security officers and special agents may be called upon to enter high crime areas, unarmed, and seek interviews with individuals accused of murder, drug trafficking and other serious crimes. At present, they have no authority to reasonably protect themselves as would any other law enforcement officer in similar circumstances.

Consequently, new subsection 106(a)(1) authorizes special agents to conduct investigations concerning illegal passport use or visa fraud. In order to avoid duplication of authority and responsibility, exercise of these investigative authorities is subject to agreement with the Attorney General, and the authority of other law enforcement agencies in those areas is preserved.

New subsection (a)(2) authorizes special agents to obtain, execute, and serve search and arrest warrants and to serve subpoenas and summons issued under the authority of the United States in connection with the investigations provided for in subsection (a)(1).

New subsection (a)(3) preserves existing protective authorities of special agents for dignitaries and family members presently enumerated in 22 U.S.C. 2666 and, at the same time, expands these authorities to protection of foreign missions under the Foreign Missions Act (Title II) of the State Department Basic Authorities Act of 1956 as amended, 22 U.S.C. 4301, et seq. Special agents of the Department of State under this provision would perform the full range of protective services, including obtaining of information necessary to assess and to respond to the degree of danger that a threat or potential threat may represent, against persons and missions enumerated in this subsection or otherwise authorized by law (e.g. by inter-agency agreement under the Economy Act, 31 U.S.C. 1535). It is not intended by this subsection or subsection (a)(5) to confer authority on the Department of State's special agents to conduct investigations of violations or conspiracies to violate 18 U.S.C. Sections 111, 112, or 970 or that this limited protective function infringe on the existing authority of any other Federal law enforcement agency in this area.

However, language is included in this paragraph to make clear that nothing in this subsection or in section 215 of the Foreign Missions Act (as redesignated and amended in Section 105 of this bill) limits or impacts in any way on the protective authorities of the Secret Service, particularly as to heads of foreign states or as to foreign diplomatic missions in the metropolitan area of the District of Columbia.

Existing authority to make arrests (22 U.S.C. 2667), also originally enacted in 1955, is expanded to cover any offense against the United States committed in the presence of special agents, as well as to cover arrest for felony offenses under 18 U.S.C. 111, 112(a), or 970(a), with respect to interference with foreign missions and foreign government personnel, when the offender can be arrested at or in the immediate vicinity of such a felony violation.

Existing authority for special agents to carry firearms for protective functions is expanded in subsection (b) to include additional authorities, such as passport and visa fraud and foreign missions protective functions, under this section. The Secretary of State is required to consult with the Attorney General on rules and standards for use of firearms.

Section 107 repeals the present arrest authority in 22 U.S.C. 2667 because it becomes obsolete in light of subsection (a)(5) of the new Section 106.

SECTION 108—DETAIL TO OTHER AGENCIES

This section provides the Department with the authority to detail its personnel to other agencies for periods in excess of one year. Section 11 of the 1973 State Department Authorization Act (Public Law 93-126) substantially limited the ability of the Department of State to detail Foreign Service and other personnel to other executive agencies on a non-reimbursable basis. Prior amendments in 1978 (Public Law 95-426) provided initial relief by exempting details under one year. The remaining limitations are inconsistent with the intent of sections 503, 504 and 703 of the more recently enacted Foreign Service Act of 1980 (22 U.S.C. 3983, 3984(b) and 4023), which direct the Secretary to enhance career development and to make assignments in the United States of members of the Foreign Service, because it significantly limits the Secretary's ability to find suitable broadening assignments in domestic agencies.

SECTION 109—STRENGTHENING THE ORGANIZATION OF DEPARTMENT OF STATE

This section creates two new Assistant Secretary of State positions, consolidates in one place in Executive Salary Schedule Level IV and in 22 U.S.C. 2652 all State Department Assistant Secretaries positions and places at Level IV other Department positions to which appointments are made by the President with the advice and consent of the Senate, the Director General of the Foreign Service and the Inspector General of the Department of State and the Foreign Service.

At present, there are 14 Assistant Secretaries of State. Of these, 12 are provided for by 22 U.S.C. 2652, (Reorganization Plan No. 2 of 1977 abolished one of the 13 mentioned in this law and substituted an associate director in what is now USIA) enacted in 1949, without designation of areas of responsibility, although by operation of Public Law 95-105 one of these is to be designated Assistant Secretary for Consular Affairs and one designated Assistant Secretary for Human Rights and Humanitarian Affairs. In addition, Public Law 93-126 established the position of Assistant Secretary of Oceans and International Environmental and Scientific Affairs, and Public Law 95-426 established the position of Assistant Secretary for International Narcotics Matters. Without changing any of the specific positions or reponsibilities, the 1949 Act is further amended to increase by four the number of Assistant Secretaries therein provided. The Bureaus of Political Military Affairs and Intelligence and Research would be headed by Assistant Secretaries, appointed by the President with the advice and consent of the Senate, rather than headed by Directors as at present.

Assistant Secretaries of State and the Director of the Bureau of Intelligence and Research now are all at Executive Salary Schedule Level IV under 5 U.S.C. 5315. The first two amendments in subsection (b) of this section consolidate all the existing Assistant Secretary positions and the two new ones at one place in the Schedule and delete the Director of Intelligence and Research from the schedule since that position would no longer exist.

Two positions in the Department of State which became Presidential appointments with the advice and consent of the Senate under the Foreign Service Act of 1980 would also be placed in Executive Salary Schedule IV—the Director General of the Foreign Service and the Inspector General of the Department of State and the Foreign Service.

Finally, subsection (c) repeals the provisions of Public Law 93-126 (22 U.S.C. 2655a) and Public Law 95-426 (22 U.S.C. 2652a) because, without changing their duties and responsibilities, the Assistant Secretaries for Ocean and International Environmental and Scientific Affairs and for International Narcotics Matters will not be additional to the number in 22 U.S.C. 2652.

SECTION 110—CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Public Law 94-37 (89 Stat. 216) currently authorizes expenditures for United States participation in certain United Nations peacekeeping activities in the Middle East, which are funded through regularly assessed member state contributions. This amendment would provide general authorization for the United States to pay its share of the regularly assessed contributions for such peacekeeping and related government transition activities.

SECTION 111—MIGRATION AND REFUGEE ASSISTANCE AMENDMENTS

Subsection (a) of Section 111 would assure the authority of the President to furnish under the Migration and Refugee Assistance Act (MRAA), as amended, 22 U.S.C. 2601 et seq., humanitarian relief for refugees who are located in countries for which direct economic and military assistance may be prohibited by other statutes.

The existence of restrictions on general bilateral foreign assistance programs to a particular country, such as those sanctions imposed by Section 620(e) of the Foreign Assistance Act of 1961, as amended and Section 518 of Public Law 98-473, as amended, has created uncertainty concerning the President's ability to fund bilateral humanitarian programs under the MRAA through earmarked appeals from international organizations or programs of private voluntary organizations for that country. This result is incompatible with the humanitarian nature of migration and refugee assistance under the MRAA.

Subsection (a) therefore would exempt refugee assistance from these more general prohibitions on economic and military assistance. In doing so, the amendment conforms the MRAA authorities to those available for disaster assistance under Section 491 of the Foreign Assistance Act of 1961, as amended, and for food relief under Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended.

Subsection (b) of Section 111 would authorize the use of funds appropriated to carry out the MRAA for contracting for personal services outside the United States. The proposed amendment also provides that recipients of such contracts shall not be considered employees for the purpose of laws administered by the Office of Personnel Management.

The authority under Subsection (b) would allow the Bureau for Refugee Programs to expand or reduce its staffing abroad without delay as needed in response to refugee program requirements such as those now occurring in sub-Saharan Africa and which previously occurred during the Indochinese exodus of 1979 and the Somalia refugee crisis in 1980. In doing so, subsection (b) provides identical authority for the Refugee Bureau of the State Department to that available to the Agency for International Development pursuant to Section 636(a)(3) of the Foreign Assistance Act of 1961, as amended, and comparable authority to that contained in Section 2(c) of Title I of the State Department Basic Authorities Act, as amended.

SECTION 112—INTERNATIONAL CENTER PROJECT

The International Center Project, a major diplomatic center currently under development by the Department of State in Washington, D.C., is expected upon completion to contain more than twenty chanceries of foreign governments, as well as the headquarters facilities for the International Telecommunications Satellite Organization.

In order to provide for special security, as well as maintenance of the federal site, this Section authorizes the Secretary in coordination with the Administrator of General Services to construct a facility within the Center which will provide for on-site security and support and maintenance services.

SECTION 113—FOREIGN SERVICE INSTITUTE

The Foreign Service Institute of the Department of State provides critical regional and country training, language training and training for political, economic, administrative and consular functions for officials of the United States assigned to overseas duty or employed by the foreign affairs and national security agencies of our government. The Institute is currently located in leased facilities neither designed for or adequate for this type of activity, which have, in addition, become increasingly costly.

In order to upgrade and maintain the professional and language capabilities critically necessary to meet the challenges and growing complexity facing United States foreign relations personnel, a consolidated training facility in reasonable proximity to the State Department is necessary, designed to government specifications, and able to be operated on a long-term cost efficient basis.

Subsection (a) amends Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024), by clarifying the existing authority of the Secretary under Section 704(5) to acquire facilities for the Foreign Service Institute, to include the purchase or construction of such a facility within the term "acquisition". This amendment also specifies the statutory authority of the Secretary to accept a transfer from other federal agencies of excess Federal sites or facilities for purposes of this subsection.

Subsection (b) authorizes funds to be expended, not to exceed $11 million dollars, from the "Salaries and Expenses" appropriations for fiscal year 1987 for planning, completion of environmental assessments, site acquisition and architectural and engineering work.

Subsection (c) makes available amounts authorized to be appropriated for fiscal year 1988 for acquisition, by construction or otherwise, of Institute facilities. Completion of functions authorized under Subsection (b) will permit accurate cost estimates and building requirements to be submitted to the Congress prior to appropriation of funds for construction or development.

SECTION 114—AMERICAN-AUSTRALIAN BICENTENNIAL FOUNDATION

American participation in the planned Australian Bicentennial celebration is an important reflection of the special and close relationship between the United States and Australia, based on shared history, a common cultural heritage, similar political institutions, shared respect for individual liberties, a thriving relationship in commerce between the two nations and a broad range of links between the people of Australia and the people of the United States.

This section authorizes the Department of State to finance a portion of the operating expenses of the American-Australian Bicentennial Foundation, a private non-profit organization organized in 1983 with the support and encouragement of the Department and of USIA, and designated by the Department to coordinate American participation in the Australian Bicentennial celebration.

This authority does not affect United States agency programs in Australia, such as those carried out by USIA.●

By Mr. LUGAR (by request):

S. 660. A bill to amend the Foreign Assistance Act of 1961, the Arms Export Control Act and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT

● Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to authorize security and development assistance programs for fiscal years 1986 and 1987, and for other purposes.

This proposed legislation has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis and the letter from the Secretary of State to the President of the Senate dated March 7, 1985.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security and Development Cooperation Act of 1985".

TITLE I—MILITARY SALES AND RELATED PROGRAMS

FOREIGN MILITARY SALES CREDIT AUTHORIZATION AND AGGREGATE CEILINGS

SEC. 101. (a) The first sentence of section 31(a) of the Arms Export Control Act is amended to read as follows:

"There are hereby authorized to be appropriated to the President to carry out section 23 of this Act $5,655,000,000 for the fiscal year 1986.".

(b) Section 31(b)(1) is amended to read as follows:

"(b)(1) The total amount of credits extended under section 23 of this Act shall not exceed $5,655,000,000 for the fiscal year 1986.".

(c) Section 31(b)(3) of such Act is amended to read as follows:

"(3) of the aggregate total of credits extended under section 23 of this Act, not less than $1,800,000,000 for the fiscal year 1986 shall be available only for Israel, and Israel shall be released from its contractual liability to repay the United States Government with respect to such credits.".

(d) Section 31(b)(5) of such Act is amended to read as follows:

"(5) The principal amount of credits provided under section 23 at interest rates equivalent to the current average interest rate for United States Government obligations of comparable maturity, or under section 24(a) if provided by the Federal Financing Bank, with respect to Greece, Korea, the Philippines, Portugal, Thailand and Turkey, shall (if and to the extent each country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.".

(e) Section 31(b)(6) of such Act is amended to read as follows:

"(6) Of the total amount of credits extended under section 23 of this Act, not less than $1,300,000,000 for the fiscal year 1986 shall be available only for Egypt, and Egypt shall be released from its contractual liability to repay the United States Government with respect to such credits.".

(f) Sections 31(b)(7) and 31(c) of such Act are repealed.

ADMINISTRATIVE SURCHARGE

SEC. 102. Subparagraph (A) of Section 21(e)(1) of the Arms Export Control Act is amended by inserting "(excluding a pro rata share of fixed base operation costs)" immediately after "full estimated costs".

CATALOG DATA AND SERVICES

SEC. 103. Section 21(h) of the Arms Export Control Act is amended—

(1) by inserting "(1)" immediately after "(h)";

(2) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)" respectively; and

(3) by adding at the end thereof the following:

"(2) In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization or to any member government thereof, if such Organization or member government provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.".

CONTRACT ADMINISTRATION SERVICES

SEC. 104. Section 21(h) of the Arms Export Control Act is amended by inserting "contract administration services," immediately after "inspection," in the first sentence.

SALES CREDITS

SEC. 105. Section 23 of the Arms Export Control Act is amended to read as follows:

"SEC. 23. SALES CREDITS.—The President is authorized to finance procurement of defense articles, defense services and design and construction services by friendly foreign countries and international organizations, on such terms and conditions as he may determine. The President shall charge interest at a rate determined by the Secretary of the Treasury taking into consideration the current market yields on outstanding marketable obligations of the United States of comparable maturities. Notwithstanding the preceding sentence, the President may charge a lesser rate of interest if he determines that the national interest requires a lesser rate. Loan agreements under this section shall require repayment in United States dollars within a period not to exceed twelve years after the loan agreement is signed on behalf of the United States Government, unless a longer period is specifically authorized by statute for such country or international organization.".

GUARANTEE RESERVE

SEC. 106. The second sentence of section 24(c) of the Arms Export Control Act is amended to read as follows:

"There are hereby authorized to be approriated and are appropriated from time to time such funds as may be necessary to pay claims under such guarantees to the extent funds in the single reserve are inadequate therefor.".

REPORTING REQUIREMENT

SEC. 107. (a) Section 25(a) of the Arms Export Control Act is amended in the text preceding paragraph (1) by inserting "or, in the case of paragraph (4), no later than April 1 of each year" immediately after "each year".

(b) Section 25 of this Act is amended by striking out subsection (a)(4) and inserting in lieu thereof the following:

"(4) an estimate of the sale and delivery of weapons and weapons-related defense equipment by all major arms suppliers to all major recipient countries in the developing world during the preceding calendar year;".

COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE

SEC. 108. (a) The Secretary of Defense may carry out the European air defense agreements. In carrying out those agreements, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) In connection with the administration of the European air defense agreements, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act;

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency (A) for the supply of logistical support in Europe for the Patriot missile system, and (B) for the acquisition of such logistical support, to the extent that the Secretary determines that the procedures of that agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of set-up charges of facilities for use by that agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) deliver to the Federal Republic of Germany one Patriot missile fire unit configured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the requirement in section 22 of that Act for payment in advance of delivery for any purchase under that Act.

(c) Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act for services furnished by the United States, in the case of 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under the Arms Export Control Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

(d) For the purposes of this section, the term "European air defense agreements" means (1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe," signed on December 6, 1983, and (2) the

agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe," signed on July 12, 1984.

(e) The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds, other than those made available under section 31 of the Arms Export Control Act, are available for that purpose.

QUARTERLY REPORTS

SEC. 109. Section 36(a) of the Arms Export Control Act is amended by striking out the parenthetical clause in the text preceding paragraph (1) and inserting in lieu thereof "(except that the material transmitted pursuant to paragraphs (1) and (2) of this subsection may be contained in a classified addendum to such report)".

INCREASE IN CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS OF THE ARMS EXPORT CONTROL ACT

SEC. 110. (a) Section 38(c) of the Arms Export Control Act is amended by striking out "not more than $100,000 or imprisoned not more than two years, or both" and inserting in lieu thereof "for each violation not more than $1,000,000 or imprisoned not more than ten years, or both".

(b) Section 38(e) of such Act is amended by adding at the end thereof the following: "Notwithstanding Section 11(c) of the Export Administration Act of 1979, as amended, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services under this section may not exceed $500,000.".

(c) This section shall take effect upon the date of enactment of this Act or October 1, 1985, whichever is later. The amendments made by this section apply with respect to violations occurring after the effective date of this section.

OFFICIAL RECEPTION AND REPRESENTATION EXPENSES

SEC. 111. Section 43 of the Arms Export Control Act is amended—

(1) in subsection (b) by inserting "and official reception and representation expenses" immediately after "administrative expenses"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not more than $72,500 of the funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of this Act may be used each fiscal year for official reception and representation expenses.".

SAFETY RELATED EQUIPMENT

SEC. 112. Section 44 of the Arms Export Control Act is amended by inserting "(a)" immediately in front of the first sentence and by adding at the end thereof the following:

"(b) No provision of any law shall be construed to prohibit the sale or licensing for export of items which are essential to the safe operation of any defense article.".

SPECIAL DEFENSE ACQUISITION FUND

SEC. 113. Section 51(a) of the Arms Export Control Act is amended by adding the following paragraphs to the end thereof:

"(3) In order to maintain the readiness of the Armed Forces of the United States while facilitating the transfer of less advanced weapons systems in the inventory of the Department of Defense to foreign countries and international organizations in accordance with the provisions of this Act, the Foreign Assistance Act of 1961, or as otherwise authorized by law, instead of the transfer of more advanced weapons systems from procurement, the Fund may be used to acquire defense articles and defense services in anticipation of their transfer, on a reimbursable basis, to the Department of Defense to replace items transferred from the inventory of that Department to foreign countries and international organizations if such items are no longer in production for use by the Armed Forces of the United States.

"(4) The Fund may be used to keep on continuous order such defense articles and defense services as are assigned by the Department of Defense for integrated management by a single agency thereof for the common use of all Military Departments in anticipation of the transfer of similar defense articles and defense services to foreign countries and international organizations authorized by this Act, the Foreign Assistance Act of 1961, or other law.".

MILITARY ASSISTANCE

SEC. 114. Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $949,350,000 for the fiscal year 1986.".

MILITARY ASSISTANCE COSTS

SEC. 115. Section 503(a) of the Foreign Assistance Act of 1961 is amended by adding the following sentence at the end of paragraph (3) thereof: "Sales which are wholly paid from funds so transferred shall be priced to exclude the costs of salaries of members of the Armed Forces of the United States.".

WAIVER OF NET PROCEEDS OF SALE OF MAP ITEMS

SEC. 116. Section 505(f) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "In the case of defense articles delivered more than five years prior to the President's determination, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 117. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $360,000,000, for the fiscal year 1986.".

SECURITY ASSISTANCE ORGANIZATIONS

SEC. 118. Section 515(c)(1) of the Foreign Assistance Act of 1961 is amended by striking out "For the fiscal year 1982 and the fiscal year 1983" and inserting in lieu thereof "Pakistan, Tunisia, Sudan, El Salvador, Honduras, Venezuela".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 119. Section 542 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 542. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter $65,650,000 for the fiscal year 1986.".

EXCHANGE TRAINING

SEC. 120. Chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by adding the following section:

"SEC. 544. EXCHANGE TRAINING.—In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than Service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.".

TRAINING IN MARITIME SKILLS

SEC. 121. (a) Chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by adding the following section:

"SEC. 545. TRAINING IN MARITIME SKILLS.—The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this chapter for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills."; and

(b) Section 660(b) of such Act of 1961 is amended—

(1) by striking out "or" at the end of clause (i);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by adding the following new clause after clause (2):

"(3) with respect to assistance, including training, in maritime law enforcement.".

AUTHORIZATION FOR PEACEKEEPING OPERATIONS

SEC. 122. Section 552(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $37,000,000 for the fiscal year 1986.".

PEACEKEEPING OPERATIONS EMERGENCIES

SEC. 123. (a) Section 552 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting in subsection (c) the number "(1)" immediately after "the President may";

(2) by inserting in subsection (c) immediately before the period at the end of the subsection "; and (2) in the event the President also determines that such unforeseen emergency requires the immediate provision of assistance under this chapter, direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government of an aggregate value not to exceed $25,000,000 in any fiscal year"; and

(3) by inserting at the end thereof the following subsection:

"(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for commodities and services provided under subsection (c)(2) of this section.".

(b) Section 652 of such Act is amended by inserting ", 552(c)(2)," immediately after "under section 506(a)".

TITLE II—ECONOMIC SUPPORT FUND

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,824,000,000 for the fiscal year 1986.".

(b) Section 535 of such Act is amended—

(1) by striking out "1982" and inserting in lieu thereof "1986"; and

(2) by striking out "and up to $75,000,000 for the fiscal year 1983".

(c) Chapter 4 of part II of such Act is amended—

(1) by striking out existing sections 532, 533, 534, 536, 537, 538, 539, and 540; and

(2) by redesignating existing section 535 as section 532.

TITLE III—DEVELOPMENT ASSISTANCE

DEVELOPMENT ASSISTANCE POLICY

SEC. 301. Section 102(b) of the Foreign Assistance Act of 1961 is amended by adding the following new paragraphs:

"(13) United States encouragement of policy reforms is necessary if developing countries are to achieve economic growth with equity.

"(14) Development assistance should, as a fundamental objective, promote private sector activity in open and competitive markets in developing countries, recognizing such activity to be a productive and efficient means of achieving equitable and long term economic growth.

"(15) United States cooperation in development should recognize as essential the need of developing countries to have access to appropriate technology in order to improve food and water, health and housing, education and employment, agriculture and industry.

"(16) United States assistance should focus on establishing and upgrading the institutional capacities of developing countries in order to promote long term development. An important component of institution building involves training to expand the human resource potential of people in developing countries.".

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

SEC. 302. The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 is amended to read as follows:

"There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $792,352,000 for the fiscal year 1986, of which the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980.".

POPULATION AND HEALTH

SEC. 303. (a) Section 104(g) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(1) $250,017,000 for the fiscal year 1986 to carry out subsection (b) of this section; and

(2) $146,427,000 for the fiscal year 1986 to carry out subsection (c) of this section, of which not less than $25,000,000 shall be available to carry out subsection (c)(2).

Funds appropriated under this subsection are authorized to remain available until expended.".

(b) Section 104(c)(2) of such Act is amended by—

(1) striking out "(A)" at the beginning of paragraph (2);

(2) adding the following at the end of paragraph (2): "Appropriations pursuant to this paragraph may be referred to as the 'Child Survival Fund'."; and

(3) striking out subparagraphs (B) and (C).

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 304. (a) The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $183,533,000 for the fiscal year 1986, which are authorized to remain available until expended.".

(b) The third sentence of such section is repealed.

ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES

SEC. 305. Section 106(e)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $223,071,000 for the fiscal year 1986.".

PRIVATE SECTOR REVOLVING FUND

SEC. 306. The first sentence of section 108(b) of the Foreign Assistance Act of 1961 is amended by striking out "1984" and inserting in lieu thereof "1986".

SAHEL DEVELOPMENT PROGRAM

SEC. 307. The third sentence of section 121(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $80,500,000 for the fiscal year 1986.".

PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES IN OVERSEAS DEVELOPMENT

SEC. 308. Section 123(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence by inserting "on which it is determined" immediately after "prior to the date"; and

(2) in the third sentence by striking out "such date" wherever it occurs and inserting in lieu thereof "the date on which a decision is made to continue such support".

DEVELOPMENT AND ILLICIT NARCOTICS PRODUCTION

SEC. 309. Section 126(b) of the Foreign Assistance Act is amended—

(1) by inserting "and under chapter 4 of part II" immediately after "this chapter"; and

(2) by adding at the end thereof the following: "The agency primarily responsible for administering this part may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.".

HOUSING GUARANTY PROGRAM

SEC. 310. (a) Section 222(a) of the Foreign Assistance Act of 1961 is amended—

(1) in the second sentence, by striking out "$1,958,000,000" and inserting in lieu thereof "$2,003,000,000"; and

(2) in the third sentence, by striking out "1986" and inserting in lieu thereof "1987".

(b) Section 223(j) of such Act is amended in the penultimate sentence by striking out ", and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000".

TRADE CREDIT INSURANCE PROGRAM

SEC. 311. Section 224(e) of the Foreign Assistance Act of 1961 is amended by striking out "$300,000,000 in the fiscal year 1985" and inserting in lieu thereof "$500,000,000 in the fiscal years 1985 and 1986".

DISADVANTAGED CHILDREN IN ASIA

SEC. 312. Section 241(b) of the Foreign Assistance Act of 1961 is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

TITLE IV—CENTRAL AMERICA DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE

SEC. 401. Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 5 the following new chapter:

"CHAPTER 6—CENTRAL AMERICA DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE

"SEC. 461. STATEMENT OF POLICY.—(a) The Congress finds that the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States. The Congress further finds that the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

"(b) The achievement of democracy, human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America. The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively democracy and political reform, including opening the political process to all members of society; human rights, including free elections, freedom of the press, freedom of association, and the elimination of the violent abuse of human rights; leadership development, including training and educational programs to improve public administration and the administration of justice; land reform; the establishment of the rule of law and an effective judicial system; the termination of extremist violence by both the left and the right as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders. The policy should also promote equitable economic growth and development including controlling the flight of capital and the effective use of foreign assistance and adhering to approved programs for economic stabilization and fiscal responsibility. Finally, the policy should foster dialogue and negotiations to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the withdrawal of foreign military forces and advisers; and to provide a security shield against violence and intimidation. It is the purpose of this chapter to establish the statutory framework and to authorize the appropriations and financing necessary to carry out the policy described in this section.

"(c) The Congress finds therefore that the people of the United States are willing to sustain and expand a program of economic and military assistance in Central America if the recipient countries can demonstrate progress toward and a commitment to these goals.

"SEC. 462. CONDITIONS ON FURNISHING ASSISTANCE.—(a) The President shall ensure that assistance authorized by this Act and the Arms Export Control Act to Central American countries is furnished in a manner which fosters demonstrated progress toward and commitment to the objectives set forth in section 461. Where necessary to achieve this purpose, the President shall impose conditions on the furnishing of such assistance. In carrying out this section, the President shall consult with Congress in regard to progress towards the objectives set forth in section 461, and any conditions imposed on the furnishing of assistance in furtherance of those objectives.

"(b) The reporting requirements with respect to El Salvador contained in the last proviso in the paragraph under the heading "Military Assistance" in Public Law 98-332 and section 533 in the Foreign Assistance and Related Programs Appropriations Act, 1985, shall not apply after the enactment of this section.

"SEC. 463. PEACE PROCESS IN CENTRAL AMERICA.—The Congress—

"(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region; and

"(2) finds that the United States should provide such assistance and support as may be appropriate in helping to reach comprehensive and verifiable final agreements, based on the Document of Objectives, which will ensure peaceful and enduring solutions to the Central American conflicts.

"SEC. 464. ECONOMIC ASSISTANCE COORDINATION.—(a) The Congress finds that participation by Central American countries in an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

"(b) It is the sense of the Congress that—

"(1) the President should enter into negotiations with the countries of Central America to establish a multilateral organization to help provide a continuous and coherent approach to the development of the Central American region; and

"(2) the establishment of such an organization should be based upon the following principles:

"(A) that participation in the organization be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, progress on human rights, building democracy, and encouraging equitable economic growth through policy reforms;

"(B) that the organization be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities;

"(C) that the organization meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat;

"(D) that the organization make recommendations affecting Central American countries on such matters as—

"(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of human rights;

"(ii) mobilization of resources and external assistance needs; and

"(iii) reform of economic policies and structures;

"(E) that the organization have the capacity for monitoring country performance on recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress towards meeting such country objectives;

"(F) that to the maximum extent practicable, the United States follow the recommendations of the organization in disbursing bilateral economic assistance for any Central American country. No more than 75 percent of such United States assistance in any fiscal year should be disbursed until the recommendations of the organization for that fiscal year have been made final and communicated to the donor countries. The limitation on disbursements contained in the previous sentence should apply only to recommendations made final and communicated to donor countries prior to the fourth quarter of such fiscal year. The United States representative to the organization should urge other donor countries to similarly implement the recommendations of the organization; and

"(G) that the administrator of the agency primarily responsible for administering part I of this Act, or his designee, represent the United States Government in the organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

"(c) Subject to subsection (d)(2), the President is authorized to participate in the organization established pursuant to this section.

"(d)(1) The administrator of the agency primarily responsible for administering part I of this Act, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of this proposal.

"(2) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement which he proposes to sign providing for the establishment of and United States participation in the organization described in this section no less than 60 days prior to his signature. During that 60-day period there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

"SEC. 465. AUTHORIZATIONS FOR FISCAL YEARS 1987 through 1989.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President, for the purpose of furnishing nonmilitary assistance for Central American countries, $1,200,000,000 for each of the fiscal years 1987 through 1989, to remain available until expended. The President is authorized to transfer funds authorized by this section for obligation in accordance with the authorities of part I of this Act (including chapter 4 of part II of such Act), the Peace Corps Act, the Migration and Refugee Assistance Act of 1962, the United States Information and Education Exchange Act of 1984, the Mutual Educational and Cultural Exchange Act of 1961, the National Endowment for Democracy Act, and the State Department Basic Authorities Act of 1956, as amended.

"SEC. 466. DEFINITIONS.—For the purposes of this a chapter, the term "Central American countries" shall be deemed to include Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and regional programs which benefit such countries.".

ADMINISTRATION OF JUSTICE

SEC. 402. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding the following new section:

"SEC. 533. ADMINISTRATION OF JUSTICE.—(a) The President may furnish assistance to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in Latin America and the Caribbean. Assistance under this section may include support for specialized professional training, scholarships, and exchanges for continuing legal education; programs to enhance judicial, prosecutorial, investigative and enforcement capabilities, and to provide protection for participants in judicial cases; strengthening professional organizations to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform; increasing the availability of legal materials and publications; seminars, conferences, training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and human rights; and revision and modernization of legal codes and procedures.

"(b) The assistance specified in this section may be provided notwithstanding section 660 of this Act. The President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not less then fifteen days in advance of obligating funds pursuant to this section for programs or activities under this section which would otherwise be subject to section 660 of this Act.".

LAND REFORM

SEC. 403. Section 620(g) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This prohibition shall not apply to monetary assistance made available for use by a government or political subdivision or agency of such government to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.".

TITLE V—MISCELLANEOUS PROVISIONS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 501. Section 214(c) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c) To carry out the purposes of this section, there are authorized to be appropriated to the President $10,000,000 for the fiscal year 1986, which are authorized to remain available until expended.".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 502. Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President for grants to carry out the purposes of this chapter, in addition to funds available under any other Acts for such purposes, $196,211,000 for the fiscal year 1986.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 503. Section 482(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $57,529,000 for the fiscal year 1986.".

NARCOTICS REPORTING REQUIREMENT

SEC. 504. Section 481(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b) Not later than forty-five days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foriegn Relations of the Senate, a report on the programming and obligation, on a calendar basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include the aggregate obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to end of that fiscal year—

"(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of the United States personnel engaged in carrying out such purposes in each such country and with each such international organizations;

"(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.

"(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter.".

INTERNATIONAL DISASTER ASSISTANCE

SEC. 505. The first sentence of section 492(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"There are authorized to be appropriated to the President to carry out section 491 $25,000,000 for the fiscal year 1986.".

ANTI-TERRORISM ASSISTANCE PROGRAM

SEC. 506. (a) Section 575 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 575. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out this chapter $5,000,000 for the fiscal year 1986. Amounts appropriated under this section are authorized to remain available until expended.".

(b) Section 573(d)(4) of such Act is repealed and existing paragraph "(5)" is renumbered as paragraph "(4)"; and

(c) Section 577 of such Act is repealed.

COMPLETION OF PLANS AND COST ESTIMATES

SEC. 507. (a) Section 611(a) of the Foreign Assistance Act of 1961 is amended—

(i) by striking out "$100,000" and inserting in lieu thereof "$500,000"; and

(2) by striking out "section 1311 of the Supplemental Appropriation Act, 1955 as amended (31 U.S.C. 200)" and inserting in lieu thereof "section 1501 of title 31, United States Code".

(b) Section 611(b) of such Act is amended by striking out the phrase "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations" and inserting in lieu thereof "the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, *et seq.*) or Acts amendatory or supplementary thereto".

PROHIBITIONS AGAINST ASSISTANCE

SEC. 508. Section 620(f) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" immediately after "(f)";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States.".

STREAMLINING OF REPROGRAMMING REQUIREMENTS

SEC. 509. (a) Section 634A of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "None";

(2) by inserting "or the Arms Export Control Act" immediately after "disaster relief and rehabilitation)" and immediately after "this Act" the second place it appears;

(3) by inserting ": *Provided*, That such notification shall not be required for funds appropriated to carry out the purposes of chapter 1 of part I if the obligation for an activity, program or project will be in excess of the amount justified for such activity, program or project for a fiscal year by not more than 10 per cent" immediately after "such obligation"; and

(4) by adding at the end of the section the following new subsection:

"(b) The notification requirement of this section does not apply to the reprogramming of less than $25,000 for use under chapter 8 of part I or for use under chapter 5 of part II, for a country for which a program under that chapter for that fiscal year was justified to the Congress.".

(b) Section 653 of the Foreign Assistance Act is amended—

(1) by inserting in subsection (a) "or the Arms Export Control Act" immediately after "sections 451 or 637)";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(c) Section 36(a)(5) of the Arms Export Control Act is amended—

(1) in paragraph (5) by striking out "cash" and by striking out ", credits to be extended under section 23, and guaranty agreements to be made under section 24"; and

(2) in paragraph (6) by striking out "cash" and striking out "and credits expected to be extended".

TRAINING ASSISTANCE

SEC. 510. Section 638 of the Foreign Assistance Act of 1961, is amended—

(1) by inserting "or any other" immediately after "of this"; and

(2) by inserting "; or for training activities funded under this Act and which are consistent with sections 116, 502B and 660 of this Act" immediately after "Export-Import Bank Act of 1945, as amended".

TRADE AND DEVELOPMENT PROGRAM

SEC. 511. The first sentence of section 661(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $20,000,000 for the fiscal year 1986.".

OPERATING EXPENSES

SEC. 512. Section 667(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) $387,000,000 for the fiscal year 1986 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

ILLEGAL EMIGRATION FROM HAITI

SEC. 513. Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

PARTICIPANT TRAINEE GRANTS

SEC. 514. Section 1441(c) of the Internal Revenue Code of 1954 is amended by striking out subsection (6) and inserting in lieu thereof the following:

"(6) SCHOLARSHIPS, PER DIEM, ETC. OF CERTAIN ALIENS.—No deduction or withholding under subsection (a) shall be required in the case of amounts of scholarships or fellowship grants, or per diem for subsistence paid by the United States Government (directly or by contract) to any non-resident alien individual who is engaged in any program of training in the United States under the Foreign Assistance Act of 1961, as amended.".

ASSISTANCE FOR AFGHANISTAN

SEC. 515. The President may make available funds authorized to be appropriated to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal years 1985 and 1986 for the provision of food, medicine or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law. This section shall take effect on the date of enactment of this Act.

REPEAL OF PROVISIONS; TECHNICAL AMENDMENTS

SEC. 516. (a) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 106(b)(1) is amended by striking out "(A)" and by striking out subparagraph (B).

(2) Section 110 is amended by striking out "(a)" and by striking out subsection (b).

(3) Section 306 is amended by striking out "(a)" and by striking out subsection (b).

(4) Chapter 10 of part I is repealed.

(b) Section 636(a)(14) of the Foreign Assistance Act of 1961 is amended by striking out "the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting in lieu thereof "the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

(c) Section 47(6) of the Arms Export Control Act is amended by striking out "combat" and inserting in lieu thereof "military".

TITLE VI—FOOD FOR PEACE PROGRAM

RESOURCES FOR SECTION 206 DEVELOPMENT PROGRAMS

SEC. 601. Section 201(b)(3) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "or shall be available to carry out programs subject to the requirements of section 206" immediately after "World Food Program".

USE OF LOCAL CURRENCIES FOR EDUCATION PROGRAMS UNDER TITLE III

SEC. 602. Section 301(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "education," immediately after "health services," in the second sentence thereof.

TITLE VII—AUTHORIZATION FOR THE FISCAL YEAR 1987 AND EFFECTIVE DATE

AUTHORIZATION FOR THE FISCAL YEAR 1987

SEC. 701. There are authorized to be appropriated for the fiscal year 1987 such sums as may be necessary to carry out programs and activities for which appropriations for the fiscal year 1986 are authorized by this Act.

EFFECTIVE DATE

SEC. 702. Except where otherwise stated in this Act, this Act shall take effect on October 1, 1985.

THE SECRETARY OF STATE,
Washington, March 7, 1985.

Hon. GEORGE BUSH,
President, U.S. Senate.

DEAR MR. PRESIDENT: I herewith transmit, on behalf of the President, a bill to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954 to authorize security and development assistance programs for the fiscal years 1986 and 1987, and for other purposes.

This bill authorizes $11.9 billion in appropriations world-wide for international security and development assistance programs. The foreign assistance programs authorized by this bill are essential instruments of U.S. foreign and defense policy. Development and security assistance programs are complementary in assisting our friends and allies to meet economic, security and social challenges. Development assistance helps developing countries achieve equitable economic growth and deal with problems of hunger, disease and poverty. By meeting basic human needs, promoting the development of essential economic and political institutions, and productive, self-sustaining private sectors, it contributes to improving the quality of life in those countries. Security assistance helps allies and friendly nations to defend themselves against external threats, lessens the economic, social and political weaknesses which lead to instability, and contributes to regional and international security.

The proposed International Security and Development Cooperation Act of 1985 includes proposed amendments to the Foreign Assistance Act of 1961 (FAA), the Arms Export Control Act (AECA), the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480), and the Internal Revenue Code of 1954 (IRC). Title I through VI authorize appropriations for international security and development assistance and related programs for fiscal year 1986 and make certain changes in the authorities governing these programs.

Title I consists of authorizations for military sales and related programs. Amendments to the AECA and the FAA are being proposed in order to assist in the more effective implementation of U.S. security assistance. Proposed amendments to the authorities applicable to the Foreign Military Sales (FMS) credit program would adjust these authorities to reflect more clearly and accurately the FY 1985 Continuing Resolution decision which placed the entire FMS financing program on-budget, thereby changing the nature of the financing program. Several of the provisions in Title I are intended to allow the United States to respond more quickly and appropriately to threats to our interests.

With respect to the authorizations requested in this bill for security assistance programs for Greece and Turkey, I hereby certify, in accordance with section 620C(d) of the FAA, that the furnishing of such assistance to Greece and Turkey will be consistent with the principles set forth in section 620C(b) of the FAA. The explanation of the reasons for this certification in each case is contained in the congressional presentation materials for the fiscal year 1986 security assistance programs.

Title II provides authorization for the Economic Support Fund. The Administration is requesting an authorization of $2.8 billion for FY 1986 for this program. This request does not include an amount for Israel for which a request will be transmitted at a later date.

Title III authorizes appropriations of $1.7 billion for FY 1986 for Development Assistance programs. This title includes an amendment to the FAA reflecting the Administration's emphasis on policy dialogue, technology transfer, institution building and the private sector as means by which developing countries might achieve self-sustained equitable economic growth.

Title IV adds a new chapter to the FAA that embodies the policy framework and recommendations of the National Bipartisan Commission on Central America and authorizes appropriations for Central America non-military programs through FY 1989. Commission recommendations regarding economic assistance coordination for Central America and programs for the administration of justice in Latin America and the Caribbean are addressed in this title.

Covered in Title V are miscellaneous amendments to the FAA including authorization for the international narcotics and anti-terrorism assistance programs, and for operating expenses for the Agency for International Development.

Title VI contains amendments to the Agricultural Trade Development and Assistance Act of 1954 regarding implementation of the Food for Peace program.

Title VII contains the authorizations for fiscal year 1987, in accordance with the requirement of the Congressional Budget Act of 1974, and the effective date for the various provisions of this bill.

The foreign assistance programs authorized by this bill have been carefully designed to meet the vital national interests of the United States with the reduced resources available in a time of necessary budget constraints. The proposed authorizations are the minimum necessary to promote and maintain the United States' interests in key regions of the world by helping our allies and friends to develop economically, to establish and maintain internal stability, and to deter and defend against regional external threats. These programs are an efficient and cost-effective means to promote United States objectives, and to complement a U.S. global defense posture intended to help preserve peace and stability. I urge prompt enactment of the bill.

The Office of Management and Budget advises that enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

GEORGE P. SHULTZ.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

I. INTRODUCTION

The proposed International Security and Development Cooperation Act of 1985 ("the Bill") amends the Foreign Assistance Act of 1961 ("FAA") and the Arms Export Control Act ("AECA") in order to authorize appropriations to carry out international security and development assistance programs for the fiscal year 1986, to make certain changes in the substantive authorities governing those programs and to implement recommendations of the National Bipartisan Commission on Central America. The Bill also amends certain provisions of the Agricultural Trade Development and Assistance Act of 1954 and the Internal Revenue Code and contains authorizations for the fiscal year 1987 in accordance with the requirements of the Congressional Budget Act of 1974.

The Bill is composed of seven titles. Title I consists of authorizations for military sales and related programs. Title II provides authorization for the economic support fund. Title III contains authorizations for the FAA development assistance provisions. Title IV provides for new policy initiatives in Central America based upon the recommendations of the National Bipartisan Commission on Central America. Title V contains miscellaneous amendments to the FAA, AECA, and the Internal Revenue Code, including authorizations for the international narcotics program and operating expenses for the Agency for International Development. Title VI contains amendments to the Agricultural Trade Development and Assistance Act of 1954. Title VII provides for authorizations for fiscal year 1987 in accordance with the requirements of the Congressional Budget Act of 1974 and for the effective dates for the various provisions of the Bill.

II. PROVISIONS OF THE BILL

Section 1. Short Title

This section provides that the Bill may be cited as the "International Security and Development Cooperation Act of 1985".

Title I—Military sales and related programs

Section 101. Foreign Military Sales Credit Authorization and Aggregate Ceilings

This section amends section 31(a) of the AECA to authorize $5,655,000,000 in appropriations for fiscal year 1986 to carry out the Foreign Military Sales (FMS) direct credit program. Section 31(b)(1) of the AECA is amended to establish at $5,655,000,000 for fiscal year 1986 the limit on the aggregate amount of FMS credits

which may be extended under section 23 of the AECA. Section 31(b)(3) of the AECA is amended to provide that during fiscal year 1986 no less than $1,800,000,000 in FMS credits shall be available for Israel for which Israel will be released from its contractual liability to repay. Section 31(b)(5) permits Greece, Korea, the Philippines, Portugal, Thailand and Turkey to repay, in not more than twenty years, following a grace period of ten years on repayment of principal, either loans under section 23, when these loans are provided at the current average interest rate for U.S. government obligations of comparable maturity, or loans guaranteed under section 24(a) of the AECA. Section 36(b)(6) is amended to provide that Egypt will be released from its contractual liability to repay loans extended under section 23 in an amount up to $1,300,000,000 for the fiscal year 1986. Sections 31(b)(7) and 31(c) of the AECA are repealed.

Section 102. Administrative Surcharge

Paragraph 1(A) of section 21(e) of the AECA is amended to further explain the "costs" which must be recovered by the United States Government in carrying out the FMS program. This amendment would exclude a pro rata share of fixed base operation costs from the full estimated costs. Enactment of this amendment is not expected to result in a reduction of the current administrative surcharge percentage.

Section 103. Catalog Data and Services

The AECA permits in-kind reciprocal exchange of some services with NATO countries, but still requires that the U.S. charge for catalog data. In future years, as efforts intensify to increase NATO standardization, there will be increasing requests for cataloguing and codification services, which DOD performs pursuant to chapter 145 of title 10 of the United States Code. This amendment would avoid a series of sales cases for relatively minor transactions with those NATO countries that provide similar services free of charge to the United States.

Section 104. Contract Administration Charges

Currently, section 21(h) of the AECA authorizes the President to provide without charge "quality assurance, inspection, and contract audit defense services" if another NATO member government provides such services, in accordance with an agreement, without charge to the United States. Because contract administration is an integral part of overall contract management, its exclusion from our agreements has been of concern to other NATO members. Section 104 amends section 21(h) to permit the waiver of contract administration charges on a reciprocal basis.

Section 105. Sales Credits

In view of the widespread concern in the Administration and the Congress about the mounting debt problems of countries which receive United States security assistance, it is in the national interest to provide concessional financing to certain needy countries for defense procurement rather than continue to provide loans at the higher rate of interest for United States government borrowing. This section continues the authority of the President to make loans at concessional rates if he determines that it is in the national interest to do so. The provision also establishes a formula to be applied to determine the rate of interest for nonconcessional loans by the Secretary of the Treasury. This formula is the standard formula used by the Secretary of Treasury in other loan programs and results in a rate of interest equivalent to the actual cost of money to the U.S. The section continues to provide for a twelve year maximum repayment period of FMS direct credits which begins when the loan agreement is signed on behalf of the United States.

Section 106. Guarantee Reserve

The Guarantee Reserve Fund was created by Congress in 1980 to guarantee Foreign Military Sales (FMS) loans extended by the Federal Financing Bank (FFB) and commercial lending institutions. The act that created the Fund, the International Security and Development Cooperation Act of 1980 (P.L. 96-533), among other things allowed for the replenishment of the Fund through annual authorizations and appropriations, and by authorizing the use of funds received from borrowing countries to be credited to the account. The Fund operates as a revolving fund administered by the Department of Defense.

This section amends section 24(c) of the Arms Export Control Act to establish a Guarantee Reserve to pay claims based upon defaults and reschedulings of outstanding loans guaranteed pursuant to the provisions of that Act and thus eliminates the need for yearly authorization and appropriation. A permanent indefinite appropriation was chosen because it would establish a long-term mechanism for maintaining the fiscal integrity of the fund. The new reserve would permit the current guarantee reserve balance to be depleted and, thereafter, appropriations would automatically be made available from the General Fund of the Treasury to cover all payments to lenders necessitated by defaults and reschedulings. Amounts subsequently received from borrowing countries will be credited against the new account as is now the case with the Guarantee Reserve Fund. The annual reporting requirement would remain.

Section 107. Reporting Requirement

Section 25(a) is amended to modify its reporting requirement relating to worldwide arms sales by eliminating the inclusion of an estimate of the international volume of arms traffic to and from nations which buy arms from the United States and whose sales and proposed sales are already reported in sections 25(a) (1) and (2). It retains the requirement to report an estimate of the sale and delivery of weapons and weapons-related equipment by all major arms suppliers. The provision also changes the date for transmittal of the new report under 25(a)(4) from February 1 until April 1 of each year.

Section 108. Cooperative Agreements on Air Defense in Central Europe

The Department of Defense Authorization Act, 1985, provided the legislative authority in the fiscal year 1985 to the Secretary of Defense to fully implement the December 6, 1983, United States cooperative air defense agreement with the Federal Republic of Germany. The authorization was for a single year with the understanding that the authority to continue these agreements be included in the annual foreign assistance request. Section 108 authorizes the continuation of the legislative authority necessary to implement the agreements.

Section 109. Quarterly Reports

Section 36(a) of the AECA requires the President to transmit to the Congress quarterly information relating to letters of offer for $1 million. This section permits information contained in these reports to be transmitted in classified form to protect the legitimate security interests of the purchasers.

Section 110. Increase in Criminal Penalties for Certain Violations of AECA

Changes made in the Export Administration Act in 1981 resulted in potentially greater penalties for persons violating commercial export laws and regulations than for those violating section 38 of the AECA. Section 110 increases the maximum criminal penalty for certain violations of the AECA or implementing regulations from $100,000 or two years imprisonment or both, to $1 million or 10 years imprisonment or both. The ceiling for civil penalties for violations is raised from $100,000 to $500,000. This amendment applies to violations which occur after the effective date of this section.

Section 111. Official Reception and Representation Expenses

Section 43(b) of the AECA is amended to provide that the United States is to recover "official reception and representation expenses" as well as administrative expenses for services calculated under section 21(e)(1)(A) of the AECA. The amendment permits the use of not more than $72,500 of administrative funds derived from charges pursuant to section 21(e)(1)(A) to augment military assistance (MAP) funds available for security assistance representational activities.

Section 112. Safety Related Equipment

Certain country-specific restrictions in U.S. legislation—most notably those relating to Chile—have created in a few instances life threatening situations. Because of these restrictions, countries have not been able to obtain certain items necessary for the safe operation of previously supplied U.S. origin defense articles. These items are manufactured only in the United States. For example, the F-5 and A-37 aircraft supplied to Chile prior to 1974 cannot be supplied with replacement ejection seat cartridges. Without such replacements, their operation is exceedingly dangerous. This section would permit the sale and licensing of such equipment which is essential to the safe operation of previously-supplied equipment and thus would eliminate unnecessary life threatening situations.

Section 113. Special Defense Acquisition Fund

The Special Defense Acquisition Fund (SDAF) was established in fiscal year 1982 to permit advanced procurement of defense items to be transferred to security assistance recipients. Previously, security assistance requirements often derogated U.S. Armed Forces readiness through stock withdrawals and procurement diversions while, in other instances, unduly delayed deliveries aganist those requirements derogated national security benefits.

This section makes certain modifications to the existing capabilities of the SDAF authorized under chapter 5 of the AECA. First, in order to maintain the readiness of the Armed Forces of the United States while facilitating the transfer of less advanced systems in the inventory of the Department of Defense to foreign countries and international organizations, the fund would be used to acquire defense articles and services in anticipation of their transfer to the Department of Defense to replace items transferred from DOD inventory to foreign countries and international organizations. Second, section 51(a) is amended to permit the fund to be used to keep on continuous order such defense articles and serv-

ices as are assigned by the Department of Defense for integrated management by the Defense Logistics Agency in anticipation of the transfer of similar defense articles and services to foreign countries and international organizations.

Section 114. Military Assistance

This section amends section 504(a)(1) of the FAA to authorize $949,350,000 for fiscal year 1986 in appropriations to carry out the military assistance program.

Section 115. Miltary Assistance Costs

Section 115 amends section 503(a) of the FAA to exclude from the pricing of sales cases using MAP funds the costs of salaries (including the retirement costs) of members of the Armed Forces of the United States. This technical amendment will conform the pricing of such FMS cases funded by MAP grants to the rule under section 632(d) of the FAA excluding military salaries from the calculation of costs of military assistance.

Section 116. Waiver of Net Proceeds of Sale of MAP Items

This section amends section 505(f) of the FAA to allow the President to waive the requirement that a country pay to the U.S. the net proceeds from the recipient's sale of defense articles delivered to the country on a grant basis under the military assistance program more than five years prior to the President's determination. The last of this equipment was programmed and funded in fiscal year 1981 under section 503(a)(1) of the Foreign Assistance Act of 1961. Countries which possess aging, obsolete MAP defense articles currently have an incentive to retain this equipment, rather than to sell it and use the proceeds for newer equipment, even though retaining it requires increasing maintenance costs. This provision would allow the President to remove this disincentive to a country's modernizing its defense inventory when it is in the U.S. national interest to do so. All legal and policy controls applicable to third party transfers would continue to apply to any sales of this equipment.

Section 117. Stockpiling of Defense Articles for Foreign Countries

This section amends section 514(b)(2) of the FAA to establish a ceiling of $360,000,000 on the aggregate value of additions made in fiscal year 1986 to overseas stockpiles of defense articles (other than in NATO countries) which are designated as war reserve stocks for allied or other foreign forces. The United States retains title to any stocks so designated. Transfer of title to these stocks to a foreign country may take place only under the authority of the FAA or of the AECA, and within the limitations and funds available under those Acts.

Section 118. Security Assistance Organizations

Section 515 of the FAA provides specific annual authorization to station permanently more than six military personnel in certain countries to manage security assistance programs. This section would add six new countries to the twelve countries which are currently authorized in the statute to have more than six uniformed personnel assigned to them for managing security assistance programs.

Section 119. International Military Education and Training

Section 542 of the FAA is amended to authorize $65,650,000 for fiscal year 1986 in appropriations for the International Military Education and Training (IMET) program.

Section 120. Exchange Training

This provision provides for the establishment of a new section in the FAA concerning exchange (barter) training. The provision authorizes the President to provide to foreign military personnel professional military education training only at U.S. war colleges and U.S. command and staff colleges in the United States. The training of each foreign student under this authority is conditioned on the requirement that, commencing in the same U.S. fiscal year, a U.S. military student be trained in a foreign college which the U.S. military department involved determines to be comparable to its military colleges. Such exchanges would be negotiated with foreign countries and international organizations after enactment.

Section 121. Training in Maritime Skills

This section authorizes the President to provide assistance under the IMET program for education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills. This section also makes conforming changes in section 660 of the FAA to allow assistance in maritime law enforcement.

Section 122. Authorization for Peacekeeping Operations

Section 552(a) of the FAA is amended to authorize $37,000,000 for fiscal year 1986 in appropriations to carry out peacekeeping operations and other programs. These programs include the United States budgetary contribution to the Multinational Force and Observers (MFO) for the Sinai.

Section 123. Peacekeeping Operations Emergencies

Section 552(c) of the FAA is amended to provide that the President may draw down commodities and services of an aggregate value not to exceed $25,000,000 for each fiscal year from any United States Government agency for peacekeeping purposes, if he determines that an unforeseen emergency requires immediate assistance under the peacekeeping provisions of the FAA. A new subsection (d) authorizes appropriations to reimburse the applicable account for commodities and services provided pursuant to this section. Section 652 of the FAA is amended to require that the President notify the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing should he intend to exercise this authority, stating the justification for, and the extent of, the exercise of such authority.

Title II—Economic Support Fund

Section 201. Authorization of Appropriations

Section 531(b) of the FAA is amended to authorize an appropriation for the Economic Support Fund of $2,824,000,000 for fiscal year 1986. The emergency assistance authority of section 535 is continued for fiscal year 1986. This section also amends the Economic Support Fund chapter by deleting a number of outdated fiscal year specific provisions related to particular countries or areas.

Title III—Development assistance

Section 301. Development assistance policy

Section 301 amends section 102(b) of the FAA, which sets forth the policy under which bilateral development assistance is to be provided. New paragraphs (13) through (16) describe emphases, consistent with the mandate to address basic human needs, with which A.I.D. is especially concerned.

Paragraph (13) recognizes the importance of policy reforms in developing countries. Long term equitable development depends heavily on the nature of the policies followed by developing countries. A.I.D. is concerned with both the effectiveness and equity of such policies. A.I.D. recognizes that significant policy reforms can be achieved only through a process of dialogue with developing countries.

Paragraph (14) recognizes the need to promote private sector activity in developing countries. Governmental policies which assure businesses open and competitive markets are cost effective ways to maximize production and achieve long term economic growth.

Paragraph (15) recognizes the need of developing countries to have access to appropriate technology. Sustained development requires an indigenous capacity to adopt, create and apply a continuing stream of appropriate technologies to the problems of health, population growth, hunger, illiteracy, unemployment and labor productivity.

Paragraph (16) encourages the creation and improvement of the institutional capacities of developing countries. Faulty institutional frameworks can impede development. Therefore, A.I.D. assists in the establishment and upgrading of schools, cooperatives, markets, voluntary organizations, agricultural extension services, agricultural research centers, management training institutes and health care delivery systems.

Section 302. Agriculture, Rural Development, and Nutrition

Section 302 amends section 103(a)(2) of the FAA, which authorizes funds for agriculture, rural development, and nutrition. Section 103(a)(2) is amended to authorize $792,352,000 for these programs for the fiscal year 1986. Section 103(a)(2) is further amended to authorize the use of funds made available to carry out the purposes of section 103 to assist private and voluntary organizations to facilitate public discussion of world hunger problems.

Section 303. Population and Health

Section 303 amends section 104(g) of the FAA, which authorizes funds for population and health. Section 104(g) is amended to authorize $250,017,000 for the population program for the fiscal year 1986 and to authorize $146,427,000 for the health program for the fiscal year 1986, of which not less than $25,000,000 is to be used to carry out the purposes of the Child Survival Fund.

Section 304. Education and Human Resources Development

Section 304 amends section 105(a) of the FAA, which authorizes funds for education and human resources development. Section 105(a) is amended to authorize $183,533,000 for these programs for the fiscal year 1986.

Section 305. Energy, Private Voluntary Organizations, and Selected Development Activities

Section 305 amends section 106(e)(1) of the FAA, which authorizes funds for energy, private voluntary organizations, and selected development activities. Section 106(e)(1) is amended to authorize $223,071,000 for these programs for fiscal year 1986.

Section 306. Private Sector Revolving Fund

Section 306 amends section 108(b) of the FAA, which authorizes funds for deposit in the private sector revolving fund. Section 108(b) is amended to authorize $20,000,000 for deposit in this fund for the fiscal year 1986.

Section 307. Sahel Development Program

This section amends section 121(c) of the FAA, which authorizes the Sahel Development Program. Section 121(c) is amended to authorize $80,500,000 for that program for the fiscal year 1986.

Section 308. Private and Voluntary Organizations and Cooperatives in Overseas Development

Section 308 amends section 123(e) of the FAA, which exempts from prohibitions on assistance to countries assistance in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date the prohibition becomes applicable. Section 123(e) is amended to more easily define the date on which a prohibition becomes applicable for purposes of that section. Section 123(e) is further amended by requiring that the report to be prepared by the President and transmitted to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate setting forth the reasons for continuation of support shall be submitted within thirty days after the date that a decision has been made for the continuation of such support rather than thirty days after the date the prohibition becomes applicable. This latter change affords the President a more reasonable period of time to take into consideration whether continuation of support for programs of private and voluntary organizations and cooperatives is in the national interest of the United States, as required under section 123(e).

Section 309. Development and Illicit Narcotics Production

Section 309 amends section 126 of the FAA, which addresses the problem of illicit narcotics cultivation overseas. Section 126 is amended to expressly state that Economic Support Funds are available for programs which would help reduce illicit narcotics cultivation by stimulating broader development activities. Section 126 is further amended to emphasize that funds may be used for programs to educate decisionmakers and the general public in narcotics source and transit countries on the effects of production and trafficking of illicit narcotics in those countries.

Section 310. Housing Guaranty Program

Section 310(a) amends section 222(a) of the FAA, to increase the total amount of housing guaranties authorized to be outstanding from $1,958,000,000 to $2,003,000,000. Section 311(a) further amends section 222(a) of the FAA to extend the authority for the housing guaranty program from September 30, 1986 to September 30, 1987. Because the loans for which guaranties are to be issued sometimes close after the end of the fiscal year, therefore delaying the issuance of the guaranties, the housing guaranty program needs authority that extends beyond the fiscal year in which the guaranty was authorized. This amendment provides the authority to issue guaranties after the close of fiscal year 1986 and conforms with past legislative practices in extending the program.

Section 311(b) amends section 223(j) of the FAA, which sets country averages for the housing guaranty program. This amendment eliminates the ceiling for country averages, thereby allowing A.I.D. to make guarantee commitments, in the aggregate amount of $45,000,000, for two housing programs in fiscal year 1986.

Section 311. Trade Credit Insurance Program

Section 311 amends section 224 of the FAA, which establishes a Trade Credit Insurance Program for the Central America region. Section 224 is amended to authorize guaranties in amounts not to exceed in the aggregate $500,000,000 in fiscal years 1985 and 1986.

Section 312. Disadvantaged Children in Asia

Section 312 amends section 241(b) of the FAA, which authorizes the use of funds to help meet the needs of disadvantaged children in Asian countries where there has been or continues to be a heavy presence of United States military and related personnel in recent years. Section 241 is amended to increase the maximum amount of funds available for such purposes to $3,000,000.

Title IV—Central America democracy, peace and development initiative

The proposed Central America Democracy, Peace and Development Initiative establishes a long-term framework to build democracy, restore peace, and improve living conditions in Central America and authorizes assistance for the fiscal years 1987 through 1989. The Bill contains amendments to the FAA in order to carry out a number of the recommendations of the National Bipartisan Commission on Central America.

Section 401. Central America Democracy, Peace and Development Initiative

This section amends part I of the FAA by adding a new chapter 6 entitled "Central America Democracy, Peace, and Development Initiative". The new chapter contains six sections which include a statement of policy, the conditions imposed on the furnishing of assistance, the authorization for the establishment of an organization to promote cooperation in economic development among the countries of Central America and the United States, and a multiyear authorization of nonmilitary assistance funds.

Section 461 of the proposed chapter contains the findings of Congress that the building of democracy, the restoration of peace, and the improvement of living conditions in Central America are important to the interests of the United States and the community of American states. The section further states the findings of Congress concerning the importance of effectively dealing with interrelated social, humanitarian, economic, political, diplomatic and security issues to assure a democratic and economically and politically secure Central America. In this section, Congress further recognizes that, although the achievement of democracy, human rights, peace, and equitable economic growth depends primarily on the people and governments of Central America, the United States can make a significant contribution through a policy which includes a long-term commitment of both economic and military assistance. In this section, Congress further defines the goals which the policy of the United States should seek to achieve and indicates that the purpose of the chapter is to establish the statutory framework and authorize the funding necessary to carry out this policy.

Section 462 provides that the President ensure that the assistance authorized by this chapter is furnished in a manner which fosters demonstrated progress and commitment to the objectives set forth in section 461. In doing so, the President under this section would consult with Congress in regard to progress toward those objectives, and any conditions imposed on the furnishing of assistance.

Section 463 is a statement of support for the initiatives taken by the Contadora group and the resulting Document of Objectives agreed to by the countries involved, and affirms that the United States should provide assistance and support as may be appropriate in helping to reach agreements which will ensure peaceful and enduring solutions to the Central American conflicts.

In furtherance of the recommendations of the National Bipartisan Commission on Central America, section 464 states the findings of Congress that participation by Central American countries in an effective forum for dialogue on and the continuous review and advancement of Central America's political, economic and social development would foster cooperation between the United States and Central American countries in furthering the purposes of the FAA. This section further states the sense of Congress that the President should enter into negotiations with representatives of Cental American countries to establish an organization for economic cooperation based upon principles stated in the section. In addition, this section authorizes the President to participate in such an organization, with the Administrator of the Agency for International Development as the U.S representative.

It is not the intention that this organization be established as a bureaucratic entity in competition with bilateral and multilateral donor organizations. The organization should be composed of public and private sector representatives from participating countries and should draw on the experience of the International Labor Organization with representatives from both the business and labor communities. The number of professional staff of the organization should be kept to a minimum.

Section 465 contains a multiyear authorization for the furnishing of nonmilitary assistance for Central American countries for each of the fiscal years 1987 through 1989.

Section 466 provides that for purposes of this chapter, the term "Central American countries" includes Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and regional programs which benefit those countries.

Section 402. Administration of Justice

In accordance with the recommendations of the National Bipartisan Commission on Central America that the United States help strengthen judicial systems and that Congress consider authorizing the training and support of law enforcement agencies under carefully defined conditions, this section authorizes the use of funds made available for economic assistance programs for projects designed to strengthen the administration of justice in Latin American countries and the countries of the Caribbean. These projects would include activities for judges, prosecutors, and criminal investigation and law enforcement (including corrections) agencies.

Section 403. Land Reform Programs

This section amends section 620(g) of the FAA to authorize the President to make available to governments assistance to compensate their nationals in accordance with a

land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.

Title V—Miscellaneous provisions

Section 501. American Schools and Hospitals Abroad

Section 501 amends section 211(c) of the FAA, which authorizes funds for American Schools and Hospitals Abroad. Section 214(c) is amended to authorize $10,000,000 for the fiscal year 1986.

Section 502. International Organizations and Programs

Section 502 amends section 302(a)(1) of the FAA, which authorizes funds for International Organizations and Programs. Section 302(a)(1) is amended to authorize $196,211,000 for these programs for the fiscal year 1986. Section 302(a)(1) is further amended to delete prior year earmarks of funds.

Section 503. International Narcotics Control

Section 503 amends section 482(a) of the FAA, which authorizes funds for International Narcotics Control. Section 482(a) is amended to authorize $57,529,000 for that program for the fiscal year 1986.

Section 504. Narcotics Reporting Requirement

This section amends section 481(b) of the FAA to delete the two semiannual reports on international narcotics control currently required under the law, and instead to require this expenditure and program information to be incorporated into the final quarterly report required under existing law. In addition, a new midyear report is to be submitted on August 1.

This amendment is intended to reduce the reporting requirements on the executive branch in the area of narcotics control, while insuring that the Congress continues to receive timely and comprehensive information on this subject.

Section 505. International Disaster Assistance

Section 505 amends section 492(a) of the FAA, which authorizes funds for International Disaster Assistance. Section 492(a) is amended to authorize $25,000,000 for that program for the fiscal year 1986.

Section 506. Antiterrorism Assistance Program

Section 506(a) amends section 575 of the FAA to authorize $5,000,000 for the fiscal year 1986 for the anti-terrorism assistance program. Section 506(b) repeals section 573(d)(4) to permit the transfer of defense articles and defense services on the United States Munitions List. This will allow the provision of such equipment and services under this program when appropriate and necessary to deal with actual or potential terrorist incidents. We anticipate that the defense articles and defense services to be provided under this program would be limited to items normally included in law enforcement anti-terrorist unit inventories. Moreover, since the FY 1986 budget request is only $5,000,000 and is not really sufficient to finance defense articles and defense services, we expect the FY 1986 program to consist primarily of training only. We intend of course to apply similar criteria to the selection of countries to receive defense articles and defense services in future years under this section as we do for our selection of countries under the current program. Section 506(c) repeals section 577 of the FAA (the sunset provision) in order to provide a permanent authorization for the program.

Section 507. Completion of Plans and Cost Estimates

Section 507(a) amends section 611(a) of the FAA, which requires that adequate plans and cost estimates be completed prior to the obligation of funds in excess of $100,000. That provision is amended to apply to a minimum amount of $500,000 rather than $100,000, to take account of the inflation that has occurred since the provision was enacted in 1958.

Section 507(b) amends section 611(b) of the FAA, which requires that cost/benefit analyses be conducted for water projects in accordance with the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973. Section 611(b) is amended by eliminating the reference to the above standards and instead providing that such analyses shall be conducted in accordance with the principles, standards and procedures established pursuant to the Water Resources Planning Act. The 1973 Principles and Standards have been replaced by standards established pursuant to the Water Resources Planning Act. The proposed amendment to section 611(b) will conform the FAA to this change.

Section 508. Prohibitions Against Assistance

Section 508 amends section 620(f) of the FAA permitting the President to remove a country from the application of the subsection if he determines and reports to Congress that such action is in the national interest.

Section 509. Streamlining of Reprogramming Requirements

Section 509(a) amends section 634A of the FAA to make funds appropriated to carry out the provisions of the Arms Export Control Act subject to the reprogramming requirements of section 634A and the reporting requirements of section 653(a) of the FAA. This section also deletes certain reporting requirements for FMS financing which would be redundant in light of this amendment to sections 634A and 653(a). In addition, this section deletes the requirement that a section 653(b) report be filed. Section 653(b) currently requires the President to report to Congress when certain categories of foreign assistance exceed by 10 percent or more the amount set forth for those categories in the report required by section 653(a). The information required by this report can be obtained from the Congressional notifications made pursuant to section 634A.

This section also eliminates the requirement under section 634A to notify Congress in advance of obligating development assistance funds where the obligation exceeds the prior amount justified for an activity for a fiscal year by 10 percent or less. This change will permit needed flexibility to reallocate development assistance funds at the end for the fiscal year while not allowing significant changes without prior Congressional notification.

These changes streamline and make standard various overlapping report and reprogramming requirements, but do not materially change the type of information provided to the Congress without prior congressional notification.

Section 510. Training Assistance

The provision of training to enhance the professional skills of citizens of foreign countries provides a valuable channel of communication and influence with important decision-makers in aid-recipient countries. When the United States offers training to foreign personnel it demonstrates a concrete and active interest on the part of the U.S. in the development of that country. The exposure to our society, the quality of instruction, and acknowledged U.S. leadership in certain fields, including human rights, play a big part in the formation of pro-American ideas and an orientation towards U.S. values.

This section would permit training from development, ESF, MAP, and IMET accounts, notwithstanding certain general or country-specific prohibitions on the provision of assistance that would otherwise be applicable. The training programs are relatively modest in size and the allocation of funds for such programs will remain subject to all Congressional oversight requirements. Also, the human rights provisions of the FAA (sections 116 and 502B) and the prohibition against police training (section 660) will continue to apply.

Section 511. Trade and Development Program

Section 511 amends section 661(b) of the FAA, which authorizes funds for the Trade and Development Program. Section 661(b) is amended to authorize $20,000,000 for this program for the fiscal year 1986.

Section 512. Operating Expenses

Section 512 amends section 667(a) of the FAA, which authorizes funds for operating expenses of the Agency for International Development. Section 667(a) of the FAA is amended to authorize $387,000,000 for operating expenses for the fiscal year 1986.

Section 513. Illegal Emigration From Haiti

Section 513 continues in effect the authorization to use funds under the FAA for programs to assist Haiti in halting significant illegal emigration from Haiti to the United States.

Section 514. Participant Trainee Grants

Section 514 amends section 1441(c)(6) of the Internal Revenue Code of 1954 to exempt from withholding amounts received as scholarships or fellowship grants or per diem of non-resident aliens engaged in training programs in the United States under the FAA. Current provisions of the I.R.C. exclude income to A.I.D. participant trainees from U.S. tax liability up to specified dollar limitations. In the past these exclusions have been high enough to completely exempt the participants from U.S. tax liability, and no taxes have had to be withheld by A.I.D. or contractors and PVOs implementing the participant trainee programs. As a result of inflation, however, income under A.I.D. scholarhip programs now exceeds the exclusion. Withholding income taxes for each participant trainee would result in high administrative costs to the implementing contractors and PVOs that would ultimately be passed on to A.I.D. It would also reduce the amount of funds actually available for the training programs themselves. This provision is intended to correct these problems.

Section 515. Assistance to Afghanistan

This section authorizes the President to use Development and Economic Support Fund assistance for the provision of food, medicine and humanitarian assistance. Such assistance may include medical and agricultural equipment, and training in the United States or third countries.

Section 516. Repeal of Provisions; Technical Amendments

Section 516 repeals provisions of the FAA which are obsolete. It also repeals section 110(b), which prohibits disbursement of

grant assistance for a project over a period exceeding thirty-six months. At the time this prohibition was enacted, it provided a useful control for the Congress over large capital assistance projects. A.I.D. no longer participates in that type of project, and the Congress now has a better review mechanism through the Congressional notification process. Section 110(b), therefore, is no longer necessary.

This section also makes a technical amendment to section 636(a)(14) of the FAA by deleting reference to the "Foreign Service Act of 1946" and substituting the "Foreign Service Act of 1980".

The section also amends the definition of "major defense equipment" in section 47(6) of the AECA to conform to the recent changes made in the International Traffic in Arms regulations which substituted the term "significant military equipment" for the previously employed term "significant combat equipment."

Title VI—Food for Peace Program

Section 601. Resources for Section 206 Development Program

Section 601 amends section 201(b)(3) of the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480) to include section 206 development programs as priority programs under Title II of that Act. Currently, only nonprofit voluntary agencies and the World Food Program are eligible for distribution of earmarked Title II commodity tonnage. This amendment gives higher budget priority to section 206 programs.

Section 602. Use of Local Currencies for Education Programs Under Title III

Section 603 amends section 301(b) of P.L. 480 by expanding the permissible uses of Title III local currencies to include education activities consistent with the development purposes of Title III. The amendment adds education to agricultural and rural development, health, and nutrition programs.

Title VII—Authorizations for fiscal year 1987 and effective date

Section 701. Authorization for the Fiscal Year 1987

This section, in accordance with the requirements of section 607 of the Congressional Budget Act of 1974, authorizes appropriations for fiscal year 1987 for all programs and activities for which appropriations for the fiscal year 1986 are authorized by this Act.

Section 702. Effective Date

This section provides that, except where otherwise stated in the Act, the effective date for this Act would be on October 1, 1985.●

By Mr. PACKWOOD:

S. 661. A bill entitled the "George Milligan Control Tower"; to the Committee on Commerce, Science, and Transportation.

GEORGE MILLIGAN CONTROL TOWER

● Mr. PACKWOOD. Mr. President, on February 9, 1985, with the death of George Milligan, Oregon suffered a great loss. Those of us that knew George, and many of us did, were constantly amazed at his willingness to give of himself—even to the point of risking his own life over and over to save others. In fact, George Milligan died doing what he has done for 36 years: transporting a patient by air.

Perhaps his greatest legacy, which by its nature captures the spirit of George Milligan, is Mercy Flights, a nonprofit air ambulance and emergency air service. Mercy Flights grew out of the concern and dedication of George Milligan.

George came to the city of Medford in southern Oregon in 1949 as a Civil Aeronautics Administration towerman. Many places in southern Oregon and northern California are remote, wild places inaccessible by car, or hours away by car from any population center offering medical services.

George could not ignore the cries for help he heard coming over the shortwave radio at the CAA tower which could only be responded to by air rescue operation. George pursued his idea of a volunteer air service driver by new demands for the service resulting from the great polio epidemic. George talked to everyone who would listen, and his enthusiasm and concern were contagious, and his love and energy were limitless.

With $2,400, a war-surplus Cessna was purchased and Mercy Flights began service. When flooded rivers cut off communities from food and medical supplies, Mercy Flights was there flying through the storm to bring relief to the flood victims. Accident victims picked up at the site of a crash were flown to hospitals, and those needing specialized medical attention were moved by the air ambulances to locations where they could receive the needed attention.

It is impossible to know how many lives Mercy Flights and George Milligan saved. But his service to the Northwest has been invaluable. To those that had need for Mercy Flights, George was a saint. He will be greatly missed by his family, friends, community, and those that he met through his role in general aviation. I know I will miss him terribly.

To honor the memory of George Milligan—and to present a constant reminder that we must carry on the work that he began—I am today introducing a bill that will rename the air traffic control tower at the Medford/Jackson County Airport the George Milligan Control Tower. This act will be a small reminder of George's concern over the need for safety in general aviation and the importance of air services for rural areas.●

By Mr. FORD:

S. 662. A bill to place certain restrictions on the storage and demilitarization of chemical munitions and lethal chemical agents at Lexington-Bluegrass Army Depot, KY, and for other purposes; to the Committee on Armed Services.

RESTRICTIONS ON CHEMICAL MUNITIONS AND LETHAL CHEMICAL AGENTS AT LEXINGTON-BLUEGRASS ARMY DEPOT

Mr. FORD. Mr. President, the U.S. Army has proposed building a demilitarization facility at Lexington-Bluegrass Army Depot [LBAD] in Richmond, KY, to dispose of chemical weapons stored at the depot—most urgently, the deteriorating M-55 rocket. This facility is to be built in conjunction with five others across the United States and on Johnston Island in the Pacific, all colocated with chemical weapons storage sites.

I do not speak for any other jurisdiction today but that in my one State. It would be an understatement to say that strong objections to the Army proposal have been raised in the Richmond area. The citizens are understandably alarmed. Theirs is a highly populated part of Kentucky, and, should an accident occur during the incineration process, thousands of people would be immediately and adversely affected by it. These feelings are compounded by a deep mistrust of the Army that existed throughout Madison County prior to the demilitarization announcement.

Naturally, one of the first public responses to the Army was "get them out of here; burn the munitions somewhere else." When the proposal was first made, I suggested that the Army study the transportation option, and I am pleased that it is being done at this very moment. The Army has drawn samples of M-55 components from Richmond—agent, fuze, burster, and propellant, and is analyzing them in order to make an assessment of the condition of our current stockpile and its potential mobility.

While we await the release of the draft Environmental Impact Statement, however, a persistent question remains among my constituents that has not been satisfactorily answered and that will not, I believe, be found in the EIS:

Is the Army going to build a multimillion dollar facility to dispose of only the munitions currently stored at LBAD? Surely the plant will be used to dispose of other toxic weapons and materials.

Of particular concern to me is the bulk nerve agent that is stored at Edgewood Arsenal in Aberdeen, MD, at Newport Army Ammunition Plant in Newport, IN, and at Pueblo Army Depot in Pueblo, CO. Since no plans are in the offing to dispose of this material onsite, I feel that LBAD may be the logical candidate to receive the bulk agent of the first two facilities for demilitarization.

It is this fear that I address today. The legislation I am introducing would place restrictions on the storage and demilitarization of additional chemical munitions and lethal chemical agents at LBAD by prohibiting such activities except under the very limited instances of a national emergency or for purposes of research. In other words, under my language, no new lethal materials, whether military or civilian,

may be brought into Madison County for storage or disposal at Richmond—but anything that is stored there right now may be brought out. My legislation leaves open the option of transporting the Richmond stockpile to another disposal site.

This is in direct contrast to H.R. 1430, recently introduced by Representative BERYL ANTHONY, which would foreclose the transportation option by simply mandating that existing chemical munitions be burned at their present site. I cannot support this legislation, Mr. President. It is absolutely contrary to the best interests of my constituents.

The choices available to the residents of Madison County are three: leave the chemical weapons in storage as they exist today, dispose of them onsite, or transport them to another facility. Each one has obvious drawbacks. Each is currently being evaluated by the Army and I anxiously await the results of the study. But I want to make certain that, whatever the ultimate solution is, LBAD does not become a dumping ground for chemical weapons and other materials. Under my legislation, if the final decision is to demilitarize onsite, Madison County will not be burdened by any more toxic substance than it already has.

By Mr. METZENBAUM (for himself, Mr. HATFIELD, Mr. EXON, Mr. COHEN, Mr. PROXMIRE, and Mr. HART):

S. 663. A bill to amend the Internal Revenue Code of 1954 to modify the alternative minimum corporate tax; to the Committee on Finance.

ALTERNATIVE MINIMUM TAX MODIFICATIONS

● Mr. METZENBAUM. Mr. President, I am today introducing along with Senators HATFIELD, EXON, COHEN, PROXMIRE, and HART legislation to require profitable corporations that pay no Federal taxes to contribute at least something toward the common burden.

It is shocking, but true, Mr. President, that between 1981 and 1983, 65 major U.S. corporations earned $49.5 billion in profits—and paid not 1 penny in Federal income taxes. In fact, over that same period these corporations received a combined total of $3.2 billion in Federal tax refunds.

These are not refunds like the average taxpayer receives after paying taxes. These are checks the Treasury mails to corporations that pay no taxes at all.

One company earned $6.5 billion in profits over this 3-year period, paid no taxes, and received a refund check of $283 million. And according to Budget Director David Stockman, this same company received in the same period over $1 billion worth of Export-Import Bank loans.

Earlier this year, Defense Secretary Weinberger told the Budget Committee that every dollar spent on defense returns 50 cents to the Treasury in Federal income taxes.

The Secretary is misinformed.

The fact is that between 1981 and 1983, the largest five defense contractors earned $10.5 billion in profits, received tax refund checks for more than $620 million, and paid no—repeat no—Federal income taxes.

The largest defense contractor—General Dynamics—hasn't paid a cent in Federal income taxes since 1972.

The Treasury Department estimates that a minimum corporate tax would affect 90,000 corporations. And in Treasury's words, it "would require that profitable corporations currently paying little or no tax would pay at least some tax on their profits."

I am not the only one who believes that this measure has merit. This measure originated with President Reagan, who in 1982, urged Congress to enact it.

But don't we already have on the books a corporate minimum tax?

Yes. But in support of President Reagan's 1982 proposal, Treasury explained that "few corporations are affected by the existing minimum tax. In 1981, income tax was owed by 43 percent of corporations. Minimum taxes were paid by 0.3 percent, or 5,500 corporations. Minimum tax collections in 1981 were estimated at $500 million."

The Treasury Department went on to explain that:

Many corporations currently pay little or no Federal corporation income tax, despite reporting large profits to their shareholders. The existing "add-on" minimum tax applies to corporations that have reduced their tax liability through the use of designated tax deductions, but is not focused upon corporations that pay little or no regular income tax.

The proposed corporate minimum tax would tax "corporate profits," as measured by regular taxable income plus certain special deductions, and would apply only to those corporations that pay very low regular rates of tax.

I believe that President Reagan was right to propose his minimum corporate tax. And what was right in 1982 is even more so today.

The facts speak for themselves. The corporate share of Federal revenue fell from 23 percent in 1960, to 14.3 percent in 1971, to 6.2 percent in 1983. And the President's budget projects corporate revenues to remain at about 10 percent of total revenues through the end of the decade.

I do not blame business for using tax loopholes. Blame belongs to Congress and the administration for giving away too much.

How will this proposed minimum tax affect corporations?

According to the Reagan administration, it will raise corporate taxes paid by petroleum companies, banks, and utilities. The mining and real estate industries will pay about what they pay today. And manufacturing companies will pay less than under current law.

Mr. President, I ask unanimous consent that a chart prepared by the administration showing the distributional effect of the President's minimum tax proposal be inserted at this point in the RECORD.

There being no objection, the chart was orderd to be printed in the RECORD, as follows:

DISTRIBUTION OF NEW CORPORATE MINIMUM TAX BY INDUSTRIAL SECTOR

[In percent]

	Percent of current corporate tax liability	Percent of proposed corporate tax liability
Petroleum	5.1	6.5
Oil and gas extraction	1.6	1.8
Petroleum refining	3.5	4.7
Mining	.4	.4
Manufacturing	49.2	47.8
Banking	1.9	2.9
Utilities	2.0	2.3
Real estate	1.5	1.5
All others	39.9	38.7
Total	100.0	100.0

Source: Department of Treasury.

On this measure, I believe that the choices are clear.

If you believe corporations should pay taxes on their profits, then you should support this bill.

If you believe that certain companies should be excused from contributing to the cost of Government, then you should oppose it.

If you believe that the President was right to propose legislation to ensure that profitable corporations pay their fair share, you will support the bill. But if you believe that companies should not have to pay any taxes whatever, then you will oppose it.

This bill offers an opportunity to show two things to the people of this country—first, that we are willing to do something serious about the deficits, and second, that we are committed to acting in a spirit of fairness, asking all Americans to bear a fair share.

I urge my colleagues to support the President. This is his proposal, and it is part of what he called "A blueprint for growth and prosperity."

Mr. President, I ask unanimous consent that a list of companies that have paid no taxes since 1981 and a copy of the bill be printed at this point in the RECORD.

There being no objection, the Material was ordered to be printed in the RECORD, as follows:

S. 663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

(a) IN GENERAL.—Section 56 (relating to additional corporate minimum tax) is amended to read as follows:

"SEC. 56. ALTERNATIVE MINIMUM TAX ON CORPORATOINS.

"(a) TAX IMPOSED.—

"(1) IN GENERAL.—A tax is hereby imposed on each corporation in an amount equal to 15 percent of its corporate minitax taxable income.

"(2) TAX IMPOSED ONLY IF GREATER THAN REG-UTAX LIABILITY.—A tax shall be imposed by this section on the corporate minitax taxable income of a corporation for any taxable year only if the amount of such tax is greater than the amount of the adjusted regutax for such year.

"(3) TAX TO BE IN LIEU OF REGUTAX.—For purposes of this title, a tax imposed by this section shall be in lieu of the regutax.

"(b) CORPORATE MINITAX TAXABLE INCOME.—For purposes of this title, the term 'corporate minitax taxable income' means the gross income for the taxable year—

"(1) reduced by the sum of—

"(A) $50,000, plus

"(B) the deductions allowed for the taxable year (other than the deduction allowable under section 172), plus

"(C) the minitax net operating loss deduction provided by subsection (d), and

"(2) increased by an amount equal to the corporate minitax preference items.

"(c) CORPORATE MINITAX PREFERENCE ITEMS.—For purposes of this section, the corporate minitax preferences items are:

"(1) CERTAIN SECTION 57 PREFERENCE ITEMS.—The sum of the amounts determined under the following provisions of section 57(a):

"(A) Paragraph (8) (relating to excess depletion).

"(B) Paragraph (2) (relating to accelerated depreciation on real property).

"(C) Paragraph (4) (relating to amortization of certified pollution control facilities).

"(D) Paragraph (11) (relating to intangible drilling cost), but computed on a straight-line basis over a period of 120 months.

"(E) Paragraph (12) (relating to accelerated cost recovery deduction).

"(2) MINING EXPLORATION AND DEVELOPMENT COSTS.—With respect to each mine or other natural deposit (other than an oil or gas well) of the taxpayer, an amount equal to the excess of—

"(A) the deductions for development and mining exploration expenditures described in sections 616 and 617 allowable under this chapter for the taxable year, over

"(B) the amount which would have been allowed if such expenditures had been capitalized and amortized ratably over a 120-month period beginning with the month in which the first such expenditures were made.

"(3) CERTAIN AMOUNTS RELATING TO TAX-EXEMPT OBLIGATIONS.—

"(A) INTEREST ON DEBT TO CARRY TAX-EXEMPT OBLIGATIONS.—The amount of interest on indebtedness incurred or continued to purchase or carry obligations the interest on which is exempt from taxes for the taxable year, to the extent that a deduction is allowable with respect to such interest for such taxable year by reason of the second sentence of section 265(2).

"(B) ALLOCATION RULE.—For purposes of subparagraph (A), the amount of interest allocable to any obligation shall be determined under rules similar to the rules of section 291(e)(1)(B)(ii).

"(4) DEFERRED DISC OR FSC INCOME.—The taxpayer's pro rata share of any DISC's or FSC's increase in accumulated DISC or FSC income for the taxable year.

"(5) CERTAIN SHIPPING INCOME.—With respect to any construction reserve fund or capital construction fund established by the taxpayer under sections 511 and 607 of the Merchant Marine Act (46 U.S.C. 1161, 1177), the net increase for such taxable year in the income and capital gain accounts under such funds.

"(6) AMORTIZATION OF MOTOR CARRIER OPERATING AUTHORITIES.—The amount allowed as a deduction for the taxable year under section 266 of the Economic Recovery Tax Act of 1981 (relating to deduction for motor carrier operating authorities).

"(7) EXCESS ORIGINAL ISSUE DISCOUNT INTEREST.—With respect to original issue discount bonds or other evidence of indebtedness issued by the taxpayer, the amount by which the deductions for interest taken in the taxable year for each bond exceeds an amount equal to—

"(A) the yield that would have been paid on the bond or other evidence of indebtedness if the amount of original issue discount under the obligation were paid as interest over the period of the obligation, employing compound interest computations (with compounding at annual intervals), multiplied by

"(B) the adjusted basis of the bond or other evidence of indebtedness as of the close of the prior bond-year (or in the case of the first bond-year, on the date of issue).

"(8) DEDUCTIONS FOR CERTAIN COSTS INCURRED WITH RESPECT TO LONG-TERM CONTRACTS.—With respect to certain indirect costs in connection with long-term contracts entered into by a taxpayer, the amount by which the deduction allowed in the taxable year for such indirect costs exceeds the deduction that would have been allowable for the taxable year if such costs had been capitalized and deducted under the progress payment method of accounting for long-term contracts.

"(d) MINITAX NET OPERATING LOSS DEDUCTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'minitax net operating loss deduction' means the net operating loss deduction under section 172(a) for the taxable year for purposes of the regutax, except that in determining the amount of such deduction—

"(A) section 172(b)(2) shall be applied by substituting 'corporate minitax taxable income' for 'taxable income' each place it appears, and

"(B) the net operating loss (within the meaning of section 172(c)) for any loss year shall be adjusted as provided in paragraph (2).

"(2) ADJUSTMENTS TO NET OPERATING LOSS COMPUTATION.—

"(A) POST-1985 LOSS YEARS.—In the case of a loss year beginning after December 31, 1985, the net operating loss for such year under section 172(c) shall be reduced by the amount of corporate minitax preference items arising in such year.

"(B) PRE-1986 YEARS.—In the case of loss years beginning before January 1, 1986, the amount of the net operating loss which may be carried over to taxable years beginning after December 31, 1985, for purposes of paragraph (1) shall be equal to the excess of—

"(i) the amount which may be carried from the loss year to the first taxable year of the taxpayer beginning after December 31, 1985, reduced by

"(ii) the amount of corporate minitax preference items arising in such loss year to the extent such amount exceeds $10,000.

"(e) ELECTION TO MAKE ADJUSTMENTS FOR REGUTAX PURPOSES.—

"(1) IN GENERAL.—The taxpayer may elect for any taxable year to have any adjustment required by subsection (b)(2) with respect to any corporate minitax preference item arising in such year apply also to such item for regutax purposes. The treatment of any item with respect to which an election has been made under the preceding sentence shall (for all later years and for purposes of both the regutax and the minitax) be consistent with its treatment for the year in which it arises.

"(2) TIME FOR MAKING ELECTION.—Any election under paragraph (1) with respect to any item shall be made not later than the due date (with extensions) for filing the return under this chapter for the taxable year in which such item arose.

"(3) REVOCATION ONLY WITH CONSENT.—Any election under paragraph (1) may be made only in the manner provided by regulations, and may be revoked only with the consent of the Secretary.

"(f) SPECIAL RULES RELATING TO CREDITS.—FOR PURPOSES OF THIS SECTION—

"(1) CREDITS NOT ALLOWABLE.—Except as provided by paragraph (2), no credit shall be allowable against the tax imposed by subsection (a).

"(2) FOREIGN TAX CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

"(A) Determination of foreign tax credit.—The total amount of the foreign tax credit which can be taken against the tax imposed by subsection (a) shall be determined under subpart A of part III of subchapter N (section 901 and following).

"(B) INCREASE IN AMOUNT OF FOREIGN TAXES TAKEN INTO ACCOUNT.—For purposes of the determination provided by subparagraph (A), the amount of the taxes paid or accrued to foreign countries or possessions of the United States during the taxable year shall be increased by an amount equal to the lesser of—

"(i) the foreign tax credit allowable under section 27(a) in computing the regular tax for the taxable year, or

"(ii) the tax imposed by subsection (a).

"(C) SECTION 904(A) LIMITATION.—For purposes of the determination provided by subparagraph (A), the limitation of section 904(a) shall be an amount equal to the same proportion of the sum of the tax imposed by subsection (a) against which such credit is taken and the regular tax as—

"(i) the taxpayer's corporate minitax taxable income from sources without the United States (but not in excess of the taxpayer's entire corporate minitax taxable income), bears to

"(ii) his entire corporate minitax taxable income.

For such purpose, the amount of the limitation of section 904(a) shall not exceed the tax imposed by subsection (a).

"(D) DEFINITION OF CORPORATE MINITAX TAXABLE INCOME FROM SOURCES WITHOUT THE UNITED STATES.—For purposes of subparagrah (C), the term 'corporate minitax taxable income from sources without the United States' means adjusted gross income from sources without the United States, adjusted as provided in paragraphs (1) and (2)

of subsection (b) (taking into account in such adjustment only items described in such paragraphs which are properly attributable to items of gross income from sources without the United States).

"(E) SPECIAL RULE FOR APPLYING SECTION 904(c).—In determining the amount of foreign taxes paid or accrued during the taxable year which may be deemed to be paid or accrued in a preceding or succeeding taxable year under section 904(c)—

"(i) the limitation of section 904(a) shall be increased by the amount of the limitation determined under subparagraph (c), and

"(ii) any increase under subparagraph (B) shall be taken into account.

"(3) CARRYOVER AND CARRYBACKS OF CREDITS.—For purposes of computing the amount of any carryover or carryback of any credit allowable under part IV, the taxpayer shall be treated as having been allowed a credit against the regutax for any taxable year for which a tax is imposed by subsection (a) equal to the amount of such credit which would have been allowed against the regutax for such taxable year if such regutax had been equal to the excess of—

"(A) the regutax, over

"(B) the tax imposed by subsection (a).

"(g) DEFINITIONS AND SPECIAL RULES.—

"(1) REGUTAX.—The term 'regutax' means the taxes imposed by this chapter for the taxable year (computed without regard to this section and without regard to the taxes imposed by sections 531 and 541).

"(2) ADJUSTED REGUTAX.—The term 'adjusted regutax' means, for any taxable year—

"(A) the regutax, reduced by

"(B) the sum of the credits allowable under part IV (other than sections 31, 32, and 34).

"(3) TAXABLE YEAR IN WHICH ITEM ARISES.—In the case of any amount which is taken into account for regutax purposes in more than 1 taxable year, such amount shall be treated as an item arising in the first such taxable year.

"(4) APPLICATION WITH SECTION 291.—Under regulations prescribed by the Secretary rules similar to rules of section 57(b) shall apply to items described in paragraphs (2) and (3) of subsection (c).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1985.

MAJOR AMERICAN COMPANIES PAYING A TOTAL OF ZERO OR LESS IN TOTAL FEDERAL INCOME TAXES, 1981–83

[Sorted by size of tax subsidy, dollar amounts in millions]

	1981–83		
	Profit	Tax	Rate
General Electric	$6,527.0	—$283.0	—4.3
Boeing Co	1,530.0	—267.0	—17.5
Dow Chemical Co	776.0	—223.0	—28.7
Tenneco	2,687.0	—189.0	—7.0
Santa Fe Southern Pacific Corp	1,579.0	—141.7	—9.0
Weyerhaeuser Co	640.7	—138.6	—21.6
DuPont	2,591.0	—132.0	—5.1
St. Regis Corp	123.9	—121.3	—97.9
Georgia—Pacific Corp	400.0	—99.0	—24.8
Columbia Gas System	886.7	—94.6	—10.7
Martin Marietta Corp	490.2	—94.3	—19.2
Transamerica Corp	584.9	—86.4	—14.8
General Dynamics	930.8	—70.6	—7.6
Union Carbide	613.0	—70.0	—11.4
Continental Group	462.0	—69.0	—14.9
Dun & Bradstreet Corp	595.7	—64.0	—10.7
RCA	514.2	—60.9	—11.8
Texaco	1,699.0	—58.0	—3.4
IC Industries	322.9	—56.0	—17.3
U.S. Home	54.3	—53.6	—98.7
International Minerals & Chemical	260.5	—50.6	—19.4
Jim Walter Corp	211.3	—48.2	—22.8

MAJOR AMERICAN COMPANIES PAYING A TOTAL OF ZERO OR LESS IN TOTAL FEDERAL INCOME TAXES, 1981–83—Continued

[Sorted by size of tax subsidy, dollar amounts in millions]

	1981–83		
	Profit	Tax	Rate
Celanese Corp	296.0	—45.0	—15.2
Northrup Corp	177.4	—42.5	—24.0
Greyhound Corp	290.8	—42.1	—14.5
Amerada Hess	336.7	—41.7	—12.4
Mitchell Energy & Development Corp	402.8	—41.1	—10.2
International Paper Co	1,028.4	—39.4	—3.8
Ohio Edison Co	1,027.7	—37.6	—3.7
Burlington Northern	1,724.3	—37.6	—2.2
Mellon National Corp	402.2	—35.3	—8.8
Ashland Oil	346.9	—33.4	—9.6
Philadelphia Electric Co	1,270.9	—33.4	—2.6
Piedmont Aviation	78.9	—29.6	—37.5
Panhandle Eastern Corp	938.0	—28.8	—3.1
Arizona Public Service Co	862.0	—28.7	—3.3
Ogden Corp	192.5	—27.4	—14.2
Pacific Power & Light Co	598.1	—22.2	—3.7
Northern Indiana PSC	549.1	—22.0	—4.0
Tesoro Petroleum	100.9	—16.5	—16.4
CSX Corp	1,755.3	—15.2	—.9
Air Products and Chemicals	294.0	—13.6	—4.6
Superior Oil	1,083.8	—13.2	—1.2
Singer Co	104.6	—12.5	—12.0
Grace (W.R.) & Co	684.1	—12.5	—1.8
Florida Power & Light Co	1,337.7	—12.2	—.9
Centex Corp	194.2	—11.7	—6.0
Pennsylvania Power & Light Co	920.8	—10.4	—1.1
Champion International Corp	167.0	—7.8	—4.7
Southwest Airlines Co	145.2	—7.2	—5.0
Allied Corp	404.0	—7.0	—1.7
American Cyanamid Co	298.7	—6.2	—2.1
Rio Grande Industries	132.5	—4.7	—3.5
St. Paul Cos	440.5	—4.0	—.9
Tyson Foods	36.4	—3.6	—9.9
Commonwealth Edison Co	2,425.6	—3.5	—.1
Comerica	75.2	—3.2	—4.3
Xerox	1,051.2	—2.7	—.3
Citizens & Southern Georgia Corp	173.8	—2.0	—1.2
American Financial Corp	426.9	—1.9	—.4
American Standard	78.5	—1.6	—2.0
Combined International Corp	297.6	.6	.2
First Executive Corp	312.2	0	0
Grumman Corp	474.5	0	0
Lockheed Corp	1,085.0	0	0
Total (65 companies)	49,503.0	—3,232.4	—6.5
Total, 25 biggest benefits	25,244.3	—2,600.4	—10.3
Total, 10 biggest benefits	17,741.3	—1,689.2	—9.5

Source: Citizens for Tax Justice, Corporate Income Taxes in the Reagan Years."●

By Mr. NICKLES (for himself and Mr. ABDNOR):

S. 664. A bill to facilitate the competitiveness of exports of United States agricultural commodities; to the Committee on Commerce, Science, and Transportation.

COMPETITIVENESS OF U.S. AGRICULTURAL EXPORTS

● Mr. NICKLES. Mr. President, in times of economic struggle, the American farmer, especially those who depend on exports, has been dealt a severe blow by a force outside of their control. On February 21, a U.S. District Court ruling in effect increased shipping costs of U.S. grain exports by 15 to 30 percent. Such an artificial price hike of up to $1 per bushel will result in a loss of export markets.

Mr. President, in Oklahoma we export 80 percent of our wheat. We depend on exports and now some judge in Washington, D.C. is going to choke off our markets. The court ruled in favor of maritime interests stating that blended credit programs operated through USDA's Commodity Credit Corporation were subject to cargo preference requirements. Cargo preference requires that U.S. vessels carry the farmers grain to foreign ports. This is clearly a protectionist ruling aimed at benefiting the maritime industry at the expense of American farmers. As a result of this ruling, USDA has suspended $536 million worth of grain sales to Egypt, Iraq, Morocco, and Tunisia until we can get things back in shape.

We can't wait long. These countries will go elsewhere with their money, just like the Soviets did following the grain embargo. That is why I am introducing legislation which would do away with cargo preference requirements on commercial exports of agricultural commodities. Government has got to get off the backs of farmers. We must end unnecessary and crippling regulations handed down by the Federal Government. This ruling is a hardship being saddled on American farmers at a time when we are having difficulty exporting. Farmers' exports are already suffering at the hand of the overvalued dollar.

The cost benefits provided by the blended credit programs are effectively nullified by cargo preference requirements due to the added shipping costs. The court said the higher shipping costs do not justify ignoring cargo preference laws. I say that with the cargo preference laws there won't be higher shipping costs because there won't be any grain shipped under the credit programs. My State's wheat commission told me that Bangladesh, who was eligible for Food-for-Peace shipments moved on higher-cost U.S. vessels, found it was cheaper to buy the wheat under the credit program and arrange their own transportation. To further illustrate the detrimental effects of this ruling, if it had applied over the past 2 years, shipping costs would have been increased by around $250 million.

Mr. President, I hope we have all been made aware of the seriousness of agriculture's problems. I encourage my colleagues to join with me in getting the Federal Government off the backs of the farmers.●

By Mr. HATCH (for himself, Mr. WALLOP, MR. NICKLES, Mr. ARMSTRONG, Mr. COHEN, Mr. DENTON, Mr. EAST, Mr. KASTEN, and Mr. MCCLURE):

S. 665. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes; to the Committee on Labor and Human Resources.

FREEDOM OF THE WORKPLACE ACT

● Mr. HATCH. Mr. President, cable television has recently been running a promotional spot touting cable TV as "not just more choice, but your choice." There is a major bank credit card called Choice, and Baskin-Robbins Ice Cream stores offer a choice of

31 flavors. Clearly, as Americans we have an inalienable right to choose. Our freedom is in fact based on the power and necessity of choice, giving us the whole range of personal liberty we enjoy in our free society. The commonplace options we daily exercise in choosing which car to drive or which suit to buy ought to extend to where we choose to work, a contract freely exercised. This is why the bill I introduce today is really a reaffirmation of Americans' fundamental right to choice of workplaces.

The freedom to work at home in seven industries was suspended in 1942, ostensibly to protect workers' rights. The Labor Department regulations were a response to the sweatshop conditions of the earlier part of this century—conditions no one wants to recreate in homes, factories, or elsewhere.

Yet, Mr. President, the prohibition of home labor as the sole means of enforcing wage and hour laws is like using agent orange to clear a little patch of poison ivy. I imagine our cities and towns would find it much easier to enforce traffic and parking laws if we simply prohibited driving and car ownership. Those of us who depend on our automobiles for mobility would find that prohibition overly restrictive and downright inconvenient. Likewise, those citizens who might benefit from working at home in these seven industries are prohibited from exercising this choice.

With this ban on homework we are denying choices to countless Americans, and particularly to working parents. Labor Department statistics reveal that in March 1984, 46.8 percent of married women with children age 1 or under were in the labor force. Furthermore, the U.S. Commission on Civil Rights found that an estimated 32,000 preschoolers and 2 million children between the ages of 7 and 13 are left without adult supervision during the day. The necessity of two incomes means that in many families neither parent is able to stay at home. The lack of supervision augmented by the lack of parental contact, especially in these important early years, can be tragic. This is a situation which could be corrected for many families by lifting the prevailing ban on industrial homework. Home labor is an employment option that would make it economically possible for more parents to spend more time with their children.

Just as this change in the Fair Labor Standards Act has tremendous potential for being a wonderful boon for the health and welfare of many American families, it can provide access to the job market for people in rural areas. It is often difficult for people in the rural parts of our country to acquire outside employment because of their remote location or because an employer's schedule may not coincide with that on the farm. Homework would provide needed flexibility as well as save people the cost of transportation to a workplace.

Critics of the Freedom of Workplace Act have suggested that the present ban on these seven areas of industrial homework is necessary to protect workers' rights under the Fair Labor Standards Act. I agree that the Fair Labor Standards Act should be enforced. But, Mr. President, this is 1985. Times have changed and the ability to regulate home labor without prohibiting it has improved to the extent that this objection is no longer valid. First of all, in 1985 employers, employees, Labor Department officials, and public interest groups are familiar with the Fair Labor Standards Act. This familiarity contributes to the enforceability of this act. Sometimes, Mr. President, I think we insult the intelligence of our citizens by assuming they do not understand their own interests or rights under law. A better role for Government would be to ensure that accurate information about the Fair Labor Standards Act is available so individuals can made their own choices. Second, the chances that violations will go unnoticed are slight not only because workers have familiarity with their rights, but also because businesses will compete for reliable, experienced workers. Employees and employers alike will be alert to any violations. Third, the Department of Labor will, of course, retain the authority to impose reporting, certification or any other regulatory requirement to enforce the Fair Labor Standards Act for home workers. Fourth, there is no prohibition on unionization. Given these factors, the unlikelihood of unchecked violations or of a return to the sweatshops of an earlier time simply does not justify the Government's tacit acceptance of not only the problems created for some by having inflexible work, but also the restriction of freedom.

Mr. President, I am very pleased that the Department of Labor has moved to restore the option of home employment to thousands of home knitters in Vermont and elsewhere. This is a major step forward in reestablishing a fundamental right of American workers. The International Ladies' Garment Workers' Union has elected not to challenge the latest revision of the regulations concerning the knitted outerwear industry, and I commend them for that decision. It is time we gave these workers a chance. And, if we can do it for home workers in one industry, we should do it for the workers in the other six still prohibited industries. That the Federal Government in 1985 is still wedded to this archaic prohibition to enforce fair labor standards is directly at odds with our national character which covets freedom of choice.

I am honored that Senators WALLOP, NICKLES, ARMSTRONG, COHEN, DENTON, EAST, KASTEN, and MCCLURE have joined me in sponsoring this legislation and I invite all Senators to cosponsor the Freedom of Workplace Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11(d) of the Fair Labor Standards Act of 1938 is amended—

(1) by striking out the word "The" and inserting in lieu thereof "(1) Subject to the provisions of paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Nothing in paragraph (1) of this subsection shall be construed to prohibit an individual from engaging in industrial homework (including sewing, knitting, jewelry or craft-making) or performing any service in or about the individual's place of residence as an employee of any employer covered by the provisions of this Act if the employer pays the minimum wage rate prescribed by this Act and complies with the maximum hours provision of this Act.".●

By Mr. GARN (for himself and Mr. HECHT) (by request):

S. 666. A bill to amend the National Flood Insurance Act of 1968, as amended, to extend certain authorities thereunder, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 667. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY

● Mr. GARN. Mr. President, Senator HECHT and I are submitting by request the authorization bills received from the Department of Housing and Urban Affairs [HUD] and the Federal Emergency Management Agency [FEMA].

I also request unanimous consent to print in the RECORD the HUD bill and summary, and the FEMA bill with the accompanying statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Flood Insurance Act of 1968, as amended, is further amended:

(a) by striking out "September 30, 1985" in section 1319 (42 U.S.C. 4026) and inserting in lieu thereof "September 30, 1991";

(b) by striking out "September 30, 1985" in section 1336(a) (42 U.S.C. 4056(a)) and inserting "September 30, 1919" in lieu thereof;

(c) by deleting the words "September 30, 1985" in section 1360(a)(2) (42 U.S.C. 4101(a)(2)) and inserting in lieu thereof "by September 30, 1991".

(d) by amending section 1310(a) by adding a new item (6) as follows: "for the purposes specified in Chapter III."

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, March 8, 1985.

Honorable GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is proposed legislation which would extend and amend the National Flood Insurance Program under the National Flood Insurance Act of 1968, as amended.

Section (a) of the bill amends section 1319 of the National Flood Insurance Act of 1968 to extend, until September 30, 1991, the period during which new contracts for flood insurance may be entered into. Authority under current law to issue policies expires on September 30, 1985.

Section (b) of the bill amends section 1336 of the National Flood Insurance Act of 1968 to extend until September 30, 1991, the period during which federally subsidized flood insurance may be provided in communities for which actuarial rates and flood hazard elevation studies have not yet been completed. Authority under current law will expire on September 30, 1985. We recommend that the extension date be through September 30, 1991, for both the emergency and regular phases of the program. This date would be consistent with the Federal Emergency Management Agency's (FEMA) plan for "Risk Studies Completion and Full Program Status" which was submitted to Congress in September 1984. The completion date for the studies in that plan was indicated to be 1990 but it should be extended to 1991 as a result of the Administration's decision to continue funding for flood studies at the current level rather than an enhanced level.

There are some 1.9 million flood insurance policies in effect throughout all 50 States, territories and possessions. Without an extension of time of the authority to write and renew NFIP policies, all existing policies would expire and no new policies could be written, providing the public with no opportunity to obtain insurance coverage against floods as such coverage is not available in the private sector.

In addition, since 1983, FEMA/Federal Insurance Administration has been successfuly administering a significant new "Write Your Own Program" (WYO), under which over 200 of the Nation's private property insurance companies have agreed to market and write the NFIP Standard Flood Insurance Policy (SFIP) on their own letterheads, as insurers, and to service the policyholders under an arrangement whereby the Federal Government permits the companies to retain a specified amount of the insurance premium for the payment of expenses and provides such additional funds as may be needed for the payment of claims.

Through the utilization of marketing efforts of the private companies, the NFIP will be able to expand the base of policyholders protected against flood losses and spread the risk over a larger number of property owners. In this way the program goal of actuarial soundness and a minimizing or elimination of costs to the taxpayer will be more readily attainable.

The proposed extension of the program authority through Fiscal Year 1991 will help encourage even greater participation by private companies and property insurance agents and brokers in the WYO Program by providing the necessary assurance that the NFIP, whose underlying purposes have enjoyed such consistent and strong support by the Congress, will not be subjected to the uncertainties and interruptions inherent in a more frequent authorization schedule.

Section (c) of the bill extends the date of completion of all of the flood risk studies to September 30, 1991. As indicated, above, support for this extension is provided in FEMA's "Risk Studies Completion and Full Program Status Plan" which was developed after a comprehensive assessment of the floodplain development potential of each of the remaining communities in the Emergency Program and an examination of appropriate methodologies for completing those risk studies identified as being needed.

The extension of the Emergency Program through September 30, 1991, would provide for the completion of risk studies initiated during this period and the conversion of those communities to the Regular Program after flood risk data has been developed to support actuarial flood insurance rating and local floodplain management programs designed to reduce future flood losses. The Plan provides in-depth analysis and discussion of the reasons why additional studies are necessary and cost-effective, the resources required to complete them, and the reasons why the Emergency Program should be extended while they are being completed.

Subsection (d) is intended to clarify existing authority to charge administrative expenditures to the Fund. Currently, under section 1310(a) the Fund may be used to pay "administrative expenses of carrying out the National Flood Insurance Program as the Administrator may deem necessary." Expenses associated with floodplain management such as charges for flood studies, costs of purchase of property under section 1362, flood hazard protection, and the salaries and expenses of personnel performing such work can be and should be considered administrative expenses. Until now these expenses have been charged not as administrative expenses but to direct appropriations. In the interest of clarity and to remove any doubt as to the validity of changing present practices, section 1310(a) is modified to specifically provide that these expenditures can be charged to the Fund. In addition, there would need to be specific appropriation act approval for these costs. These expenditures are required to provide the machinery for setting flood insurance rates and reducing insurance claims. The use of direct appropriations for these cost is not appropriate for a program which benefits a distinct group of taxpayers. Other taxpayers should not subsidize the recipients of a benefit. Accordingly, the Administration intends to slowly increase premiums for these costs in line with efforts to make the Fund self-suficient by 1988.

The Office of Management and Budget advises that there is no objection to the submission of this proposal for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

GEORGE JETT,
General Counsel.

S. 667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Community Development Amendments of 1985".

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TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT

AUTHORIZATIONS—TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1984

SEC. 101. (a) The second sentence of section 103 of the Housing and Community Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated for purposes of assistance under sections 106 and 107 not to exceed $3,468,000,000 for fiscal year 1984, not to exceed $3,472,000,000 for fiscal year 1985, not to exceed $3,124,800,000 for fiscal year 1986, and such sums as may be necessary for fiscal year 1987.".

(b) The first sentence of section 107(a) of such Act is amended to read as follows: "Of the total amount approved in appropriations Acts under section 103 for each of the fiscal years 1984, 1985, 1986, and 1987, not more than $66,200,000 for fiscal year 1984, not more than $60,500,000 for each of fiscal years 1985 and 1986, and such sums as may be necessary for fiscal year 1987 may be set aside in a special discretionary fund for grants under subsection (b).".

DEFINITIONS

Sec. 102. (a) Section 102(a)(13) of the Housing and Community Development Act of 1974, as redesignated by section 107(d)(1)(D) of this Act, is amended to read as follows:

"(13) The term 'Indian tribe' means any Indian tribe, band, nation, or Alaskan Native Village recognized by the Secretary of the Interior as eligible for services because of its status as such an entity: *Provided*, That part or all of the land of such an entity is held in restricted or trust status by the United States.".

(b) The last sentence of section 102(a)(16)(A) of such Act, as redesignated by section 107(d)(1)(D) of this Act, is amended by inserting before the period at the end thereof the following: ", except that in the case of amounts distributed under section 106(d) to units of general local government located in nonmetropolitan areas, the area involved shall be the entire nonmetropolitan area of the State".

STATEMENT OF ACTIVITIES AND REVIEW

SEC. 103. (a) Section 104(a)(1) of the Housing and Community Development Act of 1974 is amended by striking out the last sentence.

(b) Section 104(b)(4) of such Act is amended by striking out "it" and inserting in lieu thereof the following: "in the case of grants to cities and counties under section 106(b), the grantee".

(c)(1) Section 104(c) of such Act is hereby repealed.

(2) The first sentence of section 104(a)(1) of such Act is amended by striking out "and, where appropriate, subsection (c)".

(3) The penultimate sentence of section 104(a)(2) of such Act is amended by striking out "and, where appropriate, subsection (c)".

(4) Section 104(b)(5) of such Act is amended to read as follows:

"(5) in the case of grants to cities and counties under section 106(b), the grantee will cooperate in the provision of housing opportunities suited to the needs of persons of low and moderate income residing in the community or who are expected to reside in the community as a result of current or planned employment;".

(5) Section 104(d)(1) of such Act is amended by striking out "and, where applicable, its housing assistance plan".

(6) The first sentence of section 106(c)(1) of such Act is amended by striking out "section 104(a), (b), or (c)" and inserting in lieu thereof "section 104(a) or (b)".

(7) The second sentence of section 8(c)(1) of the United States Housing Act of 1937 is amended by striking out "or that such higher rent is necessary" and all that follows through "1974".

(8) Section 18(b)(1) of such Act is amended to read as follows:

"(1) the application from the public housing agency contains evidence that (A) it has been developed in consultation with tenants and tenant councils, if any, that will be affected by the demolition or disposition, and (B) in the case of an application involving at least (i) 20 units or (ii) ten per centum of the public housing agency's total number of public housing units, whichever is less, it has been reviewed by, and contains any comments of, the chief executive officer, or designee, of the appropriate unit of general local government; and".

(d) Section 106(d)(5) of the Housing and Community Development Act of 1974 is amended by—

(1) inserting "and" at the end of clause (B);

(2) striking out "; and" at the end of clause (C) and inserting in lieu thereof a period; and

(3) striking out clause (D).

ALLOCATION AND DISTRIBUTION OF FUNDS

SEC. 104. (a)(1) The first sentence of section 106(a) of the Housing and Community Development Act of 1974 is amended by striking out "70" and inserting in lieu thereof "60".

(2) The first sentence of section 106(d)(1) of such Act is amended by striking out "30" and inserting in lieu thereof "40".

(b) The second sentence of section 106(c)(1) of such Act is amended by—

(1) inserting "which are eligible to receive reallocated funds" before" for that fiscal year, except that—";

(2) striking out in clause (B) "an action" and inserting in lieu thereof "actions";

(3) striking out in clause (B) "a city or county" and inserting in lieu thereof "any city or county"; and

(4) striking out in clause (B) "such action" the last time it appears and inserting in lieu thereof "such actions". (c)(1) Section 104(a)(1) of such Act is amended by—

(A) striking out in the first sentence ", under section 106(d) by any State, or under section 106(d)(2)(B) by any unit of general local government" and inserting in lieu therof the following: "or under section 106(d) by any State"; and

(B) striking out in the second sentence "and in the case of units of general local government receiving grants pursuant to section 106(d)(2)(B)".

(2) Section 104 of such Act is amended by—

(A) striking out the fifth and sixth sentences of subsection (d)(1); and

(B) inserting in subsection (d)(1) after "section 106(d)(2)(B)" the following: "(as such provision existed immediately before the effective date of the Housing and Community Development Amendments of 1985)".

(3) Sections 106(d)(2)(A) and (B) of such Act are amended to read as follows:

"(2)(A) Amounts allocated under paragraph (1) shall be distributed by the State to units of general local government which are located in nonentitlement areas of the State to carry out activities in accordance with the provisions of this title. For the purposes of this subsection, distributions shall not include loans to units of general local government. The State shall distribute amounts allocated to it consistent with the statement submitted under section 104(a) and shall be responsible for the administration of funds so distributed.

"(B) Any amounts appropriated for fiscal year 1985 or prior fiscal years which were available for distribution under this subsection by the Secretary immediately before the effective date of the Housing and Community Development Amendments of 1985 shall be distributed by the Secretary in accordance with the provisions of this subsection as they existed immediately before such effective date, except that amounts which are not obligated by January 1, 1986 (i) shall be added to amounts allocated to the State under paragraph (1) for fiscal year 1986 or (ii) if the State does not elect to receive a grant for fiscal year 1986, shall be deposited in miscellaneous receipts of the Treasury of the United States.".

(4) Section 106(d)(3)(A) is amended by striking out the first sentence.

(5) Section 106(d)(3) of such Act is amended by—

(A) striking out subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(B) inserting in subparagraph (C), as redesignated by paragraph (6)(A) of this subsection, "(i)" before "shall be added" and inserting immediately before the period at the end thereof the following: "or (ii) if the State does not receive a grant for such year, shall be deposited in miscellaneous receipts of the Treasury of the United States".

(6) Section 106(d)(5) of such Act is amended by striking out "or the Secretary".

(d) Section 106(d)(2) of such Act is amended by—

(1) striking out in subparagraph (C) "the Governor must certify that the State" and inserting in lieu thereof "the State must certify that it"; and

(2) striking out in subparagraph (D) "the Governor of each State" and inserting in lieu thereof "the State".

ENTITLEMENT TRANSITION

SEC. 105. (a) Section 102(a) of the Housing and Community Development Act of 1974 is amended by—

(1) striking out the second sentence in paragraph (6);

(2) amending paragraph (7) to read as follows:

"(7) The term 'nonentitlement area' means an area which is not a metropolitan city, part of an urban county, or a city or a county which is eligible to receive a grant under section 106(b)(7)(B) or (b)(8) in the first year of such eligibility."; and

(3) amending paragraph (12) to read as follows:

"(12) The term 'extent of growth lag' means the number of persons who would have been residents in a city or a county eligible to receive a grant under section 106(b), in excess of the current population of such city or county, if such city or county had had a population growth rate between 1960 and the date of the most recent population count referable to the same point or period in time equal to the population growth rate for such period of all metropolitan cities.".

(b) The first two sentences of section 104(a)(1) of such Act are each amended by striking out "metropolitan" and "urban" each time they appear.

(c) Section 105(c)(2)(B) of such Act is amended by striking out "metropolitan city or urban county" and inserting in lieu thereof "a city or county eligible to receive a grant under section 106(b)".

(d) Section 106(a) of such Act is amended by—

(1) striking out "metropolitan cities and urban counties" in the first sentence and inserting in lieu thereof the following: "metropolitan cities, urban counties, and cities and counties eligible to receive a grant under subsection (b) (7) or (8)"; and

(2) striking out "metropolitan city and urban county" in the second sentence and inserting in lieu thereof the following: "metropolitan city, urban county, and city and county eligible to receive a grant under subsection (b) (7) or (8)".

(e) Section 106(b) of such Act is amended by—

(1) inserting after "each metropolitan city" in paragraph (1) the following: "and each city eligible to receive a grant under paragraph (7)";

(2) inserting after "metropolitan cities" in paragraph (1)(B)(i) the following: "and all cities eligible to receive a grant under paragraph (7)";

(3) inserting at the end of paragraph (1) the following new sentence: "Values for population, extent of poverty, extent of housing overcrowding, extent of growth lag, and age of housing used in determining ratios under this paragraph shall be reduced by 50 per centum for cities eligible to receive a grant under paragraph (7)(A), and for cities eligible to receive a grant under paragraph (7)(B) in their second year of eligibility thereunder.";

(4) inserting after "each urban county" in paragraph (2) the following: "and each county eligible to receive a grant under paragraph (8)";

(5) striking out "urban" each time it appears in paragraphs (2)(A), (2)(B) (ii) and (iii);

(6) amending clause (i) of paragraph (2)(B) to read as follows:

"(i) The extent of growth lag in that county and the extent of growth lag in all metropolitan cities, all cities eligible to receive a grant under parapraph (7), all urban counties, and all counties eligible to receive a grant under paragraph (8);";

(7) inserting at the end of paragraph (2) the following new sentence: "Values for population, extent of poverty, extent of housing overcrowding, extent of growth lag, and age of housing used in determining ratios under this paragraph shall be reduced by 50 per centum for counties eligible to receive a grant under paragraph (8) in their second year of eligibility thereunder.";

(8)(A) in the first sentence of paragraph (4), inserting after "urban county" the first time it appears the following: "or county eligible to receive a grant under paragraph (8)", and striking out "urban" each time it appears thereafter;

(9) in paragraph (5), inserting after "urban county" the first time it appears "or county eligible to receive a grant under paragraph (8)", and striking out "urban" each time it appears thereafter; and

(10) adding the following two new paragraphs after paragraph (6):

"(7)(A) Any city that qualified as a metropolitan city for fiscal year 1985 by reason of the second sentence of section 102(a)(4), but that does not qualify as a metropolitan city under that section for fiscal year 1986, shall be eligible to receive a grant computed under paragraph (1) based on 50 per centum of the values considered in the formulas under that paragraph for fiscal year 1986. A city that is eligible under this subparagraph shall also be eligible to receive a distribution from the State allocation under section 106(d) for fiscal year 1986. A city that is eligible to receive a grant under this subparagraph, but that elects to have its population included in an urban county for fiscal year 1986 shall not receive an allocation under this subparagraph.

"(B) Any city that loses its classification as a metropolitan city by reason of a loss of population or revisions in the designations of metropolitan areas or central cities and that does not qualify under subparagraph (A) shall be eligible to receive a grant computed under paragraph (1) for the two fiscal years immediately following the last fiscal year in which it so qualified. In the first year, the grant shall be based on 100 per centum of the values considered in the formulas under paragraph (1). In the second year, the grant shall be based on 50 per centum of the values considered in the formulas under paragraph (1). A city that is eligible to receive a grant under this subparagraph shall also be eligible for a distribution from the State allocation under section 106(d) for the second (but not first) year of eligibility under this subparagraph. A city that is eligible to receive an allocation under this subparagraph, but that elects to have its population included in an urban county, shall not receive a grant under this subparagraph. No city that receives a grant under this subparagraph for its first year of eligibility for such funding may elect to have its population included in an urban county for its second year of such eligibility.

"(8) Any county that loses its classification as an urban county under section 102(a)(6) by reason of a loss of population (including the classification of a previously included area as a metropolitan city), other than by reason of the election of any unit of general local government included in such county to have its population excluded under section 102(a)(6)(B)(i) or to not renew a cooperation agreement under section 102(a)(6)(B)(ii), shall be eligible to receive a grant computed under paragraph (2) for the two fiscal years immediately following the last fiscal year in which it so qualified: *Provided*, That the county otherwise meets the requirements of section 102(a)(6)(A) and that all units of general local government (except metropolitan cities) located within such county, which could participate with the county, elect to participate with the county for such two-year period. In the first year, the grant shall be based on 100 per centum of the values considered in the formulas under paragraph (2). In the second year, the grant shall be based on 50 per centum of the values considered in the formulas under paragraph (2). A county that is eligible to recieve a grant under this paragraph, and each of its participating units of general local government, shall also be eligible to receive a distribution from the State allocation under section 106(d) for the second (but not first) year of eligibility of the county under this paragraph.".

(f) Section 106(c)(1) of such Act is amended by—

(1) striking out in the first sentence "metropolitan city or an urban county" and inserting in lieu thereof "city or a county eligible to receive a grant under subsection (b)"; and

(2) inserting at the end thereof the following new sentence: "Notwithstanding the foregoing, no reallocated funds shall be awarded to a city or county eligible to receive a grant under subsection (b)(7) or (8).".

(g) Section 106(d)(1) of such Act is amended by inserting at the end thereof the following new sentence: "If a city or county is eligible to receive a grant under section 106(b) (7) or (8) based on 50 per centum of the values for population, extent of poverty, extent of housing overcrowding, and age of housing, the remaining 50 per centum of such values shall be added to the values for nonentitlement areas in the State in which such city or county is located.".

(h) Section 106(f) of such Act is amended to read as follows:

"(f) If the total amount available for distribution in any fiscal year to cities and counties eligible to receive grants under subsection (b) is insufficient to provide the amounts to which they would be entitled under that subsection, and funds are not otherwise appropriated to meet the deficiency, the Secretary shall meet the deficiency through a pro rata reduction of all amounts determined under that subsection. If the total amount available for distribution in any fiscal year to cities and counties eligible to receive grants under subsection (b) exceeds the amounts to which they would be entitled under that subsection, the Secretary shall distribute the excess through a pro rata increase of all amounts determined under that subsection.".

MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 106. (a) Section 106(d)(3)(A) of the Housing and Community Development Act of 1974 is amended by striking out "$102,000" and inserting in lieu thereof "$100,000".

(b) Section 113 of such Act is amended to read as follows:

"SEC. 113. (a) Not later than 180 days after the close of fiscal year 1985 and of every period of three fiscal years thereafter in which assistance under this title is furnished, the Secretary shall submit to the Congress a report that shall contain:

"(1) a description of the progress made in accomplishing the objectives of this title; and

"(2) a summary of the use of such assistance during the preceding reporting period.

"(b) With respect to grants under section 119, as it existed immediately before the effective date of section 107 of the Housing

and Community Development Amendments of 1985, the report required by subsection (a) for fiscal year 1985 shall contain a listing of each unit of general local government receiving funds and the amount of such grants, as well as a brief summary of the projects funded for each such unit, the extent of financial participation by other public or private entities, and the impact on employment and economic activity of such projects during such fiscal year. The report for fiscal year 1985 shall constitute the final report on activities under such section 119.

"(c) The Secretary is authorized to require recipients of assistance under this title to submit such reports and other information as may be necessary in order for the Secretary to make the report required by this section.".

MISCELLANEOUS REPEALERS

SEC. 107. (a)(1) Section 104(g) of the Housing and Community Development Act of 1974 is hereby repealed.

(2) On or after the effective date of this section, no revolving loan may be established or extended under section 104(g), as it existed immediately before such effective date.

(3) Any revolving loan fund established under section 104(g), as it existed immediately before the effective date of this section, shall continue to be governed by the provisions of such section 104(g).

(b)(1) Section 107(b) of such Act is amended by striking out paragraph (1) and redesignating the remaining paragraphs accordingly.

(2) On or after the effective date of this section, no grant may be made under section 107(b)(1), as it existed immediately before such effective date.

(3) Any grant made under section 107(b)(1), as it existed immediately before the effective date of this section, shall continue to be governed by the provisions of such section 107(b)(1).

(c)(1) Section 108 of such Act is hereby repealed.

(2) On or after the effective date of this section, no guarantee may be made under section 108, as it existed immediately before such effective date, except pursuant to a commitment to guarantee made before such effective date.

(3) Any guarantee made under section 108, as it existed immediately before the effective date of this section, shall continue to be governed by the provisions of such section 108.

(4) The second sentence of section 101(c) and section 104(b)(3) of such Act are each amended by inserting after "section 108" the following: "(as such section existed immediately before the effective date of section 107 of the Housing and Community Development Amendments of 1985)".

(d)(1)(A) Section 119 and 121 of such Act are hereby repealed.

(B) The first sentence of section 106(a) and (d)(1) of such Act is amended by striking out "and section 119" each place it appears.

(C) Sections 107(d)(1) and (2) of such Act are each amended by striking out "or section 119".

(D) Section 102(a) is amended by striking out paragraphs (13), (14), (15), (16) and redesignating the remaining paragraphs accordingly.

(2) No grant may be made under section 119, as it existed immediately before the effective date of this section, after the grants awarded for large cities and urban counties for which the decision date under 24 CFR 570.460 is September 30, 1985.

(3) Any grant made under section 119, as it existed immediately before the effective date of this section, shall continue to be governed by the provisions of sections 102(a)(13), (14), (15), and (16), 107(d), 119, and 121 of such Act, as they existed immediately before such effective date.

(4) Any amounts that, in the absence of this subsection, would have been available for making grants under section 119 of such Act on or after the effective date of this section shall be rescinded.

(5) Clause (ii) of the penultimate sentence of section 235(h)(1) of the National Housing Act is amended by inserting after "1974" the following: "(as such section existed immediately before the effective date of section 107 of the Housing and Community Development Amendments of 1985)".

(e)(1) Section 312 of the Housing Act of 1964 is hereby repealed, except that the first and second sentences of section 312(d) shall remain in effect until September 30, 1986, or until the assets and liabilities of the revolving fund under such section are transferred to the Revolving Fund (liquidating programs) established under title II of the Independent Offices Appropriation Act, 1955, whichever is earlier. All monies in the Revolving Fund (liquidating programs) shall be made available for necessary expenses of servicing and liquidating loans made under section 312, including reimbursement or payment for services and facilities of the Government National Mortgage Association and of any public or private entity for the servicing or liquidation of such loans.

(2) On or after the effective date of this section, no loan may be approved under section 312, as it existed immediately before such effective date.

(3) Any loan approved under section 312, as it existed immediately before the effective date of this section, shall continue to be governed by the provisions of such section 312.

(f) This section shall become effective on the later of October 1, 1985 or the date of enactment of this Act.

URBAN HOMESTEADING

SEC. 108. (a) The first sentence of section 810(k) of the Housing and Community Development Act of 1974 is amended by striking out "fiscal year 1984, and such sums as may be necessary for fiscal year 1985" and inserting in lieu thereof the following: "each of fiscal years 1984, 1985, 1986 and 1987".

(b) Section 810 of such Act is amended by—

(1) inserting after "without any substantial consideration" in subsection (b)(1) the following: "in the case of a lower income individual or family, as determined in accordance with section 3(b)(2) of the United States Housing Act of 1937 or for such consideration, if any, as may be agreed upon by the entity and the individual or family, in the case of an individual or family which is not lower income";

(2) striking out "and" the first time it appears in subsection (b)(2) and inserting in lieu thereof a comma;

(3) inserting immediately before the semicolon at the end of subsection (b)(2) the following: ", and ability to pay any consideration agreed upon in connection with conveyance of the property";

(4) striking out "and" at the end of subsection (b)(3)(C) and inserting "and" after the semicolon at the end of subsection (b)(3)(D);

(5) adding the following new clause (E) at the end of subsection (b)(3)(D):

"(E) pay the agreed upon consideration for the property;";

(6) inserting after "without consideration" in subsection (b)(5) the following: "in the case of a lower income individual or family or for such consideration, if any, as may be agreed upon by the entity and the individual or family, in the case of an individual or family which is not lower income,"; and

(7) inserting at the end of subsection (b) the following: "Any unit of general local government, State or agency designated by a unit of general local government or a State, which receives consideration in connection with the conveyance of a property to an individual or family under this section, shall remit to the Secretary may amounts received in such manner and at such time or times as the Secretary any prescribe. The Secretary shall deposit in miscellaneous receipts of the Treasury of the United States any amounts so remitted.".

EFFECTIVE DATE

SEC. 109. The amendments made by sections 101 through 106 shall apply only with respect to funds available for fiscal year 1986 and thereafter.

TITLE II—HOUSING ASSISTANCE PROGRAMS

PART A—GENERAL

ANNUAL CONTRIBUTIONS FOR LOWER INCOME HOUSING PROJECTS

SEC. 201. (a) Section 5(c) of the United States Housing Act of 1937 is amended by adding at the end thereof the following new paragraph:

"(8) The aggregate amount of budget authority that may be obligated for contracts for annual contributions is increased by $499,000,000 on October 1, 1985, and by such sums as may be approved in appropriation Acts on October 1, 1986. During fiscal year 1986, the Secretary shall not enter into contracts providing for more than $175,000,000 in the aggregate of budget authority for comprehensive improvement assistance under section 14, and no contract shall be entered into for purposes other than to meet emergencies for which assistance under section 14 may be used. The Secretary may enter into contracts for annual contributions in, and the aggregate authority to enter into such contracts is increased by, such amounts as are consistent with the foregoing increase in budget authority.".

(b) Section 9(c) of such Act is amended by striking out "on or after October 1, 1984" and inserting in lieu thereof "thereafter".

PREVENTING FRAUD AND ABUSE IN HUD PROGRAMS

SEC. 202. (a) As a condition of initial or continuing eligibility for participation in any program of the Department of Housing and Urban Development involving loans, grants, interest or rental assistance of any kind, or mortgage or loan insurance, and to assure that the level of benefits provided under such programs is proper, the Secretary may require that an applicant or participant (including members of an applicant's or participant's household) disclose his or her social security number or employer identification number to the Secretary.

(b) As a condition of initial or continuing eligibility for participation in any program of the Department of Housing and Urban Development involving initial and periodic review of an applicant's or participant's income, and to assure that the level of benefits provided under such programs is proper, the Secretary may require that an applicant or participant (including members of an ap-

plicant's or participant's household) sign a consent form approved by the Secretary authorizing (1) the Secretary, or the public housing agency or owner responsible for determining eligibility or level of benefits, to verify the information furnished by the applicant or participant, and (2) any Federal, State, or local agency or private person or entity to release information related to the determination of eligibility and benefit level. The information may include, but is not limited to, data concerning wages (not including return information as defined in section 6103(b)(2) of title 26, United States Code), unemployment compensation, benefits made available under the Social Security Act, and veterans benefits under title 38, United States Code. Any individually identifiable information received by the Secretary under this section shall be subject to the requirements of section 552a of title 5, United States Code. An applicant or participant shall have the right to obtain, examine, and correct any information which the Secretary, public housing agency or owner responsible for determining eligibility or level of benefits has received under this section, unless a criminal investigation is pending.

(c) As used in this section—

(1) the term "Secretary" means the Secretary of Housing and Urban Development;

(2) the term "applicant" shall have such meaning as the Secretary by regulation shall prescribe; and

(3) the term "public housing agency" means any agency described in section 3(b)(6) of the United States Housing Act of 1937.

(d) Section 303 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(g)(1) The State agency charged with the administration of the State law—

"(A) shall disclose, upon request and on a reimbursable basis, to officers or employees of the Department of Housing and Urban Development and to officers or employees of any public housing agency responsible for determining the eligibility and level of benefits of particular applicants or participants (including members of an applicant's or participants' household), any of the following information contained in the records of the State agency—

"(i) wage information, not including return information as defined in section 6103(b)(2) of title 26, United States Code,

"(ii) whether an individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received (or to be received) by the individual, and

"(iii) the current (or most recent) home address of the individual, and

"(B) shall establish such safeguards as are necessary (as determined by the Secretary of Labor in regulations) to insure that information disclosed under subparagraph (A) is used only for purposes of determining an individual's eligibility for benefits, or the amount of benefits, under the programs of the Department of Housing and Urban Development.

"(2) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify the State agency that further payments will not be made to the State until such Secretary is satisfied that there is no longer any failure to comply. Until the Secretary of Labor is satisfied, such Secretary shall make no further certification to the Secretary of the Treasury with respect to the State.".

REVISED DEFINITION OF DISABILITY

SEC. 203. (a) Clause (A) of the first sentence of section 3(b)(3) of the United States Housing Act of 1937 is amended by striking out "section 102 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970" and inserting in lieu thereof "section 102(7) of the Developmentally Disabled Assistance and Bill of Rights Act".

(b) The third sentence of section 202(d)(4) of the Housing Act of 1959 is amended by striking out "section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1950" and inserting in lieu thereof "section 102(7) of the Developmentally Disabled and Bill of Rights Act".

PART B—PUBLIC AND INDIAN HOUSING

PUBLIC AND INDIAN HOUSING FINANCING REFORMS

SEC. 211. (a) Section 4(a) of the United States Housing Act of 1937 is amended by adding at the end thereof the following new sentence: "The Secretary shall not make any commitment to make a loan under this subsection except with respect to a lower income housing project for which funding has been reserved before October 1, 1986.".

(b) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

"(c)(1) At such times as the Secretary may determine, and in accordance with such accounting and other procedures as the Secretary may prescribe, each loan made by the Secretary pursuant to subsection (a) that has any principal amount outstanding or any interest amount outstanding or accrued shall be forgiven; the terms and conditions of any contract, or any amendment to a contract, for such loan with respect to any promise to repay such principal and interest shall be canceled. This cancellation shall not affect any other terms and conditions of such contract, which shall remain in effect as if the cancellation had not occurred. This paragraph shall not apply to any loan, the repayment of which was not to be made using annual contributions, or to any loan, all or part of the proceeds of which are due a public housing agency from contractors or others.

"(2)(A) On September 30, 1985, or on the date of the enactment of the Housing and Community Development Amendments of 1985 into law, whichever is later, each note or other obligation issued by the Secretary to the Secretary of the Treasury pursuant to subsection (b), together with any promise to repay the principal and unpaid interest which has accrued on each obligation, is forgiven; and any other term or condition specified by each such obligation is canceled.

"(B) On September 30, 1986, and on any subsequent September 30, each such note or other obligation issued by the Secretary pursuant to subsection (b) during the fiscal year ending that day, together with any such promise to repay, shall be forgiven; and any other term or condition specified by each such obligation shall be canceled.".

(c) "(B) Section 5 of such Act is amended by—

(1) striking out "ANNUAL" in the section heading;

(2) striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) The Secretary may make annual contributions to public housing agencies to assist in achieving and maintaining the lower income character of their projects. The Secretary shall embody the provisions for such annual contributions in a contract guaranteeing their payment. The contribution payable annually under this section shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the public housing agency to finance the development or acquisition cost of the lower income project involved. Annual contributions payable under this section shall be pledged, if the Secretary so requires, as security for obligations issued by a public housing agency to assist the development or acquisition of the project to which annual contributions relate and shall be paid over a period not to exceed forty years. The Secretary shall not enter into a contract guaranteeing the payment of annual contributions under this section with respect to public housing projects, except with respect to a project for which funding has been reserved before October 1, 1986.

"(2)(A) On and after October 1, 1987, the Secretary may make one-time capital contributions to public housing agencies to cover the development cost of public housing projects. The contract under which such contributions shall be made shall specify the amount of capital contributions required for each project to which the contract pertains, and the period (not to exceed 40 years) during which the terms and conditions of such contract shall remain in effect.

"(B) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of subparagraph (A).

"(3) The amount of contributions which would be established for a newly constructed project by a public housing agency designed to accommodate a number of families of a given size and kind may be established under this section for a project by such public housing agency which would provide housing for the comparable number, sizes, and kinds of families through the acquisition and rehabilitation, or use under lease, of structures which are suitable for lower income housing use and obtained in the local market."; and

(3) striking out "annual" in subsection (e)(2).

(d) Section 6 of such Act is amended by—

(1) inserting "The" immediately before "Secretary" in the first sentence of subsection (a); and

(2) striking out "annual" the first time it appears in the first sentence of subsection (g), and each place it appears in subsection (d) and the first sentence of each of subsections (a), (b), and (c).

(e) Section 7 of such Act is amended by—

(1) striking out "annual" in the proviso in the first sentence; and

(2) striking out "low-rent" each time it appears in the second sentence and inserting in lieu thereof "public".

(f) Section 9(a)(2) of such Act is amended by—

(1) striking out "being assisted by an annual contributions contract authorized by section 5(c)" and inserting in lieu thereof "one developed pursuant to a contributions contract authorized by section 5"; and

(2) stiking out "any such annual" and inserting in lieu thereof "any such".

(g) Section 12 of such Act is amended by striking out "annual".

(h) Section 14 of such Act is amended by—

(1) striking out "receive assistance under section 5(c)" in subsection (c)(2) and insert-

ing in lieu thereof "assisted under section 5"; and

(2) striking out "annual" in each of paragraphs (2) and (4)(C) of subsection (d).

(i) Section 15 of such Act is amended by striking out "with loans or debt service annual contributions" in clause (2).

(j) Section 16(b) of such Act is amended by striking out "annual".

(k)(1) Section 18(a)(2)(B) of such Act is amended by—

(A) inserting immediately before "the net proceeds" the following: "except as otherwise provided by this subparagraph,"; and

(B) inserting immediately before the period at the end thereof the following: "; in the case of a public housing project financed under section 5(a)(2) or with respect to which a loan made under section 4(a) was forgiven under section 4(c), the net proceeds of the disposition will be used in a manner prescribed by the Secretary in regulations, which shall be comparable (as determined by the Secretary, taking into account that the indebtedness was forgiven or a different financing method was used, as appropriate) to the requirements for the use of such net proceeds applicable to other public housing projects under this subparagraph".

(2) Section 18(c) of such Act is amended by striking out "annual contributions authorized under section 5(c)" and inserting in lieu thereof "contributions authorized under section 5".

EXEMPTION OF PUBLIC HOUSING HOMEOWNERSHIP PROGRAMS FROM PROVISIONS PERTAINING TO RENTS PAYABLE BY TENANTS

SEC. 212. Section 3(a) of the United States Housing Act of 1937 is amended by inserting after "under section 8(o)" in the final sentence the following: "or under a public housing homeownership program".

PUBLIC HOUSING AGENCY RECEIVERSHIP

SEC. 213. Section 6 of the United States Housing Act of 1937 is amended by—

(1) redesignating subsection (g) as subsection (f); and

(2) adding the following new subsection:

"(g) Notwithstanding any other provision of this Act or of any contract for annual contributions, upon the occurrence of events or conditions which, in the opinion of the Secretary, constitute a substantial default in respect to the covenants or conditions to which the public housing agency is subject, the Secretary may petition for the appointment of a receiver of the public housing agency to any district court of the United States or to any court of the State or District of Columbia in which the real property of the public housing agency is situated which is authorized under the laws of such jurisdiction to appoint a receiver for the purposes and having the powers prescribed herein. Upon a determination that such a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court shall provide. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary. The appointment of a receiver shall be terminated upon the petition of the Secretary or when the court determines that all defaults have been cured and that the projects of the public housing agency will thereafter be operated by the public housing agency in accordance with the covenants and conditions to which the public housing agency is subject.".

PART C—OTHER ASSISTED HOUSING

AUTHORIZATION FOR INCREASING BORROWING AUTHORITY FOR DIRECT LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

SEC. 221. The first sentence of section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended by striking out "such sum as may be approved in an appropriation Act on October 1, 1984" and inserting in lieu thereof "such sums as may be approved in appropriation Acts thereafter".

ESTABLISHMENT OF SECTION 8 FAIR MARKET RENTS FOR EXISTING HOUSING

SEC. 222. Notwithstanding the requirement to establish fair market rents at least annually under section 8(c)(1) of the United States Housing Act of 1937, the Secretary of Housing and Urban Development shall not establish fair market rents for section 8 existing housing for fiscal year 1986. The fair market rents established for fiscal year 1985 shall continue in effect for fiscal year 1986. Establishment of fair market rents in accordance with section 8(c)(1) shall resume beginning with the fair market rents for fiscal year 1987.

PERMANENT HOUSING VOUCHER PROGRAM; REPEAL OF MODERATE REHABILITATION PROGRAM

SEC. 223. (a) Section 8(o) of the United States Housing Act of 1937 is amended by—

(1) striking our "In connection with" and all that follows through "demonstration program" in the first sentence of paragraph (1) and inserting in lieu thereof "Notwithstanding the provisions of subsection (c), the Secretary is authorized to provide assistance"; and

(2) striking out paragraph (4) and redesignating the remaining paragraphs accordingly.

(b) Section 8(c)(1) of such Act is amended by inserting after the third sentence the following new sentence: "The Secretary shall increase the maximum monthly rental above the amount of assistance otherwise permitted by this paragraph, if the Secretary determines that such increase is necessary to assist in the sale of multifamily housing projects owned by the Secretary.".

(c)(1) Section 8 of such Act is amended by—

(A) striking out in subsection (e) "(e)(1)" and inserting in lieu thereof "(e)",

(B) striking out subsection (e)(2);

(C) striking out in subsection (n) "subsections (b)(1) and (e)(2)" and inserting in lieu thereof "subsection (b)(1)"; and

(D) striking out in subsection (p) "and moderate rehabilitation programs" and inserting in lieu thereof "program".

(2) On or after the effective date of this subsection, no contract may be entered into under section 8(e)(2), as it existed immediately before such effective date, except pursuant to a commitment to contract made before such effective date.

(3) Any contract made under section 8(e)(2), as it existed immediately before the effective date of this subsection, shall continue to be governed by the provisions of such section 8(e)(2).

(4) This subsection shall become effective on the later of October 1, 1985 or the date of enactment of this Act.

(d) Section 5(c) of such Act is amended by striking out clause (v) in each of paragraphs (7) (A) and (B) and redesignating the remaining clauses accordingly.

USE OF HOUSING VOUCHERS IN CONNECTION WITH RENTAL REHABILITATION

SEC. 224. The first sentence of section 8(o)(3) of the United States Housing Act of 1937 is amended by—

(1) striking out "or" before "(C)"; and

(2) inserting before the period at the end thereof the following: ", or (D) a family residing in a project being rehabilitated under section 17 that is determined to be a lower income family at the time it initially receives assistance and whose rent after rehabilitation would exceed 30 per centum of the family's monthly adjusted income".

ALLOCATION AND USE OF HOUSING ASSISTANCE

SEC. 225. (a) Section 213 of the Housing and Community Development Act of 1974 is amended by striking out the section heading and subsections (a) through (c) and inserting in lieu thereof the following:

"ALLOCATION AND USE OF HOUSING ASSISTANCE

"SEC. 213. (a) This section shall apply to the allocation and use of housing assistance made available under the United States Housing Act of 1937, section 235 or 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959.

"(b) The Secretary of Housing and Urban Development shall not approve an application for housing assistance referred to in subsection (a) unless the Secretary determines that there is a need for such assistance and that there are or will be available in the area public facilities and services adequate to serve the housing proposed to be assisted. The Secretary shall give the unit of general local government in which the assistance is to be provided an opportunity, during a 30-day period following the Secretary's receipt of the application for assistance, to provide comments or information relevant to the Secretary's determination.

"(c) The provisions of subsection (b) shall not apply to applications for assistance involving 12 or fewer housing units in a single project or development.".

(b) Section 213(d)(2) of such Act is amended to read as follows:

"(2) In allocating assistance under paragraph (1), the Secretary shall allocate not less than 20 per centum nor more than 25 per centum of the total assistance available in any fiscal year to nonmetropolitan areas, except that beginning on or after October 1, 1987, the Secretary shall allocate not to exceed 50 per centum of such assistance to metropolitan areas and not to exceed 50 per centum of such assistance to nonmetropolitan areas.".

(c) Section 213(d)(3) of such Act is amended by striking out "he" and inserting in lieu thereof "the Secretary".

(d) Section 213(d)(4) of such Act is amended by—

(1) striking out "(a)(1)" in the first sentence and inserting in lieu thereof "(a)";

(2) revising clause (E) to read as follows:

"(E) projects approved by the Secretary to meet lower income housing needs; and"; and

(3) striking out in clause (F) "lower-income" and inserting in lieu thereof "lower income".

TENANT ELIGIBILITY DETERMINATIONS IN RENT SUPPLEMENT PROJECTS

SEC. 226. Section 101 of the Housing and Urban Development Act of 1965 is amended by—

(1) striking out the second sentence of subsection (e)(1); and

(2) striking out subsection (k) and inserting the following in lieu thereof:

"(k) In making tenant selection decisions in accordance with eligibility criteria and procedures established under subsection (e)(1) of this section, the project owner

shall give priority to individuals or families who are occupying substandard housing, are paying more than 50 per centum of family income for rent, or are involuntarily displaced at the time they are seeking housing assistance under this section.".

REPEAL OF REQUIREMENT FOR SIGNIFICANT COMMUNITY REPRESENTATION ON GOVERNING BOARDS OF SECTION 202 PROJECTS

SEC. 227. Section 202(d)(2) of the Housing Act of 1959 is amended by striking out "(B) which has" and all that follows through "and (C)" and inserting in lieu thereof "and (B)".

TECHNICAL AMENDMENTS TO THE UNITED STATES HOUSING ACT OF 1937

SEC. 228. (a) Section 6(c)(4)(A) of the United States Housing Act of 1937 is amended by striking out "or are paying more than 50 per centum of family income for rent" and inserting ", are paying more than 50 per centum of family income for rent," after "substandard housing".

(b) Sections 6(k) (4) and (5) of such Act are each amended by striking out "his" and inserting in lieu thereof "their".

TITLE II.—PROGRAM AMENDMENTS AND EXTENSIONS

PART A—FHA

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SEC. 301. (a) The first sentence of section 2(a) of the National Housing Act is amended by striking out "1985" and inserting in lieu thereof "1987".

(b) Section 217 of such Act is amended by—

(1) inserting "section 222, section 232," after "section 221,";

(2) inserting "section 242," after "section 236,";

(3) striking out "1985" and inserting in lieu thereof "1987"; and

(4) inserting "made on or" before "before that date".

(c)(1) The fifth sentence of section 221(f) of such Act is amended by—

(1) striking out "1985" and inserting in lieu thereof "1987"; and

(2) inserting "made on or" before "before that date".

(d) Section 222 of such Act is amended by adding at the end thereof the following new subsection:

"(h) No mortgage may be insured under this section after September 30, 1985, except pursuant to a commitment to insure made on or before that date.".

(e) Section 232 of such Act is amended by adding at the end thereof the following new subsection:

"(j) No mortgage may be insured under this section after September 30, 1985, except pursuant to a commitment to insure made on or before that date.".

(f) Section 242 of such Act is amended by adding at the end thereof the following new subsection:

"(i) No mortgage may be insured under this section after September 30, 1985, except pursuant to a commitment to insure made on or before that date.".

(g) Section 244(d) of such Act is amended by—

(1) striking out "1985" and inserting in lieu thereof "1987"; and

(2) inserting "on or" before "before that date.".

(h) Section 244(h) of such Act is amended by striking out "1985" and inserting in lieu thereof "1987".

(i) The last sentence of section 245(a) of such Act is amended by—

(1) striking out "1985" and inserting in lieu thereof "1987"; and

(2) striking out "entered into prior to" and inserting in lieu thereof "made on or before".

(j) The last sentence of section 1002(a) is amended by—

(1) striking out "1985" and inserting in lieu thereof "1987"; and

(2) striking out "issued" and inserting in lieu thereof "made on or".

MISCELLANEOUS AMENDMENTS

SEC. 302. (a) Section 232(i)(2)(B) of the National Housing Act is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(b) Section 235 of such Act is amended by—

(1) inserting in subsection (m) "made on or" before "before that date"; and

(2) striking out in the last sentence of subsection (q)(1) "entered into prior to" and inserting in lieu thereof "made on or before".

(c) The last sentence of section 236(i)(1) of such Act is amended by striking out "(h)" and inserting in lieu thereof "(f)(4)".

(d) Section 247(a)(2) of such act is amended by striking out "Mortgagor" and inserting in lieu thereof "mortgagor".

(e) Section 248 of such Act is amended by—

(1) striking out in subsection (a)(1) "lands" and inserting in lieu thereof "land";

(2) striking out in subsection (a)(2) "lands"; and

(3) striking out "tribal or trust land" in subsection (d) and inserting in lieu thereof "trust or otherwise restricted land".

(f) Section 253 of such Act is amended by—

(1) striking out the fourth sentence of subsection (b) and inserting in lieu thereof the following:

"For purposes of this section, the term 'net appreciated value' means the amount by which the sales price of the property (less the mortgagor's selling costs) exceeds the actual project cost after completion, as approved by the Secretary.";

(2) striking out in the first sentence of subsection (c) "204" and inserting in lieu thereof "207"; and

(3) striking out the last sentence of subsection (c) and inserting in lieu thereof the following:

"The term 'original principal face amount of the mortgage' as used in section 207 shall not include the mortgagee's share of net appreciated value.".

(g) The last sentence of section 809(f) of such Act is amended by inserting "made on or" before "before such date".

(h) The first sentence of section 810(h) of such Act is amended by—

(1) striking out "(exclusive of" and all that follows through "207" and inserting in lieu thereof "at such rate as may be agreed upon by the mortgagor and the mortgagee"; and

(2) striking out before the period at the end thereof ", and shall bear interest at not to exceed the rate applicable to mortgages insured under section 203".

(i) The last sentence of section 810(k) of such Act is amended by inserting "made on or" before "before such date".

(j) The last sentence of section 1101(a) of such Act is amended by striking out "issued" and inserting in lieu thereof "made on or".

(k) Section 482 of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "such Act" and inserting in lieu thereof "the National Housing Act".

EXPANDED AUTHORITY FOR SETTING INSURANCE PREMIUM CHARGES ON TITLE I LOANS

SEC. 303. Section 2(f) of the National Housing Act is amended by striking out "The Secretary" and all that follows through "such premium charge" the second place it appears and inserting in lieu thereof the following:

"The Secretary shall fix one or more premium charges for the insurance granted under this section, but such charge or charges for any loan, advance of credit, or purchase shall not exceed an aggregate amount equivalent to one per centum per annum of the net proceeds of such loan, advance of credit, or purchase for the term of the obligation. Such premium charge or charges".

MORTGAGES ON HAWAIIAN HOMELANDS AND INDIAN LANDS TO BE OBLIGATIONS OF THE GENERAL INSURANCE FUND

SEC. 304. (a) Section 247 of the National Housing Act is amended by adding the following new subsection at the end thereof:

"(d) Notwithstanding any other provision of this Act, the insurance of a mortgage using the authority contained in this section shall be the obligation of the General Insurance Fund created pursuant to section 519 of this Act. The mortgagee shall be eligible to receive the benefits of insurance as provided in section 204 of this Act with respect to mortgages insured pursuant to this section, except that all references in section 204 to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund, and all references in section 204 to section 203 shall be construed to refer to the section under which the mortgage is insured.".

(b) Section 248 of the National Housing Act is amended by—

(1) redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively, and inserting after subsection (e) the following new subsection:

"(f) Notwithstanding any other provision of this Act, the insurance of a mortgage using the authority contained in this section shall be the obligation of the General Insurance Fund created pursuant to section 519 of this Act. The mortgagee shall be eligible to receive the benefits of insurance as provided in section 204 of this Act with respect to mortgages insured pursuant to this section, except that all references in section 204 to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund, and all references in section 204 to section 203 shall be construed to refer to the section under which the mortgage is insured."; and

(2) striking out in the last sentence of subsection (g)(3) and the first sentence of subsection (g)(5), as such subsections were redesignated by paragraph (1), "insurance fund" each place it appears and inserting in lieu thereof "General Insurance Fund".

REPEAL OF REQUIREMENT TO PUBLISH PROTOTYPE HOUSING COSTS FOR ONE- TO FOUR-FAMILY DWELLING UNITS

SEC. 305. The Housing and Community Development Act of 1977 is amended by striking out section 904.

AUTHORITY FOR INCREASED MORTGAGE LIMITS FOR MULTIFAMILY PROJECTS IN HIGH-COST AREAS

SEC. 306. Section 207(c)(3), the second proviso of section 213(b)(2), the first proviso of section 220(d)(3)(B)(iii), section

221(d)(3)(ii), section 221(d)(4)(ii), section 231(c)(2) and section 234(e)(3) of the National Housing Act are each amended by striking out "not to exceed 75 per centum" and all that follows through "involved) in such an area" and inserting in lieu thereof the following: "not to exceed 110 per centum in any geographical area where the Secretary finds that cost levels so require and by not to exceed 140 per centum where the Secretary determines it necessary on a project-by-project basis, but in no case may any such increase exceed 90 per centum where the Secretary determines that a mortgage purchased or to be purchased by the Government National Mortgage Association in implementing its special assistance functions under section 305 of this Act (as such section existed immediately before November 30, 1983) is involved".

DOUBLE DAMAGES REMEDY FOR UNAUTHORIZED USE OF MULTIFAMILY HOUSING PROJECT ASSETS AND INCOME

SEC. 307. (a) This section may be cited as the "Civil Recovery Double Damages Act".

(b)(1) The Secretary of Housing and Urban Development (hereafter referred to in this section as the "Secretary") may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of (A) a regulatory agreement that applies to a multifamily project whose mortgage is insured or held by the Secretary under title II of the National Housing Act, or (B) any applicable regulation. For purposes of this section, a use of assets or income in violation of the regulatory agreement or any applicable regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project and has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

(2) For purposes of a mortgage insured or held by the Secretrary under title II of the National Housing Act, "any person" shall mean any person or entity which owns a project, as identified in the regulatory agreement, including but not limited to any stockholder holding 25 per centum or more interest of a corporation that owns the project; any beneficial owner under any business or trust; any officer, director, or partner of an entity owning the project; and any heir, assignees, successor in interest, or agent of any owner.

(c) The Attorney General, upon request of the Secretary, shall have the exclusive authority to authorize the initiation of proceedings under this section. Pending final resolution of any action under this section, the court may grant appropriate temporary or preliminary relief, including restraining orders, injunctions, and acceptance of satisfactory performance bonds, to protect the interests of the Secretary and to prevent use of assets or income in violation of the regulatory agreement and any, applicable regulation and loss of value of the realty and personality involved.

(d) In any judgment favorable to the United States entered under this section, the Attorney General may recover double the value of the project's assets and income that the court determines to have been used in violation of the regulatory agreement or any applicable regulation, plus all costs relating to the action, including but not limited to reasonable attorney and auditing fees. Notwithstanding any other provision of law, the Secretary may apply the recovery, or any portion of the recovery, to the project or to the applicable insurance fund under the National Housing Act, or deposit it in miscellaneous receipts of the Treasury of the United States, as the Secretary determines is appropriate.

(e) Notwithstanding any other statute of limitations, the Secretary may request the Attorney General to bring an action under this section at any time up to and including six years after the latest date that the Secretary discovers any use of project assets and income in violation of the regulatory agreement or any applicable regulation.

(f) The remedy provided by this section is in addition to any other remedies available to the Secretary or the United States.

PART B—OTHER PROGRAMS

RESEARCH AUTHORIZATION

SEC. 311. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by striking out "and such sums as may be necessary for fiscal year 1985" and inserting in lieu thereof the following: "not to exceed $16,900,000 for fiscal year 1985, not to exceed $18,900,000 for fiscal year 1986, and such sums as may be necessary for fiscal year 1987".

FAIR HOUSING INITIATIVES PROGRAM

SEC. 312. (a) The Secretary of Housing and Urban Development (hereafter referred to in this section as the "Secretary") is authorized to make grants to, or to enter into contracts or cooperative agreements with, State or local governments or their agencies, public or private nonprofit organizations or institutions, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to develop, implement, carry out, or coordinate:

(1) programs or activities designed to obtain enforcement of the rights granted by Title VIII of Public Law 90-284, as amended (hereafter referred to in this section as "Title VIII"), or by State or local laws that provide rights and remedies for alleged discriminatory housing practices that are substantially equivalent to the rights and remedies provided in Title VIII, through such appropriate judicial or administrative proceedings (including informal methods of conference, conciliation, and persuasion) as are available therefor; and

(2) education and outreach programs designed to inform the public concerning rights and obligations under the laws referred to in paragraph (1).

(b) There are authorized to be appropriated for the purposes of this section and for necessary expenses of the Secretary in carrying out such purposes, including program evaluations, an amount not to exceed $10,000,000 for each of the fiscal years 1986 and 1987. Any amounts appropriated under this section shall remain available through the end of the fiscal year after the fiscal year for which they were originally made available.

REPEAL OF LEGISLATIVE REVIEW REQUIREMENTS APPLICABLE TO HUD REGULATIONS

SEC. 313. (a) Section 7(o) of the Department of Housing and Urban Development Act is hereby repealed.

(b) Section 506(e) of the Solar Energy and Energy Conservation Bank Act is amended by striking out ", subject to the provisions of section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o))".

MANUFACTURED HOMES FEES

SEC. 314. Section 620 of the National Manufactured Housing Construction and Safety Standards Act of 1974 is amended by striking out the heading and all that follows and inserting in lieu thereof the following:

"FEES

"SEC. 620. The Secretary may establish and impose on manufactured home manufacturers, distributors, and dealers such reasonable fees as may be necessary to offset the costs (including the costs of contractors and State agencies) of carrying out the Secretary's responsibilities under this title.".

DELETION OF MAXIMUM FEE FOR INTERSTATE LAND SALES REGISTRATION

SEC. 315. Section 1405(b) of the Interstate Land Sales Full Disclosure Act is amended by striking out "a fee, not in excess of $1,000," and inserting in lieu thereof "a reasonable fee,".

TECHNICAL AMENDMENTS TO THE SOLAR ENERGY AND ENERGY CONSERVATION BANK ACT

SEC. 316. (a) Section 520(b)(4)(A) of the Solar Energy and Energy Conservation Bank Act is amended by striking out "12" and inserting in lieu thereof "10".

(b) Sections 506(f)(1), 509(b)(2)(E), 515(b)(1)(A)(iii), 515(b)(1)(B), 515(b)(1)(C)(ii), 515(b)(1)(D) and 515(b)(2) of such Act are amended by striking out "38" and "44C" wherever they appear and inserting in lieu thereof "23" and "38", respectively.

TITLE IV—RENTAL REHABILITATION AND DEVELOPMENT GRANTS

RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAMS

SEC. 401. (a) The section heading of section 17 of the United States Housing Act of 1937 is amended to read as follows: "RENTAL REHABILITATION GRANTS".

(b) Section 17(a) of such Act is amended by—

(1) striking out paragraph (1) and inserting in lieu thereof the following:

"(1) REHABILITATION GRANTS.—The Secretary is authorized to make rental rehabilitation grants to help support the rehabilitation of privately owned real property to be used for primarily residential rental purposes in accordance with the provisions of this section."; and

(2) striking out paragraph (3).

(c) Section 17(b)(1) of such Act is amended to read as follows:

"(1) FORMULA ALLOCATION.—Of the amount available in any fiscal year for rehabilitation grants under this section, the Secretary shall allocate amounts to cities having populations of 50,000 or more, urban counties, and States for use as provided in subsection (d), on the basis of a formula which shall be contained in a regulation. This formula shall take into account objectively measurable conditions in such jurisdictions, including such factors as low-income renter population, overcrowding of rental housing, the extent of physically inadequate housing stock, and such other objectively measurable conditions as the Secretary deems approriate to reflect the need for assistance under this section.".

(d) Sections 17(b)(2) (A) and (B) and (c)(1)(A) of such Act are amended by striking out "subsection (e)" each place it appears and inserting in lieu thereof "subsection (d)".

(e) The subsection caption of section 17(c) of such Act is amended to read as follows: "RENTAL REHABILITATION GRANTS.".

(f) Section 17(c)(2) (C), (E), (F) and (G) of such Act and section 17(e) of such Act, as redesignated by subsection (g) of this section, are amended by striking out "structure" and "structures" each place they appear and inserting in lieu thereof "project" and "projects", respectively.

(g) Section 17 of such Act is amended by striking out subsections (d) and (j) and redesignating the remaining subsections accordingly.

(h) Section 17(d) of such Act, as redesignated by subsection (g) of this section, is amended by—

(1) striking out in the second sentence ", but may" and all that follows through the end of that sentence and inserting in lieu thereof a period; and

(2) striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

(i) Section 17(h)(1) of such Act, as redesignated by subsection (g) of this section, is amended by striking out "or development" each place it appears.

(j) Section 17(i) of such Act, as redesignated by subsection (g) of this section, is amended by—

(1) striking out paragraphs (1) and (2) and redesignating the remaining paragraphs accordingly;

(2) striking out paragraph (3), as redesignated by paragraph (1) of this subsection, and inserting in lieu thereof the following:

"(3) The term 'grantee' means—

"(A) any city or urban county receiving resources under subsection (b);

"(B) any State administering a rental rehabilitation program, as provided in subsection (d)(1); and

"(C) any unit of general local government that receives assistance from the Secretary, as provided in subsection (d)(2);"; and

(3) striking out paragraph (5), as redesignated by paragraph (1) of this subsection, and inserting in lieu thereof the following:

"(5) the term 'unit of general local government' means any city, county, town, township, parish, village, or other general purpose political subdivision of a State.".

(k) Section 17(j) (1) and (2) of such Act, as redesignated by subsection (g) of this section, is amended by striking out "subsection (e)(1)" each place it appears and inserting in lieu thereof "subsection (d)(1)".

(l)(l) On or after the effective date of this section, no housing development grant may be made under section 17 of such Act, except pursuant to a reservation of funds made by the Secretary of Housing and Urban Development before that date.

(2) Any housing development grant made under section 17, as it existed immediately before the effective date of this section, shall continue to be governed by the provisions of such section 17.

(3) Any amounts that, in the absence of this section, would have been available for reservation for housing development grants under section 17 of such Act on or after the effective date of this section shall be rescinded.

(m) This section shall become effective on the later of October 1, 1985 or the date of enactment of this Act.

AMENDMENTS TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

SEC. 402. (a) Section 104(f)(4) of the Housing and Community Development Act of 1974 is amended by inserting after "106(d)" the following: "or States distributing rental rehabilitation resources to units of general local government as provided in section 17(d)(1)(B) of the United States Housing Act of 1937".

(b) Section 106(d)(3)(A) of such Act is amended by striking out "section 17(e)(1)" and inserting in lieu thereof "section 17(d)(1)".

(c) Section 107(d) of such Act is amended by—

(1) striking out in paragraph (1) "and no assistance may be made available under section 17 of the United States Housing Act of 1937 unless the grantee" and inserting in lieu thereof "unless the applicant"; and

(2) striking out "grantee or" before "applicant" in paragraph (3).

(d) Section 817 of such Act is amended by—

(1) inserting "and" after "1966,"; and

(2) striking out ", and section 17 of the United States Housing Act of 1937".

CONFORMING AMENDMENTS TO THE NATIONAL HOUSING ACT

SEC. 403. (a) Sections 223(f)(5) and 244(h) of the National Housing Act are amended by striking out "or developed" each place it appears.

(b) Section 223(f)(5)(A) of such Act is amended by striking out "or development".

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
Washington, DC, March 11, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

Subject: Proposed "Housing and Community Development Amendments of 1985."

DEAR MR. PRESIDENT: I am enclosing proposed legislation to extend HUD-FHA insuring authorities, to provide funding authorizations for certain programs of the Department, and to make a number of program amendments to existing authorities.

Among the major features of this proposal are:

A proposal to make the Housing Voucher program permanent.

A new Fair Housing Initiatives program to supplement existing fair housing efforts by making funding available for various administrative and private enforcement, and education and outreach activities.

A Public and Indian Housing financing reform proposal that would replace the current tax-exempt, long-term loan arrangements with one-time capital contributions.

A proposal to support the Department's efforts to detect fraud and abuse in its programs.

A proposal to change the amounts allocated under the CDBG program to entitlement communities and to States from 70 percent and 30 percent, respectively, to 60 percent and 40 percent, to continue the current distribution of Federal community development funds after termination of funding for certain Department of Agriculture community development programs.

A two-year moratorium on new assisted housing commitments, as part of the Administration's program to reduce the deficit. The impact of the moratorium will be minimized by the fact that 207,000 additional units will become available during 1986 and 1987 due to prior-year commitments.

Termination of the Urban Development Action Grant [UDAG] and Housing Development Grant [HoDAG] programs, as part of a government-wide effort to eliminate all local economic development subsidies and to reduce the budget deficit.

In addition to these initiatives, the proposal contains a number of program amendments designed to increase the efficiency of the Department's housing assistance and mortgage insurance programs, to simplify program administration, and to reduce Federal regulation.

A section-by-section explanation and justification accompanies this letter and more fully sets out the contents of the bill. Timely enactment of this proposal would provide the Department with the necessary authority to carry out its responsibilities effectively during fiscal years 1986 and 1987. I request that the bill be referred to the appropriate Committee and urge its early enactment.

The Office of Management and Budget has advised that the enactment of this legislation would be in accord with the program of the President.

Very sincerely yours,

SAMUEL R. PIERCE, JR.

SECTION-BY-SECTION EXPLANATION AND JUSTIFICATION

TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT

AUTHORIZATIONS—TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Section 101 of the bill would provide funding authorizations for fiscal years 1986 and 1987 for the Community Development Block Grant [CDBG] Program and the Secretary's Discretionary Fund [SDF].

Subsection (a) would amend section 103 of the 1974 Act to provide an overall title I authorization of $3.1248 billion for fiscal year 1986 and such sums as may be necessary for fiscal year 1987. The fiscal year 1986 amount is a 10 percent reduction from the amount appropriated for fiscal year 1985, in furtherance of the Administration's objective of reducing the Budget deficit by reducing Federal outlays. The amount authorized for fiscal year 1985 would be increased by $4 million to reflect the amount actually appropriated for that fiscal year.

Subsection (b) would amend section 107 of the 1974 Act to make up to $60.5 million available for the Secretary's Discretionary Fund from amounts authorized under section 103 for fiscal year 1986 and such sums as may be necessary for fiscal year 1987. The amount authorized for fiscal year 1984 would be changed to $66.2 million, which was the amount set aside for use in that year, and fiscal year 1985 would be changed to $60.5 million reflecting the amount actually set aside for that year.

DEFINITIONS

Revised Definition of Indian Tribe Eligibility

Section 102(a) would amend section 102(a)(13) of the Housing and Community Development Act of 1974, as redesignated by section 107(d)(1)(D) of the bill, to revise the definition of Indian tribe for purposes of the Community Development Block Grant [CDBG] Indian program.

The proposal is needed to clarify that the Department will only make block grant funds available to Indian tribes, bands, nations or Alaskan Native Villages recognized by the Secretary of the Interior as eligible for services because of their status as Indian tribes or Alaskan Native Villages, provided that all or part of the land of such tribe or village is held in restricted or trust status by the United States.

At present, section 102(a)(17) defines "Indian tribe" in part as any "Indian tribe . . . which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act. . . ." Under this definition, tribal organizations as well as tribes are eligible. The amendment will

assure that all eligible recipients will have the full governmental powers necessary to carry out a CDBG program.

The proposed definition of Indian tribes reflects the Administration's efforts to establish a more uniform and equitable policy for Indians. It emphasizes the historical government-to-government relationship between the Federal government and Federally-recognized Indian tribes and limits CDBG assistance to such tribes. For those not meeting the definition, State and local programs, including those funded by CDBG, are the appropriate sources of assistance. Use of the Federal recognition criteria also assures that the process and standards established under laws passed by Congress are applied in a consistent manner to determine eligibility.

Modify the Definition of Low- and Moderate-Income Persons—State's Program

Subsection (b) would modify section 102(a)(16)(A) of the 1974 Act, as redesignated by section 107(d)(1)(D) of the bill, to provide that in the State's program, low- and moderate-income persons in nonmetropolitan areas be based on the median for the entire nonmetropolitan area of the State, instead fo the area used for Section 8. The section 8 definition is based on the higher of 80 percent of the median income on a county-by-county basis for nonmetropolitan areas or 80 percent of the nationwide median income of renters, curently $12,950, with adjustments for family size and unusually high or low family incomes. For metropolitan areas, the section 8 definition based on the median income for the metropolitan area would continue to be used.

Under the CDBG program, grantees (entitlement localities and States) must use at least 51 percent of their funds to principally benefit low- and moderate-income persons over a period of up to three years. Grantees may only use funds to benefit persons of low and moderate income, to eliminate or prevent slums or blight or to meet urgent community development needs. The definition proposed to be changed is used in part to determine compliance with these requirements.

The county-by-county basis for nonmetropolitan areas makes it more difficult to concentrate funding within relatively poor counties, since only about 40 percent of those within a county are at or below 80 percent of the county median income, and thus would be low- and moderate-income persons. Activities to aid in the elimination of slums and blight or to meet urgent needs would also qualify, but do not count towards the 51 percent low- and moderate-income benefit statement requirement. By using the statewide median, more residents in a relatively poorer, nonmetropolitan county would be considered to be of low- and moderate-income for purposes of meeting the 51 percent requirement. In contrast, defining low- and moderate-income on a county-by county basis results in benefiting relatively affluent individuals, since funds may be counted towards meeting the low- and moderate-income benefit test for about 40 percent of each county's population, regardless of the respective wealth or poverty in the county vis-a-vis other counties.

Using 80 percent of median for the entire nonmetropolitan area of the State as the cut-off for defining low- and moderate-income persons for the nonmetropolitan area would permit funding to be more easily concentrated in counties with about 40 percent of the State's neediest persons living in nonmetropolitan areas. Using a statewide median would also make it easier for the poorer counties receiving funds from a State to fund activities designed to serve an area generally.

STATEMENT OF ACTIVITIES AND REVIEW

Modify Information Required in Statement of Activities

Section 103(a) would amend section 104(a)(1) of the Housing and Community Development Act of 1974 by deleting the last sentence which requires that the grantee's statement of activities contain a description of the grantee's past use of funds and assessment of the relationship of such use to (1) community development objectives identified by the grantee in the previous year's statement of activities, and (2) the provision of section 104(b)(3) relating to the grantee's certification relating to projected use of funds.

As currently in effect, the provisions of section 104(a)(1) that would be deleted duplicate requirements imposed upon grantees by section 104(d) of the Act. Section 104(d) requires a grantee to submit to the Secretary an annual performance and evaluation report concerning activities carried out by the grantee pursuant to Title I of the 1974 Act, and an assessment of the relationship of those activities to the objectives of Title I and the needs and objectives identified by the grantee in the statement it submitted under section 104(a) and to the requirements of section 104(b)(3). The annual performance and evaluation report under section 104(d) must be made available to citizens in their jurisdictions for review and comment before the grantee submits the report to HUD. The report must contain the information called for in the statement of activities under section 104(a)(1) and, also, more specific and detailed information dealing with such matters as programmatic accomplishments and the extent to which such funds were used to benefit low- and moderate-income persons. The amendment would, therefore, reduce unnecessary costs and paperwork burdens for the grantee.

Simplifying Planning Requirements—State's Program

Subsection (b) would amend the planning requirements under section 104(b)(4) of the 1974 Act by exempting States from the requirement that a grantee certify that it has developed a community development plan, covering a period up to three years, that identifies community development and housing needs and specifies short- and long-term community development objectives developed in accordance with the primary objective and requirements of Title I.

States, unlike metropolitan cities and urban counties, undertake no community development activities; thus, a community development plan has little practical application. The distinction in functions between States and entitlement grantees is reflected in the section 104(a)(1) requirement relating to the statement of projected use of funds that each grantee must file. In the case of States, the statement consists of the method by which the State will distribute funds to units of general local government in nonentitlement areas. (The method of distribution must be developed by a State in consultation with the units of general local government, and the units of general local government, in turn, must identify their housing and community development needs—a process similar to that required of States by section 104(b)(4). See sections 106(d)(2)(C) and (D)). In the case of metropolitan cities and urban counties, their statement of projected use of funds consists of proposed community development activities since they carry out the activities directly.

Moreover, it is logical to assume that States do, in fact, take into account their short- and long-term community development and housing needs when preparing the section 104(a)(1) final statement. The final statement is subject to more public scrutiny than any other phase of the Community Development Block Grant application processing, and must reflect public and local concerns. HUD experience indicates that the final statement ordinarily describes the State's long-term objectives, and that short-term priorities are reflected in the method of distribution of funds developed by the State in consultation with local officials.

Accordingly, the State's final statement and its method of distribution of funds represent the State's strategy and provide sufficient basis for States to allocate resources.

The proposal would reduce unnecessary red tape and burdens on States, by simplifying the planning process.

Repeal of Housing Assistance Plan Requirement

Subsection (c)(1) would amend the Housing and Community Development Act of 1974 by repealing section 104(c) which requires, as a condition for receiving a grant, that an entitlement grantee (metropolitan city or urban county) certify that it is following a current housing assistance plan [HAP] that has been approved by the Secretary. Subsection (c)(4) would amend section 104(b) of the 1974 Act to substitute for the HAP certification a certification by the entitlement grantee that it will cooperate in the provision of assisted housing opportunities suited to the needs of persons of low and moderate income who reside in the community or who are expected to reside in the community as a result of current or planned employment. The 1974 Act defines persons of low and moderate income as families and individuals whose incomes do not exceed 80 percent of the median income for the area involved, as determined by HUD. Subsections (c)(2), (3), (5) and (6) would make appropriate conforming changes elsewhere in Title I of the 1974 Act.

Currently, section 104(c) requires that entitlement grantees develop a detailed and comprehensive HAP which (1) surveys the condition of existing housing stock and assesses the housing assistance needs of lower income persons; (2) specifies a realistic annual goal for the number of dwelling units or lower income persons to be assisted; and (3) indicates the general locations of proposed housing for lower income persons in order to further revitalization of the community, promote greater choice of housing opportunities and avoid undue concentrations of assisted persons in areas with a high proportion of low-income persons, and assure the availability of public facilities and services adequate to serve the proposed housing projects.

In earlier years, the cost in dollars and time of developing a HAP could be justified, since it permitted grantees to influence the type and location of federally assisted housing within the community. The HAP also enabled HUD to coordinate the assistance it provided under the CDBG and housing programs. The realignment of Federal housing assistance, away from expensive new construction and substantial rehabilitation to the use of existing housing through the

Housing Voucher program, has greatly reduced the need for the HAP process.

While the HAP requirement would be repealed, the Department believes that entitlement grantees should be required to certify that they will cooperate in providing housing opportunities suited to the needs of their low- and moderate-income residents and those expected to reside in the community due to current or planned employment. This new certification would be consistent with the CDBG program's historical emphasis on principally benefitting low- and moderate-income persons. It is appropriate that where entitlement cities and counties oppose efforts to provide housing for low- and moderate-income persons, the Department has the authority to condition their CDBG grants. The new certification would be the basis for the Department to sanction an entitlement grantee where it engages in systematic or otherwise apparent actions to discourage, preclude, or subvert efforts to provide housing opportunities suited to the needs of low- and moderate-income persons.

Subsection (c)(7) would amend section 8(c)(1) of the United States Housing Act of 1937 to delete the provision that the maximum monthly rent may exceed the fair market rent by more than 10 percent but not more than 20 percent where the Secretary determines that such higher rent is necessary to implementation of a local HAP. The Secretary would continue to permit such higher rent where the Secretary determines that special circumstances warrant a higher maximum rent.

Subsection (c)(8) would amend section 18(b)(1) of the 1937 Act to modify the provision for local government review of certain applications involving the demolition or disposition of public housing. Current law requires the applications to contain a certification by appropriate local government officials that the proposed activity is consistent with any applicable HAP. Since HAPs would no longer be required, the proposal would require the application to contain evidence that the chief executive officer of the unit of general local government had the opportunity to review and comment on the application. This would assure local government participation in plans to demolish or dispose of public housing units, and is consistent with the approach proposed in section 225 of this bill for local government participation in the Secretary's decision to approve housing assistance applications under section 213 of the 1974 Act. Subsection (c)(8) would also limit the local government review and comment requirement to applications involving at least 20 units or 10 percent of the PHA's total number of public housing units, whichever is less. This threshold is intended to relieve PHAs of the burden of complying with the public participation requirement for applications involving a relatively small number of units. The requirement in current law for the PHA to consult with tenants and tenant councils in developing the application would not change.

Delete the Limitation Against Imposing Assessments to Recover the Cost of CDBG-Assisted Public Improvements

Subsection (c)(4) would also delete the requirement in section 104(b)(5) of the 1974 Act that entitlement grantees certify that they will not attempt to recover the capital costs of CDBG-assisted public improvements by assessing amounts against properties owned by low- and moderate-income persons, unless (1) CDBG funds are used to pay the proportion of the assessment that relates to the improvements' costs that are financed from other sources or (2) for purposes of making assessments against low- and moderate-income properties, the grantee certifies that it lacks sufficient CDBG funds to meet the requirements of (1), above. Subsection (d) would delete section 106(d)(5)(D) of the 1974 Act, which imposes a similar requirement on State program recipients.

The Administration has found that implementation and enforcement of these provisions is overly cumbersome and limits the flexibility of CDBG grantees. Further, the Administration believes that the provision may provide a disincentive for CDBG grantees to make public improvements in those neighborhoods that most need the improvements.

ALLOCATION AND DISTRIBUTION OF FUNDS

Altering the CDBG Distribution Between Entitlement and Nonentitlement Areas

Section 104(a) would amend sections 106 (a) and (d) of the Housing and Community Development Act of 1974 to provide that of the amounts appropriated for Community Development Block Grants, 60 percent shall be allocated to metropolitan cities and urban counties under the entitlement program and 40 percent of the States under the State's program. The current statute provides for a 70/30 distribution. The allocation adjustment reflects termination of funding for certain Department of Agriculture community development programs. The proposed termination of these programs would otherwise result in nonrural areas receiving a disproportionate share of Federal funding for community development activities. This amendment, by providing for a 60/40 split between entitlement and nonentitlement recipients, respectively, approximates and continues the current distribution of Federal community development funds.

Use of Reallocated Entitlement Funds

Subsection (b) would amend section 106(c)(1) of the 1974 Act to prevent an entitlement grantee whose grant is reduced under section 104(d) or 111 from receiving not only a share of the amount available for reallocation because of actions against it, as provided under current law, but also from receiving any allocation of amounts available because of sanctions in the same fiscal year taken against any other entitlement grantee in the same metropolitan statistical area (MSA).

Current law requires block grant entitlement funds which become available for reallocation to be reallocated in the next year to other metropolitan cities and urban counties in the same MSA. To receive amounts, grantees have to certify that they would be adversely affected by the loss of the funds from the MSA. No grantee may receive more than 25 percent of its regular formula grant. Funds for which no grantee in the MSA qualifies are added to the funds available for distribution to entitlement grantees for the next year, and distributed in accordance with the national formula. No change to these aspects of current law are proposed.

This amendment would strengthen the current incentive in the statute for grantees to avoid sanctions under section 104(d) and 111 by providing that the reduction in the amount of their grant due to these sanctions will not be made up, in whole or in part, because of a reallocation of amounts available due to sanctions against other grantees in the same MSA.

Mandate State Administration

Subsection (c) would amend section 106(d) of the 1974 Act to mandate State administration of the CDBG State program beginning in fiscal year 1986. Present law allows States to assume administration of the program. Any decision to administer the program for fiscal year 1985 or later years is irreversible. If the State later changes its mind and chooses not to administer the program, HUD may not do so for it. HUD is required to continue operating the program for a State until it opts to take over administration.

In fiscal year 1983, only four States elected not to administer the program. For fiscal years 1984 and 1985, only three States elected not to administer the program. The small number of States electing not to administer the program does not justify the expense of maintaining a separate Federal structure of rules, requirements, and oversight. If a State does not assume responsibility for the program, those funds should be reallocated to States that are willing to do so. Since the vast majority of States have elected to administer the program themselves and since States have been given adequate administrative funds to administer the program under the formula in section 106(d)(3)(A), there is no reason all States should not be required to administer the program.

In any State where the Secretary is administering the program for fiscal year 1985, any amounts not obligated by January 1, 1986 would be turned over to the State if it were participating or returned to the United States Treasury if it were not.

Paragraph (2) would delete the requirement that the Secretary encourage and assist national associations of grantees and national associations of recipients to develop and recommend by November 30, 1984 uniform administrative procedures for such entities. Upon receipt and approval of these recommendations, the Secretary is required to change procedural requirements accordingly. The deletion is intended as a purely technical change. The Secretary has received recommendations and plans to implement the necessary changes by September 30, 1985.

Paragraph (3) would clarify, among other technical corrections, that distributions by States cannot be made in the form of loans to units of general local government.

The remaining provisions of subsection (c) would make technical, conforming changes to a number of 1974 Act provisions, including a change in subsection (c)(5) to the reallocation rule that applies where amounts become available due to administrative actions against units of general local government or closeouts, to provide for such funds to be returned to Treasury if the State in which the unit of general local government is located does not receive a grant for that year. Having reallocated funds returned to the United States Treasury avoids the administrative burden of reallocating and tracking by source year the small amount of funds that the Department anticipates will become available through administrative sanctions or grant closeouts. Tracking by source year is required to comply with fund lapse provisions in our appropriations Acts.

Delete the Requirement To Have the Governor Certify

Subsection (d) would amend sections 106(d)(2) (C) and (D) of the 1974 Act to eliminate the requirement that the Governor sign the certifications for States running the State's program. Under the propos-

al, the Governor, or anyone authorized by the Governor, could sign the necessary documents.

Other title I certification requirements provide simply that the grantee execute the certification. (See, for example, section 104(b).) Since section 106 specifically mentions the Governor, the provision has been interpreted as requiring the Governor to sign, not a designee. Requiring the Governor to sign is administratively cumbersome and unnecessary.

ENTITLEMENT TRANSITION

Introduction

Section 105 would amend the CDBG program under the Housing and Community Development Act of 1974 to provide the communities which lose their classification as either a metropolitan city or urban county for fiscal year 1986 or thereafter would be eligible to receive transition funding equal to full entitlement funding for the first year following loss of designation and one-half of full funding for the second year. This provision would apply instead of any other grandfathering mechanism. Metropolitan cities that received funding for fiscal year 1985 as a result of a grandfathering provision would be eligible to receive transition funding equal to one-half of full entitlement funding for one year—fiscal year 1986. There are no urban counties receiving funding under grandfathering provisions for fiscal year 1985.

During the second year of transition funding, cities, counties, and the units of general local government included in the county would also be eligible to apply for funds under the State's program as nonentitled units of general local government. Cities losing their classification as metropolitan cities for fiscal year 1986, which were grandfathered for fiscal year 1985, would only be eligible to apply for funds under the State's program for fiscal year 1986.

For urban counties losing designation, the proposal would limit transition funding to those whose potential maximum combined population drops below 200,000 (a condition in the current grandfathering provision) and which can secure participation in both years by all of their included units of general local government that are not eligible to receive entitlement grants. Counties whose potential combined population drops below 200,000 because a previously included area attains metropolitan city classification would also qualify under this provision.

History

In each year since 1976, the CDBG program has had one or more statutory provisions in effect which served to continue entitlement status for various communities which would otherwise have lost this status. For fiscal year 1984, approximately $18 million was allocated to grantees that, in the absence of grandfathering, would have lost eligibility for entitlement funding because of the 1980 census or changes in the designation of metropolitan statistical areas or of central cities. The primary justification for these provisions has been that communities are unprepared to deal with the loss of funding upon which they had come to rely as entitlement communities. However, the continued grandfathering of disqualified communities has served to reduce funding to both existing and newly qualifying communities, since the amount of CDBG funds available for the entitlement program does not expand with the number of communities participating. The proposal would establish a permanent transition funding mechanism that would provide a time-specific, but reasonable, period for communities to adjust from entitlement status to competing for funds as nonentitled entities.

Major Provisions

Subsection (e)(10) would add two new paragraphs in section 106(b) of the 1974 Act. Proposed paragraph (7)(B) would make any city (not including a city grandfathered for fiscal year 1985) losing its classification as a metropolitan city for fiscal year 1986 or thereafter eligible to receive full entitlement funding for the first year of its loss of classification and one-half funding for the subsequent year. (Funding levels in the second year would be computed based on only one-half of the city's values in the formulas factors.) In the city's second year of eligibility for transition funding, it would also be eligible to participate in the State's program. If a city chose to participate as part of an urban county in the first year of its eligibility, it would not receive transition funding. No city receiving transition funding in the first year could join with an urban county in its second year of eligibility.

Currently the last sentence of section 102(d) of the 1974 Act permits a unit of general local government to join with an urban county for the first year of its loss of designation regardless of where the urban county is in its three year qualifying period. Should the city not elect to take advantage of this provision for the first year of its loss of designation, the Department believes it would be inappropriate to permit the city, where the urban county is requalifying for the second year, to join with the urban country given the provision's purpose of assisting the unit of general local government to adjust to competing for funds under the State's program. Of course, if a city requalified as a metropolitan city, it would receive funding as an entitlement entity for as long as it met the requirements for designation as a metropolitan city.

Proposed paragraph (8) would apply equivalent rules to a county losing its classification as an urban county for fiscal year 1986 or thereafter. To qualify, the county must not only have legal authority to conduct funded activities within its unincorporated territory but also have all units of general local government (except metropolitan cities) participating in the county. While the agreement the county would sign with its participating units of general local government would be similar to the cooperation agreement required of an eligible urban county under section 102(a)(6)(B)(ii), it would cover at least a two-year period, instead of at least the three-year period required for urban counties. The county would be eligible to receive full funding the first year of its loss of classification and one-half funding in the second year. Any county receiving funding under this provision (and each of its participating units of general local government) could also participate in the State's program in its second year of transition eligibility funding. Of course, if a county requalified as an urban county, it would receive funding as an entitlement entity.

Proposed paragraph (7)(A) would make metropolitan cities, which currently receive funding for fiscal year 1985 under a grandfathering provision, eligible for one-half funding for one more year (1986). These cities would also be eligible to participate in the State's program for fiscal year 1986. However, any city which decides to participate with an urban county for a period including fiscal year 1986 would be ineligible for transition funding under these new provisions.

The remaining provision of the proposal would amend the 1974 Act to make it possible to fund transition entities under section 106(b) as described above, even though they no longer qualify as metropolitan cities or urban counties. Specifically, subsections (e)(3) and (7) would amend the allocation formula variables in section 106(b) of the 1974 Act to permit counting the values for population, extent of poverty, extent of housing overcrowding, extent of growth lag, and age of housing at half the full value for transition cities which received funding under a grandfathering provision in fiscal year 1985 and all cities and counties eligible to receive funding in the second year as a transition city or county. This amendment to the allocation values results in funding at the 50 percent level in fiscal year 1986 for cities which received grandfathered funding in fiscal year 1985 and for newly disqualified cities and counties in the second year of such transition funding.

Subsection (f) would amend the entitlement reallocation provisions to require that any amounts allocated to a transition city or county under section 106(b) which are not received by the city or county for a fiscal year because of a failure to meet program requirements or as a result of sanctions be reallocated to metropolitan cities and urban counties only. Due to the short funding cycle for transition entities, it is administratively simpler and cost-efficient to include only metropolitan cities and urban counties in the reallocation process.

Subsection (g) would amend the State's allocation variables to include, for cities or counties receiving transition funding, the values relating to population, extent of poverty, extent of housing overcrowding, and age of housing at half the full value in the year the city or county receives one-half funding under section 106(b). This provision does not shift funding from the entitlement program to the State's program. It merely provides, in determining the allocation among States under the State's program, for the inclusion of 50 percent of the values for these transition entities for the year they receive one-half funding. Since these communities would be eligible to compete for State funds, this provision ensures that the State receive additional funds commensurate with the number of transition communities they may have competing.

MISCELLANEOUS AND TECHNICAL AMENDMENTS

Change in the Base for Administrative Expenses for the Small Cities Program

Section 106(a) would amend section 106(d)(3)(A) of the Housing and Community Development Act of 1974 to provide that a State may not deduct administrative expenses from amounts received for distribution in nonentitlement areas in excess of the sum of $100,000 ($102,000 under current law) plus 50 percent of a State's administrative expenses above $100,000. The $102,000 base is apparently a typographical error.

Triennial Report

Subsection (b) would amend section 113 of the 1974 Act to provide that the Secretary furnish an annual report on the CDBG program not later than 180 days after the close of fiscal year 1985 and a triennial report for every three-year period thereafter. The current statute provides for the submission of an annual report. The fiscal year 1985 annual report would be the last one cover-

ing the UDAG program, which is proposed for repeal.

An annual report is no longer warranted since the CDBG program is firmly established and operates smoothly, and the Department anticipates no major changes in the way grantees administer the funds. Additionally, the administrative costs associated with the annual report would be reduced by implementing a triennial report.

MISCELLANEOUS REPEALERS

Section 107 would repeal several HUD community development and related authorities.

Lump Sum Drawdowns

Subsection (a) would repeal section 104(g) of the Housing and Community Development Act of 1974. Section 104(g) allows grantees to draw down in a lump sum up to the entire amount designated in their programs for rehabilitation activities before the funds are actually needed to finance the activities. The funds are deposited with local banking institutions pending disbursement. Any interest earned on these accounts is considered program income and must be spent on rehabilitation activities in accordance with program guidelines.

The lump sum provision for rehabilitation is unique in the Block Grant program. It is the only provision allowing for drawdown of funds before commitment. While use of the deposited funds must begin within 45 days, and substantial disbursement begin within 180 days of receipt, the fund itself can be used over a two-year period before remaining amounts are returned to the recipient's letter of credit. A recipient may extend the lump sum agreement beyond the two-year period. Actual drawdown amounts for fiscal years 1978 through 1981 (the latest years for which estimates are available) total as high as $300 to $400 million.

The current advance drawdown system forces the Federal Government to borrow funds unnecessarily at high rates of interest long before their actual need and commitment to eligible projects. The Inspector General issued a report dated May 11, 1983, which concluded that:

We did find . . . that the Federal Government was incurring substantial costs in order for grantees to earn program income. . . . The total benefits from all lump sum agreements in effect nationwide are estimated to be approximately $600,000 less than the costs to the Federal Government for providing the lump sum drawdowns.

The most frequently cited rationale for having lump sum drawdowns is that they are necessary to achieve private participation usually referred to as leveraging. It was initially thought that allowing communities to draw down large amounts and place the funds in local banking institutions would encourage those institutions to offer more loans at lower interest to finance eligible activities. However, there are about 200 programs throughout the country involving significant private lending institution participation without lump sum agreements. Since the benefit of private participation can be achieved without resort to lump sum agreements, eliminating this feature would potentially save the Federal Government millions of dollars in interest. Given the concern with the current budget deficits, lump sum drawdowns should be eliminated.

No revolving loan fund could be established or extended on or after the effective date of repeal but those established before repeal would continue in effect until expiration, and would continue to be governed by the provisions of section 104(g) as they existed before repeal.

Discretionary Fund Grants for New Communities

Subsection (b) would repeal section 107(b)(1) of the 1974 Act which authorizes the Secretary to make grants from the discretionary fund established under section 107 in behalf of new communities. Activity under the various new communities authorities is phasing out and there is no longer any need for authority to make grants under section 107(b)(1) for this purpose. No grant could be made on or after the effective date of repeal, but grants made before repeal would continue to be governed by the provisions of section 107(b)(1) as they existed before repeal.

Loan Guarantees

Subsection (c) would repeal section 108 of the 1974 Act. This section provides for guarantees of notes and other obligations issued by units of general local government or by public agencies designated by such units for financing the acquisition of real property or the rehabilitation of real property owned by the unit of general local government.

Termination of this program is consistent with Administration policy intended to reduce the pressure that Federal loans and loan guarantees place on the Nation's credit markets, by encouraging recourse to individuals and private financial institutions as the primary source of credit. Termination of this program is further indicated by its low activity level (28 projects in fiscal year 1984). Activity levels have been low enough to suggest the Community Development Block Grant (CDBG) funds could be used instead of section 108 loan guarantees in many projects. This would eliminate unnecessary and unintended costs to the Federal government and the misallocation of the Nation's resources.

No guarantee could be made by the Secretary under section 108 on or after the effective date of repeal, except pursuant to a commitment to guarantee made before the repeal. Any guarantee made under section 108 would continue to be governed by the provisions of section 108 as they existed before repeal.

Urban Development Action Grants

Subsection (d) would repeal the Urban Development Action Grant [UDAG] program by amending sections 107(d) (Secretary's discretionary fund) and repealing section 119 [UDAG] and 121 (historic preservation) of the 1974 Act. The definitions in sections 102(a)(13)–(16) would also be repealed since they relate solely to the UDAG program. The repeal is contained in subsections (d)(1); conforming changes are contained in subsections (d)(2)–(6).

The repeal of the UDAG program is part of the Administration's overall effort to reduce the budget deficit by eliminating programs for local economic development. This effort would result in nearly $2 billion in savings over a three-year period, which would include $359 million in UDAG savings. Communities will continue to have CDBG funds to use for economic development projects.

No UDAG grants would be made after the grants awarded in the last funding round for large cities and urban counties in fiscal year 1985. The decision date for the last round under 24 CFR 570.460 is September 30, 1985. Grants made under section 119 would continue to be governed by sections 102(a), 107(d), 119, and 121 as they existed immediately before the effective date of the amendment.

Any amount that, absent repeal, would have been available for preliminary approval of grants on or after October 1, 1985, would be rescinded.

Section 235(h)(2)(ii) would be amended to indicate that the reference to units also funded under section 119 means section 119 as it existed before repeal.

This proposal would not amend section 103(b)(6) of the Internal Revenue Code, which allows a tax exemption in connection with bonds on "certain small issues" even if such bonds would otherwise be disqualified as industrial revenue bonds. This section would continue to apply to UDAG projects underway and would expire on December 31, 1988.

Rehabilitation Loans

Subsection (e) would repeal the Rehabilitation Loan program contained in section 312 of the Housing Act of 1964, which authorizes direct loans to property owners and tenants to finance the rehabilitation of residential and business properties. Programs such as section 312 which combine ongoing subsidies with loans are not an efficient mechanism of providing assistance when compared to programs which split the subsidy from the financing so each element can be developed on an independent basis. No loan could be approved under section 312 on or after the effective date of repeal. Any loan approved under section 312 would continue to be governed by the provisions of section 312 as they existed before repeal.

These section 312 functions are eligible for funding under a number of existing eligible activities in the Community Development Block Grant program. For example, section 105(a)(4) includes as an eligible activity the rehabilitation of buildings and improvements, including the financing of public or private acquisition of privately-owned properties for rehabilitation and the rehabilitation of those properties. Section 105(a)(14) provides that block grants may be used, among other things, to finance the rehabilitation of commercial or industrial buildings or structures and other commercial or industrial real property improvements. Finally, section 105(a)(15) allows block grants to be used for a wide range of rehabilitation activities undertaken by neighborhood nonprofit groups, local development corporations and small business investment companies. In light of this CDBG existing authority, continuation of the section 312 program is no longer necessary or desirable.

The proposal would retain provisions of section 312 concerning the creation and uses of the program's revolving fund. These provisions would be retained to ensure that funds for servicing and liquidating section 312 loan contracts would be available until September 30, 1986 or until the assets and liabilities of the fund are transferred to the Revolving Fund (liquidating programs), whichever is earlier. The provision also would make clear, that, at the least, the monies in the Revolving Fund (liquidating programs) derived from the section 312 loan fund may be used for necessary expenses (including the use of private contractors) for servicing (including protection of security) and liquidating section 312 loans.

Effective Date

This section would become effective on the later of October 1, 1985 or the date of enactment.

URBAN HOMESTEADING

Section 108 of the bill would amend section 810 of the Housing and Community Development Act of 1974 to provide funding authorizations for fiscal years 1986 and 1987 for the Urban Homesteading program and to permit States and units of general local government to charge consideration for properties transferred to prospective homesteaders.

Funding Authorization

Subsection (a) would authorize $12 million for the Urban Homesteading program for each of fiscal years 1986 and 1987.

Authorize Localities to Convey Urban Homesteading Properties for Some Consideration

Subsection (b) would amend section 810 of the 1974 Act to permit States and units of general local government to transfer properties for some financial consideration to homesteaders whose incomes exceed 80 percent of the median income for the area, as determined under section 3(b)(2) of the U.S. Housing Act of 1937. Any consideration received by the State or locality would be returned to the Treasury Department.

Section 810 now prohibits States and localities from charging consideration when conveying property to the homesteader on a permanent basis. States and localities are not allowed to charge more than nominal consideration for conditional conveyance of the property.

This proposal would permit States and localities that are transferring homestead properties to charge consideration to non-lower income individuals who are capable of paying something for the property. States and localities could charge the full amount of such consideration at either the conditional conveyance or fee simple title conveyance stage or split such consideration to be paid between both stages. Permitting States and localities to charge these individuals would avoid the possibility of an individual realizing excessive gain from the homesteading program. This proposal would not conflict with the 1983 Act's requirement that essentially lower income prospective homesteaders be given a priority in the award of homestead properties. In no event would a State or locality be permitted to charge an individual at or below 80 percent of area median income any consideration for homestead properties. The proposal would merely permit a State or locality that had no applicants meeting the priority, or whose priority applicants refused available properties, to charge a prospective homesteader who could afford it something for the property rather than give it away.

While requiring all funds collected to be returned to the Treasury offers no incentive for States or localities to charge consideration, permitting States or localities to keep any portion of such proceeds could conflict with the goal of giving a priority to low-income prospective homesteaders who would not be able to contribute. Rather than risk giving States or localities an incentive to charge consideration even where not appropriate, the proposal would not permit States or localities to benefit financially from charging consideration and, therefore, would avoid the potential weakening of the "lower income" priority.

EFFECTIVE DATE

Section 109 would provide that the amendments made by sections 101 through 106 would apply only with respect to funds available for fiscal year 1986 and thereafter.

TITLE II—HOUSING ASSISTANCE PROGRAMS

PART A—GENERAL

ANNUAL CONTRIBUTIONS FOR LOWER INCOME HOUSING PROJECTS

Section 201(a) would amend section 5(c) of the U.S. Housing Act of 1937 to authorize $499,000,000 of new budget authority for the assisted housing programs funded through section 5(c). Because the focus of program level control has shifted over the past several years to the amounts of budget authority, contract authority is requested only in such amounts as are consistent with the budget authority increase.

The amount of new budget authority, together with amounts expected to be carried over from fiscal year 1985, would fund an annual program at the level of $1.4 billion. This program level reflects the first year of a proposed two-year moratorium, during which only certain ongoing requirements would be funded. These are described below:

Public and Indian Housing Development. The 1937 Act provides for locally operated public and Indian housing programs. Currently, HUD provides financial assistance through the use of Annual Contributions Contracts (ACCs) to cover the debt service on bonds and notes issued for the construction and modernization of projects owned and operated by local public housing agencies, including Indian housing authorities (PHAs and IHAs, respectively).

For fiscal year 1986, no new development activity is proposed for public and Indian housing. Contract amendments for public and Indian housing projects under development will be funded on a one-year basis. A portion of the budget authority available for amendments also will be used for IHA off-site water and sewer projects where necessary. The amount of budget authority anticipated to be required for the foregoing amendments is $82.3 million.

Starting in fiscal year 1987, Federal financing for development would be through one-time capital funding, as more fully described in connection with section 211 of this bill.

Public and Indian Housing Modernization. Currently authority for modernization funding enables PHAs and IHAs to obtain capital funds (loan authority) to correct physical and management deficiencies and achieve operating efficiency and economy. Since 1981, modernization has been performed pursuant to section 14 of the U.S. Housing Act of 1937, which provides for a Comprehensive Improvement Assistance program (CIAP) to improve the physical and management conditions of existing public and Indian housing projects. Under CIAP PHAs and IHAs may perform alternations, additions, demolition, or rehabilitation of existing structures and the replacement of nonexpendable equipment, and upgrading the management and operation of their projects in order to assure that they continue to be available to serve lower income families.

The budget authority for section 14 is provided in section 5(c). For fiscal year 1986, $175 million is expected to be required for emergency needs. The proposed authorization language includes a limitation on the use of all budget authority in fiscal year 1986 to $175,000,000 for section 14 emergencies. Beginning in fiscal year 1986, the Department will fund modernization using one-time capital contributions rather than long-term loans. The level of funding requested for modernization reflects a one-year partial moratorium. HUD expects to be requesting higher funding levels, more consistent with historical levels for modernization, starting in fiscal year 1987.

Section 8 Housing Assistance Payments, Vouchers, and Section 23 Leased Housing. The section 8 Housing Assistance Payments program (except for section 8 Housing Vouchers) provides a subsidy based on the difference between the rent (including utilities) for the unit and the family contribution (usually 30 percent of adjusted income).

The Housing Voucher Demonstration program was authorized by the Housing and Urban-Rural Recovery Act of 1983 under section 8(o) of the 1937 Act. The initial Voucher subsidy is generally based on the difference between an established payment standard for each market and 30 percent of adjusted income. A major innovation of the Voucher program is that it does not place a limit on the rent which tenants may pay. Tenants may live in units which have rents higher than the payment standard, and pay the difference from their own resources. Conversely, tenants who choose to rent units below the payment standard are permitted to keep the difference, subject to a minimum rent payment. This results in a "shopping incentive" for tenants to locate units in the market which best meet their individual needs.

For 1986, of the $1.4 billion in budget authority which would be newly authorized ($499 million) and carried over ($892 million), about $1.1 billion would be for the section 8 programs, including the Voucher program, and for the section 23 Leased Housing program. HUD's current plans call for use of this authority approximately as follows:

Vouchers for tenants displaced when a Section 8 project owner chooses to end participation in a program ("opt-outs") and for tenants displaced as a result of public housing demolition: $65 million.

Amendments for section 8 projects: $421 million. This includes section 8 project reserve amendments (including those for section 202/8 projects) as well as amendments for section 8 projects (not including section 202/8) in the pipeline to bring them to construction start.

Amendments to section 202/8 contracts to allow projects in the pipeline to start: $150 million.

Property disposition activities: $350.1 million. This is to allow the sale of multifamily properties in which lower income tenants reside with section 8 existing housing assistance.

Loan management activities: $84.4 million. This provides additional section 8 existing subsidies to projects in financial difficulty.

Adjustments under the section 23 Leased Housing program, and conversion of units under that program to section 8 assistance. Lease agreements in this program were for a period of 5 to 10 years with options to renew up to a maximum of 20 years. Adjustments to the existing contracts are made to cover unavoidable increases in the operating and maintenance costs of leased units as well as to provide interim transition assistance to projects that are being converted to the section 8 Certificate program: $63.8 million.

Section 201(b) would amend section 9(c) of the U.S. Housing Act of 1937 to provide that the authorizations for appropriations starting in fiscal year 1985 are to be in amounts for "such sums as may be necessary" for operating subsidies for lower income housing projects under section 9, rather than a specific dollar amount. The fiscal year 1985 authorization was in the

form of "such sums . . ." and the existing statutory language may be construed as authorizing "such sums" in 1986 and later years. As so construed, the amount for operating subsidies would be set only in the appropriation process. The proposed clarifying change in the statutory language would confirm this result.

Operating subsidies are provided in accordance with section 9 of the 1937 Act to PHAs and IHAs for dwellings they own. The subsidies are provided to help meet operating and maintenance expenses. Annual subsidy requirements are calculated on the basis of a formula—the Performance Funding System (PFS)—which takes into account what it would cost a comparable, well-managed PHA or IHA to operate its units. In addition to PFS needs, requirements are calculated separately for certain areas which have unusual circumstances—for example, Alaska, Guam, Puerto Rico, and the Virgin Islands—and certain types of projects such as Homeownership and Mutual-Help.

The 1986 Budget proposes an appropriation of $1,010,600,000 for paying operating subsidies. In addition, the Budget proposes a rescission of $253.1 million in 1985, since resources available for 1985 (including $15 million made available for modernization planning under section 14) are estimated to be in excess of currently anticipated funding requirements.

PREVENTING FRAUD AND ABUSE IN HUD PROGRAMS

Section 202 contains provisions to help prevent fraud and abuse in HUD programs. Subsection (a) would authorize HUD to require applicants and participants (including all household members) in HUD programs involving loans, grants, interest or rental assistance, or mortgage or loan insurance to provide their social security numbers or employer identification numbers, as a condition of initial or continuing eligibility for participation. Legislation to require social security numbers (SSNs) is needed because section 7(a)(1) of the Privacy Act bars mandatory disclosure of SSNs unless there is an exemption provided in Federal statute. Both the Food Stamp and Aid for Dependent Children (AFDC) programs have had such exemptions enacted.

Subsection (b) would authorize HUD to require applicants or participants (including all household members) to sign a consent form as a condition of initial or continuing eligibility for participation in HUD programs involving initial or periodic review of participants' incomes. The Department intends to require the consent form for all such assistance programs under the National Housing Act, the U.S. Housing Act of 1937, and section 202 of the Housing Act of 1959. The consent form would authorize (1) the Secretary or the entity administering the program (PHAs and private owners) to verify information furnished by such applicants or participants and (2) Federal, State, or local government agencies or private entities such as employers, to release information relating to the determination or verification of eligibility or benefit level (other than tax return information), to HUD or administering entities (PHAs and private owners). Failure of an applicant to consent to the release of information pursuant to this section would be grounds for rejection of the application or termination of participation in the program involved. An applicant or participant would have the right to obtain, examine and correct any information which the Secretary, PHA or owner responsible for determining eligibility or level of benefits has received under this section, unless a criminal investigation were pending. All individually identifiable information provided to the Department would be subject to the controls of the Privacy Act.

The Department encourages States and localities participating in its community development programs to adopt similar fraud and abuse programs.

Subsection (d) would amend the Social Security Act to give the Secretary and PHAs (but not private owners) access to data bases (not including tax return information of the Internal Revenue Service) maintained by State unemployment agencies. This authority would permit HUD and PHAs to take advantage of automated methods for performing large numbers of income and address verifications—often called "machine matching"—at one time.

The automated wage data maintained by the States is collected from employers by State employment security agencies to determine eligibility and benefits under the unemployment insurance program. In 38 States, this data is reported for each employee quarterly and is generally considered to be the best wage information for verification purposes. The Federal Unemployment Tax Act does not preclude the State employment security agencies from providing State wage data to other programs, although they are not required to do so. Congress has required that access to this wage data be made available for both the AFDC and Food Stamp programs, thus permitting machine matching for these programs.

Because many of the State agencies also have State privacy acts and other legislative restrictions, there is often some reluctance to voluntarily disclose wage information to other agencies. The Administration believes that legislated access is needed to assure that meaningful verification on an automated basis can be carried out in all States.

Access to Federal, State and local data bases is essential to enable the department and the PHAs to undertake post-audit, quality control, and other investigative reviews based on computer matching to such data bases. Requiring release of social security numbers, execution of consent forms, and access to State unemployment agency information would facilitate this process.

Private owners would continue to verify information supplied by applicants and participants at the time of application and annual recertification, but only HUD and the PHAs would be authorized to have access to government data bases. The authority provided under this section would help the Department to assure that complete and accurate information has been submitted by beneficiaries of HUD programs. The HUD Office of Inspector General estimates that at least $200 million is spent annually in Section 8 assistance for tenants who are ineligible or are receiving more than is allowable. Benefits now going to ineligible families under the section 8 and other covered programs would become available for legitimately eligible program participants. Replacing ineligible households with eligible households will not necessarily save money but it will ensure that limited Federal funds are going to the right people and are being spent for the purpose intended.

In the past, such provisions have been recommended for HUD specifically or for the Federal government as a whole by the HUD Inspector General's Office, the Grace Commission and the General Accounting Office. This proposal is also supportive of Departmental initiatives relating to waste and fraud.

REVISED DEFINITION OF DISABILITY

Section 203 would amend the definition of "disability" contained in section 3(b)(3) of the U.S. Housing Act of 1937 and the definition of "developmentally disabled individual" contained in section 202(d)(4) of the Housing Act of 1959 to conform to the current Department of Health and Human Services (HHS) definition of "developmental disability," contained in section 102(7) of the Developmentally Disabled Assistance and Bill of Rights Act as codified at 42 U.S.C. 6001. The current definitions refer to the HHS definitions in effect before an amendment to the term "developmental disability" made most recently by section 503 of Public Law 95-602 and to an amendment to the short title of the Act made most recently by Public Law 94-103.

Section 3(b)(3) of the U.S. Housing Act of 1937 and section 202(d)(4) of the Housing Act of 1959 [1] now provide that individuals who are disabled, as defined by section 102 of the Developmental Disabilities and Facilities Construction Amendments of 1970 (P.L. 91-517), are considered "families" who may be eligible for housing assistance under those programs. Individuals may also qualify under these statutes if they fall within certain other classes, including those who are handicapped. Only the reference to the definition of developmental disability in the 1970 Act would be changed.

Section 102 of the Developmental Disabilities and Facilities Construction Amendments of 1970 defined "developmental disability" as "a disability attributable to mental retardation, cerebal palsy, epilepsy, or another neurological condition of an individual found by the Secretary [of Health, Education, and Welfare] to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individuals."

Section 102(7) of the Developmentally Disabled Assistance and Bill of Rights Act currently defines "developmental disability" as "a severe, chronic disability of a person which—

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age twenty-two;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated."

Revising the definitions would not significantly change the current coverage of these programs. The new definition is somewhat

[1] Section 202, as it now exists, refers to "section 102(5)" of the "1950 Act." A footnote to the U.S.C. indicates that "section 102(a)(5)" and "1970 Act" were probably intended.

more expansive in that it includes some additional disabilities for which coverage was previously unclear, and the age of onset shifts from before age 18 to before age 22. Neither of these changes, however, significantly increases the eligibility pool since most of these individuals would also be eligible as "handicapped" persons under the two statutes.

There are at least three benefits to be derived from the proposed change. First, the proposed change would help clarify the legal validity of the definition of "developmental disability." Second, updating the definition to the one currently used by HHS promotes consistency between HUD and HHS when housing and disability benefits are coordinated at the State and local level. Third, changing from the superseded definition to the one now applicable to HHS assures that the Department can use the currently accepted statutory definition of developmental disability.

PART B—PUBLIC AND INDIAN HOUSING

PUBLIC AND INDIAN HOUSING FINANCING REFORMS

Under Section 211 the Department is proposing a major reform to the method the Federal government uses to pay for public and Indian housing development and modernization. Generally, under this reform, the Federal government would provide one-time direct funding for the capital costs of projects, instead of the current multiyear debt service commitments and complex loan arrangements. The reform would not apply to projects that have already been financed with permanent notes sold to the Federal Financing Bank and bonds sold in the private market. Implementation of this reform for the development of public and Indian housing requires legislative changes to the U.S. Housing Act of 1937. No change in authorizing legislation is required to provide for one-time contributions for modernization under section 14 of the 1937 Act.

The financing of public and Indian housing projects under the proposal would limit the growth of tax-exempt financing. The major Federal costs for these projects would thus be "up front," rather than being incurred as direct outlays and tax expenditures over long periods of time. Further, HUD and public housing agencies (PHAs) and Indian housing authorities (IHAs) would be able to save on accounting and administrative costs relating to servicing the loans.

The proposed approach would not have a substantive effect on the public and Indian housing projects themselves. The proposed reform would not affect the responsibilities of IHAs and PHAs to maintain the lower income character of the projects, or the eligibility of projects for operating subsidies under section 9 or modernization funding under section 14 of the 1937 Act.

The proposed reform would apply to three classes of projects, as described below.

The first class of projects covered by the reform are those that receive new Federal commitments beginning in fiscal year 1988 for development and in fiscal year 1986 for modernization. (The different starting points reflect the Budget proposals for the two programs.) Historically, financing for such projects has been with a 20- to 40-year Federal commitment to make annual contributions for principal and interest payments on tax-exempt notes ("project notes") and bonds sold on the private market, and on permanent notes sold to the Federal Financing Bank. In fact, sales of new bonds on the private market were discontinued in June 1974, and sales of permanent notes to the Federal Financing Bank terminated in December 1983. Under the proposed reform, public and Indian housing projects developed or modernized would be financed on the basis of fully funded, one-time Federal contributions of assistance to the PHAs and IHAs.

The second class to which the reform would apply are those projects for which development has been completed and the Federal financial commitment has been funded with short-term, tax-exempt notes. This class includes notes issued both for the development of new projects and the modernization of existing projects. These projects have been financed as follows:

Until September 1984, project notes were issued by the PHAs and IHAs and sold in the private market. As they became due, they were refinanced ("rolled over"). HUD made annual contributions on behalf of PHAs and IHAs, thereby incrementally retiring the principal and interest costs on these notes.

Since September 1984, the Department has borrowed from the Treasury, and redeemed on behalf of PHAs and IHAs the project notes as they matured. Accordingly, the PHAs and IHAs are indebted to HUD for the amounts of these loans. Notwithstanding that these amounts are owed to HUD, HUD continues to make the annual contributions on this PHA and IHA indebtedness. (The switch to direct loan financing was the result of provisions first enacted in the Tax Reform Act of 1984 that clouded the tax-exempt status of short-term public and Indian housing notes.)

Under the reform proposal for this class of projects, the project notes, together with the annual contributions HUD makes to PHAs and IHAs, would be eliminated. Instead, this class of projects would be treated in the following way:

As project notes mature:

Treasury would make direct loans to HUD; and

HUD would use these funds to make direct loans on behalf of PHAs and IHAs, which in turn would be used to retire the project notes.

After the notes have been retired:

The Treasury loans to HUD would be forgiven annually;

The PHAs' and IHAs' indebtedness to HUD with respect to any retired notes would be forgiven at appropriate times, as determined by the Secretary (usually when the actual total development cost for the project has been determined);

HUD would automatically recapture the unliquidated budget authority, and the associated contract authority, made available by cancellation of the PHA and IHA loans; and pursuant to a provision such as the one carried in HUD's fiscal year 1985 appropriation Act, this budget authority and contract authority would be rescinded.

The third class of projects covered by the reform are those projects still in the development stage—those in the preconstruction and contruction pipeline. All these projects are expected to be completed by fiscal year 1990. Under the present system, HUD borrows amounts from the Treasury to provide advances to PHAs and IHAs to fund the development and modernization of the projects.

Under the reform, HUD would continue to borrow from the Treasury and make advances, until the PHA or IHA has completed project development or modernization. As in the second class of projects, HUD's Treasury borrowings to make these loans would be forgiven on an annual basis; the PHA's or IHA's indebtedness to HUD would be forgiven by the Secretary from time to time, as appropriate (usually when the actual total development cost for the project has been determined); and HUD would recapture the unliquidated budget authority and associated contract authority, to be rescinded under the terms of an appropriation Act.

Through January 1985, the Department has borrowed approximately $8.9 billion from the Treasury to fund direct advances for development and modernization, and to retire maturing project notes for the second and third class of projects. It is expected that the total short-term, tax-exempt project note inventory (which as of September 30, 1984 amounted to $13.0 billion) would be retired by the end of August 1985.

Budget authority to be recaptured, under the reform proposal as a whole, representing in some cases a 40-year Federal commitment, is estimated to amount to $22.3 billion in fiscal year 1985.

Adoption of the foregoing proposal would require certain amendments to the 1937 Act, as described below:

Section 211(a) of this bill would amend section 4 of the 1937 Act to limit the Secretary's authority to make temporary loans to PHAs and IHAs under section 4(a) only to public housing projects for which funding reservations have been made before October 1, 1986. Thus, projects that do not have funding reserved by that date would not be developed with temporary financing under section 4(a), but would be funded through the new system of one-time capital contributions. Projects with funding reservations by October 1, 1986 would continue to be financed under the terms of section 4(a). As noted above, implementation of the new system for modernization projects would begin in fiscal year 1986.

Section 211(b) would further amend section 4 to provide for forgiving the Secretary's loans to PHAs and IHAs under section 4(a). A limited class of loans—those that were not intended to be repaid from annual contributions—would not be forgiven. The latter loans, amounting in the aggregate to about $13 million, would be either pursued to collection, or written off in accordance with existing standards and procedures, rather than being forgiven under this proposal. Similarly, where amounts are owed PHAs and IHAs by third parties, these debts would not be forgiven. Finally, the amendment would make clear that forgiving PHA and IHA indebtedness would not affect their other obligations under the annual contributions contract.

Section 211(b) would also provide for the cancellation of the Secretary's debt to the Treasury under section 4(b).

Section 211(c) would provide for termination of the annual contributions method of financing public housing, except for projects that have funding reserved by October 1, 1986. This provision also contains the authority for the new financing method—one-time capital contributions, in lieu of annual contributions—starting in the case of development with projects to be funded on October 1, 1987 and thereafter. Resumption of funding for new projects in fiscal year 1988 is consistent with the Administration's two-year moratorium on incremental assisted housing.

Finally, section 211(c) includes the first of a number of amendments that are technical and conforming in nature. The balance of these amendments is set forth in the re-

mainder of section 211. By and large, these amendments adjust the terms of the 1937 Act to accommodate one-time capital contributions contracts, in addition to annual contributions contracts. None of these changes is intended to have a substantive impact on projects financed with annual contributions contracts. Similarly, none of the changes is intended to provide any preference or prejudice in the treatment of projects financed with the one-time capital contributions contracts, as compared with annual contributions contracts. Only one of these technical changes amounts to more than a change in a few words: section 211(k)(1)(B) would provide for a parallel method for determining and using the proceeds of disposition of a project, if the project is financed using one-time contributions. The provision, which would amend section 18 of the 1937 Act, is intended to treat such projects in a manner comparable to how projects financed with annual contributions are treated.

EXEMPTION OF PUBLIC HOUSING HOMEOWNERSHIP PROGRAMS FROM PROVISIONS PERTAINING TO RENTS PAYABLE BY TENANTS

Section 212 would amend section 3(a) of the U.S. Housing Act of 1937 to permit families participating in lease-purchase homeownership programs under the Public Housing program to pay a greater portion of their incomes for rent than is currently allowed. The primary purpose of the amendment is to mitigate hardship situations that occasionally arise for homebuyers under the existing Turnkey III Homeownership Opportunities program.

The Turnkey III program permits lower income families to acquire homeowner status with the assistance of a Federal debt service subsidy. Participation is limited to families with real economic potential for assuming the full obligations of homeownership upon acquisition of title after a reasonable period of tenancy, on the rationale that homeownership is appropriate to the needs of lower income families only if they have such homeownership potential. The amount of the homebuyer's required monthly payment is, however, subject to the limitations of the 1937 Act's tenant rent formula stated in section 3(a). A decrease in family income or an increase in relevant project budget items or utility costs may thus result in a required monthly payment under the section 3(a) formula which is less than the amount required to meet reasonable homeownership potential requirements.

Under these circumstances, the homebuyer is no longer eligible to participate in the existing homeownership program and is subject to termination of the lease-purchase agreement and transfer to rental status as a regular public housing tenant. Although the current regulation provides for some forbearance where there is a reasonable prospect that the homebuyer will regain the requisite homeownership potential, a regulatory change to allow extended forbearance is not an acceptable solution because it risks jeopardizing the overall financial viability of the Turnkey III project.

The proposed amendment would allow the Secretary, by appropriate regulations, to permit a homebuyer, at his or her individual option, to pay the higher amount required to maintain homeownership potential. Alternatively, the homebuyer would have the option to continue to pay no more than the section 3(a) amount, and agree to termination of the lease-purchase agreement and transfer to public housing rental status. Regular HUD reviews would assure that the amounts which the PHA budgets as the basis for homeownership potential are reasonable for the current needs of the particular unit and project.

This change will allow flexibility to increase monthly payments by the homebuyer, which is appropriate in light of the additional financial benefits and responsibilities of homeownership. The homebuyer would decide on the upper limit of payment which is acceptable. This change is made in lieu of permitting the alternative, continuing operating subsidy for homeownership projects, because that alternative would continue in homebuyer status many families who would not be able to pay operating costs and, therefore, do not really possess homeownership potential.

This proposal would provide the same exemption from section 3(a) for the Turnkey III program and other public housing lease-purchase arrangements that has been provided for the Mutual Help Homeownership Opportunity program, which is limited to Indian Housing Authorities. It would thus result in consistency among all 1937 Act homeownership programs that involve lease-purchase arrangements.

PUBLIC HOUSING AGENCY RECEIVERSHIP

Section 213 would amend section 6 of the U.S. Housing Act of 1937 to authorize the Secretary to apply to a Federal or State court for appointment of a receiver for a public housing agency if, in the opinion of the Secretary, the PHA is in substantial default of the covenants and conditions to which it is subject. If the court determines that such a substantial default has occurred, a receiver is to be appointed without regard to collateral questions sometimes considered under common law standards such as the availability of alternative remedies. Also, the amendment empowers the Secretary to petition the court for appropriate temporary or preliminary relief pending the court's determination of whether to appoint a receiver. Injunctive relief, such as freezing the assets of the agency or mandating remedial actions, may be appropriate where it appears that project assets are being misused or that health and safety violations are present. The receivership would terminate upon petition by the Secretary or when the court determines that all defaults have been cured and that the public housing projects of the PHA will be operated by it in accordance with the ACC and the Act.

Under current law, the Secretary is authorized, upon the occurrence of a substantial default, to require either conveyance of title or delivery of possession of a project to HUD. This remedy, because it operates only at the project level, is inadequate to address PHA deficiencies that may exist at the administrative or policy level. However, the amendment recognizes that PHAs are created under State law and their governing bodies are appointed by State or local officials. Accordingly, direct HUD usurpation of the internal administration of a State-created entity would be inappropriate. Receivership provides independent, court-supervised management of PHA affairs, obtainable only upon HUD's demonstration of the substantiality of the default requiring such intervention.

To enhance clarity and continuity, subsection (g) would be redesignated as subsection (f), and the PHA receivership amendment would be designated subsection (g). Subsection (f) was repealed by section 214(b) of the Housing and Urban-Rural Recovery Act of 1983.

PART C—OTHER ASSISTED HOUSING

AUTHORIZATION FOR INCREASING BORROWING AUTHORITY FOR DIRECT LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Section 221 would amend section 202 of the Housing Act of 1959 to increase HUD's authority to borrow funds from the Treasury by such sums as are necessary for making direct loans for elderly and handicapped housing projects. Borrowing authority was authorized in this form for fiscal year 1985, and the proposed amendment would make this form of authorization permanent.

The President's Budget for Fiscal Year 1986 proposes a two-year moratorium in approvals for new section 202 projects. The Budget provides, however, for the addition of $50 million in direct loan authority to be used only for amending commitments for approved projects, which are not as yet completed. The amendment under this section to increase borrowing authority as needed would assure the necessary authorization for funding of these increased loan commitments.

Action in an appropriation Act is needed, and language for such an Act has been proposed in the Budget, to release the $50 million of direct loan authority, and to provide for the requisite borrowing authority as would be authorized by the amendment to section 202 made by this proposal.

ESTABLISHMENT OF SECTION 8 FAIR MARKET RENTS FOR EXISTING HOUSING

Section 222 would provide for a one-year suspension in establishing section 8 fair market rents for existing housing, with the fiscal year 1985 fair market rents continuing in effect for fiscal year 1986. These fair market rents are also the amounts used as the payment standards for the Housing Voucher program.

This proposal would hold rents constant for one fiscal year in furtherance of the Administration's objective of reducing the Budget deficit by cutting Federal outlays. With the rate of rent increases reflecting the reduced inflation rate of the past year, this one-year suspension can be implemented without substantial impact on the program.

PERMANENT HOUSING VOUCHER PROGRAM; REPEAL OF MODERATE REHABILITATION PROGRAM

Permanent Housing Voucher Program

Section 223(a) would amend the Housing Voucher program contained in section 8(o) of the U.S. Housing Act of 1937, as added by section 207 of the Housing and Urban-Rural Recovery Act of 1983, to convert it from a demonstration to a permanent program and to remove the requirement that substantially all of the Voucher authority be used in connection with the Rental Rehabilitation program and for displacees under the Development Grant and the FmHA Housing Preservation Grant programs.

The Housing Voucher program is based on the findings of the Experimental Housing Allowance program, the largest social science experiment ever conducted by the Federal government, and on the experience of the Section 8 Existing Housing Certificate program. These programs demonstrate that this type of subsidy mechanism improves the housing conditions of eligible families at a cost much lower than required for traditional, project-based approaches, benefits families by giving them freedom to choose their own units, and works well in virtually all areas of the country in all types of housing markets. Thus, the Housing Voucher

program is based on premises already well-tested. HUD will continue with current and planned research to evaluate possible future needs for program refinements.

The Freestanding Voucher Demonstration now underway will provide a basic comparison of Vouchers and Certificates. In fiscal year 1985, an additional research project will be initiated to study Voucher use in rural and small PHA settings. This combination of past and current studies covers the principal variable factors that affect the program, including performance in urban and rural markets, administration by State agencies and by local PHAs, administration by PHAs representing the full range of agency sizes, and the cost of administering the Voucher program in each of these settings.

By fiscal year 1986, PHAs in Rental Rehabilitation program localities, and in additional sites where demonstration programs are underway, will be administering Vouchers. The Voucher program thus will have become national in scope, and many PHAs will have experience with administering the program, contributing to the firm basis which exists for a permanent program.

Considering both the research findings already in hand and the actual program experience now under way, we believe there is an adequate base upon which to expand the use of Vouchers.

Repeal of Moderate Rehabilitation

Subsection (b) would repeal section 8(e)(2), which authorizes the section 8 Moderate Rehabilitation program. The Department plans no additional funding for the Moderate Rehabilitation program. The Department intends to rely on Vouchers to assist eligible families requiring rental assistance and to promote rehabilitation to increase the stock of standard, affordable rental housing through the Rental Rehabilitation program.

The Rental Rehabilitation program is an improvement on the Moderate Rehabilitation program in several key aspects. It separates the rehabilitation and rental subsidies, and relies on private market forces to encourge owner participation and availability of rehabilitated units.

The Rental Rehabilitation program requires 100 percent lower income initial occupancy after rehabilitation (adjustable to 70 percent on an exception basis) with strong encouragement for participating governments to select neighborhoods and properties where unregulated market rents will remain affordable to tenants with a Housing Voucher. Moreover, the Rental Rehabilitation program provides greater mobility to lower income families with Housing Vouchers than possible under the section 8 Moderate Rehabilitation program and greater flexibility to the participating State and local governments in implementing a Rental Rehabilitation program. Finally, Housing Vouchers supported by Rental Rehabilitation will be a more frugal use of budget authority for housing eligible families than section 8 Moderate Rehabilitation. (A definitive comparison of long-term cost effectiveness of the two programs is not now available.)

In addition, subsection (b)(1) would permit the Secretary to increase the maximum monthly rental above the amount otherwise permitted where necessary to assist in the sale of HUD-owned multifamily projects. This would replace the authority the Secretary now has to provide increased assistance for these projects under the Moderate Rehabilitation program.

USE OF HOUSING VOUCHERS IN CONNECTION WITH RENTAL REHABILITATION

Section 224 would amend section 8(o) of the United States Housing Act of 1937 to expand eligibility for families to participate in the Housing Voucher program. Under section 8(o), as enacted in 1983, the Secretary was authorized to issue Vouchers to very low-income families (those with incomes of 50 percent or less of area median income) and to families continuously assisted under the 1937 Act. Section 102(a)(9)(B) of the Technical Amendments Act of 1984 provides that Housing Vouchers may also be issued to lower income families with incomes above 50 percent but not more than 80 percent of area median income (50/80 families) who are (1) determined to be lower income at the time they initially receive assistance and (2) displaced by Rental Rehabilitation program activity. Section 224 would extend the 1984 amendment to allow Vouchers to be issued to 50/80 families residing in these projects whose rent burden would be 30 percent or more of their adjusted income, based on post-rehabilitation rents. These families would use the Housing Vouchers to remain in their present units or to move.

The Rental Rehabilitation program is designed to increase the supply of standard, private market rental housing available to lower income tenants through the rehabilitation of substandard rental units and the provision of rental assistance to eligible families to help them pay the post-rehabilitation rents. The program has requirements for occupancy by lower income families immediately after rehabilitation and long-term performance standards for continued affordability for lower income families (i.e., very low-income and 50/80 families). The program is designed to minimize the displacement of lower-income families residing in these substandard properties. This policy would be facilitated by this amendment.

Currently, Housing Vouchers can only be used for families with incomes at or below 50 percent of the area median, for families continuously assisted under the 1937 Act, and for 50/80 families who are displaced by Rental Rehabilitation program activity. Voucher assistance can be provided to the 50/80 families only if they are required to move from the rehabilitated project for reasons such as the rehabilitation itself or to alleviate overcrowding. Therefore, Vouchers presently provide no assistance to 50/80 families currently residing in rehabilitation projects where the post-rehabilitation rents would exceed 30 percent of their adjusted income. This proposal would provide Voucher rental assistance for these 50/80 families, permitting them to move or stay in place, thus reducing public relocation assistance costs as well as minimizing hardship for displacees.

Section 8 Certificates can now be used for 50/80 families whose rents would exceed 30 percent of adjusted income, subject to HUD approval on a case-by-case basis of the use of the 1937 Act's 5 percent exception authority under section 16(b). Use of Vouchers for families with these incomes also is subject to section 16(b). This proposed amendment will eliminate the inconsistency between Vouchers and Certificates and promote more efficient administration of the program at the local level. In addition, it would permit the Department to assist such families in future years, since no Certificates are planned to be allocated for Rental Rehabilitation projects after fiscal year 1984.

ALLOCATION AND USE OF HOUSING ASSISTANCE

Section 225 would amend section 213 of the Housing and Community Development Act of 1974 to: (1) delete the provisions providing for comment by units of general local government on applications for housing assistance where the unit of government has a HUD-approved housing assistance plan (HAP); (2) provide for a single local comment process, based on the provisions now applicable to units of general local government without approved HAPs, that would apply to all applications for housing assistance (except for applications for 12 or fewer housing units in a single project or development); and (3) provide that, for fiscal year 1988 and later years, HUD would allocate housing assistance on an equal basis to metropolitan and nonmetropolitan areas.

Currently, section 213 distinguishes between applications for housing assistance based upon whether the proposed assistance is to be provided in a unit of general local government that has a HUD-approved HAP. In the case of an application involving a unit of government with an approved HAP, section 213 now requires that the Secretary (1) notify the chief executive officer of the locality that the application is under consideration, and (2) give the locality a 30-day period to object to approval of the application on grounds that the application is inconsistent with the approved HAP. If the unit of government objects on the basis of inconsistency with the HAP, the Secretary may not approve the application, unless the Secretary determines that the application is consistent with the HAP and gives the chief executive officer written notification of the determination and the reasons for it.

Subsection (a) would amend section 213(a) of the 1974 Act to delete the local review and comment procedures based on approved HAPs. This change is necessary to conform to the proposed amendments in section 103(c) of this bill that would delete the current requirement in Title I of the 1974 Act that CDBG entitlement communities certify that they are following a current, HUD-approved HAP. However, to assure that all appropriate units of general local government have an opportunity to comment on an application for housing assistance to be located in their jurisdiction, subsection (a) would extend the provisions of section 213(c), which now apply only to applications for housing assistance in areas without an approved HAP, to cover all applications, except for certain applications involving 12 or fewer housing units. Under this provision, the Secretary could not approve an application for housing assistance unless the Secretary determines that (1) there is a need for the housing assistance, and (2) there are or will be available in the area adequate public facilities and services to serve the proposed assisted housing. Additionally, the Secretary would be required to give the community a 30-day period before the Secretary's determination is made to provide comments or information relevant to the determination.

Subsection (a) would also delete provisions from section 213(b) that currently exempt from the notice and comment requirement applications for housing assistance relating to (1) new community developments under title IV of the Housing and Urban Development Act of 1968 or title VII of the Housing and Urban Development Act of 1970, and (2) certain housing financed by loans or loan guarantees by States or State agencies. Since the new communities program has

been terminated, the need for the exemption no longer exists. The exemption for State financing agencies has been of limited effect, since section 213(b)(3) also provides that the exemption does not apply where the unit of general local government in which the assisted housing is to be provided objects in its HAP to the exemption. Many localities have objected in their HAPs to the exemption. Therefore, repeal of the exemption for State financing agencies would continue the current prevailing practice of giving units of general local government the opportunity to comment on all applications for housing assistance, regardless of the source of the financing.

Subsection (b) would require the Secretary, beginning with fiscal year 1988, to allocate under the section 213(d)(1) formula not more than 50 percent of the total amount of available assistance to metropolitan areas and not more than 50 percent of such assistance to nonmetropolitan areas. Currently, the amount of such assistance allocated to nonmetropolitan areas is required to be in the 20 to 25 percent range. The proposed amendment is consistent with HUD's budget proposal to delay funding of incremental housing assistance for two years and the Administration's proposal to terminate funding for the FmHA's housing assistance programs. At the end of the moratorium, HUD would assume full responsibility for rural housing assistance needs. The even split between metropolitan and nonmetropolitan areas approximates the distribution of HUD and FmHA units between 1980 and 1984. The requirement for HUD to consult with the Secretary of Agriculture in determining how much section 8 existing housing assistance to make available under section 8(d) of the U.S. Housing Act of 1937 for use with the Housing Preservation Grant program under section 533 of the Housing Act of 1949 would be deleted, since funding under section 533 would be terminated.

Subsection (c) would amend section 213(a)(3) to delete the gender-specific term "he" and insert instead "the Secretary".

Finally, subsection (d) would amend the provision in section 213(d)(4)(E) that permits the Department to use a portion of the Secretary's reserve for lower income housing needs described in HAPs, including activities carried out under areawide housing opportunity plans (AHOPs). Subsection (d) would delete the references to HAPs and AHOPs, and instead would permit assistance to be used for projects approved by the Secretary to meet lower income housing needs. As noted above, section 103(c) of the bill would repeal HAPs. The reference to AHOPs would be deleted to reflect the fact that they are no longer used in Departmental programs.

TENANT ELIGIBILITY DETERMINATIONS IN RENT SUPPLEMENT PROJECTS

Section 226 would amend section 101(e)(1) of the Housing and Urban Development Act of 1965 to eliminate the requirement that HUD, upon request by a Rent Supplement project owner, must issue certificates on the income of applicants and on whether they are occupying substandard housing, are involuntarily displaced, or are paying more than 50 percent of income for rent at the time assistance is being sought. The proposal would also amend section 101(k) to provide that the project owner, instead of the Secretary, shall give priority for available units to individuals or families who are occupying substandard housing or are involuntarily displaced at the time they are seeking housing assistance under the Rent Supplement program, and, as a conforming amendment, would add the additional priority for applicants who are paying more than 50 percent of income for rent.

Elimination of the HUD certificate provision is consistent with the general approach to tenant selection currently used in the Rent Supplement program, under which project owners have primary responsibility for making tenant selection decisions in accordance with HUD eligibility criteria and procedures. This proposal should have little or no effect on prospective tenants, since project owners have been making tenant selection decisions without certificates from the Secretary since 1972, except in those few cases where owners have asked for certificates. In addition, the proposal would make eligibility determinations under the Rent Supplement program consistent with the Section 8 and Public Housing programs, and would relieve HUD of the staff-intensive and costly burden of issuing certificates in those few instances where they are requested.

Adding the rent burden consideration to the list of priorities in section 101(k) is a technical conforming amendment to make this provision consistent with the current provisions of section 101(e) and the preference rules for the other affected assisted housing programs.

REPEAL OF REQUIREMENT FOR SIGNIFICANT COMMUNITY REPRESENTATION ON GOVERNING BOARDS OF SECTION 202 PROJECTS

Section 227 would amend section 202(d)(2)(B) of the Housing Act of 1959 to remove the requirement (added in 1978) that nonprofit entities receiving loans for developing housing for the elderly or handicapped must include, on their governing boards, members selected in a manner to assure significant representation of the views of the community in which the project is located.

A significant number of national organizations which are active sponsors of section 202 housing have objected strenuously to this requirement. The sponsors have pointed out that, as national organizations, it is impossible for them to have representatives on their governing boards from all communities in which they may wish to operate. Similar concerns have been expressed by State-wide housing corporations, as well as county and community groups, which find it difficult to have representatives from all areas in which they intend to operate. The existing requirement of section 202 curtails participation by many organizations which have been organized specifically to share resources and to develop a more comprehensive and coordinated approach to providing housing for the elderly or handicapped. With the exception of one or two isolated cases, there is no evidence of the need for this provision.

This section would also delete, as unnecessary, the requirement that the corporation have a governing board responsible for the operation of the housing project. This provision is unnecessary since all corporations have governing boards, and the overall purpose of their activities as stated in section 202(a)(1) is "to provide housing and related facilities for elderly or handicapped families," which is broader than just "operation of the housing project."

TECHNICAL AMENDMENTS TO THE UNITED STATES HOUSING ACT OF 1937

Section 228 would make several technical amendments to the United States Housing Act of 1937.

Subsection (a) would amend section 6(c)(4)(A) of the Act to change the placement of the clause providing a priority for public housing applicant families who "are paying more than 50 per centum of family income for rent" to follow "substandard housing" to make it consistent with other comparable provisions.

Subsection (b) would amend paragraphs (4) and (5) of section 6(k) of the Act to change "his" to "their" to conform to the plural subject (tenants) and to eliminate the gender-specific reference.

TITLE III—PROGRAM AMENDMENTS AND EXTENSIONS

PART A—FHA

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

Section 301 would extend (through September 30, 1987) the authority of the Secretary of Housing and Urban Development to insure mortgages or loans under certain HUD-FHA mortgage and loan insurance programs contained in the National Housing Act.

Under existing law, the authority of the Secretary of Housing and Urban Development to insure mortgages and loans under these programs will expire on September 30, 1985. After that date, the Secretary may not insure mortgages or loans under any of the major HUD-FHA insuring authorities contained in the National Housing Act, except pursuant to a commitment to insure issued before that date.

Extensions

Insuring authorities which will expire on September 30, 1985, and are proposed for extension through September 30, 1987, include those for the following HUD-FHA mortgage or loan insurance programs:

Title I—property improvement and manufactured home loan insurance;

Section 203—basic home mortgage insurance;

Section 207—rental housing insurance;

Section 213—cooperative housing insurance;

Section 220—rehabilitation and neighborhood conservation housing insurance;

Section 221—housing for moderate-income and displaced families;

Section 223—miscellaneous housing insurance, including insurance in older, declining urban areas and for existing multifamily housing projects and hospitals;

Section 231—housing for the elderly;

Section 233—experimental housing;

Section 234—mortgage insurance for condominiums;

Section 237—special mortgage insurance assistance;

Section 240—homeowner purchases of fee simple title;

Section 241—supplemental loans for multifamily housing projects, health facilities and energy conserving improvements;

Section 243—homeownership for middle-income families;

Section 244(d)—mortgage insurance on a coinsurance basis generally;

Section 244(h)—mortgage insurance on a coinsurance basis for rental rehabilitation property;

Section 245—mortgage insurance on graduated payment and indexed mortgages;

Section 247—single family mortgage insurance on Hawaiian home lands;

Section 248—single family mortgage insurance on Indian reservations;

Section 251—adjustable rate single family mortgages;

Section 252—shared appreciation mortgages for single family housing;

Section 253—shared appreciation mortgages for multifamily housing; and

Title X—mortgage insurance for land development.

The proposed extensions of the above listed mortgage insuring authorities are designed to guarantee the continued availability of FHA mortgage insurance and thus to maintain and enhance the Department's capacity to contribute to achieving the national housing goal of "a decent home and a suitable living environment for every American family."

Expirations

Extensions have not been included for a number of programs. Many of these programs are little used either because of diminished demand or because financing needs are being met in the private lending market. In order to avoid a clash between competing public and private credit demands and to better direct Federal credit programs to those areas of actual need, the following programs are not extended:

Section 222—mortgage insurance for servicemen;

Section 232—mortgage insurance for nursing homes, intermediate care facilities, and board and care homes;

Section 235 (h) and (m)—homeownership for lower income families;

Section 235(q)—countercyclical economic stimulus;

Section 242—mortgage insurance for hospitals;

Title VIII—armed services housing; and

Title XI—group practice facilities.

The program of mortgage insurance for servicemen under section 222 would be permitted to expire on September 30, 1985. Military personnel, Coast Guard personnel, and employees of the National Oceanic and Atmospheric Administration certified as requiring housing by the Secretaries of Defense, Transportation and Commerce, respectively, are eligible under this program. However, since the Department of Defense no longer participates in the program, it is rarely used. In fiscal year 1984, only 40 homes were insured under the section 222 program.

The authority to insure mortgages for nursing homes, intermediate care facilities, and board and care facilities under section 232 would be permitted to expire on September 30, 1985. Many facilities currently in existence have been developed and financed without the benefit of federally insured mortgages. Section 232 has not been a high-volume mortgage insurance program, and there appears to be no reason to believe that the private market cannot meet the financing needs of such facilities in the absence of the section 232 program. In fiscal year 1984, only 37 mortgages were insured under the 232 program.

Authority to contract to make assistance payments under section 235(h) (homeownership for lower income families) will expire September 30, 1985. Authority to insure these mortgages under section 235(m) also expires September 30, 1985, except pursuant to previous commitments. No extension is requested for sections 235 (h) and (m). In light of the budget deficit, this program should not be extended. To the extent housing assistance is provided, it should be made available to those most in need, rather than to a narrow group of potential homebuyers. All supplemental appropriations for section 235 program provided in the Second Supplemental Appropriations Act, 1984 (Pub. L. 98-396, approved August 22, 1984), will be committed before the September 30, 1985 expiration date of the program.

The section 235(q) authority (countercyclical economic stimulus), scheduled to expire on September 30, 1985, is not proposed for extension. This emergency authority has never been activated.

The authority to insure mortgages for hospitals under section 242 is not proposed for extension beyond the current September 30, 1985 expiration date. The Administration's attempts to bring cost containment to the health and medical sector, plus the fact that many areas already have a surplus of hospital beds, suggest that only a very limited need exists for financing hospitals. Since the private market has provided financing to many existing hospitals and appears quite capable of meeting credit needs in those few cases where new hospital construction is appropriate, extension of section 242 is not being sought. Only five projects were insured under section 242 in fiscal year 1984.

The authority to insure armed services housing under Title VIII of the National Housing Act (sections 809 and 810) is not proposed for extension beyond the current September 30, 1985 expiration date. These programs have been inactive for several years. No applications for insurance under title VIII are currently pending.

Finally, there has been little activity under the Title XI authority to insure group practice facilities, suggesting that whatever need exists is being met adequately by the private market. Accordingly, no further extension of this authority is being sought.

MISCELLANEOUS AMENDMENTS

Section 302 would:

(1) Amend section 232(i)(2)(B) of the National Housing Act, which establishes authority to insure loans for the purchase and installation of fire safety equipment in nursing homes, intermediate care facilities and board and care homes, to permit the borrower and lender to negotiate the interest rate on the loan. Amending this section would establish consistency with section 232(d)(3)(B) and other provisions of the Act that provide for a negotiated interest rate. Section 404 of the Housing and Urban-Rural Recovery Act of 1983 deleted the Secretary's authority to set maximum interest rates on most of the other mortgage and loan insurance programs, but section 232(i)(2)(B) was inadvertently omitted.

(2) Amend sections 235 (m) and (q) to clarify the expiration date of the programs covered by those subsections.

(3) Change an incorrect reference in section 236(i)(1) from subsection "(h)" to "(f)(4)."

(4) Change an incorrect capitalization of the word "Mortgagor" in section 247(a)(2).

(5) Amend sections 248 (a) and (d) of the Act, which are concerned with single family mortgage insurance on Indian lands, to use the defined term "trust or otherwise restricted land" consistently in section 248.

(6) Amend section 253(b) of the Act to base the definition of "net appreciated value" in the multifamily shared appreciation mortgage program on the actual project cost after completion, as approved by the Secretary, rather than basing it on the speculative measures of estimated value of replacement cost. Using the actual cost would eliminate the possibility that the mortgagee, at the time of sale, would be entitled to share in residual receipts notes that had been executed by the mortgagor during construction. This amendment also should help to minimize cost increases because mortgagees would have an incentive to limit change orders, and thereby increase the amount of appreciation to be shared.

(7) Amend section 253(c) of the Act, which is concerned with insurance benefits in the event of default, to indicate that multifamily shared appreciation mortgages are obligations of the General Insurance Fund, rather than the Mutual Mortgage Insurance Fund.

(8) Amend section 809(f) to clarify the expiration date of the program covered by the section.

(9) Amend section 810(h) of the Act to conform with other provisions of the Act that provide for a negotiated interest rate. This amendment will have no substantive effect on the mortgage insurance program, but simply deletes the Secretary's authority to set a maximum interest rate. Section 810(k) is also amended to clarify the expiration date of section 810.

(10) Amend section 1101(a) to clarify the expiration date of section 1101.

(11) Change an incorrect reference in section 482 of the Housing and Urban-Rural Recovery Act of 1983 from "such Act" to "the National Housing Act".

EXPANDED AUTHORITY FOR SETTING INSURANCE PREMIUM CHARGES ON TITLE I LOANS

Section 303 would amend section 2(f) of the National Housing Act to give the secretary more flexible authority for setting insurance premium charges under the Title I property improvement and manufactured home loan programs.

Section 2(f) currently gives the Secretary authority to fix a premium charge under the Title I program based on a percentage of the net proceeds of the loan, not to exceed one percent per year, for the term of the loan. Under this authority, HUD collects premiums on Title I insurance in force at an annual rate of .50 percent of the proceeds for property improvement loans and .54 percent of the net proceeds for manufactured home loans. Because of the statutory language, the lender must pay the same premium charge for each year that insurance on the loan is in force.

Experience under the Title I program indicates that the highest probability of a claim occurs within the first three years after the loan is reported for insurance, with the claims rate dropping sharply about five years into the loan term. Thus, deficits are much higher during the early years of any annual group of loans, with the losses being recouped to some extent during the later years by the premium charges on those loans that run for the full term. In recent years, fluctuations in the amount of insurance written under the Title I program have resulted in annual deficits based on a comparison of premium income with the amount of claims paid. While the Secretary could increase the premium charge for all new loans in order to offset these annual deficits, this would not resolve the inequities of the present system.

The Secretary needs authority to be able to collect a higher premium charge during the early years of the loan when the risk is greatest. The amendment would give HUD the flexibility (1) to charge a percentage of the outstanding loan balance during the year (as is authorized under Title II); (2) to charge a level premium for a fixed number of years, but for some period less than the full term of the loan; (3) to charge a declining percentage of the net proceeds; or (4)

some combination of these. Whatever the basis adopted by regulation, the premium would continue to be collected in advance and would continue to be subject to an aggregate limit equivalent to one percent per year of the net proceeds for the term of the loan.

MORTGAGES ON HAWAIIAN HOME LANDS AND INDIAN LANDS TO BE OBLIGATIONS OF THE GENERAL INSURANCE FUND

Section 304 would amend sections 247 and 248 of the National Housing Act to provide that mortgages insured pursuant to either section would be obligations of the General Insurance Fund. Currently, any mortgage insured pursuant to either section would be an obligation of the fund applicable to the specific section of the Act under which the mortgage is insured. Since most of these mortgages are expected to be insured under section 203(b), they would be obligations of the Mutual Mortgage Insurance Fund (MMIF).

Hawaiians

In attempting to implement section 247 of the National Housing Act, the Department discovered that the Hawaiian Homelands Commission (HHC) Act (part of the Hawaii Constitution) contained specific rules which control every aspect of land ownership and financing. It is in part due to these restrictions that there is currently no private lending activity for home acquisition on Hawaiian Homelands. The Department conducted negotiations with the HHC to see what program could be implemented which would require the fewest revisions to both their Constitution and HUD's statute. The resulting program now being designed provides that the HHC will receive virtually all of the mortgage insurance premium (MIP) and assume all the risk of loss. A small portion of the MIP would be retained by the Department to cover costs of reviewing creditworthiness and other processing costs. While different in outline from other FHA programs, including Indians, both the Department and the Hawaiian Homeland Commission have agreed that this program design is viable.

Since the HHC under this negotiated program design retains virtually all of the MIP and assumes all of the risk, it should not have to make the distributions the Secretary is authorized to make under the MMIF to the mortgagor upon termination of the insurance obligation where national claim experience for a particular class of mortgages is better than predicted. Making these mortgages obligations of the General Insurance Fund also would not increase potential appropriation requests since the HHC would be reimbursing HUD almost immediately for any losses.

Indians

Mortgages for homes on Indian lands are likely to involve greater risks than other mortgages under the MMIF, due to the unique nature of the ownership of these lands and the restrictions which are imposed on their sale or lease. The extent of these risks was recognized by the Congress in providing for up to a three percent mortgage insurance premium under the Indian program, and in its reimbursement and security features. While these provisions are intended to prevent losses to the MMIF, it is questionable whether they will be sufficient. Therefore, in order to avoid any possibility of jeopardizing the solvency of the MMIF, mortgages under section 248 should be made obligations of the General Insurance Fund.

REPEAL OF REQUIREMENT TO PUBLISH PROTOTYPE HOUSING COSTS FOR ONE- TO FOUR-FAMILY UNITS

Section 305 would repeal section 904 of the Housing and Community Development Amendments of 1977, which requires HUD to prepare and publish annually prototype housing costs for one- to four-family dwelling units for each of the approximately 650 housing market areas in the United States. Publication of prototype costs under section 904 is expensive and unnecessary. The legislative history of this provision gives no specific reason for the requirement to publish this information other than for "public" information. These cost figures are not used for operating any HUD program. Neither the general public nor any public agency or private entity has expressed the view that the information is useful. The main area of comment has been from mortgagees, builders and developers challenging the accuracy of the figures.

AUTHORITY FOR INCREASED MORTGAGE LIMITS FOR MULTIFAMILY PROJECTS IN HIGH-COST AREAS

Section 306 would amend sections 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), 221(d)(3)(ii), 221(d)(4)(ii), 231(c)(2) and 234(e)(3) of the National Housing Act to increase the maximum high-cost area adjustment factor from 75 percent to 110 percent of the basic mortgage limits for dwelling units of various sizes and types (90 percent in the case of Tandem projects). The Secretary's authority to approve higher limits on a project-by-project basis up to 140 percent of the maximum dollar limits (90 percent for Tandem projects) would not be changed.

Each of these sections of the Act provides the Secretary with discretionary authority to increase the maximum dollar amounts on insured mortgages by not more than 75 percent in any geographical area where the Secretary finds that cost levels require such an increase. In addition, where the Secretary determines that it is necessary, the maximum dollar amounts may be increased on a project-by-project basis by not more than 140 percent, or 90 percent for Tandem projects under section 305 of the NHA. (Section 305 was repealed by section 483 of the Housing and Urban-Rural Recovery Act of 1983, but a number of projects remain in the pipeline.) The Secretary's exception authority for individual projects was increased from 90 to 140 percent by the Further Continuing Appropriations Act, 1983 (P.L. 97-377), enacted December 21, 1982. However, no commensurate change was made to the 75 percent high-cost area limitation.

In implementing these provisions, HUD periodically reviews local construction cost levels and establishes a percentage increase for each high-cost area, within which the field office may approve multifamily projects without Headquarters review. However, in areas where cost levels exceed the 75 percent limitation, nearly all multifamily projects must be referred to Headquarters for a project-by-project determination. Headquarters review does not presently cause excessive delays, but greater delays may occur in the future as more areas bump up against the 75 percent high-cost area limitation. At present, there are 19 metropolitan areas which are at the 75 percent limitation for all multifamily buildings, and another 7 metropolitan areas which are at the 75 percent limitation for elevator buildings. Cost levels in many of these areas could justify increasing the area limit above the current 75 percent high-cost area limitation. An increase in the high-cost area limitation from 75 to 110 percent would streamline FHA processing by permitting HUD field offices to review and approve higher cost projects within the maximum limits set by Headquarters, without the need for Secretarial oversight of individual projects or an increase in the basic dollar limits.

In light of the subsidy levels which Tandem projects enjoy and the higher subsidy costs which would result from larger Tandem mortgages, the special 90 percent limit would continue to apply to the small number of projects remaining in the Tandem pipeline.

DOUBLE DAMAGES REMEDY FOR UNAUTHORIZED USE OF MULTIFAMILY HOUSING PROJECT ASSETS AND INCOME

Section 307 would expand the ability of the Secretary to deter the use of the assets and income of multifamily housing projects under the National Housing Act in violation of the project's regulatory agreement or applicable regulations by enacting a double damages civil recovery statute. Currently, the only civil remedy available to recover project assets and income that are used in violation of these requirements is a suit for civil recovery. In addition, section 239(b) of the National Housing Act provides a criminal penalty of a $5,000 fine or a prison term of up to three years in jail, or both, for unauthorized use of project rents or other funds.

Congress added section 239 to the National Housing Act in 1968 because civil actions for recovery were viewed as ineffective as a means of discouraging misuse of project rents or other funds. Therefore, Congress established a criminal punishment of a fine or imprisonment, or both. However, this criminal statute has not been as effective a deterrent as was hoped, and is not broad enough to cover all project assets. In addition, HUD recognizes that not all wrongful conduct warrants the severity of a criminal fine and imprisonment and, in certain cases, civil relief is more appropriate. However, HUD's present civil remedy of recovering the amount of the project assets and income used is an insufficient deterrent. The only risk for such an owner is to pay back those amounts, plus interest.

The civil double damages remedy would be enforceable against project owners violating the project regulatory agreement's prohibition against unauthorized use of project assets or income for non-project-related or otherwise unapproved uses. Paragraph 6 of the Department's standard form of regulatory agreement for multifamily projects with mortgages insured under the National Housing Act does not permit the unauthorized use of project assets or income.

Under the regulatory agreements, all books and accounts relating to the operation of the mortgaged property and the project must be kept in accordance with the requirements of the Secretary and in reasonable condition for proper audit. The statute would provide that use of assets or income without adequate documentation would constitute a prima facie case that the assets and income were used in violation of the regulatory agreement. The statute reaffirms the mortgagor's obligation to maintain books and records in accordance with the requirements of the Secretary and in reasonable condition for proper audit. Where the books and records do not establish that the use was made for a reasonable operating expense or necessary repair, the statute confirms HUD's right to recover damages for such an unauthorized use. For

fiscal years 1980 through 1984, the Office of Inspector General disallowed $17.3 million in costs charged to project accounts and questioned $17.5 million in costs charged to project accounts. The Office of Inspector General questions a cost when there is insufficient documentation relating to that cost. During this time period, the Department only recovered 8 percent of questioned costs. The Secretary's ability to recover these questioned costs would be greatly improved if improper use of project assets and income could not be hidden behind inadequate recordkeeping. Inadequate books and records provide a mechanism for owners who use project assets and income without authorization to argue that a "questioned cost" is not a proveable unauthorized use. This escape hatch exists at great cost to taxpayers and is a material frustration for HUD in its attempts to ensure compliance with the regulatory agreement.

The statute also would provide that the Secretary, at the Secretary's discretion, could apply recovered funds to the project accounts or to the applicable insurance fund, or deposit them in the Treasury of the United States. Recoveries now go to the Treasury in most cases, which precludes the Department from minimizing the actual damage caused. In addition, the statute would provide that the Attorney General could bring an action under this authority at any time up to six years after the latest date the Secretary discovered any use of assets or income in violation of applicable requirements. This would give the Department the time needed to discover the extent of use of assets and income in violation of the regulatory agreement before tolling of the statute. Finally, the statute would give the Attorney General, upon request of the Secretary, sole right to initiate proceedings, thus preventing third-party and mandamus suits.

This double damage approach is consistent with other enforcement statutes that provide civil, multiple damages as well as criminal remedies, such as the Sherman Antitrust Act treble damages action; patent treble damages actions; double damages and a $2,000 forfeiture under the False Claims Act; and the recently enacted Securities and Exchange Commission's treble damage remedy for insider trading.

PART B—OTHER PROGRAMS

RESEARCH AUTHORIZATION

Section 311 would authorize the appropriation of $18,900,000 in fiscal year 1986 and necessary sums for fiscal year 1987 for the Department's research and technology program. Particular areas which the Department's research program will focus on include:

Identification of stable sources of housing finance, with particular emphasis on secondary market activities, and analysis of the effects of various Federal, State, and local initiatives on the continuing availability of these sources;

Demonstrations to improve the quality of life in public housing and the urban environment in which public housing residents live, with special emphasis on single parent households;

Evaluation of the approaches to providing housing assistance authorized under the Housing and Urban-Rural Recovery Act of 1983, including Vouchers and Rental Rehabilitation;

Activities to increase the efficiency and effectiveness of current assisted and Public Housing programs;

Identification of new building technology and regulatory strategies to help make housing more affordable; and

Analysis of current Departmental activities to promote voluntary compliance on fair housing and prevent discrimination, and identification of new strategies to promote fair and non-discriminatory housing.

Inclusion of the $16.9 million funding authorization for fiscal year 1985 is a technical amendment to reflect the amount which was in fact appropriated for research and technology for fiscal year 1985.

FAIR HOUSING INITIATIVES PROGRAM

As part of its effort to enforce Title VIII and further fair housing, HUD, through its Fair Housing Assistance Program (FHAP), has provided funding for a variety of fair housing activities to Community Housing Resource Boards (CHRBs), which provide monitoring and implementation assistance to local housing industry groups that have signed voluntary affirmative marketing agreements (VAMAs) with HUD (see 24 CFR Part 120), and to State and local fair housing agencies administering fair housing laws that provide rights and remedies that are substantially equivalent to those provided under Title VIII (see 24 CFR Part 111). To strengthen this effort, section 312 would establish a Fair Housing Initiatives Program (FHIP). This new program would provide the means to assist projects and activities designed to enhance compliance with Title VIII and substantially equivalent State or local laws.

Subsection (a) would authorize the Secretary to make grants to, or to enter into contracts or cooperative agreements with, State or local governments or their agencies, public or private nonprofit organizations or institutions, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices. HUD contemplates providing funding for three distinct categories under FHIP:

"The Administrative Enforcement Initiative;

"The Private Enforcement Initiative; and

"The Education and Outreach Initiative.

These initiatives will be administered by the Assistant Secretary for Fair Housing and Equal Opportunity.

Under the Administrative Enforcement Initiative, the Secretary would provide funding to substantially equivalent State and local fair housing agencies in support of initiatives designed to broaden the range of enforcement and compliance activities that they conduct. (Substantially equivalent agencies eligible for funding under this program would include State or local agencies that have entered into agreements with HUD permitting the interim referral of complaints under 24 CFR 115.11.) The types of projects that could be funded include: (a) providing assistance concerning applicable fair housing laws and regulations to State and local governments administering housing and community development programs; (b) developing fair housing testing capacities for State and local agencies; and (c) conducting investigations of systemic discrimination for further processing by State or local agencies, HUD, or the Department of Justice.

This assistance would replace the existing Type II—Competitive Funding assistance currently provided under FHAP (24 CFR 111.103), except education and outreach funding which would be replaced by the Education and Outreach Initiative described below. The Type I—Noncompetitive Funding component of FHAP (24 CFR 111.102), which provides assistance to substantially equivalent State and local agencies for the processing of complaints alleging discriminatory practices referred to them under Title VIII, would continue to be funded through FHAP.

Currently, the Secretary has no authority to fund directly non-governmental efforts to enforce or ensure compliance with fair housing laws. The Private Enforcement Initiative would permit the Secretary to provide funding assistance to nonprofit organizations or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (for example, private fair housing organizations and civil rights groups). Types of projects to be funded include: (a) professionally conducted testing or other investigative support for administrative and judicial enforcement; (b) standardizing and refining fair housing testing and other investigative techniques; (c) linking fair housing organizations regionally to address broader market discriminatory practices; and (d) establishing effective means of meeting legal expenses related to the litigation of fair housing cases. (Consistent with existing administrative requirements governing the use of Federal assistance, the funding of litigation against the Federal government under FHIP would not be permitted.)

The Education and Outreach Initiative would provide assistance to State or local governments or their agencies, public or private nonprofit organizations or institutions, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices to develop, implement, carry out, or coordinate education and outreach programs designed to inform the public concerning their rights and obligations under Title VIII and substantially equivalent State and local laws. Currently, HUD is authorized to support outreach and education programs provided by State and local fair housing agencies under FHAP Type II—Competitive Funding, and by CHRBs. This initiative would permit the consolidation of the existing education and outreach programs and would expand these efforts by making assistance available to a broader universe of eligible parties.

The CHRB funding set-aside under FHAP would be reduced to reflect the transfer of the education and outreach aspect of CHRBs to FHIP. CHRBs' activities with local real estate industry groups in connection with VAMAs would continue to be funded under FHAP. CHRBs would also be eligible to receive funding under the Education and Outreach Initiative and for activities that are supportive of the goals of the New Horizons program. New Horizons is a national program to assist State and local governments in planning and executing comprehensive, community-wide approaches to fair housing.

Education and Outreach Initiative assistance would encourage the development of nationally, regionally, and locally based media campaigns (written and audio-visual materials) and other special efforts to educate the general public and housing industry groups about fair housing rights and obligations. The types of educational projects that could be funded include those aimed at: (a) developing informative material on fair housing rights and responsibilities; (b) developing fair housing and affirmative marketing instructional material and educating

national, regional, and local housing industry groups; (c) providing educational seminars and working sessions for churches, community-based civic organizations, and other groups; and (d) developing educational material targeted at persons in need of specific or additional information on their fair housing rights.

The type of outreach projects that could be funded include: (a) developing advertising programs through the use of various forms of media; (b) bringing housing industry and civic or fair housing groups together to identify illegal real estate practices, and to determine how to correct them; (c) designing innovative outreach projects to inform all persons of the availability of housing opportunities; (d) developing and implementing a response to new trends and sophisticated practices that result in discriminatory housing practices; and (e) developing mechanisms for the identification of, and quick response to, housing discrimination cases involving the threat of physical harm.

Subsection (b) would authorize the appropriation for the new program of not to exceed $10,000,000 for each of fiscal years 1986 and 1987. Appropriated amounts would be available for necessary expenses of the Secretary in carrying out the purposes of the program, including costs for promotion and marketing, training and technical assistance, and evaluation.

REPEAL OF LEGISLATIVE REVIEW REQUIREMENTS APPLICABLE TO HUD REGULATIONS

Section 313 would repeal section 7(o) of the Department of Housing and Urban Development Act, the 1978 addition to the Department's organizational statute that provides for House and Senate Banking Committee review of HUD regulations.

Under section 7(o), HUD is required twice annually to submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and agenda of all regulations under development or review by the Department. During a period of 15 congressional session days following an agenda submission, the Department may not publish for comment any regulation on the agenda. If either Banking Committee, in response to the agenda submission, requests review of particular listed regulations that are to be published for comment, each requested regulation must be submitted to both Committees—before its publication—for a period of 15 section days.

In addition, all HUD rules published for effect must have their effectiveness delayed for a period of 30 session days following the date of publication. If, during that period, either Committee reports out, or is discharged from further consideration of, a joint resolution of disapproval or other legislation intended to modify or invalidate the regulation, section 7(o) requires that the regulation's effectiveness be delayed for an additional period of 90 calendar days from the date of the Committee's action. The 15- and 30-day clocks must begin anew if interrupted by an adjournment of Congress sine die, and the count of session days stops during any recess of either House of more than three days.

The Department is seeking repeal of section 7(o) because in several respects it calls for the unconstitutional exercise of legislative power by a single congressional committee. Even beyond the Constitutional issues, this section should be repealed because in practice the legislative review process has been seriously disruptive of the Department's efforts to implement newly enacted statutory authorities and other policy initiatives without providing compensating benefit to the Committees. Both the 15-day and 30-day waiting periods have caused lengthy delays, especially during recesses and adjournments, even while the Committees have actually exercised their statutory (but unconstitutional) prerogative to review proposed rules before publication on few occasions during the six-year history of the requirement.

Unconstitutionality of Section 7(o)

Several pivotal features of section 7(o) are clearly beyond congressional authority under *INS* v. *Chadha*, U.S.——, 77 L.ED 2nd 317 (1983). The requirement in section 7(o)(2)(A) that a single Committee of the Congress may cause a delay in publication of a proposed rule, simply by notifying the Secretary, clearly has the purpose and effect of "altering the legal rights, duties, and regulations of persons, including Executive officials . . ., outside the legislative branch . . . ." Under Chadha, when an action of the Congress has such an effect, and the action taken is other than by passage of a law by both Houses with presentment to the President, the action is beyond the power of the Legislative Branch and is unconstitutional.

For the same reasons, the section 7(o)(3) provision calling for 90 days' delayed effectiveness of a final regulation, based on a single Committee's resolution of disapproval, must fall under the Chadha rationale.

Finally, the 7(o) process allowing HUD to seek waivers of the statutory waiting periods is constitutionally unsound. Under the statute, a waiver of the 15- and 30-day waiting periods can be secured with the approval of the Chairmen and Ranking Minority members of the two Committees. This waiver-granting process also is clearly an invalid exercise of legislative power, and HUD has refrained from requesting any waiver of section 7(o) waiting periods since the announcement of the Supreme Court's opinion in Chadha almost two years ago.

It is clear, then, that the provision in section 7(o) that particular rules selected by a Committee from an agenda not be published for comment pending review by both Committees is invalid. The requirement that the Department honor any resolution of disapproval action taken by either Committee, purporting to delay the effectiveness of a rule for an additional 90 days in invalid. Finally, the Department cannot avail itself of the waiver procedures provided in section 7(o)(4), because that process also is constitutionally defective.

The unconstitutional portions of section 7(o) are the law's principal components—the system for requesting prepublication review and the delay procedure triggered by Committee resolutions against final rules published for effect. Absent the validity of these two components, there is no point to any of the other components of the scheme. The appropriate course is for the Congress to repeal section 7(o) and look to more traditional forms of legislative oversight to assist the Committee in influencing HUD policymaking.

Committee Exercise of Legislative Review

Through January 1985, HUD has made 11 agenda submissions to the Banking Committees since the adoption of section 7(o). Between 1979 and 1981, each Banking Committee requested review of certain submitted HUD rules on the occasion of each HUD agenda submission. However, the last agenda submission to the House Banking Committee that prompted a committee response requesting review of rules was made in September 1982. The Senate Committee has requested review of certain HUD rules only once (in May 1984), the first request received from that Committee since August 1981. Each Committee, then, has made only one request for review of rules out of the five most recent agenda submissions. No regulations were requested by either Committee during 1983, nor in response to the most recent submission in January 1985.

Delay and Disruption of HUD's Regulatory Program

Since under section 7(o), the publication of rules requested from an agenda—or, more significantly in view of the record of requests described above, rules not listed on an agenda—and the effectiveness of all rules requires the passing of Congressional session days, the Department's regulatory program is closely linked to the Congressional schedule. This linkage causes enormous delays in the rule making process and distorts regulatory priorities. This past year's experience graphically illustrates both of these problems. In 1984, because of mid-session recesses, HUD was unable to plan its regulations production on the basis of a project's relative importance, but instead planned on the basis of what type of rule was being developed. For example, in July and August 1984, it was necessary for the Department to focus its drafting and reviewing resources almost entirely on rules being published for effect. These rules took precedence (without regard to their relative importance) over all other regulations projects because if they were not published by August 9, 1984, they could not take effect until March 1985. August 9 was the key day because only 30 session days remained between then and the scheduled October 1 adjournment. After August 9, It was useless to publish a final rule—it could not take effect until March 1985, no matter when in 1984 it was published. (This is because, as noted above, the 30 session days required by section 7(o) must begin all over again after an adjournment sine die.) It was also unavailing for HUD to work any time after mid-September 1984 on proposed rules that had been requested for prepublication review or that had not been listed on an agenda: their 15-day prepublication review period, if not secured by the 1984 adjournment date, could not be completed until early February.

It is apparent that HUD cannot produce regulations on a timetable keyed to the relative importance of particular policy initiatives and cannot pursue its regulatory goals with dispatch, or include a full 12-month year in its regulatory scheduling, so long as it is bound to the extraneous considerations that section 7(o) introduces into its planning processes.

The number of occasions that either Banking Committee has communicated concern about a proposed or final rule based on the section 7(o) review process is extremely small. Nevertheless, while legislative review has not been an effective means of reviewing and affecting HUD policy on the merits, it has been a success as a mechanism for delaying all rules. The delays remain whether the Committees actively participate in the review process or not.

Even without section 7(o) the Department will of course be responsive to the concerns of members of Congress. The restraints in

section 7(o) are not necessary in order to permit the Congress to take action against unpopular rules. On a few occasions when Committee members have expressed concern about proposed HUD rules, it has generally been after publication and public response, not before. Moreover, it also is clear that Congress can address its concerns through proper and constitutional legislative action. Indeed, precisely this procedure was used with respect to the only HUD rule invalidated by law after enactment of section 7(o): a rule covering HUD thermal requirements for minimum property standards, as applied to masonry construction (section 322 of the Housing Community Development Amendments of 1979).

But under section 7(o) even active Congressional opposition to a HUD regulation is not necessary to thwart HUD's rulemaking program. It is enough for either House of the Congress merely to adjourn. In October 1982, the Congress unexpectedly recessed one week ahead of its published schedule. The result was that five HUD rules that has already been published with specific effective dates had to be corrected to postpone their effectiveness from October until December 1982. There is no evidence that either Banking Committee objected to any of these rules—they were merely victims of the ponderous section 7(o) process.

Section 334(b) contains a conforming amendment to delete a reference to section 7(o) contained in the Solar Energy and Energy Conservation Bank Act.

MANUFACTURED HOMES FEES

Section 314 would amend the National Manufactured Housing Construction and Safety Standards Act of 1974 ("Title VI") to expand the purposes for which HUD may collect and use fees. Under the proposal, fees could cover HUD's costs (including costs of contractors and State agencies) of carrying out all its responsibilities under Title VI. Existing section 620 limits the collection and use of fees to carrying out Title VI inspections.

Currently, a fee of $19 per manufactured housing unit is collected in connection with inspection of the unit for compliance with safety standards that HUD has developed under Title VI. In calendar year 1985, HUD intends to issue a regulation containing a revised fee schedule. The proposed fee will be $16 per module—for example, $16 per singlewide and $32 per double-wide.

The proposed amendment reflects Administration policy to make programs providing particular services to the public self-supporting. Accordingly, HUD would use the fee collections to support the Title VI program as a whole, and not merely the inspection function alone. The functions performed under Title VI include research and development; collection of construction and safety data; and promulgation of standards for the construction, design and performance of manufactured homes to address the safety, quality, and durability needs of consumers; and implementation and enforcement of these standards, including inspections. At the revised fee level noted above, fee collections are expected to be nearly adequate to cover the expanded purposes for which the collections would be used. The fees may be adjusted from time to time, however, to achieve the goal of self-sufficiency for the program. Initially, any shortfall of collections as compared to costs would be funded by amounts collected from fees in prior years, and estimated to be available in fiscal year 1986. For fiscal year 1986 (the first full year for which the expanded authority would take effect), based on a projection of 372,000 modules to be manufactured and assuming that the revised fee schedule is in effect, collections are estimated at $5,952,000. The costs of activities under Title VI are estimated to be $6,807,000 for that year. This figure includes HUD's staff and related costs, research conducted under contracts (but not research conducted by HUD's Office of Policy Development and Research), and implementation and enforcement activities, including inspections.

The proposal would not reenact the exception under which HUD's fee imposition authority does not apply in States having HUD-approved plans for State enforcement of the manufactured home standards. The exception should not be reenacted for a number of reasons. All manufacturers and home purchasers benefit equally from the Federal standards, without regard to the State in which production of the unit or its use occurs. Similarly, the fees that have supported the inspection system, and would support all Title VI activities under the proposal, are in fact uniform nationwide and should be borne by all manufacturers of housing units, notwithstanding the State in which the plant or factory is located.

Under the current fee system, HUD and participating States share portions of the fees collected in the State. Fees have been charged to manufacturers in participating States, under State rather than HUD authority, and deleting the exception from section 620 would, as a practical matter, merely shift the authority for imposing fees in participating States to HUD. Deleting the exception would have no substantive effect, but would simplify the statute, and to some extent the administration of this aspect of the program.

DELETION OF MAXIMUM FEE FOR INTERSTATE LAND SALES REGISTRATION

Section 315 would amend section 1405(b) of the Interstate Land Sales Full Disclosure Act to delete the $1,000 maximum on the amounts of the fees that the Secretary collects for services rendered under that Act. The amendment would instead require a reasonable fee, without statutory specification of the maximum.

HUD has collected a fee from developers for registration of subdivisions since the OILSR program started, and a revised fee schedule was published in the FEDERAL REGISTER on August 6, 1984 (49 FR 31366).

The revised fee schedule, as well as the proposed amendment to section 1405(b), reflect Administration policy to make programs providing particular services to the public self-supporting. HUD has no plans to make any major further revisions in the fee schedule, even if the maximum amount is deleted, since collections based on the revised fee schedule are expected to be nearly adequate to cover costs of the Interstate Land Sales Registration program. In this regard, on the basis of an average of program activity for fiscal years 1982 through 1984, fee collections would have been $972,000 per fiscal year under the revised August 1984 fee schedule. Under this revised fee schedule, collections of $1.2 million are projected for fiscal year 1985, as compared with projected expenses for program operations of $1.3 million for the same period.

While the amounts and purposes of the foregoing fees now nearly cover the program's costs, some minor revisions may be needed in the future to close the gap between the amounts of collections and these costs. Whenever such minor revisions may be undertaken, HUD believes that the process can be better disciplined if the statute does not prevent a fee in excess of $1,000. Accordingly, deletion of the $1,000 maximum on fee amounts is proposed now, even though that ceiling is not expected to be exceeded in the foreseeable future.

If in the future it appears desirable under the foregoing Administration policy to revise the fee schedule once again, those fees currently below $1,000 on the schedule might well remain below this current maximum, since as shown below, there may be ample opportunities to adjust the fees without disturbing the $1,000 maximum for filing statements of record for large subdivisions.

Currently, the fee schedule provides for payment of $800 for filing a statement of record to register subdivisions of 200 or fewer lots, and $1,000 for subdivision of 201 or more lots. In this connection, the fixed cost component of the program's total costs related to registrations is relatively constant, notwithstanding the size of the subdivision. Variable costs, however, related mostly to enforcement, are estimated to be somewhat higher for the larger subdivisions. The difference between the fees for larger and smaller subdivisions reflects the foregoing situation. The current fee schedule also includes charges of $500 for an advisory opinion or an exemption order; $800 to keep an existing statement of record valid when 101 or more lots are unsold at the end of any year; and $800 to reactivate a suspended statement of record unless there are 100 or fewer lots covered by the statement of record.

TECHNICAL AMENDMENTS TO THE SOLAR ENERGY AND ENERGY CONSERVATION BANK ACT

Section 316(a) would amend section 520(b)(4)(A) of the Solar Energy and Energy Conservation Bank Act to reduce the limitation on the use of funds for administrative expenses from 12 to 10 percent. The 12 percent figure (added by section 463(e) of the Housing and Urban-Rural Recovery Act of 1983) appears to be an error caused by adding the intended 10 percent set forth in earlier versions of the 1983 Act (H.R. 1, as passed by House) to the 2 percent limitation in HUD's interim rule. This corrective amendment would not affect the Secretary's existing discretionary authority to permit a higher percentage of the funds to be used for administrative expenses.

Subsection (b) would amend sections 506, 509 and 515 of the Act to correct a number of obsolete references to the Internal Revenue Code's residential energy tax credit section. Section 471 of the Deficit Reduction Act of 1984 changed the citation to that section of the Code from section 44C to section 23.

TITLE IV—RENTAL REHABILITATION AND DEVELOPMENT GRANTS

Section 401 would amend section 17 of the U.S. Housing Act of 1937 to repeal the Housing Development Grant program and to make a number of changes to the Rental Rehabilitation Grant program. Repeal of the Housing Development Grant program would further the Administration's objective of reducing the Budget deficit by cutting Federal outlays. The repeal is contained in subsection (g), with conforming changes in subsections (a), (b), (d), (e), and (h)—(k). Subsection (1) would terminate the Secretary's authority to make housing development grants on or after the effective date of section 401 (the later of October 1,

1985 or the date of enactment), except pursuant to a reservation of funds made by the Secretary of HUD before the effective date. Under 24 CFR 850.31(e), a reservation of funds occurs when HUD notifies an applicant that its project has been selected and that a certain grant amount has been set aside for it. Subsection (1) would also provide that housing development grants would be governed in the future by section 17's provisions as they existed before repeal, and that any amounts that, in the absence of the repealer, would have been available for reservation for development grants on or after the effective date would be rescinded.

As part of its deficit reduction efforts, the Administration is also proposing a two-year moratorium on new funding authorizations for the Rental Rehabilitation program. Thus, no authorization for appropriation is proposed for fiscal years 1986 and 1987. Sections 401 and 402(a) do contain, however, several substantive changes to the program.

Section (401)(h) would permit States to use rental rehabilitation grant amounts in rural areas—areas eligible for assistance under Title V of the Housing Act of 1949. Section 17(e)(1) of the 1937 Act currently prohibits use of these amounts in areas that are eligible for assistance under Title V.

Compared with the Community Development Block Grant (CDBG) program, the areas in which States may carry out rental rehabilitation activities is significantly limited. As under the CDBG program, States may not operate in localities receiving direct formula allocations, but unlike the CDBG program, they are also prohibitied from working in areas that are eligible for Farmers Home Administration assistance under Title V. The prohibition is very unpopular among States and the smaller CDBG recipients that are excluded from the Rental Rehabilitation program. As a result of the exclusion, even many communities participating in the Rental Rehabilitation Demonstration, using CDBG funds, may not participate in the Rental Rehabilitation program. From a programmatic standpoint, the intended close link between the Rental Rehabilitation and CDBG programs would be furthered by allowing rental rehabilitation eligibility for all small communities eligible for funding under the CDBG State's program.

In addition, like the proposal discussed above to provide additional funding for CDBG nonentitlement areas, this proposal would compensate for the discontinuation of the program administered by the Farmers Home Administration that is somewhat analogous to the Rental Rehabilitation program—the Rural Housing Preservation program, contained in section 533 of Title V of the Housing Act of 1949.

Section 401(c) contains a conforming amendment to remove the exclusion of data for rural areas from the rental rehabilitation grant distribution formula. This change would assure that the areas in which activities may be carried out and from which formula data are drawn would be the same.

Section 401(f) would make a number of changes to sections 17(c)(2) and (f) of the 1937 Act to refer to the property upon which assisted rehabilitation is performed as a "project" rather than a "structure." This is a technical change to make the terminology consistent throughout the Rental Rehabilitation program and to reflect the fact that the term "structure" is too limited, since assisted activities may include undertakings outside the "four walls" of the building itself and may involve more than one building under a single grant.

Section 402(a) would permit States that are Rental Rehabilitation grantees to approve local environmental certifications and release funds to localities, where the States distribute grant amounts to the localities. States already perform these responsibilities under the State's program under the CDBG authority. Under the present Rental Rehabilitation statute, HUD must perform these responsibilities with respect to localities receiving Rental Rehabilitation funds from a State.

Section 17(i)(2) of the 1937 Act generally extends to grantees under the Rental Rehabilitation program the authority to assume the Secretary of HUD's environmental review functions, through section 104(f) of the Housing and Community Development Act of 1974. Under both the CDBG and Rental Rehabilitation programs, the Secretary may approve the release of funds for particular projects only if recipients submit a certification indicating compliance with the National Environmental Policy Act of 1969 and related authorities, give public notice of their intent to request the release of funds, and submit the request to HUD. When the amendments authorizing the State's program in the CDBG program were added, section 104(f)(4) was also added to require the State receiving State's program funds under section 106(d) of that Act to perform the Secretary's duties of reviewing environmental certifications and releasing funds. Had this additional change not been made, the authority under section 104(f) would not have been sufficiently broad to permit States to perform these duties of the Secretary, and States would have had considerably less discretion and responsibility in administering the State's program.

When section 17 was added to the 1937 Act, section 17(i)(2) made the Secretary's award and grantees' use of resources generally subject to section 104(f). However, a particular reference to grants distributed to localities through the States, under section 17(e)(1)(B), paralled to the particular provision for State's program grants, was omitted. The proposal would remedy this omission, so that the State role in the environmental review processes of localities receiving rental rehabilitation grants through the States would be equivalent to the State role for CDBG grants through States to recipient localities.

Without the proposed amendment, States must pass on for HUD approval requests for the release of funds which communities participating under the State Rental Rehabilitation program are required to submit. As indicated, States already perform the Secretary's approval functions under section 104(f) for the State's program, and can readily perform the same role with respect to the State program under section 17. Having equivalent processes is essential to the efficient administration of these Rental Rehabilitation program projects. The amendment, which is in keeping with the thrusts of both section 17 and section 104(f), would avoid the cumbersome process that is otherwise required.

Sections 402(b)-(d) would make conforming changes to the 1974 Act, and delete as unnecessary the provision in section 107(d) of the 1974 Act regarding certifications of compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. Section 403 would make technical, conforming changes to sections 223(f) and 244 of the National Housing Act.●

By Mr. D'AMATO (for himself and Mrs. HAWKINS):

S. 668. A bill to provide funding for the ACTION Drug Prevention Program in the Department of Health and Human Services out of proceeds received by the Customs forfeiture fund and the Department of Justice assets forfeiture fund; to the Committee on Labor and Human Resources.

FUNDING FOR ACTION DRUG PROGRAM

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to increase annual funding for the ACTION Drug Abuse Prevention Program from $350,000 to more than $2 million. My bill creates a new funding source for an additional $2 million per year for this program: the money and property confiscated from drug traffickers. I am very pleased that the very distingiushed Senator from Florida, Senator HAWKINS, is an original cosponsor of my legislation.

In the last Congress, we provided for an expanded customs assets forfeiture fund and justice assets forfeiture fund. It is the intent of this bill to create a similar fund for our drug abuse prevention efforts.

The ACTION Drug Program has been very successful in its efforts to encourage a nationwide volunteer effort, especially among parents, to combat drug abuse. With the ability to provide only a few hundred thousand dollars in grants each year, this program has organized statewide coalitions of parents groups, and has assisted thousands of such groups nationwide. ACTION has also succeeded in involving the Elks and Lions Clubs, pharmacists and pharmaceutical companies, and the media, in a more aggressive drug prevention effort.

The purpose of my legislation is to provide this program with an increase that, first, can make a noticeable difference in the war on drugs and, second, can at the same time be quickly and easily used for a productive effect by the ACTION drug prevention program.

However, this bill is only part of what must be a comprehensive and coordinated approach to reduce this Nation's epidemic levels of drug abuse and drug-related crime. We must also have more forceful diplomatic efforts and, if necessary, the cutting off of aid to uncooperative countries. Our military must become more actively involved in an expanded and improved drug interdiction effort. We need more drug enforcement agents and prosecutors working on a criminal justice system that deters, rather than encourages, drug crime.

Most of these efforts seek to reduce the supply of drugs reaching our neighborhoods. The need to reduce the demand for drugs is equally great. Thus, I introduce this bill today to involve one of the great untapped pools

of talent and dedication for fighting drug abuse in this country, our Nation's parents.

Mr. President, I urge all my colleagues to give this bill their full support, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of subsection (c) of section 524 of title 28, United States Code, as added by section 310 of the comprehensive Forfeiture Act of 1984 (Public Law 98-473), is amended by inserting at the end thereof the following: "Notwithstanding the preceding sentence and as authorized in paragraph (7), there shall be up to $1,000,000 available to the Secretary of Health and Human Services for the ACTION Drug Prevention Program.".

(b) Paragraph (7) of subsection (c) of section 524 is amended to read as follows:

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated—

"(A) such sums as may be necessary for the purposes described in clauses (A), (B), (C), and (D) of paragraph (1); and

"(B) $1,000,000 for the ACTION Drug Prevention Program.

At the end of each fiscal year, any amount in the fund in excess of the amounts appropriated shall be deposited in the general fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.".

SEC. 2. (a) Subsection (a) of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613), as added by section 317 cf the Comprehensive Forfeiture Act of 1984 (Public Law 98-473), is amended by inserting at the end thereof the following: "Notwithstanding the preceding sentence and as authorized in subsection (f), there shall be up to $1,000,000 available to the Secretary of Health and Human Services for the ACTION Drug Prevention Program.".

(b) Subsection (f) of section 613a is amended—

(1) in the first sentence by inserting after "described in" the following: "clauses (1) and (2) of"; and

(2) by inserting after the first sentence the following: "For the ACTION Drug Prevention Program, there are authorized to be appropriated from the fund for each fiscal year 1985, 1986, and 1987, not more than $1,000,000.".●

By Mr. D'AMATO:

S. 669. A bill entitled the "Correctional Facility Development Act"; to the Committee on the Judiciary.

CORRECTIONAL FACILITY DEVELOPMENT ACT

● Mr. D'AMATO. Mr. President, today I am reintroducing the Correctional Facility Development Act, which I originally introduced on April 7, 1983. Although a modified version of that Act did become law last year a part of the Comprehensive Crime Control Act, that legislation did not go far enough in assisting State and local governments. I am, therefore, reintroducing this legislation to increase Federal support for State and local prison and jail construction programs.

The new law authorizes the Director of the Bureau of Justice Assistance [BJA] to make grants of up to $25 million per year to the States to relieve overcrowding and substandard conditions at State and local prisons and jails. Under this law, grants will be awarded for up to 20 percent of the cost of construction and are subject to a determination by BJA that the project represents a prototype of new and innovative methods and advanced technology.

This last point is a most important one. It was a key provision of the bill I introduced in the last Congress. We must be extremely careful that our support for State and local construction is not used to encourage the building of overly expensive prisons that waste space and are built with unnecessarily expensive materials, according to antiquated designs.

The bill I introduce today amends the legislation passed last year in one very important respect: It raises the authorization level from $25 million to $200 million per year for 3 years. By providing up to $600 million over 3 years to cover 20 percent of the cost of State and local construction programs, this bill can leverage the construction of $3 billion worth of prison and jail facilities. This translates into 30,000 to 60,000 additional cells for dangerous criminals who would otherwise be free to prey on innocent, law-abiding citizens.

The Federal responsibility to assist State and local construction programs is clear and direct. Most dangerous crime is related to the use of, and trafficking in, drugs that the Federal Government has the duty to keep out of this country. There is also a Federal responsibility because overcrowding is due in large part to the Federal Government's failure to keep out thousands of criminals released from Castro's prisons and illegal alien felons from other nations.

Prison and jail crowding is a major threat to the safety of our citizens. In 1983 alone, 21,420 individuals were prematurely released from prison and put back on our streets because of overcrowding.

Despite enactment of emergency release legislation and an increased emphasis on alternative sentencing for nondangerous criminals, prison crowding continues to be a major problem for State and local governments.

For example, on December 7, 1984, the Governor of Michigan was notified that his State's prisons were becoming overcrowded and that he should follow the terms of the State's 1981 emergency release law. This law allows the Governor to sign an emergency order automatically reducing the sentences of all inmates by 90 days.

This time, however, the Governor refused to sign. The 1981 law had already been invoked 9 times, resulting in early releases for approximately 2,000 prisoners. It was becoming very difficult to ensure that only the nondangerous were set free. In October, a convicted murderer who had been released early was charged in the killing of a police officer and a civilian.

The Governor's decision in this case prompted the legislature to pass a law allowing the temporary use of a Detroit facility and to accelerate funding of new prison construction. The crowding crisis was averted, but only for the time being.

The Michigan Governor's dilemma is not unique. More than 30 States are under court order to relieve prison or jail overcrowding.

After all our experiments with alternatives, emergency releases, and other programs, we must inevitably recognize that thousands of dangerous criminals are still free to prey on innocent citizens because of prison and jail crowding.

We can address the crowding problem in two ways: Either we add cells or we release criminals onto the street. In November 1983, a Federal judge in New York ordered 613 prisoners released from the New York City jail at Riker's Island. Since then, one-third of those released have been arrested for new crimes, and one-third have skipped bail. The result of such releases is that the good work of law enforcement officers goes for naught. More importantly, our citizens are further terrorized.

The Justice Department, in reporting record recent drops in the crime rate, has attributed the decline, in part, to putting more criminals behind bars. By increasing the number of prison inmates from 230,000 in 1974 to 440,000 today, we have begun to cut into crime, but we have only begun. This process must be continued. Crime cannot be fought without adequate jail and prison space.

I urge my colleagues to give this legislation their full support, and I ask unanimous consent that the Correctional Facility Development Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Correctional Facility Development Act".

SEC. 2. (a) The Congress finds that—

(1) the correctional facilities operated by State and local governments in this Nation are seriously overcrowded, outmoded, and too often in badly deteriorated condition;

(2) these conditions are influencing courts and causing them to be reluctant to impose pretrial detention upon dangerous persons,

and, at the same time, are resulting in the release of tens of thousands of prisoners each year not because they have been rehabilitated or have served their sentences, but simply to relieve overcrowding;

(3) State and local governments are seriously strained to find resources to expand and improve correctional capacity; and

(4) the present outmoded, inordinately expensive design concepts for correctional facilities constitute a major impediment to expansion, renovation, and improvement of the nation's prisons and jails.

(b) It is therefore the purpose of this Act to—

(1) to provide a mechanism for creation of new designs and technology for development of additional correctional facilities and renovation of existing facilities;

(2) encourage State and local governments to take advantage of such innovations; and

(3) assist State and local governments to meet the financial burden involved in expanding and improving their correctional facilities through the use of innovative technology.

SEC. 3. Section 4351(f) of title 18, United States Code, is amended in the first sentence by striking out "The Board is" and inserting in lieu thereof the following: "The Board is authorized to appoint, without regard to the civil service laws, a technical advisory committee qualified to advise it on development of innovative methods for construction of new correctional facilities for long and short term sentenced adults, for juvenile delinquents, and for persons held in detention pending court disposition. The Board is further".

SEC. 4. Paragraph (4) of subsection (a) of section 1001 of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by striking out "$25,000,000" and inserting in lieu thereof "$200,000,000".●

By Mr. PELL (for himself and Mr. WEICKER):

S. 670. A bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

PERFORMING ARTS LABOR RELATIONS AMENDMENTS

● Mr. PELL. Mr. President, today, I am introducing a bill that will provide basic employment protection to a group of employees who, for many years, has worked without the benefit of Federal safeguards. Those employees are performing artists, actors, musicians, and others who work in the fields of entertainment and the arts.

An overwhelming majority of performing artists travel from one employment engagement to another without any guarantee of continued employment, standardized wages or benefits and without a real opportunity to bargain for these benefits. Through the 1970's the National Labor Relations Board ruled that performing artists, specifically musicians, were independent contractors, and not covered by the protections of the Taft-Hartley Act. This ruling has made it impossible for these artists to bargain collectively with promoters, managers, agents, and other employers. The bill I am introducing today would allow performing artists to bargain collectively for the terms and conditions of their employment. They could bargain for health benefits, salaries, hours of work, and other items that are and have been accepted as standard matters for collective bargaining in other fields and industries.

It is unfair, Mr. President, that performing artists who work in one of the most competitive fields in the Nation have no protection under the Federal labor laws of this Nation. Performing artists as individuals have little leverage to strike a fair bargain with their employers or promoters because their employment is temporary. I believe we should grant the coverage of the labor laws to those employees who need them the most so that they can secure basic employment protections. This legislation will give performing artists the opportunity to bargain for contracts that would provide coverage under our unemployment and Social Security System, health benefits and reasonable and competitive wages. Under existing law, performers have little ability to control their working conditions and working environment governing their performances.

The performing arts always will be highly competitive, and this legislation would not change that at all. Employers would continue to have the right to select the most talented and most accomplished performers available. The legislation I have proposed would simply give performers as a group the right that groups of workers in other fields have long enjoyed—the right as a group to bargain with employers to establish minimum standards and working conditions.●

By Mr. EXON:

S. 671. A bill to authorize the Secretary of the Interior to modify the construction, operation, and maintenance of the O'Neill unit, Pick-Sloan Missouri Basin Program, NE; to the Committee on Energy and Natural Resources.

MODIFICATIONS TO O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM

Mr. EXON. Mr. President, today I am introducing legislation requiring the Secretary of the Interior to modify the principal features of the authorized O'Neill unit of the Pick-Sloan Missouri River Basin Program, replacing the decades old dam and reservoir components of the project with an innovative ground water recharge plan.

These modifications are designed to implement the recommendations of the State-led study of less costly, less environmentally harmful alternatives as required by Public Law 98-63. This study was conducted by the State's water experts as a preliminary evaluation of workable alternatives to the use of a dam and reservoir.

The State recommends an O'Neill unit project that can be built to meet the critical irrigation needs of north central Nebraska without the use of a costly and controversial dam and reservoir. The State plan recommended to the Bureau of Reclamation could be built in a third of the time, at less than half the cost, while irrigating more land with less water and taking significantly less farmland out of production for the project's features.

The Governor of Nebraska has asked for a new consensus on the future of the O'Neill project. I firmly believe that the necessary consensus must provide for two major elements: Preservation of the existing authorization; and resolution of the conflicts and opposition to the dam and reservoir components of this decades old water project for north-central Nebraska.

This project, originally authorized in 1954 and again reauthorized in 1972, has been plagued with fatal problems. The project narrowly escaped deauthorization by the House in 1980 by only two votes. Recognizing the perils facing the authorized project, the Bereuter study of 1981 began the process of searching for a workable alternative.

An entrenched bureaucracy resisted any efforts to design a more acceptable alternative. The 1982 House vote to terminate all funding for the Norden Dam again underscored the need to find an acceptable alternative. The 1983 Exon study relied upon the State's leadership and expertise in advancing an economical and environmentally sound alternative.

This study, conducted by the director of the Nebraska Department of Water Resources was released on January 31, 1985. The report, entitled "Nebraska State-led O'Neill Unit Alternatives Study" provides the basis of the changes to the O'Neill unit which my legislation seeks to implement.

The search for alternatives, initiated at our urgings, is based upon a firm belief that failure to do so will end all water development opportunities for north central Nebraska.

I greatly appreciate the Bureau's recent recognition that alternatives which meet the critical irrigation needs of north central Nebraska without the use of a costly dam and reservoir must now be considered if we are to have any project at all. Our choice is not between the Norden Dam or an alternative. The choice, quite simply, is between an alternative or nothing at all.

The time is now clear that the original decades-old concept for the O'Neill unit will never prevail. I am proposing legislation to modify the features of the authorized project, eliminating the dam and reservoir and replacing those features with groundwater recharge components consistent with the State's recommendations.

Once those changes are in place, the authorization will be preserved from future challenges by those who object not so much to a project as to the dam and reservoir components of that project. Once those changes are made, the Bureau can proceed with detailed studies to design and construct a project as they have proposed.

This project can offer benefits to the entire Nation. As the report of the Six-State High Plains Ogallala Aquifer study noted, future agricultural production will be drastically curtailed due to our depleting groundwater resources. With over 40 percent of agricultural production dependent upon groundwater supplies, new, less costly methods of developing groundwater are imperative.

Mr. President, this offers a unique opportunity for the future of water development in our Nation. It is an opportunity for the decades-old Bureau of Reclamation to move forward into the future. We have been building water projects over the past 80 years in the same way, using costly and controversial surface impoundments. This legislation offers an opportunity to head down a new, more affordable water development path.

This legislation will reduce the cost of this water project by more than half of the original cost. With Federal dollars becoming more constrained, these modifications to the authorized project may offer a model for other Federal projects using new technology to meet an age-old problem in a less costly and less environmentally harmful manner.

In light of projected water needs and future domestic and international demand for grain, we must make good use of otherwise lost water resources. The ultimate goal of the O'Neill unit was always to provide irrigation water to north central Nebraska. This continues to be the goal. The dam and reservoir was only a means to that end, and not the end itself.

In a recent letter to me, Robert Olson, Commissioner of the Bureau of Reclamation, stated that the Department fully supports the effort to find a cost-effective and environmentally sound alternative to the Norden Dam component of the O'Neill unit. He described the State's alternative as being innovative and representing an exciting challenge in water resources development.

I commend the leadership efforts of this matter by the Department of the Interior under Secretary Don Hodel in recognizing the future direction of water development in this Nation.

Certainly, this new direction for the O'Neill unit would not be entirely possible without the support of the local reclamation district as well. It has been a long and trying journey for these Nebraskans who have been waiting 30 years for this project.

In addition, this project is located on the Niobrara River, the only remaining east-west running river on the northern Great Plains unimpeded by a major reservoir. The 100th meridian passes north to south near the proposed Norden Dam site through an area long recognized as biologically unique. This area would have been totally inundated by the proposed dam and reservoir. Now it can be preserved for future generations.

Mr. President, I urge the Senate's favorable and prompt consideration of this legislation which, not only will save the Nation's taxpayers hundreds of millions of dollars but will also help pave the way for affordable and environmentally sound water development in the years ahead.

By Mr. HEFLIN:

S. 673. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

ADMINISTRATIVE LAW JUDGE CORPS ACT

● Mr. HEFLIN. Mr. President, I rise today to introduce legislation which will establish an independent corps of administrative law judges. The purpose of the corps is twofold: It would provide needed independence for administrative law judges and would generate significant cost savings and efficiencies in our administrative system.

In 1946, the enactment of the Administrative Procedure Act [APA] brought much-needed reform to our Federal administrative system and provided necessary protections for administrative law judges. Since that time, the number of administrative law judges has proliferated, greatly expanding their authority. The time has come to continue the reform begun in 1946.

Today, administrative law judges serve in a quasi-judicial capacity. They preside over hearings between individuals and Federal agencies which require a formal hearing record.

Administrative law judges issue subpoenas, rule on evidence, make findings of fact and conclusions of law and arrive at an initial decision in a case. The descision of the administrative law judge becomes final if not appealed by the parties or if the agency does not review the case itself.

The types of proceedings heard by administrative law judges have changed over the past 30 years. The emphasis has moved from regulatory policy decisions to decisions involving enforcement actions and benefits cases. Administrative law judges are the trier of facts in the administrative arena—an arena that may be the only "courtroom" some individuals will ever encounter.

I believe that the decisions rendered in these arenas should be adjudicated in an independent atmosphere free of bias, in order to ensure fairness and maintain credibility. These judical officers must be free from any association or personal obligation to any party, in order that every litigant will be afforded due process.

The corps would ensure that administrative law judges will no longer be subject to the potential bias of a particular agency—bias which whether actual or perceived, nonetheless weakens the public's perception of administrative justice.

The corps would consist of all current and future administrative law judges. Judges would continue to have jurisdiction over proceedings and adjudications as granted under the APA. In addition, the corps may accept any other case referred to the corps by any Federal agency or court desiring to make a decision based on a record developed at a hearing. Administrative law judges would continue to be selected under the present merit system, but instead of the "rule of three," selection would be from the top five persons on the register. This will provide a greater diversity in the selection of administrative law judges.

The chief administrative law judge shall be appointed by the President with the advice and consent of the Senate and serve for a 5-year term as chief administrative officer of the corps. A judicial nomination commission would recommend to the President three candidates for the position. The integrity of the merit system is maintained by requiring the candidate to be an administrative law judge for 5 years preceding the appointment.

Initially, the corps would be divided into seven divisions, in keeping with the major specialties of administrative law. The number of divisions may be increased to not more than 10 or decreased to not less than 4, at the discretion of the council. Each administrative law judge will be assigned to a division after considering the judge's experience and expertise.

A division chief judge shall supervise each division. The first division chief judges will be nominated by the judicial nomination commission and appointed by the President with the advice and consent of the Senate. Thereafter, division chief judges will be appointed by the chief judge with the approval of the council.

The policymaking body of the corps shall be the council, which will be composed of the chief judge and the division chief judges. This council

would have authority over all policy decisions, the creation of divisions, and the appointment, assignment, transfers, and reassignment of judges. The council may also prescribe the rules of practice and procedure for the conduct of proceedings and business before the corps.

This measure further provides for the appointment of a five-member judicial nomination commission which shall submit the names of qualified nominees for appointment to the position of chief judge and division chief judges. Also contained in this bill are procedures for more effective removal and discipline of administrative law judges.

The chief administrative law judge will submit an evaluation report on each division to the President and Congress not later than 2 years after the effective date of this act. Provision is also made for the transfer of all functions performed by administrative law judges to the corps, as well as personnel, assets, liabilities, property, and unexpended funds. Any pending procedures shall be continued before the corps.

Centralization under the corps concept would clearly reduce administrative costs and would provide judges with the opportunity to participate in increased areas of administrative adjudication.

Several States have implemented similar systems assigning administrative law judges to a single, central panel that provides trial services to various agencies. Each State has reported improved public confidence in the system and achieved dramatic cost reductions.

I introduced a similar bill, S. 1275, in the 98th Congress, which was reported by the Subcommittee on Administrative Practice and Procedure. S. 1275 was supported by each of the three organizations which represent administrative law judges: The Federal Administrative Law Judges Conference, the National Conference of Administrative Law Judges, and the Association of Administrative Law Judges, Inc.

The States have taken the necessary steps toward improving the public's perception of a fair and impartial administrative system. It is time for the Federal Government to accept this same responsibility.

The bill I am offering today is a positive step in that direction. This legislation will help ensure that our system of administrative justice is indeed just.

I urge my colleagues in the Senate to support this vital legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Administrative Law Judge Corps Act".

ESTABLISHMENT OF ADMINISTRATIVE LAW JUDGE CORPS

SEC. 2. Title 5, United States Code, is amended by redesignating subchapter III of chapter 5 as subchapter IV and by inserting a new subchapter III to read as follows:

"SUBCHAPTER III—ADMINISTRATIVE LAW JUDGE CORPS

"§ 561. Definitions

"For the purposes of this subchapter—

"(1) 'agency' means an authority referred to in section 551(1) of this title;

"(2) 'Corps' means the Administrative Law Judge Corps of the United States established under section 562 of this title;

"(3) 'administrative law judge' means an administrative law judge appointed under section 3105 of this title on or before the effective date of the Administrative Law Judge Corps Act or under section 567 of this title after such effective date;

"(4) 'chief judge' means the chief administrative law judge appointed and serving under section 563 of this title;

"(5) 'Council' means the Council of the Administrative Law Judge Corps established under section 565 of this title;

"(6) 'Nomination Commission' means the Judicial Nomination Commission for the Administrative Law Judge Corps established under section 566 of this title;

"(7) 'Board', unless otherwise indicated, means the Complaints Resolution Board established under section 569 of this title; and

"(8) 'division chief judge' means the chief administrative law judge of a division appointed and serving under section 564 of this title.

"§ 562. Establishment; membership

"(a) There is established an Administrative Law Judge Corps consisting of all administrative law judges, and such Corps shall be located at the seat of Government.

"(b) An administrative law judge serving as such on the date of the commencement of the operation of the Corps shall be transferred to the Corps as of that date. An administrative law judge who is appointed on or after the date of the commencement of the operation of the Corps shall be a member of the Corps as of the date of such appointment.

"§ 563. Chief administrative law judge

"(a) The chief administrative law judge shall be the chief administrative officer of the Corps and shall be the presiding judge of the Corps. The chief judge shall be nominated as prescribed in section 566 of this title and shall be appointed by the President, by and with the advice and consent of the Senate. The chief judge must be an administrative law judge who has served as an administrative law judge for at least five years preceding the date of appointment as chief judge. The chief judge shall serve for a term of five years or until a successor is appointed and qualifies to serve. A chief judge may be reappointed upon the expiration of his term, by and with the advice and consent of the Senate, if nominated for reappointment in accordance with section 566 of this title.

"(b)(1) If the office of chief judge is vacant, the division chief judge who is senior in length of service as a member of the Council shall serve as acting chief judge until such vacancy is filled.

"(2) In the event that two or more division chief judges have the same length of service as members of the Council, such division chief judge who is senior in length of service as an administrative law judge shall serve as such acting chief judge.

"(c) The chief judge shall, within ninety days after the end of each fiscal year, make a written report to the President and the Congress concerning the business of the Corps during the preceding fiscal year. The report shall include information and recommendations of the Council concerning the future personnel requirements of the Corps. If the Council recommends the appointment of an administrative law judge to add a new position to the Corps, or to fill a vacancy caused by retirement, resignation, removal or death of such judge, the chief judge shall submit information substantiating the need for such appointment.

" (d) After serving as chief judge, such individual may continue to serve as an administrative law judge unless such individual has been removed from office in accordance with section 569.

"§ 564. Divisions of the Corps; division chief judges

"(a) The Corps shall have not more than ten and not less than four divisions. Each judge of the Corps shall be assigned to a division. The assignment of a judge who was an administrative law judge on the date of commencement of the operation of the Corps shall be made after consideration of the areas of specialization in which the judge has served. Each division shall be headed by a division chief judge who shall exercise administrative supervision over the administrative law judges assigned to such division.

"(b) Except as provided in subsection (a), and after the initial appointment of a division chief judge as provided in subsection (c), and the establishment of each division pursuant to this subsection, the number of divisions and the jurisdiction of each division shall be determined by the Council. Until changed by the Council, the divisions of the Corps shall be as follows:

"(1) Division of Communications, Public Utility, and Transportation Regulation.

"(2) Division of Health, Safety, and Environmental Regulation.

"(3) Division of Labor.

"(4) Division of Labor Relations.

"(5) Division of Benefits Programs.

"(6) Division of Securities, Commodities, and Trade Regulation.

"(7) Division of General Programs and Grants.

"(c)(1) Each division chief judge shall be nominated as prescribed in section 566 of this title. The first division chief judge of each division set forth in subsection (b) shall be appointed by the President, by and with the advice and consent of the Senate. After such initial appointments, each division chief judge shall be appointed by the chief judge, with the approval of the Council.

"(2) To be eligible for nomination and appointment as a division chief judge, an individual must have served as an administrative law judge for at least five years and should possess experience and expertise in the specialty of the division to which such person is appointed.

"(3)(A) Division chief judges shall be appointed for five-year terms except that of those division chief judges first appointed

the President shall designate two such individuals to be appointed for five-year terms, three for four-year terms, and two for three-year terms.

"(B) If the number of divisions provided for under this subsection is increased, the initial appointment of a division chief judge to a new division shall be made for a term of no more than five years, such that the terms of no more than four of such division chief judges expire in any one year.

"(4) Any division chief judge appointed to fill an unexpired term shall be appointed only for the remainder of such predecessor's term, but may be reappointed as provided in paragraph (5).

"(5) Any division chief judge may be reappointed upon the expiration of his term if nominated for such appointment pursuant to section 566.

"(6) Any judge, after serving as division chief judge may continue to serve as an administrative law judge unless such individual has been removed from office in accordance with section 569.

"§ 565. Council of the Corps

"(a) The policymaking body of the Corps shall be the Council of the Corps. The chief judge and the division chief judges shall constitute the Council. The chief judge shall preside over the Council. If the chief judge is unable to be present at a meeting of the Council, the division chief judge who is senior in length of service as a member of such Council shall preside.

"(b) One half of all of the members of the Council shall constitute a quorum for the purpose of transacting business. The affirmative vote by a majority of all the members of the Council shall be required to approve a matter on behalf of the Council. Each member of the Council shall have one vote.

"(c) Meetings of the Council shall be held at least once a month at the call of the chief judge or by a majority of the Council.

"(d) The Council is authorized—

"(1) to assign judges to divisions and transfer or reassign judges from one division to another, subject to the provisions of section 567 of this title;

"(2) to create or reconstitute divisions of the Corps or abolish any such division effective at the expiration of the term of the division chief judge for such division;

"(3) to appoint persons as administrative law judges and members of the Corps under section 567 of this title;

"(4) to file charges seeking adverse action against an administrative law judge under section 569 of this title;

"(5) subject to the provisions of subsection (e), to prescribe, after providing an opportunity for notice and comment, the rules of practice and procedure for the conduct of proceedings before the Corps, except that, with respect to a category of proceedings adjudicated by an agency before the effective date of the Administrative Law Judge Corps Act, the Council may not amend or revise the rules of practice and procedure prescribed by that agency during the two years following such effective date without the approval of that agency, and any amendments or revisions made to such rules shall not effect or be applied to any pending action;

"(6) to issue such rules and regulations as may be appropriate for the efficient conduct of the business of the Corps and the implementation of this subchapter, including the assignment of cases to administrative law judges;

"(7) to determine all other matters of general policy of the Corps;

"(8) subject to the civil service and classification laws and regulations, to select, appoint, employ, and fix the compensation of the employees (other than administrative law judges) that they deem necessary to carry out the functions, powers, and duties of the Corps and to prescribe the authority and duties of such employees;

"(9) to establish, abolish, alter, consolidate, and maintain such regional, district, and other field offices as are necessary to carry out the functions, powers, and duties of the Corps and to assign and reassign employees to such field offices;

"(10) to procure temporary and intermittent services under section 3109 of this title;

"(11) to enter into, to the extent or in such amounts as are authorized in appropriation Acts, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), contracts, leases, cooperative agreements, or other transactions that may be necessary to conduct the business of the Corps;

"(12) to delegate any of the chief judge's functions or powers with the consent of the chief judge, or whenever the office of such chief judge is vacant, to one or more division chief judges or to other officers or employees of the Corps, and to authorize the redelegation of any of those functions or powers;

"(13) to make suitable arrangements for continuing judicial education and training for judges of the Corps; and

"(14) to provide for the training of other employees of the Corps.

"(e) The Council shall select an official seal for the Corps which shall be officially noticed.

"§ 566. Judicial Nomination Commission

"(a) There is established a Judicial Nomination Commission for the Administrative Law Judge Corps. The Nomination Commission shall consist of five members selected as provided in subsection (b). The Nomination Commission shall submit the names of qualified nominees for appointment to the position of chief judge and positions as division chief judges.

"(b) Each of the following persons shall appoint one member to the Nomination Commission within thirty days after the effective date of the Administrative Law Judge Corps Act:

"(1) The chief judge of the United States Court of Appeals for the District of Columbia Circuit.

"(2) The chief judge of the United States District Court for the District of Columbia.

"(3) The Chairman of the Administrative Conference of the United States.

"(4) The President of the American Bar Association.

"(5) The President of the National Bar Association, Incorporated.

"(c)(1) The persons first appointed pursuant to paragraphs (1) and (2) of subsection (b) shall each serve for a term of three years.

"(2) The person first appointed pursuant to paragraph (3) of subsection (b) shall serve for a term of two years.

"(3) The persons first appointed pursuant to paragraphs (4) and (5) of subsection (b) shall each serve for a term of one year.

"(d)(1) Subject to the provisions of this subsection, a vacancy on the Nomination Commission shall be filled in the same manner as the original appointment. An officer or employee of the United States may be a member of the Commission. The Commission shall select one of its members to be the Chairman.

"(2) Any member appointed to serve an unexpired term which has arisen by virtue of the death, disability, retirement, or resignation of a member shall be appointed only for such unexpired term, but shall be eligible for reappointment.

"(3) Each person appointed pursuant to this section after the initial appointments made in accordance with subsection (c) shall be appointed for a term of three years.

"(e)(1) For the initial appointment of the chief judge or, in the event of a subsequent vacancy in such position prior to the end of the term of such judge, the Nomination Commission, within ninety days after the effective date of the Administrative Law Judge Corps Act or sixty days after notification by the acting chief judge that a vacancy has occurred, as the case may be, shall submit to the President for appointment a list of the names of three persons qualified to fill the vacancy.

"(2) Not less than sixty days before the term of the chief judge expires, the Nomination Commission shall submit to the President for appointment a list of the names of three persons, one of whom may be the incumbent chief judge, who are qualified to be the chief judge.

"(3) For the initial appointment of the division chief judges, the Nomination Commission, within ninety days after the effective date of the Administrative Law Judge Corps Act, shall submit to the President for appointment a list of the names of three persons qualified to fill such positions.

"(4) If there is a vacancy in a position of division chief judge, the chief judge shall notify the Chairman of the Nomination Commission within ten days after such vacancy occurs. Within sixty days after such notice, the Nomination Commission shall submit to the chief judge for appointment a list of the names of three persons qualified to fill the vacancy.

"(5) The President, by and with the advice and consent of the Senate, or chief judge, as the case may be, shall appoint judges pursuant to this subsection from the lists provided by the Nomination Commission. The President, or the chief judge, as appropriate, may, however, reject any list provided for any position and request that such Commission submit another list for any such position.

"(f)(1) A member of the Nomination Commission who is an officer or employee of the United States shall not receive additional compensation while serving as a member of such Nomination Commission. Other members of the Commission shall receive compensation at the daily equivalent of the rate provided for employees in grade GS-18 of the General Schedule, established under section 5332 of this title, for each day, including traveltime, he or she is engaged in the actual performance of his or her duties as a member of the Commission. A member shall not be deemed an officer or employee of the United States solely by reason of his or her service as a member of the Nomination Commission.

"(2) All agencies of the United States shall provide, to the extent allowed by law, to the Nomination Commission the assistance and facilities that the Nomination Commission requests, including access to records and other information pertaining to prospective nominees, to enable the Nomination Commission to perform its functions. Records and information so furnished shall be treated as privileged and confidential by the Nomination Commission.

"(3) Funds appropriated to conduct the general operations of the Corps may be expended to defray the expenses of the Nomination Commission.

"§ 567. Appointment and transfer of administrative law judges

"(a) After the initial establishment of the Corps, the Council shall appoint new or additional judges as may be necessary for the efficient and expeditious conduct of the business of the Corps. Appointments shall be made from a register maintained by the Office of Personnel Management under subchapter I of chapter 33 of this title. Upon request by the chief judge, the Office of Personnel Management shall certify enough names from the top of such register to enable the Council to consider five names for each vacancy. Notwithstanding section 3318 of this title, a vacancy in the Corps may be filled from the highest five eligible individuals available for appointment on the certificate furnished by the Office of Personnel Management.

"(b) A judge of the Corps may not perform or be assigned to perform duties inconsistent with the duties and responsibilities of an administrative law judge.

"(c) A judge of the Corps on the date of commencement of operation of the Corps may not thereafter be involuntarily reassigned to a new permanent duty station that is beyond commuting distance of the judge's permanent duty station on that date, unless the Council determines and submits a written explanation to the judge stating, that such reassignment is required to meet substantial changes in workloads. A judge may be temporarily detailed, once in a twenty-four-month period, to a new duty station, at any location, for a period of not more than one hundred and twenty days.

"§ 568. Jurisdiction

"(a) Except as provided in subsection (c), an administrative law judge who is a member of the Corps shall hear and render a decision upon—

"(1) every case of adjudication subject to the provisions of section 554 of this title;

"(2) every case in which hearings are required by law to be held in accordance with section 554 or section 556 of this title; and

"(3) every other case referred to the Corps by an agency or court in which a determination is to be made on the record after an opportunity for a hearing.

"(b) When a case under subsection (a) arises, it shall be referred to the Corps. Under regulations issued by the Council the case shall be assigned to an administrative law judge. Administrative law judges shall be assigned to cases within their division in rotation, so far as practicable.

"(c) Notwithstanding subsection (a) or (b)—

"(1) the agency, or one or more members of the body that comprises the agency, may hear the case and render the decision thereon in accordance with section 566 of this title; or

"(2) an agency may provide for omission of the decision of the administrative law judge in accordance with section 557(b)(2) of this title.

"(d) Federal agencies and courts are hereby authorized to refer to the Corps any other case where a determination on the record after an opportunity for a hearing by a judge of the Corps is found by such court or agency to be desirable and appropriate.

"§ 569. Removal and discipline

"(a) Except as provided in subsection (b) of this section—

"(1) an administrative law judge may not be removed, suspended, reprimanded, or disciplined except for misconduct, incompetence, or neglect of duty but may be removed or suspended for physical or mental disability; and

"(2) an action specified in paragraph (1) of this subsection may be taken against an administrative law judge only after the Council has filed a notice of adverse action against the administrative law judge with the Merit Systems Protection Board and the Board has determined, on the record after an opportunity for a hearing before the Board, that there is good cause to take such action.

"(b) Subsection (a) does not apply to—

"(1) the replacement or reassignment of a division chief judge as provided in section 565(d) of this title; and

"(2) an action initiated under section 1206 of this title.

"(c) Under regulations issued by the Council a Complaints Resolution Board shall be established within the Corps to consider and to recommend appropriate action to be taken upon complaints by any interested person including parties, practitioners, and agencies, against the official conduct of judges.

"(d) The Board shall consist of two judges from each division of the Corps appointed by the Council. The chief judge and the division chief judges may not serve on the Board.

"(e) A complaint of misconduct on the part of an administrative law judge must be made in writing. The complaint shall be filed with the chief judge, or it may be originated by the chief judge on his own motion. The chief judge shall refer the complaint to a panel consisting of three members of the Board selected by the Council, none of whom serves in the same division as the administrative law judge who is the subject of the complaint. The administrative law judge who is the subject of the complaint shall be given notice of the complaint and the composition of the panel. The administrative law judge may challenge peremptorily not more than two members of the panel. The Council shall replace a challenged member with another member of the Board who is eligible to serve on such panel.

"(f) The panel shall inquire into the complaint and shall render a report thereon to the Council. A copy of the report shall be provided concurrently to the administrative law judge who is the subject of the complaint. The report shall be advisory only.

"(g) The proceedings, deliberations, and reports of the Board and the contents of complaints under this section shall be treated as privileged and confidential. Documents considered by the Board and reports of the Board are exempt from disclosure or publication under section 552 of this title. Section 552b of this title does not apply to the Board.".

AGENCY REVIEW STUDY AND REPORT

SEC. 3. The chief administrative law judge of the Administrative Law Judge Corps of the United States shall make a study of the various types and levels of agency review to which decisions of administrative law judges are subject. A separate study shall be made for each division of the Corps. The studies shall include monitoring and evaluating data and shall be made in consultation with the division chief judges, the Chairman of the Administrative Conference of the United States, and the agencies that review the decisions of administrative law judges. Not later than two years after the effective date of this Act, the Council shall report to the President and the Congress on the findings and recommendations resulting from the studies. The report shall include recommendations, including recommendations for new legislation, for any reforms that may be appropriate to make review of administrative law judges' decisions more efficient and meaningful and to accord greater finality to such decisions.

TRANSITION AND SAVINGS PROVISIONS

SEC. 4. (a) There are transferred to the administrative law judges of the Administrative Law Judge Corps established by section 562 of title 5, United States Code (as added by section 2 of this Act), all functions performed on the day before the effective date of this Act by the administrative law judges appointed under section 3105 of such title before the effective date of this Act.

(b) With the consent of the agencies concerned, the Administrative Law Judge Corps of the United States may use the facilities and the services of officers, employees, and other personnel of agencies from which functions and duties are transferred to the Corps for so long as may be needed to facilitate the orderly transfer of those functions and duties under this Act.

(c) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions, offices, and agencies transferred by this Act, are, subject to section 1531 of title 31, United States Code, correspondingly transferred to the Corps for appropriate allocation.

(d) The transfer of personnel pursuant to subsection (b) of this section shall be without reduction in classification or compensation for one year after such transfer.

(e) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions, offices, agencies, or portions thereof, transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, agencies, or portions thereof, as may be necessary to carry out the provisions of this Act. The Director shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this Act, and for the termination of the offices and agencies specified in this Act.

(f) All orders, determinations, rules, regulations, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective in the exercise of any duties, powers, or functions which are transferred under this Act and are in effect at the time this Act becomes effective shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrative Law Judge Corps of the United States or a judge thereof in the exercise of authority vested in the Corps or its members by this Act, by a court of competent jurisdiction, or by operation of law.

(g) Except as provided in subsections (d)(5) and (e) of section 565 of title 5, United States Code, this Act shall not affect

any proceeding before any department or agency or component thereof which is pending at the time this Act takes effect. Such a proceeding shall be continued before the Administrative Law Judge Corps of the United States or a judge thereof, or, to the extent the proceeding does not relate to functions so transferred, shall be continued before the agency in which it was pending on the effective date of this Act.

(h) No suit, action, or other proceeding commenced before the effective date of this Act shall abate by reason of the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act and subchapter III of title 5, United States Code (as added by section 2 of this Act).

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 6. Title 5, United States Code, is amended as follows:

(1) Section 573(b) is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and inserting a new paragraph (4) to read as follows:

"(4) the chief administrative law judge of the Administrative Law Judge Corps of the United States;".

(2) Section 3105 is amended to read as follows:

"§ 3105. Appointment of administrative law judges

"Administrative law judges shall be appointed by the Council of the Administrative Law Judge Corps pursuant to section 567 of this title.".

(3) Section 3344 and any references to such section are repealed.

(4) The table of sections for chapter 33 is amended by striking out the item relating to section 3344.

(5) The tables of contents of this title and of chapter 5 thereof each are amended by—

(A) redesignating subchapter III as subchapter IV; and

(B) inserting after the item relating to section 559 the following:

(6)(A) Subchapter III of chapter 75 of title 5, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 75 of title 5, United States Code, is amended—

(i) by striking out the items relating to subchapter III and section 7521;

(ii) by striking out "Subchapter IV" and inserting in lieu thereof "Subchapter III"; and

(iii) by striking out "Subchapter V" and inserting in lieu thereof "Subchapter IV".

(7) Section 5314 is amended by adding at the end thereof the following:

"Chief Administrative Law Judge of the Administrative Law Judge Corps".

(8) Section 5315 is amended by adding at the end thereof the following:

"Division Chief Judges of the Administrative Law Judge Corps".

(9) Section 5316 is amended by adding at the end thereof the following:

"Administrative Law Judges in the Administrative Law Judge Corps.".

(10)(A) Section 5372 is repealed.

(B) The table of sections at the beginning of chapter 53 of such title is amended by striking out the item relating to section 5372.

"SUBCHAPTER III—ADMINISTRATIVE LAW JUDGE CORPS

"Sec.

"561. Definitions.

"562. Establishment; membership.

"563. Chief administrative law judge.

"564. Divisions of the Corps; division chief judges.

"565. Council of the Corps.

"566. Judicial Nomination Commission.

"567. Appointment and transfer of administrative law judges.

"568. Jurisdiction.

"569. Removal and discipline.".

OPERATION OF THE CORPS

SEC. 7. Operation of the Corps shall commence on the date the first chief administrative law judge of the Corps takes office.

CONTRACT DISPUTES ACT

SEC. 8. Nothing in this Act or the amendments made by this Act shall be deemed to affect any agency board established pursuant to the Contract Disputes Act (41 U.S.C. 601), or any other person designated to resolve claims or disputes pursuant to such Act.

EFFECTIVE DATE

SEC. 9. Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of enactment.●

By Mr. MATHIAS (for himself, Mr. KENNEDY, Mr. HEINZ, Mr. SPECTER, Mr. LEAHY, Mr. STAFFORD, Mr. METZENBAUM, Mr. PACKWOOD, Mr. CRANSTON, Mr. CHAFEE, Mr. PROXMIRE, Mr. ANDREWS, Mr. CHILES, Mr. HATCH, Mr. RIEGLE, Mr. TRIBLE, Mr. SARBANES, Mr. GORTON, Mr. LEVIN, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. BOSCHWITZ, Mr. DODD, Mr. ABDNOR, Mr. WILSON, Mr. DANFORTH, Mr. ZORINSKY, Mr. BRADLEY, Mr. MITCHELL, Mr. DECONCINI, and Mr. BURDICK):

S.J. Res. 79. Joint resolution to designate April 1985, as "Fair Housing Month"; to the Committee on the Judiciary.

FAIR HOUSING MONTH

● Mr. MATHIAS. Mr. President, April marks the 17th anniversary of the enactment of the Fair Housing Act—title VIII of the Civil Rights Act of 1968.

The Fair Housing Act represents a commitment by our Government to assure that all Americans have an opportunity to realize one of the most important American dreams—to live in a community without reference to race, color, religion, sex, or national origin.

Passed soon after the assassination of Dr. Martin Luther King, Jr., the act reflects a deep commitment to basic human rights. However, it is a tragic fact that it took a martyrdom and growing civil unrest to spur the Congress and the President to action.

Unfortunately, the Fair Housing Act is less than meets the eye. Despite broad statements outlawing housing discrimination, the act lacks a workable enforcement mechanism to provide swift justice for individual discrimination complaints. It is high time for the Congress to pierce the veil. We must ensure that housing discrimination in a business-as-usual manner is eradicated. The Fair Housing Amendments Act would accomplish this. I will soon reintroduce this legislation on behalf of a broad bipartisan cosponsorship. I look forward to support from the administration to move this bill through the legislative process in a concerted joint effort.

We cannot rely solely on the good intentions of the private marketplace, voluntarism, and public relations efforts to bring about true equal access to housing for all Americans. The Government has the responsibility to see that no American is treated unfairly in his quest for a decent home in a community of his choice.

We are entrusted with the duty to ensure that the law of the land—the Fair Housing Act—is enforced. The Government should be equipped with cease and desist authority to hold a housing unit in question off the market while conciliation efforts are made. The time period in which a person files a charge of housing discrimination and HUD or a certified State or local agency investigates the charge needs to be expanded. Penalties for violations of the fair housing law need to be strengthened. We need to ensure protection of handicapped persons and families with children. We need an enforcement process that is speedy, inexpensive, and fair to all parties and which does not further clog and burden our courts.

The elimination of housing discrimination ought to be a fact of life by now. But it is not. Will we only act as a result of a national tragedy? Will we pretend that the problem isn't serious and widespread or that it does not exist?

Mr. President, I now introduce a joint resolution to designate April 1985 as National Fair Housing Month. I request that text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 79

Whereas the year 1985 marks the 17th anniversary of the passage of Title VIII of the Civil Rights Act of 1968 as amended (commonly referred to as the "Federal Fair Housing Act"), declaring a national policy to provide for fair housing throughout the United States;

Whereas the Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin;

Whereas fairness is the foundation of our way of life and reflects the best of our traditional American values;

Whereas invidious discriminatory housing practices undermine the strength and vitality of America and her people; and

Whereas in this 17th year since the passage of the Federal Fair Housing Act, we must work to strengthen enforcement of fair housing laws for all Americans so as to

make the ideal of fair housing a reality: Now, therefore, be it

Resolved by the Senate (the House of Representatives of the United States in Congress assembled concurring), That the month of April, 1985, is designated Fair Housing Month. The President is authorized and requested to issue a proclamation designating April as Fair Housing Month and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe that month with appropriate ceremonies and activities.●

● Mr. HEINZ. Mr. President, Senator MATHIAS and I are pleased to introduce today a Senate joint resolution designating April 1985 as "Fair Housing Month."

For the past 50 years the Federal Government has played a significant role in expanding housing opportunities for low- and moderate-income families. The passage of the Fair Housing Act of 1968 was an important building block in the gradual evolution of an overall Federal housing policy. In essence, this act protected the rights of free choice in the housing market, and attempted to prevent overt discrimination and assure equal opportunities in housing for all people.

Although this principle is fundamental and had been protected by law for the past 17 years, there is little doubt that progress in some areas has been slow, and our ability to enforce many provisions of the law has been difficult. Subtle barriers to freedom of housing choice in such areas as mortgage or insurance redlining can be more difficult to identify and overcome. In addition, the market often does not meet the needs of those with special housing requirements and consequently deprives them of the range of choice available to others.

For an aggrieved individual, there are few avenues for redress. Despite congressional intent to prohibit the insidious indignity of the discrimination with regard to access to shelter, it is widespread and prevalent. While the law provides a substantive remedy in cases of fair housing violations, it provides the Secretary of HUD only conciliation authority to resolve individual complaints.

Mr. President, during the 98th Congress, I was proud to be one of the original cosponsors of the Fair Housing Amendments Act of 1983. Among other items, that bill would have provided for increased enforcement powers in the Office of the Attorney General. The resolution that we introduce today seeks to expand our awareness—and that of this Nation—for the need to strengthen the enforcement of America's fair housing laws.

The promise of decent shelter has been an enduring dream for all Americans, but the reality for too many citizens has been otherwise. Despite the commitment of this Nation to provide every American family a decent home and suitable living environment, many of our fellow citizens, particularly those who are female heads of family, handicapped, or minority, have encountered hatred rather than a decent shelter.

While Federal and State regulations, enforcement mechanisms, and disclosure requirements are necessary tools to eliminate unfair housing practices, only through our continued persistence and a concerted effort by the private sector can the promise of equal opportunity in housing be fulfilled.

Mr. President, this Nation needs to give more than lip service to its principles. Its very strength is in the promise of equal opportunity for all. I am proud to cosponsor this important resolution which reaffirms the commitments we made 17 years ago, and urge my colleagues to join in ensuring swift passage of this measure.●

By Mr. THURMOND (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. LAXALT, Mr. KENNEDY, Mr. LEAHY, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. CRANSTON, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GOLDWATER, Mr. HELMS, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MOYNIHAN, Mr. NUNN, Mr. STAFFORD, and Mr. STEVENS.

S.J. Res. 80. Joint resolution to authorize and request the President to designate the month of May 1985, as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

Mr. THURMOND. Mr. President, again this year, I am pleased to introduce, along with 25 of my colleagues, including 6 distinguished members of the Committee on the Judiciary, a joint resolution designating the month of May as "National Physical Fitness and Sports Month."

We no longer view physical exercise as solely for entertainment purposes. In the past few decades, a large segment of the population of this country has become conscious of, and involved in the evergrowing fitness movement. Physical activity should be an important part of life each day for persons of all ages and abilities.

Interest in sports begins at an early age. Nearly 30 million boys and girls take part in age-grouped team sports and other organized out-of-school physical activity. More than 6 million teenagers and over 600,000 college students compete in interscholastic and intramural athletic programs.

One of every two adults in the United States engages regularly in some type of exercise and/or sports. A third of us swim; a fourth ride bicycles; and a fifth play one of the racket sports. More than 20 million people in this country run. The number of physically active women and men has doubled in 10 years and continues to grow rapidly.

Not only are fitness and sports programs a source of pleasure and personal satisfaction by which we refresh and strengthen ourselves, but they also are good preventive programs of health care. Therefore, it is essential that we publicize fitness programs, designed to improve the quality of our lives.

Last year during May, as part of the celebration of "National Physical Fitness and Sports Month," 1,139,902 persons participated in some form of physical activity, from 5-kilometer walks to track meets and superstars contests. This number is only a small part of the American population. We must make all Americans aware of the benefits offered with such programs increasingly available to everyone. Accordingly, I am introducing this joint resolution which requests President Reagan to declare May of 1985 as "National Physical Fitness and Sports Month."

Mr. President, I ask unanimous consent that a copy of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 80

Whereas one of every two adults in our country is a regular participant in exercise and sports;

Whereas the number of physically active men and women has doubled in ten years and continues to grow rapidly;

Whereas today we recognize that physical activity is an important part of daily life for people of both sexes and of all ages;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available so that all of our citizens will be able to experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May, 1985, as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S.J. Res. 81. Joint resolution to provide for the appointment of Barnabas McHenry as a citizen regent of the

Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

APPOINTMENT OF BARNABAS MC HENRY

● Mr. GOLDWATER. Mr. President, today, along with Senators GARN and SASSER, I am introducing a joint resolution to appoint Mr. Barnabas McHenry of New York as a citizen regent of the Board of Regents of the Smithsonian Institution. I ask unanimous consent that biographical material on Mr. McHenry be inserted in the RECORD.

There being no objection, the biographical material was ordered to be printed in the RECORD, as follows:

BARNABAS MCHENRY

McHenry, Barnabas, publishing company executive, lawyer; born at Harrisburg, Pa., on October 30, 1929; son of William Cecil and Louise (Perkins) McHenry. Married Marie Bannon Jones, December 13, 1952; children: Thomas J. P.; W. H. Davis; John W. H. A.B., Princeton University, 1952; LL.B., Columbia University, 1957. Bar: New York, 1957. Associate at the firm of Lord, Day, & Lord, New York City, 1957–62; general counsel for The Reader's Digest Association, Inc., New York City, 1962–, also director; director, Palaceside Building Corporation, Tokyo. Member, visiting committee on Egyptian art, visiting committee on 20th century art, Metropolitan Museum of Art; member, boards of directors for the Presbyterian Hospital; Boscobel Restoration, Inc., Garrison, New York; High Winds Fund, Inc.; L.A.W. Fund, Inc.; DeWitt Wallace Fund, Inc.; Lakeview Fund, Inc.; Vivian Beaumont Theater; Center for Hudson River Valley; National Corporation Fund for Dance, Inc.; Children's Art Carnival; Reader's Digest Fund for the Blind; Reader's Digest Association, Inc.; trustee, Supreme Court Historical Society; Metropolitan Opera Association; Metropolitan Museum of Art; member, I Tatti Council; Commission for Cultural Affairs of the City of New York; Temporary State Commission on Restoration of the Capitol; trustee, New York Zoological Society; Central Park Conservancy; vice-chairman, Presidential Task Force on the Arts and Humanities; member, boards of directors, Hudson River Foundation for Science and Environmental Research; School of American Ballet. Served with the Army of the United States, 1952–54. Member, American and New York State bar associations; Association of the Bar of the City of New York; American Conservation Association (director); Academie des Beaux-Arts; Institut de France (correspondent). Clubs: Century, Sky, Racquet and Tennis (N.Y.C.). Home: 164 East 72nd Street, New York, New York 10021. Office: 34th Floor, 200 Park Avenue, New York, New York 10166.●

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. DURENBERGER, Mr. LAXALT, Mr. NUNN, Mr. SYMMS, and Mr. KERRY):

S.J. Res. 82. Joint resolution to designate the week of March 17, 1985, through March 23, 1985, as "National Camp Fire Week"; to the Committee on the Judiciary.

NATIONAL CAMP FIRE WEEK

● Mr. DANFORTH. Mr. President, on March 17, 1985, Camp Fire, Inc., will celebrate 75 years of service to young people and communities throughout the Nation. In recognition of Camp Fire's 75 years of service, I am introducing a joint resolution to designate March 17, 1985, through March 23, 1985, as "National Camp Fire Week."

In 1910, Luther and Charlotte Gulick founded Camp Fire Girls to help girls and young women develop leadership skills. At that time, it was the only organization of its kind serving girls and young women. Today, the organization serves both girls and boys, and it has been renamed Camp Fire. Camp Fire's mission remains the same as it was 75 years ago—"to provide opportunities for youth to realize their potential and to function effectively as caring, self-directed individuals, responsible to themselves and others."

Camp Fire offers a variety of programs for children and youth, regardless of race, creed, religion, national origin, or gender. These programs range from a traditional club setting with a small group meeting weekly in a member's home, under the supervision of an adult leader, to specialized programs designed to meet emerging community needs. An example of such a program is "I Can Do It." This program is designed especially for second and third graders and helps them learn to handle responsibilities and possible emergencies at home. These youngsters gain an increased sense of security and self-esteem.

Camp Fire also seeks to improve societal conditions affecting youth by speaking out about such matters as day care, youth employment, nutrition, juvenile justice, and sexual abuse of children. Camp Fire has developed special programs for exceptional children, migrant children, and economically disadvantaged children.

Camp Fire can be very proud of its history of service to young people and communities throughout the Nation, and I am happy to introduce this resolution acknowledging its 75 years of service. I hope that my colleagues will support this joint resolution.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. HEINZ, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 11, a bill to amend the Steel Import Stabilization Act.

S. 12

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 12, a bill to protect communications among Americans from interception by foreign governments, and for other purposes.

S. 58

At the request of Mr. DANFORTH, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 70

At the request of Mr. INOUYE, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 70, a bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer.

S. 207

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 207, a bill concerning vandalism of religious property.

S. 210

At the request of Mr. D'AMATO, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from North Carolina [Mr. HELMS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 210, a bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of Social Security benefits.

S. 232

At the request of Mr. PRYOR, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 232, a bill to amend the Internal Code of 1954 to add a new subsection dealing with exchanges and rentals of names from donor lists and membership lists.

S. 281

At the request of Mr. PRYOR, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Montana [Mr. MELCHER], the Senator from South Dakota [Mr. ABDNOR], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 281, a bill to amend the Internal Revenue Code of 1954 to add a section dealing with public safety vehicles.

S. 341

At the request of Mr. GRASSLEY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 341, a bill to amend section 552(a)(4)(F) of title 5 of the United States Code, and for other purposes.

S. 440

At the request of Mr. TRIBLE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a co-

sponsor of S. 440, a bill to amend title 18, United States Code, to create an offense for the use, for fraudulent or other illegal purposes, of any computer owned or operated by certain financial institutions and entities affecting interstate commerce.

S. 467

At the request of Mr. ROTH, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 467, a bill to amend title 10, United States Code, to authorize the President to award prisoner of war medals in appropriate cases.

S. 472

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 472, a bill to amend title V of the Social Security Act, and section 2192 of the Omnibus Budget Reconciliation Act of 1981, to modify the terminology relating to certain disabled children.

S. 484

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 484, a bill to amend the Saccharine Study and Labeling Act.

S. 487

At the request of Mr. MATHIAS, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Washington [Mr. EVANS] were added as cosponsors of S. 487, a bill to recognize the organization known as The Statue of Liberty-Ellis Island Foundation, Inc.

S. 515

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 515, a bill directing the President to conduct a comprehensive review of United States policy toward Bulgaria.

S. 523

At the request of Mr. ARMSTRONG, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Nevada [Mr. HECHT], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 523, a bill to prohibit the payment of certain agricultural incentive payments to persons who produce certain agricultural commodities on highly erodible land.

S. 554

At the request of Mr. ROTH, the names of the Senator from Georgia [Mr. MATTINGLY] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 554, a bill to amend title 18, United States Code, to include the transportation of males under the Mann Act, to eliminate the lewd and commercial requirements in the prosecution of child pornography cases, and for other purposes.

S. 636

At the request of Mr. DOLE, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. WILSON], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 636, a bill to provide for the minting of gold coins.

SENATE JOINT RESOLUTION 22

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Joint Resolution 22, a joint resolution designating March 1985 as "National Mental Retardation Awareness Month."

SENATE JOINT RESOLUTION 28

At the request of Mr. BOSCHWITZ, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 28, a joint resolution to designate the week of September 8–14, 1985, as "National Independent Retail Grocer Week."

SENATE JOINT RESOLUTION 34

At the request of Mr. QUAYLE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kentucky [Mr. MCCONNELL], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. ANDREWS], the Senator from Alaska [Mr. STEVENS], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 34, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "National Children's Week."

SENATE JOINT RESOLUTION 35

At the request of Mr. GORTON, the names of the Senator from Kansas [Mr. DOLE], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Ohio [Mr. METZENBAUM], the Senator from Georgia [Mr. NUNN], the Senator from Alaska [Mr. STEVENS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 35, a joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 27, 1985, as "National Organ Donation Awareness Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. DENTON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 51, a joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. CHILES, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National Drug Abuse Education and Prevention Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. HATCH, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Vermont [Mr. STAFFORD], and the Senator from South Carolina [Mr. THURMOND], were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate "National Science Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. D'AMATO, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Virginia [Mr. TRIBLE], the Senator from Tennessee [Mr. GORE], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 66, a joint resolution designating June 14, 1985, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 67

At the request of Mr. QUAYLE, the names of the Senator from Utah [Mr. HATCH], the Senator from Indiana [Mr. LUGAR], the Senator from Alabama [Mr. DENTON], the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. LEVIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. WEICKER], the Senator from North Dakota [Mr. BURDICK], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. ABDNOR], the Senator from Maryland [Mr. SARBANES], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Mexico [Mr. DOMENICI], the Senator from Michigan [Mr. RIEGLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. DODD], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 67, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. HELMS, the name of the Senator from Oregon [Mr. PACKWOOD] was withdrawn as a cosponsor of Senate Joint Resolution 70, a joint resolution to proclaim March 20, 1985, as "National Agriculture Day."

SENATE JOINT RESOLUTION 72

At the request of Mr. DANFORTH, the names of the Senator from Maine [Mr. COHEN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. METZENBAUM], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate October 16, 1985, as "World Food Day."

SENATE JOINT RESOLUTION 74

At the request of Mr. THURMOND, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month."

SENATE JOINT RESOLUTION 76

At the request of Mr. NICKLES, the names of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 76, a joint resolution to proclaim March 22, 1985 as "National Energy Education Day."

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. MOYNIHAN, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 4, a concurrent resolution calling on the President to appoint a special envoy for northern Ireland.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution expressing the sense of the Congress that March 17, 1985, be recognized and observed as "Irish Peace, Justice, Freedom and Unity Day."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution concerning Bulgaria's abuses of the Customs Convention of the International Transport of Goods under Cover of TIR Carnets in facilitating the transportation of illicit narcotics, smuggled arms, and terrorists.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. HATCH, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. GORTON], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Concurrent Resolution 22, a concurrent resolution to express the sense of the Congress that sufficient appropriations should be made available for the Job Corps program in order to maintain it as a viable federal effort to assist economically disadvantaged youths in obtaining and holding employment and contributing to society.

SENATE RESOLUTION 96—RELATING TO THE CENTENNIAL OBSERVANCE OF THE UNIVERSITY OF ARIZONA

Mr. GOLDWATER (for himself and Mr. DECONCINI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 96

Whereas the Arizona Territory's thirteenth legislature established the University of Arizona at Tucson in 1885;

Whereas the early accomplishments of the University of Arizona in mining and agriculture led the development of the Arizona Territory;

Whereas the University of Arizona has made valuable contributions to the national defense;

Whereas the University of Arizona has continued and improved its excellent service to the people of Arizona;

Whereas the University of Arizona has grown to be one of the major academic and research universities in the world, upholding the highest standards of academic excellence, and achieving leadership in every field of research;

Whereas the University of Arizona is prepared to apply the pride and knowledge of its first century to challenges of the second; Now, therefore be it

Resolved, That the United States Senate hereby recognizes the achievements of the University of Arizona in honor of its centennial observance.

SENATE RESOLUTION 97—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered, and agreed to:

S. RES. 97

Whereas, in the case of *Pitney Bowes Inc.* v. *The United States of America, et al.*, filed in the United States District Court for the District of Columbia, the constitutionality of the procurement protest system established by the Competition in Contracting Act of 1984, Pub. L. No. 98-369, 98 Stat. 1175, 1199-1203, has been placed in issue;

Whereas, the Department of Justice has notified the Senate that the Department will assert in cases under the Competition in Contracting Act that the powers granted by that Act of Congress to the Comptroller General violate the constitutionally prescribed separation of powers;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a)(1982), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in the case of *Pitney Bowes Inc.* v. *The United States of America, et al.*

SENATE RESOLUTION 98—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to;

S. RES. 98

Whereas, in the case of *Ameron, Inc.* v. *U.S. Army Corps of Engineers, et al.*, filed in the United States District court for the District of New Jersey, the constitutionality of the procurement protest system established by the Competition in Contracting Act of 1984, Pub. L. No. 98-369, 98 Stat. 1175, 1199-1203, has been placed in issue;

Whereas, The Department of Justice has notified the Senate that the Department will assert in cases under the Competition in Contracting Act that the powers granted by the Act of Congress to the Comptroller General violate the constitutionally prescribed separation of powers;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a)(1982), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in the case of *Ameron, Inc.* v. *U.S. Army Corps of Engineers, et al.*

SENATE RESOLUTION 99—RELATING TO EXPORT-IMPORT BANK AID TO FERTILIZER INDUSTRIES OWNED BY FOREIGN GOVERNMENTS

Mr. HELMS submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 99

Whereas the fertilizer industry in the United States makes a positive contribution to the economy of the United States through employment and a positive balance of trade;

Whereas the international fertilizer market is highly competitive with an increasing source of competition being state-owned and state-controlled fertilizer industries which enjoy an unfair competitive advantage over the United States industry;

Whereas the Export-Import Bank of the United States has received requests to grant financial assistance to or on behalf of state-

owned or controlled fortilizer industries and such assistance, if granted, would worsen the unfair competitive advantage such industries maintain over the fertilizer industry in the United States;

Whereas Congress has directed the Export-Import Bank of the United States to take into account any adverse effects on a domestic industry in the United States when considering requests for financial assistance; and

Whereas the fertilizer industry in the United States would be adversely affected by the granting of financial assistance by the Export-Import Bank of the United States to state-owned or controlled fertilizer industries: Now, therefore, be it

Resolved, That it is the sense of the Senate, that the Export-Import Bank of the United States should not approve any request for financial assistance that would benefit any foreign fertilizer entity that is state-controlled or state-owned.

● Mr. HELMS. Mr. President, I submit a resolution expressing the sense of the Senate that the Export-Import Bank of the United States should not grant financial assistance to or on behalf of fertilizer companies owned or controlled by foreign governments.

A primary objective of the Export-Import Bank of the United States, which is an independent U.S. Government agency, is to assist in the financing of exports and imports of the United States. The outlays of the Export-Import Bank are included in the Federal budget and, each year, Congress sets limits on the amount of direct loans, guarantees, and insurance that the Bank may issue, and on the amount of administrative expenses the Bank may incur.

In fulfilling its responsibility as a source of assistance for U.S. international trade, the Bank is directed to take into account the increasing severity of problems U.S. industry is facing from governmentally owned or controlled industries abroad. Such industries increasingly are competing with U.S. industries without regard to principles of the competitive marketplace or to fair trade.

The Bank is required by law to take into consideration any potential serious adverse effects of a loan or guarantee on U.S. employment as well as on the competitive position of the affected U.S. industry. The two cases outlined below involve assistance requested for the Moroccan Government in operating its wholly owned phosphate operation, Office Cherifien Des Phosphates [OCP].

In March 1984 the Export-Import Bank prudently denied an application by Morocco for assistance in connection with an approximately $30,000,000 loan for OCP. As part of its review of this application, the Bank received a number of submissions to the effect that the world phosphate industry is overbuilt with phosphate producers in the United States closing mines and suffering from low operating rates and unfavorable earnings. Members of Congress, including myself, several Government agencies, and industry joined in appealing to the Bank to deny the request for the operating facility. I applauded the decision by the Export-Import Bank to deny the request.

The Bank reversed this decision, however, in October by approving a guarantee of a commercial bank loan to enable OCP to purchase a dragline base for its phosphate mining operation. This is despite the fact that the world phosphate situation remained essentially the same in October as in early 1984. The phosphate rock produced by the Moroccans will be in direct competition with phosphate rock produced in the United States.

The significant point of this situation is that OCP is a governmentally owned enterprise that competes directly with private industry in the United States. Such governmentally owned, or controlled, operations do not operate by the disciplines of the competitive free market. Assistance to such operations by the Export-Import Bank has serious repercussions for those industries in the United States that operate according to those disciplines.

Three companies in my home State of North Carolina—Texas Gulf, Agrico Chemicals, and W.R. Grace—will be adversely impacted as a result of this government-aided competition.

Operations that are owned or controlled by a government should not be assisted by the Bank. Admittedly, some analyses might reflect short-term benefits accruing locally in Milwaukee where equipment is sold to OCP. However, any medium- or long-term evaluation would clearly illustrate serious adverse effects upon employment in the United States and upon the competitive position of the U.S. phosphate industry in the international market. For this reason, therefore, the resolution I am offering should be adopted.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON DEFENSE APPROPRIATIONS

Mr. DOLE. Mr. President, I submit the following notice on behalf of Mr. STEVENS:

Mr. STEVENS. Mr. President, I wish to announce the Defense Appropriations Subcommittee will hold hearings for non-Government witnesses this year on March 19. Outside witnesses will be heard on March 19 in room SD-192 at 10 a.m. in the Dirksen Senate Office Building.

I make this announcement at this time so that any interested members of the public will have time to contact the subcommittee if they desire to appear and testify on defense and military spending issues in the context of the President's fiscal year 1986 budget request. There are no plans to schedule any additional hearings for outside witnesses this session.

Anyone wishing to testify may write to me as chairman of Subcommittee on Defense, Committee on Appropriations, or telephone the subcommittee staff directly at 224-7255.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet to organize on Wednesday, March 20, 1985, at 10:30 a.m., in SR-301. At this meeting the committee plans to adopt its rules of procedure and to select members for the Joint Committee on Printing and the Joint Committee of Congress on the Library. The committee will also be considering legislative and administrative items currently pending on its agenda, including an original resolution authorizing expenditures by the Committee on Rules and Administration for fiscal year 1985.

For further information regarding this meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the nomination of John R. Norton, III of Arizona, to be Deputy Secretary of Agriculture.

The hearing is scheduled for Wednesday, March 20, 1985, at 2 p.m. in room 328-A, Russell Senate Office Building.

For further information on this hearing, please call the committee at 224-2035.

Mr. President, I wish to announce the hearing schedule of the Committee on Agriculture, Nutrition, and Forestry for 1985 farm legislation. All hearings will begin at 9:30 a.m. and will be held in room 328-A, Russell Senate Office Building.

The schedule is as follows:

Thursday, March 21, Livestock and poultry.
Friday, March 22, Dairy.
Monday, March 25, Feed grains.
Wednesday, March 27, Soybeans.
Thursday, March 28, Wheat.
Friday, March 29, Cotton.
Monday, April 1, Rice.
Tuesday, April 2, Sugar/Wool and honey.
Wednesday, April 3, Peanuts.
Thursday, April 4, Public Law 480/Exports.
Monday, April 15, Conservation.
Tuesday, April 16, Research and Extension.
Wednesday, April 17, Rural credit programs.
Thursday, April 18, Agribusiness.
Tuesday, April 23, Miscellaneous witnesses and topics.

Anyone wishing to present testimony on the above scheduled days should contact the committee clerk or the hearing clerk at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PREPAREDNESS

Mr. SYMMS. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 14 to hold an open hearing followed by closed session, to receive testimony on Navy and Marine Corps operations and maintenance, in review of the fiscal year 1986 DOD authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. SYMMS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 14, in executive session to receive testimony on the Department of Energy fiscal year 1986 request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SYMMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 14, in executive session, to hold a hearing on joint communications/electronic warfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FEDERAL CHARTER TO VIETNAM VETERANS OF AMERICA, INC.

● Mrs. HAWKINS. Mr. President, I rise today to cosponsor S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc.

Vietnam veterans in Florida began organizing early in the organizational history of veterans of the Southeast Asian conflict. The Vietnam Veterans of Florida, Inc. boasts an exceptionally large and active membership. Florida ranks third in Vietnam Veterans of American membership, and VVA members are included in the Florida coalition.

The VVA has had an identity crisis which reflects the ambiguities associated with the war in which the veterans served.

Earlier this year, Florida's veterans leaders, representing all of the major veterans organizations, met in Tampa, Florida to pursue common concerns. Speaking for all Vietnam veterans as a VVA member and the President of Vietnam Veterans of Florida, Charles E. Yonts, Jr. made a plea for understanding and acceptance of Vietnam veterans' organizations.

Mr. President, I would like to share a portion of Mr. Yonts' comments with my colleagues:

The philosophy of the organization is the belief that the nature of the Vietnam War, the manner in which it was fought, the political and social climate in the United States during the war years and the social attitudes and economic conditions of the post-war period were uniquely different from those experienced during other war eras.

Consequently, the Vietnam veteran himself is different. His attitudes, feelings and problems associated with his military service are different from those of veterans of other wars. We are not saying that the Vietnam veteran is special from other veterans, but that he has special needs that must be addressed by methods other than traditional solutions.

For the majority, Vietnam was an individualized event: He arrived on his own, felt separated from those who were rotating on a different schedule, felt no unit morale or cohesiveness, and left on his own. Even his return home was solitary because his family, his friends, and his society did not want to share his experiences.

The Vietnam veteran became a "loner", he felt out of place in a society that had changed drastically while he was away and at that time, the "traditional" veterans organizations offered him no companionship due to both age and plilosophical differences. The Vietnam veteran remained alone and apart from other veterans.

Only within the last few years, has the Vietnam veteran felt the need to belong, to share his experiences, to revive a feeling of camaraderie—to seek out other Vietnam veterans and join a veterans organization.

However, the effects of Vietnam had not fully dissipated and the Vietnam veteran felt comfortable only in association with other Vietnam veterans. To meet this need, Vietnam veterans began to form their own "grass roots" organizations throughout the state of Florida, meeting separately, functioning as small, individual entities, and often struggling for survival with no place to seek help and assistance . . .

. . . Vietnam veterans of Florida is primarily interested in solving the problems and alleviating the suffering of our own Vietnam veterans, but we also stand united with all veterans, both those who served before and those who will serve in the future, to adequately and fairly seek solutions to the problems all veterans face.

Mr. President, I have found the VVA in Florida to be an exceptionally dedicated, responsible, service oriented organization. The membership asks for understanding and acceptance and the chance to grow, mature, and take its place among other service organizations in this great democracy. It believes a Federal charter is essential to its ability to serve and to its viability.

For too long an atmosphere of confusion and doubt has surrounded those who in Vietnam sacrificed so much in service for our country in an armed stuggle which was less than popular. The controversy aroused by the Vietnam war should never have been allowed to cloud the dedication and performance of those who selflessly served in our Armed Forces.

Vietnam veterans served this Nation well and gave all that this great Nation could ask of them. I can do no less than support them in this effort to win recognition.

Past opposition to providing a Federal charter to the VVA has been an extension of the controversies which surrounded the war. Let us put an end to recriminations and give recognition to many who served heroically in Vietnam. I call on all of my colleagues to support the chartering of the Vietnam Veterans of America.●

TARGETING NUCLEAR WINTER

● Mr. QUAYLE. Mr. President, the Pentagon's recent report to Congress, "The Potential Effects of Nuclear War on the Climate," deserves praise for offering us yet another reason to avoid targeting cities and to reduce our arsenal's indiscriminate destructiveness.

There already were reasons enough for us to take these steps—fears that attacking Soviet cities with nuclear weapons would only prompt devastating counterattacks against our urban centers, our justified qualms about threatening innocents, the frustration of relying on weapons that are too inaccurate to be effective and too indiscriminate to credibly threaten using.

But, where these reasons may have previously prompted only partial action, the Pentagon's report could dramatically shape future policy. The reason why is the report's conclusion: Just one side's nuclear bombing of major cities could conceivably produce enough smoke to block the sun's rays and induce an even more disastrous climatic chill over large regions of the Earth.

The uncertainties, the Pentagon emphasizes, are quite large. Indeed, after more study nuclear winter may turn out to be much less of a threat than we currently fear. The uncertainties, however, will remain for some time. More important, what the threat of nuclear winter recommends now are actions that are sound and overdue on other grounds.

What steps are recommended? Besides deterring war and working toward agreements that might make arms reductions prudent, the Pentagon and nuclear winter theorists identify two.

The first is to do all we can to avoid targeting cities, especially with large nuclear weapons. The second is to make our weapons much more discriminate and accurate.

Of the two, the first should be easiest since avoiding cities would only further existing declared policy. After all, it never has been United States policy to target population per se. Indeed, such terror targeting never

made much military sense and now, with nuclear winter theories, such targeting could be climatically suicidal.

By simply avoiding the targeting of major cities, we can eliminate from our target set what the Pentagon pinpoints as the greatest likely cause of nuclear winter—soot-generating city fires. If the Soviets want to dedicate their forces to inducing a nuclear winter by targeting cities and forests or wheat fields (these too can burn and produce smoke), that's their business. Ours should be limited to deterring Soviet military forces, the most critical of which are based away from urban areas.

What of military-industrial targets that are near cities? First, we should again reconsider just how critical these targets are particularly in light of the possible risks nuclear winter and our long standing desire to avoid threatening populations. Second, whatever must be targeted near cities should be targeted with weapons precise enough either to be nonnuclear or so small in yield as not to significantly compound our winter fears.

This leads us, then, to the second point that the Pentagon report emphasized, that we should accelerate efforts to make our weapons more accurate and discriminate than they currently are.

Such an effort could bring significant megatonnage reductions. Indeed, if we could bring our missiles 10 times closer to their targets, we could reduce their explosive power 1,000-fold without reducing their military effectiveness. Certainly, if we make our offensive nuclear forces as precise as possible, the yields of our nuclear weapons need not be any more destructive than the Hiroshima bomb (a weapon one-twentieth the size of our planned warheads) and the yields could be made significantly smaller than this.

To be sure, there are qualifications. For ballistic and cruise missiles, years of testing may be required to achieve the accuracies desired. Further development of systems that can reliably update a missile's position in midflight and see or home in on the target would be necessary to complement existing guidance systems. Also, to target some very hard targets effectively, a number of relatively large warheads may have to be retained. Allowing for this, though, the United States should be able in time to reduce its weapons megatonnage dramatically.

Just as important, such accuracy improvements should help reduce the likelihood of war. Consider: To plan a successful preemptive attack against an adversary's offensive forces, you first must be confident that you can find them. With high accuracy, however, smaller, lighter warheads can be deployed and these, in turn, can be carried by missiles that are themselves small and light enough to be made mobile. Such missiles would be much more difficult to target than existing fixed, siloed missiles and would dramatically complicate and undermine the plans of Soviet first-strike strategists.

Also, improving the accuracies of our short range cruise and ballistic missiles could make reasonable the substitution of conventional munitions for many of the low-yield nuclear weapon systems we now have committed to the defense of Europe and our Pacific allies. Such substitutions would only push the prospect of war and nuclear winter further away.

What else might we do to reduce the treat of nuclear winter? Get the facts: Exactly what sort of nuclear attacks might prompt exactly how much nuclear winter effect? Also, we should seriously consider near and midterm deployment of defenses against both tactical and strategic ballistic missiles not just an aid to deterrence, but as insurance against megatonnage ever getting to the target.

The most immediate and relevant action we can take though, is to make both the avoidance of targeting cities and the acceleration of efforts to make our weapons more accurate and discriminate declared high policy. Congress and the executive branch should be unafraid of vigorously focusing resources to this task. Finally, the issue of nuclear winter should be worthy of our current negotiations. We should be willing to ask the Soviets to renounce city targeting and the continued possession of large-yield city-busting weapons.

Of course, one could argue that we do not need the threat of nuclear winter to see the merit of such efforts, that in targeting nuclear winter, we are simply taking aim against Armageddon. The important point, though, is that in either case similar action is called for now.●

THE 25TH ANNIVERSARY OF ST. RAYMOND HIGH SCHOOL FOR BOYS

● Mr. MOYNIHAN. Mr. President, 1985 marks the 25th anniversary of St. Raymond High School for Boys, located in the Bronx, NY. I would like to take this opportunity to congratulate all of the brothers who teach at the school, all of the students, and all of its alumni on this splendid occasion.

It was 25 years ago that this fine school opened in an unusual place: a building which had once served as a warehouse and garage for the Consolidated Edison Co. When the building was first purchased it was, as you can well imagine, ill suited for a school. Yet, a minor miracle was performed in changing the interior of the building into a fully functional, and rather complete, schoolhouse. Today there are 14 classrooms, three laboratories, a typing room, mechancal drawing room, administrative offices, a library, music room, darkroom, and, of course, a chapel. St. Raymond High School for Boys also boasts a computer and audiovisual rooms for its students. Even the garage has been put to good use. It has been transformed into a combination cafeteria and gymnasium.

Mr. President, I would like to congratulate everyone affiliated with the St. Raymond High School for Boys on the occasion of its 25th anniversary and wish the school the best of luck in the future.●

PRESERVING THE CONSTITUTION: THE AUTOBIOGRAPHY OF SENATOR SAM ERVIN

● Mr. CHILES. Mr. President, Senators make their mark in this body in a variety of ways. Some are experts on defense, some on agricultural policy, and yet others on economic matters. A recent and much missed colleague of ours made his mark as a defender and scholar of the U.S. Constitution. Senator Sam Ervin of North Carolina contributed much to this Nation and the Senate during his 20-year tenure. His stellar contribution, however, was in seeking and, in truth, demanding that this Nation follow the path laid out by the Constitution. During very difficult days it was his voice that reminded us that the Constitution made very clear our duty. All of us should be grateful Senator Ervin has written an autobiography that is less a narrative of a man's life and more a story of devotion to the document that make possible the world's most successful democracy. The Orlando Sentinel recently reviewed "Preserving the Constitution: The Autobiography of Senator Sam Ervin." I commend this review and Senator Ervin's book to the attention of my colleagues. I ask that the review be printed in the RECORD.

The review follows:

[From the Orlando Sentinel, Feb. 17, 1985]

A CONSTITUTIONAL LOVE AFFAIR: SAM ERVIN AUTOBIOGRAPHY AS MUCH ABOUT U.S. HISTORY AS THE POLITICIAN

("Preserving the Constitution: The Autobiography of Senator Sam Ervin," by Sam Ervin, Jr., reviewed by Craig Crawford)

Sam Ervin, Jr., worries about something few of us worry about—the U.S. Constitution. In fact, his fellow senators got used to letting him do their constitutional handwringing for them. Many believe his retirement left a void that remains unfilled.

He has written a textbook on the American Constitution, thinly disguised as an autobiography. This is good because maybe a few readers will get the book thinking they'll read about the famous chairman of the Senate Watergate Committee and wind up learning a few things about our Constitution.

That isn't to say you don't learn more about the man as well. For example, I hadn't known about his bizarre path into national politics. He was drafted into his

brother's seat in the U.S. Congress after his brother committed suicide, but only after he made it clear that no one would pressure him to seek re-election once he had finished his brother's term.

He finished that congressional term and went back to practicing law, until the governor asked him to serve in the North Carolina Supreme Court. He said no, but the governor kept after him until he accepted. The same thing happened when one of his state's U.S. senators died and everybody wanted Ervin appointed. After being talked into accepting, he began a career of 20 years in the Senate which ended after he declined to seek re-election in 1974.

But the Constitution, and this man's devotion to it, are the central themes of the book. The celebrated investigation of Richard Nixon, which made Ervin famous enough to do American Express commercials, wasn't the only time the Senate turned to him for a tricky job. When Sen. Joe McCarthy was tearing the country and the U.S. Senate apart with his anti-communist inquisitions, Ervin led the move to censure McCarthy.

It was Ervin's passionate belief in the rights of individuals against governmental oppression that motivated him to fight McCarthy. At the time, virtually no one in the Senate except Ervin was willing to challenge McCarthy for fear of being labeled a communist, McCarthy was at the height of his political power and popular appeal, but Ervin's persuasive speeches on the Senate floor finally gathered the Senate's momentum to end the ordeal.

It was this same belief in constitutional principles that motivated Ervin to oppose some liberal causes. He is difficult to label in liberal and conservative terms because the sanctity of the Constitution as he saw it landed him at points all over the ideological spectrum. His commitment to constitutional limitations on the power of the federal government meant his opposition to civil rights laws, compulsory unionism and the Equal Rights Amendment.

And yet, he was consistently one of the most vocal champions of civil liberties in the Senate. This book makes it clear how his belief in civil rights and his opposition to excessive federal government both spring from his reading of the Constitution. Whether you want to agree with him or not, he has written a persuasive case for his argument.

The bottom line on Ervin and his book is that this politician and his autobiography have a moral code, a reason other than expediency or ego satisfaction for existing. This code is the U.S. Constitution, an aging document that still makes sense if you take the time to study it.●

I'LL NEVER SAY I TOLD YOU SO (PART 2)

● Mr. JOHNSTON. Mr. President, with various so-called investor groups gradually disassembling Phillips Petroleum Co., there has arisen renewed focus on the question of mergers and takeovers in the oil industry. Last year, when I proposed legislation to temporarily put a halt to these mergers, I did so in an effort to assess their potential impacts on the economy and the national interest. One of my overriding concerns was the effect that these huge corporate mergers, and the literally billions of dollars in consequent debt, would have on the future exploration efforts of these oil companies.

I was repeatedly assured that my concerns were unfounded and that the new combined companies, leaner and more efficient than before, would continue their exploration and production efforts unabated. An article from Forbes magazine has just been brought to my attention which indicates that this is not necessarily so. This article indicates that because of the $12.8 billion in debt which Chevron incurred to buy Gulf Oil Co., it may be forced to leave undeveloped a major discovery in the Beaufort Sea.

For those of my colleagues who may be interested in this matter, I ask that that article be printed in the RECORD at the conclusion of my remarks. Just remember, you will never hear me say I told you so.

The article follows:

A MIXED BLESSING

(By Jack Willoughby)

When Gulf Canada Ltd. recently announced a promising oil well in the Canadian Arctic's Beaufort Sea, it was the answer to Canadian prayers.

If Gulf Canada's discovery, called Amauligak, leads to commercial development of the Beaufort, it will help justify $1.8 billion in exploration grants and incentives that the Canadian government has paid out.

And it will vindicate the judgment of Gulf Canada President John Stoik, who in 1981 convinced his company's then 60% owner, Gulf Oil Corp of Pittsburgh, to allow him to spend more than $500 million on driling equipment especially designed for the Beaufort's harsh environment. "The well reaffirms the faith we had in the Beaufort's geological potential," says Stoik, 64, an old-fashioned wildcatter who has successfully pushed Gulf Canada into frontier areas.

Indeed, if the 13,600-barrel-a-day Amauligak well, in which Gulf Canada owns a 49% interest, leads to a major field, it will give the Toronto-based company a stake in two of the most exciting oil finds in North America. It already owns a 25% interest in the billion-barrel Hibernia field, off Canada's east coast.

So, celebrations all round? Not quite. In the San Francisco headquarters of Chevron Corp., which took over 60% of Gulf Canada when it acquired Gulf Oil in June, reaction is restrained. Chevron Chairman George Keller calls Amauligak a "mixed blessing." While Keller, a 60-year-old chemical engineer with 36 years in the oil business, recognizes the Beaufort's long-term attractiveness, he says that "in the short term it is a very modest consideration."

Why? Because any Gulf Canada efforts to develop the Beaufort now would demand cash from Chevron not give cash to it. And Keller is forced these days to have other priorities. Chevron borrowed $12 billion to acquire Gulf Oil. Its debt is now a sky-high $12.8 billion, 47% of capital. To get that debt down, Keller's first thought postacquisition was to sell Chevron's stake in Gulf Canada and bring in a quick $2.5 billion. He put it up for sale at $18.75 ($25 Canadian) a share. But, despite rumors in Toronto that the Vancouver Belzbergs, the Toronto Reichmanns and even the Montreal Bronfmans are interested in buying, Keller says resignedly: "I'm not aware of any active offer for Gulf Canada's shares under consideration." Gulf Canada's stock continues to sell at around $13 a share on the American Stock Exchange; no takeover speculation there.

Buyer resistance is understandable. To develop Gulf Canada's stake in the Beaufort (to say nothing of its obligations in Hibernia), an estimated $4.5 billion would have to be spent on production equipment and a pipeline. Even if a buyer had deep pockets, the economics appear dicey at today's oil prices.

So Keller contemplates the spread between his dividends from Gulf Canada and the interest on the debt he holds to own it. Even for $3 billion (cash flow) Chevron, it's not inconsequential figure: "We are paying an enormous amount—$20 million a month—to hold on to those shares," says Keller.

He has appointed a task force to devise a disposition plan for Gulf Canada within a year. One idea under active consideration is that Chevron would sell its wholly owned Canadian affiliate, Chevron Canada Resources Ltd., to Gulf Canada and hang on to elements of both companies. The way Canadian oil observers see it, Chevron would be able to take out about $2 billion if it rolled Chevron Resources into Gulf Canada and reduced its interest in Gulf Canada to around 51% with an equity issue.

"Capital can be repatriated to the parent and more money can be obtained for drilling from an equity issue," says analyst Wilfred Gobert of Calgary-based Peters & Co. Ltd.

But to achieve even that result, Keller must tread carefully. For one thing, Chevron and Gulf are direct competitors in Canada, and Chevron owns a 16% interest in Hibernia (to Gulf's 25%). "We're going out of our way to avoid any possible conflicts of interest," says Keller.

And there are political considerations. The election rhetoric on the foreign investment and energy policy of Prime Minister Brian Mulroney's newly elected Conservative government could be tested. "The Canadian content issue is receiving a lot of attention up here," says Richard Hallisey of Toronto-based First Marathon Securities Ltd. "If Chevron attempted to take Gulf Canada private, eliminating the Canadian particippantion in, say, Hibernia, Mulroney would have no alternative but to react."

Gulf Canada's minority shareholding gives Canadians a chance to participate in their country's frontier exploration—an effort their government has supported with billions of their tax dollars.

So any disposition of Chevron's stake in Gulf Canada will not only bring the U.S. company less cash than would a direct sale but also leave Keller coping long term with a large minority shareholding. He regards that as more of a problem than a privilege. "It greatly reduces your ability to deploy capital in an operation year-to-year," he says.

The lesson in all this? Well, there is renewed speculation about oil company takeovers, which always sound simpler on paper than they prove in reality. Words like "creative restructuring" are used to describe the process of borrowing to buy a company and selling assets to pay down debt. But you can sell assets only if they are bought. And nobody speculates about a possible lack of buyers. So the next time you hear such takeover talk, reflect that it's not that simple. Ask George Keller.●

VIETNAM RULES OF ENGAGEMENT DECLASSIFIED—1966-69

● Mr. GOLDWATER. Mr. President, in August 1967 the Preparedness Investigating Subcommittee of the Armed Services Committee, then chaired by the Senator from Mississippi, Mr. STENNIS, conducted extensive hearings relative to the conduct of the air war against North Vietnam. The subcommittee heard the most knowledgeable and qualified witnesses, including both military leaders and their civilian managers. After gathering the basic and fundamental facts, the subcommittee issued a report on August 31, 1967, which was strongly critical of the rules of engagement restricting our aviation forces and preventing them from waging the air war in a manner best calculated to achieve results from a military standpoint.

The subcommittee concluded:

That the air campaign has not achieved its objectives to a greater extent cannot be attributed to inability or impotence of air power. It attests, rather, to the fragmentation of our airmight by overlying restrictive controls, limitations, and the doctrine of "gradualism" placed on our aviation forces which prevented them from waging the air campaign in the manner and according to the timetable which was best calculated to achieve maximum results.

The Preparedness Subcommittee found that Secretary of Defense McNamara and the Johnson administration had "discounted the professional judgment of our best military leaders and substituted civilian judgment in the details of target selection and the timing of strikes." In the judgment of the subcommittee, these civilian managers had "shackled the true potential of air power and permitted the buildup of what has become the world's most formidable antiaircraft defenses * * *." The subcommittee found the rules of enagagement were directly attributable for the fact that "during the entire year of 1966 less than 1 percent of the total sorties flown against North Vietnam were against fixed targets on the JCS target list."

Mr. President, until recently most of my colleagues and the American public had not had an opportunity to see the text of these detailed restrictions put on our Armed Forces during the Vietnam war. Only recently has the last of these rules been declassified. The concentration of the air war for so long well south of the vital Hanoi-Haiphong areas, leaving the important targets untouched, the existence of large sanctuaries, the failure to close the port of Haiphong, the prohibition against a coordinated aerial mining of coastal waterlanes of communication with a bombing attack continuously cutting rail and road lines to China, caused a piecemealing of air operations which allowed North Vietnam to adjust to the air campaign by importing war materials from Communist countries through routes immune from attack and then to disperse and store this material in assured sanctuaries. From these sanctuaries North Vietnam infiltrated the material to South Vietnam and Laos. By granting North Vietnam sanctuaries, the rules of engagement allowed the enemy to protect its forces and material, provided it with a military training and staging area free from attack, and permitted it to erect massed air defense weapons.

Mr. President, while the air war in Southeast Asia was going on the Air Force was making a contemporary historical examination of those operations. The reports compiled by the Air Force are among the top-secret documents declassified at my request early this year. Last Wednesday, March 6, I inserted such a report covering the years 1960-65.

Today I wish to place in the RECORD the second of these reports covering the years 1966-69. To use words similar to those which concluded the Preparedness Subcommittee Report of 1967, I do not derrogate the principle of civilian control of the military, but I think it should be recognized that once civilians decide on war, the result of placing military strategy and tactics under the day-to-day direction of unskilled amateurs may be greater sacrifice in blood and the denial of a military victory.

Mr. President, I ask that the Project Checo Report on Rules of Engagement from January 1, 1966, to November 1, 1969, be printed in the RECORD.

The material follows:

PROJECT CONTEMPORARY HISTORICAL EXAMINATION OF CURRENT OPERATIONS REPORT

(Rules of engagement (U) 1 January 1966-1 November 1969)

(31 August 1969, HQ PACAF, Directorate, Tactical Evaluation, CHECO Division)

(Prepared by Maj. John Schlight)

PROJECT CHECO REPORTS

The counterinsurgency and unconventional warfare environment of Southeast Asia has resulted in the employment of USAF airpower to meet a multitude of requirements. The varied applications of airpower have involved the full spectrum of USAF aerospace vehicles, support equipment, and manpower. As a result, there has been an accumulation of operational data and experiences that, as a priority, must be collected, documented, and analyzed as to current and future impact upon USAF policies, concepts, and doctrine.

Fortunately, the value of collecting and documenting our SEA experiences was recognized at an early date. In 1962, Hq USAF directed CINCPACAF to establish an activity that would be primarily responsive to Air Staff requirements and direction, and would provide timely and analytical studies of USAF combat operations in SEA.

Project CHECO, an acronym for Contemporary Historical Examination of Current Operations, was established to meet this Air Staff requirement. Managed by Hq PACAF, with elements at Hq 7AF and 7AF/13AF, Project CHECO provides a scholarly, "ongoing" historical examination, documentation, and reporting on USAF policies, concepts, and doctrine in PACOM. This CHECO report is part of the overall documentation and examination which is being accomplished. Along with the other CHECO publications, this is an authentic source for an assessment of the effectiveness of USAF airpower in PACOM.

MILTON B. ADAMS,
Major General, USAF,
Chief of Staff.

FOREWORD

During the period 1966-1969, there were three categories of rules which controlled the employment of airpower in the Southeast Asia (SEA) conflict. The Rules of Engagement (ROE) were promulgated by the Joint Chiefs of Staff and sent through channels to the operational commands. Covering all of SEA, these Rules of Engagement defined: geographical limits of SEA, territorial airspace, territorial seas, and international seas and airspace; definitions of friendly forces, hostile forces, hostile acts, hostile aircraft, immediate pursuit, and hostile vessels; rules governing what could be attacked by U.S. aircraft, under what conditions immediate pursuit could be conducted, how declarations of a "hostile" should be handled, and the conditions of self-defense.

The second set of rules was designated Operating Restrictions, which were contained in the CINCPAC Basic Operations Orders. These rules included prohibitions against striking locks, dams, hydropower plants, fishing boats, houseboats, and naval craft in certain areas; prohibitions against strikes in certain defined areas such as the Chinese Communist (ChiCom) buffer zone or the Hanoi/Haiphong restricted areas; conditions under which targets might be struck, such as validation requirements, when FACs were required, distances from motorable roads.

Finally, Operating Rules were issued the Seventh Air Force for Laos and Route Package I (RP I) since July 1967 when the Commander, United States Military Assistance Command, Vietnam (COMUSMACV), delegated most of the operating responsibility in these areas. Operating Rules that had been established, especially for Laos, concerned the use of Forward Air Controllers (FACs), the return of ground fire, the use of the AGM-45 (SHRIKE) missile, restrictions against mine-type munitions, and the requirements for navigational position determination.

Although, in theory, these three types of rules were distinct, in practice, they were almost always referred to collectively as "Rules of Engagement." This report retains this policy, since the formal distinctions were not always honored in message traffic and further, a report unifying the three types of limitations presents a compact picture of the restraints upon airpower that were in existence.

A detailed reconstruction of the many twists and turns of the rules in the period of 1966-1969 is at this point in time both impossible and undesirable. A general pattern of development can be seen and it is this evolution that gives unity to "Evolution of the Rules of Engagement." At few other points in the conduct of war are national policies and military operations focused as sharply as they appear in the Rules of Engagement. It is fair to say that the rules are national policy translated to the battlefield. Each change, or threat of change, to the U.S. political relationship with other na-

tions, whether Allies, enemies, or potential enemies, was reflected in a corresponding alteration of the Rules of Engagement for the Vietnam conflict. In addition, the rules were often modified in response to local tactical or strategic requirements. Finally, there were a number of cases during these years in which the attempt to improve the image of the war on the home front dictated change. This report attempts to highlight examples of these three sources of change in the Rules of Engagement which illustrate the continuing validity of the maxim that "war is an extension of national policy."

The ultimate story of the political background to changes in the rules must await a detailed investigation of the files at the highest level of government. This report traces their evolution primarily from an operational viewpoint, with only general attempts to link them to political decisions.

Unlike the earlier CHECO report entitled "The Evolution of the Rules of Engagement," this report employes a geographical, rather than a strictly chronological arrangement by treating separately the development of the rules in the three physical areas of U.S. military involvement in SEA: North Vietnam, Laos, and South Vietnam. This arrangement produces a more valuable historical picture for those interested in the restrictions affecting particular air campaigns. Yet, it must be borne in mind that developments in one area often affected the others, particularly in the border areas.

CHAPTER I—NORTH VIETNAM

The policy of gradualism which characterized the Rolling Thunder (RT) bombing campaign over North Vietnam (NVN) since its inception in 1965 continued until the bombing halt late in 1968. The first summer of Rolling Thunder operations over the north (1965) was followed by a bombing moratorium which lasted from 23 December 1965 through 30 January 1966. The bombing pause was designed as a backdrop to a major peace offensive on the part of the United States, but it failed to elicit adequate signals that Hanoi was willing to move the conflict from the battlefield to the conference table. Consequently on 31 January 1966, air attacks on the north were resumed.

It was recognized by military commanders that the limited nature of air operations in 1965, as reflected in restrictive Rules of Engagement, had not produced the desired result of leading Hanoi into negotiations. The bombing halt produced similarly negative results. At the Commanders Conference held in Honolulu between 17-31 January 1966, a stronger approach was suggested. Three tasks were proposed to accomplish the objectives of the forthcoming 1966 Rolling Thunder campaign:

Reduce, disrupt, and harass the external assistance being provided to NVN.

Destroy in depth those resources already in NVN which contributed most to the support of aggression. Destroy or deny use of all known permanent military facilities. Harass and disrupt dispersed military operations.

Harass, disrupt, and impede movement of men and materials through southern NVN into Laos and SVN.

Armed reconnaissance was authorized south and west of a line running due west from the coast at latitude 20° 31'N to longitude 105° 20'E, then due north to a point 30 NM from the ChiCom Border, then southwesterly to the Laotian Border. Air operations north and east of that line (RP VIA and VIB), which is in the area containing the three major water entry ports into NVN and one of the two major RR lines from China, were severely circumscribed. Armed reconnaissance by U.S. aircraft was authorized against naval craft along the NVN coast north of 20° 31'N only if fired upon first by recognized NVN naval craft which were within the 3-NM limit of the NVN coast or offshore islands. Aircraft were to avoid a 30-NM circle from the center of Hanoi and a 10-NM circle around Haiphong. Attacks were forbidden in a zone along the ChiCom Border 30-NM wide from the Laotian Border east to 106° E and 24-NM wide from there to the Gulf of Tonkin. Attacks on populated areas and on certain types of targets, such as hydropower plants, locks and dams, fishing boats, sampans, and military barracks were prohibited. The suppression of SAMS and gun-laying radar systems was prohibited in this area as were attacks on NVN air bases from which attacking aircraft might be operating. In military eyes, these restrictions had the effect of creating a haven in the northeast quadrant of NVN into which the enemy could with impunity import vital war materials, construct sanctuaries for his aircraft, and prop his AAA defenses around the cities of Hanoi and Haiphong.

In a 1967 interview in "U.S. News and World Report", a French journalist and editor, Rene Dabernat, said that Communist China had informed the United States in the spring of 1966 it would not become involved in the Vietnam war, if the U.S. refrained from invading China or North Vietnam, as well as bombing North Vietnam's Red River dikes. Dabernat said that statements by President Lyndon B. Johnson and other U.S. officials demonstrated they had "agreed to these conditions." The State Department replied with a "no comment" to this information, but officials acknowledged that the U.S. had received a number of messages from Communist China through a number of third parties. In the same month, a newspaper article written by Edgar Ansel Mowrer stated the U.S. had a promise from Red China not to intervene in Vietnam as long as the U.S. refrained from attacking Red China, blockading Haiphong, and invaiding North Vietnam. In a hearing before the Senate Subcommittee on Appropriations on 27 January 1967, Secretary McNamara was questioned about this newspaper article. He said, "There is no agreement, formal or informal, with Red China relating to the war in South Vietnam in any form whatsoever that I know of." In the same hearing, Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, declared that he had "no other information" on the subject.

The fact that the Rules of Engagement for the Rolling Thunder operation were weighted in favor of the third task (interdiction), and against the other two (disruption of external assistance and destruction of resources), did not escape the attention of the military commanders. At the Honolulu Requirements Planning Conference in June 1966, CINCPAC noted that the two major elements of the January concept for an effective air campaign had not been authorized.

Even while this conference was in session, CINCPAC was recommending to the JCS that the highest priority be given to strikes against POL facilities in NVN. On 22 June 1966, JCS directed that airstrikes commence two days later against seven POL storage areas in NVN including those around Hanoi and Haiphong. The political sensitivity of this escalation was appreciated by the JCS and the Secretary of Defense and mirrored in the rules set down for the operation. Damage to merchant shipping was to be avoided. Ships in the Haiphong Harbor were to be attacked only in retaliation and only those that were clearly North Vietnamese. The piers which served the Haiphong POL storage areas were not to be attacked if a tanker were berthed off the end of the piers. Measures to be taken to minimize civilian casualties included the striking of targets only when weather conditions permitted visual identification and through maximum use of electronic countermeasure (ECM) support to hamper SAM and AAA fire control.

Marginal weather delayed the first POL strikes until 29 June. Follow-up strikes against the Hanoi/Haiphong complex were made on 30 June and 1 July 1966. It was estimated that two-thirds of North Vietnam's POL storage capability was destroyed in this three-day period.

The political value gained from strict adherence to the Rules of Engagement during these strikes was illustrated several days later in a letter sent by United Nations Ambassador Arthur J. Goldberg, to the President of the Security Council, in which he stated:

"In recent attacks on petroleum facilities every effort has been made to prevent harm to civilians and to avoid destruction of nonmilitary facilities. The petroleum facilities attacked were located away from the population centers of both Hanoi and Haiphong. The pilots were carefully instructed to take every precaution so that only military targets would be hit. Moreover, to assure accuracy, the attacks have been scheduled only under weather conditions permitting clear visual sighting."

On 5 July 1966, President Johnson told newsmen that every precaution had been taken to spare civilians during the raids. At a news conference on 20 July 1966, the President stated:

"The men who conducted the bombings on the military targets, the oil supplies of Hanoi and Haiphong, did a very careful but very perfect job. They hit about 90 percent of the total capacity of that storage, and almost 70 percent of it was destroyed. . . . We were very careful not to get out of the target area, in order not to affect civilian populations."

Throughout 1967, the Rolling Thunder program escalated not only in the skies above North Vietnam, but also as a political issue in the halls of national decision. The Basic Operations Order for RT, issued by CINCPAC on 8 April 1967, contained Rules of Engagement which closely resembled those of the preceding year. Armed recon was authorized from the Provisional Military Demarcation Line (PMDL) norm to the ChiCom Buffer Zone. Use of classified ordnance was not authorized. Locks, dams, fishing boats, houseboats, and sampans were not to be attacked. Coastal armed recon north of 20° 42'N was authorized only against ships that were clearly of NVN registry which were within 3 NM of the NVN coast and which fired first. The 30 NM restricted area and 10 NM prohibited area around Hanoi remained in effect. The restricted area around Haiphong was still a 10-NM circle around the city. Strikes within these restricted areas could be made only against targets specifically mentioned in the Operations Order or the succeeding Execute Orders for Rolling Thunder. When conducting strikes in the Haiphong area, extreme caution was to be taken to avoid endanger-

ing foreign shipping. No change was made to the boundaries of the ChiCom Buffer Zone. Aircraft engaged in immediate pursuit were authorized to pursue enemy aircraft into the Buffer Zone, but in no event closer than 12 NM of the ChiCom Border. However, when engaged in immediate pursuit of enemy aircraft, U.S. aircraft were not authorized to attack NVN air bases from which aircraft might be operating.

The RT Execute Orders during the first few months of 1967 brought about a gradual liberalization of rules and targets. RT 53-54 (Jan-Feb) authorized strikes against dispersed POL and SAM support areas within the Hanoi/Haiphong restricted areas. In April, RT 55 contained an expanded list of targets including the POL storage area, ammo depot, and cement plant in Haiphong, and the RR/Highway Bridge, RR repair shops, and transformer in Hanoi. It also authorized strikes against the Hoa Lac and Kep Airfields east and northwest of Hanoi, but limited these to small and random harassment strikes designed for attrition of aircraft and disruption of support facilities. A strike of about eight attack aircraft or less was considered small. For the first time, aircraft engaged in immediate pursuit of enemy aircraft were permitted to attack airfields, in this case, Hoa Lac and Kep.

These changes to the rules represented a gradual expansion of the bombing phase of the war. For some, however, the expansion was too gradual. In January 1967, CINCPACFLT, in a Targeting Concept Review, stated that the whole RT effort should not be expended on transient targets but that the closing of the Port of Haiphong should be first. During the same month, retired Gen. Curtis E. LeMay, in an interview in Washington, said that he would start the progressive destruction of NVN support and supply bases by closing the Port of Haiphong and other ports. The joint CINCPACFLT/CINCPACAF concept of operations, published in April 1967 for RP VI, noted that:

"The primary objective in denying external assistance to NVN is the closure of the Haiphong Port and, in conjunction with this, the objective of preventing the enemy from diverting his resupply effort to the NE and NW rail line and/or the Hon Gai and Cam Pha Ports. Until authority is received which will allow the closing of the ports, no meaningful military campaign can be launched which will achieve the objective of denying external assistance."

The Secretary of Defense, however, did not share this enthusiasm for denying external assistance to North Vietnam. In his opinion, the limited bombing approach was successful when weighed against its stated objectives. During testimony before Congress in August 1967, the effectiveness of the bombing policy and Rules of Engagement came under discussion:

"Senator Margaret Chase Smith: If you (Secretary McNamara) had read the testimony of the witnesses who have appeared so far in these hearings, you would have noted that they were virtually unanimous in concluding that if the restrictions and prohibitions against certain targets had not been in effect these past two years, the air campaign against the north would not only have been more efficient and effective but more importantly, would most probably have reduced our casualties in the south. Would we in effect have experienced fewer casualties in the south had these restrictions and prohibitions not been imposed against the bombing of the north?

"Secretary McNamara: Senator Smith, it is my very firm opinion that regardless of what other merit there might have been for following a different practice of air activity against the north in the past, it would not have reduced our casualties in the south."

Further, it was the Secretary's view that an intensive air campaign designed to interdict completely war-supporting materials might result in a direct confrontation with the Soviet Union. Bombing of the port facilities, he said, or mining of the harbors would seriously threaten Soviet shipping. Mining the harbors would be an act of war requiring advance notice to third parties, who would be justified in regarding this as notice of the existence of a state or war in the sense of international law.

There was justification for sensitivity on this point and for strict adherence to the Rules of Engagement. Two months earlier, on 2 June 1967, an F-105 had strafed the Russian ship "Turkestan" along the NVN coast 40 NM northeast of Haiphong. The subsequent investigation noted that the Rules of Engagement for attacking coastal shipping northeast of Haiphong did not permit attacks on any commercial vessels coming into or moving out of Haiphong Harbor, even though they were within the 3-NM limit. The only exception to this was in case the vessel fired first on U.S. aircraft. In that event, return fire was authorized. The pilot testified that he had received fire from a nearby flak site and thought he was also fired upon by the vessel. He stated there were no identifying marks on the vessel and that he saw no flags.

As a result of this incident, the Commander, Seventh Air Force, in a personal message to each commander, reminded them that airstrikes were not authorized within a 10-NM radius of the Port of Haiphong and that the area within a 4-NM radius of Haiphong was now established as a prohibited area. No strikes were to be conducted, he added, in port areas where incidents involving foreign shipping might occur. In the course of his congressional testimony, the Secretary of Defense made use of the incident to buttress his argument against intensification of the air campaign and the mining of NVN harbors.

With the publication of the Execute Order for RT 57 in July 1967, a major change in targeting took place, for the first time, attacks were authorized against targets in the ChiCom Buffer Zone and within the Hanoi/Haiphong circles. Nineteen targets were identified in the Buffer Zone; 21 within the 30-NM Hanoi circle; and 9 within the 10-NM Haiphong restricted area. Authority to strike additional targets within these areas was added in August 1967, with the guidance that in the interest of obviating charges of escalation, either from foreign or domestic sources, it was desired that these additional authorities be exercised in a neasured manner. The rules for these strikes called for the commanders to exercise every feasible precaution in conducting airstrikes in the ChiCom Buffer Zone to preclude penetration of the ChiCom Border and avoid engagements with ChiCom MIGs except in self-defense over NVN territory. Commanders were also to utilize experienced pilots, provide adequate electronic capability and targets were to be attacked only when the weather conditions enabled positive identification of the target. The most active bombing of the year—and of the war—occurred during August 1967.

The ROE contained in the Rolling Thunder Operations Order for 1968, published in December 1967, indicated the forthcoming bombing campaign would remain as limited as it had been in the past, and that the weight of effort would continue to be placed on interdiction of LOCs into RVN from the north. Although armed reconnaissance was once again authorized from the PMDL to the ChiCom Buffer Zone, its implementation was modified by the earlier restrictions against striking populated areas, locks, dams, hydropower plants, watercraft, sampans, and houseboats. Prohibitions were repeated against attacking naval craft north of 20°42′ N and outside of the 3-NM limit of the NVN coast or offshore islands unless fired upon. Authorization was still withheld for aircraft engaged in immediate pursuit to attack NVN bases from which the pursued aircraft might have been operating. The mining of waterways and deep draft harbors north of 20°00′ N was forbidden. Prohibited areas remained unchanged: 10 NM around Hanoi, 4 NM around Haiphong, and the ChiCom Buffer Zone.

No ordnance was to be expended in these prohibited areas unless specifically directed in the frag orders. Strike and recon aircraft were authorized transit and immediate pursuit into the Haiphong and Hanoi prohibited areas if operational requirements dictated. In the ChiCom Buffer Zone, flight paths of strike aircraft were not allowed to approach closer than 20 NM of the ChiCom Border east of 106°E and no closer than 30 NM west of that meridian. The flight paths of reconnaissance (Blue Tree) aircraft were not to approach closer than 20 NM to the ChiCom Border. Aircraft engaged in immediate pursuit were authorized to penetrate the Buffer Zone but not the ChiCom Border. SAR and RESCAP aircraft were not permitted to operate closer than 3 NM of the ChiCom Border, except when the risk of engagement was small and there were clear prospects of successful recovery.

The 30-NM and 10-NM restricted areas around Hanoi and Haiphong, respectively, remained in effect. Strikes were authorized in these areas against NVN craft or NVN units which fired upon U.S. aircraft en route to or from missions, Extreme caution was to be exercised in the Haiphong area to avoid endangering foreign shipping. Transit of these areas was authorized as necessary to conduct air operations. Immediate pursuit into the restricted areas was also permitted.

Two control areas existed on the NVN/Laotion Border: (1) a Radar Control Zone (RCZ) encompassing the area within NVN immediately adjacent to the Laotian Border and extending 10 NM into NVN and running from the DMZ northward to 19°30′ N and (2) the Laotian Buffer Zone of the same width as the RCZ extending northward from 19°30′ N to 22°00′ N. The Rules of Engagement for the RCZ prohibited U.S. forces from striking targets unless under positive radar control. In conducting these strikes, aircraft had to be vectored to target coordinates, or to the initial coordinates of an armed recon route and released for mission accomplishment. Conventional aircraft, which were performing as strike/FAC aircraft, were permitted to strike in the RCZ without radar control, if it were not available. Missions flown elsewhere in the NVN, outside the DMZ and RCZ, had to be radar vectored, until the aircraft was positively established as being outside these areas prior to being released for mission accomplishment.

This rigidity of the Rules of Engagement for the coming campaign was the subject of

a message sent on 28 March 1968, from CINCPACAF to the 7AF commander. Current restrictions within which U.S. forces must operate in North Vietnam, stated CINCPACAF, collectively represent an impressive picture of the limitations on the effectiveness of forces now in place in Southeast Asia. The present restrictions, disadvantageous to Allied forces operating in an extremely difficult air defense environment, were serving enemy aircraft to advantage. The total impact of these various self-imposed restrictions was providing the enemy a sanctuary situation which he was using to great advantage in Hanoi, Haiphong, and throughout the LOC structure in North Vietnam. It was inconsistent from a military point of view to build up and reinforce U.S. forces in SVN without major relaxation of existing restrictions on the U.S. air and naval offensive against NVN.

This annual plea for more bombing latitude and for a relaxation of the Rules of Engagement was smothered by a presidential decision three days later. On the evening of 31 March 1968, President Johnson made the twin surprise announcements that he would not be available for the presidential nomination that summer, and that "he had ordered our aircraft and surface vessels to make no attacks on North Vietnam except in the area north of the DMZ where the continuing enemy buildup directly threatens Allied forward positions." The Chief Executive had placed outside the reach of American airpower precisely that area which military judgment considered to be the most essential to strike. On 1 April, airstrikes north of 20° N were discontinued and two days later the line was moved one degree southward. Limited aerial reconnaissance to NVN and the Gulf of Tonkin continued to be authorized. But aircraft operating over the Tonkin Gulf had to remain over international waters at all times. Immediate pursuit of enemy aircraft over NVN territory or territorial waters was not permitted. Maximum care was to be taken not to overfly ChiCom territory.

A JCS message declared that effective at 1300Z (2100H Saigon time) on 1 November 1968, all offensive operations against NVN and the DMZ and within the claimed 12-NM territorial waters would be terminated. The ROE for the post-bombing period were established and permitted immediate pursuit into NVN territorial seas or airspace in response to hostile acts and in pursuit of any vessel or aircraft whose actions indicated with reasonable certainty that it was operating in support of the VC/NVN insurgency in SVN. U.S. naval and air forces engaged in immediate pursuit of the NVN naval and air elements were not authorized to attack other unfriendly forces or installations encountered, except in response to an attack by them and then only to the extent necessary for self-defense. A second JCS message, also date 1 November 1968, authorized the destruction of SAM and AAA weapons, installations, and supporting facilities in NVN south of 19° N which fired at Allied aircraft from across or from within the DMZ. In a clarification of this rule later in the month, permission to destroy aggressive SAM and AAA sites and facilities in NVN was extended to those which fired at Allied aircraft over Laos.

Thus ended the Rolling Thunder campaign. In early 1968, just prior to the 1 April 1968 bombing halt, many officials believed the campaign of graduated pressure through the use of U.S. airpower had reached a point which appeared just short of allowing maximum application. Authority had been extended to allow airstrikes to within 10 NM of Hanoi and within 4 NM of Haiphong. All major industrial production had been halted, nearly all of the major bridges had been laid in the water, all airfields except Gra Lam had been attacked, and there was open discussion in the U.S. through the news media to close the Port of Haiphong. In short, NVN was facing another summer season of good weather conditions and increased U.S. airstrike activity. The 1 April bombing halt, and even more so the complete cessation of bombing on 1 November 1968, cut short this development.

Summary of ROE for Rolling Thunder

The Rules of Engagement for Rolling Thunder from beginning to end faithfully mirrored the political aims and limited military objectives of this air campaign. In the strictly military sphere, the ROE established sanctuaries/restricted areas within which airstrikes could not be conducted. Havens were provided within enemy territory which were used to cache, import, replenish, launch attacks, and to use for political propaganda whenever the sanctuary was inadvertently violated. Interrelated target systems were never authorized. The overriding consideration for avoidance of population centers precluded attacks on military targets in important citites such as Nam Dinh and Thanh Hoa. The agricultural sector of the NVN economy was protected. Anti-dike and anti-crop campaigns were not undertaken. Third country shipping was protected to an extent that prohibited attacks or mining activities against NVN's three major ports. Taken collectively these restrictions, while reducing potential effectiveness of airpower, contributed to the national policy as determined by the Commander-in-Chief.

CHAPTER II—LAOS

After the November bombing halt in NVN, the focus of air operations centered more than ever on Laos. The basic American policy toward this country had been set in 1961 by President John F. Kennedy's decision to attempt to neutralize Laos through political agreement, while retaining enough strength among pro-Western and friendly military forces in the Mekong River Valley to protect the flanks of Thailand. The major U.S. military effort was to be concentrated against the North Vietnamese in South Vietnam. This decision to attempt the neutralization of Laos was based largely on the assumption that the USSR and the U.S. shared a common interest in keeping Laos neutral and outside the ChiCom sphere of influence.

By 1966, the conflict in Laos had, in effect, become two wars, each with a somewhat different objective and different Rules of Engagement. In the northern war, the USSR had failed to restrain the NVN. The conflict in the northeastern provinces along the border of NVN was bound up with the traditional Tonkinese interest in that area. During the earlier French colonial period, two of these provinces were actually administered from Hanoi rather than from Vientiane. It was not until 1942 that they were turned over to Vientiane and the Laotian entity. The NVN insurgents in these provinces operated through a front, the Pathet Lao (PL), which was controlled from Hanoi. This northern war was one of position and maneuver. The US/Royal Laotian Government (RLG) objective was to take and hold terrain, and in so doing to expand the influence of the RLG throughout northern Laos. By so doing, it was hoped the RLG would be in a position of strength if, and when, it participated at the conference table. U.S. air operations in northern Laos supported this objective.

The other Laotian war, in the Southern panhandle, initially had different objectives. It was directly associated with the NVN support of its operations in SVN and was a war of attrition, infiltration, and interdiction along the Ho Chi Minh Trail. The few tribal inhabitants of this eastern mountain area did not front for the NVN—it was completely an NVN operation. NVN soldiers guarded the trail structure; NVN engineers did the road building; NVN coolies carried the supplies down the trail. Whereas the objective of U.S. air operations in the north was the preservation of the flank of Thailand, in the panhandle, it was the interdiction of supplies which passed from NVN to SVN.

The dual nature of the conflict was reflected by the division of the country for the purpose of air operations into two sectors, the northern Barrel Roll (BR) area and the southern Steel Tiger (SL) region. The line separating these operating areas ran from the Nape Pass (18° 27′ N/105° 06′ E) on the NVN/Laotian Border, westward to 18° 20′ N/103° 57′ E on the Thai/Laotian Border. The ROE for both BR and SL were established by CINCPAC and the American Embassy (AmEmb), Vientiane. MACV coordinated with and obtained approval from AmEmb, Vientiane, for the conduct of air operations by PACOM forces and kept the American Embassy in Bangkok fully informed of the use of Thai-based aircraft. Seventh Air Force was the operating agency for airstrikes in Laos and the rules established by the commander were designated as "Operating Rules." By presidential directive, the U.S. Ambassador to Laos was responsible for all U.S. activities in support of the RLG. The key role played by the American Embassy, Vientiane, in determining the Rules of Engagement, helps to explain the nature of the rules during this period.

The BR/SL Rules of Engagement for 1966 and the first two months of 1967 were relatively simple. Seven armed recon areas were created along the NVN/Laotian Border. They were lettered A through G running north to south. Within these areas, U.S. aircraft could strike without further permission any targets of opportunity that were outside villages and within 200 yards of a motorable trail or road. Targets farther than 200 yards from a motorable road could be struck only with permission and under FAC control, or when gunfire was first received from the target. Outside these armed recon zones, fixed targets and targets of opportunity could be struck only if they were validated RLAF "A" or "B" targets (APP. I), approval had been obtained from the Air Attache, Vientinane, the Assistant AIRA, Savannakhet, or an authorized FAC with a Lao observer on board who possessed validation authority, or if gunfire had been received from the target.

FACs were required under a variety of situations, notably on close air support missions, when called for by the AmEmb, Vientiane, when striking within five KM of the Cambodian Border, and on all night strikes against fixed targets unless they were controlled by ground radar (MSQ). Aircraft without FAC or MSO assistance had to confirm their position by radar or tactical air navigation (TACAN). Prior to entering or exiting SL armed recon areas, aircraft had to establish radio/radar contact with the

appropriate ground-controlled intercept (GCI) site. Classified ordnance was prohibited. Napalm could be employed in BR/SL under FAC control, along infiltration routes within the SL area, against validated RLAF numbered targets and against motorized vehicles, but not against truck parks or other targets of opportunity.

The political situation in the north led to restrictions against air attacks on certain areas. Under no circumstances was ordnance to be expended on the villages of Sam Neua, Khang Khai, or Xieng Khouangville even in response to hostile fire. Camp fires and civilian habitations were not to be attacked. Populated areas were to be avoided to the maximum extent possible. Vientiane and Luang Prabang were to be skirted by at least 25 NM; restricted areas with a radii of 10 NM and heights of 15,000 feet were created around the friendly villages of Savannakhet, Attopeu, Thakhet, Saravanne, and Pakse.

Within the restricted Attopeu circle ran Route 110, a major avenue of infiltration. In a meeting held at Tan Son Nhut AB in November 1966 among MACV, 7AF, and AIRA representatives to clarify the Rules of Engagement for Laos, the Air Attache representative said that he had intended no restriction to armed recon along Route 110 within this 10-NM circle. The Basic Operations Order was subsequently changed to allow armed recon within this portion of the restricted area.

During the third week in February 1967, further restrictions were placed on air attacks within the BR area. Nearly all of these restrictions were temporary and were motivated primarily by political considerations. After Soviet questions concerning strikes on Khan Khay had arisen, the rule for that village was strengthened to create a six-NM restricted area around the town. A temporary restricted area was also placed around Xieng Khounagville, because the International Control Commission (ICC) had been invited to the village to discuss USAF bombing in Laos. No armed recon was authorized on the south side of the Nam Ou River because friendly forces were operating in the area.

In March 1967, a major change of zones and Rules of Engagement for the SL area resulted from a series of highly publicized Short Round incidents near the Laotian/SVN/NVN Borders. On 12 February, the friendly Laotian village of Muong Phalane was inadvertently attacked by three F-105 aircraft. The intended target was a highway bridge 24 NM northeast of Muong Phalane. Three Laotian civilians were killed and nine injured. Eleven houses were destroyed and thirty damaged. The incident was an apparent case of target misidentification. Muong Phalane is on the 130° radial of the Nakhon Phanom (NKP) TACAN at 68 NM; it has a bridge in the center of the village. The bridge against which the F-105 flight was fragged was on the 113° radial of the NKP TACAN at 69 NM. The final report of investigation stated that apparently the pilot inadvertently tracked outbound on a heading of approximately 130° and sighted a target which by sheer coincidence was the same distance form NKP as his intended target. The mission was under no outside control such as FAC or Combat Skispot.

Another Short Round incident occurred on 2 March when the RVN village of Lang Vei was struck by two F-4C aircraft. The flight leader's intended target was a group of trucks believed parked alongside a road under the trees. The flight had been released by an airborne FAC to conduct armed recon in the TIGER HOUND area of Laos, along the RVN Border. Six 500-lb. bombs, four LAU-3A rocket pods, and CBU-2 bomblets were expended on the village of Lang Vei which was obscured by the forest canopy. Eighty-three RVN civilians were killed, 170 were wounded, and the village was 60-70 percent destroyed. The attack was made under conditions of reduced visibility caused by haze and the approaching sunset. But the primary cause was navigational error. The flight leader's TACAN was inoperative. A reading taken from the wingman's instrument was misinterpreted. The flight believed itself to be 24 NM from Lang Vei and over Laos rather than over RVN.

In an attempt to reduce the number of these incidents, the SL area was rezoned early in March 1967. (Fig. 3.) The armed recon line was rescinded and four north-south zones were created, each with its own Rules of Engagement. The former TIGER HOUND Special Operating Area along the Laos/NVN/SVN Border was redesignated as Zone I and remained a free fire area with the same Rules of Engagement as before. The AmEmb, Vientiane, authorized armed recon in this zone without FAC control on all roads, trails, paths, and rivers; airstrikes were allowed against all forms of enemy activity outside 500 meters of active villages. Seventh Air Force, however, insisted on the use of a FAC in Zone I, even though the AmEmb, Vientiane, did not, because "to the guy in the air the line on the map means nothing. He could never be sure there wasn't going to be a violation." This decision was proof of one of the main drawbacks of the new division—its complexity.

Any validated RLAF "A" or "B" targets, as well as any area from which ground fire was received, could be attacked. Prior to conducting strikes with out FAC control, the pilot had to confirm his position by radar or TACAN as being within Zone I. Aircraft unable to establish a positive fix by use of available navigational aids prior to entering this zone had to abort unless FAC directed. Normally, strikes were not to be made within 1 KM of the known location of friendly teams or units.

ARC LIGHT strikes within Zone I required prior validation by Vientiane based on photo coverage and normal intelligence justification. Mine-type munitions (MK-36, M-28, and Gravel) could be delivered only on selected targets as approved by Vientiane and directed by 7AF; or under FAC control on RLAF validated targets; or against motorized vehicles; or against an area from which ground fire was being received, unless this area were an active village. No airstrikes could be conducted closer than five KM of the Cambodian/Laotian Border.

Immediately west of this free fire area was Zone II, which stretched from 17° 40′ N, south to the Cambodian Border. This corridor was entered from NVN by two of the three major doorways to the Ho Chi Minh Trail—Mu Gia and Ban Karai passes. Since it was more populous than Zone I, the ROE for Zone II were slightly more restrictive. Targets of opportunity could be attacked day or night, as long as they were within 200 yards of a motorable trail or road and outside of villages. Outside of this 200-yard limit targets could be struck only if they were validated RLAF priority "A" or "B" targets. With the exception of active villages, any area from which ground fire was received could be struck without FAC/MSO control. Searchlights could also be attacked, if it were positively determined they were of the high intensity antiaircraft type and were located in proximity to authorized strike areas. Wide-beam boats and barges which were engaged in military activities could be struck under FAC control.

The next area to the west, Zone III, extended from the point on the NVN/Laotian Border where the northern limit of RP II joined the northern boundary of SL down to 16° 00′ N. The entrance from NVN into Zone III was Nape Pass, the third major starting point of the Ho Chi Minh Trail. The Rules of Engagement for this zone were even more restrictive than those for Zones I and II. Targets, regardless of their location, could not be struck without FAC or MSQ control. The only allowable exceptions to this rule were areas from which ground fire was received and where high-intensity antiaircraft searchlights were located in proximity to authorized strike areas. Targets outside villages could be struck, if they were within 200 yards of a motorable road or trail. Farther than 200 yards, targets could not be attacked, unless they were either validated RLAF "A" or "B" targets, approved by one of the AIRAs, or approved by a Lao observer aboard a FAC or Airborne Battlefield Command and Control (ABCCC) aircraft. The remaining rules were the same as those for Zones I and II.

In the funnel-shaped, northern end of Zone III, a special area was set aside for the training of Road Watch Teams (RWT). No strikes were permitted in this area unless the pilot was in positive radio contract with one of the ground RWTs through a FAC or the ABCCC.

The remaining area was designated as Zone IV. This was the region that contained the bulk of the native population of southern Laos. While the spine of the Annam Mountain Range ran through the first three zones, the fourth zone was largely an area of plains, bounded on the west principally by the Mekong River Valley. The major towns of the Laotian panhandle were located in this region—Savannakhet, Saravane, Thakhek, Attopeu, and Pakse. Since the NVN objective in the panhandle was the creation and maintenance of LOCs running down the mountain range from NVN into Cambodia and RVN, and the U.S. objective was its interdiction, Zone IV was largely ignored by these countries. Consequently, the Rules of Engagement for airpower 10 Zone IV were the most restrictive of any in SEA. All strikes within this zone had to have the double safeguard of AIRA approval and FAC control. Strikes could be directed only by Raven or Nail FACs. There were two exceptions to this rule: (1) two English-speaking, Lao ground Forward Air Guides (FAGs) in the immediate area of Attopeu were authorized to request and direct U.S. airstrikes without prior AIRA validation; and (2) helicopters or escort aircraft actively engaged in Search and Rescue (SAR) missions could return ground fire, but not outside 1,000 meters in all directions from the exact location in which the SAR operations were being conducted.

Twenty-one miles northwest of Saravane, Route 23, a major link of the Ho Chi Minh Trail, left Zone III and entered Zone IV. The Zone III Rules of Engagement followed it into Zone IV, until it disappeared into the 10 NM restricted circle around Saravane.

Restricted areas remained in effect around the five villages already designated in Zone IV, and to them was added a sixth—Muong Phalane. Aircraft could not approach within 10 NM or 15,000 feet of these towns. A small special operating area called

Cricket West (CW) was marked off within Zone IV, twenty miles east of NKP along the Zone III/Zone IV boundary. Within CW, each target had to be validated prior to a strike, either by an airborne Lao FAC or by radio request to the Assistant AIRA, Savanakhet. All strikes had to be under FAC control except when ground fire was received.

Far to the south near the Cambodian Border, Route 110 crossed Zone IV from west to east and then entered Zone I. Although two-thirds of this road was in Zone IV, the Zone I rules applied to all of it.

In the northern war, the three armed recon zones along the Lao/NVN Border, designated A, B, and C, remained unchanged. The Rules of Engagement for these areas were identical to those of SL Zone II. In the rest of BR, outside these armed recon sectors all targets had to be validated and strikes had to be FAC controlled.

Prohibited areas defined by a circle with a 25-NM radius remained in effect around Vientiane, the political capital, and Luang Prabang, the royal capital. No ordnance could be expended within a 6-NM radius from the center of Khang Khay nor on the town of Sam Neua.

No free zone existed in Laos for jettisoning live ordnance. In case of emergency, all ordnance except napalm could be dropped under visible conditions on any motorable trail, road, ford, or bridge within the BR armed recon areas and Zones I and II in Steel Tiger. Napalm could be jettisoned on certain specified road segments in Laos under radar control.

The total effect of these 1967 changes to the Rules of Engagement was to make them more complex and possibily more restrictive. In usage, some of the rules proved impractical. An example of the restrictiveness of the ROE may be seen in the rule requiring validation of targets. Three major ROE hampered ARC LIGHT operations in central and southern Laos. Strikes could not be made on targets that were within three KM of friendly forces such as RWTs or suspected PW camps. In addition, no ARC LIGHT strikes could be executed within five KM of the Cambodian Border. Finally, there could be no shrines, temples, national monuments, places of worship or active huts and villages within the target area. It was this final rule that created most of the problems for obtaining validation for lucrative ARC LIGHT targets. According to Seventh Air Force records, the average time consumed between identification of an area and the clearance to strike was 15.5 days. A large portion of this time (6.8 days) was used for administrative processing, transmission of the validation request, and awaiting Vientiane's response. Since success of these missions required timely strikes in response to the most recent intelligence available, the existing administrative processes and Rules of Engagement combined to reduce the timeliness and effectiveness of B-52 bombing.

The problem of validation time was thoroughly discussed at a conference at Udorn RTAFB in September 1968. The 7AF figures indicating that it took Vientiane from three to five days to process nominations for strikes, and eight to ten days for renominations, were refuted by the AmEmb representative. Embassy records indicated its response in most cases was within one or two days, except when extensive analysis of friendly personnel or RWT activity necessitated longer periods of time. As a result of these discussions, a decision was made to streamline the validation procedures. The 7AF representative proposed the creation of Special ARC Light Operating Areas (SALOAs), each of which would contain several target boxes capable of being validated en masse. The Vientiane American Embassy representative reluctantly agreed to this proposal. Although validation time rose to 25.5 days (7.0 days at Vientiane) after the creation of the SALOAs, this was partially explained by the fact that larger numbers of targets were validated at once. Validation time continued to be a problem, with tactical as well as strategic airstrikes.

In October 1968, The Air Attache in Vientiane issued a list of rules and restrictions pertaining to the BR area. This list highlighted the complexity which had crept into the Rules of Engagement. JCS-imposed restrictions included those against operating in BR areas Alpha, Bravo, and Charlie within 10 NM of the NVN Border, armed reconnaissance on certain designated routes, College Eye, Hot Pursuit, air operations adjacent to the ChiCom Border, and ARC Light. The AmEmb, Vientiane, controlled ordnance, target validations, PW camp restrictions, defoliation, and ground and Raven FAC operations. Seventh Air Force imposed tactical AF release altitude restrictions for high threat areas, and command and control procedures governing Laos strikes.

The profusion of areas in Laos, the narrowness of the zones, and the lack of outstanding geographical/navigational features created problems with the new arrangement. In July 1968, the Commander, 7AF, proposed simplification of the rules, so that the ROE for Zone I would be extended to Zones II and III; the Zone III rules would be put into effect in Zone IV and Cricket West. Although these proposals were not acted upon, the problems of complexity and restrictiveness came up at a meeting at Udorn RTAFB two months later. The purpose of the meeting was to iron out the ground rules for the forthcoming COMMANDO HUNT campaign in SL Zone II. Discussions among the Ambassadors to Laos and Thailand the the Commanders of 7AF and 7AF/13AF ranged across the entire spectrum of existing ROE and the problems created by them.

The continuing problem of validation time came up for discussion. Referring to ARC Light strikes, the DCS/Intel, 7AF, commented:

"It took on the average of 5-8 days to get the first ARC Light box validated. However, one ARC Light box for 12 B-52s against the average of 35 truck parks will only give you about a 30% probability of hitting the trucks. So you need 3 boxes for B-52s. And in order to get validation for restrike another 5-8 days are entailed. As as a consequence of the whole administrative problem, the need to build these targets and get them off to SAC, we were able to get only a fraction of the effort we wanted. . . . , I would hope that in our future discussions we could iron out some procedures that would help us in our next campaign."

The Deputy Chief of Staff, Intelligence, also stated much time has been lost in Zone II, due to the inability to get validation for Combat Skyspot. The Ambassador to Laos replied that he was unaware of any problems with the validation system and knew that AIRA had validated targets as quickly as six minutes after acquisition. It was his opinion that the existing machinery for validation was good—it was a question of proper usage, and briefing of personnel required to use it.

A major factor hurting the truck kill ratio, in the opinion of 7AF, was the requirement for FAC verification and clearance for strikes against visual sightings. The element of surprise, essential when dealing with perishable targets, was lost due to the overt nature of the FAC mission, which gave the enemy ample warning to evade by driving off the road. The FAC requirement for identification of trucks was unnecessary because "the only ones running around are NVN." The Ambassador replied that some of the Rules of Engagement were not too well understood. In Zones I and II the FAC requirement was not too important and, except for several specific areas of suspected PW camps, could be removed. Two factors made it necessary to continue the requirement for FACs in Zone III. One was the presence there of RWTs and Commando units. The other was the friendly population of the area which provided logistical support to the RWTs.

On the question of munitions, 7AF requested relaxation of some of the restrictions:

Yet, its use was not authorized anywhere in Laos. The Ambassador agreed to refer the question of using the CS agent to higher authority at Washington but, knowing the feeling in the State Department about it, he was sure they would not buy it. Further, given the propaganda aspects of the weapon, he knew that Souvanna Phouma would not be too eager about it.

In Zones II and III, only targets of opportunity within 200 yards of a motorable road could be struck. The Ambassador interpreted the 200-yard limitation this way:

"Many of your [7AF] people have interpreted that to mean that if there's a truck park over 200 yards away from a known road, it's excluded. This is not so. If the truck got from the road to the truck park, it is ipso facto a motorable road or trail. So anyplace that you find a vehicle, you can assume that it got there on something that is fair game. . . . If you find a truck you can assume it motored there, it didn't drop there."

No change in the Rules of Engagement for the Commando Hunt campaign resulted from these discussions.

Cessation of bombing over NVN or 1 November 1968 brought about a change in the rules for the Laotian/NVN Border area. Immediately after the halt, a positive control area 10 NM wide was created inside Laos, along the border, to protect against inadvertent penetration of the NVN airspace. Several days later, the JCS authorized U.S. aircraft "to destroy SAM or AAA weapons, installations, and immediate supporting facilities in NVN south of 19° which fire at our aircraft over Laos."

In December 1968, the requirement for FAC or MSQ control of AC-47 gunships in Laos was waived to permit the accomplishment of the AC-47 mission. During the same month, mine-type munitions, such as the MK-36, BLUs, and Gravel were approved for use in Laos, but only on targets validated by the American Embassy. The importance of Zone II, through which wound a major portion of the Ho Chi Minh Trail, was highlighted by a change in the rules pertaining to the use of napalm. Whereas in Zone I, napalm could not be used against gun emplacements unless ground fire was received, in Zone II it could be used against gun emplacements even though ground fire was not received.

A major consolidation of the Rules of Engagement for Laos was achieved in 1969. At

an April meeting at Vientiane, representatives of AmEmb, Vientiane, MACV, and 7AF agreed to reduce the four SL zones to two, separated by a line running north-south down the center of the Laotian panhandle. The new division became effective on 11 May. East of this line was a new area designated Steel Tiger East which comprised areas formerly known as Zones I, II, and part of III, and the Special Operating Area along Route 110. The Rules of Engagement for SL/East were essentially the same as those for the former Zone II. Armed recon without FAC control was authorized within 200 meters of all routes when fragged by 7AF or cleared by ABCCC. Targets of opportunity more than 200 meters from a motorable road could be struck only when controlled by FACs and when validated by the American Embassy, Vientiane. Radar bombing was authorized against any targets having prior embassy approval. Ordnance, except napalm and mine-type munitions, could be dropped armed or safe under visual conditions on any road, trail, ford, or bridge.

With the exception of vehicles, it could not be used against targets of opportunity. Mine-type munitions and area denial weapons were authorized as validated and directed by 7AF. No gas weapons could be used in Laos except for use in SAR missions.

Active villages were to be avoided by 500 meters when conducting airstrikes unless fired upon or when high-intensity AA searchlight illumination was received. Ground fire could be returned from any area, except within 500 meters of a confirmed PW camp. F-105 aircraft were authorized to carry antiradiation.

The area west of this line was designated Steel Tiger West and the Rules of Engagement were essentially those of the former Zone IV. Armed recon was not authorized. All strikes required a FAC or Forward Air Guide. No radar bombing or napalm would be used unless specifically authorized by the AmEmb, Vientiane. Ground fire could be returned only by aircraft actively engaged in Air Force SAR operations. This authorization was limited to an area 1,000 meters in all directions from the exact location in which these operations were being conducted.

The April conference was less successful in changing the Rules of Engagement for the BR area. The Alpha, Bravo, and Charlie areas remained armed recon zones, with the same ROE as in the newly designated Steel Tiger East. In the Alpha area, Route 19 was authorized to be struck. All LOCs in Bravo were approved for armed recon. In Charlie, Routes 6, 61, and 7 could be struck. A Special Operating Area (SOA) northwest of Khang Khai was designated a Free Strike Zone. When fragged or cleared into this Free Strike Zone by ABCCC, aircraft could attack all forms of military activity outside of 500 meters of an active village without FAC control.

The presence of Chinese road construction crews in the northern and northwestern regions of Laos led to the creation of yet another restricted area. Following the 1962 agreement of Laos, the Chinese offered to assist the Laotian Prime Minister, General Phoumi Nosavan, by building roads for him leading from China into Laos. The Prime Minister agreed. For more than five years, no construction took place but, in 1968, the ChiComs began to fulfill their promise and Souvanna Phouma was helpless to stop them. They built a major highway which ran east-west slightly above the 21st parallel from the Dien Bien Phu area in NVN across the top of Laos to the Chinese Border near Ban Botene. This in effect separated the northern province of Phong Saly from the rest of Laos. Early in 1969, they were engaged in constructing a road southward toward Pak Beng. To avoid international incidents in this area, U.S. aircraft were prohibited from conducting airstrikes or low level photo reconnaissance missions without special approval of the American Embassy, Vientiane, north of a line along the 21st parallel from the ChiCom Border to the western edge of the armed recon area Alpha.

The Buffer Zone along the Laos/NVN Border remained in effect with the same Rules of Engagement as before. No strike could be conducted within 10 NM of the NVN Border or east of 104° 15′ E, between 19° N and 21° 15′ E unless authorized by Cincpac and directed by 7AF. Even with this authorization, strikes had to be made under the electronic surveillance of College Eye and under FAC control. Further, College Eye monitor was required for all strikes in Barrel Roll.

A surge of NVN/Pathet Lao (PL) activity in Barrel Roll during the summer of 1969, which was climaxed by the enemy capture on 27 June 1969 of Muong Soui, 90 miles north of Vientiane, brought about a modification of the role of airpower in northern Laos. Prior to this summer offensive, USAF aircraft had been used in Barrel Roll almost solely for close air support of troops in contact. With the fall of Muong Soui and the resultant threat to Luang Prabang and Vientiane, airpower took on the additional role of interdiction; the war in Barrel Roll assumed certain aspects of the war to the south in Steel Tiger.

Two main avenues of supply snaked into Barrel Roll from North Vietnam. Route 7 entered Laos from North Vietnam through Barthelemyh Pass and ran westward through the Plaine des Jarres and on to Muong Soui. Farther north, Route 6 and its tributaries connected North Vietnam with Sam Neua, the Pl headquarters in this northern province, and from there ran south to a juncture with Route 7. In addition to these main arteries, numerous trails and bypasses were being developed to supply the NVN/PL troops in Laos.

At a conference at Vientiane in August 1969, proposals were made for changes to the Rules of Engagement to bring them in line with the fuild situation. For two months, recommendations and comments followed. In September, the new rules were approved by JCS, and put into effect by Cincpac on 27 September 1969. The areas were realigned so as to be more consistent with cultural and geographical features (Fig. 6). At the same time, the new areas and rules provided for sufficient clearance between friendly forward positions and armed reconnaissance areas.

Barrel Roll was divided into three areas: North, East, and West (Fig. 6). Of the three Barrel Roll North contained the most restrictive rules. No airstrikes nor Yankee Team (tactical reconnaissance) operations were permitted, unless the American Embassy at Vientiane requested them and Cincpac and JCS approved. In Barrel Roll West, all targets had to be validated and controlled either by a FAC or a FAG, or employing all-weather bombing. No ordnance could be dropped on Khang Khai or Phuong Savan. Embassy authorization was required before napalm could be used. The 24-NM prohibited circle around Vientiane was extended to cover the Nam Gum Dam construction project. The circle around Luang Prabang was reduced to 10 NM.

The main NVN LOCs were in Barrel Roll East and the greatest changes in the Rules of Engagement occurred there. The A, B, and C armed reconnaissance areas were replaced with a solid zone to within 10 NM of the NVN Border in which armed reconnaissance without FAC control was authorized within 200 meters of all LOCs. Outside the 200-meter limit, strikes had to be validated and controlled by a FAC/FAG. Ground fire could be returned anywhere in Barrel Roll East except into the town of Sam Neua. The total effect of these changes was to simplify the areas and rules and to provide more flexibility to the interdiction effort.

The line separating SL East and SL West was adjusted slightly westward. The rules for these sectors were essentially the same as those established for BR East and BR West, respectively.

The covert nature of U.S. air operations in Laos kept such operations out of the limelight of U.S. public opinion. Accordingly, the Rules of Engagement were shaped less by the need to create a favorable impression at home than by the restrictions laid down by the 1962 agreement and the necessity of avoiding damage to the image of Souvanna Phouma among his people. For these reasons, the U.S. Ambassador to Laos became the focal point in ROE determination.

Between 1966 and 1969, the ROE for Laos shifted from the relatively simple rules in existence before 1967, to more complex ones between 1967 and mid-1969, and back again to simpler arrangements by the end of 1969. The rule that appeared to have created the greatest consternation was the need to obtain validation of the targets from Vientiane and the time required for this validation.

CHAPTER III—SOUTH VIETNAM

The Rules of Engagement for air operations in RVN remained relatively constant throughout the period 1966–1969. These rules were conditioned by the fact that in-country air activity was directed toward close air support (CAS) of ground forces and by the frequency of combined ground operations involving U.S., Free World Military Assistance Forces (FWMAF), the Army of Republic of Vietnam (ARVN), and the Vietnamese Air Force (VNAF). During this three-year period, there was one shift of emphasis worthy of note. As a result of the mounting number of Short Round incidents, particularly during the 1968 TET offensive, the rules issued late in 1968 contained "additional provisions to enhance Short Round prevention."

The agency responsible for the Rules of Engagement pertaining to RVN was MACV, whose directive (525–13) contained the rules for the use of artillery, tanks, mortars, naval gunfire, riverine forces and air and armed helicopter support. The rules governing air support were further specified by 7AF's Regulation 55–49. which laid down the rules for the control of airstrikes and the duties of the FAC and pilots of strike and recon aircraft.

The basic requirement was the approval of the province chief or a higher RVN authority for strikes by U.S. aircraft. This was often tempered by the pilot's judgment at the time of the strike. In Specified Strike Zones—areas designed by MACV—where no friendly forces or populace existed, airstrikes did not require further RVN clearance. Targets could be attacked on the initiative of the US/FWMAF commanders. U.S.

strike aircraft had to be controlled, in order of preference, by either a U.S. FAC, a VNAF FAC, or Combat Skyspot. When control by FAC or Combat Skyspot was impossible, targets could be designated by the commander of a ground unit or by the US/FWMAF pilot of an aircraft supporting the ground unit. In addition, targets could be designated by the US/FWMAF/RVNAF pilot of a MedEvac or supply aircraft which was required to operate in the vicinity of a hostile village or hamlet.

One set of rules governed air attacks on villages and hamlets, another controlled strikes within urban areas. Fixed-wing aircraft CAS missions that involved strikes on hamlets and villages had always to be controlled by a FAC and had to receive US/RVN/RVNAF clearance before the attack could be conducted. If the airstrike were not conducted in conjunction with an immediate ground operation, the inhabitants or the village were to be warned of the impending attack either by leaflets or a loudspeaker. Sufficient time was to be provided for the inhabitants to evacuate the village. When the attack was carried out in conjunction with a ground operation, no warning was necessary if the ground commander judged that such a warning would jeopardize his mission.

The ROE for attacks on known or suspected VC/NVA targets in urban areas were necessarily hedged in by greater restrictions to avoid unnecessary destruction of civilian property. In addition to the requirement for FAC control, approval had to be obtained from either the Corps Commander or the U.S. Field Force Commander. This also held true for U.S. airstrikes in support of RVNAF. In all cases of air attacks on urban areas, leaflets and loudspeakers were to be employed to warn the civilian population and to attempt to secure the cooperation and support. The use of incendiary-type munitions was prohibited unless destruction of the area was unavoidable and friendly survival was at stake. AC-47 gunships could be employed without a FAC to fire on targets designated by the ground commander responsible for the tactical situation.

Since the mission of U.S. aircraft operating in-country was largely close air support, detailed rules were in force to prevent Short Rounds. The FAC had to be acquainted with the exact location of all friendly forces near the target. To do this, he had to have a thorough knowledge of the ground scheme of maneuver and receive the appropriate ground commander's clearance prior to clearing strike aircraft. Friendly forces on the ground were responsible for marking their position for each flight of strike aircraft and for remarking them as often as it was required. The FAC was responsible for marking the target and the ground commander for confirming the accuracy of the target-mark. If in the opinion of either the ground commander, the FAC, or the strike pilot, the target was inaccurately or poorly marked, the FAC was to remark it before the strike aircraft could be cleared to expend ordnance. If the position of friendlies could not be marked due to lack of marking material or for tactical reasons, the FAC was to ask the ground commander to accept responsibility in the event of a Short Round.

The success of a mission depended heavily upon reliable communication and complete understanding among the FAC, ground commander, and strike pilot. The FAC communicated with the ground commander to coordinate marking, receive ground clearance prior to clearing strike aircraft, advise the ground commander of all pertinent aspects of ordnance delivery, and to advise the ground commander when all ground elements were to take protective cover. FAC radio contact with the strike pilot was needed to insure that the strike pilot was given a thorough briefing on all aspects of the mission. The FAC had to supply the strike pilot with prominent ground references from which he could ascertain surface distances, friendly locations in relation to the target, characteristics of the target area, local weather conditions, final clearance for the strike, or discontinuance of the mission.

When an airstrike was conducted in support of an ARVN unit the rules called for the FAC to be assisted by a VNAF FAC or VNAF observer to aid him in directing the airstrike. In the event the VNAF FAC had language difficulty, the U.S. FAC was to assume control of the strike. When requested by the VNAF FAC, the airstrike was to be stopped.

The strike pilot was enjoined by the Rules of Engagement to always be under control of the FAC or other designated control agency. He had to have visual contact with the target or target marker and be positive of the position of friendly troops. Strike pilots were authorized to defend themselves against ground fire when the source of the fire could be visually identified when the strike could be positively oriented against the source, and when the fire was of such intensity that counteraction was necessary.

Pilots of strike aircraft were to avoid flying over friendly populated areas when armed. When conditions made overflight of friendly positions necessary, the ground commander was to be notified so that he could determine the risk versus the desired results. All armament switches were to remain in the "safe" position until entrance into the target area.

Helicopters could attack urban areas only when directly by the responsible ground commander. Only specific buildings (point targets) which were positively identified by the pilot could be struck. The engagement of target areas in urban areas was prohibited. Door gunners could fire only when authorized by the aircraft commander. Pilots of helicopters could defend themselves against ground fire when the source of fire could be visually identified, when the attack could be positively oriented against the source, and when the fire was of such intensity that counteraction was necessary.

The rules of jettisoning munitions were very specific. Munitions could be jettisoned "safe" only in designated areas except during inflight emergencies. During night or Instrument Flight Rule (IFR) conditions, aircraft had to be under positive radar control while jettisoning. During day Visual Flight Rules (VFR), drops were to be monitored by radar whenever possible. During an inflight emergency, munitions could be jettisoned "safe" in other than designated jettison areas, when there was an immediate threat of injury to the crew or damage to the aircraft. Every effort was to be made to insure that jettisoned munitions did not impact into or near inhabited areas. CBU dispensers and expendable rocket launchers were to be jettisoned in the immediate vicinity of the target after expenditure of munitions. Water areas within or adjacent to the target area were to be utilized whenever possible to deny the enemy access to the dispenser tubes or unexpended ordnance.

When air operations involved religious monuments or public buildings in RVN, special Rules of Engagement applied:

"The enemy has shown by his actions that he takes advantage of areas or places normally considered as nonmilitary target areas. These areas are typified by those of religious background or historical value to the Vietnamese. Where it is found that the enemy has sheltered himself in places of worship such as churches and pagodas or has installed defensive positions in public buildings and dwellings, the responsible senior brigade or higher commander in the area may order an air attack to insure prompt destruction of the enemy. The responsible commander must identify positive enemy hostile areas either in preparation or execution. Weapons and forces used will be those which will insure prompt defeat of enemy forces with minimum damage to structures in the area."

Since 1966, COMUSMACV published a quarterly consolidation of the Rules of Engagement applicable to the borders of the RVN and the DMZ. Specific restrictions fluctuated with changes in air operations in neighboring countries. In the DMZ, before the bombing halt, authority was granted to conduct airstrikes within the zone against clearly defined military activity. After the halt, aircraft were prohibited from crossing the DMZ. In the event that SAMs or AAA were fired at friendly aircraft over RVN, friendly forces could destroy the enemy's weapons, installations, and immediate supporting facilities. Immediate pursuit was authorized into NVN territorial sea or airspace in response to hostile acts and in pursuit of any vessel or aircraft that was operating in support of the VC/NVA insurgency. U.S. naval and air forces engaged in immediate pursuit of NVN naval and air elements were not authorized to attack other unfriendly forces or installations, except in response to an attack by them, and then only to the extent necessary for self-defense. Aeromedical evacuations in support of any authorized ground operations in the DMZ were permitted.

To the west, aircraft were prohibited from crossing the Cambodian Border without specific authorization from COMUSMACV. Strike aircraft could not operate within five KM of the Cambodian Border without FAC or MSQ control. All FACs operating in the vicinity of the border had to determine their position from charts of a scale of 1:50,000 or larger. All organizations responsible for planning or execution of missions within five KM of the border had to have posted in Operations a 1:250,000 or larger scale chart on which the Cambodian Border was distinctly marked, on the RVN side, to the depth of five KM. Aircraft supporting border outposts were permitted to operate as necessary in the outpost area, but could neither fire nor fly across the border. All aircraft on missions within five KM of the Cambodian Border had to be tracked by radar, which could advise them of their position relative to the border and of any impending penetration.

Along the RVN/Laotian Border, aircraft were not permitted to cross the border into Laos without prior approval of COMUSMACV. All operations planned near the border had to be reported in advance to COMUSMACV. In an emergency, U.S. forces could take appropriate countermeasures, including airstrikes against enemy forces firing from the Laotian side of the border.

EPILOGUE

The Rules of Engagement for American airpower between 1966 and 1969 reflected the political situation in each of the three major areas of military conflict in SEA. The political decision to avoid adverse public opinion and to avoid the possibility of direct confrontation with Communist China and Russia dictated a less than total bombing campaign against North Vietnam. Accordingly, the Rules of Engagement prohibited the bombing of certain areas and the use of certain ordnance. The covert nature of operations in Laos, coupled with the need to avoid political embarrassment to Premier Souvanna Phouma required strict control of the air effort in Laos. This control was exercised through the American Ambassador to Vientiane, who played a major role in formulating the Rules of Engagement. The status of American airpower as an instrument of RVN policy placed limits on its exercise in South Vietnam.

Despite differences of opinion regarding the wisdom of American policy in these three areas, it seems clear that the Rules of Engagement allowed airpower to serve that policy well, while at the same time depriving airpower of a true test of what it could accomplish.

APPENDIX I

TERMS OF REFERENCE

Fixed targets: Caves, truck parks, open storage buildings, ferries, cantonment/barracks, trenches, and bunkers.

Immediate pursuit: [Pursuit initiated in response to actions or attacks by hostile aircraft or vessels as defined in the Rules of Engagement. The pursuit must be continuous and uninterrupted and may be extended as necessary and feasible over territorial/international airspace/seas as prescribed.]

PMDL: Provisional Military Demarcation Line.

RLAF target category: Either:

"A"—An RLAF target on the Active Target List which has been approved by AmEmb, Vientiane, and can be struck without further approval.

"B"—Same as "A" except the target is considered inactive. If there are signs of activity, it can be struck without further approval.

"C"—Listed on the Active Target List in "hold" status for political reasons. Must obtain specific AmEmb, Vientiane, approval for strikes.

SALOA: Special ARC LIGHT Operating Area.

Target of opportunity: Target of a military nature such as vehicles, troops, active AA/AW, bridges, fords, etc. not specifically designated in the frag orders.

Territorial seas: A belt of sea adjacent to a coastal state three miles in breadth measured from the low water mark along the coast. However, in the stages claiming over three miles, that distance shall be observed for the Rules of Engagement, as if it were the width of their territorial seas. The following are the states' claims with regard to their territorial seas:

(1) Thailand, 6 miles presumed.
(2) Cambodia, 5 miles.
(3) South Vietnam, 3 miles presumed.
(4) North Vietnam, 12 miles presumed.
(5) Communist China, 12 miles.

GLOSSARY

AAA—Antiaircraft Artillery.
AA/AW—Aircraft Artillery/Automatic Weapons.
ABCCC—Airborne Battlefield Command and Control Center.
AIRA—Air Attache.
AmEmb—American Embassy.
ARVN—Army of Republic of Vietnam.
BR—BARREL ROLL.
BZ—Buffer Zone.
CAS—Close Air Support.
CBU—Cluster Bomb Unit.
ChiCom—Chinese Communist.
CINCPAC—Commander-in-Chief, Pacific Command.
CINCPACAF—Commander-in-Chief, Pacific Air Forces.
CINCPACFLT—Commander-in-Chief, Pacific Fleet.
COMUSMACV—Commander, U.S. Military Assistance Command, Vietnam.
CW—CRICKET WEST.
DMZ—Demilitarized Zone.
DOD—Department of Defense.
ECM—Electronic Countermeasure.
FAC—Forward Air Controller.
FWMAF—Free World Military Assistance Forces.
GCI—Ground-Controlled Intercept.
ICC—International Control Commission.
IFR—Instrument Flight Rule.
JCS—Joint Chiefs of Staff.
KM—Kilometer.
LOC—Line of Communications.
MACV—Military Assistance Command, Vietnam.
MedEvac—Medical Evacuation.
NE—Northeast.
NKP—Nakhon Phanom.
NM—Nautical Mile.
NVA—North Vietnamese Army.
NVN—North Vietnam.
NW—Northwest.
PL—Pathet Lao.
PMDL—Provisional Military Demarcation Line.
POL—Petroleum, Oil, and Lubricants.
PW—Prisoner of War.
RCZ—Radar Control Zone.
RESCAP—Rescue Combat Air Patrol.
RLAF—Royal Laotian Air Force.
RLG—Royal Laotian Government.
ROE—Rules of Engagement.
RP—Route Package.
RR—Railroad.
RT—ROLLING THUNDER.
RTAFB—Royal Thai Air Force Base.
RVN—Republic of Vietnam.
RVNAF—Republic of Vietnam Air Force; Republic of Vietnam Armed Forces.
RWT—Road Watch Team.
SAC—Strategic Air Command.
SALOA—Special ARC LIGHT Operating Area.
SAM—Surface-to-Air Missile.
SAR—Search and Rescue.
SL—STEEL TIGER.
SOA—Special Operating Area.
SSZ—Special Strike Zone.
SVN—South Vietnam.
TACAN—Tactical Air Navigation.
USSR—Union of Soviet Socialist Republics.
VC—Viet Cong.
VFR—Visual Flight Rule.
VNAF—Vietnamese Air Force.●

MIRACLE AT BEECH GROVE

● Mr. QUAYLE. Mr. President, with all our discussion of budgetary constraints and fiscal irresponsibility, I am pleased to bring to the attention of my colleagues a success story worth noting: Amtrak's maintenance and repair facility in Beech Grove, IN.

Recently, Railway Age focused on Beech Grove's success and its contribution to Amtrak's overall growth. When Amtrak purchased the Beech Grove plant in 1975, management and employees were challenged to bring their operations to a readiness that would meet Amtrak's needs as well as provide speciality services for other overhaul conversions for locomotives and cars. Amtrak committed more than $23 million for improvements and by the end of this fiscal year, the Beech Grove shop is predicted to turn out 499 cars and 40 locomotives for Amtrak, as well as assemble 107 subway cars for the local Metro system here in Washington.

To quote Railway Age, "The budget for current Amtrak-related work is considerably less than if the work was performed by railroad and contract repair shops * * *. Around Amtrak headquarters, Beech Grove is the cause for pride in what Amtrak personnel accomplished in the renovation of an aging plant as well as in what they now accomplish in renovating the fleet."

I am pleased to bring this excellent article to the attention of my colleagues. And may I also remind them that the next time they ride Washington's Metro system, they be reminded of Beech Grove, where pride in workmanship still exists and is exemplified in the finished product.

I ask that the article from Railway Age entitled "Miracle at Beech Grove," be printed in the RECORD.

The article follows:

MIRACLE AT BEECH GROVE

The Beech Grove heavy repair facility near Indianapolis shows how Amtrak, given half a chance, can move toward self-sufficiency and cost-effectiveness.

Half a chance, however, seemed like less than Beech Grove personnel were being given after Amtrak bought the complex from Penn Central in 1975. Under tough restraints on cost and time, they were charged with modernizing a decrepit facility to meet system-wide needs.

By the time Beech Grove's modernization is completed later this year, Amtrak will have spent about $23.5 million for improvement—or less than 25% of the sum that a consulting firm said was needed.

In return, Amtrak has gained a facility that can meet anticipated as well as present needs in heavy-overhaul conversion and specialty work for locomotives and cars. The shops also can rehabilitate car components for the system while providing component warehousing and distribution services.

Working at full capacity, Beech Grove in fiscal 1985 (starting October 1984) will turn out 499 cars and 40 locomotives for Amtrak, and 107 transit cars for the Washington, D.C. Metro system. In the first full year of Amtrak ownership, output totaled just 273 cars and no locomotives.

Lower cost, better quality control. The budget for current Amtrak-related work is considerably less than if the work was performed by railroad and contract repair shops.

What's more, there's better opportunity for quality control. At Beech Grove, Tom Harmon, manager-quality control, leads a seven-man team of experts in electricity, pipefitting, refrigeration, and wheels and axles. Harmon's responsibility is crucial to train-equipment performance: Only he can authorize release of a unit for service. He also conducts inspections at other wheel-service locations and in the plants of component suppliers.

"These are the most qualified people in the shop," says Walter A. Barrick, general manager, who established the local quality control group when he took charge of Beech Grove in 1975.

"I knew that if quality control reported elsewhere, we wouldn't have the authority we needed right here.

"I can tell production to do whatever quality control says must be done. If there's a problem between them, I can sit down with them and work it out, but we've never had to do that. Everybody knows what has to be done and the right way to do it.

The quality team devotes most of its time to cars but has final say on locomotives, too. The diesels are subject to previous inspection by an inspector and technicians who must certify their work before release.

No shop, however, is an island. Barrick reports to J.S. Crawford, Jr., Amtrak chief mechanical officer in Washington. Around headquarters, Beech Grove is cause for pride in what Amtrak personnel accomplished in the renovation of an aging plant as well as in what they now accomplish in renovating the fleet. Virtually obsolete when Amtrak took it over, the 62-acre, 11-building facility is near the end of a transformation that owes much to the skills of improvisation.

Notable among Amtrak-generated improvements are:

A custom-made transfer table built for $79,000, after a supplier quoted more than $200,000. This is a diesel-hydraulic model, with a coupler-equipped tractor to move cars on and off.

A renovation of the heating system to eliminate need for one of two boilers (one is kept in reserve) and cut coal consumption by 50%. In this effort, workers installed new roofs. steam lines, two-inch insulated low windows, and plexiglass high windows.

Installation of a storage-rack system to free half of the space in the locomotive shop for overhaul and airbrake work.

Construction of a training center, additional sanitary facilities, an administration office building, a paved service road, and a new run-through track.

Rearrangement of the flow of work through the coach, wheel, forge, trim, airbrake, and locomotive shops.

STILL TOOLING UP

Help from the outside came in such items as a $600,000, 600-ton Chambersburg wheel press, a Bahco pollution-control system, a new three-pit de-trucking re-trucking shop, and a Magnaflux machine for detecting axle flaws. The latter, a wet horizontal magnetic particle tester, went into service in December.

The fiscal 1985 capital budget of $1.1 million includes a new vertical wheel-boring machine. In addition, Beech Grove personnel are installing a concrete floor in the forge shop and rehabilitating two cranes.

Employee industriousness carried over into major rolling stock projects, too, primarily the overhaul of older steam-heated cars known as the Heritage fleet. Featuring conversion to electric power, this program adds 10 years life to the equipment. Known as the head-end-power program (HEP) because locomotives generate the electricity, it has transformed 574 cars of all types since 1976.

The cost of conversion ranges from $250,000 to $400,000 per car depending on type, compared with more than $1 million per unit for purchase of a new car. However, the Heritage fleet presented a big components challenge because Amtrak had inherited various car types from different railroads. Types and specifications of components varied and were not always interchangeable. Suppliers of components had virtually disappeared because of the decline of the railroad passenger business.

Amtrak set out to standardize components, many of which now originate in the Beech Grove machine shop. "We try to standardize them in form, fit and function according to series of cars," says Barrick. That's true especially of electrical systems, piping, refrigeration, and air conditioning. Standardization reduces the potential for maintenance problems, while it expedites the conversion process.

The current HEP program includes seven buffet lounges, six high-level diners, three full-dome lounges, three ex-Southern lounges, three buffet/diners, and two low-level diners. Also this year, Beech Grove will perform a six-year overhaul of 70 others.

Other fiscal 1985 work includes 75 Superliner retrofits, 100 Amfleet overhauls, 40 passenger-car wreck repairs, six turbo overhauls, 24 passenger-car minor repairs, and 40 locomotive overhauls.

What's more, Beech Grove personnel will assemble two low-level sleepers and a low-level diner—prototypes of a new generation of passenger cars that will eventually replace the Heritage equipment. Delivery of carbodies by the Budd Co. is expected to be completed by early March.

Further evidence of Beech Grove's dexterity is the assembly of transit cars being supplied by BREDA of Italy for expansion of the Washington Metro system. Through December, Amtrak personnel had completed 160 units. The fiscal 1985 schedule calls for completion of 107 additional units. The Washington Area Metropolitan Transportation Authority seems to like Beech Grove's work: A second contract for 68 units is being negotiated.●

SALUTE TO JOHN GAMMON

● Mr. PRYOR. Mr. President, on Friday, March 15, 1985, the John Gammon Foundation will sponsor a dinner in West Memphis, AR, to support a college scholarship program designed to aid deserving students of all races from eastern Arkansas to continue their education. This dinner has become a very popular annual affair in West Memphis, drawing as many as 1,000 persons from all over Arkansas and parts of western Tennessee.

Serving only wild game harvested from Mr. Gammon's land, this dinner is the largest event of its kind held in Arkansas. The work of the John Gammon Foundation, with its spirit of voluntarism, epitomized by the hundreds of young people who prepare and serve the dinner, is the dream come true of John Gammon. His desire to see young people succeed, and to have opportunities that he never enjoyed, represents the apex of the American dream. The attitude of this man, who has been tremendously successful in his own life, toward helping others is something this Nation could use in large quantities. The end results are productive and successful graduates who make a contribution to our society, and a sense of fulfillment for the volunteers who make it possible.

I want to take this opportunity to salute John Gammon. His work and the work of his foundation have been very beneficial to many, many Arkansans.●

AMERICA'S LIBERAL BIGOTS

● Mr. GOLDWATER. Mr. President, every evening on my way home, I pass a large group of people parading in front of the South African Embassy objecting to apartheid. Let there be no mistake, no one in this country objects to it more than I do. In fact, on a number of occasions during my visits to South Africa, I have spoken, personally, to the leaders about it.

Nevertheless, the trouble with the people who are parading in front of the Embassy is they do not really understand the whole problem in South Africa. Nor do they understand the impossibility of solving it their way overnight. I believe the solution will come, but it is not going to come without a lot of give and take on all sides.

When these same people loudly beg and demand that American businesses leave South Africa, I ask them one simple question, "Where do they think the black people are going to get jobs if it is not from outside corporations?" And, on top of that, South Africa is a valuable ally, one of the best in the world. To lose their support with hardly any justification at all would be tantamount to one of the greatest setbacks we could have in a number of areas.

Recently, an editorial appeared in the Arizona Republic which, I think, very succinctly touches on this problem. I ask that it be printed in the RECORD.

The editorial follows:

AMERICA'S LIBERAL BIGOTS

South Africa's consul general, Leslie Labuschange, thinks it's about time for some straight talk from American liberals about the black republics on his continent.

The inveterate bashers of South Africa—the Rev. Jesse Jackson and Randall Robinson of TransAfrica—utter nary a grunt about the repression of blacks by blacks in most of the 40 African nations.

Somehow it is all rights for blacks to slaughter and starve other blacks, but it is repugnant when blacks are denied the right to vote by whites.

The double standard, held with so much haughty moral superiority by American liberals, is almost too evident.

What has 30 years of post-colonial experience brought black Africa? The continent is a disaster. Black Africans are among the least educated and most underfed people on Earth.

The pre-independence institutions of a free press, independent judiciary, political opposition and private enterprise have been replaced with one-party regimes and state-controlled economies. Some have distinguished themselves by their unparalleled brutality.

Why is it, Labuschange wonders, that American liberals are so reluctant to challenge virtually any of the black African republics on their records?

Especially when it is demonstrably true that South Africa's blacks have steadily outstripped majority black nations in every category from education to employment.

When will the self-appointed guardians of morality begin to speak out with equal energy against the miserable human rights records of the black republics and the inhumane political and social conditions under which the majority of Africans live?

In all likelihood not any time soon. It would take a modicum of courage for black American politicians to speak to against the abuses of black Africans, a courage apparently wanting.

The silence of liberals raises the question of just how much they really care about the people of Africa. Or is that anti-South Africa rhetoric is just that, designed to enhance politicians' domestic images as courageous crusaders for moral principle?

Their demagoguery, usually served up for constituent consumption, serves political agendas more than the interests of black people in Africa.

What is wrong, is wrong. It matters not to the victims if injustice comes at the hands of whites or blacks. It is a subtle form of racism that refuses to hold blacks accountable to the same standard of justice that is demanded of white South Africa.●

AMERICAN CHURCHES ON SOUTH AFRICA

● Mr. SIMON. Mr. President, I saw a small item regarding investment and disinvestment in South Africa in a publication called Christianity and Crisis. It is a small item written by Randy Nunnellee, which indicates that the churches and synagogs of the United States have not yet come aboard on the question of racism in South Africa, as they did on the civil rights issue in the United States in the early sixties.

I hope such leadership will come. Just as the Government should be doing more to express our concern to the leadership in South Africa, so the churches and other voluntary groups should be doing more.

The article follows:

BURIED TALENTS?

"Be careful" seems to be the response of U.S. churches to the repression of their brothers and sisters in South Africa. The churches have been much slower than some universities, cities, and state governments to take definitive action against apartheid and U.S. support for South African racism. Bishop Desmond Tutu has on numerous occasions called on the world Christian community and the governments of the West to employ every means available to pressure for change in South Africa, whether political or economic. In his own words, peaceful change "doesn't have a snowball's chance in hell" in the absence of such pressure. "This is our last peaceful chance," he concludes.

To date, 5 states, 14 cities, and many universities have decided to divest from banks and corporations doing business with South Africa. Yet, of the seven major Protestant denominations who have taken a position on divestment, only two—the American Lutheran Church and the Lutheran Church in America—have mandated divestment; even they have not completed the process of withdrawal.●

AMTRAK

● Mr. SARBANES. Mr. President, I am deeply troubled by the administration's proposals regarding the National Rail Passenger Corporation [Amtrak]. As each of us is aware, the President's budget request for the coming fiscal year projects the termination of our commitment to provide for a balanced and responsive rail passenger system in the Nation in return for the supposed goal of saving $684 million. What the budget request did not consider or project are the consequences of the proposal. It is almost certain that Amtrak, a Federal corporation, would quickly approach insolvency and would not only be required to terminate its operations, but the employment of over 25,000 workers in 44 States. As a direct result of any shutdown of Amtrak, provisions from the National Rail Passenger Act of 1970 will trigger liability payments from the Corporation and the Federal Government of some $2.3 billion over 6 years.

In addition to the employment and budgetary impact of this proposal, the dissolution of Amtrak will present an enormous hardship to those who regularly use this system for passenger and freight transportation. Amtrak currently operates over 24,000 miles of track and serves over 500 communities. I am convinced that it would be a serious miscalculation to assume that either a new source of funding will appear to shoulder the Federal commitment to this system or that we in the United States can afford to be the only industrialized Nation to be without a comprehensive rail network. The lack of foresight in this proposal is incomprehensible.

Mr. President, Amtrak has become a modern, efficient and reliable method of transportation. As those of us in this body realize, the revenue-to-cost ratio has improved from 48 percent in 1971 to 60 percent expected in fiscal year 1986. This improvement not only reflects aggressive marketing strategies and an increase in fare-related revenues, but takes account of the decreasing Federal subsidy. Last year's appropriation of $684 million has been the lowest in recent years, providing benefits far greater than such a level of support would indicate.

I am certain that the members of this body will carefully weigh each of the considerations involved in a decision of this magnitude and reject this proposal. I commend a recent editorial from the Washington Post to the attention of my colleagues and ask that it be printed in the RECORD.

The editorial follows:

[From the Washington Post, Feb. 28, 1985]

DON'T STRANGLE AMTRAK

Though Federal subsidies have long supported almost every form of transportation in this country, from jogging to jetting, the Reagan administration is now seeking to eliminate all federal assistance to Amtrak. This move would surely kill intercity passenger rail service, squander a huge investment that is just beginning to pay off and create new transportation pressures all up and down the Northeast Corridor. One would like to believe that rational members of Congress will resist this penny-wise and inconsistent transportation proposal. But the administration is pushing hard for a cutoff.

The administration contends that Amtrak services an insignificant 2 percent of intercity passenger trips nationally and that private rail companies will swoop right in and pick up Amtrak's busiest routes, such as the one between Washington and New York. What if they don't? How much would taxpayers wind up underwriting in the way of road money and federal support for additional airline service?

Another administration argument is that Amtrak's Northeast Corridor service is serving mostly higher-income people: about 55 percent of the riders are paid more than $300,000 annually. Does this mean that people with incomes under this level don't depend on Amtrak and that they all can and do stick to bus service? That's hard to believe—and hard to confirm.

But as long as people are tossing about all sorts of numbers, Amtrak officials have some too. They argue that if all federal support for such services as air traffic control were totaled, subsidies for air travel would be much higher than what Amtrak is receiving. They note that capital investments totaling $5.2 billion are just beginning to pay off in better service and economy. And dismantling the system, if it came to that, would cost the government billions over the next six years.

On a local note that is nevertheless near and incredibly dear to the pockets of taxpayers from coast to coast, the federal government does happen to be financing plans to redo Union Station. What for? "Maybe you should have alternative plans for Union Station," says Rep. Silvio Conte of Massachusetts, who opposes the proposal to eliminate Amtrak's subsidies. "Put in some stalls and hay racks."●

SUBCOMMITTEE ASSIGNMENTS, JURISDICTIONS AND RULES, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

● Mr. STAFFORD. Mr. President, I am pleased to announce the selections for membership of the subcommittees of the Senate Committee on Environment and Public Works for the 99th

Congress. I do so pursuant to our committee rule 11, after consultation with the Members on our side and Senator BENTSEN, our ranking minority member.

The number and character of our subcommittees will not have changed from the 98th Congress. Each subcommittee chairman has agreed to continue to serve in that capacity, and in most cases the membership of the subcommittees is very similar to the last Congress, so that we can expect continuity of purpose and action.

Mr. President, I ask that a list showing subcommittee assignments of the Committee on Environment and Public Works be included in the RECORD at this point.

The list follows:

99TH CONGRESS—15 MEMBERS

Robert T. Stafford, Chariman; John H. Chafee; Alan K. Simpson; James Abdnor; Steve Symms; Gordon J. Humphrey; Pete V. Domenici; Dave Durenberger.

Lloyd Bentsen, Quentin N. Burdick, Gary Hart, Daniel Patrick Moynihan, George J. Mitchell, Max Baucus, Frank R. Lautenberg.

SUBCOMMITTEES

Environmental Pollution—9

John H. Chafee, Chairman; Alan K. Simpson; Steve Symms; Dave Durenberger; Gordon J. Humphrey.

George J. Mitchell, Gary Hart, Daniel Patrick Moynihan, Frank R. Lautenberg.

Nuclear Regulation—5

Alan K. Simpson, Chairman; Pete V. Domenici; Steve Symms.

Gary Hart, Daniel Patrick Moynihan.

Water Resources—5

James Abdnor, Chairman; Pete V. Domenici; Dave Durenberger.

Daniel Patrick Moynihan, Max Baucus.

Transportation—7

Steve Symms, Chairman; John H. Chafee; James Abdnor; Robert T. Stafford.

Quentin N. Burdick, George J. Mitchell, Lloyd Bentsen.

Regional and Community Development—5

Gordon J. Humphrey, Chairman; Pete V. Domenici; John H. Chafee.

Frank R. Lautenberg, Quentin N. Burdick.

Toxic Substances and Environmental Oversight—7

Dave Durenberger, Chairman; Alan K. Simpson; James Abdnor; Gordon J. Humphrey.

Max Baucus, Quentin N. Burdick, Gary Hart.

The responsibilities or juridsictions of the subcommittees also have not been changed, and remain as shown on the second attachment—which I ask also be included in the RECORD.

The attachment follows:

99TH CONGRESS, U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SUBCOMMITTEE RESPONSIBILITIES

Environmental pollution

Water pollution (including oil pollution).
Ocean dumping.
OCS lands (environmental aspects).
Solid waste disposal and resource recovery.
Fisheries and wildlife (including refuges).

Nuclear regulation

Environmental regulation and control of nuclear energy.

Water resources

Water resource development policy.
Flood control.
River basin policy.
Inland waterways construction and operation.
Small watersheds.

Transportation

Construction and maintenance of highways.

Regional and community development

Economic development programs.
Appalachian Regional Commission.
Tennessee Valley Authority.
Disaster relief.

Toxic substances and environmental oversight

Toxic substances.
National Environmental Policy Act.
Environmental research and development.
Noise pollution.
Drinking water quality regulation.

Full committee

"Superfund" for hazardous substances.
Air pollution.
Nominations.
Public buildings and grounds.

Mr. President, each year the rules of the Committee on Environment and Public Works are included in the RECORD after committee organization, and I ask that our rules as adopted by the committee on January 29 be printed in the RECORD at this point.

The material follows:

RULES OF PROCEDURE OF THE COMMITTEE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the Committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the Committee, the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, Committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the Chairman, after consultation with the ranking Minority Member. Subcommittee meetings shall be called by the Chairman of the respective subcommittee, after consultation with the ranking Minority Member. Notice of a meeting and the agenda of business to be discussed by the Committee will be provided to all Members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking Minority Member. Such 24-hour notice may be waived in an emergency by the Chairman, with the concurrence of the ranking Minority Member.

Rule 3. *Open Committee Meetings and Legislative Mark-up Sessions.*—Meetings of the Committee, including hearings and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the Committee determines by record vote of a majority of the members of the Committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds of closure under paragraph 7(b) of rule XXV of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. *Presiding Officer.*—(a) The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the ranking Majority Member who is present at the meeting shall preside.

(b) Subcommittee Chairmen shall preside at all meetings and hearings of their respective Subcommittees, except that in the absence of the Subcommittee Chairman, the ranking Majority Member of the Subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any Member of the Committee may preside over the conduct of a hearing.

Rule 5. QUORUMS.—(a) Except as provided in subsections (b) and (d), five Members, two of whom shall be Members of the Minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the Subcommittees shall be a simple majority of the Membership of the Subcommittees with at least one Minority Member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the Committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one Member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. *Proxy Voting.*—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the Committee or any Subcommittees. Any Member who is unable to attend the meeting may submit his vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent Committee Member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the Chairman, after consultation with the Ranking Minority Member, Members who are unable to be present and whose vote has not been cast by proxy may have their positions recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. *Public Announcement of Vote.*—Whenever the Committee, by rollcall vote, reports any measure or matter, or acts upon any measure or amendments thereto, the report of the Committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee.

Rule 8. *Announcement of Hearing.*—The Committee, or any Subcommittee thereof, shall make public announcement and provide notice to Members of the date, place, time, and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the Committee Chairman, or Subcommittee Chairman, with the concurrence

of the ranking Minority Member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. *Statements of Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing of the Committee, or any Subcommittee thereof, shall file a written statement of his proposed testimony not later than noon of the last business day preceding the day on which he is scheduled to appear. At the time of his appearance, he shall supply for the use of the Committee or Subcommittee, 25 copies of his prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine his oral presentation to a summary of his statement.

Rule 10. *Regularly Established Subcommittees.*—The Committee shall have six regularly established Subcommittees as follows:

Subcommittee on Environmental Pollution

Subcommittee on Nuclear Regulation

Subcommittee on Water Resources

Subcommittee on Transportation

Subcommittee on Toxic Substances and Environmental Oversight

Subcommittee on Regional and Community Development

Rule 11. *Subcommittee Membership.*—Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership of the Subcommittees referred to in Rule 10.

Rule 12. *Environmental Impact Statements.*—No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the Committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule does not intend to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. Whenever the Committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the Chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

Rule 14. *Naming of Public Facilities.*—No building, structure or facility authorized by the Committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, or former Members of Congress over 70 years of age.

Rule 15. (a) The Committee shall act on all prospectuses for construction (including construction of buildings for lease by the Government), alteration and repair, or acquisition submitted by the General Services Administration in accordance with section 7(a) of the Public Buildings Act of 1959, as amended, and such action shall be completed by the date of May 15 during the same session in which such prospectuses are submitted to Congress. The Committee may consider prospectuses submitted for alterations or repairs necessitated by emergency building conditions at any time during the same session of the Congress in which they are submitted. Prospectuses rejected by majority vote of the Committee or not contained in any bill reported to the Senate shall be returned to the GSA and must then be resubmitted in order to be considered for action by the Committee during the next session of the Congress.

(b) Reports of building project surveys submitted by the General Services Administration to the Committee under section 11(b) of the Public Buildings Act of 1959, as amended, shall not be considered by the Committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Projects described in such survey reports shall be considered for Committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

(c) Proponents of Committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 16. *Broadcasting of Hearings.*—Public hearings of the Committee, or any Subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the Chairman through the Chief Clerk. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or Staff on the dais, nor with the orderly process of the hearing.

Rule 17. *Amendment of Rules.*—The rules may be added to, modified, amended, or suspended by a majority of the Committee Membership.●

WATER RESOURCES DEVELOPMENT ACT

● Mr. ABDNOR. Mr. President, I believe it would be appropriate for me at this time to provide my colleagues with an overview of the status of and prospects for S. 366, the Water Resources Development Act of 1985.

Mr. President, 23 of my colleagues joined me in cosponsoring S. 366. I think that this is clear evidence of the broad based support for passage of a water resources development act, something which Congress has failed its responsibility to do now for 9 years.

Further evidence that the time is ripe for water legislation can be found in the fact that the administration has proposed its own water resources legislation. Mr. President, never before has an administration of either party proposed such comprehensive legislation to Congress, and while I personally have very serious problems with some of the administration's proposals, I welcome them back to the negotiating table.

These are two of the signs which point to the potential for success for water resource legislation in the 99th Congress.

In addition to these two encouraging signs, I would welcome any parallel action by the Finance Committee. We need to work together, and any action taken by the Finance Committee on user fees for inland and deep draft navigation projects will complement action on S. 366 by the Committee on Environment and Public Works.

Mr. President, I want my colleagues to know that I intend to move forward on S. 366, the Water Resources Development Act, and I hope we can advance this legislation with the cooperation of the Finance Committee.●

HONORABLE CHAN GURNEY

● Mr. ABDNOR. Mr. President, it is my sad duty to report to the Senate the death of a distinguished former member of this body who served in the seat I now hold from January 3, 1939, until January 2, 1951.

John Chandler "Chan" Gurney died on March 9 in Yankton, SD, the city in which he was born nearly 89 years ago.

Chan Gurney was a stalwart champion of this Nation's security, as a chairman of the Senate Armed Services Committee and a member of the Senate Appropriations Military Affairs Subcommittee. He knew well that our Nation's best means of preserving the peace was a strong defense.

The Gurney name in South Dakota is most closely identified with the Gurney Seed and Nursery Co. of Yankton. Young Chan worked for many years in this business founded by his family. Leaving the nursery business, he became familiar to radio listeners of the midwest as the friendly voice on Station WNAX which he convinced his family to acquire.

As the owner and manager of the Chan Gurney Oil Co. and WNAX Fair Price gasoline stations, he was decades ahead of his time in pioneering auto fuels made from grain.

As South Dakota's Senator he was known as one of the most accessible members and received consistent high marks for the quality of his constituent service.

As the Yankton Daily Press and Dakotan editorialized this week:

"Possibly the best eulogy for Gurney would be words to this effect: If there were more like him alive today—living in Yankton, working in South Dakota and serving in Washington DC—our times would be brighter and our futures would be more secure."

Mr. President, I know our colleagues join me in exteding heartfelt sympathy to his wife, Evelyn, and his children.

Mr. President, I request to have included in the RECORD articles from the Yankton Press and Dakotan reporting the death of our former colleague.

The articles follow:

GURNEY ACTIVE THROUGHOUT LIFE

(By Cindy Stenstrom)

From his days as an announcer in the pioneering days of Radio Station WNAX in Yankton through his terms as a United States senator on Capitol Hill, John Chandler "Chan" Gurney influenced the people around him and gained a distinction few have attained.

Gurney, who died Saturday at Sister James Nursing Home in Yankton at the age of 88, is most remembered as a young and talented announcer on a new radio station in 1925 called WNAX, and for his service as a congressman.

It was through his son, Chan's, urging that D.B. Gurney purchased the station in 1927, starting an era of the Gurney Seed and Nursery Co.-WNAX partnership that reached thousands of listeners throughout the years.

In the early 1930s, Gurney left the seed and nursery business to start the WNAX Fair Price gas stations, which sold a mixture of grain alcohol and gasoline—probably the beginnings of today's gasohol. The stations also sold WNAX Fair Price tires and motor oils.

He served as a Republican senator from South Dakota from 1939 through 1950. Although losing the first time, he later defeated former Gov. Tom Berry for the Senate and was re-elected in 1944.

But in 1951, Gurney's days in the Senate came to an end with a defeat by fellow Republican, U.S. Rep. Francis Case. Voters chose Case as their nominee in the 1950 primary and Gurney left the Senate on Jan. 3, 1951.

Gurney served two terms, a total of 12 years, as the state's U.S. senator. He was a member of congressional committees that worked on the Pick-Sloan Plan for building dams on the Missouri River to prevent flooding each spring.

Gurney was a member of many committees during his terms as senator. He was chairman of the Senate Armed Services Committee, and was a member of the Military Affairs and Appropriations committees.

The Civil Aeronautics Board was the next step for the Yankton native. President Harry Truman appointed him to the board for a six-year term. Following his first stint on the CAB, Gurney was reappointed for another six-year term by President Dwight Eisenhower. He was chairman of the CAB from 1954 to 1957 and was vice chairman until his retirement in 1965.

He returned to Yankton where he became active in garnering support for the Yankton airport, which was eventually named after him. Gurney served on the board of directors of North Central Airlines, which later became Republic Airlines. Gurney served on the board also of Sister James Nursing Home in Yankton.

During his term as senator, Gurney in 1945 presented an ancient Indian peace pipe to Truman in tribute to "his greatness as a leader in war and peace." The pipe was smoked by Chief Crazy Horse when he consented to return to the ranks of peaceful Indians on the South Dakota reservation after the battle with George Armstrong Custer battle in 1876, and was presented on the behalf of Chief Henry Standing Bear and Chief Frank Goodlance of the Sioux tribe.

Many in Yankton remember Gurney as a friend.

Howard "Hod" Nielsen, Press & Dakotan sports editor, grew up in the same neighborhood with Gurney's daughter, Elaine (Gurney) Smith and remembers idolizing him as the first basketball broadcaster in Yankton. Nielsen himself later became a sports announcer for KYNT Radio in Yankton.

"I knew him all my life. He was a really good friend. I always admired him for being himself. He was a big wheel, but he never lost his common touch," said Nielsen.

Gurney was also a close friend of the Levinger family. Charles Levinger recalled this morning that his father, Harold, and Gurney visited frequently when Gurney was a senator, and the family followed his career quite closely when he was a member of the CAB.

"He was a close friend of the family and he will certainly be missed," Levinger noted.

John Chandler "Chan" Gurney, 88, former U.S. senator from South Dakota and Civil Aeronautics Board chairman, died in Sister James Nursing Home here Saturday (March 9, 1985).

Funeral services will be 2 p.m. Tuesday in the United Church of Christ (Congregational) at Yankton, with burial at the Yankton Cemetery and military honors by Ernest Bowyer Veterans of Foreign Wars Post 791.

Visitations will be this afternoon from 3 to 9 at Ray Funeral Chapel, with Masonic rites conducted at 8 p.m. by St. John's Lodge No. 1 AF&AM.

Memorials are being directed to the Yankton Territorial Museum and to the Sister James Nursing Home.

Mr. Gurney was born May 21, 1896, in Yankton to Charles Walter and Eliza Butler Gurney. He attended Yankton public schools, graduating from high school in 1915. He married Evelyn Bordeno July 4, 1917, in Kansas City, Kan., and in fall of that year enlisted in the U.S. Army. He was stricken with meningitis, and received a medical discharge. He fought for about a year in Europe during World War I.

He returned to Yankton in 1919 and he was employed by the Gurney Seed and Nursery Co. as a salesman and later was promoted to secretary. He was the founder of Radio Station WNAX, and personally made its first broadcasts from the Gurney home at Fifth and Pine streets. He left the seed company to become owner and manager of Chan Gurney Oil Co. in Sioux Falls from 1933 to 1938.

Gurney lost the first time he ran for the Senate in 1936. In 1938, he defeated former Gov. Tom Berry for the Senate and was re-elected in 1944.

Voters chose Case as their nominee in the 1950 primary and Mr. Gurney left the Senate on Jan. 3, 1951.

He served in the Senate from 1939 through 1950, and after his second term was appointed to the CAB, where he became chairman until his retirement in 1965.

He returned to Yankton but continued his ties to aviation, serving as a director for North Central Airlines, which became Republic Airlines.

In 1940 and 1941, Mr. Gurney worked to promote Rapid City as the site of one of seven major new air bases throughout the nation. Yankton's Chan Gurney Municipal Airport was named in his honor.

Mr. Gurney was a member of the United Church of Christ, St. Johns Masonic Lodge, AF&AM. He was a 33rd degree Mason, a member of the Yankton Consistory and El Riad Shrine Temple in Sioux Falls, the Lewis and Clark Shrine Club of Yankton, the American Legion, the Veterans of Foreign Wars, the Elks Club, the Dakota Lodge and the International Order of Odd Fellows.

Survivors include his wife; one daughter, Mrs. Elaine Smith of Yankton; two sons, John of Dallas, Ore., and Deloss of Hinsdale, Ill; eight grandchildren and nine great-grandchildren.

[Yankton Press & Dakotan, March 12, 1985]

CHAN GURNEY: BUSINESSMAN, SENATOR, CIVIC LEADER

The news story and the obituary carried all the words: John Chandler "Chan" Gurney, 88, former Republican United States senator from South Dakota and Civil Aeronautics Board chairman, died in Sister James Nursing Home in Yankton on Saturday.

Gurney—Yankton born and bred—attended city public schools, served in the U.S. Army, returned to Yankton and was employed by the Gurney Seed and Nursery Co.

He was founder of Radio Station WNAX. He left the seed company to become owner and manager of Chan Gurney Oil Co. and the WNAX Fair Price gasoline stations, which sold a mixture of grain alcohol and gasoline—probably the beginnings of the gasohol industry of today.

He was elected to the U.S. Senate in 1938 and re-elected in 1944. He served in the Senate from 1939 through 1950. He was chairman of the Senate Armed Services Committee during the critical years of World War II, and was a member of the Military Affairs and Appropriations committees, as well.

The CAB was the next step for Gurney. President Harry Truman appointed him to the board for a six-year term. Gurney was reappointed for another six-year term by President Dwight Eisenhower. He was chairman of the CAB from 1954 to 1957, and was vice chairman until his retirement in 1965.

He returned to Yankton and continued his ties to aviation, serving as a director for North Central Airlines, which became Republic Airlines. Chan Gurney Municipal Airport in Yankton was named in recognition of his contribution to aviation and to Yankton.

Gurney was so active in the community, in the state, on the national level, that the list of his activities belongs in the "who's who" among Americans of the 20th Century.

Funeral services were held today at 2 p.m. in the United Church of Christ (Congregational) at Yankton, with burial at the Yankton Cemetery and military honors by members of the Ernest Bowyer Veterans of Foreign Wars Post 791.

Memorials are being directed to the Yankton Territorial Museum and to the Sister James Nursing Home, where Gurney was once a director and, in his later years, a resident.

Those were the words.

They do not adequately convey the feeling of Gurney the man nor the relevance of his life to Yankton, to South Dakota, to the nation.

His friends and family perhaps are the only ones who truly can know Gurney the man—but, all that any resident of Yankton has to do to understand the significance of his life is to read those words with a measure of thought: Businessman, senator, civic leader, aeronautical pioneer—and, so much more.

There are few who can match that record—few who even would dare make the attempt.

Possibly the best eulogy for Gurney would be words to this effect: If there were more like him alive today—living in Yankton, working in South Dakota, serving in Washington, D.C.—our times would be brighter and our futures would be more secure.

John Chandler "Chan" Gurney was one in a million.●

COSPONSORING SENATE RESOLUTION 66

● Mr. D'AMATO. Mr. President, I am pleased to join my colleagues as a cosponsor of Senate Resolution 66. For over three decades, the ANZUS Alliance has served well the interests of the United States, Australia, and New Zealand. It has also been a natural manifestation of the close political, security, and economic ties that bind our three nations together. This trilateral agreement is the alliance upon which our mutual security in the South Pacific has been based in the post-World War II period.

New Zealand's current policy, however, threatens this security and undermines our common defense. Restricting U.S. nuclear-powered or nuclear-armed ships' access to New Zealand's ports would require the United States to reverse its long standing policy of refusing to confirm or deny the presence or location of nuclear weapons or to cease calling at New Zealand's ports. We have chosen to end port visits until this restrictive policy is reversed. The immediate consequence of New Zealand's policy is the cancellation of the Sea Eagle exercise hosted by Australia.

As a member of the ANZUS Alliance and of the free world, New Zealand is responsible for sharing equally the burdens of the alliance in the defense of freedom. They cannot expect to choose the burdens they will bear and, at the same time, enjoy all the benefits provided by the alliance and by our collective freedom. The fight to maintain the relative peace that now exists requires a unified effort by all nations of the free world. New Zealand's unilateral action weakens this effort and increases the risk of armed conflict.

The threat of nuclear war is not diminished by New Zealand Prime Minister Lange's ill-considered policy. Indeed, his policy has undermined the unity of the ANZUS Alliance. No rational person can question the devastating effects of a nuclear war. Therefore, we must avoid at all costs the adoption of policies that serve only to increase the threat of such a war. Peace and freedom today are maintained through strength and unity, not weakness and quixotic gestures of the sort New Zealand is making.

Only behind the security shield of such alliances as ANZUS can the free world enjoy the economic benefits of international trade and the social, cultural, and political benefits of freedom. Regrettably, Prime Minister Lange's actions have jeopardized this security shield, calling into question our mutual international trade relationship. We are thus forced to reconsider the costs and benefits of this relationship.

We are taking this action today not because we wish to break our alliance with New Zealand, but because we want to see that alliance reaffirmed and strengthened. We wish to maintain our collective security arrangements and foster the international relationships made possible by this defensive shield.

To this end, it is my hope that New Zealand will come to understand the shortsightedness of their actions and decide to return to the healthy United States-New Zealand relations that existed only a few months ago. We must make unmistakably clear our disappointment over their actions and our continued firm opposition to their new policy.

I commend Senator COHEN for proposing a resolution that does just that, and I hope that our allies abroad who feel as we do will join in our resolve by undertaking similar efforts to pursuade New Zealand to reverse its policy.

I urge my colleagues to join with me in support of this expression of the will of the Senate on this important security issue.

Thank you, Mr. President.●

THE CONRAIL SALE

● Mr. HEINZ. Mr. President, on February 28, 1985, I testified before the Commerce Committee at a hearing on the proposed sale of Conrail. I ask that the text of my testimony be printed in the RECORD at this time.

The text follows:

STATEMENT OF THE HONORABLE JOHN HEINZ

Senator HEINZ. Mr. Chairman, first I want to thank you for these hearings and inviting Senator Specter and myself to testify.

I would like to first summarize my point of view and then briefly detail why I take the particular point of view I do. Basically the proposal by the Department of Transportation is going to create a mega-merger of two huge rail systems, that the shippers are against because it will eliminate competition at 5,557 service points, that labor is against because it will eliminate at least 2,300 jobs—that is what Norfolk Southern says—and that is a give-away of a $7 billion investment of the taxpayers' money for a mere $1.2 billion, which is just about exactly the amount of surplus cash that Conrail has in its treasury and pension fund combined.

I obviously strongly oppose the Department of Transportation proposal. Let me deal with the fact that it is grossly anti-competitive. The Department itself has said it wants to preserve service and competition.

Based on the available evidence, the merger of Conrail with Norfolk Southern would leave 5,557 individual shipping points in at least twelve markets bereft of access to competing lines. The antitrust remedy proposed by the Department of Justice will solve only a portion of these problems.

Because of that serious deterioration of competitive rail service, the proposal is going to drastically undermine the economy of the Northeast-Midwest region. It will not only cost Conrail workers at least 2,300 jobs—and that is the Norfolk Southern's promise—but it will cost tens of thousands of jobs on the premises of those manufacturers and shippers who depend on Conrail services and the competition from other rail lines currently accessible, because those shippers will either be bereft of any service or the cost of their transportation will rise dramatically because they will be captive shipping-points.

I also must say, Mr. Chairman, that the proposal that is before you from the Department of Transportation is not going to go anywhere and achieve the intended objective of the Northeast Rail Service Improvement Act, and I do not think it is going to go anyplace for three reasons:

The first is the tax elements of this proposal. Now, it just so happens that the Finance Committee, on which the chairman and I both serve, has jurisdiction and should have jurisdiction over the tax aspects of this proposal.

This proposal has some of the most intricate, precedent setting tax provisions that I have ever seen. And I will name one that should be of great concern to every member of the Finance Committee and every Member of the House and Senate. As I understand the proposal, we would be presented with legislation which would eliminate the investment tax credit that has accumulated over the years to Conrail, in return for which the same legislation proposes to write up the depreciable base of the assets in this corporation.

Mr. Chairman, until we go over it and it is found by the experts on the Finance Committee to be something else, that looks like one of the great hidden tax give-aways to the special interests in this century. And we should be examining it in the committee of jurisdiction, and certainly I intend to insist on referrals to the Finance Committee, on which you serve, so that we can properly examine it.

Second the antitrust questions are significant and serious. How can they not be significant when 17,000 miles of Norfork Southern track, as Senator Specter has mentioned, are being merged with 13,000 or 14,000 miles of Conrail lines to create the largest railroad in the history of the United States.

What about the competitive effects of those 5,557 service points? I do believe that the Senate Judiciary Committee must, indeed is obligated to, demand referral and to evaluate the antitrust components of this sale. Having a little report from the Justice Department that says all is well here in Mudville is simply not good enough.

Let me give you the third reason, Mr. Chairman, why I do not think this proposal to privatize Conrail is going to go anyplace. There is a rumor that this sale is going to go someplace because it is going to be included in budget reconciliation.

Now, we all know what difficulty we are having putting together a budget reconciliation package, we all know that, if we're going to reduce spending by $50 billion, we are going to have in that budget reconciliation proposal about $200 worth of pain for

every man, woman and child in the United States of America.

That is what those budget cuts would amount to, and that legislation, if it passes, is not going to pass by a very large margin. And I do not think that including a controversial Conrail sale proposal that affects the economic lifeblood of the Northeast and Midwest is exactly going to help that budget proposal along.

And if you want me to be plainer, if you want me to answer your unasked question, Senator, does that mean that I would vote against reconciliation if we put the Department's proposal in there as it stands, the answer is probably a very strong yes.

Now, let me address another point, Mr. Chairman. I am not opposed to the privatization of Conrail. Indeed, I support the Secretary's goal of privatizing Conrail. I would like to see it happen, if we can do it the right way, sooner as opposed to later. Sooner is more advantageous for a variety of reasons that we all know about.

But I do not think that having privatization just for its own sake is the answer, particularly when there is at least one alternative to the anticompetitive, antijobs, economically catastrophic-for-the-region megamerger. That alternative is a public offering.

There are many kinds of public offerings: some are good and some are bad. A public offering that contemplates $500 million in equity is not a good public offering. $500 million in equity is the same as selling Conrail to the Marriott Corporation, which is going to put up $500 million, and that means that the other $700 million is going to come out of Conrail.

It is going to come out of Conrail's cash, Conrail's $849 million reserve. If it is not cash, it is going to come out of hypothecated assets of Conrail, which at some point has to be paid off with cash generated later. That is not in the best interest of Conrail.

It is not in the best interest of Conrail because Conrail may need, if and when we go into another economic downturn, the cushion of its cash. It is going to need the ability to borrow, perhaps, to get through the economic cycle.

There are better public offerings, however. A public offering that results in substantially all of the revenue of $1.2 billion being generated through the sale of common stock, equity, is a good public offering, because it results in no utilization of Conrail's cash, and because it results in no significant hypothecation of Conrail's assets, and gives Conrail the strongest possible means of moving ahead.

What I am here to urge you to consider is a particular kind of public offering, and that is a public offering where the public has a chance to vote with their wallets and determine the future of Conrail. If the public chooses not to invest in Conrail, if the public offering fails, we go to plan B, which is whatever plan you, Mr. Chairman, and the Congress together with you decide.

What I am saying is that I urge you to write, for all the reasons aforementioned, a single piece of legislation that requires that the Secretary use her best efforts to bring about a public offering. If after a 60 or 90 day period of marketing that public offering (the costs of which would be borne by an underwriter or group of underwriters) $1.2 billion worth of common stock had not been subscribed (an amount equal to or greater than that offered by Norfork Southern), then we would go, because it is in the same piece of legislation, to plan B, which is whatever Congress shall prescribe.

It seems to me, Mr. Chairman, that this is an option that the committee ought to seriously consider. I am aware that there is some concern about the efficacy of a public offering, but I would note that yesterday, when you asked Secretary Dole's investment banker, Ken Brody, to comment on my proposal for a contingent public offering, he carefully did not say anything about it, and addressed something else. I do not know what. I was not here. But he certainly did not, as an examination of the hearing record will show, respond to your question in that regard.

The efficacy of a public offering generally has been questioned because no one has been able to identify as yet an underwriter who would do the typical kind of public offering. The typical kind of public offering is where an underwriter says we will on such and such a date deliver to you $1.2 billion, and if we do not get all the stock sold, it comes out of us, the underwriter.

That is the typical kind of public offering. I am proposing a different kind of public offering where, if the $1.2 billion is not delivered on a specific date, you go to plan B. I would suspect, Mr. Chairman, that there are two ways you can test the efficacy of my proposal.

Test number one is to examine the asset structure of Conrail, as Senator Specter has proposed. Now, we are at a disadvantage. We cannot get the list of all the assets of Conrail, but we do have a list of the cash in Conrail, and the cash in Conrail is $849 million plus whatever money Conrail has made over the past two months, which is probably several more million dollars, plus $200 million surplus in the pension fund, plus whatever the net asset value is of the $3 to $4 to $5 billion worth of rolling stock, rail, scrap value, and everything else that makes up the railroad. I do not know what that is, but it is certainly worth several billions of dollars, I would think.

It seems inconceivable to me that any underwriter worth his salt could not sell $1.1 billion of cash plus $2 or $3 billion worth of net assets for a measly $1.2 billion, and I suggest you ask them whether they can do it or not on the basis I have described.

Test number two is to get some underwriters in here to tell you whether or not, based on the formulation I have given you, they would singly or in combination be willing to risk the marketing costs of this kind of contingent public offering, which marketing costs are substantial, at least as they measure it.

From what I understand, it would cost between $5 and $10 million to market the contingent public offering that I have proposed. Now, in Washington D.C., Mr. Chairman, $5 to $10 million is kind of laughed at. We do not even count it in the budget process. We just put a little asterisk beside it and say it is all right.

The Budget Committee does not even oppose amendments as long as they are under $50 billion in the budget. However, for a real flesh and blood business firm in this country, $5 to $10 million is a substantial amount of money.

So, if you get an underwriter that says, we are willing to risk $5 or $10 million to market this, you have somebody who is willing to put his reputation and his neck on the line here, and I hope you will bear that in mind.

Mr. Chairman, I want to conclude by simply saying that I think you have a tough job. What makes it so tough is that there is a lot that you are being asked to do that is not typically in the jurisdiction of this committee.

The antitrust questions clearly need the expertise of the Judiciary Committee. They are raised specifically by the merger with Norfolk Southern. The tax questions, which are raised by the sale to any private entity, are clearly in the jurisdiction of the Finance Committee.

For the most part, those questions would not arise through a public offering. Indeed, a public offering would be not unlike what exists now with respect to Conrail, except we would no longer have a nationalized railroad competing against free enterprise, other railroads, shippers, bargers, and air freighters, as indeed now is the case.

So, I hope, Mr. Chairman, that you will look into the issues that I have outlined for you. I hope that the committee will rise to the challenge of framing a different kind of legislative proposal.

Otherwise, I fear the committee will frustrate the very intent of NERSA, which is to find an intelligent way, not any old way, of returning Conrail where it ultimately belongs, namely, in the private sector.

I thank you, Mr. Chairman.●

RULES AND SUBCOMMITTEE ASSIGNMENTS FOR THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. DANFORTH. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I hereby submit for printing in the CONGRESSIONAL RECORD the procedural rules of the Committee on Commerce, Science, and Transportation in accordance with the requirement of Senate Rule XXVI. These are the rules adopted by the committee in its first executive session on March 8, 1985, and are identical to the rules adopted by the committee for the last Congress.

Mr. President, I also submit for printing in the CONGRESSIONAL RECORD the subcommittee assignments for the Committee on Commerce, Science, and Transportation for the 99th Congress.

The material follows:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the committee or any subcommittee shall file with the committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the chairman of the committee or subcommittee prescribes.

4. Field hearings of the full committee, and any subcommittee thereof, shall be scheduled only when authorized by the chairman and ranking minority member of the full committee.

II. QUORUMS

1. Nine members shall constitute a quorum for official action of the committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Six members shall constitute a quorum for the transaction of all business as may be considered by the committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the committee and each subcommitte thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full committee, or any subcommitte thereof, shall be televised or broadcast only when authorized by the chairman and the ranking minority member of the full committee.

V. SUBCOMMITTEES

1. Any member of the committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a member of such subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

99TH CONGRESS: COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

STANDING SUBCOMMITTEES

AVIATION

Nancy Landon Kassebaum, Kans., Chairman.
Barry Goldwater, Arizona.
Ted Stevens, Alaska.
Paul S. Trible, Virginia.
J. James Exon, Nebraska.
Daniel K. Inouye, Hawaii.
Wendell H. Ford, Kentucky.

BUSINESS, TRADE, AND TOURISM

Larry Pressler, S. Dak., Chairman.
Bob Packwood, Oregon.
Albert Gore, Jr., Tennessee.

COMMUNICATIONS

Barry Goldwater, Ariz., Chairman.
Bob Packwood, Oregon.
Larry Pressler, South Dakota.
Ted Stevens, Alaska.
Slade Gorton, Washington,
Ernest F. Hollings, S. Carolina.
Daniel K. Inouye, Hawaii.
Wendell H. Ford, Kentucky.
Albert Gore, Jr., Tennessee.

CONSUMER

Bob Kasten, Wis., Chairman.
John C. Danforth, Iissouri.
Wendell H. Ford, Kentucky.

MERCHANT MARINE

Ted Stevens, Alaska, Chairman.
Slade Gorton, Washington.
Bob Kasten, Wiscknsin.
Paul S. Tribe, Virginia.
Daniel K. Inouye, Hawaii.
Russell B. Long, Louisiana.
John D. Rockefeller IV, W. Va.

SCIENCE TECHNOLOGY, AND SPACE

Slade Gorton, Wash., Chairman.
Barry Goldwater, Arizona.
Nancy Landon Kassebaum, Kansas.
Paul S. Trible, Virginia.
Donald W. Riegle, Jr., Michigan.
Albert Gore, Jr., Tennessee.
John D. Rockefeller IV, W. Va.

SURFACE TRANSPORTATION

Bob Packwood, Oreg., Chairman.
Larry Pressler, South Dakota.
Nancy Landon Kassebaum, Kansas.
Bob Kasten, Wisconsin.
John C. Danforth, Missouri.
Russell B. Long, Louisiana.
Donald W. Riegle, Jr., Mich.
J. James Exon, Nebraska.
John D. Rockefeller IV, W. Va.

NATIONAL OCEAN POLICY STUDY

John C. Danforth, Mo., Chairman.
Ted Stevens, Alaska, Vice Chairman.
Bob Packwood, Oregon.
Slade Gorton, Washington.
Bob Kasten, Wisconsin.

Paul S. Trible, Jr., Virginia.
Ernest B. Hollings, S. Carolina.
Russell B. Long, Louisiana.
Daniel K. Inouye, Hawaii.●

NATIONAL EMPLOY THE OLDER WORKER WEEK

● Mr. ABDNOR. Mr. President, the week of March 10–16 marks the 26th year that the American Legion, National Council of Aging, the American Association of Retired Persons, the Senior Community Service Employment Program, and others have sponsored "National Employ the Older Worker Week."

I was pleased to join in sponsoring Senate Joint Resolution 38 proclaiming this week in recognition of the efforts of these organizations and others to bring greater public attention to the benefits of employing older Americans.

Never before in the history of our Nation have we had as many senior citizens involved in work programs as we have now. This is a record to be proud of.

In my own State of South Dakota, I point with pride to the Green Thumb Program and the great benefits which it has brought to rural Americans in my State and others. Currently, the South Dakota Green Thumb Program, under the sponsorship of the National Farmers Union, employs over 300 older South Dakotans in a variety of positions from small factory workers to assisting in elderly health care programs.

Under the expert direction of Mr. Gerry Eisenbraun and others, the South Dakota Green Thumb Program has provided a living demonstration of the viability of hiring older workers since 1968. Without these employment opportunities, hundreds of older South Dakotans would lead lives less full and less rewarding.

I was pleased to join with Senator JOHN HEINZ, Senator JOHN GLENN, and others in cosponsoring this legislation to promote greater public recognition of the employment skills of older Americans. Having a number of senior citizens on my own Senate staff, I am well aware of the wealth of experience and wisdom such older Americans bring to the workplace.●

SENATOR CARL CURTIS CELEBRATES 80TH BIRTHDAY

● Mr. DOLE. Mr. President, I want to extend my heartfelt good wishes to Senator Carl Curtis who is celebrating his 80th birthday on March 15.

Senator Curtis and I served on the Senate Finance Committee together. And during those years, he was a good personal friend and a knowledgeable and helpful colleague.

Although Senator Curtis has retired from the Senate, he remains an active

member of the community—both here in Washington and in Nebraska.

I know those Members who served with Senator Curtis over the years, and others that know him, will want to join with me in sending him our congratulations and best wishes for continued good health and many more birthdays.●

RUSSELL L. STECKER

● Mr. WEICKER. Mr. President, I rise to call my colleagues' attention to the recent recognition very justly accorded a constituent of mine who has, through his profession, contributed substantially to improving the quality of life of persons with disabilities.

Russell L. Stecker, a senior partner in the Hartford-based architecture firm of Stecker, LaBau & Arneill, has served as a member of Connecticut's General Assembly and was deeply involved in establishing the Nation's first uniform State building code requiring access for persons with disabilities.

For his efforts he was presented the first Jane Sokolov Award by the Hartford Easter Seal Rehabilitation Center, a recognition which itself is named for another pioneering professional who dedicated her life's work to firmly establishing comprehensive outpatient medical and vocational rehabilitation services in the Greater Hartford area.

Russ Stecker richly deserves to be the first Sokolov Award recipient. Through both his public and professional lives he is removing the barriers that society places in the paths to independence and fulfillment for disabled people. And while this Congress and its predecessors can be proud of our efforts to insist on full integraton of disabled people in our society, it nonetheless remains for caring, capable individual citizens to insist and assist in getting the job done.

Russ Stecker, through his efforts on behalf of disabled people, has set an example for all of us to follow.●

DOD INTERSERVICE COOPERATION IN ARKANSAS

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. BUMPERS. Mr. President, at a time when the Department of Defense is criticized from all directions for the size of the defense budget, we should not overlook those in the Reserve Establishment who work for no pay and contribute a great deal.

On a recent visit to Arkansas, I had the pleasure of learning first hand about an interservice program between members of the Marine Corps Reserve and the National Guard. We in Arkansas are very proud that the National Guard's Professional Education Center for the United States is located at North Little Rock, AR. Members of a Marine Reserve Mobilization Training Unit located in Little Rock developed a subcourse on amphibious operations and doctrine when it was learned that no such course was in the National Guard curriculum.

The course is taught by volunteer Marine reservists who receive no pay and is added to the National Guard curriculum without any direct cost to the Government. Two of my constituents, Lt. Col. John Gill of the Marine Reserve and Col. Jim Daniel of the National Guard, have displayed the inguenuity to bring the program about. This is the type of interservice cooperation which makes us stronger at the same time that it reduces the cost of the Nation's defense.

The DOD earns high marks and appreciation for encouraging this type of effort.●

TOWARD JUSTICE IN NORTHERN IRELAND

● Mr. PELL. Mr. President, as a charter member of the Friends of Ireland, I am pleased to associate myself with the group's annual St. Patrick's Day statement. But two aspects of the current Irish situation, in my judgment, warrant special emphasis and concern.

The first is the continued operation in Northern Ireland of the Ulster Defense Association. Much condemnation has been directed—and quite rightly—at the immoral and antidemocratic violence perpetrated by the Irish Republican Army, supposedly on behalf of Northern Ireland's Catholic minority. Far less attention has been focused on its Protestant counterpart, the Ulster Defense Association, which is not only the largest paramilitary unit in Northern Ireland but has also shown itself to be a terrorist organization responsible for the murder of innocent civilians, bombings in the Irish Republic, and the illegal importation and stockpiling of arms. Over a period of time, the Government of the United Kingdom has jailed over 400 UDA members, discovering that some were also members of the Ulster Defense Regiment, an integral part of the security forces of Northern Ireland. Yet regrettably, despite its criminal propensities, the UDA is still allowed to operate openly in Northern Ireland, recruiting members and raising funds. Consequently, I have joined with Senators DODD, MOYNIHAN, and KENNEDY in sponsoring Senate Concurrent Resolution 27, calling upon the Government of the United Kingdom to outlaw the Ulster Defense Association, its membership, activities, and any like terrorist organization.

A second matter deserving emphasis today is the need for British statesmanship if the Irish question is to be resolved. Two years ago, the Republic of Ireland's farsighted leader, Garret FitzGerald, convened the New Ireland Forum, composed of the predominantly Catholic political parties of the Irish Republic and Northern Ireland. Its goal was to devise a path away from the current stalemate and slaughter in Ulster and toward an era of reconciliation in which the legitimate interests of both Catholic and Protestant would be protected. One year ago, the forum issued a landmark report, advocating some form of "joint sovereignty" in which Dublin and London would share authority in Northern Ireland. Under this formula, citizens of the north would be free to choose their own nationality. Meanwhile, security and stability would be enhanced as Irish Republican authorities assumed responsibility for those intensely nationalistic areas of Northern Ireland where the British Army and the Royal Ulster Constabulary must now operate essentially as an occupying force.

Implementation of any such concept will, of course, require British cooperation. Traditionally, Ulster Unionists have summarily rejected any change in the status quo, and Prime Minister Thatcher has taken their lead. But Mr. FitzGerald and his fellow Irish moderates have hoped through patient negotiation to induce a change in Westminster. With her staunchly patriotic credentials and demonstrated courage, Mrs. Thatcher is uniquely equipped to exercise leadership on this issue if she chooses. Indeed, given her cooperation and backing, the proposals of the New Ireland Forum could move swiftly from the world of dreams into the practical world of reality.

Thus it was that last November, when Prime Minister FitzGerald met in Dublin with a visiting delegation consisting of myself and several other Senators, he viewed with considerable expectation his imminent meeting with Mrs. Thatcher. Northern Irish leaders, whom we met in Belfast, voiced similar hope. Unfortunately, when the summit came, Mrs. Thatcher rejected the forum proposals, offering little sign that she was ready to entertain the profound—but eminently reasonable—structural changes which the forum had recommended and which the Irish situation so clearly requires.

Mr. President, I applaud the statesmanship of Prime Minister FitzGerald. And I urge that his voice be heard—in America, when he urges a halt to support for violence, and at No. 10 Downing Street, from which visionary leadership must come if there is to be an end to the reasons for that violence and a new beginning toward the just and peaceful Irish future so long denied.●

51-059 O-86-32 (Pt. 4)

ORDER FOR THE RECORD TO REMAIN OPEN TODAY UNTIL 5 P.M.

Mr. DOLE. Madam President, I ask unanimous consent that the RECORD remain open today until the hour of 5:00 p.m., for the introduction of bills, resolutions, and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 18, 1985

RECESS UNTIL 12 NOON

Mr. DOLE. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon on Monday, March 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

Mr. DOLE. Madam President, I further ask unanimous consent that, following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE], for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Madam President, I also ask unanimous consent that, following the Proxmire special order, there be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Madam President, I indicate to my colleagues that following the conclusion of morning business, it will be the intention of the leadership to turn to any Legislative or Executive Calendar items cleared for action, and possibly begin consideration of Senate Joint Resolution 71, MX authorization, if available from Armed Services Committee.

Madam President, the last statement was simply for the edification and notification of Members. That would be the program on Monday, March 18, as I understand it.

Mr. BYRD. Madam President, will the distinguished majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Madam President, it is my understanding that the distinguished majority leader was simply stating for the information of the Senate that it would be his intention to call up possibly Senate Joint Resolution 71, the MX authorization and/or anything else that might be cleared for action, but he was not asking unanimous consent that that be locked in at the moment.

The PRESIDING OFFICER. The minority leader is correct.

Mr. BYRD. All right. I thank the Chair and I thank the majority leader.

RECESS UNTIL MONDAY, MARCH 18, 1985

Mr. DOLE. Madam President, there being no further business, I move that the Senate stand in recess until 12 noon on Monday, March 18, 1985.

The motion was agreed to; and, at 1:54 p.m., the Senate recessed until Monday, March 18, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Secretary of the Senate March 8, 1985, under authority of the order of the Senate of January 3, 1985:

OFFICE OF PERSONNEL MANAGEMENT

Donald J. Devine, of Maryland, to be Director of the Office of Personnel Management for a term of 4 years (reappointment).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jacob Neusner, of Rhode Island, to be a member of the National Council on the Arts for a term expiring September 3, 1990, vice Jessie A. Woods, term expired.

THE JUDICIARY

Mark L. Wolf, of Massachusetts, to be U.S. district judge for the district of Massachusetts, vice a new position created by Public Law 98-353, approved July 10, 1984.

William G. Young, of Massachusetts, to be U.S. district judge for the district of Massachusetts, vice a new position created by Public Law 98-353, approved July 10, 1984.

Executive nominations received by the Secretary of the Senate March 12, 1985, under authority of the order of the Senate of January 3, 1985:

NATIONAL LABOR RELATIONS BOARD

Marshall B. Babson, of Connecticut, to be a member of the National Labor Relations Board for a term expiring December 16, 1989, vice Don Alan Zimmerman, term expired.

Wilford W. Johansen, of California, to be a member of the National Labor Relations Board for a term expiring expiring August 27, 1988, vice Howard Jenkins, Jr., resigned.

Executive nominations received by the Secretary of the Senate March 13, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF THE TREASURY

John F. W. Rogers, of New York, to be an Assistant Secretary of the Treasury (new position—Public Law 98-594 of October 30, 1984).

THE JUDICIARY

Ann C. Willians, of Illinois, to be U.S. district judge for the northern district of Illinois, vice a new position created by Public Law 98-353, approved July 10, 1984.

SENATE—*Monday, March 18, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

O give thanks unto the Lord; for he is good: for his mercy endureth forever.—Psalm 136:1.

We do give thanks to You, Loving Lord. Forgive us when we presume upon daily benefits which to us are so commonplace while to others they are so rare. We slept in comfortable beds last night while many slept on the streets. We awakened this morning—many did not; and we rose from bed motivated by opportunities which challenge us. Many could not get out of bed—and many who could had no incentive to do so. We enjoyed a nourishing breakfast and anticipate more food than we need today, tomorrow, and each day to follow. Many had no breakfast this morning, nor yesterday, nor will they have any tomorrow. We have more than enough of everything—many never have enough of anything. We are surrounded by friends; many are friendless, lonely, forgotten, rejected. Dear God, may it not be necessary for us to lose our blessings before we appreciate them; and may we be sensitive, compassionate, and responsive to those who are so rarely blessed. In His name Who is love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, as indicated on Thursday last, under the standing order, the leaders each have 10 minutes and then there is a special order not to exceed 15 minutes for the distinguished Senator from Wisconsin, Senator PROXMIRE. That will be followed by routine morning business not to extend beyond the hour of 1 p.m. with statements limited therein to 5 minutes.

It is my hope that shortly after that time we can proceed to Senate Joint Resolution 71, the MX authorization. There is a statutory time agreement of 10 hours. It would also be my hope that, before we start on that matter, we might have a unanimous-consent agreement where the leaders might control the time and maybe even agree on a time certain for a vote by, say, midafternoon tomorrow. I have visited with the distinguished minority leader about this and perhaps we can work that out.

It would also be my hope, if we could dispose of the Senate Joint Resolution 71, the MX authorization, by midafternoon tomorrow, that we would then perhaps move to S. 457, the African relief authorization, possibly under a brief time agreement, and then, following that, go to Senate Joint Resolution 75, the MX appropriations. Again, there is a statutory time agreement there of 10 hours, and again it may be possible to do it in less than that time.

That may or may not be completed on Wednesday. If not we will complete action on Senate Joint Resolution 75 on Thursday, and hopefully this week we can also turn to and complete action on the African relief appropriations, H.R. 1239. It is my understanding there may be some amendments to that particular provision on both sides, but we hope to dispose of that on Thursday or, if not, on Friday of this week.

So it is a possibility that we could have final action on Senate Joint Resolution 71 tomorrow afternoon, followed by final action on S. 457, and then we would take up Senate Joint Resolution 75.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

I yield back the balance of my time.

Mr. DOLE. I yield back the balance of my time.

Mr. BYRD. Mr. President, if the distinguished majority leader would have no objection, I would like to have control of my time back for the purpose of suggesting the absence of a quorum to protect the Senator from Wisconsin.

Am I now retrieving my time?

The PRESIDING OFFICER (Mr. GRAMM). Yes. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROL OF TIME—SENATE JOINT RESOLUTION 71

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of Senate Joint Resolution 71 the time be under the control of the majority leader and the minority leader or their designees.

Mr. BYRD. Mr. President, I have no objection. But I shall reserve the right to object for the purpose of stating for the RECORD that I think this request by the majority leader is a very appropriate one, and it will better facilitate equal control of the time between those favoring and those opposing the resolution.

The language in the act itself indicates that debate shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution.

I should think that would pose a problem for the Chair, and also for the Parliamentarian in that it would be difficult to determine whether a particular Senator is going to favor or going to oppose the resolution. Therefore, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD subsequently said: Mr. President, for the purpose of the RECORD, may I say that the time that will be under my control tomorrow and today will be allotted equally between a designee who supports the resolution and a designee on this side who opposes the resolution.

I thank the majority leader.

OFFICIAL SENATE PHOTOGRAPH

Mr. DOLE. Mr. President, I announced that following the first MX vote, the vote on Senate Joint Resolution 71, there will be the annual official photograph of the U.S. Senate taken. It is therefore my intention to put Members on notice that immediately following that vote on Senate Joint Resolution 71 there will be the official photograph taken for National Geographic and the Historical Society.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

I understand there is no objection to the photograph by the distinguished minority leader. I, therefore, send the resolution to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

Senate Resolution 100, authorizing the taking of a photograph in the Chamber of the United States Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, I might say for the distinguished minority leader's benefit that that does state following the first MX vote.

Mr. BYRD. Yes. I understand.

I thank the majority leader because I am on notice, and this will enable me to come to the Senate Chamber tomorrow with my best suit.

Mr. DOLE. That will give all other Members the same opportunity. I urge all Members to plan to be here for the photograph.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 100) was agreed to, as follows:

S. RES. 100

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the National Geographic Society to photograph the United States Senate in actual session on March 19, 1985, immediately following the first MX vote.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. Proxmire] is recognized for not to exceed 15 minutes.

WHY THE SENATE SHOULD VOTE DOWN THE MX

Mr. PROXMIRE. Mr. President, today and tomorrow the Senate will debate the MX missile and whether or not we should fund the MX missile. I think the Senate should not fund the MX missile. I want to speak briefly as to why.

First, does this country need more nuclear missiles or more nuclear warheads? The answer is of course, not. We already have in excess of 9,000 strategic nuclear warheads. Is 9,000 good enough? Nine thousand nuclear warheads is enough to destroy every city in the Soviet Union with a population in excess of 25,000 many times over. It is also enough to saturate and destroy every conceivable Russian military target. Why do we need to add 1,000 more nuclear warheads? Can anyone seriously argue that by going to 10,000 warheads from 9,000 we would have any significant effect on the credibility of our deterrent. It would not. And because it would not is the No. 1 reason for not funding the MX.

The second reason is this: The MX is an especially vulnerable weapon system. It would be the least likely kind of a system to survive a Soviet preemptive strike. Now, Mr. President, an argument that we need more missiles, in the event the missiles we have should be destroyed by a Soviet attack, might justify an addition to our submarine fleet. Why? Because our submarine fleet has the great advantage of moving quietly under the ocean. It enjoys the advantage of mobility and invisibility. Do either of those advantages accrue to the MX? No. Neither does. Nor does the MX enjoy the supersonic mobility of our bomber-based missiles. In fact, even our land based stationary minuteman warheads enjoy a lesser vulnerability per warhead than the MX by a factor of 10 because they are single warheads in separated launching pads. In order for a Russian attack to knock out 10 of these single warhead missiles they have to hit 10 separate targets. And what do the Russians do to knock out 10 MX warheads? Simple. They knock out the 10 warheads that attach to every MX missile. With the MX the Russians have to hit only a single target. So the second reason we should not proceed with the MX is because it is a supervulnerable weapon.

The third reason we should stop MX funding is because the Soviets must view it as an exclusively first strike weapon. We as Americans know that neither President Reagan nor any other American President would instigate a strategic first strike against the Soviet Union. But since the Russians know the MX is vulnerable, since they know they can take it out with a first strike of their own and since they know we know that, they reason that we would not build the MX as a retaliatory weapon. After all we could not hope that it would survive any kind of a Soviet first strike. So the Russians must ask why do we build it? Their logical conclusion: The United States is building a first strike weapon. What is the most likely Russian reaction to the construction by their prime adversary—the other superpower—of a first-strike weapon that could not survive a preemptive strike on their part? Does it make the likelihood of a Russian first strike against us greater or less? Obviously, it would be greater. So why would not the Russians reason that they would be better off to attack first and take out the MX missiles before the MX's could smash 1,000 Russian targets?

The fourth reason for opposing the MX is its multibillion-dollar cost. General Accounting Office witnesses testifying earlier this month before the Senate Appropriations Committee told the Senate that the MX has already cost in excess of $10 billion and would cost more than $10 billion to complete. More than $4 billion of that sum will be required to be appropriated this year for expenditure in 1986, the year the Senate is determined to reduce Federal spending by more than $50 billion. Every Senator knows how exceedingly painful this reduction in Federal spending will be. We must call on our constituents to give up Federal programs that will improve their health, provide better nutrition, save their farm or business, train them for better jobs, fulfill the promise of growing old in dignity made to them in the Social Security system, provide essential transportation, help rebuild their cities, ease the painful property tax burden. Many of us have steeled ourselves. We are prepared to say "no" to our constituents again and again. How then can we justify proceeding with this demonstrably unnecessary, vulnerable, destabilizing, multi-billion-dollar waste of the taxpayers' money?

The fifth reason for opposing the MX missile is a solid, moral reason. The Catholic bishops have challenged the moral basis of the MX. Are they right? Is the MX morally indefensible? Yes, indeed, I think they are correct. The MX is morally indefensible. How can we possibly justify in moral terms the construction of a $20 billion nuclear missile system that cannot be used at all without taking literally millions of human lives when the very existence of the MX cannot and will not save lives but create a situation far more dangerous and unstable? And how can we justify spending $20 billion for this purpose at a time when we are denying billions of dollars for such humane purposes as health, education, welfare, and building better opportunities for all Americans? The Catholic bishops are eminently correct. The MX is unnecesssary. It is vulnerable. It is far more likely to provoke a nuclear war than to prevent such a tragedy. It is very costly. It is a moral disaster.

Mr. President, I ask unanimous consent that the text of the bishops' letter to Congress on the MX be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEXT OF BISHOPS' LETTER TO CONGRESS ON MX

(WASHINGTON, March 15.—Following is the text of a letter sent today from the United States Catholic Conference to each member of Congress. It was signed by Bishop James W. Malone, president of the conference and of the National Conference of Bishops, and Bishop of Youngstown, Ohio.)

I write as President of the United States Catholic Conference to urge you to vote against funding for the MX missile. The U.S.C.C.'s opposition is based on two considerations: the potentially destabilizing impact of this weapon system on the nuclear arms race, and its cost, viewed in light of pressing human needs here and elsewhere in the world.

I am aware of the President's position that the MX is part of the U.S. defense posture and negotiating strategy at the Geneva talks. The U.S.C.C. strongly supports the resumption of the U.S.-Soviet negotiations; as bishops we pray for their successful outcome. We do not enter the MX debate to provide new strategic or technical advice. Rather, as our opposition to the MX arises from a prudential but soundly based moral judgment, so our intervention at this time reflects the conviction that key moral values are implicated in the legislative decision which faces you. It is these which I wish to discuss in more detail.

In their pastoral letter of 1983, The Challenge of Peace: God's Promise and Our Response, the U.S. bishops opposed the deployment of weapons which are themselves "likely to be vulnerable to attack" yet also possess a capability of rendering the other side's retaliatory forces vulnerable. Such weapons, the pastoral observed, "may seem to be useful primarily in a first strike." We specifically noted that the MX raises such fears.

Testifying on behalf of U.S.C.C. before the House Foreign Affairs Committee a year after the pastoral letter's publication, Cardinal Joseph L. Bernardin of Chicago and Archbishop John J. O'Connor of New York took up the question of what the bishops meant by their "strictly conditioned acceptance" of the strategy of deterrence. They made the point that such acceptance requires ongoing scrutiny of weapons proposed for addition to the deterrent force. They then proposed two criteria for assessing any new system: its impact on the dynamic of the arms race, and its cost. "If a particular system is found to be of dubious value (i.e., not absolutely necessary to preserve our deterrence posture) and yet is certain to cost large sums of money, then these two criteria lead us to recommend against the system in question."

Our concerns about the MX have intensified since the pastoral letter was written. Significant numbers of expert analysts raise the same objections that we cited in 1983. Simply from the point of view of its relationship to our deterrent posture, we believe the MX should be classified as a "system of dubious value."

Perhaps even more important for us as bishops and pastors is the second criterion. Plainly the United States faces a period of severe budgetary constraints over the next several years. The Federal deficit imposes an obligation, at once fiscal and moral, to scrutinize expenditures with great care. Testifying for U.S.C.C. on March 7 of this year, Archbishop O'Connor addressed the pressing human needs seen every day in New York and throughout the nation. These needs touch matters of basic human dignity: the fact of hunger in our midst, the homeless who walk our streets, the lack of access to adequate health care even for middleclass households. Beyond our borders, the needs are still more desperate. Starvation in Ethiopia and grinding poverty in Central America have complex causes, but it is clear that the drama of life and death being played out daily in these and other parts of the world requires sustained humanitarian and economic assistance from the United States.

Faced with these fundamental challenges to human life and human dignity at home and abroad, I am compelled as President of the U.S.C.C. to urge you to vote against funding the MX missile. It is our considered judgment—not as strategists, certainly, but as religious leaders—that sufficient evidence has been brought forward concerning the potentially destabilizing impact which this weapons system may have on the arms race, to support the conclusion that these funds ought instead be used to meet the human needs enumerated in this letter.

THE LENGTHS PEOPLE WILL GO TO STAY ALIVE

Mr. PROXMIRE. Mr. President, how could one have survived in a Nazi death camp? This question was the topic of a February 21 article in the Milwaukee Journal. The article shows to what lengths people went in order to stay alive.

The subject of the article, "Nazi Camp Made Him Scrounge for His Life," is Zygmunt Choroszy. Mr. Choroszy, a Pole arrested for translating secret radio broadcasts for the Polish resistance movement, was among the first prisoners taken to Auschwitz. The tattooed number on his arm is "134," showing he was one of the first to enter the camp. He spent 5 years of his life at Auschwitz, a camp where at least 2.5 million people died, and a camp, of course, which is a symbol of genocide, the planned, premeditated destruction of an ethnic, racial, or religious group.

As we all know, the Genocide Convention is pending in the Foreign Relations Committee. We earnestly hope we will have the opportunity to vote on that later this year. That is why I have spoken so often on genocide in the past 18 years and I intend to continue to do so until we ratify it.

Being one of the first prisoners in the camp had its advantages. Mr. Choroszy, having the ability to speak many of the European languages found in the camps, was able to get better jobs. When he first arrived, he heard of a vacancy for a male nurse in the hospital treating SS officers and noncommissioned officers. He later got a job as a hospital clerk. The jobs in the hospitals had many benefits.

In the SS hospital, Mr. Choroszy met officers whose authority grew the longer they were at the camp. The SS officers wanted gold and were willing to trade cigarettes and vodka for gold. The gold from the teeth of people who recently died was given to the officers. If an officer wanted shiny boots, they could be obtained from the crematoria. There was a black market of items that flowed from the crematoria.

The job as a hospital clerk was especially beneficial. An important element of survival was having as much food as possible. As clerk, Mr. Choroszy falsified records, misrepresenting the number of dead, in order to get more rations. The meager rations of the camp, with intent to do so, often killed prisoners within 6 months or less depending on whether they were assigned to heavy labor. By lowering the number of deaths reported per day, more portions of food were available for fewer prisoners.

The example of Zygmund Choroszy shows to what ends people went in order to survive in the face of death in the Nazi death camps. The stripping of valuables from dead bodies in order to trade for items to survive was common practice in the death camps. The Holocaust drove many good people to do things that seem unconscionable just to stay alive. People should not be driven to such actions by such acts of horror.

Mr. President, the Genocide Convention is designed to stop this kind of planned, premeditated destruction of enthnic, racial, or religious groups. It was, of course, dramatized so horribly in Hitler's Germany before and during World War II. For that reason, I hope we will act on the Genocide Convention as soon as possible this year.

Mr. President, I ask unanimous consent that the article from the Milwaukee Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Feb. 21, 1985]

NAZI CAMP MADE HIM SCROUNGE FOR HIS LIFE

(By Alex P. Dobish)

You survive a Nazi death camp by doing things that you would not do otherwise.

That's how Zygmunt Choroszy said he stayed alive in Auschwitz-Birkenau for five years during World War II.

What is perhaps remarkable is that the tattoo on his left forearm is "134," meaning that he was one of the first prisoners taken to the notorious extermination camp in southern Poland during the war.

He was among 31 Polish prisoners who arrived together at the camp in 1940, only nine of whom survived, he said.

At least 2.5 million Auschwitz-Birkenau prisoners died of disease, overwork, injections or in the camp's gas chambers or crematoriums, according to conservative estimates.

Choroszy, 64, a retired meat cutter who lives in West Allis, was interviewed by The Milwaukee Journal because of this week's congressional hearings in Washington into how Josef Mengele, the camp's murderous "Angel of Death," escaped after the war.

Mengele, a Nazi Waffen SS officer and doctor who conducted cruel and deadly med-

ical experiments on thousands of inmates at the camp, reportedly has lived in South America for several years.

A story in The Journal Wednesday described Choroszy's observations of Mengele and other Nazi officials while Choroszy was report clerk and record keeper in the camp hospital.

In today's story, Choroszy tells how he kept himself alive during those five years amid an incredible nightmare of death.

"I falsified reports for survival," Choroszy said. "Let's say I had 100 dead. You do anything, because you are desperate to survive—me, a few doctors and friends.

"I report 55 dead. So the next day we get 45 more extra portions of soup, bread and oleo. Nobody knows about it except us.

"What happens if they catch me? I tell them they died after the 6 o'clock night roll call. Who cares? They are dead. The 'missing dead' go on the next day's records.

"Who is getting the extra portions? People who need it, convalescents or some important people we want to save. Some doctors get portions. I get portions. Guys who work with me get portions."

The hospital's dead—at times a total of 200 a day—were means for survival in another way.

"We had it—gold," Choroszy said. "We were trading with the SS for gold. Friendly SS were supplying us with cigarets and vodka for Christmas—SS guys who were friendly, guys of Polish of Slovak descent—even sausage they supplied.

"How did I work it? He wanted some shiny boots. I could always get them from the crematoria. There was a lot of trading, an open market, a black market.

"I was giving him teeth. He wanted gold. We had the teeth. All the teeth with gold from people dying were clipped off all the time.

"We had to deliver them to the authorities, of course. But how did they know how much [there was?] Or the gold rings. How did they know the dead had them?"

A very important factor in staying alive was adequate food, he said. The camp's meager rations meant that many people would die within six months, often less if assigned to heavy labor.

"The rations were designed to do that, because Auschwitz-Birkenau was a death factory," he said. "Its purpose was to reduce the numbers of people. Hard labor was designed to kill you."

COMPETITION FOR FOOD

So inmates competed for camp jobs that would provide more than the minimum of food.

Choroszy said his skill with languages worked in his favor, because it got him better jobs, including the hospital clerk position. Inmates of Auschwitz-Birkenau were collected by the SS from all parts of Europe, and so language ability was a plus for any clerk who kept the patient lists.

Choroszy, the son of a Polish judge, had studied languages in high school. He is proficient in German, English, Latin and Polish and, to a lesser degree, Russian and French.

Choroszy had been arrested in 1939 for translating clandestine radio broadcasts for the Polish resistance movement. He was sent to Auschwitz, which later became Auschwitz-Birkenau, in June 1940.

That he was one of the earlier inmates also played a role in his survival, he said.

Shortly after his arrival, he said, he learned that a vacancy existed for a male nurse in the SS hospital that treated SS officers and non-commissioned officers. Choroszy said he lied to get the job by telling hospital authorities that he had studied medicine in school.

CONTACTS HELPFUL

In the hospital he met SS officers and non-commissioned officers whose authority and rank grew with their tenure in the camp, which later proved useful to Choroszy.

Also, he said, "low number" prisoners often ended up in administrative positions, where extra rations could be scrounged. Such prisoners quickly learned how to exist in a concentration camp. They figured out all the angles, shielding and helping each other.

Choroszy said that he had prayed for deliverance and that he shouted with joy when he learned of the Japanese bombing of Pearl Harbor.

"I'll tell you what I thought," he said, the words pouring out. "I had a vision that the war wasn't going to last forever. If I could survive one day, two days, 10 days, a year, pretty soon I'm going to be liberated."

He recalls his deliverance day well.

He was among many hundreds of prisoners moved to a camp near the Austrian border by the Nazis, who were fleeing before the Soviet advance into Poland.

Early one morning he went outside to the latrine. He looked up at a guard tower.

The guard was not wearing an SS uniform.

"'Who are you?' I asked," Choroszy said. "'We are firemen from Vienna here to deliver you to the Americans who are advancing. The SS has fled,' was the reply."

Choroszy's liberation came that day at 1 p.m. It was May 5, 1945.

Mr. PROXMIRE. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

FUNDING THE MX MISSILE

Mrs. KASSEBAUM. Mr. President, this week the Senate must vote once again on whether to continue funding the MX missile. After much thought, I will vote "No."

While I have supported this funding in the past—with deep reservations—I am now convinced beyond any doubt that this is a flawed weapon. Moreover, I am convinced that MX will only intensify uncertainty and confusion in relations between the superpowers.

In brief, Mr. President, I believe MX provides no significant improvement in our present nuclear deterrent—the so-called triad of nuclear submarines, long-range bombers and land-based missiles.

Even without MX, all three parts of this force are being substantially strengthened by the addition of the Trident II submarine, the Stealth and B-1B bombers, improvements in the Minuteman III missile and deployments of cruise missiles on land, sea and air. On top of all that, we are investing heavily in the strategic defense initiative.

Given this broad, and expensive, modernization effort, it is somewhat surprising to hear President Reagan say that we must proceed with MX to demonstrate to the Soviets our national resolve. It is remarkable to me that the MX, which is controversial because of its own drawbacks, has somehow become the sole focus of our national resolve and the key to success at the new arms control talks in Geneva.

Two years ago, I hoped that MX might offer substantial bargaining leverage in negotiations with the Soviets and open the way to an agreement on large, land-based missiles with multiple warheads. That did not occur.

In each of the past 2 years, Soviet actions—particularly the walkout at the Geneva talks in 1983—have made MX votes a question of our national resolve. That is not the issue today and it is time now to base our decision on the merits of MX itself.

The major flaw of the MX has been widely discussed. Deployed in existing Minuteman III silos, it would be highly vulnerable to a preemptive Soviet strike. MX does nothing to correct the most troubling problem before us—the vulnerability of our own land-based missiles. In that regard, MX offers no improvement over the existing Minuteman III.

However, MX is a much more powerful and lethal missile than Minuteman. With 10 highly-accurate warheads, MX would create an American counterthreat against Soviet land-based missiles.

At first glance, that might seem like an improvement. However, the Soviet threat against our land-based missiles has been a major cause of instability. An American threat against their missiles simply compounds that instability and puts both superpowers in a precarious standoff.

I question whether this is genuinely in our interest or whether it would cause a fundamental change in either Soviet weapons or strategy.

Is it reasonable to think that the Soviets will change their strategy of deploying large, land-based missiles when the United States has agreed to adopt the same thinking? If these weapons are both destabilizing and dangerous, is it in our interest to deploy the same kind of missiles?

I have to answer "no" to both questions. Therefore, I have to say "no" to further funding of MX. It is an expensive program that fails to solve our strategic problems. Worse than that, it leads us away from the most pressing need of our times—a mutual U.S.-Soviet understanding on nuclear stability.

I do not discount the importance of hardware in the new arms control talks that have just begun in Geneva. However, if the Geneva talks remain a prolonged seminar on the nuts and bolts of each superpower's arsenal, then we will miss an opportunity to actually control the growth of those arsenals. To do that, we must put a premium on sound strategy rather than massive hardware so that American interests are fully protected, regardless of what happens in Geneva.

Two years ago, the Scowcroft Commission concluded that "* * * whether the Soviets prove willing or not, stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals." That is still the best summary I know of the task before us.

To fulfill that primary objective we must adopt a strategy that defeats rather than duplicates any Soviet advantage, real or perceived, in large, land-based missiles. One possibility is to move to small, single-warhead missiles that could be relatively invulnerable to a preemptive strike and would be neither a highly threatening weapon nor a highly attractive target like the MX.

We must not fool ourselves about the difficulties that lie ahead in the Geneva talks. The Soviets are tough negotiators and they will do everything possible to protect their exorbitant investment in large, land-based missiles. The reality is that we cannot simply outgun the Soviets and it would be foolish to try. Therefore, we must outthink them with a coherent plan that leads us—and them—toward stability.

There already is plenty of hardware for American and Soviet negotiators to discuss at Geneva. The real question is whether either side has the resolve necessary to pursue a strategy that channels these high-technology arsenals toward a more stable and safer world.

I thank the Chair.

Mr. PROXMIRE. Will the Senator from Kansas yield very briefly?

Mrs. KASSEBAUM. I am happy to yield.

Mr. PROXMIRE. I want to congratulate the Senator on an excellent statement.

As I understand, what the Senator from Kansas has told the Senate is that she feels deeply that we must have a strong, a stronger missile force than we have today, but that the MX will not contribute to that; that the MX is vulnerable, it is destabilizing, and that the MX is not a reasonably convincing bargaining chip.

I might say to the distinguished Senator from Kansas that Paul Nitze appeared before the Senate Appropriations Committee the other day on the MX, and I asked him to state one single instance in which the United States had bargained away any system, any defensive system of any kind. He thought for a long time, then said he could not think of any, and we checked very carefully and there has not been one.

We are going to have this MX for a long, long time. I congratulate the Senator on giving an excellent speech, because, as she pointed out and as I tried to, we are going to need a strong defensive force, and the MX will not contribute to that strength.

Mrs. KASSEBAUM. I thank the Senator from Wisconsin. Indeed, it is not ever an easy conclusion to reach as we try to make judgments on these very important systems. But that is a conclusion that, after years of study, of course—which we have had back and forth on this issue—I reached.

I thank the Senator from Wisconsin.

THE GENOCIDE CONVENTION: SHOULD IT BE RATIFIED? SAM ERVIN SAYS NO—AND HE TELLS WHY

Mr. HELMS. Mr. President, two of the most distinguished years of my life were those when I was privileged to serve in this body as junior Senator to Hon. Sam J. Ervin, Jr., who represented the people of my State and the Nation as U.S. Senator for more than two decades.

To say that Senator Ervin is a distinguished American understates the case. He is a patriot who possesses all the essential virtues—courage, integrity, wisdom, dedication. I know of no one who exceeds his knowledge and understanding of the Constitution. And if there has been a stouter defender of the Constitution than Senator Ervin, it has escaped my attention.

Mr. President, I frequently call on Senator Ervin for guidance and direction, particularly in matters relating to the Constitution. I am not a lawyer, nor do I claim to be a constitutional authority. Thus, I am mostly guided by instincts, and I call on my friend, Senator Ervin, to assess my conclusions. So in a very real way he has been, and is, my mentor.

Needless to say, the pressures being applied upon the Senate to ratify the so-called Genocide Convention have given me concern. It has bothered me to note so many people, some of them prominent, who have reversed their previous position on the Genocide Convention. It troubles me, for example, to observe the American Bar Association in a bizarre flip-flop on this issue.

So, Mr. President, I recently telephoned Senator Ervin at his home in Morganton, NC. Again I asked him to help me assess the turn of events relating to the Genocide Convention. Without hesitation, Senator Ervin went to work and has prepared a remarkable statement on the subject. He has sent to each Senator a letter with a copy of his statement enclosed.

This is the kind of American he is. Although he is 88, and despite a painful arthritic condition, Senator Ervin cares about his country enough to pitch in and help.

Mr. President, I ask unanimous consent that a personal letter to me, bearing the date of March 12, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 12, 1985.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR JESSE: This is just a note to advise you that in my opinion the proposed compromise text of the resolution ratifying the Genocide Convention cannot be satisfactory to those who love the United States.

It is, in substance, a subterfuge. I sincerely trust that you will oppose it.

I am sending you a letter and a statement concerning the Genocide Convention. I am likewise mailing copies of the letter and statement to all members of the United States Senate.

I sincerely trust that the Senate will not make obeisance in this matter to President Reagan, who apparently does not understand what the Convention is all about.

With all kind wishes, I am

Sincerely yours,

SAM J. ERVIN, Jr.

Mr. HELMS. Mr. President, as I mentioned earlier, Senator Ervin has written to each Member of the Senate enclosing a copy of his statement on the Genocide Convention. I ask unanimous consent that this letter be printed in the RECORD at this point, following by Senator Ervin's statement entitled, "The Plain Truth Concerning the Genocide Convention."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 11, 1985.

DEAR SENATOR: I am 88 years old, and entertain no personal political ambitions. Nevertheless, I have prepared and am sending you and other Senators a statement that tells the plain truth about the Genocide Convention, a most unintelligent and unpatriotic proposal.

I do this because I love our country, revere the Senate as one of its institutions, and do not want the Senate to stultify itself by ratifying the Genocide Convention which is calculated and intended to have two drastic impacts on the United States and the fifty states. If ratified by the Senate, the Genocide Convention will do two things to impair the independence of the United States.

First, it will nullify sovereign powers now vested in the United States and the fifty states as members of a free Republic.

Second, it will subject them in respect to the areas covered by the nullified sovereign powers to the complete dominion of the World Court, an international body whose decisions are dictated by the foreigners who compose the overwhelming majority of its members.

I pray that those now serving in the Senate will emulate their predecessors who for 37 years have wisely, patriotically, and courageously refused to ratify this bizarre proposal.

Sincerely yours,

SAM J. ERVIN, Jr.,
Senator from North Carolina for 20 years.

THE PLAIN TRUTH CONCERNING THE GENOCIDE CONVENTION

(Statement of Sam J. Ervin, Jr., of Morganton, N.C. 28655, who served in the Senate as a Senator from North Carolina from 1954 through 1974.)

I deeply regret that arthritis disables me to appear before the Committee in person, and express my opposition to the ratification of the Genocide Treaty, which calls itself the Genocide Convention.

I studied this proposal for many years, and made a speech on "Why The Senate Should Refuse To Ratify It" on May 25, 1970. This speech appears in the Congressional Record of that day, and I think merits the consideration of every Senator.

The Genocide Convention is undoubtedly the most bizarre treaty ever presented to the Senate for ratification.

Mark Twain is reputed to have said: "Truth is precious. Use it sparingly." I shall disobey his admonition, and tell the plain truth about this strange document.

For thirty-seven years the Senate has wisely and patriotically refused to ratify the Genocide Convention. It is devoutly to be hoped that intelligence has not forsaken the minds of Senators, and that love of country has not departed from their hearts; and that the present members of the Senate will follow the wise and patriotic decisions of their predecessors and refuse to ratify the Genocide Convention.

Inasmuch as I quote the words of the Genocide Convention to sustain what I say about it, I do not fear that my statement will be contradicted by any intellectually honest person who understands the provisions and implications of the Convention.

As its words reveal, there are cogent reasons to reject the Genocide Convention and not a single intelligent one for adding it to the supreme law of our land. I enumerate why the Senate should again refuse to ratify it.

1. The Genocide Convention is intellectually dishonest and deceptive.

Articles II and III of the Genocide Convention give false definitions to the term genocide, and thereby distort, pervert, and stretch it to cover multitudes of acts and persons wholly alien to the concept embodied in genocide.

According to its true meaning, genocide has always meant the systematic, and planned destruction or the complete wiping out of a designated (1) national, (2) political, (3) ethnical, (4) racial, or (5) religious group.

The Genocide Convention distorts and perverts the true meaning of genocide drastically in three ways.

First, the proposed treaty offers no protection to "political groups", and thus permits their total destruction. The drafters of the proposals did this to appease Soviet Russia, and induce it to join in it.

Second, Article II distorts and perverts genocide to mean certain acts "committed with the intent to destroy, in whole or in part, a (1) national, (2) ethnical, (3) racial, or (4) religious group" as such, and to cover multitudes of persons and acts wholly alien to the true meaning of the term.

Manifestly, the distorted and perverted definition quoted above means that a public official or private individual is to be subject to prosecution and punishment under the Convention if he intentionally destroys a single member of one of the four specified groups.

Since an intent to destroy a single person belonging to one of the four designated groups would subject an official or an individual person to punishment, and since virtually every person on earth belongs to one or more of the four designated groups, the Genocide Convention would make virtually every person in any nation adhering to it a potential victim of genocide as the meaning of that term is distorted and perverted by the Convention.

The third distortion and perversion of the term genocide made by the Genocide Convention is that unlike true genocide it does not require the destruction of a person belonging to one of the four designated groups.

In addition to defining the killing of members of a designated group as a genocide act, Article II of the Genocide Convention distorts and perverts the true meaning of the term genocide by creating four additional genocidal acts. They are:

(1) Causing serious bodily or mental harm to members of the group; (2) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (3) imposing measures intended to prevent births within the group; and (4) forcibly transferring children of the group to another group.

It is submitted that several of these newly-created genocidal acts are couched in general terms, and that it is virtually impossible to anticipate what specific acts or omissions they embrace. For example, what does "causing . . . mental harm" mean? Does an administrative officer cause mental harm to an applicant for relief when he denies him the relief he desires? Does a Senator cause mental harm when he refuses to vote for a measure one of the designated groups ardently desires? Does the President cause mental harm to a prisoner by denying his petition for a pardon or parole.

Article III of the Genocide Convention further distorts and perverts the term genocide by providing that these acts embodying the distorted and perverted definitions shall be punishable as crimes: (1) genocide; (2) conspiracy to commit genocide; (3) direct and public incitement to commit genocide; (4) attempt to commit genocide; and (5) complicity in genocide.

By distorting and perverting the term genocide in the respects enumerated, the drafters of the Genocide Convention deceive multitudes of people into believing that the Convention is merely designed to punish genocide according to the true meaning of the term, and thus hide from them the truth that the Genocide Convention is calculated and intended to make punishable multitudes of persons and many acts alien to the true meaning of the term.

I put this question to each member of the Senate: How can any intelligent and intellectually honest Senator who loves our country and abhors deception vote to ratify the Genocide Treaty and thus make our nation a party to an instrument which distorts and perverts the plain meaning of words to deceive the public into believing that the Convention makes nothing punishable except true genocide?

2. If it should ratify the Genocide Convention, the Senate would make its provisions a part of the law of the land, and play havoc with the administration of justice under the legal systems which have prevailed in America since the United States became a Free Republic.

Upon ratification, a treaty acquires a status in America which has no counterpart in any other nation. The provisions of the treaty do not become domestic laws in other nations unless they are enacted as such by their legislative bodies after ratification. It is otherwise in the United States. This is because Article VI of the Constitution provides:

This constitution, and the laws of the United States which shall be made, in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state should be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

This constitutional provision and Articles IV and V of the Genocide Convention will play havoc with the division now existing between the Federal government and the states in respect to jurisdiction over criminal cases, and clog the dockets of Federal and state courts so greatly as to hinder the effective discharge of their judicial duties.

If the Senate ratifies the Genocide Treaty, the federal and state courts will be compelled by Article VI to try and punish all "constitutionally responsible rulers, public officials, or private individuals" who commit any of the acts denounced by the Convention.

This article would impose a tremendous burden on the already clogged courts because under the constitutional provision cited above every self-executing provision of the ratified Genocide Treaty would become effective on ratification as domestic federal or state law.

If the Senate should ratify the proposed treaty, the courts would soon be compelled to try and punish persons committing non-executing provisions of the treaty. This is true because Article V of the Treaty would obligate Congress and the legislatures of the fifty states "to enact necessary legislation to give effect to all provisions of the treaty and provide penalties for all persons guilty of genocide" as that term is distorted and perverted by the Convention and "of any of the other acts enumerated in Article III" of the Treaty.

It beggars the most vivid imagination to even conjecture how many new crimes compliance with these requirements would create for America.

In addition to this, the ratification of the proposed Genocide Treaty would create unprecedented and virtually insurmountable confusion in the administration of criminal justice in America.

If the Senate should ratify the Genocide Treaty, the duty and the power to prosecute and punish criminal homicide, assaults and batteries, and kidnappings covered by categories (a), (b) and (e) of Article II of the Convention would be initially transferred from the states which have always had such duty and power in respect to such crimes to the federal government.

To make this initial transfer of jurisdiction workable, Congress would be required to enact new laws laying down rules of procedure to govern the trial of these newly created federal crimes. Pending the passage of such laws, our country would experience utter confusion in the administration of

criminal justice in respect to homicides, assaults and batteries, and kidnappings.

Proponents of ratification may argue that many homicides, assaults and batteries would not fall within the definition of genocide, even as that term is distorted and perverted by the Convention. This is true, but this contention accentuates rather than minimizes the folly of ratifying the Genocide Convention.

As has been pointed out, virtually every person in America falls within one or more of the four groups designated in the Genocide Convention, and any offense denounced by the Genocide Convention against any one of them would ostensibly fall within the scope of the Convention.

The jurisdiction of a federal court under the Genocide Convention wouhd not depend in the first instance upon what juries might ultimately find in particular cases. It would depend upon the allegations made in the indictments or informations charging the offenses.

Consequently, we can reasonably anticipate that demands will be made that every homicide, every assault and battery inflicting serious injury, and every kidnapping shall be tried in a federal court or in an international court to be established pursuant to the Convention. What this will do to increase the congestion in the already overburdened federal courts beggars description.

In the absence of ratification of the Convention by the Senate, demands have already been made that the United Nations investigate the slaying of Black Panthers by the Chicago police on the ground that their slaying constituted genocide under Article II(a), and that the United Nations investigate the action of the legislature of one state in respect to welfare benefits on the ground that the legislative action constituted genocide under Article II(c).

I respectfully suggest that the Senate should pause and ponder whether it is desirable to ratify a Convention which would necessitate a fundamental alteration in the way in which criminal justice has been administered in the United States since our country came into existence as a Free Republic.

Confusion in the administration of criminal justice in respect to domestic crimes made federal or international crimes by the Genocide Convention would not disappear with the enactment of legislation by Congress implementing the Convention.

The validity of this observation may be illustrated by considering a single crime, unlawful homicide.

Under the Constitution, Congress does not have the power to make unlawful homicides generally federal or international crimes. If ratified by the Senate, the Genocide Convention would confer this power in respect to homicides constituting genocide under the distorted and perverted definition contained in the Convention. Jurisdiction to prosecute and punish other unlawful homicides would remain with the states.

The only distinction between unlawful homicides remaining in the jurisdiction of the states and the jurisdiction of unlawful homicides vested in the federal government by the Genocide Convention and acts of Congress implementing it would depend on whether the homicide is committed with a genocidal intent as that term is defined in the Convention. As a consequence, every unlawful homicide would apparently be within the jurisdiction of the federal or state governments insofar as the external circumstances of the slaying are concerned.

Hence, either state or federal courts could assert jurisdiction in respect to virtually all homicides, and an acquittal of the charge in one court would not bar a second prosecution on the same facts in the other court. This being true, a person could be twice placed in jeopardy for the same offense.

As we have seen, the power of a federal court to try a person for a homicide on the ground that it constitutes genocide under the Genocide Convention depends on the allegations of the indictment and not on the ultimate findings of the jury.

On the trial in the federal court, the jury would be compelled to acquit the accused unless it found that he acted with the requisite genocidal intent, no matter how atrocious the circumstances attending the homicide otherwise might be. In such a case, the accused would go unwhipped of justice unless he is placed on trial a second time in a state court.

I put this question to each member of the Senate: How can any intelligent Senator who loves his country vote to ratify a Convention which is calculated, if not intended, to play such havoc with the system of administering criminal justice which has prevailed in America since it became a Free Republic?

3. If the Senate should ratify the Genocide Convention, American soldiers who fight for our country against a foreign foe in lands beyond the sea would be subject to trial and punishment for violation of the Genocide Convention in a court of the foreign foe or in such an international penal tribunal as may be established to enforce the Convention where the protections of the Bill of Rights against unjust convictions or unjust punishments are not recognized or enforced.

This observation is made indisputable by Article I of the Genocide Convention which provides without exception or limitation for soldiers or any other persons that genocide as distorted and perverted by the Convention "whether committed in time of peace or in time of war, is an international crime" which "the parties to the Treaty undertake to prevent and to punish."

Article VI of the Genocide Convention provides that persons charged with genocide as that term is distorted and perverted by the Convention "or any of the other acts enumerated in Article III", shall be tried by a competent tribunal of the nation in the territory of which the act was committed or by such international penal tribunal as may have jurisdiction with respect to parties to the Convention which shall have accepted its jurisdiction."

Manifestly soldiers or former soldiers charged with violation of the Treaty are among the persons covered by Article VI of the Treaty.

If the Senate should ratify the Genocide Treaty, the United States would pledge itself by Article VII of the Treaty to expedite the trial and punishment of American soldiers or former soldiers, who have returned home from a war with a foreign foe in a foreign land, by granting their extradition to the foreign land for trial and punishment in the genocide cases.

I put this question to all members of the Senate: How can any intelligent Senator who loves our country vote to ratify a Convention which sanctions the trial and punishment in the court of a foreign foe or in an internal penal tribunal of an American soldier whose only offense is that he killed or wounded an enemy of the United States while fighting for his country in a land beyond the seas?

Article VIII further specifies that any party to the Convention may call on any organ of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of "acts of genocide or any other acts enumerated in Article III."

4. If the Senate should ratify it, the Genocide Convention would forthwith rob the United States and the fifty states and transfer from them to the World Court the sovereign power of the United States to make any final decision concerning anything embraced by the Convention.

This is the manifest objective of Article IX of the Treaty which provides that disputes between parties to the Treaty "relating to (1) the interpretation, (2) the application, or (3) fulfillment of the present Convention shall be submitted to the International Court of Justice at the request of any of the parties of the dispute."

By virtue of Article IX, the World Court has supreme and unreviewable authority to make the final decision concerning any question arising under the Convention if a dispute exists concerning it between parties of the Convention and its jurisdiction is invoked by either party to the dispute.

In these events, the World Court would have plenary power to overrule or modify any ruling of the Supreme Court of the United States, or of any other federal court, or of any state court interpreting the Convention; to nullify or alter any decision of the President, or any Governor, or any federal or state executive officer applying the provision of the Convention; to nullify any act of Congress or any state legislature as a failure to perform the obligation imposed on it by Article V of the Convention to enact the necessary legislation to give effect to the provisions of the Convention; and to determine whether or not any provision of the Convention has been fulfilled in any instance.

How can any Senator who entertains an intelligent love for his country vote to ratify an instrument which thus subordinates the United States and the fifty states to the World Court?

5. *An unanswered constitutional question.*

The power of the Senate to ratify or reject treaties is created by Section 2 of Article II of the Constitution, which stipulates that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, providing two thirds of the Senators present concur."

In telling the truth about the Genocide Convention, the designs of those who drafted it, and what its ratification by the Senate would do to the system of government ordained by the Constitution, I do not raise or attempt to answer this crucial constitutional question: Does Section 2 of Article II of the Constitution confer on the Senate the power to ratify a treaty which rob the United States of any of its sovereign powers as a Free Republic?

It is inconceivable to me that Section 2 of Article II, or any other provision of the Constitution, empowers the Senate or any other instrumentality of the United States to destroy, in whole or in part, sovereign powers belonging to the United States as a Free Republic. Hence, I assert with complete conviction that the Sendate does not possess the constitutional power to ratify the Genocide Convention.

6. *The duty of Senators to reject the Genocide Convention.*

For years after its rejection by the Senate, agitation for ratification of the Genocide Convention subsided, and it was largely forgotten by the public.

Unfortunately, however, it was resurrected during the national election campaign of 1984 as a political ploy to appease some of its ardent advocates, and has been submitted anew to the Senate. And unfortunately it now poses a potent threat to constitutional government in America. This is true because pragmatic politicians are often tempted to assign priority to satisfying demands of constituents, no matter how repugnant to common sense, reason, and constitutional government those demands may be, over performing their supreme obligation to give our country sound government conforming to the Constitution.

Charity prompts me to believe that most people who urge the Senate to ratify the Genocide Convention do not understand its drastic provisions and implications.

Unlike people in general, however, Senators are charged with responsibility for understanding the provisions and implications of treaties submitted to them for ratification, and for casting votes in respect to them which are intelligent and harmonize with the best interests of our country.

Hence, no Senator can plead ignorance or political considerations to justify for ratification of the Genocide Convention. This is true because it is calculated and intended to rob the United States and the fifty states of part of their sovereign powers as constituent members of a Free Republic, and to subject their governments in substantial ways to the dominion of the World Court, an international agency controlled by the overwhelming foreign majority of its members.

The present members of the Senate will render a magnificent service to the United States, the fifty states, and constitutional government in our land if they will exercise the political courage to reject the Genocide Convention which bodes no good for the United States, the fifty states, and the American people.

Mr. HELMS. Mr. President, regardless of how any Senator may presently stand on this issue, I do hope that each of us will read and study Senator Ervin's wise counsel on an issue of enormous importance to our Nation.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, it is my understanding that there is no further morning business at the time. We are waiting for the Armed Services Committee to report out Senate Joint Resolution 71. We hope that may be reported by the committee somewhere in the neighborhood of 2:30 or 2:45 p.m. I am going to move in a moment that we stand in recess until 2:30 and that from 2:30 until 3, there be a period for the transaction of routine morning business, with statements therein limited to 5 minutes.

I also indicate to my colleagues that there is a statutory 10-hour time agreement on Senate Joint Resolution 71 and if we intend to vote by midafternoon tomorrow, it may be necessary that we debate it at some length today and probably into the evening.

I hope that those who support and oppose Senate Joint Resolution 71 are prepared to accommodate our schedule by being available until 6, 7, or 8 o'clock this evening, maybe a little longer.

ORDERS FOR RECESS UNTIL 2:30 P.M. TODAY AND FOR ROUTINE MORNING BUSINESS UNTIL 3 P.M.

Mr. DOLE. Mr. President, I move that the Senate stand in recess until 2:30 p.m.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion is agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that from 2:30 p.m. until 3 p.m. there be a period for the transaction of routine morning business, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

The motion was agreed to, and, at 12:39 p.m., the Senate recessed until 2:30 p.m., whereupon, the Senate reconvened when called to order by the President Officer [Mr. WALLOP].

THE ANZUS ALLIANCE AND AGRICULTURAL IMPORTS

Mr. PRESSLER. Mr. President, I will be joining several of my colleagues in sponsoring legislation to restrict agricultural imports from New Zealand and Australia. These actions are in response to New Zealand's policy of not allowing U.S. military ships to dock in their ports and Australia's refusal to allow U.S. aircraft to use their bases, for certain purposes. These policies have threatened the future of the ANZUS alliance.

The prohibition of imports of wool, lamb, and beef products from New Zealand and Australia is of particular interest to South Dakota. Wool growers and livestock producers have complained for years about the importation of various agricultural products from New Zealand. In fiscal year 1984, New Zealand and Australia exported over $1.2 billion worth of agricultural products to the United States. New Zealand and Australia supply nearly all of the wool and lamb meat imported. They are also the two largest exporters of beef products to the United States with sales of $646 million in fiscal year 1984. In many cases, these agricultural products are exported to the United States with the benefit of various government programs or subsidies.

All of these products are produced in abundance in the United States, and a reduction of these imports would help to increase domestic wool and livestock prices and also demonstrate to New Zealand and Australia that the United States is serious about these trade and security issues. The increase in wool prices will also reduce the cost of the domestic wool program.

On February 27, I chaired a hearing of the Senate Small Business Subcommittee on the Family Farm to look at the impact of the current farm problems on rural communities—and on small businesses in particular. One of the witnesses at the hearing was Bob Meyer, the manager of the Center of the Nation Wool Warehouse in Belle Fourche, SD. Mr. Meyer pointed out the devastating impact that the depressed wool and livestock prices have had on the large tri-State area which he serves. He also pointed out the importance of the wool program. I ask unanimous consent that Mr. Meyer's statement be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Mr. President, I would also like to say that Mr. Meyer has done something very unique in the wool industry. For years, the United States has been a major importer of wool. However, in recent years, Mr. Meyer has begun to export U.S. wool. With the strong dollar, the export efforts have been difficult, but he has had success in establishing an export market for American wool. The exporting of U.S. wool has benefited wool producers in the South Dakota area by increasing the price they receive for their product. I would like to commend Bob Meyer for his efforts and encourage other businesses to follow his lead in establishing export markets for their products.

Mr. President, I urge my colleagues to join in cosponsoring this legislation to restrict agricultural imports from New Zealand and Australia.

EXHIBIT 1

TESTIMONY OF ROBERT H. MEYER

RURAL AMERICA AND SMALL BUSINESS

The impact of a depressed farm and ranch-related economy is forcing many rural businesses into a near state of panic and business depression.

The reduced purchasing power of the farm and ranch people has become very evident in practically all of the small towns in the tri-State area of South Dakota, Wyoming and Montana.

A good example of this is present this very moment in the once thriving communities of Sturgis and Belle Fourche, South

Dakota. These two rural communities have seen over 12 business failures during the past year. Their main streets have many empty buildings, and the remaining businesses are holding on a day-to-day basis. These communities with populations of less than 5,000 are normally the busiest towns in the region.

For several years property valuations of rural school districts have decreased in dollar value. The demise in the agriculture economy has led to a decline of small business which has seriously curtailed the taxing ability of these school districts resulting in many cuts in worthwhile school programs.

The answer to all this is becoming very evident. If the agriculture sector cannot become profitable very soon many small midwestern communities of today will become the ghost towns of tomorrow.

The present administration's "free market" approach will only consolidate American farming. Consolidation not only means fewer farmers, but fewer local small-town merchants and suppliers to those farmers. For example, large scale corporate farms ultimately bypass local grain elevator operators by storing their own and dealing directly with large terminals; small rural independent banks suffer since they aren't as sophisticated and large enough to meet large corporate needs.

Opening agriculture to competitive forces of the "free market" will ultimately result in not only fewer small farms but fewer small banks, fewer small elevators, fewer rural merchants, and ultimately fewer small towns.

Small farms and rural communities must be preserved. They have contributed greatly to our strength and well-being by providing America with the best, most plentiful, and cheapest food supply modern civilization has ever known.

I am a wool merchant located in the heart of America's sheep industry in Belle Fourche, South Dakota.

I am very concerned about the lobbying efforts by Australian and New Zealand lobbyists in regard to our 1985 farm bill (Australian news release dated 2/21/85). My question is, do United States citizens lobby the governments of these two countries regarding their farms programs?

Another concern in my region is the inflation level. Real inflation has not lowered at the farm and ranch level as the national figures indicate. Also, real interest rates, although lower, are no way near the level the farm ranch industry can sustain. Bear in mind, the increased fuel costs, soaring interest rates, coupled with the government's past embargos on beef and grain, the lax enforcement on import quotas on meat, all these have helped weaken the market structure. Consequently, agriculture products fell far below levels that should have occurred in the past recessionary periods.

The continuation of the National Wool Act in its present form, which is a self supporting program sustained by imported wool tariff revenues, is paramount to the survival of the domestic sheep industry. This industry utilizes thousands of acres of arid and desolate land, and creates many dollars from renewable resources, and supports hundreds of rural communities like no other industry can! All this, from land that would not generate any revenue otherwise!

During the 30 year life of the National Wool Act the sheep producers have set aside voluntarily over 74 million dollars to help build their industry. Accordingly, they have reduced their pay checks by that amount. Doing this in a series of referendums that have averaged an 80 percent plus "yes vote" in the life of the wool program.

This 74 million dollars amounts to $1.32 for every lamb marketed in the United States. Compare this to a check-off on cattle that averages about 50 cents per head nation wide! Keep in mind, that 50 cents on cattle is on an animal that is worth about ten times what a lamb is. This speaks very well about an industry that is attempting to compete with subsidized foreign imports. During this past year, promotion of lamb has begun to pay off. We saw 17 straight weeks of continuing lamb prices at higher levels, this all points to the intended goal of the National Wool Act.

We admit to the decline of the sheep industry over the last 30 years, however, we have severe predator problems, resulting from government policies, severe spring snow storms, and long droughts in our major sheep producing areas.

Undoubtedly a viable sheep industry cannot be rebuilt on the Wool Act alone. But it does need to be one of the components. To lose the National Wool Act at the present time would virtually wipe us out.

A recent study on cost returns on a typical sheep operation of 4,000 sheep indicates that wool incentive payments received for wool equalled about 20 percent of the gross income of producers. If this income were discontinued, lamb prices would have to rise 32 percent to compensate, and, given today's market, such an increase is unrealistic. Consequently, more sheep producers would be forced out of business. The sheep industry has operated at a loss the last three years and has accumulated a threatening debt load.

Wool and lamb are unique commodities in that we are net importers of those products. (We consume more than we produce). The continual strength of the U.S. dollar consequently affects these commodities more than others.

Imports of wool and lamb distort and lower prices received by our domestic producers, a situation which is dramatically being reflected at this very moment.

The present National Wool Act, in effect corrects this situation to domestic producers.

In addition, in a recent edition of The Wool Record, a Bradford, England publication, Prime Minister Margaret Thatcher contributed an editorial on the virtues of wool, relating the devastating effects their troops encountered from burning uniforms composed of synthetic fibers during fires aboard their troop ships participating in the Falklands war with Argentina. America should take heed, recognizing England's misfortune, and preserve our domestic sheep and wool industry, as one vital to our national defense. Our National Wool Act recognizes that America can not be solely dependent on foreign wool suppliers. Therefore, elimination or cutting back of the National Wool Act would not only be devastating to the United States sheep industry but to our national security as well.

Ultimately, if the sheep industry lost the National Wool Act, many rural communities would suffer greatly. Also, assuming the domestic wool market would not make up the income difference, a 32 percent increase in lamb prices would be necessary to sustain our industry. This would immediately be reflected in increased costs to the consumer: the present $2.20 leg of lamb would need to sell at $3.30, resulting in a significant impact on the consumers grocery dollar.

Thank you for this opportunity to present my views. I would like to submit for the record a booklet that outlines the necessity and importance of the wool act in more detail.

Mr. PRESSLER. let me conclude, Mr. President, by saying that Australia and New Zealand are not allowing our ships and aircraft under certain circumstances into their ports or to use their airbases. We have done everything for those two countries in terms of trade; in fact, we have allowed them to violate our trade agreements. We have overlooked it in order to help them. However, I think we should now enforce the trade agreements, because essentially they are violating the ANZUS pact.

I compliment the sponsors of the legislation and say that I am happy to be joining as a cosponsor.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. PRESSLER. Yes.

Mr. WARNER. What is the documentation that Australia has joined New Zealand?

Mr. PRESSLER. Mr. President, it is my understanding that Australia has limited the use of its airbases by U.S. aircraft monitoring strategic missile tests.

Mr. WARNER. I certainly agree with the Senator on New Zealand, but I wonder if he might check on the question of Australia.

Mr. PRESSLER. I thank my colleague very much. I shall double-check that. It is my understanding that they have limited some of our aircraft using their bases. I thank the Senator, and I shall provide him with the information on Australia.

Mr. WARNER. I thank the Senator.

ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, earlier today, the distinguished majority leader asked me, as chairman of the Committee on Armed Services, what time I thought we might be ready to report a bill on Senate Joint Resolution 71. I told him at 3 o'clock. The committee has met. The committee has voted. I am ready to present this to the floor if it is in order.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLARIFICATION OF CARGO PREFERENCE REQUIREMENT

Mr. PRESSLER. Mr. President, I am going to be joining with Senator

BOSCHWITZ and Senator BOREN in introducing legislation to clarify the cargo preference provision on transporting U.S. grain exports. The legislation would limit the cargo preference requirement to the Public Law 480 and AID programs to which it has historically been applied.

A recent court ruling has extended the cargo preference requirement to export sales made under the Blended Credit Program and possibly the GSM-102 Export Credit Guarantee Program. The additional cost of shipping the grain under these programs will, for all practical purposes, make the programs useless. The 15- to 30-percent increase in shipping costs will more than negate the 2-percent interest reduction under the Blended Credit Program. If the current ruling stands, the Government will either have to provide additional funds to pay for shipping the grain or the export sales will not be made. With the huge Federal deficit problem we face today, we cannot afford to provide such additional funds. Yet our record trade deficit and depressed farm economy desperately require those exports. It is clear that we need to limit the costly cargo preference provision to the Public Law 480 program and AID export sales.

U.S. agricultural exports have declined in recent years, but the Blended Credit and GSM-102 programs are two bright spots in our export picture.

Mr. President, we are desperate to expand our exports at a time when our trade balance is shifting very unfavorably. The loss of an estimated 3.6 million metric tons of grain sales this year, valued at $536 million, will only worsen our trade balance. The loss of these markets will also further depress domestic commodity prices. Our farmers—indeed, our country—cannot afford lower farm prices.

Mr. President, I urge our distinguished colleagues to join us in cosponsoring this important legislation and to work for quick action on the cargo preference issue.

ACTION ON THE FARM CREDIT PROBLEM

Mr. PRESSLER. Mr. President, today I wish to draw once again the attention of our colleagues to the need for action on the farm credit problem. Several weeks ago, the Senate passed a resolution outlining actions for the administration to provide farmers with additional credit assistance. One of the major provisions was a FmHA loan guarantee program.

This program was announced initially last September. It required private lenders to reduce a farmer's loan principal by 10 percent if the farmer could demonstrate a 110-percent cash-flow. For its part, the FmHA would provide a loan guarantee for up to 90 percent of the loan. Several months went by and no interest was expressed in this program. Lenders said they could not write off 10 percent of principal, so the requirement was changed to allow the lender to write off 10 percent in interest. Still there was little or no participation in the program. Then the 110-percent cash-flow requirement was reduced to 100 percent. And still there seems to be little interest. In fact, since the program was announced last September, FmHA has reviewed only 413 loan guarantee applications under this program and only 60 have been approved. It is clear that this program will not provide the credit needed by thousands of farmers this spring to plant their crops.

Mr. President, I urge our distinguished colleagues to continue working for additional assistance to financially distressed farmers and ranchers. I have asked the administration to take several actions to further assist farmers, but the Senate should also consider additional actions.

WHY CONGRESS WON'T FREEZE DEFENSE FUNDS

Mr. GOLDWATER. Mr. President, no one in this body is more concerned about reducing the Federal budget deficit than I am. You may recall that on the 24th of January of this year, I gave a speech on the floor, citing the need for political courage in attacking the deficit, which we must do if this Nation is to survive economically.

Now, there is no question but that the defense budget must face scrutiny as well as every other facet of the Federal budget if we are going to come up with reductions significant enough to start reducing this deficit. But the Defense Department cannot shoulder most of the burden as many critics would like to see. The reasons for this are fairly obvious and I have been trying to explain the difference between the defense budget and that of other departments to anyone who would listen to me.

The DOD budget, unlike others, is not spent in the year that it is authorized and appropriated but, rather, it is spread out over several years in the future. That is the dilemma we face now in trying to cut back. We are obligated to pay for equipment that is now being delivered that was authorized in several prior years' budgets. The result is that a large percentage of this year's budget is actually obligated to pay for that equipment authorized in prior years.

Now, I commend the Budget Committee for the hard work they have done but, try as I might, I have not been able to make this difference clear to those members. We simply cannot ignore those prior year commitments, so any cuts made will have to come from current operations and maintenance funds, personnel, and/or major reductions in all our strategic and tactical systems. I can assure you that such reductions will have a devastating impact on the readiness of our forces.

I would like to point out that the only new program that actually appears in this year's budget is an Air Force communications system and the cost of that system comes to only $40 million.

My committee has been trying to find out where the $19 billion in cuts mandated by the Budget Committee could come from, and I can tell you that if we cut every major strategic and tactical program altogether, we still will not have sufficient funds to take care of that magnitude of cuts.

Mr. President, I recently came across an article that appeared in the February 11, 1985, edition of U.S. News & World Report, entitled "Why Congress Won't Freeze Defense Funds." This article puts the problem I have just outlined in better perspective than any piece I have seen on this particular issue and I commend it to each of my colleagues.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY CONGRESS WON'T FREEZE DEFENSE FUNDS

(By Robert A. Kittle)

Whatever the fate of the proposed freeze on federal spending, the idea of freezing the defense budget is certain to be stillborn.

Advocates of big cuts in military spending are discovering that the Pentagon is locked into a rising level of expenditure that can be moderated but not arrested.

An increase in the defense budget of 3 to 5 percent after allowing for inflation is all but inevitable in the fiscal year beginning October 1.

That would fall short of Defense Secretary Casper Weinberger's request for 277.5 billion dollars in military outlays—6 percent above the current year in real terms—but still would represent billions of additional dollars.

"If the armed-services committees try to produce a freeze, the prospect wil be so horrifying that they will certainly back off," predicts Williams Kaufmann, a defense budget expert at the Brookings Institution in Washington, D.C.

Why does any move for major shrinking of the Pentagon's budget request face insuperable obstacles?

The main reason is that massive bills only now are comming due for the Reagan Administration's across-the-board modernization of the weaponry of all the armed services.

Scheduled outlays. Unlike military pay and other spending to operate and maintain the armed forces, funds for the procurement of weapons—warships, aircraft, tanks and missiles—are authorized by Congress in one year, but the bulk of the money actually is spent over several succeeding years.

Thus, an arms buildup that began at relatively modest levels four years ago has gained such momentum that the Pentagon is locked into steadily rising budgets for years to come simply to pay for hardware that has been ordered but not yet delivered.

In 1983, for example, lawmakers approved the expenditure of 6.5 billion dollars for two new aircraft carriers, both of which are under construction at Newport News, Va. Only about one quarter of the funds have been spent so far, but the Defense Department is obligated to continue the flow of dollars at an escalating rate during 1986 to keep the projects going.

The procurement surge has expanded sharply the "uncontrollable" sector of the Pentagon budget—outlays that stem from commitments made in prior years. In 1980, only 27 percent of Pentagon spending was in the uncontrollable category. This year, the figure is 36 percent and is expected to grow to 43 percent by 1989, reports the Commerce Department's Bureau of Economic Analysis.

Budget experts note that the only way Congress could reverse this trend would be to rescind funds already approved. In many cases, this would require the Pentagon to abrogate contracts that already have been signed, thereby incurring heavy cancellation penalties.

A more likely option for lawmakers is to stretch out arms purchases over more years. For example, by reducing the number of F-14 figher jets purchased by the Navy in 1986, short-term savings are achieved.

Over the long run, however, the total cost of the planes will be higher because of inflation and less efficient production rates that drive up the unit cost when fewer aircraft are delivered. When the Navy decided to cut back the planned purchase of F-14s in fiscal year 1986 from 24 to 18, the price per plane increased by 3 million dollars.

Eliminating entire weapons systems would be more cost effective, but both the Pentagon and Congress have shown great reluctance in the past to cancel arms programs once they have entered production.

Powerful incentives. Lawmakers are loath to forfeit political bonuses in the form of defense contracts and jobs back home, as well as campaign contributions and other support from powerful defense-industry lobbyists.

The 28-billion-dollar B-1 bomber program, for instance, will employ 60,810 civilian workers during the peak production year of 1986. In addition, the Air Force estimates that more than 200,000 other civilian jobs will be generated in support industries. These jobs are scattered over 48 states, giving almost every member of Congress a stake in the program.

Political considerations figure even more conspicuously in prompting lawmakers to treat other potential defense savings as off limits. A striking example is the refusal of Congress to close hundreds of military installations that the Pentagon regards as obsolete.

Action by Congress that blocks the consolidation of military bases wastes 2 billion dollars annually, according to an estimate by the Grace Commission, a presidential bipartisan panel on government cost cutting.

Although the new chairman of the Senate Armed Services Committee, Barry Goldwater (R-Ariz.), has said he favors closing unneeded bases, there is scant prospect that his view will prevail on Capitol Hill.

In short, the uncontrollables in the Pentagon budget plus pork-barrel politics in Congress insure that defense spending will continue sharply on an upward course despite the most determined efforts to slash the federal deficit.

VIETNAM RULES OF ENGAGEMENT—1969-1972

Mr. GOLDWATER. Mr. President, the Pentagon Papers reveal that the Joint Chiefs of Staff repeatedly argued against the artificial limitations, known as the rules of engagement, that impeded the objectives of our Nation in the Vietnam war. The Chiefs pointed out that these self-imposed restraints allowed North Vietnam to receive war supporting material from external sources through routes which for the most part were immune from attack and then to disperse and store this material in politically assured sanctuaries from which it was infiltrated to South Vietnam and Laos. The relatively unmolested receipt of supplies from Russia, China, and Soviet satellite countries contributed to Hanoi's belief in ultimate victory.

A few civilian advisers, such as Walt Rostow, reasoned that systematic and sustained bombing of war-making resources in North Vietnam would have decisive results, but Secretaries of Defense McNamara and Clifford, especially, continued to argue for strict limitations on military operations. The results of these restraints were described by the Joint Chiefs in October 1967 as follows:

First, the attacks on the enemy military targets have been on such a prolonged, graduated basis that the enemy has adjusted psychologically, economically, and militarily; for example, inured themselves to the difficulties and hardships accompanying the war, dispersed their logistic support system, and developed alternate transport routes and a significant air defense system.

Second, areas of sanctuary, containing important military targets, have been afforded the enemy.

Third, covert operations in Cambodia and Laos have been restricted.

Fourth, major importation of supplies into NVN by sea has been permitted.

On March 31, 1968, when President Johnson announced to the American people he would not seek reelection, he also restricted air strikes on North Vietnam above a line that was soon set at the 19th parallel. Then, on November, 1, 1968, President Johnson ordered the complete cessation of bombing in North Vietnam. Only defensive air operations were permitted until the resumption of strategic bombing in May of 1972.

During this bombing halt, U.S. aircraft were prohibited from even making protective reaction strikes into North Vietnam unless the strike was both below the 19th parallel and an immediate response against enemy aircraft or SAM/AAA which had first taken aggressive action against our aircraft. Requests for one-time preemptive strikes against the maturing North Vietnamese air defense system south of the 20th parallel were turned down. This permitted the system to reach a high level of sophistication in which the North Vietnamese linked GCI radars with the lock on radar capability of SAM sites to guide Mig attacks on U.S. aircraft and to aim SAM's undetected until the instant of firing against our aircraft.

The rules of engagement were so tight that during the last week of March 1972, General Lavelle, commander of the Seventh Air Force, was relieved of duty for allegedly ordering unauthorized raids against North Vietnamese airfields and radar sites. Ironically, during the same week General Lavelle was recalled, North Vietnam launched a major offensive against South Vietnam and by the first week of April the rules which he was accused of violating were already obsolete. Authority was granted in April to use tactical airstrikes against SAM's, artillery and other military targets to the 18th parallel and protective reaction strikes were authorized as far as the 20th parallel.

When President Nixon ordered the mining of Haiphong Harbor in May 1972, offensive air operations were reopened throughout North Vietnam except for a buffer zone at the Communist Chinese border. There was a short suspension of bombing north of the 20th parallel in late October, but President Nixon resumed the bombing on December 18, by ordering 12 consecutive days of strikes and using B-52's on a sustained basis for the first time over the northern part of North Vietnam. Hanoi reacted immediately by returning to negotiations in Paris and signing the peace agreement within 6 weeks.

Mr. President,on March 6 and 14, I placed two documents in the RECORD that were declassified recently at my request. These materials were Air Force reports examining the impact of the rules of engagement during the period of 1960-65 and 1966-69, respectively. Today I wish to make available to my colleagues and the wide audience served by the RECORD, the third and final of these reports, known as Project Checo. The last report is entitled "Rules of Engagement November 1969-September 1972."

These rules unquestionably denied a military victory to allied forces in South Vietnam, and I hope that historians will come to recognize the importance of these self-defeating restrictions in preventing the successful culmination of military activities, an artifical handicap which must never again cripple our Armed Forces.

There being no objection, the material was ordered to be printed in the RECORD as follows:

PROJECT CONTEMPORARY HISTORICAL EXAMINATION OF CURRENT OPERATIONS REPORT

(Rules of engagement, November 1969–September 1972)

(1 March 1973, HQ PACAF, Directorate of Operations Analysis, CHECO/Corona Harvest Division)

(Prepared by Capt. Paul W. Elder and Capt. Peter J. Melly)

PROJECT CHECO REPORTS

The counterinsurgency and unconventional warfare environment of Southeast Asia has resulted in USAF airpower being employed to meet a multitude of requirements. These varied applications have involved the full spectrum of USAF aerospace vehicles, support equipment, and manpower. As a result, operational data and experiences have accumulated which should be collected, documented, and analyzed for current and future impact upon USAF policies, concepts, and doctrine.

Fortunately, the value of collecting and documenting our SEA experiences was recognized at an early date. In 1962, Hq USAF directed CINCPACAF to establish an activity which would provide timely and analytical studies of USAF combat operations in SEA and would be primarily responsive to Air Staff requirements and direction.

Project CHECO, an acronym for Contemporary Historical Examination of Current Operations, was established to meet the Air Staff directive. Managed by Hq PACAF, with elements in Southeast Asia, Project CHECO provides a scholarly "on-going" historical examination, documentation, and reporting on USAF policies, concepts, and doctrine in PACOM. This CHECO report is part of the overall documentation and examination which is being accomplished. It is an authentic source for an assessment of the effectiveness of USAF airpower in PACOM when used in proper context. The reader must view the study in relation to the events and circumstances at the time of its preparation—recognizing that it was prepared on a contemporary basis which restricted perspective and that the author's research was limited to records available within his local headquarters area.

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FOREWORD

(U) The Rules of Engagement (ROE) are the controls governing the conduct of all U.S. military operations in Southeast Asia (SEA). On the grand scale they represent the operational interpretations of U.S. policies and goals with respect to the limited SEA conflict. On the operating level, they are a detailed set of rules to be followed closely by all commanders, air planners, control personnel, and combat crewmembers in the actual planning and flying of combat missions.

(U) At the time of this writing the ROE were in the limelight in the United States because of possible deviations authorized by the military command in SEA. In April 1972, the Seventh Air Force (7AF) Commander, General John D. Lavelle, was removed from command amid allegations that he personally had permitted air strikes not authorized under the ROE in North Vietnam (NVN) from November 1971 through March 1972. Senate Armed Services Committee hearings on these charges were continuing into the fall of 1972.[1]

(U) This report presents the ROE for air operations in SEA from November 1969 through September 1972. It is the third in a series of CHECO reports on ROE. The first report traced the evolution of the air ROE from 1960 through 1965. The second report discussed the changes in the ROE for SEA from 1 January 1966 through 1 November 1969.

(U) All ROE are essentially restrictive in nature and, as such, they increase the difficulty of conducting an overall air war. The purpose of this report, however, is not to analyze the impact of the ROE on the ability and success of commanders in conducting military operations. Rather, this report presents the significant events and changes pertaining to the ROE since the last report and, whenever possible, relates them to the political or military conditions which produced the requirements for the changes.

CHAPTER I—OVERVIEW

(U) The Joint Chiefs of Staff (JCS) promulgated authorizations for the conduct of all military air operations in SEA in message form as Air Operating Authorities. These messages to the Commader-in-Chief, Pacific (CINCPAC) essentially identified an air resource that could be used for a specific purpose in a given area for a specified period of time. The air authorities provided the guidelines from which CINCPAC, in consultation with his subordinate commanders in SEA, synthesized the detailed Basic Operation Orders for air operations in SEA.

Ordinarily CINCPAC assigned nicknames to the basic operation orders identifying the operations with the various geographical areas of SEA. CINCPAC Basic Operation Order Barrel Roll/Steel Tiger/Yankee Team divided Laos into five operating areas and outlined the various responsibilities for the accomplishment of air operations in those areas. CINCPAC Basic Operation Order Freedom Deal governed U.S. air interdiction operations in eastern Cambodia. The air campaign in North Vietnam prior to the bombing halt in November 1968 was nicknamed Rolling Thunder/Blue Tree. The defensive air operations during the bombing halt were eventually termed "protective reaction strikes," but after the resumption of strategic bombing in May 1972, the campaign in NVN was named Linebacker. The protracted air operations in South Vietnam had no general nickname.

(U) The Rules of Engagement were grounded in the JCS Air Operating Authorities and promulgated in the CINCPAC Basic Operation Orders. They were never more permissive than the JCS authorities but could be made more restrictive by lower echelon commanders in response to special situations or conditions. For example, representatives of the National Armed Forces of Cambodia, the Republic of Vietnam Armed Force (RVNAF), and the U.S. Military Assistance Command, Vietnam (USMACV) negotiated the ROE for Cambodia within the JCS guidelines. They then were made a part of the Freedom Deal operation order.

(U) In South Vietnam, where no single operation order governing air operations existed, the ROE for both air and surface operations had been specified in MACV Directive 525-13, dated 12 Oct 1968, and subsequent revisions. Seventh Air Force reiterated the ROE for air operations alone in 7AFR 55-49, 14 Nov 1968. Thus, for all of SEA, the air operations planners and the aircrews had to refer to at least four basic sources and subsequent change messages to find the applicable ROE. Seventh Air Force corrected this situation on 6 December 1971 when it published 7AF Operation Order 71-17 as the single source document providing ROE for conducting air operations in all areas of SEA.

(U) By the time 7AF Operation Order 71-17 was published, the ROE had evolved into an extensive, detailed set of rules—not a set easily committed to memory. Still 7AF required all strike aircrews, Forward Air Controllers (FACs), air liaison officers, mission control, and mission planning personnel to demonstrate a thorough knowledge of the ROE before assuming operational duties. In the Tactical Air Control Center (TACC) which allocated all 7AF strike sorties, the Target Management Officer (TMO) compiled the ROE as they were promulgated at higher echelons and distributed them to the operational units via 7AF OPORD 71-17 supplements. Also, mission planners coordinated requests for air strikes with the TMO to insure that the targets were within the ROE before allocating sorties.

(U) In the operational units, the ROE formed an integral part of the training given newly arrived aircrew members as well as refresher training for experienced airmen. Seventh Air Force required all strike controllers and crew members to complete a written examination on the ROE applicable to the individual's operational areas.

(U) Beside their own ROE training the strike crew's most important safeguard against violations of the ROE was communication with their controllers. FACs, for example, after flying over the same limited areas for many hours, were intimately familiar with the ROE in their areas. Since FACs controlled most air strikes in South Vietnam, Laos, and Cambodia, the likelihood of an ROE violation was further diminished. Even so, stike pilots were to abort the mission rather than chance a violation of the ROE regardless of the FAC's instructions. In addition, to prevent border violations, 7AF defined positive control areas and required aircraft directed into the areas to establish positive radio contact with radar control agencies before entering. The radar control agencies monitored aircraft positions and transmitted border warnings as necessary.

(U) The training, procedures, and safeguards to prevent ROE violations reflect the important role the ROE played in the SEA air operations. During the period from late 1969 until September 1972 those operations expanded to include, for the first time, Cambodia and, again, all of North Vietnam. The expansion was in response to the increasing North Vietnamese threat to the Vietnamization program and to the dwinding U.S. forces in South Vietnam. Accompanying this expansion were the significant modifications in the ROE which are presented in this report.

CHAPTER II—SOUTH VIETNAM

(U) The ROE for South Vietnam were designed primarily to avoid injury to noncombatants and friendly troops. The 30 December 1971 revision of MACV Directive 525-13 emphasized this point in relationship to U.S. withdrawals from South Vietnam.

"The changing nature of operations in the RVN [Republic of Vietnam/South Vietnam] has recessitated a new approach to the ROE

[1] The ROE for the November 1971-March 1972 period in NVN are presented in Chapter V under "Protective Reaction Strikes."

for the employment of firepower. The shift to predominantly Republic of Vietnam Armed Forces (RVNAF) operations supported and advised by U.S. forces, coupled with a civilian populace that is less inclined to observe curfews and restricted areas, makes it imperative to ensure against the indiscriminate use of firepower. While the goal is maximum effectiveness in combat operations, every effort must be made to avoid civilian casualties, minimize the destruction of private property, and conserve diminishing resources. Accomplishment of these objectives requires that the ROE be adhered to by all friendly armed forces."

This guidance pertained to both ground and air firepower, but as more and more U.S. ground forces were withdrawn from South Vietnam, the thrust of the MACV directive was increasingly focused on the application of U.S. air power.

"Short rounds," the inadvertent air delivery of munitions onto friendly or noncombatant positions, was a continuing problem. Although short rounds did not necessarily result from violations of the ROE, strict adherence to the ROE was certainly one factor that could help prevent them. COMUSMACV focused on the problem on 17 September 1970.

"I am becoming increasingly concerned over the significant increase in the number of incidents in which friendly Vietnamese civilians have been killed or injured by U.S. aircraft. Since 2 September 1970, seven incidents have been reported. Six involved U.S. Army aircraft and one involved a USAF aircraft. Such incidents are counterproductive to U.S. goals in SEA. The alarming number of incidents occurring since 2 September 1970 indicates a need for more thorough target evaluation and clearance prior to engagement. ROE applicable to the operation of U.S. aircraft are clearly defined in MACV Directive 525-13. To impose further restriction on the tactical employment of U.S. aircraft could have an adverse effect on combat operations and jeopardize the safety of air crewmembers and passengers."

The ROE for the DMZ were modified in 1970 in response to the North Vietnamese military build-up there. After the 1968 cessation of offensive air operations against NVN, the ROE prohibited U.S. aircraft operating in South Vietnam from entering the DMZ except in hot pursuit of hostile aircraft or in immediate reponse to firings of surface-to-air missiles (SAMs) and antiaircraft artillery (AAA). Thus, the enemy was essentially free to move men and equipment into the DMZ. To counter this threat against Allied forces in South Vietnam, tactical air support and B-52 strikes were authorized in the southern half of the DMZ beginning in August 1970. However, the enemy preparation continued in and above the DMZ and culminated in the Spring 1972 offensive against South Vietnam.

(U) There were no other significant changes in the ROE in South Vietnam. The specific rules are given in the previous Project CHECO report on ROE and in 7AF OPORD 71-17.

CHAPTER III—LAOS

The dual U.S. goals in Laos were to support the neutrality of Laos and to hinder the infiltration of North Vietnamese men and supplies into South Vietnam via the many-fingered Ho Chi Minh Trail in eastern Laos. While supporting these goals, the U.S. was trying to keep a low profile in deference to the 1962 Geneva Accords and to avoid damage to Prime Minister Souvanna Phouma's image among the Lao people. Complicating the American task were the ostentatious Chinese Communist road construction effort in northern Laos and a sensitive Thai ally to the west.

The seasonal nature of the conflict in Laos further added to the complexity of the situation. The North Vietnamese transported most of their men and supplies through eastern Laos during the dry season (approximately November through April). During the wet season when large portions of the Ho Chi Minh Trail became impassable, the enemy stockpiled materiel, improved and expanded routes, and prepared for the next dry season. These dry season surges of NVN men and equipment down the Ho Chi Minh Trail were accompanied in Northern Laos by North Vietnamese Army (NVA) and Pathet Lao offensives onto the Plaine des Jarres where they were met by the government forces of General Vang Pao's Meo guerrillas.

The role of U.S. air power in northern Laos during the dry season was interdiction of NVN supply routes and close air support of Vang Pao's guerrillas; during the wet season, it was strategic bombing of the NVN staging areas and harassment of the roadwork crews. This was to be accomplished without focusing unwanted attention on the U.S. presence in Laos.

In consonance with the delicate political and military situation, theater responsibility for all U.S. military operations in Laos was vested in the American Embassy, Vientiane (AMEMBV), which validated all targets and areas of operation. To permit immediate air strikes, the Ambassador to Laos had delegated part of his authority to the Air Attache in Vientiane, to Forward Air Guides (FAGs), and to FACs with Laotian observers aboard (Raven FACs). However, he retained validation authority for some air operations, primarily B-52 drops, use of area denial munitions, and preplanned targets not in specifically prevailed areas.

In efforts to make the air support of U.S. goals in Laos compatible with the various conditions, AMEMBV and U.S. air planners had partitioned Laos into various configurations of named areas, each of which had its own ROE, the most recent realignment completed in September 1969. It designated five operating areas: Barrel Roll North, Barrel Roll West, Barrel Roll East, Steel Tiger East, and Steel Tiger West.

The ROE in each operating area reflected the logic of the subdivision. Barrel Roll (BR) North was a convenient buffer zone between active Allied operating areas and the People's Republic of China (PRC). The southern boundary of BR North was slightly south of the Chinese-built road across northern Laos, at least as far as the road had progressed in 1969. Accordingly, the ROE were the most restrictive in that area. Any U.S. air strikes or tactical air reconnaissance missions required JCS approval. Even ground fire could not be returned without specific AMEMBV approval.

The ROE in BR West and Steel Tiger (SL) West were similar, reflecting relatively moderate military actions, the presence of friendly troops, cities, and noncombatants, and their common borders with Thailand. In line with these realities, modified by the necessity for air support of the friendly troops and interdiction of infiltration routes into Thailand, the ROE were less restrictive than BR North but more restrictive than in BR East and SL East where the enemy presence was greatest. In general, all air strikes in BR West and SL West, including the return of ground fire, had to be under FAC/FAG control. This was not so in BR East and SL East where the ROE authorized ground fire to be returned against any location (except the town of Sam Neua) without FAC/FAG control and armed reconnaissance without FAC/FAG control within 200 meters of all lines of communication (LOCs) up to the buffer zone along the NVN border. Strikes outside the 200 meter limit, however, had to be FAC/FAG controlled. The ROE for these areas are detailed in the preceding CHECO report on ROE and in 7AF OPORD 71-17.

BR East contained the buffer zone along the Laos/NVN border and the staging areas from which the NVA moved across the Plaine de Jarres during the dry season. The buffer zone was 10 NM wide extending from 19°N to the BR North boundary. All strikes there required JCS approval. At the end of 1969, the Ambassador to Laos, G. McMurtrie Godley, wanted to strike the enemy LOCs in the buffer zone as supplies were being transported from NVN to the staging areas. While the JCS had approved some strikes, Ambassador Godley, supported by CINCPAC, wanted an extension of the authority. The JCS quoted Secretary of Defense Melvin R. Laird as not wanting to grant broader authority "to conduct military operations that have political sensitivity, e.g., an adverse impact on U.S. NVN discussions in Paris, international and domestic political repercussions, or possibilities of significant adverse publicity." Any expansion of existing authorities would have to be extremely well justified.

In his justification, Ambassador Godley described the Plaine des Jarres as "an important objective in which airpower will again play a vital role." He considered the "risks worth the gamble to destroy 100,000 lbs/day of enemy ammunition and supplies that transit LOCs in the buffer zone."

The result of the Ambassador's efforts was a special operating zone established within the buffer zone. The zone, initially approved until 28 February 1970, essentially reduced the southern half of the buffer zone to a four NM strip along the Laos/NVN border. Strikes were also authorized in the northern half of the buffer zone along Route 65 east of Sam Neua to within four NM of the NVN border. The JCS extended these buffer zone authorities until 31 March 1970, and permitted armed reconnaissance within 200 meters either side of Route 7 to a point 2600 meters from the NVN border. In all cases, the targets had to be validated by AMEMBV and the strikes conducted under FAC control. The ROE directed U.S. pilots to take every feasible precaution to preclude the inadvertent penetration of the NVN border. However, the rules permitted laser illuminator aircraft and aircraft delivering laser guided bombs to overfly NVN within three NM of the border in order to guide ordnance onto targets in Laos. IRON HAND SAM/AAA suppression aircraft were also allowed to cross the NVN border from Laos to position themselves between SAM/AAA sites in NVN and the strike aircraft delivering ordnance in Laos.

The buffer zone rules were later relaxed to include armed reconaissance within 2000 meters either side of Route 7 up to four NM from the NVN border, FAC controlled armed reconnaissance and tactical air strikes within 200 meters of Route 7 (including all connecting roads) up to 200 meters of the border, and air strikes in support of temporary aircraft landing sites. Actually, with the resumption of the interdiction bombing of NVN, the buffer zone existed in

name only. In May 1972, the JCS authorized air strikes against all AMEMBV validated targets in the Barrel Roll East buffer zone effective until the termination of the Linebacker campaign in NVN.

An increase in the number of Special Operating Areas (SOAs) throughout Laos accompanied the changes in the ROE along the Laos/NVN border. SOAs were areas validated by AMEMBV for air strikes without FAC control against all forms of enemy military activity. At the end 1969, there were only two SOAs—located just inside the western boundary of BR East. By June 1972, the list had been expanded to seven areas. The ROE differed slightly in each SOA, primarily regarding the type of ordnance that could be used. The differences in allowable ordnance generally involved napalm, mining munitions, and area denial munitions, all of which would be hazardous to friendly troops in the typical see-saw ground action in Laos.

Following the ebb and flow of the ground conflict, the boundaries of the SOAs varied, especially in the case of SOA #2 which encompassed the northern half of the Plaine des Jarres and the sites of the seasonal clashes between the NVA and the Meo guerrillas. The fluctuation of the SOA boundaries simply reflected the tie between the ROE and the support of ground troops. This also applied to the creation, expansion, and contraction of the Raven control boxes, where friendly ground forces were operating. Raven FACs, or FAGs, or fixed wing gunships in contact with FAGs controlled all air strikes within the boxes. The AMEMBV had authorized FAGs and the Laotian observers flying with Raven FACs to validate targets of opportunity. Since Raven boxes and SOAs were contiguous, changes in any single area's boundaries usually led to changes in adjoining areas. Raven boxes advanced and retreated with the friendly troops while the SOAs moved in the opposite way. At one time during February 1972, a special night SOA existed within the Raven box on the southern half of the Plaine des Jarres. There, the ROE for SOA #2 governed air operations at night but the rules for the Raven box applied during daylight hours. Figure 3 shows the location of the Raven boxes and SOAs as of 14 September 1972. The Raven box and SOAs in southern Laos encompass the major LOCs from Laos into Cambodia.

At the same time that the ROE in BR East were becoming less restrictive, those in BR West were being tightened. The Chinese had begun a southwesterly spur from the east-west road they had been constructing within the southern boundary of BR North. Late in 1969, the spur began to emerge from BR West in the Nam Beng Valley where U.S. air operations were authorized. While the Royal Laotian Government was deciding its policy toward the road, an interim ban was placed on low level reconnaissance and combat strikes within five kilometers either side of the road. Apparently the Laotian policy was to avoid the road because, early in 1970, the restriction became permanent from Muong Sai to Muong Houn. Later, in July 1971, rather than continually extend the restriction as road construction progressed and new Chinese positions appeared, the JCS simply extended the restrictive BR North ROE to encompass all known or suspected Chinese positions in northern Laos. No air operations were permitted within 5000 meters of those positions unless specifically requested by AMEMBV and approved by CINCPAC and the JCS. By September 1972, the road had progressed to within 25 miles of Pak Beng on the Mekong River—20 miles from the Thai border.

Consistent with the policy to avoid attracting attention to the U.S. air operations in Laos and damaging Souvanna Phouma's image, there were altitude and radii restrictions around certain cities, mainly in SL West and BR West. The ROE generally authorized air strikes within 200 meters either side of the enemy's LOCs, sometimes with validation and FAC control required and sometimes without, depending upon the area. Air strikes more than 200 meters from a LOC and not in an SOA required validation and FAC control. Validation authority and permissible ordnance varied depending upon the five main operating areas and the SOAs within them. Strikes could not be made within 500 meters of an active village unless ground fire was received from the village. In October 1971, this last restriction was modified for SL West to require that the ground fire be of 14.5 caliber or higher before strikes could be made within 500 meters of a village.

From 1970 through 1972, the most significant changes in the ROE for Laos were the gradual elimination of the BR East buffer zone and an increase in the number of SOAs. As in the past, many of the changes involved the BR East operating area where the enemy and his logistic networks were concentrated. However, the appearance of the Raven box and SOAs just north of the Cambodian border were evidence of the increased U.S. involvement in Cambodia.

CHAPTER IV—CAMBODIA

Since 1966, Prince Norodom Sihanouk had permitted the North Vietnamese to ship supplies into Cambodia through the port of Sihanoukville. The North Vietnamese transported the supplies to the Cambodia/RVN border and stockpiled them at bases there for later use in South Vietnam. At the same time, Prince Sihanouk refused the use of Cambodian airspace for U.S. air operations. Consequently, the ROE for Cambodia hinged upon the often emphasized "requirement of a military commander to defend his forces against armed attack with all means at his disposal." The ROE permitted U.S. ground commanders in RVN who came under fire from enemy positions in Cambodia to employ all available artillery and air strikes against positively identified sources of fire. The responsive fire was to be delivered in a "timely manner" and reconnaissance by fire was strictly forbidden.

On 18 March 1970, a group of Cambodian generals led by Prime Minister Lon Nol deposed Prince Sihanouk. Lon Nol had stated earlier that he intended to follow a strictly neutralist policy. Therefore, the Viet Cong (VC) and the NVA, with Sihanouk's blessing, initiated pro-Sihanouk demonstrations and began military operations to protect their LOCs and to jeopardize the Lon Nol government. When it became obvious to Lon Nol that his national army (Forces Armees National Khmer) could not stand alone against the VC/NVA, he requested help from the United States.

Lon Nol's request for help dovetailed conveniently with U.S. miliary advisors' desires to clean out the VC/NVA sanctuaries in Cambodia which represented a threat to the Vietnamization program in South Vietnam. Therefore, with the dual objectives of supporting a non-communist government in Cambodia and of enhancing our efforts in Vietnam, President Richard M. Nixon authorized the 1 May 1970 incursion into Cambodia.

The Cambodian incursion plan was a closely held secret timed to coincide with the President's announcement. It was not until 27 April that 7AF was told to start definitive planning. Thus, there was no time to coordinate a new set of ROE for Cambodia. Instead 7AF instructed its pilots to follow the normal rules for South Vietnam and to exercise extreme vigilance to avoid dropping ordnance on the noncombatant populace.

Support of ground troops along the RVN/Cambodia border was the initial role of air in Cambodia. However, within the first two weeks of May, "higher authority" requested the JCS prepare an outline plan for air interdiction operations in eastern Cambodia. This apparently was motivated by intelligence estimates that the enemy would attempt to consolidate his positions in northeastern Cambodia and extend his LOCs from Laos into Cambodia in preparation for renewed efforts in South Vietnam.

The plan drafted by JCS called for interdiction against enemy base areas, stored supplies, and movements of men and materiel along the LOCs; air support of friendly troops in contact; and reconnaissance. The JCS had patterned the target validation procedure after that for Laos in that the U.S. Embassy in Phnom Penh, or its designated representatives, was to validate all targets and areas of operation. The JCS specified some ROE but there were few specific ones. Phnom Penh would be a restricted area. Ordinarily, FACs would control all strikes but fighter aircraft would be allowed to strike any sites in Cambodia firing at U.S. aircraft. ARC LIGHT strikes would be conducted against targets a minimum of one kilometer from the nearest combatants and not less than three kilometers from friendly troops. B-52 target areas could not contain monuments, temples, or other historical landmarks.

In a message to CINCPAC regarding the JCS outline plan, General Creighton Abrams, COMUSMACV, envisioned validation and FAC procedures much like those in South Vietnam, except that U.S. FACS might require FANK (Forces Armées Nationale Khmer) to fly with them to eliminate any language problems. He reasoned that the expanded air operations would entail more close air support than interdiction because the Allied forces had overrun the majority of the enemy base areas in the incursion and the enemy had not yet established new ones. Finally, General Abrams recommended a meeting between FANK, RVNAF, and MACV representatives be held in Saigon to implement target validation procedures.

The JCS transmitted the execute message for the operation plan on 24 May. The interdiction area, later nicknamed Freedom Deal, was that part of Cambodia bounded by a line 200 meters west of the Mekong River on the west, the Laotian border on the north, the RVN border on the east, and Route 13 on the south. Strikes outside that area would require prior approval of the JCS. The plan as transmitted in the execute message was still an interdiction plan but the JCS had modified it to reflect General Abrams' recommendations. Thus, the American Embassy was removed from the normal target validation procedure. The JCS concurred in the requirement for a coordination meeting between FANK, RVNAF, and MACV representatives to develop target identification procedures and means to prevent noncombatant casualties. Such a meeting was held on 29 May 1970 in Saigon. The

result was a memorandum of agreement, "Rules of Engagement—Cambodia."

The ROE promulgated in the memorandum were very similar to those for South Vietnam. FACs would control all tactical fighter strikes except for properly cleared radar controlled attacks. The FANK would validate all targets. Aircraft could return ground fire immediately if not from an urban area, town, village or hamlet, in which case FANK approval was required. In general, air strikes could not be directed at an inhabited area unless the area contained only enemy forces and was validated for strike by the FANK. As in South Vietnam and Laos, the ROE provided for special operating areas wherein all targets were prevalidated by the FANK and aircraft could attack any enemy target without further approval.

Unique to Cambodian ROE were prevalidated Category A and B lines of communication along which enemy targets could be attacked without further approval. Category A LOCs were those along which there were no friendly personnel, traffic, installations, or dwellings. Along those LOCs, aircraft could expend ordnance on targets or suspected targets within 1000 meters on either side of the road or waterway. Category B LOCs were those used by friendlies as well as the enemy. Within 500 meters either side of Category B LOCs, aircraft could strike motor vehicles or moving watercraft at night and motor-powered boats and vehicles during the day. Prior to the first strike on a Category B LOC and periodically thereafter, psychological warfare aircraft were to drop leaflets and use loudspeakers to warn friendly personnel not to travel at night and not to use motor-powered vehicles or boats at any time. As an added safety measure, the ROE prohibited strikes within 500 meters of an inhabited village or hamlet. The rules permitted the use of area denial munitions along Category A LOCs and in special operating areas.

To facilitate target validation outside special operating areas and not along Category A/B LOCs, a FANK liaison officer with validation authority was always on duty with the TACC at Hq 7AF. Also, at least three English speaking FANK liaison officers were stationed at Pleiku AB, RVN. They rode as observers with the U.S. FACs and, with the authority to validate targets of opportunity, they facilitated immediate attacks against fleeting enemy targets. Later, 7AF further tightened the validation procedure for strikes against built-up areas by requiring that all such strikes be approved by 7AF TACC only. In that case, a Cambodian observer's on-the-spot validation authority was considered as merely a recommendation—the 7AF TACC retained the final say.

With the beginning of U.S. military operations in Cambodia, the Secretary of State had received inquiries showing concern over possible damage to art and archeological treasures in Cambodia. Secretary Rogers obtained a preliminary list of such sites through the American Embassy in Phnom Penh and asked that an effort be made to protect them even though the enemy would probably use them as sanctuaries. Cambodian cultural authorities initially identified 15 such sites, which were incorporated into the memorandum of agreement on ROE. Forty-three new sites were added in June 1970; eventually, they totaled 98. When they incorporated the original 15 site restrictions into the ROE on 29 May, the drafters of the memorandum stated that the sites would not be struck unless the strikes were requested and the targets validated by the FANK. Within two weeks, however, the rule was changed to direct that no aircraft would make any strikes within 1000 meters of cultural properties. Aircraft were to depart such areas rather than return ground fire.

The original interdiction mission in Freedom Deal was to prevent the VC/NVA from using certain waterways and overland infiltration routes to deliver war material and personnel to their forces conducting aggression against South Vietnam and Cambodia and to strike enemy forces and base camps located in Cambodia. The JCS had authorized U.S. air power for that purpose effective until 30 June 1970. Since late May, U.S. aircraft had conducted reconnaissance missions east of the Mekong River except in the vicinity of Phnom Penh. On 9 June, the JCS authorized tactical reconnaisance of all Cambodia through 30 June 1970. In mid-June, President Nixon met with his White House Staff Advisory Group to consider future courses of action in Cambodia. According to Admiral Thomas H. Moorer, Acting Chairman, JCS, the President felt that Cambodia could be saved from a communist take-over and that a U.S. effort for that purpose was worth the risks. Since U.S. ground forces were to be out of Cambodia by 1 July, the President wanted U.S. air planners to be as imaginative as possible in the employment of air power in the critical period following the ground withdrawal.

Seventh Air Force received the following guidance on the Cambodian ROE on 24 June 1970:

"U.S. air power will be employed within Cambodian territory to maintain surveillance of enemy activities in Cambodia east of the Mekong River and attack those activities as necessary to protect U.S. forces in the Republic of Vietnam."

Further, the JCS directed that tactical air interdiction be employed in any situation involving a serious threat to major Cambodian positions whose loss would be a serious military or psychological blow to Cambodia. Adding emphasis, the JSC-requested COMUSMACV to conduct an aggressive U.S. and VNAF air campaign. At that time, however, the authority for any and all air operations in Cambodia was due to expire in just one week.

On 30 June, 7AF received a revised authority specifying air operations in Cambodia subsequent to 30 June 1970. The Freedom Deal interdiction area was the same as before. A new area, called Freedom Deal Extension, was defined south of and adjoining Freedom Deal. Operations in Freedom Deal Extension were to be against "identified, highly lucrative targets that pose a substantial threat to Allied forces." The ROE authorized reconnaissance and search and rescue throughout Cambodia although armed reconnaissance was permitted in the Freedom Deal area only. Otherwise, the ROE for Cambodia remained the same as in June.

By the first week in November, the JCS had further expanded the interdiction area, primarily to the west to encompass new enemy build-up areas. Because of the denser population there, strikes below Route 13 were still limited to highly lucrative, threatening targets. However, the ROE permitted armed reconnaissance throughout the interdiction area.

From November 1970 through the writing of this report, the interdiction area remained constant. The total area and the CINCPAC Basic Operation Order were again nicknamed Freedom Deal. There were few significant changes in the ROE within the area during the next two years. In May 1971, the FANK validated all motorable land routes and waterways in the original Freedom Deal area (bounded by Route 13 on the south, the Mekong River on the west, and the Cambodian border on the east and north) as Category B LOCs in order to permit a rapid response against lucrative targets. This ROE change did not affect the status of existing Category A LOCs. The first two special operating areas entered the ROE in February 1972. Their approximate locations, both below Route 13, are shown in Figure 5.

Significantly, SOA #1 was partially outside the interdiction area. Until May 1971, strikes outside the Freedom Deal area had required JCS approval except 7AF had discretionary authority to conduct air strikes in certain areas, in particular to support FANK ground elements defending the Kirirom Plateau and Route 4 areas. Then, in May 1971, the JCS granted COMUSMACV discretionary authority to employ U.S. TACAIR interdiction anywhere in Cambodia in any situation that posed a threat to major Cambodian positions, such as a provincial capital, whose loss would be a military or psychological blow to the country. The FANK had to validate all targets and the ROE for Freedom Deal applied to all discretionary strikes. COMUSMACV delegated the authority to the Commander, 7AF, in June 1971. The authority gave 7AF the needed flexibility to more effectively counter the enemy's increasing belligerence in Cambodia through 1972. In particular, it was used to provide TACAIR and gunship protection for Khmer convoys throughout Cambodia.

At the end of September 1972, then, there were two basic areas of operation in Cambodia. Freedom Deal, the interdiction area, encompassed the eastern one-third of the country. There, TACAIR, gunship, and B-52 interdiction strikes were authorized against enemy troops and supplies. In the rest of the country 7AF had discretionary authority to employ TACAIR and gunship interdiction in any situation that posed a threat to major Khmer positions. The growth of the interdiction area from the original Freedom Deal to the area as it existed in September 1972 and the discretionary authority granted 7AF reflect the spread of NVA activity in Cambodia.

CHAPTER V—NORTH VIETNAM

The U.S. terminated offensive operations against NVN on 1 November 1968, but continued unarmed reconnaissance missions. The ROE established at that time permitted U.S. aircraft to enter North Vietnamese territorial airspace in pursuit of any enemy aircraft or vessel which had taken hostile action against Allied forces or had demonstrated by its actions that it was operating in support of VC/NVA insurgency in South Vietnam. Attacks were authorized against SAM/AAA weapons, installations, and supporting facilities south of 19°N immediately after such weapons were fired at Allied aircraft operating over South Vietnam or Laos. The JCS further authorized armed escorts to provide protection to manned reconnaissance aircraft below 19°N in the event those aircraft were attacked. However, in all cases, aircraft engaged in immediate response strikes were not authorized to attack other unfriendly forces or installations encountered, except in response to attack by them.

Although immediate defensive actions were still authorized at the end of 1969, the

reins were tight on military operations that could be politically sensitive, e.g., operations that could jeopardize the Paris peace discussions or cause adverse publicity. An 11 December 1969 memorandum from Secretary of Defense Laird promulgated policy guidance on politically sensitive operations and directed that the following information be provided to justify any such operations:

"What sequence of military actions will occur if the request is approved and what broader implications might be involved?

"What are the military risks of these actions?

"What are the costs or penalties, respectively, if the proposed actions are authorized or not authorized?

"What are the alternative means of accomplishing the objective and the cost of each alternative?

"What specific results will the proposed actions achieve that the alternatives will not?"

Later in December a 7AF request to conduct reconnaissance and retaliatory strikes against a belligerent AAA site above 19°N at Barthelemy Pass (see Figure 6) indicated that such strikes were considered politically sensitive and outside the existing authorities. Although U.S. pilots reported that the site had been firing at U.S. aircraft operating in Laos, the JCS required 7AF to justify its reconnaissance and strike request within the context of a politically sensitive operation. Approval for such strikes was not easy to obtain.

Protective reaction strikes

At the end of 1969 and in the early part of 1970, then, the necessary criteria for strike authority into NVN were (1) the strike had to be below 19°N and (2) the strike had to be an immediate response against enemy aircraft or SAM/AAA which had first taken aggressive action against Allied aircraft. In a 4 February 1970 message to General George Brown, Commander of 7AF, concerning the ROE for the DMZ, General Abrams clarified the second criterion, emphasizing that U.S. aircraft could attack only the SAM/AAA or aircraft which had first fired at them—attacks on other unfriendly forces or installations encountered were prohibited.

During the same time period, however, 7AF was becoming more and more concerened over the increasing threat to B-52 and strike aircraft operating in Laos near the NVN border and to manned reconnaissance flights in NVN below 19°N. The threat was in the form of SAM units deployed in the vicinity of Mu Gia and Ban Karai passes below 19°N and Barthelemy Pass above 19°N. (See Figure 6.) Seventh Air Force wanted authority to conduct reconnaissance and preplanned retaliatory strikes against these sites.

In March 1970, the JCS authorized 7AF to conduct tactical reconnaissance and a one-time preplanned attack on occupied SAM sites and logistic targets in NVN along Route 7 east of Barthelemy Pass. The authority for the one-time strike suggested a slight relaxation of the ROE, for later that month the JCS advised 7AF that preplanned attacks against SAM sites in the Route 7 area of NVN and Laos could not be made unless a site fired at U.S. forces during the course of normal U.S. operations. Then on 1 April, CINCPAC advised that strikes against SAM/AAA sites in NVN south of 20 degrees were authorized if the site(s) fired at manned reconnaissance missions over NVN. This afforded added protection to aircraft flying tactical reconnaissance below 19°N.

At the beginning of May 1970 the JCS authorized armed reconnaissance and strikes against logistic targets in the Route 1036/1039/1032 complex in NVN within 20 NM of the Laotian border. They also permitted a few strikes along the routes in NVN leading to the Mu Gia and Barthelemy passes and against routes north of the DMZ. Secretary of State William Rogers described the May strikes as suppressive fire to protect reconnaissance flights over NVN. He explained that such strikes were part of an arrangement with NVN dating from the 1968 bombing halt. The U.S would conduct reconnaissance flights over NVN and, if the enemy attacked, the U.S. aircraft would respond. It was not a new policy at all. The term "protective reaction" was not mentioned. However, that term was applied to the next "special mission" conducted in November 1970 under the nickname Freedom Bait.

On 21 November, 7AF executed Operation Freedom Bait against SAM sites, POL storage areas and truck parks in NVN below 19°N. The plan also called for armed reconnaissance along heavily used infiltration routes. A Department of Defense spokesman described the operations as "protective reaction strikes" in response to enemy attacks on our unarmed reconnaissance aircraft. He noted that these strikes were consistent with earlier Secertary of Defense statements that the U.S was ready to take appropriate action in response to attacks on unarmed U.S. reconnaissance aircraft, to major infiltration across the DMZ, and to the shelling of major South Vietnamese cities. Saigon and Hue had been shelled in November.

Operation Freedom Bait was followed by a series of protective reaction strikes against an increasing SAM threat to B-52 and other aircraft operating over Laos, and to reconnaissance aircraft over NVN. These operations, conducted below 19°N, each included an armed reconnaissance effort followed by a one-time strike on the site of any SAM/AAA associated equipment and installations located by the reconnaissance. The series of operations was nicknamed Louisville Slugger.

The Louisville Slugger authorities were originally for strikes against SAM/AAA sites in the Ban Karai/Route 137 area and were to expire on 11 January 1971; however, they were extended on a case by case basis through February. Most of the targets were located in Route Package 1 (RP 1)[2] where the ROE permitted reconnaissance escorts to strike only in response to hostile fire. However, the Louisville Slugger authorities permitted armed reconnaissance to locate and destroy SAMs and SAM associated equipment in that area of RP 1 within 25 NM of the Laotian border. The 7AF interpretation of these conflicting rules was that escort aircraft could strike SAM targets without first being fired upon only if those escorts were directed into the authorized area on one of the special armed reconnaissance (Louisville Slugger) missions.

There were other preplanned protective reaction strikes similar to Louisville Slugger during 1971. Fracture Cross in March was against air defense and logistic targets south of 18°N and within 30 NM of the Laotian border. Others were Prize Bull in September against all military and logistic targets in most of RP 1 and Proud Deep Alpha in December against SAM sites and radar sites near the Mu Gia and Barthelemy Pass areas.

The ROE and Prize Bull were typical:

"(1) Protective reaction strikes north of the described arc [northern boundary of operations] are authorized when SAM/AAA defenses pose a threat to the strike force.

"(2) Necessary precautions will be taken to avoid endangering third country shipping. Aim points will be located no closer than 400 meters to any third country shipping in the Dong Hoi transshipment point area.

"(3) Air-to-air combat is authorized against all hostile aircraft.

"(4) SAR operations in NVN are authorized as requested for recovery of aircrews.

"(5) Attacks will be conducted so as to minimize danger to the civilian populace to the extent feasible without compromising effectiveness.

"(6) No strike will be targeted against third country shipping.

"(7) To counter a MIG threat TALOS/TERRIER [U.S. Navy ship-launched] missiles and fighter forces may engage in accordance with current operating authorities.

"(8) Attacks will avoid known POW compounds (minimum distance of 500 meters for visual strikes, 3000 meters for all weather strikes)."

As U.S. aircraft were conducting preplanned protective reaction strikes to neutralize the SAM/AAA threat in eastern RP 1, the MIG threat to B-52s, gunships and other "soft" aircraft was increasing. In the first two months of 1971, COMUSMACV, CINCPACAF, and CINCPAC collectively submitted requests to engage MIGs (airborne or on the ground), airfields, and Ground Controlled Intercept (GCI) sites in NVN below the 20th parallel. In April 1971, Admiral Moorer, now Chairman, JCS, recommended to the Secretary of Defense that the MIG defensive authority should be modified to permit attacks against any MIG which was (a) operating in NVN below 20°N, or (b) operating within 20 NM of the BARREL ROLL East area of Laos, or (c) deployed in NVN below 20°N. However, Secretary Laird disapproved the request, stating that he believed the then existing authorities were adequate to handle the NVN air defense threat.

Throughout the spring and into the summer of 1971 the Secretary of Defense disapproved all requests for one-time preemptive strikes against the maturing NVN air defense system south of 20°N. When he turned down a request at the end of July, just a week before General Lavelle took command of 7AF, Secretary Laird said, "as stated previously in similar circumstances by the SECDEF on 15 and 19 May and 17 June, existing authorities are considered to be adequate." Admiral Moorer passed the Secretary's statement on to Admiral John S. McCain, CINCPAC, with the message, "Given the above response, I am certain that you will continue to take full advantage of current authorities. In relaying the message to General Abrams, Admiral McCain made additional comments:

"The current air operating authority allows immediate protective reaction strikes upon any SAM or AAA site which fires at, or is activated against, our aircraft. I urge you to make maximum use of this existing authority for immediate reaction to SAMs and AAA in NVN, as our requests for retaliatory strike authority have consistently been denied."

[2] RP 1 includes most of that area of NVN below 18°N.

On 1 August General Abrams advised General Lavelle, who had been in command for three days, to make the armed escort of sufficient force level to protect U.S. aircraft and to achieve the impact desired for fully punitive response to the enemy air defense tactics under the current authorities. He further advised that "interlocking and mutually supporting NVN air defenses constitute an unacceptable hazard to air crews attempting to identify a particular SAM/AAA firing site" and that it was "considered appropriate for escort forces to direct immediate protective reaction strikes against any identifiable element of the firing/activated air defense complex." Later, an attempt by a MIG to shoot down a B-52, Admiral Moorer in November 1971 interpreted hostile intent of enemy aircraft as follows:

"In my view there is no question that MIG aircraft which depart NVN airfields south of 19° North are suspect and if all source collateral information correlates with B-52 or other US/Allied air operations in NVN/Laos border area this would constitute prima-facie evidence of hostile intent."

These messages, then, had the effect of broadening the interpretation of what might be done within existing authorities.

Although Operation Prize Bull had been executed in September, the enemy threat of U.S. unarmed reconnaissance aircraft and American forces remaining in South Vietnam continued to grow. After a 4 December 1971 conference on ROE, Admiral McCain advised that the reconnaissance escort package could be enlarged and structured for increased protective reaction capability and that every effort should be made "to so employ our current authorities as to maximize protective reaction against elements of the MIG threat."

(U) By mid-December the NVN air defense system had reached a new level of sophistication. In addition to using their GCI radars to guide MIGs on intercepts of U.S. aircraft, the North Vietnamese had linked the GCI radars with the lock-on radar capability of SAM sites. Since few U.S. aircraft were equipped to detect GCI tracking as they were SAM tracking, the enemy aimed SAMs undetected until the instant of firing. According to General Lavelle, the system eventually accounted for the loss of two aircraft and crews. The new enemy achievement was threatening 7AF's aerial reconnaissance mission in RP 1 as well as air operations in the border areas of South Vietnam and Laos.

On 5 January 1972, two F-105G aircraft * * * expended anti-radiation missiles against EW/GCI radars in NVN north of the 20th parallel * * * the strike caught the attention of the JCS who requested immediate details of the mission. Both Admiral McCain and the JCS concurred in General Abrams justification for the mission and his request for further strike authority based on the recent and continuing aggressive MIG harassment of U.S. aircraft operating in northern Laos. In an 8 January message to his subordinate commanders, Admiral McCain quoted Admiral Moorer on the matter:

"[I] appreciate the logic contained in [the] references relative to the need and justification for continuation of such activity. A strong case for modifying existing authorities to permit such operations was made to higher authority using the information you provided. As of this date we have not been successful.

"The urgency of the situation we are faced with is recognized and we will continue our efforts to obtain the needed authorities. In the meantime, however, we are constrained by the specific operating authorities as written: e.g.,

"A. Enemy EW/GCI sites in NVN are not authorized to be attacked at any time, unless included as approved targets in operations such as PROUD DEEP.

"B. SAM/AAA sites and associated equipient in NVN may be struck in immediate protective reaction only when south of 20 degrees north.

"C. Incursions of NVN airspace north of 20 degrees North are not authorized without JCS approval except when in immediate pursuit of hostile enemy aircraft as provided for in the basic Rules of Engagement for Southeast Aisa. Immediate protective reaction against SAM/AAA activity during such authorized flights north of 20 degrees north is authorized under the prudential rule.

"Request you continue to take all possible actions within the current rules and authorities to minimize the risk to friendly forces. I will keep you advised of any progress we may make in the area of additional authorities."

At the beginning of 1972, then, the ROE for NVN were the same as they were in April 1970 except for the interpretations regarding the hostile intent of activated SAM/AAA sites and airborne MIGs.

In December 1971 and January 1972, 7AF had applied the "more vigorous protective reaction posture" adopted by the SEA commanders at the 4 December 1971 conference on ROE. By intensifying the escort reconnaissance activity over NVN, 7AF employed the protective reaction authority to achieve what the JCS referred to as "several highly successful protective reaction strikes, examples being the attack on Quan Lang by U.S. Naval air elements on 18 Dec 1971 and the recent U.S. Air Force protective reaction strikes on Dong Hoi on 23 January." At the same time that he praised these strikes, Admiral Moorer advised Admiral McCain and General Abrams on 26 January that the developing threat of an NVA offensive had been fully discussed at the highest levels in Washington and that Admiral McCain's desire for full standby authorities to deal with individual threats was understood. He again advised that current protective reaction authorities permitted attacks on airfield defenses when unarmed reconnaissance aircraft reconnoitering these facilities were brought under enemy attack. He said that "should the expected ground campaign develop, you are authorized to intensify the reconnaissance activity in the vicinity of Dong Hoi, Vinh, and Quan Lang airfields, as well as associated protective reaction strike activity when such aircraft are fired on" and "appropriate escort and defense suppression force should be utilized to insure effective results." With regard to enemy GCI radar activity, he said "current operating authorities permit anti-radiation missile attacks against SAM or AAA fire control radars below 20 degrees N when activated against friendly aircraft" but "because it is anticipated the enemy will attempt to employ MIGs directed by GCI radars, as well as SAMs and AAA to disrupt our air activity in support of friendly forces in the event of a major attack, you are authorized until 1 May 1972 to employ anti-radar missiles against primary GCI sites (Bar Lock/SIG Bar and associated height finders) outside RP 6[3] when MIGs are airborne and indicate hostile intent." On 29 January, Major General Alton D. Slay, 7AF DCS/Operations, informed all Air Force and Navy air strike forces of this major new (Iron Hand) authority.

Early in February General Abrams passed to General Lavelle the authority to intensify reconnaissance and protective reaction strike activity in the vicinity of the Dong Hoi, Vinh, and Quan Lang airfields. MIG aircraft airborne from those airfields were to be assumed hostile and could be engaged whenever encountered below the 18th parallel.

In spite of the recent broadening of the protective reaction strike authorities, the SEA commanders did not consider them adequate. General Abrams and Admiral McCain continued to request broader operating authorities to counter the increasing enemy air and ground threat above the DMZ; however, no changes in the ROE were forthcoming through February and March. Then, on the 21st of March, rather than broadening the authorities, Admiral Moorer sent a message of Admiral McCain and General Abrams, information to General Lavelle, implying that recent air strikes against the enemy air defenses may have been outside the protective reaction authorities. After referencing the initial 1968 authorities for use of armed escorts to protect reconnaissance aircraft and the various changes to the authority through February 1972, the Admiral said in part:

"The increased number of protective reaction strikes since 1 January 1972 has attracted a considerable amount of high level interest here [Washington] and is receiving increasing attention from the press. Although it is recognized that these strikes are directly related to the increasing tempo of enemy air defense activity it is extremely important that such protective reactions be conducted strictly according to current air operating authorities.

"In view of the extreme sensitivity of this subject and the attention it is receiving, request you insure that all crews are thoroughly briefed that current authority permits protective reaction to be taken only repeat only when enemy air defenses either fire at or are activitied against friendly forces."

General Abarms on 24 March requested General Lavelle to insure that all air crews were thoroughly briefed on the current ROE for protective reaction.

The high level interest proved to be more intense than Admiral Moorer's message had implied. During the last week of March, General Lavelle was recalled to Washington and relieved of duty for allegedly ordering unauthorized air strikes in NVN during the period November 1971 through March 1972. The General was accused of conducting 28 raids against NVN airfields and radar sites in violation of White House rules and at a time when the Administration was engaged in delicate peace negotiations with Hanoi. Furthermore, he was accused of having strike reports falsified to conceal the unauthorized strikes. After his actions were investigated by the Senate Armed Services Committee, General Lavelle was reduced in rank and retired.

During the same week in March that General Lavelle was recalled, Hanoi initiated a

[3] RP 6 is that area of NVN north of 20°32'N and east of 105°20'E. It contains the Hanoi/Haiphong areas.

major offensive against South Vietnam. The rules which General Lavelle had transgressed were soon obsolete.

The VC/NVA launched a major invasion south of the DMZ on the night of 29/30 March 1972. On 1 April Admiral McCain sent a strong plea for broader operating authorities to the JCS. The result was authority to use tactical air strikes against SAMs, artillery, and other military and logistic targets within 25 NM north of the DMZ and authority to use B-52 strikes within the DMZ. The 25 NM limit was extended to 17°30'N on 3 April and then to 18°N on 4 April.

On April, the JCS Advised Admiral McCain that the conflict had entered a new phase in Vietnam, and requested recommendations for new initiatives, authorities, and resources required. Subsequently, the JCS authorized tactical air operations in NVN below 18°N which began on 6 April under the nickname Freedom Train. Air strikes south of 18°N would be categorized as Freedom Train missions, while any above 18°N would be protective reaction strikes. On 9 April, Freedom Train operations were extended to 19°N.

All through April the JCS steadily broadened the air operating authorities for NVN in response to requests from 7AF, COMUSMACV, and CINCPAC. The JCS granted authority to attack any NVN military aircraft, including helicopters, south of 20°N: During any U.S. air operations in NVN north of 19°N beginning one hour before the first time over target and ending with the last aircraft egress, U.S. aircraft could attack airborne enemy fighter aircraft anywhere in NVN exclusive of the PRC buffer zone [4] and employ anti-radar missiles against primary GCI sites throughout NVN. TACAIR was authorized below 20°N after 20 April, 7AF began B-52 and TACAIR strikes against the Thanh Hoa area, Routes 1A and 7, and the Hanoi-Vinh railroad south of 20°N under the nickname Freighter Captain. On 2 May, the JCS authorized manned tactical reconnaissance south of 25°25'N. then, on 9 May in conjunction with President Nixon's announcement of the mining of Haiphong Harbor, the JCS authorized offensive air operations throughout NVN below the PRC buffer zone. This marked the resumption of the interdiction bombing in NVN.

Linebacker

The air interdiction campaign nicknamed Linebacker, was initiated on 10 May 1972 against the NVN transportation and supply system. The overall goal of the new Linebacker, like the old Rolling Thunder, was to bring sufficient pressure on the government of NVN to cause it to stop open aggression and support of insugent operations in South Vietnam, Laos, and Cambodia.

The air operations against NVN had been developed during April under Freedom Train. Therefore, the initiation of Linebacker was primarily a name change rather than a massive increase in the breadth of air operations. The JCS authorized TACAIR and B-52 support "to destroy and disrupt enemy POL and transportation resources and LOCs in NVN, e.g., POL storage and pumping stations, rails and roads, bridges, railroad yards, heavy repair equipment, railroad rolling stock and trucks." The JCS further aurhorized air attacks to neutralize the enemy's defenses, and armed reconnaissance throughout NVN against choke points and other time sensitive transportation/interdiction targets outside of restricted areas.

The restricted areas were the PRC buffer zone and the areas within 10 NM of the centers of Hanoi and Haiphong, although the JCS could validate targets within these areas. Indeed, on 2 June the JCS authorized attacks against rail lines, bridges, and tunnels to within 10 NM of the PRC border. There were also special category targets which were restricted, such as prisoner-of-war compounds, foreign shipping, dikes and dams, fishing boats, hospitals, and shrines. Otherwise, CINCPAC had the authority to choose fixed targets with the provision that the JCS be advised of them. Strikes and armed reconnaissance missions were to be planned so that the flight paths of U.S. aircraft would approach no closer than 20 NM to the PRC border unless, of course, the strike was authorized against one of the JCS validated targets there. Aircraft could transit the Hanoi and Haiphong restricted areas as necessary to conduct air operations.

The ROE permitted attacks against all airborne enemy fighter aircraft anywhere in NVN except the PRC buffer zone.[5] Aircraft engaged in hot pursuit were authorized to pursue enemy fighter aircraft into the buffer zone up to 20 NM from the Chinese border and air attacks on military airfields were permitted when there were no third nation aircraft present. The use of anti-radar missiles was authorized against GCI sites and associated height finders throughout NVN but the tactics employed were to preclude the impact of missiles in the territory of the PRC.

The ROE also specified that waterway targets could be struck if the targets were positively identified as NVN mine-clearing vessels located in NVN internal and claimed territorial waters (12 NM). Air attacks against merchant ships and third country vessels, however, were prohibited except in self-defense or with the specific approval of the JCS. The rules permitted the use of area denial munitions in NVN inland waterways and coastal waters within the three NM limit, as well as against land targets south of the PRC buffer zone.

The Linebacker interdiction operation, under the 7AF command of General John W. Vogt, Jr., continued essentially unchanged through September 1972. A comparison of the air operating authorities for Rolling Thunder and Linebacker is presented in the Appendix. According to the Hq USAF Rolling Thunder—Linebacker Preliminary Comparative analysis, Linebacker appeared to be the more effective interdiction campaign.

APPENDIX

Rolling Thunder, 1968	Linebacker 1972
A. U.S. armed reconnaissance was authorized throughout NVN with the following areas excluded:.	A. U.S. armed reconnaissance was authorized throughout NVN with the following areas excluded:
1. PRC buffer zone: The area within 30 NM of the Chinese border from the border of Laos eastward to n106°E longitude and within 25 NM of the Chinese border from 106°E longitude to the Gulf of Tonkin.	1. Same as Rolling Thunder.
a. Except, strikes were authorized against railroad rolling stock on the northeast rail line and against vehicle traffic on Route 1A to a point no closer than 15 NM of the Chinese border.	a. Except, attacks, were authorized against certain RR lines, bridges and tunnels to within 10 NM of the PRC border during specified time periods.
b. Except for strikes authorized in the buffer zone, missions were to be planned so that flight paths of U.S. aircraft would approach no closer than 20 NM to the Chinese border.	b. Same as Rolling Thunder.
2. Hanoi prohibited area: the area within 10 NM of the center of Hanoi.	2. N/A in Linebacker.
3. Haiphong prohibited area: the area within four NM of the center of Haiphong.	3. N/A in Linebacker.
Hanoi/Haiphong restricted areas: the areas within 30 NM of the center of Hanoi (excluding the Hanoi prohibited area) and within 10 NM of the center of Haiphong (excluding the Haiphong prohibited area).	4. Hanoi/Haiphong restricted areas: the areas within 10 NM from center of each city.
a. Transit of Hanoi/Haiphong restricted and prohibited areas was authorized as necessary in conducting air operations.	a. Transit of Hanoi/Haiphong restricted areas was authorized as necessary in conducting air operations.
b. Armed reconnaissance against LOCs and LOC-associated targets, including associated ferries, fords, by-passes, choke points and transshipment points, was permitted along designate segments of road, rail, and inland waterways of LOCs in the Hanoi restricted area from the limits of the 10 NM Hanoi prohibited area ot the periphery of the 30 NM Hanoi restricted area and in the Haiphong restricted area from the limits of the four NM Haiphong prohibited area to the periphery of the 10 NM Haiphong restricted area.	b. N/A to Linebacker.
F. Aircraft could engage in combat operations, including SAM suppression required to protect the strike forces.	F. Defense suppression was authorized as required to support air operations.
G. When engaged in immediate pursuit of hostile aircraft, U.S. forces were not authorized to attack NVN air bases from which attacking aircraft were operating, except those air bases authorized for attack.	G. Attacks were authorized against all airborne enemy fighter aircraft, but not helicopers and transports, anywhere in NVN except the PRC buffer zone. Aircraft engaged in immediate pursuit were authorized to pursue enemy fighter aircraft into the PRC buffer zone, but in no event closer than 20 NM to the PRC border. Military airfields could be attacked; however, no NVN airfield on which third nation aircraft were present was to be attacked.
H. Extreme caution was required in conducting air strikes so as to avoid endangering foreign shipping.	H. All possible precautions were to be taken to minimize civilian casualties and avoid damage to foreign shipping.
I. Every feasible precaution was to be exercised in conducting air strikes, including flak/SAM suppression, in the Haiphong area to (1) avoid endangering foreign shipping, (2) minimize civilian casualties and collateral damage.	I. Included in "H" above.
J. Special coastal armed reconnaissance was authorized from 24°42'N to the PRC buffer zone. In this area, armed reconnaissance of the NVN coast and offshore islands within three NM of NVN territory, avoiding a 10 NM radius from the center of Haiphong, was authorized against (1) positively identified NVN attack-type naval craft, (2) NVN cargo-carrying craft((3) craft which fired upon U.S. aircraft.	J. Attacks were authorized against vessels or craft positively identified as NVN which were actively engaged in, suspected of, or configured for performing mining clearing operations in NVN internal and claimed territorial waters. This provision did not permit armed actions against vessels of any nation other than NVN unless in self-defense or with the specific approval of the JCS. Extreme caution was to be exercised to avoid attacking, damaging or harassing and the appearance of attacking or harassing any third country shipping in the vicinity of the mine fields.

[4] The PRC buffer zone was that area within 30 NM of the Chinese border from the Laotian border east to 106°E and thence within 25 NM of the Chinese border to the Tonkin Gulf.

[5] The authority to engage helicopters below 20°N had been granted in April 1972 but was later rescinded.

APPENDIX—Continued

Rolling Thunder, 1968	Linebacker 1972
K. Naval craft north of 24°42'N and outside of the three NM limit of the NVN coast and offshore islands were not authorized for attack.	K. Same as "J" above.
L. In the interest of obviating charges of escalation, either from foreign or domestic sources, the following additional authorities were to be exercised in a measured manner: (1) Attacks on newly authorized Rolling Thunder targets were to be scheduled at the rate of no more than three targets per day. (2) Concentration of armed reconnaissance effort inside the 30 NM Hanoi restricted area was to be avoided (3) approximately a constant level of effort in Route Package 6 was to be maintained.	L. No comparable Linebacker restrictions.
M. Strikes on CAM Pha and Hon Bai ports were authorized only when there were no ships berthed in the docking areas or within 2000 yeards of the docking areas.	M. Both Cam Pha and Hon Gai were validated targets. Authorization included only those areas that could be targeted with aiming point not closer than 800 feet to non-NVN shipping for TACAIR; not closer than 250 feet from non-NVN shipping for EO/LGB weapons. N. Other fixed targets could be added to the JCS validated target list at CINCPAC's discretion, the only proviso being that JCS be advised of this action.

Note.—Information extracted from Rolling Thunder-Linebacker: a Preliminary Comparative Analysis, prepared by Hq USAF (DCS/P&O), June 72, Tab 3.

GLOSSARY

AAA—Anti-aircraft Artillery.
AMEMBV—American Embassy, Vientiane.
ARC LIGHT—(S) B-52 operations in Southeast Asia.
BR—Barrel Roll.
CINCPAC—Commander-in-Chief, Pacific Command.
CINCPACAF—Commander-in-Chief, Pacific Air Forces.
COMUSMACV—Commander, U.S. Military Assistance Command, Vietnam.
DCS—Deputy Chief of Staff.
DMZ—Demilitarized Zone.
EO/LGB—Electro-optically/laser guided bomb.
EW—Electronic Warfare.
FAC—Forward Air Controller.
FAG—Forward Air Guide.
FANK—Forces Armees Nationale Khmer (Cambodian Army).
GCI—Ground Controlled Intercept.
IRON HAND—(S) SAM and radar-controlled AAA suppression flown by specially equipped F-105F aircraft.
JCS—Joint Chiefs of Staff.
LOC—Line of Communication.
MACV—Military Assistance Command, Vietnam.
MIG—Soviet-built jet fighter aircraft.
NM—Nautical Mile.
NVA—North Vietnamese Army.
NVN—North Vietnam.
POL—Petroleum, Oil, and Lubricants.
POW—Prisoner of War.
PRC—People's Republic of China.
ROE—Rules of Engagement.
RP—(S) Route Package—numbered interdiction areas in North Vietnam.
RVN—Republic of Vietnam (South Vietnam).
RVNAF—Republic of Vietnam Armed Forces.
SAM—Surface-to-Air Missile.
SEA—Southeast Asia.
SECDEF—Secretary of Defense.
SL—Steel Tiger.
SOA—Special Operating Area.
TACAIR—Tactical Air.
TACC—Tactical Air Control Center.
TALOS/TERRIER—U.S. Navy ship-launched surface-to-air missiles.
TFW—Tactical Fighter Wing.
TMO—Target Management Officer.
USMACV—United States Military Assistance Command, Vietnam.
VC—Viet Cong.
VNAF—Vietnamese Air Force (South Vietnam).

LEGISLATING ECONOMIC SANCTIONS AGAINST APARTHEID

Mr. CRANSTON. Mr. President, I am today joining a number of my Senate colleagues in cosponsoring S. 635, the Anti-Apartheid Act of 1985.

I support this measure because I believe we have a moral obligation to combat the gross injustice of apartheid, the system of institutionalized racism which oppresses the black majority in South Africa.

After 4 years of the Reagan administration's policy of "constructive engagement" with the South African regime, it has become clear to most that U.S. engagement has not advanced our Nation's goals.

Efforts to achieve greater justice for all South Africans and to induce South African withdrawal from its illegal occupation of neighboring Namibia have failed. South African authorities have clearly misunderstood the Reagan administration's silence.

The meager so-called reforms advanced by the 4 million whites who govern South Africa's 23 million blacks have been as pathetic as the apartheid system is revolting. Black citizens are uprooted and banished to become citizens of puppet regimes in alien black areas ironically called homelands, where over 8 million South African blacks have already been denationalized. Many black workers are forced to live separated from their families to avoid starvation, because black residents are confined to certain areas while the only jobs available are often jobs elsewhere. The most recent constitutional changes have led merely to fraudulent "reform" that continue to deny all South African blacks the right to vote in the land of their birth.

The latest wave of domestic repression unleashed by the Pretoria government has led to the death of more than 150 black opponents of apartheid, the injury of more than 1,000 and the arrest of more than 3,500. And in recent weeks, the entire leadership of the United Democratic Front has been arrested and charged with treason, an action which makes a mockery of Pretoria's claims that it tolerates loyal democratic opposition.

Under such circumstances, I believe our Government is obligated to take action to distance ourselves from those who practice apartheid and to support the black majority which struggles for freedom. Indeed, these are principles endorsed by Secretary of State George Shultz, who declared recently that:

Throughout our own history we have always believed that freedom is the birthright of all peoples and that we could not be true to ourselves or our principles unless we stand for freedom and democracy, not only for ourselves but for others. And so, time and again in the last 200 years, we have lent our support—moral and otherwise—to those around the world struggling for freedom and independence.

I have therefore worked closely since 1983 with colleagues in the Senate to forge a bipartisan consensus behind a package of measures that will make clear to all in South Africa that Americans deplore apartheid.

Despite extensive efforts to forge a compromise measure invoking sanctions against South Africa, the last Congress failed to adopt any legislation whatsoever against U.S. commerce with the apartheid regime.

As a proponent of such sanctions, I am heartened by the new public outcry in the United States against the Pretoria regime. The task ahead is clear: We must channel the strong rhetoric invoked now by both Democrats and Republicans against the South African regime into effective legislative action.

I believe S. 635 is a bill which provides the best mechanism because it includes a set of measures that promises to be effective. These measures which I support include a ban on new investments and loans to South Africa, and a bar on further U.S. exports of computers to South Africa.

If enacted, these measures would not force the loss of any existing jobs in South Africa. This is not a disinvestment bill, or a forced divestiture bill. But S. 635 would make clear that Americans will not allow further U.S. investment in an abhorrent system. Already many major U.S. banks and corporations doing business in South Africa have adopted similar positions for reasons of economic security and basic morality. Congress should not undercut such progressive leadership in the business community by doing less.

Most important, such sanctions would apply pressure where pressure is most needed—on white officials who hold all economic and political power in South Africa. These are the individuals on whom Americans must press the urgency of meaningful change—in the interest of all South Africans as well as our own.

One section of S. 365 relates to the Krugerrand. The Krugerrand has become a symbol of apartheid and I would like to see it rejected in the United States and throughout the world. S. 635 would legally ban the importation of the Krugerrand. I do not support this approach. I believe that the most desirable way for a free people to show contempt for a symbol of oppression is through voluntary rejection rather than legal coercion.

On March 7, I joined as an original cosponsor with Senator DOLE and

others in introducing a bill to authorize the minting of a U.S. gold coin, the liberty double eagle, which I believe would drive the Krugerrand out of the American market. (Representative JULIAN DIXON of Los Angeles has authored a similar measure on the House side.) Having the same weight and qualities as the Krugerrand, the liberty double eagle would give the American gold investors and coin collectors a free choice between a symbol of liberty and a symbol of race hatred.

The production of a new American coin would enable individual citizens to express our contempt for apartheid without making necessary the passage of a law to restrict the freedom of Americans who wish to acquire coins of their choice.

Mr. President, I will be working hard in support of the thrust of S. 635 as a member of both the Banking and Foreign Relations Committees. I will be doing all that I can to ensure a fair hearing and prompt committee action on a balanced legislative package to combat the repugnant apartheid system.

CONTROLLING HEALTH CARE COSTS IN RHODE ISLAND

Mr. PELL. Mr. President, it is with great pride that I bring to the attention of the Senate an award given to Blue Cross and Blue Shield of Rhode Island. Today, the Rhode Island plan is being honored in a ceremony held by the National Blue Cross and Blue Shield Association for its effectiveness in controlling health care costs. The Rhode Island plan is being cited as the most effective cost containment plan of the 90 Blue Cross and Blue Shield plans nationally. This award is based on a 12-month evaluation conducted by the national organization in which the 90 Blue Cross and Blue Shield plans across the country were rated for their cost control capabilities.

In today's atmosphere of ever-escalating health care costs, all efforts to restrain costs must be encouraged, and where successful, must be emulated. The Blue Cross and Blue Shield Association should be congratulated for their constant scrutiny of health care costs. All Blue Cross and Blue Shield plans are rated according to their cost control capabilities in some 12 categories, among them management strategies to reduce costs, the effectiveness of provider payment programs, innovative systems to control costs, fraud and abuse activities, and the level of commitment to health education and health-planning activities.

Blue Cross and Blue Shield of Rhode Island invests some $1.2 million into cost containment strategies that have resulted in a net savings to their subscribers of $70.4 million.

Among the performance areas in which the Rhode Island plan was cited in 1983 included:

Executing a hospital prospective reimbursement program resulting in spending increases of 8 percent for the State's 16 voluntary hospitals; hospital spending increases, nationally, averaged 11 percent for the same period.

Maintaining physician payment increases at 3 percent, equaling the All Items Consumer Price Index for that year;

Sustaining hospital and physician participation in Blue Cross and Blue Shield at the highest levels in the Nation, providing hold harmless protection against out-of-pocket costs for covered services for some 800,000 subscribers;

Promoting same-day surgery, and surgical place of treatment incentive programs resulting in some 40 percent of all its subscriber surgery done outpatient or in a physician's office;

Promoting other alternative delivery programs such as preadmission testing, home care, and hospice care, saving over $3 million in hospital costs;

Developing innovative cost control programs including pre- and post-payment medical review, hospital billing validation, and fraud and abuse investigations saving an additional $3 million; and

Developing innovative health education programs including experimental computerized health risk appraisal and behavior modification for its subscribers.

For these results and for their overall performance in delivering health care, I especially congratulate Mr. Everett C. Wilcox, chairman of the Board for Blue Cross and Blue Shield of Rhode Island, and Mr. Douglas J. McIntosh, plan president. I commend Blue Cross and Blue Shield of Rhode Island for their efforts and successes in reducing health care costs.

FRIENDS OF IRELAND, ON ST. PATRICK'S DAY

Mr. MOYNIHAN. Mr. President, on St. Patrick's Day, as has become our custom, the Friends of Ireland in the U.S. Congress released a statement about the current situation in Northern Ireland, setting forth our view on how the United States ought to be helping to resolve the conflict that continues in Northern Ireland.

A total of 35 Senators and 103 Members of the House of Representatives added their names to this collective statement of hope for a stable peace in Northern Ireland, a substantial expression of support for the process of diplomacy and reconciliation that is now underway among the different traditions in that community.

I would like to draw attention to the passage in the statement by the Friends that notes "the growing urgency to demonstrate the viability of a political and diplomatic process with respect to Northern Ireland."

The Government of Ireland is currently engaged in talks with the Government of Great Britain that will hopefully soon lead to agreement on how best to bring a stable, equitable and democratic political structure to Northern Ireland. I offer my personal encouragement to those governments and to the responsible officials who are searching for a solution.

As the statement notes, there are several immediate steps that could be undertaken by the British Government that would improve the climate in which those discussions unfold, and I would in particular cite the continuing use of plastic bullets by security forces in Northern Ireland for crowd control—a practice which has led to numerous deaths. The use of plastic bullets ought to be halted by Great Britain.

I ask unanimous consent that the complete text of the St. Patrick's Day statement by the Friends of Ireland be printed at this point in the RECORD, along with the names of those Senators and Representatives who have joined in support of it.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

FRIENDS OF IRELAND—ST. PATRICK'S DAY STATEMENT, 1985

St. Patrick's Day this year arrives at a time when those concerned about the future of Northern Ireland face difficult choices. As Friends of Ireland, we call on these men and women, whether American or Irish or British, to address the issues at hand with foresight, with courage, and with compassion for all the families who live in the troubled communities of Northern Ireland.

At issue are both the quality of life in Northern Ireland—shall justice, equity and tolerance for diversity govern?—and whether the future of Northern Ireland will be decided through constitutional, democratic means.

We look back on 1984 as a year of promise left unfulfilled, and express our hope that 1985 will bring visible progress toward reconciling the conflicting traditions of Northern Ireland and establishing democratic political structures able to accommodate diversity.

The report of the New Ireland Forum, long and eagerly awaited by the many friends of Ireland who have hoped—and continue to hope—that it would provide the basis for a long-sought new initiative by the parties involved in Northern Ireland, was published in 1984. We admire and commend the good will and hard work invested in the consensus reflected in the report and find irrefutable the Forum's conclusion that:

"Existing structures and practices in Northern Ireland have failed to provide either peace, stability or reconciliation. The failure to recognize and accommodate the identity of the Northern nationalists has resulted in deep and growing alienation on their part from the system of political authority."

We are mindful of the growing urgency to demonstrate the viability of a political and diplomatic process with respect to Northern Ireland. Accordingly, we call on the Government of Great Britain, the responsible authority there, to accelerate its current dialogue with the Government of Ireland and to develop in conjunction with the Irish Government proposals which will lead to lasting peace and stability. We strongly support this dialogue and note that some progress has been made by the two governments in trying to reach agreement on the requirements for a solution to the problems of Northern Ireland.

We were pleased to read in the communique issued after the November 19, 1984 summit meeting between British Prime Minister Margaret Thatcher and Irish Prime Minister Garret FitzGerald that they: "agreed on the need for efforts to diminish the divisions between the two communities in Northern Ireland and to reconcile the two major traditions that exist in the two parts of Ireland . . . (T)he identities of both the majority and minority communities in Northern Ireland should be recognized and respected, and reflected in structures and processes of Northern Ireland in ways acceptable to both communities."

We also welcome efforts undertaken by the Government of Ireland to further accommodate confessional diversity in its democratic institutions. We know from the experience of our own nation that ethnic and religious pluralism can be a source of strength in a free society, and we look forward to the day when all of Ireland draws strength from such diversity.

As Friends of Ireland we call for the protection and enhancement of the rights of all the people of Northern Ireland. We are concerned that the minority Catholic community is dangerously and increasingly alienated from the institutions of public life. Majority rule without minority rights is not democracy; it has brought oppression. The Government of Great Britian, as the responsible authority in Northern Ireland, has an obligation to undertake to bridge the gulf that exists through the observance there of basic policy conventions that guide it elsewhere. These would include a return to due process in the judiciary, strengthening of efforts to end discriminatory practices in employment, and elimination of abuses of prisoners—specifically those referred to by Bishop James Malone, President of the National Conference of Catholic Bishops and leader of a delegation of American clergy, at the conclusion of their visit to Ireland on October 25, 1984. We deplore the continuing use of lethal plastic bullets by security forces in Northern Ireland in lieu of less lethal means of crowd control; the practice ought to be halted by Great Britain.

We again express in the strongest terms our determination to uphold the rule of law and to encourage deeper devotion to democratic principles and institutions, which are in the end the surest guarantors of individual liberty and minority rights. We oppose without qualification any resort to the bomb or the bullet as a way to promote political change. Political violence is morally abominable as well as inherently anti-democratic; there is no more place for it in Northern Ireland than there is in the United States.

We renew our plea to Americans not to provide support to those who advocate or engage in violence. It cannot help Ireland. The recent resurgence of killing in Northern Ireland only makes less likely a resolution of the fundamental political issues, and we ask that Americans of all backgrounds and faiths oppose the men of violence.

We renew here our support for the goal of Irish unity, and we invite Americans who want to see the troubles end in a peaceful, just and tolerant Irish society to join us in supporting—and actively encouraging—the process of reconciliation and compromise. The United States stands ready to assist that process through appropriate political and economic support. A delegation of Friends of Ireland led by Speaker O'Neill is currently visiting Ireland, and will discuss with the Government of Ireland, and other political leaders there, the American dimension to the issues in Northern Ireland.

On this St. Patrick's Day, we ask all true friends of Ireland in the United States to declare themselves for peace, as we urge the governments and leaders involved to make 1985 a year of real progress toward that peace.

United States Senate (35):

Edward M. Kennedy, Daniel Patrick Moynihan, Max Baucus, Joseph R. Biden, Jr., Jeff Bingaman, Bill Bradley, Alan Cranston, Alan J. Dixon, Christopher J. Dodd, Pete V. Domenici, Thomas F. Eagleton, Gary Hart, Orrin G. Hatch, Ernest F. Hollings, John F. Kerry, Frank R. Lautenberg, and Paul Laxalt.

Patrick J. Leahy, Carl Levin, John Melcher, Howard M. Metzenbaum, George J. Mitchell, Frank H. Murkowski, Claiborne Pell, Larry Pressler, William Proxmire, Dan Quayle, Donald W. Riegle, Jr., Paul S. Sarbanes, Jim Sasser, Paul Simon, Arlen Specter, Ted Stevens, Lowell P. Weicker, and Pete Wilson.

House of Representatives (103):

Thomas P. O'Neill, Jr., Thomas S. Foley, Gary L. Ackerman, Frank Annunzio, Chester Atkins, Michael D. Barnes, Howard L. Berman, Lindy Boggs, Edward P. Boland, Don Bonker, Frederick C. Boucher, Barbara Boxer, John Bryant, Thomas R. Carper, William L. Clay, Tony Coelho, Silvio O. Conte, Lawrence Coughlin, William J. Coyne, Thomas A. Daschle, and Ron de Lugo.

Butler C. Derrick, Norman D. Dicks, Brian J. Donnelly, Robert K. Dornan, Thomas J. Downey, Richard J. Durbin, Bernard J. Dwyer, Roy Dyson, Joseph D. Early, Don Edwards, Lane Evans, Walter E. Fauntroy, Vic Fazio, Edward F. Feighan, Harold E. Ford, William D. Ford, Barney Frank, Jaime B. Fuster, and Sam Gejdenson.

Bill Green, Frank J. Guarini, Tony P. Hall, Charles A. Haynes, Dennis M. Hertel, Frank Horton, James J. Howard, Carroll Hubbard, Jr., William J. Hughes, Nancy L. Johnson, Marcy Kaptur, Barbara B. Kennelly, Dale E. Kildee, Joe Kolter, Peter H. Kostmayer, John J. LaFalce, Tom Lantos, Mickey Leland, William Lehman, and Mel Levine.

Bill Lowery, Mike Lowry, Connie Mack, Edward R. Madigan, Edward J. Markey, Lynn Martin, Matthew G. Martinez, Robert T. Matsui, Nicholas Mavroules, John McCain, Joseph M. McDade, Raymond J. McGrath, Matthew F. McHugh, Stewart B. McKinney, Dan Mica, Parren J. Mitchell, Joe Moakley, Alan B. Mollohan, James Moody, Bruce A. Morrison, Sid Morrison, Robert J. Mrazek, and Austin J. Murphy.

John P. Murtha, Henry J. Nowak, Mary Rose Oakar, Major R. Owens, Nick Joe Rahall II, Marge Roukema, Thomas E. Petri, Peter W. Rodino, Jr., Marty Russo, John F. Seiberling, Jim Slattery, Lawrence J. Smith, Samuel S. Stratton, Gerry E. Studds, Al Swift, Robert G. Torricelli, Bob Traxler, Doug Walgren, Henry A. Waxman, and Patrick Williams.

FRIENDS OF IRELAND ST. PATRICK'S DAY STATEMENT

Mr. KENNEDY. Mr. President, St. Patrick's Day arrives with many of last year's promises left unfulfilled. The violence in Northern Ireland continues to escalate, the British Government still has yet to address the crucial problems facing Ireland, and the New Ireland Forum's initiative remains a hope and not a reality.

As Friends of Ireland in the Congress, we believe the United States has a constructive role to play in achieving lasting peace and stability in Northern Ireland. I am proud this year to join 34 Senators and 103 Members of the House of Representatives in our annual St. Patrick's Day Statement—the largest group of sponsors we have had since we first began issuing these statements in 1977.

In this year's message, as in every prior year, we call on all Americans to reject the path of violence and those who advocate it. On this St. Patrick's Day 1985, we reaffirm our commitment to peace in Ireland, and we urge the Irish and the British Governments to work together for a new Ireland and to make 1985 a year of real progress toward the great goal of Irish unity.

JUVENILE DETENTION AND ALTERNATIVES TO INCARCERATION

Mr. SPECTER. Mr. President, on October 22, 1984, I participated in a forum on juvenile detention and alternatives to incarceration sponsored by the Children's Research and Education Institute and held at the Shuman Center for Juvenile Detention in Pittsburgh, PA. I found the testimony extremely informative and relevant to the work of the Judiciary Committee's Subcommittee on Juvenile Justice, which I chair, and the Senate Children's Caucus, which I cochair.

I ask unanimous consent that the testimony from this forum be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE CHILDREN'S RESEARCH AND EDUCATION INSTITUTE PUBLIC POLICY FORUM ON JUVENILE DETENTION AND ALTERNATIVES TO INCARCERATION, UNITED STATES SENATOR ARLEN SPECTER, CHAIRMAN

Date: October 22, 1984.

Time: 9:30 AM.

Place: Shuman Center for Juvenile Detention, 7150 Highland Drive, Pittsburgh, Pennsylvania.

AGENDA

William Harris, President, CREI: Introduction of Senator Specter.

Senator Arlen Specter, Co-chairman, U.S. Senate Caucus on Children and Chairman,

Subcommittee on Juvenile Justice: Opening remarks.

WITNESSES

Panel One

Joseph Daugerdas: Director of Juvenile Court Services, presenting adolescents and their parents from Abraxas and Allegheny Academy.

Tonya: 18, graduate of Abraxas: heavy drug user at 12; arrested for aggravated assault on Mother at 15.

Todd: 17, resident of Abraxas: repeat offender; arrested at 14 for theft, criminal conspiracy and criminal attempt and more; alcohol abuse; prior confinement at Glen Mills, working towards independent supervised living to avoid going home.

Brian: 20, graduate of Allegheny Academy: arrested for armed robbery in November of 1981 at age 17 as a juvenile, he was placed under house arrest until the Allegheny Academy opened. He is now employed by Allegheny Academy.

Panel Two

Caroline Russell: Director and Therapist, Together We Can, Pittsburgh, Inc.: Early Intervention of Sexually Abused Children and Treatment of Juvenile Sex Offenders.

Joe: 17, long history of sex abuse including an arrest at age 13 for the rape of a 15-year-old girl.

Debbie: 31, mother of a 7-year-old son who was a victim of sex abuse. The 7 year old is now abusing younger brother.

Honorable Stanton Wettick, Administrative Court Judge: Disposition of the Violent Offender—Keeping Juveniles out of Adult Court.

Panel Three

The Need to Legislate Standards for the Treatment of Juveniles in Detention Centers:

Dr. Joseph Christy: Executive Director, Shuman Center: What constitutes a model center.

Father Albert Leonard: Pastoral Care Director, Shuman Center: Shackles, Mace, Hogtieing: The Inhumane Treatment of Juveniles in the United States.

Dr. Alfred Blumstein: Chairman, Pa. Commission on Crime & Delinquency; Professor of Urban Affairs, Carnegie Mellon University School of Urban Affairs: Strategies for Addressing Anticipated Growth of Juvenile Delinquency Needs over the Next Ten Years.

(Time Permitting) Patricia Evey: Western Regional Director, Juvenile Justice Center of Pa.: Citizen Advocacy.

First, let me thank Bill Harris and the Children's Research and Education Institute for their sponsorship of this forum.

Today begins Juvenile Court Week in Pa. As Co-chairman of the U.S. Senate Caucus on Children and Chairman of the Juvenile Justice Subcommittee, we are delighted to help celebrate in a way that we hope will be meaningful to you, to us, and, in the future, to children and adolescents elsewhere in the U.S.

I understand we are also celebrating the 10th Anniversary of Shuman Center. I am delighted to be back here and I want to thank Joe Christy for including us as part of the celebration. Shuman Center is among the best of Juvenile Detention centers and I am interested in learning more from them about how their program promotes positive interventions with dangerous delinquents and their families.

Bill Harris' mention of 105 million dollars for runaways, missing children and delinquency prevention is very relevant to our purpose here today. For the last 3 years, I have led the fight to include money in the federal budget for such programs. Unfortunately, all too often juveniles are sentenced to detention facilities which fail in their rehabilitation efforts. Therefore, I am keenly interested in hearing about new, better and less costly ways of helping delinquents and their families as alternatives to incarceration.

I am delighted that we have young people here to discuss these issues with us and we'll begin by inviting them and Joseph Daugerdas, the director of juvenile court services to the witness table now.

STATEMENT OF JOSEPH DAUGERDAS

The philosophy of probation services in the Juvenile Section, Court of Common Pleas of Allegheny County is contained in our Mission Statement which reads: Assist as many juvenile offenders as possible to remain in the community and face the responsibility of living there without jeopardizing the welfare of the youth or the public.

The ultimate goal of our probation effort is to assist the offender to face the responsibility of living in society as a productive citizen, with positive social values while respecting the rights of others to do likewise.

The effectiveness of probation services has always been a difficult question to answer. The general consensus of most researchers is that in spite of the fact that the last twenty-five (25) years have produced an unparalleled amount of experimentation with juvenile justice programs, no easy universal solution has yet been found.

The determination of effectiveness, especially when dealing with human behavior, is difficult since objectives and goals of probation departments and what would be considered successful or unsuccessful may differ from one jurisdiction to another.

In Allegheny County, the probation department has chosen to meet the needs of youthful offenders by developing programs which provide increased supervision and rehabilitation in an effort to help the youth and his family and protect the community. The objectives of these programs are to assist probationers to: 1) avoid further delinquent behavior; 2) assist the offender in developing self-reliance through education, vocational training, and employment, etc.; and 3) assist the offender to function with positive social values in the community independent of further intervention.

Examples of some of the specialized probation programs implemented in Allegheny County are: 1) High Impact Probation; 2) Drug/Alcohol Unit; and 3) Community Home Detention Program. (Description of these programs are attached.)

This probation department has always practiced the philosophy of "least restrictive alternative placement" when the need for institutionalization occurs. The Court has always been an advocate and defender of community based placement by encouraging the development of groups homes such as Circle C Group Homes, the Wesley Institute Group Homes, Alternative Program Associates, and was very instrumental in the development of Allegheny Academy, a day/evening treatment program.

The Day/Evening program, provided by Allegheny Academy with an average daily population of 105 boys and 10 girls, has enabled the Court to divert an early release, serious offenders from institutions who normally would be institutionalized for extended time periods.

As stated, the least restrictive alternative must always be followed when placement is necessary, and there must be justification for such a recommendation by the probation officer. Within our probation department, each placement recommendation must have some goal and purpose, some desired conclusion to the institutional experience and a projected time frame for release.

The private institutional providers, which the Court utilizes, have been extremely cooperative in developing family involvement in the child's placement and after care planning.

All providers have been encouraged to add family counseling components to their programs. The existence of such a family component to the institutional program will be a determinant of whether the Court chooses to place the youth, if institutionalization is necessary.

PROGRAM DESCRIPTION OF ABRAXAS

The Abraxas Foundation, Inc., a private nonprofit agency, was founded in 1973 under the aegis of the Pennsylvania Governor's Council on Drug and Alcohol Abuse, and with funding from the Law Enforcement Assistance Agency, to interface with criminal and juvenile justice and provide a treatment alternative to incarceration for young men and women in trouble with drugs and alcohol and the law.

The Intensive Treatment program includes a private academic highschool, prevocational training, group and individual therapy, and recreational and social programming aimed at returning clients to the community as productive citizens.

Over the last eleven years, the problems of drug and alcohol abuse and criminality have grown and deepened. Abraxas has expanded its services, increased and enlarged its facilities, and in cooperation with county, state and federal agencies, has designed treatment programs to confront the challenges of a changing, increasingly troubled and difficult, client population.

Abraxas has served clients referred by courts and social service agencies in counties throughout the Commonwealth of Pennsylvania and beyond, providing short-term residential and outclient treatment in its urban re-entry houses in Pittsburgh, Erie and Philadelphia, as well as the longer-term Intensive Treatment at its rural primary facility in Marienville, PA.

It has become quite clear to us that reaching the troubled youth of our society is not enough. If we are to effect real and lasting change in their lives, we must reach their families as well. Family involvement in treatment, and education aimed at prevention in the community at large, are vital constituents of any program to combat the current epidemic of chemical dependency and build safer and healthier communities.

Abraxas is reinforcing and expanding its commitment in these areas through increased support of a rapidly growing Abraxas Family Association with coordination, information counseling, and training services; through participation in the Chemical People Institute; and in cooperation with a statewide network of children, youth, and rehabilitation service organizations.

TONYA, 18

Program: Abraxas, Supervised independent living.

Drug use; Tonya reports serious drug use began at age twelve (12) and continued through age fifteen (15). Most prevalent

drugs used were: acid,, barbiturates, marijuana and alcohol.

Arrests: Tonya was arrested for underage drinking at age fourteen (14). At age fifteen (15), her mother filed charges of aggravated assault. She has been under the jurisdiction of Allegheny Juvenile Court since that time.

Tonya is now living with her mother and they are doing well because of program's effectiveness. Her mother is here and willing if you wish to call on her.

Question for Abraxas Director, Dan Heit (seated on 1st row): What percent of clients have been physically or sexually abused as children? Is this a cause of their delinquency/drug & alcohol problems later?

TODD, 18

Program: Abraxas, Residential.

Drug and/or alcohol use: Todd began drinking at the age of nine. He states that he was "role modeling" after his father. He has not admitted to the use of any drug, but he states that he drank on a daily basis. He has also indicated that his drinking was the cause of his involvement with the courts and that it contributed to his poor performance in school.

Prior placement/arrest: Todd first became involved with the Allegheny County Juvenile Courts on January 1, 1981. On January 21, he appeared before the court and he was adjudicated delinquent on charges of theft, criminal conspiracy, receiving stolen property and the unauthorized use of a motor vehicle. As a result of the court's finding, he was placed on probation. On September 27, 1982, Todd was again before the court, this time charged with criminal conspiracy, theft, criminal attempt and receiving stolen property. He received placement to Allegheny Academy day treatment and remained there for nine months. On February 15, he again appeared in court. His charges were terroristic threats, criminal mischief, disorderly conduct and harassment. He was placed in Glen Mills School from February 15 until May 12 when he was again placed at Allegheny Academy. Todd remained in this placement until July 14, when he was charged with disorderly conduct. He was ordered to stay at the Allegheny County Detention Center during the night and attend Allegheny Academy during the day. On February 19, Todd was again in court on charges of theft, conspiracy and violation of probation. He received placement into intensive treatment at Abraxas on March 19, 1984.

Note: Two major factors influenced Todd to accept Abraxas program and change behavior.

(1) The last of many drunk driving accidents involved using a stolen car, totalling the car of a federal judge and having his best friend for whom he felt responsible end up in a coma.

(2) A short term in Shuman Center—missing home and knowing that he'd soon be eligible for adult jail "where they don't fool around."

Todd believes he's been successful at Abraxas because it is the only program that dealt with his alcoholism.

BRIAN, 20

Program: Allegheny Academy graduate.

Brian was arrested for the armed robbery of a gas station in November 1981. He robbed the station because he was being pressured to pay for drugs he had received. (Threats had been made against Brian and his family.) He had been arrested previously for minor drug violations.

Brian was tried as a juvenile. He was placed under "house arrest" until Allegheny Academy opened in March, 1982. He finished high school and now has major responsibility in the Allegheny Academy kitchen.

ATTACHMENT 1a—CAROLINE RUSSELL

Caroline Russell is executive director of Together We Can, a sexual abuse treatment program for offenders and victims. The treatment philosophy and techniques of TWC were designed by Ms. Russell. She has over 40 years' experience working in rehabilitation and nearly 20 years working in prisons and in the community with offenders and victims.

Caroline Russell was director of Bethany House, a program located in St. Clair Village, a low-income housing project in Pittsburgh. She was a therapist with Mon Yough Corrections Program, providing treatment to residents in Western Penitentiary. More recently, Caroline was consultant to Parents' United, a program for familial sexual abuse, and later was supervisor of their offenders' program.

Since March of 1983 Together We Can has been working with the juvenile sex offender and juvenile victim of sexual abuse. A one year pilot project was funded by the PA Commission on Crime and Delinquency on July 1, 1984. We have hired an independent researcher and evaluator to assist us in collecting data and in developing hypotheses. We are investigating the variables that may determine the advisability of incarceration versus probation with "in community" treatment for the juvenile sex offender. We are looking at the advisability of commencing treatment during placement rather than only after release. We are curious about the hormonal effects on children abused before the onset of puberty and about the effects of hormonal imbalances on behavior. We are curious about the treatment of the very young juvenile victim who then begins to mistreat other children sexually. How to prevent him or her from becoming a juvenile or adult sex offender? We are curious about the female sex offender. How can we assist professionals in identifying her and helping her? As you can tell, our program has a wealth of possibilities, questions, and hypotheses. The relevancy and effectiveness of our treatment model is well demonstrated by its acceptance among treatment providers, PA Parole Board, Allegheny County Department of Probation, and Allegheny County Juvenile Court. Because of this acceptance and because of numerous requests for literature and staff training, Together We Can is involved in creating a new body of research.

ATTACHMENT 3—TESTIMONY BY TOGETHER WE CAN, PANEL FOUR

Together We Can, Inc., a non-profit organization incorporated in December 1982, is a sexual abuse treatment program for offenders and victims. Our members are males and females, adults and juveniles. The organization has three components: the Offender Program, the Victim Group, and the Relearning Center. The Relearning Center adresses the special needs of the younger juvenile victim and the younger juvenile who is beginning to act out as a result of being sexually abused. Clients can receive both individual and group therapy.

Together We Can is the only program in Pennsylvania that deals with all kinds of sex offenses: rape, child molesting, flashing, and obscence phone calling. Dealing only with sex offenses, with sex offenses of all kinds, as well as with a wide age range of both victims and offenders, we have a unique perspective. We view the offense as an obsession-compulsion. It is not a sexual problem but is a method of gaining a power gratification. We believe that there is no cure for the sex offense. We believe there is control. We know that the offender who wants to change can learn control. The victims of these offenses typically experience profound emotional damage. From the perspective of the offenders' psychology, we view all sex offenses as rape: the obscene phone caller is raping the ear, the flasher is raping the eye, the child molester has raped and murdered the childhood, and the rapist has raped the body.

From the admittedly limited perspective of our one program, we have learned a great deal. We have learned that over 65% of our adult offenders committed sex offenses as juveniles. Eighty-five percent of our adults and ninety-five percent of our juvenile offenders were sexually abused as children. Almost all of our rapists, both adult and juvenile, were sexually abused by females. Our male victims were often unaware that they had been abused and so rarely disclosed the abuse. Almost all of our rapists have also committed purse snatching or auto theft or breaking and entering. We need to fully understand this data and make it available to a wider professional audience.

JOE, 17

"Joe" is a 17 year old high school senior who plans to attend college next year. At age 13 he raped a 15 year old girl and was placed out of his home by Juvenile Court. While in placement Joe attempted to rape a staff member and was sent to Shuman Center and then to Western Psychiatric Institute and Clinic. He was again ordered into placement where he remained for over two years. He was then returned to his home. Joe remained in his parent's home for a year before he was arrested for obscene phone calls—which he admits were preliminary preparation for another rape. Joe was again removed from his home and put into placement where he stayed eleven months. He was released into his parent's custody three months ago.

Joe has been in treatment with Together We Can since 3/6/84. His last arrest at 16 for obscene phone calls placed him in Shuman. He accepted the program in order to get out of Shuman and go home.

He hopes for a scholarship to college.

DEBBIE, 31

Note: This testimony is very painful for Debbie. She is also in treatment to overcome her "hatred" of her 7-year-old for "doing this to her" even though she intellectually knows it is not his fault.

Debbie is the mother of seven year old Michael and five year old Steven. Michael was three years old when he was sexually abused by a 15 year old boy. At age five, he was again sexually abused by his twelve year old step sister. Also at age five, Michael began to act out his sexual abuse on his three year old brother, Steven, and also on other children in his neighborhood. Debbie took him to counseling two years ago and hoped that he was finished with the behavior. He was recently discovered pulling down the pants of a two year old boy.

Michael has been in treatment with Together We Can since 8/16/84.

U.S. SENATE CHILDREN'S CAUCUS, OCTOBER 22, 1984, JOSEPH T. CHRISTY, DIRECTOR, SHUMAN JUVENILE DETENTION CENTER

It is my privilege to represent Shuman Juvenile Detention Center before you today, and to welcome you here as you take steps toward enahcing the quality of detention services throughout the country.

In these few minutes with you I will describe what makes Shuman Center a model detention program, compare it with other detention centers I am familiar with, and recommend some directions toward national standards for detention.

As you can see, this building is modern, safe and secure. It is a visible sign of this County's commitment to the young people entrusted to our care.

In cooperation with an enlightened juvenile court, we accept residents here according to criteria spelled out in Pennsylvania Law and in our own policies. Our admissions criteria and procedures guarantee due process rights to children and at the same time pay attention to the community's safety.

Shuman Center serves Allegheny County, where nearly a million and a half people live. About 2,000 children come here every year. That is about a third of the children referred to the juvenile court. More than 25% are admitted on multiple charges. Most of the charges are property although drug offenses and offenses against persons also figure. In recent months the average daily population has been in the eighties. Though this number is above the averages of the past two years, it represents a decrease from the 1970's when the number of children in detention was near our capacity of 120. Several factors account for that decrease.

First, there are fewer children between 10 and 18 years of age. Second, in the late seventies runaways, truants and other status offenders were removed from our jurisdiction. Finally, the 1970's saw the development of community programs and alternatives to detention.

Clear standards for admission and alternatives in the community help to keep our numbers manageable. Furthermore, our direct care staff is maintained at the level mandated by State regulations: one for every six residents. Manageable numbers and adequate staff are the foundation for successful operation of detention.

Beyond that our success relies on attention to achieving the basic purpose of detention which is to ensure that the children entrusted to us are secure, safe, healthy and well.

Security, ensuring that children do not escape, is our promise to the public. Ensuring that they are safe and well is our promise to the children. These two goals are not in conflict.

Detention, however, too often fails to give the most basic physical and psychological care. Within the juvenile justice system detention programs are often neglected and left without adequate resources—perhaps because kids stay only a short time and because they are, after all, accused of crimes.

This attitude misses the mark.

Even if the stay in detention is brief, it is a critical time and how we treat our residents may shape their attitude toward the justice system for years to come. And even if they are accused of crimes, many have not yet had a hearing. And our legal tradition is clear that detention should not be confused with punishment.

Our staff have visited detention centers in every part of the country and have seen children housed without attention to basic needs.

An article in the Los Angeles Times this summer depicted detention throughout California as punitive. The article described the use of straps, chains and shackles as relatively common methods of restraints.

At this Center mechanical restraint is not even a last resort. Of course, at times residents are disruptive . . . but we deal with them effectively through a staff that is skillful, experienced and well-trained . . . and through constructive educational and recreational activities.

In one urban detention center in the West, I saw 40 juveniles share a building with 80 adult women. I saw a boy lying unattended in his underwear on the floor of a vacant gray concrete isolation room. There were no bathroom facilities and no furniture. He had been there for two days.

In this Center isolation is the last resort when a child is out of control. The child is placed in a regular room safely furnished and equipped with bathroom facilities. One staff person has the sole responsibility of keeping watch and recording the resident's condition every 15 minutes. Isolation is approved for no more than four hours and the constant objective is to remove the child from isolation as early as possible.

In 1982 we used isolation nine times. In 1983, twice. So far in 1984, not at all.

The credit belongs to the staff, to its skill, training and experience—and to its growing knowledge that attending to basic needs and treating residents with both firmness and respect will create an environment that is both controlled and constructive.

For detention standards to be complete, they need to address more than admissions criteria and legal requirements such as timely detention hearings. They need to set guidelines for how children are treated once they are in detention. Some argue that restrictions on mechanical restraint, isolation or other traditional control measures undermine security and order. But it is our belief and experience that when such restrictions are accompanied by skill and training in constructive means of dealing with adolescents, stability and control are not lost, but enhanced. Escapes or staff and resident injuries decline when knowledge, skill and training replace punitive practices.

A number of features contribute to developing an environment that is both controlled and humane, and set this detention center apart:

A full time director of staff training whose work is evidence of our belief that the people who work here are our best resource.

A fair, firm discipline policy written by one of our supervisors that may well serve as a model.

A fair, effective resident grievance procedure which ensures resident rights and allows for impartial community representation.

A volunteer pastorial care program that invites clergy of all faiths to be available to residents who want their services.

Food services that acknowledge the importance of nutrition to behavior and attitudes.

Social services that understand how important the little things are—such as mail, telephone and visiting privileges.

Health services that make available around the clock nursing care and teach basic knowledge about nutrition, hygiene, drugs and other issues affecting adolescents.

Our success springs from the belief that everything we do affects those in our care. We believe that our responsibility goes beyond mere custody, and that belief sets us apart.

We also believe that what is being done here can work elsewhere.

We are willing to be a resource for other programs and are open to learning from them.

You, as a member of the Senate Children's Caucus, have the power to promote standards for detention that will protect our communities and safeguard the rights and well-being of our young people.

We offer our experience that juvenile detention can be both secure and humane. And we wish you success in spreading that realization throughout the country.

NOVEMBER 22, 1984, TESTIMONY OF FATHER ALBERT J. LEONARD, PITTSBURGH, PA.

"Have you observed those wide-open little open eyes?" [1] Let's call them the eyes of Lugan Hollins, a 12-year-old boy from Los Angeles, who 40 days ago today, hung himself with his belt at Central Juvenile Hall. Probation officials said the boy looped his belt around his neck, cinched the loose end around the doorknob and slumped to the floor, strangling himself.[2] For Lujan and 12 out of every 100,000 young people put in jail, detention is the dealth penalty, no matter what the charge.[3]

[1] Footnotes at end of article.

In light of the Supreme Court decision, those who have responsibility for protecting the welfare of children in trouble must move swiftly to establish detention criteria.[4] Detention must be detention—nothing more and nothing less.

Detention takes different forms across the country. In Los Angeles it is a facility built for 500 that now hold 809.[5] One of them being a refugee from Salvador fleeing conscription into guerrilla ranks during recent months.[6] In Bowling Green, KY, it is a single cell in the basement of the jail where a teenager sits alone, unattended and isolated—the heating pipes above his head a sad temptation for a depressed boy. In Berks County, PA, it is a 14 bed facility dependent upon isolation and physical confrontation as a means of control.[7] In Philadelphia it is an intake procedure that uses the prescription drug Kwel as a routine means of delousing children.

Detention can be more. Like Spofford Center in New York City which is under capacity by some 60 children. They have no strip-searches once inside the facility. They are expanding an already creative educational program. And like Shuman Center which is a model facility providing quality care. A survey I conducted of some 300 residents showed clearly that the children had a more favorable experience of detention than they anticipated (73%).[8] They expressed a very favorable feeling toward the staff. Their most pressing problem, and a right perception of detention, was the experience of being "locked-up." [9]

And yet we continue to see the trivialization of detention. In Los Angeles it is a "special program" in the center that parades children around like "keystone cops" to instill a supposed high-impact discipline. This is not detention. At Shuman Center scores of children are held annually for weeks under the pretense of psychological assessment, which in some cases seems more like Soviet psychiatry at its worst. This is not detention.

Detention must be detention—nothing more and nothing less. This legislation seeks to clarify detention. It will serve not only the child, not only the victim; but all of us—who pray God—will be neither.

NOTES TO THE TESTIMONY OF FATHER ALBERT J. LEONARD, NOVEMBER 22, 1984

[1] Pope Pius XII, "Guiding Christ's Little Ones," October 26, 1941.

[2] Collected articles: Los Angeles Times—September 14, 1984. Los Angeles Times—Sept. 24, 1984. Los Angeles Times—September 13, 1984. U.S. World—September 19, 1984. Copies attached.

[3] New York Times, August 3, 1983. (Copies Attached)

[4] New York Times, July 14, 1984, page 18. (Copies Attached)

[5] Population roll at Central Juvenile Hall, LA. for June 12, 1984. Complete roll attached—last names removed to protect identity.

[6] And those not lucky enough to make it to Los Angeles might have been shot on sight. See article from the Philadelphia Inquirer (Sept. 30, 1984 page 12A (Copy attached). Related article on refugee children is attached from the New York Times—June 22, 1984)

[7] This is the complete quote from the official Berks County Juvenile Detention Center 1982 Annual Report: "Goals for 1983—No. 3 Reduce dependence upon isolation and physical confrontation as a means of control." Signed by the Administrator Barry J. Schmura.

[8] Survey conducted by Fr. Leonard. Copy of summary in Pittsburgh Post-Gazette is attached.

[9] According to the survey this was the single most difficult aspect of detention. It was a problem for 78.6% of the residents.

TESTIMONY OF PROFESSOR ALFRED BLUMSTEIN, SCHOOL OF URBAN AND PUBLIC AFFAIRS, CARNEGIE-MELLON UNIVERSITY, PITTSBURGH, PENNSYLVANIA BEFORE SENATOR ARLEN SPECTER, SENATE CAUCUS ON CHILDREN, PITTSBURGH, PENNSYLVANIA, OCTOBER 22, 1984

Senator Specter and members of the caucus: I am pleased and honored for the opportunity to appear before you and your Caucus on Children to provide some research perspectives on the problems of juvenile delinquency, now and into the future, with the hope that these perspectives might stimulate some longer-range planning.

As an introduction, I am Alfred Blumstein, the J. Erik Jonsson Professor of Urban Systems and Operations Research in the School of Urban and Public Affairs at Carnegie-Mellon University, and Director of the Urban Systems Institute there. I have been engaged in research on the criminal justice system since 1966, when I served as Director of the Science and Technology Task Force of President Johnson's Commission on Law Enforcement and Criminal Justice. Until recently, I served as Chairman of the Committee on Research on Law Enforcement and Administration of Justice of the National Academy of Sciences and am currently chairing that Committee's Panel on Research on Criminal Careers. In addition, I am privileged to serve as Governor Dick Thornburgh's appointee as Chairman of the Pennsylvania Commission on Crime and Delinquency, the state criminal planning agency for Pennsylvania. These various perspectives contribute to my testimony, although my presentation here is as an individual rather than as a representative of any of these organizations.

Before addressing some specific proposals, I would like to cover some facts that are very relevant to our juvenile justice problem:

1. In recent years, the index crime rate has been declining, and at an increasing rate. The crimes per capita reported to the police declined by 1.7% in 1981, by 4.3% in 1982, and, as reported last month by the FBI, by 7.7% in 1983. This drop is consistent with some projections we developed in 1978 for the state of Pennsylvania, in which we highlighted the importance of the aging of the baby-boom generation as an important factor affecting both crime rates and prison populations in the 1980's.[1]

2. The age composition of the population—especially of the late teen-age population—is important because of the very sharp peakedness of age-specific involvement in crime. For example, the age-specific arrest rate for property crimes is highest at age 16, but drops very rapidly; the rate at age 20 is only half the peak. Similarly for robbery, the peak is at age 17 and drops to half the peak by age 23.

3. These age factors are important today because of the rapid changes in the size of the teen-age population generated by the baby boom. The largest cohort from that generation was born in 1961, and they are now 23—older than the ages where both robbery and property rates have declined to half the peak. There was a continuing drop in the cohort sizes after 1961, reaching a trough by the 1975 cohort (who are now eight years old), which is 30% smaller than the 1961 cohort. A very similar decline is displayed in just the black population. Their peak and trough occurred in the same years as for the United States as a whole, and the drop from peak to trough was 24%.

These considerations suggest that the declining numbers in the peak delinquency ages have been an important factor in the reduction of the crime rate. We already see this effect in the declining populations being housed in juvenile institutions, even as growing numbers of adults are bursting the state prisons and local jails. For at least the rest of this decade, I expect both of those trends to continue.

This discussion certainly does not claim that age composition is the only influence on crime rates, only that it is an important influence, and that influence is amplified when the composition is changing rapidly as it is today. In addition, however, our knowledge about the influence of the many other factors that can affect crime is extremely limited, and even if we knew their influence on crime, it is not clear that we can forecast them much better than we can forecast crime rates. Demography is much more concrete. Virtually everyone who will be of interest to the juvenile justice system in 1995 is already born. Furthermore, demographic trends are sufficiently well established that the Census Bureau projects the structure of the U.S. population well into the 21st Century.[2] These projections suggest that the load on the juvenile court will begin to rise in the early 1990's and peak in about the first decade of the next century. That is several elections away, and perhaps several generations of juvenile-court judges away, so we don't have to worry too much about that problem at this time. It is, however, not very many generations away in terms of the rate at which we can accumulate knowledge about how to deal with delinquency. Thus, this is an extremely important time to test a variety of programs and to begin to accumulate the knowledge that we will need to deal with that next wave (the "echo boom"). If we wait too long, we will go through another panic period, much too busy reacting to the problems to do so in a careful or creative way.

Sen. Specter has justifiably earned much credit for two important contributions he has made to the issues under consideration. Firts, he has almost single-handedly preserved the Federal juvenile justice program against a variety of attempts to dismantle it. This has been a prime example of courageous and effective legislative accomplishment. He has also proposed an intriguing program of "domestic defense" to provide about ten billion dollars annually to address the problem of reducing crime. I would like to suggest merging those two concepts of delinquency prevention and concern for domestic defense.

A long-term program can be developed that will address the problems of identifying the high-risk potential delinquents and developing intervention techniques for them. We must begin soon to accumulate systematically the knowledge that will be valuable over the next decade, and that will be *crucial* in the years that will follow. There is now enough of a knowledge base to begin to identify the key populations for whom we want to develop programs. I can anticipate such programs being initiated at very young ages, perhaps even during the pre-school years. The recently identified success of Head Start certainly encourages such a view. A variety of screening approaches could be used to identify high-risk neighborhoods at first; then, as individual behavior and problems become revealed, specific individuals could be identified.

Such programs could not be compulsory, but they should be made attractice enough that people will want to volunteer for them. They must be designed to be supportive and not stigmatizing.

I would anticipate that many of the settings in which such programs are placed would involve many single-parent households (a frequent high-risk factor)—many of which are welfare recipients. It would certainly be reasonable to incorporate a variety of other services to—and from—the parent to the child-development program. It could incorporate parenting training and other home-economic training as an important part of the program. Each parent would be expected to work for the program for some minimum number of hours per week.

Many such programs should be experimental because we still know too little about "what works" to be able to specify definitive design. However, we do know enough about child development and about ways to enhance it to reduce the risk of delinquency and enable us to begin to formulate intelligent programs that have a good chance of working. Continuing evaluations of those programs will enable us to sort out the features that are productive from the ones that are not.

JUVENILE JUSTICE CENTER OF PENNSYLVANIA, OCTOBER 15, 1984

BIOGRAPHICAL INFORMATION—PATRICIA J. EVEY

For ten years, Mrs. Evey has served in the position of Western Regional Director for the Juvenile Justice Center of Pennsylvania, an educational, training, and advocacy organization for children in trouble with the law and those who are in need of social services. The Juvenile Justice Center has organized a statewide group, the Juvenile Justice Center Citizens' Coalition comprised of 157 civic and religious groups interested in troubled youth. This Coalition has been responsible for monitoring residential services

[1] A. Blumstein, J. Cohen, and J. Miller. "Demographically Disaggregated Projections of Prison Populations," *Journal of Criminal Justice*, Vol. 8, No. 1, 1980. and "Crime and Punishment: Demographic Effects on Future Prison Populations", *American Demographics*, Vol. 2, no. 9, October 1980.

[2] See "Projections of the Population of the U.S. by Age, Sex, and Race: 1983 to 2080." Population Estimates and Projections Series P-25, No. 952, Bureau of Census, Washington, D.C. (May 1984).

for children in Pennsylvania, advocating for the establishment of community-based alternatives to institutions, and educating legislators about the need for laws to remove children from adult jails and handle noncriminal children (status offenders) separately from children who have broken the law.

Before coming to JJC, Mrs. Evey chaired a statewide juvenile justice project for the Pennsylvania Federation of Women's Clubs and activated local womens' groups in projects to help keep youth out of institutions. She has chaired the Governor's Advisory Committee to the Office of Children, Youth, and Families in the Pa. Department of Public Welfare, since 1979, and is the mother of two grown children—fortunately never delinquent!

JUVENILE JUSTICE CENTER OF PENNSYLVANIA, U.S. SENATE CAUCUS ON CHILDREN PUBLIC HEARING, SHUMAN CENTER, PITTSBURGH, PA, OCTOBER 22, 1984

TESTIMONY

I am Patricia Evey, Western Regional Director for the Juvenile Justice Center of Pennsylvania and Chairperson of the Governor's Advisory Committee to the Office of Children, Youth, and Families, Pennsylvania Department of Public Welfare. I am pleased with this opportunity to testify and want to compliment the Children's Caucus and the Children's Research and Education Institute on their sensitivity to juvenile justice and childrens' issues.

The Juvenile Justice Center of Pennsylvania is no "Johnny Come Lately" group to the issues of quality care for children and the need for both alternatives to institutions for all but the most dangerous youth, or the need for trained citizen participation in the monitoring and inspection of residential facilities for children.

Over an eleven year period we have organized a statewide Coalition of 157 civic and religious groups, the Juvenile Justice Center Citizens' Coalition, which has had a real impact on educating Pennsylvania legislators about the need to separate juveniles from adults and to treat children who have not broken the law, the status offenders, differently from delinquents. And we have drafted and seen passed in Pennsylvania legislation to provide incentive funding from the state to the counties to provide in-home and community-based alternatives to institutions (PL 148) for which Pennsylvania has received commendation from the Legislative body which you represent.

We would like to compliment Senator Specter for the enlightened view which he has taken over a period of many years on these issues particularly with the introduction of his bills S520 and S521, his efforts at obtaining Congressional support for reauthorization of the federal Juvenile Justice & Delinquency Prevention Act and most recently his statement of August 10, 1984, to his colleagues in the Senate expressing concern for a provision which would allow the detention for up to five days of status offenders. In taking these positions the Senator has exhibited the kind of leadership in Washington of which many Pennsylvanians can be proud.

We have, for eight years now, trained citizens to participate in Department of Public Welfare mandated inspections of residential facilities for children and to visit these facilities independently. They have been involved right here at Shuman Center. These citizens have brought a point of view that is free from vested interests. They have frequently become a resource to the facility by providing inkind donations, supplies, volunteers, and community education about the program.

Citizen participation in a system which for many years remained one in which secrecy prevailed and child care as well as child abuse occurred behind closed doors, has brought many changes in our system in Pennsylvania. The programs which the agencies testifying here today have developed are, I believe, not only the result of fiscal incentives in the law and mandates of state regulation, but also have been brought about through citizen concern about cost-effectiveness, the need to work with entire families, and the need to keep the child in the community wherever possible.

I know from first-hand personal experience that the positive changes here at the Shuman Center came about, not only because a new, young, and caring Director was hired; not only because our Judges made new appointments to the Board of Managers and those people took their responsibilities seriously; but also because citizens began attending the Board's meetings, began being involved with programming here at the Center, both recreational and pastoral, and attending the Open Houses and other functions.

This same citzen concern today manifests itself in concern over the fact that a recent tragic accident has claimed the life of the sixth Pennsylvania child to die since 1980 while in the "care" of the residential for-profit program known as Vision Quest. This Arizona-based child care program has come to Pennsylvania steeped in controversy and allegations from several other states where it has operated. It has gained the support of a number of influential people in Pennsylvania and enjoys marvelous public relations. Yet the bottom line is that no other child care program has a record of death of youngsters to match Vision Quest. While one investigation proceeds here in Pennsylvania into the latest incident, the drowning of a 17 year old boy from Allegheny County who tried to escape from the program, no child psychiatrist or psychologist or even child care expert serves on that investigative committee. The children who are sent to this program take part in high-risk activities which take them beyond the borders of Pennsylvania where their health and safety cannot be monitored.

It may well be that the Sub-Committee and Children's Caucus should be looking at some means of establishing federal standards for and regulation of the wilderness "at risk" programs, especially those with records of allegations and investigations. In an era of deregulation (which is certainly in evidence here in Pennsylvania with regard to lessening minimum standards of child care for residential programs) we cannot allow conditions which jeopardize childrens' lives to exist because of regulatory agency has lowered the minimum standards in order to cut costs or accommodate private providers. When childrens' lives are at stake, we must look to the best which can be provided with the available resources.

In the time allotted today we have only scratched the surface, in terms of our concerns. We would appreciate the opportunity to testify at some future time regarding the need to adopt some of the fine existing standards for care in secure detention which already exist.

Please don't hesitate to contact our agency and we, in turn, will share with our Coalition groups the future developments in any of these areas.

ORDER OF PROCEDURE

Mr. GOLDWATER was recognized.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GOLDWATER. Yes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Senate Joint Resolution 71, the MX authorization.

I understand the managers on both sides are prepared. There will, under a unanimous-consent agreement, be an allocation of time by the minority and majority leaders. I will confer with Senator GOLDWATER, for the proponents, and other opponents, and the minority leader will do the same.

It is also our hope that we might agree to vote at a certain time tomorrow afternoon. We will be discussing that with our colleagues.

Mr. BYRD. Mr. President, will the Senator yield to me before he starts?

Mr. GOLDWATER. Yes.

Mr. BYRD. I thank the Senator.

Mr. President, I yield the time on my side of the aisle to the distinguished Senator from Colorado [Mr. HART]. I know he will see to it that Senators who take the opposite view on this very important matter will get their fair share of the time. I would rather depend on him to do that than depend on myself. So, if the distinguished Senator will, he will have control of the 5 hours.

Mr. HART. Will the Senator yield?

Mr. BYRD. Yes; if the Senator from Arizona yields.

Mr. GOLDWATER. I will be happy to yield.

Mr. HART. May I say to the distinguished minority leader, first of all, I appreciate his designation and confidence. The Senator from Colorado will do all he can to make sure every Member on the minority side is heard from, both pro and con.

Mr. BYRD. I thank the Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RELEASE OF PRODUCTION FUNDS FOR MX MISSILES

The PRESIDING OFFICER. Is there a motion to proceed to the resolution?

Mr. DOLE. Yes. It has been made.

The PRESIDING OFFICER. Without objection, the motion is agreed to. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 71) to approve the obligation of funds made available by Public Law 98-473 for the procurement of

MX missiles, subject to the enactment of a second joint resolution.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Chair now recognizes the Senator from Arizona.

Mr. GOLDWATER. I thank the Chair.

Mr. President, I rise this afternoon to join with my colleagues, Senator WARNER and Senator THURMOND, in reporting Senate Joint Resolution 71. On March 5, we introduced this resolution in the Senate, and it was referred to the Committee on Armed Services. Earlier this afternoon, a bipartisan majority of the Committee on Armed Services recommended that the Senate approve this joint resolution.

Senate Joint Resolution 71 provides for the obligation of funds made available in Public Law 98-473 for the procurement of 21 Peacekeeper (MX) missiles, subject to the enactment of a second joint resolution which will be acted upon this week by the Committee on Appropriations.

Mr. President, it has been over a decade since the Strategic Air Command validated the requirement for a new U.S. ICBM, the MX, in 1972. Successive Republican and Democratic administrations struggled with the issue of the optimum method for basing this missile, until the bipartisan Scowcroft Commission recommended a comprehensive program to modernize our strategic forces in April 1983.

The Scowcroft Commission called for the deployment of 100 MX missiles in existing Minuteman silos, the aggressive research and development of a small, single warhead missile, and an important revision to our strategic arms negotiating position designed to enhance strategic stability by reducing the ratio between missile warheads and launchers.

Both the Senate and the House of Representatives endorsed the Scowcroft Commission's formula for the modernization of our strategic forces by substantial margins in May 1983. Since that time, the Reagan administration has faithfully carried out the program established by that congressional action. In our votes this week, the Congress is being asked to continue to live up to its end of the bargain.

Mr. President, the requirement for a new U.S. ICBM is clear. The Minuteman II and III missiles that make up our land-based missile force are aging, and they lack the necessary degree of capability against an increasingly hard Soviet target base. In combination with the B-1B bomber and Trident submarine programs, the modernization of our land-based missile force is essential to maintain the integrity of our strategic triad.

For their part, the Soviets have constantly modernized their land-based missile force. During the period in which we have been developing the MX, the Soviets have deployed 600 large, hard-target kill capable, land-based missiles. While we debated basing modes, the Soviets developed and deployed missiles. The MX provides the only option available to us this decade to redress the resulting asymmetry in prompt counterforce capabilities.

On December 6, 1984, my comments to the Washington Post were interpreted as indicating my opposition to this modernization program. In fact, as the record clearly shows, I have consistently supported the MX under both Republican and Democratic administrations. What I was conveying to the President in December was my view that he faced an uphill battle in the Congress to gain support for this program. However, there have been two developments since December that I believe serve to strengthen the case for the MX, and improve the prospects for congressional approval of it.

The first such development was the Soviet decision to return to the arms reduction negotiating table in Geneva. Today, as we debate this resolution, negotiators from the United States and the Soviet Union are once again discussing equitable and verifiable reductions in nuclear weapons. The Soviet tactic of breaking off the negotiations in the hope that they would secure concessions from us has failed. As a result of the firm resolve demonstrated by the United States and our allies, the Soviets have dropped their preconditions and returned to the talks.

Congressional failure to provide our negotiators with the tools they require to do their job at this important juncture would be a severe blow to our negotiating posture. The Soviets would have gained precisely what their tactic of breaking off the negotiations was designed to achieve—unilateral concessions by the United States. What incentive would the Soviets have to agree to reductions in their own land-based missile force if the Congress unilaterally canceled the only U.S. missile program that could lead to deployment in this decade?

There is another important development that has occurred since December that in my view strengthens the case for MX, and that is the expanding pattern of Soviet violations of important arms control agreements. In January 1984, the administration reported to the Congress on seven areas in which they had serious concerns about Soviet compliance with their arms control obligations. In February of this year, the administration forwarded a followup report to the Congress that confirmed and in some cases strengthened their earlier findings.

To date, the Soviet Union has been found to have violated the Helsinki Final Act, the 1925 Geneva Protocol on Chemical Weapons, the 1972 Biological and Toxin Weapons Convention, the SALT II Treaty, and the 1972 ABM Treaty. In addition, they have probably violated additional terms of SALT II, and they are likely to have violated the Threshold Test Ban Treaty. As President Reagan stated in his letter accompanying the February report,

> Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future.

While any legal undertaking it is essential that all terms be strictly adhered to by both parties, certain of these violations have more serious military implications than others. In my view, the construction of the battle management radar at Krasnoyarsk in violation of the ARM Treaty, and the apparent Soviet preparation of a territorial ABM defense, pose the most serious challenges to our Nation's security. The unilateral deployment of a nationwide ABM defense by the Soviet Union, in addition to their already large offensive force, would weaken the credibility of our deterrent and thus significantly undermine strategic stability.

It is my intention to have the Committee on Armed Services conduct a series of hearings this year on the military implications of Soviet treaty violations. In the meantime, while the administration and the Congress are in the process of studying possible policy and programmatic responses to these violations, one thing is quite clear: Congressional failure to proceed with the MX Program, at a time when the Soviets are violating important arms control agreements, would send precisely the wrong signal. It would signal to the Soviets that we do not view their noncompliance as a serious matter. This would not only undermine our ability to restore the integrity of existing agreements, but it would jeopardize our ability to ensure that future agreements are adhered to. Arms control without Soviet compliance would be little more than an exercise in unilateral restraint.

Mr. President, for all these reasons, bipartisan congressional support of the MX is necessary for our national security. Therefore, I urge my colleagues to join me in supporting Senate Joint Resolution 71.

Mr. DOLE. Mr. President, I understand that the distinguished minority leader has given control of the time to the distinguished Senator from Colorado [Mr. HART] for those on both sides of the aisle who are in opposition to Senate Joint Resolution 71. In accordance with that, I will designate Senator GOLDWATER the distinguished

chairman of the committee, and Senator WARNER to be in control of the time for the proponents of Senate Joint Resolution 71 on both sides of the aisle.

I hope we might be able to clear with the distinguished minority leader—if not now, within the next few minutes—a unanimous-consent agreement that the vote would occur at 4 p.m. tomorrow on Senate Joint Resolution 71.

Mr. WARNER. Mr. President, I wonder if the leadership might also consider charging all quorum calls against both sides equally, unless the establishment of a time certain for a vote would make that unnecessary?

Mr. DOLE. If we establish a time certain, it probably would not make any difference. Otherwise, if that does not occur, I will make that request.

Mr. WARNER. I thank the majority leader.

Mr. DOLE. Mr. President, the minority leader is not on the floor at this time, so I will withhold my unanimous-consent request.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, the technical issue before the Senate is whether the Senate will permit the release of funds for the construction of 21 additional MX missiles which are to be deployed in existing Minuteman III silos.

One would expect that the debate surrounding this question would focus, as it has for the last decade, on the simple question of whether the MX increases and improves our strategic capability and enhances this Nation's security or does not. But, fortunately or unfortunately, this year's debate on the MX has something of a new character to it—new in the sense that it has not been a featured part of the debate over the past decade.

Proponents of the missile have decided, and this includes the President, that their best hope lies not in arguing the merits of the weapons system on the issue of strategic and security enhancement, but that their best hope lies in our arguing that the MX is essential to the success of arms control negotiations in Geneva, something that obviously was not part of the equation when this issue was discussed last year.

This argument has taken on something of an abstract quality, portraying the superpowers as engaged in something akin to an international poker game in Geneva.

The proponents argue that the United States cannot relinquish what they call its chips or we will, in the words of the Secretary of Defense Weinberger, lose the negotiations.

First of all, Mr. President, these negotiations are not for one or the other side to win or lose. They are, by their very nature, designed to enhance international security by reducing the nuclear threat to both the superpowers and all other people.

But, in fact, Mr. President, we are not talking about a game and we will not vote in the Senate on accumulating so many plastic poker chips. We are deciding the question of whether to go forward with the MX Program and build and deploy 21 highly accurate multiwarhead strategic nuclear missiles, which by the administration's own admission will be vulnerable to Soviet attack, at a cost of $1.5 billion to the American taxpayers.

At stake is a weapons system, Mr. President, that could have a profound effect on the force structure and the strategic doctrine of the United States, pushing this country toward an almost inevitable policy of what the nuclear experts call "launch on warning."

At stake ultimately is the stability of the strategic balance and the prospects for avoiding nuclear confrontation in our lifetime.

Mr. President, the Senator from Colorado served in the Senate for now over 10 years, during most of which time the MX has been an issue of one kind or another.

Indeed, throughout that decade the Senate, my colleagues today and those who have gone on before, debated over weapons systems of a variety of kinds based on land, on sea, and in the air, and in this Senator's recollection, this is the first nuclear weapons system that this Senate, the Government of the United States, has ever proposed to be deployed in a place that we know already the Soviets can target.

Mr. President, there has been the MX missile search for a home for years and years and years. As we will recall, the previous administration, the Carter administration came very close to achieving a consensus that the home for the MX would be mobile, it would be a mobile nuclear missile that would be moved around, again at considerable technical elaboration and considerable cost to avoid being vulnerable to a Soviet first strike because it was a 195,000-pound missile, the largest ever built in this country, with 10 highly accurate warheads, each of which was on the magnitude of three times more powerful than the Hiroshima bomb.

Now, you may say what difference does that make? Well, it makes an enormous amount of difference, primarily for this reason: The taxpayers of this country and our best military experts have spent hundreds of billions of dollars and countless hours designing a nuclear deterrent that is a triad of force structure of nuclear weapons designed to survive a first strike Soviet attack.

Why have we built submarines? Indeed, why have we built bombers, cruise missiles, and a whole variety of other kinds of nuclear weapons that are specifically designed at great cost and using elaborate technology to make those weapons systems invulnerable?

We have done so because we do not intend to strike first, but we want any opponent to understand that a first strike against this Nation will result in an unacceptable retaliation and second strike against them. And along comes the MX missiles.

President Reagan, in campaigning for the Presidency in 1980, attacked the mobile basing mode and at the same time proclaimed what he called the window of vulnerability. The window of vulnerability very clearly was the vulnerability due to increased accuracy by Soviet missiles of our land-based silos.

President Reagan won the 1980 election, came into office, and spent 1981 and 1982 trying to find a place to put the MX other than those mobile racetracks proposed by the previous administration.

Lo and behold, the administration in 1982 not finding a home that was invulnerable, appointed a commission, something we have become accustomed to, and that commission, called the Scowcroft Commission, rendered its report in April 1983, and that report was endorsed within days by the President. And what did the report suggest but that the MX missile be put in the very vulnerable silos that the President himself had campaigned against, and we have heard no more about the window of vulnerability, but we have heard about how this missile will change the nuclear balance and make this country less secure.

Security in this age, Mr. President, means avoiding nuclear war, period. And any missile system we or the Soviets design and deploy, which leads us closer to nuclear war and is unstable and is vulnerable, does not enhance this Nation's security, and that is what this debate is all about.

Mr. President, it was a very serious mistake to propose putting this new hard target, first strike weapons system in a vulnerable place, and that is the issue. It was the issue in 1982, the issue in 1983, the issue in 1984, and the issue in 1985.

Finally, Mr. President, let me just say this is not a partisan issue. Predominantly, the opponents of the missile are Democrats and the proponents of the missile are Republicans. But there are indeed Democrats who support this missile, and we will hear from them shortly, and there are Republicans, almost an equal number, who are opposed to this missile.

I think it would be tragic for this to become a partisan issue in a way that it has not up to now because the party to which I belong is as committed to a

strong defense as the President's party and the majority of the Senate.

This is not a test of our commitment to the strength of the United States because this does not strengthen the United States. The MX missile weakens the United States by making us less secure and, therefore, I think any suggestion by anyone in this Chamber or elsewhere that the Democrats are for a weak defense and the Republicans are for a strong defense does not deserve serious consideration in the Senate because it is not in fact true.

Mr. President, this debate will continue throughout today and tomorrow, indeed throughout this month and throughout this year. I believe so long as this missile is designed to be put in a place where it is, it does not deserve the support of the Senate or indeed the American people, and I hope it will be defeated.

Mr. President, I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Thank you, Mr. President.

Mr. President, I favor force modernization in our nuclear delivery systems. Make no mistake about that. But I want the best force possible. I do not want to go second best.

I want us to have the greatest deterrent, keeping in mind the cost of that deterrent. We are committed to a triad in this country, a triad of air, sea and landbased strategic missiles, and we are modernizing that triad. In the Air Force we are procuring the B-1B bomber. It will be a tremendous addition. It carries double the bomb load of the old B-52 and goes much further. The Trident submarines will have the new D-5 missile late in the 1980's. Overall the ballistic missile submarines will continue to carry some 53 percent of our strategic missile delivery capability.

Without giving away any intelligence secrets, Mr. President, we can say that the accuracy of that new D-5 missile is going to be every bit as good as any other missile of which we know.

Now, as to our land-based ICBM's. Minuteman missiles are getting old. They are increasingly vulnerable to a first strike.

Consequently, we have decided to upgrade that part of the triad. But what should our principal consideration be when we start to modernize our land-based ICBM force?

Let us take a worst-case scenario. What kind of vulnerability would we like not to see?

The worst case would be deployment of a vulnerable weapon, one that is a super-lucrative target, one that is put out in limited numbers, and one that has a first-strike capability.

Now, all of those things would be disadvantages, yet that clearly describes the MX. We are putting the MX out in old Minuteman silos, MIRV'ing it with 10 warheads, limiting deployment to 100 missiles, and making it potentially a first-strike system. All of this positively, which invites a Soviet preemptive strike.

Another thing concerning vulnerability, Mr. President, is that Soviet accuracies are improving. One study shows about a 95-percent vulnerability of our ICBM silos. Also a study by CBO estimates that out of 100 missiles we would only have about 10 percent left after a Soviet preemptive strike.

Now, we could argue all day as to the kind of vulnerability we may or may not have. But even if those figures are off by a considerable factor, they are still very impressive.

Mr. President, when President Reagan came into office he was faced with the so-called MX race track proposal. We were going to have multiple locations where the missile could be sited to complicate Soviet targeting. This was an attempt at mobility, but the President stopped that proposal and properly so. Later, following the Scowcroft Commission report, the administration decided that we would base 100 MX's in existing Minuteman silos. However, it was determined that those missiles would be just as vulnerable as the old missiles, and so we decided that we would harden the silos to reduce that vulnerability.

So we went to work designing hardening that could be put around those missiles to protect them. But that is a nonstarter, Mr. President. We can never get ahead of ever-increasing Soviet missile accurate. As missiles become more and more accurate, more and more hardening becomes necessary and there is no end to it. Pretty soon we are down to the point where we can see the possibility that ground bursts from the Soviet Union would make a crater as large as their aniticipated missile impact errors.

So what have we gained at that point? Well, what we would have gained is a lot of MX silos out there apparently tipped up on end. Perhaps we would have some of them all cockeyed and skewed over like the Leaning Tower of Pisa. So these are some of the problems of vulnerability.

How do we increase survival? If we see the Soviet attacks being accurate enough to more and more closely hit an existing silo, how do we get increased survivability? We increase it with mobility. The racetrack was a limited attempt at mobility. It was a limited attempt to tell the Soviets, "No, we won't let you know where we are going to be, so you won't know where to shoot."

Does that affect their thinking? Well, all we have to do is look at the Soviets' very deep concerns about the Pershings in Europe. They do not like those Pershings in Europe. Why? Because they do not know where the missiles are going to be when war starts. They do not know where they can shoot. They do not know where they can knock them out.

Let us look at the Soviet strengths for just a moment. They built their SS-17's, 18's, and 19's, which are all silo based. Then they went to the intermediate-range SS-20, which is mobile; it can also become an ICBM, the SS-16, with the addition of one stage, but it is still mobile.

Now they are developing new ones. Now they are going to the SS-24 which will start as a silo-based missile and then go mobile. After they designed their SS-25 as a straight mobile from the ground up. They know it is harder to hit a moving target.

However, what are our concerns in this country? When we look at the SS-20 in Europe that can be converted to an SS-16, we do not like it. I have sat in those war games, Mr. President, where you have introduced elements of mobility in the enemy's missile system; that is the hardest kind of thing to counter in a war game scenario.

Coming back to submarines for a moment, that is what makes the submarine so perfect as a weapons delivery platform: it has three dimensional mobility.

In general, Mr. President, the whole history of warfare has been one of trying to achieve additional mobility. We sometimes act around here as though we just invented the word, yet mobility has been sought after ever since there has been such a thing as war.

Now, can we have a land based small mobile ICBM? Do we have that potential? We know right now that we can design one warhead for a 30,000-pound mobile. In fact we could probably put up to three warheads on a small mobile and still remain within an acceptable weight limit. Accuracy? Yes; the experts tell us the accuracy can be just as good as any other missile.

Mr. President, 5 years ago this coming August I led the discussion on the Senate floor on the debate against the MX missile. I called it to a vote one night—we did not get many votes on it—against the MX missile. I wanted to go with the small mobile because it is a better guaranteed response at a cheaper cost. Later, one of the study groups was the Towne's Commission. I met with them. I spent a couple of hours with them discussing this whole program. I got no disagreement that a mobile would be a more sound and better deterrent, but they felt that there the American people would not accept the social interface. Those were the magic words of those days—the social interface. Americans apparently could not bear to see missile out on the road or have them anywhere except over in missile silos

or off in the unseen distance someplace, so long as they are not in our own backyards, or so these experts felt.

But we have asked the Europeans to accept the installation of Pershing missiles, which are mobiles, and they have readily done so. Certainly, if we are going to get a better guaranteed response, it seems to me we can overcome any social interface problem in this country, too.

I would add this, Mr. President. We accept in this country the fact that trucks go all up and down our highways with nuclear weapons in them for delivery to weapon sites. We do not even think about it. They are unmarked. They deliver nuclear weapons to the proper points around this country by traveling on the highways, and we accept that. Social interface does not seem to give us too much of a problem.

So if we went to a mobile, if social interface is a problem and we do not want to have those missiles out on the highways—and I agree, we do not want them running around all the time on the roads—then we could confine them to Federal lands.

With a hardening of some 30 psi, we could deploy them on some 8,000 square miles of Federal land and, in an emergency situation, flush to some 20,000 square miles additionally on adjacent land.

Mr. President, I hope that in our design in consideration of this missile system, we will not be limiting it arbitrarily to just Federal lands. I hope we develop the capability to use our interstate highway system, to dispense throughout one nation's 3.6 million square miles.

The weight is OK. Our highway systems are designed for upwards of 275,000 pounds, maximum weight, and 13 feet 6 inches of clearance on the overpasses. I do not think that gives us any problem as far as small mobile design goes.

The more you cut back from using the whole United States as an area for possible dispersal, the more hardening you need down to single point super hardened silos. Instead of spreading out, we are putting all our eggs in one basket.

When is the MX due out? We are supposed to have an IOC, initial operating capability, of December 1986. But we already know from private conversations that we may slip sometime into 1987. When will the mobile be out? The small mobile, IOC is 1992, although we understand that could be speeded up somewhat. So that compresses it a little bit.

Mr. President, that MX initial operational capability does not mean that much when we realize that we probably would not buy MX's at all unless we intended to put them in hardened silos; and those hardened silos will not be available until some time in late 1988 or 1989 at the earliest. Until then the MX's in trying to cover this window of vulnerability, would remain just as vulnerable as the old missiles they are replacing. However, we have the D-5 missile in the Trident sub coming along. The initial operational capability for D-5 is 1989. It will have excellent accuracy. By the time the MX comes on line hardened, we will have the D-5 available to do basically the same job.

Mr. President, another area that I think will come as a shock to most people who have thought about the MX as being expensive, but not too expensive. The Air Force reports that it comes to $74 million per missile. That is expensive. But I repeat what I said a moment ago. Would we buy the MX without super hardening for the silos? We could not possibly do that or it just becomes another sitting duck. It becomes no more protected than what we have out there now except it would become even a more attractive target for anyone trying to knock out our missile forces in this country. So we would not buy the MX without hardening those silos.

How much will that cost? Testimony 2 weeks ago, by the Air Force before the Senate Armed Services Committee indicated that it would cost $9 billion for every 50 missiles. That comes out to $180 million per missile just for silo hardening. But $74 million still has to be put in the silo in the form of the missile. That is $254 million. In other words, Mr. President, we are going to get four MX missiles in hardened silos for each billion dollars. If you put it there without the hardened silo, it means very little. It is not much better than what we have out there now. A little better accuracy, true, but extremely vulnerable. It puts us in another untenable position. It means that if we do not have that hardening and do not have the protection, then a President of the United States faced with a crisis about whether there are incoming Soviet missiles or not will have very little choice. He will need to launch on warning or launch under attack or he will stand in danger of losing over 90 percent of his land based ICBM force. He will not be able to consider riding out the attack.

Costs of the MX: $254 million each in hardened silos. Cost of the mobile: I wish I could give you an exact figure on cost of the mobile. I hope that the people doing the design work on the small mobile are not goldplating it because that gets extremely expensive. Some small mobile transporter-launchers will probably be hardened, but I think we will also want some in the plain truck category like we deliver nuclear weapons around the country, that can disperse in a crisis as we disperse other weapons systems. In this case we need to be able to disperse down our highway system, not just interstate, but all of our highway system for at least some of these missiles.

Just a couple of words about the bargaining chip argument. The one time I know that we do not have a bargaining chip is when we tell the other side that we are willing to give it away. How many times have the Soviets told us yes, we are going to give away some of our systems there at Geneva and here is what they are. When have they told that they will cut out SS-17's or 18's, or 19's, or something like that. When have they given us a blueprint of what they are willing to bargain away. I think that is rather preposterous, and so is the bargaining chip argument by U.S. proponents of the MX.

To me, the one thing about the Soviets is they are realistic. They make their own hard, steely eyed assessment of what our capability is, not what our rhetoric is, and not what our words are. They are looking at the capability we have, and what they know we can shoot back at them if they are ever dumb enough to attempt a first strike on the United States of America. They are going to base their decisions on whether they think we can really respond. If they wanted a first-strike knockout, we help them by concentrating our power in little enclaves, 100 of which they can probably knock out almost all. They could not do that with a mobile.

Mr. President, the most striking thing about this whole MX debate may be that both Democrats and Republicans are making the same mistake. By and large we are focusing on the MX in isolation. We have not stepped back to assess the overall advantages and disadvantages of MX versus the alternatives, and we have not examined how we can make best use of American strengths to offset the strong points that the Soviets possess.

First, I think we ought to isolate some of those things we can agree on and move from there to a position we can all support. I believe that position should be one in which we completely abandon the MX Program, and move to the higher ground with the stronger defense. Let us move to a stronger defense than the MX will ever give us. Let us move to that strong defense that a mobile will give us. It is a better guaranteed response to the Soviet Union. Such an initiative will reduce overall defense spending, and improve our national security by providing a more credible deterrent on moving us away from a dangerous position of strategic instability. This initiative will be seen, I believe, by the general public as a move once again to put us in the forefront in assuring that the United States will not be bullied or intimidated by the Soviet Union. Accel-

erating the deployment of the small mobile ICBM while abandoning that dinosaur that is MX makes best use of American advantages in technology, also. It may well induce the Soviets to move in the direction of the small mobile ICBM's too. In fact, they are already moving in that direction with their SS-24's and SS-25's.

But, Mr. President, mobility stresses the ability to miniaturize guidance systems and produce lightweight, high-thrust propulsion systems, and here we have a vast lead over the Soviet Union. They can achieve great accuracy in their ICBM's because they can afford large guidance on their large missiles. Extra weight makes little difference to them on missiles like the SS-18 and SS-19. If our move to a mobile ICBM induces the Soviets to largely abandon their silos, then they predictably will have to abandon, too, the higher degrees of accuracy that they now enjoy in their ICBM forces.

Another advantage, Mr. President that accrues from both sides going to a mobile land-base ICBM is that it reduces greatly the incentive for both sides to proliferate nuclear warheads.

That is a big step, Mr. President. I will repeat it. It reduces greatly the incentive for both sides to proliferate nuclear warheads.

If both sides have ICBM's in fixed silos and possess the accuracy to hit each other's silos, we get into the situation where we have to endlessly proliferate nuclear weapons in order to ensure that there are more fixed targets for the other side to shoot at. This, in turn, creates the incentive to build more missiles in order to take care of the opponent's increases.

How would mobility change that? With mobile systems it is far more difficult and much less remunerative to target the other side's missiles. Adding more warheads to your arsenal will not solve your problem. In fact, all the warheads in the world cannot help you if you do not know where to aim them.

If the United States and the U.S.S.R. both moved to mobile systems as mainstays of their land-based missile forces, not only will this ease the pressure of cranking out more and bigger missiles, which is the Soviet's strength, but it will then shift the center of gravity into the more technologically demanding realm of satellite reconnaissance, for instance, in an attempt to keep track of the other's forces. Again, this is an area like miniaturization, with the United States far superior to the Soviets and likely to remain so.

Mr. President, when all assessments are in, the goal for all of us here remains the same. It is to achieve the best available strategic posture for the United States. The best way to do that is to scrap the MX and proceed with best speed in the development and deployment of the small mobile missile. It is a better deterrent at a cheaper cost. It gives us a better guaranteed response. That is what we want.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if first I might state in reply to an observation made by the distinguished ranking minority member of the Subcommittee on Strategic and Theater Nuclear Forces, Mr. HART, and the distinguished Senator from Ohio, that certainly this Senator views this issue as being nonpartisan, and the manifestation of the division of time, which I recommended together with the distinguished Senator from Colorado, be such that he represent those in opposition. Indeed, there are some on my side of the aisle who will speak in opposition, and I believe there will be some on the other side of the aisle who will speak on behalf of this resolution.

So let us make clear to all Senators that certainly in the context of this debate, this Senator will not, and I hope no Senator will make the assertion that one side of the aisle or the other can be interpreted as being stronger than the other for national defense as it relates to this resolution.

Mr. President, I ask unanimous consent that correspondence directed to me, the first being a letter from the President dated March 16, and the second being a letter from Mr. Paul Nitze dated March 15, Special Advisor to the President, both be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 16, 1985.

Hon. JOHN W. WARNER,
U.S. Senate, Washington, DC.

DEAR JOHN: This coming week the Senate will vote on two resolutions to release FY 85 funds for 21 MX missiles. As a key player on this issue, you have been supportive in the past—both in Committee and on the Senate Floor—and I deeply appreciate your assistance.

Four Presidents and six Congresses have supported the MX/Peacekeeper missile, and this support was based on repeated scrutiny of the program's technical capabilities, its role as a component of our overall strategy for nuclear deterrence, and the implications for nuclear arms reduction. In addition, I appointed a bipartisan commission of defense and foreign policy leaders headed by General Brent Scowcroft to review this program. That commission concluded that the MX should be "promptly" deployed as a part of our ICBM modernization program.

The MX provides major advances in ICBM technology and capabilities, adding greater payload, more accuracy, more flexibility in range and targeting, and more protection against nuclear effects. It also provides the only near-term response to the current imbalance between U.S. and Soviet forces. The MX will replace our aging and outmoded ICBM missiles while we continue to work on developing our small missile system.

The MX will also play a vital role in our TRIAD of strategic weapons—the combination of land, sea, and air based forces that has successfully preserved peace for a generation. We are making advances in our land and air based programs, and we cannot afford to let a gap in our land based program threaten our Nation's longstanding strategy for deterring nuclear confrontation.

Finally, I believe we must consider the implications of this vote in terms of our efforts with the Soviets to seek arms reduction. I have great confidence in our negotiators, and my greatest desire is to reach an acceptable agreement.

As many members of the Congress have said, we must all excercise great patience in this undertaking, and we must work together in a bipartisan effort to achieve meaningful reductions. I believe that we must also continue our resolve to strengthen our own deterrent forces; otherwise, we will reduce any incentive the Soviets may have to agree to real arms reduction.

Your continued support and your leadership efforts in behalf of the MX program are extremely important to me, and I look forward to working with you.

Sincerely,

RONALD REAGAN.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 15, 1985.

Hon. JOHN W. WARNER,
U.S. Senate.

DEAR SENATOR WARNER: I am writing to you to urge your support for continued production of the MX/Peacekeeper missile. I do so as Special Advisor to the President and Secretary of State for Arms Reduction Negotiations and also as an individual who has spent forty years of my professional life dealing with nuclear weapons issues.

You have surely heard before the many arguments that have been made both in support and in opposition to the MX program. However, I believe that Secretary of State Shultz's recent testimony before the Senate Armed Services Committee deserves your attention. The Secretary's testimony provides a brief and convincing case for the MX program. It addresses the military, foreign policy and arms control rationales for MX and I urge that you review the enclosed copy of the Secretary's remarks.

As your President's advisor on arms reduction negotiations, however, I want to address specifically the close relationship between MX procurement and the future prospects for achieving meaningful arms reductions.

A recent *Washington Post* headline story alleged that I believed there would be no direct impact on the arms negotiations if Congress failed to fund continued MX missile production. That story was a distortion of my views and I want to se the record straight. I believe that the prospects for achieving meaningful arms reductions with the Soviets *will be damaged* if Congress fails to support President Reagan's request for MX production funds. My comments before a Congressional panel addressed the issue of how quickly such negative effects would manifest themselves in the Soviet position at the negotiating table, rather than whether or not there would be negative effects.

The New York Times ran a story the same day which presented a more accurate interpretation of my views. That story indicated

I had asserted that continued production of the MX missile would "spur" progress at the arms talks and that I believed that "chances of achieving a treaty were better with the missile."

The President, the Secretary of State, our negotiators and all the President's senior advisors are united in the view that continued procurement of the MX/Peacekeeper is important for maintaining our national security and important for achieving meaningful arms reduction agreements.

I urge that you give this matter your most serious consideration before casting your vote.

Sincerely,

PAUL H. NITZ,
Special Advisor to the President and the Secretary of State for Arms Reduction Negotiations.

[Attachment 1]

SECRETARY SHULTZ—THE IMPORTANCE OF THE MX PEACEKEEPER MISSILE—FEBRUARY 26, 1985

I welcome this opportunity to appear before you to speak in support of the President's program of strategic modernization. This subject is of enormous importance to our diplomacy because of the direct impact of strategic modernization on our national security, or arms control objectives, and our most fundamental foreign policy goals.

STRATEGIC MODERNIZATION AND FOREIGN POLICY

As Secretary of State, I am acutely conscious of the strength or weakness of American power because it directly affects our ability to achieve our most fundamental goals; the defense of our values and our interests and the construction of a safer freer, and more prosperous world. Power and diplomacy are not separate dimensions of policy: they are inextricably linked together.

That is why I am here today to urge support for strategic modernization and, in particular, for the MX Peacekeeper missile program which is a central pillar of that modernization.

As leader of the democratic nations, we have an inescapable responsibility to maintain the strategic balance—and only we can maintain it. If our determination flags, we shake the confidence of our friends and allies around the world: we weaken the cohesion of our alliances. If we in America are strong and united in our commitment to peace and international security, then those who rely on us, and upon whom we rely, have the confidence to move together with us toward our shared goals.

Modernization of our strategic forces is essential. The Soviet strategic buildup has continued relentlessly. Since we developed our most modern type of ICBM [intercontinental ballistic missile], the Minuteman III, the Soviet Union has developed three new types of ICBMs—the SS-17, -18, and -19—including 360 SS-19s roughly comparable in size to the MX, each with 6 warheads, and 308 of the much larger SS-18, each with 10 warheads. Moreover, within the next 2 years, the Soviets will begin deploying two additional new types—the SS-X-24 and -25. This means five new Soviet ICBMs compared to one—the MX—for the United States.

A credible, flexible American strategic posture is vital to the stable balance of power on which peace and security rest. And the MX is a vital element of that stable balance. It represents the response that four successive administrations—both Democratic and Republican—have believed necessary to offset, at least partially, the formidable Soviet ICBM arsenal. It was permitted by the SALT II Treaty, and, indeed, its contribution to the strategic balance was one of the premises on which that treaty was based. The bipartisan Scowcroft commission concluded, and I am convinced that the MX remains an essential component of a modernized strategic triad.

If the Soviets could strike effectively at our land-based ICBMs, while our own land-based deterrent lacked any comparable capability, they might believe that they had a significant advantage in a crucial dimension of the strategic balance: they could seek to gain political leverage by a threat of nuclear blackmail. Such a crucial imbalance in strategic capabilities could well make them bolder in a regional conflict or in a major crisis. As the Scowcroft commission put it.

A one-sided strategic condition in which the Soviet Union could effectively destroy the whole range of strategic targets in the United States, but we could not effectively destroy a similar range of targets in the Soviet Union, would be extremely unstable over the long run [and] would clearly not serve the cause of peace.

We must move ahead with deployment of the MX now because it represents a credible deterrent today. After years of planning and billions of dollars in effort, only the MX offers a way toward redressing the serious strategic imbalance now.

Many critics of the MX have focused on the issue of MX basing in relationship to survivability. There are three points I wish to make.

First, Soviet planners in the uncertainty of war, would have to take into account that some of our MX missiles would survive attack and would be used to retaliate against those targets the Soviets value most highly including Soviet missiles held in reserve for further attacks against our country.

Second, the survivability of the MX must be viewed in conjunction with the other elements of our strategic triad. The three legs of the triad—bombers, submarines, and land-based ballistic missiles—strengthen deterrence by greatly complicating Soviet planning. If the Soviets were to contemplate an all-out attack, they would be forced to make choices that would significantly reduce their effectiveness against one leg of the triad in order to attack another. For example, it is not possible to attack our bomber bases and our ICBM silos simultaneously, without allowing certain retaliation. Indeed, deterrence rests upon the Soviets planners knowing they cannot contemplate a successful, disarming first strike.

Third, silo hardening can be improved significantly in the future and thereby increase the survivabiility for the MX force. The Scowcroft commission reported on this capability, and the Congress has funded its research. The prospects are firm and promising and will ensure the MX will remain a key element of the triad far into the future.

Additionally, it is important to understand that the whole of our strategic triad is greater than the sum of the individual parts. Viewed in the full context, the MX will strengthen the whole of our triad, on which our security has rested for many years, and, in so doing, it will strengthen the fabric of deterrence and peace.

STRATEGIC MODERNIZATION AND ARMS CONTROL

At this moment, the MX program plays a pivotal role in advancing our arms control goals as well. One thing we have learned over the years is that the Soviets respect strength and firmness. I am convinced that our firmness and that of our allies in the last few years—in proceeding with INF (intermediate-range nuclear forces) deployments and resisting Soviet efforts to drive a wedge between the allies—persuaded the Soviets that they could not achieve their objectives by political pressure, that they could not sit back and wait for unilateral concessions, but they must bargain at the table instead.

Thanks to the West's cohesion and determination over this period—and thanks to Congress' bipartisan support for the strategic modernization program over the past 3 years—our negotiating position today is strong. The Soviets must realize that we have the will to protect our security in the absence of arms control agreements and that it is in their interest, as much as ours, to seek ways to reduce nuclear arsenals and the dangers of war. This basis of strength improves the prospects for successful negotiations.

These new weapons are not "bargaining chips", they are part of the very strength on which real bargaining rests. They represent much-needed modernization, consistent with existing arms control agreements; they are an essential element of our deterrent posture, and they are the foundation on which an effective and balanced arms control regime can be built.

NEGOTIATING WITH STRENGTH AND UNITY

As you know, a new round of arms control negotiations is about to begin in Geneva. The American people and their government—the Congress and the President—all share the hope that these negotiations will bear fruit. We must be prepared to defend our ideals and interests whether negotiations are successful or not. The United States has, however, long sought a more constructive and productive relationship with the Soviet Union. We emphasized throughout 1984 the importance of resuming a U.S.-Soviet dialogue aimed at reduction in nuclear arsenals.

The year 1985 has begun on a positive note. The outcome of the January meetings with Foreign Minister Gromyko marked a potentially important beginning. The agreement to start new negotiations in Geneva on March 12 brings the resumption of the dialogue on the most imporant strategic issues now facing our two nations. We will use these negotiations to discuss fully our views on the evolution of strategic deterrence, including our hope that the Strategic Defense Initiative research will allow us to move to a new strategic environment, based on defense and not simply the prospect of mutually assured destruction. We are now engaged in a process that can produce beneficial results for the United States, for our allies, and for world peace and security.

Success, however, will require firmness and determination, a degree of flexiibility, and a degree of caution. It will also require something even more basic; unity at home on the importance of these requirements and of our fundamental strength.

As we move toward these negotiations, we must proceed as a united people. When we sit down at the table to discuss these questions with the Soviet Union, it is essential that we speak with one voice, that we not present the picture of a nation in conflict with itself, giving the Soviet Union either openings to exploit or false hopes that we will make unilateral, unreciprocated conces-

sions. The negotiations we are about to embark upon are between the United States and the Soviet Union. We cannot and must not allow them to deteriorate into negotiations among ourselves.

The negotiators the President has chosen to represent us at Geneva, including your former colleague John Tower, are among the most intelligent, able men in the land. They are tough negotiators. They will represent our country, defend our interests, and pursue our goals with skill and dedication. In a sense, however, these men are only the tip of the pyramid: their work in Geneva will be supported by their respective delegations and by the expertise and commitment of hundreds of people in the U.S. Government. But the real foundation of the whole edifice—on which its strength really depends—is the degree to which they are supported also by our Congress and public. Our arms control efforts cannot succeed without this support.

This is no time to cast doubt on our national resolve. When we send our negotiators to the table in Geneva, we owe it to them and to our country to send them in with the strongest possible negotiating position and with the full backing of the nation. And that means not suggesting unilateral concessions that might diminish the incentives the Soviets have to talk. That means not cutting programs vital to our strategic posture. It means coming together behind a solid negotiating position that offers the best hope for achieving the goals I know we all seek.

[Attachment 2]

[From the Washington Post, Mar. 14, 1985]

NITZE UNLINKS MX FUNDS, ARMS TALKS

(By Michael Weisskopf)

The Reagan administration's top arms control adviser yesterday said he doubts that withholding funds from the MX missile would have an "immediate or direct" impact on the arms talks in Geneva, a statement placing him at odds with the administration's main argument for releasing $1.5 billion for the missile this year.

Paul H. Nitze, a central figure in preparations for the U.S.-Soviet talks that began Tuesday in Geneva, said that approval of the missile would send the Kremlin "a strong signal of national resolve" and strengthen the hand of the negotiators.

But he said, "It isn't correct to say you would see an immediate, direct correlation" between the funding and the talks.

Nitze's comments to the House Armed Services Committee were contradicted at the same witness table by Defense Secretary Caspar W. Weinberger, who repeated the warning, saying the Soviet Union, will have won the negotiations before it starts" if funding for the missile is defeated.

The administration has argued that Congress' failure to unfreeze funds to build 21 more MX missiles would weaken the U.S. negotiating position in Geneva because the Soviet Union would have little incentive to trim its nuclear arsenal.

Weinberger stressed that the MX is not a "bargaining chip" to strengthen the U.S. negotiating stance, but he asked, "Why should they seek to reduce their arsenals, if we have signaled we are going to permit them to maintain—and perhaps even expand—advantages they currently enjoy?"

The contrasting forecasts passed without comment from committee members who are expected to vote next week on the administration's request for funds that were approved but frozen until another round of voting this month. The committee supported funding of MX production last year and is expected to vote to release the $1.5 billion.

Nitze testified in support of the MX, calling it necessary to modernize the U.S. nuclear force after years of Soviet advances and to signal Soviet leaders that "they should get down to serious bargaining at the negotiation table" in Geneva.

"Congressional support for the MX will send just such a message to Moscow," he said in his prepared text. "It will send a strong signal of national resolve and will greatly strengthen our hand in Geneva."

Under questioning, however, Nitze departed from the administration line on the precise impact on the talks of Congress' MX decision.

"I'm not sure it would make an immediate or dramatic difference," he said.

He described Soviet leaders as "conservative" decision-makers who would realize that eventual funding of the MX was inevitable. Meanwhile, a congressional move to withhold the funds, he said, "would encourage them to increase their opposition and their propaganda."

In a related matter, the State Department announced yesterday that the Soviet Union now has 414 SS20 medium-range mobile nuclear missiles deployed within range of targets in Europe and Asia.

The number is up 36 from the 378 reported deployed when the Soviets walked out of Geneva arms talks in 1983. The report of new deployments is considered important because Belgium and the Netherlands have stated that their acceptance of new American ground-launched cruise missiles take into consideration Soviet continued deployments and the results of arms talks in Geneva.

[Attachment 3]

[From the New York Times, Mar. 14, 1985]

CAPITOL HILL GETS A NEW PLEA ON MX—WEINBERGER AND NITZE ASSERT CONTINUED PRODUCTION WILL SPUR THE ARMS TALKS

(By Charles Mohr)

WASHINGTON, March 13.—The Secretary of Defense and the senior adviser on arms control urged Congress today to approve continued production on the MX missile, both to encourage a new agreement on reducing nuclear weapons and also because such offensive power will be needed long after a proposed defense against missiles begins to take shape.

Defense Secretary Caspar W. Weinberger and Paul H. Nitze, the Administration arms control adviser, appeared before a defense policy panel of the House Armed Services Committee to press for release of $1.5 billion, frozen last year, to procure 21 MX intercontinental missiles. The full Senate will vote on the issue next week and the House during the following week. On Wednesday, the House Appropriations Subcommittee on Defense voted 7 to 4 to approve releasing the funds.

Today, the witnesses before the Armed Services Committee policy panel defended the MX program and President Reagan's proposal to seek a high-technology strategic defense, based partly in space, against Soviet ballistic missiles. The concept is commonly referred to as "Star Wars."

LESS OPTIMISM ON "STAR WARS"

In answer to a question, Mr. Nitze said that he was not sure that a failure by Congress to vote for the MX production would make any "immediate and dramatic difference" in the arms talks in Geneva, but he added that the Russians might believe the MX would later be revived. He made clear he thought long-range chances of achieving a treaty were better with the missile.

Mr. Nitze did not display the enthusiastic and unqualifed optimism of Mr. Weinberger that a foolproof "Star Wars" defense can be devised.

Instead, Mr. Nitze, who has served as a maker of national security policy much of the time since the 1940's said that "should new defensive technologies prove feasible," the United States would "hope" to shift from the present strategy of nuclear deterrence through retaliation to one in which defenses "play an increasing role."

Both witnesses told the panel that a vote to approve spending the frozen funds, and later vote to approve another $4 billion for another 48 missiles, would constitute a signal to the Soviet Union of United States "resolve." This, the official argued, would encourage Soviet officials to agree to a new arms reduction treaty at the Geneva talks, which resumed yesterday.

The votes this week are increasingly expected to favor the Administration position, but some doubt about the outcome remains.

Mr. Weinberger dismissed questions about whether the Soviet Union could overcome a strategic defensive shield with more offensive ballistic missiles or with measures to destroy or to parry the defensive devices.

"I don't think it can be saturated" by more offensive weapons, he said, adding, "it can't be overwhelmed." He offered no explanation.

Mr. Nitze, like Mr. Weinberger stressed an opinion that the 100 MX missiles that the Administration wants to deploy are needed for their military value more than as a bargaining inducement during arms control talks.

"Even in the first stages of a possible transition to a more defense-reliant balance," Mr. Nitze, "offensive nuclear forces and the threat of nuclear devastation will remain the key element of deterrence." The work "key" was underlined in the text of Mr. Nitze's statement.

SURVIVAL OF SYSTEM AN ISSUE

At one point, Mr. Nitze's more conservative approach about strategic defense seemed to embarrass Mr. Weinberger. In answer to a question, Mr. Nitze said that if the defensive research is "not successful," the United States would have to continue to rely on deterrence based on devastation of an attacker.

Mr. Weinberger interjected that "we don't know if we can get it," but the United States faced an "almost certainty" that the Soviet Union would eventually develop an effective defense.

Mr. Nitze said he had accurately reflected Administration policy in a speech in Philadelphia last month in which he said that even a technologically feasible defense would not be deployed unless it could survive a Soviet attack and could be built as inexpensively as Soviet countermeasures.

The Defense Secretary was asked if the MX, which is to be based in missile silos in Wyoming and Nebraska, could be made more capable of surviving an attack by what is called "point defense," or an antimissile shield for a limited area.

"Point defense is not what the Strategic Defense initiative is all about," Mr. Weinberger said, saying the goal was a "thoroughly reliable, nonnuclear" defense that

could "protect the entire nation and Europe."

In answer to questions, Mr. Weinberger said several times that the defense initiative was not designed to prevent the incursion of "air breathing" threats such as bombers and pilotless cruise missiles. He said, however, that the missile defense would be worth the effort and money, and he indicated that additional effort might later be given to continental air defense.

On the question of the vulnerability of the MX, Mr. Weinberger said an "engineering breakthrough" had been found in ways to further reinforce silos that would "enormously" increase the ability of MX missiles to ride out an attack.

This was a reference to scale-model tests in which conventional explosives were used. Representative Charles E. Bennett of Florida, the most senior Democrat on the Armed Services Committee, remarked that this was a research program and that military officers had indicated it might take $15 billion to build better silos.

[Attachment 4]

[From the Washington Post, Mar. 15, 1985]

NITZE TAKES ISSUE WITH POST REPORT

U.S. arms control adviser Paul H. Nitze took issue yesterday with a story and "particularly the headline" in Thursday's editions of the Washington Post about his testimony before the House Armed Services Committee.

Nitze, at the State Department daily news briefing, said his comments on the MX missile had been "taken out of context" and his views "misrepresented" in the Post account.

The article reported that Nitze told the House panel Wednesday that he doubted that withholding funds from the MX missile would have an "immediate or direct" impact on the current U.S.-Soviet arms talks in Geneva.

The report also quoted Nitze as supporting the MX and saying that a congressional move to withhold funds would encourage the Soviets to increase "their opposition and their propaganda."

The headline said, "Nitze Unlinks MX Funds, Arms Talks."

Nitze said his point was that withholding MX funds "might not manifest itself immediately in the Soviet position in Geneva" but that defeat of the MX "would be seen in Moscow as indicating a lack of U.S. resolve and that the Soviets would be encouraged to pursue their propaganda campaign designed to force unilateral U.S. concessions" rather than bargain seriously.

Mr. WARNER. Now, Mr. President, I would like to speak to the question raised by the distinguished Senator from Colorado; namely, that the MX system moves this Nation further in the direction of a launch-on-warning policy.

We were very careful in the subcommittee during the course of receiving testimony, particularly testimony provided by administration witnesses, to make certain that there has been no change in the U.S. launch policy as occasioned by this system. So far as this Senator could determine, in the case of statements by witnesses before the subcommittee this year, and indeed before the full committee in the last several years, there has been a consistent policy with respect to retaliatory launch, a consistent policy, so far as I can determine, under the past three Presidents.

First, I think a definition will be helpful as we discuss this issue. Launch on warning, to my understanding, refers to the National Command Authority launching U.S. forces in retaliation on the basis of confirmed data from dual sensor systems.

In contrast, launch after attack or launch under attack—and I think these two terms are now being used interchangeably—refers to retaliation after at least one nuclear detonation occurs in the Continental United States.

A retaliatory launch of U.S. missiles before attacking warheads have reached the silos, as it has always been, remains an option that Soviet planners must consider in contemplating a pre-emptive attack against the United States.

This was confirmed to the subcommittee by the Commander in Chief of the Strategic Air Command and other senior officials of the Department of Defense.

What has changed in the last several years as a result of bipartisan congressional support, and I stress bipartisan—I can recall when joining this subcommittee over 6 years ago, at that time under the able leadership of Senator John Culver, that we, together, initiated a greater emphasis on the C-cubed system—are improvements enabling us to identify and characterize more quickly the objectives of the Soviet pre-emptive nuclear attack against the United States, that serve to strengthen the deterrent value of the U.S. ICBM in the eyes of the Soviet planner who cannot discount the possibility that the United States will launch some of their missiles before they are destroyed in silos.

I refer my colleagues to the testimony given by the former distinguished Secretary of Defense, Harold Brown, in hearings before the Senate Armed Services Committee on June 5, 1980:

> The launch under attack situation . . . is that the Soviets probably will not be able to be sure that we don't have the capability of launching under attack. I think under any circumstances we would want to keep them somewhat worried about that. To some extent, that does provide a deterrent effect.

Mr. President, I yield the floor at this time. I see the distinguished ranking minority member of the Senate Armed Services Comiittee about to speak.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. I thank my colleague. I will not take up a lot of time to summarize my views on this issue.

Mr. President, I intend to vote to remove the fence when we vote on this matter tomorrow. I think it might be helpful to go back and review recent history in regard to the MX.

The main rationale for the MX remains, first, the link between short-term and long-term arms control considerations and, second, its military utility. I must say that sometimes I believe the links are growing more tenuous than they have been in the past.

The Scowcroft Commission, as we all recall, recommended putting the multiple warhead MX in fixed silos in the near term, although they made it plain that other forms of basing should be explored very diligently. They also recommended that in the longer term it was desirable for stability on both sides that we both move away from large, fixed based, MIRV'd land-based missiles, and included in that definition the MX on the American side and the SS-18 and SS-19 on the Soviet side.

The Scowcroft Commission basically had two justifications for this recommendation, and I will quote them:

> First, our bombers and ICBM's are more survivable together against Soviet attack than either would be alone.
>
> Second, the hope that by moving forward with MX—and this is not a quote by my summary of that second position—the Soviets will begin to be concerned about their own growing land-based missile vulnerability and thus be willing to reach an arms control agreement that moves away from their heavy reliance on large MIRV'd land base systems.

Mr. President, after a great deal of discussion, including while the Scowcroft report was being put together, during it and after it, I came to several conclusions regarding that report and what it in essence was recommending. I first made these views known in May 1983. I stated then that it is essential that President Reagan and Congress recognize the full implications of the Scowcroft report.

First, the Soviets threaten our land-based systems. We all, I think, recognize and acknowledge that.

Second, the MX will begin to threaten Soviet land-based systems. I do not believe there would be any contest on that point.

Third, and here is where we have some disagreement, both sides are invariably moving to a prompter launch of land-based systems. I must say that I feel stronger this way now than I did even a year ago, and I was concerned and said so at that time. Some would say that position is launch on warning. Others would try to define it more precisely as launch under attack. Others would say, and I am sure the Senator from Virginia would probably have this view, that it is launch after attack.

But without any doubt, I think we could all agree that both sides, as they become more and more vulnerable to a first strike from the other, are moving inexorably toward a quicker launching or a prompter launching. And I am

afraid that that trend is intensifying rather than going the other way.

The fourth conclusion that I reached in reading the Scowcroft report, and again in discussions and hearings, was that both sides should endeavor to move away from this position both in arms control agreements and in strategic programs.

Finally, the inevitable question arises: If that is the view of the Scowcroft report, how do you justify the MX? That is a legitimate, sound question. I concluded that the MX deployment, though inconsistent with the long-term goal of the Scowcroft report—and I think it is—will, hopefully, provide the short-term incentive to the Soviets, along with other things, to reverse their course and move in the direction of stability, both in regard to their military deployments and in regard to their arms control position.

Mr. President, I believe that these five points remain accurate today. I am concerned, and I have said so in committee, in open hearings and many times in closed hearings, as to the degree of the Reagan administration's understanding of the logic behind the Scowcroft report. I am concerned as to whether senior administration officials fully recognize that both sides are inexorably moving toward a prompter launch, because both sides are becoming increasingly vulnerable to a first strike. There are times when I talk to senior administration officials when I take comfort in thinking they understand this and have it fully in account in their planning. There are other times in discussions with high-level officials when I have grave apprehension whether this reality, at least as I view it, is also viewed with a considerable degree of concern by the administration. Because it is enormously important that this point be understood, that the Scowcroft logic be understood, that the reasons we are moving forward with the MX, if we do move forward with the MX, be understood and that all of us understand that this is not a desirable direction in the long term. Indeed, it is incompatible with the long-term goal of stability. But it is, in the view of many of us, a short-term step that hopefully will lead to a longer-term solution, because both sides may begin to see the problem from a more common perspective.

There are two or three reasons why I shall vote to remove the fence, but the main logic is certainly the logic that I have already stated. The Soviets, in my view, cannot be permitted a monopoly in prompt counterforce capability. To kill the MX missile, in my view, would give them that monopoly. This would not last forever, because we have the Trident II coming along. We also have some prompt counterforce capability in the deployed Minuteman, although that is tenuous; and we will have, of course, other capabilities if we develop the so-called Midgetman missile in the future. I do not believe the Soviet ICBM's equate to a Soviet first-strike capability at this time. I know that some do. But I do believe that their heavy ICBM's are a source of considerable strategic instability in the world.

I do not believe we today have a comparable capability. I think in the final analysis, it is better to have a situation in which both sides have prompt counterforce capability than a situation in which only the Soviets have this capability—again, not as a long-term desirable course, but as a short-term necessity so that, hopefully and prayerfully, we might both recognize that we have a mutual stake in moving away from this source of considerable and growing instability in the strategic equation.

It is my view, after long reflection, that as long as the Soviets are permitted to maintain a near monopoly in these prompt hard-target kill assets, they will not have sufficient incentive either to dismantle these systems and move toward mobility on their own or, hopefully, to do so under a negotiated arms control regime. I also must say that I think it is important for us to have a warm production line of ICBM missiles in case the arms control talks either do not make much progress in the near term or, at some point in the future, fail completely. The Soviets undoubtedly have several warm or, I might add, hot production lines that will allow them to vastly expand the production of their new ICBM types if they choose to for whatever reason. One reason, of course, might be the failure of arms control. I believe it is important that we have at least one ICBM production line in being.

Mr. President, we have invested $10 million so far in the MX, but I make no argument here today that that money is justification for moving forward with more missiles because, if I were convinced this is the wrong move, the money we have invested, in my view, would be a very small consideration in the overall scheme of this vastly important subject.

I would also like to make it absolutely plain what my vote to take the fence off the MX for this 21 missiles does not represent. This is not a vote to deploy an MX force totalling 100 missiles. It is not a vote indicating that I will support a total production run of 223 missiles. Again, it certainly does not and should not be taken as any indication that I will vote to put 100 MX missiles in vulnerable Minuteman silos. I am very disappointed—and I underscore the words "very disappointed"—at the continued unwillingness of the administration to look at alternative basing modes that make sense. I think almost everyone on both sides of the aisle would recognize that the decision to change the basing mode of the MX missile that had been projected in the Carter administration and signed on by the Air Force with very strong support on both sides of the aisle, both here in the Senate, and in the House, was a political decision made in the 1980 campaign.

I had hoped, as time passed and as that election campaign faded in memory, the President, and particularly the Secretary of Defense, would be willing to take another look at some form of mobility and some form of deception. I have not quite given up hope on that, but I must say to my friend from Virginia I have almost given up hope. With no mobility or deception, other forms of protecting our deterrent, such as ballistic missile defense, become less and less feasible because of the offense-to-defense cost ratio. By adding mobility and deception and looking in terms of some form of defensive mechanism in the future, you can change that ratio dramatically, but that does not appear to be in the cards as far as the first 100 MX missiles.

I think everyone should understand that when we look at the 1986 markup on the MX, having already approved 21 missiles in the past, and if we remove the cap on this 21—and the House consents in that—that will give us 42. Of course, there will have to be spares, and there will have to be test models. But as far as this Senator is concerned, I will be looking very, very skeptically at continuing down the path which has been set by this administration. Not only is the question of survivability foremost in my mind but also the question of the move inexorably, as I see it, to prompt launch. And I will use that word very carefully. Whether it is launch on attack or where it is launch after attack I will reserve for debate at another time. But prompt launch is certainly an understatement as to where I think we are moving.

So the question of survivability is becoming more and more paramount in my mind, not because it is just becoming important—it has always been important—but because this administration does not seem to understand that many of us have been voting for the MX in spite of considerable misgivings about survivability. And when we have statements as we had the other day coming from a leading member of the military that survivability has never been the real question with the ICBM force, then it makes me think some may even be trying to revise history. I think that is not possible, at least as far as this Senator is concerned, having sat through 12 years of hearings on the MX.

Mr. President, I think it is enormously important, in the fiscal year 1986 deliberations on the budget and

the MX, that we look at dramatically slowing down the production line. The administration has requested 48. I can say without any doubt I will not vote for 48. And I can say that with very firm conviction; I will not vote for any number approaching 48.

I hope that we can continue to have a warm production line. I hope we will continue that position because I think it is important, as I have already indicated, that the Soviets not have the only production line for land-based ICBM's. However, I do not believe we have to have anything approaching what the administration has requested in terms of numbers or in terms of dollars in order to maintain that kind of flexibility.

I have indicated from the very beginning of the MX debate, since the Reagan administration came into power, that I would never vote to put 100 MX missiles in vulnerable positions. And I must serve notice on the administration that they have almost run my string as far as the number that I am willing to put in that kind of position. I still believe there is validity, as I have indicated, in putting the Soviets in a symmetrical position with us as far as vulnerability. I think there is merit in having a warm production line. But I would want all my colleagues to understand that my vote to remove this fence tomorrow is in no way indicative of continued support from this Senator for the administration's MX Program.

Mr. President, even absent all of these considerations—and again I do not make my primary consideration the budgetary aspect of strategic programs, although that must be a factor—I think we have to consider a different kind of equation in terms of priorities starting next week in the Armed Services Committee. No longer are we going to see defense growth of 4, 5, or 6 percent above the rate of inflation. In my view, we would be very fortunate to come out of this session with 2 or 3 percent real growth in defense, and, in all likelihood, it will be below that. If the Budget Committee number holds, that is, if we have a zero growth in defense, we will have to cut some $20 billion out of the Armed Services Committee budget. My own priorities, and every Senator's priorities, will come very much into play as we make those decisions. The administration has indicated the MX is certainly a strong consideration in Geneva at the arms control talks. I concede the point that it is a consideration, although I think the administration has exaggerated it. And I believe if they lose this vote, it will become a self-fulfilling prophecy because the very fact it has been built up to such a high degree indicates the questions of will, determination, and psychology, and environment will be at the forefront of the Geneva talks, and certainly that is to be expected. But I have an entirely different view as to priorities in terms of our negotiating position and in terms of our national strength and security.

I do not rate the MX missile in a vulnerable silo being more important, or, frankly, being anywhere near as important as I do the advanced cruise missile, to name one system. I do not rate the MX in a vulnerable silo being anywhere near as important as the advanced technical bomber, the so-called stealth bomber. I do not rate the MX anywhere near as important in my order of priorities in the budget deliberations as the Trident II missile. I believe all of these weapons assume a much higher priority. The one thing I will not vote for, speaking again only as one Senator, is to cut back on programs like the advanced technical bomber and the advanced cruise missile, which really and truly can lend both considerable military strength in the years ahead and considerable arms control leverage in the short and long terms. I will not vote to slip those programs in order to pay for putting more MX missiles in vulnerable silos.

I probably will have more remarks to make on this subject tomorrow. I commend my colleague from Colorado for handling this matter on the floor of the Senate for our side of the aisle, and my friend from Virginia for doing his usual very capable job on his side of the aisle and on the other side of the issue.

I might say that my friend from Colorado and I will not vote alike on this issue, but our positions are much closer than a yes and no vote would indicate. There are many things that he will be saying during the course of this debate with which I will agree and identify, so when those who read the RECORD see the Senator from Colorado and the Senator from Georgia voted on the opposite side, I hope they will be more inquisitive about the true nature of this vote and our strategic programs and read further into the RECORD, because many of the arguments being used, in my view, are valid arguments.

I do not know whether my colleague from Virginia regrets having yielded time to me because I have made arguments, I suppose, which have been ambivalent as far as support is concerned. I think the position of supporting these 21 is a valid position, but I have numerous caveats about the program as it unwinds in the future.

I thank my colleague for yielding me the time.

Mr. HART. Mr. President, the Senator from Georgia has made a characteristically thoughtful presentation today on what is a complicated issue. His remarks indicate why he is held in such high esteem on the question of national security by colleagues on both sides of the aisle.

His candor in admitting the fundamental flaw of the missile, its vulnerable basing mode, the prioritization of the MX as compared to other vital strategic modernization programs, and his review of the increasingly complex nature of maintaining a balanced nuclear force structure in an increasingly unstable age go to the very heart of this matter. The Senator from Colorado finds it easier to reach the conclusion that he reaches about opposing the proposal than the Senator from Georgia in supporting it, but his closing remarks about what a gray area this whole issue of modernizing our land-based forces is, is exacthy what this debate is all about. Therefore, although I wish he were supporting the position of moving to close the program down now, I compliment and congratulate him on laying out what really is the basis of the struggle for many Senators sort of in the middle on this question.

Mr. NUNN. I thank my friend from Colorado.

Mr. WARNER. Mr. President, before my distinguished colleague from Georgia departs the floor, I wish to join the distinguished Senator from Colorado in stating that I thought the Senator from Georgia gave a very incisive analysis of the key issues here.

However, I do wish to bring to his attention the letter from the President, dated March 16, which stated, in referring to the arms control aspect:

> Finally, I believe we must consider the implications of this vote in terms of our efforts with the Soviets to seek arms reduction. I have great confidence in our negotiators, and my greatest desire is to reach an acceptable agrement.

Mr. President, I observe that, in my view, that is a fairly balanced statement. I feel that it comports with what the Senator from Georgia said with respect to his own comments on the linkage between this particular increment of the MX system and the ongoing arms talks.

While there may have been statements at other times, the most recent one, in my judgment, is quite moderate and could not be construed to be an oversell.

Mr. NUNN. I concede that point to the Senator from Virginia.

The point I was making about my concern with respect to the administration is not the link with arms control per se but, rather, its understanding of the logic of the Scowcroft report. That report said basically that as both sides acquire large MIRV'ed systems that are in fixed, vulnerable positions, both sides move toward instability, and a prompt launch posture. Indeed, the MX in the short run, while desirable—and we would agree on that—is in the long run precisely the opposite of the kind of system the

Scowcroft Commission report and its logic would lead one to deploy.

So it is in that spirit that I say that I am not really confident that this administration has accepted the full implications of the Scowcroft logic as to the longer term instability that arises from both sides having moved in that direction.

I repeat that, in my view, it is more stable for both sides to have moved in that direction than for only the Soviet Union to have moved in that direction.

Mr. WARNER. Addressing the point made by the Senator from Georgia, in the context of arms control, certainly this letter dated March 16, in my view, addresses it, it seems to me, in a very fair and objective light, and it could not be construed as an oversell.

On the matter of moving toward instability, I think the Senator from Georgia has been quite perceptive on that. It is my opinion that this question is driven more by improvement in accuracy and proliferation in numbers of weapons than any change in policy.

Mr. NUNN. I thank the Senator.

Mr. HART. Mr. President, I yield the Senator from Montana [Mr. MELCHER] whatever time he requires.

Mr. MELCHER. I thank the Senator from Colorado.

Mr. President, after the lukewarm endorsement of the MX funds in Senate Joint Resolution 71 by the distinguished and, more than that, the great Senator from Georgia, let me respectfully follow with a very firm "no" on the MX.

Let me follow with the remarks of an angry American who believes that this MX debate is a fiasco. The history of the debate on the MX, at best, since its inception, can be called fuzzy.

The Joint Chiefs of Staff, three out of five, said no, it was not worthwhile; it would be money wasted. President Reagan disagreed, and he insisted.

The Scowcroft Commission, true to form, recommended, along with the President, that we go ahead with the MX up to 100 in Minuteman silos that were superhardened silos. Silos for missiles, buried in the earth, are to be contrasted with the silos that farmers use. They are altogether different. The latter are silos for food in the production line to sustain life. The silos in the earth, for missiles, are silos for death.

Mainly, I want to speak on the question of whether this $1.5 billion for the MX, to be voted upon tomorrow, is a waste; and in my judgment, it is the worst of wastes. The MX is nonessential to our national defense and, indeed, it is nonusable. We will debate silo vulnerability. That will be part of the debate—whether the superhardened silos are vulnerable to a direct strike, a direct hit, by another missile.

This type of argument is in the abstract, because the use of nuclear weapons, started by anyone, immediately calls for and demands retaliation with the use of nuclear weapons by those who are damaged by the first strike of nuclear weapons. Indeed, the question really is, do we want to destroy the Earth?

In Montana, my State, we have 150 Minutemen. Fifty of them are Minutemen III. So there are 300 warheads in the State of Montana, and even half of them would be capable of destroying all life on Earth. So the whole question of using nuclear weapons is this: They are nonusable. Why add to them?

If we want a stronger national defense, our efforts should be for readiness.

This $1.5 billion in this vote, to be followed by more than $4 billion to be spent in fiscal 1986, is to be followed by more funds which total $11 billion, plus the cost of inflation and plus the cost of any decisionmaking process for making the silos more superhardened or to make the MX more destructive.

I call to mind that in 1980, candidate Bush called candidate Reagan's ideas voodoo economics. Perhaps that started a trend in words to add to our jargon, because in 1981, the term "Reaganomics" was coined. Let me add another.

This MX waste of money should be known as "voodoo Reaganomics."

We will later debate at length in this Chamber on budget cuts. Indeed, the Budget Committee has reported out a budget where the Social Security COLA's were cut and child nutrition was cut, plus a number of other programs.

I am reminded of a column recently by George Will where, in essence, he said that the MX really has no lasting merits. He said, in effect, the MX is vulnerable and compared to other options if not a usable strategic defensive weapon.

But George Will added that there was a redeeming factor. If Congress did not spend the money on the MX, he concluded, Congress would no doubt waste the funds anyway.

Maybe Will's column is a sign of the times of no faith in Congress. If that is his true feeling, let me respectfully disagree. I believe differently. I believe that this Congress will do what it must do to face the No. 1 priority before Congress and that is deficit control, that there will be debates on Social Security versus other expenditures.

Indeed, we are getting the MX first so we could be saying that the Social Security debate will be versus MX spending, or child nutrition versus MX, or Medicaid versus MX.

For the military, we will be debating, as the Senator from Georgia truthfully outlined for us, readiness and the need for more reliable weaponry than the MX.

The bell is tolling on Congress. We must have budget cuts more than $55 billion that the Budget Committee asserts is in their proposed budget.

And that remarkable series of debates that will be followed here after the MX will indeed hinge on smaller quantities of money, for the most part, than the $1.5 billion we are debating for removing the fence around the MX, to be spent this summer, to be followed by presumably $4 billion plus for next fiscal year.

Mr. President, the point is this: Quietly but emphatically Americans are demanding budget restraint, some control over deficits, and, I say, as I started, that I am one of those angry Americans who feel that we are not appropriately following the course that we should. This particular waste of $1.5 billion should be avoided. It would set the stage for eliminating another $4 billion-plus for the MX in the following fiscal year.

Mr. President, as evidence of some of the strong feeling I wish to refer to a couple of editorials in two of the larger newspapers in Montana.

The Great Falls Tribune, in contrasting President Reagan's hasty veto of the comparatively small emergency farm credit package said recently editorially.

> Incidentially, many financially-troubled farmers and ranchers must be skeptical at the Reagan Administration's eagerness to spend $1.5 billion so promptly for MX missiles, when Reagan has just vetoed what he termed as "a budget-buster" farm credit bill estimated by congressional economists to cost less than $500 million over 5 years.

The Billings Gazette in an editorial about the same time said in reference to the veto, referring to President Reagan:

> He was not so niggardly when offered the opportunity to bail out banks. He leaped to their defense, but farmers, of course, aren't bankers. Let them founder. We can't waste money on farmers. If we spend the money, you see, on silos of life, we won't be able to spend it on silos of death.

Clearly the priorities that they advocate and I advocate are probably the priorities of the vast majority of Montanans and probably the majority of all Americans.

Are our priorities so different from the priorities sought by the President?

In this instance, Mr. President, I would have to state that our priorities do indeed differ from President Reagan's.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from the Billings Gazette and the editorial from the Great Falls Tribune.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Billings Gazette, Mar. 13, 1985]

AS WE SOW . . . WHAT WILL VETO REAP?

The crop is in, broadcast across the plains states, but the work isn't done yet.

Cultivation is under way for a new crop. It's the supercrop, our "super farmers" say, but it's terribly expensive—billions, upon billions, upon billions of dollars.

The super farmers, the administration, tell us the new crop will save the world, but deep down in our minds where shadows play, we keep hearing the refrain:

"As ye sow, so shall ye reap."

And what will we reap from this crop, hidden in silos of death across our lands? Will we reap life or death, hope or despair?

The super farmers tell us this is a perfect time for a new crop like the MX. The Soviets are going to the table with us. We will feed them fear harvested from the MX and stored in death silos.

The future depends on their fear—and ours, the super farmers tell us.

It seems such a paradox.

Across America, farmers sow life. The fruit of their labor feeds us and others around the world. They give us the plenty we are thankful for when we share our table with family and friends.

But these farmers are in trouble, mostly, because the super farmers have created the largest deficit ever, in part, because they want to plant a new crop of missiles, and bombers, and . . . and . . .

Interest rates have chased the deficit into Never Never Land, and just recently stepped back through the looking glass.

Land values are dropping, and banks, which lent money to farmers when land seemed the only safe investment to beat inflation, are getting worried. When bankers are worried, so are the farmers.

There is reason to worry. The Department of Agriculture estimates that as many as 13.9 percent, 93,000, of our farmers will become bankrupt this year.

So Congress came up with a farm-aid program. It wasn't much as far as farm aid goes, but it would have helped.

And President Reagan vetoed the bill.

He was not so niggardly when offered the opportunity to bail out banks. He leaped to their defense, but farmers, of course, aren't bankers. Let them founder. We can't waste money on farmers. If we spend the money, you see, on silos of life, we won't be able to spend it on silos of death.

His other arguments are equally good.

We don't need so much food, the president says. Perhaps we don't, unless we think our ourselves as part of the world, part of the human family that is starving to death in Ethiopia.

Hard times will cull the bad farmers, the president says. Driving 14 percent of our farmers into bankruptcy will be good for agriculture.

Good for whom? These farmers were doing fine until the deficit drove up the interest rates, until America's strong dollar put the cost of American food beyond the ability of foreign countries to pay.

Silos of death and silos of life.

The president seems bent on putting our money where his mouth is—the farmers be damned.

That's the political crop Reagan has sown. What will he reap?

[From the Great Falls Tribune, March 10, 1985]

WHY RUSH MX VOTE?

President Reagan may not be wise to use excessive arm-twisting when suggesting Congress vote immediately to release $1.5 billion for production of 21 new MX missiles, or risk undercutting U.S. arms control negotiators in Geneva.

A negative vote in either house would "send a message to Moscow that America is an irresolute and divided nation whose divisions can be exploited in Geneva," Reagan said.

But Reagan does not mention that Congress and three presidents have been divided over the MX missile since 1976, for good reason.

A principal, unresolved concern centers around how to protect the new missiles from increasingly accurate Soviet missile warheads. Various Rube Goldberg schemes have been suggested and found wanting, from underground railroads to move the missiles about to decoy silos and finally, "dense pack," the theory that if the MX missiles were placed close together in hardened silos at least some Soviet missiles would collide in mid-air, permitting some MX missiles to survive.

The basing method is important because without a guarantee that some MX missiles could survive an attack, they arguably would be of use only as a first-strike offensive weapon. And that naturally would be unsettling to the Soviets, potentially leading to new arms buildup.

Congress has authorized production of 21 MX missiles and, after a lengthy battle last year, froze money for production of another 21. Under last year's complicated compromise, Congress must pass two resolutions this year for the money to be released. It is Reagan who is pressing a provision of the compromise that the first votes be held soon.

The president would have been better advised to follow a congressional suggestion to postpone discussion of money for the 21 fiscal 1985 MX missiles a few months until Congress take up his 1986 defense request, which includes $3.2 billion for yet 48 more MX missiles.

By delaying the Congressional vote, the U.S. arms negotiators could begin their talks with the question of MX missile deployment still up in the air as a bargaining chip. A status quo MX situation is better for U.S. bargainers than the best the president can hope for by pressing the vote, narrow, bitterly fought win with further votes still necessary.

Incidentally, many financially troubled farmers and ranchers must be skeptical at the Reagan administration's eagerness to spend $1.5 billion so promptly for MX missiles, when Reagan has just vetoed what was termed as "a budget buster" farm credit bill estimated by congressional economists to cost less than $500 million over five years.

The Democrats are not above reproach on that bill, however. They tacked the farm credit provisions onto an unrelated, but otherwise popular bill for non-food relief to the African famine.

Mr. MELCHER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. Mr. President, the United States stands now in a position of great opportunity. I ask my colleagues to recognize and seize that opportunity.

We have finally begun playing catch-up ball and have played it pretty well since 1981. By doing that, we are showing our national resolve to prove to the Soviet Union and to the world that we will ante up sufficient appropriations and adequate policy to prevent the Soviet Union from attaining such an arms advantage that her leaders can say to us: Give up or die, which is the written plan they have for the world.

Other than that period, since 1981, the game has not been going our way, particularly since the latter stages of Vietnam. So we find ourselves in a situation where catch-up is the best that we can do.

The Soviets won all of Vietnam and are now, through their surrogates, mopping up more of the people and resources of Southeast Asia, all with very little press attention and very little public understanding of what is going on. The reality is in contrast to what was predicted by those who said, "Why don't we just cut off all aid to South Vietnam?"

In Afghanistan, the Soviets are committing the first undisguised aggression by a major power since World War II.

To our very proximate South, the Soviets, through Castro's Cuba and the Sandinista government of Nicaragua, are using surrogates to spead Marxism by terror with arms financed by drugs. The trafficking in drugs is destroying whole countries as well as destabilizing societies in our own and other nations.

The Soviets, in the strategic field, have built four new generations of ICBM's since we deployed our Minuteman missile, have a 3 to 1 advantage in ICBM's and have a chemical arsenal for which we have no defense and to which we have no response.

Conventionally, they have outbuilt us and our allies and could, for example, if nuclear arms were not used by either side, march in only a few days into the vitally important oil fields of the Middle East or blitzkreig, as General Rogers has told us, in 2 weeks across Western Europe.

I shall not recite further the unprecedented hazard now threatening our interests our freedoms, our physical survival as a people.

But with real growth in the defense budget for 6 consecutive years, a thing unprecedented since World War II, we have played catch-up ball effectively to the point now where the Soviets are willing to come to the negotiating table on arms reductions. And this time they are coming with good reason.

Our position of great opportunity is thus two-fold.

First, we can secure our defenses so that we, the Government, have fulfilled our primary reason for being: to provide for the common defense.

Second, we can motivate adequately the Soviet Union to agree to mutual, verifiable arms reductions with great savings to the economies and security of both nations.

Our President, Ronald Reagan, wants to seize the opportunity, and the bipartisan disposition in the Congress to achieve the fulfillment of the opportunity has been evident since 1981. Now unexplainably to me, we are on the verge of stopping what has been a winning game, on the verge of aborting the birth of a long-awaited opportunity.

Some Senators, in too great a number, seem to be plaing a political game, and to me a stupid political game.

Mr. President, the last Presidential election showed a popular mandate to continue playing catch-up ball in the defense field and to reduce Federal spending in the social area and in the Government subsidy area. The mood and activities in both Houses now seem to be diverging oppositely from that nationally expressed mandate, so the political stampede seems stupid.

The few actions that we have taken on the floor of the Senate so far, however, increased some of the spending which President Reagan has asked to be examined and decreased. He has vetoed that effort in one important case, but he will not be able to counter the determination evident in the present mood of Congress to balance the budget on the back of defense.

In the rush to satisfy special interests and lobbying groups of great power, we see a mood to turn to defense cutting without any idea of the effect that the cuts are going to have.

For example, we hear arguments that the MX is too expensive, that we cannot afford it in light of the deficit in our Federal budget. How can we place a price on the necessity to ensure our national security? The only price would be catastrophe, along with a lot of money and blood.

The argument of cost is absurd when applied to MX. It is even more absurd when applied to our defense budget as a whole, as too many of our colleagues are now doing, as the press is now doing, as many of the American people are being misled into doing.

We hear arguments that we cannot reduce our Federal deficit if we do not reduce defense. We hear the defense budget described as a sacred cow. We hear contentions that we cannot cut food stamps, or Medicaid, or farm price supports, or guaranteed student loans, or any of a host of other Federal social programs unless and until we cut defense.

But defense, security, is the first and most essential social service that our Government, any government, can provide. If our country is not secure, then none of the other Federal programs will have much meaning or do much good.

Defense is not just another Federal program. It is not something that we provide just when we feel like it. It is not the part of the budget that we should consider only after we have taken care of everything else.

Defense, the national security, is the first thing that we must take care of. When we have taken care of defense, then we can consider how much we should spend on social programs, or whether we need this one or want that one at all.

Under our Constitution, the separation of powers, defense is unique to the Federal Government. The States have full powers to act in the social program, the welfare, area, but they do not have the power to provide for the common defense, nor are they capable of doing so.

If we fail to provide as much as we would like for this or that social or welfare or entitlement program, the States have the option, using their own considerable resources, of acting.

But if we do not take care of the national security, there is nothing that the States can do about it.

There is much talk about how entitlements are rising and defense is the worst entitlement. That is absurd.

We have gotten our priorities backward. Consider that 24 years ago, when John F. Kennedy was President, we spent half of the Federal budget on defense and only one-quarter of it on social programs.

Today, under the "heartless" Reagan administration, we spend over one-half of the Federal budget on social programs, and only slightly more than one-quarter on defense. Is there anyone in this body or in the other body who thinks that the threats to our security today are less serious than they were 24 years ago, or less numerous? I know of no responsible person, in this Chamber or out of it, who thinks that.

But, for reasons that are perhaps understandable, the Congress is reluctant to cut the massive social programs that have been built up over the last two decades. Certainly a multitude of special interests oppose any such cuts, and we hear from them all the time that the deficit must be reduced but by cutting someone else's programs.

So, we now see, as I said, an inclination to balance the budget on the back of the Department of Defense. More than an inclination, the Budget Committee in this body has voted that way.

It should be obvious that we cannot balance the budget in that way. The defense budget simply is not big enough. We would have to eliminate a good two-thirds of it to eliminate budget deficits of the size that we now face.

Moreover, the general prescriptions that we hear are advanced without any clear understanding of the effects that they would have.

How can we say that we are worthy of the title of "government official" when we are not even aware of the effects of these proposals we are making to cut the budget that provides the security of this country? We are not going into it at all. We have just said "freeze the defense budget" without knowing, understanding, or perhaps even caring what that means.

One of our colleagues, a friend, a distinguished Senator whom I admire and respect, has suggested that we cut "support personnel," and that cut that he wants would result in a savings from the salaries saved of 1½ percent of the 5.9 real growth increase that the President wanted. But even his proposal has effects, I am convinced, that he has not anticipated. For example, the words "support personnel," the title, the terms, comes from the Pentagon's computer. And that computer roughly categorizes personnel. People hear the term "support" and they think it means something unimportant. But in that computer designation, these personnel called support personnel include, for example, people engaged in command and control, in training, and in logistics functions. They even include individuals such as first sergeants of infantry companies. I do not think the Senator who originated that proposal knew that. I do not think he would have proposed it had he known it.

The much more severe recommendation of the Budget Committee has effects which no one can estimate, much less understand at this point.

It will not serve our country well simply to go after the problem with a meat ax even in the social field and say "cut those people by 10 percent." But in the defense field at this point, it is perilous beyond estimation. The effects of a freeze such as that recommended by the Budget Committee would hurt this country worse than any other kind of action that I can think of.

In the very nature of things, a freeze would impact most heavily on the most crucial areas, the research and development of the technology for tomorrow's weapons, upon the modern systems now in procurement or shortly to be procured. It would impact upon morale, the welfare of our All-Volunteer Armed Forces, upon readiness and sustainability.

The Air Force, Navy, and Army are not going to cut entire weapons systems. As the Secretary of the Air Force and the Air Force Chief of Staff told me immediately before I came out to the floor, when I met with them in the Vice President's room, the only way then can get quick money is to take it out of O&M, out of people programs. It will meaning losing the economies of multiyear procurement which we have instituted, paying twice for some things and not geting others for which we have paid.

The budget freeze would delete the new, the advanced, the efficient, and the capable.

I would leave the old, the obsolete, the inefficient, and ineffective.

That direction is exactly the opposite from which we should be going, in which we must go if the Nation is to be secure, not only today but in the future.

I understand the urge to cut the deficit. I recognize the validity of that objective, and I share the concern of the Congress and the American people about it. I believe that we can find ways to cut the deficit substantially without being unfair to anyone, including cutting it by cutting some defense money. The way we are going about it is not only careless, but without concern for effect. I want to see those effects argued on this floor. I am going to insist that they are argued on this floor, and understood before we undertake them.

I think that many of my colleagues see the linkage of procurement of the MX, and of its deployment, to the prospects for arms control. And, I was cheered by the vote today in our Armed Services Committee.

There is, however, an even greater linkage between our defense budget and the prospects for arms control.

I believe that 6 years of real growth, beginning with the last administration and continuing through this one, is the major factor in any change that may have occurred in Soviet thinking. For us now to abandon the gains that we have made, to stop playing catchup and start throwing in the towel, would be the height of folly and of irresponsibility.

This is not the time for a detailed debate on the freezing of the defense budget. There will be a time for that. But I am confident that it is part of the linkage which we see between the MX and Geneva, and I am confident that the debate on that freeze will go on at considerable length. I intend to ensure that it does, and hehp others ensure that it does.

We can, however, make a start at rational consideration of the problem, and fulfill our obligation to our country, by voting to approve the resolution now before us and the second one yet to come. If we vote for the defense and security of our country now, maybe it will become a habit. If so, we, our children, and our children's children will be much the better for it.

Thank you Mr. President.

Mr. HART addressed the chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, the distinguished Senator from Florida, Senator CHILES, who has been active on this issue—last year—and whose amendment prompted the current debate is on his way to the floor, and wishes to be involved in the deliberations as to when a vote should occur tomorrow.

So, I would like to at least for the next few moments suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the time for the quorum be equally divided. I understand this is all right with the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The time will be equally divided.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, in the absence of Senator HART, who has been yielded the time in opposition to the MX—I am working with him on that—I request that the Chair recognize the Senator from Illinois and have the time charged to the Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair. I thank my colleague from Nebraska.

Mr. President, I think the fundamental question we have to ask ourselves is why we want an MX and why we wanted one in the first place.

I recall the debate on this matter on the floor of the House. I was then a Member of that body. The argument was made that we needed a mobile missile. It will be recalled that we had that railroad missile that was going to circle parts of Nevada and Utah, and it was supposed to be not vulnerable to Soviet attack. But it became fairly clear that would have been the second largest expenditure on any project in the history of humanity, second only to the interstate highway system, was not sound militarily or in any other way, and it was finally buried. President Reagan made the decision to bury that method. A variety of alternative basing modes were discussed, and finally we came back to the stationary mode.

I would support, and I think the large majority of this body and the other body would support, any moves to increase hardening potential, to do research in that area, but not to simply add one more weapons system when we already have the ability to destroy the world many times over.

There is a second question that is before us, and it is this: Do we need this as an incentive for the Soviets to come to an agreement with us on arms control? All of us who are Americans, regardless of political party, wish this administration success in the talks in Geneva. If I felt that voting for the MX could in any way strengthen the hand of the President there, I would support the MX. I think the reality is that there already is ample incentive for both sides to reach an agreement on arms control. That incentive is a very simple thing, and that is our ability to simply destroy everything.

I recall that about 4 years ago, I first discovered what kind of world we are living in. In Arkansas, an Air Force sergeant was walking along and dropped a wrench. It broke a little aluminum tube, and a series of things happened. A Titan II missile went up in the air and landed in a wooded field. The warhead did not explode. The newspapers reported that it was a 9-megaton warhead.

I remember reading that and thinking that I do not really understand what is meant by 9 megatons. I am not a scientist; I am not a nuclear physicist. So I asked for research into what it meant. I got two answers. No. 1, if you take all bombs of World War II, including Nagasaki and Hiroshima, they totaled 2 megatons. Or, No. 2, if you read that in El Salvador or Lebanon or Northern Ireland or someplace else a car was blown up, ordinarily that would be 1, 2, or 3 pounds of TNT. In TNT equivalency terms, a megaton is a railroad freight train, loaded with TNT, 300 miles long; 9 megatons, 2,700 miles long, almost from Los Angeles to Washington, DC.

We know that, unfortunately, there are warheads appreciably larger than 9 megatons. The United States has approximately 9,500 larger strategic warheads. The Soviets have about 9,000. The two of us together have, in addition, about 30,000 smaller tactical nuclear warheads.

We have the ability, beyond any question, to create a world in which tomorrow we will never hear the laughter of a child; we will never see a deer crossing the mountains of West Virginia or Illinois, we will never see a blade of grass grow.

We do not need more incentive for arms control. We do not need additional weapons. I think there is incentive on the other side. What is the real problem in Geneva? The real problem in Geneva is atmosphere. It is not the technical problem. It is not Pershing II's versus SS-6's and SS-20's. It is the kind of mood and atmosphere—the mood and atmosphere of distrust. If

we send a message of restraint in the arms race, it might—no one can guarantee this—it might improve the atmosphere just a little.

I am also concerned on the military side. I was very impressed, about a year ago, with an interview or a statement I read in the New York Times by General Rogers, our NATO Commander. He is not a pie-in-the-sky man. He is a five-star American general.

I am not suggesting for a moment—because I do not want to deceive anyone—that he is opposing the MX. I do not know where he stands on this. But he said that we are putting too many eggs in the nuclear basket; that the nuclear deterrent is so overwhelming that it is a nondeterent.

What does he mean by that? Let us say that any one of you would be President of the United States. The Soviets move in and grab 50 square miles of West German territory. You have that finger on the button. You can push the button and send those missiles off; but if you do it, you destroy civilization. Are you going to push the button? It is very unlikely that you are going to push the button.

General Rogers makes the point that we need not more nuclear warheads; we need antitank weapons; we need to spend more money on training personnel; we neeed a more flexible response for the kind of military world we are living in today. I think that is correct.

That is another reason for turning down the MX missile.

There is, finally, it seems to me, a very fundamental reason, and that is the economic realities. What threatens the United States today as much as anything is our huge deficit. The gross expenditure for interest this fiscal year will be somewhere between $178 billion and $182 billion.

I am old enough to remember when John F. Kennedy was President of the United States.

Mr. President, I think you were old enough to remember when John F. Kennedy was President of the United States. In fiscal year 1962 for the first time we had a total Federal budget of $100 billion. Now for interest alone we are talking about $182 billion.

We are spending an increasing percentage of our tax dollar on interest rather than goods and services.

I do not care whether you are a Democrat, Republican, Liberal, or Conservative. That is not a rational way to run Government.

We have to get a hold on this thing, and clearly one of the areas that is out of control is the defense expenditure area.

We have an opportunity with this next vote to have some common sense in this military expenditure.

I am conserned also by the overall trend and that goes beyond the MX. We have two trend lines in this country right now in how we are spending our money. We are spending more and more and more on weapons of destruction. We are spending less and less to understand each other, on exchange programs, on foreign language programs, on the things that make it possible for countries to understand each other.

We do not know who the future Konstantin Chernenkos and Ronald Reagans or Mikhail Gorbachevs are. It might be some of these pages in front of us here.

We should give them and their counterparts a chance to exchange.

Why do we pile up all these weapons? Because we fear each other. Why do we fear each other? In large measure because we do not understand each other.

Yet we spend less and less on understanding.

So, Mr. President, I think, on balance, this decision is militarily not a sound decision to go ahead with the MX. I do not think we need additional incentives. I think it poisons the atmosphere, makes it less likely that we are going to come up with solid answers. I think it causes additional economic problems for our country and, finally, it simply continues and accelerates a trend that is not a healthy trend toward spending more and more and more on weapons to destroy the world, and less and less and less on the tools for creating greater understanding.

I see the distinguished Senator from Georgia, my colleague, Senator NUNN, in the Chamber right now. I can remember when he suggested, a couple of years ago, what I thought then and I still think was an excellent idea, that we have an exchange between generals and admirals and top military leaders of the Soviet Union and the United States, not that they are going to exchange secrets, or anything like that, but we are going to start to understand each other.

Mr. President, let me stretch your imagination just a little bit by including the name of someone who died just a few days ago. Imagine 55 years ago Konstantin Chernenko was an exchange student at Eureka College in Illinois for a year and Ronald Reagan was an exchange student at the University of Moscow for 1 year. It really takes some imagination to consider that. But if that had happened, I believe we would be living in a different world today.

So I am going to oppose the MX when this comes up for votes this week.

I thank my colleague from Nebraska for yielding the time.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time by equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. GORTON]. Without objection, it is so ordered.

ORDER FOR VOTE TOMORROW AT 5 P.M. ON SENATE JOINT RESOLUTION 71

Mr. DOLE. Mr. President, I ask unanimous consent that, notwithstanding the 10-hour time limitation under the MX authorization statute, at 5 p.m. tomorrow, the Senate proceed to vote on passage of Senate Joint Resolution 71, the MX authorization.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR WAIVER OF PARAGRAPH 4 OF RULE XII AND FOR CONTROL OF TIME ON SENATE JOINT RESOLUTION 71

Mr. DOLE. Mr. President, I ask unanimous consent that paragraph 4 of the rule XII be waived. I further ask unanimous consent that all time used on Senate Joint Resolution 71 prior to the 5 p.m. vote be divided equally and be under the control of the majority leader and minority leader or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-610. A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the Commission's Freedom of Information report for 1984; to the Committee on the Judiciary.

EC-611. A communication from the Director of the Peace Corps transmitting, pursuant to law, the Corps' 1984 Freedom of Information report; to the Committee on the Judiciary.

EC-612. A communication from the Chairwoman of the U.S. International Trade Commission transmitting, pursuant to law, the Commission's 1984 Freedom of Information report; to the Committee on the Judiciary.

EC-613. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Job Training Partnership Act: Initial Implementation of Program for Disadvantaged Youth and Adults"; to the Committee on Labor and Human Resources.

EC-614. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, proposed regulations for the administration of the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act; to the Committee on Rules and Administration.

EC-615. A communication from the Secretary of the Army transmitting, pursuant to law, unit cost reports on major defense acquisition programs and a report on a unit cost threshold breach; to the Committee on Armed Services.

EC-616. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on a time extension for action on an appeal before the Commission; to the Committee on Commerce, Science, and Transportation.

EC-617. A communication from the Assistant Secretary of the Army transmitting a draft of proposed legislation authorizing the Director of the USIA to make photographs of military activities in Vietnam available to the military departments for the purpose of developing and publishing military histories; to the Committee on Foreign Relations.

EC-618. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, notice that the President has authorized assistance to Yugoslavia under the International Military Education and Training Program for fiscal year 1985; to the Committee on Foreign Relations.

EC-619. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on UNESCO policies and communications; to the Committee on Foreign Relations.

EC-620. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation to authorized appropriations for fiscal year 1986 and 1987 for the Department of State, and for other purposes; to the Committee on Foreign Relations.

EC-621. A communication from the Secretary of Commerce transmitting a copy of proposed legislation to amend the patent laws implementing the Patent Cooperation Treaty; to the Committee on the Judiciary.

EC-622. A communication from the Director of the Office of Legislative and Public Affairs, National Science Foundation, transmitting, pursuant to law, an annual report for the calendar year 1984; to the Committee on the Judiciary.

EC-623. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on requests for agency records during the calendar year 1984; to the Committee on the Judiciary.

EC-624. A communication from the Secretary of the Air Force transmitting, pursuant to law, a report on unit cost exception for the Low Level Laser Bomb Guidance Kit program; to the Committee on Armed Services.

EC-625. A communication from the Executive Director of the Neighborhood Reinvestment Corporation transmitting a copy of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-626. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, an additional lease prospectus; to the Committee on Environment and Public Works.

EC-627. A communication from the Secretary of State transmitting, pursuant to law, the semi-annual reports for the period April 1984 through September 1984 listing Voluntary Contributions made by the United States Government to International Organizations; to the Committee on Foreign Relations.

EC-628. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States in the sixty day period prior to March 5, 1985; to the Committee on Foreign Relations.

EC-629. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report on the number of appeals submitted to the Board, the number processed to completion, and the number not completed by the Board; to the Committee on Governmental Affairs.

EC-630. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report by the Board entitled "The 1984 Report on the Senior Executive Service"; to the Committee on Governmental Affairs.

EC-631. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on the Senior Executive Service; to the Committee on Governmental Affairs.

EC-632. A communication from the Deputy Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, an appendix to the proposed plan for the use and distribution of Indian judgment funds of the San Pasqual and Pala Bands of Mission Indians of California; to the Select Committee on Indian Affairs.

EC-633. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report on the Commissions administration of the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-634. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Relations), transmitting, pursuant to law, the annual report on the Department's administration of the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-635. A communication from the Solicitor of the Commission on Civil Rights, transmitting, pursuant to law, the annual report on the Commission's administration of the Freedom of Information Act covering calendar year 1984; to the Committee on the Judiciary.

EC-636. A communication from the Director of the United States Information Agency transmitting, pursuant to law, an annual report on the Agency's administration of the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-637. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the administration of the Freedom of Information Act by the Commission for calendar year 1984; to the Committee on the Judiciary.

EC-638. A communication from the Deputy Administrator of the Veterans Administration transmitting, pursuant to law, a report on the disposition of compensation claims filed by former prisoners of war during the last three years; to the Committee on Veterans Affairs.

EC-639. A communication from the Secretary of State transmitting a copy of proposed legislation to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954 to authorize security and development assistance programs for the fiscal years 1986 and 1987, and for other purposes; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Special Report on the Legislative Activities of the Committee on Foreign Relations, 98th Congress (Rept. No. 99-10).

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Report to accompany the bill (S. 51) to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes (Rept. No. 99-11).

By Mr. GOLDWATER, from the Committee on Armed Services, without amendment:

S.J. Res. 71. Joint resolution to approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles, subject to the enactment of a second joint resolution.

By Mr. GOLDWATER, from the Committee on Armed Services:

Special Report on the Legislative Activities of the Committee on Armed Services, 98th Congress 1st and 2d sessions (Rept. No. 99-12).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Lynda Ann Barness, of Pennsylvania, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 1990.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear before any duly constituted committee of the Senate.)

Mr. LUGAR. For the Committee on Foreign Relations, I also report favorably three nomination lists in the Senior Foreign Service which appeared in their entirety in the CONGRESSIONAL RECORD for January 31, 1985, and, to save the expense of reprinting them on the Executive Calendar, ask that they lie at the Secretary's desk for the information of Senators.

By Mr. GOLDWATER, from the Committee on Armed Services:

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations and ask that they be placed on the Executive Calendar:

Lt. Gen. Charles P. Graham, U.S. Army (age 57), to be retired; and

Maj. Gen. Johnny J. Johnston, U.S. Army, to be lieutenant general (Ref. No. 117).

Lt. Gen. Carl E. Vuono, U.S. Army, to be reassigned (Ref. No. 118).

Maj. Gen. Robert W. RisCassi, U.S. Army, to be lieutenant general (Ref. No. 119).

Vice Adm. Kenneth M. Carr, U.S. Navy (age 59), to be retired (Ref. No. 120).

In the Navy there are four promotions to the grade of rear admiral (list begins with Stuart Franklin Platt) (Ref. No 121).

Total: 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINTS RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GOLDWATER (for himself and Mr. NUNN) (by request):

S. 674. A bill to authorize appropriations for fiscal year 1986 for the Armed Forces, for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. WEICKER:

S. 675. A bill to provide for the development and implementation of programs for children and youth camp safety; to the Committee on Labor and Human Resources.

By Mr. BYRD (for Mr. BENTSEN):

S. 676. A bill to establish the title of States in certain resources; to the Committee on Energy and Natural Resources.

By Mr. WALLOP (for himself, Mr. DOMENICI, Mr. PRESSLER, Mr. ABDNOR, and Mr. SYMMS):

S. 677. A bill to prohibit the importation of certain products of Australia and New Zealand; to the Committee on Finance.

By Mr. COHEN (for himself, Mr. LEVIN and Mr. DANFORTH):

S. 678. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize multiyear contracts in certain cases; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 679. A bill to authorize the appropriation of funds for certain maritime programs for fiscal year 1986; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE:

S.J. Res. 83. Joint resolution designating the week beginning on May 5, 1985, as "National Asthma and Allergy Awareness Week."; to the Committee on the Judiciary.

By Mr. BYRD (for Mr. BENTSEN):

S.J. Res. 84. Joint resolution designating the week beginning April 22, 1985, as "National Ocean and Underwater Exploration Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 100. Resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

By Mr. WILSON:

S. Res. 101. Resolution to preserve the tax deduction for charitable contributions; to the Committee on Finance.

By Mr. PRESSLER (for himself, Mr. SYMMS, Mr. PROXMIRE, and Mr. HEFLIN):

S. Res. 102. Resolution to express the sense of the Senate that the Secretary of Education review financial aid formulas applicable to student postsecondary education; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself and Mr. HATFIELD):

S. Con. Res. 29. A concurrent resolution urging agreement by the United States and the Soviet Union on a mutual moratorium on the testing and deployment of certain strategic nuclear missiles during the period of arms control negotiations between the two countries; to the Committee on Foreign Relations.

By Mr. DOLE (for Mr. DURENBERGER (for himself and Mr. LEAHY)):

S. Con. Res. 30. Concurrent resolution to commend Lieutenant General Lincoln D. Faurer for exceptionally distinguished service to the United States of America; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER (for himself and Mr. NUNN) (by request):

S. 674. A bill to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1986

● Mr. GOLDWATER. Mr. President, by request, for myself and the senior Senator from Georgia [Mr. NUNN], I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1986".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, missiles, weapons, and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $3,892,500,000.

For missiles, $3,386,700,000.

For weapons and tracked combat vehicles, $5,739,100,000.

For ammunition, $2,635,000,000.

For other procurement, $5,712,800,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and other procurement for the Navy as follows:

For aircraft, $12,062,600,000.

For weapons (including missiles and torpedoes), $5,627,900,000.

For shipbuilding and conversion, $11,411,600,000.

For other procurement, $6,601,200,000.

(b) Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,726,800,000.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. Funds are hereby authorized to be appropriated for fiscal year 1986 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $26,165,500,000.

For missiles, $10,862,700,000.

For other procurement, $9,538,000,000.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1986 for the Defense Agencies in the amount of $1,391,900,000.

CERTAIN AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 105. Effective on October 1, 1985, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1985" both places it appears and inserting in lieu thereof "fiscal year 1986".

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, $5,279,900,000.

For the Navy (including the Marine Corps), $11,265,900,000.

For the Air Force, $15,578,500,000.

For the Defense Agencies, $7,157,900,000, of which $103,500,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—OPERATION AND MAINTENANCE

SEC. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, $20,190,630,000

For the Navy, $25,797,700,000.

For the Marine Corps, $1,667,400,000.

For the Air Force, $20,924,400,000.

For the Defense Agencies, $7,568,900,000.

For the Army Reserve, $779,600,000.

For the Naval Reserve, $954,500,000.

For the Marine Corps Reserve, $61,600,000.

For the Air Force Reserve, $903,700,000.

For the Army National Guard, $1,605,200,000.

For the Air National Guard, $1,830,100,000.

For the National Board for the Promotion of Rifle Practice, $920,000.

For Defense Claims, $158,300,000.

For the Court of Military Appeals, $3,200,000.

(b) There are authorized to be appropriated for fiscal year 1986, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by subsection (a).

TITLE IV—WORKING CAPITAL FUNDS

SEC. 401. Funds are hereby authorized to be appropriated for fiscal year 1986 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working-capital funds, in amounts as follows:

For the Army Stock Fund, $442,000,000.

For the Navy Stock Fund, $716,500,000.

For the Marine Corps Stock Fund, $42,700,000.

For the Air Force Stock Fund, $464,900,000.

For the Defense Stock Fund, $193,500,000.

TITLE V—ACTIVE FORCES

SEC. 501. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1986, as follows:

(1) The Army, 780,800.

(2) The Navy, 586,300.

(3) The Marine Corps, 199,500.

(4) The Air Force, 611,500.

TITLE VI—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 601. (a) For fiscal year 1986 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 444,000.

(2) The Army Reserve, 291,900.

(3) The Naval Reserve, 134,400.

(4) The Marine Corps Reserve, 41,900.

(5) The Air National Guard of the United States, 108,700.

(6) The Air Force Reserve, 75,600.

(7) The Coast Guard Reserve, 12,500.

(b) The average strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 602. (a) Within the average strengths prescribed in section 601, the reserve components of the Armed Forces are authorized, as of September 30, 1986, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,679.

(2) The Army Reserve, 14,714.

(3) The Naval Reserve, 19,510.

(4) The Marine Corps Reserve, 1,475.

(5) The Air National Guard of the United States, 7,269.

(6) The Air Force Reserve, 635.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 603. (a) The table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	517	175	80	9
E–8	2,296	381	358	74".

(b) The table in section 524(a) of such title is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	2,476	875	476	100
Lieutenant Colonel or Commander	1,240	520	318	60
Colonel or Navy Captain	360	177	189	25".

(b) The amendments made by subsections (a) and (b) shall take effect on October 1, 1985.

TITLE VII—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 701. The provisions of section 138(c)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1986 or with respect to the appropriation of funds for that year.

TITLE VIII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 801. (a) For fiscal year 1986, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 79,686.

(2) The Navy, 71,018.

(3) The Marine Corps, 20,766.

(4) The Air Force, 43,389.

(5) The Army National Guard of the United States, 18,886.

(6) The Army Reserve, 16,985.

(7) The Naval Reserve, 3,355.

(8) The Marine Corps Reserve, 3,790.

(9) The Air National Guard of the United States, 2,517.

(10) The Air Force Reserve, 2,352.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1986 shall be adjusted consistent with the manpower strengths authorized in titles V and VI of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE IX—GENERAL PROVISIONS

INDUSTRIAL FUND CAPITALIZATION PROGRAM

SEC. 901. Section 2208(j) of title 10, United States Code is amended by striking out ", not less than 4 percent during fiscal year 1986, and not less than 5 percent during fiscal year 1987".

CONTINUED OPERATION BY THE SECRETARY OF DEFENSE OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

SEC. 902. (a)(1) Sections 208 and 302, subsection (e) of section 202 and subsection (f) of section 401 of the Department of Education Organization Act (20 U.S.C. 3418, 3442, 3412(e) and 3461(f) are repealed.

(2) Section 419(a) of such Act (20 U.S.C. 3503(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)", and

(B) by striking out paragraph (2).

(3) Section 503(a) of such Act (20 U.S.C. 3478(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)", and

(B) by striking out clause (2).

(4) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 208 and 302.

(5) Section 414(b) of such Act (20 U.S.C. 3474(b)) is amended by striking out "302".

(6) Section 508(f) of such Act (5 U.S.C. 5316) is amended by striking out "(38) Administrator of Education for Overseas Dependents, Department of Education".

(b) Section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921) is amended by inserting the following new subsection:

"The Secretary of Defense, in his discretion, may request the Secretary of Education to provide information, advice and technical support concerning educational programs and practices.".

(c) The second sentence of section 1410(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 928(b)) is amended by striking out "The Secretary of Education, in consultation with the Secretary of Defense" and inserting in lieu thereof "The Secretary of Defense".

(d) Section 1411(a) of the Department of Defense Education Act of 1978 (20 U.S.C. 929(a)) is amended to read as follows:

"(a) There is established in the Department of Defense an Advisory Council on Dependents' Education (hereinafter in this section referred to as the 'Council'). The Council shall be composed of—

"(1) the Assistant Secretary of Defense for Manpower and Logistics (hereinafter in this section referred to as the 'Assistant Secretary'), who shall be the chairman of the Council;

"(2) twelve individuals appointed by the Assistant Secretary, who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and sponsors of students enrolled in the defense dependents' education system, and one student enrolled in such system.

"(3) representatives from overseas military commands and from educational institutions as designated by the Assistant Secretary; and

"(4) one individual appointed by the Secretary of Education.

The Director shall be the Executive Secretary of the Council".

(e) Section 1411(b)(1) of such Act (20 U.S.C. 929(b)(1) is amended by striking out "Secretary of Education" and inserting in lieu thereof "Assistant Secretary".

(f) Section 1411(c) of such Act (20 U.S.C. 929(c) is amended—

(1) by striking out "at least four times each year" and inserting in lieu thereof "not more than four times each year";

(2) by striking out clause (2):

(3) by redesignating clauses (3), (4), and (5) as clauses (2), (3), and (4), respectively; and

(4) by striking out "Secretary of Education" in clause (4) (as redesignated in clause (3) of this subsection) and inserting in lieu thereof "Assistant Secretary".

SPECIAL DEFENSE ACQUISITION FUND

SEC. 903. Section 138(g) of title 10, United States Code, is amended to read as follows:

"(g) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act may not exceed $1,000,000,000."

REPEAL OF EUROPEAN TROOP STRENGTH LIMITATION

SEC. 904. Section 1002 of the Department of Defense Authorization Act, 1985, is amended by repealing subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, DC, March 7, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is forwarded herewith legislation, "To authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

In accordance with the Congressional Budget Act of 1974, we are also submitting herewith, as separate legislation, a similar request for authorization of appropriations for fiscal year 1987.

These proposals are part of the Department of Defense legislative program for the 99th Congress and the Office of Management and Budget advises that enactment of these proposals would be in accord with the program of the President.

Title I provides procurement authorization for the military departments and for the Defense agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1986. It contains a provision that extends for fiscal year 1986 the authority to waive certain costs in connection with the NATO AWACS program.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the military departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1986.

Title III provides for authorization of the operation and maintenance appropriations of the military departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1986. The authorization includes a provision that authorizes the appropriation of funds that are necessary to cover unbudgeted increases in fuel costs, and unbudgeted inflation in the cost of activities covered by title III.

Title IV provides for the authorization of appropriations for the purpose of providing capital for working-capital funds of the military departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1986.

Title V prescribes the end strengths for active duty personnel in each component of the armed forces as required by section 138(c)(1) of title 10, United States Code, in the numbers provided for by the budget authority and appropriations requested for these components for fiscal year 1986.

Title VI provides for average strengths of the Selected Reserve of each reserve component of the armed forces as required by section 138(b) of title 10, United States Code, in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's budget for fiscal year 1986. Title VI also prescribes the end strengths for reserve component members on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components.

Title VII provides that the provisions of section 138(c)(2) of title 10, United States Code, pertaining to the authorization of a civilian pesonnel end strength for the Department of Defense shall not be applicable with respect to fiscal year 1986.

Title VIII provides for the average military training student loans as required by section 138(d)(1) of title 10, United States Code, in the numbers provided for this purpose in the President's budget for fiscal year 1986.

Title IX consists of four general provisions. Section 901 amends section 2208(j) of title 10, United States Code, relating to the industrial fund asset capitalization program by deleting the provisions requiring the use of not less than 4 percent and 5 percent of the payments received by industrial funds during fiscal years 1986 and 1987, respectively, for acquisition of capital equipment for industrial fund activities. Section 902 amends parts of the Department of Education Organization Act relating to the transfer of the Defense Dependents' Education System to the Department of Education. Section 903 amends section 138(g) of title 10, United States Code, relating to the size of the Special Defense Acquisition Fund to increase it from $900,000,000 to $1,000,000,000. Section 904 repeals subsection 1002(c) of the Department of Defense Authorization Act, 1985 which imposes a limitation of 326,414 on the number of personnel who may be assigned ashore in Europe.

Sincerely,

CHAPMAN B. COX.●

By Mr. WEICKER:

S. 675. A bill to provide for the development and implementation of programs for children and youth camp safety; to the Committee on Labor and Human Resources.

CHILDREN AND YOUTH CAMP SAFETY ACT

● Mr. WEICKER. Mr. President, today I am pleased to introduce The Children and Youth Camp Safety Act. For well over a decade, my former colleague from Connecticut, Senator Ribicoff, and I have worked to provide protection for youngsters who attend our Nation's summer camps. We have urged this body to pass legislation that establishes a Federal role in aiding States to develop camp health and safety standards. Unfortunately, no affirmative steps have yet been taken.

We have pointed out that while 8 to 10 million youth attend summer camps each year, most States make no effort to safeguard our millions of camping youngsters by requiring that any minimum safety standards be met. Each summer we see the results: Drowning, accidental shootings, blindings, and disabling injuries. To an alarming extent, these are the results of poorly trained camp staffs, many of whom are juveniles themselves, and dilapidated facilities that are somehow thought adequate for camping youngsters under the guise or "roughing it."

In March 1978, my constituent, Mitch Kurman of Westport, CT, appeared before the Senate Subcommittee on Child and Human Development and forcefully presented the case for Federal camp safety legislation. Mr. Kurman lost his own son in a tragic camping accident in Maine and he has devoted many years to documenting camp accidents and unsafe camp conditions throughout the United States. He has aroused the conscience of many Americans and I commend him for his tireless efforts on behalf of meaningful camp safety standards.

The protection necessary to safeguard the health and well-being of our Nation's youth has not yet materialized. In an effort to prevent future deaths or accidents, this bill would provide for Federal financial and technical assistance to the State to encour-

age them to develop programs for implementing youth camp safety standards.

Now let us work expeditiously, Mr. President, to see that in this session of Congress prompt and favorable action be taken to alleviate this persistent problem of camp accidents. Early passage will mean one less summer of disability or death due to preventable camping accidents. I urge my colleagues to join me in supporting this important legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was awarded to be printed in the RECORD, as follows:

S. 675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children and Youth Camp Safety Act".

STATEMENT OF PURPOSE

SEC. 2. (a) It is the purpose of this Act to protect and safeguard the health and well-being of the youth of the Nation attending day camps, residential camps, short-term group camps, travel camps, trip camps, primitive or outpost camps, and Federal recreational youth camps, by providing for establishment of Federal standards for safe operation of youth camps, to provide Federal financial and technical assistance to the States in order to encourage them to develop programs and plans for implementing safety standards for youth camps, and to provide for the Federal implementation of safety standards for youth camps in States which do not implement such standards and for Federal recreational youth camps, thereby providing assurance to parents and interested citizens that youth camps and Federal recreational youth camps meet minimum safety standards.

(b) In order to protect and safeguard adequately the health and well-being of the children and youth of the Nation attending camps, it is the purpose of this Act that youth camp safety standards be applicable to intrastate as well as interstate youth camp operators.

CONGRESSIONAL INTENT REGARDING STATE INVOLVEMENT

SEC. 3. It is the intent of Congress that the States assume responsibility for the development and enforcement of effective youth camp safety standards. The Secretary shall provide, in addition to financial and technical assistance, consultative services necessary to assist in the development and implementation of State youth camp safety standards.

DEFINITIONS

SEC. 4. For purposes of this Act:

(1) The term "youth camp" means any residential camp, day camp, short-term group camp, troop camp, travel camp, trip camp, primitive or outpost camp, or Federal recreational youth camp located on private or public land, which—

(A) is conducted as a youth camp for the same ten or more campers under eighteen years of age;

(B) may include activities promoted or advertised as something other than a youth camp, but offers youth camp activities;

(C) may include any site or facility primarily designed for other purposes, such as, but not limited to, any school, playground, resort, or wilderness area; and

(D) may include any site or facility advertised as a camp for youth regardless of activities offered.

(2) The term "youth camp activities" includes, but is not limited to, such waterfront activities as swimming, diving, boating, lifesaving, canoeing, sailing, and skindiving; such other activities as archery, riflery, horseback riding, hiking, and mountain climbing, and other sports and athletics; and campcraft and nature study activities, under the auspices of a youth camp operator. The term does not include—

(A) the activities of a family and its guests carried out as a purely social activity;

(B) regularly scheduled meetings of voluntary organizations such as the Girl Scouts or Boy Scouts that do not involve camping experience;

(C) regularly scheduled athletic events that do not involve camping experience;

(D) bona fide extracurricular activities conducted under the auspices of the schools;

(E) learning experiences in the arts and drama or conferences of forums; and

(F) activities carried on in private homes.

(3) The term "permanent campsite" means a campground which is continuously or periodically used for camping purposes for a portion of a day by a youth camp operator, which may or may not include temporary or permanent structures and installed facilities.

(4) The term "residential camp" means a youth camp operating on a permanent campsite for four or more consecutive twenty-four-hour days.

(5) The term "day camp" means a youth camp operated on a permanent campsite for all or part of the day, but less than twenty-four hours a day, and which is conducted for at least five days during a two-week period, but does not include—

(A) swimming facilities operated by a public agency or by a private organization on a membership basis, except where that private organization utilizes such facilities as part of a youth camp;

(B) a day care center, except where the center operates a day camp; or

(C) playgrounds and other recreational facilities provided for neighborhood use by local public agencies.

(6) The term "troop camp" means a youth camp which provides youth camp activities conducted for not less than twenty-four hours a day for organized groups of campers sponsored by a voluntary organization serving children and youth.

(7) The term "short-term group camp" means an organized camping activity of more than twenty-four but less than a ninety-six-hour period for groups, clubs, and troops of campers sponsored by an organization or person.

(8) The term "travel camp" means a youth camp which provides youth camp activities conducted for not less than twenty-four hours a day and which uses motorized transportation to move campers as a group from one site to another over a period of two or more days.

(9) The term "trip camp" means a youth camp which provides youth camp activities conducted for not less than twenty-four hours a day which moves campers under their own power or by a transportation mode permitting individual guidance of a vehicle or animal from one site to another.

(10) The term "primitive or outpost camp" means a portion of the permanent camp premises or other site, under the control of the youth camp operator at which the basic needs for camp operation, such as places of abode, water supply systems, and permanent toilet and cooking facilities are not usually provided.

(11) The term "Federal recreation camp" means a camp or campground which is operated by, or under contract with, a Federal agency to provide opportunities for recreational camping to campers.

(12) The term "camper" means any child under eighteen years of age, who is attending a youth camp or engaged in youth camp activities.

(13) The term "youth camp operator" means any private or public agency, organization, or person, and any individual, who operates, owns, or controls, a youth camp, whether such camp is operated for profit or not for profit.

(14) The term "youth camp staff" means any person or persons employed by a youth camp operator, whether for compensation or not, to supervise, direct, or control youth camp activities.

(15) The term "youth camp director" means the individual on the premises of any youth camp who has the primary responsibility for the administration of program operations and supportive services for such youth camp and for the supervision of the youth camp staff of such camp.

(16) The term "youth camp safety standards" means criteria issued by the Secretary designed to provide to each camper safe and healthful conditions, facilities, and equipment which are free from hazards that are causing, or are likely to cause, death, serious illness, or serious physical harm, including adequate supervision to prevent injury or accident, and safety instruction by properly qualified personnel, wherever or however such camp activities are conducted and with due consideration to the type of camp involved and to conditions existing in nature. The criteria shall address areas including, but not limited to, personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply, including use of lakes and rivers, swimming and boating equipment and practices; firearms safety; vehicle conditions and operation; building and site design; equipment; and condition and density of use.

(17) The term "Secretary" means the Secretary of Health and Human Services.

(18) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Trust Territories of the Pacific.

(19) The term "serious violation" means any violation in a youth camp if there is substantial probability that death or serious physical harm could result, unless the operator did not, and could not, with the exercise of reasonable diligence know of the presence of the violation.

(20) The term "consultative services" means (A) advice on the interpretation or applicability of the general duty under section 5, of the general duty under State law required by section 8(b)(2), or of youth camp safety standards and (B) advice on the most effective methods of complying with such duties and such standards.

(21) The term "Director" means the Director of Youth Camp Safety established under section 6.

(22) The term "special population" means a group of physically or mentally handicapped youth.

GENERAL DUTY

SEC. 5. Each youth camp operator shall provide to each camper—

(1) safe and healthful conditions, facilities, and equipment which are free from recognized hazards which cause, or are likely to cause, death, serious illness, or serious physical harm, and

(2) adequate and qualified instruction and supervision of youth camp activities at all times, wherever or however such youth camp activities are conducted and with due consideration existing in nature.

DIRECTOR OF YOUTH CAMP SAFETY

SEC. 6. (a) There is established in the Office of the Secretary an Office of Youth Camp Safety which shall be headed by a Director of Youth Camp Safety. In the performance of his functions under this Act, the Director shall be directly responsible to the Secretary.

(b) The Director shall be appointed by the Secretary and have experience in the field of the operation of youth camps. The position of the Director shall be in the competitive service (as defined in section 2102 of title 5, United States Code).

(c) The Director shall prepare and submit a report to the President and to the Congress, on or before January 1 of each year, on the activities carried out under this Act, including the statistics submitted to and compiled by the Director under section 11(c). Such report shall include the certification required under section 8(d).

PROMULGATION OF YOUTH CAMP SAFETY STANDARDS

SEC. 7. (a) The Director shall develop, with the approval of the Secretary, and shall by rule, promulgate, modify, or revoke youth camp safety standards. In developing such standards, the Director shall consult with the Federal Advisory Council on Youth Camp Safety established under section 15, with State officials, and with representatives of appropriate public and private organizations, and shall consider existing State regulations and standards, and standards developed by private organizations which are applicable to youth camp safety, and shall make such suitable distinctions in such standards as are necessary and appropriate in order to recognize the differences in conditions and operations among residential camps, day camps, short-term group camps, travel camps, trip camps, primitive or outpost camps, Federal recreational youth camps and camps serving special populations. The Director shall promulgate the standards required by this section within one year after the effective day of this Act. Such standards shall take effect in each State at the completion of the first regular legislative session of such State which begins after the date on which such standards are promulgated.

(b) Notwithstanding any other provision of law, the Director shall, before promulgating any standard under subsection (a), or any rule or regulation under any other provision of this Act, transmit such proposed standard, rule, or regulation to each House of the Congress.

STATE JURISDICTION AND STATE PLANS

SEC. 8. (a) During the two-year period after the initial promulgation of Federal standards and annually thereafter any State which, at any time, desires to assume responsibility for development and enforcement of comprehensive youth camp safety standards applicable to youth camps in the State (other than Federal recreational youth camps operated by a Federal agency) shall submit a State plan for the development of such standards and their enforcement.

(b) The Director shall approve a plan submitted by a State under subsection (a), or any modification thereof, if the Director determines that such plan—

(1) designates a State agency as the agency responsible for administering the plan throughout the State,

(2) provides that each youth camp operator has the same general duty under State law as is provided under section 5,

(3) provides, after consultation with youth camp operators and other interested parties in that State, for adoption and enforcement of comprehensive youth camp safety standards which standards (and the enforcement of such standards) are or will be at least as effective in providing safe operation of youth camps in the State as the standards promulgated under section 7, and provides that where penalties are not employed as a method of enforcement of such standards, a system of licensing and loss of license is in effect which is at least as effective as penalties,

(4) provides for the enforcement of the standards developed under paragraph (3) in all youth camps in the State which are operated by the State or its political subdivisions,

(5) provides a procedure under which the State agency may—

(A) petition the appropriate State court to seek injunctive relief, which shall have a priority hearing on the docket of such court, to restrain any condition or practice in a youth camp or a place where camp activities are conducted where a danger exists which would reasonably be expected to cause death or immediate serious physical harm; or

(B) eliminate the imminence of such danger through the enforcement procedures otherwise provided by State law or regulation, which is at least as effective as that provided in section 13,

(6) provides for a procedure for the issuance of variances from standards developed under paragraph (3) upon application by a youth camp operator showing extraordinary circumstances or undue hardship, on terms and conditions at least as effective as that provided in section 14,

(7) provides for consultative services to youth camps in the State with respect to the general duty and comprehensive youth camp safety standards under such State plan,

(8) provides for an inspection of each such youth camp at least once a year during a period that camp is in operation,

(9) provides for a State youth camp advisory committee, to advise the State agency on the general policy involved in inspection and licensing procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto; persons representative of professional or civic or other public or nonprofit private agencies, organizations, or groups concerned with organized camping; and members of the general public having a special interest in youth camps,

(10) provides for a right of entry and inspection of all such youth camps which is at least as effective as that provided in section 11,

(11) contains satisfactory assurances that such State agency has or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(12) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(13) provides that such State will coordinate the inspection efforts of such State agency so that undue burdens are not placed on camp operators with multiple inspections,

(14) provides that such State agency will make such reports in such form and containing such information as the Director may reasonably require,

(15) provides assurances that State funds will be available to meet the portions of the cost of carrying out the plan which are not met by Federal funds, and

(16) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(c) The Director shall approve any State plan which meets the requirements of subsection (b), but shall not finally disapprove any such phan, or any modification thereof, without affording the State agency reasonable notice and opportunity for a hearing.

(d)(1) The Director shall review annually each of the State plans which he has approved, and the enforcement thereof, and shall certify that each such plan is administered so as to comply with the provisions of such plan and any assurances contained therein, and report such certification to the Congress in the annual report required under section 6(c).

(2) Whenever the Director finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), and such failure would result in the failure to meet the standards developed by the Director under section 7, he shall (A) notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the state may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved to not relate to the reasons for the withdrawal of the plan; and (B) shall notify such State agency that no futher payments will be made to the State under this Act (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this Act (or payment shall be limited to programs or portions of the State plan not affected by such failure). Any such failure of a State to comply with any provisions of the State plan shall not in any way impede any youth camp therein pending action by the Secretary under this section.

(e) The State may obtain a review of a decision of the Director withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Director. A copy of such petition shall forthwith be served upon the Director and

thereupon the Director shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Director's decision in rejecting a proposed State plan or withdrawing his approval of such plan is not supported by substantial evidence the court shall affirm the Director's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code.

(f)(1) The Secretary, at the request of the Director, is authorized to make personnel from the Department of Health and Human Services who have the necessary expertise, available to States to assist in developing State plans, and in training State inspectors and other personnel associated with youth camps. The Director may call upon the expertise of organized camping groups for such assistance to Federal and State personnel.

(2) The Secretary, at the request of the Director, shall provide technical assistance and consultative services necessary to assist in the development and implementation of the plan.

GRANTS TO STATES

SEC. 9. (a) The Director shall make grants to the States—

(1) for the development of State youth camp safety plans in accordance with section 8;

(2) to carry out plans approved under section 8;

(3) to assist with plan initiation and training costs; and

(4) for the early operation and improvement of youth camp safety programs.

Any grant made under this section shall be based upon objective criteria which shall be established under regulations promulgated by the Secretary in order to insure equitable distribution. No such grant may exceed 80 per centum of the cost of developing and carrying out the State plan.

(b) Payments under this section may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of underpayments or overpayments.

CONSULTATIVE SERVICES AND ENFORCEMENT

SEC. 10. (a) Upon the request of any youth camp operator or director, or during any inspection under section 11(a), the Director shall provide consultative services to youth camps in States which do not have in effect a State plan approved under section 8. No citations shall be issued nor shall any civil penalties (except penalties for repeated violations under section 12(b)) be proposed by the Director upon any inspection or visit at which consultative services are rendered, but if, during such inspection or visit, an apparent serious violation of the duty imposed by section 5, of any standard, rule, or order provided pursuant to section 7, or of any regulations prescribed pursuant to this Act is discovered, the Director shall issue a written notice to the youth camp operator describing with particularity the nature of the violation, and the action which must be taken within a reasonable period of time specified by the Director for the abatement of the violation. Where a youth camp operator fails to comply with the abatement instructions within the prescribed period, a citation may be issued as provided in subsection (b) or a civil penalty under section 12 may be assessed. Nothing in this subsection shall affect in any manner any provision of this Act the purpose of which is to eliminate imminent dangers.

(b) The Director shall issue regulations and procedures providing for citations to youth camp operators in States which do not have in effect a State plan approved under section 8 for any violation of the duty imposed by section 5, of any standard, rule, or order promulgated pursuant to section 7, or of any regulations prescribed pursuant to this Act. Each citation shall fix a reasonable time for abatement of the violation. The Director may prescribe procedures for the issuance of a notice in lieu of a citation with respect to minor violations which have no direct or immediate or serious relationship to safety or health.

(c) The Director shall afford an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to any youth camp operator issued a citation under procedures promulgated pursuant to subsection (b) or subject to penalties under section 12, or under any other procedure applying enforcement by the Director under this Act. Any youth camp operator adversely affected by the decision of the Director after such hearing may obtain a review of such decision in the United States court of appeals for the circuit in which the youth camp in question is located or in which the youth camp has its principal office by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part such decision. A copy of the petition shall forthwith be served upon the Director, and thereupon the Director shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Such decision, if supported by substantial evidence, shall be affirmed by the court. The judgment of the court shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

INSPECTIONS, INVESTIGATIONS, AND RECORDS

SEC. 11. (a) In order to carry out his duties under this Act, the Director may enter and inspect any youth camp and its records in States which do not have in effect a State plan approved under section 8, may question employees privately, and may investigate facts, conditions, practices, or matters to the extent he deems it necessary or appropriate. The Director shall inspect each such youth camp at least once a year during the period the camp is in operation.

(b) In making his inspections and investigations under this Act the Director may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States, or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides, or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court maybe punished by said courts as a contempt thereof.

(c) To determine the areas in which safety standards are necessary and to aid in promulgating meaningful regulations, camps subject to the provisons of this Act shall be required to report annually, on the date prescribed by the Director, all accidents resulting in death, injury, and serious illness, other than minor injuries which require only first aid treatment, and which do not require the services of a physican, or involve loss of consciousness, restriction of activity or motion, or premature termination of the camper's term at the camp. Camps operating solely within a State which have in effect a State plan approved under section 8 shall file their reports directly with that State, and the State shall promptly forward such reports on to the Director. All other camps shall file their reports directly with the Director. The Director shall compile the statistics reported and include summaries thereof in his annual report required under section 6(c).

(d) Any information obtained by the Director, or his authorized representative, under this Act shall be obtained with a minimum burden upon the youth camp operator and with full protection of the rights of youth camp staff members. Unneccessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) A representative of the youth camp staff director and a representative authorized by the youth camp staff shall be given an opportunity to accompany the Director or his authorized representative during the inspection. Where there is no authorized youth camp staff representative, the Director shall consult with a reasonable number of youth camp staff members concerning the matters of health and safety.

PENALTIES

SEC. 12. (a) Any youth camp operator who fails to correct a violation for which a citation has been issued under section 10(b) or for which a notice has been issued under section 10(a) within the period permitted for its correction may be assessed a civil penalty of not more than $500 for each day during which such failure or violation continues, until the camp closes in its normal course of business.

(b) Any youth camp operator who willfully or repeatedly violates the requirements of section 5, or any standard, rule, or order promulgated pursuant to section 7, or of any regulations prescribed pursuant to this Act may be assessed a civil penalty of up to $1,000 for each day during which such violation continues, until the camp closes in its normal course of business.

(c) Civil penalties assessed under this Act shall be paid to the Director for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district in which the violation is alleged to have occurred or in which the operator has his principal office.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 13. (a) The United States district courts shall have jurisdiction, upon petition of the Director, to restrain any conditions or practices in any youth camp, or in any place where camp activities are conducted in States which do not have in effect a State plan approved under section 8, which are such that a danger exists which could reasonably be expected to cause death or immediate serious physical harm or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act. Any order issued under this section may require such steps to

be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibit the presence of any individual in locations or under conditions where such imminent danger exists except individuals whose presence is necessary to avoid, correct, or remove such imminent danger.

(b) Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this Act.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any campsite or place of camp activity, he shall inform parents or guardians, camp owners, and camp supervisory personnel and shall assure that all affected campers are so informed of the danger and that he is recommending to the Director that relief be sought.

VARIANCES

SEC. 14. The Director, in States which do not have in effect a State plan approved under section 8, upon application by a youth camp operator showing extraordinary circumstances or undue hardship, and upon the determination by a field inspector, after inspection of the affected premises and facilities, that the conditions, practices, or activities proposed to be used are as safe and healthful as those which would prevail if the youth camp operator complied with the standard, may exempt such camp or activity from specific requirements of this Act, but the terms of such exemption shall require appropriate notice thereof to parents or other relatives of affected campers. Such notice shall be given at least annually. Nothing in this Act shall allow the operation of a substandard camp.

FEDERAL ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 15. (a) The Secretary shall establish in the Department of Health and Human Services a Federal Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Director, who shall be chairman, and sixteen members appointed by the Secretary, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service, of which there shall be—

(1) one member each from the Department of the Interior, the Department of Health and Human Services, the Department of Agriculture and the Department of Labor;

(2) eight members from appropriate associations representing organized camping;

(3) three members from the general public who have a special interest in youth camps; and

(4) one member from a private nonprofit organization operating a camp for special populations.

(b) The Director may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Director but not exceeding $100 per day; including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMINISTRATION AND AUDIT

SEC. 16. (a) The Director is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this Act; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Director.

(b) The Director shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this Act.

(c) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of States receiving assistance under this Act.

NONINTERFERENCE

SEC. 17. (a) Nothing in this Act or regulations issued hereunder shall authorize the Director, a State agency, or any official acting under this Act, to prescribe, determine, or influence the curriculum, admissions policy, program, or ministry of any youth camp.

(b) Nothing in this Act or regulations issued hereunder shall be construed to control, limit, or interfere with either the religious affiliation of any camp, camper, or camp staff member, or the free exercise of religion of any youth camp which is operated by a church, association, or convention of churches, or their agencies.

(c) Nothing in this Act or regulations issued hereunder shall authorize the Director, a State agency, or any official acting under this Act, to require or authorize medical treatment for a person who objects (or, in the case of a child, whose parent or guardian objects) thereto on religious grounds; nor shall examination or immunization of such persons be authorized or required, except during an epidemic or threat of an epidemic of a contagious disease.

AUTHORIZATION

SEC. 18. There are authorized to be appropriated $7,500,000 for the fiscal year 1986, and for each of the four succeeding fiscal years, to carry out the provisions of this Act.

EFFECT ON EXISTING LAWS

SEC. 19. (a) Nothing in this Act shall be construed to supersede or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of youth camp operators and campers under any law with respect to injuries, diseases, or death of campers arising out of, or in the course of, participation in youth camp activities covered by this Act.

(b) Nothwithstanding the provisions of this Act, no State law which provides youth camp health and safety standards equal to or superior to standards promulgated under the provisions of this Act shall be superseded by the provisions of this Act.●

By Mr. BYRD (for Mr. BENTSEN):

S. 676. A bill to establish the title of States in certain resources; to the Committee on Energy and Natural Resources.

ABANDONED SHIPWRECK ACT

● Mr. BENTSEN. Mr. President, today I introduce the "Abandoned Shipwreck Act of 1985." The purpose of the legislation is to clear up ambiguities resulting from conflicting Federal court decisions on the ownership of abandoned historic shipwrecks in State waters. The bill resolves these differences by granting States title to and management authority over certain abandoned shipwrecks on submerged State lands.

The last Congress collected information on this issue and discussed alternative legislative proposals with a broad range of interested groups. These include sport divers who, in general, want to maintain their right to dive on and explore sunken wrecks; the States, which seek legislation to clarify their ownership and control of wrecks within their waters; marine archaeologists, who seek legislation that would ensure proper excavation of these sunken wrecks; and professional treasure salvors, who want to preserve their rights to explore for and excavate historic wrecks that may be commercially valuable.

Under the term of the bill, States will have title to those abandoned shipwrecks that are substantially buried, in coral formation, protected by the State or listed on the National Register of Historic Places, and that lie on submerged State lands. In addition, the Advisory Council on Historic Preservation is directed to consult with public and private interest—including archaeologists, salvors, sport divers, and State historic preservation officers—to develop advisory shipwreck management guidelines for the States. These guidelines allow for recreational exploration of shipwreck sites that is noninjurious to the shipwreck or the environment surrounding the site.

I ask unanimous consent the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Abandoned Shipwreck Act of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) States have the responsibility for management of a broad range of living and nonliving resources in State waters and submerged lands; and

(2) included in the range of resources are certain abandoned shipwrecks.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior

under section 101 of the National Historic Preservation Act (16 U.S.C. 470a).

(2) The term "shipwreck" means a vessel or wreck, its cargo, and other contents.

(3) The term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Somoa, and the Northern Mariana Islands.

(4) The term "submerged lands" means the lands—

(A) that are "lands beneath navigable waters", as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301);

(B) of Puerto Rico, as described in section 8 of the Act of March 2, 1917 (48 U.S.C. 749); and

(C) beneath the navigable waters of Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, including inland navigable waters and waters that extend seaward to the outer limit of the territorial sea.

(5) The terms "public lands" and "Indian lands" have the same meaning as when used in the Archaeological Resources Protection Act of 1979 (16 U.S.C. 740aa-47011).

RIGHTS OF OWNERSHIP

SEC. 4. (a) The United States asserts title to any abandoned shipwreck that is—

(1) embedded in submerged lands of a State;

(2) in coralline formations protected by a State on submerged lands of a State; or

(3) on submerged lands of State when—

(A) such shipwreck is included in or determined eligible for inclusion in the National Register; and

(B) the public is given adequate notice of the location of such shipwreck.

(b) The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

(c) Any abandoned shipwreck in or on the public lands of the United States (except the outer Continental Shelf) is the property of the United States Government.

(d) This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

(1) section 3, 5, or 6 of the Submerged Lands Act (43 U.S.C. 1311, 1313, and 1314); or

(2) section 19 or 20 of the Act of March 3, 1899 (33 U.S.C. 414-415).

RELATIONSHIP TO OTHER LAWS

SEC. 5. (a) The law of salvage shall not apply to abandoned shipwrecks to which section 4 of this Act applies.

(b) This Act shall not change the laws of the United States relating to shipwrecks, other than those to which this Act applies.

(c) This Act shall not affect any suit filed before the date of enactment of this Act.

GUIDELINES

SEC. 6. To clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, the Advisory Council on Historic Preservation, established under section 201 of the National Historic Preservation Act (16 U.S.C. 470i), in consultation with appropriate public and private sector interests (including archeologists, salvors, sport divers, historic preservationists, and State Historic Preservation Officers) shall publish, within 6 months after the enactment of this Act, advisory guidelines for the protection of shipwrecks and properties. Such guidelines shall assist States and the United States Government in developing legislation and regulations to carry out their responsibilities under this Act in such manner as will allow for—

(1) recreational exploration of shipwreck sites, and

(2) private sector recovery of shipwrecks, which is not injurious to the shipwreck or the environment surrounding the site.●

By Mr. WALLOP (for himself, Mr. DOMENICI, Mr. PRESSLER, Mr. ABDNOR, and Mr. SYMMS):

S. 677. A bill to prohibit the importation of certain products of Australia and New Zealand; to the Committee on Finance.

PROHIBITING THE IMPORTATION OF CERTAIN PRODUCTS FROM AUSTRALIA AND NEW ZEALAND

● Mr. WALLOP. Mr. President, today I, along with Senators DOMENICI, PRESSLER, ABDNOR, AND SYMMS introduce legislation which would bar the importation to the United States of certain products from New Zealand and Australia, in response to the two countries' recent violations of certain provisions of the ANZUS Pact Agreement.

The prohibition of port calls by U.S. naval ships made by the Government of New Zealand, and the Australian Government's refusal to allow the use of its bases by U.S. aircraft in monitoring strategic missile tests are irresponsible denials of obligations taken on by the two countries when they signed the Mutual Defense Treaty with the United States in 1951. The United States has taken on the lion's share of the financial burden for maintaining the free world's strategic counterbalance to the Soviet Union's nuclear missile force. Whether our ANZUS allies find it unpleasant or not, the fact is that nuclear weapons are, and will remain for at least the next decade and probably beyond, the major component of strategic forces. To deny access to U.S. ships carrying nuclear weapons while enjoying the freedom that these weapons bring them is not only grossly unfair, but, to be sure, in true "Alice in Wonderland" fashion, these actions jeopardize the citizens of New Zealand and Australia as well as those of the United States.

We have always considered the ANZUS nations to be our allies and their people to be our friends. As a country's citizens are finally responsible for the course taken by its government, we are dismayed that those whom we consider friends would promulgate policies which show such blatant disregard for the principles upon which that friendship is based.

Heretofore the United States has allowed the products of New Zealand and Australia to compete in our markets even though doing so caused real hardship to our domestic woolgrowing and uranium industries, and we did so in the name of friendship. It is ironic that these Socialist governments which are working so hard to malign the use of nuclear power and weapons derive generous revenues from the sale of nuclear uranium which power them. Their double standard of morality, which they are currently attempting to impose on the United States is intolerable.

This bill is meant to bring home to the people of New Zealand and Australia the seriousness of the recent actions of their governments. The relations between the United States and its ANZUS allies must be reciprocal, and the agreement which created the alliance must be adhered to by all parties. Make no mistake this bill is meant to succeed.●

By Mr. COHEN (for himself, Mr. LEVIN, and Mr. DANFORTH):

S. 678. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize multiyear contracts in certain cases; to the Committee on Governmental Affairs.

CIVILIAN AGENCY MULTIYEAR CONTRACTING ACT OF 1985

Mr. COHEN. Mr. President, today I am reintroducing the Civilian Agency Multiyear Contracting Act of 1985, which authorizes civilian procuring agencies to enter into multiyear contracts, not to exceed 5 years, when it is determined to be in the Government's best interest. This legislation is identical to a bill I sponsored last Congress, S. 2300, that was passed unanimously by the Senate on May 23, 1984. I am pleased to have Senators LEVIN and DANFORTH as cosponsors.

The genesis of this legislation, like most of the Governmental Affairs Oversight Subcommittee's previous procurement reform proposals, dates back to the Commission on Government Procurement. In 1972, the Commission reported to Congress that the advantages of multiyear contracting exceed the disadvantages and recommended that such method should be used, when appropriate, on a Governmentwide basis. The General Accounting Office agreed in a 1978 report, entitled "Federal Agencies Should Be Given Multiyear Contracting Authority for Supplies and Services," recommending that legislation should be enacted, with appropriate safeguards, to provide such authority. The Office of Federal Procurement Policy also endorsed the concept of Governmentwide multiyear contracting in its February 1982 proposal for a uniform Federal procurement system, as did the Grace Commission in its June 1983 report on procurement.

Under present law, multiyear contracting may be used only when no-year or multiyear funds are available or, in the case of 1-year funds, when multiyear contracting is specifically authorized by statute. The Defense Department has such statutory contract authority and has used it effectively. Civilian procuring agencies,

however, generally do not have multiyear contracting authority and are consequently precluded by fiscal law restrictions—such as the Anti-Deficiency Act—from entering into contractural agreements requiring obligations in excess or in advance of appropriations.

The Civilian Agency Multiyear Contracting Act, as passed by the Senate last year and reintroduced this year, would authorize civilian procuring agencies to contract on a multiyear basis, provided the following criteria are met: First, appropriations must be available for the first year of the multiyear contract, and there must be a reasonable expectation that, during the remaining years the contract is in effect, additional funding will be requested; second, the agency head awarding the multiyear contract must determine that the contract will serve the best interests of the Government by reducing costs, achieving economies in administration, performance, and operation, increasing quality of performance by or service from the contractor, or encouraging full and open competition; third, during the proposed contract period, there will be a continuing need for the property or services, and this minimum need is expected to remain substantially unchanged; fourth, the specifications for the property or services being procured are expected to be reasonably stable; and fifth, the use of such contracting method will not inhibit small business participation.

The objective of these selection criteria is to ensure that multiyear contracting will be used judiciously and to safeguard against any possible abuse. These criteria, which in some respects are more stringent than the criteria governing the Defense Department's multiyear contracting authority, are designed to limit the use of multiyear contracting for civilian agencies to only those circumstances when there is great potential for benefits and less potential for cancellation.

In my judgment, multiyear contracting is especially appropriate for civilian agencies, considering the nature of their procurements. Civilian agencies anticipate using multiyear contracting for standard services, such as trash removal, and for certain commercial items, such as typewriters, for which there will always be a need. These recurring, common-use goods and services are not technologically sophisticated, involve no research and development, and consequently do not entail the risks inherent in multiyear contracting for major weapons systems. It is highly unlikely, therefore, that civilian agencies will ever incur significant cancellation costs. In effect, civilian agencies stand to benefit from multiyear contracting, as does the Defense Department, without assuming as great a risk.

The primary benefits of extending multiyear contracting authority Governmentwide are reduced costs, improved quality, and increased competition.

Multiyear contracting, used appropriately, provides significant reductions in the cost of procurement resulting from lower contract prices as well as lower administrative expenses. According to estimates by the Office of Federal Procurement Policy, based on data used within the Defense Department, approximately 15 to 20 percent of civilian agency procurement costs could be saved when multiyear contracting is used. The Grace Commission estimated that savings of $1.8 billion could be realized annually through the expanded use of multiyear contracting, which includes savings by the Defense Department as well. Officials of the General Services Administration stated that the GSA could save up to $200 million annually through multiyear contracting. Finally, the Congressional Budget Office estimated last year that S. 2300 could result in "significant savings * * * possibly reaching several hundred million dollars per year."

These cost savings result from increased competition, economies of scale, improved contractor productivity, or a contractor's ability to amortize nonrecurring startup costs. Annual contracts frequently involve start-up costs which must be recovered during the year. This has a direct impact on the price of property or services offered to the Government. Under a multiyear contract, such nonrecurring costs could be prorated over the life of the contract, thus reducing the unit cost of the work performed and consequently the price offered to the Government.

In some cases, multiyear contracting would allow agencies to take advantage of greater price discounts. For example, GSA analyzed the pricing practices of a major automated data processing equipment vendor and found that the vendor's prices varied significantly based on its customer's ability to commit for multiple-year leases of equipment. Those customers who would commit to a 5-year lease were granted discounts ranging from 62 to 75 percent of the 1-year rates. The maximum volume discounts given to those customers who could only commit to a single year was 5 percent of the 1-year rate. In effect, customers such as the Government who leased equipient for several years, but who could only contractually commit themselves to a lease of 1 year, paid as much in 2 years as other customers pay in 5 years.

Administrative costs to the Government could also be reduced. For annual contracts, agencies expend a significant amount of time and money to accomplish a variety of contract formation functions, including market research, preparation of solicitations, evaluation of offers, negotiation of price, terms and conditions, and technical analyses. Agencies could reduce their cost of doing business if these adminstrative activities were performed on other than an annual schedule.

In addition to savings in contract prices and administrative costs, the second benefit of multiyear contracting is that the quality of performance and service from contractors is likely to improve. The General Accounting Office found in its 1978 report that multiyear contracting can improve contractor performance and service by reducing the uncertainty of continued Government business providing continuity in the delivery of recurring supply and service needs, and enabling the contractor to maintain a stable, well-trained workforce.

Many contracts, particularly those for the provision of services, experience a "learning curve" phenomenon where a new contractor's performance improves steadily as its workers gain experience with the peculiarities of the Government's work requirements. When annual contracts are required and successive contracts are awarded to different firms, the impact of the initial stages of the performance learning curve is felt each year. With multiyear contracts this impact is felt only in the initial year of the contract. Subsequent years should experience a sustained level of quality performance.

The third and perhaps most important benefit of multiyear contracting, which contributes to reduced costs and improved quality, is increased competition in contracting. Many companies are often unwilling or unable to make significant capital investments for 1-year contracts, because it is difficult to recoup such investments and be price competitive. Multiyear contracts would make such undertakings more attractive by providing longer periods of assured business in which to recoup capital investments, thereby encouraging more companies to compete for the contract.

An example of an annual procurement which would have been competitive had it been awarded on a multiyear basis involves a GSA contract for converting waste into fuel. The GSA received proposals from firms indicating an interest in contracting with GSA to collect trash from Federal buildings, convert it into refuse-derived fuel, and sell it back to GSA for burning in Federal heating plants. GSA's contracting authority for such a service contract, however, is currently limited to a 1-year period. Considering the large front-end investment that would be required for a contractor to acquire the necessary equipment and facilities, potential contractors were unwilling to make such an

investment for a 1-year contract. According to GSA, if multiyear contract authority were enacted, GSA would be able to contract competitively for conversion of waste to fuel, with anticipated savings in cost and energy resources.

Small businesses, in particular, stand to benefit substantially from multiyear contracting. According to the Commission on Government Procurement's report:

> Authorizing all executive agencies to enter into multiyear contracts with annual appropriations will permit small firms to become more competitive for contracts requiring substantial start-up costs and capital outlays. Usually such expenditures are more burdensome to small than to big business. The ability to amortize such costs over longer periods should be helpful for small firms in competing for service and support contracts.

In other words, small businesses would now be able to submit offers on multiyear contracts by prorating nonrecurring "start-up" costs which, for a 1-year contract, would preclude these businesses from competing.

Considering the support throughout the procurement community for extending multiyear contracting authority government-wide, the potential benefits to be gained, and the prospective uses, I am hopeful that my colleagues will lend support to this legislation.

In closing, Mr. President, I would like to pay tribute to Ray Kline, the Acting Administrator of the General Services Administration, who is retiring after 33 years of Government service. Mr. Kline was extremely helpful in developing this legislation and is to be commended for his numerous contributions in public service.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 679. A bill to authorize the appropriation of funds for certain maritime programs for fiscal year 1986; to the Committee on Commerce, Science, and Transportation.

MARITIME APPROPRIATION AUTHORIZATION ACT FOR FISCAL YEAR 1986

● Mr. STEVENS. Mr. President, I am introducing today, along with my colleague Senator INOUYE, a bill to authorize the appropriation of funds for maritime programs of the Department of Transportation [DOT] and the Federal Maritime Commission [FMC] for fiscal year 1986.

The bill is generally consistent with the administration's budget for DOT maritime programs with three exceptions. First, it does not include savings that require program changes by regulation or legislation. Second, it includes funding for fuel oil for State academy training ships. Third, it funds salaries at existing levels. In sum, the administration's budget of $377.2 million is increased to $417 million by this bill. Even with these increases, the bill represents a $48.2 million, or 10 percent decrease from last year's appropriation.

The Operating Differential Subsidy [ODS] Program administered by DOT is authorized in the bill at $335.1 million. These subsidies are designed to maintain essential U.S.-flag maritime services and are based on the difference between U.S.- and foreign-flag vessel operating costs. The authorization covers existing subsidy contracts only, and would provide for ongoing support of 91 liner and 17 bulk vessels. There is no funding for settlement and termination of contracts.

The administration's budget request assumes a $299.5 million for ODS millions savings resulting from elimination of the "double subsidy" (payment of ODS on vessels carrying military or other Government preference cargoes), changes in the method of computing the scope of foreign competition, and easing essential service trade route rules. It is premature, in my judgment, to include these savings in this authorization bill since the legislation or regulation necessary for these program changes has not yet been initiated.

Maritime research and development activities of DOT are authorized in the bill at $9.9 million. This is a freeze from last year's appropriation and reflects a continuation of the decreased emphasis on applied research which began last year.

The remaining $72 million ($5.5 million less than last year's appropriation) to be authorized is for maritime operations and training activities of DOT. This category includes, among other things, funding for the U.S. Merchant Marine Academy, the six State academies, support of the National Defense Reserve Fleet, and emergency planning. As in last year's authorization, $3 million is added for the purchase of fuel oil for State academy training vessels. In addition, the bill fully funds employee pay at existing wage scales.

Finally, the bill authorizes activities of the FMC at the administration's requested level of $11.6 million plus full funding of employee pay for a total of $11.9 million. This is a decrease of $352,000 from last year's appropriation.

A hearing on this bill will be held by the Commerce Committee on March 21, 1985, at 10 a.m., in room SD-628 of the Senate Dirksen Building.

Mr. President, I ask unanimous consent that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1986".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Transportation for fiscal year 1986 as follows:

(1) for payment of obligations incurred for operating-differential subsidy, not to exceed $335,084,000;

(2) for expenses necessary for research and development activities, not to exceed $9,900,000; and

(3) for expenses necessary for operations and training activities, not to exceed $71,967,000, including not to exceed—

(A) $34,847,000 for maritime education and training expenses, including not to exceed $19,633,000 for maritime training at the Merchant Marine Academy an Kings Point, New York, $10,915,000 for financial assistance to State maritime academies, $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,299,000 for expenses necessary for additional training;

(B) $9,277,000 for national security support capabilities, including not to exceed $7,932,000 for reserve fleet expenses, and $1,345,000 for emergency planning/operations; and

(C) $27,843,000 for other operations and training expenses.

SEC. 3. Funds are authorized to be appropriated for the use of the Federal Maritime Commission, in the amount of $11,940,000 for fiscal year 1986.●

By Mr. DOLE:

S.J. Res. 83. Joint resolution disignating the week beginning on May 5, 1985, as "National Asthma and Allergy Awareness Week"; to the Committee on the Judiciary.

NATIONAL ASTHMA AND ALLERGY AWARENESS WEEK

Mr. DOLE. Mr. President, today I am introducing a joint resolution requesting the President to designate the week beginning on May 5, 1985, as National Asthma and Allergy Awareness Week. An identical joint resolution has been introduced in the House by Representative O'BRIEN.

Allergies and asthma together represent an enormous public health problem. Here are the facts:

One of every six American children and adults is afflicted in some way by these illnesses;

An estimated 5,000 individuals die each year from asthma, despite common medical knowledge and treatments capable of preventing such deaths;

As many as 9 million Americans are asthmatic, over one-third of whom are children;

Hay fever afflicts an estimated 15 million Americans;

About 8 million work days a year are lost due to hay fever and asthma;

About 130 million school days are missed each year because of asthma and hay fever;

Occupational allergic diseases are now believed to be a major cause of workplace-caused illness;

An estimated 16 percent of all hospital inpatients suffer from adverse drug reactions, often allergic in nature;

Many other ailments of the skin, joints, kidneys, lungs, intestines, glands; as well as some parasitic, blood, infectious, and malignant disorders are now believed to have major allergic and immunologic components.

The costs to individuals and families, employers, the health delivery system, and society of asthma and allergic diseases are enormous. For example:

The total cost of these incurable immunologic diseases was estimated at $4 billion in 1981;

Direct costs for physicians services, drugs, and hospital or nursing home care are estimated to be close to $2 million a year;

Indirect costs, such as lost wages, probably exceed $800 million a year for hay fever and asthma alone; and

Social security benefits for $400 million were allowed in 1 recent year to workers disabled by asthma.

To emphasize the importance of public education and awareness and to encourage the continued public and private support of research, I urge my colleagues to join me in cosponsoring this joint resolution.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. CRANSTON, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of S. 7, a bill to amend title XIX of the Social Security Act to provide Medicaid coverage for certain low-income pregnant women.

S. 8

At the request of Mr. CRANSTON, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc.

S. 12

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. CHILES], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 12, a bill to protect communications among Americans from interception by foreign governments, and for other purposes.

S. 37

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 37, a bill to provide for civil rights in public schools.

S. 58

At the request of Mr. DANFORTH, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 85

At the request of Mr. DECONCINI, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 85, a bill to amend title 38, United States Code, to revise the formula for the payment of dependency and indemnity compensation [DIC] to the surviving spouses of veterans who die on active duty or from service-connected disability.

S. 235

At the request of Mr. THURMOND, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 235, a bill to amend title 5, United States Code, to prohibit employment in civil service positions in the executive branch of any individual required to register under the Military Selective Service Act who has not yet registered.

S. 281

At the request of Mr. PRYOR, the names of the Senator from Vermont [Mr. LEAHY], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 281, a bill to amend the Internal Revenue Code of 1954 to add a section dealing with public safety vehicles.

S. 300

At the request of Mr. GRASSLEY, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 300, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 376

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 376, a bill to amend the Internal Revenue Code of 1954 to deny an employer a deduction for group health plan expenses unless such plan includes coverage for pediatric preventive health care.

S. 408

At the request of Mr. WEICKER, the names of the Senator from Connecticut [Mr. DODD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 425

At the request of Mr. GOLDWATER, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases.

S. 436

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 436, a bill to amend section 1979 of the Revised Statutes (42 U.S.C. 1983), relating to civil actions for the deprivation of rights, to limit the applicability of that statute to laws relating to equal rights, and to provide a special defense to the liability of political subdivisions of States.

S. 447

At the request of Mr. DECONCINI, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 447, a bill to amend the Sherman Act to prohibit a rail carrier from denying to shippers of certain commodities, with intent to monopolize, use of its track which affords the sole access by rail to such shippers to reach the track of a competing railroad or the destination of shipment and to apply Clayton Act penalties to monopolizing by rail carriers.

S. 511

At the request of Mr. CHILES, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 511, a bill to change the name of the Loxahatchee National Wildlife Refuge, FL, to the Arthur R. Marshall Loxahatchee National Wildlife Refuge.

S. 523

At the request of Mr. ARMSTRONG, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of S. 523, a bill to prohibit the payment of certain agricultural incentive payments to persons who produce certain agricultrual commodities on highly erodible land.

S. 531

At the request of Mr. DECONCINI, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Alabama [Mr. DENTON], the Senator from Kentucky [Mr. FORD], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 531, a bill to authorize the appropriation of funds for the operation and maintenance of a Special Operations Wing of the Air Force Reserve, to authorize the appropriation of funds for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Enforcement, and to require certain reports.

S. 591

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 591, a bill to amend

section 119(c) of the Housing and Community Development Act of 1974.

S. 614

At the request of Mr. BUMPERS, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 614, a bill to amend section 3505 of title 44, United States Code, to further reduce the Federal paperwork burden on small businesses.

S. 620

At the request of Mr. WARNER, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 620 a bill to make permanent the authority to establish and administer flexible and compressed work schedules for Federal Government employees.

S. 635

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. SIMON], the Senator from California [Mr. CRANSTON], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 635, a bill to express the opposition of the United States to the system of apartheid in South Africa and for other purposes.

S. 652

At the request of Mr. CHAFEE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 652, a bill to amend the Clean Water Act and for other purposes.

SENATE JOINT RESOLUTION 5

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 5, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 10

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 23

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 23, a joint resolution designating 1985 as the "Year of Social Security."

SENATE JOINT RESOLUTION 31

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 31, a joint resolution to designate the week of November 24 through November 30, 1985 as "National Family Week."

SENATE JOINT RESOLUTION 33

At the request of Mr. MATTINGLY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 33, a joint resolution to authorize and request the President to designate May 12, 1985 to June 16, 1985, as "Family Reunion Month."

SENATE JOINT RESOLUTION 35

At the request of Mr. GORTON, the names of the Senator from Nevada [Mr. LAXALT], the Senator from Indiana [Mr. QUAYLE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Utah [Mr. HATCH], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of Senate Joint Resolution 35, a joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 27, 1985, as "National Organ Donation Awareness Week."

SENATE JOINT RESOLUTION 47

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Maryland [Mr. SARBANES], the Senator from Mississippi [Mr. STENNIS], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Mr. SIMON], the Senator from Florida [Mrs. HAWKINS], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. THURMOND], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. BRADLEY], the Senator from Oklahoma [Mr. NICKLES], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Hawaii [Mr. INOUYE], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 47, a joint resolution designating the week beginning November 10, 1985, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of April 1985 as "National School Library Month."

SENATE JOINT RESOLUTION 53

At the request of Mr. DENTON, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Montana [Mr. MELCHER], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to authorize and request the President to designate the month of June 1985 as "Youth Suicide Prevention Month."

SENATE JOINT RESOLUTION 56

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate April 1985 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 60

At the request of Mr. NUNN, the names of the Senator from Georgia [Mr. MATTINGLY], the Senator from Alabama [Mr. DENTON], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alaska [Mr. STEVENS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 60, a bill to designate the week of May 12, 1985, through May 18, 1985, as "Senior Center Week."

SENATE JOINT RESOLUTION 62

At the request of Mr. GORTON, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Tennessee [Mr. GORE], the Senator from New Jersey [Mr. BRADLEY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 62, a joint resolution commemorating the 25th anniversary of U.S. weather satellites.

SENATE JOINT RESOLUTION 65

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating the month of November 1985 as "National Alzheimer's Disease Month."

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of the Senate Concurrent Resolution 4, a concurrent resolution calling on the President to appoint a special envoy for Northern Ireland.

SENATE CONCURRENT RESOLUTION 18

At the request of Mr. DECONCINI, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Concurrent Resolution 18, a concurrent resolution expressing the sense of Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and regulations prescribed by the Secretary under such provisions, should not be modified or amended in any way that will alter the manner in which mortgage-backed homeowner bond transactions are currently taxed.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. CRANSTON, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Tennessee [Mr. GORE], the Senator from Maryland [Mr. SARBANES], the Senator from New Mexico [Mr. BINGAMAN], the Senator from South Dakota [Mr. ABDNOR], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr.

HOLLINGS], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. TRIBLE], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 20, a concurrent resolution expressing the sense of the Congress that payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. CRANSTON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Montana [Mr. MELCHER], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of Senate Concurrent Resolution 22, a concurrent resolution to express the sense of the Congress that sufficient appropriations should be made available for the Job Corps Program in order to maintain it as a viable Federal effort to assist economically disadvantaged youths in obtaining and holding employment and contributing to society.

SENATE CONCURRENT RESOLUTION 28

At the request of Mr. CRANSTON, the names of the Senator from Florida [Mr. CHILES], the Senator from Maryland [Mr. SARBANES], the Senator from Kansas [Mr. DOLE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Massachusetts [Mr. KERRY], the Senator from Indiana [Mr. LUGAR], the Senator from Tennessee [Mr. SASSER], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Concurrent Resolution 28, a concurrent resolution expressing the sense of the Congress that May 18, 1985, should be commemorated as the 20th anniversary of the establishment of the Head Start Program and reaffirming congressional support for the Head Start Program.

SENATE RESOLUTION 50

At the request of Mr. CRANSTON, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KERRY], the Senator from Montana [Mr. MELCHER], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of Senate Resolution 50, a resolution reaffirming the Senate's commitment to the Job Corps Program.

SENATE CONCURRENT RESOLUTION 29—URGING A MORATORIUM ON NUCLEAR TESTING AND DEPLOYMENT BY THE UNITED STATES AND THE SOVIET UNION

Mr. SIMON (for himself and Mr. HATFIELD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 29

Whereas the increased deployment of strategic nuclear missiles by both the United States Government and the Government of the Soviet Union threatens the Security of the world;

Whereas serious negotiations to limit the arms race are about to begin between representatives of the two governments;

Whereas the testing and deployment of strategic nuclear missiles are verifiable; and

Whereas the safety of the world and the atmosphere for arms control negotiations could be improved by limited gestures by the governments of both countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby urges the President to propose, at the earliest practicable time, to the Government of the Soviet Union that the United States and the Soviet Union should establish—

(1) a mutual moratorium on the development of additional land-based strategic nuclear missiles, and

(2) a mutual moratorium on the testing, underground, on the sea, in the atmosphere, or in space, of any strategic nuclear warheads,

during the period in which the United States Government and the Government of the Soviet Union are negotiating in good-faith to limit or reduce such missiles.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE CONCURRENT RESOLUTION 30—COMMENDING LT. GEN. LINCOLN D. FAURER FOR EXCEPTIONAL SERVICE TO THE UNITED STATES OF AMERICA

Mr. DOLE for (Mr. DURENBERGER, for himself and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 30

Whereas, Lieutenant General Lincoln D. Faurer, United States Air Force, has served his nation with dedication, honor and distinction for 35 years since his graduation from the United States Military Academy in 1950;

Whereas, General Faurer's career has been one of outstanding accomplishment and devotion to duty, culminating with three years of service as Director of the National Security Agency, where he has directed the nation's most complex and technologically sophisticated intelligence collection systems;

Whereas, General Faurer's many commendations and awards testify to his extraordinary skill and outstanding innovative leadership;

Whereas, during a period of rapid technological change and accelerated demand for timely, accurate Signals Intelligence information to support both national and defense intelligence requirements, General Faurer has guided the National Security Agency to unprecedented levels of achievement and has thus made a major contribution to the national security of the United States;

Whereas, General Faurer has made significant contributions to the successful furthering of National Security Agency missions involving communications and computer security through his energetic and effective management of complex, rapidly evolving programs;

Whereas, General Faurer has earned the respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former Members of the Intelligence Committees of the Senate and House of Representatives for his integrity and positive approach to Congressional oversight of our Nation's intelligence activities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) That on the occasion of his retirement from active duty the Senate and House of Representatives of the United States of America express and record their deep appreciation to Lieutenant General Lincoln D. Faurer for his exceptionally distinguished service to the United States Air Force, the national and defense intelligence missions, and the national security of the United States.

SENATE RESOLUTION 100—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE U.S. SENATE

Mr. DOLE submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 100

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the National Geographic Society to photograph the United States Senate in actual session on March 19, 1985, immediately following the first MX vote.

SEC. 2. the Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

SENATE RESOLUTION 101—RELATING TO PRESERVING THE DEDUCTION FOR CHARITABLE CONTRIBUTIONS

Mr. WILSON submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 101

Whereas the need for assistance to people throughout the world is greater than ever;

Whereas, while there is a role for Government to play in meeting essential needs of society, they are best addressed by private initiative;

Whereas, the President, himself, has eloquently asked for a renewal of America's longstanding commitment to volunteerism by urging even greater efforts on the part of the private sector to tackle pressing social problems;

Whereas it is private sector charitable organization that focus attention and coordinate the delivery of resources to best serve those in need;

Whereas charitable institutions help feed, clothe, house, and care for America's and

the World's less fortunate—the hungry, the poor, the homeless, and the sick;

Whereas charitable institutions have made great scientific and medical advancements to the benefit of society;

Whereas charitable institutions such as colleges and universities have contributed greatly to the education of our citizenry;

Whereas charitable institutions have played an indispensable role in the development of the arts in America;

Whereas charities depend on donations to allow them to perform their vital functions;

Whereas proposed tax reform seeks to equalize the basis on which various commercial ventures compete for capital;

Whereas charities do not compete against commercial ventures for capital;

Whereas it is illogical and harmful to place charities in an equal tax status with for-profit, commercial ventures;

Whereas comprehensive tax reform should not penalize America's charitable organizations; and

Whereas the financial health of our Nation's charitable organizations would be compromised if the preferential tax treatment presently afforded to their contributors was reduced: Now, therefore, be it

Resolved, That it is the sense of the Senate—

That the deduction for charitable contributions should remain as currently provided for in the Federal Tax Code.

● Mr. WILSON. Mr. President, in the spirit of the President's commitment to a renewal of volunteerism, I am submitting a resolution which expresses the need for maintaining the deductibility of charitable contributions under our Federal Tax Code.

While I wholeheartedly support the streamlining of our Nation's tax system, charities warrant special consideration. The aim of tax reform is to equalize the basis on which various commercial ventures compete for capital by simplifying the Tax Code and closing loopholes for special interests. Charities do not compete on this level, instead depending on donations for their livelihood. Commercial interests are, therefore, incomparable to those of charitable organizations.

It is unfair to treat charitable deductions as "just another loophole" when undertaking reform. Private sector involvement in charitable concerns represents the most positive approach to tackling social programs. Without such support, the Government would be compelled to increase direct aid to help feed, clothe, house, and care for the needy in America and throughout the world. Greater private involvement must be fostered, not squelched.

Far from an inducement for this crucial support, the Treasury Department's plan would cost charitable organizations billions of dollars in lost contributions. Charitable deductions would be eliminated for the nearly two-thirds of our citizenry who do not file itemized returns. For those who do itemize only contributions in excess of 2 percent of gross income would be deductible, while the average charitable deduction currently taken by this group is only 1.97 percent of adjusted gross income.

Medicine, education, and the arts are among the vital institutions which depend on charitable support. The damaging effects of the proposed plan would deal a blow to every American.

I urge the adoption of this resolution to spare charities from bearing a double burden under tax reform and budget cutting. In this day of necessary reductions in social programs, we must encourage private initiative to pick up where the Government cannot. Charitable organizations need and deserve preferential tax treatment for their contributors more today than ever before.●

SENATE RESOLUTION 102—RELATING TO THE REVIEW OF FINANCIAL AID FORMULAS APPLICABLE TO STUDENT POSTSECONDARY EDUCATION

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 102

Resolved, That it is the sense of the Senate that the Secretary of Education should review the financial aid formulas for students in postsecondary educational institutions under title IV of the Higher Education Act of 1965 with special attention to devising a more equitable formula for farm families.

Mr. PRESSLER. Mr. President, today I am submitting legislation which requires the U.S. Secretary of Education to review current financial aid formulas in an effort to provide an equitable formula for postsecondary education students whose parents are farmers.

I believe everyone in this body is well aware of the extreme financial hardships experienced by many farm families. Their ever-growing financial burdens are difficult to bear. These families are finding it almost impossible to send their children to a postsecondary educational institution.

Too often, farm families do not turn a profit during the year. When their children apply for financial aid for college or vocational school, they are often refused on the grounds that their family land holdings exceed formula requirements. My resolution asks the Secretary of Education to study the current system, which I believe penalizes farm families, and devise a more equitable formula so that these deserving students from farm families will not be denied financial aid.

The high interest rates, low commodity prices, constantly rising production costs, and declining farmland values have created the severe problems family farmers now face. I believe the inavailability of financial aid for students from farm families is a problem which needs to be addressed.

Many other issues and problems come before the Senate which, in one way or another, affect agriculture. However, financial aid for postsecondary education students is an expenditure I have always believed to be a wise investment for our country. With the number of family farms on the decline, many children of farm families are now looking into training in other professions. We must assume our responsibility of insuring that Federal financial assistance programs are available to the truly deserving in our country.

Having grown up on a farm near Humboldt, SD, and having attending college with the help of student loans and college work-study, I am well aware of the necessity of these important programs. As a Member of Congress, I have consistently supported financial aid programs for postsecondary education students. The current formulas, which I find unfair to farm families, need to be reviewed. It is my hope that Secretary Bennett will see fit to make changes in the present formulas to improve accessibility to financial aid for students whose parents are farmers.

Mr. President, I urge my colleagues to join me in this important legislation. I believe a more fair and equitable financial aid formula for postsecondary education students from farm families can be found through the combined efforts of Congress and the U.S. Department of Education.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be deemed to have met during the session of the Senate on Monday, March 18, in executive session, to consider Senate Joint Resolution 71, to approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles, subject to the enactment of a second joint resolution.

I have been informed that the leadership on both sides has approved this.

The PRESIDING OFFICER. With out objection, it is so ordered.

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. WARNER. Mr. President, second, I ask unanimous consent that the Subcommittee on Military Construction, of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 18, 1985, to receive testimony on the fiscal year 1986 military construction authorization bill.

The PRSIDING OFFICER. With out objection, it is so ordered.

ADDITIONAL STATEMENTS

RECENT DEVELOPMENTS IN AFGHANISTAN

● Mr. HUMPHREY. Mr. President, over the weekend it was reported that the new ruler of the Soviet Union, Mikhail Gorbachev, had issued Moscow's harshest warning yet to Pakistan over the situation in Afghanistan. These reports indicate that the Soviet Union is considering retaliatory actions against Pakistan if support for the freedom fighters in Afghanistan does not subside. The Saturday Washington Post quoted the Soviet News Agency Tass as declaring that:

> "Aggressive actions," against Afghanistan, a Soviet ally whose government is maintained by about 100,00 troops. "are being carried out from Pakistan's territory . . ." It was also stressed that this cannot but affect in the most negative way Soviet-Pakistani relations;

This latest instance of belligerency and bullying is significant in that the Soviets have decided to up the ante in South Asia. Whereas the Russian bear to the north has repeatedly combined threats against Pakistan with actual border violations and military hostilities, this was the first occasion on which the threat was voiced by the leader himself of the Soviet Union.

This latest threat issued in support of the Soviet's self-declared right to commit genocide in Afghanistan—beyond the scrutiny of the world community—brings to mind a similar warning issued several weeks ago by the Soviet Government. In violation of virtually every code of moral conduct, save their own, I suppose, the Russians have put the world press on notice: Journalists found covering the situation in Afghanistan would be executed on sight. The Soviets understand that the key to success of their long-term plan for subjugating Afghanistan is to keep the world community in the darkness of ignorance; nightly broadcasts of the barbaric atrocities committed in that country would at last incite the world community to rise in protest against the Soviet acts.

It is clear that, rather than moving toward a negotiated settlement of the travesty that is Afghanistan, the Soviets have adopted a new, "get tough" approach with regard to international security and involvement there. It is just as clear that Mr. Gorbachev has rejected the option of keeping himself above the fray, in a position where he might pursue a more flexible line. Rather, the new Soviet ruler has decided to dirty his own hands in defense of Soviet-sponsored genocide in Afghanistan, and, going so far as to link policy in Central America to that in Asia, is carrying the ball in this latest round of bully-boy antics.

Mr. President, I must say that in one respect I am gratified that this recent development between the Soviet Union and Pakistan has come to light. I hope that it will put to rest the illusions shared by many in the West that the ascendance of Mr. Gorbachev augurs well for a flexible, more constructive Soviet foreign policy. It is true that, unlike recent Soviet leaders, Mr. Gorbachev is better educated, more sophisticated, and can be expected to be around to celebrate his next birthday. Some would even deem him charming. All of this notwithstanding, what this means for Soviet foreign policy is that we can expect it to be more aggressive, more precise, and cloaked in a mantle of sophistication that will make even expansionism and mass murder more charming. But the underlying reality, as demonstrated in Afghanistan, will remain the same.

If we, meaning the West and concerned nations of the Third World, are to compete in what may amount to a new, more intensified round of propaganda, threats, and negotiations, then we must forge a consensus on the reality of the threat which Soviet foreign policy presents, particularly with regard to Afghanistan. This should not be as difficult as it initially appears, for the fact of the matter is that the situation in Afghanistan is one which transcends party and partisanship. It is as much an issue for liberals as it is for conservatives; for hawks, doves, and those in between.

In this regard, the magazine supplement to the Sunday Washington Post yesterday contained a very enlightening article by Peter Collier and David Horowitz, entitled "Lefties for Reagan." In it, the authors argue that a foreign policy based on standing up to the Soviets, especially in Afghanistan, is not incompatible with sound principles of the liberal ethos defending human rights and the dignity of man. As this is an issue which is as much a matter of strategic importance as it is a moral imperative, it is my sincere hope that we can unite behind a concerted, determined effort to effect a withdrawal of Soviet forces of occupation from Afghanistan. Mr. President, I ask that the following excerpt from that article be printed in the RECORD.

The material follows:

LEFTIES FOR REAGAN

(By Peter Collier and David Horowitz)

When we tell our old radical friends that we voted for Ronald Reagan last November, the response is usually one of annoyed incredulity. After making sure that we are not putting them on, our old friends make nervous jokes about Jerry Falwell and Phyllis Schlafly, about gods that have failed, about aging yuppies ascending to consumer heaven in their BMWs. We remind them of an old adage: "Anyone under 40 who isn't a socialist has no heart; anyone over 40 who is a socialist has no brain."

Inevitably the talk becomes bitter. One old comrade, after a tirade in which she had denounced us as reactionaries and cryptofascists, finally sputtered, "And the worst thing is that you've turned your back on the *Sixties!*" That was exactly right: casting our ballots for Ronald Reagan was indeed a way of finally saying goodbye to all that—to the self-aggrandizing romance with corrupt Third Worldism; to the casual indulgence of Soviet totalitarianism; to the hypocritical and self-dramatizing anti-Americanism which is the New Left's bequest to mainstream politics.

The instruments of popular culture may perhaps be forgiven for continuing to portray the '60s as a time of infectious idealism, but those of us who were active then have no excuse for abetting this banality. If in some ways it was the best of times, it was also the worst of times, an era of bloodthirsty fantasies as well as spiritual ones. We ourselves experienced both aspects, starting as civil rights and antiwar activists and ending as coeditors of the New Left magazine Ramparts. The magazine post allowed us to write about the rough beast slouching through America and also to urge it on through noneditorial activities we thought of as clandestine until we later read about them in the FBI and CIA files we both accumulated.

Like other radicals in those days, we were against electoral politics, regarding voting as one of those charades used by the ruling class to legitimate its power. We were even more against Reagan, then governor of California, having been roughed up by his troopers during the People's Park demonstrations in Berkeley and tear-gassed by his National Guard helicopters during the University of California's Third World Liberation Front Strike. But neither elections nor elected officials seemed particularly important compared with the auguries of revolution the left saw everywhere by the end of the decade—in the way the nefarious Richard Nixon was widening the war in Indochina; in the unprovoked attacks by paramilitary police against the Black Panther Party; in the formation of the Weather Underground, a group willing to pick up the gun or the bomb. It was a time when the apocalypse struggling to be born seemed to need only the slighest assist from the radical midwife.

When we were in the voting booth this past November (in different precincts but of the same mind) we both though back to the day in 1969 whem Tom Hayden came by the office and, after getting a Ramparts donation to buy gas masks and other combat issue for Black Panther "guerrillas," announced portentously: "Fascism is here, and we're all going to be in jail by the end of the year." We agreed wholeheartedly with this apocalyptic vision and in fact had just written in an editorial: "The system cannot be revitalized. It must be overthrown. As humanly as possible, but by any means necessary."

Every though and perception in those days was filtered through the dark and distorting glass of the Vietnam war. The left was hooked on Vietnam. It was an addictive drug whose rush was a potent mix of melodrama, self-importance and moral rectitude. Vietnam was a universal solvent—the explanation for every evil we saw and the justification for every excess we committed. Trashing the windows of merchants on the main streets of America seemed warranted by the notion that these petty bourgeois shopkeepers were cogs in the system of capi-

talist exploitation that was obliterating Vietnam. Fantasizing the death of local cops seemed warranted by the role they played as an occupying army in America's black ghettos, those mini-Vietnams we yearned to see explode in domestic wars of liberation. Vietnam caused us to acquire a new appreciation for foreign tyrants like Kim Il Sung of North Korea. Vietnam also caused us to support the domestic extortionism and violence of groups like the Black Panthers, and to dismiss derisively Martin Luther King Jr. as an "Uncle Tom." (The left has conveniently forgotten this fact now that it finds it expedient to invoke King's name and reputation to further its domestic politics.)

How naive the New Left was can be debated, but by the end of the '60s we were not political novices. We knew that bad news from Southeast Asia—the reports of bogged-down campaigns and the weekly body counts announced by Walter Cronkite—was good for the radical agenda. The more repressive our government in dealing with dissent at home, the more recruits for our cause and the sooner the appearance of the revolutionary Armageddon.

Our assumption that Vietnam would be the political and moral fulcrum by which we would tip this country toward revolution foresaw every possibility except one: that the United States would pull out. Never had we thought that the United States the archimperial power, would of its own volition withdraw from Indochina. This development violated a primary article of our hand-me-down Marxism: that political action through normal channels could not alter the course of the war. The system we had wanted to overthrow worked tardily and only at great cost, but it worked.

When American troops finally came home, some of us took the occasion to begin a long and painful reexamination of our political assumptions and beliefs. Others did not. For the diehards, there was a post-Vietnam syndrome in its own way as debilitating as that suffered by people who had fought there—a sense of emptiness rather than exhilaration, a paradoxical desire to hold onto and breathe life back into the experience that had been their high for so many years.

As the post-Vietnam decade progressed, the diehards of the left ignored conclusions about the viability of democratic traditions that might have been drawn from America's exit from Vietnam and from the Watergate crisis that followed it, a time when the man whose ambitions they had feared most was removed from office by the Constitution rather than by a coup. The only "lessons" of Vietnam the left seemed interested in were those that emphasized the danger of American power abroad and the need to diminish it, a view that was injected into the Democratic Party with the triumph of the McGovernite wing. The problem with this use of Vietnam as a moral text for American policy, however, was that the pages following the fall of Saigon had been whited out.

No lesson, for instance, was seen in Hanoi's ruthless conquest of the South, the establishment of a police state in Saigon and the political oblivious of the National Liberation Front, whose struggle we on the left has so passionately supported. It was not that credible information was lacking. Jean Lacouture wrote in 1976: "Never before have we had such proof of so many detained after a war. Not in Moscow in 1917. Not in Madrid in 1939, not in Paris and Rome in 1944, nor in Havana in 1959 . . ." But this eminent French journalist, who had been regarded as something of an oracle when he was reporting America's derelictions during the war, was dismissed as a "sellout."

In 1977, when some former antiwar activists signed an Appeal to the Conscience of Vietnam because of the more than 200,000 prisoners languishing in "reeducation centers" and the new round of self-immolations by Buddhist monks, they were chastised by activist David Dellinger, Institute for Policy Studies fellow Richard Barnet and other keepers of the flame in a New York Times advertisement that said in part: "The present government of Vietnam should be hailed for its moderation and for its extraordinary effort to achieve reconciliation among all of its people."

When tens of thousands of unreconciled "boat people" began to flee the repression of their communist rulers, Joan Baez and others who spoke out in their behalf were attacked for breaking ranks with Hanoi.

Something might also have been learned from the fate of wretched Cambodia. But leftists seemed so addicted to finding an American cause at the root of every problem that they couldn't recognize indigenous evils. As the Khmer Rouge were about to take over, Noam Chomsky wrote that their advent heralded a Cambodian liberation, "a new era of economic development and social justice." The new era turned out to be the killing fields that took the lives of 2 million Cambodians.

Finally, Vietnam emerged as an imperialist power, taking control of Laos, invading Cambodia and threatening Thailand. But in a recent editorial, The Nation explains that the Vietnamese invaded Cambodia "to stop the killing and restore some semblance of civilized government to the devastated country." This bloody occupation is actually a "rescue mission," and what has happened should not "obscure the responsibility of the United States for the disasters in Indochina," disasters that are being caused by playing the "China card" and refusing to normalize relations with Vietnam. These acts on the part of the United States "make Vietnamese withdrawal from Cambodia unlikely"; only the White House can "remove the pressures on Vietnam from all sides [that] would bring peace to a ravaged land." Such reasoning recalls the wonderful line from the Costa-Gavras film "Z": "Always blame the Americans. Even when you're wrong, you're right."

Another unacknowledged lesson from Indochina involves the way in which Vietnam has become a satellite of the Soviet Union (paying for foreign aid by sending labor brigades to its benefactor). This development doesn't mesh well with the left's ongoing romantic vision of Hanoi. It also threatens the left's obstinate refusal to admit that during the mid-'70s—a time when American democracy was trying to heal itself from the twin traumas of the war and Watergate—the U.S.S.R. was demonstrating that totalitarianism abhors a vacuum by moving into Africa, Central America, Southeast Asia and elsewhere. Instead of evaluating the Soviets because of the change in what we used to call "the objective conditions," the left rationalizes Soviet aggression as the spasms of a petrified bureaucracy whose policies are annoying mainly because they distract attention from U.S. malfeasance around the world.

If they were capable of looking intently at the Soviet Union, leftists and liberals alike would have to concur with Susan Sontag's contention (which many of them jeered at when she announced it) that communism is simply left-wing fascism.

One of the reasons the left has been so cautious in its reassessments of the Soviets is the fiction that the U.S.S.R. is on the side of "history." This assumption is echoed in Fred Halliday's euphoric claim, in a recent issue of New Left Review, that Soviet support was crucial to 14 Third World revolutions during the era of "detente" (including such triumphs of human progress as Iran and South Yemen), and in Andrew Kopkind's fatuous observation that "the Soviet Union has almost always sided with the revolutionists, the liberationists, the insurgents." In Ethiopia? Propped up by 20,000 Cuban legionnaires, the Marxist government of Mengistu Haile Marian has as its main accomplishment a "Red Campaign of Terror" (its official designation) that killed thousands of people. Where were those who cheer the Soviet's work in behalf of the socialist zeitgeist when this spisode took place? Or this past fall when the Marxist liberator squandered more than $40 million on a party celebrating the 10th annivesary of his murderous rule while his people starved? Where were they to point out the moral when capitalist America rushed in 250 million metric tons of grain to help allay the Ethiopian starvation while the Soviets were managing to contribute only 10 million metric tons? Where are they now that Mengistu withholds emergency food supplies from the starving provinces of Eritrea and Tigre because the people there are in rebellion against his tyranny?

Reagan is often upbraided for having described the Soviet Union as an evil empire. Those opposed to this term seem to be offended esthetically rather than politically. Just how wide of the mark is the president? Oppressing an aray of nationalities whose populations far outnumber its own, Russia is the last of the old European empires, keeping in subjugation not only formerly independent states such as Estonia, Latvia and Lithuania (Hitler's gift to Stalin), but also the nations of Eastern Europe. Every country "liberated" into the Soviet bloc has been transformed into a national prison, where the borders are guarded to keep the inmates in rather the foreigners out.

The war in Afghanistan is much more a metaphor for the Soviets' view of the world than Vietnam ever was for America's. Of the approximately 16 million people living in Afghanistan at the time of the Soviet invasion, as estimated 1 million have already been killed and wounded. There are now about 4 million refugees, a figure that does not include "internal" refugees—the hundreds of thousands of villagers forced to leave their scorched earth for the Soviet-controlled big cities, the only place where food is available. Or the thousands of Afghan children who have been taken to the Soviet Union to be "educated" and who will eventually be returned to their native land as spies and quislings.

Soviet strategy is based on a brutal rejoinder to Mao's poetic notion (which we old New Leftists used to enjoy citing) about guerrillas being like fish swimming in a sea of popular support. The Soviet solution is to boil the sea and ultimately drain it, leaving the fish exposed and gasping on barren land. The Russian presence is characterized by systematic destruction of crops and medical facilities, indiscriminate terror against the civilian population, carpet bombings and the deadly "yellow rain" that even the leftist Peoples' Tribunal in Paris (successor to the Bertrand Russell War Crimes Tribunal) has said is being used in Afghanistan.

During each December anniversary of the Soviet invasion, when liberal politicians rediscover the mujaheddin guerrillas in the hills, after 11 months of moral amnesia, there are blithe references to Afghanistan as "Russia's Vietnam." Those who invoke the analogy seem to think that simply by doing so they have doomed the Russian storm troopers to defeat. But this analogy is based on a misunderstanding of what Vietnam was and what Afghanistan is. Unlike America's high-tech television war, Afghanistan is one of those old-fashioned encounters that takes place in the dark. The Soviets make no attempt to win hearts and minds; the My Lais that are daily occurrences there cause no shock because they do not appear on Moscow TV; there are no scenes of the peasant children whose hands and faces have been destroyed by antipersonnel bombs in the shapes of toy trucks and butterflies a Los Angeles physician we know saw strewn over the Afghan countryside; there are no images of body bags being offloaded from Soviet transports. Because there is no media coverage, there can be no growing revulsion on the home front, no protests on Soviet campuses and in Soviet streets, no clamor to bring the boys home.

Afghanistan is not Russia's Vietnam not only because the nation committing the atrocities never sees them, but because the rest of the world is blacked out, too. At the height of the Vietnam war there was a noncombatant army of foreign journalists present to witness its conduct. In Afghanistan they are forbidden, as are the Red Cross and all other international relief agencies that were integral to what happened in Vietnam. And without these witnesses, Afghanistan is a matter of "out of sight, out of mind."

In Vietnam we waged a war against ourselves and lost. The Soviets will not let that happen to them. The truth of the Vietnam analogy is not that guerrillas must inevitably bog down and defeat a superior force of invaders, but that war against indigenous forces by a superpower can be won if it is waged against a backdrop of international ignorance and apathy. The proper analogy for Afghanistan is not Vietnam at all but rather Spain—not in the nature of the war, but in the symbolic value it has for our time—or should—in terms of democracy's will to resist aggression. Aid to the mujaheddin should not be a dirty little secret of the CIA, but a matter of public policy and national honor as well.

Perhaps the leading feature of the left today is the moral selectivity that French social critic Jean-Francois Revel has identified as "the syndrome of the cross-eyed left." Leftists can describe Vietnam's conquest and colonization of Cambodia as a "rescue mission," while reviling Ronald Reagan for applying the same term to the Grenada operation, although better than 90 percent of the island's population told independent pollsters they were grateful for the arrival of U.S. troops. Forgetting for a moment that Afghanistan is "Russia's Vietnam," leftists call Grenada "America's Afghanistan," although people of Afghanistan (as one member of the resistance there told us) would literally die for the elections held in Grenada.

The left's memory can be as selective as its morality. When it comes to past commitments that have failed, the leftist mentality is utterly unable to produce a coherent balance sheet, let alone a profit-and-loss statement. The attitude toward Soviet penetration of the Americas is a good example. Current enthusiasm for the Sandinista regime in Nicaragua should recall to those of us old enough to remember a previous enthusiasm for Cuba 25 years ago. Many of us began our New Leftism with the Fair Play for Cuba demonstrations. We raised our voices and chanted, "Cuba Si! Yanqui No!" We embraced Fidel Castro not only because of the flamboyant personal style of the barbudos of this 26th of July Movement but also because Castro assured the world that his revolution belonged to neither communists nor capitalists, that it was neither red nor black, but Cuban olive green.

We attributed Castro's expanding links with Moscow to the U.S.-sponsored invasion of the Bay of Pigs, and then to the "secret war" waged against Cuba by U.S. intelligence and paramilitary organizations. But while Castro's apologists in the United States may find it expedient to maintain these fictions, Carlos Franqui and other old Fidelistas now in exile have made it clear that Castro embraced the Soviets even before the U.S. hostility became decisive, and that he steered his country into an alliance with the Soviets with considerable enthusiasm. Before the Bay of Pigs he put a Soviet general in charge of Cuban forces. Before the Bay of Pigs he destroyed Cuba's democratic trade union movement, although its elected leadership was drawn from his own 26th of July Movement. He did so because he knew that the Stalinists of Cuba's Communist Party would be dependable cheerleaders and efficient policemen of his emerging dictatorship.

One symbolic event along the way that many of us missed was Castro's imprisonment of his old comrage Huber Matos, liberator of Matanzas Province, and one of the four key military leaders of the revolution. Matos' crime: criticizing the growing influence of Cuban communists (thereby jeopardizing Castro's plans to use them as his palace guard). Matos' sentence: 20 years in a 4-by-11 concrete box. Given such a precedent, how can we fail to support Eden Pastora for taking up arms against early signs of similar totalitarianism in Nicaragua?

What has come of Cuba's revolution to break the chains of American imperialism? Soviets administer the still one-crop Cuban economy; Soviets train the Cuban army; and Soviet subsidies, fully one-quarter of Cuba's gross national product, prevent the Cuban treasury from going broke. Before the revolution, there were more than 35 independent newspapers and radio stations in Havana. Now, there is only the official voice of Granma, the Cuban Pravda and a handful of other outlets spouting the same party line. Today Cuba is a more abject and deformed colony of the Soviet empire than it ever was of America. The archrebel of our youth, Fidel Castro, has become a party hack who cheerfully endorsed the rape of Czechoslovakia in 1968 and endorses the ongoing plunder of Afghanistan today, an aging pimp who sells his young men to the Russians for use in their military adventures in return for $10 billion a year.

In leftist circles, of course, such arguments are anathema, and no historical precendent, however, daunting, can, prevent outbreaks of radical chic, Epidemics of radical chic cannot be prevented by referring to historical precedents. That perennial delinquent Abbie Hoffman will lead his Potemkin village tours of Managua. The Hollywood stars will dish up Nicaraguan president Daniel Ortega as an exotic hors d'oeuvre on the Beverly Hills cocktail circuit. In the self-righteous moral glow accompanying such gatherings, it will be forgotten that, through the offices of the U.S. government, more economic and military aid was provided the Sandinistas in the first 18 months following their takeover than was given to Somoza in the previous 20 years, and that this aid was cut off primarily because of the clear signs that political pluralism in Nicaragua was being terminated.

Adherents of today's version of radical chic may never take seriously the words of Sandinista directorate member Beyardo Arce when he says that elections are a "hindrance" to the goal of "a dictatorship of the proletariat" and necessary only "as an expedient to deprive our enemies of an argument." They will ignore former Sandinista hero and now contra leader Eden Pastora who sees the junta as traitors who have sold out the revolutionary dream ("now that we are occupied by foreign forces from Cuba and Russia, now that we are governed by a dictatorial government of nine men, now more than ever the Sandinista struggle is justified"). They will ignore opposition leader Arturo Cruz, an early supporter of the Sandinista revolution and previously critical of the contras, when the worsening situation makes him change his mind and ask the Reagan administration to support them in a statement that should have the same weight as Andrei Sakharov's plea to the West to match the Soviet arms buildup.

American leftists propose for themselves. These armchair revolutionaries project their self hatred and their contempt for the privileges of democracy—which allow them to live well and to think badly—onto people who would be only to grateful for the luxuries they disdain. Dismission "bourgeois" rights as a decadent frill that the peoples of the Third World can't afford, leftists spreadeagle the Central Americans between the dictators of the right and the dictators of the left. The latter, of course, are their chosen instruments for bringing social justice and economic well-being, although no leftist revolution has yet provided impressive returns on either of these qualities and most have made the lives of their people considerably more wretched than they were before.

Voting is symbolic behavior, a way of evaluating what one's country has been as well as what it might become. We do not accept Reagan's policies chapter and verse (especially in domestic policy, which we haven't discussed here), but we agree with his vision of the world as a place increasingly inhospitable to democracy and increasingly dangerous for America.

One of the few saving graces of age is a deeper perspective on the passions of youth. Looking back on the left's revolutionary enthusiasms of the last 25 years, we have painfully learned what should have been obvious all along: that we live in an imperfect world that is bettered only with great difficulty and easily made worse—much worse. This is a conservative assessment, but on the basis of half a lifetime's experience, it seems about right.●

STAR WARS

● Mr. SIMON. Mr. President, Robert G. Kaiser had an article about star wars that I thought was unusually perceptive and gave a strong warning about the direction we are now headed.

He says, for example:

The Reagan Administration is arguing that the best way to get deep cuts in the superpower's nuclear arsenals leading to a world without nukes is to complete a major buildup of offensive weapons, that begin a huge new defensive arms race.

We are following the same policy of endless arms buildup that we and the Soviets have followed in recent years and it can ultimately only lead to the annihilation of humanity. He also makes the point that any completed star wars system can never be tested, at least under conditions remotely resembling the ones that would prevail if it were ever actually used.

He also has this ominous note:

And yet, the entire subculture of defense contractors and "defense intellectuals" is speedily adjusting to the idea that Star Wars is about to become the biggest game in town. The contractors are panting after the money, and a great many strategic thinkers have succumbed to the temptation to embrace the new doctrine of defense.

For those of my colleagues who did not read the Robert Kaiser piece when it appeared in the Washington Post, I am inserting it in the RECORD.

"Read it and weep" is an old saying. Read it and act is more appropriate for those of us who serve in the Senate and the House.

The article follows:

A DISARMING LACK OF CANDOR

On the eve of nuclear arms talks in Geneva, the Reagan administration is bending itself into knots trying to pretend that it has a coherent national security policy that could produce both an American "Star Wars" defense and a sweeping arms control agreement with the Soviet Union.

There are two possible explanations for the administration's gyrations. One—the most hopeful, but also the most unlikely—is that we are witnessing a surpassingly shrewd bargaining operation by a group of master poker players, who are maneuvering the Russians into historic negotiations that could actually reverse the arms race.

The second and more likely explanation is that we have entered a strategic Wonderland, guided by a president obsessed by a doubtful idea, who is advised by "experts" whose principal expertise is concocting "rationales that don't torture the facts too badly," as a Republican Senate aide put it last week.

President Reagan's idea that we can have Star Wars and negotiated disarmament, too, is considered implausible by nearly everyone who follows these issues closely from a vantage point anywhere outside the Reagan administration. Superhawks on Capitol Hill, arms controllers, experts and officials all over Western Europe, senior members of past administrations—and numerous officials in the present American government who are never heard from in public—consider this an unrealistic approach.

Why? Because it would require the technologically inferior Russians to accept an entirely new and staggeringly expensive competition to build defensive weapons—not just another weapons system, but the biggest, boldest, most complex technological enterprise ever undertaken by the human race. At the same time, the Soviets would have to accept the elimination of a large fraction of their offensive weapons despite the fact that, if America succeeds in building a defensive system, deploying large numbers of offensive weapons will be the easiest way to counter its impact. (In other words, we're telling the Russians, there's about to be a famine, so please throw out all the canned food in your basement.)

Why should this proposition appeal to the Russians, who struggled so long to match or surpass the United States in most existing strategic weaponry, and now face a grave economic crisis in their own country? Here's an answer to that question offered by Lt. Gen. James A. Abrahamson, the Pentagon officer in charge of strategic defense:

"Remember that the Russians are afraid of our technology. That is what all this business is about. When they see that we have embarked on a long-term effort to achieve an extremely effective defense, supported by a strong national will, then they will give up on the development of more offensive missiles and move in the same direction."

One quivers at the thought that Gen. Abrahamson may have grandchildren who might be asked some day to answer for that assertion. The Russians are going to give up on the offensive weapons they rely on for their security? Like docile pussycats, they are going to fall into line behind us rather than find ways to counter what we do?

Paul Nitze, now the coordinator of administration arms control policy, who has had much more experience dealing with Russians than Gen. Abrahamson, answers the question in vaguer terms. Here's how he put it recently: ". . . We hope the Soviets will come to see the merits of our position—that it will serve their national interests as well as ours."

But they won't see that, because it won't ever be true. The Star Wars program described blithely by the president and his men (well some of his men) as a benefit to both superpowers is in fact an ominous threat to whichever of them fails to get it first, because it would give its owner an enormous potential advantage in a war.

Don't take a journalist's word for it, just listen to Casper W. Weinberger: "It takes very little imagination to realize what a vastly more dangerous world this would be if they [the Soivets] attained this ability to destroy our missiles, and we did not have a similar capability." Or Weinberger on another occasion: "If the Soviets get strategic defense and we don't, it would be very much like the world in which the Soviets had a nuclear weapon and we did not."

In other words, according to President Reagan's secretary of defense, for one superpower to have a functioning missile defense when the other did not would leave the other at a desperate disadvantage. Yet the United States proposes to build its defense first, and brags that the Soviets will have a hard time matching its technology.

The Russians have noticed this contradiction. Col. Gen. Nikolai F. Chervov, a senior official of the Soviet general staff responsible for arms control issues, actually quoted that second Weinberger statement to reporters in Washington last week. Chervov had memorized it.

Consider the Reagan administration's road map pointing the way from here to the ideal world of mutual missile defense. These four sentences, introduced and often repreated by Nitze, are called "the strategic concept" at the heart of administration policy. Read them carefully:

"During the next 10 years, the U.S. objective is a radical reduction in the power of existing and planned offensive nuclear arms, as well as the stabilization of the relationship between offensive and defensive nuclear arms, whether on earth or in space. We are even now looking forward to a period of transition to a more stable world, with greatly reduced levels of nuclear arms and an enhanced ability to deter war based upon an increasing contribution of non-nuclear defenses against offensive nuclear arms. This period of transition could lead to the eventual elimination of all nuclear arms, both offensive and defensive. A world free of nuclear arms is an ultimate objective to which we, the Soviet Union, and all other nations can agree."

Got it? No, probably not, because there is almost nothing there to get. You don't need a Ph.D. in nuclear strategy to understand that this "strategic concept" contains neither a concept for a strategy, but merely a wish.

And a wish of the most dubious sincerity, too. In order to achieve a "radical reduction" and a "stabilization" of nuclear forces, the Reagan administration is already building a dizzying array of new, often destabilizing weapons. This buildup has nothing to do with Star Wars, which would come later.

For example, we are now just a few years away from deployment of the super-accurate "D-5 missile" that will carry eight individually-targetable nuclear weapons, and will sail beneath the world's seas on Trident submarines. The MX missile gets all the publicity, but the D-5 is a considerably more important departure for the United States. It will give us an "invulnerable" (because hideable at sea) capability to wipe out Soviet missiles in their silos (because the D-5 will be so accurate), something neither side has had before.

The existence of large numbers of D-5 missiles threatening the entire Soviet land-based missile force would put enormous new strain on the stability of the nuclear balance in a crisis. (Knowing that their principal attack forces might be wiped out by D-5s, the Russians would always be tempted to use their rockets rather than lose them.) But that's what we're in for. Of course it's far from all that we're in for. We are also building new B-1 and "stealth" bombers (the Stealth is meant to be nearly invisible to Soviet radar), 760 new nuclear cruise missiles for deployment on ships at sea, about 3,000 more cruise missiles to be carried by aircraft, 464 to be based on land, new Pershing II ballistic missiles for deployment in Europe, etc. Shall we now conclude that the promise of "radical reductions" and "stabilization" is more significant than this hardware, which is right now under construction?

The Reagan administration is arguing that the best way to get deep cuts in the superpowers' nuclear arsenals leading to a world without nukes is to complete a major buildup of offensive weapons, then begin a huge new defensive arms race. This sort of reasoning is not based on secret information or expert knowledge about the esoterica of nuclear strategy. We're squarely in the realm of common sense. What do you think is the best way to push the superpowers toward lower levels of strategic weapons? By building many, many more? Or by starting now, at current levels, to negotiate reductions?

The essence of the Star Wars idea is easy to grasp. It is not a path to guaranteed protection from nukes—even its strongest proponents acknowledge that fabulous new technological breakthroughs will be re-

quired to make it work. It is not an end to what Reagan has called the "immoral" reliance on the mutual guarantee of nuclear destruction as the principal deterrent to nuclear war. Reagan's closest aides have said repeatedly that we will continue to rely on deterrence—that is, on that "immoral" balance of terror—even if we get Star Wars.

No, the essence of Star Wars is the promise of a fabulous new bonanza for what President Dwight D. Eisenhower called the "military-industrial complex." All that is certain if we go down this path is huge new spending programs, hundreds of billions in contracts to experiment with the mind-bending technology of space-based lasers and the like. The Soviets will spend billions on "countermeasures"—more offensive warheads and decoys to beat a defensive system; advanced, perhaps supersonic cruise missiles that could scoot under a defense; elaborate new weapons to be used to attack the space-based components of the American system, and so on.

The Soviets will also build their own defense. Their national character—plainly demonstrated again and again in the past—will push them to copy any new strategic system that we devise. So as they begin working on defense, we'll be able to spend more billions on our own countermeasures—new gizmos to beat the Soviet defensive system.

Amid all the intellectual dishonesty now dominiating discussion of these issues, perhaps the most dishonest suggestion of all is that, somehow, creation of a Star Wars system would end the arms race. Why? Even the most idealized version of a successful defensive system will leave room for an opponent's inventiveness—especially when you consider that a completed system can never be tested in conditions remotely resembling the ones that would prevail if it were ever actually used.

No, the very best we can expect from Star Wars is the ability to knock out most of the Soviet missiles launched against us in a war. We could never be so sure of the system as to launch an attack against the Soviets with confidence that they could not retaliate. In other words, the best we could get is a world of enormous technological uncertainty, in which both superpowers would have to calculate that a decision to launch a nuclear war was crazy.

But that is the world we have today. There is no good reason to spend hundreds or thousands of billions of dollars to recreate the status quo on a higher and riskier level of ingenuity.

And yet, the entire subculture of defense contractors and "defense intellectuals" is speedily adjusting to the idea that Star Wars is about to become the biggest game in town. The contractors are panting after the money, and a great many strategic thinkers have succumbed to the temptation to embrace the new doctrine of defense.

Why, when it offers no demonstrable improvement on the status quo, should President Reagan's Star Wars dream be so attractive to so many people? This is a baffling question. Perhaps an answer can be found in the experiments of Erich von Holst, a student of the "schooling" instinct of fish.

Von Holst removed a common minnow's forebrain, the location of that fish's instinctive shoaling or schooling reactions. (His experiment is reported in Konrad Lorenz's "On Aggression.") Without its forebrain the minnow could still see, eat and swim as before, but it had lost the reflexes that make a normal minnow reluctant to stray from its school. In Lorenz's words:

"[The altered minnow] lacks the hesitancy of the normal fish which even when it very much wants to swim in a certain direction, turns around after its first movements to look at its shoal mates and lets itself be influenced according to whether any others follow it or not. This did not matter to the brainless fish: If it saw food, or had any other reason for doing so, it swam resolutely in a certain direction, and the whole shoal followed it. By virtue of its deficiency, the brainless animal had become the dictator!"

There is another explanation for the popularity of Star Wars: it offers a solution to the worst problem of our epoch—not a messy, political solution, but a neat technological one. It's a very American notion: all problems are soluble, usually in mechanical ways. When Reagan speaks of Star Wars, you can hear a yearning in his voice for a fix that will make the great nuclear problem go away. Of course he's right—it would be wonderful to find a scientific way out of the nuclear madness mankind has created. It would be wonderful to find the fountain of youth too.

The official talk this weekend is upbeat about arms control. But actually, Reagan administration policies, if pursued, will unravel the principal accomplishment of all previous arms control negotiations, the 1972 ABM treaty banning most deployments and testing of anti-missile missiles.

Here again the administration's position is cynical. We are assured—by Reagan, by Nitze and others—that the United States will adhere to the ABM Treaty. But the Star Wars portion of the administration's 1986 defense budget now pending in Congress contains money for the development of "prototypes" of new defensive weapons that violate Article V of the treaty, which commits both countries "not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based or mobile land-based." These prototypes in the '86 budget, if approved by Congress, could be tested by 1990—the effective duration, apparently, of the promises to adhere to the treaty.

Our European allies recognize that there is no way to make Star Wars and the ABM Treaty compatible. That is why Margaret Thatcher has sought President Reagan's pledge that he would negotiate with the Soviets before deploying a Star Wars system. The British hope that such negotiations would somehow preserve the existing arms control regime. But can anyone imagine that the United States would spend up to $100 billion to develop a plausible Star Wars system (a conservative estimate of the development cost), and then drop the whole idea because the Soviets decline to accept its introduction after negotiations?

If the ABM treaty must go, many important officials of the Reagan administration won't mind. For despite the reassuring public rhetoric, this American government is filled with people who don't really believe in arms control, and actually prefer to live with the Russians on the basis of bad relations and vigorous competition.

Arnold Horelick, formerly the CIA's national intelligence officer for the Soviet Union and now with the Rand Corp., has described the hard-line element in the administration as convinced that the current strategic trends favor the United States. In this view, we'll be relatively better off 5 or 10 years from now than we are now, so why rush into new agreements with the Soviets based on today's balance of power?

There is no visible cause for optimism about the arms negotiations beginning this week in Geneva. Specialists in NATO foreign ministries and many working-level officials in the United States government agree that there are no real prospects for making a deal unless the Reagan administration is willing to adhere to the ABM treaty and give up active development of the defensive weapons which it bans. But President Reagan specifically rules out using his Star Wars programs as a bargaining chip.

The great irony is that the current strategic trends probably are favorable—not if the objective is to gain a meaningful American advantage, but to get negotiated arms reductions under way. The Russians are anxious to avoid a whole new competition in space—the threat of Star Wars has indeed gotten their attention, and it remains a potentially useful bargaining chip. Our allies are yearning for new negotiated agreements. The Reagan administration could get an effective, comprehensive treaty through the Senate, if one could be negotiated.

Negotiating a deal would not be easy. The issues are complex and growing more complex all the time, as new weapons come into both arsenals. The Soviets appear to be building an elaborate new radar installation that violates the ABM Treaty itself; U.S. planners are tantalized by the prospect that they might get a really usable defensive system to protect land-based American missile silos—something far short of a Star Wars defense, but a neat little improvement in our arsenal that would justify deploying lots of MX missiles (because it could protect many of them in war). Even without a full-blown Star Wars program, the fragile arms control regime now in force could easily unravel.

And yet, whatever marginal advantages the Soviets might get from their new radar or we might get from "point defense" of missile silos would not begin to provide meaningful new security to either side. Security in a world of 40,000-plus nuclear warheads can't be bought with incremental changes in your arsenal. Security can only come from confidence that the other fellow understands the balance of terror roughly the way you do, and has decided to try to live with it in an orderly way. Security is a political matter, not a technical invention.

Increased security based on political accommodation was always the promise of the arms negotiations launched by Richard Nixon and Henry Kissinger in 1969. Curiously, those two men seem assured of a relatively positive place in history because of their diplomatic accomplishments—and despite transgressions that would sink the reputations of many other public figures.

What sort of historical reputation would a public official enjoy if he is held responsible for destroying the fruits of those earlier negotiations, and also for initiating the most expensive and dangerous round in the entire history of the arm race? Ronald Reagan, apparently surrounded by yes-men and dreamers, may not have faced that question, but perhaps he should.

ANGEL CUADRA LANDROVE SET FREE BY CUBA

● Mr. CHILES. Mr. President, 2 weeks ago I posed a question to the Senate. I wondered if the people of Cuba knew of the plight of political prisoner Angel Cuadra Landrove. I speculated

that if Radio Marti were operational, we would be able to inform the Cuban people of this poet's arrest in 1967 and of his so-called release from prison in April 1982.

His release was dubious at best, for the Cuban Government refused to allow him to leave the country. The Cuban Government held him a virtual hostage in Havana.

If Radio Marti had been operational 2 weeks ago, a full 16 months after it was approved by the Congress, we would have been able to inform the Cuban people of Cuadra's improper detainment. The Cuban people would have been aware of their Government's attempt to silence the words of this poet; words that were labeled a threat to the "security of the state."

That was the point I raised a few weeks ago. Now I raise another point. If Radio Marti were operational today, if its broadcasts were currently on the air, we would be able to inform the Cuban people that Angel Cuadra Landrove has been set free. The Cuban Government allowed him to leave the country last Sunday giving no apparent reason for its change of heart.

Mr. President, Cuba may not yet be hearing the message of Radio Marti, but its leaders are apparently reading the CONGRESSIONAL RECORD. I hope that the folks at the USIA are too.

I am heartened by the news the Cuban Government has allowed Cuadra to go free. After numerous efforts by Amnesty International and other interested parties, his freedom has been secured. It is my understanding that Cuadra and his wife are currently in Germany and will travel to Sweden where he is to receive an honorary membership in the Swedish Pen Club, an international human rights organization, before traveling to the United States.

I am reminded of another Cuban political prisoner, the poet Jorge Valls, who while in prison wrote:

Where I am there is no light and it is barred. Just beyond there lies a lighted space.

For Cuadra there is now a lighted space. I welcome him to freedom. I invite him to share with us his experience in Castro's prisons and his thoughts on the human rights condition in Cuba. I am hopeful for Angel Cuadra Landrove, and I am hopeful than when he is ready to share his experience Radio Marti will be in full operation. His eloquent words will ring loud and clear when they are heard in Cuba I hope that they will be heard soon.●

TRADING WITH JAPAN

● Mr. PACKWOOD. Mr. President, those who defend a free and open trading system must be increasingly disturbed over the difficulty of obtaining accees to the Japanese market. I am among those defenders not only because the international trading system is founded on this premise, but because I believe our citizens and economy benefit greatly from the free interplay of competitive forces. But there are practical, as well as theoretical, limits to the growing inequity of our trading relationship with Japan. This inequity is reflective of a worldwide phenomenon in which Japan has become a relatively smaller importer of manufactured goods as it has accelerated its exportation of such goods. Even though Japan's economy has not grown as fast as our own during this past year, its growth is impressive relative to much of the world. Yet, its absorption of manufactured imports has hardly grown.

Whatever the complexities of Japan's endemic resistance to imports, there are some measures which could effectively and straightforwardly increase Japanese imports. One of these is the lowering of Japanese tariffs on wood product imports. Access to Japan's important market would greatly improve the prospects for the efficient and competitive American lumber industry and reduce the bilateral trade friction which threatens to undermine the alliance itself. I recognize that the Japanese Government faces significant political resistance to the reduction of trade barriers, including the tariffs on imports of wood products. But if our Government is going to resist the equally strong pressures in the United States for protection and retaliation, the Japanese Government must find the political will to do what must be done.

I ask that the following articles on the subject of trading with Japan be printed in the RECORD immediately following my remarks.

The articles follow:

[From the Washington Post, Mar. 6, 1985]

THE JAPANESE ILLUSION

(By Robert J. Samuelson)

The dispiriting ritual of American-Japanese trade negotiations was played out again last week. Americans complained about Japanese foot-dragging; the Japanese protested. This time it was about telecommunications equipment and plywood; before it has been about cigarettes, beef and satellites. I have a suggestion: Let's halt all trade negotiations with Japan. The Japanese need to open their markets in their own interests and, if they don't see that, I doubt we can persuade them otherwise.

The great Japanese illusion is that a huge export surplus is a sign of strength. Japan's export obsession is understandable; about three-quarters of Japan's imports are fuel, food and raw materials, so it needs to export to survive. But the obsession is backfiring. Since 1979, fully 40 percent of Japan's economic growth has stemmed from exports. This rising dependence on exports for growth and jobs makes Japan an easy prey for protectionism here and elsewhere.

Don't mistake me. I'm not advocating protectionism. At best, it's a short-term expedient that hurts American consumers. Import limits on automobiles raised car prices nearly 8 percent in 1984 while saving only 44,000 American jobs, according to a recent government estimate. At worst, protectionism invites imitation and retaliation, threatening the global trading system on which most nations, and Japan particularly, rely. But Japan abets protectionism by its own exclusionary practices.

Japan often doesn't buy even when foreign firms are clearly competitive. In 1984, the United States—which has the world's best communications system—ran at least a $900 million trade deficit with Japan in communications equipment. Little wonder, then, that a lengthening list of industries now has a potential stake in restrictions on Japanese imports. A decade ago, the list would have included steel, textiles and televisions. Now you can add autos, auto parts, machine tools, telecommunications, electronic semiconductors and earth-moving equipment.

In short, the conditions are being laid for a protectionist binge; not now, but at the next economic downturn. In today's economy, most industries (surely telephones, even autos) are doing well. Witness the president's decision last week not to ask for a renewal of auto-import limits. But in a slump, when profits plunge and jobs disappear, protectionist pressures tend to overwhelm the diffuse interests of consumers or the abstract virtues of open trade. The best anti-protectionist defense is a large American lobby that has a stake in doing business with Japan, but this is precisely what's missing.

Americans (and others) don't feel they have a fair shot at the Japanese market, and for this Japan has only itself to blame. It is efficient at importing only what it absolutely needs—foods, fuel, minerals. In 1981, six major trading companies accounted for more than half of Japan's imports. But elsewhere, importers collide with cumbersome bureacracy, parochial testing requirements, exclusionary trade associations or, simply, a predisposition not to buy foreign.

Consider telecommunications. Until recently, the state-owned telephone monopoly, NTT, purchased virtually nothing abroad. Now NTT is losing its monopoly, and the Japanese government is considering new technical rules for approving foreign-made equipment. "What I hear makes me sweat at night," said Wolfgang Schwarz, vice president at Rolm Corp., a manufacturer of advanced switchboards and terminals. The new requirements may be "more complex and more cumbersome than the existing ones," he said.

The informal protectionism is typical. Japan's average tariff is lower than ours and formal quotas are few. But the Japanese government doesn't want to buy foreign satellites; a state monopoly and high tariff have restricted the sale of foreign cigarettes; tariffs of up to 20 percent remain on plywood imports; and quotas still restrict beef and citrus sales. The result is what economists call a low "elasticity" to imports. As Japan's economy grows, the demand for added imports increases only slowly. Japan's elasticity is less than half that of most other industrial nations.

Because much of the rest of the world buys Japanese, this is an inherently explosive situation. Nor is it automatically self-correcting. Much of Japan's export surplus is being invested abroad in dollar securities. Therefore, the surplus isn't leading to an appreciation of the yen (which would

dampen the export boom) or to higher domestic spending (which would provide some stimulus to imports). Japan's domestic economic performance has been spotty; since 1979, exports have increased from 16 to 22 percent of gross national product.

Not only is this export-led growth a drag on the global economy, but it's a dangerous dependence for a nation that is perceived abroad as selfish. The United States and Japan have huge mutual interests and, as the world's two most technologically advanced nations, have a lot to teach each other. But these mutual interests are vulnerable to an uncontrollable spasm of protectionism. The truth is that no one really needs Japanese imports. Almost everything they export is (or can be) made elsewhere.

I am not saying that we ought to demand a balance in our trade with Japan. The whole point of trade is to shop around the world for the best available products. Nor did the Japanese single-handedly cause last year's huge bilateral imbalance, which was $34 billion in Japan's favor. Much of that stemmed from high economic growth here (which increased imports) and the high dollar (which made American exports less competitive). But foreign firms—not only American ones—that have a natural market in Japan need to realize that market; otherwise, the basic political requirement for trade, a sense of mutual advantage, vanishes.

Japan's interests are to fortify the international trading system; to export, it must import. I don't think American government officials can change Japanese attitudes or policies through negotiations. A decade of trying has yielded—as measured by imports—only meager results. The process of reaching agreements has substituted for the genuine goal of opening markets. So call the negotiators home. Great nations do not negotiate so much as they initiate. Japan is a great nation. It should begin acting like one.

[From the Wall Street Journal, Mar. 4, 1985]

JAPAN'S PROTECTIONISM DIVERTS ASIAN GOODS TO THE U.S.

(By James B. Treece)

TOKYO.—When a high-level delegation from Japan's Federation of Economic Organization made an unprecedented swing through Malaysia, Singapore and Indonesia late last year to discuss trade with business and government leaders, it was big news in that part of the world.

But when Japan's press covered Chairman Yoshihiro Inayama's post-trip news conference, it reported only what he said about curbs on auto exports to the U.S. and didn't mention the trip.

Japan takes its Asian trading partners for granted. It is far more inclined to bow to U.S demands for trade concessions than to Asian ones. That is a poor policy for Tokyo, and, more important from an international perspective, the United States and Europe are being shortsighted if they think Tokyo's favoritism helps them.

In fact the United States and Europe become the dumping grounds for Asian goods that can't get into Japan. As U.S. trade representative Bill Brock pointed out in Tokyo recently, Japan takes only 8 percent of the developing world's exports (much of its oil and gas), the U.S. 50 percent and Europe 28 percent.

Most of the world faces Japanese bars to imports. What makes the Asian examples so striking, however, is how often the blocked products are made in plants of Japanese origin:

Indonesian tropical hardwood plywood, whose manufacture was developed with Japanese technology, faces a steep 20% tariff at Japan's ports.

Japanese steelmakers, fearful of more competition from South Korean mills they helped build, are holding back on further technical exchanges, and are believed to have pressured domestic buyers against taking Korean steel.

Thai Industry Minister Ob Vasuratana recently complained that Japan buys only modest amounts of Thai manufactured goods, even though 90 percent of Thai plant machinery was made in Japan.

Sumitomo Corp. this year scaled back plans for an integratd textile concern in China, with all of the output targeted for the Japanes market, after domestic textile companies complained.

A string of Japanese prime ministers has traveled to Southeast Asia to affirm that Tokyo values its ties with the region. But lack of progress has allowed Japan's trade relations with Asian nations to unravel even further in the past year.

Tokyo mistakenly though pomp; and ceremony for South Korean President Chun Doo Hwan's historic September visit was all Seoul cared about. Tokyo failed to see the frustration that led Seoul to ban a huge list of imports from Japa shortly after President Chun returned home.

Toyota Motor Corp. tried to get by with vague pledges of "efforts" to export autos from a planned joint venture with Taiwan. Taipei insisted on something more concrete and, when Toyota fudged, finally scrapped the plan in September

The Nakaskne cabinet made only a minuscule cut in Japan's tariff on boneless chicken—an item as symbolic of Japan's closed markets to Thailand as beef and oranges are to America—as part of a mid-December "market opening" package favoring Asia.

Continued intransigence by Japanese industry on Malaysian requests for technology transfer prompted even Prime Minister Mahathir Mohamad, Japan's top cheerleader in Asia, to blast Japanese businessmen for attitudes that are costing them friends in Asia.

As these examples show, the responses of Asian nations over the past year haven't been positive or productive. Instead of lashing back unilaterally, Japan's Asian trading partners need to build alliances with the U.S. and Europe, to try to ensure that Japan's markets are open to all.

December's series of bilateral talks between the U.S. and countries that export steel to America are an example of how such cooperation might have worked but didn't. The talks were aimed at limiting steel imports into the United States, however, and Seoul, for example, spent most of the time howling about unfair American quotas. It missed a chance to enlist Washington's help in prying open Japan's market.

When President Reagan first announced plans to limit steel imports, a crucial part of the plan involved guaranteeing that steel markets in Japan and other industrialized countries wouldn't be closed to steel from developing nations, lest the latter's steel be "diverted" to the U.S. market. In other words, Mr. Reagan wanted to make sure Korean steel wasn't going to the United States because it couldn't get into Japan.

The implied suspicion was well founded. Korean steel is unloaded at night onto unmarked trucks by importers anxious not to offend Japanese steelmakers. An agreement last year by Japanese trading houses to import Korean steel under long-term contracts seems aimed at setting up specific import channels that will ensure those imports' share of the domestic market will stay below an informal limit of 10 percent.

Not surprisingly, Mr. Reagan's proposal met with strong criticism in Tokyo. Over the next week, the local press charted the rise in Japan's imports of steel, as if to argue that rising imports proved Japan's market already was open.

Tokyo needn't have worried. The idea went nowhere. U.S. negotiators, lacking strong political backing on the "diversion" issue from U.S. steelmakers, focused only on limiting Japanese imports in the United States, not on making sure the Japanese market was open.

Asian nations would do well to link future export restraints to the United States or Europe with demands that Washington or Brussels join in pressing Tokyo to open its markets to Asian goods. Such a link is in the self-interest of developed nations. Robust U.S. economic growth is pulling in Southeast Asian exports at a record clip, and non-Japanese Asian economies too easily could become addicted to this.

In addition, a Japanese market closed to developing nations' exports could threaten to derail the solution of the international debt crisis, since almost all Third World debtors have been told to boost exports to gain the cash to pay their bills. If the second-largest economy in the Free World is closed to their exports, the Third World countries will flood the United States and the Common Market with goods instead.

Some Third World leaders realize that. Last year, Japan's ambassadors to Latin America united in calling on Tokyo to open its markets wider to goods from developing countries. The problem is even worse there. Japan's exports to Latin America last year grew 34 percent to $8.6 billion while imports rose only 12 percent to $7.2 billion.

Japan would benefit from opening its markets. Not only would consumers, so commonly ignored by Tokyo's trade negotiators, find prices lower on some products, but Japan's economy would gain from healthy Asian economies. After all, 21.6 percent of Japan's 1984 exports went to East and Southeast Asia, well ahead of any other country or region except the United States with 35 percent. If Tokyo's policies choke off the export growth of other Asian nations, it will soon find that the U.S. market alone isn't enough to keep Japan's export engines going.●

REV. ROLAND BRAMMIER

● Mr. DECONCINI. Mr. President, I rise today to recognize a true champion. He is not an athlete. He is not a political figure. He is a Methodist preacher from Tucson, AZ. In his capacity as coordinator of Tucson Metropolitan Ministries, Rev. Roland Brammier is a true champion of the people. He is an advocate for the poor, the handicapped, and the aged. The programs he administers give many the hope that they otherwise would not have.

Roland's accomplishments include establishing a community food bank

and being the driving force behind the miracle square project—an alternative to nursing homes for the elderly. These and other endeavors are indicative of Roland's commitment to his fellow man.

I join many members of the Tucson community in honoring Roland for his dignity, his dedication, and his strength. We as Americans are honored to have individuals such as Reverend Brammier among us.●

OPPOSITION TO INCREASED HYDROELECTRIC POWER RATES

● Mr. ABDNOR. Mr. President, the Office of Management and Budget [OMB] has a tough job to do, and I don't envy Director Stockman, particularly at this time, when our deficit is so horrendous and such difficult decisions are required.

Reducing the deficit must be the top priority of both Congress and the administration, but we must do it with fairness. OMB has made proposals; our task is to review them. If the proposals do not fit into our framework of fairness, we must reject them.

I reject OMB's proposal to raise Federal power rates on at least two counts: First, it amounts to changing the rules in the middle of the game, and that's not fair. Second, rural America is not benefiting from the current economic recovery which the rest of the Nation is enjoying, and farmers in particular cannot withstand the ramifications of this proposal.

The ramifications are astounding. I have received letters from rural electrical cooperative leaders and numerous other South Dakotans documenting the effects. Mr. President, for the record, I would like to include excerpts from two of these letters:

At Grand Electric, we purchase approximately 40% of our power from Hydro facilities on the Pick-Sloan Missouri Basin project throught the Western Area Power Administration (WAP), one of five PMAs. Our projected purchases from WAPA and the increase in mill per KWH for the above mentioned OMB proposal are listed below:

Year	Projectd purchases (Kilowatth-ours)	Increase (mills)	Increased cost
1986	32,843,127	9.41	$309,000
1987	32,925,767	8.69	286,000
1988	32,276,695	7.96	257,000
1989	32,384,369	6.43	208,000
1990	31,665,902	5.24	166,000

The increase in 1986 would raise the cost of federal power by 127% for Grand Electric. The end result of this increase would be a 12–15% increase to consumer-members. This does not take into account the other proposed OMB budget cuts. OMB has assumed that interest rates payable by the Treasury will decline from 11.25% in 1986 to 6.00% in 1990. The projected decline in interest rates is extremely optimistic. A more realistic view of future interest rates would result in greater increases than those shown above.

Those were the words of Grand Electric Cooperative General Manager Darrell D. Henderson, and the following comments are from a letter by East River Electric Power Cooperative General Manager Loren Zingmark:

As you know, East River serves twenty-five distribution systems in eastern South Dakota and western Minnesota. At the present time we purchase approximately 44 percent of our wholesale power from the Western Area Power Association.

This directive by OMB will have a devastating effect on East River and our distribution members, and their 60,000 member-consumers. Our calculations show the following statistics:

Present cost of WAPA power (mills)	6.85
Proposed increase in cost of WAPA power (mills)	9.41
Net cost of WAPA power (mills)	16.26
Present annual cost of WAPA power (mills)	$4,631,480
Increase annual cost of WAPA power	$6,491,944
New annual cost of WAPA power	$11,123,424
Percent increase	140
Present annual cost	$43,519,303
New annual cost to members for power	$50,011,247
Percent increase to members from East River	14.9

Mr. President, for the record, I would like one additional item printed. Rushmore Electric Power Cooperative, Inc., recently passed a resolution which I believe summarizes the feeling of many citizens of my State:

Whereas, Federal Hydro-electric power projects were historically established to produce and provide a reliable source of energy and power to the peoples of our nation and,

Whereas, this power and energy was intended to be at cost for the benefits of the nation and to not pass through the "toll gates" of profit organizations and,

Whereas, the economic feasibility of these projects in jeopardy.

Now therefore be it resolved, That the membership of Rushmore Electric Power Cooperative, Inc. demands that the original criterion for setting prices of federal hydropower be maintained and that no artificial costs be introduced by the present Administration to change the original interest rates to fund said projects.

Mr. President, clearly, a proposal that would raise rates for cooperatives by 127 to 140 percent is unacceptable, because the increase obviously must be passed on to the consumers. I will not stand by and watch another blow delivered to an already devastated farm economy, nor will I allow the Federal Government to shirk its commitment to my State under the Pick-Sloan Missouri Basin Program.

It would be grossly unfair to the citizens of my State—which gave up over 500,000 acres of land for the huge dams on the Missouri for the promise of low-cost power and irrigation development—to expect us now to endure not only the unfulfilled promise of irrigation development, but to suffer the added insult and injury of increased power costs which we cannot afford as well.

Everyone knows, Mr President, that farmers cannot afford to pay higher electricity rates. And there is a great deal of sympathy for farmers and ranchers. It is not only farmers who have been left behind in the economic recovery—the rural main streets and communities of South Dakota and America are a part of what I've called the forgotten economy. And OMB's proposal puts the burden squarely on these people. I will not stand for the Federal Government to further cripple our small towns and our family farm system.

Furthermore, I have expressed many times the Federal Government's commitment to my State in the development of our abundant natural resources. The 1944 Flood Control Act placed four mainstem dams in South Dakota, costing South Dakotans over a half million acres of land. In turn, we were to receive nearly 1 million acres of irrigation development. Needless to say, the Federal Government has not lived up to its commitment to us in that regard. The 1944 act also allowed for low-cost power, and I cannot permit the Federal Government to forget its commitments to my State. It comes down to a basic question of fairness.

It irritates me when the Federal Government thinks it can overlook rural areas. Let make one point perfectly clear—rural areas are every bit as important and more so than the cities and urban areas are to the strength and well-being of our Nation. We provide the basic necessities of life without which the rest of the Nation could not survive. I will not tolerate OMB or anyone else attempting to run over rural America. We deserve the same consideration the rest of the country gets, and we demand it.

Therefore, Mr. President, I am adamantly opposed to OMB's proposal to raise the hydroelectric power rates to the farmers, ranchers, small businessmen, and citizens of my State and other rural areas of the Nation. It is unfair, and it must be rejected.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipu-

lates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that four such notifications have been received.

Interested Senators may inquire as to the details of these advance notifications at the office of the Committee on Foreign Relations, room SD 423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, March 6, 1985.
In reply refer to: I-01111/85ct.

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY
Washington, DC. March 6, 1985.
In reply to: I-15443/84ct.

Dr. B. GRAEME BANNERMAN,
Deputy staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR. DR. BANNERMAN: By letter dated 18 February 1976, the Director Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southwest Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely.

PHILIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY——,
Washington, DC, March 6, 1985.
In reply refer to: I-00557/85ct.

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southwest Asian country tentatively estimated to cost $50 million.

Sincerely,

PHILIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, March 11, 1985.
In reply refer to: I-01291/85ct.

Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country tentatively estimated to cost in excess of $50 million.

Sincerely.

PHILIP C. GAST.
Director.●

S. 657—TO MAKE VETERANS' ADMINISTRATION A CABINET-LEVEL DEPARTMENT

● Mr. PRYOR. Mr. President, I want to take a few minutes today to express my support for S. 657, a bill introduced by the distinguished Senator from South Carolina [Mr. THURMOND] on March 14, 1985. This bill, which I have supported in the past would make the Veterans' Administration a Cabinet-level department.

Mr. President, the VA is the largest independent agency in the Government and is charged with the responsibility of implementing our Nation's historic and deeply rooted commitment to provide benefits and services to those who served in the Armed Forces. As such, the VA was created as an independent agency in the executive branch specifically for the purpose of administering laws relating to the provision of benefits to veterans, their dependents, and beneficiaries. In accordance with this mandate, the VA provides medical care and treatment, disability and death compensation, income maintenance, education-related benefits, loan guarantees, insurance, and burial benefits. In addition, the Administrator of the VA is the primary adviser to the President on veterans' matters.

The Veterans' Administration has the sixth largest budget among Federal agencies, Mr. President. It has about 235,000 employees, second only to the Department of Defense. But, despite this size and the significant role it plays, the agency does not have the same departmental status accorded many smaller agencies of the Federal Government.

The time has come, Mr. President, for the Administrator of the Veterans' Administration to be a member of the President's Cabinet. This action is necessary to recognize the importance of the mission of the agency, and the significance of its accomplishments during its long history of service to the veterans of this Nation.

When the VA was established in July 1930, its role was to bring together, under a single agency, the responsibility for providing Federal benefits for veterans and their dependents. After more than half a century of service and growth, the magnitude of VA services and its need to be elevated to Cabinet-level status has increased.

Training under the GI bill has been provided to more than 18 million persons. More than 870,000 disabled veterans have received vocational rehabilitation counseling and training. The number of medical centers has increased dramatically from 54 in 1930 to 172 today. These medical centers treat 1.4 million patients each year and the outpatient clinics serve more than 18 million visits each year. The VA cares for 29,000 veterans each year in its nursing homes and domiciliaries.

In addition to operating the Nation's largest medical care system and being a major economic force in the Nation's housing and insurance industries, the VA continues to provide compensation and pension benefits, and burial assistance to veterans and their dependents. Over 4.3 million veterans, widows, and survivors are being paid death benefits. Each year compassionate burial assistance is provided to approximately 350,000 veterans.

The compassionate care and benefits the Veterans' Administration provides veterans and their dependents spans centuries. Benefits have been provided for veterans and their families who served in the Revolutionary War, War of 1812, Mexican War, Civil War, Indian war, and Spanish-American War. And, the veterans of World War I, World War II, the Korean war, and the Vietnam war are well aware of the continuing service of the VA to them and their families.

Mr. President, I commend the efforts of my colleague from South Carolina [Mr. THURMOND] and I strongly support S. 657. We should make the Veterans' Administration a cabinet-level agency. I hope the appropriate Senate committee will have hearings on this important measure in the near future, and that the Senate will adopt this much-needed change.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. BOSCHWITZ. Mr. President, in this third month of the Congressional call to conscience, I once again rise to draw attention to the problem of Jews

and others living in the shadow of oppression in the Soviet Union.

The Congressional call to conscience is an important effort to assure those who live in oppression that their's is not a battle they must fight alone. Each of us, in our own way, has a chance to show our personal conviction to the rights of people everywhere. I urge everyone to do their part in drawing the world's attention to those who still live in oppression, to those who lack the basic freedoms and rights so many of us take for granted. We who live in a society founded on individual's rights have a social and moral obligation to do all in our power to extend these rights to all.

Recently, I contacted the late President Chernenko on behalf of Soviet refusnik Alexsandr Yakir and urged his immediate attention and appeal on his behalf.

Alexsandr first applied for an exit visa with his parents, Evgeny and Rimma, in 1973. They were refused in January 1974 on the grounds of Evgeny's alleged secret work as a mechanical engineer, even though the work was entirely routine. After submitting the family's application, Evgeny was fired and subsequently has had to work at a variety of odd jobs.

In 1976 Alexsandr applied for an exit visa on his own to leave for Israel. He was denied permission in this instance because of "humanitarian" reasons and was told the authorities "do not split up families."

Alexsandr was summoned to a predraft checkup in April 1981 and found fit for military service. Several days later authorities came to the Yakir apartment with an order to conscript him, but he was not at home. After the appeal, the authorities drive to conscript Alexsandr was apparently shelved.

On June 18, 1984, Alexsandr was arrested and charged with draft evasion. In an unusual move for those arrested on charges on nonviolent crimes he was incarcerated pending trial rather than having to sign a document pledging not to leave Moscow. This charge is commonly used against young Jews who have been refusnik's since childhood. Many seek to avoid the draft because it can delay their family's emigration to Israel by at least 7 years.

The most recent news of Alexsandr Yakir is that his case is still pending trial.

Unfortunately, this is not an isolated case. Thousands have been denied the right to practice their religion freely and the right to emigrate. I hope and pray that with the new leadership of the Soviet Union, Mikhail Gorbachev, we will see an alteration in Soviet Jewish emigration.

On a more personal note, I want to take this opportunity to thank my 29 colleagues for their effort on behalf of this Congressional call to conscience and to urge the other 71 Senators to follow suit. It is imperative that we as a unit body continue to apply pressure in all areas—public, political, and moral—to help the plight of the Soviet Jews who wish to emigrate. The harassment of Jews is contrary to human rights and Soviet law. The practice of anti-Semitism, and denying Soviet Jews the freedom to emigrate and reunite with their families is a basic violation of human rights and the Helsinki accords. I ask you all to continue—or join the vigil—to exert your influence, your voice, and your conscience on behalf of Soviety Jewry.●

UNITED STATES WRONG TO DUCK WORLD COURT

● Mr. SIMON. Mr. President, Prof. Richard Gardner, who now teaches law and international organization at Columbia University in their school of law, was our Ambassador to Italy and has been a leader in the whole field of working toward a more stable international scene.

His observations have been quoted frequently in journals around the world.

Recently, he had an article in the Wall Street Journal critical of the "ducking" by the United States of the World Court in the Nicaraguan dispute.

I completely concur with his opinion and urge my colleagues to read his thoughtful remarks.

The article follows:

[From the Wall Street Journal, Feb. 22, 1985]

IT WAS WRONG TO DUCK THE WORLD COURT

(By Richard N. Gardner)

"Realists" as well as "jurisprudes" have reason to question the Reagan administration's refusal to participate further in the case Nicaragua has brought against us in the International Court of Justice. Our national security is best served by strengthening, not weakening, those few international institutions that can promote stability and order in international relations.

Walking out of a proceeding before an international tribunal that finds it has valid jurisdiction over us is also profoundly un-American behavior. Our founding fathers and leading statesmen throughout our history have believed the U.S. has had moral as well as practical reasons for advancing the rule of law among nations.

In 1946, with the overwhelming support of both political parties, including such conservative Republicans as Arthur Vandenberg and John Foster Dulles, we accepted the compulsory jurisdiction of the World Court. Since then, every Republican and Democratic administration until this one has seen a strengthened World Court as a useful vehicle for developing sensible rules of international behavior.

The "covert" aid to the Nicaraguan insurgents that the Reagan administration began in 1981 was a questionable operation on both legal and practical grounds. Having started down this road, however, the administration might have limited its international liability by terminating our acceptance of the World Court's compulsory jurisdiction or adding a reservation to it for cases involving armed conflict or national security. Whether by design or by inadvertence, it failed to do so.

It was thus in the awkward position of filing a modification of our acceptance of compulsory jurisdiction just three days before Nicaragua brought its case against us last spring. It did this in the face of a requirement of six months' notice, which the Senate approved in 1946 in order, as it said, to ensure that we would not change the nature of our obligation "in the face of a threatened legal proceeding."

The U.S. did raise some legally significant objections to the court's jurisdiction. But the fact is that every one of the court's judges except the American judge found some basis for jurisdiction. Among them were distinguished jurists from Britain, West Germany, France, Italy, Japan, Brazil and Argentina, none of whom can by any stretch of the imagination be regarded as politically biased against us.

It is therefore both unconvincing and unfortunate for the administration to impugn the integrity of the court by charging that it was "determined to find in favor of Nicaragua" and that it is in danger of becoming "more and more politicized against the interests of the Western democracies." While the political independence of some of the court's judges is open to question, the court's composition is essentially the same today as it was in 1962 and 1980 when our country successfully invoked its support in the peacekeeping-expenses dispute with the Soviet Union and the hostage case with Iran.

Nor is it convincing for the administration to argue that the court overstepped its powers because our controversy with Nicaragua is "political," involves armed conflict, and touches the inherent right of self-defense. Article 33 of the United Nations Charter clearly specifies that the court may deal with the legal aspects of political controversies, as it did in the hostage and peacekeeping-expenses case. The U.S. has brought seven cases before the court involving armed attacks on American military aircraft. And our country has repeatedly and properly argued that national claims of self-defense raise issues of international law that can be reviewed by international bodies.

If we have a really convincing factual and legal basis for our support of the Nicaraguan insurgents on the ground of collective self-defense, as the administration believes, we should have been prepared to present it to the court, and our failure to do so cannot be justified on the ground that our evidence is "of a highly sensitive intelligence character." We did, after all, show satellite photographs of Soviet missile sites to the Security Council in 1962 when it was necessary to mobilize world support for the Cuban quarantine.

In short, we should have proceeded to argue the merits of our case, joined by El Salvador and Honduras, which have the right to intervene now and be heard, as the court itself has confirmed. The factual and legal complexities would have been so great as to delay a final court judgment for many months, perhaps a year or more. We could have used that time to negotiate through the Contadora process an end to both our intervention in Nicaragua and Nicaragua's intervention in El Salvador and Honduras.

The administration's walkout from the court signals, instead, a determination to continue our support for the Nicaraguan insurgents despite the formidable legal and political consequences. In the process we will have undermined both the World Court and the reputation of the U.S. as a lawabiding nation.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 15 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification I have received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, March 8, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-16, concerning the Department of the Navy's proposed Letter of Offer to Spain for defense articles and services estimated to cost $82 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-16]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Spain.

(ii) Total Estimated Value: Major Defense Equipment (as defined in Section 47(6) of the Arms Export Control Act), $0 million; other, $82 million; total, $82 million.

(iii) Description of Articles or Services Offered: Initial spares and repair parts for 33 F/A-18 Hornet aircraft.

(iv) Military Department: Navy (BMZ).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 31 December 1984.

(viii) Date Report Delivered to Congress: March 8, 1985.

POLICY JUSTIFICATION

SPAIN—SPARE PARTS FOR F/A-18 AIRCRAFT

The Government of Spain (GOS) has requested the purchase of initial spares and repair parts for 33 F/A-18 Hornet aircraft at an estimated cost of $82 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Spain; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

This FMS case will complement the basic FMS case for 72 aircraft which covered spares and repair parts for the first 39 aircraft. This sale will enhance the readiness of the GOS to meet external aggression, develop increased equipment commonality and enable the GOS to carry out its mission in support of its NATO commitments.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the McDonnell Douglas Aircraft Company of St. Louis, Missouri.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Spain.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

S. 635—ANTIAPARTHEID ACT OF 1985

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. KENNEDY. Mr. President, I ask that the full text of the Antiapartheid Act of 1985 be printed in the RECORD at this point.

I also ask unanimous consent that Mr. BIDEN, Mr. SIMON, and Mr. CRANSTON be added to the list of additional cosponsors of S. 635, the Antiapartheid Act of 1985.

The text follows:

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antiapartheid Act of 1985".

SEC. 2. POLICY DECLARATIONS.

The Congress makes the following declarations:

(1) It is the policy of the United States to encourage all nations to adopt political, economic, and social policies which guarantee broad human rights, civil liberties, and individual economic opportunities.

(2) It is the policy of the United States to condemn and seek the eradication of the policy of apartheid in South Africa, a doctrine of racial separation under which rights and obligations of individuals are defined according to their racial or ethnic origin.

SEC. 3. PROHIBITION ON LOANS TO THE SOUTH AFRICAN GOVERNMENT.

(a) IN GENERAL.—No United States person may make any loan or other extension of credit, directly or through a foreign affiliate of that United States person, to the Government of South Africa or to any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as determined under regulations which the President shall issue.

(b) EXCEPTION FOR NONDISCRIMINATORY FACILITIES.—The prohibition contained in subsection (a) shall not apply to a loan or extension of credit for any educational, housing, or health facility which—

(1) is available to all persons on a totally nondiscriminatory basis, and

(2) is located in a geographic area accessible to all population groups without any legal or administrative restriction.

(c) EXCEPTION FOR PRIOR AGREEMENTS.—The prohibition contained in subsection (a) shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act.

(d) ISSUANCE OF REGULATIONS.—The President shall issue the regulations referred to in subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 4. RESTRICTIONS ON NEW INVESTMENTS (INCLUDING BANK LOANS).

(a) PRESIDENT TO ISSUE REGULATIONS.—The President shall, not later than 90 days after the date of the enactment of this Act, issue regulations prohibiting any United States person from making, directly or through a foreign affiliate of that United States person, any investment (including bank loans) in South Africa.

(b) EXCEPTIONS FROM PROHIBITION.—The prohibition contained in subsection (a) shall not apply to—

(1) an investment which consists of earnings derived from a business enterprise in South Africa established before the date of the enactment of this Act and which is made in that business enterprise; or

(2) the purchase, on a securities exchange registered as a national securities exchange under section 6 of the Securities Exchange Act of 1934, of securities in a business enterprise described in paragraph (1).

SEC. 5. GOLD COINS.

(a) PROHIBITION.—No person, including a bank operating under the laws of the United States, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

(b) UNITED STATES DEFINED.—For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 6. WAIVERS.

(a) AUTHORITY OF THE PRESIDENT.—

(1) INITIAL WAIVER.—The President may waive the prohibitions contained in sections 4 and 5 for a period of not more than 12 months if—

(A) the President determines that one or more of the conditions set forth in subsection (b) are met,

(B) the President submits that determination to the Congress, and

(C) a joint resolution is enacted approving the President's determination.

(2) ADDITIONAL WAIVERS.—The President may waive the prohibitions contained in sections 4 and 5 for additional 6-months periods if, before each such waiver—

(A) the President determines that an additional condition set forth in subsection (b) has been met since the preceding waiver under this subsection became effective,

(B) the President submits that determination to the Congress, and

(C) a joint resolution is enacted approving the President's determination.

(b) STATEMENT OF CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) FAMILY HOUSING NEAR PLACE OF EMPLOYMENT.—The Government of South Africa has eliminated the system which makes it impossible for black employees and their

families to be housed in family accommodations near the place of employment.

(2) RIGHT TO SEEK EMPLOYMENT.—The Government of South Africa has eliminated all policies that restrict the rights of black people to seek employment in South Africa and to live wherever they find employment in South Africa.

(3) ELIMINATING DENATIONALIZATION.—The Government of South Africa has eliminated all policies that make distinctions between the South African nationality of blacks and whites.

(4) ELIMINATING REMOVALS.—The Government of South Africa has eliminated removals of black populations from certain geographic areas on account of race or ethnic origin.

(5) ELIMINATING RESIDENCE RESTRICTIONS.—The Government of South Africa has eliminated all residence restrictions based on race or ethnic origin.

(6) NEGOTIATIONS FOR NEW POLITICAL SYSTEM.—The Government of South Africa has entered into meaningful negotiations with truely representative leaders of the black population for a new political system providing for the full national participation of all the people of South Africa in the social, political, and economic life in that country and an end to discrimination based on race or ethnic origin.

(7) SETTLEMENT ON NAMIBIA.—An internationally recognized settlement for Namibia has been achieved.

(8) FREEING POLITICAL PRISONERS.—The Government of South Africa has freed all political prisoners.

(c) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS.—

(1) REFERRAL OF JOINT RESOLUTIONS.—All joint resolutions introduced in the House of Representatives and the Senate shall be referred immediately to the appropriate committees.

(2) COMMITTEE DISCHARGE.—If the committee of either House to which a joint resolution has been referred has not reported it at the end of 30 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

(3) CONSIDERATION OF RESOLUTIONS.—A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolution under this subsection, it shall be in order for the Committee on Rules of the House of Representatives (notwithstanding the provisions of clause 4(b) of rule XI of the Rules of the House of Representatives) to present for immediate consideration, on the day reported, a resolution of the House of Representatives providing procedures for the consideration of a joint resolution under this subsection similar to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

(4) RECEIPT OF RESOLUTIONS FROM THE OTHER HOUSE.—If before the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

(5) COMPUTATION OF LEGISLATIVE DAYS.—In the computation of the period of 30 days referred to in paragraph (2) of this subsection, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

(6) JOINT RESOLUTION DEFINED.—For purposes of this subsection, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress, having received on a determination of the President under section 6(a) of the Antiapartheid Act of 1985, approves the President's determination.", with the date of the receipt of the determination inserted in the blank.

SEC. 7. EXPORTS TO SOUTH AFRICAN GOVERNMENT.

Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended by adding at the end the following:

"(1) EXPORTS TO SOUTH AFRICA.—(1) No computers, computer software, or goods or technology intended to service computers may be exported, directly or indirectly, to or for use by the Government of South Africa or any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa.

"(2) For purposes of paragraph (1), the term 'computer' includes any computer that is the direct product of technology of United States origin.

"(3) The prohibition contained in paragraph (1) shall not apply to donations of computers to primary and secondary schools.

"(4) The termination provisions contained in section 20 of this Act shall not apply to this subsection, or to sections 11 and 12 of this Act to the extent such sections apply to violations of, and the enforcement of, this subsection.".

SEC. 8. REGULATORY AUTHORITY.

The President shall issue such regulations, licenses, and orders as are necessary to carry out this Act.

SEC. 9. ENFORCEMENT AND PENALTIES.

(a) AUTHORITY OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) PENALTIES.—

(1) FOR PERSONS OTHER THAN INDIVIDUALS.—Any person, other than an individual, that violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $1,000,000.

(2) FOR INDIVIDUALS.—

(A) IN GENERAL.—Any individual who violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $50,000, or imprisoned not more than 5 years, or both.

(B) PENALTY FOR SECTION 5.—Any individual who violates section 5 of this Act or any regulation issued to carry out that section shall, in lieu of the penalty set forth in subparagraph (A), be fined not more than 5 times the value of the krugerrands or gold coins involved.

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) EXCEPTION FOR CERTAIN VIOLATIONS.—Paragraph (1) shall not apply in the case of a violation by an individual of section 5 of this Act or of any regulation issued to carry out that section.

(3) RESTRICTION ON PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

SEC. 10. NEGOTIATIONS.

The President shall, by means of both bilateral and multilateral negotiations, including through the United Nations, attempt to persuade the governments of other countries to adopt restrictions on new investment (including bank loans) in South Africa, on bank loans and computer sales to the South African Government, and on the importation of Krugerrands. The President shall submit annual reports to the Congress on the status of negotiations under this section.

SEC. 11. TERMINATION OF PROVISIONS OF ACT.

(a) DETERMINATION OF ABOLITION OF APARTHEID.—If the President determines that the system of apartheid in South Africa has been abolished, the President may submit that determination, and the basis for the determination, to the Congress.

(b) JOINT RESOLUTION APPROVING DETERMINATION.—Upon the enactment of a joint resolution approving a determination of the President submitted to the Congress under subsection (a), the provisions of this Act, and all regulations, licenses, and orders issued to carry out this Act, shall terminate.

(c) DEFINITION.—For purposes of subsection (a), the "abolition of apartheid" shall include—

(1) the repeal of all laws and regulations that discriminate on the basis of race; and

(2) the establishment of a body of laws that assures the full national participation of all the people of South Africa in the social, political, and economic life in that country.

SEC. 12. DEFINITIONS.

For purposes of this Act—

(1) INVESTMENT IN SOUTH AFRICA.—The term "investment in South Africa" means establishing, or otherwise investing funds or other assets in, a business enterprise in South Africa, including making a loan or other extension of credit to such a business enterprise.

(2) UNITED STATES PERSON.—The term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign con-

cern), and such term includes a bank organized under the laws of the United States;

(3) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa,

(B) any territory under the administration, legal or illegal, of South Africa, and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(4) FOREIGN AFFILIATE.—A "foreign affiliate" of a United States person is a business enterprise located in a foreign country, including a branch, which is controlled by that United States person.

(5) CONTROL.—A United States person shall be presumed to control a business enterprise if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the business enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the business enterprise.

(6) LOAN.—The term "loan" includes an extension of credit as defined in section 201(h) of the Credit Control Act (12 U.S.C. 1901(h)).

(7) BANK.—The term "bank" means—

(A) any depository institution as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A),

(B) any corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 et seq.),

(C) any corporation having an agreement or undertaking with the Federal Reserve Board under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.), and

(D) any bank holding company as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)).

(8) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage.

(9) BRACNH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through an incorporated entity.

(10) POLITICAL PRISONER.—The term "political prisoner" means any person in South Africa who is incarcerated or persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion, but the term "political prisoner" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opihion.

SEC. 13. APPLICABILITY TO EVASIONS OF ACT.

This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

SEC. 14. CONSTRUCTION OF ACT.

Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in section 12(3)(C) of this Act.●

INTERNATIONAL POPULATION ASSISTANCE

● Mr. SIMON. Mr. President, despite the repeated assurances and documented evidence that no U.S. funds are used in support of the Chinese population program, the administration continues to impound scarce population funds destined for many of the poorest countries of the world. When will people learn that the best way to fight abortion is through family planning?

Last year 84,000 women died as a result of illegal abortions. That figure could double because of the denial of voluntary birth control services which prevent the tragic recourse of abortion. The President has promised that America will spread democracy worldwide, yet we deal with the poorest nations of the world in a most undemocratic fashion.

I would like to include in the RECORD an article that recently appeared in the Christian Science Monitor. The article gives an appraisal of the current situation surrounding international population assistance.

[From the Christian Science Monitor, Feb. 25, 1985]

UNITED STATES INVESTIGATES ABORTION PRACTICE IN CHINA BEFORE FUNDING U.N. POPULATION PROGRAM

(By David K. Willis)

A fundamental policy issue toward China, obscured so far, now faces the Reagan White House.

Which is more important to the United States: Diplomatic ties to China that serve basic U.S. interests, including leverage against the Soviet Union; or continued support of antiabortion groups and policies in the U.S. that would delete all U.S. and United Nations dollars given to help China reduce population growth among its more than 1 billion people?

This is being asked here by sources that support the idea of the U.S. and the U.N. helping third-world countries, including China, to ease the pressures of global overcrowding.

The right-to-life groups see the issue as moral rather than as strategic or diplomatic. To them abortion is murder and the U.S. must not condone or support it abroad in any way whatsoever.

The policy issue has jumped to the forefront with the reported decision of M. Peter McPherson, head of the U.S. foreign aid agency, the Agency for International Development (AID), to send a team of U.S. experts to China. The team would check out allegations of government-coerced abortion made by the Washington Post in a series written in early January.

Mr. McPherson is said to want to wait for the team's report before deciding whether to release $23 million in funds for the U.N. Fund for Population Activities (UNFPA), which provides about $10 million a year to China for family-planning programs. The concern is that U.N. and/or U.S. money may be funding the promotion of abortion in China.

(U.S. law, as enacted in 1974 under pressure from right-to-life lobby groups, forbids any AID funding to governments that permit abortion.)

The Chinese quickly expressed displeasure at the U.S. holdup.

On Jan. 11, the Chinese Embassy in Washington defended its government's one-family-one-child policy in a letter to the Post as an "absolute necessity."

"Of course," wrote the Chinese press counselor, Shi Chengxun, "deviations . . . did occur in a few localities, but they were checked and corrected immediately."

On Feb. 9, Peking's State Family Planning Commission called the holdup of funds "unreasonable," according to a report by the New China News Agency. The Chinese policy was voluntary, the commission said. Abortion was legal, but that was a matter of China's sovereign rights.

"Now the U.S. proposes to send its own officials looking into this extremely sensitive area. How would America like it if the situation were reversed and Chinese officials started investigation [of] abuses in the U.S., where abortion is also legal?" asked one veteran pro-family planning, diplomat from a third-world country.

"Make no mistake: China doesn't take kindly to this kind of U.S. policy. It puts up with it for the moment, sullenly, because China also needs the U.S. But how far does Reagan intend to go?

"He'll have to decide at some point."

Other basic U.S. interests are at stake in keeping up its flow of dollars to the UNFPA and to family planning in general, the diplomat believed.

"You are the richest country in the world," he said. "The more you help developing countries, which will comprise four-fifths of the world by the year 2000, and the more you stabilze your own population and economic growth, the better insurance you have of international stability to come."

To the National Right-to-Life Committee headed by Dr. John C. Willke and the American Life Lobby led by Judie Brown, what matters is halting any U.S. support for abortion anywhere.

"I'm impressed that AID is seeking independent evidence from China," Mrs. Brown commented.

The Post allegations appeared Jan. 6, 7, and 8 in a series of articles by the newspaper's outgoing Peking correspondent, Michael Weisskopf. Official Chinese policy since 1979 has been to encourage families to limit their children to one to hold population to 1.2 billion by the year 2000. Peking says the policy is voluntary, and a number of exceptions are allowed where the need for a second child is particularly great.

The series referred to "a pattern of official coercion and brutality in the name of birth control—sometimes limited to villages and regions, sometimes nationwide."

It accused "authorities" of "roundups of pregnant women for abortions, infanticide in city hospitals, and sterilization campaigns backed by harsh penalties for resisters." It

cited alleged coercion, abuses, and female infanticide in eight provinces: Guangdong, Heman, Fiyian, Sichuan, Shandong, Anhui, Jiangsu, and Nei Monggol (Inner Mongolia). China has 29 provinces, autonomous regions, and municipalities.

Privately, U.N. officials voice the belief that the articles confused local and particular cases with overall Chinese policy. The issue, they say, is what the Peking government is doing about local abuses that do occur.

"Does Mr. Reagan think the U.N. can ignore a country with 1 billion people in it? U.N. officials here ask. "Isn't he aware that his own government approved UNFPA programs in China at the UNFPA governing council meeting last year? The UNFPA and China have repeatedly stated that no U.N. money goes toward abortion in China in any shape or form. . . . China wants and needs, U.N. help to train personnel, do census work, and so on."●

DEPENDENCY AND INDEMNITY COMPENSATION REFORM

● Mr. DECONCINI. Mr. President, I have recently introduced legislation, S. 85, to reform the Veterans' Administration's Dependency and Indemnity Compensation [DIC] Program. I think most people who have examined this program realize the inequities that exist. My bill in an attempt to redress those inequities.

Presently, service-connected death benefits are extended to the widows and minor children of veterans whose death are related to a service-connected disability. Under present law—section 41, title 38, United States Code—the DIC benefit rates are based upon the military rank of a serviceperson at the time of death, if such death occurred while on active duty. Or, they are based on the rank of a former serviceperson at the time of military discharge, if such death is subsequent to active service.

These payment schedules, intended to provide financial security to survivors, are established and adjusted by act of Congress. The payments range from $476 per month for the widow/widower of a private to $1,217 monthly for the widow/widower of a general. Aside from the obvious financial security factor for survivors, the present rank-based formula a designed to compensate survivors proportionally, according to the "lifestyle" or "standard of living" enjoyed when the serviceperson was living.

Mr. President, notwithstanding the terrible difficulty encountered while attempting to assign a monetary value to a human life, I believe the present DIC formula is difficult to defend. While compensation based on rank for inservice active duty can be justified, compensation for postservice deaths should, in my view, be handled separately. The standard of living of a veteran whose life was cut short by service-connected disability some 20, 30, or 40 years after service discharge has progressed greatly from the point when the veteran was a private or private first class in the Army. Also, the current compensation program does not consider the percentage of service connected disability at the time of death. Surely, the severity of a disability carried throughout a lifetime can and does influence family income. Yet, this factor has no bearing on current benefit payments. My bill addresses this postservice inequity, which applies to a majority of DIC widows/widowers, by proposing a modification of the current formula.

Under my proposal, the current rank-based formula for inservice deaths would essentially be unaltered. However, my bill would provide an additional "add-on" based upon length of service. For postservice deaths, I recommend that DIC payments be tied to the percentage of service-connected disability of the veteran at the time of his death. The greater the degree of disability, the greater the monthly benefit to the widow/widower.

Mr. President, I realize that change in the current DIC formula is a complicated issue, and one that is fraught with emotion. I also realize that other individuals and organizations have proposals and suggestions of their own. While I believe that my proposal is the one that guarantees protection of existing benefit levels to current beneficiaries and, at the same time, provides a more equitable distribution of payments to the greatest number of present and future DIC recipients, I am certainly willing to consider the ideas and opinions of all interested and affected parties.

The following is a chart outlining DIC payment schedules which would occur under my bill. It is my hope that this legislation will be the catalyst for hearings and for a thorough review of the DIC benefit program.

DIC FORMULA PROPOSAL

IN-SERVICE DEATHS

1. In-service deaths retain current rank-based formula, plus a monthly "add-on" based upon lenght of active duty at time of death as follows:

a. Rank Based Formula (same as existing law):

Current law and proposal under my bill

Veterans' pay grade:	*New monthly payment*
E-1	$476
E-2	490
E-3	502
E-4	535
E-5	549
E-6	561
E-7	589
E-8	621
E-9	649
W-1	602
W-2	626
W-3	644
W-4	682
O-1	602
O-2	621
O-3	665
O-4	703
O-5	775
O-6	873
O-7	944
O-8	1,035
O-9	1,111
O-10	1,217

b. Add-on for Length of Active Duty:

	Monthly "add-on"
Less than 4 years	0
4 years but less than 10 years	25
10 years but less than 15 years	50
15 years but less than 20 years	75
20 or more years	100

POST-SERVICE DEATHS

2. Post-service deaths paid accordingly to percentage of service-connected disability at time of death (veteran in receipt of or entitled to receive compensation) as follows:

Percent of service-connected disability:	*Monthly DIC rate*
0	475
10	490
20	505
30	525
40	535
50	555
60	565
70	575
80	600
90	625
100	675
L-R	750

No change in current DIC additions for minor children and no change in rates for children alone.

Post-service death formula would not apply to temporary ratings.

Protect beneficiaries on rolls prior to effective date of this act, by providing them with a one-time option to elect under new formulas.

All DIC awards adjudicated on or after 12-1-85 paid according to new formulas.●

RECRUITING STUDENTS FROM THIRD WORLD

● Mr. SIMON. Mr. President, the Chronicle of Higher Education recently had an article, by Richard Owen, about Lamumba University in the Soviet Union; a school that intentionally goes out to attract Third World students.

The United States has more Third World students in it than the Soviet Union does, but that is because the wealthier students can come to the United States.

We offer far too few scholarship opportunities.

For example, in Central America and the Caribbean area, the United States offers 391 scholarships, and the Soviets offer about 7,500. We are shortsighted indeed if we do not change such policies.

Lamumba University is not the only place where the Soviets are providing assistance to people from Third World countries. We can learn, from our Soviet counterparts, to provide educational opportunity for the developing world.

Our system of government has much more to offer these students, if we give them the opportunity.

The article follows:

FOR SOVIET UNION, LAMUMBA U. IS A SUCCESS IN RECRUITING STUDENTS FROM THIRD WORLD

(By Richard Owen)

[Educational backing for "liberation struggles" not the same as training terrorists, rector says]

Moscow.—The Patrice Lumumba People's Friendship University, which is celebrating its 25th anniversary this month, has become one of the Soviet Union's most successful ventures in recruiting and training young people from the third world.

Some 10,000 students have received degrees from the university and, officials say, the number of applicants from the developing countries of Africa, Asia, and Latin America far outstrips the number of available places.

EDUCATED TO BE FRIENDS

"We educate them all to be friends of the Soviet Union," said Vladimir Stanis, the rector, in a recent interview. "What do you expect us to do? Produce anti-Communists?"

Named for Patrice Lumumba, the left-wing Congolese leader who was murdered in 1960—with the collusion of the Central Intelligence Agency, according to the Soviet version of the story—the institution is on a sprawling campus of gray highrise buildings on the outskirts of Moscow, at the far end of the Lininskii Prospekt.

The surroundings are not inspiring, but the facilities are a good deal more spacious and modern than the downtown premises that the university occupied when it opened in 1960.

The university's purpose, stated at the outset by Aleksei Kosygin, then the Soviet Premier, was to provide higher education for "countries that have gained their freedom from colonial dependence."

In the 1960's—the era of decolonization—Moscow decided that its policy of making allies among the newly independent countries of Africa, Asia, and Latin America required a concerted effort to mold the educational process in the third world.

According to its handbook, the university forms "a great multinational family characterized by the firm bonds of friendship, who respect each other's languages, culture, and customs, and whose relationships are based on collectivism and commradely mutual assistance."

Soviet officials frankly admit that Lumumba University was also created and is still intended to serve as a counterweight to American and other Western programs designed to attract students from the third world.

"Why not let them see the best aspects of Soviet life and teaching?" Asked one university official.

The Russians say that their socialist ideology fits naturally with third-world aspirations. They add that the university has had a high success rate both in providing training for third-world specialists and in spreading Soviet influence in the developing nations.

STUDENTS FROM 105 COUNTRIES

When the university opened 25 years ago, it had an enrollment of 500. Today, some 5,000 from 105 countries study alongside 2,300 Soviet students who train at Lumumba to become advisers to third-world governments and to serve as propagandists for the Soviet way of life among their fellow students.

The campus is bleak and the northern climate inhospitable, especially for students who come from tropical or subtropical environments. However, the students are charged only nominal fees and are provided with warm clothing free of charge.

There have been reports—vigorously denied by university officials—of racist attitudes among the local community. Whether the racism exists or not, the students at the university rarely venture into the surrounding community alone. For the most part they stick to the campus.

The university has some 1,300 faculty members, making the faculty-student ratio among the best in the Soviet Union.

Standards are high, with an obligatory one-year introductory program that includes a course in the Russian language. Those who fail are sent home (the university won't say how many don't make it).

Despite the strong emphasis on Marxist ideology, the curriculum includes several courses on capitalist economics, on the assumption that many of the students will be working in capitalist systems when they return home.

Evidence of the emphasis on social discipline and Marxist ideology is pervasive. Corridors and classrooms are decorated with posters of revolutionary heroes—especially Patrice Lumumba himself. There are few Western publications in the library.

Mr. Stanis, the rector, conceded in the interview that the students were taught Marxism, but he denied persistent reports that students learn terrorism at the university. The reports say the university operates camps where third-world students can learn the techniques of guerrilla warfare.

Mr. Stanis defied a visitor to find any indication of such training on the campus. Supporting "national liberation struggles" through educational aid is not the same as training terrorists, he said.

Since its establishment in 1960, the university has turned out some 10,000 graduates, and many are now in leading positions in their country.

Mr. Stanis said Lumumba's students were from deprived backgrounds, noting "there are plenty of places for bourgeois students in the West." However, he said, not all of them are Communists.

The object of the university, he said, is to enable backward cultures to enter the modern world. "If that makes them friendly to the cause of world Communism, so much the better. Don't try to tell me that the training of overseas students in the West is entirely disinterested."●

FORMER SENATOR SAM J. ERVIN, JR.'S, BOOK, "PRESERVING THE CONSTITUTION/THE AUTOBIOGRAPHY OF SENATOR SAM ERVIN"

● Mr. STENNIS. Mr. President, I ask that an article written by Mr. Eugene Willard of the Morganton, NC, News Herald newspaper be inserted in the RECORD.

This article reviews an excellent book by my good friend, Senator Sam Ervin, Jr., the former Senator from North Carolina. The book entitled "Preserving the Constitution," the personal story of Senator Ervin's remarkable career and stewardship to the highest law in the land, the Constitution of the United States.

It was my honor to have served with Senator Ervin. He was a model of integrity. I believe a study of his career would be of great benefit to students of the Constitution, of the law, of our political process, and leadership. Senator Ervin had a great feel for history, and our constitutional system. He was an expert Senate parliamentarian. He is a credit to the Senate, to his State, and to his Nation.

The article follows:

[From Morganton (NC) News Herald, Dec. 9, 1984]

"PRESERVING THE CONSTITUTION" MUST READING

There're only a handful of people in the public eye about whom you can say, "You always know where he stands."

Former U.S. Sen. Sam J. Ervin Jr., is one of them and his newest book, "Preserving the Constitution/The Autobiography of Senator Sam Ervin," clearly illustrates this principle and his longstanding courage in defending the U.S. Constitution against a wide spectrum of assaults.

The book, published by the Michie Company of Charlottesville, Va., has been available for a couple of months. It is a handsome hard-bound edition (selling for $19.95), a precisely documented account—436 pages—of the senator's long and distinguished career in the law, on the bench and in public office.

But Senator Sam's service to his country and to the people of Burke County and North Carolina are already well known and appreciated: Since his retirement, Ervin has enriched us with two other volumes—"Watergate: The Whole Truth" and "Humor of a Country Lawyer." And, John Clancy's popular biography, "Just a Country Lawyer," already has chronicled many of the landmarks in Ervin's career as well as some of his stories, wit and legendary influence.

Perhaps more importantly, "Preserving the Constitution" should be considered as an invaluable and illuminating reference to those who believe as Ervin does, that the Constitution of the United States is the highest law of the land and as such, ought not to be fiddled around with—regardless of motive.

Although "Preserving the Constitution" definitely includes many details of Ervin's personal background (including how he went through Harvard Law School "backwards"—that is, he took his third-year courses first and his first-year courses last), the bulk of its pages are wisely devoted to Ervin's involvement in many of the key constitutional issues, and controversies, of the past 35 years.

For example, one of the most intriguing chapters deals with the censure of Senator Joe McCarthy in 1954 for the Wisconsin senator's using his political power and publicity to exploit the nation's mounting fear of Communism in that era.

Ervin, we learn in the book, first became a member of the Senate on June 11, 1954. On Aug. 2 the same year, he was named to the Select Senate Committee to Study Censure. largely because of his previous judicial experience and "the disinclination of the prudent Senators of seniority to accept what they deemed a most disagreeable assignment." Ervin says.

From this point on throughout his Senate service, we learn of the bedrock of Ervin's conviction about integrity, both of men and of our laws.

Another segment of the book which gives us significant insight into Ervin's character comes from a lengthy, and meticulously annotated explanation of his view on civil rights.

Ervin's position was initially made clear as early as 1957 and remained steadfast through what he called the "spate of civil rights bills," that ended with the Equal Employment Opportunity Act of 1972.

Here we learn not just of Ervin's opposition to many of these proposals, but the "why" of it, eloquently stated. For instance, Ervin puts it this way:

". . . there is no support in the Constitution for civil rights laws that undertake, as some of them do, to regulate the acts of individuals . . . Advocates of civil rights laws claims they insure equality and freedom. This is not true. On the contrary, they are, in reality, repugnant to both."

Ervin goes on to explain that "Government cannot extend any equality other than equality under the law to its people without infringing on freedom" and

"In their efforts to promote the social equality of members of majority races by open occupancy laws and by compelling others to admit them into their private clubs and schools, civil rights laws deny others the freedom to control the property they own, and the freedom to select associates for themselves and their children. The first of these freedoms is a precious freedom guaranteed to all Americans by their right to engage in free enterprises and to own private property. The freedom to select associates for himself and his children, I submit, is one of the most precious freedoms secured to all Americans by the First Amendment.

"Racial segregation compelled by law is undoubtedly wrong. Racial integration compelled by law is equally wrong."

Later on, in the mid-1960s when Ervin introduced the Indian Bill of Rights, many were skeptical of his support for extending legal and statutory protection to American Indians when he had a record of opposition to other civil rights proposals, ones directly affecting blacks. Yet, if you read "Preserving the Constitution" and Ervin's rationale, you find there is no duplicity. In fact, his philosophy is as purist as they come." ". . . it is not the civil rights of some, but the civil liberties of all' on which I take my stand."

Additionally, the book covers Ervin's record and views on other pertinent issues—prayer in the public schools, the Equal Rights Amendment, the Constitution and religion. Plus, it recounts in a more summarized form from his Watergate book Ervin's leadership and the principal part he played in that national drama.

In "Preserving the Constitution" we have the benefit, the luxury even, of reading all Ervin's major decisions and positions in one volume, candidly, clearly told to us by Ervin himself.

It is a book for every library, a welcome roadmap to understanding and appreciating the wisdom and the majesty and of the Constitution and the strength of its most recognized champion.—Eugene Willard.●

THE SUBCOMMITTEE ON DEFENSE ACQUISITION POLICY: HEARINGS ON MARCH 19 AND MARCH 20

● Mr. QUAYLE. Mr. President, since its establishment on March 7, the Acquisition Policy Subcommittee of the Senate Committee on Armed Services has held two hearings to explore the overall issue of greater efficiency in defense procurement. Our goal is to examine whether there are areas that we need to address in the Defense Authorization Act for fiscal year 1986.

On March 11, we heard testimony from both Government and industry on the subject of developing a more professional acquisition work force. The major focus of the hearing was on the quality and experience of our program managers, who are the key acquisition managers of weapon systems programs. The military services have made significant progress providing a career path for these critical personnel, but this is an area where further congressional direction and oversight is necessary.

The subcommittee reviewed audit policy in the Department of Defense on March 12. Reports that defense contractors have little incentive not to submit unallowable charges to the Government required that we take a closer look at this issue. After exploring this issue in some depth, I feel that we must tighten up the Federal acquisition regulations to further clarify which overhead costs are allowable and which are not. We must also explore ways to deter defense contractors from submitting charges to the Government for costs which are unallowable. The new Department of Defense certification requirement for overhead charges is an important step in the right direction. During the course of the hearing, we also heard testimony from the defense industry on the related issue of excessive or duplicative audits by the Department of Defense.

The subcommittee will continue the work begun in these hearings with additional hearings this week. On March 19, we will receive testimony from Government and outside witnesses on the issue of permissible employment of former DOD officials and members of the armed services, known popularly as the revolving door issue. There is a growing perception that the so-called revolving door between defense and industry is not being adequately policed and we need a clear understanding of the facts.

During the course of the hearing on the 19th, we plan to examine two issues. First we need a better understanding of the current restrictions on permissible employment of former DOD officials. Are they sufficient? Are they being adequately enforced? Second, we need to answer the questions whether placing greater restrictions will create significant disincentives for qualified procurement personnel to work for the Government and whether additional restrictions would place unreasonable limitations on the options available to DOD personnel leaving the Government.

On March 20, the subcommittee will explore the issue of cost estimating as it relates to contract negotiations for specific weapon systems. In an environment where a significant number of contracts are awarded without competition, the contracting officer must have accurate cost estimates to ensure that he has sufficient leverage to hold down the defense contractor's price during negotiations. We intend to explore the mechanics of this process and the status of programs to improve the accuracy and usefulness of the cost estimates provided to the program manager and the contracting officer.●

TRIBUTE TO INITIATIVES TAKEN BY NATIONAL ASSOCIATION OF BROADCASTERS AND THE BROADCASTING INDUSTRY TO COMBAT ALCOHOL ABUSE

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mrs. HAWKINS. Mr. President, on February 7, 1985, as chairman of the Senate Subcommittee on Alcoholism and Drug Abuse, I conducted hearings on the issue of beer and wine advertising on radio and television. The subcommittee heard testimony from representatives of Federal agencies, broadcasters, advertising associations, brewers, vintners, as well as community and research organizations.

The testimony examined diverse viewpoints, approaches, and concerns surrounding the complex problem of alcohol abuse in our society. This is a problem that has been around since time immemorial. There are no easy solutions.

Since public awareness of alcohol abuse is increasing across the country, I think it important to share with you some of the positive actions I found being taken to address this concern by the broadcasting industry.

As the most pervasive of mediums, broadcasting plays a unique role in the lives of all Americans. It is a guest in the home, a conveyor of news and information, and an integral part of our way of life. By law, broadcasters are mandated to "serve in the public interest." This is precisely what I discovered they are doing. Meeting the societal concern of alcohol abuse is a solid example of broadcasters exercising civic responsibility within their communities.

Through the National Association of Broadcasters [NAB], radio and televi-

sion stations have mounted a national drive to educate the American public toward seeking long-term solutions to the problem of alcohol and drug abuse, specifically in the area of drunk and drugged driving. Guided by the association's alcohol and drug abuse task force, a coordinated effort has been underway for well over a year with several national organizations. This ongoing program was recently saluted by President Ronald Reagan and Secretary of Transportation Elizabeth Dole.

The growing national concern regarding the alcohol and drug abuse problem has been amplified and publicized by broadcasters at every level—through their news stories, editorials, full-length public affairs programs and public service announcements [PSA's]. And in community action programs.

A recent survey of radio and television stations showed 92 percent aired alcohol-related PSA's in a recent 6-month period. Half of all stations produced their own, locally oriented messages. Over 80 percent of the stations have broadcast stories about alcohol- and drug-related problems, and over two-thirds have produced their own, full-length alcohol- and drug-related public affairs shows, many in cooperation with local organizations.

State broadcast associations have been encouraged to establish their own alcohol and drug abuse task forces. These statewide coalitions have produced and distributed public service announcements in conjunction with local Mothers Against Drunk Driving [MADD], Students Against Driving Drunk [SADD], the National Federation of Parents for Drug-Free Youth, and PTA chapters, as well as business and other community groups.

Community activities coordinated by radio and television stations and targeted around high-fatality times of year (such as the holiday season or graduation) are currently underway nationwide.

A specific example is the Washington, DC, Regional Alcohol Program [WRAP] comprised of representatives from the Capital Centre, local broadcasters, automobile, insurance, and local tavern and restaurant owners. WRAP produced the designated driver and dial-a-ride programs we witnessed over the last several holiday seasons. Between Thanksgiving, 1983, and January 1, 1984, there was not one alcohol-related highway fatality in Washington, DC. In 1984, the number of drunk driving incidents and arrests decreased substantially. Both results are attributable, in large measure, to the WRAP community project. Since its inception, WRAP has become a model program for the NAB, exemplifying a successful, locally coordinated station activity.

There are other examples of the positive effect of broadcast station efforts. The Iowa Department of Transportation reported that alcohol-related traffic fatalities had declined by more than half for the first 6 months of 1984, due in large part to the media exposure given to law enforcement efforts in that State. Authorities in Johnstown, PA, experiencing not a single drunk driving fatality during the 1984 holiday season, attributed that statistic to media attention to the problem of drunk driving. When the State of Washington Traffic Safety Commission announced no 1984 holiday season alcohol-related traffic fatalities, its director stated that "the media's commitment to the drunk driving issue defies measurement."

To provide a data base from which the industry can draw on ideas and information for alcohol-related activities, NAB has established a computerized clearinghouse documenting programming and community efforts by stations. A regular monthly satellite feed of these ideas to broadcasters nationwide has been instituted. To date, the clearinghouse has received over 1,000 contributions and requests for information about drunk driving campaigns from both its member stations and concerned national organizations.

Last holiday season, NAB organized a satellite feed of public service announcements on alcohol and drug abuse to every TV station in the country. The 32 TV spots were culled from a wide variety of sources—civic organizations, the Advertising Council, State broadcast associations (in California, $125,000 was raised for such PSA's), local stations, and so forth.

These spots, some of which were shown at my hearing, demonstrate the depth and strength of station commitment to this national concern. Despite the highly competitive nature of broadcasting, the three competing news anchors in Honolulu banded together to warn the public against drinking and driving. State Governors, local officials, and community leaders headlined other PSA's. Some featured stars from prime-time television series, such as "Dallas."

Recently, the association launched yet another initiative, Operation Prom/Graduation, aimed at our youth. This program is designed to reduce the number of teenage deaths and injuries from alcohol- and drug-related accidents during the prom and graduation season. The strategy of this second campaign is based on education through local action. Broadcasters are taking the lead in organizing alcohol- and drug-free alternative activities with the aid of their business community.

To accomplish this, a national task force was formed, chaired by NAB, and including the National Automobile Dealer Association, the National Soft Drink Association, the National Restaurant Association, and the American Floral Marketing Council. These concerned groups have been asked to summon the support of their local memberships.

Local operation prom/graduation task forces will approach the various high schools in their markets and urge student councils to organize nonalcoholic and drugfree events around graduation. The students themselves will coordinate the activities with the support, supervision, and expertise of these task force members.

Community action kits have been sent to all broadcasters. A second national satellite feed went out featuring youth-oriented public affairs programming to initiate community involvement in alcohol awareness programs. Joining broadcasters in this effort are MADD, SADD, and the National Federation of Parents for Drug-Free Youth. It is truly a comprehensive program for local assimilation and one geared toward those most in need of direction, our Nation's youth.

NAB's upcoming annual convention, the largest broadcast trade show in the world, has taken as its theme, "Take Part, Take Pride"—a "call to arms" for stations to continue their community activities. Major sessions will be devoted solely to the alcohol and drug abuse problem and broadcaster involvement.

Early this month, NAB's Alcohol and Drug Abuse Task Force came forward with a series of recommendations stressing the industry's long-term commitment to the alcohol and drug abuse issue. Broadcasters' efforts in this area cannot be overstated.

What resulted from my hearings was a picture of an industry firmly committed and acting upon those commitments to serving the public interest. The National Association of Broadcasters and the broadcasting industry as a whole is to be commended for solidly demonstrating its civic responsibility to the people of this country.●

SENATE OFFICIAL PHOTOGRAPH POSTPONED

Mr. DOLE. Mr. President, earlier the Senator from Kansas indicated that following the MX vote there would be the official photograph for the historical society and the National Geographic, but I am prepared to suggest now that the photograph will not be taken tomorrow after the vote because the vote will be coming so late. We will either do it later this week or at a later time.

REMOVAL OF INJUNCTION OF SECRECY

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a Protocol to the Conven-

tion for the Conservation of Atlantic Tunas (Treaty Document No. 99-4) which was transiitted to the Senate by the President of the United States on March 14, 1985. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Protocol agreed upon July 10, 1984 by the Conference of Plenipotentiaries of the Contracting Parties to the International Convention for Conservation of Atlantic Tunas (ICCAT). The Protocol was signed by the United States on September 10, 1984. It will enter into force following ratification by all Contracting Parties of the ICCAT. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol would amend the ICCAT to permit intergovernmental economic integration organizations, such as the European Economic Community (EEC), to become Contracting Parties to the ICCAT on behalf of their member States. The ICCAT, which seeks to promote the conservation of tuna and tuna-like fish in the Atlantic Ocean, now provides only for the accession of individual States as Contracting Parties.

Once the Protocol has entered into force, it is anticipated that the EEC will take the necessary steps to become a Contracting Party. At that time France will withdraw from the ICCAT. These actions are intended to recognize the competence of the EEC over fisheries matters on behalf of its member States and is consistent with the long-standing support of the United States for the process of European integration embodied by the EEC. Ratification by the United States will be necessary before the Protocol can enter into force, as the Protocol stipulates that all Contracting Parties must ratify the agreement in order for its provisions to take effect.

I recommend that the Senate give early consideration to the Protocol and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *March 14, 1985.*

COMMENDATION OF LT. GEN. LINCOLN D. FAURER

Mr. DOLE. Mr. President, I send a concurrent resolution to the desk on behalf of Senator DURENBERGER and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 30) to commend Lt. Gen. Lincoln D. Faurer for exceptionally distinguished service to the United States of America.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to. The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 30

Whereas, Lieutenant General Lincoln D. Faurer, United States Air Force, has served his nation with dedication, honor and distinction for 35 years since his graduation from the United States Military Academy in 1950;

Whereas, General Faurer's career has been one of outstanding accomplishment and devotion to duty, culminating with three years of service as Director of the National Security Agency, where he has directed the nation's most complex and technologically sophisticated intelligence collection systems;

Whereas, General Faurer's many commendations and awards testify to his extraordinary skill and outstanding innovative leadership;

Whereas, during a period of rapid technological change and accelerated demand for timely, accurate Signals Intelligence information to support both national and defense intelligence requirements, General Faurer has guided the National Security Agency to unprecedented levels of achievement and has thus made a major contribution to the national security of the United States;

Whereas, General Faurer has made significant contributions to the successful furthering of National Security Agency missions involving communications and computer security through his energetic and effective management of complex, rapidly evolving programs;

Whereas, General Faurer has earned the respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former Members of the Intelligence Committees of the Senate and House of Representatives for his integrity and positive approach to Congressional oversight of our Nation's intelligence activities: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That on the occasion of his retirement from active duty the Senate and House of Representatives of the United States of America express and record their deep appreciation to Lieutenant General Lincoln D. Faurer for his exceptionally distinguished service to the United States Air Force, the national and defense intelligence missions, and the national security of the United States.

NATIONAL SKIN CANCER PREVENTION AND DETECTION WEEK

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.J. Res. 85, National Skin Cancer Prevention and Detection Week.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 85) to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week."

Mr. HATCH. Mr. President, I urge my colleagues to expeditiously approve House Joint Resolution 85, which is identical to Senate Joint Resolution 4 which I introduced on January 3, 1985, to designate the week of March 24-30, 1985, as "National Skin Cancer Prevention and Detection Week." This legislation enjoys wide support as evidenced by The cosponsors among my Senate colleagues. This initiative has also been strongly encouraged by Mrs. Reagan, who has given it her personal endorsement.

Skin cancer is increasing in the United States; however, much of it can be prevented. Melanoma, a frequently fatal form of skin cancer, can actually be cured if detected early enough and properly treated. It is estimated that 18,000 Americans will develop a primary melanoma and over 500,000 Americans will develop other forms of skin cancer this year. There is evidence that the incidence of melanoma has doubled every decade since the 1930's and is now increasing at a faster rate than any other cancer except lung cancer in women.

To further emphasize the importance of this legislation. I submit for the record a letter from Dr. Gerald G. Krueger, head of the Division of Dermatology at the University of Utah School of Medicine:

DEAR SENATOR HATCH: As Head of the Division of Dermatology, at the University of Utah School of Medicine, and as a dermatologist from Utah, I, along with my American Academy of Dermatology colleagues in Utah and throughout the United States, would like to express our gratitude to you for your recent efforts to establish a "National Skin Cancer Prevention and Detection Week". As dermatologists, we have long been aware of the very high incidence of skin cancer, and the fact that it can be prevented and detected in the early stages. It is estimated that there will be nearly 500,000 cases of skin cancer in the United States in 1985. The growing incidence of melanomas, and the general disregard for this problem by the public sector is of obvious concern to you, as well as to us.

Our expression of gratitude is joined by the gratitude of those patients who have had skin cancer, and who now realize that early recognition and prevention are in the realm of reality. It is surprising to continously learn that most patients who have had skin cancers feel that they have not

been adequately informed as to the preventative aspects of this problem.

The increased incidence of melanoma, as well as non-melanoma skin cancer, in Utah, prompted a recent local effort in the education of the public's recognition of skin cancer several years ago. This was very successful. In Salt Lake City alone, as many as 20 melanomas were recognized in the early curative states. This likely saved as many as four to five lives, as 25 percent of patients with melanoma die secondary to a late diagnosis.

This type of local success led the membership and leadership of the American Academy of Dermatology to reemphasize the existing effort, and to push for a larger effort in this regard. Thus, your general recognition and advocation of the fact that prevention not only saves lives, but saves money, makes your introduction of the joint resolution for the National Skin Cancer Prevention and Detection Week most appropriate. The type of emphasis "a national week" brings to a problem, along with the American Academy of Dermatology's plan to enhance this emphasis by offering free dermatologic exams, etc., during this week, will undoubtedly lead to the saving of many lives, and decreased amounts of money spent on health care.

Sincerely,

GERALD G. KRUEGER, M.D.,
Professor of Medicine,
Head, Division of Dermatology.

Mr. President, all of us know prevention of illness and disability is by far less expensive and easier than finding cures or providing costly remedies. This health promotion effort is an excellent example of how we can save thousands of lives and perhaps millions of dollars by sharing current knowledge with as many of our citizens as we can reach out to. I urge all of my colleagues to approve this resolution.

I should also like to take this opportunity to recognize some individuals who have worked so hard in leading the fight for "National Skin Cancer Prevention and Detection Week". Without their help this resolution may not have become a reality and the events associated with this week could not be a success.

Clayton E. Wheeler Jr., M.D., president of the American Academy of Dermatologists; Richard L. Dobson, M.D., previous president of the academy; and G. Thomas Jansen, M.D., secretary/treasurer of the academy, have all made this resolution possible. I am grateful for their dedication.

I am pleased to learn that this effort at melanoma-skin cancer prevention and detection nationally will also affect citizens in Utah. I am informed that Dr. Leonard J. Swinyear and Dr. Ralph Bradley have teamed up to develop skin cancer screening programs, not only in Salt Lake City, where they practice, but throughout, with such screening programs beginning on March 24 and lasting at least through the end of April. I am looking forward to their reports on how the programs progress. I am very hopeful that the citizens of Utah will take advantage of these free skin cancer screening programs when they are announced in their areas. Dr. Swinyear, who is a leader in the American Academy of Dermatology's Committee on Audio-Visual Education, has for years developed slide programs on the detection of melanoma and other skin cancers for professional education programs for his colleagues in dermatology, and 3 years ago created a videotape program on how to recognize melanomas, which were run as public service announcements on Salt Lake City television. It is this sort of voluntary physician effort which represents the finest kind of involvement in disease prevention activities.

● Mr. LAUTENBERG. Mr. President, I am pleased to rise in support of House Joint Resolution 85, designating March 24 to 30, 1985 as "National Skin Cancer and Prevention Week." I am a cosponsor of the Senate version of this resolution, Senate Joint Resolution 4.

Skin cancer is the most common form of cancer in the United States and is increasing each year. People can do much to prevent this disease by protecting themselves from exposure to the Sun. Public education and awareness are essential in helping to control this important health problem.

During Skin Cancer Detection and Prevention Week, the New Jersey Dermatological Society will be offering free skin cancer screenings to the public and providing education to the public on precautions that can be taken to prevent skin cancer.

The activities of the New Jersey Dermatological Society are an important contribution to the promotion of public health and awareness. I should like to share with my colleagues a letter I received from Dr. Frederic Haberman, president of the New Jersey Dermatological Society, about its plans.

I ask that the text of the letter be printed following my remarks.

The letter follows:

NEW JERSEY
DERMATOLOGICAL SOCIETY,
Lawrenceville, NJ.

Re: Co-sponsorship of the Joint Congressional Resolution of "Skin Cancer Detection and Prevention Week".

Hon. FRANK R. LAUTENBERG,
Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: Knowing of your great concern regarding the health of the American people and the people of New Jersey, we are pleased to write you and ask for your support of House Joint Resolution 85 which is legislation designating the week of March 24 through March 30, 1985 as "National Skin Cancer Detection and Prevention Week".

The purpose of "National Skin Cancer Detection and Prevention Week" is to educate Americans including New Jersey residents on ways they can protect themselves from skin cancers and especially malignant melanoma.

As President of the New Jersey Dermatological Society, I thought you would like to know, right here in New Jersey, we dermatologists will offer free skin cancer screenings to the public. These New Jersey Dermatologists will be volunteering their time to this important cause.

Prolonged over exposure to sunlight is a primary cause of most skin cancers. Still, one can enjoy outdoor activities and protect ones' skin health. This is why we in the New Jersey Dermatological Society want to educate the public during "National Skin Cancer Detection and Prevention Week" on how to take simple precautions such as applying sunscreens and minimizing skin exposure during peak sun hours as the best defense against skin cancer.

Over four hundred thousand new cases of skin cancer are expected to be reported this year. The American Cancer Society, the American Academy of Dermatology and other groups are behind a week such as "National Skin Cancer Prevention and Detection Week".

We urge you to support this worthwhile joint health resolution.

Sincerely,

Dr. FREDERIC HABERMAN,
President, New Jersey Dermatological Society, Chairman, Dermatology Section, Academy of Medicine of New Jersey.●

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

There being no objection, the joint resolution (H.J. Res. 85) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. DOLE.. Mr. President, I now ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The PRESIDING OFFICER. With out objection, it is so ordered.

Mr. DOLE. Mr. President, on the Executive Calendar, it is my understanding that Calendar Order Nos. 49, 50, 51, 52, 53, 54, and 55 have all been cleared by the distinguished minority leader.

Mr. BYRD. Mr. President, there is no objection on this side. Also, may I say to the distinguished majority leader, the nominations placed on the Secretary's desk which appears on page 4 are all cleared on this side.

Mr. DOLE. Mr. President, I ask unanimous consent that they be considered en bloc and confirmed en bloc and that they be shown as confirmed separately in the RECORD, with the ex-

ception of nominations placed on the Secetary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

CONSUMER PRODUCT SAFETY COMMISSION

Carol Gene Dawson, of Virginia, to be a commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 1985, vice Samuel D. Zagoria, resigned, to which position she was appointed during the recess of the Senate from June 29, 1984, until July 23, 1984.

DEPARTMENT OF TRANSPORTATION

Richard H. Jones, of Virginia, to Deputy Administrator of the Federal Aviation Administration, Vice Michael J. Fenello, resigned, to which position he was appointed during the recess of the Senate.

FEDERAL MARITIME COMMISSION

Edward J. Philbin, of California, to be a Federal Maritime commissioner for the term expiring June 30, 1989, vice James V. Day, resigned, to which position he was appointed during the last recess of the Senate.

FEDERAL TRADE COMMISSION

Mary L. Azcuenaga, of the District of Columbia to be a Federal Trade Commissioner for the term of 7 years from September 26, 1984, vice Michael Pertschuk, resigned, to which position she was appointed during the last recess of the Senate.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Robert L. Johanson, USCG.
Capt. William F. Merlin, USCG.
Capt. Arnold B. Beran, USCG.
Capt. Peter J. Rots, USCG.
Capt. Thomas T. Matteson, USCG.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Barbara W. Schlicher, of New Jersey, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1987, vice Frank J. Donatelli, resigned, to which position she was appointed during the last recess of the Senate.

EXPORT-IMPORT BANK OF THE UNITED STATES

John A. Bohn, Jr., of Virginia, to be first vice president of the Export-Import Bank of the United States for a term expiring January 20, 1989 (reappointment).

Mr. BYRD. Mr. President, in order to clarify for the RECORD what nominations have now been acted upon, were those on page 4 included by the distinguished majority leader?

Mr. DOLE. I did not include those on page 4.

Mr. BYRD. I thank the majority leader.

Mr. DOLE. Was there an objection to Calendar No. 48, Message No. 81, Department of Defense?

Mr. BYRD. Mr. President, that nomination has not been cleared on this side.

The PRESIDING OFFICER. Does the majority leader wish to present the nominations on page 4?

Mr. DOLE. Mr. President, I ask unanimous consent that the nominations placed on the Secretary's desk in the Air Force, Army, Coast Guard, and Navy be considered en bloc at this time.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, COAST GUARD, NAVY

Air Force nominations beginning Garald L. Bottorff, and ending Harry A. White, III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Air Force nominations beginning Major Kenneth E. Berger, and ending Major Benedict N. Antonecchia, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Air Force nominations beginning Jerome J. Akerson, and ending Timothy M. Zadalis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Army nominations beginning George F. Chandler, and ending Isaac Sims, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Army nominations beginning Alden M. Cunningham, and ending Lynn E. Mulero, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Army nominations beginning Thomas E. Forbess, and ending Russell B. Sadler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Coast Guard nominations beginning William H. Maddox, Jr., and ending William J. Mclay, which nominations were received by the Senate on January 9, 1985, and appeared in the CONGRESSIONAL RECORD of January 21, 1985.

Coast Guard nominations beginning Dennis C. Foresman, and ending Eugene G. Mortorff, which nominations were received by the Senate on January 23, 1985, and appeared in the CONGRESSIONAL RECORD of January 24, 1985.

Coast Guard nominations beginning Ernest J. Teichert, and ending John M. Kinsey, which nominations were received by the Senate on February 8, 1985, and appeared in the CONGRESSIONAL RECORD of February 19, 1985.

Navy nominations beginning Mark E. Murphy, and ending David C. Phillips, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 26, 1985.

Mr. DOLE. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDERS FOR TUESDAY

ORDER FOR RECESS TODAY UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 9:30 a.m. on Tuesday, March 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS THURMOND AND PROXMIRE

Mr. DOLE. Mr. President, I ask unanimous consent that, folliwing the recognition of the two leaders under the standing order tomorrow, the following Senators be recognized for not to exceed 15 minutes each: Senator THURMOND and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW FROM 12 NOON TO 2 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. Mr. President, if there be no further business, I move that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:37 p.m., the Senate recessed until tomorrow, Tuesday, March 19, 1985, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Secretary of the Senate March 14, 1985, under authority of the order of the Senate of January 3, 1985:

EXECUTIVE OFFICE OF THE PRESIDENT

Midge Decter, of New York, to be a member of the Advisory Board for Radio Broadcasting to Cuba for a term of 1 year (new position).

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 1985:

CONSUMER PRODUCT SAFETY COMMISSION

Carol Gene Dawson, of Virginia, to be a commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 1985.

DEPARTMENT OF TRANSPORTATION

Richard H. Jones, of Virginia, to be Deputy Administrator of the Federal Aviation Administration.

FEDERAL MARITIME COMMISSION

Edward J. Philbin, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1989.

FEDERAL TRADE COMMISSION

Mary L. Azcuenaga, of the District of Columbia, to be a Federal Trade commissioner for the term of 7 years from September 26, 1984.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Robert L. Johnson, USCG.
Capt. William F. Merlin, USCG.
Capt. Arnold B. Beran, USCG.
Capt. Peter. J. Rots, USCG.
Capt. Thomas T. Matteson, USCG.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Barbara W. Schlicher, of New Jersey, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1987.

EXPORT-IMPORT BANK OF THE UNITED STATES

John A. Bohn, Jr., of Virginia, to be first vice president of the Export-Import Bank of the United States for a term expiring January 20, 1989.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

Air Force nominations beginning Garald L. Bottorff, and ending Harry A. White III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Air Force nominations beginning Maj. Kenneth E. Berger, and ending Maj. Benedict N. Antonecchia, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Air Force nominations beginning Jerome J. Akerson, and ending Timothy M. Zadalis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

IN THE ARMY

Army nominations beginning George F. Chandler, and ending Isaac Sims, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Army nominations beginning Alden M. Cunningham, and ending Lynn E. Mulero which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

Army nominations beginning Thomas E. Forbess, and ending Russell B. Sadler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 1985.

IN THE COAST GUARD

Coast Guard nominations beginning William H. Maddox, Jr., and ending William J. Mclay, which nominations were received by the Senate on January 9, 1985, and appeared in the CONGRESSIONAL RECORD of January 21, 1985.

Coast Guard nominations beginning Dennis C. Foresman, and ending Eugene G. Mortorff, which nominations were received by the Senate on January 23, 1985, and appeared in the CONGRESSIONAL RECORD of January 24, 1985.

Coast Guard nominations beginning Ernest J. Teichert, and ending John M. Kinsey, which nominations were received by the Senate on February 8, 1985, and appeared in the CONGRESSIONAL RECORD of February 19, 1985.

IN THE NAVY

Navy nominations beginning Mark E. Murphy, and ending David C. Phillips, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 26, 1985.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 19, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 20

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the military space program, including ASAT.
SR-222

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
334 Cannon Building

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Commerce, and the International Trade Commission.
S-146, Capitol

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on activities of and on proposed authorizations for the Federal Communications Commission.
SR-253

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for the National Science Foundation.
SD-226

Finance
To hold hearings on the United States-Israel Free Trade Agreement.
SD-215

Foreign Relations
To hold hearings on proposed authorizations for fiscal year 1986 for foreign assistance programs.
SD-419

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine capital investment, debt, credit, and taxes in agriculture policy.
SR-328A

Appropriations
Business meeting, to mark up S.J. Res. 75, to further approve the obligation of funds made available by P.L. 98-473 (making continuing appropriations for fiscal year 1985) for procurement of MX missiles.
SD-192

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on media efforts to deglamorize drug abuse.
SD-342

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To resume hearings to examine the impact of the dollar on U.S. competitiveness, focusing on foreign trade barriers.
SD-538

10:30 a.m.
Rules and Administration
To hold an organizational meeting, to consider committee rules of procedure for the 99th Congress, membership for the Joint Committees on Printing and the Library, committee budget for 1985, and other pending legislative and administrative business.
SR-301

2:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of John R. Norton, III, of Arizona, to be Deputy Secretary of Agriculture.
SR-328A

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Export-Import Bank of the United States.
S-126, Capitol

Appropriations
Military Construction Subcommittee
To continue joint hearings with the Committee on Armed Services' Subcommittee on Military Construction on S. 537, authorizing funds for fiscal year 1986 for military construction programs of the Department of Defense.
SR-232A

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriations' Subcommittee on Military Construction on S. 537, authorizing funds for fiscal year 1986 for military construction programs on the Department of Defense.
SR-232A

Armed Services
Defense Acquisition Policy Subcommittee
To hold hearings to review cost estimating practices of the Department of Defense.
SR-253

Judiciary
To hold hearings on pending nominations.
SR-226

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 21

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on classified programs.
S-407, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the livestock and poultry industry.
SR-328A

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearins on paropose budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SR-428A

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the U.S. Trade Commission.
S-146, Capitol
Commerce, Science, and Transportation Consumer Subcommittee
To hold hearings on S. 100, to provide for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Washington Metropolitan Area Transit Authority, and the Architectural and Transportation Barriers Compliance Board.
SD-138
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Personnel Management.
SD-116
Commerce, Science, and Transportation Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the Maritime Administration, and S. 102, authorizing funds for fiscal year 1986 for the maritime construction differential subsidy.
SD-628
Energy and Natural Resources
Business meeting, to consider Senate Joint Resolution 77, to approve the "Compact of Free Association," and subcommittee assignments.
SD-366
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on S. 124, authorizing funds through fiscal year 1989 for programs of the Safe Drinking Water Act.
SD-406
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on S. 660, authorizing funds fiscal years 1986 and 1987 for development and security assistance programs of the Department of State.
SD-419
Judiciary
Business meeting, to consider pending calendar business.
SD-226

1:00 p.m.
Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings in closed session on certain activities of the Drug Enforcement Administration, Department of Justice.
S-407, Capitol

1:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on S. 660, authorizing funds for fiscal years 1986 and 1987 for development and security assistance programs of the Department of State.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for energy conservation programs.
SD-138
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on proposals concerning military and civilian manning levels.
SR-232A

2:30 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

4:00 p.m.
Small Business
To hold an organizational business, to consider committee budget for 1985, committee rules of procedure for the 99th Congress, and subcommittee assignments.
SR-428A

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for U.S. agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the dairy industry.
SR-328A
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on S. 667, authorizing funds for certain programs of the Department of Housing and Urban Development.
SD-538
Commerce, Science, and Transportation
Science, Technology, and Space Committee
To hold hearings on proposed legislation authorizing funds for satellite and atmospheric programs of the National Oceanic and Atmospheric Administration.
SR-253

10:00 a.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings on S. 660, authorizing funds for fiscal years 1986 and 1987 for development and security assistance programs of the Department of State.
SD-419
Governmental Affairs
To hold oversight hearings on the implementation of the President's Private Sector Survey on Cost Control (the Grace Commission).
SD-342

MARCH 25

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the feed grain industry.
SR-328A
Finance
To hold hearings to review the GAO report on improved efficiency needed to relieve Medicaid from paying for services covered by private insurers.
SD-215
Judiciary
To hold hearings on S. 522, to prohibit the use of Federal financial assistance to perform abortions except where the life of the mother would be endangered.
SD-226
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on a proposal to reform the current system of Federal funding for graduate medical education.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on S. 374 and S. 193, bills authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

1:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 667, authorizing funds for certain programs of the Department of Housing and Urban Development.
SD-538
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings to examine insurance problems in the fishing industry.
SR-253

2:00 p.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
H-227, Capitol

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of the Inspector General, and Office for Civil Rights.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Bureau of Standards.
SR-253
Environment and Public Works
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Governmental Efficiency

and the District of Columbia on Government global forecasting capability.
SD-342

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold joint hearings with the Committee on Environment and Public Works on Government global forecasting capability.
SD-342

Labor and Human Resources
To resume oversight hearings to review labor violence activities.
SD-430

Veterans' Affairs
To hold oversight hearings to review VA policies relating to the construction of major medical facilities.
SR-418

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Farmers Home Administration, Department of Agriculture, and the Farm Credit Administration.
SD-124

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on research, development, technology, and engineering.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

Foreign Relations
Business meeting, to mark up S. 660, authorizing funds for fiscal years 1986 and 1987 for development and security assistance programs of the Department of State.
SD-419

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Geological Survey, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary, Financial Management Service, Bureau of the Public Debt, U.S. Mint, U.S. Savings Bonds Division, all of the Department of the Treasury, and the U.S. Postal Service.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Federal Fire Prevention and Control Act (P.L. 93-498).
SR-253

2:30 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

MARCH 27

9:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Martha R. Seger, of Michigan, to be a Member of the Board of Governors of the Federal Reserve System.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration, and to hold oversight hearings to review activities of the Office of Commercial Space, Department of Transportation.
SR-253

Veterans' Affairs
To hold hearings on the nomination of Donald E. Shasteen, of Maryland, to be Assistant Secretary of Labor for Veterans' Employment.
SR-418

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the soybean industry.
SR-328A

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, refugee programs, and the Office of Child Support Enforcement.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Board for International Broadcasting, Arms Control and Disarmament Agency, and the Federal Communications Commission.
S-146, Capitol

Environment and Public Works
Environment Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

Veterans' Affairs
To hold oversight hearings to review the Veterans' Administration construction process.
SR-418

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for foreign assistance programs.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Revenue Sharing and the New York City Loan Program (Department of the Treasury), Consumer Product Safety Commission, Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

Foreign Relations
Business meeting, to continue markup of S. 660, authorizing funds for fiscal years 1986 and 1987 for development and security assistance programs of the Department of State.
SD-419

MARCH 28

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the wheat industry.
SR-328A

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research.
SD-116

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Pipeline Safety Act.
SD-G50

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on Guard and Reserve affairs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans Administration, and the National Science Foundation.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Interstate Commerce Commission.
SD-138

Foreign Relations
To hold hearings on S. 659, authorizing funds for fiscal years 1986 and 1987 for the Department of State.
SD-149

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navajo and Hopi Indian Relocation Commission, and the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Executive Office of the President, and the Internal Revenue Service, Department of the Treasury.
SD-116.

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the cotton industry.
SR-328A

Finance
To hold hearings to review the findings of the President's Commission on Industrial Competitiveness.
SD-215

APRIL 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 501 and S. 216, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the rice industry.
SR-328A

Labor and Human Resources
Handicapped Subcommittee
To hold hearings on the care and advocacy for mentally disabled persons in institutions.
SR-428A

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

APRIL 2

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the sugar, wool and honey industry.
SR-328A

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the activities of the Office of Government Ethics.
SD-366

Labor and Human Resources
Handicapped Subcommittee
To continue hearings on the care and advocacy for mentally disabled persons in institutions.
SR-428A

Veterans' Affairs
To hold oversight hearings on the Veterans' Administration home loan guaranty program.
SR-418

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, Food for Peace Program (P.L. 480), Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on strategic defense initiative.
SD-138.

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Government Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 483, to ensure that the Federal Government assume the full cost of legislating and regulating Federal purposes and mandates.
SD-342

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Parks Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the peanut industry.
SR-328A

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, and the U.S. Information Agency.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
SD-G50

Labor and Human Resources
Handicapped Subcommittee
To continue hearings on the care and advocacy for mentally disabled persons in institutions.
SR-428A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for certain defense programs, focusing on Navy shipbuilding and conversion.
SD-116

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Aviation Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Environment and Public Works
To hold hearings on the availability of environmental impairment insurance and its relation to the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (P.L. 96-510), and the Resource Conservation Recovery Act (P.L. 98-616).
SD-406

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 4

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for the food for peace program and export industry.
SR-328A

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Oceanic and Atmospheric Administration, Department of Commerce, the Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings in closed session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

Veterans' Affairs
To hold hearings on S. 6, to clarify and improve certain health-care programs and services provided and administered by the Veterans' Administration, and related proposals.
SR-418

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, focusing on multilateral development banks.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Conrail, U.S. Railway Association, and the Office of the Secretary of Transportation.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 53, authorizing funds through fiscal year 1989 for the Clean Water Act, and related measures.
SD-406

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings in open session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

APRIL 15

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for conservation programs.
SR-328A

1:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 667, authorizing funds for certain programs of the Department of Housing and Urban Development
SD-538

APRIL 16

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for research and extension programs.
SR-328A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Mines, Department of the Interior.
SD-138

APRIL 17

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on commodity assistance for rural credit programs.
SR-328A

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including education for the handicapped, rehabilitation services and handicapped research, special institutions, including Howard University, and bilingual education.
SR-428A

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

Finance
To hold hearings to review an Administration report on prospective payment for skilled nursing facilities under the Medicare program.
SD-215

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Customs Service, Department of the Treasury.
SD-124

APRIL 18

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs, focusing on agribusiness.
SR-328A

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for AMTRAK.
SR-253

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Endowment for the Humanities, and the National Endowment for the Arts.
SD-138

APRIL 23

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 501 and S. 616, bills to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue low-income food assistance programs.
SR-328A

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Forest Service, Department of Agriculture.
SD-138

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, U.S. Postal Service, and general Government Programs.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, college housing loans, educational research and training, and libraries.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Bureau of Investigation, Department of Justice, the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency, and the Environmental Protection Agency.
SD-124

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for ACTION (domestic programs), Corporation for Public Broadcasting, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Council on the Handicapped.
SD-116

Commerce, Science, and Transportation
Surface Transporation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Management and Budget, including the Office of Federal Procurement Policy.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Indian Education, and the Institute of Museum Services.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

APRIL 29

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Transportation and related agencies.
Room to be announced

APRIL 30

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, and the Federal Mediation and Conciliation Service.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the De-

partments of Labor, Health and Human Services, Education, and certain related agencies.
Room to be announced
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. District Courts.
S-146, Capitol
Consumer, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the General Services Administration.
SD-138

MAY 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs Department of the Interior.
SD-138

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Indian Health Service, Department of Health and Human Services.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

MAY 9

9:30 a.m.
Appropriations
Labor, Health, and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management, Department of the Interior.
SD-138

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.
SD-138
Governmental Affairs
Intergovernmental Relations Subcommittee
To resume hearings on S. 483, to ensure that the Federal Government assume the full cost of legislation and regulating Federal purposes and mandates.
SD-342

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.
SD-138

MAY 23

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.
SD-138

OCTOBER 1

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SD-106

CANCELLATIONS

MARCH 19

2:00 p.m.
Labor and Human Resources
To hold hearings on S. 484, to extend for 3 years the moratorium on the ban of the artificial sweetener saccharin.
SD-430

MARCH 26

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the Stevenson/Wydler Technology Innovation Act (P.L. 96-480).
SR-253

SENATE—*Tuesday, March 19, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Thus saith the Lord, "Let not the wise man glory in his wisdom, neither let the mighty man glory in his might, let not the rich man glory in his riches; but let him that glorieth glory in this, that he understandeth and knoweth me, that I am the Lord which exercises loving kindness, judgement, and righteousness in the earth; for in these things I delight." saith the Lord.—Jeremiah 9:23-24.

Almighty God, Supreme Ruler of the universe, sovereign Lord of history, as the Senate struggles with the critical issue confronting it today, may Your light and truth illuminate and guide to righteous judgment. All hearts long for peace, the profound question is how is that longing fulfilled? Grant, Gracious God, that in this debate the destiny of humanity will not be hostage to political machination. Make Your presence felt, Your way known, and Your will done in this place this day. In the name of the Prince of Peace we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. SIMPSON. Mr. President, I thank the Chaplain for his comments, always most topical, most timely, and most warmly and sincerely felt. We appreciate what he does for us on both a personal and a public level.

SCHEDULE

Mr. SIMPSON. Mr. President, today the two leaders are to be recognized under the standing order for 10 minutes each, and I understand that Senator THURMOND wishes 5 minutes of that time, and that will certainly be yielded. We have special orders not to exceed 15 minutes each for Senator THURMOND and Senator PROXMIRE. We have routine morning business not to extend beyond the hour of 10:30 a.m. with statements limited therein to 5 minutes each.

Following morning business we will have Senate Joint Resolution 71, the MX authorization, a serious national issue.

By unanimous consent the Senate will stand in recess between the hours of 12 noon and 2 p.m. today.

Also by unanimous consent at 5 p.m. today the Senate will vote on final disposition of Senate Joint Resolution 71, the MX authorization.

For the information of all Senators, the official photograph of the Senate, which was to be taken by the National Geographic Society during the session today, has been postponed.

Mr. President, I also reserve the time of the minority leader, Senator BYRD, for his later appropriate use.

Mr. President, I yield now a portion of leadership time and time under the special order to Senator THURMOND.

RECOGNITION OF SENATOR THURMOND

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from South Carolina, the President pro tempore, is recognized.

Mr. THURMOND. Thank you, Mr. President.

S. 680—THE TEXTILE AND APPAREL TRADE ENFORCEMENT ACT OF 1985

Mr. THURMOND. Mr. President, we are today introducing legislation that will significantly strengthen and promote enforcement of our trade laws and agreements. I am very pleased that this measure, the Textile and Apparel Trade Enforcement Act of 1985, has already attracted strong bipartisan support. Many of my Senate colleagues have signified their dedication to the continuation of a viable American textile/apparel industry and are joining with me today as original cosponsors of this important legislation. Identical legislation is also being introduced in the House, with more than 100 Members joining as cosponsors.

IMPORTANCE OF TEXTILE/APPAREL INDUSTRY

Mr. President, a viable textile/apparel industry is absolutely essential to the economy and national security of this Nation. Although seriously threatened, and already heavily impacted by massive imports, this vital industry still provides employment nationwide for more than 2 million Americans. One out of every 10 manufacturing jobs is a textile/apparel-created job. More people, and more families, depend upon the textile/apparel industry for their livelihoods than the steel and auto industries combined.

If the current trends in job losses due to import penetration are allowed to continue, massive economic hardships will result for those who depend on this industry for their livelihoods.

However, the repercussions will extend far beyond the boundaries of this industry. Continued decline of the textile/apparel industry will be felt throughout our entire economy as related and supporting industries, which account for another 2 million jobs, also begin to fail. Those who lose their jobs will inevitably reduce their consumption of goods, draw against whatever savings they may have accumulated, and turn to unemployment compensation for their subsistence.

In addition to its economic importance, the textile/apparel industry is critical to the defense and security of this Nation. We simply cannot allow ourselves to become dependent upon foreign nations for the basic defense requirements of our Armed Forces. While the production of military apparel may come to mind first, the contributions of our domestic textile/apparel industry toward defense go far beyond fulfilling the basic necessity of clothing our fighting men. In World War I, for example, the struggle to produce a manmade fiber, which we know today as rayon, resulted in the discovery of a lacquer coating that proved useful in the production of warplanes.

The textile/apparel industry also greatly assisted in the successful effort to achieve victory during World War II, when over 70 percent of its capacity turned toward production of items essential to the war effort. When the U.S. supply of Japanese silk was cut off, we turned to the textile/apparel industry for a substitute, and the industry responded with a wide range of products—from parachutes to tires—manufactured from a newly developed synthetic fiber, nylon. The contributions continue today as this industry continually strives to produce new, better, and more durable textile/apparel products that are so essential and necessary to a strong military. Previous testimony before the Senate established that textiles rank second

only to steel from the standpoint of national defense.

MAGNITUDE OF PROBLEM

Mr. President, having outlined the importance of the textile/apparel industry to this country, I believe it appropriate now to discuss the magnitude of the crisis confronting this vitally important industry today.

Almost one-half of all textile/apparel goods sold in the United States today are made abroad. In certain product categories, imports have captured 80 percent of the domestic market. Although imports have adversely impacted almost all of our domestic industries, the situation is particularly acute with regard to the textile/apparel industry. Import penetration in the auto and steel industries is only 25 percent, or about one-half the rate experienced by the textile/apparel industry.

During the past 4 years, textile/apparel imports have increased at an average rate of 19 percent per year, displacing 300,000 American workers in the process. Incredibly, imports last year rose by 32 percent over the level of the previous year, resulting in a textile/apparel trade deficit of $16.5 billion, or 13 percent of the record $123 billion total U.S. trade deficit for 1984.

INDUSTRY EFFORTS

Mr. President, the phenomenal growth in textile/apparel imports experienced during the last 4 years has not come about due to any laxity on the part of our domestic industry. In fact, the American textile/apparel industry is the most modern and productive of any in the world.

Management and labor have made every effort to modernize, compete, and survive. Productivity gains greatly exceeding the national average have been achieved. Wage rates have been held to only about 75 percent of the national average. Nevertheless, imports have continued to grow.

WHY HAS IMPORT RATE CONTINUED TO INCREASE?

Mr. President, the reason imports have been capturing larger and larger percentages of our domestic market is because foreign manufacturers do not compete with our domestic textile/apparel producers on a level playing field. If they did, then the U.S. textile/apparel industry, the most modern in the world, could confidently compete with that of any other nation. However, this domestic industry cannot, nor should it be expected to, compete with foreign industries subsidized by their governments.

Many foreign governments have artificially bolstered their textile-apparel industries in order to fulfill the threefold purposes of creating jobs for their workers, acquiring U.S. dollars, and achieving a more favorable balance of trade. These governments have been creative, innovative, and remarkably successful in these efforts as, unfortunately for our domestic industries, the import statistics too well illustrate.

A myriad of means have been employed by those countries to subsidize and promote their own textile/apparel industries, and all at the expense of the American industry. Typically, developing countries have provided low-interest, subsidized loans for capital formation and expansion within their textile and apparel sectors. They have created tax and other incentives for exporting textile/apparel products. They have fostered and protected their own industries and markets through currency manipulation and trade restrictions. In many cases, formal partnerships have even been arranged between foreign textile firms and their governments.

In addition to the conscious, calculated efforts of foreign governments to unfairly enhance the competitive position of their own textile/apparel industries, other factors have also contributed to the erosion of our domestic markets. Chief among these factors is the relative wage rates. For example, Chinese textile workers are paid only about $0.16 per hour—many times less than their American counterparts. Although wage rates in the other major textile-apparel exporting countries are slightly higher, they fall far short of American standards and minimum wage laws.

Furthermore, much of the foreign textile/apparel industry operates free of the health and environmental regulations we believe essential to the protection of our own workers and environment. While I do not question the necessity or wisdom of having such reasonable regulations, I merely wish to emphasize that the large expenditures required for compliance by our domestic manufacturers are not imposed on foreign manufacturers, thus further lessening their relative cost of production.

Also contributing to the massive import growth of textile/apparel products, of course, is the continual strong performance of the U.S. dollar in world monetary markets. As the value of the dollar has grown, the relative cost of imported textile/apparel products has declined.

TEXTILE & APPAREL TRADE ENFORCEMENT ACT OF 1985

Mr. President, the legislation we are introducing today is designed to promote the orderly, nondisruptive growth of world trade in fibers, textiles, and apparel products. This would be accomplished through the establishment of import growth rates consistent with the Multi-Fiber Arrangement, a multilateral agreement established under the General Agreement on Tariffs and Trade [GATT] for the purpose of limiting the growth of textile/apparel imports which would otherwise disrupt the domestic markets of importing nations.

Under the provisions of this bill, textile/apparel exporting nations, except for Canada and European Economic Community member nations, which are exempted from coverage, would be classified as either major exporting countries or smaller exporting countries, depending upon the relative share of total U.S. imports represented by the exports of a particular exporting nation. Major exporting countries would be defined as countries whose exports to the United States account for 1.25 percent or more of the total United States textile/apparel imports. Those countries whose exports represent less than 1.25 percent of our total imports would be classified as smaller exporting countries. Additionally, Mexico would automatically qualify as a smaller exporting country.

In 1985, imports from major exporting countries would, on a product category basis, be limited to 101 percent of their 1984 levels. Thereafter, imports from those countries could grow by 1 percent per year. With regard to smaller exporting countries, imports in 1985 could grow—again on a product category basis—to 115 percent of the 1984 levels, except in categories defined as import-sensitive. In the import-sensitive categories, which are defined as categories in which imports equal 40 percent or more of our domestic production, 1985 import levels would be 101 percent of 1984 levels, and could increase by 1 percent per year thereafter.

Additionally, the Secretary of Commerce would be responsible for issuing regulations governing the entry of textile-apparel imports, and also for establishing an import licensing system to facilitate and ensure efficient, effective enforcement of the act.

Mr. President, this measure is the result of a cooperative, bipartisan effort on the part of textile/apparel management and labor, Members of Congress, and others concerned with the continuation of a viable domestic textile/apparel industry. I believe the Textile and Apparel Trade Enforcement Act of 1985 to be a sound measure that will ensure strict enforcement of our existing trade laws and agreements.

The limits this bill would set on import growth rates are consistent with the Multi-Fiber Arrangement, and moreover, necessary to the survival of one of the most important industries in our Nation. I strongly urge that my Senate colleagues give this measure their most careful consideration, and join me and the other cosponsors in working toward its swift enactment.

Mr. President, I ask unanimous consent that the text of the bill and a fact sheet further detailing the provisions

of the bill be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Furthermore, Mr. President, as I understand there are a number of other Senators considering cosponsoring this important measure, I ask unanimous consent that the name of any Senator who requests to be added as a cosponsor today, appear as if that Senator were an original cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Textile and Apparel Trade Enforcement Act of 1985".

SEC. 2. POLICY.

The policy of this Act is—

(1) to prevent further disruption of the United States textiles and textile products markets, damage to United States textile and apparel manufacturers, and loss of jobs by United States workers by providing for orderly and non-disruptive growth of imports of textiles and textile products; and

(2) to implement the objectives of the Multi-Fiber Arrangement by requiring the effective enforcement of import levels of textiles and textile products contemplated by the Multi-Fiber Arrangement.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the United States and most major textile producing countries are parties to the Multi-Fiber Arrangement, the purpose of which is to ensure the orderly growth of imports of textiles and textile products and to avoid disruption of the markets for textiles and textile products in importing nations;

(2) the Multi-Fiber Arrangement, which first entered into force on January 1, 1974, and which was most recently extended in December, 1981, through July 1986, contemplates a 6 percent annual rate of growth for imports for most exporting countries and provides for a lower rate of growth for imports from major exporting countries;

(3) since 1980, the objective of orderly growth of imports of textiles and textile products provided for in the Multi-Fiber Arrangement has not been achieved; from 1981 through 1984 imports of textiles and textile products into the United States have grown at an annual rate of 19 percent, far in excess of the 1 percent growth rate of the United States market for textiles and textile products during the same period and far in excess of the annual rate of import growth of less than 2 percent that prevailed during the period 1974 through 1980;

(4) the disruptive surge in imports of textiles and textile products which occurred from 1981 through 1984 resulted from the failure of the United States to enforce adequately its rights under the Multi-Fiber Arrangement and to extend coverage of the Multi-Fiber Arrangement to imports made of competing fibers;

(5) import growth of apparel products has substantially outstripped the growth of the domestic market so that import penetration of the domestic market has more than doubled in the last 6 years, reaching a level of 50 percent in 1984;

(6) based on a nationwide audit of major retail outlets, the import penetration of such major items of apparel as trousers, blouses, shirts, suits, skirts and sweaters exceeds 50 percent of domestic consumption;

(7) since the most recent extension of the Multi-Fiber Arrangement, certain exporting countries have sharply increased their exports of textiles and textile products made in whole or in part from fibers not subject to the Multi-Fiber Arrangement with the effect of circumventing restraints agreed to under the Arrangement; the increased imports of these textiles and textile products have caused disruption of the United States market for textiles and textile products and have seriously undercut the effectiveness of the Multi-Fiber Arrangement;

(8) imports textiles and textile products into the United States are predominantly the product of major exporting countries, with 5 large exporting countries now accounting for more than 50 percent of all imports of textiles and textile products;

(9) the domination of import trade by producers in the major exporting countries has limited participation in the United States market by other exporting countries, many of which share important trade and other national interests, and encourage mutually beneficial trade and investment, with the United States;

(10) a change in United States textile trade policy to afford the smaller exporting countries and countries in the Caribbean region a relatively greater share of imports of textiles and textile products would promote the national economic interests of the United States;

(11) the textile and apparel trade deficit of the United States was more than $16,200,000,000 in 1984, an increase of 53 percent over 1983, and accounted for 13 percent of the nation's overall merchandise trade deficit;

(12) the current level of imports of textiles and textile products, 9,800,000,000 square yard equivalents in 1984, represents over 1,000,000 job opportunities lost to United States workers;

(13) imported textiles and textile products now account for 38 percent (the equivalent of 3.2 million bales of cotton) of the annual cotton consumption in the United States; only one of five of the bale equivalents included in imported textiles and textile products is grown in the United States; the result of the massive increases in cotton textile and apparel imports has been a declining market share for, and a $1 billion loss to, domestic cotton producers in 1983 alone, which was only partially offset by Federal cotton program benefits; another result is that U.S. cotton producers, who are spending about $20 million annually in research and promotion efforts, have built markets not for themselves but but for foreign growers;

(14) imports of wool products have doubled since 1980, creating major disruptions among domestic wool products producers and seriously depressing the price of United States produced raw wool; the Multi-Fiber Arrangement recognizes that imports of certain products, such as wool products, in certain countries, including the United States, pose particular problems for certain industries, such as, the wool products industries, in those countries and import growth rates of 1 percent or less have been permitted in such cases;

(15) as a result of this increased penetration and the very limited growth of the domestic market, the United States companies producing textiles and textile products identical, or similar, to those imported have been seriously damaged, many of them have been forced out of business, many have closed plants or curtailed operations, workers in such companies have lost employment and have been otherwise materially and adversely affected, and serious hardship has been inflicted on hundreds of impacted communities causing a substantial reduction in economic activity and lost revenues to local governments;

(16) the increase in imports and increased import penetration of the United States domestic market have occurred notwithstanding the fact that, through extensive modernization programs and investment in more modern equipment, productivity, as measured by output per man hour, in the textile mill products sector has increased in the last 10 years at the average annual rate of 4.2 percent and in the apparel sector at the average annual rate of 3.4 percent, as compared with the lower productivity growth of all manufacturing in the same period of 1.9 percent;

(17) the factors described above are causing serious damage, or the actual threat thereof, to domestic producers of textiles and textile products; as a result, market disruption exists in the United States requiring the new measures established under this Act;

(18) based on experience during the past ten years and on other factors, the growth of the United States market for textiles and textile products is unlikely to exceed an average annual rate of 1 percent during the next several years;

(19) if the rate of growth of imports of textiles and textile products into the United States that occurred since 1980 continues, plant closings will continue to accelerate, leaving the United States market with reduced domestic competition for imported products;

(20) in order to avoid further market disruption and deterioration of the situation confronting the United States industry producing textiles and textile products, which is already seriously damaged, it is essential—

(A) to require the establishment of import levels for textiles and textile products supplied by major exporting countries that reflect—

(i) the import level that would have occurred had imports from these countries grown since 1980 by the 6 percent annual growth rate contemplated by the Multi-Fiber Arrangement, or

(ii) the actual import level resulting from restraints under a bilateral agreement with the United States providing for an annual import growth rate of less than 6 percent.

whichever is the lesser,

(B) to require the establishment of import levels for textiles and textile products supplied by smaller exporting countries that provide a significant increase in their market shares to meet their development needs and to permit future growth in such shares consistent with the Multi-Fiber Arrangement, and

(C) to limit the future growth rate of imports of textiles and textile products into the United States to levels which reflect orderly growth as provided for in the Multi-Fiber Arrangement and the most recent Protocol extending the Multi-Fiber Arrangement;

(21) the establishment of import levels, and limitation of future import growth to levels, that reflect effective enforcement of the Multi-Fiber Arrangement and that also reflect the expected growth rate of the

United States market for textiles and textile products will fulfill announced policy objectives of the United States regarding trade in textiles and apparel;

(22) as the Department of Defense has long recognized, a strong, viable and efficient domestic textiles and textile products industry is essential in order to avoid impairment of the national security of the United States;

(23) the developments that have led to the sharp increase in imports of textiles and textile products since 1980 may not have been foreseeable; nevertheless, the rights of the United States under international agreements should have been invoked in order to prevent increased quantities of textiles and textile products from being imported under such conditions as to cause or threaten serious damage to domestic producers of textiles and textile products in the United States; and

(24) the sharp increase in imports of textiles and textile products since 1980, and the effect of this increase on the United States textile and apparel industry and its workers, constitutes exceptional circumstances within the meaning of the Multi-Fiber Arrangement and its Protocol.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) The term "textiles and textile products" includes, but is not limited to, all man-made fibers, tops, yarns, piece goods, made-up articles, garments, and other textile manufactured products (which derive their chief characteristics from their textile components) made in whole or in part from any natural or man-made fiber, or blend thereof, that are classified under Schedule 3, part 6 of Schedule 6, parts 1, 4, 5, 7 or 13 of Schedule 7, part 1 of Schedule 8, or part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202);

(2) The term "category" means, with respect to textiles and textile products imported from each country, each of the following—

(A) Each category of textiles and textile products identified by a 3-digit textile category number in the Department of Commerce publication "Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated", dated January 1985;

(B) A category consisting of the man-made fiber articles classified under subpart E of part 1 of Schedule 3 to the Tariff Schedules of the United States; and

(C) Each category consisting of each of the following products when, because of any fiber content, that product is not subject to the Multi-Fiber Arrangement:

(i) yarn,

(ii) fabric,

(iii) apparel, and

(iv) other textile products;

(3) The term "import sensitive category" means a category (other than a category applicable to textiles and textile products that are a product of a country in the Caribbean region) for which the ratio of imports to domestic production, as reported in the Department of Commerce publication "U.S. Production, Imports and Import/Production Ratios for Cotton, Wool and Man-Made Fiber Textiles and Apparel", equals or exceeds 40.0 for the preceding calendar year;

(4) The term "country" means a foreign country (other than Canada and the Member States of the European Economic Community as constituted on January 1, 1985, a foreign territory, or an insular possession of the United States;

(5) The term "major exporting country" means a country (other than a country in the Caribbean region) from which the United States imported an annual aggregate quantity of textiles and textile products under all categories that equalled or exceeded 1.25 percent of all textiles and textile products under all categories imported into the United States from all countries and from Canada and the Member States of the European Economic Community during calendar year 1984;

(6) The term "country in the Caribbean region" means the United Mexican States and a country eligible for designation as a beneficiary country under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702);

(7) The term "wool product" means an article containing over 17 percent by weight of wool;

(8) The term "exporting country" means a country other than a major exporting country;

(9) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States;

(10) The term "imported" means entered; and

(11) The term "Multi-Fiber Arrangement" means the Arrangement Regarding International Trade in Textiles, as extended by the Protocol done at Geneva, December 22, 1981.

SEC. 5. LIMITS ON TEXTILE AND APPAREL IMPORTS

(a) CALENDAR YEAR 1985.—Notwithstanding any other provision of law, the aggregate quantity of textiles and textile products classified under each category that is entered during calendar year 1985 shall not exceed—

(i) in the case of textiles and textile products that are a product of a major exporting country, the lesser of an amount equal to 101 percent (A) of the aggregate quantity of such products from such country classified under such category that would have entered during calendar year 1984 if the aggregate quantity of such products from such country classified under such category entered during calendar year 1980 had increased by six percent annually during calendar years 1981, 1982, 1983 and 1984, or (B) if the United States has an agreement with such country providing for an annual growth rate for such category of less than six percent, of the aggregate quantity of such products from such country classified under such category that entered during calendar year 1984;

(2) in the case of textiles and textile products that are a product of an exporting country, an amount equal to the aggregate quantity of such products from such country classified under such category that entered during calendar year 1984, plus an amount equal to (A) fifteen percent of such quantity, in the case of a category that is not an import sensitive category, or (B) one percent, in the case of a category that is an import sensitive category.

For purposes of this section, if during any calendar year after 1984 the United States imports from a country, other than a country in the Caribbean region, that is not a major exporting country an aggregate quantity of textiles and textile products under all categories that equals or exceeds 1.25 percent of all textiles and textile products under all categories imported into the United States from all countries and from Canada and the Member States of the European Economic Community during such calendar year, then such country shall be considered to be a major exporting country for all succeeding calendar years.

(b) GROWTH ADJUSTMENT.—For calendar years after 1985, the aggregate quantity of textiles and textile products classified under such category that may be entered during each such calendar year shall—

(1) in the case of such products that are a product of a major exporting country, be increased by an amount equal to one percent of the aggregate quantity that could be entered under such category during the preceding calendar year; and

(2) in the case of such products that are a product of an exporting country, be increased by an amount equal to—

(A) in the case of a category (other than an import sensitive category) not covering a wool product, six percent of the aggregate quantity that could be entered under that category during the preceding calendar year, and

(B) in the case of an import sensitive category and a category covering a wool product, one percent of the aggregate quantity that could be entered under that category during the preceding calendar year.

(c) MINIMUM QUANITIES.—If, under subsection (a) or (b), the aggregate quantity of textiles and textile products from a country that may be entered during a calendar year under a category is—

(1) less than 1,000,000 square yard equivalents, in the case of a category covering yarn, fabric, made-ups, and miscellaneous products, other than wool products;

(2) less than 700,000 square yard equivalents, in the case of a category covering apparel, other than wool products apparel; or

(3) less than 100,000 square yard equivalents, in the case of a category covering wool products, then, notwithstanding subsection (a) or (b), the aggregate quantity of textiles and textile products that may be entered from such country under such category during the calendar year shall be 1,000,000, 700,000, or 100,000 square yard equivalents, respectively. The amount prescribed in the preceding sentence shall be accorded growth subject to the provisions of subsection (b) beginning the first calendar year after the aggregate quantity of imports from such country under such category equals the minimum quantity prescribed under this subsection.

(d) ENFORCEMENT.—The Secretary of Commerce shall prescribe such regulations governing the entry, or withdrawal from warehouse, for consumption of textiles and textile products as may be necessary to carry out this Act.

SEC. 6. IMPORT LICENSING.

In order to ensure the equitable and efficient administration of section 5 of this Act, the Secretary of Commerce shall, within six months after the date of enactment of this Act, establish and administer an import licensing system under which an importer of any textiles and textile products from any country and from Canada and the Member States of the European Economic Community, will be required to present an import permit as a condition of entry. The Secretary shall charge a fee for import licenses in such amount as may be necessary to cover the cost of administration of the system.

SEC. 7. ANNUAL REPORT.

Not later than March 15, 1986, and March 15 of each calendar year thereafter, the President shall submit to the Congress a report on the administration of this Act during the preceding calendar year. Such

report shall include detailed information about the implementation and operation of the limitations established under section 5. All departments and agencies shall cooperate in preparation of this report as requested by the President.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act shall apply to textiles and textile products entered, or withdrawn from warehouse, for consumption after ————— —, 1985.

(b) CALENDAR YEARS 1985 AND 1986.—The Secretary of Commerce shall prescribe by regulation the aggregate quantity, if any, of textiles and textile products that may be entered under section 5 (a) or (c) of this Act from each country under each category during the period beginning on the date of enactment of this Act and ending December 31, 1985. Notwithstanding subsection (a), to the extent that the aggregate quantity of imports of textiles and textile products from a country under a category entered after December 31, 1984, and before the date of enactment of this Act exceeds the quantity permitted entry for such country and such category during calendar year 1985 under section 5 (a) or (c), the limit that would otherwise apply under section 5(b) for such category for such country for calendar year 1986 shall be reduced by the amount of such excess quantity.

TEXTILE AND APPAREL TRADE ENFORCEMENT ACT OF 1985 FACTSHEET

PURPOSE

To achieve the objectives of the Multi-Fiber Arrangement by providing orderly and non-disruptive growth of imports of all fiber, textile and apparel products.

To set limits on imports from major exporting countries which reflect import growth since 1980 from these countries at growth rates contemplated by the 1981 extension of the Multi-Fiber Arrangement.

To allow the smaller exporting countries an opportunity to increase their share of the U.S. market.

To set the future growth rate of imports at levels provided for in the MFA and the protocol extending the MFA.

RATIONALE

Since 1980 imports of textiles and textile products have grown at an annual rate of 19 percent, far greater than the orderly growth objectives of the Multi-Fiber Arrangement and far in excess of the 1 percent average growth of the U.S. market during that period.

Because fiber, textile and apparel imports are far outpacing the growth of the domestic market, intolerable market disruption, job losses, curtailed production and plant closings have occurred.

The textile and apparel trade deficit has grown to a record $16 billion in 1984 and now accounts for 13% of the U.S. merchandise trade deficit.

U.S. textile, fiber and apparel companies are continuing to spend billions of dollars annually to modernize and improve worker productivity. The resulting productivity increases have been significantly greater than the rate of productivity growth for all of U.S. manufacturing. Yet despite this investment and increased productivity, U.S. manufacturers continue to lose marketshare.

If import growth is not slowed, future investment in this industry is likely to be sharply curtailed leading to a loss in competitiveness and the continued liquidation of an industry which is a major element of U.S. manufacturing and is recognized as vital to our national security.

PROVISIONS

The Textile and Apparel Trade Enforcement Act would cover textiles, apparel, textile products and man-made fibers. The Act would apply to all exporting countries with the exception of Canada and current members of the European Economic Community.

Smaller exporting countries

Defined as those capturing less than 1.25% of U.S. imports, plus Mexico;

1985 import levels by product category would be 115% of 1984 levels except for import sensitive categories, i.e., categories for which imports equal 40 percent or more of domestic production, in which case 1985 import levels would be 101% of 1984 levels;

After 1985 annual quota growth would be six percent for each category, except one percent for import sensitive categories;

When imports from a smaller exporting country (except countries in the Caribbean region) reach 1.25% of U.S. imports, quota growth in all categories would be one percent.

Major exporting countries

Defined as those capturing 1.25% or more of U.S. imports;

1985 import levels by product category would be 101% of 1984 levels;

After 1985, import growth would be one percent each year for each category.

In categories in which a country has no or few exports, the country would be allowed to ship to certain minimum levels. Annual growth would then be one percent (for major exporting countries) or six percent (for smaller exporting countries) unless the category is highly import sensitive, in which case growth would be one percent.

ENFORCEMENT

The Secretary of Commerce would establish regulations to govern the entry of imports to conform with this Act.

OTHER PROVISIONS

The Secretary of Commerce would establish within six months after enactment an import licensing system to ensure that the Act is efficiently administered.

Each year the President would report to the Congress on the administration of the Act.

Mr. THURMOND. Mr. President, those who have joined on this bill today, in addition to myself, are Mr. MOYNIHAN of New York, Mr. HELMS of North Carolina, Mr. HEFLIN of Alabama, Mr. HEINZ of Pennsylvania, Mr. COHEN of Maine, Mr. WARNER of Virginia, Mr. KENNEDY of Massachusetts, Mr. MITCHELL of Maine, Mr. NUNN of Georgia, Mr. EAGLETON of Missouri, Mr. SPECTER of Pennsylvania, Mr. EAST of North Carolina, Mr. STENNIS of Mississippi, Mr. COCHRAN of Mississippi, Mr. HOLLINGS of South Carolina, Mr. TRIBLE of Virginia, Mr. BYRD of West Virginia, Mr. DENTON of Alabama, Mr. D'AMATO of New York, Mr. SASSER of Tennessee, Mr. HATCH of Utah, Mr. PELL of Rhode Island, and Mr. MATTINGLY of Georgia.

Mr. President, you can see from that list of cosponsors that they are not partisan in any way. We have about an equal number of Republicans and Democrats. Furthermore, it is not a philosophical basis here, you might say. They are not all liberals, not all conservatives, and not all moderates. There is a mixture here of philosophy among all of these cosponsors. I think this clearly indicates the need, Mr. President, to take action on this domestic textile matter.

I feel very strongly about this. I do not know of anything that is more important today to the economy of America. I do not know what we will do if we keep on bringing in imports that are closing mills, as I stated a few moments ago, and putting thousands of people out of work. Furthermore, if it reaches a point where we drive the textile mills of this country out of business, then we would be dependent upon foreign nations for textiles; and in time of war, textiles rank second to steel in matters of national defense. How would we prepare this country, and how would we take care of the situation?

I want to emphasize that imports have doubled since 1980. Since 1981, imports have increased at an average annual rate of 19 percent. Imports in 1983 were 25 percent greater than in 1982. In 1984, imports were 32 percent more than in 1983. We imported almost 10 billion square yards of textile apparel goods in 1984. Of the record 1984 trade deficit of $123 billion, textile apparel products account for $16.5 billion of this, or over 13 percent of the total. Fifty percent of all textile apparel products sold in the United States today are imported.

Mr. President, in the last 5 years, 250—catch this figure, all of my fellow Senators, please—textile mills in this country have been closed. Many others have cut back production and laid off workers. This is not a sectional thing. It is not a regional matter. It applies to the whole Nation. It applies to New York, Maine, California, and all other States which have textile apparel industries, and almost all do. Imports have displaced over 300,000 American workers in the past 4 years. The 1984 imports of 10 billion square yards represents 1 million lost job opportunities for American workers.

Mr. President, think about that. In 1984 alone, imports of textiles and apparels in this country were 10 billion square yards. That means a million jobs were lost in this industry in 1 year, 1984.

Continued increase in imports threaten the jobs of over 2 million present textile workers and another 2 million employed by textile apparel-related industries. That is, industries that depend, more or less, and are interconnected with textiles, are also in jeopardy. There are 4 million jobs at stake today, and they will be lost unless we take action.

Textiles provides 1 of every 10 manufacturing jobs in the country. I do not believe people generally know that. Textiles and apparel provides 1 of every 10 manufacturing jobs in

America. More people are employed by the textile apparel industry, as I stated a few moments ago, than the steel and auto industries combined.

Mr. President, I hope that this administration will wake up to the seriousness of this situation and take steps to curb these imports. It is absolutely foolish to allow imports to come in here to such an extent as to close down jobs like they have been doing here for a number of years.

Mr. President, I send this bill to the desk together with that explanation.

Mr. MATTINGLY. Mr. President, I rise today as an original cosponsor of S. 680, the Textile and Apparel Trade Enforcement Act of 1985. It has become increasingly difficult to pick up a national publication and not find at least one reference to the plight of the U.S. textile industry. Fiber, fabric, and apparel workers represent 10 percent of the manufacturing work force in the United States, but in the last 5 years more than 250 textile mills have closed, eliminating more than 200,000 jobs—many of them in my State of Georgia. In fact, since 1973 employment in the textile industry has fallen by half! The U.S. textile and apparel trade deficit hit a record high in 1984 of $16 billion, accounting for 13 percent of the total U.S. merchandise trade deficit!

At the same time the industry is one of the most modern and efficient in the world. In the past 4 years U.S. textile mills have spent over $7 billion to modernize and retool their plants unlike other U.S. industries. Since 1971 worker production per hour has increased by one-third while textile mill products' prices have risen at only one-half the average rate for all manufactured products.

Yet, despite the competitiveness of this U.S. industry, imports now account for almost 50 percent of the U.S. market. In 1984, textile imports grew by some 34 percent totaling 1.2 billion square yard equivalents. It is estimated that every billion yards lost to imports represents 100,000 lost U.S. job opportunities.

In other words, we are faced with the situation of having a U.S. industry that is acknowledged to be one of the most competitive in the world that is nonetheless unable to compete. the U.S. textile industry has fallen victim to developing nations' desperate and often illegal attempts to establish their own textiles industries and gain for those industries a larger share of the global market. Unfortunately, these developing nations have a wage scale with which we cannot hope to compete. Couple this skewed wage scale with widespread subsidization of many foreign textile industries and you have a crisis situation for our own textile industry here at home.

Now, I have been an outspoken critic of what I call protectionist legislation. However, we have tried negotiating and we have tried stricter policing of our import regulations and still we cannot compete. Our goods and services, and I am not just talking about textile goods and services, are being kept out of overseas markets while imported goods continue to pour into this country. It is my belief that some of our trading partners need to be taught a lesson. Yes, the United States is willing to welcome the developing nations to the industrialized fold, but not at the total expense of those already there. I realize that this legislation is not perfect. Indeed, I feel it has some serious flaws. If one looks at the statistics it quickly becomes apparent that we may be seeing the beginnings of a shift in the international flow of textiles.

I will improve upon this proposal in an effort to address the problems of the U.S. textile industry as fully as possible. Nonetheless, I feel that the time has come for action to be taken. I bring to your attention the fact that this legislation virtually ignores the textile trade situation between the United States and the European Community and Canada and the dramatic increase represented therein. According to the U.S. Trade Representative's Office, textile imports from the European Community increased by a whopping 70 percent in 1984 with those from Canada climbing by some 85 percent. This shift in textile trade must be addressed by this legislation in order for it to be the comprehensive remedy it is supposed to be.

In 1984, the Congress passed an Omnibus Trade Act with a reciprocity clause that said, basically, "look-into-the-mirror-or-else." Well, there has been no sign of the "or-else" and our trading partners do not appear to be looking in that mirror. There has been no move to make use of that reciprocity clause by any U.S. Government agency or by the President.

Mr. President, this legislation represents, in my opinion, something larger than just the current crisis of the American textile industry. It is a statement that we have no trade policy in the United States. It says that there is a lack of understanding from the White House all the way down to the lowliest bureaucrat of the difference between formulating and implementing trade policy and that one is not effective without the other. It is not the high value of the dollar, but the low value that I see placed on trade policy.

Trade is essential to our economic health and we had best let our trading partners know that we can tell the difference between a fair and unfair competition and that our trade policy will reflect those differences and, finally, that we are prepared to take action to remedy those differences.

Mr. EAST. Mr. President, I am pleased to join with Senate colleagues to cosponsor this legislation requiring enhanced enforcement of the multifiber arrangement [MFA], an agreement established under the General Agreement on Tariffs and Trade to provide orderly international trade in fibers, textiles, and apparel.

The domestic textile industry is working hard to compete with foreign made imports. Much of the industry has invested extensively in modernizing plant and equipment. Despite this effort, improved product quality, and increased productivity, the industry has been falling short in the fight against surging imports.

Imports set record levels in 1983. Yet in 1984 imports soared 32 percent over 1983 levels. Should this trend continue, thousands of jobs and millions of dollars invested will be lost.

Not just jobs in Greensboro or Eden, NC; jobs everywhere. In Los Angeles, for example, 10 percent of the jobs are in textiles and apparel. In Philadelphia, 21 percent. In Miami, 22 percent. And in New York City 33 percent.

So, we are not talking about a regional problem or an isolated instance here and there. We are talking about nationwide impact. One involving some of our heaviest population centers. Areas that ought to be seeking an increasing reliance or gainful, productive employment.

The multifiber arrangement, or MFA is designed to prevent market disruption in developed countries like the United States, while at the same time provide access to our markets for underdeveloped countries.

It is an unique agreement and, in its basic concept, a good agreement. But it has not worked for several reasons.

It has been liberalized beyond all practicality, providing for a degree of growth in imports that is outrageously more than that of our domestic textile and apparel market. It has permitted surges which enable imports to flood a given market and devastate entire segments of the U.S. industry.

Then, too, it has not worked as it should because in many instances our Government has moved too slowly in exercising its rights under MFA. That is going on right now in several product categories were enforcement should be bolstered.

The legislation I cosponsor today is carefully crafted to apply MFA-prescribed import growth rates to major low wage, Far Eastern producers who are shipping substantially above their appropriate level of import to the U.S. market. It would allow less developed countries, such as those in the Caribbean Basin, to develop further their industry through increased imports to the United States. It places no new restrictions on imports from Canada, Mexico, and Western European countries.

I support this bill wholeheartedly and believe fully that business and labor will join us in placing realistic limits on textile product imports. It will provide reasonable market shares for large exporting countries with an extra margin of growth for the smaller ones. When enacted, it will order disruptive imports and respond to the well-being of our Nation.

The challenge before us is clear. The U.S. textile industry is in deep trouble. I urge my colleagues to join this effort to respond to their problem. Many American families are depending on Congress to take fair trade action.

Mr. DENTON. Mr. President, I am pleased to join with 22 of my colleagues to cosponsor the Textile and Apparel Trade Enforcement Act of 1985, which has just been introduced by my distinguished colleagues, the senior Senator from South Carolina [Mr. THURMOND] and the senior Senator from New York [Mr. MOYNIHAN]. I commend them for their efforts to draft a bill that addresses the current needs of our textile and apparel industry without totally insulating it from foreign competition.

The introduction of the measure comes at a troubled time for our domestic textile and apparel industry, and for our Nation. Record breaking trade deficits, an extraordinarily strong dollar, and the changing character of the international trading environment have posed problems for our Government and for private businesses. The problems defy easy solution, and require us to make difficult decisions that cannot please everyone.

Introduction of this legislation is, at least for me, one of those difficult decisions, but I believe that it is an absolutely necessary response to the crisis that confronts the U.S. textile and apparel industry. During the past decade, large and small companies in this sector of our economy have spent billions of dollars to modernize and to enter the high technology era of textile and apparel production. The productivity gains have outstripped those of their competitors, but the American companies, which invested in their future, continue to lose domestic market share to a flood of imports from the Far East.

The decline in market share has meant a devastating loss of jobs. During the past 4 years, 300,000 textile and apparel workers have been displaced. In January 1985 alone, 3,000 workers were laid off, and almost weekly I receive new reports from my State or elsewhere in the South that another plant has been closed.

In 1981, the United States agreed to an extension of the multifiber arrangement, which was designed to provide for orderly and nondisruptive increase in imports of fiber, textile, and apparel products. The arrangement set annual growth rate objectives of 6 percent for most exporting countries, provided a lower rate of growth for imports from major exporting countries. It should have helped to solve some of our problems, but the growth targets have been greatly exceeded by some of our trading partners.

Since 1980, imports of textiles and textile products into the United States have grown at an annual rate of 19 percent. The 1984 import level exceeded the recordbreaking 1983 level by 32 percent, resulting in a textile trade deficit of $16.5 billion. At the same time, U.S. market demand for textile and apparel products increased at an annual rate of only 1 percent. It must be fairly obvious to all that, should the trend continue, the end result would be the demise of a very important and significant sector of our national economy.

The Textile and Apparel Trade Enforcement Act is designed to facilitate the enforcement of the multifiber arrangement. It does not seek to eliminate or regulate completely all foreign competition. It does try to ensure that the objectives of the multifiber arrangement will be met, and that the countries that have seriously abused it will be called to account.

I have long believed in the importance of a liberal trading system in which goods are openly traded and the most efficient producer receives for his efficiency the reward of a larger market share. During the past 4 years, I have hesitated to support measures that would restrict trade among nations. Unfortunately, however, the realities of trading with countries that have nonmarket economies, the rampant use of unfair trading practices to penetrate and eventually to control a particular market, and the apparent callous disregard of international trade agreements by some of our trading partners have caused me to reevaluate my views, at least with respect to the textile industry.

There come times when we must take action to assure that international obligations are met. This is one of those times. I urge my colleagues in the Senate to consider carefully the Textile and Apparel Trade Enforcement Act of 1985; 2.4 million Americans are employed in this sector of our economy. The Department of Defense has recognized the importance of a strong, viable, and efficient textile and apparel industry to our national security. I believe, therefore, that timely approval of this legislation is essential not only to the survival of the domestic textile and apparel industry, but also to the Nation's long-range security prospects.

Thank you, Mr. President.

Mr. HOLLINGS. Mr. President, I have joined as a cosponsor to the Textile and Apparel Trade Enforcement Act of 1985.

I believe the title of this bill perfectly describes the situation we find ourselves in today. We have laws on the books, we have commitments from the administration, but what we lack is enforcement.

Since 1980, imports of textiles and textile products have grown at an annual rate of 19 percent, far greater than the growth objectives of the multifiber arrangement and far greater than the 1- to 2-percent growth of the U.S. market—the level President Reagan committed to in 1980.

We have learned the hard way that administrations come and go without any idea of enforcing countervailing duty laws, escape clause provisions, bilateral agreements, country-of-origin labeling rules, and their own commitments.

Textile imports in March of 1984 jumped 55 percent over March, 1983. At the behest of Senator THURMOND and others, the President put out a strong statement on textiles that spring: We are going to vigorously enforce. We are going to hire more customs agents and inspectors. Now, in the spring of 1985, the administration is proposing cutting back 788 customs agents nationwide.

In 1983, the textile industry brought a countervailing duty case against the People's Republic of China. Several of us testified at the hearing. The Chinese had already admitted that their dual exchange rate amounted to an export subsidy, so why did we even have to have a hearing? The textile industry withdrew its petition after a pledge from the administration that the import program would be more vigorously enforced. Again, precious little followthrough. Each month there are literally dozens of times when the customs and Commerce people should be making calls on excess and illegal shipments, but only a small percentage of calls are ever made. Over 100 potential candidates for calls since the administration's pledge—cases where calls were not actually made—represent over 400 million square yards of textiles.

Again, in August of 1984, the textile industry filed a serious of countervailing duty cases against 11 countries. These cases resulted in countervailing duties being imposed—but at a ridiculously low level in most cases. There were a few cases where stronger, more significant duties were imposed, for example, a 14-percent duty was assessed for textile mill imports from Colombia. But the administration turned around and negotiated an agreement to suspend that 14-percent duty with the Colombian Government.

In 1980, the textile-apparel deficit was $4 billion; in 1981, it increased to $5.7 billion, in 1983, $10.6 billion, and in 1984 it set a new record, $16 billion, up over 50 percent from 1983 levels.

Today, almost one-half of all textiles and apparel sold in this country have been manufactured abroad. Because of these recordbreaking deficits, 200,000 textile workers have lost their jobs. And in our industry where 65 percent of the workers are women, where 27 percent are minorities, where so many work in the rural towns and the inner city, we are talking about jobs among groups and in areas that must be preserved.

Since 1980, over 70 mills have been closed and 22,000 jobs have been lost in South Carolina alone. Almost 5,000 South Carolinians lost their jobs in the textile industry in 1984. And just last month, J.P. Stevens shut down another plant in South Carolina—165 people in Greenville, SC, are out of work.

Mr. President, the textile trade deficits we have been suffering under do not reflect adversely on U.S. textile manufacturers or U.S. textile workers. Our domestic textile industry has retooled and modernized and is fully competitive with overseas producers. The productivity of our textile workers has been growing at four times the rate of the national industrial average. This industry can sell sheets and towels and the whole range of products competitively in foreign markets—in a fair trade environment. But we don't administer the program, we have to curtail the dumping of imports. And we fail to demand from others the kind of access to market that we accord them. So we are denied the opportunity to compete.

I hope we in the Congress can pass this legislation and send it to the President for his signature. I hope the President will not veto it nor fail to enforce it, but frankly I am not too optimistic.

I intend to keep up pressure on the administration to enforce the laws we already have. One proposal I have made is for the establishment of a National Trade Council patterned after the National Security Council. So many people are in charge of trade right now, that nobody is in charge. There are too many departments and agencies with fingers in the pie. Such a council would also give the kind of visibility to trade that it deserves and help us in formultating a policy to make the United States competitive again in the global economic contest. This measure could be implemented either through legislation or via executive action. A National Trade Council is urgently needed to give trade the high priority it demands.

One hundred years ago, Henry Grady, the famous southern editor, was attending a friend's funeral outside of Atlanta. He looked down at his friend and noticed that his coat was made in Maine and the trousers were from New Jersey. The shirtwaist was sewn in the sewing plants in downtown New York and the shoes were from New Hampshire. The steel for the casket and the shovel to dig the grave were from Pittsburgh, and the handle for the shovel was from the north woods of Vermont. And Grady concluded the only thing the South furnished for the funeral was the corpse and the hole in the ground.

Today the deceased's suit would come from Korea, his shirt from Shanghai, his tie from the Philippines, and his shoes from Taiwan. The steel in the coffin is Japanese, as are most of the vehicles in the funeral procession.

If we don't wake up, before long all that America will be furnishing is the corpse and the hole in the ground.

Mr. HELMS. Mr. President, I am pleased to join with 23 other Senators in sponsoring the Textile and Apparel Enforcement Act of 1985. The purpose of this legislation is to require the effective enforcement of the multifiber arrangement, to limit the growth of textile and apparel imports, to prevent further disruption of textile and apparel markets by imports, to permit the economic recovery of the U.S. textile and apparel industry, and to protect American textile and apparel workers against further job loss due to imports.

The bill would impose import growth rates on the major low-wage Far Eastern producers of textiles and apparel—countries that have been flooding the U.S. market with their products. These growth rates would be consistent with the MFA and the protocol extending the MFA. At the same time, less-developed countries such as our neighbors in the Caribbean Basin would be allowed to increase their share of the U.S. textile and apparel market. No new restrictions would be placed on U.S. trading partners such as Mexico, Canada, and countries in Western Europe.

Mr. President, problems in the textile and apparel industry in this country continue to worsen daily as imports pour into this country at record levels from countries such as the People's Republic of China, Hong Kong, Taiwan, Korea, and Italy, many of which use the equivalent of slave labor to their advantage and to our disadvantage.

Over the past few years, with the help of other Members of Congress and the administration, I have sought fair play in trade for the textile and apparel industry. We have toughened enforcement of existing trade agreements during this administration by establishing country-of-origin regulations and by increasing the number of Customs Service officers to police the illegal entry of textile and apparel products into our borders. Congress has enacted legislation requiring textile and apparel goods manufactured in the United States to be so labled. But the underlying problem persists. The textile industry is headed for disaster. What does it take to convince the decisionmakers of our country that a whole industry is going down the drain?

Since 1982 textile and apparel imports have increased 64.9 percent. In 1984 imports were up 31.7 percent over 1983; and in 1983, 25 percent over 1982. At these rates import growth has far outstripped the growth of the domestic market. According to one survey, imports of such major items of apparel as trousers, blouses, shirts, suits, skirts and sweaters exceed 50 percent of domestic consumption.

The textile and apparel trade deficit is a significant contributor to the total record-high trade deficit of all products, which reached $123 billion in 1984. Textiles and apparel accounted for 13 percent, or $16.5 billion of this trade deficit.

The rise in imports has deeply affected the textile industry's labor force nationally. The textile industry is part of the fiber/textile/apparel industry complex, which is one of the Nation's largest industrial employers. One of every nine manufacturing jobs nationwide is held by a fiber/textile/apparel worker. Between October 1981 and October 1984 136,700 textile and apparel workers lost their jobs nationwide. In North Carolina alone, during the same period, 26,300 textile workers lost their jobs; 198 plants have closed in North Carolina since 1982. Whenever a textile mill closes, the impact is felt by an entire community. In many places in North Carolina the textile mill is a town's major employer. When that employer shuts down, the entire community suffers.

The domestic textile and apparel industry is in trouble despite record levels of productivity. I'll put the American textile worker up against his counterpart anywhere in the world. Domestic manufacturers have given their workers the tools to do the job, having invested significant sums for new plants and facilities. As a result, productivity has increased 4.2 percent in textiles and 3.9 percent in apparel in each of the past 10 years. Compare this with the productivity gains for all manufacturing—1.9 percent for the same period.

This bill would reduce the level of textile and apparel import penetration supplied by the major exporting countries to levels consistent with our international agreements. It would also reduce the overall growth of imports to the United States to the level of our long-term rate of growth of the domestic market.

Effective enforcement of the guidelines set forth in this bill is essential to provide orderly growth of textile imports. The bill stipulates that the Secretary of Commerce shall establish

and administer an import licensing system to insure effective enforcement of this act. In 1985 and 1986 the Secetary of Commerce shall dictate by regulation the amount of textiles and textile products that may enter the United States from each country under each category.

The President shall report annually detailing the information regarding the operation of the limitations. This yearly review should be of great value to the industry, as the import situation is kept under constant surveillance.

Mr. President, U.S. textile and apparel workers are not competing on a level playing field with their counterparts around the world, and I intend to do what ever possible to bring this situation back into balance. The enforcement of these limitations cannot be implemented until this act is in place.

Mr. President, the textile industry needs our help now; 2.4 million Americans depend on textile and apparel for their jobs. Hesitation will result in continued unemployment and the end to one of the Nation's most efficient and competitive industries.

I ask unanimous consent, Mr. President, that the full text of this bill be printed in the RECORD at the conclusion of my remarks.

Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of a bill designed to achieve the objectives of the multifiber arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

Over the past several years, the annual rate of imports of textiles and textile products has grown so rapidly that imports now make up more than 50 percent of the domestic market. This sharp increase has crippled the apparel industry, forcing many manufacturers to close their doors and putting many hard-working Americans on the unemployment lines. This growth in import levels has continued despite machinery modernization which has increased domestic production. No matter what gains America has made in increasing its productivity, it has been unsuccessful in competing in this market. The low wages that workers of other nations receive keeps the price of a product produced overseas markedly lower than that of a comparable product manufactured in the United States.

Although I believe free trade must be maintained between the United States and other nations, I believe this trade must also be fair. The apparel industry is in danger of failing and must be helped.

Mr. President, I urge my colleagues to act expeditiously on this important bill.

Mr. COHEN. Mr. President, I rise today in support of the Textile and Apparel Trade Enforcement Act of 1985. As the title of this legislation implies, it is designed to require effective enforcement of existing U.S. laws and international agreements relating to the trade of textiles and apparel. In my opinion, this legislation would not be necessary if the agencies responsible for the monitoring and enforcement of laws already on the books were properly carrying out their duties. However, it has become clear that our U.S. trade officials either cannot or will not enforce existing laws, thus necessitating this remedial legislation.

Since 1973, international trade in textile and apparel products has been guided by multifiber arrangements [MFA], which allow for negotiated country-by-country quotas among the major textile producing nations. Since its inception, the MFA has evolved into a framework for negotiating bilateral restraint agreements. The current MFA expires next summer and must be renegotiated by the various signatories.

A basic premise of the MFA allows each signator to provide for the orderly and nondisruptive growth of imports of textile and apparel products. I emphasize the word orderly, because the effect of imports upon the U.S. textile and apparel sector since 1980 has been anything but orderly. For example, since 1980, imports of textile and apparel products have grown at an annual rate of 19 percent—far greater than the orderly marketing objectives of the MFA, and far in excess of the 1 percent annual average growth rate of the U.S. market demand during that same period. In the past 6 years, imports have more than doubled, reaching a level of 50 percent of our market in 1984.

One important aspect of the MFA is the right of each signator to call for consultations on limits for additional categories if export surges threaten the country with market disruption. Given the fact that U.S. imports of textile and apparel products have grown enormously in recent years, while, at the same time, the domestic industry has experienced such a dramatic decline, it has become apparent that the current trading framework is simply not working.

As a result of this explosion of foreign textile and apparel products into the U.S. market, the U.S. trade deficit in this category alone has grown to $16 billion last year, or 13 percent of our worldwide merchandise trade deficit. Because of the dramatic increase in imports of textile, fiber and apparel products, the American textile sector is experiencing intolerable market disruption, numerous plant closings, over 300,000 jobs lost in the past 4 years, and significantly reduced production. It is time to call a halt to this situation before even further damage is inflicted upon our textile and apparel industry.

In my own State of Maine, the textile, apparel and wool industries rank with footwear, another industry beleaguered by imports, among the largest employers. There are approximately 15,000 people directly employed by these industries whose jobs are in jeopardy if reasonable limits on imports are not imposed.

Since my distinguished colleague from South Carolina has already detailed the provisions of this legislation, I will not repeat them. Let us simply serve notice to our trading partners that we will not continue to be the world's only free trader in this increasingly mercantilistic trading environment. Nor will we continue to serve as the dumping ground for the excess production of our trading partners.

Mr. President, we must commit ourselves to the development and implementation of rational controls over our economic borders which will provide our domestic industries a fair opportunity to compete. I see this legislation as consistent with this goal, and I urge my colleagues to join in supporting the measure.

Mr. MOYNIHAN. Mr. President, I rise today with my distinguished colleague, the President of this body, Senator THURMOND, to introduce the "Textile and Apparel Trade Enforcement Act of 1985." We act on behalf of the broad bipartisan group of Senators who have cosponsored this legislation, and for millions of American workers.

There can be no doubt about the importance of the textile and apparel industry to the health or our entire national economy. Textile and apparel concerns employ more manufacturing workers than the basic steel and automobile industries combined—indeed, more than any other single industry. Two million Americans, including 137,000 New Yorkers, predominately women and minorities, work in textiles and apparels.

Thirty-six of the 50 States have textile plants; 45 of the 50 States have apparel plants, and 48 of the 50 produce fiber in one form or another—cotton, wool, or manmade.

Yet the industry has not received the attention it properly deserves. Perhaps, because the typical apparel plant and the typical textile plant is relatively small. Until recently, the textile and the apparel industry have not required great capital investment. Perhaps, we simply have taken the industry for granted.

Mr. President, we can no longer afford to do so.

The industry is battered by foreign imports. Since 1980, imports have doubled, at an average annual growth rate of 19 percent, and in 1984 accounted for 40 to 50 percent of all U.S. consumption. Between 1983 and 1984

alone, imports of textiles and apparel increased an astounding 32 percent. The result: In 1984, the U.S. trade deficit for apparel and textiles reached $16.5 billion—13 percent of the total record U.S. trade deficit of $123 billion.

Clearly, Mr. President, something must be done. The multifiber arrangement, last renegotiated in 1981 and extended through July 31, 1986, is supposed to provide for orderly growth in trade on a nondisruptive basis. This has not been the case. Since 1980, imports have increased 19 times as fast as has domestic demand, and at three times the rate contemplated by the MFA. Most importantly, it is estimated that since 1980 close to 300,000 American workers in the textile/apparel industry have lost their jobs. New York alone has lost more than 30,000 jobs.

I am generally opposed to quotas, as a fundamental matter. But the situation of trade in textile and apparel goods is special—as the GATT contracting parties have recognized. I helped negotiate the first GATT-sanctioned arrangement for the multilateral control of textile and apparel trade—the long-term cotton textile arrangement in 1962. That agreement served as the basis for the current regulatory scheme, the MFA. We have an internationally recognized arrangement for quotas in this area. The implementation of the MFA, it is now clear, has been inadequate. The administration has not imposed quotas when it should have, or has done so at levels that are too high.

Some claim that the new country of origin regulations that became effective in September 1984, by reducing quota evasion and circumvention, will address the serious plight facing the textile and apparel industry. These regulations, while necessary, will only stop violations of existing—inadequate—quota arrangements.

Exports from major exporters should be limited to the levels that would have prevailed if exports from these countries had grown at 6 percent per year since 1980—as contemplated by the MFA in 1981, when the MFA was last renegotiated.

At the same time, we can reasonably and responsibly provide less developed countries room to expand their exports. Thus, this legislation, the Textile and Apparel Trade Enforcement Act of 1985 would establish the 1985 base level for minor exporters at 115 percent of their 1984 exports.

Future export growth would be limited to 1 percent for import sensitive products and those produced by major exporters. Growth by minor exporters would be limited to 6 percent a year.

Mr. President, this legislation would produce modest results, but ones very important to the health of one of the most important sections of our economy. Import penetration would decline from its current levels of 40 to 50 percent, to 30 to 38 percent. Quotas should have been applied in 1980, when growth of textile and apparel imports became disorderly. If quotas had been used effectively then, we would not find the textile and apparel industry in the current grave situation.

Mr. SYMMS. Mr. President, a protectionist program, known as the Textile and Apparel Trade Enforcement Act of 1985, has been introduced by Congressmen and Senators representing a coalition of U.S. textile and apparel producers and their unions. This bill is being called a trade enforcement measure, when in fact, it is intended to significantly reduce trade in textiles and apparel.

I am concerned that imposing quotas of this kind will not only jeopardize U.S. international commitments and trade objectives, but will also invite retaliation from U.S. trading partners against a large volume of our exports—principally exports of agricultural products.

Under the multifiber arrangement [MFA] the United States currently has quota agreements on 650 categories of textile and apparel from 31 countries. The Textile and Apparel Trade Enforcement Act of 1985 will broaden existing quotas to cover new products that have never been produced in large quantities in the United States and will reduce trade in wool, cotton, and manmade products by 15 to 20 percent.

In addition, the bill imposes a nightmarish licensing scheme that is impossible to implement. It requires that each of the estimated 250,000 textile and apparel entries that the Customs Service processes each month obtain a separate license for each product category. Aside from creating a costly abundance of paperwork, this system would ultimately discriminate against smaller retailers and importers. Surely, this is contrary to the administration's commitment to reduce Government regulation and Federal spending.

The current MFA system of quotas costs American consumers $4.4 billion each year. This bill proposes adding several billion more to that figure and seriously reducing the availability of many types of goods by drastically reducing current trade levels and imposing a severe licensing system. Inevitably, these costs would be disproportionately borne by lower- and middle-income America.

Moreover, I am concerned that special exemptions from all quotas are provided for Canada and the European Economic Community without regard to their level of textile and apparel exports. This is clearly discriminatory and extremely harmful to U.S. trade objectives.

This bill invites retaliation against U.S. agricultural exports by violating the MFA, U.S. bilateral textile agreements and the most-favored-nation principle of the GATT. It also seriously hinders the prospects of successful extension of the MFA, which is scheduled to expire in July 1986; and for future multilateral negotiations on trade in areas such as services and intellectual property.

The textile and apparel industry has been accorded special treatment in the past, including the system of MFA quotas, extremely high duties, and exemption from such programs as the Generalized System of Preferences and the Caribbean Basin Initiative. However, there is no justification for expanding this specialized treatment considering the potentially harmful effects on U.S. international trade policy and the increased cost to American consumers and exporters.

Mr. MITCHELL. Mr. President, I am pleased to join today in introducing the Textile and Apparel Trade Enforcement Act of 1985. This legislation is designed to achieve the objectives of the multifiber arrangement by providing for a controlled growth of textile and apparel imports in accordance with our bilateral trade agreements negotiated pursuant to multifiber arrangement authority.

Under the multifiber arrangement, the major textile and apparel producing nations of the world have agreed to a regimen of import control on textile and apparel products. These controls are negotiated, consistent with obligations under the General Agreement on Trade and Tariffs, on a bilateral basis between MFA signatory countries.

The last round of multifiber arrangement negotiations in 1981 provided for an overall growth of 6 percent in annual textile and apparel imports to the United States. Other textile producing nations negotiated similar import controls. However, while other nations in the world have enjoyed the protection of the MFA to control the growth of textile and apparel imports since 1981, the situation in the United States has been unique; the MFA negotiated agreements have been ineffective in stemming the growth of imports. There is today widespread circumvention and evasion of existing quota arrangements.

As a result, import levels have grown rapidly over the last 3 years and we are now on the verge of a major industry retrenchment. Although the MFA contemplates import growth of 6 percent a year, imports have actually increased at an annual rate of 19 percent since 1981. Last year textile and apparel imports exploded, rising fully 32 percent above 1983's record levels. In 1984, our trade deficit in textile/apparel products increased 53 percent

reaching a record $16 billion, 13 percent of the total U.S. merchandise trade deficit. We are now at the point where the domestic industry, gasping for breath over the last few years under an onslaught of imports—is being dealt the final blow. Many domestic companies have been forced to shut their doors, others will soon.

This import assault is not impacting a narrow segment of a small industry. Imports are affecting every segment of an industry that, from production of raw product to manufacture of finished goods, operates in 48 States with a heavy concentration of jobs in all regions of the nation.

The textile and apparel industry employs directly 2.3 million Americans and indirectly contributes to the support of 2 million more jobs in related industries. The $41 billion that the textile/apparel industry contributes to our gross national product ranks it fully 30 percent above the auto industry in production dollars.

If current import trends continue, however, this will not be the case for long. We are witnessing the dismantling of a major domestic industry. The numbers tell the story: In 1982 imports amounted to 5.9 billion square yards; rising to 7.4 billion square yards in 1983 and 9.8 billion square yards last year. This level of imports penetration is equivalent to the loss of 1 million American jobs.

The Reagan administration has been unable to address this trade problem. In his 1980 campaign for President, Ronald Reagan noted the importance of the textile/apparel industry and promised to relate import growth to domestic market growth. This pledge was reaffirmed by Chief of Staff James Baker in a December 1981 letter concerning the approaching negotiations for the renewal of the MFA. Again in October 1982, the President affirmed that promise and maintained that the just completed MFA negotiations would limit the growth of textile/apparel imports to a level well below the rate of growth in the domestic market.

The actual record has been completely different; imports have continued to increase at a rate greatly in excess of domestic market growth. The President's commitments go unfulfilled and the erosion of American manufacturing jobs continues.

This legislation will enable the President to keep his promise. It addresses the problem simply by enforcing existing agreements under the MFA to limit import growth of textiles, apparel, textile products and man-made fibers to the level contemplated in the 1981 MFA agreements.

In 1985, imports from the major exporting nations—those with more than 1.25 percent of the U.S. market—will be limited to the approximate 6 percent growth levels provided for in the MFA. In future years, imports from these countries will be allowed to increase 1 percent.

In 1985, imports from the smaller exporting countries—those with less than 1.25 percent of the U.S. market—will be allowed to grow 15 percent above the 1984 level. In future years import growth from those nations will be limited to 6 percent.

There are those who will say that this is unreasonable, trade restrictive legislation that will violate our international treaty obligations. But the textile and apparel industry already operates under an existing, GATT consistent, regimen of trade restrictions. All this legislation would do is enforce existing agreements; agreements which other MFA signatory nations currently enforce to limit the growth of textile and apparel imports.

We can no longer stand by while existing trade laws are circumvented; while imports flood into the United States, factories close, and our workers are sent to the unemployment lines.

The major textile and apparel producing nations operate today under a system of import controls. Other nations have enforced their laws giving effect to MFA negotiated agreement; they maintain their domestic industries in accordance with established rules of international trade. We owe no less to our workers in the textile and apparel industries.

Mr. THURMOND. Mr. President, I ask unanimous consent to add the distinguished Senator from Alaska to this bill who is now presiding over the Senate, Mr. MURKOWSKI. We are very please to have him join on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The distinguished minority leader is recognized.

Mr. BYRD. Mr. President, it is my understanding that my time under the standing order has been reserved.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I thank the Chair for his patience.

AFGHANISTAN: RECENT DEVELOPMENTS

Mr. BYRD. Mr. President, two articles appearing in the Washington Post recently provided insights into the situation in Afghanistan. The Washington Post of Sunday, March 17, chronicles the seige of a Communist garrison in the town of Barikot, near the Afghan-Pakistani border. This is yet another example of the Soviet-backed effort to subjugate the people of Afghanistan by controlling small garrisoned towns that serve as fortress islands in a sea of Afghan freedom fighters. This strategy has doomed the Soviet occupation army to 5 years of humiliation and indecisive warfare which has left Afghan resistance forces in control of two-thirds of the country.

The report from Barikot followed a March 16 article describing the recent meeting between Pakistani President Zia ul-Haq and the new Soviet leader, Mikhail Gorbachev. The Post reports that the Soviet leader took that occasion to warn the Pakistani President that support for the Afghan resistance was regarded as support for aggression against a Soviet ally, Afghanistan. Gorbachev's meeting with President Zia and the Soviet press followup were unusually harsh. The only bright spot came in President Zia's observation that "both sides seem to be aware that the problem does not admit of a military solution." If the Soviets indeed have come to this realization, it would be reason for hope.

But there was a dangerous and seriously counterproductive theme that was reported in connection with the meeting. The Soviet leader seems to have made an explicit link between Afghanistan and Soviet policy toward Nicaragua.

The Soviet leadership should be under no illusions that the United States accepts such a linkage. Moreover, they should understand that the Congress will not countenance that linkage. Soviet frustration over the military stalemate in Afghanistan has the Soviet leadership groping for leverage in other areas of foreign policy. They will find none. The Soviet Union must decide to negotiate in earnest with a view toward complete withdrawal from Afghanistan. No other mix of issues will produce stability and certainty for Soviet policy in that region.

I ask unanimous consent that two articles entitled "Gorbachev Warns on Afghan Aid" from the Washington Post of March 16 and "Afghan Town Under Siege" from the Washington Post of March 17 be reprinted in full at the close of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 16, 1985]

GORBACHEV WARNS ON AFGHAN AID

LINK BETWEEN PAKISTAN AND U.S. PRESSURE ON NICARAGUA HINTED

(By Dusko Doder)

Moscow, March 15.—The new Soviet leader, Mikhail Gorbachev, has issued Moscow's sternest warning to date to Pakistan for its support of Afghan rebels, and well-informed circles here reported today that the Kremlin was considering unspecified actions against Pakistan if President Reagan continues his military pressure on Nicaragua.

Signals that Moscow considers linking the question of Nicaragua to Pakistan's policy toward Afghanistan appeared designed to

give a new twist to both problems. It was not clear whether these signals hold any prospects of possible trade-offs, although they suggest that the new Soviet leader seems determined to seek a solution of the Afghan issue.

Gorbachev's warning came yesterday during his meeting with Pakistani President Mohammed Zia ul-Haq and Foreign Minister Sahabzada Yaqub Khan, who were here for the funeral of Konstantin Chernenko.

A report on the meeting by the official news agency Tass included extraordinarily harsh language. It said the Gorbachev and Soviet Foreign Minister Andrei Gromyko gave the Pakistani leaders "a frank, principled assessment of the policy conducted" by Zia's government.

"Aggressive actions" against Afghanistan, a Soviet ally whose government is maintained by about 100,000 Soviet troops, are being carried out from Pakistan's territory, the Tass report continued. "It was also stressed that this cannot but affect in the most negative way Soviet-Pakistani relations."

The new Soviet leader appeared to be taking an entirely new and tougher approach toward the Afghanistan issue. Charges that Zia was supporting "aggression" against a Soviet ally and warnings of possible dire consequences of his actions have been voiced in the Soviet media on several occasions. However, Gorbachev took the unusual step of associating himself with these charges during his meeting with the Pakistani leader yesterday.

Sources here hinted today that the intensified pressure on Zia was linked not only to Moscow's growing frustration with the five-year-old military stalemate in Afghanistan but also to Reagan's increased pressure on the leftist government of Nicaragua.

According to the reports, the Russians are considering the possibility of encouraging anti-Zia elements in Pakistan, presumably by providing arms and other assistance to separatists in border areas such as Baluchistan.

The sources here suggested that an American military action against Nicaragua would provoke a serious effort to topple the Zia government.

On Wednesday, Gorbachev received Nicaraguan President Daniel Ortega, and Tass reported that they "vigorously condemned the U.S. policy of interference in Latin American affairs" and agreed on the need to "sharpen international efforts . . . for a just political settlement."

Diplomatic observers here noted that by linking the problem of Afghan insurgency to America's pressure on Nicaragua, the new leadership seemed to be signaling that it is capable of inflicting real damage on U.S. interests in an area close to Soviet borders.

Washington has longstanding ties with Pakistan dating from the CENTO alliance of the 1950s and is currently supplying Zia's government with advanced combat jets and other weapons under a $3.2 billion aid package concluded after the Soviet invasion of Afghanistan.

U.S. sources here said that for nearly a year there have been cross-border raids from Afghanistan into Pakistan as well as artillery shelling of Pakistani positions from Afghan territory.

There is little doubt that Gorbachev would like to find a way out of the Afghan impasse. The Soviet invasion of Afghanistan has complicated Moscow's relations with China, the Moslem countries and the West. The Afghan war is also becoming increasingly unpopular in the Soviet Union, although discontent is rarely voiced in public.

An earlier article in Pravda, the Soviet Communist Party newspaper, included more explicit charges against Zia's regime and asserted that the CIA was maintaining a "number" of bases and camps in Pakistan to train and equip Moslem insurgents who are subsequently sent into Afghanistan

Pravda also said that "American instructors" are training Zia's police forces to be "used in the restless North West Frontier Province of Pakistan." This border province, which has become a logistical base for the Afghan rebels, includes an area where ethnic separatists, traditionally supported by successive governments in Kabul, have sought to establish an independent state called Pushtunistan.

Pravda also charged that all weapons destined for use by the Afghan rebels are passing through the Pakistani port of Karachi.

The Gorbachev-Zia meeting appears to have brought Soviet-Pakistani relations to a new low.

Zia was here for the third time in less than 2½ years. In November 1982, when he attended Leonid Brezhnev's funeral, Zia was received by incoming leader Yuri Andropov, who gave him a warm welcome and sought to enlist his support for a political settlement on Afghanistan.

Andropov's proposal sought to end all insurgent activity from Pakistan's territory before diplomatic talks on an eventual withdrawal of Soviet troops. This initiative came to naught and the Afghan problem has remained stalemated diplomatically as well as militarily.

Zia came to Moscow again in February 1984 for the funeral of Andropov and remained in the city an extra day hoping to meet Chernenko. However, Zia was given a cold shoulder and left without seeing the new Soviet leader.

This time, Zia was among more than 25 foreign distance dignitaries received by Gorbachev. The new Soviet leader's words in his meeting with Zia, as summarized by Tass, stood in stark contrast to the overall conciliatory and friendly tone of Gorbachev's discussions with all other visiting politicians.

[In Islamabad, Zia told a news conference that he held two "business-like" meetings with Gorbachev and that Afghanistan, "as expected, figured largely" in the talks, the Associated Press reported.

[Despite "obvious differences of perception," Zia said, . . . "both sides seem to be aware that the problem does not admit of a military solution."]

Gorbachev also met yesterday with Afghanistan's Communist president, Babrak Karmal, and they jointly condemned "continued aggressive actions by outside forces" against Afghanistan, according to Tass. The news agency provided no other details on the substance of the talks.

The Kremlin sent troops into Afghanistan in December 1979 to back up Babrak after the ouster of rival Communist Party leader Hafizullah Amin.

[From the Washington Post, Mar. 17, 1985]

Afghan Town Under Siege

Rebel Fire Breaks Silence

(By Anthony Davis)

Barikot, Afghanistan.—Between dawn and dusk, Barikot is a ghost town.

Along the deserted streets of this garrison settlement on the Afghan-Pakistani border signs of habitation are visible—a row of Army trucks parked by an empty airstrip, laundry spread out to dry in a back yard, a few cows wandering untended. But for hours at a stretch no human movement is to be seen.

Sporadically, the eerie stillness hanging over a seemingly dead town is broken by a short burst of heavy machine-gun fire as Moslem guerrillas dug in on the ridges overlooking the settlement open up on a suspected target. Then the echoing gunfire dies away, and the silence of the mountains returns.

The guerrillas, or mujaheddin, have had Barikot and its Kabul government garrison encircled since September in a bid to capture the border town at the head of the Konar Valley. Barikot's land links with the capital have been cut for more than two years.

Today the siege shows few signs of reaching an early end, and it is becoming an increasingly volatile flash point on the troubled border. In recent months, Pakistan has lodged repeated charges of Afghan Air Force overflights of its territory and several incidents of bombing of the Pakistani town of Arandu, about a mile across the border from Barikot. Kabul has retorted with countercharges of stepped-up Pakistani support for the mujaheddin and of shelling of Barikot from Pakistan.

In comments to journalists in Peshawar Friday, Pakistani President Mohammed Zia ul-Haq described the increase in violations of Pakistani airspace as "unhealthy," adding that Kabul should realize that there is a limit to Islamabad's tolerance.

[Zia, who was in Moscow for the funeral of Soviet leader Konstantin Chernenko Wednesday, was issued a stern warning about Pakistan's support for the Afghan rebels by the new Soviet leader, Mikhail Gorbachev, the Soviet news agency Tass reported Friday.]

During the winter months, Soviet and Afghan government troops have made a concerted effort to push up the Konar Valley—a perennial focus of anti-Kabul resistance—apparently with a view to both breaking the siege of Barikot and establishing stongholds along the valley that would hamper guerrilla infiltration and supply. With the coming of spring, the valley that runs parallel to the Pakistani border is becoming one of several major supply conduits from Pakistan to the resistance across Afghanistan.

The winter offensive appears to have failed dismally. A large Communist force that began advancing from Jalalabad in mid-December succeeded in reaching Chaghasarai, the provincial capital of Konar, and later pushed on as far as the town of Asmar, meeting resistance at several points. But in February the advance stalled amid heavy fighting just beyond Asmar, about 25 miles short of Barikot.

In late February and early this month, posts established following the Communist advance were destroyed piecemeal by mujaheddin groups operating in the now largely depopulated valley.

"The situation is back much as it was at the beginning of winter," noted-one western diplomat. The guerrillas have built well-camouflaged bunkers and gun emplacements on ridges dominating the town on both sides of the valley. Barikot is now wholly reliant on resupply from the air. But with the resistance fielding an impressive concentration of heavy machine guns on the heights, that is becoming an increasingly hazardous undertaking.

According to mujaheddin of the Peshawar-based National Islamic Front of Afghanistan, the last supply drop came more than one month ago as transport helicopters under heavy fire from the heights under heavy fire from the heights dumped food and ammunition without even touching. Despite covering fire from attack helicopters and bombing by jets, one transport was downed, crashing just clear of the airstrip.

With the failure to lift the siege by land last month, repeated attempts have been made in recent days to knock out mujaheddin bunkers on the mountaintops to facilitate the ferrying in of supplies by air. Predictably, the stepped-up air attacks have resulted in further charges from the Pakistani government of overflights and bombing of Arandu. For their part, the Kabul authorities contended late last month that hundreds of men had crossed the border to attack Barikot, one of a string of similar accusations dismissed by Islamabad as "fictitious."

Both sides' charges appear to have considerable justification, however. On Tuesday MiG23 jets supported by Mi24 and Mi8 helicopter gunships could be seen bombing and rocketing mujaheddin positions around Barikot, and, at the end of their attack runs, clearly overflying Pakistani territory.

Guerrillas later said that machine-gun fire from the helicopters had hit houses on the Pakistani side of a narrow mountain stream in the Arandu Valley that marks the border. But less easy to gauge was whether the overflights were deliberate or more or less inevitable, given that majaheddin positions overlooking Barikot are about a half-mile from the border.

The following day, according to Islamabad, Afghan jets dropped 37 bombs on the Pakistani side of the border, and on Thursday another raid reportedly killed two persons near Arandu.

It is clear that under cover of darkness, large groups of guerrillas are moving through Arandu to cross the stream and reinforce positions around the Kabul government's beleaguered garrison.

"Some of our groups are fighting inside more or less permanently," said Mohammed Ayub, a commander from the Asmar area. "But many others will go in from the camps to fight for two or three months and then return to their families as other mujaheddin take over." With the snows melting fast, increasing numbers of fighters are now moving back into Afghanistan.

Around Barikot itself, the siege drags on at an almost medieval pace. Guerrillas while away the time sniping at an occasional Afghan Army soldier emerging from cover.

On one afternoon a group of guerrillas were observed around a new Chinese heavy machine gun. They were greatly amused as they terrified a man foolhardy enough to attempt to drive a stray cow back into a pen. Clearly visible through binoculars—and the machine gun's telescopic sights—the man finally lost his nerve and sprinted for cover as bullets peppered the ground around him. He escaped unscathed, but others have been less lucky.

For Barikot's population—a force of about 1,200 soldiers, 300 militia and 2,000 or 3,000 civilians—conditions are deteriorating. According to accounts from the besieged town reaching the guerrillas, food prices have spiraled, meat is now rarely available and morale is low. During the day, the population remains indoors, emerging after dark to go about normal business, including working in the fields within the defense perimeter. Any use of lights invariably attracts guerrilla fire.

Nor does the garrison exert itself much in its own defense. Outposts on the lower slopes keep attackers at a distance, but there are no attempts to venture beyond the town's defenses and try to dislodge the guerrillas from their positions on the heights.

On their side, the guerrillas display little determination to bring the siege to an end. Mirroring the situation around hundreds of Afghan Army and Soviet posts across Afghanistan, the resistance effectively has succeeded in bottling up Communist troops and gaining a tactical initiative. But lack of heavier weapons and, in many cases, of political direction results in an inability to exploit the advantage.

At Barikot, the guerrillas cite mines laid around Communist defenses as the main reason for the current standoff. But an element of lethargy is discernible, too. In contrast to aggressive assaults through mine fields witnessed last year in the Panjshir Valley, there is little evidence at Barikot of readiness to risk casualties in a concerted effort to seize the town.

But the underlying weakness of the resistance in the Konar Valley is its solidly tribal composition, which inhibits the establishment of a unified command and makes military coordination difficult. Around Barikot, at least five major Peshawar-based *mujaheddin* parties are represented by different Pushtu tribal groups.

Pushtu tribal allegiances remain paramount and effectively preclude the emergence of the sort of regional commands that have proved highly effective in the ethnically Tajik and Uzbek provinces of northern Afghanistan, where society is not tribal.

"One tribe here would never accept the leadership of a man from another," noted one Peshawar-based analyst, himself from the Konar Valley, a bastion of Pushtu conservatism.

Such as it is, coordinated military decision-making around Barikot and Asmar is arrived at by means of a *jirga* or assembly of tribal leaders. The result is generally more talk than action. Even when it does occur, coordinated military action hinges mainly on intertribal competitiveness, no one tribe wishing to have its honor stained by appearing less warlike than its rivals.

Around Barikot at present, there is talk of a *jirga* to decide details of a final assault on the embattled and dispirited Communist enclave. But observers are not holding their breath waiting for the big push.

WEST VIRGINIA: A PATRIOT'S STATE

Mr. BYRD. Mr. President, at one point during the Revolutionary War when America's fortunes were at their lowest and most desperate ebb, George Washington declared:

> Leave me but a banner to plant upon the mountains of Augusta, and I will rally around me the men who will lift our bleeding country from the dust, and set her free.

Augusta was the name by which West Virginia was known in those days. The fierce patriotism that Washington had discovered in those pioneer West Virginians was already an innate character—a trait that has proved itself again and again throughout our country's history.

Measured by population and geographic size, West Virginia is not one of our larger States. Yet, in conflict after conflict, the people of West Virginia have set records in responding to America's calls for defenders and in sacrificing their lives to keep our country free and secure.

During World War II, for example, West Virginia ranked fifth among the States in the percentage of its male population participating in the Armed Forces, second in the percentage of casualties, and fourth in the percentage of deaths.

In the Korean war, West Virginia was first in the percentage of male population participating, first in the percentage of casualties, and first in the percentage of deaths.

During the Vietnam era, West Virginia ranked second highest among the States in the percentage of male population participating and first in the percentage of deaths.

In fact, no other State has sent such a consistently high percentage of its young men to war. As in George Washington's lifetime, West Virginians have traditionally placed the defense of freedom above personal considerations and comfort.

I call attention to West Virginia's strong patriotic heritage—not to denigrate the patriotism of our sister States, but to define more clearly the meaning of patriotism itself.

In recent years, too often, jaded sophistication and cynicism have made light of patriotism and sometimes held the idea of sacrificing for the Nation's good up to mockery and satire. More deplorably, from time to time, newspaper and television reports surface of American citizens who have sold sensitive national defense secrets to foreign agents, and of commercial contractors who, as a matter of no apparent concern and common practice, have literally fleeced the Government out of astounding amounts of money on defense contracts or for consultation work.

Nations do not long survive and flourish where the citizens have no understanding of or love for their heritage. And no country can long remain free and strong where the pursuit of selfish interest is the most valued and admired principle of the land.

That is why I call attention to and commend the sacrifices of West Virginia to our country's security. I am deeply proud to represent a State with such a tradition—a State whose citizens understand the words of Rudyard Kipling:

THE HERITAGE

Our fathers in a wondrous age,
Ere yet the earth was small,
Ensured to us an heritage,
And doubted not at all,
That we, the children of their heart,
Which then did beat so high,

In later time should play like part for our posterity.
Then, fretful, murmur not they gave so great a charge to keep,
Nor dream that awestruck time shall save
Their labor while we sleep.
Dear-bought and clear, a thousand year
Our father's title runs.
Make we likewise their sacrifice,
Defrauding not our sons.

Mr. President, I yield any remaining time I may have to Mr. PROXMIRE.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. GRAMM). Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I thank the Democratic leader.

WILL OUR MILITARY POLICIES PROMOTE NUCLEAR PROLIFERATION?

Mr. PROXMIRE. Mr. President, last January NBC News reported that special U.S. forces throughout Europe and this country have been training with a nuclear explosive that fits into a soldier's backpack. At 58 pounds it is heavy. It would take strong soldiers in good shape to carry it a few miles. But what a punch it delivers; each of those 58 pounds carry an explosive force equivalent to 10 tons of TNT! NBC estimated that each of these back packs would carry an explosion 250 times more powerful than the bomb that blew up the marine barracks in Beirut and killed more than 200 American service men. Obviously, this is quite an addition to the arsenal of any commando unit. NBC says that the Green Berets based in Germany are trained to use these "nukepacks" to destroy airports, dams and other vital targets behind enemy lines. The bomb is reported to have been part of the NATO arsenal and war plans since 1964. Now NBC reports, that not only have Green Beret units been trained in using these nuclear explosions, but units from Great Britain, Belgium, Holland, Greece, Turkey, Italy, and West Germany have learned how to use these tactical nuclear weapons. Furthermore, Navy Seal teams have undergone training in the under water use of these explosives in demolition exercises in Scotland, the Philippines, and Puerto Rico. Other training in the "nukepack" use has taken place in South Korea, Okinawa, and in several sites in this country.

Mr. President, the widespread dispersion of these small nuclear weapons into so many different countries suggests a far more likely scenario for the beginning of World War III, which would be the last War, than any preemptive strike from the Soviet Union. What would be the reaction of the Soviet Union if somewhere along the many miles of border between free Western Europe and Communist Eastern Europe, the Green Berets or an American trained commando team deployed and detonated some of these nuclear devices in response to a Soviet conventional attack? Would the Soviets stop at once, "Cry Uncle" and ask for terms of surrender? Or would they call our bluff and raise the ante with a nuclear strike of their own somewhere? Of course they might view this use of nuclear weapons against them as the sure beginning of the first all-out nuclear war, World War III, assume the advantage would lie with the country that instituted the first preemptive strike and let go with an all-out nuclear assault on every target they could reach in the United States. No one, possibly even the Soviet leaders themselves, knows for sure how they would react. But the consequence of the detonation of the mininuclear bomb as an act of war with its relatively little 10 tons of TNT punch could be the worst catastrophe in world history.

Mr. President, the NBC revelation of the very widespread training and deployment of these mininuclear weapons throughout so many parts of the world, tells us how very thin and tenuous is this superpower peace and how very likely it is that unless we find some way of controlling these backpack nukes, somewhere, sometime, someone will begin to use these devastating little weapons. In fact, William Arkin in his concluding comments on NBC News said this:

There is clearly a consensus within the U.S. military that these weapons have some military usefulness in wartime and, therefore, most likely would be used in any conflict.

If Arkin is right, the use of these small nuclear explosives might be no farther away than the first U.S. initiative in Central America that runs into difficulties. After all, this is where our commandos are most likely to have the first call for their services.

The NBC report was carried to millions of Americans in prime evening news time. The American people are now on notice about the prospect that our country may be ready at any minute to take the first small but infinitely dangerous step toward fullscale nuclear war. As Members of the Congress of the United States, we have a duty to ask: Is this "back-pack nuke" policy worth the obvious and terrible risk it poses? What steps has this country taken to prevent the proliferation of this cheap, but powerful new instrument of military power from falling into the hands of Iran, Libya, Syria, and any number of other countries that have made a career out of terrorism?

Here is one little grabber that should get our attention. Consider: In 1987, on January 25, the President of the United States is scheduled to give his State of the Union Message to the Congress in the presence of the Joint Chiefs of Staff, the Vice President, the President's Cabinet, the Supreme Court, and both Houses of Congress. In short, as usual, all the policymakers of our country will be gathered in one section of the Capitol building. At about 8 p.m., a little Volkswagen sporting a House of Representatives tag—fake, of course—is waved ahead by the guard as it drives up to park at the Capitol steps on the House side. A man steps out of the car. He carries a detonating device. He has concealed three nuke packs under some clothing in the back seat of the Volks. The man walks to the Metro subway, a few blocks away, travels 5 or 6 miles in any one of several directions on the subway.

At 9 o'clock, the President enters the House Chamber. At 9:05, he begins to talk. At 9:15, the Volkswagen driver, from his safe position 5 or 6 miles away, sets off the three nuke packs with their equivalent of 60,000 pounds—30 tons—of TNT. The Government of the United States is decapitated. It has totally disappeared.

Of course, back-pack nukes may be a certainty of the future no matter what we do, and they may be used against us. But there are precautions we can take and we should certainly insist on far more convincing public justification than we have had so far on the military "consensus" NBC has reported that they would "most likely be used in any conflict."

Mr. President, I ask unanimous consent that excerpts from the NBC News report I have quoted be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

WEDNESDAY, JANUARY 10, 1985.

TOM BROKAW. You could call it Nukepak. It is a nuclear weapon that fits more or less into a soldier's backpack. Each nukepak's force is roughly one-twelve-hundredth that of the bomb that crushed Hiroshima. On this program last week, we reported that American forces have one hundred nukepaks in West Germany alone; and, as Fred Francis reports tonight, some Germans find that upsetting.

FRED FRANCIS. The existence of backpack nuclear weapons surprised the West Germans. (German Commentator) It has become a point of debate, as NBC News reported last Thursday, that there are one hundred of the portable bombs on German soil. Opposition politicians are furious. Several newspapers charge the United States with taking too free a hand in Germany's defense; and one paper claimed that Germans don't know what's going on in their own country.

The 58-pound bomb, called a special atomic demolition munition, has been part of NATO's war plans since 1964. The Green Berets based outside Batholtz are prepared

to use the very low-yield nuclear bombs to destroy airports, dams, and other vital targets behind enemy lines. The bombs are detonated with a timing device.

The backpack weapon these men will carry is two hundred and fifty times more powerful than the bomb which blew up the Marine barracks in Beirut. The Green Berets outside Batholtz are not the only soldiers in Europe with this special nuclear expertise. NBC News has learned that units from Great Britain, Belgium, Holland, Greece, Turkey, Italy, and West Germany have been taught how to use the backpack explosives.

Military analyst William Arkin questions whether such weapons are really a deterrent.

WILLIAM ARKIN. Special atomic demolition munitions are the product of the 1950's when we were nuclearizing every component of our armed forces and even created nuclear landmines. They should be withdrawn from Europe.

FRANCIS. The backpack nuclear mission is not unique to Europe and the Green Berets. Navy Seal teams, who, among other things, practice underwater demolitions, have trained with the small nuclear charges. Those Navy Seal teams are based in Macrahanish, Scotland; Subic Bay, the Philippines; Roosevelt Roads, Puerto Rico; and Little Creek, Virginia.

In addition to Batholtz, West Germany, the Army's nuclear teams are in Wee Jung Bu, South Korea; and Fort Devons, Massachusetts. The Marines, too, have nuclear ordnance platoons in Okinawa, Camp Lejeune, North Carolina, and 29 Palms, California.

In Europe, the weapons would also be used if Warsaw Pact troops overan NATO positions. Under one of NATO's operational plans, numbered 4304, the Green Berets are called Stay Behind Forces, who would destroy targets that might be useful to the enemy. Fred Francis, NBC News, the Pentagon.

FRANCIS. The opposing generals say the commandos' place should be where it has always been, preparing for the big war. That's the mission of Special Forces in Batholtz, West Germany. In a big war, they would drop behind Soviet lines and organize resistance movements.

The Special Forces are trained in European languages, customs, and in sabotage. Special Forces carry backpacks, identical to this one. It weighs about 58 pounds, and it's called a special, atomic demolition munition, SADEM, for short; or, in soldier's jargon, a back-pack nuke. There are one hundred of these back-pack nuclear weapons in West Germany.

The back-pack nukes would be set off by remote control to destroy targets such as airfields and Soviet command sites. Military analyst William Arkin uncovered the documents about the use of SADEMs in Europe.

WILLIAM ARKIN. There is clearly a consensus within the U.S. military that these weapons have some military usefulness in wartime and, therefore, most likely would be used in any conflict.

THE DICTATORSHIP IN PARAGUAY

Mr. PROXMIRE. Mr. President, by refusing to join the 96 nations which have already ratified the Genocide Convention, the United States allows itself to be classed with some of the world's most oppressive regimes, including the country of Paraguay.

General Alfredo Stroessner, Paraguay's 72-year-old dictator, has remained in power for the past 30 years by using a vicious mixture of ruthlessness and corruption. According to an article in the February 16 issue of The Economist, Stroessner pacifies rival army officers by giving them a share in Paraguay's active smuggling trade. At the present time, illegal trafficking in perfume, computers, and cocaine has a higher turnover in Paraguay than legitimate commerce.

However, General Stroessner's regime has a much uglier side. He has consolidated his power through frequent use of torture and terror. Some opponents of the government are imprisoned while others are sent into exile. The press is tightly censored. Elections provide little outlet for protest. The results of the last election, a 97 percent victory for Stroessner, were announced before the polls closed. Given no other option, many Paraguayans voice their discontent with their feet: over 1 million have fled to Argentina and Brazil.

General Stroessner firmly quashes all attempts at reform. The Economist article relates that when Argentine president Raul Alfonsin prevailed upon Stroessner to allow 20 political exiles to return to Paraguay, they were harassed and placed under constant surveillance. The article further states that when ABC Color, a local newspaper, printed an interview with one of the returned politicians, it was shut down.

Furthermore, the Paraguayan Government has demonstrated its contempt for international morality by giving sanctuary as recently as a year ago to Josef Mengele, the infamous angel of death who performed hideous medical experiments on prisoners in the Nazi death camps.

Other South American nations have thus far refrained from denouncing Stroessner. Even the new civilian president of Brazil, who has not hesitated to condemn Chile's dictator, has thus far failed to speak out against Stroessner. Why? Brazil shares the world's largest hydroelectric power station, Itaipu, with Paraguay. Therefore the United States must take the lead in denouncing the dictatorship in Paraguay.

Paraguay has not ratified the Genocide Convention; it oppresses its people and harbors Nazi criminals. The United States is the greatest free nation in the world, yet we have not ratified the treaty either. The Senate can change that. The time has come for this country to separate itself from dictatorships and restore its moral credibility by ratifying the Genocide Convention.

Mr. PROXMIRE. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10:30 a.m., with statements therein limited to 5 minutes.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL RIFLE ASSOCIATION GETS NEW CHIEF EXECUTIVE OFFICER

Mr. GOLDWATER. Mr. President, it is interesting to note how many former military people are now "soldiers" working in the Federal Government. As objective as I have tried to be in over 25 years in the U.S. Senate, I am always pleased to see our military men and women translate the skills they have developed into civilian government service. A case in point is the former Assistant Secretary of the Interior for Fish, Wildlife and Parks, G. Ray Arnett.

A former marine, who served with distinction in both World War II and Korea, Ray Arnett has recently left the Interior Department to become executive vice president of the National Rifle Association. I have had a long association with the NRA, which is committed to the protection of family, Nation, and the personal freedoms guaranteed us by the U.S. Constitution, precepts we all agree on.

I know that my colleagues join me in wishing success to Ray Arnett in his new post and in the continuation of the National Rifle Association's service to the public.

HOME SATELLITE ANTENNA VICTORY IN FEDERAL COURT

Mr. GOLDWATER. Mr. President, I would like to bring to the attention of my colleagues a great victory won by the home satellite dish consumer and seller recently in Federal court. This case completely vindicates the new satellite viewing rights amendment which Congress enacted as part of S. 66 last year and it goes further by adopting the position I have always held, which is that the earlier language of the Communications Act of 1934 never made it illegal to use a home Earth station to receive unscrambled signals for private viewing.

Mr. President, the case was decided by Judge Patrick F. Kelly of the U.S.

District Court for Kansas 2 weeks ago, on February 13. The case arose out of claims made by two Wichita, KS, cable TV companies who alleged that a local distributor of Earth station satellite dish antennas was causing the unlawful interception of television signals transmitted by satellite in violation of the former section 605 of the Communications Act.

Judge Kelly granted summary judgment dismissing all these claims pointing out that the 1984 amendments were enacted specifically to protect enterprises such as that in which the local dish distributor was engaged. Further, Judge Kelly held that the former section 605 could not be invoked to restrict the sale of home dish antennas.

As viewed by Judge Kelly, the issue presented in the case involved "the right to manufacture, distribute, sell, and use" home Earth stations, a matter which the judge viewed as also involving the first amendment right of access of the public to information available via satellite signals by virtue of technological advances.

Mr. President, this decision reaffirms my belief that individuals in their own homes have the right to receive and view all unscrambled satellite television signals and that manufacturers, distributors, and dealers have the right to provide them with the equipment necessary to do so. In view of the importance of this threshold case, which is the first Federal judicial decision on the rights of the home viewing public, I ask unanimous consent that the text of the court order and opinion appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[In the United States District Court for the District of Kansas No. 83-1997-K]

AIR CAPITAL CABLEVISION, INC., AND MULTIMEDIA CABLEVISION, INC., PLAINTIFFS, *vs.* STARLINK COMMUNICATIONS GROUP, INC., AND JEFFREY L. MANION, DEFENDANTS

MEMORANDUM AND ORDER

In this suit, two cable television companies, Air Capital Cablevision and Multimedia Cablevision, sued a distributor of earth station satellite dish antennae, Starlink Communications Group claiming unlawful interception of television signals transmitted via satellite, in violation of § 605 of the Communications Act of 1934, 47 U.S.C. § 605, amended on October 11, 1984 and redesignated as § 705. Currently before the Court are defendants' motion for partial summary judgment on the injunctive claims under the Communications Act, plaintiffs' motion for leave to amend, and plaintiffs' motion to dismiss defendants' counterclaims. For the reasons set forth below, summary judgment as to all Communications Act claims is granted in favor of defendants; the motion for leave to amend is denied; and the motion to dismiss is denied.

I. SUMMARY JUDGMENT

Starlink moved for partial summary judgment on plaintiffs' claims for injunctive relief arising under § 605 of the Communications Act. Starlink moved for partial summary judgment on these claims on the grounds that Congress substantially amended the Act in October 1984 to exempt the manufacture, distribution, and sale of earth station satellite dish antennae from the proscription of the Act, unless programming is encrypted or there is an established marketing system.

Air Capital and Multimedia brought this suit under the former Section 605 of the Communications Act. Numerous courts had held that § 605 prohibited the manufacture, sale and distribution of equipment that enabled home users to intercept or decode programming transmitted or retransmitted by subscription television companies or by cable television companies. See, e.g., *Movie Systems, Inc.* v. *Heller*, 710 F.2d 492 (8th Cir. 1983) (unauthorized interception of HBO transmissions violate § 605 of the Act); *Chartwell Communications Group* v. *Westbrook*, 637 F.2d 459 (6th Cir. 1980) (sale of subscription television decoders to third parties not entitled to receive encoded transmission violates § 605).

Congress substantially amended § 605, redesignated as § 705, to exempt conduct such as the manufacture, sale, or distribution of earth station satellite dishes from the broad prohibition of the statute. Congress enacted the Cable Communications Policy Act of 1984, Pub. L. 98-549, on October 11, 1984, and the President signed this Act into law on October 30, 1984.

Section 5 of the 1984 Act significantly amends § 605, which is redesignated as § 705 of the Communications Act. Section 5 provides in relevant part as follows:

"(a) Section 705 of the Communications Act is amended by inserting '(a)' after the section designation and by adding at the end thereof the following new subsections:

"(b) The provisions of subsection (a) shall not apply to the interception or receipt by any individual, or the assisting (including the manufacture or sale) of such interception or receipt of any satellite cable programming for private viewing if—

"(1) the programming involved is not encrypted; and

(2)(A) a marketing system is not established under which—

"(i) an agent or agents have been lawfully designated for the purpose of authorizing private viewing by individuals, and

(ii) such authorization is available to the individual involved from the appropriate agent or agents; or

"(2)(B) a marketing system described in subparagraph (A) is established and the individual receiving such programming has obtained authorization for private viewing under that system."

The legislative history of the statute makes clear that in the absence of encrypted programming or an established marketing system, the manufacture, sale, or distribution of earth station satellite dishes does not violate the Act. One legislator stated as follows:

[I]t is my understanding that the intention of this legislation places limitations on the right to view satellite television programming in one's home or other dwelling place. The first limitation is that the legislation applies only to unscrambled signals. The second is that if a programmer that sells cable programming wishes to market unscrambled signals to home earth station users and establishes a good faith system to do so, then there is a lawful requirement for payment. The intention of the legislation, however, is that there must be realistic selling of the programming and there cannot be an attempt to deprive any individual of satellite viewing rights. . . . Programmers and the viewing public and manufacturers of equipment now have broad room to reach marketplace accommodations.

98 CONGRESSIONAL RECORD H10446 (daily ed. Oct. 1, 1984) (comments of Rep. Tauzin). Another legislator stated as follows:

Today, we come a long way by making it clear that the manufacture, sale and home use of earth stations are legal activities.

Id. (comments of Rep. Rose).

It is crystal clear to this Court that the 1984 amendments to the Communications Act of 1934 were enacted specifically to protect enterprises such as that in which Starlink Communications Group is engaged. There remains no legal basis under the Act for this suit. Therefore, the motion of defendants, Starlink and Mr. Manion, for partial summary judgment with respect to the injunctive claims brought under the 1934 Communications Act, as amended, is granted.

Further, this Court is convinced that the former § 605 cannot be invoked to proscribe the conduct of Starlink predating the 1984 amendments, and that summary judgment in favor of defendants must be granted as to all claims under the Communications Act.

In general, former § 605 and redesignated § 705 prohibit the unauthorized interception and disclosure of radio communications. Historically, the Act was originally enacted in 1934 to prohibit telephone switchboard operators from divulging any conversation that may be overheard, or telegraph or radio operator from disclosing the contents of a telegram or radiogram. *United States* v. *Sullivan*, 116 F.Supp. 480 (D.C. 1953). The problems inherent in the case at bar, as originally filed under former § 605, are largely a function of judicial attempts to stretch the language of the 1934 statute to apply to the advanced technology of the 1980's.

Numerous courts held that the former § 605 prohibited the manufacture, distribution, and sale of electronic decoding equipment that enabled home viewers to intercept original transmissions or retransmissions by subscription television distributors, cable television distributors, or other television programming distributors. One category of cases is that in which courts hold that the manufacture, distribution, or sale of decoding equipment violates § 605 when that decoding equipment is used to intercept over-the-air subscription television programming without paying a subscription fee. E.g., *National Subscription Television* v. *S&H TV*, 644 F.2d 820 (9th Cir. 1981); *Chartwell Communications Group* v. *Westbrook*, 637 F.2d 459 (6th Cir. 1980). Another category of cases involves the manufacture, distribution, or sale of converter or decoder devices which, when connected between a cable entering a cable television subscriber's premises and the subscriber's television, unscrambles the cable television signals and enables a cable television subscriber to view additional programming without paying an additional subscription fee, in violation of § 605. E.g., *Porter County Cable Co., Inc.*, v. *Moyer*, No. S. 82-172 (N.D. Ind. 1983); *Cablevision of Connecticut* v. *Long Island Wholesale Corp., et al.*, No. B 83-708 (D. Conn. 1983). The third category of cases in which courts find violations of § 605 involves the manufacture, distribution, or sale of electronic decoding equipment such as microwave anten-

nae and down-converters to intercept television signals transmitted via multipoint distribution service (MDS) without payment of a subscription fee. E.g., *Movie Systems* v. *Heller*, 710 F.2d 492 (8th Cir. 1983); *United States* v. *Stone*, 546 F.Supp. 234 (S.D. Tex. 1982).

These types of cases wherein courts have found violations of former § 605 are different from the case at bar. The cases finding violations of former § 605 involve the rights of the subscription television distributor, the cable television distributor, or other television programming distributor who either originated the television signal or who received a satellite signal and retransmitted the signal via its own equipment or via common carrier equipment for which use the distributor paid. The offending equipment intercepted or decoded television signals that were originated by or retransmitted by the programming distributor. In the case at bar, the earth station satellite dish antennae do not intercept television signals originated by or retransmitted by the cable television company. Satellite dish equipment does not hook into a cable company's telecommunications network and pirate away or decode the cable company's transmission.

None of the above-cited cases involve the issue presented in the case at bar: the right to manufacture, distribute, sell, and use equipment that enables a home user to receive the vast number and varied character of television programs transmitted via satellite versus the right of a cable television programming distributor, by virtue of a license from the program producer such as HBO, to retransmit for a subscription fee a select portion of satellite signals to the cable company's subscribers. This case involves collateral rights to receive and enjoy the satellite video signals. This case involves access of the public to the large number of programs and information available via satellite signals by virtue of technological advances.

Congress acted in October 1984 to enable home viewer access to satellite video signals and to encourage free enterprise in the development of the earth station satellite antenna industry. As stated earlier, former § 605 of the Communications Act of 1934 could no longer accommodate the technology of the 1980's. Further, no court has explicitly employed former § 605 to proscribe the manufacture, distribution, sale, or use of earth station satellite dish antenna.

The Court holds that Air Capital Cablevision and Multimedia Cablevision have no claim against Starlink Communications Group or Jeffrey L. Manion based on former § 605 of the Communications Act with respect to the conduct of Starlink or Mr. Manion prior to the amendment of § 605 in October 1984. Although the cable companies may have had an exclusive license from television producers of programs such as HBO, Showtime or Cinemax to receive their satellite signal and retransmit by MDS or otherwise their programs via cable to cable subscribers, the cable companies cannot be said to have an exclusive right to receive satellite video signals. In the case at bar, defendants did not intercept a transmission by the cable company, but rather, received the television signals directly from the satellite. The cable company simply has no standing to claim violations under former § 605 of the Communications Act because the users of the earth station satellite dishes were not intercepting a transmission originated by or retransmitted by the cable company.

Therefore, summary judgment in favor of defendants is granted with respect to all claims arising under the Communications Act of 1934.

II. PLAINTIFF'S MOTION FOR LEAVE TO AMEND

Plaintiffs move for leave to amend and supplement their original complaint to include claims which, in substance, would require Starlink to advise potential customers regarding the authorized and unauthorized use of the satellite earth station equipment.

As the defendants point out, the plaintiff cable television companies have no standing to raise these claims, and further, the statute imposes no duty upon Starlink to advise its customers about authorized or unauthorized use of the equipment. Defendants cite legislative history which states that an aggrieved party who may bring a suit under this statute "does not include those entities which possess limited rights of reception and retransmission to the programming, *such as cable systems* and other purchasers of the right to receive it after satellite transmission." 98 CONGRESSIONAL RECORD S14284 (daily ed. Oct. 11, 1984) (comments of Sen. Goldwater) (emphasis added). Further, defendants point out that an earth station satellite dish manufacturer or seller is not liable for its customers' violations of the statute unless the manufacturer or the seller willfully assists in the violation:

"Mr. President, I would like to point out that the commonsense [sic] interpretation of section 705 should be that a manufacturer, importer, distributor or seller of satellite receiving equipment cannot be made liable in criminal or civil actions based upon the mere sale of such equipment to a person who subsequently violates section 705. These business persons would have to knowingly and willfully assist in enabling a particular individual to violate the law, not simply be aware that the equipment by itself or in combination with other components might possibly be used for prohibited purposes."

98 CONGRESSIONAL RECORD S14284 (daily ed. Oct. 11, 1984) (comments of Sen. Goldwater) (emphasis added).

The Court finds no legal basis for the proposed supplements and amendments to plaintiffs' complaint, and therefore, the plaintiffs' motion for leave to amend is denied.

III. PLAINTIFFS' MOTION TO DISMISS DEFENDANTS' COUNTERCLAIMS

Air Capital and Multimedia move for dismissal of Starlink's first and second counterclaims arising under § 2 of the Sherman Act, 15 U.S.C. § 2, in which Starlink charges plaintiffs with monopolization and attempted monopolization in violation of the Act.

Plaintiffs contend that the antitrust claims should be dismissed because Starlink has failed to allege and define a proper relevant product market and because Starlink lacks standing because Starlink has failed to show it has sustained an antitrust injury.

A properly pleaded claim of monopolization under § 2 consists of two elements: (1) the possession of monopoly power in the relevant market, (2) an overt act or acts constituting purposeful acquisition or maintenance of that monopoly power. *United States* v. *Grinnell Corp.*, 384 U.S. 563, 570-71 (1966). An attempt to monopolize also requires two fundamental elements: (1) specific intent to achieve a monopoly, and (2) a dangerous probability of monopolization if the overt acts are successful. *E.J. Delaney Corp.* v. *Bonne Bell, Inc.*, 525 F.2d 296 (10th Cir. 1975), cert. denied 425 U.S. 907 (1976). To meet these elements, a party must demonstrate a relevant product market in a geographical area in which the alleged monopolist operates. *Walker Process Equipment, Inc.* v. *Food Machinery & Chemical Corp.*, 382 U.S. 172, 177 (1965); *Gilbuilt Homes, Inc.* v. *Continental Homes of New England*, 667 F.2d 209 (1st Cir. 1981).

Plaintiffs argue that Starlink's antitrust counterclaims are fatally defective for failure to properly allege and define a relevant product market and because Starlink's marketing of earth stations is not in competition with the cable companies' marketing of programming services such as HBO, Showtime and Cinemax. Plaintiffs argue that Starlink's allegations concern two analytically distinct markets: plaintiffs' market for the sale of HBO, Showtime and Cinemax programming; and Starlink's market for the sale of earth stations.

Defendants state that their antitrust counterclaims charge that Air Capital and Multimedia instituted this litigation against Starlink not to seek good faith adjudication, but to impede competition, in part by threatening to expand this action to include baseless lawsuits against Starlink's customers. Starlink argues that this conduct monopolized and attempted to monopolize the distribution to consumers of the means of home reception of satellite television programming. Starlink contends that it has clearly alleged facts sufficient to raise the issues of actual competition between the parties in a relevant product market and resulting damage to Starlink.

Starlink contends that the allegations in its counterclaim satisfy the required allegation of a relevant product market. The cable television companies contend that the relevant product markets are: (a) Air Capital and Multimedia's market of selling motion picture programming for home viewing, and (b) Starlink's market of selling earth stations for individual consumer use. Starlink, on the other hand, contends that the relevant product market is that of providing the facilities for home use viewing of satellite-transmitted television signals; arguing that although Starlink sells satellite earth stations and Air Capital and Multimedia provide cable service, both entities provide the same ultimate service although by different means or facilities.

For the purpose of this motion to dismiss, the Court agrees with Starlink and finds that Starlink has adequately alleged a relevant product market and that plaintiffs' motion to dismiss defendants' counterclaim cannot be granted on these grounds.

The Court next considers plaintiffs' argument that Starlink lacks standing to assert antitrust counterclaims. Plaintiffs argue that Starlink's counterclaim fails to sufficiently allege that Starlink has suffered "antitrust injury" within the meaning of *Brunswick Corp.* v. *Pueblo Bowl-O-Mat*, 429 U.S. 477 (1977). Plaintiffs argue that Starlink was not directly injured by an antitrust violation, nor was the alleged injury of the type the antitrust laws were intended to prevent, because Starlink is neither a consumer nor a competitor in the market in which plaintiffs participate. Starlink, on the other hand, contends that the cable companies and Starlink engage in extensive competition; that plaintiffs instituted this litiga-

tion for the purpose of eliminating competition posed by Starlink, which constitutes an antitrust violation; and that Starlink suffered direct injury as a result of plaintiffs' litigation against Starlink and plaintiffs' threatened litigation against Starlink's customers and prospective customers.

Again, the Court is persuaded by the defendants' arguments, and at this stage in the litigation, finds that Starlink has standing to assert these antitrust counterclaims. Therefore, plaintiffs' motion to dismiss defendants' counterclaims is denied.

It is therefore ordered this 13 day of February, 1985, summary judgment as to all claims under the Communications Act is granted in favor of defendants; the plaintiffs' motion for leave to amend is denied; and the plaintiffs' motion to dismiss defendants' counterclaims is denied.

Counsel are directed to meet within the next 30 days in the interest of discussing requisites for discovery, exchange of material and settlement prospects. A status conference in chambers is scheduled on March 18, 1985, at 2:00 p.m.

FAIR HOUSING—SENATE JOINT RESOLUTION 79

Mr. DOLE. Mr. President, last week, my distinguished colleague from Maryland, Senator MATHIAS, introduced Senate Joint Resolution 79, a resolution proclaiming April as "Fair Housing Month". The purpose of the resolution is to provide for a time to commemorate the enactment of the landmark Fair Housing Act of 1968 and to renew our commitment to eradicating discrimination from the housing market. I am pleased to join Senator MATHIAS and a large, bipartisan group of Senators in cosponsoring this resolution.

Passed in the wake of Martin Luther King's tragic death, the Fair Housing Act represented the final, major building block of the civil rights legislation passed in the 1960's. Its promise was to provide for fair housing throughout the Nation. Though significant progress has been made as a result of the law, its enforcement mechanism has proven to be ineffective and unworkable in the case of individual complaints of discrimination.

Another deficiency in the 1968 law is its failure to include civil rights protections for the disabled. For many years, it has been the well-established policy of this country to bring our disabled citizens into the mainstream of American life. Opening the housing markets to these citizens is crucial to carrying out that policy.

Putting teeth into the Fair Housing Act is a cause which transcends party affiliation or political ideology. Indeed, every administration assuming office since the law's enactment has supported strengthening the enforcement mechanism. Senator MATHIAS and many others on both sides of the aisle have spoken forcefully for correcting the law's glaring deficiencies. In recent years, the issue has been pushed to the backburner in lieu of other civil rights issues perceived to be of more pressing concern. As one who has also spoken to the need to strengthen the law, I hope that at some point we will find the time to confront and act upon this important issue.

Until that time comes, we can demonstrate our commitment to nondiscrimination in housing by passing Senate Joint Resolution 79 and working to make "Fair Housing Month" this year a big success.

OPPOSITION TO CUTS IN FEDERAL FINANCIAL AID TO COLLEGE STUDENTS

Mr. MITCHELL. Mr. President, I rise in opposition to the administration's proposed cuts in financial aid to college students in the fiscal year 1986 budget.

If adopted, those cuts would seriously jeopardize access to higher education for millions of college students across the country. In my home State of Maine, these proposals would have a devastating effect on thousands of college students currently enrolled in private institutions, vocational technical institutes [VTI's], and the State university system.

The chancellor's office at the University of Maine recently released a report which estimates that 56 percent of students now attending one of the seven colleges in the system would be seriously affected by the proposed cuts. Approximately 7,500 students attending the university will lose $11.8 million in Federal Student Financial Aid Program funds. This represents a 28-percent reduction in Federal aid funds available to University of Maine students.

Maine ranks 38th in the Nation in per capita income. Yet our students and their families contribute a higher proportion toward their college expenses than the national average. Maine students are paying $291 more annually toward their educational expenses than the average family nationally. Furthermore, Maine students receive $229 less in grant funds and borrow $228 more than the average student nationally. These statistics demonstrate the determination of those Maine families who make great sacrifices in order to provide a college education for their children.

Maine has a number of fine private liberal arts colleges including Bates, Colby, and Bowdoin, with long and distinguished histories of providing quality education to students from all income levels. These private colleges stand to lose the most if the proposed cuts in student aid are approved. At Colby, such cuts would drastically change the makeup of the student body. The middle-income students will be forced out and will be replaced by children of the wealthy. Colby and other private colleges run the risk of becoming schools only of the very poor, who will continue to have full financial aid, and the very rich, who will be able to afford the total cost of private higher education without regard to guaranteed student loans. At Colby, the proposed $32,500 family income ceiling on the guaranteed student loans [GSL] combined with the $4,000 annual limit per student on all Government financial aid, will eliminate 500 of the current 700 Colby family borrowers—a cut of more than 70 percent. Many of these families will not be able to continue to send their children to Colby or any private college.

I have received letters from many Maine college students and their parents, those attending public and private colleges and universities in Maine and elsewhere in the country. These students are frightened and angry about the proposed cuts in financial aid, and with good reason.

The proposed $32,500 limit for financial aid eligibility would force middle-income families to severely limit the access choice of colleges for their children. It fails to take into account the different circumstances of different families. Under the President's proposal, a family with an income of $32,000 and one child in college would be eligible for assistance, while another family with an income of $33,000 and four children in college would not be eligible. Obviously that would be an unfair result, because it does not take into account anything other than family income. The current rule, which bases decision on a combination of factors—including family income and need—makes more sense.

One family in Maine, earning an income of $42,000, currently spends $11,000, 25 percent of their gross earnings, to send their two children to private colleges. Under current financial aid regulations, their children are eligible for GSL assistance of up to $2,400 each. This aid allows these students to attend schools which they believe are best suited to their needs. The $32,500 cap would eliminate any choice of an education and force this family to send their children to a public university. The already overburdened University of Maine system cannot absorb the hundreds of Maine students who would be forced upon them from private colleges.

The second proposal of greatest concern among Maine college students and their families is the $4,000 annual limit per student for all financial aid. Another parent in Maine wrote to me about her children's need for assistance. This woman is the mother of six children, four currently in college, and earns less than $13,000 per year. Her children all have jobs during the summer and school year and are currently taking out the maximum stu-

dent loans allowable. If the proposed $4,000 limit is placed on student loans, some or all of her children will be forced to drop out of school.

The University of Maine system estimates an annual cost of $5,750 for an in-State student. Clearly it would be extremely difficult, if not impossible, for a family such as the one I have just described, to continue to send four or more children through the State university system.

Mr. President, this Nation has a tradition of equality of educational opportunity for all of its citizens, regardless of financial background. Our belief in, and support for, access to education for all has given me and many others like me opportunities our parents never dreamed of. It is our responsibility to make certain that those opportunities are not closed off for others coming after us. The fact that the child of an immigrant factory worker and school janitor could become a U.S. Senator is a tribute in large part to the opportunities that were available to my generation. We cannot deny that opportunity to future generations.

I am as concerned about the Federal deficit as anyone in this body. I believe, however, that the proposed reductions in student financial aid are a false economy. The future loss of well-educated men and women from all socioeconomic groups will have a devastating impact upon not only our economy but upon the quality of our society. I will continue to oppose the proposed reductions in student financial aid programs and urge that my colleagues in this Chamber do so as well.

AGRICULTURAL DEBT RESTRUCTURING ACT

Mr. DURENBERGER. Mr. President, there are many producers whose short-term cash-flow requirements threaten to drag them into bankruptcy. The latest USDA figures show 243,000 farms have a debt-asset ratio in the 40 to 70 percent range and another 143,000 have a debt-asset ratio over 70 percent. With few exceptions, those with a debt-asset ratio higher then 70 percent will not make it through the next 18 months. The key is to prevent the farmers currently in the 40- to 70-percent range from graduating into the 70-percent-and-up bracket. To survive, these farmers need three changes in current policy.

First, their short-term debt must be restructured into long-term debt.

Second, their interest on principal must be reduced.

Third, there must be sharing of risk among the borrower, the lender and the Government.

Unfortunately rural lenders are not in a position where they can stretch out repayment periods or reduce interest rates on their own. Rural lenders need the Federal Government to shoulder some of the debt burden.

While there are a number of Federal programs designed to ease farmers credit needs, they are clearly inadequate. For starters, the Farmers Home Administration lacks both the technical and financial resources to handle the demand for credit. In addition, the unwillingness of lenders to participate in the President's debt restructuring program seems to indicate that it is unworkable for capital-starved rural banks.

I believe one reason lenders are not using the President's program is because they can't carry 100 percent of the loan on their books at this time. If the Farmers Home Administration would be willing to assume the risk for a portion of that debt, I am confident many borrowers would be able to make it in the long term. A Minnesota group, Communicating for Agriculture, has a plan which gives lenders and the FmHA this option.

The bill does this in five ways.

First, it allows an approved lender to restructure a borrowers loan by utilizing both FmHA loan guarantees and FmHA direct insured loans.

Second, it caps, at 35 percent, the amount of the loan which may be covered by direct FmHA loans.

Third, it stretches out the repayment period on the direct FmHA loan portion from 7 years to 15 years.

Fourth, if the approved lender decides to place 35 percent of an individuals loan under the direct loan program, the guarantee on the remaining portion would drop to 60 percent.

Fifth, loans made or guaranteed by the FmHA would carry an interest rate set at no more than 2½ percent above the discount rate, which works out to about 11 percent.

In short:

First, it shares risk by limiting the loan guarantee to 60 percent;

Second, it restructures debt by extending the payback period to 15 years; and

Third, it reduces interest expenses by stretching out the payback and capping interest rates.

Mr. President, this bill is not going to take care of every farmers problem, but if it helps just one, we should act on it with dispatch. I ask unanimous consent that the bill and a descriptive analysis of it be printed in the RECORD at this point.

There being no ojection, the material was ordered to be printed in the RECORD, as follows:

S. 719

Be it enacted by the Senate and House of Represenatives of the United States of America in Congress assembled,

TITLE I—FARM CREDIT ASSISTANCE

SHORT TITLE

SEC. 101. This title may be cited as the "Agricultural Debt Recovery Act of 1985."

ADDITIONAL LOAN GUARANTEE AUTHORITY

SEC. 102. Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994), as amended by section 607 of the Emergency Agricultural Credit Act of 1984 (Public Law 98-258; 98 Stat. 140), as amended by adding at the end thereof the following new subsection:

"(f) In addition to any loans authorized to be guaranteed before the date of the enactment of the Agricultural Debt Recovery Act of 1985, $5,000,000,000 in loans for Fiscal Year 1985 are authorized to be guaranteed under the Agricultural Credit Insurance Fund or Rural Development Insurance Fund.".

APPROVED LENDER PROGRAM

SEC. 103. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 349. (a) In determining the eligibility of a lender to participate in the approved lender program established by exhibit A to subpart B of part 1980 of title 7, Code of Federal Regulations, the Secretary shall—

"(1) approve or deny an application of a lender to participate in such program within ten business days after receipt of such application;

"(2) require, as a condition of eligibility for such participation, that a lender demonstrate agricultural loan losses charged against reserves (net of recovery) that do not exceed 3.5 per centum on the most recent five year moving average;

"(3) permit the substitution of five years' experience in making and serving agricultural loans for any educational requirement for the designation of a person to process and service loans under such program; and

"(4) permit a lender who does not qualify for such program to contract with an approved lender to process and service loans under such program.

"(b) In carrying out such approved lender program, the Secretary shall permit an approved lender (with the approval of the Secretary)—

"(1) to make and service real estate and operating loans insured or guaranteed under this title; and

"(2) to convert a commercial loan made for agricultural purposes into an insured or guaranteed loan, a guaranteed loan into an insured loan, or an insured or guaranteed loan into a low-income limited resource loan, or any combination thereof, if the borrower of the loan to be converted agrees to such action and meets the requirements prescribed under this title for such loan.

"(c)(1) The Secretary shall approve or deny a completed application received from an approved lender for an insured or guaranteed loan under this title within ten business days after receipt of such application.

"(2) If the Secretary does not approve or deny such application within ten days after receipt, such application shall be considered to have been approved by the Secretary.

"(d) Notwithstanding any other provision of this title:

"(1) The interest rate on any loan made or serviced under such approved lender program may not exceed a rate which is equal to the discount rate established pursuant to section 14(d) of the Federal reserve Act (12 U.S.C. 357) plus two and one half per centum per annum.

"(2) Loans made under such approved lender program shall be payable in not to exceed fifteen years.

"(e) If the borrower defaults on a loan insured or guaranteed under such program and the loan is liquidated, the lender and the Secretary shall be entitled to a pro rata share of the proceeds of such liquidation based on the dollar value of such proceeds.".

GUARANTEED LOANS

SEC. 104. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seg.) (as amended by section 203 of this Act) is amended by adding at the end thereof the following new section:

SEC. 350. If a borrower obtained a loan guaranteed under this title before the date of the enactment of the Agricultural Debt Recovery Act of 1985 and the borrower is not able to repay the total indebtedness of the borrower under this Act in accordance with a manageable debt repayment schedule, the Secretary shall make and insure a loan to such borrower in such amount and on such terms and conditions as will permit the borrower to repay such indebtedness in accordance with a manageable debt repayment schedule.".

FARM DEBT RESTRUCTURING CA MODIFIED DEBT RECOVERY PROGRAM

CA is proposing a farm-debt restructuring plan designed to build on present programs, and target farm borrowers who are in financial difficulty yet who can be helped with the right program.

Today, many farmers find themselves in a financial bind. While about 30% of farmers have little or no debt and are doing well economically, there are between 30% and 40% of all farmers who have substantial debt and are in various stages of financial difficulty.

WHO ARE THESE FARMERS IN DIFFICULTY

Most agricultural production, about 60% in 1982, comes from 205,000 farms (out of 2.4 million total farms) with more than $150,000 in annual sales. Narrowing our focus somewhat of these farms with sales of $40,000 to $200,000.

19% have a debt-to-asset ratio of greater than 70%. That means, for every $10 of assets, the farmer has more than $7 of debt;

44% have debt-to-asset ratios greater than 40%;

Farms with debt-to-asset ratios greater than 40% account for 71% of debt on farms in this sales class but only 36% of assets.

For farms in all sales categories with a greater than 70% debt-to-asset ratio, there is little hope of economic survival. In a recent Iowa study, 10% of the farmers fall into this category, hold 9% of the assets and 25% of the total debt.

Farmers with debt-to-asset ratios of greater than 40% are also facing financial difficulties. In that same Iowa study, 28% of the farmers with 30% of the assets and 65% of the debt fall into that category.

The Iowa survey further shows that farmers from all sales/size categories are in the over 40% group and that the majority of these are full-time family farmers.

WHAT IS THE NATURE OF THE FARM DEBT

Nationally, the total farm debt has increased dramatically. In 1971, total farm debt totalled around $54 billion; in 1976, around $91 billion; and in 1984, total farm debt stands at $215 billion.

Farmers as a group have a much higher debt to income ratio now than in the past. In 1950, the overall debt-to-income ratio stood at less than 1; in 1960, it doubled to 2, changed to over 3 in the early 1970's, to 8 in 1980 and to 10 in 1984. Today the average farmer is trying to support $10 of debt for every $1 of income.

But even more important, the nature of the debt has changed dramatically. Debt today has a much shorter maturity.

Much of the debt is short term with interest rates tied to current loan rates. Even real estate debt is based on variable interest rates or is based on relatively short contract purchases. Maturities on a great deal of real estate debt has moved from 20-25 years in the 1960's and 1970's to 10-15 years or less today.

CAN FARMERS WITH HEAVY DEBT LOADS BE SAVED?

For a substantial segment of the 30% to 40% of farmers who have substantial debt and who are in various stages of financial difficulty, economic survival is a serious question. To help this group, representing between 720,000 and 960,000 farms out of 2.4 million total U.S. farms, there must be a restructuring of farm debt. This group, mostly full-time family farmers, were caught with too much debt at the wrong time, debt that was manageable under the prevailing economic conditions when it was incurred but become a crushing burden when conditions changed.

In the group of farmers, there are many good farmers facing bankruptcy for lack of a way to make the transition from an economy of high inflation, raising land values and low interest rates to one of low inflation, sinking land values and high interest rates.

Many of the farmers in this group can be helped and saved with the right debt restructuring progams.

CA'S DEBT RESTRUCTURING PROPOSAL

In order for farm debtors to pay off debt obligations, a major restructuring of indebtedness will be necessary.

The number one feature of any debt restructuring program is to stretch out principal payments into a manageable debt repayment schedule. The second major feature must provide for a lower rate of interest, and third, for farm lending to continue, the risks must be shared.

The CA proposal utilizes existing FmHA programs and expertise of commercial lenders to accomplish this.

These are the Approved Lenders Program, Insured Operating Loan Program and Limited Resource Program, CA's Debt Restructuring Plan modifies slightly these existing FmHA programs to create a program of modified recovery debt credit.

The heart of the CA debt restructuring proposal is the utilization of FmHA's Approved Lender Program, with some minor modifications.

FMHA APPROVED LENDERS PROGRAM

Under FmHA's Approved Lenders Program, a qualified commercial lender is approved in advance to process FmHA Guaranteed Loans. The approved lender makes the loan, services the loan and collects the loan, thereby reducing the paperwork and time required for FmHA approval of loan guarantees. The lender is responsible for seeing that proper and adequate security is obtained and maintained. FmHA makes the final decision on farmers' eligibility, use of funds, and credit worthiness.

WHO DOES THE APPROVED LENDERS PROGRAM HELP?

In today's farm economy, there are many farmers whose debt-to-assets ratio between 40% and 70% who are caught in a 'credit availability gap.' These farmers are not in serious enough financial difficulty for consideration by the lender of last resort, FmHA. Yet, they do not quite meet the credit standards of private commercial lenders.

This group is a relatively stronger class of farm borrowers than normal FmHA borrowers. The problem for this class of farm borrowers is that their cash flow is inadequate under current high interest rates and low commodity prices, though their basic personal net worth and equity remains relatively strong. The security behind the loan is strong enough to satisfy the bank lender, yet the loan is classified by bank regulators as a classified loan. For the bank, every classified loan reduces the amount of available assets against which credit can be made available, resulting in less credit being available to farm borrowers.

THE FMHA LOAN GUARANTEE PROGRAM

FmHA Loan Guarantees are designed to provide the credit necessary for family farmers to conduct successful operations. The loans are to be used for the purchase of farm machinery and equipment, basic livestock, annual operating expenses and refinancing for authorized operating loan purposes. They may not be used to purchase or refinance land, finance lease costs or exceed $200,000. Interest rates may be fixed or variable and cannot exceed the rate common in the area. The terms of the loan may be up to seven years on basic security. Quality loans may be guaranteed up to 90% while high risk loans may receive less than a 50% guarantee.

HOW WILL THE APPROVED LENDERS PROGRAM HELP?

Utilizing FmHA's Loan Guarantee Program, the commercial lender will have the additional security to make a bankable loan to farmers who find themselves in a "credit gap". The program is not a bailout for lenders. Unless the loan meets requirements, with a reasonable chance for success FmHA will not approve it.

The program will help, first, by making credit available. Second, the banker will use the bank's own pre-FmHA approved loan forms familiar to both the borrower and the banker, reducing FmHA's paper-handling load. Third, credit will be available on a much quicker basis, assuring that available guarantee loan funds reach eligible farmers as quickly as possible. Fourth, the banker and borrower are familiar with each other, helping to insure that better loans will be made. Fifth, the borrower is most likely to stretch out the loan payback. A commercial lender will normally have a maximum of five years on the loan while under the FmHA Loan Guarantee Program, a maximum of seven years is possible. This extra two years can assist the farm borrower in achieving an attainable cash flow-payback program.

CA'S MODIFIED DEBT RECOVERY PROGRAM

CA proposes to utilize FmHA's Approved Lenders Program and Operating Loan Program to achieve a significant plan for farm debt restructuring. To achieve this will require some modification of each of these programs.

MODIFICATIONS TO THE APPROVED LENDERS AND DIRECT LOAN PROGRAMS

A basic modification to the Approved Lenders Program is to place a maximum rate to be charged on interest. Under the Approved Lenders Program, interest rates may not exceed the prevailing interest rate in the areas in which the loan is made. At

present, this interest rate is approximately 14½%.

Under the modified Approved Lenders Program, a maximum interest rate would be set at 2½% above Federal Funds. This would yield an interest rate of 12½% at October 22, 1984 rates.

Clearly, there is a need to lower interest rates in order to create a more achievable positive cash flow-debt repayment plan for many farm borrowers. In addition to the obvious advantage of lower interest rates, by lowering the maximum interest rate which a commercial lender may charge under the Approved Lenders Loan Program, the result will be to create opportunities for additional farm borrowers to take advantage of the Loan Guarantee Program. A lower maximum interest rate will encourage the lender to graduate the borrower to a regular commercial status.

The second basic change in the Approved Lenders Program would help to expand the program to include the commercial lenders' ability to lend to those in the creditability gap.

FMHA OPERATING LOAN PROGRAM

FmHA Operating Loans are made for both operating expenses and farm ownership. Ownership loans may carry an interest rate as low as 5½% and may be written up to 40 years. Operating loans may carry an interest rate as low as 7¼% and may be written up to 15 years. Under the Direct Loan Program, appraisals are done by the FmHA and security in the loan is named and itemized per lender.

MODIFICATIONS TO THE DIRECT LOAN PROGRAM

In order to restructure farm debt, lower interest rates and longer pay back terms will be required to attain a manageable, attainable cash flow for many farm borrowers.

The CA Modified Debt Recovery Program would incorporate into the Approved Lenders Program the use of FmHA Operating Loans in the same manner as the FmHA Guaranteed Loans. The pre-FmHA approved commercial lender would process the paperwork for FmHA Operating Loans, using the commercial lender's forms. FmHA would still have the final say-so on the loan under a shortened turn around approval or denial. Appraisals would be done by the pre-FmHA approved commercial lender or qualified appraiser. The main change in the present FmHA Direct Operating Loan Program would be to share security on a prorated dollar value basis. This last change is important to create an environment where the financial risk is shared and one which will create far fewer complications than the present system of named security.

BLENDED CREDIT ILLUSTRATION

Under the CA Modified Debt Recovery Program, there can be a significant debt restructuring which will assist present financially troubled borrowers who have a stronger asset base yet who can neither qualify for FmHA loans or regular commercial lender loans.

As an illustration: Farm Borrower with $100,000 of indebtedness—cash flow shows $21,000 available for debt retirement.

Example 1—Farm Borrower with Commercial Lender, Loan Term—5 years, Loan Interest Rate—14½%:

Cash required for:	
Principal reduction	$20,000
Interest payment	14,500
Total	34,500
Payment deficit	13,500

Example 2—Farm Borrower under Approved Lenders Program (no modifications), Loan Term—7 years, Loan Interest Rate—14½%:

Cash required for:	
Principal reduction	$14,285
Interest payment	14,500
Total	28,785
Payment deficit	7,785

Example 3—Farm Borrower under CA Modified Debt Recovery Program, Debt is divided between Approved Lender Loan and Limited Resource Loan (3A) and Insured Loan Programs (3B):

	Approved lender loan	
	(3A)	(3B)
FmHA Guarantee Loan	$50,000	$40,000
Loan Term (years)	7	7
Loan Interest Rate (percent)	12½	12½
Repayment required for:		
Principal Reduction	$7,143	$5,714
Interest Payment	$6,250	$5,000
Total	$13,393	$10,714

	Limited resource	Insured loan
$50,000 FmHA Operating Loans	$50,000	$60,000
Loan Term (years)	15	15
Loan Interest Rate (percent)	7¼	10¼
Payment required for:		
Principal Reduction	$3,333	$4,000
Interest Payment	$3,625	$6,150
Total	$6,958	$10,150
Total Payment Required for:		
Principal Reduction	$10,476	$9,714
Interest Payment	$9,875	$11,150
Total	$20,351	$20,864
Cash Flow Balance	$649	$136

From the above example, the Modified Debt Recovery Program has accomplished a significant reduction in interest rates and has extended payments over a longer period of time to achieve a reasonable and achievable cash flow.

The Modified Debt Recovery Program covers the three areas of need: restructuring of debt, adjustment to interest and sharing of risk. The Modified Debt Recovery Program shares the risk by bringing the Government in on a percentage of the Approved Lender Program. Debt is restructured by adding the Direct Lending Program, and interest is lowered with a combination of ability through the Direct Lending Program to lower to a minimum of 7¼% and a maximum of 2½% plus Federal Funds on the Approved Lender portion. The Modified Debt Recovery Program utilizes the assets of the FmHA, the types of funds which are already available and adds the expertise of Commercial Lenders. The Modified Debt Recovery Program would only be in place long enough to carry agriculture through this present period of adjustment.

NO ILLUSIONS ON DRUG USE

Mrs. HAWKINS. Mr. President, on a street corner in Southeast Washington, DC, sits the McMogney Elementary School. Last week, found on that corner were the bodies of two young victims of heroin overdoses, just two of the many recently reported such fatalities in the District of Columbia. Drug abuse and death, as reported in a recent Washington Post article, are all too familiar to the young students of McMogney Elementary School.

Mr. President, these children need something to counteract their coming across overdosed bodies on their way home from elementary school. In the Washington Post article dated March 6, 1985, entitled "No Illusions on Drug Use," a poignantly effective way of educating these children to the dangers of drug abuse is described. It is by using magic.

At McMogney Elementary School recently, Maurice Holmes used magic tricks to illustrate to a group of 400 fifth and sixth graders that no drugs are cool. Holding a balloon in his right hand, and a needle in his left, Mr. Holmes tells the children: "If you stick a needle through the balloon—as some people do by injecting drugs into their bodies—you can pop." Then, he slides his hands alternately over a long handkerchief as it appears to change colors, and simultaneously warns the students: "This is what can happen to you when you use drugs. Things will not be as they seem. You'll have illusions. And you can't live like that."

When children are more used to coming across bodies of drug abuse victims than they are to a life that is drug free, it takes something very special to create a positive peer pressure. In response to the growing need for the children of schools like McMogney Elementary School to be informed about drugs, school administrators decided to try this unusual idea. Everyone was pleased with the results. Not only were the students enthralled with the magician's performances, but they seemed to comprehend the very important message that the magician was trying to convey. After the students listened to Mr. Holmes' advice and watched his magic tricks, they returned to classes where they discussed what they had just learned. Some indicated that they had always thought that people used drugs to have fun, to get things off their minds, or to be cool. The fact that drugs did not necessarily have to be a part of life, that life was actually better without drugs, was a new, and intriguing, thought to them.

Mr. President, we must make use of every available resource we have to educate children to the dangers of drug use, and to the joys of a drug-free life. By using imaginative methods such as the one just described, we can create a lasting positive impression of what life can be when it is drug-free. As chairman of the Subcommittee on Alcoholism and Drug Abuse, I will continue to offer my support of such effective drug abuse prevention and education methods.

CONCLUSION OF MORNING BUSINESS

Mr. GOLDWATER. Mr. President, what is the pending business now?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RELEASE OF PRODUCTION FUNDS FOR MX MISSILES

The PRESIDING OFFICER. The clerk will report the unfinished business before the Senate.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 71) to approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles, subject to the enactment of a second joint resolution.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I should like to make a parliamentary inquiry. Does the same rule apply today that applied yesterday—that all calls for quorums be charged to both sides?

The PRESIDING OFFICER. That does not apply unless it is arranged by unanimous consent.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that all the time used in quorum calls during the debate on Senate Joint Resolution 71 be taken from the time of both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GOLDWATER. I thank the Chair.

Mr. President, we do not seem to have a great many Senators who want to speak on this subject, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. GOLDWATER assumed the chair.)

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be resinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, since we do not seem to be overwhelmed with Senators who wish to speak on this issue, I would like to take a few moments to talk about those statements that have been made in opposition to the MX and go through each of them to give an answer.

The first charge is that the MX missile represents a new weapon, that it represents a new threat to the Soviet Union, that it is a destabilizing element, and therefore it is not a force for peace.

Let me respond by reminding Members of the Senate that while we have talked about peace and negotiations since 1972, the Soviets have deployed three major new missiles with mammoth firepower, with the ability to destroy our whole land-based nuclear force. The Soviets are currently developing two additional nuclear missiles. All the time since 1972, we have continued to talk and they have continued to build and to deploy.

There is no other missile system on the drawing board available to meet the needs we face. So the MX is not a new and destabilizing missile. It is, instead, a missile which we need to offset the growing strength of the Soviet Union, which itself is a threat to peace.

The second argument that is often heard has to do with survivability. I think part of the problem comes from the fact that when we first debated MX, the focal point of the debate was on the basing mode.

There were really two issues at the time. One was the need to deploy a new missile in response to the Soviet threat, in response to the three new missiles the Soviets had deployed. But the second issue was the need to replace the Titan II missiles which were becoming dangerous to the crews that operated them. We had begun the process of decommissioning the Titan II. We faced the prospect of decommissioning Minuteman II and then the Minuteman III in the 1990's and beyond. To fail to deploy the MX missile, therefore, is to take steps toward unilateral disarmament in the 1980's and the early 1990's.

However, the early debate on MX focused almost exclusively on the basing mode. As Members of the Senate will recall, we went through a long and in-depth discussion of various ways of deploying the MX missile. We went through the racetrack idea of digging a giant underground railroad. We talked about deploying in a mobile basing mode. We talked about deploying from aircraft. We ultimately submitted that discussion and debate to a bipartisan committee which proposed deploying 100 MX missiles in existing silos. This created the fundamental argument that is used in opposition to the MX, and that is the argument of vulnerability. There are answers to those arguments.

The fundamental answer is that, with improvements in our detection of attacks through the new technology that has developed in the last 30 years, with the sensing devices we already have deployed, and with the ability to deploy a new detection system as part of our strategic defense initiative, we have raised another prospect that the Soviets cannot discount in considering a first-strike attack on the United States. That is the possibility of launching while we are under attack, rather than waiting for Soviet explosives to impact on American soil.

Therefore, in my mind, quite aside from any calculation about the accuracy of Soviet missiles and quite aside from the debate over hardening of silos, we have the real possibility now, with improvements in technology, that the Soviets cannot guarantee that if they launched an attack against the peacekeeper missile, we could not at some point, with the total degree of certainty afforded by improvement in detection technology, retaliate while under that attack. This eliminates the argument against the MX missile, that it is vulnerable.

Mr. President, we have just gone through a long, difficult process in Europe. We have asked our allies to deploy nuclear weapons on the soil of Europe over great political opposition and with great political cost to friendly governments, and they have deployed the Pershing II and the cruise missile. If we now refuse to deploy the MX, it seems to me that we have asked them to take an unpopular and difficult action and we will not have taken a similar action ourselves.

Finally, an argument which I do not think can be made too often is an argument that we have gone to the bargaining table in Geneva. As Margaret Thatcher said in an address to a joint meeting of Congress, the Soviets have not come to the bargaining table because we are weak.

They have not come to the bargaining table because they seek our good will or the good will of the world. They have come to the bargaining table because we are strong, and part of that strength is a resolve to rebuild the third leg of the strategic defense triad by modernizing our ICBM force to meet the growing threat of the Soviet land-based ICBM system.

I think it is imperative, therefore, Mr. President, that we act today to unfence the 21 MX's that are under debate, that we move in the 1986 budget to fund the remaining 48 missiles, and that we deploy, as the Scowcroft Commission has recommended, the full 100 MX missiles.

I yield back my time.

Mr. HART. Mr. President, the remarks of the Senator from Texas get right to the center of this debate. The argument that the Senator from Texas makes that the response to the obvious vulnerability of this missile is to change our launch doctrine is exactly the concern that those of us who have opposed the missile have.

It was inevitable that we would get to this point, and the Senator from Texas is to be commended for his candor and honesty in getting to that point.

If you purposely put a very important missile in a vulnerable place and if you deny that it is vulnerable, then what is the logical consequence of that action? You have to protect it. Since it

cannot be protected, what you have to do is get rid of it. You have to use it before it is knocked out.

Now, the Senator from Texas, in his argument, raised the obvious contradiction. He says the way to protect it, the way to use it before it is knocked out, is to launch under attack. But then in the next sentence of his comments he said before nuclear warheads arrive on our soil.

That is not the definition of launching under attack. That is the definition of launching on warning.

Launching under attack means nuclear warheads have detonated on our soil, and those warheads are going to detonate first on the silos of the MX missile.

We do not want that to happen because it is a very valuable missile. It is the most accurate missile we have. It is the most expensive missile we have. It has more warheads than any other missile we have. All those warheads combined are the most powerful deterrent we have. So obviously we are not going to sit there and let Soviet warheads land on top of it and knock it out because it has not done its job, it has not deterred attack if that occurs. Deterrence has failed. And it sure is not going to be around to knock out Soviet hard targets or Soviet missiles if it is destroyed.

So we are not going to change our launch doctrine to launch under attack. We are going to change our launch doctrine to launch on warning.

You may say, "What is wrong with that? We have a warning that the Soviets are attacking us. Why not go ahead and attack back?"

Well, there is a very, very good reason for than, and the Senator from Arizona knows what that reason is because he joined the Senator from Colorado in 1979 and 1980 to investigate the adequacy of what is called our strategic warning system.

Our strategic warning system is a composite of a whole variety of satellites, of communication links and computers, that all ends up informing what is called the National Command Authority. The National Command Authority is the President of the United States, the Chairman and Joint Chiefs of Staff, and the senior military and civilian officials of this country who would determine if this country were under attack what our response would be, when it would be made, and in what order and size.

The problem is in spite of the tens, indeed hundreds of millions of dollars that we spent on that system—and it is an elaborate worldwide system, as we all know—it breaks down. Sometimes it breaks down in very minor and inconsequential ways. A blip will appear on a radar for a few seconds, and that will be reflected on some screens in the Pentagon and SAC Headquarters, in Norad and elsewhere, and someone rings up the commanding general and says, "We've got something on the radar. You better come look at it."

By the time the general gets there, it is gone, and they interrogate the system and they punch a few buttons and see whether or not they can get the blip back, and it does not come back, and they watch it a while, so it was a hiccup in the system. Systems hiccup like human beings.

But sometimes, as the Senator from Arizona and the Senator from Colorado find out, it is not a hiccup. The system breaks down. Warnings do not go on for a few seconds. They go on for several minutes. And then you do not get one general out of bed; you get all the generals out of bed, and, depending on who the President is, you get him out of bed.

Now, that would be humorous, I suppose, if we were not talking about the end of the world, but that is what we are talking about.

So when you start talking about changing our launch doctrine because some commission for admittedly political reasons decided to load up vulnerable silos with the most important deterrent missile we have, then you are talking about serious stuff, and that is what this debate is about. It is not about bargaining chips. The administration said it is not going to bargain this missile away. It is not about intimidating the Russians. I defy anyone in this Senate to name one time where we have built one system which has caused the Russians to decrease their military commitment. Indeed, they do just the opposite. They build up.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. HART. I will yield in 1 second.

The issue is the launch doctrine of the United States, and the Senator from Texas is absolutely right. By putting this missile in admittedly vulnerable silos, we are going to change the launch doctrine of the United States, and if we do that, we better have a strategic warning system which is foolproof, fail-safe, ironclad, and copperriveted, because if we have a launch doctrine of launch on warning, which is what the Senator from Texas is very accurately talking about, we cannot afford to have a warning system which fails.

I yield to the Senator from Texas.

Mr. GRAMM. I thank the Senator from Colorado for yielding.

Mr. HART. I yield for a question.

Mr. GRAMM. Let me pose my question as follows: Is the Senator familiar with statements made by Khrushchev as they related to the adequacy of American air defense against manned bombers in the 1950's, where the Soviets, in response to that defense, deemphasized their bomber force?

I would argue that is, in fact, a case where American deployment did affect Soviet deployment, did affect Soviet offensive capacity.

Mr. HART. I will respond in this way: If the Senator is making the argument that what the United States should do is scare the Russians to death by saying we have a doctrine that says we will launch our most important missiles, our ICBM, MX, in vulnerable silos, whenever we deem that our security is in jeopardy, including any hiccup in the warning system, that is exactly what is going to happen. We are going to scare the Russians to death.

If the Senator is suggesting by scaring the Russians to death they are going to destroy their SS-18's and SS-19's, I say hogwash.

Mr. GRAMM. Mr. President, will the Senator yield further?

Mr. HART. I yield further.

Mr. GRAMM. The Senator from Colorado said that no Member here could give an example of the Soviets responding to American capacity. I was giving an example.

The Senator from Colorado talked about changing the American defense doctrine.

As the Senator is aware, it is not our policy today to state how we would respond to a Soviet attack, and I argue that a failure to deploy MX, a failure to have the ability to kill Soviet missiles in silos if they launched an attack, makes it more probable that we will move toward "launch under warning" than if we built the MX.

I argue that the MX gives us the capacity to look at what is happening longer before making the decision. If we grow weaker in our ICBM force, if we have a force that clearly lacks deterrent capability and the ability to destroy Soviet missiles in silos, then ultimately this Nation, because of lack of preparation, because we did not build the MX, will be forced to change our defense doctrine and will have no choice except to move to a declared doctrine of "launch under warning" rather than "launch under attack."

Today the doctrine, as the Senator from Colorado knows, is a doctrine of uncertainty. The Soviets do not know this afternoon if they launched an attack on the United States what our response would be and when we would retaliate.

I argue that the Senator's statement concerning the MX is exactly backward, that if we did not build the MX, if we do not have the strength of deterrence, if we weaken the third leg of the triad by not deploying the new and capable missile, we will ultimately be forced to do exactly what the Senator expressed his fear about—that is, we will be forced to change the defense doctrine.

I think with the MX, we have more flexibility; without it, we have less.

And if the Senator fears those things, perhaps he should change position.

Mr. HART. The Senator yielded for a question and I will answer what I presume was a question. I am committed to yield to the Senator from Florida and I want to do that so I will just respond and then yield to the Senator from Florida.

It is a long way from saying we can build the defenses that make Soviet weapons obsolete and cause them to change some, not all, but some of their offensive systems, to saying that we are going to build an offensive system that is going to force the Soviets to destroy some of their offensive systems. In fact, it is just the opposite. They are just going to load up their missiles with more heavy warheads to knock out the vulnerable silos.

But that is not the issue. The original remarks of the Senator from Texas were not what the Senator from Texas just said. What he says is the response to the vulnerability of MX is to change our launch doctrine to one of launch under attack and then went on to say before the warheads arrive. The definition of launch under attack is after the warheads arrive. The definition of launch before the warheads arrive is launch on warning.

If the MX missile were mobile and survivable, then the case the Senator is making is a good one. But it is not.

The Scowcroft Commission, admittedly a political recommendation, not military recommendation, said we are going to find the missile a home. We have to put it in vulnerable silos because that is the only place we can think of that will cause the less political deterrence and resistance.

Mr. GRAMM. Will the Senator yield for one additional question?

Mr. HART. One brief question.

Mr. GRAMM. If the Senator argues with the MX, a more capable missile, that we would ultimately be forced to launch on warning——

Mr. HART. No, the Senator from Texas made that argument.

Mr. GRAMM. How can the Senator argue that our situation would not be even more jeopardized and that we would ultimately not be forced to move in that direction to defend a less capable system if we do not build the MX? In other words, if you argue that the solution to the problem of survivability with the MX is a change in strategic doctrine—which I did not propose, I simply talked about uncertainty being a factor the Soviets would have to take into account—but if we do not build the MX, if we have fewer, less capable missiles that are equally vulnerable, then are we not going to have to adopt that doctrine in any case?

Mr. HART. Mr. President, this will be my final comment before yielding to the Senator from Florida.

The Senator from Colorado has not argued for a less capable missile or fewer of them. The Senator from Colorado argued for a single warhead, very accurate, mobile, survivable follow-on to the Minuteman system. You can say it is less capable in that each individual missile has fewer warheads, but that is not the issue. We can match the warheads by building more smaller single warheads, highly accurate counterforce weapons if we choose to. And that is the alternative to the MX. It is not the MX or nothing.

I think that by, for the first time in 30 or 35 years, conscientiously, purposefully building a missile which we claim to be at the very center of our deterrent and putting it in a place we admit the Soviets can target radically changes the doctrine of this country.

I yield to the Senator from Florida.

(Mr. STAFFORD assumed the chair.)

Mr. CHILES. I thank the distinguished Senator from Colorado.

Winston Churchill once described nuclear deterrence as "the stage in the story where safety will be the sturdy child of terror and survival the twin brother of annihilation." Indeed, long ago we reached that point in the story. Yet, it has been the hope of two generations that through strength and negotiation we could achieve strategic stability and lessen the threat of annihilation. With the return to negotiations in Geneva, this hope is rekindled.

Not since President Kennedy signed the Nuclear Test Ban Treaty over 20 years ago, has a President been in such a positive negotiating posture. We are neither at war nor recovering from one. We have modernized our Nation's defenses and we are dealing from strength. Now, we have a unique opportunity to drive a hard and reasonable bargain with the Soviets. However, the relation between the pending vote on MX appropriations and arms control is being misunderstood.

This vote has been called a referendum on the MX Missile Program and the administration's arms control policies. Those inclined to vote against release of these moneys are told they would be killing the program and sending a negative signal to the Soviets. This is not so. We are voting on whether or not to immediately move ahead on the procurement of additional missiles.

Regardless of the outcome of this vote, we will have an MX Program. To date, we have provided $9 billion in research and development funding. The Air Force has developed prototype missiles and is conducting a research test-flight program. In fiscal year 1984, we appropriated $2 billion for production of 21 missiles. In 1985, we provided another $1 billion to cover deployment of those missiles as well as the long-lead items necessary to maintain a hot production option.

What do I mean when I talk about maintaining a production option? Last year I discovered a number of interesting things about the MX production schedule. First, MX has a network of smaller contractors who perform work 12 to 18 months in advance of major production and assembly of the missile. These smaller contractors provide supplies and engineering support. The question I asked was how much money is required to keep the smaller contractors on track, to preserve a future production capability and still keep our options open on additional missile production.

That is where the data GAO provided me on financial expenditures comes in. In October 1983—fiscal year 1984—we appropriated $2 billion to procure 21 MX missiles. After 16 months, the Air Force had only expended $127 million, or 6 percent, of those funds. This money was spent by that network of small contractors. So why does 1984 procurement have such a large, unexpended balance? Because the major contractors won't begin their work on full-scale production of the 21 missiles bought in 1984 until April or May of this year.

Last week, Secretary Weinberger argued that production lines would shut down by the end of March if the entire $1.5 billion of 1985 funding was not provided. This just does not make sense. First, we have not even begun production on the first 21 missiles. If we have only spent 6 percent of the funds available, how come we are about to run out of money? The whole purpose of the long-lead provisions in the fiscal year 1985 bill was to keep the smaller contractors going after they had completed their work on the 1984 missiles. The fiscal year 1985 bill provided an additional $1 billion for this purpose.

The Air Force estimated $850 million was needed for deployment of the 1,984 missiles and $150 million was required for long-lead materials and spare parts to maintain a production capacity. Now, the Air Force tells us that after only 6 months these smaller contractors are going to run out of money. I do not believe this. Production lines do not shut down until the money is gone.

The Pentagon claims that the approach the Congress has taken would provide money to fund idle production workers. This is totally inaccurate. The approach Congress adopted last year was intended to keep these small subcontractors working at their normal preproduction tasks and because of the funding we provided MX is on schedule.

This approach appears even more valid this year in light of the negotiations. It would allow us to continue

working toward production of the additional missiles without a final commitment on an additional 21 missiles. If the Air Force can clearly demonstrate that more funding is required to maintain this subcontractor base and preserve that optional future production, then they should do so. And we will have more than one supplemental appropriation bill moving this spring. We do not have to dump an extra $1.5 billion into the production pipeline if we are a few million dollars short on long-lead items. However, the evidence is neither clear nor convincing that any additional funding is necessary, and what Congress cannot afford to do right now is waste money. Last year, Congress put $1.5 billion in escrow for 21 more MX missiles. The concerns which prompted this move still exist. MX missiles in Minuteman silos remain just as vulnerable, just as destabilizing.

Experts like William Kaufmann, William Colby, Clark Clifford, Gerard Smith all attest to that fact. Senator John Tower, former chairman of the Senate Armed Services Committee, upon hearing of the administration's decision to place MX missiles in Minuteman silos referred to those missiles as "sitting ducks." In 1981, Secretary Weinberger, before he became an outspoken advocate for this MX basing, said: "I would feel that putting MX into existing Minuteman silos would not be of significant strategic value to count as a strategic improvement in our forces." Of course, he has now reversed his course holding out the hope that we can harden the silos and make the missiles less vulnerable. Again, his own experts disagree. They say that we cannot begin to harden the first 50 silos until 1990. And former Gen. Brent Scowcroft said in recent testimony before the House Armed Services Committee: "in the race of silo hardening and missile accuracy that hardening has to lose." The protracted debate over MX is focused upon this central part of vulnerability. It was addressed by the Scowcroft Commission but even the Commission could not find a feasible basing mode for the MX. In 13 years we have studied 36 different basing modes. We still do not have an answer.

Mr. President, I supported the MX all of the time during its development. I thought the rationale for having a survivable system made sense, the rationale for going to the accuracy made sense, the rationale for having a hard kill made sense, the rationale for having our triad be able to maintain its position with its land-based system based sets—all of that, Mr. President, was based on having some form of a basing mode that would be survivable. I did not get a chance to make the decisions and I guess they were politically made. We did not want to take up the land in the desert. We did not want to concern ourselves with the political implications. And I think those were more political than they were strategic. But this administration is the one that said no to that. No, they would not do that. They would not put any missiles in Nevada. They would not put any missiles in Utah. They would not go that route.

When they made the decision that they would put the missiles into a very vulnerable hole, that is when my conscience began to tell me how in the world can we justify spending this kind of money. How can we justify what this could do in the strategic balance and in the capabilities of making that decision? I say to my good friend from Texas that I am not sure the crucial decision is what the United States decides to do in regard to its cost strategy. I think the more critical decision is what are the Russian targeteers going to think that we will do. I think they have to think that we would have to shoot or loose those missiles. We would have to change our system. And that, of course, is going to be the most destabilizing thing when that Russian targeteer has that kind of a decision.

It seems to me that unless we can find a feasible way of basing the system that can survive, it does not make sense to go forward with additional missiles and additional deployment in the vulnerable holes.

Mr. President, the choices that we have this afternoon allow us to take that additional time to see whether that can be done, and, of course, we can send a signal that we are going to really look and see if there is another basing mode, or to determine if we can speed up the Minuteman. Can we come forth with that? We know that is a single warhead. It is going to be a mobile missile. After we get any kind of limitation on the number of warheads in our strategic arms talks, it would certainly make sense to have a missile like this. Obviously, what we are trying to do is reach a point with the Russians where in effect we have a Mexican standoff, where they know and we know that they cannot through any first strike render us where we could not target all of our major targets—not only, of course, do we have our cruise missiles and our Trident submarines, but even from a land-based system—and to render a devastating reprisal on Russia if they made any attack on us.

It seems like if we had a single head mobile missile it does not lend itself to being targeted. One, we can hide it more; then what they would have to do to try to target that. That, of course, is much less destabilizing because it is not a threat as being a great first-strike weapon but it does give you the deterrence. And that has always been the strategy of the United States.

At the same time, of course, we do have our other legs. We do have our cruise missiles. We do have our sub force. We do have the Trident. We are producing and going forward with the D-5 which gives us a hard target kill capability.

But if we can find a basing mode for MX, maybe it makes sense. So the Senator from Florida would not want to kill the MX today. This vote certainly does not do that, not until we know whether we are going to be able to bring the Midgetman on, whether we are going to be able to make the technological advances that bring it on and whether it is going to meet the different tests that will come up in regard to its basing mode, and some of the political considerations that would have to be made in determining whether we are going to have a number of mobile missiles out traveling.

Every missile is popular until it becomes the main missile, and then suddenly everybody starts jumping on that. So I certainly think we are wise to keep MX where it is now, and go forward with the production. We know that, given the time schedule that we are on, we are not having any slippage now. We have not expended but about $100 million of the fund. We will have a considerable period of time to complete testing, and get the 21 missiles out there. In the meantime, without committing this additional $1.5 billion into the pipeline, it gives us the ability to see where we can go with our arms talks, what we can do with our arms talks, where we can go with the development of Midgetman, and where we can go with determining if there are other reasonable bases of deployment of the MX. We have all of those options open.

Since 1980, we have spent over $1 trillion to rebuild our Nation's defenses, and not be building bargaining chips. It is projected that we, through the 1986 budget year, will spend, aside from MX, over $50 billion to modernize our strategic forces. In doing so, we will buy the real systems that will put us in a strong bargaining position and not empty chips—the 100 B-1 bombers, the 1,010 air-launch cruise missiles, 473 land-launched cruise missiles, 254 Pershing II missiles, the four Trident submarines, the B-52 improvements costing $2.4 billion, and the Minuteman missile improvements costing $100 million.

This administration does not seem to be arguing the merits of MX as a weapons system.

They talk about arms control systems, signals, and the test of national will, but they do not talk about what the mission is for MX or how it fits into our set of modernization plans. I ask the Senate to focus on these facts.

Look at the merits of the system. Look at how much money is out there in the pipeline now. Then decide

whether we have to move ahead immediately and authorize further procurement and deployment. I believe the facts show that it is far more sensible to keep our options open while we monitor the arms control talks, and make any further procurement and deployment decisions when we address the 1986 authorization appropriations bill.

I repeat again, Mr. President, this is not a vote on whether we are going to kill MX. It is a vote on whether we are to keep our options open. I hope today our colleagues will join in maintaining the moderate course that we set out last year.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I yield myself such time as I may need.

Mr. President, I want to start out by saying that if it had not been for my friend from Florida [Mr. CHILES] and our good chairman of the Armed Services Committee in the House, Mr. ASPIN, the whole MX Program probably would have died last year because of the very close vote in the Senate, requiring the breaking of a tie by the Vice President, and in the House they only won by three votes.

I would like to go into a speck of history on this and touch a little bit of defensibility. I cannot get into it as deeply as I would like to because of security.

I recall 14 or 15 years ago when they first started experimenting with this idea of a new missile. They buried one in the sand and concrete in the southern section of my State of Arizona, which is all desert. The missile was able to erect itself through concrete. That obviously was an advantage because we could hide those vertical subterranean launch pads if the missile came up, and the missile came up.

Then we started with the idea that in southern Arizona we would deploy all of these missiles. It was soon discovered that it would take about 30,000 people to operate the 100 missiles that were projected. Mr. President, there is just not enough water in that part of southern Arizona to support 30,000 people. That is when they decided to move the whole project to Nevada.

In that time, we made our first major mistake. Instead of calling this missile the Minuteman IV, somebody dreamed up the idea of MX, and people began to say, "What is the MX?"

"It is just another nuclear missile."

You say the word "nuclear" to the average American and they either go into a state of shock or they become so frightened they shrivel up. I do not blame them. They can remember the nuclear explosion in Japan. They can remember our test shots in the Pacific; the small ones in Nevada. The idea of this burning column of smoke, heat, and fire will frighten anyone.

We transferred our efforts from Nevada after having been roundly defeated there, trying Utah, and up into Wyoming where, right now, if we have 100 missiles, that is probably where they will all wind up.

I wanted to briefly answer, if I could, the points raised by my friend from Colorado relative to the detecting of a launch of the Soviet missiles. As I say, there are several things here that I would like to talk about but I cannot. I will sort of fringe on them.

We do have a satellite over South Africa or thereabouts that can tell us through infrared detection of any light-off of any missile in the Soviet Union. That light-off would be able to be detected within a matter of, I believe, 20 seconds after ignition. We would know that something had happened over there. That is all we could learn from that.

One of the most important parts of the so-called star wars, which was very inappropriately titled, is SDI—which I think is the most applicable term for it—already had developed, and this to me is the important part of the SDI—not the ability, if we have to develop it, to be able to shoot down an enemy incoming missile but to be able to tell what is going on. Again I cannot describe it or anything, but we will have the ability—we have it today—to be able to detect a launch, whether it is through an overcast or not. We can detect the launch. We can sight the direction. Immediately, we can alert—although they are probably already alerted constantly—the ballistic early warning system and the giant system, of course, at the tip of Greenland. We would be able to confirm the direction of the Soviet launch within a matter of minutes.

I am not going to stand here and say that the fact we know where they are going will help us a bit because we gave up developing an antiballistc missile system years ago. But the Russians did not.

Now we know the missiles are coming. That gives us, maybe, 15 minutes to make up our mind at Strategic Headquarters or in the President's office whether we want to launch before their missiles strike us or not. That, too, is beside the point.

What I am getting at is that we have the makings of a defensive system, and, if we go ahead with the rest of SDI, possibly we can complete that.

I am much more in favor of a complete and successful conference at Geneva which would eliminate all ballistic missiles. I do not happen to think we need any more. However, I am going to vote for the MX. The Commander in Chief, my Commander in Chief, the President of the United States, has indicated a desire for this. While you could probably raise arguments against the decision, I have always found in my life that arguing with the Commander in Chief will get you either the guardhouse or in some kind of trouble and will accomplish nothing.

The MX missile is really a replacement, as my friend from Colorado knows, for the Minuteman III, which is an old weapon. We are replacing the last of the Titans now. I think the Titans still could be fired and be effective missiles, but it has been in the ground 30 years. The Minuteman II is an old missile. I think, too, it could probably come as close to the target today as it ever could.

But we want to add the Minuteman because of its multiple warhead capability which is, it might be termed, questionable because of the unknown ability to build accuracy into a multiple number of warheads, or if we want to use a single warhead missile, I will still stand up and argue the efficiency or the efficacy of our ability to hit.

Remember, a nuclear weapon to do real damage does not hit the ground. It explodes or is detonated hundreds of feet above the ground. The damage from the device comes not from its impact but from the downward pressure, the great heat that is generated, and the terrific winds that are the result of the upward sweep of flames.

That is what killed the people in Japan. It was not impact.

If we are going to talk about destroying a silo and the susceptibility of our silos to that kind of attack, I have very strong doubts that that kind of pressure that can be developed will actually destroy our silos even if we have the accuracy or they have the accuracy to come within what we call a CEP, the probable circle of error. If we do not have that, we will still have silos, and I am convinced they are all going to be operable.

Mr. President, you can say that this has no effect upon our conferences in Geneva. May I give my opinion as to why it will have an effect? If we decide at 5 o'clock this afternoon not to go ahead with this resolution—which, in effect, does not take any more money. We already have the money appropriated. It is just the authorization to go ahead with this small number.

Is it going to have any effect on the Soviets? I have strong doubts. But the effect can be that the President of the United States, the Commander in Chief of our forces, has suffered a major defeat. I think that would have a much more solid impact upon the Russians or the Soviets in Geneva than anything we might do. So my plea to uphold this Senate Joint Resolution 71 is not necessarily to build the MX, it is to uphold the Commander in Chief in a decision that he has made, that we may quarrel with, but he is

the Commander in Chief and the only man in this country charged with the responsibility of these decisions. It is true we have the War Powers Act, a very stupid piece of legislation. But we have it. That cannot stop him from making this kind of decision.

So, Mr. President, my appeal is not based so much on the theoretical physical ability of this missile to do this, that, or the other thing; it is based upon the defense of a decision of our Commander in Chief.

I must say this is not the only one. This missile was not dreamed up by President Reagan. This goes back 14 years and it covers Republicans and Democrats alike. So, we are merely carrying on, and the Commander has decided that this is to our advantage to have. I firmly believe in that. Therefore, as I said yesterday, I intend to vote for it.

Mr. GRAMM. Will the Senator yield?

Mr. GOLDWATER. I am glad to yield to my friend from Texas.

Mr. GRAMM. Mr. President, I thank the Senator for yielding. I would like to revisit very briefly the whole issue of "launch on attack" and "launch on warning" and talk for a few minutes about Minuteman III, about budget alternatives and about this so-called Midgetman and its basing mode.

To listen to my friend and colleague from Colorado, one would come to the conclusion that we have a defined policy today and that policy is that we would launch only when Soviet warheads are impacting on our soil. That is not the policy of the United States. In fact, we have gone to great lengths to make it clear that we have no set policy with regard to those two options, that we preserve our freedom to make that decision.

The point I made earlier was that the whole debate about the vulnerability of the MX is based on the implicit assumption that we do not have two options; that, in fact, we have the option to launch only once an attack had been completed, and therefore, the MX is presumed to be totally vulnerable. That is not a foregone conclusion. It depends on the accuracy of the Russian missiles, which we do not know. It depends on our ability to harden the silos and how effective that technology can be. But the Soviets must take into account the fact that it is American policy to preserve our options. In making a decision to attack the United States, they always have to take into account not just whether their missiles are accurate enough and strong enough to destroy our missiles in their silos, but whether our missiles would be there when their bombs arrived.

The SDI initiative and the technology that is currently in place greatly enhances the Soviet doubt about their ability to engage in a sneak attack and destroy our missiles in the silos. It does not matter what the American doctrine is so long as there is uncertainty on the part of the Soviet Union as to what it is.

My point was that that uncertainty is greatly increased by the technological breakthroughs of the last decade that promised to give us a better, more sophisticated, and more reliable detection system than ever before.

The Senator from Colorado, taking off from that point, says that if we deploy the MX, we will be more likely to launch on warning rather than under attack and that is a destabilizing factor. I would argue exactly the opposite. With the MX, we have more warheads and a more accurate missile in a hardened silo. So the President, in making a decision to launch or not to launch, will have a more accurate missile, more warheads, with greater survivability—factors which give the President the option wait and acquire more information.

I would argue that the Senator from Colorado, by questioning the fact that we might be forced into an attack on warning with the MX, has, in fact, made a very strong case for the MX, because with its increased capacity and with its increased survivability, if we go the route of hardening, with the increased number of warheads, we could potentially sustain a greater attack and still respond with the MX than we could with the Minuteman III. So, I see the MX as increasing our options, not reducing them.

Quite frankly, my fear is exactly the opposite the fear expressed by the Senator from Colorado. My fear is that if we do not modernize our strategic forces, if we allow the ICBM leg of the triad to wither, we will be forced to define a specific defense doctrine and, by doing so, we will introduce more instability. I do not think the causation goes in the other direction.

Second, the Senator from Florida talked about the alternative, the alternative being the Midgetman. I do not believe that is a viable alternative, for two reasons: First, the MX has 10 warheads. The so-called Midgetman, which is largely a political creation of the Congress, would have one warhead. Our best estimates are that it would cost $100 billion to deploy sufficient Midgetmen to have the same potential impact as the MX program. I do not believe, given the debate over the current defense budget in this Congress, a debate that is likely to last into the future, that we are going to spend $100 billion on the so-called Midgetman.

Third, is the whole basing mode problem. I hear people talk about this mobile Midgetman as if the general public is going to be very happy about having intercontinental ballistic missiles running up and down the highways or that we are going to be terribly secure with them on the railroads. I submit that, given the proposed basing mode, the Midgetman is unlikely ever to be deployed.

We have but one system that can maintain the triad. It is a weapon system that we have debated for 12 years while the Soviet Union has deployed three missiles equally powerful and while they have tested two additional missiles. But while we talk, they deploy. I do not believe that promotes peace and stability; I think it endangers it.

I believe that peace comes through strength. That is why I support the MX missile and I believe the American people support it as well.

I thank the Senator for yielding.

Mr. HART. Mr. President, I wish to yield momentarily to the Senator from New Mexico, but I want to make just a remark or two.

The MX debate, as it continues, is nothing if not increasingly bizarre. The Senator from Texas has just made an argument that I have never heard before in the whole debate, and that is that the MX is going to be more survivable.

Even the Air Force—the White House—does not make that argument. Secretary Weinberger said earlier, "I do not think they"—referring to the Minuteman silos—"can be hardened enough on a permanent basis to warrant putting the MX in fixed and known silos."

The draft report of the Air Force in 1982, entitled "MX Permanent Basing," discounted the possibility that the deployment of the MX missile in existing silos could meet the required criteria of survivability. The summary concluded that that basing option in fixed silos "does not provide the required prelaunch survivability to withstand a Soviet first strike and promote strategic stability."

No one up to now of whom I am aware has argued that the MX is more survivable than the existing Minuteman or that it enhances stability. In fact, it is the opposite.

Let me say briefly with respect to the strategic warning system that I share the enthusiasm of the Senator from Arizona, who is much more technically expert than I on the question of satellites and their capabilities. We continue to modernize those capabilities, and the wonders that those satellites can perform are incredible. But to refer back to that report, which the Senator from Arizona and the Senator from Colorado are involved in, on the breakdown of the system occasionally, what we found was that quite often it is not the most elaborate and sophisticated things that break down, although that happens. In the case of the most serious failure of our warning system that covered a classified number of minutes—although, as the

Senator well knows, we have both seen it in print and included a classified number of reported incoming missiles, which we also know has seen its way into print—the failure was not the most elaborate sensors and satellites or, for that matter, linkages in relays and communications systems. The failure, when the Air Force found it, was a $1.89 computer chip at Norad.

That is the concern, Mr. President. It is not whether our satellites are better than theirs and how many times we can see fires.

We had once instance in which a Soviet natural gas explosion was reported, for the time being, as a Soviet missile launch. Satellites are not very discriminating in such matters. It is the $1.89 computer chip.

We are not talking about the daylight, when things are going pretty well, we are talking 4 in the morning, when troops confront each other in central Europe, when we are in a period of high tension, when troops are at high alert, when a Korean airliner is shot down, when the commanders are asleep, and someone has to make a decision in minutes if not seconds. Then, if they have a false warning and all their eggs in vulnerable baskets, is when the mistakes are made.

Mr. President, I yield to the Senator from New Mexico such time as he requires.

Mr. BINGAMAN. Mr. President, I rise to add my voice in opposition to the release of funds for the production of 21 more MX missiles.

The history of MX, which several previous speakers have discussed, has been a tortuous one. It was conceived a decade ago to reduce the vulnerability of the land-based leg of our strategic triad. But the inability to devise a suitable basing mode has prompted increasing numbers of strategic experts and many of us in Congress to question the wisdom of deploying a system that lacks survivability and, because of its accuracy, range, and payload, threatens to be a destabilizing element in the strategic balance.

More recently, the MX has been touted as a critical bargaining chip in the arms talks with the Soviets. It was primarily for this reason that Congress authorized funds in fiscal year 1984 for the first 21 MX missiles currently under production. And this argument is again central in today's debate.

The Reagan administration has advanced both a military and an arms control argument as the basis for proceeding with the production and eventual deployment of 100 MX missiles. As Secretary of Defense Caspar Weinberger stated in a letter to the editor in the March 17 edition of the Washington Post, Soviet deployments of large, accurate ICBM's and the hardening of key political-military facilities necessitate our deployment of a countervailing system to place Soviet assets at risk. "Without such a credible U.S. capability," Mr. Weinberger stated, "the Soviet Union has little incentive to reduce those strategic offensive systems that threaten to erode nuclear deterrence."

Mr. President, I would like to challenge the administration's position on both counts. In the first instance, I, like many of my colleagues, recognize the importance of modernizing our strategic posture. At the present time, we are proceeding with vital improvements in our command, control, communications, and intelligence capabilities, as well as the deployment of cruise missiles, Pershing II missiles, the B-1 bomber, and Trident I missile. In addition, Congress has funded the development of the Midgetman ICBM, the Trident II missile, and the Stealth bomber and Stealth cruise missile.

On purely military grounds, Mr. President, I cannot accept the view that MX is vital to our security, or even that it measurably contributes to our defense posture in ways that other systems, individually or severally, do not. As my distinguished colleague from Arkansas, Senator BUMPERS, pointed out recently in the Christian Science Monitor, why deploy the MX when Trident D-5 offers a missile which is also highly accurate, MIRV'd, and thus capable of providing the same prompt hard-target kill capability in a more survivable basing mode. Similarly, why deploy MX when Midgetman promises to offer a more effective way to modernize our ICBM force. Small, mobile, and armed with a single warhead, Midgetman will complicate the task of Soviet targeting. It is inherently more survivable than the MX without sacrificing that system's hard-target kill capability. Indeed, the Midgetman will have virtually the same components as the MX, inlcuding the guidance system and the warhead. I would note that the Soviets are emphasizing mobility in their plans for modernization of their ICBM force. Both the SS-X-24 and SS-X-25 apparently will be deployed in mobile basing modes.

Mr. President, I would further contend that MX not only fails to enhance our military posture, it actually weakens it. The administration's plan for basing the MX in vulnerable Minuteman silos threatens to weaken strategic stability. The combination of MX's lethality and its vulnerable basing mode inevitably means that it will be useful only if launched before its silo is hit. It will therefore be an inviting target for Soviet military planners. In 1981, former Senator John Tower, now head of the strategic arms talks in Geneva, referred to the MX placed in fixed silos as a "sitting duck" which "is of little use to us unless the Soviets are convinced it can survive an attack."

The administration contends that hardening Minuteman silos will reduce the vulnerability of the MX. But given continuing Soviet improvements in the accuracy of their warheads, it is hard to imagine this costly hardening program working. And we have seen no estimates of the additional cost of this hardening effort.

With respect to the arms control argument, Mr. President, there is no empirical evidence to substantiate the putative centrality of MX to progress in the Geneva negotiations. Indeed, the Soviets seem to be far more concerned, and with good reason, about the deployment of a ballistic missile defense, Trident II, and even our Pershing II deployments— which can strike time-sensitive Soviet command and communications assets in a matter of minutes—than they are about the MX.

Columnist George Will dismissed the deployment of MX missiles in his editorial of March 17 as "more eggs in more vulnerable baskets." As for their utility as bargaining chips, Mr. Will stated that it is really a bargaining chip between the administration and Congress to avoid the appearance of undercutting our negotiators. Indeed, everything I have heard from administration spokesmen suggests that with or without MX we are not likely to witness progress in Geneva for some time to come. And the Soviets seem to share that view.

The talks in Geneva will not be hostage to the fate of MX. Indeed, MX appears irrelevant to the central issues in the negotiations. As I see it, there are two fundamental obstacles that stand in the way of arms control progress. The first is the record of Soviet noncompliance with the agreements in which it has entered up to this point. By Assistant Secretary of Defense Perle's reckoning, Soviet violations of existing agreements—notably the construction of the Krasnoyarsk radar and the development of a second new missile, the SS-X-25, which was prohibited by SALT II—raise doubts about the integrity of the entire arms control process. Deployment of the MX is not likely to increase the prospects of Soviet adherence to arms control agreements. What is required, as former Senator Tower recently told the Foreign Relations Committee, is Soviet consent to intrusive forms of verification to supplement existing national technical means of monitoring compliance.

The second major impediment is the pace of qualitative improvements in weapons technology. While our verification requirements are increasing, technological developments are undermining our ability to verify agreements. For example, it appears that sea-launched cruise missiles will be dif-

ficult to control even with intrusive verification. Mobile missiles on both sides will further complicate the verification problem. In addition, Secretary Shultz has testified that the administration has found no verifiable constraints on antisatellite weapons which it believes are in our interest. Indeed, the continuing development of defensive weapons by the United States and the Soviet Union reduces any incentives for constraints on offensive weapons. Viewed from this perspective, MX is not likely to prod the Soviets to reduce their substantial force of ICBM's. In fact, as I said earlier, it will be irrelevant.

In concluding, Mr. President, let me say that I do not despair of arms control progress. I strongly support the dialog which has begun anew in Geneva to which there is no sane alternative. But adding 21 more missiles to our stakes at the bargaining table is not the antidote to the impasse we have experienced during the past 4 years and which it appears we will experience for some time to come. To those who assert that Congress must release the fenced-in MX funds to ensure that the Soviets negotiate seriously in Geneva, I would argue that the Soviets returned to the bargaining table despite the uncertainty of that missile's future, at a time when Senator GOLDWATER was predicting the MX was dead. Ultimately, the burden of arms control progress will rest on whether we and the Soviets have the political will to seek meaningful constraints on the arms race and, if so, whether we can devise and win Soviet assent to verification provisions that two-thirds of the Senate would regard as adequate. I hope that eventually we will both find that political will and devise those verification provisions.

Mr. President, I do not believe that the MX will be the talisman that leads to arms control progress in Geneva. Nor do I believe that our national security will be impaired if we do not deploy this system. I believe that it is time to put the MX debate behind us, begin looking at our individual weapons decisions in a broader strategic context, and get on with the business of tackling the real issues at the arms talks.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am happy to yield whatever time the Senator from Maine might need.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, I was pleased to hear the Senator for New Mexico talk about the need to place this debate and the MX itself in a broader strategic context. I think that too often this particular system has overshadowed its context in deliberations here and elsewhere. I think it is important that we put the MX in the context of the broader debate over strategic weapon modernization, strategic defenses, and arms control.

The objective of our weapons and arms control policy is to enhance stability and, thereby, minimize the risk of war. In 1983, the Scowcroft Commission underscored the link between weapons modernization and arms control as a means of promoting stability. The Commission, composed of distinguished experts from several administrations, studied the MX question in broadest terms and made recommendations which reflect an understanding that weapons planning and arms control efforts must be intricately related. The Commission concluded not only that U.S. strategic forces must be modernized, but also that the United States "should seek to use arms control agreements to reduce instabilities and to channel both sides' strategic modernization toward stabilizing developments, deployments, and reductions." This link, in my judgment, remains valid and necessary.

I disagree with my colleague from Texas who suggested that perhaps the Midgetman was somehow just a creature of Congress. The Scowcroft Commission recognized that the MX in vulnerable silos was not a stabilizing weapon. It came to the conclusion there were other factors involved which overrode that military assessment. So the Midgetman was not a creature of Congress; rather, it was something that was endorsed by the Scowcroft Commission as desirable. The pace of the present Midgetman program is consistent with the Commission's recommendations.

As I view the strategic situation, I begin with the premise that neither the United States nor the Soviet Union wishes to feel vulnerable to a nuclear first strike. To maintain stability, neither should wish to pose such a threat to the other. Despite these shared interests, neither the United States nor the U.S.S.R. seems to have placed itself on the most direct path to mutual stability.

The U.S.S.R. has amassed a lethal and accurate array of ICBM's that can destroy most of our land-based forces, as well as those aircraft and submarines unable to take to the air or sea in the event of attack. While the Soviets have so-called first-strike weapons, they do not have a first-strike capability because a sufficient number of the weapons in the mix of U.S. strategic forces would survive an attack and inflict unacceptable damage in retaliation.

To maintain a credible deterrent posture, we must maintain the viability of each leg of our triad: intercontinental ballistic missiles, bombers, and ballistic missile submarines. There is cause for concern that our present ICBM's are vulnerable and our air and sea forces are aging. The new bomber, be it the B-1 and/or the Stealth, and the Trident submarine/missile system are designed to correct these deficiencies. The same cannot be said for the MX missile in solving our ICBM vulnerability problems.

As originally contemplated, the MX was to be placed in a mobile and theoretically survivable basing mode. But strategic necessity yielded to environmental and political opposition. When the basing mode shifted from racetracks to fixed silos the rational for its mission inexorably shifted as well.

After examining all the considerations and arguments, the Scowcroft Commission concluded that, while some MX missiles were necessary as we move toward stabilizing weapons systems—and they had in mind the Midgetman—and arms reduction agreements, we had to avoid the appearance or reality of a first-strike MX force. In this sense, I believe it is particularly important that the MX be viewed in that broad strategic context to which the Senator from New Mexico referred. With large numbers of MX missiles combined with the Midgetman, the B-1 and Stealth bombers, and the Trident/D-5 system, the U.S. strategic offensive force of the future might well appear to the Soviets as a potential first-strike threat.

Weapons developments in the U.S.S.R., of course, raise similar fears in the United States. The spectre of SS-X-24 and SS-X-25 ICBM's, Blackjack bombers, and more Typhoon submarines, added to the already formidable ICBM force, evokes serious concern over Soviet intentions.

The administration's response to all this, the strategic defense initiative, has in most cases heightened rather than reduced concerns. The ambiguous nature of the program and the adamant refusal to address it in negotiations with the Soviet Union have raised concerns at home and abroad. While the notion of an effective defensive shield sounds quite appealing, there are many troublesome implications and concerns to address before we proceed too far. If we solve the technological problem of a space-based ballistic missile defense, for example, will we have to invest yet more billions of dollars in defenses against bombers and cruise missiles? Wouldn't the Soviet respond to the vision of a U.S. defensive system by building up their offensive systems? Logic and history suggest they would. In all probability, the Soviets would seek to overwhelm the defensive system by simply multiplying their offensive weapons.

I will give you two examples in our history to demonstrate what the psychological and military reaction is likely to be. When it was disclosed

that the Soviets had been developing and deploying a new radar in Siberia, what was the reaction on the part of the United States? Many asked, "If the Soviets have an effective battle management radar system, what should we do? Should we reduce the number of our offensive weapons? Should we cut out the MX or Midgetman or Minuteman III?" The answer was, "No, we are going to build a better penetrator. We are going to start talking about developments such as MaRV's.

There was a similar response when it was initially reported that the Soviets sent a cruise missile flying over Finland. The first reports came back that the Soviets had shot down the missile. Those reports happened to be in error. The question arose however, what if the reports were accurate? What would we have done?

The question was asked of the Secretary of Defense: "What would you have recommended to the President of the United States? Would you have recommended that we cancel the cruise missile program?" And the answer, of course, was no, we will build a better cruise missile.

So I think in just two recent examples we have seen that the response we can predict on the part of the Soviets is not to reduce their offensive capability, but rather to increase it or build a better offensive system.

A word about our allies. I attended a recent Wehrkunde conference in Munich, and the apprehensions of our NATO allies over the SDI were all too apparent. Numerous questions were raised: Assuming the United States could develop land- or space-based weapons that could neutralize Soviet ICBM's, would they be equally effective against intermediate-range systems such as the SS-20? Would securing protection for American retaliatory forces push the Soviets into deploying similar systems, thereby leaving the British and French retaliatory forces irrelevant? Would the neutralization of strategic and intermediate-range nuclear weapons enhance the prospects of a conventional or chemical attack against which NATO is presently ill-equipped to fight? And so on.

What, then, are we to do?

I believe that we must recognize and address the relationship between offensive and defensive weapons systems. The MX is but one element of the offensive side of the equation. It remains, in my view, a transition system. Its production and deployment must be moderated to be consistent with the U.S. objective of linking arms reductions with weapons modernization. In this context, a limited number of MX missiles will suffice to keep open the only active U.S. ICBM production line while we move toward more stabilizing weapons and significant reductions in both sides' arsenals. Hence, I believe the Congress should place production and deployment limits on the MX at levels below those which the administration is seeking in fiscal year 1986 and beyond.

With regard to the strategic defense initiative, I believe we must seek clear answers to the questions being raised in the Congress, by the public, and by our allies. While we pursue research permitted under the provisions of the ABM Treaty, we should make clear to the Soviets that we are prepared to address definitions and perhaps adjust the pace and focus of the program in accordance with progress in the Geneva negotiations.

Today's debate and vote, then, are inextricably tied to those we will be having in this body in the coming weeks and months. I intend to vote today to release fiscal year 1985 funds authorizing production of 21 MX missiles. I believe that it would be inappropriate as we begin negotiations in Geneva to cut off the only ICBM production program underway in the United States.

I intend, however, to seek a moderation of the pace of MX production and deployment. This will be reflected in my approach to the administration's fiscal year 1986 request for MX funding, which will be debated in the coming weeks.

At the same time, notwithstanding the kind of statements that were made earlier today, we must insure that programs such as the Midgetman proceed apace and that research into survivable basing modes continues.

I will also be looking to see that our arms control positions continue to link modernization and reductions and that they emphasize stability.

I believe that the administration's request for fiscal year 1986 funding of the SDI exceeds necessary and prudent levels of expenditures. While research must continue, we must not allow it to preclude future decisions on strategic weapons and arms control policies. We must ensure that the SDI provides, not removes, flexibility.

In assessing our weapons programs, and in trying to affect Soviet decisions, our goal should not be "mutual assured destruction," but, rather, "mutual assured restraint." We must accept that the assured survivability of both sides' strategic forces is necessary to avert war. In the long run, restraint must be mutual or it will never be assured.

Mr. President, I yield back the balance of my time.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that when we come back the Senator from Arkansas [Mr. PRYOR] be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. I now yield to the Senator from South Carolina. Mr. President, if we need 2 or 3 more minutes, I ask unanimous consent that that might be provided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, as a cosponsor of Senate Joint Resolution 71, I urge my colleagues to vote for the release of funds for the MX missile. The Committee on Armed Services has once again carefully reviewed the military requirements for this weapon system and its importance to arms control negotiations, and once again the committee has voted to sustain production of the missile.

We have all heard the charge that the MX is a destabilizing first strike weapon and should not be deployed. Unfortunately, the same critics who make that charge do not also demand that the Soviets dismantle the more than 600 first strike ICBM's deployed in the Soviet Union. It seems to me that these critics are willing to allow the Soviets to deploy first strike weapons that undermine stability, but they would not like the United States to redress the problem by deploying the MX.

Our lack of resolve in this matter serves but to strengthen the Soviet Union's leverage at the negotiating table. The more than 600 SS-18 and SS-19 missiles presently deployed by the Soviets can threaten the hardest of U.S. targets. Without the MX, we will have no time urgent capability to hold similar targets at risk within the Soviet Union.

Another argument against the MX is that it should be canceled in favor of the small mobile ICBM. The small mobile ICBM cannot be deployed in this decade and will cost many more times what the MX will cost. Additionally, the Scowcroft Commission recommended that the small mobile ICBM be deployed after deployment of 100 MX missiles.

The MX missile is the only land based ICBM that can give us the capability to hold the Soviets hard targets at risk in the near term. Failure to address this serious deficiency, can only further weaken our ability to deter war and increase the Soviet capability to use nuclear blackmail against us.

Failure to approve funds for the MX would also hand Soviets something they prize very much, and that is unilateral termination of a strategic nuclear program on the part of the United States with no concessions on their part. If the Congress gives this one to the Soviets, then we may as well bring our negotiators home from Geneva.

Mr. President, I would like to call to the attention of the Senate two letters that I have received. One is from the Secretary of Defense, the Honorable Caspar Weinberger and the other is

jointly signed by Mr. Weinberger and the Chairman of the Joint Chiefs of Staff, General John W. Vessey, Jr.

Both letters underscore strong support for the MX as a portion of the Triad and as leverage for arms negotiations, and I ask unanimous consent that these two letters be printed in the RECORD at the conclusion of my remarks.

Mr. President, if any Member of the Senate should have doubts about whether to support the MX, I simply remind them that the President has had experts working on this matter for a long time. He has heard both sides of the matter for an extended period. Several Presidents have recommended this MX. It did not start under President Reagan, and several Chairmen and members of the Joint Chiefs in the past have recommended it. I want to say further that the present Secretary of Defense recommended it, the present Chairman of the Joint Chiefs of Staff, General Vessey, recommended it, members of the Joint Chiefs of Staff recommended it, the Chief of Staff of the Army recommended it, the Chief of Staff of the Air Force recommended it, the Commandant of the Marine Corps recommended it, and the Chief of Naval Operations recommends it.

In other words, here is the weapon that is endorsed by the President, the Secretary of Defense, the Joint Chiefs of Staff, and the Secretaries of all of the services, and all of these military experts have recommended this weapon. So if any Senator has a doubt about whether he should go along, he can well rely on the research, the study, and the investigation that all of these people have made on this particular weapon.

In closing, I would like to remind my colleagues of some wisdom provided by the noted Soviet scientist, Dr. Andrei Sakharov, in an open letter to Dr. Sidney Drell of Stanford University. Dr. Sakharov pointed out that our ability to avert nuclear war may be very well contingent upon a continuation of the arms race that we all would like to halt. Approving the MX should assist in getting an arms agreement that should reduce the arms race.

Mr. President, I urge all of my colleagues to vote in favor of Senate Joint Resolution 71; and I would like to commend the distinguished chairman of the Senate Armed Services Committee, Senator GOLDWATER, for his outstanding leadership in seeking approval for the MX.

I yield the floor.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, March 13, 1985.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We are writing to urge your support for the immediate deployment of Peacekeeper as an essential element of our strategic modernization program and a vitally necessary contribution to our deterrent posture. Also, with the beginning of negotiations in Geneva for reductions in nuclear weapons, the Members of the Congress have a critical opportunity to help assure the security of the nation and world stability by voting for the continued deployment of the Peacekeeper missile.

The Soviets continue to modernize and expand their strategic nuclear forces far in excess of their legitimate defensive needs. These deployments upset the nuclear balance so necessary for global stability. If we as a nation are to ensure the continued effectiveness of the Triad and to restore stability, we need a military capability that makes the Soviets' assessment of war outcomes under any circumstance so uncertain and so dangerous as to remove any incentive for them to initiate an attack. We are convinced that the highly accurate Peacekeeper will provide this capability, thus enhancing deterrence.

The Peacekeeper—and the follow-on small ICBM—will ensure the effectiveness of the land-based leg of the Triad into the next century. There will be far too few Peacekeepers for them to be considered a first-strike system. However, with the Peacekeeper in the Triad, and with our highly effective warning system, the Soviets will know there is no reasonable attack scenario in which they could deny the certainty of U.S. retaliation against the targets they value most—their residual nuclear forces, their command and control installations, and their leadership. That is the essence of our deterrence.

We must deploy the 100 Peacekeepers without delay in order to maintain the effectiveness of the Triad, ensure deterrence, and promote meaningful negotiations. The Peacekeeper is tested and ready for deployment now. We urge you to vote for the Peacekeeper.

Sincerely,

CASPAR W. WEINBERGER,
Secretary of Defense.
JOHN W. VESSEY, JR.,
General, USA; Chairman,
Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC, March 14, 1985.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR: Congress will be faced with a critical decision on the MX missile system in the next week. During this time, Members must decide if continued MX production is in our national interest, is crucial to maintaining a stable nuclear balance, and contributes to our chances of success in the Geneva arms talks.

As the Congress debates this vital issue, I feel that it is necessary to dispel several false claims put forth by critics regarding the MX's funding status, deployment schedule and arms control value. The first claim is that a negative vote is not a vote to kill the Peacekeeper because sufficient funds exist to keep the program alive through FY 1985. Let there be no mistake about the impact of this vote: without the release of the fenced $1.5 billion, Peacekeeper production will begin to shutdown. During the Baker-O'Neill discussions last year, Congress agreed to defer a final vote on FY 1985 Peacekeeper production for six months and agreed that $1 billion would be sufficient in the interim to fund the FY 1985 program and retain complete production capability.

The votes cast next week on Peacekeeper will determine whether that production capability will exist beyond 31 March. In fact, 95 percent of all authorized FY 1984/1985 production funds will be obligated by 31 March as was generally anticipated last year. Obligation status is the critical indicator since obligations identify the money the Treasury will need to pay negotiated commitments for work ordered.

A production shutdown would affect smaller contractors who supply materials and parts required to sustain production. The only remaining production activities if funds are not released will be the completion of the 21 FY 1985 missiles at various stages of production by larger contractors. Any future discision to renew production after shutdown begins would incur costly restart and contractor recertification penalties.

Critics also favor a "warm" production capability that will retain the MX's arms control leverage. They rationalize that if MX is a "bargaining chip," why do we need actually to produce it? Why not save $1.5 billion that could reduce the Federal deficit? This, too, is a spurious claim. First, to keep a "warm" production line would cost an additional $650 million through FY 1985 to produce nothing. We cannot waste our tax dollars and idle skilled workers indefinitely while awaiting progress in Geneva. Second, this argument assumes that Peacekeeper need not be deployed to be traded for similar Soviet systems and ignores the fact that MX enhances deterrence and fulfills a military need. Moving forward with MX production and deployment sends Moscow an unmistakable message regarding U.S. intent to maintain stable deterrence. The bargaining leverage of MX is its military capability to make Soviet ICBMs, in the words of Brent Scowcroft, "depreciating assets."

MX has never been a "bargaining chip." On this point the Administration's position is clear: On-going strategic modernization creates strong incentives for the Soviet Union to seriously negotiate genuine, stabilizing arms reductions. In this sense, every aspect of our modernization program, including MX, is on the bargaining table. Remember: the Soviets are shrewd negotiators; they do not trade deployed SS-18s for "warm" ICBM production lines.

Further, MX is not a "budget buster." MX procurement absorbed far greater reduction in FY 1985 than any other DoD procurement program, considering the urgent need for ICBM modernization. Denial of $1.5 billion will not significantly reduce the deficit but will have a disastrous impact on our arms control, force modernization, and foreign policy objectives.

Finally, recent charges that a draft GAO report casts doubt about the MX program's ability to meet its military requirements and deployment schedule are grossly exaggerated. This preliminary draft, leaked to media in an obvious attempt to sow doubts about the MX program at this critical juncture, was actually an endorsement of the MX program. While the GAO pointed out that the Air Force has accepted a measure of risk in completing MX flight tests and concurrently initiating deployment, GAO admitted that this is not unusual for ballistic missile

programs. The draft finds that missile components have been extensively tested on the ground and in highly successful flight testing. GAO witnesses before Congress have confirmed the program is well managed, within cost, and on schedule, and that the Air Force has built time into the development program to allow for problems.

It is clear that MX critics are far more interested in killing the MX program than keeping it alive. They are also far more interested in killing it than in presenting the facts accurately. Yet, ironically, it is the most vociferous MX critics who argue that a negative vote will not kill the MX. These same critics want to keep a costly, unproductive MX line open for "leverage" but argue against the very thing that provides that leverage: continued MX production.

Those Members who are genuinely undecided on this crucial issue should not allow groundless claims, dubious "facts," and discredited arms control theories to cloud the debate over the urgent need for release of fenced MX funds and continue with MX production.

Sincerely,

CASPAR W. WEINBERGER.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The hour of 12 noon having arrived, in accordance with the previous order, the Senate now stands in recess until 2 p.m.

Thereupon, at 12:03 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. PRESSLER].

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas will be recognized.

Mr. PRYOR. Mr. President, it is my understanding that the distinguished Senator from Idaho [Mr. MCCLURE], has to chair a subcommittee meeting at 2 o'clock. I know that I have the floor at this time. I am glad, if the managers of the bill will allow me, to yield to the Senator from Idaho for a short speech without losing my right to the floor. I am glad to do so, if I can be recognized immediately following the remarks of the Senator from Idaho if that is agreeable with the managers.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I must confess that I was not advised by Senator GOLDWATER that an order had been entered and, therefore, at this moment what can be done to accommodate our colleagues?

Mr. HART. Mr. President, because a number of Senators have asked to be recognized already, I wonder if it would be in order to ask unanimous consent to first recognize the Senator from Idaho, and then the Senator from Arkansas.

Mr. WARNER. The Senator from Wyoming is also seeking recognition. I have given the Senator the assurance that he can be early on.

Mr. HART. Unfortunately, I have made the same assurance to the Senator from New York.

Mr. President, I ask unanimous consent that the Senator from Idaho be recognized, to be followed by the Senator from Arkansas, to be followed by the Senator from Wyoming, then to be followed by the Senator from New York.

Mr. WARNER. I think that is an equitable arrangement, and I thank the Senator from New York for making the offer.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

MX IS VITAL TO DETERRENCE

Mr. MCCLURE. Mr. President, I thank the distinguished Senator from Arkansas, and the managers of the bill. Also, I thank the other Senators involved in this unanimous-consent agreement so that we can best use our time and accommodate the needs of the Senator from Idaho. I am very grateful for that.

Mr. President, the MX is vital to the U.S. deterrent posture.

As President Reagan himself said yesterday in Canada:

As much as we may hope for greater stability through arms control, we must remember that the Soviet record of compliance with past agreements has been poor. The Soviet Union signed the Yalta Accord pledging free elections, then proceeded to dominate Eastern Europe; they signed the Geneva Convention banning the use of chemical weapons, SALT II limiting development of new weapons, and the ABM Treaty, but are now violating all three; and they signed the Helsinki Accord solemnly pledging respect for human rights, but then jailed the individuals trying to monitor it in the USSR.

Mr. President, the Washington Post on Sunday, March 17, 1985, published a lead article entitled "New Soviet Missiles Prepared." This article made some important points related to the impending Senate and House votes on the MX.

First, Presidential National Security Advisor Robert McFarlane was quoted as saying that the new Soviet SS-24 ICBM is a "destabilizing system." He added that the SS-24's "are swift, carry a big payload, are mobile and are accurate." The article also stated that "a drawing of the SS-24 will be printed in the 1985 edition of the Pentagon's 'Soviet Military Power' booklet expected next month." The article stated further that the Soviet SS-24 was launched from a "railroad launcher," and that "tunnels and covered sheds along the thousands of miles of Soviet railroad tracks could serve as storage and hiding places for the SS-24." The article concluded that the Soviet "are going to have the mobile system that former President Carter wanted in Nevada and Utah."

Mr. President, all of these references to the Soviet SS-24 ICBM compare it to the U.S. MX ICBM. These press reports indicate that the Soviet Union will probably have the equivalent of the highly survivable U.S. race track MX system with their railmobile SS-24, which could become operational as early as this year. Accordingly, in preparing for the impending floor debate on the MX, Senator LAXALT and I urgently requested of President Reagan that the reported unclassified drawing of the railmobile SS-24 launcher be made public as soon as possible, together with an unclassified railroad map of the Soviet Union. Second, we requested that an unclassified chart showing the DIA estimate of 8,500 Soviet ICBM warheads—also reported several times in the press—be released. This chart reportedly estimates 14 warheads on each super heavy Soviet SS-18 ICBM, and apparently does not even consider impending Soviet deployment of the survivable, railmobile SS-24 MX racetrack equivalent. Two of these items were put on large briefing boards with the DOD logo so that we can use them on the floor of the Senate in defending the MX this week and later for the defense budget floor debate.

This chart shows a railmobile Soviet SS-24 transporter-erector-launcher at the end of a special Soviet missile train.

If you make reference to the chart that Senator WARNER is now observing, it shows that system mounted on railcars as it would be deployed in the Soviet Union.

The extra railcars house refire SS-24's, logistics, security, and command and control communications. These trains are deceptively concealed so as to appear externally identical to standard Soviet freight trains. The picture of the Soviet railmobile SS-24 launcher is from the forthcoming April 1985 fourth edition of the Defense Department's book "Soviet Military Power." The picture is being released today, early, at the request of Senator LAXALT and myself in order to use it in today's MX debate.

This chart shows the Soviet Union's railroad network. The Soviets have always used their railroad system as their primary mode of transportation to support their strategic missiles. For example, most Soviet strategic missile complexes are deployed along the Trans-Siberian railroad as the map overlay provided by DIA shows. There are hundreds of Soviet railroad tunnels and thousands of isolated rail spurs which could be used to hide and launch the railmobile Soviet SS-24. In this respect, the Soviet railmobile SS-24 will be even better and much more survivable than former President Carter's racetrack MX system planned for the limited geographic area of Nevada and Utah. The Soviet SS-24 railmobile system, in contrast, will be a nationwide system, fully concealed and camouflaged, partially protected

by railroad tunnels, and therefore much more survivable than the racetrack MX. And the United States will have no good method of estimating how many SS-24 railmobile launchers or refire missiles are deployed, because they are deceptively concealed.

The top chart shows ICBM reentry vehicles, warheads, the lower line being that of the U.S reentry vehicles and the upper line being the Soviet Union's reentry vehicles. You will see a wide divergence between the two lines starting in 1975, and proceeding relentlessly upward on the Soviet side. The lower of the two charts shows what the disparity would be even with the MX missile deployed by the United States in the numbers that we have programmed for production and deployment.

This chart shows the total warheads on the Soviet ICBM force. It shows 6,300 Soviet ICBM warheads. If 14 warheads are deployed on each Soviet super-heavy SS-18, the Soviets would then reportedly have abut 8,500 ICBM warheads, compared to 2,100 for the United States. This is a 4 to 1 Soviet numerical advantage. If the much higher yields and greater accuracy of Soviet ICBM warheads are taken into account, the Soviet advantage is about 8 to 1 in hard target, counterforce kill capability. This is the key military capability in the world today, because ICBM warheads can quickly and reliably strike all kinds of military targets, in addition to cities.

Note from this chart that the United States will only deploy 700 more warheads with MX, because 100 MX with 10 warheads each will replace 100 Minuteman IIIs with 3 warheads each, a net addition of 700. Thus deployment of only 100 MX will not even intersect the Soviet ICBM warhead deployment curve. Indeed, even with the limited MX deployment of 100, we will never match Soviet ICBM warhead deployment in quantity, accuracy, yield, and most significantly, military capability.

Mr. President, I ask unanimous consent that my press release from last week on MX and my letter to the President yesterday on MX, consigned by Senator LAXALT, both be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MCCLURE ASKS DOD TO CLARIFY NUMBER OF SOVIET ICBM REENTRY VEHICLES; SAYS ACCURATE INFORMATION NECESSARY FOR DEBATE ON MX

WASHINGTON.—Idaho Senator Jim McClure today asked the Department of Defense (DOD) for a current unclassified estimate of the number of warheads on Soviet Intercontinental Ballistic Missiles (ICBMs), saying that previous Soviet ICBM warhead counts may be seriously underestimated.

McClure said this information is crucial to the debate on the future of the MX missile.

"According to recent press reports," McClure said, "there are DOD estimates that the Soviets may have as many as 8,500 ICBM warheads. However, charts recently declassified by DOD show that the Soviets have about 6,300 ICBM warheads."

The number of ICBM warheads, McClure explained, is the "most significant single measure of military power in the world today. ICBM warheads," he said, "are able to destroy hardened military targets quickly, and thus can threaten all military forces."

The United States, by comparison, currently has only 2,100 ICBM warheads.

"Given the current figures supplied by DOD," McClure said, "the Soviets have a three-to-one numerical advantage in ICBM warheads. if the figure of 8,500 is correct," he said, "it means that the Soviets would have a four-to-one advantage—a very serious threat to all U.S. strategic forces."

Since 1975—when both the Soviet Union and the United States had approximately the same number of ICBM warheads—the U.S. has not increased its total number of ICBM warheads.

"But while the United States had not deployed any more ICBM warheads since 1975," McClure explained, "for the past ten years, the Soviets have continued to increase their ICBM warhead forces to the point that they now have a three-to-one advantage, and if the press reports are correct, an even more dangerous four-to-one advantage."

McClure said that the United States can not afford to sit idly by and let the Soviets continue to increase their ICBM warheads without dangerously undermining America's deterrence against the Soviet threat.

McClure explained that for America's deterrent strategy to be effective, "the deterrent must be present not only in our minds, but our capacity to deter must be present in the Soviet minds as well."

Some people argue, he said, that the total number of ICBM warheads is not important. But this argument evades logic, McClure explained.

"It seems to me that the number of warheads obviously matter to the Soviet Union. So if deterrence is a matter of their frame of mind—not necessarily ours, but their frame of mind—and numbers matter to them," he said, "then we must consider America's total number of ICBM warheads if deterrence is to continue to be an effective strategy."

A vote in support of the MX missile becomes all the more important to U.S. security, McClure said, "when you consider the staggering Soviet advantage in overall ICBM warheads and the necessity of preserving strategic deterrence."

In 1984, the Soviets have reportedly added more than 2,200 warheads alone to their ICBM force, McClure said. This is nearly three times the number of ICBM warheads the U.S. will add to its force if all 100 MX missiles are deployed beginning in 1987.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 18, 1985.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Washington Post on Sunday, March 17, 1985 published a lead article entitled "New Soviet Missiles Prepared." This article made some important points related to the impending Senate and House votes on the MX.

First, Presidential National Security Advisor Robert McFarlane was quoted as saying that the new Soviet SS-24 ICBM is a "destabilizing system." He added that the SS-24's "are swift, carry a big payload, are mobile and are accurate." The article also stated that "a drawing of the SS-24 will be printed in the 1985 edition of the Pentagon's 'Soviet Military Power' booklet expected next month." The article stated further that the Soviet SS-24 was launched from a "railroad launcher," and that "tunnels and covered sheds along the thousands of miles of Soviet railroad tracks could serve as storage and hiding places for the SS-24." The article concluded that the Soviets "are going to have the mobile system that [former President] Carter wanted in Nevada and Utah."

Mr. President, all of these references to the Soviet SS-24 ICBM compare it to the U.S. MX ICBM. These press reports indicate that the Soviet Union will probably have the equivalent of the highly survivable U.S. "Race Track MX" system with their railmobile SS-24 which could become operational as early as this year. Accordingly, in preparing for the impending floor debate on the MX, we urgently request that the reported unclassified drawing of the railmobile SS-24 launcher be made public as soon as possible, together with an unclassified railroad map of the Soviet Union. Second, we request that an unclassified chart showing the DIA estimate of 8,500 Soviet ICBM warheads (also reported in the press) be released. This chart reportedly estimates 14 warheads on each super heavy Soviet SS-18 ICBM, and apparently does not even consider impending Soviet deployment of the survivable, railmobile SS-24 MX Racetrack equivalent. All three of these items should be put on *large briefing boards* with the DOD logo so that we can use them on the floor of the Senate in defending the MX this week and later for the defense budget floor debate.

With warmest personal regards,

JAMES A. MCCLURE.
PAUL LAXALT.

Mr. McCLURE. Mr. President, former President Theodore Roosevelt stated on March 30, 1912:

We, here in America, hold in our hands the hope of the world, the fate of the coming years; and shame and disgrace will be ours if in our eyes the light of high resolve is dimmed, if we trail in the dust the golden hopes of men.

Mr. President, Teddy Roosevelt's words provide a guide to our Senate debate today on MX. I support deployment of the MX Peacekeeper ICBM for the following reasons:

First, the Soviet Union deployed over 1,000 MX-equivalent warheads during 1983 alone, while the entire MX Program planned to be deployed from late 1986 or 1987 through 1990 will add only 700 additional U.S. warheads.

The Soviets have already transcended the U.S. MX ICBM. There are several press reports that the Soviets have deployed 14 warheads on each SS-18 super-heavy ICBM during the last year. This deployment has allowed the Soviets to add more than 2,200 warheads to their ICBM force during 1984 alone, which is more than three times the number of warheads the MX will add to the U.S. ICBM force be-

tween 1987 and 1990—if the Congress will ever allow MX to be deployed. This Soviet deployment last year has reportedly resulted in a Soviet ICBM force carrying more than 8,500 warheads, the best estimate of the Defense Intelligence Agency as reported several times in the press. This would give the Soviets an 8,500 to 2,100 advantage in ICBM warheads, a 4-to-1 numerical advantage over the United States and an 8-to-1 counterforce superiority, considering Soviet accuracy and megatonnage advantages.

Second, to repeat, the Soviets reportedly have 8,500 ICBM warheads, compared to only 2,100 for the United States, over a 4-to-1 Soviet advantage numerically. Accounting for higher Soviet warhead accuracy and yield, the Soviets probably already have an 8-to-1 advantage over the United States in ICBM counterforce capability, and this advantage is still growing yearly. The Soviets have been deploying nearly 1,000 MX-equivalent warheads per year since 1975. Since 1979, when President Carter signed the SALT II Treaty and committed himself to MX deployment, the Soviets have added nearly 5,000 MX-equivalent warheads to their forces. Meanwhile, the United States has deactivated over 500 warheads. Today the United States is almost 1,000 delivery vehicles and over 3,000 warheads behind the Soviet Union, and most Soviet warheads are much larger in yield and more accurate.

Third, as the Democratic Presidential candidate former Vice President Mondale stated on January 3, 1984: "On the nature of the Soviet threat, Americans do not divide." I strongly agree with former Vice President Mondale's statement. If the United States does not deploy MX, then we will have a strategic inferiority to the Soviets and a minimum deterrence capability against the Soviets, perhaps forever. The opponents of MX should try to explain how the United States will cope with overwhelming Soviet strategic superiority, and the resulting Soviet nuclear blackmail capability.

Fourth, in addition to being over 10 years ahead of the United States in strategic defenses, the Soviets are 20 years ahead of the United States in modern ICBM's. Their fourth generation SS-17, SS-18, and SS-19 ICBM's designed in 1965 and deployed in 1975 are equivalent in capability to the U.S. MX, but MX will not be deployed until 1987. Without deployment of the MX, the Soviets will have over another decade of unchallenged superiority in ICBM's, making them 30 years ahead of the United States in ICBM capability.

Fifth, the United States has reduced the number of warheads on the MX from 14 to 10, reduced its throw weight and range, and delayed MX flight testing, all in order to comply with the unratified SALT II Treaty. Meanwhile, the Soviets have seven MX equivalent ICBM's and each of these missiles violates either SALT I or SALT II:

The SS-17—encryption violates SALT II, deployment defeats the object and purpose of SALT I; SS-18—encryption violated SALT II, reported probable deployment with more than 10 warheads violates SALT II; SS-19—deployment defeats the object and purpose of SALT I, encryption violates SALT II;

SS-24 to replace single warhead SS-11's—Encryption violates SALT II, probable deployment in converted SS-11 silos violates SALT II ceiling of 820 MIRV'd ICBM's, impending rail-mobile deployment also violates SALT II, 820 ceiling on MIRV'd ICBM's; SS-25—Second new type ICBM violates SALT II, also encryption and RV to throw-weight ratio violate SALT II; solid fuel SS-X-26—Third new type ICBM will violate SALT II, also probable heavier throw-weight than SS-18 in violation of SALT II, and encryption in violation of SALT II; SS-X-27, SS-X-28 probable new liquid fuel follow-ons to SS-18, and SS-19—probable encryption will violate SALT II, probable heavier throw weight than SS-18 and SS-19 will violate of SALT II.

Sixth, the United States needs much more counterforce capability to deter Soviet 8-to-1 counterforce superiority. MX will not be a first strike weapon, because only 700 more MX warheads added to 1,650 accurate Minuteman III warheads is not enough to attack over 3,000 Soviet hard targets with the required two warheads each. The Soviets have over three times as many hard targets as the United States, which are on the average three times as hard.

In sum, Mr. President, America is now witnessing the Soviet SALT break-out deployment of an illegal new mobile ICBM, probably carrying illegal new MIRV'd warheads, and defended by an illegal nationwide ABM system using illegal large battle management radars and illegal mobile ABM and illegal ABM capable SAM interceptor missiles and radars. It is in this context of Soviet SALT Breakout that we vitally need MX to bolster deterrence.

Mr. President, just in passing and in conclusion, this series of models of intercontinental ballistic missiles has three, the oldest of which and largest of which is the U.S. Titan II, which is now being phased out. The next two are the SS-7 and SS-8 of the Soviet Union, both having been phased out by the Soviet Union.

The next little white ones are U.S. Minuteman II and Minuteman III that are the sole deployed force of the United States in ICBM's. The single warhead SS-11, SS-13, and SS-16 are all deployed Soviet ICBM systems. In addition, the Soviets have the SS-19, the SS-17 and the SS-18 MIRV'd ICBM systems. The final ones are the SS-25, reportedly now operational, which is comparable to our Midgetman if we ever do by 1992 and the SS-24 which is the counterpart to our MX missile. But the SS-24 is rail mobile and is nearly ready for deployment.

The other two are two other systems in development by the Soviet Union and not yet tested. I have dubbed them the SS-X-26 and SS-X-27, which press reports have referred to.

I think Members of the Senate ought to be able to put into context exactly what it is we are talking about here today. In addition to these ICBM developments, the Soviets now have over 30 strategic programs under development.

Mr. MOYNIHAN. Will the distinguished Senator yield for a question?

Mr. McCLURE. I yield.

Mr. MOYNIHAN. May I ask my friend if he is not aware that when we went from Minuteman II to Minuteman III, that the MX missile, as we have come to call it, was in fact begun as Minuteman IV? It began as yet another in a series of modernizations of a system, as part of the normal development of a system that was in place. It was begun in the mid-1960's. It was never meant to be vulnerable. It was, to be sure, meant to be in fixed silos. But it was designed for relatively survivable silos.

Subsequent improvements in Soviet missile accuracy and power persuaded us that no fixed silo could be considered secure. So the Minuteman IV became the missile experimental, and it got up out of those silos and went looking for a new home. For 15 years it wandered in the desert, 35 basing modes were investigated—and none proved satisfactory.

So the MX went back to the place we had to get it out of because of the developments of Soviet missiles had made the system vulnerable. What had been an unsatisfactory basing option for Minuteman IV turned out to be, to some minds if not to all, perfectly acceptable for the MX.

Mr. McCLURE. The Senator is correct. Certainly, fixed sites are vulnerable to attack, but I think it is important to remind ourselves that we do not have first-strike intentions. We will not launch a first strike. That means we have to look at how many of our existing missiles will still be there after a Soviet first strike and hostilities start.

Mr. MOYNIHAN. Will the chairman allow a question?

Mr. McCLURE. No matter how good the Soviets are, they are not 10 feet tall; they are not perfect, and they are not invulnerable to their own defects or inaccuracies, and they will not get all of our missiles in a first strike. So if

there are 10 percent which survive, it is more important that there be 10 percent MX survive than 10 percent Minuteman III's. Because 10 surviving MX's will carry 100 warheads whereas 10 surviving Minuteman III's will carry 30 warheads.

Mr. MOYNIHAN. Would the chairman accept the thought, however, that whatever we know our intentions to be, the Soviets will not know? They will only know what our deployment mode is.

Just as prudence requires the United States to act on the basis of Soviet actions rather than their intentions or their assertions, so must they, perforce, do with respect to us.

Mr. McCLURE. Well, they know what our battle plan is just as we have a pretty good idea of what theirs is.

Mr. MOYNIHAN. Might not Soviets be doing the obvious and reasonable thing to presume that the United States, deploying a missile of this force and value, 10 warheads, in a silo that has been targeted for at least the last 10 years, is prepared to launch on, or after, warning?

Mr. McCLURE. Well, there are some uncertainties with respect to what you can expect from either side in the event of hostilities, and perhaps that is worthwhile, that they have some doubts about what we will do.

Appearing before the Senate Armed Services Committee on June 5, 1980, former Secretary of Defense Harold Brown stated:

> The launch-under-attack situation * * * is that the Soviets probably will not be able to be sure that we don't have the capability of launching under attack. I think under any circumstances we would want to keep them somewhat worried about that. To some extent, that does provide a deterrent effect.

Mr. MOYNIHAN. I think my distinguished friend and I differ on that score. I think we have kept a generation of nuclear peace by having the Soviets under no illusion about what we would do: We would never start a war and we would never let them win one.

Mr. McCLURE. I think that is absolutely true, but exactly how we counter, how we respond, perhaps there is some deep ambiguity that might be useful to making certain that a deterrent policy works. The MX is part of deterrent policy. The deterrent policy has kept the peace for 40 years.

Mr. MOYNIHAN. The chairman has a higher capacity to live with ambiguity in these matters than does his friend from New York.

Mr. WARNER. Mr. President, might I address the Senator from Idaho? There is a need to clarify part of his statement. In what I regard as a very valuable contribution to the debate, he referred to a picture. Having been in the Armed Services Committee and having seen the actual pictures of many situations, this is an artist's rendition.

Mr. McCLURE. As a member of the Defense Appropriations Subcommittee, I agree with my distinguished colleague from Virginia. This is an artist's rendering. The Senator is correct.

Mr. WARNER. For those studying the record, it should be very clear.

Mr. McCLURE. It is not a photograph.

Mr. WARNER. I thank the Senator.

Mr. PRYOR. Mr. President, I have many concerns with the MX—the cost, vulnerability, the lack of effectiveness as a bargaining chip, the availability of more effective alternative weapons—but today I will concentrate on only one phase of the MX, and that is a phase that I do not think has been discussed during this debate. That is the lack of testing, the lack of operational testing, for the MX missile program.

I have for a long time had great concern with operational testing. In 1983, the Congress adopted a new concept of independent operational testing, and created such an office within the Department of Defense. This effort was a reaction to reports of a submarine in World War II firing eight consecutive dud torpedoes, and harrowing stories of M-16 rifles in Vietnam which consistently failed to fire, rifles the Viet Cong would leave lying on the battlefield because they knew they would not work.

But, Mr. President, more to the point of today's debate, I find it shocking that we are going to put the first 21 MX missiles into these silos by the end of 1986 before conducting one operational test on these new missiles.

The President's January 15 report on the ICBM modernization program claims a "highly successful" completion of phase I of the testing program. phase I seems to have been handled reasonably well, Mr. President, but whether or not its results were "highly successful," no one will claim that the tests give us any certainty regarding the performance of the MX missile.

This might be a good point to quickly review what we mean by "operational" versus "developmental" testing.

Developmental testing occurs in the very early stages of a weapon's development. The tests design narrow technical goals. They are designed to evaluate the performance of certain elements of the weapons and are carefully controlled to isolate those elements. For example, the tests may be structured to evaluate the performance of a guidance system without worrying about the distance of the missile's particular flight.

Operational testing, Mr. President, on the other hand, seeks to duplicate, as closely as possible, actual combat conditions. This means testing of the weapons without specially prepared conditions that would lead to favorable results. It also means testing the system by typical combat crews, not by a group of experienced Ph.D.'s or engineers.

WHERE WE STAND

The Defense Department has divided its testing program into four phases. The seventh test flight, in January 1985, completed phase I.

The original test plan called for 23 or 24 test flights before deployment. Now, we will do only 16 before we put the missiles into their silos, and not one of them will be an operational test.

Full-scale production of the missiles will begin in a couple of months after only 7 of 16 development tests.

Phase I has done pretty much what it was supposed to: begin collecting data on the missile's accuracy. But is this enough evidence on which to base further production? This Senator does not think so.

Officials at the Pentagon will speak of upcoming tests as "operationally flavored," or as a transition to operational testing, but the fact remains that no operational test of the MX missile have been planned until after the actual deployment of 21 missiles in their silos.

Perhaps almost as surprising, we still have no approved test and evaluation master plan, which is usually required before this point in the Defense System Acquisition Review Council process. Apparently, there are disagreements between DOD and the Ballistic Missile Office testers on the proper measurements to be used in the testing. This lack of a coherent test plan does not inspire confidence with this Senator.

PHASE I RESULTS

The President's January 15 report on the progress of the ICBM program states:

> All objectives of Phase I were met, including assessment of technical risks, development of receipt-through-launch processing methods, demonstration of cold-launch capability, analysis of flight performance, and deployment of a maximum payload. In particular, Peacekeeper accuracy demonstrated on the first six flight tests has provided high confidence to assure that operational requirements will be met or exceeded at initial operational capability.

The General Accounting Office has been conducting a continuing audit of the MX program for the past 6 years. There is a draft report which, up until now at least, has not been available to Members of the Congress, but some aspects of that report have come to light through briefings to Congress and through individual discussions.

In general, the GAO agrees that phase I has been a reasonable success within the constraints of the narrow tests which have been conducted. The report raises certain questions, however, which Congress ought to consider before approving any more missiles, and it indicates that the administra-

tion's evaluation of phase I may be a little too optimistic.

Let's look at some of the claims of the January 15 report:

Phase I demonstrated the missile's cold-launch capability. That is a fair statement, according to the GAO, as far as it goes, but that cold-launch capability has been tested only from a launching pad—not from a silo.

There will not be a test from a silo until the third quarter of this year. That will be test No. 9. We do not know if that silo will be an operational silo or one which has been specially prepared for the test. Another question arises over when the missile should be ignited. That is not a problem when launched from a pad, as the other tests have indicated, but adjustments may be needed for a silo launch. I use this example simply to illustrate that there are many, many questions still surrounding this missile.

According to the report, phase I permitted an analysis of the missile's flight performance. True, but only one of the seven tests to date has been at a target anywhere close to our operational range requirements. That was flight No. 3. Unfortunately, on that flight, four out of eight reentry vehicles failed to reach the target.

Phase I carried out the deployment of a maximum payload. It is true that the fourth test carried 10 warheads, but those were the Mark 12A warheads rather than the Mark 21's which will be carried eventually by the MX. According to the GAO, the 12A's are very similar to the Mark 21's, but they employ a different reentry system and weigh more. We will not test the Mark 21's until the end of Phase II, which will be sometime in 1986.

Finally, the report assures us that the tests have provided high confidence to assure that operational requirements will be met at deployment. Well, high confidence is not enough. Operational testing gives proof one way or the other. We probably had high confidence in those torpedoes that didn't fire in World War II, too. We probably had high confidence in the MX rifle when its failure caused the death of thousands of servicemen in Southeast Asia.

WHAT ARE THE ELEMENTS OF A PROPER OPERATIONAL TEST FOR THE MX?

First, use an exact production missile—not an R&D model—with exact hardware and software. This means using a warhead as close as possible to the real thing and no special preparation of the guidance and control system.

To date, we have not used the MX warhead, the Mark 21, but we will have to use the Mark 21 when we reach the operational testing stage. The Mark 21 has a different fuse than the 12A. It is heavier. The guidance and control system has shown good accuracy at impact, but how will it work in an airburst? The Air Force has said that the airburst accuracy measurement on the Mark 21 "may require significantly different assessment techniques from traditional methods."

Second, use an operational—not test—silo.

The first launch from any silo is scheduled for the third quarter of this year. We are in the process of modifying three silos, but it is not clear at this point if the test silo will be specially designed for favorable results.

Third, use of a typical operational crew, not a collection of Ph.D.'s or engineers, is going to be absolutely essential.

Fourth, we must fire for accuracy at targets never used before. Targets must be in a variety of directions at distances corresponding to Soviet targets.

The targets we have used before for Minuteman testing are useful because of the measuring instruments already in place. But they are not suitable as operational test targets, which must be new targets, to better test the missile guidance system. It is not fair shooting at the same target over and over again. Unfortunately, there is no indication at this point that the testers are planning to find new long-range targets.

Fifth, there should be at least 20 operational missile shots. Unfortunately, it appears that no more than seven or eight have been planned, and those seven or eight will be after the fact, after we have these missiles in their silos. Sadly, we have never had an adequate operational test of any of our ICBM's I am told that only four Minuteman firings have taken place out of an operational silo, and it is my understanding that all four failed. This record makes me wonder if any of our missiles are worthwhile bargaining chips.

Sixth, finally, Mr. President, the tests should be conducted without warning to create that type of an environment which would be equivalent as nearly as possible to a real nuclear alert.

RUSH TO JUDGMENT

In closing, Mr. President, we are about to put MX missiles in their silos after only 16 of the 24 scheduled tests. None of those tests was operational. Presumably, the missiles will be deployed no matter what the result of the early testing. Why the hurry? We have already committed over $12 billion and may spend $25 billion to $30 billion on this system. Why not make certain, Mr. President, that these missiles work and that they work under realistic conditions?

The danger in rushing into an early MX deployment is that if there is a catastrophic failure of that missile in future tests, there will not be time to correct it before the scheduled deployment date. We have only 14 months before we begin to assemble the missiles in the field, and that is a very tight timeframe.

The tests to date have shown us that the cold launch technique is valid; that the missile can fly, yes, and that the guidance and control system has good accuracy at impact for short distances.

Mr. President, what we do not know is this: whether the missiles can reach long-range Soviet targets; if the missiles can get out of their silos; whether the fuse will work on the Mark 21 warhead; what the airburst accuracy will be; how many of the warheads will arrive at the target; how the operational software will work; and so on.

These are just a few of the questions that we cannot answer this afternoon in this debate as we move further—and I must say rapidly—down the road toward the MX deployment. We will not be able to answer these questions with any degree of certainty until we have true operational testing.

It seems to this Senator, Mr. President, that Congress ought to hold up further production of the MX until we answer those questions, until we have an opportunity to consider other systems or refinements to the MX. In the meantime, if I were a Soviet negotiator in Geneva, I would believe that this rush to judgment would lower the value of this bargaining chip in my eyes.

Mr. President, I yield back the remainder of my time.

Mr. EXON addressed the Chair.

Mr. WALLOP addressed the Chair.

Mr. PRYOR. I thank the Senator from New York.

The PRESIDING OFFICER (Mr. SYMMS). The Senator from Wyoming.

Mr. WALLOP. Mr. President, I am going to vote for the MX this afternoon and again later in the week on the appropriation measure. I know it and I think many in this room know—that American technology would have turned out a much more useful instrument for our security had it been driven by military considerations alone, and not been perverted by arms control. It is too big to be mobile because arms control convinced our military—though not the Soviet military—that these should be large enough to make a difference, yet be countable under verification requirements, moveable enough to be secure. It is in fact a hybred driven by diplomatic, not military, design. I know that the intoxicating, often unrealistic talk about arms control that feeds upon itself, and crowds out rational thinking, is playing a role in many people's decisions regarding the MX. Those who will vote for MX because of arms control are perhaps just as misguided as those who will vote against it because of arms control. I will vote for the MX

because, desptite its faults, every MX missile produced will be able to do one very important thing: every MX missile, if fired, could destroy as many as 10 Soviet SS-18 missiles in their silos and thus prevent as many as 100 Soviet nuclear warheads from exploding on American soil. I will vote for the MX missile because I place much less value on airy theories of arms control, than on the U.S. Government possessing weapons that, if used, would save American lives.

I vote for MX without any illusion that winning this vote will give the American people the protection we deserve. It won't because 21 missiles, or, for that matter, 100 missiles, will not do the whole job. The administration's request is not adequate to the defense of the Nation and cannot be defended on the ground of military adequacy. Worse yet, the request was not formulated with military adequacy in mind. Not once in this wearying fight on MX, which has consumed much of this Presidency, and three before it, has any spokesman for administration said that we want MX because someday we might have to use it to our advantage. Trying to appease its opponents, the administration has sown the seeds of the difficulties it faces by talking of this missile as a means of showing national resolve and as a bargaining chip, and by agreeing to such low numbers as to give a measure of substance to charges that it really is both militarily meaningless and deliberately provocative. Each vote toward the 100 missiles and hopefully beyond diminishes that charge. Reality is in capability—alone.

Last week I was visited by a steely-eyed, senior military officer, resplendent with stars, who tried to explain to me that we need MX for essentially political purposes, and that the numbers asked for were arrived at by sharp calculations of the politically possible, not, sadly, the strategic demands of American safety. I asked him how he viewed the MX from the standpoint of his job, which would be to use it, if need be. Unaccustomed to such considerations, he answered that the 1,000 high-quality warheads atop 100 MX's would indeed be useful tools in his bag should he ever be required to exercise his military judgment. Then he eagerly returned to our sphere, politics. Had he stayed on the subject of what good MX might actually do us, he would have had to acknowledge that 1,000 high-quality, counterforce warheads would only begin to fill our need for preventing second and third strikes from the Soviet Union. The Soviets now have some 6,000 of the kind of high-quality counterforce warheads the MX would deliver. If we are to follow Presidential Decision 59 and henceforth target military forces instead of populations, we need about 6,000 MX-type warheads. If we do not have them, trying to follow the sensible direction of PD-59 makes no sense at present. We have a force designed by Robert McNamara for killing people. The question is are we going to change it or not? What kind of offensive forces do we need to minimize damage to this country in case of war? I am afraid the administration rarely addresses such questions publicly, though they do have articulate arguments in private. Accommodation of opponent's doubts adds only to confusion over its valid mission requirements.

The administration now asks us to vote for MX for the sake of the arms control process that created the MX. What an admirable situation! The Scowcroft Commission identified the MX as a bargaining chip with the Soviets. The MX then becomes—as it already has—a bargaining chip for Senators and Congressmen use the MX to bargain with the President. The Soviets, for their part, can sit back and watch us bargain with one another, sometimes encouraging one side, and sometimes encouraging another. But they know that so long as we look on weapons as bargaining chips we will not design them or produce them with the quality and in the quantity required to pose major strategic problems for them.

Meanwhile, while we bargain, they build, and build and build seriously. As we stand here voting on a token number of MX's, America's first counterforce missile, the Soviets are beginning to deploy the second generation of counterforce missiles—the SS-24 and the SS-25. By the time MX is ready to protect us a little bit against Soviet missiles in silos, the Soviets will be well on their way to putting a major portion of their force on wheels—immune to the MX.

What next will we reduce? SDI of course. Why? For budgets, for arms control and for politics. Sometimes leadership demands more. My friends, we are fiddling while great and terrible events are being prepared for us. May God spare us the consequences of our irresponsible dithering. A clean line to follow is our oath of office to defend the Constitution of the United States which among its other charges has us provide for the common defense and to defend liberty for this and future generations. We cannot do that with intentions alone. It takes action and today's action is to acquire one of the tools of security—the Peacekeeper missile. It must not be that we alone are deterred.

Mr. MOYNIHAN. Mr. President, I have listened with great care and considerable profit to the remarks of my friend from Wyoming. I take as a thoroughly responsible and accurate statement his suggestion that in this afternoon's vote we are not making a decision to deploy, all of a sudden, a nuclear missile force that would effectively destroy the forces deployed against us.

At issue are 21 missiles, and 210 warheads, which the President has proposed be deployed in an incremental process which is scheduled to proceed only to the level of 100 missiles. Earlier it was thought that 200 missiles would be needed, in conjunction with other weapons, if it had been American policy to deploy the force that the Senator describes. It was subsequently decided it would not be possible or wise to do so.

Still, I hope he will understand the concerns of those of us who are not going to vote for this measure, with the issue of what it states about American strategic doctrine.

My friend from Wyoming spoke of the need to have forces strong enough to counter a Soviet second or third strike. I take that to have been a careful statement, as is characteristic of him. A Soviet second strike suggests in my mind an American first strike. Absent the consideration that NATO could be obliged to respond to an overwhelming conventional assault with some resort to nuclear weapons, it seems to me to be a suggestion that begins to drift apart from the basic strategy that has kept the peace for a generation.

Mr. WALLOP. Mr. President, if the Senator will yield, it contemplates no such thing. It contemplates that we would be responding to a Soviet first strike. It contemplates entirely that we are trying to prevent a second and third Soviet strike, assuming that they have initiated the strike. That is precisely what it contemplates.

Mr. MOYNIHAN. I thank my friend for clarifying what his view was. When he spoke of a force capable of countering a Soviet second strike, the Senator from New York understood him to indicate that a first strike could have been initiated by another party, presumably the United States.

Mr. WALLOP. I cannot follow the logic of the Senator from New York. It contemplates reacting to a Soviet first strike. That is the first. And it is designed to stop their second. If the Senator wishes me to——

Mr. MOYNIHAN. The Senator means their second, the third.

Mr. WALLOP. Their second and their third.

Mr. MOYNIHAN. Out of small distinctions, large consequences flow.

Mr. WALLOP. It is rather typical of some of the arguments that go on this that it seeks to place some bizarre, new kind of aggressiveness on the part of the United States, nothing of which has been demonstrated in this or previous administrations.

Mr. MOYNIHAN. That is where we disagree.

Earlier, the Senator from Idaho was speaking about the nature of the de-

ployment, that these are in targeted silos, and by definition that is different from normal deterrence. But, he said, the Soviets know we would never strike first.

My argument is that the Soviets know no such thing.

While I am not suggesting that the United States has adopted, or is likely to embark upon, a bizarre, new aggressiveness such as the Senator suggests, my point is simply that the Soviets may not know our intentions. Their demonology puts the United States pretty high on the list of things, if not at the very top, and what the Soviets know is not the nature of our intentions but the nature of our deployment.

Last June 14, in the previous go-round on this subject, I put it that the central theory of deterrence is the proposition that war is deterred by making it clear that war cannot succeed. That has been our doctrine. It has been in place for a generation and more, and it has kept the nuclear peace. This does not mean that it is not something ever to change. Presidential Directive 59 clearly changed it under President Carter, and it has been moving in that way for some time. But it is basically a doctrine of deterring by being able to strike back in the event of an attack.

The Scowcroft Commission had a fairly advanced stage of evolving doctrine about it, suggesting that the first goal of nuclear arms control efforts should be to ensure that the nature of the forces on each side does not provide a military incentive for the other side to strike first with nuclear weapons in a crisis. The problem is that this is exactly what we are developing—an incentive for the Soviets to strike first in a crisis—by putting these missiles in these silos.

Mr. WALLOP. Mr. President, will the Senator yield for a comment on that?

Mr. MOYNIHAN. I yield.

Mr. WALLOP. I do not wish to interrupt the Senator's remarks. They are, in fact, sort of related, inasmuch as he has talked about what I said.

It means no such thing, because the Senator is talking in this case about rational acts on the part of the Soviet Union. One irrational act would be to launch all their strategic missiles against MX in its silos in place and therefore be totally vulnerable to the remainder of the U.S. deterrent.

The second thing——

Mr. MOYNIHAN. Twenty of those SS-19's with warheads——

Mr. HART. Mr. President, will the Senator yield? We are under controlled time, and we are using valuable time. Does the Senator wish to use his own time?

Mr. WALLOP. I will be happy to do so.

The other thing is that under ABM, we are entitled to defend this missile, and we cannot. It is not a difficult challenge for us to make a significant change in the vulnerability of that within the time that this missile is being designed to be deployed.

Mr. MOYNIHAN. I thank the Senator from Wyoming. And I note with interest his suggestion that we are not talking only about 21 MX missiles, but also about an associated ABM system as well. Unfortunately the terms of the present debate and the time constraints just alluded to do not permit fuller discussion of strategic defenses.

Mr. President, I have one basic proposition I should like to put to the Senate. I do not think it is clearly enough understood.

I think it is a proposition which, when understood, clarifies a good many difficulties. The question is, What is the MX missile? Where did it come from? The answer is a simple statement. The MX missile began as a Minuteman IV. It began to be designed in the mid-1960's as the normal progression of weapons development improving on an existing system, Minuteman I, Minuteman II, Minuteman III, Minuteman IV.

This was a time, Mr. President, when this series was begun, when it seemed a veqy long way off the day the Soviets might have the ability to strike from their territory to ours. The great event of that early period in this regard was the Cuban missile crisis—at the heart of which lay the fact that Soviet rocket technology was such that they had to get 90 miles off American shores in order to be able to launch warheads onto American territory.

In our debate last year, Mr. President, I described the events in 1969, as Secretary of Defense Melvin Laird, the distinguished former Member of Congress and equally distinguished Secretary of Defense, began coming in to report regularly to the Cabinet that the Soviets had tested an enormous missile and they seemed to be getting better at it, and then yet another even more enormous missile and seemed to be getting better at directing it.

Soon it became clear to us that the SS-18 was in place, and the Minuteman silos were consequently vulnerable to a first strike. The American response was simple: "Get out of those silos. Get mobile. Get moving."

Alas, the Air Force chose to keep with the same basic design. And it was just too large, too heavy. It could not be mobile. It was not meant to be mobile. It was meant to go down in a silo. And with a kind of huge irony that is at once awful and comic, after 15 years wandering in the desert, our missile comes back home to the place where it was designed to be, but in a condition that was now untenable because of Soviet targeting.

This is nowhere set forth more succinctly than in the President's report to Congress of March 4, 1985. I am reading from the Presidential report that has prompted this debate and led to today's vote. While it is nominally a paper calling for continuing the acquisition of the MX missile, it says in relevant part, and in the President's name:

> From the technical or engineering viewpoint, the vulnerability of Peacekeeper missiles based in existing Minuteman silos will be roughly equivalent to the Minuteman ICBM's currently deployed in those silos.

They will be equally vulnerable for the simple reason that they are in the same place.

Mr. President, I observe that the distinguished Senator from Hawaii has a group of parliamentarians with him and I gather he would like to introduce them to the Senate.

Mr. MATSUNAGA. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

VISIT TO THE SENATE BY MEMBERS OF THE JAPANESE DIET

Mr. MATSUNAGA. Mr. President, we have in our midst visitors from the Japanese Diet. To enable Members of the Senate present on the floor to meet them, I ask unanimous consent for a 1-minute recess.

[Applause, Senators rising.]

There being no objection, the Senate, at 2:54 p.m. recessed until 2:56 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SYMMS].

RELEASE OF PRODUCTION FUNDS FOR MX MISSILES

The PRESIDING OFFICER. The Senate will resume the debate. The opponents have 1 hour remaining; the proponents have 1 hour 5 minutes.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, to recapitulate, in the President's report to us on the continuing acquisition of the MX missile, he states:

> From the technical or engineering viewpoint, the vulnerability of Peacekeeper missiles based in existing Minuteman silos will be roughly equivalent to the Minuteman ICBM's currently deployed in those silos.

This is so because they are essentially the same missile, the same family of missiles, Minuteman III, Minuteman IV. Then it goes on to say, Mr. President, with a degree of innocence that is bewildering:

> • • • But because the Peacekeeper was built to withstand greater lateral motion than the Minuteman, there would be some increase in survivability when nuclear-induced ground shock/motion occurs.

"Some increase in survivability." Mr. President, these missiles are not sur-

vivable. That is why we set out to get out of those holes in the ground 15 years ago.

That is why, when asked about this, General Vessey, the Chairman of the Joint Chiefs, in testimony of last May 5, told a Senate committee that yes, he agreed, the silos could not be defended against a first strike, but, he said, "The Soviets have no assurance that we will ride out the attack," which is to say no assurance that we would not launch under attack, which is launch on warning, which puts the two nations on a 10- to 12- to 15-minute trigger for as long as these missiles are there.

A last point, Mr. President, some have suggested that if we decline to deploy this missile that the United States shall be left with our 1960 armamentarium such as it might be. How totally wrong.

Consider where the United States is today. We are developing and deploying two new intercontinental bombers. Next year the Air Force will take delivery of the first 20 B-1B's; we will have 99 in 3 years' time. The Midgetman is under development, and it looks to be deployed by 1992. We have five Trident submarines at sea. The *Henry M. Jackson* has just gone to sea. The *Alabama* will be delivered in April.

In 1989 we will deploy the first Trident II missiles. It is a counterforce missile. When fully deployed, there will be 20 submarines, each with 24 tubes with, say, eight warheads—for a total of 2,840 missiles.

We have cruise missiles in every possible configuration, and we have in Europe the Pershing II missile. Just this week a new commitment from Belgium that theater nuclear weapons will be deployed there.

Not in the history of American nuclear armaments have so many new weapons systems, of such sophistication, such diversity and such power been brought on line simultaneously as now. More the reason, it seems to me, not to make this one large mistake.

I know some persons are always against the prospective weapons system immediately it issue and in favor of the one to follow sometime later. That is not the case with many of us who oppose the MX, Mr. President. We are for the Midgetman. We have voted for the new bombers. We provided the money for the Tridents. We deployed the cruise missiles. We are putting the Pershings in place. They are all done precisely in order to enhance and strengthen deterrence. They are parts of a coherent deployment representing a coherent strategy which is understood by an adversary whose understanding is altogether essential to stability in times of political crisis.

The MX does not fit into any coherent strategy. I shall, again, vote against it.

Mr. President, I thank the Chair for its courteous attention, and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The minority leader is gracious.

Senator HART and I are endeavoring to accommodate Senators who have indicated a willingness to come forward on this important issue. We will now recognize the distinguished minority leader to be followed by the Senator from California.

Mr. HART. If the Senator will yield, I wonder if he will propound this in the nature of a unanimous-consent request.

Mr. WARNER. I will. I want to make certain our colleagues are accommodated—to be followed by the Senator from Nebraska. Then I shall take about 10 minutes myself. So I put this in the form of a unanimous-consent agreement for the moment: That the minority leader will be recognized, followed by the Senator from California, the Senator from Nebraska, and the Senator from Virginia.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. Objection is reserved.

Mr. WARNER. Other Senators are standing by. My understanding is that the Senator from Massachusetts [Mr. KENNEDY] will speak and also the Senator from North Carolina [Mr. HELMS], Mr. GORTON, Mr. GORE, Mr. BOREN, Mr. DOMENICI, Mr. HART, and Mr. MATHIAS. We will try to schedule them as best we can.

The PRESIDING OFFICER. Is there objection?

Mr. HART. Reserving the right to object, I think it would be better if we went ahead and got a unanimous-consent request listing about six Senators in a row if we could.

Mr. WARNER. At this time, could we add Senator KENNEDY following myself?

Mr. HART. And Senator EXON.

Mr. WARNER. Senator EXON is on this list.

Mr. BUMPERS. Mr. President, will the distinguished floor manager give me that agenda again?

Mr. WARNER. We will first recognize Senator BYRD.

The PRESIDING OFFICER. Will the Senator please restate his unanimous-consent request?

Mr. WARNER. Mr. President, I ask unanimous consent that the following Senators be recognized in this order: Senator BYRD, Senator WILSON, Senator EXON, Senator WARNER, Senator KENNEDY, and we will do our very best to allocate time.

Mr. HART. I want to go back to one of yours, if you want to do that.

Mr. WARNER. I am perfectly willing to have Senator BUMPERS follow Senator KENNEDY.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object.

Mr. BUMPERS. I could not understand what the Senator said.

Mr. BIDEN. Reserving the right to object, as long as I get to speak, I do not mind not objecting. I do not object.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Democratic leader is recognized.

MX AND NATIONAL SECURITY

Mr. BYRD. Mr. President, I thank the Chair, and I also thank the two managers, Mr. WARNER and Mr. HART.

Mr. President, this vote to unfence $1.5 billion in fiscal year 1985 procurement funds for 21 MX missiles has been characterized, accurately, as a difficult vote for the Senate. The fact that we had to fence the money at all last year indicates this is a very troublesome issue. I have spent considerable time evaluating and even agonizing over this vote.

The MX issue has been considered carefully, seriously and responsibly by the Senate over the last 2 days. The level of analysis and concern by Senators on both sides of this fencing issue has elevated the debate in the Senate. A number of Senators on this side of the aisle have presented very persuasive and cogent arguments to retain the fence. Others have been equally persuasive in arguing to remove the fence. At bottom is a deep, abiding concern for our national security and an acute sensitivity to, and frustration over the limitations placed upon us by this MX proposal.

Why has this been so troublesome for many of my colleagues and for me? The basic problem is that the Reagan administration chose to put political priorities over our basic national security, and if it had not done so, we would not be having this debate today. I am casting my vote to unfence the money for this MX system because of what I consider to be the assets it provides the Nation's military posture and the advantages it lends us in our arms control efforts. However, those assets and advantages are far less than could have been the case had the administration chosen to go forward with a survivable basing mode.

The MX basing mode, simply placing these new 10-warhead missiles in minuteman silos, with no superhardening, with no mobility, and with no deceptive qualities, has been the easy way out for a tough-talking administration.

President Reagan's solution is a significantly weaker and more dangerous solution to our land-based ICBM vulnerability than could have been recommended.

The recommendation provided by the previous Democratic administration, 200 missiles housed in a system of 4,600 possible shelters, was a survivable system. It was a more impressive strengthening of our land-based ICBM leg than the current plan. It was a counterforce missile which was clearly a second-strike weapon.

The Reagan MX is just as much a counterforce weapon—although fewer in number—as the one originally intended by the Carter administration. As such it puts at risk Soviet hardened leadership bunkers, military command facilities, and what they regard as the jewel of their military power—their land based ICBM's—earlier than would otherwise be the case. Even if the Congress were to authorize a total of 50 missiles, and pace their deployment out in a way related to the development of Midgetman and perhaps related to the progress we are making with the Soviets in Geneva, this would still provide some 500 counterforce warheads. This is a factor which is certainly significant to Soviet planners. It must certainly give some pause to the Soviet leadership and, as such, add to our deterrent posture. It seems to me that such a deployment will increase the Soviet leadership's uncertainty of their capability of knocking us out in a first-strike without devastating retaliation on the full range of their targets.

Having said that, however, I am cognizant of the concerns of many that the deployment of MX in currently highly-vulnerable silos tends to push us away from what has been our traditional and successful policy of second-strike deterrence and into the area of launch-on-warning or "use-it-or-lose-it" response.

Mutual assured destruction, unsatisfactory as that term sounds to any sensible person, has worked to deter nuclear war. Second-strike deterrence, as a policy which attempts to minimize the role of mistakes and miscalculations, has worked to deter Soviet attack. We should not abandon these policies without the most careful and cautious consideration. Therefore, while on balance I believe the Reagan MX deployment does enhance our military prowess, it does introduce uncertainties into our traditional deterrence strategy which I believe would better have been avoided. These uncertainties can be overcome in the long run with the development and deployment of a survivable counterforce Midgetman, but the Midgetman is far from here. I wish we could begin deployment of a Midgetman-type missile today, but that is not a realistic hope.

The President has focused, and in my view excessively so, on the argument that this vote is essential for success in Geneva, meaning his leverage in the arms control negotiations with the Soviet Union. I am sure that every Member of this body on both sides of the aisle wants our negotiators to succeed in reaching a sound agreement, one in the best security interest of this Nation, with the Soviet Union in Geneva. But it is not at all clear that the elimination of the fiscal year 1985 funds would kill the MX—the production line would continue to go forward this year and, provided that some of the administration's fiscal year 1986 request for MX missiles were approved by the Congress, the contractor base could be largely retained intact. Thus, there is a lot of merit in the argument that the production line could survive without damage if we scrapped the 1985 procurement and went directly to the 1986 procurement.

Furthermore, it is apparent that the flight test program has been outpaced by the deployment schedule and that the Air Force may be rushing the deployment less prudently than is optimum. The investigation by the General Accounting Office on this point indicates that flight-testing of crucial components will not be conducted until production of some of those components goes to the point where they may have to be retrofitted. The test schedule and the production schedule may, therefore, be somewhat mismatched and it may be prudent, in the best of all worlds, for the program to take a breather, to pace itself at a less-rushed schedule.

So, Mr. President, there are real questions about the management of the program. I know that some of my colleagues who support this missile are concerned with this management. Addressing those management questions, however, is not possible in connection with this up-or-down vote. They can certainly be addressed, and should be addressed, in connection with the vote on the fiscal year 1986 authorization.

The outcome of this vote on our arms control posture in Geneva and, also, on our NATO allies, cannot be quantified. Nevertheless, it seems to me that Soviet perception of our intentions and our staying power will, to some degree, be affected by the status of the MX Program. The Soviets accepted a stronger MX solution in the context of the Salt II agreement. Nevertheless, the MX in any configuration must be considered by Soviet planners. The MX provides leverage at Geneva, just as any other major weapons system provides leverage because it is part of our strategic inventory.

Furthermore, one must consider our alliance. The Belgian Government has just made a very difficult decision to deploy a new missile on its territory in conformity with the 1979 NATO deployment plan. This was at considerable political cost, given the pressure of the strong political movement opposing those missiles within the Belgian political system. It is possible that a rejection of the MX missile would have a negligible impact on European political systems. However, while the MX was not part of the 1979 NATO deployment plan, we would be saying no to a new missile on our home territory while asking our allies to bite the political bullet and deploy new missiles on their territories.

Mr. President, I commend Senators on both sides of the aisle and on both sides of this question. It has been an extremely difficult question for many of us, if not all of us, to decide. But we have to make a decision today, and I certainly respect the views of those who do not see this matter as I see it.

I have done as others have done. I have debated long and hard with myself. Sometimes I feel I am on one side of the question and at other times I am on the other side. It has been difficult.

I am confident that others have also engaged in this agonizing way to reach their decisions.

I think I have reached the right decision—in my own mind, certainly—with respect to my country's security interests. But, I can be wrong, and I often am wrong.

I do not speak in denigration of the position that any other Senator reaches here and which may not be the same as mine. We are all doing the best we can.

We all want the same goal. I respect the decisions of others on both sides of this issue.

I recall very well the Senate debates on the Panama Canal treaties. A vote of two-thirds was required in order to approve of the ratification of these treaties. The Senate showed its character and its integrity in the face of great opposition and will do so again today.

Mr. President, we are debating this issue today because the Reagan administration has served up a softball on MX deployment. It is a far weaker, less defensible, more destabilizing solution than the one I supported in connection with SALT II and proposed by the previous administration. But it does add additional military punch, does strengthen our bargaining position, and puts us in a better position, vis-a-vis our allies, than we otherwise would be in. Therefore, I shall vote to unfence these funds for 21 additional MX missiles.

Again, Mr. President, I thank the managers and other Senators who have been waiting.

The PRESIDING OFFICER (Mr. EAST). The Chair has been advised that there is a unanimous-consent agreement which has been entered into. The Chair at this point will now

recognize the Senator from California [Mr. WILSON].

Mr. WILSON. I thank the Chair.

Mr. President, I rise to dispel the much too fast argument that has proved tempting to a number of colleagues who have been agonizing upon this and which has provided them with the opportunity to vote no on this decision with respect to the Peacekeeper missile. Recently I heard one of these colleagues say that he was going to vote against the MX missile and that he found it easy to do so because Midgetman, the small mobile missile, would make MX unnecessary.

This simple rationale implies that the United States can safely rely exclusively on the small missile as its sole land-based strategic deterrent.

Well, Mr. President, that argument ignores not only the unresolved problems that we can expect in connection with the Midgetman, which are many and serious, but also, and far more importantly, it ignores the critical dependency of the present strategic arms reduction talks at Geneva on either the existence of a sufficient U.S. MX counterforce or the commitment on the part of the Congress and the administration to secure such a counterforce. We must bear in mind, Mr. President, that the Scowcroft Commission's recommendations for ICBM modernization included three elements—not a choice, not to suggest to us that we should pick one or two. To the contrary, they have exhorted us to understand and to embrace all three parts of their strategy for a required modernization that would mean greater safety for the world.

The three elements were: the MX, the small mobile missile, and arms control. It is upon this linkage between the three, Mr. President, that I would ask my colleagues to dwell for these few moments before we vote on this issue.

The Commission reasoned that deployment of 100 MX missiles would provide sufficient incentives for the Soviets to agree to strict limits on warheads and ballistic missile throw-weight, curing a principal deficiency of pre-SALT agreements that focused exclusively on launcher limits, with the predictable result that we have now seen MIRV'ing, the placing of as many as 10 warheads upon a single launcher. Underlying the strategy was the Scowcroft Commission's recognition that, from an efficiency standpoint, the SALT agreement on launchers created an incentive to secure the maximum firepower for each individual launcher; whereas an agreement limiting warheads and/or throw-weight would create incentives to disperse more mobile missiles with single warheads.

In short, the Scowcroft strategy ran like this: Build the MX, negotiate arms agreements on warheads and/or throw-weight, and start development of the small single-warhead mobile missile.

The observance of all these steps in the Commission's strategy is a strict requirement. Again, we are not given the option of choosing elements; we are required, if we are to follow their advice, to embrace all three. For that reason, Mr. President, a congressional commitment to a small missile exclusively without Soviet agreements on warheads or throw-weight and without U.S. commitment to the Scowcroft-urged incentive of a sufficient MX force inevitably will create grave risks that we shall never secure such agreements from the Soviets.

Why? Because the Soviet reaction would be, really, then to do nothing, to stall and simply enjoy or continue to enjoy the present-day symmetry, to enjoy the ICBM advantage that they presently have, which then places the United States in this unenviable position: We would then have to either threaten to build enough small missiles to create leverage which would require that we could build as many as thousands; or we would be placed in the even more ridiculous position of reaching an agreement that makes a mockery of real arms reduction by setting exorbitantly high levels of warheads or throw-weight just to rationalize a predetermined force posture dictated by the Soviets' existing advantage. Needless to say, the deployment of any less than 100 MX missiles will serve only to weaken Soviet incentive to negotiate real arms reduction.

Mr. President, what is not at issue here is the merit of the concept of mobility or the need for enhanced survivability. I agree that the smaller missile in conjunction with proper arms control measures can aid the cause of survivability and therefore of stability and peace.

But the logic of the Scowcroft Commission recommendation requires that we emphatically reject any analysis that would lead us to abandon a sufficient MX force before we have assurance of parallel reduction by the Soviets, placing too great reliance on the small mobile missile as our sole land-based retaliatory deterrent.

Mr. President, 100 MX missiles do not provide a first-strike weapon. To the contrary, they provide an anti-first-strike weapon. Let me explain. One hundred is but half of what the Carter administration projected as necessary. One hundred as against 600 Soviet missiles would leave virtually two-thirds of the Soviet force, the rocket force, in place even were we to engage in first strike. For that reason, it would be suicidal for us to do so. It would be irrational. It would invite certain retaliation—certain because we do not, with 100, have the capability of dealing the totally crippling blow that is necessary to make any sense of a first strike, morality apart.

For that reason, Mr. President, let me just say that what is before us is not a simple vote but, at the risk of oversimplifying things, I suggest to my colleagues that voting for Senate Joint Resolution 71 does not guarantee success in arms reduction in Geneva, but the defeat of this measure this afternoon or on any other date may well guarantee that we will not succeed in getting real arms reduction. If we do not succeed this afternoon with so limited a concept as this, we might just as well bring home the U.S. negotiators from Geneva if the U.S. Senate is going to do the job of the Soviet negotiators there by getting rid of the MX through unilateral concession.

If we are going to do this by unilateral concession, the negotiations are wholly undermined, and let us hear no more from those who would speak to us of the need for mutual verifiable reduction. What would be verifiable beyond doubt is that we lack the will to support realistic negotiations, those for which the most guarded optimism exists now, and those that will defy any basis even for that guarded optimism, should this issue be defeated this afternoon.

I thank the Chair.

The PRESIDING OFFICER. The Chair has been advised by the Parliamentarian that debate is under a unanimous-consent agreement. The Senator from Nebraska will now be recognized and the Senator from Nebraska is recognized by the Chair.

Mr. EXON. I thank the Chair.

Mr. President, I thank my friend and colleague on the Armed Services Committee, the Senator from California [Mr. WILSON], who has just made some interesting points in support of his point of view that the MX missile should be unfenced.

The subject of my remarks today has to do with who—who is going to receive today the guns, butter, and balanced budget award? I think this is a new part of the discussion that I shall elaborate on. I must tell my friend from California that he does not qualify, for reasons that I shall cite in just a few moments.

Mr. President, what we are about here today is a tremendously important decision. Good men and good women can differ. I quarrel with no one who does not agree with me. But I do question some of those who will seek to qualify for the award today. I shall touch on that subject further in just a moment.

Mr. President, what I say today reflects my firm conviction, after much time and effort on the subject—I daresay as much as or more than most Members of this body, since I serve on the Armed Services Committee and the Strategic and Theater Nuclear Forces Subcommittee thereof. But, I claim no speical knowledge to substan-

tiate my convictions over those of my colleagues.

Allow me to digress for a moment and discuss something that has not previously come into this debate. That is the budgetary impact of all of this. We do have a deficit that is out of control, a skyrocketing national debt that is going up faster than anything we could ever imagine. So I hope it is not inappropriate to at least mention that during this debate on national security. It does not hurt this body, although some pain may result, to be consistent on both budgetary and national defense issues.

My remarks are addressed to those Senators who are about to vote for procurement of 21 additional MX missiles, which carries with it the presumption of the purchase and deployment of the full 100 MX missiles by 1990, as suggested by the President. My concern is for those who will be entitled to the guns, butter, and balanced budget award after their vote.

There are those who want nearly unlimited additional defense spending to the tune of about a 6-percent real increase in the defense budget which the President has suggested after coming down from an earlier figure of a 14-percent increase to a 4-percent real increase in the budget. My friend, colleague, and fellow coworker on the Armed Services Committee, the Senator from California, who just previously addressed this body, is not qualified to receive the award that I have referred to because at least, Mr. President, he has said that we have to spend more money than a freeze, a freeze that has become very popular in this body in regard to national defense expenditures.

What I am trying to bring home, Mr. President, is that there is no way we can go ahead with such programs as the MX missile, which we know will cost a minimum of $25 billion and more likely $40 billion or more, if we go ahead with the present experimentation in the Air Force by hardening silos, without seriously eroding even more important parts of our triad and our overall defense budget with a freeze.

Therefore, I suggest to those of my colleagues who march down the aisle at 5 o'clock and cast their vote with what I am sure will be the majority to go ahead with procurement and then make statements back home or in the press or by their votes indicate that they want a freeze on the defense budget, then, Mr. President, and only then, do I believe those situated in that fashion, indeed are entitled to the guns, butter, and balanced-budget award. I do not think it is practical. I do not think it is realistic, and I think those who vote in that fashion are not fully understanding of the duty that we have with our defense budget.

Mr. President, my colleagues know me as a Senator committed to a strong national defense. Since my arrival in this body over 6 years ago, I have looked long and hard at the challenges we face in providing for a sound and credible defense posture. At the heart of that posture there must be a strong nuclear deterrent.

Since coming to the Senate, the record clearly shows I have supported every major strategic weapon system which has been proposed in view of the staggering Soviet nuclear threat that we face. The only exception has been the MX after its standard and assumed basing mode was violated by this administration by the dramatic change from a mobile to a stationary missile. The question we face is whether the MX is necessary to bolster our deterrent. More precisely, the question is whether MX, in Minuteman silos, can, in fact, contribute to our deterrent. I believe the answer to this question to be no, it will not add to our security and, in fact, will detract from it as it ties up limited funding which can and should be put to higher priority use to provide for our security. We have known for years that our Minuteman silos were becoming increasingly vulnerable to Soviet ICBM's, which was the reason for building the MX and deploying it in a mobile basing mode during its development stages. None of the witnesses who appeared before the Senate Armed Services Committee dispute this fact. They may argue that recent scientific findings indicate our silos are stronger than we had originally sought, but, even so, it is not beyond the capability of the existing Soviet ICBM accuracies and yields to still destroy these silos.

MX may well provide the capabilities we need to maintain the strength and credibility of our deterrent, namely accuracy, yield, and promptness to threaten hardened Soviet targets. But so will the trident II/D-5 submarine launched missile which is not far down the road. Unlike the MX, the location of our missile submarines remains unknown to the Soviets and the best intelligence information indicates this invulnerability will last for several more decades. Clearly, it makes more sense to rely upon the D-5 rather than the MX for this part of our future deterrent.

The ICBM force is only one part of our triad and even the ICBM leg is going to be modernized by a mobile and more survivable ICBM, the Midgetman. Faced with a serious national deficit, I would much rather see the funding requested for the MX go into making Midgetman a survivable and militarily effective ICBM and into strengthening our sea-based deterrent. Stated simply, we should be getting more for our money than the MX can provide.

In closing, Mr. President, if ever a weapon has been handled primarily with domestic political concerns rather than sound military reasons in mind, it has been the MX. Instead of searching for new ways to escape the threat posed to our ICBM force by the Soviet SS-18 and SS-19 missiles, MX plays right into their hands. What concerns the Soviets at Geneva—100 MX missiles to be deployed in vulnerable silos? I suggest it is not 100 MX missiles deployed in vulnerable silos. They are much more concerned with stopping the strategic defense initiative—a program that is not yet even a deployable weapon and will not be for some time, if it ever is. I suspect this is because they perceive it as something which potentially could counter the power of their heavy ICBM's. MX does not do that.

Designing new strategic weapons is a challenging and necessary task that must address issues of lethality, vulnerability, cost, and arms control considerations. Other existing and planned weapons will provide the lethality our nuclear forces require against Soviet hardened targets should that need arise. MX does not solve our ICBM vulnerability problem. For its high cost, it adds little to our nuclear arsenal. And it is not the MX that has brought the Soviets to Geneva nor is it the only thing which will keep them there. Simply stated, in my view, there is no sound military, economic, or foreign policy reason to appove the MX missile.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. There is a unanimous-consent agreement currently operative and the Senator from Virginia will now be recognized.

Mr. WARNER. I thank the Chair. Mr. President, the managers, Mr. HART and myself, are confronted with the following situation. In the time remaining before the vote to take place at 5 o'clock there are 18 Senators desiring to speak—curiously, about an equal number on both sides of the issue. It is the recommendation of Mr. HART and myself that we first seek unanimous consent—and I now make such a unanimous-consent request—that Senators hereafter be limited to no longer than 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. I thank the Chair.

Now, Mr. President, we have tried as best we can to accommodate the schedules of the Members desiring to speak, and we ask unanimous consent that the following Senators speak for periods not to exceed 5 minutes each, accordingly: following myself would be Mr. KENNEDY, Mr. BUMPERS, Mr. HARKIN, Mr. GORTON, Mr. GORE, Mr.

CRANSTON, Mr. BOREN, Mr. LEAHY, Mr. DOMENICI, Mr. LEVIN, Mr. MATHIAS, Mr. KERRY, Mr. EVANS, Mr. CHILES, Mr. HART, and lastly the majority leader, Mr. DOLE.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BIDEN. Mr. President, reserving the right to object, is Senator BIDEN's name included in that list?

The PRESIDING OFFICER. The Senator from Delaware has inquired whether his name is on that list. He is reserving the right to object.

Mr. WARNER. The Senator from Delaware will follow the Senator from Washington.

The PRESIDING OFFICER. The Senator's name is on the list.

Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, a parliamentary inquiry. How much time remains on each side?

The PRESIDING OFFICER. The proponents have 39½ minutes, and the opponents have 42 minutes and 45 seconds.

Mr. WARNER. Mr. President, in view of the time remaining, it is the judgment of Mr. HART and myself that we will have to revise our unanimous-consent request, and I do so at this time, that Senators hereafter speak for no longer than 4 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. Mr. President, speaking in my own right, I wish to call the attention of the distinguished Senator from Florida to a letter received from the Secretary of Defense, addressed to members of the Armed Services Committee, in which the Secretary of Defense addresses the position of the Senator from Florida with respect to a warm production capability. Secretary Weinberger states unequivocably:

In fact, 95 percent of all authorized FY 1984/1985 production funds will be obligated by 31 March as was generally anticipated last year.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, March 14, 1985.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, DC.

DEAR BARRY: Congress will be faced with a critical decision on the MX missile system in the next week. During this time, Members must decide if continued MX production is in our national interest, is crucial to maintaining a stable nuclear balance, and contributes to our chances of success in the Geneva arms talks.

As the Congress debates this vital issue, I feel that it is necessary to dispel several false claims put forth by critics regarding the MX's funding status, deployment schedule and arms control value. The first claim is that a negative vote is not a vote to kill the Peacekeeper because sufficient funds exist to keep the program alive through FY 1985. Let there be no mistake about the impact of this vote: without the release of the fenced $1.5 billion, Peacekeeper production will begin to shutdown. During the Baker-O'Neill discussions last year, Congress agreed to defer a final vote on FY 1985 Peacekeeper production for six months and agreed that $1 billion would be sufficient in the interim to fund the FY 1985 program and retain complete production capability.

The votes cast next week on Peacekeeper will determine whether that production capability will exist beyond 31 March. In fact, 95 percent of all authorized FY 1984/1985 production funds will be obligated by 31 March as was generally anticipated last year. Obligation status is the critical indicator since obligations identify the money the Treasury will need to pay negotiated commitments for work ordered.

A production shutdown would affect smaller contractors who supply materials and parts required to sustain production. The only remaining production activities if funds are not released will be the completion of the 21 FY 1985 missiles at various stages of production by larger contractors. Any future decision to renew production after shutdown begins would incur costly restart and contractor recertification penalties.

Critics also favor a "warm" production capability that will retain the MX's arms control leverage. They rationalize that if MX is a "bargaining chip," why do we need actually to produce it? Why not save $1.5 billion that could reduce the Federal deficit? This, too, is a spurious claim. First, to keep a "warm" production line would cost an additional $650 million through FY 1985 to produce nothing. We cannot waste our tax dollars and idle skilled workers indefinitely while awaiting progress in Geneva. Second, this argument assumes that Peacekeeper need not be deployed to be traded for similar Soviet systems and ignores the fact that MX enhances deterrence and fulfills a military need. Moving forward with MX production and deployment sends Moscow an unmistakable message regarding U.S. intent to maintain stable deterrence. The bargaining leverage of MX is its military capability to make Soviet ICBMs, in the words of Brent Scowcroft, "depreciating assets."

MX has never been a "bargaining chip." On this point the Administration's position is clear: On-going strategic modernization creates strong incentives for the Soviet Union to seriously negotiate genuine, stabilizing arms reductions. In this sense, every aspect of our modernization program, including MX, is on the bargaining table. Remember: the Soviets are shrewed negotiators; they do not trade deployed SS-18s for "warm" ICBM production lines.

Further, MX is not a "budget buster." MX procurement absorbed far greater reduction in FY 1985 than any other DoD procurement program, considering the urgent need for ICBM modernization. Denial of $1.5 billion will not significantly reduce the deficit but will have a disastrous impact on our arms control, force modernization, and foreign policy objectives.

Finally, recent charges that a draft GAO report casts doubt about the MX program's ability to meet its military requirements and deployments schedule are grossly exaggerated. This preliminary draft, leaked to media in an obvious attempt to sow doubts about the MX program at this critical juncture, was actually an endorsement of the MX program. While the GAO pointed out that the Air Force has accepted a measure of risk in completing MX flight tests and concurrently initiating deployment, GAO admitted that this is not unusual for ballistic missile programs. The draft finds that missile components have been extensively tested on the ground and in highly successful flight testing. GAO witnesses before Congress have confirmed the program is well managed, within cost, and on schedule, and that the Air Force has built time into the development program to allow for problems.

It is clear that MX critics are far more interested in killing the MX program than keeping it alive. They are also far more interested in killing it than in presenting the facts accurately. Yet, ironically, it is the most vociferous MX critics who argue that a negative vote will not kill the MX. These same critics want to keep a costly, unproductive MX line open for "leverage" but argue against the very thing that provides that leverage: continued MX production.

Those Members who are genuinely undecided on this crucial issue should not allow groundless claims, dubious "facts," and discredited arms control theories to cloud the debate over the urgent need for release of fenced MX funds and continue with MX production.

Sincerely,

CASPAR WEINBERGER.

Mr. WARNER. The Secretary says, further:

Critics also favor a "warm" production capability that will retain the MX's arms control leverage. They rationalize that if MX is a "bargaining chip," why do we need actually to produce it? Why not save $1.5 billion that could reduce the Federal deficit? . . . First, to keep a "warm" production line would cost an additional $650 million through FY 1985 to produce nothing. We cannot waste our tax dollars and idle skilled workers indefinitely while awaiting progress in Geneva.

Would the Senator care to reply to that?

Mr. CHILES. I will be happy to do so.

It is easy if you can set up your own strawman and then knock the strawman down.

What we did when we fenced the money was that we provided additional money for research and development, for testing, and about $100 million, in effect, to keep the small contractors who were doing preliminary work, so that they would be able to continue with that work. They have worked now. At some stage, they may complete that work, and you may have to add a few dollars to do that.

Is the Senator going to listen to my statement? I hate to make it if he is not listening.

Mr. WARNER. I am listening carefully.

Mr. CHILES. The major funding for MX will be in the fabrication of the missiles. That will start perhaps in December of 1985.

While the Secretary is correct in saying that the money will be obligat-

ed, what he has left is how much we have expended. Of the obligated money we have now for the production of the 21 missiles, we have expended about $150 million or $160 million.

That means that we have a lot of money to be spent, and we do not start worrying about a production line that is open and working and that is not even going to start the major fabrication until 1985. So we can worry about this a little perhaps in the 1986 budget, if we have to put in a few more dollars. But, basically, we are talking about 1987 before we will have any concern about additional funding.

I say to the Senator from Virginia that we kept and expended some money for a period of 4 or 5 years to determine whether or not we wanted the fifth orbiter on the space shuttle. I voted for that, and I think the Senator from Virginia did. We considered it good insurance money. We decided later that we did not need the fifth orbiter. We kept the ability to do that in case we did.

So we are not talking about $650 million. We are talking about small funds, maybe about $100 million.

Mr. WARNER. Mr. President, in order to accommodate others, I will yield the floor and respond in the RECORD.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I oppose this resolution, which would authorize $1.5 billion for 21 additional MX missiles in the current fiscal year.

The issue before us is one that we have debated many times in recent years. Nothing has changed in 1985 to justify this costly, dangerous and destabilizing weapon system. It is disingenuous for the administration to suggest that somehow the MX missile is essential to the success of the Geneva negotiations. We halted funds for the MX last year, when the two sides were not even talking—how can the MX be essential now, when the impasse is over and negotiations are actually underway?

The MX is every bit as vulnerable today as it was 4 years ago when the Senate rejected the idea of putting MX missiles in existing Minuteman silos. Estimates by the Air Force and the Congressional Budget Office demonstrate that by the time the MX is deployed, somewhere between 90 percent and 99 percent of the missiles could be destroyed in a Soviet first strike. Although we have heard a great deal of speculation in recent months about new breakthroughs in the hardening of missile silos, the reality is that the MX will be deployed in nonsuperhardened silos that cannot protect the missiles from attack.

That is why the MX is a dangerous and destabilizing nuclear weapon. Far from enhancing our defenses in the nuclear age, it is a missile that endangers our security. Inevitably, because of its accuracy and vulnerability, the MX will be perceived by Kremlin leaders as a first strike weapon. And because it is a missile that can be destroyed by Soviet attack, the MX will be perceived by our generals as a missile that must be launched on warning—a strategy which is the height of folly in the nuclear age. The last thing we need in a crisis with the Soviet Union is a "use it or lose it" psychology for our most advanced missiles.

The MX is damaging to our economy and to our real defense. As $200 billion deficits pile on top of one another, year after year, we are continually forced to shortchange our real military needs and our real domestic priorities, and all in favor of a missile that adds nothing to our security.

The MX continues to fuel a neverending arms race, as each side builds more and more new systems to overcome its fears about the vulnerability of its existing missiles. We are constantly told that the Soviets outnumber us in "hard-target kill" systems, and that our inability to target and destroy their missiles in hardened silos leaves us vulnerable to nuclear blackmail.

Even if we assume that we need this capability, the MX does not solve the problem. Should the time ever come when we need to use this capability for a powerful and accurate retaliatory attack, virtually none of our MX missiles will be left to deliver it.

If we need this capability, it makes sense only if it is survivable—which means it must be mobile on land or based on submarines. In recognition of this reality, we are moving forward, for example, with the Trident D-5 submarine-launched missile—which will give us highly accurate hard-target kill capability, with a missile that itself is highly survivable. We are on course with the Stealth bomber, which will give us the capability to penetrate Soviet air defenses and deliver nuclear bombs to the heart of the Soviet Union. And we are also proceeding with the mobile, single-warhead Midgetman missile, which will enhance nuclear stability, not undermine it, by making this land-based missile survivable. These developments make sense—the MX does not. By placing the MX in vulnerable fixed silos, we are negating the very advantage we seek to achieve with this new weapon.

But, we are told, things have changed in one important way—the United States and the Soviet Union have returned to the bargaining table in Geneva, and the President wants MX as a bargaining chip. The resumption of negotiations is an important change from last year, and no one welcomes it more than I do. I am proud to be a member of the Senate Observers Team at Geneva, and I join all Americans in our hope for a successful outcome of the talks.

But surely that does not mean we have to throw reason to the winds, and support this costly, destabilizing and vulnerable missile on the pretext that it will somehow facilitate our negotiating position in Geneva.

In fact, MX has already been used once as a bargaining chip—to wean the administration away from its fascination with this senseless missile and toward the more sensible Midgetman missile. One use of the MX as a bargaining chip is already one too many—now, it is time to cash it in, before it jeopardizes progress at Geneva.

The MX is useless as a deterrent; its only utility is as a first-strike weapon. If anything, the danger is that support for the MX will be seen as a sign of bad faith at the bargaining table, and that the administration is misusing the talks and the discredited MX bargaining chip theory as an excuse to race ahead with the nuclear arms race.

We know that for some hardliners in this administration—and in Congress—the idea of peace through nuclear superiority dies hard. It is an idea that contradicts decades of bipartisan support for arms reductions, and it may well be the most dangerous idea of all time.

Any additional first-strike capability is inherently destabilizing in the nuclear arsenal of either side—it can only heighten mistrust, accelerate the arms race and make arms control more difficult to achieve. A President truly committed to real arms control should not ask for destabilizing first-strike weapons.

If the administration is serious about achieving arms control progress in Geneva, there are other and more profitable avenues to pursue than building more MX missiles. We can work with the Soviets to improve and extend compliance with existing arms control treaties—like SALT II and ABM. We can move forward to ratify the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, which were negotiated by Republican Presidents in the 1970's, and which we are still observing. We can resume negotiations for a Comprehensive Test Ban Treaty. We can extend the de facto moratorium on antisatellite testing—which would not only help our own security by improving the survivability of our early warning and reconnaissance satellites—but also help head off a dangerous new arms race in outer space. Instead of continuing to build and build, instead of accumulating more and more dubious bargaining chips, let us begin to bargain.

There are those who argue that a vote in favor of MX, regardless of its lack of strategic value, is still a vote in favor of America's "national will." But

when we put vague expressions about national resolve above common sense in an area as important as nuclear arms control, then we are truly heading toward catastrophe.

Let us build national will; but let us build it with sensible weapons systems and defensible theories. The best way to move forward toward a national consensus on national security is to put the MX missile behind us. Our national will must also be a rational will.

Finally, as we all know, the MX is a nuclear orphan, a missile without a home. The Air Force considered over 30 different basing modes for the MX, before finally admitting defeat and recommending that the new missiles should be deployed in the old Minuteman silos. The dozens of flawed basing modes demonstrated the ingenuity of our scientific community—but they also proved that, despite all the years and all the studies, no one yet knows what to do with this missile.

As the next MX missiles come off the production line, we will have to live with them and with all the necessary new problems they create for our national security. Let us have no illusions: No matter how these missiles are packaged and explained to the American people, deployment of the MX is a needless and expensive escalation of the arms race that will make arms control even more difficult to achieve than it already is today.

In this situation, the Senate has its own responsibility on arms control. Geneva is not carte blanche for star wars, MX, or any other dubious new weapon system; the Senate should stand its ground and vote accordingly.

Mr. BUMPERS. Mr. President, once again we are involved in a great debate about the MX missile. The administration agues that this missile is needed to strengthen America's security and to enhance our bargaining leverage with the Soviets. This is one Senator who certainly endorses a strong defense posture. And I certainly want us to reach a good, effective agreement with the Soviets. This is precisely why I am voting against both MX resolutions that we are considering this week.

I must say that I am dismayed and stunned and chagrined, because although obviously my position is not going to prevail, the power of the Presidency is amazing. When the President decides that he wants something like this, normal, rational, reasonable men who, in the absence of the President's persuasive powers and the powers of his office, would never consider voting for this thing will do so, and then argue that they are giving the President what he wants. Or the argument which is the most specious of all is that you are tying the hands of the negotiators in Geneva; the President needs it as a bargaining chip. That is probably the most imponderable nonsense of all.

The last proposal the Soviets laid down on the table in Geneva in 1983 would have allowed the United States 680 MX missiles. Now, you tell me why on building 100 MX missiles frightens the Soviets, when their own offer in Geneva would let us build 680 of them. And if it is a bargaining chip, what are you going to trade it for? I have never heard one person in the administration say what they would trade it for.

I have heard the President quote my good friend Scoop Jackson. Well, Scoop Jackson said in 1981:

> My main criticism—and I criticized the Carter administration—is that in the 1980's Minuteman and Titan are vulnerable in those silos. I think you and others properly have criticized that deployment.

He is talking about the MX. And Scoop goes on:

> Then after 8 months we come back here; we have looked at all these other things supposedly, but it took 8 months to do that, and we end up with what we have now • • • We have given the Soviets a better target to shoot at.

I am not going to go on and quote all of them—Gen. Lew Allen, Senator WILLIAM COHEN, chairman of the Armed Services Committee John Tower. I ask my colleagues what has changed since all of the great armed services experts in this body said in 1981 and 1982 that the MX deployment in fixed silos would be an unskirted disaster? Nothing. What has changed? Nothing. Not one solitary thing has changed.

Building this missile weakens America. It does not strengthen America. You know what I think. I think the Democrats, if they really had gotten together, might have won this one. But it is not a Democratic-Republican fight. I sometimes think that a lot of people are just frightened to win one on a weapons system for fear the President will beat them to death with it as being soft on defense.

We have not built a bomber in 30 years and now we are going to build two in 5 years. If we vote today and we continue to buy 21 MX missiles a year, we are going to spend another $18 billion, roughly $18 billion, on this and that does not count the $10 billion additional just to harden 50 silos to put them in.

The simple truth is that a vote against MX is a vote for a stronger defense posture. The MX is taking away funds that are critically needed in our conventional force posture. Furthermore, a vote against MX is a vote for a more successful approach to arms control. If we deploy MX, it will plague our real security interests for as long as it remains deployed.

The MX was designed in an era when silo-based missiles were survivable. MX was also designed in an era when arms control limited launchers, not warheads. The MX would not only be highly vulnerable, highly destabilizing, and extremely costly, but it would also force us to dismantle more survivable warheads to make room for it under the kind of warhead ceiling that President Reagan is rightly seeking in the Geneva talks. In short, the MX is a weapon of the past that stands in the way of the future.

MX AND NEGOTIATING LEVERAGE

The President and his people argue that the MX is necessary for the United States to succeed at the arms control talks, to force the Soviets to reach a reasonable agreement, reasonable by our standards. The implication is that the MX scares the dickens out of the Soviets, more than anything else we are doing. Yet the facts show just the opposite.

If the Soviets were all that worried about the MX, you would think they'd be trying to stop it in Geneva. Yet based on information made public by the administration itself, it is clear that MX has already been ineffective as a bargaining chip. Even before the hard bargaining has begun, the Soviets own START proposal which they put forward in 1983 would have allowed the United States to deploy 680 MX missiles. Some bargaining chip.

It is difficult to see how our threat to deploy only one-seventh as many MX as the Soviets are already willing to let us have gives us much leverage. Deploying MX would only undercut our own very legitimate arguments that large silo-based MIRV'd missiles are destabilizing.

If the Soviets were really worried by MX, they would have tried to ban or sharply limit it. This is the path they have followed with the Trident II D-5 missile and the air-launched cruise missile. This is where our leverage lies, with survivable weapons that the Soviets do not know how to overcome. MX poses no challenge to them at all. They don't even have to retarget their missiles, since they already target the silos that MX will go into.

The Soviets would much rather face weapons they already know how to destroy than weapons they don't know how to destroy. This is why the D-5 and ALCM make much more sense militarily, and much more sense at the bargaining table.

As if this were not enough, administration officials have repeatedly said that MX is not a bargaining chip, that they will not negotiate it away, or even negotiate it at all. They want 100 MX missiles, period. What good is bargaining leverage if you don't use it?

THE D-5 IS A BETTER WEAPON

At a time of record deficits, why should we spend still more on the MX when we are already developing another equally effective missile, the D-5 missile? The D-5 will be operational just 3 years after MX, in 1989 rather

than 1986. We will spend $2.2 billion on the D-5 this year, and $2.7 billion next year under the President's new budget, two-thirds as much as the $4 billion requested for MX.

The D-5 will be fully as effective as MX but with one crucial difference that the Soviets appreciate all too well: it is highly survivable against a Soviet first strike. The D-5 is designed to fit in our Trident submarines, which can hide in the oceans' depths, while the silo-based MX would be a sitting duck for increasingly accurate Soviet ICBM's. The MX is too big to fit in submarines, but the D-5 could easily be retrofitted to fit into silos if we ever deemed it necessary.

The MX makes no sense militarily because it is so vulnerable to Soviet attack. By the early 1990's, Soviet ICBM accuracy will be such that only 1 to 2 percent of the 100 MX would survive a Soviet attack. So after spending $25 billion, we'd have one or two missiles for our money. What dangerous waste. We'd never buy a fighter plane or a tank that was so vulnerable; why are we buying such a vulnerable missile?

In a crisis, the MX would provoke an attack because the Soviets would know that the MX could destroy all their MIRV'd land-based strategic missiles unless they launched their missiles first and destroyed them. This doesn't strengthen us, it weakens us.

With the $25 billion that the MX costs, we could buy an extra 8 Trident submarines with Trident missiles. That's 192 survivable missiles, with over 1,500 survivable warheads. If you were the Soviets, which would you rather face, 1,000 vulnerable warheads or 1,500 invulnerable warheads?

The D-5's survivability, accuracy, and hard target kill capability are what worry Soviet leaders, and that is why they've done their best to stop it, unlike MX. In 1981, the Soviets offered to halt their Typhoon Missile-Firing Submarine Program if we would halt our Trident Submarine Program. Since only the Trident can carry the D-5 missile, as the Soviets were well aware, this would have killed the D-5. The administration wisely rejected this. In 1982 and 1983, the Soviets proposed a ban on new types of missiles for the Trident and Typhoon submarines, which again would have prevented us from deploying the D-5. Once again the administration wisely refused, and the Soviets finally backed off.

Clearly, the D-5 missile is a far more sensible weapon than the MX. The D-5 gives us plenty of leverage in negotiating with the Soviets, as their own arms proposals attest. Deploying MX would be like leading with our chin: A dangerous tactic that would hamper us from using a smarter strategy in dealing with a tough adversary.

BETTER DEFENSE USES FOR MX FUNDING

The total of $5.5 billion in MX funding that Congress must decide upon in the coming months would be much better spent on more pressing defense needs, such as building up our ammunition stocks and other readiness items, and on reducing our enormous budget deficit.

The other day Secretary Weinberger released an amazing document that pays stark tribute to the damage that the MX and other big-ticket items are inflicting on our conventional force capabilities. This list identified the many convential force cuts that were made in coming up with the fiscal year 1986 defense budget. Accordingly, instead of spending $1.5 billion on the wasteful and dangerous MX, I would rather see that money spent on our real defense needs, like: 3,028 Stinger surface-to-air missiles, 85 GBU-15 glide bombs, 152 M109A2 howitzers, 1,021 mark 46 torpedoes, 3, MC-130H transports for special forces, 92 skeet antipersonnel weapons, 1,600 "gator" antitank weapons, 3,740 CBU-87 combined effects munitions, and especially $658 million worth of Army ammunition. All that could be bought for the same $1.5 billion that we are being asked to approve now for the vulnerable MX missile.

I support a strong defense posture. And I strongly support the D-5 program, which will strengthen us both militarily and at the bargaining table. But not the MX: it is worthless militarily, and worthless as a bargaining chip.

The PRESIDING OFFICER. The Chair regrets to advise the Senator that his 4 minutes have expired under the unanimous-consent agreement.

Under the current unanimous-consent agreement, the Senator from Iowa is now recognized.

The Senator from Iowa not being present, the Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

My contribution to this debate, Mr. President, will not be to argue extensively the deterrent value of the MX missile. Sincere and forceful cases can and have already been made by both sides on this issue in connection with this debate.

I am, incidentally, convinced that the history of disproportionate Soviet weapons development during the last decade or decade and a half, however, has made the proponents' argument the more compelling of the two.

I wish to point out that these votes this week result from a deadlock over this issue in the fall of 1984. At the time at which these votes were settled, no one knew, when they were in the process of debate, that we would be in the second week of new nuclear disarmament negotiations with the Soviet Union. No one can tell what part the debate over the MX or its existence played in causing a reversal of the Soviet position on negotiations. But it seems likely that it did play some role, however modest.

We do know a number of facts, however. The first is that as a general proposition, at least, we should negotiate for a weapons disarmament and not disarmament on our part simply for the willingness on the part of the Soviet Union to discuss that subject.

Second, we know that the importance of MX as part of our defense arsenal played a major role in the President's reelection campaign and that he was resoundingly successful in the course of that campaign with this position and in the forefront of the position he made clear to the American people.

Third, is is clear that the President of the United States believes that our support here in the U.S. Senate on this question to be vital to his success in negotiating nuclear disarmament in Geneva with the Soviet Union and that the Soviets know that to be the President's belief and position.

Fourth, it is clear that many thoughtful opponents to this resolution believe that the MX is not in fact an important part of our negotiation status. But they are neither negotiating for the United States nor are they in executive authority in the United States. They are not there. They are not responsible for the success of those negotiations.

It seems to me, Mr. President, as a result, foolhardy for the Senate of the United States to substitute its judgments and the views of those critics for that of the President, who is ultimately responsible for the success of those negotiations. We must keep our attention focused on those negotiations and not allow even our own administration any incidental or secondary reasons for their failure.

These considerations, Mr. President, seem compelling to me. They seem to me that they compel an affirmative answer and support for the President on this proposition. They do not necessarily prejudge the results of the debate on a 1986 authorization and appropriation for the same program but they do mean that we should do everything we possibly can to see the success of the negotiations in Geneva by supporting the President.

The PRESIDING OFFICER. The Chair advises the Senator from Washington that we are operating under a unanimous-consent 4-minute agreement and his time has expired.

Mr. GORTON. The Senator has completed his statement.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Delaware is now recognized.

THE MX: A TEST OF RESOLVE OR INTELLIGENCE?

Mr. BIDEN. Mr. President, today we are asked to decide on the future of the MX missile in a context defined by the President in a remarkable way. He has stated that he needs congressional support for the MX if he is to be positioned to negotiate effectively in Geneva to achieve nuclear arms agreements with the Soviet Union. I would not wish to dwell on the President's credibility as a professed arms controller—on, for example, the fact that his first administration produced nothing in the realm of arms control other than a small number of nonnegotiable proposals which, even if they had been agreed to, would have proven destabilizing. Nor do I wish to focus at any length on his longer term record in public life, during which he managed to raise attacks on United States-Soviet arms control, and those involved in it, to the level of an art form. But I do believe there is sufficient ground for any Senator to pause before accepting the argument that the MX missile deserves support simply because United States and Soviet negotiators have recently returned to Geneva. The MX missile deserves examination on its own merits—and its significance for the United States-Soviet strategic balance.

Throughout the entire history of United States-Soviet nuclear arms competition, one principle which has governed U.S. doctrine is the acceptability—indeed the desirability—of assymetry. This principle manifested itself in two important ways. The first was that the United States would seek to maintain a force configuration—an allocation between land based, sea based, and bomber forces—according to our interpretation of the requirements of deterrence. This meant that we were not concerned per se with the Soviet allocation of nuclear forces, but only with the need to deter the Soviets from any temptation to use those forces. The second aspect of our acceptance of assymetry concerned land-based forces specifically: We preferred—indeed, prided ourselves on—the American technological capability that enabled us to build smaller and more accurate ICBM's than those in the Soviet arsenal. This, I underscore, was a conscious decision. The United States always could have constructed a missile like the Soviet SS-18; we chose not to—and for reasons of nuclear doctrine, not for want of technical ability or national will.

During the 1970's, three trends combined to give impetus to the idea that the United States should, notwithstanding its past acceptance of ICBM assymetry, build a new and larger missile. The first trend was simple technological advance: The inevitable Defense Establishment thrust to create a successor to the Minuteman which incorporated the state of the art. The second trend I would characterize as Freudian; the American loss of confidence in the 1970's was exploited by some players on our political scene to promote a kind of missile envy—a concern that the Soviets had more and bigger ICBM's, even though that fact was compatible with U.S. doctrine. The third trend had greater significance: the growing vulnerability of the U.S. Minuteman force, arising from the increasing accuracy of Soviet missiles.

Those who raised this concern tended, I believe, to exaggerate the danger greatly. Only one-fourth of U.S. nuclear power has resided in ICBM silos; thus, our ability to retaliate has never been susceptible to a preemptive Soviet strike. Nonetheless, because of the inherent strengths of ICBM's—their accuracy, penetrativity, and command and control—there was sound reason to consider ways to overcome the problem of their vulnerability.

Responding to this concern, the Carter administration proposed building the MX with a mobile basing system: the famous racetrack mode, which at least had a certain logical coherence. What that proposal lacked was political sustainability, as general concerns about the high cost of mobility were soon overtaken by an even more powerful fact: the unwillingness of Americans in the West to see a substantial portion of land allocated to a system of 200 missiles with 2,000 warheads playing hide-and-seek with the Russians. Consequently, the MX moved into political limbo, when our rough, tough friends in the West who want to fight communism could not find the room in the West to put the mobile missile.

Arriving in office with a determination to build this and every other proposed weapons system, the Reagan administration might have salvaged the MX by reviving the concept of mobility and using the President's prestige to overcome localized opposition. Such an approach would have been intellectually coherent and politically bold. Instead, wanting the missiles but refusing to accept the logic that went with it, the administration took the MX on a bizarre odyssey of proposed basing modes. First came the idea of "Big Bird," which involved keeping large numbers of MX missiles constantly in flight aboard American aircraft. That idea died from a combination of projected costs and well-earned derision. Next came "Dense Pack," which envisaged the MX's huddled together, protected by the phenomenon of "fratricide"—of Soviet missiles destroying each other while trying to destroy the MX. That idea, too, lacked appeal.

Finally, taking the easiest political route and neglecting entirely the rationale which had originally given the MX project at least some merit, the administration determined to build the MX but to place it in existing missile silos. Silos originally containing one warhead would now, under this proposal, contain 10. The MX had thus come full circle, from a weapon intended to close the "window of vulnerability" to a weapon that would be deployed in a vulnerable mode but equipped with a devastating accuracy and throw-weight—a weapon, in short, which will invite attack.

To support this intellectual somersault, a brain trust known as the Scowcroft Commission was assembled and a new argument was advanced. The Soviets, it was said, would not venture to attack the United States, including the MX in its future home, because of a complicated calculus that created an insuperable dilemma. To hit our airfields before our bombers were aloft, the Soviets would have to make a quick strike using submarine-based missiles just off our shores. This, however, would allow time for the launching of our MX land-based missiles, which could only be destroyed by Soviet ICBM's. Conversely, if the Soviets chose to attack our ICBM's first—or to hit U.S. airfields and ICBM's simultaneously—they would have to launch their ICBM's in advance of their submarine-based missiles, which would allow us time to activate our entire bomber force for a devastating retaliatory blow.

Thus, we were now told, the "window of vulnerability" was a highly theoretical concept, posing little practical danger—a welcome finding to those of us who had said so all along. To the degree that it did pose a danger, the Commission continued, the problem could be overcome by a long-term program that would replace fixed, silo-based, MIRV'ed missiles by still smaller, unMIRV'ed, and mobile missiles called Midgetman. This too was reasonable. What lacked reason was the Commission's other finding: That we should proceed nonetheless with the MX. To justify this conclusion, we were invited to think of the MX as a bargaining chip which would give the Soviets an incentive to negotiate.

For its part, the administration has steadfastly proclaimed that the MX will not be a bargaining chip, only that it will help us in Geneva by demonstrating American resolve. But the "bargaining chip" issue is, in any case, a moot point. For the MX, or any weapon, has value as a bargaining chip only if it has value on its merits. And it is those merits we must evaluate.

Mr. President, in the 1980's and the 1990's, the only discernible military purpose of any new nuclear weapons system is to acquire a first-strike capability or to prevent the enemy from acquiring a first-strike capability.

Clearly, the MX in its proposed basing mode will contribute nothing to denying the Soviets a first-strike capability, for the very reason that the weapon will be deployed in existing silos. What it will do is contribute to an American first-strike capability. Is this in our interest?

In addressing that, let me point out that the term "first-strike weapon" embraces two kinds of weapons: Those that could be used to attack and destroy enemy silos in a first-strike and those that could only be used to attack and destroy enemy silos in a first strike. The distinction is significant. The United States is now constructing the Trident D-5 missile for deployment on our submarines. This is a first-strike weapon, and as such it not only gives us greater capabilities but also poses some threat to nuclear stability, which must concern us. On balance, however, I support the D-5 because I support the concept of a fully modernized, invulnerable sea-based deterrent. But I emphasize deterrent: the D-5 is not a missile which could only be used in a first-strike. The silo-based MX is. And the Soviets could only see it as that.

It is indeed ironic that, at this very moment when the administration is seeking to deal with the Soviet ICBM threat by duplicating it, the Soviets themselves are undertaking a massive program to achieve greater invulnerability. They are improving their MIRV'ed SLBM force and, through their SS-X-24 and SS-X-25 ICBM programs, they are undertaking to give mobility, and thus invulnerability, to at least half their ICBM force within the next 10 years.

We are thus led to a profound and devastating conclusion about the MX program. It is this: First, to the degree that the Soviets feel threatened by this first-strike weapon, the nuclear balance will be destabilized. Second, to the degree that the Soviets achieve mobility and thus invulnerability in their ICBM force, the MX will have nothing to hit, even in a first strike. The MX is thus either dangerous or useless, or a bit of both.

In the runup to today's vote, we have heard repeatedly that the President needs bargaining leverage. If this means a demonstration of American resolve, I submit that ample resolve can be found in the size of our defense appropriation in general and, in particular, in congressional support for the Trident II, the B-1 bomber, the Stealth advanced technology bomber, and three new types of cruise missiles, not to mention the Strategic Defense Initiative. If the MX specifically is required for leverage, we must ask just what leverage by either side could possibly mean. If we do not build the MX, the only leverage we give the Soviets is reduced anxiety about a U.S. first strike, an anxiety that can only accelerate the Soviet programs that threaten us. If we do build the MX, the only leverage we get is the threat of building a missile which contributes nothing to deterrence and which, if anything, reduces our security.

Mr. President, never before in American history have so many new nuclear weapons been coming on line at one time—even without the MX. We are already showing resolve; let us not show stupidity as well.

The PRESIDING OFFICER (Mr. CHAFEE). Pursuant to the previous order, the Senator from Tennessee is recognized.

Mr. GORE. Thank you, Mr. President.

The Congress and the Nation have been subjected for too long to the corrosive effects of the debate over the MX missile. In the course of this debate, opinion has been driven into nearly irreconcilable extremes.

This body, in fact, is almost evenly divided between those who present the MX as the rock of our salvation and others who see its existence as a sure sign that the struggle for survival in the nuclear age is almost lost.

I say that opinion has been driven to nearly irreconcilable extremes because sensible common ground does exist, and because, even at this late date, I believe that it is still possible for us to rediscover it and to use it as a foundation for building a militarily sound and politically workable consensus.

THE CASE AGAINST THE MX: ITS CONTRADICTIONS

Let us begin with a review of the case made against the MX, drawing together the key points that have been made by various people at various times to see whether there really is a textbook perfect demonstration that the missile is folly.

MX critics were fond, last year, of predicting that Congress would doom arms control if it approved production of the MX. Has that happened? Obviously not.

We have been told over and over that the MX is a massive threat to Soviet security, and that its deployment will tempt them to consider a first-strike against the United States. At the same time, however, we have been told that when it comes to arms control negotiations, the Soviet Union is completely indifferent to the missile, and that it is worthless as a source of influence on their approach to the talks.

We are told that basing a limited number of MX missiles in silos will move us to a first-strike scenario. Yet, we are also told that a first-strike by either side is an entirely fanciful idea.

Finally, we are told that we can simultaneously vote down funds for the MX and still convince the Soviets that this is not necessarily its death knell—when that is, of course, the clear intent of most of those who would so vote.

A REVIEW OF THE REALITIES

Mr. President, like all of my colleagues, I shudder at the thought of a nuclear war and I experience this issue as a burden of great responsibility, and I have sifted the evidence and the arguments over and over.

And it has only been with reluctance and with many looks backward at other possibilities that I have concluded again and again that a strong case for the missile exists.

First. We do not now have the kind of hard-target capability in our forces that it takes to carry out the requirements of U.S. nuclear deterrent strategy—and I mean not just this President's strategy, but the strategy of his predecessors, including the last President of my own party.

Second. I do not see how, based on any rule of human nature I ever knew, we can expect the Soviets to make important concessions to us on offensive nuclear weapons if the U.S. Congress takes the heat off them by unilaterally, free of charge, agreeing to make life comfortable and safe for Soviet deployments as they now exist.

Third. I can't see how this body can demand that our negotiations come back with agreements based on equality with the Soviets if we draw back from the political difficulties and the economic costs of doing what is needed to sustain that equality.

Fourth. It is totally incredible to me that we can go on pretending that delay equals movement, that hesitation equals firmness of purpose, and that there are other ways—always better, always safer, always cheaper, always more negotiable, and always in the future—for dealing with our problems.

LOOKING THE PROBLEM IN THE EYE

Let me underscore what I have just said with some references to concrete reality. First, there is the problem of parity. For me, parity is not, and has never been, a matter of creed. But let me point out that this very same body continuously demands parity of every President who has ever entered negotiations with the Soviet Union. And it has been over the question of what parity means that this body has split, time and again.

The statistics are:

The Soviet Union has 308 heavy ICBM's and we have none;

The Soviet Union has 6,420 ICBM warheads and we have 2,129; and

The Soviet Union has about 10 million pounds of ICBM.

Throw-weight, and we have about 2.2 million. And of that 2.2 million, we are going to give up slightly more than one-tenth—240,000 pounds—when we complete the retirement of the remaining Titan missiles in our force.

The Soviet Union has about 3,800 megatons of yield in its ICBM force, and we have 1,230. But of that 1,230, slightly more than one-fifth—261 megatons—is going to be retired voluntarily and unilaterally as the Titan missiles still in service are removed.

I know there are areas where we have advantages, and I can understand a view that deploying 100 MX might be overdoing it. But, in view of these disparities, I cannot understand a view that says we must not, under any circumstances, deploy some limited number of them.

LOOKING AT THE FAVORED ALTERNATIVES

Obviously, my colleagues who oppose the MX are aware of this problem because they have offered a variety of alternative ways to serve the requirements of U.S. military doctrine and the basic needs of the negotiating process. So, I would ask you now to consider the alternatives most commonly offered:

It is argued that the D-5 SLBM is the way to add hard target capability and bargaining leverage without all the side effects attributed to the MX. What of that argument? We are talking of deploying 20 *Ohio* class boats, each with 24 D-5's, and each D-5 with 8 warheads, for a grand total of 3,840. These weapons will be accurate enough to destroy ICBM silos, and numerous enough to permit complete coverage of the Soviet ICBM complex. It is not that I oppose the D-5 and I am well aware that there are problems of command and control that can in fact prevent the use of SLBM's in a massive first-strike. But the prospective D-5 force is very potent, and I have yet to hear how we are to deploy this force and not move the Soviet Union right to the launch-on-warning strategy that opponents of the MX claim is a unique byproduct of the MX and no other system.

It is argued that we should move straightaway to the Midgetman ICBM, which offers a great many virtues having to do with survivability and stability. As one deeply involved in bringing those concepts and that weapons program into existence, believe me, I understand the argument. But the Midgetman has years of development ahead of it, with major hurdles to pass before we can be sure that this missile can be designed to the specifications we have in mind for it, and produced at an acceptable cost.

And, I would add, that the very same political forces in this country that have denounced the MX have, after a lapse, already begun to attack the Midgetman. It faces political tests that may be very demanding—and I cannot help but think that its survival depends not just on the support of those who presently offer it as an alternative to the MX, but on the support of those who have accepted it only as part of a package with the MX.

WHAT IS THE BOTTOM LINE?

It is time to come to the bottom line. What, finally, can be said that speaks to the realities of our situation; to the realities of our needs? To the realities of the choices we have?

Until and unless we get an arms control -strike force. Our approach to the MX and to all other forms of modernization should be keyed to that policy.

There is nothing magic about the No. 100, and deployments of MX would reach militarily useful levels starting at 40 or 50. Much below that figure, and we would have a token deployment not worth the money. Much above it would be unwise, unless circumstances should force our hand, such as a Soviet breakout from SALT II ceilings.

The ultimate number of MX to be deployed should be determined over time as certain factors become clearer: Results in arms control; the outcome of research on basing modes such as the super-hardening of silos; the pace of the Midgetman development program; and an overall sense of how far the United States should go in deploying a variety of new weapons with counterforce capability.

While it may be premature to legislatively cap the MX deployment, the upcoming vote to release fiscal year 1985 funds for production is the precise moment to decide how fast this program should be allowed to run, once it has finally gotten underway. A variety of legislative devices could be used to regulate the speed of the program, but it is more important to focus on policy. And that policy should be to limit both production and deployment to the slowest feasible rate of activity: 10 missiles to be made operational each year, with a total rate of production scaled to support that schedule with an austere supply of spares for testing.

This approach would give the President the arms control leverage he says he needs. It provides for an increment of U.S. hard-target capability, but restrains its pace, subject to later decision. It maintains congressional leverage on the President, which would be lost if the missile is killed or if it escapes all constraints. It is a message to the Soviets, warning them not to break their agreement not to undercut SALT II.

In this rational context, a vote to release fiscal year 1985 MX production funds makes sense.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mr. CRANSTON. Mr. President, the MX, long known as the missile without a mission, now has a mission: to bust the budget.

The President is asking Congress to release $1.5 billion for 21 MX missiles. It will cost $9 billion more to harden the silos. The President's ultimate goal is 100 MX missiles at a cost of at least $25 billion.

I ask how are we ever going to move toward a balanced budget, get interest rates down, the value of the dollar down, and our trade imbalances down when we overspend on military matters?

I believe in a very strong national defense. We must never be weaker than the Soviet Union or any other potential adversary. But we have to use discretion. We have to be prudent. We have to be thoughtful.

After the Pentagon decided the MX would be too vulnerable in the old fixed silos, the Pentagon considered 32 different plans for basing the MX. Every one was rejected because every one was deemed to be unsatisfactory. Now we are going to put the MX's back in those original holes—which is back where we started, in a dubious place.

One Senator who will vote for the MX told me he will do so because he is convinced we have developed the capacity to detect with greater certainty a Soviet nuclear attack upon us if it ever comes. So, he explained, our MX missiles in the old silos will no longer be vulnerable—because we can fire them at the Soviets before their missiles arrive and destroy our MX's.

That is launch on warning and that is the principal reason I oppose the MX. The MX will place us in a very dangerous hair-trigger situation in which we will run the risk of landing in a computer-caused war. Computers will tell us the Soviets have attacked, so we will fire back. Our computers will insist that that is the only way to save our MX's—use them or lose them. There are only 10 to 20 minutes to think all this through. Our President will not have time to call in the Defense Secretary, the Joint Chiefs, and the Secretary of State for consultation. Maybe not even his National Security Adviser will be at his elbow. The President will only have time to commune with his computer. Yet computers make mistakes. Many times they have given us false alarms declaring that we are under attack when it turned out, we were not under attack. We may find out—when it is too late—that we fired by mistake, that the Soviets have not fired against the United States after all. Thus we will have started a nuclear war by mistake. The Soviets would fire back at us, and we would all be engulfed in a holocaust. That is why the MX will make us less secure, not more secure.

Mr. President, as to the bargaining chip matter, the trouble is we never limit the use of a weapon urged upon us as a bargaining chip to use as a bargaining chip. We always proceed to build the weapons at ever greater cost. That is one reason we have the huge deficits now confronting us. You

cannot have it both ways. If it is a bargaining chip, you are prepared to give it up. If it is something you need in your arsenal, something you get committed to, you are not prepared to give it up. I do not think the MX would serve effectively as either a bargaining chip or as a weapon. For these and many other reasons, I urge a no vote on the MX.

Mr. President, I will vote against the administration's request to release $1.5 billion for production of the MX. I will do so because the MX cannot be justified as a helpful addition to a stable nuclear deterrent. To spent a total of $25 billion over the next decade on a weapon system without a sound military justification is a gross waste of the taxpayers' money, I would like to take the time to detail my reasons for voting against the MX.

The original Pentagon justification for the MX was that the United States needed a more survivable basing mode for our land-based intercontinental ballistic missiles [ICBM's]. The argument advanced by supporters of the MX was that the modernization of the Soviet ICBM force made our land-based forces in fixed silos potentially more vulnerable to a first strike. Supporters of MX argued in the mid-1970's that the United States had to bring the military equation into better balance by having a more survivable land-based ICBM force.

At the time, this argument was advanced and we faced the furor over the so-called window of vulnerability, I did not find it persuasive because we were moving to modernize the sea-based and air-based legs of the triad: our submarines and bombers.

Today our strategic nuclear triad is in good shape—and that is how our nuclear deterrent must be assessed—in its totality, not its independent components. We are doing what is necessary to maintain the Triad. I am pleased to see in the President's 1985 report on the MX a recognition of these facts. The President states in his reports:

* * * the diversity of the three legs of the Strategic Triad provide inherent survivability not found in the individual components. Because the three legs of the Triad exhibit different characteristics, a Soviet planner faces significant obstacles which would greatly reduce the effectiveness of an attack against any component.

I agree completely with this statement. I just wish that the Reagan administration had reached this conclusion 4 years ago. Then we could have saved billions more by canceling the MX then.

Nonetheless, efforts proceeded to find a more survivable basing mode for the new land-based ICBM, the MX. Despite billions of dollars and years of research, the Pentagon came up empty handed. The Reagan administration could not find a basing mode that was more survivable than the fixed silos we already have. The Reagan administration, therefore, decided to place the MX in existing Minuteman silos. With this decision, the primary justification for the MX vanished. Unfortunately, the Pentagon and the supporters of MX are loathe to admit that the MX no longer has a military justification. So the program marches on.

The decision to place the MX in fixed silos does have significant ramifications, beyond undercutting the original justification for the MX. Putting more modern missiles in fixed silos would reduce the stability of our nuclear deterrent, creating a more dangerous situation. The Reagan administration plans to replace Minuteman III missiles, which carry 3 warheads, with MX missiles, which carry 10 warheads that are more accurate and more lethal than Minuteman III's. Should the Soviets ever decide to consider launching a first strike, the MX would therefore be a far more valuable target than Minuteman III. In turn, knowing that the MX would not survive such an attack, U.S. decisionmakers would be pressed to move toward a launch-on-warning posture. We must take steps away from such a dangerous posture, not toward it.

There is already tacit admission by the Reagan administration that putting more multiple warhead missiles in fixed-site silos is not desirable. We already have well underway the Midgetman Program, the small, mobile missile designed to replace MX. Because the Midgetman would be mobile, it would be more survivable. It is scheduled to be operational in the early 1990's. In addition, we are going forward with two other modernization programs—the Trident submarine with its D-5 missile and the B-1 bomber. These three systems will give us all the nuclear deterrence we need. The MX is simply expensive, dangerous overkill. George Kennan, who has made a life career of studying the Soviets and United States-Soviet relations, put it succinctly when he said:

* * * what is at stake here (with MX) is no more than a moderate increase in quantities of nuclear overkill already so staggering that a few missiles more or less will do little to change the general problem.

Do we need to spend $25 billion on such a weapon? I do not believe so.

Proponents imply that the Soviets have come back to the bargaining table because they fear the MX. As my able colleague from Arkansas, Senator BUMPERS, recently pointed out, if the Soviets are so frightened of the MX why did they submit a proposal in Geneva to allow the United States to build almost 700 of them? Where is our leverage if the Soviets are agreeable to letting us deploy 680 when we only plan to build 100? No one can say for certain why the Soviets are back at the bargaining table. I believe it is in good measure because this administration has finally sent clear signals that it is serious about arms control negotiations and because the Soviets were only hurting themselves by staying away.

We will not damage our negotiating position at Geneva if we do not proceed with the MX as the Reagan administration claims. Paul Nitze, who is one of the President's top advisers for these arms control negotiations, conceded as much when testifying before the House Armed Services Committee last week. When asked what the effect would be of withholding funds for the MX missile on the arms talks in Geneva, Mr. Nitze stated that there was not "an immediate, direct correlation" between the funding and the talks. Mr. Nitze went on to say that he was "not sure it would make an immediate or dramatic difference."

In conclusion, there is no justification for the MX as either a military weapon system or as a bargaining chip. It adds moderately to an already dangerous overkill capability; it is more destabilizing in a fixed basing mode; and it is expensive. The MX will cost at least $25 billion. We cannot justify a marginal weapon system that is so seriously flawed and so costly. Far from enhancing our national security, continued funding of the MX would reduce it while adding to a budget deficit that harms us all.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized for 4 minutes.

Mr. HART. Mr. President, I ask unanimous consent that it be in order to yield 4 minutes in opposition to the Senator from Iowa [Mr. HARKIN].

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I join in that request.

The PRESIDING OFFICER. Will the Senator restate the request?

Mr. HART. Mr. President, I ask unanimous consent that I may yield 4 minutes to the Senator from Iowa [Mr. HARKIN].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I thank my colleague for yielding.

Mr. President, in my 10 years in Washington, the only thing comparable to the MX where we threw good money after bad, where the system could not be supported logically but took on a life of its own was the Clinch River breeder reactor [CRBR].

A letter from President Reagan dated today says four Presidents and six Congresses supported the MX based on technical capabilities, its role in overall strategy, and its implications for nuclear arms reductions.

It was the same with the CRBR. It was supported by three Presidents and at least seven Congresses. Support was

always based on technical capability, its role in overall energy production, and the national security implications.

Congress finally came to its senses, saw it for what it was—a boondoggle and a total waste of money—and killed it, but not before we spent over $1.6 billion on it. However, there is little wisdom in chasing good money with bad. We face the same situation today with the MX. History does indeed repeat itself. Frankly, the strongest argument for the MX was the race track system. Interestingly, if the Reagan administration had accepted the package of SALT II and the race track scheme, they could have at least made an argument for a survivable MX that was somewhat strategically viable. At least it would have made some sense. After all, the Russians did sign SALT II, but the Reagan administration, so viscerally opposed to arms control, scuttled both.

They come to us again today with a completely vulnerable useless, nonsensical system, while using the pretense of arms control to get it passed. Because this administration knew it could not win on the merits of the MX, they are reduced to sloganeering and wrapping themselves in the cloak of national security.

Even our chief negotiator in Geneva, former Senator John Tower, said that the MX put in silos were sitting ducks.

A lot of names have been given to the MX. Reagan calls it the peacekeeper, Tower calls it a sitting duck, but the real name for it ought to be the glassjaw missile—it looks strong, it is big, but it cannot take a punch. In fact, on the first punch, it is out of commission.

Why will the Russians pay at the bargaining table to take out a glassjaw deterrence? How can a weapon like the glassjaw missile—that cannot survive—deter?

Let me just say, Mr. President, that those who argue that somehow this MX missile is going to be a deterrent do not understand that under the arms control agreement being pursued by the President, in fact the Soviets will have a better first-strike capability than they do today. So putting the MX missiles into their silos really would, in fact, invite that kind of a first-strike attack because the more we put in the silos, the more we have that ability with the MX missile, the more they are put in those silos that are already targeted by the Soviet Union, once the Soviet Union develops its capability for submarine-launched ballistic missiles, probably guided by satellite guidance systems, then our warning time is reduced to perhaps 15 minutes.

We will have to go on a launch by morning. Mr. President, we are asked to put these into silos, really almost inviting a first-strike attack by the Soviet Union.

Let me fire a warning shot across the bow of my colleagues who are contemplating voting for the MX because of the "bargaining chip" argument. This is going to come back to bite us. I refer to the letter of March 14 from Secretary Weinberger which says very clearly that "the MX has never been a bargaining chip."

President Reagan's March 16 letter also implies that it is not a bargaining chip. On the other hand, both Secretary Weinberger and the President are arguing that it is part of our on-going strategic modernization program which will create strong incentives for the Soviets to negotiate general arms reductions. But once again, how can a totally vulnerable missile, a real glassjaw, be any part of a modernization process?

The first argument made by supporters of MX is that we can increase survivability by superhardening the silos, but we know that by the time the MX's are in the superhard silos or shortly thereafter, that Soviet missiles will be accurate enough to crater the silo, so the hardening really will do no good.

The second argument made by those who support the glassjaw is that it can be launched under attack. Once again, they are assuming that the Russians will stick to the land-based ICBM's. Once the Soviets launch their SLBM missiles with a satellite guided system, they will be able to attack our missile sites in less than 15 minutes. There is no way to launch under attack in that amount of time, assuming Presidential control of the decision to launch.

So once again, how can good old glassjaw be an integral part of a bargaining process, let alone be a bargaining chip?

So here we are again. It is much like the CRBR debate. Twenty-one MX missiles have already been approved, and we are being asked to approve billions for the next 21. We are voting to approve just $1.5 billion for this year. But that is just this year. In the out years, stopping this program will save us upward of $15 billion according to reliable estimates.

As a farm State Senator, I cannot overlook the letter from Secretary Weinberger which states, "The $1.5 billion will not significantly reduce the deficit." But just 2 weeks ago, the President vetoed our farm credit bill which would have cost just $245 million because he said it was a budget buster. The farm credit bill was about one-sixth of the amount they are asking for here and would have saved millions upon millions on down the road.

We are building a potent, powerful, and vulnerable force. Look at it this way—right now it is estimated that 400 USICBM warheads could survive a Soviet attack. If we let the Soviets improve their accuracy through flight testing, then possibly less than 10 warheads could survive. So if we could hold the accuracy where it is by freezing the flight testing, which is what the nuclear freeze is all about, then we can harden our present Minuteman silos and we can have 1,100 survivable warheads without building a single new missile.

The Russians really need three things for a first strike against our ICBM's: Accuracy, speed, and at least two warheads for each of our silos. They now have 5½ for each of our silos. Their accuracy is reasonably good but they are not fast enough. Under Reagan's plan, we would reduce the number of Soviet warheads per silo from 5½ to 5 per silo. We have 1,000 silos and we are letting the Russians have 5,000 ballistic missile warheads.

Under the Reagan plan, they will cut their warheads to 2,500 but the Soviets can have a total of 5,000 when we add their SLBM's. Therefore, with no freeze on testing, Soviets could develop a first strike regardless of our building MX.

So under the Reagan plan, in the end the net result is a large increase in Soviet first-strike capability. They would have slightly fewer warheads—5,000 rather than 5,500—but they will be more accurate and quicker, probably with satellite guidance and will be able to have far more than the number they need for each of our silos.

This leads me to my conclusion and that is we again are building a potent and powerful force. The glassjaw is that. Ten warheads, highly accurate but also extremely vulnerable, assuming of course that we will never go for a first-strike. The last time that we built a force that was both potent and vulnerable was when we built the Pearl Harbor fleet. It was the most powerful Navy in the Pacific. It was also the most vulnerable. So by building this glassjaw [MX] missile, we are building the modern day version of Pearl Harbor because the Russians know that if they attack it, they will take it out and this time we will not be able to rebuild as we did after the last Pearl Harbor.

So if my colleagues wish to put the United States in the same position that we were on that fateful day of December 7, 1941, then a vote "yes" in favor of further funding for it will do just that.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that my turn be shifted to the turn of the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I might yield for 20 seconds to the Senator from Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have been and I remain opposed to the MX Missile Program. The missile is vulnerable, provocative, and adds nothing to out negotiating position in Geneva.

The administration claims that the MX missile is important to its effort to negotiate a new arms control agreement with the Soviets. It argues that failure to release $1.5 billion will indicate a lack of resolve as we enter into these negotiations. The argument is not persuasive. If the Soviets need evidence of our resolve they need only look to the remainder of our $1 trillion military buildup.

The administration claims that the MX is an important bargaining chip in our negotiations with the Soviets. How are we to read this statement?

One possibility is that deployment of the MX is so worrisome to the Soviets that they are now willing to return to bargain in an attempt to eliminate it. Yet in both word and deed the Soviets have shown little interest in the MX. Indeed, during previous negotiations they were willing to allow the United States as many as 680 MX's. Does this sound like a missile that seriously disturbs them? If they were willing to allow us 680 MX's, it is hard to imagine how our deploying 100 could induce them to do anything.

Another possibility, one that has been suggested for most of the MX's turbulent life, is that we are building these missiles solely for the purpose of trading them away. At first, we were going to cancel the system in exchange for Soviet concessions. They showed no interest. Then we decided to start the system to demonstrate our resolve. Still no interest. Nonetheless, we are now asked to deploy 100 MX's, even though the rationale for doing so shifted and is clearly without substance.

The MX missile was conceived in the early 1970's. Yet successive administratons of both parties have failed to advance any convincing rationale for the program.

As a candidate for President of the United States, Ronald Reagan claimed that the Carter administration had failed to eliminate the Soviet threat to our land-based missiles. He said that unless that threat was eliminated by making our land-based missiles invulnerable again, we risked a situation in which we could be susceptible to Soviet intimidation and unable to prevent Soviet adventurism. He said that President Carter's proposal to build 200 MX missiles and house them in a deceptive system, was not foolproof enough to do the job. He suggested that this failure seriously undermined our national security.

But Mr. Reagan since taking office has had no success in developing a feasible basing method for this missile which would make it, in fact, invulnerable. After more than 1 year of impractical alternative suggestions, the Scowcroft Commission was appointed by President Reagan to come up with a basing method which would make this new missile invulnerable and thus enhance our national security.

The Scowcroft Commission enhanced our security by the simple tactic of finding that the "window of vulnerability," which was such a useful campaign slogan, did not exist. But the Commission was unable to suggest how the MX would be made invulnerable.

So, reasoning that a nonexistent threat did not need to be protected against, the Commission recommended that we build only 100 of the missiles as an interim measure and speed up development of a small, single warhead replacement missile which could be either mobile, or produced and based in such quantity that a first strike could not knock it out. The Commission also recommended that we continue ongoing efforts to protect land-based missiles and negotiate reductions in the number of nuclear warheads.

There have been many high-level studies and recommendations since the MX was first proposed over 10 years ago. However, the Scowcroft Commission's report was noteworthy because of the "about face" policy for which it argued. It deemphasized the problem which the MX is supposed to answer: the alleged vulnerability of U.S. land-based intercontinental ballistic missiles to a Soviet strike.

For a full 13 years—since the Strategic Air Command outlined the need to develop an advanced missile which would survive an attack of accurate and powerful Soviet missiles—the U.S. Government has been vigorously seeking a new system which would provide U.S. land-based missiles with the degree of invulnerability which the Minuteman ICBM force traditionally enjoyed.

The threat was called the window of vulnerability. The administrations of Richard Nixon, Gerald Ford, and Jimmy Carter each attempted to "close it" by spending billions of dollars developing a missile which could be moved rapidly and thus would avoid being targeted accurately by our superpower adversary.

Candidate Ronald Reagan campaigned on the theme that his opponent had failed to eliminate the threat to the land-based component of our strategic system.

As President, Mr. Reagan has had no more success in dealing with the invulnerability problem than did his predecessors. What sets him apart, however, is his decision to place the powerful new weapon in the very same silos whose increasing vulnerability had heretofore driven us to seek a survivable new missile.

The President's plan runs counter to logic.

As early as 1976, the Congress concurred with the Air Force's view that the MX should be developed solely to counter the growing problem of ICBM invulnerability. Accordingly, the conference report of fiscal year 1977 Defense Authorization Act stated:

> The rationale behind the development of a new missile system, MX, is to provide a land-based survivable strategic force. The development of an alternate basing mode as opposed to a fixed- or silo-based mode, is the key element in insuring this survivable force. Providing a survivable system should be the only purpose of this effort; none of this program's funds shall be expended in fixed- or silo-basing for MX.

In May 1977, the Senate Committee on Armed Services reaffirmed its concurrence with the view that the single purpose of MX was to ensure ICBM survivability in the future. That report said:

> In recommending support of the requested $134 million for MX this year, the committee reaffirms its conviction that our deterrent depends on the continued survivability of our triad of strategic forces. Providing a survivable system should be the only purpose of the MX program.

In 1981, President Reagan wanted to place the MX in Minuteman silos on an interim basis, while his administration and the Congress identified and agreed upon a permanent basing arrangement. This effort was blocked when my colleague, Senator COHEN, successfully offered an amendment barring this stopgap measure.

I supported the Cohen amendment in 1981 because I also agreed with Senator Tower, then chairman of the Senate Armed Services Committee, who stated that—

> . . . by stuffing the MX's into fixed silos, we are creating just so many more sitting ducks for the Russians to shoot at—it is of little use to us unless the Soviets are convinced that it can survive an attack.

Senator Tower was right in 1981. His comment on the costs and benefits of MX deployment in Minuteman silos is just as relevant today.

In January 1981, the President's Secretary of Defense, Casper Weinberger, voiced the opinion that a vulnerable MX would accomplish little:

> . . . simply putting it [the MX missile] into the existing silos would not answer two or three of the concerns that I have; namely, that these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force.

The Secretary's concerns are just as valid in 1985 as they were in 1981.

The then Air Force Chief of Staff, Gen. Lew Allen, agreed with the Secretary:

. . . an essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment.

Senator DOMENICI expressed a similar view:

By placing our most advanced strategic weapons—the MX—in silos which belong to an earlier era of nuclear technology, the President has reduced—perhaps even eliminated—the usefulness of the MX.

According to the Senate Strategic Forces Subcommittee chairman, Senator WARNER:

The MX would be too vulnerable to a Soviet first strike under that arrangement [MX in existing silos] . . . .

If it made no sense in 1981 to put MX missiles in vulnerable silos—as Senators Tower, DOMENICI, and WARNER, General Allen, and Secretary Weinberger then emphasized—it makes even less sense now.

Despite that history, in 1983 President Reagan persuaded a majority of the Congress to support initial production of the MX missile on the grounds that its production would proceed apace with the development of the new, smaller missile. In the meantime, it would also be an incentive at the START talks to demonstrate our determination and will to the Soviet Union, so that they would be encouraged to negotiate. It was also said that U.S. credibility with our allies would be undermined unless we went ahead.

Thus, in the space of less than 1 year, the rationale for the MX changed from a military rationale, in which the MX was a weapon that would maintain deterrence and prevent nuclear war, to a psychological rationale to reassure our allies and prod the Soviets toward serious negotiation. A majority of the Congress bought that line, and the MX was approved.

Mr. President, this has been a confusing record of policy reversals and changes in rationale in support of this weapons system.

Militarily, the MX missile fails every test. Nuclear weapons have no purpose except to deter the use of other nuclear weapons. Deterrence means that a weapon must provide a credible threat of retaliation. The MX provides no such threat.

The administration is proposing to build 100 MX missiles and place them in the Minuteman III silos. If 2 missiles are needed to eliminate each silo, the Soviet Union would have to use just 200 of their warheads in a first strike to destroy the entire MX deployment of 100 missiles with 1,000 nuclear warheads. And since the new missile is going into existing silos, the Soviets would not even have to retarget their missiles. So the MX contains nothing that makes it more survivable and it fails the test of an effective deterrent.

The second element of any strategic nuclear weapon is that it must add to our deterrent capability. Our nuclear strategy rests on the ability to deter an aggressor. And to deter means to create a fear of retaliation to an attack. It does not mean to create a fear of attack in the first place.

The American nuclear strategy is a deterrent strategy. The United States does not plan to start a nuclear war; we plan only to prevent a nuclear war. Preventing nuclear war in this age means preventing the Soviets from initiating a nuclear war, since we do not intend to do so. Contrary to the apparent doctrine of the Soviets, our policy has never been to use nuclear weapons as a means of intimidating others or of gaining advantage for our own objectives.

Our reliance on deterrence—that is, on retaliatory threat, rather than initiated threat—rests on our understanding of our own best interests. It rests on the truest understanding of our Nation's security.

But the MX missile, because it combines the fastest, most accurate and powerful nuclear warheads with a totally vulnerable basing mode, is not a deterrent weapon. It is the quintessential use-it-or-lose-it weapon whose only practical use is in a first strike or an immediate response to a warning of attack.

The rational stated so often here of demonstrating our will or our determination appears to be the only basis on which we are being asked to approve this costly and militarily pointless weapon.

But if we spend our Nation's resources to buy a weapon that adds nothing to our deterrence, we are not displaying will or determination or even commonsense.

Despite the enormous increase in our military spending in the last several years, essential elements of our conventional forces remain underfunded and underequipped. Yet the strength, readiness, and credibility of our conventional forces are the first line of our defense, for they are the means by which we respond to military threats around the world. It is in the effectiveness and use of those conventional forces that our will and determination are likely to be judged, not on whether or not we can afford to pay for one more very expensive piece of nuclear hardware.

We cannot project our will and determination by making defense decisions that run counter to our own security interests. But that is exactly what the MX would do.

Both the Soviet Union and our NATO allies know that as an open democracy, there is a limit to the extent of peacetime military spending that the American people will tolerate. That is increasingly more evident in the face of massive budget deficits. So anyone can readily see that by forcing the expenditure of $25 to $30 billion for this useless system, we deprive other components of our Armed Forces and, not so coincidentally, we contribute to undermining the national consensus on improving our defenses.

The claim that we cannot abandon the MX because to do so will reward the Soviets in some fashion shows the same misreading of the Soviets that this administration has displayed since taking office. If the MX serves no valid military purpose for ourselves—and it quite clearly does not—then there is no reason for the Soviets to feel either rewarded or punished by our internal debate over it.

Instead of recognizing this obvious fact, the administration has again revived the discredited theory of incentive and reward as though Soviet arms negotiations could be moved along in that fasion to a satisfactory conclusion.

I believe they cannot.

The claim that the MX represents a bargaining chip has been disavowed on several occasions. The President has said he would not abandon it. Our former chief negotiator, Ambassador Rowny, repeated several times in a television interview last year that the MX is no bargaining chip, that it is not "something you put [it] up or take it out. We have no intention, if we build these MX's to give them up, you see. They're necessary * * *." He said that supporters of the MX were wrong in characterizing the MX as a bargaining chip.

The military rationale for the MX missile as a survivable land-based component of our forces has been destroyed by this administration's decision to put it into fixed silos.

The political rational for the MX, as an inducement or a threat to which the Soviets will respond, has been demonstrated to be ineffective.

The President is now making the MX into yet a third kind of psychological weapon, this time one aimed at ourselves. If we persuade the American people to believe that our decisions on our own defenses are tied to Soviet behavior, we will lock ourselves into a weapons system that adds nothing to our deterrent, diverts needed money from conventional force improvements, and gives the Soviets a virtual veto over our military decisions. This is, in my judgment, shortsighted. We should develop weapons to protect our Nation's security based on the threats we face and the capacity of the weapons, not on some perceived Soviet reaction to our decisions.

While the MX missile based in Minuteman silos fails to solve the problem

for which it was intended, it succeeds in moving the United States closer toward adoption of a new policy concerning the way the United States would react to Soviet actions during a period of heightened international tension. If the vulnerability of our land-based missiles is as great as we have been led to believe for the last decade, the United States will be denied its ability to inflict unacceptable retaliatory damage on the Soviets, unless it launches its missiles on a warning of a Soviet attack.

The former Defense Director of Program Analysis and Evaluation, Mr. Russell Murray, has put the problem this way:

> The MX, in silos and unable to ride out a Soviet attack, would be useful to us only if we intend to rely on the highly unreliable and immensely dangerous policy of launch-on-warning, or if we intend to initiate thermonuclear war. The decision to build a weapon that would be as devastating in a first strike as it would be useless in retaliation marks a fundamental and ominous change in national security policy.

This is not an enhancement of deterrence. It is merely provocative and destabilizing.

The United States will soon have two new strategic missiles—first the Trident II [D-5] submarine launched ballistic missile [SLBM] and later, about 1992, the small, mobile ICBM known as Midgetman. These new systems will combine the survivability and accuracy that characterize effective deterrent weapons.

The Trident II missile will be deployed, beginning in just 3 years, on our Trident submarines. And, as the Soviets know quite well, they will remain virtually invulnerable to a first strike beyond the turn of the century. In contrast, by the Pentagon's own estimates, only a handful of MX's could survive a Soviet first strike—to few to inflict the unacceptable damage that has traditionally defined U.S. strategy.

The 10 warhead MX also fails in an arms control environment which stresses, as the Reagan administration has, limits on warheads. President Reagan's plan for 100 MX missiles would then place a substantial portion of our allowable warheads in a highly vulnerable position. The Trident II and a single-warhead Midgetman avoid that problem altogether.

Moreover, if a stopgap replacement of Minuteman missiles is required the Trident II can easily be converted to fit in our existing silos. At that point the small, land-based, mobile missile recommended by the Scowcroft Commission will be available to solidify the land-based leg of our strategic triad. And because of its numbers and/or its mobility, it too will be highly survivable.

I believe in a strong America. Plainly, American military strength plays an important role in deterring aggression. But maintaining, even improving, our strength is not inconsistent with reaching fair, balanced, verifiable agreements with the Soviet Union to halt the increase in nuclear weapons and bring about a reduction of such weapons.

We are overprepared to fight a nuclear war, but we are underprepared to defend ourselves against a conventional attack. Rather than escalate the nuclear arms race by pouring billions of dollars into evermore nuclear weapons, we should be paying attention to the less glamorous aspects of conventional defense.

There is no security for anyone, anywhere, in a continuing escalation of the nuclear arms race. Our national interest will best be served by improving our conventional defenses while we engage in meaningful negotiations to achieve a fair, balanced, and verifiable agreement to first halt the increase and then bring about a reduction in nuclear weapons.

No one has greater hope that the Geneva negotiations will achieve this result than I. But it is the President, and not the Congress, who creates the image of failing resolve. The Soviets know quite well what the MX can do. And they know quite well that we will build only 100 of these missiles at most. The missile doesn't particularly bother them; the production line doesn't bother them. Why would they be interested in accepting the MX as a bargaining chip, when their real concerns are elsewhere?

The interests of the United States at Geneva are best served by serious negotiations with the Soviets, not by political posturing at home.

Over $25 billion to deploy the full MX missile complement in vulnerable Minuteman silos also cannot be justified. Indeed, it will be a colossal waste of the American taxpayers money.

Mr. President, I hope the administration will focus its attention on taking advantage of its historic opportunity to achieve meaningful nuclear arms reductions. Adding the MX does not aid that cause.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, once again the Senate must debate and vote on whether to proceed with the MX missile. I have spoken so many times against producing and deploying this missile that it is actually painful to have to come to the floor yet again to argue with those who favor it.

In the past, we were told it was essential to continue with the MX Program because it was going to be based survivably. It was touted as the answer to the so-called window of vulnerability, wherein our land-based Minuteman ICBM's were held to be under threat of a disarming Soviet first strike against their silos. Remember how President, then-candidate, Reagan attacked the Carter administration and said he would devise a sensible plan for a survivable MX?

Once in office, President Reagan found that it is easier by far to criticize from outside than to find solutions on the inside. After much wavering and studying, the President came up with one unworkable idea after another. We all recall with embarassment the dense pack or dunce pack scheme, as it was so aptly called on both sides of the aisle.

We all remember the ideas for basing MX in silos hundreds of feet deep in the earth, or putting it on huge airplanes. Another involved emplacing MX in superhard silos. Unfortunately, it turned out that the largest Soviet warheads made a crater big enough to swallow the superhard silos. All in all, there were over 30 survivability options, and not one was considered feasible.

So, MX as the solution to Minuteman vulnerability was heard no more. Then, we all shifted to the necessity for the United States to have a comparable land-based, hard-target capability against the Soviet ICBM force. That did not last too long, either. Too many people realized what a dangerously destabilizing thing a vulnerably based MX aimed at Soviet missiles would be. That gets softpedaled now.

Then, with the Scowcroft Commission, the emphasis shifted again. Now, the rationale for a vulnerable MX based in silos was as a "bridge" to a world of stabilizing single warhead, mobile ICBM's. Midgetman came into vogue. MX would also be a symbol of American "resolve," of our determination to compete with the Soviet Union. Again, the arguments would not hold up, although they did suffice to give some Members of this body enough cover to vote for the MX one more time. In the end, the only argument the administration had left for MX was the tired old bargaining chip theory: We have to build the missile, even if it does not make military sense, even if it soaks up defense dollars badly needed elsewhere, and even if it was so dangerous as to make the United States less secure, because we need a bargaining chip to trade at the arms negotiations.

Mr. President, even the bargaining chip theory flopped for the administration last year. The Soviets walked out of the START talks when Congress was still funding production of the MX. They came back to Geneva earlier this month at a time when Congress had refused to provide production funds. So much for the bargaining chip.

The Soviets have made it very clear: If you want it for a bargaining chip, we do not have anything to bargain for it. If you want it, you can have it. They do not seem the least bit de-

terred; they do not seem the least bit concerned or upset by it.

If MX is a bargaining chip, I would like to have just one person come up and say what the Soviets are going to bargain for it. They do not care whether it is on the table, whether we get it on the table, whether we are funding it or not.

A lot of Senators are going to hide behind that. They are going to say, "I don't like the MX; I realize it is not going to work; it is vulnerable; and I am only doing this out of a great surge of patriotism because we need it for a bargaining chip." I ask each of them, do not hide behind that, because you cannot show one, single thing they will bargain for it.

All the other arguments are exhausted. The missile will not be survivable. It will not add significantly to our hard target capability, and, in fact, responsible analysis in the Congressional Budget Office have estimated that this $26 billion program might produce only 100 surviving warheads after a Soviet first strike. MX will not serve as a bargaining chip, because the administration has made clear it does not intend to put the missile on the table in Geneva.

Why, then, are my constituents in Vermont being asked to keep paying for this missile for which not even its most dedicated apologists in the Pentagon can find a decent argument? We are told Congress must free $1.5 billion dollars from last year's defense bill to buy 21 more missiles so the President's hand will be strengthened in Geneva. What does that mean?

We are to pay for an unnecessary, dangerous, and wasteful missile so that the Soviets will think we are serious in the arms talks? Are the Soviets so dangerously stupid?

If we waste such a significant portion of the U.S. defense budget on this missile, Soviet military planners will think we have lost our sense of reason. What would worry them is if we put that $26 billion over the next 5 years into better training, maintenance, and combat sustainability for our conventional forces. They would be worried if we used that $26 billion to provide our National Guard and Reserve units with modern aircraft, tanks, and weapons able to go head-on with the best Soviet equipment in central Europe. They would be worried if we used that $26 billion to strengthen our ballistic missile submarine fleet, our cruise missile force, and our advanced technology bomber. Those are highly survivable forces which really do concern Soviet military planners.

No, Mr. President, we are not being asked to do those smart things with the money. We are being asked to do something foolish, wasteful, and even harmful, so that the President will look "stronger" in Geneva. When will we learn a very simple lesson: The United States should only build weapons that it needs for its security? If arms agreements can improve U.S. security through reductions and other limitations on the Soviet Union, we may then not need all the weapons we had originally planned.

We should not build weapons as bargaining chips or to show resolve, or to look tough or for any other reason except that we need them for our security. Otherwise, we have a habit of ending up with a lot of weapons we did not really need or want, and no arms control agreements either.

Mr. President, I urge all my colleagues in the Senate not to give in to these specious arguments in favor of buying the next 21 missiles. I ask them to please remember that already, in the 1986 defense budget, the administration is requesting over $4 billion for another 48 missiles. Some Members are already hinting that while they will go along with these 21, they will not buy into the next 48.

So, we will have this futile debate again in 6 months. To keep the program alive, someone will work out a new gimmick to cut the 48 to 21, to think up new links to the arms control talks, to use arms control to keep MX going. For once, let us stand up in the Senate and say we will not be fooled by these gimmicks. Let us vote now to deny the administration the funding for the 21 missiles contained in last year's defense budget.

Mr. President, most of my constituents in Vermont do not want the MX. Of the hundreds of letters on the MX I have received over the past few years, only a sparse handful favor it. I ask unanimous consent to have printed in the RECORD some editorials on the MX from Vermont newspapers, which give some idea of the opposition to this missile in my home State.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Bennington Banner, Oct. 8, 1984]

THE PENTAGON'S NUCLEAR BUNKER

The suspicion that the Pentagon is trying to use the Reagan years to win approval for every cockeyed arms scheme that has come down the pike was reinforced by the report Wednesday that the Air Force wants to bury a $50 billion missile bunker somewhere under the desert in the West. The idea behind this plan is that the underground base could provide a "secure reserve force" that would be available for a last-gasp retaliatory strike in a war after all other strategic weapons had been used or disabled.

Providing for such a reserve force fits into the zany vision of some administration officials that a nuclear war might stretch on for some time and that it would be useful to have weapons ready for the war's later stages. The 400-mile network of subway-like tunnels would, under these plans, be able to hold out for as long as a year.

It is highly unlikely but not inconceivable, of course, that a "protracted" nuclear war might be fought—that after each side has lobbed thousands of nuclear warheads onto the other side there will not be anyone sane enough in one country or the other to call a halt to the global suicide. But providing a "secure reserve force" option for those madmen is a form of madness of its own—especially when this whim is so bizarrely expensive.

If it were possible for the enemy to land a totally disarming first-strike blow on U.S. strategic forces, an argument could be made that a missile bunker buried a half-mile underground might serve a deterrent function as a relatively invulnerable way for the United States to retaliate. As it happens, however, such an enemy first strike would have to knock out all of the U.S. missile-carrying submarines, any one of which could wreak devastating havoc on an aggressor's population centers.

Those submarines would actually be far more secure than this Buck Rogers base could ever be. The boats are, after all, a good deal easier to hide than a mammoth construction site. The Air Force plan is not to have targetable exit points from the base—tunnel-excavating equipment from inside would burrow up to the surface and clear the way for mobile missile launchers. But by that time the enemy could be waiting with the Soviet Republic of Arizona all in place.

This plan has all the earmarks of another desperate attempt by the Air Force to deny the fact that as weapons become more accurate its landbased missiles are losing their strategic value as anything but a first-strike weapon. The service's frenzied efforts, since abandoned, to design a defensible basing "mode" for the MX missile were a symptom of the same problem. Air Force generals simply do not like the idea that if there ever is a nuclear war the last shots will probably be fired by men in Navy uniforms. But should the taxpayer have to pay $50 billion for a psychotic display of interservice rivalry?

[From the Burlington Free Press, Mar. 6, 1985]

MORE MISSILES WEAKEN REDUCTION PROMISE

The MX is a land-based intercontinental ballistics missile that is designed to deliver up to 10 nuclear warheads in a half hour on Soviet targets nearly 8,700 miles away from silos in this country.

The only comparable missile in the Soviet arsenal is the SS-18 Mod 4, which carries 10 nuclear warheads for a distance of just over 6,800 miles. Two new Soviet missiles are in the developmental stage but little is known about their characteristics, except that the SS-X-25 is the same size of the U.S. Minuteman missile.

Contending that congressional approval of funds for the construction of 21 more MX missiles could have a dramatic impact on the outcome of arms talks with the Soviets next week, President Reagan is prodding lawmakers to release the $1.5 billion necessary to build the weapons. Last fall, however, Congress froze the funds for the additional missiles, barring production in fiscal 1985 unless lawmakers approved a joint resultion by April 1. Two years ago, Congress allocated the money for the production of 21 MXs which will be deployed early next year.

"Without the Peacekeeper, our chances of reaching an equitable agreement with the Soviet Union to reduce significantly the size of our nuclear arsenal are substantially lowered," Reagan said Monday. "Peacekeeper" is his nickname for the MX. If lawmakers

do not approve the 21 missiles, they will send an "unmistakable signal to the Soviet Union" that Americans are weak, he said.

Chances for congressional approval, however, appear to be slim. Several lawmakers are concerned about the vulnerability of the MX missiles to Soviet attack. They believe that the MX silos would be targeted by the Russians and knocked out in the early stages of a nuclear war. Better, they say, to build either submarine-based missiles which would be highly mobile or the Midgetman which would carry one warhead and be cheaper by billions of dollars than the MX.

Should Congress free funds to build the 21 MXs as the Geneva arms talks are beginning, there is a danger that the "unmistakable signal" that would be sent to the Soviets would be that U.S. negotiators are more concerned about superiority in weapons than curbing the arms race. The Soviets already will be coming to the table with visions of Reagan's Star Wars hovering in their minds. Won't the news that this country is planning to build more MXs add to their consternation?

Congressional assent to the expansion of the MX program at this time might well heighten tensions between Washington and Moscow and lead to further escalation of the arms race.

Reagan's rationale for seeking approval of more missiles now must raise questions in the public mind about his commitment to the effort to seek reductions in nuclear weapons.

[From the Valley News, Sept. 24, 1984]

EASING OUT THE MX

The MX missile will probably die next April, safely after the presidential and congressional elections. It's important to understand the compromise that killed it.

Congressional leaders and representatives of the Reagan administration agreed last Thursday on the outlines of a defense authorization bill. Included in that bill is $2.5 billion for the MX missile program. That sounds like a victory for the MX, but the compromise also stipulates that most of that money cannot be spent unless Congress votes next April to *continue* with the program. If, at that time, either the House or the Senate opposes the MX, the missiles won't be deployed. In all likelihood, that is what will happen. Even if the highly unlikely happens and both houses of Congress approve the MX bill, President Mondale could still veto it.

House leaders have been fighting for that resolution for weeks. Senate leaders and President Reagan had held out for a much different outcome. They wanted to include money for the MX in the defense bill, and to stipulate that the money would be spent unless Congress agreed next spring to kill the MX. In that case, both houses would have had to muster majorities against the missile, and President Reagan could then still have vetoed their objection. To put the MX to rest, both houses of Congress would have needed to override the veto with two-thirds votes—a difficult challenge.

U.S. Sen. Gordon Humphrey's (R-N.H.) proxy vote last month was controversial because he allowed it to be cast for the administration's position, despite his public opposition to the MX.

It was only a year-and-a-half ago that the president's "bipartisan" Scowcroft Commission had supposedly settled the MX debate by recommending that the 10-warhead missiles be built, deployed in hardened (yet still vulnerable) Minuteman silos, and eventually be replaced by single-warhead "midgetman" missiles. Reagan managed to get Congress to buy that flawed package by promising serious arms control measures. Reagan failed to deliver and Congress eventually wised up to the foolishness of putting targets like the MX in indefensible silos. Now even the President has backed down.

Last week's compromise would be worth celebrating were it not for the bonus Reagan got in return for signing off on the MX. The congressional leaders agreed to permit the Air Force to conduct two tests in space of its new anti-satellite weapon. As long as that system goes untested, there is reason to hope that the United States and the Soviet Union can agree to ban anti-satellite weapons. Once the United States shows that its system works, however, it will become terribly difficult to prevent the arms race from soaring into space.

That the president backed down on one of the key parts of his arms buildup plan is significant. That he still has considerable influence over Congress is indisputable.

[From the Times Argus, Barre-Montpelier, (VT) March 14, 1985]

THE MX CHIP

The MX missile, discredited as a weapons system, is now being touted in Congress as a bargaining chip in the Geneva arms-control talks. It would be a mistake for either the House or the Senate to accept the Reagan Administration's flawed reasoning in this issue.

In a bold attempt at political blackmail last week, the President pushed the MX issue onto Congress' front burner on the eve of the Geneva talks. More MX's are needed (in addition to a batch of 21 approved two years ago), he says, in order to bolster the U.S. negotiating position in Geneva.

The stupidity of trying to achieve arms control by building more missiles is in about the same league as spray-painting graffiti on buildings in the name of urban beautification.

However, to attempt to justify the MX as a bargaining chip is a further step that really requires deep faith in the military. Reagan has implicit faith there, of course. His affection for military hardware (including $3,000 coffee-makers, $75 hammers, and $600 toilet seats) is well known. But Congress shouldn't allow itself to be converted to the new religion.

The Scowcroft Commission, which evaluated the MX at Reagan's request two years ago, actually did away with the rationale for building the system at all. It reported that the so-called "window of vulnerability" (the original justification for building the missile system) never existed, and advised housing MX's in Minuteman silos—the very silos that Reagan had said were vulnerable. Further, the Commission recognized that the MX—a multiheaded, land-based missile—was not a deterrent to war but a provocative offensive weapon very likely to be seen as threatening by the Soviets.

Thus, Congress is being asked to approve a weapons system that is both threatening and vulnerable to attack—not a good combination in these days of heightened tension and hair-trigger, nervousness. It doesn't wash and it shouldn't get Congress' approval—especially not with the Geneva talks just beginning.

What we need to show the Soviets in Geneva is not a display of ever-increasing hostile strength, but a willingness to talk reasonably and flexibly about real arms control possibilities. To go into those talks carrying every ill-conceived weapon devised by the mind of man is the best way to get the talks off to a terrible start.

The MX is a deeply flawed weapon system that is only valuable as a threat to wave in the Soviets' faces. The $1.5 billion budgeted for it could better be used to save the Amtrak rail system or to assure America's elderly a decent level of health care under Medicaid—both alternatives which have been scratched out of the budget by the President.

[From the Burlington Free Press, Dec. 19, 1984]

GOLDWATER MAY HAVE KILLED MX BY OPPOSING IT

The inimitable Sen. Barry Goldwater, R-Ariz., who has a reputation for being a hardliner on defense, last week said no to Reagan administration plans to build 100 MX missiles to replace the aging arsenal of Minutemen missiles.

And his rejection of the proposal is said by some to be tantamount to doom for the project. As the new chairman of the Senate Armed Services Committee, he will be in a key position to direct the debate over the merits of the missile into the channels he chooses.

"I'm not one of those freeze-the-nuke nuts, but I think we have enough," Goldwater said of his decision to oppose the $17 billion MX program. He predicted that Congress would kill the program when it comes up for a vote in March.

His stance collides with President Reagan's theory that the new missiles would be a significant bargaining chip in arms negotiations with the Soviet Union and might well persuade the Russians to adopt a more conciliatory attitude during the upcoming arms talks in Geneva. Whether new weapons strengthen or weaken the U.S. position in the negotiations is an issue which will probably be settled when Secretary of State George P. Shultz and Soviet Foreign Minister Andrei A. Gromyko sit down next month to discuss arms control. Judging by the comments of Mikhail Gorbachev, considered the No. 2 man in the Kremlin, during his visit to Great Britain this week, the Soviets are far more concerned about the militarization of outer space than about land-based U.S. missiles.

But appropriations for the MX progam were put on hold by Congress this year when it postponed a vote on the production of the first 21 intercontinental ballistics missiles which carry 10 nuclear warheads and decided to vote in March on the project. So far, about $5 billion has been spent on the program and the Pentagon plans to ask for authorization to build 48 more in next year's military budget.

While Goldwater believes the United States has enough missiles to deter the Soviets from launching an attack, other critics of the program believe that it will lead to a new round of escalation in the nuclear weapons race and bring the world closer to a holocaust.

By throwing his weight against the program, Goldwater might well have sounded the death knell for the MX.

REJECT THE MX

The Reagan Administration, well aware that it cannot win passage of the MX missile program on the merits of the case alone, is using a diversionary tactic in its attempts to pressure Congress into passing funding for an additional 21 of the missiles.

The administration claims it needs MX as a bargaining chip in the current Geneva arms talks and says Congress' denial of funds for the program will undercut its bargaining position there.

President Reagan has said he is "utterly convinced we can not get a sound agreement in Geneva" unless Congress approves the missile program. Unfortunately, many members of both the U.S. House and Senate appear ready to buy the President's reasoning. Two important votes on the MX in the U.S. Senate this week appear to be very close, and Washington insiders say that if the Senate approves the $1.5 billion requested by the administration for 21 additional MX's, the House will probably follow suit.

It's a good thing that Vermont's two Senators, Republican Robert T. Stafford and Democrat Patrick J. Leahy, appear to be holding firm against the administration's seriously defective argument. Not only is the MX a flawed weapons system, both vulnerable to Soviet attack and threatening as only a super-offensive weapon can be, it also represents a massive, useless expenditure of public money at a time when the United States is facing the biggest budget deficit in its history.

The Nation's Roman Catholic bishops last week became the latest organization to oppose the MX, saying correctly that the $1.5 billion that would be spent on it would better be put to work alleviating hunger here and abroad.

By all appearances, popular opposition to the MX is rising. The President has attempted to end-run that opposition with a last-ditch effort tied to the Geneva talks. Don't embarass us in Geneva by voting no, goes the Administration argument.

But it should be remembered that it is Reagan himself who put the issue before Congress just now, thus creating the potential for embarassment. It's desperation tactic aimed at saving a piece of military hardware that should have been junked long ago.

Last-minute pressure should not be rewarded. Congress should not be guilt-tripped into funding the MX.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

The Senator from Oklahoma.

Mr. BOREN. Mr. President, after much serious consideration I have decided to vote to release the $1.5 billion to proceed with the production of 21 MX missiles. I believe that it is extremely important that we send the President's team to the Geneva arms reduction talks in the strongest possible bargaining position. To refuse now to release the funds already authorized and appropriated last year would send the wrong signal.

Some in the media have speculated that differences of opinion on other domestic policies might influence future Senate votes on foreign policy issues. In my opinion, this should not be the case. We should all judge national security issues on their own merits without regard to political considerations. I strongly support the concept of a bipartisan foreign policy and I hope that both the White House and the Congress will work even harder to meet each other halfway in the future so that we can show a consistent, unified front to the rest of the world.

My decision to release the funding for 21 MX missiles does not demonstrate a commitment to vote for the production and deployment of additional missiles in the future. I would like to see the total numbers deployed held below levels that would encourage a first strike. I have serious reservations about the military effectiveness and the economic cost of the MX program in its proposed entirety by the administration. I will look at the question of additional MX production at the time the question comes before us. In all candor, I am very unlikely to vote for approval of the full number which the administration has requested, on the schedule which they have suggested.

My decision at that time will involve my assessment of progress made in the arms reduction talks; the cost-effectiveness and comparative vulnerabilities of other alternatives to the MX like the Midgetman and Trident Programs; and the impact of future MX costs on the Federal budget deficits.

Above all, it is my hope that the President will understand the deep conviction on the part of many of us that we must do everything we can consistent with our national security to reach a mutual arms reduction agreement with the Soviets. I truly believe that my vote today will increase rather than decrease the chances for such an agreement.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this week, the Senate is again debating the authorization and funding for the Peacekeeper missile. I prefer to call it the Peacekeeper rather than the MX because the former name best describes why I believe that this system is a necessary and vital component to our national security. We need it to keep the peace.

We need it because our present land-based missiles are in drastic need of modernization. We need it because the Minuteman III is mid-1960 technology, and the missiles themselves are more than 15 years old. We need it because of the generation gap. Our missiles are only third generation. In contrast, the Soviet SS-18's and SS-19's are fifth generation missiles and are only about 7 years old. Moreover, within the next 2 years, the Soviets will begin deploying two additional new types—the SS-X-24 and SS-X-25. This means five new Soviet ICBM's systems compared to the MX for the United States.

DEMOCRATIC AND REPUBLICAN ADMINISTRATIONS HAVE SUPPORTED MX

In 1983, the bipartisan Scowcroft Commission concluded that the MX Peacekeeper is vital and important in order to encourage the Soviets to reach stabilizing arms control agreements and to redress perceived U.S. disadvantages in strategic capability.

Since Congress endorsed the Scowcroft Commission recommendations in 1983, we have been reminded what history should have taught us about the Soviet defense strategy; that is when we build, the Soviets build, and when we don't build, the Soviets build.

Since 1983 the Soviets have continued modernization and expansion of its own strategic forces, continuing to deploy large multiple warhead land-based missiles and flight testing the first two missiles of an entirely new generation. This brings the number of large multiple-warhead land-based missiles deployed by the Soviets during the time the United States has been debating MX to over 600. Also, the Soviets have continued production of the Backfire bomber, begun production of a new Bear H cruise-missile-carrying bomber; developed a new Blackjack bomber similar to, but larger than, our B-1B; continued to modernize their sea-based Typhoon, the world's largest ballistic submarine-launched ballistic missiles and cruise missiles for these systems. While we have debated, the Soviets have vastly increased their arsenal.

The debate over the missiles is now entering adolescence, having been around for more than 13 years. President Nixon and Henry Kissinger had MX in the back of their minds as they negotiated the SALT treaties. Four successive administrations have been committed to building the MX Peacekeeper missiles.

That brings us to where we are today. We are encouraged that there is a new leader in the Kremlin, that the President has asked for a summit. We are now engaging in arms control negotiations. As encouraging as these developments are, now is certainly not the time to mistake momentary optimism about Soviet behavior for lasting success.

True success will require determination, a degree of flexibility and a degree of caution. It will also require something even more basic: A strong signal from the U.S. Congress that we are firmly committed as well. Voting for the MX Peacekeeper today is an opportunity to evidence that commitment. We must not lead the Soviets to believe that the United States will make unilateral concessions.

THE MX PEACEKEEPER IS A VALUABLE DETERRENT

I recall a teacher who kept written on her blackboard, "preparation precedes power." She used this axiom in numerous contexts. Preparation precedes power, she would say, to pass tests, meet challenges and attain goals. Preparation precedes the power to get what you want.

Americans want peace. I think that the past election made it very clear that this issue weighs most heavily

upon the American public. If preparation precedes the power to get what we want, then the Peacekeeper missile is that very essential preparation because it is an essential deterrent.

Deterrence has played a critical role in furthering our deep commitment to prevent war. Thus far, deterrence has persuaded the defense planners in Moscow that the use of aggressive force, at whatever level, would cost far more than what would be gained. Their conclusions are based on our preparation. There can be no substitute for such preparation.

THE IMPORTANCE OF THE TRIAD OF FORCES

For the United States as a defensive power, deterrence requires that we be able to counter Soviet threats at every level of conflict.

Opponents of the Peacekeeper missile claim that we do not need it and that we might solely rely on submarine-launched ballistic missiles and bombers. I say they are wrong, and I will tell you why I think they are wrong, and why I think that it is so important, if we really want peace, to make the so-called triad of force strong and effective.

The triad of force refers to the concept that the United States has three separate and, in some ways, roughly equal types of strategic nuclear forces; land-based ICBM's, sea-based SLBM's, and bombers.

First, the existence of several strategic forces complicates the Soviets' action and reaction to our national defense. Our objective, after all, is to make their planning of any attack as difficult as we can.

Think about how unwise it would be to rely exclusively on submarines as our only ballistic missile force. What happens if and when the Soviets achieve a breakthrough in antisubmarine warfare? Without the MX such a breakthrough could not readily be offset by our other strategic systems. Think about it.

Second, the different components of our strategic preparedness would force the Soviets, if they were to contemplate an all-out attack, to make choices which would lead them to reduce signficantly their effectiveness against one component in order to attack another.

Thus our bombers and ICMB's are more survivable together against Soviet attack than either would be alone. This illustrates that the different components of our strategic forces should be assessed collectively and not in isolation. It also suggests that whereas it is highly desirable that a component of the strategic forces be survivable when it is viewed separately, it makes a major contribution to deterrence even if its survivability depends in substantial measure on the existence of one of the other components of the triad.

Another significant item to keep in mind is that each component of the triad has characteristics of superior strength over the other components. The ICBM's strength is their promptness of response. The SLBM's have a very high survivability and our bombers have inherent flexibility.

THE NEED FOR THE PEACEKEEPER MISSILE

It is to our advantage to keep Moscow uncertain about a possible, U.S. response, whether conventional, theater nuclear or strategic nuclear in character. Today, that uncertainty depends in large part upon offensive nuclear forces. Unfortunately, America's current arsenal remains deficient in the land-based missiles with the ability to destroy hardened targets.

Our need is a present need, and the Peacekeeper is the only missile with near-term characteristics that combines promptness, yield, and accuracy to be credible in this area. D-5 will not be available until 1992-94. However, submarine-launched systems are not ideal for excluding the type of limited response options needed for this kind of operation. But even it they were, our need is a present one, and cannot wait another decade.

Everyday the Soviets harden more silos, thereby making their missiles safe from our Minuteman III missiles. Each day, there are fewer and fewer targets that the MMIII could effectively handle. The Soviets know this, and confident with this knowledge, they become more likely to strike first. To me, this is a very dangerous situation evolving which is thwarting our strategic planning.

Since the late 1970's, U.S. planning has proceeded on the conviction that we can deter war by holding at risk those elements of Soviet state power that would support aggression. Some of these include the hardened Soviet ICBM forces, and other hardened command and control installations. To have this be an enforceable threat, we need the yield and accuracy of the Peacekeeper, MX.

I have engaged in more theorizing than is my usual custom. Now, I am going to be practical. We have already spent half of the money necessary to deploy the Peacekeeper. Furthermore, we have debated this issue to death especially here in the Senate. I have not complied the data, but I would guess that over the last 3 years we have spent more time on MX than any other single issue. In 1983, the Senate spent 1 solid month on MX—3 weeks on the MX resolution and another week during the DOD authorization bill.

I realize this system is not without problems.

We worked hard to solve the survivability problem—and when I say "we," I mean everyone—President Reagan, President Carter, and President Ford. Democrats and Republicans all worked on this problem, all taking essentially the same position which is that we need the missile to maintain an effective deterrent.

When the Congress rejected the densepack basing mode, President Reagan moved to solve this basing question once and for all. He convened the Scowcroft Commission, and then made recommendations to the President and the Congress on a course of action for the Peacekeeper.

This Commission was bipartisan. It had notable democrats on the Commission and as senior counselors. Men like Harold Brown, Lloyd Cutler, Jim Woolsey, and others.

Mr. President, we have heard hours of debate on this Commission report and on the technical issues surrounding it. I do not intend to reargue any of those issues. There are no precise answers to those questions.

The President knew there were no exact answers and we in Congress knew there were no precise answers. What this Commission did for us was simply to determine and recommend the best way out of this basing quandary.

These distinguished experts worked hard and they made their recommendations. We all know these recommendations are judgments not precise facts, but objective judgments of a group with an impressive array of background and experience.

Yet here in Congress, many choose not to accept those recommendations.

Yesterday, the distinguished Senator from Georgia [Mr. NUNN] came to the floor and stated his position on this issue. Many Senators on both sides admire the distinguished Senator and greatly respect his advice on defense issues.

Senator NUNN took a position in support of the Peacekeeper. This position surely was a difficult one for him because it puts him on the opposite side from most of his democratic colleagues.

He certainly expressed a number of concerns and indicated he would not support the full 48 missiles in fiscal year 1986. But on balance, I think the Senator made the same decision many of us have—that the Peacekeeper is the best course of action for the Nation.

I think we should support the President and the recommendations of the Commission. This will greatly assist our negotiators in Geneva.

We can debate the specifics, such as those Senator NUNN discussed, at a later time, but today we need to make a fundamental decision on whether we proceed with this system or not. We have delayed too long already.

I think we have to support the President on this matter.

WHY WE SHOULD NOT DO AWAY WITH THE MX PEACEKEEPER

Now I would like to reorient the debate. I would like to talk about why we should not do away with it.

I do not want to be the first Senator to go on record against the small missile, but let us look at some practical facts. The small missile is one-sixth the size of the Peacekeeper. This makes it much easier to move around, and mobility greatly enhances survivability.

But the small missile has only one warhead. If we proposed to substitute the small missile for the Peacekeeper we would need 1,000 small missiles to replace the 100 Peacekeepers.

If these missiles and launchers are to drive around Government lands maintaining a certain minimum separation, anyone can see that enormous amounts of land will be required.

I know from experience what kind of opposition there will be to any proposal that would open thousands of square miles of public lands to use by these mobile launchers.

If the use of public lands is not acceptable, what alternatives do we have? Public highways?

I am simply saying that making a missile small solves some problems, but aggravates others. In summary, basing the small missile will probably be just as difficult as basing the MX and in some ways even more difficult. You need 10 times as many missiles to get the same number of warheads.

Another problem with the small missile that is receiving very little attention now is the cost. It is not difficult to see that with so many launchers, security requirements and command and control problems associated with continuous movement, that this system will cost five or six times as much as the Peacekeeper when expressed on a per warhead basis.

Now I hesitate to predict what the Congress will do about the small missile, but I think its easy to see that if Peacekeeper basing is a problem, then small missile basing will be a problem.

When we come to that problem in 3, 4, or 5 years, where will we be if we do not deploy some new missiles now?

I simply do not see how we can keep waiting around for the perfectly survivable land-based missile.

Senator NUNN listed the advance cruise missile, the Stealth bomber, and the Trident II which he thought were more important than Peacekeeper. In fact, I agree with him on those. Other Senators may have additional systems they think have higher priority than Peacekeeper.

But the fact remains that under the current circumstances, we must support the President and move forward with this system. We can argue over specific production levels and development quantities later—but we must vote yes today.

BUDGET CONCERNS

Let me say a few words about the budget. My committee has voted out a real growth freeze for defense. I do not know if that mark will hold up through final congressional action, but right now, it is the only action anyone has taken. Some say it will not accommodate the MX. Let me point out a few facts. Strategic programs amount to only 11.9 percent of the total fiscal 1986 defense budget request. This is down from 12.4 percent in fiscal 1985. Total strategic R&D is up only $200 million over the fiscal 1985 level.

All of this assumes full funding for MX—both the fenced-in 1985 money and the 1986 request. We know that some funds are likely to be cut from the 1986 request for MX. The distinguished ranking minority member of the Armed Services Committee has already said so here on the floor. So I do not see any budget problem with MX. It can certainly be accommodated in the defense level that my committee approved.

I urge my colleagues to join me in voting for both the authorization and appropriation.

Mr. President, I just came out of an election a couple of months ago. I started off that election wondering what the issues were going to be and they appeared to touch every subject. But as the campaign evolved, I threw away the issue books, because the issues were only two in my people's minds in New Mexico. One major theme was continued economic prosperity—the people were telling me to do whatever I could to reduce the budget deficit so they would have a chance to share in America's wealth. The other issue was to reduce nuclear arms. It turns out that the people sent us only those two messages and asked us to do what we could on those two issues as the highest priority items.

Hopefully, we will do what we can on the economics prosperity issue, in the not too distant future by enacting a deficit reduction package. I certainly hope that we will.

Today, while some might think it is a strange twist, I am going to vote for MX because I think it is an integral part of living up to the second commitment I made to my people when I sought election. Part of that was to go to the table with the Soviet Union and do everything within our power to negotiate arms reductions. This is consistent with good judgment and our own well-being as a free nation to bring down the threshold of nuclear weapons.

I frankly believe a country as strong, and as large, and as powerful as ours cannot expect to get a nuclear arms reduction agreement with the Soviets if we are not prepared today to vote to authorize a modern weapon for our strategic arsenal. Our Minuteman III's are 15 to 20 years old. The Soviets have deployed at least three new missiles since then and have two more system coming on board. I believe an aye vote today is a vote that fulfills the commitments to the American people on one of the two great issues of the last campaign—the first being prosperity and the second being nuclear arms reduction. So I will vote for it as a modernization item in the American arsenal.

I will not go through all the sophisticated arguments. As a practical matter, we have paid for half of it already. It seems rather foolish to me to abandon half the investment because we are talking about whether it will survive or will not survive when, as a matter of fact, we all know that the triad is designed to force the Soviet planners to have such a difficult time attacking us that they would not dare take the risk. I would like to see the Congress arrive at a good, sound defense budget and still save substantial money. In the last analysis we can provide funds for all the strategic R&D without it being the huge increase that some think. That budget is not going up very much, even under the President's request, primarily because B-1 funding is coming down. We have room in the budget for this system and we should vote to approve it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the MX missile makes no military sense, no arms control sense, and no fiscal sense.

Militarily, it is a vulnerable missile, and its 10 warheads in a fixed silo could be a tempting target for a single Soviet warhead. We vowed we would never put MX in a fixed silo—yet that is what we are doing.

From an arms control point of view, the MX provides no leverage over the Soviets. Indeed, former Senator Tower said that missiles which are vulnerable to Soviet attack and which cannot survive that attack provide the Soviets "no incentive to start serious arms control talks."

I would like to give that full quote of the former chairman of the Senate Armed Services Committee, John Tower, who is now one of our top negotiators in Geneva, and who early on dismissed MX in vulnerable silos as having any effect on arms control talks with the Soviets:

> By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at. It's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms-control talks.
>
> Approving MX does not provide leverage over the Soviets. In the name of "arms control" we are being pushed to do something which is not in our military or arms control interest. That is the wrong kind of leverage. We should be applying leverage on the Soviets—not on the Congress. Weapons should

be promoting arms control—not the other way around.

We should not be building destabilizing nuclear weapons systems which jeopardize our security, period, not even in the name of arms control.

And the MX makes no fiscal sense either. We cannot afford a nonsurvivable, destabilizing missile system. We need to save the money for needed military force improvements.

For all these reasons—lack of military merit, lack of leverage for arms control, and fiscal responsibility—the MX fence should not be lifted.

First, military merit. Military considerations do not justify continued production of the MX. Even Secretary of Defense Weinberger, in November of 1981, opposed placing MX in vulnerable silos. He said:

To do that, you would have a system that is in effect no more survivable than the Minuteman system. It is very difficult to get a survivable ground-based sytem, but that difficulty should not drive us to a decision to produce a system that we know is just as vulnerable as what we have now, but costs an enormous sum without accomplishing anything. We do not think it would add anything to the deterrent quality of our strategic system and we do not think it would add anything to its survivability.

That was our Secretary of Defense in November 1981. About the same time our Secretary said:

What we think we cannot do is put a vast amount of our resources in a plan that we know is not survivable even now.

We have been told over and over and over again that we should never, and would never, deploy MX in vulnerable nonsurvivable silos, yet that is what approving production of the fiscal year 1985 missiles would do, Mr. President.

The Air Force has confirmed that by 1989, when MX would be fully deployed, only between 1 and 5 percent of our fixed intercontinental ballistic missile [ICBM] silos would survive a "well-executed Soviet first strike attack on existing U.S. silos."

That means that only between 1 and 5 of the planned 100 MX missiles would survive such an attack, according to the Air Force's own calculations approved by Lt. Gen. Lawrence Skantze, chief of the service's research and development activities, and issues by the Office of the Secretary of the Air Force.

The bottom line is that the administration is asking the Congress and the American people to spend $28.2 billion in hard earned tax dollars for just 10 to 50 surviving MX warheads. At the lower end of that scale, that comes to a price of almost $3 billion for each surviving MX warhead. If 50 warheads survive, the cost is $500 million per surviving MX warhead.

Either cost is an absurd price to pay for such a minimal—if not nonexistent—gain in our strategic nuclear retaliatory and deterrent capabilities.

In terms of surviving, prompt, hard target kill, if you believe that promptness makes a difference in the first 10 to 12 hours of a strategic nuclear war, something dismissed by even former Secretary of Defense Harold Brown, we will add more military effectiveness to our triad by deploying one Trident II submarine with about 200 surviving warheads than we would get at the same time with full deployment of MX, with 50 surviving warheads. The cost of one Trident II boat with missiles is about $2 billion in fiscal year 1982 dollars; MX will cost about $16.6 billion in fiscal year 1982 dollars. Thus, we can get four times the surviving, prompt hard target kill capability with one Trident II boat for one-eighth the cost—compared to MX.

It is clear that the MX is a bad military bargain for a strategic weapon. But is also will make us militarily weaker by diverting scarce defense resources which could be used to improve our conventional forces.

Mr. President, it has been claimed by some that defeating the MX today would give up a militarily valuable missile without obtaining any comparable concession from the Soviets. I happen to agree with the view that we should not unilaterally give up militarily valuable weapons systems. We should obtain concessions from the Soviets before we discard militarily valuable weapons systems.

But that view has no application here because the MX is not a militarily valuable system.

If the MX does not add to our military security, should we approve it anyway on the grounds we will thereby be promoting arms control? No, for many reasons.

First, the administration has ruled out MX as a bargaining chip.

Former Geneva negotiator Ambassador Edward Rowny, who still advises the current U.S. delegation, said last May:

Well, from way back, you know, we've always said, and we have to remember, this is not a bargaining chip. Anyone who says it's a bargaining chip really doesn't understand what the nature of the problem is.

He urged pro-MX Members of Congress not to assert on the floor of the House of Representatives that it was a bargaining chip as they argued for approval of the missile at that time.

His words remain valid today

The MX missile is a mistake, Mr. President. With 10 accurate warheads, it must be considered by Soviet planners as a first strike weapon. It is vulnerable and thus cannot deter. A weapons system that simultaneously threatens and is vulnerable to attack is not what we need in a crisis. We want to deter a nuclear first strike—not threaten it.

We have more than enough bargaining chips and bargaining leverage in our present and future nuclear forces. We have cruise missiles—both the ALCM and the advanced cruise missile; bombers, especially the advanced technology bomber; Trident submarines and their missiles; the small mobile ICBM; and the Minuteman III with its still improving hard target kill capabilities.

The Minuteman III will remain a key leg of our nuclear traid until at least the year 2000 according to the Air Force. We have spent a fortune to give it hard target kill capability. It may not be as accurate as MX, but it has been given modernized guidance systems so it is accurate enough to have considerable hard target kill capability.

The Soviets have come back to the table in Geneva because they are concerned that the star wars strategic defense initiative will lead to the eventual abrogation of the anitballistic missile treaty, not because they are impressed with the MX.

Indeed, we should remember that the Soviets actually left the arms talks after we endorsed the recommendations of the Scowcroft Commission to build MX, and they returned to the table after we suspended production of the missile last year.

Congress should not be intimidated into building a militarily useless, indeed a destabilizing, weapons system by unsubstantiated claims linking MX to the fate of arms talks.

Success at Geneva will rise or fall on far more crucial factors, such as whether the new Soviet leadership is serious about arms control and whether our own administration will be flexible about negotiating limits on its star wars program.

It is ironic that talks on nuclear arms reductions to lessen the likelihood of conflict become the chief rationale for supporting new weapons systems such as the MX which instead increase the chances of nuclear war because of its inherently destabilizing nature.

In summary, Mr. President, by voting against lifting the fence on MX, the Senate will be casting a ballot for a strong defense—not a weak one. By voting against it, we will be freeing funds for needed conventional force improvement and thus reducing the risks of nuclear war by raising the nuclear threshold. We will be making a decision for a smart and strong defense—not a wasteful defense. Such a vote will be proarms control and prostability, since building a multiple warhead missile with first-strike capability and placing it in a vulnerable silo is highly destabilizing.

We have more than enough bargaining chips and bargaining leverage for successful arms talks with the Soviets. Ten thousand nuclear warheads on each side. Millions of Hiroshimas in each inventory. There are bargaining

chips and bargaining leverage aplenty. We and the world will be safer without the MX.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, when the Scowcroft Report was adopted by the administration, I supported it because it offered a balanced policy of arms control and arms modernization. But time passed without progress in arms control, so I voted to freeze, until this month, funds for the acquisition of the second group of 21 MX missiles. Now the negotiations have resumed in Geneva so a decision must be made on the merits.

The so-called bargaining chip argument is not overly persuasive. When a label is pasted on a bargaining chip, it is discounted immediately. Experience teaches that the bargain in mind is with the Congress and not with the competition.

Another concern expressed is that the Russians will view a vote one way or another as a signal of aggression or a sign of weakness. My guess is that they are so preoccupied by the strategic defense initiative that they will not spend too much time analyzing our MX vote.

What does concern me is the position of the President of the United States during the next 3 to 5 years. At the moment, he has at his command weapons of enormous power against people—weapons of mass destruction. He has no ICBM weapons capable of reducing a hardened target. It could be said with considerable truth that the decision to use nuclear weapons should be hard, so it is good to place the President in such a dilemma. If all the world were in a similar dilemma, we might feel one degree safer, but it is not. The leaders of the Soviet Union have the additional option of moving against hardened military targets. This may be only a theoretical or psychological advantage, but it exists. The minds of those in national command centers are a vital part of the defense posture, and must also be considered.

This is a temporary situation. Although Minuteman III is being modernized, it does not now have the combination of yield and accuracy for the hardest targets to fully assure deterrence. The Trident D-5 is expected online but not for 3 to 5 years. The Midgetman is expected to replace the heavies, but not for several years.

But for now, a minimum array of MX will improve the situation and enhance deterrence. How many is enough? That is a question for decision in June or July, but for today I shall vote to fund the 21 additional MX missiles.

THE MX—HOLDING THE CONGRESS HOSTAGE

Mr. KERRY. Mr. President, as the Senate nears a decision as to whether or not we continue funding the MX missile, the outcome should be governed by one consideration and one consideration only—does deployment of this system enhance our national security? Will we be better off after deployment than we are today?

As one who has fought for this country in combat, I can assure all my colleagues that I want a national defense that is second to none. I have always maintained that I will support those weapons systems which I believe are vital to the national security of this country. That is why I have undertaken an extensive review of the MX program and the rationale behind it. Unfortunately, circulating in the midst of arguments to build the MX are baiting claims that those who reject this missile on the merits reject a strong defense for this country.

This debate is not over who wants a strong or weak America. The debate is over the simple merits of this missile. While my desire for a strong defense is second to none, I am convinced that defense will not stay strong when we build systems that serve no purpose or an ill-defined purpose at best. Our country will not stay strong when through the creation of a system of marginal short-term gain we escalate the level of threat and prolong the arms race.

To resort to a tactic of impugning the concern of any Senator for either the strength of our bargaining hand and/or the strength of our military is to admit that the merits cannot carry this missile on its own. And it is to ignore the reality that dozens of Senators opposing this missile support other weapons systems that they believe will, in fact, strengthen our hand or serve as leverage in Geneva.

If the bargaining table of the United States in Geneva is built on the legs of the MX missile, then what of the administration's assertions that the most significant buildup of our military in history was the prerequisite for entering into talks? What of their assertions that we have reached a point where now we are strong enough to enter into talks?

If the bargaining table in Geneva depends on the logic of the MX missile, we have no business being in Geneva—and we are left asking what of star wars, Stealth, Midgetman, D-5, Pershing II, cruise missiles, long range bombers, and technological advantages. These are the real concerns of the Soviet Union and all of them are the real legs of our table at those talks—not a missile which the Soviet Union itself knows does not meet even the most minimal national security criteria essential before approval is given to the development and deployment of a new strategic weapons system.

In my estimation, national security in a nuclear environment entails three fundamental elements: A strong national defense, the pursuit of true arms control and arms reduction agreements, and the maintenance of our 20-year strategic doctrine of mutual deterrence.

Yet, when all is said and done, there is not a national defense, an arms control, or a deterrence rationale which withstands scrutiny for proceeding with the MX Program. One thing is abundantly clear, however. A concerted effort is being made to hold the Congress hostage in order to save the political face of this administration. Basically, what the President is saying is that there will not be any arms control talks in Geneva or successful ones if the Congress does not approve his MX missile, no matter what the merits of the system might be.

But by deploying the MX in fixed-site Minuteman silos, the administration is willing to give Soviet gunners the juiciest of targets. We will be deploying a 10-warhead counterforce weapon which will immediately, upon deployment, become a Soviet hostage—a prime target. We are merely trading an existing target—Minuteman—for a new one, and a more expensive one at that. And even hardening these silos will not save this missile, given current Soviet accuracy and yield.

Even more destabilizing is the fact that for the MX missile to be salvageable as a strategic weapon, to have a legitimate strategic purpose its use has to be governed by the most dangerous of nuclear doctrines—that of launch on warning. Thus, not only is the Congress held hostage, but with the planned deployment of the MX system, the administration proposes to hold the American people hostage to a doctrine which places a hair-trigger on the nuclear button.

As to the first criterion, will deployment of the MX system enhance the national defense of the United States? The Scowcroft Commission, appointed by the President to save the MX, answered that question itself in June of 1983. The Commission pointed out what had been obvious to opponents of MIRV'd missiles since their invention. Because MIRV'd systems contained multiple warheads, they were destabilizing. For the first time, it was possible for one attacking missile to destroy more than one of an opponent's missiles in their silos. So we know MIRV's make a surprise attack all the more inviting. In times of crisis, they create an incentive to launch a preemptive strike against concentrations of firepower. As a result, the Scowcroft Commission recommended a return to single-warhead missiles to stabilize the deterrent.

But despite the Commission's reservations to MIRV'd ICBM's, for political reasons, not military, it nevertheless did recommend that 100 MX mis-

siles be deployed in hardened Minuteman silos. A decision that ran counter to the President's own assertions about a "window of vulnerability."

Even the Congress knew from the start this missile was flawed. For more than a decade the Congress rejected a new MIRV'd, land-based ICBM that was not deployed in a survivable basing mode. And this MX is still not.

Without dissent in 1982, the Senate Armed Services Committee rejected it for that reason.

Now, we are told that the MX is essential to giving the United States a counterforce capability to destroy MIRV'd Soviet ICBM's in their silos. But that argument also does not hold water. We already have a counterforce capability which can destroy more of the Soviet nuclear arsenal than we would lose in a first strike. As Alton Frye, the Washington Director of the Council on Foreign Relations and noted arms control expert, pointed out in the winter 1983-84 issue of Foreign Affairs:

> Evidence published in NATO studies and presentations by the Joint Chiefs of Staff is that the United States also has a potent counterforce capability. Even without MX, the United States has the capacity to destroy quickly several hundred hard targets containing a far larger portion of the total Soviet warheads than are now at risk in American silos. Over 50 percent of all Soviet warheads now stand on about 650 ICBM's, while less than 23 percent of U.S. warheads are at risk on theoretically vulnerable ICBM's.

What Mr. Frye is referring to is the earlier modernization the United States undertook to give 300 of our MIRV'd Minuteman III missiles a counterforce capability. And according to statistics released by the Congressional Research Service, this Minuteman III modernization program gave the United States a greater warhead accuracy than the Soviets presently enjoy with their SS-17's, SS-18's, and SS-19's.

The Soviets have already altered their strategic planning in response to the Minuteman III modernization program, the planned deployment of the MX and the planned deployment of the submarine-based Trident II missile system with the five warheads—all of which have, or will be deployed with a counterforce capability. So, already the Soviets are going mobile with a portion of their strategic nuclear forces so they can move their missiles around to make them harder to find and hit. There is no gain in national defense when the predictable and inevitable response to MX is for the Soviets to increase yield and accuracy and mobility. So much for the administration's rhetorical concerns for our national security.

As to the second criterion, will deployment of the MX system assist in pursuit of true arms control and arms reduction agreements? As of yet, the MX has not even been offered as a weapon that the United States would decline to deploy if the Soviet Union agreed to ban its new MIRV'd ICBM's, or even if it agreed to reduce the number of its SS-18's. And we have heard the President and Secretary of Defense alike say it will not be bargained. In addition, the past 30 years of arms negotiations have demonstrated that the United States resolve to expand its military will prompt a renewed Soviet military buildup, not a mutually satisfactory agreement to reserve the buildup.

Unfortunately, bargaining chips in the form of new weapons, particularly when it is obvious that deployment will proceed no matter what arms talks may produce, are rarely cashed in. In fact we know they frequently add to military power, seldom, if ever, contribute to security or arms control trade-offs.

As my senior colleague, Senator KENNEDY succinctly stated, "a bargaining chip is good so long as it is not played. Once played, its only effect is to raise the stakes." The history of bargaining chips is miserable.

Some people try to suggest the ABM Sentinel system was a bargaining chip that worked, but what they forget is that Congress prevented the President from deploying a full-scale ABM system around the country before the talks with the Soviet Union got underway. It was only because Congress restrained the President from full-scale deployment that the treaty was negotiable.

And as the Senate may recall, originally the ABM system was not presented as a bargaining chip at all, but as a full-scale system strategically necessary to defend the United States.

But when the strategic rationale fell through—just as today with the MX—the Senate was urged to ignore its technical deficiencies and to vote for its full-scale deployment in order to provide the President with diplomatic leverage for the arms talks.

But the Congress denied the President's request. It said "no" to the 12 site deployment he sought, and gave the President only two sites. So the bargaining chip that was not produced—the full-scale ABM system—resulted in limiting ABM's. The bargaining chip that was produced—a limited ABM—resulted in maintaining ABM's.

That history is instructive. We have already demonstrated our ability to produce the MX missile, and our resolve to do so, with the decision to produce the first 21 missiles. We do not need to vote for this second group in order to demonstrate our resolve. Of course, the President needs bargaining chips for negotiation. All of us would concede that. But as was widely acknowledged after the signing of the SALT I Treaty, new weapons systems do not actually have to be deployed in order to give the President bargaining power. The power derives from the American potential to deploy not actual deployment.

When a bargaining chip is deployed it becomes a building block. We have seen this happen with the Trident missile, originally touted as a psychological bargaining chip for the then upcoming SALT II negotiations. We have seen this happen with the original MIRV's.

As we now can see, once the MIRV cat got out of the bag, it was impossible to contain it. By the time we were thoroughly immersed in talks seeking to limit offensive weapons, MIRV's had become a permanent part of our arsenal. Today, the Soviet Union and the United States have some 14,000 of them in all, and the Scowcroft Commission underscored their destabilizing effect.

We have seen the same scenario take place with cruise missiles which originally the services didn't even want. During the SALT II process, the cruise missiles were justified and promoted as bargaining chips. Today, we have no agreement limiting cruise missiles. Instead, we have thousands of cruise missiles as part of our arsenals.

The Pershing II, which is now deployed in Europe, was originally sold to the Congress as a bargaining chip. And the MX was saved from extinction after the abandonment of the race-track basing concept on the ground that it was a necessary bargaining chip for the START talks.

I think it is clear by now that whenever the United States adopts a double-track decision—to deploy and at the same time to limit the development of a weapons system—that the deployment decision overwhelms the limitation decision. The bargaining chip rationale may work in persuading Congress to produce a weapons system. But the impact on the Soviet Union is to persuade it to do the same.

It is time that we accept the idea that the Soviet Union is not going to bargain with the United States from a position in which we have grabbed the upper hand through the development of some new technology. They are only going to agree with the United States on arms limitations if they have parity, in overall force capacity.

If the administration were really interested in making the MX a true bargaining chip, or having increased leverage from the outset, it would have offered this missile as a match-up with the Soviet SSX-24, the first entrant in the fifth generation of Soviet missiles. For the first time in the history of the nuclear arms race, the United States and the Soviets are on the verge of deploying a new MIRV'd system at the same time. What we should reach now is an early agreement, spurred on by this body, with the Soviet Union that

neither side will deploy any more MIRV'd, land-based ICBM's.

However, the reality of the situation is that the deployment of 100 MX missiles in vulnerable silos is not an arms control lever. If 100 MX missiles were indeed that vital to the President's arms control posture in Geneva, then why have the Soviets proposed at START talks that we be allowed to build and deploy 680 of these dinosaurs? Certainly the President has many more potent bargaining chips with the B-1 and Stealth bomber programs, the D-5 submarine-based missile, his strategic defense initiative, and Midgetman. Yet, the President apparently has placed his primary emphasis on a bargaining chip that is both vulnerable and cannot deter. That is the weakest arms control and national defense posture this country has ever been asked to swallow.

And that brings us to the third criterion. Will deployment of the MX system maintain our 20-year strategic doctrine of mutual deterrence? And this is where the country should be most troubled. Since the MX does not have strategic value, and is a flawed bargaining chip, I fear that a more dangerous consideration is driving this decision. To understand the serious implications of where we are headed, we must again look at history.

Since the MX is being consciously deployed in a nonsurvivable basing mode. And since it is granted by most experts that continued deployment of MIRV'd ICBM's is destablizing, we are being forced into a use it or lose it doctrine which so many of my colleagues have commented on. That doctrine alters drastically what has been our strategic policy over the past 20 years. It raises the specter of the necessity for launching our missiles on warning and may preclude mankind from having a vital decisionmaking role over our own fate.

Over the 40 years of the atomic era, we have adhered to the principle of deterrence, of mutual assured destruction, and not sought to win a nuclear war. We designed our nuclear forces and strategy with one purpose in mind—to survive a nuclear first strike with sufficient retaliatory capacity to incinerate the Soviet Union.

We learned to accept nuclear parity. And whenever we attempted to push beyond parity, we found that the Soviets would respond to create parity once more or vice-versa.

This rough parity provided deterrence and it still does, and indeed I believe we retain the upper hand in deterrent capability with our triad.

Building the MX now, along with the D-5 and the B-1 and Stealth and perhaps Star Wars, is a policy of moving the United States beyond deterrence to preparing to fight a nuclear war and win. Those seeking these weapons want the United States to have a superior offensive force capable of a preemtive attack on Soviet forces, as well as a high quality defense to resist forces that could not be stopped with preemptive strikes.

We must ask therefore whether our vote today on the MX isis deployed?

Mr. President, I cannot believe that this is the path that Congress and the American people want to tread.

When I ran for the Senate I remember reading the book by the senior Senator from New York, "Loyalties."

As decision time approaches, we should reflect upon the words of our distinguished colleague, who observed after Congress approved funding to deploy the MX missile in existing, target Minuteman silos:

> The outcome was not decided by argument. It was decided by routine . . . the routine that Congress never, in the end, refuses a President a new weapons system . . . What was lacking was a sufficiently compelling sense of the principles that were at stake. . . .

There was a catatonic quality to the decision to deploy the MX and absence of will. We were making perhaps the most fatal mistake in our history. But I spoke to a body that could not remember that what it was doing was different.

I believe those words of wisdom are even more relevant today.

Mr. President, I would like to offer this final thought. For an administration which came to office promising the American voter that it would never again allow the United States to get into a hostage situation abroad, we would be deploying a missile which will create more hostages than at any time in our history. This administration is holding arms control talks hostage to its desire to deploy this missile; this administration will be holding the MX missile hostage to Soviet gunners if the system is deployed; this administration will hold the entire triad system hostage to the fate of the MX if it is so deployed; but most importantly, this administration will hold all of us hostage to a launch on warning doctrine—the most dangerous shift in the history of U.S. nuclear policy.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Washington is recognized.

Mr. EVANS. Mr. President, I shall not take long. In my first year in the Senate, I was thrown into the middle of the debate on the MX. I had not been involved in some of the first debates, nor in the linkage of the MX missile with arms control negotiations, nor with the Scowcroft Commission. I voted consistently a year ago with the administration, but frankly with some grave reservations at that time as to the validity of this missile.

In the intervening year we have seen a rising tide of public opposition, increased opposition within Congress leading to this rather convoluted set of votes we will face this week and in the next few weeks ahead. The projected closeness of this vote in both the House and the Senate reflects the missile's questionable viability and value. The simple fact is that the MX is a flawed weapon, but perhaps not without merit. It has always been a missile seeking a home. First, a race track. Then, a political retreat, not a military decision, to fixed silos, and now, a hoped for but not fully tested hardening of those silos to survive enemy attack.

In debate during these last several days, I have heard scores of questions and listened to numerous proposed scenarios with esoteric assumptions. We have heard sophisticated talk of testing, of throw-weight, of hardened silos, and of vulnerability, of launch on warning, or retaliation, or first strike.

There is much talk of bargaining chips. I suppose the question is the MX a white chip, red chip, or a blue chip? Who goes first in the ante? What do we seek in return? It is almost as if these current arms negotiations are just a large albeit bizarre poker game. I suggest it is much more difficult and much more complex than that, and it is rather demeaning for us to continually refer to the MX as a bargaining chip in a giant worldwide poker game.

It is more important to review the role of the MX. First, if arms control fails, and second, if arms control negotiations succeed. What role does the MX play? What replaces it and when? There is no complete or easy answer. There probably are no fully developed alternatives.

Military leaders of both sides deal in numbers. They will always want more than enough in weapons. The nature of the military affects both the Soviet Union and the United States and can lead to an unchecked and continuous arms race. But it is civilian control of the military that is the essence of a free society, and that control is our responsibility now. All of our decisions must be made with an understanding of our budget responsibilities and how best we can constitutionally secure the blessings of liberty and provide for the common defense.

Having reviewed the difficulties and fundamental questions surrounding the MX, there appear to be few reasons to vote for this missile. However, I do not intend that my vote on this resolution be viewed as anything more than the limited decision it represents and certainly does not suggest action on future votes on this issue which will come later this year. Those votes will depend on decisions yet to be made on development of the Midgetman missile and the speed of research on the strategic defense initiative.

Today's decision, in my view, depends on factors other than those so far mentioned. First, our European allies have faithfully shared the defense of freedom for more than 40 years. They have recently accepted deployment of the Pershing missiles in spite of considerable domestic opposition. I believe they would be dismayed if we now shrank from our share of our joint defense. Second, our arms control negotiators in Geneva do not need to carry the extra burden of defeat at home at this critical time. Third, each of us in the Senate has an individual responsibility to vote our conscience but also wherever possible to unify internally when we face an external challenge.

Our greatest era of American foreign policy came when there was bipartisan congressional support. President Monroe established the Monroe Doctrine during what was then called an "Era of Good Feeling." Senator Vandenberg submerged his vigorous partisanship to the unity of America and the postwar rebuilding of Europe began.

It appears to me that this vote, at this time, is really not on the MX as a missile, nor on throw weight, nor basing modes, nor first strike, nor fire-on-warning, nor even deterrence, but as a message. First, of assistance to our allies; second, of help to our negotiators in Geneva; third, of strength to the Soviet Union; and fourth, of support to the President, who does have the constitutional responsibility to lead in developing our foreign policy, and our national defense, and who was overwhelmingly reelected last November to perform this function.

Therefore, I shall vote for Senate Resolution 71 with the fervent hope that it will aid even if marginally in speeding effective arms control. If that is the result, this may well be the best investment we could make in our security and future hopes for peace.

MX: TIME TO DECIDE

Mr. QUAYLE. Mr. President, the Senate has debated the MX for nearly a decade claiming each year that the vote was the deciding one for the program. Now after spending billions of dollars, and having begun production, when we are in the midst of sensitive arms negotiations and are asking our NATO allies to deploy controversial nuclear missile systems on their soil, we are still voting over this missile's fate as if a clear decision on the program is neither needed nor desirable.

This is a mistake. Continued ambivalence on this program can serve no purpose but to encourage the Soviets. Indeed, the Soviets have long been anxious to validate their hope that their military buildup would intimidate the West and bring cancellation of the weapons systems we need to deter possible Soviet aggression.

Nor is this merely speculation. Before he died, Brezhnev told the Central Committee that by 1985 the correlation of forces between the United States and the Soviet Union would be such that the U.S.S.R. could work its will freely. It is for this reason that the Soviets thought they could stop NATO's deployment of ground-launched cruise missiles and of the Pershing II's. So far, they have been disappointed, but they still hope that they might yet intimidate the West militarily and get us to limit our arms to their favor.

As long as we continue to hold back on a final decision on the only new ICBM Program we have, we only feed Soviet faith that their strategy of intimidation may yet work and is worth accelerating.

Nor are the Soviets anxious about the MX's fate for political reasons alone: They know that most of our missiles in their existing soft silos are vulnerable to Soviet attack and that without the MX, we cannot threaten their large, highly hardened silo-based missiles. And they can hope upon experience that our ambivalence will give way to terminating MX or to bargaining it away at the first opportunity.

This is not in our interest. The United States has long subscribed to the policy of maintaining a diversity of nuclear forces—sea-based, air-breathing, and land-based ballistic missile forces. We have adhered to this policy, because we have come to understand what the Scowcroft Commission has popularized—that it is the diversity of our nuclear forces that assures that the force cannot be defeated as a whole.

Certainly, each leg of our triad of nuclear forces might have a weakness (less secure communications in the case of our sea-based forces, relative slowness in the case of our air-breathing forces, and known location in the case of our silo-based ballistic missiles). But each of these weaknesses is balanced by the strengths of each of leg (relative invulnerability in the case of our sea-based forces, mobility and recallability in the case of our bombers, and accuracy, promptness, and highly secure command and control in the case of our silo-based ICBM's.

In the case of each leg, the strengths implicit to them can only be maintained, though, if each kept current. That is the logic behind modernization of nuclear forces and is the key reason why the MX is needed now.

Many of our current force of Minuteman missiles are actually older than some of crews manning them. More important, upgrading the most recent of these Minutemen has been studied and found to be unsound. Indeed, the costs would be quite high (over $10 billion) and the final upgrade would be far less capable than the MX itself.

MX is not an end in itself. It will strengthen our ability to deter Soviet nuclear forces in the 1990's. The President's hope, and mine as well, however, is that we can move to more accurate discriminate forces than those we currently have and that we can begin to provide active defenses against offensive missiles.

Our ultimate goal is to get both sides to reduce the amount of megatonnage in their stockpiles. Before we can make such reductions safely, though, we must both have confidence that neither side's forces can be defeated with ease. In the near term this requires a commitment to deploying MX.

Mr. DODD, Mr. President, if there is one universal lesson that history teaches us, it is the simple, humbling one that our view of events changes over the years. Time gives us a clearer perspective on the hot issues of the day. Imagine for a moment what future chroniclers will say when they write the history of the nuclear arms race.

Today, we can't even take that leap of imagination without wondering if we will be around to see the end of the nuclear arms race. That doubt in itself speaks volumes about the absurdity of this arms race—and the overwhelming urgency of stopping it.

When the history of the nuclear arms race is finally written, I believe that the case of the MX missile will represent the low point of all the intellectual convolutions and political contortions that grew out of the arms race. If we can, in fact, go to even more absurd lengths than this, God help us.

We have debated this weapon ad nauseam over the years. It refuses to live—in terms of being convincingly approved by Congress—and it refuses to die a final death. We have voted to produce it, voted to delay it, voted down plans to deploy it, and even reached a tie vote in the Senate on it. The political fortunes of this weapon, more than any other, have shifted with the prevailing winds.

Rarely, if ever, has a major weapons system been based on such shifting foundations. The military foundation of the MX—its basing mode—has shifted from existing silos to "Race Tracks" to dense pack and back to existing silos, to mention a few of the major proposals. The political foundation of the MX—arguments justifying its existence—has shifted from closing the so-called window of vulnerability to a supposed "incentive" for the Russians to bargain, to punishing them for not bargaining, and back again to the bargaining incentive.

Today the case for the MX is as shaky as ever—so shaky that its propo-

nents are afraid to let the MX stand or fall on its merits as a weapon. They have to prop it up with other arguments. That tells you something.

If the MX wins this time around, it will be because the issue has been framed as a vote to support the President and his view of what he needs to succeed at the arms talks in Geneva. The symbolism of supporting the President has been wrapped so tightly around this missile that its merits and demerits as a weapon have become a secondary matter. The proponents of the MX talk about almost everything else but. We are being asked to buy a multibillion-dollar symbol. The military arguments for the MX have not passed muster.

Well, I support the President. And I fervently support the negotiations in Geneva. I do not need to vote for a wasteful weapon to prove it. Any progress the two sides can make toward slowing the nuclear arms race must be fervently supported by anyone with a head on one's shoulders and a heart in one's chest.

What I will not do is vote to spend billions of dollars for this weapon simply because this President, or any President, says he needs it. My oath of office requires me to exercise my independent judgment in deciding whether this Government should build yet another weapon into a world already absurdly overpopulated with them.

I firmly believe that the best vote for the security and defense of this country, and the best vote for success in Geneva, is a vote to stop further production of the MX. Too many people in Washington labor under the dangerous and mistaken notion that national defense and arms control are somehow at odds with each other. In fact they must go hand in hand. In today's world more weapons no longer automatically mean more security, as was true in World War II. The ultimate absurdity of the nuclear arms race is that the more weapons we build, the less secure we become. Our task is to stop the building and increase our security.

If the push for the MX represents the low point, then the fight to stop this weapon could be a high point in the history of the nuclear arms race. If we succeed, historians might conclude that this was the moment the U.S. Congress opened its eyes to the suicidal path of the escalating arms race, and said: "No. We will not take this step. We reject the arguments of those who would have us build a first-strike weapon for which there is no safe home—a weapon which therefore invites nuclear war rather than deters it."

Perhaps this is the moment when Congress will apply common sense and recognize that the vulnerability of the MX defeats its purpose as a "peacemaker."

Let us look briefly at the four kinds of arguments over the MX: military, economic, diplomatic, and psychological.

Militarily, it is said that we need the MX to modernize and build up the land-based part of our triad of strategic weapons. That is not true. We have already modernized it by making our Minuteman III missiles more accurate, and we could make them even more so with new guidance systems. As another option, we could also replace some Minuteman III's with the highly accurate D-5 missile which will be available within a few years. Nor do we need to build up our land-based missiles to counter the Russian advantage in this area, because we have such huge advantages over them in sea-based strategic missiles and in long-range bombers.

If we insist on constantly trying to equate each part of our arsenal with each part of theirs, the arms race will never end. The Soviet Union, with a different geography and different allies, has a different force structure than we do. It is not only logically absurd to try to make an apple into an orange, but also in this case ridiculously expensive and extremely dangerous to the survival of the planet.

The MX is so dangerous and destabilizing because its accuracy makes it appear a first-strike weapon, and that fact, plus its vulnerability in existing silos, makes it a tempting target for a first strike by the Russians. With far too many potentially first-strike weapons on both sides already, the world is moving inevitably toward high-trigger systems of launch on warning. In such a world, the wise approach is to improve the survivability of our weapons, not add to the problem by threatening the survivability of theirs.

The MX fails on both counts: It does not improve the survivability of our weapons, and it threatens the survivability of theirs. We are being urged to spend billions of dollars for a weapon that we don't need and one that is dangerous to have. At great expense we are buying ourselves less security. What could be more absurd than that?

The economics of the MX make, if anything, even less sense than the military agrument for it. The Congressional Budget Office estimates that the MX Program will come to a total cost of $26 billion for 100 missiles to be deployed in silos, plus many more to be used for testing and replacement purposes. There are other estimates that give us even higher figures up to $50 billion.

Imagine what $26 billion could do to reduce the deficit, improve our economic infrastructure, encourage energy efficiency, or address the serious deficiencies in our conventional forces. On the narrower question of how to spend wisely to bolster our strategic nuclear forces, Senator BUMPERS' devastating analysis of the cost effectiveness of the MX shows it to be about the worst deal, dollar for dollar, that we could possibly be suckered into.

We plan to deploy 100 missiles in existing silos, each one carrying 10 warheads. But by 1990 only 1 or 2 percent of them would be likely to survive an attack by the Russians, given expected Russian improvements in missile accuracy. Assuming one missile survives, that means we will be paying $26 billion for a weapons system that gives us 10 survivable warheads; that comes to $2.6 billion for each survivable warhead.

Defense Secretary Weinberger tells us that we can reduce MX vulnerability by hardening our silos. There is sleight of hand at work here: We are asked to factor in hardened silos in considering the missile's military value, but not to factor in the cost of hardened silos in considering the total cost of the MX. The MX wants the PR value of hardened silos without paying for them.

Based on Air Force estimates, the cost of hardening 100 silos for the MX will be at $15 billion. The Air Force says it won't have any silos hardened before 1990, and by then we may have the D-5 and Midgetman missiles, which will make the MX obsolete.

So here is the MX bargain before us: $26 billion for a weapons system that will be 99 percent vulnerable within 5 years—unless we pay another $15 billion for measures which may protect it somewhat—no one knows how much—depending on developments in Russian weapons. What we now face is the prospect of spending an extra $15 billion to protect a weapons system that we don't need in the first place. Add all that up, and you get 41 billion dollars' worth of smoke and mirrors. It's time to say no to this hocus pocus.

Convoluted as the military and economic arguments are for the MX, the diplomatic justification is even more flawed. We are told that we need the MX as a bargaining chip for the talks in Geneva. In fact we already have it.

A weapon that is truly a bargaining chip—something to trade in return for concessions from the Russians—should not be built before the bargaining takes place. If the weapon has been built in advance and is then bargained away, it will have to be destroyed. Why spend billions of dollars building something that you might have to dismantle? No sensible business would operate that way. Why should the Government?

We are currently building 21 MX missiles, and are ready to build more. The MX bargaining chip, for whatever it's worth, is already in place. There is no need to build any more missiles for that purpose.

Building before you bargain is only one of the absurdities of this argument. Here is another: For a bargaining chip to work it ought to be something of value to you that your adversary wants you to give up. That is not true for the MX. It is no real value to us, and the Russians apparently don't much care whether we build it, judging by their last proposal during the START talks which would have allowed us to build 680 MX missiles, six times more than we plan to deploy on our own initiative.

If the Russians don't view the MX as a bargaining chip, there is every reason to believe that this administration doesn't either. Top level officials, including Secretary Shultz, Secretary Weinberger, and President Reagan, have said that the MX is essential to our security and will not be bargained away. Then when talks are beginning and a vote to produce the MX is needed from Congress, this weapon that is essential for national security becomes something we need as a bargaining tool.

But the MX can't be both, as others have pointed out. Either it is essential to national security and we must build it, or it is not essential and we can bargain it away. By trying to have it both ways, the administration shows it doesn't believe its own rhetoric. If they don't, why should anyone else?

Some in the administration believe that the MX can be used as a threat to scare the Russians into bargaining with us. That is a naive view belied by Russian actions. In 1983, after Congress approved production of the MX, the Russians left the bargaining table; in 1984, after we suspended further production of the MX, the Russians returned to the bargaining table.

The threat of the MX clearly did not control Russian actions in the way the administration apparently thought it might. It should have known better. The Russians naturally—just like us—respond to a military threat, not by bargaining but by a military buildup.

When we considered MIRV'd missiles as a bargaining chip during SALT I talks and the cruise missile as a bargaining chip during SALT II talks, the result was not acquiescence by the Russians and agreements that stopped the Nuclear arms race. The result was both weapons systems being built by both sides, and less security at greater expense for both countries.

What was true of the Russian attitude in the 1970's and the early 1980's is true today. The administration insists on assuming that only a negative incentive—a threat or a punishment—will affect the Russians, when in fact the history of arms negotiations shows that a positive step—a step away from armaments—can be the key to breaking the deadlock. When President Kennedy declared a moratorium on atmospheric nuclear testing in 1963, the Russians followed suit, and the Limited Test Ban Treaty was signed 2 months later.

Given the record of arms control negotiations, a congressional vote against the MX is at least as likely to help the process in Geneva as a vote for the MX. Since the weapon makes no military or economic sense, why not try using it as a reverse bargaining chip? The MX has not worked as a stick; perhaps it would work as a carrot.

Invoking the MX as a symbol, rather than making the case of it as a weapons system, is most blatant in the psychological argument: the notion that we should vote for this fatally flawed weapon as a demonstration of "national will and cohesion."

Clearly the MX in this democratic country will never demonstrate national cohesion. The country and the Congress are as evenly and vehemently divided over it as they have been over any weapon since the nuclear arms race began. The more the MX is debated, the less cohesion it engenders. The only way the MX could promote cohesion would be if it were dropped altogether.

It would be one thing if such an appeal were made in time of war, or for a brief period of international crisis. But we know from experience that arms control talks can drag on for many years. Meanwhile, we are asked in effect to keep up appearances and set aside the genuine concerns of people elected by local citizens, while questionable weapons systems get approved, build up momentum, and become increasingly difficult to separate from the interests of people who depend on them for their livelihood.

What does the President think is required to demonstrate our resolve to defend our country? We currently have the highest peacetime budget for the military in our history. We are carrying our extensive modernization programs in all parts of our triad of strategic weapons. If such action doesn't demonstrate resolve, how could supporting a weapon of highly debatable military value do so?

If we truly want to impress our adversaries, let us demonstrate not only resolve—which we have done many times—but also our intelligence. Let us demonstrate the intelligence to distinguish between worthwhile weapons and wasteful ones, and the intellectual courage to face up to earlier decisions that turn out, upon reflection, to have been mistaken.

If we can take such a clear-eyed view of our defense needs, then the fight over the MX will indeed turn out to be a high point, rather than a low one, in the history of the nuclear arms race. If we can resolve as a Nation to resist the temptation to throw money at military needs without looking carefully at what that money buys, then this battle will end in victory. If the debate over the MX brings us to a clearer understanding that in the nuclear age arms control and national defense must go together, then there is hope for true national security for us and our children.

Mr. President, I urge my colleagues to withhold funding for further production and deployment of the MX missile.

Mr. DANFORTH. Mr. President, to paraphrase President Reagan, "Here we go again." Two years ago the Congress accepted the recommendation of the Scowcroft Commission to begin production of 100 MX missiles. These missiles were to be placed in existing silos as an integral part of an arms control and strategic force modernization program. Today we vote again—either to continue that program and the hard-won consensus it represents, or to abandon it and begin anew our search for a coherent arms control policy.

Let us review how we got to this point. The Scowcroft Commission argued that we cannot solve all ICBM tasks with a single weapon system and a single basing mode. Production of the MX would be only a part of our broader approach to reducing the threat of nuclear war.

The fundamental source of instability that the Commission addressed was the increasing number of warheads on large, vulnerable, land-based missiles. Previous arms control agreements, by limiting the number of strategic launchers but not warheads, increased the incentive to load each missile with the maximum number of warheads. The resulting high ratio of warheads to launchers could allow one side to contemplate a disabling strike against the other's land-based forces while using a portion of its own missiles.

The role of the MX in the Scowcroft package is to create incentives in the short term for the Soviets to agree to a new set of counting rules in arms control negotiations. Counting warheads rather than launchers would create incentives to disperse warheads as widely as possible for survivability. It is this change that will make possible movement toward small, mobile, single-warhead missiles like the proposed Midgetman, which are designed to provide the survivability in land-based missiles that we all seek.

Having set that course, the Congress and the President must now carry it through. Our negotiations in Geneva depend on the continued production of the MX, not for its use as a bargaining chip but for the incentives it creates to reach our long-term goals. If our negotiators are able to bring home agreements that address these goals while making further production of the MX unnecessary, further production could at that time be terminated.

These votes will have a direct impact on the outcome of the negotiations. Without the demonstrated support of the Congress behind them, our negotiators will have a much harder time achieving success. They must have a solid foundation of support behind them. We must give them confidence that the positions and proposals they put across the table will not be undercut at home. The Soviets must know it as well. Secretary of State George Shultz made this clear in his testimony last month before the Senate Armed Services Committee:

When we sit down at the table to discuss these questions with the Soviet Union, it is essential that we speak with one voice, that we not present the picture of a nation in conflict with itself, giving the Soviet Union either openings to exploit or false hopes that we will make unilateral, unreciprocated concessions. The negotiations we are about to embark upon are between the United States and the Soviet Union. We cannot and must not allow them to deteriorate into negotiations among ourselves.

Mr. President, I support continued production of the MX. Endless debating and second-guessing are corrosive to our standing as a great power. When Congress has made a decision of this importance, we should implement that decision promptly. To do less can only harm our pursuit of peace.

Mr. COCHRAN. Mr. President, I am deeply concerned about the credibility of our nuclear deterrent.

The ICBM leg of our triad has become vulnerable to recent Soviet improvements in accuracy and sheer quantity of new ballistic missiles and warheads deployed.

The Soviet ICBM force has grown to approximately 1,600 missiles carrying over 6,600 nuclear warheads. More than one-half of these have been deployed since the last U.S. ICBM was deployed. With the capability of the new Soviet ICBM's, they have a real advantage in the ability to destroy U.S. missiles and warheads, even in hardened silos. Moreover, the Soviets are pushing ahead with development and testing of two newer and more modern missiles, which could be ready for deployment later in this decade.

In comparison, the United States now has 1,030 ICBM's with 2,150 warheads deployed. We have not deployed a new ICBM since the early 1970's when the Minuteman III missile was placed in its silos. The real capability of our ICBM force has become a weak link in our nuclear deterrence strategy, and the Russians know this.

The MX missile offers us a means to fill the gap and restore credibility to the ICBM leg of the triad. The MX has been under development and testing since the early 1970's when we first realized the Soviets were building up their arsenal of ICBM's and improving their capability to levels far beyond that which would reasonably be required for their own defense and deterrence.

The MX has been flight-tested and will provide the accuracy and capability to put at risk the hardest and most protected military and command targets. The 100 MX missiles planned for eventual deployment will demonstrate U.S. resolve and commitment at a critical time in United States-Soviet relations, the beginning of negotiations for arms reductions.

United States and Soviet negotiators will be discussing in Geneva a broad range of arms control issues to determine whether mutual and verifiable reductions in nuclear arms are possible. I hope they are.

However, if the Congress should withhold funding for the MX missile program, the Soviets would have less reason to negotiate a treaty. They would perceive our action as a sign of weakness and have less incentive to agree to any reductions in nuclear arms. In my view, we must strengthen our security and the position of our negotiators in Geneva by supporting MX.

Mr. ABDNOR. Mr. President, with the Geneva arms talks just resuming, this would be exactly the wrong time for Congress to kill the MX. For this reason, despite concerns about both the cost and vulnerability of the MX, I will vote to release funds for 21 MX missiles.

Some people say the Soviets might respond favorably if we agree to drop the MX.

Well, for the last 10 years that's essentially the policy we have followed. Since about 1975, we have not increased our intercontinental ballistic missile [ICBM] force by a single warhead. In fact, we've actually dismantled some of our older missiles without replacing them.

What has been the Soviet response to this policy?

In 1984 alone, the Soviets deployed almost as many new warheads as we have in our entire ICBM force. Since 1975, the Soviets have gone from about 1,500 ICBM warheads to well over 6,000. In addition, they are just about ready to deploy two entirely new and advanced missile systems.

Bargaining from weakness doesn't work with the Soviets and it never has—to believe otherwise ignores reality.

MX is the only new missile we are even considering for deployment during the rest of the decade. If Congress kills the MX, the Soviets will have no reason to hesitate before deploying their new missiles. If we voluntarily drop the MX a week after resumption of the Geneva talks, we'll hand the Soviets exactly what they want without achieving any reduction in their missiles in return.

Now, I'm not for a minute saying that progress at Geneva will be easy. But if we're to hope to achieve a fair, mutually verifiable agreement, significantly reducing the nuclear arsenals of both countries, we absolutely must have a strong position from which to bargain. A vote for the MX will be a vote of strength for our negotiators.

It may cost me votes back in South Dakota. In fact, it may cost me a lot of votes, but I am going to do everything I can to facilitate progress at the negotiating table. The interests of world peace demand that we give these talks our best shot and that's exactly what I intend to do. For this reason, even though it may be politically costly, we must have the courage of our convictions on this vital issue, and I will cast my vote accordingly. Peace and the survival of future generations must be our paramount concern, not our own political well-being in the heated rhetoric of the moment.

It should be clear, however, that I am making no commitment with respect to any future votes on the MX. Future funding will have to be judged in light of circumstances which then exist and in light of any progress which has been achieved at the negotiating table.

Mr. President, I resent and believe it is immoral to play politics with world peace.

I take a back seat to no one when it comes to promoting the interests of agriculture. South Dakota is the most agriculturally oriented State in the Nation, and the farmers and ranchers of this Nation and of my State are on the ropes.

The President's statement that only 4 percent of the Nation's farmers are distressed is outrageous, and I've told him so. I voted in favor of emergency credit legislation for farmers and was very disappointed we were denied an opportunity to vote to override the veto. I will vote for almost anything which truly will improve the farm situation, and I am actively involved on a daily basis in searching for realistic solutions.

But, one thing I will not do is cast a vote which in my judgment endangers the world's future and all of humanity. As a U.S. Senator, my first responsibility is to my country and it's future generations.

Mr. President, many Members of Congress are facing very difficult decisions over the MX. If the MX is approved, it will be with bipartisan support—including approval by the House of Representatives which is controlled overwhelmingly by the other party.

In addition, I continue to have concerns about the cost of the MX. It is imperative that savings, and very substantial savings, be made with respect to the defense budget. Senators and the President should be aware that I will not stand by and watch the defense budget receive a large increase

while spending for domestic programs, including agriculture, is slashed.

Still, the MX accounts for less than 1 percent of planned defense expenditures for the next 5 years. Frankly, there are places where we can save a lot more when it comes to the defense budget without jeopardizing the chance of a lifetime to make real progress with the Russians at the bargaining table.

Mr. SYMMS. Mr. President, as a dedicated Reaganite concerned about achieving deployment of the MX, I strongly agree with your alarming statement made recently on November 29, 1984:

We are determined that we're not going to let them (the Soviets) maintain or enlarge their superiority in weapons . . . we're determined to not let them maintain or continue that lead . . .

Twice before you have publicly acknowleged the dangers of Soviet strategic superiority. On March 31, 1982:

The Soviet Union does have a definite margin of superiority—enough so there is risk . . .

On March 23, 1983:

The Soviets have enough accurate and powerful nuclear weapons to destroy virtually all our missiles on the ground . . . The Soviets have a present margin of superiority.

As you know, the Soviets have over 1,000 more intercontinental missiles and bombers carrying over 3,000 more warheads than the United States. In fact, they probably have an order of magnitude more strategic forces than the United States, counting reserves, refires, and their SALT violations.

The Soviets now have over 8,500 warheads on their ICBM's, or a 4 to 1 numerical advantage and over a 8 to 1 counterforce advantage, considering their accuracy and megatonnage superiority.

The entire U.S. strategic deterrent triad is thus now unprecedentedly vulnerable to a Soviet counterforce first strike. Moreover, since 1981, the United States has unilaterally deactivated about three quarters of our existing nuclear megatonnage, and substantially cut back the planned deployment levels of all our strategic deployment programs. The United States has unilaterally deactivated over 8,000 nuclear warheads since 1965, over one third of our arsenal.

This U.S. vulnerability and unilateral disarmament put our strategic deterrent at risk.

Assistant Defense Secretary Richard Perle testified to Congress on March 14, 1984:

We are now having unilateral disarmament inflicted upon us . . . a (SALT II) treaty that is not verifiable and where the Soviets fail to comply becomes in effect, if we are in compliance, unilateral disarmament.

But as Winston Churchill warned after World War II:

Sometimes in the past we have committed the folly of throwing away our arms. Under the mercy of Providence, and at great cost and sacrifice, we have been able to recreate them when the need arose. But if we abandon our nuclear deterrent, there will be no second chance. To abandon it now would be to abandon it forever.

The Jackson amendment to SALT I of 1972 set forth three basic principles which became the law of the land on U.S. arms control objectives:

United States-Soviet equality; survivability of U.S. forces; and prohibition of a Soviet first strike counterforce capability.

On May 9, 1972, the U.S. SALT I delegation also stated unilaterally that "an objective of the followon—SALT II—negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective retaliatory forces." But these legal and hortatory U.S. arms control objectives has not been achieved, and now U.S. supreme national interests are threatened. The Soviets have repeatedly refused U.S. proposals aimed at equality, survivability, and stabiity. The Soviets instead have achieved superiority, threatening the survivability of U.S. forces with their massive first strike counterforce superiority.

Since the unequal, fatally flawed SALT II Treaty was signed in 1979, the Soviets have added over 4,000 nuclear warheads to their strategic forces, almost doubling the number of nuclear warheads aimed at America.

In October, 1979, the Committee on Present Danger accurately predicted:

If the SALT II Treaty were to approach expiration in 1985 without replacement and without a survivable and durable U.S. ICBM component, the U.S. could face unprecedented dangers.

Mr. President, we are in this dangerous situation today. Arms control negotiations and treaties have not resulted in United States-Soviet equality, U.S. survivability, nor have they precluded an overwhelming Soviet first strike counterforce threat. It is extremely improbable that the Soviets will give up their strategic advantages so laboriously gained through negotiating deception, exploitation of loopholes, and outright SALT Treaty violations.

In view of these facts suggesting the bankruptcy of arms control, I was surprised to read your recent November 26, 1984 letter to Defense Secretary Weinberger on MX, stating that:

If we fail (to deploy the MX), our chances of achieving meaningful arms reductions agreements will be substantially diminished and our nation's security will be weakened.

I believe, Mr. President, that there is frankly absolutely no prospect for any kind of equitable arms reductions agreements with the Soviet Union. We should stop fooling ourselves on this point. American security is already dangerously weakened by the bankruptcy of arms control, and it is time to make the case for MX purely on military grounds. While we may not be able to ensure the survivability of the MX in the short term, MX will bolster U.S. deterrence and is needed to threaten targets that Soviet leaders hold dear—themselves.

In sum, I agree with a recent statement by the National Security Advisor to former President Carter, Zbigniew Brzezinski:

The time has come to lay to rest the expectation that arms control is the secret key to a more amicable American—Soviet relationship, or even to the enhancement of mutual security.

Mr. President, I strongly support MX for military reasons alone, and because Soviet behavior of violating all existing arms control treaties, boycotting negotiations, and jamming U.S. verifications means altogether indicate that arms control will not solve our problems, I urge abandonment of the arms control bargaining chip rationale for MX. We must have MX to bolster deterrence, and this is the best and only reason for MX.

Mr. President, I ask unanimous consent that several articles supporting my position be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 19, 1985]

MX PEACEKEEPER

(By John M. Fisher)

President Reagan has set in motion a chain of events that will undoubtedly lead to this year's most acrimonious national security debate in the U.S. Congress.

Not since Congress debated deployment of the anti-ballistic missile defense system in 1969 has a major nuclear weapons system sought by a president encountered such intense opposition as the MX "Peacekeeper" missile.

The Congress approved deployment of the first 21 MX missiles in 1983. A year later, Congress approved funding for an additional 21 missiles, but delayed release of the funds until receipt of an arms control report from President Reagan. On March 4, Mr. Reagan formally asked that Congress release the funds, setting the stage for the current debate.

Anti-defense lobbyists and lawmakers consistently attack the MX as being part of a "massive defense buildup." They never mention that President Reagan's actual and projected military spending for fiscal years 1982-86 comes to $40 billion less than the amount planned by President Carter's administration for the same period. In addition, while Mr. Carter wanted 200 MX missiles, Mr. Reagan has cut that request in half. While the MX will cost $11 billion spread over the next four years, this is less than ⅛ of 1 percent of the 1985 federal budget per year.

The last four presidents, the last four secretaries of defense, and the Joint Chiefs of Staff for more than 12 years, have urged modernization of our ICBM force by building the MX.

The latest U.S. land-based missile rolled off the assembly line in 1970, but Soviet

production has never stopped. Today 75 percent of Soviet strategic weapons are less than 5 years old, while 75 percent of U.S. strategic weapons are 15 or older. Missiles, like planes and submarines, deteriorate over time and become less dependable. Time also makes their technology obsolete. The Soviets know this, and have a continuing program of replacing their old missiles with new ones. The Russians now have in place more than 600 missiles that are more powerful than the MX. In fact, they deployed more MX-type warheads in one year, between 1982 and 1983, than the United States plans to deploy in the entire MX program.

That is why the bipartisan Scowcroft Commission reported that it is essential to replace our aging Titan and Minuteman missile systems.

While the U.S. Congress still debates the MX missile, the B-1 bomber, and the Trident submarine, the Soviets have 30 new strategic weapons systems in various stages of development, production, and deployment.

Today the Soviet advantage allows them to target six warheads on each of our ICBM silos, which is about three times more than would be needed. But the Defense Intelligence Agency estimates that the Soviet superhardened silos can withstand a direct hit from our most powerful Minuteman IIIs. The MX would be the only missile in our arsenal which could threaten those Soviet silos.

Thus, the MX missile would reduce the growing Soviet temptation for a nuclear first strike or for nuclear blackmail, because it gives us a genuine, meaningful capacity to retaliate against some of the Soviets' remaining missiles and command bunkers.

The opposition the anti-defense lobby has generated on Capitol Hill is certainly not reflected by the attitudes of the American people. In early February, the respected polling firm of Cambridge Reports completed a nationwide public survey for the American Security Council that showed popular support for the MX by a 53 to 28 percent margin. The same survey also showed that by 60 to 33 percent the people felt we should continue to produce the MX "so that we can resume arms reduction talks with the Soviets from a position of strength."

According to both Secretary of Defense Caspar Weinberger and Chairman of the Joint Chiefs of Staff Gen. John W. Vessey Jr., the Soviet Union now has a margin of military superiority over the United States in both conventional and strategic forces. The MX missile and the entire military modernization program will not change that.

The president's strategic military modernization program is only aimed at replacing part of our strategic-weapon delivery systems before they are due for retirement.

Our land-based intercontinental ballistic missiles have already exceeded their design life, and all of them will be ready for retirement in the next five years. Our Poseidon submarines will also be ready for retirement in 1990. And our B-52 bombers will be more than 30 years old.

Essentially, the choice now before Congress is between replacing some of our aging ICBMs or unilateral disarmament by obsolescence.

Allegations of Cheating Endanger Arms Talks

(By R. Jeffrey Smith)

(Initiated by conservatives, U.S. charges of Soviet cheating on arms agreements have lately begun to attract wider support.)

When U.S. and Soviet negotiators gather in Geneva on 12 March for a new round of arms talks, they will do so against a backdrop of unusual distrust. Recent accusations that each side has cheated on past agreements with the other have settled like a cloud over U.S.-Soviet relations, with the consequence that prospects for a new treaty limiting nuclear weapons have been seriously diminished.

In Washington, for example, a senior State Department official announced on 20 February that "it will be difficult to move ahead" at the bargaining table unless the Soviets cease what the Reagan Administration terms a particularly blatant violation of the SALT I treaty, the construction of a huge ballistic missile early warning radar at Krasnoyarsk in central Siberia. In Moscow, various officials have declared that a new agreement will be impossible unless the United States itself abandons what Moscow calls a determination to violate the same treaty, through deployment of the advanced ballistic missile shield popularly referred to as "Stars Wars." Neither is a likely event.

To make matters worse, the SALT I agreement is but one of six major arms treaties that the United States and the Soviet Union have recently accused each other of infringing. According to a report issued by President Reagan on 1 February, the Soviets have also violated various provisions of the SALT II agreement, two agreements banning chemical or biological weapons, a treaty limiting tests of nulcear weapons, and a treaty regulating military maneuvers in Europe. In a rejoinder issued 1 week later, the Soviet Union renewed its claim that the United States has undermined or violated all but one of the same agreements.

One effect of the allegations has been to reinforce existing skepticism within the Reagan Administration about the wisdom of signing a treaty with the Soviet Union. Reagan, who came into office asserting that the Soviets "reserve unto themselves the right to commit any crime, to lie, to cheat," told Congress in a letter accompanying his recent report that the new evidence of Soviet cheating "calls into question important security benefits from arms control and could create new security risks. It undermines the confidence essential to an effective arms control process in the future." This view is echoed by many Administration officials, including Lieutenant General John Chain, director of the State Department's politico-military affairs bureau. Soviet cheating "corrodes the U.S.-Soviet relationship, calling into question our ability to deal with the Soviet government from a common standard of reliability and integrity," Chain recently told the Senate Armed Services Committee.

A year ago, these views were shared only by a handful of conservative senators, such as John East (R-N.C.), Jesse Helms, (R-N.C.), James McClure, (R-Idaho), and Steven Symms (R-Idaho). Lately, however, the concern has spread across ideological boundaries. In January, for example, Colorado Senator Gary Hart, a candidate for the 1984 Democratic presidential nomination, met in Moscow with Soviet Foreign Minister Andrei Gromyko, partly to convey a message that some of the cheating allegations are now widely believed in the Senate, and that obstinate Soviet behavior has weakened the hands of those in the United States who favor a new weapons treaty. Like Administration officials, Hart says that the Soviets respond reflexively, not substantively, when these issues are raised.

Ostensibly, the Administration's hand in publicizing Soviet transgressions has been forced by Congress, which on three occasions since 1983 has sponsored legislation requiring that the allegations be published in brief unclassified reports. At a recent press conference, Kenneth Adelman, director of the Arms Control and Disarmament Agency, emphasized this point as he handed reporters a list of seven Soviet treaty violations, one "likely" violation, two "probable" violations, and two "potential" violations. "We were not hunting for violations," one of his aides explained. "The Congress just wishes to be informed."

But this view is challenged by an aide to Senator McClure, who drafted some of the key disclosure legislation. "Our effort has been welcomed by the Administration," the aide says. "If Reagan had come to Congress with this information on his own, it wouldn't have been credible to a lot of folks up here because of his reputation in this area. With our legislation, we made it easier for him—maybe even made it possible for him—to make this information public." He adds that many Administration officials hope Congress will insist on the declassification of additional evidence of Soviet cheating. "This tugging process, this long-term public minuet, is primarily designed to preserve the credibility of the allegations," he says.

Richard Perle, an assistant secretary of defense who is unabashedly the Administration's chief critic of Soviet treaty violations, agrees that Congress has played a useful role. "When the first report was issued, we said over and over again that we had no choice but to issue the report, that it was required," he told *Science* in a recent interview. "We said this in response to charges that we were somehow trying to undermine arms control by revealing what we knew. Personally, I find that a preposterous argument and a corrupt argument. It's at least shallow. I think that the interest expressed by the Senate has been instrumental in forcing the Administration to approach this subject seriously."

Perle, who believes that no arms treaty signed since the 1950's has been in the interest of the West, has long had close ties to David Sullivan, the chief Capitol Hill critic of Soviet cheating. Sullivan resigned in 1978 from his job as a Soviet analyst at the Central Intelligence Agency (CIA) in the wake of a flap over the disclosure of highly classified information to Perle, who was then an aide to the late Senator Henry Jackson. In Sullivan's judgment (and Perle's), the secret information provided conclusive evidence of a U.S. cover-up of Soviet SALT I violations, as well as additional violations of other treaties. "What I did vis-à-vis Perle was unusual, but noboby ever said it was illegal," Sullivan explains now, adding that he retains access to materials classified "Top Secret" by the Pentagon and the Department of Energy. Since 1981, his congressional salary has been paid by four Senators who favor U.S. abrogation of selected provisions of both SALT I and SALT II, as well as a threefold increase in the number of U.S. nuclear warheads.

Sullivan's involvement in the Soviet cheating debate is well known on Capitol Hill, where he toils under a photo of an Afghani child whose hands were severed by a Soviet bomb, with the caption, "Disarmament Soviet Style." A typical speech drafted by Sullivan and delivered by Symms on the Senate floor last year includes the following passage: "The historical evidence indicates

that arms control has been used as an instrument in the Soviet game plan for strategic supremacy. . . . Arms control has been an enormous Soviet strategic deception, and a very successful deception indeed."

Sullivan is widely thought to be the author of a controversial report on Soviet cheating completed in 1983 by the Administration's General Advisory Committee on Arms Control and Disarmament. He denies it, although he acknowledges that his published work obviously influenced the panel. The report, which was partly declassified and released by the Administration in response to congressional legislation that Sullivan helped draft, lists 17 "material breaches" of nine treaties and four international commitments. The allegations vary widely in seriousness, from a violation of a 1936 treaty governing the passage of aircraft carriers through the Turkish straits to a violation of the 1925 treaty banning the use of chemical weapons. Throughout the report, a "material breach" was defined to include what the committee considered circumventions of a treaty's scope and purpose, in contrast to its precise language.

The makeup of the advisory panel was criticized in a 1982 study by the Congressional Research Service, which noted that it represented "a focused ideological viewpoint, not a spectrum of views," and was dominated by "defense-type ex-officials, analysts, or technicians, not high-level statesmen or citizens with broad and varied backgrounds who possess a good grasp of foreign policy and other relevant public issues." A majority of its members were affiliated with the Committee on the Present Danger, which is devoted to publicizing the Soviet threat, and many had apparently contributed to Reagan's 1980 presidential campaign.

Although Reagan declined formally to endorse the advisory committee study, several of its allegations have turned up in the latest official Administration report on Soviet cheating and in the statements of senior Administration officials. According to the study, for example, the Soviet Union in 1961 "breached its unilateral commitment" to a moratorium on nuclear testing. This allegation is challenged by former arms negotiator Gerard C. Smith, in his 1980 book, Doubletalk: The Story of SALT I. "The fact is before the U.S.S.R. resumed testing in 1961, President Eisenhower had declared the U.S. no longer bound by the arrangement, saying in a press release on 29 December 1959, 'we consider ourselves free to resume nuclear weapons testing,'" Smith says. Nevertheless, the allegation has been taken up by Robert McFarlane, the President's national security adviser, who cites it as the reason why the United States will not now join in a moratorium with the Soviet Union on the testing of antisatellite weapons.

Until recently, congressional liberals or moderates and intelligence community analysts looked askance at most of these charges, arguing that the evidence behind them had been stretched to fit the Administration's preconceived notions about Soviet behavior. Claims about Soviet use of mycotoxins, or yellow rain, in southeast Asia seemed particularly weak, for example. They also noted that the reports had been heavily padded with allegations of "likely" or "probable" violations where hard facts were scarce, such as in the area of the 1974 Threshold Test Ban Treaty. And they claimed that some of the proved violations were trivial or that they were matched by similar indiscretions by the United States. The latest White House report, for example, castigates the Soviet Union for violation of the 1963 Limited Test Ban Treaty by repeatedly allowing radioactive matter from underground nuclear tests to be vented outside its national territory. According to a 1978 report by the Congressional Research Service, however, the United States has also inadvertently caused radioactive matter from underground tests to be vented across the Canadian and Mexican borders.

A year ago, Paul Warnke, the chief U.S. negotiator for the SALT II talks, noted some of these problems at a press conference where he sharply criticized the Administration's initial report on Soviet cheating. Like others in the arms control community, he argued not only that the complaints were being publicized prematurely but also that they may have been raised in bad faith to smooth the path for a series of treaty violations by the United States. "We have to ask whether the Administration is more interested in charging violations than in preserving treaties," he said. "Any public pronouncement by the President that the Soviets are violating arms control agreements is irrevocable. It will certainly not induce them to change their position or to come to the negotiating table with a more positive attitude," he added in a joint statement with Gerard Smith.

Since then, however, both Warnke and Smith have concluded that the evidence behind several of the Administration's allegations is now so strong that it cannot be overlooked, and have themselves made public statements about it. Warnke, in fact, believes that the evidence is sufficient to support a judgment that the Soviet Union may be positioning itself for a breakdown of the "SALT I/SALT II regime." "They may have concluded that arms control is doomed," he told *Science* recently.

If Warnke's suspicion is accurate, the conviction of some Administration officials that a new arms control agreement is unwise is certain to be reinforced. And the allegations of cheating could easily be a more fractious topic of discussion in Geneva than weapons reductions.

U.S. Experts Condemn Soviet Radar

(By R. Jeffrey Smith)

(Most experts agree that the Abalakova radar violates SALT I, but they differ on its strategic significance.)

Near the small town of Abalakova in central Siberia, the Soviet Union is erecting what could easily be an enormous obstacle to progress in arms talks with the United States. A new military radar, 22 stories high and several football fields in length, is rising conspicuously above the countryside there, each rivet an affront to the Reagan Administration. More than a year ago, senior Administation officials concluded that the radar violates the 1972 SALT I accord and must be torn down. To date, the Soviets have refused, and the radar has become the most notorious item on a long Administration list of Soviet treaty violations.

When news of the radar was first leaked to the public, shortly after its discovery by the United States in mid 1983, it was greeted by characteristic skepticism within the arms control community. Former U.S. treaty negotiators Gerard C. Smith and Paul Warnke, for example, told a press conference in January 1984 that although troubling, the radar was not a clear-cut treaty violation and should be pursued with the Soviets in private discussions, not public allegations. Along with many members of Congress, they wondered if the Administation had stretched the facts in order to poison its relations with the Soviet Union and pave the way for its own infractions of SALT I.

Recently, however, Smith and Warnke have both come to accept the argument that the radar violates SALT I, as have such well-known critics of the Administration as former U.S. national security adviser McGeorge Bundy, former ambassador George Kennan, former defense secretary Robert McNamara, and former arms control official Spurgeon Keeny. The allegation is now widely supported in Congress as well. Senator Edward Kennedy (D-Mass.) expressed concern about the radar during a recent closed session of the Senate Armed Services Committee, and on a recent trip to Moscow, Senator Gary Hart (D-Col.) pursued the charge directly with Soviet Foreign Minister Andrei Gromyko.

Specifically, the consensus judgment is that the Soviet Union has violated a provision of the treaty that requires phased-array radars of the type being built at Abalakova to be deployed "along the periphery" of the Soviet Union, and "oriented outward," so that they cannot assist in ballistic missile defense over Soviet territory. The radar at issue is situated south of Abalakova and north of Krasnoyarsk, 600 miles from the nearest border, and its coverage unmistakably extends several thousand miles over the central Siberian plateau.

Beyond the broad U.S. agreement that the radar is illegal at that location, however, lies a substantial dispute over its military significance. On one side are the Administration's more conservative political appointees, such as assistant secretary of defense Richard Perle, who charge that the radar is intended primarily to guide ballistic interceptors, which can be quickly deployed in a general Soviet "breakout" of the SALT I accord. Why else would it be constructed near Soviet missile fields in eastern Kazakhastan? In this view, the radar offers substantial evidence that the "U.S.S.R. may be preparing an ABM [antiballistic missile] defense of its national territory," as the Administration charged in an official report to Congress on 1 February.

On the other side of the dispute is the bulk of the U.S. intelligence community, which ascribes a far more benign motive to the radar's construction at that location. It is designed primarily to provide early warning of a ballistic missile attack by Trident submarines expected to begin operations in the north Pacific shortly, according to this view, and is situated at Abalakova primarily as a cost-cutting measure. To obtain the same coverage within the treaty constraints, the Soviet Union probably would have had to construct two radars, not one, and in an area of extreme cold and inhospitable terrain. Analysis of the radar's physical characteristics reveals that it will have only slight ballistic missile defense capability, most intelligence experts say, and additional evidence of an imminent Soviet "breakout" of the treaty is lacking.

Thus far, resolution of these conflicting claims has been obstructed by the Soviets' decision to provide what everyone agrees is a superficial explanation for the radar, both in public and at the supposedly secret meetings of the Standing Consultative Commission (SCC), established under the treaty specifically to thrash out such compliance disputes. The Soviets' argument is that it is being erected to track objects in space, and

therefore fits within a treaty provision that clearly permits spacetrack radars.

This claim is widely dismissed because the radar will apparently have only marginal space-tracking capability, according to classified U.S. technical analyses. A phased-array radar of the type already deployed at five sites on the periphery of the Soviet Union, it is said to be capable of tracking objects between roughly 2 and 50 or 60 degrees off the horizon, at a maximum useful distance of approximately 3000 miles. As a high-level Pentagon official notes, "Such a radar will see space objects for a certain portion of their trajectory, but it's certainly not going to be able to swivel to track them, let alone see them directly overhead." A radar designed primarily for spacetrack would either be of a different type, capable of much greater accuracy, or have a smaller face, tilted upward, the official says. "The basic reality is that the Soviets have over 20 radars of various types capable of doing spacetrack. Nobody in his right mind would build this one when existing radars cover the same area."

The issue is muddied, however, by the fact that radars such as the one near Abalakova are clearly capable of some space-tracking. The so-called Pave Paws phased-array radars deployed at four sites on the periphery of the United States, for example, were designed primarily for early warning of ballistic missile attack, but are frequently used to estimate the orbital parameters of satellites within their field of view. "You're not going to find us saying that the Soviet radar cannot do any spacetrack," says the senior Pentagon official. "But what they have already can do that job at least as well if not better."

Unfortunately, the treaty itself provides no explicit means of distinguishing spacetrack from early warning of ballistic missile defense radars. Robert Buchheim, a former chief scientist for the Air Force who served as U.S. commissioner to the SCC from 1976 to 1981, argues that "this problem was built into the treaty from the day it was written. Call it a loophole if you want—the treaty is simply incomplete. On the one hand, it allows radars built for spacetrack or intelligence, and on the other, it limits those for early warning and ballistic missile defense. The problem is that phased-array radars can do all of these things, and the two sides never reached any agreement on how to tell the difference."

In a recent book, "Doubletalk: The Story of SALT I," Gerard Smith notes that the United States had initially proposed to resolve this problem by requiring joint consultations and agreement before large phased-array radars could be constructed for purposes of spacetrack and intelligence. But the Soviets resisted, arguing that only those radars "specifically designed" for ballistic missile defense should be limited. In a compromise, the Soviet Union agreed to constraints on early warning radars, while the United States dropped its insistence on the right to veto deployments of spacetrack radars. Neither side specified precisely how early warning and spacetrack radars differ.

At the SCC, the Soviets have argued that the unique spacetrack capabilities of the radar at Abalakova will become evident as it nears completion over the next 2 years. "What our specialists say is that when the radar is finished, everyone will see that it is designed for following space research and other space systems," says Georgy Arbatov, the director of the Soviet Institute for U.S. and Canadian Studies. Due to its angle, the radar "cannot serve as a part of an ABM system," he adds. "However, if the Americans have some doubts, they can put these on the table and we will listen very carefully to it."

Senior Administration officials respond that their complaints are already on the table at the SCC, and that the Soviets have been unable to back up these claims. "The Soviets had no credible information to give us about the radar," says Perle. "This is why we have gone from saying that the radar was almost certainly a violation to saying that it was a violation—because of the lies we were told at the SCC. They built it because there was a gap in their radar coverage and they didn't like it. They calculated that they would get away with it, and thus far they've been proven right."

Along with others at the Pentagon, Perle argues that the Abalakova radar is well situated to assist in the defense of nearby military assets, including several ICBM fields to the southwest. "It does indeed give rise to a capability for a modest but effective preferential defense of high value targets, if not today, if not next year, then in the foreseeable future," says Frank Gaffney, an assistant secretary of defense for strategic and theater nuclear forces policy. He adds that the undisputed capability of such radars to track incoming warheads and predict their point of impact was the primary reason why the United States attempted to limit them long ago.

Senior Pentagon officials also dispute the intelligence community's view that the radar is primarily intended for early warning, noting that an additional 7 to 8 minutes of warning could be gained if it were constructed on the nation's periphery, in compliance with the treaty. They assert that it is "on the order of 100 times as powerful as needed for early warning" and that it goes "well beyond the radar base capability that we had planned for the Safeguard/Sentinel ABM program in the mid-1970's." Along with ambiguous evidence that the Soviet Union is developing smaller, mobile radars, as well as operating its air defense radars during missile tests, the Abalakova radar presents a disturbing picture of Soviet intentions, they say.

Several government technical experts who insist on anonymity assert, however, that the radar will have only limited capability in ballistic missile defense. They note that it will operate in the very high frequency range (VHF), rendering it highly vulnerable to blackouts caused by the intense heat following nuclear detonations. It will have little to no ability to discriminate between warheads, decoys, and missile fragments in space. And it lacks the correct orientation and best angle for assisting in a defense against U.S. land-based missiles. In short, it will probably be incapable of steering missile interceptors and at best can deliver information of limited but real value to another more accurate radar, which does not yet exist.

Several experts on Soviet military affairs also take this cautious view. Stephen Meyer, a political scientist at MIT, believes that "it's clearly a treaty violation, and it's stupid for them to have done it, but it's obviously not a sinister plot by them to sneak out under the treaty." Arnold Horelick, a former Central Intelligence Agency (CIA) national intelligence officer on the Soviet Union who now serves as director of the RAND/UCLA Center for the Study of Soviet International Behavior, notes that "it is a technical violation, not tolerable in principle, and should be of great concern as a threat to the ABM treaty. But it poses no strategic threat in and of itself and is probably at best only a marginal add-on to a breakout capability."

Similarly, Sayre Stevens, a former CIA deputy director for intelligence, wrote in a Brookings Institution book, "Ballistic Missile Defense," last year that "consideration of all the factors apt to influence a Soviet decision to abandon the ABM [or SALT I] treaty reveals few powerful incentives for them to do it in the near term. While the Soviet BMD program has momentum and has made significant technological progress over the past decade, it has really only now achieved the level of technology that was available to the United States ten years ago. . . . The Soviet Union continues to fear the consequences of turning U.S. technology loose and probably still finds the ABM treaty desirable as a means of constraining the application of U.S. prowess to BMD."

Thus far at meetings of the SCC, says Robert Dean, deputy director of the State Department's bureau of politico-military affairs, the United States has asked the Soviets "to acknowledge that radar has important battle-management capabilities; that it violates the ABM treaty; and that it ought to come down, or ought to be altered or rendered incapable of performing the mission that it's clearly capable of performing now." A similar request will be made at the comprehensive negotiations on space and nuclear arms in Geneva.

Such a demand clearly puts the Soviets in a difficult spot. To modify or destroy the radar would be to acknowledge that the Politburo made a conscious decision to skirt the SALT I accord by authorizing construction in its present form. Yet virtually everyone on the American side firmly believes this is what they must do. "They should say, 'we don't believe it's a violation, but in the interests of preserving arms control, we're going to undertake unilateral measures to make clear what this thing really is,'" Meyer says. The absence of such an effort only fuels dark U.S. interpretations.

In addition, many experts agree, both nations should reach an understanding about the precise distinctions between permitted and prohibited phased-array radars. "We should recognize that treaties are living documents," Buchheim says. "The architects of the ABM treaty knew full well that there [is no] single function large phased-array radar" and that the treaty's loose language would eventually need repair. Gaffney of DOD says "we would be prepared to consider such an understanding," but that no such effort has been made by the United States to date.

Mr. HELMS. Mr. President, in th step in modernizing our deterrent capabilities.

Mr. President, real deterrence means the capability to deny Soviet war objectives. Real deterrence is based upon the marshaling of our material and spiritual resources behind a sound strategy, and building a sound and effective national defense. The MX offers that kind of capability.

During the course of the debate on the MX, there has been a great deal of concern about stability in the nuclear weapons area. I am concerned about strategic stability. That is precisely why I support the MX Program. The

MX Program will help bring stability into the situation that exists—one of gross instability favoring the Soviet Union and its allies.

President Reagan in his Report on Continuing the Acquisition of the Peacekeeper (MX) Missile released this month states that, and I quote from the Executive summary:

The military requirement for the Peacekeeper is now even more valid, as the Soviet threat has continued to increase, qualitatively and quantitatively, offensively and defensively. The Soviets have increased deployments of the latest variant fourth-generation ICBMs, further extending their prompt hard-target destructive advantage, and are nearing deployment of two new fifth-generation ICBMs. Two new classes of ballistic missile submarines are being deployed, with a new SLBM in flight testing. Three intercontinental bombers and a family of strategic cruise missiles are being developed or produced. Soviet strategic defensive programs include ABM improvements and research and development initiatives for advanced strategic defense systems. The key to deterring the Soviets from using these increasing capabilities is our ability to effectively hold at risk the hardened targets, such as command, control and communication facilities and other high-value assets, which are essential to Soviet execution of a nuclear war.

THE FAILURE OF ARMS CONTROL

It is essential that it not be overlooked that when negotiations on strategic arms control began in 1969–70, the United States and the Soviet Union were in a posture of relative stability in terms of nuclear weapons. The land-based nuclear arsenal of neither side was placed at risk by the other. The United States did not have a hard-target capability against hardened Soviet targets. Our intercontinental nuclear missile force inventory included only Titans, Minuteman I, and Minuteman II missiles none of which had, or has, a hard-target capability.

The Soviets' 200 single warhead SS–9 missiles were deployed against a U.S. target base of 1,200 hard targets. That is, 1,050 U.S. missiles, 100 launch control centers, and 50 other hard targets. The Soviet SS–9 missiles were designed to neutralize our Minuteman force by destroying Minuteman launch control centers. We responded to this threat by going to an airborne launch mode which took away the Soviet advantage until the Soviets went to a multiple reentry [MIRV] capability.

Mr. President, after 16 years of so-called arms control negotiations, the situation today is one of gross strategic instability which favors the Soviet Union. This has resulted not only from the relentless buildup of Soviet nuclear missiles, 70 to 80 percent of whose warheads have a hard-target capability, but also from the very agreements reached during the arms control negotiations which have permitted the Soviets the necessary qualitative and quantitative strategic inventory with which to put our deterrent at risk.

Secretary of Defense Weinberger described this situation of instability in an understated manner in his report to Congress on February 1, 1983. He said:

During the course of the 1970s the Soviet arsenal grew both in quantity and in quality (although the U.S. qualitative edge remained). The Soviets expanded their land-based missile force and hardened their protective silos, and continued the improvement of their defenses against air attack. At the same time, the United States made a choice to restrict its improvements to the yield and accuracy of its own missile forces, so as not to threaten the Soviet Union with a sudden, disarming first strike. The net result of this was to allow the Soviet Union a "sanctuary" for its ICBM force, since U.S. forces by now could not attack them effectively. The Soviets, however, did not follow our self-imposed restraint. They developed a new generation of ICBMs specifically designed to destroy U.S. missile silos, which were hardened far less than Soviet silos, and the B–52 basis. By the later 1970s, this combination of vulnerable U.S. missiles and a Soviet missile "sanctuary" had reduced the effectiveness of our earlier deterrent and eased the problems of the Soviet war planners. Now, the Soviets could envision a potential nuclear confrontation in which they would threaten to destroy a very large part of our force in a first strike, while retaining overwhelming nuclear force to deter any retaliation we could carry out.

Mr. President, we are now involved in a new round of strategic arms negotiations with the Soviets at Geneva. In my view, it is absolutely essential that we show the resolve to proceed with the MX Program at this time. In my view, the MX is not a so-called bargaining chip. This system is an essential part of our strategic deterrent and demonstrates our resolve not only to the Soviets, but to the world, and our determination to regain strategic stability. MX forces in sufficient numbers, and in being, are an essential part of any arms control negotiating process. We must proceed from a position of strategic credibility and determination in order to avoid nuclear blackmail on the part of the Soviets.

Throughout the debate on the MX, the opponents of the MX have argued that if we build and deploy the MX our nuclear strategy would change. The fact is, our nuclear strategy has changed owing to Presidential Directive No. 59 [PD–59] which the Carter administration put into place and which the Reagan administration has maintained and is maintaining. Not once, that I can recall, have the opponents of MX taken serious note to PD–59 and its consequences for our nuclear strategy and strategic force posture. In my view, PD–59 represents a sound strategy. It is curious that opponents of the MX appear to have forgotten that it was the previous administration which changed our strategy and which called for the initiation of the MX program.

Mr. President, Senators need not be reminded that under the leadership of Secretary of Defense Harold Brown, the Carter administration changed our nuclear strategy. Dr. Brown ordered a study to be made under the direction of Mr. Leon Sloss, a well-known and respected nuclear defense expert. The study, entitled the "Nuclear Targeting Policy Review," began in December 1977 and finished in late 1978. Five years ago, on July 25, 1980, PD–59 was issued based upon this study and it defined our new nuclear strategy.

The strategy outlined in PD–59 replaced—I repeat, replaced—the false and unsound doctrine of Mutual Assured Destruction [MAD] with the realistic strategy of denying Soviet war aims. The Reagan administration has maintained this realistic strategy and the strategy is, therefore, bipartisan in nature.

Because of the MAD doctrine, our strategic missile forces have not been designed to destroy the strategic missile forces of the Soviet Union. The false and unsound MAD doctrine which was conjured up in ivory tower think tanks such as the Rand Corp. and which entered into the Halls of Congress and into the Pentagon resulted in our strategic missile forces not being built with a hard-target capability.

The MAD doctrine foolishly supposed that the military strategists and planners in the Soviet Union would think and act precisely as those in the United States who have promoted the MAD doctrine. Simply put, they assume that Soviet military strategists and planners are a mirror image believing in the fundamental concept of holding major population centers hostage to nuclear blackmail.

Central to the MAD idea is the proposition that population centers be left undefended from nuclear attack. According to MAD advocates, if millions of innocent civilians are held hostage in undefended population centers this so-called balance of terror would assure stability.

The MAD doctrine was and is an immoral doctrine and it has imperiled our national security. The doctrine is immoral because it is based upon the needless destruction of innocent civilian populations. It has imperiled our national security because it did not put at risk the sinews of the Soviet war fighting machine: Soviet nuclear missile installations, Soviet military installations, Soviet industry essential to war, and Soviet command and control installations, both military and civilian.

Mr. President, I am convinced that the Soviet political and military establishment has been only too happy to have had the MAD doctrine circulated and acted upon in the United States and in the West for the last two dec-

ades. The Soviets never believed it and never operated on its assumptions. On the contrary, the MAD doctrine not only served to delude Western policy but also provided the cover and the time the Soviets needed to proceed as quickly as possible to build their own strategic missile forces and defense systems.

With the replacement of the MAD doctrine with the strategy outlined in PD-59 in 1980, we have rectified our lack of a realistic doctrine. We must now proceed to build the deterrent systems which allow us to effectively implement our strategy.

Secretary of Defense Weinberger clearly stated our deterrence policy in his report to the Congress back on February 1, 1983 in the following words:

We must make sure that the Soviet leadership, in calculating the risks of aggression, recognizes that because of our retaliatory capability, there can be no circumstance in which it could benefit by beginning a nuclear war at any level or of any duration. If the Soviets recognize that our forces can and will deny them their objectives at whatever level of nuclear conflict they contemplate and, in addition, that such a conflict could lead to the destruction of those political, military, and economic assets that they value most highly, then deterrence is effective and the risk of war diminished. It is this outcome we seek to achieve.

Mr. President, we have a bipartisan strategy in place. This strategy calls for placing the sinews of the Soviet war machine at risk and thereby deny the Soviets their war objectives. Owing to the legacy of the MAD doctrine, however, our strategic force posture is not up to the job of putting Soviet warfighting capabilities at risk. Therefore, in order to restore strategic stability, we must develop our inventory of strategic assets to fit our new strategy and to make it effective by having hard-target capability.

SOVIET STRATEGIC POLICY

Mr. President, as we debate the MX Program, it is important to consider the nature of the challenge that we face from the Soviet Union. We must have a clear understanding of Soviet strategic policy. Secretary Weinberger in the report entitled "Soviet Military Power" which he made available to the American people in March 1984 clearly and forcefully describes Soviet strategic policy as follows:

Soviet leaders, since Khrushchev's time, have followed a consistent policy for the development of their intercontinental forces. Their main objective has been to capitalize, in peacetime, on the coercive leverage inherent in powerful nuclear forces to induce paralysis in weapons programs and create political disarray in the free societies. In wartime, they would regard the threat or actual use of those forces as the key to the successful prosecution of the conflict.

In a global conflict, Soviet strategic policy would seek the destruction of Western nuclear forces on the ground and in flight to their targets, the capability to ensure national survival should nuclear weapons reach the Soviet homeland and the ability to support and sustain combined arms combat in several theaters of military operations. From these policy directives come several overarching strategic wartime missions:

Protect the Soviet State;

Support the land war in Eurasia; and

Eliminate the U.S. capability to conduct or support warfare at home and beyond its own shores.

Protection of the Soviet State, the most difficult mission, would involve:

Disruption and destruction of the West's nuclear-associated command, control and communications;

Destruction or neutralization of as many of the West's nuclear weapons as possible on the ground or at sea before they could be launched;

Interception and destruction of surviving weapons—aircraft and missiles—before they reach targets; and

Protection of the Party, the State and industrial infrastructure and the essential working population against those weapons that reach their targets.

Theater and strategic forces and programs in place or under active development designed to accomplish these tasks include:

Hard-target-capable Intercontinental Ballistic Missiles (ICBMs), Longer-Range Intermediate-Range Nuclear Force (LRINF) missiles and land-based cruise missiles;

Bombers and air-launched cruise missiles (ALCMs) capable of penetrating U.S. defensive systems;

Submarine Launched Ballistic Missiles (SLBMs) and cruise missiles on various platforms;

Antisubmarine warfare (ASW) forces capable of attacking U.S. nuclear-powered ballistic missile submarines (SSBNs);

Air and missile defenses, including early warning satellites and radars, interceptor aircraft, surface-to-air missiles (SAMs), antiballistic missile (ABM) radars and interceptors and some anti-aircraft artillery;

Antisatellite weapons;

Passive defense forces, including civil defense forces, and countermeasures troops and equipment devoted to confusing incoming aircraft; and

Hardened facilities numbering in the thousands, command vehicles and evacuation plans designed to protect Party, military, governmental and industrial staffs, essential workers and, to the extent possible, the general population.

Supporting a land war in Eurasia and eliminating the U.S. capacity to fight and support conflict would require the capability to employ theater and strategic forces over a variety of ranges and the destruction of:

Other military-associated command and control;

War-supporting industries, arsenals and major military facilities;

Ports and airfields in the United States and those along sea and air routes to European and Asian theaters of war; and

Satellite surveillance sensors, ground-based surveillance sensors, facilities and communications.

Offensive forces (ICBMs, LRINF, SLBMs, cruise missiles and bombers) and antisatellite weapons would generally be assigned these tasks. In some cases, special purpose forces could be used for these missions, especially in Eurasia. These tasks would be generally less demanding than those in the prime category.

Mr. President, Secretary Weinberger's unclassified report to the public which I have just quoted is based upon classified intelligence information which has been collected and analyzed by the many parts of our overall intelligence system. It is a statement of fact which we can ill afford to ignore in our deliberations on the MX. The fact that the Soviets have developed such a strategic policy and strategic capabilities is a clear refutation of the policies advocated by the MAD proponents. Our national security is threatened today because we did not proceed to build hard-target missiles 20 years ago. The MX Program will correct this grave national error.

SOVIET DOCTRINE OF PREEMPTION

Mr. President, during the years of debate on the MX missile, the opponents of the MX have refused to confront directly the facts about Soviet doctrine and strategy. So often we have heard that if the United States builds the MX that this would put us on a so-called hair trigger basis. The facts demonstrate that it is the Soviets who, by the MX opponents own definition, have been on a hair trigger basis for some 25 years.

Not only have the Soviets designed their strategic missile forces with the technical capability to destroy our strategic missile deterrent, the Soviets have oriented their strategic doctrine for employment of their strategic rocket forces to preemption. There is ample evidence to demonstrate that the preferred Soviet doctrine for employment is preemption. By preemption, I mean launch on strategic warning during a crisis. This preferred Soviet doctrine has been in place for some 25 years. About 15 years ago, the Soviets added an additional employment doctrine, that of launch on tactical warning. Second strike for the Soviets is their least preferred employment doctrine which exists only as a last resort.

While the United States has been committed in the past to a second strike employment doctrine, that is the one least favored by the Soviets for themselves, the opponents of MX continually raise the "hair trigger" slogan against the system. This, of course, is a curious logical position to advance given the facts about the Soviets own employment doctrine which stresses preemption first and foremost.

Secretary Weinberger in his report entitled "Soviet Military Power" of March 1984 states the following about Soviet employment doctrine:

Soviet nuclear forces are designed to fulfill their missions under the best and worst of circumstances. In the context of a nuclear war, the Soviets believe the most favorable circumstance would be a preemptive strike; the least favorable would be a follow-up strike after nuclear weapons hit the USSR. Between would be launch-under-

attack; that is, executing offensive operations after weapons aimed at the USSR had been launched. The Soviets have wide-ranging programs intended to enable nuclear forces to operate under each of these circumstances. Moreover, the Soviets appear to believe that nuclear war might last for weeks or even months and have factored this into their force development.

In a preemptive strike the essentials would be effective coordination of the strike and sound intelligence on Western intentions. Soviet nuclear forces routinely practice command and control under various conditions. During wartime, the main mission of Soviet intelligence would be to determine the West's courses of action.

Launch-under-attack circumstances would place the greatest stress on attack warning systems and launch coordination. To meet this demand, the Soviets have established a satellite-based ICBM launch detection system, built an over-the-horizon radar missile launch detection system to back up the satellites and have large phased-array radars ringing the USSR. These warning devices could give the Soviet leadership time to launch their forces after an enemy strike had been launched. To prepare for this possibility, the Soviets practice launching weapons under stringent time constraints.

Follow-on strikes would stress the survivability of the command, control and communications systems as well as the weapons themselves. The Soviets have invested heavily in providing this survivability. The SS-17, SS-18 and SS-19 ICBMs are housed in the world's hardest silos. Silo deployment has been adopted for ABMs as well. To increase survivability, the SS-20 LRINF missile is mobile. Mobile ICBMs are under development, and a mobile strategic surface-to-air missile is being tested. The launch control facilities for offensive missiles are housed in very hard silos or on off-road vehicles. Communications are redundant and hardened. Higher commands have multiple vehicles and aircraft available for their use as alternate command posts. Bombers have alert procedures and dispersal airfields. Ballistic missile submarines could be placed in tunnels near their home ports, submerged in deep fjords just off their piers, dispersed or protected by Soviet surface and submarine forces.

The belief that war might be protracted has led to the USSR's emphasis on survivability along with war reserves, protection for people and equipment and the capacity to reload launchers. For their ICBM, LRINF and air defense forces, the Soviets have stocked extra missiles, propellants and warheads throughout the USSR. Some ICBM silo launchers could be reloaded, and provision has been made for the decontamination of those launchers. Plans for the survival of necessary equipment and personnel have been developed and practiced. In addition, resupply systems are available to reload Soviet SSBNs in protected waters.

Even with these ambitious development and deployment programs over the years, the Soviets are continuing to modernize all aspects of their strategic forces. The Soviet leadership has also been directing a compaign to support and amplify ongoing anti-nuclear movements in the West, in order to influence, delay or frustrate Western nuclear program development. Using this two-pronged approach, Moscow seeks new gains in relative capability despite the drive of Western governments to redress the imbalance that has developed over the past decade.

Because of the open nature of US society, and the fact that much US technology is unclassified, the Soviets have been able to take advantage of US research and development to accelerate their already considerable technological effort. Information and hardware already obtained have saved the USSR billions of dollars and resulted in the achievement of some military capabilities years in advance of what could have been achieved if they were solely dependent on their own resources.

Mr. President, it is a fact that preemption was one of the earliest tenets of Soviet military strategy formulated in the first stage of the post-Stalin debate—1953-55—on Soviet military doctrine and strategy in the nuclear age. In Soviet strategy, preemption is strictly on the warning that the Soviets expect to acquire in a crisis. It is not to be confused with preventive war or an unprovoked surprise attack out of the blue.

Because the literal term for preemption is subject to misinterpretation, however, the Soviets have seldom used it since the late fifties. Instead, they use the terms "frustrate," "disrupt," and "repel" a surprise attack by the West and stress the importance of surprise and seizing the initiative. One authoritative treatment of this subject is available to the public. The study, entitled "War and the Soviet Union," was written by Herbert S. Dinerstein. During the sixties, the Soviets spelled out the meaning of "frustrating" and "repelling" an attack on the Soviet Union. This meant a combined—offensive—counterforce and defensive—air, missile, space, and civil defense—operations.

Examples of such Soviet strategic thought are available to the public. They appear in the authoritative Soviet military journal, "Military Thought," which has been declassified up to 1973. Among examples of such strategic thought are: Col. V. Morosov, "The Third Edition of Marxism-Leninism on War and the Army," No. 7, 1963; Gen. Maj. Vav'yalov, in No. 10, 1965; Gen. Maj. N. Vasendin and Col. N. Kaznetsov in No. 6, 1968; and Gen. Col. M. Povaliy, "Development of Soviet Military Strategy," in No. 2, 1967.

Also available to the public is information illustrating the Soviet employment option of launch on tactical warning of enemy missile and aircraft launch. This is stated unambiguously by Marshall of the Soviet Union N. Krylov, the Commander in Chief of the Soviet Rocket Forces, in Military Thought, No. 11, 1967.

Mr. President, throughout the debate on the MX, opponents of the MX have not seriously touched on the subject of Soviet employment doctrine. Instead, they talk about a so-called hair trigger response which the deployment of the MX would allegedly bring upon us. While there has been a deluge of "hair trigger" rhetoric against the MX, the fact is that the Soviets have been in a "hair trigger" employment mode, as defined by MX opponents, for some 25 years.

MX HAS A CRITICAL MISSION

Mr. President, there has been a great deal of talk during the debate on the MX that it is a system without a mission. MX has a mission: it provides the United States with a hard target capability, a counterforce capability, required by our strategic doctrine in order to regain strategic stability.

It is a fact that the Soviet Union has never operated on the basis of the doctrine of mutual assured destruction. It is a fact that the Soviet Union has designed its strategic missile forces to destroy our strategic missile forces. There are great asymmetries today in the targeting field between the United States and the Soviet Union. From a strategists and war planners' point of view, the United States offers a much easier target than does the Soviet Union. The U.S. target base that a Soviet war planner faces is only about half as large and half as hard as the target base that a U.S. planner confronts with the Soviet Union. We must, therefore, do everything in our power to have a counterforce capability against the full array of Soviet targets in order to eliminate these great asymmetries in targeting and thereby regain strategic stability.

Let us reflect on the historical record. By 1965, the Soviet Union had a counterforce capability in Europe and in Asia with their SS-4 and SS-5 medium range ballistic missiles [MRBM]. Now, the Soviets have deployed the SS-20 missiles which give them a capability against hardened targets in Europe and in Asia such as the French and Chinese missiles. I might add, that it is possible that SS-20's can be deployed in Soviet Asia in such a manner as to hit U.S. territory in Alaska.

The Soviet Union has achieved a capability against hardened targets in these United States through the introduction of the latest models of their SS-17, SS-18, and SS-19 ICBM systems. The Soviets have tested new models of ICBM's.

I would remind Senators that between 70 and 80 percent of the Soviet ICBM warhead inventory has a hard target capability. We in these United States have only a minimal capability against hardened Soviet targets. Indeed, we have not had an across-the-board strategic modernization since 1965.

The Soviet Union has systematically hardened its key centers of military value. The Soviet Union has hardened not only its missile silos but also has hardened military command and control sites. The Soviet Union has developed its capabilities for evacuation and civil defense. The Soviet Union has a

program to disperse a wide variety of economic and military assets.

Secretary of Defense Weinberger in his report on Soviet Military Power of March 1984 states the following about Soviet defense measures:

PASSIVE DEFENSE

Soviet passive defense preparations have been underway in earnest for some 30 years, and have, over time, expanded from the protection of such vital entities as the national Party and government leadership and Armed Forces, to embrace the territorial leadership, national economy and general population. The Soviets regard passive defense as an essential ingredient of their overall military posture and their war planning. In conjunction with active forces, the Soviets plan for their passive defense program to ensure the survival and wartime continuity of:

Soviet leadership,

Military command and control,

War-supporting industrial production and services, and

The essential workforce and protection of as much of the general population as possible.

As this program has expanded, elements of it have been designated by the Soviets as "civil defense." Use of this term in its normal Western context does not convey the full scope of Soviet Civil Defense.

Extensive planning for the transition of the entire State and economy to a wartime posture has been fundamental to Soviet passive defense preparations. The Soviet General Staff and Civil Defense officials have supervised the development of special organizations and procedures to implement quickly the transition to war and have emphasized the mobilization and protection of all national resources essential to the successful prosecution of war and recovery.

The senior Soviet military establishment has also supervised the 30-year program to construct hardened command posts and survivable communications for key military commanders and civilian managers at all levels of the Party and government. Likewise, protective hardening, dispersal and wartime production plans for Soviet industry have all been coordinated with the wartime requirements of the military and supervised by Civil Defense personnel. The protection of the general population through evacuation procedures and extensive sheltering in or near urban areas is the most visible aspect of the passive defense program.

Soviet Civil Defense Management. These passive defense programs reflect the Soviet concept of the system in its wartime mode. The wartime management system would be a militarized system of national administration in which peacetime government bodies become Civil Defense components under direct military subordination. This would extend to Soviet territorial administration at all levels and to specialized functional components such as industrial, transport, power and communications ministries. Soviet authorities at all levels would serve as uniformed chiefs of Civil Defense and command their respective organizations in a military capacity. Soviet Civil Defense thus serves both as a vehicle to administer peacetime preparations and training and as the infrastructure that would knit together civil and military bodies in their unified wartime management systems.

Continuity of Leadership Functions. Soviet commanders and managers at all levels of the Party and government are provided hardened alternate command posts located well away from urban centers. This comprehensive and redundant system, composed of more than 1,500 hardened facilities with special communications, is patterned after similar capabilities afforded the Armed Forces. More than 175,000 key personnel throughout the system are believed to be equipped with such alternate facilities in addition to the many deep bunkers and blast shelters in Soviet cities.

Stability of the Wartime Economy. Soviet passive defense efforts include measures to maintain essential production and services even during a nuclear war. Elaborate plans have been set for the full mobilization of the national economy in support of the war effort and the conversion to wartime production. Reserves of vital materials are maintained, many in hardened underground structures. Redundant industrial facilities have been built and are in active production. Industrial and other economic facilities have been equipped with blast shelters for the workforce, and detailed procedures have been developed for the relocation of selected plants and equipment. By ensuring the survival of essential workers, the Soviets intend to reconstitute vital production programs using those industrial components that can be redirected or salvaged after attack.

Mr. President, I would point out that the concept for developing a counterforce missile is not a new idea. In fact, this concept grew out of the STRAT-X studies which were conducted by the Institute for Defense Analysis at the request of the Johnson administration during 1966-67. Taking note of the Soviet ABM developments as well as of the development of Soviet counterforce capability, the STRAT-X studies recommended the concept of developing a counterforce missile by the United States.

The MX has the critical mission of restoring strategic stability by putting at risk the hardened target base of the Soviet Union. Real deterrence can be achieved only by putting at risk the sinews of the Soviet war machine and thereby deny them their war objectives.

WHY WE NEED THE MX

Mr. President, owing to the mutual assured destruction doctrine, our strategic force posture is not up to the job of putting Soviet warfighting capabilities at risk. Therefore, we need to develop our inventory of strategic assets to fit our new strategy and to make it effective. The MX is the system that is required.

Our submarine launched ballistic missile [SLBM] force has little value against Soviet hardened targets. Why? These Poseiden missiles were purposely designed to minimize their accuracy in order to fit into the unsound MAD doctrine. In my judgment, these Poseiden missiles must be updated as soon as possible with stellar guidance equipment to improve their accuracy and hence their capability.

Our Minuteman III ICBM force, introduced in 1971, was also specifically designed to minimize its capability against hardened Soviet targets. Again, the design was adopted to fit the unsound MAD doctrine. It is true that our Minuteman ICBM force is being improved under the Minuteman III-A program. Nonetheless, we still must go forward with the MX program in order to provide our great Nation with the necessary capability against hardened Soviet targets. The MX program, we should note, will only partially replace the Minuteman inventory; but, such a replacement is absolutely essential for our deterrent capability.

We cannot rely on our strategic bomber force, which is 30 years old, to penetrate Soviet defenses and to destroy hardened Soviet targets. We need to modernize this force as well. It is essential to bear in mind that the Soviet Union did not have the technology for an effective defense against our strategic bomber forces during the 1960's and 1970's. Recognizing this, the Soviets have invested massive amounts of rubles to develop their air defense capabilities in order to deny our strategic bomber forces. The Soviets are deploying the SA-10 missile system. The Soviets have deployed the look-down/shoot-down Foxbat aircraft. The Soviets are working on their own AWACS system.

It is a fact that the Soviets want to make the 1980's the decade of their supremacy in air defense so that they can deny our strategic bomber deterrent. In the face of this massive Soviet effort in air defense, we can only hope that the new and yet unproven Stealth program can restore the viability of our bomber deterrent.

Mr. President, as I stated earlier, after some 16 years of so-called arms control negotiations we are confronted with a situation of gross strategic instability. At the outset of these negotiations, neither side had the capability of destroying the hardened targets of the other side. The Soviets today have an arsenal of ICBM warheads 70 to 80 percent of which are designed for hard target capability. Some 2,000 of these warheads are on the SS-19 missiles which are heavy missiles by the spirit of U.S. unilateral declarations. It may be recalled that the SALT I sought to prohibit the development of the SS-19 heavy missile system. The Soviets, however, ignored this intent and proceeded to deploy these heavy missiles. The United States has gone along with this Soviet program and treats these missiles as if they were in the light missile category. This head-in-the-sand approach, of course, does nothing to mitigate the very real threat that these heavy missiles pose to these United States.

Any weapons system that can destroy a hard target with two warheads is a very good system, whether Soviet or United States. The Soviets have de-

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signed their systems on a two warhead for one target basis. In order to have high assurance, however, the Soviets think in terms of a three warhead for one target attack against our Minuteman force. The Soviets have sized their force in exactly this manner. After an attack using three warheads for each U.S. target, the Soviets would have 1,400 warheads in reserve in their SS-18's and SS-19's.

Some critics of the MX call it a first strike weapon. They note its technical characteristics, such as high accuracy, which give the system a counterforce capability. They also point out the factor of vulnerability. As I have stated, we need a counterforce capability against Soviet hardened targets. I would point out that how a weapon is employed is determined by national policy and not by the technical characteristics of the weapon. Furthermore, as I noted before, the Soviets have been from the beginning in the preemption mode. That is, for some 25 years, launch on strategic warning during a crisis has been the preferred Soviet employment doctrine. About 15 years ago, as I noted earlier, the Soviets included launch on tactical warning as their number two employment option with second strike as only a last resort.

Some critics of MX talk about a hair trigger response. For reasons that I have mentioned, by these critics own definition, it is the Soviet Union who by their launch on strategic warning during a crisis or by their launch on tactical warning doctrine are in just the hair trigger mode that the critics contend the MX will bring to the United States. It is a matter of historical record that throughout the last almost 30 years of Soviet hair trigger posture, the United States has maintained a second strike posture and a second strike capability.

If anything, the qualitative and quantitative Soviet buildup with its hard target capability and our unwillingness to defend our deterrent forces with ABM systems is driving the United States to a launch on tactical warning as the only response available to us given the Soviet determination to deny us our deterrent. I would point out that such a U.S. launch on tactical warning posture would be less hair trigger than the preferred Soviet launch on strategic warning, or preemption, mode that they are already in and have been in for some 25 years.

Some critics point to the vulnerability of the MX and propose that the United States build small single warhead missiles, so-called Midgetman, instead. First of all, the only way to protect land based missiles is to build harder silos for them or to build ABM systems for them or both. Building harder silos is difficult because the silos themselves can be hardened but the missiles inside may not be as hard as their silos. For a single warhead missile, it is difficult to find a basing mode more survivable than silos unless there is a large number of multiple silo sites for each one or unless an ABM system is provided. Within the SALT II constraints, taking on account Soviet missile throwweight and SLBM MIRV limits, there is no feasible way to provide more survivable basing modes.

Some critics assert that the MX with its 10 warheads would be a more attractive target for the Soviets than Minuteman with its 3 warheads. In this regard, let me just state the following fact. There is ample evidence to demonstrate that the Soviets target all, let me repeat, all U.S. missiles, warheads, weapons storage areas, and our National Command Authority. The Soviet inventory contains enough warheads to put 3 warheads on each U.S. target with about 1,400 warheads left in reserve in SS-18 and SS-19 missiles alone. The attractiveness assertion is irrelevant in the fact of the facts of Soviet war planning and in the face of the composition and structure of the Soviet strategic nuclear arsenal.

As for the proposal to build the Midgetman itself, either in addition to or instead of the MX, I would point out that such a system could be designed to be just as accurate and just as effective as an MX. Of course, the proposed Midgetman would have only one warhead and therefore it would be much more expensive to develop the numbers of required Midgetmans to give the same hard-target efficiency as a multiwarhead MX. Leaving this latter point aside, because the Midgetman could be designed to be as accurate and as effective as an MX it would have the counterforce capability which the critics of MX decry.

Proponents of such a missile system also suggest that it could be made mobile and therefore less vulnerable to attack. But let us look at the facts. There are very few areas in these United States on public lands with dimensions of 10 miles by 10 miles square that some proponents suggest is appropriate to their scheme. These sites would be on large military areas of which there are perhaps two or three. The proponents of mobile basing across a large area such as this assert that the missile can be moved from one section of the area to another and thereby avoid destruction. That is, proponents of such a scheme assert that mobile missiles would be less vulnerable. If we carefully examine this assertion, we will find that the mobile missiles would be just as vulnerable to Soviet attack as those in fixed silos. Why? Simply because the Soviets could launch a cookie-cutter type barrage which would cover the entire area and devastate anything within its boundaries. So much for the invulnerability of mobile missiles. I would point out that the Soviets could do this type of barrage attack in an affordable manner within the SALT II constraints.

Some critics of the MX assert that should the MX be built and deployed, the Soviets could then move their submarine launched ballistic missiles [SLBM] closer to the U.S. coastline to be within 10 minutes flight time to U.S. targets. The United States, it is argued, would then have to be prepared to launch our missiles faster and this would encourage a hair-trigger response on our part. I would point out that no Soviet SLBM has a hard target capability. They therefore, would not be effective against hardened U.S. silos. As a matter of fact, the Soviets are endeavoring to change the composition of their SLBM force. They are replacing their SSN-6 missiles with missiles have ICBM ranges such as the SSN-8, the SSSN-18, and the SSN-20. This gives the Soviets a standoff capability which is in line with their objective of obtaining a large secure reserve force of nuclear missiles.

I would also point out, in this area, that the mere fact of the Soviets moving in close to our shores to achieve a 10-minute flight time for their SLBM's to U.S. targets would greatly increase the likelihood of their detection as well as their vulnerability to U.S. attack. The Soviets, of course, wish to avoid detection and seek to minimize the vulnerability of their SLBM force. For this reason, they are developing the long range SLBM's that I noted above and for this reason they seek a standoff capability.

Let us be frank. Long-term Soviet planning in the SLBM field is unrelated to the issue of the development and deployment of the MX missile. Additionally, any so-called hair-trigger response on our part is an irrelevant point because, as I have noted before, the Soviets have been in a launch on strategic warning mode as their preferred employment option for over 25 years and some 15 years ago included a launch on tactical warning as their second option.

Mr. President, let me say in conclusion, that while we have finally adopted a realistic deterrence strategy, in a bipartisan manner, we do not yet have the strategic force posture with which to implement this new strategy. The Soviet Union has designed and built its strategic missile forces to destroy our stategic deterrent. We must develop our strategic missile force in order to achieve real deterrence by having the capability to put at risk the sinews of the Soviet war machine and so to deny the masters of the Kremlin their war objectives.

Mr. President, the MX program provides these United States with a capability against hardened Soviet targets.

The MX is a system that we need to break out of the weapons inventory which was bequeathed to us by the assured destructionists. The MX program helps to provide the capability that our new and realistic strategic doctrine requires, and I strongly urge my colleagues to support this vital program.

Mr. SIMPSON. Mr. President, the coming votes on the MX authorization and appropriation resolutions are of critical importance to this country. What is at stake is the security of the United States and the free world, and no one here can take that issue lightly. It is the task of the Congress and the executive branch to assure that no other country could dare think that it could attack the United States with nuclear weapons and hope to escape a similar horrid fate. In short, deterrence must be preserved.

It is so obvious that Americans want peace in the world and that they would be in favor of arms control negotiations and arms reductions. It is equally obvious that most Americans would prefer to pursue peace and arms control from a position of strength. A majority of Americans have supported President Reagan's attempt to upgrade U.S. strategic forces in order that our national security can be preserved and enhanced. Similarly, a majority of Wyoming citizens recognize the need to preserve deterrence and are willing to do their share in this pursuit.

During the past 5 yearo occur on the high plains of Wyoming. With this deployment we will begin to see U.S. vulnerabilities diminished. If we are to continue to ensure that the United States has a credible deterrent, we must take the bold steps to authorize and appropriate funding for an additional 21 Peacekeeper missiles. I can assure you all that I have had the same strong emotional, moral, and human feelings that have been expressed to me by my colleagues and hundreds of my fellow Wyomingites since the President determined to go forward with deployment of the Peacekeeper missile. I feel the same ambivalence—the same tearing of loyalties—and the same difficulty with the assessment of our national and personal priorities. In the final analysis, I have determined that deployment of an additional 21 missiles is, indeed, in the best interest of the United States.

This body has been talking about the Peacekeeper missile for almost 10 years without taking complete action. In the same period the Soviet Union has deployed over 600 up-to-date land-based missiles with multiple warheads. The deployment of a minimum number of MX missiles cannot be seen as a so-called first strike threat to Soviet missiles. There is a very clear need for the United States to restore its capabilities to destroy superhardened targets in the Soviet Union. The existence of the current imbalance in this ability may cause the new Soviet leadership to perceive that they can engage in crisis bargaining in any area of the world without fearing a U.S. response. We can ill-afford to ignore the imbalance that exists today. Deployment of the Peacekeeper missile is mandated by the need to modernize the land-based segment of our ever-ready strategic triad. When the first MX is placed in the ground it will be almost 15 years between the last deployment of our most modern Minuteman III missile. While the program to develop a small single warhead missile progresses, Congress and the executive branch must have the foresight to provide for increased security in that interim.

Some opponents of the Peacekeeper missile have argued that we should spend less money on the land-based arm of the strategic triad and more on submarine missiles. This argument ignores the fact that we must make certain that each arm of the triad is strong and that each segment has speed, reliability, and hard target capabilities. The maintenance of our modern triad is necessary to assure that unexpected Soviet defense developments or other future events will not radically shift the rough strategic balance.

I often hear Members of Congress and others talk about the survivability of the Peacekeeper as a reason to cancel the program. However, I will point out that survivability is not a static phenomenon. We shall have the opportunity in the future to harden the silos that the Peacekeeper will be deployed in. We have learned from the Soviets that by using mechanically reinforced elements our current silo hardening technology can be advanced to a degree where we could ensure silos much harder than those which we have today. The individuals who most often raise this argument do so in the context of worst case estimates, and fail to acknowledge that a ghastly variety of attack and survivability scenarios exist in the real world. These individuals also forget that in the context of the total triad, the individual elements of that triad reinforce the survivability of one another.

Certain opponents of the Peacekeeper have asserted that the Peacekeeper is a weak weapon. This statement is obviously an oversimplification of the vulnerability argument. No nuclear weapon is a weak weapon. The Peacekeeper missile is a uniquely powerful weapon that is meant never to be used. The throw weight of the Peacekeeper and its newly improved warhead make for an awesome combination. If American opponents of the Peacekeeper do not know this, I can confidently assure you that the Soviet Union does.

In recent months the terms, "arms control" and "the MX missile" have inevitably become the focus of attention. Arms control negotiations should always be used to enhance national security, never to diminish it. In this vein, the Peacekeeper missile becomes an important factor. While I remain certain that all of us wish to see arms control agreements and arms reductions, it is folly to begin such reductions prior to the completion of or coming to a common understanding on official negotiations.

The Peacekeeper should assist us in achieving strategic stability in counterforce weaponry. In addition, deployment of an adequate number of Peacekeeper missiles should provide an incentive to the Soviets to negotiate reductions, knowing full well that the United States intends to achieve a balance in the ICBM counterforce capability. The Soviets cannot be expected to unilaterally relinquish the advantage they now enjoy.

Our U.S. Arms Control advisor, Paul Nitze, has stated that a congressional move to withhold funds for the deployment of additional missiles would encourage the Soviets to increase their opposition and propaganda efforts. Mr. Nitze went further by noting that the withholding of funds for an additional 21 missiles might not manifest itself immediately in the Soviet position in Geneva, but that defeat of the MX would be seen in Moscow as indicating a lack of U.S. resolve and the Soviets would be encouraged to pursue their propaganda campaign designed to force unilateral U.S. concessions rather than bargaining seriously. Congress cannot in good conscience undermine current arms control negotiation efforts by denying funding for these missiles.

After considering all aspects of the Peacekeeper funding issue—I do, in good conscience, express my intention of full support. I did not come to this conclusion easily—I have listened carefully to expressions on every side of this issue—and I have cautiously recognized that there is a great deal of truth represented through all perspectives. I do hear, very clearly, those expressions which are often presented to me, that we must take the first step in arms reduction—or that we must at some point say "enough is enough," and that we should move forward toward weapons reductions even if it means placing us, initially, at risk. Ah, if only that could be an effective way to reduce the world supply of nuclear arms and the daily threat to our existence and our cherished way of life. Unfortunately, the adversary we are dealing with in the Soviet Union does not quite share our perspective. The Soviets have a stated intention of wanting to reach verifiable arms control agreements—yet their statements

do not carry the same meaning as the statements that we make in that regard. The Soviet Union generally sees the arms control process as a means of limiting enemy capabilities through the use of propaganda and signed agreements. History has certainly shown us that we cannot, and must not, base our defense on the simple assurance that the Soviets will follow our lead. This thought is negligently naive.

We need only to cast a cursory glance at more recent history in order to learn how the Soviets respond to given weapons programs. There are those who say that the Peacekeeper missile should not be deployed so that the Soviets will be more willing to reach arms control agreements. However, the Soviets could have reduced the number of intermediate range missiles they have in Eastern Europe and the Soviet Union prior to the deployment of the Pershing missile in Europe. However, the Soviets chose not to exercise that option, and only after we deployed the Pershing missile did they again become serious about arms control negotiations.

I think we often overlook the broad sweep and perspective when dealing with this sensitive issue. There are many ways in our free society where proposals such as this can be stopped or deferred. Congress has the full means to halt a project based on objections to minor elements of an overall plan. That is the way it is in a free society—but I would caution my colleagues to recall that the Soviet Union has no such system—they have no array of civilian checks and balances built into their system. In the Soviet Union individual citizens are not consulted on issues of national defense and its Government motives are not openly discussed—and for this reason we cannot and must not "mirror image" Soviet intentions.

It is of primary importance now for us to maintain a comprehensive view of the entire issue and to understand that some sacrifice, some commitment, is necessary for the good of this country. If we allow ourselves to express the full throated provincial ideas that we often express—"not here, not this, not now"—then I feel we must also ask the question, "Then where, and what, and when?"

Some honestly express that it is a violation of God's will to amass a force of nuclear arms that are designed to take the lives of other human beings. But will "God's will" be done if those who truly believe in him, who spread his word, who do his work, who live in his teachings, fail to defend themselves and then are wiped from the face of the Earth by a wholly Godless ideology—who will not even allow other humans to gather together to speak His word—who will not even carry on His message of hope and peace—can that be God's will? It is a question worth pondering.

If we were now to deny this awesome counterforce weapon—even as reluctant as we all are to be forced to deploy such a destructive force—what then do we deploy—what do we do to close the window of vulnerability? We must have the clear assurance that war will not be waged upon us by our enemies—and I feel this can best be based on their firm, unshakeable and unwaivering knowledge that it can not be won by them—regardless of how awesome their full fighting dress or posture. The MX missile is the full punctuation of that assurance and I shall support it and I earnestly urge my colleagues to support it as well.

Mr. ROCKEFELLER. Mr. President, I have decided to vote against Senate Joint Resolution 71 and Senate Joint Resolution 75, the resolutions authorizing and appropriating the fiscal year 1985 funding for 21 additional MX missiles.

As a new Senator, I am obviously voting for the first time on MX. The President's insistence that MX is critical to the national security and to the arms control process in Geneva makes these votes on MX a close and difficult decision.

In my view, the modernization of our strategic weapons spearheaded by President Reagan has contributed to bringing the Soviet Union back to Geneva. The Soviets did embark on an enormous escalation of their nuclear arsenals through the 1970's. It has been the policy of both this administration, and of its predecessor, to meet that buildup—to keep the peace by maintaining clear and sufficient strength to deter nuclear war. It is my intention to uphold that effort by supporting those aspects of the modernization program that contribute to the overriding goal of deterring nuclear war.

But the only weapons we need are those that contribute to strength and stability: That improve our position in the arms control negotiations, but help prevent war in all eventualities, whether arms control talks succeed, remain inconclusive or break down.

It is true, as the administration contends, that the last four administrations have sought to modernize our land-based missiles. However, it is also inescapably true that these administrations have considered more than 30 basing modes for a large land-based missile for one reason and one reason alone. They were united in their belief that placing a missile like MX in existing silos would jeopardize, rather than enhance, national security. The Senate Armed Services Committee, then chaired by Senator John Tower, now one of our Geneva negotiators, reflected that view by observing in 1982, that placing MX missiles in existing silos "would not redress the problem of the vulnerability of the land-based ICBM force," and strategic stability "could be jeopardized, rather than enhanced, by the deployment of high-value, militarily important weapons in so small a number of relatively easily destroyed shelters."

The MX missile placed in existing silos looks like the worst of all worlds: A vulnerable, destabilizing first-strike weapon—in times of crisis, a prime target for the Soviets because of its size; a real temptation for us to use it or lose it because of its vulnerability.

The dangers inherent in MX might be worth risking if it added an essential element to our deterrence capacity. But as former CIA Director William Colby wrote last year, "Thanks to existing U.S. forces—such as our submarine fleet, bombers, and new cruise missiles—the United States now possesses an absolute capacity for retaliation in the event of any nuclear attack." The Congressional Budget Office has estimated today that we already have about 6,000 nuclear warheads likely to survive a major Soviet Attack—mainly because we have chosen to build survivable systems, putting a large percentage of our nuclear deterrent in submarines and bombers. We should stay with that sound doctrine, rather than to resort to MX and imitate the Soviet reliance on vulnerable, MIRV'd, land-based missiles. The Scowcroft Commission convincingly made the case that stability required moving toward development of a small, single warhead ICBM—probably mobile—which would be neither a realistic, first-strike weapon, nor an attractive target to the Soviets. The Commission did not convincingly explain why going in precisely the opposite direction—building the 10 warhead MX missile and deploying it in existing, vulnerable silos—would speed the development of the small, single warhead missile or contribute to stability in the interim.

In my view, we do not need MX for additional firepower. Nor do we need it as a bargaining chip; cruise missiles, Trident II submarines, the Strategic Defense Initiative and other programs, give the President strong cards as the negotiators return to Geneva. Our deterrent is strong under all foreseeable circumstances; the modernization and survivability of our forces puts us in a good position for serious negotiation on arms control and reduction. After studying the issues carefully, I have reached the conclusion that MX would neither strengthen our strategic readiness nor enhance our national security.

Mr. HOLLINGS. Mr. President, it is difficult to imagine that we are really here debating again the fate of the MX. We see the arms negotiations starting in Geneva, hear the glorious words "bargaining chips," and witness

the President dining with our Republican colleagues in a last-minute appeal to sell the MX.

The debate and vote on MX is being framed by its backers as a way to support President Reagan's position in Geneva—it's a bargaining chip in soliciting reductions in the numbers of Soviet warheads. Nonsense. It is absurd to suggest the MX as a bargaining chip. The only bargaining position it enhances is that of the Soviet Union, not that of the United States.

The Soviet negotiators must be gratified at the good fortune dropped in their laps. Their adversaries agree to waste $33 billion by taking and dispensing missiles in silos that only make for a bigger bull's-eye to shoot at since the Russians don't even have to change their missiles' aim points. They don't have to spend any additional money to destroy our ICBM Force, and we offer them missiles with 10, more accurate warheads rather than Minuteman III missiles with three, less capable warheads.

The decision on MX should extend beyond the scope of the program and also consider overall defense priorities. The debate on the MX should address: its critical factors such as survivability, expansion, alternatives, and cost; the balance between strategic and tactical force modernization; our military's readiness requirements, particularly under the modernization plans projected for 1985 to 1995; and the cost of manpower versus equipment in future years.

In analyzing the MX, two key questions must be kept in mind: First, do our present strategic forces and those planned under the administration's defense program through fiscal year 1990 provide effective deterrence, and second, is the MX essential to this deterrence—particularly in view of its exorbitant cost ($33 billion) at the expense of neglecting more critical priorities of our conventional forces?

I have stated time and again that my first preference before MX would be the Trident II D-5 missile. The idea is to find a survivable missile with a hard-target kill capability and the accuracy envisioned for the MX missile. We will have such a weapon in the arsenal of the United States of America by 1989, and that is the Trident D-5 missile. Several years ago when the Navy came forward with the D-5, some of us were interested in a common missile for different missions. Our question was why should not the D-5 be the common missile—for both land and sea deployment? We could stop the MX and use the D-5 on land, as well as in the Trident submarine.

But there was a definite understanding between the Navy and Air Force. We had two branches of the armed services wanting their own missiles and their own contracts. They had to have their own and forget the idea of saving funds by going with a common system. Since they would not join together, we have duplication in effort, we have added cost, and we have an extravagance that we cannot afford.

The administration alleges that MX deployment is the cornerstone of the U.S. resolve and will to maintain an effective nuclear deterrent capability. Such contentions are erroneous. Our entire strategic force modernization effort is a forceful illustration of U.S. will. There is an abundance of will and resolve in the Trident D-5 system, the new single warhead Midgetman missile, the B-1 and stealth bombers, the strategic cruise missile programs, strategic command and control improvements, and the strategic defense initiative [SDI] ballistic missile defense system. We are spending nearly $400 billion for these programs in the next 5 years while producing thousands of new warheads—warheads with a hard-target kill capability. Why should MX be any more a sign of resolve and willpower than Trident or the SDI?

The MX program was originally conceived to overcome the alleged vulnerability of the Minuteman force. This original objective has taken a backseat in recent discussions. And now we see—as the vote draws near—the Air Force saying that our silos are more hardened than earlier expected and Soviet missile accuracy is not as good—so MX is now a good deal. Baloney. By placing MX in fixed silos, we would be deploying about 33 percent of our land-based MIRVed missiles—and nearly 100 percent of our land-based, hard-target warheads—in only 10 percent of our silos. The absurdity of this move is well documented in the following quote from the Senate Armed Services Report on the fiscal year 1983 Defense Authorization bill. "The committee is also concerned that the possibility exists that strategic deterrence and crisis stability could be jeopardized, rather than enhanced, by the deployment of high value, militarily important weapons in so small a number of relatively easily destroyed shelters. * * * No further work is to be undertaken in support of fixed-point silo basing of MX."

At this point, Mr. President, I ask unanimous consent to place in the RECORD statements made by Secretary of Defense Weinberger and other Defense Department officials and by various Members of Congress regarding placing the MX in fixed-base silos.

Foregoing the MX is not a signal of abandonment of ICBM modernization or of the concept of the strategic triad. Coupled with cancellation of the MX should be a firm commitment for development of the Trident II system (with a minimum of 22 Trident subs), the Midgetman missile, and the stealth bomber armed with the newest cruise missiles. We can upgrade the current Minuteman III force to provide comparable range, accuracy, and hard-target capability as proposed for MX. The Air Force has stated that such an improved Minuteman force can be available within the same timeframe suggested for MX deployment—at a cost of about $13 billion versus the MX cost of $33 billion including warhead. One Trident submarine would provide approximately 200 survivable warheads at a cost of $2.5 billion. The MX—at $33 billion—would provide roughly 50 survivable warheads after a Soviet first strike—according to a CBO analysis.

It is our responsibility to assure that dollars available for defense improve our security, not lessen it. Funds saved from canceling MX could be better put to use on programs such as the F-16, various airborne missiles, attack submarines, tanks, ammunition, tactical vehicles, equipment for the Reserve and Guard, the Marines' rapid deployment needs, and the readiness and training of all forces.

Mr. President, through fiscal year 1984 we have provided funds for 21 MX missiles. Let's stop there. Use them for testing purposes and as launch platforms. We don't need another 21 missiles. We have and will continue to have the best strategic forces available—canceling the MX does not alter this fact. Our decision could decide whether our pilots have an adequate supply of precision munitions to defeat Soviet attacks, whether our troops are ready and armed to fight, and whether our naval forces can maintain control of the seas.

The MX is not defensible from either an economic or a military viewpoint. Let's stop it now.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MX QUOTES WITH REFERENCES

Sen. John Tower, November 2, 1981—Interview in the U.S. News & World Report: "By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at . . . True, the MX missile itself will be more powerful, more accurate—and we need that kind of weapon. But it's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms-control talks."

Caspar Weinberger, Secretary of Defense, January 6, 1981—Confirmation hearings in front of the Senate Armed Services Committee:

"I would feel that simply putting it [the MX] into existing silos would not answer two or three of the concerns that I have: namely, that [the location of] these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces."

Sen. Henry Jackson, October 5, 1981—SASC hearings, "Modernization of the U.S. Strategic Deterrent." page 11:

"My main criticism—and I criticized the Carter administration—is that in the 1980's

Minuteman and Titan are vulnerable in those silos. I think you and others properly have criticized that deployment. Then after 8 months we come back here; we have looked at all these other things supposedly, but it took 8 months to do that, and we end up with what we have now. . . . We have given the Soviets a better target to shoot at."

Senate Armed Services Committee report on the fiscal year 1983 Defense Authorization Bill, April 13, 1982:

"The planned interim basing of MX does not redress the problem of the vulnerability of the land-based ICBM force. . . . The $715 million requested for research and development on interim basing of the MX is denied. No further work is to be undertaken in support of fixed-point silo basing of MX."

Sen. William Cohen, December 16, 1982—Congressional Record, daily edition, page S15206:

"The reason Sam Nunn and I proposed our amendment a year ago was that we were frustrated with what we perceived to be an intention to move forward with an interim basing mode—placing the initial missiles in superhardened silos—that was not survivable, but was costly and probably in violation of the terms of SALT I and II. We specified that the MX funds could not be used for that purpose. . . ."

Rep. Melvin Price, October 6, 1981—Opening statement, HASC hearings, Military Posture, part 2, pg. 2:

"What is to be gained by deploying just 36 MX missiles in existing silos? If 4,600 silos of the MPS mode would be too vulnerable to proliferation of Soviet ICBMs, how are 36 or even 100 MXs in fixed silos to be more survivable? What technical knowledge do we have now as to the feasibility of deep silos basing?"

William Perry, Former Undersecretary of Defense, November 13, 1981—SASC hearings. Strategic Force Modernization Programs, page 441 and 447:

"My concern is that if we had this very accurate, very threatening missile in unprotected silos, and if they do not go to a survivable system themselves . . . that simply increases the hair trigger . . . on both sides."

"I agonized over that and said on balance I would not go ahead with that [MX in silos] because I don't believe we will come up with a survivable basing mode that is acceptable.

"Since I am pessimistic that we will get a basing mode that is both survivable and acceptable, I am opposed to putting a weapon that lethal in an unsurvivable mode, for reasons I have described in terms of hair triggering the alert."

Senate Strategic and Theater Nuclear Forces Subcommittee Report on fiscal year 1983 Defense Authorization Bill, March 24, 1984—(endorsed by Sens. Thurmond, Goldwater, Cohen, Quayle, Jackson, Nunn, Hart and Exon):

"The number of additional warheads that would survive an attack upon MX missiles so deployed [in Minuteman silos] does not appear to justify the costs—assessed at $2.6 billion over the next five years—associated with this basing scheme.

"The Committee also is concerned that the possibility may exist that strategic deterrence and crisis-stability could be jeopardized, rather than enhanced, by the deployment of high-value, militarily important weapons in so small a number of relatively-easily destroyed shelters."

General Lew Allen, Chief of Staff, U.S. Air Force, January 29, 1981 SASC hearings

". . . An essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment."

Dr. James P. Wade, Principal Deputy Undersecretary of Defense, October 27, 1981—SASC hearings "Strategic Force Modernization Programs" p. 42:

". . . If you focus just on the survivability aspect of the value gained by placing the MX in a hardened silo . . . the value is at best marginal."

Harold Brown, former Secretary of Defense, November 13, 1981—Washington Post, op-ed page:

"The Oct. 2 decision adopts an admittedly very vulnerable basing system, and indicates an intention to continue to explore other possibilities for some time in the future. . . . There is talk of further hardening of existing silos for a much-truncated MX force, but since the MX will not be available until 1986, that further hardening, if it is at all feasible, will not be available before the Soviets can install a new generation of guidance systems. The Soviets, using technology that they have already developed, will surely be able by that time to improve the accuracy of their ICBMs further, so that in the case of a nuclear war the hardened MX silos will find themselves in the fireball and in the crater left by the nuclear explosion of Soviet warheads; the silos would not survive such an experience."

Sen. Sam Nunn, December 2, 1981—Congressional Record page 29358:

"The experts who have testified before the Armed Services Committee, and I am sure other committees have had similar testimony, agree that the Soviets today have the combination of yield and accuracy necessary to overcome the levels of hardness contemplated. The MX simply is not survivable in existing silos, whether they are hardened or unhardened. This fact is confirmed by every expert witness who has testified, and it includes also not only governmental witnesses but also knowledgeable outside witnesses, including the Air Force and our intelligence community."

Rep. William Dickinson, October 6, 1981—HASC hearings on Military Posture, part 2, Pg. 4:

"From my understanding of the physics of the problem it is almost impossible to guarantee a respectable level of survivability with missiles encased in a silo of ICBM's. In other words, we are trying to address our so-called window of vulnerability, and I am concerned that we are not closing that window of vulnerability but simply pulling down the shade."

Sen. William Cohen, December 2, 1981—Congressional Record, pages 29338, 29341;

"If you believe in the window of vulnerability, then putting those missiles [the MX] in unprotected, immobile silos is a very dangerous move. It's inviting of the very kind of Russian strike that we fear . . .

"It also, I think can be agreed upon that the hardening of missile silos, as has been recommended by the administration on an interim basis, does very little to improve missile survivability, and that such hardening does not reduce the threat of nuclear conflict or strengthen nuclear deterrence . . .

"I think inherently in any decision about having fixed silos, we must deal with the question as to whether or not, by putting these new, bigger, more destructive missiles in a fixed mode we thereby lower that threshold and make them much more targetable, much more attractive for the Soviets to attack in a moment of strategic error, miscalculation, and madness."

Dr. Richard DeLauer, Undersecretary of Defense for Research and Engineering. March 11, 1982—HASC hearings on Military Posture, Part 5, pp. 387, 388.

"The reason that I did not relate interim basing (of the MX missile in Minuteman silos) to the survivability problem is that the resulting survivability will be no better than it is now."

Caspar Weinberger, Secretary of Defense, October 5, 1981—SASC hearings. Modernization of the U.S. Strategic Deterrent, page 21.

"I don't think they (Minuteman silos) can be hardened enough on a permanent basis to warrant putting (MX missiles) in fixed and known silos. I think they can be hardened enough to give added strength for a few years."

Lt. Gen. Kelly Burke, Deputy Chief of Staff, U.S. Air Force, March 15, 1982.

". . . I testified earlier that the Air Force had recommended, irrespective of congressional action, that superhardening was not worth the cost. It had some value. It also had a very big price tag and our recommendation was not to do that."

Sen. Dennis DeConcini, December 3, 1981—Congressional Record, page 29543:

"By placing our most advanced strategic weapon—the MX—in silos which belong to an earlier era of nuclear technology, the President has reduced—perhaps even eliminated—the usefulness of the MX. Hardened existing silos would make a nice target for Soviet planners. It might even encourage them to contemplate a pre-emptive attack, because the payoff—America's MX missiles—would be so attractive."

Sen. Dan Quayle, December 3, 1981—Congressional Record, page 29498:

"The primary justification for a new land-based missile must be that it is relatively invulnerable to a Soviet first strike. If it is not, it will lose its deterrent value, which is the position we are facing with our Minuteman missiles.

"It continues to distress me that, despite years of discussion and debate, we still lack an acceptable basing mode for the MX."

Sen. James Exon, December 3, 1981—Congressional Record, page 29501:

"Probably the most serious of all is the ill-conceived placing of the 10-warhead MX missile in place of the 3-warhead Minuteman III missile or the single-warhead Minuteman II and Titan missiles which would contribute to the unstable "launch-on-warning" doctrine we should instead be trying to avoid. It makes no sense to this Senator to place a more valuable weapon such as the MX in silos which are becoming more vulnerable with each passing month. During time of tension or warning of actual Soviet missile launch there will be a greater tendency to "use them or lose them" rather than having our land-based missiles attempt to "ride out" an attack and then retaliate. This situation does not contribute to crisis stability—one of the administration's own properly stated goals."

General David Jones, then Joint Chiefs of Staff, October 5, 1981—SASC hearings, Modernization of the U.S. Strategic Deterrent, page 19:

"In my own view, I consider the MX in a very survivable mode to be extremely important to the security of the Nation. I remain to be convinced there is a survivable mode other than MPS. So, if forced with the diffi-

cult choice, B-1, ATB, and MX, I would put MX last under the current program slice."

Sen. Sam Nunn, December 2, 1981—Congressional Record, page 29358:

"There is considerable doubt in my mind about the wisdom of proceeding with an MX program at all if we cannot, at some point, come up with a reasonable opportunity for survivability of the missile."

Conference report on the fiscal year 1977 Defense Department Authorization Bill June 1976:

"The rationale behind the development of a new missile system (MX) is to provide a land based survivable strategic force. The development of an alternate basing mode as opposed to a fixed or silo based mode is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should not be constrained for silo basing; that none of this program's funds shall be expended in fixed or silo basing for MX; and that none of the program reduction shall reduce the Department's proposed investigations of mobile deployment."

Sen. John Warner, March 24, 1982—Baltimore Sun:

"The MX would be too vulnerable to a Soviet first strike under that arrangement [MX in existing silos] and the Subcommittee saw no point in building the missiles until the permanent basing decision was made."

Sen. John Tower, October 2, 1981:

"I am enormously skeptical to the point of feeling that this plan [MX in Minuteman silos] doesn't give us enough added capability for the money involved and leaves us with a highly vulnerable land-based system."

Sen. Mark Andrews December 2, 1981—Congressional Record, page 29346:

"If we spend over $300 million to harden a bunch of silos, to put a 10 warhead missile in a fixed point because we are afraid that the Russians are targeting 3-warhead missiles in a fixed point all we do is step up the opportunity for them to take out 10 warheads at a time instead of 3 warheads at a time."

Sen. Alan Dixon, December 2, 1981—Congressional Record, page 29369:

"I support the MX missile, I think hardening of the silos in permanent basing modes, as presently contemplated, invites disaster and is a terrible mistake."

Adm. Stansfield Turner, former Director of the C.I.A. March 13, 1983—New York Times Magazine:

"For several years now, the immediate problem with the MX has been how to base it. Placed in existing silos, it would be vulnerable to surprise attack by the Soviet Union's beefed up strategic forces—just as vulnerable as our present generation of land-based missiles."

General Ellis, then Commander-in-Chief of the Strategic Air Command. February 18, 1981:

"We must correct our vulnerability by employing the MX in a mobile basing configuration. . . .

"Senator, if we had the mobility in the Minuteman force that we are building into the MX force we wouldn't need an MX force."

Mr. WEICKER. Mr. President, I oppose passage of Senate Joint Resolution 71. If approved, the pending resolution would release $1.5 billion in fiscal year 1985 appropriations for the procurement of 21 MX missiles. Beyond that, approval of this resolution could be construed by the President and the Department of Defense as a commitment to complete the program to deploy 100 MX missiles in existing Minuteman ICBM silos at an estimated cost of $20 billion.

Nearly 10 years ago, when it was determined that our Minuteman ICBM's would become increasingly vulnerable to Soviet ICBM forces in the mid-1980's, a decision was made to initiate development of the MX missile. The MX was to have a more survivable, mobile basing mode. However, after exhaustive study of more than 30 alternative basing concepts from the racetrack to densepack, and the expenditure of billions of dollars, neither the Air Force nor the Defense Department seem to be able to devise a viable MX basing scheme. The latest MX deployment plan, as presented in the "Report of the President's Commission on Strategic Forces" dated May 1983, failed to resolve the fundamental military problem—the increasing vulnerability of our land-based strategic missiles.

Past proposals to deploy the MX in Minuteman silos have been repeatedly rejected, even by the present Secretary of Defense himself. On January 6, 1981, during his confirmation hearing, Secretary Weinberger stated:

Putting [MX] into existing silos would not answer two or three of the concerns I have: namely, that [the location of] these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

To the best of my knowledge, there have been no technological developments since 1981 that would alter the Defense Secretary's assessment. Certainly, the President's most recent report on the subject gives us no reason to believe otherwise. The best available information concludes that the Soviet Union may now have a capability to destroy almost all of our ICBM's in a first strike. Nonetheless, the President is recommending that 100 MX missiles be deployed in those same silos. Of all the MX proposals thus far, this one makes the least sense.

So, Mr. President, as I have suggested in the past, the crux of the issue is the survivability of the MX in Minuteman silos. And, Mr. President, I have come to the inescapable conclusion that there is no viable basing mode for strategic land-based missiles. They have become too vulnerable. If that is indeed the case, then the time has come to rethink the whole problem and to consider a new approach to strategic modernization that excludes land-based ICBM options.

I am well aware that the triad—the current combination of land-based ICBM's, sea-based ballistic missiles and bombers—is considered sacred by many. But nuclear weapons technology may well have rendered it obsolete. A pervasive strategic modernization program is underway which includes: deployment of cruise missiles on B-52 bombers, production of the B-1B bomber, development of the advanced technology stealth bomber, deployment of Trident ballistic missile submarines, development of the Trident II (D-5) missile, deployment of cruise missiles on submarines and at bases in Europe, and deployment of the Pershing II missile in Europe.

If you ask me, Mr. President, this is a very intimidating arsenal of bargaining chips just about any way you cut it. With so many sea-based and air-launched options, I question the need for maintaining a third leg for our nuclear strategy to stand on, particularly if it is to be MX in Minuteman silos. As far as I am concerned, all those ongoing strategic modernization programs will guarantee effective deterrence far into the future, and Mr. President that is the only rationale for maintaining strategic nuclear forces.

Mr. President, we have been through all these arguments over and over again, and when the moment of truth finally arrives, these arguments always seem to boil down to one—the MX is a good bargaining chip. This is a $20 billion bargaining chip that this Nation can ill afford because it will contribute nothing to enhancing deterrence—the cornerstone of our nuclear strategy.

I will vote against the MX as I have in the past.

Mr. FORD. Mr. President, as the Senate faces another round of votes on the MX missile this week, the Nation finds itself at a critical juncture on the way to a long sought after strategic arms limitation agreement with the Soviet Union. Our START negotiators are in the process of sitting down with their Soviet counterparts at the bargaining table in Geneva. As a strong advocate of arms control, I am extremely pleased that both sides have finally come together and am hopeful that in time an agreement to curb this deadly and expensive arms race in which we are engaged will be reached. I wish our negotiating team the best of luck.

Because of the timing of the MX vote and my unwillingness to jeopardize the hands of our negotiators in Geneva, I have spent many agonizing hours reassessing my position on the missile, which, as you know, has always been that of opposition to it because of its extreme vulnerability to a Soviet first strike. And during my evaluation, I have come to two conclusions: One, it is the threat of the space defense initiative, better known as star wars, that has brought the Soviets back to the bargaining table; and, two the survivability of our strategic forces

and the success of our Strategic Force Modernization Program depend upon mobility. At a time of record Federal deficits, I cannot sanction spending precious tax dollars on a weapons system that adds nothing either to our strength at Geneva or to the security of the Nation, and I intend to vote against the MX missile once again.

The Soviet Union has nothing to fear from the MX missile. Why should it? It is based in the same silos as the Minutemen it is designed to replace. They already know the location of these fixed silos and the increasing hard-target kill capability of their own missiles only means that the MX would be a sitting duck, with a 1 percent or 2 percent survivability rate. Hardening the silos will not save the MX.

The only way to protect and, thereby, use the MX would be by an early launch, a strategy that increases the risk of accidental war. And I want no part of moving America toward this destabilizing nuclear policy.

There are two ways to protect a missile these days; both involve the principle of deceptive basing. The first is to put it on submarines, and we have an excellent program underway—the highly accurate, highly survivable, MIRV'd D-5 missile, also with improved hard-target kill capability, which will be put on our Tridents and which will be operational by the early 1990's—for two-thirds of the cost of the MX Program, I might add. The second way is to make the land-based leg of our triad mobile. We should take a cue from the Soviets. Both of their new ICBM's are mobile—the single warhead SS-25, which is apparently road mobile, and the 10-warhead SS-24, some of which may go into fixed silos but most of which will be deployed by rail.

Anyone who is interested in modernizing our land-based ICBM's should be taking a look at the small mobile missile, or Midgetman. The key to this single warhead missile is its road mobility—a superior way to decrease vulnerability, increase deterrence and raise the threshold of nuclear war. Still in the concept phase, it is anticipated that the United States would deploy between 250 to 500 Midgetmen and that its deployment, now scheduled to begin in 1992, could be accelerated to 1989.

I sincerely believe that the Soviet Union is worried enough about our emphasis on SDI, which goes to the heart of their strength—their land-based ICBM's, that they have decided to return to Geneva. This system has given us all hope by its promise to eventually eliminate the threat posed by nuclear ballistic missiles. Although the technology of the system is still in its infancy, it is incumbent upon us to support a strong and thorough program of research and development so we can make an informed decision on the future of SDI. At the very least, such a program is necessary both to ensure that the United States will not be caught unaware by an effective Soviet ballistic missile defense system and to discourage Soviet breakout, or to minimize the negative effects if it should occur.

In closing, I want to state very clearly that I am for a strong America and for a strong defense. But it is not "strong" in this day of scarce fiscal resources to throw precious money away on programs that in no way contribute to the defense of this Nation when there are other systems to be funded that will legitimately protect the country.

Mr. WARNER. Mr. President, I rise in support of Senate Joint Resolution 71, which approves the obligation of $1.5 billion for 21 additional operational MX missiles.

The unusual procedures by which this resolution, and Senate Joint Resolution 75 will be considered, reflect the recognition of the Senate and House leadership last year that a decision to release these funds was essential at this time to maintain the MX production line. Without the funds that are at stake in this vote, critical elements of the production line will begin to shut down, and with them, any prospect for efficient modernization of the land based strategic force in this decade. Although some would have you believe otherwise, and I will have more to say about that later, what is at issue here is a decision to continue the program or to kill it.

My colleagues are well aware that the importance of this decision goes well beyond the merits of one weapon system, even one as important as the MX. What is at issue here cannot be divorced from the negotiations now underway in Geneva that will determine whether there is any prospect in the near term for significant reductions in nuclear arms on both sides. What is at issue here is whether this Nation possesses the resolve and the continuity of purpose required to modernize an essential element or our strategic triad of forces. What is at issue here is whether this Nation will continue into the next decade in the shadow of a significant imbalance in strategic force capabilities that threatens important elements of our retaliatory capability while affording the Soviets a virtual sanctuary for their own.

Not 2 years ago, Members of Congress on both sides of the aisle were hailing the report of the distinguished and bipartisan Scowcroft Commission. A central finding of that report was the integral relationship of more stable strategic forces, arms control and ICBM modernization in achieving the goal of reducing the chances of nuclear conflict. The MX, the Commission wrote, contibutes to this goal in two ways:

> It demonstrates the United States' willingness to do whatever necessary to offset Soviet counterforce advantages. It also provides the necessary incentive to the Soviet Union to move toward a compatible environment for the small missile and to engage seriously in arms control negotiations designed to enhance stability.

Now, with a distinguished team of negotiators at the table, the President has urged each Member of Congress to appove the MX and join with him in a bipartisan and united effort in Geneva.

Although arms control is the most visible and most important reason for Congress to approve the MX missile now, it is not the only reason. The deployment of 100 MX in existing silos satisfies esssential military requirements that can only be met in this decade by the MX. The missile has a combination of yield and accuracy, which has been successfully demonstrated beyond all expectations in seven of seven flight tests, that puts hardened Soviet targets at risk of timely and reliable attack. These targets, including their land based missile silos, are now immune to effective and prompt retaliation.

The Congress has been debating the MX for over a decade while the Soviets have deployed over 600 modern, multiple warhead land-based missiles, creating a significant asymmetry in an important measure of the military balance. One hundred MX missiles with 1,000 warheads moves to restore some measure of a balance between United States and Soviet missile forces, while not constituting enough capability to be perceived as a so-called first strike threat to Soviet ICBM's. The addition to the U.S. capability to destroy hardened targets, while important from a military perspective, is enormously important from the geopolitical perspective. The existence of an imbalance is extremely troublesome if the Soviet leadership perceives that they can engage in crisis bargaining—in the Third World or elsewhere—with the expectation that the United States will back down in the face of significant imbalance in important strategic capabilities.

Mr. President, the MX responds to an imperative to modernize the land-based leg of our strategic forces. If MX is deployed on schedule, it will be 15 years between the last deployment of our most modern land-based missile, the Minuteman III, and the last MX, the 100th.

Those who would cancel the MX and have us rely on the future small ICBM seem to forget that this midgetman will not be available until the 1990's, that it will inherently be more expensive—a full set of motors and a guidance set for every warhead—and that it will be subjected to the same public

scrutiny that delayed the MX final basing mode.

Some suggest that we can cancel the MX and rely on the submarine missile force. Recent Presidents and Secretaries of Defense have been unanimous in their support for a modern triad of strategic forces. The ICBM brings unique characteristics to our strategic deterrent posture, including a combination of speed of delivery, hard target capability, and speed and reliability of communications. A strong, modern triad of strategic forces provides a hedge against unexpected breakthroughs in Soviet defensive measures, or unforeseen reliability problems with one element of the force. However remote the prospects for a significant degradation in submarine survivability, it would be unwise to put too many of our "eggs in that basket." Moreover, the scheduling of the new Trident missile does nothing to redress the imbalance in missile forces on this decade. It will not begin deployment until late 1989, and will not be available in significant numbers until the 1990's.

Others point to the survivability of the MX as a reason not to support it. Testimony before our committee has indeed indicated that there has been no basic change in the assessments of ICBM survivability in existing silos. Because of the Soviet ICBM's that are already deployed, and projected to become more accurate, a higher degree of survivability would be desirable. Ongoing research on superhard silos may, I emphasize may, provide a future option to enhance MX survivability. So also might the ongoing research in the strategic defense initiative. In the meantime, survivability should be viewed, as the bipartisan Scowcroft Commission pointed out, not in isolation, but rather in the context of the total strategic force. Viewed together in operational terms, elements of the triad reinforce the survivability of one another. For example, the Soviets cannot launch an attack that simultaneously destroys both the bomber force on the ground and the ICBM force.

Several of my colleagues have written that the MX could move the basis for our strategic planning toward a policy of launch on warning. In hearings before the Strategic and Theater Nuclear Forces Subcommittee, this issue was explored carefully and it was made very clear that our policy has not changed, nor is it changing with regard to our dependence on launching ICBM's before they have been destroyed in an attack. It remains, as it always has, an option that the Soviet attack planner must worry about, but is not a basis for U.S. force planning. Moreover, I must remind my colleagues that when talking about the survivability of the ICBM in the context of the total triad, we are not talking about launch on warning, even though our warning capabilities are becoming much more reliable under the priority effort being given this area in the Strategic Modernization Program, but rather launch after attack, that is, after nuclear weapons have already detonated on U.S. territory.

By any standard, the MX has been an extremely successful development program. In testimony before the Senate Appropriations Defense Subcommittee, General Accounting Office representatives stated that the MX is not substantially different than other ICBM flight test programs over 25 years "except in its success to date."

All elements of the development program are meeting performance and cost objectives and the program is on schedule to start initial deployment in existing Minuteman III silos late next year. In a statement describing the latest findings of their 7-year audit of the program, the GAO indicated that:

> The Peacekeeper Flight Test Program to date has shown good performance and the Air Force plan to phase in operational components during flight testing is not unusual. While problems during flight testing are not unexpected, we believe that the development and testing schedule must maintain the relative success experienced to date if the Air Force is to meet the congressionally mandated initial operational capability date of December 1986.

My colleagues who are familiar with audit reports would find that assessment about as favorable as one is likely to hear. And indeed, testimony from the very competent Air Force team that is in charge of the program leaves every reason for confidence in achieving the deployment goal.

Finally, Mr. President, I would like to turn to the nature of the vote that is before us. What is the effect of not providing the $1.5 billion that has been withheld? The answer is that the beginning of the production line would shut down. This shutdown would most seriously affect the subcontractors, small suppliers, and vendors who supply the bulk of raw materials and supplies that are required to sustain production. It is these small businesses that would be least able to afford an interruption in the program. And if the program were interrupted, there would be considerable uncertainty about the willingness of the Congress to restart this program at a later date.

Is there money in the program to keep these suppliers going? That is to say, are there funds already available in the program to keep a warm production line going? I ask the close attention of my colleagues, for the facts of the matter are that there is no funding available in the program to maintain a warm production line, irrespective of the merits of such an option, without a delay in the initial operational capability of the system that this Congress has mandated and already funded.

In fiscal year 1984, the Congress authorized and appropriated $2.075 billion for 21 MX missiles, in direct support of the initial deployment date. As of the end of this month, 93 percent of those funds are obligated on contracts for which the Government is liable, and the remaining funds are required for anticipated liability for change proposals and change orders that are required under the full funding provisions of missile procurement appropriations. To deobligate funds that have not yet been expended would result in termination liability costs, and the stoppage of production that is now on track to support initial deployment.

In fiscal year 1985, the Congress authorized, appropriated, and released $1 billion for long-lead components associated with the 21 additional missiles now being considered, for spare parts to support initial deployment, and for basing support of the missiles approved in fiscal year 1984. As of the end of this month, 93 percent of these funds will be obligated. To deobligate funds that have not yet been expended would result in termination liability costs, and the stoppage of production that is now on track to provide the basing sets required for initial deployment, as well as long-lead components and spare parts.

In short, Mr. President, there are no unobligated balances to carry the program until fiscal year 1986 without paying the substantial cost penalties associated with contract termination, and without delaying the deployment date—December 1986, 10 missiles—that Congress has mandated and the program now supports.

Mr. President, last year I characterized the warm production line option as the pinochle option, because it seemed to me that what it called for was workers sitting around waiting for the Congress to make up its mind about restarting production. After some months of study, I cannot think of a better characterization. The option would have the Congress endorse and encourage inefficiency, and the funding for it would have to come from canceled contracts that would delay next year's deployment.

Mr. President, I can conceive of no way that this body could characterize a negative vote for the resolution before us as supporting the President's arms control objectives. Unity and firm resolve of the United States and our allies was an important factor in inducing the Soviets to return to the negotiating table. A positive vote on release of the MX funds will show the new Soviet leadership a solidarity of purpose that I am convinced will eventually lead to the more stable world we all seek.

Mr. DURENBERGER. Mr. President, I intend to cast my vote against authorizing the release of $1.5 billion for the production of 21 additional MX Peacekeeper missiles. In reaching this conclusion, I have realized that this is one of the more difficult dilemmas I have faced since coming to the Senate.

Six years ago, it was easy to find agreement that the MX missile created more problems than it solved. The conceptual justification for a new weapon system was not well thought out. The racetrack basing concept promised to bleed our resources white. And the large number of missiles contemplated at that time—200, carrying 2,000 warheads—represented a distinctly destabilizing step.

Six years ago, in other words, the case for the MX missile as it was then designed was weak—a point which was instinctively recognized by President Reagan, who was among the more prominent of its critics. So when I first voted against funding for this system, I knew beyond doubt that I was doing the right thing.

Today, I remain convinced that further production of this missile is a luxury we simply cannot afford. But I also recognize that the weapon system we are addressing today is very different from the weapon system we first considered 6 years ago.

Four significant refinements have taken place under President Reagan, with the result that many people who were deeply concerned about the MX missile are now prepared to support it. Regardless of how one ultimately feels about this weapon system, the record bears notice, for President Reagan has exercised remarkable leadership on this issue and has clearly answered many of the concerns raised by so many people.

Perhaps the most important development to take place was the President's immediate decision to reduce the planned arsenal of MX missiles from the 200 sought by Jimmy Carter to 100. In taking this bold and important step, the President both reduced the overall costs significantly and, more important, made it very clear that this Nation does not and will not seek a first-strike capability. The characteristics of the Soviet arsenal are such that 100 MX missiles, even if deployed in conjunction with every other planned or current system, will not pose a first-strike threat. With all the concern that many people feel about missile accuracy and counterforce capability, they have lost sight of this crucial point. So in cutting the MX request in half, the President removed a serious obstacle.

The second refinement, of course, was the President's decision to empanel and later to endorse the findings of the Scowcroft Commission. This bipartisan panel of experts returned a needed element of common sense to the overall national debate on our strategic requirements. Perhaps their most notable contribution was to show the fallacy of the antiseptic calculations which had led to undue concern with what was called a window of vulnerability. But just as important, the Scowcroft Commission made very clear that our defense planners and our arms control authorities should work hand-in-hand to de-MIRV the strategic arsenals of each superpower. This represents a crucially important turning point in our security policy, for it steers us—and is designed to steer the Soviets as well—away from decisions that could, someday, result in a genuine window of vulnerability.

The third refinement followed from the second. When it was demonstrated that our overall strategic arsenal consisted of mutually reinforcing basing modes, it was clear that we did not need to spend the exorbitant amounts originally requested for things like the racetrack system. Unfortunately, some critics of the MX have wanted to have it both ways. On one hand, they have been willing to debunk the window of vulnerability. On the other, they have seized upon this concept when it has suited their purposes, whether with respect to the basing of American missiles or to the purported first-strike capability of a modernized U.S. triad. If missiles are in fact vulnerable, then we should be very concerned about the record of Soviet deployments, for their posture would clearly suggest a first-strike capability. If missiles are not, in fact, as vulnerable as abstract laboratory calculations would have it, then clearly we are not posing a first-strike menace to the Soviets, and just as clearly we are not being rash when we consider placing the MX in current silos.

The final action taken by the President, of course, has been to focus American arms control policy around the build-down concept, a move which I strongly endorse. More important, the President has had the courage and the common sense to wait out the Soviets, and his patience has paid off. Having left Geneva in a huff because they could not break the solidarity of the NATO alliance, the Soviets are now back, and talks are underway.

So, on balance, it is clear that this President has taken the steps needed to allay the widespread concerns that prompted him and many other Americans to oppose the MX missile 5, 6, and 7 years ago. Why, then, will I continue to vote against further developments?

The chief reason, Mr. President, is because I continue to feel that the expenditure of billions of dollars on this weapon system represents a very unwise use of scarce resources.

Defense budgets, like all Government budgets, are changed at the margin. By that, I mean that we never take the time to sit back and totally rethink our entire defense posture, and alter our budgets accordingly. Instead, we move in an overall direction by increasing or decreasing funding in relatively small increments. This is a point too often forgotten by those who cite this administration's $1.5 trillion defense budget, as though the invocation of those words would somehow tell us that we are being profligate. Let's not forget that the increases in the Reagan defense budget represent comparatively modest growth over the budget submitted by President Carter. Let's also not forget that the original Reagan plans have been substantially trimmed to the point that our overall budget now looks astonishingly like Jimmy Carter's.

The point, Mr. President, is this: Since budgets are made at the margin, even small investments in one program make it virtually impossible to pursue another. Precisely because budgets are changed at the margin, the question of tradeoffs becomes vital. Economists speak of opportunity costs, by which they mean the loss of opportunity to do one thing when another thing has been decided.

Mr. President, the opportunity costs posed by the MX missile are profound. Consider what the $1.5 billion we discuss today could do elsewhere in our defense budget; for instance, that sum could be used to purchase nearly 1,000 tanks, or 60 high-performance jet fighters, or the equipment for a combat-ready brigade. Consider as well that $1.5 billion is simply a small downpayment on a much larger program, which carries with it much larger opportunity costs. And consider, finally, that the overall increment of usable military power represented by 1,000 new nuclear warheads is essentially nil. I realize, of course, that deterrence is based on weapons which must have credibility. But I also feel that our most pressing military shortfalls are represented in our conventional forces, which we all pray will never be used. Do 100 new missiles with 1,000 warheads really represent a significant military addition to this country? I think not. Are there distinct opportunity costs if we build them? Definitely.

Mr. President, I will no longer vote for defense programs that are paid for by a deficit. If we want a defense buildup, and Congress has voted for much of the buildup that the President has recommended, then we simply must vote the taxes to pay for it. In this regard, I would offer the Senate some interesting statistics. In 1980 Federal Government revenues were $599 billion. In 1984 at the end of the President's first term, revenues were $666 billion, an increase of $67 billion over 4 years. But in that same

4-year period, defense expenditures alone increased by more than $70 billion. In 1980 defense outlays were $157 billion and in 1984 they were $227 billion.

A second issue revolves around the build-down concept. While the numbers are not written in stone, it is generally believed that an arms agreement incorporating the build-down principle should mandate a 2 for 1 reduction scheme. In other words, under build-down, for every new warhead we deploy, two should be destroyed.

Now this poses a big challenge to the MX. If we deploy all 100 MX missiles before adopting the build-down, we not only make agreement tougher, but we also delay the point at which significant reductions can begin to take place. This period is one in which the Soviets are not likely to remain static. In short, deployment before build-down makes build-down virtually impossible.

On the other hand, if we incorporate the build-down approach before or concurrent with deployment of the 100 MX missiles, we are ultimately weakening deterrence for the sake of a principle. By deploying 1,000 new warheads on 100 new launchers, we will be required to destroy 2,000 existing warheads on a mix of launchers. Consider that at the moment our total land-based ICBM arsenal deploys less than 2,000 warheads, arrayed across 1,000 Minuteman missiles and a few remaining Titans. If we adhere to the build-down, we will be compelled to destroy every one of our current ICBM's in order to deploy 100 MX missiles. Such a move will vastly simplify Soviet targetting. Of course, we could seek to destroy a mix of warheads across our triad in order to deploy MX while adhering to builddown, but the effect would generally be the same. For the sake of a new missile, we would have put our eggs in far fewer baskets.

So I am compelled, Mr. President, to conclude that the MX missile does not represent the best possible use of our money. It will pose severe opportunity costs, and it will complicate the adoption of the build-down scheme. Clearly, the President's leadership has cleared away many obstacles, but I must come back, as always, to the question of costs.

One final point should be addressed. Each of us in this Chamber is aware that we vote today in the shadow of Geneva, and at a time when the Soviet Union is undergoing a major leadership change. It is sobering for all of us. The question which is asked, therefore, is whether we can afford at this critical time to vote against the MX missile. I am aware of the special sensitivity of these times, and I am satisfied that we are not building this missile simply in order to throw it away as a bargaining chip. The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the President himself have all said that we will build this missile because it is needed, but that we should obviously be willing to put it on the table at Geneva along with the rest of our arsenal.

So the MX is not a bargaining chip. But some people believe that it is a needed expression of national unity and will in the face of an ongoing Soviet weapons program. It is argued that to vote against this missile is to vote against the U.S. position at Geneva.

Mr. President, I am satisfied that this is not the case. No less an authority than Paul Nitze, the President's senior advisor on arms control and an eminently respected public figure, has recently assured the Congress that a decision to withhold funds will not have an immediate or direct effect on the talks.

So on balance, Mr. President, the question we face is different from the questions we faced a few years ago, and we all owe the President a major debt for focusing the debate along more productive channels. But if the question is different, the answer remains the same. I don't feel we need this missile, and I strongly feel we can use the money better.

Mr. GRASSLEY. Mr. President, we must realize this vote today is not simply a vote for or against the MX missile. The principle involved, here, is the question of maintaining a national defense that is second to none, and achieving that status at a fair price for our taxpayers.

There are those who may vote against the MX missile because they think the United States does not need to be strong. I am not among their ranks. My commitment is to a strong national defense at a fair price to the taxpayer.

On June 14 of last year, I voted to restrict funding for the MX missile program. It was the first time in 15 crucial MX votes that I did not vote yes for the MX.

My vote last year in opposition was predicated on information I had discovered about the cost to the American taxpayer of the MX Program. I discovered from Air Force documents that work-to-date by the 14 associate contractors for the MX was taking up to 17 times as many direct labor hours as the contractors' own standards determined it should have taken, if factory efficiency were as it is in commercial industries.

The average factory efficiency rate of those 14 contractors, based on information in hand, was 48 percent. I do not intend to single out any contractor. Some were good, some were bad, some were worse. But the average was 48 percent.

In other words, 48 percent of the taxpayers' dollars were funding efficiency, and 52 percent were funding inefficiency. We paid for in-house work for 2.1 equivalent units, on average, and got only one.

It was that kind of poor factory performance which led me for the first time in 15 crucial votes to cast a vote against the MX Program last June 14.

I have made no secret of the fact, since that time, that my support for the MX this year depends on the progress made since last June on labor and material costs of all 14 contractors.

So in January, I, along with the chairman and ranking member of the Senate Budget Committee, made a formal request of such information from the Defense Department for not only the MX program, but all SAR programs. That request was made as far back as January 4 of this year. That request is firmly on the record.

It is now March 19, Mr. President; 2½ months after the initial request, and 1½ months past the due date. We have yet to receive this information.

I personally renewed this request for just the MX data, 2 weeks ago. I asked specifically for data associated with the bills of labor and material on work-to-date, plus current and trend data on direct labor standard hours and their related actuals.

What I got instead, Mr. President, for the MX program were press releases, charts, and point papers.

I am not being facetious, Mr. President. This is a very serious matter. The Senate Budget Committee makes a request for specific, nonclassified data related to the cost of weapons programs that taxpayers are paying tens-of-billions of dollars for, and all we get are press releases and point papers.

Now, to be fair, we got a tad more information this morning from the Air Force, but it is mostly old, and it is all incomplete. Frankly, what we received this morning indicates to me, and this has been confirmed by the Air Force, that the responsible generals in the system have not received a briefing on this type of data and performance since, in most respects, last year.

Mr. President, I would suggest to my colleagues that most of the information I have received regarding MX cost performance is data free analysis. In the case of the Air Force, and in response to the Budget Committee request, we are told this information is "not meaningful."

I suppose the Air Force is trying to tell us that what is more meaningful than empirical data is press releases, charts, and point papers.

Mr. President, I have heard all the arguments in the world, on both sides, on the cost performance of the MX program. I have listened to industry, I have listened to the General Accounting Office, to Secretary Weinberger, to Senator CHILES, and so on.

But Mr. President, is it too much to expect that a Member of the U.S. Senate, let alone the Senate Budget Committee leadership, can get information that will lead to a fair and independent evaluation of this or any program?

I regret the inability of the Air Force to provide me with this data in a complete and timely manner. I am told it will be forthcoming, the week after the vote.

Assuming that will be the case, I reserve the right to renew my support for authorizing and appropriating funds for additional MX missiles in the future. But such support can only be the product of a fair, independent, and informed evaluation of cost performance.

For this reason, I must cast my vote today to maintain the fencing of the funds for the MX program. Thank you, Mr. President.

Mr. DIXON. Mr. President, I rise today to oppose the motion to authorize $1.5 billion for procurement of an additional 21 MX missiles.

I have voiced my opposition to the MX on this floor in the past. We are voting today to authorize the deployment of the MX in existing Minuteman silos. This basing mode is, in my opinion, already outdated. We are deploying these missiles in extremely vulnerable silos.

The MX missile did not bring the Soviet Union to Geneva. It is my firm opinion that the Soviet Union is not worried about our MX's in fixed silos. Why should they be? They already know where the silos are. They already have the silos targeted. I believe my feelings on the MX missile are well-established: I have supported it as a logical and defensible step in our national security effort, but have maintained the conviction that the basing mode for the missile must be mobile or deceptive.

On May 24, 1983, I offered an amendment to Senate Concurrent Resolution 26 that would have delayed procurement of the missile until the President brought us a plan for a mobile or deceptive basing mode. It was defeated.

On May 25, 1983, I voted against Senate Concurrent Resolution 26 because it called for a significant expenditure of funds for the MX, while deploying it in the worst of all possible choices—the totally vulnerable, precisely targeted, Minuteman silos.

I characterized the May 25 vote on MX as a "take it or leave it" proposition, and the basing mode proposed compelled me to "leave it."

Mr. President, a vote against authorizing the $1.5 billion for the MX will not kill the program. We in Congress have approved 21 MX missiles. We have also approved moneys for continued research and development.

MX is just one of the many bargaining chips in our discussions with the Soviet Union, but, as I mentioned earlier, my feeling is that a fixed site MX does not frighten the Soviet Union.

The missile itself and its deployment in Minuteman silos are now permanently attached to each other, it seems. For that reason, and although I could support this missile were it deployed as a deceptive and mobile weapon, I must cast my vote against it.

Mr. President, I hope my colleagues join me in opposing the MX authorization.

MX: PRESCRIPTION FOR TROUBLE

Mr. EAGLETON. Mr. President, the Senate will decide later today whether or not to release $1.5 billion to produce the MX missile during 1985. Rather than stress the missile's limited military value, the administration's slick PR campaign now conjures an illusion that the U.S. position at the arms talks in Geneva will be crippled without the MX. I hope that the collective wisdom of this body will reject the new rhetoric and put an end to this wasteful and misguided $21 billion missile program.

The Geneva argument is a clever variation on a theme used by past Presidents to secure approval for other exotic weapons. This argument is the administration's only hope for preserving the one-vote margin that saved the MX last June.

But the rhetoric cannot change the facts. The MX is not justified on economic, military, or political grounds. It was not justified in the late 1970's during the SALT II negotiations. It was not justified in 1983 when the START talks collapsed. And it is not justified today with the advent of arms talks in Geneva.

The original military argument for the 10-warhead MX held that we needed a replacement for the aging Minuteman missile force which was, and is, based in missile silos vulnerable to a Soviet first-strike. Over the years, attempts to agree on a plan to base the MX in a more survival mode have failed, leaving us with the Reagan proposal to deploy the MX in the same vulnerable silos that now house the Minuteman.

Basing a powerful weapon in such a highly vulnerable location is destabilizing and foolish. In a crisis the MX would be a tempting target, and might lead the Soviet Union to think it could launch a successful preemptive first-strike.

MX proponents trivialize the missile's vulnerability, preferring to boast that its great accuracy and explosive power can destroy the Soviets' hardened missile silos. These attributes, however, have limited military meaning unless we decide to launch a first-strike against the Soviets—a notion contrary to our strategic nuclear doctrine. Otherwise, our silo-busting, pinpoint accurate warheads would rain down on empty holes in the ground.

Deploying the MX, therefore, would give us a weapon that makes the Soviets vulnerable to a first-strike. The MX, in turn, is vulnerable to a first strike. Such mutual first-strike vulnerability is destabilizing because it encourages both sides to adopt a launch-on-warning or launch-on-attack policy to protect their precarious missiles. In other words, missiles could be launched merely on the report of attack—whether real or mistaken.

If our purpose is indeed to develop a first-strike capability, let's do so in ways less vulnerable to attack. There are a number of alternatives to the MX that are far more practical and defensible, including the powerful Trident II missile, the cruise missile, Stealth technology, and the mobile, single-warhead Midgetman missile now under development.

Because the military justification for the MX is so riddled with holes, the administration now bases its case for further funding not on the missile's strategic importance but rather on its political utility at the bargaining table in Geneva. But, administration spokesmen have in the past undermined these very arguments. In 1983, for example, Secretary of Defense Caspar Weinberger said, "The question is not whether or not it's a bargaining chip. Nobody ever suggested it was a bargaining chip."

Nor do the Soviets seem to view the MX as a credible bargaining chip. The Soviets feel more threatened by, and are more interested in reaching arms control agreements on the Trident II, the cruise, Stealth and Midgetman weapons. Soviet war planners undoubtedly would relish our diversion of billions of dollars away from practical defense projects to feed the hungry MX.

Mr. President, if not an effective weapon for national defense nor a bargaining chip for arms control, what is the MX?

The MX is wrong. It is incredibly expensive and it is dangerously vulnerable. The administration's insistence that this destabilizing weapon will lead to an arms control accord is ludicrous.

Mr. HEINZ. Mr. President, I intend to vote in favor of releasing funds for the production of an additional 21 MX missiles. My decision is based on the forthcoming attitude which the administration has taken with regard to arms control negotiations with the Soviet Union. In short, I am willing to agree that in the near term a unilateral decision on the part of the Congress to end funding for the MX may in fact deny our negotiators with the leverage required to exact serious compromise from the Soveit Union. At the same time it is my belief that we must estab-

lish realistic and rigourous arms control and budget criteria upon which to base future MX funding decisions. Let me be clear about the fact that my action today does not signal future approval for the procurement of 100 MX missiles.

Historically my support for the MX missile has been closely tied to the commitment of the administration in seeking a comprehensive, mutual and verifiable arms agreement with the Soviet Union. In 1983, when the Senate voted to release funds for the flight testing of the MX, I joined 18 of my Senate colleagues in writing the following to President Reagan:

> We wish to emphasize that our support for releasing fiscal year 1983 funds does not represent a consensus on the need to deploy 100 MX missiles in Minuteman silo launchers. Rather we effected our part of an agreement with the administration to proceed with a militarily controversial program in exchange for a strong commitment to proceed seriously and immediately with a reformulation of the START proposal, a meaningful guaranteed build-down proposal, development of a more survivable, small, single warhead ICBM and the creation of a bi-partisan durable arms control panel.

This basic arms control rationale for my support of the MX missile has not changed, in fact it has only intensified. It is no secret that many Senators including myself have used support for a very limited MX procurement as leverage with the administration to advance a realistic, negotiable strategic arms control proposal at the negotiating table.

Mr. President, some may question the value of using the MX as a bargaining chip, not with the Soviets but rather with our own Government. Nevertheless, the fact remains that because of the leverage we have been able to exact with our support for a limited MX procurement, the President exerted his leadership in reformulating the administration's START proposal in October 1983. President Reagan did so by incorporating the concept of the mutual guaranteed build-down into our formal negotiating position and by creating more realistic expectations with regard to the level of strategic sacrifice expected of the Soviets.

In short, the President, over the objections of a recalcitrant bureaucracy tabled a negotiable START proposal in Geneva. The price we in the Congress paid was the approval of funding for the first 21 MX missiles. Unfortunately, following the initial NATO deployment of Pershing II's and ground launched cruise missiles in Europe, the Soviets walked away from the negotiating table. We were never able to guage the Soviet reaction to our reformulated START proposal because there was no one on the other side of the table with whom to negotiate.

The atmosphere today is markedly different. Following a successful meeting between Soviet Foreign Minister Gromyko and Secretary of State Shultz, American negotiators are today meeting in Geneva to discuss strategic weapons, space weapons and intermediate nuclear weapons deployed in Europe. More importantly the ascendancy of Mikhail Gorbachev may provide us for the first time in some years, the ability to deal with a capable Soviet leadership.

Mr. President, the MX must no doubt be the subject of negotiations between the Soviet and American negotiators. At this point I do not believe that approving funds for an additional 21 missiles will either serve as an impediment to the negotiations or create the kind of strategic instability that critics of the MX contend the missile will create. The fact remains that the first 10 MX missiles will not be deployed until December 1986. This limited number will neither invite a Soviet first strike or lead this country to adopt a launch on warning doctrine.

If anything, it is the Soviets who continue to perpetuate strategic instability by continuing to emphasize the importance of large ICBM's. Nothing in the Soviet negotiating position has thus far indicated either their willingness to reduce their large for the SS-18s and 19s with over 5,000 warheads or forego the development and deployment of a new mobile MX type missile, the SSX-24. In addition the Soviets have apparently flight tested a new ICBM, the SSX-25—which is prohibited by the unratified agreement both superpowers have informally pledged to adhere to SALT II.

It is my hope Mr. President that our negotiators will be able to use the prospect of 10 MX missiles actually being deployed by December 1986 against an expanding Soviet ICBM force to get the Soviets to understand that we have a mutual interest in moving away from the instability created by MIRV'd ICBM's. Admittedly the leverage represented by the very limited MX deployment thus far approved is limited, but one which I choose not to deny U.S. negotiators at this point.

Mr. President, having laid out why I will vote to support the procurement of 21 MX missiles before the Senate today, let me explain two things. First, what my vote does not mean and second what any future support for the MX on my part will be based on.

First, I will not support the deployment of 100 MX missiles on the accelerated timetable proposed by the administration. I have voted to consistently slow down the procurement of the missile to insure that it does not become a fait accomplit in our negotiations with the Soviet Union. In addition, if the administration is honest about adhereing to the principles of the mutual guaranteed build-down, it will come to understand that in the context of radically reduced strategic warheads ceilings proposed by President Reagan, that the deployment of 1,000 MX warheads will result in a significant sacrifice of at leat 2,000 warheads on stable weapon systems, specifically bombers and submarines. You will recall that the mutual guaranteed build-down calls for the dismantling of two or three older warheads for the deployment of one MIRV'd ICBM warhead. This Senator has no interest in witnessing the radical reduction of warheads, if in fact we are left with a continued emphasis on a large number of vulnerable first strike weapons—MIRV'd ICBM's at the expense of strategic stability. Such an outcome would be undesirable and inconsistent with the mutual guaranteed build-down.

So, Mr. President the first criterion of evaluation with regard to future MX funding will be the sincerity with which the U.S. negotiators advance the concept of the mutual guaranteed build-down to the Soviets in Geneva.

Second, in order to insure that the MX does not overtake the pace of negotiations, we must stretch out the procurement of the missile. A number of alternatives exist. First we can agree to decrease the number of missiles intended to be deployed from 100 to 50 with the associated spares and missiles required for flight testing or, second, we can continue to adhere to the decision to buy 100 missiles but substantially reduce procurement to a number which removes the system from the storm of contoversy it has created—say 10 per year.

Mr. President, either approach will allow us to accomplish a number of very important objectives. It will allow us to: Continue to negotiate the mutual guaranteed build-down in a serious manner; continue to search for a survivable basing mode for the MX; and, keep a warm production line open as a hedge against future Soviet behavior. Finally, it will allow this Nation to form a real national consensus around our strategic modernization and arms control policies which has thus far been precluded by the sharp national division over the MX.

Third, Mr. President, consistent with the approach I have just outlined, I will not support the administration's request for 48 MX missiles for fiscal year 1986.

A reduction of MX procurement consistent with the arms control and strategic modernization objectives I have just described is also consistent with developing a realistic strategy to reduce our Federal budget deficit. It is clear to me that if we are to develop a national consensus for reducing the Federal deficit, we must freeze defense spending in fiscal year 1986. Such action will require that we cut the defense budget by an additional $20 bil-

lion below the President's request. Such action means that we will have to slow down procurement and cancel programs of marginal utility. A freeze in defense spending means that we will have to be honest with what is or is not important.

Inevitably we will be faced with the choice of cutting funds for operations and readiness, or for weapons such as submarines and bombers which may in fact enhance strategic stability in order to insure the procurement of the 48 MX missiles. Frankly, there is no choice. I will come down on the side of readiness and stability and for a sharply reduced MX procurement. In light of the expansive program of strategic modernization already underway in this Nation, slowing down the MX makes sense for arms control and for a sound deficit reduction strategy.

The MX is no doubt an issue we will revisit in the near future. Hopefully, a formula can be found to remove the MX as a source of national contention and allow it to become an important element in creating national consensus for our arms control and strategic modernization strategies.

THE MX: NOT NECESSARY AND NOT VIABLE

Mr. PELL. Mr. President, I wish to record my opposition to Senate Joint Resolution 71 and to Senate Joint Resolution 75 to authorize and appropriate $1.5 billion to finance production of 21 additional MX missiles.

Two years ago, when we were acting on the recommendations of the Scowcroft Commission, I opposed funding the MX missile on the grounds that it was redundant, destabilizing and would not contribute to the arms control process.

In the 2 years which have passed since that time, nothing has transpired to change my position. No amount of press agentry—including the administration's attempt to give this terrible weapon a new name evocative of a friendly county sheriff—can serve to put a better face on this sadly ill-conceived addition to our national arsenal.

This time we face the issue at a time of new opportunity in arms control. And while I fully honor the President's undoubted high intentions in this area, I think that he does a disservice to the deliberative process and to the Congress to cast this issue as a test of national resolve and determination.

As cochairman of the Senate arms control observer group, I had occasion to go to Geneva last week, and it is from that perspective that I would observe that there are a host of factors that bring the Soviet Union to the bargaining table quite irrespective of how we vote here this week. They range from preoccupation with internal economic and social problems to a shared sense of the limitations of nuclear power as an instrument of national will, as well as a realization on the part of the Soviets that they must deal with a reelected American President no matter who he is.

In fact, if the construction of more missiles were still to be regarded as a barometer of national resolve, it might be observed that we already have blustered to a dangerous excess. By one count the United States and the U.S.S.R. together have deployed over 14,000 MIRVed warheads since the early 1970's. In a world of such incomprehensive overkill, it seems quite unlikely that the addition of 21 more missiles with 210 warheads could make much difference to our adversaries in terms of overall power.

In terms of the technology of these weapons, however, I am persuaded by the arguments that the MX and new Soviet hard-target weapons can only be viewed as destabilizing, "use or lose" weapons that could well cause each side to miscalculate the intentions of the other. On our side, MX's purported capabilities to smash hard targets, such as missile silos, are only of use to us when the adversary's missile silos are still occupied by his missiles. But that implies a U.S. first strike, which is expressly contrary to U.S. policy and targeting strategy. If on the other hand, MX were to be launched in retaliatory response to a Soviet first strike, its vaunted hard target capability would be for naught, since most of the Soviet silos would then be empty.

To this strategic conundrum now must be added disquieting reports that MX production is now on a rushed schedule that has not allowed for adequate testing. And the distinguished senior Senator from Florida [Mr. CHILES] advises us at the same time that expenditures from funds provided in fiscal year 1984 and fiscal year 1985 have been only partially expended and that current production can be maintained with the funds available.

Mr. President, all of us support the President in the new negotiations at Geneva. We wish him every success. I wish I could believe that approval of MX could help him to gain a new agreement. However, the recent history of MX and the Soviet reaction to it force us to the conclusion that the MX will not impel the Soviets into an agreement they do not otherwise want. In the mid-1970's when the Soviets did not know how large our MX force would be, the missile did not appear to worry them particularly. In the late 1970's, when we planned 200 missiles in racetracks, the Soviets seemed sanguine. Now we plan 100 missiles in silos. Perhaps in the end, there will be still fewer. Frankly, I cannot understand how we could expect this steadily dwindling and ill-conceived program to demonstrate much of anything to our benefit from the vantage point of our adversaries.

It would be far wiser at this juncture to stop MX altogether if the Soviets would agree to take a comparable step. In trade for our not deploying MX, we could seek Soviet agreement not to deploy their new SS-X-24. That agreement could be expanded to include a pledge by both sides to deploy no more MIRV'ed land-based strategic missiles—the most threatening and worrisome weapons in our arsenals. Such a simple agreement, which would be easily verifiable, would be a tremendous step forward in efforts to curb the threat of a nuclear arms race.

Compare such a bold step to the folly of moving ahead with MX on our side and with new MIRV'ed missiles on their side. In that comparison we can see the wretched shortsightedness of a decision to move ahead with MX now, with only hollow and empty homage to the cause of arms control.

Mr. President, most if not all of these facts are becoming quite well known to the public at large, and the voters are expressing their views loud and clear. Of the citizens of my State who are writing to me on this subject, the overwhelming majority is emphatically opposed to further funding of the MX missile. They know it is destabilizing and redundant, and they know that it involves an unjustifiable expenditure of funds in a time of budgetary distress. I respect their views, and I urge in the name of commonsense that the resolutions be defeated.

Mr. SPECTER. Mr. President, during my tenure in the Senate, no subject has received more of my attention than the MX in its relationship with arms control and U.S./U.S.S.R. strategic strength. On the attached sheets are listed installations/weapons systems which I have inspected and people/organizations with whom I have discussed these matters.

The concerns, which led to my "no" vote in November 1984, persist. The absence of an adequate basing mode make the MX vulnerable and a destabilizing weapon. While I am confident that the United States would never launch a first strike, the MX's vulnerability tempts a launch on warning, rather than on attack, which presents a potentially dangerous setting given the infirmities of any warning system. I continue to worry about the moral implications of additional weapons systems and the high cost of the MX at a time of soaring deficits and significant needs for domestic social programs.

There is now a significant new element with the pendency of the Geneva talks and President Reagan's invitation to the new Soviet leader, Mikhail Gorbachev, for a summit. After hearing the President's strong views on the need for the MX both militarily and diplomatically, substantial weight must be given to the Presi-

dent's judgement on overall strategy on the MX and arms reduction.

Over the past many months, I have traveled extensively in Pennsylvania and heard many constituent concerns about the fear of a nuclear holocaust. While no one can say with certainty which vote holds the greatest promise to avoid nuclear war, my vote today constitutes my best judgment on the best way to achieve that object.

In the past few days, statements by Presidential subordinates have made it very difficult, in fact almost impossible, for me to vote for the MX. An unidentified spokesman was quoted last Thursday as saying that President Reagan would use a "carrot and stick" approach on helping the 21 Republican Senators, who are up for reelection, so that those Senators seeking the President's assistance should be on notice to vote for items like the MX. Press Secretary Larry Speakes was quoted on Friday as saying the President would "help friends first" on such matters.

When the President spoke at the Republican Senators' lunch today, I called his attention to those comments and expressed my strong feeling that those remarks were very destructive and debilitating to Senators' independence and integrity. I called President Reagan's specific attention to the statement which referred to me by name last Thursday to the effect that if the President is "going up and raising a million bucks for ARLEN SPECTER in April this year (it) goes a long way toward him having an easier time raising his money," and that "If he's not there with us, let him raise the money by himself."

The President responded by saying that he would be fully supportive of all Republicans without regard to such considerations.

Those statements by Presidential subordinates undercut public confidence in the independence of a Senator's vote which is the bedrock of our constitutional government on separation of power to provide a check and balance on the Executive. If the independence and integrity of a Senator's judgment are in doubt, there is nothing left of a Senator or the U.S. Senate.

Despite this aspect, which I consider to be very important personally, it is my judgment that my vote should be based on the national interest aside from my reaction to such intemperate and unwarranted remarks of Presidential subordinates. So that there will be no doubt about my motivation on my vote, I shall not have President Reagan come to Pennsylvania or elsewhere to help me raise campaign funds.

In casting my vote today in favor of the MX, I do so because of my judgment that an affirmative vote has the greatest potential to achieve arms reduction and avoid nuclear war.

Two contacts have had special weight in leading me to this conclusion: First with Mr. Paul Warnke, President Carter's chief arms negotiator; and second Mr. Victor Karpov, chief Soviet negotiator in Geneva.

In urging me to vote against the MX, Mr. Warnke described to me circumstances surrounding President Carter's decision to abandon the B-1 bomber. According to Mr. Warnke, he was notified only 15 minutes before President Carter's public announcement. Mr. Warnke stated that his unhappiness was exceeded only by the unhappiness of his Soviet counterpart when he advised him of President Carter's decision. The Soviet negotiator said, as related by Mr. Warnke, that the least President Carter could have done would have been to have made the cancellation of the B-1 bomber a part of the negotiations.

While it is impossible to know the value of the MX in the bargaining process, the negotiators at Geneva insist that it is critical. It could also be a key factor in summit talks which I have urged since my "sense of the Senate resolution" was adopted on May 12, 1982, calling for a meeting between President Reagan and Soviet President Brezhnev. When I discussed the MX with President Reagan on March 5, I asked him about his intention to participate personally and the possibilities for a summit. Given the President's call for a summit and the Geneva talks, there is much to be said for the lesson on the B-1 cancellation that an important weapons system should not be abandoned without some concession from the other side.

When Ambassador Rowny arranged for Senator LEVIN and me to meet with Soviet negotiator Victor Karpov in Geneva in November 1983, Mr. Karpov railed against the plans for deployment of the Pershing II and cruise missiles in Western Europe. For that stated reason, the Soviets withdrew from Geneva discussions on both the START and INF talks. After our western European allies held firm on the deployment of Pershing II and cruise missiles, the Soviets have returned to the bargaining table in Geneva. There is much to be said for a position of strength in dealing with the Soviets.

In voting for the MX today, I do so because of these diplomatic considerations as opposed to the military value of the weapon. My vote is in no way a commitment to any future support for the MX unless the infirmities of the basing mode can be solved and it holds promise for being a stabilizing factor in the process of arms reduction.

Mr. BAUCUS. Mr. President, I vote today against releasing the $1.5 billion for an additional 21 MX missiles.

I do so only after having given very serious consideration to the President's argument that the MX program is essential to successful negotiations in Geneva.

I do so after having reviewed the broader issue of the MX's own merits.

THE DEVELOPMENT OF THE MX MISSILE

The MX missile was first conceived in 1966-67 in a secret Pentagon study. This study addressed the fact that the Nation's Minuteman missiles were becoming increasingly vulnerable to attack by more accurate Soviet missiles.

It became obvious that in order for our missiles to present a deterrent, they had to be protected and capable of withstanding a surprise attack.

Mobility was, and still is, the answer.

Congress first rejected a request for MX funds in 1975 for the same reason we should reject it today: the MX is simply not survivable nor dependable in a land-based silo. Since then, the MX has been a missile without a home.

President Carter proposed giving the MX some degree of mobility by basing missiles in clusters of underground shelters connected by racetracks. The plan called for deploying 200 missiles by 1986, possibly using railroad cars. Cost of the project in 1977 was estimated at $33 billion.

President Reagan disagreed with the racetrack concept and instead proposed the dense pack. But this proposal depended on the belief that incoming missiles would be destroyed by the explosions of their own first arrivals. Congress sensibly rejected this proposal.

He then proposed placing the MX missile in existing Minuteman silos which would be hardened.

But again, even with hardened silos, the basing mode fails to assure that the missiles could survive a preemptive attack and retaliate with enough force to deter the attack in the first place.

It is ironic that we now propose to put MX in the very same silos that created the problem in the first place. So what will spending $26 billion get us?

A 1985 missile with a 1960's problem.

On top of that, the missile creates another serious problem. Because the MX is so vulnerable, the only way to save or defend it is to launch it as soon as an attack is detected. This creates a hair trigger which will make times of crisis even more unstable and dangerous.

THE GENEVA NEGOTIATIONS

The MX has been debated many times on the Senate floor. In this latest round, the overwhelming justification for the MX is its role as a bargaining chip with the Soviets in Geneva.

Many Members of Congress, painstakingly trying to pick their way through the complicated issues surrounding nuclear politics, have laid

aside their substantive doubts as to the need and viability of the MX missile by convincing themselves that the missile has a significant role in our negotiations.

Frankly, I do not believe that the MX is a weapon that we can use as a bargaining chip in our arms control discussions. In fact, it was after Congress approved initial production funds for the MX that the Soviets walked out of the last arms talks.

In addition, I believe that the Soviets would prefer to see the MX based as now planned because it will be stationary, easily targeted, and easily destroyed.

U.S. production of the MX will only encourage the Soviets to proceed full speed ahead with the development of new weapons to strengthen their attack capabilities. I will not give up anything unless we have the MX missile to force them.

COMMITMENT TO A STRONG DEFENSE

Mr. President, I do not oppose the MX missile just because I am against nuclear arms. I wish it were that simple.

The unfortunate fact of life is that our nuclear arsenals provide a much needed deterrent. These arsenals must always be the subject for negotiation. But until we can achieve arms accords, nuclear arsenals are a necessary evil.

I support the maintenance of a strong and workable nuclear Triad consisting of land, air, and sea-based missiles.

This Nation has a distinct advantage over the Soviets because 80 percent of our nuclear weapons are in the air and under the seas while 70 percent of the Soviet missiles are in land-based silos.

And we need to build on strengths, not weaknesses.

That is why I prefer an alternative to MX—the D-5 Trident II missile. This missile is due for deployment in submarines only 3 years after the MX's deployment date.

The D-5 Trident II is every bit as accurate as the MX, can carry multiple warheads, is highly mobile, and much less vulnerable and can, if needed, be deployed in land-based silos.

This missile will meet the role designed for it, be dependable, and will not be a hair trigger to the heads of our adversaries.

I will not support spending $26 billion on the MX when there is a better alternative.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, MX seems to live a charmed life. It has more lives than the proverbial cat.

Every time we take a vote here, I hear many people say, "That's the last time I'm ever going to vote for MX." Or, "I called the President" or "I sent word" or "I told so and so that's the last time I'm going to vote for MX."

Well, we are up to one more last time, and I guess we will have another one Thursday, when it will be up again. Then, of course, we will be talking about the 1986 authorization.

I have a feeling that there are not 30 people here who believe that we should have MX, if we could ever get to a vote such as this on the merits. But I guess we never will.

Now we have Geneva, and we have to have MX because we are going to Geneva, and the walls are going to come crashing down if something happens to the MX.

I cannot understand that the Russians are concerned about MX. Maybe they just used Star Wars as a ploy and talk about Star Wars because they are really concerned about MX. Maybe they put a proposition on the table that we can build 680 MX missiles because they are going to fool us again and they do not want us to release the money for 21.

We argue about everything but the merits of MX. When we get down to the merits, I think most Members of this body know that the day we made a decision to put MX in a Minuteman silo was the day we should have killed it. We should have killed it right there. I should have voted the next time to kill it. I did not, and I carry that. But I said at one stage, "That's the last time I'm going to vote for MX." Well, I did mean it.

This vote does not kill it now, I think we need to keep the option available to us. If we cannot get Midgetman to come through, if we cannot get a negotiation on the number of warheads, we may have to go back to it.

Mr. President, if this administration would have the gumption to go ahead and base it, make some tough political decisions and base it, so that it would be survivable, I would then support MX. But this administration would not support that. I hope there will be people who will say this time, "This is the last time I'm going to vote for MX." I know it will cost a little bit. I guess the administration will pay and pay and pay.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Florida has 30 seconds remaining of his 4 minutes.

Mr. HART. How much time remains on both sides?

The PRESIDING OFFICER. A total of 15 minutes.

Mr. HART. I yield 2 minutes to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this has been a difficult decision for me. I will vote to unfence the MX, and the reason is that I do not believe this is a bargaining chip. I think that is the one persuasive argument, or at least the most persuasive argument. Upon examination, I think the argument that this is a real bargaining chip fades when you look at it.

Mr. President, we are not going to get into the tough negotiation in Geneva in the next few weeks. So, to be able to go into the negotiation with an MX in April or May is beside the point. This negotiation will not be ripe, in my judgment, until probably sometime next year, in 1986, if at all. I think, at the very best, 18 months from now this negotiation may be ripe; and if we proceed to produce and build MX today, that decision will be gone. It will no longer be a bargaining chip. Rather, it will be a fait accompli, because we know that no weapons system by either side has ever been dismantled on account of negotiation.

If we truly want a bargaining chip, we will withhold the decision, come in in the 1986 budget and provide money with a further fence, so that the determination of Congress to build will be shown, but the actual building will be withheld. In that manner, we will get a real bargaining chip, not one of these bargaining chips that may be a political chip out there across America—I am not sure—but a bargaining chip in Geneva.

So I will vote not to lift the fence.

Mr. HART. I yield myself 5 minutes. Mr. President, the story of MX, if it were not so serious, would be a comedy. But the fact that the issue of the MX is so serious makes it a tragedy. It became a tragedy when the President endorsed a basing mode which shattered a bipartisan consensus in favor of modernizing our land-based missiles.

By making a decision which was not military but political, the President managed not only to shatter that consensus, a minor tragedy, but also did so by destroying the logic behind modernizing our ICBM force. A logic behind that modernization was to create a survivable deterrent based on land that was sufficiently invulnerable from a strike from the Soviet Union that it operated as a real deterrent to nuclear war.

The President inverted that logic. He destroyed 30 years of effort by the United States to base its nuclear Triad and its nuclear deterrent in ways that made war less likely rather than more likely.

Mr. President, we have talked a great deal here about stability and survivability, and those sound like very expensive political words, but they mean something. Survivability means that a weapons system can survive a first-strike attack and deliver an unacceptable response to any aggressor. When survivability is destroyed, a missile or a weapons system becomes un-

stable. When a weapons system or a missile becomes unstable, it is no longer part of the deterrent or the security of this country. In fact, it becomes a danger to the security of this country, and that is exactly the tragedy of the MX.

When a missile or a weapons system becomes unstable, becomes vulnerable, and becomes nonsurvivable, the possibility of that weapons system being used escalates astronomically—if not on purpose, by accident.

Mr. President, the greatest tragedy of the President's decision to base the MX in a vulnerable place is that he is making this country less secure instead of more secure; and the logic and the morality of modernizing our nuclear forces, particularly on land, is completely destroyed. The bottom line is that the MX in its present mode makes this country less secure.

Leave aside the question of its affordability. Leave aside the question of diplomacy and bargaining. Leave aside the question that this is the largest, the most potentially destructive weapons system this country has ever produced. Focus, instead, on the question of whether this missile makes this country stronger and more secure or weaker and less secure. In that sense, this is the weakest weapons system this country has ever built. If we build and da vote on MX is not a test of patriotism. In fact, when the red, white, and blue bunting is taken off this missile, it is no longer a peacekeeper in a period of crisis. It becomes, instead, a stick of dynamite, and I pray if this country goes forward with this missile that that period of crisis does not arrive because I fear that that stick of dynamite will go off in this country's face.

I reserve the balance of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I am certain we are not going to change many votes at this point. I do not quarrel with many of the arguments raised by those in opposition nor do I quarrel with many of the arguments made by strong supporters. Many Members have spent a great deal of time studying the MX and many are better experts than this Senator.

THE MX MISSILE—AN ESSENTIAL COMPONENT OF OUR NUCLEAR TRIAD

Mr. President, last week I reported to the Senate on our Geneva trip. One of our main goals was to demonstrate support for the administration's arms control efforts. Now it is time to match our words of good faith with action—it is time for the Senate to vote to release fenced fiscal year 1985 funds and proceed in an orderly way with the MX Program.

For too long, the MX has served as a partisan political weapon with its warheads aimed at domestic and international public opinion. The case for the MX system is convincing enough and should be based on three essential premises—do we need MX militarily? Will it enhance our undercut strategic stability? Will it further the cause of arms control?

THE MILITARY JUSTIFICATION OF MX

We must be able to meet any Soviet threat. If the Soviets have the sense that they can engage in crisis bargaining and believe that the United States will back down first, the political leverage gained by the Soviet monopoly of hard-kill capability will certainly affect the United States-Soviet nuclear equation. The MX missile returns some measure of balance. Continued deployment of MX will make the Soviets cognizant that they no longer have a monopoly in this area and that they must be aware of and take into account this balancing factor.

The Scowcroft Commission made the military case convincingly: The United States needs a system with hard-target kill capability, with bigger payload, increased range, and accuracy.

ENHANCEMENT OF STRATEGIC STABILITY

Acquisition of MX will not destabilize the existing nuclear balance. Rather, it will serve as a credible deterrent to enhance strategic stability. It is the Soviet Union that can now eliminate United States land-based systems using only a fraction of its ICBM forces. Therefore, the question remains what can be done to reduce this Soviet threat.

Our strategic deterrence is based on the triad concept: the presence of three separately based and powerful nuclear arms systems. To the extent that one leg of the triad could be weakened—as it will be if we terminate the MX Program—our overall deterrence will be seriously damaged.

ATTAINMENT OF ARMS CONTROL LEVERAGE

MX is not a bargaining chip. More accurately, MX provides for bargaining leverage.

The military value of the weapon is critical for the United States to acquire, and this is precisely why it will be a useful tool in Geneva. However, time and experience should tell us that when the Soviets bargain, they bargain hard and consider only those military capabilities in the field. Making concessions up front will simply make the Soviets ask for more concessions.

A defeat of MX by the Congress will encourage the Soviets to stall and drag their feet in the arms negotiations and wait and see what else we will do to ourselves in unilaterally eliminating weapon systems. It is crucial that the Congress act prudently and demonstrate to the Soviet leadership a solidarity of American purpose and reasonableness. The Soviets must bring their systems to the negotiating table and bargain for reductions and not expect that the United States will unilaterally reduce its own systems on their behalf.

The question is whether in the face of Soviet deployments, the United States has the will to meet the military threat, to move toward a more balanced strategic environment and to secure for our Geneva negotiators the deterrent capability upon which peace and security rests. With these three elements secured, we can negotiate in Geneva from a sound position, one which protects the security of the Western World and one which is based upon hard-headed reality rather than wishful thinking. Let us give our negotiators the tools to deal effectively with—let us vote to authorize continued production of the 21 MX missiles.

Mr. WARNER. Mr. President, first, I would like to thank my distinguished colleague from Colorado for the invaluable assistance he has given in the management of this piece of legislation in what I would regard as a totally nonpartisan spirit. Indeed, he has managed time on both sides of the aisle.

In taking note of the distinguished majority leader's remarks, I would add the following: As we look at the reasons for the Soviets coming back to the negotiating table, it is my judgment, first, they saw the forging and the strengthening of an alliance between the United States and our allies throughout the world, principally NATO.

This afternoon, the Senate leaves in a second alliance, namely, that of the Congress of the United States—because I believe certainly the House will follow the action we are about to take—an alliance between the Congress and the President in working at the negotiating table for a more peaceful world.

I thank the distinguished chairman of the Senate Armed Services Committee for the leadership he has given in this matter, and the distinguished Senator from Georgia. I yield to my colleague from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I wish to return the kind words of the Senator from Virginia [Mr. WARNER] and compliment him also on the manner in which he has conducted his side of this debate. I would like to reiterate once again the remarks that he has made, and the distinguished majority leader. This is not a partisan issue. There will be Democrats on both sides and Republicans on both sides, however the outcome comes out.

I regret that the consensus which we should have on a major issue such as this is not greater. But I fear that as long as this issue is before us it will continue to divide not only the Senate

but the American people. I thank the Senator from Virginia.

Mr. WARNER. Mr. President, I see no other Senators seeking recognition. I yield back all time under my control.

Mr. HART. I yield back my time.

The PRESIDING OFFICER. Without objection, the vote may occur now on the Joint Resolution 71. Is there objection?

Without objection, it is so ordered.

The yeas and nays have not been ordered.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

(During the call of the roll, the Vice President assumed the Chair.)

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—55

Abdnor	Gore	Nickles
Armstrong	Gorton	Nunn
Bentsen	Gramm	Packwood
Boren	Hatch	Quayle
Boschwitz	Hawkins	Roth
Byrd	Hecht	Rudman
Chafee	Heflin	Simpson
Cochran	Heinz	Specter
Cohen	Helms	Stennis
D'Amato	Humphrey	Stevens
Danforth	Kasten	Symms
DeConcini	Laxalt	Thurmond
Denton	Long	Trible
Dole	Lugar	Wallop
Domenici	Mathias	Warner
East	Mattingly	Wilson
Evans	McClure	Zorinsky
Garn	McConnell	
Goldwater	Murkowski	

NAYS—45

Andrews	Glenn	Melcher
Baucus	Grassley	Metzenbaum
Biden	Harkin	Mitchell
Bingaman	Hart	Moynihan
Bradley	Hatfield	Pell
Bumpers	Hollings	Pressler
Burdick	Inouye	Proxmire
Chiles	Johnston	Pryor
Cranston	Kassebaum	Riegle
Dixon	Kennedy	Rockefeller
Dodd	Kerry	Sarbanes
Durenberger	Lautenberg	Sasser
Eagleton	Leahy	Simon
Exon	Levin	Stafford
Ford	Matsunaga	Weicker

So the joint resolution (S.J. Res. 71) was passed as follows:

S.J. RES. 71

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the enactment (after the enactment of this joint resolution) of a joint resolution further approving the obligation of such funds, the Congress approves the obligation of funds available for fiscal year 1985 for the procurement of additional operational MX missiles (in addition to the funds previously authorized to be obligated).

The VICE PRESIDENT. The majority leader is recognized.

Mr. DOLE. Mr. President, I will indicate in a statement which will be inserted tomorrow my thanks to all Senators who participated in the MX debate, particularly the efforts of the distinguished chairman of the Armed Services Committee, Senator GOLDWATER; and Senator WARNER, along with the distinguished Senator from Colorado, Senator HART, and others who participated on both sides of the debate.

As indicated in the late stage of the debate, this was not a partisan matter. There were Democrats voting for and Republicans voting against. The final vote of 55 to 45 should indicate to everyone who has an interest that there is support, notwithstanding some good suggestions, objections, and arguments, for the President's position.

I compliment those who participated in the debate.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. DANFORTH]. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I sought recognition at this time to inquire of the distinguished majority leader what his plans may be for the rest of the day and the rest of the week.

Mr. DOLE. Mr. President, if we could have order, I would indicate in response to the distinguished minority leader that we now hope to take up a clean bill, what was numbered S. 457, the African relief bill, and dispose of that without a rollcall. We know of no request on this side. One Senator wishes to speak briefly in opposition.

That would be all we would do for the balance of the day. Tomorrow, we do have the joint session starting at 11 o'clock. It is our intent to come in a little later than 9 o'clock, because there are a couple of special orders. At 11 o'clock, there will be a joint session.

It is my understanding the distinguished chairman of the Appropriations Committee [Mr. HATFIELD] will report out the MX appropriations bill. We hope to take that up at 1 o'clock or 1:15 and dispose of that as quickly as we can; then, if it is possible, dispose of the famine relief appropriation tomorrow.

If we are able to accomplish that, we would not be in on Thursday, have a pro forma on Friday, not be in on Monday, and come back on Tuesday.

Mr. BYRD. I thank the distinguished majority leader.

Mr. President, does he plan now to proceed with S. 457 or the substitute therefor?

Mr. DOLE. Yes, Mr. President, the distinguished chairman of the Foreign Relations Committee is here and prepared to proceed.

AFRICAN FAMINE RELIEF AND RECOVERY ACT OF 1985

Mr. LUGAR. Mr. President, I send a bill to the desk on behalf of Senator PELL and myself and ask for its immediate consideration. This is the test of S. 457 as reported out of the Foreign Relations Committee with technical changes.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 689) to authorize appropriations for famine relief and recovery in Africa.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. BYRD. Mr. President, there is no objection that I know of.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LUGAR. Mr. President, I ask unanimous consent that S. 689 be considered under the following time agreement: 30 minutes on the bill, to be equally divided between the chairman of the Foreign Relations Committee and the ranking minority member (Mr. PELL) or their designees; that no amendments be in order; 5 minutes on any debatable motion, appeal, or point of order if such be submitted to the Senate; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I do not want to object to this agreement, but I would have to as presently written.

Mr. LUGAR. Mr. President, I ask unanimous consent that I may amend the motion to say that no debatable motion, appeal, or point of order be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR. The text that we now present is basically the text of S. 457 as originally reported by the Foreign Relations Committee, with technical changes. There has been strong bipartisan support for this attempt to bring relief to the famine victims in Africa. As noted in the original debate on this legislation, the portion of the overall

emergency effort that was considered by the Foreign Relations Committee does not provide emergency food assistance. It only provides the nonfood emergency assistance which is so important to assure that the food might be utilized and the health and welfare of the people might be improved.

I know of no substantial objection to this legislation, but for the moment I shall reserve the time on our side and yield to my distinguished colleague (Mr. PELL) who has helped me guide this legislation.

Mr. PELL. I thank the Senator.

Mr. President, I completely endorse the words of my colleague, our chairman, the Senator from Indiana. I think that this bill is now a clean bill, containing references to nothing but the problems in Africa. It is in fit form to pass. We had substantial hearings before our committee, well debated, well discussed. To my mind, this is an excellent bill that I commend to my colleagues.

EMERGENCY NONFOOD AND REFUGEE ASSISTANCE

Mr. DOLE. Mr. President, this is the second time we have considered this same essential piece of legislation. As we all know, when we dealt with this measure the first time, the Senate attached to it some nongermane amendments. As this Senator and others predicted, those amendments doomed the bill to a Presidential veto—a much deserved Presidential veto, I might add.

Now we are considering the legislation again. I have already outlined the compelling case for this bill in my statement of February 25, and I repeat that statement for the RECORD once again.

Mr. President, I rise in support of S. 457, a bill providing $175 million in supplemental appropriations, $137.5 million for AID's Office of Foreign Disaster Assistance [OFDA] and $37.5 million for refugee relief activities in Africa.

It is hardly necessary to review in detail the tragic situation caused by Africa's long drought. Twenty sub-Saharan countries have been severely affected. Millions of people are short of food, and thousands have already died of starvation or disease growing out of their malnutrition.

THE U.S. RESPONSE

The United States has responded generously to this tragedy. This year alone, we have already earmarked more than $425 million for African food and related assistance, over 60 percent of all the aid sent to Africa to combat this terrible tragedy.

In trying to cope with this unprecedented emergency, moreover, the administration has done a commendable job of using existing resources and authorities to supplement the regular fiscal year 1985 appropriations. It has reprogrammed large sums of money within AID's existing budget. As I urged last year, the administration has tapped the wheat security reserve and made use of other surplus agricultural commodities. And it has invoked section 403(b) of the Public Law 480 Act of 1983, the so-called Kasten amendment, which permits AID to purchase CCC commodities at lower than market price.

NEED FOR SUPPLEMENTAL

We are nearing the point, though, where the lemon has been squeezed dry. If we are to continue to meet our responsibility to help the afflicted in Africa—and I am determined that we will—then we need supplemental appropriations.

A great part of the need, of course, is for food itself, and I hope that we will have before us next week a supplemental for the purchase and transport of food, after the Appropriations Committee has a chance to act.

There is an equally urgent need for nonfood emergency assistance-medicine, medical supplies, seed, and the like—and for founds to handle the thousands of refugees generated by the food crisis. It is those components of the whole package of needs with which we are dealing today.

We have important problems of our own here at home, not the least of which is the urgent need to keep down Federal spending and reduce our deficits. At the same time, we also have a responsibility to respond to those in need, especially when the need is as acute as it is in Africa. Lives are at stake. We have no choice but to do what we can to help.

THE NEED FOR QUICK ACTION

One of the greatest requirements now is to act quickly. People are dying in Africa. AID and the other involved U.S. agencies are running out of resources. We have to provide them the wherewithal to carry forward the programs they have already established, and we have to do so soon. We are talking about a great deal of money here, and perhaps we are erring on the high side. But one of the positive features of this bill is that it appropriates the same sum of money as was reported out of the House Appropriations Committee. It offers us the prospect of quick agreement with the House, so that a bill can be passed by the Congress and sent to the President in the shortest time possible.

As we all know, we have a unanimous-consent agreement that permits a limited number of amendments unrelated to our efforts to deal with the African famine situation. These amendments deserve our full attention.

At the same time, I hope that we can deal with them expeditiously and that they will not unduly delay or complicate passage of this important piece of legislation.

In addition, I want to underscore once more how serious the situation is in Africa, and how much more serious it is going to become if we don't act soon.

Twenty sub-Saharan countries are severely affected. Thousands and thousands of people have already died. Hundreds more—and these are not statistics, but people: men, women and little children—hundreds more will die with each week that passes.

THE TRAGEDY CONTINUES

The tragic scenes appear nightly on our television screens. Less than 2 weeks ago, we watched our own Vice President moving among these needy people—people who saw in him a symbol of our country, and people who now see in us, in whose hands this bill lies, their only real hope for survival. No one can be unmoved. No one can doubt that we must do everything that we can to help.

Let me add two final points:

First, the need is even more urgent than it was when we passed the original bill on February 27. There are more needy people, and our resources to meet the need are even more severely depleted. AID is just about out of money.

There are lives at stake here, lives that will be lost if we delay much longer. As important as are our concerns on other issues—and I know as well as anyone here how important and pressing those issues are—let us not hold this essential relief effort hostage any longer to extraneous matters.

Second, the President has made clear he intends to sign this bill if we send it to him in clean form. He has some reservations about the amount of money we are authorizing here, and—as I stated in my February 25 statement—I share some of those reservations. But this is an amount that, I think, we can all agree on. We have passed it once already, and so has the House. The President is going to sign it if we give him the chance.

Let us get on with it now. Let us do what is right and what needs to be done.

Mr. LUGAR. Mr. President, it is my understanding that the distinguished Senator from Arizona (Mr. GOLDWATER) wants to be heard on this legislation. For purposes of reserving that opportunity, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PELL. Mr. President, I yield as much time as he desires to the Senator from Montana.

Mr. MELCHER. I thank my friend from Rhode Island.

Mr. President, I take this opportunity to describe briefly an amendment I shall offer regarding African food relief that has nothing to do with this bill. This bill does not deal with food. But shortly, the Senate will be addressing an urgent supplemental, which does contain the food portion that is necessary for African relief. At that time, I shall offer an amendment to direct that part of the food to be utilized for African relief come from what is known as section 416 of the Agricultural Act.

Section 416 covers only two commodities—dairy products and wheat. These commodities under 416 are available for donation from the United States to those countries in need and have a different stance budgetwise. Section 416 provides for that. The food will go to the hungry in Africa, to the starving in Ethiopia and the Sudan and other countries in the Sahel area where the famine is greatest.

The amendment will increase the availability of food for those people in Africa. I think it is a humanitarian amendment. It is an amendment that will better meet the needs of the people in Africa, and, I repeat, it is off budget. It will not add to the deficit.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. LUGAR. I am happy to yield to the Senator from Arizona as much time as he may require.

Mr. GOLDWATER. I thank my good friend from Indiana.

Mr. President, I do not intend to vote for this bill. Because there will be no rollcall vote, I want to be recorded as being against it. I feel very sympathetic toward the people this bill is supposed to help. I probably traveled across Africa many, many years before any Member of this body. I have seen Africa when it was in great shape, when it was covered with commonwealths where living was pretty good. And I have seen it today under the dominating forces of dictatorships, the Soviet Union, and others. I do not like what I see, nor do many others.

But that is not the reason I am voting against this bill, Mr. President. Here we are, once again, looking all over the world for people to help. We have approximately a million Indians living in this country. I have about one-third of all Indians living in my State. Their average income is about the average income of what we are talking about in Africa. The unemployment rate is so high that it is almost too ridiculous to mention.

We have reservations in Arizona where in 200 years we have never been able to build a hospital. We have reservations in Arizona with no schools. This is not true just in my State; it is true across the Nation. The American Indian has never been treated right by the Federal Government. Treaties have never been followed; promises have never been kept. Why this Congress can send billions of dollars around this world to every little God-forsaken country and then not pay attention to our Indians in this country is beyond me.

I have talked with my President about this. I have talked with Presidents nearly all my life about this. I hope I live to see the day the American Government realizes its responsibility in the United States and does not have to look all over the world for places to toss its money. Give me a billion dollars, Mr. President, and I will show you how to take care of some starving people, some unemployed people, some people who have no hopes in the world.

Mr. President, I do not like to be against a bill like this. I do not want people to think of me as being inhuman, but I have lived with Indians all of my 76 years, and I am a little sick and tired of the U.S. Government not taking care of them. I yield the floor.

Mr. LUGAR. Mr. President, I appreciate the statement of the Senator from Arizona. He has spoken in behalf of the American Indians with exceptional eloquence for many years. I think most Members of this body share the concern and the compassion he has expressed.

Today I suspect most of us also want to assist in a compassionate way in providing relief to persons who are starving in Africa, and our compassion reaches out for them in this legislation. We ask the support of all Members for this legislation that we bring before the Senate.

Mr. President, I ask unanimous consent to amend the word "shall" to "may" on page 3, line 12 of the legislation.

Clearance has been given by the minority, and I know of no other objection to this amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the bill is so amended.

Mr. LUGAR. Mr. President, I know of no other Senators who wish to be heard on this measure on our side.

I yield back the remainder of the time on our side.

Mr. PELL. I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Famine Relief and Recovery Act of 1985".

SEC. 2. INTERNATIONAL DISASTER ASSISTANCE.

Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292-2292p) is amended by adding at the end thereof the following new section:

"SEC. 495K. AFRICAN FAMINE ASSISTANCE.

"(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance for famine relief, rehabilitation, and recovery in Africa. Assistance under this section shall be provided for humanitarian purposes and shall be provided on a grant basis. Such assistance shall include—

"(1) relief, rehabilitation, and recovery projects to benefit the poorest people, including the furnishing of seeds for planting, fertilizer, pesticides, farm implements, farm animals and vaccine and veterinary services to protect livestock upon which people depend, blankets, clothing, and shelter, disease prevention and health care projects, water projects (including water purification and well-drilling), small-scale agricultural projects, and food protection and preservation projects; and

"(2) projects to meet emergency health needs, including vaccinations.

"(b) USES OF FUNDS.—

"(1) PRIVATE AND VOLUNTARY ORGANIZATIONS AND INTERNATIONAL ORGANIZATIONS.—Funds authorized to be appropriated by this section shall be used primarily for grants to private and voluntary organizations and international organizations.

"(2) EMERGENCY HEALTH PROJECTS.—A significant portion of the funds authorized to be appropriated by this section shall be used for emergency health projects pursuant to subsection (a)(2).

"(3) MANAGEMENT SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated by this section, $2,500,000 shall be transferred to the 'Operating Expenses of the Agency for International Development' account. These funds shall be used for management support activities associated with the planning, monitoring, and supervision of emergency food and disaster assistance provided in those countries in Africa described in section 5(a) of the African Famine Relief and Recovery Act of 1985.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts otherwise available for such purpose, there are authorized to be appropriated $137,500,000 for the fiscal year 1985 for use in providing assistance under this section.

"(d) POLICIES AND AUTHORITIES TO BE APPLIED.—Assistance under this section shall be furnished in accordance with the policies and general authorities contained in section 491.".

SEC. 3. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" for the

fiscal year 1985, $37,500,000 for assisting refugees and displaced persons in Africa.

(b) USE OF FUNDS.—

(1) PROJECTS FOR IMMEDIATE DEVELOPMENT NEEDS.—Up to 54 percent of the funds authorized to be appropriated by this section may be made available to the United Nations Office of Emergency Operations in Africa for projects such as those proposed at the second International Conference on Assistance to Refugees in Africa (ICARA II) to address the immediate development needs created by refugees and displaced persons in Africa.

(2) EMERGENCY RELIEF AND RECOVERY EFFORTS.—The remaining funds authorized to be appropriated by this section shall be used by the Bureau for Refugee Programs of the Department of State for emergency relief and recovery efforts in Africa.

SEC. 4. DEPARTMENT OF DEFENSE ASSISTANCE.

(a) SPECIAL RULE ON REIMBURSEMENT.—If the Department of Defense furnishes goods or services for African supplemental famine assistance activities, the Department of Defense shall be reimbursed for not more than the costs which it incurs in providing those goods or services. These costs do not include military pay and allowances, amortization and depreciation, and fixed facility costs.

(b) DEFINITION OF AFRICAN SUPPLEMENTAL FAMINE ASSISTANCE ACTIVITIES.—For purposes of this section, the term "African supplemental famine assistance activities" means the provision of the following fiscal year 1985 supplemental assistance for Africa:

(1) Famine assistance pursuant to section 2 of this Act.

(2) Migration and refugee assistance pursuant to section 3 of this Act.

(3) Assistance pursuant to supplemental appropriations for title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721-1726).

(4) Assistance with funds appropriated during fiscal year 1985 for the Emergency Refugee and Migration Assistance Fund (22 U.S.C. 2601(c)).

SEC. 5. GENERAL PROVISIONS RELATING TO ASSISTANCE.

(a) COUNTRIES TO BE ASSISTED.—Amounts authorized to be appropriated by this Act shall be available only for assistance in those countries in Africa which have suffered during calendar years 1984 and 1985 from exceptional food supply problems due to drought and other calamities.

(b) "HICKENLOOPER AMENDMENT".—Assistance may be provided with funds authorized to be appropriated by this Act without regard to section 620(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(e)(1)).

(c) ENSURING THAT ASSISTANCE REACHES INTENDED RECIPIENTS.—The President shall ensure that adequate procedures have been established so that assistance pursuant to this Act is provided to the famine victims for whom it is intended.

SEC. 6. REPORTS ON AFRICAN FAMINE ASSISTANCE.

(a) REPORT ON UNITED STATES CONTRIBUTION TO MEET EMERGENCY NEEDS.—

(1) REQUIREMENT FOR REPORT.—Not later than June 30, 1985, the President shall report to the Congress with respect to the United States contribution to meet emergency needs, including food needs, for African famine assistance.

(2) INFORMATION TO BE INCLUDED IN REPORT.—The report required by this subsection shall describe—

(A) the emergency needs, including food needs, for African famine assistance that are identified by the President's Interagency Task Force on the African Food Emergency, private voluntary and organizations active in famine relief, the United Nations Office for Emergency Operations in Africa, the United Nations Food and Agriculture Organizations, the World Food Program, and such other organizations as the President considers appropriate; and

(B) the projected fiscal year 1985 contribution by the United States Government to meet an appropriate share of these needs referred to in subparagraph (A).

(b) REPORT ON ASSISTANCE PROVIDED PURSUANT TO THIS ACT.—

(1) REQUIREMENT FOR REPORT.—Not later than September 30, 1985 the President shall report to the Congress on the assistance provided pursuant to this Act.

(2) INFORMATION TO BE INCLUDED IN REPORT.—

(A) USE OF FUNDS.—The report pursuant to this subsection shall describe the uses, by the Agency for International Development and by the Department of State, of the funds authorized to be appropriated by this Act, including—

(i) a description of each project or program supported with any of those funds, and the amount allocated to it;

(ii) the identity of each private and voluntary organization or international organization receiving any of those funds, and the amount of funds each received;

(iii) the amount of those funds used for assistance to each country;

(iv) the amount of those funds, if any, which will not have been obligated as of September 30, 1985; and

(v) a list of any projects or programs supported with those funds which are not expected to be completed as of December 31, 1985.

(B) DEPARTMENT OF DEFENSE ASSISTANCE.—The report pursuant to this subsection shall describe any goods or services provided by the Department of Defense with respect to which the special rule set forth in section 4 of this Act were applied.

(C) NEED FOR ADDITIONAL ASSISTANCE.—The report pursuant to this subsection shall assess the need for additional assistance to meet the short-term emergency resulting from the food supply problem in Africa.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 85. Joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. THURMOND].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-640. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; to the Committee on Armed Services.

EC-641. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Spain for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-642. A communication from the Director of the Office of Community Investment, Federal Home Loan Bank Board, transmitting, pursuant to law, the Board's sixth annual report on the efforts to prevent unfair and deceptive trade practices in the thrift industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-643. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fifth annual report on collision avoidance systems under the Aviation Safety and Noise Abatement Act of 1979; to the Committee on Commerce, Science, and Transportation.

EC-644. A communication from the Secretary of Transportation, transmitting, pursuant to law, the ninth annual report on the Automotive Fuel Economy Program, covering fiscal year 1984; to the Committee on Commerce, Science, and Transportation.

EC-645. A communication from the Chairman and Chief Executive Officer of the Consolidated Rail Corporation (Conrail),

transmitting, pursuant to law, the annual report of Conrail for fiscal year 1984; to the Committee on Commerce, Science, and Transportation.

EC-646. A communication from the Under Secretary of Energy, transmitting, pursuant to law, notice of a delay in the submission of the fourth update to the Wind Energy Technology Comprehensive Program Management Plan; to the Committee on Energy and Natural Resources.

EC-647. A communication from the Secretary of the Interior transmitting, pursuant to law, the annual report of the Office of Surface Mining; to the Committee on Energy and Natural Resources.

EC-648. A communication from the Chairman of the Board, United States Synthetic Fuels Corporation transmitting, pursuant to law, an unedited quarterly report for the quarter ended December 31, 1984; to the Committee on Energy and Natural Resources.

EC-649. A communication from the Acting Administrator of the General Services Administration transmitting a revised listing of project costs; to the Committee on Environment and Public Works.

EC-650. A communication from the Associate Counsel of the Inter-American Foundation, transmitting a revision to a previously submitted draft of proposed legislation to amend the Foreign Assistance Act to authorize appropriations for fiscal years 1986 and 1987; to the Committee on Foreign Relations.

EC-651. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on the status of each loan and each contract of guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for procurement of defense articles or defense services; to the Committee on Foreign Relations.

EC-652. A communication from the Under Secretary of the Treasury for Monetary Affairs transmitting, pursuant to law, a report relating to the operation of the international monetary and financial system and the role and operations of the International Monetary Fund; to the Committee on Foreign Relations.

EC-653. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to March 15, 1985; to the Committee on Foreign Relations.

EC-654. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government; to the Committee on Governmental Relations.

EC-655. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report the Bank under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-656. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to repeal section 5(b) of the Subversive Activities Control Act of 1950 as amended (76 Stat. 91) (50 U.S.C. 984(b)); to the Committee on the Judiciary.

EC-657. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-658. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-659. A communication from the General Counsel of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report of the Conference under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-660. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the annual report of the Administration under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-661. A communication from the Acting Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-662. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report on applications for orders and extensions of orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978, covering calendar year 1984; to the Committee on the Judiciary.

EC-663. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, the annual report of the Veterans' Administration under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-664. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-665. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-666. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on waivers of the grounds of inadmissability under section 212(a)(1), (2), (3), (5), (6), (7), (9), (10), (11), (16), (17), (19), (25), and (28) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-667. A communication from the Assistant Secretary of Commerce (Administration), transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-668. A communication from the Deputy Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report of the Administrative Office of the United States Courts for calendar year 1984 and reports of the proceedings of the Judicial Conference of the United States held during 1984; to the Committee on the Judiciary.

EC-669. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Pell Grant Program; to the Committee on Labor and Human Resources.

EC-670. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Effects of Liabilities Assessed Employers Withdrawing From Multiemployer Pension Plans"; to the Committee on Labor and Human Resources.

EC-671. A communication from the Secretary of Education, transmitting, pursuant to law, final funding priority for the Educational Media, Research, Production, Distribution, and Training Program; to the Committee on Labor and Human Resources.

EC-672. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Client Assistance Program; to the Committee on Labor and Human Resources.

EC-673. A communication from the Chairman of the National Arthritis Advisory Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1984; to the Committee on Labor and Human Resources.

EC-674. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing "testing the waters" activities; to the Committee on Rules and Administration.

EC-675. A communication from the Director of the National Air and Space Museum, transmitting, pursuant to law, the Museum's Five Year Plan; to the Committee on Rules and Administration.

EC-676. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for fiscal year 1984; to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 413. A bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance (Rept. No. 99-13).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. MOYNIHAN, Mr. HELMS, Mr. HEFLIN, Mr. HEINZ, Mr. COHEN, Mr. WARNER, Mr. KENNEDY, Mr. MITCHELL, Mr. NUNN, Mr. EAGLETON, Mr. SPECTER, Mr. EAST, Mr. STENNIS, Mr. COCHRAN, Mr. HOLLINGS, Mr. TRIBLE, Mr. BYRD, Mr. DENTON, Mr. D'AMATO, Mr. SASSER, Mr. HATCH, Mr. PELL, Mr. MATTINGLY, Mr. MURKOWSKI, Mr.

SARBANES, Mr. GARN, Mr. LAXALT, Mr. ROCKEFELLER, and Mrs. HAWKINS):

S. 680. A bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers; to the Committee on Finance.

By Mr. MATHIAS:

S. 681. A bill to amend chapter 89 of title 5, United States Code, to authorize the Office of Personnel Management to waive certain eligibility requirements relating to enrollment of annuitants in a Federal employees health benefits plan; to the Committee on Governmental Affairs.

By Mr. MELCHER (for himself and Mr. GOLDWATER):

S. 682. A bill to provide relief for Deola Shryock of Polson, MT; to the Committee on Armed Services.

By Mr. GOLDWATER:

S. 683. A bill for the relief of Anne J. Brusselmans; to the Committee on the Judiciary.

By Mr. LUGAR (by request):

S. 684. A bill to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Finance Corporation, and the African Development Fund; to the Committee on Foreign Relations.

By Mr. BENTSEN:

S. 685. A bill to amend the Internal Revenue Code of 1954 to permit the retention of business holdings by private foundations in certain circumstances; to the Committee on Finance.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 686. A bill to provide for the relief of water users deprived of winter stock water on Willow Creek, ID, below the Ririe Dam and Reservoir; to the Committee on Energy and Natural Resources.

By Mrs. HAWKINS:

S. 687. A bill to amend the Internal Revenue Code of 1954 to clarify the extent to which a State or political subdivision thereof may tax certain income from sources outside the United States; to the Committee on Finance.

By Mr. HEINZ (for himself and Mr. DANFORTH):

S. 688. A bill to amend the Tariff Act of 1930 to provide for revocation of "country under the agreement" status in certain circumstances; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. PELL):

S. 689. A bill to authorize appropriations for famine, relief and recovery in Africa; read the first time.

By Mr. STEVENS:

S. 690. A bill for the relief of Waldemar Nedo Giancaspero and his wife Rosa A. Giancaspero; to the Committee on the Judiciary.

S. 691. A bill for the relief of Rabi Satyal and his wife Kamala Satyal; to the Committee on the Judiciary.

S. 692. A bill for the relief of Susan M. Agcaoili; to the Committee on the Judiciary.

S. 693. A bill for the relief of Lionel Maye and his wife Catherine Maye; to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. DANFORTH, Mr. KERRY, and Mr. PELL):

S. 694. A bill to preclude changes in the Federal regional office structure except by statute; to the Committee on Governmental Affairs.

By Mr. LONG (for himself and Mr. HEINZ):

S. 695. A bill to amend the Tariff Act of 1930 to limit extension of the injury test in countervailing duty cases; to the Committee on Finance.

By Mr. McCLURE:

S. 696. A bill for the relief of Esmeralda Martinez-Hernandez, Evangelina Hernandez de Martinez, Manuel Martinez-Hernandez, Morayma Martinez-Hernandez; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. GARN and Mr. SASSER):

S.J. Res. 85. Joint resolution to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. WILSON (for himself, Mr. CRANSTON, Mr. DURENBERGER, Mr. EAGLETON, Mr. HATCH, Mr. HEINZ, Mr. MATSUNAGA, Mr. STAFFORD, and Mr. WEICKER):

S.J. Res. 86. Joint resolution to designate the week of July 25, 1985, through July 31, 1985, as "National Disability in Entertainment Week"; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. THURMOND and Mr. CRANSTON):

S.J. Res. 87. Joint resolution to provide for the designation of July 19, 1985, as "National P.O.W./M.I.A. Recognition Day."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN:

S. Con. Res. 31. Concurrent resolution to pay tribute to the late Jerome Heartwell Holland; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. MOYNIHAN, Mr. HELMS, Mr. HEFLIN, Mr. HEINZ, Mr. COHEN, Mr. WARNER, Mr. KENNEDY, Mr. MITCHELL, Mr. NUNN, Mr. EAGLETON, Mr. SPECTER, Mr. EAST, Mr. STENNIS, Mr. COCHRAN, Mr. HOLLINGS, Mr. TRIBLE, Mr. BYRD, Mr. DENTON, Mr. D'AMATO, Mr. SASSER, Mr. HATCH, Mr. PELL, Mr. MATTINGLY, Mr. MURKOWSKI, Mr. LAXALT, Mr. ROCKEFELLER, Mr. GARN, Mr. SARBANES, and Mrs. HAWKINS):

S. 680. A bill to achieve the objectives of the mutifiber arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers; to the Committee on Finance.

(The remarks of Mr. THURMOND and others, and the text of the legislation, appear earlier in today's RECORD.)

By Mr. MATHIAS:

S. 681. A bill to amend chapter 89 of title 5, United States Code, to authorize the Office of Personnel Management to waive certain eligibility requirements relating to enrollment of annuitants in a Federal employees health benefits plan; to the Committee on Governmental Affairs.

FEDERAL RETIREE HEALTH INSURANCE WAIVER

● Mr. MATHIAS. Mr. President, the ability of Federal retirees to continue health coverage into retirement with the same benefits and costs as employees is a feature unique to Federal service. But, in the not too distant past, it was a feature that was much abused. The Office of Personnel Management discovered that many employees were dropping Federal Employee Health Benefit [FEHB] coverage during their periods of service to enjoy cheaper coverage under non-Federal health plans. As retirement approached, these employees left the cheaper plan knowing health benefits would not continue into retirement, and enrolled in the FEHB Program. The result was that a significant number of retirees were enjoying a privilege for which they had not paid. In response to this abuse, Congress amended chapter 89 of title 5 to require retiring Federal employees to be enrolled under the FEHB Program for 5 years of service prior to retirement in order to carry their health benefits into retirement.

Implementing this requirement stopped the widespread abuse, but in doing so, it may have gone too far. Consider the following situation: a Federal employee, enrolled under the FEHB Program for almost 30 years, makes an economic decision to join his wife's non-Federal health plan. It is likely that this decision would not have been made had the employee's personnel office informed him of the law and explained its consequences. And while this employee may be accused of not complying with the letter of the law, after 30 years of paying health premiums, he cannot be accused of not conforming to the spirit of the law.

At present, OPM does not have the authority to review cases where mitigating factors may make application of the law inequitable. The bill I introduce today would give OPM this authority. It is not my intention to weaken the 5-year requirement or to provide a loophole which will invite future abuse. The language is purposely restrictive so that waivers would only be granted in the most extraordinary circumstances. Because the present law affects the lives of Federal employees now eligible to retire, I urge prompt action on this simple but necessary proposal.●

By Mr. MELCHER (for himself and Mr. GOLDWATER):

S. 682. A bill to provide relief for Deola Shryock of Polson, MT; to the Committee on Armed Services.

RELIEF OF DEOLA SHRYOCK

Mr. MELCHER. Mr. President, a remarkable act of courage and heroism ended in tragedy in 1984 in Polson, MT, for former Air Force pilot Lt. Col. Harry Lee Shryock, Jr., on January 11, following a pharmacy holdup in Missoula, a lone gunman fled the scene and an hour later, with police hot on his trail, took 13-year-old Bill Crose, Jr., hostage. At Polson, the gunman demanded an airplane and a pilot to fly him and the boy out of the area. Lee Shryock, 64, volunteered to pilot the Beechcraft bonanza and to take the boy's place as hostage. The child, thankfully, was released unharmed. However, in a very confused sequence of events, a police sharpshooter shot and wounded the robber-kidnapper, who then turned his gun on Lee Shryock, killing him instantly.

The Federal Aviation Administration has presented a certificate of commendation to Lieutenant Colonel Shryock's family in memory of his courageous actions on that tragic winter afternoon in Polson. But courage and duty, as well as flying, were always part of Lee's life. He served in the military for 31 years, flying missions in World War II, Korea, and Vietnam. Following his retirement in 1971, Lee flew chartered flights and was active in community activities. He was a member of the Polson Rotary Club and the Experimental Aircraft Association. He was married to Deola Ellis Shryock for 40 years and the couple had five children.

Lee had taken out and made monthly payments to an Air Force survivors annuity fund for his wife. In April of 1982, he increased the annuity plan and made regular monthly payments until his untimely death in January. Under the law, the increased benefits will not accrue to her because of a 2-year "in anticipation of death" limitation on the increased benefits.

Mr. Shryock's widow has agreed to payment of the 3 additional months or premiums to allow her to receive the increased benefits to which she would have been entitled had her husband not been killed.

The bill I am offering today will provide that Dee Shryock be paid the increased survivor benefits, effective January 12, 1984, the day after Lee's death. Payment of the 3 months of increased premiums will meet the 2-year requirement of the plan that Lieutenant Colonel Shryock had elected.

I also submit for the RECORD a copy of the letter from the Department of the Air Force approving the identical bill (S. 2901) I introduced on August 2, 1984, and ask unanimous consent that it be printed; while dated September 28, the letter did not arrive until October 22, several days after the 98th Congress adjourned. The Air Force has not changed their position on this issue.

I urge the Senate to adopt this amendment, both as a tribute to the heroism of Lieutenant Colonel Shryock and as a matter of fairness of his widow, Dee Shryock.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, September 28, 1984.

Hon. JOHN G. TOWER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense with respect to S. 2901, 98th Congress, a bill "To provide relief for Deola Shryock of Polson, Montana." The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The intent of S. 2901 is to consider and hold for the purposes of Section 212 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) that Mrs. Deola Shryock is entitled to an increased Survivor Benefit Plan annuity under section 1450 of Title 10, United States Code, effective January 12, 1984. Mrs. Shryock is the widow of retired Air Force Lt Colonel Harry L. Shryock, who was killed on January 11, 1984. Colonel Shryock, without regard for his own safety, volunteered his services as a pilot in exchange for the release of a child being held hostage by a gunman who had just committed a robbery in Polson. He was shot by the gunman during an exchange of fire with a police sharpshooter.

The Department of the Air Force supports enactment of S. 2901.

Colonel Shryock, who retired on July 31, 1971, after completing more than 24 years of active service, became eligible to participate in the Survivor Benefit Plan during an 18-month open enrollment period that followed the Plan's September 21, 1972, implementation. In June 1973, he elected a Survivor Benefit Plan annuity for his surviving spouse then valued at $302 monthly. This annuity, subject to the cost-of-living adjustments applied to military retired pay, had increased in value to $751 at the time of Colonel Shryock's death. Mrs. Shryock now is receiving this monthly Survivor Benefit Plan annuity, reduced by $300 because of her receipt of social security payments based on her late husband's military service. If Colonel Shryock had lived until April 21, 1984, Mrs. Shryock would have become entitled to Survivor Benefit Plan payments of $885. This is because Colonel Shryock elected an increased annuity under the provisions of Section 212 of the Omnibus Budget Reconciliation Act of 1981. The Act, which permitted Plan participants to increase their coverage, provides that an election is void if an individual who makes such an election dies before the end of the two-year period beginning on the date of the election. Since Colonel Shryock died 21 months after his election for increased coverage, Mrs. Shryock became entitled only to the coverage elected in 1973, rather than the increased annuity elected under the Omnibus Budget Reconciliation Act of 1981.

There are no provisions in law for the waiver of any portion of the two-year waiting period required by the Omnibus Budget Reconciliation Act. The Department of the Air Force's position is that Colonel Shryock's extraordinary and selfless act of heroism warrants a one-time exception to the law by extending extraordinary relief to his widow, Mrs. Deola Shryock. In this instance, the humanitarian act performed by Colonel Shryock is of sufficient magnitude to diminish any risk of setting a precedent for less meritorious bills of this nature. Further, it is reasonable to assume Colonel Shryock would be alive today, and his spouse subsequently eligible for the greater annuity, but for the unfortunate sequence of events that led to his death.

The proposed legislation provides for the recovery of three additional months of premiums before payment of the increased annuity to Mrs. Shryock. The increased annuity, after the social security reduction, would provide Mrs. Shryock a monthly Survivor Benefit Plan payment of $533, a gain of $83 per month. We are not aware of any other monetary awards to Mrs. Shryock to compensate for her husband's loss based on his altruistic act.

The proposed legislation will have a minimal impact on the budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

TIDAL W. MCCOY,
Assistant Secretary of the Air Force.

By Mr. LUGAR (by request):

S. 684. A bill to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Finance Corporation, and the African Development Fund; to the Committee on Foreign Relations.

MULTILATERAL DEVELOPMENT BANKING

● Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to provide for increased U.S. participation in multilateral development banking institutions.

This proposed legislation has been requested by the Treasury Department and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury to the President of the Senate, dated March 8, 1985.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. The Bretton Woods Agreements Act, as amended (59 Stat. 512, 22 U.S.C. 286

et seq.) is further amended by adding at the end thereof the following new section:

"SEC. 51. (a) The United States Governor of the Bank is authorized—

"(1) to vote for an increase of seventy thousand shares in the authorized capital stock of the Bank; and

"(2) to subscribe on behalf of the United States to twelve thousand four hundred and fifty three additional shares of the capital stock of the Bank; provided, however, that any subscription to additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are hereby authorized to be appropriated, without fiscal year limitations, $1,502,267,655, for payment by the Secretary of the Treasury."

SEC. 102. The International Finance Corporation Act, as amended (69 Stat. 669, 22 U.S.C. 282 *et seq.*) is further amended by adding at the end thereof the following new section:

"SEC. 12. (a) The United States Governor of the Corporation is authorized—

"(1) to vote for an increase of six hundred and fifty thousand shares in the authorized capital stock of the Corporation; and

"(2) to subscribe on behalf of the United States to one hundred and seventy five thousand, one hundred and sixty two additional shares of the capital stock of the Corporation; provided, however, that any subscription to additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) In order to pay for the increase in the United States subscription to the Corporation provided for in this section, there are hereby authorized to be appropriated, without fiscal year limitation, $175,162,000, for payment by the Secretary of the Treasury."

SEC. 103. The African Development Fund Act, as amended (90 Stat. 591, 22 U.S.C. 290g *et seq.*) is further amended by adding at the end thereof the following new section:

"SEC. 29. (a)(1) The United States Governor of the Fund is authorized to contribute $225,000,000 to the fourth replenishment of the resources of the Fund.

"(2) Any commitment to make the contribution authorized in paragraph (1) shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $225,000,000 for payment by the Secretary of the Treasury."

SECRETARY OF THE TREASURY,
Washington, DC, March 8, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, "To provide for the increased participation by the United States in the International Bank for Reconstruction and Development, the International Finance Corporation, and the African Development Fund."

Submission of the bill is required by Section 5 of the Bretton Woods Agreements Act, as amended, 59 Stat. 512, 22 U.S.C. 286 et seq.; Section 5 of the International Finance Corporation Act, as amended, 69 Stat. 669, 22 U.S.C. 282 et seq.; and Section 205 of the African Development Fund Act, as amended, 90 Stat. 591, 22 U.S.C. 290g et seq.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, SELECTIVE CAPITAL INCREASE

Section 101 of the draft bill authorizes the Secretary of the Treasury, as Governor of the International Bank for Reconstruction and Development (IBRD), to vote for an increase of seventy thousand shares in the World Bank's capital stock, and to subscribe on behalf of the United States to twelve thousand four hundred and fifty-three (12,453) shares of the capital stock of the Bank. The bill also authorizes the appropriation of $1,502,267,655 to pay for the United States subscriptions. It further provides that any commitment to subscribe to shares of the capital stock of the Bank shall be effective only to the extent or in such amounts as are provided in advance in appropriations acts. In accordance with the President's budget, we are seeking appropriations of $65,718,932 and $65,729,488 for fiscal years 1986 and 1987 respectively to pay for the paid-in portion of those shares. To subscribe to the callable portion of those shares, which does not involve a budgetary outlay, we intend to seek program limitations of $1,370,819,235, approximately half in each of fiscal years 1986 and 1987.

The United States purchase of these shares would constitute 17.79 percent of the Selective Capital Increase (SCI) the World Bank Executive Board unanimously supported on May 24, 1984, to adjust members' shares. This adjustment "parallels" the International Monetary Fund (IMF) quota increase approved November 30, 1983. The United States has traditionally supported the practice of timing SCIs to follow closely the IMF quota reviews.

The United States has also been a strong supporter of "parallelism" insofar as it suggests that countries which, by virtue of their economic growth, have taken a larger quota in the IMF, should take a larger responsibility in the World Bank. Our support for this SCI is in part based on the fact that it accomplishes this objective, i.e., Japan will have the second largest World Bank share after the United States, a position commensurate with its standing in the world economy.

United States support for the SCI also represents our continued belief that Bank operations contribute to vital U.S. interests by encouraging sound economic growth in its developing member countries.

INTERNATIONAL FINANCE CORPORATION

Section 102 of the draft bill authorizes the Secretary of the Treasury, as Governor of the International Finance Corporation (IFC), to vote for an increase of six hundred and fifty thousand shares in the authorized capital stock of the Corporation; and to subscribe on behalf of the United States to one hundred and seventy-five thousand, one hundred and sixty-two (175,162) additional shares of the capital stock of the Corporation. The bill also authorizes the appropriation of $175,162,000 to pay for the U.S. subscriptions. The bill further requires that any commitment to make payment for such additional subscriptions shall be effective only to such extent or in such amounts as are provided in advance in appropriations acts. In accordance with the President's budget, we are seeking appropriations for that sum in five installments beginning in fiscal year 1986.

The IFC furthers development in its developing members countries by promoting and supporting private enterprises. A strong private sector that can respond to market forces and take advantage of investment opportunities is a sine qua non for achieving substainable economic development. The Corporation accomplishes this by providing risk capital as well as long term loans, and generally playing an important catalytic role in bringing together enterpreneurship with both foreign and domestic investment capital.

Within the last year, a five year plan for fiscal years 1985 to 1989 has been designed. Under this plan, which the United States actively helped to formulate, the number of projects will increase by 7.5 percent annually and net investments will increase by 7 percent annually in real terms. In addition to the general expansion of investment activity, the program includes four initiatives:

(1) increased emphasis on capital market development to build the institutions necessary to mobilize domestic savings;

(2) implementation of a corporate restructuring program to assist enterprises in adjusting to changed economic conditions including changes brought about by policy reforms adopted under IMF and IBRD programs;

(3) allocation of a larger share of IFC's resources to Sub-Saharan Africa; and

(4) establishment of an energy exploration and development program that will attract foreign private resources to developing countries.

The expansion of the IFC's investment program—which is consistent with the direction and emphasis the United States has encouraged—requires a capital increase. After consultations with other member countries the increase was set at $650 million; the United States would maintain its current share in the IFC, 27 percent. Because the capital increase requires a favorable vote by countries having 75 percent of the total voting power, U.S. support is necessary for the increase to become effective.

AFRICAN DEVELOPMENT FUND

Section 103 of the draft bill authorizes the Secretary of the Treasury, as U.S. Governor of the African Development Fund (AFDF), to agree on behalf of the United States to pay $225,000,000 as the U.S. contribution to the fourth replenishment of the Fund. The draft bill also authorizes the appropriation of $225,000,000 for payment of the AFDF IV contribution, and requires any commitment to make a contribution to the AFDF be made subject to obtaining the necessary appropriations. In accordance with the President's budget, we are seeking appropriations for that sum in three equal annual installments beginning in fiscal year 1986.

The AFDF, an affiliate of the African Development Bank, is designed to channel resources to the poorest African countries. More than 80 percent of its lending goes to countries with per capita GNPs of $400 or less in 1982 dollars. To help ameliorate the problems facing these low-income countries, the AFDF makes credits on highly concessional terms for development projects. During 1983, AFDF lending amounted to $344 million to 22 countries. Reflecting Africa's current needs, the agricultural sector is being given the highest priority, accounting for 40 percent of total lending.

In May 1984, the United States agreed to seek a $225 million contribution over three years for the fourth replenishment of the Fund. It is vital to our international standing, and to future bilateral and multilateral negotiations, to honor this pledge and pro-

vide the necessary appropriation. Moreover, U.S. participation will demonstrate this country's commitment to Africa's economic growth and development, and fulfill U.S. humanitarian interests in helping to reduce poverty among some of the world's poorest people.

The Office of Management and Budget has advised that there is no objection to the submission of this legislation to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

JAMES A. BAKER III.●

By Mr. BENTSEN:

S. 685. A bill to amend the Internal Revenue Code of 1954 to permit the retention of business holdings by private foundations in certain circumstances; to the Committee on Finance.

PERMITTING PRIVATE FOUNDATIONS TO RETAIN CERTAIN BUSINESS HOLDINGS

● Mr. BENTSEN. Mr. President, I bring to the desk today legislation that would amend the Tax Code to permit private foundations, under certain circumstances, to continue in their ownership of outside business interests without being subject to the tax on excess business holdings.

In 1969, the Congress was concerned that foundations with relatively large holdings in a business tended to be unconcerned about producing income to be used in charitable activities, and that their attention was devoted to improving the business at the expense of the exempt activities. Congress was also concerned that businesses owned by a tax-exempt organization might be at a competitive advantage over businesses owned by a taxable entity. Consequently, Congress enacted rules limiting the control that a private foundation could have over a business enterprise. Under these rules, all private foundations will be prohibited, after May 26, 1989, from owning more than 50 percent of the assets or stock of any business enterprise owned by them on May 26, 1969.

I do not believe that these rules are fair to foundations with long-held business interests. Under terms of the 1969 act, those foundations are being forced to divest themselves involuntarily of those business assets. For this reason, I am proposing a bill today that would permit private foundations to retain ownership of an unrelated business if a number of stringent conditions are met. Those conditions address the principal concerns of the 1969 act.

Under the terms of the bill, a business owned by a foundation would continue to be obligated to pay the same corporate income tax as that paid by its competitors. In addition, my bill would mandate that the board of directors of the foundation and the managers of the business enterprise are sufficiently unrelated by limiting crossmembership to 25 percent. My bill also would stipulate that substantial independence be maintained between the foundation and its contributors, and that no disqualified person receive compensation from both the foundation and the business enterprise. Further, the foundation would be required to maintain the payout rules mandated by current law. It is clear, Mr. President, that a foundation operating in this manner would not neglect its charitable activities.

I would like to focus your attention on the effect that current law is having on a foundation in my State, the Houston Endowment Foundation. The Houston Endowment currently owns a controlling share of the Houston Chronicle, a daily newspaper. Under current law, the endowment will be forced to divest itself of the Chronicle by May 26, 1989. If that happens, Houston and the State of Texas will be the losers. In order to meet its fiduciary responsibility, the endowment must sell to the highest bidder. Given the recent spate of sales of locally owned newspapers to national and foreign-owned chains, it is not unlikely that this fate could befall the Chronicle. The net undesirable effect would be further concentration of newspaper ownership, loss of the present local control over editorial and business policy, decreased interest in community affairs, and an over-all loss of responsiveness in local affairs. I do not believe that the U.S. Congress would knowingly perpetuate a law encouraging this result.

In addition, the forced selloff of the Houston Chronicle could detrimentally affect the generous charitable activities funded through the income earned by the newspaper. The Chronicle provides a steady source of after-tax income for the foundation to dispense. At a time when the Federal Government, through its policies, is shifting the burden for aiding the disabled, the disadvantaged, and the needy to the private sector, it doesn't make sense to mandate that a private foundation divest itself of a first-rate source of revenue. The endowment is not the only foundation in this situation. The El Pomar Foundation in Colorado is being forced to divest itself of the Broadmoor Hotel; the Olin Foundation in Minnesota must sell the Federal Cartridge Corp.; and there are others.

As you may be aware, this legislation passed the Senate last year as part of the Deficit Reduction Act. Despite my best efforts, it was dropped during conference deliberations with the House of Representatives. I urge my colleagues to join me in cosponsoring this legislation. With your help and theirs, Mr. President, I trust we can act on this bill in an expeditious manner, and I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 101(1)(4) of the Tax Reform Act of 1969 (26 U.S.C. 4940 note) (relating to savings provisions for section 4943) is amended by adding at the end thereof the following new subparagraph:

"(D)(i) Section 4943 of the Internal Revenue Code of 1954 (other than the phrase 'but in no event shall the percentage so substituted be more than 50 percent' in subsection (c)(4)(A)(i), and subsection (c)(4)(D)) shall apply to any excess business holdings held, or treated as held under section 4943(c)(5) of such Code, on May 26, 1969, by a private foundation if on and after the date of divestiture of such holdings required under section 4943, such foundation meets all of the following conditions:

"(I) Disqualified persons (other than persons who are disqualified persons solely as foundation managers) and officers, directors, or employees of any business enterprise in which such foundation has such excess business holdings do not together constitute more than 25 percent of the governing board of such foundation.

"(II) Directors, trustees, or officers of the foundation do not together constitute more than 25 percent of the governing board of any such business enterprise.

"(III) No disqualified person (other than persons who are disqualified persons solely as foundation managers) can be a foundation manager after the date of enactment, unless such person was a foundation manager on the date of enactment.

"(IV) No disqualified person receives compensation (or payment or reimbursement of expenses) from both the foundation and any such business enterprise, other than director fees (and the payment or reimbursement of expenses incident thereto) which are not excessive.

"(V) Such foundation does not incur liability for any taxes imposed under section 4942 of such Code.

"(VI) Such foundation does not incur liability for any taxes imposed under section 4943 of such Code with respect to holdings of any business enterprise in which such foundation has holdings subject to this clause.

"(ii) For purposes of this subparagraph, the terms 'disqualified person' and 'foundation manager' have the meaning given to such terms by subsections (a) and (b) of section 4946 of such Code, respectively.".

(b) The amendments made by this Act shall apply to taxable years ending after the date of enactment of this Act.●

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 686. A bill to provide for the relief of water users deprived of winter stock water on Willow Creek, ID, below the Ririe Dam and Reservoir; to the Committee on Energy and Natural Resources.

WILLOW CREEK WINTER STOCK WATER SUPPLY ACT

● Mr. McCLURE. Mr. President, I am joined today by my colleague, Senator SYMMS, in introducing the Willow Creek Winter Stock Water Supply Act.

This legislation will resolve a long-standing dispute between landowners and the Federal Government over the issue of livestock watering rights in Bonneville County, ID.

The dispute first arose in 1977, following the construction of the Ririe Dam and Reservoir. The project is located on Willow Creek, a tributary of the Snake River, which lies 25 miles northeast of Idaho Falls. Built by the U.S. Army Corps of Engineers, the dam provides joint flood control and irrigation storage of 80,500 acre-feet of water.

Since the dam was completed, the Bureau of Reclamation—which operates the dam—has not allowed the release of any stored water during the winter months, in order to prevent ice accumulation in the flood channel and streambed that lie downstream of the reservoir.

But shutting off the winter releases deprives landowners adjacent to Willow Creek of essential water for their livestock.

Prior to the construction of the dam, these farmers and ranchers were assured by the Federal Government that their water rights would not be harmed. This assurance, in fact, was part of the basis upon which some of the landowners gave their consent for the construction of the dam.

With their winter stock water now cut off, the landowners have been forced to drill wells—which can cost between $10,000 and $12,000—or they have had to find an alternate way to deliver stock water to their livestock.

The financial burden placed on the ranchers and farmers to provide alternative sources of water has led to 16 claims being filed against the Bureau, on grounds that their action constitutes a violation of their stock-watering rights.

The Bureau does not disagree that assurances were made to the farmers and ranchers. And they have even encouraged the landowners to file claims for damages incurred. But the Bureau's field solicitor has denied these claims, asserting that the landowners had no legal right to the water for stock-watering purposes, and therefore have no claim against the Federal Government.

While this may be legally correct, nevertheless, the Government has broken its promise with the ranchers and farmers who relied on Willow Creek to water their livestock during the winter months.

The question at hand should not be whether or not the Government can legally avoid paying the costs to compensate the landowners for the loss of the water. I'm sure the landowners would find it nearly impossible to challenge the full resources of the United States Government. Instead, the question is one of fairness and keeping one's word. I believe that the Federal Government has an obligation to the people of this country to uphold certain principles. This includes abiding by an agreement made in good faith with the ranchers and farmers along Willow Creek.

It is because of this principle that Senator SYMMS and I are introducing this legislation. It authorizes an appropriation of $300,000 to compensate ranchers who have been forced to drill wells or find alternate stock-water supplies. In return for this compensation, each rancher who holds a claim against the Government would execute a waiver and release of any and all claims they now hold.

Mr. President, the number of ranchers affected by the Bureau's action is small, but the importance of this legislation and its effect upon the farmers and ranchers is significant. I hope the Senate will act swiftly on this legislation, and provide these ranchers with just compensation so the Government can uphold its side of the agreement.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Willow Creek Winter Stock Water Supply Act".

SEC. 2. It is the purpose of this Act to provide for the relief of water users deprived of winter stock water from Willow Creek, Idaho, below the Ririe Dam and Reservoir by the Bureau of Reclamation's authorized operation of that dam and reservoir.

SEC. 3. As used in this Act—

(1) The term "winter stock water" means drinking water used for livestock that is dependent upon flows in Willow Creek from November 15 through March 1.

(2) The term "claimant" means any water user who has been deprived of winter stock water from the main channel of Willow Creek, Idaho, below Ririe Dam and Reservoir because of the Bureau of Reclamation's operation of the dam and reservoir.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 4. (a) The Secretary is authorized to pay a claimant an amount determined under section 5 of this Act. Any payment to a claimant made under this section shall constitute full settlement and satisfaction of all claims such claimant may have against the United States relating to the loss of winter stock water from Willow Creek, Idaho. The provisions of this Act shall not apply to any claim settled prior to the date of enactment of this Act.

(b) The Secretary shall make a payment under subsection (a) to a claimant only if—

(1) the claimant notifies the Secretary of his claim within one year after the date of enactment of this Act;

(2) the claimant provides an affidavit proving his use of winter stock water from Willow Creek prior to December 31, 1979; and

(3) the claimant executes a waiver and release, in a manner satisfactory to the Secretary, of any and all claims against the United States relating to the loss of winter stock water from Willow Creek, Idaho. Such waiver and release shall be recorded in the county where the claimant's land is located.

SEC. 5. (a) Any claimant who has developed an alternate winter stock water supply since December 31, 1979, shall be eligible for a payment under section 4 of an amount equal to the actual construction costs incurred by such claimant in the development of such supply, as determined by the Secretary.

(b) Any claimant who has not developed an alternate winter stock water supply at the date of enactment of this Act, shall be eligible for a payment under section 4 of an amount equal to the funds necessary for the development of such supply, as determined by the Secretary. The Secretary's determination shall be based on the size and configuration of the claimant's land and on the size and type of the claimant's livestock operation.

(c) Costs and expenses incurred by a claimant in the operation and maintenance of his alternate winter water stock supply shall not be reimbursable.

SEC. 6. There is authorized to be appropriated beginning October 1, 1985, an amount not to exceed $300,000 to carry out the provisions of this Act.●

By Mrs. HAWKINS:

S. 687. A bill to amend the Internal Revenue Code of 1954 to clarify the extent to which a State or political subdivision thereof may tax certain income from sources outside the United States; to the Committee on Finance.

PROHIBITING THE USE OF WORLDWIDE COMBINED UNITARY TAX METHOD

● Mrs. HAWKINS. Mr. President, today I am introducing legislation to prohibit the use of the worldwide combined unitary tax method which threatens trade and investment between the United States and other nations. Let me begin by explaining the differences between the method of taxation used by the Internal Revenue Service and the worldwide combined unitary method. By so doing, I believe that it will become clearly evident that the unitary tax is an unfair and excessive tax method.

The Internal Revenue Service taxes foreign source income of U.S. parents and their U.S. subsidiaries but exempts the income of foreign subsidiaries until repatriated to their U.S. parents. Similarly, the Federal Government taxes U.S. subsidiaries of foreign parents, but neither the parent themselves not their non-U.S. subsidiaries. It enforces arm's length standards to deprive multinational corporations of the opportunity to understate their U.S. income by manipulating international transfer prices. This approach is recommended by both the United Nations and the Organization of Economic Cooperation and Development and insures that the income of a multinational controlled group is taxed only at its source and that no portion of its income is ever taxed by more than one nation.

The worldwide combined unitary tax, however, which is utilized by nine States, treats a company's worldwide activities as a single unit. Corporate income taxes are calculated not simply on the profits of a multinational subsidiary operating within their borders, but also on a percentage of the company's worldwide profits. For example, if 10 percent of a multinational corporation's worldwide business activity takes place in a particular State in a given year, the State levies its corporate income taxes on 10 percent of a multinational's worldwide profits, even if the subsidiary in that State showed no profit for the year. Business activity is usually measured by a three-part formula that takes account of payroll, property, and sales.

Mr. President, this is not a new issue to our trading allies. The British Government was assured that unitary taxation would be dealt with domestically when it agreed to ratify a 1978 new tax treaty with the United States. The final draft did not include article IX(4) which would have outlawed worldwide combination for British companies. We have repeatedly promised to prohibit this form of taxation but have never delivered on those promises—and now time is of essence. In November of last year, an early day motion was filed in the British Parliament condemning the use of the unitary tax by the United States. The motion states that this practice is contrary to the spirit of the 1980 Double Taxation Treaty and pledges full support to Her Majesty's government in seeking early action from the U.S. administration. Additionally, and most importantly, the motion calls upon Britain's Government to include measures in the 1985 finance bill which will enable the British Government to take retaliatory measures aimed at the United States if action is not taken to eliminate the unitary tax by July 1985. Mr. President, the tone of this motion is undeniably drastic, and it is a clear sign that the issue, which has been brewing for years, is about to explode. Retaliation aimed at the United States could be devastating. During her address to the joint sessions of Congress, Prime Minister Thatcher stated that America is the largest source of direct investment in Great Britain and Great Britain is the largest source of direct investment in the United States. Can we risk further abuse of our friendship with this powerful and important ally? Retaliation could come in many forms but two things are certain; it will come, and it will mean lost jobs to Americans.

Mr. President, the worldwide unitary tax method is offensive for many reasons. First, it saddles taxpayers with intolerable costs and burdens. Oftentimes the costs incurred exceed the amount of the actual tax paid. This is partially due to the fact that requirements differ from State to State. I believe that this is the very reason our forefathers gave the responsibility of administering commerce to the Federal Government rather than allowing a piecemeal policy from several sources.

Additionally, the unitary tax leads to a very real double taxation. States using the unitary method combine the pretax income of corporations which they deem to be unitary in nature, and apportion the profits for taxation—with no deduction for corporate income taxes that have already been paid on this income in other countries. Double taxation is a policy that this Nation has historically recognized as an unfair method to collect revenue and therefore avoided.

To understand the validity of these criticisms, imagine our concern if a U.S. citizen was required to add together the income of his or her relatives everywhere in the world in order to compute his or her own taxable income—even though the relative's income was derived from foreign investment. While trying to do the computations and convert the West German marks, British pounds, and Italian lira into dollars, the exchange rate changed—so it all had to be recomputed.

This is exactly the problem faced by these companies, only theirs is compounded by the fact that they oftentimes operate in as many as 100 countries. To illustrate the extreme unfairness of this issue, imagine further that this U.S. citizen's family members had never stepped foot in the United States and had already paid taxes on their income to their own government. If this example sounds absurd, it is only because the unitary tax is absurd. We must take corrective action.

Mr. President, I would like to address two of the most common arguments heard in opposition to prohibiting the unitary tax. Probably the major concern to State officials now using the tax is that there will be a substantital revenue loss to the State. Although our States are now enjoying healthy surpluses, I do not take lightly the importance of their financial condition, but the issue here is that the States are taxing beyond their jurisdiction and not according to internationally accepted standards; they have no claim on money earned overseas. I firmly believe that passing this legislation will send a decisive message to those interested in investing in our country and the States will witness a surge of investment and growth. Certainly there are other considerations when a company makes a decision to invest in a particular State, but the tax consequences are among the most important. By ridding this Nation of the unitary tax, we are extending an open invitation to investment which will undoubtedly lead to an increase in jobs for Americans.

The second argument often heard is that this is a States rights issue. I strongly disagree. While I am in favor of allowing State governments to operate with little Federal intervention, the unitary tax is a contradiction to the concept of uniform regulation of foreign commerce recognized by the Constitution. These States simply do not have the right to determine this country's international tax policy in this fragmented way. We must speak with one voice, and our tone must be one of fairness. We must be in accordance with internationally accepted rules, and we must ensure that American companies are treated with the same equity. It is the Federal Government's responsibility to negotiate and ratify our tax treaties and to look out for American business investing abroad. How can we do that when some of the States are taking policy into their own hands and undermining our efforts by using the unitary tax? Their actions have caused an uproar in the international community and retaliation will be coming. It is the Federal Government's job to stop it and the only way we can do that is to prohibit the use of the unitary tax. It is essential to fulfilling our responsibilities.

The bill I am introducing today provides the uniformity we so desperately need by preventing State taxation of foreign source income and by prohibiting the taxation of income of affiliates that derive 80 percent or more of their income from foreign sources. The standard for determining foreign income is the same one used at the Federal level and the States are required to follow the Internal Revenue Code in making source determination. Dividends and royalties from foreign affiliates are also included since they are a form of foreign source income.

This approach, based on existing rules eliminates all of the problems associated with unitary taxation. States will only be able to tax income earned within the borders of the United States. They will conform to accepted methods of international taxation and compliance will be cost efficient since corporations will be able to rely on Federal tax computations when filing State tax returns. Finally, and most importantly, disruption in our relations with our trading partners will be eliminated. This legislation will encourage the free flow of trade by requiring States to tax both foreign and domestic corporations on the same basis used by other taxing authorities. Equality in taxation will permit fair and efficient international competition.●

By Mr. HEINZ (for himself and Mr. DANFORTH):

S. 688. A bill to amend the Tariff Act of 1930 to provide for revocation of

"country under the agreement" status in certain circumstances; to the Committee on Finance.

DESIGNATION OF "COUNTRY UNDER THE AGREEMENT" STATUS

● Mr. HEINZ. Mr. President, Senator DANFORTH and I are today introducing legislation to correct an oversight in the Trade Agreements Act of 1979 relating to the designation of "country under the agreement" status for purposes of our countervailing duty law. Despite its obscure phrasing, this is actually a very important provision of the Trade Agreements Act because it defines the circumstances under which countries will be awarded the injury test under our law. Prior to the multilateral trade negotiations, U.S. law required domestic firms seeking the imposition of countervailing duties to offset foreign subsidies to show they are injured only in cases involving duty-free merchandise. In all other cases, only a showing that the subsidy exists and that the imports are benefiting from it was required.

Our accession to the subsidies code in 1979 changed that with respect to other signatories to the code, and we put into our law a mechanism whereby additional countries could be granted the injury test if they sign the subsidies code and make appropriate bilateral commitments to the United States. This provision, section 701(b) of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, is one of the most significant concessions we made in the MTN. The requirement of showing injury imposes a significant additional burden, in terms of both time and expense, on American industry, and it creates the possibility that we might take no action against a country, even though it is violating a provision of the subsidies code. Even so, Mr. President, I supported that concession because of the opportunity it provided us to make significant headway in eliminating subsidies as a common element of the international trading system. The subsidies code is supposed to provide some discipline over subsidy practices, and the "country under the agreement" provision, whereby additional countries could be awarded the injury test, was a means of bringing new countries, primarily the lesser developed, into the discipline of the code and the GATT system.

Almost immediately, however, the promise of this new system was ruined by the Carter administration's decision to grant the injury test to Pakistan in return for a manifestly inadequate commitment on eliminating subsidies. That decision, which appears to have been taken for reasons unrelated to trade policy, subsequently forced us to accept equally inadequate commitments on the part of India.

To President Reagan's credit, Ambassador Brock and his general counsels, first Don deKieffer and now Claud Gingrich, have systematized our approach to granting the injury test and have developed a standard policy with respect to countries seeking to obtain it. In general, that policy requires commitments to phase out over a short period of time and ultimately eliminate the country's export subsidy programs, and not to expand the scope in terms of coverage or benefits of existing programs or to create new ones both during the phaseout period and subsequent to elimination. This policy has been applied with varying degrees of consistency to a growing number of countries. The new problem we are encountering is the tendency of these countries either to renege on their commitments or simply not to honor them fully in subsequent years. At that point, the United States is left holding the bag, since we extended the injury test at the time of the initial commitment, which in many cases meant the dismissal of the then pending subsidy complaints. As a result, the country in question has obtained an important real benefit after making only paper promises, promises which we later learn are not being kept.

The logical response at that point is to withdraw the benefit we have conferred—the injury test. Indeed, there is some possibility we may shortly do precisely that in one of the more blatant cases of reneging. In other situations, however, the administration has been reluctant to take that action and has instead delayed, temporized, or agreed to extensions or new commitments by the offending country. Such a strategy not only penalizes American firms that continue to be the victim of unfairly traded imports without effective recourse, but it also casts doubt on the credibility of our negotiating strategy and of our overall commitments policy. If we fail to react when other nations break their promises, countries we negotiate with will soon learn they can promise us anything but deliver on nothing—and get away with it. That can only serve to destroy discipline in international trading rather than encourage it. Mr. President, I ask that the text of a letter Senator DANFORTH and I sent to Ambassador Brock on this subject be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 27, 1984.

Hon. WILLIAM E. BROCK,
Ambassador, U.S. Trade Representative, Washington, DC.

DEAR BILL: We are writing with respect to current and anticipated decisions concerning our commitments policy pursuant to section 701(b) of the Tariff Act of 1930. That section specifies the circumstances under which a country can receive the benefits of the injury test under U.S. countervailing duty law—primarily by either subscribing to the Subsidies Code or by becoming a "country under the agreement" as defined in section 701(b)(2).

It is the latter category, as you know, which has been a source of considerable concern dating back to 1980. Although the law, expressions of Congressional intent, and Administration statements prior to enactment are quite specific as to the nature and extent of commitments required by this section, there have been a number of cases where these standards were not met. To the credit of the Reagan Administration, this provision is now being more strictly enforced, and Congress' earlier interest in further legislation on this matter has been laid aside for the time being.

Our current concern, however, is the growing number of cases where acceptable commitments have been made and the injury test granted, only to have the other government subsequently renege. Our understanding is that Spain and New Zealand have communicated their inability or unwillingness to honor their commitments, and that Brazil has defacto reneged on its obligations.

In our judgment the only acceptable course of action in such circumstances is to suspend the benefit of the injury test for these countries until such time as the commitments are fully honored. What is at stake here is not simply the amount of a subsidy or the issue of injury, but rather the integrity of the negotiating process and the credibility of our trade policy. If countries are able to break their promises yet retain the benefits awarded them when the promises were made, we shall soon find ourselves besieged with commitments from nations with no intention of honoring them. We understand negotiations are underway with other countries where there is serious doubt as to whether the commitments anticipated will be met.

We have great admiration for this Administration's tough stands against trade-distorting subsidies and for better access to foreign markets for U.S. products. Indeed, support for this Administration's open trade policy rests on the pledge of vigorous action against unfair trade practices. Under these circumstances, we do not understand, and we strongly oppose, any agreement that will accord any foreign country an injury test without providing, in return, an enforceable commitment on the use of subsidies, and we support suspending the injury test in cases where commitments made are not met. In our judgment, a firm stand on this issue is essential to maintaining our credibility on the many other issues facing negotiation in the next several years.

Because of the importance of these issues to basic U.S. trade policy and to the integrity of the negotiating process, it is essential that you consult with the Congress before any new agreements are reached and before any decision is made with respect to those countries that have reneged. We request that you provide interested members of Congress with the current status of all negotiations involving subsidies and countervailing duties as soon as possible. The credibility and integrity of our trade policy is at stake in this matter, and we intend to monitor it closely.

Sincerely,

JOHN C. DANFORTH.
JOHN HEINZ.

Mr. HEINZ. In order to deal with this problem more decisively, Mr. President, Senator DANFORTH and I are today introducing legislation that would require removal of country under the agreement status, and with it the injury test, in two circumstances: where the country in question informs the United States that it does not intend or is not able to honor the commitments it has made; or where the country in question has not in fact honored those commitments in full.

If enacted, this legislation would have two effects. First, it would increase the credibility of our policy. Countries that renege would know in advance what the consequences of their action would be and could take that into account in making their decisions. There would be no question that a country might be able to abandon its obligations with impunity.

Second, it would provide a significant deterrent against cheating and thereby would contribute to the overall increase in discipline in the international trading system. We must not lose sight of the fact that the whole point of the country under the agreement policy is to bring more nations, particularly lesser developed countries, into the discipline of the subsidies code. Maintaining that discipline and reorienting their economies in a free market direction is not only good for us—it is good for them. It leads to healthier, more balanced growth and a government sector that is not disproportionate to the size of the total economy.

We want to encourage those developments, but we cannot do that with a policy that is not credible. This legislation would create that credibility by initiating a very simple principle: Commitments should be honored, and if they are not, there should be consequences.

Coincident with this bill, Senator DANFORTH, Senator LONG, and I have written Ambassador Brock asking him not to make any further agreements until we have reviewed the administration's policy in this area. I expect this bill will be a part of that review.

Mr. President, I ask that the text of the bill and our letter be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, March 13, 1985.

Hon. WILLIAM E. BROCK,
Office of the U.S. Trade Representative, Washington, DC.

DEAR AMBASSADOR BROCK: We are writing to express our continuing concern over our Subsidy Code commitments policy pursuant to section 701(b) of the Tariff Act of 1930. As you may recall a number of members of the Finance Committee have previously raised questions concerning agreements we have negotiated or attempted to negotiate with a variety of countries, including Pakistan, India, Brazil, New Zealand, Spain, Turkey, Indonesia, Portugal, the Philippines and Mexico. Those questions were in two areas:

(1) the adequacy of the commitments made; and

(2) the likelihood certain countries would renege, formally or informally, on the obligations they have undertaken.

Recent developments with respect to a number of these countries have increased those concerns to the point where we believe a thorough Congressional review of our commitments policy is appropriate before any further agreements are reached. We plan to undertake such a review, which, of course, will include discussions with you and your staff. We request therefore, that you refrain from negotiating or signing any additional agreements until we have completed our review.

Sincerely,

JOHN C. DANFORTH.
JOHN HEINZ.
RUSSELL LONG.

S. 688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) is amended—

(1) by striking "(c)" and inserting in lieu thereof, "(d)"; and

(2) by inserting a new subsection (c) as follows:

"(c) If any country that is a "country under the agreement" pursuant to subsection (b) either—

(1) announces that it does not intend or is not able to honor the obligations with respect to the United States it has assumed; or

(2) does not in fact honor in full such obligations;

such country shall no longer be considered a "country under the agreement" as of the date of the announcement referred to in paragraph (1) or the date on which the U.S. Trade Representative determines that the country has failed to honor its obligations, if there is no announcement."

By Mr. STEVENS:

S. 690. A bill for the relief of Waldemar Nedo Giancaspero and his wife Rosa A. Giancaspero; to the Committee on the Judiciary.

RELIEF OF WALDEMAR NEDO GIANCASPERO AND ROSA A. GIANCASPERO

Mr. STEVENS. Mr. President, I am today introducing a private bill for the relief of Dr. Waldemar Nedo Giancaspero and his wife, Rosa A. Giancaspero. These two individuals are presently in the United States but are not eligible for citizenship under our law. The Giancasperos have been living in Alaska almost 5 years and are parents of two children who are natural U.S. citizens. They are very respected individuals in the community and have proven to be people of good moral character. If they are required to sell their home and return to Ecuador, it would create a financial hardship for them.

I think their situation is sufficiently unique that they should be granted permanent residence.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding paragraphs (14) and (32) of the section 212(a) of the Immigration and Nationality Act, for purposes of such Act, Doctor Waldemar Nedo Giancaspero and Rosa A. Giancaspero, husband and wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to these aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

By Mr. STEVENS:

S. 691. A bill for the relief of Rabi Satyal and his wife Kamala Satyal; to the Committee on the Judiciary.

RELIEF OF RABI SATYAL AND KAMALA SATYAL

Mr. STEVENS. Mr. President, I am today introducing a private bill for the relief of Rabi Raj and Kamala Satyal.

Rabi and Kamala have two children who are natural U.S. citizens. Having initially entered the United States in 1969, they have now resided in the United States for some 15 years. If they are required to depart from the United States and return to Nepal, they and their children would suffer severely.

In view of the Satyal's situation, I feel that they should be granted permanent residence.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 212(a)(14) of the Immigration and Nationality Act, for purposes of such Act, Rabi Satyal and Kamala Satyal, husband and wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fees. Upon the granting of permanent residence to these aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the

aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

By Mr. STEVENS:

S. 692. A bill for the relief of Susan M. Agcaoili; to the Committee on the Judiciary.

RELIEF OF SUSAN M. AGCAOILI

Mr. STEVENS. Mr. President, today I am introducing a private relief bill for Susan M. Agcaoili.

This bill is designed to grant permanent residency in the United States to Susan M. Agcaoili, the daughter of the late Mr. Jose P. De Mesa. Mr. De Mesa served honorably on behalf of the Allied Forces in the Philippines during World War II. In return for this service, Mr. De Mesa was promised U.S. citizenship for himself and his family. The Senate passed the Second War Powers Act of 1942 expressly to liberalize the requirements for citizenship for aliens, such as Mr. De Mesa, who served honorably on behalf of the allied cause. Based on this promise, Mr. De Mesa dreamed of uniting his family in America as U.S. citizens. However, due to incomplete efforts to implement the legislation, Mr. De Mesa never received his U.S. citizenship.

Mr. De Mesa's wife, Mrs. Lourdes de Mesa, has since relocated in the United States and become a U.S. citizen through naturalization. She has continued to pursue her late husband's dream of uniting their family in America as U.S. citizens. Her hope of fulfilling her and her late husband's dream is quickly waning. Visa availability for the fourth preference category for adult children is backlogged for years in the Philippines, so it is unlikely that Mrs. De Mesa will ever be able to truly achieve the objective she and her husband intended many years ago.

Passage of this bill will enable the United States of America to fulfill its promise to Jose B. de Mesa: Eventual American citizenship for his family in return for his having served honorably on behalf of the allied cause during World War II.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Immigration and Nationality Act, in the administration of such Act, Susan M. Agcaoili shall be issued a visa and admitted to the United States for permanent residence upon filing an application for a visa and payment of the required visa fees. Upon granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to the natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 202 of such Act.

By Mr. EAGLETON (for himself, Mr. DANFORTH, Mr. KERRY, and Mr. PELL):

S. 694. A bill to preclude changes in the Federal regional office structure except by statute; to the Committee on Governmental Affairs.

MAINTAINING EXISTING FEDERAL REGIONAL OFFICE STRUCTURE

● Mr. EAGLETON. Mr. President, the Reagan administration has once again embarked on a plan to dismantle the Federal regional center network and make our National Government less accessible to its constitutency. As part of the 1986 budget proposal, the administration has targeted personnel cuts in three regional cities, notably Kansas City, Boston, and Seattle. As far as we can determine, regional center status would also be removed for the Departments of Labor and Housing and Urban Development.

Of course, we are all in favor of savings that can be achieved through improved efficiency. However, a decision to realign Federal agency boundaries, move functions to other cities, and to take away regional center status has a larger impact upon the community than the Reagan administration recognizes. Closing down regional operations in Kansas City would be disastrous in terms of jobs and prestige. The Federal Government is by far the area's largest employer, with some 28,000 workers and a payroll totaling almost $700 million annually. Countless additional jobs in the private sector are directly related to the city's function as a Federal regional center. Thus, any diminished stature that the city might experience as a result of the administration's budget proposals is of considerable concern to congressional and local officials alike.

The regional center concept was developed during President Nixon's tenure in office to decentralize the Federal Government and make it more accessible to the people. The 10 standard Federal regions were established by Executive order in 1969. The Office of Management and Budget developed Circular No. A-105 as the guide for agencies to follow in staffing field offices. Circular A-105 has not been changed since it was issued in 1974, as it does allow flexibility for exceptional situations. However, the regional center structure can be rearranged at the whim of the executive branch.

President Reagan said in his first inaugural address, "It is not my intention to do away with Government, it is rather to make it work." From my own experience, I can testify that the establishment of regional operations in Kansas City significantly enhanced the responsiveness of Government to those needing its services. Kansas City is ideally located to serve the four-State region that includes Missouri, Kansas, Nebraska, and Iowa. Therefore, the decision to consolidate regional office functions somewhere else will not make Government work any better for the people of these four States. It will simply make the Federal Government more remote.

Throughout the planning process for these new management initiatives, no civic or business leaders in Kansas City were consulted, nor has the area's congressional delegation been kept up-to-date on which departments and agencies are to be affected. Such significant restructuring should not be undertaken behind closed doors. It should be subjected to the scrutiny of congressional hearings and approval.

Therefore, the legislation I am introducing today along with my colleagues would make OMB Circular A-105 a matter of law. It requires congressional review of any proposal to consolidate or eliminate any regional office. If a change is to be made in the 10-region structure, it can only be done by an act of Congress.

The goal of a decentralized Federal Government is as valid now as it was in President Nixon's time. Indeed, one of the five specific strategies in the President's Management Improvement Program: Reform 1988 was to "improve agency delivery systems." This cannot be accomplished if we centralize the decisionmaking authority back in Washington, DC. The present regional structure has served the public well and needs to be retained. Enactment of my bill will protect against capricious decisions such as those now being proposed that will only reduce a citizen's access to the Federal Government.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. (a) The Congress finds that—

(1) an important responsibility of the Congress is to maintain the accessibility of the Federal Government and its agencies and departments to the population at large;

(2) an effective and efficient field office structure which is accessible to all citizens is essential to meeting all responsibility;

(3) recent changes proposed by executive branch officials have profound implications

for the existing Federal field office structure, including the potential dissolution of certain Federal regional centers;

(4) the existing Federal regional structure was established through an executive order and Office of Management and Budget directive, and has no statutory basis as such; and therefore can be changed without the consent of the Congress; and

(5) in recognition of this possibility, and in recognition of the importance of maintaining a system for nationwide delivery of Federal services and management of Federal programs and policies, the Congress should exercise ultimate approval or disapproval of any changes proposed by the executive branch in the existing structure of the ten Federal regional centers.

(b) The purpose of this Act is therefore—

(1) to codify Office of Management and Budget Circular A-105, placing the current ten-region structure into law; and

(2) to clarify the role of the Congress in approving any changes in the existing regional structure.

SEC. 2. (a) Except as otherwise provided in this Act—

(1) the standard Federal regions policy;

(2) the standard Federal regions;

(3) the Federal regional offices; and

(4) the subregional structures,

established by circular A-105 as promulgated April 4, 1974, by the Director of the Office of Management and Budget shall not be amended, revised, repealed, otherwise altered except by Act of Congress.

(b) Combinations of standard Federal regions accepted or approved pursuant to section 7a of such circular prior to January 1, 1984, may be continued without specific approval by Act of Congress. After such date, no agency shall attempt to make any such combination of its regions unless expressly authorized to do so by Act of Congress.

(c) The Director of the Office of Management and Budget shall notify the Congress upon receipt of any request from an agency for permission, under section 7d of such circular, to deviate, from the policies described in clauses (1) through (4) of such section. The Director shall not approve any such request until the expiration of ninety calendar days after the date of submitting notice to the Congress of such request.●

Mr. PELL. Mr. President, I am pleased to join Senator EAGLETON in cosponsoring legislation that will require the Office of Management and Budget to seek the advice and approval of the Congress before reorganizing the regional structure of the executive branch offices that serve our citizens.

Most recently, the Office of Management and Budget has announced a plan to eliminate three regional offices within the Department of Labor. In New England that proposal will eliminate the Boston regional office and will transfer many of its functions to the New York regional office. This proposal will impact negatively on the business and labor communities in Rhode Island that work closely with the Boston regional office. For over a decade the Boston regional office has worked with many Rhode Islanders and representatives of Rhode Island industry and labor. To discontinue that working relationship without establishing that any financial savings will offset the loss in services does not serve the interest of the citizens of my State.

The Office of Management and Budget has announced its plans to eliminate these regional offices as a method to save money. The Office of Management and Budget has described in general terms its analysis of the elimination of several regional offices but the Office of Management and Budget has not specifically stated how the impact on services to the New England States would be handled by the Department. Although I have a strong interest in saving money and reducing the Federal deficit I do not believe that arguable savings should become the primary and controlling motivation for implementing a policy to eliminate several regional offices without full and thorough consideration of all advantages and disadvantages and corollary effects that such a proposal may have.

Mr. President, the Office of Management and Budget circular that created the regional structure of the Government purportedly did so to decentralize Government and bring services more directly to the people. Absent any thorough consideration of the potential effects of eliminating the executive branch's regional structure the Office of Management and Budget has, in the name of reducing the Federal deficit, decided to implement its proposal across the country. The Office of Management and Budget's decision to further remove Government from the people should take effect, only after careful analysis and a determination that the financial aspects of the decision far outweigh the potential harm to service delivery that such a decision will cause. The careful weighing of the financial costs and negative impacts on services associated with such a decision should be made, I believe, only after consulting with those individuals elected to represent the people who will be most effected by a decision by the Office of Management and Budget.

By Mr. LONG (for himself and Mr. HEINZ):

S. 695. A bill to amend the Tariff Act of 1930 to limit extension of the injury test in countervailing duty cases; to the Committee on Finance.

LIMITING EXTENSION OF THE INJURY TEST IN COUNTERVAILING DUTY CASES

Mr. LONG. Mr. President, the purpose of this bill is to prevent the administration from exercising broader trade agreements authority than was intended.

Mr. President, the Congress has a constitutional role in foreign trade. Under current law, namely section 102 of the Trade Act of 1974, the President may negotiate about trade distortions such as export subsidies and import barriers, but those agreements cannot enter into force, nor can they be implemented in the United States, except by the President sending Congress a separate, special bill approving and implementing such an agreement, and by Congress enacting such a bill.

But it has come to my attention that the administration has found a way to avoid the requirements of section 102. During the visit to Washington of the President of Mexico in May of last year, the Reagan administration announced that President Reagan intended to enter into a so-called subsidies agreement with Mexico, and to proclaim changes of U.S. law as a result under authority of a provision of the Trade Agreements Act of 1979 intended exclusively for Taiwan. Interest in this agreement has recently resurfaced in the administration.

Now this agreement with Mexico is important. Mexico is our third leading trading partner in fact—and that country is not even a member of the General Agreement on Tariffs and Trade [GATT]. I certainly think we ought to have some kind of regular trading relationship with Mexico.

But this proposed agreement would give away the most important leverage the United States has, without a promise that Mexico will agree to anything in return. Essentially, all the agreement provides is that Mexico will abolish some of its subsidies, which now qualify as export subsidies under current U.S. law. In return we will give Mexico a benefit known as the injury test. This is an unbalanced agreement because the injury test is worth something, and promising to abolish some of the subsidies is not.

The injury test is a key benefit for Mexico because it makes it easier to export subsidized goods to the United States. Under current U.S. law, the United States assesses a duty against subsidized imports to offset the price impact of foreign subsidies. In the case of Mexico, U.S. producers get such a duty merely by showing that the Mexican export is subsidized. But in the case of most other countries, the U.S. producer has to prove it is materially injured by the imported good, as well as that the imported goods are subsidized. In other words, an injury test makes it harder for our producers to get this offsetting duty in place.

We have always used the injury test as leverage to get good trade agreements. For 30 years, we withheld the injury test in order to get a better subsidies agreement. When we approved the Tokyo Round subsidies agreement in 1979, we again withheld the injury test as leverage to get other countries to sign that agreement. So withholding the injury test is nothing new, nor is it peculiar to Mexico. We ought to continue to do so with respect to Mexico until we are able to negotiate a stable framework for our trade relations.

On the other hand, when Mexico offers to agree to eliminate some so-called export subsidies, that is meaningless. The term export subsidies excludes a lot of practices that plainly subsidize Mexican exports. In fact, a bill was considered last year over in the House that would require the executive branch to countervail against certain such new subsidies. The proposed Mexico subsidies agreement would not even cover these subsidies.

Now, I am frank to say, Mr. President, that I became interested in this problem because a Louisiana industry, the ammonia industry, is competing against Mexican exports that receive one of the subsidies that would become countervailable under last year's House bill, the natural resources subsidy. Such subsidies are unfair.

In fact, the deal is even worse than I have described because it contains no Mexican agreement to control all their other trade distortions, such as performance requirements, import licenses, and many others.

Mr. President, I am against trading for nothing.

Certainly, I think Congress ought to have the same power to review a subsidies agreement as it has to review other trade agreements on trade distortions. Yet current law allows the Mexico subsidies agreement to go into force and work a change in U.S. law without such congressional review.

When we passed the Trade Agreements Act of 1979, we had to create a special provision for Taiwan, because we do not recognize that government and they are not members of GATT. So we allowed any country, meaning Taiwan, to get the injury test if it assumed obligations equivalent to the Tokyo Round Subsidies Code. Now the Reagan administration plans to use this Taiwan authority to give the injury test to Mexico.

My bill would bar this agreement going into force without congressional review, approval, and implementation, by allowing the Taiwan provision to apply only to agreements signed before March 18 of this year and only to countries that are members of the GATT. That will include Taiwan—it signed in 1980—as well as many others. But it will exclude Mexico or any other country that has not signed the GATT. If Mexico wants the injury test, they would have to sign a section 102 agreement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 701(b) of the Tariff Act of 1930 (19 U.S.C. 1671(b)(1)) is amended to read as follows:

"(1) with respect to which, as determined under section 2(b) of the Trade Agreements Act of 1979, both—

"(A) the Agreement on Subsidies and Countervailing Measures, and

"(B) the General Agreement on Tariffs and Trade, apply between the United States and such country.".

(b) Paragraph (2) of section 701(b) of such Act (19 U.S.C. 1671(b)(2)) is amended by inserting "before March 18, 1985," after "United States".

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S.J. Res. 85. Joint resolution to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

APPOINTMENT OF BARNABAS MC HENRY TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. GOLDWATER. Mr. President, I am today introducing, along with Mr. GARN and Mr. SASSER, a joint resolution to provide for the appointment of Barnabas McHenry, of New York, as a citizen regent of the Board of Regents of the Smithsonian Institution to fill the vacancy caused by the death of William A.M. Burden of New York.

Mr. President, I ask unanimous consent that a short biography and list of the achievements of Mr. McHenry be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BARNABAS MCHENRY

McHenry, Barnabas, publishing company executive, lawyer; born at Harrisburg, Pa., on October 30, 1929; son of William Cecil and Louise (Perkins) McHenry. Married Marie Bannon Jones, December 13, 1952; children: Thomas J.P., W.H. Davis, John W.H. A.B., Princeton University, 1952; LL.B., Columbia University, 1957. Bar: New York, 1957. Associate at the firm of Lord, Day, & Lord, New York City , 1957-62; general counsel for The Reader's Digest Association, Inc., New York City, 1962-, also director; director, Palaceside Building Corporation, Tokyo. Member, visiting committee on Egyptian art, visiting committee on 20th century art, Metropolitan Museum of Art; member, boards of directors for the Presbyterian Hospital; Boscobel Restoration, Inc., Garrison, New York; High Winds Fund, Inc.; L.A.W. Fund, Inc.; DeWitt Wallace Fund, Inc.; Lakeview Fund, Inc.; Vivian Beaumont Theater; Center for Hudson River Valley; National Corporation Fund for Dance, Inc.; Children's Art Carnival; Reader's Digest Fund for the Blind; Reader's Digest Association, Inc.; trustee, Supreme Court Historical Society; Metropolitan Opera Association; Metropolitan Museum of Art; member, I Tatti Council; Commission for Cultural Affairs of the City of New York; Temporary State Commission on Restoration of the Capitol; trustee, New York Zoological Society; Central Park Conservancy; vice-chairman, Presidential Task Force on the Arts and Humanities; member, boards of directors, Hudson River Foundation for Science and Environmental Research; School of American Ballet. Served with the Army of the United States, 1952-54. Member, American and New York State bar associations; Association of the Bar of the City of New York; American Conservation Association (director); Academie des Beaux-Arts; Institut de France (correspondent). Clubs: Century, Sky, Racquet and Tennis (N.Y.C.). Home: 164 East 72nd Street, New York, New York 10021. Office: 34th Floor, 200 Park Avenue, New York, New York 10166.

By Mr. WILSON (for himself, Mr. CRANSTON, Mr. DURENBERGER, Mr. EAGLETON, Mr. HATCH, Mr. HEINZ, Mr. MATSUNAGA, Mr. STAFFORD, and Mr. WEICKER):

S.J. Res. 86. Joint resolution to designate the week of July 25, 1985, through July 31, 1985, as "National Disability In Entertainment Week"; to the Committee on the Judiciary.

NATIONAL DISABILITY IN ENTERTAINMENT WEEK

● Mr. WILSON. Mr. President, I rise today to introduce a joint resolution to declare Thursday, July 25, 1985, through Wednesday, July 31, 1985, as "National Disability in Entertainment Week." This joint resolution deserves both special attention and full support.

If, as Shakespeare said, all the world's a stage—and, as a Californian, I like to think he was right—then there is no reason why anyone should be condemned permanently to the wings. And yet for too long that is exactly how we have cast those with disabilities among us. Long ago, nomadic tribes left disabled members behind so as not to impede the group's movement. Those who settled on the land made certain to separate themselves from disabled members.

More recently, we have declared our desire to extend the rights of disabled Americans. Yet is easier to create an agency than change an attitude. We need to close the books permanently on stereotypical barriers.

Art, it is said, reflects society. In this instance, however, I hope that society will reflect art. Among its vast powers, the modern media can educate society about the real lives led by the disabled. Organizations such as the Media Office of the California Foundation on Employment and Disability have been established to act as liaisons between the entertainment industry and the disabled community to encourage a dignified portrayal of individuals with disabilities. Television can awaken us to the potential in all of us. But only if this most powerful of communicative tools is itself sensitized to what disabled people have to give. Which is to say, the presence of the disabled on television should not be limited to fund raising telethons.

Fortunately, the entertainment industry in recent years has been working with the disabled community to increase both the quantity and quality

of the portrayals and employment of people with disabilities in the media. The result has been a significant change in images of the individual with a disability. Increasingly, performers with disabilities have taken recurring roles on episodic television. These include: Victoria Ann-Lewis in "Knot's Landing," Hugh Farrington in "T.J. Hooker," Regi Green in "After-MASH," Les Jankey in "Tales of the Gold Monkey," Geri Jewell in "Facts of Life," Jonathon Hall Kovacs in "Family Tree," and Alan Toy in "Trauma Center." As diverse as the disabled community itself, one theme unites these characters as they portray doctors, athletes, policemen and secretaries; their disabilities are incidental to their work, and how they deal with that work, as well as family, school, friendship.

In recognition of the long strides already taken, and with renewed commitment to the work ahead, I would like Congress to declare "National Disability in Entertainment Week." I hope every Senator can support the commemoration of this week.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 86

Whereas the 36 million people with disabilities in our nation still face attitudinal barriers that prevent the full exercise of their civil liberties;

Whereas the entertainment industry is a powerful educational tool that has a significant impact on the images the nation perceives;

Whereas the entertainment industry has been making strides in increasing both the quantity and quality of the portrayals and employment of people with disabilities in the media;

Whereas the continued involvement of the entertainment industry is vital to changing the stereotypes of people with disabilities;

Whereas the entertainment industry, the Federal government, and the nation should recognize the great potential for contribution from those with disabilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of July 25, 1985, through July 31, 1985, is designated as "National Disability In Entertainment Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

By Mr. MURKOWSKI (for himself, Mr. THURMOND, and Mr. CRANSTON):

S.J. Res. 87. Joint resolution to provide for the designation of July 19, 1985, as "National POW/MIA Recognition Day"; to the Committee on the Judiciary.

NATIONAL POW/MIA RECOGNITION DAY

● Mr. MURKOWSKI. Mr. President, I am introducing today a joint resolution to designate July 19, 1985, as National POW/MIA Recognition Day, in keeping with 6 previous such days that have served as an important symbol of the gratitude all Americans feel toward those who were interned while serving bravely in defense of our Nation as well as those servicepersons who have yet to be accounted for and who remain missing in action.

The intent of this special day is to provide proper recognition to those brave Americans who rendered honorable and faithful service to their country, often under very brutal and inhuman conditions.

The joint resolution which I am introducing today honors those missing heroes and those who endured terrible pain and depravation before they were returned to their families and to the country for which they fought so courageously. For the prisoners of war, comfort was believing that America was still working for their release. Their endurance through such arduous times reflected their faith in our country's efforts to obtain their freedom. The missing-in-action and their families need to know that the search will not end until all who are missing are accounted for. Those who have suffered such hardship keep their faith by remembering the ideals and people which have guided them and which have provided the justification for their endurance of such hardships. In turn, we must never forget them. A POW/MIA Recognition Day accords to the POW's, MIA's, and their families our very special thanks for their many sacrifices and special contributions. By this gesture, we enhance ourselves as a nation and keep in mind that there have been and will always be those to serve so that our country can remain strong and free.

To underline this commitment, I urge my colleagues to join with me, Senator THURMOND, and Senator CRANSTON in a truly bipartisan spirit to honor these most patriotic citizens, the former prisoners of war and the missing in action on July 19, 1985.●

ADDITIONAL COSPONSORS

S. 49

At the request of Mr. MCCLURE, the names of the Senator from Indiana [Mr. QUAYLE], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 49, a bill to protect firearm owners' constitutional rights, civil liberties, and rights to privacy.

S. 58

At the request of Mr. DANFORTH, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 65

At the request of Mr. DOLE, the names of the Senator from Illinois [Mr. DIXON] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 65, a bill to improve the transfer of technology from Government laboratories to the public and for other related purposes.

S. 141

At the request of Mrs. HAWKINS, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 141, a bill to amend the Board of International Broadcasting Act of 1973 to provide for a special Radio Liberty program of Russian language broadcasting for the Jewish population of the Soviet Union.

S. 210

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 210, a bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of social security benefits.

S. 233

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 233, a bill to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty.

S. 329

At the request of Mr. HECHT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 329, a bill entitled the Highway Modification Act of 1985.

S. 361

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 361, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 371

At the request of Mr. ABDNOR, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 371, a bill to amend the Consolidated Farm and Rural Development Act to provide emergency farm credit assistance, and for other purposes.

S. 408

At the request of Mr. WEICKER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 408, a bill to amend the

Small Business Act to provide program levels, salary and expense levels, and authorizations for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 434

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 434, a bill to extend the authorization of the Robert A. Taft Institute Assistance Act.

S. 452

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 452, a bill to enact the Gifted and Talented Children's Education Act.

S. 472

At the request of Mr. DOLE, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 472, a bill to amend title V of the Social Security Act, and section 2192 of the Omnibus Budget Reconciliation Act of 1981, to modify the terminology relating to certain disabled children.

S. 475

At the request of Mr. EXON, the names of the Senator from Washington [Mr. GORTON] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 475, a bill to amend the Motor Vehicle Information and Cost Savings Act to require certain information to be filed in registering the title of motor vehicles, and for other purposes.

S. 487

At the request of Mr. MATHIAS, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 487, a bill to recognize the organization known as the Statue of Liberty-Ellis Island Foundation, Inc.

S. 508

At the request of Mr. BRADLEY, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 508, a bill to provide a program of planning grants, demonstration grants, and formula grants to assist local educational agencies to improve the basic skills of economically disadvantaged secondary school students, and for other purposes.

S. 671

At the request of Mr. EXON, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 671, a bill to authorize the Secretary of the Interior to modify the construction, operation, and maintenance of the O'Neill unit, Pick-Sloan Missouri Basin Program, NE.

SENATE JOINT RESOLUTION 22

At the request of Mr. HOLLINGS, the names of the Senator from South Dakota [Mr. ABDNOR], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 22, a joint resolution designating March 1985 as "National Mental Retardation Awareness Month."

SENATE JOINT RESOLUTION 24

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 24, a joint resolution to designate the month of October 1985 as "National Make-A-Wish Month."

At the request of Mr. BRADLEY, the names of the Senator from Nevada [Mr. LAXALT], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Missouri [Mr. DANFORTH], the Senator from Nevada [Mr. HECHT], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 24, supra.

SENATE JOINT RESOLUTION 31

At the request of Mr. BURDICK, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Georgia [Mr. MATTINGLY] were added as cosponsors of Senate Joint Resolution 31, a joint resolution to designate the week of November 24 through November 30, 1985 as "National Family Week."

SENATE JOINT RESOLUTION 35

At the request of Mr. GORTON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 27, 1985, as "National Organ Donation Awareness Week."

SENATE JOINT RESOLUTION 38

At the request of Mr. HEINZ, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 38, a joint resolution authorizing and requesting the President to designate the week of March 10 through March 16, 1985, as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 50

At the request of Mr. RIEGLE, the names of the Senator from Kansas [Mr. DOLE], the Senator from North Dakota [Mr. ANDREWS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the week of April 1, 1985, through April 7, 1985, as "World Health Week," and to designate April 7, 1985, as "World Health Day."

SENATE JOINT RESOLUTION 51

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 51, a joint resolution to designate the week beginning November 24, 1985, as "National Adoption Week."

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 51, supra.

SENATE JOINT RESOLUTION 52

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of April 1985 as "National School Library Month."

SENATE JOINT RESOLUTION 53

At the request of Mr. DENTON, the names of the Senator from Maryland [Mr. MATHIAS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to authorize and request the President to designate the month of June 1985 as "Youth Suicide Prevention Month."

SENATE JOINT RESOLUTION 55

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to designate May 24, 1985, as "National Self-Help Housing Day."

SENATE JOINT RESOLUTION 56

At the request of Mr. DECONCINI, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maryland [Mr. MATHIAS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate April 1985 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 63

At the request of Mr. RIEGLE, the names of the Senator from Indiana [Mr. QUAYLE] the Senator from Michigan [Mr. LEVIN], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Minnesota [Mq. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 63, a joint resolution to designate the week of April 21, 1985, through April 27, 1985, as "National DES Awareness Week."

SENATE JOINT RESOLUTION 64

At the request of Mr. RIEGLE, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], the Senator from Montana [Mr. BAUCUS], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 64, a joint resolution to designate the week beginning May 5, 1985, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 67

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 67, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 68

At the request of Mr. DODD, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of Senate Joint Resolution 68, a joint resolution to designate November 21, 1985, as "William Beaumont Day."

SENATE JOINT RESOLUTION 79

At the request of Mr. MATHIAS, the names of the Senator from Utah [Mr. GARN], the Senator from Indiana [Mr. QUAYLE], the Senator from Colorado [Mr. HART], the Senator from Idaho [Mr. SYMMS], the Senator from Texas [Mr. BENTSEN], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. PELL], and the Senator from New Jersey [Mr. LAUTENBERG], were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate April 1985, as "Fair Housing Month."

SENATE CONCURRENT RESOLUTION 18

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. DODD], was added as a cosponsor of Senate Concurrent Resolution 18, a concurrent resolution expressing the sense of Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and regulations prescribed by the Secretary under such provisions, should not be modified or amended in any way that will alter the manner in which mortgage-backed homeowner bond transactions are currently taxed.

SENATE RESOLUTION 53

At the request of Mr. DODD, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Resolution 53, a resolution concerning the Internal Revenue Code.

SENATE RESOLUTION 62

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 62, a resolution to oppose cuts in education programs.

SENATE CONCURRENT RESOLUTION 31—TO PAY TRIBUTE TO THE LATE JEROME HEARTWELL HOLLAND

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 31

Whereas Dr. Jerome Heartwell Holland served tirelessly as Chairman of the Board of Governors of the American Red Cross;

Whereas Dr. Holland served his country well as United States Ambassador to Sweden;

Whereas the said Dr. Holland gave of his time and energy to higher education; and

Whereas the commitment of Dr. Holland led him to serve on the boards of directors of numerous national organizations promoting the causes of welfare, education, cultural human relations, and international amity and understanding: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognize the notable contributions of Dr. Jerome Heartwell Holland to his Country and express to his family the Nation's appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the family of Dr. Jerome H. Holland.

● Mr. MOYNIHAN. Mr. President, I rise to submit a Senate concurrent resolution to honor the memory of Dr. Jerome H. Holland.

Dr. Holland was born in Auburn, NY. As the senior Senator from his home State, and as a citizen of the United States, I mourn his passing on January 13, 1985.

Dr. Holland served the United States as U.S. Ambassador to Sweden from 1970 to 1972. He also served the people of the United States with 18 years of service to the American Red Cross. From 1964 to 1970 and from 1973 to 1979, Dr. Holland was a member of the Red Cross Board of Governors; from 1979 until the time of his death, he was chairman of the American Red Cross.

Under Dr. Holland's leadership, the American Red Cross expanded its international vision, reaffirmed its long-respected role in the health field and enhanced its stature as one of the Nation's foremost providers of human services. Dr. Holland will be long remembered for these accomplishments and for his deep personal interest in the well-being of all those who serve through and are served by the Red Cross.

Dr. Holland received his B.S. and M.S. degrees from New York's Cornell University. While an undergraduate, he was elected to the Senior Honorary Society, Sphinx Head, and was an all-American end for 2 years. He earned his Ph.D. from the University of Pennsylvania.

Dr. Holland also served as president of Delaware State College for 7 years, between 1953 and 1960; and as president of the Hampton Institute for 10 years, from 1960 to 1970. Twenty-four of some of America's finest colleges and universities conferred honorary degrees on Dr. Holland: Northeastern University, Hobart and William Smith Colleges, Hamilton College, Union College, University of Cincinnati, Colgate University, Washington University, Delaware State College, Rider College, Washington and Lee University, Columbia University, Eastern Michigan State University, Virginia Union University, Ohio Northern University, Adelphi University, Lincoln University, University of Pennsylvania, American International College, Villa Maria College, Tuskegee Institute, St. Paul's College, Morehouse College, University of Missouri-Kansas City, and the University of South Carolina.

After his 2-year service as Ambassador to Sweden, Dr. Holland became a business consultant.

At the same time, Dr. Holland offered his services as a member of the boards of directors of innumerable national organizations devoted to causes of welfare, education, culture, human relations, and international amity and understanding. He served as national chairman of the Board of Planned Parenthood-Worlds Population, and on the board of directors of the National Urban League, the Experiment of International Living, Save the Children Federation, the National Scholarship for Negro Students, the executive committee of the Southern Association of Colleges and Secondary Schools, the President's Task Force on Career Appointments, the President's Commission on All-Volunteer Armed Forces, National Advisory Committee on Television, the National Committee for Cooperative Education, the Commission of Federal Relations of the American Council on Education, the College Entrance Examination Board, the Virginia Cultural Development Study Commission, the Virginia Museum, the National Medical Fellowships, the Public Health Services National Advisory Council on Health Research Facilities, the Rockefeller Brothers Foundation, the executive committee of the National College Athletic Association, a member of the President's Commission on Olympic Sports, and a 10-year member of the Corporation of the Massachusetts Institute of Technology.

Dr. Holland also served on the board of directors of numerous major corporations, including American Telegraph and Telephone Corp., Chrysler Corp., Culbro Corp., General Foods Corp., Federated Department Stores, Inc., Manufacturers Hanover Corp., Pan American Banks, Inc., Union Carbide Corp., and Zurn Industries, Inc.

At the time of his unfortunate death, Dr. Holland was serving not only as chairman of the Board of Governors of the American Red Cross, but also as vice chairman of the National Conference of Christians and Jews, and vice chairman of the Salvation Army New York Advisory Board. He was a board member of the Foreign Policy Association, the Institute of International Education, the United Negro College Fund, the National Geographic Society, the Society of the New York Hospital, the Johnson Foundation, the American Arbitration Association, the American Assembly,

Cornell University, the Overseers of the College of the Virgin Islands. He was a fellow of the American Academy of Arts and Sciences, a member of the Council on Foreign Relations, held a life membership in the National Association for the Advancement of Colored People, and was a 33d degree mason.

Dr. Holland received innumerable local and national honors and awards acknowledging his great service to the people of the United States. He was the first recipient of the Freedom Citation of the Chapel of the Four Chaplains at Temple University; recipient of the Sports Illustrated Silver Anniversary All-American Award; recipient of the Annual Salvation Army Association of New York Award; the Annual Distinguished Award of the Experiment in International Living; the Charles Evans Hughes Award of the National Conference of Christians and Jews for outstanding Government services; the Distinguished American Award of the National Football Foundation; the Theodore Roosevelt Award of the National College Athletic Association, its highest award; the American Football Coaches Association "Tuss" McLaughry Award for service to others; the award for Distinguished Service to Higher Education from the Council for the Advancement and Support of Higher Education [CASE]; the Charles E. Wilson Memorial Award of Religion in American Life; and, the Family Service Corp., Award.

Dr. Holland served his community, his Government, and his fellow citizens well. He and his accomplishments will inspire others to dedicate their lives to public service.

We all will dearly miss Dr. Holland. I wish to convey my deepest sympathy to his wife, Laura, and his four children.

I now ask unanimous consent that Dr. Holland's obituary, which appeared in the January 4, 1985, New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JEROME HOLLAND, FORMER U.S. ENVOY

EDUCATOR AND RIGHTS ADVOCATE SERVED AS THE AMBASSADOR TO SWEDEN IN 1970-72

(By Joan Cook)

Dr. Jerome H. Holland, an educator, civil-rights advocate and former United States Ambassador to Sweden, died of cancer yesterday at New York Hospital. He was 69 years old and lived in Bronxville, N.Y.

Dr. Holland was president of Hampton Institute, a college in Hampton, Va., from 1960 to 1970 and before that headed another predominantly black institution, Delaware State College, for seven years.

A strong believer in education and job training as the keys to advancement for American blacks, he encouraged them to push for economic gains by working within the system.

APPOINTED BY NIXON

Dr. Holland was named Ambassador to Sweden by President Richard M. Nixon in January 1970 and remained in that post until 1972. On his return to the United States, he became the first black to serve on the board of the New York Stock Exchange.

He also was a director of several corporations, including the American Telephone and Telegraph Company, the Chrysler Corporation, Federated Department Stores, General Foods Corporation, Manufacturers Hanover Corporation and its subsidiary, Manufacturers Hanover Trust Company, and Union Carbide.

Jerome Heartwell Holland was born in Auburn, N.Y., one of 13 children of Robert and Viola Bagby Holland. He began working for his father, a gardener and handyman, at the age of 8 and quickly decided that schooling was the quickest exit from poverty.

In 1939 he graduated with honors from Cornell University, where he had twice been named to All-America football teams as an end. He received a master's degree in sociology from Cornell in 1941 and a doctorate from the University of Pennsylvania in 1950. In 1965 he was elected to the National Football Hall of Fame.

HONORED BY CORNELL

Dr. Holland was a presidential councilor and trustee emeritus of Cornell. This year Cornell named its International Living Center in his honor for his contributions to higher education and international understanding.

Dr. Holland also was chairman of the board of governors of the American Red Cross and a member of the board of directors of the National Urban League and the United Negro College Fund. He wrote many articles on economic and social conditions among American blacks and was the author of a book, "Black Opportunity."

He is survived by his wife, the former Laura Mitchell; two sons, Jerome H. 2d, of Syracuse, and Joseph, of Manhattan, and two daughters, Pamela Holland Curry of Detroit and Lucy of Manhattan.

A private funeral service will be held in Auburn.●

AMENDMENTS SUBMITTED

PRODUCT LIABILITY ACT

DODD AMENDMENT NO. 16

(Referred to the Committee on Commerce, Science, and Transportation)

Mr. DODD submitted an amendment intended to be proposed by him to the bill (S. 100) to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I

SHORT TITLE

SEC. 101. This Act may be cited as the "Product Manufacturers' Responsibility Act of 1985".

FINDINGS AND PURPOSE

SEC. 102. (a) The Congress finds and declares that—

(1) hundreds of millions of consumer products are sold in interstate commerce each year;

(2) there are enormous variations from State to State with respect to what constitutes a safe product and what warnings dangerous products must carry;

(3) these variations among State laws and the uneven application of such laws in individual cases reduce the incentives for manufacturers to produce safe products; and

(4) the lack of uniformity among State laws and the uneven application of such laws deny persons injured by consumer products substantially similar benefits and quality of treatment throughout the United States.

(b) It is therefore the purpose of the Congress in this Act to—

(1) eliminate burdens on manufacturers of consumer products and on persons injured by such products by establishing uniform standards of product safety as an alternative to the present system; and

(2) improve manufacturer incentives for making safe consumer products by providing a system of speedy and certain recovery for all innocent persons injured by unsafe products.

DEFINITIONS

SEC. 103. As used in this Act, the term—

(1) "claimant" means (A) any person who submits a product liability claim or brings a product liability action on his or her own behalf; (B) the representative of such a deceased person, if the product liability claim is submitted, or the product liability action is brought, through or on behalf of an estate; and (C) the person's parent or guardian, if such a claim is submtted, or such an action is brought, through or on behalf of a minor;

(2) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, commerce, or transportation described in clause (A);

(3) "exercise reasonable prudence" is conduct of an ordinary person or class of persons, in the same or similar circumstances, exercising the care, attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own interests and the interests of others;

(4) "injury" means—

(A) bodily harm to an individual caused by a product and that individual's illness, disease, or death resulting from that bodily harm; and

(B) actual damage to real or personal property other than the product itself;

(5) "manufacturer" means (A) any person who is engaged in a business to design or formulate and to produce, create, make, or construct any product (or component part of a product), or any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller designs or forumlates and produces, creates, makes, or constructs an aspect of a product (or component part of a product) made by another, or produces, creates, makes, or constructs an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of the product;

(6) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any

other entity (including any governmental entity);

(7) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(8) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state which is capable of delivery itself, or as an assembled whole in a mixed or combined state or as a component part or ingredient, which is produced for introduction into trade or commerce, which has intrinsic economic value, and which is intended for sale or lease to persons for commercial or personal use, except that the term does not include human tissue, blood, or organs;

(9) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, or otherwise places a product in the stream of commerce; but does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; or

(ii) leases a product under a lease arrangement is which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(10) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

RESPONSIBILITY FOR INJURY CAUSED BY A PRODUCT

SEC. 104. (a)(1) Except as provided in paragraphs (2) and (3), a manufacturer is responsible for injury caused by a product solely pursuant to the provisions of this Act.

(2) The provisions of paragraph (1) do not apply where a person seeks to recover benefits for injury caused by a product under any governmental program or employee benefit plan, or pursuant to any private insurance policy or program or any prepaid medical benefit plan.

(3) The provisions of paragraph (1) do not apply where a person seeks to recover for actual damage to real or personal property sustained in the course of conduct of a business.

(b) A manufacturer is responsible for injury caused by a product if the person injured by such product either—

(1) submits a product liability claim to a manufacturer, in accordance with title II; or

(2) satisfies the requirements of title III. After a manufacturer makes payment or a person files an action for damages under title II, the manufacturer is not liable thereafter for damages from the same injury, illness or death under title III. After a person files a product liability action under title III, the manufacturer is not liable thereafter for damages from the same injury, illness or death under title II.

(c)(1) Any manufacturer that is contacted regarding the submission of a claim under this Act shall, within 10 days of such contact, provide the person with the necessary forms for filing a claim in accordance with section 202, inform the person of the options specified in subsection (b), and inform the person of the specific action under each such option that will discharge the manufacturer from responsibility under the other option.

(2) Any attorney who is contacted regarding the commencement of an action for recovery for injury caused by a product shall inform the person of the options specified in subsection (b), and inform the person of the specific action under each such option that will discharge a manufacturer from responsibility under the other option. Any such attorney shall also explain the fees and costs that would be likely to be incurred as a result of the exercise of each option, indicate the time periods specified in this Act for payment if the person submits a product liability claim, and indicate the length of time that is likely to be required for a person to recover if he or she chooses to maintain a product liability action under this Act.

RELATIONSHIP TO OTHER LAW

SEC. 105. (A) This Act shall not apply in any case where recovery is permitted under any Federal law (other than the Federal Employees Compensation Act, the Longshoremen's and Harbor Workers' Compensation Act, and any governmental program or employee benefit plan) for injury caused by a product.

(b)(1) This Act shall not apply in any case where recovery for injury caused by a product is permitted under—

(A) any environmental protection law that authorizes a State or a person to institute an action for civil damages, civil penalties, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution, caused by any product defined by State or Federal law as a toxic substance or waste, hazardous substance or material, hazardous waste or other contaminant or pollutant;

(B) a right arising under the common law of a State to bring an action to abate a nuisance or otherwise protect against contamination or pollution of the environment, or the threat of such contamination or pollution, caused by any product; or

(C) any law relating to a civil action for loss or damage, cleanup costs, civil penalties or injunctive relief, if the loss or damage for which a remedy is sought was caused by the release into the environment, or the threat of release into the environment, of a toxic substance or waste, hazardous substance or material, hazardous waste or other contaminant or pollutant.

(2) As used in this subsection, the term—

(A) "contaminant or pollutant" includes (i) anything defined or designated as a contaminant or pollutant under any Federal or State law, and (ii) any element, substance, compound, mixture, or organism which, after release into the environment and upon exposure, ingestion, inhalation, impact, attachment, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably by anticipated to cause death, disease, injury, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms of their offspring;

(B) "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8));

(C) "hazardous substance" has the meaning given to such term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14));

(D) "hazardous waste" has the meaning given to such term in section 101(29) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(29));

(E) "law" means any law or authority, whether statutory or common; and

(F) "release" has the meaning given to such term in section 101(22) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(22)), and, in addition, the term includes any depositing or placing into the environment.

EFFECTIVE DATE

SEC. 106. This Act shall take effect six months after the date of enactment of this Act.

TITLE II

RESPONSIBILITY OF MANUFACTURER UPON SUBMISSION OF A CLAIM

SEC. 201 (a) Where a claim has been submitted under section 202(a), the manufacturer is liable to such claimant, to the extent provided in section 205, if the manufacturer's product was unsafe and the unsafe aspect of the product was a proximate cause of the claimant's harm, unless—

(1) the injury was caused by an open and obvious danger of the product;

(2) the injury was caused by an alteration or modification of the product by the claimant;

(3) the injury was the result of the claimant's voluntary and unreasonable use of a product which the claimant knew was unreasonably dangerous; or

(4) the injury was caused by conduct of the claimant which was an extreme departure from accepted standards of care and attention.

For purposes of this subsection, a product is "unsafe" if the product causes the claimant's harm while the product is being used in a manner and for a purpose which was in fact anticipated by the manufacturer or which occurs so commonly among product users that the manufacturer may be assumed to have anticipated such use.

(b) Where a claim has been submitted under section 202(b), any manufacturer of a product that is functionally identical to and interchangeable with the product which caused the claimant's harm is liable to the claimant, to the extent provided in section 205, if that manufacturer's product was available at the time when, and in the market in which, the product which caused the claimant's injury was purchased, and if the product which caused the claimant's injury was unsafe and the unsafe aspect of the product was a proximate cause of the claimant's harm, unless—

(1) the injury was caused by an open and obvious danger of the product;

(2) the injury was caused by an alteration or modification of the product by the claimant;

(3) the injury was the result of the claimant's voluntary and unreasonable use of a product which the claimant knew was unreasonably dangerous; or

(4) the injury was caused by conduct of the claimant which was an extreme depar-

ture from accepted standards of care and attention.

For purposes of this subsection, a product is "unsafe" if the product causes the claimant's harm while the product is being used in a manner and for a purpose which occurs so commonly among product users that manufacturers of such a product may be assumed to have anticipated such use.

SUBMISSION OF CLAIM

SEC. 202. (a) Any person seeking to recover under this title from a manufacturer for injury caused by a product shall, where it is possible for such person to identify the manufacturer, submit to that manufacturer a claim for such injury. The manufacturer shall provide the claimant with all necessary forms and a clear and comprehensible written explanation of the requirements for filing a claim. A claimant shall provide the manufacturer with reasonable proof that the manufacturer made the product that caused the injury, and shall submit to the manufacturer all relevant information regarding that injury, including the date and time of the injury, the cause, nature and extent of the injury, and the amount of damages that were caused by the injury. The claimant shall cooperate with the manufacturer in its investigation of the circumstances of the injury and of the damages claimed as a result of such injury.

(b) Any person seeking to recover under this title from a manufacturer for injury caused by a product shall, where it is not possible for such person to identify the manufacturer, submit a claim for such injury to any manufacturer of a product that is functionally identical to and interchangeable with the product which caused the claimant's injury, if that manufacturer's product was available at the time when, and in the market in which, the product which caused the claimant's injury was purchased. The manufacturer shall provide the claimant with all necessary forms and a clear and comprehensive written explanation of the requirements for filing a claim. A claimant shall submit to the manufacturer all relevant information regarding that injury, including the date and time of the injury, the cause, nature and extent of the injury, and the amount of damages that were caused by the injury. The claimant shall also inform such manufacturer of the reasons why it is not possible to identify the manufacturer of the production which caused the claimant's injury. The claimant shall cooperate with the manufacturer in its investigation of the circumstances of the injury and of the damages claimed as a result of such injury.

PAYMENT OR REJECTION OF CLAIM

SEC. 203. (a) A manufacturer shall, within 75 days after a claim is received under section 202, determine whether it is liable for the injury complained of by the claimant.

(b)(1) If the manufacturer determines that it is liable for such injury, the manufacturer shall promptly make payment to the claimant for all damages payable pursuant to section 205 that have arisen to date from that injury, or enter into a binding agreement with the claimant for disposition of the claim.

(2) No agreement entered into under this subsection may preclude a claimant from recovering reasonable charges for reasonably needed and used or anticipated medical and rehabilitation services which exceed the amount agreed to be paid for such services in such agreement if the injury which is the cause of such charges was the result of the earlier injury which was the basis for such agreement, and occurred within three years after the date of such agreement. Any claimant who satisfies the requirements of this paragraph may submit to the manufacturer a claim for such charges, in accordance with the provisions of this title.

(c) If the manufacturer determines that it is not liable for such injury, the manufacturer may reject such claim, and shall give the claimant written notice of the rejection and the reasons for such rejection within 75 days after the date of receipt of the claim.

RIGHTS IN CASE OF REJECTION OF CLAIM

SEC. 204. (a) If a manufacturer rejects a claim submitted under section 202 solely because of a dispute over the amount of economic loss, the manufacturer shall pay the undisputed portion within 75 days. Thereafter, either the manufacturer or the claimant may initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by such Service. The procedure and rules of the Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings, and the findings and determination of the arbitrator shall be final and conclusive. No official or court of the United States shall have power or jurisdiction to review any such findings and determination, except where there is alleged fraud, misrepresentation, or other misconduct by one of the parties to the arbitration or the arbitrator and where there is a verified complaint with supporting affidavits attesting to specific instances of such fraud, misrepresentation, or other misconduct. The parties to the arbitration shall share equally in the payment of the fee and expenses of the arbitrator. The right to initiate binding arbitration under this subsection shall be a claimant's exclusive remedy where a manufacturer rejects a claim under this title solely because of a dispute over the amount of economic loss.

(b) If a manufacturer rejects a claim submitted under section 202 for any reason other than a dispute over the amount of economic loss, the manufacturer shall notify the claimant of his or her right to bring a civil action under this section, and the claimant may bring such an action to enforce the claimant's rights for all damages payable pursuant to section 205 that have arisen to date from that injury. Such an action must be brought within three years of the time the claimant discovered or, in exercising reasonable prudence, should have discovered the injury and its cause, except that any such action of a person under legal disability may be commenced within two years after the disability ceases. If the commencement of the action is stayed or enjoined, the running of the statute of limitations under this subsection shall be suspended for the period of the stay or injunction. The period of time during which a manufacturer is determining under section 203(a) whether the manufacturer is liable for the injury for which a claimant seeks recovery under this title is excluded in the computation of such three-year or two-year period.

(c) In any action brought under this section, the manufacturer is responsible to the claimant if the claimant establishes by a preponderance of the evidence that the manufacturer is responsible for the claimant's economic harm, in accordance with the standards set forth in sections 201 (a) and (b).

(d) Where a claim has been submitted under section 203(b)(2), and a manufacturer rejects the claim for any reason other than a dispute over the amount of reasonable charges for reasonably needed and used or anticipated medical and rehabilitation services, the manufacturer shall notify the claimant of his or her right to bring a civil action under this section, and the claimant may bring such an action to enforce the claimant's rights for all such charges. Such an action must be brought within three years of the date of such agreement.

(e) A claimant may bring an action under this section—

(1) in an appropriate court of the State in which the injury occurred, where the claimant resides, or where the manufacturer resides, and such action shall be governed by the provisions of this Act; or

(2) in the district court of the United States for the district in which the claimant resides or in which the injury occurred, in accordance with section 1332 of title 28, United States Code.

(f) If the claimant meets the requirements of subsection (c), the court shall enter an order enforcing the claimant's rights under this Act and shall also award reasonable attorney's fees and costs and interest on the amount of the payment equal to two percent per month for each month after the 75-day period specified in section 302(a) that the payment remains unpaid.

MANUFACTURER'S LIABILITY

SEC. 205. A manufacturer is liable only for economic harm, minus the total of the compensation paid or payable to the claimant by reason of the same damage to real or personal property or the same physical injury, illness or death from any other source, including any such compensation paid or payable under any governmental program or employee benefit plan, or pursuant to any private insurance policy or program or any prepaid medical benefit plan. Where the injury occurs in a situation that might entitle the claimant to workers compensation benefits, and it is not clear whether such benefits will be paid within the time for payment by the manufacturer specified under this title or what such benefits will be, the manufacturer shall pay all the claimant's economic harm, including that loss which might be reimbursable under workers compensation. The manufacturer shall then have a right, notwithstanding any other provision of law, to recover the amount of such benefits from the person who is obligated to pay or provide them, or from the claimant who actually received them.

FURTHER RESPONSIBILITY OF MANUFACTURER

SEC. 206. (a) If, after submitting a claim to a manufacturer under section 202, a claimant incurs further economic harm, the claimant may submit to that manufacturer additional claims for economic harm. Any additional claim shall include the information specified in section 202 regarding the further economic harm. The manufacturer shall, within 45 days after receipt of the additional claim, determine whether it is liable for the economic harm described in the claim and, if it determines that it is liable for such economic harm, promptly make payment to the claimant for all damages payable under section 205.

(b) If a manufacturer rejects a claim under this section solely because of a dispute over the amount of such economic harm, the manufacturer shall pay the undisputed portion within 75 days. Thereafter, either the manufacturer or the claimant may initiate binding arbitration proceedings

by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by such Service. The procedure and rules of the Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings, and the findings and determination of the arbitrator shall be final and conclusive. No official or court of the United States shall have power or jurisdiction to review any such findings and determination, except where there is alleged fraud, misrepresentation, or other misconduct by one of the parties to the arbitration or the arbitrator and where there is a verified complaint with supporting affidavits attesting to specific instances of such fraud, misrepresentation, or other misconduct. The parties to the arbitration shall share equally in the payment of the fee and expenses of the arbitrator. The right to initiate binding arbitration under this subsection shall be a claimant's exclusive remedy where a manufacturer rejects a claim under this section solely because of a dispute over the amount of economic loss.

(c) If a manufacturer rejects the claim for any reason other than a dispute over the amount of such economic harm, the manufacturer shall notify the claimant of his or her right to bring a civil action under this section, and the claimant may bring such an action to enforce the claimant's rights to recover for such economic harm.

(d) In any action brought under this section, the manufacturer is responsible to the claimant if the claimant establishes by a preponderance of the evidence that the manufacturer is responsible for the claimant's economic harm, in accordance with the standards set forth in section 201(a) and (b).

(e) A claimant must bring any civil action to recover damages under this section within three years after the date of the manufacturer's final payment for economic harm, except that any such action of a person under legal disability may be commenced within two years after the disability ceases. If the commencement of the action is stayed or enjoined, the running of the statute of limitations under this subsection shall be suspended for the period of the stay or injunction. The period of time during which a manufacturer is determining under this section whether the manufacturer is liable for the economic harm for which a claimant seeks to recover under this section is excluded in the computation of such three-year or two-year period.

(f) A claimant may bring an action under this section—

(1) in an appropriate court of the State in which the injury occurred, where the claimant resides, or where the manufacturer resides, and such action shall be governed by the provisions of this Act; or

(2) in the district court of the United States for the district in which the claimant resides or in which the injury occurred, in accordance with section 1332 of title 28, United States Code.

(g) If the claimant meets the requirements of subsection (d), the court shall enter an order enforcing the claimant's rights under this section and shall also award reasonable attorney's fees and costs and interest on the amount of the payment equal to two percent per month for each month after the 45-day period specified in subsection (a) that the payment remains unpaid.

REIMBURSEMENT OF MANUFACTURER

SEC. 207. (a) Any manufacturer who had paid a claim for injury caused by a product under this title may seek and obtain contribution, reimbursement or indemnity from any other person (other than the claimant's employer) whose failure to exercise reasonable prudence was a proximate cause of the injury complained of by the claimant.

(b) In addition, with respect to a claim paid pursuant to section 201(b), a manufacturer may recover from any other manufacturer of a product that if functionally identical to and interchangable with the product of the manufacturer who paid such claim, if the product of such other manufacturer was available at the time when, and in the market in which, the product which caused the claimant's injury was purchased. The court shall apportion the recovery among all such manufacturers on an equitable basis.

(c) A manufacturer may seek such contribution, reimbursement, or indemnity—

(1) where a claim was paid pursuant to section 201, in the appropriate court of the State in which the injury occurred, and such action shall be governed by the provisions of this Act;

(2) where the requirements of section 1332 of title 28, United States Code, are satisfied, in the appropriate district court of the United States; or

(3) where payment was made as a result of a final judgment in a civil action under this title, in the court which had jurisdiction over such civil action.

Unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the claimant's employer nor the employer's insurer shall have any right of subrogation, contribution or indemnity against the manufacturer or product seller nor any lien on the claimant's recovery from the manufacturer or product seller.

REVIEW

SEC. 208. (a) Any party to an action brought in a State court under this title shall have the right to review of such action, in accordance with and to the extent provided by the laws of the State in which such action is brought.

(b) Where the highest court of a State has rendered a final judgment in a civil action brought under this title, any party to such action may, not later than 90 days after any such judgment is rendered, file a petition for review of such judgment with the United States Supreme Court.

(c) Where a final judgment has been rendered in a civil action brought in a Federal court under this title, any party to such action may, not later than 90 days after any such judgment is rendered, file a petition for review of such judgment with the United States court of appeals for the circuit in which such judgment was rendered.

DEFINITION

SEC. 209. As used in this title, the term "economic harm" means—

(1) actual damage to real or personal property other than the product itself;

(2) reasonable charges for reasonably needed and used medical and rehabilitation services;

(3) lost earnings attributable to the claimant's inability to work after injury;

(4) expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those a claimant would have performed, not for income, but for the benefit of the claimant's family, if the claimant had not been injured; and

(5) lost earnings of a deceased person who suffered injury from use of a product which, if the person had not sustained a fatal injury, would have been contributed to claimants who are entitled to receive benefits by reason of such person's death under the law of the place where the deceased person resided.

In calculating lost earnings under this section, account shall be taken of any Federal, State or local income taxes which would have been applicable to such earnings.

TITLE III

RESPONSIBILITY OF A MANUFACTURER IN A PRODUCT LIABILITY ACTION

SEC. 301. A manufacturer is liable under this title if the claimant establishes that the injury complained of was the result of the failure of the manufacturer in the product liability action to exercise reasonable prudence, except that, if State law so provides, a manufacturer is liable to the person without regard to fault if—

(1) when the product left the control of the manufacturer, it deviated in a material way (A) from the design specifications, formula, or performance standards of the manufacturer, or (B) from otherwise identical units manufactured to the same manufacturing specification or formula; or

(2) the product did not conform to an express warranty made by the manufacturer and the failure of the product to conform to such warranty caused the plaintiff's harm.

STATUTE OF LIMITATIONS

SEC. 302. Any claimant must bring a civil action to recover damages pursuant to this title within three years of the time the claimant discovered, or, in exercising reasonable prudence, should have discovered the injury and its cause, except that any person under legal disability may bring such an action within two years after the disability ceases. If the commencement of the action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction. The period of time during which a manufacturer is determining under section 203(a) whether the manufacturer is liable for the injury for which a claimant seeks recovery under this section is excluded in the computation of such three-year or two-year period.

RESPONSIBILITY OF PRODUCT SELLERS

SEC. 303. A product seller shall be liable under this title to any plaintiff as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of the State in which the action is brought; or

(2) the court determines that the plaintiff would be unable to enforce a judgment against the manufacturer.

RELATIONSHIP OF CERTAIN ACTIONS UNDER TITLE II

SEC. 304. Evidence of actions taken by a manufacturer or product seller under title II shall not be admissible in any product liability action, except where there has been a final judicial adjudication of a product liability claim.

PREEMPTION

SEC. 305. (a) This title preempts State law regarding recovery for injury caused by a product to the extent that this title establishes rules of law applicable to a civil action brought against a manufacturer or product seller for injury caused by a product.

(b) All State procedures regarding recovery for any injury caused by a product shall apply to any action brought in any State court under this title, except that any State procedure providing a time limitation with regard to bringing such an action shall not apply to the action. The provisions of section 302 shall apply to such action.

FILING OF A PRODUCT LIABILITY ACTION

SEC. 306. An action filed under this title may be brought—

(1) in an appropriate court of the State in which the injury occurred, where the claimant resides, or where the manufacturer resides; or

(2) in the district court of the United States for the district in which the claimant resides or in which the injury occurred, in accordance with section 1332 of title 28, United States Code.

REVIEW

SEC. 307. (a) Where the highest court of a State has rendered a final judgment in a civil action involving interpretation or applicability of section 301, any party to such action may, not later than 90 days after any such judgment is rendered, file a petition for review with the United States Supreme Court. Such review shall be limited to consideration of issues related to such section.

(b) Not later than 90 days after a judgment is rendered in any action brought in a Federal court under this title, any party to such action may file a petition for review of such judgment with the United States court of appeals for the circuit in which such judgment was rendered.

REIMBURSEMENT

SEC. 308. (a) Nothing in this title shall affect the right of any manufacturer who has paid a claim under this title for injury caused by a product to seek and obtain contribution, reimbursement or indemnity from any other person whose failure to exercise reasonable prudence was a proximate cause of the injury complained of by the claimant.

(b) Unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the claimant's employer nor the employer's insurer shall have any right of subrogation, contribution, or indemnity against the manufacturer or product seller nor any lien on the claimant's recovery from the manufacturer or product seller.

Mr. DODD. Mr. President, today I am submitting legislation that would give people injured by products a simple alternative to a lawsuit for recovering damages. In essence, an injured person could recover damages for economic losses simply by filing a claim against the manufacturer and showing that the manufacturer's product was responsible for the injury and not the conduct of the injured person. Alternatively, the injured person could continue to seek traditional tort damages—economic, noneconomic and, where appropriate, punitive damages—if the person could meet the higher standard of proving that the manufacturer's negligence was the cause of the injury.

The amendment is the product of many months' work and extensive consultations with all involved parties, starting last summer when S. 44, the Product Liability Act, was scheduled for action on the Senate floor. At the time, I carefully studied the arguments of both the proponents and the opponents of S. 44 and concluded that both sides missed the mark.

First, I was not convinced by the proponents' arguments that the bill would have the effects they wanted. While one can make good arguments for uniform rules so that manufacturers who sell in 50 States will know what the rules will be everywhere, I don't think that uniform rules would have produced the results the supporters hoped for—fewer awards in bizarre accident cases and lower transaction cost. Judges and juries can and do stretch most factual situations to fit any legal rules when they are sympathetic to the plight of the injured party. There is no reason to believe that the provisions of S. 44 would have changed those reactions. Moreover, transaction costs would have remained high because they are the result of having to use the legal system to settle cases, not because lawyers have to spend a lot of time researching the law. Most trial attorneys spend the vast bulk of their time taking depositions and preparing the factual side of their cases. That would not change were S. 44 enacted.

Even if S. 44 had been enacted and achieved all of its objectives, it would have done little if anything to help people injured by products. That is the crux of my quarrel with both sides. Whatever the merits of the opponents' arguments, they have failed to offer a better alternative to the tort lawsuit to victims. The tort system is a very poor compensation system. It fails to pay a significant number of people we would all consider worthy of compensation; it grossly overpays people with small losses and sadly underpays those with the most serious losses; it takes too long to pay the people it does pay; and it is highly inefficient, paying more to lawyers and insurance companies than to victims.

Let me be more specific about the deficiencies of the tort system. In 1977, the Insurance Services Office produced a volume entitled "Product Liability Closed Claims Survey: A Technical Analysis of Survey Results," based on data from 24,452 survey forms from 23 major insurers about claims they processed between July 1, 1976, and March 15, 1977. This data is very revealing.

First, it shows that one-third of all claims were closed with no payment. While it is impossible to tell from the data how many of these people were "innocent" victims who most of us would think deserve a recovery, it is clear that many of these people would fit into the following categories of innocent victims: First, people who cannot identify the maker of the product (as, for example, where there is a long latency period before the injury manifests itself); second, people who are injured by a product where the manufacturer was not negligent, in States that do not apply a strict liability standard (or, in strict liability States, where the product's value to society is found to be greater than its risks); third, people who are injured by "unavoidably unsafe" products, a defense based upon the utility of the product to society as a whole, regardless of its effect on particular individuals (as in the DPT vaccine cases); and fourth, people whose negligence has made a minimal contribution to the injury, in the States that maintain the defense of contributory negligence.

Second, the pattern of recovery for those who prevail finds the amount of recovery as a percentage of the loss going down as economic losses rise. For example, the people with the greatest percentage recovery were those with economic losses between $1 and $1,000, who recovered an average of 482 percent of economic loss (the amount over 100 percent being for noneconomic damages). Technically, the highest recovery belongs to the second largest category of prevailing victims, those with no economic losses. Since this group's recovery averaged $804 a person, their percentage recovery was infinity.

Part of the reason for such high recoveries at such low levels of loss lies in the nuisance value of a claim, where it is cheaper for a company to pay a small amount in a questionable case than it is to fight the claim. Nevertheless, the survey did find that losses up to $100,000 were compensated on the average at more than 100 percent of economic loss.

After $100,000 of losses, the picture changes dramatically. People with losses over $100,000—those most demonstrably in need of compensation—were 2 percent of the victims, but they incurred 78 percent of the losses. On the other hand, they received only 32 percent of the payments. The disparity between losses and recoveries was most dramatic for the 10 people whose losses exceeded $1 million. Their net recovery, after subtracting their attorneys' fees, was only 6 percent. The following table, based on the ISO data, less one-third for attorneys' fees where losses exceed $2,000, gives a breakdown of losses and recoveries for all people who did recover (except for those with no losses):

Economic losses and recoveries for product liability injuries

Economic loss range	*Percentage recovery*
$1 to $1,000	482
$1,001 to $2,000	372
$2,001 to $3,000	239
$3,001 to $4,000	225
$4,001 to $5,000	318
$5,001 to $7,500	220
$7,501 to $10,000	186
$10,001 to $15,000	171
$15,001 to $20,000	161

$20,001 to $25,000	156
$25,001 to $50,000	134
$50,001 to $100,000	176
$100,001 to $200,000	43
$200,001 to $300,000	55
$300,001 to $400,000	39
$400,001 to $500,000	20
$500,001 to $750,000	11
$750,001 to $1,000,000	72
$1,000,000 and up	6

Almost as disturbing was the ISO finding that it took 5 years to pay the claim for the average dollar amount involved. For people who have inadequate other resources to pay for their medical and rehabilitation losses and their work losses—which is most of us—it is an unconscionably long time. Moreover, studies have shown that when rehabilitation has to be delayed, the degree of recovery is less than when the problem can be treated immediately.

Finally, the ISO data revealed that the tort lawsuit system is highly inefficient, paying lawyers almost as much as victims, before even taking into account the considerable overhead costs of insurers.

For all the reasons just discussed, the tort system is a poor compensation system. Because of its uncertainty and unpredictability, it is also of questionable value in deterring the production of unsafe products. Unfortunately, both sides of this debate so far have focused on how to tinker with the tort system to produce better results for their interests. I think they have missed the major point, the lawsuit system itself is the problem.

The amendment I am submitting today is designed to carry out four purposes:

First, to provide a faster system of assured but limited compensation of economic losses of innocent people injured by unsafe products;

Second, by placing limitations on damages in the compensation system, to encourage the production of useful new products by responsible manufacturers who take all possible precautions to produce a safe product;

Third, to retain the tort system to punish negligent manufacturers and to help determine carelessness by other manufacturers; and

Fourth, to reduce the overhead costs associated with the present lawsuit system and thus, hopefully, reduce the costs of consumer goods.

The legislation seeks to achieve these goals by giving injured persons a choice between seeking recovery for their economic losses in a speedy claims system with a lower standard of proof for recovery and seeking full tort damages—economic, noneconomic and, where appropriate, punitive—in a tort system in which they would have to prove that the manufacturer was negligent in producing the product.

In the claims system, a person injured by a product would simply file a claim for economic damages—medical and rehabilitation expenses as well as work loss, replacement services loss, and loss due to death—directly against the manufacturer of the product. If the injured person could not identify the manufacturer, he or she could file a claim against any manufacturer of a functionally identical and interchangeable product that sold the product at the time and in the market in which the product which caused the claimant's injury was purchased. The manufacturer would be liable to the claimant if the manufacturer's product was "unsafe and the unsafe aspect of the product was a proximate cause of the claimant's injury." The amendment defines a product as "unsafe" if it "causes the claimant's harm while the product is being used in a manner and for a purpose which was in fact anticipated by the manufacturer or which occurs so commonly among product users that the manufacturer may be assumed to have anticipated such use."

The amendment provides for four exceptions. The first—where the injury was caused by an "open and obvious danger" of the product—is designed to prohibit recovery there is a certain danger associated with the product, but one which is recognizable and obvious. Thus, for example, injuries from a sharp knife or alcohol or tobacco would be excluded. The other three exceptions all deal with the injured person's contributions. Thus, a manufacturer would not be liable where the injury, first, is caused by an alteration or modification of the product by the claimant; second, was the result of the claimant's assumption of the risk, or third, was caused by the gross negligence of the injured person.

Thus, innocent persons who cannot presently recover under the tort system would be entitled to benefits in the claims system—people who cannot identify the manufacturer of the product; people injured by an unavoidably unsafe product; people injured by a manufacturer who was not negligent, in a State without strict liability; and people whose conduct was slightly negligent, in a State with the contributory negligence doctrine. In addition, people who didn't want to wait 5 years to recover—or who couldn't afford to wait that long—could choose to file a claim against the manufacturer.

While a great deal of thought has gone into designing the "trigger" for recovery in the claims system, it may well be that hearings can produce an even better one. It seems to me that good arguments can be made for both contracting and expanding the number of defenses. For example, as a general proposition, once you limit a victim's recovery to only enough to make them whole again, you don't have to worry about people intentionally injuring themselves and so you can concern yourself less with the victim's conduct than the tort system does. On the other hand, there are some products that don't fit neatly into this scheme, such as pharmaceuticals which almost always are associated with some side effects. Particularly where the user makes a conscious decision to take a drug for some overall good and then suffers from the side effects that have clearly been warned about, it may not make sense to hold the manufacturer liable in that situation. I welcome comments on these and other issues associated with the defenses.

Once a manufacturer has received a claim, it has 75 days to determine whether or not to pay the claim. If it pays the claim, it is responsible for paying all the injured person's economic losses, except for those that the person can recover from other sources, such as private health insurance or worker's compensation. Thus, the claims system will provide for speedy payment; will pay people according to their losses, insuring adequate payment even where economic losses exceed $1 million; and will drastically reduce transaction costs, by eliminating attorneys' fees where there is no dispute as to the manufacturer's responsibility.

This requirement of certain payment in far more cases than a manufacturer would have to pay for under the tort system also will act as a significant inducement to a manufacturer to produce a safe product. Otherwise, the manufacturer will be at a considerable disadvantage vis-a-vis his competitor who produces a safer product.

If the manufacturer disputes the claim, the injured person may choose to sue the manufacturer in either the claims system or the tort system. If he or she chooses to stay within the claims system, with its lower standard of proof, then if the person provides the case, the recovery would be for economic damages, plus a 2-percent-a-month interest penalty, plus reasonable attorneys' fees and costs. Since a manufacturer would not only have to pay those costs but also its own attorneys' fees, obviously the manufacturer would have a strong incentive to simply pay the claim where it is a legitimate one.

An injured person could still decide to sue under the tort system, either initially or at the time of the rejection of a claim. Once a claim is paid, or the person seeks to recover through the residual judicial mechanism in the claims system, the person may not thereafter choose to sue in tort. Similarly, if a person files a tort lawsuit, he or she may not thereafter opt into the claims system. This approach permits the injured person to make the choice, but not to try to play both ends against the middle.

If the injured person chooses to sue under the tort system, the amendment makes his or her life both a little easier and a little harder. It would be easier in that the amendment mandates the use of a statute of limitations tied to when the person discovered or, in exercising reasonable prudence, should have discovered both the injury and its cause. On the other hand, the claimant in a design defect or failure to warn case would have to prove that the manufacturer was negligent. This requirement flows from the premise that a negligent manufacturer should be liable for economic, noneconomic, and where appropriate, punitive damages in order to punish him for his reckless conduct but, as between an "innocent" victim and an "innocent" manufacturer, one who did everything possible to produce a safe product but failed, the innocent victim should recover but only for economic losses (the option available through the claims system).

I have received a number of comments as to what changes should be made in existing tort laws. Some have argued for making it easier for injured persons to recover while others have argued for further restrictions to reduce the use of the tort system. Again, I would be interested in comments as to whether the tort provisions in the amendment are appropriate or whether provisions should be added or dropped.

I am firmly convinced that this approach will produce a swifter, more equitable system of compensation without in any way reducing the incentives for manufacturer to produce safe products. In fact, the obligation for a manufacturer to pay victims in more cases, coupled with the right to sue in tort, should actually provide a better deterrent than the present system.

Mr. President, I am hopeful that this proposal will shift the debate on product liability away from reform of the tort system to a search for better ways to compensate victims while still punishing negligent manufacturers. As I indicated earlier, this amendment is the product of many people's thinking and over 5 months of work. The writings of Prof. Jeffrey O'Connell and Guido Calabresi were extremely helpful as were the specific comments on various drafts by the consumer, labor, and business communities. While many still question whether this legislation is the best way to go, I want to thank all of them for their comments because they made it a far better amendment than it otherwise would have been. But the time for prediscussion is over. It is now time to introduce the amendment and see what the reactions are.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD at this point, and that the amendment be printed as a Senate amendment.

There being no objection, the analysis was/ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 101, Short Title, states that the Act may be cited as the "Product Manufacturers' Responsibility Act of 1985."

Section 102, Findings and Purpose, cites the tremendous number of consumer products that are sold in interstate commerce and the significant variations from State to State as to what constitutes a safe product and what warnings dangerous products must carry. The findings also state that these variations and the uneven application of these laws both reduce incentives for manufacturers to produce safe products and deny people with similar injuries substantially similar benefits.

Section 102 cites the purposes of the Act: (1) to establish uniform standards for safe products and for recovery for injuries from unsafe products as an alternative to the present system and (2) to improve manufacturer incentives for producing safe products by providing a system of speedy and certain recovery for all innocent persons injured by unsafe products.

Section 103, Definitions, sets forth the meaning of definitions relevant to the operation of the legislation.

Section 104, Responsibility for Injury Caused by a Product, contains provisions dealing with the exclusivity of the remedies set forth in this Act, the nature of the choice between the alternative remedies, and the duty of manufacturers and attorneys to inform victims of these choices and the ramifications of each choice.

Subsection (a) sets forth the general proposition that the provisions of this Act are the sole bases for recovery for an injury caused by a product. There are two exceptions. First, a victim could seek recovery from some other source that is obligated to pay for his or her injury, such as a private health plan, workers compensation or Social Security. Second, the Act would not apply to disputes between businesses where there is no personal injury, such as where a machine sold by Company A to Company B misoperates and damages Company B's property.

Subsection (b) says that a person injured by a product shall have alternative systems through which to seek recovery: one, a claims process against a manufacturer and, two, a lawsuit. This subsection further states that if a person files a claim under Title II and then receives payment from the manufacturer (or files a lawsuit to force payment where the manufacturer refuses to pay the claim), the person may not thereafter file an action for damages from the same injury, illness or death under the lawsuit alternative contained in Title III.

The subsection also provides that if a person files a product liability action under Title III, that person may not thereafter file a claim for damages from the same injury, illness or death under the claims alternative contained in Title II.

In effect, a person injured by a product may seek recovery from one system or another but may not play both ends against the middle. If he or she files a lawsuit, then that person must accept the consequences of the decision. The person may not thereafter opt into the claims system if things are not going well in the lawsuit. On the other hand, a person is not locked into the claims system until payment is actually made, the point at which the injured person gets what he or she bargained for by entering the claims system. If such payment is not forthcoming, the person may choose either to seek economic and noneconomic damages (and, where appropriate, punitive damages) in a tort lawsuit pursuant to the provisions of Title III or seek the lesser economic damages authorized through the claims system in Title II where the injured person's standard of proof would be substantially lower. Once that choice is made, the injured person would be locked into the system chosen.

Subsection (c) sets forth the information manufacturers and attorneys must give injured persons when they go to one or the other to seek damages. In essence, manufacturers and attorneys would be required to give the injured person the information that they might not wish to volunteer on their own. This information is designed to be sufficient to enable a person to understand the elements of the two options and the consequences of choosing one or the other.

Section 105, Relationship to Other law, deals with how this law would interact with other laws. Subsection (a) provides that the Act shall not apply where recovery is permitted under any Federal law, other than the Federal Employees Compensation Act, the Longshoremen's and Harbor Workers' Compensation Act and any governmental program or employee benefit plan. The last two exceptions are designed to avoid the anomalous result of denying recovery to people who could secure such things as Social Security Disability Insurance benefits because of an injury caused by a product.

Subsection (b) provides that this Act shall not apply where an environmental protection law provides for recovery from injuries, where there is a right to such recovery under the common law of a State, or where any law provides a recovery from a release into the environment or the threat of release into the environment, of a toxic substance or waste, hazardous substance or material, hazardous waste or other contaminant or pollutant.

Section 106, Effective Date, provides that this Act shall take effect six months after the date of enactment.

TITLE II

Section 201, Responsibility of a Manufacturer upon Submission of a Claim, sets forth the situations in which a manufacturer is liable to an injured person in the claims system. In general, the concept is that as between an "innocent" victim and an "innocent" manufacturer, the manufacturer should bear the loss, to the extent of paying compensation for otherwise uncompensated economic losses. Thus, the manufacturer's conduct, in terms of the degree of care in manufacture, is irrelevant, but the injured person's conduct is relevant to the extent that it relates to that person's "innocence."

Specifically, subsection (a) provides that a claimant is entitled to recover damages if the manufacturer's product was "unsafe and the unsafe aspect of the product was a proximate cause of the claimant's injury." The subsection goes on to define a product as "unsafe" if it "causes the claimant's harm while the product is being used in a manner and for a purpose which was in fact anticipated by the manufacturer or which occurs so commonly among product users

that the manufacturer may be assumed to have anticipated such use." In part, it is designed to hold the manufacturer liable not only where a person was injured under circumstances that the manufacturer actually foresaw but also where the use of the product was so common that one can impute knowledge of the manufacturer. Thus, for example, a manufacturer would be liable not only where a defective toy injured a child who was using it in a proper manner but also where the child was throwing it against the wall. On the other hand, the manufacturer would not be liable if a 47 year old attorney dropped the toy from the top of a tree and its fall injured a young child below.

In addition, it is designed to reach nonnegligent conduct of a manufacturer when the injury arises from a hazard that wasn't known or knowable when the product was made but the product caused the injury while it was being used in the fashion actually anticipated or that could reasonably have been anticipated by the manufacturer. For example, it also would cover illnesses that occurred in the workplace where materials used in the workplace proved to be carcinogenic.

The subsection provides for four exceptions to the general rule. Exception number (i) relates to the nature of the product. There would be no recovery when the injury was caused by an "open and obvious danger" of the product. This exception is intended to address situations where the danger is an inherent characteristic of the product that would be recognized by the ordinary persons who uses or consumes the product. Thus, a person injured by cutting himself on a sharp knifeblade or while under the influence of alcohol would not be able to recover from the manufacturer of the knife or the alcohol. This defense would not apply to products in the workplace. Further, this doctrine is to be distinguished from the patent danger rule, where the danger is not inherent. This exclusion does not apply in that situation.

The other three exceptions all deal with the injured person's conduct. Thus, an injured person cannot recover if his or her injury (ii) was caused by an alteration or modification of the product by the claimant, (iii) was the result of the claimant's assumption of the risk (where a person knows of a danger but takes the risk anyway, as contrasted with where a risk is assumed but there is no real option, as, for example, where a person drives on a flat tire in order to get out of the desert, only to have the car crash because of the flat tire. That is not an "unreasonable" use of the product that would result in a denial of recovery), and (iv) was caused by what is tantamount to gross negligence on the part of the victim. There is no societal reason for compensating such conduct.

Subsection (b) deals with claims situations where the injured person cannot identify the manufacturer. In that situation, the person may submit a claim to any manufacturer of a product that is "functionally identical to and interchangeable with" the product which caused the claimant's harm. In turn, that manufacturer may seek to recover from other manufacturers of such a product who sold their products at the time and in the market in which the product which caused the claimant's injury was purchased. This provision addresses one of the biggest problems with today's tort system, the lack of redress for a victim who cannot identify the maker of the product that injured him.

Section 202, Submission of a Claim, describes the information an injured person must submit to a manufacturer in order to file a formal claim. The required information should be enough for a manufacturer to determine whether its product caused the injury and the amount of damages involved.

Section 203, Payment or Rejection of a Claim, gives the manufacturer 75 days to determine whether it is responsible for the injury and, if so, to pay the claimant's economic losses or enter into an agreement with the claimant to dispose of the claim. Should the parties make an agreement, it would be binding except for any medical losses not anticipated in the agreement that arise from the same injury or illness during the three years after the injury. This exception is consistent with the objective of making people whole. If a manufacturer rejects a claim, he must notify the claimant within 75 days and indicate the reasons for the rejection.

Section 204, Rights in Case of Rejection of a Claim, sets forth the legal procedures available to an injured person whose claim has been rejected.

Subsection (a) provides that if a claim is rejected solely because of a dispute as to the amount of economic loss, the manufacturer must pay the undisputed portion and then either the manufacturer or the injured claimant may initiate binding arbitration procedures through the Federal Mediation and Conciliation Service. The parties cannot choose to seek judicial redress instead of arbitration.

Subsection (b) provides that if a claim is rejected for any reason other than a dispute over the amount of economic loss, the claimant may bring an action to recover economic losses. Such action must be commenced within three years of the time the claimant discovered or, in exercising reasonble prudence, should have discovered the injury and its cause. There are exceptions for situations where a person is under a legal disability, where commencement of the action is stayed or enjoined and during the period when a manufacturer is determining whether or not to pay the claim.

Subsection (c) provides that in that proceeding, the manufacturer is responsible to the claimant if the claimant establishes by a preponderance of the evidence that the injury qualified for recovery under the standards set forth in Section 201 (a) and (b).

Subsection (d) provides that if a claimant brings an action for medical losses that exceed those provided for in an agreement, the claimant must bring such action within 3 years of the date of the agreement.

Subsection (e) provides for traditional venue requirements for court actions.

Subsection (f) provides that if the claimant meets the burden of proof, the court shall award the claimant economic damages plus reasonable attorney's fees and costs and an interest penalty of 2 percent per month for each month the claim remains unpaid after the 75 day period for payment.

Section 205, Manufacturer's Liability, provides that a manufacturer is liable only for an injured person's economic harm, less the amount of compensation that has been paid or is payable to the claimant for the same injury, illness or death from any other source (such as Social Security disability, workers compensation, and private health plans). In order to avoid delays in payment in a possible workers' compensation situation, section 205 requires that where it is not clear whether workers compensation benefits will be paid in a timely fashion or what such benefits will be, the manufacturer shall pay the loss that might be compensable by such benefits and then have a right to recover those benefits from the person obligated to pay them or from the claimant who actually receives them. This provision will prevent the injured person from being caught in the middle.

Damages are defined in this way because the objective of the claims portion of the amendment is to provide speedy compensation of economic losses, to make the injured person whole, so that the claimant can get on with life. If the claimant believes the manufacturer was negligent and wishes to sue for noneconomic damages and punitive damages, then he or she may do so under the lawsuit provisions of Title III.

Section 206, Further Responsibility of Manufacturer, addresses the situation where a claimant incurs further economic harm after having already submitted a claim. In that situation, the claimant may submit a claim for the further loss and the manufacturer has 45 days to pay or dispute the claim. If the claim is disputed solely over the question of the amount of damages, then either party may seek arbitration. If the claim is disputed for any other reason, the claimant may bring a civil suit. If the claimant meets the standards set forth in section 201(a) and (b), the court shall make an award of the economic damages, plus reasonable attorney's fees and costs and an interest penalty equal to 2 percent per month for each month payment is delayed beyond the 45 day period.

Section 207, Reimbursement of Manufacturer, addresses the situations in which a manufacturer who pays a claim may seek contribution, reimbursement or indemnity from another person. In general, a manufacturer may seek such reimbursement from any other person (other than the claimant's employer) whose failure to exercise reasonable prudence was a proximate cause of the injury.

Where the manufacturer pays a claim in an injury case where the specific manufacturer has not been identified, that manufacturer may recover from any other manufacturer of a product that is functionally identical to and interchangeable with the product of the manufacturer who paid such claim, if the product of such manufacturer was available at the time and in the market in which the product which caused the claimant's injury was purchased. The court is instructed to apportion the recovery among all such manufacturers on an equitable basis.

This section also sets forth the appropriate courts of jurisdiction and generally bars a manufacturer from seeking reimbursement from the claimant's employer or the employer's insurer.

Section 208, Review, sets forth the appropriate reviewing courts for lawsuits brought under this section.

Section 209, Definition, defines economic harm to mean (1) actual damage to real or personal property other than the product itself, (2) medical and rehabilitation losses, defined in such a way as to prevent unreasonable charges or unnecessary services, (3) lost earnings, (4) substitute services for a person who doesn't work, and (5) lost earnings of a deceased person which that person would have contributed to the claimants. Lost earnings are to be net earnings, what the injured person would have received after federal, state and local income taxes were subtracted.

TITLE III

Section 301, Responsibility of a Manufacturer in a Product Liability Action, sets forth one of the few changes that the amendment makes if a person pursues a lawsuit under state common law and statutes. It provides in essence, that where a product lawsuit is based on a design defect or failure to warn, the plaintiff would have to prove that the defendant was negligent in order to recover. This requirement flows from the premise of the amendment that the "innocent" manufacturer, the one that makes every effort to produce a safe product but fails to do so, should pay any injured person for economic losses only and that such claims should be processed under Title II of this bill. Title III requires a showing of manufacturer fault because it is designed primarily to carry out the tort law objectives of punishing careless or irresponsible behavior and, through such punishment, deterring other manufacturers from engaging in similar behavior. A person who is injured by the negligence of a manufacturer would, under Title III be able to bring the full wrath of the tort law down on the manufacturer.

Section 302, Statute of Limitations, provides that a person must bring a lawsuit within three years of the time the claimant discovered or, in exercising reasonable prudence, should have discovered the injury and its cause. This statute of limitations follows the strong developing trend in the States to address the problem of long latency diseases, where the illness may not manifest itself for years after exposure and where, even then, the person may not yet know the cause of the illness.

Section 303, Responsibility of Product Sellers, addresses the situation where an injured person cannot serve process on a manufacturer under the laws of the State in which the action is brought and where the court determines that the plaintiff would be unable to enforce a judgment against the manufacturer. In those two cases, subsection (e) makes the seller of the product liable to any plaintiff as if the seller were the manufacturer of the product.

Section 304, Relationship of Certain Actions under Title II, provides that no evidence of a manufacturer settling a claim under Title II may be admissible in a Title III action, with one exception. This approach is taken because the issues are different and because admissibility of such evidence could well discourage manufacturers from paying claims. On the other hand, if a manufacturer contests a claim under Title II and there is a judicial adjudication of responsibility, any element of a judgment from that proceeding that addressed the same issues involved in a later Title III proceeding would be admissible.

Section 305, Preemption, makes it clear that only the negligence standard, the liability of product sellers, and the statute of limitations provisions would preempt state law.

Section 306, Filing of a Product Liability Action, indicates where such an action may be brought: (1) in an appropriate court of the State in which the injury occurred, where the claimant resides, or where the manufacturer resides; or (2) where there is diversity among the parties, in the district court of the United States for the district in which the claimant resides or in which the injury occurred.

Section 307, Review, sets forth the appropriate reviewing courts for lawsuits maintained under Title III.

Section 308, Reimbursement, provides that nothing contained in this section shall affect the right of any manufacturer who has paid a claim to seek reimbursement under state law from other responsibile persons.

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will hold a joint hearing with the Committee on Environment and Public Works on the subject of Government Global Foresight Capability. The hearing has been rescheduled for Tuesday, April 30, 1985 at 9:30 a.m. in room SD-342 of the Dirksen Senate Office Building.

For further information, contact Marion Morris of the subcommittee staff at 224-4161.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a full committee meeting in executive session on Tuesday, March 26, 1985 to consider S. 408, a bill to provide program levels and authorizations for programs at the Small Business Administration for fiscal years 1986, 1987, and 1988. The markup will begin at 11:30 a.m. in room 428A of the Russell Senate Office Building. For further information please contact Bob Dotchin, staff director, at 224-8494.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON DEFENSE ACQUISITION POLICY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Defense Acquisition Policy of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 19, to hold a hearing on permissible employment and activities of former DOD employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Labor, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, March 19, 1985, to conduct a hearing on the oversite asbestos claims facility.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to meet during the session of the Senate on Tuesday, March 19, 1985, to conduct a hearing on the impact of technology and research on agricultural policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel, of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 19, 1985, to receive testimony on military retirement in review of the fiscal year 1986, Department of Defense military authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 19, 1985, to receive testimony on the fiscal year 1986 military construction authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 19, in closed session, to hold a hearing on fiscal year 1986 intelligence budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 19, in a closed briefing on Nicaragua, Code Word Level.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IMPROVED PEACE PROSPECTS IN NORTHERN IRELAND

● Mr. LAUTENBERG. Mr. President, on the occasion of the celebration of St. Patrick's Day, I have joined in cosponsoring three Senate concurrent resolutions which address the distressing situation in Northern Ireland: Senate Concurrent Resolutions 4, 26, and 27. They call for the appointment by the President of a special envoy to Northern Ireland, a ban on the use of plastic or rubber bullets by British security forces, and an end to political and terrorist activity by the Ulster Defense Association.

These resolutions represent a very important effort by the Congress to

break the stalemate that currently exists in the volatile region of Northern Ireland, where more than 2,000 persons have died in violence in the past 10 years. There can be no winners, only losers, if the present situation in Northern Ireland continues. No easy solution to the Northern Ireland problem exists. But the United States, as a friend of both the Government of Great Britain and the Republic of Ireland, must play a more active role in helping our two friends reach a settlement.

Sending a special envoy to Northern Ireland, to help establish terms for a dialog between the two countries, deserves the support of Members of Congress. Such an initiative clearly falls within the U.S. tradition of other peacemaking efforts. It is consistent with our interest in promoting peaceful negotiations rather than violence.

Some progress toward this goal has been made in 1984. A most promising initiative was begun with the New Ireland Forum. But, we must find new initiatives in 1985 to accelerate the dialog and develop concrete proposals for peace. I am disappointed that Prime Minister Thatcher apparently rejected the New Ireland Forum report at her last summit meeting with Prime Minister Fitzgerald. In her speech to Congress in February, Prime Minister Thatcher conveyed a more receptive tone. Now is the time for her to demonstrate that her speech represented more than an appeal to the Congress and that she is prepared to follow with concrete proposals. The summit meeting between Mrs. Thatcher and Irish Prime Minister Fitzgerald in November 1984 showed a willingness to lessen the divisions of Northern Ireland. But some practical means must be found to bring about a meaningful dialog.

Banning the use of plastic or rubber bullets by the British security force, and outlawing the Ulster Defense Association, may provide just the impetus needed to embark on serious talks. Plastic bullets are not used anywhere in the world but Northern Ireland. These bullets seriously injure, maim and disfigure innocent citizens of Northern Ireland. Elimination of their use would lessen the tension there and lower the level of violence.

Banning the operations of the Ulster Defense Association would be another important practical and symbolic step. This organization has become a sponsor of terrorism. Mr. President, terrorist activity is abhorrent in all its forms. Americans in Beirut, and many other spots around the world, have suffered at the hands of terrorists. This violence is brought home to us again and again in our newspapers and on our television screens. We must condemn terrorism wherever it occurs. The Ulster Defense Association continues to operate as a terrorist organization in Northern Ireland and should be outlawed.

Mr. President, the United States should play a constructive role in resolving the difficulties in Northern Ireland. Violence is not the answer. The resolutions I am cosponsoring call for specific steps by the British and United States Governments to create a climate of reason where bargaining and dialog can take place in good faith rather than distrust. I urge my colleagues to approve these resolutions at the earliest possible date.●

WHEN THE TRUTH IS TOLD

● Mr. LUGAR. Mr. President, I would like to share with all of my colleagues a reading from the book, "When the Truth Is Told: A History of Women's Culture and Community in Indiana, 1875–1950," by Darlene Clark Hine of Purdue University. Dr. Hine is the author of this project to recover the heritage of black women in the Midwest.

Dr. Hine is the director of the Black Women in the Middle West project and she has been aided by hundreds of volunteers throughout Indiana and Illinois. The purpose of the Black Women in the Middle West project is to recover the heritage of black women in Illinois and Indiana by collecting, cataloging, and preserving their photographs and documents. The project grew out of the Indianapolis Chapter of the National Council of Negro Women between 1978–80.

Black women have been the backbone of our society in so many ways, which will now be known. It is important and timely for us to look at the role of black women in this country. Because of the importance of this project I ask that the following section of Dr. Hine's book be entered into the record.

I encourage my colleagues and their staffs to aid in this important project by forwarding any information they have to Dr. Darlene Clark Hine, department of history, Purdue University, West Lafayette, IN 47907.

The reading follows:

WHEN THE TRUTH IS TOLD: A HISTORY OF BLACK WOMEN'S CULTURE AND COMMUNITY IN INDIANA, 1875–1950

PREFACE

The collective experiences, lives and contributions of individual black women in America have been written in small print on the back pages of our historical consciousness. Only dimly lit memories of larger than life heroines such as Harriet Tubman, Sojourner Truth and Mary McLeod Bethune rescue black women from total historical oblivion. Not all women, particularly black women, aspired to make a major imprint on the recorded canvas of American life and culture.

Most black women in small villages, towns and cities simply endeavored to help improve the lives of those blacks within their local spheres. Thousands of faceless female builders and nurturers of black people need and deserve to have their story told. Black women have been with few exceptions omitted from standard American history textbooks and social studies curriculum both in high schools and colleges. Thus black women in a very real sense, are an historical enigma. No one seems to know quite what to make of them.

Scholars generally have found it most convenient to ignore black women and to deny to them a distinct historical presence. Moreover many books in black history focus almost exclusively on the trials, tribulations and exploits of black men creating subtle yet devastating distortions in recording of black experiences. Indeed, while we know quite a lot about the institution of slavery, for instance, our knowledge of the experiences and adjustments black women made under the peculiar institution is negligible. Likewise although much has been written concerning the importance of the black church and the struggles of civil rights organizations, no one has explored in depth the role black women played within these institutions.

Decades of scholarly neglect and oversight contributed greatly to the small amount of collected manuscript sources and archival data pertaining to black women. As a double minority, that is being black and female, too many black women have regarded the records of their work and life experience as possessing little historical significance. Unfortunately, assumptions of their historical irrelevancy have been reinforced by the general disinterest evidenced by the scholarly community. This is not to say, however, that abundant primary source material does not exist. To the contrary, black women managed to preserve scattered records and memorabilia of their lives and women's club work activities on the local and national levels. A great deal of this material remains buried away in attics, basements, closets and in scattered yellowed-with age scrapbooks.

In late summer, 1980 Shirley Herd, a former grade school teacher in Indianapolis, Indiana, and president of the local section of the National Council of Negro Women, contacted me with an intriguing request. Herd, Virtea Downey and several black women club members has spent three years collecting bits and pieces of information from black women across the state of Indiana. These modern day club women had originally planned to write the history of black women and their organizations in Indiana. They had even secured a grant from the Indiana National Bank after having piqued the interest of Jean Lamm, a black women vice president for public relations at the bank. Upon surveying the data amassed, however, Herd, Downey, Lamm and others decided to enlist the assistance of a professional historian.

My initial hesitancy at assuming responsibility for the writing of a history of black women and their organizations in Indiana soon disappeared. Nevertheless, agreeing to write a book proved to be the easiest part of the task which they explored me to perform. I interrupted my research on the history of blacks in the medical profession and spent weeks reading books on Indiana history and on women's history. Before me loomed the challenge, how does one begin to construct a history from tattered bits of paper, old photographs, torn souvenir booklets, undated newspaper clippings, indecipherable club notes over a hundred years old, dues and rent receipts and endless lists of names?

In struggling to discern the meaning of their lives from the fragments of their records I began to see a kaleidoscopic picture of countless black women over the decades working, fighting, praying, teaching and nurturing a race held hostage by white prejudice and discrimination. I conducted a series of revealing interviews with remarkable black women including my own grandmother, ranging in age from 67 to 92, in an effort to probe even deeper into the story I was charged to write.

Their comments and the hours of discussion sharpened my own consciousness and ultimately helped me to accept the fact that I could not at this point write it all but that I could, at least, make a beginning and help to remove part of the shroud of ignorance and blindness which obscures and impedes our understanding of the odyssey of black women at least in Indiana. They spoke the eloquent truths of their lives with honesty and simplicity and challenged me to write accordingly . . .

This small volume represents one historian's attempt to shed some light onto the heretofore unexplored history of black women in Indiana. More than this, however, this volume owes its existence to the dedication, hardwork and driving force of the black club women of the Indianapolis section of the National Council of Negro Women. A great deal more could be written about black women's culture and community in Indiana. There is a need for further discussion on the black women and the black family, the economic role and professional development of black women, to name only a few topics. This volume, due to restraints of space and time, concentrates primarily upon the organizational work of black Hoosier women with special emphasis on the period between the end of the Civil War to 1950 . . .●

VFW VOICE OF DEMOCRACY SCHOLARSHIP WINNER: KRISTIN LINDHOLM

● Mr. DANFORTH. Mr. President, I have the great honor of announcing to my colleagues the selection of Miss Kristin Lindholm of Kansas City, MO, as the winner of the 38th Annual Voice of Democracy Scholarship competition of the Veterans of Foreign Wars.

Kristin's essay was chosen from more than 300,000 5-minute broadcast scripts on the theme "My Pledge to America" submitted by students in high schools across the Nation and abroad. As the winner of this coveted award, Kristin will receive a $14,000 scholarship for her college education.

Kristin is a senior at Center High School. She is president of the school's National Honor Society and president of the speech team. She is an award-winning competitor in interscholastic debate.

Kristin's essay expresses a sense of responsibility toward our great country and the world at large. It expresses in stirring language the idealism, the optimism and the commitment of this generation of young Americans.

It is with pride in Kristin Lindholm's accomplishment and enthusiasm for the great things which she and her contemporaries will accomplish that I ask that the text of Kristin's winning entry in the VFW's 38th Annual Voice of Democracy Scholarship Program be entered in the CONGRESSIONAL RECORD.

The essay follows:

MY PLEDGE TO AMERICA

One of my most vivid memories of kindergarten is the day when I finally recited the Pledge of Allegiance, by memory, without any mistakes. I was very proud of myself, but my pride stemmed more from my memorization skills than from my understanding of the significance of making a pledge to my country. I did not realize that a pledge is not a recitation; it is a solemn promise made by a dedicated person who translates the words into his actions. By the time I was mature enough to understand this, I had moved into upper grades, and the school day no longer began with the Pledge of Allegiance. Without that daily requirement, I stopped giving a pledge to my country. For too long, I have taken for granted the priceless opportunities and freedoms that my country has given me, and I have given little in return. Therefore, I need to make a new, unique pledge—my pledge to America.

The members of many organizations pledge themselves to uphold traditions, to work during the present and for the future, and to make a strong commitment to the organizations' welfare. I too decided to make that three-part pledge to America, beginning by pledging to uphold my country's traditions. My rich American heritage began over 200 years ago when the colonists dreamed about shaping America into a country where the power to govern came from the people. Adlai Stevenson, once the U.S. Ambassador to the United Nations, wrote, "America . . . is the first community in which men set out to institutionalize freedom, responsible government, and human equality". Through the efforts of George Washington, Thomas Jefferson, Abraham Lincoln and many others, America became the democratic world leader that she is today. I gladly pledge myself to uphold the ideal and history of America.

One part of a pledge is upholding the past, but pledges are useless unless they demand present action and future commitments. I pledge to serve my country now and to prepare myself for the future. Although, as a student, I do not vote or pay taxes, I can still support my country through my present actions. I can exercise my constitutional rights by keeping informed about important issues and voicing my opinions by letter or petition to my government representatives. In addition, I can provide important volunteer service for my community. Through service clubs, I have worked for the Salvation Army, Special Olympics, and a school for autistic children. By serving the people of America, I am serving America herself. Working for my country now is extremely important; but, as nationally acclaimed inventor Charles Kettering once said, "We should all be concerned about the future because we will have to spend the rest of our lives there." For my generation, preparing for the future is critical, because soon America's future will rest in our hands. We must educate ourselves about our government and our future responsibilities as tax-paying, voting citizens. As an individual, I also must realize my potential so I can make a significant contribution to my country's welfare.

Finally, I pledge myself to make a strong commitment to America. If I do not take my pledge seriously, then it is worthless. Words are easy to write and even easier to say, but acting upon those words is much harder. I cannot pledge myself to America and then put off my service and education until later or completely forget about them. If I do, then I am guilty of apathy, perhaps the greatest threat to democratic America.

Instead of indifference, I want to give my country action. Therefore, I pledge myself to uphold America's traditions, to work during the present and for the future, and to commit myself to fulfilling this solemn promise. My pledge can make a difference in my goals and actions and possibly the goals and actions of others as well. After all, in the words of Henry Emerson Fosdick, "Democracy is based upon the conviction that there are extraordinary possibilities in ordinary people". I intend to unlock some of my extraordinary potential by giving and living my pledge to America.●

SUPPORT FOR THE NONCOMMUNIST RESISTANCE IN CAMBODIA

● Mr. KENNEDY. Mr. President, once again war is raging in Cambodia, forcing nearly a quarter million Cambodian civilians to flee their homeland and take refuge in Thailand. During the past few months Vietnam, which has occupied Cambodia since 1979 with an army of approximately 170,000 troops, has attacked and overrun Cambodian resistance camps near Cambodia's border with Thailand. The Vietnamese first attacked the camps of the nationalist Khmer People's National Liberation Front of former Prime Minister Son Sann, then those of the Communist Khmer Rouge, and they have now besieged the stronghold of a smaller group loyal to Prince Norodom Sihanouk. Most of the resistance forces, as well as the civilian population under their control, have taken refuge in Thailand.

The renewed fighting and the depopulation of Cambodia by the Vietnamese occupation army has aroused little outrage or even concern here in the United States. The bitter memory of our tragic military involvement in Indochina has made many Americans want to forget about that area and to distance ourselves from its current problems. Moreover, the situation in Cambodia is complicated by the fact that one part of the Cambodian resistance is led by the notorious Khmer Rouge Communists, who carried out massive atrocities against the Cambodian people under the Pol Pot government.

Nevertheless, we should not forget that there is another alternative to the Vietnamese-dominated Heng Samrin regime in Phnom Penh and the Chinese-supported Khmer Rouge. The non-Communist KPNLF has demonstrated an ability to win the support of the Cambodian population in the areas that it controls. Moreover, its guerrilla forces have been growing in number while those of the Khmer

Rouge have been declining, despite the much greater material support which the KR has received from China. Although its camps in Cambodia have been overrun by the Vietnamese, the KPNLF guerrilla army was able to escape with its weapons and to regroup in Thailand.

As in Afghanistan, the Cambodian people are the victims of a foreign Communist aggressor which is ruthlessly trying to subjugate and depopulate their country to further its own strategic goals. No less than the Afghan freedom fighters, the KPNLF deserves our moral, political, and material support. We must not forget them.

I request that three articles describing the recent fighting in Cambodia be inserted in the RECORD. The first by Elizabeth Becker on the non-Communist resistance was published in the Washington Post on January 13. The second by William Shawcross appeared in the Los Angeles Times on January 20. And the third is a March 6 Washington Post report by William Branigin on the Vietnamese attack against the last remaining resistance camp inside Cambodia.

I also request that the December 1984 preliminary report of the Lawyers Committee for International Human Rights on "Human Rights in Kampuchea" be inserted in the RECORD.

The material follows:

[From the Washington Post, Jan. 13, 1985]

CAMBODIA'S NON-COMMUNISTS FIGHT BACK

(By Elizabeth Becker)

Indochina got back on the front page last week, thanks to a particularly bloody Vietnamese attack against a Cambodian encampment near the Thai border. This story is no longer compelling to Americans, who—humiliated by defeat—left the region a decade ago. But the fighting goes on, and—irony of ironies—it has taken a turn in Cambodia that Americans only dreamt of during the years of their involvement.

It wasn't just any Cambodians the Vietnamese attacked so brutally. It was the camp of a group called the Khmer People's National Liberation Front, which, despite a name that evokes the Vietcong, is a nationalist, non-communist faction of apparently increasing strength and popularity. They are one of the two principal armies fighting Vietnam's six-year occupation of Cambodia. The other belongs to the Khmer Rouge. All last year the Vietnamese said the chief obstacle to their joining in peace talks was the continued presence of the murderous Khmer Rouge. But recent events demonstrate that Vietnam is not interested in peace negotiations and that its greatest political concern is not the Khmer Rouge but this nationalistic alternative to all forms of Indochinese communism.

The KPNLF has become the "third force"—neither communist nor corrupt—that Americans searched for during all the years of their involvement in Indochina. Graham Greene's Quiet American died for the third force. Until the end in 1975 some American officials dreamt of its emergence to save the region, and particularly Vietnam, from communism. Now, without any military support from Washington, the KPNLF has arisen to play that role in Cambodia.

That the KPNLF has become a crucial target for Hanoi's forces is beyond question. Since they opened fire on Cambodian resistance camps in late December, the Vietnamese have virtually ignored the militarily superior Khmer Rouge in order to shell and burn the military camps and civilian villages of the KPNLF.

The KPNLF army is barely two-thirds the size of the Khmer Rouge armed forces; it is ill-equipped; it has no major foreign power backing to insure its survival above all other Cambodian factions.

In spite of this, or perhaps because of it, the KPNLF have nonetheless proven themselves in the past two or three years to be the greatest political threat to Vietnamese plans to entrench its client state in Phnom Penh. Something akin to a role reversal has occurred in this third Indochina war being fought in Western Cambodia.

Whereas in the first and second Indochina wars communist guerrillas captured the mantle of independence against foreign occupation and won admiration for persevering in spite of all odds, the small KPNLF is beginning to win a similar reputation in Cambodia.

If the current war was strictly between the Khmer Rouge and the Vietnamese imposed regime of Heng Samrin, the odds would be far better for Hanoi. It would then be a simple contest between two vying wings of the same Cambodian communist party. The people of Cambodia would have the narrow choice between Pol Pot's brand of Khmer communism, which led to the death of well over one million Cambodians, or the Vietnamese-style communism now administered through the Heng Samrin regime that makes Cambodia a near-colony of Vietnam.

But Son Sann, the leader of the KPNLF, refused to leave Cambodians such limited choices. A former prime minister of Cambodia in the '60s, Son Sann organized the KPNLF around a platform espousing democratic ideals, a free, independent, nonaligned Cambodia and a sense of nationalism tied to Buddhism. Unable to get support from non-communist powers, the KPNLF has had to rely on the Chinese. Peking gives the lion's share of its military assistance to its long-time ally the Khmer Rouge and gives the leftovers to the KPNLF.

Perhaps because of this abandonment the KPNLF has surprised all sides and made deep inroads in occupied Cambodia, becoming, in many respects, the Cambodian faction the others have to discredit. Although it is small comfort, the punishing, brutal Vietnamese attacks against their camps over the past month are a tribute to the success the KPNLF has had undermining the Vietnamese occupation.

There is proof plenty that the KPNLF rather than the Khmer Rouge are the chief political opponents at the moment of the Vietnamese occupiers and their Cambodian client—the Heng Samrin government.

The jails of the Samrin regime are filled with KPNLF followers, or people suspected of supporting the KPNLF, not with Khmer Rouge. On the contrary, the Samrin regime has shown extraordinary leniency towards the Khmer Rouge to whom they offered a clemency program requiring no more than one month's re-education before they are welcomed back into the fold. They are seen as wayward communists who need only be shown "the true path", as the Minister of Justice said, before becoming citizens with full rights in the Samrin regime.

The KPNLF, on the other hand, represent an entirely antagonistic political alternative. Over a year ago, the Vietnamese stepped in to eliminate suspected KPNLF followers in the northwest and countermanded the orders of the representative of the supposedly independent Samrin regime.

When the Vietnamese or the Heng Samrin regime are criticizing the KPNLF they say that there is nearly no difference between the KPNLF and Pol Pot's people. The Vietnamese are capitalizing on the KPNLF's entering into a loose coalition for more than two years with the Khmer Rouge and the tiny forces led by Prince Norodom Sihanouk. They were pushed into the coalition in a politically pragmatic move urged on them by foreign powers—China, Thailand and the U.S.

Everyone has changed sides so often in the continuing war for Cambodia it is easy to get lost in the thicket. Only one leader—Son Sann—has refused to completely change sides and join the enemy. Prince Norodom Sihanouk, the most famous of Cambodians, has changed sides so many times he has come to represent little more than himself and a vague Khmer nationalism. He fought against the Khmer Rouge when he was leader of Cambodia but when he was deposed in 1970 he went over to the Khmer Rouge side and used his considerable reputation to encourage Cambodians to come with him.

The Khmer Rouge rewarded him by putting Sihanouk under virtual house arrest after they came to power and announced their own government. Yet today, Sihanouk is far closer to his Khmer Rouge associates in the coalition than to Son Sann, whom he openly distrusts.

The Heng Samrin regime is led by and filled with Khmer Rouge who fought under Pol Pot and helped run his horrible regime. They joined with the Vietnamese when it was clear that they were next in line in Pol Pot's execution lists.

It is within this muddy, bloody context that Son Sann stands out even further. During the civil war, from 1970 to 1975, Son Sann refused to support either the criminally corrupt and inept regime of Lon Nol's Khmer Republic or its enemy, the communist front of the Khmer Rouge nominally headed by Sihanouk. As a result, Son Sann was threatened with arrest by Lon Nol, snubbed by the U.S. Embassy in Phnom Penh and threatened with death by Sihanouk in Peking.

A man of the 'third force' with no side to support, Son Sann returned to Paris and the life of an obscure exile whose mind is fixed on events in his homeland. When the Vietnamese were looking around for a candidate to head a puppet regime should they overthrow Pol Pot, they sent an intermediary to Son Sann to ask if he would join them. Son Sann said no, largely that two wrongs would not make a right and that he was opposed to any plans for a Vietnamese occupation of Cambodia even if it would mean the end of the monstrous Pol Pot regime.

When the Vietnamese succeeded, Son Sann moved from Paris to a base on the Thai-Cambodian border and set about transforming a tired band of refugees, newly arrived overseas Cambodians and young recruits into a military and political resistance force.

Through painstaking effort the KPNLF's army and political staff grew despite enemies on all sides. When Son Sann's army started in 1979 it had some 1,000 members. The Khmer Rouge, under Pol Pot, had

nearly 80,000 soldiers. The Vietnamese occupation force numbered 200,000.

Yet today the numbers are revealing. Pol Pot's Khmer Rouge, despite the vastly superior aid, number around 35,000 soldiers while Son Sann's KPNLF is thought to be between 15,000 and 20,000 soldiers.

Their appeal and propaganda reach deep inside Cambodia and into the government. KPNLF operatives have their own impressive intelligence network. When Cambodians defect from the Heng Samrin regime, dejected that the Vietnamese are still in control of the country, they join the KPNLF forces if they decide to remain involved in their country's war.

The KPNLF is overshadowed, however, by the chimera of the Third Force of Vietnam, by the extraordinary fame of Sihanouk and the battlefield reputation of the Khmer Rouge. Son Sann, a former financier who is supremely self-confident and patient, is, however, uncharacteristically modest and shy for the leader of a guerrilla movement.

Son Sann's unlikely demeanor and his age of 73 years undoubtedly contributed to the early and consistent American position to refuse granting military aid to the KNPLF. Son Sann expected the opposite. But the U.S. would have no part in his military plans. The Carter administration decided to give its tacit support to the rearming and regrouping of the Khmer Rouge under Pol Pot. They saw no future for the KPNLF. The Khmer Rouge, on the other hand, were proven military leaders, fighters who could go head to head with the Vietnamese. Both armies benefitted from American aid to refugees along the border.

The Reagan administration continued the Carter policy although it has given greater political support to the KPNLF as it has grown in strength and influence. It was under the Reagan administration that China, the U.S., and the Association of Southeast Asian Nations (ASEAN) put unresistable pressure on Son Sann to join in a coalition with Sihanouk and the Khmer Rouge. Son Sann believes he was promised military support from the U.S. in return for joining this unholy alliance but that support never came.

But the U.S. has abdicated its military interest in the Indochina region to China. The Chinese are responsible not only for nearly all the armaments sent to the Cambodian factions fighting the Vietnamese but Peking is also the major guarantor of direct military assistance should Thailand be attacked by Vietnam in the midst of the current war.

Morover, it appears that the lesson the U.S. believes it has learned from the last Vietnam War is that in Indochina communists are better fighters than non-communists. The Pentagon has repeatedly fought against any American military assistance to another 'third force' in Indochina, particularly not to the KPNLF.

Although that decision went against Son Sann's wishes, the results may have been to the benefit rather than the detriment of the KPLNF. If history is any judge, the KPNLF has done far better without U.S. military assistance than those resistance groups who received American aid. One need only remember the Kurds, the anti-Castro Cubans and the rebels in Angola who received direct or indirect American aid so long as an American enemy could be bled by their forces but lost that aid when Washington found their resistance inconvenient.

Some of the Cambodians in the non-communist resistance are keenly aware of the high price of American military assistance. They are veterans of the corrupt Lon Nol regime which from 1970 until its defeat in 1975, was underwritten by the U.S. Up until the last weeks the U.S. gave uncritical support to Lon Nol despite all evidence that he was losing the war through corruption and neglect as surely as the Khmer Rouge were winning it.

For all of these reasons American military assistance to the KPNLF is not the automatic answer some have put forth. The KPNLF has emerged as the most independent Cambodian force fighting in what could be seen as a three-cornered war for Cambodia. The Khmer Rouge are discredited not only for their murderous regime but for their long-standing allegiance to and dependence on China. The Vietnamese call them a puppet of China and the Cambodian people see a germ of truth in the charge. Of course the Heng Samrin regime is regularly called a puppet of Hanoi, a charge that also sticks.

The KPNLF, the orphans of the war, cannot be portrayed as any country's client. True, the resistance does depend on the expensive goodwill of Thailand for a safe haven and dependable supply route; and without Chinese military supplies it would have languished with little chance to prove its military ability. Moreover, by joining in the loose coalition with Sihanouk and the Khmer Rouge, the KPNLF has tainted its reputation. But compared to the other groups fighting in the war, the KPNLF can hardly be accused as acting as a stand-in for a major foreign power.

Son Sann is adamant that he is not interested in massive military aid, nothing that even vaguely resembles the scale of aid given the old Lon Nol regime. He is equally uninterested in the American interference that went along with the aid. Rather, he has a modest shopping list of equipment he wants shipped to his troops—nothing more or less.

It is questionable whether the U.S. is capable much less willing to give even limited supplies without demanding a price that would diminish the appeal of the KPNLF.

As of this week, the question is of utmost importance. The Vietnamese have destroyed all of the major KPNLF camps including their headquarters at Ampil. Moreover the Vietnamese have changed tactics. Besides destroying camps, they have stationed themselves in what appear to be permanent bases smack up against the border to prevent the KPNLF from returning to Cambodia. The Vietnamese apparently want to cut off the KPNLF from their routes inside Cambodia—routes they have used successfully to harass Vietnamese troops, organize their followers around the country, gain new recruits and circulate propaganda against the Vietnamese occupation.

Those KPNLF activities have proved too effective against the Vietnamese occupiers. They hope to stamp out the non-communist resistance and leave the Cambodians with the choice of either the Khmer Rouge or their Heng Samrin regime.

The next stage is crucial. Have the non-communists suffered a military defeat that will leave them incapable of regrouping and expanding? How should the U.S. and other sympathetic powers respond without jeopardizing the KPNLF? Is the KPNLF the last gasp of the dream of a third force or has it emerged as the powerfully attractive independence fighters that somehow survive foreign occupiers as other Indochinese guerrillas before them, including those who fought with Ho Chi Minh?

[From the Los Angeles Times, Jan. 20, 1985]

WAR, DISRUPTION, DEATH: CAMBODIA'S ENDLESS AGONY

(By William Shawcross)

LONDON.—Along the Thai-Cambodian border right now, close to 200,000 people are huddling from the sun by a tank ditch, their only shelter blue strips of plastic draped over sticks, their only food and water provided, like the plastic, by the United Nations every day. Their only expectation, more war, more disruption, more death.

They are Cambodian refugees, the latest Cambodian victims of two refusals. Vietnam's refusal to accept any compromise in its attempts to dominate all of Cambodia and the refusal of China, Thailand and their allies to let Vietnam get away unharassed with the sad little country that Cambodia has so long been and so long probably will be.

In April, Vietnam will be celebrating the 10th anniversary of its victory over the United States. Scores of U.S. reporters and TV crews have been invited. But the Vietnamese are unlikely to allow them to witness its failure to achieve a similar victory in neighboring Cambodia, where its five-year effort to suppress all opposition climaxed in recent weeks with massive attacks on the camps of the main non-communist resistance group, the Khmer People's National Liberation Front, or KPNLF, along the Thai border. These dry season attacks have become annual events, but this year the assault has been especially virulent.

Vietnam invaded Cambodia at the end of 1978 to overthrow its former allies, the Khmer Rouge. Their leader, Pol Pot, had ruled Cambodia with appalling brutality since April, 1975. More than 1 million of Cambodia's 7 million people are thought to have died under their rule. The Khmer Rouge also continually attacked Vietnamese positions and villages over the country's mutual, long-disputed border. It was this, not the abuse of human rights within Cambodia, which persuaded the Vietnamese to invade.

After the Vietnamese army drove the Khmer Rouge from Phnom Penh, Vietnam installed a puppet government. This regime, headed by Heng Samrin, a former Khmer Rouge officer, is still in power, sustained by between 160,000 and 200,000 Vietnamese troops. But although Hanoi and its new ally control most of Cambodian countryside and population, the resistance to them appears to be growing.

This is because for many Cambodians liberation from the Khmer Rouge in 1979 has now become occupied by the Vietnamese. The Heng Samrin regime is far less brutal than the Khmer Rouge, which attempted to return Cambodia to what it called Year Zero, turning the country into a vast agricultural gulag.

Nonetheless, the Heng Samrin government is Marxist-Leninist and has become increasingly dogmatic since 1979. And real power is in the hands of the Vietnamese, who have advisers in every ministry and every provincial administration.

Now there are three resistance groups based close to or along the Thai border: the Khmer Rouge, the KPNLF and a group led by Cambodia's former ruler, Prince Norodom Sihanouk. They are linked in a loose coalition government led by Sihanouk. It is this government, not that of Heng Samrin, that is recognized by the United Nations. All three groups exist because supplies are brought through Thailand, which has pro-

tested most strongly the presence of Vietnamese troops in Cambodia. Thailand has always seen Cambodia as a buffer between it and Vietnam.

But the Khmer Rouge, with 35,000 troops, have a problem of recruitment. They are still widely feared. The KPNLF, by contrast, has no record of brutality. As a non-communist group, it attracts Cambodians disillusioned with both the Cambodian and the Vietnamese versions of communism.

The third group, also non-communist, is that of Sihanouk himself. It numbers only about 5,000 troops and is therefore less significant than the KPNLF.

Sihanouk is also by now a less effective leader than the leader of the KPNLF. This is Son Sann, a frail, modest 73-year-old former prime minister of Cambodia, who left the country in the 1960s because of his disagreements with the prince. Until the late '70s, Son Sann remained in exile in Paris. When the Vietnamese invaded Cambodia. They approached him to lead their puppet regime. Instead he began to try to construct his KPNLF out of the refugees who had fled to the Thai border. By the end of 1984, Son Sann had a force of about 20,000.

Son Sann, consistent and courteous, is an unlikely guerrilla leader. He maintains that U.S. officials promised him military assistance if he formed the coalition with the Khmer Rouge. If so, that promise has not been fulfilled.

The Chinese, Vietnam's principal enemy, have been generous with arms shipments to their Khmer Rouge ally and niggardly with the KPNLF and Sihanouk. So when the recent massive Vietnamese attacks, KPNLF forces were routed quickly from their settlements. They may have moral support from much of the outside world, but they do not have the means to defend themselves.

The Vietnamese have been at such pains to destroy the KPNLF bases and infrastructure precisely because of the KPNLF's political successes at home and abroad. After the first KPNLF camp was destroyed in November, the Heng Samrin regime's minister of defense sent a message of congratulations to the troops involved. He said they had "to a large extent succeeded in blocking enemy infiltration into the interior."

The Vietnamese have captured many KPNLF infiltrators. Indeed most political prisoners inside Cambodia are associated with the KPNLF. Captured Khmer Rouge prisoners, as strayed communist comrades, are treated remarkably leniently by the Vietnamese—one month's reeducation is standard. It is the KPNLF people who are tortured and killed.

Vietnam's other consideration is to destroy the credibility of the KPNLF internationally. The increasing political success of the KPNLF has been an important factor in enabling Western governments and the Assn. of Southeast Asian Nations to support the coalition in which the Khmer Rouge are the dominant military partners.

Whether the KPNLF will be able to grow must depend on the level of support it gets from the outside. Son Sann has appealed for more help from the United States—not large-scale military assistance as was given by Washington in the early 1970s with disastrous consequences to the right-wing regime in Cambodia, but for enough material so that his forces can better resist Vietnamese fire power. In recent days, KPNLF leaders have also said they may abandon their fixed bases along the Thai border in favor of guerrilla infiltration of Cambodia—just what the Vietnamese are trying to prevent.

Whether pressure from the front and the Khmer Rouge (whose camps have yet to be hit in the current offensive) will ever be enough to force the Vietnamese to a compromise is not clear. Vietnam has said that it will leave Cambodia only when "the threat from China" is lifted. That "threat" has been variously described as aid to the Khmer Rouge, assistance to resistance groups in Laos and military pressure along Vietnam's northern border with China.

Until and unless there is some sort of rapprochment between the Soviet Union, Vietnam's principal ally, and China, that seems unlikely to happen. For China, the present stalemate has obvious benefits. As for the Reagan Administration, it has been content to follow the Chinese line. All governments, including their own, have misused Cambodians for years now. There is no reason to suppose that this is about to change. But it is an issue which should remain at the forefront of the Vietnamese 10th anniversary celebrations.

[From the Washington Post, Mar. 6, 1985]

VIETNAMESE FORCES ATTACK LAST RESISTANCE STRONGHOLD IN CAMBODIA

(By William Branigin)

BANGKOK, March 5.—Vietnamese forces in Cambodia today turned their guns on the last resistance base still intact on the Cambodian side of the border with Thailand, attacking guerrillas loyal to Prince Norodom Sihanouk at a northern stronghold opposite the Thai village of Tatum, resistance and Thai military sources said.

The Thai military reported later that about 800 Vietnamese soldiers had crossed the border in the area of the fighting. Thai troops backed by artillery were battling to dislodge the intruders from three hills in Thai territory, the military said. No other details or confirmation were immediately available.

He said guerrilla defenders inflicted "quite heavy casualties" on the Vietnamese, who had not yet penetrated the camp's "first line of defense" about seven miles from its headquarters. Mealy said fighting also was going on farther inside Cambodia, about 17 miles from the Green Hill camp, and that guerrillas had found the bodies of some Vietnamese soldiers and taken their weapons.

Thai military sources confirmed that the Vietnamese had begun a long awaited operation against the camp but said they had no details of the fighting. No estimates of casualties on either side were available.

The Thai military charged that Vietnamese artillery shells landed in Thailand's Surin Province when gunners overshot the Green Hill camp.

Vietnamese shelling was also reported on Cambodia's western border with Thailand, north of the Thai town of Aranyaprathet. Refugees from Cambodian resistance settlements overrun earlier in the current Vietnamese offensive were forced to flee two evacuation sites and move farther into Thailand, according to reports from the border.

Since the Vietnamese began their offensive in November, they have overrun or forced the evacuation of all major border camps of the communist Khmer Rouge and the anticommunist Khmer People's National Liberation Front, the two largest factions in a three-party coalition of Cambodian resistance groups fighting the six-year-old Vietnamese occupation of their country. Sihanouk, 63, is president of the coalition.

Until now, the smallest faction, the Armee Nationale Sihanoukiste, loyal to the former Cambodian monarch, had been spared in the offensive. In a recent interview, Sihanouk said the Vietnamese either planned not to attack his forces in an effort to sow suspicions of a "secret deal" between him and Hanoi, or were merely saving his camp for "dessert" in their current campaign.

In launching a drive against the Sihanouk faction, which claims 10,000 fighters but poses no serious military threat to the Vietnamese, Hanoi's forces apparently hope to deny the resistance coalition any last claim to a "liberated zone" on Cambodian soil.

Since November, the Vietnamese have forced practically the entire 250,000 Cambodian population of this zone along the border to flee into Thailand. Those evacuated include about 32,000 civilians who fled Green Hill and nearby camps during Vietnamese attacks in April 1984 and gathered at a site called Camp David, about nine miles north of the border.

Currently, according to western relief officials and resistance sources, there are no civilians left in the Green Hill camp. Sihanouk has said the camp is defended by about 5,000 of his fighters, with the rest of his guerrilla force operating inside Cambodia.

Sihanouk is scheduled to return to Bangkok later this week from a tour of Australia and New Zealand, then fly to Canton, China. Sihanouk, whose uneasy coalition government is recognized by the United Nations, has called on Chinese leaders to relieve Vietnamese pressure on the resistance by teaching Hanoi a "second lesson," reminiscent of the 1979 Chinese invasion of several northern Vietnamese provinces.

Mealy said the "defense ministers" of the three resistance factions agreed in a meeting Sunday that Khmer Rouge and Khmer People's National Liberation Front guerrillas would aid the Sihanoukists if their Green Hill camp were attacked.

The attack came as Australian Foreign Minister Bill Hayden was preparing to visit Hanoi to seek a solution to the Cambodian conflict.

HUMAN RIGHTS IN KAMPUCHEA: PRELIMINARY SUMMARY OF FINDINGS AND CONCLUSIONS

December 1984

(Prepared by the Lawyers Committee for International Human Rights)

PREFACE

This interim report is based on a human rights fact-finding mission to Kampuchea [1] by the Lawyers Committee for International Human Rights. The mission, which took place from October 30 until November 14, 1984, was the first human rights fact-finding trip to that country in at least the past fifteen years. The delegation was led by Floyd Abrams, a partner in the New York law firm Cahill Gordon & Reindel who is a constitutional law expert and leading first amendment attorney. He was joined by

[1] We use the term "Kampuchea" to refer to the nation long known as Cambodia because the former denotation is common to both the People's Republic of Kampuchea, which controls the interior of the country, and the Coalition Government of Democratic Kampuchea, which controls border regions and holds the country's seat at the United Nations. We note that two of the three parties to the Coalation, the Khmer People's National Liberation Front, led by former Prime Minister Son Sann, and the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia, led by Prince Norodom Sihanouk, still refer to the country as Cambodia.

Diane Orentlicher, deputy director of Lawyers Committee, and Stephen Heder, an academic expert on Kampuchea.

The investigation focused on practices both in the interior of Kampuchea, in areas administered by the People's Republic of Kampuchea (PRK), which is led by Heng Samrin and supported by Vietnam, and in border regions administered by the Coalition Government of Democratic Kampuchea (CGDK).

Despite repeated requests by the Lawyers Committee to the government of the People's Republic of Kampuchea over a period of several months, the group was not granted permission to visit Phnom Penh and other areas under its control. Accordingly the delegation's investigation of practices in the PRK is based primarily on interviews with persons who recently fled from the interior to border regions which the delegates were allowed to visit.

The delegates were granted extensive access to areas controlled by the Khmer People's National Liberation Front (KPNLF), the larger of the two non-communist parties to the CGDK. For reasons of time and logistics, the group did not seek permission to visit areas administered by the other non-communist party to the coalition, which is led by Prince Norodom Sihanouk.

Mr. Abrams and Ms. Orentlicher were permitted to visit Malai-Makhoeun, an area controlled by Democratic Kampuchea (DK), which governed Kampuchea under the leadership of Pol Pot from 1975 until 1979. Mr. Heder was denied permission to visit this area. While in Malai-Makhoeun the two delegates met twice with Ieng Sary, who served as Foreign Minister under Pol Pot, and several other DK leaders. The delegation's conclusions about current conditions in DK areas are based on interviews with persons who recently fled its control, as well as information gathered during the visit of Mr. Abrams and Ms. Orentlicher to Malai-Makhoeun.

In addition to Kampucheans living in border regions, the delegates met with Kampucheans who had left the border areas and taken refuge in the holding center in Khao I Dang, Thailand, administered by the United Nations High Commissioner for Refugees. They also met with relief workers on the border who have daily contact with Kampucheans living near the border; officials of private and international organizations involved in the relief effort based in Bangkok; United States officials, including the U.S. Ambassador to Thailand, John Gunther Dean; journalists and others in a position to provide background information.

The overview they provided could not, of course, compensate for the gaps left by the delegates' inability to visit the PRK, and other limitations on their inquiry. Accordingly, the information they obtained is not comprehensive, even on the issue of current human rights conditions in Kampuchea. Nevertheless, a clear pattern of violations emerged from the individual testimonies that the mission judged to be reliable. Those patterns are the subject of this interim report.

A more complete report on the delegation's visit will be published by the Lawyers Committee in early 1985.[2]

[2] The final report will address human rights conditions in areas administered by the PRK, the DK and the KPNLF, respectively.

INTRODUCTION

Six years after the Vietnamese invasion precipitated the collapse of Pol Pot's regime, an era of retrospection over its exceptional brutality appears, most belatedly, to have begun. A serious film and a number of book-length accounts by journalists and academics have recently appeared or will soon be released, each attempting to deepen our awareness and understanding of the savage and tragic events that took place in that period. What occurred then involved mass murder on a scale rarely encountered in the history of mankind. To refer to those acts as "human rights" violations suggests anew the limitations of our language to describe the undescribable.

Violations of the nearly unprecedented scale and gravity of those committed in the mid-70's demand a full historical and legal accounting.[3] But in undertaking this investigation, our purpose was to examine the human rights of Kampucheans today, a subject that also deserves our attention.

The undertaking required us to overcome a pervasive reluctance within the international community to scrutinize current human rights problems in Kampuchea, problems that pale before the overwhelming brutalities of Pol Pot's rule but which are nonetheless all too real. The reticence is understandable, but at some point must stop holding away. The breadth of the violations that occurred under the DK regime justifies neither ignoring current realities nor concluding that nothing better or be hoped for Kampucheans.

CONDITIONS IN THE PEOPLES REPUBLIC OF KAMPUCHEA

The rule of law is not respected in any serious sense in the People's Republic of Kampuchea. For the hundreds or perhaps thousands of political prisoners who inhabit its jails, beatings are commonplace and more sophisticated forms of torture usual. Their rights suffer from the virtually complete absence of a functioning legal process. Persons suspected of supporting resistance activity are typically arrested without charges being made, imprisoned without being sentenced or convicted, and kept in jail for indeterminate periods.

Physical integrity

Persons detained on suspicion of supporting resistance activities are routinely tortured in the early weeks of their detention.[4] During interrogation sessions, denials of the interrogator's charges are simply not accepted. Instead, confessions are forced from recalcitrant prisoners.[5] One prisoner described an interrogation session in the following terms:

"When I arrived [at the prison in Battambang City] they asked me whether it was true or not that I was a Sereikar [i.e., non-communist resistance] agent . . . . And when . . . I said I was not a Sereikar agent, they beat me and used electric wire on me as well and I have marks in three places. I was beaten with a truncheon and a metal pipe which they had cut down to a length of about one meter so that it was easy to use, and they covered my head with a plastic bag of the type used here for containing rice. At that time, because I couldn't stand the pain, I let myself confess that I really was a Sereikar agent."

Beatings—with truncheons, metal pipes or rifle stocks—appear to be the most common form of torture. Several prisoners described how they were beaten while suspended from the ceiling, their arms trussed up behind their back. As the above-quoted testimony indicates, beatings are often supplemented with other forms of torture: electric shock; the "plastic bag" treatment; blowing lye powder in the prisoners' faces and tightening metal contraptions around their heads.

The beatings are often brutal. One former prisoner described his interrogator's response when he refused to indicate who was involved with him in resistance activities:

"While I was still stubbornly refusing to talk about my faction, the guy who had his foot up on the table kicked me right in the side, and I fell off the chair. And then he picked up the electric cable and whipped me on the back. And then he had me sit back up again, and then he said to me, 'I'm only going to ask you one more time, who's in this with you?' But I remained stubborn and wouldn't answer. And then he stomped on my instep with the boot, ripping open a wound, and I still have a scar. And he ripped off my shirt and then grabbed me by my chest hairs and pulled them out with such force that I was lifted up out of the chair, and I began to bleed . . . ."

In this and other cases, the delegates observed scars that backed up claims of torture.

Although we received few reports of prisoners dying as a result of torture, we heard many accounts of prisoners dying from malnutrition or untreated diseases. One prisoner held for 26 months at the Kandal provincial jail claimed that three prisoners had died of disease in that period, three more by hanging themselves, and two from beatings administered during interrogation. Other former prisoners routinely reported deaths in detention due to hunger or illness.

Arrest and detention

Among recently-released prisoners from various regions of the interior whom the delegates interviewed, a strikingly consistent pattern of arbitrary arrest, interrogation and detention emerged. Persons were taken into custody without warrant, formal charges, or any other form of legal process. At no time were they brought before a judge or other judicial authority. Indeed, the concepts had no meaning to the former prisoners who were interviewed. They were interrogated at some point within the first weeks of their detention, and the process of interrogation was typically repeated several times in the ensuing weeks or months.

Sentencing as such is rare in the PRK, at least with respect to political prisoners. The typical political prisoner begins detention with no idea how long it will last, and is enlightened on this point only by his actual release, often several years later.

Convictions by a judicial organ appear to be a rarity, afforded to only a select minority of prisoners in the interior. Although the PRK has established People's Revolutionary Tribunals to try cases, only one of the former prisoners interviewed by the delegation had been sentenced by such a tribunal. He was not present during the proceeding;

[3] The Cambodia Documentation Commission is, under the supervision of David Hawk, working toward such an accounting.

[4] While most—but not all—of the prisoners we interviewed admitted to some form of resistance activity, all were accused of it in the course of interrogation. We met no prisoner accused of a common crime. A recent defector from the Phnom Penh police force told us that such prisoners are also tortured.

[5] The prisoner testimony we received indicated that confessions served to avert harsh treatment during interrogation, but not to mitigate the length of detention.

he was advised of it afterward, but even he was not told how long his sentence would be.

A number of former prisoners, civil servants and police from the PRK were, however, aware of several public tribunal proceedings in important political cases in which sentences were broadcast by the government. Recent defectors from the Phnom Penh police force were also aware of secret tribunal proceedings in which lengthy prison sentences or executions were ordered in common criminal cases of a serious nature.

Prison conditions

During the early stages of detention, prisoners are frequently kept in foot shackles at all times when they are not actually being interrogated. One former prisoner described this condition in the following terms: "The shackles were attached to a cement platform about 300 centimeters high. My feet were placed through them and I sat on the ground with each foot held in shackles. There were ten of us shackled in there in two rows facing one another."

Another common experience during this period is being held in a "dungeon." These unlit, windowless cells typically form one section of a prison. In some, the "dungeon" is also "shackle cell." A prisoner held in "T-3," a prison in Phnom Penh, described his experience in the dungeon there:

"The [Vietnamese] led me into a dungeon which was about a meter and a half wide and two meters long. And at that point they put iron shackles on my feet, leaving my feet dangling off a platform. . . . They put me in with [another prisoner] and just left me there. . . . [T]his cell was No. 10, building A-3. . . ." [6]

After several months of detention in these cells, prisoners are usually transferred to "daylight" cells in the same prison to serve the bulk of their sentences; some are transferred to lighted cells in another detention facility apparently designed to hold long-term detainees.

For some, the only indication of their impending release is yet another, final transfer to a "correction" facility. One, known as Trapeang Phlong or "T-5," is located in the district of Ponhea Kraek, Kampong Cham Province, about 7 kilometers from the Vietnamese border, and is directly administered by the Ministry of the Interior.[7] Another correction facility, "T-4," reportedly exists at Prey Sa on the outskirts of Phnom Penh, and is administered by the Phnom Penh police.[8] Prisoners who spend time in such facilities engage in labor and undergo political instruction.[9]

Responsible authorities

A variety of administrative and military units in the PRK appear to be empowered to detain suspected offenders. Most prominent in the civilian sphere are the uniformed police, known in Khmer as the *nokorbal*, which operate under the authority of the Ministry of Interior. The Ministry apparently also operates a separate network of plainclothes police whose agents have authority to arrest suspects, particularly political suspects. Several military units also take suspects into custody; these appear to be particularly active in the countryside.

A substantial number of ranking administrative posts in the Ministry of Interior, the *nokorbal* and the plainclothes police are apparently held by Kampucheans who have spent much of their adult lives in Vietnam, and former cadres of Democratic Kampuchea's East Zone who sought refuge in Vietnam in 1978 to avoid being purged. Their duties and those of their subordinates are carried out with the close participation or supervision of "Vietnamese experts" (*chamneankar*). It appears that, at least Phnom Penh, Vietnamese security units sometimes take political suspects into custody on their own authority before turning them over to PRK administration. In the detention cases presented to us, Vietnamese personnel were often involved in the interrogation process as well, either directly or as observers.[10]

A striking indication of Vietnamese involvement is the designation of several prisons by the letter "T," followed by a number. When we asked prisoners what the "T" stood for, none knew. We later learned that it stood for "trai," a conventional Vietnamese communist party term for "(prison) camp."

"Going West"

We note that many of the recent arrivals from the interior left for reasons other than experiences of political persecution. Some had left because of quiet dissatisfaction with what they considered Vietnamese domination of Kampuchea or the political program of the PRK. Others left to escape military conscription or corvee-type labor. Perhaps the largest number had come to the border for primarily economic reasons: because of food shortages or to engage in trade. Still others came in search of relatives.

But if their reason for leaving did not entail political persecution, the act of leaving often did. Movement through the PRK is controlled by a pass system, and persons who are taken into custody because they lack the proper passes and are going westward—in the direction of non-PRK zones—are often presumed to be at least supporters of anti-PRK or anti-Vietnamese activities. Ordinary citizens apprehended in their journey west are generally detained briefly, and then sent home. Indeed, the only prisoner testimony we received in which torture was not mentioned involved such cases. Persons with governmental or military postings and others who for one reason or another are thought to support resistance activity are likely to undergo the experiences of arrest, interrogation, torture and detention described earlier.

With a recent escalation of military activities in Kampuchea, pass system controls seem to have tightened. Several recently released prisoners indicated that a substantial portion of the prison population consisted of persons apprehended whistled "going West."

CONDITIONS IN DEMOCRATIC KAMPUCHEA

To much of the world the word "Cambodia" evokes a single image: the mass, senseless murders of Pol Pot's Khmer Rouge. Though in control of the nation only three and one-half years, they left a deep and lasting scar on the world conscience. Serious estimates of the death toll range from one to two million; by any count, the brutalities represent a horrifying almost incomprehensible chapter in modern history.

Routed by the Vietnamese of 1979, the government of Democratic Kampuchea (DK), as the Khmer Rouge regime officially known, no longer controls the country. In 1979 its leaders retreated to regions near the Thai border, which now serve as the rear base of military activities against the Vietnam-backed government in Phnom Penh. These areas are also home to what is estimated to be several hundred thousand civilians, whom the DK authorities govern as residents of "liberated zones."

Today, in the areas we investigated, it would appear that the murderous practices of the mid-1970's are no longer the order of the day. But severely restrictive controls over daily life remain a pervasive reality of DK society, and allegations of occasional instances of brutality and deaths during detention persist.

Punishable offenses

Activities as personal as marriage and as simple as moving from one village to another are the subject of state control. Restrictions on these acts are enforced by terms of detention. Prisons in Democratic Kampuchea, which the authorities call "instruction halls," [11] are filled with hundreds

[6] Another former prisoner described his introduction to the dungeon at T-3 in strikingly similar terms:

"They handed me a set of foot shackles and led me off to the Ministry of the Interior section [of T-3]. And then they took me into a dark room known as A-6 which was really quite dark and it was maybe a meter and a half wide and there were two persons lying there, another guy and me. Immediately upon my arrival they unlocked the shackles and put me in them."

[7] T-5 is reportedly guarded by Vietnamese as well as Kampucheans.

[8] One prisoner described a brief period of detention at a place designated as a "correction facility" in S'ang, a district in Kandal Province, which he said was administered by Vietnamese. But unlike other accounts of correction facilities, this person's time in S'ang was not his final phase of detention.

[9] A prisoner held at the Bakan district prison in Posat Province also described political instruction, though he did not describe the facility as a correction center:

"We studied politics . . . [T]hey taught us that if we wanted to go West to the soil where the *para* [non-communist resistance forces] were there wouldn't be anything there for us to eat. They said if you go West you'll see that these *paras* are just the same as Pol Pot. . . .

[10] Thus, for example, one prisoner who was first arrested in April 1981 was interrogated in Prey Veng, the capital of the province of the same name, by a "Vietnamese expert" known as Deuk. During one interrogation session with Deuk, no Khmer were allowed to be present. The same prisoner was again arrested in Phnom Penh in January 1984. His arresting team included six "Vietnamese experts" from "7708," which he described as a sort of Vietnamese special branch unit in Phnom Penh. He was interrogated by a 7708 "expert" named Long.

[11] One recent defector described the political instruction in DK prisons as follows:

"There is political study in both [prisons] 80 and 81. A section of the Military Police goes in to give political instruction. The instruction consists of specific instructions like not to listen to the radio or have contact with foreigners, and things like that. More generally, the instruction consists of raising the problems of the prisoners' shortcomings. They also talk about the Resolution not to make Socialism or Communism again. And they say that 'those past events' and the loss of life that occurred during them didn't come about because of Ta Pol Pot, but because of persons infiltrated [by the Vietnamese]. They say that Ta Ti Muoy [literally 'grandfather number one' this term of respect refers to Pol Pot] is a good leader and a good man. They even give warnings that they will take into custody anyone who blames Pol Pot for what happened, because, they say, all of us are Khmers, and we should not blame one another."

of persons who vilolated such taboos as taking photographs or trading with the Thais.

The control extends to speech as well. According to one person who recently fled an area of DK control, offenses include "speaking out in any way that adversely affects the government * * * for example, people who say that Socialism will be made again.[12] He asserted that it is a serious offense to "attack the leadership" by saying that "things are being done the way Pol Pot used to do things." [13]

Ieng Sary described several instances in which persons had been jailed for making disparaging comments about the war effort against the Vietnamese. He said that it is a political offense to say things like "the [Vietnamese] are attacking no one and we won't be able to defeat them," or that "there's no point in dying in the fight because there's no way we'll ever win, that it's [KPNLF leader] Son Sann who is going to win * * *."

Another significant area of control involves contact with outsiders. One recent defector told us that it is a crime in the DK area he fled to "make contact with the Thai or with humanitarian organizations to talk about work matters, especially if the conversation is considered to have political implications." Other defectors made similar statements. Even such indirect contact as listening to the radio broadcasts of the noncommunist parties to the CGDK are proscribed.

Efforts to make contact with the Thai for purposes of trade appear to account for a significant portion of the prison population in DK zones about which we obtained information. Crossing the Thai border in order to leave DK control permanently is apparently regarded as a more serious offense.

Shortly before our visit, a group of 582 persons managed to escape Sector 32, and now live in a KPNLF camp at Samla. Fifty-eight people who attempted to flee with them were captured by DK authorities; some, but not all, of this group were reportedly detained for attempting to flee.[14]

During our visit to Malai-Makhoeun, we raised with Ieng Sary the matter of the 58 who were prevented from leaving. He promised to make an inquiry into their status, and to "do his best" to obtain permission from the "Battlefield Committee" with jurisdiction over them for them to join their families in Samla.

More generally, he denied that people are prevented from leaving or jailed for doing so. Acknowledging that persons caught trying to flee have been jailed, he said that they were detained for "political offenses" committed before leaving.

Against this background, we regard as a significant step the DK authorities' willingness to allow a human rights delegation to visit villages. Such acceptance of international scrutiny of human rights conditions would be welcome in any context; it seems a particularly significant gesture on the part of an authority that has placed strict controls on contacts between those it governs and the rest of the world. Our gratitude must be tempered, however, by the DK leaders' refusal to admit the entire delegation.

Physical security

While it is widely agreed by defectors that deliberate killing and torture are no longer common in the DK zones we investigated, it is frequently reported that some prisoners are sent to work in areas where mines pose a threat to life. Sources differ on the degree of intent involved, but tend to agree on the basic facts. Thus, one person held in a prison for minor offenders in Sector 32, a region under DK control, told us:

"While I was there, some of the prisoners who went out to work stepped on mines. Six stepped on mines, and three were killed and the three others were wounded. I don't know whether the guards intentionally had these six step on mines or not."

Another person held in the Sector 32 prison for minor offenders alleged that "prisoners who are hated are killed by putting a mine somewhere and then forcing the prisoners to work where the mine has been put. They do it this way so that no one can say that people are beaten to death and thrown out as garbage, like they were in Pol Pot times. This is done only to prisoners who are hated by the cadres, by the guards."

It seems clear that prisoners have been killed by mines in these areas where they were sent to work. When we presented these reports to Ieng Sary, he did not dispute this, but claimed that the deadly mines had been swept into areas where prisoners worked by a series of floods in the past year.

Perhaps the most that can be said about this practice is the view of one recent defector from Sector 32:

"I can't figure out whether they take prisoners out to work in areas where there are mines because they intend to kill them or just because of negligence. It's clear, however, that they know there are mines there and don't care."

The infrequency of such reported incidents suggests that state-sponsored killing is no longer the most important form of social control in the DK areas we investigated. In those areas there appears, in fact, to be a policy of restraint with respect to violations of physical security.[15]

Though we heard some reports of beatings during interrogation in one DK prison,[16] we were more often told that this does not take place. A knowledgeable recent defector from DK control told us that he had never heard of any beatings or any use of electric shock or use of plastic bags, that sort of thing. They don't do things like this because it would be politically counter-productive. According to what I understand, there are orders from above, circulars, prohibiting the use of torture.

Another source indicated that threats are employed during interrogation, even though torture may be rare.

It may well be that such threats, amplified by the implicit threat that memory cannot fail to supply, are sufficient to maintain the desired level of control. As one recent defector put it, "the only manifestation of opposition there has ever been is our escape."

The Lawyers Committee on International Human Rights is a public interest law center that promotes compliance with internationally recognized human rights law and legal principles. It was founded in 1975. Its Chairman is former federal judge Marvin E. Frankel, its Executive Director is Michael H. Posner and its Deputy Director is Diane F. Orentlicher.●

[12] This refers to repeated declarations by the DK leadership that it will never revert to its past policies of "Socialism" and "Communism."

[13] We also learned of one person who had been detained for "doing agitation in the ranks of the army" because he said that in another sector "things were freer, more liberal, while in Sector 32 things were being done Communist style."

[14] One week after the large group fled, a smaller group of some 60 people made an unsuccessful attempt to leave.

[15] These observations are limited to border areas under DK control that we investigated, and not to practices of DK soldiers fighting in the interior. Because we were unable to visit the interior, we could not investigate reports that DK soldiers have attacked civilians there in the past year.

[16] A person who had been detained at the Sector 32 prison for minor offenders ("Ta Seum's place") told us of reported abuses at the Sector 32 prison for major offenses ("Ta Chan's place"):

"There is said to be mistreatment at Ta Chan's place. For example, if, upon first arrival, you can't dig out the really big tree stumps they want you to dig out, they don't give you your food ration. Only when you finally get it out will you be fed. Also, at first there are said to be some beatings during interrogation, beatings aimed at getting you to tell them who it was that convinced you to run away. Sometimes, they say, the beatings lead to death. A friend of mine who was held there told me this. I also heard that there were others, but I don't know any other names. At Ta Seum's place, no one was ever beaten to death, or even beaten at all."

TRIBUTE TO RAOUL WALLENBERG

● Mr. SARBANES. Mr. President, more than 40 years have passed since the disappearance of Raoul Wallenberg, the extraordinary young Swedish diplomat who, by risking his own life, was able to save over 100,000 Hungarian Jews from Hitler's death camps. By issuing false documents, establishing houses of sanctuary, and bribing Nazi officials, Mr. Wallenberg rescued half the Jewish population of Budapest, leaving that city with the sole substantial surviving Jewish community in Europe.

Before he was able to see the liberation of the Jewish ghettos, however, Raoul Wallenberg was taken prisoner by the Soviet Army. As the war was ending, and Soviet troops entered Budapest, Mr. Wallenberg left the city for what he expected to be a meeting with Soviet officials about plans for the reconstruction of Budapest. Instead, he was taken to the notorious Lubyanka prison. The Soviet authorities at first denied any knowledge of the whereabouts of Mr. Wallenberg, later reversing themselves to assert that he had died of heart failure in prison in 1947. Despite this claim, for which the Soviets have never offered conclusive proof, there are persistent eyewitness reports that he may still be alive in a Soviet camp.

Mr. President, the tragic disappearance of Raoul Wallenberg must not be forgotten. To commemorate his great and noble service to humanity, I ask that the following articles paying tribute to Mr. Wallenberg be printed in the RECORD.

The articles follow:

RESCUER OF HUNGARIAN JEWS HAS BEEN MISSING FOR 40 YEARS

[From Wire Services]

BUDAPEST, HUNGARY.—Forty years ago this week, when the Soviet army began tearing down the walls the Nazis had erected to keep Jews penned inside the Pest ghetto, they found 69,000 Jews alive.

During the next few weeks, when they liberated a second ghetto and the Buda side of the city, another 50,000 Jews were found. After seven years of Nazi terror aimed at ridding the continent of Jews, the roughly 120,000 in Budapest represented the only substantial Jewish community left in Europe.

The Budapest Jews owed their survival largely to the courage of one man, a young Swedish diplomat named Raoul Wallenberg.

Per Anger, a colleague of Mr. Wallenberg at the Swedish Embassy in Budapest, credited him with saving the 69,000 Jews in the General Ghetto and 25,000 in the International Ghetto from extermination in the last desperate days when the Nazis fled before the Soviet army. The other 25,000 emerged from hiding in gentile homes, monasteries, convents and church cellars after the Soviet army occupied Budapest.

On January 17, 1945, Mr. Wallenberg disappeared while in the hands of the Soviet army. According to the Soviet Union, he died in 1947 in Moscow's notorious Lubyanka prison but witnesses reported having seen him in Soviet prison camps as recently as 1972.

Because some people believed he still lived, Mr. Wallenberg was among 79 candidates for the Nobel Peace Prize in 1982.

Mr. Wallenberg, a member of a prominent Swedish banking family, was 31 in the summer of 1944 when the neutral Swedish government selected him for a special assignment.

Backed by a seemingly limitless supply of money from Sweden and the United States, he was to save as many Budapest Jews as possible from the German extermination camps by issuing Swedish passports and establishing houses, protected by the Swedish government, for Jews.

Mr. Wallenberg, chosen for that unusual job because he was not a career diplomat, designed his own yellow and blue Swedish passport, an impressive document that had no validity but awed German and Hungarian bureaucrats, as intended.

When Mr. Wallenberg arrived in Budapest, Adolf Eichmann's Jewish Affairs Department of the Gestapo had begun to exterminate the last pocket of Jews in Nazi Germany's occupied territories.

The Gestapo, supported by a new government of Hungarian fascists known as the Arrow Cross, was ready to begin deporting Budapest's jews. Eichmann earlier had been able to get priority over the German army in requisitioning train cars to ship Jews to Auschwitz. But that now was impossible.

Undaunted, he decided to march 27,000 Jews through freezing rain 120 miles to Austria, where they would be used as slave laborers.

Mr. Wallenberg managed to bully and bluff Nazi guards on those death marches into releasing thousands of Jews with Swedish passports, even if the passports were issued on the spot.

In December, 1945, with the Soviets on the outskirts of Budapest, Eichmann decided to massacre the Jews in the General Ghetto and those in the International Ghetto—protected by Sweden, Switzerland and the International Red Cross—before fleeing to Germany.

He did not have time to carry out his plans but abandoned the Jews to the Arrow Cross men and women.

Mr. Wallenberg, who had moved from the Swedish mission on the Buda side of the Danube River to the lawless streets of Pest to be closer to "his" Jews, bribed and bullied Hungarian fascists into refraining from a general massacre along the lines planned by Eichmann.

Two days after Mr. Wallenberg's last showdown with the fascists, the Soviet army reached the gates of the General Ghetto.

But Mr. Wallenberg wasn't there January 18, 1945, to see the freeing of the Jews. he had gone to meet the Soviet army to discuss his ambitious plan to rebuild Hungary with American aid.

Mr. Wallenberg and his Swedish driver disappeared into the Lubyanka, interrogation headquarters of the Soviet secret police, who presumably thought he was a spy.

The Soviet Union at first said he had been killed by the Gestapo and had never reached the Soviet Union. But in 1957, Andrei A. Gromyko, then Soviet deputy foreign minister, told the Swedish government that Mr. Wallenberg had died of heart failure in July, 1947, in Lubyanka.

However, prisoners returning to the West from Soviet prisons reported seeing him alive in 1961 and 1972. He would be 72 today. Sweden and the United States annually question the Soviet government about Mr. Wallenberg. The United States in 1983 made him an honorary U.S. citizen. He and Winston Churchill are the only foreigners so honored.

Yesterday, Prime Minister Olof Palme marked the 40th anniversary of Mr. Wallenberg's disappearance with a pledge that Sweden would continue its efforts to find out what happened to him.

"We still have no clear picture of what happened to Raoul Wallenberg," Mr. Palme said in a statement. "As long as this uncertainty remains, the Swedish government will continue to avail itself of every suitable opportunity to discover his fate."

President Reagan said in a statement that "the world owes a tremendous and eternal debt to this great man, and the Soviet Union owes the world a full and complete account of his fate."

In Los Angeles, a newly formed Raoul Wallenberg Institute offered a reward of $100,000 for proof the former Swedish diplomat is still alive.

The institute's director, Jack Maples, said the proof could take the form of photographs, fingerprints or anything else that could be verified by the FBI.

Mr. Wallenberg's half-sister, Nina Lagergren, believes he was arrested because the Russians thought he was an American spy.

She told a reporter the Swedish government at the time had not pressed his case so as not to jeopardize good relations with Moscow.

"In those days the government obviously considered good relations with the Russians as more important than my brother's life," Ms. Lagergren said. "One could say that Raoul was a victim of Sweden's policy of neutrality."

[From the New York Times, March 15, 1985]

A TRIBUTE TO A HERO, RAOUL WALLENBERG

(By Carol Lawson)

In an emotional outpouring of admiration and affection for the remarkable Swede who saved tens of thousands of Hungarian Jews from the Nazis in the final days of World War II, 1,200 people gathered at the Shearton Centre last night to pay tribute to Raoul Wallenberg.

Mr. Wallenberg himself has been missing since the Russians entered Hungary in January 1945. The Soviet Union, which denied all knowledge of him for years, said in 1957 that Mr. Wallenberg had died of a heart attack in Moscow's Lubyanka Prison in 1947. There have been reports from immigrating prisoners, however, that Mr. Wallenberg may still be alive.

Last night's tribute was originally planned as a modest dinner for 250 people at the New York Public Library, which is going to house a Wallenberg study center of documents, photographs and memorabilia. But interest in Mr. Wallenberg was so great that the Raoul Wallenberg Committee of the United States headed by Rachel Oestreicher Haspel, suddenly found itself putting on a large-scale black-tie dinner that raised $500,000. The money will be used for the study center and for scholarships.

ON THE GUEST LIST

Among those on the guest list for last night's tribute were leaders of business and industry, politicians and a group of 40 Jews whose lives were saved by Mr. Wallenberg's bold and tireless efforts in Budapest. Some of the survivors came from as far away as Australia and Sweden.

"Raoul Wallenberg was a symbol of what man could do," Elie Wiesel, one of the after-dinner speakers, said earlier in the day. "He taught us an important lesson: It was possible to try to save the victims."

"He is a hero," Mr. Wiesel added. "In those dark times, we needed a hero, someone who cared."

"The awful irony is that the Soviets picked him up, and he went into the gulag," said Senator Daniel Patrick Moynihan. He described Mr. Wallenberg's life as embodying "the two great tyrannies of the age: he helped with one and was destroyed by the other."

Senator Moynihan, Democrat of New York, noted that in 1981, Mr. Wallenberg became the second person to be voted by Congress an honorary American citizen. The first was Winston Churchill.

Mr. Wallenberg, who became the counterforce to Adolf Eichmann in Budapest, was sent there by the Swedish Government at the request of the United States War Refugee Board and the World Jewish Congress to try to save Hungarian Jews from deportation to Nazi extermination camps. He was 32 years old at the time, the son of a prominent Lutheran family of bankers and industrialists that were often referred to as the Swedish Rockefellers.

With a daring imagination, great energy and financial support from the United States Government, he managed to issue protective passes to about 20,000 Jews. He also sheltered thousands of Jews under the neutral Swedish flag in 32 protective houses, which he rented on the Pest side of the Danube, and rescued Jews from Eichmann's "death marches" to the Austrian border.

Susan Tabor, a survivor of one of those marches in the winter of 1944, was to be among the speakers. She was 24 years old at the time.

"My mother and I were taken from the ghetto in Budapest on foot," said Mrs. Tabor, a librarian at Hebrew Union College. "We were ordered into a brick factory. There were no toilets, no food, no lights, no

medical care. We were beaten so mercilessly. We were there two nights. Then, someone came in with a flashlight. It was Raoul Wallenberg. He told us he negotiated with the Nazis. He said he would come back the next day with trucks to get us. It was miraculous, unbelievable."

ONE OF THE FORTUNATE

Also on the program was Victor Aitay, concertmaster of the Chicago Symphony Orchestra, who described himself as "one of the fortunate" who received a bogus Swedish passport from Mr. Wallenberg. "He brought back many people from deportation and execution single-handedly," Mr. Aitay said.

Henry A. Kissinger, noting that Mr. Wallenberg had no formal training as a diplomat, said the Swede "transcended diplomacy." "He succeeded because he was not a diplomat," Mr. Kissinger added. "He will serve as an example for our period."

TWO RAOUL WALLENBERGS

"There were two Raoul Wallenbergs," said Per Anger, a retired Swedish diplomat who worked closely with Mr. Wallenberg in the Swedish legation in Budapest. "There was the real Wallenberg—a quiet, modest person. But when he dealt with the Nazis, he spoke with a violent voice."

Plans for the program, with Peter Jennings as narrator, included a segment from a mini-series about Mr. Wallenberg, starring Richard Chamberlain and Bibi Andersson, that will be televised next month. The guest list included Isaac and Vera Stern, Albert Shanker, Vartan Gregorian, Max von Sydow, Roone Arledge and Alan J. Pakula.

The co-chairman of the evening were Alan C. Greenberg, chief executive officer of Bear, Sterns & Company, who has a partner whose wife was saved by Mr. Wallenberg, and Lena Biorck Kaplan, who grew up outside Stockholm with the children of Mr. Wallenberg's sister, Nina Lagergren.

"It is important to keep Raoul's message alive," Mrs. Lagergren said. "It is just as important today as it was then—to fight oppression and to help people who are persecuted."

[From the Washington Post, March 15, 1985]

TRIBUTE FOR A MISSING HERO—HONORING RAOUL WALLENBERG

(By Paula Span)

NEW YORK.—The Raoul Wallenberg Committee of the United States was calling the evening a tribute in absentia to the Swedish diplomat who saved 100,000 Hungarian Jews from Adolf Eichmann, then disappeared into Russian prisons 40 years ago this year. Wallenberg would now be 72. But the question that circulated tonight was whether the black-tie dinner for 1,100 at the Sheraton Centre was an honor—or a memorial.

"It's both," said author Elie Wiesel. "I hope he is alive. I fear that he is not. This is a double activity to keep the campaign for his freedom alive and to remember what he did."

"It's a curious irony that it's taken this long to have this well up," said Isaac Stern, the violinist. "But this is a time of needing a hero, someone who stands up for what is right. And a time to remind others that when someone stands up, he should not stand alone."

The evening's proceeds will help fund a permanent Wallenberg collection and exhibit at the New York Public Library, provide scholarships and continue the search.

The Soviet government has maintained that Wallenberg died of a heart attack in 1947. But letters from Soviet prisoners have insisted that Wallenberg, who in six tireless months rescued half the Jewish population of Budapest, was alive and in good health as late as the 1970s.

"None of us knows what really happened to him," said Agnes Adachi, who worked with Wallenberg in Budapest. "He was very quick-thinking and resourceful. My associates said, 'Don't worry about Raoul; he always turns up.' But he didn't."

Wallenberg's family—represented tonight by his sister Nina Lagergren, who had flown in from Sweden for a round of ceremonies and television appearances—belives that he survives. "A great deal is happening all the time on many levels to find out where Raoul is," she said without elaborating.

Her visit included an emotional screening the night before of "Wallenberg: A Hero's Story," the mini-series NBC will air next month with Richard Chamberlain in the title role. "Marvelous," she said.

Melanie Mayron, the actress who plays Wallenberg's secretary, also saw the film for the first time Tuesday. "Everyone was sobbing," she reported. "Me, too, even though I knew every minute of it. It was so powerful. If he's alive, I hope it will help get him out."

But Henry Kissinger, fielding questions about the impact of the change in Soviet leadership, was less optimistic. "It's pretty much the same group and according to all the published sources it was Gromyko who signed the documents alleging that Wallenberg was dead. It would be difficult for them to reverse. But one can hope."

Friday, Mayor Edward I. Koch will declare seven blocks of sidewalk across from the United Nations the Raoul Wallenberg Walk. "It's incredible that New York hasn't paid any tribute to this man in 40 years," declared Alan Greenberg, chairman of Bear, Stearns & Co. and the event's cochairman. "That's being rectified tonight. He's one of the great heroes of the 20th century."

But some of the participants paid a more personal tribute. Businessman Thomas Sved and his wife Hazel had flown in from Toronto. Sved was 5 years old when the Nazis mined and sealed off the Budapest ghetto. "History says that the Germans had all the intentions of blowing up the ghetto," Sved said.

"But Wallenberg—who spoke perfect German, by the way—met with the German general and told him that if he were to blow up the ghetto, he, Wallenberg, would see him hanged after the war. My mother and sister and I lived in the ghetto at the time. It's a safe assumption that Wallenberg saved my life."●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 15 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Committee on Foreign Relations, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, March 14, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-09 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Spain for defense articles and services estimated to cost $27 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 85-09]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Spain.

(ii) Total estimated value: Major Defense Equipment,[1] $24 million; other, $3 million; total, $27 million.

(iii) Description of articles or services offered: A quantity of 25 RGM-84 HARPOON missiles with spare parts.

(iv) Military department: Navy (AHR).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Case not included in Section 28 report.

(viii) Date report delivered to Congress: March 14, 1985.

POLICY JUSTIFICATION

Spain—Harpoon missiles

The Government of Spain has requested the purchase of a quantity of 25 RGM-84 Harpoon missiles with spare parts at an estimated cost of $27 million.

The sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Spain; furthering NATO rationalization, standardization, and interoperability, and enhancing the defense of the Western Alliance.

The sale of these missiles and continuing support to the Government of Spain is part of the close cooperation in defense and other matters under the 1976 Treaty of Friendship and Cooperation between Spain and the United States. The Spanish Navy intends to use these missiles on frigates and corvettes as a surface-to-surface anti-ship deterrent.

The sale of this equipment and support will not affect the basic military balance in the region.

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[1] As defined in section 47(6) of the Arms Export Control Act.

The prime contractor will be the McDonnell Douglas Astronautics Company of St. Charles, Missouri.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Spain.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

GUARANTEED JOB OPPORTUNITY

● Mr. SIMON. Mr. President, a friend of mine for many years, Ray Buss, sent me an article from the Los Angeles Times written by Lester Thurow, which contains real wisdom.

I have always had a great respect for Lester Thurow and once had the opportunity to meet his parents, in the State of Iowa when I spoke at Morningside College there.

We are faced with a practical choice in this country. Because there is a declining demand for unskilled labor and a growing pool of unskilled labor, we have to decide whether we're going to pay people for doing nothing or pay people for doing something. And we are backing into the decision of paying people for doing nothing. It does not make sense.

I will be reintroducing a bill that I introduced in the House some years ago, guaranteeing a job opportunity to all Americans.

I will provide an explanation for that bill when it is introduced. It is a bill that would reduce crime rates, perhaps even save money in the budget, but certainly would give many people who are being locked out of participation in our society an opportunity to participate.

The Thurow column in the Los Angeles Times makes sense, and I urge my colleagues in the House and Senate to read it. I submit it for the RECORD.

[From The Los Angeles Times, Jan. 20, 1985]

U.S. NEEDS TO RETURN TO NEW DEAL PRINCIPLES TO END ECONOMIC INJUSTICE

(By Lester C. Thurow)

Americans are uncomfortable when it comes to talking about equity or economic fairness. They are willing to help those in need, but they don't like to think about economic justice in a larger context. Taking from one and giving to another somehow feels wrong. Basically, Americans wish that the issues of economic equity would go away and hope that the market will turn up an acceptable distribution of income. Perhaps because of this strongly held desire, Americans of all income classes tend to believe that the distribution of income and wealth is more equal than it is.

As the Federal Reserve Board recently noted, the American distribution of income has become noticeably more *unequal.* Between 1969 and 1982 the income share going to the bottom 50% of all American families has fallen from 23% to 20% of the total, the income share going to the next 40% has fallen from 48% to 47%, while the income share of the top 10% of the population has risen from 29% to 33% of the total.

As officially defined, poverty ($10,178 for a family of four in 1983) fell from 22% of the population in 1960 to slightly above 11% of the population in 1973, hovered between 11% and 12% until 1980, and then rose rapidly to 15.2% of the population in 1983. A large percentage of those added to the poverty roles were children. After being virtually eliminated in the late 1970s, cases of hunger and malnutrition were once again being seen at places such as the Boston City Hospital.

Slow productivity growth, recessions and large trade deficits have all played a role in rising inequality, but the programs of the Reagan Administration have contributed. According to the Congressional Budget Office, Reagan cutbacks added 557,000 people to the poverty rolls, and the Urban Institute estimates that Reagan programs subtracted $281 from the average income of those in the poorest 20% of all families while adding $598 to the average income of those in the richest 20% of all families.

If one looks at the distribution of wealth—or net worth—the inequalities are much larger and growing faster than are the inequalities of income, according to the Federal Reserve Board. While the top 10% of the population receives 33% of total income, it owns 63% of total net worth. Two decades earlier, in 1962, they owned only 55% of total net worth.

Given the prominence of stock market reports on the evening news, one would expect that most Americans owned shares in corporate America. In fact, only 19% of all American families own any share whatsoever—and the number is falling rapidly. In 1977, for example, 25% owned shares. Of those who do own shares now, only 40% of them (8% of the total population) own shares in more than one company.

If one were writing an income distribution motto for America, one would have to tack "The top 10% gains; the bottom 90% loses" above the fireplace. But that is not a motto I believe that most Americans want written over their society.

While Americans prefer not to think about inequalities, they are also uncomfortable that those inequalities exist. The discomfort starts with our religious heritage. Not many of us would want to explain to Saint Peter, for instance, why we allowed children to go hungry and did nothing about it. It also goes to our vision of what makes America great. In the words inscribed on the Statue of Liberty, "Give me your tired, your poor, your huddled masses." At a more self-interested level, it is simply nicer to live in neighborhoods and cities without poverty and hunger. At the most self-interested level, there are few examples of democratic societies that have managed to survive while tolerating extreme disparities in income and wealth.

When confronted with hungry children, our leaders may look the other way, pretend that these children do not exist, or argue that the market mechanism is the most efficient way to eliminate their hunger, but few are willing to argue that hungry is just the way America should be. For most Americans, to allow such conditions is to demean ourselves as well as to permit real deprivation among those unable to help themselves.

The problem of economic justice is not going to go away as long as black males earn significantly less than white males (58% as much in 1983), as long as all women earn significantly less than men (64% as much in 1983) and as long as the gaps between rich and poor are growing as they are now growing. Income by other problems may for a while be superseded by other problems, but they will inevitably reappear. Democracies that profess to believe in political equality only uneasily live with rising economic inequalities.

While Americans don't like gross inequalities, they also don't want to put people on welfare. Nor should they. No one should want to put people on welfare. The best that can be said for welfare (and it is quite a bit) is that it is better than having a society full of hungry people. But it is a second-best solution.

The best solution is jobs for everyone able to work and a restructuring of the workplace to narrow the rising income differentials. These were the beliefs that were firmly held by President Franklin D. Roosevelt and the New Deal. It was all right to provide relief for those who could not work (the elderly, the handicapped, the sick), and it was all right to give temporary relief to those who had previously been working and who had been thrown out of work (unemployment insurance), but permanent general welfare programs were never part of the New Deal ideology.

Instead, jobs were provided. In 1938, 4.3 million people were employed in agencies such as the Works Projects Administration, the Civilian Conservation Corps and the National Youth Administration. To employ a comparable fraction of the labor force today, more than 9 million jobs would have to be provided.

To prevent the current surge in inequality, America is going to have to return to those principles.●

DETENTION WITHOUT TRIAL IN SOUTH AFRICA

● Mr. KENNEDY. Mr. President, John W. Douglas is a wise and gentle man who has had a long and distinguished career both as a public servant and as a private lawyer. I had the great privilege of traveling with John Douglas during my 8-day trip in January through South Africa. There were many moments during the trip that called for a cool head and sound judgment, and there were many times when I was grateful to have John Douglas at my side.

John Douglas has now reduced his thoughts about his experience in South Africa to an op-ed piece. This piece deserves the close attention of anyone who cares about developments inside that sad and tragic land.

Mr. Douglas comes at the problem of South Africa in the same way that he approaches most other problems—with the cold logic of a lawyer harnessed to a passionate commitment to justice. He points out that South Africans invite the intellectual and political interest, and intervention, of Americans because "of South Africa's professions of adherence to Western standards and democratic values." With that predicate, he goes on to analyze the January speech of State President P.W. Botha on the occasion of the opening of South Africa's new Parliament. But his analysis is rightly

focused on South Africa's deeds as opposed to P.W. Botha's words.

In his speech to Parliament, P.W. Botha pledged to pursue "democratic solutions," to observe "fairness and justice," and to accord the highest priorities to "democratic rights and the dignity of humanity." He spoke of racial dialog and constitutional improvements. But then the South African police went into action and P.W. Botha's "words turned to dust in less than a month."

As John Douglas described the events of February:

The police raided homes and offices, seized thousands of documents, detained a number of individuals for questioning and jailed many key UDF leaders on unspecified charges of high treason.

He goes on to say:

Running like a thread through all the 1984–85 periods of public turmoil and relative calm has been South Africa's wholesale use of detentions without trial, a police-state technique which is at odds with elemental American standards of justice. The security forces have carried out thousands of those detentions—to prevent crimes, to assure the appearance of prosecution witnesses, to remove temporarily perceived troublemakers from circulation, and, most pernicious of all, to extract information from detainees with a view to disrupt anti-apartheid activities by producing informants, agents provocateurs, confessions, and convictions.

Detention without trial is part and parcel of the South African system of justice. Section 29 of South Africa's Internal Security Act:

Authorizes police to arrest, hold and question individuals indefinitely without ever charging criminal conduct. The provision also prohibits any recourse to the courts and thereby invites prolonged questioning and police abuse. Hundreds of such detentions have occurred in 1984 and 1985. Many continue today.

And what is the conclusion? "Where apartheid is concerned, South Africa is, indeed, a police state."

Mr. President, I ask that the op-ed piece by John W. Douglas entitled "What South Africa's Botha Says and What it Does" be included in the RECORD.

The article follows:

WHAT SOUTH AFRICA'S BOTHA SAYS AND WHAT IT DOES

(By John W. Douglas)

South Africa's system of justice lays a particular claim on the American conscience by reason of that country's professions of adherence to Western standards and democratic values.

These themes ran through the January address of President Pieter W. Botha to the South African Parliament when he was seeking to mend some fences with embittered blacks and foreign skeptics. He not only spoke, albeit vaguely, of racial dialogues and constitutional improvements, but also pledged to pursue "democratic solutions" to observe "fairness and justice," and to accord the highest priorities to "democratic rights and the dignity of humanity."

That refrain played well in the U.S. State Department, but in South Africa the words turned to dust in less than a month. By late February, the South African security forces had suppressed demonstrations in scattered black townships with excessive force and loss of life. Almost simultaneously, they moved in force against the United Democratic Front (UDF), a loose anti-apartheid alliance of 700 groups.

The police raided homes and offices, seized thousands of documents, detained a number of individuals for questioning and jailed many key UDF leaders on unspecified charges of high treason. Apparently hoping to bolster the state's case with the current round of interrogations, the prosecutor plans to wait, until the end of March, before filing even a general description of the activities on which the treason charges are based.

UDF's principal accomplishment, and it is only two years old, was the peaceful leadership of black opposition to 1984's minor changes in the South African constitution. The cosmetic nature of those changes was recently underscored in Cape Town: Government functionaries barred two members of the news and toothless "Asian" assembly from setting foot inside the dining room of the all-white, all-powerful legislature.

After the constitutional changes had become law, the UDF turned to sponsoring increasingly well-attended anti-apartheid rallies. But, by early 1985, it had not achieved either a mass membership or a strong organization at the grass-roots. Despite this modest status, Pretoria hard liners perceived UDF as an incipient threat to apartheid and moved quickly to shatter it.

South Africa's 1985 crackdowns were repetitions, on a reduced scale, of its 1984 reprisals. Then, the police and military had subdued demonstrators against state-sponsored discrimination with the oppressive use of guns, dogs, and sjamboks, killing scores of blacks and wounding hundreds and had detained large numbers of activists, including union and UDF leaders. Tremors of outrage reached the Western world and then eased somewhat with the passage of time, the end of mass confrontations and conciliatory rhetoric from Pretoria.

But the underlying resentment in South Africa's black townships continued to smoulder and by early February demonstrations had broken anew. This, plus the UDF rallies, apparently prompted the government to launch its new offensive against the organization. By late last month, last year's cycle had repeated itself.

But running like a thread through all the 1984–85 periods of public turmoil and relative calm has been South Africa's wholesale use of detentions without trial, a police-state technique which is at odds with elemental American standards of justice. The security forces have carried out thousands of those detentions—to "prevent" crimes, to assure the appearance of prosecution witnesses, to remove temporarily perceived troublemakers from circulation, and, most pernicious of all, to extract information from detainees with a view to disrupt anti-apartheid activities by producing informants, agents provocateurs, confessions, and convictions.

Anti-apartheid activists have particular reason to fear detentions under Section 29 of South Africa's Internal Security Act. That section authorizes police to arrest, hold and question individuals indefinitely without ever charging criminal conduct. The provision also prohibits any recourse to the courts and thereby invites prolonged questioning and police abuse. Hundreds of such detentions have occurred in 1984 and 1985. Many continue today.

The range of Section 29 interrogations covers the waterfront. Last year, police questioned white and black student leaders, some blindfolded and some held in solitary confinement, on their efforts to spotlight the scandalous seven-to-one gap in per capita expenditures for white and black education. They also interrogated detainees, who were not union members, about efforts to enlist public support for strikes by legally recognized black unions.

There are widespread, credible reports of police abuse during detentions. However, ex-detainees generally refrain from public statements because of *de facto* gag rules. For one thing, such statements could lead to new detentions and questions bearing on the Internal Security Act's "maintenance of law and order."

South Africa deals a stacked deck to ex-detainees in other respects as well. The Police Act makes it a crime to level an unprovable charge of misconduct against the security forces. It reverses the usual burden of proof: the defendant must be found guilty unless he can establish the truth of his allegations, a task greatly complicated by the frequent practice of blindfolding Section 29 prisoners.

If past history is any guide, South Africa will soon strive to mollify its critics with soothing but vague generalizations and minor gestures. Washington would then do well to recall how quickly that country's security forces have shredded the solemn affirmations of democratic standards which Botha expressed in January.

Where apartheid is concerned, South Africa is, indeed a police state.●

SALUTE TO BABIES

● Mr. SIMON. Mr. President, one goal we all share is the reduction of infant mortality and the incidents of avoidable birth defects, which are all too pervasive in our land.

We are the greatest Nation in the world. Yet our infant mortality rate is almost twice that of other developed nations, and the infant mortality rates in some of our urban areas equal or exceed those of the most depressed Third World nations.

In Chicago, for example, the infant mortality rate is a staggering 18 per 1,000 births—and that marks an improvement over recent years when the death rate was even more dismal.

Moreover, the outlook for those who survive isn't as bright as it should be. Hundreds of thousands of babies are born each year with severe mental or physical defects, a problem exacerbated by the epidemic of teenage pregnancies in Chicago and other urban areas.

In light of those sobering facts, I am heartened to report that concerned citizens are responding aggressively to this continuing national tragedy. On March 22, the Metropolitan Chicago chapter of the March of Dimes will hold their annual "Salute to Babies" banquet to raise funds for the battle

against infant mortality and birth defects.

The proceeds from this outstanding event will fund education programs for expectant parents, health workers and the public; a variety of pilot projects and development of perinatal infant intensive care units; and research to prevent preterm births, low birth weight and birth defects.

The "Salute to Babies" was founded by Dr. Effie O. Ellis, a renowned pediatrician and leader in the quest for quality maternal and infant health care. Throughout her distinguished career in research and public health, Dr. Ellis has devoted herself tirelessley to the reduction of risk in the delivery room.

I ask you to join me in commending this American hero and others who are working to improve the odds for our infants of the future through activities like the "Salute to Babies."●

LOUIS J. KAPLAN RETIRES FROM YALE UNIVERSITY

● Mr. WEICKER. Mr. President, the end of this month marks the retirement from Yale University of a man who has done much to effect a solid and productive partnership between Yale and its local, State, and Federal Governments.

That man, Louis J. Kaplan, associate medical dean for community, government relations, and alumni affairs, has since 1965 worked tirelessly as an advocate for biomedical research and medical education. In increasingly responsible positions at Yale, Lou has been an invaluable resource for Connecticut's elected officials on the activities of the university community in particular and the needs of medicine in general.

Active in human services work since he earned undergraduate and graduate degrees from New York University, Lou began his career with youngsters at the Madison Square Boys Club in New York City. And he never lost his sensitivity to or concern for the individual. Whether working to improve services to Connecticut's mentally ill, communicating the needs of minority students to the medical school, or marshaling the resources of Yale to meet the health needs of the Hill community, Lou acted because he saw an individual in need. While at the university his concerns expanded to the whole range of medical service questions and it is due, in no small part to his efforts, that one of our Nation's comprehensive cancer centers is established at the university.

I commend Lou Kaplan for the many and critical insights he has provided me and my colleagues over the years. His careful and considered competence have contributed substantially to the improved quality of life we all seek.●

IN MEMORY OF JAMES PATTON

● Mr. BURDICK. Mr. President, rural Americans have lost a great champion, and I have lost a friend. James G. Patton, a Farmers Union activist for 52 of his 82 years, died Sunday, February 17, in Palo Alto, CA, from the effects of a stroke he had suffered last December 10.

James Patton was one of the most important agricultural leaders of the 20th century. It was Patton that pioneered in the concept that a farm organization had to be concerned about and try to effect the totality of the circumstances of living in rural areas. He was in many ways an anchor around which coalitions formed to work on farm policy, education, health care, and quality of life issues during those critical years during and after the Depression and into the 1980's.

I knew James Patton while I was a Farmers Union activist and after I became an elected official. I found him to be always a compassionate man as well as a skilled and brilliant leader, even though we had our differences from time to time. Mostly, those differences involved the operation of the Farmers Union, rather than its goals.

James George Patton was born in Bazar, KS, in November 1902.

Patton was an insurance salesman in 1932 in Colorado when he proposed to the Colorado Farmers Union that it develop a cooperative insurance program. He was hired to manage that activity and went on to become secretary and then president of the Colorado Farmers Union.

Patton served as president of the National Farmers Union from 1940 to 1966.

He strongly advocated international commodity agreements, world food reserves, and aid to emerging nations.

His proposals for world food aid programs helped develop the concept of the Food-for-Peace program.

In domestic agriculture, Patton was an advocate of stronger farm program measures, an exponent of parity for family farmers, and a defender of the Farm Security Administration and the farmer-elected committee system.

James Patton is survived by his wife, Nathalie, one son, one daughter, two sisters, and several grandchildren. My heart goes out to each of them.

Patton was physically a big man, with a commanding presence. He leaves us with many fond memories, many dreams, and, I hope, a renewed sense of mission.●

TESTIMONY OF SECRETARY OF STATE GEORGE SHULTZ ON FOREIGN ASSISTANCE

● Mr. LUGAR. Mr. President, I would like to share with you the testimony of Secretary of State George Shultz on Friday, March 15, 1985, before the Senate Foreign Relations Committee. This testimony addresses foreign assistance in general and the foreign assistance authorization for fiscal year 1986. I ask that the testimony be printed in the RECORD.

STATEMENT BY THE HONORABLE GEORGE P. SHULTZ BEFORE THE FOREIGN RELATIONS COMMITTEE

I. OPENING

Mr. Chairman and distinguished member of this committee, I know that we agree on the need for prudent investments abroad to enhance our national security, promote economic and political freedom, and reflect the humanitarian concerns of the American people. Foreign assistance is such an investment. Yet our foreign assistance request for FY 1986 comes before this Committee at a time when this Administration and the Congress are committed to bringing our budget deficits down. As a former budget director, perhaps I am more sympathetic than most to the immense challenge this poses and the painful choices that will have to be made.

Recognizing the overriding importance of reducing the budget deficit, we have carefully constructed our economic and military assistance program to a level and mix that represent the minimum requirements to support our foreign policy objectives.

At the same time, we must bear in mind that our foreign assistance programs are vital to the achievement of our foreign policy goals. A world of peace, freedom, international stability, and human progress cannot be built by the United States alone. We need the support and cooperation of the many friends and allies around the world who share or hopes and dreams of a better world, and who rely on us. And if we are to count on their support in facing the difficult and sometimes dangerous challenges of the modern world, we must ourselves be a reliable partner. We must be consistent in our devotion to the principles we cherish and proclaim: to promote prosperity, to defend freedom, to help build democracy and respect for human rights, to help alleviate suffering, and to protect our friends and allies against aggression.

In his State of the Union address, President Reagan noted that "dollar for dollar, our security assistance contributes as much to global security as our own defense budget." Strengthening our friends is one of the most effective ways of protecting our interests and furthering our goals. It gives them the ability and the confidence to defend themselves and to work for peace. If we are willing to pay the relatively modest cost and make the necessary sacrifices today, we can avoid far greater costs and sacrifices in the future. Foreign assistance is a prudent investment in or future, and the world's future.

When I appeared before this distinguished Committee last year, I sought to show how closely linked our foreign assistance programs are to our most fundamental policy goals.

The events over the past two years have convinced me more than ever before that we are on the right track. We have strengthened our relationships with our friends in the developing world against Soviet expansionism. We have seen a number of developing countries move toward free and more open economies. Increasingly, the world recognizes that statist economic systems do not work. Free market economies do. And we have witnessed extraordinary progress in the growth of democratic institutions and in

the decline of dictatorships, particularly in our own hemisphere.

It is no coincidence that along with the emergence of freer socieities we see more open economies. One supports and reinforces the other. People, if they have a choice, want economic growth. They want prosperity. They need only the personal security and the political and economic environment that allows them to exercise their will and use their talents. Our support for the security and territorial integrity of our friends, therefore, advances the most basic human goals of prosperity and freedom. But it also advances another goal, peace. We have seen over the years that economic progress, individual liberty, and world peace are closely related. As President Reagan said in his Second Inaugural Address: "America must remain freedom's staunchest friend, for freedom is our best ally and it is the world's only hope to conquer poverty and preserve peace. Every blow we inflict against poverty will be a blow against its dark allies of oppression and war. Every victory for human freedom will be a victory for world peace."

Today we are seeing developments in the Third World which, if we continue to nurture them, will lead to a more secure and prosperous world. There will inevitably be occasional setbacks, but if we stay the course, I believe the emerging pattern of stable and democratic governments will slowly but inexorably grow and be strengthened.

Much remains to be done. The most effective contribution we can make to the developing world is to maintain a healthy American economy. Our economic growth rate in 1983 was a prime reason for the sharp increase in U.S. imports from the non-OPEC developing countries to $92.3 billion, some 24% over the previous year. The developing nations will reap even more substantial benefits from the vigorous growth of our economy in 1984.

More than any other factor, however, the domestic policies of these countries will determine the strength and sustainability of their economies and their political institutions. Our foreign assistance can provide those critical incremental resources to help them achieve these objectives.

With this framework in mind, we have engaged in an exhaustive budget review process to assure that the sum of our resources and each individual component are the absolute minimum essential to implement and support our foreign policy.

II. OVERVIEW OF 1986 BUDGET

The FY 1986 budget request for the International Affairs Function is $19.3 billion. Of that amount, the foreign assistance request totals $14.8 billion, a $300 million reduction from the FY 1985 Continuing Resolution level. As I will explain later, we have yet to determine the economic assistance level for Israel. When that assistance figure is eventually included, our request will be higher than the previous year. Economic assistance, which includes Development Assistance, PL 480, the Economic Support Fund, and contributions to multilateral development institutions, accounts for $8.2 billion. Military assistance, which includes military grants, loans, and training, totals $6.6 billion.

The remaining $4.5 billion requested for the International Affairs Function principally finances the operation of the Department of State, USIA, the Export-Import Bank, the Board of International Broadcasting, our assessed contributions to international organizations, contributions to U.N. peacekeeping activities, and U.S. participation in multilateral international conferences.

Within the International Affairs Function, some appropriation accounts would receive an increase under our request, while others would decline. The function 150 total, however, is well below the FY 1985 enacted level. This will remain true even with an add-on for Israel that we may request in the coming weeks. These increases and decreases among individual appropriation accounts reflect the priorities of the Administration and the "budget freeze" philosophy that was applied to this year's budget process. They also reflect our efforts to distribute our scarce resources in a way that will maximize our foreign policy returns and help meet the pressing development and security needs of our strategic partners. Our FY 1986 foreign assistance request contains only one modest new initiative—an enhanced economic aid package for the Andean democracies of Ecuador, Peru and Bolivia. With that one exception, our 1986 budget request by and large represents a continuity program, reflecting both the overall fiscal constraints under which we are operating and the fact that many of our earlier initiatives—especially in Central America—are now well underway and beginning to show progress.

As in the past, the largest single component of our foreign assistance request is for Israel and Egypt—twenty eight percent (28%) of the total. This percentage, of course, will be higher when we include economic assistance funds for Israel. Assistance to base rights countries—Spain, Portugal, Greece, Turkey and the Philippines—accounts for an additional sixteen percent (16%), while military access and frontline states such as Korea and Thailand take up another thirteen percent (13%). Central America and the Caribbean represent another eleven percent (11%) of the request. All other country programs account for only twelve percent (12%) of the total resources requested. This twelve percent, however, is spread among more than eighty separate countries and regional programs. Finally, contributions to multilateral development institutions and voluntary contributions to international organizations and programs make up ten percent (10%) of the request, with the remainder of the amounts requested going to the Peace Corps, migration and refugee assistance, international narcotics control activities and a number of smaller programs.

Turning to the specifics of our request, I would like to make the following brief observations:

In Development Assistance, we are requesting $2.1 billion to attack serious conditions of poverty in Africa and Asia, Latin America and the Near East, and to help establish the basic conditions for economic progress. We place heavy emphasis on policy reform, greater use of the private sector, and on technology transfer to foster development breakthroughs. These economic programs are a critical aspect of our overall foreign policy objectives.

Closely related to the Development Assistance request is a request for $1.3 billion in PL 480 for food assistance and balance of payments support to friendly governments. Food aid remains the centerpiece of the American people's humanitarian response to the tragic famine conditions in Africa.

The $2.8 billion requested for the Economic Support Fund is $1 billion below the amount appropriated in the FY 1985 Continuing Resolution. This is due in part to the fact that we have deferred making any ESF request for Israel at this time. I will elaborate on the question of economic assistance to Israel later in my remarks.

Our request for military assistance—that is, direct Foreign Military Sales credits and grant MAP—is $860 million more than was appropriated in 1985. Most of this increase, $525 million, is accounted for by higher levels for Israel ($1.8 billion as opposed to $1.4 billion in 1985) and Egypt ($1.3 billion as opposed to $1.2 billion). In addition, our military assistance request for Turkey has been increased from the 1985 level of $700 million to $785 million. For the Philippines, we are requesting a $75 million increase over the FY 1985 level.

The $2.9 billion requested for the State Department budget includes critically important funds to enhance our security program in the face of increasing terrorist threats against U.S. personnel and facilities. Additional funds are also requested to expand and improve the Department's ability to obtain and interpret foreign policy information.

III. THE REGIONS

Latin America and the Caribbean

Mr. Chairman, nowhere has the linkage between foreign assistance and U.S. national interests—and between democracy and economic opportunity—been better illustrated than in Latin America and the Caribbean. The past year has provided clear evidence that democratic development, and the rejection of the Communist left and the far right, are the keys to enduring peace and improving standard of living for all.

Our policy of lending political, economic, and military assistance to pro-democratic forces is working. Let us look at the record.

In 1979, four of the five Central American countries were undemocratic. Six years have produced dramatic change. Nicaragua remains under a dictatorship—having traded a tyrant of the right for the tyranny of the left—and Costa Rica remains thoroughly democratic—though increasingly and justifiably concerned about its heavily armed Communist neighbor. But, an unprecedented transformation has taken place in the rest of Central America.

El Salvador has undergone the most dramatic change. As recently as a year ago, the country appeared caught in an endless war between guerrillas of the left and death squads of the right. But as the National Bipartisan Commission on Central America found, electoral democracy and political dialogue—*not* externally imposed "power sharing" between guerrillas and governments—proved to be the practical basis for attacking the seamless web of El Salvador's political, economic, social, and security problems. In turn, increased economic and security assistance were necessary to give democracy, reform, and economic revitalization a fighting chance.

Last year demonstrated that President Duarte's course was *the* route most likely to lead to greater respect for human rights and a better life. The Salvadorans themselves made the point in two rounds of national elections in 1984. And they did it again in a different dimension when a civilian jury found five former National Guardsmen guilty of the murders of the four American churchwomen. Support for this democratic renewal was backed unanimously by the National Bipartisan Commission, by President Reagan, by a bipartisan majority in the

Congress, and in Europe by Social Democrats as well as Christian Democrats.

It would be naive to claim that *all* is now reformed, centrist, and peaceful in El Salvador. But the progress *is* significant and undeniable. U.S. firmness on principle and steadfastness on behalf of our Salvadoran friends has had a lot to do with it.

The recent history of Guatemala exemplifies the strength of the currents of change in the region. The country conventional wisdom has often ranked as "the most polarized" or with the "least chance of democratic development" in Central America has confounded the conventionalists. The Constituent Assembly elections seven months ago were not only widely accepted as honest and open, but—to the surprise of many—revealed that centrist forces constitute the political majority. Elections for President, Vice President, Congress and local offices have been set for October. It is encouraging that the Guatemalans are moving in this direction almost exclusively on their own.

There is one issue, however, on which considerable controversy still reigns: Nicaragua. While we are promoting democratic reform throughout Central America, the Sandinista leaders in Nicaragua are moving quickly, with Soviet-bloc and Cuban help, to consolidate their totalitarian power. Should they achieve this primary goal, we could confront a second Cuba in this hemisphere, this time on the Central American mainland—with all the strategic dangers that this implies. If history is any guide, the Sandinistas would then intensify their efforts to undermine neighboring governments in the name of their revolutionary principles—which Fidel Castro himself flatly reaffirmed on American television several weeks ago. Needless to say, the first casualty of the consolidation of Sandinista power would be the freedom and homes for democracy of the Nicaraguan people. The second casualty would be the security of Nicaragua's neighbors, and the security of the entire region.

I do not believe anyone in the United States wants to see this scenario unfold. Nicaragua's immediate neighbors—Costa Rica, El Salvador and Honduras—have been increasingly emphatic in telling us how dangerous to them that scenario would be. Yet there are those here who would look the other way, imagining that the problem will disappear by itself. There are those who would grant the Sandinistas a peculiar kind of immunity in our legislation—in effect, enacting the Brezhnev Doctrine into American law.

The democratic forces in Nicaragua are on the front line in the struggle for progress, security, and freedom in Central America. Our active help for them is the best insurance that their efforts will be directed consistently and effectively toward these objectives.

Communist dictatorships feel free to aid and abet insurgencies in the spurious guise of supporting "liberation". Democracies, the true target of this threat, must not be inhibited from defending their interests and the cause of democracy itself.

Peace and economic development in Central America require both the reliability of multi-year funding and the confidence that this long-term commitment will continue to be tied to equity, reform, and freedom. Bipartisan support is essential if the Central America Initiative is to address the Bipartisan Commission's call for a commitment through 1989 to provide—in a consistent predictable way—a balanced and mutually reinforcing mix of economic, political, diplomatic, and security activities.

This initiative is designed to use economic aid, coupled with sufficient policy reform, to eliminate the root causes of poverty and political unrest. Much work is already underway. Discussions are taking place with recipient countries concerning macro-economic adjustment. Progress has been made toward economic stabilization. Regional technical training programs will begin in April. We have begun to work with governments and non-governmental organizations seeking to improve the administration of justice. A trade credit insurance program has been set up through AID and the Export-Import Bank. The revival and strengthening of the Central America Bank for Economic Integration is being studied. And we are working to assist in the revival of the Central American Common Market.

The democratic trend in the Andean region has been equally impressive. All five countries have democratically elected governments. But like their Latin neighbors to the north, many of their economies are being seriously challenged.

Ecuador, Peru, and Bolivia, have been particularly hard hit by the recent global recession. Their difficulties have been exacerbated by catastrophic weather conditions, sagging prices for their main exports, and, in Peru, a vicious Maoist guerrilla movement.

These countries deserve our help and it is in our interest to help them. We are proposing a special Andean program principally supported by $70 million in Economic Support Funds to assist these countries in their recovery efforts.

A democracy incapable of addressing major economic problems will be no more permanent than the dictators of the right or left that it has replaced.

We are encouraged that our neighbors in Latin America for the most part are taking the necessary and often painful steps to ensure economic revitalization. They have lowered government expenditures, bringing them in line with government income. They have restricted imports of non-essential goods to save foreign exchange. They have adjusted their exchange rates to reflect economic reality and breathe new life into their export sectors. They have worked with the international financial community to restructure their debts and ensure continued orderly debt servicing. They have reallocated scarce resources even as those resources fell.

The efforts are beginning to show results. The trade balance for Latin America with the rest of the world has improved significantly, recovering from a negative $2 billion in 1981 to an estimated positive $37.6 billion in 1984. Vigorous U.S. economic growth in 1984 created new export opportunities. There also has been growth in real per capita income of about 0.2 percent in 1984—not much, but better than the decline of 5.8 percent in 1983 and 3.3 percent in 1982.

The Caribbean Basin Initiative is showing some positive signs. U.S. non-petroleum imports from the region for the first 11 months of 1984 were up 19 percent over 1983. The open U.S. market continues to offer substantial opportunities for region's exports.

In Latin America and the Caribbean, I believe that the Administration and the Congress have reason to conclude that the policies we have been following the last four years are succeeding. The best option for the next four years is to continue these efforts based on firm, bipartisan support.

The lessons from the recent past and the guidelines for the near future can be condensed into an assertion: The skeptics were wrong about El Salvador, they were wrong about Grenada, and they are wrong about Nicaragua—and all for the same reasons. Mr. Chairman, what the Administration and the Congress have learned together about Central America in the recent past provides a mandate for the future. The Administration cannot fulfill that mandate without the active support of the Congress. If you and we do not stand firmly on principle and with our friends, we will both lose. A lack of policy consistency would be a significant obstacle to achieving our national objectives in this region over the next months and years.

Africa

I turn now from the promising developments in Latin America to a region where problems continue to be grave. Africa's desperate economic state is more in the public eye than it has ever been. I would like to devote the major portion of my discussion of Africa today to the economic crisis. In doing so, I do not mean to minimize the relationship between economic development and the national security of African states. Security assistance remains essential for many African countries. States threatened by Libyan Adventurism or Soviet-armed hostile neighbors cannot devote the energy or resources necessary to economic development. And economically fragile societies are most vulnerable to subversion and attack.

Our total FY 1986 request for Africa is just over $1.2 billion. Of that amount 17% is for military-related assistance, roughly the same amount as in FY 85. The overwhelming majority—over one billion dollars—is for economic assistance. While the military component is small, it is nevertheless extremely important if we are to continue the programs of logistics support and training that we have started and if we are to provide the bare minimum in the way of defense equipment for our friends facing threats. The proximity of the Horn of Africa to the Middle East and vital oil shipping routes in the Red Sea and the Indian Oceans adds a critical strategic dimension to our interests in creating a politically stable and economically viable environment in the region. Consequently, we are seeking the resources necessary to assist Sudan, Kenya, Somalia, and Djibouti cope with their flat economies and to help Sudan and Somalia counter the very real threats to their security.

In southern Africa we continue to work diligently toward a just and lasting settlement for Namibia based on UN Security Council Resolution 435, for continued change in the repugnant system of apartheid in South Africa, and for the economic and political stability of the region in general. The funds that we are requesting for programs in southern African countries will enable us to strike directly at the causes of the economic difficulties of the region. In southern Africa, as in East Africa, we intend to thwart the destabilizing influence of the Soviet Union and East Bloc by providing economic assistance and by offering an alternative to Soviet and East Bloc military assistance and training. Mozambique has demonstrated a real intent to move away from heavy dependence upon the Soviet Union and toward a position of true nonalignment. The small MAP and IMET programs for Mozambique are of particular importance in encouraging this process.

In West Africa we have recently seen the spread of both the effects of the drought and long-term economic stagnation and

Libyan adventurism. Our assistance is targeted against both the near-term crisis and the long-range effects of the economic crisis.

I would like to focus specifically on the two most urgent crises facing Africa today: famine and economic stagnation. During recent months, untold thousands of Africans have perished. We estimate that some 14 million Africans remain at risk. If they are to survive, they need urgent assistance in terms of food, medical care, and shelter.

There is also the broader problem of malnutrition. An estimated 20 percent of Africa's population eats less than the minimum needed to sustain good health. Africa is the only region in the world where per capita food production has declined over the past two decades—a combination of a drop in productivity and rapidly growing population. Africa's food dependency on outside sources has been growing at an alarming pace, with African commercial imports of grain increasing at a rate of nine percent per year during the past twenty years.

In addition to the current severe food crisis, Africa's disappointing economic performance has made it difficult for most African countries to service their debt, propelling many countries from one financial crisis to another. The economic crisis has required that African nations regularly seek debt rescheduling. Ten of the fourteen Paris Club reschedulings in 1984 were for African countries.

The United States has mounted an unprecedented campaign to provide both economic and emergency food assistance to Africa. In this effort, we have not allowed political or ideological differences with any government to weaken our determination to direct assistance to those in need. Since October of last year, we have committed more than $400 million to send over one million tons of emergency food and other types of humanitarian assistance to Africa. If we add our regular AID food programs, then our total food assistance for Africa is even larger—almost 600 million dollars thus far this fiscal year. I think we can be justifiably proud of what we have been able to accomplish in such a short period of time. I assure you that our response will continue to be a generous one.

Equally impressive has been the direct response of the American people and the private sector. Through generous contributions to private agencies, many thousands of additional lives have been, and continue to be, saved. Volunteers for these agencies are directly involved in distributing food, medicines, clothing, and shelter and caring for drought victims in the most remote parts of Africa, enduring extreme hardships and even risking their own lives. Such humanitarian assistance is in the best tradition of America and the values for which America stands.

Public attention has focused on the immediate drought crisis, but it is apparent that Africa's economic difficulties have a profound origin that goes back many years.

Drought has aggravated the problem, but is not the principal cause of Africa's economic crisis. Many of the African governments recognize that past policy failures have contributed to the current economic crisis. While we seek to address the immediate crisis, therefore, we must also seek more sustainable solutions to Africa's economic problems. The United States has been in the forefront of those seeking to help African countries move from a statist economic orientation to one which allows market forces to operate freely and which provides appropriate price incentives, particularly to the small farmers. Structural issues which are being addressed include inefficient parastatals, overvalued exchange rates, negative interest rates on bank deposits, uneconomic subsidies to consumers and artificially low prices to producers. In addition to the emergency assistance to meet the drought and famine needs, U.S. economic assistance levels for Africa have increased from $787 million in FY 1981 to over $1 billion in FY 1985; for FY 1986 we are again asking for a total of $1 billion in economic aid. The Administration has established two new programs to assist African governments to undertake desirable reforms.

Last year the Administration requested $75 million as the first step in a five year $500 million program designed to provide additional financial support for selected African countries who are undertaking significant economic reforms.

We are currently discussing use of these funds for possible programs with four African countries: Zambia, Malawi, Mali and Rwanda, and may choose a fifth country later. In each of these four countries our programs will facilitate and accelerate major policy reforms designed to stimulate economic growth through agricultural production and reduced governmental impediments to efficient utilization of limited economic resources.

In our FY 86 budget submission we are seeking a second appropriation of $75 million. Economic reform has become a major part of our dialogue with all African countries, and facilitated with many aspects of our regular program. However, implementing some of these reforms requires timely support of flexible funds, not tied to other long-term projects. This is what this $75 million is for. The experience of the past few months indicates that there is major international support for this program in Africa and in other donor countries.

The flexibility provided over this program has permitted us to have an impact on policies of donors and recipients alike which far exceeds the modest amount of funds involved in this request. I can think of no other single aspect of our assistance activities which more directly bears on the factors that have contributed to what is commonly called "the African Economic Crisis." An increasing number of African countries are beginning to alter in a fundamental way their national economic policies. Above all, the relevance of free market economies as opposed to statist solutions has become clear to African leaders as never before.

I might just add that our perception of the roots of Africa's current economic crisis is widely shared by the international community. We are particularly pleased with the World Bank's latest report on sub-Saharan Africa and its stress on the need for economic reform to reverse Africa's economic decline. The World Bank recently launched its own Special Facility which will provide financial support to reform-minded countries—a facility which complements and reinforces our efforts.

The "Food for Progress" initiative recently announced by the President is also targeted at achieving policy reform, but exclusively in the agricultural sector. This initiative would use food aid in strategically important African countries to promote reform in the key agricultural sector, stressing market approaches in agricultural pricing, marketing, and the supply and distribution of fertilizer, seeds and other agricultural inputs. One of the goals of the initiative is to supply American food to reform-minded countries on a multi-year basis. The sale of the commodities on the local economies would provide resources for the governments to use in supplying needed incentives and inputs to the farmers while easing the effects on urban consumers of moving toward a market economy. The details of this proposal, including funding levels and sources, will be transmitted to the Congress shortly.

Near East and South Asia

One of the most important foreign policy goals of this Administration is to help achieve a lasting peace between Israel and its Arab neighbors. There are no quick and easy solutions for peace in the Middle East, but our assistance plays a crucial role in furthering the peace process.

In recent weeks, there appears to have been movement in the region of the type which, if sustained, could facilitate Jordanian entry into direct negotiations with Israel based on UN Security Council Resolution 242. Israel's Prime Minister Peres has welcomed Egyptian President Mubarak's call for direct negotiations between Israel and a Jordanian-Palestinian delegation. Saudi Arabia's King Fahd and President Reagan, in their recent discussions, agreed that a stable peace must provide security for all states in the area and for the exercise of the legitimate rights of the Palestinian people. We will support any practical effort to move the Arab-Israeli dispute to the negotiating table, the sooner the better.

Israel and Egypt remain our principal partners in the quest for peace, and these two nations would be the largest recipients of our proposed foreign assistance for Fiscal Year 1986. Our economic and military assistance programs are needed to strengthen Jordan's security and economy, both of which are vital to enable Jordan to confront the risks involved in playing a significant role in the peace process. Our relationships with Saudi Arabia and the Arab Gulf States are important elements in our efforts to advance the peace process and, as I will mention later, to protect our interest in the Persian Gulf.

The United States has a commitment to Israel's security extending over three decades. Our security assistance proposal aims to ease the onerous burden Israel shoulders in meeting its defense needs. The Fiscal Year 1986 Foreign Military Sales (FMS) program will enable Israel to maintain a qualitative military edge over potential adversaries in the region. Further progress towards peace depends in part on Israel having sufficient confidence in its ability to withstand external threats but also confidence in U.S. support and assistance. For these reasons, we are recommending a significant increase in Foreign Military Sales on a grant basis for Israel.

The U.S. and Israeli governments agreed last October to establish a Joint Economic Development Group to review economic developments in Israel, the role of U.S. assistance in support of the Israeli adjustment program, and Israeli long-term development objectives. At a meeting in December, Israeli government officials presented the annual White Paper outlining Israeli economic objectives and assistance requirements for the remainder of this fiscal year and for FY 1986.

Our security assistance is a reflection of the U.S. commitment to Israel's security and economic well-being. In addition, we

have indicated our willingness to provide extraordinary assistance in support of a comprehensive Israeli economic program that deals effectively with the fundamental imbalances in the Israeli economy. Without such a reform program, however, additional U.S. assistance would not resolve Israel's economic problems but merely help perpetuate them. Moreover, without economic adjustment Israel will become even more dependent on U.S. assistance in the future. The Israeli government has made some considerable progress to date in developing an adjustment program. But further progress is necessary if their program is to put Israel back on the path of economic health and additional U.S. assistance is to have a durable effect. Accordingly, the Administration intends to hold open for the time being the amount and form of ESF which we will be requesting from the Congress pending further discussions with Israel and further evolution of its stabilization program.

We held a series of very useful discussions recently with Israeli Minister of Finance Modai on Israel's current efforts and those it hopes to take in the future. These discussions were a very useful contribution to our dialogue, which is continuing, and a step forward in our consideration of how additional U.S. economic assistance could support an effective Israeli stabilization program.

Our discussions will continue to focus not only on short term stabilization measures, but also on Israel's longer range development objectives so that Israeli citizens can have confidence in a brighter, more prosperous future. We agreed during Prime Minister Peres' visit last October to work together to promote foreign investment in Israel, particularly in the high technology area where Israel has a comparative advantage. Both governments are examining existing programs and frameworks which might help to improve Israel's investment climate and attract venture capital from abroad. It is clear that in Israel's case—as in other countries—mobilizing both domestic and foreign venture capital depends on an atmosphere that encourages private enterprise, appropriate tax structures and market pricing policies. Private sector initiatives hold the greatest promise for helping Israel achieve its development goals, and we are encouraged by the interest that has been generated in both countries. Our real objective is to support Israel's own efforts to seize the opportunity to establish the fundamental conditions for economic growth in an age of new technology.

Mr. Chairman, I cannot tell you how much I admire the great efforts that Prime Minister Peres and his colleagues have been making in struggling not only with Israel's current economic problems, but other problems in Lebanon, in the peace process, and in their relations with Egypt. Even with all the difficulties in the economy now being faced, I have complete confidence that in the end these problems will be resolved and we will see emerge a healthy, strong and developing Israeli economy with strong leadership there from Prime Minister Peres and his colleagues.

The Camp David accords and the Egyptian-Israeli peace treaty remain the cornerstone of our Middle East peace policy. Egypt has demonstrated its firm commitment to those accomplishments by repeatedly refusing to disavow them as a price for resuming its historic leadership role in the Arab world. Our assistance helps ensure that Egypt will remain strong enough to continue to resist the pressures of radical forces which seek to undo what has been achieved. Egypt remains an important force for moderation and stability not only in the Middle East but also in Africa, where it plays an important role in helping African states deter Libyan adventurism. Egypt's ability to continue this deterrent role depends heavily on our assistance. The FY 1986 Foreign Military Sales Program has been increased to enable Egypt to continue replacing obsolete Soviet equipment and remain a credible deterrent force in the region.

Another major U.S. interest in the Middle East is to maintain free world access to the vital oil supplies of the Persian Gulf now and in the future. The Persian Gulf countries produce over 25% of the free world's oil supply. Through our assistance, we help to improve the security of our friends in this area. Oman is cooperating closely with the U.S. toward our common goal of maintaining security and stability in that vital area and freedom of navigation through the Strait of Hormuz; Oman's agreement to permit access to its facilities represents a key asset for the U.S. Central Command. Although not recipients of U.S. financial assistance, the other Gulf states and Saudi Arabia, as members with Oman in the Gulf Cooperation Council, have shown the will and the ability to defend themselves against encroachment of the Iran-Iraq war. The Administration is embarking on a comprehensive review of our security interests and strategy in the area, focusing on how our various programs in the security field complement our efforts in the peace process and contribute to the general stability of the region.

In North Africa we have longstanding and close relationships with Morocco and Tunisia as firm friends and strategically located geo-political partners. Morocco, with whom we have transit and exercise agreements, and Tunisia are both in difficult economic circumstances. Our assistance program in Morocco, in concert with other donors, is designed to help the Moroccan Government as it implements necessary economic reforms. We have expressed to the Government of Morocco our disappointment over the unwelcome development of the Libya-Morocco treaty of August 1984. Qadhafi's aggression against neighboring states and his undiminished support of terrorism and subversion worldwide are continuing causes of concern. We have registered these concerns with the Moroccans and told them that we discount the possibility that association with King Hussan could influence Qadhafi constructively. Despite differing views on how to deal with Qadhafi, however, the economic and political rationale for this assistance to Morocco remains; indeed it is stronger.

South Asia

A major foreign policy objective in South Asia is to obtain a negotiated settlement to get the Soviet Union out of Afghanistan so that the refugees can return and Afghans can exercise their own sovereignty and independence. In our efforts to achieve this goal, it is vital that we help ensure the security of Pakistan in the face of Soviet intimidation. Our six-year assistance program for Pakistan serves this goal. It is designed to support Pakistan's economy and its development and to help strengthen its defense through provision of military equipmenit and training.

The U.S. has several important goals in South Asia. We seek to prevent conflict among the major states of the region; to help the region develop economically, and to foster the success of democratic institutions. India, the largest democracy in the world, plays a pivotal role in the peace and stability of the region. Our development assistance program for India will concentrate on more sophisticated research and higher technical training, building on India's strong scientific and technological base. Our assistance programs in Bangladesh, Sri Lanka and Nepal demonstrate U.S. support for the moderate non-aligned policies and economic development of these countries.

Europe

Security assistance proposals for the European region are designed to redress the military imbalance in Europe and counter the increased Soviet military threat in Central Europe and in Southwest Asia. The assistance supports key NATO allies and has the dual result of providing the U.S. with continued access to important military bases and helping these countries modernize their own military capabilities. By so doing, our security assistance sustains confidence in our best efforts commitments which are the foundation of base agreements.

U.S. foreign policy objectives in Spain are to support Spanish democracy, to encourage Spanish movement towards a more open economy, and to contribute to Western defense by assuring continued U.S. access to vital air and naval facilites in Spain. The security assistance programs plays a key role in achieving these objectives.

The Spanish military has assumed a role appropriate for armed forces in a democracy. Our assistance is necessary to help Spain meet its goal of modernization to NATO standards and to provide tangible evidence of the benefits Spain receives as a partner in the Western alliance, as demonstrated by its bilateral relationship with the U.S. as well as its participation in NATO. Our security assistance programs thus plays as important role in helping Spain to consolidate and strengthen its new democratic institutions.

Prime Minister Gonzalez' government has taken politically difficult steps to open Spain's traditionally protectionist economy to market forces. This decision was particularly courageous since Spain's economic austerity program has been accompanied by high unemployment. But as a result, the Spanish economy has shown impressive improvement in 1984. Its economic program would have placed a much more onerous burden on the Spanish people without our support. The security assistance program helps in modernizing the economy through scientific and technical exchanges and permits Spain to continue its economic recovery without jeopardizing its military modernization.

Our objectives in Portugal are similar to those in Spain. Portugal is striving to consolidate its 10-year-old democratic institutions while it assumes an expanded role in western political and military structures. It is also pursuing a demanding economic austerity program in an attempt to reform its troubled economy, which is the second poorest in western Europe. The U.S. security assistance program assists Portuguese economic development efforts and permits Portugal to continue its program of military modernization aimed at assuming expanded NATO defense responsibilities.

U.S. security assistance to Portugal therefore provides both real an symbolic support for Portugal's attmept to strengthen its democracy and free-market economy. Its provides a cornerstone for Portugal's attempts

to play a more effective role in NATO. It also serves to meet the assistance goals to which the U.S. is committed under the 1983 agreement.

Our security assistance to Greece and Turkey contributes to important stragegic policy objectives on the southern flank of NATO. Turkey's position between the Soviet Union and the Middle East and proximity to southwest Asia make it a natural barrier to Soviet expansion into the Middle East and the Persian Gulf. The Soviet invasion of Afghanistan, the Iran-Iraq War and the disintegration of Lebanon highlight the importance of a politically stable and militarily credible Turkish ally in this disturbed region. Also benefit from our military relationship with Turkey by our use of extremely valuable military and intelligence facilities. The United States accordingly has a compelling interest in enhancing Turkey's ability to meet its NATO committments and deter potential aggression in Southeast Asia through provision of security assistance.

Our interests are not confined to NATO security objectives. We have sought the cooperation of the Turkish Government in promoting a settlement on Cyprus. The Turkish Government accepted and supported the U.N. Secretary General's initiative. We are now working with all the parties to ensure that efforts in the wake of the recent summit in New York to reach a settlement between the Government of Cyprus and the Turkish Cypriot community can move forward. Accordingly, we believe that any attempt at one-sided efforts to impose conditions regarding Cyprus on security assistance to Turkey would not only be unwarranted but would set back the prospects of a settlement on Cyprus.

On the economic side, Turkey has taken far-reaching and courageous steps to stabilize and liberalize its economy. U.S. concessional aid to Turkey is directly and constructively related to Turkey's efforts to create freer and more sound economy.

We are also seeking a substantial level of security assistance of Greece. We have our diferences with the Greek government. We want a better relationship with Greece, but the Greek government has to do its part as well. We recognize Greece's strategic importance in the eastern Mediterranean. We derive important benefits from our miltiary facilities. Our security assistance program is an important element in our relationship with Greece. It is exceeded only by our request for Israel, Egypt, Turkey and Pakistan.

East Asia and Pacific

Foreign assistance is an investment in the future that can benefit both recipient and donor. This is particularly evident in the East Asia and Pacific region where the returns paid on our foreign assistance investment have been enormous. For some 20 years East Asian countries have achieved higher economic growth rates than any other region of the world. They have achieved these remarkable results principally by relying on the dynamism of free market systems. As a result of this rapid economic growth, the region now accounts for more of our foreign trade than any other region of the world. Since former aid recipients in the region have reached the stage of development where they no longer need bilateral aid, and in some cases have become aid donors themselves, East Asia and Pacific countries now account for only a small portion of our worldwide assistance programs despite the vital importance of the region to the United States.

In spite of this generally bright picture, the region still has pressing economic and security problems that we must confront. The Administration's FY 1986 foreign assistance request for East Asia and the Pacific that addresses these problems totals approximately $818 million. The requested economic assistance of $335 million will be concentrated in the three largest members of the Association of South East Asian Nations, the Philippines, Indonesia, and Thailand. The bulk of the $483 million requested for military assistance will go to deter direct military threats to Korea and Thailand and to enhance our close military relationship with the Philippines, a treaty ally. We also propose modest assistance programs in other ASEAN countries, in Burma, a country that has become increasingly important to our anti-narcotics efforts, and in the islands of the South Pacific. I would like to highlight some of our specific concerns.

The Philippines has passed through difficult times that have adversely affected the economy. The government has begun to take corrective measures and has concluded an economic stabilization agreement with the International Monetary Fund. These actions are encouraging, but more has to be done to turn the economy around. The Philippine situation is further clouded by a growing armed insurgency by the New People's Army, the military arm of the Communist Party of the Philippines, which has been able to exploit the country's political, economic, and social difficulties. The revitalization of democratic institutions, the establishment of long-term growth through structural economic reform, the maintenance of our vital security relationship, and the successful resistance to a communist takeover of the Philippines are intertwined. Our integrated economic and military assistance program is designed to support all of these objectives.

Like the Philippines, Thailand is a treaty ally of the United States. It is also a frontline state that faces serious security challenges caused by Soviet supported Vietnamese aggression in neighboring Cambodia. Our security assistance to Thailand supports the government's efforts to improve social and economic conditions in the war-affected Thai-Cambodian border areas that have experienced a large influx of refugees because of continued brutal attacks by Vietnam. The on-going Vietnamese military offensive along the Thai-Cambodian border and frequent Vietnamese forays into Thailand underscore the importance of modernizing Thailand's defense forces to provide a deterrent to further Vietnamese aggression.

The specific efforts of the Philippines and Thailand are reinforced by their membership in ASEAN, which represents the best hope for peace and stability in Southeast Asia. Consistent with our strong support for ASEAN and in recognition of the importance of our relationship with Indonesia, we have also proposed economic and military assistance for that nation. Indonesia has continued to make good progress in its development program and maintaining sound economic policies in the face of an international recession. Our military sales to Indonesia have enhanced our common strategic interests in Southeast Asia. We also plan to continue the ASEAN regional technical assistance program. In another ASEAN member, Malaysia, where U.S. private investment continues to be a major catalyst of economic growth and development, the government has expressed interest in continued defense cooperation with the United States within the context of that nation's nonaligned status. Malaysia has played a constructive role in international affairs and has forcefully advanced ASEAN's strategy to bring about a withdrawal of Vietnamese forces from Cambodia. We propose to continue our modest military assistance program in support of these efforts.

Another important U.S. treaty ally is the Republic of Korea. The prevention of North Korean aggression against South Korea is indispensable for peace and stability in the region and important to our own security. So far we have been successful in deterring aggression and preventing a recurrence of hostilities on the Korean peninsula. To maintain our support for the U.S.-ROK alliance we propose to continue an FMS credit program that will permit the ROK to improve the capabilities of its combat forces, many of which are stationed with our own forces along the DMZ and would operate with us under a joint command in time of war.

I now want to emphasize the importance the Administration places on proposed legislative action that will require no additional appropriation under the bill you are considering. Our expanding economic, scientific, and cultural ties with China have been mutually beneficial and have become a very important element in our overall relationship. Consistent with this growing friendly relationship, the President has sought changes to laws that link China with the Soviet bloc. I am pleased to note that, with your support, important progress was made in this effort. Last year we proposed the elimination of the prohibition on assistance to China to permit us the flexibility to provide some assistance—such as training—if we so chose. This proposal was approved in both the House Foreign Affairs and Senate Foreign Relations Committees. The overall bill was not passed, however, for reasons unrelated to China. To remove this anachronism in our laws affecting China, I ask you to pass this proposal this year.

Multilateral development programs

Thus far I have stressed the vital role American bilateral assistance plays in promoting the security and stability of the developing world. As I am sure each of you appreciates, this task is far too great for one country to attempt to do alone. Fortunately, we do not have to. Our friends and allies in the industrialized world devote a considerable amount of their resources to the task of promoting the development process, which in turn yields dividends in the expansion of economic trade and strengthening of democratic institutions. These resources are becoming too scarce to allow for inefficient use of any kind. A coordinated approach among donors has always been desirable. It is now critical.

The principal tool available for such coordination is the pooling of a portion of our economic assistance through the multilateral development banks (MDBs) and the development programs of the United Nations and the Organization of the American States. MDB lending remains a significant and growing source of investment capital for developing countries. In FY 84, MDBs together committed $22 billion in new loans. That a lending program of this size was sustained with a U.S. paid-in contribution of $1.3 billion testifies to the advantages of using the MDBs to share the burden of providing aid. The U.S. benefits directly from the MDBs efforts to promote strong and sustained progress in the developing coun-

tries through increased sales of U.S. goods and services. Indeed, a significant portion of the U.S. trade deficit can be attributed to the decline in purchases by debt-troubled developing countries, a decline which appropriate development assistance can help reverse.

While valuable as a source of development finance, the MDBs play an equally critical role by providing sound market-oriented economic policy advice to their borrowers. They also impose financial discipline on the development objectives of their clients. These institutions are devoting increasing resources to projects and programs designed to support private enterprise in the developing world. For many years, the World Bank's special affiliate, the International Finance Corporation, has focussed on the specific needs of the private sector. The regional development banks are beginning to follow the World Bank's lead. The strengthened commitment on the part of these institutions to private enterprise may prove to be one of the most important factors in supporting a successful development process.

We are convinced that the MDBs have a crucial role to play in advancing world-wide growth and development, and increasing the private sector contribution to that process. We thus consider our participation in them a necessary complement to our bilateral assistance policy. In recent years this Administration, acting in close consultation with the Congress, has sought to reduce the cost to us of providing an effective level of support to these institutions, while maintaining U.S. leadership. We have been successful in negotiating overall replenishment levels which we believe are adequate to the needs of borrowing members but also take into consideration our budgetary constraints. Maintaining U.S. leadership, however, depends on our meeting these obligations in a timely manner. I, therefore, urge Congress to support fully both our FY 86 request for $1.3 billion.

The United Nations and OAS programs for development also make valuable contributions to the development process. The role of institutions such as the United Nations Development Program (UNDP), the World Food Program (WFP), and UNICEF have complemented our bilateral efforts. We support these programs and continuously and forcefully seek to improve their effectiveness and efficiency.

SUMMARY

In closing, Mr. Chairman, I would like to emphasize the basic theme of this year's budget presentation. We have a responsibility to stick with the policies that have worked or begun to work. Quick fixes, pulling back from the fray, or hoping for diplomatic miracles are not responsible options. But if we stand together, firmly, predictably and realistically defending our principles and our friends, and do so in the steadfast manner the problems require, then we can prevail. Our FY 1986 budget request is designed to do just that.●

APRIL 1985 AS FAIR HOUSING MONTH

● Mr. D'AMATO. Mr. President, I am pleased to join today as a cosponsor of Senate Joint Resolution 79, which designates the month of April as "Fair Housing Month." Fairness is something we should be concerned about not just during the month of April, but throughout the year as well. The principle embodied in this resolution reflects the best of traditional American values.

The promise of decent shelter has been an enduring dream for all Americans, but the reality for many has been otherwise. The Fair Housing Act protects the right of free choice in the housing market. The Federal Fair Housing Act prohibits housing discrimination on the basis of race, color, religion, sex, or national origin. Housing discrimination must not, and will not, be tolerated. We must continue our commitment to this right for all.

A continuing commitment to this principle demands that we recognize the 17th anniversary of the enactment of the Fair Housing Act—title VIII of the Civil Rights Act of 1968. However, our commitment to the elimination of housing discrimination must continue beyond the month of April.●

RESEARCH AWARDS

● Mr. GRASSLEY. Mr. President, I introduced Senate Joint Resolution 69 on February 28 which would reverse an OMB directive to reduce the number of research awards to be made by the National Institutes of Health. The Office of Management and Budget has requested NIH to ignore the congressional mandate to fund 6,500 new and competing research grants this year and fund only 5,000—a level actually below the fiscal year 1984 and 1983 levels.

I want to point out to my colleagues that a similar situation also applies to the Alcohol, Drug Abuse and Mental Health Administration. OMB has directed ADAMHA to reduce the number of research grants it will be permitted to fund this year from 583 to 500. I regret that my resolution did not refer to research grants within ADAMHA because I feel that Congress would agree that its funding mandate has been thwarted for this agency as well.

The need for parity in congressional support for biomedical and behavorial research has long been recognized. We must insist on an evenhanded approach in dealing with appropriations issues concerning NIH and ADAMHA because of the interdependence on critical research breakthroughs in the diagnosis and treatment of diseases in both areas.

Reducing the number of new and competing research grants in NIH and ADAMHA would seriously disrupt the Nation's research activities which are critical to improving the health of the American people. It is contrary to clear funding decisions made by the Congress in Public Law 98-619, and those decisions should not be circumvented by administrative fiat.

Mr. President, my efforts to ensure the power administration of laws that Congress enacts are directed at restoring research support for both biomedical and behavioral research.●

FORTY YEARS AFTER YALTA

● Mr. BIDEN. Mr. President, it has been four decades since President Roosevelt, Prime Minister Churchill, and Premier Stalin met at Yalta and signed the Yalta agreements.

Recently, two leaders of the Polish-American Congress of my home State of Delaware—Angela C. Turochy, honorary president and Jesse W. Samluk, president—expressed to me their continued concern that 40 years later both the spirit and the letter of the 1945 Yalta agreements have not been carried out.

The Yalta agreements "Declaration On Liberated Europe," stated "liberated people" must be allowed processes that will enable them "to create democratic institutions of their own choice * * *." The declaration notes that its guiding principle is "the right of all peoples to choose the form of government under which they will live. * * *"

The situation that has since developed in postwar Eastern Europe clearly indicates that the Soviet Union had no intention of carrying out the promises made in the agreements. They pledged "the earliest possible establishment through free election of Governments responsive to the will of people," but that has never happened in the countries which they liberated during World War II. No environment of political and national freedom exists today in areas under the domination of the Soviet Union. No East European government is the product of any legitimate democratic process. From the beginning the Soviets have sought to impose on Eastern Europe their own sociopolitical system, one which has little popular support. The uprisings and continued ferment in Poland, East Germany, Czechoslovakia, and Hungary leave little doubt of this.

I wholeheartedly empathize with and understand the frustrations of my friends in the Delaware Polish Congress. We in the Senate must continue to do all we can to push each successive administration to pressure the Soviet Union to fulfill its neglected promises made at the Yalta Conference. Fostering legitimate democracies in Eastern Europe should be a high priority of every administration. Sovereign rights and self-government should be restored to those people who have been forcibly deprived.

At every opportunity and at every international forum, including the recently convened arms control talks in Geneva, the administration should be raising with the Soviets the issue of the Yalta agreements, thereby showing our solidarity with the peoples of Eastern Europe.

This is not a partisan matter. The administration should use all means available to press the Soviets to carry out its commitments under the Yalta agreements. The peoples of Eastern Europe must be allowed—in the words of the Yalta Conference Declaration—to solve "by democratic means their pressing political and economic problems. * * *"●

MINNESOTA SALUTE TO LOUISE WHITBECK FRASER COMMUNITY SERVICES, INC.

● Mr. DURENBERGER. Mr. President, for the past 50 years, mentally delayed and retarded individuals and their families have benefitted from the caring services provided by what is now known as the Louise Whitbeck Fraser Community Services, Inc.

In those 50 years, the well-known community institution in surburban Minneapolis has grown from a home-study program involving seven students to a well-rounded program encompassing a $1.5 million facility with more than 40 staff members and dozens of volunteers who care for approximately 100 children and adults.

Sensing the need to broaden its focus, Louis Whitbeck Fraser Community Services has, in the recent years, branched out to serve adults and to provide a large number of services to both children and adults in their home environments.

Because of the outstanding contributions made by Louise Whitbeck Fraser Community Services, I ask that the following two articles noting the organization's 50th anniversary which were published recently in the Richfield Sun-Current be printed in the RECORD.

The articles follow:

FRASER SCHOOL: 50 YEARS OF HELPING HANDICAPPED

(By Judy Rothschadl)

At 8 a.m. it's rush hour at Whitbeck Fraser schools.

Coffee is steaming, staff and volunteers file in and disappear into classrooms, tiny chairs are set aright, miniature dining services are stacked for play time. Down the hallway leading to the executive director's office come armfuls of balloons and paper streamers.

"We're trying to surprise him, explained Lane Dexter, director of program development at Louise Whitbeck Fraser Community Services Inc., 2400 W. 64th St., Richfield, Executive Director Robert Kowalczyk's birthday is three days away. Chances are he won't be expecting a party.

Dexter is trim, tan and looks more like a student teacher than a 20-year veteran of the school.

"It's not always this busy, but pretty close," she said.

Traffic and enthusiasm have risen recently in expectation of the school's 50th anniversary—the kickoff was a fashion show fund-raiser this past weekend at the downtown Hyatt Regency. Celebrities showing support for the school by modeling at the fashion gala included 1976 Miss U.S.A. Barbara Peterson-Burwell, former Minnesota Gov. Wendell Anderson, and Erica Bouza, wife of Minneapolis Police Chief Tony Bouza.

Besides a birthday, the service organization for developmentally delayed and mentally retarded children and adults is also undergoing its third name change. Founded in 1935 by Richfield resident Louise Whitbeck Fraser (see accompanying article), the school was known for 32 years as Home Study School.

In 1967 it was renamed to honor Fraser as Louise Whitbeck Fraser School Inc. Because of growth and diversity, the school is again being rechristened, this time as Louise Whitbeck Fraser Community Services Inc.

The service has grown over a half century from a home-study program involving seven students to encompass a $1.5 million facility with some 40 staff members and leagues of volunteers caring for approximately 100 children and adults.

Three divisions comprise the non-profit, private service facility: the Fraser School for handicapped children aged 6 weeks to 6 years; the Whitbeck Nursery School, offering licensed daycare and nursery services to non-handicapped preschoolers; and the Muriel Humphrey Residence Program, added in 1977 to serve mentally retarded adults.

The Fraser and Whitbeck schools are housed in the 2400 W. 64th St. facility. Each is staffed separately with special education instructors and therapists who work one-on-one with children. Handicapped infants are visited in their homes by specialists who work with both the child and parents. When the children are older, they come in to the school facility to work with instructors and music, speech, occupation and corrective therapists.

Lori Bird, special education instructor at Fraser School, explained that the children have mental or physical handicaps, some correctable, some permanent.

The key to helping them, staff members agree, is early intervention, getting professional help as soon as possible.

"The sooner we get them," Bird said, "the more we can help them."

The school also looks after "normal" children. Although normal and handicapped kids have separate staffs, the children have a tendancy to mingle.

Dexter said the mixing of the two groups has mutual benefits. The disabled children learn more by playing with unimpaired peers, who serve as models. The "normal" kids learn to accept peers with disabilities.

"It's a good place to start as far as kids learning how to deal with other types of people in their world," Dexter said.

On the other range of services, the organization provides for mentally retarded adults through the Muriel Humphrey Residence Program. Residence homes offer a family atmosphere and are staffed with a live-in counselor couple, a program specialist with assistant, and weekend relief counselors to provide constant support.

Whitheck Fraser Community Services Inc. falls under the jurisdiction of Hennepin County social services and is one of eight developmental achievement centers serving the Hennepin metro area. It is 85 percent funded through tuition paid by parents eligible for government financial assistance. Fees are based on income and range from zero to $300 a month. Other funding sources are private foundations and companies.

With the recent "tightening" of government and private funding, the school is seizing the occasion of its 50th anniversary to remind the community of its services. A whole array of activities is being planned, including open houses, to begin in earnest this coming fall.

Kowalczyk said the school is unique not only for its ability to survive through changing community needs, but also because of its unique methodology. Although other schools for the handicapped use music therapy, Fraser was a pioneer in the approach.

"Fraser discovered you could take a hyperactive child and through a controlled setting, starting with more involved music and leading to more passive music, the child could be calmed," he said.

Fraser learned to seize these moments of calm, he explained, to introduce a lesson. Sometimes the calm lasted only half a minute, but it was enough to start a learning process.

Music is only one part of the education program at Whitbeck Fraser. On the morning of Kowalczyk's birthday party, kids were huddled in giggling gaggles from one end of the building to the other, engrossed in exercises to push their tiny hands and minds toward new horizons.

One huddle in the nursery appeared to be cleaning up after a make-believe tea party. Across the hall a Goldilocks-type was beaming after fitting together a block puzzle. A trio in therapy smiled sheepishly after maneuvering a ball into a small tin can.

It looked like fun, yet Dexter said each activity was also helping develop specific mental and physical skills. She pointed to a group of retarded children gleefully mashing mounds of shaving cream and Rice Krispies. The exercise helped fine-tune touch perceptions. One child let out a squeal.

"Some don't like the feel of the Rice Krispies," Dexter said.

Some children take months or years to learn a simple skill. Some never learn. But every so often—often enough—there is a success, maybe as simple as a child learning to bring a cracker to his mouth with his right hand.

"We can never make brain damage go away," Bird said. "But we can help them learn things people didn't used to think they could learn—to help themselves—to make a better life."

SCHOOL FOUNDER HAD A WAY WITH KIDS AND ADULTS

(By Judy Rothschadl)

It was another long day in a hard life for Louise Whitbeck Fraser.

At just 32 years old, she had been widowed when her husband, Allen, was shot and killed on the day he was to retire from a dangerous secret service job. Prior to that tragedy, a son, Robert, had been killed in a freak auto accident. And a daughter, Mary Lou, was struck down by a staph infection as she was about to launch a law career.

Fraser was left on her own to raise a remaining son, Wesley, and a daughter, Jean, who became deaf after a bout with spinal meningitis.

Fifty years ago it was not uncommon for children with physical disabilities to be diagnosed as mentally retarded. But Fraser, a trained commercial artist and elementary school teacher, was determined to keep Jean at home and teach the child herself, even though doctors recommended institutionalization.

Jean, described as a "terror," was straining her mother's patience on this particular

day. Perhaps out of frustration, Fraser plopped the child down alongside a phonograph and to her surprise Jean suddenly stopped struggling. For a precious moment a calm descended in the Fraser home.

"She couldn't tell if it was the music, movement of the record going round and round or the sound of the bass," explained Robert Kowalczyk, executive director at Whitbeck Fraser Community Services Inc. "But she thought there had to be more to it."

Kowalczyk, speaking from memory of past converstations with Mrs. Fraser (now deceased), said from those surprised beginnings, the Whitbeck Fraser School founder went on to pioneer special education therapy for children that was almost unheard of 50 years ago.

Fraser developed techniques for music therapy that became the subject of countless professional journal articles. And her special way of handling handicapped children led to a growing number of requests from area parents with similar problem children.

In 1935 Fraser officially opened her home as a school called Home Study School, 5019 38th Ave. S., Minneapolis, with seven pupils. Each year the number of students rose, from 25 in 1939 to 60 in 1960. Staff and services were added while the facility outgrew six different locations. In 1967 a new $300,000 building was constructed at the school's present site at 2400 W. 64th St., Richfield, and in 1971 an addition was completed, finishing off a $1.5 million special education complex, serving approximately 100 area handicapped children and adults.

Remembering Fraser now on the occasion of the school's 50th anniversary, Kowalczyk smiles frequently. His boss, mentor and friend—who started the program in her living room—died eight years ago at age 81.

What kind of woman could survive severe family trauma and go on to found a school for children who sometimes require more attention than a single body can give?

According to Kowalczyk, she had an intuitive sense about what her school needed. After a single, brief meeting with him, she was determined to hire Kowalczyk, whom she talked into leaving a comfortable post at Anoka State Hospital.

"She had a lot of charm with people," said Pam Jurdy-Juul, the school's director of infant programming, "the kind of charm you don't see much these days."

It was a charm that worked on the children as well, according to Jurdy-Juul, who said the children were often "calmed" by Fraser's presence.

One wall of the school's conference room is now practically filled with plaques and notes of recognition that poured into Fraser's hands over the past 50 years. Among them are Minnesota Mother of the Year, Richfield Kiwanis Award for Outstanding Services for Mentally Retarded, and Community Leader of America Award. She is also listed in the "National Register of Prominent Americans" and "Who's Who of American Women."

"Fraser used to say," said Kowalczyk, " 'all this new equipment that's coming out is wonderful, but you can be just as effective with scraps of paper and a few broken crayons if you know what you're after.' "●

TRIBUTE TO JUDGE M. JOSEPH BLUMENFELD

● Mr. DODD. Mr. President, the Sunday, March 3, 1985 issue of the Hartford Courant had an excellent article about U.S. District Judge M. Joseph Blumenfeld. I believe the article is very interesting and ask that the entire text be printed in the CONGRESSIONAL RECORD.

I know Judge Blumenfeld, and he has all the qualities we expect from our top judicial appointees. He is a fair man, and has gained dignity through his dedication for his work and an unending quest for justice. Not only does he possess these essential qualities but he is also a fine man. He has a good sense of humor, one that is often seen in his courtroom. Joseph Blumenfeld is a decent, caring man who does not isolate himself. He enjoys contact with people, and works with and for them as much as possible.

I hope all my colleagues get a chance to read this article. It shows the importance of our legal system, and how Judge Blumenfeld has combined this importance with his love of life.

The article follows:

WIT AND GRACE CREATE A COURTROOM LEGEND

(By George Gombossy)

When federal Judge M. Joseph Blumenfeld commissioned New York City artist Xavier Gonzales to paint his official portrait 10 years ago, he made an unusual request.

"I told him to make one painting for me that looks like me and another one that makes me look like a judge," said Blumenfeld, who will turn 81 March 23.

But even the official portrait of Blumenfeld that hangings in the judge's Hartford courtroom stands out from the paintings of other judges who are sternly holding lawbooks on their laps. In his portrait, Blumenfeld is smiling and sporting a pale orange tie against the black background of his judicial robe.

It is the smile and the tie that symbolize what sets Blumenfeld apart from other federal judges.

Most federal judges pride themselves on a dignified appearance both on and off the bench, and they keep a safe distance from the rest of the world. But Blumenfeld relishes contact with people. He likes to run an informal courtroom where laughter often is heard.

"I don't think that dignity is attained by the cloak you wear. It's by the quality and the integrity of the work you turn out," he said.

"I like to have people feel at ease, and I think they do feel at ease if you are not pompous or aloof in your attitude."

The judge's sense of humor is legendary.

"All you have to do is sit in his courtroom for 10 minutes and he will crack you up," a veteran Hartford defense lawyer said.

"He is the master of the one-liner," a federal prosecutor said.

Lawyers tell the story of a juror who complained that he could not hear a dentist who was testifying. Blumenfeld told the witness: "Please open wide."

"I always try to get something in there that livens a case up," the judge said. "You know, instead of approaching [a witness] with formal expressions . . . I get right down to ordinary man-to-man talk."

Blumenfeld has a serious side, too. He dislikes wasting time and uses his sharp wit to cut off attorneys he suspects are speaking to hear themselves talk.

"He doesn't take himself seriously, but he takes the law very seriously, and that is why he is an outstanding judge," 2nd Circuit Appeals Court Judge Jon O. Newman said.

Affectionately nicknamed "Judge B," Blumenfeld has been a U.S. District Court judge since 1961, when his former law partner, the late Sen. Thomas J. Dodd, recommended his appointment to President Kennedy.

Blumenfeld has had a heart attack, two hip replacement operations and he wears a hearing aid. He no longer works full time but still carries about a 60 percent workload.

He has ruled on thousands of cases in the last 24 years, many with wide-ranging impact.

Blumenfeld approved the controversial $1.5 billion merger of International Telephone and Telegraph Co. and Hartford Fire Insurance Co.; he ordered the state to pay for abortions of welfare recipients, and he affirmed a young man's right to wear an American flag on his pants.

The judge also ordered the state to begin an extensive outreach program to inform eligible poor people of the food stamp program, and he has chastised state courts for long delays in taking up appeals of convicted criminals.

Most recently, Blumenfeld issued a ruling permitting a battered woman to sue police for their alleged refusal to come to her assistance.

Jurors rarely have a dull day when they are called to hear evidence in Blumenfeld's courtroom. He is polite with them, going to lengths to explain the proceedings and apologizing for delays.

It is difficult for Blumenfeld to pass up the chance at a good pun. In a 1973 case in which public housing tenants were challenging the government's ban against having dogs as pets, Blumenfeld, sounding like Groucho Marx, told the attorneys, "This appears to be a dog of a case."

Even in his written rulings, the judge sometimes sneaks in some humor. In ruling on the dog case, he described the issue as a "bone of contention."

But sometimes he almost goes too far.

In a recent cocaine-selling case, Blumenfeld wondered why a native Columbian who has been living in this country seven years needed an interpreter.

"What have you been doing here all these years?" the judge asked the young man.

Before the suspected drug dealer had a chance to respond, Blumenfeld quickly caught himself and, waving his arms, said, "Never mind. Don't answer."

Blumenfeld says the most difficult part of the job is sentencing. He says his reputation as a lenient judge does not upset him.

"There is hardly any status in society that can curtail a man's freedom any more than prison, or under worst conditions," he said. "And although punishment may be deserved, the suffering can't be ignored. Hence the Biblical admonition to temper justice with mercy."

On some types of crime, however, Blumenfeld has meted relatively stiff punishment.

Last year he sentenced airline pilot Calvin Holderman, Jr. to 2½ years in prison for refusing to file federal income tax returns over five years. About the same time he sentenced a convicted bank robber who was a suspect in seven other heists to three years in prison.

Blumenfeld said he considers failing to perform a public duty—like paying taxes—to

be a serious crime, expecially when the defendant preaches non-compliance. "I think these guys do need a special, little extra punch," he said.

Next to sentencing, Blumenfeld's only other distasteful duty is occasionally sitting on what he considers boring cases, those that do not "inolve any social significance or dramatic coloration, when it's just drugery to just listen to these fellows talk about the records they keep."

"That is the kind of case . . . that is dull and sleep-inducing," Blumenfeld said with a laugh, referring to his reputation of sometimes dozing off during proceedings.

The judge would rather deal with ticklish questions involving the U.S. Constitution and the responsibility of government to its citizens—the type of cases legal aid attorney Raymond R. Norko has argued before Blumenfeld.

Norko remembers the first time he appeared before Blumenfeld after graduating from law school in 1970.

"He looked at me and said, 'Oh no, another legal services lawyer. Which one is it this time? Is it the first, the fourth, the 15th [Amendments]? You guys are always bringing these constitutional claims.' "

Norko was arguing a federal suit against a health officer and a nurse who allegedly violated welfare recipients' rights by conducting late-night searches of their homes to verify they were eligible for government assistance.

"You want to sue a doctor and a nurse? Why? Are you crazy?" Blumenfeld asked Norko.

"I tell you my knees were knocking," the lawyer recalled.

Norko won that suit as well as many others, but legal services attorneys do not always win with Blumenfeld.

In 1981, the judge rejected a major race-discrimination complaint against Manchester brought by legal aid lawyers, including Norko, and government attorneys after the city pulled out of a federal development program designed to promote integration.

Despite losing the case, Norko says he has the highest regard for Blumenfeld and his ability to get to the root of an issue.

"I think he is bright; he is funny; he tempers justice with understanding," Norko said. "He has a magic that exudes. He is a man who really believes in what he does."

Nina Ginsburg, a lawyer now practicing in California, said she will never forget the year she spent as a law clerk for Blumenfeld in 1981.

The judge's other law clerk was dying of cancer and was out for months at a time.

Blumenfeld "was very understanding," she said. "He knew he had cancer when he hired him. He died within six months at the end of the clerkship. I think a lot of federal judges would have a different set of priorities.

"When the work got backed up, he said, 'We will get to it when we can.' "

Harold J. McElhinny, another lawyer in California who was a clerk for Blumenfeld in 1975, said it was the best year of his life.

"He is probably the person I admire the most in the world, after my own father," McElhinny said. "I am now a partner in one of the largest law firms in California. I make a large salary; I have three children and a wonderful wife. But, in my opinion, my life has been downhill since that clerkship. I enjoyed it so much. He has been the role model of what the law can do for people at its best."

Blumenfeld said he has no intention of resigning, even though he would draw the same salary as he earns now. He told one lawyer he would rather die on the bench than at home.●

ALLARD K. LOWENSTEIN

● Mr. KERRY. Mr. President, Allard Lowenstein was a friend. He was an inspiration to many throughout the Nation and throughout the world. Those of us who started on the road to public service in the sixties and seventies owe a debt to Al Lowenstein. His ability to articulate the virtues and necessity of activism led an entire generation to speak out at a time when the Nation's voice was silent. His lessons will not be forgotten.

Five years ago last week, Al Lowenstein was murdered. At the end of this month, the third Allard K. Lowenstein Symposium will take place at the University of North Carolina at Chapel Hill. This symposium will coincide with the completion of work on the Allard K. Lowenstein Papers that will be housed at the university. The annual symposium and the papers will allow his important work to continue so that subsequent generations may be touched by Al's gifts.

Mr. President, I would like to include for the RECORD an article written by Al Lowenstein entitled "The Future of Human Rights in American Foreign Policy."

The article follows:

THE FUTURE OF HUMAN RIGHTS IN AMERICAN FOREIGN POLICY

(Allard K. Lowenstein) [1]

Professor Friedmann was a hero to many who know not only the circumstances of his death but also the qualities of his life. We ought to try to commemorate him in the way we live, and words on an occasion like this ought to be measured by whether they tend to encourage or to substitute for attitudes and patterns of activity that further the influence of those qualities . . . which may be a good way to begin these observations, because so many people are frustrated about the inadequacy of words in trying to deal with problems of human suffering. But despite that understandable and valid frustration, much of what can be achieved has to start with words.

We live in a world where technology has limited what we can do. This is a peculiar paradox, because it has also taken away many limits to what we can do—which is to say that for the first time since Cain killed Abel, we can wipe out half the population of the world in about five minutes. This fact somewhat transforms what war is about. It limits what can be done by violence, even if you do not subscribe to pacifism as a philosophy. . . .

Once it is perceived and accepted that war has become an overwhelmingly brutal and potentially terminal tactic, the intertwining of necessities becomes almost tantalizingly contradictory. We need peace, justice, opportunity, and the decrease of suffering. But how do you obtain the second, third, and fourth of those items without violence in, say, South Africa? . . .

So there is the paradox. How can we have human rights without peace? How can we have peace without human rights? How do we achieve both under the intense pressure of time resulting from technological breakthroughs? One must start with talk, and that fact must add to one's awe about the extraordinary foresight of Eleanor Roosevelt in her work after the Second World War. If it had not been for her driving commitment, stature, and patience, there could not have been developed a document accepted by the whole world as a common standard of human rights—however differing the interpretations and flagrant the hypocrisies. . . . These documents have given human rights international legal status, status as a proper topic for concern by governments about each other's behavior. . . . We can't enforce our view of these rights on other countries. But we can persist in placing the topic of human suffering on the agenda of governments in a way that affects the obligations of governments as spelled out in these documents. In fact every government except South Africa proclaims its adherence to the human rights principles of the Universal Declaration of Human Rights and the UN Charter, and even South Africa is trying to make noises in that direction. . . . Governments thus can be perceived not only as the source of a great deal of suffering, but also as the logical vehicles to decreased suffering. And *that* paradox lends power to the demands of conscience expressed by private citizens and builds pressures that cross national borders. . . .

Perhaps the greatest contribution of President Carter and Ambassador Young to human rights during their first year in office is that the problem of human suffering has been transformed from a kind of do-gooders' inside joke to a major item on everybody's diplomatic agenda. And this transformation has in turn affected the atmosphere within many countries with repressive governments. It should make Americans feel good about their country to realize that our government has become a purveyor of hope in many places where not too long ago it was seen as a purveyor of quite a different sort. . . .

Our concern about human rights is what must be consistent and universal, not our tactics or our impact. We should do whatever we can to decrease the suffering of people wherever they live, whatever the source of suffering, understanding that there are limits to what we can do and that there are other requirements in shaping national policy. . . .

But much can be achieved even within these limits when the government of a major power decides to make a priority of human rights concerns. Simply sending Andrew Young as our representative to the United Nations was a great contribution, because Andrew Young's compassion, experience, and intuitive genius in dealing with people of greatly varied backgrounds and points of view have helped arrest a kind of rigor mortis that had overtaken so much of international discourse for so many years. Because of Andy Young's personal impact, people are talking—and listening—who have not done much of either for a long time. That is a blessing for our country, and for people trapped too long in various kinds of adversity around the world.

Robert Kennedy used to say that the future might lie beyond our vision, but it was not beyond our control, and that the

[1] These extracts were taken from a talk given on March 23, 1978 that was cosponsored by the Program of General Education and the Friedmann Conference.

work of our hands matched to reason and principle could help shape that future. If we want a future shaped by the spirit that we commemorate on this occasion, we had better revive and organize our energies to work for the values that have moved this University to greatness over the centuries.●

THE 150TH ANNIVERSARY OF THE KALEVALA

● Mr. DURENBERGER. Mr. President, many Americans of Scandinavian descent settled in the 19th and 20th centuries in my home State of Minnesota. The first Finnish pioneers arrived in Minnesota in 1864. Today, there are more than 600,000 Americans of Finnish descent, many of whom are my constituents. Throughout this year, Finnish-Americans will hold a number of celebrations throughout this country to honor the ties between Finland and the United States.

Most notably, Finnish-Americans will hold a national celebration from July 25–28 in Hancock, MI, which will include lectures, theatrical productions, arts and crafts exhibits, and religious ceremonies. Minnesotans of Finnish-American descent recently commemorated the contributions of the Finnish to the growth of our Nation. This event took place on February 28 in Hibbing.

This Hibbing celebration focused on the 150th anniversary of the publication of the Kalevala. This epic poem, published by Elias Lonnrot in 1835, celebrates the vitality, the challenge, and the diversity of the Finnish people and their cultural traditions. Lonnrot was chiefly responsible for compiling and transcribing a wide range of literature which had been derived from the Finnish oral tradition of epic poetry, stories, legends, and proverbs. The publication of the Kalevala did much to raise the Finnish national consciousness and to educate Finns to their traditional ways of life. Lonnrot's work has been continued by many other Finnish scholars with the result that Finland boasts the largest national folklore archives of its kind in the world.

This anniversary is an appropriate time to honor both the contributions and the courage of the Finnish people and their descendants in the United States. Mr. President, I ask that an article by Vaino Kaukonen titled "The Kalevala and Its Study" be printed in the RECORD.

The article follows:

THE KALEVALA AND ITS STUDY

(By Vaino Kaukonen)

In world literature there are certain highly esteemed works of poetry with the common feature of being closely linked to earlier traditions handed down only by word of mouth. Poetic works of this kind are Homer's *Iliad* and *Odyssey*, the great archetypes of European literature. These epic poems were created on the basis of oral tradition, which originated in a remote past long before mankind learned the art of writing. The *Nibelungenlied* of the Germans cannot be understood at all without assuming an earlier oral tradition in both poetic an prose forms. Longfellow's *Song of Hiawatha* is based on ancient legends and traditions of the North American Indians. Among the great narrative poems of the world must also be ranked the Finnish *Kalevala*, the 150th anniversary of the first publication of which will soon be celebrated.

We all know that the *Kalevala* is an epic compiled by Elians Lönnrot from ancient folk poems. On travels over a period of about a decade, Lönnrot collected and wrote over 40,000 lines of verse; and in the 1840s he obtained more than 100,000 additional lines from other collectors for the second, expanded edition of the epic. With full reason, Lönnrot said that he could have composed as many as seven *Kalevalas*—and all of them different!

The work of composing the *Kalevala* lasted no less than sixteen years from the first drafts done in 1833 to the appearance of the second edition in 1849. An important intermediate stage was the publication in 1840 of the collection of lyric poems entitled *Kanteletar*. After all, a couple of thousand lines of verse from this collection were then incorporated in the *Kalevala*.

The circumstances of the creation of the *Kalevala* are known well. It has been possible, for practical purposes, to trace the starting points of all the verses and variants contained not only in both editions of the *Kalevala* but also in all the drafts and the *Kanteletar* as revealed in the notes taken down by Lönnrot himself and other collectors of folk poetry. The research work involved has actually consumed more than a century. The father of Kalevalian research and the pioneer worker in this field was Professor A. R. Niemi, who in 1898 published a doctoral dissertation on the so-called original *Kalevala*, or first draft of the epic. Niemi's great achievement was an exhaustive study of Lönnrot's travels and a detailed analysis for publication of the poetry material collected on these travels. The sheer magnitude of the collection made the research project undertaken by Niemi a task amounting to an overwhelmingly formidable challenge.

What at bottom is in question in the *Kalevala?* What was Lönnort aiming at and what did he achieve? These are questions central to Kalevalian research, and these are questions to which fairly sound answers can now be given.

Pondering in the fall of 1833 on the content and origin of the old poems he had collected and otherwise knew, Lonnrot ended up by imagining in a visionary way the existence of an ancient "Kalevalian Age," when Vainamoinen, Ilmarinen and the rest of the characters familiar to us from the *Kalevala* had lived and breathed as real people, acclaimed as the heroes of two nations, Kaleva and Pohja. Lonnrot believed that it was during this age that the poems telling about them originated; he called them Kalevalian poems and thought that they had survived only slightly altered as a tradition till the 19th century. Lonnrot wanted to combine these poems into a great whole, an epic that could be compared to the works of Homer and that, like them, would show that our ancestors were not even in their intellectual pursuits ignorant," as he wrote in his Preface to the first edition of the *Kalevala* (1835). The realization of this great esthetic program cost him 16 years of long, arduous and even mortally dangerous travels to collect material as well as incredibly tenacious, unyielding labor in processing the material collected.

The *Kalevala* is poetry, not history. Lonnrot's whole conception of the Kalevalian era," with its heroes and happenings, is quite unhistorical; it has no point of contact with the past vicissitudes of the Finnish people. In stating in the Preface to the 1849 edition of the *Kalevala* that the poems had originated among the Permians, a Finnic people who lived on the southeastern shores of the White Sea, and in situating Kalevala and Pohjola in this region, Lonnrot presented a view understandable from the standpoint of the scholarship of his day but quite without foundation in fact. The Karelians had by no means inhabited the region in question nor had they passed through it on their way to the places settled by them later.

One of the great results of the research done on the *Kalevala* was the birth a century ago of a new science, one of quite considerable significance internationally, the study of folklore. Extensive work has been done in the investigation of the background of the materials, the folk poems proper, composing the *Kalevala*. As divergent and conflicting as the results of the studies made are, they have indisputably demonstrated that no "Kalevalian Age" ever existed in early Finnish history and that the familiar characters of the Kalevalian poems could not have been contemporaneous historical figures; rather, each of them must be interpreted on different grounds.

The *Kalevala* is not history, therefore, but poetry; and its truth is the truth of poetry—and not of history. In the *Kalevala*, Lonnrot presented in the form of a great poem to his own time and to posterity everything that the most central part of the thitherto only little known but esthetically extraordinarily high-level Karelian folk poetry had revealed to him. This grand fantasy, seer's vision, is like nothing else in the cultural annals of Finland: it is universal, in principle a poem embracing all.●

IMPACT OF THE REAGAN BUDGET ON OBERLIN COLLEGE

● Mr. GLENN. Mr. President, I rise to call attention to the President's proposed cuts in student financial aid. I oppose these proposals and believe that the caps and reduction will have an adverse effect on our young people and our colleges and universities.

Because these new proposals are quite complicated and affect a number of student aid programs, I feel that it is valuable to examine what these reductions would do to an individual institution. Mr. Juan Williams has written an article which appeared in the Washington Post, March 17, 1985, illustrating the concerns that many of us share by closely examining the impact of the President's cuts on one of Ohio's outstanding colleges, Oberlin College in Oberlin, OH.

Mr. President, I ask that the article in its entirety be printed in the RECORD following my remarks.

The article follows:

[From the Washington Post, Mar. 17, 1985]

OBERLIN A TEXTBOOK CASE OF HOW STUDENT AID CUTS COULD HURT

(By Juan Williams)

OBERLIN, OHIO.—In the famous college in this small midwestern town there is new interest in the philosopher's question: What is the value of education?

The interest derives not from a renaissance of the liberal arts, but from budget cuts President Reagan has proposed in the federal government's college student aid programs.

About half the students in the country get some from of this federal aid, as do about 1,300 of the 2,700 students here.

The proposed cuts in the programs—among the fastest-growing in the federal budget—would not force all these students out of school. But some would be driven out, and almost all would be faced with new choices as they decided whether Oberlin was worth it.

The school, where tuition will be more than $13,525 next year, says it can do no more to help.

In the last 10 years it has raised the amount it gives students for education costs from 12 percent to 18 percent of its budget.

"We have always taken the view that those most able to benefit by studying here should be here," said S. Frederick Starr, Oberlin's president. "That is the grand principle."

But "we already give 18 percent . . . to help students with financial aid", he said. "There's no more to give without damaging faculty pay and . . . the quality of the school."

For similar reasons it is not possible to cut tuition.

"In 1939 it cost a parent the price of a standard-size Chevy to send a child to Oberlin," said chemistry professor Norman Craig who was paying $1,200 per year in tuition when he graduated here in 1953. "In 1950 it was the cost of a Chevy again . . . In the 1980s it is still one Chevy a year to go to Oberlin. Everyone thinks the price is going up, but imagine how much more a Chevy meant to a family in 1939 than it means to your avarage family today."

Says James White, head of the college's Office of Financial Aid:

"The thrust of the administration proposal to someone who sees financial-need application forms daily is that the government is saying to students that they can go to school. But the government is not the least bit interested if [the school] is Oberlin or Lorain Community College. There is no element of choice. No acknowledgment that a bright student could benefit more from an Oberlin than from a community school. Choice will now be a luxury for the rich."

Of the 1,300 Oberlin students on aid, 477 get more than $4,000, the limit Reagan has proposed for federal aid. The average federal award for those students is $5,237, exceeding the proposed limit by $1,237 and making it likely, Oberlin officials said, that they would not be at Oberlin if Reagan's proposals become law.

Similarly, Oberlin officials, said 758 of their students with family incomes of more than $32,500 get guaranted student loans. This would be the limit for families receiving federal aid under Reagan's plan.

Of those students, 174 who require no other aid could "probably get by without the loans," said White. But, he added, the 584 others who require aid in addition to their guaranteed loans would be forced to leave school.

Nationwide, the $32,500 limit would effect 55.6 percent of the freshmen who entered private 4-year schools last year, according to a poll of college freshmen. At Oberlin, the proposal would mean a loss of dollars to 36 percent of students on aid.

In addition to the $32,500 limit on guaranteed loans, Reagan is proposing to eliminate grants, work/study programs, and other aid for students from families with income over $25,000. About 61 percent of Oberlin's students receiving aid have higher family incomes.

Forcing students out of Oberlin would not be the only impact of the proposed Reagan rules. There also would be impact on students yet to come to Oberlin.

Admissions director Carl Bewig said the Reagan plan could produce a two-tiered admissions system—one for students and parents who can afford the tuition and one for students needing financial aid. The school traditionally has picked the best students and then found a way to pay the bill.

White, the school's financial aid officer, has been told by the college's board that no more of its budget will be committed to financial aid regardless of the news from Washington. Yet, he said, applications for admission are up 20 percent and a record 68 percent of the applicants are asking for financial aid.

Sophomore Paul Andrichuk said he has made his decision. If the president's budget cuts are approved, he said, he will not ask his parents to dig deeper into their $40,000 income. Andrichuk said he will take off at least a semester, possibly a year, to work full time at his summer job loading trucks at a warehouse. Afterward, he said, he may have to go the University of North Carolina, his state school, instead of returning to Oberlin.

Sam Carrier, the college provost, is taking the long view. Oberlin has seen rough times before, he said. How the school will change, and the kind of students in the new Oberlin, are the question.

"You'll recall," he said, "that Oberlin College has been here 150 years. We've seen a lot of changes, depressions and recoveries, and we've accommodated a lot of change. Oberlin College will survive. . . . We don't want to be in the position of saying all cuts are negative because in the long term it's more important to the college that the nation get rid of the deficit. Quibbling over any short-term proposal for budget cuts is secondary."

But Carrier said the proposed budget cuts could ruin the tradition of schools such as Oberlin as a stairway for the hard-working farmer's son from Iowa, the Cleveland immigrant's daughter or the minority family's bright child.

According to college officials, Oberlin ($12,790 in tuition, medical fees and room and board per year), Swarthmore ($12,700), Bryn Mawr ($13,085), Amherst ($12,511), and others of the nation's best private colleges will take on new faces if the president's proposals become reality. So will Stanford ($13,852), Princeton ($14,291) and Northwestern ($13,015), some of the elite private universities.

School officials said the Reagan cuts would not mean having the same student body—minus a few cars, vacations, and stereos, as suggested by Education Secretary William J. Bennett.

Striving poor and middle-class students, Oberlin officials said, will be forced into state and community schools, leaving Oberlin as a preserve for children with rich parents.

"The real danger is freezing over the middle," Starr said. "The middle-class students are going to get pinched. The rich can pay and the upwardly mobile poor will get some help. But with a $4,000 cap, even the poor will have trouble paying tuition here. It's the middle class, particularly the ones just over the line from poverty, that will be absolutely frozen out."

Even as federal aid drops, Oberlin's endowment also is slipping. The endowment produced 34.6 percent of the college's income in the 1973–74 school year, but 18.2 percent in 1983–84.

Carrier said the endowment has not recovered its real value since the oil shortage and stock market slippage of the early to mid-1970s.

In addition, Oberlin faces rising energy costs, the high price of scientific equipment and books and periodicals for the library. Faculty salaries, now between $20,000 and $65,000, have increased in recent years as well.

And administrators note that even students with no financial aid or scholarships do not pay fully for their education. The value of an Oberlin education, they said, is about $4,500 more than the $9,175 tuition. The difference is made up by the endowment and miscellaneous gifts and grants to students.

The school could increase tuition for students able to pay the full, actual cost of an Oberlin education but administrators said that would make Oberlin noncompetitive with similar quality schools.

"I've gone into 100 high schools across the country in the last few months talking to students, guidance counselors and parents," said Starr. "People want a liberal arts education and they are willing to sacrifice for it, but there is a point past which the pain is unbearable. Take away government help now and that's the straw that will break the camel's back."

Also, according to Bewig and White, upper-income parents increasingly want the school to give grants and scholarships to students who have good grades or exceptional artistic or academic talent, even if there is no need for student aid.

Currently, yearly Oberlin costs break down this way: $9,175 in tuition; $275 in medical and activity fees; $1,590 in room rent, and $1,750 for food, plus $735 for books, recreational facilities and personal needs.

Students get federal money to pay school bills from several major sources. There are guaranteed student loans, awarded in full to students whose parents' have income under $30,000 and on a sliding scale to families with incomes between $30,000 and $75,000.

There also are Pell grants of between $200 and $1,900 given to students on the basis of need; work/study programs funded by the government; Supplemental Educational Opportunity Grants that average about $1,000 per student; a National Direct Student Loan program that offers students $6,000 in loans over their four-year college career.

There are, also, scholarships from the school.

The impact of the proposed Reagan cuts on that mix, said White, would be borne by the "sons and daughters of the blue-collar worker who won't even bother to apply because of the cost. . . . It will lower horizons."●

NEED A LIFT

● Mr. STEVENS. Mr. President, the American Legion, in its continuing efforts to help young people, has published its 34th edition of "Need a Lift?" which is one of the best career and scholarship informational handbooks available. The information contained in this book will be helpful to students, parent and school counselors, and it is available for general distribution through the American Legion Education Program, Americanism and Children & Youth Division, Indianapolis, IN 46206, for a nominal fee of $1.

I feel it is very important for students to have as much information as is available about scholarships, and I ask that sections IV and V be printed in the RECORD.

The material follows:

SECTION IV: SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS

1. U.S. Department of Education provides for the largest and most commonly applied for financial aid programs. These programs are listed in the following paragraphs. Copies of applications are available at postsecondary schools and high schools. The "Student Guide: Five Federal Financial Aid Programs, 1984-85" may be obtained by writing to Student Guide, Department DEA-84 Public Documents Distribution Center, Pueblo, Colorado 81009.

a. College Work-Study Program (CWSP). This program provides employment to students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The financial aid administrator sets the student's work schedule. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Guaranteed Student Loan Program (GSL). This program provides loans to students for educational expenses available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. The family income must be less than $30,000 or if over $30,000 the student must demonstrate financial need. Students are eligible for Federal payment of interest charges of 8 percent on their loans during school years, during a 6-month grace period, and during authorized periods of deferment. A 5 percent origination fee is required at the time of disbursement of the funds.

Loans must be repaid. Repayment normally is over a 5-10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payments will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted during any period in which the borrower is attending a participating institution on a full-time basis, is engaged in approved graduate fellowship study or a course of study under a rehabilitation training program for disabled individuals, up to 3 years if temporarily totally disabled, up to 3 years while serving in the U.S. Armed Forces, the Commissioned Corps of the Public Health Service, Peace Corps, VISTA, or a comparable organization; or for a single period not exceeding 12 months if seeking and unable to find full-time employment, or up to 2 years while serving an internship required for professional practice.

Undergraduate students may borrow up to $2,500 per year, to a total of $12,500. Graduate students may borrow up to $5,000 per year to a total of $25,000 (including loans made at the undergraduate level). See Table II for the address of your state's agency.

c. National Direct Student Loan Program (NDSL). These loans are available to students enrolled at least half time in a regular program of study at a participating school, and have need of financial assistance to continue. Aggregate loans may not exceed $12,000 for a graduate student including undergraduate loans; $6,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $3,000 for any other student. Repayment of the loan begins six months after a borrower ceases to carry at least one half the normal academic work load and is to be repaid within 10 years. Thereafter, interest of 5% will begin at the time the repayment period begins. Thereafter, should a borrower start to teach in a designated school located in a poverty area, or in a Headstart Program, or in a public or other non-profit elementary or secondary school for handicapped children, cancellation of the loan up to 100% is possible. Also for a member of the Armed Forces of the U.S. who serves in an area of hostilities, cancellation up to 50% is possible. Rates of cancellation may be obtained from the institution's financial aid office.

d. Parent Loans for Undergraduate Students (PLUS). These PLUS loans are available to provide additional funds at 12 percent interest. Like GSL's, they are made by a lender such as a bank, credit union, or savings and loan association. Parents of dependent undergraduates or graduates may borrow $3,000 per year. Independent undergraduates may borrow $2,500 per year. All borrowers must begin repaying a PLUS loan within 60 days, unless the borrower is entitled to a deferment. All borrowers must begin paying the interest within 60 days. The negotiation of each loan is between the student and the lending institution. Students who desire more information or wish to initiate a loan should discuss the matter with the lender and the financial aid administrator at their school. (See Table III).

e. Pell Grant Program. Formerly called the Basic Grant Program, this program makes funds available to eligible students attending participating colleges, community/junior colleges, vocational schools, technical institutes, hospital schools of nursing, correspondence schools and other participating postsecondary institutions. To be eligible an applicant must be an undergraduate student enrolled on at least a half-time basis. Awards will depend on program funding. During the 1984-85 award period, individual awards ranged up to $1,900. To apply for a Pell Grant, a student must complete the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid. The Financial Aid Administrator at the school will indicate if they require the Financial Aid form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form, or the Student Aid Application for California (SAAC). Only one application is required. Further information may be obtained from the Office of Student Financial Aid at the institution or a high school guidance counselor.

f. Supplemental Educational Opportunity Grant (SEOG) Program. This grant program is for students with financial need and does not have to be paid back. Students must be enrolled at least half-time as an undergraduate or vocational student in a regular program of study at an educational institution participating in the program. Graduate students are not eligible. The amount of the award varies from $200 to $2,000 per year.

g. Teacher Exchange Program. Under the Mutual Educational and Cultural Exchange Act of 1961, the Government offers opportunities for qualified American educators to work in elementary and secondary schools abroad and in some instances, institutions of higher education in the United Kingdom, Canada, Denmark, Switzerland, Italy, Germany and France. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars for teachers of Italian, the classics, Portuguese, Korean and World, Asian or Middle Eastern History and area studies; three years for a summer seminar for social studies supervisors, curriculum directors, teacher educators and school administrators responsible for curriculum development. Evidence of good health and emotional maturity and stability also is required. The Government provides round-trip transportation to some countries for those selected to participate but no transportation is provided for dependents or for teachers going to Canada, Great Britain or Switzerland. A maintenance allowance, paid in the currency of the host country is based upon that country's cost of living. For teachers going to Canada, France, Germany, Great Britain or Switzerland, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include round-trip transportation, tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual recruitment date is October 15. Application forms can be obtained from and then submitted to the Teachers Exchange Programs, Office of International Education, U.S. Department of Education, Washington, D.C. 20202.

2. U.S. Department of Health and Human Services also administers programs of assistance for students enrolled in health professions programs.

Information on these programs may be obtained from the Health Resources and Services Administration, Bureau of Health Professions, 5600 Fishers Lane, Rockville, MD 20857 or the Office of Financial Aid at the school you plan on attending.

a. Exceptional Financial Need Scholarship Program for First-Year Students is for students with exceptional financial need. Purpose of the program is to encourage students to pursue careers in medicine, osteopathy, dentistry, optometry, pharmacy, podi-

atry or veterinary medicine. Citizens or Nationals of the United States may apply as well as lawful permanent residents of Puerto Rico, Virgin Islands, Guam, the trust territory, or the North Mariana Islands. Scholarships will cover (1) cost of tuition for school year and other reasonable educational expenses plus a stipend of $530 per month for 12 consecutive months; (2) no service obligation accompanies the scholarship.

b. The Health Education Assistance Loan (HEAL) Program is similar to the Guaranteed Student Loan Program of the U.S. Department of Education. Students of medicine, osteopathy, dentistry, podiatry, veterinary medicine and optometry, may borrow up to $20,000 a year and a total of $80,000. Pharmacy students, who are eligible only after completion of 3 years of training, and students in schools of chiropractics, health administration, clinical psychology or public health. Students may borrow up to $12,500 per year and a total of $50,000. For students to take part in the program, their school must have an agreement with the Secretary.

The maximum interest is the average of the bond equivalent rates of the 91-day Treasury Bills auctioned for the previous quarter plus 3.5 percentage points, rounded to next higher ⅛ of 1%. The loan principal is repayable over a 10–25 year period starting 9–12 months after completion of training. However, payments of principal are not required during periods of up to 4 years of internship and residency training or up to 3 years of service in the Armed Forces, National Health Service Corps, Peace Corps or Volunteers in Service to America (VISTA). Deferments are also made during periods of full-time study. At HHS's discretion, borrowers may enter into agreement with HHS for repayment of loans, plus interest, at a rate of not more than $10,000 a year for each year of service in NHSC or in private practice in a health manpower shortage area. Minimum service period is 2 years.

c. The Health Professions Student Loan Program.* Under this program, Federally supported loans are available at participating schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry and veterinary medicine for students who need assistance to pursue a full-time course of study at the school. The amount of the loan depends upon the student's need as determined by the school; however, the maximum amount per academic year is the cost of tuition plus $2,500 or the amount of the financial need of the student, whichever is less. The loan is repayable over a 10-year period beginning one year after the student ceases to pursue a full-time course of study at a health professions school. During the repayment period, interest accrues on the total loan at the rate of 9%. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps (up to three years each). Repayment may also be deferred during periods of advanced professional training, including internships and residencies. Obligation to repay the loan will be cancelled in the event of death, or permanent and total disability. If a student fails to complete health professions studies, any outstanding loans made for the costs of such studies may be repaid by the Federal Government if the student is in exceptionally needy circumstances, is from a low-income or disadvantaged family and cannot reasonably be expected to resume studies within two years. If an individual agrees to practice medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, or veterinary medicine for at least two years in an area which has a shortage of his profession, the Federal Government will repay 60% (at the rate of 30% each year) of the outstanding principal and interest on the loan(s), and an additional 25% for a third year of practice in such an area.

d. National Health Service Corps Scholarship Program is a competitive program of the U.S. Public Health Service for students in programs of medicine, osteopathy, dentistry and other selected health disciplines.

Over 13,200 students have received from 1 to 4 years of scholarship support since the inception of this service—conditional scholarship program in 1973. Benefits include a monthly stipend and payment of school tuition and fees. For each year of support, recipients are obligated to serve one year in full-time clinical practice of their professional serving populations in federally-designated areas of Health Manpower Shortage Areas of the United States. The minimum service obligation is 2 years. To request an application, write and specify medical, dental, or baccalaureate nursing discipline: NHSC Scholarships, Parklawn Building, 17 A-31, 5600 Fisher's Lane, Rockville, MD 20857.

e. Minority Access to Research Careers Program (MARC) Honors Undergraduate Research Training Awards. The Minority Access to Research Careers Program's Honors Undergraduate Research Training Program is designed to increase the number of well prepared minority students who can compete successfully for entry into graduate programs leading to the Ph.D. in a biomedical science. Its goal is also to help develop a strong science curriculum and research opportunities to prepare students for careers in biomedical science. A formal research experience for the recipent is an important feature of the program. Summer study and research should be part of the overall training program at outstanding institutions or laboratories selected to enhance and supplement the trainee's formal course work and research training experience. The criteria for selection of trainees includes evidence that the candidate has clear potential to perform at a high level in the biomedical sciences and that the candidate demonstrates a determination to subsequently enter graduate programs leading to the Ph.D. degree. Applicants must be minority honor students in their third or fourth year of college. The college or university must have an enrollment drawn substantially from ethnic minority groups such as American Indians, Blacks, Hawaiians, Mexican Americans or Puerto Ricans.

Each school will make awards for stipend and tuition support for five to ten students. The award may include travel expenses to one national meeting closely related to a project.

Applications may be filed by February 1st, June 1st or October 1st. Apply for information or application to: Health and Human Services, United States department of National Institutes of Health, National Institute of General Medical Sciences, Westwood Building, Bethesda, Maryland 20205.

3. Other U.S. Department of Health and Human Service Programs are:

a. Commissioned Officer Student Training and Extern Program (COSTEP). College students who have successfully completed a minimum of one year of study in medical, dental or veterinary school prior to assignment, and students who have completed a minimum of two years of a baccalaureate program prior to assignment in dietetics-nutrition, engineering, nursing, pharmacy, therapy, sanitary science or medical record administration are eligible to participate in the COSTEP Program. COSTEP assignments fall into two major categories: Medical and Hospital Services, Research and Public Health Practice. Successful candidates are commissioned as reserve officers in the Commissioned Corps of the Public Health Service and called to active duty during vacation periods. Applications must be received (1) not later than October 1 for positions during the period January through April; (2) not later than February 1 for positions during the period May through August; (3) not later than May 1 for positions during the period September through December. For further information write: COSTEP, Commissioned Personnel Operations Division, OPM/OM/PHS-Room 4-35, 5600 Fishers Lane, Rockville, MD 20857 (301) 443-6324.

b. Professional Nurse Traineeship Program. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialities requiring advanced training. Traineeships provide a living stipend and tuition and fees as set by the participating training institution not to exceed $5,040. Trainees are selected by the training institutions. Further information and a list of participating institutions are available from the: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Room 5C-26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

c. Nursing Student Loan Program. Federally supported loans are available through participating schools of professional nursing for students who need assistance to pursue full-time or half-time courses of study. Amount of an individual loan depends on the general availability of student aid funds and on need as determined by the student's school; however, no loan may exceed $2,500 per academic year, and no student may receive more than a total of $10,000 for all years in loan assistance. The total loan is repayable over a 10-year period beginning nine months after the borrower completes or discontinues his other nursing studies. During the repayment period, interest accrues on the total loan at the rate of 6%. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps and also during periods of advanced professional training in nursing. Obligation to repay the loan will be cancelled in the event of death or permanent and total disability. Moreover, under agreement with the Secretary for Health and Human Services, for at least two years of professional employment in an identified area of nursing shortage, up to 60% of all nursing education loans, regardless of their source, may be repaid; up to 85% for three years. Contact the Director of Student Financial Aid at the school (s)he is attending or plans to attend.

4. The U.S. Department of Interior Administrators Programs Indian Tribal Grants and Loans. Over 45 Indian tribes have established their own Grant and Loan Programs to promote higher education for their members. Contacts for tribal assistance should

*Note: Medical and osteopathy students who will graduate after June 30, 1979, are eligible only if they demonstrate exceptional financial need.

be made through the U.S. Dept. of the Interior, Bureau of Indian Affairs, Washington, D.C. 20245, or through the Tribal Headquarters.

5. Indians Higher Education Grant Program. A Higher Education Grant Program for students who are ¼ or more degree Indian, Eskimo, or Aleut of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degee. Must demonstrate financial need by the institution they are or will be attending.

B. ASSISTANCE FOR UNDERGRADUATES ONLY

Aid Association for Lutherans (AAL) (for undergraduates only) awards at least 400 all-college scholarships annually, 200 of which are renewable and 200 nonrenewable scholarships. AAL also awards at least 25 renewable nursing scholarships annually through the competitive nursing scholarship program. Each applicant must be a high school senior owning an AAL certificate of membership and insurance in his or her own name. The CEEB SAT must be taken no later than December of the high school senior year. The American College Test (ACT) will also be accepted. Individual stipends for the renewable scholarship, range from $500 to $1750 and are renewable for three additional years or until requirements for a baccalaureate degree are met, whichever is earlier. The 200 nonrenewable awards are for $500. Financial aid is not considered until winners have definitely been selected. Competitive Nursing Scholarships are renewable for three additional years or until an Registered Nurse (RN) Certificate is obtained, whichever is earlier. Renewal is based on satisfactory academic progress and continuing AAL membership. Completed AAL applications must be submitted to College Scholarship Service/Sponsored Scholarship Programs before November 30. Applications may be secured by writing: Member and Family Benefits, Aid Association for Lutherans; Appleton, WI 54919. AAL scholarship assistance is also available to AAL members at Lutheran colleges, universities and seminaries participating in other AAL scholarship programs. For more details, contact the institution's financial aid office.

Aid Association for Lutherans (AAL) will be awarded up to 100 Vocational Technical School Scholarships annually. Up to 50 scholarships will be awarded to persons who graduated from high school in previous years, and up to 50 scholarships will be awarded to graduating seniors each year. Applicants must own an AAL certificate of membership and insurance in their own name. Persons of any age may apply for their scholarships provided they will have completed high school or have a GED, and have a well-defined course of study. They must be enrolled or planning to enroll in a accredited vocational/technical institute or community college on either a full or half-time basis with the intent of completing requirements for a vocational diploma or an associate degree. Individual award amounts are $500 for full-time attendance and $250 for half-time attendance. Awards will be renewable for up to one year for full-time studies after the initial year and up to three half years after the initial half year, or until a degree/diploma is earned, whichever is earlier. Completed Vocational/Technical Scholarship Program applications must be submitted to College Scholarship Service/ Sponsored Scholarship Programs before November 30. Applications may be obtained by writing: Member and Family Benefits, Aid Association for Lutherans, Appleton, WI 54919.

The Allstate Foundation provides nursing education scholarships annually to approximately 300 young persons. Funds are awarded through various schools of nursing and through some constituent leagues for nursing. (Consult your constituent league (Addresses are available for Allstate Foundation, Allstate Plaza, Northbrook, IL 60062) or the director of the school of nursing. Nursing scholarships are available for American Indian students administered by the American Indian Nurses Association, P. O. Box 3908, Lawrence, KS 66044. The Allstate Foundation also provides 15 scholarships annually each with a total value of $3,200 to deserving members of the Chicago Boys Clubs. Winners of these scholarships, valued at $800 a year for each of four years, are chosen by the Chicago Boys Clubs at 304 West Randolph Street, Chicago, Illinois. Allstate also provides Human Care Services Awards at George Williams College, 555 31st Street, Downers Grove, IL 60515.

The American Foreign Service Association provides financial aid grants for full-time students who are attending an accredited college or university in the United States as dependents of eligible Foreign Service personnel, who are so claimed on the parent's IRS FORM. The grants are from $200 to $2,000 depending on individual need. If there is more than one applicant in a family, the aggregate family limit is $3,000. Deadline is February 15. Eligible dependent students should write to: Administrator, AFSA Scholarship Programs, 2101 E Street, N.W., Washington, D.C. 20037.

American Medical Technologists' Scholarship Program offers five scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled or contemplate enrolling in a college, university or junior college medical technology or medical assisting program. May 20 is the filing deadline for applications and supporting documents from AMT, 710 Higgins Road, Park Ridge, IL 60068.

The American Society for Metals Foundation for Education and Research sponsors $500 undergraduate scholarships for students in metallurgy that are attending colleges or universities and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy, motivation, achievement, potential and scholarship. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. ASMFER also supports scholarships through the National Merit Scholarship Program. For further information, write: American Society for Metals, Metals Park, OH 44073.

The Clairol Loving Care Scholarship Program, a $50,000 annual program, is the only nationwide company-sponsored fund for women 30 or over who are continuing a post-secondary education to achieve career goals. Grants up to $1,000 are awarded for full or part-time study. There are no restrictions regarding marital status. Information is available by writing: Business and Professional Women's Foundation, 2012 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Club Managers Association of America maintains undergraduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are awarded on the basis of scholastic ability, financial need and interest in private club management. Information on high school, college or university training in preparation for a club industry position can be obtained by writing: the Club Managers Association of America, 7615 Winterberry Place, Washington, D.C. 20034.

The Education Council of the Graphic Arts Industry, Inc., Council's National Scholarship Trust Fund has awarded scholarships during the past 25 years for studies in printing management, printing technology and graphic arts education. For the school year beginning 1984-85, the Council has 50 new scholarships available in the fields of printing management, engineering and teaching. Applications must be filed by January 15. Inquiries for summary of applications made available by the Graphic Arts Industry may be requested by writing: 4615 Forbes Avenue, Pittsburgh, PA 15213 ATTN: NSTF.

Educational Communications Scholarship Foundation provides a minimum of 50 awards annually of $1,000 each. Approximately 500 semi-finalists are selected on the basis of aptitude test scores, grade point averages and leadership activities. Semi-finalists are required to write an essay which is evaluated by committee. Some consideration is given for need by financial aid, but this is not a major factor. Applications must be submitted by June 1 and may be obtained in most high school guidance offices or write direct to: Educational Communications Scholarship Foundation, 721 N. McKinley Road, Lake Forest, IL 60045.

The Elks Foundation Scholarship Awards, for 55 years, have made it possible for many students to attend college. For the 1984-85 school year, $2,039,000 in scholarships were awarded to 1,499 students ranging from $1,000 to $6,000. Any student in the graduating class of a high school or its equivalent who is a citizen of the U.S. and resident within the jurisdiction of the Benevolent & Protective Order of Elks, may file an application. Scholarship, leadership and financial need are the criteria by which applicants will be judged. Application blanks should be obtained from an officer of the local Elks Lodge or the Secretary of the State Elks Association and must be filed on or before February 10 with the Secretary or Lodge Foundation Chairman of the B.P.O Elks Lodge in the city in which the applicant is a resident.

Entomological Society of America annually awards one $1,000 undergraduate scholarship sponsored by Bio Quip Corporation. Portions of the award are paid at the beginning of each semester or term. Students from Mexico, Canada or the United States must be an undergraduate pursuing a course of study in Entomology or a related field (Biology, Zoology, etc.) and show an interest in the Science of Entomology. To apply, send two letters of recommendation; the first letter should be from someone acquainted with your scientific qualifications and experience and the second one from one who could attest to your need for financial assistance. Application deadline is June 12 each year. To submit an application or for further information, write: Entomological

Society of America, 4603 Calvert Road, College Park, MD 20740.

The Harry S Truman Memorial Scholarship Program, enacted by Public Law 93-642, is authorized to award scholarships, through nationwide competition, to persons who demonstrate outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years neither shall they exceed the cost of tuition, fees, books, room and board, or $5,000 whichever is less for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarships may apply to any institution of higher education offering courses of study or training to prepare persons for a career in government. The institution's nominations must be forwarded to the Foundation by December 1. Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, D.C. 20006.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" is for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1,000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1,000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need and may be renewed annually subject to satisfactory academic performance Five of these scholarships, and one for the Columbian Squire, are placed at The Catholic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Five of these scholarships and one for the Columbian Squire, may be used at a Catholic college of student's choice. Final filing date for these applications is March 1. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, P.O. Drawer 1670, New Haven, CT 06507.

National Achievement Scholarship Program for Outstanding Negro Students, a compensatory activity, created in 1964, is conducted by National Merit Scholarship Corporation (NMSC) which also administers the National Merit Scholarship Program (as described in the following paragraphs). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college and undergraduate scholarships. Currently, over 650 Achievement Scholarships worth about $2 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalist in each Achievement Program. To ensure nationwide representation, semifinalists are named in each of several U.S. geographic regions, proportionate to each region's Negro population.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. All winners are chosen from the Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement and recommendation of the student's school.

Three types of Achievement Scholarships are awarded annually: About 350 are National Achievement $1,000 Scholarships that are single-payment awards and every Finalist is considered for one of these awards. About 200 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and are worth between $1,000 and $8,000 over the four college years. About 100 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The PSAF/NMSQT Student Bulletin gives requirements students must meet to be eligible to participate in the Achievement Program and also lists sponsor organizations that currently provide support for Achievement Scholarships. A copy can often be obtained from the student's high school. Questions should be directed to: National Achievement Scholarship Program for Outstanding Negro Students, One American Plaza, Evanston, IL 60201 (312) 866-5100.

The National Association of Secondary School Principals and the National Honor Society estimates that they will provide $250,000 in scholarships in the amount of $1,000 each to high school seniors who are members of the National Honor Society. Application is made through local chapters in February. Awards are announced in May. Scholarships may be used in any accredited college, university or school offering a degree. Applications are mailed to chapters in late December. Also available is the Century III Leaders Program which provides 102 $1,500 scholarships and 102 $500 awards (2 each per state and D.C.) and one $10,000 national award to high school seniors who are selected by their schools. For information, contact the school principal in September or write to: The National Association of Secondary School Principals, 1904 Association Drive, Reston, VA 22091.

National Merit Scholarship Program is a nationwide competition for college undergraduate scholarships. The Merit Program is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization, established in 1955 to administer this annual competition. Over 5,000 Merit Scholarships, valued at about $19 million, have been awarded each year in recent programs. Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements.

About 15,000 top-scoring students are designated in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the National total of graduating high school seniors.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship competition. All Merit Scholars are chosen from the Finalist group. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular achievements and the endorsement and recommendation of the student's school.

Three types of Merit Scholarships are awarded annually: at least 1,800 are National Merit $1,000 Scholarships that are single-payment awards allocated to winners on a state representational basis, and every Finalist is considered for one of these awards. Over 1,500 are corporate-sponsored four-year Merit Scholarships for which winners must meet preferential criteria specified by the grantor organization providing funding for the award, and that are worth between $1,000 and $8,000 over the four college years. About 2,000 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligibility and the Merit Scholarships offered are published annually in the PSAT/NMSQT Student Bulletin, sent to high schools. Questions and requests for additional information should be sent to: NMSC, One American Plaza, Evanston, IL 60201 (312) 866-5100.

National Presbyterian College Scholarships are offered by the Presbyterian Church (U.S.A.) to qualified Presbyterian young people entering as college freshmen any of the participating Presbyterian church-related colleges in the fall of each year. There are approximately 150 awards ranging from $100 to $1,400. There are honorary awards with no stipend where no need is shown. To qualify, applicants must be members of the Presbyterian Church U.S.A. Applications are available after mid-August and the filing deadline is December 1. Information may be secured by writing: National Presbyterian College Scholarships, Vocation Agency, Presbyterian Church U.S.A., 475 Riverside Drive, New York, NY 10115.

National 4-H Council, through 60 business corporations and foundations, offers more than 270 4-H college scholarships with total value of more than $250,000 and range from $500-$1,500. The majority are open to current 4-H members who have won state honors in specific 4-H projects. Other college scholarships, ranging in value from $500 to $1,000, are available to present or former 4-H members now enrolled in college. Applicants for the latter should have an interest in one of the following fields: (1) animal science; (2) veterinary medicine; (3) forestry; or, (4) agricultural business, economics and marketing. For further information on eligibility requirements, write to State 4-H Leader at the State Land-Grant University. A list of these leaders may be obtained from the National 4-H Council, 7100 Connecticut Avenue, Chevy Chase, MD 20815.

RCA Corporation maintains one or more undergradute scholarships at more than 30 colleges and universities. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are available in the fields of physical science, engineering, broadcast journalism, industrial relations, business economics, telecommunications and procurement/materials management as specific at each institution. The selection of scholars is made by the college or university in each case and students already enrolled should apply to the Scholarship or Financial Aid Officer for further information. Also, up to 25 2-year vocational/technical career schol-

arships are awarded to children of employees. Graduate fellowships are maintained in journalism, electrical engineering, electronics and physics at seven universities and are open to any qualified graduate student enrolled at the institutions which, select the fellow and administer the grants. RCA also supports scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students.

The Railroad Retirement Act provides monthly benefits for children who are students of deceased railroaders who were insured under the Act of Death. Dependent grandchildren of deceased railroaders may also be eligible if both natural parents are deceased or disabled. To qualify, you must be single and attending a public or private accredited high school, vocational school, college or university on a full-time basis. Benefits continue until age 22 or until the end of the school semester after you attain age 22. Children who are students of retired railroad workers cannot qualify for benefits directly. However, a retired worker's benefit may be increased under a special guarantee provision of the Railroad Retirement Board Office. The address can be found in the telephone directory or by asking at any post office.

Samuel Robinson Scholarships are for undergraduate students enrolled in one of the Presbyterian-related colleges. No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminster Shorter Catechism, and write a 2,000-word original essay on an assigned topic related to the shorter Catechism. Amount of Award: $500. Deadline: April 1. For further information, contact the financial officers at the Presbyterian-related colleges or Presbyterian Church (U.S.A.), 475 Riverside Drive, New York, New York 10007.

Science Talent Search, conducted by Science Service and sponsored by the Westinghouse Electric Corporation and Westinghouse Educational Foundation, annually offers scholarships for boys and girls in their last year of high school. Awards are based on high school records, national test scores, recommendations of high school teachers, a thousand-word report on an independent science research project by the student and interviews by judges of the forty finalists at the Science Talent Institute in Washington, DC. Awards include 10 scholarships of one $12,000, two $10,000, three $7,500 and four $5,000. The remaining 30 finalists each receive Westinghouse Science Awards of $500. State Science Talent Searches are conducted currently with the National Competition in 36 states and the District of Columbia. Entry deadline date is December 15. Detailed information is available from Science Service, 1719 N Street, NW., Washington, DC 20036.

Soroptimist International of the Americas Youth Citizenship Award of $1,250 per Soroptimist region and a finalist award of $2,000 offered to high school seniors demonstrating good citizenship qualities. Citizenship qualities include integrity, worth and ability, and encourage youth to develop the highest concepts of patriotism and effective cooperation in home and community affairs. Deadline is December 15. For further information, contact Soroptimist International of the Americas, 1616 Walnut Street, Philadelphia, PA 19103.

Student Opportunity Scholarships. These scholarships are for young persons of limited opportunities, members of racial/ethnic groups who are related to the Presbyterian Church (U.S.A.). Must be entering college as an incoming freshman and apply to the college for financial aid. Amount of Award: $100 to $1,400. Those eligible should write between January 15 and March 15 to: Student Opportunity Scholarships, Presbyterian Church (U.S.A.), 475 Riverside Drive, Room 430, New York, NY 10115.

The Theodore A. Sennill Journalism Scholarship is offered annually by the National Newspaper Foundation to a Junior or Senior enrolled full-time in an accredited sequence of journalism. The Scholarship program is designed to encourage study in the print media field. The scholarships, in the sums of $1,000, $500 and $250, are payable during the Junior or Senior year. The student must have at least a B average and a recommendation by the Dean, Director or Department Head of the school in which he/she is enrolled. Deadline is June 15. Write for an application to: Selection Committee, Sennill Scholarship, National Newspaper Foundation, 127 K Street, N.W., Suite 400, Washington, D.C. 20006.

The Westinghouse Educational Foundation sponsors the following awards annually.

1. The Westinghouse Family Scholarship—five $10,000 and fifty $1,500 scholarships. Information on the Westinghouse Family Scholarship may be obtained from the Personnel Relations where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The Science Talent Search—forty awards. The student should request his science teacher to write to Science Clubs of America, 1719 N Street, N.W., Washington, D.C. 20036 to obtain information and application forms.

3. 4-H Electric Program—4-H club members should contact their local 4-H leader or County Extension Agent for information and application.

4. Bertha Lamme Scholarship—three $1,000 scholarships awarded to young women entering engineering as freshmen. For information write: Society of Women Engineers, United Engineering Center, Room 305, 345 East 47th Street, New York, N.Y. 10017.

5. National Achievement Scholarship Program for Outstanding Negro Students—five $1,000 scholarships. Information may be obtained through the National Merit Scholarship Corp., One American Plaza, Evanston, IL 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarship, The Science Talent Search and The Bertha Lamme Scholarship Program require that the applicant be in his or her last year of high school and applications must be submitted during the Fall months of their Senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

Western Golf Association sponsors the Evans Scholars Foundation, which annually awards approximately 200 four-year scholarships to qualified caddies. Eligibility for Evans Scholarship: (1) Candidates must have completed junior year in high school and rank in upper 25% of class; (2) must have caddied for a minimum of two years; and (3) must require financial assistance to attend college. Applications are available by writing to Western Gulf Association, Golf, IL 60029.

C. ASSISTANCE FOR GRADUATES AND UNDERGRADUATES

The American Dental Hygienists' Association Foundation offers the following scholarships: (1) certificate scholarship program to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, will be entering the final year of the curriculum in the fall and have a minimum grade point average of 3.00 (on a 4.00 scale); (2) baccalaureate dental hygiene scholarship program to students who have a minimum grade point average of 3.00 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university. If a Baccalaureate Degree sought is not in Dental Hygiene, evidence of a Dental Hygiene Certificate or qualification for the Dental Hygiene Certificate within the current academic year must be provided. (3) graduate dental hygiene fellowship program to students who can provide evidence of acceptance as a full-time Master's or Doctoral degree candidate in a university program, are graduates of a certified associate dental hygiene program, baccalaureate program, and are licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point of 3.00 (on a 4.00 scale). The maximum scholarship is $1,500, depending on need. Deadline for applications is March 15. Information and application may be obtained by writing: American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Dental Hygienists' Association Foundation Research Grant Program make research grant funds available for licensed dental hygienists or students pursuing a dental hygiene degree who submit a completed research grant application according to the specified guidelines. The purpose is to provide financial assistance to associate baccalaureate, master's, doctoral candidates and practicing dental hygienists to implement research. All proposals and applications due by July 1 and awards are made in October of the year in usual amounts up to $1,000. Further information and application may be obtained by writing: American Dental Hygienists' Association Foundation, 444 Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Institute of Architects. Scholarships are available for the first professional degree candidate, for a graduate student in architecture, to enable them to pursue an original investigation into human needs and requirements in low-income housing. A fellowship is available for better communications, better research community and the practicing architect. Graduate scholarships available for one academic year to study health facility design. Finally, a scholarship program is available for students from minority or disadvantaged backgrounds. For further information write Director, Education Programs, The American Insitute of Architects, 1735 New York Avenue, N.W., Washington, D.C. 20006.

ASMT Education & Research Fund, Inc. Medical technology students, who have completed the first semester of their sophomore year, may apply for a $3,000 Fisher Scientific Company Undergraduate scholarship. This scholarship will be paid in equal installments to one recipient for the junior and senior year in college. The Specialty

Scholarship is available for graduate students. Scholarships are also offered by the Fund for interested students continuing their advanced education in certain specialty fields. Applications are available in October of each year. No application is sent between March 1 and October 1. The application deadline is March 1. The Fisher and the Graduate Specialty Scholarship applications are available from the ASMT Education & Research Fund, 330 Meadow Fern Dr., Houston, TX 77067.

The American Society of Heating, Refrigeration, Air Conditioning Engineers, Inc. offers a grants-in-aid to a full-time student of ASHRAE-related technologies to encourage students to continue preparation for service in the industry. An application is made on the student's behalf by a faculty adviser. Up to $6,000 may be awarded during a calendar year. Applications are available from the Director of Research, American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.

The Dow Jones Newspaper Fund, Inc. is an organization to encourage talented young people to consider careers in journalism. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study journalism/mass communications, general information on where jobs are and how to find them. It also lists more than $3 million in financial aid from universities and colleges, newspapers, professional societies and journalism-related organizations for students majoring in journalism/mass communications. Single copies of the Guide are available at no charge to interested individuals. Bulk orders are also available at $.50 per copy. The Fund operates two editing internship programs: the Newspaper Editing Intern Program for college juniors and the Minority Editing Intern Program for college seniors.

The internships offer students the opportunity to earn scholarships after successfully completing a summer of paid employment as a copy editor on a daily newspaper. The Fund also sponsors Urban Journalism Workshops that are designed for inner-city minority high school students, the Teacher Fellowship Program for inexperienced high school journalism teachers to attend summer publications workshops, and the Special Awards Program which ends in the naming of the High School Journalism Teacher of the Year. For information of these programs, as well as a copy of the Journalism Career and Scholarship Guide, write the Dow Jones Newspaper Fund, P.O. Box 300, Princeton, NJ 08540.

Institute of Food Technologists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or technology; 21 freshman, sophomore, and 35 junior and senior scholarships of $500 to $2,000; 26 graduate Fellowships up to $6,000. Deadline: Graduate Fellowships—February 1; Junior and Senior Scholarships—February 1; Sophomore Scholarships—March 1; Freshman Scholarships—February 15. Booklet, IFT Scholarship Fellowship Program and applications are available after September 15 from IFT Scholarship Department, 221 N. LaSalle St., Suite 2120, Chicago, IL 60601, or, from Department Head of approved institution.

The International Chiropractors Association provides funds directly to student ICA Chapters for their distribution of scholarships and educational assistance to students desiring to pursue chiropractic as a career. Upon request, ICA will send a list of Chiropractic Colleges. Write to the International Chiropractors Association, Commission on Education, 1901 "L" St., N.W., Suite 800, Washington, D.C. 20036.

Kappa Kappa Gamma Fraternity annually offers scholarships to female citizens of the U.S. or Canada who are juniors or seniors in college or graduate students working towards a degree in the field of rehabilitation. Applicants must have completed two years of study on a campus where there is a chapter or be a graduate student. Scholarships for both members/non-members are granted to assist in preparation for work with the mentally retarded, physically handicapped, socially deprived, emotionally disturbed and the aged. Awards are for $300–$1000. Graduate fellowships are also offered for members and non-members with high academic standing in fields other than rehabilitation. The same qualifications are required as with the rehabilitation scholarships. Deadline is February 15 and details are available by sending self-addressed stamped envelope to Kappa Kappa Gamma Fraternity Headquarters, P.O. Box 2079, Columbus, OH 43216.

The Material Handling Education Foundation, Inc. awards scholarships varying in number and amounts, to students enrolled in accredited program(s) that includes an emphasis in material handling through direct and related courses and through independent study. Also, to be eligible, students must be beyond their second year of a Bachelor's program or beginning graduate study, U.S. citizens and maintaining at least a "B" average. The application deadline is early February and they are available from faculty members at approved institutions.

The National Board of Civil Air Patrol has authorized scholarships to be awarded to Civil Air Patrol members each year in the following categories: Undergraduate, Advanced Undergraduate, Graduate and Technical/Vocational Scholarships. Deadline date is April 1. Information and forms may be secured from: Civil Air Patrol Unit Commanders or from National Headquarters, Civil Air Patrol/TT, Maxwell AFB, AL 36112.

National Congress of Parents and Teachers does not have a scholarship and loan program at a national level. A large number of state congresses have such programs and others are encouraging scholarship grants at council and local levels. Awards are made possible by dues received for memberships, memorial gifts and/or voluntary contributions from PTA's. Most are for teacher training education, but some are for family life education, guidance and counseling instruction, librarianship, teachers of exceptional children and in-service teachers' summer term work. Special fellowships offered. Inquiries should be sent to inquirer's state congress.

National Institute for the Foodservice Industry administers the following scholarship programs for students who are interested in a management career in the food service industry including hotel, restaurant and institutional management:

1. H.J. Heinz Company Scholarship Program:

A. Junior/Community Scholarship Award. For high school graduates enrolled or planning to enroll in a program leading to an associate degree in food service management at a junior/community college. Three scholarships at $1,900 each awarded annually. Basic amount of $950 per year is given for two years. Winners are expected to find summer employment related to food service managment.

B. Senior College Scholarship Award. For students completing their second year in food service education in a four-year institution or those in a two-year program who wish to continue at a four-year institution. Seven scholarships at $2,600 each are awarded annually. Basic amount of $1,300 is given for two years. Winners are expected to find summer employment related to food service management.

C. Graduate Degree Fellowship. One fellowship at $2,000; one fellowship at $1,200; and, five fellowships at $1,000 each are awarded on a competitive basis to teachers and administrators enrolled in academic programs leading to a master's or doctorate's degree to improve skills in teaching or administering food service career education.

2. Golden Plate Scholarship Program—Sponsored by International Food Service Manufacturers Association—offers approximately 100 awards to students enrolled or planning to enroll in a food service program in a junior/community, senior college or graduate school. The amount of each scholarship is $750. Awards are for one academic year.

Deadline filing date is April 1. Further information and applications may be obtained from: National Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, IL 60606.

Nurses' Educational Funds is an organization which grants scholarships to registered nurses pursuing further study through degree programs. Men and women who are members of The American Nurses Association and who qualify for these awards study in nursing programs accredited by the National League for Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The Board of Directors determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is January 15 preceding the academic year for which award is made. Write for application forms or additional information to Nurses' Educational Funds, 555 West 57th Street, New York, NY 10019.

The Rotary Foundation Scholarships are available to graduate or undergraduate students, journalists or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professionals wo have been employed in a technical or professional field for at least 2 years. Age limit requirements vary with each scholarship. All scholarships are for one academic year in a country other than the recipient's own and they provide for school fees, room and board, round trip airfare between home city and place of study and expenses for limited travel during the year. Applications are due October 1. Contact your local Rotary Club for details.

The Society of Exploration Geophysicists Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarships ranging from $750 to $1,000 annually are available

to students wishing to enter college, already in college and at the graduate level. Applications must be filed prior to March 1. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 3098, Tulsa, OK 74101.

The Society of Naval Architects and Marine Engineers annually awards both undergraduates and graduate scholarships to encourage study in naval architecture and marine engineering or closely related fields. All applicants must be a citizen of either the United States or Canada.

1. Undergraduate awards, normally $1,000 each, are to be applied for by contacting one or more of the following schools directly: University of California (Berkeley); University of Michigan (Ann Arbor); Massachusetts Institute of Technology (Cambridge); State University of New York Maritime College (Fort Schuyler) and/or Florida Atlantic University (Boca Raton, FL). These are the only five schools where undergraduate awards are available.

2. Graduate awards, which usually cover the cost of tuition at the college selected, are to be filed with the Society no later than February 1. Applications for graduate awards and information can be obtained by writing to: Mr. Robert G. Mende, Secretary and Executive Director, The Society of Naval Architects and Marine Engineers, One World Trade Center, Suite 1369, New York, New York 10048.

D. ASSISTANCE FOR GRADUATES ONLY

The American Association of University Women Educational Foundation awards approximately 70 fellowships annually ranging from $3,500 to $7,000 (up to $10,000 for postdoctoral fellowships) to women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Awards are also made to women for postdoctoral research and for the final year of study in the fields of law, final year of MBA, dentistry, medicine, osteopathic medicine, veterinary medicine and architecture. Applications are available after August 1 of each year. Deadline for application is December 15 except for MBA which is February 1 and for further information, write to: the Director of Educational Foundation Programs, AAUW, 2401 Virginia Avenue, N.W., Washington, D.C. 20037.

The American College of Hospital Administrators, through its educational fund, has a limited number of scholarship loans to assist worthy students to continue their professional education and training toward careers in hospital administration. Loans are available to students, accepted by, or presently enrolled in a graduate program in hospital or health services administration, accredited by the Accrediting Commission on Education for Health Services Administration, and acceptable to the American College of Hospital Administrators. Applications must be endorsed by the University Program Course Director prior to submission to the College's Special Scholarship Committee. For further information contact the American College of Hospital Administrators, 840 North Lake Shore Drive, Chicago, IL 60611.

The American Congress on Surveying and Mapping administers two fellowships for graduate students interested in continuing their education. The awards are: (1) Keuffel and Esser Fellowship in Surveying and Cartography—$2,500; (2) Wild Heerbrugg Geodetic Fellowship—$4,000. Deadline for all applications is January 15 and for further information and application, contact Education Director, American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, VA 22046.

The American Osteopathic Association, through the Auxiliary to the American Osteopathic Association, annually awards one National Osteopathic College Scholarship of $4,000 ($2,000 for the first year and $2,000 for the second year) and additional scholarships of $2,000 ($1,000 for the first year and $1,000 for the second year). These scholarships cover freshmen and sophomore years of medical training. Awards are based on scholarship (minimum of three years undergraduate college or university), financial need, good moral character, acceptance to the entering first year class at a college of osteopathic medicine, motivation and aptitude for the osteopathic medical profession and citizenship in the U.S. or Canada. Deadline June 1 for receipt of applications. The National Osteopathic Foundation, individual Colleges of Osteopathic Medicine and other osteopathic state organizations administer loan funds. For information write: Auxiliary to the American Osteopathic Association, 212 East Ohio Street, Chicago, IL 60611.

The Daniel and Florence Guggenheim Foundation offers Fellowships each year to approximately 10 young scientists and engineers for graduate study in energy conversion, transportation, jet propulsion, space flight and flight structures. The fellowships provide stipends ranging up to $5,000 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or, aeronautical, mechanical, chemical or civil engineering are sought. The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University, the Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel and Florence Guggenheim Institute of Flight Structures at Columbia University. Applications and additional information should be obtained directly from Princeton, California Institute of Technology or Columbia. The Fellowships are open to women as well as men.

Dental Laboratory Technology Scholarships are available by application to the American Fund for Dental Health. These are one-year scholarships, ranging from $500 to $600. Upon reapplication, a scholarship may be renewed for a second year by the Selection Committee if the student satisfactorily completes the first year and funding is available. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 East Chicago Avenue, Chicago, IL 60611.

Dental Scholarships for Minority Students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon re-application and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be entering their first year of dental school and application deadline is May 1. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend. Write: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 E. Chicago Avenue, Chicago, IL 60611.

Dental Teacher Training Fellowships are available through a program established by the American Fund for Dental Health to develop more dental school teachers. The majority of the recipients under this program take a two year course beyond dental school leading to a master's degree. Deadline is February 1. For information correspondence write: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 E. Chicago Avenue, Chicago. IL 60611.

Foreign Area Programs of the Social Science Research Council and the American Council of Learned Societies offer fellowships for doctoral dissertation research in social science and humanistic fields related to many foreign areas. Since these programs reflect the distinctive needs and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should be directed to Social Science Research Council, Fellowships and Grants, 605 Third Avenue, New York, NY 10158.

The Institute of International Education offers American college graduates approximately 700 scholarships for study in 50 foreign countries, about 500 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Students now enrolled in colleges or universities should first consult with their campus Fulbright Program Advisers. Deadline is October 31, 1984. Further information and application forms are available from the Institute of International Education, Division of Study Abroad Programs, 809 United Nations Plaza, New York, N.Y. 10017, or from any of the Institute's regional offices in Chicago, Denver, Atlanta, Houston and San Francisco.

The Knights of Columbus Bishop Charles P. Greco Graduate Fellowships, established in 1973, for members, their wives, sons and daughters and for the widow and children of a deceased member. These fellowships are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of his program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $500 a semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters upon evidence of satisfactory performance up to $2,000. The deadline is May 1. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06507.

The National Easter Seal Society has limited scholarships available. Specific information may be obtained from the Scholarship Coordinator, National Easter Seal Society, 2023 Ogden Avenue, Chicago, IL 60612, or call (312)-234-8400.

National Medical Fellowships, Inc., awards scholarships to members of the four under represented minority groups, who have been accepted by or are attending accredited schools of allopathic and osteopathic ac-

credited schools of medicine in the U.S. Applicants must be U.S. citizens.

Most NMF awards are based on financial aid/need and are awarded to first- and second-year medical students. Special merit awards are given to outstanding juniors and seniors.

Applications should be requested from The Scholarship Program, National Medical Fellowships, 250 West 57th Street, New York, NY 10107. All NMF applications are available in February. The deadline for entering medical students is August 15 and for currently enrolled students is April 19.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $4,000 for study at an accredited college or university in the field of natural resources conservation. Research which is carried out as part of a research program, may be considered within this fellowship program. The deadline is December 31. Information available Sept. Write to: The Executive Vice President, National Wildlife Federation, 1412 Sixteenth St., N.W., Washington, D.C. 20036.

SECTION V: OTHER PRIVATE AND STATE SOURCES OF LOANS

The following loans represent funds available through private sources. Information on sources of Guaranteed Student Loans for each state is found in Table II.

The American Optometric Association, has provided funds to establish a special reserve with the United Student Aid Funds. This enables optometry students to borrow money from financial institutions at a low interest rate. USAF guarantees the loan, supported by the AOA reserve. USAF is a nonprofit corporation which endorses low-cost loans made by participating hometown fiancial institutions to deserving students. In order to qualify for the loans, the AOA student member must be in good academic standing, pursuing a Doctor of Optometry degree and be beginning his first, second, third or fourth year of graduate study at an accredited college of optometry. He must have demonstrated a definite need for financial assistance to meet educational expenses. An eligible student may borrow up to $5,000 per academic year under all guaranteed student loan programs or $25,000 for an entire academic career including undergraduate and graduate study. Applications can be obtained until January 10. For further information and application form, write: The American Optometric Association, 243 North Lindbergh Blvd., St. Louis, MO 63141.

Pickett and Hatcher Educational Fund makes loans to undergraduate students with current preference given to students who are residents of the Southeastern portion of the United States (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia) and who are enrolled full-time, for a minimum of 15 credit hours, in colleges and universities offering broad liberal arts education. Loans are not available to students in vocational schools or business colleges, or those planning to enter the profession of medicine, law, or the ministry. The loans may include amounts required for fees, tuition, room and board, up to $2,100 for an academic year, with the total amount borrowed not to exceed $8,400. Interest on loans is payable semi-annually and accrues at the rate of 2% per annum while in college and 6% after a student leaves college or ceases to take at least 9 credit hours. Monthly payments on principal amount to at least ten percent of the borrower's income or 1/12 of 10% of total amount borrowed, whichever is larger. Deadline: July 1. For more information and application form write: Pickett and Hatcher Educational Fund, P.O. Box 8169, Columbus, GA 31908.

The United Student Aid Funds Programs bring together public spirited financial institutions throughout the United States (which make low-cost educational loans) and selected elementary, secondary, collegiate and professional schools (which provide part of the reserve funds). Loans at cost or below are available to parents and students approved by the participating schools. Loans to undergraduate students are available up to $2,500 yearly to a maximum of $12,500; loans to graduate students are available up to $5,000 yearly to a maximum of $25,000; with an interest rate of 8% or 9% simple interest. Students with a family income of less than $30,000 are eligible to participate in this loan program while families with incomes in excess of $30,000 must qualify for eligibility to participate in this loan program by demonstrating financial need. Guaranteed Loans are also available to parents of a dependent undergraduate, graduate student or an independent undergraduate student. For further information, contact United Student Aid Fund, Inc., 8085 Knue Road, P.O. Box 50827, Indianapolis, IN 46250, or call toll free, 800-428-9250 or 800-382-4506, if calling from Indiana.

TABLE II: SOURCES OF INFORMATION ON THE GUARANTEED STUDENT LOAN PROGRAMS AND STATE SCHOLARSHIP PROGRAMS

Alabama: Alabama Commission on Higher Education, 1 Court Square, Suite 221, Montgomery, AL 36197; GSL and State Aid: (205) 269-2700.

Alaska: Alaska Commission on Postsecondary Education, 400 Willoughby Avenue, Pouch FP, Juneau, AK 99801; GSL and State Aid: (907) 465-2962.

Arizona: GSL: Arizona Educational Loan Program, 301 E. Virginia Avenue, Phoenix, AZ 85004, (602) 252-5793.

State Aid: Arizona Commission for Postsecondary Education, 1937 W. Jefferson, Phoenix AZ 85009, (602) 255-3109.

Arkansas: GSL: Student Loan Guarantee Foundation of Arkansas, 1515 W. 7th St., Suite 515, Little Rock, AR 72202, (501) 371-2634.

State Aid: Dept. of Higher Education, 1301 W. Seventh Street, Little Rock, AR 72202, (501) 371-1441, ext. 56.

California: California Student Aid Commission, 1410 Fifth Street, Sacramento, CA 95814; GSL: (916) 323-0435 State Aid: (916) 445-0880.

Colorado: GSL: Colorado Guaranteed Student Loan Program, 7000 N. Broadway, Suite 100, Denver, CO 80221, (303) 866-3015.

State Aid: Colorado Commission on Higher Education, 1550 Lincoln St., Room 210, Denver, CO 80203, (303) 866-2748.

Connecticut: GSL: Connecticut Student Loan Foundation, 25 Pratt Street, Hartford, CT 06103, (203) 547-1510.

State Aid: Connecticut Board of Higher Education, 61 Woodland Street, Hartford, CT 06105, (203) 566-2618.

Delaware: GSL: Delaware Higher Education Loan Program, c/o Brandywine College, P.O. Box 7139, Wilmington, DE 19803, (302) 478-3000 ext. 201.

State Aid: Delaware Postsecondary Education Commission, Carvel State Office Building, 820 French Street, Wilmington, DE 19801, (302) 571-3240.

District of Columbia: GSL: Higher Education Assistance Foundation Loan Program of Washington, D.C., 1030 15th Street, NW., Suite 1050, Washington, DC 20005, (202) 289-4500.

State Aid: Office of State Education Affairs, D.C. Dept. of Human Services, 1331 H Street, NW., Suite 600, Washington DC 20005, (202) 727-3688.

Florida: Florida Student Financial Assistance Commission, Knott Building, Tallahassee, FL 32301; GSL: (904) 488-8093, State Aid: (904) 488-6181.

Georgia: Georgia Higher Education Assistance Corporation, 2082 East Exchange Place, Suite 200, Tucker, GA 30084; GSL: (404) 393-7241, State Aid: (404) 393-7253.

Hawaii: GSL: Hawaii Education Loan Program, 1314 S. King St., Suite 962, Honolulu, HI 96814, (808) 536-3731.

State Aid: State Postsecondary Education Commission, 124F Bachman Hall, Univ. of Hawaii, 2444 Dole Street, Honolulu, HI 96822, (808) 948-8213.

Idaho: GSL: Student Loan Fund of Idaho, Inc., Processing Center, P.O. Box 730, Fruitland, ID 83619, (208) 452-4058.

State Aid: Office of State Board of Education, 650 W. State Street, Room 307, Boise, ID 83720, (208) 334-2270.

Illinois: GSL: Illinois Guaranteed Loan Program, 102 Wilmot Road, Deerfield, IL 60015, (312) 945-7040.

State Aid: Illinois State Scholarship Commission, 102 Wilmot Road, Deerfield, IL 60015, (312) 948-8550.

Indiana: State Student Assistance Commission of Indiana, 219 North Senate Avenue, 1st Floor, Indianapolis, IN 46202; GSL: (317) 232-2366, State Aid: (317) 232-2351.

Iowa: Iowa College Aid Commission, 201 Jewett Building, 9th and Grand, Des moines, IA 50309, GSL: (515) 281-4890, State Aid: (515) 281-3501.

Kansas; GSL: Higher Education Assistance Foundation, 34 Corporate Woods, 10950 Grand View Drive, Suite 270, Overland Park, KS 66210, (913) 648-4255.

State Aid: Board of Regents-State of Kansas, 1100 Merchants National Bank, Topeka, KS 66612, (913) 296-3517.

Kentucky: Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, West Frankfort Office Complex, Frankfort, KY 40601; GSL and State Aid: (502) 564-7990.

Louisiana: Governor's Special Commission on Education Services, 4637 Jamestown Street, P.O. Box 44127, Baton Rouge, LA 70804; GSL and State Aid: (504) 925-3630.

Maine: State Dept. of Educational and Cultural Services, Div. of Higher Education Services, State House Station 23, Augusta, ME 04333; GSL and State Aid: (207) 289-2183.

Maryland: GSL: Maryland Higher Education Loan Corporation, 2100 Guilford Avenue, Baltimore, MD 21218, (301) 659-6555.

State Aid: Maryland State Scholarship Board, 2100 Guilford Avenue, Baltimore, MD 21218, (301) 659-6420.

Massachusetts: GSL: Massachusetts Higher Education Assistance Corporation, 330 Stuart Street, Boston, MA 02116, (617) 426-9796.

State Aid: Massachusetts Board of Regents of Higher Education Scholarship Office, 330 Stuart Street, Boston, MA 02116, (617) 727-9420.

Michigan: GSL: Michigan Department of Education, Box 30047, Lansing, MI 48909, (517) 373-0760.

State Aid: Michigan Dept. of Education, P.O. Box 30008, Lansing, MI 48909, (517) 373-3394.

Minnesota: GSL: Higher Education Assistance Foundation, 1600 American national Bank Building, Fifth and Minnesota Streets, St. Paul, MN 55101, (612) 227-7661.

State Aid: Minnesota Higher Education Coordinating Board, 400 Capitol Square, 550 Cedar Street, St. Paul, MN 55101, (612) 296-3974.

Mississippi: GSL: Mississippi Guarantee Student Loan Agency, 3825 Ridgewood Road, P.O. Box 342, Jackson, MS 39205, (601) 982-6663.

State Aid: Mississippi Post-Secondary Education Financial Assistance Board, P.O. Box 2336, Jackson, MS 39205, (601) 982-6168.

Missouri: Coordinating Board for Higher Education, P.O. Box 1438, Jefferson City, MO 65102; GSL and State Aid: (314) 751-3940.

Montana: GSL and State Aid: Montana University System, 33 South Last Chance Gulch, Helena, MT 59620, (406) 449-3024.

Nebraska: Cornhusker Bank Building, 11th and Cornhusker Hwy, Suite 304, Lincoln, NE 68521, (402) 476-9129.

State Aid: Nebraska Coordinating Commission for Postsecondary Education, 301 Centennial Mall South, P.O. Box 95005, Lincoln, NE 68509, (402) 471-2847.

Nevada: GSL: Nevada State Department of Education, 400 West King Street, Carson City, NV 89710, (702) 885-5914.

State Aid: University of Nevada Reno, Rm 200 TSSC, Reno, NV 89557, (702) 784-4666.

New Hampshire: GSL: New Hampshire Higher Education Assistance Foundation, 143 North Main Street, P.O. Box 877, Concord, NH 03301, (603) 225-6612.

State Aid: New Hampshire Postsecondary Education Commission, 61 South Spring Street, Concord, NH 03301, (603) 271-2555.

New Jersey: GSL: New Jersey Higher Education Assistance Authority, C.N. 543, Trenton, NJ 08625, (609) 292-3906.

State Aid: Department of Higher Education, Office of Student Assistance, 4 Quakerbridge Plaza, C.N. 540, Trenton, NJ 08625, (800) 792-8670 (within NJ), (609) 292-4646.

New Mexico: GSL: New Mexico Educational Assistance Foundation, 2301 Yale S.E., Bldg. F., Albuquerque, NM 87106, (505) 843-7010.

State Aid: Board of Education Finance, 1068 Cerrillos Road, Santa Fe, NM 87503, (505) 827-8300.

New York: New York State Higher Education Services Corporation, 99 Washington Avenue, Albany, NY 12255, GSL: (518) 473-1574, State Aid: (518) 474-5642.

North Carolina: North Carolina State Education Assistance Authority, P.O. Box 2688, Chapel Hill, NC 27515; GSL and State Aid: (919) 549-8614.

North Dakota: GSL: Bank of North Dakota Student Loan Division, 700 Main Street, Drawer 1657, Bismarck, ND 58501, (701) 224-5656.

State Aid: North Dakota Student Financial Assistance Program, 10th Floor, State Capitol, Bismarck, ND 58505, (701) 224-4114.

Ohio: GSL: Ohio Student Loan Commission, P.O. Box 16610, Columbus, OH 43216, (614) 466-3091.

State Aid: Ohio Board of Regents, 3600 State Office Tower, 30 East Broad Street, Columbus, OH 43215, (614) 466-7420.

Oklahoma: Oklahoma State Regents for Higher Education, 500 Education Building, State Capitol Complex, Oklahoma City, OK 73105; GSL and State Aid: (405) 521-8262.

Oregon: Oregon State Scholarship Commission, 1445 Williamette Street, No. 9, Eugene, OR 97401; GSL: (800) 452-8807 (within OR), (503) 686-3200; State Aid: (503) 686-4166.

Pennsylvania: Pennsylvania Higher Education Assistance Agency, 660 Boas Street Harrisburg, PA 17102; GSL: (800) 692-7392 (within PA), (717) 787-1932; State Aid: (800) 692-7435 (within PA), (717) 787-1937.

Rhode Island: Rhode Island Higher Education Assistance Authority, 274 Weybosset Street, Providence, RI 02903; GSL and State Aid: (401) 277-2050.

South Carolina: GSL: South Carolina Student Loan Corporation, Interstate Center, Suite 210, P.O. Box 21487, Columbia, SC 29221, (803) 798-0916.

State Aid: Higher Education Tuition Grants Agency, 411 Keenan Bldg., Box 11638, Columbia, SC 29211, (803) 758-7070.

South Dakota: GSL: South Dakota Education Assistance Corporation, 115 First Avenue, SW, Aberdeen, S.D. 57401, (605) 225-6423.

State Aid: Department of Education and Cultural Affairs. Richard F. Kneip Building, 700 North Illinois Street, Pierre, SD 57501, (605) 773-3134.

Tennessee: Tennessee Student Assistance Corporation, B-3 Capitol Towers. Suite 9, Nashville, TN 37219; GSL and State Aid: (800) 342-1663 (within TN), (615) 741-1346.

Texas: GSL: Texas Guaranteed Student Loan Corporation, P.O. Box 15996, Austin, TX 78761, (512) 835-1900.

State Aid: Coordinating Board, Texas College and University System, P.O. Box 12788, Capitol Station, Austin, TX 78711, (512) 475-8169.

Utah: GSL: Utah Education Loan Service, 1706 Major Street, Salt Lake City, UT 84115, (801) 487-4448.

State Aid: Utah State Board of Regents, 807 East South Temple, Suite 204, Salt Lake City, UT 84102, (801) 533-5617.

Vermont: Vermont Student Assistance Corporation, Champlain Mill, P.O. Box 2000, Winooski, VT 05404; GSL and State Aid: 1-(800) 642-3177 (within VT), (802) 655-9602.

Virginia: GSL: Virginia State Education Assistance Authority, 6 North Sixth Street, Suite 300, Richmond, VA 23219, (804) 786-2035.

State Aid: State Council of Higher Education for Virginia, James Monroe Building, 101 N. 14th Street, Richmond, VA 23219, (804) 225-2141.

Washington: GSL: Washington Student Loan Guaranty Association, 500 Colman Building, 811 First Avenue, Seattle, WA 98104, (206) 625-1030.

State Aid: Council for Postsecondary Education, 908 East Fifth Avenue, Olympia, WA 98504, (206) 753-3571.

West Virginia: GSL: Higher Education Assistance Foundation, Higher Education Loan Program of West Virginia, Inc., P.O. Box 591, Charleston, WV 25322, (304) 345-7211.

State Aid: West Virginia Board of Regents, P.O. Box 4007, Charleston, WV 25304, (304) 347-1211.

Wisconsin: GSL: Wisconsin Higher Education Corporation, 137 East Wilson Street, Madison, WI 53702, (608) 266-2897.

State Aid: Wisconsin Higher Educational Aids Board, P.O. Box 7858, Madison, WI 53707, (608) 266-2897.

Wyoming: GSL: Higher Education Assistance Foundation, American National Bank Building, 20 Street at Capitol, Suite 320, Cheyenne, WY 82001, (301) 635-3259.

State Aid: Wyoming Community College Commission, 1720 Carey Avenue, Boyd Building, Fifth Floor, Cheyenne, WY 82002, (301) 777-7763.

American Samoa: GSL: Pacific Islands Education Loan Program, United Student Aid Fund, Inc., 1314 South King St.—Suite 962, Honolulu, Hawaii 96814, (808) 536-3731.

State Aid: American Samoa Community College, P.O. Box 2609, Pago Pago, American Samoa 96799, (684) 699-9155.

Commonwealth of the Northern Mariana Islands: GSL: See American Samoa.

State Aid: Northern Marianas College Board of Regents, P.O. Box 1250, Saipan, CM 96950, (Saipan) 7312.

Guam: GSL: See American Samoa.

State Aid: University of Guam, UOG Station, Mangilao, Guam 96913, (671) 734-2921.

Puerto Rico: GSL: Higher Education Assistance Corporation, P.O. Box 42001, Minillas Station, Santurce, Puerto Rico 00940, (809) 726-2525.

State Aid: Council on Higher Education, Box F-UPR Station, San Juan, Puerto Rico 00931, (809) 751-5082/1136.

Trust Territory: GSL: See American Samoa.

State Aid: Community College of Micronesia, P.O. Box 159, Kolonia, Ponape, F.S.M. 96941, (Ponape) 480 or 479, (Saipan) 9870.

Virgin Islands: Board of Education, OB No. 1, P.O. Box 9128, Charlotte Amalie, St. Thomas, Virgin Islands 00801; GSL and State Aid: (809) 774-4546.

USAF, Inc.: United Student Aid Funds Processing Center, P.O. Box 50827, Indianapolis, IN 46250, (800) 382-4506 (Indiana only), (800) 428-9250 (Other States).

OFFICIAL SENATE PHOTOGRAPH

Mr. DOLE. Mr. President, I ask unanimous consent that in the agreement on Senate Resolution 100, all after the word "on" in the sentence on page 1, line 6, be stricken, and the words "on a date and time to be announced by the majority leader after consultation with the minority leader" be inserted in lieu thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar under the following headings: Calendar No. 57, Army; Calendar No. 58, Army; Calendar No. 59, Army; Calendar No. 60, Navy; Calendar No. 61, Navy; and all Nominations placed on the Secretary's desk.

Mr. BYRD. Mr. President, those nominations have been cleared on this side of the aisle and there is no objection to proceeding to those nominations.

There being no objections, the Senate proceeded to the consideration of executive business.

Mr. DOLE. Mr. President, I ask unanimous consent that the nomina-

tions be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, all nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Charles P. Graham, [redacted] (Age 57), U.S. Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

Maj. Gen. Johnny J. Johnston, [redacted] United States Army.

The following-named officer under the provision of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Carl E. Vuono, [redacted], United States Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Robert W. RisCassi, [redacted], United States Army.

IN THE NAVY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be vice admiral

Vice. Adm. Kenneth M. Carr, [redacted]/1120, U.S. Navy.

The following named commodores of the United States Navy for promotion to the permanent grade of rear admiral, pursuant to Title 10, United States Code, Section 624, subject to qualifications therefor as provided by law:

SUPPLY CORPS

Stuart Franklin Platt.
Carl Ray Webb, Jr.

CIVIL ENGINEER CORPS

John Cameron Fraser, Jr.

DENTAL CORPS

Richard Glenn Shaffer.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning William L. Davis, Jr., and ending George J. Pope, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 31, 1985.

Foreign Service nominations beginning Leonard J. Baldyga, and ending William W. Marsh, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 31, 1985.

Foreign Service nominations beginning Edgar C. Harrell, and ending Lee A. Twentyman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 31, 1985.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Wednesday, March 20, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ABDNOR AND PROXMIRE TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, the following Senators be recognized for not to exceed 15 minutes each, for special orders: The Senator from South Dakota [Mr. ABDNOR] and the Senator from Wisconsin [Mr. PROXMIRE].

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that on tomorrow, following the special orders just identified, there be a period for the transaction of routine morning business, not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO APPOINT AN ESCORT COMMITTEE

Mr. DOLE. Mr. President, I ask unanimous consent that it be in order to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of Argentina, Raul Alfonsin, into the House Chamber for the joint meeting to be held at 11 a.m. on March 20, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, on tomorrow, following morning business, it will be the intention of the majority leader to call up Senate Joint Resolution 75, the MX appropriations measure, under a statutory time agreement of 10 hours. A rollcall vote could occur during Wednesday's session, and there is a possibility that the Senate could be in late into the evening on Wednesday.

If time permits, it is the hope of the majority leader that the Senate will consider H.R. 1239, the Africa relief appropriations bill. It is possible that rollcall votes could occur on the matter.

I again indicate, for the information of all Senators, that there will be a joint meeting at 11 a.m. on Wednesday to hear an address by the President of Argentina, Raul Alfonsin. Senators are asked to assemble in the Senate Chamber no later than 10:40 a.m., to proceed in a body to the Hall of the House of Representatives to hear the address.

Mr. BYRD. Mr. President, will the distinguished majority leader yeild?

Mr. DOLE. I am happy to yield to the distinguished minority leader.

Mr. BYRD. Mr. President, should the Senate complete action on the MX appropriation bill and on the African famine relief appropriation bill, what would the distinguished majority leader see as work for the Senate for the remainder of the week and into next week?

Mr. DOLE. If we are able to complete action on the bills identified by the distinguished minority leader, then it would be my intention to have no session on Thursday, a pro forma session on Friday, no session on Monday, and convene at 2 o'clock on Tuesday.

I would indicate that while we would not be in session, there would be a number of us working on budget matters, so the Senate would be at work but not in the Senate Chamber.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

RECESS

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess until 12 noon on Wednesday, March 20, 1985.

The motion was agreed; and, at 5:45 p.m., the Senate recessed until Wednesday, March 20, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 19, 1985:

DEPARTMENT OF STATE

Fernando Enrique Rondon, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Faith Ryan Whittlesey, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland.

IN THE NAVY

The following-named commodores of the line of the Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Dennis Matthew Brooks
Dudley Louis Carlson
Jack Neal Darby
John Stephen Disher
James Francis Dorsey, Jr.
Leon Albert Edney
Ronald Marvin Eytchison
William Miley Fogarty
Diego Edyl Hernandez
David Elmer Jeremiah
Stewart Andrew Ring
Robert Harper Shumaker
Richard Coghlan Ustick
Daniel Joseph Wolkensdorfer

RESTRICTED LINE—ENGINEERING DUTY OFFICER

David Patrick Donohue
Myron Vernon Ricketts

AERONAUTICAL ENGINEERING DUTY OFFICER

William John Finneran

CONFIRMATIONS

Executive nominations confirmed by the Senate March 19, 1985:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Charles P. Graham, [redacted] age 57, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Johnny J. Johnston, [redacted], U.S. Army.

The following-named officer under the provision of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Carl E. Vuono, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert W. RisCassi, [redacted], U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Kenneth M. Carr, [redacted] 1120, U.S. Navy.

The following-named commodores of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United State Code, section 624, subject to qualifications therefor as provided by law:

SUPPLY CORPS

Stuart Franklin Platt
Carl Ray Webb, Jr.

CIVIL ENGINEER CORPS

John Cameron Fraser, Jr.

DENTAL CORPS

Richard Glenn Shaffer

FOREIGN SERVICE

Foreign Service nominations beginning William L. Davis, Jr., and ending George J. Pope, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 31, 1985.

Foreign Service nominations beginning Leonard J. Baldyga, and ending William W. Marsh, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 31, 1985.

Foreign Service nominations beginning Edgar C. Harrell, and ending Lee A. Twentyman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 31, 1985.

HOUSE OF REPRESENTATIVES—*Tuesday, March 19, 1985*

The House met at 12 o'clock noon.

Rev. Larry B. Roberts, Perry United Methodist Church, Perry, GA, offered the following prayer:

Almighty God, our loving Father, we are thankful that You are Lord of the past, the present, and the future. We are grateful for those who followed You in founding this great Nation in which we live. We rejoice that we have inherited a government of the people, for the people, and by the people. In this present day, we thank You for politicians who represent their constituents fairly, for patriots who are dedicated to the best interests of the Nation, and for statesmen who seek in all the affairs of government to be faithful to You.

We ask, O Father, that Your divine wisdom and love would guide this body, that the decisions that are made here will ensure that those who live in this land for generations to come may continue to enjoy life, liberty, and the pursuit of happiness.

In Jesus' name, we humbly pray. Amen.

THE JOURNAL

The SPEAKER. The Chair examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MACK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 154, answered "present" 4, not voting 46, as follows:

[Roll No. 32]

YEAS—228

Ackerman	Atkins	Bevill
Addabbo	Barnard	Biaggi
Alexander	Barnes	Boggs
Anderson	Bates	Boland
Andrews	Bedell	Boner (TN)
Annunzio	Bellenson	Bonior (MI)
Anthony	Bennett	Borski
Aspin	Berman	Boucher
Boxer	Hawkins	Petri
Breaux	Hayes	Pickle
Brooks	Hefner	Price
Brown (CA)	Hertel	Rahall
Broyhill	Hillis	Rangel
Bruce	Horton	Ray
Bryant	Howard	Reid
Burton (CA)	Hoyer	Richardson
Bustamante	Hubbard	Roe
Byron	Huckaby	Rose
Carper	Hughes	Rowland (GA)
Carr	Hutto	Roybal
Chappell	Jenkins	Russo
Coelho	Johnson	Sabo
Coleman (TX)	Jones (NC)	Savage
Collins	Jones (OK)	Scheuer
Conte	Jones (TN)	Schneider
Cooper	Kaptur	Schumer
Coyne	Kastenmeier	Seiberling
Crockett	Kennelly	Sharp
Daniel	Kildee	Shelby
Darden	Kleczka	Sisisky
Daschle	Kolter	Smith (FL)
de la Garza	Kostmayer	Smith (IA)
Dellums	LaFalce	Smith (NJ)
Dicks	Leath (TX)	Snyder
Dixon	Lehman (CA)	Solarz
Donnelly	Lehman (FL)	Spratt
Dorgan (ND)	Levin (MI)	St Germain
Downey	Levine (CA)	Staggers
Dwyer	Lloyd	Stallings
Dyson	Lowry (WA)	Stark
Early	Luken	Stenholm
Eckart (OH)	Lundine	Stokes
Edgar	MacKay	Stratton
Edwards (CA)	Markey	Studds
English	Martinez	Swift
Erdreich	Matsui	Synar
Evans (IL)	Mavroules	Thomas (GA)
Fascell	Mazzoli	Torres
Fazio	McCurdy	Torricelli
Feighan	McHugh	Towns
Flippo	Mikulski	Traficant
Florio	Mineta	Traxler
Foglietta	Mollohan	Udall
Foley	Montgomery	Valentine
Ford (TN)	Moody	Vento
Fowler	Moore	Visclosky
Frank	Morrison (CT)	Volkmer
Frost	Mrazek	Walgren
Fuqua	Murphy	Watkins
Garcia	Murtha	Waxman
Gaydos	Myers	Weaver
Gejdenson	Natcher	Weiss
Gephardt	Neal	Wheat
Gibbons	Nelson	Whitley
Glickman	Nichols	Whitten
Gonzalez	Nowak	Williams
Gordon	O'Brien	Wilson
Gradison	Oakar	Wirth
Gray (IL)	Obey	Wise
Gray (PA)	Olin	Wolpe
Guarini	Ortiz	Wright
Hall (OH)	Owens	Wyden
Hall, Ralph	Panetta	Wylie
Hall, Sam	Pease	Yates
Hamilton	Pepper	Yatron
Hatcher	Perkins	Young (MO)

NAYS—154

Archer	Campbell	Dannemeyer
Armey	Carney	Davis
Bartlett	Chandler	DeWine
Barton	Chappie	Dickinson
Bateman	Cheney	DioGuardi
Bentley	Clay	Dreier
Bereuter	Clinger	Duncan
Bilirakis	Coats	Durbin
Bliley	Cobey	Eckert (NY)
Boehlert	Coble	Edwards (OK)
Boulter	Combest	Emerson
Broomfield	Coughlin	Evans (IA)
Brown (CO)	Courter	Fiedler
Burton (IN)	Craig	Fish
Callahan	Crane	Franklin
Frenzel	Lungren	Saxton
Gallo	Mack	Schaefer
Gekas	Madigan	Schroeder
Gilman	Martin (IL)	Schuette
Gingrich	Martin (NY)	Schulze
Goodling	McCandless	Sensenbrenner
Green	McCollum	Shaw
Grotberg	McDade	Shuster
Gunderson	McEwen	Sikorski
Hammerschmidt	McGrath	Siljander
Hansen	McKernan	Skeen
Hartnett	McKinney	Smith (NE)
Hendon	McMillan	Smith (NH)
Henry	Meyers	Smith, Denny
Hiler	Miller (OH)	Smith, Robert
Holt	Miller (WA)	Snowe
Hopkins	Mitchell	Solomon
Hunter	Molinari	Spence
Hyde	Monson	Stangeland
Ireland	Moorhead	Strang
Jacobs	Morrison (WA)	Stump
Jeffords	Nielson	Sundquist
Kasich	Oxley	Swindall
Kindness	Packard	Tauke
Kolbe	Parris	Taylor
Kramer	Penny	Thomas (CA)
Lagomarsino	Porter	Vander Jagt
Latta	Quillen	Vucanovich
Lent	Regula	Walker
Lewis (CA)	Rinaldo	Weber
Lewis (FL)	Ritter	Whitehurst
Lightfoot	Roemer	Wortley
Livingston	Rogers	Young (AK)
Loeffler	Roth	Young (FL)
Lott	Roukema	Zschau
Lowery (CA)	Rowland (CT)	
Lujan	Rudd	

ANSWERED "PRESENT"—4

Dymally	Miller (CA)
Fawell	Oberstar

NOT VOTING—46

Akaka	Gregg	Ridge
Applegate	Heftel	Roberts
AuCoin	Kanjorski	Robinson
Badham	Kemp	Rodino
Bonker	Lantos	Rostenkowski
Bosco	Leach (IA)	Shumway
Coleman (MO)	Leland	Skelton
Conyers	Lipinski	Slattery
Daub	Manton	Slaughter
DeLay	Marlenee	Sweeney
Derrick	McCain	Tallon
Dingell	Mica	Tauzin
Dornan (CA)	Michel	Whittaker
Dowdy	Moakley	Wolf
Fields	Pashayan	
Ford (MI)	Pursell	

□ 1220

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 85. Joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week."

The message also announced that the Senate has passed a concurrent resolution of the following title, in

which the concurrence of the House is requested:

S. Con. Res. 30. Concurrent resolution to commend Lt. Gen. Lincoln D. Faurer for exceptionally distinguished service to the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Tuesday, March 12, 1985:

H.R. 1093. An act to give effect to the treaty between the Government of the United States of America and the Government of Canada concerning Pacific salmon, signed at Ottawa, January 28, 1985.

REV. LARRY B. ROBERTS

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, it is both a pleasure and a privilege to have my pastor, the Reverend Larry Roberts, serving as guest chaplain today for the House of Representatives.

Reverend Roberts has been the pastor of the Perry, GA, United Methodist Church, my home church and the home church of Senator SAM NUNN, since 1981. Since 1959 he has served as minister in seven churches in Georgia and has pastored several congregations in the Third District of Georgia. He has held numerous district and conference positions serving in many areas with distinction.

This church has grown spiritually under his guidance and I have learned through the years that the Reverend Roberts truly embodies those characteristics which St. Paul required of a church leader. In I Timothy, Paul declares that a preacher of the word should be blameless, temperate, sober minded, of good behavior, able to teach, not violent, not greedy for money, but gentle, not quarrelsome, not covetous; one who rules his own house well, not puffed up with pride.

Reverend Roberts is one who recognizes problems as opportunities.

Paul certainly set high standards for men of the cloth, and few people measure well against these standards; but the man who delivered our invocation today in the House of Representatives, the Reverend Larry Roberts, has shown his congregation that it is possible to live a holy life. He teaches us both by word and by example, and it is his quiet, Christ-filled life that earns him the respect and admiration of all he meets.

Mr. Speaker, we are honored to have the Reverend Roberts with us today, along with his lovely wife and their children, Julie and Ben. I want to thank him for bestowing upon us the Lord's blessing and guidance in his prayer today.

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Wednesday, March 20, 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE REPORT ON HOUSE JOINT RESOLUTION 180, APPROVAL OF OBLIGATION OF FUNDS FOR MX MISSILE PROCUREMENT

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, Wednesday, March 20, 1985, to file a report on the joint resolution (H.J. Res. 180) to approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE AGRICULTURAL EXPORT EXPANSION ACT OF 1985

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, during the past few weeks, this distinguished body has deliberated at length regarding the plight of the American farmer. If we have agreed upon anything regarding this topic, it is that Government policies have had a lot to do with the current problems that agriculture faces.

As if grain embargoes, exorbitant interest rates, and a record-high dollar weren't enough, farmers have been dealt another crushing blow by Government. In a recent ruling, a U.S. district court has held that our Blended Credit Export Program must conform to cargo preference requirements.

This ruling has effectively ended the usefulness of our blended credit program, which has been utilized extensively to help offset unfair competition by the European Community and other exporters. Already, $536 million worth of agricultural shipments have been postponed due to this untimely decision.

To alleviate the possible devastation of this detrimental Government action, I am urging you to join me and more than 20 cosponsors on H.R. 1517, the Agricultural Export Expansion Act of 1985.

This commonsense piece of legislation, which I introduced on March 7, would exempt from cargo-preference requirements the USDA's commercial export promotion programs, including blended credit and other programs that are designed to make our agricultural exports competitive with our increasingly sharp trade rivals.

Colleagues, join me in our initial effort of 1985 to maintain—and expand—our agricultural export markets.

THE HONORABLE EARLE C. CLEMENTS

(Mr. NATCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. NATCHER. Mr. Speaker, it is my sad duty to officially advise the House of Representatives of the death of our former colleague, the Honorable Earle C. Clements of Kentucky.

Earle C. Clements was born in Morganfield, Union County, KY, on October 22, 1896. He attended the public schools and the University of Kentucky at Lexington. He was a farmer and started his political career as sheriff of Union County in 1922. He served as sheriff from 1922 until 1925. Next, he was elected clerk of Union County and served from 1926 to 1933. He then was elected judge of Union County and served from 1934 to 1941. He was elected a member of the State Senate and served from 1942 to 1944. In the year 1944, he served as majority floor leader. Next, he was elected as a Democrat to the 79th and 80th Congresses and served from January 3, 1945, until his resignation on January 6, 1948. He resigned due to the fact that he had been elected Governor of the Commonwealth of Kentucky. He served as Governor from 1948 until November 1950. This resignation was brought about as a result of his election to the U.S. Senate to fill the vacancy caused by the resignation of Alben W. Barkley who had been elected Vice President of the United States.

Earle C. Clements was elected to fill the vacancy of Mr. Barkley and at the same time, was elected for a 6-year term and served from November 27, 1950, to January 3, 1957. Few public officials, not only in Kentucky, but throughout the United States, have held as many elective offices as Earle C. Clements. For 35 years, he won a succession of elections and was never out of office.

Following his service in the U.S. Senate, he was appointed as director of the U.S. Senate Democratic Campaign Committee and served from January 1957 to December 1959. Next, he

was appointed highway commissioner of Kentucky in 1960. He was a consultant for the American Merchant Marine Institute from 1961 to 1963 and consultant to the tobacco industry and president of the Tobacco Institute, Inc., where he served for a number of years.

He loved the Commonwealth of Kentucky. His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and in the best interests of our people.

In a large sense, the life of Earle C. Clements from the date of his birth throughout his record of 35 years in public office is symbolic of the modern history of our Nation. He had a leading role in the progress and development of Kentucky and of our country during the time that he served his people so well, and during this period, our country rose to its present position of world leadership. Earle C. Clements was a man of remarkable intellect and he possessed the necessary parliamentary skill that aided him so well when he served as acting majority leader of the U.S. Senate for many months. If one had to portray the man in a very few words contained within one breath, it would be to say he was a real friend and a great statesman.

He lived by the rules of reasonableness and fairmindedness. He always administered his duties as a public official with dignity and fairness. He was a devoted public servant who demonstrated a tremendous loyalty to and love of his country.

In every position he held, either private or public, he achieved distinction.

Mr. Speaker, Earle C. Clements loved the House of Representatives. He died on Tuesday, March 12, 1985, at his home in Morganfield, KY. He was buried in the Morganfield Independent Order of Odd Fellows Cemetery in Morganfield. I extend my deepest sympathy to the members of his family.

□ 1230

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of our former colleague, the late Honorable Earle C. Clements.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

GENERAL REVENUE SHARING FUNDS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the administration is seeking to eliminate the General Revenue Sharing Program on September 30 of this year.

If that is allowed to happen, 39,000 local governments across this country who are in need of revenue assistance will lose the positive impact these funds have had on economically depressed communities such as those cities and towns in the 17th District of Ohio which are already afflicted with the highest rate of unemployment in America.

The loss of revenue-sharing funds would trigger wide-ranging cuts in basic public services, and would undoubtedly force local tax increases that citizens cannot afford.

These vital services currently possible through revenue-sharing moneys include police and fire protection, street and building maintenance, health services, economic development efforts—to just name a few. I agree that some funds have been misdirected but to wipe the program out would be a catastrophe for communities in the Youngstown-Warren area and many more throughout America.

I urge my colleagues to join me in standing firmly against the elimination of the General Revenue Sharing Program.

TIME TO BRING HOME THE MIA'S AND POW'S

(Mr. HENDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDON. Mr. Speaker, I would like to share with you and my colleagues a statement by Lt. Gen. Eugene Tighe, USAF (retired), former Director of the Defense Intelligence Agency, regarding U.S. prisoners of war in Southeast Asia. General Tighe has confirmed to me in person that these, in fact, are his words. Quote:

During my tenure in the DIA, the MIA-POW issue was a key issue for me and of high priority. I ordered a daily update every morning on my desk. I saw more information daily than any man in the world. The evidence is clear to me that there are Americans being held against their will in Southeast Asia.

These are not my words, Mr. Speaker. Those are words spoken just a couple of years ago by the retired Chief of Military Intelligence in the Pentagon: the Director of the Defense Intelligence Agency.

It is 12:30 p.m. here in Washington, 12:30 or a little past midnight in Hanoi. Isn't it time, Mr. Speaker, to being these brave men home?

THE MX

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, the experts tell us the entire world exists a mere 30 minutes from nuclear holocaust, by accident or design.

The Pentagon's latest contribution to the arsenal of destruction is the MX missile. It wants to build 223 of these missiles and deploy 100 of them by 1989. Ten are to be in the field aimed at Soviet targets by the end of next year.

This Congress has purchased for the Pentagon 21 MX's, each with 10 warheads, totaling 63 megatons of destructive power. By comparison, the bomb that incinerated Hiroshima was 12.5 kilotons and 70,000 to 80,000 people died as a result of that.

Each of the MX missiles is targeted upon Soviet missile silos. To be effective, the MX warhead must strike the Soviet silo with the Russian missile still inside. To do this we must strike first.

This would be $0.5 billion in budget-busting insanity. It is not a plan for arms control, it is not a plan for sound national defense. We must abandon it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will advise the visitors in the gallery, who are guests of the House, that they are not to participate in the proceedings of the House by applauding or otherwise expressing approval or disapproval of the proceedings.

THE DEFICIT AND NATIONAL SECURITY FOR OUR CHILDREN

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, providing for our Nation's security has always been—and should always be—the largest single item in the Federal budget. But toward the end of this century, it will have competition.

Thirty years ago, interest on the national debt cost roughly one-tenth as much as America's annual defense costs. In 1980, it cost one-third as much. Next year—notwithstanding our recent Pentagon buildup—to service the national debt will cost half as much as the entire defense budget. In 1990, its cost could be three-fourths as much.

By the year 2000, who knows? Our children may someday have to pay more in interest charges than they can afford to spend on national security.

As we continue with our defense buildup—and our stalemate over the deficit—we should take a moment's pause. Let's reflect on what our fiscal

irresponsibility is doing to our children.

WHAT IS KARPOV TALKING ABOUT

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I am shocked and disappointed by Soviet negotiator Viktor Karpov's recent suggestions that the United States is unsure of its goals in Geneva.

It's just a few days after the arms control talks began, and already Karpov appears to be playing the old propaganda game of questioning our seriousness and our willingness to adhere to our promises. This, in turn, raises questions about the seriousness of the Soviet position. I can assure my colleagues that our Government is fully committed to following the agreed upon approach to discussions in Geneva. We are following both the spirit and the letter of the negotiating agreement. I hope the Soviet delegation will do the same.

I recently visited Geneva as part of a bipartisan congressional team. I met with our negotiators and was impressed. In addition to their impeccable professional qualifications, they have distinguished themselves in service to their country. Each one of them is personally committed to the necessity of arms reductions now. President Reagan has given our team a high degree of flexibility. Their mission is a serious one and they will stay there until progress is made.

I am disappointed that Karpov spoke out on such a critical note. Public criticism by either side should be avoided. I strongly believe that the talks are a moment of opportunity for both sides.

Mr. Speaker, I also want to comment upon the action of the Government of Belgium, which has decided to follow through on its promise to deploy cruise missiles as part of a collective NATO decision made in 1979. I commend the Government of Belgium for its decision. Let us hope that The Netherlands will also move ahead in this direction.

LOUISIANA

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, lately I have heard a lot about what is wrong with Louisiana. We have had some problems, and I do not want to ignore them. But I would like to remind the world of some Louisiana strengths.

I see a people patriotic and caring, with the strongest record of national service.

I see a Joe Delaney giving his life to save a child, a stranger, unable to swim, trying to cross a pond to save a life.

Louisiana has heroes too.

I see a State with a most productive work force. Ask the plants that come where their best workers are. They always say Louisiana.

I see a State with a strong, honest political representation in Washington—from the grace and dignity of LINDY BOGGS, to the smiling quickness of BILLY TAUZIN.

I see a State of decent people, with a joy of living and a joy of family. Some folks look at Louisiana and they see only the tourist streets of the French Quarter. I look at Louisiana and see families scattered on Sunday picnics along the bayou paths.

Louisiana, it is not perfect and we have a lot of work to do, but thanks to God we have got a lot to work with.

THE TAX FAIRNESS FOR FAMILIES ACT

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, today I am introducing the Tax Fairness for Families Act. This bill would double the personal exemption for taxpayers, their spouses, and dependents.

The reasons are simple.

The value of the personal exemption has decreased drastically over the past 35 years. Rising from $600 in 1950 to $1,000 in 1984, the personal exemption has failed miserably to keep up with inflation. If it had been indexed for income growth, it would be worth about $5,600 today.

The personal exemption is the principle means by which our Tax Code takes into account taxpayers' responsibilities for their children. Its failure to keep up with income growth has hit families with children harder than any other group. Single persons and couples without dependents face essentially the same average income tax rates in 1984 as they did in 1960. But a couple with two dependents had an increase of about 43 percent in its average tax rate, and a couple with four dependents had an increase of 223 percent. This increase effects taxpayers' ability to care for not only their children, but elderly dependents as well.

For three decades families have been footing the bill for other special interests, and now families are in trouble. More and more, average families are finding that they cannot make ends meet. They cannot buy homes. They can no longer afford to live on just one income. These are difficult times in which to raise children, and the Federal Government is making them even harder.

Doubling the personal exemption will not give back to families all we've taken from them, but it will be a significant downpayment. We are in the midst of an historic debate over the future direction of our Tax Code. It's time that tax policy again reflect the simple justice due to parents who are giving their all to bring up the next generation of Americans.

GENEVA ARMS TALKS AND THE MX

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, as a Member of the House delegation at the opening of the arms talks in Geneva last week, I was impressed and reassured by the quality and dedication of the U.S. negotiating team. Also by the apparent flexibility of their instructions—all of which indicates good faith by the Reagan administration and an effort to achieve real results. That is the good news.

But the bad news is that just as the Geneva talks are getting underway about reducing offensive weapons, the administration asks Congress to add 21 more missiles to our offensive arsenal.

Aside from starting the talks in the wrong direction, this is a case of extraordinary bad timing. These new MX's could be held back as a bargaining chip to be used when and if the Russians demonstrate bad faith or ill intent in Geneva.

I resent having the MX vote characterized as a test of U.S. resolve, patriotism or loyalty. If the vote is negative or even close, the President will say we have undercut him.

But it is the President who undercuts Congress and the American people by not saving the MX increase as a bargaining chip to be played later. We can always go ahead with these additional missiles if the circumstances in Geneva warrant. But if we deploy them now, we will never get rid of them.

The MX vote is not a question of patriotism, loyalty or resolve. It is a question of enhancing the Geneva peace process. It is a question of timing and judgment.

The judgment of this House should be: No, not now.

ELIMINATE THE AG PRODUCTS EXCEPTION

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, as hard as it is to believe, purchasers of as products in most States may have to pay for them twice because of a 30-

year-old experiment in the Uniform Commercial Code. That "quirk" in the law permits lenders to seek payment from buyers of mortgaged as commodities even if the buyers didn't know about those liens at the time of purchase.

Now, what's unusual about that situation is that a buyer of virtually any other product in the ordinary course of his business on which a lender holds a secured interest takes the product free and clear of that lien even if he knows about its existence at the time of purchase.

Mr. Speaker, there simply is no justification for this disparity. Accordingly, I am pleased to join my good friend, the gentleman from Texas [Mr. STENHOLM], in introducing legislation that would eliminate this difference.

At the same time, our bill will continue to protect lenders by pre-notifying potential purchasers of the existence of a lien on a particular as commodity.

Mr. Speaker, it's time to treat the purchase and sale of all products similarly. I urge my colleagues to join the gentleman from Texas and myself in cosponsoring this important legislation.

□ 1250

FISCAL INSANITY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think every American has decided that it is inherent folly to back a weapons system that you either "use or lose." So therefore, the administration decided it better find a new rationale for the MX. If you cannot find a military one, then let us make an arms control one. That is precisely what they did. They said that the MX will help us in Geneva.

Let me point out that the administration is absolutely incorrect. There is no military justification for the MX nor is there any arms control justification. They ignore the fact that the MX was nearly dead when the Soviets decided to come back to the table and negotiate. They ignore our increase in defense spending over the last 4 years; our steady improvement in force modernization, and our steps to deploy the D5, the Midgetman, the B-1, the Stealth bomber and cruise missiles.

I think it is very important to say to people there are no safe holes to put the MX in and there are no good reasons to fund the MX. There are no military or arms controls reasons; the only thing is fiscal insanity.

TIME FOR IMMIGRATION REFORM IS NOW

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the 98th Congress failed miserably to produce legislation in the nature of immigration reform, and because of that failure, our borders are still leaking; our borders are still the place where aliens cross on an hourly, a daily basis without restraint.

Mr. Speaker, the 99th Congress must grapple with this important subject and do it soon. It is estimated there are between 12 and 20 million illegal aliens in the United States. The treatment of their status alone requires our immediate attention. But beyond that, their presence in our country constitutes a possible attack on our economic recovery and, worst of all, it constitutes a possible danger to our national security.

I urge us to do more than have bandaids at the border, but to produce big, bold action in immigration reform now, before it is too late.

A TRIBUTE TO DR. CARLISLE V. DODSON

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to and in memory of a longtime friend of mine, Dr. Carlisle V. Dodson of Russellville, KY, who died on January 9 of this year at the age of 63.

Dr. Carlisle Dodson will long be remembered in Russellville, KY, Logan County and Kentucky. A graduate of the University of Louisville School of Medicine in 1943 at the age of 22, he was a practicing physician for over 40 years. He served as a captain with the Medical Corps of the 101st Airborne Division. He was captured by the Germans in Belgium and was a prisoner of war twice during World War II. After the war, he returned to western Kentucky to establish his medical practice.

Carlisle Dodson was a dedicated physician. His calm, gentle manner, his attitude of caring, his genuine interest in people, as well as his skill as a doctor, earned him a devoted group of patients. Dr. Dodson never turned away a person in need. Many of his years of practice were before the time of Medicaid and Medicare and there were always people who needed a doctor and couldn't afford to pay. Carlisle's office was always open to everyone.

Dr. Dodson was a member of the Kentucky Medical Association, the American Medical Association, the Southern Medical Association and served on the Kentucky Peer Review Board. He was a diplomate fellow in the American Academy of Family Physicians, of which he was a charter member. His death will certainly be a loss to Russellville and Logan County, as well as all of Kentucky.

Surviving are his widow, Martha Oakley Wilson Dodson; three daughters, Miss Elizabeth Wilson of Alexandria, VA, Mrs. Carolyn Mallory and Miss Kathy Dodson of Russellville; one son, Dr. James Carlisle Dodson of Russellville; one brother, Gates Dodson of Russellville; and three grandchildren, George Victor and Julia Elizabeth Dodson and Monica Kemp Mallory.

Martha Dodson, Mrs. Carolyn Mallory and Monica Mallory are visiting Washington this week.

My wife Carol and I extend our sympathy to the family of this outstanding Kentuckian who was an inspiration to those of us who knew him.

HISTORY WILL JUDGE YOUR ACTIONS

(Mr. BOULTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOULTER. Mr. Speaker, as the enlightened observer of our times, Paul Johnson, has noted: "reality cannot for long be banished from history. Facts have a way of making their presence felt."

I quote this passage because I wish to give a warning to my colleagues on the opposite side of the aisle. You may consider yourselves immune from the scrutiny of today's casual observers in what you do, but history will judge your actions accordingly. You claim you have a task force which has investigated a controversy and yet you have not called one witness. How can you investigate a controversy without calling the witnesses involved?

The answer, which history will acknowledge, is that you can't truly investigate any case in that fashion, and you haven't investigated this one.

Mr. Speaker what is so tragic about the Rick McIntyre election and what motivates members of my party and myself in this controversy is that it shakes the confidence of the people in the very system which we are elected to uphold. I say to my friends on the opposite side: Beware of the implications you are playing with in this congressional election.

If you continue to deny even a provisional seat to a duly certified victor, who won on election night and in the recount by fictionalizing an outcome of an election which did not occur, then you invite the American public to look upon all elections, and indeed this body, with skepticism and distrust.

If you choose to not correct this smokescreen of an investigation, then

history will have no choice but to cite our democracy as the real loser from this episode.

UNITED STATES-CANADIAN PACT ON ACID RAIN IS ONLY A FIRST STEP

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, those of us who are a strong advocates of acid rain control—and we all should be—encouraged by the agreement announced Sunday by President Reagan and Prime Minister Mulroney.

The appointment for the Canadians of two respected former officials as special envoys—Bill Davis and Drew Lewis for us—must be viewed as an important first step toward getting the action required to combat acid rain.

But it's only a toddler's step, and our understanding about acid rain is no longer in its infancy. We have the research, the knowledge, the studies right now to act like mature adults, to take responsibility for the problems we ourselves have caused, and to make the policy leap needed to solve those problems.

As I have said on this floor many times, and as I have said in my own meeting with former Premier Davis—one of the new envoys—we know that acid rain is a threat to our lakes and forests, we know what causes it and we know how to eliminate it. All we lack is the political will to act.

Each new study indicates that acid rain is an even greater hazard than we had thought—causing more damage in more areas. That's why I signed a letter to President Reagan before his meeting, saying, "We hope that the agreement entails a plan for achieving acid rain control in addition to further studies of the problem. Also, we specifically urge you to outlaw the use of tall smokestacks which disperse pollution across North America rather than controlling it." And that's why I have cosponsored H.R. 1030, which would reduce sulfur dioxide emissions by almost half over the next 10 years.

These are steps we must take if we are serious about preserving our environment. If the appointment of the special envoys does not yield that result, then I'm afraid the shamrock summit will have produced little more than a lot of blarney.

NATIONAL AGRICULTURE DAY

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, Wednesday is National Agriculture Day—a day we have chosen to recognize the great contribution our Nation's farmers continue to make to the economic and cultural well-being of America.

Farming is a risky business.

It requires more speculation than the stock market, more gambling than a weekend in Las Vegas, and more dedication than the quest for an Olympic medal.

It is also a 7-day a week job with many different faces.

In any given week, a farmer has to be a veterinarian, a chemist, a biologist, an economist, a mechanic, and a manager.

The job pays no overtime, nor can bad weather slow the farmer down.

Yet, family farming has persisted as a way of life despite the hard work and economic difficulties.

This year, we must focus on the difficult job of establishing farm policy for the next 4 years.

As we recognize and commemorate the contributions of our agricultural sector, we must not let the realities of farm life get lost in politics when the farm bill is considered.

America's hardworking farmers are vital to our economy, and they deserve our continued support.

SOCIAL SECURITY FREEZE OPPOSED

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, what a difference 6 months can make. Six months ago the battle in Congress was to guarantee a cost-of-living increase for Social Security in 1985. Six months later, there seems to be a developing movement to eliminate the 1986 COLA.

I reject the proposal for a COLA elimination—or as it has been deceptively labeled—a COLA freeze. Let's call it as it is—a cut. A freeze is the equivalent of a cut for one reason—inflation cannot be frozen. Who is going to freeze the cost of food, or housing, or energy? Who will freeze the rapidly rising out-of-pocket costs millions of elderly must pay just to participate in Medicare? No one. Therefore for the millions who rely on Social Security for all or most of their income—we cannot eliminate their only defense against inflation—their COLA.

We promised them in 1983 that in exchange for the great sacrifice they made as part of the Social Security reform bill that the system would be fiscally solvent into next century. Now 2 years later, we are going back on our word and asking more sacrifice. I say enough is enough.

SEVENTY-SIXTH DAY OF NO REPRESENTATION FOR EIGHTH CONGRESSIONAL DISTRICT OF INDIANA

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, today is the 76th day since the people of the Eighth Congressional District of Indiana have been without representation in this body.

Yesterday a letter came across my desk by mistake from the chief deputy majority whip of the majority party. It says, in part:

> DEAR DEMOCRATIC COLLEAGUE: In recent weeks press accounts of the disputed election in Indiana's Eighth Congressional District have glossed over the complex issues that originally caused the House to assume jurisdiction over this case.
>
> While the facts are on our side, the public relations effort by the Republicans appear to have convinced many in the press and the public of a tainted interpretation of those facts.

The letter goes on to ask the members of the majority party to appear on the House floor this week to debate this issue. I am glad to debate the issue as a member of the minority party, the Republican Party.

What are those tainted facts? The first fact is that Mr. McIntyre, the Republican, won the election on election night by 34 votes. There was no dispute over that.

The second fact is that after the recount, Mr. McIntyre, the Republican, won the election by 418 votes. There is no dispute over that.

The third fact is that the House Administration Committee task force which was called to investigate the election has not investigated it. They have decided to throw the original election completely out without calling for one witness from the State of Indiana and do their own recount.

Mr. Speaker, I encourage members of both parties to objectively review the true facts in the McIntyre election. If this is done, we will soon vote to seat Rick McIntyre.

ALZHEIMER'S RELIEF PACKAGE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I would like to take this moment to discuss a very special group of people. This group consists of approximately 2.5 million American men and women who have led normal, productive lives and then find themselves afflicted with a devastating and debilitating brain disorder which eventually incapacitates them beyond recognition of even family members. This group is attacked by a slow and silent killer,

which may take as long as 20 years to run its course, and for which there is no prevention or cure. This group of Americans is known as Alzheimer's victims and the illness is known as Alzheimer's disease.

On January 3 I reintroduced the Alzheimer's relief package in an effort to provide emotional and financial support to this group of victims and to the family members who necessarily suffer along with them. The package consists of two bills: H.R. 66, which promotes the establishment of support groups in health care centers nationwide, and H.R. 67, which requires HHS to conduct 10 demonstration projects to determine the feasibility of providing for alternative benefits under Medicare.

I would like to now invite all my colleagues to join me, and over 50 other Members of both parties, in cosponsoring this very important and necessary legislative package. For the sake of this helpless group of victims and for their families, please lend your support to these bills and help put a stop to this group's membership once and for all.

CUT THE BULL—AND COUNT THE BALLOTS

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute.)

Mr. BONIOR of Michigan. Mr. Speaker, I rise today to express my outrage and indignation at the continuing attempts by the Republicans to prevent a full counting of the ballots in the Indiana House race.

Last week, the special task force appointed to investigate the election voted to send independent GAO auditors to Indiana to count all the ballots. The Republicans objected and walked out of the task force meeting.

Instead, they proposed highly restrictive counting rules which would toss out hundreds of ballots. On closer inspection, it becomes clear that the proposed rules were custom-made to give a clear, a very clear, advantage to the Republican candidate.

Even now, the Republican side continues to obstruct the counting of ballots in Indiana. Because of these objections, the people of Indiana and the Members of this House are being kept from knowing who won.

Mr. Speaker, it is time to cut the bull—and count the ballots.

TEXTILE AND APPAREL TRADE ENFORCEMENT ACT OF 1985

(Mr. COBEY asked and was given permission to address the House for 1 minute.)

Mr. COBEY. Mr. Speaker, I am pleased to join well over 100 of my colleagues today in cosponsoring the Textile and Apparel Trade Enforcement Act of 1985.

American textile manufacturers are willing to bear the burden of increasing textile imports as long as trade remains orderly and they share in the growth of the American market. But this burden has reached the point where it is no longer bearable. Textile imports are increasing much faster than the growth of the American market and this is costing our people thousands of jobs.

Already, two textile mills in our area of North Carolina have closed down. The strain on the workers' families and their communities is great. If we can restore the textile trade to an orderly pattern, in accordance with our international agreements, thousands of Americans will be spared the tragedy of losing their jobs.

Passage of the Textile and Apparel Trade Enforcement Act will help save jobs in North Carolina and other States. Thus, I appreciate my colleagues, a bipartisan group, as well as many in the Senate, for working so hard to write this bill.

MX MUST BE STOPPED

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, I feel most deeply that the MX must be stopped. I fail to understand how this administration can justify a $30 billion weapons system that fuels an already insane arms race and weakens our national security.

What I find disgusting is the Reagan administration's use of the disarmament talks to bludgeon the Congress into voting for the MX as a bargaining chip. How many of these bargaining chips has the Congress approved only to see them installed as permanent weapons in the insane nuclear armory of the world today? I refuse to be blackmailed into sending our money and our futures down the same old silos that the administration originally insisted we abandon.

We're spending billions to fill these useless silos, yet we're turning our backs on the silos of our American farmers. I've joined a number of my colleagues to protest the twisted logic that showers money on the MX and dismisses the pleas of the American farmer as budget-busting.

The Reagan administration is also turning its back on the valid concern of the people of New Zealand that we are running amuck with nuclear weapons. Their desire for a nuclear free zone is an aspiration we should encourage, not penalize. I understand that with such weapons of holocaust as our MX and the Soviet SS's, no place in the world can be free of nuclear fear. This does not mean we should not honor the courageous goal of New Zealand to lessen the presence of nuclear weapons in their part of the Pacific.

I say this because I believe this administration's unrelenting quest for nuclear weapons is terrifying. Let us be honest—we need the MX if we want to fight a nuclear war. We need the MX if we want to begin that war. We need the MX if we want to engage in a confrontation that we cannot survive.

A SENSIBLE IMMIGRATION POLICY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Congress of the United States needs to deal with immigration reform—not this summer, not next year, but now. As chairman of the Congressional Hispanic Caucus, I would like it to be known that we are ready to participate constructively and positively in the debate. We will not be obstructionists; instead, we will have a comprehensive and compassionate immigration bill of our own.

We are ready, Mr. Speaker, to work with the gentleman from New Jersey [Mr. RODINO], the gentleman from Kentucky [Mr. MAZZOLI], and the gentleman from New York [Mr. FISH], and the gentleman from California [Mr. LUNGREN] in developing a compassionate and sound immigration policy. Although we will have differences with these gentlemen, let it be said that those of us of Hispanic descent in Congress will not hold up the process. We are ready now for a debate, and the American people are ready for a sensible immigration policy.

COUNTING ALL THE VOTES IN THE CONTESTED INDIANA ELECTION

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, well, today we hear the Democrats come to the floor talking about counting all the votes in Indiana. Well, it is not really all the votes; it is all the votes as determined by the 2 to 1 task force, because if you count all the votes, you would count all 5,000.

But that is not really what they are talking about. What they are talking about is taking the votes that their task force has decided should be counted and then calling those all the votes and counting those.

We have some concern about that on our side, particularly since our member of the task force, as I understand it, went along with a number of suggestions that the Democrats made toward helping to facilitate the count-

ing process, until they got to that point where they decided we were going to have a national counting process rather than obeying what Indiana law says. Then he began to have some problems with that because what that says is that we are going to determine how you have Members elected right here in this body. That, it seems to me, is not only an issue for the Eighth District of Indiana, it is an issue for the country, because you should not have two elections. You should not have an election where the people of Indiana make their choice and then have another election where this House decides whether or not you are eligible to serve. You ought to have one election. The people of Indiana have a right to choose their Representative.

Mr. Speaker, that is what Democrats will not allow them to do—choose their own Representative.

THE ADMINISTRATION'S IRRESPONSIBLE POLICY ON AUTO IMPORTS

(Mr. CROCKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, the President's decision not to extend the voluntary restraint agreement with Japan on auto import quotas is shortsighted and irresponsible. We are all interested in opening the Japanese economy to American products, and we understand that certain concessions must be made to bring this about. The President, however, plans to exchange something for nothing; he has made a unilateral concession to the Japanese that will be carried out on the backs of Detroit autoworkers.

When the present voluntary restraints expire, the U.S. auto companies will have to meet increased competition and still satisfy fuel efficiency standards and higher labor costs. The Big Three will inevitably cut back domestic production of economy cars and increase imports from their Japanese partners in order to maintain their huge executive bonuses and their exorbitant profit level. This shift of production abroad, Mr. Speaker, will bring even greater unemployment to the American autoworker and higher prices to the American consumer.

I urge Congress not to condone, by our inaction, this Presidential attempt to auction off thousands of American jobs in exchange for the vague intentions of the Japanese Government.

CUT OFF PRIVATE AID TO THE CONTRAS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today, Congressman LEACH and I are introducing legislation to prohibit private assistance for military or paramilitary operations in a foreign country if the Congress has prohibited the use of covert assistance for such operations. The immediate impact of this bill would be to prohibit private assistance to the Contras in Nicaragua.

Reports indicate that millions of private dollars have flowed to the Contras—since Congress voted to cut off aid. Those who send private aid to the Contras are doing nothing less than undermining the will of Congress and American foreign policy.

I have here in my hands the most recent example of private solicitations of aid for the Contras. Not only is this an attempt by private citizens to take foreign policy into their own hands, but it is a deplorable attempt to revise reality by comparing the cause of the Contras, who have murdered innocent men, women, and children, to efforts of the Save the Children Fund, whose sole purpose is to save children's lives.

This practice of exercising private foreign policy, contrary to the will of Congress, must stop, and our legislation would help ensure that it does.

A CREDIBILITY GAP IN THE DEFENSE DEPARTMENT

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, I would like to quote from our Defense Secretary, Mr. Caspar Weinberger, on January 6, 1981. He then said,

> I would feel that simply putting the MX into existing silos would not answer two or three concerns that I have, namely, that the locations of these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force.

Mr. Speaker, I have to admit a certain credibility problem with many of the things that our Defense Secretary is prone to utter. His recent testimony in which he testified that the Soviet Union had shot down one of its own cruise missiles over Finland is a perfect example of that credibility gap. But in this case, when he was discussing the MX missile, Mr. Weinberger was simply mouthing the same conclusions that decades of military experts have already reached, and they are manifestly true.

Mr. Speaker, at a time when we are asked to approve a potentially dangerous and destabilizing addition to the global arms race, the administration has stooped to trotting out salesmen with their own peculiar revisions of history. That should serve as a red flag for people who are still undecided on this issue.

PROPOSED LEGISLATION TO EXTEND FRANCHISE TO CITIZENS OF U.S. TERRITORIES

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, did you know that your fellow Americans in the territories of the United States cannot vote for the President? If these same citizens came to one of the 50 States, they could vote for President. But because they happen to live in one of the U.S. territories, even if they were born in the continental United States, they are denied the opportunity to vote for President.

This is our chance to help, to give these Americans a voice in the selection of the President of this great Nation to which they give their allegiance. And this is a bipartisan issue. The convention platforms of both the Republican and Democratic Parties contained planks to extend the right to vote for President to the U.S. territories.

One of the first bills introduced in this Congress, House Joint Resolution 23, introduced by myself and the Delegate from American Samoa, will accomplish this goal. My colleague, the Delegate from Guam, will join us in re-introducing this legislation in the next few days. So today, I am urging the Members of the people's House to join us in cosponsoring this measure and help us bring equity to the U.S. territories by allowing these Americans to vote in Presidential elections.

□ 1320

THE CONTROVERSY IN THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK. Mr. Speaker, I am having a little difficulty following the controversy over the Eighth Congressional District of Indiana, because it seems that my friends on the other side of the aisle are determined to have their indignation mount in adverse proportion to any justification for its existence.

Last week, one of the main indignators told me he thought the people running the recount process would be fair, but that these fair people would do unfair things.

Now we have revealed the unfair thing they are going to do. They are going to count the votes. They are going to count all the votes, according to the rules that have been adopted.

The gentleman indicated earlier that they were not going to count all the votes; but as I read the rules, the only

ones they are not going to count are votes where it is not possible to tell who the people were voting for. They are going to count votes according to the best possible way you can tell the intention of the individual.

It is not the Democratic Members who are going to count the votes. It is the General Accounting Office, which is a body—I do not think there are many Members here who have not at some point in their tenure been disappointed by the objectivity of the GAO, not disappointed because it was not objective, but disappointed because it was. We have committee chairman here who have ordered reports from the GAO and spent the next week yelling at the staff, saying, "What a dumb idea that was. They didn't say what I wanted them to say."

So what we have is the GAO counting votes according to who cast them, and if that is unfairness, I suggest that my friends had better find a new cause for indignation.

THE DISPUTED ELECTION IN THE EIGHTH DISTRICT OF INDIANA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, my distinguished colleague I think asked a very good question. Let me simply suggest to him that if there is a committee hearing and if the gentleman from California [Mr. THOMAS] gets sufficiently agitated that he walks out of the meeting, the Members on the other side might ask why we regard a committee which is stacked 2 to 1 against us, why we regard a series of decisions which are 2 to 1 against us, and I think there is a certain charade involved here.

The General Accounting Office will be involved, so its good name stands there, but it will only be involved under accounting rules established by Democrats in a 2-to-1 partisan vote in which the Democrats ram through their version of what to count.

Now, we have legitimate disagreements about how to count, but the fact is that 2 years ago in the Hendon case, we were told the House had to explicitly follow State law, which is why Mr. Hendon could not be seated even though clearly under the voters' intent, Mr. Hendon had won the race.

Now we are told 2 years later that a Republican is in jeopardy because we are not going to follow State laws. It seems to me that by a 2-to-1 margin, the Democrats systematically and unfairly set the stage and then wonder why Republicans consider the Democrats to be unfair on these issues.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE REPORT ON H.R. 752

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, Wednesday, March 20, 1985, to file a report on H.R. 752, the GI bill amendments.

The SPEAKER pro tempore (Mr. FRANK). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CANADIAN TAX ON U.S. TOURISM LITERATURE SETTLED

(Mr. BONER of Tennessee asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, as chairman of the congressional travel and tourism caucus, I am pleased to inform my colleagues on the issue of Canada's imposition of a Federal sales tax on the commercial value of U.S. tourism literature.

Yesterday, on the closing day of the summit meeting between President Reagan and Canada's Prime Minister Brian Mulroney, the Prime Minister pledged that action will be taken to exempt from the Canadian Federal sales tax, tourist literature issued by National and State Governments or tourism departments, boards of trade, chambers of commerce, municipal and automobile associations, and similar tourism organizations.

As my colleagues know, the issue of Canada's tax on U.S. tourism literature has marred our bilateral relations for many years. I introduced legislation in the last Congress calling upon the President to help solve this issue affecting the promotion of U.S. tourism. I joined Congressman HARRY REID of Nevada in introducing similar legislation in this Congress. Finally, the voices of the caucus and the tourism industry have been heard. I congratulate President Reagan for achieving a satisfactory resolution of this important issue and I commend Prime Minister Mulroney for his willingness to discuss this ongoing dispute.

THE TRADE IMBALANCE MUST BE ADDRESSED

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, the Reagan administration has said that there will not be a renewal of controls on the number of automobiles imported from Japan. I simply think this is a major mistake.

Four years ago, Japanese auto makers voluntarily agreed to limit exports to the United States for 2 years. The Japanese were assigned a strict quota of the number of vehicles it could ship totaling 1.8 million cars each year. At that time, the Japanese were really forced into this voluntary action because the U.S. Congress was ready to impose tough controls. But now President Reagan has announced they are finally being eliminated.

I believe that this is a major mistake. To allow Japanese automobiles to flood the U.S. market will continue to take away American jobs, particularly the automobile industry of manufacturers, dealers and suppliers and will enormously increase the U.S. trade deficit.

Already the trade deficit is at an all time high of $163 billion. In other words the United States is importing $163 billion more of goods than it is exporting.

Just with Japan alone the trade deficit is $37 billion. We cannot allow this to continue.

It is estimated that 3.7 million jobs are lost as a result of our trade deficit. Said another way, that means 3.7 million jobs have been provided to foreign countries that otherwise we would have working in America if we had no trade deficit.

Japan, having the most significant trade one-up-man-ships vis-a-vis the United States, has 1,190,000 jobs more as a result of the trade imbalance with America.

It has been said that America's basic industries of automobiles and steel have not modernized and therefore are losing their competitive edge. But now U.S. auto industries and steel are beginning to modernize and are becoming competitive. But an astounding statistic, upon closer examination, reveals that not only are autos and steel reasons for the trade imbalance, but surprisingly, telecommunications accounts for $10 billion of the trade imbalance.

Indeed when you measure the import penetration into the American market and see that foreign penetration is 23 percent of the auto market in America and 24 percent of the steel market in America, it is shocking to find that the import penetration in semiconductors is 15 percent and computers 13 percent. This suggests that America is losing her competitive edge in the areas of high technology which we always thought to be sacred and protected.

America must reverse this huge trade imbalance by virtue of the imports penetrating American markets. The Congress and the White House must join together to get tough in our trade negotiations. If we have to become more protectionist to protect our markets and our jobs in America, then so be it. Free trade across international boundaries is an idealistic

goal. But the free trade ought to be conducted on a fair and equitable basis. That is not the case now and it must be changed. Let that word be understood.

ISRAEL AND THE MX

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and exend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I have just had the opportunity to meet briefly with some Jewish American leaders in the Rayburn Room just off the House floor here. They were expressing their desire that in the Senate and in this body we vote for the second increment of MX Peacekeeper missiles.

They were explaining to me that if Israel were a state represented proportionately the way this Congress, this great legislative body represents our constituents, they would only have six Congressmen, the size of Iowa or Connecticut. They are, in other words, a tactical battlefield area of the world fighting for their freedom, a small, tiny corner with a deeply pressed population with their defense budget. They cannot afford strategic systems.

As many as the Israeli intelligence officers, as I have been there, have told me, that God forbid that another holocaust ever hit the Israel people in that small corner of the world. The weaponry would come from the Soviet Union.

They need a strategic defense, and the United States plays that role for them, as it does for other small countries like Norway, Belgium, and NATO.

I think it is something that should be discussed across this country that all the small nations, when you really get to meet some of their legislators, that the people really do look to the United States for their strategic defense. They can only defend themselves tactically.

□ 1330

A DANGEROUS STEP

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, it is another new season, and we are getting another new reason for supporting the MX missile. This year, we need 21 additional MX missiles to give the Soviets an incentive to reduce their nuclear arsenals.

The argument defies common sense, and is precisely the kind of argument that has fueled the arms race. In an era of strategic competition, the Soviet response to an aggressive U.S. deployment can hardly be a retreat. If we deploy more missiles, will they agree to deploy fewer missiles?

The true question about the MX missile is not whether this country can demonstrate its resolve in Geneva, but whether it can demonstrate its resolve in resisting an expensive and dangerous symbol. I hope my colleagues will demonstrate the clarity of vision needed to see that these steps do not carry us closer to nuclear catastrophe.

AUTHORIZING PRINTING AS HOUSE DOCUMENT OF COMMITTEE PRINT ENTITLED "1985 TAX GUIDE FOR OLDER AMERICANS"

Mr. FOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 90) authorizing the printing as a House document of the committee print entitled "1985 Tax Guide for Older Americans."

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I do so I might yield to the gentleman from Washington [Mr. FOLEY] to explain the purpose of this resolution.

Mr. FOLEY. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the distinguished gentleman from Georgia.

This House resolution authorizes the printing of the revised committee print entitled "1985 Tax Guide for Older Americans."

In addition to the usual number, it authorizes the printing of copies not to exceed $1,200.

Mr. Speaker, this is not a controversial issue, I do not think. It is a perfectly informative pamphlet which has been distributed by the Committee on Aging to senior citizens and older Americans in order to assist them in complying with their 1985 tax filing.

I am sure the gentleman from Georgia [Mr. GINGRICH], who has supported this proposal in the committee, will support it now, and I thank him for giving me the opportunity to explain it.

Mr. GINGRICH. Further reserving the right to object, I want to commend the distinguished majority whip and tell him that I think on our side there is no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 90

Resolved, That the revised edition of the committee print of the Select Committee on Aging entitled "1985 Tax Guide for Older Americans", dated December 1984, shall be printed as a House document.

SEC. 2. In addition to the usual number, there shall be printed for the use of the Select Committee on Aging such number of copies of the committee print as does not exceed a cost of $1,200.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

ANADROMOUS FISH CONSERVATION ACT AUTHORIZATIONS, 1986, 1987, AND 1988

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1025) to authorize appropriations to carry out the Anadromous Fish Conservation Act during fiscal years 1986, 1987, and 1988.

The Clerk read as follows:

H.R. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a)(4) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)(4)) is amended by striking out "and 1985." and inserting in lieu thereof "1985, 1986, 1987, and 1988.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1025, would reauthorize section 4 of the Anadromous Fish Conservation Act.

Section 4 of the act is a Federal-State cost sharing program for research, development, and management necessary to support anadromous fish. These are fish that migrate from the ocean to fresh water to spawn. Examples are shad, Pacific and Atlantic

salmon, and striped bass. Because of their highly migratory nature, these fish pass through the jurisdiction of many State, U.S. Federal waters, the waters of other nations, and international waters.

If these fish resources are to be managed throughout their range, a coordinated approach to research and management must be taken. By coordinating State efforts, the act keeps us from duplicating our effort and ensures that the maximum use of data and the resource—the fish—can be achieved.

Under the act the Federal share for approved projects is 50 percent, except in cases where a multistate project is approved by the Secretary, in which case it is 66⅔ percent. In the event that a project supports an interstate fishery management plan, pursuant to an interstate compact, the Federal share may be up to 90 percent. Because we require the State contribution, the Federal dollars accomplish anywhere from 10 to 50 percent more than those invested in strictly Federal programs.

This program is administered jointly. The U.S. Fish and Wildlife Service has jurisdiction over sport fishery projects. The National Marine Fisheries Service has jurisdiction over commercial fishery projects.

The National Marine Fisheries Service has noted that over 90 percent of the funds expended under this program support fisheries under Federal management, or fisheries that are subject to international treaties, such as the recently concluded Pacific Salmon Treaty.

The Anadromous Fish Conservation Act should be reauthorized. The States are performing work that the Federal Government would ordinarily be required to perform—and they are doing it more efficiently and at less cost. We should certainly not terminate a program as effective as this one and I urge the Members to support the passage of H.R. 1025.

Mr. LENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1025, a bill to reauthorize the Anadromous Fish Conservation Act for fiscal years 1986, 1987, and 1988. This program has been in effect since 1965 and was originally enacted for the purposes of conserving, developing, and enhancing U.S. anadromous fish resources, including those species of fish found in the Great Lakes which ascend streams to spawn.

The Anadromous Fish Conservation Act authorizes the Secretaries of the Interior and Commerce to enter into cooperative agreements with States and non-Federal organizations to carry out projects which are designed to promote the conservation and enhancement of anadromous fish species. The Department of the Interior generally funds projects relating to sport fisheries while the Department of Commerce focuses on projects of benefit to commercial fisheries. Approximately 50 percent of the costs of these projects are borne by the recipient States.

Resources benefiting from the act's programs include several species of salmon and steelhead trout on the west coast, the Atlantic salmon of the northeast coast, striped bass, American shad, river herring, alewives, sturgeon, and others. One species of sturgeon, the Atlantic short-nose sturgeon, is on the endangered species list and has had several recovery operations conducted for it under the provisions of the Endangered Species Act.

Examples of projects which have been supported under the act include increasing the production of shad, salmon, and striped bass through aquaculture; salmon stock enhancement; fish hatchery construction and operation; construction of fish screens and ladders; assessments of the development potential of underutilized anadromous fish; and research on improved hatchery techniques, disease control research, and habitat enhancement.

On February 21, 1985, the Subcommittee on Fisheries and Wildlife Conservation and the Environment met and heard testimony in support of H.R. 1025 from the Marine Fisheries Commissions and from several environmental groups. On March 13, 1985, the full Merchant Marine and Fisheries Committee met to markup H.R. 1025 and reported the bill unanimously without amendment. Although the administration opposes passage of this bill because the Grants-to-States Program benefits only the States involved, I cannot support that view. The administration's position disregards the many benefits that anadromous fishery resources provide to the Nation through the activities of the country's sport and commercial fishermen.

Mr. Speaker, H.R. 1025 simply reauthorizes the Anadromous Fish Conservation Act for fiscal years 1986, 1987, and 1988 at the current authorization level of $7.5 million for each of those years. This is a valuable program that should be continued, and this bill deserves the full support of this body.

Mr. Speaker, I yield 4 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the two bills before us today, H.R. 1025, the Anadromous Fish Conservation Act, and H.R. 1028, a bill to repeal the existing Commercial Fisheries Research and Development Act and establish an interjurisdictional fisheries research program.

These bills provide the necessary funding to the States to conduct research on anadromous and interjurisdictional fishery resources. This research is essential if sound conservation and management decisions are to be made.

H.R. 1025 reauthorizes the Anadromous Fish Conservation Act at existing levels. This law was enacted for the purposes of conserving, developing, and enhancing U.S. anadromous fishery resources. Examples of projects supported under the Act include salmon aquaculture, stock enhancement, hatchery construction, operation, and population research. Because of the migratory habits of anadromous fish and their complete disrespect for State and national boundaries, research concerning anadromous fish clearly warrants Federal support. The program has proven its merit by providing national benefits in the areas of conservation and development of anadromous fishery resources.

H.R. 1028 repeals the existing Commercial Fisheries Research and Development Act and establishes an interjurisdictional fisheries research program. The law originally was enacted for the purposes of stimulating the development of commercial fishery resources by providing assistance to the States in the form of matching grants to conduct research and development projects. As modified, this new bill focuses entirely on research in support of the high priority interjurisdictional fisheries. The changes reflect the importance of directing Federal research money where it is most needed in this time of fiscal austerity.

At the subcommittee markup, amendments were introduced that would expand the scope of the program to include nonmigratory shellfish such as oysters and clams, but only if an interstate or Federal fishery management plan exists for such species. This amendment has a positive impact on the surf clam as it is a very important State/Federal fishery resource managed under a Federal plan.

Another amendment, which I suggested, allows a 1-year grace period for projects to qualify for the program when a plan for the species in question is still under development. After the 1-year grace period, eligibility will be limited to only those species covered by a plan. A benefit of this amendment would be to allow continuing research in support of the Alaska herring management plan currently under development. As witnesses testified during the hearings, the prime need for research occurs when a plan is under development. This will provide the support for that need. The subcommittee adopted the bill and the amendments by voice vote and reported the bills to the full committee. The full committee reported the bills unanimously by voice vote with no amendments.

I strongly support this legislation and urge its prompt passage in the House.

□ 1340

Mr. LENT. Mr. Speaker, I yield 9 minutes to the gentleman from Pennsylvania. [Mr. WALKER].

Mr. WALKER. Mr. Speaker, the gentleman from New York made mention of the fact that the administration opposes this bill. I think it is important that we focus for a minute on why they say they oppose the bill. They oppose the enactment of the bill for the reasons stated by the gentleman from New York, but also because the fisheries grant program is not included in the administration's budget.

In other words, by passing this authorization we will in fact be passing an authorization that was unbudgeted in the budget sent up by the President.

We hear a lot of talk on this floor about Presidential deficits. We hear an awful lot of talk about the fact that the President is the guy responsible for sending these unbalanced budgets up here and so therefore he is responsible for the deficit.

Here, my friends, is spending that he did not send us. Here is spending which is add-on spending by the Congress. In authorizing this amount of money we are saying one of two things; either we are adding it onto the deficit or we are going to find other places to cut the money out of later on so that we can include this.

Now of course that is always the answer out on the floor; we are always going to find places that we are going to cut the budget other places so that we can have this spending.

The problem is it does not work out like that. Some research I have had done recently indicates that in the last 5 years Congress has overspent its own budget—not the Presidential budget, we are way over them—we overspent our own budgets by more than $150 billion in a 5-year period.

Now that would take a wallop out of the deficit if in fact we had just stayed within our own budgets. But we did not.

We keep overspending and overspending and overspending, and sometimes it is in big amounts and sometimes it is in small amounts but the fact is that it all adds up to the spending that goes into the deficit that we are now faced with.

The reason why this kind of bill has to be focused on is here is $7½ million in spending that was not in the President's budget and is going to have to be included somewhere along the line as spending that we are going to do over and above that budget.

That budget is hundreds of billions of dollars in deficit.

The question is, How long can we go on simply bringing bills to the floor? We have had only a few major authorization bills on the floor so far. One was the farm bill.

Today we have this bill and we have another fisheries bill to follow it. Those are the major authorization bills we have considered out here so far this year and every one of them has been a budget buster.

The question is whether or not we are going to do more about the deficit than talk about the deficit.

My problem with this bill is not that the intent is proper, it is; not that it would not do worthwhile things, it would; but the fact is that it is over and above that which the Nation can afford given what the President has told us we can afford in a deficit which is in my mind too far in deficit in and of itself.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to my good friend from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, to put this into perspective, we are talking about $7 million authorization, not an appropriation, an authorization.

Now bear in mind, I say to my friend from Pennsylvania, the President went to Canada last week and signed an international salmon fishing treaty which in all probability, sooner or later, will require some appropriation. I just thought the gentleman might keep that in mind.

Mr. WALKER. I would thank the gentleman and I would say to the gentleman that one of the problems we have got here is that that is exactly what we do and I have the same complaint with the administration. I intend to let the administration know my complaint in the near future about the fact that the way we get to that $150 billion of add-on spending, we do it in two ways. We come out here with rules which waive the Budget Act all the time in order to either authorize or appropriate moneys over and above what we budget; that is one way. The other way we do it is with supplementals.

The gentleman is probably right, the gentleman is probably right, they are probably going to come up here with a supplemental at some point and then of course the Appropriations Committee will come to the floor saying that indeed we need this additional money that the administration asked for.

My point to the administration would be you ought not to be asking for supplementals. You know, if we are really going to do something about getting the deficit under control, it has got to start right here on the spending. And you do not start that by whether the amounts are minor amounts or major amounts, you do not do it by add-ons all the time on the floor. And we are seeing a series of add-ons here.

That bothers me no end.

Mr. LENT. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I would be glad to yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman in general has made some excellent points and points which I think the gentleman recognizes I would ordinarily support. I did want to point out, however, though, in the case of this particular piece of legislation the administration is on record as objecting to this particular piece of legislation because it sees the funds being authorized here to be spent purely for State purposes, whereas in truth, directly the opposite is the case. These funds, at least 90 percent of them are going to be spent by the States in support of Federal responsibilities with respect to fisheries; Federal management responsibilities are going to be carried out. The State is merely the handmaiden here, so to speak, to carry out what is a national policy. And as the chairman of the committee, the gentleman from North Carolina [Mr. JONES] just indicated, when the President went to Canada and met with Prime Minister Mulroney, they finalized the treaty with respect to Northwest salmon management.

That is going to cost millions of dollars in order to implement. Some of this responsibility goes to the States and these funds will be carried out, that is the policy that the President has very obviously and openly and in a very notorious way—on television and so forth—endorsed. So in a way I think this legislation helps the administration because the States do match in some cases up to 50 percent the amounts of these grants and help to carry forward these programs.

Mr. WALKER. I thank the gentleman for his statement.

That is the explanation that the gentleman gave. I admit that that is the facts of the case. However, the gentleman will agree with me that the administration opposes this piece of legislation and that in fact it was not included in their own budget; in the case of setting those priorities the administration did not include this item as a priority item in their budget, and so therefore this is money over and above the budget that the President sent to Capitol Hill.

I think the gentleman would concede those two points.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I would like to bring to the attention of the gentleman the fact that the administration has never really supported this program, 1982, 1983, 1984, or 1985, and 1986. It is not new. It is a decision that the committee has made that these moneys are properly spent. Again this is an authorization of $7.5 million and really appropriated last year was $3 million.

It is through our wisdom in the committee and the testimony that we have that we receive 20-fold over the money spent on this anadromous fish act.

So again the administration has never truly supported this program, but the committee has the hearings and the input; not because it is dollars to the States, but we believe the anadromous fish is a national fish, not only for the States but the Nation itself and returns to us many dollars over. It is a renewable income, if you like to call it, through this research in the protection of those anadromous fish, the propagation of those fish that we are able to generate massive amounts of dollars.

So again I urge my colleagues to support the legislation. I understand the point of view of the gentleman from Pennsylvania. But the amounts asked for by the administration never have been asked for; we as a committee saw fit and actually authorized the money in the previous years that we asked for this year.

Mr. WALKER. I thank the gentleman from Alaska. I say to my friend from Alaska, I understand his point about the wisdom of the committee and I do not come here as an expert on the issues involved. I am certain the committee has a lot more in-depth knowledge of the matters than I do in terms of the issues involved.

But I must say to the gentleman that the problem is we have talked about the wisdom of committees out here year after year and week after week. And what I am saying to the gentleman is the cumulative effect of all of that was that over the last 5 years we have overspent our own budgets by $150 billion or more. That is my problem with all of this, that each time I see one of these bills, where we go over and above the budget, I know that that is one little ingredient, one more ingredient into that problem.

□ 1350

I think we have got to stem the outflow of dollars out of this place before we have any hope of dealing with that deficit at all.

I thank the gentleman again for yielding.

● Mr. BREAUX. Mr. Speaker, I rise in support of H.R. 1025, a bill to reauthorize appropriations pursuant to section 4 of the Anadromous Fish Conservation Act at current levels of $7.5 million during fiscal years 1986, 1987, and 1988.

The Anadromous Fish Conservation Act was enacted in 1965 for the purpose of conserving, developing and enhancing the anadromous fishery resources of the Nation. Anadromous fishery resources in this country represent an extremely valuable commercial and recreational commodity. Steelhead trout, walleye pike, striped bass, shad, sturgeon, herring, and several species of salmon contribute heavily to commercial and recreational fisheries in 30 of our States as well as the Federal Fishery Conservation Zone [FCZ].

Programs are carried out under the act by the Secretaries of Commerce and the Interior on a 50-50 matching fund basis with the States, except when two or more States are concerned with a program involving a common stream or river, in which case, the Federal share is increased to two-thirds of the cost of such program. To date, approximately 50 percent of the costs of such projects have been borne by the recipients.

Although no legislative changes have been proposed to the Anadromous Fish Conservation Act, at issue today is whether the program truly addresses Federal objectives instead of simply State objectives, and whether funding of the projects carried out under this program is a legitimate Federal role. The Anadromous Fish Conservation programs have come under increased criticism from the administration as inappropriate to receive continued Federal support. The failure of these programs to address national priorities and objectives instead of State interests is the most common charge. In fact, for the last 3 fiscal years, both of these programs have been slated for termination in the administration's proposed budget.

I believe the Federal Government has a responsibility to participate in the management of this country's anadromous fishery resources. Anadromous fish species migrate across State, Federal, and international waters, and necessitate State and Federal coordination for proper and successful management. H.R. 1025 authorizes the Secretaries of Interior and Commerce to enter into cooperative agreements with States and other non-Federal organizations for projects designed to carry out the objectives of this act. Furthermore, agreements made between the United States and Canada under the United States/Canada Salmon Treaty require the authorization of funds to fulfill research obligations pursuant to that treaty.

I will conclude this statement with the contention that H.R. 1025, a bill to reauthorize the Anadromous Fish Conservation Act at current levels for fiscal years 1986, 1987, and 1988, and which passed both the Subcommittee on Fisheries and Wildlife Conservation and the Environment and the Committee on Merchant Marine and Fisheries by unanimous consent, represents a legitimate Federal responsibility and addresses national interests of exceptional value. I strongly endorse the passage of this bill and encourage my fellow Members to act positively on this legislation.●

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LENT. Mr. Speaker, I have no additional requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 1025.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered, H.R. 1025.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INTERJURISDICTIONAL FISHERIES RESEARCH ACT OF 1985

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1028) to promote and encourage management of priority interjurisdictional fishery resources, as amended.

The Clerk read as follows:

H.R. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interjurisdictional Fisheries Research Act of 1985".

SEC. 2. PURPOSES.—The purposes of this Act are—

(1) to promote and encourage State research in support of the management of priority interjurisdictional fishery resources; and

(2) to promote and encourage management of priority interjurisdictional fishery resources throughout their range.

SEC. 3. DEFINITIONS.—For the purposes of this Act:

(1) The term "Federal fishery management plan" means a plan developed pursuant to "An Act to provide for the conservation and management of the fisheries, and for other purposes", approved April 13, 1976 (Public Law 94-265; 90 Stat. 331 et seq.).

(2) The term "fishery resource" means finfish, mollusks, crustaceans, and any other form of marine animal or plant life, other than marine mammals and birds.

(3) The term "interjurisdictional fishery resource" means—

(A) a fishery resource for which there exists a Federal fishery management plan and, for which a fishery occurs in waters under the jurisdiction of one or more States and the Exclusive Economic Zone established by Proclamation Numbered 5030, dated March 10, 1983;

(B) a fishery resource for which there exists interstate fishery management plan; or

(4) The term "interstate fishery management plan" means a plan for managing fisheries developed and adopted by an interstate commission.

(5) The term "interstate commission" means a commission or other administrative body established by an interstate compact.

(6) The term "interstate compact" means a compact that has been entered into by two or more States, established for the purposes of conserving and managing interjurisdictional fishery resources throughout their range, and consented to and approved by Congress.

(7) The term "project" means a program for research in support of the management of an interjurisdictional fishery resource.

(8) The term "Secretary" means the Secretary of Commerce.

(9) The term "State" means any of the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, or the Northern Mariana Islands.

(10) The term "State agency" means any department, agency, commission, or official of a State authorized under the laws of the State to regulate commercial fisheries.

(C) a fishery resource which migrates between the waters under the jurisdiction of two or more States bordering on the Great Lakes.

For purposes of applying section 5 during fiscal year 1986, a Federal fishery management plan or an interstate fishery management plan for the fishery resource need not be in existence, but a plan of either kind for that resource must be in the development process during that year.

SEC. 4. APPORTIONMENT.—(a)(1) Funds appropriated under section 8(a) of this Act shall be apportioned by the Secretary among the States on October 1 of each fiscal year, or as soon thereafter as practicable. The amount of funds apportioned to each State shall be determined by the Secretary as the ratio which the equally weighted average of the volume and value of fishery resources harvested by domestic commercial fishermen and received within such State during the three most recent calendar years for which data satisfactory to the Secretary are available bears to the total equally weighted average of the volume and value of all fishery resources harvested by domestic commercial fishermen received within all of the States during those calendar years.

(2) No State may receive an apportionment under this subsection for any fiscal year if the equally weighted average of the volume and value of fishery resources harvested by domestic commercial fishermen and received within such State during the three most recent calendar years for which data satisfactory to the Secretary are available is less than one-tenth of 1 per centum of the total equally weighted average of the volume and value of all fishery resources harvested by domestic commercial fishermen and received within all of the States during those three calendar years unless—

(A) the State is a signatory to an interstate fishery compact; or

(B) the State borders one or more of the Great Lakes.

(3) No State which is a signatory to an interstate fishery compact, or which borders one or more of the Great Lakes, may receive an apportionment for any fiscal year under this subsection which is less than 1 per centum of the total amount of funds available for apportionment for that fiscal year.

(4) No State may receive an apportionment for any fiscal year under this subsection which is more than 6 per centum of the total amount of funds available for apportionment for such fiscal year.

(b) Any part of an apportionment for any fiscal year to any State—

(1) that is not obligated during that year;

(2) with respect to which the State notifies the Secretary that it does not wish to receive that part; or

(3) that is returned to the Secretary by the State—

may not be considered to be apportioned to that State and shall be added to such funds as are appropriated pursuant to section 8(a) for the next fiscal year (and shall be treated as having been appropriated for such next year) for apportionment under subsection (a). Any notification or return of funds referred to in paragraph (2) or (3) by a State is irrevocable.

SEC. 5. STATE PROJECTS.—(a)(1) Any State may, through its State agency or an interstate commission, submit to the Secretary a proposal for a project which includes full plans, specifications, and cost estimates for such project. The total cost of all items included for engineering, planning, inspection, and unforeseen contingencies in connection with any works to be constructed as part of such a proposed project shall not exceed 10 per centum of the total cost of such works, and shall be paid by the State as a part of its contribution to the total cost of the works.

(2) No part of any funds appropriated under any authorization contained in section 8 may be obligated with respect to any project until the proposal for such project has been submitted under paragraph (1) and approved by the Secretary. The Secretary, before approving any proposal for a project, must evaluate the proposal as to—

(A) the soundness of design;

(B) the possibilities of securing productive results;

(C) the minimization of duplication with other research projects in support of the management of interjurisdictional fishery resources and carried out under this Act or under any other law or regulation;

(D) the organization and management of the project;

(E) the methods proposed for monitoring and evaluating the success or failure of the project;

(F) the consistency of the project with the purposes of this Act specified in section 2; and

(G) such other criteria as the Secretary may prescribe.

(3) The Federal share of the cost of any project conducted pursuant to this Act shall not exceed 75 per centum of the total estimated cost of the project unless—

(A) the State has adopted the interstate fishery management plan for the resource to which the project applies; or

(B) the State has adopted fishery regulations which the Secretary has determined are consistent with the Federal fishery management plan for the species to which the project applies;

in which case the Federal share shall not exceed 90 per centum of the total estimated cost of the project.

(4)(A) If the Secretary approves or disapproves a proposal for a project, he shall promptly give written notification, including, if disapproved, a detailed explanation of the reasons for the disapproval, to the State agency submitting the proposal or, if the proposal is submitted through an interstate commission, such commission and the State.

(B) For the purposes of this Act, funds apportioned under this section to any State shall be treated as having been obligated with respect to a project during the fiscal year in which the written notification of approval required under subparagraph (A) for the project proposal is made.

(b) The expenditure of funds under this Act shall be applied only to projects for which a proposal has been approved under subsection (a), and if otherwise applied such funds shall be replaced by the State before the State may receive any additional funds under this Act.

(c) When the Secretary determines that a project carried out under a proposal approved by him has been completed, or where he otherwise deems it appropriate, he shall cause to be paid to the proper authority of the State, or to the official or depository designated by the interstate commission if the State agency specifies that payment is to be made to the interstate commission, the Federal share of the project. Any payment made to an interstate commission shall be charged against the apportionment of the State concerned.

SEC. 6. PROPERTY.—(a) All work, including the furnishing of labor and materials, needed to complete any project approved by the Secretary shall be performed in accordance with applicable Federal and State laws under the direct supervision of the State agency, and in accordance with regulations as the Secretary may prescribe. Title to all property, real and personal, acquired for the purposes of completing any project approved by the Secretary, vests in the State.

(b) If a State disposes of any real or personal property acquired under this chapter, the State shall pay into the Treasury of the United States the amount of any proceeds resulting from the property disposed to the extent of and in the same ratio that funds provided by this chapter were used in the acquisition of the property. In no case shall the amount paid into the Treasury of the United States under this section exceed the amount of funds provided by this chapter for the acquisition of the property involved.

SEC. 7. REPORTS.—After consultation with the States receiving funds under this Act and with any interstate commission involved in carrying out a project under this Act, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than ninety days after the end of the fiscal year 1987, and each second fiscal year occurring

after that fiscal year, a report which contains—

(1) a description of each project receiving funds under this Act during the last two fiscal years ending before such report is submitted;

(2) a specification of the total amount of funds from the Federal Government and the total amount of funds from each State spent on each project receiving funds under this Act during the last two fiscal years ending before such report is submitted;

(3) an assessment of each project receiving funds under this Act during the last two fiscal years ending before such report is submitted to determine whether such project is furthering the purposes of this Act; and

(4) a statement specifying all funds which have been apportioned pursuant to section 5(a) and are available for obligation by a State or the Secretary but which have not been obligated.

SEC. 8. AUTHORIZATION OF APPROPRIATION.—(a) There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this Act $5,000,000 for each of fiscal years 1986, 1987, and 1988.

(b) In addition to the amounts authorized in subsection (a), there are authorized to be appropriated to the Department of Commerce $2,500,000 for each of fiscal years 1986, 1987, and 1988, which shall be available in such amounts as the Secretary may determine appropriate for the purposes of this Act: *Provided*, That the Secretary shall give a preference to those States in which he determines there is a commercial fishery failure or serious disruption affecting future production due to a fishery resource disaster arising from natural or undermined causes in providing funds to States under this subsection, and any sums made available under this subsection may be used either by the States or directly by the Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such failure to prevent a similar failure in the future: *Provided further*, That the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels. Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) In addition to the amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Department of Commerce $350,000 for each of fiscal years 1986, 1987, and 1988 to support the efforts of the following interstate commissions to develop interstate fishery management plans for interjurisdictional fishery resources:

(1) The commission established by the Atlantic States Marine Fisheries Compact, as consented to and approved by Public Law 77-539 (56 Stat. 267), approved May 4, 1942.

(2) The commission established by the Pacific Marine Fisheries Compact, as consented to and approved by Public Law 80-232 (61 Stat. 419), approved July 24, 1947.

"(3) The commission established by the Gulf States Marine Fisheries Compact, as consented to and approved by Public Law 81-66 (63 Stat. 70), approved May 19, 1949."

SEC. 9. REPEAL.—The Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779 et seq.) is repealed.

SEC. 10. EFFECTIVE DATE.—The provisions of this Act shall take effect on October 1, 1985.

The SPEAKER pro tempore. Is a second demanded?

Mr. LENT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1028, the Interjurisdictional Fisheries Research Act of 1985, is a careful attempt to redirect Federal funds and improve the management of our fishery resources.

It repeals the existing Commercial Fisheries Research and Development Act, a Federal-State program to encourage research, management, and development of our commercial fisheries. The current program provides matching funds to the States for fishery projects approved by the Secretary of Commerce; the Federal share is 75 percent but, for projects supporting interstate fishery management plans, it may be up to 90 percent.

The administration has criticized the current program as an improper use of Federal funds. It erroneously claims that the program's benefits go only to the States. However, the National Marine Fisheries Service says that from 45 to 90 percent of such funds actually support Federal fishery management plans. Moreover, the changes proposed in H.R. 1028 would ensure that national fishery needs and goals are addressed.

H.R. 1028 would rewrite existing law to support research needed to manage: First, those species for which there exists a Federal fishery management plan and for which fisheries take place in Federal and State waters; second, those species for which there are interstate fishery management plans; and third, those species which migrate between the waters of States on the Great Lakes.

The Federal share would be the same but States harvesting less than one-tenth of 1 percent of the total volume and value of fish landed in the United States would not receive funding unless they are party to an interstate fishery compact. Eligible States would receive from 1 to 6 percent of available funds.

H.R. 1028 would authorize $5 million for fishery research projects, $2.5 million to mitigate for commercial fishery resource disasters due to natural or unknown causes, and $350,000 for the Atlantic States, Gulf States, and Pacific Marine Fishery Commissions in each of fiscal years 1986, 1987, and 1988.

I want to commend Mr. BREAUX and Mr. YOUNG on this bill. Because we require State contributions, the Federal dollars will accomplish anywhere from 10 to 25 percent more than those invested in strictly Federal programs. Also the States typically carry out such research for less cost thus assuring even more mileage for Federal dollars.

I urge the Members to vote in support of this important measure.

Mr. LENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1028, the bill that repeals the existing Commercial Fisheries Research and Development Act and establishes an Interjurisdictional Fisheries Research Program.

Fisheries research is an essential component of our ability to make informed decisions about the conservation and wise use of the Nation's fisheries resources. The encouragement of the conservation and management of interjurisdictional fishery resources is certainly a Federal responsibility. The rationale behind H.R. 1028 enhances the national interest by encouraging the establishment of interstate compacts to develop interstate fishery management plans and by promoting State research only in support of the management of interjurisdictional fishery resources.

While it is true that some States funding opportunities would be reduced under the new Interjurisdictional Fisheries Research Program, I believe that such a change is justified when we consider the great need to establish new priorities in Federal spending as we reduce the huge Federal deficit which threatens the Nation's long-term growth and prosperity. Under the Commercial Fisheries Research and Development Act, States grants are used to support projects focusing on such diverse needs as aquaculture production, the construction of fish culture, fish landing and research laboratory facilities, the construction of research vessels, fishing industry extension services, and seafood marketing.

The new program proposed in H.R. 1028, however, focuses entirely on research in support of fishery management, a traditional and appropriate Federal role. By focusing only on fishery resources for which there exists a management plan, the bill limits the program to benefiting only those resources which have been determined to be of a conservation and management priority.

H.R. 1028 was introduced on February 7, 1985, by Congressman BREAUX and Congressman YOUNG. On February 21, 1985, the Subcommittee on Fisheries and Wildlife Conservation and the Environment received testimony from the marine fisheries commis-

sions and from representatives of State and environmental interests in support of the bill. On March 5, 1985, the subcommittee met to mark up H.R. 1028, and a group of amendments were offered en bloc by Mr. BREAUX which were unanimously approved by the subcommittee. Those amendments contained four principal provisions:

First, to expand the scope of the Interjurisdictional Fisheries Research Program to include sedentary shellfish and mollusk species, such as oysters, clams, and crabs, but only those for which fisheries in interstate or Federal fishery management plans exist.

Second, to allow a 1-year grace period for projects to qualify for this program when the species in question is covered under a Federal or interstate plan which is still under development. The amendment provided NMFS with the discretion to determine which plans are actually under development during fiscal year 1986, and allows projects to be funded for these species during that year. After October 1, 1987, however, eligibility would be limited to only those species for which a plan is in place.

Third, to require NMFS to provide to the applicants a detailed explanation of why any given project proposal is disapproved.

Fourth, to provide a separate authorization of appropriations for the three marine interstate fishery commissions on the Atlantic, Pacific, and gulf coasts. Although these commissions have become essential to State and Federal fishery management efforts, no congressional authorization of NMFS funding for the commissions' plan development efforts now exists.

On March 13, 1985, the full Merchant Marine and Fisheries Committee met to mark up H.R. 1028 and reported the bill unanimously without further amendment.

Mr. Speaker, passage of H.R. 1028 today will ensure the continuation of a strong Federal/State Fisheries Research Program in support of the management of interjurisdictional commercial fisheries resources. The benefits of the $2.5 billion commercial fishing industry to the national economy are significant, and the narrow focus of H.R. 1028 on State and Federal research in support of the management of interjurisdictional fisheries justifies the continuation of this important Federal program. This bill deserves the full support of this body.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. LENT. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I am going to raise the same basic point with regard to this legislation as I did the previous legislation, and that is that this is a bill that the administration opposes because it is not included as a part of their budget and so therefore this is add-on spending over and above that which the administration has budgeted for fiscal years 1986, 1987, and 1988.

I think that it is important to recognize that when you begin to add these things up, they begin to amount to real money. We talk about $7.5 million in the bill before us. If you take a look at the bill before us and you take a look at this bill, and you add up the spending that we are authorizing in the two bills we have got before us, you come out with $46.5 billion that we are in the process of authorizing here on the floor today, $46.5 billion over and above any budget request that has come out of the administration. If you want to wonder why we get ourselves into budget problems, that is where it is coming from. We end up with not just a few million, we end up with——

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Did the gentleman say billion or million?

Mr. WALKER. I am sorry, million.

Mr. JONES of North Carolina. I think the gentleman said billion.

Mr. WALKER. I said billion.

Mr. JONES of North Carolina. I am sure that is the term in which you think.

Mr. WALKER. I am sorry, I correct that. Yes. I do not think the gentleman would come to the floor with quite that much, and I apologize to the gentleman. I get used to using billions in this argument, and so on. I think we do have to correct it and say it is millions. In my district, millions mean a little bit, though, too.

But we are talking about $46.5 million in new spending here over a period of the next 3 to 4 fiscal years. And that again is precisely where we end up overspending and end up with deficit add-ons.

So I would ask for a no vote on the legislation, not because it is not doing something worthwhile—the gentlemen on both sides of the aisle have pointed out that there are worthwhile activities included under these bills—but because as a nation the administration, in deciding their priorities, has said it is something we cannot afford, and I am not convinced that Congress has the will to find places to afford this kind of activity within other spending in their budget. At least we have shown in the past that we are not willing to discipline ourselves in that way.

I thank the gentleman for yielding.

Mr. LENT. Mr. Speaker, I yield such time as he may consumer to the gentleman from Alaska [Mr. YOUNG].

□ 1400

Mr. YOUNG of Alaska. I thank the gentleman for yielding to me.

Mr. Speaker, the gentleman makes some good points about overspending, but let us make one thing perfectly clear: The request the President made has been zero, but that does not make it necessarily right. The gentleman says we have overspent. It is the responsibility of this Congress to cut the $51 billion. It is the decision of this committee led by Mr. JONES and Mr. BREAUX and myself, that we need to spend these moneys for a renewable resource, and we shall do that.

I do not believe OMB has the insight as we do on these programs; nor does the President, and I believe correctly. We should cut the budget, but this is an area that needs to be financed. Just because the President comes down with some recommendations does not make it right.

What I am worried about in the Congress is that I keep hearing people on my side, and yes, on the other side to some extent, saying the President, the President, the President. He is my President, but this is a three-branch form of government. As long as we agree that there have to be cuts made in certain areas, that is the goal we should seek.

This is within the congressional budget; the moneys that will be appropriated will be less than authorized. They are at an authorized level for a certain reason. Again, I want to stress we have to utilize this form of government and utilize the responsibility of the legislative branch as well as the executive branch.

I hope that this Nation never gets panicked into a situation where we rely totally upon the executive branch to have all the expertise in all the fields. If that is the case, then we ought to go home. We should not have the responsibility of elected officials.

Again, although the gentleman makes some good points about the total deficit and interest paid on that deficit, and the threat it places on this Nation, we as the Congress have to make the choices. This is one choice this committee saw fit to reauthorize at a certain level.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman.

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Speaker, I agree with the gentleman. I do not think that we necessarily ought to take the dictates from the administration. The problem that I have is though that constantly we hear on this House floor, people who come out here and who are blaming the deficit on the President.

The point that this gentleman is making is: This is how we add onto

those deficits; that is where these deficits come from and the President is not to blame when we come out to the floor with these kinds of add ons.

The gentleman is right: We have a chance to set our own priorities, but it seems to me that at the very least we ought to set priorities that are then within the overall limit set for us by the administration because the problem here is that we cannot even live within our own budgets. I would not even want to tell the gentleman how far we have overspent the President's budgets in that same 5-year period. I do know that the figure is $150 billion that we have overspent our own budgets.

Mr. YOUNG of Alaska. Mr. Speaker, to finalize my statement, I would say that the correct position we should have is picking where we shall cut; when we shall cut; and how much we shall cut, or how much we shall authorize. As long as this body sits as it does, that is our responsibility.

I will agree with the gentleman, there has been too much rhetoric in the press that it is the President's deficit. Every dollar that we are in debt today was created by the Congress over the period of 40-some-odd years. That is our responsibility. But, in this panic, I hope the press also recognizes that if we keep blaming the President or actually asking the President, the President actually gathers too much power around him. I have urged my colleagues to keep remembering our responsibilities: It is our problem; it is our problems to cut; it is our problem to prioritize where we shall spend our money. This is one case where this committee saw fit to reauthorize approximately $15 million for a renewable resource that will generate money. That does not mean that it will be appropriated, but it means that we have authorized it.

Again, I urge my colleagues to support this legislation. It is vital if we are to have the renewable fisheries which are vital to this Nation's protein levels.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us look at what we are doing: We are talking about one of the highest level protein sources of food that we know of, and that is seafood. We are faced with a series of endangered species within the family of fish. All of this $12 to $14 million now is going to be used, with safe participation, to try to save, salvage, and improve this source of food for what might someday be a hungry nation.

So I ask for a yes vote on these two bills. We are talking about a total of maybe $12, maybe $14 million not billion, let us get that straight, million dollars. That is all.

● Mr. BONKER. Mr. Speaker, I strongly support the passage of both H.R. 1025 and H.R. 1028, legislation to preserve a Federal commitment to important research on anadromous and interjurisdictional commercial fisheries stocks.

Chairman JONES, Chairman BREAUX, and Mr. YOUNG of Alaska deserve high marks for their leadership in maintaining and refining these important research efforts; the Reagan administration, on the other hand, deserves low marks for its relentless efforts to dismantle these important and cost-effective programs.

The administration's proposal to eliminate both of these programs is incomprehensible to me. In the Pacific Northwest, we have just put into place the United States-Canada Pacific Salmon Treaty after 15 years of difficult and controversial negotiations. This treaty entails a Federal obligation to provide the data collection and research necessary for effective international management, as well as enhancement of certain salmon stocks. During testimony on these two bills at the subcommittee level, administration witnesses were unable to justify dismantling a proven Federal-State matching research effort, only to replace it with a new program financed exclusively by the Federal Government in order to fulfill our new treaty obligations.

H.R. 1025, REAUTHORIZING THE ANADROMOUS FISH CONSERVATION ACT

The Anadromous Fish Research Program was established in 1965, under section 4 of the Anadromous Fish Conservation Act. The act established a joint, Federal-State program for research, development, and management of salmon, steelhead trout, striped bass, shad, and other fish that migrate from the ocean to freshwater to spawn.

The logic of such a program is obvious: Because of their highly migratory nature, these fish pass through many different jurisdictions, and a joint Federal-State program allows a coordinated approach to research and management. According to the National Marine Fisheries Service, the bulk of the research provides information to satisfy international fishery treaty obligations or for Federal fishery management efforts under the Magnuson Act.

The Washington Department of Fisheries, for example, uses funds provided by the Anadromous Fish Conservation Act to undertake ocean sampling, freshwater salmon production evaluations, tagging studies, wild stock assessments, and a variety of related research activities. One of the most important aims of this research is the minimization of overharvesting and season closures.

In each of the past 3 years, the Reagan administration has recommended the termination of the Anadromous Fish Research Program, and next year's White House budget proposal continues this shortsighted philosophy.

H.R. 1028 would reauthorize section 4 of the Anadromous Fish Conservation Act at the existing $7.5 million annual level. In fiscal year 1985, Congress appropriated $3 million for the program, and a similar level in fiscal year 1986 would enable many important research efforts to go forward.

H.R. 1028, THE INTERJURISDICTIONAL FISHERIES RESEARCH ACT OF 1985

H.R. 1028 would repeal the existing Commercial Fisheries Research and Development Act (Public Law 88-309), and establish a new research program devoted to Federal management of priority migratory fish species throughout their range.

The current program was established in 1964 to stimulate the development of commercial fisheries resources through State matching grants for research and development projects. In Washington State, program funds have been used to assess groundfish stocks, manage the dungeness crab harvest, to evaluate underutilized invertebrate species, and much more. As with the Anadromous Fish Conservation Program in Washington State, one important goal of the Commercial Fisheries Program has been to reduce the risk of overharvest and destruction of these increasingly valuable marine resources.

In fiscal year 1985, Congress appropriated $5 million under the Commercial Fisheries Research and Development Act. The Reagan administration, as it has in each of the past 3 years, has proposed terminating this program as part of its fiscal year 1986 budget proposal.

Despite the important activities undertaken in Washington State, I understand the concern of many that commercial development may not be an appropriate Federal responsibility and that the program has not pursued national objectives. I believe the modifications in the program proposed in H.R. 1028 adequately address these concerns, and target Federal research activities to interstate management fishery resources and the achievement of Federal fishery management objectives.

Once again, I would like to compliment Chairman JONES, Chairman BREAUX, and Mr. YOUNG for their efforts in this area, and urge the overwhelming passage of both measures.●

● Mr. BREAUX. Mr. Speaker, I support the passage of H.R. 1028, the Interjurisdictional Fisheries Research Act of 1985. H.R. 1028, as amended, has been sent to the floor today with unanimous approval by the Subcommittee on Fisheries and Wildlife Conservation and the Environment and the Committee on Merchant Marine and Fisheries.

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H.R. 1028 is designed to focus entirely on management of this country's priority, interjurisdictional fishery resources. This bill would repeal the existing Commercial Fisheries Research and Development Act (Public Law 88-309), designed to stimulate the development of U.S. commerical fishery resources. Public Law 88-309 provides assistance to the States in the form of matching grants, used by the States to conduct research and development projects. As such, Public Law 88-309 has been seriously challenged for supporting projects that would be more appropriately funded by the States or the fishing industry itself. In a time of extreme fiscal conservatism, it is indeed difficult for any of us to justify Federal expenditures solely for State or industry objectives.

The new program would maintain a Federal partnership with the States through a Matching Grant Program, stipulating funds to be applied only for research projects which are in support of the management of species which: First, those which migrate between State and Federal waters and for which there exists a Federal fishery management plan [FMP] developed pursuant to the Fishery Conservation and Management Act [FCMA]; Second, those which migrate between State waters and for which there exists an interstate fishery management plan developed by a congressionally approved Interstate Fishery Commission; or third, those which migrate between the waters of States bordering the Great Lakes.

Amendments were added which would expand the scope of H.R. 1028 to include shellfish such as oysters and clams for which fisheries and interstate or Federal management plans exist, and to allow a 1-year grace period for projects to qualify for this program when the species in question are covered under a Federal or interstate plan which is still under development.

By limiting the program to species which are interjurisdictional in nature, the bill focuses on those species which require coordinated research for conservation and management; a national objective. By focusing primarily on species for which there exists a management plan, the bill limits the program to only those species which have already been determined to be of a conservation and management priority.

State eligibility, apportionment and Federal match mechanisms proposed by the bill create incentives for States to participate in the interstate management of fishery resources and to achieve consistency with interstate or Federal fishery management objectives. As such, I believe the bill provides a very defensible alternative for Federal fishery assistance to States; even in a tight budgetary climate.

H.R. 1028 would authorize appropriations of $5 million for matching grants during fiscal years 1985, 1986, and 1987, $2.5 million to be used for projects designed to mitigate the impact of fishery resource disasters on industry, and a separate authorization of appropriations ($350,000) to be distributed among the three Interstate Fisheries Commissions on the Atlantic, Pacific, and gulf coasts.

Effective management of our Nation's fishery resources requires a coordinated and well-conceived effort on the part of the State and the Federal Government. I believe H.R. 1028 will be effective in addressing those objectives. I wholeheartedly endorse this legislation and urge my fellow Members to act positively on this bill.●

Mr. LENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 1028, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quroum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ROTATION OF CHAIRMANSHIP OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE BETWEEN HOUSE AND SENATE

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 592) to provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between Members appointed from the House of Representatives and Members appointed from the Senate, and for other purposes.

The Clerk read as follows:

S. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

MEMBERSHIP OF COMMISSION AND APPOINTMENT OF CHAIRMAN AND COCHAIRMAN

SECTION 1. (a) Section 3 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3003), is amended to read as follows:

"SEC. 3. (a) The Commission shall be composed of twenty-one members as follows:

"(1) Nine Members of the House of Representatives appointed by the Speaker of the House of Representatives. Five Members shall be selected from the majority party and four Members shall be selected, after consultation with the minority leader of the House, from the minority party.

"(2) Nine Members of the Senate appointed by the President of the Senate. Five Members shall be selected from the majority party of the Senate, after consultation with the majority leader, and four Members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

"(3) One member of the Department of State appointed by the President of the United States.

"(4) One member of the Department of Defense appointed by the President of the United States.

"(5) One member of the Department of Commerce appointed by the President of the United States.

"(b) There shall be a Chairman and a Cochairman of the Commission.".

(b) Section 3 of such Act, as amended by subsection (a) of this section, is further amended by adding at the end thereof the following:

"(c) At the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

"(d) At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.".

(c) On the effective date of this subsection, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members to serve as Chairman of the Commission for the duration of the Ninety-ninth Congress, and the Speaker of the House of Representatives shall designate one of the House Members to serve as Cochairman of the Commission for the duration of the Ninety-ninth Congress.

FUNCTIONS OF THE COMMISSION

"SEC. 2. Section 2 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3002), is amended by inserting "human rights and" after "relating to" in the first sentence.

APPROPRIATIONS FOR THE COMMISSION

SEC. 3. Section 7(a) of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3007(a)), is amended to read as follows:

"SEC. 7. (a)(1) There are authorized to be appropriated to the Commission for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Appropriations to the Commission are authorized to remain available until expended.

"(2) Appropriations to the Commission shall be disbursed on vouchers approved—

"(A) jointly by the Chairman and the Cochairman, or

"(B) by a majority of the members of the personnel and administration committee established pursuant to section 8(a).".

FOREIGN TRAVEL FOR OFFICIAL PURPOSES

SEC. 4. Section 7 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3007), is amended by adding at the end thereof the following new subsection:

"(d) Foreign travel for official purposes by Commission members and staff may be authorized by either the Chairman or the Cochairman.".

STAFF OF THE COMMISSION

SEC. 5. Section 8 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3008), is amended to read as follows:

"SEC. 8. (a) The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior Commission member from the minority party in the House of Representatives, and the senior Commission member from the minority party in the Senate.

"(b) All decisions pertaining to the hiring, firing, and fixing of pay of Commission staff personnel shall be by a majority vote of the personnel and administration committee, except that—

"(1) the Chairman shall be entitled to appoint and fix the pay of the staff director, and the Cochairman shall be entitled to appoint and fix the pay of his senior staff person; and

"(2) the Chairman and Cochairman each shall have the authority to appoint, with the approval of the personnel and administration committee, at least four professional staff members who shall be responsible to the Chairman or the Cochairman (as the case may be) who appointed them.

The personnel and administration committee may appoint and fix the pay of such other staff personnel as it deems desirable.

"(c) All staff appointments shall be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

"(d)(1) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

"(2) For purposes of section 3304(c)(1) of title 5, United States Code, staff personnel of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Clerk of the House of Representatives.

"(3) The provisions of paragraphs (1) and (2) of this subsection shall be effective as of June 3, 1976.".

EFFECTIVE DATE

SEC. 6. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act or April 15, 1985, whichever is later.

(b)(1) The amendment made by subsection (b) of the first section shall take effect on the first day of the One Hundredth Congress.

(2) Subsection (d) of section 8 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (as added by section 5 of this Act), shall be effective as of June 3, 1976.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is basically the same bill that was passed unanimously by the House of Representatives last year. The bill pertains to the structure of the Commission on Security and Cooperation in Europe. It provides for the Chairmanship of the Commission to rotate between the House and the Senate and for the Commission to function basically in the same manner as Joint Committees of the Congress.

When the Commission was created in 1976, the legislation called for the Chairman of the Commission to come from the majority party of the House of Representatives. The Senate agreed to that provision and I have been privileged to serve as the Chairman of the Commission since that time.

During the past few years, however, since the majority in the other body has been of the opposite party from the majority in the House, Senator DOLE has urged that the Chair rotate between the two bodies. When Senator DOLE proposed an amendment in 1983 to rotate the Chair, I indicated that I had no objection but I felt that such legislation should be considered in the normal manner after hearings had been held and legislation had been passed through the committees in both the House and Senate. I introduced such legislation in late 1983; hearings were held in early 1984; and legislation was passed unanimously by the House last year. Unfortunately, the legislation did not pass the Senate due to some technical disagreements which have now been resolved. Senator DOLE, in consultation with myself and other interested colleagues, reintroduced the legislation (S. 592) in the Senate this year. The bill passed the Senate unanimously 2 weeks ago.

It is basically the same bill that I introduced and which was passed by the House last year except that it provides for an expansion of the Commission from 15 to 21 members, adding three members each from both the House and Senate. The legislation now provides for five Members from the majority and four from the minority from both Houses. It also provides for establishment of the position of Cochairman and establishes the coequal status of both the House and Senate and clarifies several technical matters pertaining to the status of the employees of the Commission.

Mr. Speaker, this bill will, in my opinion, enhance the effectiveness of the Commission and involve more Members of both Houses in its important work. The Commission has, during its more than 8 years in existence, become an important instrument for congressional participation in the Helsinki process.

A recent General Accounting Office report, which has just been sent to all Members of Congress, concluded that the Commission has, and I quote:

(1) actively promoted a strong U.S. human rights policy in the Helsinki process, (2) played a major role in planning and conducting U.S. Helsinki diplomacy, (3) made itself a principal Western source of information on Soviet and East European violations, and (4) helped resolve numerous family reunification cases for Eastern victims of Communist repression.

The report, which evaluates how well the Commission has carried out its mandate since it was formed in 1976, has confirmed what I and my colleagues on the Commission have always maintained—that the Commission has been a truly effective instrument of congressional intent and that it has done its job and done it well.

Mr. Speaker, I am proud to have had the privilege of serving as the Commission's Chairman and I am proud of its record of accomplishment. I am pleased that so many Members of both the House and Senate have taken an interest in the Commission's work and have supported its efforts to further the cause of human rights and freedom in the Helsinki context. This bill will provide greater opportunity for Members of both Houses to participate directly on the Commission and will improve and strengthen the Commission's role in the Helsinki process. As the 10th anniversary of the Helsinki accords approaches there is a need to expand our efforts to ensure that the human rights provisions of the Helsinki accords are observed. It is more important than ever for the Commission to continue its work on behalf of those courageous souls in the Soviet Union, Poland, Czechoslovakia, and other Communist countries who are risking their lives every day in the quest for human freedom.

Since I have assumed the chairmanship of the Foreign Affairs Committee and Senator DOLE has become the majority leader of the Senate, we both feel that the time has come to pass the leadership of the Commission on to others who have more time to devote to the Commission's important work. We have, therefore, informally

agreed that the Chairman and the Cochairman of the Commission should be Members of the House and Senate whose time constraints are not as great as those which are now imposed on both Senator DOLE and myself because of our respective responsibilities.

Mr. Speaker, as I indicated earlier in my remarks this bill passed the Senate unanimously less than 2 weeks ago. Its provisions are the result of a compromise between the leadership of both Houses and both parties represented on the Commission. It represents a step forward for the Commission and the strengthening of its role in the Helsinki process. I urge its adoption.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I want to congratulate the gentleman on the legislation, particularly the provision in the legislation that is going to make the committee more of a monitor of human rights concerns in Eastern Europe and in the Soviet Union. I think that that is a very, very valuable contribution.

Mr. FASCELL. I thank the gentleman for noting that. I had meant to touch on that, but I appreciate him bringing that point out.

Mr. WALKER. The material that I was given here indicates that we did not have a cost estimate for the operation of the Commission at the time the little blurb I have here went to press.

Can the gentleman give me some idea as to what the annual costs are?

Mr. FASCELL. As Chairman of the Commission I testified before the Appropriations Subcommittee in defense of the budget of the Commission at the time, and we asked for $500,000 with authority to spend the money that remained from the last appropriation. It is $600,000 or something.

Mr. WALKER. The gentleman assures us that that is within the budget?

Mr. FASCELL. Yes, sir.

Mr. WALKER. I thank the gentleman.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this legislation and endorse the comments made by the chairman of the Foreign Affairs Committee.

I have no requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time.

□ 1410

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the Senate bill, S. 592.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1025, de novo; and

H.R. 1028, de novo.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

ANADROMOUS FISH CONSERVATION ACT AUTHORIZATIONS, 1986, 1987, AND 1988

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1025.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 1025.

The question was taken.

Mr. WALKER. Mr. Speaker, I continue to insist on a vote on this bill on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 268, nays 133, not voting 31, as follows:

[Roll No. 33]

YEAS—268

Ackerman	Boggs	Coleman (TX)
Addabbo	Boland	Collins
Akaka	Boner (TN)	Conte
Alexander	Bonior (MI)	Coughlin
Anderson	Borski	Coyne
Andrews	Boucher	Crockett
Annunzio	Boxer	Darden
Anthony	Breaux	Daschle
Applegate	Brooks	Davis
Aspin	Brown (CA)	Dellums
Atkins	Bryant	Derrick
Barnard	Burton (CA)	DeWine
Barnes	Bustamante	Dicks
Bateman	Campbell	Dingell
Bates	Carney	Dixon
Bedell	Carper	Donnelly
Beilenson	Carr	Dorgan (ND)
Bennett	Chandler	Dowdy
Bentley	Chappell	Downey
Berman	Chappie	Duncan
Bevill	Clay	Durbin
Biaggi	Clinger	Dwyer
Boehlert	Coelho	Dymally
Dyson	Lent	Rowland (GA)
Early	Levin (MI)	Roybal
Eckart (OH)	Levine (CA)	Russo
Edgar	Livingston	Sabo
Edwards (CA)	Lloyd	Savage
Erdreich	Lott	Saxton
Evans (IL)	Lowery (CA)	Scheuer
Fascell	Lowry (WA)	Schneider
Fazio	Lundine	Schulze
Fiedler	Madigan	Schumer
Fish	Manton	Seiberling
Flippo	Markey	Shelby
Florio	Martin (NY)	Sikorski
Foglietta	Martinez	Skeen
Foley	Matsui	Smith (FL)
Ford (MI)	Mavroules	Smith (IA)
Ford (TN)	Mazzoli	Smith (NJ)
Fowler	McDade	Smith, Robert
Frank	McGrath	Snowe
Franklin	McHugh	Solarz
Frost	McKernan	Spence
Fuqua	McKinney	Spratt
Gallo	Mikulski	St Germain
Garcia	Miller (CA)	Staggers
Gaydos	Miller (WA)	Stallings
Gejdenson	Mineta	Stark
Gephardt	Mitchell	Stokes
Gilman	Molinari	Stratton
Gonzalez	Mollohan	Studds
Gordon	Montgomery	Swift
Gray (IL)	Moody	Synar
Gray (PA)	Moore	Tallon
Green	Morrison (CT)	Tauzin
Guarini	Morrison (WA)	Thomas (GA)
Gunderson	Mrazek	Torres
Hamilton	Murtha	Torricelli
Hartnett	Natcher	Towns
Hatcher	Neal	Traficant
Hawkins	Nelson	Traxler
Hayes	Nichols	Udall
Hefner	Nowak	Valentine
Hendon	O'Brien	Vento
Hertel	Oakar	Visclosky
Horton	Oberstar	Volkmer
Howard	Obey	Walgren
Hoyer	Olin	Waxman
Hughes	Ortiz	Weaver
Hunter	Owens	Weiss
Hutto	Panetta	Wheat
Jeffords	Pease	Whitehurst
Jenkins	Perkins	Whitley
Johnson	Petri	Whitten
Jones (NC)	Pickle	Williams
Jones (TN)	Price	Wilson
Kaptur	Rahall	Wirth
Kastenmeier	Rangel	Wolf
Kennelly	Ray	Wolpe
Kildee	Regula	Wortley
Kleczka	Reid	Wright
Kolter	Richardson	Wyden
Kostmayer	Ridge	Yates
LaFalce	Rinaldo	Yatron
Lagomarsino	Ritter	Young (AK)
Leath (TX)	Roe	Young (FL)
Lehman (CA)	Rose	Young (MO)
Lehman (FL)	Roth	
Leland	Rowland (CT)	

NAYS—133

Archer	Dannemeyer	Hillis
Armey	Daub	Hopkins
Bartlett	Dickinson	Hubbard
Barton	DioGuardi	Huckaby
Bereuter	Dornan (CA)	Hyde
Bilirakis	Dreier	Ireland
Billey	Eckert (NY)	Jacobs
Boulter	Edwards (OK)	Jones (OK)
Broomfield	Emerson	Kasich
Brown (CO)	English	Kindness
Broyhill	Fawell	Kolbe
Bruce	Feighan	Kramer
Burton (IN)	Frenzel	Latta
Byron	Gekas	Leach (IA)
Callahan	Gibbons	Lewis (CA)
Cheney	Gingrich	Lewis (FL)
Coats	Glickman	Lightfoot
Cobey	Goodling	Loeffler
Coble	Gradison	Lujan
Coleman (MO)	Grotberg	Luken
Combest	Hall (OH)	Lungren
Cooper	Hall, Ralph	Mack
Courter	Hall, Sam	MacKay
Craig	Hansen	Martin (IL)
Crane	Henry	McCandless
Daniel	Hiler	McCollum

McCurdy	Rogers	Strang
McEwen	Roukema	Stump
McMillan	Rudd	Sundquist
Meyers	Schaefer	Sweeney
Michel	Schroeder	Swindall
Miller (OH)	Schuette	Tauke
Monson	Sensenbrenner	Taylor
Moorhead	Sharp	Thomas (CA)
Murphy	Shaw	Vander Jagt
Myers	Shuster	Vucanovich
Nielson	Siljander	Walker
Oxley	Slattery	Watkins
Packard	Slaughter	Weber
Parris	Smith (NE)	Whittaker
Penny	Smith (NH)	Wise
Porter	Smith, Denny	Wylie
Quillen	Snyder	Zschau
Roberts	Solomon	
Roemer	Stangeland	

NOT VOTING—31

AuCoin	Heftel	Pepper
Badham	Holt	Pursell
Bonker	Kanjorski	Robinson
Bosco	Kemp	Rodino
Conyers	Lantos	Rostenkowski
de la Garza	Lipinski	Shumway
DeLay	Marlenee	Sisisky
Evans (IA)	McCain	Skelton
Fields	Mica	Stenholm
Gregg	Moakley	
Hammerschmidt	Pashayan	

□ 1420

The Clerk announced the following pair:

On this vote:

Mr. Pepper and Mr. Mica for, with Mr. Stenholm against.

Messrs. MOORHEAD, COATS, McCURDY, HENRY, WEBER, WATKINS, and SHUSTER changed their votes from "yea" to "nay."

Mr. SPENCE changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1430

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

INTERJURISDICTIONAL FISHERIES RESEARCH ACT OF 1985

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1028, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 1028, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 149, not voting 31, as follows:

[Roll No. 34]

YEAS—252

Ackerman	Fuqua	Olin
Addabbo	Gallo	Ortiz
Akaka	Garcia	Owens
Alexander	Gaydos	Panetta
Anderson	Gejdenson	Pease
Andrews	Gephardt	Perkins
Annunzio	Gilman	Petri
Anthony	Gonzalez	Pickle
Applegate	Gray (IL)	Price
Aspin	Gray (PA)	Rahall
Atkins	Green	Rangel
Barnard	Guarini	Ray
Barnes	Hartnett	Reid
Bateman	Hatcher	Richardson
Bates	Hawkins	Ridge
Bedell	Hayes	Rinaldo
Beilenson	Hefner	Ritter
Bennett	Hendon	Roe
Bentley	Hertel	Rose
Berman	Horton	Roth
Bevill	Howard	Rowland (GA)
Biaggi	Hoyer	Roybal
Boehlert	Hughes	Russo
Boggs	Hutto	Sabo
Boland	Johnson	Savage
Boner (TN)	Jones (NC)	Saxton
Bonior (MI)	Jones (TN)	Scheuer
Borski	Kaptur	Schneider
Boucher	Kastenmeier	Schulze
Boxer	Kennelly	Seiberling
Breaux	Kildee	Shelby
Brooks	Kleczka	Sikorski
Brown (CA)	Kolter	Skeen
Burton (CA)	Kostmayer	Smith (FL)
Bustamante	LaFalce	Smith (IA)
Campbell	Leath (TX)	Smith (NJ)
Carney	Lehman (CA)	Smith, Robert
Carper	Lehman (FL)	Snowe
Carr	Leland	Solarz
Chandler	Lent	Spence
Chappell	Levin (MI)	Spratt
Chappie	Levine (CA)	St Germain
Clay	Livingston	Staggers
Coelho	Lloyd	Stallings
Coleman (TX)	Lowery (CA)	Stark
Collins	Lowry (WA)	Stokes
Conte	Luken	Stratton
Coyne	Lundine	Studds
Crockett	Madigan	Swift
Darden	Manton	Synar
Daschle	Markey	Tallon
Davis	Martin (NY)	Tauzin
Dellums	Martinez	Thomas (GA)
Derrick	Matsui	Torres
DeWine	Mavroules	Torricelli
Dicks	Mazzoli	Towns
Dingell	McDade	Traficant
Dixon	McGrath	Traxler
Donnelly	McHugh	Udall
Dowdy	McKernan	Valentine
Downey	McKinney	Vander Jagt
Durbin	Mikulski	Vento
Dwyer	Miller (CA)	Volkmer
Dymally	Miller (WA)	Walgren
Dyson	Mineta	Waxman
Early	Mitchell	Weaver
Eckart (OH)	Molinari	Weiss
Edgar	Mollohan	Wheat
Edwards (CA)	Montgomery	Whitehurst
Erdreich	Moody	Whitley
Evans (IL)	Moore	Whitten
Fascell	Morrison (CT)	Wilson
Fazio	Morrison (WA)	Wirth
Fish	Mrazek	Wise
Flippo	Murtha	Wolf
Florio	Natcher	Wolpe
Foglietta	Neal	Wortley
Foley	Nelson	Wright
Ford (MI)	Nichols	Wyden
Ford (TN)	Nowak	Yates
Fowler	O'Brien	Yatron
Frank	Oakar	Young (AK)
Franklin	Oberstar	Young (FL)
Frost	Obey	Young (MO)

NAYS—149

Archer	Gradison	Myers
Armey	Grotberg	Nielson
Bartlett	Gunderson	Oxley
Barton	Hall (OH)	Packard
Bereuter	Hall, Ralph	Parris
Bilirakis	Hall, Sam	Penny
Bliley	Hamilton	Porter
Broomfield	Hansen	Quillen
Brown (CO)	Henry	Regula
Broyhill	Hiler	Roberts
Bruce	Hillis	Roemer
Bryant	Hopkins	Rogers
Burton (IN)	Hubbard	Roukema
Byron	Huckaby	Rowland (CT)
Callahan	Hunter	Rudd
Cheney	Hyde	Schaefer
Clinger	Ireland	Schroeder
Coats	Jacobs	Schuette
Cobey	Jeffords	Schumer
Coble	Jenkins	Sensenbrenner
Coleman (MO)	Jones (OK)	Sharp
Combest	Kasich	Shaw
Cooper	Kemp	Shuster
Coughlin	Kindness	Siljander
Courter	Kolbe	Slattery
Craig	Kramer	Slaughter
Crane	Lagomarsino	Smith (NE)
Daniel	Latta	Smith (NH)
Dannemeyer	Leach (IA)	Smith, Denny
Daub	Lewis (CA)	Snyder
Dickinson	Lewis (FL)	Solomon
DioGuardi	Lightfoot	Stangeland
Dorgan (ND)	Loeffler	Strang
Dornan (CA)	Lott	Stump
Dreier	Lujan	Sundquist
Duncan	Lungren	Sweeney
Eckert (NY)	Mack	Swindall
Edwards (OK)	MacKay	Tauke
Emerson	Martin (IL)	Taylor
English	McCandless	Thomas (CA)
Evans (IA)	McCollum	Visclosky
Fawell	McCurdy	Vucanovich
Feighan	McEwen	Walker
Fiedler	McMillan	Watkins
Frenzel	Meyers	Weber
Gekas	Michel	Whittaker
Gibbons	Miller (OH)	Williams
Gingrich	Monson	Wylie
Glickman	Moorhead	Zschau
Goodling	Murphy	

NOT VOTING—31

AuCoin	Hammerschmidt	Pepper
Badham	Heftel	Pursell
Bonker	Holt	Robinson
Bosco	Kanjorski	Rodino
Boulter	Lantos	Rostenkowski
Conyers	Lipinski	Shumway
de la Garza	Marlenee	Sisisky
DeLay	McCain	Skelton
Fields	Mica	Stenholm
Gordon	Moakley	
Gregg	Pashayan	

□ 1440

The Clerk announced the following pair:

On this vote:

Mr. Pepper and Mr. Mica for, with Mr. Stenholm against.

Mr. EVANS of Iowa and Mr. WEBER changed their votes from "yea" to "nay."

Mr. DURBIN and Mrs. BENTLEY changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative

days in which to revise and extend their remarks on H.R. 1028.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 12, 1985.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House, that I have recently been served with two civil deposition subpoenas issued by the United States District Court for the District of Columbia. After consultation with my General Counsel, I will notify you of my determinations as required by the Rules of the House.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 12, 1985.

DEAR MR. SPEAKER: I had previously notified you, pursuant to Rule L(50) of the Rules of the House, of two subpoenas I had received from the United States District Court for the District of Columbia. The subpoenas call for the production of certain employment records maintained by my Office of Finance.

I have consulted with my General Counsel and have determined that compliance with this subpoena is consistent with the privileges and precedents of the House of Representatives.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the subject of the special order speech today by the gentleman from Georgia [Mr. JENKINS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CIGARETTE EXCISE TAX

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, today Congressman HENRY WAXMAN and I are introducing legislation to increase the Federal excise tax on cigarettes to 32 cents per pack, effective October 1, 1985. This legislation will help to reduce the Federal deficit by an estimated $3.5 to $4.5 billion per year above current law.

Unless Congress takes action before October 1, 1985, the Federal excise tax on cigarettes will be reduced from 16 cents to 8 cents, reducing total revenues to $2.58 billion, according to the Department of the Treasury. A doubling of the excise tax from 16 cents to 32 cents would bring total gross revenues from this tax to an estimated $8.5 billion in 1987, according to the Department of the Treasury.

Our bill dedicates 24 cents of these funds to Medicare and leaves 8 cents to the general fund.

HEALTH

The link between smoking and health is well-documented. According to the American Lung Association, lung cancer accounts for 1 out of every 4 cancer deaths and 85 percent of lung cancer deaths are attributed to smoking. Studies conducted by the Department of Health and Human Services show that cigarette smoking is one of the three major causes of coronary heart disease and peripheral vascular disease. It is a major factor in cancer of the larynx, oral cavity, and esophagus. Smoking is a contributory factor in the development of cancers of the bladder, pancreas, and kidney.

Smoking remains a major cause of premature death and disability. Estimates by the American Lung Association place the number of deaths due to smoking at 350,000 annually. In comparison, deaths due to injury are 105,000, homicide 20,000, and infant deaths 40,000. Vincent DeVita, Jr., M.D., Director of the National Cancer Institute, states:

> Our studies indicate that 85 percent of lung cancer is causally related to cigarette smoking, making it one of the most preventable forms of cancer that can be identified.

The Surgeon General has concluded that cigarette smokers have overall mortality rates greater than nonsmokers. Cancer death rates of male smokers are almost double those of nonsmokers. Cancer death rates of female smokers are 30 percent higher than female nonsmokers.

Findings of the Department of Health and Human Services have been criticized by the tobacco industry for the use or reliance upon epidemiological correlations. However, I would like to point out that in addition to the use of five epidemiological criteria, the Surgeon General's reports have also been based on clinical laboratory investigations and experimental evidence. The National Cancer Institute's program is based upon basic laboratory research and human intervention trials as well as epidemiological studies.

According to the National Center for Health Statistics, diseases associated with cigarette smoking account for $13.6 billion in medical costs per year. These diseases cost the Medicare and Medicaid Program $3.8 billion per year. The productivity loss is estimated to be $25.8 billion and the total social costs are $39.4 billion, according to NCHS.

DEPENDENCE

Why do 54 million people continue to smoke in view of tobacco's association with disease and health costs? Is it addiction or freedom of choice? Drug dependence is the state in which a person's freedom of choice has been compromised by the effect of a drug on the brain and the nervous system. Psychoactivity, dependency, withdrawal and the tendency to relapse are the characteristics of drug dependence. These are some of the fundamental characteristics that cigarettes share with drugs of dependence and characteristics that distinguish cigarettes from consumable goods. The official nomenclature of the World Health Organization now lists cigarette smoking as a form of drug dependency. The addiction has been confirmed by reviews of the nomenclature by the National Academy of Science and the National Institute of Drug Abuse. Tobacco is smoked by 56 million Americans, 30 to 40 million of whom are addicted to the effects, according to the Congressional Research Service. Tobacco causes more illness and death than all other drugs, according to Dr. Pollin.

The decision to start smoking is more common among the young. The decision to stop smoking is more prevalent during adulthood, when the risk of cancer is better understood. Health risks are reduced upon cessation of smoking.

Recent studies suggest that the amount individuals smoke is affected by an increase in the Federal excise tax on cigarettes. According to the University of Michigan School of Public Health, a mere 10-percent increase in cigarette prices produces a decrease of approximately 4 percent in smoking among adults and 14 percent in smoking among teenagers. A USDA study reveals that cigarette consumption fell 5 percent from 1982 to 1983, due in part to the increase in the Federal excise tax on cigarettes.

PASSIVE SMOKING

The tobacco industry has stated that the logic of taxing cigarettes could be extended to all kinds of things that may be hazardous to an individual, including sugar and salt. Cigarettes are different from other items that are hazardous to the individual because they help to pollute the air supply of those having the misfortune of sharing space with smokers. The other products do not harm society. According to Dr. Claude Lenfant, Director, National Heart, Lung, and Blood Institute of NIH, chronic exposure of non-

smokers to cigarette smoke in the workplace may reduce lung function among nonsmokers that is equivalent to smoking 10 cigarettes per day.

Some feel that increasing excise taxes may constitute undue Federal involvement in the industry. The reality is that the tobacco industry has been virtually unregulated, despite the fact that cigarettes contribute to the mortality of 350,000 people annually. The Toxic Substances Control Act, which gave the Environmental Protection Agency regulatory power over most chemical substances, explicitly exempts tobacco and tobacco products, even though these products contain carcinogens.

The Food and Drug Administration does not define tobacco as a food or a drug, even though the Administration recently approved Nicorette. This is a chewing gum product containing nicotine that can only be obtained by prescription. This gum is prescribed to smokers who are addicted to nicotine and who cannot quit smoking without having symptoms of withdrawal.

Cigarettes are exempt from the Consumer Product Safety Act, the Federal Hazardous Substance Act, Fair Packaging and Labeling Act, and the Food Drug and Cosmetic Act.

All things considered, the tobacco industry should consider itself extremely fortunate to be burdened only with excise taxes.

Some allege that no other product bears the same tax burden as tobacco. However, according to the Bureau of Alcohol, Tobacco, and Firearms, the Federal excise tax on alcohol may constitute a higher percentage of that product's cost than the Federal excise tax on tobacco.

An excise tax on cigarettes is not necessarily regressive. According to Dr. Jeffrey E. Harris of the Massachusetts Institute of Technology, middle income groups have higher smoking rates than those from the poorest groups. He also states that the prevalence of smoking actually increases with income among women. Finally, the burden of the tax increase may be shared by the stockholders of the cigarette manufacturing industry and foreign sellers of imported tobacco. Earmarking the excise tax to Medicare or Medicaid may also make the tax less regressive.

This legislation is not intended to force people to make lifestyle decisions on legal products nor does it try to tax them out of existence. This bill contains no regulations against smoking. A higher excise tax would shift the public financial burden of smoking from the many nonsmokers to the relatively few smokers. We view this tax as a smoker's user fee and an opportunity to repay the public for some of the costs their habit incurs.

An announcement of this legislation was made at a press conference on March 13 by a coalition of 35 national health, church, senior citizen, and education organizations. The Coalition on Smoking or Health includes the American Heart and Lung Associations, the American Cancer Society, the American Association of Retired Persons, and the American Public Health Association. These organizations contribute to the research efforts on the causes and treatment of cancer and respiratory diseases which result from smoking. Their work has formed the cornerstone for the legislation we are introducing today.

I would also like to commend HHS Secretary Heckler for announcing in January her recommendation to the President for a continuation of the excise tax on cigarettes and dedicating those revenues to the Medicare Program. Her proposal served as a catalyst for the legislation that has already been introduced. It is my understanding that the administration is developing further proposals in this area.

I urge my colleagues to join me in this prohealth endeavor.

THE MX

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, the American people have two great desires at this time, namely, to eliminate our tremendous deficit and to provide for a strong national defense. The two issues are related.

The people of America want the deficit eliminated through less Government rather than more taxes.

They want our national defense strong enough to prevent war—or to win a war if one comes. They want this whatever the cost and they do not believe that it makes sense to cut out defense needs to provide for nondefense needs, however virtuous those social needs may be.

Congresswoman Barbara Jordan said it best when she spoke at Greenbrier a couple weeks ago and said "People do not want to have great new spending programs. That is not in our future. People want lean and mean government."

Your constituents believe that if social programs have to be cramped in order to have an adequate defense, then this must be the case and that many social needs must be handled by local government or by charity.

I would like to point out to you that I have been discussing what the American people as a whole clearly want, not what you individually may want.

Our constitutents want waste and corruption eliminated from defense production, but they do not favor cutting real defense requirements just because those evils, to some extent, exist. They reason that otherwise we would endanger the country and innocent constitutents, because of the evils in others.

Moreover, as important as it is to discover and punish the $485 hammers and the $600 potty seats and the claims for taking care of a corporate officer's dog, our constituents do not want to reduce what is needed for the defense of our country just because these abuses have been done and discovered. Our constitutents demand instead that we, in Congress, not only get rid of these abuses, but get on with the real tasks of defense. Regardless of how many headlines and exciting statements we can bring forth as to these abuses, our constituents will not accept that as a substitute for real strength.

We can give the American people real progress toward both the objective of deficit reduction and the objective of strong national defense by killing the MX. Its future cost is estimated now at $13 billion additional for the missiles and $21 billion to harden silos, or about $35 billion dollars in total, assuming we stop with presently planned program of 223 missiles. Some have put the future costs at $50 billion.

All of the money that we save from eliminating the MX (and more) is needed to give us an ability to win or sustain for any length of time a conventional war in Europe. When the Warsaw Pact forces are compared with NATO forces, they have three times the number of tanks, twice the artillery and twice the armored pesonnel carriers, for starters. The most probable scenario for war today is based on our inferior position in Europe. Gen. Bernard Rogers, our supreme commander there, advises us that we only have the ability to hold off defeat for a number of days. The Soviets could march to victory in Europe and could only be stopped by nuclear war, an option which our weakness there makes necessary.

Without diminishing our presently strong nuclear deterrence, which is redundantly great, we should take the money from the MX to give us a chance to have conventional victory in Europe, or at least postpone the time when we have to go to nuclear weaponry.

By such a course, we could: (1) eliminate further production of the highly vulnerable and very expensive MX weapon, which has been severely criticized by many military authorities in this country and elsewhere, and (2) we could use these funds for needed conventional weapons in Europe, thus reducing strains on our budget, and (3) we could abandon our present faulted policy of planning a nuclear war in Europe, reserving for our present

hefty nuclear weaponry for the limited purpose of deterring.

We should try to do what we can to reduce defense spending and still remain strong. We cannot do that by percentage cuts across the board. How could you get 95 percent of a billion-dollar submarine? Nor can we save by just stretching things out in time. That actually costs more money. We can only save money significantly by cutting out faulted programs. Do you know a better one to cut out than the MX? Let's face it, there is no better candidate for saving defense money than the MX.

What I have said is common sense. It is what Americans demand today from their Congress. It puts us in the position of being strong for a meaningful national defense, but without putting further strains on the budget. Let's defeat the MX.

Let's look for a moment at arms control and its legislative connection with MX. Last year, when the Scowcroft Commission, including ex-Secretaries of Defense, met with myself and others from the Armed Services Committee to explain what they had in mind, it was clear from General Scowcroft and others present, that what they were saying was that by tying arms control to the MX production, they could get the MX, not that they really approved the MX nor even the arms control language.

They expressed no optimism with regard to arms control nor any strong support for MX. They merely said that the MX missile could be obtained in Congress by tying it to arms control language.

The present chairman of the House Armed Services Commission said, on May 16, 1984, in the debate about the MX,

> The amendment that we are offering here is an amendment that says we will vote for 15 missiles, fence the money for 6 months and wait and see if the Soviets come back. If they come back to the bargaining table, the money is not spent. If they do not come back to the bargaining table, the money is not released.

Now, the Russians are at the table. It is true they are not there because of the MX but rather because of the Strategic Defense Initiative; but for whatever reason, they are there. It was said last year that if the Russians came back to the bargaining table, the money would not be spent and here we are being asked to spend the money. Obviously, those of you who relied on the debate last year on this issue are met with inconsistency.

The truth is that arms control is a highly complex matter which is best handled by the executive branch. I think it is time for the arms control-MX caucus to come back to reality and reject this faulted weapon as they said last year they would do this year.

REPUBLICANS BLOCK EFFORTS TO COUNT BALLOTS IN INDIANA'S EIGHTH DISTRICT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, last week, the House Republicans, as made reference to by the previous speaker, made it crystal clear that they intend to do all that they can to delay any effort by the House to count all of the ballots in the Eighth Congressional District of Indiana.

On Monday, the Republican representative on the Panetta task force walked out of the committee meetings when the Democratic members insisted upon counting every ballot where the intent of the voter was clear. Instead, the Republicans proposed custom-made rules designed by the Republican National Committee that would selectively disenfranchise hundreds of Indiana voters who did nothing wrong but to exercise their constitutional right to vote.

In a conciliatory note, the Democrats offered to name one of the most distinguished Republican election officials in the country as a supervisor of the recount. Again, the Republicans objected.

Mr. Speaker, the Louisville Courier-Journal, one of the largest newspapers serving the Indiana Eighth District, praised the evenhanded efforts of the Panetta task force. I quote:

> The recount procedure supported by the Task Force's two Democratic members over the objections of the panel's sole Republican makes sense. The guidelines adopted by the Task Force would impose badly needed order and, at the same time, disenfranchise the smallest number of voters. That appears to be the fairest possible solution.

The article from the Louisville Courier Journal follows:

> RECOUNT RULES FOR INDIANA RACE LOOK FAIR
>
> Partisanship may have prompted this week's decision by a special U.S. House task force to count technically invalid ballots in the disputed race in Indiana's Eighth Congressional District. But this position, supported by the task force's two Democratic members over objections by the panel's sole Republican, makes sense.
>
> The goal, after all, is to determine which candidate—Democratic incumbent Frank McCloskey or Republican Rick McIntyre—was favored by a majority of voters who cast ballots in last November's election. And that requires accepting every ballot in which the voter's intention is clear—including ballots that don't meet confusing technical requirements, unless there is evidence of fraud.
>
> The GOP member of the House task force, William M. Thomas of California, believes this approach would benefit Democrat McCloskey. Hence, his argument that in order for a paper or punchcard ballot to be counted it should bear either a precinct designation or the initials of both a Democratic and Republican poll official.
>
> But the procedure that Representative Thomas proposes would satisfy neither the technical demands of Hoosier law nor the more lenient standard of counting all votes in which the voters' intentions are clear, regardless of technical defects. In fact, it would add new knots to what is already a legal and political tangle.
>
> Much of that confusion stems from the fact that during recounts following the November 6 contest, election officials in different jurisdictions used different standards for determining which ballots were valid. Technical defects that caused ballots to be thrown out in some precincts were ignored in others.
>
> The guidelines adopted by the House task force for a final, definitive recount (by the General Accounting Office, a congressional agency) would impose badly needed order and at the same time disenfranchise the smallest possible number of voters—those, for instance, who voted for both congressional candidates or whose ballots were mutilated. That appears to be the fairest possible solution.
>
> But whoever wins this contest, Indiana's General Assembly should move quickly to avert such confusion in the future. If legislators decided to retain the requirement that paper and punchcard ballots be initialed and bear precinct numbers, they must derive a system for enforcing these standards. In the McCloskey-McIntyre race, 75 percent of the poll workers in Vanderburgh County allegedly failed to show up for pre-election instructions. It comes as no surprise, then, that a substantial portion of the 5,000 ballots rejected by Hoosier officials were cast in Vanderburgh County.
>
> Voters in both parties have a right to be thoroughly disgusted.

MORTGAGED AGRICULTURAL COMMODITIES

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, my colleague and good friend from Wisconsin [Mr. GUNDERSON] and I, are introducing legislation today that amends the Agriculture and Food Act of 1981 to effectively provide traditional protection to good faith agricultural purchasers of farm products, and commission merchants who act as agents in selling farm products. Recognizing the inequitable and capricious situation caused by section 9-307 of the Uniform Commercial Code, our legislation is specifically aimed at creating an equitable distribution of risk and responsibility among lenders, debtors, and buyers alike.

As a result of the depressed farm income situation of the past few years, agricultural production lenders and good faith buyers of farm products have increasingly found themselves pitted against one another. Farm lenders have been placed in financial jeopardy because some of their borrowers have sold farm products pledged as collateral without applying the sales proceeds to their indebtedness. Bona fide buyers of farm products have had

to contend with the risk of paying twice for their purchases—once to the seller and again to the lender who held a security interest in the commodity they purchased due to the anomalous and inequitable situation caused by section 9-307(1) of the Uniform Commercial Code [UCC].

As a general rule, article 9 of the UCC fosters an open market rule which permits good faith purchasers to take goods free and clear of perfected security interests. This general rule does not, however, hold true for good faith purchasers of farm products. By virtue of the farm products exception, buyers of farm products must search for liens or bear the risk of having to pay twice for their farm commodity if a lien exists. In effect, the buyer of farm products becomes the involuntary guarantor of a loan about which he knew nothing, in which he had no input as to the advisability of the loan or the limit of the credit granted, and for which he receives no compensation in the form of interest to cover risk exposure and jeopardy he has involuntarily and unknowingly assumed.

As the mortgaged farm products problem has grown, so has the concern of buyers and commission merchants. They have increasingly sought legislation to protect themselves and to unfetter the flow of agricultural commodities. Prior to 1983 only six States had enacted legislation specifically aimed at creating an equitable distribution of risk and responsibility among lenders, debtors, purchasers, and commission merchants alike. More recently, numerous States have modified, or are now involved in the long and complicated process of modifying, their commercial codes to address the problem. However, because of the disparate approaches used by the individual States the value of all this legislation is uncertain—the UCC has become even more anomalous. And this problem is particularly compounded as a result of the increasing utilization of interstate livestock and commodity markets.

The legislation that we are offering today, amends title XI of the Agriculture and Food Act of 1981 to effectively provide traditional protection and creation of equitable distribution of risk and responsibility among lenders, sellers, purchases, and commission merchants alike by preempting the farm products exception of the UCC, yet providing a mechanism under which lenders may choose to protect their security interests through notice to potential buyers that a lien exists and what steps the buyer or commission merchant must legally take to satisfy that security interest. However, the bill does not prescribe the manner in which a lender must notify the buyer. This is to allow lenders the maximum flexibility to set up systems which best meet their individual needs. Furthermore, it also provides that a seller may notify the buyer of the security interest in order to protect himself and his credit rating.

IMMEDIATE UNITED STATES-MEXICO TRADE SUMMIT NEEDED

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. COLEMAN of Texas. Mr. Speaker, I am today introducing legislation, along with many of my colleagues, particularly the gentleman from New Mexico [Mr. SKEEN] who are members of the Border Caucus, that calls for an immediate United States-Mexico trade summit.

Mr. Speaker, recent developments along the United States-Mexico border have underscored the urgency of confronting the looming crisis in United States-Mexico relations. Our national security is at stake, and an immediate bilateral trade summit is the necessary first step toward achieving the stability in our relationship that is so vital to us both.

If the recession of 1982 suggested the interdependence of our two national economies, the subsequent peso devaluation provided it. How many more crises do we need before we start treating each other with respect, starting with an immediate trade summit to maximize our economic benefit to each other?

The next few years will be a watershed for United States-Mexico relations. We must intensify our efforts to find common ground before it's too late, and an immediate bilateral trade summit is the best place to start.

Mr. Speaker, the recent developments along the United States-Mexico border has highlighted the urgency of coming to grips with the looming crisis in our relations with Mexico. As Alan Riding, author of the acclaimed Distant Neighbors warns:

> For the United States, "understanding" Mexico—and its distant neighbor—has become a matter of self-interest and even of national security.

Mexico is the most important of the developing nations with which we trade; overall, Mexico is our third largest trading partner in the world as well as our single largest foreign supplier of oil. Its economic growth will increasingly influence the U.S. economy through the level and composition of trade.

Most experts believe that stress in the relationship between the United States and Mexico is ultimately linked to trade. Mexico feels that the United States has no serious interest in its internal development; on the other hand, we tend to believe that Mexico's narrow focus on bilateral relations is counterproductive during negotiations on trade issues.

There is an interdependence here on this border of ours, a cultural and economic relationship that exists whether Washington or Mexico City likes it or not. This interdependence, which represents our ability to talk to one another and work together on a local level, often causes us to wonder in what kind of world the bureaucrats in those capital cities live.

Individuals talk to each other on an informal basis. Nations, particularly close ones, speak to each other through formal channels, usually through their foreign ministries or Departments of State. When nations cannot communicate, just like with individuals, problems arise.

It was this precise lack of communication on both sides that precipitated the most recent border crisis—the long delays caused by well-intentioned but misguided efforts to locate a kidnapped U.S. DEA agent. Why didn't our Government have a better means of communicating with our southern ally and third-largest trading partner, than to unilaterally close our borders to commerce and travel?

If we did a better job of managing our relations with Mexico, and vice versa, a cornucopia of benefits would flow, including the vitally needed enhancement of border economic development.

The first step toward establishing this era of improved relations is an immediate trade summit with Mexico. Trade is the heart of our relationship with Mexico, and I have introduced a House Concurrent Resolution calling for an immediate bilateral trade summit with Mexico.

Among the issues that demand immediate attention include:

A discussion of the relationship between Mexico and the Agreements on Tariffs and Trade to which they are not a party;

A discussion of the pending graduation from the Generalized System of Preferences of those Mexican products currently covered under the system;

The promotion of direct investment in Mexico by U.S. businesses;

A discussion of the construction of international bridges as a means to alleviate trucking and transportation poroblems;

Promotion of the development of industry along the United States-Mexico border regions to encourage increased employment opportunities;

A discussion of the issue of establishing a free-trade zone along both sides of the border;

A discussion of the policies related to the development of the petroleum industry and alternative energy sources in the United States and Mexico; and

A discussion of the issues related to pollution arising from sources within the United States or Mexico that affect the other country, including water pollution, air pollution, soil pollution and sewerage.

If the recession of 1982 suggested the interdependence of our two na-

tional economies, the subsequent peso devaluations proved it. How many more diplomatic or economic crises do we need before our national governments realize that we need to treat each other with respect and establish formal and continual lines of communication, starting with the formalized trade treaty to clarify and maximize each country's economic benefit to each other?

Because our two countries' commercial relationship is so strong, conditions affecting trade ultimately influence political and diplomatic relations. The next few years will be a watershed for United States-Mexico relations.

The size of our trade deficit, the strength of our currency, the aging of our industrial infrastructure and problems with labor and unemployment will make it progressively more difficult to deal with Mexico in an open-minded fashion. Likewise, as Mexico struggles to deal with its huge debt, social unrest due to the IMF austerity program, and a huge number of people reaching working age without any prospect of finding a job, it will be less able to meet us on our own terms. it is time to establish a dialog and to formally acknowledge and accommodate for the changes that will be taking place.

Economic issues are not the only problems that need to be addressed, although our relationship hinges on trade. The Mexican Government has taken a leadership position in Latin American affairs, its membership in the Contadora group and its temporary loan to Argentina being two good examples. A closer alignment of our foreign policies could have positive results. Concerns with transboundary pollution are mounting and a compromise between Mexico's legitimate development needs and our own concerns over clean air and water needs to be struck. Trucking and transportation problems are a foregone assumption in daily cross-border commerce. In fact, the sheer number of issues that need to be addressed are justification enough for this legislation.

In closing, I would like to submit for the record Alan Riding's introduction to "Distant Neighbors." In our consideration of this bill, let us heed his warning that like never before, our national security is at stake in our relations with Mexico. An immediate bilateral trade summit is the necessary first step toward achieving the stability in our relationship that is so vital to us both.

Thank you very much.

FOREWORD

Probably nowhere in the world do two countries as different as Mexico and the United States live side by side. As one crosses the border into Mexico from, say, El Paso, the contrast is shocking—from wealth to poverty, from organization to improvisation, from artificial flavoring to pungent spices. But the physical differences are least important. Probably nowhere in the world do two neighbors understand each other so little. More than by levels of development, the two countries are separated by language, religion, race, philosophy and history. The United States is a nation barely two hundred years old and is lunging for the twenty-first century. Mexico is several thousand years old and is still held back by its past.

Over the past 150 years, Mexico has come to know and feel American power: in the nineteenth century, it lost half of its territory to its northern neighbor; in the twentieth century, it has become economically dependent on the United States. In contrast, the United States until recently barely looked south. Mexico's stability was taken for granted, its flourishing economy welcomed American investment, credits and products, its foreign policy was no more than a minor irritation, its rural poverty provided American farmers with cheap labor. Even after massive oil finds gave Mexico new political stature and economic impetus in the late 1970s, there seemed to be little reason to "understand" Mexico and the Mexicans.

Today, things are different. The failure of Mexico's postwar economic model has thrust the country into its most serious crisis since the 1910 Revolution. Not only are millions of poor Mexicans finding the daily struggle for survival increasingly difficult, but industrial workers, bureaucrats and the middle classes in general have watched new dreams of prosperity abruptly recede. The country's political system seems also to have lost some of its legendary flexibility and sensitivity. In the process, the people's faith in their leaders has been badly eroded. Mexicans have been extraordinarily tolerant of bad and abusive government, but their paitence is being tested more than at any time in memory.

The implications for the United States are self-evident. Already, Washington fears that the violent struggle between Left and Right in Central America could spread to Mexico. And although the "domino theory" is less worrisome than the ingredients for unrest apparent inside Mexico's own frontiers, the repercussions in the United States would be little different. A tidal wave of Mexicans of all classes entering the United States would be impossible to contain. The United States' huge industrial, financial and commercial stakes in Mexico would unavoidably be threatened. The flow of oil from Mexico, now the United States' single largest foreign supplier, could be affected. The United States-Mexico border, which epitomizes the growing interdependence between the two countries, could suddenly be militarized, provoking serious tensions between the Hispanic and Anglo populations within the United States. And in response to chaos next door, Washington might be tempted to intervene, which would aggravate and prolong instability.

For the United States, "understanding" Mexico—its "distant neighbor"—has become a matter of self-interest and even of national security. To avoid policies that could prove counterproductive, the United States must learn to look beyond the surface crisis to the inner subtleties of an ancient, complex and unpredictable nation. To gain insight into Mexico's future, it must sift through the country's entire past and present for clues. The task is not easy. Mexico does not surrender its secrets willingly, because they are the secrets to its survival. It is fierce in its judgment of itself, but resents the probings of foreigners as assaults on its defenses, Yet Mexico is of such importance to the United States that it cannot be permitted to remain permanently shrouded in mystery.

The purpose of this book is to make Mexico more accessible to non-Mexicans. It is inspired not be a desire to expose the country's vulnerabilities but by the belief that Mexico would also be served if better understood by its northern neighbor. In a sense, the book represents a search for an invisible "black hole" that embraces the entirety of Mexico in a single concept: to know what it contains requires a journey through the history of the country, through the minds of its people and through the diverse sectors of society. Each elements can be analyzed in isolation, but it can be understood only when related to all the others to form an idea, at once diffuse and precise, of Mexico today.

□ 1310

THE BUSINESS TAX RECORDS REDUCTION ACT OF 1985

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, the approval of the Tax Reform Act of 1984 by the 98th Congress in June of last year provided for numerous and far-reaching changes in our tax system. While I am generally in favor of measures to eliminate the deficit and reform our present tax system, I felt many of the provisions in the Tax Reform Act were unsound and, therefore, voted against this legislation. Section 179 of the Tax Reform Act is one provision in particular which I believe creates unnecessary hardships for the taxpayer.

As you are aware, this section of the Tax Reform Act provides for changes in the Internal Revenue Service rules and regulations on the taxation of automobiles used for business purposes. The changes in the Tax Code as established in the Tax Reform Act, require taxpayers to substantiate any tax credit or deduction for business use of listed property with adequate contemporaneous records. In order to comply with this requirement, taxpayers must maintain cumbersome logs or journals with individual entries specifying names, purposes, mileage, and times for property used for personal and business purposes.

The simplicity of our tax system is an important aspect to consider when making changes in the Tax Code. The simplicity can be measured by how well taxpayers understand the tax system and how easily they can comply with its provisions. A finance minister to Louis XIV once wrote, "the art of taxation consists in so plucking the goose as to obtain the largest amount of feathers with the least possible amount of hissing." Mr. Speaker, during the past few weeks I have re-

ceived hundreds of letters from farmers, electricians, plumbers, salesmen, painters, doctors, and a list of others attempting to comply with these recordkeeping requirements. Regardless of the particular field of work, the complaints I am hearing from my constituents are all the same. These taxpayers are frustrated from daily attempting to maintain meticulous records for each business related trip they make in their automobile. The upkeep of these records requires a great deal of time as well as large amounts of paperwork.

The contemporaneous recordkeeping requirement is one of the complications in our current tax system which exemplifies the necessity for a major overhaul of the clanking, antiquated Federal tax machine. It is absurd for this Congress to allow the Federal Government to continue reaching into the pockets of the American taxpayer through the present chaotic system of revenue collection. Honest taxpayers find it shot with loopholes, dishonest ones find it easy to evade and everybody finds it aggravating to figure. Provisions such as this unduly burdensome recordkeeping requirement, actually promote tax evasion and dishonesty as well as a contempt for our revenue collection process.

The taxpayer's perception of fairness in the tax laws is one of the major factors influencing compliance with our tax system. The taxpayers displeasure with the tax system is evidenced by the amount of tax cheating. As you know, this difference between what taxpayers owe and actually pay is commonly referred to as the tax gap. Over the past 10 years, the tax gap has increased some 200 percent and is currently running at nearly $100 billion per year. Mr. Speaker, these tax gap estimates indicate to me that the American taxpayer does not perceive our tax system as being fair at all.

"Taxes," Justice Oliver Wendell Holmes once wrote, "are what we pay for a civilized society." The majority of Americans, Mr. Speaker, are beginning to wonder whether or not civilized society is now being sacrificed for taxes. Accordingly, we must initiate measures to reform our tax system. The impetus for tax reform in the 99th Congress is more so than any Congress since the Vietnam war. The time has come for the Members of this body to dedicate their efforts to reforming the present system. Congress can no longer ask the taxpayer to comply with this outdated method of financing our Government. While I recognize no one will ever be happy about paying taxes, I do believe we can restore to the taxpayer the pride we have all felt before in knowing that we are making a legitimate contribution to this great country. It is imperative that we strike a balance between collection of necessary revenues, and the equity, efficiency and simplicity required for a fair tax system. Otherwise, taxpayers will continue to express their disdain for our tax system through blantant tax cheating.

We can take the first step toward reform, Mr. Speaker, by relieving the American taxpayer of the hassles of adhering to these recordkeeping requirements. Accordingly, I have introduced the Business Tax Records Reduction Act of 1985, H.R. 783, to repeal section 179 of the Tax Reform Act. I am concerned that our Tax Code be sound enough to force strong compliance with regulations for deductions relating to automobiles used for business purposes. I do not, however, believe we should continue to unduly burden the American taxpayer with this bothersome recordkeeping requirement.

POLITICAL CHARACTER OF NICARAGUAN REGIME IS KEY TO PEACE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUNGREN. Mr. Speaker, Arturo Jose Cruz, former junta member and Nicaraguan Ambassador to the United States, is an excellent spokesman for the Democratic political opposition to the Sandinista regime and knows what the basic problem facing Nicaragua is today. As he posed the question: "How can the Nicaraguan people achieve the democracy for which they have struggled so long? Until that is accomplished, there will be no peace in Central America."

The political character of the current Nicaraguan regime is really the key to peace in the region since, there is in reality, two revolutions in Nicaragua: The as yet incomplete Sandinista revolution and the popular Nicaraguan revolution which overthrew Somoza. The force of the latter has turned on the Sandinistas for their betrayal of the ideals agreed upon in 1979.

A recent Washington Post editorial points out that the insurgency in Nicaragua is not the product of U.S. intervention; rather, it is the revolt of Nicaraguans against oppression by other Nicaraguans.

Perhaps it is only fitting to let the editorial speak for itself:

The Sandinistas' claim the crisis in Nicaragua arises from their conflict with the United States. This is not so. It arises in the first instance from their conflict with their fellow citizens, especially with the democratic people who fought the Somoza dictatorship, whose leaders served the Sandinistas in the early period and who turned against the Sandinistas only when they found the democratic promise of the revolution being denied.

Mr. Speaker, I include the rest of the editorial in the RECORD following my remarks:

A FAIR OFFER TO THE SANDINISTAS

The Sandinistas claim the crisis in Nicaragua arises from their conflict with the United States. This is not so. It arises in the first instance from their conflict with their fellow citizens, especially with the democratic people who fought the Somoza dictatorship, whose leaders served the Sandinistas in the early period and who turned against the Sandinistas only when they found the democratic promise of the revolution being denied. This needs to be understood in order to see the importance of the offer the democrats have just made to the Managua regime.

The offer comes from a newly, finally unified group including the political opposition led by Arturo Cruz and major branches of the armed resistance. Its essence is a proposal for a unilateral cease-fire by the contras to be followed by a political dialogue presided over by the bishops. The proposal is, in our view, entirely fair and reasonable. The Sandinistas protest the war? Here is an offer to stop it. How must they pay? Only by joining a process that points to the original goals of their own revolution. Their own man, Daniel Ortega, can remain president as the process unfolds. The proposal offers more than a chance for national reconciliation. It lets Nicaraguans remove their fate from foreign hands and restore it to Nicaraguan hands alone.

The Sandinistas' initial response to the proposal was to bar Arturo Cruz from returning to Nicaragua to announce it and to summon some of its local supporters to state security headquarters on grounds that they were participating in a U.S.-sponsored plot to overthrow the Sandinista government. Think of it: An offer by the opposition to put down arms and to start talking about achieving the Sandinistas' own early promises is dismissed as a hostile conspiracy.

How do the Sandinistas intend to explain to the Nicaraguan people a refusal to enter a dialogue on such a reasonable basis? How can any other independent-minded Latin country—must that exclude Cuba?—fail to support this proposal? In El Salvador, the government accepted a dialogue without even getting a cease-fire in return. The government in Nicaragua is being offered a better deal. Perhaps it will think again before delivering a final rejection.

And—the inevitable question—if the rejection is final? No doubt some will argue that the Sandinistas' failure to take the offer seriously makes American support of the contras unarguable. The drafters of the Nicaraguan opposition proposal, however, are shying away from that claim. Desperately, they are making a "last effort to grant to our country a civilized solution."

□ 1450

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DIOGUARDI] is recognized for 5 minutes.

[Mr. DIOGUARDI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I wish to make the following statement concerning the missing of two votes. I was at the State Department honoring the President of Argentina and missed two rollcalls, Nos. 33 and 34.

Mr. Speaker, had I been present, I would have voted "aye."

THE VOTE ON THE JOURNAL: A PROCEDURE ABUSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. REID] is recognized for 5 minutes.

Mr. REID. Mr. Speaker, on February 26 of this year one of my constituents traveled nearly 3,000 miles to Washington specifically to see me about a critical issue, but he did not. It was not because I did not want to see him, because I did. It was not because I did not have adequate preparation to discuss his problem, I did. It was because on that day, as the day before and 7 other days within a month's time. I was called away from something very important to become captive, once again, to an abusive practice, an abuse inflicted upon the entire House of Representatives and the legislative process itself, voting on the Journal.

Let me illustrate with a few more examples of my activities that were disrupted during that 1 month's time, interrupted by bells and beepers indicating a yea/nay vote on the Journal:

A meeting with Egypt's Minister of Foreign Affairs, another committee meeting where Secretary of Defense Caspar Weinberger was explaining his request for international security assistance; a Science and Technology hearing where I was testifying on a 55-mile-per-hour speed limit; to name only three examples.

My list goes on and so do those of other Members whose agendas were interrupted by such inane calls for yea/nay votes on the Journal. Maybe this is a good place to explain the function of the Journal and why our presence on the floor of the House of Representatives to vote on the Journal is totally unnecessary.

The Journal is the official record of proceedings in the House as maintained by the Clerk, and is a document mandated by the Constitution which requires that from time to time the Journal must be published.

However, as far as approval goes, the Constitution does not even address this consideration. It is under the rules of the House that the Speaker approve the Journal.

However, we all recognize that the Journal or more specifically approval of the Journal can be used as a procedural tool; that is, Members that want to express disfavor with the preceding day's business can call for a vote, thus officially expressing their displeasure. That is where the problem begins, when displeasure based on legitimate grounds turns into an ongoing political protest mechanism, a means to irritate other Members of the House and interrupt the multilevel functions of the legislative process.

I have done some research that shows just what this political thorn in our sides is costing us, the process and the American people we represent.

Let us look at the 2d session of the 98th Congress. During that legislative period we had 463 rollcall votes and of those votes, other than quorum calls, as many as 1 in every 8 votes was a vote on the Journal. During this, the 1st session of the 99th Congress, nearly 1 out of every 3 votes has been a vote on the Journal. I would like to state my example further by computing what this figure means in terms of time.

Each time we vote here we are allowed 15 minutes from the time the first bell rings to enter our voting preference. In the 2d session of the 98th Congress more than 10,000 Member votes were cast on Journal votes. Simple multiplication tells me that in terms of minimal voting time this converts to more than 2,500 Member-hours wasted on Journal votes. And the problem has mushroomed in the 99th Congress. Already this session, in just a month's period of time, more than 3,200 Member votes have been cast on Journal votes, costing the Nation more than 800 Member-hours of otherwise productive time.

This is a time when we are all crying the woes of the budget deficit and the need for fiscal responsibility. Yet is it not a strange dichotomy that we spent so much of our time not working to resolve these matters but rather voting on the Journal?

What an insult to our legislative process to hold the Members of the House hostage to this disruptive practice, a practice that does not lend itself in any way to our congressional duties.

What an insult to the very designers of this democratic form of government. Yet so far in the 99th Congress we have spent nearly one-third of our votes on approval of a document; we are reiterating our daily proceedings.

What an insult to the process and the people of this Nation that we Members of Congress must be required to vote on that document and needlessly delay critical action on issues that really impact on this Nation, issues like education, scientific development, military protection, food for the hungry, and so much more.

What an insult to our constituents who send us here to represent them and their interests and create legislation to meet their needs.

One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague from Pennsylvania [Mr. WALKER], who speaks constantly of the need to do away with Government waste. His calling for votes on the Journal is the most wasteful Government practice I have seen because, as we all know, the Journal is always approved.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Nevada yield?

Mr. REID. No, Mr. Speaker.

Mr. WEBER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman demands that the words be taken down.

The Clerk will report the words objected to.

Does the gentleman from Nevada desire to withdraw the words that are offensive to the gentleman from Minnesota [Mr. WEBER]?

Mr. REID. I do not, Mr. Speaker.

□ 1500

PARLIAMENTARY INQUIRY

Mr. WEBER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Minnesota will state his parliamentary inquiry.

Mr. WEBER. Mr. Speaker, would it be in order, in view of the gentleman's statement a minute ago, for me to ask unanimous consent that he be permitted to withdraw his words?

The SPEAKER pro tempore. Yes. The Chair would entertain such a motion.

Mr. WEBER. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to withdraw his words.

Mr. REID. What if I do not want to?

The SPEAKER pro tempore. Does the gentleman in the well ask unanimous consent? He would be the one who would have to propound the unanimous-consent request.

Mr. REID. Mr. Speaker, I respectfully submit that I appreciate the request of the gentleman from Minnesota, but I do not think I said anything offensive, and I would ask for a ruling on that.

The SPEAKER pro tempore. The Chair will rule.

The Clerk will report the words.

The Clerk read as follows:

> One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague from Pennsylvania, Mr. WALKER, who speaks constantly of the need to do away with government waste, and he is literally speaking out of both sides of his mouth.

The SPEAKER pro tempore. The Chair would announce that it is not proper to impugn the motive of another Member. We have precedents here in the House. Mr. Knutson of

Minnesota: "I cannot believe that the gentleman from Mississippi is sincere in what he has just said." And that was held not in order on November 2, 1942.

The Chair must state that the words of the gentleman from Nevada have, in his opinion, an unparliamentary connotation and shall be stricken.

Without objection, the gentleman from Nevada may proceed. Do I hear an objection?

Mr. WEBER. Yes. Mr. Speaker——

Mr. SPEAKER pro tempore. The gentleman reserves the right to object.

Mr. WEBER. Would the Chair clarify the parliamentary situation in which the gentleman from Nevada finds himself?

The SPEAKER pro tempore. Yes. The Chair has ruled that the gentleman from Nevada misspoke on the words "speaking out of both sides of his mouth," and therefore those words shall be stricken.

The Member only can proceed by permission of the House.

For what purpose does the gentleman from Washington rise?

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada may be permitted to proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington that the gentleman from Nevada be allowed to finish his remarks?

Mr. LUNGREN. Reserving the right to object——

The SPEAKER pro tempore. The gentleman from California reserves the right to object.

Mr. LUNGREN. As I understand the parliamentary procedure, the gentleman in the well has refused to withdraw his remarks.

The SPEAKER pro tempore. I would say to the gentleman that the Chair has ordered them stricken.

Mr. LUNGREN. I understand that, Mr. Speaker. But as I understand the parliamentary situation, the Chair has ordered that, but the gentleman in the well has refused to withdraw those remarks, and it is my recollection on this floor that on those previous occasions when we have been confronted with this, the gentleman in the well on those previous situations has asked to have his remarks removed, and at that point in time there was then a request to allow him to speak further.

In my 6 years here, I have not seen a situation where there has been a refusal to withdraw those remarks and then allowed the gentleman to proceed further. In the comity of the House, I may be required to object, and I would just ask the gentleman in the well prior to that time whether at this time, having the ruling of the Chair, he would ask himself that those remarks be withdrawn.

The SPEAKER pro tempore. Let the Chair restate what has occurred here.

The gentleman has propounded a parliamentary inquiry, and the Chair has responded that the Chair has ruled that those words are offensive and shall be stricken. It is not a matter of further debate.

Mr. LUNGREN. I understand. I am still proceeding under my reservation, Mr. Speaker.

The SPEAKER pro tempore. The question occurs now on whether or not the gentleman is allowed to proceed, with the understanding that those words have been stricken.

Mr. LUNGREN. I understand that, Mr. Speaker, and under my reservation, I would ask the gentleman in the well whether he would himself ask that those words be stricken.

The SPEAKER pro tempore. It is no longer necessary. It is a moot question. The words have been stricken from the record.

Mr. LUNGREN. Mr. Speaker, I am asking the gentleman if he is going to proceed in the manner I asked, and if he is not, I am going to be constrained to object.

So, Mr. Speaker, under my reservation, I ask the gentleman at this point in time whether he would agree to withdraw his remarks, even though I am perfectly understanding of the parliamentary situation.

I ask that question of the gentleman in the well under my reservation.

The SPEAKER pro tempore. It is not in the parliamentary procedures or rules of the House for any further debate on this matter. The Chair has ruled affirmatively that the words shall be stricken.

The only question now before this House is whether or not——

Mr. LUNGREN. Mr. Speaker, you have constrained me to object, and I do object at this time.

The SPEAKER pro tempore. Does the gentleman object to further proceedings?

Mr. ALEXANDER. Regular order, Mr. Speaker.

Mr. LUNGREN. I object.

The SPEAKER pro tempore. Objection is heard.

THE ORDERLY BUSINESS OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, I recognize the gentleman from Nevada [Mr. REID]. I yield to the gentleman from Nevada.

Mr. REID. I appreciate the gentleman yielding.

The SPEAKER pro tempore. The gentleman cannot be yielded to at this time. Without objection——

Is there objection to the gentleman from Arkansas yielding further to the gentleman from Nevada?

PARLIAMENTARY INQUIRY

Mr. ALEXANDER. Mr. Speaker, I have a parliamentary inquiry.

Do I not have a right to yield to any Member of this House?

Mr. LUNGREN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will rule that if a Member in this particular case has been precluded from continuing, he cannot be yielded to on this subject without unanimous consent.

It the gentleman wants to propound the unanimous-consent request, and hearing no objection, he could yield.

Is there objection to the request of the gentleman from Arkansas to yield to the gentleman from Nevada? The Chair hears none.

Mr. LUNGREN. Reserving the right to object, Mr. Speaker——

The SPEAKER pro tempore. The gentleman reserves the right to object.

Mr. LUNGREN. Mr. Speaker, under this reservation, I will only state that there is a certain comity that is supposed to reign on this floor, and when that comity is upset and there is a refusal by the person who upset that comity to understand what it is we are doing here and acknowledge that, then I am going to be constrained to object on this.

I was just trying to ask the Speaker his indulgence a few moments ago so that the gentleman from Nevada could in fact do what I had requested him to do.

The Speaker evidently at that point in time was not going to give us that opportunity, and until we right that at this point in time, I will be constrained to object, and I do object at this time.

The SPEAKER pro tempore. Objection is heard.

Mr. ALEXANDER. Mr. Speaker——

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I have not announced the subject which I intend to address. How can the Chair rule against me yielding to another Member when the Chair does not know the subject that I intend to address?

The SPEAKER pro tempore. The Chair would announce to the distinguished gentleman from Arkansas that, under the rules of the House, at any time a Member's words are taken down, under the rules he is not permitted on that particular legislative business day to speak to the House without permission of the body. An objection was heard to the unanimous-consent request.

Mr. ALEXANDER. Mr. Speaker, I wish to congratulate my colleague from Nevada for making an excellent point that needs to be made.

Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. The House will be in order.

Mr. ALEXANDER. I thank the Chair.

I wish to congratulate my friend, the gentleman from Nevada, for making an important point that needed to be made.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I will yield to you in a moment.

Because the process and business of this House has been interrupted time and time again by unnecessary votes on the Journal and other procedural and dilatory tactics that are wasting the time of this institution, that are costing the taxpayers unnecessary dollars to be paid for continuing business on the floor of this House, which is unnecessary, and for causing inconvenience to Members.

I recall just a couple of weeks ago on a very important matter—if you read the newspaper today, you can see that the most preeminent issue facing the American people today is the vote on the MX, which might be taking place in the other body at this moment.

A couple of weeks ago I was in committee, on the Appropriations Subcommittee on Military Construction.

Mr. Speaker, may I have order?

The SPEAKER pro tempore. The gentleman's point is very well taken. The House is not in order.

Will the gentlemen in the left aisle please take their seats?

The Chair recognizes the gentleman from Arkansas.

Mr. ALEXANDER. I was attending a top secret briefing by some of the top military advisers of our Nation on the question of the MX, which is one of the most preeminent issues facing the American people today.

□ 1510

The President wants to spend $1.5 billion to buy 21 more MX's, and beyond that, about another $3 billion to buy 48 additional MX's. I was listening carefully to the most expert advice available to Members of Congress and to the Joint Chiefs of Staff on this vital question, when, in the midst of the presentation before our Subcommittee on Military Construction, a vote on the Journal was called by the gentleman from Pennsylvania [Mr. WALKER].

The chairman of the committee adjourned the Subcommittee on Military Construction. Every member of that committee vacated the hearing and proceeded to the Capitol in order to vote on the Journal. It was unnecessary; it was unproductive. It cost additional taxpayer dollars. In addition, it interrupted a very important briefing of members of the Military Construction Subcommittee on the question of the MX, a vital issue to the future of our country.

Mr. WEBER. Mr. Speaker, will the gentleman yield now?

Mr. ALEXANDER. I will yield to the gentleman when I am finished. I promise to yield to you if I have time.

Mr. WALKER. Will the gentleman yield to me since he has mentioned my name?

Mr. ALEXANDER. I will yield to both of you in just a minute when I have finished my statement.

Do you understand that I will yield to you in a moment? Is that clear to you?

I want to say to this body that the tactics of the gentleman from Pennsylvania have disrupted the orderly business of this body and have caused inconvenience to me on an issue that is important and vital to the American people.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I am sorry that the gentleman will take umbrage in a way that is a personal attack on the gentleman.

This gentleman does not——

Mr. ALEXANDER. I have not attacked the gentleman from Pennsylvania; I do not yield any further.

I have merely stated that your tactics are an inconvenience to this Member on an issue that is vital to the American people and I resent it as a Member of Congress.

I yield to the gentleman.

Mr. WALKER. I thank the gentleman very much for yielding.

It certainly is nice to know that as he points his finger and screams that he is not personally attacking me.

Mr. ALEXANDER. If I was personally attacking the gentleman from Pennsylvania, you would not be in doubt about it.

Mr. WALKER. OK. I thank the gentleman.

Would the gentleman yield now?

Mr. ALEXANDER. I yield to the gentleman.

Mr. WALKER. I understand why many times the majority side is not particularly anxious to find out whether there is a quorum in town. We see time and time again that there are very few people on the House floor during the debates and every once in a while on the minority side, we think that it is important and it is important to the taxpayers to know whether or not their Member of Congress is in town and is here to do business.

In fact, we have found on some occasions that very few Members were in town when it came time for the business of the House to be done. I think the American people who are paying us some $75,000 a year expect us to be here, and I think that a large portion of the American people expect us to be on the floor doing business.

Mr. ALEXANDER. I do not yield further. Your remarks are irrelevant to the issue that I raise here today.

Does the gentleman from Wisconsin wish to be recognized?

Mr. WEBER. The gentleman from Minnesota would like to be recognized.

Mr. ALEXANDER. I yield to the gentleman.

Mr. WEBER. I thank the gentleman for yielding.

You know, I understand that everybody gets a little irritated at these votes from time to time, but, really, the rules under which we call for Journal votes are written by the Democrats; the schedule on this floor is made by the Speaker; the schedule in all the committees are written by Democratic——

Mr. ALEXANDER. I do not wish to yield further.

PARLIAMENTARY INQUIRY

Mr. ALEXANDER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ALEXANDER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. ALEXANDER. Thank you.

CONSOLIDATING VA REGIONAL OFFICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LEATH] is recognized for 5 minutes.

● Mr. LEATH of Texas. Mr. Speaker, today I am introducing a bill which, if enacted, would end once and for all the ridiculous proposals emanating from the Office of Management and Budget [OMB] to strip from the Veterans' Administration regional offices throughout the country their major adjudication functions and centralize these functions into three locations. My bill will simply require that the VA have at least one full service regional office in each State.

Under existing law, if the Administrator of Veterans' Affairs plans a major reorganization, such as that being proposed again this year by OMB, he is required to submit to the Congress, concurrently with his budget proposal, a detailed plan and a timetable for the plan. I was the chief sponsor of this provision of law.

In his budget submission for fiscal year 1986, the President proposes a major consolidation similar to the one he proposed for fiscal year 1982. The Administrator's detailed plan and justification was set out in a two-page letter to the chairman of the full committee dated February 1, 1985. In response to that letter, the chairman and ranking minority member of the

full committee informed the Administrator that he had not complied with the law and stated that in their opinion he would be without authority to move with any consolidation of regional office functions during fiscal year 1986. I concurred with that opinion.

That notwithstanding, the Administrator has, through his General Counsel, issued an opinion that is nothing more than smoke, shadows and mirrors. It appears that a decision was made that the two-page letter was detailed enough and the General Counsel has seen fit to write an opinion justifying the decision to consolidate.

Following my remarks, Mr. Speaker, I will insert for the RECORD the letter sent to the Administrator by the chairman and ranking minority member, the General Counsel's opinion that resulted from that letter and the bill I am introducing today. In essence, the Administrator appears to be telling Members of the House and Senate that the decision has been made to consolidate the major functions of the regional offices and, based on some justification which he anticipates will occur in the future, he is going to proceed with the reorganization plan. I see no way to stop this kind of illegal activity except through the legislative process. It should not be that way but we find ourselves in the position of having to do it. The bill I am introducing today would put a stop to this kind of activity once and for all insofar as regional offices are concerned.

I regret this action is necessary, Mr. Speaker, but this is not the first time the Administration has tried to remove the processing of disability and death claims from each State. The Veterans' Affairs Committee rejected such a proposal in 1982 and it was discarded forthwith by the Congress.

I urge all of my colleagues to join me in this effort to keep veterans claims in their home States where as veterans they will have at least a reasonable opportunity to make personal appearances to substantiate their claims for benefits.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 11, 1985.

Hon. HARRY N. WALTERS,
Administrator of Veterans' Affairs, Veterans' Administration, Washington, DC.

DEAR MR. ADMINISTRATOR: Thank you for your letter of February 1 notifying us of your intention to proceed with a planned reorganization of the Department of Veterans Benefits proposed by the President in his 1986 budget request.

In accordance with the provisions of section 210(b)(2) of title 38, before the Administrator may implement an administrative reorganization in any fiscal year, the Administrator must, under certain circumstances, first submit to the appropriate committees of the Congress a report containing a *detailed plan and justification* for the administrative reorganization. Such report shall be submitted not later than the day on which the President, pursuant to section 1105 of title 31, submits to the Congress the budget for the fiscal year in which the administrative reorganization is to be implemented. In addition, no action to carry out the reorganization may be taken after the submission of such report until the first day of such fiscal year.

Mr. Administrator, if the two-page letter of February 1 is supposed to be the detailed plan and justification required under 210(b)(2), it is inadequate. For example, the statute requires that you inform the committee of how the consolidation would enable you to take better advantage of the advances of recent years in management and communications technology, as you suggest it would do. We expect you to set out how the proposed consolidation would further improve the agency's delivery of veterans benefits and provide for continuing high quality service to veterans. We're not aware of any effort being made to purchase high tech equipment that would enable the agency to offset the reduction of employees by 17 percent over the 1986-88 time frame as you indicate in your letter.

The committee would be interested in knowing how the FY 1986 reduction of 624 FTEE would affect each individual station. The committee would like a breakdown by regional office of the total number of FTEE losses over the three-year period. You state that the employee reduction would be accomplished through centralization of the designated functions. The committee expects to have the specifics of how this would be accomplished. We want to know more about the staff reductions projected to take place through attrition. For example, have any surveys been conducted as to how many staff you expect to leave the agency over this three-year period through attrition? Are you aware of any specific data that would indicate the number of voluntary reassignments that would take place? Finally, we would be interested in knowing more details about the specific incentives for employee placement which you envision.

The committee would like to know what sites have been surveyed and/or selected for the three centralized locations where consolidation would take place. You indicate that a task force has been established to develop an implementation plan by July 1985 and that the task force will provide definitive plans on locations and relocation strategies, as well as detailed estimates on translocation and equipment costs. We would suggest to you that under the statute cited above, unless the detailed plan is submitted by the date specified (which has now passed) the agency is without authority to make this move; therefore, the move is not to take place in July of 1986 or at any future time unless there is total compliance with current law.

We would be pleased to discuss this matter with you further should you desire to do so.

Sincerely,

G.V. (SONNY) MONTGOMERY,
Chairman.

JOHN PAUL HAMMERSCHMIDT,
Ranking Minority Member.

OFFICE OF THE ADMINISTRATOR
OF VETERANS' AFFAIRS,
Washington, D.C. March 14, 1985.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR SONNY: Thank you for your letter of February 11 concerning a reported reorganization of the Department of Veterans Benefits (DVB). You raise a number of matters regarding that proposed reorganization.

At the request of Senator Cranston, I recently solicited an opinion from our General Counsel regarding the question of the adequacy of our February 1 letter reporting the proposed DVB reorganization. A copy of that opinion is enclosed.

No final decision has been made as to this specific DVB proposal. It has been agreed that the Veterans' Administration will develop a plan for modernizing its entire operations, and that we will consider various efficiency alternatives, one of which may be DVB consolidation. This effort has just begun and, when it is completed, a decision will be made as to the best course of action to be taken concerning DVB. However, I want to assure you that we will, as always, work closely with the Congress through our oversight committees, and with veterans' organizations to achieve a consensus before proceeding. We will be providing you with additional specifics concerning the DVB proposal. I am sure that you would agree with the Administration's position that there is, today, an urgent need to work with the Congress to find ways to achieve savings in all Federal programs. We will attempt to do our part. However, while management improvements and greater efficiency can be realized in VA programs, I want to assure you that this will never be done, while I am the Administrator, by sacrificing compassionate, timely, and good quality care and services for our Nation's veterans.

Sincerely,

HARRY N. WALTERS,
Administrator.

VETERANS' ADMINISTRATION MEMORANDUM

Date: February 26, 1985.

To: Administrator.

From: Acting General Counsel.

Subject: Request for our Opinion as to the Legal Sufficiency of the VA's 2/1/85 Letters to Congress Reporting Planned DVB and ODM&T Reorganizations Under 38 U.S.C. § 210(b)(2).

1. The attached letters dated February 1, 1985 reported to appropriate VA oversight committees and subcommittees in the Congress two planned VA administrative reorganizations. One letter concerned the planned DVB consolidation of certain functions from 59 regional offices into 3 processing centers. The second reported the plan to close three ODM&T field stations and transfer their functions to two other VA Data Processing Centers. You request our opinion as to whether these two report letters were sufficient to meet the notice requirements of 38 U.S.C. § 210(b)(2). A second, related question is what kinds of VA activity constitute "implementation," or "actions to carry out" a reorganization, since such activity must be delayed under 38 U.S.C. § 210(b)(2)(A) until the first day of the fiscal year for which the reorganization is reported.

2. Section 210(b)(2)(A) of title 38, U.S. Code requires the VA to submit a "detailed plan and justification" to appropriate committees of Congress for certain planned VA administrative reorganizations. The first issue presented by your request is what degree of specificity must such a plan and justification meet in order to comply with this standard. The terms of the clause are not defined in the statute. It must be acknowledged, however, that the meaning of the term "detailed" is somewhat subjective

and is an area where reasonable minds may differ.

3. The legislative history of this provision does not provide a definition as to the standard of specificity or description therefor. This provision was adopted as a Congressional response to an Agency reorganization involving DVB. In that proposal, substantially all DVB regional office functions would have been consolidated into approximately three offices. One of the two subject reorganizations would similarly consolidate significant portions of the local regional offices. It is noteworthy that Congress, in responding to the earlier plan, did not prohibit such a consolidation of DVB, but rather imposed the notice and wait requirement on any future such reorganization plans, such as the one which is a subject of this opinion. Thus, it is apparent that Congress did not intend to block significant reorganizations so much as to gain time to learn of and evaluate such proposed Agency action.

4. Taken together, the language of the statute, the legislative history and the events giving rise to this legislation, it may be concluded that the subject clause requires that any such report of a planned reorganization provide notice sufficient to enable the Congress to effectively and efficiently mount its own fact finding and evaluative efforts regarding the planned reorganization so as to make its own assessment of whether to attempt to block such action by legislative means. This provision establishes a period of time in which Congress is assured of several months for fact finding, evaluation and effecting a legislative response. Thus, while the statute uses the word "detailed," the degree of specificity must be considered in the context of the overall process.

5. It is quite clear that once a report provides notice to Congress of a proposed plan the VA oversight committees have the experience and resources to closely scrutinize, question, and if necessary block any proposed reorganization. Such oversight is effected regularly and effectively in all VA program and budget areas by the VA committees. This effectiveness is amplified by the "work together" and openness attitude which characterizes the VA's relationship with these committees. This significant, effective oversight process by the VA committees, fully available to them during the lengthy consideration period following submission of the reorganization plan, must be considered in calculating the degree of specificity required by the "detailed plan" requirement of section 210(b)(2)(A). The absence of definition of a standard here, coupled with the lengthy waiting period, underlines further the clear intent that much fact finding would ensue following provision of notice of a planned reorganization. Between antagonists, the requirement for a "detailed" plan might never be satisfied. The fact that there is no statutory resolution mechanism in such an event suggests the intent, born of lengthy experience between the VA oversight committees and the VA, that whatever details may be lacking at the outset would be filled in sufficiently for the oversight committees to make a reasonable judgment on the desirability of a reorganization.

6. The conclusion then, is that while the Agency has a duty under section 210(b)(2)(A) to provide a "detailed," report on any significant VA reorganization, the absence of all of the details, should not, given the context of the Congressional evaluation oversight process established by this section, render invalid a report which, in other circumstances, might fail to meet commonly-accepted standards of what constitutes a "detailed" plan.

7. Applying the foregoing to the subject DVB report, it must be conceded that considerable detail is lacking; that substantive discussions of how much FTEE will be affected, or, how particular, critical affected activities would be administered following reorganization would contribute significantly to the understanding of what is proposed. On the other hand, the Agency stands ready to provide more information as that information is obtained. It is noted that the Agency letter admits that the VA lacks some details regarding the DVB plan. The Agency has given notice of its basic objective. There is no doubt as to the overall intended result. The Agency will be obliged to provide additional information regarding this reorganization plan, however, to enable the oversight committees to evaluate it properly.

8. Although not of great length, the ODM&T submission provides somewhat greater detail, and, when considered in light of the whole process, seems to meet the submission requirement of the subject section.

9. The second question is what kinds of VA action constitute "implementation" or "actions to carry out" a reorganization for purposes of the waiting period requirement. The words of 38 U.S.C. § 210(b)(2)(A) provide that the "Administrator may not . . . implement [a covered] administrative reorganization" until he first submits the required report, and further that *"[n]o action to carry out such reorganization* may be taken" after submission until the first day of the fiscal year for which the report was submitted. (Emphasis added.) Obviously, any complex VA reorganization involves a great deal of lead time and much activity ranging from early planning, to preparation for relocation of functions and personnel, to the actual execution of the reorganization with movement of people and equipment. Again, in the absence of a statutory or legislative history definition the purpose of the waiting period would appear to be the best guide to the intended meaning of the word "implementation." By providing for a lengthy waiting period, the Congress sought to preserve its option to "veto" a covered reorganization.

10. In light of this purpose, it would be inappropriate for the VA to obligate sizable government resources for a planned reorganization if, during the waiting period, it became reasonably apparent that the reorganization would be prohibited by the Congress. However, assuming compliance with the notice provision, we do not believe that the statute generally bars the Administrator from taking steps to commence the movement of personnel and equipment on the first day of the next fiscal year. Submission of such a report is an indication that an Administrator has already determined, in accordance with his statutory responsibilities, that serious pursuit of a reorganization may be in the best interests of program implementation and efficient management. Having made that determination he is obligated to proceed with planning and preparations, so as to permit any actual reorganization to be carried out as soon as possible, once the waiting period has expired. As indicated above, the commitment of resources predicated upon implementation of the plan must be tempered by continuing calculations of whether Congress will block the reorganization. But the fundamental duty of the Administrator to effect the correct management structure requires that prudent resource allocation be undertaken during the waiting period in order to realize the benefits of such reorganization as soon as possible.

11. Presumably, the Congress would only rarely take action to block a reorganization which the Administrator has determined would improve Agency management. Moreover, a measured VA commitment of resources is consistent with the statutory language itself. The language calls for the submission of information about the planned reorganization well before it could be implemented legally, and, contemplates the possible generation of extensive additional information during the oversight waiting period. Thus, the statute itself clearly contemplates that the agency will expend resources to evaluate, continue evaluating and otherwise plan actual implementation of the reorganization, well before the date before which no actual implementation could take place.

12. Based upon the above, it is our opinion that VA "implementation" action which is prohibited during the waiting period under 38 U.S.C. § 210(b)(2)(A) is the actual carrying out of the reorganization with movement of people and equipment.

ROBERT E. COY.

H.R. 1568

A bill to amend title 38, United States Code, to require that the Veterans Administration maintain a regional office in each State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VA REGIONAL OFFICES IN EACH STATE.

(a) IN GENERAL.—Section 230(a) of title 38, United States Code, is amended—

(1) by inserting after the first sentence the following new sentences: "The Administrator shall maintain a regional office in each State. Such offices shall be responsible for adjudicating and processing claims for benefits under chapters 11, 13, and 15 of this title, claims for educational benefits under chapters 30, 31, 32, 34, 35, and 36 of this title, applications for loans under chapter 37 of this title, and applications for assistance under chapter 39 of this title.";

(2) by inserting "other" in the last sentence after "establish such"; and

(3) by striking out "such other" in the last sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1985.

TRANSFER OF LAND TO PAYSON, AZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RUDD] is recognized for 5 minutes.

Mr. RUDD. Mr. Speaker, I rise today to introduce a bill which would authorize the conveyance of 31.14 acres of national forest land to the town of Payson, AZ, a community within my district.

The town of Payson is tightly surrounded by the Tonto National Forest, and due to its landlocked position, has little private land available for development.

The parcel of land in question is currently being leased from the Forest Service by the town for use as a public park, and would continue being used for that purpose.

The town has recently purchased several small parcels within this same tract of land, and has thus made good faith efforts to pay market value for its land, when possible; however, this parcel of 31.14 acres is beyond the means of the town for outright purchase. This conveyance would unite the smaller plots purchased by the town, and provide Payson with one contiguous parcel for park usage.

In addition, the town has invested funds in developing public facilities on the land, and has plans for additional improvements, if the conveyance is approved.

This park serves not only the citizens of Payson, but the residents in the surrounding countryside, as well as the many tourists from around the Nation, who visit this area each year.

This conveyance represents an important opportunity for the town of Payson to better serve the public's recreational needs, and I urge appropriate consideration of this bill.

I ask that the text of the bill be inserted in the RECORD at this point.

H.R. 1588

A bill to convey certain lands to the town of Payson, Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

The Secretary of Agriculture is authorized and directed to survey and convey, by quitclaim deed and without consideraiton, to the town of Payson, Arizona, all right, title, and interest of the United States to the lands in Gila County, Arizona, known as North Rumsey Park, and more particularly described as Government Lot 5 of section 33, Township 11 North, Range 10 East, Gila and Salt River Base and Meridian.

SEC. 2.

Title to any real property acquired by the town of Payson pursuant to this Act shall revert to the United States if the town attempts to convey or otherwise transfer ownership of any portion of such title, or if the town permits the use of any portion of such property for any purpose incompatible with the purposes specified in section 3 of this Act.

SEC. 3.

Real property conveyed to the town of Payson pursuant to this Act shall be used only for public open space, park and recreational purposes.

Mr. WEBER. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. REID] be allowed to proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONTINUATION OF SPECIAL ORDER BY THE GENTLEMAN FROM NEVADA, MR. REID

Mr. REID. Mr. Speaker, I finally get a chance to talk and I appreciate that. I was not recognized before because I did accept the ruling of the Chair, and I want the RECORD to reflect that I certainly meant no disrespect to the gentleman from Pennsylvania; I simply meant to state that I thought he was taking contradictory positions. Anything different than that, I apologize to the gentleman from Pennsylvania.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

● Mr. TORRES. Mr. Speaker, I was not present for recorded votes on Thursday, March 7. Had I been present on the House floor, I would have cast my votes in the following manner:

Roll No. 29: Approving the Journal of March 6; "yea."

Roll No. 30: House Resolution 20, to establish the Select Committee on Hunger; "yea."

Roll No. 31: House Resolution 22, to establish the Select Committee on Narcotics Abuse and Control; "yea."●

FLORIDA SENATE PRESIDENT JOHNSTON ADDRESSES THE VITALITY OF THE DEMOCRATIC PARTY IN FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

● Mr. PEPPER. I am very pleased to have this opportunity to insert in the CONGRESSIONAL RECORD, a speech that Senate President Harry A. Johnston II of the Florida Legislature, delivered to the Florida Association of Broadcasters on February 15, 1985. Senate President Johnston addresses the vitality of the Democratic Party in Florida. I agree with my distinguished and close friend, Florida State Senator Jack D. Gordon, who brought this speech to my attention, that it should be inserted in the CONGRESSIONAL RECORD for the benefit of my colleagues and those who read this RECORD.

Senator Johnston received the 1978 Florida Bar Association's Outstanding Lawyer-Legislator Award, and was designated "Most Effective in Debate" in 1981, "Most Valuable Senator" in 1981 and 1983, and "Most Effective in Committee" in 1983. I commend this inspiring message of our illustrious Senate President Harry A. Johnston II to your reading.

FLORIDA SENATE PRESIDENT HARRY A. JOHNSTON II ADDRESS TO THE FLORIDA ASSOCIATION OF BROADCASTERS FEBRUARY 19, 1985

This speech will not be the legislative update you requested. I've chosen, instead, to address a topic that will, in the long run, have a far greater impact on the future of this State—that is, the health of the Democratic Party in Florida.

We've all seen a great deal of public pulse-taking by Democrats lately * * * and heard a premature obituary reading done for us by Republicans.

As you know, one of my Democratic colleagues, Malcolm Beard, changed his party registration 2 weeks ago, and I subsequently removed him from his committee chairmanship. His decision to switch parties, and mine to switch chairmen, drew editorial commentary about the growing meaninglessness of party labels and criticism about the harm of excessive partisanship in the legislature.

Party-watching reached a new level of voyeurism last week, when former FSU President Stanley Marshall, a man who had not been heard of in a decade, made front-page headlines in Tallahassee just for switching parties.

All these things, from the hypochondria of individual Democrats * * * to re-registration based on dissatisfaction with the party * * * to condemnation of meaningless party labels * * * to the new spectator sport of watching voter rolls * * * indicate that there is a dangerous tendency in this State to confuse the national committee and the Florida Democratic Party.

At the national level, clearly the party is troubled. While I can not say that I am in complete concert with the national committee, neither will I apologize for ever having wanted a just society. The task of the national party now is to match our commitment to timeless values with the demands of a changing world.

But if we Democrats hope to recapture the imagination of the people * * * if we hope to shape the American consensus * * * if we hope to lead this Nation again * * * we cannot turn our backs on the most successful 15 years of Democratic leadership our country has known.

I am speaking, of course, about the Democratic leadership of Florida.

Our Florida Democrats have established a tradition of finding practical ways to accomplish idealistic goals. In less than two decades, Democratic leaders such as Bob Graham, Dick Pettigrew, and Hyatt Brown have restructured the concept of State government in three critical ways.

First, thanks to Democratic leadership, Florida has become a State of opportunity * * * providing the freedom and the incentives for our citizens to achieve their full potentials. We have cultivated a prosperous economy through well-managed programs to lure clean, new industry to the State and to promote our products across the continent and across the oceans.

Second, thanks to Democratic leadership, Florida has become a State of fairness. Our party can embrace a Dempsey Barron from Bay County and a Carrie Meek from Liberty City, because we do not treat their constituencies as special-interest groups but as members of the full Florida community. To Florida Democrats, government belongs to

everyone * * * and to no one. Thus, we have consistently pushed for business to pay its fair share. And we have sought fairness even when it hurts our numerical superiority—backing single-member districts in the latest reapportionment, for example, although we knew they would bring more Republican legislators to Tallahassee.

Third, thanks to Democratic leadership, Florida has preserved a high quality of life despite the relentless population surge. We have defended this precious piece of real estate with programs like Save Our Rivers and Save Our Coasts. We have been tough on crime, with uniform sentencing codes and laws to punish rapists rather than their victims. We have beefed up consumer statutes—reining in unscrupulous condominium sales tactics, for example. And we have stood firm on the need for Government action to protect the human dignity of those least able to protect themselves—the elderly, the disabled and disadvantaged, our children.

We did not come of age as a State party without having to clean our own house. But modern Florida Democrats have made it clear that we tolerate no less than the most scrupulous ethical standards. A decade ago, the Democratic legislature impeached an errant Democratic Cabinet member. Faced with some dingy robes on the Supreme Court, the Democratic legislature pressed for comprehensive judicial reform. We have committed ourselves to financial disclosure and to the most rigorous open-government laws in the Nation.

Our accomplishments have set national standards of excellence. Alan Rosenthal, director of the Eagleton Institute of Politics, which has studied the Florida legislature for almost 20 years, told a Senate seminar last month that we have one of the best legislatures—and I quote here, If not the best—in the country. And last year a Harvard study of State governments ranked Reubin Askew as one of the Nation's top 10 Governors of the 20th century—a list that also included Franklin and Theodore Roosevelt.

The Florida Democratic Party produced Reubin Askew, and he helped make us what we are. Florida Democrats gave us Leroy Collins and Buddy MacKay. Where are the Republican leaders of such stature? Surely they are not Claude Kirk, Ed Gurney, Richard Kelly * * *

There is no Republican equivalent to the list of Democratic citizen-soldiers who have served this State—people like Jim Redman, Maxine Baker, Eddie Gong, Terrell Sessums Mary Singleton, Marshall Harris, Louis de la Parte, Phil Lewis, Kenny Myers, Jack Mathews, Bill Sadowski, and Lee Moffitt.

There is no Republican equivalent to the list of Democratic programs as well as people that this State can be proud of. Florida Democrats produced the balanced budget requirement long before it was popular. Florida Democrats have brought Hispanic newcomers into full citizen status by developing job-training programs rather than fretting over an official language for our people. We have not turned our backs on farmers in trouble. And we have shown that Florida Democrats make effective managers of programs that Republicans do not even have the courage to vote for.

Three years ago, they did not have the courage to vote for a sales tax increase—the funding source for a tough criminal justice program to make Florida streets safer.

Two years ago, the Democrats proposed and carried a gas tax hike—the funding source to rehabilitate Florida's network of roads and highways.

Last year, Republicans did not have the courage to levy a fair share from Florida businesses—the funding source for the State's climb toward a national standard of educational excellence.

This year, Dade County Republicans are distributing a pamphlet boasting that their control of State government would mean complete repeal of the corporate income tax—thus shifting the entire funding burden onto the middle class.

Florida Democrats take pride in our past, but we do not dwell there. We understand that change will occur, and that we bear a greater responsibility for shaping our tomorrows than for celebrating our yesterdays. In the words of Reubin Askew:

"To be traditional Democrats, we cannot afford to be traditional. We cannot pretend that past approaches will necessarily serve present needs. If we must have an ideology, then let it be an ideology of ideals, a public philosophy committed to a forward-looking, open-ended and all-inclusive vision of America in which new means are constantly being sought to serve enduring values as new challenges and new circumstances arise."

Florida is a great laboratory experiment for the Nation. As a hot-growth State, we are on the cutting edge of demographic realities, such as an aging and ethnically diversified population, that eventually will mark the whole country.

We cannot entrust the future of this State, or our legacy to the Nation, to a party which has proven unwilling to make tough choices to guide us into a successful future. I do not apologize for insisting upon a Democratic leadership in the Florida Senate * * * I do not apologize for being a Florida Democrat.

You have heard Ken Jenne discuss the State comprehensive plan as a strategic vision for shaping our future. This is only one part of my 1985-86 legislative agenda. I have called for a program that will emphasize growth management, enhance professional education, improve services for the very young and the very old, and strengthen government ethics.

Some have called my agenda overly ambitious. It is ambitious * * * for the people of Florida * * * for the places of Florida * * * and for the future of Florida. State Democratic priorities have been called ambitious before, yet we have consistently brought our dreams into reality. We will not abandon the vital Democratic heritage of holding high ideals and finding workable ways to achieve them.

If we remain true to the Florida Democratic tradition, we shall not wait for solutions to the national party crisis to trickle down to us. We shall send up to the country a message of practical and innovative problem-solving, or ideals that work.

Our time will come.●

AMERICAN LEGION CELEBRATES 66TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on March 15, the American Legion commemorated its 66th anniversary of its proud tradition of service, patriotism, and care for our Nation's veterans; 66 years after its creation in 1919, the American Legion continues today to perpetuate its founding pledge in its perseverance "For God and Country." On March 15, Legionnaires celebrated the 66th anniversary of their organization which first met in Paris, France, when delegates from the 1st American Expenditionary Force acknowledged that their responsibilities to each other and to their country's citizens did not end with the signing of a treaty of peace.

The continuing dedication of the American Legion to the adjustment of the veteran to civilian life, restoring his health and usefulness to society, maintaining his dignity, and assuring the welfare of the veteran's widow and children, is celebrated with this commemoration of the Legion's founding. The American Legion has also performed exemplary service to the veterans of our wars with its sponsorship of the GI bill of rights and the Korean GI bill. By serving the veterans in this way, the Legion serves all of America, for our men and women returning to American communities from military service face singular problems and pressures. In addition, financial aid to our former servicemen and women increases the opportunities for them to contribute in turn to the greatness of America.

While caring for our veterans, the American Legion has not forgotten the children of our veterans, who represent the future of America. By promoting child welfare legislation, the Legion helps to benefit all children of our Nation. The American Legion sponsors thousands of Boy Scout units, baseball teams, and offers a cash scholarship in a national high school oratorical contest. Such training and encouragement in American ideals multiplies the dividends resulting from these investments in our country's youth.

The American Legion has maintained the high standards it set for itself in 1919, and the members of this outstanding organization continue to be successful in making their noble ideals a living, working everyday reality for our citizens. This is very much in keeping with the constitution of the Legion which states:

For God and country we associate ourselves together for the following purposes to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incides of our associations in the great wars; to inculcate a sense of individual obligation to the community, State and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Mr. Speaker, on this 66th anniversary of the American Legion, I am proud to join with the members of this dedi-

cated organization as they celebrate their grand traditions. I commend the Legionnaires in the 11th Congressional District of Illinois, which I am honored to represent, and Legionnaires all over our Nation, for their commitment to the ideals of our American heritage. I extend to them my best wishes as they go forward in greater service to secure the blessings of liberty for us all.●

FARM CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Iowa. Mr. Speaker, while the national media have finally recognized the farm crisis and its social impact on farm families, there has not been a corresponding recognition of the most important factors which have caused the world's most efficient industry to develop such stress. Indeed, the usual propensity of writers to look for simple answers and of columnists to repeat such simple, but usually wrong, explanations without question, has now resulted in a great deal of misunderstanding which undermines the ability to develop a plan of action capable of overcoming or at least moderating the crisis.

The common theme being repeated is that those in trouble are the inefficient producers who should be forced out, and that the present farm programs have failed and should either be repealed and not replace them at all or adopt a wholly new approach directed at the smallest producers—most of whom do not earn their living on the farm.

While there was an excellent editorial in the Des Moines Register, which I will include as an appendix to this statement, most of the big city newspapers have limited editorials and articles to those which ignore and distort basic facts, or even go so ar as to raise visions of a conspiracy between bankers and farmers to rob the till. At least one went so far as to claim the noncredit announcement the President made before the election was a law passed by Congress and that an increase in the use of ethanol next year, which will be imported from Brazil, is a substitute for credit for farmers now.

Even President Reagan, in his recent veto message, using statistics the USDA has now disowned, repeated a version of these erroneous themes. The purpose of this statement is to provide the kind of analysis which must be understood to avoid actions which would aggravate rather than alleviate the farm problems.

To understand the present crisis, it is basic to recognize that over the past 30 years, capital requirements on an efficient family-size farm have perhaps quadrupled, and that U.S. food production is so efficient that only 15 percent of our income is now required for food, compared to 23 percent in 1954, and that all that reduction in cost to consumers has occurred as a result of lower prices before these products leave the farm gate.

Clearly the problem cannot be lack of efficiency or failure to use new technology, and to say that farm programs in effect during such an unprecedented period of increased efficiency per operator were all bad is patently wrong from an economic point of view. It is also wrong to criticize the farm programs because more benefits went to those full-time farmers who increased their efficiency the most instead of the part-time farmers who earn a living from other sources.

Most of those full-time family farmers who are in financial trouble are the most efficient ones who utilized more capital and machinery in order to be more efficient. The problem relates to the ratio of borrowed capital to assets—and the larger the farm and the more inputs a farmer uses, the greater the capital that is required. Since individual farm operations cannot be financed by selling common stock as larger businesses do, the only way to secure additional capital to increase volume and efficiency is to borrow. However, farm income has plunged with the drop in grain prices, and real interest rates are the highest in history. So, those family sized commercial farmers who borrowed more capital in order to increase efficiency, find themselves in the worst financial condition.

While farm land and used farm machinery are plummeting in resale value as desperate farmers try to raise cash and banks dispose of property they have acquired by foreclosure, the cost of inputs continues to rise and prices go down. Since 1980, the inflation adjusted price of corn has dropped 21 percent; wheat prices have dropped 29 percent while the cost of producing these crops has risen 15 percent. Over the last 4 years, this squeeze has resulted in net farm income adjusted for inflation, averaging 42 percent below the postwar average. Efficient producers cannot pay higher costs with lower prices and by any standard this is an agricultural depression.

One of the greatest culprits in increased cost for these farmers is higher interest costs. After some 35 years of targeting interest rates, the Federal Reserve suddenly shifted to fixing the quantity of money. Farmers were blind sided by this sudden change. They had no way of knowing the Federal Government would change and then relentlessly pursue this unprecedented high interest rate policy. Earnings simply are not sufficient to pay the interest on the capital required to operate an efficient farm.

When Government policies were changed abruptly, domestic demand for farm products decreased, the overvalued dollar cut into exports, and real commodity prices fell. Since 1980 the U.S. dollar has appreciated over 60 percent. This is equivalent to a 60-percent tax on U.S. exports. In 1980, when a bushel of corn was bringing $2.50, it took 4.5 deutsch marks to buy it. Today with corn prices still at $2.50 it takes 7.3 deutsch marks to buy the same bushel—a 60-percent increase in the deutsch mark price of corn. As a result, U.S. grain exports have fallen drastically since 1980, with no turnaround in sight.

Neither the value of the dollar on world markets nor domestic interest rates have anything to do with the economic efficiency of the family grain farm. These outside forces are beyond the control of the family farmer and neither increasing the size of farms nor eliminating farm programs will do any thing to alter this.

Also, these outside forces have caused deflation in the value of farm assets and reduced the value of the collateral required by farmers to obtain loans. Instead of solving this problem, the situation would be exacerbated both by lowering prices of farm products as Secretary Block suggests and by increasing the size of the farm as others have suggested. Lower prices would reduce the income needed to pay the high interest costs; and increasing the size of farms would increase capital requirements per farm and therefore the amount each farmer would need to borrow. We must face the facts, not the mythologies of big is better and the free market solves all problems.

Production studies show that the 500- to 700-acre Iowa corn farm and family sized wheat farms in other States are among the most efficient economic units in the world, producing grain at the lowest possible unit costs. Advocates of bigger farms use Department of Agriculture figures, which show that 4.6 percent of the farms, those with annual gross sales over $200,000, account for 68 percent of net farm income, implying that medium-sized family farms are inefficient. But, these figures are totals for all U.S. farms and do not distinguish between the efficiency of a 5,000-acre California cauliflower ranch and a 500-acre Iowa corn farm. It is patently wrong to measure efficiency by dollar income rather then unit costs. The idea that the family farm is inefficient is simply wrong and the idea that increasing the size of farms will reduce the price at which grain can be sold at a profit is not supported by the facts.

Another misconception is the idea that a return to free markets keeps supply and demand in balance and solves the long-term farm problem. In-

stead, a hands off Government agricultural policy would only make things worse for both consumers and family sized producers. Industrial production can be controlled and interacts with relatively elastic demand, but agricultural production fluctuates wildly from year to year due to weather, disease, and pests and this unstable, unpredictable supply is combined with an inelastic—mearly fixed—demand for food. As a consequence, small changes in supply, which are very common, result in huge changes in price. Thus agricultural producers face erratic, unpredictable price movements which produce a boom-bust cycle in agriculture. The administration's free market approach which eliminates programs designed to make supplies more stable will exaggerate this cycle.

One may argue with the details of Government farm policy since the Great Depression, but one cannot argue with the goals of economic stability and food price insurance. These programs have helped to level out this boom-bust cycle. In addition to assuring adequate domestic supplies, the grain reserve program assures customers that we are a dependable supplier. This is very important since America depends on grain exports to reduce the balance-of-payments deficit. Our farmer-held grain reserve, under which farmers secure loans on some grain in a year of surplus and are prohibited from selling it until it is needed, has reduced the hills and valleys in marketable supplies and prices. In the 8 years it has existed there have been five reserves for corn. Each time farmers were able to put surplus corn in the reserve and receive a higher price than on the open market and later recover some additional income by selling when the corn was needed. It is the one program that everyone, except a few international grain companies, supports. Yet the administration now proposes abolishing that as a part of their free market approach.

But there is still more. Those who advocate that American farmers should have no price protection are also proposing to let the American farmer trade in a world grain market made up of the following players:

First, the Soviet Union, China, and other Communist nations which exercise total state control over production, purchases, and sales;

Second, Europe and Japan with coordinated subsidization of agriculture to insure a viable domestic industry and an intricate system of import duties to protect domestic agriculture;

Third, Canada and Australia with government grain boards to control the marketing of commodities and farmers protected by income insurance pools;

Fourth, Brazil and Argentina with export duties and an erratic history of government intervention.

If instead we permit the replacement of our family farmers with a few giant corporations, they could control markets without a Government program much as Communist bloc countries and Government grain boards attempt to do now. But this would further reduce production, eliminate jobs, raise consumer prices, and reduce the export earnings we need to offset oil imports. Surely, this is not a satisfactory alternative to the system we have had. Naive reliance on the free market and huge corporate farms is not in the best interest of either the farmer or the country. The farm depression will drag down hundreds of banks, thousands of small businesses, and perhaps half of the major farm machinery manufacturers. There is no need to wreak such devastation. Rational policies, based on an understanding of world grain markets, that will amend and improve our farm programs are what the whole country needs; instead of the easy and wrong proposals being advanced by those who would eliminate the farm programs.

[From the Des Moines Register, Mar. 8, 1985]

DECEPTIVE VETO MESSAGE

"Someone must be willing to stand up for those who pay America's bills, and someone must stand up to those who say here's the key, there's the Treasury, just take as many of those hard-earned tax dollars as you want."—Ronald Reagan on vetoing emergency farm-credit relief.

Aw, come on, Mr. President. Nobody asked for the key to the Treasury. A small but vital group of Americans asked for a reasonable package of help in getting through a period of extreme stress—stress brought about by the economic policies your administration put in place.

What is a government for if not to help its people in time of need? Especially when the government helped create the problem in the first place.

Mr. President, the bill you described in your media event simply is not the same bill that was on your desk. Regrettably, you are either grossly misinformed about the legislation, and the extent of the problem it attempted to address, or you deliberately chose to distort the facts for political effect.

You said the government cannot "bail out every farmer hopelessly in debt, or every bank which made imprudent or speculative loans and bet on higher inflation." The bill didn't try to do that. It applied only to farmers with a reasonable chance of recovering.

You said the bill was a "massive new bailout that would add billions to the deficit." Baloney! The biggest part of the bill involves loan guarantees. They don't add to the deficit unless the loans aren't repaid. Another part simply shifted already-budgeted crop-loan money from the fall to the spring. The cost of the bill would be only a fraction of one billion, not "billions."

You implied that farmers don't really need help because they haven't taken advantage of your administration's debt-restructuring program. That's because your people kept it bound in red tape for months, refusing to make changes that would have made it workable.

You even said the legislation would be too late to help in time for spring planting. All those years in southern California must have made you forget when planting time in the Midwest is.

(Your secretary of agriculture, by the way, took the same de-meaning tack you did. He accused rural people and businesses of waiting "to see what Uncle Sugar was going to do." He's supposed to speak for farmers, not insult them.)

No, Mr. President, you didn't veto the bill that was on your desk. You conjured up a fictional budget-buster and vetoed that in order to send a message to Congress about how tough you're going to be on the budget.

Too bad some very good people in rural America are going to be denied help that might have made the difference for them—just so you could look tough in front of the television cameras.

BLACK HISTORY MONTH "A NEW BIRTH OF PATRIOTISM"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, in light of the recent celebration of Black History Month it is my pleasure to bring to the attention of my colleagues the achievements of the Tuskegee Airmen, Inc.

The Tuskegee Airmen, Inc. was founded in 1972 by black Air Force veterans to provide our youth with an opportunity to participate in our nation's society and democratic process. This effort to encourage the involvement of our youth has climaxed in the airmen's establishment of a scholarship fund and a youth activity program.

I respectfully request that the resolution—by the membership of the Gen. Daniel "Chappie" James, Jr., Chapter of Tuskegee Airmen, Inc., Cocoa Beach, FL—proclaiming the contributions of our black veterans and a new birth of patriotism be inserted into the RECORD at this point:

BLACK HISTORY MONTH RESOLUTION

Whereas, the outstanding and heroic contributions of Black Americans to the growth and development of our Nation are too often neglected and overlooked in projections of American History, and

Whereas, the Tuskegee Airmen Incorporated is a national organization founded to maintain its group solidarity and commitment to making the promise of America as a land of Democracy and Freedom a reality for all of its citizens.

Be it resolved, that in observance of Black History Month (1985) the membership of the General Daniel "Chappie" James, Jr. Chapter of Tuskegee Airmen, Incorporated, pledges anew its allegiance to those founding principles and to their commitment to the goals inherent in "liberty and justice for all."

Further we resolve and advocate, support throughout the State of Florida for a new birth of patriotism thus confirming our belief that for all Blacks of this Nation,

America is their country—right or wrong—and that when it is right they must help keep it right, and when it is wrong it is their duty under a democratic system to help make it right.

FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. LEVIN] is recognized for 60 minutes.

Mr. LEVIN of Michigan. Mr. Speaker, I want to spend a few minutes today talking about the Federal Supplemental Compensation Program, which is presently due to expire the end of this month.

There are presently 340,000 people who are drawing supplemental unemployment compensation. The present structure of the law has it that, first of all, 26 weeks are provided through State-funded compensation programs. There is an extended benefit program for weeks beyond the 26 weeks, but that has not prevailed for most States in the Union, just for a couple of them, and, as I understand it, West Virginia recently went off of that system.

That means that for unemployed workers in this country who are unemployed on a long-term basis beyond 26 weeks, they are left with the Federal Supplemental Compensation Program except for a few thousand workers in Alaska.

□ 1520

What is going to happen for and to these workers come the end of the month if there is no extension of the program? The answer is that for 340,000 workers, if the number holds steady, they are simply going to lose their unemployment compensation immediately. There is going to be no phase-down; there is going to be no phase-out. There is no gradualness at all. There is going to be no additional period when they will continue their effort to look for work with the support of unemployment compensation.

Probably what it means for these families is that they will have to look, at least in thousands of cases, to State welfare systems. In many cases, these systems are already overburdened.

So, we face in this country, in a word, this issue: For many, many, many years we have had a system in this country under both Republican and Democratic administrations of a supplemental system beyond the 26 weeks. Are we going to simply say to these workers, "You are not only out on the street; but you are out of unemployment compensation benefits?"

I think the whole system needs to be reformed. I do not for a minute say that it is a perfect system. I do not say for a minute there is absolutely no abuse of the system. But it has been embedded in our structure for several decades and it is far better than nothing.

Also, I think we not only have to reform our unemployment compensation system, but we are going to have to institute new training programs in this country, so there are alternatives for workers who are unemployed beyond unemployment compensation, beyond welfare help. There has to be a training opportunity for these workers. We ought to get moving with it, but they are not in place today.

We have a Job Partnership Training Act, but it provides training opportunity for a small fraction of the unemployed workers of this country.

So we need reform of the system. We need to institute new training programs. But that does not answer the question of what we are going to do this coming next month about these workers. Let me say that some believe because the employment picture in the country, because the economic structure is getting better, why worry?

But here is the problem. In the last week for which we have reports for FSC, the number of claimants went up over the previous week by 19,000. So the picture is not getting better, but it is becoming worse.

Who are these people? We do not have the figures for the entire country, but we did receive some statistics from the State of Michigan. They are predominantly younger workers. They are more male than female. The largest category was clerical. The second largest was, in Michigan MESC terms, structural workers, auto workers, or those in the construction industry.

So I think we have to understand that large numbers of these are people who have been in what might be called middle-income America, who because of economic dislocation have been out of work for more than 26 weeks. What, in a word, are we going to be doing about these tens of thousands and these hundreds of thousands of long-term unemployed?

There is a deep dilemma. We have a major budget deficit in this country. We must take action on that budget deficit, and we must take stringent and sweeping action. But is that a reason, by itself and in and of itself, to simply say to those tens of thousands of unemployed workers, "Tough luck"? I submit the answer is that we should not take deficit action, as we must, at the expense of these unemployed workers. That is not effective and it is not just. We have to take critical action on this major budget crisis, but it has to be effective and it has to be fair, and to simply say to the unemployed workers, "Tough luck," that is not effective and it is not fair.

There is reluctance in this House to take action without some assurance on the part of the Senate and the White House that they will join in, and I understand that reluctance. Several weeks ago we went through a similar problem relating to farmers in America, and I have been told by a number of colleagues in the House that this morning there was further evidence of the crisis on the farms of America—I did not see the program—but it portrayed the sale of a farm, I think in Minnesota, where hundreds of farmers joined together to try to prevent the foreclosure on the mortgage.

So there is a reluctance in this House, and an understandable one, to do, as was done in the case of the farmers and their budget crunch, and pass a bill here. In that case a bill also passed the Senate, to be vetoed by the President. So I want to sum up my comments about this forthcoming crisis for hundreds of thousands of unemployed people in this country.

We have to reform the system. Extending the FSC would only be a short-term remedy. We have to shape it within increased training programs so that people are put back to work and not simply kept on unemployment compensation rolls. We have to pay attention and act on the deficit that threatens, and deeply threatens, this country.

But while we are doing those things, we have to ask ourselves in good conscience what happens with the March 31 deadline, and in my judgment, action has to be taken, and the lead has to be taken by the President of the United States, because without some participation by the White House, any action we take here would be academic.

So I call on the President to confront this issue. I suggest to the President that he now distinctly say to the 340,000 workers on FSC what the President proposes to do in that case. Silence is not an appropriate answer. Doing nothing is not, in my judgment, a frank and honest way to deal with the situation. There is a problem. It deserves a specific response, yes or no; not just silence.

Tomorrow in this city, as I understand it, there are going to be unemployed workers demonstrating peacefully and expressing their concern about the expiration of the FSC program.

□ 1530

I hope that this city will listen attentively. I was brought up to believe that there has to be by each of us a major exercise of willpower, that each of us should be called upon to use our own talents, to use our own judgment, to use our own energies, and that nothing should be just handed to people as a gift. I was also taught that in our society, when people were unemployed, through no fault of their own, through, as in this case, the overvalued or inflated dollar which has thrown hundreds of thousands of

people out of work in this country, or where they were thrown out of work for other reasons that were not their own fault, that in this country they were not just thrown out on the street, that they were asked to exercise their own willpower, but when there was not an opportunity, that society did more than simply say, "Tough luck."

That is the issue here today. There is a great deal of money involved within the framework, as I said, of this huge deficit. But we have to ask ourselves, as has been mentioned, what are effective and fair ways to eliminate the budget deficit?

I am willing to vote for measures, including some drastic ones, that will help to correct the unprecedented deficit, a deficit that has grown more in the last 4 years than in the 30 years before that combined, but I am not willing to balance the budget on the backs of people who simply have no employment opportunity and for whom we in this country, on a bipartisan basis, designed an unemployment compensation system.

This is a matter of effective public policy. It is not only a question of conscience, it is a question of the safety net that presumably exists for people in this country, and it is a question of what kind of a country we really are.

So I hope that citizens throughout this country will face up to this question. I hope my colleagues will face up to this question. Most importantly of all, I hope that the President in the next days will look at this issue and tell us what his answer is. Mr. President, tens of thousands of people who face the ax at the end of this month are waiting for your answer.

Mr. Speaker, I yield back the balance of my time.

POSTAL ISSUES RAISED BY THE PRESIDENT'S FISCAL YEAR 1986 BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 10 minutes.

● Mr. FORD of Michigan. Mr. Speaker, I want to take a few minutes to direct the House's attention to a relatively small but extremely important portion of the President's fiscal year 1986 budget. I want to discuss postal policy.

The Nation's postal system dates back to the earliest days of the Republic. In fact, the foundation for the system is in the Constitution itself, where the Congress is empowered to provide for postal services. The history of this institution, although not marked by an unbroken chain of successes and happy events, is distinguished by adherence to one fundamental principle: public service to the American people.

When we undertook the monumental task of reorganizing the postal system in 1970, and establishing the semiindependent U.S. Postal Service, we knew that we would be in for a difficult period of transition and adjustment. Indeed, we were right. In the mid-1970's it appeared that our experiment was a total failure, as the Postal Service teetered on the brink of bankruptcy. In 1978, however, things began to turn around. Service improved, rates stabilized, and business-like efficiencies and economies were introduced successfully without sacrificing the fundamental principle of public service.

I attribute this turnaround to the hard work and dedication of career postal employees at all levels. Left to themselves to run the Postal Service in the public interest, postal management and postal rank-and-file employees have achieved minor miracles in the past half-dozen years. We now have a U.S. Postal Service which has finished each of the past 3 fiscal years with an operating surplus. Postal rates were increased last month, but only for the first time in 3½ years—and our rates are still among the very lowest in the industrialized world. The productivity of postal employees has risen in each of the past 10 years. In sum, the U.S. Postal Service at the close of calendar year 1984 was on firm footing and ready to provide service to the public for decades to come.

But now comes the President's fiscal year 1986 budget with its proposals for the Postal Service and for everybody who relies on the Postal Service; which literally is everybody. Suddenly, the postal sky once again is filled with storm clouds.

Let's look first at this administration's specialty—cold, hard numbers. The President is proposing that no money be appropriated for the subsidy of certain types of traditionally preferred postal rates. This has been known as the revenue forgone appropriation. But don't worry, the budget message says. The administration will be proposing legislation later on to fund some of these rate subsidies out of general postal revenues.

The other proposal affecting the Postal Service is the proposition that the Postal Service increase its cash contribution to the Civil Service Retirement Fund dramatically beginning in fiscal year 1986. The administration takes great pains to explain that none of its proposals will hurt anybody and that justice and equity will be the only results of adoption of its budget proposals. I want to dissent respectfully from the administration's opinion and try to give the House a few things to think about before we act on the postal provisions of the President's budget.

First, let us examine the President's revenue forgone proposal. The term itself, "revenue foregone" derives from the policy set by Congress long ago that certain types of preferred mailers are not charged the regular postal rates that most mailers are charged. The Postal Service forgoes collecting this revenue from the preferred mailers. The Congress then provides this forgone revenue by means of an annual appropriation to the Postal Service. If Congress does not provide a sufficient appropriation in any particular year, the Postal Service is empowered by law to raise the preferred rates to the level necessary to make up the difference—all the way up to the full commercial rate level.

The overwhelming majority of revenue forgone dollars each year goes to the benefit of nonprofit organizations, contrary to administration insinuations that the primary beneficiaries are People and Playboy magazines.

Health care, medical research, aid to the truly needy, education, libraries, the arts, labor-management relations, veterans affairs—all are dependent in large measure on nonprofit mail and revenue forgone. In fact, I am hard pressed to identify a group which is more representative of more vital public interests than the nonprofit mailing community.

The second general category of revenue forgone beneficiaries is made up of newspapers, magazines, books, and classroom publications. Within this category, the primary purpose of the subsidy is to promote the dissemination of information throughout the Nation by means of the postal system—a tradition that dates back to the 18th century.

The third and final revenue forgone category is comprised of materials carried at no cost for the blind and physically handicapped. This portion of the program began in 1904. The postage for books and messages in braille and for sound recordings for the blind—such as talking books—is paid for by the revenue forgone appropriation.

Historically, the Federal Government, from general tax revenues, has helped certain people pay their postal bills. Not as a special favor to them, but in furtherance of the national good. Low rates for small newspapers facilitate the flow of necessary information to all sections of the Nation, especially in rural areas. Subsidized rates for schools, libraries, and suppliers of classroom material help advance the education of our young people. And low rates for mailings by charitable organizations may make some small contribution toward helping the truly needy.

But now the administration is calling for an end to this program. Just to show that the Office of Management and Budget [OMB] has no monopoly on computer-generated numbers, let

me provide a few from other peoples' computers. If no rate subsidy is provided in fiscal year 1986, here is what will happen to typical preferred rates, according to the U.S. Postal Service:

Postage increase with zero "revenue forgone"

Types of mail	*Percent*
In county:	
Rural newspaper	172.9
Second-class nonprofit:	
Veterans' magazine; church bulletin; university publication; labor press	109.7
Classroom:	
Classroom publication	155.2
Third-class nonprofit:	
Fundraising letter (e.g., Salvation Army; Crippled Children's Society; American Cancer Society)	144.1
Fourth-class library rate:	
Book between libraries	74.1

Now, let's take these numbers a step further and translate zero funding into dollars-and-cents impact on a sampling of nonprofit organizations. These figures are supplied by the Alliance of Nonprofit Mailers:

Annual postage increase with no subsidy

Organization	*Amount*
American Association for Retired Persons	$6,500,000
American Cancer Society	1,950,000
American Lung Association	6,500,000
March of Dimes	7,800,000
Salvation Army	2,600,000
National Catholic Development Conference	39,000,000
National Easter Seal Society	5,525,000
St. Jude Children's Research Hospital	1,950,000
National Wildlife Federation	2,600,000
American Association for the Advancement of Science	975,000

With regard to the in-county rates paid by publications, data provided by the National Newspaper Association shows that the postage bills of the typical small, rural newspaper will increase as follows:

RESULTS OF ZEROING OUT POSTAL MONEYS

For: Eight Page Broadsheet 60% advertising/40% editorial Weighing 1.5 ounces 1000 circulation Carrier Route Presorted.

In-County Rate (After February 17, 1985): 5.8 cents/lb; 1.5 cents/piece; Cost per week: $20.44; Cost per year: $1,062.88.

Regular Rate Second Class (After February 17, 1985): 11.8 cents/lb non-ad; 15.8 cents/lb ad; 7.8 cents/piece; −1.2 cents/piece; ed discount; Cost per week: $79.32; Cost per year: $4,124.64.

Dollar hike per year: $3,061.76; Percentage increase: 288.06 percent.

For: Sixteen page broadsheet 60% advertising/40% editorial Weighing 3.0 ounces 2000 circulation Carrier route presorted.

In-County Rate (After February 17, 1985): 5.8 cents/lb; 1.5 cents/piece; Cost per week: $51.76; Cost per year: $2,691.52.

Regular Rate Second Class (After February 17, 1985): 11.8 cents/lb non-ad; 15.8 cents/lb ad; 7.8 cents/piece; −1.2 cents/piece ed discount; Cost per week: $185.26; Cost per year: $9,633.52.

Dollar hike per year: $6,942.00; Percentage increase: 257.92 percent.

And finally, here is the startling impact of providing no funding for the blind and handicapped. A 4-ounce cassette recording of a talking book, which currently bears no postage, would cost 73 cent to mail one way. A carton of braille books would go from zero postage to $2.64.

But just be patient, the Presidents' budget says. The administration will be sending up a legislative proposal to continue some of these preferred rates while not costing the U.S. Treasury 1 cent. We haven't been given this panacea yet, but apparently it involves paying for the rate subsidies out of general postal revenues—in other words, increasing first class letter rates and commercial rates to pay the tab for revenue forgone. This type of cross-subsidy has been opposed steadfastly for years by the Postal Service, by mail users, and even by postal competitors. In fact, the cross-subsidization of rates presently is prohibited by law. Using standards, conservative estimates, cross-subsidizing rates as the administration evidently will propose could add 1 cent to the price of a first class stamp just to pay for the fiscal year 1986 subsidy. Presenting the financial data, of course, does not even begin to address the legal, economic, and public policy issues raised by the President's cross-subsidy proposal. I want to discuss one of those public policy issues in a moment, but first a few words about the President's final budget proposal—that the Postal Service begin paying more money into the civil service retirement fund.

I don't want to take time here to debate the merits of this complex issue. Let me make just two brief points. First, one of the cornerstones of the Postal Reorganization Act of 1970 was the agreement that postal employees would remain within the Civil Service Retirement Program. This agreement has worked to the benefit of postal management, postal employees, and postal ratepayers by guaranteeing fair benefits while keeping costs stable and predictable. If the Civil Service Retirement Program itself is altered, then its impact on the Postal Service, and on every Federal agency and every Federal employee, will be altered. But I am not sure that singling out the Postal Service for the special extra contribution proposed by the President is a sound idea. Which brings me to my second point concerning this issue, cost.

The President wants the Postal Service to increase its contribution to the civil service retirement fund by an extra 15 percent of payroll. Based on the budget's assumption that the first 2 percent will cost the Postal Service an additional $266.4 million, the total impact of the 15 percent proposal is about $2 billion. Using the standard estimate that each $700 million in postal costs equal a penny on a first class stamp, you can see that this item alone could add 3 cents to the price of a stamp. If you add in the additional billion dollars that the President wants mailers to cross-subsidize, you quickly achieve a 4-cent increase for the first class stamp your constituents will be affixing to their holiday greeting cards.

I believe that even the most casual student of public policy will perceive that the President's fiscal year 1986 budget is a prescription for postal disaster. At best, the President's grab bag of proposals is the result of the shortsighted, expedient grinding of numbers at OMB. At worst, they represent a deliberate, calculated attempt to disrupt the postal stability which we finally have attained after so long a struggle.

There may be some truth in both these theories. But with this administration's public record of antipathy toward the Postal Service, I fear there may be more truth in the latter.

The President's revenue forgone proposal would strip the Postal Service of one of the last vestiges of its public service character. His cross-subsidy proposal would rip the mailing community apart, pitting mailer against mailer in interclass and intraclass warfare.

The financial burden of the President's package as a whole will increase the pressure on the Postal Service to impose harsh cost-cutting measures such as closing rural post offices—which already has been proposed by the President's Grace Commission—and eliminating Saturday mail delivery. Even these drastic steps would not be enough to stem the inevitable upward pressure on the postal rates paid by all mail users, including those of us who only use the mails to pay our bills and send birthday cards.

The result would be a spiral of increasing rates and decreasing services. Combine this with mounting public discontent and strident mailer disssension and soon you would begin hearing calls for alternatives to our traditional Federal postal system—perhaps for privatization of postal services and an end to the 200-year-old Federal monopoly which has always provided the financial base for our universal, public service-oriented mail system.

If there were a clever administration functionary in the bowels of OMB assigned to figure out a way to attain the President's goal of privatizing the Postal Service, he certainly wouldn't recommend a frontal assault, which surely would fail. The clever functionary more likely would advocate sowing the seeds of a gradual, but inevitable, demise for the Postal Service.

That functionary might just have devised the postal provisions of the President's fiscal year 1986 budget.●

TEXTILE/APPAREL PROTECTIONISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 60 minutes.

(Mr. FRENZEL asked and was given permission to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, today, or recently, has seen the introduction of a bill entitled the Textile and Apparel Trade Enforcement Act of 1985. Its sponsors are members of the House textile caucus. In my judgment, its title is a little misleading in that there is an implication that it is a simple enforcement law, but if one begins to look at it more closely, it will appear, at least as it does to me, that it is actually placing far more restrictions on textile and apparel imports than is the case under present laws and treaties.

I believe it is quite a protectionist measure, and one that may be unwise policy for the United States. However, Mr. Speaker, I thought today that members of that group led by our distinguished colleague, the gentleman from Georgia [Mr. JENKINS], might be here to speak, and so I am reluctant to get into a full-scale debate on the subject until they are here, because they certainly have a case to make. They are only trying to protect the employees in their own districts. Nevertheless, I want to articulate today some of my concerns because I think it is important that Members and the general public understand that there are at least several points of view with respect to textile protectionism.

It is true that there has been a surge of imports during the last few years. Nevertheless, it is a real question, I think, whether the Congress wants to give more protection to the textile/apparel industry than it has already received. This country is now operating under a multifiber agreement which is signed by both the producer and exporter nations of the world and the importers like ourselves. It was designed to provide for a reasonable amount of shipments between these two groups and to provide for some growth in the textile area, and we are operating under a rather high set of tariffs, in addition to the quotas maintained in the multifiber arrangement called the MFA.

The U.S. duties on textile/apparel items are the hightest in the industrialized world. In addition, textiles and apparel have been excluded from GSP, and they have been excluded from the CBI. We have set up other bilateral agreements to regulate textile imports. The administration has recently announced automatic criteria that will be used to determine when new quotas will be initiated, which have resulted in more new quota calls on these kinds of items. More recently, the administration has issued an executive order to revise our rules of country of origin on textile and apparel items, and that is going to keep additional imports out of this country.

All this and more have been awarded to this particular industry, always as temporary protection to give the industry more time to adjust. The temporary protection has lasted for many years, some of it since the origin of the GATT in 1952, some of it for several decades. Some of it, like the country-of-origin rulings, is only recent. And yet this industry comes to us again and again with more requests for special treatment.

Other industries have been injured, but none has been as successful in getting protection assigned to it, and none have asked for more than this particular industry.

It is very hard to estimate the exact cost to the American consumers for all of these apparel protections. One estimate is that the multifiber agreement quotas alone amount to $4.4 billion each year of extra cost laid on the back of American consumers. Another estimate by the Consumers for World Trade organization places the total consumer cost of all textile protectionist laws and regulations at a little more than $18 billion a year. That, of course, is several years old, and, in updating, it would become larger.

Whatever these costs are, it is apparent that they are enormously expensive for American consumers. They are borne, of course, by all Americans but they fall most heavily on lower income people who cannot afford the expensive and extensive lobbying network supported by American industry. More likely, the people who buy these goods, whether they are pajamas or underwear or socks or whatever, are not even aware of the reasons for the increases in their costs as we apply new quota restrictions.

This new bill that has been introduced recently, the Textile and Apparel Trade Enforcement Act of 1985, is, I think, a potentially dangerous piece of legislation. Its authors will tell us, with some justification, that it is conditioned and attacks only a few countries and is meant to be a modest attempt at protection for their industry. It could be worse, I will grant. Nevertheless, in principle, it is not much different from the domestic-content bill for automobiles which faced this Congress during the last session.

It is, of course, an affront to our trading partners, particularly the developing countries, which have a huge problem, some of whom have very little to sell to the United States other than products which are normally restricted in our markets like apparel wear.

The bill violates several of our international agreements, including the GATT and the multifiber agreement to which I have already referred. It would seem to replace the multifiber agreement on a unilateral basis. It would put the United States on record as indicating that we do not have a further desire to negotiate a new multifiber agreement, that we are going to make our own rules that apply to us alone, or to even discuss our textile/apparel problems with other nations.

□ 1540

It is clearly a world problem, not one that relates to the United States solely.

Now, in this particular bill many countries are excluded. The European Community is excluded, even though many studies indicate that restrictions of imports to the Asian countries, at which this bill is aimed, will simply result in a redirection, a shifting of production to Europe, and that the same products will begin to enter this country from Europe, which is not in the bill. Canada is excluded. Mexico is given a larger quota to take care of the U.S. manufacturers who are, of course, using Mexico heavily for 806 and 807 operations.

I believe the same exclusion applies to Caribbean countries.

In addition, the bill places quotas on apparel imports of new products which are not even produced in this country; silk, linen, and the like; however, notwithstanding those foregoing problems, perhaps the feature of the bill that has the most concern to me is the establishment of an import licensing scheme to be managed by the Commerce Department. In my opinion, that would have a devastating effect on apparel imports to this country and cause an equally devastating additional cost to American consumers.

The small importers, of course, could not deal with a complicated licensing scheme.

The track record at the Commerce Department would not indicate that it has enough manpower or necessarily the inclination to make a licensing scheme work efficiently without a long break-in period. One needs only to look at the export licensing system which has taken the Commerce Department many decades in which to make real improvements. The improvements have taken many years; in fact, this administration alone took 4 years before we are getting our export licensing system up to speed. It still needs improvement, but there have been great improvements made, but they have been made only recently. With an import licensing. I suspect based on this history that it would also take many years. In the meantime, American consumers would be disadvantaged, American importers and American retailers. Small suppliers are likely to be injured by the bill as well. Cuts in current quota levels

and growth will hit the countries which provide even very tiny percentages of our imports. Often these are the countries that have very little else to sell us than textiles and yet these are the last countries in the world, some of them, with whom we maintain positive balances of trade.

The people with whom we trade, particularly our allies in Europe, have been appalled by the introduction of this bill. There is no doubt that retaliation will occur under the GATT. Some probably extra GATT retaliation will also occur.

We all know which industry suffers first when America's trade policies come under retaliation, and that is agriculture. There are very few of us who want to restrict agricultural exports at a time when we already have a competitiveness problem and a high dollar problem and farmers are beset by terrible debt problems in our economy today.

Now, the proponents of this bill who will undoubtedly discuss it at length are going to be able to say correctly that the bill is really aimed at a few Asian countries who are the major exporters of apparel and they will say that these countries cannot hurt us by retaliation because we have negative trade balances with them anyway, and that is true as far as the statement goes. Unfortunately, however, retaliation also affects Third World market countries, countries who will say, "Aha, as long as it is not going to the United States, those exports have got to go somewhere. They are going to come in and disrupt our markets."

Also you will find people complaining under the GATT simply that this is a violation, even though they may not be restricted themselves. The net result is that the disruptions will reflect back on the United States and ultimately hurt our exports and perhaps disrupt the entire world trading system.

I do not think that this is the proper time to be promoting new protection for the textile industry. If it is, I hope that the Congress will move slowly and that at the very least it will demand that the industry take serious efforts to make itself more competitive.

The proper time to look this over is when the country is getting ready to renegotiate the multifiber agreement which expires in 1986. That consultation for that renegotiation is beginning and that is an appropriate time and an appropriate process for textile people to begin to discuss their particular problems and the relief measures which they need.

I think we do have to be sure that no industry is subject to extreme dislocation, but on the other hand, I think we need to assure ourselves that any industry which receives protection receives responsible, reasonable protection, which goes hand in hand with the promise upon the industry to work for achievable competitive improvements in its own status.

I do not think it is wise policy to protect jobs that may be lost anyway if we are going to have a transfer of the business, as I suggested earlier, from Asia to Europe. I do not think it is any more fair to the worker than it is to the consumer.

I think this is an important national item for debate. I think that this country has often rushed to judgment on textile protection and simply taken the word of the industry for its level of distress.

I think this time the Congress has to look more carefully at the request that it is receiving to see how it can structure whatever relief Congress may see fit to give so that you will have the desired result of preventing surges and rapid dislocation and at the same time assuring competitiveness in the industry eventually so that whatever protection we give is on a temporary basis.

I think this bill is an important one to start the debate. I doubt that it is going to be an important one to end the debate. I think Members of Congress and the public should look beyond this bill to some sort of program that will assure equity for the consumer, the worker, the corporations involved, and for our entire trade policy and the foreign policy of this country.

I hope the Congress will take a careful look at this bill. I look forward to longer and regular debates on the subject through the next year.

● Mr. CRANE. Mr. Speaker, I wish to address briefly a trade legislation bill introduced today which seeks further quota protection for the U.S. textile and apparel industries.

Mr. Speaker, for over 25 years we have protected our textile and apparel industries. Initially, the protection was promised to be of short duration. The protection has lasted longer and grown more substantial than one would ever have imagined. Today, the vast majority of textile and apparel imports are already restricted by quota arrangements. In the apparel industry alone, 90 percent of such products are subjected to quota restrictions. Yet, despite its status as a highly protected industry—indeed, perhaps the most protected industry in the United States—the textile and apparel manufacturers seek even more protection.

I am truly sympathetic with the plight of our Nation's textile workers. But the answer to their problems is not the creation of even further barriers to international trade.

We in Congress are all gravely aware of the challenges which all of our industries and all of their workers face from international trade. Foreign competition is not a problem limited to the textile and apparel industry. We must restore our entire Nation's strength in international trade matters. Only by curbing our runaway deficit spending will we be able to restore balance to our present imbalance of trade, a balance which must be won by sound economic performance by both government and private industry.

The proposed trade legislation is far too shortsighted. It invites retaliation by our trading partners, and will substantially affect consumers by limiting product choice and denying them access to low-priced goods. I urge my colleagues to devote their energies to our more fundamental problem: deficit reduction through sound fiscal policies. This is the real answer to restoring balance to our present imbalance of trade.●

● Mr. GREEN. Mr. Speaker, I am very pleased to join in this discussion regarding America's import policies regarding apparel and textiles with my good friend and learned colleague from Minnesota, Mr. FRENZEL. I have a great amount of respect for the Representative from Minnesota with regard to trade issues, and I am happy that he has sponsored this special order to discuss one of the most pressing subjects within U.S. trade policy—the rejection of protectionist legislation.

Like so many imported products that we use here in the United States, textiles and apparel imports have been accorded special treatment for decades. Under the multifiber arrangement [MFA], the international agreement under which the U.S negotiates quotas on imported wool, cotton, and man-made fiber products, this Nation has agreed to quota agreements on 650 categories of textile and apparel products from 31 different countries. The Federal Government has also restricted textile and apparel imports through various selected high duties.

The cost of these import restrictions is high, and it forces consumers to pay more for products than they otherwise would. The current MFA system of quotas costs consumers about $4.4 billion each year. When the Federal Government limits the amount and/or type of products that can be imported into this country, two results usually occur. First, in the short term, protectionist trade legislation raises consumer prices because it results in less competition for domestic producers. When there is less competition for consumer dollars, there is less incentive to produce goods at lower costs and to market them more efficently. Hence, higher prices. Second, in the long run, protectionist legislation reduces our ability to compete in the global economy. When the United States limits imports, foreign countries tend to limit U.S. exports. Thus, a trade war develops, and the Federal

Government ends up supposedly helping one industry at the expense of another. It is not an equitable situation when the Federal Government risks the viability of one industry in order to help another in the short term.

The Textile and Apparel Trade Enforcement Act of 1985 will significantly reduce trade in textiles and apparel. Passage of this legislation would result in quotas on all textile and apparel products imported into the United States because it would broaden current import restrictions to cover all products under the MFA including linen, silk, and ramie—products which have never been produced in large quantities in the United States. In addition to reducing current levels of trade, it would allow import growth of only 1 percent per year of products from countries with as little as one quarter of 1 percent of the U.S. market for textiles and apparel. Overall, passage of the legislation would probably result in a reduction of trade in wool, cotton, and man-made fibers of up to 20–30 percent. The legislation violates the MFA, various U.S bilateral trade agreements, and the most-favored-nation principle of the General Agreement on Trade and Tariffs [GATT]. As such, its restrictive provisions would hamper the President's ability to renegotiate trade agreements successfully.

In sum, before considering any type of protectionist legislation, it is in the best interests of the Congress to remember the disastrous ramifications of the 1930 Smoot-Hawley legislation. Smoot-Hawley built restrictive barriers to U.S. markets and, therefore, greatly exacerbated the economic ills of the already horrendous Great Depression. It is clear that industries do not prosper because of import restrictions, per se. Companies prosper when management and labor work together to make production more efficient, and when the firm develops products consumers want. Import restrictions promote inefficiency, and they limit the variety of products consumers can purchase. The passage of protectionist legislation sends a warning shot across the bow of our allies that a trade war is about to begin. If we want our current economic recovery to continue, and if we want the international economy to recover at a faster pace than its current trend, we should reject legislation which places such severe restrictions on imports.●

● Mrs. SMITH of Nebraska. Mr. Speaker, I rise to comment for a brief moment on a bill introduced today which seeks even greater protection for the U.S. textile and apparel industry from foreign competition. I must admit that the bill has superficial appeal: its proponents claim that it will save jobs and protect an injured U.S. industry. But is this legislation really in our best interests? I think not, for several reasons which I would like to highlight.

First, there is no question that quotas cost consumers a great deal of money. In a column in the Wall Street Journal last fall, it was reported that the Trade Policy Research Center in London placed the costs of textile and apparel tariffs and quotas at about $12 billion annually for U.S. consumers. I cannot believe that U.S. citizens, if asked directly, would willingly offer up to $12 billion to pay for the protection of the U.S. textile industry from competition.

Second, as a Congresswoman from Nebraska, which has strong agricultural interests, I am gravely concerned that increased quotas will substantially increase the danger of retaliation against farmers in my State who rely on foreign markets for, in some cases, 30 to 50 percent of their income. My colleagues should recall that, in 1983, when the Textile Bilateral Agreement between China and the United States expired, the U.S. imposed unilateral restraints on Chinese textile imports. China retaliated by boycotting U.S. cotton, soybeans, and synthetic fibers. China also shifted its purchases of U.S. grain to other suppliers. As a result, as reported in the National Journal last fall, U.S. earnings from farm exports to China decreased from $1.5 billion in 1982 to $544 million in 1983. To this day, American farmers have been unable to recapture these lost purchases.

I urge my colleagues to seriously consider the likelihood of retaliation if we take the convenient step of raising trade barriers. Shouldn't we tackle the real issue—our deficit? Let's get on with the real business at hand: developing sound fiscal policies that allow all of our industries to compete more successfully in international trade.●

FEDERAL SUPPLEMENTAL COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, the problem of unemployment is, without a doubt, a pressing problem which should be of concern to all Americans. We have heard much about the plight of the farmers. It is now time for the American people to hear about the equally deep plight of unemployed people today.

I represent a district in northeastern Ohio which has not yet been blessed with full economic recovery. Northeastern Ohio is one of a number of pockets of continuing severe unemployment. If the Reagan administration thinks unemployment is just going to go away, let them come to Lorain, OH. In my district, almost 1,000 workers who receive unemployment benefits will instantly lose them on March 31 if Congress does not act to extend the Federal Supplemental Compensation Program.

In the Cleveland area, there are over 5,000 workers who will suddenly be without any means of support as of March 31. The Reagan administration can pretend that these people do not exist. The administration can act as if the economic recovery is going to get them right back into the mainstream of working Americans, but I know and I think they know that that is not going to occur.

□ 1550

This is a high-tech recovery which has been very selective about who gets help. The President is fond of saying that a rising tide lifts all boats. Well, the tide may be rising but there are many places, like northeastern Ohio, where the boats are not being lifted along with it.

Unemployment in the State of Ohio is 8.7 percent. That rate went significantly up in the most recent month of figures. And in my own district, the city of Lorain, we received the dubious distinction of being noted in the Places Rated Almanac as having one of the worst economies in the country.

Clearly something needs to be done about unemployment. Instead, we are about to witness the expiration of a program which is virtually the only means of support for long-term unemployed workers. Thirteen days from now this program is due to expire if Congress does not act. This will mean the instant cutoff of benefits to 330,000 workers nationwide, 19,200 in my State of Ohio alone. We should not and cannot let this tragedy occur.

I have talked a lot, Mr. Speaker, about Ohio. But let me emphasize that this is not strictly an Ohio or a Midwestern problem. Alabama has an unemployment rate, 2 years after the recovery began, of 11.3 percent; Alaska, 11.2 percent; Indiana, 10.2 percent; Louisiana, 11.2 percent; Mississippi, 11.6 percent; Oregon, 10.3 percent, Washington State, 10.3 percent; West Virginia, 15.9 percent.

Mr. Speaker, there will be a rally in Washington tomorrow when unemployed workers will come to the Capitol to petition their Government, as they have a right under the Constitution to do, to redress their grievances. And their grievances are that unemployment compensation at the Federal level is about to expire.

It is time that we as a Congress did something to help unemployed workers by extending Federal supplemental compensation.

Mr. Speaker, I yield back the balance of my time.

THE SEATING OF RICHARD McINTYRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire [Mr. SMITH] is recognized for 30 minutes.

GENERAL LEAVE

Mr. SMITH of New Hampshire. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. SMITH of New Hampshire. Mr. Speaker, I rise today to support my colleague who has not yet been seated in this House, Rick McIntyre. Mr. McIntyre was elected, along with all Members of this Congress, in November, and has yet to take his seat because this body has denied him that opportunity.

I would like to summarize some events that have happened. As a Member of the freshman class, elected to this body in 1984, I, along with my colleagues, and I hope all of my colleagues in this Congress, have a deep feeling and respect for honoring the United States Constitution. There were 32 Members elected, freshman Members elected, to the Republican minority in Congress. We felt so strongly about this that we wrote a letter to the chairman of the committee that the House had determined should investigate the election of Mr. McIntyre.

I would like to quote from that letter, and it was addressed to the Honorable LEON PANETTA. It states:

DEAR LEON: As freshmen Republicans, many of us were with you at Williamsburg for the orientation program. We were impressed with your commitment and sincerity. Your call for a truly bipartisan approach to the budget made sense to us as newly elected Representatives.

Thus, it was with relief that we learned that you were going to be Chairman of the Election Task Force looking into Rick McIntyre's election. Since Mr. McIntyre was there in Williamsburg with us, we knew you would take a truly bipartisan approach to this problem.

We are writing to tell you that the first weeks of this task force have been very disillusioning. The precedents of the House clearly require that the certified winner of an election be seated during the task force process. Mr. McIntyre has won both the election and the recount. He has been certified by the Secretary of State of Indiana. There is no precedent for refusing to seat him.

We urge you to issue a task force report calling for Mr. McIntyre's immediate seating. Only then should the task force move on to other issues.

Every day that passes the people of the 8th District of Indiana are being denied representation. You have a moral and constitutional obligation to proceed immediately and without hesitation to ensure that they are treated fairly before you begin the lengthy process of examining that election.

You called on us at Williamsburg to be bipartisan in considering the budget. We are taking you at your word and calling on you to be bipartisan in providing that, in Indiana as in the other two election contests under way, the certified winner is seated while the contest is being investigated by the House.

Should you fail to propose the immediate seating of Mr. McIntyre we will be forced to conclude that you want bipartisanship only on your terms and when it suits you. This issue goes far beyond politics, it goes to the very heart of the United States Constitution. It is bitterly dividing this Congress and raw abuse of power has no place in the U.S. House of Representatives. We appeal to your sense of integrity and your fairness and your respect for the Constitution, and urge you to persuade your colleagues to vote now to seat Rick McIntyre pending the conclusion of your investigation. It is constitutionally and morally right to do so.

We must close by warning solemnly that there can be no, repeat, no bipartisanship in the is House until Rick McIntyre is seated and the people of Indiana are represented. Your party's leadership is poisoning the well of bipartisan interest and with each passing day our concern grows and our commitment deepens.

That letter was signed by all 32 Members of the Republican freshman class. Since that time the chairman of the committee, the Task Force on the Election for the Eighth District of Indiana has sent us, his colleagues, two documents indicating the progress. It is interesting to note that in the sixth paragraph of a document dated March 18, 1985, from the chairman of the Task Force on the Indiana 8th Congressional District, paragraph 5 says, and I quote:

The task force has conducted a county-by-county analysis of how election officials were instructed to count ballots on election night. And during the recount, no claims of irregularity or fraud were filed by the parties involved in the election.

I repeat:

* * * no claims of irregularity or fraud were filed by the parties involved in the election.

This is a statement written over the signature of the chairman of the Task Force on the Indiana Eighth District, a member of the Democratic Party. I call on the chairman and his colleagues in this House to answer me this question: If there are no claims of irregularity or fraud, and they were not filed, no such claims were filed by either party in the election, why are we investigating this election without seating Mr. McIntyre? I would like an answer to that question, and I certainly would like to hear from someone.

I will be happy to yield my time, part of my time, to any individual on the opposite side of the aisle who would like to respond to that question.

Mr. EVANS of Illinois. Will the gentleman yield?

Mr. SMITH of New Hampshire. I will certainly be happy to yield to the gentleman.

Mr. EVANS of Illinois. The gentleman said in his opening statement that there had never been a precedent in this Chamber in regard to a person that had been certified.

Mr. SMITH of New Hampshire. That is true.

Mr. EVANS of Illinois. By their secretary of state, and yet we know in at least one instance within that same State of Indiana, in 1961, a Member certified by the secretary of state of Indiana, who was subsequently challenged and was not seated.

We have at least nine other instances that we have precedents in the same kind of case.

□ 1600

Second, we have had a situation in which three different counts, the first count 72 votes establishing Mr. McCloskey as the winner in the original election; subsequently a partial recount of that particular election in one county showing Mr. McIntyre a winner by 34 votes, and finally another partial recount indicating there were 418 votes.

I guess with this elastic count we need a real clear indication of who has won this election. The Congress has that power under article I, section 5 of the Constitution. That is why we set up the investigation to clarify that.

That right and power has been affirmed by the courts just recently in this case.

We do have some allegations or claims of irregularity and fraud in this case; two lawsuits filed by private citizens indicating or claiming that they have been denied their right to vote in this election and Mr. McIntyre has filed claims.

In effect, the local officials have not been able to rectify and clarify this situation. That is why we in Congress have moved in and started an investigation. We want to move this but what we want is a full counting on this on one set of rules. That has been our statement since the first, that has been our position since the first. If we had been totally partisan, we could have seated Mr. McCloskey on the first day. We really want to get to the bottom of this. We hope we will have the support of the Members on the other side of the aisle during this investigation so that we can expedite it and get whoever won that election seated here just as soon as possible.

Mr. SMITH of New Hampshire. I thank the gentleman for his information. I would like to respond to it briefly. I, along with all of my colleagues on the Republican side of the aisle, voted to seat the gentleman from Idaho in your party even though he won the election by some 60 votes, and the election was under contest we voted to seat the gentleman because

he had a certificate from the State of Idaho.

So I question just who is being partisan here.

Also regarding the 1961 Indiana case which the gentleman has brought up here, if the gentleman would check the statistics on that, he would find there were two certifications issued there, not one, and there was great confusion on the part of the Secretary of State as to who the legitimate winner was.

In this particular case there was one certificate. I will repeat my statement that never in the 200-year history of the United States of America has there been one certification and that individual been denied his seat while this election is being contested.

I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. The gentleman might also indicate that Secretary of State Simcox's certification in this case is inconsistent with Indiana law in that it was supposed to be filed within 10 days after the election. It was not in fact filed within 10 days after the election.

The certificate was not issued until 1 month after the election and when a recount was not complete.

Mr. SMITH of New Hampshire. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I would like to respond to that last statement.

Secretary of State Simcox of Indiana in fact was exactly following the letter of Indiana law.

Indiana law in the election code states that a certificate cannot be issued until at least 10 days after the election to allow for the recanvassing of the votes.

So the Secretary of State of Indiana could not have issued a certificate of election in that initial 10-day period because he is prohibited by law in the State of Indiana from doing so.

So he acted totally within the letter and the spirit of the law of Indiana.

Mr. SMITH of New Hampshire. I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. I am not licensed to practice law in the State of Indiana and I have not practiced law in the last few years in Illinois. But my understanding is that it had to be certified within the 10 days after the election. I would yield to the gentleman to tell us when in fact it was certified.

Mr. SMITH of New Hampshire. I yield to the gentleman.

Mr. BARTON of Texas. The certification was after the 10-day time period, the 10-day waiting time period.

I also am not an attorney, I am an engineer; but I would suggest that if my distinguished colleague on the majority side would take a look at the Indiana law he will find that my interpretation of that law is correct, that the Secretary of State had to wait at least 10 days.

Mr. SMITH of New Hampshire. I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. I think the record would show very clearly that it was 5 weeks after this election had been held that the certification came. It came after the statutory period as far as I understand the law of Indiana. It did not come in within that 10-day timeframe, it came some 5 weeks later.

Mr. SMITH of New Hampshire. I yield to the gentleman from Texas.

Mr. BARTON of Texas. I would like to reiterate one more time that the Secretary of State of Indiana acted within the law. He has to wait a minimum of 10 days. Now I do not have the election code of the State of Indiana with me on the House floor but I am sure that either my party or your party can look that up. I would just like that point to be perfectly clear.

Mr. SMITH of New Hampshire. I thank the gentleman from Texas.

I think for the RECORD it would be good to indicate that approximately 10 days ago, I am not certain of the exact date, the distinguished Secretary of State from Indiana appeared here in a meeting room very near this Chamber and no one, to the best of my knowledge, from the Democratic side of the aisle decided to come to hear the Secretary of the State of Indiana give his side of the story in terms of certification. And I think herein lies the problem. We do not challenge the right of the House to investigate this election. We do not challenge the right of the House to investigate the election. There is no problem with investigating the election. What we are saying is that they have broken 200 years of precedent in seating an individual who received, duly certified by the Secretary of the State of his State and therefore he should be seated pending this investigation.

No one in this body on our side of the aisle has challenged the right of the House to investigate this election as they are investigating the election in Idaho.

I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. Is it not a fact that the Federal court judge, Judge Brooks, indicated that the certification was in error, that he heard both sides in that case, that Mr. McIntyre, I believe, filed and that he found that the Secretary of State, Mr. Simcox, was in error in this certification.

Mr. SMITH of New Hampshire. I yield to the gentleman from Texas.

Mr. BARTON of Texas. If I might respond to that, the district court judge that you just referred to did, in fact, have a court case before his district court in Indiana. It was not on the entire recount procedure. In point of fact it was on one particular procedure. He ruled on a particular county recount. In the process of ruling on that one part of the recount, 1 county out of 15 I believe, he did make a general statement that perhaps the House of Representatives should take a look at the election but he did that not based on any testimony on the entire recount before his full committee. I would also like to encourage the gentleman to go to his Democratic caucus and encourage the Democratic caucus to allow the Secretary of State of Indiana, Mr. Simcox, to come before his caucus and elucidate these points of law that he had just referred to.

Congressman BILL THOMAS, who is the Republican representative on the House Administration Task Force on Election Contests, had just informed me that my point about the election not being certified within 10 days is totally correct, that the Secretary of State of Indiana has to wait a minimum of 10 days during which time period the votes can be recanvassed, not recounted, but recanvassed to correct for mathematical errors and computation errors.

Mr. SMITH of New Hampshire. That, by the way, was the testimony that the Secretaries of State of Indiana gave at the meeting that I believe the gentleman attended also when he met with us. That was exactly the testimony that he did give us.

I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. Mr. Speaker, I ask unanimous consent to put the Indiana law, the section pertinent to this discussion, into the RECORD at this time. I think it will show that Mr. Simcox should have certified a winner based on the election night returns.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

3-1-26-9 [29-5309]. CONGRESSMEN—DUTIES OF SECRETARY OF STATE AND GOVERNOR.—The secretary of state as soon as he shall receive such certified statements, shall compare and estimate the votes given for United States senator and for representatives in congress, and certify to the governor the persons having the highest number of votes as duly elected; and the governor shall give to each of the persons returned to him as aforesaid a certificate of his election, sealed with the seal, and attested by the secretary of state: Provided, That no return of any county which has come into his hands, and which has been duly authenticated by the clerk of the circuit court thereof, under seal, as hereinbefore provided shall be rejected by said secretary of state, but he shall estimate, aggregate and tabulate, and report to the governor the total number of votes cast in each county for each candidate for state office, supreme judge or other officer to be elected by all of the voters of the state, and members of congress, as evidenced by the face of such returns so certified to him. [Acts 1945, ch. 208, § 322, p. 680.]

The SPEAKER pro tempore. The gentleman from New Hampshire has the time.

Mr. SMITH of New Hampshire. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. It is too late for that.

The gentleman from New Hampshire.

Mr. SMITH of New Hampshire. In correspondence again from the same chairman who was investigating this matter, on February 25 in a statement of principles, paragraph 5 it says as follows:

> We seek to expedite this process because we are charged by the House to report within 45 days and because we wish to assure the voters of the Eighth Congressional District of Indiana that the representative they elected will be seated as a Member of Congress as soon as possible.

□ 1610

I think that is an admirable statement and I certainly would support that statement. I would like to point out some facts that have transpired since that time. As most of my colleagues know I hope March 25 is the expiration of the 45-day period. It might be interesting to point out or indicate to my colleagues where we are at this time in terms of the so-called investigation.

House Resolution 1 charged the task force with investigating the election, holding hearings to allow more and further information to be presented by the candidates, the secretary of state and others with an interest.

None of these has been done in the first 40 days of the 45-day life of the committee and I charge that the task force is using partisan politics and ask that this body publicly apologize to the taxpayers for wasting their money on such shoddy work. Furthermore, I think we ought to consider whether or not the Eighth District of Indiana, the voters there, and the people living there, should be paying income taxes. On what basis? They are being taxed, they are not being represented. This body is denying that representation.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I appreciate the information that the gentleman is bringing to the floor. I think what he points out is the reason why we are becoming increasingly disturbed by the pattern that we see here, a pattern which was today talked about on the House floor as the Democrats now being in favor of counting all the votes.

The fact is that they want to count all the votes that they have garnered out selectively and that is indeed a process that we are concerned about. They also are claiming that they are going to be counted by the GAO. The fact is that the GAO appears to be a front organization for doing what the task force has already decided is going to be the pattern. So, therefore, by putting the GAO's name to it it will appear to be fairer, but the fact is that by setting the rules by which you will count the GAO becomes simply a figure of numbers and not a real policy inputter into the process.

So, I think it is extremely disturbing to hear the Democrats now portraying what they do as being the ultimate of fairness, when in fact it is being done under procedures that were decided by a 2-to-1 majority and will be decided by a full committee that is stacked against us by larger than the numbers in the House should be deserved.

Mr. SMITH of New Hampshire. I thank the gentleman for his points. I think we need to determine here whether we are going to rewrite the Indiana election law or whether we are going to abide by the rules and regulations of the State of Indiana.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Well, I just heard in my office a statement made by the gentleman standing citing the Brooks case in a Federal court in Evansville, IN.

Does the gentleman have that decision by Judge Brooks before him?

Mr. EVANS of Illinois. If the gentleman would yield to me, not with me.

Mr. MYERS of Indiana. Well, quite honestly the gentleman does not have the facts either, respectfully.

Judge Brooks' decision held that the secretary of state could not issue a certificate short of the 10 days, but when the secretary of state had information of an error committed by one of the clerks of one of the counties, that judge also said that the secretary of state should not issue any certificate when he had knowledge—when he, the secretary of state—had knowledge. And to say that that judge had ruled the secretary of state in error is an error in itself on the face.

Mr. EVANS of Illinois. I thank the gentleman for that information.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

I thank the gentleman for taking this special order. This is an important issue. It is an issue that goes far below the surface of whether or not Mr. McIntyre is seated.

I would like to address that because we have been going on and debating this issue for some time now and naturally because there are so many strong feelings the debate may sometimes tend to center on procedures and even personalities.

But that is not what is at issue here. I would like to talk about some principles here because I was a newly elected freshman and a challenger candidate. I came here on January 3 to take my seat and I saw a process unfold that quite frankly that surprised me in a way I have described here earlier.

We had two challenged seats that day. In one case the case of Indiana's Eighth District we had a Republican challenger, with a duly certified certificate of election, who was challenged on behalf of the Democrat incumbent. On that case I voted, and the people with whom I discussed this case voted on several principles. The principle that the people of Indiana should choose their representative. The principle that there should be one man, one vote that we have talked about before.

But the principle, never before challenged in this House, that the duly certified person should have his seat until such time that the question be resolved. I found that we lost on those principles on those votes as Mr. McIntyre was denied on a strictly partisan basis that vote.

I bring that up because a few weeks ago in debate here one of the gentlemen made the suggestion that it was equally partisan on both sides. But I recalled the second vote where the Democrat challenger in Idaho had a certificate of election and where the Republican incumbent was challenging that certification. We voted and almost without exception, but for the exception of one or two Members, the vote prevailed again, I believe, on the principle that there should be the right of the people of Idaho to decide the issue, that the people should decide on a one man, one vote basis, and that the person with the certificate should be seated.

Now I know the temptation. It is easy to want to vote on a partisan basis. I would rather have voted for a fellow Republican than for a Democrat. But the principle is what guided my vote that day.

Now later we brought this issue to a vote again and again on the same principle I voted to seat Mr. McIntyre. During that day the gentleman from Idaho, who had been seated, presumably on that principle that he was the duly authorized person, voted not to seat Mr. McIntyre. I know the principles by which I cast my vote. I do not know on what principle that vote could have been passed, because it was a one vote margin. There must have been a reason, there must have been some reason. I would like to see this discussion go back to the question of what are these principles rather than

the procedures and rather than the personalities.

But remember when we are talking about principles that are this dear to the American people and this dear to the Constitution of this country, then I think you can expect the personalities to be excited and that the procedures will be procedures that are extraordinary, because, indeed, it is extraordinary to deny a person a right to take his seat after he has been elected by the people in his district and certified by the proper officials in his district and to allow that district to go without representation while you have an exactly similar case in another State where indeed the people of the other State do get the representation while the question of the election is being judged. I do not understand what kind of governing principle could allow such a dichotomous situation to persist in this House. I would like to see those principles discussed in this House.

Mr. SMITH of New Hampshire. I thank the gentleman for his comments and certainly agree with him.

There was some debate a short time ago on this floor, somewhat angry debate, about Members' schedules being interrupted while we have a call for a recorded vote on the Journal.

Well, I would point out to my colleagues who seem to be upset with that we are all affected in the same manner. We all have schedules and we all have them interrupted when a Journal vote is called.

I would point out that the Eighth District of Indiana does not have the opportunity to have a vote on the Journal, does not have an opportunity to have a vote on the MX, does not have the opportunity to have a vote on the farmers, does not have an opportunity to have a vote on the budget, does not have the opportunity to have any vote.

□ 1620

Mr. ARMEY. Mr. Speaker, will the gentleman yield again?

Mr. SMITH of New Hampshire. Yes; I will be happy to yield to the gentleman from Texas.

Mr. ARMEY. The Eighth District of Indiana does not have a vote on who their Representative will be, as is the case in Idaho.

Mr. SMITH of New Hampshire. That is correct.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I will be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

We had a vote today that was determined by one vote. We had a vote today on the House floor where spending was determined, where a budget-buster bill was passed, by one vote, because it required a two-thirds vote, and had we had one more person voting no, it is possible that that bill would have been killed here on the floor.

Now, I have no idea how the Representative from Indiana, whoever that would have been, would have voted on that particular bill. But the bottom line is that it was a one-vote margin. And so not only did the people of Indiana have a problem today, the fact is that a judgment of the House may have been changed substantially by the fact that we have not seated a duly certified Member of Congress.

The SPEAKER pro tempore. The Chair will advise the gentleman that he has 3 minutes remaining.

Mr. SMITH of New Hampshire. I thank the Chair.

I would point out, in regard to the comments of the gentleman from Texas regarding moving away from the political into the area of the Constitution and the right and wrong of the issue, the politics can be debated on this thing out where the investigation is going on. The House has every right, I will repeat, to investigate that. We are not challenging the investigation of this election. If there are irregularities, if they turn up—they have not. I would point out that no irregularities, no charges of irregularities, no charges of fraud by either candidate were brought in this election.

It is the leadership of the House of Representatives that has brought these charges. And because they have brought these charges, an individual is denied a seat in this body. That is wrong. It is not constitutional. And because of that, the House now has to go through the embarrassment of being sued by the State of Indiana, and rightfully so. We are now being sued, and I think the people all across America should know and my colleagues should know that we are paying two Members to sit in a seat where none is sitting and that we are paying thousands of dollars for an investigation to take place while no one is being seated. I find this shameful, and I certainly regret that this House has acted in this manner.

I worked hard to get here, as many of my colleagues did. I respect this body. But I want to leave you with one final thought: The U.S. Constitution takes precedence over any individual who sits here, and someday we are going to have to pay for this rather embarrassing action. I apologize to the American people on behalf of my participation in it.

The SPEAKER pro tempore. The time of the gentleman from New Hampshire [Mr. SMITH] has expired.

PARLIAMENTARY INQUIRY—ORDER OF BUSINESS

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts [Mr. FRANK] rise?

Mr. FRANK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK. Mr. Speaker, I reserved some time just before the gentleman from New Hampshire. I was detained. I would just ask the Chair what the procedure would be, if there is some way I could take my time.

The SPEAKER pro tempore. The Chair will state that the gentleman will have to ask unanimous consent to go back and reinstate his time.

Mr. FRANK. Mr. Speaker, I ask unanimous consent that I be allowed to proceed on my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. MEYERS of Indiana. Mr. Speaker, reserving the right to object—and I certainly shall not object—I would only like to make certain that if some questionable statement is made that the gentleman would yield for colloquy.

Mr. FRANK. If the gentleman will yield to me under his reservation, I would say that I am not conscious of ever having made a questionable statement on the floor, but I would answer the gentleman that I would yield to him, no matter what, any time he wanted to, if I have made a questionable statement or not.

Mr. MYERS of Indiana. I wanted to make it clear.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so that I might inquire of the Chair as to when this special order time will fall, since there are others of us who do have special order time reserved, as well, and I am wondering whether or not this time will come before our time or after our time, or just when will this time fall?

The SPEAKER pro tempore. The Chair will state that that depends upon how the gentleman propounds his unanimous consent request. Would the gentleman like to follow all of them?

Mr. FRANK. Mr. Speaker, I had hoped that I could do it now, having been on line before the gentleman from New Hampshire, and I was detained for my 15 or 20 minutes.

Mr. WALKER. In other words, the gentleman's request is that he proceed immediately?

Mr. FRANK. Yes.

The SPEAKER pro tempore. That is the way the gentleman propounded his request. It would have to be changed to mean anything different.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

H.R. 683, A BILL TO EXTEND UNTIL OCTOBER 15, 1988, THE NET WORTH CERTIFICATE PROGRAM PROVIDING CAPITAL ASSISTANCE TO SAVINGS INSTITUTIONS AND BANKS

[Without objection, Mr. HUBBARD was given permission to address the House for 1 minute.]

Mr. HUBBARD. Mr. Speaker, on January 24, I introduced H.R. 683, a bill to extend until October 15, 1988, the Net Worth Certificate Program providing capital assistance to savings institutions and banks. This assistance is accomplished without any expenditure of Federal funds. It adds not 1 penny to the Federal budget deficit. The assistance is in the form of notes given by the Federal Savings and Loan Insurance Corporation [FSLIC] or the Federal Deposit Insurance Corporation [FDIC] to eligible depository institutions in exchange for net worth certificates. The notes are entered on the books of the institutions as additions to capital and, thus, shore up net worth.

What we do through the Net Worth Certificate Program, Mr. Speaker, is simply buy some time to tide over depository institutions that have been heavily engaged in home mortgage lending. These institutions have provided money to finance home ownership in America, but in the process—and particularly in recent years—they have been battered by deregulation and high interest rates. Market forces have required that they pay more for deposits than the yield they receive on mortgages in their portfolio. These institutions are primarily thrift institutions, limited in the kinds of loans and investments they may make but dedicated to home mortgage lending.

Mr. Speaker, I believe these specialized institutions are important to the American economy. I believe they should survive and be readily available to provide funds for home mortgages as needed by the American public. This may not occur without the assistance of the Federal Government, and the Net Worth Certificate Program is a proven and effective means of providing help.

I rise today to introduce a new bill that incorporates the extension provision of H.R. 683 and goes farther. The bill I introduce today would extend much needed capital assistance to agricultural lenders.

Using the same method of exchanging notes from the FSLIC and FDIC for net worth certificates, we can help agricultural lenders get through the next few years just as we have helped home mortgage lenders get through the last few years. Without spending Federal funds, we can give agricultural lenders much needed time to restructure their portfolios and enable them to grant forbearance, loan extensions and loan increases to farmers.

The awful combination of a highly valued dollar and devalued farm land has created a near catastrophe in our agricultural community. We must help avert the disaster of a rash of failed farm banks and foreclosed farm loans. The Net Work Certificate Program is far from the entire solution to the problem, but it is a help. I will provide some of the cinder blocks needed to support the structure of the farm system in America.

At present, the Net Worth Certificate Program is limited to depository institutions having at least 20 percent of their investments in residential mortgages or securities backed by such mortgages. My bill would make thrift institutions and banks eligible for capital assistance if they meet all the other criteria of the Net Worth Certificate Program and if at least 20 percent of their investments are in home loans or agricultural loans. This expansion of the program to include an agricultural lending test would open the door to the Nation's farm lenders at a time of financial peril.

I offer this bill as a part of the solution to the farm problem in America today. It is an approach that should be acceptable to the President and to the Congress. I urge my colleagues to give the bill their utmost consideration and to lend their support to quick passage of this measure.

THE QUESTION OF THE EIGHTH DISTRICT OF INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK. Mr. Speaker, let me say, first, that I do not intend to take 60 minutes. I had meant to only ask for 30, and I will not even take that. I want to particularly express my appreciation to the Members on the other side who are on the floor, the gentleman from Pennsylvania and the gentleman from Indiana. They were very gracious to me, and I appreciate it. I think we owe the gentleman from Pennsylvania thanks for having suggested that we begin to share this time and make it a genuine dialog. He has been very much a man of his word in that regard, and I appreciate it.

I want to address the question of the Eighth District of Indiana. The gentleman from New Hampshire said that the Constitution was key, and the other gentleman said we have to follow the basic principles. One question was, what was the difference between this and the election in Idaho. In my judgment, it is that a genuine doubt exists as to who is the winner. I do not believe that such a doubt exists with regard to Idaho. Members who do ought to have pursued that. No one, apparently, in the House thinks that there is genuine doubt as to the outcome in Idaho. There does appear to be genuine doubt, in my judgment——

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. FRANK I yield to the gentleman.

Mr. BARTON of Texas. I do not think there is a doubt of who won in Indiana. I think Congressman-elect Rick McIntyre won.

Mr. FRANK. I know the gentleman thinks that. That is why I did not phrase the question in that regard. The gentleman was asking me what the difference was.

I said I would yield, but it is hard to yield to three gentlemen simultaneously. I hope it will not be considered going back on my word if I complete the answer to the first intervention before yielding to my friend from Indiana.

Mr. BARTON of Texas. I thank the gentleman.

Mr. FRANK. The gentleman remains gracious.

The point that I was making, I was asked why I differentiated. I differentiated because I think there is genuine doubt as to the Indiana result and not the Idaho result. Now, it is best to answer these things one at a time. Apparently we all agree there was no doubt as to Idaho, so the question is: Was there or was there not doubt as to Indiana? I would then be glad to proceed to discuss why I think there was doubt as to Indiana, and I will also discuss what I think is the best way for resolving that doubt, and that is to count the votes, which has somehow become a controversial procedure.

I will yield now to my friend from Indiana.

Mr. MYERS of Indiana. I apologize for asking, but there was question in Idaho, much deeper and much more serious than ever questioned in Indiana. First, in Indiana, fraud has never been suggested by either of the candidates or their representatives in the Indiana election. However, in Idaho the certificate issued by the State of Idaho is clouded because I believe it was the attorney general or the secretary of state sent a letter, after the certificate was issued, to the Clerk of the House stating that there was a possibility that 2,300 fraudulent votes might have been cast. So there was a fraud, which is provided in the Federal Contested Election Act in Idaho.

Mr. FRANK. The gentleman does not mean to say there was a fraud. He means that somebody, he is not sure whom, sent the letter suggesting there might be one. That is a little different than saying there was a fraud.

Mr. MYERS of Indiana. Well, that is a cloud, a cloud that is not on Indiana.

Mr. FRANK. There is a difference between a fraud and a cloud. Frauds do not have silver linings.

Mr. MYERS of Indiana. Fraud has to be proven.

Mr. FRANK. Yes; fraud is something that is proven. The gentleman said—I will yield in a few minutes, but this cannot be conducted simultaneously.

There is a difference between yielding in a debate and reenacting a Marx Brothers movie, and I will be glad, in time, to yield to the gentleman, but we are going to have to have this a little bit with some order.

Now, again, I want to deal with this question. I was asked why I and others did not differentiate between the two. I do not think there is a question in Idaho. If Members think there is, if Members really think that fraud was committed, then I would urge those Members to pursue that. I do not believe there was one.

I am not going to yield right now.

Mr. WALKER. If the gentleman would yield on Idaho. It is very important, I think, to yield on Idaho.

Mr. FRANK. I will yield to you on Idaho in a little bit, but having yielded already to two Members in less than 5 minutes, I do not think I am being untoward. I will be glad to finish this thought: I was simply saying to the gentleman from Indiana that he said an official, he was not sure whom, raised the possibility of fraud. That is different from the flat statement that there was fraud. I would simply say, about Idaho, that if Members think there is fraud committed and that there is a dispute, they should pursue it, and I would hope they would pursue it the same way as I think we should pursue the Indiana election, which is to count the votes.

The controversy seems to be now objection to a proposal by the majority of the task force that neutral people at the GAO simply count the votes.

Now, the people in Indiana have counted the votes. We have had 3 different results.

I said I would yield, but I would ask my friend if he could retrain himself with the sotto voce there that I think will distract us from the discussion. Perhaps he wants to. For some reason when I talk about the procedure by which the General Accounting Office is asked to count the votes, a neutral body is asked to engage in a neutral procedure, we have problems, and Members have suggested that they were being asked to count only some of the votes.

If that were the case, I would object. I have looked over the task force instructions. If there are mistakes in the instructions, I would join in appealing to the task force to change them, and I hope we can get to discuss that.

I will yield to the gentleman from Texas.

□ 1630

Mr. ARMEY. First please, because I was the one who addressed the question that we are discussing here. I would like to make it clear: I did have a reservation, I do have a reservation about who won in Idaho. The question that I addressed was why would we not seat the gentleman from Indiana while it was being decided as we seated the gentleman from Idaho as it was being decided.

I have a question about who won in Idaho that is far greater than any question I have about who won in Indiana.

Mr. FRANK. I would simply urge the gentleman then, he is a Member of the body, he should pursue that. I do not myself, having looked at the facts in Idaho, think there is a question.

Mr. ARMEY. But I am——

Mr. FRANK. I have yielded and I want to respond to the gentleman now. I was answering the gentleman's question. I think there is a difference; he does not, and he ought to pursue Idaho. I do not want to allow his inaction on the Idaho case to stop me from doing what I think is the fair thing which is to ask the General Accounting Office, and I do not understand why there is a reluctance to allow me to simply make clear that is what we are talking about, allowing the General Accounting Office to count all the ballots which were cast recognizably for a candidate by an eligible voter. That is what will be done very shortly, and within a week or two we will have the results. I do not understand a better way to proceed.

I yield to the gentleman from Pennsylvania now.

Mr. WALKER. I thank the gentleman for yielding because he is talking process and procedure here, and I think it is important to recognize that the procedure by which we decide whether or not there are real questions in races is under the Federal Contested Elections Act, that that is the procedure that we have got by which we resolve some of these disputes.

In Idaho, there has in fact been a case filed under the act challenging the election based upon that act; based upon the law of the land. In Indiana, there was no such case. If anything, the Idaho case, in terms of Federal law, has more questions regarding it than the case in Indiana does simply because we have a procedure under which to look at contested elections. The gentleman, Mr. McCloskey, has done it in Indiana. In Idaho, in fact, the Contested Elections Act has been applied.

Mr. FRANK. I would say to the gentleman from Pennsylvania I disagree with him about the Constitution of the United States. I do not believe, as I read the Constitution as it has been interpreted, that the existence of that act is preemptive of the clear statement in the Constitution. That is one avenue, but it is not preemptive and to suggest that is the only way to decide a contested election I think is simply constitutionally wrong.

Having yielded to the gentleman for a considerable amount of time, I do not think asking to have a three-sentence response is unfair. I am disagreeing with the gentleman's suggestion that if it is not done under the Contested Elections Act, that is not the right way to go. I think we have a right under this Constitution, which entrusts certain responsibilities to the House, to deal with this.

What I want to talk about, and again, I want to note that my colleagues do not want to talk about it and I understand why: They are in a position where they have to attack a proposal to count the votes by the General Accounting Office.

Mr. MYERS of Indiana. Will the gentleman yield?

Mr. FRANK. No; I will——

Mr. MYERS of Indiana. You said we should talk about it; I will be glad to talk about it.

Mr. FRANK. I know you will after I have finished.

Now, I have yielded to four gentlemen in about 10 minutes. I do want to finish a sentence. The gentleman from Indiana, I think, is more serious about it than he is acting now, and that he understands that by yielding to four people at one time it is a little hard to have a continued conversation. I assume the gentleman would want to have the point discussed.

The point I am making now is whether or not there is something the matter with proceeding directly under the constitutional charge to the House. I do not think so. I think that the procedure that has been adopted by the task force is the most straightforward.

Yes; now if the gentleman wants to talk about it, I will be glad to. A charge was made that we were somehow not counting all the votes. Perhaps that is there. I have read it over; I did not read it as thoroughly perhaps as I should have, I would be interested in what the gentleman—he was not the one who said it, maybe he does not subscribe to this—but everything I see says that the instructions from the task force to the GAO auditors were to count the votes.

I would like to ask: Does anyone doubt the objectivity of the GAO auditors? Is that part of our problem? I had not thought that it was.

I yield to the gentleman from Pennsylvania.

Does the gentleman from Indiana mind if I yield first to the gentleman from Pennsylvania?

Mr. MYERS of Indiana. No.

Mr. WALKER. Well, I just want to tell the gentleman that when the GAO is being instructed by a task force as to how to count the votes, yes, we do have some reason to question whether that would be an appropriate vote count.

Mr. FRANK. What do you mean how to count the votes? But that is not questioning the objectivity. I thank the gentleman for in a roundabout way agreeing that we are not saying that the GAO will count the votes unfairly; the GAO, I assume everybody agrees, if they see the vote will count it the way it was supposed to be. Now, if there is a problem with the instructions, the instruction and the objectivity are separate questions.

One of the things that makes me nervous when you have people who refuse to have an issue sorted out and discussed in its various aspects, I wonder whether we are not being simply asked to watch clouds of smoke billow for some reason, rather than look at things.

I did not raise the question at this particular minute, when the gentleman asked to answer, about the procedures. I wanted to get to them, but I said first, let us look at the objectivity of the GAO. Now you might, logically, let me explain this to the gentleman, there were two separate issues. One is, are the GAO people, people you can count on to do it fairly? Second is the question: Have they been given instructions on how to operate.

My first question was does anyone impugn the integrity of the GAO counters? I do not think anyone does. Then the question does come, and I think it is a separate issue, I think in choosing the GAO people have chosen as fair an entity to do the counting as we have available to us. Now the question is what are the rules, and I will now yield to the gentleman from Indiana if he will tell me where he thinks the rules for counting the votes are somehow unfair.

Mr. MYERS of Indiana. Well, I am not going to challenge that. I asked an earlier audience for that opportunity to ask you a question; if I seem impolite, I apologize to the gentleman because that is not my intention.

Mr. FRANK. Not impolite; overeager. I would never accuse the gentleman of that.

Mr. MYERS of Indiana. Whatever the statement was, I apologize for that appearance.

Mr. FRANK. I appreciate that and I yield to the gentleman.

Mr. MYERS of Indiana. Nevertheless, the issue here is not whether the General Accounting Office, whether the House Administration Committee or the House of Representatives has a right to go out and conduct a judgment, that is what the Constitution says, a judge, the rules of the House provide for this. But to say the issue is only that is not the case.

What we are saying here, the House of course has every right, to my knowledge, there is not one Member of this body who has challenged the right for the House of Representatives to look at any of our elections. But in the meantime, precedence has always been when there is an uncontested certificate issued by the State authority, that you seat that Member.

Now, I will cite a gentleman that you remember quite well, John McCormack, when he was the majority leader, a similar, more similar than——

Mr. FRANK. I do not remember that.

Mr. MYERS of Indiana. Well, you remember John McCormack. When John was the majority leader here and another Member, former Member was here when John was the majority leader, asked and made a request that we seat Brooks Hays, and I forgot the other contested election, similar to this; there was a very close count. But the majority leader from Massachusetts, John McCormack moved to seat the Member that had the certificate. Always when there has been an uncontested, no fraud suggested, we have seated. The only time we have not is when there has been a contest of fraud suggested.

Mr. FRANK. I thank the gentleman. I am going to insist on being allowed to speak a little bit on my time in between interventions. I hope the gentleman from New Hampshire, my neighbor, will not begrudge me a couple of minutes on the time. I appreciate it. He had his own time before; my friend here did agree to unanimous consent, which I appreciate, but I do not think that it is excessive for me to say just a couple of things, I would say to my friend.

First, I appreciate what we have now gotten clear. Some things have to be gotten clear. Nonanswers are sometimes as important as answers. It now seems to me fairly clear that no one is challenging the integrity of the people who have been chosen to count the ballots, because we do have an election contest here and as I said, I believe we have a genuine election contest.

The question is: Have we got people whom we can count on to count the ballots fairly? I think we have. Then the question was the procedure. My friend from Indiana said he was not going to contest those; he wanted to raise the point about who you seat provisionally. My own view on who you seat provisionally is that when you have genuine doubt as to who won, as we have in this case, and a procedure which will, in a very short period of time allow that to be resolved, and a procedure which I believe to be a wholly fair one, namely a group of people of unquestioned integrity, the GAO auditors, being asked to count every ballot which was recognizably cast for one of the candidates that seating one or the other when you have no clear idea who was the winner, is not what is compelled and that the best thing to do is to get this done quickly as possible, and I think they have been moving very expeditiously.

I do want to focus on the procedure because we have a couple weeks left before the task force has to report. We then have the great bulk of the term which we have in question. I guess I would wonder why people would want to talk about the 2 weeks rather than about the 21 months, because, as I understand it, there will be 21 months left of this term, 21 of the 24 months by the time the procedure goes forward.

I think people have made a good point; they say we have to have confidence in the election process; we cannot have an election stolen. People use the word "stolen." Some people on my side got all upset because people used the word "stolen." I do not get upset; I think people ought to be able to use just about any word in here that they would use anywhere else. I am not objecting to people using words; I think, however, we ought to look at that.

The suggestion that someone is planning to steal an election I think is simply erroneous, and I think the procedures that the task force has set forth show that. What we have, and people who have been diligently watching this, would I think have a hard time following. That is why I thought it was important to take some time to discuss it.

□ 1640

We have, I think, some Members of great integrity and I was pleased in an earlier conversation that I had on this that there was general agreement on both sides of the aisle that the chairman of the task force, the gentleman from California [Mr. PANETTA], is a man whose reputation for honesty is as good as anybody's in this body, and as good as anybody's outside this body, since I suppose modesty compels us to say that we are not necessarily the best standard in the public's eye when we talk about this, but I think he is a man of absolute honesty.

He has, with his colleagues on the majority side, proposed a procedure whereby the neutral and respected and competent General Accounting Office will count every Indiana ballot that was recognizably cast in that district for one or the other of the candidates, and I believe most of us will pledge ourselves to vote for whoever that procedure brings forward.

Some people suggested that they were not going to be able to count all of the relevant ballots, or perhaps that they were going to count irrelevant ballots. That would disturb me very greatly, and I do not believe that there is perfection anywhere, and if anyone can look at these task force reports here on counting the ballots, the counting rules, and tell me what is unfair, I would be glad to look at that and perhaps join in. They look to me to be generally fair.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Let me yield first to the gentleman from New Hampshire, and then to the gentleman from Pennsylvania.

I would be glad to join in that kind of effort. If there is a better group than the GAO to count it, if there are better rules by which we can have the counting, that is what I think we ought to focus on. We have 21 months left of this term after this task force reports and the House votes, and I think it is essential that we see that we have done the best job to get these votes counted.

Mr. Speaker, I will yield now to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding, from my neighboring State.

Mr. Speaker, the gentleman mentioned that the election is being challenged; therefore, that he felt he had to take this position.

I would ask the gentleman two questions: One, who is challenging it? The election was not challenged by either participant, and I would ask the gentleman if he were involved in an election and the election was very close and he felt that there were irregularities and he knew he had 30 days to challenge the election, would he not challenge that election? The gentleman's colleague did not challenge the election.

Mr. FRANK. Let me respond to the gentleman.

First, I did not say that simply because somebody somewhere challenged something, I was compelled to act in a certain way. That is not a position I have ever taken.

In a country of this size and diversity, there will always be somebody to challenge everything. I think we have the responsibility to evaluate challenges. In fact, that is why I am giving you my response why I differentiate between Idaho and Indiana. I think there is genuine doubt about the result in Indiana and not about Idaho, and that is why I differentiate between the two.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I am answering the gentleman. I am sorry he does not like the answer, but I am going to answer him. He can rephrase the question after I am through answering.

I differentiate. The gentleman asks who has challenged the Indiana election? Well, among others, Sol Stevenson, Alberta Stevenson, Sondra Matthews, Tracy Jones, Charles Jackson, Sylvester Stofleth 2d, Kathleen Stofleth, and Frank Elliott. They challenged it, among others, in a lawsuit.

The issue came before us as one in which the candidates differed. We had election night one winner reported. It was challenged, in fact, the way it was reported. One winner was reported election night; a later winner on the other night.

Again, I notice the gentleman does not want to discuss the issue, and I have to raise again the question: With 21 months remaining in the term, there were suggestions made, and I have not made these up, there were suggestions that the procedure set forward by the task force under the gentleman from California [Mr. PANETTA], was unfair. I would like to know where they are unfair. It may be that there was an inadvertent unfairness.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. No; I am not going to. I am going to finish this one.

Mr. WALKER. The gentleman keeps posing questions and then will not yield.

Mr. FRANK. I have yielded seven times. That is simply inaccurate, as the gentleman from Pennsylvania well knows. I pose questions and I listen to the answers, and then I respond. That is my understanding of dialog. I have yielded to every minority Member on the floor. If somebody wants to come over from his office, I will yield to him. I will yield to the gentleman again, but I am responding to—I am a little distressed when charges are made that are not backed up.

I have heard charges continuously—not continuously; frequently; I do not want to exaggerate, although spirit being infectious, I might be by the end of this. Questions have been raised impugning the integrity not of the individuals but of the process of counting the votes. I would be glad to discuss, and I asked several times and the gentleman from Indiana said he did not want to talk about that, I asked the gentleman from New Hampshire, if the gentleman from Pennsylvania now wants to, I still want to know what is it about the procedures that have been set forward for counting the votes that the gentleman thinks are unfair. I may agree and I might join with him in petitioning for a change.

I will yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. That is what I was trying to answer. For example, it is our understanding that under the procedures adopted by the task force, the ballots that were punch-card ballots that were placed in unsealed envelopes will be counted. Under that procedure, the sealed envelope is a procedure by which we assure that there is no fraud.

In a number of States, including California, punch cards have to be in sealed envelopes before they can be counted. Under the procedures adopted by the task force, and under the instructions given to GAO, those ballots will be counted. It seems to me that that raises a question as to whether or not those may not be fraudulent ballots. I do not know, but having adopted as a pattern that those ballots are going to be counted, it seems to me raises some questions about the integrity of the process, and I would hope the gentleman would have that particular one corrected. We ought to throw out all ballots that were in unsealed envelopes, it seems to me, so we are sure there are no fraudulent ballots being cast.

Mr. FRANK. I thank the gentleman. That is exactly the spirit in which I think we ought to proceed. As a matter of democratic election procedure, I would disagree with him. I think the problem is that if you do what he is doing, you are certainly going to be excluding—and that is not his intention—but the effect will be, and that is why I think this is an appropriate way to deal with this because we have had these kinds of questions raised, the effect will be to disallow valid expressions of intentions of registered voters. I do not think the penalty for not having licked an envelope with sufficient moistness ought to be that an individual loses his or her vote.

Yes; we do have the right of the Congress to decide what kinds of votes should be counted or not. If people think that someone was there who should not have been there, and I guess fraud could be of two sorts, fraud could be that someone voted who should not have voted, and fraud could also be if someone voted and someone else monkeyed with his or her punch card.

I am not aware that anyone has charged that. I do not believe that that accusation ought to be leveled against the election officials of Indiana.

What the gentleman is suggesting is that there would have had to have been some possibility that someone failed to moisten the envelope sufficiently and someone else, then, an election official of Indiana, took advantage of that, slipped that one punch card out and put in another. We have to choose. I agree that is a possibility. In which case, are you more likely to divine the genuine intentions of the voters, by saying that if a voter—and by the way, election

law in every State I am aware of has given judges power to say that excessively technical interpretations of the law, even though perhaps literally correct, should not be used to defeat efforts to decide the intention of the voter.

The gentleman has posed a specific issue. I will get to the gentleman in a minute, but I think these are worth discussing because this is very important, to know who actually won.

You have two options. Should you say that because someone insufficiently moistened the envelope or the envelope might have been defective or it might have been hot in the room or for a number of reasons, we have all, I think, in our lives thought we were moistening and sealing envelopes that were not sealed, maybe some of them did not have to be moistened, they had to be stuck, there were some defective tapes, should we knock all those out because of the possibility that some election officials in Indiana monkeyed with the ones that are unsealed? I think greater violence would be done to the democratic process if you made that assumption about the election officials and disallowed those votes than if you allowed them.

I believe overwhelmingly that the votes in the unsealed envelopes are going to be valid expressions of the intention of the voter.

Mr. Speaker, I will yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank my colleague for yielding.

You challenged to ask about the procedure used. Procedurally, we are not disagreeing. That has strong precedence. But the rules adopted, I thing you raise some serious flaws in the rules in this instance.

Going back again to precedents, there has been much precedence in this House.

Mr. FRANK. I will take back my time for a second because I will discuss anything the gentleman wants, but I was discussing the rules with the gentleman from Pennsylvania. Are we off the rules now and back to precedents of seating people? Whatever the gentleman wants. I just want to know what I am talking about. That is not always possible in this House.

Mr. MYERS of Indiana. The gentleman talked about procedure, and the rules adopted by the House Administration task force are part of the procedure, and I am challenging part of that.

Mr. FRANK. But not the rules. The gentleman is not challenging the rules?

Mr. MYERS of Indiana. Yes; the rules established by the task force.

Mr. FRANK. For counting the ballots?

Mr. MYERS of Indiana. On which ballots count. No one will disagree that the overriding rule should be the intention of the voter. However, I am going now, if you will allow me, to go back to the precedents of the House. If you look at the precedents in other cases, the House has held this: that State law shall prevail except when it is unjust or unreasonable. I believe those are the words that have been used in the past.

Every State has an antifraud provision. Usually that is initials by the precinct election clerk. In the case of absentee ballots, which really open that door wide open, the rules that have been adopted tentatively by this task force is to count every ballot, even the absentees, that do not include the county clerk's initials and/or the seal.

□ 1650

Now, has the gentleman ever worked an election poll?

Mr. FRANK. Yes.

Mr. MYERS of Indiana. If the gentleman has ever been an inspector, I do not know about the comparable role, one who heads up the election polls in Massachusetts, has he ever got one ballot out?

Mr. FRANK. No; I want to answer the gentleman. I worked at election polls in recounts. I am trying to answer the gentleman accurately, I do not want to mislead him or give him the wrong impression. I cannot remember an election in which I was sufficiently neutral since being of age that I could have been an official, so I was never an election official.

Mr. MYERS of Indiana. Well, I have not been running that long.

But if you get one ballot out of the voting place, just one ballot in the early morning, you can vote that ballot all day long and the one protection you have is initials.

Now, in the two or three precincts in Vanderburgh County, where the precinct clerks or the inspectors or the election officials did not initial any of them, I think you have to count them all, by all the laws of rule making; but where you have the absentee ballots coming in that are not initialed by any authority, how do you know those were ever cast by the individual casting that ballot?

Really, I think we have a serious question. I do not think what we decide here has anything to do with it, anywhere; but you challenge and ask what objection we have. That is one I strongly have.

Mr. FRANK. Well, I want to see if I can understand the gentleman.

Mr. MYERS of Indiana. You can lose an election two ways, you know. You can either have it stolen after the fact or before the fact or during the process.

Mr. FRANK. Well, I think I have given enough to the gentleman. That record can be replayed on somebody else's time.

I do not think there is any suggestion of an election being stolen here. I do not think the GAO or LEON PANETTA are trying to steal elections.

I am prepared to engage in a serious discussion of these rules. I disagree with the gentleman from Pennsylvania about the stealing of the ballots. I wanted to discuss with the gentleman from Indiana the question of initials. I thought I understand him to say, and to say that because one group thinks that you should count the punch cards in an envelope that was not sealed and another does not, that one group is trying to steal it from another seems to me inappropriate rhetoric. I do not think that has any place in a rational discussion, frankly, of the issues, because how you decide an election is a very difficult question, given the kinds of human fallibility we have.

Mr. MYERS of Indiana. Will the gentleman yield?

Mr. FRANK. No; I want to finish this. I do not think that is a hard concept to get across. We will talk about one thing at a time. I had what I thought was a lengthy discussion with the gentleman about the stealing of the ballots. The gentleman from Pennsylvania raised another issue and I want to talk about that, the question of the initials.

Now, he said in Vanderburgh County, as I understand it, where they did not initial any of them, he would be inclined to count all of them.

Am I correct that they did not count them in Vanderburgh County?

I yield to the gentleman for that.

Mr. MYERS of Indiana. Yes, they did. On election night all those ballots were counted in those precincts.

Mr. FRANK. Then what happened?

Mr. MYERS of Indiana. Then in the recount process, to make it clear, Indiana counted those ballots twice, almost all of them, Indiana now has a recount procedure. In the recount, Vanderburgh County, where this was grossly violated, the initials, by the election clerks, the recount commission was Democrat 2, Republican 1. They cast out the ballots in those precincts, the Democrat reelection commission; but originally they were counted or they were not counted.

Mr. FRANK. So if they were not counted——

Mr. MYERS of Indiana. McIntyre won.

Mr. FRANK. The point is, the people have said, "What is the question?"

Well, the gentleman from Indiana has just helped us make the case. On the one hand people act as if this election, which should have just seated a man after the first count, who is not the winner, but then certified the winner on the second count—no, I will ask the gentleman to restrain from histrionics. I will say to the gentleman, I think I have yielded more than

anybody I have ever seen this House yield to other Members.

Among the misstatements, I would say to the gentleman, is when you are not recognized—I am not going to yield to the gentleman. The gentleman is not going to intimidate me by standing on the floor of the House and in a manner contrary to the rules of the House shouting and speaking without having recognition. I am going to respond to the statement. I will continue to yield as I have done on a regular basis to all three, but the gentlemen do not want to talk about the facts.

Now, I want to talk about Vanderburgh County, because what the gentleman said to me—I said, let me reconstruct this. I can understand why the gentleman does not want to reconstruct it and I can understand he does not like the way it came forward.

I said, what specific rules do you want changed?

Well, he talked about signing the ballots.

And I said that I thought the rules put forward by the gentleman from California and the gentleman from Missouri, Mr. PANETTA and Mr. CLAY, were fair. They have instructed people to count these ballots with or without the precinct officials' initials.

The gentleman said that in Vanderburgh County he would have counted them without the initials, although not elsewhere, because they made more mistakes in one than in the other.

The gentleman said that in Vanderburgh County where there was a massive failure to comply, he would not have had them counted elsewhere. With respect to absentee ballots he would not have had them counted.

Now again, I hope people understand the complexity of the question we are talking about. This is what we are now getting into and this is why I think it was a legitimate question.

The Vanderburgh County ballots were counted on election night. They were subsequently not counted.

The rules of the Panetta task force, as I understand it, said they should be counted. My understanding was that the gentleman from Indiana apparently agreed with that. He said those in Vanderburgh County which were first counted and not counted, he thinks should be counted.

So what we come down to is an agreement, vainly as we struggle to avoid it, that the Panetta task force correctly instructed on this particular point, not on all points. I know people like to talk about everything at once and not about anything in particular; but the gentleman from Indiana apparently agrees with me that on this specific issue the Panetta task force correctly instructed the GAO to count the ballots that had not been counted in the Indiana recount. They were counted the first time, but not the second time. I agree with the Panetta task force and I disagree with those who said that those ballots should not be counted; all the reason in my judgment to proceed as we are proceeding.

I again say I have now gotten two specific suggestions of where the Panetta task force might be called into question. On this one, the gentleman from Indiana and I agree with Mr. PANETTA and Mr. CLAY that the votes in Vanderburgh County without those precincts in issue should have been counted.

I will be glad to yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding.

Does it seem strange to the gentleman that all these accusations would emanate from this election and the individual who would have lost, had the original count stood at say 34 votes or 418, whichever it is, does it seem strange to the gentleman that the gentleman who lost that election, at least on the numbers, did not challenge the election? Does that seem to say anything to the gentleman?

Mr. FRANK. If the gentleman——

Mr. SMITH of New Hampshire. One further question.

Mr. FRANK. Two or three further questions, as long as I am allowed to answer them once they are asked. That is my only rule. I will take any number of questions, I will simply try to answer them.

Mr. SMITH of New Hampshire. Well, I tried to be kind to my colleagues when I was there and I appreciate the gentleman——

Mr. FRANK. We will start a be kind to colleagues week. The gentleman and I can cosponsor one of those bills.

Mr. SMITH of New Hampshire. We are not being very kind to one colleague.

Mr. FRANK. I assume the gentleman means the gentleman from Illinois who is stuck in the chair for all this.

Mr. SMITH of New Hampshire. The situation regarding the individuals the gentleman mentioned who had written, citizens saying that for some reason their rights were denied or they did not get the opportunity to vote, I would be curious to know the date of that correspondence.

Second, I would be curious to know the gentleman's reaction if 50 or 60 people were now suddenly to come forth in the gentleman's election and say, "I was denied my opportunity to vote." Should we set aside the gentleman's election and investigate that in the House?

Mr. FRANK. The answers are no, February 15, and I would not pay much attention to it.

Now, the gentleman may not remember the questions he asked me—the gentleman asked me the questions and I gave him the answers.

Mr. SMITH of New Hampshire. I thank the gentleman.

Mr. FRANK. It took him a little longer than he expected perhaps to ask the questions. I will refresh the gentleman about the questions.

He said did I think it was strange that there was no challenge from the loser of the election. I say no, because there was a challenge from the man, Mr. McCloskey, who was deemed after the first count to be the loser of the election, so no, I would not think that was strange. I would not think it strange in a very closely contested election that one side or the other would object to the failure to count the ballots.

Second, the question was when was the filing date of the lawsuit that I talked about. It was February 15, I am informed, although it takes a while to get a lawsuit action filed, so presumably those voters began considerably in advance of February 15.

Three. The question was how I would react to 50 or 60 people in my district or anywhere else now raising questions about my election. I would ignore them. I would tell the gentleman if anybody did that in New Hampshire to ignore them as well.

I also want to congratulate the gentleman on the steadfastness with which he refuses to discuss the procedures that have been set forth by the Panetta task force for counting the election.

I want to reiterate again, and I think this is what we are getting to, there are genuinely difficult questions about this particular election. I think the gentleman from Indiana raised some. I think the gentleman from Pennsylvania raised some.

I reject the notion that it is somehow improper for the House to say, OK, wait a minute. This is an election, decided even as reported, it has been reported three different times; every time they report we get a different total. I do not think you simply decide that by two out of three wins it. This is not a basketball playoff. This is an election which we are trying to decide what the intention of the voters was.

What the task force says is that we are not sure who won this election. We have got some votes that were not counted as we think they should have been counted in one sense. People think some of them were counted that should not have been. We are going to instruct the most neutral and honest people we can find, the General Accounting Office, and to say please count every ballot that is possible to divine the intention of the voters.

Now, on the precinct question, I agree with the gentleman about Vanderburgh County. I would disagree that we should disallow votes because

some precinct official failed to initial them in some other county. I think we all agree, we do not victimize the voter for the nonfeasance, and I thank the gentleman for that, and I do not mean to be critical of the Indiana election officials. Some of them are bound by statutes that we are not and that the courts are not necessary. We have all read court opinions where the judges have said, "Well, I know that is what the law says, but it is very clear that in justice to the case, we will count these."

I want to congratulate the Panetta commission. They have gove through the most inclusive form of vote counting. I think what they are saying is, in fact, a tribute, and we ought to be explicit about this; no, people have not alleged fraud. They have alleged incompetency to a certain extent. We ought to be fair about what we mean by that. It is not necessarily a criticism of individuals.

Unfortunately, we have the situation where votes are counted in America by people who have been working all day. People have been up at 6 and 7 in the morning. They are at the polls getting things ready. They are counting late. There are some problems.

What we are saying, what the Panetta commission said and I agree with, is that you do not victimize the voter who meant to cast a vote because of some error that some well-intentioned, but tired or undertrained and certainly not well-paid election official created.

Now, I wish it had not happened. I wish we had a more efficient system. On the other hand, I think a lot of us like the localism that runs an election.

□ 1700

Every so often there will be a misfire, as there was in New Hampshire a few years ago in the Senate race, and they had to rerun the race.

And again, I think what we ought to focus on is how has the Panetta commission approached their task. I think they have approached it in the rules they have set forward as fairly as it is possible to do it. There are legitimate differences of opinion.

You have to weigh are you going to absolutely be sure that you are trying to keep out fraud or are you going to maximize the voters' intentions. In an election where fraud was charged, then they might perhaps be doing too much.

I am not aware that anyone says there was any systematic effort by any election officials in Indiana, and we ought to be clear about this, this is not meant to characterize it in any way as improper election officials who actually counted. We are not saying there was fraud. Therefore, the Panetta commission, it seems to me, properly, appropriately chose the broadest possible set of rules.

I would ask at this point, Mr. Speaker, to include with my remarks extraneous material, which is an editorial from the Louisville Courier Journal of March 13, 1985, entitled "Recount Rules for Indiana Race Look Fair." I include this because I do want to put some focus on the rules.

The editorial referred to follows:

[From the Louisville Courier-Journal, Mar. 13, 1985]

RECOUNT RULES FOR INDIANA RACE LOOK FAIR

Partisanship may have prompted this week's decision by a special U.S. House task force to count technically invalid ballots in the disputed race in Indiana's Eighth Congressional District. But this position, supported by the task force's two Democratic members over objections by the panel's sole Republican, makes sense.

The goal, after all, is to determine which candidate—Democratic incumbent Frank McCloskey or Republican Rick McIntyre—was favored by a majority of voters who cast ballots in last November's election. And that requires accepting every ballot in which the voter's intention is clear—including ballots that don't meet confusing technical requirements, unless there is evidence of fraud.

The GOP member of the House task force, William M. Thomas of California, believes this approach would benefit Democrat McCloskey. Hence, his argument that in order for paper or punchcard ballot to be counted it should bear either a precinct designation or the initials of both a Democratic and Republican poll official.

But the procedure that Representative Thomas proposes would satisfy neither the technical demands of Hoosier law nor the more lenient standard of counting all votes in which the voters' intentions are clear, regardless of technical defects. In fact, it would add new knots to what is already a legal and political tangle.

Much of that confusion stems from the fact that during recounts following the November 6 contest, election officials in different jurisdictions used different standards for determining which ballots were valid. Technical defects that caused ballots to be thrown out in some precincts were ignored in others.

The guidelines adopted by the House task force for a final, definitive recount—by the General Accounting Office, a congressional agency—would impose badly needed order and at the same time disenfranchise the smallest possible number of voters—those, for instance, who voted for the congressional candidates or whose ballots were mutilated. That appears to be the fairest possible solution.

But whoever wins this contest, Indiana's General Assembly should move quickly to avert such confusion in the future. If legislators decided to retain the requirement that paper and punchcard ballots be initialed and bear precinct numbers, they must derive a system for enforcing these standards. In the McCloskey-McIntyre race, 75 percent of the poll workers in Vanderburgh County allegedly failed to show up for preelection instructions. It comes as no surprise, then, that a substantial portion of the 5,000 ballots rejected by Hoosier officials were cast in Vanderburgh County.

Voters in both parties have a right to be thoroughly disgusted.

Mr. WALKER. Will the gentleman yield?

Mr. FRANK. And I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I would like to get back to a discussion of the rules. If I understand the gentleman correctly, what he said is that he is not concerned about the procedures that were meant to protect against fraud. The gentleman will admit that the task force did decide there are some ballots which can be thrown out, and that is under procedures adopted by the task force, that they have made certain determinations that there are going to be some ballots that are not going to be counted. All 5,000 of the ballots that were not recounted in the recount are not going to be counted here so that, in fact, some votes are going to be set aside. And having set aside some votes, then he says now we can render a judgment that there are others, though, that we can go ahead and count, even though they were in unsealed envelopes.

Mr. FRANK. Which of the categories of those that are to be set aside, which does the gentleman object to? I have read them and I think they properly set them aside. Which of those are going to be set aside, or which does the gentleman object to?

Mr. WALKER. I may not have a problem with any of the ones they set aside. I am simply saying they have made that determination now and so, therefore, they have also made another determination that there are certain ones, though, that they will not.

I would say to the gentleman——

Mr. FRANK. But the gentleman is misrepresenting it. I am going to take back my time. The gentleman is misrepresenting the task force, and he will not give specifics.

As I read this, the suggestion that they are picking and choosing among them is not fair.

Mr. WALKER. They are.

Mr. FRANK. I want to say to the gentleman, I want to ask him would he give me an example of a category of excluded ballots that he thinks ought not to be here in a fair recognition. I have this document before me, and I do not think he has spoken to the specifics.

Would the gentleman show me—the gentleman from Indiana has come to the rescue, perhaps, with a copy of the document. Would he show me which he thinks are invalid?

Mr. WALKER. I would say to the gentleman the task force has not had the courtesy to share one of those papers with me, so that the gentleman is maybe capable of seeing to it that the gentleman has a chance to read it. I have had to rely upon news reports.

But I still want to say——

Mr. FRANK. Now I am going to be taking my time back. I will give it back to the gentleman in a minute, and the gentleman is not going to talk substance. I want to respond to that.

First of all, we ought to be clear that the gentleman has just conceded that he was making a judgment on those not having read them, and he was objecting——

Mr. WALKER. The gentleman will agree that my objection was valid, will he not?

Mr. FRANK. I have taken back my time. The gentleman is now out of order. I do not think he ought to proceed in that he knows the rules of this House, and I have not yielded.

Mr. WALKER. Will the gentleman yield?

Mr. FRANK. Not now. I will not yield because I want to correct the gentleman's misstatements. I want to point out in the first place that the gentleman said the Panetta task force would not share these things with him. Well, I got this by the insider method of reading a "Dear Colleague" which they sent me, which arrived in my office yesterday.

Now, to suggest that somehow there was some improper withholding of information from the gentleman, when he got a "Dear Colleague," if anybody is withholding information from the gentleman, it is his staff, and I would suggest that he settle that over in his office.

The Panetta task force sent these out. I was interested in it and I read it.

The gentleman from Pennsylvania got up and characterized these without having read them. He said that they were setting aside some categories that should not be set aside. When I asked him what categories he objected to, he tells me that he has not read it, because they did not show it to him, but the gentleman had a "Dear Colleague" letter. I think I am bothered by that because that characterizes too much of the character of the debate on your side.

Here are some very careful rules. I say let us talk about the rules. You might like them or not. The gentleman then makes I think the inaccurate suggestion that they have set aside some categories that they should not have. When I asked him which ones he admits that he has not read this, and he somehow suggested it was not his fault that he had not read it because they would not share it with him, when they sent out a "Dear Colleague," and he is not able to give me that.

The gentleman from Indiana was a little bit better prepared, and has tried to come to his rescue and given him a copy of it.

I would now yield to the gentleman in case the gentleman from Indiana has pointed out something to him to back his charge.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman, and he is most courteous. I appreciate the way the gentleman characterizes my study of this issue. He will admit that I did raise a valid point that the unsealed envelopes and the punch cards, that is indeed one of the things that they have decided to count.

Mr. FRANK. Yes.

Mr. WALKER. I had made an accurate representation on that one. The gentleman was——

Mr. FRANK. Yes; the gentleman was one out of two.

Mr. WALKER. The gentleman was also questioning me about a series of other things. All I was doing was representing to the gentleman that they have in fact been selective and in being selective that it seems to me that if there is a chance that fraudulent ballots could have been cast, it seems to me that is one of the things they might want to have selected out.

The gentleman from Indiana and I have a concern that they have left the door wide open here for fraudulent, potential fraudulent ballots to be included within the process. They have done that, it seems to me, knowingly. And that is an ex post facto change of Indiana election law.

I would suggest that since we are always using the Constitution as our basis for this judgment, I would suggest that ex post facto changes of Indiana election law are also something which the Constitution would have a little bit of trouble with and that is precisely what we are engaging in when we come up with a whole list of decisions at the Federal level as to what at the State level is appropriate.

I thank the gentleman for yielding.

Mr. FRANK. Well, the gentleman simply does not understand the concept of ex post facto. The gentleman from Indiana and I, I think, agreed that in regard to the initialing, it would be a mistake, and this may help one candidate and not the other, it would be a mistake to penalize voters because some election officials, well intentioned but undertrained, did not initial.

The gentleman from Pennsylvania would characterize that as ex post facto change of the State law, and that is not what the change means. The election law is very clear that the judges have got the right to prevent that kind of excessive technical interpretation from hurting people. I think the gentleman from Indiana understands that.

Mr. MYERS of Indiana. Will the gentleman yield?

Mr. FRANK. No; I want to finish this and then I will be glad to yield.

I want to finish with the gentleman from Pennsylvania's remarks.

Yes; I did agree with him that the question about whether or not ballots were sealed was a relevant one, although I would agree with the Panetta task force. But I want to again stress that the gentleman from Pennsylvania, in my judgment, serves us badly when he says that he objected to certain categories being excluded when he was then forced to admit that he did not even—was not even familiar with the categories of exclusion and had not read the rules. And as I read the rules, I want to read the categories of exclusion. There are two. There are two categories of exclusion.

Do not count a ballot which contains any distinguishing mark. A distinguishing mark is any marking other than the intended voting mark, such as name, initial, erasure, number or special symbol which appears to have been placed there by the voter to identify that ballot as the one cast by the particular voter. A distinguishing mark is something done to the ballot for the purpose of indicating who cast it and it is evading the ensuring of the secrecy of the vote.

That is one category of exclusion, if you violated the principle of secrecy in the law by trying to mark your ballot in an identifiable manner.

Why is that a problem? In a small precinct, if you have enough people to do that, you narrow down who was not identified. And I think they acted quite properly in saying if you violate that principle of secrecy of the ballot and mark your ballot in a way that is intended to be identifying, it is out.

Another mark, a smudge, another kind of mark, no problem. A mark placed there by an election official, no problem.

The other category of exclusion that I see is that you do not count, and we have the distinguishing marks which deal with the secrecy, do not count a mutilated paper ballot. A mutilated paper ballot is a ballot which has been disfigured in such a manner as to render its elector's intention indecipherable.

Maybe the gentleman wants to count a ballot where the intention is indecipherable, or where the voter has consciously tried to evade the secrecy. Those are the two categories of exclusion. I see no others, and I think the task force was correct there. And I think to characterize them the way they were characterized is unfortunate. They are not picking and choosing. They said count any vote which was cast according to the rules of secrecy to protect that principle because, of course, secrecy does not just protect you but protects everybody by creating a mass poll. So you have secrecy for everybody and you count anybody where it is decipherable.

Mr. MYERS of Indiana. Will the gentleman yield?

Mr. FRANK. I now yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman and my colleague for yielding, and I wanted the gentleman to yield to me a while ago because I know that the gentleman did not want to make a misstatement of what my position was. I will make it clear here.

I said the precincts in Vanderburgh County, or every precinct, every vote cast in those particular precincts lacked the election clerk's initials and should be counted because there is no question that it was an error on the part of the election officials and not the honest voter who wanted his vote to count or the individual who wanted the individual vote to count. I would count those, of course.

But in other cases, other precincts where there was not, where it was precinctwide where they did not contain it, the initials, I think they ought to be questioned and not taken. The same is true of absentee ballots that do not contain the county clerk or their designee or the seal. Those are antifraud devices.

One last thing. Marks, devices, the rules here say, any identification on the ballot shall be ruled as an invalid ballot.

□ 1710

However, how about the ballot that is marked as the law provides in Indiana with a blue pencil, those Australian ballots they marked with a blue pencil provided by the election officials. Now what happens to that ballot if it is marked in yellow pencil? The rules say they should be counted. Is that not an identifying mark?

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Does the gentleman really think I should yield to him before responding to the gentleman from Indiana? I do not think the gentleman from New Hampshire really wants me to yield to him. Maybe he does, but I am not going to right now.

I just had a colloquy with the gentleman from Indiana and I am going to talk to the gentleman from Indiana and then I am going to talk to the gentleman from New Hampshire.

I think we can all keep that straight if we concentrate on it.

I appreciate the gentleman from Indiana correcting me as to Vanderburgh County. He agrees that in those precincts, and I misheard him and thought he was talking about the whole county, and I apologize for that and I thank him for straightening it out. I appreciate also the seriousness with which he is approaching this, but I think it makes a very important point. We are not dealing here with a cut-and-dried situation. We are in a complicated situation where the exercise of judgment is necessary and inevitable and therefore the focus ought to be on the right people to judge that. People will understand, what is a smudge, what is an identifying mark and what is not. That is why it was important to get the GAO. Even the instructions that they are given, while they may themselves have some element of controversy which is inevitable, they are not self-executing. I think it was important to emphasize that those who have been given these instructions are as honest and as respected as the GAO.

Now the gentleman from Indiana says that where the precinct official signed, none of them or almost none of them should be counted. He and I agree on that although our friend from Pennsylvania thinks we have now violated the ex post facto clause of the Constitution by doing that, but I will stand with the gentleman of Indiana in the dock and I think we can defend that because that is not a violation of what ex post facto means.

I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I apologize for asking the gentleman to yield. They were counted, those ballots were counted in the original count.

Mr. FRANK. The first time but not the second time.

Mr. MYERS of Indiana. The reelection commission appointed by the judge in each county receives their instructions by the judge as to the purpose of the law. He told them not to count them because by Indiana law you should not.

Mr. FRANK. I understand that.

The gentleman and I agree, and we are not being critical, I think the gentleman understands this, what we are saying is the Constitution gives us legitimately a power that the Indiana election official did not have because there is a constitutional phrase that says Congress can do this has been interpreted to mean as having the right to say here is a situation we have: if you follow strictly Indiana law, the gentleman from Pennsylvania's interpretation in the ex post facto clause, honest voters in Vanderburgh County in certain precincts who went to the polls and voted, may have stood in line, because the election official did not show up as was suggested to be trained or whatever or they had a bad day or whatever and did not get the instructions right, honest officials under strict interpretation of Indiana law would have their votes not counted. The judge, the lower court judge says, "Look, I am a judge and this is the law I have to work with. I instruct you to do this." And I am glad the gentleman mentioned the judge because before he mentioned two Democrats and one Republican and I am glad he got the judge into it.

Mr. MYERS of Indiana. I did not blame those.

Mr. FRANK. Well, the inference was there when the gentleman said it was two Democratic and one Republican member. So we are clear now it was the judge's decision. I apologize if somehow for reasons that I guess I cannot understand I read a mild partisan inference in the gentleman's comments. I apologize for that. I do not know how in this debate I ever could have thought any such of a thing.

But now that we are clear the judge did it, the question is: Is it legitimate for the Congress under its plenary powers in the Constitution to say:

> Judge, we understand you are operating under Indiana law, we are not disputing your interpretation of Indiana law. We are saying democracy will be better served if good citizens of Vanderburgh County who voted would have their votes counted and not discounted because you refused to judge.

Those are important. That is why we are here. Understand that if the House were not to go forward with this, those votes under Indiana law could not be counted.

This is a close election. They may or may not make the difference. I know we have had it one way with one and one way with another. These are the kind of questions that will affect the outcome of the election.

It seems to me a self-evident principle, the Louisville Courier-Journal and others have said now this is a fair thing to do, to say: "What are your princples? A new principle has been adopted." And I do not think anyone would suggest that this was sliced in some way to aid Mr. McCloskey against Mr. McIntyre.

The election commission opted the way I would have opted, that is the Panetta commission, for the broadest possible effort to get the intention of the voters without violating secrecy or things that are indecipherable. That is where we are trying to go. GAO, following very good rules, I still have not been persuaded that any of these rules are mistaken. I understand some of them are difficult issues. All the more reason it seems to me to proceed the way they have proceeded and all the more reason to focus on the decision that is about to be made by the GAO counters under the instructions of the task force as to who actually got the most votes so that we can seat someone for the remainder of the term.

I yield to the gentleman from New Hampshire now.

Mr. SMITH of New Hampshire. I thank the gentleman for yielding.

The Founding Fathers anticipated just this sort of thing when they wrote the Constitution. They anticipated this.

Mr. FRANK. I doubt that, I will tell the gentleman.

Mr. SMITH of New Hampshire. The gentleman doubts that the Founding Fathers would anticipate that there might be election disputes?

Mr. FRANK. I do not think that James Madison thought a lot about

punchcard voting, I would have to say to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. He may not have thought much about punchcard voting, but he certainly thought about the possibility that there might be an election that might be disputed, and because they thought of that they put a provision in the Constitution which allowed for the House to investigate. But at the same time, knowing the delays that might occur in this type of investigation, they also provided for the people of that particular district in dispute to have a seat.

Mr. FRANK. Will the gentleman show me the particular provision? Apparently the gentleman is under the impression the Constitution mandates us to seat the person certified. Would he cite that provision? I do not recognize that.

Mr. SMITH of New Hampshire. I am not saying that at all.

Mr. FRANK. I do not recognize that. I am just saying that I do not recognize the Constitution in the interpretation of the gentleman from New Hampshire. So far constitutionally I am with the gentleman from Indiana, but the gentleman from Pennsylvania and the gentleman from New Hampshire and I do not have the same Constitution. I hope the gentleman from Indiana will not be thrown out of his Cloakroom for hanging around with me constitutionally. But I have some differences here constitutionally with the gentleman from New Hampshire. I do not see that in the Constitution. Maybe he can point it out to me, which clause, which phrase, which section we are talking about.

Mr. SMITH of New Hampshire. The gentleman does not see in the Constitution the anticipation of the fact that there might be a disputed election?

Mr. FRANK. I do see that, yes.

Mr. SMITH of New Hampshire. That is the only point I make.

Mr. FRANK. If the gentleman makes the point that the Constitution anticipated there might be disputed elections, I agree with him. I think we are now proceeding appropriately by the appointment of the task force to send neutral people out to count the votes in that disputed election. I think that is an appropriate way to proceed and wholly congruent with the Constitution.

I simply deny that the Constitution written in 1787 could have anticipated all the details. I do not think they were as familiar with the initial-signing habits of the election officials of Vanderburgh County as they might have been perhaps if they had a little more foresight.

I yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. Two more quick points and I will be silent.

Mr. FRANK. The gentleman is teasing me, is he not? The gentleman really does not mean that. But I yield.

Mr. SMITH of New Hampshire. Would the gentleman agree that if this investigation is not completed on the date indicated as mentioned in the resolution that the gentleman from Indiana, Mr. McIntyre, ought to be seated?

Mr. FRANK. No; it would depend in my judgment on what the reasons were for not completing it. I would hope that they could complete it. I do not regard the nonseating of Mr. McIntyre as a punishment. I regard it as an expression of genuine uncertainty as to who won an election in which there is a lot of uncertainty with people not signing the ballots. When you get this close and what you have here is a lack of uniformity, as I understand it, as to which procedure is carried where, I do not know and will not know in my own mind until I see a uniform count by uniform principle. This is an important point. We have had a couple of counts here, two or three. We have not had as far as I can tell from reading this, and there is no real will here, there has not been the legally constituted authority to mandate that there will be a uniform count precinct by precinct with the same rules applying everywhere. That is what I am hoping we can do. Once we get that, yes, I would vote for more GAO people to go out there. I think we can get it done very close to the date if not on the date. But I cannot vote to seat someone until I have seen the results counted by uniform procedures. And we have not had that.

I yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. Did the gentleman see the same result in the counting procedures in the election in Idaho?

Mr. FRANK. As I looked at the Idaho situation, I have not seen any substantial question. I want to go back to Idaho and say this: If the gentleman thinks there is a question about it, he should have behaved differently. What the gentleman is saying is I thought—I guess what the gentleman is saying is, if he was not sure who won that election but he voted for one of the guys anyway. Well, I do not operate that way. The gentleman from New Hampshire is free to vote to seat people. I did not think there was a genuine point. Let me be very explicit: I think a motion to have the gentleman from Idaho step aside was not made because of the view that there was a serious dispute that was likely to eventuate in a change there but to create a little more smoke for the fire. I do not think anybody took that seriously. That is why people made the motion and then voted for it. That is virtuous. You call into question a guy's election and then you uncall it into question. That is the arsonist who puts out the fire. He throws the kid overboard and dives in and saves him. I do not give lifesaving medals for people who save a kid they threw in. One challenges an election when there is no real challenge and then you come in and unchallenge him. Thank you. Now we are back to the status quo.

The SPEAKER pro tempore. The Chair will advise the gentleman from Massachusetts he has 5 minutes remaining.

Mr. FRANK. I thank the Chair. I think that probably comes as welcome news to a couple of people who are employed by this institution.

I say to the gentleman from Pennsylvania, I only have 5 minutes left. So why do we not do it this way, I will give the gentleman a couple of minutes and then give myself 3.

I yield to the gentleman.

Mr. WALKER. I just wanted to point out to the gentleman who posed as the real expert on counting rules a few minutes ago when he was vilifying me a bit, he did miss one of the "do not count for ballots" himself. So that I would question whether or not he read them real carefully too.

Mr. FRANK. Would the gentleman read that one that I missed?

Mr. WALKER. Yes, and I happen to agree with it. "Do not count a ballot on which more than one congressional candidate has been voted for." Yes, I happen to agree with that.

Mr. FRANK. I thank the gentleman.

□ 1720

I happen to agree with that. But the point is the gentleman a little while ago suggested that the distinguishing mark argument was a good one because the question was one of secrecy. That is precisely my question when you get back here to the envelope seal. The envelope seal is a secrecy issue, too. The gentleman is willing to buy the secrecy issue as it relates to one, but is not willing to buy the secrecy issue as it relates to the other.

In other words, judgment has been rendered here. What this gentleman suggests is that the judgments rendered may have some cause for question. That is all we have said along the way.

Mr. FRANK. Just in the couple of minutes remaining to me. I did not say I was an expert on these rules. I said and I would invite the gentleman tomorrow to check the RECORD, which I know he is going to do anyway.

I said that I had read them over. I had not read them as thoroughly as I would like and that I would be glad to have people discuss it. So I never said I was an expert. I had read them.

The gentleman is correct. I neglected, because I did not think it needed mention, but I will mention it now. One of the categories of exclusion—

the gentleman from Pennsylvania said they were unfairly excluding some and he now chides me because I did not mention one category of exclusion which he agrees should be excluded. So we now agree, and I am glad he made it clear——

I will not yield again, not with only 2 minutes left. The gentleman has had plenty of my time.

The point is that the gentleman is now agreeing with me that they should not count the ballot in which the voter has voted for more than one congressional candidate. Yes, I agree on that.

I disagree with him that the sealing requirement there has the effect that he says it does. I think that that is not the same kind of secrecy as to who counted it.

But the point I want to emphasize in the couple of minutes left and I was glad to yield much of my time to my colleague, I wanted to illustrate that this is in fact a complicated set of technical and difficult questions. This is not the big partisan drumbeat that we have been hearing from Members on the other side. I think they were frankly a little bit unhappy about having to talk about some of the specifics because it makes more of a story to talk about stealing, et cetera, et cetera.

We have some very unexciting questions here about—unless you are the voter who cast it, then it is very exciting and it should be—sealing, distinguishing mark, punchcards. We had an election in which one gentleman was reported generally to be the winner on election night. Then by a very small margin he was declared not to be the winner. Then by a somewhat bigger margin in which a judge said, "Count those ballots here," the same rules did not apply everywhere, he was again not the winner. Again by a very small fraction of 1 percentage point.

What the House has said is this: "No fairminded and objective human being looking at what has happened can say with any degree of assurance who won."

Does it make sense to seat one of the two when you are not sure who won? Or does it make sense instead to say in the briefest possible time by the fairest possible procedures we will take a group of people of integrity, auditors, the GAO trained and efficient and authoritative individuals and will ask them with a broad and neutrally drawn set of instructions, which have a bias. The bias is "Count as many votes as possible."

You can logically argue as a matter of election law that you should go in the other direction. But those do not, in my judgment, aim in one person's favor or another. What they said was this is our philosophy. It is a philosophy of inclusion. We do not want people in minority groups or elderly or others who might have some trouble for one reason or another in certain areas following the rules. We do not want where there might be less trained officials in some areas than others where some people are newer to the process than elsewhere and less familiar with the intricacies. We do not want that to count. We so not want that to decide who won.

We want the General Accounting Office, among the most respected technical professionals in this Government to go to the area where the ballots are and to say, "OK, count, wherever possible, if a voter in secrecy according to the rules of secrecy, made his or her intention clear, count those votes and tell us who won and we then in the House will abide by that."

If that is all the people can come up with in their efforts somehow to find some great political theft, then I suppose the public ought to take heart because the state of our politics is probably better, because that is what has caused all the fuss. I think it has been illustrated here how difficult and technical these questions are and how appropriate the task force's response is to them.

Articles referred to follow:

[From the New York Times, March 12, 1985]

SEAT RICHARD MCINTYRE

With a margin of 70 seats, Democrats in the House would hardly seem threatened by one more Republican. Yet that's how they are behaving in refusing to seat Richard McIntyre, even temporarily, as representative of Indiana's Eighth District. In the process, they are depriving 500,000 citizens of full representation and inflicting on themselves a wound more serious than any Republican could cause.

On election night last November Mr. McIntyre, a lawyer and state legislator from Bedford, wound up 72 votes short of his Democratic opponent, the one-term incumbent Frank McCloskey. But there was an admitted error in one county, and correcting it gave Mr. McIntyre a lead of 34 votes. A later recount of all the ballots by special county commissions expanded his margin to 418.

House Democratic leaders have made much of the fact that the Indiana Secretary of State, Edward Simcox, who certified Mr. McIntyre's victory, is a Republican. But Mr. Simcox's role seems to have been marginal at best. The Democrats also point out that about 5,000 ballots, many from Democratic areas, were tossed out on technicalities in the recount. But the vast majority of those were disqualified by commissions that Democrats dominated.

Since the 99th Congress convened on Jan. 3, the House has voted twice along partisan lines to seat neither Mr. McIntyre nor Mr. McCloskey. Both are being paid at the Congressional rate while the House Administration Committee investigates. The investigation may be finished by April 1, but perhaps not until much later.

A Federal District Court has, properly, dismissed a lawsuit by Mr. McIntyre, citing the constitutional provision that makes each house of Congress the sole judge of its members' elections. The same should happen to a suit by the State of Indiana, which charges that it has been "unduly denied full representation in Congress."

But while the Democrats' action is immune to legal challenge, it warrants the wide-open political attack. House Republicans have had a field day lambasting the Democrats for trying to thwart the will of the people and usurp the rights of a "sovereign state." They have a point. There's a decent, democratic solution available to the Democratic majority pending the completion of the investigation: Seat Mr. McIntyre.

DUE PROCESS ON A DISPUTED HOUSE SEAT

To the Editor:

The Time's editorial (March 12) on the disputed Indiana House seat ignores several essential facts: (1) There has not yet been a credible counting of the Indiana ballots in the race; (2) the certificate of election issued by the Indiana Secretary of State is inconsistent with Indiana law, and (3) the recent actions of the House on this matter follow precedents dating back to 1860.

First, there has never been a full counting of the ballots under a single set of rules. The 418-vote "victory" claimed by the Republican, Richard McIntyre, is based on a recount process that arbitrarily threw out 5,000 ballots even though the intention of the voters was clear. The reason was that separate recount boards in the 15 counties of the Eighth District used their own individual standards to judge the validity of the ballots. A perfectly acceptable ballot in one county would have been disqualified in another. Recent actions by the Indiana Legislature attempt to correct this problem.

Second, the political affiliation of the Indiana Secretary of State is not an issue here. His admitted failure to comply with Indiana law in issuing a certificate of election is the problem. Within 10 days of the election he was required to certify a winner based on the results submitted to him by the 15 counties in the Eighth District.

He did not do this. Instead, he waited nearly a month for a recount. When the initial stages of that recount were under way, the Republican McIntyre moved into a slim lead, and at midnight on Dec. 13—more than a month after the election—the Secretary of State hastily issued a certificate to McIntyre. He did not even wait for the recount to be completed.

Finally there's not a member of Congress who is not concerned when a Congressional seat is left open and 500,000 people are not represented here. However, a majority of us feel that the process we are following is far more than just seating a member who may not have been elected to serve in this body. Our decision not to seat either candidate is consistent with precedents reaching back to 1860. Unfortunately, there are many cases in American history where an election contest looked more like a Marx Brothers movie than an orderly process under a democratic society.

Clearly, this is one of them. It would be irresponsible of the House to let this error continue. It is our credibility as well as that of the man who untimately is seated that is at stake here.

If we House Democrats wanted to handle this issue in a partisan manner, we would have seated Frank McCloskey on opening day. We have the votes. Instead, we are trying to do what is right, to follow the precedents of the House, and for our side

that means seating the man with the most votes.

WILLIAN ALEXANDER,
Chief Deputy Majority, Whip.

ORDER OF BUSINESS

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to have the time previously allotted to me allocated to me at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. WALKER. Mr. Speaker, reserving the right to object, I thought we were going by the list here.

Can the gentleman from Georgia give me some idea how long he may take.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia.

Mr. JENKINS. I thank the gentleman for yielding.

I believe that there are only three speakers who will be relatively short. This is on the textile bill that was introduced today.

Mr. WALKER. Mr Speaker, I thank the gentleman and withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. JENKINS]?

There was no objection.

The SPEAKER pro tempore. The Chair would advise the gentleman from Pennsylvania that he was reserving 30 minutes to the gentleman from Pennsylvania to close debate, as he had requested.

THE TEXTILE AND APPAREL TRADE ENFORCEMENT ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. JENKINS] is recognized for 60 minutes.

Mr. JENKINS. Mr. Speaker, today, I am pleased to announce on behalf of the congressional textile caucus and the Senate Textile Steering Committee and a broad-based industry and labor coalition the introduction of the Textile and Apparel Trade Enforcement Act of 1985. The bill has some 128 primary House sponsors and 25 Senate sponsors.

This bill is the most comprehensive, constructive yet rational and equitable approach to the import surge problem—1984 was the worst year in history for the American textile and apparel industries. These industries reported a trade deficit of more than $16 billion in 1984, an overall increase of 53 percent over 1983. This translates to over 1 million job opportunities lost. Let me repeat—this represents over 1 million job opportunities lost in the textile and apparel fields. In Georgia from 1980 to 1985, over 14,500 jobs have been lost due to plants closing, 2,200 in this year alone.

These industries have invested in modernizing their plants and equipment and productivity is up.

Since 1980, the objectives of orderly market growth set forth in the multifiber arrangement have not been achieved. From 1981 to 1984, imports of textile and apparel have grown at an annual rate of 19 percent. Our bill doesn't set out to do anything more than the MFA was intended to do.

Specifically, our bill puts limits on imports from major exporting countries which reflect import growth since 1980 at growth rates contemplated by the 1981 extension of the MFA. The Textile and Apparel Trade Enforcement Act would cover all textiles, apparel, textile products, and manmade fibers. The act applies to all exporting countries with the exception of Canada and current members of the European Economic Community.

In 1985, imports from the major exporting countries, capturing more than 1.25 percent of the U.S. market would be limited to levels if the MFA had been effectively enforced during 1980-84. In each future year, the growth rate of imports from the major exporting countries would be limited to 1 percent.

In 1985, the smaller countries capturing less than 1.25 percent of U.S. imports, plus Mexico, would be 115 percent of 1984 levels except for import sensitive categories; that is, categories for which imports equal 40 percent of more of domestic production, in which 1985 import levels would be 101 percent of 1984 levels. After 1985, annual quota growth would be 6 percent for each category except 1 percent for import sensitive categories. When imports from a smaller exporting county—except countries in the Caribbean region—reach 1.25 percent of U.S. imports, quota growth in all categories would be 1 percent.

In categories in which a country has no or few exports, the country would be allowed to ship to certain minimum levels. Annual growth would then be 1 percent—for major exporting countries—or 6 percent—for smaller exporting countries—unless the category is highly import sensitive, in which case growth would be 1 percent.

Our bill also contains an import licensing system whereby the Secretary of Commerce would establish regulations to govern the entry of imports to conform with this act. The Secretary of Commerce is also required to establish this licensing system within 6 months of enactment.

I know of no other industry or group of workers that has suffered more hardships than has the textile and apparel industry, as a direct result of cheap foreign imports.

We must enforce the intent of the MFA and at the same time sew up gaping loopholes in it.

Let me now set forth the objectives and the rationale for this legislation.

PURPOSE

To achieve the objectives of the multifiber arrangement by providing orderly and nondisruptive growth of imports of all fiber, textile, and apparel products.

To set limits on imports from major exporting countries which reflect import growth since 1980 from these countries at growth rates contemplated by the 1981 extension of the multifiber arrangement.

To allow the smaller exporting countries an opportunity to increase their share of the U.S. market.

To set the future growth rate of imports at levels provided for in the MFA and the protocol extending the MFA.

RATIONALE

Since 1980 imports of textiles and textile products have grown at an annual rate of 19 percent, far greater than the orderly growth objectives of the multifiber arrangement and far in excess of the 1-percent average growth of the U.S. market during that period.

Because fiber, textile, and apparel imports are far outpacing the growth of the domestic market, intolerable market disruption, job losses, curtailed production, and plant closings have occurred.

The textile and apparel trade deficit has grown to a record $16 billion in 1984 and now accounts for 13 percent of the U.S. merchandise trade deficit.

U.S. textile, fiber, and apparel companies are continuing to spend billions of dollars annually to modernize and improve worker productivity. The resulting productivity growth for all of U.S. manufacturing. Yet despite this investment and increased productivity, U.S. manufacturers continue to lose market share.

If import growth is not slowed, future investment in this industry is likely to be sharply curtailed leading to a loss in competitiveness and the continued liquidation of an industry which is a major element of U.S. manufacturing and is recognized as vital to our national security.

PROVISIONS

The Textile and Apparel Trade Enforcement Act would cover textiles, apparel, textile products, and manmade fibers. The act would apply to all exporting countries with the exception of Canada and current members of the European Economic Community.

Smaller exporting countries:

Defined as those capturing less than 1.25 percent of U.S. imports, plus Mexico;

1985 import levels by product category would be 115 percent of 1984 levels

except for import sensitive categories, that is, categories for which imports equal 40 percent or more of domestic production, in which case 1985 import levels would be 101 percent of 1984 levels;

After 1985 annual quota growth would be 6 percent for each category, except 1 percent for import sensitive categories;

When imports from a smaller exporting country—except countries in the Caribbean region—reach 1.25 percent of U.S. imports, quota growth in all categories would be 1 percent.

Major exporting countries:

Defined as those capturing 1.25 percent or more of U.S. imports;

1985 import levels by product category would be 101 percent of 1984 base levels;

After 1985, import growth would be 1 percent each year for each category.

In categories in which a country has no or few exports, the country would be allowed to ship to certain minimum levels. Annual growth would then be 1 percent—for major exporting countries—or 6 percent—for smaller exporting countries—unless the category is highly import sensitive, in which case growth would be 1 percent.

ENFORCEMENT

The Secretary of Commerce would establish regulations to govern the entry of imports to conform with this act.

OTHER PROVISIONS

The Secretary of Commerce would establish within 6 months after enactment an import licensing system to ensure that the act is efficiently administered.

Each year the President would report to the Congress on the administration of the act.

I urge all of my colleagues to join me in passing this important legislation.

Mr. Speaker, at this time I would like to yield to my friend from North Carolina [Mr. HEFNER] who has been very active in drafting this particular bill.

Mr. HEFNER. I want to take this opportunity to express my gratitude for all those who have worked so diligently on this bill which has been introduced here today. The Textile and Apparel Trade Enforcement Act of 1985 is precisely the approach required to stem the flood of imports which are about to cause ruin and destruction to an industry whose origination goes back to the beginning of our country itself. We cannot allow that to happen.

Much has already been said about the plight of the textile industry in this country as a result of the unrestrained growth of imports of textiles and apparel, and I don't want to be repetitive. I would like to point out that in North Carolina alone in 1984, we lost 7,719 jobs because of imports; 43 of our textile plants were either closed permanently or permanently laid-off workers.

Thousands and thousands of people in my district for whom the textile industry has been their life have appealed to me for help in saving this way of life. They don't understand why this administration continues to turn a deaf ear to their problem. They see their Government officials taking action to help those in the automobile and steel industries. And they say to me, "why are our jobs less important." Indeed, with the textile and apparel industry employing 2 million people nationwide which is more than steel and automobiles combined, why is so little attention paid to this industry and the impact of imports.

I have joined with colleagues in making appeal after appeal to the administration. I have personally communicated with the White House and talked directly with the President on this issue. We in the textile industry don't want to eliminate foreign competition. We just want to make if fair.

If the agreements under our multifiber arrangement [MFA] had been properly enforced by our Government, we might not have to be here today. The truth is our domestic market has been put in great disarray because we have allowed import growth to expand beyond the limits intended to maintain our own domestic market. This legislation will provide us with the mechanism to strictly enforce the proper restraint on the growth of imports in the textile and apparel trade. It will slow import growth and bring it into line with market growth. This is all we want. A chance to compete on a more level playing field.

I urge my colleagues to seriously consider the impact of this bill, and I urge the President and the administration to acknowledge the necessity of this action and join with us in passing this landmark proposal.

□ 1730

Mr. JENKINS. Mr. Speaker, I yield at this time to my colleague, the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, this morning I joined over 100 of my colleagues in introducing legislation that we believe may help to get the American textile industry back on its feet.

This legislation is designed to offer our textile industry a chance to compete equally with other textile-producing countries in our world. It will not give our industry an unfair advantage and it is not, as some have implied, unreasonable protectionist legislation. It is simply the best response we can find to a problem that is quickly approaching crisis proportions.

The closing of textile and apparel manufacturing companies in this country has become commonplace—there are stories in the national news almost daily of cutbacks and shutdowns. Since the South is the home of much of this industry, we are suffering from many of these closings. In my district alone, we have had several plants to close or to sharply reduce their work force since the new year began, and none of the companies see any indication of favorable change in the near future. In fact, company statements in the local press are usually designed to warn citizens of further cutbacks still to come.

The jobs that are lost in the textile industry will not be easily replaced, Mr. Speaker. For example, Milliken Textiles recently closed a plant in Manchester, GA, that employed 350 people. This mill was built by Cason Callaway, the father of former Congressman Bo Callaway, in 1910. The plant had continuously operated until its closure, announced a few weeks ago. Manchester does not have the industrial base to absorb these people, and none of the other textile plants in the area is hiring. For many of these people, finding employment not only means retraining, but relocating themselves and their families—and this is a story that is becoming commonplace around our Nation.

We are at a crossroads with the textile industry in this country. If we continue to let imports overwhelm our market, estimates are that we will have no textile industry in this country by the 1990's—the situation is that desperate.

The textile industry has not just thrown up its hands in defeat and turned to the Government to save it. Instead, for the last 20 years the industry has spent an average of $1 billion annually to maintain the most advanced and sophisticated textile machinery available, in an effort to keep costs as low as possible. Today, our textile industry is the most productive and the most modern in the world. They have also launched their own campaign to encourage consumers to buy American, and it has been a very visible and, in my mind, successful campaign.

But, none of their efforts have stopped the influx of textile and apparel imports into this country. Textile imports jumped 25 percent in 1983, and then climbed another 32 percent in 1984; 49 percent of the U.S. textile market was lost to imports in 1984, and in some categories, the loss was over 80 percent.

Mr. Speaker, I believe we have the right and the obligation to limit access to our market when the existence of an industry vital to national security is threatened. Our greatest asset in this country today is our market—you and I, the consumers who purchase and exchange.

We are allowing this market to be taken over by other countries, and we are receiving nothing in return. I rec-

ognize that international trade is extremely complex and we must be very careful whenever we begin to make adjustments in the area of trade. But, when almost 50 percent of a market is being consumed by imports, as is happening with textiles and apparel, then it is time the Government began to make these careful adjustments. This, Mr. Speaker, is what we are trying to do with this bill.

The bill we are introducing today addresses the disastrous situation that the American textile industry is facing by setting limits on the imported textile material coming into this country from overseas. It cracks down particularly on those major exporting countries that have captured such a large percentage of the American market: Taiwan, South Korea, Hong Kong, China, and Japan—the countries we know as the big five exporters. Yet, at the same time, the bill allows for the smaller exporting countries to increase their share of the consumer market in the United States.

I believe this measure provides an orderly, nondisruptive process by which imports can grow over the years, and it recognizes the very critical problems that confront our domestic industry in competing with countries where labor is excessively cheap, working conditions are horrendous, and worker safety regulations are nonexistent.

To stop this catastrophic condition from getting worse, we have to slow the growth of imports, as we would do with this legislation. Otherwise, future investment in the domestic textile industry is going to dry up, and this major element of American manufacturing is going to collapse. I believe that the textile industry is worth saving, not only because of the jobs involved, but also because of the potential threat to our national security that would exist if we became totally dependent on imports from other countries.

The threat of retaliation is the major concern many people have with legislation that restricts imports. However, we are already living with a situation where the European Economic Community is protecting its own industries against U.S. exports. Also, the great threat of retaliation that was once wielded by China, where such a vast potential market exists, is blunted by the fact that it is a major exporter in its own right.

Finally, our bill does not violate any international agreement. Instead, I believe this legislation complements the new U.S. customs country of origin rules by strengthening the enforcement of the trade agreements we have established with other countries.

Mr. Speaker, it is for these reasons that I, along with over 100 of my colleagues, cosponsored the Textile and Apparel Trade Enforcement Act of 1985. And it is for these reasons that I encourage Members of this body to support this legislation and offer our textile industry a fighting chance in the world market.

Mr. JENKINS. Mr. Speaker, I yield at this time to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, today I join 129 of my colleagues in introducing legislation to slow the rapid growth of textile and apparel imports.

This legislation would establish a new system of comprehensive quotas applicable to many of our trading partners, except Canada and Western Europe. These quotas would allow reasonable rates of import growth.

We urgently need this legislation: In 1984, textile and apparel imports reached a record level of almost 10 billion square yards—up 32 percent over 1983, which was itself a record import year. This import level is equivalent to an estimated 1 million American jobs in the textile and apparel industry. Each month, more plants are closing, more jobs are being lost.

In my State of South Carolina, where the textile industry is the largest employer, hundreds of workers were laid off last year. Many will never return. Imports have been a major cause of these layoffs.

Last November, the House Subcommittee on Commerce, Consumer, and Monetary Affairs, of which I am a member, initiated a review of the administration's textile import program. We have held two sets of hearings—one in Rock Hill, SC which is in my district, and the second in Washington. The investigation is still underway, but testimony has already shown two steps that must be taken to save the American textile industry.

First, we need a new system of comprehensive quotas to set limits on textile and apparel imports. The present system of product-specific, country-by-country quotas has failed. This system was designed to allow orderly import growth. Instead, it has allowed textile and apparel imports to increase at the fastest rate in history, seriously disrupting U.S. investment in jobs. The bill we are introducing today aims to accomplish the objective of the present system: An orderly and nondisruptive rate of import growth.

This bill is not strictly protectionist. It applies no controls whatsoever to imports from our major trading partners in Western Europe and Canada, which have wage scales similar to our own. It also allows significant import growth from developing countries that need exports to survive. The bill applies strict controls only to exports from major textile-producing nations, such as Taiwan and South Korea, which have advanced economies and low wage scales. Textile and apparel imports from these countries are entering the U.S. market at a rate that violates the system of managed textile trade approved by all major trading nations in the multifiber arrangement. If allowed to continue at this rate, textile and apparel imports will cripple the capacity of U.S. industry to compete. These imports could eventually undermine the confidence of the American people in the advantages of international trade.

Second, we need a well-funded and well-staffed Customs Service to enforce our textile and apparel quotas. A quota system requires constant vigilance, and it is labor-intensive. The U.S. Customs Service already lacks the staff it needs to enforce the quota system adequately, yet the President has recently proposed to cut the customs staff still further. This makes little economic sense, because customs inspectors raise several times more revenue than they cost. Because the volume of imports is increasing rapidly, staff cuts will allow increased quota evasion and import fraud. Even as we work for tighter quotas, I hope my colleagues will support a customs staff level that will allow adequate quota enforcement.

The bill we have introduced today is a crucial step in our effort to save the American textile and apparel industry. I urge its prompt passage.

□ 1740

Mr. JENKINS. Mr. Speaker, I thank my colleague from South Carolina, not only for his remarks but for his leadership in this field.

Mr. Speaker, I now yield to my friend from South Carolina [Mr. CAMPBELL] who served on the textile caucus and as a member of the Ways and Means Committee to which this bill will be referred.

Mr. CAMPBELL. I thank the gentleman for yielding to me.

Mr. Speaker, as representative of the Fourth District of South Carolina, often referred to as the "Textile Capital of the World," I am delighted to rise today in strong support of the Textile and Apparel Trade Enforcement Act of 1985.

You know, we have heard a lot of talk for years about the wisdom of the United States abandoning its labor intensive industries to the low wage countries of the world. We have done a lot of worshipping at the altar of free trade when in reality, there is no such thing as free trade, at least outside of the United States. Trade practices of many other nations are characterized by a whole host of direct and indirect Government subsidies, by high tariff barriers, by customs and licensing barriers, by import quotas and by outright import prohibitions. Combined with the strength of the dollar, these conditions led to an overall U.S. trade deficit of some $123 billion in 1984, and no one is looking for it to get

better any time soon. Special Trade Representative Bill Brock has estimated that the trade deficit could rise to $160 billion this year, as the United States is about to become a debtor nation for the first time since the Civil War.

The textile/apparel industry employs some 2 million people, many of them women and minorities. This represents 1 in every 10 American manufacturing jobs—more than steel and automobiles combined—in facilities spread across 48 of the 50 States. The textile industry alone accounts for $45 billion of our GNP—more than basic metals, more than automobiles or petroleum refining or aerospace. Somehow, however, this most basic industry often is ignored as a victim of unfair foreign imports.

This is not an industry which sat on its laurels with the same 50-year-old equipment and let imports take over. It's an industry that fought back, spending more than a billion dollars a year on modernization over the last 10 years. Since 1971, production per worker hour has increased by a third and prices for textile mill products have risen at only half the rate of all manufactured products. We are talking about the most modern, productive textile industry in the world.

Yet, in spite of this remarkable record, the American texitle/apparel industry continues to be devastated by foreign imports. During a time frame when domestic market growth has been essentially flat, textile/apparel impoorts have doubled since 1980. Imports increased by a staggering 25 percent in 1983 over 1982 and another 32 percent in 1984 over 1983. Imports account for almost one-half of apparel sold in the United States and represented about 22 percent of all textile and apparel goods sold here. That's up from 13 percent in 1980.

I was appalled at a headline in a textile trade publication the other day announcing that "Textile Industry Employment Hits Record Low in February." In fact, textile and apparel employment combined today is fast approaching the recessionary lows reached in late 1982 and early 1983, even as we hear so much about the country's recovery.

This is not surprising when you consider that every billion yards of textile and apparel goods costs 100,000 American job opportunities. Last year, 10 billion yards were imported, reflecting the loss of 1 million job opportunities. Moreover, textile and apparel imports have displaced some 300,000 existing American jobs.

Each month, more plants are closing or cutting back, and more jobs are being lost. In 1984, there were at least 61 textile plant closings in North and South Carolina alone. And, if projected import figures hold, by 1995, our Nation will have no textile and apparel industry at all.

There are those who argue that we must accept these job losses as the price for lower consumer prices for clothing. Unfortunately, that argument is a myth. In fact, the markup on imported goods runs about 200 to 300 percent, while the markup on American goods is considerably less. Retail prices, therefore, are continuing at a high level, despite the strong dollar which should have resulted in lower prices for consumers. In addition to high markups experience has shown that importing nations tend to raise prices when American competition is eliminated. Witness the high price of silk which has long reflected an import monopoly. Moreover, estimates of the costs of protection invariably leave out the contribution the industry makes to the gross national project, the balance of payments, tax revenues, reduced unemployment costs, and the intrinsic value of maintaining a basic industry.

Our international trading rules as codified in the GATT have long recognized that textile and apparel trade must be treated differently. Because the industry is relatively inexpensive to establish and because it employs a large number of people, developing countries find the textile industry ideal, and it has traditionally existed in virtually every country of the world. Thus, the GATT recognizes through the multifiber arrangement that quotas are not only acceptable but necessary to ensure fair and orderly trade in the textile area.

The MFA acknowledges the necessity for developed countries to maintain their own textile and apparel industries while it seeks to guarantee truly developing countries an export market. Unfortunately, it has not worked quite that way. What has happened instead is that a few Asian nations have virtually captured the market. Taiwan, South Korea, Hong Kong, China and Japan—the so-called "Big Five" have accounted for more than half of U.S. imports for years.

The Textile and Apparel Trade Enforcement Act would roll back imports from the "Big Five" and other major exporters, while insuring that the truly developing countries have a growing share in our market. At the same time, it would give the American industry and its workers the confidence that our industry will be around into the 21st century.

The measure would set 1985 quotas at the levels where they would have been had the MFA worked as it was intended. It would then allow growth rates of 1 percent a year for the major exporting nations and of 6 percent a year for the smaller exporters. This approach fully complies with the MFA objective to allow fair and orderly growth in textile trade, while insuring truly developing nations a share of the textile market. To facilitate enforcement, the bill also mandates the establishment of a U.S. licensing program for textile and apparel imports. Western Europe and Canada, because they play by basically the same rules that the United States does, are exempt from these provisions.

The bill specifies that the Caribbean basin countries and Mexico will always receive the more liberal trade treatment of smaller exporters. This is important because it will help us to shift the emphasis of textile trade away from Asia and toward the Caribbean, thus promoting a major U.S. foreign policy goal of strengthening our ties with our neighbors to the South.

Free trade is an admirable goal, Mr. Speaker, but it is not served by the United States abandoning its largest manufacturing workforce to imports from countries which in many cases subsidize their own industries and otherwise bend or break international trade laws. The Textile and Apparel Trade Enforcement Act will insure fair textile trade consistent with our international obligations, and it deserves support. The textile/apparel industry is a long way from being written off in this country. It's still the most productive industry around.

Mr. JENKINS. I thank my colleague from South Carolina. At this time I would like to yield to my friend from South Carolina, BUTLER DERRICK, who has spent a considerable amount of time in helping draft this legislation.

Mr. DERRICK. I thank the gentleman for yielding to me.

Mr. Speaker, I guess most of the Members have heard of Atlanta burning some years ago, well, the textile industry in this country is on fire and it is just before burning to the ground.

I was in South Carolina last night and I spoke to a group of Veterans of Foreign Wars. As I looked out on this group, men and women who had given their time, had given their lives in some cases, their families had given their lives for the defense of this country so that we might be here today as free men and women.

These men and women who had paid taxes and their mothers and their fathers and their grandparents had paid taxes in this country, and had fought for this country; these are the men and the women that we are taking these textile jobs from, not to give to their neighbor; not to give to someone on the other side of the country, but to give to the men and women of China, Korea, Hong Kong, Taiwan, and the list goes on and on and on.

We are taking their jobs away from them. In the 1930's, this Congress gave the responsibility of the management of our treaties with other countries, our trade treaties, with the administration. This administration that we

have in office today has done absolutely nothing for the textile industry to try to help them. So if they are not to live up to their responsibility, we, as the elected representatives, have no alternative but to pass legislation that will force being done what they could do by the strike of one pen.

These agreements have been negotiated for some time, but our administration, our U.S. officials, refused to enforce these agreements. I thought at one time that we might have a long time to deal with this situation, that we might have 10 years that we could worry about it and concern ourselves about imports. But from my study of the situation, I have learned that if you do not do something drastic to stop textile imports into this country or to curb textile imports into this country we are not going to have a textile industry, not a textile industry that you and I would recognize, in the next 24 to 30 months.

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This is not a small industry. This is one of our major industries, an industry that employs more people than the steel industry and the automobile industry, an industry that is the No. 1 low-entry-level employer in the country, yes, an industry that employs percentagewise more minorities, more people who did not have the benefit of our great educational institutions in this country.

Let me tell you what it is like in South Carolina, and it is not only South Carolina, it is going to be and is developing throughout this country, 60 percent of the people who are employed in industry in my area are employed in textiles. These are families who have worked for textile companies for generation after generation after generation.

I had come to me not long ago a group of men, several men, in their late forties who said, "Congressman, we have done nothing but work in the textile industry. We have a limited education. It was not because we were not good workers and because we did not work hard; but we were put out of work about a year ago. The company told us it was because of imports and we have not been able to find additional employment."

Let me tell you that with the unemployment rate that we have in this Nation today, there is nothing for an unemployed textile worker to do. We must save the textile industry for our national defense, for our economy, and for the people who have given to this country and worked in the textile industry.

Mr. Speaker, legislation to provide for a comprehensive and orderly textile and apparel trade policy was introduced today in both Houses of Congress.

I cannot impress upon my colleagues enough the need for the Congress to take action to bring about a more equitable distribution of import growth. Imports in textile and apparel trade contributed to 13 percent of the trade deficit last year.

Forty plants have closed in South Carolina since January 1984 resulting in the loss of over 9,000 jobs. The textile industry makes up 40 percent of the manufacturing base in my home State of South Carolina. In 1981 corporate taxes paid by the industry were $10.4 million. By 1983 that figure had fallen to $4.9 million.

The Multifiber Arrangement has been the guiding principle under which the United States has operated our textile and apparel trade program. However, the current program is being flagrantly abused by the misguided principles of U.S. officials who have the responsibility of monitoring, enforcing, and implementing textile and apparel bilaterial trade agreements with the 41 countries who are members of the MFA, and these agreements cover 70 percent of United States imports in textiles. However, imports have grown from 5.8 billion square yards in 1981 to 10.3 billion in 1984, and market penetration has increased from 25 percent a few years ago to 35 percent. If the current trend continues, this figure is expected to reach 50 percent by the end of the decade.

A recent report by the International Trade Commission concluded that Chinese imports alone are running at a rate of $1.1 billion this year, are likely to reach $1.2 billion in 1986 and $1.3 billion the following year. The report also revealed that U.S. production losses are the direct result of this import growth.

Mr. Speaker, we cannot continue to let the textile and apparel workers of this country down. The economic conditions of this country and other nations, the free trade philosophy of this administration, and the priority foreign policy interests have on our trade policy are destroying domestic industries. It is imperative for the Congress to take action now to establish a more equitable trade policy.

The measure that has been introduced today, The Textile and Apparel Trade Enforcement Act of 1985, goes after the intent of the Multifiber Arrangement. This legislation proposes limits on imports from exporting countries at growth rates provided for in the latest extension of the MFA which took place in 1981. By staying within the realm of the MFA, smaller countries are given a greater share of the U.S. market. As an enforcement tool, an import licensing system is being proposed which will be established by the Department of Commerce.

You are going to hear all kinds of comments from individuals who would like to maintain the status quo. The revenues that could be realized in our Federal Treasury from stringent enforcement of trade agreements, however, particularly in the collection of tariffs, are tremendous. Additionally, there exist a great potential for reducing the burden on tax expenditures for basic human service programs to support unemployed textile and apparel workers, and for collecting corporate, sales, and property taxes to help support the defense of this Nation. I hope opponents of this measure will consider some of these issues before attempting to oppose this legislation.

The trade remedy reform legislation which was so ably handled last year by my colleague who chairs the House Trade Subcommittee, Chairman GIBBONS, attempted to go after some of the sophisticated techniques that are being employed by other countries to circumvent trade arrangements. I want to thank him for the attention he has given to the textile and apparel industry's concerns and certainly look forward to working with him and our colleague, ED JENKINS, chairman of the textile caucus, in getting this bill adopted by the House this year.

Mr. JENKINS. I thank my colleagues, and in conclusion, let me simply say that this is not a regional problem. Forty-eight of the fifty States have considerable employment in these areas. This is a time that is critical to this particular industry.

I would urge my colleagues from both sides of the aisle to join with us in this legislation to save one of our most basic industries.

● Mr. ERDREICH. Mr. Speaker, what will it take for the United States to take serious, direct, and comprehensive action to achieve true reciprocity in international trade? Despite the over $130 billion trade deficit we face this year, and despite our trading adversaries' refusal to give us the same degree of access to their markets as they have to ours, the United States seems to be making little substantive progress in securing true, fair trade for U.S. industries in the international marketplace.

Imports of fiber, fabric, and apparel have grown dramatically during the last 2 years, with apparel imports reaching almost 50 percent of the U.S. market. Textile and apparel imports have also grown at an alarming rate, reaching a 32-percent growth rate during 1984.

The textile apparel trade deficit in the United States has grown to $16 billion, accounting for 13 percent of the Nation's trade deficit.

In Alabama, where manufacturing industries are tied more closely to economic conditions outside the State than are those of most Southeastern States, the strong value of the U.S.

dollar and foreign competition have had a particularly negative effect.

The textile and apparel industries account for 100,000 jobs and $2 billion a year in Alabama. Foreign imports, however, are responsible for the loss of 5,000 jobs during the last 12 months alone.

Nationwide, since 1981, 500,000 job opportunities have been lost and dozens of plants have closed because of the import problem.

In order to stem the growing tide of textile and apparel imports and restore industrial competitiveness to manufacturers in Alabama and across the Nation, I strongly support the Textile and Apparel Trade Enforcement Act of 1985, which would slow the flood of textile imports by replacing the country-by-country import quotas established under current trade agreements with an overall quota for all imports into the United States, regardless of the country of origin.

This legislation would not change existing trade laws, but would put "teeth" into current laws designed to set limits on imports from major exporting countries.

The overall global quota that the Textile and Apparel Trade Enforcement Act of 1985 would establish would prevent the big five fiber exporters, Taiwan, South Korea, Hong Kong, China, and Japan, from shifting part of their market to smaller countries to avoid quota restrictions.

It is high time that we stop talking about taking action to stop the foreign imports that are stalling our industries and stealing our jobs. It is time to act.

The Textile and Apparel Trade Enforcement Act can provide a way for the textile industry, as well as steel and all our industries, to fight foreign competitors and achieve true reciprocity and fairness in trade.●

● Mr. BROYHILL. Mr. Speaker, I am happy to join my colleagues today in introducing the Textile and Apparel Trade Enforcement Act of 1985.

The introduction of this significant and timely piece of legislation is important to this Nation's economy, as well as to more than 2 million textile and apparel employees across the Nation.

Accounting for $45 billion of our gross national product, the textile industry's contribution to the economy exceeds that of the auto industry, petroleum refining, or aerospace industries, to name a few. One out of every 10 jobs in manufacturing is directly related to the textile and apparel industry—accounting for a greater share than steel and automobiles combined.

The unwarranted and unprecedented rate at which imports are entering this country demands strong action. That is why we are here today.

If current import trends continue, by 1995 our Nation will no longer have a textile industry. Imports of fiber, textiles, and apparel have far outpaced the growth of the domestic market, resulting in job losses, curtailed production, and a rash of plant closings. Last year, in North Carolina alone, 43 plants closed displacing some 18,000 employees.

This problem is not confined to the eastern seaboard—it is a national crisis. The United States market is virtually the only market in the world that other textile and apparel producing countries target for growth and possible takeover; yet an estimated 75 percent of the world's nations are managed by governments that unfairly subsidize their industries' exports and protect their own markets.

It is difficult to compete with nations which do not know the definition of the word "minimum wage" which pay the equivalent of 16 cents per hour; have no regulatory overhead nor a concern for the health and safety of their employees. Instead, they expend their energies acquiring U.S. dollars and buying U.S. market share at any cost.

International textile trade is governed by the multifiber arrangement which was put into force in 1974. The MFA is designed to provide orderly growth and states that imports from the low-cost exporting countries can be dealt with through quota arrangements. Signed by 41 countries, the MFA provides for a 6-percent annual rate of growth for textile imports for most exporting countries and a lower growth from major exporting countries.

Unfortunately, since the MFA's renewal in 1981, textile and apparel imports into the United States have increased at an average rate of 19 percent per year. In 1984, imports soared 32 percent over the 1983 levels. At the same time, the U.S. market grew a mere 1 percent.

The domestic textile industry has spent a billion dollars a year for the past two decades to become the most modern and most productive in the world. The resulting productivity increases have been significantly greater than the rate of productivity growth for all of U.S. manufacturing. Despite those achievements, the U.S. manufacturers continue to lose market share.

It is estimated that 43 out of every 100 apparel garments sold in the United States have been manufactured abroad. It is obvious that the MFA, despite its best intentions, is not working—and something must be done. In addition, current agreements cover only about 65 percent of imports and set quotas only on some products from some countries. Furthermore, fibers such as silk, linen, and ramie are not even covered.

The legislation which we are introducing today, applies MFA-prescribed import growth rates to the major low-wage, Far Eastern producers of textile and apparel products. At the same time, the bill allows less developed countries, such as those in the Caribbean Basin, to increase their textile exports to the United States. No new restrictions are placed on imports from our closest neighbors and allies, such as Mexico, Canada, and the Western European countries.

I am pleased to join my colleagues in this endeavor today. Clearly, the Textile and Apparel Trade Enforcement Act of 1985, when enacted, will become our most basic tool, consistent with the MFA, toward bringing more fairness and stability to the worldwide textile and apparel trade.●

● Mr. ENGLISH. Mr. Speaker, I am happy to join my colleagues today in voicing support for free, fair, and open trade. I have long been an advocate of such policies. I have fought against embargoes. I have fought against foreign quotas and trade restrictions. And, I have fought against abusive shipping limitations. Recently, I introduced the fair trade in agriculture bill, which is designed to encourage trade and force other nations to open their markets.

During the past decade, I have seen trade restrictions backfire against American producers, farmer and industrial worker alike. The country-of-origin textile import rules provide a clear example of an American trade restriction initiative gone astray. China, a leading purchaser of American grain, has made no secret of its dissatisfaction over the new textile country-of-origin rules. PRC officials stated that these regulations, "will certainly do harm to the smooth development of Sino-United States trade." The National Association of Wheat Growers estimates that conflicts with China over textile trade have resulted in U.S. wheat sales losses of $1 billion over two seasons. It seems clear to me, that these regulations, which the United States has initiated on its own and not in response to Chinese trade restrictions, have forced the Chinese to retaliate against the U.S. textile policy. I am afraid the additional restrictions which are proposed today would only worsen the trade relationship we have with China today.

We need to take action to encourage free, open, and fair trade. In the case of textiles the United States is initiating its own barriers. China has and is likely to continue its trade reciprocity policy. That is to be expected. It's something that I feel the United States needs to do more of against nations which limit our access to their markets. But, this is one case where we are shuning an open trade partner. Such action will only backfire on American producers and consumers.●

● Mr. ROSE. Mr. Speaker, I am pleased to join my colleagues on the

textile caucus today in introducing legislation which will restore fairness to international competition in the textile and apparel industry. This legislation, the Textile and Apparel Trade Enforcement Act of 1985, will go a long way in addressing what is now the largest trade deficit in the history of this industry.

We use vague words like "trade deficit," but to put it in more concrete terms, a trade deficit means a job deficit. Unfair foreign competition has cost my district thousands of jobs, in plant closings and in potential jobs that were lost to foreign competitors subsidized by their government. And if this weren't bad enough, my constituents in the textile and apparel industry have not been able to participate in one of the strongest economic recoveries since World War II.

This bill does not close our market to foreign competition. Mr. Speaker, I want to make that clear. It enforces the original agreements made under the multifiber arrangement, which were designed to provide orderly growth of textile and apparel imports. Its purpose as agreed to by developing countries and the United States was to provide access to our market in a way that it would not cost American jobs. The multifiber arrangement agreement has not been lived up to by these countries and the Textile and Apparel Trade Enforcement Act will simply make sure that the flow of imports into the United States does not undermine our job-providing textile and apparel industry.

When you think about it, Mr. Speaker, this kind of arrangement can only benefit countries who export to the United States. If textile, apparel, and fiber imports continue to flood our market, it won't be just these manufacturers who are hurt. Related industries will be hurt. A weakened economy will be the result, and people won't have the money to purchase U.S. goods, much less these imports.

Let's give our textile and apparel industry a chance to compete on a level playing field. They want to compete, they want jobs, they want our support. Let's all support the Textile and Apparel Trade Enforcement Act of 1985. Thank you.●

● Mr. DARDEN. Mr. Speaker, I rise today in support of the Textile and Apparel Trade Enforcement Act of 1985. I have joined with 117 of my colleagues from both sides of the aisle as cosponsors on this legislation. I would like to take this opportunity to commend the congressional textile caucus and its chairman, my distinguished colleague from Georgia, Mr. ED JENKINS, for the formulation of this legislation.

To put it simply, this legislation is about jobs—240,000 jobs to be exact. That is the number of Americans who will be put out of work this year if we do not act now to stem the growing tide of foregin textile imports. I know that this legislation is needed in the Seventh District of Georgia. I know because I have received hundreds of letters from my constituent who are terrified of losing their livelihood—their textile mill jobs. I know because on every trip to my district, I am faced with another textile plant closing and another thousand of my constituents who are unemployed for the first time in their lives. I know this situation is not unique to the Seventh District; it is not unique to Georgia. This is a problem of national importance, evidenced sop will by the 177 signatures on this legislation.

The Textile and Apparel Trade Enforcement Act of 1985 will not inhibit free trade; it will permit fair trade. It will permit the recovery of a viatal U.S. domestic industry and create and save thousands of jobs for U.S. workers. This bill will provide orderly and nondisruptive growth of imports of all textile, fiber, and apparel products. It will set limits on imports from major exporting countries at levels which permit the U.S. fiber, textile, and apparel industry to recover market share and U.S. jobs lost to imports over the past several years. It will allow the smaller developing nations an opportunity to increase their share of the U.S. market. In other words, it will give the American textile industry a fair chance to compete for their share of the available market.

The textile employees in the Seventh District, the State of Georgia and the Nation should not be foreced to pay for the erosion of our trade and importation policies with their jobs. We must act now to insure that the American textile worker will continue to have the opportunity to produce with pride, products bearing the label "Made in America."

I urge my colleagues to join with me in cosponsoring and supporting this important piece of legislation which will establish a viable market for American textile products, strengthen the American textile industry and save thousands of our constituents' jobs.●

THE JOURNAL VOTE PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 30 minutes.

Mr. WALKER. Mr. Speaker, I really had not planned to take any time this evening until we had an incident on the floor earlier today where we engaged in some rather harsh discussion over the question of whether or not we ought to have Journal votes here at the beginning of the day, and in the course of that discussion, I was personally singled out as an abuser of the Journal vote problem.

I guess I have a couple of problems with the way the whole thing was handled. First of all, I realize you have to have a tough skin in this place, and being on the floor all the time, like I am, I have normally had to have a tougher skin than most, but I am disappointed in a pattern that I see developing here where, instead of discussing issues and trying to focus on issues, we have had a pattern from the Democratic side of the aisle of coming on the floor and personally attacking Members of Congress. I have found this on a couple of occasions during the course of this Congress, and I know a couple of my colleagues on our side of the aisle have found themselves subjected to that kind of personal attack. Evidently there is not confidence that they can really sustain a point of view and so, therefore, they have to engage in histrionics of one kind or another aimed at individual Members of Congress.

I think that is a shame and it is a pattern that we ought to get away from. Particularly, we ought to get away from this pattern of using language on the floor that is not only unparliamentary but serves the legislative process ill over a period of time.

I might make one other comment also about the characterizations to me personally. Not only did they have some problem with the way in which they were handled, but it is just plain wrong. It is dumb to say some of the things that were said on the floor today.

I went back and checked the RECORD. I knew I had not gotten very many Journal votes in the course of this year, but I went back and checked and I have asked for a vote on the Journal once in this Congress, once in this Congress. So the criticisms out here of me today were because I have called a vote on the Journal once, and I want to describe when that was. That was on the day that we were going to have a very, very important vote from our side of the aisle which our leadership was very interested in on the Rick McIntyre situation and my leadership did ask me that day to make certain that we got a vote on the Journal, which I was glad to do. That is the one time that I have gotten a vote on the Journal and I think it was fully justified to try to establish whether or not there was a quorum here and just who was here, given the fact that my leadership was going to come to the floor. But if, in fact, the kind of attitude that we saw on the floor today is going to be directed against one Member of Congress who has at one point during the year gotten a vote on the Journal, then I would suggest, Mr. Speaker, that you have some problems on your side of the aisle, too, because I recall you have gotten a Journal vote.

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I hope that along the line that you do not have your colleagues coming out engaging in that kind of behavior with regard to you, because it seems to me that anybody who has gotten one Journal vote in the course of this Congress may be in danger of having a gentleman come to the floor and make those kinds of vilifications, and that is kind of a shame; but let us understand why the Democrats are so upset. Let us understand why they are so upset.

I tried to explain to the gentleman from Arkansas [Mr. ALEXANDER] today. He refused to yield any further because he did not want to hear the truth; but the fact is that the reason why people get Journal votes is to find out who is here and whether or not there are enough people here to do business.

The reason we have got to resort to that is because some years ago in their wisdom the Democratic Party decided that we would no longer have quorum calls, that we would no longer have a process around here by which we could get a quorum at the beginning of the day to find out who was here. Now, that was a judgment call in their wisdom and so on. I happen to think it was wrong, but nevertheless, that was what they decided to do.

So the one way that you have early in the day to find out whether or not there are enough Members in town to even do business here is to get a vote on the Journal. The other day we were very close when a Journal vote took place to not having enough Members in town to even do business here on the floor; despite the fact that the Speaker had scheduled a pro forma session of Congress, we found that we were within a matter of a couple of people of not having enough people in town to do business.

Now, does that not raise some questions in your mind? That is the question the Democrats do not want answered, because the question is, Where is my Congressman? If they are not in Washington, they are not available on the floor to do business when the House is scheduled, where are they?

Well, they have pretty good answers for that. They are back in their districts doing this, that, or the other thing in their district, and we do important work in our districts. I go home every week. We do important work in our districts, but I manage to maintain about a 95- to 99-percent attendance record and go home every week. Now, I realize that I live closer than some other Members, but nevertheless, you can get back and forth to your district and still be available in Washington; so the fact is that to suggest that Members are back home, that may be valid, but I am not certain that the American people elected them not to be here when the House is in session.

Now, the other explanation that we get, and we heard this rather alluded to in the discussions earlier today was, well, we are in committee. We are doing important work in the committee.

Well, the gentleman from Arkansas [Mr. ALEXANDER] suggested that he was terribly inconvenienced, that he was listening to a very important discussion on the MX and he was inconvenienced and had to come to the floor.

Well, by golly, is it not a shame that he got himself elected to Congress and he is in fact inconvenienced at times by being a legislator.

One of the duties that the American people expect of us as legislators is to be on the floor here legislating, doing something.

Now, the fact is we have not done very much so far in this Congress. We had another statistic read that one-third of all the votes so far have been on the Journal. The American people ought to ask this question. Why? Not why have there been votes on the Journal, which establishes a quorum to tell whether or not a Congressman is in town earning his $75,000 a year; that is not the question. The question is, why have we had so few votes when there are so many important issues facing the country? What has Congress been doing?

The fact is that we had three bills on the floor today that were cleared up here in the matter of an hour or so and that is the only business that we had scheduled for this entire week. We have no other legislative business on the calendar for this entire week.

Now, the American people do have some questions, the questions that were raised here in that debate, the questions about why are we not addressing these problems?

The gentleman tried to tell you that those problems are being addressed in committee and they need to be in those committees. Well, I would suggest to you, watch the proceedings on TV and so on, particularly on something like C-SPAN. You sometimes see committee hearings, too.

I would ask this question. Are those seats filled? When you see these committee meetings, are the Members who are not on the floor because we know on the floor there is nobody around. Tonight they are sweeping the Chamber here showing that there is nobody in the Chamber while we are doing special orders.

Well, I will assure you that this is much how the Chamber looks during regular legislative business. I counted heads today while we had three bills on the floor. During most of the consideration of those three bills, we had five Members of Congress on the floor, five.

Now, the question is, where were the others? Well, the others claim that they were in committees. Well, if they were in committees, how come when we see the committee hearings on TV that we do not see very many Members there, either. I will assure you that when I go to my committee meetings, it is very often that there are only one or two of us in those committee rooms.

Well, the question is then, well, they must be doing something else that is important.

Well, yes, they are doing something important. They say they are back in their offices meeting with constituents, and that is important and I do that, too; but I would suggest that we also have provision if that is what the Members have to do, they can meet their constituents right here in the Capitol Building. We have facilities out here where if you are on the House floor, you can go out and meet with your constituents. you can do that here.

See, I have this belief that one of the things that Members of Congress ought to do is come to the floor and listen to the debate from time to time. They ought to be hearing about these bills. I think it is a little disturbing that we were passing bills that authorized $46 million in budget-busting money today and we only had five Members on the floor to listen to the debate.

I think that is one of the reasons why we have got real problems around here and that maybe Members of Congress ought to be required to be on the floor. Maybe it is not such a bad thing to establish a quorum from time to time. Maybe the American people are interested in finding out whether their Member of Congress is in town to do business. Maybe they are interested in finding out whether or not the guy is earning the $75,000 a year they are paying him.

I think we have a problem, when what is really happening around here is that the floor has become a place not to be, in many Members' minds. Many Members of Congress will tell you that they think the floor is superfluous to their activities, that what they really do, they are committee-oriented Congressmen and many of them do very valuable work in committees; but the fact is that the committees are supposed to be that unit that helps sift through legislation so decisions can be properly arrived at on the floor; but what we hear all too often now is the fact that once the bill comes out of committee, we are just supposed to ratify it on the floor as though we had no power on the floor to do anything about their bills. As a matter of fact, we have more and more bills coming out here under closed rules so that we have very little in the way of options on the House floor. I think that is a disturbing trend. I think that is some-

thing the American people ought to fear, because the fact is as we have become more and more closed, as we have had less and less participation by the whole body in legislation, that the deficits have mounted more and more. We have done more and more spending.

One of the reasons why we are in the problem that we are in is because we figure out ways so that Members are not truly held accountable.

The reason we do not want to vote around here, the reason we do not want Journal votes, in fact we do not like votes on spending bills, we do not like votes of any kind, is that people can be held accountable for their votes.

I assure you it is not just Journal votes that people are concerned about that I call from time to time. There were people today who were upset because I got votes on the two bills that we had before us, the two bills that authorized $46 million in spending that was not in the President's budget. There were people that did not like to vote on that, because they do not want someone going back to their district saying: "Why would you vote for bills like that?"

They do not want to be held accountable. So that is the real issue here and it seems to me accountability in this place is what it is all about. You ought to be accountable for being here and you ought to be accountable for the votes that are taken while you are here.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Surely, I would be glad to yield to the gentleman.

Mr. DORGAN of North Dakota. Mr. Speaker, I think the gentleman understands that part of the concern of some Members of Congress is not about voting on bills of the type that we voted on today, but the concern that has been expressed to the gentleman before and to others about the nuisance votes, the vote at the beginning of the House session to approve the Journal, which the gentleman knows is called for a number of reasons, sometimes to break up a committee hearing, other times for other strategy purposes, but almost always increasingly these days to annoy people, to be just nuisance votes.

It is like sitting in a committee meeting at the local club or lodge back home and someone says: "We would like to hear the minutes of the last meeting," and someone reads the minutes of the last meeting and then someone says: "Can we approve the minutes?" And someone in the club says: "I demand that we have a rollcall vote on approving those minutes."

That is the kind of stuff that goes on around here and that is the kind of thing we are concerned about. I do not mind votes on substance, but the gentleman knows and I know that there are votes called around here increasingly these days that are nuisance votes that waste the gentleman's time, and my time, and the taxpayers' money.

Mr. WALKER. I would disagree with the gentleman with regard to any personal participation I have had. I have never called a vote where I did not have some reason for it.

I would say to the gentleman that thus far in this Congress, as I mentioned earlier, I have called one Journal vote this year.

Now, we had some gentleman out here on the floor that were vilifying me earlier about Journal votes.

I have called one Journal vote thus far in this Congress and it was on the day that we voted on Rick McIntyre and my leadership throught that it was important to get a Journal vote that day to see whether or not we had a quorum in town, since it was, in fact, a Monday.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield for a question?

Mr. WALKER. I would be glad to yield to the gentleman.

□ 1810

Mr. DORGAN of North Dakota. How many Journal votes did you call in the 98th Congress?

Mr. WALKER. It was not more than three or four. As a matter of fact, as a matter of fact, and I did not call very many Journal votes in the past Congress either. And in each case where I have, where I called a Journal vote, there was some purpose behind the Journal vote being called. I do not think that it is proper to engage in harassment kinds of techniques that are without any kind of purpose. But I do think that there are times when it is exremely important to find out whether or not we have got a quorum in this town to do business.

And it is your party, through your rules, that have eliminated the opportunity to first of all get a quorum call at the beginning of the day and then most recently you have eliminated the ability of the minority to call a quorum just before we discuss major legislation to find out whether or not there are enough people in town to consider that legislation.

Mr. DORGAN of North Dakota. Will the gentleman yield again?

Mr. WALKER. I will be very glad to yield.

Mr. DORGAN of North Dakota. The fact you indicate you have called very few votes, or very few votes on the Journal, does that suggest that you are not doing it because you do not want to call for nuisance votes and therefore those who are calling for them probably are doing so?

Mr. WALKER. I did not say that at all. I say in terms of when I have called Journal votes there has always been some purpose behind it. I have to assume that the Members who call Journal votes, including Members of your side who call Journal votes, do it with some purpose.

I understand that the Journal vote was called the other day by your side so that we could get enough Members on the floor to hear the President of Italy speak. Now, in some people's mind that may not be a very good reason for calling a Journal vote. There was not business that was going to follow after it. If people wanted to come to hear the President of Italy it might be a good reason for them to just come. But your side decide to call a Journal vote for that purpose.

Mr. DORGAN of North Dakota. Will the gentleman yield?

Mr. WALKER. And I assume it was a good reason. I assume that my side has good reason when we call Journal votes.

Mr. DORGAN of North Dakota. If the gentleman will yield, my friend from Pennsylvania knows that most of the votes on the Journal around here are called from that side of the aisle. And many of us just think it is a nuisance.

But let me say that I do not quarrel with your notion that we ought to vote on issues around here. I like to have votes on issues.

I do think it is probably a disservice to suggest to people who are involved in these proceedings, who watch these proceedings that people who are not on the floor during a debate are not involved in the public work.

As you know, there are many committee hearings going on during proceedings on the floor. There are many other things.

Mr. WALKER. I said that.

Mr. DORGAN of North Dakota. No, but you suggested that the absence of a number of people on the floor during a debate on an issue is somehow probably the Members of Congress not responding to their duties in an appropriate way.

Mr. WALKER. I would say to the gentleman, if I may reclaim my time, that one of the problems I have got with that argument is the fact that I also try to have a pretty good attendance record in my committees. When I go to those committees I do not find very many Members of Congress around then either.

The question is where are they. If they are not in committee and they are not on the floor, where are they?

Mr. DORGAN of North Dakota. Will the gentleman yield?

Mr. WALKER. I will be glad to yield.

Mr. DORGAN of North Dakota. Is the gentleman from Pennsylvania really suggesting that the people on his side of the aisle, and the people on

this side of the aisle, are not working pretty hard?

The fact is most of the people that I know around here are either on the floor, in committee, in their office working very, very hard, very long hours, on public business. And I will tell you what, I have worked at a number of jobs, as have you, I am sure, and I would say that the people that serve in this body work harder than most of the people I have ever worked with in my entire life. And you are suggesting something other than that.

Mr. WALKER. I think the gentleman makes a good point. I think there is an awful lot of hard work that goes on around here. The question I have is: doing what? I am just raising the point with the gentleman.

We know the people are not here on the floor.

Mr. DORGAN of North Dakota. What does the gentleman think they are doing?

Mr. WALKER. And I assume there is a good deal of time being spent working in offices that is constituency-oriented kinds of mail and so on. You know, that is certainly a legitimate activity.

But the fact is that my point is that we have been elected to be legislators here. And we have not been elected to be professional politicians all of the time that are serving a number of ends and may be working very hard. But the fact is that I think that one of the main things we were elected to do was to be on the floor listening to debate, and participating in debate, and seeing to it that the issues that are of a general nature to the country are resolved in the best interests of our own constituents. And, you know, I see none of that. I see no attempts around here to schedule in a way that relieves Members of the conflicts.

For example, it seems to me that one of the things we might be able to do is reduce the number of subcommittees in this place, thereby reduce the amounts of money that are spent for that activity. Reduce maybe even the number of full committees so that in fact we could have committee meetings at times when the House was not meeting, so that Members could fulfill both sets of duties. And we would be able to have people fully participating in the legislative process.

I see no movement toward that whatsover. In fact, it moves just the opposite direction. We expand committees. We had three select committees on the floor the other day for approval. We keep expanding these little bastions of power around here rather than contracting them.

And the gentleman makes a valid point. But it is a valid point that deserves correction and we are not moving toward correcting it; we are moving toward aggravating it.

Mr. DORGAN of North Dakota. I guess I did not understand. Aggravating what point?

Mr. WALKER. We are aggravating the problem of Members not being able to participate because they are doing other things.

Mr. DORGAN of North Dakota. Part of the reason for that is that it is the 20th century. Now, 30 or 40 years ago people would come here in January and they would not go home until Congress adjourned in late May. These days, as you know, Congress begins in January and increasingly it is a complex society in which we live, and we have a completely different set of problems that we face. We have a completely different kind of country. And, incidentally, we have made incredible progress, much, much of which has come from the right kind of decisions being made by honorable men and women from your side of the aisle and mine here in this body and over in the other body. And we have a different kind of a day.

This job, unfortunately, has become an all-year job with hundreds of demands on the time of people who serve in this body. And the only reason I stood up was that I was a little concerned about your suggestion to someone who might be watching or listening that those who do not participate in debate on the floor of the House are probably not paying attention to their duties as legislators. And now I know that you know——

Mr. WALKER. I am suggesting, I am suggesting——

Mr. DORGAN of North Dakota. That is not the case.

Mr. WALKER. I am suggesting to the gentleman, and I would suggest to the country at large that for many Members of Congress, floor activity has a very, very low rank in terms of their personal time spent as legislators. And why they deeply resent being called over here for nearly any vote is because it takes away from what they regard as being far more important than anything that is going on on the floor. And I would simply suggest that in terms of policy that there is no more important role for a Member of Congress than to be on the floor voting and to be accountable for those votes.

I will be glad to yield.

Mr. DORGAN of North Dakota. The gentleman probably remembers that last year one of the more distinguished Members of Congress retired; in fact he was from your side of the aisle, and one of the suggestions he made was that much of the good work is not done on the floor; it is done in the committees and it is done in the ad hoc meetings and so on, and that a lot of the folks that take the floor, at least some of the folks that take the floor today, take the floor for their own purposes, to demonstrate and to show and to do whatever they do. But a lot of very constructive work in this Congress is not done on the floor of the House. I think that is a point well taken.

Mr. WALKER. I recognize that and it is the same few people who, for instance, use the committee structure, and use all of these subcommittees that we have created around here, to hold fancy hearings and to attract the TV cameras. In other words, we have that process. It is not just the floor process. We have that process that goes on around here, too.

One of the ways of figuring out whether or not you have had a successful chairmanship, it looks to me like around here, is how many times you had multiple television cameras in the room for your particular hearings. And so sometimes the hearings are held not so much because they are going to have an impact on national policy but because they know it is an issue that the media is interested in and it will attract a lot of media attention.

So I would say to the gentleman that the problem he outlines may indeed be a problem, but it is a problem not just in the floor activities; it is a problem in committee activities as well, and that my problem with all of that is that ultimately the main place that Members of Congress are held accountable for what they do is here on the floor where their voting records are established.

Mr. DORGAN of North Dakota. Would the gentleman yield again?

Mr. WALKER. I think it is extremely important that we put more emphasis on floor activity.

Mr. DORGAN of North Dakota. Will the gentleman yield again?

Mr. WALKER. I will be glad to yield.

Mr. DORGAN of North Dakota. You well understand, I am sure, that many of us in Congress cast more votes in a committee than we do on the floor of the House. Day after day after day and week after week we cast vote after vote in our respective committees. That, too, is representing our constituents. And often there is a choice. Do you spend your afternoon on the floor over here, as some people do almost all of the time, or are you in a committee considering the genesis of public policy and casting respective votes in that committee on that public policy.

The only thing I am trying to say to the gentleman and the people who watch this proceeding is that there are dozens of demands on time, and this is not the only place where you create a public record as a legislator.

Mr. WALKER. There are a couple of points I would make with the gentleman. First of all, there are very few days in committee where you are casting votes, that in large part your time

in committee is spent in hearings, and that there are a whole variety of hearings, and that relatively few of your days—some consecutive days and so on, and depending upon what bill is being considered it can be a period of time during which you are casting votes, but relatively few—and the other problem with that contention is the fact that in your committee you address a very narrow range of subjects. You develop expertise in a very, very narrow range of subjects and you spend your time on that narrow range of subjects.

□ 1820

So that your constituents in evaluating your public record based upon your committee votes have only a very, very specific kind of issue. That fact is your expertise there is enough that for most of your constituents the issues are so technical at the committee level that they are never certain just exactly what it was that was going on.

It is out here on the floor where you as a generalist legislator are challenged, where really the great issues of the day over the whole general scheme get decided, right here on the floor. And I am suggesting that that should not be an ancillary process, that should be the prime process. The committees should be serving this process, we should not be serving the committees. Our work in our offices should serve this process. It ought not be a case of us relegating this to secondary status. But somehow—and the word was used today that when they are called to the floor they are being inconvenienced. I would suggest to the gentleman that there are many inconveniences as legislators; that a lot of us feel a little inconvenienced when your side of the aisle sets the schedule and decides at the end of the week to chuck the whole schedule for the next week and leaves us dangling as to what we should be scheduling. But that is far more inconvenient, it is very, very costly to the taxpayers because at that point you have Members trying to decide travel schedules and so on based upon the fact that they have just learned what is going on.

There are all kinds of inconveniences. I guess when I ran for office I understood that one of the things about being a legislator was the fact that I was going to face those kinds of inconveniences, the worst ones being that you spend a lot of time away from home and away from your family.

I think it is extremely important, though, to understand that some of these things that we want to write off as inconveniences are in fact very important elements toward establishing accountability in this House. One of the main ways of establishing accountability is to find out who is here day after day and able to vote on issues.

I yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding. I was one of those individuals that you referred to a few moments ago as back in the office working very hard. I do not think that the discussion that is taking place here is designed to tear down Members of the House. I certainly hope that that is not the intention. But the reaction, at least, and I only caught part of the gentleman's reaction, came across as defending the system here. I do not think that is really what the gentleman intended to do.

Mr. DORGAN of North Dakota. If the gentleman will yield, the system is constantly under attack, as the gentleman knows, by lots of forces and lots of people. I think there is a need sometimes to suggest that a lot of constructive things happen here by a lot of good people. There is a tendency for people around here to say, "Oh, you know, things are not working right, the people here are not doing their jobs; this is wrong." The fact is I think despite all of this country's problems, this is a pretty special place that does some pretty special things for this country.

Mr. WALKER. Sure, and we would not run for it if it was not. But I would suggest to the gentleman that there are a lot of people out there now analyzing why we have been in office here in Washington for 3 months and virtually have done nothing here in the House. You know, there have been committee meetings and so on but we are not producing any product. We have had practically no votes whatsoever in the Congress thus far.

I yield to the gentleman from Florida.

Mr. MACK. What really caught my attention in the discussion that I heard, went something like this: I guess it started when the panning of the floor by the TV cameras kind of illustrated there was no one here, and some of us have been making the point that it is not just during special orders that there are not too many people on the floor, that that in fact is generally the way that things operate day in and day out.

One of the questions that I did raise last year was the concern I think that the Speaker has about showing the floor during the full course of the day is because the voter back home would generally start asking the question: Where are they? The response that I typically heard people say was well, they are in committee. The most important use of your time around here is in your committee work. I guess the experience that the gentleman from Pennsylvania and I share is that so many times, and I will use just last week when we had 7 hours of budget hearings, 4 hours from 7 o'clock to 11 o'clock in the evening, then the following morning from roughly 9 o'clock until around 11:30 or 12 at which time there were less than a third of the Budget Committee members there. I know the excuse could be, "Look, there are other things going on. Some people are in Geneva. Some people have made other plans, some people could not make plans for the evening session." To me rather than to try to tear down the individuals who were not there, and that is not my intention, I think that what we need to start asking ourselves is what is a better way to manage this system? For example, just looking at the budget process maybe we ought to start asking ourselves does it not make sense that maybe we ought to go into a 2-year budget cycle so that when we come here at the beginning of the 1st session of the 99th Congress that we spend our time trying to do budget work so that in fact when bills come to the floor it fits within an overall pattern? But we seem to be more concerned about defending the system instead of trying to work together to figure out how we can improve it.

Mr. WALKER. I thank the gentleman. I had suggested earlier and I reiterate the fact that the only way we could change the system to some extent would be to eliminate a lot of the subcommittees around here, to reduce the number of subcommittees. I realize you reduce the number of power broking slots and fiefdoms around here when you do that but the fact is we could reduce the numbers of committees, save a lot of money and at the same time free up the Members' schedules to be able to operate on the House floor and spend more time in representing their constituents.

I yield to the gentleman from Florida.

Mr. MACK. It just so happens that as I was on my way to meet with the freshman class to discuss some of the budget alternatives that they will be facing in trying to learn the budget process and to learn how the numbers all kind of fit together, I was speaking with one of the new freshman who indicated to me that he was on nine subcommittees.

Now that might be an unusual situation around here but frankly I am on two subcommittees on the Foreign Affairs Committee and Budget Committee and I cannot imagine how I would make it to a total of nine different subcommittee hearings and be very effective. I think that is the point that the gentleman is raising.

Mr. WALKER. That is exactly the point.

Mr. MACK. Why should we have all these subcommittees when Members cannot be there? What we have done is basically over the years we have set

up the subcommittees that Members cannot get to so that what happens is the staff goes to those meetings. There is no way for the Member to be up to date on what is happening there other than what he is being told by someone else.

I think what we need to do is identify the priorities as far as the committees are concerned, reduce some of those subcommittees that have been set up and therefore the involved people would be more personally involved in the committee hearings.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Minnesota [Mr. FRENZEL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE MX MISSILE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. WIRTH] is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, today the Congress begins the complex procedure of voting on the release of fiscal year 1985 funds for the MX missile. And with that voting comes a heavy responsibility, because it occurs at a time when the President's arms negotiators have just begun their discussions in Geneva. During the course of the negotiations, we must refrain from taking actions that undercut the effectiveness of our representatives.

But the only way in which we can diminish that effectiveness is by depriving our negotiators of what we and the Soviets acknowledge to be effective weapons systems. The MX does not meet this criterion.

The MX makes no contribution to our deterrent posture. Because of its vulnerability in easily targetable and inadequately hardened Minute silos, it can't be used as a retaliatory second-strike weapon. And with its tremendous accuracy and MIRV capability, the MX is nothing more than a destabilizing first-strike weapon. Will the Soviets interpret the deployment of this dangerous weapon as an indication of American intent to negotiate a reduction in offensive weapons? Or as a sign that our country would rather achieve a first-strike capability than achieve a nuclear-free world with them? I think the latter is more likely, and is likely to harden the Soviet position in Geneva significantly.

And once deployed, will the MX ever be negotiable again? We have seen how bargaining chips, once deployed, have become entrenched parts of both nuclear arsenals. MIRV technology and the cruise missile are only two examples of weapon systems that we negotiated on with the Soviets after we unilaterally deployed them. As a result, we have not seen a reduction in these systems, but Soviet duplication of our efforts, and the deployment of vast numbers of warheads and cruise missiles on both sides.

Mr. Speaker, if the administration wants to use the MX as a bargaining chip, it should work with the Congress on a flexible agenda for negotiating with this missile. For example, as a sign of good faith toward the Soviets, why not propose a "negotiator's pause" in the deployment of the MX? We have the missile; deployment could be the bargaining chip. Or better yet, why not explicitly condition MX funding on an administration proposal to the Soviets to eliminate all MIRV'd ICBM's? If the Soviets were to refuse this offer, MX production would continue, and would start to resemble a real bargaining chip. A similar proposal has been made by arms experts Gerard Smith, Clark Clifford, and Paul Warnke in a recent Washington Post article which I commend to my colleagues.

Failing this, however, the MX remains a destabilizing first-strike weapon that threatens the erosion of deterrence, as well as the viability of the Geneva talks. Barring any detailed likage of the MX and actual arms reduction, I urge my colleagues to vote against appropriating any funds for the MX.

Mr. Speaker, I request that the article by Mr. Smith, Mr. Clifford, and Mr. Warnke appear at this point in the RECORD.

MX IS NOT A USEFUL BARGAINING CHIP

As Americans whose collective experience includes service as secretary of defense and arms control negotiator, we take strong exception to The Post's editorial "The Missile Vote" [March 1].

After listing some of the numerous—and we find compelling—reasons why the MX missile should not be approved, the editorial then discards logic and says: "But the real world is a different place." We disagree. The real world—the important one—is that of military necessity and practicality, and on these counts The Post itself has judged the MX to be deficient. The MX will be a highly capable weapon in a fixed location of high potential vulnerability. it will be a first-strike weapon; it will surely be seen as that. And it will be a weapon that could provide a nuclear war, not deter one. We do not see how these attributes can possibly enhance America's security.

We also do not see how questionable and—in our judgment—ephemeral negotiating considerations override these basic flaws. The editorial states, in essence, that we must have the MX because the Soviets have heavy missiles. This argument means that we must mirror-image our forces with those of the Soviets—despite the fact that the United States has other, important strategic-force *advantages,* such as balance and greater overall invulnerability—as well as superior bomber and submarine capabilities. This argument would also dictate that the United States have 200 Army divisions, a massive civil defense program and an extensive, expensive conventional continental air defense—capabilities The Post has not chosen to advocate because, quite correctly, when *choices* about forces and weapons are being made, America does not need them for the job it has to do. Similarly, we were struck by the stark contrast, just 24 hours later, when the editorial page—rightly and convincingly—rejected U.S. acquisition of new chemical weapons for negotiating purposes or because the Soviets have them. Indeed, The Post's choice of words, with MX in substitution, would be the best rebuttal we could possibly write.

We also reject the proposition that the MX will serve as a useful bargaining chip. History has shown the difficulties of using deployed weapons as bargaining chips, since these weapons simply become another "essential" weapon with their own powerful momentum and supporters. They also trigger new Soviet programs. One need only cite the examples of MIRVs and the cruise missile—weapons whose initial American gain is being duplicated by the Soviets at no small cost to our own security. The one bargaining chip example, so often cited in its defense, is, quite simply, factually incorrect. The Soviets agreed to negotiate on antiballistic missiles in 1968; the U.S. Safeguard ABM program was approved in 1969—not the reverse timing of which we are so often told.

Our experience has taught us that the practical value of bargaining chips lies in our ability to threaten their development and deployment. Once deployed, the chip is a weapon nearly impossible to halt.

Therefore, the "real world" of the MX missile, if approved, will be a weapon with tens of billions spent, with strong entrenched constituencies pressing for its continuation, if not expansion, and a bargaining chip that will have lost its ability to bargain because the Soviets will see it approved, they will know the economics and the politics, and they will develop their own similar program—as they are already doing—not meekly back down as wishful thinking would have us believe.

This leads to our final point on bargaining chips. We note that the editorial had to go back as far as July 1983 to find a presidential declaration that the MX will, in fact, be negotiable. We would draw the attention of all of The Post's readers to the fact that the most senior administration officials, including the president, have repeatedly stated that the MX is not negotiable, and that just two weeks ago the president's press spokesman refused to deny this. The editorial calls for a "freshening" of the president's 1983 statements. We believe that these statements of nonnegotiability more accurately reflect the eventual fate of the MX, and if that is the case, today's "chip" will be no bargain for the future of our nation.

We urge Congress instead to pursue a different solution. If, in fact, the MX is to be regarded as a valuable bargaining chip, then it should be used seriously for bargaining purposes. Therefore, any congressional approval of funding for further MX deployments should be conditioned upon an undertaking by the administration to propose to the Soviets a ban on all new MIRVed

ICBMS. The MX, under these conditions, would continue only if this proposal is rejected by the Soviets. Such a proposal, we believe, would be taken seriously by the Soviets. If successfully negotiated, it would serve our interests as well, stopping the deployment of new Soviet missiles. The MX would become, for once, a bargaining chip that worked.—Gerard C. Smith, Clark M. Clifford and Paul C. Warnke.●

IRELAND'S PREMIER MUSICAL FAMILY: THE O'GRADYS

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, again, when America's national spring holiday, St. Patrick's Day, rolled around this March 17, the entire U.S. community celebrated in a happy and festive mood. Irish contributions to American culture and public life are impressive, indeed, in politics, religion, the economy, business, science, academic life, folk music, and the arts.

One area where information on Ireland and things Irish is limited in the United States, however, is in the field of classical and art music. A principal reason for this is that for nearly three centuries Ireland, while regaining its freedom as a sovereign state in 1920, was occupied by England. Over this period the famed land of saints and scholars was cut off from continental developments in the classical musical field. Only since the end of the Second World War has this situation improved—and dramatically so.

Perhaps the most important symbol of the new Renaissance in Irish classical music is the name O'Grady—the premier musical family in Ireland today. The O'Grady are four sisters, all married, with their own families, who nonetheless pursue their remarkable and separate musical careers on a continuing basis. The O'Grady sisters: Geraldine, violin; Eily, piano and harp; Moya, cello; and Sheila, violin, are performing in the United States this March, although in different places and at different times. Geraldine and Eily regularly perform here but this is the first time for Moya and Sheila.

Eily O'Grady, who studied at the Rome conservatory, accompanies her husband, Ireland's world-class tenor, Frank Patterson, on stage during his constant touring. Sheila and Moya O'Grady will perform in Washington, DC, at the Smithsonian Institution and at the Coolfont Foundation in Berkeley Springs, WV, with the Eroica Trio, which they founded several years ago. Sheila O'Grady, who studied with Jaroslav Vanaceck in Dublin and in Salzburg with Jean Fournier, has been a member of the Radio Telefis Eireann Orchestra, and is also leader of the Promenade Ensemble. Moya O'Grady studied at the Royal Academy of Music, London, and with Pierre Fournier in Paris. Until 1980 she was co-principal cellist in the RTE Symphony, which she left to concentrate on a solo career and on chamber music.

To American audiences, violinist Geraldine O'Grady, the only Irish artist to win the Premiere Prix of the Paris Conservatory, needs no introduction as for some 10 years she has soloed with leading U.S. orchestras and performs regularly in recitals here. This year on St. Patrick's Day she was soloist under conductor Richard Bales of the National Gallery Orchestra in a program ranging from Mozart concerti to Irish airs. Later this week on March 22, she will be at Georgetown University's Gaston Hall in a recital honoring the Bach and Handel tercentenary and the following night she joins a group of artists honoring Catholic University's famed Father Gilbert Hartke in an Irish salute on his 50 years in the American theater. This salute takes place at the Crypt Church of the National Shrine of the Immaculate Conception.

A decade ago the late Senator Hubert H. Humphrey described Geraldine O'Grady as "Ireland's Musical Ambassador to the United States." Mr. Speaker, I would like to enlarge this definition to include the entire O'Grady family, including their extraordinary mother still living in Dublin, Mrs. Sheila O'Grady, and nominate the clan O'Grady for this honor. As well, I request permission to include a brief article, written several years ago in the Diplomat International Calendar by Dr. Francis X. Gannon on the status of art music in Ireland today, as well as review of a recent recital by Geraldine O'Grady from the Evening Press, Dublin.

To sum up, Mr. Speaker, in the past few years we have witnessed a new awareness in the United States concerning the previously unknown field of classical music in Ireland. Periodic appearances here by Ireland's famed RTE Symphony, the youth Orchestra of Ireland and Our Lady's Choral Society of Dublin are doing much to enlarge our U.S. musical horizons. I congratulate those individuals and agencies in Ireland and in the United States for what they are doing to enrich our cultural lives and extend appreciation to violinist Geraldine O'Grady for so consistently and almost single-handedly broadening American appreciation of the state of art music in Ireland today.

[From the Diplomat International]

IRELAND'S ART MUSIC: THE U.S. CONNECTION

(By Francis X. Gannon)

Classical Irish culture, possessing the oldest written language in Europe, was essentially rooted in the ancient bardic tradition of music and poetry. This tradition flourished and even meshed with such medieval European elements as troubadour poetry until the 16th century. From that point on, under the English occupation, constant efforts were made to replace the Irish culture with both the English language and cultural forms. Apart from the disastrous political and economic outcome for Ireland, the major cultural result was the isolation of Ireland from the mainstream of the modern art, song, and classical music tradition which emerged forcefuly from the Renaissance period forward.

From the 17th through the 19th centuries, these European musical forms were episodically related to Irish life, especially in Dublin. Early evidence were activities by several Italian composers—notably Gemiani and the later George Friedrich Handel in Dublin, as well as the presence of pianist John Field and composer Michael Balfe in the early 19th century. In the 19th century also, choral music and art songs of Hughes and C. V. Stanford, and in the 20th century expatriates as Victor Herbert gained popularity. John McCormack, Ireland's greatest artist, also helped revive international knowledge of ancient Irish folk music.

In general, though, from the 16th century through almost the end of the Second World War, Ireland was cut off musically from developments in modern Europe. After 1945 the Irish adopted the broader perspectives of modern sensitivities. The works of pre-1945 Irish composers like Ferguson and Moeren have since gained wider renown, while such current composers as A. J. Potter, S. Bodley, T. C. Kelly, Sean O'Riada, Wilson, Gerard Victory, and Aloys Fleischman are increasingly known, at least to limited circles of their modern musical peers, whether musicians or composers, notably so in Europe.

In the United States, knowledge about the contemporary musical scene in Ireland is quite limited. American audiences associate Irish music with the folk and quasi-folk groups which have performed extensively in the USA during the past twenty years: the Clancy Brothers, harpist-singer Mary O'Hara, Comhaltas Coeltoiri Eireann, and the Chieftains, as well as with such American performers as Dennis Day or Carmel Quinn. An occasional critique of the musical art form scene in Ireland, primarily from the encyclopedic pen of critic Charles Acton, is found in the American quarterly EIRE/IRELAND. But the names of Irish composers or their works draw blank stares even in informed U.S. musical circles, let alone among even interested Irish circles in America.

As for Irish artists, only two performers have regularly appeared in the United States in the past decade, either in major recital halls or with leading U.S. orchestras: contralto Bernadette Greavy and violinist Geraldine O'Grady. U.S. critics or conductors consistently acclaim both as world class artists and Miss O'Grady, in particular, has both a critical and a popular following in the United States.

Perhaps largely due to the efforts of Washington conductor George Manos—the U.S. artist most responsible for the promotion of Ireland's annual Bach Festival in Killarney, new opportunities for Irish artists and composers have recently emerged in the United States. As a result of cooperation between local Irish societies in various U.S. cities, and distinguished impresarios like Washington's Patrick Hayes, artists and performing groups such as pianists John O'Connor and Veronica Dunne, and the new Irish Chamber Orchestra have performed in U.S. musical centers, receiving fine critical and audience acclaim. Major Irish artists

such as tenor Frank Patterson, known in the U.S. previously through his many Phillips recordings, and accompanist/conductor Eily O'Grady also enjoy critical U.S. applause; and, U.S., but Irish-born, harpist-singer Barbary Murphy has added an art form dimension to Irish harp programs which generally adhere to the folk genre. Important recordings of various Irish artists are known only to restricted U.S. audiences, with one exception to this generalization: James Galway, the "showbiz" phenomenon, who may well be, as many critics argue, the world's foremost flutist.

What accounts for the extremely limited penetration of the U.S. classical musical scene by contemporary Irish artists and composers? For one thing, there are no national U.S. or local Irish cultural organizations promoting, or systematically coordinating such musical effort or cultural relations in the art music field between Ireland and America. As for Ireland itself, its Arts Council provides some financial support for Irish artists. Impresarial efforts of the kind required to make regular and systematic musical interchange possible between Ireland and America are limited, though.

This, of course, is not surprising as Ireland is a relatively new nation. It may take several generations yet before sustained managerial traditions for the performing arts (apart perhaps from drama and folk music, in which Ireland seems to possess strong capabilities) are firmly established.

In these circumstances, Irish artists (and the work of Irish composers) are largely brought to the attention of U.S. critics and audiences primarily in an ad hoc manner and through voluntary cooperation of bodies like Aer Lingus (Irish International Airlines), the Irish Tourist Board, interested U.S. individuals, and a handful of American Irish organizations. Recently, these efforts were augmented via support generated through artists like George Manos and Geraldine O'Grady, with leading U.S. musical figures such as Washington's Patrick Hayes, Carnegie Hall's Julius Bloom, and the Baltimore Symphony Orchestra's Joseph Levitt. Both Mr. Bloom and Mr. Levitt visited Ireland outlining proposals for the 1980s.

Not all interested observers are nonplussed by this state of affairs, incidentally. Some Irish authorities, in fact, believe that the general entrance of Irish artists and groups into the American musical scene, were it to take place too quickly and too soon, could prove to be counterproductive. Their reasoning, apparently, is that the Irish capabilities in the classical music field need to deepen before coping with the demands required in broad interchange with the world classical musical arena, including the United States.

This may be true or false depending on one's perspective. Yet cultural relations between Ireland and America should prosper in the field of art music as this relationship is more effectively promoted and organized.

[From the Dublin Evening Press, Feb. 19, 1985]

O'GRADY, MARTIN IN FINE CONCERT

(By Pat O'Kelly)

Our leading violinist, Geraldine O'Grady, returned to the RDS this week for, oddly, her first recital there since 1958. This time she was joined by the pianist/composer, Philip Martin—a fairly recent partnership but one which seems to draw from the centre of each artist's deep musicianship, producing an unexpected unity of thought.

In a slightly overlong programme last evening, sonatas by Beethoven and Brahms provided solid buffers for the central Sonatine No. 2 by Martin himself, Copland's sonata of 1943 and a movement by Messiaen.

Miss O'Grady's approach to Beethoven's "Spring" Sonata had a budding expectancy. It possessed alluring innocence and gentleness, its lines cleanly phrased and delicately balanced. Possibly by design, it emerged more embryonic than fully fledged but Mr. Martin matched this very personal even passive, style perfectly while keeping his piano part buoyant and precise.

At the other end of the recital Brahms' 3rd sonata, enjoying a new warmth, had both artists revelling in the fuller tone colouring that befitted the music. But it too scored from the lyrical quality of Geraldine O'Grady and the way in which Philip Martin supported this particular beauty. At the same time he never lost his own, nor cloaked Miss O'Grady's identity.

The Copland sonata, a memorial piece, is long and mainly slowish. It has a certain simplicity as well as evocative poignancy. Last evening it created an idyllic atmosphere and possessed a frugal bearing belonging to another plane. Both here and in Mr. Martin's own work it was interesting to observe the changing strength and greater assuredness of the violin tone.

The Martin "Sonatine" includes a slow, celtic-type lament ideally suited to both instrument and interpreter. Messiaen's "Lounge a l'immortalite de Jesus", a short paean, was played with a quiet and absorbing rapture.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DELAY (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RUDD, for 5 minutes, today.

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of California, for 60 minutes, today.

Mr. FRENZEL, for 60 minutes, today.

Mr. THOMAS of California, for 60 minutes, March 20.

Mr. FRENZEL, for 60 minutes, March 20.

Mr. HORTON, for 60 minutes, May 8.

Mr. SMITH of New Hampshire, for 30 minutes, today.

Mr. WALKER, for 60 minutes, March 20.

Mr. WALKER, for 60 minutes, March 21.

Mr. MCEWEN, for 20 minutes, today.

Mr. DIOGUARDI, for 5 minutes, today.

Mr. SWINDALL, for 60 minutes, March 21.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. REID, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today.

Mr. LEATH of Texas, for 5 minutes, today.

Mr. ERDREICH, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LEVINE of California, for 5 minutes, today.

Mr. SMITH of Iowa, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. JENKINS, for 60 minutes, today.

Mr. FORD of Michigan, for 10 minutes, today.

Mr. FRANK, for 60 minutes, today.

Mr. GAYDOS, for 30 minutes, today.

Mr. DASCHLE, for 60 minutes, March 20.

Mr. GAYDOS, for 60 minutes, on March 20.

Mr. MRAZEK, for 60 minutes, on March 20.

Mr. SKELTON, for 60 minutes, on March 27.

Mr. GEJDENSON, for 60 minutes, today.

(The following Members (at the request of Mr. SMITH of New Hampshire) to revise and extend their remarks and include extraneous material:)

Mr. JEFFORDS, for 30 minutes, on March 20.

Mr. JEFFORDS, for 30 minutes, on March 21.

Mr. WALKER, for 30 minutes, today, following any previous special orders.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. WIRTH, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. VOLKMER.

(The following Members (at the request of Mr. MACK) and to include extraneous matter:)

Mr. RITTER.

Mr. GINGRICH in two instances.

Mr. PURSELL in two instances.

Mr. PORTER.

Mr. GRADISON.

Mr. LENT.

Mr. COURTER in two instances.

Mr. CONTE.

Mr. CHAPPIE.

Mr. TAUKE.

Mr. MICHEL in two instances.

Mr. BROOMFIELD.

Mr. COATS.
Mr. MCCOLLUM.
Mr. HORTON.
Mr. RUDD.
Mr. ROGERS.
Mr. COUGHLIN.
Mr. KINDNESS.
Mr. YOUNG of Florida.
Mr. GOODLING.
Mr. LIVINGSTON.
Mr. SAXTON.
Mr. JEFFORDS.
Mr. GILMAN in two instances.
Mr. WHITEHURST.
Mr. BARTLETT.
Mr. HYDE.
Mr. GREEN.
Mr. BADHAM in two instances.
Mr. DIOGUARDI.
Mr. DREIER of California.
Mr. MOLINARI.
Mr. DICKINSON.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. PENNY.
Mrs. KENNELLY.
Mr. PEPPER in two instances.
Mr. ASPIN.
Mr. VISCLOSKY.
Mr. MINETA.
Mr. MCHUGH.
Mr. ACKERMAN.
Mr. KANJORSKI.
Mr. COLEMAN of Texas in two instances.
Mr. TRAXLER.
Mr. BEILENSON.
Mr. CLAY.
Mr. NATCHER.
Mr. COYNE.
Mr. MAZZOLI.
Mr. WAXMAN in three instances.
Mrs. LLOYD.
Mr. CHAPPELL.
Mr. LEVIN of Michigan.
Mr. BERMAN.
Mr. LUNDINE in three instances.
Mr. GARCIA in two instances.
Mr. FAUNTROY.
Mr. FLORIO.
Mr. ADDABBO in three instances.
Mr. DORGAN of North Dakota.
Mr. BARNES.
Mr. KILDEE.
Mr. ROE in three instances.
Mr. LANTOS in five instances.
Mr. HOYER.
Mr. HAMILTON.
Mr. FRANK.
Mr. DELLUMS.
Mr. OBERSTAR.
Mr. DWYER of New Jersey.
Mr. WYDEN.
Mr. MOAKLEY.
Mr. RODINO.
Mr. SABO in two instances.
Mr. BORSKI in two instances.
Mr. FOWLER.
Mr. BENNETT.
Mr. GUARINI.
Ms. OAKAR.
Mr. GAYDOS.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1093. An act to give effect to the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985; and

H.J. Res. 85. Joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week."

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following title:

On March 7, 1985:

H.R. 1251. An act to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985; and

H.J. Res. 50. Joint resolution designating the week beginning March 3, 1985, as "Women's History Week."

On March 13, 1985:

H.R. 1093. An act to give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

ADJOURNMENT

Mr. DORGAN of North Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.) under its previous order, the House adjourned until Wednesday, March 20, 1985, at 10 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 99th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Sonny Callahan.
2. William L. Dickinson.
3. Bill Nichols.
4. Tom Bevill.
5. Ronnie G. Flippo.
6. Ben Erdreich.
7. Richard C. Shelby.

ALASKA

At large

Don Young.

ARIZONA

1. John McCain.
2. Morris K. Udall.
3. Bob Stump.
4. Eldon Rudd.
5. Jim Kolbe.

ARKANSAS

1. Bill Alexander.
2. Tommy F. Robinson.
3. John Paul Hammerschmidt.
4. Beryl Anthony, Jr.

CALIFORNIA

1. Douglas H. Bosco.
2. Gene Chappie.
3. Robert T. Matsui.
4. Vic Fazio.
5. Sala Burton.
6. Barbara Boxer.
7. George Miller.
8. Ronald V. Dellums.
9. Fortney H. (Pete) Stark.
10. Don Edwards.
11. Tom Lantos.
12. Ed Zschau.
13. Norman Y. Mineta.
14. Norman D. Shumway.
15. Tony Coelho.
16. Leon E. Panetta.
17. Charles Pashayan, Jr.
18. Richard H. Lehman.
19. Robert J. Lagomarsino.
20. William M. Thomas.
21. Bobbi Fiedler.
22. Carlos J. Moorhead.
23. Anthony C. Beilenson.
24. Henry A. Waxman.
25. Edward R. Roybal.
26. Howard L. Berman.
27. Mel Levine.
28. Julian C. Dixon.
29. Augustus F. Hawkins.
30. Matthew G. Martinez.
31. Mervyn M. Dymally.
32. Glenn M. Anderson.
33. David Dreier.
34. Esteban Edward Torres.
35. Jerry Lewis.
36. George E. Brown, Jr.

37. Alfred A. (Al) McCandless.
38. Robert K. Dornan.
39. William E. Dannemeyer.
40. Robert E. Badham.
41. Bill Lowery.
42. Dan Lungren.
43. Ron Packard.
44. Jim Bates.
45. Duncan Hunter.

COLORADO

1. Patricia Schroeder.
2. Timothy E. Wirth.
3. Michael L. Strang.
4. Hank Brown.
5. Ken Kramer.
6. Dan Schaefer.

CONNECTICUT

1. Barbara B. Kennelly.
2. Sam Gejdenson.
3. Bruce A. Morrison.
4. Stewart B. McKinney.
5. John G. Rowland.
6. Nancy L. Johnson.

DELAWARE

At Large

Thomas R. Carper.

FLORIDA

1. Earl Hutto.
2. Don Fuqua.
3. Charles E. Bennett.
4. Bill Chappell, Jr.
5. Bill McCollum.
6. Buddy MacKay.
7. Sam Gibbons.
8. C.W. Bill Young.
9. Michael Bilirakis.
10. Andy Ireland.
11. Bill Nelson.
12. Tom Lewis.
13. Connie Mack.
14. Dan Mica.
15. E. Clay Shaw, Jr.
16. Lawrence J. Smith.
17. William Lehman.
18. Claude Pepper.
19. Dante B. Fascell.

GEORGIA

1. Robert Lindsay Thomas.
2. Charles Hatcher.
3. Richard Ray.
4. Patrick L. Swindall.
5. Wyche Fowler, Jr.
6. Newt Gingrich.
7. George (Buddy) Darden.
8. J. Roy Rowland.
9. Ed Jenkins.
10. Doug Barnard, Jr

HAWAII.

1. Cecil (Cec) Heftel.
2. Daniel K. Akaka.

IDAHO

1. Larry E. Craig.
2. Richard H. Stallings.

ILLINOIS

1. Charles A. Hayes.
2. Gus Savage.
3. Marty Russo.
4. George M. O'Brien.
5. William O. Lipinski.
6. Henry J. Hyde.
7. Cardiss Collins.
8. Dan Rostenkowski.
9. Sidney R. Yates.
10. John Edward Porter.
11. Frank Annunzio.
12. Philip M. Crane.
13. Harris W. Fawell.
14. John E. Grotberg.
15. Edward R. Madigan.
16. Lynn Martin.
17. Lane Evans.
18. Robert H. Michel.
19. Terry L. Bruce.
20. Richard J. Durbin.
21. Melvin Price.
22. Kenneth J. Gray.

INDIANA

1. Peter J. Visclosky.
2. Philip R. Sharp.
3. John Hiler.
4. Dan Coats.
5. Elwood Hillis.
6. Dan Burton.
7. John T. Myers.
9. Lee H. Hamilton.
10. Andrew Jacobs, Jr.

IOWA

1. Jim Leach.
2. Thomas J. Tauke.
3. Cooper Evans.
4. Neal Smith.
5. Jim Lightfoot.
6. Berkley Bedell.

KANSAS

1. Pat Roberts.
2. Jim Slattery.
3. Jan Meyers.
4. Dan Glickman.
5. Bob Whittaker.

KENTUCKY

1. Carroll Hubbard, Jr.
2. William H. Natcher.
3. Romano L. Mazzoli.
4. Gene Snyder.
5. Harold Rogers.
6. Larry J. Hopkins.
7. Carl C. Perkins.

LOUISIANA

1. Bob Livingston.
2. Lindy (Mrs. Hale) Boggs.
3. W.J. (Billy) Tauzin.
4. Buddy Roemer.
5. Jerry Huckaby.
6. W. Henson Moore.
7. John B. Breaux.

MAINE

1. John R. McKernan, Jr.
2. Olympia J. Snowe.

MARYLAND

1. Roy Dyson.
2. Helen Delich Bentley.
3. Barbara A. Mikulski.
4. Marjorie S. Holt.
5. Steny H. Hoyer.
6. Beverly B. Byron.
7. Parren J. Mitchell.
8. Michael D. Barnes.

MASSACHUSETTS

1. Silvio O. Conte.
2. Edward P. Boland.
3. Joseph D. Early.
4. Barney Frank.
5. Chester G. Atkins.
6. Nicholas Mavroules.
7. Edward J. Markey.
8. Thomas P. O'Neill, Jr.
9. Joe Moakley.
10. Gerry E. Studds.
11. Brian J. Donnelly.

MICHIGAN

1. John Conyers, Jr.
2. Carl D. Pursell.
3. Howard Wolpe.
4. Mark D. Siljander.
5. Paul B. Henry.
6. Bob Carr.
7. Dale E. Kildee.
8. Bob Traxler.
9. Guy Vander Jagt.
10. Bill Schuette.
11. Robert W. Davis.
12. David E. Bonior.
13. Geo. W. Crockett, Jr.
14. Dennis M. Hertel.
15. William D. Ford.
16. John D. Dingell.
17. Sander M. Levin.
18. Wm. S. Broomfield.

MINNESOTA

1. Timothy J. Penny.
2. Vin Weber.
3. Bill Frenzel.
4. Bruce F. Vento.
5. Martin Olav Sabo.
6. Gerry Sikorski.
7. Arlan Stangeland.
8. James L. Oberstar.

MISSISSIPPI

1. Jamie L. Whitten.
2. Webb Franklin.
3. G.V. (Sonny) Montgomery.
4. Wayne Dowdy.
5. Trent Lott.

MISSOURI

1. William (Bill) Clay.
2. Robert A. Young.
3. Richard A. Gephardt.
4. Ike Skelton.
5. Alan Wheat.
6. E. Thomas Coleman.
7. Gene Taylor.
8. Bill Emerson.
9. Harold L. Volkmer.

MONTANA

1. Pat Williams.
2. Ron Marlenee.

NEBRASKA

1. Doug Bereuter.
2. Hal Daub.
3. Virginia Smith.

NEVADA

1. Harry Reid.
2. Barbara F. Vucanovich.

NEW HAMPSHIRE

1. Robert C. Smith.
2. Judd Gregg.

NEW JERSEY

1. James J. Florio.
2. William J. Hughes.
3. James J. Howard.
4. Christopher H. Smith.
5. Marge Roukema.
6. Bernard J. Dwyer.
7. Matthew J. Rinaldo.
8. Robert A. Roe.
9. Robert G. Torricelli.
10. Peter W. Rodino, Jr.
11. Dean A. Gallo.
12. Jim Courter.
13. Jim Saxton.
14. Frank J. Guarini.

NEW MEXICO

1. Manuel Lujan, Jr.
2. Joe Skeen.
3. Bill Richardson.

NEW YORK

1. William Carney.
2. Thomas J. Downey.
3. Robert J. Mrazek.
4. Norman F. Lent.
5. Raymond J. McGrath.
6. Joseph P. Addabbo.
7. Gary L. Ackerman.
8. James H. Scheuer.
9. Thomas J. Manton.
10. Charles E. Schumer.
11. Edolphus Towns.
12. Major R. Owens.
13. Stephen J. Solarz.

14. Guy V. Molinari.
15. Bill Green.
16. Charles B. Rangel.
17. Ted Weiss.
18. Robert Garcia.
19. Mario Biaggi.
20. Joseph J. DioGuardi.
21. Hamilton Fish, Jr.
22. Benjamin A. Gilman.
23. Samuel S. Stratton.
24. Gerald B.H. Solomon.
25. Sherwood L. Boehlert.
26. David O'B. Martin.
27. George C. Wortley.
28. Matthew F. McHugh.
29. Frank Horton.
30. Fred J. Eckert.
31. Jack F. Kemp.
32. John J. LaFalce.
33. Henry J. Nowak.
34. Stan Lundine.

NORTH CAROLINA

1. Walter B. Jones.
2. Tim Valentine.
3. Charles Whitley.
4. William W. Cobey, Jr.
5. Stephen L. Neal.
6. Howard Coble.
7. Charles Rose.
8. W. G. (Bill) Hefner.
9. J. Alex McMillan.
10. James T. Broyhill.
11. Bill Hendon.

NORTH DAKOTA

At large

Byron L. Dorgan.

OHIO

1. Thomas A. Luken.
2. Willis D. Gradison, Jr.
3. Tony P. Hall.
4. Michael G. Oxley.
5. Delbert L. Latta.
6. Bob McEwen.
7. Michael DeWine.
8. Thomas N. Kindness.
9. Marcy Kaptur.
10. Clarence E. Miller.
11. Dennis E. Eckart.
12. John R. Kasich.
13. Donald J. Pease.
14. John F. Seiberling.
15. Chalmers P. Wylie.
16. Ralph Regula.
17. James A. Traficant, Jr.
18. Douglas Applegate.
19. Edward F. Feighan.
20. Mary Rose Oakar.
21. Louis Stokes.

OKLAHOMA

1. James R. Jones.
2. Mike Synar.
3. Wes Watkins.
4. Dave McCurdy.
5. Mickey Edwards.
6. Glenn English.

OREGON

1. Les AuCoin.
2. Robert F. (Bob) Smith.
3. Ron Wyden.
4. James Weaver.
5. Denny Smith.

PENNSYLVANIA

1. Thomas M. Foglietta.
2. William H. Gray III.
3. Robert A. Borski.
4. Joe Kolter.
5. Richard T. Schulze.
6. Gus Yatron.
7. Bob Edgar.
8. Peter H. Kostmayer.
9. Bud Shuster.
10. Joseph M. McDade.
11. Paul E. Kanjorski.
12. John P. Murtha.
13. Lawrence Coughlin.
14. William J. Coyne.
15. Don Ritter.
16. Robert S. Walker.
17. George W. Gekas.
18. Doug Walgren.
19. William F. Goodling.
20. Joseph M. Gaydos.
21. Thomas J. Ridge.
22. Austin J. Murphy.
23. William F. Clinger, Jr.

RHODE ISLAND

1. Fernand J. St Germain.
2. Claudine Schneider.

SOUTH CAROLINA

1. Thomas F. Hartnett.
2. Floyd Spence.
3. Butler Derrick.
4. Carroll A. Campbell, Jr.
5. John M. Spratt, Jr.
6. Robin Tallon.

SOUTH DAKOTA

At Large

Thomas A. Daschle.

TENNESSEE

1. James H. (Jimmy) Quillen.
2. John J. Duncan.
3. Marilyn Lloyd.
4. Jim Cooper.
5. William Hill Boner.
6. Bart Gordon.
7. Don Sundquist.
8. Ed Jones.
9. Harold E. Ford.

TEXAS

1. Sam B. Hall, Jr.
2. Charles Wilson.
3. Steve Bartlett.
4. Ralph M. Hall.
5. John Bryant.
6. Joe Barton.
7. Bill Archer.
8. Jack Fields.
9. Jack Brooks.
10. J.J. Pickle.
11. Marvin Leath.
12. Jim Wright.
13. Beau Boulter.
14. Mac Sweeney.
15. E de la Garza.
16. Ronald D. Coleman.
17. Charles W. Stenholm.
18. Mickey Leland.
19. Larry Combest.
20. Henry B. Gonzalez.
21. Tom Loeffler.
22. Thomas D. (Tom) DeLay.
23. Albert G. Bustamante.
24. Martin Frost.
25. Michael A. Andrews.
26. Richard K. Armey.
27. Solomon P. Ortiz.

UTAH

1. James V. Hansen.
2. David S. Monson.
3. Howard C. Nielson.

VERMONT

At Large

James M. Jeffords.

VIRGINIA

1. Herbert H. Bateman.
2. G. William Whitehurst.
3. Thomas J. Bliley, Jr.
4. Norman Sisisky.
5. Dan Daniel.
6. Jim Olin.
7. D. French Slaughter, Jr.
8. Stan Parris.
9. Frederick C. Boucher.
10. Frank R. Wolf.

WASHINGTON

1. John R. Miller.
2. Al Swift.
3. Don Bonker.
4. Sid Morrison.
5. Thomas S. Foley.
6. Norman D. Dicks.
7. Mike Lowry.
8. Rod Chandler.

WEST VIRGINIA

1. Alan B. Mollohan.
2. Harley O. Staggers, Jr.
3. Robert E. Wise, Jr.
4. Nick Joe Rahall II.

WISCONSIN

1. Les Aspin.
2. Robert W. Kastenmeier.
3. Steve Gunderson.
4. Gerald D. Kleczka.
5. Jim Moody.
6. Thomas E. Petri.
7. David R. Obey.
8. Toby Roth.
9. F. James Sensenbrenner, Jr.

WYOMING

At Large

Dick Cheney.

PUERTO RICO

Resident Commissioner

Jaime B. Fuster.

AMERICAN SAMOA

Delegate

Fofo I.F. Sunia.

DISTRICT OF COLUMBIA

Delegate

Walter E. Fauntroy.

GUAM

Delegate

Ben Blaz.

VIRGIN ISLANDS

Delegate

Ron de Lugo.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

723. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 99-38); to the Committee on Appropriations and ordered to be printed.

724. A letter from the Acting Deputy Assistant Secretary of Defense, transmitting a report concerning officer responsibility pay, pursuant to 37 U.S.C. 306(f) (94 Stat. 2242); to the Committee on Armed Services.

725. A letter from the Acting Deputy Assistant Secretary of Defense, transmitting a report on special pay for duty subject to hostile fire, pursuant to 37 U.S.C. 310(d); to the Committee on Armed Services.

726. A letter from the Acting Secretary of the Air Force, transmitting notification that the current program acquisition unit cost or the current procurement unit cost, has increased by more than 15 percent for the over-the-horizon backscatter radar, pursu-

ant to 10 U.S.C. 139(d)(3)(A); to the Committee on Armed Services.

727. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting the financial condition and operating results of the working capital funds of the Department of Defense, pursuant to 10 U.S.C. 2208(i); to the Committee on Armed Services.

728. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter of offer to Spain for defense articles estimated to cost in excess of $50 million, pursuant to 10 U.S.C. 133b(96 Stat. 1288); to the Committee on Armed Services.

729. A letter from the General Counsel, Department of Defense, transmitting the annual request for military construction authorization for fiscal year 1986, pursuant to 10 U.S.C. 2859; to the Committee on Armed Services.

730. A letter from the Secretary of the Air Force, transmitting a report addressing the unit cost breaches incurred by the low level laser bomb guidance kit [LLLBGK], pursuant to 10 U.S.C. 139b(d)(3)(A); to the Committee on Armed Services.

731. A letter from the Secretary of the Army, transmitting a report that a unit threshold has been breached on a major defense acquisition, pursuant to 10 U.S.C. 139b(d)(3)(A); to the Committee on Armed Services.

732. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to repeal section 5(b) of the Subversive Activities Control Act of 1950 as amended (76 Stat. 91) (50 U.S.C. 784(b)); to the Committee on Armed Services.

733. A letter from the Under Secretary of the Treasury for Monetary Affairs, transmitting a report on the operation of the international monetary and financial system, pursuant to the act of July 31, 1945, chapter 339, section 50(b) (97 Stat. 1276); to the Committee on Banking, Finance and Urban Affairs.

734. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting notification of a proposed transaction involving nuclear exports to the Republic of Indonesia, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(iii) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

735. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the increased participation by the United States in the International Bank for Reconstruction and Development, the International Finance Corporation, and the African Development Fund, pursuant to 22 U.S.C. 286 et seq.; to the Committee on Banking, Finance and Urban Affairs.

736. A letter from the Secretary of Housing and Urban Development, transmitting proposed legislation to extend HUD-FHA insuring authorities, to provide funding authorizations for certain programs of the Department, and to make a number of program amendments to existing authorities; to the Committee on Banking, Finance and Urban Affairs.

737. A letter from the Secretary of Education, transmitting final regulations for the Pell Grant Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

738. A letter from the Secretary of Education, transmitting final regulations in connection with administration of education programs, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

739. A letter from the Secretary of Education, transmitting final regulations in connection with formula grants—local educational agencies and tribal schools, Indian-controlled schools—establishment, Indian-controlled schools—enrichment projects, Indian Fellowship Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

740. A letter from the Secretary of Education, transmitting final regulations for the Client Assistance Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the committee on Education and Labor.

741. A letter from the Secretary of Education, transmitting a draft of proposed legislation to improve the operation of the chapter 1 and chapter 2 programs authorized under the Education Consolidation and Improvement Act of 1981, to improve the effectiveness of migrant education programs, to allow for use of the most recent available decennial census information, to provide greater administrative flexibility to State educational agencies; to the Committee on Education and Labor.

742. A letter from the Under Secretary of Labor, transmitting a draft of proposed legislation to cancel the cost-of-living adjustment otherwise payable under Federal Employees' Compensation Act in fiscal year 1986; to the Committee on Education and Labor.

743. A letter from the Administrator, Energy Information Administration, transmitting a report on activities of the Administration, pursuant to FEAA, section 57(a)(2) (90 Stat. 1139; 91 Stat. 572); to the Committee on Energy and Commerce.

744. A letter from the Secretary of Transportation, transmitting the ninth annual report on the Automotive Fuel Economy Program, pursuant to Public Law 92-513, section 502(a)(2) (89 Stat. 902); to the Committee on Energy and Commerce.

745. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a routine internal performance evaluation, pursuant to Public Law 91-518, section 305(1) (93 Stat. 541; 95 Stat. 693); to the Committee on Energy and Commerce.

746. A letter from the Secretary, Interstate Commerce Commission, transmitting a determination to extend the time period for acting upon the appeal before the ICC in *Pittsburgh & Lake Erie Railroad Co.* v. *Consolidated Rail Corporation*, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

747. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1986 and 1987; to the Committee on Energy and Commerce.

748. A letter from the Comptroller, Department of State, transmitting the quarterly report on programing of funds for international narcotics control, pursuant to 22 U.S.C. 2291(b)(1); to the Committee on Foreign Affairs.

749. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

750. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter of offer to Spain for defense articles valued at $82 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

751. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed letter of offer to Spain for defense articles and services estimated to cost $27 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

752. A letter from the Secretary of State, transmitting the semiannual report for the period April 1984 to September 1984 listing voluntary contributions made by the U.S. Government to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

753. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

754. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

755. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to authorize the Director of the U.S. Information Agency to make available to the Department of Defense and the military departments photographs of military activities in the Republic of Vietnam for the purpose of developing and publishing military histories; to the Committee on Foreign Affairs.

756. A letter from the Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, transmitting notification of a proposed waiver of limitation on foreign travel by a citizen who is financed by grants from the Private Sector Program, pursuant to 22 U.S.C. 2460 nt (Public Law 98-164, section 207(a) (fiscal years 1984-85)); to the Committee on Foreign Affairs.

757. A letter from the Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, transmitting notification of a proposed waiver of limitation on foreign travel by a citizen who is financed by grants from the Private Sector Program, pursuant to 22 U.S.C. 2460 nt (Public Law 98-164, section 207(a) (fiscal years 1984-85)); to the Committee on Foreign Affairs.

758. A letter from the Acting Chairman, Federal Mine Safety and Health Review Commission, transmitting an evaluation of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

759. A letter from the Administrator, Panama Canal Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

760. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on activities under the Free-

dom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

761. A letter from the Chairman, Tennessee Valley Authority, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

762. A letter from the Deputy Secretary of the Treasury, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

763. A letter from the Director, U.S. Information Agency, transmitting an evaluation of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

764. A letter from the Executive Secretary, Uniformed Services University of the Health Sciences, Department of Defense, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

765. A letter from the General Counsel, Administrative Conference of the United States, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

766. A letter from the Managing Director for Administration, Federal Labor Relations Authority, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

767. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

768. A letter from the Secretary of Education, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

769. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting notice of a new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

770. A letter from the Solicitor, U.S. Commission on Civil Rights, transmitting an evaluation of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

771. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting an evaluation of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

772. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing "testing the waters" activities, pursuant to Public Law 92-225, section 311(d) (93 Stat. 1354, 1362); to the Committee on House Administration.

773. A letter from the Assistant Secretary of the Interior for Water and Science, transmitting a contract with the Central Utah Water Conservancy District, Bonneville Unit, Central Utah Project, UT, pursuant to the act of June 13, 1956, chapter 382; to the Committee on Interior and Insular Affairs.

774. A letter from the Department of Interior, transmitting the annual report of activities under the Surface Mining Control and Reclamation Act of 1977, pursuant to Public Law 95-87, sections 201(f), 517(g), and 706; to the Committee on Interior and Insular Affairs.

775. A letter from the Deputy Assistant Secretary for Indian Affairs, Department of Interior, transmitting the appendices to the proposed plan for the use and distribution of Indian judgment funds of the San Pasqual and Pala Bands of Mission Indians of California in Docket 80-A, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

776. A letter from the Chairman, Administrative Conference of the United States, transmitting a proposal to amend the Administrative Conference Act; to the Committee on the Judiciary.

777. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the Patent and Trademark Office in the Department of Commerce; to the Committee on the Judiciary.

778. A letter from the Secretary of Transportation, transmitting notification of a proposed decision to convert a function from performance by Coast Guard members or civilian employees to private contractors, pursuant to Public Law 98-557, section 14 (b)(2) (98 Stat. 2864); to the Committee on Merchant Marine and Fisheries.

779. A letter from the Secretary of Defense Representative for Panama Canal Affairs, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1986 and 1987, for the Panama Canal Commisson to operate and maintain the Panama Canal and for other purposes; to the Committee on Merchant Marine and Fisheries.

780. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled: "The 1984 Report on the Senior Executive Service," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

781. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting the conclusions of the investigation of an allegation of the violation of law at Mountain Home Air Force Base, ID, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

782. A letter from the Secretary of Transportation, transmitting the status of development of collision avoidance systems in the national air traffic control system, pursuant to Public Law 96-193, section 401; to the Committee on Public Works and Transportation.

783. A letter from the Secretary of Transportation, transmitting a report on railroad-highway crossing demonstration projects, pursuant to Public Law 93-87, section 163(o) (94 Stat. 2245); to the Committee on Public Works and Transportation.

784. A letter from the Acting Administrator, General Services Administration, transmitting an additional lease prospectus proposing the partial consolidation of the Department of Commerce and the National Oceanic and Atmospheric Administration, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

785. A letter from the Acting Administrator, General Services Administration, transmitting a revised prospectus proposing a building project or lease previously submitted as Executive Communication 584, pursuant to Public Law 86-249, section 7(a) (Stat. 217); to the Committee on Public Works and Transportation.

786. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a review of the Maumee Bay State Park shoreline; to the Committee on Public Works and Transportation.

787. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting an engineers report on Quincy Coastal Streams, MA (H. Doc. No. 99-39); to the Committee on Public Works and Transportation and ordered to be printed.

788. A letter from the Under Secretary of Energy, transmitting the fourth update to the Wind Energy Technology Comprehensive Program management plan, pursuant to Public Law 96-345, section 4(c); to the Committee on Science and Technology.

789. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting the fiscal year 1984 report on Department of Defense procurement from small and other business firms, pursuant to SBA, section 10(d); to the Committee on Small Business.

790. A communication from the President of the United States, transmitting notification of his intention to designate the Bahamas as a beneficiary country for purposes of granting duty-free treatment, pursuant to Public Law 98-67, section 212(a)(1)(A). (H. Doc. No. 99-40); to the Committee on Ways and Means and ordered to be printed.

791. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting unaudited quarterly reports for the quarter ending December 31, 1984, pursuant to Public Law 96-294, section 177(c); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

792. A letter from the Chairman, Nuclear Regulatory Commission, transmitting quarterly report on nondisclosure of safeguards information, pursuant to AEA, section 147e. (94 Stat. 788); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

793. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation for authorization of appropriations for the Nuclear Regulatory Commission; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

794. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations under the Earthquake Hazards Reduction Act for fiscal years 1986 and 1987; jointly to the Committees on Interior and Insular Affairs and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted March 14, 1985]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 99. A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes; with an amendment (Rept. No. 99-18, Pt. I). Ordered to be printed.

[Submitted March 19, 1985]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1025. A bill to authorize appropriations to carry out the Anadromous Fish Conservation Act during fiscal years 1986, 1987, and 1988 (Rept. No. 99-19). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1028. A bill to promote and encourage managment of priority interjurisdictional fishery resources; with amendments (Rept. No. 99-20). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT (for himself and Mr. THOMAS of California):

H.R. 1532. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1986; to the Committee on House Administration.

By Mr. BREAUX (for himself, Mr. YOUNG of Alaska, and Mr. CARNEY):

H.R. 1533. A bill to improve fishery conservation and management; to the Committee on Merchant Marine and Fisheries.

By Mr. ACKERMAN (for himself, Mrs. SCHROEDER, Ms. OAKAR, Mr. GARCIA, Mr. LELAND, Mr. DYMALLY, Mr. BARNES, and Mr. HOYER):

H.R. 1534. A bill to convert the temporary authority to allow Federal employees to work on a flexible or compressed schedule under title 5, United States Code, into permanent authority; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON (for himself and Mr. SUNIA):

H.R. 1535. A bill to amend the Native American Programs Act of 1974 to authorize the provision of financial assistance to agencies serving native American Pacific Islanders (including American Samoan natives); to the Committee on Education and Labor.

H.R. 1536. A bill to amend the Job Training Partnership Act to include American Samoans in native American employment and training programs; to the Committee on Education and Labor.

By Mr. APPLEGATE:

H.R. 1537. A bill to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation (DIC) to the surviving spouse of a Commandant of the Coast Guard who dies from a service-connected disability at the same rate as provided to the surviving spouses of members of the Armed Forces who serve as a member of the Joint Chiefs of Staff; to the Committee on Veterans' Affairs.

By Mr. APPLEGATE (for himself, Mr. SOLOMON, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT):

H.R. 1538. A bill to amend title 38, United States Code, to provide a 4.1-percent increase in the rates of compensation and of dependency and indemnity compensation (DIC) paid by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BEDELL (for himself, Mr. ROBERTS, and Mr. EVANS of Illinois):

H.R. 1539. A bill to provide emergency credit relief to financially stressed farmers and ranchers; to the Committee on Agriculture.

By Mr. BEILENSON:

H.R. 1540. A bill to amend the Clean Air Act with respect to the sale of leaded gasoline; to the Committee on Energy and Commerce.

H.R. 1541. A bill to amend the Internal Revenue Code of 1954 to reduce the Federal deficit by increasing the tax on gasoline and other motor fuels; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 1542. A bill to amend title XIX of the Social Security Act to provide for an optional program of pharmaceutical assistance to the aged under the Medicaid Program; to the Committee on Energy and Commerce.

H.R. 1543. A bill to exempt exmployees aged 65 or over, the employers of such employees with respect to such employment, and self-employed individuals aged 65 or over from the employment taxes imposed for hospital insurance under part A of the Medicare Program; to the Committee on Ways and Means.

By Mr. BREAUX (for himself and Mr. YOUNG of Alaska):

H.R. 1544. A bill to authorize appropriations to carry out the National Aquaculture Act of 1980 during fiscal years 1986, 1987, and 1988; to the Committee on Merchant Marine and Fisheries.

H.R. 1545. A bill to authorize appropriations to carry out the Central, Western, and South Pacific Fisheries Development Act; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL:

H.R. 1546. A bill to suspend for 3 years the duty on secondary butyl chloride; to the Committee on Ways and Means.

H.R. 1547. A bill to extend for 5 years the existing temporary duty-free treatment of hosiery knitting machines; to the Committee on Ways and Means.

H.R. 1548. A bill to extend for 5 years the existing temporary duty-free treatment of double-headed latch needles; to the Committee on Ways and Means.

By Mrs. BURTON of California:

H.R. 1549. A bill to amend the Immigration and Nationality Act to increase the immigrant quota for colonies and dependent areas; to the Committee on the Judiciary.

By Mrs. BYRON (for herself, Mr. GOODLING, and Mr. RAHALL):

H.R. 1550. A bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deductions in the tier 2 benefit if the employment is for his last nonrailroad employer; to the Committee on Energy and Commerce.

By Mr. COATS:

H.R. 1551. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the deduction allowed for personal exemptions; to the Committee on Ways and Means.

By Mr. COURTER (for himself, Mr. DENNY SMITH, Mr. WYDEN, Mr. WEBER, and Mr. DORNAN of California):

H.R. 1552. A bill to amend title 10, United States Code, to require the Department of Defense to increase the use of competitive procedures in the procurement of property and services; to the Committee on Armed Services.

By Mr. DORGAN of North Dakota:

H.R. 1553. A bill to amend the Internal Revenue Code of 1954 to deny any deduction for interest paid or incurred on loans in connection with takeovers, or attempted takeovers, of certain corporations; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. BROOMFIELD) (by request):

H.R. 1554. A bill to further amend the Peace Corps Act, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1555. A bill to amend the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, to authorize development and security assistance programs for fiscal year 1986, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HEFTEL of Hawaii (for himself, Mr. WIRTH, Mr. AKAKA, Mr. LELAND, Mr. BEILENSON, Mr. FAUNTROY, Mr. BATES, and Mr. MACKAY):

H.R. 1556. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide criminal penalties for manufacturers who fail to notify owners or purchasers of motor vehicle safety defects or of failures to comply with motor vehicle safety standards; to the Committee on Energy and Commerce.

By Mr. HOWARD (by request):

H.R. 1557. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 1558. A bill to authorize the improvement of and funding for the inland and intracoastal waterways of the United States, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. HUBBARD (for himself, Mr. WORTLEY, and Mr. BEREUTER):

H.R. 1559. A bill to provide capital assistance to agricultural banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUCKABY:

H.R. 1560. A bill to provide for programs to maintain and develop markets for U.S. agricultural commodities, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. JACOBS:

H.R. 1561. A bill to amend the Internal Revenue Code of 1954 to increase to 32 cents per pack the Federal excise tax on cigarettes and to provide that the revenues from the additional tax shall be deposited in the Federal Hospital Insurance Trust Fund under the Social Security Act; to the Committee on Ways and Means.

By Mr. JENKINS (for himself, Mr. BROYHILL, Mr. CAMPBELL, Mr. RANGEL, Mr. FLIPPO, Mr. HEFNER, Mr. WHITLEY, Mr. SPRATT, Mr. NEAL, Mr. TALLON, Mr. NICHOLS, Mr. DANIEL, Mr. ROSE, Ms. KAPTUR, Mr. TORRICELLI, Mr. HENDON, Mr. SHELBY, Mr. FUSTER, Mr. DERRICK, Mr. WILLIAMS, Mr. DARDEN, Mr. TOWNS, Mr. MCMILLAN, Mr. DUNCAN, Mr. VALENTINE, Mr. FRANK, Mr. JONES of North Carolina, Mr. COBLE, Mr. COBEY, Mr. BARNARD, Mr. RAY, Mr. BEVILL, Mr. SPENCE, Mr. STUDDS, Mr. ADDABBO, Mr. WEAVER, Mr. HARTNETT, Mr. MOAKLEY, Mr. MURTHA, Mr. ST GERMAIN, Mr. QUILLEN, Mr. DICKINSON, Mr. HATCHER, Ms. SNOWE, Mrs. LLOYD, Mr. MITCHELL, Mr. ROGERS, Mr. YOUNG of Missouri, Mr. GINGRICH, Mr. SCHULZE, Mr. LOTT, Mr. FOGLIETTA, Ms. MIKULSKI, Mr. HORTON, Mr. RITTER, Mr. ROE, Mr. NOWAK,

Mr. YATRON, Mr. OWENS, Mr. RINALDO, Mr. MCKERNAN, Mr. FOWLER, Mr. FEIGHAN, Mr. YOUNG of Alaska, Mr. COELHO, Mr. KANJORSKI, Mr. WILSON, Mr. BONER of Tennessee, Mr. MONTGOMERY, Mr. KOLTER, Mr. MATSUI, Mr. MARTINEZ, Mr. KOSTMAYER, Mr. WALGREN, Mrs. BYRON, Mr. EDGAR, Mr. WHITTEN, Mr. GUARINI, Mr. RIDGE, Mr. BORSKI, Mr. BOLAND, Mr. PEPPER, Mr. DYSON, Mr. MOLLOHAN, Mr. VANDER JAGT, Mr. LENT, Mr. OLIN, Mr. DYMALLY, Mr. TRAXLER, Mr. HUBBARD, Mr. CALLAHAN, Mr. PARRIS, Mr. THOMAS of Georgia, Mr. ATKINS, Mr. ERDREICH, Mr. COUGHLIN, Mr. OBERSTAR, Mr. KILDEE, Mr. MANTON, Mr. FORD of Tennessee, Mr. SWINDALL, Mr. WHEAT, Mr. LEVIN of Michigan, Mr. HERTEL of Michigan, Mr. ROWLAND of Georgia, Mrs. COLLINS, Mr. FORD of Michigan, Mr. MURPHY, Mr. SMITH of New Hampshire, Mr. ANTHONY, Mr. SHUSTER, Mr. SLAUGHTER, Mr. BATEMAN, Mr. DOWDY of Mississippi, Mr. NIELSON of Utah, Mrs. BURTON of California, Mr. GRAY of Pennsylvania, Mr. FRANKLIN, Mr. MARKEY, Mr. GILMAN, Mr. CONTE, Mr. BLILEY, Mr. HOYER, Mr. FLORIO, Mr. DWYER of New Jersey, Mr. GEPHARDT, Mr. BONIOR of Michigan, Mr. PERKINS, and Mr. HOWARD):

H.R. 1562. A bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers; to the Committee on Ways and Means.

By Mr. KINDNESS:

H.R. 1563. A bill to revise and reform the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. LEACH of Iowa:

H.R. 1564. A bill to require the deposits or accounts of all depository institutions to be insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the National Credit Union Share Insurance Fund, or a State program; and to establish Federal standards to ensure the effectiveness and viability of State deposit and share insurance funds; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1565. A bill to modify the project for flood protection on the Chariton River, IA and MO, to direct the Secretary of the Army to sell storage space in Rathbun Lake, IA, to the Rathbun Regional Water Association, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 1566. A bill to ensure payment of the additional duty imposed on ethyl alcohol used as a fuel or in making gasohol; to the Committee on Ways and Means.

H.R. 1567. A bill to exclude from the Caribbean Basin Economic Recovery Act ethyl alcohol used for fuel which is merely distilled or denatured in a beneficiary country; to the Committee on Ways and Means.

By Mr. LEATH of Texas:

H.R. 1568. A bill to amend title 38, United States Code, to require that the Veterans' Administration maintain a regional office in each State; to the Committee on Veterans' Affairs.

By Mr. LEVINE of California (for himself and Mr. LEACH of Iowa):

H.R. 1569. A bill to prohibit private assistance for military or paramilitary operations in a foreign country if the Congress has prohibited the use of covert assistance for such operations; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.R. 1570. A bill to amend the Communications Act of 1934 to provide that television and radio broadcasting station licensees shall not refuse to sell advertising time for the broadcast of editorial advertisements; to the Committee on Energy and Commerce.

H.R. 1571. A bill to amend title 18 of the United States Code to establish rational criteria for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. LUNDINE (for himself, Mr. FISH, Mr. SEIBERLING, Mr. WALGREN, Mr. BOEHLERT, and Mr. MACKAY):

H.R. 1572. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 for the purpose of promoting technology transfer by authorizing Government-operated laboratories to enter into cooperative research and development agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes; to the Committee on Science and Technology.

By Mr. MICA:

H.R. 1573. A bill to amend the Internal Revenue Code of 1954 to disregard tax-exempt interest in computing the amount of Social Security benefits included in income; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 1574. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to ensure that a defined benefit plan under which benefits are based on final average compensation does not fail to meet either the benefit accrual requirements thereunder, or the standards for reasonableness of actuarial assumptions in meeting funding requirements thereunder, solely by reason of allowing certain elections and revocations thereof affecting benefit accruals, if the relevant actuarial assumptions under the plan are made under the individual level premium cost method; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. MITCHELL (for himself and Mrs. BOGGS):

H.R. 1575. A bill to amend the Equal Credit Opportunity Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOLLOHAN:

H.R. 1576. A bill to establish a pilot program for a National Mining Extension Service; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY:

H.R. 1577. A bill to provide that military commissary and exchange privileges be extended to certain Reserve members of the uniformed services; to the Committee on Armed Services.

H.R. 1578. A bill to amend title 37, United States Code, to authorize a bonus to be paid to members of the Individual Ready Reserve who agree to perform annual active duty for training; to the Committee on Armed Services.

By Ms. OAKAR:

H.R. 1579. A bill to require States to enact laws which require physicians and surgeons to inform breast cancer patients of alternative effective methods of treatment for breast cancer in order to qualify for Federal funds under titles V and XIX of the Social Security Act and title XIX of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. PEASE:

H.R. 1580. A bill to improve the Trade Adjustment Assistance Program for workers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. REGULA, Mr. BORSKI, Mr. DERRICK, Mr. HERTEL of Michigan, Ms. OAKAR, and Mr. WORTLEY):

H.R. 1581. A bill to amend title 18 of the United States Code to increase the existing penalties for mail fraud and to provide for criminal and civil forfeitures for such offense; to the Committee on the Judiciary.

H.R. 1582. A bill to make students studying in foreign medical schools ineligible for Federal loans or loan guarantees unless the medical school meets certain accreditation standards; jointly, to the Committees on Education and Labor, Energy and Commerce, and Veterans' Affairs.

H.R. 1583. A bill to make it unlawful for an individual to obtain a position as a physician or resident in a hospital receiving Federal funds if the individual's license to practice medicine was obtained through intentional misrepresentations; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. REID:

H.R. 1584. A bill to amend the Federal Aviation Act of 1958 to provide that no zone or area in the airspace of the United States which is over nonmilitary public lands may be established, for the Department of Defense for defense purposes, to restrict or prohibit the flight of civil aircraft unless such proposed zone or area is first approved by an act of Congress; to the Committee on Public Works and Transportation.

By Mr. RIDGE:

H.R. 1585. A bill to authorize the implementation of a project for the control of beach erosion at Presque Isle Peninsula, PA, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROEMER (for himself, Mrs. BOGGS, Mr. BREAUX, Mr. HUCKABY, Mr. LIVINGSTON, Mr. MOORE, and Mr. TAUZIN):

H.R. 1586. A bill to name the Veterans' Administration Medical Center in Shreveport, LA, as the "Overton Brooks Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. ROYBAL (for himself, Mr. ADDABBO, Mr. APPLEGATE, Mr. BERMAN, Mr. BIAGGI, Mr. BORSKI, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DIXON, Mr. DYMALLY, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FUSTER, Mr. FORD of Tennessee, Mr. HERTEL of Michigan, Mr. KANJORSKI, Ms. KAPTUR, Mr. KILDEE, Mr. KOLTER, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MILLER of California, Mr. MORRISON of Connecticut, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS, Mr. PEPPER, Mr. PRICE, Mr. RANGEL, Mr. RICHARDSON, Mr. RODINO, Mr. STUDDS, Mr. TORRES, Mr. TOWNS, Mr. TRAXLER, Mr. WEISS, and Mr. WHEAT):

H.R. 1587. A bill to establish intergenerational education volunteer network programs which will provide opportunities for senior citizens to work in elementary and secondary schools and in the home with educationally disadvantaged children and their families; to the Committee on Education and Labor.

By Mr. RUDD:

H.R. 1588. A bill to convey certain lands to the town of Payson, AZ; to the Committee on Interior and Insular Affairs.

By Mr. SEIBERLING:

H.R. 1589. A bill to amend the Safe Drinking Water Act to prohibit the use of certain chemicals in drinking water; to the Committee on Energy and Commerce.

By Mrs. SMITH of Nebraska (for herself, Mr. BEREUTER, and Mr. DAUB):

H.R. 1590. A bill to authorize the Secretary of the Interior to modify the construction, operation, and maintenance of the O'Neill Unit, Pick-Sloan Missouri Basin program, Nebraska; to the Committee on Interior and Insular Affairs.

By Mr. STENHOLM (for himself, Mr. GUNDERSON, Mr. BEDELL, Mr. DASCHLE, Mr. ENGLISH, Mr. MCCURDY, and Mr. TALLON):

H.R. 1591. A bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products; to the Committee on Agriculture.

By Mr. STUMP:

H.R. 1592. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. STUMP (for himself, Mr. RUDD, and Mr. MCCAIN):

H.R. 1593. A bill to direct the Secretary of the Interior to release on behalf of the United States certain restrictions in a previous conveyance of land to the town of Jerome, AZ; to the Committee on Interior and Insular Affairs.

By Mr. TAUKE (for himself and Mr. WAXMAN):

H.R. 1594. A bill to amend the Internal Revenue Code of 1954 to increase to 32 cents per pack the Federal excise tax on cigarettes and to provide that 75 percent of the revenue from such tax shall be transferred to the Federal Hospital Insurance Trust Fund; to the Committee on Ways and Means.

By Mr. WALKER (for himself, Mr. MILLER of Washington, Mr. SWINDALL, Mr. WEBER, Mr. COATS, Mr. GINGRICH, and Mr. HILER):

H.R. 1595. A bill to strengthen U.S. human rights policies; jointly, to the Committees on Foreign Affairs; Ways and Means; and Banking, Finance and Urban Affairs.

By Mr. WAXMAN (for himself and Mr. WYDEN):

H.R. 1596. A bill to amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement devices; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. HUGHES, Mr. WALGREN, Mr. SHARP, Mr. UDALL, Mr. HEFTEL of Hawaii, Mr. WHITEHURST, Mr. OBEY, Mr. WEISS, Mr. MARTINEZ, Mr. SMITH of New Hampshire, Mr. BARNES, Mr. APPLEGATE, Mr. LEVINE of California, Mr. FORD of Michigan, Mrs. BURTON of California, Mr. MINETA, Mr. VENTO, Mr. SMITH of Florida, Mr. DURBIN, Mr. MCKINNEY, and Mr. GREGG):

H.R. 1597. A bill to establish a temporary program under which heroin will be made available for the relief of intractable pain due to terminal cancer; to the Committee on Energy and Commerce.

By Mr. COELHO (for himself, Mr. PASHAYAN, Mr. CONTE, Mr. DORNAN of California, and Mr. ASPIN):

H.J. Res. 192. Joint resolution to designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man"; to the Committee on Post Office and Civil Service.

By Mr. DIOGUARDI:

H.J. Res. 193. Joint resolution to authorize and request the President to designate the month of June 1985 as "Youth Suicide Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. LIVINGSTON:

H.J. Res. 194. Joint resolution proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of the Congress; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. BARNARD, Mr. BARNES, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BORSKI, Mrs. BOXER, Mr. BROOKS, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CAMPBELL, Mr. CARNEY, Mr. CARPER, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CHENEY, Mr. CLINGER, Mr. COATS, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COUGHLIN, Mr. COYNE, Mr. CRAIG, Mr. CROCKETT, Mr. DANIEL, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DAVIS, Mr. DE LA GARZA, Mr. DERRICK, Mr. DEWINE, Mr. DICKS, Mr. DICKINSON, Mr. DIXON, Mr. DONNELLY, Mr. DORNAN of California, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DUNCAN, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYSON, Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FIELDS, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. FUSTER, Mr. GEKAS, Mr. GEPHARDT, Mr. GILMAN, Mr. GINGRICH, Mr. GOODLING, Mr. GRADISON, Mr. GREGG, Mr. GREEN, Mr. GROTBERG, Mr. GUARINI, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARTNETT, Mr. HATCHER, Mr. HAYES, Mr. HEFNER, Mr. HENDON, Mr. HENRY, Mr. HERTEL of Michigan, Mr. HILER, Mrs. HOLT, Mr. HOPKINS, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. IRELAND, Mr. JACOBS, Mr. JEFFORDS, Mr. JENKINS, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KINDNESS, Mr. KOLBE, Mr. KOLTER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LOWERY of California, Mr. LUNDINE, Mr. LUNGREN, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCCURDY, Mr. MCGRATH, Mr. MCEWEN, Mr. MCHUGH, Mr. MCKERNAN, Mr. MCKINNEY, Mr. MACK, Mr. MACKAY, Mr. MADIGAN, Mr. MANTON, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mr. MICHEL, Mr. MITCHELL, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. MOLINARI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NEAL, Mr. NELSON of Florida, Mr. NIELSON of Utah, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PARRIS, Mr. PASHAYAN, Mr. PEPPER, Mr. PETRI, Mr. PORTER, Mr. QUILLEN, Mr. RAHALL, Mr. REGULA, Mr. REID, Mr. RICHARDSON, Mr. RINALDO, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROGERS, Mr. ROTH, Mrs. ROUKEMA, Mr. ROWLAND of Georgia, Mr. ROYBAL, Mr. SAVAGE, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SHAW, Mr. SHELBY, Mr. SHUMWAY, Mr. SIKORSKI, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. DENNY SMITH, Mr. SMITH of Florida, Mrs. SMITH of Nebraska, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. SOLARZ, Mr. SOLOMON, Mr. SPRATT, Mr. SPENCE, Mr. STAGGERS, Mr. STENHOLM, Mr. STOKES, Mr. STRANG, Mr. STRATTON, Mr. STUMP, Mr. SUNIA, Mr. SYNAR, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of California, Mr. THOMAS of Georgia, Mr. TORRES, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAXLER, Mr. UDALL, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WALKER, Mr. WATKINS, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHITEHURST, Mr. WILSON, Mr. WIRTH, Mr. WOLF, Mr. WORTLEY, Mr. YATRON, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. YOUNG of Missouri, and Mr. ZSCHAU):

H.J. Res. 195. Joint resolution designating May 1985 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

By Mr. STUMP:

H.J. Res. 196. Joint resolution proposing an amendment to the Constitution of the United States providing for 4-year terms for Representatives, for a limitation on the number of terms a person may serve in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. COLEMAN of Texas (for himself, Mr. SKEEN, Mr. BRYANT, Mr. LELAND, Mr. ORTIZ, Mr. KOLBE, and Mr. BUSTAMANTE):

H. Con. Res. 85. Concurrent resolution expressing the sense of the Congress that a bilateral summit on trade relations should be held between the United States and Mexico; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. HYDE:

H. Con. Res. 86. Concurrent resolution expressing the sense of the Congress that local governments should follow the lead established by the village of Glen Ellyn, IL, in

curbing alcohol consumption by teenagers; to the Committee on the Judiciary.

By Mr. MICA:

H. Con. Res. 87. Concurrent resolution to express the sense of Congress that incentives to encourage home ownership be maintained as an integral part of fiscal policy in the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEPPER:

H. Con. Res. 88. Concurrent resolution expressing the sense of the Congress that Medicare be commended on its 20th anniversary for the success of the program in protecting older Americans against the high cost of health care; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ST GERMAIN:

H. Con. Res. 89. Concurrent resolution expressing the sense of Congress that any State which allows motor vehicles displaying a handicapped parking sticker issued by the State to park in specially designated parking spaces should also allow motor vehicles displaying handicapped parking stickers issued by other States to park in those parking spaces; to the Committee on Public Works and Transportation.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

27. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to providing significant agricultural relief; to the Committee on Agriculture.

28. Also, memorial of the Legislature of the State of Kansas, relative to need for governmental support in the agricultural economic community; to the Committee on Agriculture.

29. Also, memorial of the Legislature of the State of North Dakota, relative to the Soil Conservation Service; to the Committee on Agriculture.

30. Also, memorial of the Legislature of the State of Idaho, relative to the farm economy; to the Committee on Agriculture.

31. Also, memorial of the Legislature of the State of Idaho, relative to grasshopper infestations; to the Committee on Agriculture.

32. Also, memorial of the Senate of the State of Idaho, relative to suicide among youth; to the Committee on Education and Labor.

33. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to Federal assistance for education; to the Committee on Education and Labor.

34. Also, memorial of the Senate of Pennsylvania, relative to Conrail; to the Committee on Energy and Commerce.

35. Also, memorial of the Legislature of the State of Wyoming, relative to railroad rates; to the Committee on Energy and Commerce.

36. Also, memorial of the Legislature of the State of North Dakota, relative to rail lines; to the Committee on Energy and Commerce.

37. Also, memorial of the Senate of the State of Georgia, relative to 4-year terms for Members of the U.S. House of Representatives; to the Committee on the Judiciary.

38. Also, memorial of the Legislature of the State of South Dakota, relative to retail State sales tax by out-of-State catalog retailers; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FEIGHAN:

H.R. 1598. A bill for the relief of Steven McKenna; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 1599. A bill for the relief of Denise Chaffee Soltys; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 1600. A bill for the relief of Ray M. Reed; to the Committee on the Judiciary.

By Mr. STALLINGS:

H.R. 1601. A bill for the relief of Esmeralda Martinez-Hernandez, Evangelina Hernandez de Martinez, Manuel Martinez-Hernandez and Morayma Martinez-Hernandez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. WISE.

H.R. 11: Mr. BRUCE, Mr. BUSTAMANTE, Mr. CHAPPELL, Mr. DYSON, Mr. ECKART of Ohio, Mr. EDGAR, Mr. GEJDENSON, Mr. HOPKINS, Mr. HORTON, Mr. KOLBE, Mr. NIELSON of Utah, Mr. PEASE, Mr. PETRI, Mr. SOLOMON, Mr. SMITH of New Hampshire, Mr. ROBERT F. SMITH, Mr. STALLINGS, Mr. STRANG, Mr. TAUKE, Mr. THOMAS of California, and Mr. WHITTAKER.

H.R. 36: Mr. WHEAT and Mr. BONKER.

H.R. 37: Mr. COUGHLIN, Mrs. JOHNSON, and Mr. MATSUI.

H.R. 43: Mr. HAYES and Mr. ROE.

H.R. 44: Mr. BARNARD, Mr. CRAIG, Mr. SMITH of Florida, Mr. SPRATT, Mr. COBEY, Mr. SCHAEFER, Mr. MICA, Mrs. COLLINS, Mr. CHENEY, Mr. BIAGGI, and Mr. ROTH.

H.R. 77: Mr. UDALL, Mr. REID, Mr. KRAMER, Mr. COELHO, Mr. KOLBE, Mr. FROST, Mr. CHAPPELL, and Mr. DASCHLE.

H.R. 153: Mr. MADIGAN.

H.R. 156: Mr. BUSTAMANTE, Mr. FAZIO, Mr. WHEAT, Mr. KANJORSKI, Mr. YATRON, Mr. STOKES, Mr. AKAKA, Mr. DE LUGO, Mr. STUDDS, Mr. SUNIA, Mr. KILDEE, Mr. FISH, Mr. TORRICELLI, Mr. SISISKY, Mr. DAVIS, Mr. MATSUI, Mr. MORRISON of Connecticut, and Mr. HAYES.

H.R. 217: Mr. DUNCAN.

H.R. 240: Mr. COATS, Mr. EDWARDS of Oklahoma, Mr. CHANDLER, and Mr. WORTLEY.

H.R. 242: Mr. GILMAN, Mr. CRAIG, Mr. CALLAHAN, Mrs. BENTLEY, Mr. CARR, Mr. SILJANDER, Mr. WHITTAKER, Mr. RITTER, Mr. CHANDLER, Mr. EDWARDS of Oklahoma, Mr. FEIGHAN, Mr. COUGHLIN, Mr. TAUKE, Mr. MARTINEZ, and Mr. MORRISON of Washington.

H.R. 281: Mr. ADDABBO, Mr. ANNUNZIO, Mr. BERMAN, Mr. BEVILL, Mrs. COLLINS, Mr. DELLUMS, Mr. EVANS of Illinois, Mr. HERTEL of Michigan, Mr. HOWARD, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. LUKEN, Mr. MANTON, Mr. MARTINEZ, Mr. MILLER of California, Mr. MITCHELL, Mr. MRAZEK, Mr. OBERSTAR, Mr. OWENS, Mr. RAHALL, Mr. SAVAGE, Mr. ST GERMAIN, Mr. SWIFT, Mr. VENTO, and Mr. WALGREN.

H.R. 343: Mr. DANIEL and Mr. NIELSON of Utah.

H.R. 351: Mrs. SMITH of Nebraska and Mrs. JOHNSON.

H.R. 445: Mr. MILLER of California, Mr. CONYERS, and Mr. OBERSTAR.

H.R. 466: Mr. LEACH of Iowa, Mr. KOLTER, Mr. WATKINS, and Mr. THOMAS of Georgia.

H.R. 473: Mr. CHAPPELL, and Mrs. BENTLEY.

H.R. 479: Mr. BEDELL, Mr. BONKER, Mr. KOLBE, Mr. LOWERY of California, Mr. SMITH of New Jersey, Mr. STENHOLM, and Mr. YOUNG of Florida.

H.R. 480: Mr. KILDEE, Mr. MARTINEZ, and Mr. MINETA.

H.R. 521: Mr. SMITH of Florida, Mr. HUGHES, Mr. HENDON, Mr. RAHALL, and Mr. MRAZEK.

H.R. 580: Mrs. LLOYD, Mr. YATES, Mr. HUTTO, Mr. MARLENEE, Mr. DWYER of New Jersey, Mr. KASTENMEIER, Mr. WOLF, Mr. CONTE, Mr. SMITH of Iowa, Mr. FASCELL, Mrs. COLLINS, Mr. MITCHELL, Mr. LAGOMARSINO, Mr. WEISS, Mr. SABO, Mr. NOWAK, Mr. KINDNESS, Mr. MONTGOMERY, Mr. BEVILL, Mr. MAVROULES, Mr. MARTINEZ, Mr. WHITEHURST, Mr. LEWIS of Florida, Mr. FRANK, Mr. WHEAT, Mr. GIBBONS, Mr. FUQUA, Mr. BEDELL, Mr. MCCAIN, Mr. ECKART of Ohio, Mr. REID, Mr. DOWNEY of New York, Mr. MOLLOHAN, Ms. KAPTUR, Mr. JEFFORDS, Mr. WORTLEY, Mr. HOWARD, Mr. WOLPE, Mr. DEWINE, Mr. GILMAN, Mr. STENHOLM, Mr. DONNELLY, Mr. YOUNG of Florida, Mr. MCDADE, Ms. MIKULSKI, Mr. ADDABBO, Mr. BILIRAKIS, Mr. BREAUX, Mr. SCHEUER, Mr. LOTT, Mr. CROCKETT, Mr. FAZIO, Mr. SOLARZ, Mr. SKELTON, Mr. RAHALL, Mr. BERMAN, Mr. HUGHES, Mr. LEHMAN of Florida, Mr. MARKEY, Mr. BIAGGI Mr. WAXMAN, Mr. LAFALCE, Mr. KILDEE, Mr. YOUNG of Missouri, Mr. CLAY, Mrs. BOXER, Mr. YATRON, Mr. STARK, Mr. SMITH of New Jersey, Mr. DYSON, and Mr. DICKS.

H.R. 581: Mr. MOLLOHAN.

H.R. 598: Mr. ROSE, Mr. STANGELAND, Mr. DIXON, Mr. STENHOLM, Mr. MRAZEK, Mr. SKELTON, Mr. WHEAT, Mr. CONTE, Mr. SAVAGE, Mr. WEISS, Ms. MIKULSKI, Mr. BEDELL, Mr. HUGHES, Mr. MCGRATH, Mr. PETRI, Mr. GARCIA, Mr. DORGAN of North Dakota, Mr. BORSKI, Mr. DANIEL, Mr. KILDEE, Mr. FISH, Mr. RANGEL, and Mr. DEWINE.

H.R. 615: Mr. ADDABBO, Mr. BIAGGI, Mr. BROWN of California, Mr. FEIGHAN, Mr. GEPHARDT, Mr. MCEWEN, Mr. PARRIS, Mr. ROWLAND of Connecticut, Mr. STUDDS, Mr. SUNIA, and Mr. WHITTAKER.

H.R. 665: Mr. WEISS.

H.R. 693: Mr. SAXTON, Mr. STUMP, Mr. LEWIS of Florida, Mr. COMBEST, Mr. BARTON of Texas, and Mr. DASCHLE.

H.R. 704: Mrs. BENTLEY.

H.R. 708: Mr. LUKEN.

H.R. 709: Mr. CRAIG.

H.R. 748: Mr. BATEMAN, Mr. PETRI, Mr. BONKER, Mr. ROBERT C. SMITH, Mr. COMBEST, Mr. CRAIG, Mr. TORRICELLI, Mr. DANIEL, Mrs. SCHNEIDER, Mr. YOUNG of Florida, Mr. ROGERS, Mr. IRELAND, and Mr. BOULTER.

H.R. 760: Mr. BROWN of California, Mrs. COLLINS, Mr. FAUNTROY, Mr. HANSEN of Utah, Mr. HORTON, Mr. MINETA, Mr. NIELSON of Utah, Mr. SEIBERLING, Mr. WEISS, Mr. ANDERSON.

H.R. 787: Mr. MARTINEZ.

H.R. 789: Mr. EDWARDS of California.

H.R. 814: Mr. APPLEGATE.

H.R. 816: Mr. MARTINEZ.

H.R. 837: Mr. BATEMAN and Mr. DASCHLE.

H.R. 846: Mrs. BENTLEY.

H.R. 864: Mr. MOLLOHAN, Mr. ROSE, Mr. HALL of Ohio, Mr. DYMALLY, Mr. DYSON, Mr. WEAVER, Mr. SMITH of New Jersey, Mr. LEACH of Iowa, Mr. ROE, Mr. HOWARD, and Mr. LAGOMARSINO.

H.R. 890: Mr. SAVAGE, Mr. VISCLOSKY, Mr. SWIFT, Mr. HAYES, Mr. BONKER, Mr. MURTHA, Mr. RITTER, Mr. BEVILL, and Mr. GRAY of Illinois.

H.R. 893: Mr. FOGLIETTA, Mr. MURPHY, Mrs. BURTON of California, Mr. DAUB, Mr. DONNELLY, Mr. BONIOR of Michigan, Mr. FRANK, Mr. KINDNESS, Mr. OWENS, Mr. MARTINEZ, Mr. ACKERMAN, Mr. MITCHELL, and Mr. FAUNTROY.

H.R. 913: Mr. MCCOLLUM.

H.R. 927: Mr. WYDEN, Mr. MARKEY, Mr. LEVIN of Michigan, Mr. DURBIN, Mrs. BOXER, Mr. JACOBS, Mr. DASCHLE, Mr. FORD of Tennessee, Mrs. BURTON of California, Mr. GEJDENSON, Mr. BOEHLERT, and Mr. MORRISON of Washington.

H.R. 930: Mr. WORTLEY, Mr. IRELAND, and Mr. MACKAY.

H.R. 932: Mr. DYMALLY, Mrs. HOLT, and Mrs. BENTLEY.

H.R. 935: Ms. MIKULSKI, Mr. KEMP, Mr. TAUKE, Mr. BEDELL, Mr. DENNY SMITH, Mrs. SCHNEIDER, Mr. HILER, Mr. DERRICK, Mr. MACK, Mr. BOULTER, Mr. WILLIAMS, Mr. BATES, Mr. YOUNG of Florida, Mr. BLILEY, Mr. LAGOMARSINO, Mr. LUNGREN, Mr. DELAY, Mr. SILJANDER, and Mr. FRANKLIN.

H.R. 968: Mr. DANIEL, Mr. WORTLEY, Mr. SCHUMER, and Mr. CHANDLER.

H.R. 976: Mrs. BENTLEY.

H.R. 980: Ms. MIKULSKI, Mr. GILMAN, Mr. SCHEUER, Mr. ROE, and Mr. RANGEL.

H.R. 982: Mr. TRAXLER.

H.R. 994: Mr. FUQUA, Mr. COELHO, Mr. KOLTER, Mr. NELSON of Florida, Mr. DREIER of California, Mr. DIOGUARDI, Mr. KANJORSKI, Mr. WHITEHURST, Mr. MANTON, Mrs. BENTLEY, Mr. HAWKINS, Mr. SMITH of New Jersey, Mr. MARTINEZ, Mr. DANIEL, and Mr. SABO.

H.R. 1019: Mr. DONNELLY.

H.R. 1020: Mr. WHITEHURST, Mr. FAZIO, and Mr. EVANS of Illinois.

H.R. 1025: Mr. HUGHES, Mrs. BURTON of California, and Mr. JONES of North Carolina.

H.R. 1026: Mrs. BURTON of California.

H.R. 1027: Mrs. BURTON of California and Mr. FIELDS.

H.R. 1028: Mr. HUGHES and Mr. JONES of North Carolina.

H.R. 1029: Mr. BEVILL, Mr. BARTON of Texas, Mr. CHAPPELL, Mr. DREIER of California, Mr. HENDON, Mr. MCCAIN, Mr. OLIN, Mr. OXLEY, and Mr. DENNY SMITH.

H.R. 1042: Mr. COURTER, Mr. STANGELAND, and Mr. KRAMER.

H.R. 1059: Mr. BARTON, Mr. DANIEL, Mr. BARTLETT, Mr. RUDD, Mr. DAUB, Mr. NIELSON of Utah, and Mr. FORD of Tennessee.

H.R. 1060: Mr. HUGHES and Mr. WHEAT.

H.R. 1072: Mr. KOSTMAYER, Mr. HAYES, and Mr. MURPHY.

H.R. 1088: Mr. BARNARD, Ms. SNOWE, Mr. KOLTER, Ms. KAPTUR, Mr. DANIEL, Mr. TALLON, and Mr. MONTGOMERY.

H.R. 1121: Mr. TORRICELLI, Mrs. SCHROEDER, Mr. BEILENSON, Mr. BARNES, Mrs. COLLINS, Mr. DYMALLY, Mr. LOWRY of Washington, Mr. FAUNTROY, Mr. OBERSTAR, Mr. PENNEY, Mr. MILLER of California, Mr. SPRATT, Mr. MRAZEK, Mr. EVANS of Illinois, Mr. REGULA, Mr. FUSTER, Mr. FRANK, Mr. FAZIO, Mr. SMITH of New Jersey, Mr. ADDABBO, Mr. BEDELL, Mr. FISH, Mr. KOSTMAYER, Mr. KOLTER, Mr. CROCKETT, Mr. MITCHELL, Mr. WILLIAMS, Mr. RUSSO, Mr. VENTO, Mr. FRENZEL, Mr. OWENS, Ms. KAPTUR, Mr. AKAKA, Mr. BERMAN, Mr. SYNAR, Mr. HORTON, Mr. MARTINEZ, Mr. PANETTA, Mr. JEFFORDS, Mr. SMITH of Florida, Mr. STUDDS, Mr. DORGAN of North Dakota, Mr. WAXMAN, Mr. HALL of Ohio, Mr. LEVINE of California, and Mr. WIRTH.

H.R. 1123: Mr. ANDREWS and Mr. COURTER.

H.R. 1130: Mr. NIELSON of Utah.

H.R. 1132: Mr. SIKORSKI and Mr. DE LUGO.

H.R. 1140: Mr. WILSON, Mr. SMITH of Iowa, Mr. BEVILL, Mr. SCHUMER, Mr. ROE, Mr. WEAVER, and Mr. FORD of Tennessee.

H.R. 1142: Mr. DAUB.

H.R. 1164: Mr. LOTT, Mr. TALLON, Mr. FAZIO, and Mr. WORTLEY.

H.R. 1171: Mr. GRAY of Pennsylvania, Mr. WOLPE, and Mr. WEISS.

H.R. 1179: Mr. LAGOMARSINO, Mr. ROYBAL, Mr. MATSUI, Mr. RANGEL, Mr. DYMALLY, Mr. FAUNTROY, Mr. REID, Mr. MARTINEZ, Mr. MARKEY, Mr. ANDERSON, and Mr. KILDEE.

H.R. 1200: Mr. MCKERNAN, Mrs. JOHNSON, Mr. BEILENSON, Mr. LUNDINE, Mr. GILMAN, Mr. MCHUGH, Mr. SCHEUER, Mr. WILLIAMS, Mr. WEISS, Mr. FRANK, Mr. SMITH of Florida, Mr. CHANDLER, Mr. HANSEN, Mr. HEFTEL of Hawaii, Mr. DURBIN, Mr. BARTON of Texas, Mr. BEDELL, Mr. KILDEE, Mrs. SCHNEIDER, Mr. RIDGE, Mr. PACKARD, Mr. ZSCHAU, Mr. GOODLING, and Mr. MCKINNEY.

H.R. 1202: Mr. HUGHES.

H.R. 1203: Mr. HUGHES.

H.R. 1205: Mr. WHITEHURST, Mr. MARTINEZ, Mr. MAVROULES, Mr. KOLBE, Mr. HUTTO, and Mr. WAXMAN.

H.R. 1207: Mr. HORTON, Mr. SABO, Mr. REID, Mr. MAZZOLI, Mr. HUGHES, Mr. WAXMAN, and Mr. CHANDLER.

H.R. 1213: Mr. DURBIN, Mr. SAXTON, and Mr. SWINDALL.

H.R. 1216: Mr. PETRI.

H.R. 1222: Mr. COOPER and Mr. SHELBY.

H.R. 1258: Mr. ARCHER, Mr. DANNEMEYER, Mr. ARMEY, Mr. LAGOMARSINO, Mr. DAUB, and Mr. PASHAYAN.

H.R. 1267: Mr. SHAW, Mr. WOLF, Mr. LEWIS of Florida, Mr. BLILEY, and Mr. WHITEHURST.

H.R. 1272: Mr. FISH, Mr. FORD of Tennessee, Mr. BEDELL, Mr. LEWIS of California, Mr. SMITH of New Jersey, Mr. MRAZEK, Mr. MCCAIN, Mr. ANDERSON, Mr. SCHAEFER, Mr. GILMAN, Mr. KILDEE, Mr. DWYER of New Jersey, Mr. FASCELL, and Mr. FAZIO.

H.R. 1282: Mr. HOWARD.

H.R. 1284: Mr. MAZZOLI.

H.R. 1294: Mr. ST GERMAIN, Mr. CHAPPIE, Mrs. SCHNEIDER, Mr. LELAND, Mr. LEHMAN of Florida, Mr. WEISS, Mr. DIOGUARDI, Mr. LIPINSKI, Mr. FRANK, Mr. RANGEL, Mr. NIELSON of Utah, and Mr. LAFALCE.

H.R. 1318: Mr. YOUNG of Missouri, Mrs. BENTLEY, Mr. DANIEL, Mr. SMITH of New Jersey, Mr. MCGRATH, Mr. LAGOMARSINO, Mr. WEBER, Mr. CHANDLER, Mr. DONNELLY, Mr. FUSTER, Mr. STENHOLM, Mr. MARTINEZ, Mr. GARCIA, Mr. SAXTON, Mr. BLAZ, Mr. NIELSON of Utah, and Mr. BLILEY.

H.R. 1335: Mr. RAHALL, Mr. FOGLIETTA, Mr. DELLUMS, Mr. TOWNS, Mr. SAVAGE, Mr. BEILENSON, Mr. BERMAN, Mr. TRAXLER, Mr. OWENS, Mr. BEDELL, Mr. FAZIO, Mr. MITCHELL, Mr. SABO, Mr. MORRISON of Connecticut, Mr. FORD of Michigan, and Mr. WHEAT.

H.R. 1339: Mr. TAUKE.

H.R. 1359: Ms. KAPTUR, Mr. RIDGE, Mr. DARDEN, and Mr. ANDREWS.

H.R. 1361: Mr. SCHUMER, Mr. HORTON, Mr. ROE, Mr. BOLAND, Mr. ENGLISH, Mr. FISH, Mr. HAMILTON, Mr. SHARP, Mr. DAUB, Mr. BONIOR of Michigan, Mr. SABO, Ms. MIKULSKI, Mr. BARNES, Mr. MYERS of Indiana, Mr. MARTINEZ, Mr. BURTON of Indiana, and Mr. KILDEE.

H.R. 1371: Mr. MATSUI, Mr. TOWNS, Mr. DE LUGO, Mrs. COLLINS, Mr. BROWN of California, Mr. ROSE, Mr. WAXMAN, Mr. ACKERMAN, Mr. MITCHELL, Mr. LAGOMARSINO, Mr. STOKES, Mr. OWENS, Mr. MOODY, Mr. DYMALLY, Mr. MARKEY, Mr. MILLER of Ohio, Mr. KOLTER, Mr. MOAKLEY, Mr. WHITEHURST, Mr. FAZIO, Mr. EVANS of Illinois, and Mrs. BENTLEY.

H.R. 1373: Mr. AKAKA, Mr. AUCOIN, Mr. CONYERS, Mr. HORTON, Mr. HUGHES, Mr. LEVIN of Michigan, Mr. LOWERY of California, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. REID, and Mr. STALLINGS.

H.R. 1379: Mr. TOWNS.

H.R. 1380: Mr. YOUNG of Alaska, Mr. DYMALLY, Mr. BEILENSON, Mr. WHITEHURST, and Mr. BENNETT.

H.R. 1392: Mr. ADDABBO, Mr. LIGHTFOOT, Mr. LEWIS of Florida, Mr. SMITH of New Jersey, Mr. LAGOMARSINO, and Mr. THOMAS of Georgia.

H.R. 1398: Mr. GRAY of Illinois, Mr. RANGEL, and Mr. KILDEE.

H.R. 1408: Mr. EDGAR, Mr. STAGGERS, Mr. RAHALL, Mr. WILLIAMS of Montana, and Mr. MOLINARI.

H.R. 1436: Mr. DANIEL, Mr. LAGOMARSINO, and Mr. MARTINEZ.

H.R. 1442: Mr. WAXMAN, Mr. RANGEL, Mr. MOODY, and Mr. CROCKETT.

H.R. 1449: Mr. CRANE, Mr. FORD of Tennessee, Mr. SHELBY, Mr. DUNCAN, Mr. NEAL, and Mr. LUJAN.

H.R. 1458: Mr. BOEHLERT, Mr. ECKART of Ohio, Mr. FISH, Mr. GILMAN, Mr. KILDEE, Mr. OBERSTAR, Mr. SMITH of New Jersey, and Mr. WOLF.

H.R. 1475: Mr. WHITEHURST.

H.R. 1482: Mrs. BURTON of California.

H.R. 1483: Mr. WEAVER.

H.R. 1519: Mr. PRICE and Mr. FEIGHAN.

H.J. Res. 7: Mr. KASICH, Mr. LAGOMARSINO, Mr. WILSON, Mr. WEBER, Mr. RUDD, Mr. EDWARDS of Oklahoma, Mr. BARTON of Texas, Mr. MONTGOMERY, Mr. ROGERS, Mr. LOWERY of California, Mr. WHITEHURST, Mr. MCGRATH, Mr. BROOMFIELD, Mr. PETRI, and Mr. LUNGREN.

H.J. Res. 33: Mr. YOUNG of Florida, Mr. HERTEL of Michigan, Mr. MORRISON of Washington, Mr. O'BRIEN, Mr. RITTER, Mr. THOMAS of Georgia, Mr. BROWN of Colorado, Mr. KLECZKA, Mr. LIGHTFOOT, Mr. LEWIS of California, Mr. LEHMAN of Florida, Mr. ANTHONY, Mr. ROWLAND of Georgia, Mr. BRUCE, Mr. TAUKE, Mr. CLAY, Mr. TRAFICANT, Mr. DAUB, Mr. BEDELL, Mr. SILJANDER, Mr. MAVROULES, Mr. QUILLEN, Mr. COUGHLIN, Mrs. BENTLEY, Mr. ROBERTS, Mr. RINALDO, Mr. WALGREN, and Mr. EMERSON.

H.J. Res. 41: Mr. KOLTER and Mr. GREGG.

H.J. Res. 49: Mr. CLINGER and Mr. O'BRIEN.

H.J. Res. 61: Mr. ADDABBO, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BROOMFIELD, Mr. CLAY, Mrs. COLLINS, Mr. CROCKETT, Mr. DAUB, Mr. FISH, Mr. FORD of Michigan, Mr. FRANK, Mr. GRADISON, Mr. GREEN, Mr. HERTEL of Michigan, Mr. HORTON, Mr. HUGHES, Ms. KAPTUR, Mr. KOLTER, Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MRAZEK, Ms. OAKAR, Mr. RAHALL, Mr. RANGEL, Mr. SCHEUER, Mr. SMITH of Florida, Mr. DENNY SMITH, Mr. SOLARZ, Mr. STOKES, Mr. SUNIA, Mr. TORRICELLI, Mr. TOWNS, Mr. VENTO, Mr. WHEAT, and Mr. WORTLEY.

H.J. Res. 77: Mr. HERTEL of Michigan, Mrs. MARTIN of Illinois, Mr. TOWNS, Mr. BONIOR of Michigan, Mr. MRAZEK, Mr. LAFALCE, Mr. REID, Mr. GREEN, Mr. GEKAS, Mr. CROCKETT, Mr. VENTO, Mr. EDGAR, Mr. YOUNG of Missouri, Mr. YATRON, Mr. KASICH, Mr. DASCHLE, Mr. FAZIO, Mr. SOLARZ, Mr. SKELTON, Mr. WAXMAN, Mr. NEAL, Mr. WORTLEY, Mr. MACK, Mr. MURPHY, Mr. COUGHLIN, Mr.

O'BRIEN, Mr. BRYANT, Mr. WYDEN, and Mr. ANDREWS.

H.J. Res. 78: Mr. BORSKI and Mr. RIDGE.

H.J. Res. 87: Mr. DEWINE, Mr. MCEWEN, Mr. SWINDALL, and Mr. MURPHY.

H.J. Res. 101: Mr. DINGELL, Mr. MURPHY, Mr. ROE, Mr. HAMMERSCHMIDT, Mr. HORTON, Mr. EMERSON, Mr. WAXMAN, Mr. DORNAN of California, Mr. DANIEL, Mr. REID, Mr. LANTOS, Mr. MCCAIN, Mr. AKAKA, Mr. MARTIN of New York, Mr. ROSE, Mrs. LLOYD, Mr. WORTLEY, Mr. BERMAN, Mr. KINDNESS, Mr. MOODY, Mr. THOMAS of California, Mr. CONTE, Mr. O'BRIEN, Mr. MOLLOHAN, Mr. WEAVER, Mr. BLILEY, Mr. DARDEN, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. WILSON, Mr. YOUNG of Florida, Mr. STRATTON, Mr. BEDELL, Mr. MARTINEZ, Mr. SMITH of Florida, Mr. STUMP, and Mr. VOLKMER.

H.J. Res. 108: Mr. WORTLEY, Mr. ANDREWS, Mr. ENGLISH, Mr. KOLTER, Mr. BUSTAMANTE, Mr. FISH, Mr. REID, Mr. WHEAT, Mr. GREEN, Mr. DORNAN of California, Mr. FLORIO, Mr. SUNIA, Ms. MIKULSKI, Mr. VENTO, Mr. COUGHLIN, Mr. O'BRIEN, Mr. MACK, Mr. LAFALCE, Mr. DASCHLE, Mr. TOWNS, Mr. BRYANT, Mr. CARPER, Mr. GUARINI, Mr. FAZIO, and Mr. NEAL.

H.J. Res. 127: Mr. TOWNS, Mr. WOLF, Mr. WAXMAN, Mr. DARDEN, Mr. REID, Mr. CHAPPIE, Mr. BERMAN, Mr. HORTON, Mr. DEWINE, Mr. MCGRATH, Mr. RANGEL, Mr. GREEN, Mr. ROE, Mr. DWYER of New Jersey, Mr. ANDREWS, and Mr. LAGOMARSINO.

H.J. Res. 128: Mr. YOUNG of Alaska, Mr. ANTHONY, Mr. BATEMAN, Mr. BROOKS, Mr. BROWN of California, Mr. BRYANT, Mrs. COLLINS, Mr. CONTE, Mr. COOPER, Mr. DARDEN, Mr. DELLUMS, Mr. DIXON, Mr. FAWELL, Mr. FISH, Mr. FUSTER, Mr. HAMMERSCHMIDT, Mr. HEFTEL of Hawaii, Mr. HENRY, Mr. HORTON, Mr. HOWARD, Mrs. JOHNSON, Mr. KEMP, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LELAND, Mr. LUNGREN, Mr. MCGRATH, Mr. MACKAY, Mr. MATSUI, Mr. MURPHY, Mr. OWENS, Mr. PEPPER, Mr. REID, Mr. ROE, Mr. SABO, Mr. SMITH of Florida, Mr. SUNIA, Mr. VOLKMER, Mr. WAXMAN, Mr. WIRTH, Mr. WOLF, and Mr. YOUNG of Missouri.

H.J. Res. 136: Mr. ROEMER, Mr. STUDDS, Mr. BRYANT, Mr. GIBBONS, Mr. COELHO, Mr. MARTINEZ, Mr. KOLTER, Mr. OWENS, Mr. CLAY, Mr. COYNE, Mr. VOLKMER, Mr. ANDERSON, Mr. KOLBE, Mr. CARR, Mr. CONYERS, Mr. HOWARD, Mr. DUNCAN, Mr. FAZIO, Mr. UDALL, Mr. AKAKA, Mr. GLICKMAN, Mr. DOWDY of Mississippi, Mr. LEVINE of California, Mr. FLIPPO, Mr. YOUNG of Missouri, Mr. BEVILL, Mrs. SCHNEIDER, and Mr. SWINDALL.

H.J. Res. 137: Mrs. LLOYD, Mr. BERMAN, Mr. MACK, Mr. WIRTH, Mr. FRANK, Mr. BUSTAMANTE, Mr. GUARINI, Mr. KASICH, Mr. KEMP, Mr. SHUMWAY, Mr. LEHMAN of California, Mr. CRAIG, Mr. HUTTO, Mr. KINDNESS, Mrs. MARTIN of Illinois, and Mr. BURTON of Indiana.

H.J. Res. 154: Mr. BIAGGI, Mr. DOWDY of Mississippi, Mr. LAGOMARSINO, Mr. SAVAGE, Mr. MCCAIN, Mr. FAUNTROY, Mr. KOLTER, Mr. HUGHES, Mr. BRYANT, Mr. REID, Mr. FORD of Tennessee, Mr. DEWINE, Mr. WAXMAN, Mr. WORTLEY, Mr. JEFFORDS, Mr. GUARINI, Mr. MINETA, Mr. DE LA GARZA, Mr. TORRICELLI, Mr. JENKINS, and Mr. BROWN of California.

H.J. Res. 156: Mr. BARNES, Mr. BERMAN, Mr. BONER of Tennessee, Mrs. BOXER, Mr. CROCKETT, Mr. HEFTEL of Hawaii, Mr. JENKINS, Mr. KOLTER, Mr. MOAKLEY, Mr. MURPHY, Mr. REID, Mr. ROE, Mr. SMITH of Florida, Mr. STOKES, Mr. THOMAS of Georgia, Mr. WAXMAN, Mr. WEISS, Mr. YOUNG of Alaska, Mr. SAVAGE, Mr. BUSTAMANTE, Mr. FISH, Mr. WOLPE, Mr. MARTINEZ, Mr. CARR, Mr. ADDABBO, Mr. BONIOR of Michigan, Mr. TOWNS, Mr. ROSE, and Mr. MINETA.

H.J. Res. 161: Mr. WIRTH AND Mr. BROWN of California.

H.J. Res. 164: Mr. BENNETT, Mr. BROOKS, Mr. BROWN of Colorado, Mr. CARPER, Mr. CHENEY, Mr. COELHO, Mr. CONTE, Mr. COUGHLIN, Mr. COYNE, Mr. DORGAN of North Dakota, Mr. DYSON, Mr. EDWARDS of California, Mr. FOGLIETTA, Mr. RALPH M., HALL, Mr. HEFTEL of Hawaii, Mr. KASICH, Mr. KEMP, Mr. KOSTMAYER, Mr. MACK, Mr. MCHUGH, Mr. MINETA, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. SAVAGE, Mr. THOMAS of California, Mr. WIRTH, Mr. WYLIE, Mr. YOUNG of Missouri, and Mr. TOWNS.

H.J. Res. 169: Mr. HUGHES, Mr. FEIGHAN, Mr. REID, Mr. DARDEN, Mr. HORTON, Mr. ROE, Mr. JENKINS, Mr. BARNES, Mr. BERMAN, Mr. BUSTAMANTE, Mr. WAXMAN, Mr. CONTE, Mr. SABO, Mr. SUNIA, Mr. RANGEL, Mr. HANSEN, Mr. LAFALCE, Mr. BONER of Tennessee, Mr. DWYER of New Jersey, Mr. OWENS, Mr. ADDABBO, Mr. CROCKETT, Mr. GREEN, Mr. COELHO, and Mr. DE LA GARZA.

H.J. Res. 179: Mr. ADDABBO, Mr. ANDREWS, Mr. BARNES, Mr. BOLAND, Mr. BORSKI, Mrs. BOXER, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. BYRON, Mr. CARNEY, Mr. CHAPPIE, Mrs. COLLINS, Mr. CONTE, Mr. DARDEN, Mr. DWYER of New Jersey, Mr. ECKERT, of New York, Mr. EMERSON, Mr. FEIGHAN, Mr. FISH, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HAYES, Mr. HEFTEL of Hawaii, Mr. HENRY, Mr. HOYER, Mr. HUGHES, Ms. KAPTUR, Mr. KASICH, Mr. LUNGREN, Mr. MCEWEN, Mr. MANTON, Ms. MIKULSKI, Mr. ORTIZ, Mr. PERKINS, Mr. REID, Mr. SABO, Mr. SMITH of Iowa, Mr. SNYDER, Mr. STOKES, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, and Mr. YOUNG of Missouri.

H.J. Res. 182: Mr. ROEMER, Mr. O'BRIEN, Mr. ROE, Mr. HORTON, Mr. WAXMAN, Mr. WOLF, Mr. SABO, Mr. BARNES, Mr. BERMAN, Mr. DANIEL, Mr. WEISS, Mr. REID, Mr. CONTE, Mr. WORTLEY, Mr. DARDEN, Mr. MCGRATH, Mr. LAGOMARSINO, Mr. BEVILL, Mr. WEAVER, Ms. MIKULSKI, Mr. OWENS, Mr. FORD of Tennessee, Mr. MARTINEZ, Mr. JEFFORDS, Mr. SMITH of Florida, Mr. CROCKETT, Mr. MINETA, Mr. SUNIA, and Mrs. BOXER.

H. Con. Res. 13: Mr. BADHAM, Mr. STUMP, and Mr. DENNY SMITH.

H. Con. Res. 15: Mr. REID.

H. Con. Res. 26: Mr. SMITH of New Jersey.

H. Con. Res. 35: Mr. COATS, Mr. WEBER, Mr. WORTLEY, Mr. CRAIG, and Mr. BOULTER.

H. Con. Res. 37: Mr. BENNETT, Mr. BROOKS, Mr. DERRICK, Mr. FROST, Mr. FOWLER, Mr. FLORIO, Mr. HOYER, Mr. HUGHES, Mr. LIPINSKI, Mr. LOWRY of Washington, Mr. MAZZOLI, Mr. MACK, Mr. MINETA, Mr. MOLINARI, Mr. MARTINEZ, Mr. MOLLOHAN, Mr. NEAL, Mr. ROTH, Mr. RITTER, Mr. STAGGERS, Mr. WALKER, and Mr. WEAVER.

H. Con. Res. 43: Mr. SKEEN, Mr. DIXON, Mr. WALKER, Mr. APPLEGATE, Mr. SMITH of Florida, Mr. SWINDALL, Mr. BOULTER, Mr. DELAY, Mr. DORNAN of California, Mr. MILLER of Washington, Mr. SILJANDER, and Mr. RITTER.

H. Con. Res. 45: Mr. EVANS of Illinois and Mr. CROCKETT.

H. Con. Res. 50: Mr. DIXON, Mr. TOWNS, Mr. LOWRY of Washington, and Mr. HAYES.

H. Con. Res. 56: Mr. EDGAR, Mr. HOWARD, and Mr. BERMAN.

H. Con. Res. 63: Mr. BURTON of Indiana, Mr. CROCKETT, Mr. HORTON, Mr. PEASE, and Mr. SMITH of New Jersey.

H. Con. Res. 67: Mr. DWYER of New Jersey, Mr. MOLLOHAN, Mr. BORSKI, Mr. DURBIN, Mr. RAHALL, Mr. REID, and Mr. FAZIO.

H. Con. Res. 74: Mr. BLILEY.

H. Con. Res. 84: Mr. FLIPPO, Mr. MITCHELL, Mr. MARTINEZ, Mr. DANIEL, and Mr. DASCHLE.

H. Res. 37: Mr. FEIGHAN, Mr. MARTINEZ, and Mr. WHEAT.

H. Res. 60: Mr. DIOGUARDI, Mr. SMITH of New Hampshire, Mr. FAWELL, Mr. REGULA, Mr. KEMP, Mr. LIGHTFOOT, Mr. CHENEY, Mr. KOLBE, Mr. BOULTER, Mr. LEWIS of California, Mr. MONSON, Mr. MARLENEE, Mr. RUDD, and Mr. ROGERS.

H. Res. 72: Mr. DWYER of New Jersey, Mr. ATKINS, Mr. BARNES, Mr. BERMAN, Mr. LANTOS, Mrs. BOGGS, Mr. BORSKI, Mr. WISE, Mr. EVANS of Illinois, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. KASTENMEIER, Mr. COELHO, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. YOUNG of Missouri, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FOWLER, Mr. FRANK, Mr. FUSTER, Mr. DASCHLE, Mr. GARCIA, Mr. BONIOR of Michigan, Mr. SEIBERLING, Mr. HENRY, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. KANJORSKI, Ms. KAPTUR, Mr. RICHARDSON, Mr. KOLTER, Mr. LAFALCE, Mr. LELAND, Mr. DE LUGO, Mr. MARKEY, Mr. MATSUI, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL, Mr. MOLLOHAN, Mr. MOODY, Mr. ORTIZ, Mr. MOAKLEY, Mr. PEPPER, Mr. LUNDINE, Mr. PICKLE, Mr. RAHALL, Mr. RANGEL, Mr. REID, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHEUER, Mr. STOKES, Mr. SWIFT, Mr. DE LA GARZA, Mr. TORRES, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TOWNS, Mr. VENTO, Mr. WAXMAN, Mr. WEBER, Mr. WEISS, Mr. WHEAT, Mr. SPRATT, Mr. YOUNG of Alaska, Mr. STARK, Mr. ADDABBO, Mr. SYNAR, Mr. MINETA, Mr. BOSCO, Mr. ANDERSON, Mr. BROWN of California, Mr. DELLUMS, Mr. LEVINE of California, Mr. STARK, Mrs. BOXER, Mr. BEILENSON, Mr. BATES, Mr. HEFTEL of Hawaii, Mr. BENNETT, Mr. DIXON, Mr. MAVROULES, Mr. CARR, and Mr. WALGREN.

H. Res. 94: Mr. KILDEE, Mr. ANDREWS, Mr. AKAKA, Mr. RODINO, Mr. MARLENEE, Mr. KOLTER, Mr. STOKES, Mr. BONIOR of Michigan, Mr. ROE, Mr. CROCKETT, Mr. DYMALLY, Mr. MITCHELL, Mr. CONYERS, Mrs. BURTON of California, Mr. HERTEL of Michigan, Mr. BRYANT, Mr. SABO, Mr. HEFTEL of Hawaii, Mr. DURBIN, Mr. HAYES, Mr. MRAZEK, Mr. ECKART of Ohio, Mrs. BOXER, Ms. KAPTUR, Mr. ROSE, Mr. DELLUMS, Mr. FAUNTROY, and Mr. SEIBERLING.

H. Res. 98: Mr. TOWNS, Mr. WOLPE, Mrs. BOXER, Mr. ORTIZ, Mr. DARDEN, Mr. ROWLAND of Connecticut, Mr. ECKERT of New York, Mr. MAVROULES, Mr. LEWIS of California, Mr. FUSTER, Mr. BROWN of California, Mr. STANGELAND, Mr. HUGHES, Mr. COYNE, Mr. STOKES, Mr. REID, Mr. CHENEY, Mr. COELHO, Mr. BERMAN, Mr. SABO, Mr. SYNAR, Mr. BONIOR of Michigan, Mr. MOORE, Mr. LEHMAN of California, Mr. WALGREN, Ms. SNOWE, Mr. HYDE, Mr. RANGEL, Mr. BROOKS, Mr. SHUMWAY, Mr. IRELAND, Mr. CHAPPELL, Mr. LEVIN of Michigan, Mr. MINETA, Mr. WEBER, Mr. STUDDS, Mr. SAM B. HALL, JR., Mr. CRAIG, Mr. FROST, and Mr. PANETTA.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

53. By the SPEAKER: Petition of National Association for the Advancement of Colored People, Jackson, MS, relative to the Job Corps; to the Committee on Education and Labor.

54. Also, petition of the Governor of the State of Georgia, relative to Federal Medicaid expenditures; to the Committee on Energy and Commerce.

55. Also, petition of the council of the city of New York, City Hall, NY, relative to Radio Liberty; to the Committee on Foreign Affairs.

56. Also, petition of the board of county commissioners, Gadsden County, FL, relative to eliminating Federal revenue sharing; to the Committee on Government Operations.

57. Also, petition of the city of Sharon, PA, relative to revenue sharing; to the Committee on Government Operations.

58. Also, petition of the city of Sheboygan, WI, relative to the closing of the U.S. Coast Guard station; to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

AID FOR DEPENDENT CORPORATIONS

HON. JIM COURTER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. COURTER. Mr. Speaker, in light of all the present talk about cutting the budget for this year, there has so far been little attention focused on one of the most bloated areas of Federal spending: corporate welfare. Corporate welfare refers to the tax breaks and outright grants that Government gives to big business. According to the Congressional Budget Office, the Government last year lost $140 billion from these programs. This is significantly more than the current cost of Medicare, Medicaid, veteran's medical care, and child nutrition programs combined.

There is concern whenever one discovers waste, fraud, and abuse in programs designed to help out the less fortunate. There should be a more acute sense of outrage to find that both profitable and poorly managed businesses can receive such huge subsidies, particularly in a time of budget austerity.

A few examples poignantly illustrate this fact:

Of the nearly $20 billion that the Agriculture Department spends for its subsidy programs, nearly 70 percent, or $14 billion, goes to the largest one fifth of farm producers. These are quite often not family farms, but are rather large agribusinesses.

Recent reports by the General Accounting Office and the Grace Commission on waste in Government, noted a high amount of corporate welfare in the Medicaid, Medicare, housing assistance, and food programs. By not instituting free market, common sense, competitive procurement methods for goods and services, these four agencies alone fail to get the best prices for the goods they buy, resulting in excessive spending of $5 to $10 billion annually. The only ones who benefit from these are the companies who provide these overpriced items.

The Export-Import Bank is a Federal program designed to provide credit subsidies on exports. Of its $3.1 billion budget for 1982, half of this money benefited just 10 large and profitable companies, 7 of which are on the Fortune 500 list. While this program has been scaled back, this "bank" still has $17 billion in outstanding credit to major corporations. Ending this program would save $13 billion over the next 4 years.

Perhaps the most well-known area of "aid for dependent corporations" is in the realm of energy production. In 1917, as America entered World War I and faced a national emergency, Congress granted oil companies tax incentives to encourage oil exploration. Instead of terminating this program as would appear to be logical immediately after the war, Congress extended this tax break to many other natural resource businesses. The result: In 1983, oil companies alone received 4.75 billion dollars' worth of these tax subsidies along with $1.9 billion in outright research grants.

In the late 1970's Congress threw more of the taxpayers' money at large corporations with the belief that this would solve our energy and economic problems. The Synthetic Fuels Corporation [SFC] was created in 1980 to forge a relationship between Government and business that would develop new artificial fuels, primarily by converting America's vast coal reserves into liquid and gas forms of energy.

The SFC has been authorized to spend $13.2 billion since 1980, and is expected to receive $4 to $8 billion in fiscal years 1986-92. The program could spend up to $88 billion in this period, however, as this is the 1980 "limit" Congress set on the program.

There are, however, high capital and operating costs to any of these projects. It is estimated that it would cost $5 to $8 billion for a coal liquefication plant that would produce only 50,000 barrels of coal liquid—that is, oil—a day. The initial goal set by the SFC was to have 500,000 barrels produced daily by 1987. The fact that of the 52 important synthetic fuel patents issued so far, 49 are to major corporations, also reflects the enormous potential for high Government subsidies.

America gained its economic greatness not by having business concentrate on ways it would get the optimum benefits from a complex tax code. America became great because of incentives that appealed to innovative, risktaking, and farsighted entrepreneurs, both big and small. Individuals and businesses should not be taxed so that they can subsidize large corporate undertakings.

Our Government should re-create the incentives and opportunities that it has replaced with corporate welfare and poverty traps. Once this is accomplished, our country will truly be on the road to full employment and the high levels of growth our people need.

I commend to my colleagues the following excellent essays by columnists Donald Lambro and James Kilpatrick on this important issue facing the Congress.

The articles follow:

[From the Washington Times, Feb. 26, 1985]

"CORPORATE WELFARE" IS THEIR TARGET

(By Donald Lambro)

Ralph Nader and President Reagan agree on at least one thing: Congress can sharply reduce the deficit by cutting back on the billions of dollars Uncle Sam spends on "corporate welfare."

A recent report compiled by Mr. Nader's Public Citizen's Congress Watch offers a richly detailed blueprint for slashing the budget's lucrative AFDC programs.

No, AFDC isn't Aid for Dependent Children. It's "Aid for Dependent Corporations"—a growing but little-noticed gold mine in the federal spending machine that is enriching America's wealthiest business interests with billions in loans, subsidies, credits, and other assistance.

There is nothing especially new on Mr. Nader's AFDC hit list. The liberal consumer crusader long has pushed for cuts in corporate assistance and tax subsidies. What is new is that Mr. Reagan's latest budget aggressively attacks many of these same corporate goodies, challenging Congress this year to cut deeply into boardroom welfare, not social welfare.

Such an unholy alliance offers new budget-cutting opportunities on which congressional liberals and conservatives surely can agree. Consider a few of the most outrageous examples from Washington's corporate gravy train:

EXPORT IMPORT BANK

Almost half of Ex-Im's $3.1 billion in cut-rate loans in 1982 benefited just 10 big corporations, seven of which were on the Fortune 500 list, including Boeing, McDonnell Douglas, and Westinghouse. Ending direct subsidized loans would save $400 million in 1986 and $13 billion over the next four years.

URBAN DEVELOPMENT ACTION GRANTS

This heavily politicized, $544 million slush fund gives money to a handful of cities—20 have received 44 percent of all UDAG dollars—which, in turn, use it to assist corporate development. UDAGs have built 262 hotels and have subsidized big companies like Hyatt Corp., Sherwin-Williams, and General Motors. They've also helped to build luxury and middle-class housing.

AIRLINE SUBSIDIES

Since 1978, taxpayers have shelled out nearly half a billion dollars in subsidies to regional airlines to preserve so-called "essential service" to smaller communities. However, such subsidies are no longer needed.

Nearly half of the market getting these subsidies are within 100 miles of a major airport, and thus are unfairly competing with cheaper transportation alternatives. The Office of Management and Budget found the per-person roundtrip subsidy to fly from Los Angeles to Blythe, Calif., was $1,096. "At 80 cents per mile, the same passenger

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

could have used the subsidy to take a taxi to Las Vegas, lose $500 at blackjack, and take a taxi home, with cash to spare," says OMB.

AGRICULTURAL SUBSIDIES

Contrary to the poor-family-farmer image given to the recipients of the Commodity Credit Corp.'s multibillion-dollar payments, the truth is that big agribusinesses take the lion's share of the subsidies.

For example, the biggest 9.4 percent of the nation's wheat farmers, those owning 1,000 or more acres, reaped 42 percent of CCC's deficiency payments. The largest 12.8 percent of corn farmers got 40 percent of the payments.

Curbing payments to the big farm corporations would save a huge chunk of next year's estimated $12.5 billion in CCC subsidies.

RURAL ELECTRIFICATION ADMINISTRATION

How would you like to borrow money at 5 percent, with 35 years to pay? These are REA's heavily subsidized terms for direct loans to electric and telephone utilities, which are owned by big tax-exempt cooperatives or independent corporations.

Federal REA subsidies will total $2.6 billion next year. Who benefits from them? Big business and middle-class residential users who receive substantially reduced electric rates. Savings from an REA phase-out: $5.1 billion over the next five years.

Uncle Sam's list of corporate welfare clients is much longer, including $330 million for Synfuels Corp. giveaways, $1 billion for the inland waterway barge operators, and $1.1 billion for the nuclear energy industry.

"To say fairness demands that corporate welfare be cut when aid to old, blind, and disabled people has already been cut is laboring the obvious," says Mr. Nader's Public Citizen's group.

That liberals like Mr. Nader and conservatives like Mr. Reagan can agree on curbing many of these expenditures bodes well for cutting them from the budget this year.

[From the Asbury Park Press, Mar. 1, 1985]

"CORPORATE WELFARE" UNFAIR TO ALL OF US

(By James J. Kilpatrick)

Over the past three years, the General Electric Co. had profits of $6.5 billion. It paid no federal income tax. Dow Chemical had profits of $776 million; Union Carbide had profits of $613 million; W.R. Grace & Co. had profits of $684 million. None of them paid a dime in federal income tax. Together the four companies claimed refunds—refunds, if you please!—of more than half a billion dollars.

This is corporate welfare. It is the system of tax avoidance known cynically as AFDC—Aid for Dependent Corporations—and it is the indefensible consequence of tax laws passed with the very best intentions.

It is not yet clear whether Congress will act on tax reform this year. In the House, Dan Rostenkowski says that his Committee on Ways and Means is ready to cooperate with the administration. In the Senate, majority leader Bob Dole says that reducing deficits has a higher priority than simplifying taxes. My own thought is that if Congress fails to tackle tax reform in 1985, it is not likely to tackle tax reform in the election year of 1986. The lobbyists will be out like tree frogs in April.

For a variety of reasons, both tangible and intangible, a wholesale revision of the tax code gets more urgent all the time. It is now clear that the investment tax credit has not worked as its sponsors hoped it would work when they put it on the books 20-odd years ago. The idea seemed attractive: To spur capital investment in new equipment, give a company an outright credit of 10 percent on such investments. Will you buy a $200,000 rotary press? Then deduct $20,000 from your corporate income tax.

The investment tax credit may have helped the machine tool industry; it may have benefited other suppliers of equipment, but gains in productivity probably have been purchased at the price of eliminating jobs. In the coming fiscal year, if the act is not repealed or drastically amended, the Treasury will have to grant $38 billion in credits. These credits are outright subsidies to industry, in no way distinguishable from such subsidies as food stamps for the poor.

Another target for tax reform is the program of accelerated cost recovery. This is the principal program that has permitted such firms as General Electric and Dow Chemical to escape federal income taxes. They can write off most new equipment in five years and most new structures in 15 years. The program will cost the Treasury an estimated $22 billion in fiscal '86.

To be sure, plausible arguments can be made that tax breaks for business, including Very Big Business, are good things for the economy. In theory these credits and write-offs provide incentives for American companies to invest in new and modernized plants that will make them more competitive on world markets. There is not much evidence either to prove or to disprove the theory. Most new plants probably would have been built anyhow.

No such arguments support continuation of tax shelters for individuals. These phantom investments result in a loss to the Treasury of roughly $20 billion to $25 billion a year. You see these cynical schemes advertised in daily newspapers in professional journals: Invest only $2,000! Become a limited partner! Wealthy individuals are urged to put a little money into oil, gas, real estate, horses, treasure hunts, cattle, kiwi fruit, jojoba beans, duck farms, oyster farms, and even the breeding of llamas. The investments make a mockery of our capitalist system, for the whole object is not to earn money but to lose money—to provide tax losses for the rich.

These sleazy schemes of tax avoidance do incalculable damage. They divert capital from truly productive enterprises and they contribute significantly to a public perception of unfairness in the tax laws. It may not be perfectly understood, but it is generally understood, that when the rich doctor, dentist or lawyer finds refuge in a tax shelter, it is the ordinary Joe who is being ripped off. The little guy's taxes have to make up the gap when 9,000 persons carning $250,000 or more pay no income taxes at all.

The Treasury's program of tax simplification is far from perfect, but it provides a good starting point. Other bills—Kemp-Kasten, Bradley-Gephardt—have great merit. It remains only for Congress to demonstrate the will to do what has to be done.●

THE PLIGHT OF OUR ELDERLY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GINGRICH. Mr. Speaker, I'd like to take a moment to discuss problems facing the elderly in our society today.

One of my constituents recently sent me a copy of a letter she wrote to the commissioner of the Georgia Department of Human Resources. As a Medicaid specialist, she describes the plight of the elderly as she sees it. I'm submitting her letter for my colleagues' review:

DEAR COMMISSIONER LEDBETTER, I have just read your article in the Human Side, "We Must Build On Our Strength". It has moved me to write to you. The list of areas on which to focus attention caught my eye because the objectives regarding our elderly were both on the bottom of the list. Realizing that you did not necessarily list them in order or importance, it still brings to my mind that benefits for our elderly always seem to be on the bottom.

Now let me introduce myself—I am the Medicaid Specialist for Spalding County and have been dealing with Medicaid benefits for the elderly for almost 17 years. We have three nursing homes here and very few other alternatives for those people. I see changes in our System daily but there never seems to be any added benefits for our elderly. I firmly believe in what our Bible tells us about caring for widows and elderly parents; however, society has forgotten that over the years and our System has made people dependent on the government to assume these responsibilities.

Realizing that I cannot turn back the hands of time, I am daily aware that our elderly reap the least benefits from our System. For example, a Medicaid recipient in the nursing home is allowed to keep only $25 of their monthly income, and that has not changed in many years. While the cost of medication (above Medicaid covered drugs) has risen and the cost of personal care items has risen, these people are forced to do without many things because $25 doesn't even cover the cost of those drugs above the Medicaid coverage allowed. Who can be decently buried for $1,500.00 life insurance?

When is the last time that limit was raised? As more and more programs are implemented (Medically Needy for AFDC, for example) for the younger generation, we have thousands of elderly at home with income under $400 per month who do without much needed medical care because there is no program to help with medical care for them. You and I know that it takes more than $400 just for basic necessities such as food, shelter and utilities.

Many of our elderly are forced to enter nursing homes simply to be eligible for Medical Assistance. These people could remain in their own homes or with relatives if they had a means of paying for medical care. Why do we not provide a Medical Care Program for these people who can survive on their income, but cannot pay for medical care?

We provide assistance to so many young, healthy mothers simply because they have

a child under six years old—what happened to the service workers who used to work with these mothers to obtain training, education or whatever was necessary for employment? What has happened to the time when a "Social Worker" helped to teach these people to be independent and self-supporting?

In 1968 when I came to work for DFCS, we had two eligibility workers, two child welfare workers, and a number of service workers. Today, we have 20 eligility workers, 10 child welfare workers, two homemakers, one service intake worker and nine secretaries (as opposed to two in 1968) to handle the enormous amount of paper work. This kind of growth surely must tell all of us in what areas we have grown: child welfare cases, Food Stamp cases and AFDC cases. No services except one homemaker and one Medicaid worker to handle all the Medicaid eligility for the elderly and disabled.

Please understand that I am not complaining about the Medicaid caseload number and work involved (I can handle the work and love every person I deal with and am blessed every day by this caseload), but am simply making the point that benefits for the elderly have remained at the bottom while all other benefits have grown tremendously!

This week has just been a time of startling realization for me that while our Department has grown astonishingly in paperwork and caseload numbers, benefits for the elderly have not grown at all.

It creates a real pain of inefficiency to deal daily with so many people who could make it on their income but go without much needed medical care because they cannot possibly pay a hospital bill of $100 a month for medicine.

Somewhere along the time line we lost touch with helping people to become self-sufficient and independent and forgot the God-given command to take care of widows and elderly. Is there any hope at all for our elderly in the near future? What can I, as a private citizen and as a professional do to help to bring to light one of the greatest needs in our society?

Your goals are also my goals: to achieve a Healthier Generation of Georgians, Economic Self-Sufficiency and Independence for Older Georgians. Does Independence for older Georgians have to be on the bottom of the list?

Thanks you so much for listening and caring. I realize the position you hold carries with it a great deal of responsibility that even I do not know about. I pledge to do my very best to support my county and state department and always serve with deep respect and admiration the people in my caseload.

Respectfully,

Ms. SONDRA T. BALLEW,
Caseworker Principal, MAO.

I hope we'll all stop and consider the points Sondra Ballew makes in this letteq. And that we'll help to change the deplorable situation the elderly face in our society today.●

THE MX MISSILE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. FAUNTROY. Mr. Speaker, soon this body will be asked once again to debate and consider the question of the MX missile.

The argument being utilized to support the proposition that we should release $1.5 billion to produce an additional 21 MX missiles is that our arms control negotiators need this to enhance their bargaining power with the Soviet Union. This is a most curious position.

First, it is widely held that the MX missile is an ineffective weapon in terms of the primary function of our nuclear weaponry: Retaliation.

Second, the MX is a destabilizing weapon with use only as a first-strike missile.

Third, our country already is loaded with strategic weaponry useful in any bargaining scenario with the Soviets at Geneva.

Finally, given the strategic ineffectiveness and the danger posed by the first-strike MX missile, the cost for this "bargaining chip" is prohibitive. At a time when many of our people are suffering unemployment due to the transition taking place in the international economy, with jobs being exported to cheap labor markets abroad, and at a time when we are being asked by the administration to freeze, cut, or eliminate the very programs designed to cushion our citizens through difficult times, we can ill afford to provide a $1.5 billion "bargaining chip" for anyone. We have security needs at home as well as abroad.

Let's get ready to vote against this wasteful system.●

LARCHMONT LAWYER IS CITED FOR EFFORT AGAINST CORRUPTION

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ADDABBO. Mr. Speaker, I would like to bring to the attention of my colleagues, the accomplishments of Joseph Fisch. Mr. Fisch has spent 25 years fighting government and police corruption and mismanagement. He was recently cited by the International Association of Chiefs of Police "for his outstanding contribution to law enforcement."

Because of his distinguished career as a prosecutor and investigator, I'm sure accomplishments will be of interest to the Members of this body. I submit the following article for the RECORD:

[From the New York Times, Mar. 10, 1985]

LARCHMONT LAWYER IS CITED FOR EFFORT AGAINST CORRUPTION

(By Franklin Whitehouse)

LARCHMONT.—In 25 years as a prosecutor and investigator, Joseph Fisch has fought corruption and mismanagement in police departments from Syracuse to New York City and from Albany to New Rochelle. Now the police have honored him for it.

The International Association of Chiefs of Police recently gave the trim, precise 52-year-old lawyer a special citation "for his outstanding contribution to law enforcement" during a career that has also included fighting organized crime in Yonkers and investigating the New York City hospital system.

Mr. Fisch, who has lived here for 11 years, has also been asked for advice on organizational and other matters by law enforcement agencies as far apart as Santa Fe, N.M., and Mamaroneck.

For the last 14 months, the Harvard Law School graduate has been deputy inspector general of the Metropolitan Transportation Authority and its general counsel. He came to the authority's Manhattan headquarters from Kew Gardens, where he had spent seven years on the staff of the Queens District Attorney.

Before Queens, Mr. Fisch has served for 18 years with the Temporary New York State Commission of Investigation, most recently as deputy commissioner and counsel.

Mr. Fisch has no particular aversion to police officers, Paul J. Curran, the former Commission Chairman, said last week. He just "developed a certain feel for the situation" when officers were not doing their jobs, Mr. Curran said in a telephone interview.

"I regard myself as a career public servant," Mr. Fisch said the other day in his living room, sitting beside an Elaine de Kooning portrait of President Kennedy. "I feel outraged when there's a betrayal of public trust."

Testifying in 1971 at a public hearing in New York, Mr. Fisch said that the city police department's war on heroin traffic was being hampered by a number of corrupt practices, including direct involvement of police officers in the sale of narcotics.

One of his witnesses was Frank Serpico, a police officer after whom a later motion picture about the case was named.

The investigation, for which Mr. Fisch was chief counsel, was "an incredibly good effort," Mr. Curran said. "We weren't just looking for corruption, although we found it. We found they also weren't making the right kinds of cases. The police were not going up the ladder, they were just busting junkies."

The international police chiefs group said Mr. Fisch was the first public official to expose corruption in the city narcotics trade and, combined with the disclosures of the Knapp Commission, prompted Governor Nelson A. Rockfeller to create the office of special prosecutor for the city's criminal-justice system.

Soon after Mr. Fisch accepted his M.T.A. appointment in December 1983, he encountered Delores A. Battalia, the newly elected Mamaroneck Town Supervisor, at a political victory party.

Mrs. Battalia, in an interview last week, said that she had been trying to meet Mr.

Fisch to ask him to study the town police force, which, she said, had had "a long-term history of difficulty," including a chief who had resigned in 1981 and pleaded guilty to several criminal charges. The town has had seven police chiefs in 20 years.

Mr. Fisch agreed to do the job on his own time, at no cost. He began interviewing officers as they came off their shifts at night and on weekends. Thirty-eight of the force's 39 officers agreed to talk about operational and morale problems, Mrs. Battalia said.

"The men felt the town had ignored them for years," Mrs. Battalia said. "Joe gave them a chance to ventilate with someone they respected as a professional."

After six months, the Town Board acted on the principal recommendation in Mr. Fisch's 75-page report and named its first full-time professional Police Commissioner, Arthur Dallas. Commissioner Dallas holds the authority of a former three-member civilian volunteer police commission.

Mrs. Battalia described Mr. Fisch as "very precise, orderly and careful in his choice of words. He's obviously someone who's used to walking into an unknown situation and knows how to handle it."

However, opposition to the choice of Commissioner Dallas has come from the Tri-County Federation of Police, which has sued "to protect the status" of Chief Baumblatt, according to the federation's executive director, Ralph M. Purdy.

Chief Baumblatt, a former Mamaroneck sergeant appointed by the old civilian commission, is subordinate to Commissioner Dallas, a former New York City police lieutenant who lives in Rye.

In 1976, Mr. Fisch visited Santa Fe at the invitation of the state's Organized Crime Prevention Commission to share his "experience and expertise in this field," according to the international police chiefs.

Part of the experience was in Yonkers in 1968 when Mr. Fisch helped to investigate the involvement of organized crime in the private garbage-carting industry.

Mr. Fisch's father owned a grocery store on Stanton Street on Manhattan's Lower East Side, where he worked as a boy on Sundays. Born on Jan. 10, 1933, Mr. Fisch graduated in 1953 from New York University and in 1956 from Harvard, where he was president of the Law School Forum, a student organization that invited prominent outsiders to speak.

Mr. Fisch's first project at the M.T.A. was to conduct an inquiry into allegations by Transit Authority employees that high-ranking authority supervisors, including its President, David Gunn, had directed delays in inspection of new R-62 subway cars ordered from a manufacturer in Japan.

Mr. Fisch said his inquiry, which culminated in a December 1984 report, had failed to turn up corroboration for the charges against Mr. Gunn but had resulted in a warning to another executive, Richard Goodlatte.

The Fisch office supervises litigations, makes recommendations on investigations and conducts unnannounced inspections of such M.T.A. facilities as the Harmon maintenance ship in Croton-on-Hudson.

Mr. Fisch, who said he was now working on a "highly hush, hush thing" with the M.T.A.'s Inspector General Sanford E. Russell, commutes on Metro-North's New Haven Line to his office at 10 Columbus Circle. He lives here with his wife, Betty, a New York City school teacher and their 13-year-old daughter, Beth Rachel.●

THE SITUATION IN ECUADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BARNES. Mr. Speaker, I would like to take this opportunity to share with my colleagues a summary of the presentation of His Excellency Mario Ribadeneira, Ambassador of Ecuador to the United States, to the Americas Society in New York on November 28, 1984. As this presentation shows, Ecuador is doing a lot of things right to foster its own development, and is a good friend of the United States. As we begin consideration of the annual foreign aid legislation, I hope the Congress and the administration will be prepared to provide adequate support for Ecuador's efforts.

The material referred to follows:

SUMMARY OF THE PRESENTATION OF H.E. MARIO RIBADENEIRA TO THE "AMERICAS SOCIETY" NEW YORK, NOVEMBER 28, 1984

When the Government of President Leon Febres Cordero was elected in Ecuador last year, a philosophy and approach to the role of government which is perhaps unique in South America began to make its presence known. President Febres Cordero, a businessman who received a Bachelor of Science degree in Engineering at the Stevens Institute in the United States, is dedicated to giving the fullest role possible to private initiative and the private sector in the development of Ecuador. This means restraining the growth of the role of government, phasing out highly subsidized industrial development, and facilitating more natural and appropriate agro-industry. President Febres Codero is also committed to the promotion of foreign investment. His government is, therefore, taking steps which make the business climate in Ecuador more hospitable to foreign know-how in both the oil and agricultural sectors where Ecuador has natural endowments and potential international commercial advantages.

To achieve these goals, Ecuador has recently become the first of the Andean countries and, for that matter, one of the few of the South American countries to conclude agreements with the Overseas Private Investment Corporation of the United States to permit arrangements for the issuance by OPIC of insurance for all investment risks in Ecuador. Investments in the following areas are now being explored: Agro-industry, fisheries, shrimp cultivation, mining, petroleum, low-price housing, etc.

Similarly, Ecuador has recently signed an agreement with the Occidental Petroleum Company for oil exploration which will allow Ecuador to continue to exploit this important resource on a sound economic basis. In particular, Occidental will undertake oil exploration with the understanding that it will assume all costs and risks associated with such exploration in areas where other oil resources have already been discovered. Should Occidental's efforts produce the discovery of additional resources then, and only then, will Occidental receive payment for its efforts through receipt of a minority portion of payment for its efforts through receipt of a minority portion of the associated oil revenues. Dr. Armand Hammer, Chairman of Occidental, came to Ecuador on January 25, 1985 for signature of the agreement.

In the areas of agricultural resources, Ecuador has in recent months taken many steps to facilitate the further growth of its increasingly important role as an exporter. In addition, Ecuador and the Inter-American Development Bank recently signed loan agreements for the completion of a $403 million project for the irrigation of a major coastal area of Ecuador. This area will benefit from the project in a manner reminiscent of the Tennessee Valley Authority in the United States. In other agricultural sectors where Ecuador also has an important natural comparative advantage, such as fresh fruit, vegetables, and other perishables, Ecuador is now welcoming investment of medium-sized firms.

Finally, Ecuador is among those countries which have behaved responsibly toward their foreign creditors and fully honors all its obligations. As a vote of confidence in the philosophy of President Febres Cordero, in December, 1984, 400 commercial banks completed negotiations with Ecuador for a multi-year (1985-89) rescheduling of all government debt with private banks (approximately $4.6 billion). This amount will be rescheduled over 12 years with a 3-year grace period, amounting to a savings of nearly $150 million in debt service payments. This agreement, the first multi-year rescheduling for a small debtor country, will be effective upon completion of a standby agreement for 1985 with the IMF, which is expected in January or February of this year.

There is little doubt that the Ecuadorean Government and the IMF will come to terms, given their shared ideology regarding economic stabilization. In particular, the Febres Cordero Government has already initiated a stabilization plan including monetary adjustment to place Ecuadorean exports in more competitive positions, lifting price controls from agricultural commodities, reducing protective tariffs on industrial goods, and increasing the price of domestic fuels. These steps will help achieve the goal on which IMF and Ecuador agree of reinstating economic growth and maintaining inflation at 20% by the end of the year with an average of 24% for 1985. Salary increases will also be scaled to compensate 1985 inflation rates. In addition, Ecuador's Monetary Board has legislated changes to bring interest rates more in line with inflation, recently raising the rate for commercial operations two points to 23%. Interest rates on savings and time deposits were raised by the same amount to 20% and 22% respectively.

As a result of the rescheduling program, the first principal payment by Ecuador will be made in 1988 on 2.5% of the total. Amortization will rise gradually to 10% in 1991, 15% in 1993, and 17% in 1996. The interest rate will be 1.375 points over 3-months LIBOR, or the adjusted CD rate. There will be no refinancing fee.

Thus, Ecuador is now poised to begin building on the very solid foundations of its assets including its industrious people, its sound and sensible government, its natural resources, and its friendships in government and business in the United States and the Western world.●

TWENTIETH ANNIVERSARY OF LAKE COUNTY COMMUNITY ACTION PROJECT

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. PORTER. Mr. Speaker, I recently had the opportunity of joining the citizens of Lake County, IL, in celebrating the 20th anniversary of the Lake County Community Action Project. The following letter describes a few of the many contributions made by the LCCAP during its 20-year existence:

MARCH 13, 1985.

MRS. BARBARA GORDON,
Lake County Community Action Project, Waukegan, IL.

DEAR MRS. GORDON: It is with great pride that I join with all the citizens of Lake County in saluting the Lake County Community Action Project on the occasion of its 20th anniversary. Under the hard-working leadership of yourself and Shirley Goldman, the team of LCCAP employees and volunteers has brought self-esteem and hope to the disadvantaged, many of whom would have had nowhere else to turn.

In the two decades that have gone by since the agency initiated its "War on Poverty," LCCAP has been instrumental in opening up opportunity for the poor and needy in Lake County and giving them a chance to improve their lives. At a time when many Americans have grown skeptical of government social services, I commend LCCAP for proving that implementation of worthwhile programs can be done and done well.

Through the years you have functioned with kindness and sensitivity, but also with intelligence and foresight, knowing that changing times call for changing attitudes. As you reach this twenty-year milestone, you continue to demonstrate an understanding that methods must be updated to best meet the needs of today's clients, who are well served by your clear vision of the future.

I commend each of your board members over the last 20 years who have supplied the drive and determination that is the foundation of your success. LCCAP is a shining example to the nation of what can be achieved through the American tradition of reaching out to help those in need.

It is with great appreciation that I extend my wishes to your agency for continued future success.

Sincerely,

JOHN E. PORTER,
Member of Congress.●

IMPORT QUOTAS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GRADISON. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues an article which I wrote for the Cincinnati Enquirer on Monday, March 18, entitled "The Death of Import Quotas."

[The article follows:]

THE DEATH OF IMPORT QUOTAS

(By Bill Gradison of Ohio)

President Reagan has decided against asking Japan to renew its "voluntary" limits on auto exports to the United States which expire on March 31. This was the right decision and I applaud him for making it.

The voluntary restraint agreement (VRA) with Japan was bad policy from the start. Protectionist policies are generally counterproductive. The VRA is no exception.

Even if the VRA ever served any valid purpose, it has now become obsolete. The fact that the big three American automobile companies—General Motors, Ford and Chrysler—together reported $9.8 billion in profits last year attests to that point.

Without question, the VRA, which limits Japanese auto exports to the U.S. to 1.68 million cars annually, has increased demand for U.S. automobiles, but it has also raised prices of both American and Japanese cars. As a direct result of the restraints, the price of small cars increased by an average of about $370 per car in the 1981-1983 period.

The purpose of the quotas was to save jobs in American auto industry and to give it a chance to adjust to competition from Japan. In that respect, the quotas have been somewhat effective. From 26,000 to 44,000 auto industry jobs can be attributed to the quotas.

An important point, however, should not be overlooked: Each "saved" job carried a hefty price. As a direct result of the restraints, the average price of U.S. cars rose by about $400 in 1983, and the average price of Japanese imports rose $1,000. The cost to consumers, then, was over $4.3 billion. Thus works out to a subsidy of between $97,000 and $165,000 *per job saved.*

Moreover, the extra consumer dollars sent to both U.S. and Japanese automakers as a result of the VRA simply means less money sent elsewhere—for other consumer purchases or for investment (through consumer saving). Thus, the flip side of the jobs saved in the U.S. auto sector is the U.S. jobs lost in the non-auto sectors. And, because workers in non-auto sectors generally earn far less than auto workers, the number of jobs lost because of the VRA likely exceeds the number of jobs saved! That is, the VRA has resulted in a *net loss* of American jobs.

We must question the wisdom of a policy which is harmful to so many (consumers in general and certain non-auto workers in particular) and beneficial to so few. The high visibility of "saved" auto jobs has tended to further obscure the relative invisibility of the jobs lost because of the VRA.

The U.S. auto industry had begun to adjust to the new world of high gasoline prices and international competition *before* the VRA was negotiated with Japan in 1981. But, ironically, the recent protection of the U.S. auto industry has actually benefited Japanese automobile producers by at least an extra $2 billion per year because of the higher prices they have been able to charge in the U.S.

Put another way, the VRA has exported profits to Japan (as well as Detroit). A tariff would have produced the same results in the domestic industry, while benefiting Americans instead of Japanese.

Furthermore, when the export restraints were negotiated in 1981, the United States failed to link them to specific commitments by the American auto industry. As a result, the quotas have merely imbued the U.S. industry with an artificial sense of security and success, actually creating *disincentives* to launching major auto-related investment programs, lowering production costs and improving its competitive position.

General Motors, for example, spent $2.5 billion to acquire Electronic Data Systems Corp., among other non-auto investments; its well-advertised new Saturn small-car project, on the other hand, will cost only one-fifth as much.

Some people, in and out of the auto industry, fear that without an official export restraint, the Japanese will flood the American automobile market. That is a possibility, but it is much more likely that the Japanese will be reluctant to increase their U.S. exports too rapidly. Not only have they been able to raise prices and increase profits under the restraints, they also fear even stricter quotas—the non-voluntary variety.

I am glad that President Reagan listened to those of us who have disparaged the "voluntary" export restraints from the beginning. The restraints have sent the wrong signal to our auto industry. A more open market will mean lower automobile prices for American consumers, more jobs for American workers, and will, in my judgment, produce a greater incentive for the Japanese to negotiate more favorably with the United States on other important trade-related issues.●

MX FAILS AS MISSILE OR AS LEVER

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ADDABBO. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial that appeared in the March 13, 1985, edition of the New York Times.

The editorial, is a well considered evaluation of the vulnerability and ineffectiveness of the MX missile. As the body is now considering whether to build and deploy these weapons, I feel that the opinion of such a prominent newspaper would be of interest to the Members. I include this New York Times editorial for the RECORD:

[From the New York Times, Mar. 13, 1985]

MX FAILS, AS MISSILE OR AS LEVER

For President Reagan, the new arms control talks in Geneva offer the chance to strongarm Congress as well as the Soviet Union. Give me all the MX missiles I want, he says; they are essential to my negotiating position. That is certainly not the case he'd be making if he could argue that the MX is essential, also to national security.

Mr. Reagan is not alone in trying to use the discredited weapon as a negotiating tool. Rather than say no to the MX, several Congressmen, including the Democrats Les Aspin in the House and Sam Nunn in the Senate, propose to vote for limited MX deployment in exchange for influence over the Administration's performance in the arms talks.

The trouble with trying to use the MX for leverage, in either direction, is that it is a broken reed, either as a lever or a weapon.

Will the Russians at Geneva cooperatively trade their own heavy missile for the MX—or defiantly build more? Even if they are inclined to bargain, Mr. Reagan already has plenty of chips to bargain with. He has launched an extensive modernization of offensive strategic weapons, from the B-1 bomber to the accurate D-5 submarine-based missile. His "Star Wars" defense program is a hefty bargaining counter, far more likely than the MX to be at the center of negotiations.

And should there be intrinsic bargaining weight in MX missiles, well, Congress has already voted to build 21 of them. With testing and production well in hand, the mere threat of building more is enough. Last year Congress approved $1.5 billion for production of an additional 21, but fenced in the funds. The Administration is asking both for that money to be released and for $4 billion to buy a further batch of 48. But the case for putting the MX on hold is more compelling than ever.

The MX was conceived on a false premise, that the silos housing America's land-based Minuteman missiles were becoming vulnerable to increasingly accurate Soviet warheads. To make the MX invulnerable, the Carter Administration decided to base it in a mobile fashion in remote parts of Utah and Nevada, shuttling each missile between multiple shelters.

That was the unlikely "racetrack" system that Mr. Reagan rejected on taking office. But then he discovered that every other basing mode was vulnerable. Backed into a technical and political corner, he turned to a blue-ribbon panel of experts to help him out.

The Scowcroft commission was a brutal savior. It said the window of vulnerability never existed. That demolished the reason for an MX. Then it advocated housing the MX in the very Minuteman silos Mr. Reagan had declared to be so dismayingly vulnerable. The commission also recognized that the day of the multi-headed, land-based missile is ending. It recommended development of a single-headed missile, the "Midgetman," as an unthreatening, untempting target that would add both to security and to stability.

In short, the MX missile embodies a mistaken turn in nuclear strategy. With 10 accurate warheads, it must be considered by Soviet planners as a first-strike weapon. If it is vulnerable, it cannot deter. A weapons system that both threatens and is vulnerable to attack is the last thing needed in a crisis.

A mistake is no asset, even when dressed up as a bargaining chip. And to vote 21 more missiles is to double the error. If Congress wishes to influence the Administration's negotiating strategy, its best course when the issue comes up in the Senate next week is to keep the MX on hold.●

TELEVISION COMMERCIAL CRITICISM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LENT. Mr. Speaker, I'd like to take this opportunity to share with my colleagues in the House of Representatives an interesting editorial published February 28, 1985, in Merrick Life, a weekly newspaper in my Fourth Congressional District. The editorial expresses needed criticism of television commercials which feature in their advertising promotions two of our country's most beloved and respected leaders, Presidents George Washington and Abraham Lincoln. The advertisements to which I refer were done in poor taste and make a mockery of these two great American statesmen.

I'm pleased the paper's editors had the courage and the sense to express their concern that commercial advertising should be conducted in good taste and with proper respect for history and our Nation's leaders.

The editorial follows:

[From the Merrick Life, Feb. 28, 1985]

CALL OFF THE CLOWNS

Stop making a clown out of George Washington and Abraham Lincoln. That is the feeling we'd like to express to TV commercial makers, after enduring the silly ones on view over the past weekend.

It is undignified for the father of his country, a patriot who fought many, long hard years to help bring this democracy into being, to be as demeaned as he is in those sales pitches for automobiles or other merchandise.

To have a figure in a false wig, supposedly George Washington, cavorting around among automobiles is undignified, and gives the younger generation some weird impression about a historical figure they are supposed to revere.

It is equally fallacious to take a clown in a tall hat and beard and indicate that he is President Lincoln advocating shopping at some discount store. The somber reality of Lincoln's life, and death are made a mockery of by such shenanigans.

It is perfectly all right to allude to the fact that February is the birth month of these great men. (Although the holidays, themselves, have been distorted in order to give a long weekend for vacationing or selling.)

But, it is not all right to have clowns dressed up like these commanding figures of our history and sent out to shill for a merchandiser.

How can we expect young people to have a real comprehension of the importance of these two presidents and their influence on the course of American history when they have visual impressions repeated over and over again on the graphic screen in their living room which make fools of heroes?

There are plenty of other ways to say and demonstrate that this is the time of the year that winter merchandise is put on sale.

The ingenuity of the producers of commercials has been well demonstrated. Then, why not drop this trite device, which is in such bad taste?

We'd like to say: "Cut it out!" Stop remaking history in your own pattern. Stop making something garish and silly out of what should be a dignified and informative reference to our nation's history.

If you agree, clip and send this to your favorite TV station or network.●

SAVING AMTRAK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. CONTE. Mr. Speaker, the administration's proposal to eliminate Federal funding for Amtrak, an action that would inevitably result in the elimination of passenger rail service in this country, is short-sighted at best.

Shutting down Amtrak would force some 20 million Amtrak passengers a year onto our already over-crowded highways and airports. Between New York and Washington alone, Amtrak carries over 2,700—or 23 percent—of the 11,500 daily New York to Washington air and rail passengers. My colleagues who use National Airport can imagine the consequences of an additional 986,000 passengers per year at that facility, and conditions at the New York airports are little better.

Eliminating Amtrak would also work a real hardship on many lower income and elderly Americans who cannot use alternative forms of transportation because of either cost considerations or physical infirmities.

A recent editorial in the Boston Globe makes several additional points in support of saving Amtrak, and I commend them to my colleagues' attention as we prepare to consider the fiscal year 1986 budget.

[From the Boston Globe, Feb. 28, 1985]

SAVING AMTRAK

The Amtrak rail passenger system was one of the achievements of the Nixon Administration. Under the leadership of former Massachusetts Gov. John Volpe, who was then Secretary of Transportation, the federal government took over passenger service from the railroads, which had found it a money loser.

The arrangement has worked well. After a difficult transition, Amtrak's employees and managers have cooperated admirably to hold down costs and improve service. Last year the system carried 20 million passengers.

The Reagan Administration proposes to shut down Amtrak to "save" $684 million in annual subsidies. There would be no savings for some years, since the government would have to pay more than $2 billion in severance to the 25,000 employees who would lose their jobs, and it would have to write off more than $3 billion in equipment and other assets.

It is misleading for the Administration to assert that Amtrak competes unfairly with unsubsidized rival forms of transportation. All modes of transportation are subsidized, directly or indirectly. Buses do not pay for the cost of the highways and streets that they travel. The government subsidizes airline by providing air traffic control.

Because air service is so much faster than rail service, Amtrak does not compete with the airlines for business passengers except on very short trips. The much higher price of air travel shows that business travelers would rather save time than money. The ordinary weekday fare between Boston and

New York is $25 for a five-hour trip on Amtrak compared to $65 for a 30-minute flight on the Eastern shuttle.

Amtrak, however, does compete with airlines for the business of low-income travelers of families with small children. It also competes with bus companies, which charge slightly less for a slightly faster trip. If it were to be put out of business, the bus lines would be free to raise their fares substantially, and low-income travelers would have no choice.

W. Graham Claytor Jr., the chairman of Amtrak, points out that it is the only form of transportation that could move large numbers of people in a national emergency, and that in many small communities, it is the only transportation. If it were abolished, the United States would be the only industrial nation without a rail passenger system. Claytor has promised to wage a battle to save Amtrak. He deserves public and congressional support.●

CONGRESS AND THE NATION'S VIEWS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 13, 1985, into the CONGRESSIONAL RECORD:

CONGRESS AND THE NATION'S VIEWS

Congress can be criticized for failing to do enough to achieve many important goals, but there is one thing that it always strives to do: represent the American people. It may not lead them, but it does try hard to reflect their opinions. This characteristic of Congress is illustrated by the manner in which Congress has dealt with the role of government in society, one of the fundamental issues of our time.

Widespread disillusionment was the most prominent feature of the public's opinion of government during the 1970s. In the popular mind, Washington's efforts to handle the problems of the day were regarded as ineffective. Government was blamed for inflation and a host of other ills. Such sentiment played a major part in the election of Jimmy Carter and Ronald Reagan, both of whom ran successful anti-government campaigns.

These anti-government feelings tend to be strongest in the abstract. Ask most people, and they will tell you that government, far from being a part of the answer, is part of the problem. Almost everyone would agree that government has become too powerful in certain respects, that spending should be cut, and that regulation must be curtailed. It is safe to say that people today have less faith in government as the means to stimulate the economy and promote the general welfare. They are just less convinced than they were twenty years ago that government is the best instrument for solving economic and social problems. On specific issues, however, the consensus against government weakens. Spending for social security and education, and regulation to protect the environment and public health, have always enjoyed solid support. Even after Mr. Reagan's first term, during which he frequently attacked government, support for many individual programs has remained at an all-time high.

Of course, it is possible to overstate these anti-government feelings. On social policy, Americans tolerate diversity and support personal rights except when there is an overriding concern, as in the case of crime. On economic policy, Americans are suspicious of excessive interference and favor laissez faire, but they also approve of the pragmatic use of government power in a variety of circumstances to boost or dampen the economy and solve particular problems.

How have such notions about the role of government been translated into public policy?

Health Care: Not long ago the debate in Washington focussed on the expression of government spending for and involvement in health care. Today, policy makers, with an eye on huge budget deficits, want to know how to spend and regulate less. In the 1970s Washington emphasized national health care insurance and the right of health care for every person. Today, health care is viewed as an expensive commodity that might have to be rationed, and there is a growing interest in private competition as a means of driving health care costs down.

Welfare Reform: A few years ago welfare reform was high on the national agenda. Several Presidents sent Congress elaborate proposals restructuring welfare. The plan in the 1970s was to replace the patchwork of federal, state, and lcoal welfare initiatives with a guaranteed annual income for the poor. Today, welfare reform is hardly ever mentioned. We do not hear much about a guaranteed annual income, and everyone admits that there are only very limited additional resources to be committed to a resolution of the welfare mess. Whether in the form envisioned in the 1970s or as block grants run by the states, welfare reform has been put on the back burner.

Energy Policy: Energy policy was one of the hottest items before Congress in the late 1970s. Presidents talked about "Project Independence" and "the moral equivalent of war." Policy makers wracked their brains trying to figure out what to do to keep the wheels of commerce moving in a world short of oil. Today, however, oil markets are serving us much better, and we have put off for tomorrow any thought about the steps that we will take when the wells run dry. No one believes that the energy crisis was solved; it is just that there is much greater faith that we can produce or conserve our way out of trouble without the help of government. Energy policy is now a topic of discussion only among the experts.

Education Policy: National education policy recently has moved away from its traditional preoccupation with the twin goals of equity and quality. It is focussing more on issues of quality, less on issues of equity. Policy makers are not asking which youngsters are being educated, but rather how well youngsters are being educated. Because Americans generally have depended on Washington to concern itself with equity while state and local governments concerned themselves with quality, the shift in focus at the national level means that Washington's role in education is receding.

Environmental Protection: When it comes to protecting the environment, public policy seems to be running against the anti-government trend so apparent in other areas. The public is steadfast in support of government's doing more to keep the environment clean. The grossest abuses of an earlier day no longer threaten, progress has been made in removing pollutants from the air, and surface water pollution has abated. Nonetheless, people know that more complex problems have emerged. Perhaps the most formidable today is that posed by toxic waste pollution. People want forceful government action to correct the problem, and Congress has responded by trying to strengthen the "Superfund" despite presidential opposition. Washington will look for new ways to protect the environment in the years ahead. Water quality and availability are sure to be major challenges.

I would say that Congress in recent decades has pushed government in the general direction desired by the public. Expanding government activity in the 1950s and 1960s was followed by retrenchment in the 1970s and 1980s. Whatever Congress's shortcomings, it has represented the people in these broad movements of public policy.●

MSGR. JOHN PATRICK CARROLL-ABBING

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ADDABBO. Mr. Speaker, I would like to bring to the attention of my colleagues, the accomplishments of Msgr. John Patrick Carroll-Abbing. Monsignor Carroll-Abbing is the president and founder of Boys' Town in Rome, Italy, which this year is celebrating its 40th anniversary.

Because of his long record of accomplishments in the area of child welfare, I'm sure his achievements will be of interest to this body.

Msgr. John Patrick Carroll-Abbing was recently selected as the recipient of the Foreign Press Association's first World Humanitarian Award. The award, presented by the 400-member organization representing foreign correspondents based in the United States, is given to single out an individual whose deeds and words have had a major impact in the field of human rights and service to humanity. In announcing their selection, the Foreign Press Association stated that Monsignor Carroll-Abbing fulfills these criteria to the highest degree.

The monsignor has had a long career of service to humanity and children in particular. A native of Dublin, Ireland, he began his service to the Vatican in 1938. He first distinguished himself for his work on behalf of the persecuted during World War II. Under the Nazi occupation he became a leader in the resistance movement and was decorated on the day of liberation with the Silver Medal for Military Valor on the Field of Battle. The King of Italy made him a grand officer in the Order of Saints Maurice and Lazarus and a grand officer in the Order of the Crown of Italy. He was also awarded the Grand Cross, the highest decoration conferred by the Order of Malta.

After the war, Monsignor Carroll-Abbing asked Pope Pius XII for per-

mission to dedicate himself exclusively to the service of homeless children. In August 1945, he founded his first Childrens' Village, which later became known as Boys' Town of Italy. Today there are nine Boys' Communities and one Girls' Town on five continents. violence, hunger, and abandonment is a simple one: love, respect, and trust. Educators from all over the world have marveled at the way in which youngsters between the ages of 10 and 19, accept the responsibilities of organizing and running their own community life.

In the words of the monsignor himself:

Everyone today speaks of the need for training young people in responsibility. How can this be done by giving them actual concrete responsibilities, with all that this involves, the possibility of making mistakes.

Monsignor Carroll-Abbing's activities have not been limited simply to Boys' Towns. He has headed disaster relief programs and peace missions to war-torn countries. He has earned worldwide recognition for his understanding of the problems of violence, drugs, spiritual and moral disorientation that afflict so many young people today and as a courageous spokesman on their behalf.

Over the past 40 years, the monsignor's travels on behalf of children have taken him to many troubled parts of the globe. His lifelong mission for young people has lead him to India, Bangladesh, Cambodia, Southeast Asia, the Philippines, Africa, South America and most recently, Lebanon.

Monsignor Carroll-Abbing is also the founder of an International Study Center on Teenage Problems. Founded in the early 1960's, the center has studied the causes and effects of youthful unrest all over the world.

Recently, a peace monument in the monsignor's honor was dedicated at Boys' Town of Rome by Cardinal Agostino Casaroli, Secretary of State to Pope John Paul II. Cardinal Casaroli hailed him for 40 years of unbelievable sacrifices, of unremitting toil, but an incredible harvest of love. It has also lead to unrestrained optimism for the future on Monsignor Carroll-Abbing's part. "Never have I seen greater potentialities in youth than in the teenagers of today."●

COMPASSIONATE PAIN RELIEF ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. WAXMAN. Mr. Speaker, on behalf of myself and Mr. HUGHES and 20 of our colleagues, I am pleased to introduce H.R. 1597, the "Compassionate Pain Relief Act."

The legislation requires the Secretary of Health and Human Services to establish a temporary, 4-year research program through which the drug heroin would be made available for the treatment of terminally ill cancer patients suffering intractable pain. The drug would be provided through a limited number of hospital pharmacies upon the written prescription of a licensed physician. The program is limited in scope and will require individual registration of participating hospitals and physicians.

Each year the Federal Government seizes hundreds of pounds of heroin illegally smuggled into this country. This legislation would permit the Secretary to use a small portion of this contraband for a compassionate and humane program.

Heroin has a negative connotation in this country—and it should. It has wreaked havoc upon our cities and has cost the lives of thousands of our young people. I know this to be true. The Subcommittee on Health and the Environment has created programs providing billions in Federal aid to assist in the treatment and rehabilitation or these drug abuse victims.

H.R. 1597 has nothing to do with heroin the street drug. It has everything to do with the treatment of intractable pain. It has everything to do with assuring that nothing is held back from physicians which might aid them in relieving the suffering of their dying patients.

The American Cancer Society estimates that over 800,000 Americans will die of cancer this year. Cancer is the second leading cause of death and the illness most feared by the public.

As many as 50 percent of cancer patients will experience severe, intractable pain during the course of their illness—often during the last days and weeks of life. For many the pain of cancer is so severe, and their physical condition so deteriorated, that powerful narcotic painkillers must be administered by injection.

Heroin is one of the most powerful painkillers known to medical science. In testimony before our subcommittee there was unanimous consensus that heroin was a safe and effective medication for the treatment of severe pain. In fact, former Assistant Secretary for Health Edward N. Brandt wrote in the August 23 issue of the New England Journal of Medicine that "there is no dispute over heroin's ability to help control pain."

Research at the Georgetown Medical Center, funded by the National Cancer Institute, concluded that heroin is highly effective in the control of cancer pain and no more addicting than other painkillers like morphine or dilaudid. This research revealed that heroin is 2½ times more potent than morphine.

While not legally available in the United States, heroin is widely used in England in the treatment of cancer pain. The British Home Office has informed the Subcommittee on Health and the Environment that the use of heroin in the treatment of pain has grown significantly in recent years.

U.S. policy toward heroin developed in the 1920's when Congress prohibited its use in medicine. It was thought that the drug was more addicting than other painkillers and that its availability in medicine was the cause of street abuse. Today we know prohibiting heroin's therapeutic use has had little effect on the incidence of abuse. Yet these restrictions have impacted harshly upon those cancer patients who might benefit from the use of heroin in the treatment of intractable pain.

Several additional points should be made about this legislation.

First, H.R. 1597 would not legalize heroin. Distribution or possession of heroin outside the limited, carefully controlled scope of this program would continue to constitute a violation of the Federal Controlled Substances Act. Violators would be subject to maximum penalties of 15 years imprisonment and a $250,000 fine.

Second, heroin provided through this program will be available in only a limited number of hospitals and only if the hospital requests to participate in the program. Individual hospitals, physicians, or patients are not required to participate. Participation is strictly voluntary.

Third, physicians would only be permitted to prescribe heroin if conventional analgesics had been tried and were found to be ineffective in relieving a patient's pain.

Fourth, stringent safeguards have been built into this program. A series of provisions have been included that prevent the possibility of illegal diversion. Oral dosages are prohibited. The drug is prohibited from being dispensed through retail or community pharmacies. Participating hospitals and physicians must be registered with the Food and Drug Administration. The General Accounting Office is charged with monitoring administration of the program. The program sunsets at the end of 4 years.

Fifth, no one should assume that heroin is a wonder drug or that passage of H.R. 1597 will eliminate very real deficiencies that exist in clinical knowledge about pain management. Drugs like morphine or dilaudid may be the analgesic of choice for most cancer patients. Yet for a few—perhaps only one out of a thousand—heroin may offer benefits not available with conventional medications.

A basic but little understood fact of medicine is that patients respond differently to medications. We encourage

the availability of a variety of medications to permit physicians to tailor a course of treatment which is most effective in a given patient.

Finally, there is nothing unprecedented about the program established by this bill. Provisions were included to assure the active involvement of the Food and Drug Administration in assuring the safety and effectiveness of the drug's formulation. In fact, the legislation is modeled after an existing Federal program which provides therapeutic dosages of THC—the active ingredient of marijuana—to physicians for prescription to cancer patients suffering nausea due to chemotherapy. The purity of THC is carefully controlled and its distribution is limited to a small number of hospitals.

Mr. Speaker, last year a similar version of this legislation was defeated in the House. I believe the prospects for enacting the legislation this year have improved.

There is broad bipartisan support for the legislation. There is greater awareness on the part of Members that the legislation is a temporary measure carefully limited in scope to the treatment of intractable pain due to terminal cancer.

In addition, legitimate concerns over the effect of the legislation on law enforcement activities have been addressed. In this regard I want to express my personal thanks to Representative BILL HUGHES of New Jersey, chairman of the Judiciary Subcommittee on Crime, for assisting in the drafting of this new bill and for joining as the principal cosponsor of this legislation. Chairman HUGHES' support is clear evidence of his sensitivity and compassion for terminally ill patients and their families.●

A TRIBUTE TO FATHER FRANCIS DOBRYDNIO

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. KANJORSKI. Mr. Speaker, it is with great pride that I call attention to a member of our community who has selflessly given of himself for the good of the unfortunate in the world. Father Francis Dobrydnio has served his community for more than 40 years and after all this time, he still has within him the desire to do more.

Father Dobrydnio travelled this year at his own expense to Calcutta, to meet Mother Teresa, "The Saint of the Slums." There, he not only shared in her compassion and caring, he also made a most generous contribution to her vital work for the poor. Father Dobrydnio's donation of $20,000 is an example of concern for the less-fortunate that epitomizes many in our community.

Mr. Speaker, I am proud of the spirit and commitment shown by Father Dobrydnio, and I commend his deeds to the attention of my colleagues and their constituents. I would like to call your attention to an article which appeared in the Hazleton Standard-Speaker which explains in greater detail the accomplishments of this generous man.

A PRIEST'S ODYSSEY

$20,000 GIFT TO MOTHER TERESA LEAVES HAZLETON CLERIC RICHER

(By Ed Conrad)

The Rev. Francis A. Dobrydnio proudly used to boast of two unfortettable events in his life: the day he was ordained a priest and the day he was in Vatican City for the coronation of Pope John Paul II, the first Polish pontiff.

Now he has a third.

Dobrydnio recently returned from Calcutta, India, where he spent five days in close company with Mother Teresa, known affectionately as "The Saint of the Slums" and the winner of the Nobel Peace Prize for her lifelong efforts on behalf of the destitute and downtrodden.

While there, Rev. Dobrydnio contributed $20,000—from his matured term life insurance policy—to Mother Teresa to use as she sees fit to continue her labor of love for all mankind.

"I came back from Calcutta the richest poor man in the world," he said. "I'm grateful to God for giving me the opportunity to meet her and spend so many hours at her side."

That he did has to rank as one of the greatest pleasures of his entire life for the 69-year-old Hazleton native, who has been a priest for 41 years and currently serves as pastor of St. Stanislaus R.C. Church.

"I have always mentioned during my sermons in church that there are two persons I most admire on this earth," he said. "One is the Holy Father and the other is Mother Teresa."

He explained that he has long admired Pope John Paul II because "of the work he does in unifying the church" and that he has long admired Mother Teresa "because of her unselfish devotion to her fellow man."

He said when he learned Karol Wojtyla had been elected pontiff by the College of Cardinals in 1978, he felt at first it could not possibly be true. But, later, when he knew it had actually happened, he said he immediately realized the significance of his election to head the worldwide Roman Catholic church.

"After all, he not only was the first Pole ever elected Pope," said Dobrydnio, whose parish is largely Polish. "But he also broke a 400-year tradition of having Italians elected Pope. It was an occasion of (significant) historical fact."

This explains why he immediately phoned a local travel agency and made arrangements to fly to Rome. And, when he arrived in Vatican City with the specific purpose of just standing in the crowd in St. Peter's Square to see the pontiff from a distance, one thing led to another and he wound up attending the pope's first Mass inside St. Peter's Cathedral.

Then, against high odds, he was given the opportunity to sit among ambassadors during a reception afterward. he had a chance to kiss the pope's ring, chat momentarily with the new pontiff and inform him—in Polish—that he had come all the way from America for the occasion.

The visist with Mother Teresa, 74, shared an almost similar beginning.

Dobrydnio said that, although he has long admired the founder of the order of nuns known as "The Missionaries of Christian Charity," for some strange reason Mother Teresa and her cause suddenly occupied a great deal of his thoughts during the month of December.

Finally the cleric made a decision to fly to Calcutta with the hope of meeting her.

A few weeks ago he made the 10,000-mile trip which took 18 hours by air: From the United States to Frankfurt, Germany; to Saudi Arabia; to Bombay, India; and, finally, the final leg to Calcutta, where Mother Teresa had started her sisterhood and still calls "home."

But, even while airborne, Dobrydnio had doubts whether he would even get the opportunity to meet with her. He had learned she was in Ethiopia where she and members of her religious order had set up facilities for feeding 10,000 starving people and tending to their medical needs as best they could.

"After I got settled in the hotel, I went down to the lobby and asked one of the hotel employees if they could help me find a certain person," Father Dobrydnio recalled. "I was asked: 'Who?'

"That's when I mentioned Mother Teresa's name, and I was told I should make some telephone calls to (the eight or nine) homes of the Missionaries of Christian Charity.

"I phoned the first one and explained that I was a priest from America and wanted to meet with Mother Teresa. I was told I should call a different number (the home where she normally would be residing).

Father Dobrydnio called the second number and, after explaining his situation, received information that sort of left him breathless. He was told that Mother Teresa was indeed in Ethiopia.

"At that moment, I was thinking: "I've just traveled 10,000 miles and I won't even be able to see her."

But a nun on the other end of the line offered some encouraging news.

"She told me that she understood that Mother Teresa may be returning from Ethiopia either today or tomorrow," said Dobrydnio, who recalled that his pessimism had vanished.

He said he then asked if it were possible for him to go there the next morning and celebrate Mass.

The nun said it indeed would be possible, and she gave him the address.

Dobrydnio arrived at the charity home before the sunrise the next morning and soon found himself celebrating Mass in front of approximately 400 nuns.

During his brief sermon, he explained who he was, where he was from and what the purpose of his visit was: To meet Mother Teresa, whom he greatly admires.

"Actually, during the Homily, I mentioned that there are three big events in my life: (1) Celebrating my first Mass as a newly ordained priest; (2) Being present for Pope John Paul II's first Mass; and (3) Seeing Mother Teresa.

"Of course, I quickly added that the first two events already had happened, and it was only the third that hadn't. I expressed regrets that, perhaps, I would never get the opportunity to meet the founder of their order.

"With that," Father Dobrydnio remembered, "there was the sound of laughter in the church. It seemed as though every one of the 400 nuns—more nuns than I have ever seen at one place in my entire life—all had something they were chuckling over—and I didn't know why."

Dobrydnio returned to the altar and continued with the celebration of the Mass until it was time for him to distribute Holy Communion.

He said he noticed that almost every nun in the church—of all colors—had risen to walk in orderly fashion to the front of the church to receive the sacrament from the American visitor.

"As I looked out, I saw that the vast majority were young and vibrant," he said. "But then I realized that the very first nun in line—a very tiny woman—was a lot older than the rest.

"He admitted putting two and two together and wondering: 'Uh, oh'." He had a strange feeling that this particular nun was someone very special.

"When she arrived to receive Holy Communion, I bent my head a bit and whispered: 'Are you who I think you are? Are you Mother Teresa?' the nun smiled and answered, 'Yes!'."

That was the humble beginning of their relationship which grew and grew over the next five years.

After Mass, Father Dobrydnio formally met Mother Teresa and he says he will never forget that she carried his breakfast to his table. It was the start of a beautiful friendship.

As the days passed, Mother Teresa discussed her mission in life with the Hazleton priest and even took him along as she visited various homes throughout the bast and improverished city. He was at her side as she helped feed unwanted babies, as she helped administer medicine to the sick and crippled, as she offered words of hope to those who, not too long previously, had lost all hope.

Dobrydnio said, no matter which facility they were in, a large sign on a war in each room reminded the Missionaries of Christian Charity of their sole objective for being a part of the order:

"TOUCH THE DYING"

"Mother Teresa told me that the worst kind of death is not from cancer and is not from tuberculosis," said Father Dobrydnio. "She told me the worst possible kind of death is dying unwanted and unloved.

"She explained that this is one of their main concerns: That nobody (in their care) dies unwanted or unloved.

"She told me they must be touched. They must be held. They have to feel that someone loves them."

Dobrydnio then recounted a bit of Mother Teresa's most remarkable story following her arrival in India from Albania, her native land, as a teacher. She hadn't been in the world most populous country very long before she realized the monumental work that had to be done for the poor and destitute because terrible poverty and widespread disease surrounded her on all sides.

He said she soon realized, simply by walking around the city, that the vast majority of people were so poor that they didn't even have roofs over their heads. Their entire lives were spent in the filthy streets.

Dobrydnio said disease was rampant because of the absence of proper sewage facilities.

"If they weren't dying from sickness, some were dying after being attacked by rats," he said.

Eventually, Mother Teresa established the Missionaries of Christian Charity and their work has spread like wildfire throughout the poorer nations of the world. Members of the order are now laboring in 67 different countries.

The noble charity work of Mother Teresa and her nuns has not gone unnoticed. Normally, the winner of the Nobel Peace Prize goes to a diplomat who may have contributed a giant stride toward peace in a given year.

But, back in 1979, the Norwegian selection committee shocked the world by awarding the coveted award to Mother Teresa on behalf of her most wonderful labor on behalf of the downtrodden of the world.

She also received numerous other distinguished awards for her charity work, including the Albert Schweitzer Award, the Kennedy Prize, the Good Samaritan Award, a United Nations award and, perhaps best of all to size up the scope of her compassion, the Nehru Award.

The Nehru Award had always been presented to a native of India but those who decide on the recipient were in awe of Mother Teresa's lengthy crusade and made her a special exception by honoring her with the prestigious prize.

However, an incident which occurred in Stockholm when she received the Nobel Prize is worth retelling more than anything else which occurred at any of the other award presentations.

On Dec. 10, 1979, Mother Teresa, wearing her $1 cotton dress, stood before the Swedish king in a hall filled with diplomats and received the prize.

In her acceptance speech, she said "the greatest destroyer of peace today is abortion."

"You fight abortion by adoption," she added, "Doing it that way, you save thousands of lives."

After the ceremony, one of the diplomats present told her a lot of people present at the ceremony did not appreciate what she had said about abortion.

Mother Teresa simply pointed to the inscription on the Nobel Prize (a plaque) she had just been given and replied: "They gave me this prize because of what I do . . . I *SAVE* lives."

Because of this incident, Mother Teresa told Dobrydnio, she promised to never again appear at any ceremony honoring her or her work.

Perhaps the highlight of the entire trip was the contribution which Dobrydnio made to Mother Teresa and the Missionaries of Christian Charity.

"When I was ordained in 1943, I had purchased an insurance policy and it had matured," he explained. "When it did, I had the money set aside and I vowed that I would use it someday to help someone in need.

"This was the place: Calcutta. This was the person: Mother Teresa. This was the work: helping those in dire need," he explained.

Dobrydnio, near the end of his five-day stay in Calcutta, aroused Mother Teresa's curiosity when he called her aside and told her he had something to give her.

"When she looked at the amount on the check—$20,000—she actually shed tears of joy," he recalled. She looked at me and said: "Do you realize how much food this will buy for the babies and how much medicine it will buy for the sick?"

Father Dobrydnio smiled and told her there was only one "catch" to his donation. He said he would like if she would endorse it right in front of him. She promptly obliged.

"I'm expecting that cancelled check back any day now," he said.

Father Dobrydnio explained that, because it will bear her signature since she had signed it in his presence, it will become a treasured memento of his truly unforgettable visit with "The Saint of the Slums".●

FIRST THINGS FIRST CREDIT ACT OF 1985

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, the First Things First Credit Act of 1985, which I am introducing today, would amend the Internal Revenue Code to deny any deduction for interest paid or incurred on loans in connection with certain corporate takeovers or acquisitions. I believe this measure is necessary because large U.S. corporations are cornering billions of dollars of our Nation's scare credit to finance their takeover schemes.

Last year Chevron Corp. borrowed $12 billion to acquire Gulf Oil. Chevron is paying $20 million a month interest on that debt. I wonder whether any corporation would be as willing to pay that enormous amount of interest if our Tax Code did not allow it to write off the interest expense against its revenues when calculating taxable corporate income. Also, is this a productive use of scarce credit? Does it create new wealth and new jobs? I don't think so.

I think our corporate income tax laws have motivated much of the takeover epidemic affecting corporations today. And, according to an article in the Washington Post on January 13, 1985, merger experts expect the torrid pace of takeover activity to continue in 1985. Some 45 mergers, each worth more than $1 billion, have taken place since 1981, compared with only a dozen in the 12 previous years combined and, during the first 9 months of last year, the value of reported mergers totaled $103.2 billion, almost twice the $53.3 billion value of mergers reported in the first 9 months of 1983 and $20.6 billion more than the old record for an entire year set in 1981.

I am not trying to prevent corporate takeovers. But, I object to having the American taxpayer finance these corporate schemes through interest deductions for takeover sprees. And, I am concerned that credit, which might otherwise be available for loans to farmers, small businesses, home buyers, and others is being guzzled up by large corporations to finance these takeovers.

My bill will deny the interest deduction only to those corporations with gross receipts of $250 million in the taxable year preceding the year in which the merger or tender for merger occurs. In that way, mergers between smaller companies, for which there might be defensible business reasons, will not be penalized. However, for America's largest corporations eager to become even larger through takeovers, my bill's message is they can pay for their takeover activities themselves with no help from Uncle Sam.

I believe this bill will slow down the torrid pace of corporate takeover activity. It will make more credit available for our farmers and small businesses. It will help to stop the drain of capital away from productive investment. It will help American business keep its mind on productivity rather than on tax deductions.●

ST. PATRICK'S DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. RODINO. Mr. Speaker, America has often been called a nation of many nations. But in the rush of daily life, we often overlook the fact that our national identity is, in fact, a composite of contributions from virtually every nationality and ethnic group in the world.

On St. Patrick's Day, March 17, Americans of all backgrounds become honorary Irish. It is a day, indeed, to come together to celebrate the unique spirit of the Irish, whose proud participation in American life has immeasurably enriched the civic, social, cultural, and commercial institutions of our Nation.

In this spirit, I am honored to join with thousands of New Jersey residents on Sunday, March 17, for the historic 50th anniversary of the Newark St. Patrick's Day Parade. The parade, coordinated as in previous years by the St. Patrick's Day Parade Committee of Newark, is the oldest and largest in the State. The grand marshal of the parade will be Peter J. Smith. Ann White will be deputy grand marshal. Serving as the general chairman of Newark's St. Patrick's Day Parade Committee is Thomas P. Giblin. Seventy-five organizations have pledged their participation.

Events like this do not come about because of the luck of the Irish. They take hard work and many hours of commitment. Among the dedicated officers of the parade committee who have organized this event are Rose Riley and J. Brendan Vesey, both vice chairs of the parade committee, James McCarty, Helen M. Washington, John Kenny, Gerald Lenihan, Terrence O'Reilly, Mary Vesey, Edward Glen, Paul Hopkins, James Hunter, Michael Miggins, Ann White, Thomas McCormack, Eugene Byrne, Michael Farrell, Denis Lenihan, the committee's historian, and Rev. Msgr. John J. Maloney, the chaplain. Many other members of the committee contributed valuable time and energy.

The Newark St. Patrick's Day Parade, like the many other parades and activities taking place throughout the Nation, offers us all an opportunity to recognize the special way that citizens of Irish heritage have contributed to our country.

In many ways, the Irish experience in America has been synonymous with our Nation's growth and development. The Kennedy family galvanized American politics. George Meany exemplified American labor. Eugene O'Neill shaped American drama. George M. Cohan enlivened Broadway. And Louis Sullivan pioneered America's architectural tradition.

Like many other immigrant groups, the Irish came to America seeking opportunity and fleeing misfortune. In the 19th century, many Irish immigrants toiled hard building the railroads that linked the coasts of our growing land. Others worked the mines and factories. And they often had to fight nativist mobs that brandished anti-Irish, anti-Catholic slogans.

But these early Irish-Americans prevailed because of their faith in the American dream, and the strength of conviction, love of liberty, and spiritual resourcefulness that they brought with them from the Emerald Island.

As the patron saint of Ireland, St. Patrick has become a symbol of the Irish people—and for good reason. For his message was one of peace and justice, of faith and religion, of learning and commitment. When he arrived as a Christian missionary on the shores of Ireland over 1,500 years ago, he inspired a deep spiritual reverence in the people that can still be seen in the churches he built and the arts and letters that, to this day, continue to flourish.

Mr. Speaker, it is important to remember on this St. Patrick's Day that St. Patrick is revered by all the Irish people, regardless of creed or religion. Sadly, however, areas of St. Patrick's beloved Ireland are suffering from a protracted, heartbreaking conflict. So as we celebrate St. Patrick's Day, let us also hope for the restoration of peace, brotherhood and justice to the people of Ireland. This would be a fitting tribute to the memory of Ireland's patron saint.●

TRIBUTE TO MAMA HOWARD OF BERKELEY, CA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DELLUMS. Mr. Speaker, I offer on this day of March 19, 1985, this statement in tribute to Mrs. Mable D. Howard.

Mrs. Mable D. Howard is 80 years young and has become a legend in her own time. She is the mother of 10 children and is affectionately called Mama Howard by thousands of bay area residents.

Mama, a Berkeley resident, was born in Bay City, TX, on February 3, 1905. She has been a stalwart in bay area politics for over 40 years.

Mama has worked to help many of her favorite political candidates obtain office. She has also fought for issues and causes in which she believes. In the late 1960's Mama Howard was successful in her instigation of plans to have the BART system put underground in South Berkeley. She was quoted in the Oakland Post as saying:

> I would not stand by and allow them to uproot the Black neighborhood, destroy homes, displace families, create excess noise and destroy the beauty of our community; I got to work.

She has been active in other community activities including:

The Consumers Cooperative of Berkeley.

The Harriet Tubman Club.

The Board of Directors of Economic Opportunity.

Organization of Berkeley.

The Target Area Council of the Edith M. Austin Skills Center.

Board of Directors of Model Cities.

Board of Directors of Senior Citizens of Berkeley.

South Berkeley Development Council.

1948 Blue Ribbon Committee of Berkeley.

ILWU Local 10 Widows Auxiliary.

Mama Howard has received many honors and awards. She has been chosen Mother of the Year several times and has been considered as "Mother" to many San Quentin and Folsom inmates. As a member of the Church of God in Christ, she not only visited the inmates, but also counseled and prayed with them even on death row. In addition, she received an Honorary Doctor of Humane Letter Award from the Center for Urban Black Studies, the National Volunteers Award in 1972, the San Francisco Board of Supervisors Certificate of Honor Award in appreciation of public recognition of distinction and merit, the BWOPA's Ella Hill Hutch Award for outstanding political leadership and service, and many more.

Mama once said:

The best that we can do with our lives is share it with others and as long as I have breath in my body to help those who need it, I shall find myself doing so. I feel such a burden for my people that if I could, I would put my arms around the whole world to make sure that they all should know the warm joy of being loved and cared for.●

TRIBUTE TO MR. ROBERT C. WETHERELL, JR.

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. WAXMAN. Mr. Speaker, Mr. MADIGAN and I understand that Robert C. Wetherell, Jr., who has served with great distinction as FDA's Associate Commissioner for Legislation and Information, plans to leave his post soon to become head of FDA's Northeast Shellfish Technical Unit in Rhode Island. All of us in Congress who have had the pleasure to deal with Bob Wetherell over the years will miss him very much.

A thorough professional who always took a bipartisan approach in his relations with Congress, Mr. Wetherell has served as FDA's chief legislative officer for the last 16 years. In 1969, he became Deputy Director, Office of Legislative Services, and in 1974 was appointed Director of that office. In 1978, he was promoted to Associate Commissioner for Legislative Affairs, and in 1982 to the much larger job of Associate Commissioner for Legislation and Information.

Mr. Wetherell has received a number of major awards for his excellent service at FDA. In 1975, he received the FDA Commendable Service Award for sustained and devoted service to the Food and Drug Administration through his many contributions to the Office of Legislative Services. In 1983, he received the FDA Award of Merit for extraordinary effectiveness and leadership in directing, developing, and coordinating the agency's legislative liaison and public information activities, and in 1984, the Public Health Service presented him with a Superior Service Award for exemplary skill and leadership in directing, executing, and coordinating both FDA's legislative liaison and public information activities.

On behalf of Mr. MADIGAN and myself and the many Members and staff of the House of Representatives who have worked with Bob Wetherell over the years, we want to extend our best wishes for his continued success.●

QUESTIONS FOR EGYPTIAN PRESIDENT MUBARAK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LANTOS. Mr. Speaker, the President of Egypt, Hosni Mubarak, visited our country last week. The recent contacts and the flurry of messengers between Cairo and Jerusalem in past weeks created a favorable atmosphere for the visit.

In an analytical and perceptive article, Charles Krauthammer cuts through the smokescreen of rhetoric surrounding the current peace initiative in the Middle East. I commend to my colleagues Krauthammer's perceptive article published in the Washington Post on March 8, on the eve of Mr. Mubarak's visit.

(By Charles Krauthammer)

FOUR QUESTIONS FOR PRESIDENT MUBARAK

In the last few weeks, Egypt has been all diplomatic motion, sending secret envoys to Israel and throwing up a variety of peace proposals. Israeli officials, starved for any hint of warmth from Egypt, are required to give any Egyptian gesture the benefit of the doubt. Americans, who are not so desperate, need not be so diplomatic. As partners to Camp David, they have a right to ask questions. The first is: Could there be a connection between this sudden peace offensive and President Mubarak's arrival tomorrow in Washington?

Mubarak comes to Washington to ask for $3.15 billion, plus forgiveness of unpaid interest on Egypt's $4.5 billion military debt. But he will have to mollify Congress, which is in no mood to grant him the money. That is because American largess was our part of the deal at Camp David. For its part, Egypt promised the United States two things: strategic cooperation with the United States and normal relations with Israel.

Congress will ask Question 2: What has happened to strategic cooperation? Its symbol was to be the Ras Banas naval base in southeastern Egypt. Sadat had promised President Carter military facilities at Ras Banas. The United States envisioned it as a staging ground for the Rapid Deployment Force. Mubarak scrapped the whole project. The reason is not sinister. Mubarak simply does not want to be closely associated with the United States, both for domestic and Third World reasons. As Prime Minister Kamal Hassan Ali once said, "We take weapons from the United States, but we are not aligned to the United States." How nonaligned? The United States asked Egypt to allow a Voice of America transmitter on its soil. Mubarak said no even to that. (It will be placed in Israel instead). Fair enough. Egypt is, as we say here, a free country. But if no quid, why our $3 billion quo?

The other half of the Camp David bargain was to be this: Israel gives up Sinai, a buffer zone three times its own size and its only source of oil; Egypt gives normal relations (the verb is strange, but so is the deal) and sends an ambassador to Tel Aviv. Question 3: How are relations and where is the ambassador?

Answer: The ambassador was recalled to Egypt over two years ago, and cultural, commercial and scientific agreements are nearly frozen. As Butros Ghali, Egypt's minister of state for foreign affairs, put it, relations are in a state of "cold peace."

Now, when the United States sponsored Camp David, it did not press Israel to give up all of Sinai for non-belligerency. Israel already has non-belligerency. That was guaranteed not only by the Sinai II disengagement accord of 1975, but by the preponderance of Israel's deterrent power. Israel gave up Sinai for normal relations. Not for the material benefits such relations would bring—they are hardly worth a tenth of the lost oil revenues alone—but because the example of open, routine commerce between Egyptian and Jew might persuade other Arabs to seek coexistence with Israel.

Egypt blames cold peace on the Lebanon war. However convenient an excuse that may once have been—in fact, the freezing of relations began long before Lebanon and accelerated with the Sadat assassination—it rings false now. Israel, under a Labor Prime Minister, is leaving Lebanon. (Likud committed Israel to withdrawing as far back as May 1983, in the treaty negotiated by Secretary of State George Shultz.) Furthermore, Shimon Peres is open to compromise on the West Bank, another "warming" condition recently created by Mubarak.

Well, says Egypt, Israel is still illegally holding Taba. Taba is a dot on the map. In fact, it is in dispute because, when the map was drawn in 1906, the lines were drawn in pencil. All of Taba lies under the width of the pencil mark! Suppose Taba did belong to Egypt. Israel gave up 61,000 square kilometers in Sinai. Taba is less than one.

For returning 99.99 percent of the land, what has Israel gotten? Israel has an embassy in Cairo with an Israeli flag flying over it. But the Israeli mission is totally ostracized by Egyptian society. The ghettoized Israeli Embassy in Cairo mirrors precisely the position of the Israeli state in the larger Arab world: an alien presence in quarantine. If that is what Israel gets for Camp David, then, in fairness, it should have given up Taba and kept the rest of Sinai.

We are now in the midst of a mini peace enthusiasm. The Mubarak peace offensive, however, is unusually empty, even by Middle East standards. Next week he will ask the United States to start a "peace process" by negotiating with a Jordanian-PLO delegation. This is a transparent attempt to get the United States to deal with the PLO, without the PLO's renouncing terror and recognizing Israel (America's longstanding condition for such talks). It is also a way to get Hussein off the hook of direct talks with Israel.

If the "process" is nothing more than maneuver, what of the "peace"? The peace everyone will be talking about next week is ultimately to be brought about, all will agree, by the "land for peace" formula. Well, land for peace is not just theory. It now has a history. That history—Camp David—suggests a final question, not only for Mubarak but for others eager to press Israel into new and riskier concessions: We can all see the land. Mubarak has Sinai. Where is the peace?●

"IRISHMAN OF THE YEAR:" JUDGE EDWARD J. BLAKE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to the Honorable Edward J. Blake, who will be named "Irishman of the Year" by the Irish Society of Philadelphia at their annual banquet on March 30, 1985.

Mr. Blake is in his 14th year of distinguished service as a judge of the Philadelphia Court of Common Pleas. He is a lifelong Philadelphian, a graduate of St. Joseph's University and the University of Pennsylvania Law School. Before he came to the bench, he served capably as a court administrator. He has been a leader in his community, tirelessly assisting charities and schools.

The Irish Society of Philadelphia has appropriately chosen to honor Judge Blake. I am happy to be able to join with them in honoring him for his renowned career of service to our city.●

ST. FRANCIS RESIDENCE HONORED FOR AIDING THE HOMELESS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GREEN. Mr. Speaker, as we all know, the plight of the homeless, particularly the homeless mentally ill, has been of deep concern to all. In the 98th Congress we sought and secured funding to help meet the immediate shelter needs of this population, and in recent weeks we have been reminded—both because of the cold weather and because of increasing activity here in Congress and in the media—that our efforts must continue.

In New York City, the Franciscan priests have ministered to scores of destitute and homeless people since the stock market crashed in 1929. During the Depression, more than 5,000 people a day queued up to receive sandwiches and coffee from the St. Francis breadline. Their efforts have continued to this day, and their work has not gone unnoticed. In October 1984, the program was conferred a certificate of significant achievement from the American Psychiatric Association, a medical specialty society which represents more than 30,00 physicians nationwide.

The award was conferred by the association to the St. Francis Residence in New York City, at the recommendation of the hospital and community psychiatry achievement awards board, a panel of leading psychiatrists in the Nation.

The St. Francis Residence was selected from among 134 applicants for this high honor, and their work can serve as a model of what can be done to meet not only the housing needs but the health and social support needs of the deinstitutionalized mentally ill who are at risk of becoming among the Nation's homeless.

Until 1979, the Franciscans coordinated a program of psychosocial services for the deinstitutionalized mental patients living in a single room occupancy [SRO] hotel in Manhattan. Their supportive program was intended to prevent mental and physical deterioration by penetrating the chronic patients' isolation and cultivating a sense of community.

In 1979, however, the hotel was sold, and the new owners announced their intent to alter the use of the site. The occupants of the SRO might have found themselves back on the streets or in the State hospital, had not the Franciscans decided to end the cycle of displacement.

After forming the St. Francis Friends of the Poor, Inc., during the summer of 1980, the Franciscans bought the Beechwood, another SRO hotel capable of housing 104 people. Complete renovation was undertaken. Then, closely monitored by the St. Francis staff, the residents made a smooth transition to their new residence. The St. Francis Friends of the Poor describe their mission as the provision of "safe, permanent, and dignified housing to individuals with severe psychiatric disabilities who have experienced years of personal and institutional neglect."

Thus, the St. Francis Residence differs from other SRO's because its managers are concerned not only with building maintenance but with the tenants' quality of life. Staff members help the tenants to budget, negotiate with welfare and Social Security offices, and keep medical appointments. They also encourage the tenants to shop for those who are ill, visit hospitalized tenants, celebrate birthdays, and be cognizant of each others' problems. When a tenant's mental condition becomes exacerbated, he or she is accompanied by a St. Francis staff member to the hospital.

The St. Francis staff has achieved continuity of care in a community-based residence by offering tenants the security of a permanent home with consistent services provided by a variety of agencies. Despite the number of tenants who have serious mental illness or substance abuse problems, only six required psychiatric hospitalization between June 1982 and June 1983. According to the St. Francis staff, this relapse rate is quite low compared with that of other SRO hotels.

The St. Francis Friends of the Poor have recently opened a second residence for the homeless mentally ill and are raising funds to purchase and rehabilitate a third facility. After their success with the St. Francis Residence, the priests feel compelled to provide more housing with supportive services to meet what they call a "seemingly endless need."

I commend that St. Francis Residence to my colleagues. It is an example of what can be done to help meet the needs of the chronically mentally ill who are at risk of "falling-through-the-cracks" of the deinstitutionalization movement and—who without organized programs providing a comprehensive system of care—of becoming a national homeless statistic.●

THE 300TH ANNIVERSARY OF ST. PETER'S EPISCOPAL CHURCH IN PERTH AMBOY, NJ

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, it is an honor for me to bring to the attention of my colleagues in the House of Representatives a moment of great historical significance: The 300th anniversary of St. Peter's Episcopal Church in Perth Amboy, NJ. This oldest Episcopal church in the New Jersey Diocese held its first service in 1685, and has since amassed a history rich in accomplishment.

St. Peter's churchyard is a national historical site and is the burial place of many noted figures in our history: artist William Dunlap, whose portrait of George Washington hangs in the Capitol; Thomas Peterson, the first black voter in America under the 15th amendment; Vittorio Ciani, and Italian-American sculptor knighted by the Italian Government and whose sculpture also appears in the U.S. Capitol; and the founder of the New Jersey Medical Society, Robert McKeon, whose brother signed the Declaration of Independence.

The St. Peter's Church bell dates back to 1789. It was cast in England and presented as a gift by Capt. Philip Lytheby after the original bell was damaged beyond repair in the Revolutionary War. There is also the monument to the Mayflower Pact.

Perth Amboy was made the colonial capital in 1786, and several of the Royal Governors lived there and were members of St. Peter's parish. In the Revolutionary War, St. Peter's Church and churchyard were occupied in turn by the American and British Armies, and many of the parishioners were strong supporters of the American cause.

St. Peter's Church is also noted for its stained glass windows, six of which were made in London. The upper panel of each window depicts an incident in the life of the church's patron Saint, Peter, the Apostle, and the lower panel shows the history of the church in colonial times. The church is also the proud owner of an original set of Queen Anne communion silver.

The church stands tall today, continuing the traditions of 300 years of service, commitment, vision, and faith. St. Peter's has made an incalculable contribution to our community and State.

Over these past 300 years, the church and the many who have worked and worshiped there have been generous and dedicated citizens, making contributions that are manifold.

We have all been graced by the enduring presence of St. Peter's Episcopal Church and wish its parishioners and clergy, alike, our sincerest congratulations upon reaching this most rare and significant benchmark in the life of your church.●

WINGO WEEK

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. MOAKLEY. Mr. Speaker, March 4 through March 10 was proclaimed "Wingo Week" in the city of Boston by Mayor Raymond Flynn.

Wingo is the Boston Herald's daily lucky number game, played by people throughout the Metropolitan Boston area. The Boston Herald gives away cash prizes to the daily Wingo winners.

As a Member of Congress representing the city of Boston and surrounding towns, I am pleased to extend my hearty congratulations to the Boston Herald, whose Wingo game is not only entertaining but also gives thousands of citizens a chance at an economic opportunity that they might not otherwise be afforded.

I would also like to wish all the Wingo players in the Boston area the very best of luck.

I respectfully submit for the RECORD Mayor Flynn's proclamation declaring "Wingo Week" in Boston:

MAYOR RAYMOND FLYNN'S PROCLAMATION

Whereas: Wingo has provided excitement to countless thousands in the greater Boston area.

Whereas: Young and old alike have shared in the anticipation of the daily Wingo in their households;

Whereas: Wingo has provided many with the opportunity to improve the quality of life for themselves and their families;

Whereas: The Boston Herald has reached people in every neighborhood of Boston and made them aware of the potential to win at Wingo;

Therefore, I, Raymond L. Flynn, Mayor of the City of Boston, do hereby proclaim the week of March 4 through March 10, 1985 to be Wingo Week in the City of Boston and wish all my fellow Bostonians the best of luck at playing Wingo."●

JOHN MULLER RECEIVES "EXTRA MILE AWARD" FROM AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LANTOS. Mr. Speaker, I am delighted to inform my colleagues in the House that my good friend John H. Muller of Half Moon Bay, CA, has been named the recipient of the "Extra Mile Award" by the Agricultural Stabilization and Conservation Service [ASCS] of the Department of Agriculture.

The Extra Mile Award is a special commendation, normally given to professional employees of the ASCS. John is the first nonprofessional to receive it. The award is given in recognition of outstanding, one-time achievement in serving an individual farmer or farm.

The certificate recognizing John Muller commends his "intense personal effort and commitment displayed in pursuing a resolution to the problems of four San Mateo County farmers, personifying the dedication and concern exhibited by agricultural leaders across the country."

John has served as a member of the Agricultural Stabilization and Conservation Committee for San Mateo County since 1975, and he has been its chairman for 4 of those years.

During a regular county committee meeting, John and the committee found an appeal by San Mateo farmers unacceptable on the basis of current regulations. Since the request had merit, John felt further action was needed. He assisted the farmers in finding an engineer, helped them rework their proposal, met with State and headquarters ASCS officials, and ultimately succeded in winning approval for a pilot program to test their solution. Though John had no personal interest in this pilot program, he clearly went the extra mile on behalf of San Mateo County agriculture.

John Muller has long served agriculture in San Mateo County. He was president of the county Farm Bureau, and currently serves as a member of the board. He is a board member and president of the Northern California Flower Growers & Shippers Association, an officer of the Agricultural Leadership Associates, board member of the California State Florist's Association, and a member of the committee for the San Francisco Clean Water Program.

Mr. Speaker, we in the United States are fortunate to have people such as John Muller—individuals who serve others with no expectation of personal benefit or reward, individuals willing to go the extra mile. I am honored to represent such fine people as John Muller, his wonderful wife Eda, and their daughters Heidi and Trudy.●

"IRISHMAN OF THE YEAR": JUDGE EDWARD J. BRADLEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to the Honorable Edward J. Bradley, who will be honored as "Irishman of the Year" by the Irish Society of Philadelphia at their annual banquet on March 30, 1985.

Mr. Bradley is the distinguished presiding judge of the Philadelphia Court of Common Pleas. He has served on that court for 20 years. He was born, raised, and educated in Philadelphia, and after serving in the U.S. Navy, came home to devote his career to public service. That career has been marked by leadership in the government and legal communities, and by active involvement in community affairs.

I am happy to be able to join with the Irish Society of Philadelphia as they honor one of their own. Judge Bradley deserves our recognition for his noteworthy career of service and accomplishment.●

REBUTTAL OF STOCKMAN'S STATEMENTS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. COLEMAN of Texas. Mr. Speaker, many of the military retirees in the 16th Congressional District of Texas were shocked at the unseemly assault by OMB Director David Stockman on those who have given so many years of their lives in our country's service. I would like to enter for the CONGRESSIONAL RECORD a comprehensive rejoinder to Stockman's charges, written by Lt. Col. (ret.) Robert Chisolm of El Paso, TX, who is now president of J-Tex, Inc. of El Paso.

The article is as follows:

[From the El Paso Herald-Post, Mar. 6, 1985]

REBUTTAL OF STOCKMAN'S STATEMENTS

(By Robert Chisolm)

David Stockman's recent statements concerning military retirement pay show poor

judgment, immaturity and a complete lack of knowledge of the rationale for the military retirement system.

As a retired member of the military I resent the implication and especially so since such comes from a high ranking member of the president's staff.

I would be quite willing to give up my retired pay if by doing so I could have back the muscle shot out of my right shoulder by an enemy machine gun. And give me back that part of my skull that is missing as a result of that same encounter which took place on my 19th birthday in Normandy. Return to me all of the flesh, muscle and tissue missing from my left thigh as a result of enemy artillery fire. And erase the scars left on my face, neck and body as a result of anti-aircraft artillery. Let me be able to walk, sleep and sit without being in constant pain as a result of my more than 28 years of service as an airborne infantryman. Replace the missing parts of my mangled left hand and let me have the full use of it once again.

And hand back to me the numerous days, weeks, months and years that I was separated from my family while fighting in three major conflicts in the defense of our country. Let me have the thrill of seeing my daughter take her first step and be with her for all those cherished moments most parents share with their children.

Compensate my wife for the worry, grief and long empty hours and days and weeks of trying to raise a child alone—all of this while her husband was thousands of miles away defending our country, not knowing for days on end if he was alive or dead.

Can you pay me for being on duty 24-hours a day, seven days a week without receiving—or even thinking about—overtime? And would you—had you been willing to serve—have traded your accommodations as a divinity student for those I had in a snow-covered foxhole during the Battle of the Bulge, or for the months spent in the heat, filth and stench of war in Korea while fighting off the mass attacks of the Chinese.

And how would you have liked being in the steaming jungles of Vietnam, not knowing the enemy—except for those protesters in the states who were lending aid and comfort to that enemy while our young men were dying.

After all this was over and I was no longer physically able to serve, I thought about retirement pay. But let me assure you that my first thoughts, then and now, were always to preserve the freedom of this great country even if it meant giving my life. In all honesty, even if I could, I would never trade off the immense feeling of satisfaction and pride in having been honored by being allowed to serve my country and fight its enemies. This is a feeling Stockman will never experience.

Certainly, the great stress and frustration he must feel as budget director contributed to these unfounded remarks. But that frustration could never equal the grief of parents, wives, sons and daughters of the thousands of young Americans lying under those white crosses in our national cemeteries. I wonder if the last thought of those patriots was about retirement pay?

I would suggest that Stockman get into his government-furnished limousine and take a ride out to Arlington National Cemetery. That he get out, look around and reflect for a few minutes on what he said. Does he really believe that those buried there were more concerned about retirment pay than the defense of their country?

Robert Chisolm enlisted in the United States Army in 1942 as a private. He retired from the Army in 1970 as a lieutenant colonel. He is president of J-Tex Inc. of El Paso, manufacturers of industrial cloth.●

PROMOTE TECHNOLOGY WITHIN FEDERAL LABORATORIES

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LUNDINE. Mr. Speaker, today I am introducing with a number of my colleagues the Federal Science and Technology Transfer Act of 1985, legislation which amends the Stevenson-Wydler Technology Innovation Act of 1980. It is designed to promote economic growth, industrial productivity, and international trade competitiveness by encouraging utilization of technology developed within Federal laboratories.

Technological innovation is a wellspring for economic growth. It yields new or improved commercial products and processes, creating jobs and income as new industries are born and as existing industries expand. As an illustration, the commercialization or biotechnology has spawned a new, rapidly growing industry with worldwide sales that are projected to reach $100 billion by the end of the century.

We must use technological innovation to help revive our basic industries. In the automobile industry, for example, utilization of new technologies during the next 15 years is expected to improve both the product and the production process. The use of advanced ceramic materials for critical engine components could reduce engine weight and cooling and lubrication requirements. New light-weight but high-strength metals, polymers, and fiber composites could reduce overall vehicle weight and improve fuel economy. Both of these advancements could also enhance competitiveness by reducing the price of the product. The competitive benefits of computer-aided design [CAD] and computer-aided automated manufacturing [CAM] technologies in the automotive industry are also widely recognized. The automobile industry is only one example. If we maintain a technological edge over our competitors and utilize the new technologies, we can provide a competitive advantage for many of our basic industries.

We must also reverse the recent erosion of our competitive edge in high-technology industries. The Nation's electronics sector amassed a $6.8 billion trade deficit in 1984 according to Business Week. This is the first time that this traditionally healthy industry has ever ended a year in the red, and projections for 1985 are worse. The electronics sector is not alone; the President's Commission on Industrial Competitiveness noted in its recent report that the United States has lost world market share in 7 out of 10 high-technology sectors.

Although foreign trade barriers and the strength of the dollar are contributing factors to this decline, Business Week stated that the basic problem is the failure of American high-technology companies to consistently translate new technology into competitive products. The Commission on Industrial Competitiveness agreed and identified the creation and application of new technology as one of the four major ways in which the United States can become more competitive.

Much of the new technology that is available for utilization is produced in Federal laboratories. The Federal Government funds approximately half of this country's total research and development and much of this work is performed in Government-owned laboratories. Therefore, the Commission on Industrial Competitiveness recommended that the Federal Government manage its research and development with more concern for commercial application and competitiveness.

The Federal Science and Technology Transfer Act promotes more effective utilization of the technology produced by Federal laboratories. The scientific and engineering expertise, the technology base, and the facilities and equipment within these laboratories are valuable national resources. This legislation allows these resources to be more readily shared with private companies wishing to develop new products and with local governments in need of technical solutions to their problems.

To encourage technological innovation, this legislation enables Government-operated Federal laboratories to enter into cooperative research and development agreements with non-Federal parties. Federal scientists and engineers would be able to work side by side with their university or industrial counterparts on projects that were cofunded by their institutions. A basic premise of this arrangement is that research in the Federal laboratories can be better attuned to industrial needs without compromising the laboratories' missions and that the benefits that accrue to industry from the Federal share of the funding are in the national interest. This is consistent with the recommendations of the 1983 Federal Laboratory Review Panel of the White House Science Council.

The extensive interpersonal interaction allowed by these cooperative arrangements is generally believed to be an extremely effective method of technology transfer. In a recent study of NSF's Industry/University Cooperative Research Program, both industry and university participants lauded the

benefits of working closely together and being able to view the work from each other's perspective. Many experienced profound and beneficial changes in their attitudes toward science in general and in the way they approached their research in particular. I believe that scientists and engineers in the Federal laboratories would benefit similarly from the cooperative arrangements proposed in this legislation.

Under this act, cooperative R&D agreements would be subject to conditions that are designed to make the treatment of Government-owned, Government-operated [GOGO] laboratories consistent with the treatment of Government-owned, contractor-operated [GOCO] laboratories under last year's patent law amendments (Public Law 98-620). Nondomestic technology transfer is discouraged by requirements for participation only by U.S. entities and for U.S. manufacture of resulting products. Preference is also provided for small businesses. To prevent participating companies from obtaining an unfair competitive edge at Federal expense over others within their industry, agencies are instructed to develop plans for entering the agreements that provide reasonable opportunity for interested parties to participate.

To further promote technology transfer from the Federal laboratories, this bill institutionalizes the Federal Laboratory Consortium for Technology Transfer [FLC] within the National Science Foundation. The FLC is currently an ad-hoc organization of representatives from over 300 Federal laboratories representing 11 Federal agencies. It has been the principal body during the last decade for facilitating technology transfer from the Federal sector. The effectiveness of the Federal Laboratory Consortium has been limited only by the resources available to it as an ad-hoc organization; a modest level of direct funding would greatly increase the level of technology transfer activities. To provide these funds, the bill provides a small set-aside from the R&D budgets of the Federal agencies.

Finally, the Federal Science and Technology Transfer Act encourages utilization of Federal technology through the distribution of patent royalties received by Federal agencies. Federally employed inventors are rewarded for their creativity with a small portion of the royalties from their inventions. A larger portion is used to enhance the budgets of the Government-operated laboratories responsible for the innovations. This provision is consistent with the treatment of contractor operated Federal laboratories under last year's patent law amendments and it provides incentives for the Government-operated laboratories to seek commercialization of their new technologies.

Mr. Speaker, I cordially invite all of my colleagues from both sides of the aisle to work together with those of us introducing the legislation today. America is the greatest Nation on Earth and I believe that she would be made even greater by the increased economic growth, industrial productivity, and international trade competitiveness that enactment of this legislation would stimulate.●

STUDENT COALITION FOR SOVIET JEWRY

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BARTLETT. Mr. Speaker, I speak today regarding the Washington Lobby for Soviet Jewry, an annual program sponsored by the Student Coalition for Soviet Jewry, and held this year on Thursday, February 28. On that day, almost 700 students traveled to Washington, DC, and participated in a program designed to focus public and congressional attention on the ongoing persecution of Jews in the Soviet Union.

The Student Coalition for Soviet Jewry was founded in 1977 in response to the arrest of Anatoly B. Shcharansky. At that time, students from Brandeis University bought bus tickets to Washington, where they discussed Mr. Shcharansky's plight with Members of Congress. Since then, the journey to Washington by concerned students has become an annual event. This year, nearly 700 students, traveling from 37 States and between 40 and 50 colleges and universities, participated directly in the program in our Nation's Capital. Student lobbyists represented 175 congressional districts, including, I was pleased to note, the Third District of Texas.

Currently, I am one of four honorary chairman for the 1985 Student Coalition, and on February 28 I had the privilege of addressing that group at the Adas Israel Synagogue in Washington, along with such distinguished Soviet Jewry activists as Avital Shcharansky, wife of prisoner of conscience Anatoly Shcharansky. I was impressed by the participants' enthusiasm and dedication to the cause of freedom for Soviet Jews.

That afternoon, students were briefed on the current situation of Soviet Jews and later visited with their Senators and Representatives on Capitol Hill to ask for their support and action. At that time, a letter to the President was presented to Members of Congress and they were asked to become signatories. As my colleagues are aware, this is a crucial period in United States-Soviet relations, and the letter requests that the President include human rights and Soviet Jewry as part of the negotiating agenda at the Geneva talks begun March 12. I urge my colleagues to sign on to this important and timely request.

An extension of the Washington event is the International Student Solidarity Day for Soviet Jewry, which was developed to enable students who are beyond traveling distance to participate in student activism. This year, students at approximately 50 universities held programs on Soviet Jewry. Last year, for example, students at the University of Houston distributed information, petitions, and action alerts at the University Center. At the University of Texas at Austin, law professor David Sokolow, who met with refuseniks during a trip to the Soviet Union, conducted a discussion along with recently released refuseniks. Internationally, student programs on Soviet Jewry also took place in Canada, Israel, South Africa, and other countries.

I am proud to be affiliated with the Student Coalition for Soviet Jewry in 1985 and I am encouraged by what I have heard about its numerous activities, whether they be campus rallies, letters to Congress, or the adoption of refuseniks. These endeavors serve to remind others that the freedoms so abundant in this country are only a dream in the Soviet Union. In its effort to lobby Members with regard to the letter to the President, the Student Coalition is accomplishing an important goal. By making Soviet Jewry an issue of discussion at the arms talks, the United States will be making the fullest possible commitment to alleviating the suffering of those Jews still trapped in Russia. Groups such as the Student Coalition are critical today in that they lend new and effective voices to the drive to end repression of Soviet Jews.

The issue of Soviet Jewry is not solely a Jewish matter but is rather of interest to all of humanity. Ultimately, we must all consider ourselves Soviet Jews, for on some level, all people are vulnerable to the hatreds of totalitarianism, both of the far left, communism, and of the far right, fascism. Elimination of human rights abuses around the world will not be successful unless the world speaks up.●

AL TEGLIA—HUMANITARIAN OF THE YEAR FOR SAN MATEO COUNTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LANTOS. Mr. Speaker, I am delighted to inform my colleagues in the House that my good friend Al Teglia of Daly City, CA, has been named Humanitarian of the Year by the Easter Seal Society for Handicapped Children and Adults of San Mateo County.

The Easter Seal Society is well known for its dedicated service on behalf of the physically disabled, and the society is beginning its 40th year of service to our community. The society annually presents the "Humanitarian of the Year" award to an outstanding citizen who has given unstintingly of his or her time, talent, and concern for the advancement of opportunities for members of our community.

Mr. Speaker, Albert M. Teglia is indeed a worthy recipient of this distinguished award. A life-long resident of the Daly City-Colma area, he has spent most of his life in service to others—as councilman and mayor of Daly City, as a member and leader of many local commissions and service organizations, and as a trustee of the Jefferson Union High School District. His contributions have touched almost every facet of San Mateo County including education, the arts, youth employment, and minority interests.

Al Teglia will be honored at a special dinner on March 21 which will benefit the Easter Seal Society for Handicapped Children and Adults of San Mateo County. I congratulate the distinguished committee of business and civic leaders, chaired by Frank Pacelli, which organized the dinner and which has named Al Teglia Humanitarian of the Year.

Mr. Speaker, it is a great pleasure for me to congratulate this generous public servant, whose impact for good in San Mateo County is now being suitably recognized.●

OLDER AMERICANS' MONTH

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. McCOLLUM. Mr. Speaker, today I had the honor of introducing a resolution cosponsored by 272 of my colleagues calling on President Reagan to declare May 1985 "Older Americans Month."

This resolution expresses our gratitude and appreciation to all of the senior Americans who have given so much to make our country great. We all know the wealth of knowledge and experience they possess and we value the many years they devoted to the betterment of our families, communities and Nation as a whole. None of us has to look very far to see how much our senior citizens have done for our country—and continue to do. They have developed a strong working relationship with the Federal government as well as a interest in the issues that affect their neighbors, and themselves. Through their active involvement in the political process Congress is able to better understand the special concerns of older Americans and pinpoint the best ways to meet them.

This measure calls on the President to make the official designation and asks citizens to plan special activities to commemorate the month-long observance. It is a great honor to be part of a nationwide observance which means so much to so many deserving people.●

ST. ANN'S INFANT AND MATERNITY HOME

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. HOYER. Mr. Speaker, this year a unique facility in my district, St. Ann's Infant and Maternity Home, is celebrating the 125th anniversary of its founding.

St. Ann's was the District of Columbia's first foundling home. Started in August of 1860 by three Sisters of Charity who came from Emmitsburg, MD, St. Ann's was granted a congressional charter which was signed by President Abraham Lincoln on March 3, 1863. Since February 1962, it has been located at its present site on Eastern Avenue in Hyattsville.

For all of its 125 years, St. Ann's has been a haven for thousands of unwed mothers, providing them with prenatal care and providing their children with extensive aftercare. St. Ann's also offers a residential program both for children up to age ten who are awaiting adoption or placement in foster homes, and for those who have been abused and neglected. With the hope that my congressional district will continue to be the home of this exemplary facility for years to come, I salute the continuing good work of St. Ann's Infant and Maternity Home.

For the last 8 years, Sister Elyse Staab had served as director of St. Ann's providing concerned and loving services to the mothers and children of the home. She was recently transferred back to Emmitsburg to the Provincial House to serve as directress of the seminary. I wish Sister Elyse success and happiness in the years to come. At this time I would like to include in the RECORD the resolution which was adopted by the St. Ann's Board of Trustees on Sister Elyse's departure.

The resolution follows:

A RESOLUTION

Whereas it has come to the attention of the Board of Trustees of St. Ann's Infant and Maternity Home that our Administrator, Sister Elyse Staab, has been designated by The Provincial Superior of the Daughters of Charity to assume new duties as Directress of the Seminary at the Provincial House in Emmitsburg, Maryland and

Whereas Sister Elyse has performed the functions as Administrator of St. Ann's Infant and Maternity Home since 1976 in an exemplary and Christ-like manner and

Whereas Sister Elyse has given of herself 7 days a week, 24 hours a day during the entire period and

Whereas Sister Elyse, following in the footsteps of her model, Jesus Christ, has brought love, understanding, and new hope into the lives of the unwed mothers and their children at St. Ann's Home.

It is hereby resolved by the Board of Trustees that we manifest our admiration, our love, our esteem and our heartfelt thanks to Sister Elyse

By voting her the Abraham Lincoln Certificate of Service for her sacrifices and unselfish devotion to those in need, and by our vote, extend to her our heartfelt thanks and pray that Almighty God will grant her His continued love and guidance in her new endeavors and

Lastly, to wish Sister Elyse health, happiness and great satisfaction in her new undertaking.

We, the Board of Trustees, as a token of our appreciation for her outstanding example she has demonstrated to us throughout the years, adopt this resolution on this 9th day of January, 1985.●

PROHIBIT THE USE OF CERTAIN CHEMICALS IN DRINKING WATER

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. SEIBERLING. Mr. Speaker, today I am introducing a simple bill to prohibit the use of certain chemicals in public drinking water systems.

The text of the bill reads:

No chemical substance may be added artifically to the water of any public water system for any purpose other than to render such water safe for human consumption, to test such water for contamination, or to improve the taste or clarity of such water.

The practice of adding chemicals to water supplies which do not serve the above purposes violates the fundamental principle that people should not be forced to ingest medicines or chemicals against their will, except where there is no other feasible way of protecting the health of others. Some communities add chemicals such as fluorides to the water for the sole purpose of preventing tooth decay. How-

ever, for at least some people, this chemical may in fact threaten their health. The practice of adding fluoride to the water supplies is especially troubling because fluorides are readily available to the public in other forms such as toothpaste and rinses. Therefore it is neither necessary nor desirable to add these chemicals to the public water supplies.

We should be especially concerned about the precedent created by adding chemicals to the public water supply in order to treat a small segment of the public or to give people what someone has decided is good for them, whether they want it or not. If it can be done with one chemical in the name of combatting tooth decay, why not add iodides to combat goiter, potassium to combat high blood pressure, tranquilizers to combat tension, and so on? The possibilities are endless. The dangers are obvious.

Our aim should be to ensure that our drinking water is safe—safe from disease and poisons, safe from zealots who would use it to impose on the rest of us their supposed solutions to our private problems.●

CONGRESSIONAL SALUTE TO HON. ALEXANDER POTASH OF NEW JERSEY, ESTEEMED MAYOR, OUTSTANDING COMMUNITY LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ROE. Mr. Speaker, on Saturday, April 13, the people of my congressional district and State of New Jersey will join together with the citizens of the borough of Oakland in testimony to one of our most distinguished citizens, outstanding community leader and good friend, the Honorable Alexander Potash, in testimony to his lifetime of good works on behalf of the people of our community, State, and Nation.

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in deep appreciation of all of his good works and share great pride in the success of his achievements with his good wife, Velma; sons James, William, Edwin, and David; daughters Eleanor and Carol Ann; 19 grandchildren and 3 great-grandchildren on this milestone of achievement in their family endeavors.

Alexander Potash has indeed earned the highest respect and esteem of all of us who have the good fortune to know him. He has had a long and illustrious career in seeking life's fulfillment and purpose. He was born on December 26, 1899, in New York City. His paternal grandparents emigrated to our country from Germany and his maternal grandparents left London, England, to make the United States of America their home. His parents were born in New York City.

He attended elementary school to third grade in Brooklyn NY, and when his parents moved to Paterson, NJ, completed his education at local schools in Paterson. Upon his graduation at the age of 15 years from Old School No. 4, Paterson, he immediately went to work in a machine shop. He was proud to have been a forward player on the 1914 School No. 4 basketball team which won the interscholastic basketball championship.

At the age of 17, Alexander left the machine shop to commence employment as a clerk at the Belleville, NJ, railroad station. He served 18 years with the Erie Railroad. He forged ahead with diligence, dedication, and sincerity of purpose moving along through the ranks of the Erie Railroad operations to become superintendent of their docks and warehouse at Jersey City, NJ.

On May 1, 1927, Alexander and Velma Potash established their home in Oakland, NJ. In the course of his public service career pursuits with the borough of Oakland, he joined the Oakland Volunteer Fire Department and in 1928 was elected president of the department. In 1929, he was appointed tax assessor and served for the next 21 years, until 1951, as the borough's tax assessor. The excellence of his knowhow and expertise in the performance of his duties and responsibilities as the borough's tax assessor is manifested in the fact that to this date the assessor's office maintains the system of records that he installed.

In 1930, Mr. Potash was elected president of the Oakland Chamber of Commerce. In 1951, he was first elected to the governing body of the borough of Oakland. He was reelected to the borough council in 1952 and served as a councilman for 3 years before being elected mayor in 1953.

Our community, State, and Nation have indeed been enriched by the quality of this leadership and wealth of his wisdom and caring as the elected chief executive officer of the borough of Oakland during his tenure of 8 years (1953-61). He has most assuredly helped to make Oakland a better community to live in and America more beautiful.

Mr. Speaker, the borough of Oakland is situated in a valley between the Campgaw and Ramapo Mountains with the Ramapo River flowing through the valley—a beautiful, natural setting. It was a rural community of 800 people when Mayor Potash and his young bride, Vilma, adopted Oakland as their home.

The town consisted of many fields and woods and when Alexander was a fireman, there were no water mains or fire hydrants in the community. The firemen carried the water supply in Indian tanks strapped on their backs. The fire company's transportation equipment consisted of two trucks, one to carry the pumper and one to carry water supplies. The fire department now consists of two firehouses located in strategic parts of town. The equipment is modern, including a tower truck. All streets are water-mained and hydranted.

Mr. Speaker, it was during Alexander Potash's years as mayor that the borough of Oakland had its greatest growth. Among the many ordinances passed during his tenure for the safety of Oakland's residents and the protection of private property, Mayor Potash fostered the establishment of a shade tree commission, industrial commission, and recreation commission to assist the mayor and council in the management of the community.

In 1957, as mayor and a member of the planning board, he promoted and encouraged a complete rezoning of Oakland, upgrading all zones in size to preserve and maintain as much of its open space as possible. During the same year, a municipal building was constructed to accommodate the growing public service needs of the community. The planning and construction of one of Oakland's landmark community service projects, Veterans Park, was undertaken in 1958 and dedicated as a memorial to the veterans of all wars in 1961.

While mayor, Alexander Potash was also a member of the borough's library board of trustees and will long be remembered for his efforts in seeking to have the Pond's Memorial Building acquired to provide adequate space to house Oakland's Public Library. The library edifice which was constructed with stones from the Old Pond's Church of 1829—hence its name, Pond's Memorial Building—still serves as Oakland's Public Library. In discussing its history with Mayor Potash he will respond that the purchase was accomplished with the approval of the council; the carpeting used in the building was donated by the business community of Oakland; and credit must be given to Mayor Clifford McEvoy who has successful in obtaining WPA Government funds for the construction of the Pond's Memorial Building when he was mayor of Oakland.

Upon leaving the stewardship of his high office of public trust as mayor of Oakland, Alexander Potash was successful in being elected to the board of education where he served as chairman of the building and grounds committee. It was during this period of 1966 to 1967 that the Dogwood Hill Elementary School was built.

Mr. Speaker, Al Potash's personal commitment to the economic, social, and cultural enhancement of the borough of Oakland has been a way of life for him. He continues to actively participate in public affairs of the community.●

HONORING ESTHER COWAN—RECIPIENT OF THE BELMONT PUBLIC SERVICE AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LANTOS. Mr. Speaker, it is my privilege today, Mr. Speaker, to pay tribute to Esther Cowan of California's 11th Congressional District. Mrs. Cowan has been named the recipient of the 1985 Belmont Congressional Public Service Award. I am delighted that she is receiving this award—Esther has been a contributing and caring member of the community for many years.

Esther has been a resident of Belmont for over 25 years, and she and her husband Bill have raised five wonderful children. Despite the heavy demands of caring for her family, Esther still found time for volunteer work of all kinds. Her example helps prove the maxim "The more you do, the more you can do."

She has been an outstanding youth leader. For many years she served in various positions in both Brownies and Girl Scouts. She served as coordinating Chair of the parent-teachers' association for 20 years. At the 4-H Club, where she was a project leader and barn treasurer, she taught cooking and raised funds for 12 years.

Mr. Speaker, I would like to recognize in particular Esther Cowan's service to the disabled and handicapped of San Mateo County. It requires a person of special ability and unusual qualities to give as selflessly as has Esther to this cause. She has worked closely with the Women's American Organization for Rehabilitation Through Training [ORT]—a group which teaches vocational skills in 27 countries. She is president of the Oleander chapter, regional vice president, and active in fund raising for many years.

Esther has contributed her fundraising expertise to the Children's Health Council—a group affiliated with Stanford University Hospital and dedicated to helping children with neurological, emotional, and learning handicaps.

This unselfish sharing of time and energy is truly remarkable. Temple Beth Jacob has also benefited from her enthusiasm and energy—she has organized numerous rummage sales and other fundraising events. Through the years she has raised thousands and thousands of dollars, which have been used to improve the community and enrich the lives of countless people.

I wish to thank and to congratulate the Belmont City Public Service Award Committee under the chairmanship of Don Heiman on its outstanding choice. I am delighted to present to Esther Cowan the Congressional Public Service Award for Belmont for 1985.●

LEGISLATION TO ASSIST NOAA CORPS GRADUATES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BIAGGI. Mr. Speaker, at a time when our country faces national concern with our educational systems, we should aggressively be seeking ways in which to assist young people in furthering their education. Such incentives are critical to our future security—and intellectual as well as military strength as a nation.

The Higher Education Act to 1965 stands as the central monument of the Federal Government's commitment to higher educational opportunity for all students and citizens. Specifically, the Guaranteed Student Loan Program has been a critical force in providing educational opportunity—as well as educational choice—to students from all income levels.

Under the GSL Program, active duty members of the uniformed services are eligible for deferments on repayments of their students loans of up to 3 years. Under current law, those personnel eligible for this deferment include members of the Navy, Air Force, Marine Corps, the Coast Guard, and the Public Health Service Corps. There is another uniformed service—the National Oceanic and Atmospheric Corps—that is not eligible for this deferment.

This small, but important component of our national defense consists of approximately 372 commissioned personnel. Unfortunately, this group of commissioned officers was overlooked in the drafting, and subsequent reauthorizations of HEA. Accordingly, I have introduced legislation, H.R. 1198, that would include the NOAA Corps, graduates in that group of commissioned officers eligible for deferments under HEA.

As a senior member of the House Education and Labor Committee, I firmly believe that this bill is necessary because of a small oversight by the framers of the act. I am personnally familiar with the NOAA Corps as I also serve as chairman of the Merchant Marine Subcommittee which oversees these programs, and where this problem was originally brought to my attention by a young man who was ineligible for a deferment, despite his commissioned status. Since the act is scheduled for reauthorization this year, I believe that H.R. 1198 could be considered at that time. Passage of this small but important provision will provide equity for all commissioned officers in our Nation's defense.●

THE POOR AND OUR NATIONAL BUDGET

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. SABO. Mr. Speaker, I want to bring to your attention and the attention of my colleagues the excellent statement that was prepared by the Lutheran Bishops of America on our Federal budget.

THE POOR AND OUR NATIONAL BUDGET

The nation's fundamental priorities are reflected in the budget choices it makes. This year, the soaring federal deficit makes particularly difficult the decisions on how much revenue our nation must raise and how that revenue is to be spent. Amid the clamor of various groups seeking to protect their own interests, the church must speak clearly on behalf of those at home and abroad whose pressing human needs require not only private charity but also government action.

Our deficit dilemma has no painless solutions. However, the sacrifice required must be distributed in accordance with the ability of individuals and groups to bear it. The allocation of limited resources should be based on a thorough evaluation of the utility and effectiveness of tax breaks, military spending and social programs.

In working for a fair "distribution of sacrifice," budget cuts and tax changes proposed for the 1986 fiscal year should be viewed in their broader context. Programs for the poor, which comprise approximately one-tenth of the federal budget, have been cut proportionately deeper than other programs benefiting all Americans. In addition, while the 1981 tax cut decreased the tax burden of many affluent Americans, persons at or below the poverty line have found themselves paying a greater percentage of their income in taxes. Due to these changes and to the effects of the recent recession, the standard of living of many poor Americans has deteriorated significantly and their numbers have grown. While voluntary organizations have responded to this increase in poverty, they have not been able to ensure that the needs of the poor—many of them children—are adequately met.

Given the high rate of both unemployment and poverty, we believe that a top budgetary priority should be securing adequate funding for human needs and income maintenance programs, with federal standards ensuring that such funds are targeted to persons in greatest need. We would assert that:

No one in this prosperous country should be forced by economic conditions to go hungry or homeless or lack adequate medical care. Even with current funding levels,

federal benefits to poor families are often insufficient to provide adequately for their basic needs. We therefore oppose any further reductions in the programs—the so-called "social safety net"—which provide for the immediate needs of low-income Americans: Food Stamps, Aid to Families With Dependent Children, Medicaid, Supplemental Security Income for the elderly poor, and low-income housing and energy assistance programs. Eliminating cost-of-living adjustments or "freezing" funding levels for these programs will further depress the overall standard of living of low-income families. Given the cuts which have already been made in these programs in recent years, we cannot support such a strategy.

Targeting special assistance to persons with special needs is good short and long-term public policy. A dollar saved in program cuts today may result tomorrow in extended health care costs, disruptions in earnings, unemployment and other drains on our economy. For example, the WIC program provides special foods to certain low-income pregnant and nursing women, infants and children. However, even at current funding levels, many persons certified to be at nutritional risk are already being turned away, increasing the possibility of long-term damage to their health. Further cuts would exacerbate this situation. Social services to keep families intact, child nutrition efforts, and health programs addressing the specific needs of low-income children are a crucial investment in our nation's welfare.

Persons with earnings at or below the poverty line should not pay federal income taxes. The 1981 cut in tax rates did little to address the specific needs of the working poor. Failure to adjust for inflation the earned income tax credit and other tax provisions means that the government is taxing away a greater and greater percentage of the dollars which the poor desperately need to provide a minimal living standard. This makes little social sense and should be changed.

Programs which address some of the root causes of poverty should be strengthened and improved. These programs include education assistance for disadvantaged students and communities, job training and legal services. Efforts to reduce the unacceptably high level of unemployment, which is devastating to individuals and families, must be a major commitment of government.

The needs of the poor abroad cannot be ignored. The African tragedy highlights the need for both direct food aid and development assistance in less developed areas throughout the world. The outpouring of donations to deal with famine indicates deep concern over the plight of the hungry abroad. However, the work of our voluntary agencies complements but cannot replace intentional government action in areas of aid, trade and development.

Our churches assert that the responsibility for addressing the needs of the poor is shared among individuals and institutions at every level of society. Private charity certainly plays an important role in this endeavor, and we encourage our own members to continue responding generously to the growing problems of poverty, both at home and abroad. But in our complex and highly mobile society, meeting the needs of the poor in all localities is beyond the capacity of charitable institutions. The federal government has an appropriate role in meeting immediate needs, as well as addressing the systemic causes of poverty. We value partnership between the voluntary and the government sectors in attempting to assist the poor to participate more fully in our economic life—but we strongly resist cuts in funding which undermine that partnership and seriously reduce the government's role in meeting pressing human needs.

LUTHERAN CHURCH IN AMERICA

(The Rev. James R. Crumley, Jr., Bishop, Lutheran Church in America)

The Rev. John Adam, Bishop, Slovak Zion Synod.

The Rev. Dennis A. Anderson, Bishop, Nebraska Synod.

The Rev. Thomas L. Blevins, Bishop, Pacific Northwest Synod.

The Rev. Herman W. Cauble, Bishop, South Carolina Synod.

The Rev. Herbert W. Chilstrom, Bishop, Minnesota Synod.

The Rev. Edelmiro Cortes, Bishop, Caribbean Synod.

The Rev. Paul E. Erickson, Bishop, Illinois Synod.

The Rev. Roger J. Gieschen, Bishop, Central States Synod.

The Rev. James A. Graefe, Bishop, Metropolitan New York Synod.

The Rev. Lawrence L. Hand, Bishop, Southeastern Pennsylvania Synod.

The Rev. Franklin C. Heglund, Bishop, Rocky Mountain Synod.

The Rev. Raymond A. Heine, Bishop, Michigan Synod.

The Rev. Herluf M. Jensen, Bishop, New Jersey Synod.

The Rev. Ralph A. Kempski, Bishop, Indiana—Kentucky Synod.

The Rev. Harold R. Lohr, Bishop, Red River Valley Synod.

The Rev. Kenneth R. May, Bishop, Western Pennsylvania—West Virgina Synod.

The Rev. Howard J. McCarney, Bishop, Central Pennsylvania Synod.

The Rev. Michael C.D. McDaniel, Bishop, North Carolina Synod.

The Rev. Virgil A. Moyer, Jr., Bishop, Virginia Synod.

The Rev. Stanley E. Olson, Bishop, Pacific Southwest Synod.

The Rev. Edward K. Perry, Bishop, Upper New York Synod.

The Rev. Kenneth H. Sauer, Bishop, Ohio Synod.

The Rev. Gerald S. Troutman, Bishop, Southeastern Synod.

The Rev. Philip L. Wahlberg, Bishop, Texas—Louisiana Synod.

The Rev. Harold S. Weiss, Bishop, Northeastern Pennsylvania Synod.

The Rev. Paul M. Werger, Bishop, Iowa Synod.

The Rev. Robert S. Wilcoh, Bishop, Wisconsin-Upper Michigan Synod.

The Rev. Harold R. Wimmer, Bishop, New England Synod.

The Rev. Royall A. Yount, Bishop, Florida Synod.

The Rev. Morris G. Zumbrun, Bishop, Maryland Synod.

THE AMERICAN LUTHERAN CHURCH

(The Rev. David W. Preus, Presiding Bishop, The American Lutheran Church)

The Rev. Darold H. Beekmann, Bishop, Southwestern Minnesota District.

The Rev. Bernell L. Boehm, Bishop, Ohio District.

The Rev. L. David Brown, Bishop, Iowa District.

The Rev. Norman D. Eitrheim, Bishop, South Dakota District.

The Rev. Lowell O. Erdahl, Bishop, Southeastern Minnesota District.

The Rev. Wesley N. Haugen, Bishop, Eastern North Dakota District.

The Rev. Robert H. Herder, Bishop, Northern Wisconsin District.

The Rev. Reginald H. Holle, Bishop, Michigan District.

The Rev. E. Harold Jansen, Bishop, Eastern District.

The Rev. Gilbert M. Lee, Bishop, Northern Minnesota District.

The Rev. Clifford R. Lunde, Bishop, North Pacific District.

The Rev. Ehme R. Osterbur, Bishop, Illinois District.

The Rev. A.C. Schumacher, Bishop, Southern Wisconsin District.

The Rev. Marvin J. Schumacher, Bishop, Western North Dakota District.

The Rev. Nelson W. Trout, Bishop, South Pacific District.

The Rev. Wayne E. Weissenbuehler, Bishop, Central District.

The Rev. August E. Wenzel, Bishop, Southern District.

The Rev. Norman G. Wick, Bishop, Rocky Mountain District.

The Rev. David A. Wolber, Bishop, Southeastern District.

ASSOCIATION OF EVANGELICAL LUTHERAN CHURCHES

(Will L. Herzfeld, Bishop, Association of Evangelical Lutheran Churches)

The Rev. Walter W. Grumm, Bishop, Pacific Regional Synod.

The Rev. Harold L. Hecht, Bishop, English Synod.

The Rev. Rudolph P.F. Ressmeyer, Bishop, East Coast Synod.

The Rev. Robert H. Studtmann, Bishop, Southwest Regional Synod.●

YOUTH SUICIDE PREVENTION MONTH

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DioGUARDI. Mr. Speaker, today, I introduced a joint resolution to designate June of this year as "Youth Suicide Prevention Month."

The suicide rate for our Nation's youth has more than tripled in the last 25 years. This year we can expect as many as 6,000 Americans under the age of 25 to take their own lives. Perhaps as many as 2 million more will try unsuccessfully.

Suicide is now the third leading cause of death for Americans aged 15-24, trailing only homicides and accidents.

Youth suicide is a national epidemic which can no longer be ignored. I urge my colleagues to cosponsor this resolution and help give this tragic problem the attention it deserves.●

JOINT COMMITTEE ON INTELLIGENCE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. HYDE. Mr. Speaker, I recently introduced House Joint Resolution 7 which would create a Joint Committee on Intelligence, and am today filing a list of cosponsors.

Over the past few years, the sheer size of the existing congressional intelligence oversight arrangement has increased the opportunities for leaks damaging to our national security. These revelations also have contributed to a serious deterioration in relations between the CIA and Congress with a consequent loss of trust—the most vital ingredient in the oversight process. Congress is an inherently political institution, and the leaking of sensitive information to achieve a partisan objective has become a Washington art form. I hasten to add this practice is not confined to congressional sources—the executive branch has played this game as well over the years. That fact of life notwithstanding, I believe that we must establish a system that will significantly tighten up intelligence oversight. One of the intelligence community's most respected voices. Admiral (Ret.) Bobby Inman, resigned as a consultant to the House Intelligence Committee because he felt it had become politically partisan. He put it best when he remarked that "if the country doesn't establish a bipartisan approach to intelligence, we are not going to face the problems of the next 50 years."

House Joint Resolution 7 would bring about a new oversight mechanism by mandating that the existing House and Senate intelligence panels be replaced with a joint committee composed of nine members from each Chamber. Needless to say, the leadership of both parties would be expected to select individuals who have exhibited the requisite trustworthiness, competence and responsibility, as well as the proven ability to subordinate political considerations to the national interest. Staff support would be provided by a small cadre of apolitical professionals with the same exemplary personal qualities as the committee's members. Creating a Joint Intelligence Committee along these lines would help diminish the possibilities for partisan posturing and significantly reduce the number of individuals having routine access to sensitive information, thus minimizing the risk of damaging, unauthorized disclosures. At the same time it would retain in a more effective and concentrated manner congressional supervision over the activities of our intelligence agencies and preclude the possibility of executive branch intelligence components playing one committee off against the other.

House Joint Resolution 7 also addresses some other practical problems that have resulted from two committees overseeing the intelligence community. As we have learned, the two committees often reflect different perspectives, and they frequently do not focus on the same topics. Moreover, there is not enough interaction or coordination on the issues, contrary to what most of us had assumed. For example, the media last year carried unattributed criticisms from the House Intelligence Committee that the CIA may have overspent its budget in its supposedly covert operations in Nicaragua. This view was not shared by the Senate Intelligence Committee. Confusion prevailed.

Congress has increasingly insisted upon being consulted and briefed by the executive branch concerning national security and foreign policy questions. A large percentage of these are intelligence related and require the involvement of high level executive branch officials who are often hard-pressed to meet the demands of both the House and Senate Intelligence Committees. This is particularly true during fast-breaking crisis situations. A consolidated oversight panel would provide one point of contact for consultation and briefings in those instances where time is of the essence.

In summary, a Joint Intelligence Committee would not only eliminate the problems just cited, but it would also encourage bipartisan cooperation, and thus ensure a more effective, depoliticized congressional oversight process.

Following is a list of cosponsors of House Joint Resolution 7:

Mr. KASICH of Ohio, Mr. LAGOMARSINO of California, Mr. WILSON of Texas, Mr. WEBER of Minnesota, Mr. RUDD of Arizona, Mr. EDWARDS of Oklahoma, and Mr. BARTON of Texas.

Mr. MONTGOMERY of Mississippi, Mr. ROGERS of Kentucky, Mr. LOWERY of California, Mr. WHITEHURST of Virginia, Mr. MCGRATH of New York, Mr. BROOMFIELD of Michigan, Mr. PETRI of Wisconsin, and Mr. LUNGREN of California.●

CHAIRMAN JONES' GREAT LAKES SPEECH

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. OBERSTAR. Mr. Speaker, the Great Lakes, America's Fourth Seacoast, has in the past felt like the fourth cousin come uninvited to Sunday dinner—not quite turned away, but certainly not one of the family.

In recent years, however, the Great Lakes has made progress in achieving its potential to be a fully integrated, equal partner in America's maritime commerce.

It is refreshing for me, as a Member of Congress representing a Great Lakes port, and serving on the Merchant Marine and Fisheries Committee, to have our committee chairman, the gentleman from North Carolina [Mr. WALTER B. JONES], take such an active role in encouraging Great Lakes commerce. As chairman, he has recognized that the growth of each port range contributes to the strength of our national transportation system, and of our ability to compete in world markets.

On March 13, Chairman JONES spoke to the Great Lakes Task Force at the task force's annual Washington breakfast. Chairman JONES reaffirmed his support of the Great Lakes as a vital part of the Nation's maritime network. It was a good thoughtful, balanced statement, and I ask that it be included in the RECORD at this point.

REMARKS OF HON. WALTER B. JONES

Good morning ladies and gentlemen. We are here to discuss the health of the U.S. maritime industry in the Great Lakes and on the St. Lawrence Seaway. Your own interest in this subject is easily explained. But some of you may be wondering why a Representative from the South has any particular interest in the Great Lakes. The answer is that the economic health of our country is not regional in nature. We need more concern and sensitivity nationally.

Besides, people in the South have traditionally been concerned about the welfare of their Northern friends. . . .

Ever since I became Chairman of the Committee on Merchant Marine and Fisheries I have been concerned, and have expressed this concern publicly over and again, that U.S.-flag service generally is in a state of rapid decline. My observations have been, and continue to be, that nothing currently being proposed stands in the way of a continued decline from our former position as the most prominent maritime nation in the world.

We have observed nation after nation granting extraordinary benefits to investors in shipping activity with the condition that they fly the flag of that nation. Lesser developed nations have promoted their shipbuilding industries by selling vessels at well below cost to the operator, and banking and other financial interests in those countries have provided funding at well below market cost while the USA through its foreign policy programs subsidizes the economies of those very same countries. We have reached the point where we have exceeded the point of reasonable generosity; our "hands-off" or "free-trade" philosophy is accelerating a decline in some of our most essential industries. I predict that this disease may become endemic to all economic activity in the United States if there is not some reversal of form.

A case in point is the Great Lakes. We once could count on U.S.-flag shipping to be the dominant factor. But now, it has de-

clined to the point that there is no U.S.-flag shipping to speak of that is engaged in the foreign commerce of the United States using the Lakes or Lake Ports. We have also observed that in the bilateral trade between the United States and Canada, the vessels that are carrying this trade are not flying the United States flag. This situation compares sadly with the condition of the U.S. Great Lakes fleet in the past when we had significant numbers of vessels operating between the United States and our neighbor to the north.

I believe that this deterioration of U.S.-flag presence on the Great Lakes provides an example of what may happen to the rest of our maritime trades. Perhaps by an intensive study of Great Lakes trade, we can determine what went wrong there, how we might correct it, and how we might avoid a similar decline elsewhere. I have requested the General Accounting Office to undertake a study and to give us a complete picture of how we achieved the current status on the Lakes. I am particularly concerned about government policies employed by other countries that give unfair advantage to their carriers when competing with U.S.-flag carriers in the bilateral trade. In a world in which everyone speaks of free trade, it seems to be ridiculous for the United States to be the only one that implements the philosophy.

During my tenure as Chairman of this committee on Merchant Marine and Fisheries, I will not sit silently by and allow an essential element of our national economic well being suffer. The Great Lakes, the U.S. Merchant Marine and other activities involved in the U.S. maritime enterprise are worth saving. I know we can count on you to be a part of the effort to save them.

Thank you very much.●

BLAME THE CRIMINAL—NOT THE VICTIM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BIAGGI. Mr. Speaker, as a 23-year police veteran and one who was deeply saddened at the senseless murder earlier this year of D.C. Police Sgt. Joseph Cournoyer, I wish to insert a very insightful statement about Sergeant Cournoyer's death. It was written by Assistant U.S. Attorney General Lois Haight Herrington and it appeared in the Washington Post shortly after Sergeant Cournoyer's death.

Her message is right on target. Too much of the blame for violent crime is somehow being shifted away from the criminal and onto the victim. This is a message worth remembering as we continue our anticrime crusade here in the Congress.

[From the Washington Post, Feb. 2, 1985]

BLAMING THE VICTIM, ONCE AGAIN

I read about a tragedy the other day. A lone D.C. police officer, Sgt. Joseph Cournoyer, chased an armed robber who had run onto a bus. The officer followed to catch the robber and protect the people on the bus. Everything worked—the officer removed the robber from the bus to make people safe—but, as Cournoyer stood on the loading platform, the robber fatally shot him at point-blank range.

As I read the newspaper accounts and followed the press coverage, it seemed there was something not quite right about the story, and at first I couldn't put my finger on it. Then it struck me: The whole focus of attention was not on this cold-blooded act of violence and the killer responsible for it. Instead, the issue was raised repeatedly that the officer wasn't wearing a bullet-proof vest, as if somehow it was the officer's fault that he had been murdered.

At first blush this appears to be a legitimate inquiry. But when we analyze it, what we are doing is blaming the victim of the crime and not the criminal. We've lost track of the simple notion that every citizen has the right to be safe on our streets, in our homes and in our communities.

We hear the questions asked in the media and in our courts: "What were you doing on that street after dark?" "Why didn't you have a dead-bolt lock on your front door? How could you drive with your car doors unlocked?"

There has been an insidious change in our national thinking. We've put the burden on the innocent citizen to stay out of harm's way rather than requiring, as any civilization must, that people don't break the law. We've accepted, without knowing it, a siege mentality in which we have no right to feel safe unless we are behind locked doors and insulated by bullet-proof vests.

As long as we accept that view, we are condemned to be victims—victims of those who prey upon the innocent and victims of our own shifted values and expectations.

It is time to take back the right. It is time to recommit ourselves to making our communities safe havens for those who obey the law and not abandoned territories to those who would break it.

Sgt. Cournoyer's death was a senseless tragedy. But it is also an important legacy. That young officer's last act was to point us back to the truth that the responsibility for violence in this country lies with those who do it, not those who suffer it.●

FOUNDING OF SEABEES

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BADHAM. Mr. Speaker, recently, the Board of Supervisors of Orange County, CA, adopted a resolution in honor of the 43d anniversary of the founding of the Seabees.

I, too, believe that the contributions the naval construction battalions have made to the security of our Nation and to the cause of peace and freedom throughout the world deserve recognition.

Since their formation on March 5, 1942, the Seabees, with their "Can Do" slogan, have exemplified the spirit that makes America great. And, I am proud to note that the Reserve Seabee units, some 18,000 reservists strong, are headquartered at El Toro Marine Corps Air Station in the 40th District I represent.

It is an honor for me to join the members of the board of supervisors and the people of Orange County in paying tribute to the Seabees, and I ask that the resolution adopted by the board of supervisors be printed in the RECORD at this point.

RESOLUTION OF THE BOARD OF SUPERVISORS, ORANGE COUNTY, CALIFORNIA

On motion of Supervisor Thomas F. Riley, duly seconded and carried, the following Resolution was adopted:

Whereas, there are certain days set aside by our great nation whereby the citizens of this and other states pay homage to our Armed Forces; and

Whereas, on these occasions, marked by celebration and prayer, the dedicated men and women who have been and are serving our country in its quest for freedom for all nations, are given due recognition and appreciation; and

Whereas, one segment of our Armed Forces is the Navy's Construction Battalions, commonly known as the "SEABEES," whose famous "CAN DO" slogan exemplifies the true spirit of men whether it be in the height of battle or in the repair and construction of facilities to support military operations; and

Whereas, the SEABEES, both Regular and Reserve, through their professionalism, knowledge of construction and individual skills, contribute to the maintenance of freedom; and

Whereas, since the founding of the Navy SEABEES on March 5, 1942, many citizens of Orange County have served in that organization during peace and strife and, through individual skill and expertise, fulfilled their motto "With Compassion for Others We Build—We Fight for Peace With Freedom"; and

Whereas, the headquarters of the 18,000 man reserve, which commands Reserve Seabee units across this great land, is located in Orange County aboard Marine Corps Air Station, El Toro: Now, therefore, be it

Resolved, that the Orange County Board of Supervisors does proclaim March 5, 1985, the 43rd Anniversary of the formation of the Naval Construction Battalions, as "SEABEE DAY" in Orange County.●

BIELARUSIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ANNUNZIO. Mr. Speaker, March 25 will mark the 67th anniversary of the independence of the Bielarusian National Republic. This day is historic in man's struggle for freedom and self-determination, and I am glad to have the opportunity to bring to the attention of my colleagues this important event in the history of free peoples.

The Bielarusian Coordinating Committee of Chicago, IL, an organization dedicated to the restoration of human liberty in Bielarus, is again sponsoring a banquet and program to commemorate this anniversary and to renew its

commitment to human rights violations against their fellow countrymen at the hands of the Communists.

This year's program will take place on Sunday, March 24, at 12:30 p.m., at the Regency Inn Banquet Halls, 5319 West Diversey Avenue, in Chicago, and I extend to all those in attendance my warmest best wishes as they continue to contribute mightily to the ideals of freedom and human dignity. The commemoration will include recitations of poems, as well as musical renditions, which are a part of Bielarusian heritage and tradition.

In conjunction with this anniversary banquet, the Bielarusian Coordinating Committee is sponsoring a cultural exhibit at the Richard J. Daley Civil Center from March 25 through March 29. The exhibit will focus attention on the Bielarus culture and heritage, as well as the traditions of Bielarusian Americans living in Chicago. Another exhibit sponsored by the Bielarusian Coordinating Committee, appears in the office window of State Representative Penny Pullen at 22 Main Street, in Park Ridge from March 18 through April 15. the window has been decorated in the Bielarusian Easter tradition.

Both the Governor of Illinois, the Honorable James R. Thompson, and the mayor of Chicago, the Honorable Harold Washington, have issued proclamations to commemorate the 67th anniversary of Bielarusian independence, and those proclamations follow:

STATE OF ILLINOIS—PROCLAMATION

This year marks the sixty-seventh anniversary of the day when Bielarusian independence from Moscow was proclaimed. On March 25, 1918, restoration of Bielarusian statehood began. Its free existence, however, was short lived.

By 1921 many of the bonds which still chain them to Moscow were established. The Bielarusians are still fighting for liberation from Soviet Russian domination.

Here in Illinois, several Bielarusian organizations will observe their Independence Day with special activities in Chicago.

The Bielarusian people stand as a reminder that not all the world's people share the freedoms we take for granted here in the United States.

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 25, 1985, as "Bielarusian Independence Day" in Illinois.

CITY OF CHICAGO—PROCLAMATION

Whereas, March 25th will mark the sixty-seventh anniversary of the Declaration of Independence of Bielarus; and

Whereas, this day is being observed by Bielarusian communities throughout the free world as a day of celebration of freedom, unity and solidarity for the Bielarusian people throughout the world; and

Whereas, the 10 million Bielarusian people residing in their Russian occupied homeland, deprived of their right to observe this day, will be remembered in prayer during the local observance; and

Whereas, the Bielarusian Coordinating Committee will sponsor an exhibit in the Richard Daley Center from March 25 through 29 featuring cultural, social, political and educational materials about Bielarus and its folk arts, crafts and culture:

Now, therefore, I, Harold Washington, Mayor of the City of Chicago, do hereby proclaim March 25, 1985 to be "Bielarusian Independence Day" in Chicago and urge all citizens to be cognizant of the contributions of the Bielarusian people to the world and the special events arranged for this time.

This year also marks the 500th anniversary of the birth of Dr. Francisak Skaryna, the first translator and publisher of the Bible in the Bielarusian language.

The impact of Skaryna's monumental work from 1517–19 has been influential both in the cultural development of Bielarus and in the Bielarusian patriotic movement in the 20th century. Although the life of Francisak Skaryna is a legitimate subject of scholarly research, the republication of Skaryna's historic translation of the Bible is prohibited by authorities in Soviet occupied Bielarus. Since very few copies of this publication have been preserved, this work is virtually unavailable to the people of Bielarus, and therefore, they are unable to worship in their own language.

On this occasion of the 67th anniversary of Bielarus, I especially want to bring to the attention of my colleagues the plight of Michal Kukabaka, as well as other Bielarusian dissidents and Prisoners of Conscience. Michal Kukabaka has been missing since late last year, when he was supposed to be released from a Soviet prison, and currently his whereabouts are unknown which has caused great concern to the Bielarus community. Many Bielarusians desiring only to have their children educated in their native Bielarus language, to practice their own religion, and to preserve their cultural heritage have been put into jails, psychiatric asylums, and forced labor camps by the Soviets.

The Soviets have been brutal in their attempts to make the Bielarusian people forget their past, their history, their culture, and their language. The Communists have written new books, manufactured a new culture, and have tried to invent a new history for the Bielarusian people, in an attempt to liquidate this proud people and their nation. Organizations, like the Bielarusian Coordinating Committee of Chicago, have joined hands with their brothers and sisters in Bielarus to defeat the Communists in their attempts, and today the courageous men and women of Bielarus continue to oppose the efforts of the Communists.

Mr. Speaker, the United States has benefited tremendously from the courage, creativity, and vitality of Bielarusian Americans. These citizens are a living symbol to the world of what the atmosphere of freedom can do to add to the greatness of a nation. I am proud to participate in the 67th anniversary of the declaration of independence of Bielarus and I extend my best wishes to those Americans of Bielarusian descent, in the 11th Congressional District of Illinois which I am honored to represent, and Bielarusian Americans in Chicago and all over our Nation, who are commemorating this stirring event in the history of freedom.●

THE INDEPENDENCE OF LITHUANIA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. VISCLOSKY. Mr. Speaker, I recently had the honor of attending the Lithuanian American Council of Lake County's annual program to commemorate the 67th anniversary of the proclamation of Lithuanian independence. I deeply respect the pride and determination of the entire Lithuanian American Council for their fight for independence. I would like in particular to commend the president of the Lithuanian American Council of Lake County, Albert Vinick, for his hard work and dedication in fostering America's sense of duty to the Lithuanian people.

The Lithuanian American Council of Lake County, IN has adopted the following resolution in support of the freedom of their brothers and sisters in Lithuania, which I introduce into the RECORD:

RESOLUTION

The Lithuanian American Council of Lake County, Indiana, in a meeting duly assembled on the 17th day of February 1985, seriously discussed and unanimously passed a resolution pertaining to and pointing out the serious need to commemorate the restoration of Lithuanian Independence do hereby state as follows:

Whereas, that February 17, 1985, marks the 67th Anniversary of the restoration of independence to the more than 700 year old Lithuanian State.

Whereas, that Lithuania was recognized as a free and independent nation by the entire free world. She was a member of the League of Nations; however, she was by force and fraud occupied and illegally annexed by the Soviet Union.

Whereas, that the Soviet invaders, even though using tortures in jails, concentration camps, psychiatric wards are unable to suppress the aspirations of the Lithuanian people for self-government and the exercise of their rights to self-determination, as is highly evident from the numerous underground press and strong dissident activities.

Resolve, That the members of the Lithuanian American Council of Lake County, Indiana, are grateful to President Reagan and the Department of State for statements that an official diplomatic non-recognition of the forced incorporation into the U.S.S.R. of the three Baltic nations will continue to be a position of his Administration.

Resolve, To urge and to seek the aid of our representatives in the Congress of the United States of America and other nations

of the free world to use diplomatic and other possible pressures that the Soviet Union withdraw its military forces, secret police apparatus, foreign administration, and release from jails, concentration camps and psychiatric wards people who struggle for human rights and liberty and restore self-government in Lithuania.

Resolve, To express our most sincere gratitude to the U.S. Congress for the impressive annual commemoration of Lithuanian Independence.●

THE ANGEL OF DEATH—ON THE TRAIL OF MENGELE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LANTOS. Mr. Speaker, Art Harris writes a gripping mosaic in the Washington Post of March 8 on the Nazi "Angel of Death," Josef Mengele. It is a story that should be read by all Americans, particularly in view of the rise of some lunatic neo-Nazi groups in parts of the United States. The story of the monster Mengele is clearly one that deserves to be much more widely known.

ON THE TRAIL OF MENGELE

SEEN BUT NOT FOUND, SOUGHT BUT NOT CAUGHT: WHERE IS THE NAZI DOCTOR OF DEATH?

(By Art Harris)

Tales of the Angel of Death, told over and over: they come from Auschwitz, from the jungles of South America, from CIA files, from fevered Nazi-struck imaginations, from hucksters of hellish relics. Somehow, they are all different, but all the same.

Take the woman in the jewelry store in Asunción, Paraguay. She told an Israeli official about the day in 1965 when a customer asked about some merchandise. She came around the counter. She saw Josef Mengele. Two decades before, trim and elegant in his sleek black SS uniform, he had personally dispatched 400,000 other Jews to the ovens with a flick of his black-gloved wrist. But not her. She's survived. And now he was browsing in her jewelry store, just one of 40,000 Germans living in Paraguay.

She could not speak, she would say later. She watched him leave and then she told her husband: "It was him. It was Mengele."

For 40 years, one of the monsters of history has wandered the globe untouched, a free man: the most notorious Nazi war criminal believed alive today, the Auschwitz doctor whose mass murders and grisly experiments evoke Evil Incarnate.

How can this be?

West Germany has had a warrant out for his arrest for 26 years and has added a $350,000 reward. Israel Nazi hunters spirited Adolf Eichmann out of Argentina, but others have missed Mengele, they say, by minutes at a Paraguayan hotel, by little more at the Rome airport. CIA informants put him in Brazil, in Chile, in the drug trade or working as an auto mechanic. German prosecutors believe he may have been in Paraguay as late as 1982, if a jailed drug suspect can be believed: He is said to have been Mengele's roommate outside Asuncion, where they shared a passion for beekeeping.

What's more, the sightings began as soon as the Third Reich fell. American GIs say they saw him in an Army prison; a German professor claims he interviewed Mengele at a British prison camp in 1947. After that Mengele lived in his home town in Bavaria, where his family had made its fortune in the farm machinery business. His name arose at the Nuremberg war-crime trials, and he fled to Rome, where he is said to have gotten papers under the name of Gregorio Gregori.

In either 1949 or 1951, according to conflicting reports, he sailed from Italy to Argentina, where he lived under his own name in Buenos Aires, hawking heavy equipment for the family firm. Neighbors say he was "quiet, distinguished and courteous."

As Dr. Helmut Gregor, one of the dozen aliases he adopted over the years, he became an Argentine citizen in 1954 and performed abortions, says Nazi hunter Simon Wiesenthal. (At one point, he was "detained" by police when a patient died.) His first wife divorced him that year, and in 1958 he married his older brother's widow. They were divorced three years later, and she left for Switzerland and Italy. After the West German warrant was issued in 1959 he became a Paraguayan citizen; he is said to have attended his father's funeral in Germany that year.

He has lived his life. He has had friends, patients, family. Now bounty hunters, revenge seekers, glory hounds and die-hard believers in earthly justice descend on South America in such numbers that they have fostered a trade in relics of this saint of Hell—photographs, an ID card, whatever souvenir of evil you want, except the man himself.

If alive, he would be 74 this month.

Now America wants him. Its top Nazi hunter, Neal Sher, a Justice Department lawyer who heads the Office of Special Investigations, flew to Europe last week to seek leads from German prosecutors and Nazi trackers like Wiesenthal, 76, who suspect Mengele is still in Paraguay, protected by President Alfredo Stroessner; but after all these years, they still don't really know.

On his SS application, he said he stood 5 feet 9, with brown hair and blue eyes. But others remember a shorter, darker-looking man in a country that worshipped blue-eyed blonds. Mengele's hang-up was that he "looked like a Gypsy," says Wiesenthal.

Indeed, he aimed to keep nature from future mistakes, drafting human guinea pigs for macabre experiments he believed might make Hitler's dream of an Aryan master race come true. As the SS doctor at Auschwitz, he dispatched nearly half a million to the gas chambers and killed thousands more with mad genetic quackery.

He was obsessed with twins: if German women could repopulate after the war with multiple births, military losses might be offset. He handpicked specimens as they came off the trains at Auschwitz-Birkenau deep inside Poland. In his black SS uniform, shiny stick in hand, he cut a striking figure to the bedraggled, frightened Jews, waving some to the left, to die, others to the right, to live.

"He looked gorgeous," recalls twin Eva Kor, 50, who sells real estate in Terre Haute, Ind. "But everyone was scared of him. He decided how long you lived."

One 12-year-old Jewish boy held a special fascination: Marc Berkowitz had blond hair, blue eyes and a twin sister, Francesca. SS officers on the lookout for lab rats perked up when their mother shouted, "Kill me, but not my twins!" Immediately, they were brought to Mengele, and the experiments began.

Berkowitz was ordered to disrobe and lie on a table. Fluid was drawn from his spine. "My whole body was burning, and the next thing I knew I was fighting back fainting," recalls the 53-year-old retired New York furniture salesman, physically disabled from his days at Auschwitz. He heard a whimper and reached out to comfort his sister. She lay on the next table.

At times, Mengele was almost gentle. He patted Berkowitz on the head as a nurse mopped his brow. Sometimes, he even apologized. "I'm sorry we have to do this, but the pain will go away," he said.

Yet if his "guinea pigs passed out, or fought back, he eliminated them," says Berkowitz, who watched bloody bundles carried out of the lab. Ever stoic, Berkowitz fought to detach himself from the pain, and did as he was told. Once, he stood on his head for hours without passing out. He was prodded, punctured and poked. He was dunked in a steel vat of freezing water while Mengele lab technicians monitored his plummeting body temperature.

At last, when he was pulled out alive, Mengele strutted about the lab in ecstasy. He liked Berkowitz's attitude. "You're the type of boy I've been looking for," he said. "You're setting an example. The other children are behaving themselves. We're getting good results."

Berkowitz just tried to obey, intent on living from "moment to moment, second to second." So pleased was the doctor with his star guinea pig that he made Berkowitz his "lauper," or errand boy. He taught him German songs, recited poetry. Mengele loved classical music, and Berkowitz handcranked his Victrola, shined his boots and harvested his brussels sprouts.

But Mengele's moods changed like the weather. One day, Berkowitz watched him shoot a boy, first in one knee, then in the other. The boy was weeping as Mengele grabbed him by the hair and gave him the coup de grâce with a bullet in the brain. His sin: he'd wandered away from his barracks.

"You know he had no business over there." said Mengele. He asked Berkowitz if he'd done "something wrong" in shooting the boy, but didn't wait for an answer. "You have to respect the laws of the place," he said.

All the time, the crematoriums were running. Twins who survived the experiments were spared, of course, treated like prize pet rabbits. But if one in a pair died, Mengele killed the other to compare autopsies.

In other experiments, he snatched babies from mothers and tried to change the color of their eyes and hair, then killed them by injection. "What's the difference if you make black eyes out of blue eyes?" he asked one mother, then tried it with her child. It died.

Witnesses have also told German prosecutors:

He offered candy to two sets of twin girls, then shot them in the neck, castrated or sterilized "about 100 male prisoners," routinely tossed babies into ovens alive and wired inmates with electrodes to test their threshold for electric shock.

To boost his labor force, he ordered pregnant women onto their backs, then stomped them until they aborted. Once, he promised a special milk porridge for all expectant mothers who signed up, then gassed them all. He also gassed a barracks that included some of his former professors, all Jews.

"We called him the 'death doctor,'" says survivor Ernest Michel, 61, of New York City, who once escorted eight Jewish women

to Mengele's lab as an orderly. When he hauled them away, two were dead, two were in a coma, another had to be disconnected from an electroshock machine.

Spared for his elegant penmanship, Michel was ordered to rewrite medical history. "Heart attack," he wrote day after day to cover up the true cause of death. "Our biggest fear was that no one would be left alive to tell what really happened," he says.

As one of Mengele's pets, Berkowitz was there in 1944 when his keeper exploded over a report of lice among the Gypsies. "I'm sick and tired of these filthy, diseased pigs," Mengele ranted. "I've been trying to keep this camp clean, and I'm fighting a losing battle!"

His solution: send the whole barracks to the gas chambers. and 700 Gypsies were marched off to be "disinfected" forever. One German officer nodded at Berkowitz, a witness to his rage. Said Mengele, "Don't worry, he's one of us. If we had more boys like him, we would have won the war."

Mengele liked to test Berkowitz, probing for the secret of his endurance. Once, he ordered Berkowitz to swim with the SS men who nearly drowned him for sport. To retest his courage, it was back to the pool.

When his mother's barracks was marched off to the gas chamber, Mengele conjured an errand so Berkowitz could take a last talk with Helen Berkowitz. For Mengele, it was just another experiment, the Angel of Death testing the faith of a Jew.

"So," asked Mengele later, "do you still believe in God?"

"I've lost almost everything," replied Berkowitz, "but one thing I have not lost is God. You can take everything from me, but you cannot take my God."

Mengele reached for his revolver. It was holstered in black leather, hanging over a chair. He unsnapped one button. He unsnapped the other. He stared long and hard at his gofer.

"You gave the right answer," he said. He nodded at his boots. "I want a good shine today. I have very important things to tend to."

Berkowitz walked outside. Smoke was belching thick and black. He was thinking, "I'm only 12, but I'd better say Kaddish (the prayer for the dead) for my mother. I don't know if I'll be around to say it tomorrow."

Our Christmas Eve 1944, with the Russians advancing on the eastern front. Mengele found Berkowitz in the washroom. A light snow was falling. Pausing at the door, flanked. by two SS guards, he wished him well. Mengele seemed almost wistful. "Adieu," he said. And that was the last time Berkowitz saw him.

Everyone has an answer, a rumor, a theory, a cold lead, an excuse.

"I've [barely] missed him five times," says Wiesenthal. He has bagged 1,100 war criminals in his lifetime without ever getting as close to Mengele as the jeweler's wife.

Christmas 1963. Wiesenthal got tipped off in a letter: Mengele, Hotel American, Milan. He flew there with a German prosecutor. Said the manager, "Yesterday, he left." In Torremolinos, Spain, he missed him by two days; at the Rome airport, by mere hours.

Later, a group of Auschwitz avengers called the "Committee of 12" tracked him to the Hotel Tyrol near the thriving German colony of Hohenau in eastern Paraguay. They planned to spirit him to Frankfurt to stand trial. His alias that time: Dr. Fritz Fischer. They burst into room 26, but he was gone. Minutes before, Herr Fischer got a phone call, said the manager, raced down the stairs with his pajamas on under his suit, and vanished in the night.

Intelligence tips put Mengele in Chile 18 months ago; in Paraguay's German-speaking Mennonite villages on the Bolivian border as recently as last year; in Uruguay six months ago.

South American governments, rubbed raw by complaints that they're sheltering the fled legions of the Nazis, deny it all.

Says the Chilean Embassy press officer: "We had one Nazi war criminal, and that was plenty." That would have been the late Walter Rauff, the SS general who conceived and operated mobile gas chambers used to exterminate Jews. He recently died in his sleep after running a fishing boat for years, under his own name, out of Puerto Provenir. Chile's supreme court denied his extradition request on a technicality. Another extradition request was denied in 1959 by Argentina, on grounds that it was written in German, not Spanish. And not till 1970 did Paraguay concede Mengele had been naturalized years before.

"The last photograph is 1963 in Asuncion," says Wiesenthal by phone from Vienna. "We don't know his [new] alias."

What of rumors he may have undergone plastic surgery? Wiesenthal doubts it; no Nazi war criminal he caught ever went under the knife. What about the report of postcards sent to friends from Portugal? Does Wiesenthal say this is a Nazi disinformation trick to blur the trail?

Or CIA files portraying Mengele as a cocaine warlord, dealing under the name Dr. Henrique Wollman? "A stupid story," Wiesenthal scoffs. "He doesn't need the money."

It would certainly seem that way, if he can rely on rich Nazi friends and the family conglomerate, Karl Mengele & Sons, with offices in Paraguay, Argentina and the United States.

A $1 million bounty was offered last week by unnamed donors in Los Angeles after lesser amounts did no good.

He remains at bay, a fugitive with all the glamour of an emissary from hell, merely yapped at by the hounds of justice, and mythologized by Hollywood in two movies, "Marathon Man" and "The Boys From Brazil."

Mengele was born March 16, 1911, in Guenzburg, Germany, the third son of a wealthy farm machinery manufacturer. At 24, he joined Hitler's "Brown Shirts," the Nazi Party three years later.

He studied anthropology and zoology in Munich, hatching a fascination for genetics, which was further fueled at the Institute for Genetic Purification in Frankfurt. In 1938, he graduated from medical school, married Irene Maria Schoenbein, joined the Waffen SS and became the Auschwitz camp physician.

Their son Rolf was born at Auschwitz in 1944.

Like other Nazis in the early days after the war, he made little effort to hide his identity.

But at least two U.S. Army veterans say they believe he was in U.S. custody at one time. A retired California aerospace engineer, Walter Kempthorne, says soldiers put a redfaced prisoner through calesthenics around July 10, 1945.

"This here's the bastard who sterilized 3,000 women at Auschwitz," said one, as a man fitting Mengele's description huffed and puffed. Kempthorne was 19, a private at the Idar-Oberstein detention camp in occupied Germany, where Nazis were interrogated after the war.

Guards sometimes trotted them outside for fun and games, including a charade called "Luftwaffe": Prisoners were ordered to run around in circles "spitting like a plane," says Richard Schwarz, 59, a retired government labor lawyer in Washington, D.C. As a young private, he put a Nazi he now believes was Mengele through the drill, "pats on the fanny" and all.

"Presumably, it was Mengele," recalls Schwarz, who never heard the man's name, but has war correspondence indicating he wrote friends about just such a doctor. And the Simon Wiesenthal Center in Los Angeles, which hunts data on Nazi war criminals and supports Holocaust studies, turned up the two soldiers, along with a U.S. Army dispatch from an intelligence officer who refers to an account of Mengele's arrest in 1947.

"We're searching our records of that camp," says Lt. Col. Craig McNab, an Army spokesman. "You've got to understand, Mengele wasn't on top of anyone's list back then. In 1945, he was a doctor way off in the wilds of Poland."

And by the 1950s, he was long gone. In South America, the chase began, a slow and frustrating pursuit. Diplomatic channels yielded nothing. Everything grew vague.

Isser Harel, Israel's secret service chief who pulled off the daring snatch of Eichmann from Buenos Aires in 1960, eyed Mengele, too, but didn't want to risk losing Eichmann, he once wrote. Afterwards, Israeli agents tracked down his house in a middle-class suburb of Buenos Aires, but he was gone. They traced him to Paraguay. There, it was believed, he was protected by President Alfredo Stroessner, the right-wing strong man who took power in 1954, son of an immigrant German cavalry officer. It was easy to hide in a remote California-size country with only two million people and a gossipy capital where word travels fast when outsiders come sniffing around.

There was also plenty of camouflage from German colonies to the east, where lush, rolling hills between the Paraguay and Parana rivers lured refugees of the Third Reich to drive Mengele tractors around some of the world's most fertile subtropical farmland.

It was there Mengele was sighted in the '60s, from Pedro Juan Caballero, a coffee-growing town to the north, to Hohenau, a farming village to the south. Israeli agents staked out a hideout in a heavily fortified farmhouse nearby in the early '60s, but ruled out a commando raid. There was no airport nearby to pull off an Entebbe, and Israel couldn't afford any diplomatic casualties: the Eichmann affair has ended their honeymoon.

Agents kept up their search in Asuncion and the interior, then lost Mengele across the border in Brazil, according to heavily edited CIA files released last week. Accounts also surfaced of assorted avengers on the loose, and someone apparently mistook a man for Mengele. He was found beaten to death, but it turned out to be an ex-Nazi soldier.

Diplomacy offered another route for frustration. When West Germany's envoy protested in 1965 that Mengele's citizenship was invalid, Stroessner is said to have exploded in rage. "Once a Paraguayan always a Paraguayan!" he shouted, pounding the table.

Especially when the citizenship papers are signed by old Stroessner friends like Alejan-

dro von Eckstein, a Russian emigre who fought alongside Stroessner in the Chaco War with Bolivia, and who still advises Paraguayan intelligence services.

At the American Embassy at Asuncion, there were frequent rumors of Martin Bormann alive and well, but never Mengele, recalls A. Dane Bowen, political officer until 1964. Besides: "Hunting Nazi war criminals wasn't our big preoccupation."

In those days, Mengele lived openly, sunning at a villa a half-mile from the embassy and scouting for land in Alta Parana, just across the Argentine border, reportedly working as an auto mechanic northeast of Asuncion near the Brazilian border. "Recurring rumers" said that Mengele was at a "well-guarded ranch, either near Encarnacion, in eastern Paraguay, or in Chaco, and that he is protected by Stroessner," said a 1972 CIA report.

Veterans of the Asuncion diplomatic corps say Mengele socialized with later Nazi Luftwaffe ace Hans Ulrich-Rudel reputed mastermind of Odessa, the secret underground that resettled fleeing Nazis in South America. Rudel was a fixture at diplomatic receptions, a favorite of Stroessner, and a representative for German firms.

His dealings also included substantial payments to Stroessner's son, says Paris-based Nazi hunter Beate Klarsfeld, who, along with her husband, tracked Nazi war criminal Klaus Altman Barbie to Bolivia, where he lived openly as a government security consultant before his extradition to France. She claims Rudel's financial documents, in her files, detail the deals.

"I bumped into Rudel all over the place," says Benjamin Weiser Varone, 71, the former Israeli ambassador who made it a habit to befriend those like the jeweler's wife who had seen Mengele. He met Mengele's lawyer, dutifully filing such reports to Tel Aviv. He got no reply.

"Israel doesn't expect its ambassadors to be Nazi hunters," he says. But whenever Nazi hunters back home raised a fuss, Paraguayan officials called Varone on the carpet. "They would call me to express the displeasure of their president," says the retired diplomat turned writer, who lives in Brookline, Mass. "But they never denied he was there."

Naturally, Varone was a magnet for mercenaries and crackpots chasing the doctor. His standard line: "Go across the street. The Germans have a warrant for his arrest." His job was to keep Paraguay's crucial U.N. Security Council vote in Israel's corner. He charmed, he cajoled, he got it, even as Mengele was seen around town.

Later, in 1978, the U.S. Embassy heard he frequented the Caballo Blanco, or White Horse, a favorite German restaurant downtown. And a BBC crew with a hidden mike captured a Nazi boasting of playing cards with the doctor.

"Mengele? Oh, yes, he's around, but we don't know quite where. He comes and goes," officials would reply whenever Ambassador Robert White brought it up.

So, why wasn't he arrested—or something? "Because he wasn't wanted all that much," says White, who filed his Mengele tales with the State Department and got no reply. "We did report on it, but there was never much interest expressed by Washington in any way."

Still, such accounts irritated officials in the remote haven for rightwing refugees. "Bob, how can we polish up our image?" he was often asked.

His whereabouts has mystified them since 1962, when Germany's first extradition request arrived. But if a hideout can be found, they promise to dispatch a posse. "We have made a full investigation and found no trace of Mengele in Paraguay," says the embassy press attache. "We believe he is not there anymore."

Horrors like the Holocaust make Everyman a philosopher. Questions beget more questions. If Mengele is never caught, does that mean you can do unspeakable things in this life and escape justice? Or if he is put on trial, will that mean good finally triumphed over evil?

On Jan. 27, 1945, Berkowitz and his sister were liberated by the Russians, after surviving a death march in the freezing cold. And three years later, after stints in refugee camps, they wound up in America, sole survivors of a family of nine.

Berkowitz washed dishes in New York, sold furniture, shrugged off the pain of a crumbling spine and fought to understand. With Eva Kor, he started a support group for Auschwitz twins called Candles. So far, about 120 have come forward, 20 from the States. Many testified at a mock trial for Mengele in Jerusalem last month.

If Mengele is ever arrested, Berkowitz wants to ask him some questions. "I would like to ask him exactly what he did to his guinea pigs, so we can get medical help," he says. "We are like a puzzle. We have to be put back together piece by piece."

Ambivalent about revenge, he would prefer a trial. He doesn't hate Mengele. And he reflects that he is still his errand boy: "You see, he never dismissed me."

Says Wiesenthal: "Look, the life of Mengele is without importance. After so many years, criminals turn into witnesses. How can you punish somebody for the deaths of 400,000 people? If he is caught and gets life, he'll probably serve only a few years before he dies. That will end up to be a few seconds per victim.

But if Mengele is sent to the gallows, "the survivors should do it," says Berkowitz.

Now Mengele is hot, everyone's favorite villain. It's only taken 40 years. In South America, there are those who can look on it as a trend, not unlike other trends, a sort of nostalgia craze.

"There are people out there willing to sell you Bormann's bones and Mengele's hacienda," says New York lawyer Gerald Posner, whose research forays draw Nazi brokers like flies. "The minute they hear an American is hunting Nazis, their ears perk up and their wallets get itchy."

He's spurned diaries, rings and memorabilia. How about Mengele's original fingerprint card? asked a Brazilian cop. Only $500. Or recent photos, whispered an ex-Nazi officer over mint tea at the Hotel Mansour in Casablanca—after plastic surgery. A mere five grand. Or, maybe you like Mengele's SS ring, very cheap: $1,000, said the Argentine lawyer.

The flea market sells such rings by the trayful, swastika and all, $3 apiece.●

CUT OFF PRIVATE AID TO THE CONTRAS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LEVINE of California. Mr. Speaker, today I and Congressman LEACH are introducing legislation to amend the Neutrality Act to prohibit private assistance for military or paramilitary operations in a foreign country if the Congress has prohibited the use of covert assistance for such operations.

This legislation will establish the sound principle that once Congress enacts clear foreign policy legislation, it must not be undermined by private citizens conducting a contrary foreign policy. The immediate impact of our legislation would be to prohibit private assistance to the Contras in Nicaragua.

From 1981 to the summer of 1984 the United States provided some $80 million in aid to the Contras. The House has voted three times to cut off such aid, and the 1985 continuing resolution contains provisions cutting off aid to the Contras.

Last fall reports began appearing in the media of increasing private assistance to the Contras. Spokesmen for the groups providing this assistance have acknowledged that private American funding assists Contra military operations in training and at base camps. Other reports have suggested a pattern of broader operations, including American assistance in combat. Reports revealed that private aid to the Contras might be as high as $17 million over the past year.

This has become a matter of deep concern to me. Existing law, through the Neutrality Act, prohibits support of or participation in military expeditions against foreign governments that are at peace with the United States. The intent of the act is that the United States not be the site of conspiracies and preparations for attacks against foreign countries with whom the United States is at peace. Although private assistance to the Contras could well be a violation of current law, this administration has chosen to look the other way, interpreting the law quite narrowly.

Instead, President Reagan has been using very tough language about the Sandinistas. He has referred to the Contras as "freedom fighters struggling for liberty and democracy," and as "the moral equivalent of our Founding Fathers." Yet, two separate reports issued this month, one by the Washington Office on Latin America with the International Human Rights Law Group, and another by Americas Watch, described a distinct pattern of human rights violations by the Contras that include attacks on civilian targets resulting to the killing of unarmed men, women, children and the elderly; premeditated acts of brutality including rape, beatings, mutilation and torture; individual and mass kidnapping of civilians; assaults on economic and social targets such as farms, cooperatives, food storage facilities, and health centers; and kidnapping,

intimidation and even murder of religious leaders who support the government.

In voting to cut off covert aid to the Contras, Congress has clearly established American policy on this issue. By attempting to send private aid to the Contras, private individuals and groups are doing nothing less than thwarting the will of Congress.

The Congress has valid national security interests in insuring the success of its policy. It has made a key decision in the area of foreign affairs and it has the constitutional prerogative to do so. In cutting off aid to the Contras, Congress has validly exercised one of its most significant foreign policy powers, the power of the purse.

Once Congress has acted in a clear and unmistakable fashion in the area of foreign policy, it contravenes American interests at home and abroad to allow private citizens to conduct their own individual foreign policies which undermine congressional intent. This legislation would put an end to that practice.

This is an important bill, and I hope many of my colleagues will cosponsor it.

The text of the bill follows:

H.R. 1569

A Bill to prohibit private assistance for military or paramilitary operations in a foreign country if the Congress has prohibited the use of covert assistance for such operations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATE ASSISTANCE FOR MILITARY OR PARAMILITARY OPERATIONS IN CERTAIN COUNTRIES OR FOR DESIGNATED INTERNATIONAL TERRORISTS.

(a) PROHIBITIONS ON CERTAIN PRIVATE ASSISTANCE.—Chapter 45 of title 18, United States Code, relating to foreign relations, is amended by adding at the end thereof the following new sections:

§ 971. Private assistance for military or paramilitary operations in certain countries

"(a) PROHIBITION.—Whoever, being a person described in subsection (d) of this section, furnishes any money, goods, or services with the intent of assisting any group to engage in military or paramilitary operations in a designated foreign country shall be punished under subsection (e) of this section.

"(b) ATTEMPTS.—Whoever, being a person described in subsection (d) of this section, attempts to engage in the conduct prohibited by subsection (a) of this section shall be punished under subsection (e) of this section.

"(c) DESIGNATED FOREIGN COUNTRIES.—

"(1) IN GENERAL.—A foreign country is a designated foreign country for purposes of this section if there is a statutory prohibition on United States covert assistance for the purpose of supporting military or paramilitary operations in that country.

"(2) DEFINITION OF STATUTORY PROHIBITION.—As used in this section, the term 'statutory prohibition' means a prohibition enacted by the Congress which is in effect when the violation of this section occurs.

"(3) DEFINITION OF COVERT ASSISTANCE.—As used in this section, the term 'United States covert assistance' means assistance provided by the Central Intelligence Agency or any other agency or entity of the United States Government involved in intelligence activities (regardless of whether the prohibition specifically refers to any such agency).

"(d) PERSONS COVERED.—A person is covered by this section if—

"(1) that person engages in any conduct in the United States in the furtherance of an offense described in this section; or

"(2) that person is a United States citizen regardless of where the conduct prohibited by this section occurs.

"(e) PENALTY.—Whoever violates this section shall be fined not more than $250,000 or imprisoned not more than 3 years, or both".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 45 of such title is amended by adding at the end thereof the following new item:

"971. Private assistance for military or paramilitary operations in certain countries.".●

CONGRESS SHOULD PROHIBIT GREENMAIL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. OBERSTAR. Mr. Speaker, few business phenomena have attracted the volume of mass-media attention as has the subject of hostile takeovers.

Just about every major newspaper and news magazine have published newsstories and indepth features on the corporations and individuals involved in the takeovers. The proliferation of takeovers has raised serious questions about the impact of takeovers on the national economy, credit markets, the employees of the target companies, and the community in which the acquired corporations have operations.

As a defense to hostile takeovers, the boards of target corporations have increasingly relied upon the practice of "greenmail," the repurchase at a substantial above-market premium of the target shares held by the bidder/raider in the takeover.

The practice depletes target treasuries, provides the raiders who are minority shareholders with an opportunity denied other shareholders, and encourages further takeover attempts in the hope that future targets will be forced to make greenmail payments.

William C. Norris, chairman and chief executive officer of the Control Data Corp., headquartered in Minneapolis, MN, is one of the leaders among corporate executives speaking out against the practice of greenmail. The New York Times of Sunday, March 3, presented a compelling, concise case against greenmail and in favor of congressional action to prohibit greenmail. I urge my colleagues to consider the carefully thoughtout views of Mr. Norris and to join with me and many of our colleagues in scrutinizing the practice of greenmail as we consider the need for Federal legislation to regulate, and possibly prohibit, this practice.

The New York Times article follows:

[From the New York Times, Mar. 3, 1985]

ENOUGH GREENMAIL

(By William C. Norris)

On a recent visit to New York, I picked up a newspaper and discovered in the business section that my company might be the target of a takeover attempt. It caught my attention. But it was no surprise.

Control Data, like almost every company in America, no matter how large, is vulnerable to the tidal wave of hostile takeovers that we have seen in recent years. Some may find this ironic. For more than 10 years, as a critic of corporate raiders, stock-market speculators, opportunistic bankers, lawyers, arbitrageurs and other power-hungry players in the real-money monopoly game of hostile takeovers, I have argued that such takeovers loot corporate treasuries, cheat shareholders and undermine our ability to compete in world markets. I have warned that they lead to the misuse of capital; force management to sacrifice long-term strategy and the development of new products and services for short-term gains; inhibit innovation, and cause job losses and economic upheaval that disrupt the lives of employers and communities.

Nobody seems to have paid much attention. Last year, for example, a record number of companies repurchased their own shares. Many did so as a defensive measure against real or implied takeover threats, paying a higher-than-market price to buy back stock from an unwanted suitor and thereby coining a new word in the corporate lexicon—"greenmail," a form of legalized banditry that has mainly rewarded its practitioners.

The inescapable conclusion is that hostile takeovers are undermining our economic system and our competitiveness. But there is some ray of hope: statutes enacted at the state level, including Ohio and Minnesota. The most important component of the Minnesota law is a requirement that the acquiring company publicly disclose its plans and goals for the target company, its employees and the communities in which they live. This is obviously a critical requirement in unwanted takeovers. But I also believe that even in the case of friendly combinations, the acquisition should not be consummated if the negative aspects of the takeover cannot be resolved in an economically and socially acceptable manner.

What we need now is Federal reform along the same lines: a national response to the economic and social damage caused by hostile takeovers.

The damage is real. Recently, for example, a New Jersey company called Edudata tried to take over a Minnesota company called Scientific Computers. Scientific Computers had about 250 employees and earned $1.2 million on sales of $14.9 million in fiscal 1984. Edudata, by contrast, had few employees, virtually no track record and had been losing money. In another case, Cardiff Acquisitions came after Conwed, a Minnesota-based forest products company.

Both of these takeover attempts would have succeeded had it not been for the Minnesota law, a law promoted by business, labor, academe and state government, and upheld by Federal district and appellate

courts. Cardiff, for example, failed in its first attempt to acquire Conwed. It later succeeded, but only after raising its bid by one-third.

Yet even with the aid of the new law, companies can pay dearly to remain independent. Take Scientific Computers. Before the raid, the company had little debt and a healthy cash reserve of $3.7 million. But it ultimately paid $6.4 million to buy back stock held by Edudata and affiliates, plus $500,000 in attorneys' fees, by borrowing $4 million and taking the rest from cash reserves.

In a sense, therefore, Scientific Computers won. But even in losing, Edudata made off with a big haul of cash, and the lawyers got their cut. And there were hundreds of small losers. The long-term stockholders of Scientific Computers got clobbered. As a result of the cash paid out, and the reduced earning power of the company, their shares are now worth less. The company's employees lost because their employer was left with decreased resources with which to compete in the marketplace. Finally, the community and state lost—for the reasons cited here and because capital was removed from the state.

The need for a law requiring a raider to disclose his intentions seems obvious, but it's driven home when you read, as I did, a letter from an employee of another Minnesota target of a hostile takeover attempt. The employee asked why dedicated workers who had invested both money and lives in the company were not entitled to an explanation of the raider's plans for their futures. The answer: we cannot responsibly ignore the devastating effects of corporate raids on employees, communities and the future vitality of the company itself.

Moreover, if we fail to respond quickly and sensibly, public outrage will lead to punitive and inflexible legislation. Before this happens, Congress should enact a law that inhibits hostile takeovers while assuring some flexibility for friendly mergers and acquisitions, which can be critically important to our competitive strength.

The recently enacted Minnesota law is a good place to start. In the meantime, as I have made clear whenever asked about a takeover rumor, "Anyone who tries to take over Control Data will be in for a world-class fight."●

TONY OLIVA RETURNS TO THE TWINS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. SABO. Mr. Speaker, it gives me great pleasure to submit the following article for the RECORD on behalf of my good friend, Tony Oliva. Tony, who was one of the best baseball players that I have ever seen, is back in a Minnesota Twins uniform as a coach and batting instructor. The people in Minnesota and all baseball fans are glad to see that Tony has returned to the big leagues.

Tony Oliva played baseball as few others could. He led the American League in batting average in his first two seasons in the major leagues and won a total of three batting crowns in his first eight seasons. He also led the American League in base hits in five of his first eight seasons. Unfortunately for Tony and baseball, serious knee injuries plagued him during his final five seasons. Were it not for those injuries, Tony Oliva would be a shoo-in for baseball's Hall of Fame.

I want to welcome my friend Tony Oliva back to the major leagues and honor him by entering the following article into the RECORD.

[From the Minneapolis (MN) Star & Tribune, Mar. 3, 1985]

UNOBTRUSIVE OLIVA IS MAKING A HIT WITH TWINS

(By Howard Sinker)

ORLANDO, FLA.—His presence is obvious without being threatening. Whenever there are Twins practicing their hitting, Tony Oliva can be found leaning against the back of the batting cage, bat in hand, offering tidbits.

The other day, for example, he found that Gary Gaetti's footwork was keeping him from pulling the ball. And that Dave Engle isn't aggressive enough when hitting to right field. And that Tim Laudner ought to shorten his stride or he'll "miss many beautiful pitches."

For Oliva, being the Twins' batting coach marks the return to a job he thought never should have been taken away. He was replaced after the 1978 season and spent the last six years as a minor league instructor, shuttling from Visalia to Toledo, from Kenosha to Orlando, trying to hone raw talent into major league hitters.

"I was disappointed. If you don't do the job, you shouldn't belong there. But I was doing the job," Oliva said. "The three years I coached, the Twins were always (doing well) in hitting. Plus, I'd been in Minnesota for so many years and didn't want to leave. But what would have happened if I don't say that I'll go? I wouldn't have a job."

The story, according to former owner Calvin Griffith, was that Oliva, 43, left the Twins at the insistence of then-manager Gene Mauch. "He wanted to have his own people, which I think is a fallacy," Griffith said. "I think the owner should dictate who the coaches are going to be."

Oliva said Griffith put the best possible face on what was happening. "Mr. Griffith said to me, 'Tony, I'm going to bring you back one day. But I need you to work with the younger ballplayers because we're not going to get free agents. You're the best one to help develop ballplayers.' I've developed a lot of the players who are here right now."

The players aren't complaining about having Oliva replace Jim Lemon, who will become the Twins' advance scout.

"Lemon definitely was a knowledgeable hitter who knew the basics real well," said first baseman Kent Hrbek. "But I don't think he knew how to explain them that well. I can understand Tony. Not English-wise all the time. But I can understand his approach to hitting better.

"Tony works with what you've got. He doesn't try to change you and make you into a different hitter. We've all gotten here somehow. Tony just tries to make certain minor adjustments instead of trying to teach an old dog new tricks. There's only so much a guy can tell you and Tony knows that."

Said Oliva: "You're not going to tell some guys what to do, no matter what. When you have a .300 hitter, you wait for him to come to you for advice."

That wisdom comes firsthand. Through a 13-year career that was shortened by knee injuries, Oliva had a .304 average and was the American League batting champ in 1964 (.323), 1965 (.321) and 1971 (.337). He remains the only player ever to win that title in his first two major league seasons.

At first, though, Griffith wondered how Oliva would make the transition to coaching. "Tony was the best hitter we ever had and that's what worried me for a while," he said. "He's such a natural, the kind of guy who could just go out there and hit the ball out of the park. And that could have been the trouble. A lot of the people with that kind of ability never had to go through the challenge of having to learn."

But to be a Twin in Oliva's days was to be surrounded by those who took their swings seriously. There were sluggers and hitters—and Oliva, who was both.

"In the early 1970s, we had a veteran team and everyone would help one another—Killebrew, Allison, Carew, Tovar," Oliva recalled. "They helped me, I helped them. Why? Because we were all good hitters. I felt that even before I started coaching, I was a good instructor."

In addition to coaching for the Twins, Oliva spent five winters managing teams in Mexico and Colombia. He found there that he was able to work with aspiring players as well as those who already were secure major leaguers.

There were those who wondered why Oliva stayed with the Twins' organization when he was sent to the minors. It appeared his career was being rewarded with a kick in the pants and, surely, some other team would welcome his services.

"I grew up in the Minnesota organization and all of the people here had treated me nicely," Oliva explained. "It's hard to go to a different organization. But if I hadn't believed they were going to give me this opportunity, I think I would have had a chance to go somewhere else two or three years ago. I could have gone if I had tried hard, but I never did. People would say to me, 'Tony, why don't you leave?' But there are many things that you have to take into consideration."

It was the Twins, after all, who helped Oliva get out of his native Cuba in 1961. At the time, the Twins had a scout in Cuba, Joe Cambria, who both discovered Oliva and discovered that he was too young to get a U.S. visa. A visa was acquired for an older brother, however, and Oliva used that to leave.

The Twins have made quite a return on that creative investment and are counting on getting even more. Manager Billy Gardner, himself no stranger to coaching in the minors, believes that background will be a boon to his players.

"At the minor league training camp, one of the things you could count on was that Tony would be at the batting cage," said Engle. "And almost every time he'd have a little something to say."

Said Oliva: "I don't want any body to hit like me, but I do want them to work that hard to improve themselves. We're going to be here for another five weeks and I'll take them aside and give them little things to do that will make it easier for them.

"I've seen a lot of good hitters and I know that when Rod Carew was hitting .340 and .350, he would still come out and do a lot of extra batting practice because maybe the day before he did something that he didn't like."

Such talk is foreign to Gardner, who never was much of an offensive threat. "I'm a little jealous," he said chuckling. "But I told Tony that if he was a .230 hitter like me, he wouldn't have his bad knees. He was on base too much. Too much running and sliding."

"If I was a .230 hitter" Oliva countered, "would I be doing this job?"●

THE QUESTION OF INTERNATIONAL TERRORISM ADDRESSED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BENNETT. Mr. Speaker, recently I had the pleasure of a brief conversation with Dr. Sukru Elekdag, the Turkish Ambassador to the United States. He told me that there exists today a substantial body of Marxist terrorists which exploits the tragedies of Armenian sufferings of 1915 as an excuse for the projection of today's Soviet imperialist purposes, including the proposed annexation of Turkish territory into Soviet control.

The Ambassador told me that House Joint Resolution 37, now pending in the House, might inadvertently give an excuse for terrorism against not only Turkish citizens today, but also against Americans and the NATO alliance as well. I asked the Ambassador to give me a memorandum in this and the following is what he sent to me, in part:

"Turkey, like the United States has been the prime target of international terrorist savagery which has become so much a part of the international landscape of the 1980's. Over 41 Turkish diplomats and their family members have been murdered by terrorist assassins in the past ten years. The death toll also includes numerous innocent bystanders of many nationalities, including U.S. citizens. In each instance, the terrorists have proclaimed as their pretext vengeance for the alleged genocide of their Armenian forebearers 70 years ago—before the terrorists' victims were born.

"Publicity for the terrorists' version of history has been their aim, and bloodshed their attention-getter. Our common cause in the effort to discourage international terrorism may be placed in jeopardy should such an eminent body as the U.S. Congress affirm, by the adoption of H.J. Res. 37 the alleged validity of the pretext for the assassination of innocents by the Armenian terrorists.

"One consideration in this matter should be uncontroversial. There is a need for a common front to counteract international terrorism. That need is unambiguous. We must do what is necessary to achieve it and refrain from actions that could preclude it."●

EUGENE ORMANDY: HIS LEGACY IS A GREAT ORCHESTRA

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. COUGHLIN. Mr. Speaker, the death of Eugene Ormandy at the age of 85 marks the end of a remarkable career for the Hungarian-born conductor whose genius in music brought international acclaim to the Philadelphia Orchestra.

To those of us from Philadelphia and environs, Mr. Ormandy embodied the qualities of excellence, class and taste that we associate with the city of Philadelphia. He honored and dignified the city with his leadership of a brilliant orchestra.

In his 44 years as the orchestra's music director, Mr. Ormandy set high standards. And he and his musicians lived up to them. For Mr. Ormandy, the role he assumed was no easy one. He followed the great Leopold Stokowski as conductor of the Philadelphia Orchestra.

While the reputation of Mr. Ormandy and the orchestra was recognized throughout the world, the organization first and foremost was Philadelphia's own. At least two generations of Philadelphia music lovers grew up with the Philadelphia Orchestra—many sharing dates in the upper balcony seats of the city's magnificent Academy of Music as the distinctive sounds of the orchestra filled the night.

Mr. Ormandy led a rich and full life. Surely he will be missed. The city of Philadelphia remains forever in his debt. Music lovers everywhere cherish the legacy he has left—a great orchestra, the Philadelphia Orchestra.

I insert this editorial from the March 14, 1985 edition of the Philadelphia Inquirer in the CONGRESSIONAL RECORD as a lasting tribute to Mr. Ormandy:

MAESTRO EUGENE ORMANDY, A FABULOUS PHILADELPHIAN

His was a musical career the likes of which almost certainly will never be seen again. It began in imperial Austria-Hungary, began over again in New York pit orchestras, included dramatic last-minute-substitution debuts and, most remarkably, came to define symphonic music in Philadelphia for more than four decades. For millions of music lovers over two and three generations and across the world, Eugene Ormandy and the Philadelphia Orchestra were synonymous, a special partnership of musical precision and beauty.

Maestro Ormandy first led the orchestra in 1930 at Robin Hood Dell and last was on its podium, in Carnegie Hall, New York, barely a year ago, Jan. 10, 1984, thus spanning almost two-thirds of the orchestra's existence. For 44 years he was music director, a tenure unmatched among major ensembles. By the time he relinquished the music directorship in 1980—stepping back, not down, he would point out—he had appointed every single player.

Of course, he had not inherited some negligible band, rather the renowned orchestra built by Leopold Stokowski. To it Mr. Ormandy wedded his violinist technique and acute ear, producing "the Philadelphia Sound," in rich, round, lustrous and immediately recognizable to music lovers. The words greatest and best were often bestowed by critics and other musicians, and Riccardo Muti in 1980 took over a well-maintained orchestra.

The maestro and his musicians did fabulous things for Philadelphia—indeed this city has probably never had greater ambassadors. Through extensive tours, radio broadcasts and a plenitude of recordings, Mr. Ormandy gave to millions across the world an image of Philadelphia that was, not a W.C. Fields joke or a Lincoln Steffens shame, but a center of wondrous musical art. He carried the fame of Philadelphia to the musical capitals of Europe, to the Soviet Union in the 1950s, through South American and, in a mission of cultural diplomacy that still benefits the city, to China in 1973.

His ear and memory were legend—performances of modern works from memory after only an hour's study. When Vladimir Horowitz performed his 50th anniversary concert, his first appearance with an orchestra in 25 years, it was Eugene Ormandy he chose to conduct—because, Mr. Horowitz said, he was the best for the job.

Outstanding conductors and virtuoso orchestras are not unique, certainly, but as Maestro Ormandy's tenure here lengthened it became clear that his total dedication to Philadelphia and its orchestra was. While other conductors flitted from orchestra to orchestra, job-hopping and jetsetting, Mr. Ormandy stayed in his adopted city, nurturing and sustaining his ensemble. That was the style of a previous era; only Mr. Ormandy continued it.

It was a commitment that gave Philadelphia audiences a direct link to music making of the 19th century—Mr. Ormandy cited the influence of such greats as Willem Mengelberg, another romantic virtuoso who stayed with one orchestra more than 40 years, and he had a special friendship with Sergei Rachmaninoff, composer and pianist, who would perform with no other Americans than Eugene Ormandy and the Philadelphia Orchestra. It was not, though, a commitment mired in the past. Along with Rachmaninoff, were important premieres of works by Walter Piston, Roger Sessions, Samuel Barber and Dmitri Schostakovich, and early on, when recordings were still somewhat crude, Mr. Ormandy was keen on perfecting radio broadcasts.

Philadelphia was immeasurably blessed to have had Eugene Ormandy. His legacy is the brilliant orchestra he shaped, and his legend has only to shaped, and his legend has only begin to grow.●

WELL-KNOWN ALUMNAE TO BE HONORED AT WELLESLEY COLLEGE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. FRANK. Mr. Speaker, one of the most important educational insti-

tutions in the United States, Wellesley College, is located within my congressional district. Wellesley has begun a program of honoring some of its many distinguished alumnae. I was particularly pleased recently to learn that two of those outstanding women who were receiving well-deserved honors are people who have gained part of their distinction by explaining our behavior to the American public. Cokie Roberts and Linda Wertheimer are among the best of the journalists who cover Congress. Their analytical skills, their ability to describe the most complex of our proceedings in straightforward and interesting ways, and the commitment that they have to the democratic process which informs their work make them very important individuals in the essential democratic task of informing the public about what elected representatives are doing.

For me as a Member of the House, this recent set of awards by Wellesley is a "twofer." One of the most important institutions in my district has chosen to honor several of its alumnae, and has included within that group two women who have done a superb job of presenting this institution to the public with all of its strengths, faults, and in betweens. I ask that the record of this event be printed here.

The material follows:

WELL-KNOWN ALUMNAE TO BE HONORED AT WELLESLEY COLLEGE

National Public Radio journalists "Cokie" Roberts and Linda Wertheimer will join Dr. Terri Grodzicker, internationally recognized molecular geneticist, as recipients of Alumnae Achievement Awards to be presented at Wellesley College on February 28. Muriel Gardiner, who died earlier this month at the age of 83 after a distinguished career as a psychoanalyst, will be granted the Award posthumously; she was also widely known for the role she played in helping hundreds escape Nazi persecution in prewar Vienna.

Awards will be made by Helen B. O'Bannon, who was an Alumnae Achievement Award winner in 1980 and is currently president of the Wellesley College Alumnae Association.

Since initiated in 1969, the Awards have honored distinguished and sustained accomplishment in professional or volunteer pursuits. Previous recipients include such notables as television journalist Elizabeth Drew, opera singer Phyllis Curtin, and diplomat Colette Flesch of Luxembourg.

MURIEL MORRIS GARDINER

Muriel Gardiner died on February 6, three weeks before she was scheduled to receive an Alumnae Achievement Award from Wellesley College. A distinguished psychoanalyst and author, she was also the woman whom many believe was the inspiration for Julia, the film based on Lillian Hellman's bestseller Pentimento.

Muriel Gardiner was born in Chicago in 1901. Unlike many young women of her day and means, she eschewed personal comforts and espoused political causes. At ten, she organized schoolmates into a suffragette parade. As an undergraduate at Wellesley College, she headed the Wellesley Forum, served as first president of the Intercollegiate Liberal League, and set up a World War I relief fund. A Durant Scholar, she graduated from Wellesley in 1922 with a major in English, subsequently studying literature at Oxford University.

Growing interest in psychoanalysis attracted her to Vienna where she entered analysis with Sigmund Freud's protege Ruth Mack Brunswick and became a lifelong friend of his daughter, Anna. In later years she supported ongoing efforts to preserve Freud's London home as a museum. Intrigued by psycholoanalysis as a career, she enrolled at the University of Vienna Medical School, graduating in 1938.

After witnessing a barbaric raid on Jewish and socialist students, she joined Austria's anti-Fascist underground. As related in Code Name Mary: Memoirs of an American Woman in the Austrian Underground (1983), she smuggled false passports into the country, acted as a courier between socialists in Austria and Czechoslovakia, offered her home as a "safe house," and provided funds enabling countless numbers of Jews and dissidents to escape from the Nazis. Gardiner left Vienna in 1938, fleeing to Paris where she married her second husband, Joseph Buttinger, head of the Austrian Revolutionary Socialists and one of the resistance leaders whom she had helped to escape.

Returning to the United States with Buttinger and her daughter, Constance, she became prominent as a psychoanalyst for disturbed children. She also served on the editorial board of the Bulletin of the Philadelphia Association for Psychoanalysis, as the author of The Deadly Innocents: Portraits of Children Who Kill (1976), as editor of The Wolf-Man (1971), and as a consultant to schools in New Jersey and Pennsylvania.

When Muriel Gardiner, who was a resident of Pennington, New Jersey, is awarded a posthumous Alumnae Achievement Award on February 28, she will be the second member of her family honored by the Wellesley College Alumnae Association. Her sister, Manhattan pediatrician Ruth Bakwin, accepted an Achievement Award in 1983.

COKIE BOGGS ROBERTS

Corinne ("Cokie") Roberts is a Congressional news commentator for National Public Radio who specializes in covering Congressional activities and political campaigns. She appears regularly on NPR's "Morning Edition" and "All Things Considered."

In addition, Roberts co-hosts "The Lawmakers," a weekly report on Congress produced by WETA-TV in Washington, D.C. She has published articles in the Atlantic Monthly, Commonweal, New Leader, and The New York Times Magazine.

Daughter of Representative Lindy Boggs (D-LA) and the late Louisiana Representative Hale Boggs, Cokie Roberts graduated from Wellesley in 1964 with a major in Political Science. She worked for several news organizations prior to joining KNBC-TV in Los Angeles, where she was the producer of "Serendipity," which won the San Francisco State Award for excellence in local programming and was nominated for an Emmy in children's programming.

From 1974 to 1977, Cokie Roberts reported for CBS News from Athens, Greece. She joined National Public Radio as a reporter in 1978.

Ms. Roberts is a past President of the Radio and Television Correspondents Association.

She and her husband Steven, chief Congressional correspondent for the New York Times, have two teenage children, Lee and Rebecca.

TERRI GRODZICKER

Terri Grodzicker is an internationally recognized molecular geneticist. Her primary interest is the genetics of human adenoviruses, a group of viruses that produce symptoms similar to those of a severe common cold yet have the potential to cause tumors in rodents.

The Cold Spring Harbor Laboratory in New York, with which she has been affiliated since 1973, has been at the forefront of recombinant DNA research for many years and is currently committed to studies investigating how cancer cells arise and what molecular features permit them to multiply. In addition to her research on DNA tumor viruses, Dr. Grodzicker serves as the Laboratory's Acting Assistant Director for Research and Meetings Program Administrator.

Dr. Grodzicker graduated from Wellesley College in 1966 with honors both in physiology and zoology. She was a Wellesley College Scholar and a member of Sigma Xi.

Her master's and doctoral degrees were awarded by Columbia University in 1965 and 1969, respectively. She was named a President's Fellow in 1967-68, and a National Institute of Health Postdoctoral Fellow at Harvard's Department of Microbiology and Molecular Genetics from 1969 to 1971.

Dr. Grodzicker has served as a consultant to the Human Cell Biology Advisory Panel of the National Science Foundation and to the National Cancer Institute Advisory Committee for Microbiology and the American Society for Virology. Her research findings, published in such journals as The Journal of Virology, Cell, Genetic Engineering, and The Journal of Molecular Biology, are widely quoted.

LINDA COZBY WERTHEIMER

Linda Cozby Wertheimer is a political and legislative reporter for National Public Radio, where she is a regular broadcaster on its popular "All Things Considered" program. Noted for lively and accurate journalism, she has anchored NPR's coverage of Congressional hearings, political conventions, election night returns and other historic events.

Wertheimer's NPR coverage of the Panama Canal Treaty debates represented the first live Senate floor debate coverage ever broadcast. It ran for 37 days with Ms. Wertheimer on air for as many as ten consecutive hours. Her prodigious efforts were rewarded by high praise from such critics as political analyst Frank Mankiewicz and Vice President Walter Mondale. She subsequently received a Special Citation from Dupont/Columbia Journalism Awards for the coverage.

Linda Wertheimer grew up in Carlsbad, New Mexico. After graduating from Wellesley in 1965 with a major in English, she worked as a production assistant for the British Broadcasting Company in London. Returning to the United States, she worked for WCBS radio in New York City, producing consumer affairs programs.

Wertheimer has been with National Public Radio since 1971 and is currently Vice Chairman of the Congressional Radio and Television Correspondents Association.

She is married to Fred Wertheimer, President of Common Cause, the national citizen's lobby.

Citations to award recipients

Muriel Morris Gardiner

With ceaseless energy and courage, you have devoted your life to helping the oppressed. As a resistance worker in Austria you sheltered and sustained refugees from Nazi Europe. In your career as a psychiatrist you have studied and supported emotionally disturbed children. Your humanitarian efforts prove that the individual can still have impact.

Terri Grodzicker

Creative and insightful research in molecular genetics and DNA tumor virology has earned you international recognition as a leader in understanding the control of gene expression in both bacterial and eukaryotic systems. Your development of human adenovirus as an expression vector provides a powerful tool for the analysis of tumor proteins and opens the way for widespread applicaton to other studies in human biology.

Cokie Boggs Roberts

Your extensive research and perceptive political commentaries have put you at the top of your profession of radio reporting. Both as a writer and as a television producer you have also achieved a reputation for excellence.

Linda Cozby Wertheimer

As a radio journalist you have been awarded high praise for political reporting, including your historic live coverage of the Panama Canal Treaty debates. Your continuing concern for communicating government activities to the public contributes to the strength of our democracy.●

RIGHT-TO-KNOW LAWS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. FLORIO. Mr. Speaker, two recent articles, in the Los Angeles Times and the Bergen Record, show State and local governments responding to growing problems in the wake of the chemical disaster in Bhopal, India, and other recent accidents involving toxics here at home. These articles recount how many States and localities have reacted to these incidents by passing community right-to-know laws.

I have recently introduced the first Federal community-right-to-know law as part of the Chemical Manufacturing Safety Act of 1985. This national community-right-to-know legislation, H.R. 965, includes both notification requirements designed to fully inform communities about the potential chemical hazards in their midst and mandatory development of emergency response and evacuation plans. The bill would also create a Federal right to sue for victims of chemical disasters.

This legislation should create powerful incentives for industry to resolve some of the worst and most dangerous pollution problems. Citizens of communities surrounding industrial facilities should have the information and legal rights they need to insist on adequate protection for themselves and their families.

Other components of the legislation include a bill that would amend the hazardous air pollutant section of the Clean Air Act by mandating the listing of the most dangerous and toxic substances now known. Another bill would protect workers exposed to hazardous substances in the factory by ensuring that weak OSHA right-to-know requirements become the floor and not the ceiling for State efforts to safeguard worker health.

Finally, the legislation creates a regional training program for firefighters and police who deal with transportation accidents which cause dangerous chemical spills.

I urge my colleagues to support the Chemical Manufacturing Safety Act.

The articles follow:

[From the Bergen Record, Jan. 28, 1985]

STATES AND FEDS FUME OVER RIGHT-TO-KNOW LAWS

(By Bob Sanders)

Few people in Bhopal, India, knew that the Union Carbide's chemicals could kill them.

No one would deny that they had a right to know, but that right was taken from most people in New Jersey, when half of the nation's toughest toxic-disclosure law was gutted Jan. 4 by a federal judge in Newark.

And in the next few months, lawyers representing New Jersey and nine other states, the U.S. government, the AFL-CIO, and Ralph Nader's Public Citizen will be in a federal appeals court in Philadelphia, fighting a constitutional battle over scores of similar laws that grant workers and residents the right to know the names of the toxic chemicals to which they could be exposed.

In the past six years, 20 states and dozens of municipalities have passed right-to-know laws, often over stiff opposition from local industry. Yet no one admits that he's against the right to know. It's like being against mother's milk.

The National Institute of Occupational Safety and Health (NIOSH) estimates that one worker in four is exposed to hazardous chemicals. In 1978 alone, this exposure caused 174,000 occupational illnesses. In the communities surrounding industrial strongholds, cancer rates are breathtaking.

When the first community right-to-know law in the nation was passed in Philadelphia, pushed by an unusual alliance of labor, environmentalists, and community activists, it was met with stiff industry opposition.

Pennsylvania's state law, passed last month, is the nation's toughest next to New Jersey's. It was signed reluctantly by Gov. Richard Thornburgh after it was nearly gutted in state Senate.

Thornburgh would have preferred a version adopted by Delaware. The law there, drafted by a committee headed by a Du Pont Chemical Company lawyer, is being used as a model by industry throughout the country.

These local initiatives were a response to the sluggishness on the part of the federal government to enact a more comprehensive right to know. Labor has been lobbying since 1974 for the Occupational Safety and Health Administration (OSHA) to pass a regulation for workers.

OSHA finally issued a comprehensive standard Jan. 16, 1981, during the waning days of the Carter administration. Upon taking office, President Reagan's staff withdrew the standard and wrote a weaker one, one that was finally issued Nov. 25, 1983, to go into effect two years later.

The expressed purpose of the standard was to preempt state law, and it set off legal fireworks. It's this OSHA standard that's being challenged in federal district court in Philadelphia.

The standard is a weak one. Because it was promulgated by the Department of Labor, it automatically excludes residents and public employees, who are outside the sphere of OSHA. In addition, the standard is restricted to the manufacturing sector, excluding 60 million workers, or 76 percent of the workers covered by OSHA. The uncovered industries account for more than half of the reported occupational-health problems related to chemical exposure.

Secretaries, for instance, would not have the right to know what chemicals they breathe in each day at the copying machine. Painters, 71 percent of whom suffer from nervous-system disorders due to exposure to solvents, would also be excluded under the OSHA standard.

The standard explicitly requires labeling and the filing of forms on substances that include just 600 chemicals. It leaves manufacturers to decide what additional chemicals are hazardous. The fox is guarding the chicken coup.

NIOSH's Registry of Toxic Effects of Chemical Substances lists 57,000 toxic chemicals. Some states, such as New Jersey and Pennsylvania, would require labeling and forms for every workplace substance, hazardous or not.

Perhaps the most complex legal issue, and the one most raised by industry spokesmen, concerns trade secrets. Each local law has trade-secret provisions, but those outlined in the OSHA standard are broad enough to constitute a loophole.

Once claimed under the standard, trade secrets would be very expensive and time-consuming to challenge, and the penalties for unjustified claims are miniscule. Even physicians treating workers would only have access to such information if they signed a confidentiality agreement and put up as much as their own homes as collateral.

Actually, few chemical names would be considered trade secrets. Most chemicals can easily be traced by a competitor from the actual product. The real secret is how something is made—information that would not be revealed under any right-to-know law.

Had the federal standard been issued before the enactment of numerous local laws, it probably would have been welcomed. But the focus of right-to-know advocates has shifted away from the federal government. Instead, the battle on the local level, and they've been successful.

All these local laws have industry reeling and threaten interstate commerce. For business, a uniform standard would be preferable, a weak standard better still.

The legal arguments are complex, but basically, the AFL-CIO and Public Citizens are challenging the U.S. standard on traditional liberal grounds, arguing that it isn't comprehensive enough. The states are invoking the old conservative battle cry, states rights.

A broad corporate coalition in New Jersey, ranging from Exxon to perfume manufac-

turers, challenged the state's law by appealing to the OSHA standard. The resulting decision backed up the federal government's power to exempt manufacturing industries, where the greatest number of industrial accidents occur, but let the law stand in all the other industries. Since the OSHA standard makes no provision for the community right to know, residents will have no information about the most dangerous industries.

As Jim Lanard, a leader of the New Jersey Right to Know Coalition, said, "You can go to the dentist and know the chemical names of what is in his office, but you can walk by Union Carbide and not have a right to know what hazardous chemicals they are using."

Both sides are appealing the decision, and the coalition is planning to introduce new legislation that will surely be challenged again. Whatever the lower courts decide, the cases will probably find their way to a Supreme Court full of President Reagan's appointees.

There, the judicial irony could continue. For how can a conservative judge, with a historic distrust of big government, rule against local governments' right to pass their own laws? This is one case where Reaganites might be trapped by their own rhetoric.

[From the Los Angeles Times, Feb. 6, 1985]

AFTER BHOPAL—A LID ON CHEMICALS

(By Michael Wines)

WASHINGTON.—Galvanized by the death of more than 2,000 persons after a toxic gas leak at a Union Carbide plant in Bhopal, India, local and national officials in this country are moving to clamp costly new safety and pollution restrictions on U.S. chemical makers and others who use or transport hazardous substances.

And the chemical industry, aware of its political vulnerability in the wake of the Bhopal disaster, is rushing to take a variety of voluntary actions designed to head off what it fears most: a new round of costly and burdensome regulations.

For example, although the nation's big chemical makers raised a flurry of objections several years ago when the federal government first proposed that workers get detailed information on the hazardous substances they contacted on the job, the giant St. Louis-based Monsanto Co. offered last month to give much the same data to anyone who asks for it.

HEIGHTENED PUBLIC CONCERNS

"It's fair to say we're doing this in response to heightened public concerns about chemical hazards after the Bhopal incident," said Larry O'Neill, a Monsanto spokesman.

That concern was evident within days of last December's Indian tragedy, when two Ohio cities, Akron and Canton, passed "community right-to-know"ordinances that force firms to disclose the presence of dangerous chemicals on their property. Cleveland's city council will consider a similar ordinance this month. Massachusetts is beginning to enforce a statewide right-to-know law enacted last summer. Other states, including Louisiana and Washington, are considering measures.

At the national level, a bipartisan group of House members led by Rep. James J. Florio (D-N.J. proposed a sheaf of federal laws Tuesday mandating disclosure by chemical companies, setting limits on hazardous air pollution and requiring development of evacuation plans for neighborhoods in which heavy industries are located.

POWERFUL INCENTIVES

"This legislation should create powerful incentives for industry to resolve some of the worst and most dangerous pollution problems," Florio said.

California Rep. Henry A. Waxman (D-Los Angeles) plans to attach some of the same measures to new clean air legislation.

When the two congressmen proposed additional environmental controls on the chemical industry last year, the industry successfully opposed them as onerous and unnecessary. But the public revulsion and fear following the Bhopal disaster could prove a potent catalyst for new anti-pollution laws.

"I think we're starting to harvest the results of about 30 years of chemical production," said Rep. Bob Wise (D-W.Va.), whose district includes the Union Carbide chemical works that was a model for the Bhopal plant. "All the problems that have built up over that time are coming up to face us. They can't be put off any longer."

Geraldine V. Cox, vice president and technical director of the Chemical Manufacturers Assn., disagrees: "It's so easy to pick on industry. Let's take the politics out of this and look at the facts. We're the safest industy in the United States."

Indeed, by traditional measures—workers accident rates, lost workdays and so forth—the chemical business has an enviable safety record. In 1983, according to the Bureau of Labor Statistics, 5.5 of every 100 chemical workers suffered job-related injuries or illnesses, compared with 10 of every 100 workers in all manufacturing industries.

But critics such as Florio and Waxman contend those statistics ignore a host of health and safety hazards that chemical plants pose to the millions who live or work nearby.

The threat of a Bhopal-style chemical disaster in the American city is merely the most obvious concern. While both the Environmental Protection Agency and the Occupational Safety and Health Administration have some power to enforce chemical-plant safety, the task has fallen largely to chemical makers themselves.

JURISDICTIONAL LIMITS

While no domestic chemical industry accident has claimed a large number of deaths in nearly four decades, the industry's own safety surveys sometimes turn up embarrassing oversights, as when a September study of the Union Carbide plant in Wise's congressional district warned of a "real potential" for a Bhopal-style leak of toxic gas there.

Critics say neither EPA nor OSHA is inclined to force industry to toe the safety line. EPA officials, for example, say the laws that give them the power to regulate underground storage tanks that leak toxins into the ground may not cover those tanks that, like the ones in Bhopal, leak deadly gases into the air.

Similarly, OSHA has responsibility for chemical leaks that stay within a factory's boundaries, but once a deadly gas crosses the company fence, it enters the legal province of the EPA.

The Florio legislation would attempt to abolish such jurisdictional stumbling blocks, and would place most of the safety burden on EPA, which has better chemical industry expertise and records than the understaffed OSHA.

The New Jersey Democrat's proposal also would require industries to draw up emergency evacuation and disaster-response plans in cooperation with local fire, police and health officials. In addition, it would order regional training programs in chemical emergency procedures for fire and safety officials. Although most big chemical makers already have such plans, critics say they are sometimes poorly prepared and are seldom explained to the persons who would be evacuated in a crisis.

Equally rankling to Florio is the EPA's apparent failure to limit the industry's everyday venting of scores of highly toxic gases, from formaldehyde and phosgene (mustard gas) to small doses of methyl isocyanate, which caused the Bhopal deaths.

In 14 years EPA has set pollution limits on only eight hazardous airborne substances, all of them nationwide health threats that cause cancer when breathed over lengthy periods.

According to agency spokesman John R. O'Connor, those guidelines have allowed the EPA to tackle the biggest pollution problems first. But Waxman charges—and O'Connor agrees—that they virtually exclude such gases as methyl isocyanate, which are lethal in small doses and are found only in isolated factory towns, not nationwide.

The Florio proposal would give the EPA a deadline for classifying the unregulated gases as hazardous air pollutants and setting ceilings on their emissions.

GETTING HOUSE IN ORDER

Spurred by the Bhopal accident, the chemical industry has been rushing to place its own house in order before Congress or the states intervene. Cox, of the Chemical Manufacturers Assn., said 90% of firms recently surveyed already have begun "intensive" audits of their safety, transportation and pollution-prevention programs.

"I suspect we may discover things that need to be changed," she said. "We'll volunteer to identify those things and to suggest changes."

Some companies say they have already found ways to improve their plants. Monsanto ordered a company-wide review of safety procedures a week after the Indian disaster, and officials at one typical factory—a Texas plant that makes highly explosive acrylonitrile—are moving to reduce surplus chemical stocks to reduce the potential for leaks and major blasts.

William R. Robirds, a top Monsanto official, says the Texas plant has traditionally concentrated on preventing explosions but is now studying new ways to control leaks of such manufacturing byproducts as deadly hydrogen cyanide gas. The plant last week began new training in cleaning up chemical spills.

Such efforts, Cox says, should reassure the public that the chemical industry "hasn't waited for regulations" to force improvements in its operations. "We don't want a dirty environment," she said, "and we don't want an unsafe workplace."

Monsanto's voluntary offering of data on its chemicals, said Monsanto spokesman O'Neill, shows the company is "promoting public disclosure, not . . . finding reasons to withhold information."

But the industry also seems agreed that it wants no new laws to gum up what it regards as a smooth safety and health program. O'Neill says the company believes existing laws and regulations are adequate. Cox says legislative packages such as Florio's could take years to enact, when all that may be needed is some fine-tuning of existing federal rules.

Chemical makers and other business interests have sometimes fought to discourage state and local efforts to monitor the industry through right-to-know laws. Despite that, nationwide support for community right-to-know laws had been building for several years, advocates say. More than 40 cities and a score of states have enacted laws requiring companies to disclose chemical rosters to their workers or the public.

ACCUMULATION OF INCIDENTS

"It's been an accumulation of one toxic incident after another" that spurred several Ohio cities to adopt such ordinances even before Bhopal, said Lucy Audette of the Ohio Public Action Campaign.

In Ohio, the state Chamber of Commerce is leading opposition to the ordinances on the grounds that disclosure is too expensive and may endanger companies' trade-secret formulas. In New Jersey, another "right-to-know" state, the chemical industry went to court to overturn a law that required disclosure to both employees and the public.

A U.S. district court ruled last month that the New Jersey law, one of the nation's toughest, was preempted by a weaker federal right-to-know rule enforced by OSHA that applies only to workers. The ruling effectively bars states from issuing tougher worker-disclosure laws of their own, although it does not limit community right to-know statutes.

The ruling will cause "no diminution of workplace safety," said Hal Bozarth, executive director of the Chemical Industry Council, which battled the Jersey statute. But the state is appealing the decision, and state legislators are working on community right-to-know legislation that would skirt the ruling.

Florio will offer a less complex solution: one proposed national right-to-know law for citizens, and a second law allowing states such as New Jersey to enact worker right-to-know laws that are tougher than the federal standard.

Either prospect is dismaying to industry experts such as Cox, who warns that the result will be "a couple of lawyers at 20 paces. I'm very worried that if we regress to the confrontational type of politics we had in the '70s, both the environment and the public health will suffer because nothing will get done."

But the confrontation may already be under way. Aides to Florio pledge privately that, if their legislative proposals are not passed as a package, it will be tacked piece by piece onto an endless series of anti-pollution laws that Congress will be considering this year and next. And the Chemical Manufacturers Assn. is already meeting with community groups, newspaper editorial boards and reporters to press its view that Bhopal was the exception, not the rule.●

DECLARATION OF DEMOCRATIC PRINCIPLES BY THE CONTRAS

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LIVINGSTON. Mr. Speaker, the President's critics are wrong when they accuse him of using overblown rhetoric with regard to the freedom fighters in Nicaragua. On March 3, 1985, a broad range of Nicaraguan opposition leaders issued a joint declaration of the democratic principles that guide them, thereby bolstering the President's favorable comparsion with our own ancestors and others who have justly resisted the tyranny of the state throughout history.

Their declaration, the "Document on National Dialogue of the Nicaraguan Resistance," merits full support from the Congress and the American people, for it speaks as we would speak. It calls for separation of the Sandinista party from the government and the military, a multiparty electoral system, recognition of the rights of minorities, and a national dialog with the Sandinistas under the aegis of the Nicaraguan Bishops Conference.

Mr. Speaker, if this is what the progressive opposition in Nicaragua is fighting for, why can't this Congress support them? I urge my colleagues to read the text of the declaration, which follows.

DOCUMENT ON NATIONAL DIALOGUE OF THE NICARAGUAN RESISTANCE

We, Democratic citizens, representatives of all sectors of the Nicaraguan resistance, announce to the Nicaraguan people, to the governments and peoples of the Americas and of the following manifesto:

THE PRESENT SITUATION OF NICARAGUA

In recent years, the sandinista front has submerged our people in a crisis without precedent in our national history. At this time, the impact of this crisis is evident in the economic, political, social and moral spheres of the nation. This situation is rooted both in the abandonment of the original program of government and the fundamental statute as well as in the interference of the Soviet bloc in our internal affairs. Both factors, the sole responsibility of the Sandinista front, have brought about a sharp conflict whose protagonists are the governing party on the one hand and the Nicaraguan people on the other.

The Nicaraguan people reject, of course, the imposition of a regime which in essence contradicts the values and aspirations which gave birth to the revolutionary process. They are founded on the recovery of freedom, democracy and social justice so often postponed because of the Somoza regime.

In conclusion, the national crisis we face did not grow out of a confrontation between imperialism and the revolution, as the Sandinista Front pretends, but out of the contradictions which emerge from the clash between democratic expectations of the Nicaraguan people and the imposition of a totalitarian system such as that which is being implanted in our country by the Sandinista front.

This conflict, which has produced a civil war, today threatens to destroy the Nicaraguan nation. And as stated in the recent document of the Nicaraguan Democratic Coordinator, it cannot be resolved through negotiations between the governments of other nations and the Sandinista Front nor through sectarian dialogues.

From that perspective, it is clear that the elections of November 4, 1984, by virtue of having been a fare, contributed nothing toward the resolution of the national crisis. This view has been supported by Inter-American Commission of Human Rights in its report for the period 1983-84, as well as by the political groups which decided to participate in the "elections", as they stated in the document entitled "Proposals of Minimum Concurrence for the Renewal of the National Dialogue." Issued in January of this year. The solution to the national crisis can only be found through a genuine understanding among all Nicaraguans that might end the civil war and lead to the reconciliation of the Nicaraguan family.

We wish to emphasize that this is not taken merely to search for a quota of power, but rather it seeks only to establish in Nicaragua the rule of law which will permit the people to live in peace and to go about resolving our problems within a new constitutional order.

COMMON ASPIRATIONS

We aspire to the democratization of Nicaragua, conscious that democracy is the only means to carry out an authentic revolution and rescue our national identity sovereignty.

We aspire to reconstructing Nicaragua, to promoting its development in accordance with a model which gives priority to the dispossessed sectors.

We aspire to the establishment of a political system which guarantees a real separation of powers, authentic pluralism and a just, efficient mixed economy.

In order to carry out the foregoing, the following is required:

(a) To recognize the primacy of civilian society with respect to the state and to assure through it the dissolution of the totalitarian state-party-army trilogy.

(b) Full respect for human rights and fundamental freedoms of expression, assembly, religion and education.

(c) A foreign policy which has as objectives the preservation of national sovereignty, peace and harmony with neighboring countries in particular, and effective reactivation of the historical aspirations of Central American unity.

* * * * *

(e) An economic system which provides for the development of the private sector which includes cooperative enterprises, as well as the clear definition of the participation of the state as a subsidiary economic agent and promoter of social development.

(f) Institutionalization of a multi-party electoral system which guarantees free elections, alternation in power and respect for the minority.

(g) Freedom to organize unions.

(h) A modern, productive process of integral agrarian reform.

(i) Administrative decentralization and effective autonomy for municipal government.

(j) Full recovery of the Atlantic Coast integrating it completely in the national life, guaranteeing respect for the culture and traditions of the various ethnic groups of the region and of the rest of the country within a framework of effective municipal autonomy, exercised in the context of the insolubility of the Nicaraguan nationality.

(k) General amnesty and pardon for political crimes and related crimes.

(L) Expulsion from the country of all foreign internationlists, military advisors and troops, including those who may be found using the identity of deceased Nicaraguan citizens and those who may have been improperly naturalized.

The last and definitive summons: After having carried out multiple peace initiatives in the last three years directed toward establishing a constructive dialogue with the Sandinista front that would end the civil

war and lead to the reconciliation of the Nicaraguan family, we recognize that those efforts have been fruitless and because of the designs of the Soviet bloc.

The Sandinista Front, by ignoring and failing to comply with the agreements made in the past, has lost the necessary credibility to reach a good faith understanding. Such is the case of the agreements reached with the XVII consultative meeting of the OAS Council of Ministers, the original program of government, the fundamental statute, the 18 points of concurrence of the forum of national problems, and the promise to carry out a free and honest election, among others.

Therefore, in view of the gravity of the moment, and conscious of our civic responsibilities and of the urgent need to save our people from greater suffering, we accept the call to convene issued by the Nicaraguan Democratic coordinator and we call upon the Sandinista Front to participate in a national dialogue which will end the national crisis. This dialogue should follow these modalities:

CONVOCATION

The Nicaraguan Bishops Conference is the entity with the necessary moral authority to organize and coordinate the national dialogue. In this regard, we reiterate the petition made to it by the Democratic Coordinator to convene the national dialogue.

PARTICIPANTS

In order that the dialogue be efficient and produce the desired results, it is necessary to structure it in accordance with Nicaraguan reality. There are two political tendencies in Nicaragua: The Totalita Rian one which for the moment has accepted the Sandinista Front as its vanguard, and the democratic one which is divided into armed and civilian organizations. Therefore, the dialogue should be between these two political tendencies so that both can name their respective delegates, as many as the Bishops Conference feels is appropriate.

OBSERVERS AND GUARANTORS

We suggest to the Bishops Conference that it request the participation of the Central American Governments in the dialogue as guarantors of the agreements which may be reached, given the fact that the sisters peoples of Central America are, in the final analysis, those which have been most directly affected by the Nicaraguan crisis.

The presence of these governments and guarantors in no way hinders the presence as observers or even as guarantors of the other governments and democratic entities of the American continent.

MINIMUM REQUIREMENTS

We support fully the minimum requirements demanded by the Democratic Coordinator in order to initiate the national dialogue. They are: Suspension of armed activities, with a cease-fire in situ, lifting of the state of emergency, absolute freedom of expression and assembly, general amnesty and pardon for political crimes and related crimes, entry into effect of the right of asylum and habeus corpus, adding the granting of full protection of the physical and moral integrity of those members of the resistance who participate in the dialogue in the event that it should take place in Nicaragua.

The application of these measures should be carried out under the supervision of the guarantor governments.

TEMPORARY PERMANENCE OF THE EXECUTIVE

If this dialogue is carried out, we commit ourselves to accept that Mr. Daniel Ortega continue acting as head of the executive branch until such time as the people pronounce themselves in a plebiscite. During this period, Mr. Ortega should govern in fulfillment of the promises of the Nicaraguan revolutionary government junta contained in the document of July 12, 1979, and directed to the Secretary General of the Organization of American States, and in fulfillment of the original program of government the fundamental statute and the American Human Rights Convention and the Pact of San Jose.

INITIAL POINTS OF THE AGENDA

Although it will be up to the Bishops Conference to establish a definitive agenda, by agreement of the parties, we urge it to include as of now the following points:

(1) That the legal procedure and actions of the government conform immediately to the American Convention of Human Rights, or the Pact of San Jose, which was ratified by the Nicaraguan Government of National Reconstruction on September 25, 1979, declaring it the law of the land and committing the national honor to its enforcement.

(2) The dismantlement and immediate dissolution of all the repressive party organisms such as the CDS (Sandinista Defense Committees) and the other para-military organs.

(3) Reduction of military strength, the apolitical nature of the army, an end to the arms race, and the withdrawal of all foreign military troops and advisors and internationalists.

(4) Immediate dissolution of the National Constituent Assembly.

(5) A new provisional electoral law.

(6) A new provisional law for political parties.

(7) Restructuring of the electoral system in accordance with the above provisional laws.

(8) Calling of elections for a National Constituent Assembly.

(9) Calling of municipal elections.

(10) Calling of a plebiscite on the conduct of new Presidential elections.

INITIATION OF THE NATIONAL DIALOGUE, INSTRUMENTATION AND DEADLINES

In order to carry out the national dialogue proposed by the democratic coordinator, on the basis of the statements contained in this document, and conscious of the Leninist tactic of stalling in order to consolidate the totalitarian program of the Frente Sandinista, said dialogue must begin by March 20, 1985. This date cannot be postponed. If by April 20, 1985, the national dialogue has not begun or has not progressed in clear and substantial form, it will be definitely suspended by the Nicaraguan resistance, thereby terminating the possibilities for a peaceful resolution of the national crisis.

If the Nicaraguan Bishops Conference considers it useful to hold conversations with this group for purposes of preparations leading to the speedy realization of the dialogue, we announce our immediate availability to participate in such conversations. To that end we appoint as our representatives Messrs. Arturo J. Cruz, Alfonso Robelo and Adolfo Calero.

May love for our fatherland overcome selfishness and foreign involvement, so that the national directorate of the Sandinista Front will respond positively to this our last effort to grant to our country a civilized solution.

God save Nicaragua.●

ROBERT W. WOODRUFF: BUSINESSMAN AND PHILANTHROPIST

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. FOWLER. Mr. Speaker, I want to take this opportunity to pay public tribute to a man whose deeds are known and cherished in Georgia and throughout the South, Mr. Robert W. Woodruff—an astute businessman, great philanthropist and loyal citizen who passed away early last week. Proclaimed as "a legend of American Business" by the Wall Street Journal, Mr. Woodruff presided at the helm of the Coca-Cola Co. for 6 decades and headed the managerial team that made Coke one of the most recognized trademarks in the world.

His sound foresight and masterful marketing vaulted Coca-Cola from a locally enjoyed Atlanta refreshment to the largest selling soft-drink in the world. Mr. Woodruff promised during World War II that every serviceman and servicewoman would be able to take "the pause that refreshes" for only a nickel, wherever they might be stationed. Not one to go back on his word, he made sure that Coke bottling plants followed U.S. troops all over the world. Since then, Coca-Cola—a proud symbol of American hard work and ingenuity—has been quenching thirsts world wide.

Over his lifetime, Mr. Woodruff amassed a personal fortune estimated at over $250 million and it would have been easy and not uncommon for a man of this great wealth to simply sit back and reap the benefits that wealth can provide. Instead, Robert Woodruff became a giver, generously donating huge personal savings to improve medical, educational, and cultural facilities in Atlanta.

For many years this great philanthropist went unrecognized by his beneficiaries. He shunned publicity and refused to make his deeds known to the public. As with all truly compassionate men, this anonymous donor's greatest pride came from doing something for somebody without being asked to do it.

It wasn't until 10 years ago that his deeds received the public plaudits they deserve and, in 1980, he transferred $105 million of the Emily and Ernest Woodruff Foundation, a fund formed at his parent's death to help the South's education and medical need's to Emory University. This is the largest single gift ever made to an educational institution.

This one example cannot come close to describing the true spirit of philanthropy embodied by Robert W. Woodruff. His deeds will be memorialized

through the many buildings and facilities named after him in Georgia, but more importantly, he will be remembered in the hearts and souls of the lives he touched.●

THE PRESIDENT KEEPS HIS PROMISES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BROOMFIELD. Mr. Speaker, President Reagan has kept his solemn promises to the American people. Early on in his administration, he pledged to work for peace in the world through arms reductions and dialog with the Soviet Union. He has kept these promises.

I recently returned from the newly initiated arms talks in Geneva. I am convinced, more than ever, that the administration is deeply committed to progress in the arms negotiations.

The record will show that the President has a long record of thoughtful reflection about arms control, and realizes the futility of nuclear war. Just last week, new arms reduction talks began in Geneva. The President has given these hand-picked professionals much latitude for serious give and take in the talks. Few could argue with their credentials. They are men who have clearly distinguished themselves in service to our Nation, both in the executive and in the legislative branches of Government. I strongly support the ongoing arms control talks and wish them well in meeting the challenging tasks before them.

Our relations with the Soviet Union are also now improving. Our two nations have recently signed agreements to upgrade hot-line crisis communications. Other agreements include cultural exchanges, fishing rights, and grain sales.

In addition, the President has held out the olive branch to the new Soviet leader, Mr. Gorbachev. Let us hope that the Soviets will accept our Government's offer to hold a summit meeting in the near future. Mr. Gorbachev has a tenure that could last through the end of the century. This provides a classic opportunity to expect success, not failure, out of immediate and future East-West contacts.

With these thoughts in mind, I recommend the following Christian Science Monitor editorial, concerning the President's commitment to peace and arms reductions, to my colleagues in the Congress.

[From the Christian Science Monitor, Mar. 13, 1985]

SERIOUS ABOUT ARMS

(By John Hughes)

As the Geneva talks open, three little vignettes tell a great deal about Ronald Reagan's approach to arms control.

Vignette No. 1: On a balmy day last summer, when he was on vacation in California, President Reagan sat down with Secretary of State George P. Shultz to go over his foreign policy agenda.

Mr. Shultz mentioned that in the fall, Soviet Foreign Minister Andrei Gromyko was expected to make an appearance at the United Nations General Assembly. In the past, the Soviet foreign minister had also met with the incumbent president of the United States, but those visits were halted by President Carter when the Soviets invaded Afghanistan.

Instantly, President Reagan seized upon the opportunity. He instructed Shultz to pursue the possibility of getting Mr. Gromyko to come to Washington to discuss US-Soviet relations in general and arms control in particular.

The project was closely held among Reagan, Shultz, and national-security adviser Robert C. McFarlane. Working quietly through the Soviet embassy in Washington, Shultz brought it to fruition. Gromyko did come to Washington and meet with the President, leading to the resumption of arms reduction talks in Geneva this week.

Some reporters speculated that it was all a public relations extravaganza orchestrated by Michael Deaver, who was the President's image-burnisher. They were wrong. Neither Mr. Deaver, James Baker, nor other White House aides were in on the plan until the meeting was firmly set. It was the President's idea. The President took the lead.

Vignette No. 2: A couple of years ago, Shultz was delivering a commencement address at Stanford University. He offered his audience a quotation: "A nuclear war must never be fought, and can never be won." The audience roared its approval. Then Shultz startled his listeners by adding: "You know who said that? Ronald Reagan." It was a viewpoint Reagan had advanced on a number of occasions but which had never been headlined. Its most dramatic expression came later, in November 1983, when Reagan visited Japan, victim of a nuclear holocaust, and repeated it in an address to the Diet. Though it got headlines then, it had been a longstanding Reagan conviction.

Vignette No. 3: When Ronald Reagan was preparing a major speech for March 1983, the advance draft circulated among key administration officials had a notation: "Insert to come later." When Reagan delivered the speech he stunned many, including officials in his own administration, by proposing his Strategic Defense Initiative, nicknamed "star wars." It was a concept he had been thinking about at least since 1967, when as governor of California he visited the Lawrence Livermore National Laboratory, the home of much research for such far-out technology.

These three vignettes, taken together, indicate that Ronald Reagan has a long record of thoughtful reflection about arms control.

How does this fit with a President pushing the MX missile and a larger defense budget? It fits, because he believes you head into arms reduction negotiations from a position of strength.

Star wars is close to Ronald Reagan's heart because it is a defensive, rather than an offensive, concept. He finds that more moral than our present strategy of mutual assured destruction (MAD), which guarantees that if they blow us up, we blow them up.

He has told close advisers of his dream of a world free of nuclear weapons. Some do not take this seriously. Some think it is dangerous because without a Western nuclear deterrent, the Soviets might be tempted to use their superiority in conventional weaponry.

The fact is, Mr. Reagan has been pondering the problem of nuclear arms reduction for some time. Those who do not take him seriously on this subject may be making a serious misjudgment.●

SILVIO CONTE HONORED AGAIN FOR HIS WORK TO SUPPORT OUR NATION'S HEALTH CARE RESEARCH

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. YOUNG of Florida. Mr. Speaker, our good friend and colleague SILVIO CONTE has been honored again for his ongoing efforts to provide vital Federal support for our Nation's medical research programs.

The National Institutes of Health's new digestive research centers have been designated the Conte Centers in recognition of his untiring work in this area as the ranking minority member of the House Appropriations Committee and the Subcommittee on Health. I have the distinct honor of serving with SIL on the subcommittee and know first hand of his concern and support for improving health care in all areas.

SIL was bestowed this most recent honor last month in Baltimore during a legislative seminar for the coalition of Digestive Disease Organizations, a national organization of 30 lay and professional associations concerned with diseases of the digestive system.

Following my remarks, I would like to include SIL's speech to the organization which summarizes his commitment over the years to improving the health and well being of the American people. The latest honor SIL has received comes from health care professionals who fully understand the great contribution he has made to the field of medical science.

REMARKS OF HON. SILVIO O. CONTE (R-MASS.) AT THE NATIONAL GOVERNMENT AFFAIRS SEMINAR OF THE COALITION OF DIGESTIVE DISEASE ORGANIZATIONS, BALTIMORE, FEBRUARY 15, 1985

Thank you very much. I am deeply honored by the Coalition's action to designate the new digestive disease research centers at the National Institutes of Health as the Conte centers.

I am not sure the 6 centers that received their grants last fall knew what they were in for. I am sure that provisions relating to what they would call themselves were not in

their contracts. But I am pleased to say that I have received letters from the principal investigators at all 6 centers, and they all seem agreeable, at least in principle, to the idea. Let me, at this point, announce that the official colors will be green and blue, the working hours are 8 a.m. to 6 p.m., and 2 weeks vacation per year will be allowed. Any center carrying the Conte name has a reputation of hard work to maintain.

Names like these do have a way of catching on. There are many examples of the names of Congressional sponsors being attached to their legislative efforts. There is, for instance, the Monroe Doctrine, promulgated to stop the transportation of men-of-war across state lines for purposes of intrigue, or even the Mann Act, relating to the transportation of ladies of peace across state lines for intriguing purposes. However, for purposes of posterity, I would be happy to forego some of that type of notoriety.

But seriously, let me say that, for me, this is surely a once in a lifetime event. I want you to know, from the bottom of my heart, that I deeply appreciate the honor you have given me by so naming the digestive disease centers of excellence.

Let me also say that it is a great pleasure for me to be with the Coalition again. Our efforts, and our work together, go back a good many years.

I remember back in December of 1977, at the national affairs conference of the—I'm going to use the initials, and I hope everyone knows what they stand for, or else someone else will have to pronounce it—A.G.A. (American Gastroenterological Association), when I got together with many of you for the first time. Dr. John Sessions ran that conference. My wife Corinne and I were there. I remember John Grupenhof had just married, bringing his 7 children and his wife's one child together. I think I offered a toast wishing the new couple that all their troubles would be little ones. We can now get a report on whether that turned out to be the case.

And then in May of 1983, I had the opportunity to speak to the Coalition, at a time when the feasibility of establishing centers was still being discussed. Somehow, the enthusiasm of the Membership and of your President, Suzanne Rosenthal, was infectious.

Well, here we are a few years later, and many of the goals that the Coalition set forth have either been reached or are well on their way to being reached. You have shown that, together with your excellent representation in Washington, you can make a convincing case to the Congress and so have proved your effectiveness as a Coalition.

At a time when there has been so little that is new and exciting in the federal budget, I am proud to have had a hand in this important initiative, which could lead to tremendous benefits to thousands of people in the future.

In addition, let me say that the cooperation of the National Institute of Arthritis, Diabetes Digestive, and Kidney Diseases has been great. I have a feeling that if the Institute had not been in favor of the idea, this initiative would not be nearly as far along as it is.

Of course, nothing ever goes completely without a hitch. One of the hitches in the digestive disease center program involves the directive that the Young Slasher has issued to NIH, reducing the number of new grants NIH can make from 6500 to 5000 and holding the number of centers at the level of 500, instead of the 533 that we had provided funding for.

The second round of new digestive disease centers, that we worked to include funding for in the appropriation bill, is obviously smack in the middle of those 33 new centers that the young slasher has ordered to be funded. And so, instead of the total number of as many as 10 centers that we had all been planning on by this coming September, we can now only be certain of the continuation of the 6 that were awarded last September and possibly one additional center that the Institute has indicated it might be able to squeeze through.

Since this is my first opportunity to comment publicly on National Institutes of Health issues since the budget came out on February 4, I would like to take a moment to address the pending dispute over how NIH is to spend the record $5.15 billion that we appropriated for the current fiscal year.

The action by OMB to limit the number of new and competing grants and centers came as a complete surprise to just about everyone, as far as I can tell. As late as the end of last year, all signals pointed to a freeze in NIH, with the exception of a small percentage reduction for management initiatives.

But the reason for the OMB action is clear. It relates to a problem we could see coming in the 1986 and 1987 budgets. The problem is this. To increase new and competing grants to 6500 costs something like an additional $200 million. But since the average NIH grant runs 3 years, it is not enough to increase the budget in one year and then freeze. To sustain a permanent increase to 6500 new grants, you have to provide the required $200 million increase not one, not two, but more like every year for three years.

When you put that together with inflationary costs, the rise in the average size of all grants, competing and continuation, and with other demands on NIH, it is clear that sustaining 6500 new and competing grants would require substantial increases in 1986 and 1987 in the NIH budget, along the lines of the increase we provided in this year's appropriation.

So OMB took one look at what was coming down the road, and hatched this plan to avoid the impending increases by limiting the growth in the number of new and competing grants before that growth got started.

It is an ingenious plan. First, it takes the number of new and competing grants and centers we thought we funded in FY 1985 and reduces them from 6526 to 5000 and 533 to 500 respectively, so that represents substantial savings. Second, the 5,000 level represents a reduction from the actual number we funded in 1984 of 5493, so there is a savings there. And third, by providing two and three years worth of funding to a number of grants and centers, instead of the usual one year at a time, in order to use up the additional funds that Congress appropriated, the plan removes these continuation costs from the funding base in 1986 and 1987, and so represents a substantial savings there as well.

The bottom line is that instead of facing the likelihood of substantial increases in 1986 and 1987, the OMB plan calls for a reduction, as a result of all these savings, from $5.15 billion in 1985 to $4.85 billion in 1986, $300 million less.

The question then becomes what is Congress' reaction going to be to this proposal. In my view, there are two distinct issues that are, and hopefully will be kept, separate.

The first is the balance of power issue. Can OMB and the Executive Branch come in, simply ignore the clear intent of Congress, and impose its unfettered will on NIH in a way clever enough to avoid charges of illegal impoundment of funds? I hope it does not come to that. And there are signs that it might not.

Last week, Dave Stockman, the New Treasury Secretary Jim Baker, and the lone Economic Advisor, William Niskanen appeared before the full Appropriations Committee for an overview of the President's budget proposal. At that time, my good friend, Bill Natcher, the Chairman of the Labor, HHS Subcommittee asked Stockman about the NIH proposal.

After buttering up Stockman with thanks for helping get our Labor, HHS bill signed by the President two years in a row, after 5 years of continuing resolutions, Bill asked Stockman if he intended to seek the Committee's approval of the NIH changes prior to their taking effect. And Stockman came back with what sounded like a conciliatory reply.

He said, and I quote from the uncorrected transcript, "Mr. Chairman, let me answer by saying we would like to discuss it with you and hope to persuade you of the merits and recognizing that if you are not persuaded by our case, that you have ways of instructing us to do otherwise." End quote. It is my hope that this represents a willingness to work with the Committee and to abide by the decisions that the Committee will make on the proposed changes in the FY 1985 NIH budget.

The second issue relates to whether it makes sense to take a second look at the fiscal year 1985 NIH budget that we passed, especially now that it is clear that in fiscal year 1986, all parts of the federal budget are likely to be substantially restrained, in order to make inroads on the projected $220 billion deficit.

After all, if you go back and look at the record, the House approved 6200 new and competing grants. What's more, when we had the Nobel Laureate Scientists before us last year, and the Coalition of Health Groups, and just about every other outside group, all of them asked for 6200.

But out of the blue, the Senate did some granstanding, and came out with a bill proposing 6800 new and competing grants. When the House and Senate conferenced, we compromised at 6526 new and competing grants. But it may be that we bit off more than we could chew. I'm not saying that we're in all of this trouble because of the Senate—far be it from me to suggest that—but it is clear that if we want to stay with 6500 in 1985 and sustain 6500 in 1986, we may have to add something like $700 million to the President's budget proposal, which is not going to be easy by any stretch of the imagination.

So we will have to consider the NIH issues carefully and deliberately. Let me say two things, though. First, there is one action that could undermine the Commitees ability to examine the issues. If NIH goes ahead and funds any grants or centers for two or three years, prior to Congress having an opportunity to look into this, then our ability to pass on the 1985 OMB proposals will be undermined. So let me say openly and publicly that neither OMB, nor HHS, nor NIH should start multi-year funding while these issues are pending. In my view, that would

provoke the institutional confrontation that I believe should be avoided.

Let me also say that I will do what I can to see that the second round of digestive disease centers goes forward in 1985, and that we stay as close as we can to the original schedule of having the full set of centers up and operating by the end of this fiscal year.

Now, for one who professes the maxim that a good speech has a beginning and an ending without too much space in between, I have already gone on for quite a while.

Before letting everybody get back to the festivities, I wanted to take a moment just to underline the seriousness of the fiscal situation with which the Congress is faced this year. It is clear that without very strong and affirmative action by the Congress, the deficit will continue to grow. Domestic restraint, no new taxes, and defense increases, there is now no question, cannot be put forward with any kind of a straight face, as the stuff of which balanced budgets are made. As the Young Slasher puts it, this is a year for house cleaning rather than housekeeping, and there is little or no room for growth in 1986, for any program. On the domestic side, a freeze has probably got to be everybody's starting point, and it will take some luck to end up there.

On the other hand, it is not the time to roll over and play dead, to let destiny take its course. Yesterday's papers carried as their headlines the results of the President's Commission on Industrial Competitiveness, which documented the serious erosion of U.S. industrial strength. If there is one bright light in this nation's research and development efforts, which has led not only to unprecedented advances, but also industrial offshoots that are the envy of the world, it is our biomedical research community.

You don't have to be someone who is afflicted with an illness or an academic researcher looking for funding to see the benefits of our biomedical research enterprise. In fact if there is anybody who ought to be singing the praises of the NIH efforts, it is the very people who are trying to put the economy of the United States on a firm ground. I am growing exasperated with the shortsightedness that has been coming out of the science policy advisers. They wouldn't know a good thing if it hit them in the face. But I do know one thing. If the Japanese are watching what is being proposed for the one area of high technology where we have successfully outpaced them, they must be having a good laugh.

So we must do what we can to support a justifiable priority of the federal government's efforts. It just isn't going to be easy, that's all there is to it.

Well, I have gone a long ways off the occasion that brings us together tonight. You have been very accommodating in bearing with me. I want to thank you for the very great honor you have done me this evening. This is an evening I will always remember.

And if I'm in luck, this will also help get me known almost as widely as the Coalition's own representative, Harley Dirks, who is already world famous for the book that's been written about him.

Thank you very much.●

WOMEN'S HISTORY MONTH

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 1985

● Mr. RAY. Mr. Speaker, Georgia has been a part of these United States since its inception, and the history of our State is filled with the deeds and courage of many Americans. When Georgia students are taught history, they are also told of the contributions to this Nation and to our progress that were made by Georgians.

Unfortunately, in this recital of Georgia's history, the advances made by many of the women of our State are not mentioned, and it is some of these I want to tell you about today.

Most people are aware that James Oglethorpe first discovered and explored the State that is now Georgia, but he wasn't able to travel among the natives alone. Instead, he explored the area with the help of Mary Musgrove and her husband. These native Indians acted as interpretors and guides for Oglethorpe, and it is with a great deal of justification that Mary Musgrove is sometimes called the Pocohontas of Georgia.

The founding leader of the women's movement in Georgia came from one of the cities in my district. H. Augusta Howard, a Columbus, GA resident, founded the Georgia Woman Suffrage Association in Columbus in 1890. Her association's purpose was to win the right of women to vote in America and many say that the women's movement in Georgia can be traced to Ms. Howard and her efforts.

One of America's most famous aviators was a Georgian and also spent a portion of her life in Columbus. Jacqueline Cochran spent her childhood working in the mills of Columbus and later, took a position with a local beauty shop. Ms. Cochran earned fame later in her life when, after taking flying lessons, she became an aviator. During World War II, she was the leader of the WASP's [Women's Air Service Pilots] and their daring exploits in helping the United States win the war have become well known. Ms. Cochran also set quite a few aviation records, including several for speed, and proved to the world that women are as capable in the cockpit as any man.

I have told you about these women, Mr. Speaker, just to point out that women contributing significantly to our society is not just a product of the movement of the last few decades. They have always been a part of America's history—we just haven't recognized their contribution as we should.

These women I have told you about led the way for many other women in our Nation and in my State. Their legacy has been passed on to the current generation and, from what I have seen, the women of today are doing an exemplary job of continuing to make American history.

Mary Musgrove helped a traveler move through new territory—women today are explorers in their own right, breaking new ground in medicine, science, and even space. H. Augusta Howard wanted women to have the right to vote—today women are more politically active than ever and some of our Nation's finest leaders are women. Jacqueline Cochran led the way for women to hold positions previously reserved just for men—today we have successful women in almost all fields, including traditionally male fields such as law, business, and even construction.

This country was not built by men alone, and its future will not be determined by just one sex. We are making significant progress in this country toward achieving the goal of equality for all, and in this women's history week, I want to urge the Congress to continue to address issues that will bring the women of America to the equal status to which they are entitled.●

A SALUTE TO CORA COCKS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ANDERSON. Mr. Speaker, on the 27th of this month, one of my district's most beloved and respected residents, Cora Cocks, will celebrate her 82d birthday. I take this opportunity to bring Cora's outstanding record of public achievement to the attention of my colleagues and the Nation.

Born in Butte, MT, Cora graduated—with honors—from Montana State University at Missoula in 1924. Upon graduation, she married Russell Cocks and later moved to Seattle, WA, where their two sons, Jack and Jerry, were born.

In 1929, the Cocks family opted for southern California and settled in Long Beach. It was here where Cora's community voluntarism began and where she would later say in a 1983 interview, "Any board in town—you name it and I've been on it."

It would be impossible for me to mention all of Cora's accomplishments over the past 5½ decades in this tribute. I would, however, like to highlight a few of the posts she has held. They are as follows:

Senior Care Action Network [SCAN], president; Community Welfare Council, president; California Commission on Aging, chairwoman; California Silver-Haired Legislature, delegate; State House Conference on

Aging, delegate; White House Conference on Aging; Poverty Commission of Community Services Development Corporation; Council of Seniors of Greater Long Beach Area, president; St. Mary Medical Center Housing Commission; United Way Board; Long Beach Advisory Commission on Aging; and, Long Beach Food Bank.

Mr. Speaker, Cora Cocks is one of those very special people which make this world a better place to live. Her community spirit, compassion and dedication is an example for us all. The city of Long Beach has indeed been fortunate to count Cora as one of their neighborhood activists.

My wife, Lee, joins me in congratulating and thanking Cora Cocks on all her fine work over the years. We wish her continued success and prosperity in the years ahead.●

CONGRATULATIONS TO THE LADY COLONELS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ROGERS. Mr. Speaker, this past weekend, the girls' basketball team for Whitley County High School in Williamsburg, KY, won the Kentucky State championship.

Led by Coach Jim Rains, the Lady Colonels beat two Louisville teams, Atherton and Southern, to take the girls' State title. With sheer determination, the team had taken on all comers and had come out victorious.

For the town of Williamsburg and for all of Whitley County, this victory is symbolic of the strength of the people of Whitley County and their own determination. The enormous welcome which they held for the team upon its arrival back home is simply an expression of the pride and love they feel for these girls and what they have accomplished.

Whitley Countians already have much to be proud of. Their heritage, their contributions to our economy, and their patriotism are unequaled anywhere. Now, this victory by the Lady Colonels is another accomplishment which can be added to that list.

Mr. Speaker, I urge my colleagues in the House to join me today in saluting the Lady Colonels of Whitley County High School, and congratulating them on a job well done. All of us in the Fifth District of Kentucky share the joy which these fine young women have brought to their community and their school.●

ANDREW WOLFE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. HORTON. Mr. Speaker, I would like to share with my colleagues an editorial written by a good friend of mine, and one of the most respected journalists in my congressional district—Andy Wolfe. In this editorial, he asks some important questions about the State of American journalism. I will not attempt to summarize it—the editorial speaks eloquently for itself.

THE DECLINE OF A FREE PRESS—WHITHER HONESTY?

We were never a great admirer of General Westmoreland.

We don't think he did a very good job of generalship in Vietnam, and some of his public statements and reports we recall as being vainglorious and stupid.

And we're inclined to think that CBS, which produced the disputed TV program on Westmoreland's troop strength reports, probably steered just inches short of libeling the general.

So, if the general's lawsuit is called off, we suppose that CBS has proved it didn't libel the general.

However, more important than the general's lawsuit is the fact that many television "news" techniques now are being exposed as misleading to the point of dishonesty.

The whole process of film and sound editing is being called in question.

When film sequences and sound are rearranged to add to the drama of a news report, the producers often are being dishonest.

If an individual makes a coordinated statement on some subject, and a much-edited version of the statement is run, the editing can be used to greatly distort the original statement.

If the impression is given that the edited statement has not been edited, the violation of journalistic ethics is much greater.

Worse is the technique of chopping up such statements and later allowing opponents to make rejoinders which effectively destroy the credibility of the original statement.

This process is commonplace and even is being used by TV broadcasters in this metropolitan area.

It was used in the Westmoreland TV program and clearly must be stopped. Perhaps such material should carry the caption: "Edited, shortened, and rearranged."

Another highly questionable practice is the so called "TV docudrama" which intersperses factual and fictional material. This recently came to national attention in the affair of the program on the Atlanta child murders. Aside from the question of whether that program served any justifiable purpose, it clearly ruptured the basic code of journalistic conduct.

That some of the fictional material could be construed as supporting the program's questionable theme of justice denied was a further and most flagrant violation.

What can be done about all this?

We don't think legislation is the answer, for the First Amendment's protection of a free press cannot be compromised.

But we do think the commercial and other motivations of news media must be examined. The way journalism now is organized in immensely competitive monopolies, the prizes go to the barracuda reporters, editors, and producers.

A doctrinaire adherence to some specialized brand of politics frequently is seen as excusing all sins, including lack of elemental decency.

Obviously, ratings, and circulation have become central factors in the handling of news.

Many major news organizations picture themselves daily as valiant defenders of a free press while in virtually every edition and every broadcast they violate journalistic ideals

Pulitzer Prizes, theoretically designed to improve journalistic standards, have become commercial goals beyond price. Newspapers have set up departments to work year-round on preparation of entries. The level to which the Pulitzer mania has descended was never better illustrated than in the phony story which won a prize, which then had to be returned.

The Washington Post reporter responsible was fired. But what of the Post management and the distorted values which made the fraud possible?

What of news managements which use distorted news to discredit competitors?

Yes, this is a time of crisis for American journalism—a time in which the basic honesty of the press is not only questioned, but often completely discounted.

Who is doing anything about this?

Practically no one.

Years ago the late A.J. Liebling wrote an extraordinary series of articles for The New Yorker magazine called "The Wayward Press." He was perhaps the most sensitive and intelligent commentor on the press that we have had, but we have not seen his like since.

Occasionally, journalism professors and other critics will voice sharp opinions of the print and broadcast press, but their strictures never get public attention.

Always onward move the giant monopolies which profess adherence to journalistic canons, but have no honesty and no charity.

Time magazine in the Sharon case and CBS in the Westmoreland case may have escaped libel awards, but within living memory the public view of the press never has been lower.

The press violently resents and repels criticism from the outside. But we doubt that it now can save itself.

It has become a national problem which demands a national answer.●

THE MX: THE VITAL BRIDGE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. MICHEL. Mr. Speaker, in the next week or so we will be deluged by arguments for and against the MX missile. Before the deluge begins, I'd like to call to the attention of our colleagues an excellent article supporting the MX. It is written by Nicholas F. Brady, former Senator from New Jersey and a member of the Scowcroft Commission, which proposed the deployment of 100 MX missiles in silos,

coupled with arms-control negotiations and the development of a small, single-warhead missile. I commend this article to your attention because it answers many of the questions raised against the MX.

At this point, I wish to insert in the RECORD, "The Vital Bridge", by Nicholas F. Brady, in the Wall Street Journal, Monday, March 18, 1985.

[From the Wall Street Journal, Mar. 18, 1985]

"THE VITAL BRIDGE"

(By Nicholas F. Brady)

It has been two years and several million words since the bipartisan President's Commission on Strategic Forces—known as the Scowcroft Commission—submitted its recommendations. Once again, the MX missile's fate hangs in the balance before Congress.

The commission's proposal, endorsed by the president, was for the deployment of 100 MX missiles in silos, coupled with arms-control negotiations and the development of a small, single-warhead missile. It has been the source of two years of congressional debate. As Congress approaches yet another crucial vote on the release of 1985 MX funds held hostage since last June, something of grave importance remains at stake here of even greater value than the MX alone, but of which the MX is an intrinsic and inextricable part.

Two years ago, President Reagan and Congress struck a bargain based on the program prescribed by the Scowcroft Commission. Two parts of the program have been fulfilled, the two parts Congress deemed essential for its approval of the MX. Arms-control negotiations with the Soviet Union have resumed, and work on the Midgetman missile is under way. So, in the fickle world of politics, it comes as no surprise that foes of the MX now proclaim these developments negate our need for the MX. Their arguments are as inadequate as they are predictable.

President Reagan is not just playing political hardball when he argues that killing the MX, either outright or under the guise of delayed and stretched-out production, can and will do tremendous harm to the prospects for serious negotiations and meaningful arms-limitation results. It shouldn't take a brilliant negotiator to recognize that unilaterally doing away with our most modern and capable intercontinental ballistic missile as we sit down at the bargaining table will not encourage the Soviets to come forward with the hard concessions required for a viable arms-control treaty.

Even two years ago, the Scowcroft Commission saw the MX program as far more than an essential "bargaining chip." We saw it as a demonstration of national will, not blind willfulness, and the tough commitment required for solving the complex problems of strategic-force modernization. That expression of national will has become tattered during the repeated MX debates of the past two years, but it is still essential and must be sustained.

Timely though these arms-control arguments are, we must not forget there are sound military reasons for deploying the MX. To review the basic facts, the U.S. hasn't deployed a new ICBM in more than a decade, since the three-warhead Minuteman III was fielded at the beginning of the MIRVed ICBM era. Meanwhile, the Soviets, profiting from advances in missile technology, have deployed more than 600 SS-18s and SS-19s. Both missiles carry multiple warheads, the SS-18 ten and the SS-19 six, and both possess the accuracy to destroy the U.S. ICBM silos and other hardened targets. Furthermore, the Soviets are currently flight testing two new ICBMs with capabilities comparable with the MX and Midgetman.

The Scowcroft Commission determined that despite the development of other new systems, such as the D-5 missile for the Trident submarine, the U.S. needs to counter the Soviet ICBM buildup with modernization of our ICBM force. ICBMs still hold advantages in command and control, ready retargeting, and accuracy, which means they are most effective in putting at risk those hardened military and political targets the Soviets care most about. And the MX is the only ICBM capable of countering Soviet advances that the U.S. can deploy before the early 1990s.

The most cost-effective means of basing the MX is in silos. Their imperfect invulnerability is cause for concern only if one gives credence to the unrealistic scenario of an attack on our ICBM force alone, an attack that would leave our submarine and bomber forces intact for massive retaliation. Thus, as the Scowcroft Commission stated, "the different components of our strategic forces should be assessed collectively and not in isolation."

Those who have opposed the MX because it lacks a survivable basing mode now couple this criticism with a rationale that argues that because the Midgetman is underway, the MX has become an outdated step in our strategic-force modernization that we can now afford to skip altogether. This is dangerously untrue. Those who speak of the Midgetman as if it is already a strategic reality make a dangerous miscalculation. The Midgetman concept is an excellent idea—representing a crucial step in increasing nuclear stability by virtue of its superior survivability. An excellent idea—if it works.

But will it work and will it be allowed to work? The honest answer is we don't know yet. As far as it has progressed, the small missile looks promising; the Air Force is managing to meet the 30,000-pound weight limit set by Congress. However, it will be two years before we know whether a mobile launcher hardened to withstand blast pressure of 35 pounds per square inch, the level required to make it survivable, can be built. The alternative to a mobile launcher, superhardened silos, also requires another two years of research.

And these are not the only hurdles the Midgetman must cross. All too predictably, the political attacks on the small missile have already begun. Some see its accuracy as destabilizing, some would put multiple warheads on it and some oppose it as a threat to the MX program. Nobody who knows Congress can be surprised by this sniping. And anyone who thinks it will diminish as Congress approaches decisions on the hard realities of the Midgetman's high cost and the 10,000 square miles of land required for mobile basing is extremely naive.

IN CONGRESS'S HANDS

So the MX remains the vital bridge between the present and our still uncertain future strategic-force structure. And the Soviets know it. Furthermore, even before "Star Wars" raised the possibility of widespread deployment of strategic defenses, the Scowcroft Commission recognized that the small missile would not have the throw weight necessary to carry the penetration aids and decoys required to counter a Soviet abandonment of the ABM Treaty. The MX does. In addition, the MX has the multiple warheads needed to penetrate potential Soviet defenses, thus sustaining the fundamental role of our strategic forces: the retaliatory capability sufficient to deter a Soviet attack.

The future of the MX, and of our nation's defense, is in the hands of Congress. President Reagan has kept his part of the bargain: Arms-control talks and development of a small missile are under way. It's now Congress's turn.●

AMERICAN SAMOANS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ANDERSON. Mr. Speaker, today I am introducing two pieces of legislation to benefit American Samoans, both in American Samoa and in the United States. These two bills are identical to legislation introduced in the Senate by my esteemed colleague from Hawaii [Mr. INOUYE].

The first bill would authorize the Native American Programs Office in the Department of Health and Human Services to make grants to American Samoan organizations from the same fund from which it makes grants to other native American organizations. The second bill would allow American Samoan organizations to receive grants from the native American component of the Job Training Partnership Act. Neither bill authorizes any new funding so they will not adversely affect our efforts to curb the Federal deficit. They simply allow American Samoans to access existing grant programs.

I am introducing this legislation in response to a report on unemployment and training needs of American Samoans commissioned by the Department of Labor. This report concluded that the unemployment rate of American Samoan males as of the 1980 census was 80 percent higher than that of American males as a whole. In addition, this report states that, for the same time period, 27.5 percent of American Samoan families were living in poverty, as compared to 9.6 percent for all American families. After the deep recession we experienced after 1980, these conditions could only be worse.

Because American Samoans who come to the United States, as is their right as citizens of the United States, tend to settle into existing Samoan communities in cities along the west coast and Hawaii, concentrated pockets of poverty have formed that American Samoans have great difficulty breaking out of. Providing job training and community development grants to these communities will help American

Samoans to overcome language and cultural barriers and improve their economic standing.

The U.S. Government has a special responsibility toward the American Samoan people due to the trust relationship established when the islands were ceded to the United States in the early 1900's. I believe that the number of American Samoans living in poverty in the United States demonstrates that we have not lived up to that responsibility. I hope that we can approve these simple measures with all due speed so that these American citizens can participate in the economic expansion that other Americans are enjoying.●

THE TRI-STATE CONFERENCE ON STEEL

HON. WILLIAM J. COYNE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. COYNE. Mr. Speaker, the crisis in the steel industry has spawned a remarkable assemblage of union workers, local government officials and grassroots activists dedicated to the preservation of the steel industry in western Pennsylvania.

Using public education techniques backed by solid research, the Tri-State Conference on Steel has helped shape debate on the direction State and local governments should be headed if steel's presence is to be maintained. I strongly endorse the Tri-State Conference's proposal for the creation of a "TVA for Steel." Unlike the Tennessee Valley Authority, the new "Steel Valley Authority" would be locally controlled, with a board of directors made up of workers, community residents, and local government officials. The Federal Government's role in the initial financing of such an authority would be key, just as it was for the Tennessee Valley Authority and, more recently, Conrail.

In recent months, the Tri-State Conference has pointed to the need for a regional approach to economic development in the western Pennsylvania, Ohio, and West Virginia area. Essential to any recovery for this region, and I would point out to my colleagues that many communities in this area have yet to feel the recovery in any substantial way, is an increased demand for steel. I believe that the Federal Government, by embarking on a long-overdue effort to repair the roads, bridges, locks, dams, and other public infrastructure of the Nation, can help spur that demand. In the Tri-State area alone, at least 8 million tons of steel are needed to repair just the roads and bridges. Increased demand will, of course, require an increased supply of steel. We have the capacity in the Tri-State area to supply a good part of the Nation's needs when it comes to steel. I can assure my colleagues that we have the workers and the plant capacity to aid in the rebuilding our Nation.

What is required is a national commitment to a rebuilding effort. The Tri-State Conference on Steel recognizes this and has called for just such an effort. I hope that this Congress will heed that call.

At this point, I would like to include in the RECORD material which describes the commendable work of the Tri-State Conference on Steel.

WHO IS THE "TRI-STATE"?

Tri-State Conference on Steel is a nonprofit community based, public interest organization, located in Pittsburgh, Pennsylvania's economically depressed Monongahela (Mon) River Valley. The Conference was organized in response to the massive layoffs and plants closings in the steel industry of the Tri-State Area of Western Pennsylvania, eastern Ohio, and northern West Virginia. Some of its founders, such as Rev. Charles Rawlings of the Episcopal Diocese of Ohio and the Eccumenical Interreligous Economic Crisis Organizing Network (I/ECON), and labor attorney Staughton Lynd were leaders in the struggles to save steelworkers' jobs in Youngstown, Ohio in 1977-79.

Tri-State Conference on Steel was organized in 1979 when the Youngstown activists allied themselves with local union and religous forces in Pittsburgh's Mon Valley. The original objectives of Tri-State were to spread the alarm throughout the Mon Valley regarding its soon expected abandonment by United States Steel Corporation and to develop a plan to save steel jobs and reindustrialize the region. Chief among organizers in the Pittsburgh area were: Mike Stout, Grievanceman, United Steelworkers of America, Local 1397 in Homestead; Jay Weinberg, Unemployed Committee Chairman, Local 1397; Charles McCollester, Chief Steward, United Electrical, Radio, and Machine Workers Union, Local 610 (UE), at Union Switch & Signal in Swissvale; Rev. Garrett Dorsey, Co-Administrator of St. Stephen R.C. Church in Hazelwood and present Chairman, Tri-State Conference on Steel; Msgr. Charles Owen Rice, noted area labor priest; Sr. Ligouri Rossner, Jubilee Soup Kitchen Administrator; Jim Benn, member Local 1256; Frank O'Brien, retired local steelworkers union president and former state legislator, and Professor Thomas Kerr, Chairman, Allegheny County Civil Rights Commission and Professor, Graduate School of Industrial Administration at Carnegie Mellon University.

After having intiated programs geared to securing political support for direct economic relief for laid off workers, regarding mortgage foreclosures, utility shutoffs and food shortage, Tri-State turned its attention to identifying and combating the root causes of the area's increasing economic dislocations, namely corporate disinvestment and capital flight. A more direct service oriented group then split off and founded the Mon Valley Unemployed Committee with assistance from the Tri-State Conference on Steel. Tri-State then began work on the development of an alternative economic revitalization plan for Mon Valley Steelmaking.

The recent history of United States Steel Corporation demonstrates that they are getting out of basic steel production in the Mon Valley. Their December 27, 1983, shutdown announcement was simply more confirmation of the inevitable. Since the Mon Valley's steel industry is still very much needed to: save valley workers, families and communities from economic and social ruin; aid in repairing the region's crumbling public infrastructure and satisfy private marker needs sure to emerge with the general "economic recovery"; and contribute to retaining a basic national industry; the present goals of Tri-State are:

(1) To develop a plan to revitalize Mon Valley steelmaking, a plan which is keyed to the purchase or eminent domain takeover of US Steel Corporation's Mon Valley Works by a regional steel authority representing Mon Valley workers and communities.

(2) To organize union, public and local government (borough, town, city councils) support for the revitalization "Plan" among Mon Valley communities and use it to secure assistance from Allegheny County, the State and Federal governments.

(3) To promote the "Plan" as a model for saving the steel industry throughout the Tri-State area and the nation, and in so doing, enlist broad political support for the "Plan", particularly in the US Congress.

(4) To become directly involved in organizing and operating the Mon Valley Steel Authority, through membership on its Board, in which worker/community representatives are to be the majority.

A "TVA" FOR STEEL

If the steel companies won't make the steel America needs, then we—the American people—must find a different way.

The Tri-State Conference on Steel (Pgh.) is proposing Tennessee Valley Authority (TVA)-type approach to the steel industry in this area and other steel areas being abandoned. Some local USWA Unions, especially #1397 are joining in this call for trying this approach.

MARKETS FOR THE STEEL

At a time when our productive capacity in steel is being eliminated through mergers and shutdowns, the need for steel is growing at an annual rate of 1%. It has been estimated by the General Contractors of America (Wash., D.C.) that at least—three trillion dollars need to be spent over this decade to bring our nation's infrastructure up to standards. According to official sources every million dollars spent on infrastructure means 100,000 tons of steel are needed. In the Tri-State region alone, it is estimated that at least 8 million tons of steel will be needed just to repair the road and bridges. In this, the largest inland port in the USA, 16 locks and dams are substandard and in need of repair, and 80 high-hazard flood control and water reservoir dams have been classified as unsafe by the Army Corp of Engineers, severely restricting river traffic. A multi-million dollar coal contract to New England power companies was lost several years ago, because this area didn't have the rail facilities to move the coal.

A program to produce steel to repair our region's infrastructure is vital for developing our areas economic resources and opening up secondary markets. For instance, there are 500,000 billion tons of coal worth $3 trillion lying dormant under our Tri-State region. Exploiting and selling the coal could potentially employ a half a million people a year.

The "Mon Valley Works"—with its massive plate, pipe, bar and structural mills is

perfectly suited for this type of steel production.

FINANCING/ORGANIZATION

Overall, the federal government should take ultimate responsibility for financing and backing such a public authority, just as it did for the TVA, and Conrail. Funding could also come from any combination of sources, including federal bonds, tax-exempt municipal or industrial bonds, tax credits, union pension funds, or guaranteed purchase agreements by the local, state and national government for infrastructure rebuilding.

But unlike the TVA or Conrail, the "SVA" should be more locally controlled, with a Board made up of worker, community and local government (Borough) representatives, as well as new management appointed by and responsible to the Board.

THE POWER OF "EMINENT DOMAIN"

Corporations like US Steel may never voluntarily sell its facilities to such an Authority—not when they can get big tax write-offs from shutting down.

The power of eminent domain is inherent in every government body in Pennsylvania. According to a State Law passed in 1945, The Municipal Authorities Act of Pa., even a tiny borough such as Homestead has the power to "condemn" an industrial facility and take it over to insure the public welfare. In fact, eminent domain was used in 1941, when the government took over the Homestead mill for the war effort and built the 45", 160", Forge, Machine Shop and OH5. It was also used to benefit Jones and Laughlin within Pittsburgh to provide expansion in the early fifties.

Eminent domain has been used to preserve forests and endangered wildlife, why shouldn't it be used to save our jobs and the Steel Industry? Is the question now being raised by the Tri-State Conference and union locals.

We are now taking our plan to the general public and the government officials of this area.

CHRONOLOGY OF EVENTS TOWARD A STEEL VALLEY AUTHORITY

In September and October, 25 municipalities in the Steel Valley and Turtle Creek Council of Governments passed a Resolution calling for a feasibility study of the Mon Valley facilities being abandoned by U.S. Steel (USS) and other firms in the area. They also promoted the call for government intervention in the creation of markets.

In early October, USS announced it would begin dismantling the "hot end" of the Duquesne Works in 4 to 6 weeks, in order to begin construction of an industrial park. November 12th was announced as thier target date for demolition.

On October 29, union, political, and community leaders met at the Swissvale Borough building to discuss the steps needed to launch a feasibility study and save the Duquesne works. Attorneys from Tri-State and the USWA International announced that they would request a court injunction if U.S. Steel could not be persuaded to halt demolition of Duquesne.

On November 7, a delegation representing the October 29th meeting presented Thomas Forester, Allegheny County Commissioner, with a proposal for a feasibility study, the first phase of which would be on the hot end works at the Duquesne Works.

On November 8, Allegheny County Commissioners met with officials from U.S. Steel who agreed to a 30 day delay of the planned demolition. They also agreed to allow for a tour of these facilities.

On November 15, the Allegheny County Commissioners, international and local union officials, state and borough officials, and Tri-State conference representatives toured the Duquesne works and inspected the basic oxygen furnace shop, and the #6 blast furnace known as Dorothy. A representative of Locker/Albrecht Associates, a firm specializing in feasibility studies, found that the facilities were in excellent condition.

On November 19, the Munhall Borough Council passed a resolution of intent to establish a Steel Valley Authority and called on other boroughs and the county to join in this effort. On the same day, a representatives from Data Resources, Inc. met with County Commissioners confirming that there is a profitable market for Duquesne, Homestead, and National steel products.

In early December, the County Solicitor informed the USWA and Tri-State that U.S. Steel would not extend the December 10th deadline to begin demolition of Duquesne's hot end works.

On December 5, U.S. Steel announced it would extend the deadline until February 2, 1985 after intervention of Representative Gaydos, County Commissioner Thomas Forrester, and USWA President Lynn Williams.

On December 6th, County Commissioners announced that they would contribute $50,000 for a feasibility study by Locker/Albrecht to examine the facilities, financing, redevelopment, and marketing for the continued operation of the Duquesne Works. The City of Pittsburgh and the USWA International also pledged $50,000 each for the study.

On December 18th, a dozen members of the USWA Local #1256, representing the Duquesne workers, began weatherizing the Dorothy Six to prevent damage by the cold. For the first time in 20 years, the furnaces were not operating around the clock. Materials were provided by a $20,000 grant from the USWA International. The workers volunteered their time and expertise to winterize the plant.

On January 2, 1985, over 200 people attended a town meeting of the Munhall Borough Council to consider the resolution to set up a Steel Valley Authority.

On January 7, the Turtle Creek Borough Council joined the councils of Munhall, Rankin, and Homestead by passing a resolution to establish their intent to create a Steel Valley Authority.

On January 17, the Munhall Borough Council voted unanimously to establish the Steel Valley Public Authority. It is the first borough to adopt Tri-State's plan.

On January 18, Democratic Presidential candidate Jesse Jackson endorsed the Tri-State Conference's plan at a rally in front of the Duquesne plant gates.●

ARCHBISHOP O'CONNOR: HOUSING AS A MORAL ISSUE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GARCIA. Mr. Speaker, on behalf of the U.S. Catholic Conference and the National Conference of Catholic Charities, Archbishop O'Connor testified before the Subcommittee on Housing and Community Development on March 7, 1985. The archbishop's testimony raised the issue of America's homeless as well as the current state of housing in America to a moral level.

The archbishop urged the committee to shift the emphasis from deficit reduction to the "basic needs of the American people." In his words: "ever growing numbers of people are being displaced because of arson, housing abandonment, gentrification and evictions. The Federal Government must assume an emergency posture in this connection, similar to a disaster caused by a flood or hurricane."

Ten years ago, the Catholic Bishops of the United States issued a pastoral letter entitled, "The Right to a Decent Home." Its first sentence read: "The United States is in the midst of a severe housing crisis". Recognizing that decent housing is a right, the bishops outlined the problems facing the Nation immediately following the Nixon housing moratorium and in particular reflected on the consequences of poor housing on the Nation. Sadly, 10 years later this pastoral letter is as accurate today as it was when first written. All that needs to be changed is the date.

As we begin the debate on the Federal Government's role in providing decent, safe and sanitary housing, I hope that my colleagues will have the chance to review the archbishop's words. As such, I would like to include two recent articles from the Catholic New York newsletter that summarize Archbishop O'Connor's testimony. I would also like to include another article on dilemna confronting our housing sucommittee chairman, Representative GONZALEZ as we consider the path we will follow during the next few months. In Chairman GONZALEZ' words the question we face is "whether to reaffirm or to deny basic (housing) programs and policies, some of which have been in place for almost 50 years."

[From the Catholic New York, Mar. 14, 1985]

A PLEA "IN CONSCIENCE"—WEIGH MILITARY SPENDING AGAINST HOUSING NEED, ARCHBISHOP URGES

(By Nancy Cullinane)

In testimony before the House Subcommittee on Housing and Community Development, Archbishop O'Connor urged those who control the nation's purse strings to carefully weigh appropriations for defense spending against the urgent need for funding for decent housing.

"I spent some 27 years of my life in the uniform of this country that I love . . . serving those who were trying to protect the human person here and all over," said the archbishop, a former Navy chaplain.

"I respect the effort of the government to provide the defense that we need and deserve," he continued. "But I must plead in conscience—personally and as a bishop and

as a representative of the United States Catholic Conference. I want to go on record with a plea that every dollar budgeted for weapons systems be scrutinized with excruciating care, not only in terms of the morality of any intended use of such systems, but in terms of the urgent needs of some 35 million people in our society, hundreds of millions throughout the world, who are homeless, who are ill-housed, who are desperate for a restoration of the dignity, the sense of worth and sacredness that can come only with proper housing."

Archbishop O'Connor, who was accompanied to the March 7 hearing by Father Donald Sakano, director of the archdiocesan Office of Neighborhood Preservation, and Father Louis Gigante, president of SEBCO (Southeast Bronx Development Corp.), was one of a series of witnesses testifying in regard to H.R. 1, which would authorize $22 billion for new low- and moderate-income housing. The legislation, sponsored by subcommittee chairman Henry Gonzalez (D-Texas), would restore some of the housing funds cut from the proposed 1986 budget, which virtually eliminates funds for new housing.

The budget calls for no increase in Section 8 vouchers, which provide rent assistance in existing housing; no new Section 202 housing for the elderly and handicapped; no additional public housing units for low- and moderate-income housing of any kind; and no funds to aid the homeless through the Federal Emergency Management Agency. The housing programs of the Farmers Home Administration and operating subsidies for existing housing would be eliminated. Community Development Block Grants would be cut 10 percent.

The archbishop, who spoke on behalf of the USCC and the National Conference of Catholic Charities, said he was not testifying as an expert on housing legislation; rather, he was there as a person who has seen "what homelessness and poor housing can do to human dignity."

"I saw it in Vietnam," said the archbishop. "Their roots have been torn up . . . they became nomads.

"That chilled me," he said.

In Ethiopia, he said, there was a significantly higher mortality rate among people who had no shelter than those who at least had a small tent in which to live.

The situation is the same in the United States, said the archbishop. The number of homeless is placed at 250,000 and about 950,000 others are at risk of being homeless, he said.

These people are not necessarily derelicts or the de-institutionalized, he said. "I'm talking about normal families, normal individuals who are out on the streets."

The archbishop spoke extemporaneously, but his written statement and the U.S. bishops' 1975 pastoral letter, "The Right to a Decent Home," were entered into the record. Archbishop O'Connor noted that, unfortunately, the bishops' pastoral could not be updated to show improvements in the housing situation.

"I honestly don't believe it (the housing crisis) is a matter of budget," said the archbishop. "It's a matter of attitude and leadership."

A sensitivity to human needs should "permeate our economic planning," he explained. He noted that there was a "tremendous amount of ingenuity and enough genius" in the U.S. military to discover how to develop weapons systems at a lesser cost.

The archbishop reaffirmed the Church's commitment to work for better housing, but emphasized that it could not do it alone.

"We seek . . . we offer a partnership" with the government, he said.

Committee members, including Rep. Robert Garcia, a Democrat whose South Bronx district is among the poorest in the nation, praised Archbishop O'Connor for making the housing issue a moral imperative.

Rep. Mary Rose Oakar (D-Ohio) pressed the archbishop on his statement regarding military spending.

"If I were a member of Congress," said the archbishop, there would be "no question about the moral thing to do."

He said, "Given the present crisis, I have to say it's wrong" to increase defense spending, but not housing allocations.

Father Gigante's testimony illustrated the increasing demand for decent housing and how a community group can become self-sufficient if given assistance by the government.

"I did not get involved in housing because I wanted to be a developer," he said. Rather, it was a result of a need for affordable housing in the Southeast Bronx.

SEBCO has opened three senior citizens residences and 3,000 low-income housing units. It has building maintenance and security programs that are profitable. Other parishes, using SEBCO as a model, have opened about 13,000 more units.

When SEBCO made its first 300 apartments available, 1,500 families applied, Father Gigante said. Recently, 190 apartments were made available, and SEBCO received 7,000 requests. The agency received about 25 to 30 additional requests a day for housing.

"Ninety-nine percent of the people who apply are in need," said Father Gigante.

Father Gigante pleaded that programs to produce housing be maintained. A moratorium on housing starts imposed by President Nixon in 1973 set housing improvement programs back five years and cost New York City 35,000 jobs, he said.

"If this Congress goes along with this president's approach, you can see seven more years of nothing happening," he said. "To eliminate a production program would be foolish."

Father Gigante also asked that social service programs be continued, explaining that SEBCO provides at least one social worker per housing project to help residents cope with problems inherent to poor housing.

After the hearing, Father Sakano told Catholic New York that H.R. 1 probably does not have the support it needs among members of Congress. He explained that money for new housing has been reduced drastically in the past five years, though the numbers of people who need appropriate housing has increased. In 1981, the budget for new housing was $30 billion; the 1986 budget allocates about $10 billion. Though H.R. 1 would improve the situation somewhat, it still is not enough to offset the growing need, he said.

[From the Catholic New York, Mar. 7, 1985]

"CRITICAL NEEDS"—ARCHBISHOP O'CONNOR URGES GOVERNMENT FUNDS FOR LOW-INCOME HOUSING

(By Paul Joly)

Crumbling plaster is a tragic cause behind the crumbling lives of too many people living in city slums and rural shacks across America, Archbishop O'Connor said in testimony prepared for a congressional committee.

Residents of substandard housing surrounded constantly by filth and destruction are likely to develop a sense of hopelessness, according to the archbishop. Every day their surroundings tell them they are worthless, breeding violence and apathy, he indicated.

Archbishop O'Connor presented his testimony on behalf of the U.S. Catholic Conference and the National Conference of Catholic Charities before a subcommittee of the House Committee on Banking, Finance and Urban Affairs in Washington, March 7.

He proposed that attention be shifted from deficit-reducing strategies "to the basic needs of the American people."

"We need to center ourselves on the plight of those who are not faring well in this economy," the archbishop said. "We need to take an accurate accounting of our most critical needs and then plan how we are to spend our vital resources to meet those needs."

Archbishop O'Connor did not endorse or criticize any particular political agenda, but he called the allocation of funds for low-income housing "primarily a federal responsibility."

The Reagan administration has argued that such concerns as housing are more effectively and appropriately handled by local governments.

"The program budgets of the U.S. Department of Housing and Urban Development and Farmers Home Administration, and the Department of Agriculture have already taken more of the budget cuts since 1981 than any other human service," Archbishop O'Connor said.

"Ever growing numbers of people are being displaced because of arson, housing abandonment, gentrification, and evictions. The federal government must assume an emergency posture in this connection, similar to a disaster caused by a flood or hurricane," he said.

Nationally, the Catholic Church and other churches and church agencies have long taken a leading role in housing work, the archbishop told the committee. "We have used our Church resources in conjunction with state, local, and federal funds to construct thousands of units of low-rent housing, to rehabilitate church buildings to house the homeless, and to develop congregate housing for the elderly," he said.

Using New York as an example, Archbishop O'Connor told the legislators about the archdiocese's recently-established housing fund.

"Using $1 million of our own funds, we are leveraging this money by challenging the public sector and other religious institutions as well as the private sector, to make contributions in the form of low-interest loans," he explained.

"We are making these funds available to limited-equity cooperative housing groups supported by community-based organizations. These organizations are working with low income people, giving them assistance to accomplish homesteading—through 'sweat equity'—in abandoned buildings in the Lower East Side, East Harlem, the South Bronx, and the Northwest Bronx," he said.

But, Archbishop O'Conor told the committee, "as important as these efforts of the Church are, our experience in the field makes us deeply aware that the needs are of such great magnitude that we cannot undertake the task alone."

The archbishop used a personal anecdote to illustrate his statement that "a truly just society is judged by how it protects and cares for its most vulnerable and least powerful members.

"I often ponder this when I gaze out of my window in my residence behind St. Patrick's Cathedral," he said. "There on Madison Avenue, across the street from the soaring new Palace Hotel, amidst the fine shops and long limousines I see the homeless. I see in their frightened faces the look of abandonment and despair.

"America has always been a land of hope and opportunity. It is also a land of wonderful generosity," he observed. "As thousands and even millions of people continue to live in substandard housing, or have no housing at all, we Americans, stewards of the greatest economy the world has ever known, must resolve to put an end to this injustice."

Archibishop O'Connor drew from principles enunciated in a 1975 statement by the U.S. bishops entitled, "The Right to a Decent Home." He also quoted from Scripture and referred to Catholic social teachings that call for a "preferential option for the poor."

Emergency shelters should not be considered as a permanent or long-term solution to the housing problem, he said.

The U.S. Catholic Conference and the National Conference of Catholic Charities is recommending five specific policies for Congress to adopt. According to Archbishop O'Connor's testimony, these are:

"Public housing must be considered an entitlement for all who need it."

Public housing must be adequately assisted through operating subsidies and modernization funds."

"A new production program should be launched to meet the critical housing shortage in the nation."

"Displacement of low-income people should be prevented."

"The fair housing laws and equal opportunity requirements should be strengthened and enforced."

[From the Catholic New York, Mar. 14, 1985]

A CONGRESSMAN'S DILEMMA—HENRY GONZALEZ FIGHTS FOR HOUSING FUNDS IN BUDGET-CONSCIOUS WASHINGTON

(By Nancy Cullinane)

The 1984 Almanac of American Politics describes Rep. Henry Gonzalez (D-Texas) as a man who "does not find it easy to compromise or to wheel and deal."

This stubbornness—the Almanac calls it "adherence to principle"—is being put to the test in his role as chairman of the House Subcommittee on Housing and Community Development. A fervent advocate of housing programs, Gonzalez leads his subcommittee at a time when federal budget allocations for such assistance are being dramatically reduced in the administration's zeal to trim the federal deficit while shoring up the national defense.

He has fought back by sponsoring a bill, H.R. 1, which would restore about $22 billion in housing assistance funds to the 1986 budget. But observers on Capitol Hill are not optimistic about its success, and Gonzalez himself admits that the legislation only provides "minimal" assistance.

"The question is whether to reaffirm or to deny the basic programs and policies, some of which have been in place for almost 50 years," Gonzalez remarked at a March 7 hearing on H.R. 1. Among the witnesses that day was Archbishop O'Connor.

"I'm grateful to you," he told the archbishop, "because you, for the first time here today, set forth the fact that housing is a basic human right."

The dilemma, Gonzalez said, is that "some of us who have supported, advocated such things as public housing have been the subject to the charge of being big spenders." But he pointed out, "The cost of 23 B-1 bombers would underwrite the entire budgetary cost of our housing assistance program.

"What kind of perversity of priorities is in order here?" he asked.

The words can be considered bold for a congressman whose hometown, San Antonio, depends upon the U.S. military for its economic mainstay. San Antonio has Fort Sam Houston, the Brooks Aero Medical Center (the major medical facility of the Air Force) and about three other Air Force bases within the city limits or just outside them. But paradoxes have followed Gonzalez' career.

A strong Catholic, Gonzalez, 68, was elected to the House of Representatives in 1961 after serving on the city council, as mayor pro-tem and as a state senator. He was one of the few Mexican-American politicians at the time and was considered to be the typical Texas liberal. But he alienated many liberals and Chicano activists when he staunchly defended U.S. involvement in the Vietnam war.

If political wounds were inflicted, they apparently were not too deep, because Gonzalez has easily been re-elected.

Gonzalez will come to New York March 15 to gather further evidence to persuade his Congressional colleagues to keep housing programs alive. He will lead a delegation to the Bronx to view neighborhoods revitalized by SEBCO, the southeast Bronx development company headed by Father Louis Gigante, who also testified before the subcommittee.

Said Gonzalez, "Yes, there is a responsibility to see that the (housing) programs and policies . . . continue to merit support. That's one thing. But to kill them . . . without consideration and debate and evaluation of the basis of merit or demerit, I think is very wrong."●

REGISTRY DATE NEEDED

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. KINDNESS. Mr. Speaker, today I am introducing a bill to permit all aliens who have continuously resided in this country since 1976, regardless of status, the right to apply for the establishment of a registry date for their permanent resident status in the United States. I believe that this approach is a far more reasonable answer to the amnesty question than the blanket solution proposed by the omnibus immigration packages considered by this body during the past two Congresses. Unlike what we tried to do last year, this legislation has precedent in our immigration law, and it rewards those who have already become integrated into our society.

We in the Congress have always recognized the fact that people enter this country through a variety of methods, and over time many of them make their home here, raise their children here, and ultimately become taxpaying contributors to American pluralism. Long ago we decided that those who lived here continously since 1924 should be directly eligible for American citizenship, and that for them, the normal 5-year waiting period should be waived.

The concept of a registry date was established in 1929, when immigration records were poor, and it then applied to persons who had lived here continuously since 1921. This registry date has been moved up several times since, the last time in 1965, when the cutoff date was set at June 30, 1948. In 1982, the first omnibus immigration bill contained language which would have substituted January 1, 1973 for the 1948 date. When H.R. 1510 passed the House last year, identical language was included in section 302 of title III. The legislation I am introducing today seeks to make similar changes to an outmoded eligibility date, without the added burden of an omnibus bill.

In addition it seems appropriate, that 1976, the "Bicentennial Year," be chosen for the new registry date since that date recalls our earlier new found freedom as a nation, just as this new registry date will, if enacted, mark the date of a new found freedom for those immigrants otherwise eligible.●

SHEVCHENKO TESTIMONY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ASPIN. Mr. Speaker, last week Arkardy Shevchenko, who spent more than two decades working inside the Soviet Foreign Ministry, appeared as a witness before the Defense Policy Panel of the House Armed Services Committee.

Mr. Shevchenko entered the Soviet Foreign Service as an arms control specialist and worked on much of the Soviet Union, arms control policies, including that SALT I negotiations. With that background, he brings a unique perspective when we in the United States try to divine what the Soviets are up to when they sit down at the negotiating table.

The committee is processing the transcript from that hearing now, but I thought it would be useful to share with my colleagues immediately the text of Mr. Shevchenko's opening remarks to the panel.

Mr. Chairman, distinguished members of the panel, ladies and gentlemen:

First of all, I would like to express to the members of this panel and particularly to the Chairman, Congressman Les Aspin, my gratitude and appreciation for inviting me

to give this testimony. I am very proud to participate in the work of the Committee and will do my best to answer all questions as completely as possible.

Today, March 12 marks the resumption of negotiations in Geneva—or as the Soviet leadership describes them, the: "new negotiations" on a "complex of questions concerning space and nuclear weapons, both strategic and intermediate range"—as was agreed upon last January when Secretary of State Shultz and Foreign Minister Gromyko met.

I am neither pessimistic nor optimistic about the final outcome of these negotiations. After all, we are now at an initial stage of negotiating with the Soviet Union. But the Soviet leadership's willingness to resume negotiations is in itself a welcome turn toward more constructive conduct after the breakdown of negotiations following the Soviet walkout from the previous talks. In my view, Konstantin Chernenko's death and the selection of Gorbachev as the new Party leader is most unlikely to affect the Soviet position because, for a long time already, there has been a collective leadership in the Kremlin.

We should not be misled by recent Soviet attacks against U.S. policy in arms reduction. Regarding foreign policy generally and disarmament in particular, the Soviet Union has always taken a double-track approach: propaganda bluster on one hand, coupled with realistic talks on the other.

The Soviet Union is certainly attempting to split NATO and put the President, the Congress and the American people at odds. Soviet leaders know that negotiations tend to have a calming effect. There are already demands to stop some or all military programs because some people believe that we have to make unilateral concessions even before coming to the negotiating table. This approach is wrong and even dangerous. I know from my own experience in the Soviet Government that it sees this attitude very clearly and has become expert at playing upon fears that feed so naturally upon other fears.

While I participated in the elaboration of Soviet policy, I learned that it has never been Soviet strategy to make concessions at the beginning of negotiations. The USSR would traditionally set a non-realizable objective and later try to sell any compromise for the highest possible price.

There are now both domestic and external pressures on the Soviet leadership to enter into serious negotiations on arms reduction. I believe that any opportunities for verifiable agreements on arms reductions between the USSR and the United States that are in the best interest of our security should not be missed. As I learned over many years, the Soviet Union believes that one of America's weaknesses is that it is very difficult for the U.S. Government to develop a bipartisan policy toward negotiations with it on arms control and disarmament. In the past, the Soviet leaders have turned this to their advantage. They will attempt to do so again. I think that we have to at least try—within the framework of our free democratic society—to elaborate tactics and strategy with the broadest possible support of different political forces in the country under the leadership of President Reagan and the Congress, and the participation of those who have had experience in negotiating with the Soviets. Such support may be difficult to organize but it is worthwhile to make the effort.

According to what I know, anyone seeking to negotiate with Moscow on arms control must bear in mind the following two considerations:

First: if we make unilateral concessions, the Kremlin will simply escalate its demands. Therefore, we should not make concessions up front. And second: if we try to impose something on the Soviet leaders, this tactic would probably result in a stalemate. It would likely push the Soviet leaders into a fortress mentality that may lead them to both greater repression at home and more dangerous adventures abroad.●

STRANGE BEDFELLOWS SUPPORT SDI: THE STAR WARS ARGUMENT COMES FULL CIRCLE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mrs. LLOYD. Mr. Speaker, the column by R. Emmett Tyrrell, Jr., in the March 4 Washington Post makes three very important points about the Strategic Defense Initative [SDI], more popularly known to most critics and even some proponents as star wars. Mr. Tyrrell mentions his own uneasiness about sticking with the present "predicament of Mutually Assured Destruction [MAD]." Certainly, whether we are SDI supporters and/or Members with concerns about arms control, we should be alarmed about the prospects of remaining wed to a doctrine which depends on the threat of mutual annihilation for stability.

The column also points out that certain advocates of a nuclear freeze have indicated some support for the SDI, namely, Freeman Dyson in his throughtful book, "Weapons and Hope," and Jonathan Shell, who has been very much involved in the nuclear winter debate.

Finally, Mr. Tyrrell remarks on one of the great inconsistencies of the scientific critics of SDI who are so certain it will not work. Generally before Committees of the Congress, these are the same people who profess boundless optimism about scientific and technological possibilities and yet we see no scientific basis for their pessimism about SDI's prospects. There is no evidence that meeting SDI systems requirements would violate physical laws.

I strongly recommend this thought-provoking column to my colleagues in the House.

[From the Washington Post, Mar. 4, 1985]

STAR WARS VS. THE FREEZE

(By R. Emmett Tyrrell, Jr.)

In one of the earliest and most readable polemics on behalf of the Star Wars antimissile defense system; "A Defense That Defends," the authors, retired Army lieutenant general Daniel O. Graham and Gregory Fossedal, argue that the Star Wars defense will put the kibosh to the nuclear freeze movement. At first glance the nuclear freeze movement is as welcome as a sonnet about your Easter bonnet, but when one recalls that this is 1985 and the freeze's proponents have ignored the Soviet Union's record of bellicosity, not to mention the historic weakness of dictatorships for violent discontinuities, one gets somewhat uneasy about freezing us into the present predicament of Mutual Assured Destruction.

The freeze movement is a dangerous delusion. Moreover there is growing evidence that Graham and Fossedal were correct in their prediction. Spring approaches. Interest in Star Wars grows. And the freeze movement seems to be losing enthusiasts, notwithstanding the fact that springtime is that time of year when the freezeniks have heretofore grown particularly frisky.

Recall if you will the spring of 1982, when 500,000 of them gathered in Central Park, and 11 gathered in Moscow. The Moscow 11 were promptly charged with "hooliganism," and their spokesman was packed off to a "psychiatric hospital." Did a similar fate befall Central Park's 500,000?

Doubtless, there are some among us who would believe that Ronald Reagan's agents have had a hand in the freeze movement's loss of popularity, but they might look deeper. From the start the movement has been unrealistic.

Its proponents ignored Soviet capacity for technical development. They ignored the dyspeptic nature of the Soviets and the worldwide trend toward nuclear proliferation, a proliferation that we can prevent for only so long.

In sum, the freeze movement was escapist, pretending as it did that the United States could isolate itself from the outside world and from the ongoing rush of history. The idea seemed to be that the United States could keep pretty much to itself, and that no new power would develop nuclear weaponry and become disagreeable. The United States and the Soviet Union would agree to freeze their nuclear arsenals and history would freeze with them.

Yet now an eminent old man has come up with a new idea. Ronald Reagan's Star Wars plan would insulate us from the inevitable nuclear proliferation not by pretending that this proliferation is not occurring but by developing weapons to blunt its effect. Instead of attempting to change the intentions of would-be aggressors, we shall change our policies so that whatever another's intentions might be, he can no longer destroy us.

One of the unanswered mysteries of the present is how it took a 74-year-old president to come up with this splendid new idea. How has he managed to get so many of the clock-stoppers in the arms control business to ponder it?

Another mystery is why those who oppose it are so certain it will not work. These people frequently display great optimism about the capacities of science and technology. Yet when it comes to Star Wars they become yahoos and swear that it cannot be done.

Now of course even some freezeniks think Star Wars can prevent the nuclear holocaust they fear. Freeman Dyson in his book, "Weapons and Hope," says as much; and now Jonathan Schell is rethinking his earlier criticism of Star Wars. He has told Fossedal that if building the "shield" of Star Wars allowed us to reduce our offensive weaponry he would see merit in the policy.

Thus within the freeze movement a split grows. Schell and his supporters argue that the preferred goal is total disarmament of nuclear weapons. They see Star Wars as a plausible instrument toward that goal.

Others like Paul Warnke, Jimmy Carter's arms control negotiator, argue that the goal should be a freeze codifying the balance of terror. What we have here is the lively possibility of a coalition between conservative advocates of Star Wars and freezeniks like Schell.

Graham and Fossedal predicted it in their interesting book, and as spring approaches, the prospects increase.●

H.R. 945, FIREARMS OWNERS' PROTECTION ACT

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. VOLKMER. Mr. Speaker, since my reintroduction of the Firearms Owners' Protection Act, H.R. 945, over 100 of my colleagues have cosponsored this legislation. They joined in support of this legislation because they recognize it is needed.

They recognize its need for refocusing the law's impact upon the criminal element of our society and away from bureaucratic regulation of law-abiding citizens. They realize the bill will close loopholes that currently exist so that it will be more difficult for criminals to obtain firearms while cutting through redtape the average citizen or businessman has to put up with.

Today, I wish to share with all Members, by placing in the RECORD letters I have received from various State organizations of sportsmen who have written in support of this legislation. I appreciate their support. I believe all Members can identify with their comments.

UNIFIED SPORTSMEN OF FLORIDA,
Tallahassee, FL, February 14, 1985.

Hon. HAROLD L. VOLKMER,
U.S. Congress, 2411 Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN VOLKMER: On behalf of the full statewide membership of Unified Sportsmen of Florida, I would like to thank you for the introduction of H.R. 945, The Firearm Owners' Protection Act. Your efforts on behalf of law abiding sportsmen and firearm owners everywhere are greatly appreciated.

It is our understanding and belief that the reforms contained in H.R. 945 are needed to restore basic civil rights which all citizens take for granted, but which all too often have been ignored when put in the context of firearm ownership.

We further believe that H.R. 945 is also a balanced piece of legislation. It serves legitimate law enforcement by focusing enforcement of our nations laws upon the criminal, and away from the regulation of law abiding citizens by bureaucrats.

H.R. 945 also clarifies inconsistencies and vague provisions of current federal law which have provided no guidance to the general public and law enforcement alike.

I offer, on behalf of Unified Sportsmen of Florida, any help which my organization may be able to lend in your effort to protect law abiding citizens.

Thank you for your efforts in our behalf.

Sincerely,

MARION P. HAMMER,
Executive Director.

LOUISIANA SHOOTING ASSOCIATION,
Alexandria, LA, March 11, 1985.

Hon. HAROLD VOLKMER,
2465 Rayburn Office Building, Washington, DC.

DEAR REPRESENTATIVE VOLKMER: House Resolution No. 945, The Firearms Owners Protection Act, prompts this letter.

We support it and encourage your efforts towards its passage.

You have the interests of the law abiding gun owners in mind and we realize that there have been some rough moments in previous sessions concerning your bill.

Our purpose is to let you know that we support and appreciate your efforts and will be grateful to you when it becomes law, hopefully, without encumbering amendments.

Thank you for your considerable time and effort spent in support of the legitimate gun owner.

Very truly yours,

ROBERT L. THERIOT,
President, LSA.

SOUTH CAROLINA SHOOTING ASSOCIATION,
Columbia, SC, March 5, 1985.

Hon. HAROLD L. VOLKMER,
U.S. House of Representatives, 2411 Rayburn House Office Building, Washington, DC

DEAR REPRESENTATIVE VOLKMER: The South Carolina Shooting Association, the "umbrella" organization for the shooting sports and related activities in our State, strongly supports the 1985 Firearms Owners' Protection Act. On behalf of South Carolina's 200,000+ licensed hunters, 37,000+ organized shooters and enthusiasts, and many hundreds of thousands of other law-abiding firearms owners, we commend you for introducing this vital legislation in the United States House of Representatives.

We believe that the Act is urgently needed to protect the constitutional rights of our Nation's citizens. The provision limiting criminal prosecution under current Federal firearms law to willful violations is obviously necessary and long overdue. Criminal prosecution of otherwise law-abiding citizens based on unintentional technical violations violates the very spirit of that for which America stands—yet the history of enforcement of current Federal firearms law is filled with examples of such prosecution (or persecution).

Similarly, the provision pertaining to interstate transportation of firearms is clearly necessitated by the experiences of all-too-many law-abiding firearms owners and the clear and present dangers posed by conflicting state laws. For example, a number of South Carolinians transporting their firearms in a lawful manner in this State have been arrested after crossing the North Carolina border because the methods for lawfully transporting firearms in a vehicle in our State violates the law across the border. One could also recount the horror stories (true, unfortunately) concerning hunters, competitive shooters, and others traveling through New York City, the District of Columbia, and other areas to participate in lawful activities and with absolutely no intent to violate any law. The record provides overwhelming evidence in support of the Act.

Thank you for your courageous stand in support of the Constitution and the rights of law-abiding citizens. We sincerely hope that every member of our State's House Delegation gives the Act his active, total support at every step of the process through passage.

Sincerely,

HERBERT A. LANFORD, JR.,
Vice President, SCSA.●

IMPORT RELIEF FOR THE AMERICAN SHOE INDUSTRY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GOODLING. Mr. Speaker, the American nonrubber footwear industry is facing a life threatening crisis. The industry is threatened by lesser priced imports, which are currently estimated to take up 70 percent of the domestic market. In December, I had the opportunity to visit Sylvania shoe factory at McSheerystown, PA, where workers have had to cut back on hours and accept wages barely above the minimum required by law in an effort to keep the factory running. In the past year, some 89 shoe factories nationwide were forced to shut their doors, putting thousands out of work.

Last year, the U.S. International Trade Commission rules on a petition put forward by the industry under section 201 of the 1974 Trade Act, finding that the industry suffered no harm from imports despite the massive closings and the large share of the market taken up by imports! Consequently, the criteria of section 201 were modified by Congress in the last days of the 98th Congress and the Commission has reopened its investigation of harm done to the industry by imports.

In an effort to encourage the Commission, I, together with a large number of my colleagues from Pennsylvania, sent a letter to Commission Chairman Alfred Eckes. I would like to submit a copy of that letter for the RECORD and to encourage my colleagues from other concerned States to also express their support for the American shoe industry.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1985.

Hon. ALFRED ECKES,
Chairman, U.S. International Trade Commission, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our support for the International Trade Commission's decision to begin a new investigation of injury caused by imports to the American nonrubber footwear industry.

In Pennsylvania, we are witnessing first hand the damage done to the domestic footwear industry by less expensive imports. In 1984, some 89 footwear factories were forced to close nationwide, almost 10% of which were in Pennsylvania. The industry estimates that 70% of the U.S. market is now taken up by imports, and that nationwide

this has added an additional 27,000 to the unemployment lines; this is occurring in an industry which has already cut its employees' pay to just above the minimum wage.

It is our hope that the Commission will give the broadest possible interpretation to the modified criteria of Section 201 of the 1974 Trade Act in favor of the American shoe industry. The threat to the industry is real; and if the Commission should fail to recognize this threat, further legislative action may be necessary. We must act now to help revitalize this major American industry.

With all best wishes, we are,

Respectfully,

Bill Goodling, M.C., Senator John Heinz, Senator Arlen Specter, Joseph M. Gaydos, M.C., John P. Murtha, M.C., Douglas Walgren, M.C., William F. Clinger, Jr., M.C., William J. Coyne, M.C., Thomas M. Foglietta, M.C., Joseph P. Kolter, M.C., Austin J. Murphy, M.C., and Gus Yatron, M.C., William H. Gray III, M.C., Thomas J. Ridge, M.C., Lawrence R. Coughlin, M.C., Robert W. Edgar, M.C., Paul E. Kanjorski, M.C., Peter H. Kostmayer, M.C., Robert S. Walker, M.C., Joseph M. McDade, M.C., Robert A. Borski, Jr., M.C., George W. Gekas, M.C., and Bud Shuster, M.C.●

NICARAGUA IS ARMED FOR TROUBLE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. WHITEHURST. Mr. Speaker, for those who may not have seen the March 11, 1985, edition of the Wall Street Journal, I am pleased to place in the CONGRESSIONAL RECORD a remarkable article by John F. Guilmartin, Jr., entitled "Nicaragua Is Armed for Trouble." Mr. Guilmartin is adjunct professor of history at Rice university in Houston and was formerly a lieutenant colonel in the U.S. Air Force and editor of the Air University Review.

Before this year is out, this Congress will vote on whether or not to resume aid to the Contras who are trying to recover Nicaragua for its people. Not only the Contras and the others who seek freedom in Nicaragua will be watching our action but all of Central America, whose liberty could ultimately be in jeopardy if we fail to take a stand.

If anyone has any doubt about the intentions of the Sandinista regime, let him or her read this article carefully. A time bomb is ticking away for us in this hemisphere. Our failure to act now on behalf of these freedom fighters could cost us dearly later.

The article follows:

NICARAGUA IS ARMED FOR TROUBLE

(By John F. Guilmartin, Jr.)

Remember last year's controversy over the alleged delivery of MiG fighters to Nicaragua? Once it was established that what actually had been delivered were helicopters and not MiGs, almost no one bothered to ask what 12 fast, sophisticated, well-armed, long-range helicopter gunships could do to the armed forces of Central America or what their arrival might represent in terms of Sandinista strategy.

Shortly before the U.S. elections, media reports surfaced of a Soviet freighter bound from the Black Sea with a cargo of large boxes that, according to reconnaissance satellites, included those of a type used to ship jet fighter aircraft. Though reports were equivocal, concern mounted about the cargo and its destination. The most likely candidate was supersonic MiG-21s: High-technology warning bells went off in U.S. news rooms.

As the ship neared Nicaragua's Pacific port of Corinto (and as the U.S. election neared) speculation ran at fever pitch.

The bubble of fevered speculation burst with an anticlimactic "pop" when Sandinista Foreign Minister Miguel d'Escoto announced, in a statement more or less confirmed by official U.S. spokesmen, that the crates contained not MiGs, but other arms including helicopters. The news was all the more anticlimactic because an earlier shipment of Soviet helicopters apparently had been unloaded, all but unremarked, on Nicaragua's Atlantic Coast the previous week. The helicopters were Mi-24 "Hinds," the world's most heavily armed, sophisticated and fastest gunship. It is likely the second shipment of crates contained additional Hinds. The copters received scant attention, as did the possibility that the crates might also contain Czech L39Z jet trainers. The U.S. media and many in the Reagan administration heaved an almost audible sigh of relief.

THEY LOOKED FOOLISH

That sigh was shared by many: Those who saw only self-defense in Sandinista actions and read Moscow's behavior as an understandable defensive bolstering of a like-minded regime under pressure could point to the substitution of helicopters for MiGs as concrete evidence to support their views. Those who distrusted the Sandinistas and read the worst into the situation could view the delivery of helicopters, or jet trainers, as far less destabilizing than that of high-performance jet fighters.

Pentagon and White House spokesmen looked foolish. Having warned us to expect the worst, they had little to say when their MiGs vanished in a puff of smoke, to be replaced by hypothetical trainers and unimpressive-looking rotorcraft.

In fact, while the introduction by the Soviet bloc of high-performance jet fighters into Central America would pose a very real threat that posed by Mi-24s and L39Zs is hardly less serious, particularly if backed up later by fast-moving MiGs.

The MiG-22 is fast—Mach 2 plus to be exact. It has an excellent rate of climb and a respectably tight turn radius. Flown by a well-trained and experienced pilot, it is a dangerous opponent in a dogfight for the best the West has to offer. It has limited air-to-ground capability, but this is a deficiency for which L39Zs and Mi-24s can make up in spades.

The tactical success in Vietnam of our gunships—all far less sophisticated than the Mi-24—speaks for itself. The *apparent* lack of Mi-24 successes in Afghanistan is explainable on several grounds: The high, thin, Afghan air robs turbine engines of their power and rotor blades of lift, making helicopter operations a marginal proposition, particularly in summer. Forced by limited power to fly low along valleys, helicopters are vulnerable to plunging fire from the peaks and ridgelines above. Afghanistan is not a fair test for the Hind.

But over rolling jungle terrain at low altitudes, the Hind is in its element. Its impressive underwing ordnance (it can carry in excess of 2,800 pounds of 57-mm rockets, bombs and precision-guided antitank missiles) and its sophisticated turret-mounted rotary 12.7-mm gun make it a flexible and thoroughly capable weapons system. Its fire-controlled system is both sophisticated and reliable. Unlike Western gunships, it can carry from six to eight troops.

Pitted against the feeble or nonexistent antiaircraft defenses of the non-communist Central American powers, the Hind represents an awesome capability, with or without top cover from MiGs. Flying low beneath the thin radar net and hugging the terrain, it can slip into neighboring countries with impunity. It can attack patrols and border posts with surgical precision, going as slow as necessary to do the job.

In the down and dirty game of slipping across a border, bagging a Honduran or Salvadoran C-47, and slipping back, all underneath radar coverage and hence undetected, the Mi-24 would be supreme. Distances are short in Central America and high speed counts for little; the terrain is rugged and the ability to hide within it weights heavily. Able to hug terrain contours better than any fixed-wing fighter, and with a gun and fire control system more than adequate for the demands of the job, the Hind would be very difficult to counter. For a competent Hind crew, the ancient UH-1 "Huey" troop carrier helicopters and makeshift gunships with which we supply our Central American friends would be cold meat on the table.

Nor are the solutions simple. In its own, low-altitude environment, the Hind shows every evidence of being able to take care of itself against high-performance fighters. Down low, where the Hind and its targets live, it can out-turn the jet fighter, out-jink and out-accelerate the jet, and almost always bring its turreted nose gun to bear. True, it cannot pursue the fighter up into its performance envelope, but it has no need to do so. Interrupted, say, while attacking a Honduran or Salvadoran outpost or destroying a Miskito Indian village, the Hind is perfectly capable of giving as good as it is likely to get from any high-performance fighter around. Nor is this speculation; reports have come out of the Persian Gulf War of Iraqi Hinds engaging in dogfights with Iranian F-4 Phantoms flown by U.S.-trained pilots, and winning.

The thought of a surprise helicopter assault on the small Honduran or Salvadoran air force (Costa Rica has no armed forces) is a chilling one. Even viewed in isolation, the Hinds and L39Zs represent a formidable offensive threat. But when seen as components of a Soviet-style offensive force centered on at least 150 tanks and 200 other armored vehicles spearheading an army larger than that of any of its neighbors, augmented by a sophisticated ground-based anti-aircraft system, boasting SAM-7s, radar-directed 57-mm guns and highly mobile ZSU 23-4s, the implications of their arrival in Nicaragua are chilling. With the delivery of high-performance MiGs for top cover and deep interdiction strikes, the classic Soviet-style blitzkrieg package will be complete.

In all of this, we have missed something important. It is not that acceptance by the U.S. media, if not the Reagan administra-

tion, of the delivery of jet trainers and helicopters to Nicaragua has established a precedent for the subsequent delivery of MiGs. That is valid as far as it goes. The real point is twofold: The L39Zs and Mi-24s, particularly the latter, represent a major threat in themselves. Second, their arrival must be viewed as one more piece of a greater puzzle, the formation in Central America of a classic Soviet-style offensive combined arms team. And make no mistake: The Soviet doctrinal model, which the Sandinistas are clearly following, is inherently offensive in nature.

The initial MiG statement by U.S. aides came on Nov. 2. By Nov. 18, the Sandinista ambassador to Spaim, Orlando Castillo, told reporters his government's position: No, Nicaragua did not have MiGs—yet. Yes, it had very intention of obtaining some as soon as it could—for self-defense! Thus the impending arrival of the last piece of the puzzle was announced.

EFFECTIVE FOR OFFENSE

Now, four months later, as we wait for the other shoe to drop, we are confronted by the release of a report last week by the council on Hemispheric Affairs assuring us that the Sandinista buildup is intended only to counter a feared U.S. invasion and—an essential corollary—that it is offensively impotent. Pointing to the handful of Honduran Mysteres, supplemented by Korean War vintage F-86s, the report concludes that the Sandinistas are totally outclassed in the air, which they well may be if the Hinds are obliging enough to climb up into the stratosphere where the aging Honduran fighters can strut their stuff. If the Hinds stay in their own tactical environment, the Hondurans or Salvadorans will be hard pressed to deal with them. The U.S. should move quickly to counter the Hinds by supplying both nations with Huey Cobra AH 1S helicopter gunships.

The real issue is that the Hinds are integral components of an inherently offensive arms package. To explain them away as defensive, we must similarly explain away the Soviet-supplied tanks and armored personnel carriers in Nicaragua. These are useless against a full-scale U.S. supported invasion, but highly effective for offensive use against opponents with inadequate air power.

A lot of our media have been finessed: overlooking the geographic and operational realities of Central America, they have focused on the icing—the MiGs—and missed the fact that a Soviet-style offensive arms cake has been baked beneath our noses. MiGs or no MiGs, the uncomfortable fact is that the Sandinistas have high-performance fighters—but with rotors rater than wings and with turboshaft engines in place of after-burning jets.●

TEACHERS—GOING THE EXTRA MILE FOR EXCELLENCE IN EDUCATION

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. TAUKE. Mr. Speaker. At a recent National Education Association luncheon I attended, Jolene Franken, a first grade teacher in Denison, IA, made sure that I received an analysis of a survey she conducted among teachers in the Lincolnway Uniserv Unit in western Iowa. I reviewed the analysis later that day and found myself forcefully reminded of a fact we sometimes forget in our haste to create a host of programs for fostering excellence in education. No program is as important or effective as a dedicated teacher. No program can begin to give to each of our students and to the quality of education as a whole in our Nation as much as teachers have given and continue to give of themselves—of time, or energy, of skills, patience, and knowledge, and even of money—to ensure that each child is receiving the best possible education. I hope that my colleagues will take time to read Jolene Franken's survey results and to reflect upon what they say about the quality of our nation's teachers:

My name is Jolene Franken. I am a first grade teacher in Denison, Iowa. Teaching has been my profession for seventeen years. Currently, I am President of the Lincolnway Uniserv Unit in Western Iowa. I am representing approximately 2,000 certified educators.

I am proud to be a teacher! I love teaching! My feelings are shared by a vast majority of the teachers of Iowa. Someone once told me that you go into teaching for the gratification of helping children learn; that the gratification compensates for the lower pay of teachers.

Every teacher has unforgettable moments—when that Kindergartener ties his/her own shoelaces for the first time; when multiplication finally clicks for a second grader; when the computer program gives you everything you always wanted to know; when that art student succeeds in centering the clay on the potter's wheel. Yes, these are prideful moments for all teachers. But they do not feed a family or pay for your additional college classes.

How one views teacher's salaries depends in part on one's own income and his/her expectations of teachers. It is often colored by a conviction that teachers get a year's pay (twelve months) for nine months of work.

This is a myth! The average Iowa teacher puts in as many hours in nine months as a typical year-round worker, and often more. I base my statement on a survey conducted in ten selected locals of Lincolnway Uniserv Unit. I sent 395 surveys, of which 255 were returned. That is 64.5 percent return. (That in itself is significant! A 30 percent return of surveys is considered the norm.)

My simple survey found that the average teacher's workweek is 50–52 hours, with a large majority of teachers working on school-related activities 60+ hours a week.

Let's just use the low figure for computational purposes. The 50-hour figure amounts to 10 hours per class day. Iowa law requires 180 school days. That makes 1,800 hours. Master contracts bind teachers to additional days before and after the start of classes plus inservice days. This usually totals 10 days. At 8 hours per day this adds an additional 80 hours. The grand total of a teacher's work hours is 1,880. Of course, none of the hours include the taking of additional college courses to meet the state-mandated human relations requirement, or securing another special education or reading endorsement because the school says "get it" or "no job," or working on a Master's Degree in the summer to move across on the salary schedule. (By the way, several survey respondents said they cannot afford to go back to school or take additional courses.)

Four-week vacations are common for even beginning workers in some professional fields and for many other persons. Eight paid holidays are common. On that basis, a 40 hour-a-week employee works 1,856 hours a year on his "full time" job compared with the teacher's "part time" 1,880 hours!

That 40 hours work week means:

no parent phone calls and conferences in the evening because of working parents;

no checking of papers, preparing tests, just plain preparing to teach, or doing report cards, permanent records, etc.;

no chaperoning a group of debaters 100 miles—leaving at 3 p.m. on Friday and not returning home until midnight Saturday; being the sole person responsible for each one of those "future leaders";

no tutoring of sick students in the hospital or at home;

not being called to the school during vacation to check-in inventory or review bids for supplies or get one's room in order, check that all the worksheets are ready, etc.

With these facts in mind, I would like to review the survey results.

Question 1: checking papers—7 percent spend 3–7 hours or more per week.

Question 2: supervising students, ticket taking, etc.—58 percent spend 1–3 hours per week.

Question 3: committee work—84 percent spend 1–3 hours per week.

Question 4: preparation of room—67 percent spend 1–3 hours per week.

Question 5: record keeping and management systems—78 percent spend 1–3 hours per week.

Each question addresses an area, which taken separately, may not seem like much to a casual observer. However, when all of these are happening week after week, the hours skyrocket!

This is my maiden voyage in surveying opinion and evaluating data. I have learned a great deal. One thing I would change is my question 8 (on out-of-pocket contributions), and I should have known from my own experience. As you can see, teachers subsidize education not only with extra hours of labor but also with dollars. Fifty-eight percent spend more than $25.00 on various classroom needs: from *Kleenex* to aquarium supplies; from stickers to laminating of learning games; from buying innovative, enrichment booklets to buying Christmas tree decorations; from buying refreshments for athletes to purchasing food for tasting parties. The list goes on and on. I should have had a much larger dollar amount listed on question 8. Numerous surveys listed such comments as: "this is an understatement," or "way too low." People listed dollar amounts from $75.00 to $100.00, $200.00, even $500.00 spent on school-related expenditures.

In closing, teachers are a hard-working, concerned, effective group of professionals. We have some of the finest teachers right here in Iowa, as proven by the great achievement scores of Iowa's children. We are a proud people!●

THE NATIONAL ALLIANCE FOR THE MENTALLY ILL

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DOWNEY of New York. Mr. Speaker, last week, the National Alliance for the Mentally Ill held their first legislative seminar here in Washington, and I would like to call their efforts to the attention of my colleagues in the House.

The National Alliance is an organization of relatives and friends of people suffering from mental illness. NAMI helps to set up selfhelp and support groups for families with mentally ill members. Its overall aim is to improve the quality of life for the mentally ill—to work for as much normalcy as possible in their lives. The members of NAMI are also actively involved in increasing public awareness of the problems of the mentally ill and in working to remove the stigma that is often attached to mental illness. In a very short time, the members of NAMI throughout the United States have become effective advocates of the rights and interests of the mentally ill. Their presence here in Washington last week demonstrated the human dimension of the problems of mental illness.

NAMI has developed and presented a Federal legislative agenda which will be the focal point of its members' activities at the Federal Government level over the next year. It includes support for additional funding for the National Institute of Mental Health to provide for research and training in the field of mental health. The agenda also calls for a program of demonstration projects within the Community Support Program and Federal incentives for community mental health care for homeless mentally ill persons. In the field of housing, NAMI advocates greater effort by the Federal Government in the task of providing housing for the mentally ill through existing programs such as the section 8 rent subsidy program and the section 202 long-term loan facility.

Mr. Speaker, I commend the work of the members of the National Alliance and its president, Mr. James Howe. In particular, I would like to recognize Dr. Davis Pollack, a resident of Bay Shore and one of my constituents, whose work as chair of the NAMI Government Relations Committee was particularly evident during the legislative conference last week. The National Alliance for the Mentally Ill deserves our support.●

PERMANENT REAUTHORIZATION OF THE ALTERNATIVE WORK SCHEDULE PROGRAM (H.R. 1534)

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ACKERMAN. Mr. Speaker, I am proud to introduce today legislation which would permanently reauthorize the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (Public Law 97-221). For much too long this praiseworthy program has been a mere experiment. Both Federal employees and Federal managers have bestowed the alternative work schedule program with rave reviews.

During the past 3 years, over 325,000 Federal employees in more than 1,500 different occupations have taken part in the Alternative Work Schedule [AWS] Program. The alternative to traditional work hours has benefited not only the employees, but also the Federal Government. The flexibility of time management has permitted employers to tailor working hours to utilize their employees more effectively, as well as to meet the needs of civil servants.

Flexible schedules allow employees, within limits, to vary the times which they report to and depart from work. Compressed schedules permit employees to complete their same hourly requirements in fewer days. AWS allows working parents to structure their work schedules to best take care of their children's needs. Appointments outside of the work environment can be more easily arranged without having to use sick or annual leave. Commuting time to and from work can be drastically reduced. In short, workers have greater control over their work lives.

Mr. Speaker, alternatives to the traditional 40-hour workweek—8 hours a day, 5 days a week—were first introduced in 1978 as a means to improve the efficiency of the Federal bureaucracy and the morale of the Federal workforce. By all available information it was a successful endeavor. In 1982, my former colleague from New York, Geraldine Ferraro, was able to reauthorize the program for another 3 years. On July 23 of this year, the legislation is due to expire. It would be unfortunate if this House would allow the act to lapse.

The Federal employees flexible and compressed work schedules have a proven track record. The statute has increased the hours of service of many Federal agencies, reduced absenteeism, reduced energy consumption, increased operational efficiency, has had a positive effect on employee commuting patterns, and, overall, has improved employee morale.

Mr. Speaker, I strongly encourage my colleagues to support my bill which would permanently reauthorize the Alternative Work Schedule Program and contact me should desire to cosponsor the measure.●

THE ARMS CONTROL STALEMATE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. COURTER. Mr. Speaker, I thought my House colleagues might be interested in the following op-ed article from the March 6, 1985, Detroit News entitled "The Arms Control Stalemate."

THE ARMS CONTROL STALEMATE

(By Jim Courter)

A new bipartisan approach to nuclear arms control is making its way into arms control thinking. Centered on the concept of the "defense-protected builddown," this approach seeks to break the arms control stalemate.

It revives an old idea. In 1962 Soviet foreign Minister Andrei Gromyko suggested just such an approach at the UN: Dismantle offensive systems but leave intact a defensive cover to allay fears of any cheating. If President Ronald Reagan can convince the Soviets to return to this idea we could have the makings of an agreement.

Conventional wisdom in the United States has opposed development of nuclear defense systems. They would supposedly be destabilizing: A leakproof system encourages a first strike. The arms race, it is argued, would simply proceed on two tracks.

Partly because this assumption has led to fruitless arms control efforts, it is now being challenged by the left and the right. The central idea, simply, is that the side furthest along in its development of a defensive shield will be in the best position to offer concessions and flexibility in offensive nuclear arms, this easing the way to successful negotiations.

Two recent books develop variations on this new thesis. From the right is "A Defense That Defends," by journalist Gregory Fossedal and retired Gen. Daniel O. Graham. From the left is "The Abolition," by Jonathan Schell, a freeze movement founder. Their common theme is that the accepted arms control framework aimed at sustaining a perpetual balance of terror is itself a barrier to disarmament.

Currently, the debate is nearly deadlocked between two opposing positions. Republican policy-makers support "Star Wars" as long as there is no nuclear freeze, and liberal Democrats support the freeze but shun any movement toward ballistic missile defense.

Opinion polls, however, indicate support for the Star Wars defensive shield, based on confidence in the potential of 21st century technology. Voters also tell pollsters that they would support a nuclear freeze if this did not give the Soviets an advantage.

The prevailing public sentiment, this suggests, prefers a framework that—by encom-

passing offense and defense—makes negotiation easier.

Wouldn't the freeze movement be thrilled if we could negotiate and agreement with Moscow to dismantle 75 percent of both sides offensive weapons? What's the difference, then, if we were to build a defensive shield capable of 75 percent effectiveness in neutralizing Soviet missiles? If the Soviets had a similar system, each side's deterrent force would exist at much lower levels of destruction, and could be reduced further through negotiation.

Opponents of defensive systems have to face the fact that without them, U.S. presidents must demand almost air-tight verification methods to block Soviet cheating. Arms control talks languish as the Soviets reject on-site inspection. With defense, a president could add a cushion of the much cheaper missile interceptors to offset hidden, unverifiable Soviet missiles.

Defense systems, then, can break the arms control stalemate. Because a survivable deterrent is what counts, a defensive component gives a president leeway in agreeing to offensive builddowns. The security afforded by defensive systems is especially important in the context of deep cuts in offensive weapons, where marginal cheating on low missile limits would take on a greater, potentially destabilizing proportion.

Part of the key is economic. It is so much cheaper for the United States to add marginal interceptors than for the Soviets to add new missiles that the resulting dynamic "could truly make nuclear weapons obsolete," asserts a Brookings Institution report.

In the long term, defense is stabilizing, rendering any buildup for an offensive first strike hopelessly expensive and complicated. If we show the Soviets that we are eager to negotiate an offensive builddown to acompany our defensive buildup, they have no reason to feel threatened by strategic defense.

Is "defense-protected builddown" therefore realistic? Only disarmament will truly remove the nuclear peril. Defense would provide confidence without naive trust. And only then can we ever dream of a world without nuclear missiles.●

EXPOSING THE NEA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. CRANE. Mr. Speaker, the education that our children receive is a crucial issue to all parents. However, our current system has failed adequately to educate the youth in our country. Education has proven to be far inferior to the traditional standards that we had 20 to 30 years ago.

A lot of the blame for this decline can be attributed to the fact that control has been taken away from parents and local communities, where it belongs. While some reforms have recently taken place, we still have a long way to go in bringing our educational system up to par, and returning control to parents and communities.

One organization that has hampered, and has in effect been largely responsible for this loss of control, is the National Education Association [NEA]. Recently I had the opportunity to read a book by Sally Reed entitled "NEA: Propaganda Front of the Radical Left."

Citing numerous statistics pointing to the academic and moral deterioration of the Nation's public schools, the book exposes the NEA as the major destabilizing factor in American education. The author traces the NEA monopoly over the teaching profession through a series of power grabs and deceptive maneuvers from the 1920's and goes on to show how the organization has wrested control of the schools from parents in order to further its own political interests. Armed with numerous passages from NEA's own publications, the book emphasizes the union's radical and extremist political positions, its arrogance toward the public, its contempt for parents and their rights, its uninterest in educational excellence, its deceptiveness of purpose, and, most importantly, its educational malpractice as purveyors of psychologically abusive materials and unsound teaching methodologies in the classroom.

The author also shows how the NEA, using loopholes in the law, is successfully removing traditional Judeo-Christian religious values from the education process and substitution of its own religious teaching, humanism, in their place. The book goes on to describe legal methods whereby parents and communities might regain control of the educational institutions, including eschewing Federal funds, asserting existing rights, carefully checking school materials, and creating educational enterprise zones.

I strongly recommend that this book be read by everyone who wishes to improve our current system of education. A copy may be obtained from Sally Reed, the executive director of the National Council for Better Education in Washington, DC.●

TRAGEDIES OF MEDICAL POLICIES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GARCIA. Mr. Speaker, before the Reagan administration or this Congress seeks to solve the immediate concern of huge budget deficits by further cutting the health care now available to indigents, each should recognize the seriousness of the problem today, and the likely continuation of such problems if the policy is pursued further. Whereas a human life was once a priceless sanctity, it now seems to be viewed in dollars and cents. This is not a demagogic, speculative or alarmist view. More and more each day it is becoming a reality for most financially disadvantaged citizens when they are in need of emergency health care.

The source of such medical conduct is probably most related to the recent cuts in the Medicare Program—which is the largest source of income for most general hospitals. While such budgetary cuts may provide the Federal Government with some immediate financial relief, one has to wonder, however, whether the benefits of this policy have been worth the costs.

Subsequently, I would like to call to the attention of my colleagues the following article which appeared in the Wall Street Journal on March 8, 1985. The article recounts numerous documented examples where tragedy resulted from the difficulty experienced by health care officials in providing emergency, professional health care to indigents. While such examples are shocking to the moral conscious, what is most discouraging perhaps, is that they vividly represent the lackadaisical attitude toward human dignity which has increasingly begun to pervade this country. Such an attitude can only be reversed by revealing the tragic consequences of policy decisions.

The following article discusses the need, and the means available, to change such an attitude in policy:

[From the Wall Street Journal, Mar. 8, 1985]

HOSPITALS IN COST SQUEEZE "DUMP" MORE PATIENTS WHO CAN'T PAY BILLS

A 32-year-old accident victim lies unconscious in a Florida hospital that has no neurosurgeon available. But two larger hospitals with neurosurgeons refuse to accept him upon learning there is no guarantee his bill will be paid.

A pediatrician in a Rock Hill, S.C., hospital wants to transfer a comatose three-year-old girl to a better-equipped urban medical center. But her family has no health insurance, and two hospitals refuse to take her. A hospital 100 miles away finally accepts her.

These are examples of a controversial practice called "dumping," wherein hospitals avoid admitting or keeping poor or uninsured patients by sending them to hospitals willing to bear the costs.

The practice isn't new but has surged recently, largely as a result of cuts in Medicaid and Medicare support to individuals and health-care institutions. "The number of hospitals willing to provide free care is small and dwindling, but the number of patients who are uninsured is rising," says Judith Feder, an economist with Georgetown University's Center for Health Policy.

Dumping isn't illegal or even unethical; hospitals face fines, loss of license, civil damages or other penalties only if patients fail to get needed care.

HEART ATTACKS AND BROKEN BONES

But many doctors contend that the practice inevitably contributes to less-than-optimal care for some patients. Last year several Harvard Medical School doctors published an analysis of medical records of 103 patients transferred from private hospitals to tax-supported Highland General Hospital in

Oakland, Calif. In 33 cases they concluded that the transfer jeopardized the patient. For example, they found that heart-attack and stroke patients were transferred before being stabilized, and that patients with broken bones weren't given antibiotics before being dumped. In one private hospital, two neurosurgeons refused to see a 36-year-old uninsured man who had received head injuries in a fight. He went into a coma before being transferred to Highland, where doctors discovered he had a fractured skull. The man died without regaining consciousness.

The study concluded that the transfers appeared to have been for economic rather than medical reasons because Highland's care wasn't necessarily better than that of the private hospitals. "What we found were that the transfers were a form of medical abuse," says David U. Himmelstein, head of the Harvard project.

That view gets support from Arnold Relman, editor of the influential New England Journal of Medicine in a recent editorial: "As economic pressures on hospitals grow and hospital managers are encouraged or forced to act like businessmen concerned primarily with profit margins, more and more patients will be denied access to urgently needed care simply because they can't pay for it."

Evidence is mounting that dumping is on the rise. In Dallas, for example, indigent patients are transferred from private hospitals to tax-supported Parkland Memorial Hospital at the rate of 200 a month, nearly three times the 1983 rate.

Last year, Cook County Hospital in Chicago admitted 6,000 emergency patients transferred from private hospitals. That's five times as many transfers as four years ago, says Gordon Schiff, Cook County Hospital physician who co-authored a recent study of dumping there. Private institutions often patch up an indigent emergency patient just enough to survive the ride to Cook County, says Dr. Schiff. "They treat 'em, stabilize 'em and dump 'em."

Emergency patients aren't the only people who get dumped. "In recent months we've been seeing more and more patients with simple problems who are brought here because it would take the other hospital 15 or 20 minutes to treat the problem and they wouldn't get paid for it," says Robert Rothstein, chairman of the emergency department at Los Angels County-Harbor UCLA Medical Center.

Dumping's resurgence is largely a result of financial problems facing Medicare and Medicaid; the two insurance programs enacted 20 years ago to stop the dumping of the elderly and poor into charity wards and public hospitals where they received second-class care.

THE MEDICAID SQUEEZE

Several years ago, many states, alarmed at the cost of their share of Medicaid, began to cut the near-poor from the program, restrict benefits to those who remained on the rolls and reduce payments to hospitals. For awhile, hospitals made up losses from nonpaying patients and Medicaid patients by increasing charges to Medicare, Blue Cross and privately insured patients.

But early last year, the Medicare program—the biggest source of income for most general hospitals—began curtailing hospital payments to halt skyrocketing costs. Private hospitals say they continue to provide free care equal to 4% to 6% of their costs but add that Medicare and Medicaid cuts force new limits on how many nonpaying patients they can accept.

"We just can't handle everyone who comes in; we'd go broke," says John Easton, a spokesman for the University of Chicago hospitals.

Most hospitals insist that they never turn patients with serious or life-threatening conditions away from the emergency room. But doctors say dumping can be subtle, making it difficult to distinguish the case of a patient transferred for economic reasons from the case of one transferred for legitimate medical reasons.

Take, for example, the case of Costica Cretu, a 32-year-old Rumanian refugee who worked as a dishwasher in Key West, Fla. Mr. Cretu received head injuries when he was struck by a car last August. He was taken to private Florida Keys Memorial Hospital, where he was put on a life-support system. Friends told the hospital Mr. Cretu probably couldn't pay his bill. Nor would the county guarantee payment, say state officials who investigated the case. It hasn't any funds for indigent care.

NO GUARANTEED PAYMENT

Florida Keys, which has no neurosurgeon, unsuccessfully tried transferring Mr. Cretu to two other hospitals. Tax-supported Jackson Memorial Hospital in Miami says it refused the transfer because it considered Mr. Cretu to be "brain dead." A spokesman for South Miami Hospital, a private institution, says the hospital thought it would be unwieldy to transfer Mr. Cretu by helicopter. Moreover, he added: "Apparently there wasn't any way to be reimbursed." But Lee Dykes, a state health-department investigator, says "The problem at both hospitals was lack of guaranteed payment." Mr. Cretu died of brain injuries three days after the accident.

Hal Anderson, the Rock Hill, S.C., pediatrician, found it difficult last July to transfer three-year-old Shameka McMullen from Piedmont Medical Center to a better-equipped urban hospital. A comatose Miss McMullen was admitted to Piedmont after suffering a stroke and brain damage following the onset of meningitis. Piedmont, a for-profit hospital owned by American Medical International, has no intensive-care unit. Because no neurosurgeon was available there. Dr. Anderson appealed to Richland Memorial Hospital in Columbia, S.C., 77 miles away. Richland refused to accept the girl.

Judy Cotchett Smith, a Richland spokeswoman, says the hospital admits patients with life-threatening illnesses to its emergency room regardless of ability to pay. But Miss McMullen, whose family had no insurance, was in the care of a hospital in another county. Ms. Smith says Richland doesn't accept transfers of indigent patients from outside the county unless the transferring hospital agrees to pay the bill, but Piedmont wouldn't guarantee payment. A Piedmont spokeswoman says Piedmont provided $2.5 million worth of free care for indigent patients last year and can't afford to pay expenses for patients transferred to other hospitals.

A MISTAKE IN COMMUNICATIONS

Dr. Anderson then tried transferring Miss McMullen to Charlotte Memorial Hospital, 25 miles across the state line in Charlotte, N.C. Al Pruitt, a Charlotte spokesman, describes that hospital's refusal to accept her as "a mistake in communications during a late-night telephone conversation." He says the hospital physician who spoke with Dr. Anderson wasn't a regular member of the emergency staff and was unaware that the hospital would accept acutely ill patients from another state. But Mr. Pruitt says that Charlotte hospitals are reluctant to accept indigent patients from South Carolina because that state's Medicaid program won't pay for treatment outside South Carolina.

Three hours after Dr. Anderson began trying to transfer Miss McMullen, North Carolina Baptist Hospital in Winston-Salem, 100 miles away, agreed to accept her. But specialists there could do little for her. Two months later the comotose child was released to her mother. She died early last month. Dr. Anderson says the delay in transferring her probably didn't affect the outcome, but he considers her case a tragic example of the difficulty getting care for indigents.

Maria and Charles Musgrave of Houston say they experienced dumping about 18 months ago when Mrs. Musgrave was admitted to Hermann Hospital in the early stages of labor to have her baby. The Musgraves had previously paid a $250 deposit on their $1,500 bill. After an overnight stay, tests revealed she should deliver by Caesarean section. But the Musgraves say the hospital asked for "cash up front" for the $4,000 operation upon learning the couple didn't have health insurance. The Musgraves say they offered to pay in installments but the hospital told Mrs. Musgrave to go to the county hospital. Mr. Musgrave drove his wife, who was already contracting, to Jefferson Davis Hospital where their son was born six hours later.

Hermann Hospital officials cite patient confidentiality in declining to discuss the case, a spokesman says childbirth is considered an elective procedure requiring proof of ability to pay before admission.

Some states are acting to curb dumping's abuses. Last year Florida began taxing private hospitals at a rate of 1% of their revenues to fund a pool to pay bills of uninsured low-income patients. Kentucky business and health leaders formed a foundation to persuade doctors and hospitals to volunteer free care for poor patients not covered by health-care plans. A telephone hotline service begun in January arranged free care for almost 12,000 patients in its first six weeks.

And, according to George Washington University's Intergovernmental Health Policy Project, 22 state legislatures are considering programs to alleviate dumping. "Some are looking to expand their Medicaid eligibility," says research associate Randy Desonia. "Some of these are the same states that restricted eligibility in recent years."●

PROF. GEORGE S. BLAIR RECOGNIZED FOR CONTRIBUTIONS TO HIGHER EDUCATION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DYMALLY. Mr. Speaker, it is my pleasure to join with the Western Political Science Association in honoring Dr. George S. Blair this month for his life achievements. Dr. Blair is one of California's and indeed the Nation's outstanding educators. He will be formally honored this month when the

Western Political Science Association holds its annual meeting in Las Vegas, NV.

I believe Dr. Blair is going to be pleasantly surprised when he finds that his colleagues will be honoring him not simply with words, but with deeds as well. Those who know the devotion Professor Blair has had throughout his adult life to excellence in education have gotten together to create the George S. Blair fellowship. That fellowship will support outstanding graduate students at Claremont Graduate School, the fine California institution to which Dr. Blair has given so much.

In my opinion, our top educators deserve to be recognized as national heroes. They guide and develop the minds that make our Nation strong, humane, and ingenious. Dr. Blair is one of these heroes. After earning his bachelor and M.S. degrees at Kansas State Teachers College, Dr. Blair went on to Northwestern for his Ph.D., which he received in 1951.

He developed his teaching and research skills at the University of Tennessee in Knoxville, and the University of Pennsylvania. But I think it's safest to say that California and Claremont Graduate School won his heart. He joined Claremont's faculty in 1960, and is now in his 25th year of service there. He became a full professor in Claremont's School of Government in 1964. He was held in such esteem by his colleagues that he became chairman of the Graduate Faculty in Government in 1967, and has served in that capacity to the present day. A person has to be held in the highest regard by those who serve under him to have the opportunity to hold the top position for 13 years.

But teaching has always been a priority with Dr. Blair, and I suspect that he values the academic honor of holding the Elisabeth Helm Rosecrans Chair of Social Science in highest regard. For his holding of that Chair is in acknowledgment by his colleagues of his achievements in teaching and research.

I count it a privilege to be able to inform my colleagues in the House of Representatives about one who has contributed so much to our understanding of ourselves and our political practices. It is with pride that I tell you California is the home of Dr. George S. Blair, an outstanding educator, an American hero.●

ARMS CONTROL AND THE DEFENSE BUDGET: A LOOK AT CONGRESSIONAL DECISIONMAKING

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. COURTER. Mr. Speaker, I would like to share with you and my colleagues the remarks I gave to the Congressional Quarterly Conference on "Arms Control and the Defense Budget: A Look at Congressional Decisionmaking" which I hope you will find of interest:

I'm pleased to be here to deliver a few remarks on the relationship between arms control, Congress and the defense budget.

Our topic is one of the most interesting—and most sensitive—in the defense policy debate. It goes straight to the heart of the prerogatives of the executive and legislative branches in defense and foreign policy.

My view is that if Congress is to make budget decisions on the basis of arms control considerations, it should only do so with extreme caution. The institution of Congress is not well designed to integrate ongoing diplomatic negotiations with the national defense funding responsibilities assigned to it in the Constitution.

The founding fathers designed our government in a way that keeps Congress out of the formulation of foreign policy. This was a wise decision, for it recognizes the strengths and weaknesses of Congress and the Executive, and assigns their duties accordingly. Congress, we know from the Federalist papers, is designed to be a turbulent, competitive arena which seeks to balance the nation's many interests through a process of debate and compromise. This works reasonably well in domestic policy, where every day we see the brokering and compromise of interests and viewpoints in the search for national policies which serve the common good.

But this natural brokering process, which is a legislature's strength in domestic policy, is the very source of its weakness as an actor in foreign policy and diplomatic negotiations. Diplomacy requires secrecy, a long-range strategy, the steady pursuit of this strategy, and the presentation of a single, unified American position to foreign governments. One doesn't have to observe Congress for very long to see that it is not optimally suited to these requirements.

Does this mean that Congress should pay no attention to the arms control process? Decidedly not. Since Congress plays a role in the approval and implementation of treaties, Congress should follow negotiations with great interest. The appointment of congressional observers to the Geneva Arms Reduction Talks recognized this necessity.

The problem with Congress starts when we get to the defense budget. At first glance, there seems to be nothing inherently wrong with tailoring the defense budget to arms control negotiations. But to cut or alter military programs due to the mere existence of arms talks and the possibility of an agreement is essentially to deny that we have a strategic vision—that is, an array of interests, a perception of the threat to those interests, and idea of how to protect those interests. This vision, and the will of a unified U.S. government to act on it is, after all, the greatest incentive that the Soviets have to negotiate. When Congress undercuts it, it undercuts the chances for arms control.

Last year's House action on the MX missile gives the best example of a well-intended, but unhealthy Congressional intrusion into the arms control process. The House position last May, you will remember, was as follows: After President Reagan requested money for 40 MX missiles, and after the House Armed Services Committee authorized funding for 30, the full House authorized 15 missiles. But this funding was to be locked up for the first six months of the fiscal year, and it could only be released if the Soviets refused to return to the arms talks that they had abandoned in 1983. If they returned, the money remained locked up.

The authors of this arrangement explained that they were seeking leverage: leverage over the President, by cutting his MX request, and leverage over the Soviets, by offering them a reward for returning to the arms talks. Congress was thus poised to become a third actor in the negotiating process. Instead of making an up-or-down decision on the military utility of the MX missile, the House was bargaining with the Soviets, and seeking to give Moscow what would have amounted to a measure of control over the schedule of the MX program.

Internal divisions such as this, between the branches of the U.S. Government, were one of the problems the founding fathers sought to avoid when they assigned foreign policy duties to the Executive. Alexander Hamilton explained why the House in particular was ill-suited to the formation of international policy.

He said: "Accurate and comprehensive knowledge of foreign politics; a steady and systematic adherence to the same views . . . decision, secrecy and dispatch are incompatible with the genius of a body so variable and so numerous" (as the House of Representatives).

Hamilton was right. Congress is too diverse and too volatile a body to be engaged in the actual operations of foreign policy. In today's context of arms control and the defense budget, this is especially true.

In addition, there's the problem of unilateralism. When Congress tries to help arms control by slowing down programs such as MX or ASAT in the name of stability or verifiability, it can only take unilateral actions. Congress lacks the leverage to force Soviet concessions. Arkady Shevchenko, the Soviet defector, explained this very clearly to the Armed Services Committee just last week. He told us that when Congress makes unilateral concessions in the hope of enticing the Soviets into making reciprocal cuts—an approach he called "wrong and even dangerous"—the Soviets only escalate their demands.

Shevchenko teaches us a clear lesson: Neither arms control nor national security will be served if Congress insists on negotiating with the President while the President is negotiating with the Soviets. Nor is it helpful for Congress to subject military programs to arms control criteria and to legislative compromises which are more appropriate to public works or agriculture programs than to defense.

Today, some argue that the Soviets have come back to the table to negotiate seriously over the Strategic Defense Initiative. But it's equally plausible to argue that, based on previous congressional actions, they came back to the table for two reasons:

First, to give the appearance to negotiating with the President, and

Second, to actually negotiate with the Congress, by publicly hinting at the offensive force cuts they will offer if SDI is stopped, in the hope that Congress will stop the SDI for them.

It's hard to say at this early stage whether this guess will prove correct. But it's also hard to say, given the previous behavior of Congress, that it wouldn't be rational for the Soviets to adopt this strategy.

To sum up, I believe that arms negotiations should affect the defense budget only when agreements have been reached and approved. For Congress to do otherwise will only complicate the already formidable tasks our negotiators face in Geneva.

This year's defense authorization debate is about to heat up, and I can hardly be optimistic that my views or methodology will prevail. Congress is full of strong personalities, with strong views on all subjects. But Congress should try to exercise some self-restraint, and realize that its effort to chart an independent course on arms control unintentionally helps the Soviet negotiating strategy, which is to divide the President, the public, the Congress and our allies to the greatest extent possible.

Either the MX is militarily necessary, or it is not. Either SDI is worth pursuing for reasons of security, stability and deterrence, or it is not. Congress should decide these questions on military criteria, period, and leave the task of negotiating to the Executive Branch, where it belongs.●

A NEW HISTORY OF MUHLENBERG COUNTY, KY

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. HUBBARD. Mr. Speaker, I want to take this opportunity to congratulate one of my constituents, Paul Camplin of Greenville, Muhlenberg County, KY, for his newly published book, "A New History of Muhlenberg County."

Indeed, Paul Camplin is a meticulous researcher and an entertaining writer. Camplin, having worked on the book for 3 years, has written a most useful and comprehensive publication and given Muhlenberg County's history from 1912 onward. In fact, it is the most extensive book on Muhlenberg County, KY to be produced in more than 72 years.

I would like to share with my colleagues an excellent article by Carolyn Hillard of the Leader News in Greenville, KY, entitled "Paul Camplin's New Muhlenberg History." The article about Paul Camplin and his book follows:

[From, the Greenville, KY, Leader News]

PAUL CAMPLIN'S NEW MUHLENBERG HISTORY

(By Carolyn Hillard)

GREENVILLE.—Supporting his reputation as a meticulous researcher and entertaining writer, Greenville author Paul Camplin has produced a real treasure trove of information about Muhlenberg County in his book "A New History of Muhlenberg County."

"If you want to know Muhlenberg County," a Nashville reviewer wrote, "then this book is a must. This is a practical, well-documented and well-written book by an author who knows his subject well."

A history of Muhlenberg County, Kentucky primarily from 1912 onward, the book contains hundreds of family names and is full indexed in large, readable type. Its visual appeal is enhanced by a generous scattering of rare photos, 230 illustrations in all. Most have not been published before and come from prized family photo collections.

"I'd say it's an accurate account of more recent generations that will interest readers of all ages," the author described recently.

In the preface to his new book, Camplin expands on that simple description. ". . . It has been a sincere and dedicated attempt to record the story of our county towns, villages and crossroads, mainly to document those who settled each locale and when. The way the places got their names, and in some cases various names. The first and succeeding postmasters and a list of the people who do, and have lived there."

The book should be of particular interest to historians, genealogists, and former and present residents of the communities which Camplin spotlights. In total, the 304 page book encompasses 61 chapters; 25 chapters on the origins of communities.

In his easy, readable writing style, Camplin relates the origin of coal mining towns such as Beech Creek, Graham and Powderly and traces the birth and eventual demise of Paradise, a mining community that faded into non-existence when the coal played-out.

Camplin writes about men like William W. (Billy) Bridges, who once "parlayed hard work, good looks, and fine manners into owning the town of Drakesboro." And bringing it up to the present, the book includes a good smattering of current history as well.

There are lists of former county officials, oil activity records in Muhlenberg from 1960 to 1963, Muhlenberg coal production and Muhlenberg Revolutionary War soldiers, among other fascinating facts.

Not many people know, Camplin said, that Muhlenberg County contains one of the nation's coal, oil and gas centers of production. Paying homage to the effect that the coal and oil industries continue to have on the county, Camplin has included five chapters on the two industries.

Camplin said he started writing about the history of Muhlenberg County because there were stories he felt ought to be told and set down in print before they were forgotten.

"The information was there, but with a few more generations passing, it would have been a lost history," he explained. "I really did this mainly as a journal to pass on to future generations."

The three years he's spent in gathering and compiling the history have been purely a labor of love, Camplin said. "It's been minutely researched. You have to love to do this to take it on," he admitted, "I spend my waking hours writing, but that's what I love."

As meticulous in his approach to production as he is in writing, Camplin did all the layout, positioning and placing the type and photos himself.

Earlier this year Camplin formed his own private publishing company, Caney Station Books. He chose that name for his fledging company he said, because the first graveyard in the county, at Caney Station, happens to be located just behind his home and office. The historical connection seemed appropriate.

Camplin's history, which is planned as the first in a series, is being printed by Williams Printing Company of Nashville. It is being listed in more than a half dozen of the nation's book listing and catalog services.

With years of background in the printed media, Camplin can be considered something of a publishing expert, on everything from writing to selecting type styles and paper stock. He would be willing to talk to other persons with manuscripts that might make good books, he said.

As might be expected, Camplin is a member of various historical organizations, including the Filson Club, the Kentucky Historical Society and the Muhlenberg County Art and Historical Society. He is a past president of the latter group.

A native of Muhlenberg County, Camplin left here at the age of 17 and served in the navy during World War II, continuing as a submarine officer for 13 years before retiring.

It was while in the navy that he got some training in journalism and started to realize the importance of learning more about the world. "I guess I've studied almost constantly for 20 years . . . I've tried to be a serious student of just about everything," Camplin said.

Having traveled extensively himself, Camplin said he would urge everyone to visit other countries and experience a different culture if they can because "It gives a dimension to things that you can't acquire any other way."

His advise to beginning writers is simple. Write about what you know. "The best writing is done by people who get pleasure from doing it," he added, "And it doesn't matter whether what they do is important or useful to anyone else."

Camplin worked for the Evansville Courier-Press as a photographer/feature writer for a while after retiring from the navy, moving on to become a journalist with the Kentucky Department of Public Information.

During his years at that job he produced five softbound books for the state, including histories on forestry, surface mining, soil and river systems and ecology-beautification in the state. The history of surface mining is still the only history available on the subject.

"A New History of Muhlenberg County" is Camplin's first book in a hardbound edition.

"I could never express enough thanks to people who've helped me with information and provided me the loan of photos. In just about all instances when I've asked they've come through every time." Camplin said. "Doing something like this is like a big jigsaw puzzle. You have to piece it together, and you keep hunting the pieces and working until you do it.

"I hope that 50 years from now people will still be reading it." Camplin said. Much the same as people still refer to Rothert's History of Muhlenberg County, the last county history published 72 years ago.●

STRATEGIC DEFENSE INITIATIVE: PREPARING FOR TOMORROW

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BROOMFIELD. Mr. Speaker, I want to share the following article from the New York Times, describing the President's strategic defense initiative [SDI], with my colleagues in the Congress. Mr. Ken Adelman, the Director of the U.S. Arms Control and Disarmament Agency, presents some of the most cogent arguments that I have seen as to why our Nation and the world need SDI. It is a bold new step aimed at eventually eliminating the threat posed by nuclear armed ballistic missiles. SDI is a program of vigorous research focused on advanced defensive technologies with the aim of finding ways to provide a better basis for deterring aggression, strengthening stability, and increasing the security of the United States and our allies.

Since the advent of nuclear weapons, every President has sought to minimize the risk of nuclear destruction by maintaining effective forces to deter aggression and by pursuing complementary arms control agreements. For 40 years, we and our allies have succeeded in preventing nuclear war while protecting Western security.

Because of the awesome destructive potential of nuclear weapons, however, we must seek another means of deterring war. From a military and moral point of view, it is necessary. There has to be a better way to strengthen peace and stability. There must be a way to move away from the strategy of massive nuclear retaliation. Why not move toward greater reliance on defensive systems which threaten no one? SDI is also nonnuclear defense. As such, it would help to move the world away from the menace of nuclear weapons.

With these general observations in mind, I suggest that my colleagues in the House read this enlightening article.

[From the New York Times, Mar. 10, 1985]

TOWARD A DEFENSE STRATEGY

(By Kenneth L. Adelman)

Washington.—The starting point for any rational discourse on the Strategic Defense Initiative—and many discourses on it have not been rational—is a large dose of modesty at predicting what science can offer in the future. How many times in our history has human ingenuity overcome human expectations and even expert predictions?

Thomas Edison, for example, forecast: "Fooling around with alternating currents is just a waste of time. Nobody will use it, ever. It's too dangerous." This—and countless other examples—should be enough to rise questions about the so-called "experts" who say a strategic defense can never work.

Why have we embarked on strategic defense research? Nuclear deterrance has worked, preventing both conventional and nuclear war for some 40 years. For the past few decades, however, its success has hinged on mutual assured destruction—the threat, in effect, to inflict unacceptable damage on the Soviet Union in retaliation for aggression.

Such a dreadful "balance of terror" has naturally come into question, then under attack, from people all across the ideological spectrum. Surely, if possible the President should have options—not just the one button. If another button—to destroy incoming nuclear weapons—might be feasible, shouldn't we look into that possibility?

Beyond this, there are three reasons to move toward a defensive strategy.

First, defensive technology has progressed markedly over the past decade or so. Though we do not know exactly what the future holds, we do know that today's research—in computers, sensors, radars, lasers and high-energy particle beams—holds considerable promise.

To take a relatively simple example: for many years, it has been assumed that defense against ballistic missiles was not cost-effective. No matter how much defense one side deploys, it is still cheaper for the other side to overwhelm those defenses with decoys or more offensive systems. But that equation, and others may change with new technologies. If so, a strategic defense could be a real incentive to deep reductions in offensive nuclear systems.

It may be true that no strategic defense will ever be 100 percent effective. Yet we can surmise even now that even less than a leak-proof defense—less than a perfect defense—could reduce the risk of war. It could markedly increase a potential attacker's uncertainty about the likelihood that it would be successful—and that, after all, is the essence of deterrence.

A less than perfect defense could also hold out hope against an unauthorized or unintended nuclear attack. Today, a President would have to choose between accepting the destruction of a city or two or retaliation in kind, or both. It would not be a desirable alternative.

A second factor is the ethical dimension. Surely, if we find that some defensive systems can reduce the risk of war, then morality should drive us hard in that direction. Why have more than 1,000 American clergymen endorsed strategic defense research? They do not miss the point—often missed by others—that it would be a non-nuclear defense. It is part of an effort to move the world away from nuclear weapons.

Finally, strategic defense research is what the experts call a "prudent hedge" against the Russians' active defensive programs and research—programs that may be leading Moscow to break its commitment to the Anti-Ballistic Missile Treaty.

PRACTICAL AND ETHICAL REASONS

The Russians have been conducting a vigorous research program for some years now. They long ago constructed the one anti-ballistic missile defense, around Moscow, permitted them under the treaty, but other activities now suggest that they may be moving toward a nationwide antiballistic missile capability—a violation of the letter and the whole thrust of the accord. Moscow has an extensive air defense program and is continuing vigorous research on lasers and neutron particle beams. Overall, the Soviet Union spends some 10 times more than the United States on defensive programs. Even more startling, in the years since the signing of the treaty, the Russians have spent roughly as much on strategic defense as on strategic offensive forces.

In this regard, it is useful to remind ourselves that our strategic defense research efforts are fully consistent with our treaty obligations, particularly the ABM treaty. Research on defensive systems is not only permitted under this accord but was actively advocated when we entered into it in 1972. Indeed active research programs on anti-ballistic missile technology have been supported by every President since, though not with the same emphasis as, President Reagan.

To me, the main threat to the Anti-Ballistic Missile Treaty lies elsewhere. The treaty was founded on an assumption that limits on defensive systems would be followed by limits on offensive systems. This assumption has not been borne out—largely because Moscow has been unwilling to agree to deep reductions.

One of our major objectives in the approaching arms control negotiations will be to go "back to basics" in looking at the relationship between offensive and defensive forces.

Above all, we must scrupulously guard against a vicious cycle in which defensive efforts spur the other side on to more offensive efforts. That snowball effect would undercut stability and weaken deterrence.

We envision the future of arms control in three phases. During the first phase, deterrence will continue to rest almost exclusively on offensive nuclear retaliatory capabilities—but greatly reduced levels of nuclear forces. This period could last 10 or 15 years, or longer, depending largely on strategic defense research. During the second phase, of indefinite duration, we would begin to move toward an ever-greater reliance on defense. The last period would bring the complete elimination of nuclear arms.

This evolution will depend critically on cooperation by Washington, in consultation with its key allies, and Moscow. This has begun and will restart in Geneva on Tuesday.

Despite the profound differences between East and West, there is a shared opinion that we have to get on with reducing—and eventually eliminating—the nuclar threat. Getting back to basics, back to the offense-defense relationship, may be just the prescription for overcoming the impasse in arms control and paving the way for a far safer future.●

DRESDEN BOMBINGS

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DioGUARDI. Mr. Speaker, we are rapidly approaching the 40th anniversary of the conclusion of World War II.

During the course of the war, thousands of innocent people fell victim to the brutal realities of global conflict. One particular city which suffered perhaps the greatest death toll during the war was Dresden.

Frank Watra, a resident of my district and a former operative in American intelligence, has written an article on the bombing of Dresden and de-

scribes how the Soviet Union downplayed the death total in order to diminish the perceived impact of the Allied war forces.

I would urge my colleagues to read Mr. Watra's article in memory of the thousands of innocent victims who perished at Dresden 40 years ago.

The article is as follows:

SETTING THE RECORD STRAIGHT

(By Frank Watra)

The New York Times political columnist, Flora Lewis, recently discussed travel in a piece on the city of Dresden, quoting nameless authorities as her source for reporting the wartime Dresden bombing fatalities as being "35,000."

Those Dresden casualty figures jumped off the page at me. I presumed any literate person, regardless of sensitivity or prejudice, let alone a seasoned reporter or reviewing editor, knew that the allied fire-bombing of Dresden on Feb. 13 and 14, 1945 was considered to be one of the greatest single acts of carnage perpetrated through air raids during World War II.

Based on my recollection of an estimated 135,000 killed, I assumed Ms. Lewis' column simply might have been guilty of a typographical error. Further inquiry and research proved this not to be the answer. To my surprise, however, the four encyclopedias I checked carried no factual data on the Dresden bombing other than referring to the "terrible" or "awful bombings" of World War II.

I finally located an account I had read many years ago, "The Destruction of Dresden," by the British writer, David Irving, and re-read it with mixed feelings. The enormity of the raid was so awesome it has to rank as one of the most egregious accounts of man's inhumanity to man. The carnage was of the magnitude that defied precise identification or death count. Post-war Allied analysis concluded that the Dresden fatalities could be "conservatively estimated" at 135,000.

Mr. Irving stated that Dresden had a population of 600,000, plus an estimated 300,000 to 400,000 Eastern refugees fleeing from the onslaught of the Russian army. Dresden was considered to be a safe, "open" city with little military or industrial value—a magnet at the war's end for the refugees who unknowingly crowded in and around the railroad terminus, the subsequent bombing's prime target.

A captured, high-level secret document in Berlin has made reference to the Dresden "Police President Report," which stated: "Up to March 20, 1945, altogether 202,040 bodies, primarily woman and children, were recovered. It is expected that the final death-toll will exceed 250,000 . . ." Neither the police president (who committed suicide) or report survived the end of the war.

Comparison is made to other historical air raids: Hiroshima—71,379 deaths and the massive March 9-10, 1945 firebombing of Tokyo, 83,793 deaths.

Presumably, most of the Dresden dead were the homeless and nameless refugees. Many were from the Baltic states, Ukraine and Poland. There were also a significant number of forced laborers and Allied prisoners, including Americans.

I continued to read and do research, not so much in sympathy but rather for the facts. After all, the Germans and Japanese were our wartime enemies and guilty of mass terrorism. Representatives of my family, and relatives, fought and suffered on both fronts. Nevertheless, I finally found the source for Ms. Lewis' figures: The Russians "liberated" Dresden and completely dissolved what little was left of a civil administration, one of whose thankless and impossible tasks was the continuing count and identification of the dead.

To quote David Irving, ". . . the Soviet occupation authorities, true to their insistence that the Allied air forces were not an effective weapon of war, refused to accept the conservative estimate of 135,000 dead, calmly struck off the first digit."

In short, the Soviets who manipulated wartime casualties, one way or another, for their own propaganda purposes simply rewrote history. Did you know, for example, upon the completion of World War II, the Russians only admitted to 6 million wartime Russian dead? They have gradually upped this figure to a current 20 million. I have always estimated 30 million. Harrison Salisbury of The New York Times recently opined that it's more like 40 million.

In short, Flora Lewis, knowingly or unknowingly, was used (or duped) by Soviet historical "dis-information." In turn, The Times editors were either asleep or accepted the Soviet figures.

One expects more from a great newspaper.

Thank you Mr. Speaker.●

TRIBUTE TO DOWNEY MUNICIPAL COURT JUDGE LEON EMERSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Judge Leon Emerson of Downey, CA, who is retiring this year from the Downey Municipal Court.

Judge Emerson has served the city of Downey as a municipal court judge for nearly a quarter of a century. He left private practice in 1961 to assume the bench, and has served in that capacity since then in the finest tradition of the law.

After graduating from Allen High School, Judge Emerson attended Compton College and Loyola University, and received his law degree from Southwestern University College of Law. He established a private practice in 1952, which he gave up in 1961 to begin his distinguished career in the municipal court.

However, the judge's contributions to his community have hardly been limited to weighing the scales of justice. He is a former president of the Downey Chamber of Commerce, a life member of the Kiwanis Club, a scoutmaster for 7 years, and founder of the Downey Counseling Center. He is also a former board member of the American Judges Association and has lectured at numerous universities, including UCLA and California State University at Long Beach.

As distinguished as his career has been, his greatest contribution to his community may be his extensive work in combating alcohol and drug abuse. He is a member of the Los Angeles County Commission on Alcoholism; the California State Bar Association, Committee on Alcohol Abuse; and he is a consultant to the National Center for Alcoholism Education.

His concern for victims of alcoholism and drug addition and their families led him to write several newspaper and magazine articles on the subject. Downey and the entire Los Angeles area have benefited immeasurably from his tireless efforts and expertise.

Judge Emerson is a civic leader in the truest sense of the word; he has been named "Man of the Year" by organizations too numerous to list here. My wife Lee joins me in wishing Judge Leon Emerson a happy and fulfilling retirement, and him and his wife Lee and their children—Donald, David, Julia, Randy, and Darryl—all the best in the years ahead.●

FRANCIS B. LACHOWICZ: FATHER, FRIEND, AND SHEPHERD

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GAYDOS. Mr. Speaker, on Sunday, April 14, more than 550 members of St. Denis' Church in Versailles, PA, will join in commemorating the 25th anniversary into the priesthood of a man who has become their father, friend, and shepherd—that Very Reverend Francis B. Lachowicz.

Father Lachowicz has served St. Denis, and its mission, St. Patrick's in Alpsville, PA, since February 1977. Under his leadership, both parishes has prospered. In addition to his church duties, Father Lachowicz has initiated many programs and projects within the parishes and is an active participant in civic functions.

Through his efforts, substantial renovations have been made at St. Denis' Church as well as its school, rectory, social center, et cetera. He has established and revised several parish organizations, introduced special ministers of the Most Holy Eucharist, implemented the First Spiritual Parish Renewal and vigorously increased church activities which led to the elimination of the parish debt.

These accomplishments are indicative of a quality Father Lachowicz developed early in life—a love of hard work. As a student and later as a seminarian, he served as a newsboy, laborer, supermarket clerk, lifeguard, counselor and swim instructor for the blind at Camp Fatima in Butler, PA.

Father Lachowicz was born March 29, 1934, in McKees Rocks, PA, a son of the late Frank and Nora Schwier

and the youngest of 10 children. He attended S.S. Cyril and Methodius Elementary School there but was graduated from St. Mary's High School in Orchard Lake, MI, and was valedictorian of his class.

He entered the seminary at St. Charles in Philadelphia in September 1952, and worked during the summers of 1958 and 1959 as a deacon at Nativity Church in Broughton, PA, and St. Victor's in Bairdford, PA. Following his ordination on March 25, 1960, Father Lachowicz was assigned as assistant pastor to St. Wendelin's in Carrick, PA.

He later served in the capacity at St. Adalbert's (1964–68) and St. Josaphat's (1968–72) on Pittsburgh's South Side. In 1972 he was assigned as assistant pastor at St. Joseph's in Coraopolis and St. Martha's in Groveton where he remained until assuming the pastorate of St. Denis in 1977.

Mr. Speaker, Father Lachowicz is the recipient of many honors and awards: Eagle Scout, honorary police captain, Knights of Columbus, the American Red Cross Swim and First Aid Program, and dean of the South Central Allegheny Deanery of the Catholic Diocese of Pittsburgh 1983.

On behalf of my colleagues in the Congress of the United States, I extend formal congratulations to Father Lachowicz on this occasion and am honored to join the parishoners of St. Denis in honoring the man they know as "pastor, father, friend and shepherd."●

THE COMPASSIONATE PAIN RELIEF ACT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. HUGHES. Mr. Speaker, it was 6 months ago today that the House considered the Compassionate Pain Relief Act to provide for pain relief for those who are dying in excruciating pain.

Questions were raised about diversion of the heroin for abuse by addicts; about the type of signal we would be sending to the American people—particularly our children—concerning the use of heroin; about the severity of penalties for abuse of the proposed program.

As I said at the time, I had misgivings about the protections against diversion of heroin in the bill reported by the Energy and Commerce Committee. But I believed a program could be developed to prevent those potential problems. As you may recall, I offered an amendment to the Waxman bill to address some of these concerns. Yet both the amendment and the bill failed to pass.

From the start of this Congress, HENRY WAXMAN and I have been working together to develop a tighter and more fully enforceable program to allow physicians to prescribe heroin for the small group of terminally ill cancer patients who cannot be effectively treated for intractable pain with existing pain medications. Among the bill's safeguards are severe criminal penalties for diverting heroin from the program.

These provisions, coupled with the major law enforcement measures that we enacted last October, I believe are fully adequate to protect the public from the danger of diversion.

We need this legislation. While there are many powerful painkilling drugs on the market, they do not work for everyone. Some work very well for many people and yet do little to help others. Heroin has been used extensively in British hospices and has been thoroughly demonstrated to be a safe and highly effective painkiller. While the number of cancer patients who would benefit from the availability of heroin is not great, I believe compassion requires that nothing that is safe and effective be held back in the treatment of cancer pain.

Our legislation does not legalize heroin just as we have not legalized the morphine now used in hospitals and hospices around the country. It would be available only to the terminally ill through a temporary program. Every aspect of the program is subject to the tight controls of the Controlled Substances Act to prevent any heroin from being diverted to drug addicts.

I take pride in my work over the past 4 years, as chairman of the Subcommittee on Crime, in giving law enforcement agencies new legal tools and additional resources to fight the illegal drug traffic. We still have a great deal of work to do to defeat the narcotics traffickers and end drug abuse.

But we must not allow those who suffer in agony to be held hostages in pain by the drug abuse problem. This program, I believe, will prevent diversion and will carefully make medicine available to those who are most in need of it.●

THE INTERGENERATIONAL EDUCATION VOLUNTEER NETWORK ACT OF 1985

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ROYBAL. Mr. Speaker, today, myself and 41 original cosponsors are introducing the Intergenerational Education Volunteer Network Act of 1985. Support of this bill is a direct statement in support of education. This bill would establish intergenerational education programs which will provide opportunities for senior citizens to work with educationally disadvantaged children.

Senator CARL LEVIN is also introducing a companion bill in the Senate. It is our intention with this collective effort to not only upgrade the basic skills of educationally disadvantaged, but to enhance the quality of learning and growth of children. We strongly believe that intergenerational education programs would enrich the lives of both younger and older Americans.

Highlights of provisions of both Senator LEVIN's and my bill are as follows:

Senior citizen volunteers aged 60 years and older would work directly with educationally disadvantaged children who are served under title I of the Elementary and Secondary Education Act of 1965;

Reimbursement would be provided for the senior volunteers to help pay necessary expenses associated with the cost of participating in the program;

Funding for training volunteers, teachers and participating parents or legal guardians would be provided in order to adapt and develop appropriate curricula materials to be used;

Senior citizen volunteers would spend most of their time in the classroom providing services to pupils in small groups or on a one-on-one basis as needed—the remainder of the time could be spent serving as liaison to the parents or legal guardians of the children with whom the volunteer is working in order to increase the participation of such families in the education of their children;

The Secretary of the Department of Education would be authorized to make grants to local educational agencies, public agencies, or to private nonprofit organizations applying jointly with one or more local educational agency for grant periods not to exceed 3 and not less than 2 years time, and the grantee would have to make a good faith effort to become either self sustaining or supported by the community by the end of the grant period;

The Director of the ACTION Agency or his/her designee would be included in the grant review process so that the expertise gathered through their experience with senior volunteer programs is considered;

A 10 percent administrative cap would be placed on the Department of Education, and a 10 percent administrative cap on each grantee; and

Each project would complete an evaluation of the program to be used by the Department of Education in the preparation of a report to be submitted to Congress every 2 years—the report shall include:

Descriptions of the programs authorized by this act;

Evaluation of these programs with respect to the realization of the stated purpose of this act; and

Summary and analysis of the collective impact of these programs.

Lastly, both Senator LEVIN's and my proposals set a 5-year authorization for this bill as follows: $6 million for fiscal year 1986, $7 million for 1987, $8 million for 1988, $9 million for 1989, and $10 million for 1990.

Programs that involve senior citizens and parents in the education of their own children are by no means new. Unfortunately, the various pilot projects that are taking place around the country simply cannot meet the demand and the challenge in its entirety. It is estimated that over 11 million children of low-income families need help in basic skills. And, the current chapter 1 program for the education of disadvantaged children is currently reaching less than half that number.

As the president of the Washington, DC, based Home and School Institute, one of the program models on which this legislation is based, Dr. Dorothy Rich has a long record of service and experience with parents, senior volunteers, and schools across the Nation. In testimony before the Senate Labor and Human Resources Subcommittee on Aging, Family, and Human Services on March 22, 1983, she stated the following:

> Research on the importance of the family as educator is very clear—a question that needs to be addressed is not how to use the school to strengthen the family, but how to use the potency and impact of the family to strengthen the school. Research has clearly shown that the efforts of schools which do not involve families do not result in achievement for children.

Since 1978, the University of Pittsburgh Center for Social and Urban Research has been studying the affect senior citizens participating in it's generations together Senior Citizen School Volunteer Program have had on children's growth and learning. Dr. Sally Newman, director of this program which is also one of the models on which this legislation is based determined that:

> As a result of these programs there is an improvement in the academic performance and social behavior of children and youth and an improvement in the self-esteem, mental and physical health of the elderly. Over 35,000 youth and 1,500 older persons have benefitted from their participation in these programs that currently are in over 50 schools in western Pennsylvania. We know this model works.

I believe that this intergenerational effort will help the educationally disadvantaged keep pace with more fortunate youth. The programs this bill authorizes can and will make a difference in the lives of these children. By tapping the wealth of energy, experience and wisdom of the seniors of this country, they, themselves, will be enriched by having the opportunity to help make that difference. I urge my colleagues to join me in supporting this legislation.●

AMUSEMENT PARK SAFETY ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. WAXMAN. Mr. Speaker, on behalf of Mr. WYDEN and myself, I am pleased to introduce H.R. 1596, the "Amusement Park Safety Act." The legislation is similar to H.R. 5790 which was overwhelmingly passed by the House last year. Unfortunately, the Senate was unable to take action on the bill prior to adjournment of the 98th Congress.

Each year millions of Americans enjoy the thrills and entertainment of amusement park rides. These rides have become increasingly complex. Many can generate speeds and velocity that might challenge an astronaut.

The public enjoys these rides. They assume the rides are safe, that they are well maintained and that their operators are experienced.

What the public doesn't know is that accidents have occurred at some of the Nation's finest amusement parks. Fatalities and serious injuries have resulted.

At hearings before the Subcommittee on Health and the Environment last year, we heard testimony from a husband whose wife was killed when she fell out of a roller coaster. We also heard from a 15-year-old boy who, with his two friends, spent several days in the hospital after crashing 60 feet to the ground because a ride's braking mechanism failed.

The "Amusement Park Safety Act" closes a serious loophole in Federal law. Currently, the Consumer Product Safety Commission has authority to order defective amusement rides repaired only if they are located in a traveling carnival or circus. Yet if the identical defective ride is located in an amusement park, the agency is prohibited from assuring that the defect is repaired.

This distinction is illogical. It does not enhance consumer confidence or trust in the safety of amusement park rides.

H.R. 1596 would assure the public that in the event of a serious accident involving an amusement park ride, the Consumer Product Safety Commission would be empowered to inspect the ride, determine the cause of the accident, order its repair, and assure that similar rides in other States are inspected for defects and if necessary, be repaired.

No agency of the Federal Government presently has this responsibility. Furthermore, less than half of all the States have passed laws requiring periodic inspection of amusement park rides. In those States that have enacted laws, the level of enforcement is uneven and inconsistent.

Mr. Speaker, this legislation narrowly defines the role of the CPSC. The Commission and its enforcement staff will not be permitted to conduct routine inspections of amusement park rides in States which have passed inspection laws. The only time CPSC could inspect an amusement ride in such States would be following an accident on an amusement park ride which involved a fatality or personal injury requiring hospitalization.

In addition, the CPSC would be prohibited from issuing industry-wide product safety standards or banning an amusement ride.

Mr. Speaker, legislation identical to H.R. 1596 is being introduced in the Senate by Senator PAUL SIMON. I am hopeful the Congress can expedite passage of the legislation before the summer amusement park season.

I ask that a copy of H.R. 1596 be printed in the RECORD at this point.

H.R. 1596

A bill to amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement devices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Amusement Park Safety Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act.

SEC. 2. DEFINITION.

(a) DEFINITION OF AMUSEMENT RIDE.—(1) Section 3(a)(1) (15 U.S.C. 2052(a)(1)) is amended by striking out the first two sentences following subparagraph (I).

(2) Section 3(a) is amended by adding at the end the following:

"(15) The term 'amusement ride' means any device which carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement and which is customarily controlled or directed by an individual who is employed for that purpose and who is not a consumer with respect to such device. An amusement ride which is not permanently fixed to a site is a consumer product for purposes of this Act and an amusement ride which is permanently fixed to a site—

"(A) is not a consumer product for purposes of sections 7 and 8, and

"(B) is a consumer product for the remainder of the Act.

"(16) The term 'amusement ride operator' means the owner of an amusement ride.".

(b) CONFORMING AMENDMENT.—Section 3(a)(1)(I) is amended by striking out ". The term 'food', as used in this subparagraph means all 'food' ".

SEC. 3. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) (15 U.S.C. 2055(b)(1)) is amended—

(1) in the first sentence of paragraph (1) by striking out "the Commission shall" through the end of the sentence and inserting in lieu thereof the following: "the Commission shall, to the extent practicable, notify and provide a summary of the information to—

"(A) each manufacturer or private labeler of the consumer product, and

"(B) to each amusement ride operator who owns the amusement ride

to which the information pertains, if the manner in which such consumer product or amusement ride is to be designated or described in such information will permit the public to ascertain readily the identity of such manufacturer, private labeler, or amusement ride operator and shall provide such manufacturer, private labeler, or amusement ride operator with a reasonable opportunity to submit comments to the Commission regarding such information."; and

(2) in the second and third sentences of paragraph (1) and in paragraphs (2) and (3), by striking out "or private labeler" each place it occurs and inserting in lieu thereof ", private labeler, or amusement ride operator".

SEC. 4. NOTIFICATION AND REMEDIES.

(a) NOTIFICATION OF COMMISSION.—Section 15(b) (15 U.S.C. 2064(b)) is amended by adding at the end the following: "Each amusement ride operator who obtains information which reasonably supports the conclusion that the amusement ride the operator owns contains a defect which could create a substantial product hazard described in subsection (a)(2) shall provide the information required by the preceding sentence.".

(b) REPAIR, REPLACEMENT, REFUND.—Section 15(d) of such Act is amended—

(1) by inserting after "of such product" in the first sentence the following: "or the amusement ride operator if the product is an amusement ride"; and

(2) by inserting before ", or from doing" in the last sentence the following: ", from operating an amusement ride if the product involved is an amusement ride".

SEC. 5. INSPECTION.

Section 16(a) (15 U.S.C. 2065(a)) is amended by striking out "and" at the end of paragraph (1), by striking out the period before the last sentence in paragraph (2) and inserting in lieu thereof "; and", by striking out the last sentence, and by adding after paragraph (2) the following:

"(3) to inspect, at reasonable times and in a reasonable manner—

"(A) amusement rides which are not permanently fixed to a site, and

"(B) amusement rides which are permanently fixed to a site if the State or political subdivision in which the ride is located does not have authority to inspect the ride or if the ride was involved in a fatality or a personal injury requiring hospitalization.

Each such inspection shall be commenced and completed with reasonable promptness.".

SEC. 6. REGULATIONS.

The Consumer Product Safety Commission shall issue regulations for the administration of section 15 of the Consumer Product Safety Act, as amended by section 4, not later than six months after the effective date of this Act.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1985.●

THE FRIENDS OF IRELAND'S ST. PATRICK'S DAY STATEMENT

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. FEIGHAN. Mr. Speaker, on St. Patrick's Day, the Friends of Ireland in the U.S. Congress issued a statement expressing our concerns and our hopes for a productive U.S. involvement in resolving the conflict that continues to drain hope from the lives of 1½ million people in Northern Ireland. As Members of the House and the Senate, we believe it is important that we lend our voices of support to the efforts of those who seek reconciliation through diplomacy and negotiations, rather than through a continuation of violence and terror.

Last year, I had the honor of introducing John Hume, a founding member of the New Ireland Forum, to a St. Patrick's luncheon in Cleveland, OH. As a leader of the Social Democratic Labor Party in Northern Ireland, Mr. Hume has been a tireless and articulate spokesman for peaceful change. In our statement this year, the Friends of Ireland express our hope that the work of the New Ireland Forum will continue to provide an outlet for those who believe in a peaceful transformation in Ulster.

Our statement also strongly opposes those who believe that violence is the proper outlet for change in Northern Ireland. No one, no matter what their belief on the question of Irish unity, can justify the use of terror by extremist elements who prey on the lives of innocents to advance their cause of instability. While it is often true that repression breeds retaliation, violence can never be the answer. It serves only to destroy, to hinder and to maim the spirit of those who strive to live in unity and in peace.

Mr. Speaker, I include the text of the Friends of Ireland's statement in the RECORD following my remarks:

FRIENDS OF IRELAND ST. PATRICK'S DAY STATEMENT 1985

St. Patrick's Day this year arrives at a time when those concerned about the future of Northern Ireland face difficult choices. As Friends of Ireland, we call on these men and women, whether American or Irish or British, to address the issues at hand with foresight, with courage, and with compassion for all the families who live in the troubled communities of Northern Ireland.

At issue are both the quality of life in Northern Ireland—shall justice, equity and tolerance for diversity govern?—and whether the future of Northern Ireland will be decided through constitutional, democratic means.

We look back on 1984 as a year of promise left unfulfilled, and express our hope that 1985 will bring visible progress toward reconciling the conflicting traditions of Northern Ireland and establishing democratic political structures able to accommodate diversity.

The report of the New Ireland Forum, long and eagerly awaited by the many friends of Ireland who have hoped—and continue to hope—that it would provide the basis for a long-sought new initiative by the parties involved in Northern Ireland, was published in 1984. We admire and commend the good will and hard work invested in the consensus reflected in the report and find irrefutable the Forum's conclusion that:

Existing structures and practices in Northern Ireland have failed to provide either peace, stability or reconciliation. The failure to recognize and accommodate the identity of the Northern nationalists has resulted in deep and growing alienation on their part from the system of political authority.

We are mindful of the growing urgency to demonstrate the viability of a political and diplomatic process with respect to Northern Ireland. Accordingly, we call on the Government of Great Britain, the responsible authority there, to accelerate its current dialogue with the Goverment of Ireland and to develop in conjunction with the Irish Government proposals which will lead to lasting peace and stability. We strongly support this dialogue and note that some progress has been made by the two governments in trying to reach agreement on the requirements for a solution to the problems of Northern Ireland.

We were pleased to read in the communique issued after the November 19, 1984 summit meeting between British Prime Minister Margaret Thatcher and Irish Prime Minister Garret FitzGerald that they: "agreed on the need for efforts to diminish the divisions between the two communities in Northern Ireland and to reconcile the two major traditions that exist in the two parts of Ireland . . . (T)he identities of both the majority and minority communities in Northern Ireland should be recognized and respected, and reflected in the structures and processes of Northern Ireland in ways acceptable to both communities."

We also welcome efforts undertaken by the Government of Ireland to further accommodate confessional diversity in its democratic institutions. We know from the experience of our own nation that ethnic and religious pluralism can be a source of strength in a free society, and we look forward to the day when all of Ireland draws strength from such diversity.

As Friends of Ireland we call for the protection and enhancement of the rights of all the people of Northern Ireland. We are concerned that the minority Catholic community is dangerously and increasingly alienated from the institutions of public life. Majority rule without minority rights is not democracy; it has brought oppression. The Government of Great Britain, as the responsible authority in Northern Ireland, has an obligation to undertake to bridge the gulf that exists through the observance there of basic policy conventions that guide it elsewhere. These would include a return to due process in the judiciary, strengthening of efforts to end discriminatory practices in employment, and elimination of abuses of prisoners—specifically those referred to by Bishop James Malone, President of the National Conference of Catholic Bishops and leader of a delegation of American clergy, at the conclusion of their visit to Ireland on October 25, 1984. We deplore continuing use of lethal plastic bullets for crowd control by security

forces in Northern Ireland; the practice ought to be halted by Great Britain.

We again express in the strongest terms our determination to uphold the rule of law and to encourage deeper devotion to democratic principles and institutions, which are in the end the surest guarantors of individual liberty and minority rights. We oppose without qualification any resort to the bomb or the bullet as a way to promote political change. Political violence is morally abominable as well as inherently anti-democratic; there is no more place for it in Northern Ireland than there is in the United States.

We renew our plea to Americans not to provide support to those who advocate or engage in violence. It cannot help Ireland. The recent resurgence of killing in Northern Ireland only makes less likely a resolution of the fundamental political issues, and we ask that Americans of all backgrounds and faiths oppose the men of violence.

We renew here our support for the goal of Irish unity, and we invite Americans who want to see the troubles end in a peaceful, just and tolerant Irish society to join us in supporting—and actively encouraging—the process of reconciliation and compromise. The United States stands ready to assist that process through appropriate political and economic support. A delegation of Friends of Ireland led by Speaker O'Neill is currently visiting Ireland, and will discuss with the Government of Ireland, and other political leaders there, the American dimension to the issues in Northern Ireland.

On this St. Patrick's Day, we ask all true friends of Ireland in the United States to declare themselves for peace, as we urge the governments and leaders involved to make 1985 a year of real progress toward that peace.●

THE 20TH ANNIVERSARY OF MEDICARE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. PEPPER. Mr. Speaker, this year marks the 20th anniversary of one of America's most respected programs, Medicare. Since its enactment, Medicare has contributed immeasurably to the health and well-being of millions of aged and disabled Americans by helping to ensure access to appropriate and affordable health care.

Today I introduce a resolution expressing the sense of the Congress that Medicare be commended on its 20th anniversary for the program's success in protecting older Americans against the staggering costs of acute health care. This resolution recognizes and salutes the important contribution of Medicare to our Nation's health and well-being, and demonstrates our firm commitment to maintaining the integrity of the program.

Today more than 28 million older persons and 3 million disabled persons enjoy insurance protection under Medicare, making it the single largest personal health care financing program in the United States. Hundreds of thousands of physicians and more than 20,000 hospitals, nursing homes, home health agencies, labs, and clinics participate in Medicare. Clearly, Medicare is one of the most vitally important and successful programs in the history of our Nation. Without it millions of older Americans could not afford even the most basic health care services.

Recently Congress responded to the need for less costly, more appropriate health care services by enhancing benefits to include hospice and health maintenance organization [HMO] services. In the coming year, Congress will continue to address the looming insolvency of the Medicare hospital insurance trust fund. To accomplish this, we must continue to seek ways to control the escalating cost of health care while ensuring access to high quality services.

I hope that you will join me in this commemoration of the 20th anniversary of Medicare. You will want to know that Senator JOHN HEINZ, chairman of the Senate Special Committee on Aging, and Senator JOHN GLENN, ranking minority member, have introduced a companion bill in the Senate.

A copy of the resolution follows:

H. CON. RES. 88

Concurrent resolution expressing the sense of the Congress that Medicare be commended on its 20th anniversary for the success of the program in protecting older Americans against the high cost of health care

Whereas the Congress authorized Medicare in 1965 under title XVIII of the Social Security Act to consist of Hospital Insurance and Supplemental Medical Insurance;

Whereas Medicare has contributed immeasurably to the security, improved health, and extended longevity of older Americans;

Whereas Medicare provides health insurance coverage to 31 million aged and disabled persons, and is the largest personal health care financing program in the United States;

Whereas over half of all physicians serve Medicare patients, and over 20,000 hospitals, nursing homes, home health agencies, labs, clinics, and other organizations participate in Medicare;

Whereas Medicare is one of the most vitally important and successful programs in the history of the United States, without which many older Americans could not afford basic health care; and

Whereas one of the greatest social issues facing our nation today is maintaining the integrity of Medicare to ensure the health and well-being of all older Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Medicare be commended on its 20th anniversary for the success of the program in helping to protect older Americans against the high cost of health care.●

THE BREAST CANCER TREATMENT INFORMED CONSENT ACT OF 1985

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Ms. OAKAR. Mr. Speaker, today I am proud to introduce the Breast Cancer Treatment Informed Consent Act of 1985.

Although breast cancer has long been the number one killer of women in the Western World, scientists still seek the cure and are continuously developing new methods of treatment. Too often, however, women do not know what treatments exist, or they are not given a choice between them. Until a cure for breast cancer can be found, every patient must be guaranteed the right to choose the best possible treatment for herself.

Last summer, my distinguished friend and chairman of the Select Committee on Aging's Subcommittee on Health and Long-Term Care, CLAUDE PEPPER, and I chaired hearings on breast cancer. The testimony we heard was compelling. Every year, hundreds of thousands of women undergo biopsies, not knowing they will awaken to find that extensive surgery—surgery that leaves physical and emotional scars—has been performed. Fear of such surprises can inhibit breast cancer victims from seeking treatment altogether. However, this does not have to be.

Today there are alternative, less severe treatments for breast cancer which can be equally effective as conventional treatments. The New England Journal of Medicine just published a study by Dr. Bernard Fisher indicating that lumpectomy and radiation are as effective as the more radical and disfiguring total mastectomy in treating early breast cancer. All women need to know about the variety of options available to them. They need to be able to make their own informed decisions before treatment takes place.

My legislation requires States to enact laws requiring physicians and surgeons to inform breast cancer patients of alternative, effective methods of treatment in order to qualify for Federal funds under titles V and XIX of the Social Security Act and title XIX of the Public Health Service Act. Patients will have to be informed, both by means of a written summary and an oral explanation in layman's language understandable to them, of the available options and the advantages, disadvantages and risks associated with each procedure.

Mr. Speaker, this legislation addresses a vital need for educating patients and enabling them to choose what will

be done to their bodies when they have breast cancer. Until the cure can be found, my legislation will promote more informed, humane treatment of this dreaded disease.

As a woman, as the daughter of a breast cancer victim, and on behalf of the 115,000 American women stricken with breast cancer each year, I strongly urge my colleagues to support the Breast Cancer Treatment Informed Consent Act of 1985.●

THE 50TH ANNIVERSARY OF CONGREGATION B'NAI ISRAEL OF STATEN ISLAND

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. MOLINARI. Mr. Speaker, I rise to congratulate Congregation B'nai Israel of Staten Island, as it celebrates its Golden Jubilee Anniversary on May 19, 1985. I am sure my colleagues in this House agree that such an achievement deserves particular recognition.

In February 1935, 50 years ago, a group of 12 Jewish families living in Dongan Hills, Grant City, New Dorp, Richmondtown, and Great Kills banded together for the purpose of religious worship. After meeting in homes, stores, above a pub, and even a florist's greenhouse, they built a 1½ story structure in Grant City, calling themselves the South Shore Hebrew Alliance.

The influx of young Jewish veterans after the war into Staten Island resulted in an increase in the membership of the congregation.

In 1952, the name of the congregation was formally changed to B'nai Israel. The erection of the Berry Houses and South Beach Houses brought many more young couples to the synagogue. Under the guidance of student rabbis, children attended the Hebrew school. In 1965, the synagogue hired its first full-time rabbi.

Prewar plans to eliminate the grade crossings of the Staten Island Rapid Transit, on which the congregation was located, brought the synagogue to purchase its home in Bay Terrace. The original building was closed in 1966, but the new building was not completed until 1968. For those 2 years the congregation had many temporary homes, including a rented hall in Great Kills, a supermarket in New Dorp, and a rented Baptist Church school building in New Dorp. In the meantime they purchased a house near the new building site for their rabbi, where they conducted small worship services in the basement.

The Verrazano-Narrows Bridge brought a building boom to Staten Island, and with it an influx of young Jews. Congregation B'nai Israel was prepared to welcome them with a well-organized synagogue.

Today the membership of the congregation is close to 300 families. The building is utilized each day and evening with programming for the old and young alike.

At the 50th anniversary dinner-dance, the congregation will honor two of its prominent couples: Leon and Edith Shapiro and Murray and Joyce Blyn. Edith Shapiro is the daughter of a founding father of the synagogue, Nathan Eisenberg. She has lived in the vicinity of the synagogue all her life—perhaps spending more time in the synagogue than in her own home. Mr. Shapiro came to the area after serving in the Navy during World War II, married here and has never left. He has served the congregation as a vice president, and for the last 15 years he has headed his favorite group, the ritual committee.

Murray and Joyce Blyn, the other honorees, are typical of the new influx. Both devoted to their professions and their heritage, they spend countless hours helping the children of the community and the synagogue. Mr. Blyn has served the congregation as a past president. He is a school teacher in Brooklyn, while his wife is the lower grade principal of Staten Island Academy. They have given of their expertise to help the religious school advance in all areas of learning and organization and still find time to head the fund-raising committees. The Blyn's, like the Shapiro's, are blessed with three children, two sons and a daughter.

Fifty years may seem like a long time, but for a religion that has a heritage of centuries it is just the twinkling of the eye. Nevertheless, we look upon Congregation B'nai Israel of Staten Island as a stone in the building of productive and purposeful people within the ranks of the Jewish people. Let me, therefore, once again wish them a mazel tov. May we hope that they will continue to serve our community for many years to come.●

A PEACE PLAN FOR NICARAGUA

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DREIER of California. Mr. Speaker, a recent edition of the New Republic magazine carried an important commentary by Arturo Cruz, a former member of the ruling Sandinista junta and former Nicaraguan Ambassador to the United States. He writes eloquently about Sandinistan oppression of civil liberties. Regardless of what this Congress does with aid to the Contras, he argues, only the Sandinistas can create an open and just society and put an end to Nicaragua's civil war.

I'm sure my colleagues will find this article of interest, and ask that it be placed in the RECORD.

A PEACE PLAN FOR NICARAGUA

(By Arturo Cruz and Arturo Cruz, Jr.)

Nicaragua's elections last November, far from easing the country's crisis, only compounded it. The elections were neither free nor fair, and brought Nicaragua no closer to democracy. According to the annual report of the Inter-American Human Rights Commission, the Sandinistas used their absolute control of the state to place themselves in a position of advantage over other contestants and to consolidate their power. The other governments of Central America, ranging from parliamentary democracies to military dictatorships, agreed. None of Nicaragua's neighbors sent delegations to the inauguration of President-elect Daniel Ortega. Carlos Andres Perez, the former president of Venezuela and now vice chairman of the Socialist International, publicly declined to attend, stating that "those of us who believe we have done so much for the Sandinista revolution feel cheated because sufficient guarantees were not provided to assure the participation of all political forces." Andres Perez called upon Ortega "to reflect upon what the rest of the world hoped for from the great revolution of all the Nicaraguan people: political pluralism, a mixed economy, and non-alignment—as the revolution pledged—conveying the true wishes of its people."

We of the democratic opposition within Nicaragua have consistently made the same appeal. Our organization, the Coordinatora Democratica, which is the largest opposition group in the country, planned to register for the November elections provided the government guaranteed that opposition leaders and their followers could assemble, organize, and campaign freely. But refusing to meet even the most minimal concessions, the Sandinistas made it impossible for the Coordinatora to run. We were not alone. Virgilio Godoy, a former Sandinista labor minister and the widely respected leader of the Independent Liberal Party, also withdrew from the race. Even the docile splinter parties that ran in the campaign have now joined the outright opposition in their demands against the regime. The socialist and the communist parties have both signed a document denouncing the dire state of public affairs and the electoral process.

The opposition leaders—politicians (including Godoy), labor leaders, and businessmen—told me in January that they intend to remain inside Nicaragua whatever the consequences. But as the Sandinistas encounter more popular pressure to open up the political process, their tactics are likely to prove less effective, and they will curtail civil liberties even more.

The Sandinistas are stepping up their struggle against the armed resistance as well. They are vigorously increasing both the volume and quality of their military operations. They have acquired weaponry far more sophisticated than that of any other Central American country. Outside of Nicaragua, the Sandinistas are waging a propaganda campaign, designed to distort the truth about the rebellion. They are attempting to get the rebels off their backs either through direct negotiations with Washington, or by undermining United

States support for the insurgents in Congress and among the American public by claiming that they have no popular support.

Likewise, the Sandinistas profess a willingness to reach an accommodation through the Contadora peace process. Their true intention, though, is to reserve a free hand for the consolidation of their power in exchange for a few tactical security commitments to the United States at the regional level. Nicaragua's neighbors oppose this kind of solution, knowing that unless the Sandinistas accept democracy they will always pose a threat to regional peace.

Now that the space for democratic action has narrowed, it is all the more critical for the opposition to use its few remaining political options effectively. Supporters of democracy in Nicaragua must understand that blanket support for the Sandinistas or opposition to the Reagan administration will not bring permanent peace to Nicaragua. It is necessary to remove the causes of what has become virtually a civil war, including those for which the Sandinistas are responsible. The Sandinistas' excesses have incited Nicaraguans to armed rebellion. Now the Sandinistas must make genuine modifications in their policies if we are to avoid national bloodshed.

Four points must be kept in mind.

First, the armed opposition in Nicaragua has real social basis. What is true of the insurgency in El Salvador also applies in Nicaragua: you cannot manufacture revolutions. The sheer fact that the ranks of the so-called contras now include 12,000 to 15,000 men is a telling sign that something is genuinely wrong in Nicaragua. The rebels can no longer be dismissed as "mercenaries." They have gone from being an instrument of U.S. policy to a social movement.

Second, it follows that the fundamental conflict in Nicaragua is among Nicaraguans. The question "Can the United States learn to live with a revolutionary regime?" is misplaced. The problem is not between Washington and Managua. It cannot be resolved by the talks between representatives of the Sandinista government and the Reagan Administration that have been held in recent months in the Mexican city of Manzanillo. The real question is whether Nicaraguans can or should learn to live with a vanguard—the Sandinistas—whose ideological ambitions are rejected by the rest of the society.

Third, in order for the Nicaraguan revolution to survive and to become a model for all of Central America, the Sandinistas must modify their ideological ambitions. The Sandinista ideology is sometimes called Marxist-Leninist, but that label cannot mean much in a country that has practically no working class. What matters is that the shopkeepers are furious with the restrictions of the government, the farmworkers want to be left alone, the city dwellers don't want to be watched by the block committees. But whether the Sandinistas have enough autonomy from the Soviet Union and Cuba to modify their totalitarian inclinations is open to serious doubt.

Fourth, it is important to recognize the possibility that for the Sandinistas ideology and political practicality may go hand in hand. It may be that the Sandinistas have so alienated the Nicaraguan people that if they do not exercise absolute power, they will exercise no power at all. Even if they now made room for the opposition, they might not be able to control the discontent. The people speaking through the democratic process might demand new leaders. The Sandinistas would have to hand over power to others, which they would never do. Or they would have to repress the Nicaraguan people ever more violently.

We do not yet assume that is too late to negotiate. In the coming days the democratic opposition leaders will challenge the Sandinistas to a national dialogue. With a sense of urgency we want to explore the last hope of achieving peace through national reconciliation and democracy and by avoiding the catastrophe of bloodshed that otherwise lies ahead. We urge President Ortega to avoid the ideological blackmail of his more extremist supporters. In the national insurrection against Somoza, Ortega showed imagination and flexibility in working with all sectors of Nicaraguan society. We hope that he will show similar imagination and flexibility now and prevent a full-scale civil war.

To begin with, we need a gesture of goodwill from each side. The rebels should proclaim a unilateral ceasefire, and the Sandinistas should proclaim an effective amnesty for all political prisoners. Everyone who is in jail for political crimes—some 1,400 people, according to the Nicaraguan Human Rights Commission—should be released immediately.

From these measures we need to move to create the proper climate for a national debate on Nicaragua's future. We in the opposition have long called for the separation of the Sandinista party and the state. But even before that, the state and the party both must get out of civil society. This means that freedom of expression, freedom of the press, and freedom of movement must be guaranteed. *La Prensa* must be allowed to publish what it wants. University students must be allowed to read what they want and not just the books published in Moscow. (In Nicaragua today, students are not allowed to read Gramsci or Trotsky.) The block committees, the so-called Committees in Defense of the Revolution, must end their role as instruments of social control. They must not, for example, be the organization that distributes rationing cards. Once these measures are taken, the conditions will exist for Nicaraguans alone to freely decide Nicaragua's future. We ask the Sandinistas: Can you withstand free ideological debate?

If the Government and the opposition come to some kind of formal pact about Nicaragua's future, we propose that the bishops of Nicaragua, in the presence of representatives of the other Central American governments and Contadora countries, act as witnesses, supervisors, and guarantors of whatever agreement is reached.

To begin this debate, we offer these specific and moderate points. We must rectify the injustices of the last election with a new electoral process. President Ortega should remain as president within the parameters of the Sandinistas' original Plan of Government offered in 1979. However, the assembly elected in November should be dissolved and a new, genuinely open campaign held. The reconstituted assembly should then draw up a new constitution and establish an independent judiciary. Eventually a national plebiscite can be held to decide whether Nicaragua needs a new president.

But it is not the details that are most important. What matters is the commitment to democratic institutions governed by regular popular elections. Unlike the guerrillas in El Salvador, we are not demanding power, we are demanding only our rights. We do not want a military solution; we want a constitutional solution. But the Sandinistas have driven tens of thousands of Nicaraguans to believe that there is no alternative but armed struggle. The U.S. Congress may cut off aid to these forces, but that will not change their minds; nor will it end the conflict. Only the creation of a just and open society will end Nicaragua's civil war. It is now the Sandinistas' obligation to contribute to the creation of that society and to redeem the promise of the Nicaraguan revolution.●

PROTECTION NEEDED FOR OUR DRUG ENFORCEMENT OFFICERS

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. MICA. Mr. Speaker, today I am introducing legislation to help protect the safety and security of our Federal drug law enforcement officers. This bill would pay rewards to individuals providing information leading to the arrest and conviction of persons guilty of kidnaping or killing a Federal drug law enforcement agent.

Mr. Speaker, if we are to wage an effective battle against illegal drug trafficking, we must put into practice measures to ensure the safety of Federal drug law enforcement officers. My bill would amend the controlled Substances Act by providing awards of up to $100,000 to individuals providing information that brings about the arrest or conviction of any person who kidnaps or kills a Federal drug law enforcement agent.

The funding of these rewards would be taken from the repository of forfeiture proceeds within the Department of Justice. This includes any property, including money, seized in a drug bust. Thus drug traffickers would foot the bill for this legislation and no additional burden would be placed upon the Federal budget.

By implementing this legislation, I feel we can further penetrate the illicit world of drug traffickers. As we work to stop all drug trafficking and abuse, we must provide security to those brave men and women who work so diligently to enforce the drug laws of our Nation. I urge my colleagues to join me in sponsoring the Federal Drug Law Enforcement Agent Protection Act of 1985.

H.R. —

A bill to provide for the payment of rewards to individuals providing information leading to the arrest and conviction of persons guilty of killing or kidnaping a Federal drug law enforcement agent

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Drug Law Enforcement Agent Protection Act of 1985".

SEC. 2. Subsection (e) of section 511 of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by—

(1) inserting after "(e)" the following: "(1)";

(2) redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(3) striking out the matter following subparagraph (D), as redesignated, and inserting in lieu thereof the following:

"(2)(A) The proceeds from any sale under subparagraph (B) of paragraph (1) and any moneys forfeited under this title shall be used to pay—

"(i) all property expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs, and

"(ii) awards of up to $100,000 to any individual who provides original information which leads to the arrest and conviction of a person who kills or kidnaps a Federal drug law enforcement agent.

Any award paid for information concerning the killing or kidnaping of a Federal drug law enforcement agent, as provided in clause (ii), shall be paid at the discretion of the Attorney General.

"(B) The Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28, United States Code, any amounts of such moneys and proceeds remaining after payment of the expenses provided in subparagraph (A).".●

TRIBUTE TO ALFRED W. PELLETIER

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. RITTER. Mr. Speaker, it is a great honor for me to call attention to a constituent and a friend.

Alfred W. Pelletier, 63, was born in Toronto, Ontario, where he attended the Danforth Technical School, graduating in 1939. He joined the Toronto Transportation Commission the same year as an apprentice mechanic.

In 1941, he volunteered for service in the Royal Canadian Navy, and remained in the service for the duration of World War II, with over 3 years on convoy escort duty in the North Atlantic. Released from active duty as a chief petty officer in 1945, he rejoined the Toronto Transportation Commission as a journeyman mechanic, and subsequently was promoted to assistant shop foreman.

Pelletier was first associated with Mack Trucks, Inc., in 1952, when he joined the company's Canadian subsidiary—now known as Mack Canada Inc.—as a shop foreman in Toronto. He was promoted to service manager in 1954, remained in that position for the next 6 years, and was elevated to Canadian service manager in 1960. Over the next decade, he rose steadily through the ranks of the Mack Canada organization, holding such positions as distributor sales manager, branch operations manager, and Canadian sales manager.

In 1970, he was appointed general manager of Mack Canada, followed by election to executive vice president and general manager the following year. In the latter capacity, he directed a major expansion of Mack Canada, a project that more than quadrupled the company's production capacity. He was elevated to president of Mack Canada in 1974.

Pelletier was named president of Mack Trucks, Inc., on January 1, 1976. Three months later, he became the company's chief executive officer, and in July 1979, the board of director selected to the additional position of chairman of the board. His official title became chairman of the board and chief executive officer in July 1980, and chairman of the board on January 1, 1984.

Pelletier's professional affiliations include the Society of Automotive Engineers and the Western Highway Institute, director and eastern vice president at large. He is chairman of the Youth Development Foundation Sponsoring Committee and the National Advisory Committee of the Vocational Industrial Clubs of America, and is an active national spokesperson on behalf of quality vocational education.

In the Lehigh Valley area of Pennsylvania, Pelletier's many civic activities include the Minsi Trails council of the Boy Scouts of America, president, chairman of Trust Fund Committee; the United Way in Lehigh County, 1985 president, chairman of 1984 Loaned Executive Committee, and 1983 general campaign chairman; the Parkettes National Gymnastic Team, chairman of the building fund; and the Pennsylvania State Company, board member. Pelletier was awarded the degree of doctor of humanities by the board of trustees of Allentown College of St. Francis de Sales in 1984.

The award he will receive on March 21, 1985, the Champion of Liberty Award, is yet another honor bestowed upon him during his already distinguished career.

Mr. Speaker, individuals like Alfred W. Pelletier make our community a better place to live.●

IN MEMORY OF MARTIN "MIKE" DENN, FOUNDER OF AMERICAN LUPUS SOCIETY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ANDERSON. Mr. Speaker, I rise today to pay my respects to Mike Denn, who died Wednesday, October 31, 1984 at South Bay Hospital in Redondo Beach, CA.

Mike Denn was a lieutenant in the Navy in World War II and a successful businessman, but I came to know him in his capacity as the founder of the American Lupus Society. We worked closely on legislation to create a greater awareness of the disease lupus erythematosus and find a cure for it. He founded the American Lupus Society in 1973 after his daughter, Bonnie, died of the disease. The American Lupus Society is dedicated to finding a cure for this dreadful disease and assisting victims of it, and now has 50 chapters in 19 States.

Lupus erythematosus is a disease that in its mildest form only causes skin rashes and constant fatigue in its victims. But a more serious form of this disease attacks all of the internal organs and joints of the body and is often fatal. There are currently some 500,000 lupus victims in America today.

Mike worked tirelessly to aid these victims and find a way to keep future generations from being victimized by lupus. In 1978, he was instrumental in having a National Lupus Week declared by Congress to focus attention on this disease. He lived just long enough to see last year's Lupus Awareness Week, which was October 21–27. He also worked closely on legislation to create a coordinating council of National Institute of Health Directors to coordinate lupus research.

Mike's single-minded dedication to finding a cure for lupus did not prevent him from contributing to the community in other ways. He was a member of the Torrance, CA, Chamber of Commerce and Rotary Club, and an honorary member of the Hermosa Beach and Redondo Beach Rotary Clubs. In 1980, he was voted the Torrance YMCA's "Good Neighbor."

My wife, Lee, joins me in extending our deepest sympathy to his wife, Betty—"Barney" to her friends—and to his son, Mike Jr. The loss of Mike Denn is a tragic one and he will be sorely missed, but the organization he molded survives, and the fight against lupus will go on. Someday, thanks to him, perhaps no one will suffer from this disabling disease.●

CONGRESSIONAL SALUTE TO JOSEPH AND ROSE PALUMBO OF TOTOWA, NJ, RECIPIENTS, 1985 DISTINGUISHED COMMUNITY SERVICE AWARD, NINETEEN HEARTS SOCIETY OF THE FEDERATION OF ITALIAN SOCIETIES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ROE. Mr. Speaker, on Sunday March 24, the residents of the Borough of Totowa, city of Paterson, my congressional district and State of

New Jersey will join with the members of one of our most prestigious Italian-American organizations, the Nineteen Hearts Society of the Federation of Italian Societies, in testimony to the good works of two distinguished citizens, community leaders, and good friends—the Honorable Joseph Palumbo and the Honorable Rose Palumbo of Totowa, NJ. Mr. and Mrs. Palumbo are a husband and wife team of distinction whose personal commitment and lifetime of good deeds in service to people have earned them the highly coveted annual community service award of the Nineteen Hearts Society.

Mr Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Rose and Joseph Palumbo and share the pride of their children: daughters Laura and Carole, as they celebrate this milestone of achievement in their family endeavors.

Mr. and Mrs. Palumbo have, by their example and many accomplishments in civic, community, and charitable endeavors, personified a quality of leadership, dedication, and sincerity of purpose that have truly enriched the cultural endeavors of our community, State, and Nation.

Joseph, with the inspiration and assistance of his first lady Rose, and vice versa, together have provided outstanding and responsible service to our people. Their personal commitment to the economic, social, and cultural renewal of the community and State of their residence and career pursuits is applauded by all of us.

Mr. Palumbo was born and raised in Paterson, NJ, where he attended local schools. He served in the U.S. Navy during World War II and attended New York University. He received his law degree from NYU Law School and is a New Jersey realtor and appraiser. Mrs. Palumbo was born in New York City and at an early age moved with her parents to Little Ferry, NJ, where she attended local schools. Joseph and Rose have been married for 29 years and have resided in Totowa Borough for over 20 years.

Mr. Speaker, this distinguished couple have been actively involved in the business and industrial community of the Paterson area—Joseph as the entrepreneur of the J.F. Palumbo Realty Agency in the Borough of West Paterson and Rose as an employee of Thermwell Products Co. in the city of Paterson. They have demonstrated their devotion to their family and children, yet always finding time to serve a larger family, the Paterson area community. This community involvement reflects their sincere concern for their community and its people and includes the following activities in community affairs:

It is important to note that Mr. Palumbo is a former councilman and trustee of the Board of Education of the Borough of Totowa and past commander of the Pasquariello Bradle Post No. 187, American Legion, Paterson. He is currently president of Multiple Listing Service of Northern New Jersey; president, Passaic Valley Chamber of Commerce; and finance officer, Passaic County Democratic Committee. Mrs. Palumbo is also a member of the Totowa Women's Club.

Mr. Speaker, in presenting its distinguished community service awards to Joseph and Rose Palumbo, the Nineteen Hearts Society of the Federation of Italian Societies wishes to particularly commend their many years in service to the entire Paterson area community.

Rose and Joseph Palumbo have achieved in their lifetime the respect and esteem of all of us who have had the good fortune to know them. It is to their modesty in their achievements, their outstanding expertise in their chosen field of endeavor, the warmth of their friendship and sincerity of purpose in the American way of life that I join with the Nineteen Hearts Society in seeking this national recognition of their service to our community and fellowman.

Mr. Speaker, we are especially appreciative of their many contributions to the quality of life and well-being of our citizenry. For their personal commitment and lifetime of good deeds in service to our people we do indeed salute two outstanding individuals, good friends and great Americans—the 1985 Community Service Award honorees of the Nineteen Hearts Society of the Federation of Italian Societies—the Honorable Joseph Palumbo and the Honorable Rose Palumbo of Totowa, NJ.●

COL. ROSS DAVIDSON HONORED

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. CHAPPIE. Mr. Speaker, I am pleased today to announce the designation of Col. Ross Davidson as honorary mayor and honorary member of congress of Quintette, CA. Mr. Speaker, Colonel Davidson has played an instrumental role in the development of Quintette. He has resided in Quintette for the past 30 years during which time he served as a member and president of the Quintette Service District. Through Colonel Davidson's vital service, Quintette has become one of California's most beautiful and treasured towns.

Mr. Speaker, not only does Colonel Davidson's record of achievements in the town of Quintette demonstrate his character and talents, but his past service record as a member of the U.S. Air Force further demonstrates his sacrifice and love for our country. Colonel Davidson's 28 years of service in the Air Force includes 49 U.S. awards, foreign awards, and decorations. During his service as a combat pilot in World War II and Vietnam, Colonel Davidson flew 87 combat missions, having his aircraft damaged by enemy fire during 30 of those missions.

Colonel Davidson's commitment to the United States continued while he served 6 years in exploration of the North Polar Basin, and, along with Admiral Byrd and Admiral Peary, is a member of the world renowned Explorers Club. One of Colonel Davidson's most impressive experiences is his command of the construction and testing of a $1 billion chain of radar stations across 3,000 miles of arctic wasteland, from Alaska to Greenland. Before Colonel Davidson was put on the job, the construction of these early warning radar stations was considered impossible. Now, however, due to Colonel Davidson's efforts, these stations have been completed and are operating to protect our safety.

Mr. Speaker, it is certainly a privilege for me to honor an individual who perfectly demonstrates the American spirit of adventure, love of country, and unselfishness. Mr. Speaker, I proudly designate Col. Ross Davidson as honorary mayor and honorary congressman of Quintette, CA.●

LEGISLATION TO REDUCE USE OF LEAD IN GASOLINE

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BEILENSON. Mr. Speaker, today I am reintroducing a bill that will help reduce the serious environmental pollution caused by leaded gasoline.

The bill has two parts. The first would require that leaded gasoline be sold for at least as much as unleaded gasoline, in order to eliminate the price incentive for "fuel switching"—the deliberate use of leaded gasoline in cars designed for unleaded gasoline. The second would codify a 90-percent reduction in the lead content of gasoline by the end of this year.

Together, these two steps will contribute greatly to a major improvement in air quality. Enactment of the bill will result almost immediately in a sharp drop in the use of leaded gasoline, followed soon after by a drastic reduction in the amount of lead contained in each gallon of the leaded gasoline that would continue to be used.

The use of lead in gasoline is a serious problem because of the terrible damage lead does to human health. Exposure to lead—80 percent of which comes from automobile exhausts—causes higher incidences of mental retardation, anemia, and kidney damage, particularly in children. Furthermore, leaded gasoline contains ethylene dibromide [EDB], a potent carcinogen which is added to prevent buildup of lead deposits inside automobile engines. The Environmental Protection Agency [EPA] has estimated that 300,000 pounds of unburned EDB are emitted annually from the tailpipes of cars using leaded gasoline, and that persons living or working near gas stations and refineries are therefore exposed to potentially dangerous concentrations of evaporated EDB in the air. And newly developed information just announced by the EPA shows a relationship between elevated blood lead levels and high blood pressure, an important new reason to reduce the lead in our environment.

This bill complements the regulation issued on March 4 by the EPA requiring a similar reduction in the lead content of leaded gasoline. Although this recent EPA action was welcome, the history of this issue suggests that congressional intervention would be well advised. In the face of overwhelming evidence of the serious health consequences of excessive lead emissions, the EPA took far too long to issue the new regulation.

More importantly, the EPA regulation does not even address the problem of fuel switching. An estimated 12 to 20 percent of all motorists use leaded gas in cars designed for unleaded gas only, because leaded is about 7 cents per gallon cheaper at the pump. Use of leaded gasoline in these cars destroys the catalytic converters that reduce emissions of other harmful pollutants, making such cars even worse polluters than those designed to use leaded gasoline without converters. One estimate projects that, by 1990, this deliberate fuel switching will result in 20 percent more emissions of hydrocarbons and carbon monoxide than would be the case if everyone with a catalytic converter burned unleaded gasoline.

Because this problem is not dealt with in the EPA proposal, the first part of this bill is needed to eliminate the price incentive for fuel switching and would do so within 90 days. This part would require wholesalers and retailers to charge at least as much for leaded gasoline as they do for regular unleaded gasoline, resulting in an almost immediate sharp drop in the use of leaded gasoline. Eliminating the price advantage for leaded gasoline will also make it cheaper in the long run for car owners to use unleaded gas, because lead inevitably fouls spark splugs, making more frequent tuneups necessary.

The second part of this bill would codify the 90-percent reduction in the amount of lead used in leaded gasoline by January 1, 1986, as recently ordered by the EPA. Although it is frequently claimed that certain older cars require leaded gasoline to prevent valve wear, they can safely use gasoline with 0.1 grams of lead per gallon, as allowed by the bill; according to studies conducted by the EPA, there will be no damage to these autos. In fact, new evidence suggests any car can use unleaded gas without damage, even those cars designed for leaded gas.

By removing the economic incentive for fuel switching and by reducing drastically the lead in the remaining leaded gasoline that would be used, we can make tremendous progress toward cleaner, healthier air. This bill would begin that process by producing a significant improvement almost immediately, and even more improvement by 1986. The problem has been studied and debated for years, and now it is time to act. I hope all my colleagues will join me in sponsoring this important legislation.●

FOURTH DISTRICT CONGRESSIONAL STUDENT PROGRAM

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. COATS. Mr. Speaker, it is my privilege to welcome the following members of the Fourth District Congressional Student Program from Indiana, to Washington, DC, this week: Deb Kiess, Bellmont High School; Sue Ann Kahlenbeck, Huntington North High School; Jill Sullivan, Bishop Dwenger High School; Mindy Hoffer, New Haven High School; Scott Daniels, Jay County High School; Tim Bassett, DeKalb High School, Mary Lynn Kohrman, Elmhurst High School; Scott Wise, Westview High School; Randall Redman, Howe Military Academy; Clarice Kae McMillan, Southern Wells High School; Gretchen Matz, Wayne High School; Courtney Stillman, Homestead High School; Stacie Dee Schrader, Columbia City Joint High School; Frank E. Weller, Garrett High School; Julie Myers, Carroll High School; Stephen M. Wallen, Paul Harding High School, Brian Thornton, Churubusco High School; Daniel Grossman, Lakeland High School, Troy Chapman, East Noble High School; Lee Ann Lantz, Freemont High School; Christopher C. Zenk, Eastside High School; Nelson Schuman, Whitko High School; Ron Yoder, West Noble High School; Shelly Freck, Hamilton Community Schools; William Kelly Small, South Side High School; Ann Link, Bluffton High School; Deborah Geer, Angola High School; Candace Aplin, Prarie Heights Community High School; Jill Stanley, Concordia Lutheran High School; David Stieglitz, Woodlan High School; Robin Roe, Adams Central High School; John Kruse, South Adams High School; Robert Earl, Leo Junior/Senior High School; Donald C. Bradley, Norwell High School; Colleen Coonrod, Heritage High School; Anarene Holt, Northrop High School; Cathleen S. Sullivan, Bishop Luers High School; Victoria Kilgore, North Side High School; Doug Roth, Fort Wayne Christian School; Michelle Liston, Black Hawk Christian School; Jeff Brown, Huntington Catholic High School; Nichole Poignard, Snider High School; and special thanks to chaperones Marvin and Gretna Morgan of Churubusco and Delain Wright of Fort Wayne.

Each year every high school in my district has the opportunity to select one student to participate in the program. A nonpartisan board of directors chooses the participant out of numerous applicants. I wish to congratulate these students and commend their spirit and zeal. Throughout this week they will have occasion to view the Government in action by observing many aspects of the democratic process. They will have opportunities to see each of the three branches of Government function independently as well as in accordance with one another.

My special thanks to Senators RICHARD LUGAR and DAN QUAYLE and my colleagues HENRY HYDE, HANK BROWN, BILL NELSON, RON WYDEN, STEVE GUNDERSON, LEE HAMILTON, and PAUL HENRY for their cooperation in meeting with these fine young people.

The week in which the Fourth District Congressional students are in Washington is one of my favorite weeks of the year. It is exciting, as well as fun to associate with these students and feel of their enthusiasm and spirit.

Mr. Speaker, I believe that this Congressional Student Program provides an excellent opportunity to these outstanding young men and women to explore Washington, DC and discover the city both at work and at leisure. They will be able to frequent the wonderous sites in and around this celebrated city as well as observe the men and women who serve this great country in their natural habitat. I hope that participation in this program will foster their active participation in Government and civic service in the future.

Again, Mr. Speaker, it is with delight that I welcome these students to our Nation's Capitol.●

AMERICAN RED CROSS AND THE CIVIL AIR PATROL JOIN HANDS TO PROVIDE TRANSPLANTATION SERVICES TO NATION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. DICKINSON. Mr. Speaker, last Wednesday, March 13, 1985, the American Red Cross and the Civil Air Patrol signed an agreement which will have profound effect on the process of obtaining human tissues for transplantation to patients across the Nation.

Simply put, the Civil Air Patrol, which currently works with the U.S. Air Force and the American Red Cross in transporting human blood in emergency situations, and in providing disaster relief, now has undertaken to assist also in transporting American Red Cross personnel to sites where donor tissues are available, and after these tissues are obtained, transporting them to locations where patients are in need of them.

Also, the Civil Air Patrol will collaborate with the American Red Cross in a number of educational programs to inform the American public about the need for, and the uses of, tissues and vital organs and also will encourage and support the concept of consent for donation.

We are all aware of the enormous strides that have been made in medical research which now permit the transplantation of organs and tissues from one human to another; and we are also aware that there has been considerable difficulty in increasing the donor pool, in locating donors in individual cases where patients need such organs, and the rapid transportation of such materials.

I am very pleased to call to the attention of my colleagues this new agreement which is at the very leading edge of providing such services to the people of this Nation. Both organizations have a long and distinguished record of service, and this is just another step forward to improving the health of our citizens.

At the signing ceremony, Richard F. Schubert, president of the American Red Cross, indicated his great pleasure that the agreement had been signed, and indicated that the American Red Cross would be pressing forward just as swiftly as possible to take advantage of these new arrangements.

The American Red Cross has long been recognized for its work in war relief and disaster relief, but is lesser known in its remarkable work in the area of blood donation programs, the processing of blood, plasma, plasma derivatives, and other blood products. Last year, for example, the American Red Cross collected 6,095,689 units of blood in its 57 regions across the country, and distributed blood and blood products to approximately 4,400 hospitals and clinics across the Nation.

Now the American Red Cross is becoming deeply involved in research on tissues and organ banking services needed for transplantation programs. Also, it should be noted that the American Red Cross conducts valuable research in other areas, including transfusion-transmissible diseases such as hepatitis and cytomegalovirus infections, and is making research advances in plasma protein research. The American Red Cross has also initiated studies of viral factors associated with acquired immune deficiency syndrome [AIDS].

It should also be noted that the Civil Air Patrol has had an extraordinary history. I am pleased to note that the national headquarters of the Civil Air Patrol is at Maxwell Air Force Base in Montgomery, AL. My colleagues may not be aware that the Civil Air Patrol performs in excess of 85 percent of all of the air search and rescues each year in this country at the request of the Air Force. The Civil Air Patrol's emergency services mission also includes civil defense and disaster relief operations in support of local, State, Federal, and other national emergency services organizations. All of these services are done by the all volunteer Civil Air Patrol members. During 1983, the Civil Air Patrol flew 16,725 hours on 17,745 Air Force authorized search and rescue missions, and was credited with locating 1,074 search objectives and saving 154 lives.

Also, many of my colleagues will not know that there are 26,104 cadets between the ages of 14 and 18, and 41,669 senior members over the age of 18, in the program. It was my pleasure last Wednesday to be visited by several of the key individuals involved in this new agreement, including Brig. Gen. William B. Cass, the Civil Air Patrol national commander; Col. John T. Massingale, U.S. Air Force, who is the executive director; Thomas A. Handley, legal counsel to the Civil Air Patrol, who is located at Maxwell Air Force Base in Montgomery; Col. Rolland E. Wiegant, a member of the Legislative Liaison Committee for national headquarters of the Civil Air Patrol; as well as Harold T. Meryman, M.D., assistant director and head, Cryo Laboratory/Bethesda, American Red Cross; and Barbara McKeever of the American Red Cross.●

SHAMROCK SUMMIT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GEJDENSON. Mr. Speaker, only yesterday, President Reagan was in Canada for a series of meetings with Canadian Prime Minister Brian Mulroney. The so called Shamrock Summit encompassed several significant issues of the day, including the pressing one of acid rain control.

Mr. Speaker, the problem of acid rain worsens as we speak. Yet, while Canada has recently taken direct action with a new 10-point plan for reducing acid rain, the Reagan administration continues to stall.

Canada, and its conservative government, are to be applauded for their recent attack on acid rain. Their program calls for a 50-percent reduction of sulfur dioxide by 1994. It also sets new tough auto standards which will reduce nitrogen oxide emissions by 45 percent in new 1988 model cars. The Canadian Government will further provide $150 million in financial assistance to industry in its Federal-Provincial Acid Rain Program.

Mr. Speaker, the facts are in, the time to act is now. We need only look to West Germany to see what could happen to us if we wait too long. The West German Government's "1984 Forest Damage Survey" reports that in 1982 8 percent of its forests showed visible signs of damage. In 1983, the damage covered 34 percent of West German forestation, and by 1984 it covered a full 50 percent.

Mr. Speaker, this administration's indifference must stop. Appointing special envoys to do still more studies on this issue won't solve the problem. In fact, a senior administration official reiterated yesterday that the so-called agreement reached at the Shamrock Summit represents no change in the administration's position. Indeed Mr. Speaker, there was more blarney than shamrock in the summit meeting.

I stand here today to urge the President to reconsider his position on acid rain. Recently, Mr. Speaker, I introduced with 17 other Members of the New England delegation the toughest acid rain bill ever to be put before the Congress. H.R. 1030 mandates a 12-million-ton reduction in sulfur dioxide and a 4-million-ton reduction in nitrogen oxide. In addition, the bill provides for a unique State-by-State cost sharing program to help defray the costs of such a program. Mr. Speaker, we've made the called-for finance compromises in this bill; now let's see some real response from the administration before it's too late.●

CONGRESSIONAL SALUTE TO THE POMPTON LAKES FIRST AID SQUAD, INC. OF NEW JERSEY UPON THE 50TH ANNIVERSARY OF ITS FOUNDING

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ROE. Mr. Speaker, on Saturday, March 23, the residents of Pompton Lakes and Riverdale in my congressional district, State of New Jersey, will celebrate the 50th anniversary of the founding of their emergency first-aid medical services—the Pompton Lakes First Aid Squad, Inc. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to the members of this most esteemed volunteer organization for their outstanding public service to our people.

At the outset let me commend to you the officers and members of the Pompton Lakes First Aid Squad, Inc., whose standards of excellence in dedicated, unselfish service to the well-being of our people during the past half century have truly enriched our community, State, and Nation.

Mr. Speaker, the founding and organization of Pompton Lakes First Aid Squad, Inc., required the foresight, diligence and hard work of many, many people in devising a program and seeking full citizen participation and the benevolence of community leaders and distinguished citizens. With your permission, I would like to insert at this point in our historic journal of Congress a brief history of this dynamic and energetic squad of emergency medical technicians dedicated to accommodating the unexpected and tragic circumstances of illness and accidents that may befall our human resources. Its history is prefaced with the profound statement: "* * * The entire sum of existence is the magic of being needed by just one person. * * *" by Putnam and reads, as follows:

POMPTON LAKES AND RIVERDALE FIRST AID SQUAD

THE ENTIRE SUM OF EXISTENCE IS THE MAGIC OF BEING NEEDED BY JUST ONE PERSON

Early in the spring of 1935, a committee of seven men, recognizing the need for immediate ambulance service in our area, started the movement towards the purchase of an ambulance to be operated by trained First Aiders.

A donation of $1,000 was received from a local resident to kick off a fund drive. An exhibition bout, given by Joe Louis, Heavyweight Champion of the World, who was in training in Pompton Lakes, realized an additional $2,620, enabling the purchase of a new Packard ambulance in May 1935.

Drawing members from the area it would serve, the Squad was incorporated on June 10, 1935. The new ambulance was put into service on July 4, 1935 and since that time, around the clock Emergency First Aid service has been provided.

The Squad headquarters is now located at the corner of Ramapo Avenue and Hershfield Park Place in Pompton Lakes.

Today the Squad serves the communities of Pompton Lakes and Riverdale. We are proud to be known as the 'Parent Squad' to the areas once served, Tri-Boro, Wayne, West Milford, Ringwood, Pequannock, Lincoln Park, Oakland and Wanaque, who as the need arose, formed their own Squads. We still count in our membership many residents of these same towns.

We have answered 38,050 calls for assistance since 1935. In the last ten years we have averaged 1,170 calls per year and traveled 187,000 miles, a distance equal to about seven trips around the world. In this, our first fifty years of existence, we have purchased 26 new ambulances and the latest in first aid equipment for the benefit of the communities we serve.

Our members must meet all State training requirements. All members are fully trained in Basic and Advanced First Aid, Cardiopulmonary Resuscitation, Mechanical Aids to Resuscitation, Emergency Childbirth, Extrication and Defensive Driving. A growing number of members have already qualified or are currently qualifying for certification as Emergency Medical Technicians.

We provide the following free services to all residents of Pompton Lakes and Riverdale, at home, in Hospitals, Convalescent Homes, Nursing Homes or other medical institutions, as well as visitors to our communities:

24 hour, 7 day per week, 365 day per year Emergency Medical Assistance and transportation.

Nonemergency ambulance transportation, when necessary, to and from Hospitals, Nursing Homes, Convalescent Homes and Doctors' offices, locally, to surrounding communities and, with sufficient notice, to almost anyplace in the Eastern United States; and

Use of Recuperative Equipment, including Hospital Beds, Wheel Chairs, Home Oxygen Units and Oxygen, Walkers, Canes and Crutches, for as long as is needed.

In addition, the Squad covers all local events and public affairs when requested, offers free lectures to local groups and civic organizations and conducts First Aid training for Boy and Girl Scouts, Police and Fire Departments, Municipal Employees and interested lay persons.

We look back on our many years of service with pride. We look ahead to our next Fifty Years with enthusiasm and confidence. We have come a long way since 1935 and know that the coming years will see a continuation of our dedication and growth for the welfare of the residents of Pompton Lakes and Riverdale.

Mr. Speaker, I appreciate the opportunity to call this noteworthy event to your attention and seek national recognition of the unselfish dedicated public rescue and lifesaving efforts of the Pompton Lakes First Aid Squad. As they celebrate the 50th Anniversary of their founding, let the record also show that we extend our Nation's deep appreciation and gratitude for the quality of their emergency medical services. We do indeed salute each and every member of the Pompton Lakes First Aid Squad upon the celebration of their Golden Anniversary. Heartiest congratulations, fellow citizens.●

GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. NATCHER. Mr. Speaker, last week the Girl Scouts of the United States of America celebrated its 73d anniversary with the theme "Reach Wider Still."

Juliette Gordon Low organized the first group of girls on March 12, 1912, in Savannah, GA. Since then, the Girl Scouts of the United States of America has become the largest voluntary organization for girls in the world.

Girl Scouting is a continuous adventure in learning that offers girls a broad range of activities which address both their current interests and their future roles as women. It is open to all girls ages 5 to 17—kindergarten through grade 12—who subscribe to the ideals as stated in the Girl Scout Promise and Law. There are approximately 3 million members in five program levels: Daisy Girl Scouts, age 5; Brownie Girl Scouts, ages 6 to 8; Junior Girl Scouts, ages 9 to 11, Cadette Girl Scouts, ages 12 to 14; and Senior Girl Scouts, ages 14 to 17.

On October 1, 1984, Girl Scout membership was extended to 5 year olds in the Daisy Girl Scouts. This is the latest in a series of changes over the past 10 years that have added a contemporary flavor to the Girl Scouts' traditional values. "It seemed a logical step for us and of critical importance for the American family. When you look at all the single-parent households, the Girl Scouts can be almost indispensable," said Frances Hesselbein, the Girl Scouts' national executive director.

In my home State of Kentucky, the Girl Scouts continue to be active. The Kentuckiana Girl Scout Council serves over 25,000 girls in the western part of Kentucky. During the past year the following members of the Council received the Girl Scout Gold Award, Girl Scouting's highest award: Ann Robertson, Debbie Culver, Beth Freibert, Susan Camillie Harned, Holly Hatfield, Tina Kenney, Kelley Mullaney, Sally Scott, Kellie Stark, Jennifer Starks, Carie Lynette Tur, Rosalind Whitlock, Karen Ann Baechle, Amy Boyd, Amy Chinn, Andrea Marie Wagner, and Frances Warnock.

I am proud of all the Girl Scouts in the Kentuckiana Girl Scout Council and I want to take this time to wish them continued success in all their future endeavors.

A FAIR OFFER ON NICARAGUA

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. OBEY. Mr. Speaker, although I don't agree with the administration's efforts to get $14 million more for the Nicaraguan Contras, I do agree most strongly that recent suggestions for a cease-fire and exploratory talks between both sides under the auspices of the bishops is a legitimate offer made by the opponents of the Sandinistas. It should be pursued.

I echo the question asked in a recent Washington Post editorial—if anyone in Managua is listening—"Why not?".

This proposal could be a good first step to wind down the fighting and reach a "civilized solution" that the people of Nicaragua deserve.

I commend the editorial to my colleagues.

[From the Washington Post, Mar. 17, 1985]

A FAIR OFFER TO THE SANDINISTAS

The Sandinistas claim the crisis in Nicaragua arises from their conflict with the United States. This is not so. It arises in the first instance from their conflict with their fellow citizens, especially with the democratic people who fought the Somoza dictatorship, whose leaders served the Sandinistas in the early period and who turned against the Sandinistas only when they found the democratic promise of the revolution being denied. This needs to be understood in order to see the importance of the offer the democrats have just made to the Managua regime.

The offer comes from a newly, finally unified group including the political opposition led by Arturo Cruz and major branches of the armed resistance. Its essence is a proposal for a *unilateral cease-fire by the contras* to be followed by a *political dialogue presided over by the bishops.* The proposal is, in our view, entirely fair and reasonable. The Sandinistas protest the war? Here is an offer to stop it. How must they pay? Only by joining a process that points to the original goals of *their own revolution.* Their own man, Daniel Ortega, can remain president as the process unfolds. The proposal offers more than a chance for national reconciliation. It lets Nicaraguans remove their fate from foreign hands and restore it to Nicaraguan hands alone.

The Sandinistas' initial response to the proposal was to bar Arturo Cruz from returning to Nicaragua to announce it and to summon some of its local supporters to state security headquarters on grounds that they were participating in a U.S.-sponsored plot to overthrow the Sandinista government. Think of it: An offer by the opposition to put down arms and to start talking about achieving the Sandinistas' own early promises is dismissed as a hostile conspiracy.

How do the Sandinistas intend to explain to the Nicaraguan people a refusal to enter a dialogue on such a reasonable basis? How can any other independent-minded Latin country—must that exclude Cuba?—fail to support this proposal? In El Salvador, the government accepted a dialogue without even getting a cease-fire in return. The government in Nicaragua is being offered a better deal. Perhaps it will think again before delivering a final rejection.

And—the inevitable question—if the rejection is final? No doubt some will argue that the Sandinistas' failure to take the offer seriously makes American support of the *contras* unarguable. The drafters of the Nicaraguan opposition proposal, however, are shying away from that claim. Desperately, they are making a "last effort to grant to our country a civilized solution."●

RECIDIVISM RATES DEMANDS SWIFT ACTION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following articles which appeared in the March 4, 1985, New York Times and the March 4, 1985, Washington Post respectively.

These articles highlight the results of a recent Bureau of Justice statistics study which revealed some startling statistics on recidivism rates at State prisons:

Almost 84 percent of arriving inmates at State prisons around the country in 1979 were repeat offenders;

Sixty-one percent had been imprisoned previously, and of these, nearly half would still have been incarcerated for earlier crimes had they served the maximum term to which they were sentenced.

The omnibus crime control legislation passed last Congress and signed into law abolishes parole for Federal crimes and a system of fixed sentences for Federal offenses will be established in late 1986. I hope, in light of the release of the Bureau of Justice statistics' study, that the provisions of the new omnibus Federal crime control law will be used as a model for swift enactment of parole, pardon, and sentencing changes for State offenses.

[From the New York Times, Mar. 4, 1985]

EIGHTY-FOUR PERCENT REPEAT OFFENDER RATE EXAMINED

(By Leslie Maitland Werner)

WASHINGTON, March 3.—Almost 84 percent of arriving inmates at state prisons around the country in 1979 were repeat offenders, according to a study conducted by the Bureau of Justice Statistics and made public today.

The study reported that 61 percent had been imprisoned previously, and that 42 percent were on probation or parole for an earlier conviction at the time they entered prison. About 28 percent of those who entered prison would still have been jailed for an earlier offense had they served the maximum term to which they were sentenced.

The study involved interviews with a sample of inmates nationwide.

Another report on crime, released today by the Eisenhower Foundation, says that violence by young repeat offenders has become more frequent and more serious. It describes street crime as "a form of slow rioting" requiring social action in terms of economic development, youth employment and community programs.

DETERRENCE "DID NOT WORK"

The authors of this report, "American Violence and Public Policy," maintain that "deterrence during the 1970's through more efficient police, courts and prisons did not work, in part because these agencies can merely react to crime, not prevent it."

The study by the Bureau of Justice Statistics of the Justice Department takes a different point of view, placing the emphasis on law enforcement. Assistant Attorney General Stephen S. Trott, who heads the department's Criminal Division, said the findings indicated how much crime could be reduced "If criminals actually served the increased sentences which could be imposed under present law."

"It is particularly disturbing," he said, "to see that about one-fourth of all the crimes committed by the prisoners studied were committed while they would have been in prison if they had served the maximum sentence."

Steven R. Schlesinger, director of the bureau, said the study raised "serious questions" about probation and parole decisions. But he said it was impossible to determine from the study how much crime might be avoided through sentencing policies.

HE REJECTS THAT CONCLUSION

Lawrence A. Greenfeld, the statistician who wrote the report, rejected the idea that the figures indicated parole had been a failure. The study, he said at a briefing Friday, focused only on those who returned to prison. "Half did not return to prison," he said

Parole for Federal crimes is scheduled to be abolished under the Comprehensive Crime Control Act of 1984. Under the act, a system of fixed, or determinate, sentences for Federal offenses will be established in late 1986, eliminating parole for new offenders.

The study of state inmates showed that most repeat offenses occurred shortly after release from prison. About 60 percent of those who will return to prison in 20 years, it found, do so in the first three years.

Age was a significant factor in the rate of return to prison, according to the study, with the youngest released prisoners the most likely to commit new crimes. Almost 22 percent of those 18 to 24 years of age return to prison within a year of release. But that figure drops to 12 percent for the 25-to-34-year-old group; to 7 percent for those 35 to 44; and 2 percent for those older than 45.

Half of the youngest group were returned to prison within seven years, but only 12 percent of those in the oldest category, the study found.

The study also found that repeat offenders were much more likely than first-time offenders to have a family member who was imprisoned.

The general rate of imprisonment has been increasing throughout the country, the study said. In 1978, for example, there were 7.2 court commitments to prison for every 10,000 adults. But that fugure climbed to 10.1 in 1983.

"The increased reliance on imprisonment is not simply a reflection of hardening public attitudes," it said. "It is also based upon the growing body of knowledge about criminal careers and the likelihood that many offenders will continue to commit crimes after they are released from prison."

RATE IS THIRD HIGHEST

This increased rate is a subject also addressed in the Eisenhower Foundation study, which was financed by the Ford Foundation and published by Yale University Press. Among industrial countries, only South Africa and the Soviet Union have higher rates of imprisonment than the United States, the book says.

The study, by 12 authorities, is a 15-year updating of a 1969 report to the White House by the National Commission on the Causes and Prevention of Violence, known as the Eisenhower Commission. It was created by President Johnson after the assassinations of Martin Luther King, Jr. and Robert F. Kennedy. The Eisenhower Foundation is the re-creation in the private sector of the commission.

Lynn A. Curtis, president of the foundation, said, "The police are limited in what they can do to prevent crime."

"Inner city groups can organize their neighborhoods against crime because residents have a stake in their own turf," Dr. Curtis said. "Such crime prevention must be used not as an end, but as a means to secure the neighborhood for economic development, minority business, housing rehabilitation and minority youth employment. This addresses the cause of crime."

[From the Washington Post, Mar. 4, 1985]

STUDY OF STATE PRISONS FINDS RECIDIVISM RATES HIGH IN 1979

(By Kathy Sawyer)

About four-fifths of the persons placed in state prisons during 1979 were repeat offenders, and 40 percent were on parole or probation when they went back behind bars, the Bureau of Justice Statistics reported in the first nationwide study of its kind.

Nearly two-thirds of the group had been incarcerated previously as adults, juveniles or both, according to the study released yesterday. Of these, nearly half (46 percent) would still have been incarcerated for earlier crimes if they had served the maximum term of previous sentences. The study calls them "avertable recidivists."

Of those who had never been in prison, 60 percent had at least one previous conviction for a criminal offense.

"These findings raise serious questions about the impact of probation and parole decisions on public safety, and create a challenge for those who set sentences and shape sentencing policy," bureau director Steven R. Schlesinger said in a statement accompanying the report. The bureau is a Justice Department agency.

The report is based on interviews with a nationwide sample of 5,357 inmates, representing 153,000 men admitted to state prisons in 1979. Previous studies of repeat offenders in prison have focused on individual communities and relied primarily on police records rather than on interviews with offenders, officials said.

Among other findings:

Half the inmates released from state prisons return within 20 years, with most within the first to third year.

Offenders committing robberies, burglaries or auto thefts were returning more rapidly than those committing violent crimes sucn as murder, rape and assault.

The younger the prisoners were at release, the higher the rate of those returning within the first year. Of those between ages 18 and 24 upon release, 22 percent returned to prison within a year. The percentage of returnees dropped sharply for those older than that group.

Half of the repeat offenders had four or more prior sentences of probation, jail or prison. About one in nine had more than 10 prior convictions.

The report is not an attack on parole and probation, bureau officials said.

The study underlines the logic of the justice system," said Lawrence Greenfeld, director of correctional statistics. "To get to prison as a first timer, you have to commit a very serious crime. Conversely, to get to prison with a less serious offense, you are likely to be a recidivist."

The findings have implications for early-release programs around the country, he said. "It may be that the people being released [often those classified as nonviolent] are those most likely to be coming right back in again . . . We need to know more about behavior and what characteristics are linked to early failure."

An update of a second study by 12 prominent university experts found that violence in America has risen since the group's 1969 study, Reuter reported.

"The federal government's policy of deterrence during the 1970's, through more efficient police hardware and more efficient police, courts and prisons, simply did not work," said the report by a White House commission chaired by Milton Eisenhower.

The level of crime in the United States remains astronomical when compared with that of other industrialized democracies," it said.●

THE QUEENS JEWISH CENTER HONORS RUTH AND LEON WILDES AT ITS 42D ANNUAL DINNER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. ACKERMAN. Mr. Speaker, it is with great pleasure that I rise today to extend warm congratulations to Rabbi Joseph Grunblat and to the entire membership of the Queens Jewish Center on the occasion of its 42d annual dinner, on Sunday, March 17, 1985.

In addition to marking yet another milestone in the history of this synagogue, the event will also pay tribute to Ruth and Leon Wildes, devoted members and builders of the Queens Jewish Center. Their exemplary leadership and commitment, both within the congregation and beyond, have earned them the esteem and respect of the entire community.

As a past president and chairman of the board of the Queens Jewish Center, Leon Wildes was instrumental in establishing this outstanding institution as an active center of learning and worship, responsive to the ever-increasing spiritual and cultural needs of the thriving Jewish community of Forest Hills, NY.

Similarly, Ruth Wildes has contributed immeasurably to strengthening and furthering the ideals and values that have become the cornerstones of this congregation, which her father helped found.

On a personal note, Mr. Speaker, permit me to take this opportunity to publicly acknowledge the benevolence and generosity of my friend, Leon Wildes. Less than 2 years ago, when I was called upon to intercede on behalf of two Iranian Jewish brothers who sought asylum in our country, I was privileged to join forces with Mr. Wildes in helping them realize their dream. As a noted attorney specializing in immigration law, Mr. Wildes displayed the highest level of concern and compassion in protecting the rights of these young men, and secured for them the freedom they so desperately desired.

Mr. Wildes has been the champion of human rights in numerous immigration cases. He successfully fought Nixon administration officials who were trying to deport former Beatle John Lennon, and won this celebrated case in 1976, after 5-year battle. Years later, he learned that the officials had attempted to deport Lennon as a political vendetta because of the former Beattle's anti-Vietnam War stance. During the Iranian revolution, Mr. Wildes obtained visas for more than 300 Iranian students seeking asylum in the United States. His brilliance and humanitarianism have saved the lives of scores of people facing uncertainty or death abroad.

Thus, it is my privilege, Mr. Speaker, to call upon my colleagues in the House of Representatives of the United States to join me in saluting the accomplishments of the Queens Jewish Center, and its distinguished spiritual leader, Rabbi Joseph Grunblat, and to wish a hearty mazal tov to Ruth and Leon Wildes, who have deservedly been chosen as guests of honor for this happy occasion.●

AMUSEMENT PARK SAFETY ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. WYDEN. Mr. Speaker and colleagues, I rise as a cosponsor of H.R. 1596.

Both political parties have spent a substantial amount of time lately discussing what have come to be known as pro-family issues. The issue before us is certainly pro-family.

In my view, American families have the right to know that when they put a youngster on an amusement ride, the ride isn't going to end in tragedy. Unfortunately, facts show that not to be the case.

An average of 10,000 people a year are injured on the midway. These injuries include disfigurement, paralysis, and amputation. In the last 11 years, 103 people have also died on rides that were supposed to be safe and fun.

That doesn't sound like a lot of fun to me and I think we owe our fellow citizens, especially our children, more than that.

In the 97th Congress, I introduced an amendment that would restore authorization to the Consumer Product Safety Commission to inspect fixed site amusement rides. My amendment made it through the Energy and Commerce Committee and it died right here. In the 98th Congress, a similar measure was introduced by our colleague, Senator PAUL SIMON, when he was a Member of this body. Senator SIMON's measure made it through the committee and the House but it died in the Senate. With each delay in passing this legislation, more American families have suffered the tragic consequences of amusement ride accidents.

There has been a lot of discussion by the amusement park industry that they can regulate themselves. But what explanation can the industry offer in the case of a ride called the Enterprise?

The Enterprise had been a fixed-site ride in New York and then was shipped across the country to the Texas State Fair where a fatal accident occurred on the ride.

The CPSC inspected the ride to determine the probable cause of the accident. The inspection revealed structural and design flaws common to the Enterprise. Yet the Commission could not require the upgrading of the safety features on 12 Enterprise rides around the country because it lacked jurisdiction over fixed-site rides.

The Commission inspectors had found a problem that could be remedied, but were powerless to do anything about it. So too are the people who board these rides in search of safe thrills. Let's not leave them powerless.

Consumer protection in this country has to consist of more than just sending injured people and widows and orphans off to take up their concerns with their insurance companies.

This is a modest bill. It is respectful of those States that already have safety inspection programs. The Commission's inspectors would have the authority to inspect in those States only when an accident resulted in serious injury or death. In the meantime, the 28 States that have no safety inspection programs would be covered under CPSC jurisdiction. This bill does not give the CPSC the authority to write standards.

What this bill means is that while we protect American families, there will be no extra paperwork and redtape for the amusement park industry, the vast majority of which are good, decent business people who provide a safe product to our communities. What this bill does is grant the CPSC the same jurisdiction under section 15 that it has for all other products, including toys, thermostat control valves, toaster ovens, and the like. The Commission employs competent mechanical, electrical, and structural engineers who have the requisite experience to handle amusement park hazards.

For these reasons, I ask my colleagues to stand up for families and support this bill. Let's not let history be tragically repeated in the 99th Congress. American families shouldn't have to wait any longer for safe amusement rides.●

RABBI ARTHUR HERTZBERG HONORED

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to Rabbi Arthur Hertzberg of Temple Emanu-El in Englewood, NJ. On March 19, 1985, Rabbi Hertzberg will be honored with a testimonial dinner on the occasion of his retirement. He has served the synagogue for 29 years and will now become a rabbi emeritis.

Rabbi Hertzberg will be leaving the staff of Columbia University, where he is presently a professor of history, to become professor of religion at Dartmouth College. A renowned scholar, he has written several books on Judaism as well as having contributed to Foreign Affairs magazine. He has served as vice president of the World Jewish Congress, president of the American Jewish Congress and, presently, as president of the American Jewish Policy Foundation.

Throughout the years Rabbi Hertzberg has been a respected and revered leader. He has committed himself to service to his community and service to his fellow mankind. During those years he has brought new spirit and growth to his congregation and new prosperity to his synagogue.

I am proud to join his wife Phyllis, and daughters Susan and Linda, in the celebration of a lifetime devoted to the ideals of brotherhood, faith, and humanity. I applaud his many achievements and wish him a retirement filled with good health and prosperity.●

A SALUTE TO EDWARD J. BALTARZUK, POLONIANS "MAN OF THE YEAR"

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. GUARINI. Mr. Speaker, on Friday evening, March 22, a devoted friend and constituent, Edward J. Baltarzuk, of Jersey City, is being honored as "Man of the Year" by the Polonians, Inc., a leading American-Polish organization of New Jersey.

Edward Baltarzuk has given a lifetime of community service. He has been in the forefront of every venture of good will, developing pride and community responsibility, aiding many worthy causes.

Ed is an individual with fierce pride in his view on Americanism. Equally, he speaks proudly of the Polish heritage of his parents.

On Friday evening he will be honored at the Wayne Manor in New Jersey for his work as a member of the Jersey City Cultural Arts Commission and other community ventures.

Commissioner Edward J. Baltarzuk was selected as this year's Polonian of the Year because of his dedication to American-Polish causes and civil causes in Jersey City and Hudson County.

Born and raised in Jersey City, our honoree lives with his wife, the former Dorothy Kocot, also a native of Jersey City. They are the parents of two daughters, Katherine Midili, whose husband is Dr. John Midili, and daughter, Alexandra. Ed is grandfather of Christopher and Carlton Midili.

Commissioner Baltarzuk attended St. Ann's Polish Parochial School and Dickinson High School.

A former employee of American Can Co., Ed is very active in civic activities in Jersey City.

Some of the activities Commissioner Baltarzuk is involved in are: Aide to Gerald McCann, mayor of Jersey City; member of the Jersey City Cultural Arts Commission; member of the Jersey City Planning Board 1970–80; vice president, General Pulaski Memorial Committee; vice president, Polonians, Inc., member of the Jersey City Bicentennial Commission, 1973–76; chairman, Jersey City Polish Constitution Day 1978 to 1980; Jersey City marshal, Pulaski Day Parade 1976; chairman, Jersey City Committee to aid refugees from Polish martial law 1981.

Organized first American Solidarity Day rally, December 31, 1981, Liberty State Park.

Accompanied Stanley Walesa, father of Lech Walesa, on fund raising tour for Solidarity 1981; delivered greetings to Lech Walesa in Gdansk on behalf of Mayor Gerald McCann, of Jersey City, on the occasion of the Nobel Peace Prize Award.

Organized Polka Festival Tribute to Solidarity at Liberty State Park 1981.

Presided at a benefit concert at St. Peter's College, Jersey City to raise funds for the family of Jaroslaw Zastrozny; director, Mayor's Action Bureau, Jersey City 1977–82;

Coordinated Annual Mayor's Pilgrimages to Statue of Liberty 1976-85; coordinated free concerts for Senior Citizens centers, hospitals and nursing homes 1980-85.

In October 1983, Ed Baltarzuk served as my ambassador without portfolio delivering a message to the great Lech Walesa, in Gdansk, Poland. In that message. Ed brought my nomination over the 3 previous years to Nobel Peace Prize Commission to name Lech Walesa for that prestigious award.

Baltarzuk and his lively wife, Dorothy, met with Lech Walesa on October 19, 1983. They presented him with a copy of my testimony before the Congress of the United States regarding the Nobel Peace Prize and copies of the Jersey Journal announcement.

At that time Walesa gave Ed a message in Polish to deliver to me, which was:

Free people of the world are our brothers,

Walesa told Baltarzuk in Polish.

I have struggled for human rights and it is just as important to fight for human rights as to win.

Regarding the Nobel prize, Walesa said;

The prize does not belong to me but to the valiant and gallant people of Poland.

In the message Ed Baltarzuk delivered for me to Walesa I expressed appreciation for Mr. Walesa's letter to me which I consider to be of such historic significance that I wish to share it herein:

I KRAJOWY ZJAZD DELEGATOW NSZZ-SOLIDARNOSC

Gdansk, 7th October 1981, Frank J. Guarini, 14th District, New Jersey. Dear Mr. Guarini, Thank you very much for your cordial letter and tribute you paid to me but first of all I am happy to hear that you approve the activities of our independent, self-governed union.

All of us are very grateful for the moral support of aims and tasks we declared and which must be of concern to all who are interested in justice.

Thanks to your letter and many others from the U.S.A. and all over the world our union is becoming stronger and aware that in our struggle for human rights and dignity we are not alone. It is the source of hope for us that these aims should be achieved not in Poland only but also in other countries.

I am absolutely convinced that the proposal of mutual cooperation you suggested and I accept with great pleasure will service the cause of peace, justice, and freedom for all the people.

I hope that my visit to the U.S.A. will help to achieve our aims.

I am grateful, Sir that you supported my nomination for the 1981 Nobel Peace Prize. This is a matter of great importance, particularly for the whole of "Solidarity" as the union, much more than for me personally.

Thank you for the American flag and the photos you enclosed.

I extend our best wishes for you and all the "Solidarity's" friends in the U.S.A., I remain, Sincerely, Lech Walesa, Chairman of NSZZ "Solidarnosn"

Ed Blatarzuk loves his family, he loves his community, he loves life. He is a gregarious man of many talents. He finds time for another one of his loves—that of the international language—making music. He is an excellent performer and has provided thousands of hours of enjoyment.

Ed is leading a full life, building friendships, indicating his gratitude to those who have helped him spread hope and happiness with his many volunteer efforts.

Ed has obtained life's biggest reward—that of contentment, which is best described by Oscar Wilde, who said:

Contentment lies not in the enjoyment of ease—a life of luxury—but comes only to him that labors and overcomes—to him that performs the task in hand and reaps the satisfaction of work well done.

I commend the Polonians for their selection of Ed Baltarzuk as their "Man of the Year." He indeed is a patriotic friend and public servant extraordinaire.

Ed echoes the adage that "The true worth of a man is to be measured by the object he pursues." Indeed his heart is as great as the world and there is no room in it to hold the memory of a wrong.

May our society be blessed with the dedication of many many years to come.●

CONGRATULATIONS TO APPALACHIAN REGIONAL COMMISSION

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LUNDINE. Mr. Speaker, I would like to ask my colleagues to join me in congratulating the Appalachian Regional Commission [ARC] on its 20th anniversary of valuable service to the Appalachian region of this country. Since its inception in 1965, this unique Federal-State-local program has significantly contributed to the various areas of local development in my congressional district, not to mention to the whole of Appalachia.

The Appalachian Highway Program, in particular, has been critically important to the upstate New York area and has been instrumental in the construction of the Southern Tier Expressway, the only four-lane, limited access highway linking our economically depressed rural region with the Interstate System. Travel time from certain points in upstate New York to New York City has already been reduced from 10 hours to 7 hours, and the Southern Tier Expressway has not yet been completed. I am sure that my colleagues can appreciate the importance of this development and the need to complete this highway project.

In addition to contributing to highway development, much progress has been made in the areas of vocational training, health care delivery, child development, community development, energy and enterprise development, and housing in my district, and in the rest of the Appalachian region. For example, the James Prendergast Library in Jamestown and the Steele Memorial Library in Elmira, two of the most important information centers in my district, were built with ARC library funds. In Steuben County, the regional business development center sponsored by the Corning Community College whose graduates have made significant contributions to the economy of the region was started with ARC vocational education funds. In the field of health, the burn and rehabilitation unit at St. Joseph's Hospital in Elmira was started with $200,000 in ARC funds, and the development of rural ambulatory care at the Salamanca Hospital in Cattaraugus County was assisted with over $300,000 in these funds. I could go on and on with examples of how my congressional district has benefited from ARC funding, but I think that my point is clear. The ARC's contribution to the 14 New York counties has been invaluable and the future of the ARC is of great concern to me.

The 13 Appalachian Governors' 1986 budget request for ARC is $311,100,000. This is consistent with the Governors' finish-up proposal submitted to Congress in 1981 and with the authorization passed by the House last session. Also, it is consistent with a resolution adopted by the National Governors' Association at its recent meeting. That resolution, in endorsing the concept of multistate regional development strategies and programs, states specifically: "The administration and Congress should give full financial support to the Governors' plan to provide for phase-out funding for the Appalachian Regional Commission." This budget request includes $234 million for the Appalachian Highway and Access Road Program so that the task of completing the most essential segments of the revised highway plan, such as the Southern Tier Expressway can be completed. I believe that the Governors' 1983-85 record in managing the ARC finish-up program which was worked out with Congress justifies the request for funds in 1986.

The administration is proposing the termination of the Commission—both the highway and nonhighway programs—at the end of 1985. No funds for 1986 have been included in the President's budget. The administration also proposes to rescind $99 million of the $149 million program appropriation in 1985, including $56 million from highways, $39 million from

area development programs and $4 million from the local development district and technical assistance program. Mr. Speaker, I cannot suppport this proposal to gut the sensible phase-out of the ARC Program, and I hope that my colleagues will join me in opposing the President's request and will support instead the Appalachian Governors' request for 1986.

It is very important that the Congress rallies behind the ARC this year. I hope that I have been able to outline the valuable contributions of the ARC to northern Appalachia, and I urge my colleagues to oppose the President's request to eliminate the program. For 20 years, the ARC has made a positive difference in the lives of people in one of the poorest segments of our Nation and I strongly believe that we should continue to fund this Commission until the projects that have been started such as the Southern Tier Expressway be given a reasonable level of support so that they may be completed. Not to do so would be to "pull the rug out from under" our region, and would to some degree dampen the growth that we have seen in Appalachia over the last 20 years. Again, I say congratulations to the ARC on its 20th anniversary and all of America should be proud of a job well done.●

LEGISLATION TO INCREASE TAXES ON GASOLINE

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BEILENSON. Mr. Speaker, I am introducing a bill today to reduce the Federal deficit and lessen our Nation's dependence on imported oil by imposing an additional tax on gasoline. This bill would increase U.S. Treasury revenues by $135 billion over the next 5 years and, at the same time, would significantly improve our Nation's energy security.

The bill I am introducing would impose a phased-in excise tax on gasoline and other motor fuels including diesel fuel and gasohol. The tax would start at 10 cents a gallon the first year and increase by 10 cents each year until it reaches 50 cents a gallon 5 years after enactment. From the fifth year on, the tax would remain at 50 cents a gallon. Phasing in the tax by 10 cents a year is intended to help cushion its inflationary impact and allow time to plan for the increases.

The Congressional Budget Office estimates that each additional cent-per-gallon tax imposed on gasoline and diesel fuel will yield roughly $900 million a year. At that rate, this bill would raise $9 billion the first year and an additional $9 billion each successive year, for a total of $135 billion over 5 years. Each year from the fifth year on, this tax would produce $45 billion annually. Unlike the existing 9-cent-a-gallon gasoline tax, which is earmarked for highways and mass transit, this tax would be a general revenue measure.

The revenue that would be raised from this tax would result in a sizable reduction in the deficit. But, equally important, because this tax would lead to reduce gasoline consumption, it would help us build a more secure energy future.

Although oil imports have decreased in recent years, we still import more than one-quarter of the oil we use. That large volume of imported oil not only keeps us dangerously dependent on foreign sources of energy, but also contributes to the enormous deficit in our balance of trade. Both of these trends seriously threaten the future stability of our Nation's economy and our security.

Much of the oil we import comes from the politically unstable Middle East. All of the oil which moves through the Persian Gulf and the Strait of Hormuz is at risk because of the continuing war between Iran and Iraq. Even if our own oil supply is not curtailed in a crisis, we would be directly affected by an oil cutoff to our allies because of our agreement through the International Energy Agency which requires us to share our supplies in the event of a serious oil supply disruption. The result of such a disruption, therefore, would be shortages at home, with the inevitable gas lines and increased prices.

Even if a supply disruption never occurs, we are still headed toward paying significantly higher prices for oil in the future. The current decline in oil prices, which appears to be inducing lax attitudes about gasoline conservation and dampening the demand for more fuel-efficient automobiles, is likely to result in a return to our gas-guzzling ways of the past. Because oil supplies are not expected to be so abundant in the 1990's as they are now, the inevitable result of higher gasoline consumption will be higher prices for imported oil in the future.

Rather than letting ourselves be victimized by future oil price hikes, we should begin gradually increasing the price of gasoline—paying the extra cost to ourselves, now, instead of to foreign oil producers in the future. An additional gasoline tax, which will help maintain efforts to conserve oil, will lead to lower oil consumption and, as a result, more stability in oil supplies and prices for years to come.

Most other industrialized nations imposed hefty gasoline taxes on themselves years ago in an effort to reduce their oil consumption. Japan, West Germany, Great Britain, France, Italy, and the Netherlands all have gasoline taxes ranging from 88 cents to $1.69 a gallon. Under this proposed tax, even at its full amount of 50 cents a gallon—combined with the existing 9 cents a gallon Federal gasoline tax and State and local gasoline taxes—which range from 5 to 18 cents a gallon—Americans would still be paying significantly less in gasoline taxes than the citizens of most other industrialized nations.

Now is an ideal time to impose a 5-year, 10-cents-a-year increase in the Federal tax on gasoline. Because prices have declined and are expected to continue to fall or at least stabilize through the remainder of this decade, the tax would impose only a relatively minor burden on motorists. In fact, for the first year or two that the new tax is in effect, gasoline prices would be no higher than they have been without the tax in recent years. Even if gasoline prices do not fall further, motorists would not have to pay a full 50 cents more than they have already paid for a gallon of gasoline. It is unlikely that we will ever again have an opportunity to impose a substantial tax on gasoline at so little cost to ourselves.

No one likes the idea of imposing higher taxes on any sort, but it is clear that Congress is going to have to raise some revenues in order to bring under control the $200 billion annual deficits which will be with us for the foreseeable future. Since additional taxes are inevitable, we should consider carefully the kinds of policies that any new taxes will promote. A gradual but substantial new gasoline tax is a relatively simple and very effective way of promoting a sensible national policy while raising revenues necessary to keep our budget deficit manageable. I urge my colleagues to join me in support of this tax.●

IN REMEMBRANCE OF JOHN DONNELLY

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. McHUGH. Mr. Speaker, the time of year when we celebrate St. Patrick's Day is a fitting time indeed to honor the memory of John Donnelly, an eminently friendly son of St. Patrick and a fine gentleman who passed from our midst recently, and who had a wealth of friends not only in the Binghamton and Broome County area of my district, but in the Nation's Capital area as well.

People who follow politics in New York will remember John as the Broome County Democratic Chairman for 13 years, during the late 1940's and 1950's. New Yorkers familiar with Government will also remember him

as a young man who, 2 years after graduating from Notre Dame University, spent the 6 years from 1936 through 1942 as area supervisor of the National Youth Administration, headed at the national level by a youthful Lyndon B. Johnson. Years later, when Johnson ran for President, Donnelly unhesitatingly supported him, somewhat to the discomfiture of those area Democrats who were backing John Kennedy. The happy outcome of that courageous stand by John Donnelly was that, when Johnson soon afterward became Vice President-elect, he brought Donnelly to Washington for the first of a series of Federal positions that were to keep John in the Washington area for the rest of his life. After brief employment in the Senate, he served as Assistant Commissioner for Congressional Liaison of the Federal Housing Administration; from 1964 until his retirement, he worked in the Navy's Congressional Liaison Office as an Assistant to the Assistant Secretary of the Navy.

John Donnelly was a native of New York's Broome County and spent some of the most exciting years of his life there. But he was also an adopted Washingtonian for the last half of his life, until his death late last month; and it was here in the U.S. Capitol that he spent much of his life in Federal service. Whenever Irish eyes are smiling, whether in Broome County or in Washington, many people will warmly remember how John Donnelly graced their lives, and will miss him.●

VERMONTERS CALL FOR CONGRESSIONAL LEADERSHIP ON BUDGET AND ECONOMY

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. JEFFORDS. Mr. Speaker, in January I mailed to constituents my 11th annual Vermont questionnaire. The survey covered the wide range of economic and budgetary issues which are now before Congress. The results, which have just been tabulated, should be of interest to my colleagues.

The questionnaire was filled out by 6,167 Vermont adults; a lower response rate than in previous years. I can only speculate on the reason. But the Vermont public may be reacting to the issues the way many of us are. The problems we face do not lend themselves to simple, painless answers. We all become less effusive in expressing views when the best answers all have drawbacks.

Yet the respondents do constitute a very large cross section of Vermonters, who demonstrated keen insights into the issues we face.

If there is one overriding message, it is a demand for leadership in this Congress. A large majority has indicated dissatisfaction with the status quo, and, by implication, appreciation for the challenges placed before us by President Reagan. But relatively few want us to simply say "yes" or "no" to the President's proposals. They want us to act, not just react.

THE PRESIDENT'S PROGRAM

The first question asked for Vermonters overall views on the general features of the President's program:

1. President Reagan's general approach is to cut taxes, increase defense spending, and reduce federal domestic spending. Of the following statements, please check the one which is closest to your opinion.

A. The President's approach as described above should be adopted with *no* revisions. 13 percent agreed.

B. Defense spending should be boosted but at a slower rate; social programs should be reviewed for further cuts or shifts to the states. Taxes should then be raised if necessary to balance the budget. 6 percent agreed.

C. Spending should be frozen in all possible areas, including defense, Social Security, veterans' benefits, civil service pay, and revenue sharing. For programs that cannot be frozen, such as Medicare and student loans, benefits should be reduced for middle and higher income people. Taxes should then be raised if necessary to balance the budget. 34 percent agreed.

D. Defense spending should be substantially reduced. Social programs should not be substantively cut or transferred to the states. Tax increases should make up the difference. 39 percent agreed.

E. The same as (D) above, *except* that it is not necessary to balance the budget; only reduce the deficit as much as possible without significant reductions in social programs. 8 percent agreed.

If you combine (D) and (E), 47 percent indicated in general terms that budget cuts for deficit reduction should occur primarily on the military side of the budget, rather than domestic services. Another 34 percent (C) felt that both domestic and military spending should be frozen to the extent practicable.

By combining (B), (C) and (D), 79 percent indicated willingness to pay more taxes if necessary, as part of a larger effort to bring the Federal budget under control.

DEFENSE SPENDING

The second question requested views specifically on the appropriate level of defense spending:

2. Defense outlays have risen from $159.8 billion to an estimated $272 billion in four years. After adjusting for inflation, the increase is about 38%. Defense is now 7% of the Gross National Product: a higher percentage than in the 1970's, but lower than in the '50's and '60's. Please check the one statement closest to your views on this issue.

Defense spending should be:

A. Reduced. 46 percent agreed.

B. Frozen at present levels. 16 percent agreed.

C. Increased only at the rate of economic growth, about 3 or 4% in real dollars. 33 percent agreed.

D. Continued to be increased at a high rate. 5 percent agreed.

These numbers have little need for interpretation. It is clear that a very large majority of Vermonters believes our defense needs can be met without the continued dramatic increases proposed by the administration.

REDUCING PROGRAMS

At the same time, many Vermonters made it clear they are willing to accept budget cuts in a number of programs in order to reduce the deficit:

3. In our efforts to bring the budget under control, which if any of the following programs do you feel should be reduced?

A. Aid to public education. 13 percent agreed to reductions.

B. Grants and loans to college students. 26 percent agreed.

C. Foreign economic aid. 60 percent agreed.

D. Foreign military aid. 81 percent agreed.

E. Social Security. 10 percent agreed.

F. Veterans' benefits. 17 percent agreed.

G. Food Stamps. 26 percent agreed.

H. Job training. 16 percent agreed.

I. Military and Civil Service Retirement. 49 percent agreed.

J. Aid to Needy Families with Children. 11 percent agreed.

K. SSI for elderly, blind and disabled. 3 percent agreed.

L. Women Infants and Children program. 15 percent agreed.

M. Low Income Energy Assistance. 15 percent agreed.

N. Civil Service Salaries. 51 percent agreed.

ELIMINATING PROGRAMS

Very few Vermonters called for wholesale elimination of programs. They did, however, provide guidance as to which programs we should consider eliminating if necessary to bring the budget under control. Some of my colleagues may be impressed that these judgments were not based on self-interest. Many said support of Amtrak could be phased out, even though this would mean the end of rail passenger service in Vermont. We all use the Post Office, but many agreed with ending subsidies. The minority agreeing with phaseout of dairy supports, in our dairy State, was nearly as large as the number suggesting an end to other farm supports:

4. During budget preparations, members of the Administration have suggested eliminating or phasing out funding for the following programs. Check those which you feel should receive no federal money.

A. Amtrak. 43 percent agreed.

B. Dairy Price Supports. 30 percent.

C. Farm Supports Other Than Dairy. 38 percent.

D. Small Business Administration Loans. 16 percent.

E. Electric subsidies to western states. 68 percent.

F. Revenue sharing (towns and cities). 17 percent.

G. Sewer and water grants to towns. 16 percent.

H. Rural electric subsidies. 29 percent.

I. Farm ownership loans. 12 percent.
J. Weatherization assistance. 30 percent.
K. Postal subsidies. 61 percent.
L. Job Corps. 23 percent.

MEDICARE

A very large majority of Vermonters wants Congress to make the tough decisions needed to shore up the Medicare trust fund:

5. Medicare now costs $70.2 billion, up from $42.5 billion in 1981. Without revisions, projections are that the trust fund could run dry in ten years. Of the following steps, which do you feel should be considered?

A. Require higher income recipients to pay a larger share of their own medical costs. 67 percent agreed.

B. Take more aggressive steps to hold down medical costs. 81 percent agreed.

C. Exclude from coverage expensive medical procedures which may only briefly prolong the lives of terminally ill patients. 55 percent agreed.

D. None of the above. Regardless of the cost, we must maintain all of the protections now available through Medicare. 5 percent agreed.

PERSONAL AND CORPORATE TAXES

Questions 6 and 7 asked, quite simply, whether personal income taxes should be raised as part of our attack on the deficit, and whether corporations should pay a larger share of the Federal tax burden.

A total of 44 percent said personal income taxes should be increased. This is lower than the 79 percent who, in question 1, expressed general agreement with various budget balancing packages which include tax increases among other steps. I think it's pretty clear that a great many Vermonters, while recognizing the necessity of dealing with the deficit, believe we should pursue every other reasonable step to bring our fiscal house into order before we even discuss whether any increase in personal income taxes is needed.

Corporate taxation is another story. There is a strong perception that we have opened up loopholes which allow too many corporations to escape paying their fair share of the burden. A large majority, 88 percent, said corporations should pay a larger share.

TAX REFORM

Apart from the issue of tax levels, there is strong support for tax reform. An overwhelming majority supported simplification of the Tax Code. The largest numbers urged a modified flat tax with progressive brackets and fewer deductions than we have now:

8. The tax code has been used both to raise money and to encourage certain conduct, such as giving to charity or buying a home. Many feel the system is too complicated, and should be simplified. Many also feel the tax code should favor some conduct. Of the statements below, please check the one closest to your views.

The present system should be:

A. Replaced by a single flat tax rate on all income over a minimal poverty level, with no deductions. 13 percent agreed.

B. Replaced by a single flat tax with fewer deductions than there are now. 10 percent agreed.

C. Replaced by a modified flat tax, with 3 or 4 brackets so that higher income people will pay higher rates, with fewer deductions than there are now. 55 percent agreed.

D. Kept in its present form, but with some of the loopholes and deductions removed. 19 percent agreed.

E. Left unchanged; the tax revisions of 1981 and subsequent years were sufficient. 4 percent agreed.

Finally, a key issue in any tax simplification plan is which, if any, deductions should be maintained. I'm certain my colleagues will be interested in the response of the Vermont public to that issue:

9. Please indicate which, if any, of the items below you feel should be deductible from federal income taxes.

A. Charitable contributions. 60 percent agreed.

B. Medical Expenses. 60 percent.

C. Home mortgage interest. 63 percent.

D. All interest payments. 32 percent.

E. State and local taxes. 61 percent.

F. Contributions to IRA's. 46 percent.

G. Political contributions. 10 percent.

H. Expenditures on solar energy. 24 percent.

I. Social Security benefits. 44 percent.

J. Savings for college or job training. 23 percent.

K. There should be no deductions. 17 percent.

THE VALUE OF A QUESTIONNAIRE

Obviously, if a questionnaire is to be useful, its limitations must be recognized.

A survey is not a substitute for letters, personal comments, or other forms of constituent communication. It cannot capture all shades or combinations of opinion, personal insights, or intensity of need. Questionnaire responses are like our votes on bills: We may not be particularly pleased with any of the options presented to us, but choose the ones closest to our views.

As long as that is understood, the questionnaire is an extremely valuable supplement to other forms of communication. It provides an opportunity for an extremely large cross section of Vermonters to comment on the same range of issues.

Obviously, all of our votes are based on personal conscience and the best available information. There are times when the best decision is not the most popular. But when we weigh issues, it is essential to listen closely to the people we represent.

The decisions we make this year may re-define the role of the Federal Government—and have significant impact on the lives of all Americans—for decades to come. The 11th Annual Vermont Questionnaire is an invaluable guide to the needs, views, and desires of the people I represent in making those decisions.●

ANNUAL FOUNDERS DAY OBSERVED BY KAPPA ALPHA PSI FRATERNITY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. KILDEE. Mr. Speaker, I am honored to call to the attention of my colleagues the observance of Annual Founders Day by the Flint Alumni Chapter of Kappa Alpha Psi Fraternity, Inc.

Kappa Alpha Psi Fraternity, Inc., was founded in Indiana in 1911. Its fundamental purpose is achievement by its members. The Flint Chapter was founded March 15, 1947, when U.S. Bagley, Attorney Joseph Birch, Albert Harper, Dr. J.L. Leach, John Russell, Attorney Elisha Scott, John Tyiska, Dr. C.E. Waldren, Dr. Wrex Weaver, Attorney J.F. Young, and Kenneth Young petitioned the fraternity's national headquarters in Philadelphia and were granted a charter.

On March 16, 1985, the chapter held its Annual Founders Day Dinner. Dr. Clinton Jones, a member of the fraternity and chancellor of the University of Michigan-Flint, delivered the address entitled "Achievement Since 1911." Each year the fraternity presents a leadership award to the member who exerts himself in an extraordinary manner in the community as well as in the fraternity. This year there were two recipients. They are Gary Burks, a probation officer in the 68th district court, and Chester Hughes, the chapter Polemarch, president, and principal at Beecher Summit Middle School.

The Flint Alumni Chapter of Kappa Alpha Psi Fraternity, Inc., does commendable work in the Flint community in building and improving quality of life for all. I am pleased to bring this recognition of the services of its members to the attention of the Congress.●

THE FED ROLE IN THE FARM CRISIS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. COURTER. Mr. Speaker, we in Congress must face up to the reality that these bailouts—whether for farmers, Continental Illinois or Third World debtors—are really the last line of defense against the Fed-induced credit crunch and worldwide dollar shortage.

Since the Fed's publicly announced credit squeeze began in early 1984, spot commodity prices have fallen 21 percent, industrial commodities are

down 17 percent, grain prices are down 10 percent, and farm prices are down 7 percent. Interest rates began falling slightly from September through February but Fed Chairman Paul Volcker now says the ease has ended. This is shocking news for farmers of northwest New Jersey, as well as the rest of the country.

We have had to relearn a fundamental monetary axiom in the 1980's that deflation is just as pernicious as inflation. A rising dollar is no more desirable than a falling dollar. Farmers have been the first to learn this lesson, and only too well.

Congress must pass a growth-oriented Fed reform bill, such as the Kemp-Lott Balanced Monetary Policy and Price Stability Act, which would halt the free rise of the dollar and the free fall of commodity prices in their tracks. A monetary policy that stabilizes prices and exchange rates is the progressive solution America's whipsawed farmers are seeking.

By stabilizing the value of the dollar in terms of commodity prices and foreign currencies, as the Kemp-Lott bill would mandate, the Fed can move away from the policy of restraining the money supply one month and, without warning, restraining growth in the economy the next. These arbitrary, austerity prescriptions, which hold interest rates artificially high, are keeping unemployment at levels normally associated with a recession, and preventing real growth from reaching the Farm Belt.

The nondebate over the Fed's central role in the farm crisis reminds me of the proverb about the group of men, huddled under a street lamp in the middle of the night, looking for the dime one of them lost. "Where was the dime dropped?" a passerby asked. They answered by pointing down the dark alley. But why were they looking under the street lamp? "Because that is where the light is," they replied.

The Federal Reserve is down that dark alley, and it is long past time that we in Congress turned on the floodlight. What good has it been to call Chairman Volcker before a myriad of congressional committees when the main topic of discussion is fiscal policy, and his monetary policies and rationales change as often as the weather? There is no long-term guideline or rule on which the Fed bases policy; only the arbitrary intellectual and political whims of an unaccountable chairman and his secretive Open Market Committee.

The morality of forcing family farmers out of business by deflating farm values must be raised. Yet Chairman Volcker's only response to illiquidity in the Farm Belt is to say he can foresee no policy change that could keep many farmers, rural banks, and businesses from failing. This answer is unacceptable, and it is time for the Congress and the administration to repudiate and change the Fed's misguided policies.●

THE MX MISSILE IS INEFFECTIVE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. WAXMAN. Mr. Speaker, the former Director of the Central Intelligence Agency, Mr. William Colby, recently sent a letter to every Member of this body urging us to reject the MX missile because it is "ineffective," "dangerous," and "not a bargaining chip."

Let me highlight two points Mr. Colby makes that I believe are very important, but often overlooked. He states, "The test of need for a weapon is whether it accomplishes its mission without counterproductive effects, not whether it is the same weapon one's adversary has." He also notes, "If the administration wishes to use the MX as a bargaining chip, it is in our interest to keep the MX as a prospective weapon, not an actual one."

Mr. Speaker, Mr. Colby's letter brings some hard facts about the military and political value of the MX to our attention. I strongly urge my colleagues to give careful consideration to his arguments, and I urge my colleagues to join me in opposing any further production of the MX missile.

The letter follows:

WILLIAM E. COLBY

Washington, DC, March 1985.

DEAR MEMBER OF CONGRESS: Once again the MX albatross hangs around the neck of Congress and the Nation as the administration calls for the lifting of congressional restrictions on building 21 more of these monster weapons and looks ahead to more in the coming year. The protagonists—and antagonists—are almost equally exhausted by the reiteration of the standard arguments on each side about the missile. All admit that the weapon is of little substantive value to the Nation's arsenal, is unacceptably vulnerable, and that the sole reason for going ahead with production is to show U.S. will and determination as we enter the Geneva negotiations with the Soviets. But to decide against building more MX's would show something even more important than national will—wisdom. A show of wisdom is in the interest of all who hope for positive results from the Geneva talks.

The reasons for dropping the MX are simple:

The MX is ineffective. Thirty-six basing systems have been studied for the missile, including the Carter Administration's Rube Goldberg race track in the Utah and Nevada deserts. All basing proposals have been found wanting by the Pentagon or Congress. The MX is less effective at what should be its primary function—certain retaliation in the event of a nuclear attack on the United States—than the present mix of missiles on land, at sea, and in the air.

The MX is dangerous. The MX's size and accuracy suggest to the Soviets that its real purpose is to give the United States the capability of a devastating first strike against the Soviet Union, since the weapon adds little to our retaliatory capability. Thus the MX can only generate the implementation of procedures by the Soviet Union that will enable its forces to react instantly to indications of an MX launch. The likelihood of an accidental nuclear war, then, is increased, as the Soviets may respond with real weapons to false indications of an MX attack.

The fact that the Soviets currently have weapons of equal or even greater power than the MX is not a reason for the United States to build the MX if our present retaliatory capability is absolute. And it is. The test of need for a weapon is whether it accomplishes its mission without counterproductive effects, not whether it is the same weapon one's adversary has.

The MX is not a bargaining chip. The last refuge of the arms advocate, if no other reason can be found to justify a weapon's acquisition, is that it could be traded for a concession by the other side. This poker game analogy is only valid if the other side values the chip, as strategic weapons do not have agreed colors of blue for high value. The most recent expressions of Soviet concern do not even mention the MX; for example, the definitive Pravda editorial of February 9, carefully reprinted at advertising rates in the Washington Post of February 26, was designed to send a message to the Washington political community. The editorial made plain that the real bargaining chips the Soviets respect are elements of President Reagan's star war plan, a plan the President had proclaimed nonnegotiable. Thus the search for an effective negotiating chip must focus elsewhere if we are to attract the Russian bargaining instinct. Indeed, experience in these negotiations has established a simple rule: A weapon is valuable as a negotiating chip while it is on the drawing boards, but once it is employed, it cannot be traded away. Thus if the Administration wishes to use the MX as a bargaining chip, it is in our interest to keep it as a prospective weapon, not an actual one.

The cost of the MX is the least of the arguments against it, since the cost should be borne if the weapon were a necessary one. But the budgetary deficit our Nation faces does force our citizenry and our Government to choose carefully those weapons truly necessary for our security. We must not mindlessly purchase every device, without consideration of cost. The more important contributions to our national security in the fields of conventional weapons, readiness, training, and logistic reserves far outweigh the MX in their importance to our safety, as does the vitality of an economy unencumbered by an unconscionalble deficit.

President Reagan recently cited a biblical passage to deliver a lesson on prudence in the face of an adversary. He might have turned to a more apposite passage, the study of David and Goliath. Overarmed, musclebound, and heavily armored, it appeared that Goliath had all the advantages. Yet he was defeated by David, who had the right weapon, and a tactic aimed at his enemy's vulnerable point. Our experience in Vietnam should have sensitized us to this comparison. Our fixation on the MX calls into question whether we have indeed learned that lesson.

Sincerely,

WILLIAM E. COLBY.●

PROVIDING FOR PRESCRIPTION DRUG PAYMENTS FOR SENIORS

HON. MARIO BIAGGI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation which will expand the current Medicaid Program to provide out-of-hospital prescription drug coverage to approximately 7.5 million elderly persons over age 65 with limited incomes.

This legislation would establish a new medically needy category under the current Medicaid Program. It would help those who are most affected by high prescription costs: those chronically ill aged individuals whose incomes are too high to be eligible for Medicaid, yet whose prescription drug expenses represent a significant percentage of their yearly income. I believe it meets a vital need of the elderly, particularly those with chronic illnesses and conditions which require medications essential for their well-being and even their survival. For those senior citizens with limited and fixed incomes, the legislation would help to cushion the ever-rising costs of drugs and pharmaceuticals.

It is almost identical to legislation that I introduced last year, along with Congressmen PEPPER and ROYBAL—H.R. 5977—the Pharmaceutical Assistance Act for the Aged. We have made minor modifications in last year's legislation based upon comments that we received from the 50 State Medicaid directors that were asked to comment upon this bill. In the 98th Congress, this bill enjoyed bipartisan support from 38 Members of Congress.

Specifically, this legislation—the Pharmaceutical Assistance Act for the Aged—would provide Medicaid matching funds to any State that wants to establish a medically needy program to help pay for prescription drugs, insulin, insulin syringes, and insulin needles for its citizens over 65 years of age whose annual incomes are not in excess of $12,000 for an individual or $15,000 for a married couple living together. The program would require that, unless medically inappropriate, generic drugs be used, and that the person pay a copayment ranging from $2 to $5 as follows: $2 for drugs costing less than $10; $3 for drugs costing between $10 and $25; $4 for drugs costing between $25 and $50, and; $5 for drugs costing over $50. The variable copayment is intended to discourage too large a prescription unit from being prescribed at one time in order to avoid making multiple copayments. The pharmacist would be reimbursed for the reasonable cost established by the State for the drug, minus the amount of the copayment, plus a dispensing fee.

The need for this legislation is evidenced by the fact that our current system of providing health care for the elderly is woefully inadequate. Medicare, as we have heard time and time again, does not cover the costs of prescription drugs for nonhospitalized elderly. Medicaid, which does provide this coverage, does not cover those low-income elderly whose incomes exceed the relatively low SSI related income and resource limits. Yet, out-of-pocket expenditures by seniors for prescription drugs represent the second largest source of payment for the elderly's health care expenses—29 percent—an estimated $1,575 per person in 1984. Drugs now account for almost 23 percent of all private health care expenses for older Americans.

The burden to pay for drugs which are, in many instances, life-sustaining falls most heavily on those who can least afford it: the low-income elderly who suffer from chronic illness, most of whom are not covered by Medicaid. Drug costs for this group are nearly six times as great as for younger Americans. Of the total expenditures for drugs for the aged, only 13 percent are covered by public programs; 87 percent must now be paid out-of-pocket. Experience with a program to pay for drugs for the elderly in New Jersey covering the same income and age categories shows that the average senior spends $242 out of his or her own pocket per year to pay for prescription drugs. These figures do not reflect the full burden of drug costs for the chronically ill elderly, whose costs are substantially higher than this $242 figure.

Proposals for drug coverage of prescription drugs for the elderly have been considered by Congress in the past. Drug legislation was passed by the Senate in 1967, 1972, and 1973 but did not make it through the conference with the House. The arguments against the legislation were that such a program would cost too much, could not be controlled, and could not be efficiently administered. These were all proposals to place a drug program either under Medicare or under a new separate agency. My proposal keeps Federal and State costs to a minimum and builds upon the current Medicaid system.

The Congressional Budget Office estimates that 7.5 million elderly would be assisted under this program. The bill sets no limits on the number of prescriptions that would be paid for per year. However, it is fair to assume that the average senior would fill or refill 22 prescriptions per year with an average cost per prescription of $13. Therefore, if all 50 States participate in this program, on a 50–50 matching basis, and assuming establishment of the most generous income limitations allowed under this bill, the annual cost to the Government might reach $1 billion. According to Secretary Heckler, fraud, waste, and abuse in the Medicare and Medicaid Programs cost approximately $7 billion per year. Efforts by the Department of Health and Human Services to attack this problem vigorously should continue—and the savings should be directly applied to the support of this program.

As an original member of the House Select Committee on Aging, I have been in the forefront of efforts in this House to assure adequate protection of health benefits for the elderly. Last year, the Subcommittee on Human Services conducted a hearing on the vast problems faced by seniors in this regard. We were told by a variety of witnesses that the current system of Medicare coverage is inadequate. It is inadequate because it fails to meet some of the most very basic health care needs of the elderly, including drugs. Our findings demonstrated that the need for this bill is great and its provisions received endorsement from a variety of groups and individuals, including national aging organizations.

Presently, five States have implemented programs to financially assist eligible elderly in defraying prescription drug expenses: New Jersey, Maine, Maryland, Delaware, and Pennsylvania; New Jersey passed legislation that is most similar to what I am introducing today. We need to encourage expansion on a national basis so that all needy elderly can receive some modest assistance in this area. This bill would provide the impetus for States, in partnership with the Federal Government, to provide comprehensive health care for the elderly. Adoption of this legislation would provide the impetus we need to subsequently expand benefits under Medicare, to assure that all elderly citizens are provided this kind of health insurance, to which they are entitled.

For the benefit of my colleagues, I am inserting the text of this bill into the RECORD. I urge them to join with me in supporting this initiative. The text of the bill is as follows:

H.R. 1542

A bill to amend title XIX of the Social Security Act to provide for an optional program of pharmaceutical assistance to the aged under the medicaid program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Pharmaceutical Assistance to the Aged Act".

Title XIX of the Social Security Act is amended by adding at the end the following new section:

"PHARMACEUTICAL ASSISTANCE TO THE AGED

"SEC. 1919. (a) OPTIONAL PROGRAM OF STATE.—(1) Notwithstanding sections 1902(a)(10) and 1916 of this Act, a State plan for medical assistance under this title may provide for making medical assistance available with respect to individuals de-

scribed in subsection (b) for outpatient prescribed drugs and other items described in subsection (c) furnished in accordance with subsection (d), but only if—

"(A) the State has in effect a law meeting the requirements of paragraph (2)(A),

"(B) the State plan under this title provides that the amount of payment under the plan with respect to bioequivalent drug products for which substitution by a pharmacist is permitted under paragraph (2)(A) shall not exceed the amount of payment recognized under the plan for the least expensive of such bioequivalent drug products that are available or normally stocked, and

(C) the State has a program of utilization review of such drugs and items which is satisfactory to the Secretary.

"(2)(A) A State law referred to in paragraph (1) is a law which permits a licensed pharmacist to substitute an bioequivalent drug product (as defined in subparagraph (B)) of lesser cost for another drug product, unless a licensed physician specifically states with respect to that prescription that such substitution is medically inappropriate.

"(B) For purposes of this subsection, drug products shall be considered to be bioequivalent with each other with respect to a medical indication or treatment if the drug products are bioequivalent (as determined by the Secretary) with respect to such medical indication or treatment.

"(3)(A) The amount of the medical assistance furnished under this plan with respect to a prescribed drug or other item is the amount determined under subparagraph (B) reduced by a copayment amount determined under subparagraph (C).

"(B) The amount of payment under this section for a drug product is the amount otherwise allowable under the plan (subject to paragraph (1)(B)) with respect to the item, with regard to any deductibles, coinsurance, or copayments which might otherwise be imposed.

"(C) In the case of an individual eligible for medical assistance under the plan under this section—

"(i) no enrollment fee, premium, or similar charge will be imposed under the plan, and

"(ii) no deduction, cost sharing, or similar charge will be imposed under the plan, except that payment of a copayment in an amount described in subparagraph (D) shall be required under the plan with respect to each prescription unit of drug or item provided and may not be waived directly or indirectly (such as through a discount).

"(D) In the case of a prescribed drug or other item for which payment under this section for a prescription unit otherwise is—

"(i) less than $10, the copayment amount referred to in subparagraph (C)(ii) is equal to $2,

"(ii) $10 or more, but less than $25, the copayment amount referred to in subparagraph (C)(ii) is equal to $3,

"(iii) $25 or more, but less than $50, the copayment amount referred to in subparagraph (C)(ii) is equal to $4, and

"(iv) $50 or more, the copayment amount referred to in subparagraph (C)(ii) is equal to $5.

The Secretary shall provide guidelines for the establishment of reasonable prescription units for purposes of implementation of this section.

"(b) ELIGIBLE INDIVIDUALS.—(1) An individual referred to in subsection (a) is an individual who—

"(A) is 65 years of age or older,

"(B) is a resident of the United States and is either (i) a citizen or (ii) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including an alien lawfully present in the United States as a result of the application of section 212(d)(5) of the Immigration and Nationality Act),

"(C) has an annual income (as determined under paragraph (2)) of not more than the income limitation established by the State under paragraph (3), and

"(D) is not otherwise eligible for medical assistance under the plan.

"(2) As used in paragraph (1), the term 'annual income' means gross annual income from all sources, including alimony or support funds, the gross amount of pensions and annuities, benefits received under this Act (other than under this title or titles V or XVIII), benefits received under State unemployment insurance laws and veterans' disability payments, interest received from the Federal Government or any State government or any instrumentality or political subdivision thereof, realized capital gains, rentals, workers' compensation benefits and life insurance benefits and proceeds, except that such term does not include—

"(A) the first $5,000 of the total of death benefits payments received with respect to the death of a spouse,

"(B) gifts of cash or property, to the extent they do not exceed a total of $300 in any year, or

"(C) surplus food or other relief in kind supplied by a government agency or as a property tax rebate.

"(3) A State, for purposes of this section, may establish an income limitation of—

"(A) not less than $9,000, nor more than $12,000, with respect to individuals (i) who are not married or (ii) who are married but who maintain a separate residence apart from their spouse and who do not receive support from their spouse or have access to their spouse's income, or

"(B) not less than $12,000, nor more than $15,000, with respect to other individuals who are married.

In the case of an individual described in subparagraph (B), the income limitation shall be applied to the aggregate annual income of the individual and the individual's spouse.

"(4) A State shall provide for recertifications of income of individuals described in paragraph (1) who have applied and been found eligible for benefits under this section not less often than annually.

"(c) COVERED DRUGS AND ITEMS.—The outpatient prescribed drugs and other items referred to in subsection (a) means legend drugs (other than experimental drugs) which are only available under State law upon the prescription of a physician, insulin, insulin syringes, and insulin needles furnished or administered to an individual while the individual is not an inpatient of a hospital, skilled nursing facility, intermediate care facility, or mental institution.

"(d) INFORMATION TO ELIGIBLE INDIVIDUALS.—The Secretary shall provide, not less often than annually, for informing individuals who—

"(1) are 65 years of age or older and

"(2) are entitled to benefits under part A, or enrolled for benefits under part B, of title XVIII,

of the benefits available under this section in States which have elected to have a program of pharmaceutical assistance for the aged pursuant to this section.".

SEC. 3. CONFORMING MEDICAID AMENDMENTS.

Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396b(a)(10) is amended by striking out "and" at the end of clause (III), and by adding before the semicolon at the end the following: ", and (V) this paragraph shall not apply with respect to the provision of medical assistance described in section 1919".

(b) PROMPT PAYMENT FOR PHARMACISTS.—Section 1902(a)(37) of such Act (42 U.S.C. 1396b(s)(37) is amended by inserting "for prescribed drugs under the plan or" after "payment) made".

SEC. 4. EFFECTIVE DATES.

SEC. 4. (a) FINAL REGULATIONS BY SEPTEMBER 1, 1985.—The Secretary of Health and Human Services shall promulgate final regulations not later than September 1, 1985, in order to provide for State implementation of the amendments made by this Act on a timely basis.

(b) EFFECTIVE OCTOBER 1, 1985.—The amendments made by this Act shall apply to medical assistance furnished with respect to outpatient prescribed drugs furnished on or after October 1, 1985.

SEC. 5. REPORTS.

SEC. 5. (a) DATA COLLECTION.—The Secretary of Health and Human Services shall maintain statistical records on State programs of pharmaceutical asssistance to the aged under section 1919 of the Social Security Act to determine the effectiveness and impact of such programs, including the level of participation by the elderly and any patterns of unusual drug usage, and to provide for the report required under subsection (b).

(b) REPORT.—Based on such information, the Secretary shall submit a report to the Congress, at the time of the transmittal of the budget of the Department of Health and Human Services to the Congress for fiscal year 1987, containing information relating to—

(1) the States providing for such programs,

(2) the number of persons covered under such programs,

(3) the number and kinds of drug products for which assistance was provided under such programs,

(4) the costs of the assistance furnished, including an estimate of actual expenses incurred by pharmacists participating in such programs, and

(5) the timeliness and accuracy of payments made to pharmacists under such programs.

The report also shall contain such recommendations for changes in legislation as the Secretary determines to be appropriate.●

WILLIAM AMORY UNDERHILL

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. CHAPPELL. Mr. Speaker, I rise today to pay special tribute to a great American—my personal friend, William Amory Underhill.

On February 21, 1985, Amory Underhill celebrated his 75th birthday. While Amory is known to many in this House as a dear friend of Florida and a guiding light of the Florida delegation, few know of his long service to the Nation starting as a lieutenant commander in the Navy during WWII

and including service in the Truman administration's Justice Department where he served as Assistant Attorney General until 1952.

Since that time, Amory has continued to serve his Nation, his State and his fellow human beings in varied capacities and through an unending commitment of his own time and resources.

He received his LL.B. from John B. Stetson University in 1936, and was admitted to the Florida Bar that same year. In 1946, Amory was admitted to practice before the U.S. Supreme Court and was later admitted to the District of Columbia Bar in 1952.

His honors include:

L.L.D. (honorary) Stetson University College of Law, 1969 Honorary Doctorate from Saint Leo College, Saint Leo, FL (1980).

George Washington Honor Medal Award from Freedoms Foundation at Valley Forge, 1970.

Ben C. Willard Award from Stetson Lawyer's Association, 1970.

C.H.I.E.F. Award from Independent Colleges & Universities of Florida, Inc. 1974.

Distinguished Alumni Award from Stetson University Alumni Association 1974.

Bob Sikes Award from the Florida State Society, Washington, DC, 1977.

Mr. Speaker, Amory Underhill has been a "public servant" in the very best sense of that term. His devotion to the values of our great Nation stand as an example for those of us who serve in representative government.

Amory has distinguished himself as the most generous and unselfish person I have ever known, I am proud to call him "friend".

We do ourselves honor, as we honor this great American.●

EVERYBODY HAS A STAKE IN NATION'S FARM SYSTEM

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. LUNDINE. Mr. Speaker, I would like to call the attention of my colleagues to an excellent column from the Sunday edition of the Buffalo News entitled "Everybody Has a Stake in Nation's Farm System." I believe that Max McCarthy has hit the nail on the head. What we need in this country is less emphasis on building up our defenses and overthrowing governments which are not friendly to the United States, and more emphasis on efforts designed to save our Nation's basic economic generators: agriculture and industry.

We should not stand back and watch the farmers go under. Mr. Speaker, I believe that the Congress must try once again to put together a farm credit package so that the dairy farmers in upstate New York will survive the heavy spring production season, and our grain farmers in the Midwest can get their spring crops in the ground. If we can spend $1 billion a day on defense, I see no reason why we cannot extend a little extra credit to our farmers who provide us with the most abundant and diversified food supply in the world.

While I am not against reforming our agricultural polices so that the CCC is not overloaded with surplus commodities and the support prices are not keeping the price for commodities unreasonably high, I cannot support the President's dogged commitment to a hands off farm policy. We need to give our farmers a hand up, not the back of the hand.

In my district I have grape farmers who do not receive any Federal aid. Their crop is bought and sold in the free market and they are not prospering by any stretch of imagination. As a matter of fact, many of my grape farmers will be forced to go out of business due to cancellations of contracts from the large cooperatives who no longer need our New York grapes, and the declining market for New York State wine. Domestic wine simply cannot compete with the subsidized foreign wines which are much cheaper. The California vineyards are suffering as well, but the effect has not been as dramatic as it has been on the New York State farm wineries. I believe that the case of grapes as an unsupported commodity lends credence to the argument that a total hands off policy is not the answer to the troubles in our agricultural economy.

I would like to conclude by saying that I hope my colleagues will read and appreciate Mr. McCarthy's column. I enjoyed this column very much and I share Mr. McCarthy's sentiments entirely. I do not believe that the situation is hopeless for American agriculture, and you can count on my active participation when the Congress considers the farm bill later this year.

[From The Buffalo News, Mar. 10, 1985]

EVERYBODY HAS A STAKE IN NATION'S FARM SYSTEM

(By Max McCarthy)

One of the greatest strengths of the United States is its incredibly abundant and effective agricultural system.

Not only are we blessed with an almost endless variety of nutritious and low-cost meat, poultry, vegetables, fruits, baked goods and dairy products, but we grow more than enough to export huge amounts.

One need only think of the agricultural problems Ethiopia and the Soviet Union to realize how fortunate we are.

With this in mind it only stands to reason that we should be very careful not to literally and figuratively upset the U.S. apple cart.

This is what the Reagan administration is trying to do with its ideologically inspired rush to a free market in agriculture. One can't go overnight from the complicated farm support system which, for all of its complexities, has served the wider public interest better than almost any other nation in the world.

Urban and suburban dwellers who benefit from our marvelous food supply system should lend understanding ears to the plight of their country cousins. We all have a stake in this serious situation. It goes to the heart of this nation's strength and prosperity.

And it should be stressed to residents of the Niagara Frontier, the current crisis is not just something that affects wheat farmers in Kansas and growers of corn in Iowa. It affects dairy and other farmers in Western New York.

My long-time Buffalo News colleague Bob Buyer has been reporting on the plight of area farmers. Unlike grain growers in the Midwest who borrowed funds at high interest rates to expand their farms in the hope of reaping export profits, upstate New York farms borrowed to start or improve small dairy farms.

"We're not looking to get rich," Paul Herring of Fillmore told Bob Buyer. "We just want to live and farm."

Jim Brown of Short Tract told my colleague that his 17,000 pounds per cow dairy herd last year earned a modest $32,000. Of that total, more than half, $17,000, went right back to the Farmers Home Administration to repay loans. With the remaining $15,000, Brown had to buy fuel, food, feed, clothing and other necessities for the cows, his two children, his wife and himself in that order.

Mrs. Brown told Buyer that when she and her daughter go shopping for groceries she sends her daughter out from the check-out counter with the packages so that the youngster won't see the food stamps she uses to pay for the purchase.

"I cry myself to sleep thinking of some other Allegany County farmers," confided Marilyn Herring of Fillmore.

Surely, the United States can do better for these farmers who have done so much for us! This is not fair or even intelligent. We are, again literally and figuratively, killing the goose that lays our eggs.

From Maine to California, U.S. farmers are caught in a crisis of national proportions. Three years into an agricultural depression, farm prices have plunged and markets abroad are shrinking because of the over-priced U.S. dollar.

As spring planting approaches, U.S. farmers like the Browns and the Herrings, struggling under $212 billion in farm debt, have seen many sources of credit go dry.

Neil Harl, a respected U.S. agricultural economist, warns that almost 30 percent of American farms are sinking into insolvency. With a higher percentage of small farms and few large corporate farms in Western New York, our agricultural crisis is that much more serious and tragic. More than 12 percent of the farmers nationwide are expected to go out of business this year! That percentage could be even higher in New York State.

"This situation affects people," David Senter, American Agriculture Movement National director told farmers at a rally here last week. "Some commit suicide, some just quit, some drink . . . but it made me mad and I'm going to do all I can to change it."

The farmers who came to Washington last week want two things: short-term financial

aid in the form of federal loans so they can plant this year and reinstitution of a federal price policy based on annual average production costs. These are not outlandish requests or, for that matter, so costly in direct U.S. Treasury outlays.

The House and the Senate have passed emergency legislation that would provide some help, but President Reagan vetoed it last Wednesday.

His priorities and obsessive preoccupations in his second term are three incredibly expensive and highly dubious adventures:

His $1 trillion Star Wars.

The MX missile—the Edsel of the Atomic age.

Aid to the rag-tag bunch trying to overthrow the legitimate government of Nicaragua.

Because of his Pentagon buildup and tax cuts the nation has enormous deficits and the White House says it can't afford to help the farmers. In the meantime, defense contractors try to get the government to pay for the housing of dogs and political contributions to lawmakers.

Our priorities are badly out of whack! The human factor is being sacrificed to ideology: "free markets," technological superiority over the Russians and the overthrow of governments we don't like.

Americans should rise up and demand that their senators and congressmen—Democrats and Republicans alike—produce a new vote-proof emergency farm bill and begin getting our perspectives in proper order.●

GOVERNOR BLANCHARD'S UPBEAT MESSAGE: "MICHIGAN IS BACK!"

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. TRAXLER. Mr. Speaker, today's Wall Street Journal reports on the amazing comeback of the State of Michigan since 1982, led by Gov. James J. Blanchard.

The article has messages for us here in Washington. Blanchard tells us to dwell on solutions, not problems, to stick to our priorities, and to act decisively.

For the Republicans in control of the White House and the Senate, the message is that budgets can be balanced, deficits can be cut, productive economic investments can be made, and that your record here in Washington can be compared to that of active Democrats back in the States.

The Blanchard record shows that problems can be solved: that Blanchard has delivered on promises that President Reagan has only talked about—balancing the budget and setting priorities. As the Wall Street Journal article states:

> The Republican budget in Washington has doubled the national debt in four years * * * the Democratic budget in Lansing has paid off our entire state debt in three years, a debt inherited from the Republicans.

Mr. Speaker, Michigan's economy is growing and State government is back on sound fiscal footing, thanks to Governor Blanchard's leadership. But unemployment remains too high, and the President's recent decision to lift auto-import quotas could derail our State's recovery and its finances. Even so, with the strong and positive leadership of Democrats like Governor Blanchard, future problems can be solved, and Michigan's future remains upbeat.

I recommend the article to my colleagues.

[From the Wall Street Journal, Mar. 19, 1985]

(By Dennis Farney)

LANSING, MICH.—From his upbeat declaration—"Michigan is back" to the "It CAN be done" plaque behind his desk, Gov. James Blanchard strikes a different note than voters often hear from liberal Democrats.

He exudes optimism. He dwells on solutions, not problems. His priorities remain a Democrat's priorities. But he sounds like the Republican president who proclaimed last fall that "America is back."

"Wrist-slashing Democrats—I don't even like to be in the same room with them," declares the 42-year-old governor.

Positive thinking can carry you only so far. But positive thinking—combined with decisive action and a little luck—has helped. Mr. Blanchard, the first Democrat to govern Michigan in 20 years, to rebound from a rocky start in 1983. There's a lesson here that beaten-down, gloomy-sounding Democrats in Washington just might take to heart.

"You have to come across as an optimist," says Mr. Blanchard. "On that, I say hats off to Ronald Reagan."

Two years ago, there was little cause for optimism here, Michigan was reaping the whirlwind. The state, which has postponed addressing some fundamental state problems in good times, was in a near-depression.

Inauguration day found Michigan with the nation's highest unemployment rate, 17%, and its lowest credit rating. It also had a $1.7 billion deficit. A dozen universities and 75 or more school districts were about to run out of money.

Backed by the then-Democratic legislature, Gov. Blanchard pushed through a 38% increase in the state income-tax rate. It was temporary; by law, it had to be phased out between January 1984 and October 1987. But the boost was abrupt and the governor failed to adequately prepare public opinion for it.

The result: a political firestorm. Irate voters launched a recall drive. Six months into Gov. Blanchard's term, a Detroit News poll found only 33% approval of his performance—and 53% disapproval.

Since then, there has been a dramatic turnaround. Michigan's economy roared back faster than expected, and the tax increase has brought in more than expected. By year's end, Michigan will eliminate that $1.7 billion deficit. Moody's has raised the bond rating a notch from Baa-1. And Michigan's tax revolt, although still potent, has suffered a major setback. Last November, voters decisively rejected Proposal C, which would have rolled back the Blanchard tax and then some. That victory for the governor was supported by a cross-section of Michigan's civic leadership.

"Jim Blanchard beat Proposal C," says Democratic House Speaker Gary Owen. "He went out front, he raised the campaign money. And his popularity has been going up ever since." A December Detroit News poll found 66% approval, only 26% disapproval.

Even so, neither the governor nor his state are out of the woods. Mr. Blanchard's 1986 reelection prospects are riding on Michigan's continued economic recovery, and on the way he navigates some fairly treacherous political crosscurrents.

Michigan's unemployment rate, at 9.2%, remains high. President Reagan's decision to lift auto-import quotas surely will hurt Michigan auto makers and state revenue too. The state's buildings, roads and bridges need massive repairs—for only the first time in a decade, Michigan is repairing roads faster than they're wearing out—even as some voters clamor for tax reductions. The tax revolt has given Republicans control of the Michigan Senate. And should Michigan lose General Motors Corp.'s futuristic Saturn project to another state, it would hurt the governor, who has portrayed himself as a man who can work innovatively with business and labor. (As a congressman, he was an architect of the Chrysler Corp. loan guarantee.)

"Jim Blanchard's approval ratings are higher, but they're very thin," says state GOP chairman Spencer Abraham. "It's a lot like Jimmy Carter's approval ratings in the middle of his term. People see the governor as well-meaning and a nice person. But nobody says 'strong leader.'" A half-dozen or so Republicans, including veteran Congressman Guy Vander Jagt, are weighing possible gubernatorial bids.

For Michigan Republicans, the 1983 tax increase remains the prime issue. The GOP-controlled state Senate, arguing that Michigan will soon have an unnecessary surplus, has voted to end the temporary tax next January. That would save taxpayers between $850 million and $1 billion, compared with the October 1987 phase-out. Democrats in the legislature are "nervous," Mr. Blanchard concedes.

"I've been advised by other governors that the last thing you want going into an election is a surplus," he says. So he has begun to explore a possible acceleration of the October 1987 termination date.

One idea is to couple any accelerated rollback with tax "reform" and increased state relief for hard-pressed local property taxpayers. Drafting this proposal is the task of state Treasurer Robert Bowman, the brash, wisecracking 29-year-old whom Gov. Blanchard recruited from Lehman Brothers. Before 1983, "Michigan had been robbing Peter to pay Paul for years," Mr. Bowman says. "The question for Democrats is: Can we somehow offer fiscal realism and still offer hope and opportunity?"

Fiscal realism, in this administration, has meant doing things that, until recent years, would have been almost unthinkable for a Democrat. Gov. Blanchard has cut the state bureaucracy by 20%. He proposed a zero increase in his 1984-1985 budget total; there is a proposed 2.3% increase in his 1985-1986 budget, still less than inflation.

Budget austerity, however, risks disappointing traditional Democratic supporters among the urban poor. Gov. Blanchard has tried to appeal to them by boosting spending, withing the overall ceiling, for education, environmental cleanup and economic development. Democrats would like more, says Speaker Owen, "but we realize the dollars aren't there."

All in all, a jaunty Mr. Blanchard argues he has delivered on two promises that Ronald Reagan only talks about—balancing

the budget and setting priorities. Last month, at the state Democratic convention, he sharpened the needle.

"The Republican budget in Washington has doubled the national debt in four years," he said. "The Democratic budget in Lansing has paid off our entire state debt in three years, a debt inherited from the Republicans."

That could be an appealing argument in the 1986 campaign. Republicans then will surely argue that Ronald Reagan's economic recovery was the real engine of Michigan's turnaround and that, in the words of state Senate Majority Leader John Engler, himself a potential gubernatorial candidate, the Blanchard tax was "too high and stayed on too long." But Michigan Republicans themselves disagree on just how high taxes should be. Proposal C was spearheaded by Richard Headlee, Mr. Blanchard's conservative Republican opponent in 1982—and opposed by former GOP governors, George Romney and William Milliken, who joined Gov. Blanchard on television to warn against it.

In any event, the governor retains the option of proposing to lower taxes as campaign time approaches. "It's delightful to be in a situation where you're talking about how fast to cut taxes," he grins. "Frankly, I'd rather have my options than Ronald Reagan's, Bob Dole's or Tip O'Neill's."●

USIA'S ADVISORY COMMISSION REPORTS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. MICHEL. Mr. Speaker, the U.S. Advisory Commission on Public Diplomacy has issued its 1985 report. At a time when there is an increasing need to understand—and to support—the various aspects of our Nation's public diplomacy programs, carried out by the men and women of the U.S. Information Agency, this report deserves close attention. I hope our colleagues get a chance to read it. In the meantime, I am inserting in the RECORD the message from the Chairman of the Advisory Board, Edwin J. Feulner, Jr., and the summary of findings and recommendations of the Commission.

A MESSAGE FROM THE CHAIRMAN

Four years ago this Commission was gravely concerned about the prospects for public diplomacy. In their assessments of USIA our predecessors found a crystal-set mentality and vacuum-tube technology in an era of microchips and communications satellites. They found seriously eroded budget and staff resources, and a foreign policy decision-making process frequently uninformed by an understanding of foreign opinions and cultures.

Today, there are many reasons why this bleak outlook is changing.

With strong bipartisan support from the Congress, the Reagan Administration has revitalized USIA and under the creative leadership of Charles Z. Wick made public diplomacy a central part of the conduct of American foreign policy. USIA is modernizing. Its influence within the foreign affairs community has dramatically increased, and its resources have grown significantly. Much has been accomplished.

In this report, my colleagues and I have sought to document this progress and at the same time address those challenges that still confront the Agency. Each of us brings a unique set of experiences and perspectives to our Commission role. The views set forth have been considered with care.

In examining the way our country conducts public diplomacy, we have been struck forcefully by the dual role assigned to USIA by the Congress.

The Smith-Mundt Act of 1948 requires USIA to promote a better understanding of the United States in other countries through the dissemination of information about the United States, its people, and its policies.

The Fulbright-Hays Act of 1961 authorizes the Agency to increase mutual understanding between the people of the United States and the people of other countries through educational and cultural exchanges.

The two Acts—when read together in the context of 35 years of practice under administrations of both political parties—give USIA an obligation both to articulate persuasively the policies of the U.S. Government and to carry out educational and cultural programs. The two missions are complementary, and public diplomacy is indeed more than the sum of its parts.

It is not one-shot dramatic efforts that make public diplomacy succeed. Rather, it is the steady, wise use of *all* of the resources of public diplomacy over time. It is recognition by those who seek disproportionately to enhance educational and cultural exchanges that the articulation of U.S. policies is also necessary to mutual understanding and rational international dialogue. It is understanding by those who support the vigorous expression of U.S. policies that the Fulbright and International Visitors programs provide foreign audiences with the background and knowledge of our culture that put those policies in perspective. And it is appreciation by our elected and appointed officials of the importance of foreign public opinion and the power of ideas in international political discourse.

This report contains the principal findings and recommendations of the Commission during the past year. We have focused on a number of new Agency initiatives such as the satellite television network WORLDNET, computerized transmission of the Wireless File, and modernization of the Voice of America. We have examined selectively the needs and contributions of USIA's traditional programs—exchanges, foreign press centers, English teaching, and others. We have not ignored national news media reports of policy and managerial problems that have concerned many Americans and members of Congress.

Shortly after the bombing of the U.S. embassy in East Beirut, I received a letter from an NBC news correspondent bringing to my attention the diligence and professionalism of a junior foreign service officer assigned to that difficult post. She happened to be the only USIA employee there at the time. The letter brought home once again the realization that public diplomacy professionals face the challenge of physical danger as well as the task of explaining the nuances of U.S. foreign policy to an often skeptical world. USIA's libraries, information centers, and other installations—usually located separately from American embassies in areas that afford public access—are often the most visible and vulnerable parts of the U.S. presence overseas. My colleagues and I have a high regard for the quality of USIA's personnel, both Americans and foreign nationals. We have watched them operate firsthand. They are doing a difficult job well.

Congress has given the U.S. Advisory Commission on Public Diplomacy a mandate which we have taken seriously—to represent the public interest in assessing the public diplomacy of the United States. Because Congress has made an institutional commitment for more than thirty years to the need for the judgment and long-range perspective of an informed advisory body, we urge its members to consider these views with care.

Ours is a favorable balance sheet. The American people can be pleased with the work that USIA is doing. It is our hope this report will be read by everyone interested in public diplomacy.

EDWIN J. FEULNER, Jr.,
Chairman.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

TELEVISION

The Commission welcomes the emergence of television as a major program arm of USIA and fully endorses the Agency's initiatives in utilizing communication satellites and new video technologies.

The Commission recommends that as a high priority USIA, with the support of other government agencies, plan for the establishment of a worldwide system of television broadcasting to enable U.S. leaders to speak directly to audiences in every region of the world.

VOICE OF AMERICA

The Commission reaffirms its support of VOA modernization and believes it is vitally important that the U.S. remain committed to a multi-year program designed to produce a strong, reliable VOA signal worldwide.

The Commission recommends that USIA take steps to instill a greater sense of urgency among all Agency elements involved in VOA modernization and establish a mechanism to promote communication and cooperation at the senior level Agency-wide.

The Commission commends VOA and those Public Affairs Officers who have initiated training programs for Third World national broadcasting organizations. The Commission recommends this effort be expanded.

RADIO MARTI PROGRAM

The Commission recommends that a reorganization plan transferring the Radio Marti Program to the Board for International Broadcasting be proposed to the Congress and that the Congress act favorably on such a plan.

WIRELESS FILE

The Commission welcomes USIA's decision to make computerized transmission of the Wireless File a high priority and commends the use of program evaluation techniques by Wireless File managers. Automation of the File combines one of the Agency's most effective information services with the technology of the 1980s.

BOOKS AND LIBRARIES

The Commission is deeply concerned that the U.S. is not competitive in international book and library activities. Needed increases in resources for overseas American libraries and for USIA's book translation and donated book programs will require the sustained

cooperation of USIA, the Congress and the private sector.

THE CENTRAL AMERICAN INITIATIVE

The Commission fully endorses the recommendation of the Kissinger Commission that government-sponsored scholarships to bring Central American students to the U.S. be greatly increased to counter expanded Soviet bloc scholarship programs.

RESEARCH

The Commission recommends that a coordinated research effort, involving all U.S. foreign affairs agencies, be organized under the direction of the National Security Council to provide the U.S. Government with timely comparative data on the cultural, information and propaganda policies and programs of the Soviet bloc and other countries.

The Commission recommends that USIA increase its utilization of the Office of Research to assess the impact and effectiveness of Agency products and programs.

The Commission recommends that USIA be invited to participate regularly in meetings of interdepartmental groups where options for new policies are developed and be asked routinely to assess the impact of *proposed* foreign policies.

The Commission finds that USIA's resources are insufficient to provide the research capability that national security requires and that the Agency needs to make its resource management and programming more efficient.

SEMANTIC CORRUPTION

The Commission repeats its recommendation that the National Security Council and USIA assess the problem of semantic corruption and institutionalize ways to counter misleading terminology and increase the accuracy of words and concepts in international political discourse.

SENIOR VACANCIES

The Commission recommends that the Director and the White House move quickly to fill long-standing vacancies in the positions of USIA Deputy Director, USIA Associate Director for Programs, and Director of the Voice of America.

HEADQUARTERS CONTROVERSIES

The Commission finds that interest abroad in recent USIA headquarters controversies was marginal and that there was no discernible adverse impact on USIA's overseas programs and activities.

The Commission recommends that USIA provide clearer operational guidance on speaker selection criteria and the relationship between advocacy and education in its speaker programming policies.

The Commission recommends that USIA encourage responsible internal discussion of professional public diplomacy issues and provide an appropriate forum for doing so.

REPRESENTATION

The Commission finds that personal contact with foreign opinion leaders is one of the most important functions of public diplomacy. A substantial increase in USIA's overseas representation funds would serve the national interest.

CONGRESSIONAL GRANT CONTROLS

The Commission finds the requirement that Congress be notified 15 days in advance of all USIA program grants is neither necessary nor sound public policy and repeats its recommendation that the practice be discontinued.

NEED FOR MORE PERSONNEL OVERSEAS

New communications technology and program expansion, particularly in USIA's WORLDNET, educational exchange and International Visitors programs, have stretched the Agency's overseas staffs to the breaking point. The Commission strongly recommends that additional personnel be assigned to USIA's field posts.

TRAINING FOR MEDIA INTERVIEWS

The Commission recommends that USIA institute a program of training to prepare senior USIA officers, ambassadors and deputy chiefs of mission for media interviews.●

A TRIBUTE TO MR. RONALD L. BLANC

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of the community and a personal friend of mine, Mr. Ronald L. Blanc. I ask my colleagues to join me in honoring this exceptional person who is being honored as Valley Beth Shalom's Man of the Year.

I first met Ronald Blanc when he was donating his time and experience in the fight to preserve and protect the Santa Monica Mountains. Appointed to the Santa Monica Mountains Comprehensive Planning Commission by Governor Brown, his leadership in that organization was instrumental in the fight to preserve this great natural resource. He has also been an outspoken supporter of the State of Israel, giving generously of his talent and energy on behalf of our closest and most reliable ally in the Middle East.

Throughout his career as a lawyer he has always shown a willingness and desire to give freely of his valuable time to aid organizations or causes important to his community. While running a successful law firm he has still found time to serve on the board of directors of a public interest law firm, as president of Valley Beth Shalom Synagogue from 1982 to 1984 and as their chairman from 1978 to 1981. This year he cochaired the Major Gift Campaign of the San Fernando Valley region United Jewish Fund. From 1982 to 1985 he served on the board of directors of the San Fernando Valley region of the Jewish Federation Council of Los Angeles.

It is my honor to join with my colleagues and the Valley Beth Shalom Synagogue in saluting Ronald L. Blanc, an invaluable resource to the community and a truly remarkable human being.●

A VA OUTPATIENT CLINIC IS NEEDED IN SOUTHERN NEW JERSEY

HON. H. JAMES SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. SAXTON. Mr. Speaker, the recent Veterans Administration study, "Caring for the Older Veteran," predicted that by 1990, 7.2 million veterans will be over age 65, doubling 1980's total. My State of New Jersey is home to nearly 1 million veterans, and this veteran population is aging at such a tremendous rate that the added crunch will place further stress on a veterans health care network that is chronically overtaxed.

The 1984 VA Medical District Initiated Program Planning study includes a recommendation to establish a satellite outpatient clinic [OPC] in New Jersey through the fiscal year 1987 budget. Of the entire VA Medical District IV, which includes New Jersey, Delaware, and parts of Maryland and Pennsylvania, the New Jersey site is recognized as the highest priority.

To facilitate the placement of an OPC in southern New Jersey, I have joined with my colleagues from New Jersey and introduced H.R. 1424. This bill directs the Administrator of Veterans' Affairs to establish and operate an outpatient clinic in southern New Jersey.

The need for an OPC in southern New Jersey is acute. The only outpatient facility in the State is located in Newark and it has suffered from staffing shortages and equipment breakdowns. VA statistics indicate that there are parts of New Jersey which are capable of providing over 52,000 visits per year by veterans to such a facility. The minimum threshold cited by the VA for the placement of a clinic is only 15,000 visits per year.

The VA has relied upon these locally placed facilities as a means of lessening the workload at the primary VA Medical Centers. This far-sighted policy is based on the idea that adapting to the geographical changes in the veteran population is less expensive in the long term. Additionally, the medical care for comparatively minor problems can be offered at a local and more convenient level for our veterans.●

GOOD SCOUT AWARD

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. BADHAM. Mr. Speaker, It gives me great pride to announce that on

March 29, 1985, the Orange County Council Boy Scouts of America, will present Mr. James A. Peters with the 1985 Construction Industry's Good Scout Award.

Jim Peters is the founder and president of the J. M. Peters Company which is headquartered in Newport Beach, CA. The J. M. Peters Company is one of Orange County's most prestigious home-building firms. Since the Company's inception in 1975, they have built more than 3,000 homes in southern California.

In his dedication to his profession, Jim values high standards of personal achievement. He demands much from his business associates, but always more from himself. He is highly respected by members of the building community for his personal integrity, his business acumen and the quality of the housing he produces.

Jim Peters was born in San Diego, CA. He graduated from the University of California, Los Angeles, where he received his Bachelor of Science degree in Business Administration.

Jim is very active in his community and serves on the Board of Directors of the Orange County Y.M.C.A., the Board of Trustees of the Mardan School, the Beta Theta Pi Fraternity and for years has been an active supporter of Scouting.

It will be a pleasure to join the construction industry on the 29th when it honors James M. Peters with the Good Scout Award.●

ANTONINA B. PARKER, 25 YEARS OF SERVICE TO COMMUNITY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mrs. KENNELLY. Mr. Speaker, women have played a sustained and significant role in Connecticut's local and State governments for many decades. Their concerns have found expression in policy and legislation affecting in a positive way the lives of all Connecticut citizens. The combined energies and talents of caring women have enriched Connecticut's history.

Antonina B. Parker, of Glastonbury, is one of those caring women. For 25 years she has given unstintingly to her community, her State, and her party. Serving in positions of leadership wherever and whenever needed, her drive and commitment earned her the confidence of the voters of Glastonbury as a member of its town council and its board of finance, in both offices as the first woman. Her dedication in town service confirmed this confidence and led to her election as the representative of the 31st district in the Connecticut General Assembly for four consecutive terms.

During our years together at the State Capitol, Nina was of great assistance to the secretary of the State's office. She became a valued friend.

In appreciation of her 25 years of service to the community of Glastonbury and the State of Connecticut, her friends honored Antonina B. Parker on March 16 at "Nina's Night." Mr. Speaker, I ask the Congress to join me, along with her many friends, in expressing our profound gratitude and deep admiration to Antonina B. Parker.●

A TRIBUTE TO JOHN C. FELDSCHER

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. SEIBERLING. Mr. Speaker, today I would like to commend John C. Feldscher for his dedication and accomplishments during his 42 years of service to the energy industry in general, and to the uranium enrichment field in particular.

Mr. Feldscher has been particularly effective in the dissemination of factual and supportive information regarding enrichment activities, which has resulted in mustering and maintaining the necessary legislative support of this program by various Members of Congress and their staff.

The energy industry will have lost a most articulate and effective defender of their cause in John C. Feldscher's retirement, Mr. Speaker, and I would join his friends and colleagues who would wish him well in his retirement.●

DESPITE INJUSTICE NISEI FOUGHT BRAVELY IN WORLD WAR II

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. MINETA. Mr. Speaker, the San Jose Mercury recently published a letter to the editor opposing the concept of redress for Americans of Japanese ancestry who were interned during World War II. The writer of that letter suggested that service in the Armed Forces was equivalent to the internment, and that, therefore, those interned are not entitled to any particular governmental response.

As an enthusiastic supporter of H.R. 442, the Civil Liberties Act of 1985, I obviously disagree with the letter. I believe that those interned suffered a unique deprivation of their basic constitutional rights, which is not at all similar to the physical hardships of military life. As a former internee and as one who served with our military intelligence service during the Korean War, I have personal experience with both sets of circumstances.

I wish to call to my colleagues' attention a response to the letter published in the San Jose Mercury of March 9, 1985. This letter was from retired Judge Wayne M. Kanemoto. I have been an admirer and friend of Judge Kanemoto for most of my adult life, and I am delighted to provide this copy of his letter. Judge Kanemoto's thoughts are particularly timely and articulate, and I urge my colleagues to consider his views with care and attention.

The letter as published follows:

[From the San Jose Mercury, Mar. 9, 1985]

DESPITE INJUSTICE NISEI FOUGHT BRAVELY IN WORLD WAR II

Warren A. Rouse asks in his March 4 letter if any member of the San Jose Commission on the Internment of Local Japanese Americans remembers Pearl Harbor. As a member of that commission, I would like to respond that I do, indeed, remember Pearl Harbor.

I was then a third-year law student at the University of Santa Clara. I was able to finish law school, as the orders for evacuation of the San Jose area came toward the end of May, 1942. I received my diploma among the horse stables of the Santa Anita race track. I was allowed to take the bar examinations, but only under escort to and from examinations.

I then spent a year in a relocation center in the deserts of Arizona, where I worked for $16 to $19 per month.

Subsequently, having enlisted in the U.S. Army, I received a pay raise to $21 per month. I also did forced marches while combat training in the backwoods of Mississippi from June to October.

And all the while, my parents, three sisters, relatives and friends were in the relocation centers. They were citizens of the United States under the Constitution, which provides that "life, liberty or property" shall not be deprived "without due process of law." Yet they were never charged with having done anything unlawful or contrary to the welfare of the country, never had a hearing or trial, never had the opportunity to defend themselves and their loyalty, never had anything resembling "due process of law." Simply being of Japanese ancestry automatically condemned us all in the eyes of our government.

Following combat infantry training, I was ordered by the U.S. Army to learn Japanese and was assigned to military intelligence, eventually serving in the jungles of Burma.

After the war, even high military and government officials admitted there was no military reason to have any of the loyal Japanese-Americans incarcerated after mid-1943, when there was no conceivable danger of an invasion of our shores by Japanese forces.

I, my parents, relatives and friends had nothing to do with causing Pearl Harbor or the Bataan death march, We, too, were horrified by these events. Many of us (33,000 through the war and occupation) left our families behind barbed-wire fences and went to fight for the cause of our native land.

Young Japanese-American men earned, among other decorations, 9,486 Purple Hearts, 560 Silver Stars, 52 Distinguished

Service Crosses, one Congressional Medal of Honor and seven Presidential Unit Citations. The all-Japanese-American 442nd Regimental Combat Team came to be the most decorated unit of its size in the history of the U.S. Army.

And we lost, not only three or four years out of our lives, but also our homes, property, jobs, liberty and an opportunity to be useful members of our communities.

Mr. Rouse, do you believe in "liberty and justice for all?" We, Japanese Americans, fought to preserve democracy and the sacred principles enunciated in our Constitution.●

FRAUDULENT MEDICAL CREDENTIALS: THE NEED FOR A FEDERAL RESPONSE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. PEPPER. Mr. Speaker, you and my other House colleagues may have read articles in the papers recently concerning phony doctors—unqualified individuals working as physicians with fraudulent credentials. Much of this attention can be attributed to a hearing on this issue held by the Select Committee on Aging, Subcommittee on Health and Long-Term Care, December 7, 1984.

The hearing featured a variety of people affected by the problem of fraudulent medical degrees—promoters of bogus M.D. programs, purchasers of fraudulent credentials, family members of victims of phony doctors, directors of State medical licensing boards, and representatives from the Federal agencies charged with combating this problem. What we learned was that fraudulent medical credentials is an alarming and pervasive problem that shows no sign of warning unless met with a strong Federal response.

Out of the subcommittee investigation, it was determined that as many as 10,000 phony doctors are practicing in the United States today. Although one promoter of phony medical degrees was arrested and did testify, he himself estimates that as many as 20 other dealers are still operating.

Another point to be reckoned with is this: Federal funds are fueling the phony M.D. fire. Many of the purchasers of phony credentials are financing their education with guaranteed student loans and loans from the Veterans Administration. These students return to the United States unable either to pass exams enabling them to practice medicine or repay their Government loans. Thus this problem, aside from its shocking ethical implications, is costing the Government over $20 million annually.

To curb the further growth of these degree fraud schemes and to reverse this very dangerous trend, I have proposed three bills which I feel will have a significant impact on the flow and practice of phony doctors.

The first bill is designed to affect the brokers of fraudulent medical degree scams. It would amend title 18 of the United States Code to increase the criminal penalties for mail fraud. Minimum fines of $1,000 will be raised to $10,000 and minimum prison sentences of 6 months will be increased to 15 years. According to law enforcement agencies, this will serve to place penalties in proper relation to the potential harm posed by these types of frauds. Perhaps the best way to stop the growth in the number of phony doctors is to permanently stop the business of supplying fraudulent M.D.'s.

The second would make it a felony to practice medicine with bogus credentials in any federally funded program, such as Medicare, Medicaid and the armed services. Currently these individuals are subject to minor penalties which vary from State to State. Penalties befitting the crime only occur after the fact—when some tragedy has occurred and someone has been injured. There is also at present some confusion about jurisdiction—which Federal body will prosecute whom? This measure will put an end to such confusion and lead to promptly imposed, more severe penalties appropriate to the crime.

The third bill is designed to prevent the Government from permitting these fraudulent degree operations. Under existing Federal regulations, the only criterion for determining a school's eligibility for Government guaranteed loans is that the school be recognized and listed with the World Health Organization [WHO]. Unfortunately, the WHO does not examine quality of training and facilities of listed schools and instead lists all institutions recognized by that school's host country. This situation has led to a sevenfold increase in the number of WHO-recognized, for-profit medical schools in the Dominican Republic, for example.

Under this bill, any medical school outside the United States and Canada would have to go through the same tough certification standards that the United States and Canadian schools are already subjected to before being eligible for Federal loans. I believe this law would ensure a quality education to our students studying abroad, would prevent the proliferation of for-profit institutions, and would stop the loss of an estimated $20 million each year in defaulted student loans by persons unable to pass licensure examinations or repay their Government loans.

The problem of phony doctors and fraudulent credentials is indeed a very serious one in the United States. In these times, when health care costs weigh heavily on all our minds, we cannot permit the millions of dollars of waste to continue, nor the serious danger posed to the public health.

Mr. Speaker, two people made a very special contribution in guiding the direction of this legislation: Mr. Ronald Schwartz, Assistant Deputy Inspector General of the Department of Health and Human Services while on detail to the subcommittee; and Mr. Richard Ehling, a recent graduate of Dartmouth College and intern to the subcommittee. They should be commended for the research and data collection necessary to prepare these bills.

I urge all of my colleagues to join me in the support of this important and timely reform legislation. A full text of the three bills follows:

H.R. 1581

A bill to amend title 18 of the United States Code to increase the existing penalties for mail fraud and to provide for criminal and civil forfeitures for such offense

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENALTIES.

Section 1341 of title 18, United States Code, is amended—

(1) by striking out "$1,000" and inserting in lieu thereof "$10,000", and

(2) by striking out "five years" and inserting in lieu thereof "fifteen years".

SEC. 2. FORFEITURES.

(a) SUBSTANTIVE AMENDMENT.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1346. Criminal forfeiture

"(a) A person who is convicted of an offense under section 1341 of this title shall forfeit to the United States such person's interest in—

"(1) any property constituting or derived from gross profits or other proceeds obtained from such offense; and

"(2) any property used, or intended to be used, to commit such offense.

"(b) In any action under this section, the court may enter such restraining orders or take other appropriate action (including acceptance of performance bonds) in connection with any interest that is subject to forfeiture.

"(c) The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(d)(1) Except as provided in paragraph (3) of this subsection, the customs laws relating to disposition of seized or forfeited property shall apply to property under this section, if such laws are not consistent with this section.

"(2) In any disposition of property under this section, a convicted person shall not be permitted to acquire property forfeited by such person.

"(3) The duties of the Secretary of the Treasury with respect to dispositions of property shall be performed under paragraph (1) of this subsection by the Attorney General, unless such duties arise from forfeitures effected under the customs laws.

"§ 1347. Civil forfeiture

"(a) Any property constituting or derived from gross profits or other proceeds obtained from a violation of section 1341 shall

be subject to forfeiture to the United States, except that no property shall be forfeited under this section, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under subsection (a), insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18 of the United States Code is amended by inserting after the item relating to section 1343 the following new items:

"1346. Criminal forfeiture.
"1347. Civil forfeiture.".

H.R. 1582

A bill to make students studying in foreign medical schools ineligible for Federal loans or loan guarantees unless the medical school meets certain accreditation standards

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF LOANS AND LOAN GUARANTEES.

(a) GENERAL RULE.—No loans may be made by the United States or under any program which receives Federal financial assistance to a student in a medical school outside the United States or Canada unless the medical school meets accreditation standards established under section 2. No loan guarantee may be made by the United States for a student in such a medical school unless the program meets such standards.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to academic years beginning after the date of the enactment of this Act.

ACCREDITATION OF FOREIGN MEDICAL SCHOOLS

SEC. 2. The Secretary of Education and the Administrator of Veterans Affairs shall jointly make arrangements under which schools of medicine outside the United States or Canada can be accredited under the same system and on the same basis as medical schools located in the United States or Canada. To receive an accreditation a school shall make an application to the Secretary and the Administrator in such form and manner as the Secretary and Administrator shall prescribe. No application may be approved unless the applicant has submitted funds for payment to the accrediting agency of the costs of the accrediting. No school may apply for an accreditation if more than 25 percent of the students trained by the school in any academic year are not residents of the country in which the school is located. Upon application, the Secretary and the Administrator may waive the limitation of the preceding sentence if they determine that application of the limitation to the applicant school will not serve the purpose for which the limitation is imposed.●

H.R. 1583

A bill to make it unlawful for an individual to obtain a position as a physician or resident in a hospital receiving Federal funds if the individual's license to practice medicine was obtained through intentional misrepresentations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That it is unlawful for any individual to obtain a position as—

(1) a physician, or

(2) a student in a graduate medical education program,

in any hospital or other medical facility which receives funds under title XVIII of the Social Security Act or under a State plan approved under title XIX of such Act or any other Federal funds if the individual's license to practice medicine was procured through an intentional misrepresentation of material fact (including cheating on an examination required for licensing). Any individual who violates this Act shall be fined $5,000 or imprisoned for not more than ten years, or both.

EDUCATION THEMES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 1985

● Mr. CLAY. Mr. Speaker, on March 1, 1985, my colleague, the gentleman from the State of Ohio, Mr. STOKES, delivered the convocation speech at the 118th Charter Day of Howard University.

The speech focused on three primary themes. The first was the importance of education to the black Americans and other minority groups. Second, Congressman STOKES, in his remarks, underscored the important role that historically black institutions, like Howard University, here played in terms of educating black Americans. Lastly, the Stokes speech focused on the need for a strong commitment by the Federal Government to programs which aid both minority students and those institutions which serve them.

At this time, Mr. Speaker, I ask that the remarks of my colleague, Mr. STOKES be included in the CONGRESSIONAL RECORD:

CONVOCATION SPEECH OF HON. LOUIS STOKES

President Cheek, Dr. Geraldine Woods and other members of the board of trustees, faculty, students, friends and guests, it is my privilege and high honor to be your Charter Day Convocation Speaker. I can sincerely tell you that this is a highlight of my congressional career—not only because Howard University is a citadel of intellectual, cultural and political achievement—but also because I have had a longstanding and personal relationship with this university. Last spring, I proudly witnessed the graduation of my daughter, Angie, from the Howard University School of Law. She is now an assistant attorney general for the State of Ohio. Another daughter, Lori, is currently a Howard University undergraduate. I am proud to be affiliated with this great institution and, can now boldly share in some of the braggadocio of my daughter, Angie, when she boasts of being a Howard alumna.

I also deem it an honor to be here today at the invitation of the president of this university, Dr. Cheek, who is one of America's most highly respected and distinguished educators. Whenever he appears on Capitol Hill to represent this university he has made me proud to be associated with him. Likewise, this university is well represented on the Hill on their appearances before the Appropriations Committee by Dr. Roger Estep, Caspa Harris, Dr. Carleton Alexis, Haines Rice and Dr. Michael Winston. Others whom I have worked closely with on matters related to this university are my good friends, Vice President Carl Anderson and the chairman of the board, Dr. Geraldine Woods. The competence of all of the people is an asset to this university which you should cherish.

Let me also take a moment of your time to acknowledge the presence of my Washington office staff who have joined me today, and whom I think of as an extension of my own family. Lastly, I want to acknowledge the presence of my wife, Jay, and two of my daughters, Shelley and Lori.

Today as we celebrate the 118th anniversary of the founding of Howard University, we have much to cherish and to be proud of. I recall when the late President of Egypt, Anwar Sadat, met with the Congressional Black Caucus about a year prior to his death. After telling us how proud he was to meet with us, and how he identified with us because of his mother, whom he described as being completely black, he said: I come to you today with a history of culture that is 3,000 years old". He said it with authority and pride. We sat there that morning trying to conceive of the feeling one must have in being able to trace one's culture back over a period of 3,000 years.

We can celebrate the 118th birthday of this institution with a similar pride and the knowledge that in 118 years, Howard University has educated some of this Nation's most outstanding and distinguished black Americans. Since the signing of the Howard University Charter by President Andrew Johnson on March 2, 1867, designating Howard as the "The university for the education of youth in the liberal arts and sciences", Howard University has withstood many storms and turbulent winds. And, it has done so because it has had a great purpose. Howard University has never swayed from its course or its mission to be a creative and moral force in the education of black people and the development of humankind.

As we gather here today inspired and imbued with the illustrious achievements of Howard University since it first chartered its course, and as we look back on our history, we must also look forward to our future. We must put into perspective where we are today—if we are to understand where we are going tomorrow.

As we gather at this institution of higher learning today, we do so in the midst of a growing national debate about excellence in education. As persons concerned with

higher education I need not tell you that our Nation's schools, at the elementary, secondary and post-secondary levels, have recently been found to be sadly lacking in adequately educating American students for the 21st century and beyond. Education has, in fact, been on trial in recent months as never before. The subject of education and how to improve it has been at the forefront of the debate at the national level, in Congress, in State legislatures, and in local communities.

Now the clarion call for this serious reexamination of our Nation's schools was the publication last year by a blue ribbon commission on excellence in education of their report entitled: "A Nation At Risk: The Imperative for Educational Reform". This report should be made mandatory reading for all Americans. One of the most striking statements in the report is the following language: "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves * * * we have, in effect, been committing an act of unthinking, unilateral educational disarmament".

We have learned from this report that the risk is not only that the Japanese make automobiles more efficiently than Americans and have government subsidies for development and export. It is not just that the South Koreans recently built the world's most efficient steel mill, or that American tools, once the pride of the world, are being displaced by German products. It is also that these developments signify a redistribution of trained capability throughout the globe. That knowledge, learning, information and skilled intelligence are the new raw materials of international commerce and are today spreading throughout the world as vigorously as miracle drugs, synthetic fertilizers, and blue jeans did earlier.

The report stated in a very emphatic way that "The people of the United States need to know that individuals in our society who do not possess the levels of skill, literacy and training essential to this new era will be effectively disenfranchised". Now it seems to me that if a report which speaks to America's general youth population makes this kind of dramatic statement. Such a statement should be examined closely for its impact upon minorities who have historically suffered disenfranchisement.

It is important for us to realize that we now live in an era when the media likes to refer to America's new black middle class as though all of us live in that class. Many of us have even gotten caught up in this media hype. Many of us have gotten caught up in our new surburban homes with swimming pools and hot tubs. In cars, we are past the Cadillac stage. Now we drive Mercedes Benz and Porsche. And not only are we driving the cars—we are making the payments on time. Black men don't even wear GGG suits anymore. Now its Pierre Cardin, Calvin Klein and Giorgio suits. and just so the men don't out do them, the women are being chic in their Ralph Lauren and Oscar De Larente dresses and Gucci bags. And who would think of jetting across country today without his Louis Jourdan or Feragamo shoes, and his Louis Vuitton luggage, while he checks the time on his Lucien Picard watch.

And while some black people live like this, the vast majority of black people today do not live like this. Black youth in America today are unemployed at three times the rate of their white counterparts. Black males are unemployed at twice the rate of their counterparts. The media now writes of what they call a permanent underclass of black youth who are born in the basement of American society and who go from one generation to another unfed, under-clothed, ill-housed, ill-educated and hostile to a society which has relegated them to a category at the bottom of the ladder from which there is no escape. It is sad that many of us who fall into the category of having "made it" do not concern ourselves with reaching back to help pull our black brothers and sisters up with us.

How can we abandon the struggle for equality, when the issues we anguished and agonized over 20 years ago are the same ones we confront today. The problems facing black Americans loom larger today than in 1968. What it means is that we struggled through the years of protest and demonstrations only to achieve the illusion of power and equality.

As we celebrate the 118th anniversary of this university we must be painfuly mindful that the same system nationally producing your current student population also produces 40 percent of our 17 year olds who cannot draw inferences from written material; only one-third of whom can solve a mathematics problem requiring several steps.

Today we are faced with evidence of technology radically transforming occupations such as health care, medical science, energy production, food processing, construction, and the building repair and maintenance of sophisticated scientific, educational, military and industrial equipment. Yet educational researcher, Paul Hurd, has concluded that within the context of the modern scientific revolution, "We are raising a new generation of American that is scientifically and technologically illiterate".

Now these deficiencies are coming at a time when computers and computer-controlled equipment are penetrating every aspect of our lives. At a time when it is estimated that by the turn of the Century millions of jobs will involve laser technology and robotics.

The American Society of Engineers estimates that by the end of the decade, 50 percent of the positions available on the plant floor will be held by highly skilled engineers and technicians servicing and maintaining the computers and robots actually producing the Nation's durable goods.

I also think that it is shocking to learn that the average graduate of our schools and colleges today is not as well educated as the average graduate of 25 or 35 years ago.

The recommendations contained in the report of the national commission stimulated a tremendously positive period of self-examination and reform at the elementary and secondary school levels. But the commission's analysis also precipitated a call for an examination of America's higher education.

As a result of this, Dr. Manuel Justiz, Director of the National Institute of Education, appointed a study group on the conditions of excellence in American higher education. This study group was appointed in October, 1983, and released its report in November, 1984. The report is entitled, "Involvement in Learning: Realizing the Potential of American Higher Education".

We learn from this report that higher education, through our colleges, community colleges and universities, enrolls more than 12 million students, employs nearly 2 million workers and accounts for 3 percent of the gross national product. Additionally, more than half of all undergraduates are women and one out of every six is a member of a minority group. Among the most shocking findings of this study is that only half of all students who start college actually graduate four years later with a college degree.

I consider this to be a tragic situation. Clearly, our Nation's educational system is failing to tap and fully develop a significant pool of human talent. We have a tremendous wealth of intellectual ability and ingenuity in our young people which is being wasted. Yet, notably absent from the current debate is any reference to the meaning of "educational excellence" for black, disadvantaged and other minority group students. The national dialogue has not yet focused on the question of what it will take to ensure that all students have a fair chance to achieve excellence.

Today and in the future, all students will be expected to take more courses in academic subjects, to meet more demanding standards and to perform at a higher level. We must not allow, however, the pursuit of excellence to overshadow the goals of equality and opportunity in education. Excellence, equality and opportunity in education are not mutually exclusive.

The commission's report makes reference to a recent report of the national forum on learning in the American future which makes it clear that higher education has begun to subordinate minority issues to other concerns. Although minority issues were generally given high priority as present goals, they were rated very low among future goals.

The basic reason for this study of higher education was the realization that blacks, Chicanos, Puerto Ricans and American Indians all suffer from powerlessness, and higher education is clearly one of the main routes whereby individuals can attain positions of economic and political power.

I am certain that this is what prompted Dr. Donald H. Smith, president of the National Alliance of Black School Educators, to say, "We educators and other members of the black family must help our people acquire five kinds of empowerment: academic, cultural, psychological, political and econmic". He further observed "That a school that is concerned only with reading and math scores or computer literacy will deprive our black students of four-fifths of their survival needs". He stated that "One may excel in reading and math, but if one belongs to a locked out group which has no political or economic power one may still not eat".

So as this new educational reform movement takes place it behooves us to look at it from a black perspective.

We should all be mindful of one of the last sermons preached by Dr. Martin Luther King, Jr., entitled: "Remaining Awake During a Revolution". In that sermon he talked of how when Rip Van Winkle went up into the mountain to go to sleep he passed a sign that had a picture of King George III of England. When he came down twenty years later, after sleeping twenty years, the same sign had a picture of George Washington on it. Martin explained the moral of the story was that not only had Rip slept twenty years, he had slept through a revolution, Dr. King explained to us that one of the great liabilities of life is that all too many people find themselves living amid a great period of social change and yet they fail to develop the new atti-

tudes, the new mental responses—that the situation demands. He said, "they end up sleeping through a revolution!"

As the revolution in American education unfolds we must be well aware of the facts and the trends. Another recent status report on minorities in higher education by the American Council on Education reveals that at a time when for demographic reasons, black student college attendance should have grown proportionally, the percentage in four year colleges was 8.5 percent in 1976; 8.5 percent in 1978; 8.4 percent in 1980; and 8.0 percent in 1982.

Blacks also saw a disturbing decline in both the numbers and percentage of degrees awarded them between 1976 and 1981. All other minority groups registered increases in degrees received. It is interesting to note that black men have lost ground at every level of earned degrees. The two areas of increased black representation in share of degrees, the B.A. and the Ph.D., is almost entirely due to the increasing percentage of black women participating in higher education. You would be interested in knowing that the combined total of doctoral degrees awarded to U.S. minorities fell short of the total awarded to non-resident aliens. The role of traditionally black institutions continue to be an important source of degrees awarded to blacks. They awarded 32.8 percent of all degrees received by blacks in 1975-76 and by 1980-81, that figure had changed very little, in spite of substantial losses in enrollments at these 109 schools.

This report, after highlighting these disturbing trends, calls for a commitment from the President, Congress, State legislators, the private sector and the philanthropic community to the goal of equal opportunity for a quality education for America's minority groups. It also called for specific programs and strategies to attain that goal.

The report concludes with this poignant statement: "The prospect of a population that may be 35 percent minority by the year 2020, coupled with the alarming statistics for minority educational attainment, makes it clear that we are headed for a crisis, the consequences of which can be devastating to the country's continued prosperity and well being".

It is this type of report then that enables us to put into perspective the enormous role black colleges have played in our past and the role which they must continue to play in our future.

It is important for us to also note that this tremendous achievement has been accomplished despite more than 100 years of financial starvation, invidious discrimination and blatant disregard at Federal and State levels.

Perhaps the Federal Government's commitment to black colleges can best be described as: On one hand it giveth; on the other hand, it taketh away! More than one-third of all Federal aid to black colleges and universities is derived from student financial assistance; programs that, under President Reagan's fiscal year 1986 budget proposals, would be slashed by more than 25 percent. More than one million students nationwide would be dropped from the Federal student aid roles. Right here at Howard University, nearly half of the undergraduate student body would be negatively affected by the President's proposals. In short, these proposals would have the effect of undermining America's investment in education and its people at a time when this investment is needed most.

Here at Howard University, there has always been a tradition of leadership and a determination to be the beacon of light at the top of the hill.

This year we have a historic opportunity to once again carry the mantle of leadership.

We must make the passage of this legislation, with a renewed commitment to historically black colleges, one of the highest national priorities of the black community and of black colleges and universities. Federal programs must and can be shaped to ensure that access to higher education is not left to change and that black institutions receive real and meaningful levels of support.

This year in Congress as part of the reauthorization of the Higher Education Act, legislation will be re-introduced entitled, "The Black Colleges and University Act". This legislation would target a significant infusion of resources for capital improvements, curriculum development, faculty training and library services at historically black institutions. This legislation merits our highest level of commitment. Howard University and other organizations must develop a strategy for the development and passage of this legislation.

Our black colleges continue to face a monumental challenge. As the context of American education shifts, as technology changes the nature of the work we do, and the global setting in which we compete, our schools face a fresh challenge.

In the 1980's the emphasis in the schools must be on quality and equality. Our Nation must accept the challenge of returning a sense of excellence to America's schools. As one of America's premier historically black institutions, Howard University must be in the vanguard of this revolution. I leave you once again with the immortal words of Dr. Martin Luther King, Jr., "It is dangerous to sleep through a revolution!"●